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URBIS

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# 251-265 LYGON STREET & 1A PITT STREET, BRUNSWICK EAST

Planning Report

Prepared for

**PACE DEVELOPMENT PTY LTD**

October 2024

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# 1. EXECUTIVE SUMMARY

This report has been prepared by URBIS Ltd on behalf of the Pace Development Group in support of a planning permit application for a proposed multi-level, mixed-use development at No. 251-265 Lygon Street & 1A Pitt Street, East Brunswick.

The Victorian State Government has recently released planning reforms, with the desire to increase housing provision throughout Victoria and stream-line significant economic developments. This permit application is submitted to the Department of Transport and Planning (DTP) pursuant to the 'Significant Residential Development with Affordable Housing' provisions set out in Clause 53.23 of the Merri-Bek Planning Scheme.

The proposal is considered to meet the minimum provision with a total development cost of at least \$50 million and a provision of at least 10% of the total number of dwellings as affordable housing or an equivalent mechanism.

The site currently benefits from a planning permit for a seven and four storey development. Planning Permit MPS/2022/4 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 23 December 2022 and allows for:

*Construction of a seven-storey building and four storey building above two levels of basement for dwellings and retail and a reduction in the car parking requirements, in accordance with the endorsed plans.*

The proposal varies from the approved development in the following ways:

- Two (2) retail tenancies at ground level replaced with three townhouses fronting Evans Street.
- Reduction to the extent of basement footprint at Levels 01 and 02.
- Height of both buildings increased by one storey with the development now comprising an eight storey building and a five storey building.
- Additional setbacks and other changes as required in the VCAT decision.
- Provision of 25% of affordable housing.

The proposal has also been amended following receipt of pre-application advice from the DTP. Key changes to the proposal compared with the pre-application scheme submitted in March are:

- Deletion of one-half level of basement (Basement Level 03).
- Ground floor layout including substation, bicycle store and waste room altered to increase laneway activation. The substation has been relocated to the north of the entry to the bicycle parking facility, improving accessibility of the bicycle store from the laneway.
- Three (3) townhouses replace retail tenancies to Evans Street.
- The internal layouts have been adjusted, including replacing studio apartments in the separate rear Pitt Street building with one- and two-bedroom apartments.
- Separate rear Pitt Street building increased in height to five (5) storeys with communal space at roof level replaced with apartments.
- Materiality to Level 5 and 6 revised from metal perforated cladding to a light powdercoat finish.

Planning approval is required for the following:

- Construct a building or construct or carry out works in the Commercial 1 Zone (Clause 34.01-4)
- Construct or carry out works under Schedule 19 to the Design and Development Overlay (Clause 43.02-2)
- Reduce the number of car parking spaces required under Clause 52.06-5 (Clause 52.06-3)

The key elements of this proposal are:

- The residential development visually appears as two separate buildings but are joined at ground floor level. The main building is an eight -storey, L-shaped building which wraps around the Evans and Lygon Street corner. The secondary building is a smaller, five -storey building that is separated from the main building from Level 02 and is sited in the south west corner of the site.
- Three (3) two-storey townhouses fronting Evans Street with retail fronting Lygon Street and its corner with Evans Street, over two levels of basement car parking. Vehicular access via a new vehicle crossing on Evans Street.
- A mixture of rectilinear elements provides a visually interesting design, with the development articulation to provide variation along the breadth of the site, and up the building, creating a high-quality modern building which is appropriately massed and will sit comfortably in the street.

In summary it is submitted that the proposal is a positive response to the site context and is strongly supported by the Merri-Bek Planning Framework for the following key reasons:

- The proposed uses support the key directions of the State and Local Planning Policy Frameworks promoting ground floor retail use within the Activity Centres.
- The proposed development is consistent with the State and Local Planning Policy Frameworks identifying the Brunswick Activity Centre as an area for substantial change in neighbourhood character, where higher density housing is encouraged.
- The proposed development will provide 25% affordable housing, enhancing the provision of high-quality affordable and diverse housing within the City of Merri-Bek.
- The proposal represents a contemporary design of high architectural quality, which is responsive to the site's context and appropriately balances modern higher density infill development and surrounding residential uses.
- The proposed built form is consistent with the purpose of the Commercial 1 Zone and the site's location in the Lygon Street Local Area of the Brunswick Activity Centre.
- The proposed dwellings will afford a high level of internal amenity to future occupants.
- The proposal has been carefully designed to minimise impacts on the amenity of the surrounding area, and in particular on adjoining residential areas to the west.
- Adequate provision is made of on site car parking and servicing of the building for future residents.
- The proposed development is of high architectural quality and incorporates ESD measures which achieve best practice against industry benchmarking (BESS).

Given the location and size of the subject site, increased density and built form is consistent with the relevant Planning Policy Framework and with the emerging character of the area. DDO19 outline several built form requirements that should be met in order to facilitate increased development.

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## 2. INTRODUCTION

Urbis acts on behalf of Pace Development Group with respect to their proposal for the land at 251-265 Lygon Street & 1A Pitt Street, Brunswick East.

The proposal is a high quality, mixed-use development which will contribute to the vibrancy of Lygon Street by provide housing and commercial uses in an inner-city location.

This report addresses the planning merits of the proposal and its consistency with the relevant planning controls and policies of the Merri-Bek Planning Scheme. This proposal has been informed by a wide range of specialist property and development disciplines.

A detailed assessment of the proposal is set out in this report and is supported by the following:

- Certificate of Titles
- Architectural Plans prepared by Pace Building Group Pty Ltd
- Urban Context Report prepared by Pace Building Group Pty Ltd
- Sustainable Management Plan prepared by Sustainable Development Consultants Pty Ltd
- Traffic Impact Assessment Report prepared by Ratio Consultants
- Green Travel Plan prepared by Sustainable Development Consultants Pty Ltd
- Landscape Plan prepared by Acre
- Acoustic Report prepared by ViPac
- Waste Management Plan prepared by Sustainable Development Consultants Pty Ltd
- Wind Impact Assessment prepared by ViPac

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### 3. SITE AND SURROUNDS

#### 3.1. SUBJECT SITE

The subject site is an irregular shaped allotment on the corner of Lygon Street and Evans Street. From the Lygon Street elevation, it comprises three existing, attached, two storey buildings which have the street addresses 251-265 Lygon Street. On the Evans Street elevation, the site appears as one building (265 Lygon Street) with a parking area to the west, accessed from Evans Street. 1A Pitt Street is a single storey building accessed via a laneway to Pitt Street. This laneway is a public road on the road register but is also shown as an encumbered carriageway on Land in Plan of Consolidation 109940, part of the subject site. Together these allotments make up the subject site.

The subject site has a combined eastern boundary length of 53.15m to Lygon Street and a northern boundary of 52.20m along Evans Street. The western boundary with No. 126 Evans Street is 28.27m. The total area of the site is 2476 sqm.

The site is formally known as:

- Volume 08359 Folio 255, Lot 2 on Plan of Subdivision 055645 (associated with No. 1A Pitt Street)
- Volume 04024 Folio 799, Lot 1 on Title Plan 686976J (associated with No. 251 Lygon Street)
- Volume 09370 Folio 939, Land in Plan of Consolidation 109940 (associated with No. 253-261 Lygon Street)

The subject site is occupied by four separate buildings:

- No 251 Lygon Street – a double storey, brick façade commercial building with vehicle access from Lygon Street and a 0m street setback. The building is currently occupied by Australian Zipper Industry Pty Ltd.
- No 253-261 Lygon Street – a double storey, brick façade commercial building with five pedestrian accesses from Lygon Street and a number of commercial operations. Vehicle access is possible via either Evans Street to the rear parking area or the Pitt Street laneway. The building is currently occupied by a number of commercial operations, including Tans Martial Arts Supplier, Double Dutch Coffee Bar, Geccu Australia Pty Ltd and some vacant allotments.
- No 263-265 Lygon Street – a double storey, brick façade commercial building with parapet, occupies the corner site on Lygon and Evans Street. Vehicle access is provided via Evans Street to a single storey garage and a separate vehicle crossing providing access to the rear parking area. A laundromat (Mr Duck Laundromat) currently operates out of a former garage, facing the Evans Street side. The Lygon Street portion of the building is unoccupied.
- No 1A Pitt Street is occupied by a single storey brick façade building with a pitched roof. Access is from the Pitt Street laneway.

No existing vegetation is present on site.

#### 3.2. EASEMENTS AND CAVEATS

- Lot 2 on Plan of Subdivision 055645 (associated with No. 1A Pitt Street) is subject to caveat AU846143N. The caveator (PACE OF 3057 PTY LTD) claims the estate as under contract and prohibits absolutely registration of any instrument affecting the estate. The title also shows the lot is a beneficiary of a carriageway easement of access to Pitt Street which is shown as “road” on the title.
- Lot 1 on Title Plan 686976J (associated with No. 251 Lygon Street) is subject to caveat AU846143N, as above. The title shows the lot is beneficiary of a carriageway easement of access to Pitt Street.
- Land in Plan of Consolidation 109940 (associated with No. 253-261 Lygon Street) is subject to caveat AU846143N, as above. The title shows the lot is burdened with a carriageway easement of access to Pitt Street, reflected in the above lots which are the beneficiaries.

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Picture 1 – No. 251 Lygon Street (subject site) as seen from the east side of Lygon Street, looking west



Pictures 2 and 3 - Nos. 253-261 Lygon Street (subject site) as seen from the east side of Lygon Street, looking west





Picture 4 – Oblique profile of No. 263 Lygon Street, taken from the east side of the intersection with Evans Street.



Picture 5 – Oblique view of No. 263 Lygon Street, taken from the north side of Evans Street looking down Evans Street to the west.

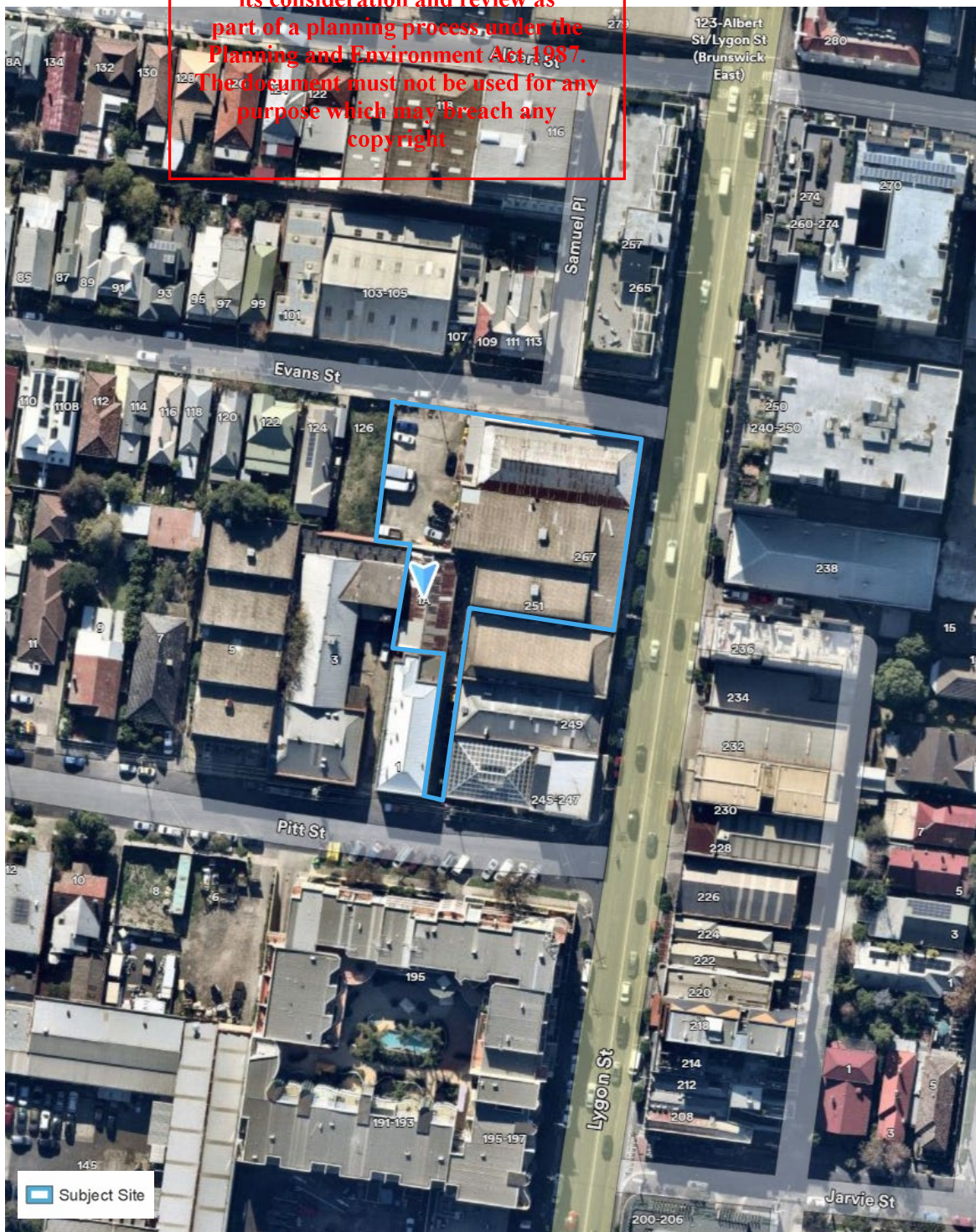
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Map 1 Subject Site Aerial

### 3.3. IMMEDIATE INTERFACES

#### 3.3.1. Northern Interface

To the north is Evans Street, which contains two-way traffic with 1 hour street parking from 8am to 6pm on the north side of Evans Street opposite the application site. Parking is permitted on both sides of Evans Street from the west of the site's vehicle access. The land to the north of the subject site is within the Commercial 1 Zone and Mixed Use Zone.

Beyond this, located between Evans Street, Lygon Street and Samuel Place is a five-storey mixed-use recently completed, the 'Finery' development.





Picture 6 - No. 267 Lygon Street, looking north west. Evans Street is visible in the foreground.



Picture 7 Render of 267 Lygon Street, the 'Finery' development

To the west of the 'Finery' development, are single storey brick terrace houses at Nos. 113 and 109 Evans Street. A commercial building is located at No. 107 Evans Street, which is set back further than then adjacent terrace houses.

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Picture 8 - No. 113 and 109 Evans Street, with Nos. 103-105 Evans Street visible in background.

### 3.3.2. Eastern Interface

Immediately east of the site is Lygon Street which is a 20m wide road reserve (including footpaths). At that point it contains two lanes of traffic going north and one going south, with parallel kerb side parking on both sides of the road. North and south tram tracks share the middle two lanes.

On the opposite side of Lygon Street opposite the northern part of the application site is the 'Lygon Place' development at No. 240-250 Lygon Street. This development is an 8 storey mixed use development with commercial tenancies on the ground floor and residential above.



Picture 9 - No. 240-250 Lygon Street

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Picture 10 Render of No. 240-250 Lygon Street

To the south of that site is No. 238 Lygon Street, a single storey commercial building currently occupied by a media production company.



Picture 11 - No. 238 Lygon Street

To the south of 238 Lygon street is an access laneway which provides access to the rear of sites fronting Lygon Street and No. 236 Lygon Street. Construction is currently underway at No. 236 Lygon Street for a 6-storey mixed use development.

Beyond this is No. 234 Lygon Street, a single storey brick façade commercial building, with a vehicle access fronting Lygon Street. This building does not promote a high degree of activation with Lygon Street. Sites further to the south on the east side of Lygon Street are 2-3 storey commercial and mixed use buildings.

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Picture 12 - No. 234 to 230 Lygon Street, showing commercial buildings and mixed use with residential above at 230 Lygon Street.

Number 251-263 Lygon Street includes (as part of the subject site) a 3.66m wide rear laneway to Pitt Street, which is subject to a carriageway easement. The result of the subject site having ownership of the laneway is that the subject site has an eastern interface with the rear of buildings 245-249 Lygon Street. This carriageway appears to be predominantly used by Lygon Street nursery for storage and does not appear to be used currently as a carriageway.



Picture 13 – Rear access carriageway to the application site.

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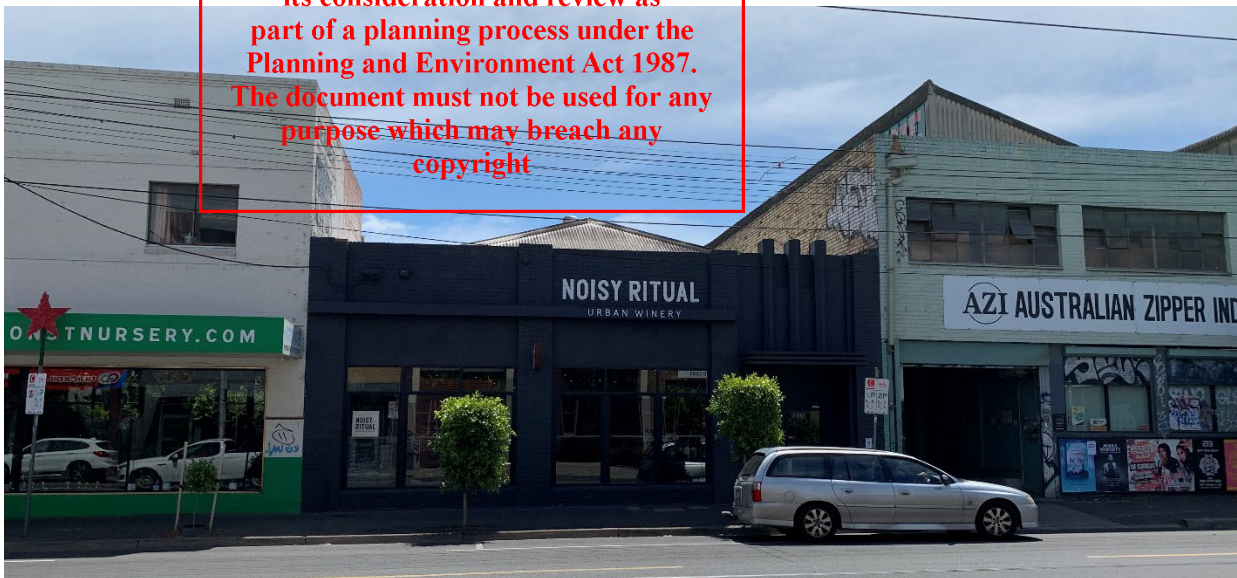
### 3.3.3. Southern Interface

Immediately to the south of the application site is No. 249 Lygon Street, a single storey commercial brick building currently occupied by Noisy Ritual Urban Winery, a bar and winery producing wine on site. It is noted that live music has previously occurred at this venue, however the provided acoustic report confirms that a future detailed assessment will occur in relation to the adjoining live music venue which will be carried out prior to finalising the glazing specification.

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Picture 14 - No. 249 Lygon Street

Beyond this, at the intersection of Pitt and Lygon Streets is No. 245-247 Lygon Street, a 1-3 storey mixed use building currently occupied by Lygon Street Nursery and Landscapes. The rear portion of Lygon Street nursery is single storey but notably, aerials photos indicate it appears to have a clear roof, to facilitate the commercial nursery operation.



Picture 15 – No 245-247 Lygon Street looking north from the corner of Pitt Street and Lygon Street.



Picture 16 – Aerial photo of No 245-247 Lygon Street

Source: Nearmap 16 May 2024

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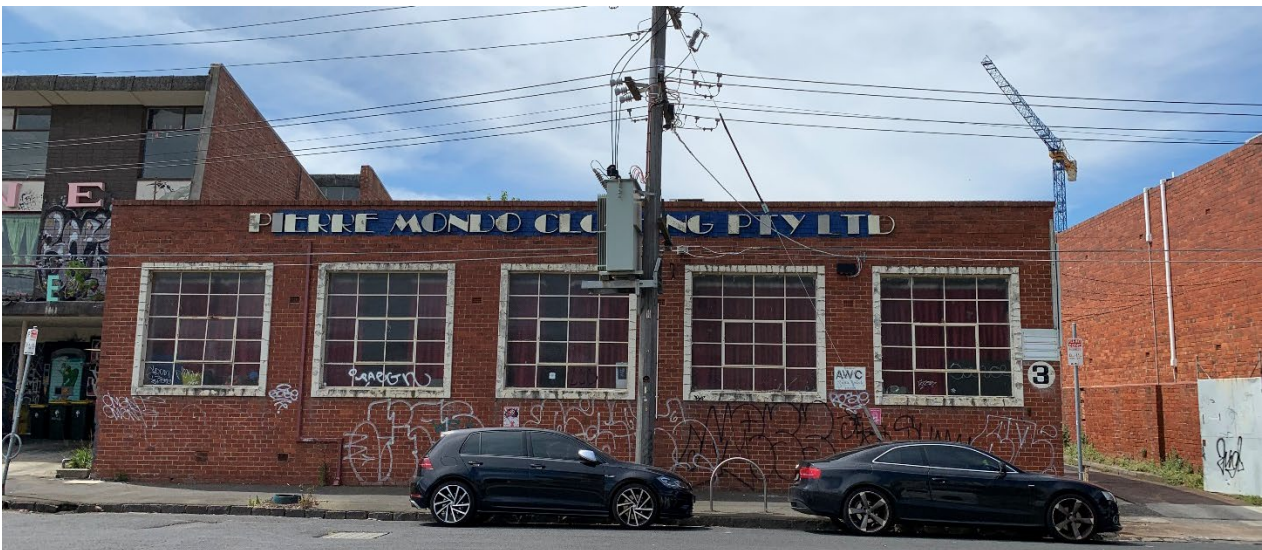
To the south of 1A Pitt Street is 1 Pitt Street, a two-storey red brick commercial building that is currently being operated as an events venue and studio space for hire. The building has high site coverage and occupies most of the site. This site has received planning approval for a 5-storey residential building.



Picture 17 – No 1 Pitt Street

### 3.3.4. Western Interface

To the south west of the application site is number 3 Pitt Street, a brick façade building currently tenanted to a dance studio. Number 3 Pitt Street extends further back than 1 Pitt Street, so that it occupies the whole south west interface with the application site. 3 Pitt Street is built up to the boundary with the application site adjacent to both 1A Pitt Street and 265 Lygon Street.



Picture 18 - No. 3 Pitt Street

To the west of the application site but bordering Evans Street is 126 Evans Street, a vacant allotment.

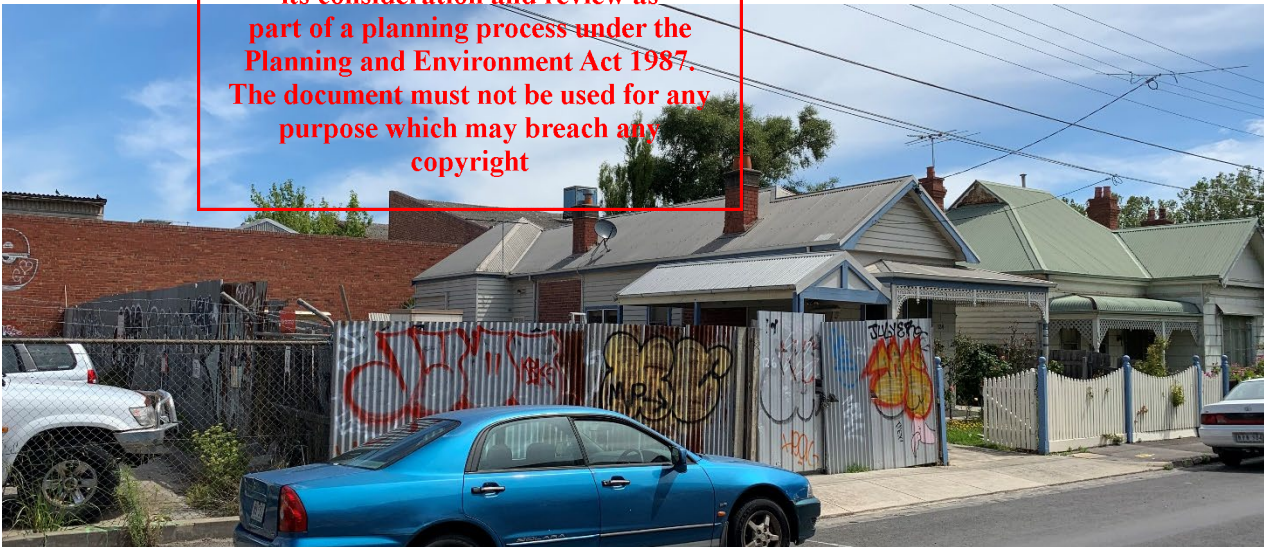
Further to the west is 124 Evans Street, occupied by a single storey weatherboard dwelling with a carport and verandah. Similar style single storey dwellings extend further to the west along Evans Street.

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Picture 19 - No. 126 Evans Street (vacant) with 124 Evans Street in background.

### 3.4. THE BROADER AREA

The surrounding land is genuinely mixed in nature in terms of uses, building styles and heights as is typical of this part of Brunswick. The surrounding context contains a range of building heights (that vary between one and twelve storeys) and architectural styles.

Land uses in the wider area consist of retail, commercial, entertainment, residential and light industrial. The extent of industrial land use in the general area has been reducing over time due to the expanding residential land use. This mixture is displayed in the zoning of the land, with land zoned Mixed Use, Commercial 1, Commercial 2, Industrial 3, Neighbourhood Residential and General Residential, all in proximity to the site. Along Lygon Street, the zoning is predominantly Commercial 1 for 30-45m either side of Lygon Street. The next few allotments back from Lygon Street are generally zoned either Mixed Use, Industrial 3 or Neighbourhood Residential.

The subject site is located within the Brunswick Major Activity Centre (MAC), of which Lygon Street is one of the main traffic thoroughfares and is lined with commercial and retail premises. The predominant activity at ground level facing Lygon Street is food and drink premises or retail stores, but there is an eclectic mix of other nearby commercial activity including a petrol station, medical centre, gym, car servicing and others. There is a general trend towards multi-storey developments with either purely residential or mixed use at ground level and residential above. The zoning and development process has created an eclectic character along Lygon Street of existing 1-2 storey older commercial buildings mixed with new, 5-12 storey mixed use and residential buildings. There is consistent ground level activation and commercial frontage along Lygon Street.

Beyond Lygon Street, there is a prevalence of lower scale commercial or retail operations taking advantage of the proximity to Lygon Street, with some residential. There are several heritage buildings in proximity to Lygon Street. From 30-60m back from Lygon Street, the land is predominantly zoned residential. The general character is for terraced or closely spaced single storey residential dwellings.

A summary of the general character of the surrounding area would be that the area that directly abuts Lygon Street is experiencing substantial change, with multi-storey mixed-use buildings being created. There is then a 'stepped down' character to the allotments that are adjacent to those bordering Lygon Street, with some mixed uses and 1-3 storey buildings. There is then a broad area of existing residential allotments which are experiencing incremental change

Examples of nearby approved multi-storey residential or mixed-use developments include:

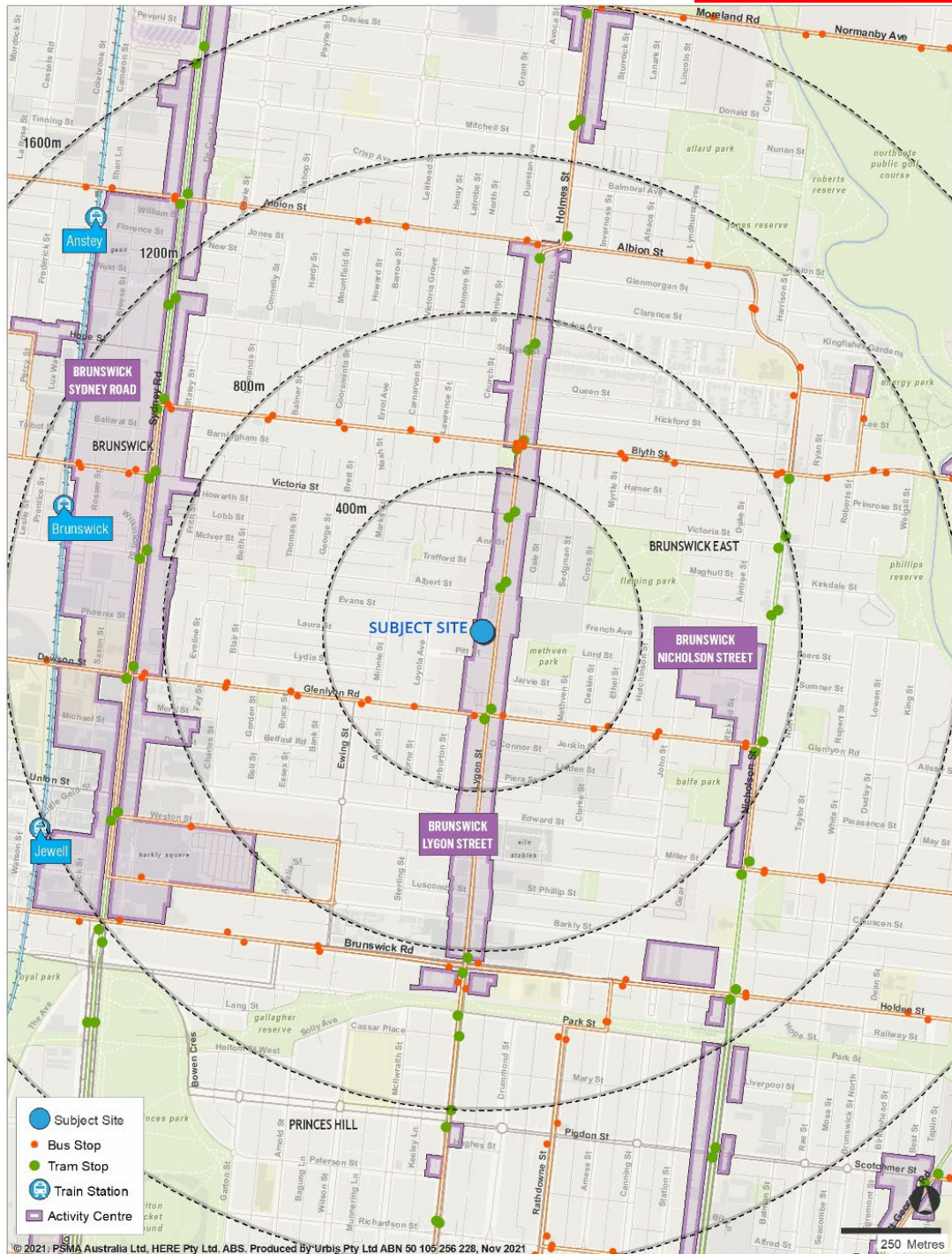
- 326-328 Lygon Street, ten storeys, mixed-use with residential above.
- 304-310 Lygon Street, twelve storey with five storey street wall, mixed use with residential above.
- 294 Lygon Street, seven storey, mixed use with residential above.
- 260-274 Lygon Street, eight storeys with six storey street wall, mixed use with residential above.



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- 240-250 Lygon Street, eight storeys with four storey street wall, mixed use with residential above.
- 236 Lygon Street, six storeys, mixed-use with residential above, under construction.
- 273-277 Lygon Street, five storeys, mixed use with residential above.
- 1 Pitt Street, five storeys, planning approval granted.
- 218 Lygon Street, six storeys, mixed use with residential above.
- 191-195 Lygon Street, five storeys, residential only.
- 182-206 Lygon Street, eight storeys, mixed use with residential above.

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Map 2 Activity Centres & Public Transport





Map 3 Subject site and surrounding developments

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## 4. BACKGROUND

Planning Permit MP/2022/0145 was issued at the direction of the VCAT decision, *Pace of 3057 Pty Ltd v Merri-bek CC* [2022] VCAT 1395.

The approved development incorporated the construction of a four and seven storey building above two basement levels, retail tenancies at ground floor and a total of 93 apartments at levels 1 – 6. The overall building height was 24.9m, with the street wall varying between 14.8m and 15.6m. Car parking for 109 vehicles were proposed with vehicular access located off the side street (Evans Street).

The Tribunal identified a number of matters which were not in dispute, and that all parties agreed were acceptable:

- *The proposal contributes to the creation of a new midrise character along the Lygon Street corridor.*
- *The proposal does not contribute to unacceptable off site amenity impacts.*
- *Subject to relatively minor changes the proposal provides acceptable levels of internal amenity.*
- *The proposal appropriately activates the ground level Lygon Street frontage.*
- *The quantum of car parking proposed is acceptable.*
- *The proposal contributes to the provision of increased housing and increased housing diversity in a location the planning scheme encourages that outcome.*

The Tribunal was ultimately satisfied with the proposal, subject to some minor changes which were imposed by permit conditions and considered the scheme to be an acceptable response to the vision as expressed in the DDO19 design objectives.

In reaching this decision the Tribunal noted the following:

- *The review site does exhibit physical attributes that provide the opportunity to consider height above the preferred maximum. This is a large site. It is a corner site which typically offers opportunities for higher forms of development and design flexibility. Importantly the site has no sensitive residential interfaces. Consequently the proposal does not give rise to unacceptable neighbour amenity impacts. This feature is reinforced by the site's interface with the MUZ transition area to the west. That interface condition enables a design to adopt a higher than preferred height while also responding acceptably to the objective of transitioning to the lower scale residential area beyond.*
- *While the redevelopment of the MUZ transition area is perhaps speculative, the applicant is nonetheless entitled to design to the interface condition in the reasonable expectation that over time, these sites will be developed in accordance with the planning scheme.*
- *In terms of the proposal's design response to its contextual attributes, the proposal adopts a well formulated architectural expression, and while the proposed street wall height exceeds the preferred height it is acceptable in relation to the overall character of street and the adjacent development, both to the north and to the west. The street wall will be the visually dominant element of the proposal,*
- *With respect to the overall height, the visual subservience of the upper levels needs to be considered in the context of the evolution of this corridor. At this stage of the corridor's evolution to provide for higher density development in a midrise form, all higher buildings along the corridor share the characteristic of being clearly, if not highly, visible. Assessment is required as to whether the visual impact of the uppermost levels is acceptable in both the mid and long-term time scale.*
- *When assessed in this context we have concluded, aided by the evidence and our inspection of the site and the activity centre that the overall height is acceptable. However our assessment is that the upper levels should be more clearly defined both by increasing the setbacks and by marginally reconfiguring the disposition of materials. Our conditions will reflect these changes.*

A number of other matters were raised at the hearing, with their findings as follows:

- *The vehicle access arrangements to Evans Street are acceptable. We are not persuaded that physical works to the basement ramp or in the street itself are necessary. Signage as recommended by Mr Walsh is sufficient.*

- *The location of the lobby accessed off Evans Street is acceptable. While relocation to Lygon Street is possible we see no real benefit in doing so.*
- *The equitable development impacts of the proposal are acceptable. Strict compliance with Council policy is not necessary to achieve an acceptable outcome.*
- *We are not persuaded that the stair at 1A Pitt Street creates any unacceptable impacts for the internal amenity of the abutting apartments.*
- *Permit conditions can address minor changes to internal apartment layout, and modified ESD arrangements.*
- *It is not necessary for us to make findings about the status of the lane running off Pitt Street. In the event that there is a future dispute about its status and use, that will need to be resolved elsewhere.*

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## 5. PROPOSED DEVELOPMENT

The proposed application is for construction of a part five-storey, part eight-storey (plus roof top services) mixed use building above two storeys of basement car parking. The proposed development will appear as two separate buildings, the eight-storey building comprising an L-shaped design fronting the corner of Lygon Street and Evans Street and the five-storey building is located to the south-west. Both buildings are linked at ground level. Three townhouses are proposed to Evans Street. Retail tenancies are proposed to Lygon Street which also wrap around to the corner with Evans Street.

The proposed application is generally in-line with the approved development, save for the following:

- Two (2) retail tenancies at ground level replaced with three townhouses fronting Evans Street.
- Reduction to extent of basement footprint at Levels 01 and 02.
- Height of both buildings increased by one storey.
- The internal layouts have been adjusted.
- Additional setbacks and other changes as required in the VCAT decision.
- Provision of 25% of affordable housing.

The development schedule notes there will be 109 total dwellings, a mixture of one, two and three-bedroom units as well as three townhouses comprising three or four bedrooms. The built form has been designed to respond to the surrounding built form context and relevant policy context of the Merri-Bek Planning Scheme.

A summary of the applicable Planning Policy Framework, Zone, Overlays and Particular Provisions are found in **Appendix A**.

The key proposed changes are outlined in further detail below.

### 5.1. BUILDING LAYOUT AND FORM

The proposed development will continue to provide a high-quality mixed-use development. It is proposed to construct an eight-storey mixed use building and an additional five storey building in the south-west with two levels of basement.

The proposal is overall one building but can be interpreted as two buildings, an “L” shaped eight-storey building which wraps around the Lygon and Evans Street frontages, and a five-storey building which corresponds to the 1A Pitt Street portion of the site. These are joined at ground floor.

In addition to the additional height, the proposal has introduced townhouses to the Evans Street frontage and has amended the apartment mix, which has resulted in an updated layout and configuration of the dwellings.

The table below demonstrates key changes to the built form and design.

Design Elements	Approved (VCAT)	Proposed
Building Height	22.8 metres (roof height)	27.2 metres (roof height)
Storeys	7 storey (Lygon St Building), 4 storey (Pitt St Building)	8 storey (Lygon St Building, 5 storey (Pitt St Building)
Total no. of dwellings	93	109
Basement levels	2	2
Car parking	109	103 inclusive of one DDA parking space and 6 electric vehicle charging bays

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Design Elements	Approved VCA	Proposed
Bicycle parking	82	146 inclusive of 110 residential bicycle spaces, 22 residential visitor spaces, 8 retail employee spaces and 6 retail visitor spaces

The proposed building will continue to feature a quality contemporary design that is respectful of the character of the precinct. It will positively contribute to the streetscape of Lygon, Evans and Pitt Streets and the amenity and character of the wider area.



Picture 20 - Render of Proposed Development (View of corner Lygon and Evans Street)

Additional key changes are outlined below:

- The Lygon Street (west) setback to be increased to 4.5 m at Level 4 in accordance with Condition 1a.
- The setback from the south at Level 4 shown as 3 m, replicating the setback on the northern façade at that level in accordance with Condition 1b.
- The light powdercoat finish cladding (PC-03) has been extended on Level 5 and 6 across the south façade, returning along the west bedroom wall of apartment 509 and 609, as recommended by the Tribunal and Condition 1c. It is noted that this material is no longer a 'matching pattern to breeze blocks', however will continue to present in a similar form, providing a textured finish. The light powdercoat finish utilises a standing seam profile.
- A full wall mural provided to the southern and western façade blank wall in accordance with Condition 1d.
- The privacy screening separating the terraces of apartments 4.04, 4.05, 4.06 and 4.07 to have a maximum height of 1.8 metres above finished floor level, in accordance with Condition 1e (noting change in material from breeze block wall to opaque tinted glass).
- A total of 109 dwellings are now proposed (as opposed to 93) comprising:
  - 48 x one-bedroom
  - 52 x two-bedroom
  - 6 x three-bedroom

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- 1 x three-bedroom townhouse
- 2 x four-bedroom townhouses
- Ground floor layout including substation, bicycle store and waste room altered to increase laneway activation. The substation has been relocated to the north of the entry to the resident bicycle parking store, allowing easier access from the laneway to the bicycle store. Gym provided for residents at ground level.
- Internal changes to the Apartment Types in the Lygon Street building, noting they all comply with the BADS living room and bedroom requirements.
- The proposed materials and finishes schedule have been simplified. A comparison of the approved amended materials schedule is provided in Section 6.3.4 of this report.
- The extent and shape of windows has slightly altered on all facades.



Picture 21 Render of Proposed Development (View along Evans Street towards Lygon Street)

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Picture 22 Render of Proposed Development (Close up of Lygon and Evans Street Corner)

## 5.2. LANDSCAPING

The landscaping arrangement remains generally in accordance with the approved development. Three planters are proposed to the Evans Street frontage at ground level which will provide privacy to the ground floor terraces as well as greenery to the public realm provided at the corner of Lygon Street and Evan Street. Two additional planters are proposed at ground level along the Lygon Street frontage, adjoining two of the retail tenancies. At Level 1 and 7 planters are provided within the communal terrace. Two small planters will be provided at each level of the Pitt Street building adjoining the lift and stair core. Planters are also proposed to be provided to private terraces at Level 4 and 7 of the Lygon Street building. The planting comprises a mix of predominantly native trees, shrubs, grasses, groundcovers and climbing plants.

## 5.3. VEHICLE ACCESS AND PARKING

In line with the approved development, car parking is proposed to be provided across two levels of basement which also accommodates services, storage cages and bin storage. There is no change to the approved access or loading arrangements with vehicle access provided by a crossover to Evans Street.

A total of 103 car parking spaces are provided across the two basement levels, which is a reduction of 6 spaces when compared with the approved development. A total of 146 bicycle parking spaces are provided at ground level, with 110 residential spaces, 22 residential visitor spaces, 8 retail employee spaces and 6 retail visitor spaces, all to be provided at ground level. This represents an increase of 14 spaces when compared to the approved development. The site will continue to provide 6 unallocated motorcycle parks.

Please refer to submitted Transport Impact Assessment provided by Ratio Consultants for further details.

## 5.4. WASTE MANAGEMENT

Waste Management arrangements for the site have minorly changed and are summarised as follows.

- At Basement 1 Level, there are two waste rooms, one for residential and one for retail refuse. Both are within close proximity to the lifts. Both areas include a hard waste area and the residential waste room also incorporates e-waste and a charity bin.
- For the three townhouses fronting Evans Street and the apartments within the Pitt Street building a dedicated bin room is provided at Ground Level, residents of these apartments will have convenient access to a dedicated waste room on the Ground level for their disposal of their garbage, food organics, commingled recyclables and glass, in dedicated communal waste bins for each waste stream.

- Each floor of the main building includes a dual waste chute system to be utilised for garbage and commingled recycling.
- Users shall sort their waste and dispose garbage and recyclables via the chute and/or directly into collection bins at Basement 1 Level.
- Waste shall be collected by private contractor three times a week for both residential and commercial waste from the basement, with the exception of glass waste which will be collected weekly. The collection contractor shall transfer bins between the waste areas at Basement 1 Level and the truck. Prior to collection the waste storage at Ground Level within the Pitt Street building will be transferred to the basement for collection by building management staff.
- Ratio Consultants have provided swept path assessments that a 6.4m truck can access the site in a forwards direction, prop in the aisle and depart in a forwards direction.

Please see the attached Waste Management Plan prepared by Sustainable Development Consultants Pty Ltd for further details of waste collection.

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## 6. PLANNING CONSIDERATIONS

### 6.1. STRATEGIC SUPPORT FOR THE DEVELOPMENT

The proposed development enjoys strong strategic support at the state and local policy level. The site is within an area where intensive development and a mixture of uses are encouraged. The Brunswick East neighbourhood is undergoing significant change (and has been for some time), with several higher-density developments already built, with more approved and under construction within the immediate area.

Under the Planning Policy Framework (PPF), urban redevelopment is encouraged within established residential suburbs. Housing affordability is encouraged in new development to cater for housing demand from households on very low to moderate incomes. This is achieved through increased well-located affordable housing stock closer to jobs, transport and services within the established suburbs.

This development will provide a positive strategic opportunity for development within a well-resourced, inner-urban environment with a proposed built form that generally responds to the diverse pattern of urban form in the neighbourhood and with limited off-site amenity impacts.

The site is located in the Commercial 1 Zone which encourages “residential uses at densities complementary to the role and scale of the commercial centre”.

As already outlined, the subject site is located within the Brunswick Major Activity Centre (MAC) which has recently seen approvals ranging between 5 and 12 storeys in height. Both the approved and proposed development sits within this already established height range, and whilst the preferred heights within the DDO vary along Lygon Street as identified with the previous Tribunal decision, it nonetheless remains relevant that there is an eight storey building directly across the road and even taller further to the north. This is the context which the proposal will be viewed amongst in the future. DDO Schedule 19 outlines a preferred maximum building height of maximum 17m for the Lygon Street Apartments and maximum 14m for the Pitt Street Apartments. This clearly shows Council’s strategic vision for the future character of the western side of Lygon Street as being one of a higher density area with developments of a commensurate scale being encouraged and transition to the residential areas to the west.

As identified within the Tribunal decision *Pace of 3057 Pty Ltd v Merri-bek CC* [2022] VCAT 1393, the condition to the west enables a design to adopt a higher than preferred height while also responding acceptably to the objective of transitioning to the lower scale residential area beyond. We note that within *Pace of 3057 Pty Ltd v Merri-bek CC* [2022] VCAT 1393, it was acknowledged that it is not intended that development range between three and nine storeys in each section of the street. It is an overall built form or urban structure, which is sought for the whole corridor with developments to be designed having regard to those varying attributes and to be assessed against the achievement of the vision. It is with this in-mind that the proposal has been designed.

State and local policies (such as Clauses 11.01-1S ‘Settlement’ and Clause 11.01-1R ‘Settlement – Metropolitan Melbourne’, Clause 16 ‘Housing’, Clause 16.01-1S ‘Housing supply’ and Clause 16.01-R ‘Housing supply – Metropolitan Melbourne’) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport, such as the subject site. The proposed amended development contributes to the provision of increased housing supply and diversity in a location which is encouraged by the planning scheme, noting this outcome was acknowledged in the previous Tribunal decision. The site is located close to several public transport options with trams operating along Lygon and Nicholson Streets and buses operating along Glenlyon and Victoria Streets.

The metropolitan planning strategy, *Plan Melbourne*, seeks to create 20-minute neighbourhoods where people can access most of their everyday needs within a 20-minute walk from home with access to safe cycling and via public transport. The proposal facilitates this by locating high density housing within a MAC where a number of services, employment opportunities and facilities can be accessed within short walking distance. Merri-Bek City Council’s planning policy identifies the Brunswick Metropolitan Activity Centre will play an important role in accommodating the majority of Merri-Bek’s population growth. The Merri-Bek Strategic Directions at Clause 02.03 include “facilitating change to the scale of the built form within activity centres in accordance with their size and role in the activity centre hierarchy”.

The role and function outlined for the Brunswick MAC is to “accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form”. The proposal complies with this policy and will help achieve this strategic direction.

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A summary of the applicable State and Local Planning Policies, Zone, Overlays and Particular Provisions are as found in Appendix A.

### 6.1.1. Affordable Housing

Importantly, the proposal further responds to key issues found within Clause 02 (Municipal Profile) including the increasing housing demand and lack of housing supply, choice and affordability by delivering a diversity of housing options that cater to different needs and incomes. The amended proposal will provide 25% affordable housing, which is a significant amount to contribute to the surrounding area and well beyond the 10% minimum found within Clause 53.23.

The proposal directly delivers on State objectives within Clause 16.01-2S to deliver more affordable housing closer to jobs, transport and services. State strategies are achieved by increasing the supply of well-located affordable housing in activity centres, contributing to the mix of dwelling types. The dwellings proposed as part of the development are intended to comprise the Build-To-Rent (BTR) housing model and will incorporate 25% of its yield as affordable housing, or 27 units. As a BTR development, the affordable housing component will be maintained as affordable housing for a minimum 15-year period.

The proposal goes to the core of achieving the actions as outlined within Merri-Bek's Affordable Housing Action Plan (AHAP) which was endorsed by Council in December 2022. The proposal allows for opportunities to increase the supply of affordable housing to cater for lower income households, older people and young people in accordance with Merri-Bek's local policy.

Providing affordable housing is essential for creating balanced and sustainable communities. Moreover, affordable housing will support the Merri-Bek local economy by providing housing options for employment within the municipality. Furthermore, including affordable housing enhances the overall resilience of the community. By ensuring that residents have access to safe and stable housing, even during economic downturns or crises, towns and cities can better withstand challenges and maintain social stability.

Overall, the proposal will provide high-quality affordable housing which is crucial for fostering inclusive, vibrant, and resilient communities that support the well-being of all residents.

This application can be assessed under Clause 53.23 (Significant Residential Development with Affordable Housing). A summary of this clause is provided in Appendix A.

## 6.2. BUILT FORM

The local area is quite varied with the MAC and its broader context undergoing substantial change with new higher density residential developments approved and already constructed interspersed with a mixture of lower scale buildings. Buildings are a mixture of hard edge and fine grain buildings, both of recent construction and others with heritage fabric. Further afield, beyond the commercial zoned land, residentially areas are typically finer grain and between one and two storeys in height.

We submit that the proposed amended development is of a high-quality architecture which responds appropriately to the preferred character of the area as outlined within the Merri-Bek Planning Scheme.

The site is covered by DDO19 (Brunswick Activity Centre – Lygon Street Local Area) which extends along both sides of Lygon Street to north and south of the subject site.

Within DDO19, the **Lygon Street site** is nominated with the following preferred built form controls:

- maximum building height of 17m;
- maximum 4 storey (11m-14m) street wall height (including along Evans Street)
- upper level minimum setbacks of between 3m to 5m.

The **Pitt Street site** is nominated as having a preferred maximum building height of 14m with no street wall or upper-level setback requirements.

The overlay sets out built form controls based on the *Brunswick Structure Plan, Moreland City Council, August 2010*. The overlay seeks, to create 'mid rise built form character that provides a built form transition between the Lygon Activity Corridor and adjoining low-rise residential areas' and provides specific built form requirements for the site. These are to be viewed along with the Policy at 15.01-2L for buildings over 5 storeys and the Better Apartment Design Standards. Other design objectives include:



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- To ensure the street wall remains the visually dominant element of all development in Lygon Street and that any height above the street wall is visually recessive, subservient and does not dominate the streetscape appearance
- To ensure development is designed to respect the form, design and context of buildings of individual heritage significance

This is considered to be the future character of the surrounding commercial precinct and is evidenced by the number of approvals for buildings of between 5 and 12 storeys along Lygon Street in the surrounding locality.

Detailed consideration of the existing and emerging site context was undertaken in the development of the design response.



Picture 23 – Render of Subject Site

Source: Pace Building Group Pty Ltd

### 6.2.1. Street Wall

There are no changes to the previously approved height of the street-wall as part of this proposal.

Noting the development will continue to provide a four-storey street wall along Lygon and Evans Street of approximately 14m-15m. The DDO19 outlines a preferred street façade height of 4 storeys (11- 14m), with the proposal complying with this, save for a minor encroachment on the height for a portion. In any event the number of storeys meets the requirements of the DDO.

Within the previous Tribunal decision, it was acknowledged “that while the proposed street wall height exceeds the preferred height it is acceptable in relation to the overall character of street and the adjacent development, both to the north and to the west. The street wall will be the visually dominant element of the proposal”.

Along Evans Street, although narrower and a more constrained environment than Lygon Street, it was found to be “wide enough to accommodate both height differential between the existing low scale development in the street and the proposed four-storey street wall height on the subject site”. The Tribunal were satisfied that there is an acceptable transition above the street wall to the properties zoned Mixed Use to the west.

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Picture 24 – Textured Street Wall levels

Source: Pace Building Group Pty Ltd

## 6.2.2. Building Height & Upper Level Setbacks

Strategically, the site is appropriately located for a higher-density mixed use development, being within a MAC.

The site is commercially zoned with excellent access to public transport, services, and facilities and with limited sensitive, residential or heritage interfaces. The site is located in an area where there is an emerging character for buildings of greater than five storeys given the strategic location within an Activity Centre.

The site and those adjacent that are within the Brunswick Major Activity Centre are identified as 'significant change areas' within the Merri-Bek Housing Framework Plan at Clause 02.04. Adding to this, two boundaries have the width of a street (at least 10m in width) to provide a buffer from amenity impacts.

A key change between the previously approved development and the proposed development is an increase in height to both buildings with the development now comprising an eight-storey building and a five storey building.

Within its decision the Tribunal made various findings on the height of the previously approved building, including confirmation that the proposal contributes to the creation of a new midrise character along the Lygon Street corridor.

It is acknowledged that the proposal exceeds the preferred maximum building heights (17m) within DDO19. However, we consider the proposal warrants the exceedance as it achieves the objectives of the DDO and is in-line with the surrounding emerging and existing built form context. The building appropriately treats the height by setting back above the street wall in the order of between 3m and 4.5m to Lygon and Evans Street so that the upper floors become the secondary element to the podium with the upper-most level forming a recessive cap. The approved setbacks are maintained, and were considered that the time of the decision, in addition to materiality changes, as assisting to ensure the visual impact of the uppermost levels was acceptable in both the mid and long-term time scale.

The proposed additional level to the Lygon Street building has been sited to the centre of the site and is sufficiently setback from the Lygon and Evans Street frontage to not visually dominate these streets. The proposed design of two apartment buildings, Lygon and Pitt, provide transition between the tallest part of the building towards the lower scale mixed-use area to the west.

Within the broader setting of Lygon Street, this site is of a generous size, has two street frontages and is opposite buildings ranging between six and 12 storeys in height. This was acknowledged within the Tribunal

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decision which confirmed the large size of the site, and owing to its corner location, can typically offer opportunities for higher forms of development.

These attributes of the site lend themselves towards the potential for the site to support a building higher than the preferred 17 metres, while exceeding the preferred height limit the proposed development still achieves the design objectives with the DDO noting the following:

- The proposal will provide a high-quality addition to this section of Lygon Street and will contribute towards the new mid rise built form character of the corridor.
- The proposed development incorporates generous setbacks at upper levels which ensures an appropriate built form transition from Lygon Street and the Mixed Use Zone and the Neighbourhood Residential Zoned land further to the west. The subject site and adjoining lots to the west (No's 122-126 Evans Street) form part of the MUZ transition area and as noted by the Tribunal "*the applicant is nonetheless entitled to design to the interface condition in the reasonable expectation that over time, these sites will be developed in accordance with the planning scheme*". Specifically, the DDO envisages that the adjoining sites to the west on Evans Street may be developed to a height of 11 metres. The street wall height and recessed upper levels will provide for an appropriate transition of building heights along Evans Street taking into account anticipated future development.
- The upper levels of the building will be sufficiently recessed to ensure that the upper levels are not highly visible when viewed from the Lygon Street corridor. The design proposed ensures that the prominence of the street wall is retained. The upper-level recess and variation to materiality ensures that the height above the street wall is visually recessive and does not dominate the streetscape appearance.
- As confirmed by the Tribunals decision the design objective at DDO19 to '*maintain solar access to existing and proposed public open spaces and key pedestrian streets*' is vague and lacks specificity about an intended outcome. In accordance with the approved development, the proposed development maintains solar access to the eastern (opposite) footpath of Lygon Street until after 2pm on 22 September which was deemed an acceptable and balanced outcome.
- The 5-storey element of the proposed development is located within an area with a preferred building height of 14 metres under the DDO. This section of the proposed development has no direct street interface, will not be visible from Lygon Street and is well setback from Pitt Street. To the west this section of the building abuts commercial uses and does not have any sensitive interface. The proposed building height of 5-storeys in this location will allow for an appropriate transition to the residential properties further to the west and will not dominate the streetscape appearance of Pitt Street.

The high-quality architectural response, inclusion of ESD initiatives, provision of a substantial contribution of affordable housing and a communal landscaped roof terrace are the appropriate design response required to meet the objectives of the DDO while varying the discretionary height control.

Whilst we note that the preferred heights within the DDO vary along Lygon Street, it nonetheless remains relevant that there is an eight-storey building directly across the road and an even taller building further to the north. This is the existing and emerging context which the proposal is located within. As such, we submit the proposal is contextually appropriate.

### 6.2.3. Setbacks

The massing of the proposal reduces as the overall height increases. The podium is built to all boundaries (save for the overhangs adjacent to retail premises at ground level), whilst the middle, visually lighter levels, incorporate street setbacks, with a darker, further recessed upper-level.

At the western portion of the site, the massing steps down to a residential level appropriate to the surrounding context. Noting that the western side of the site has the highest existing ground levels of the site, the massing on the western side is approximately 1m lower than the corresponding Lygon Street frontage. This was acknowledged within the Tribunal decision as being acceptable.

The general "L" shape of the Lygon Street apartments keeps the bulk of the building adjacent to the frontages which can accommodate the built form. The Level 1 communal garden, laneway and Pitt Street apartments provide a transitional step down to the Mixed Use Zone to the west.

DDO19 requires setbacks for any part of a building adjacent to residentially zoned land outside the activity centre. Whilst the sites to the west are Mixed Use Zoned which is within the residential zones, they are not outside of the activity centre (owing to being included in the Schedule). As such, this requirement is not



triggered. Given these sites are zoned Mixed Use, more intensive development is encouraged compared with other residential zones. The Tribunal agreed with this position.

Aside from this, the proposal has provided setbacks from side and rear boundaries in the order of between 3m and 4.5m. In other instances, where boundary walls are proposed. This ensures the proposed development provides adjoining sites with equitable development, allows for daylight, provides excellent outlook and reduces visual bulk impacts. Where there are setbacks from side or rear boundaries, these are generally associated with bedrooms, whilst where there are terraces of living rooms, in each instance there are alternative outlooks.

The proposal has incorporated the setbacks as recommended by the Tribunal, specifically:

- The Lygon Street (west) setback to be increased to 4.5m at Level 4 in accordance with Condition 1a.
- The setback from the south at Level 4 shown as 3m, replicating the setback on the northern façade at that level in accordance with Condition 1b.

### 6.2.3.1. Building setbacks to the side or rear boundary

#### Lygon Street building

The Lygon Street building generally retains the setbacks as previously approved or directed by the Tribunal. The decision also acknowledged that the equitable development impacts of the proposal are acceptable, with strict compliance with Council policy not necessary to achieve an acceptable outcome.

The Level 5 setbacks have been replicated for the proposed Level 6, with the previously approved Level 6 setbacks now forming the proposed Level 7. Level 6 is proposed to be setback 4.5m, instead of the previously provided 9m, with Level 7 providing a 9.5m setback.

As noted by the Tribunal, the upper levels should be more clearly defined both by increasing the setbacks and by marginally reconfiguring the disposition of materials. We confirm the amended design has incorporated these elements into the design.

#### Pitt Street building

The setbacks to the Pitt Street building remain in accordance with the previously approved development, with the exception of the setback from the western wall of the staircase which has shifted marginally closer to the western boundary. The setbacks at Level 3 have been replicated for the proposed Level 4.

The proposed setbacks, which remain in accordance with the approved development are considered appropriate. The provision of an on-boundary wall to the west and south ensure that the proposal creates equitable development opportunities and does not result in any off-site amenity impacts. The bedroom windows orientated to the south are setback 3 metres from the title boundary, generally in accordance with the requirements of Clause 15.01-2L and the previously approved development, whilst eastern orientated windows overlook the existing laneway and are located in excess of 9 metres from the windows to the Lygon Street apartments ensuring no overlooking will occur. Clause 15.01-2L of the Merri-bek Planning Scheme seeks a 4.5 metre setback from bedroom window to a rear boundary where the building height is between 5-8 storeys. The setback at Level 5 replicates the 3m setback proposed at the levels below. This setback is considered to be sufficient given the building is only 5-storeys and the setback would not unreasonably impact future development opportunities of 1 Pitt Street.

The stair access located to the north of the Pitt Street building remains in accordance with the previously approved development and the Tribunal concluded that the *"we are not persuaded that the stair at 1A Pitt Street creates any unacceptable impacts for the internal amenity of the abutting apartments"*. The materiality to the stair access has been amended to an feature light metal mesh screen ensuring good levels of daylight to the north facing terraces of the Pitt Street building.

### 6.2.3.2. Building Setbacks to a lane

#### Lygon Street building

Where there are setbacks to the laneway to the west, these are 6.78m from Level 1 with this increasing to 8.3m from Level 2 onwards. This is well in excess of the requirements of Table 2 of Clause 15.01-2L.

We confirm these setbacks remain generally in accordance with the approved development, with a slight increase to the setback at Level 1.

#### Pitt Street building

On boundary walls remain proposed along the boundary to the laneway as per the approved design. Bedroom and living room windows are proposed along the eastern façade with a setback between the two buildings 12 metres from the 2 metre boundary. The setback between the two buildings is in excess of 10 metres. Accordingly, this separation is acceptable. The outlook of these windows will provide good passive surveillance of the laneway.

#### 6.2.3.3. Building Separation from another building within a site

The proposal continues to provide generous setbacks between built form on the site which also allows for good daylight and outlook opportunities. Noting there is no change compared to the approved development with regard to building setbacks this is considered acceptable.

#### 6.2.4. Building Layout

Along the northern frontage to Evans Street the ground floor arrangement has been amended when compared with the approved development. The approved development incorporated retail tenancies along both the Evans Street and Lygon Street frontages, however as part of the proposed development two retail tenancies have been replaced with three townhouses.

Overall, the previous Tribunal decision confirmed that the proposal appropriately activates the ground level Lygon Street frontage. It was acknowledged that the location of the lobby accessed off Evans Street is acceptable, as was the vehicle access arrangements. There are no changes proposed to this aspect when compared to the approved development.

The townhouses orientated to Evans Street generally meet the active street edge design guidelines for residential frontage types within the DDO. The townhouses are provided with individual entries. Landscaped terraces are provided to the street with the ground floor of the townhouses elevated by approximately 0.5 metres above street level.

The ground floor layout to the Pitt Street building have been amended from the pre-app scheme previously presented to increase laneway activation. This is considered to be an improved outcome compared with the previously submitted scheme. The level of activation to the laneway remains generally in accordance with the approved development.

In accordance with the requirements of the DDO windows are incorporated in all upper level facades facing Evan Street and Lygon Street.

#### 6.2.5. Design

The proposal continues to provide a high-quality design that will align with the surrounding urban character of Brunswick East and the evolving nature of Lygon Street.

The design continues to provide a combination of built form elements, such as setbacks and recesses in the building form, as well as a variety of textures and materials which has resulted in a strong and attractive design.

The design has simplified the number of materials and finishes provided in the façade, however, although simplified, this remains consistent with what was originally approved.

The design continues to offer a high quality, modern built form that revitalises the street frontages and will continue to provide articulation to both Lygon and Evans Streets.

Key elements of the design response include:

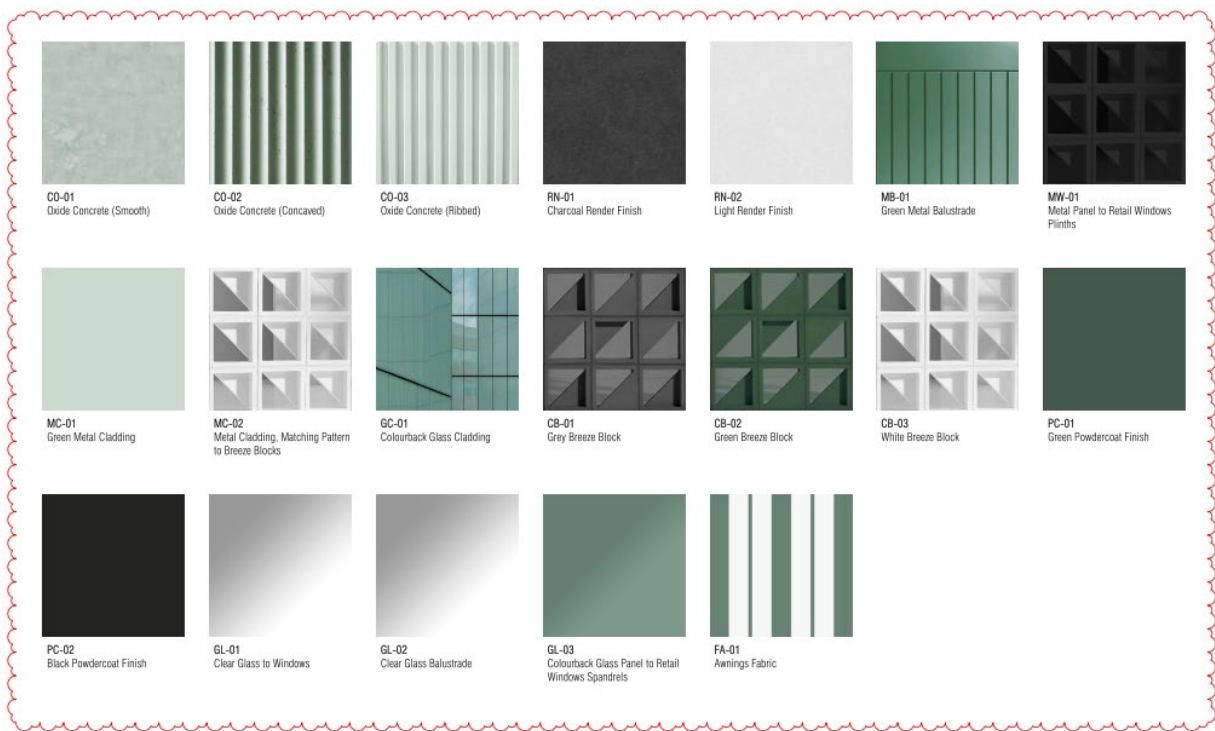
- The materials and finishes have been simplified when compared to the approved development. Picture 24 (Approved Materials Schedule) and Picture 25 (Amended Materials Schedule) demonstrate that although the amount and type of materials and finishes has decreased, the overall tone, expression and colour scheme remains consistent with what was originally approved.
- The materials selected are of a high quality and have a textural appearance. The materials proposed include a range of applied finishes, providing a range of textures and colours which provides interest and variation to the facades.



- Each façade remains articulated and incorporates a theme of setbacks and enclosed balcony openings (rather than glazed additions) combining to reduce the mass of the building.
- The design continues to incorporate applied finish concrete (concaved) in vertical strips along the northern and eastern façade, enhancing articulation by providing a textural appearance. The use of the vertical 'break' and varying material expression ensures that the large lot is legible at the finer grain along the street level.
- The setbacks are as per the recommendation by the Tribunal and provide a more distinguished form. The setback from Lygon Street above the street wall distinguishes the lower levels as a distinct form.
- A full wall mural is to be provided to the southern and western façade blank wall, ensuring that the building is well-articulated and presents as visually interesting to the streetscape. This design change is in accordance with Condition 1c, as recommended by the Tribunal.
- The white powdercoat finish cladding (PC-03) has been extended on Level 5 and 6 across the south façade, returning along the west bedroom wall of apartment 5.08, as recommended by the Tribunal. It is noted that this material is no longer a 'matching pattern to breeze blocks', however will continue to present in a similar form, providing a textured finish with a standing seam profile.
- A darker charcoal finish will continue to be used on the building above the street wall, creating a clear distinction from the street wall and the upper levels.
- Recessed upper floors continue to facilitate intensive development on the site whilst also ensuring that the height remains contextual with the emerging character of the Activity Centre.
- The side walls remain treated in a visually interesting pattern thus ensuring the building is of a high architectural quality and has been considered "in the round" which also assists in ameliorating visual bulk impacts.
- The Pitt Street building has limited visibility from the street frontages but continues the overall design aesthetic and material palette. The overall façade of the Pitt Street building has been simplified, yet still includes various materials to provide articulation in its form. The breezeblock feature stair has been replaced with a feature metal mesh screen to the north. Additionally, the vertical strip of oxide concrete (concaved) has been removed and the façade from level 1 to 3 now consists of C0-01 concrete (smooth), with the ground level is provided in a charcoal finish.

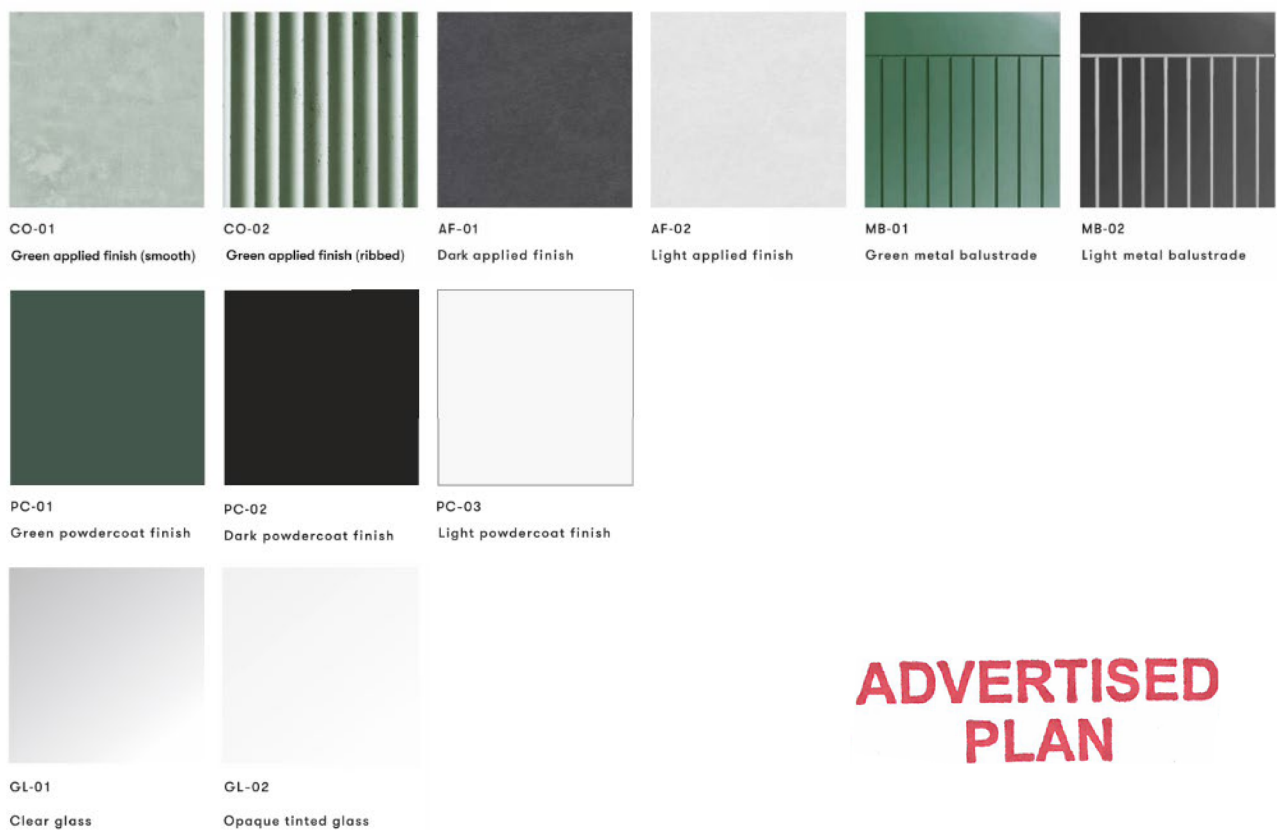
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Picture 25 – Approved Materials and Finishes Schedule

Source: *Technē Architects*



Picture 26 – Proposed Materials and Finishes Schedule

Source: *Pace Building Group Pty Ltd*

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### 6.3. OFF-SITE AMENITY IMPACTS

The architectural program adopts a response which concentrates the higher apartment building to the north-east corner of the site, stepping down to the 1A Pitt Street building along the western edge.

A discussion in relation to the key measures of amenity impact – visual bulk, overlooking and overshadowing, is detailed below and draws from the assessment against the Better Apartment Design Standards contained at Appendix B.

The site has limited sensitive interfaces with two street frontages and a laneway forming the title boundaries. These distances and lack of direct abuttal mitigate off-site amenity impacts. This was acknowledged in the previous Tribunal decision, as such, off-site matters were found acceptable and this assessment will focus on the amended aspect.

Land to the north, and south is used for commercial purposes which limits off-site amenity considerations to primarily regarding equitable development only. Land to the west is zoned Mixed Use, and whilst this is a residential zone, higher density development is more common than other residential zones. The building located at 3 and 5 Evans Street are both used for commercial purposes, with 126 Evans Street being vacant land used for storage.

Of note, none of the adjoining lots are associated with dwellings and all abutting land is part of the overall DDO19.

#### Visual Bulk

The massing of the proposal continues to respond to the sensitivities of each interface with the large site comfortably able to accommodate buildings of up to eight storeys. The building has been designed to pull away from boundaries as the height increases while presenting an articulated design which will sit comfortably within the existing and future preferred streetscape.

As noted earlier, the approved Level 5 setbacks have been replicated for the proposed Level 6, with the previously approved Level 6 setbacks now forming the proposed Level 7. Level 6 is proposed to be setback 4.5m, instead of the previously provided 9m, with Level 7 providing a 9.5m setback. These setbacks have been carefully designed to ensure the additional level continues to provide a built form response that enhances articulation and sensitively responds to its surrounding interfaces, and thus limiting visual bulk.

In addition to the setbacks, the materials and finishes on the approved Level 5 have been replicated for the proposed Level 6, with the northern and eastern façade predominantly consisting of a light powdercoat finish metal cladding. Level 4 will continue to be provided in a charcoal finish, providing a visual break in the building massing and limiting visual bulk. Level 7 which is recessed even further than the levels below utilises a dark applied finish to ensure the additional storey appears as a visually recessive cap to the building.

On the southern and western facades, the materiality has been simplified to accommodate the full wall murals which are provided on the southern and western blank walls. The full wall mural will ensure the building is well-articulated and presents as visually interesting to the streetscape. This design change is in accordance with Condition 1c, as recommended by the Tribunal.

The continued separation of the 1A Pitt Street building from the Lygon Street apartment building provides two integrated, yet distinct building elements, which are responsive to their relevant interfaces. This ensures that the overall height of the former reflects the lower scale nature of built form to the west, while the eastern building responds appropriately to the main road frontage and emerging character of the Activity Centre. This also allows for views through the site above the ground level.

In the context of the Activity Centre where there is an expectation for higher built form, the consolidated site is large and able to facilitate the proposed height and scale of the development. The Activity Centre edge condition is to be borne in mind when reviewing the interface with adjoining residential properties.

#### Overlooking

Given there are no existing dwellings within a 9m distance from the site, there are no opportunities for any overlooking to occur.

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## Overshadowing

Shadow diagrams have been prepared by Pace Building Group Pty Ltd, which demonstrate the additional overshadowing cast by the proposed development.

Given the orientation of the site and the location of the higher elements to the east of the site, additional shadow predominantly falls to the west, south-west, south, and over the roadway of Lygon Street. The areas where additional shadows fall are predominantly over roof areas.

Where there is additional shadow, is over the rear private open space of No. 122 Evans Street at 9am, by 10am there is not additional impact. At 9am, this extent of shadowing is limited and will not unreasonably impact the amenity of this dwelling. No other private residential properties will be impacted by shadow cast by the amended development. Given this site is zoned Mixed Use where more intensive development is encouraged, this is acceptable. It is also noted that this site is covered by DDO19 and includes a preferred maximum height of 11m. As such, it is highly likely the site will not be retained for low scale residential use in the future.

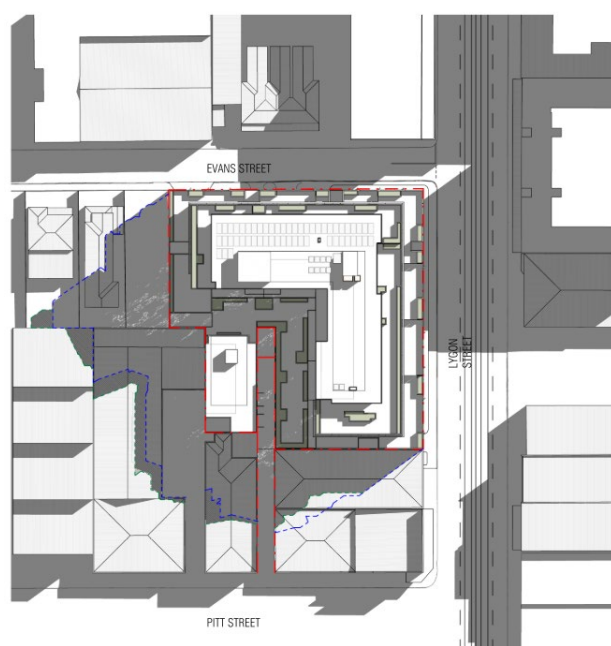
With respect to the Lygon Street footpath, the development continues to maintain solar access to the eastern (opposite) footpath of Lygon Street until after 2pm on 22 September. The Tribunal decision found this an acceptable response, noting the design objective of DDO19 was noted as *'vague and lacks specificity about an intended outcome'*. As found by the Tribunal, in the absence of any specific guidance on the issue, they consider this is an acceptable and balanced outcome. The proposal in its current form remains compliance with this.

Pictures 26 to 33 below show a side-by-side comparison of the overshadowing diagrams of the approved design compared to the amended design.



Picture 27 – Approved Design (9am)

Source: Technē Architects



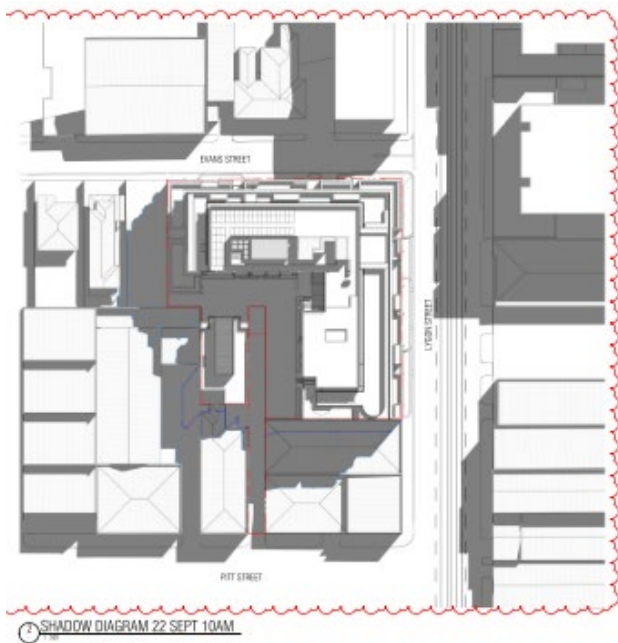
Picture 28 – Amended Design (9am)

Source: Pace Building Group Pty Ltd

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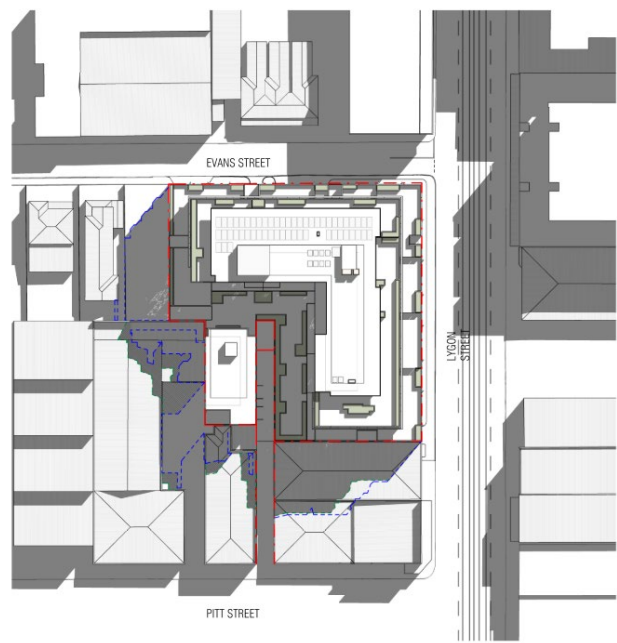
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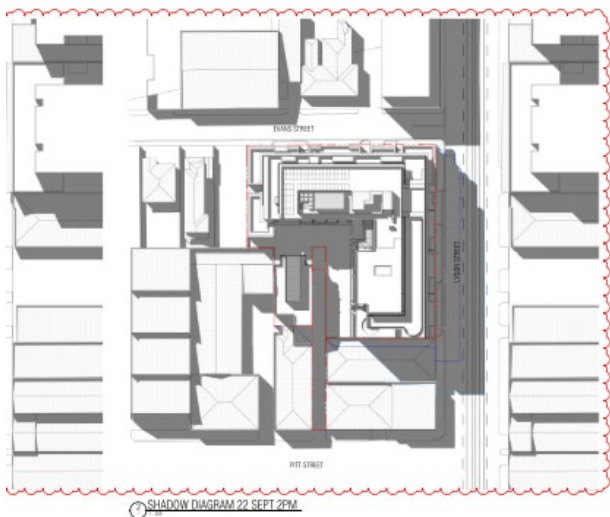
Picture 29 – Approved Design (10am)

Source: Technē Architects



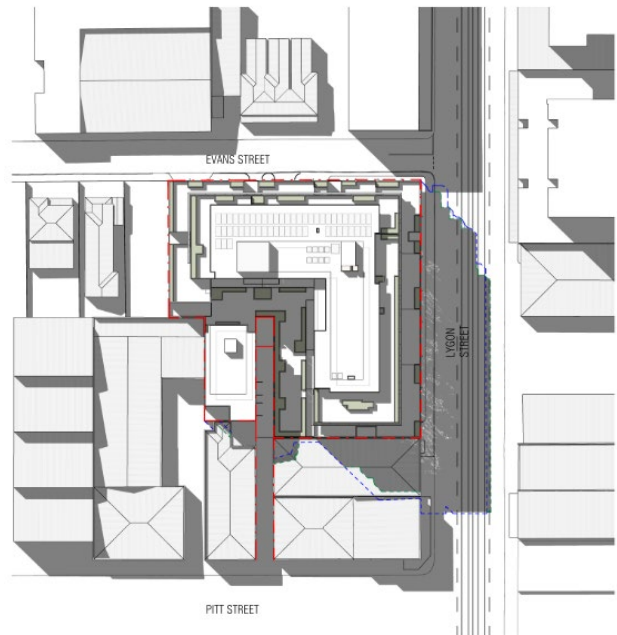
Picture 30 – Amended Design (10am)

Source: Pace Building Group Pty Ltd



Picture 31 – Approved Design (2pm)

Source: Technē Architects



Picture 32 – Amended Design (2pm)

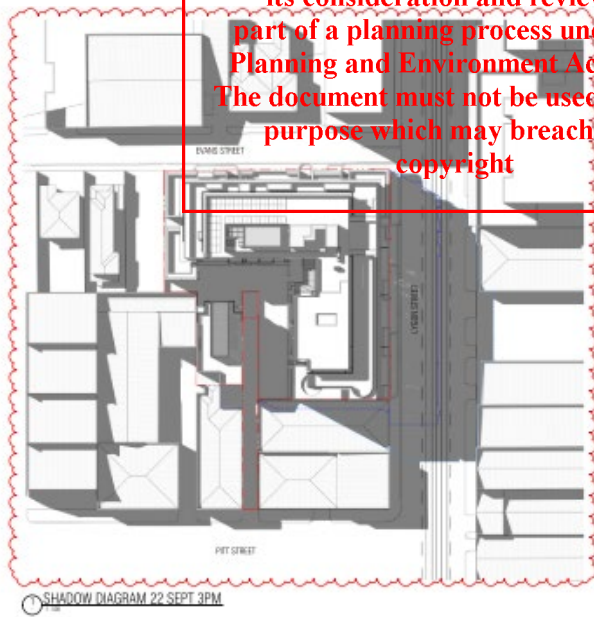
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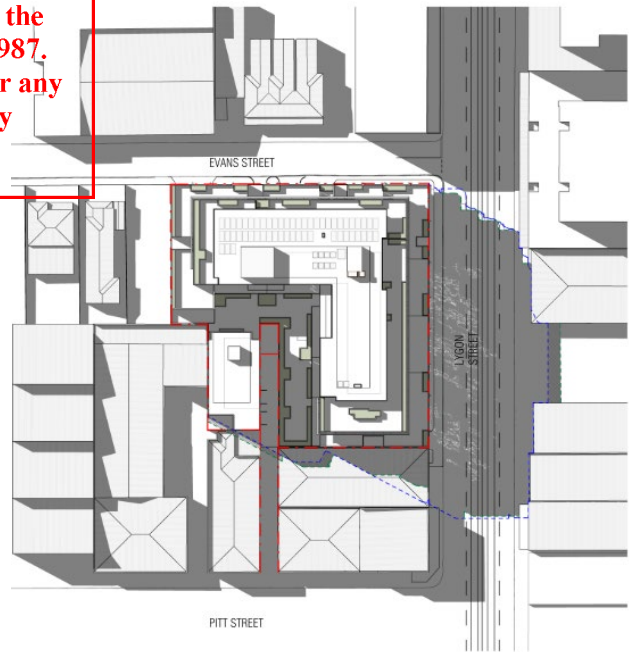
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Picture 33 – Approved Design (3pm)

Source: Technē Architects



Picture 34 – Amended Design (3pm)

Source: Pace Building Group Pty Ltd

## Noise

An acoustic report has been prepared by ViPac and considers recently updated provisions. The report confirms that with the recommended noise attenuation glazing standards, the receiving environment inside the proposed habitable spaces will be within recommended noise limits.

The subject site is located within a commercial area along a busy road where there are higher noise levels anticipated. Any noise levels as a result of the use of the dwellings would be typical of a residence. Plant and equipment are located on top of the building, however this is substantially setback from any existing and proposed dwellings and are not expected to result in adverse noise impacts.

A residential gym is proposed at ground level, with the report concluding that subject to implementation of mitigation measures listed in the report, that the gym noise and vibration can be sufficiently mitigated to protect the amenity of the surrounding occupants.

Please refer to the assessment by ViPac for further information.

## Wind

A Wind Impact Assessment has been prepared by ViPac, which assesses the wind conditions of the area surrounding the subject site and the impacts of the proposed development on these conditions.

The assessment confirms that wind conditions satisfy walking along the ground level street frontages, standing at each of the main entrances, sitting at the outdoor seating areas, standing at the communal terrace and walking on private balconies.

Please refer to the Wind Impact Assessment prepared by ViPac for details.

## Equitable Development

The proposal has properly considered the equitable development opportunities of the sites to the west and south through the provision of:

- 4.5m setbacks to 126 Evans Street at Level 4 and above.
- 3m setback to the northern boundary of 3 Pitt Street (where no windows along the south-facing wall).
- The Lygon Street (west) setback to be increased to 4.5 m at Level 4 in accordance with Condition 1a.

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- The setback from the south at Level 4 shown as 3 m, replicating the setback on the northern façade at that level in accordance with Condition 1b.
- On-boundary walls associated with the building at 17A Pitt Street (with any windows setback at least 3m).
- On-boundary walls to the south along Lygon Street.

The previous Tribunal decision outlined that it considered the equitable development impact to be acceptable.

## 6.4. INTERNAL AMENITY

The quality of the internal spaces has been assessed using Clause 58 and achieves a high level of compliance with these standards and objectives. The proposal provides a high-quality residential apartment product which sets out to achieve a level of internal amenity which satisfies the Better Apartment Design Standards (BADs).

The proposal includes large communal open space areas, including on Level 1 which provides exceptional outlook for a number of apartments, whilst the remainder face out onto street frontages.

This is demonstrated in the summary below, and confirmed within the Clause 58 Assessment contained at **Appendix B**.

In summary, future occupants will enjoy an acceptable level of internal amenity for the following reasons:

- The apartments are reasonably sized, with many including large living spaces. A mixture of one, two and three bedroom apartments cater to differing household needs.
- The design continues to provide a high-quality landscaped communal area, well in excess of the requirements of Standard D7 of Clause 58. These areas will also receive solar access at all times of the year and day in accordance with Standard D8 of Clause 58.
- There are limited opportunities for internal views to lower-level apartments given the screening mechanisms employed and location of windows/walls, ensuring compliance with the requirements of Standard D15 of Clause 58. Given adjacency to street frontage and generous internal separation distances, all dwellings have excellent outlook.
- The Lygon Street building has a significant provision of communal open space which will receive sufficient sunlight, as illustrated within the shadow diagrams.
- The design will continue to provide at least 50 percent of dwellings which comply with Standard D18 of Clause 58 of the Merri-Bek Planning Scheme in relation to accessibility, ensuring that the design of the dwellings provides for the needs of people with limited mobility.
- All balconies remain of a size and dimension compliant with Standard D19. In many instances, these minimums are significantly exceeded.
- All apartments have been provided with internal and external storage volumes exceeding the requirements of Standard D20 of Clause 58.
- All living rooms and all bedrooms comply with the functional layout requirements of Standard D26.
- All bedrooms comply with Standard D27, with all having a window to an external wall.
- The layout of the proposal results in 45% of apartments achieving compliant breeze paths, exceeding the requirement for 40 per cent pursuant to Standard D28.
- The provided wind report confirms the proposal meets the requirements of Standard D32.

## 6.5. ENVIRONMENTALLY SENSITIVE DESIGN

Clause 15.02-1L requires new development to demonstrate best practice Environmentally Sustainable Design from the design stage through to construction and operation, as well as improve the quality and reduce the flow of water discharge to waterways.

In response, Sustainable Development Consultants Pty Ltd has prepared a Sustainability Management Plan (SMP) which identifies a range of environmentally sustainable design features, notably including:



- Commitment to become a net-zero carbon building to be achieved with a combination of energy-efficient design, renewable energy sources, and a reduction of embodied greenhouse gas emissions from products and materials.
- Passive design features such as high window performance and wall insulation.
- Efficient mechanical services.
- A BESS Score of 66 Percent.
- Minimum 7.0 Stars NatHERS average for the development.
- On site solar PV system (21kW) to offset energy use from central services.
- Daylight modelling has been conducted for the commercial component of the development demonstrating an expected daylight factor of at least 2.0% will be provided across at least 34% of the nominated floor area.
- Daylight modelling has been conducted for the dwellings and the apartment living rooms will achieve a minimum daylight factor of 1% across 81% of the floor area, and bedrooms a minimum of 0.5% across 93% of the floor area.
- A MUSIC (Model for Urban Stormwater Improvement Conceptualisation v6) tool assessment was conducted and found that the proposed stormwater treatment initiatives will be sufficiently effective to mitigate the impacts of stormwater leaving the site.

This will ensure the building performs to a high standard, consistent with Council policy.

## 6.6. WASTE MANAGEMENT

The application is supported by a Waste Management Plan (WMP) prepared by Sustainable Development Consultants Pty Ltd.

The dwellings within the Pitt Street building and the three townhouses fronting Evans Street will have their own dedicated bin room on the Ground level of the Pitt Street building for disposal of garbage, food organics, commingled recyclables and glass, in dedicated communal waste bins for each waste stream. This waste room will be easily accessible for the townhouses.

A second residential waste room is located at Basement 1 Level for use by residents within the Lygon Street building. Waste is to be deposited via waste chutes located at Level 1 and above, with spaces for further types of waste that can be brought directly to the waste rooms via the lifts. Users shall sort their waste and dispose garbage and recyclables via the chute and/or directly into collection bins.

Waste stored within the ground floor waste room will be transferred to basement level for collection three times a week.

Retail waste will be located in a separate internal area at Basement 1 Level.

The Waste Management Plan details that collection of garbage, food organics and commingled recyclables will be collected from Basement Level 1 three times a week by a private contractor. On-site glass collection is to be undertaken weekly for both the residential and retail waste, also by private contractor.

For further details, see the Waste Management Plan.

## 6.7. CAR PARKING AND BICYCLE PROVISION AND ACCESS

### Car Parking Provision

The development provides 103 car parking spaces across two levels of basement parking for the uses. Pursuant to the Parking Overlay Schedule 1 and Column B of Table 1 of Clause 52.06, this equates to a reduction of 28 spaces associated with the retail premises and 26 spaces associated with one-bedroom dwellings. All two- and three-bedroom dwellings are provided with the required statutory car parking provision.

Ratio Consultants have undertaken a thorough assessment of the likely demand generated by the use and ultimately found that the car parking provision is acceptable. This is based on:

- The proposed residential parking provision meets the statutory requirements of Clause 52.06 of the Merri-bek Planning Scheme for two, three and four bedroom dwellings, with the exception of 26 one-bedroom dwellings which do not have any on-site parking.
- The provision of a total of 146 parking spaces for the site provides each tenancy with a minimum of two long-term parking spaces, satisfying the parking demand generated by the retail staff.
- The site is located close to several sustainable transport alternatives such as train, bus and tram routes, bicycle and pedestrian facilities. This will enable residents, staff and customers of the development to travel to and from the site using sustainable modes of transport and reduce the demand for car parking.
- The excellent level of pedestrian and cycling connectivity will encourage and facilitate an increase in walking, cycling and public transport modes to and from the site.
- The short-term on-street parking restrictions will ensure any short term visitors and or customers to the area are able to find a parking space within close proximity to the subject site even during periods of peak activity.
- The generous provision of bicycle parking and end of trip facilities will encourage the use of alternative transport modes and reduce the reliance on private vehicle use.
- Suppressed provision of car parking will reduce motor vehicle travel to and from the site, driving customers and visitors to other transport modes.
- The development is estimated to generate up to 28 vehicle movements during the AM and PM peak hour. This level of traffic will not result in adverse impacts on the operation of the wider road network.

Please refer to the assessment by Ratio Consultants for further information.

### **Bicycle Parking Provision**

The bicycle provision substantially exceeds the requirements of the scheme (requirement to provide 39 spaces). A total of 146 bicycle parking spaces are provided, 110 for residents are provided within a large bicycle parking room which has direct access from the laneway. Secure visitor bicycle parking is provided within the bicycle parking room within the Lygon Street building which provides 22 spaces. Residents would be able to accompany their visitors to the secure residential bicycle parking room. Eight secure spaces are provided within the retail staff bicycle parking room at Ground Level in addition to end of trip facilities. Six horizontal bicycle spaces for visitors/customers are available along the Evans Street frontage near the corner with Lygon Street.

### **Access**

Access to the site has not changed from the approved development. Details of the access arrangements are discussed below.

Vehicle access to the site is via a 8m wide crossover at Evans Street. Site lines for egress will be maintained through a convex mirror provided on the eastern side of the access, as a visibility splay is not possible due to the access being against the boundary and the requirement for a structural wall.

The access, including the internal layout of the basement car parking areas, have been reviewed by Ratio Consultants against the requirements of the Merri-Bek Planning Scheme and Australian Standards, and found to be acceptable. The provided plans include ramps sections so gradients and head room requirements can be verified.

Ratio Consultants have recommended the relocation of the existing speed hump on Evans Street, subject to council discussions.

Please refer to the assessment by Ratio Consultants for further information.

### **Loading**

Loading arrangements have not changed since the approved development. Details of the loading are discussed below.

Loading arrangements will be via an existing loading bay on Pitt Street adjacent to 247 Lygon Street. This space provides excellent access to the rear laneway for retail tenancies and any residents needing to load or

unload large goods. The loading bay will be used by the retail tenancies to receive and dispatch goods and by residents as they move in or out of apartments.

For the waste collection, swept paths have been provided in Appendix D of the Traffic Impact Assessment showing that a 6.4m truck can access the site in a forwards direction, prop in the aisle, manoeuvre and depart in a forwards direction. This is considered an acceptable waste collection arrangement. Please refer to the assessment by Ratio Consultants for further information.

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## 7. CONCLUSION

This proposal seeks planning permission for a multi-level, mixed-use development at No. 251-265 Lygon Street & 1A Pitt Street, East Brunswick. This permit application is submitted to the Department of Transport and Planning (DTP) pursuant to the 'Significant Residential Development with Affordable Housing' provisions set out in Clause 53.23 of the Merri-Bek Planning Scheme. The proposal is considered to meet the minimum provision with a total development cost of at least \$50 million and a provision of at least 10% of the total number of dwellings as affordable housing or an equivalent mechanism. The proposed development provides 25% affordable housing which is well in excess of the requirements of Clause 53.22.

The site currently benefits from a planning permit for a seven and four storey development. Planning Permit MPS/2022/4 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 23 December 2022. The proposal generally accords with the approved development with the key changes being:

- Height of both buildings increased by one storey with the development now comprising an eight storey building and a five storey building.
- Provision of 25% of affordable housing.
- Two (2) retail tenancies at ground level replaced with three townhouses fronting Evans Street.

The proposed development incorporates the additional setbacks and other changes as required in the VCAT decision.

The proposal has properly considered State and Local policies which guide development of this type, balancing the direction to increase density against the need to minimise off-site amenity impacts and be respectful of its streetscape context.

The proposed design changes are considered to remain a positive addition to Lygon, Pitt and Evans Streets and contribute to:

- The provision of high-quality affordable housing within Merri-Bek
- Strengthening the role of the Lygon Street Local Area within the Brunswick Major Activity Centre
- Providing increased housing density in an appropriate location
- Introducing a new, high quality built form whilst being respectful of the existing and preferred neighbourhood character and the surrounding street scape
- Provision of apartments with a high level of internal amenity, including generous communal spaces and minimal off-site amenity impacts and;
- Activating the street and enhancing the public realm.

On balance, it is considered that the proposed development represents a positive planning and design outcome for the site and should respectfully be supported.

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## APPENDIX A    **PLANNING POLICY**

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# PLAN MELBOURNE

Plan Melbourne is the metropolitan planning strategy that seeks to outline the Victorian Government's vision for the City of 2050. The document provides guidance on the direction of the city's growth and how it should be effectively managed.

Plan Melbourne identifies the Lygon Street retail strip as a Major Activity Centre. The Plan specifically highlights the role of Major Activity Centres as having potential for medium and higher density development in middle suburbs. They provide access to a wide range of goods, services and employment opportunities in addition to serving the needs of the subregional catchment.

The Plan acknowledges these centres have an important role in giving people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home. Plan Melbourne introduces the '20-minute neighbourhood' concept, which seeks to create healthy, safe and active local communities. It suggests healthy communities are those where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists. This is underpinned by policy within **Directions 3.3 and 5.1**.

Plan Melbourne also acknowledges that, in the past decade, planning approaches have not adequately addressed area and population-based needs. It recognises that in the future, service planning and resource allocation will need to take account of population distribution, growth projections and existing infrastructure and resources.

**Direction 1.1** seeks to 'create a city structure that strengthens Melbourne's competitiveness for jobs and investment' allowing key commercial land is available in locations that support growth, connectivity and requirements of proximity to the CBD. **Policy 1.1.1** supports the direction of central city to become Australia's largest commercial centre by 2050 through investment of existing commercial locations, innovative design and strengthen existing assets.

**Policy 1.1.7** acknowledges that population growth will continue to drive demand for well-located and competitively priced commercial land. It outlines that an adequate supply of commercial land needs to be secured to accommodate this growth.

**Direction 1.2** seeks to improve access to jobs across Melbourne and closer to where people live with **Direction 1.3** aiming to create development opportunities at urban renewal precincts across Melbourne including within the existing transport network.

## MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy (MPS) at Clause 2 provides the context of the land to which the Merri-Bek Planning Scheme applies and the strategic direction and vision of the planning scheme. It defines the Merri-Bek activity centres and their hierarchy.

The application site is within the Brunswick Activity Centre, which is one of Merri-Bek's Major Activity Centres. The Brunswick Activity Centre is noted as being forecast to contain the greatest increase in new dwellings in the municipality. The role of the Brunswick Activity Centre is to "*Accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form.*"

The MPS also contains the strategic framework plans for the municipality. The application site is within:

- The Brunswick Activity Centre on the Activity Centre Framework Plan and Economic Development Framework Plan.
- A significant change area within the Housing Framework Plan.

The MPS also outlines the local policy framework for Environment and landscape values, environmental risks and amenity, built environment and heritage, housing, economic development, transport, infrastructure and gaming.

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## PLANNING POLICY FRAMEWORK

The planning policy framework seeks to realise the objectives of Planning in Victoria and foster appropriate land-use and development outcomes through the application of state, regional and local policies.

- **Clause 11** provides the framework for Settlement in Victoria and includes:
  - **Clause 11.01-1R – ‘Settlement - Metropolitan Melbourne’** seeks to develop a ‘network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function’ and ‘Create mixed-use neighbourhoods at varying densities... that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities’.
  - **Clause 11.02-1S – ‘Supply of urban land’** seeks ‘to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses’ and consider ‘opportunities for the consolidation, redevelopment and intensification of existing urban areas’.
  - **11.03-1S Activity Centres** – which encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- **Clause 13** provides the framework for various environmental risks and the management, to promote resilient and safe communities and their wellbeing. It includes:
  - **13.05-1L Noise abatement** – seeks to minimise the potential negative amenity impact to new developments of existing non-residential use in the vicinity by appropriate sensitive use locations, design and noise attenuation.
- **Clause 15 Built Environment and Heritage** – Recognises the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. It includes:
  - **15.01-1S Urban Design** – Sets the framework for urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
  - **Clause 15.01-2S Building Design** provides a range of urban design strategies which seek ‘to achieve building design outcomes that contribute positively to the local context and enhance the public realm’. This clause also states that planning must consider as relevant:
    - Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).
    - Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).
  - **15.01-1L Urban Design in Merri-Bek** – Sets the strategies for how Merri-Bek’s buildings and public spaces will achieve a distinctly Merri-Bek urban environment.
  - **15.01-2L Apartment developments in Merri-Bek** – applies to apartment developments of 5 or more storeys and sets the building setback and separation strategies and requirements and requirements to provide sufficiently sized light wells.
  - **Clause 15.01-4R Healthy neighbourhoods** – Metropolitan Melbourne includes the strategy to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs (including employment) within a 20 minute walk, cycle or local public transport trip from their home.
  - **Clause 15.01-5S Neighbourhood character** – aims ‘to recognise, support and protect neighbourhood character, cultural identity, and sense of place.’ The policy ensures development responds to its context and reinforces a sense of place and the valued features.

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- **15.02-1S Energy and Resource Efficiency** – Encourages development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.
- **15.02-1L Energy** – aims to ensure development maximises passive energy efficiency and creates quality living and working environments building orientation, separation and design.
- **Clause 16 Housing** – Seeks to provide for diverse, sustainable housing and affordable housing, with the efficient provision of supporting infrastructure.
  - **16.01-1S Housing Supply** – Seeks to facilitate well-located, integrated and diverse housing that meets community needs.
  - **Clause 16.01-1R Housing Supply** – Metropolitan Melbourne aims to manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in major activity centres and to facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport. The policy seeks to create mixed-use neighbourhoods at varying densities that offer more choice in housing. This policy allows 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.
  - **16.01-1L Housing in Merri-Bek** – Seeks to encourage increased density housing in the form of apartments and townhouses in areas identified as 'Significant Housing Growth' on the Strategic Framework Plan: Housing at Clause 02.04.
  - **16.01-1L Housing for people with limited mobility** – Seeks to encourage the provision of housing that can be lived in by people with limited mobility through specific design requirements.
  - **Clause 16.01-2S Housing Affordability** aims to deliver more affordable housing closer to jobs, transport, and services. The policy aims to improve housing affordability by ensuring land supply continues to be sufficient to meet demand, increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- **Clause 17 Economic Development** – Seeks to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.
  - **Clause 17.01-1S** – 'Diversified Economy' aims to strengthen and diversify the economy to facilitate growth in a range of employment sectors.
  - **Clause 17.02-1S** – 'Business' encourages 'development that meets the community's needs for retail, entertainment, office and other commercial services' by locating commercial facilities in existing activity centres.
- **Clause 18 Transport** – Seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
  - **Clause 18.02-1S Sustainable personal transport** – Seeks to promote the use of sustainable personal transport.
  - **Clause 18.02-1L Sustainable transport in Merri-Bek** – Seeks to ensure the provision of bicycle parking is suitable to the likely demand generated by the use or development and nature of the locality.
  - **Clause 18.02-2S – Public Transport** aims 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** seeks 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.

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- **Clause 18.02-4B Car parking** – Seeks to ensure an adequate supply of car parking that is appropriately designed and located.
- **Clause 18.02-4C Car parking in Merri-Bek** – Seeks to promote the use of sustainable transport through car parking provision. It achieves this through supporting reduced car parking rates in developments that are:
  - Within and close to activity centres.
  - With excellent access based on frequency and location to a range of public transport options.
  - With increased provision of bicycle parking above the resident rate specified in Clause 52.34.

## ZONING

Pursuant to the Merri-Bek Planning Scheme, the subject site is located within the **Commercial 1 Zone (C1Z)**.

Pursuant to Clause 34.01, the purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

Under the C1Z the following is noted:

- The use of the site as dwellings does not require a planning permit under clause 34.01-1 of the Merri-Bek Planning Scheme when the ground floor frontage does not exceed 2m.
- The use of the site for 'Shops' are Section 1 uses under the Commercial 1 Zone and do not require a planning permit.
- Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.
- Clause 34.01-4 states that a development must meet the requirements of Clause 58.
- Decision guidelines for both use and buildings and works are contained at Clause 34.01-8.

As outlined above, pursuant to Clause 34.01-1 of the Scheme, 'Accommodation' (including 'Dwelling') is a Section 1 use unless any frontage at ground floor level exceeds 2m. Clause 73.01 defines 'frontage' as 'the road alignment at the front of the lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.'

Accordingly, if a dwelling entry is not located on the primary street frontage (i.e. the frontage which the building faces), a planning permit is not required for the use regardless of the width of the frontage.

This position was confirmed within a recent VCAT decision, *ATJ Holdings PL v Yarra CC* [2019] VCAT 1189 relating to a site located at the intersection of Smith and Easey Streets in Collingwood. Presiding Member Glynn made the following comments:

- [12] In making this finding we note the comments made in *Semmens v East Gippsland SC*, as referred to us by both the council and the applicant. In this decision the tribunal commented that the land subject to that proceeding could be concluded as having an abuttal to three roads but the 'frontage' was the road to which the building faced, not the other two roads. This affirms that while the review site may have two road abutments, it is only the road to which the building faces that is its frontage. The fact that the residential use, including its entry, exists at ground

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floor to another road does not mean it has a second frontage, it simply means the use only faces the side of the building.

[Emphasis Added]

Accordingly, in this instance, as the residential lobby is facing Evans Street, whilst the building fronts onto Lygon Street, the use of the land as a 'dwelling' does not require a planning permit under the zone.



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**PLANNING ZONES**

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# OVERLAY

## Design and Development Overlay (Schedule 19 – Brunswick Activity Centre – Lygon Street Local Area)

Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

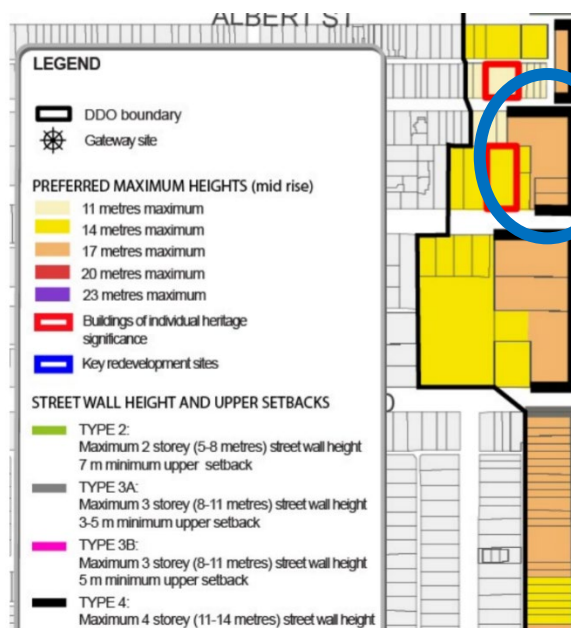
The objectives of the Overlay are outlined in the Schedule:

- To create a new mid rise built form character that provides a built form transition between the Lygon Activity Corridor and adjoining low-rise residential areas.
- To ensure highly visible development is limited to identified key redevelopment sites and responds to specific design objectives.
- To ensure the street wall remains the visually dominant element of all development in Lygon Street and that any height above the street wall is visually recessive, subservient and does not dominate the streetscape appearance.
- To ensure development is designed to respect the form, design and context of buildings of individual heritage significance.
- To protect and enhance the amenity, and maintain solar access to existing and proposed public open spaces and key pedestrian streets, and maintain reasonable amenity for residential properties adjacent to or within the activity centre.

Within DDO19, the Lygon Street site is nominated with the following preferred built form controls:

- maximum building height of 17m;
- maximum 4 storey (11m-14m) street wall height (including along Evans Street)
- upper level minimum setbacks of between 3m to 5m.

The Pitt Street site is nominated as having a preferred maximum building height of 14m with no street wall or upper-level setback requirements.

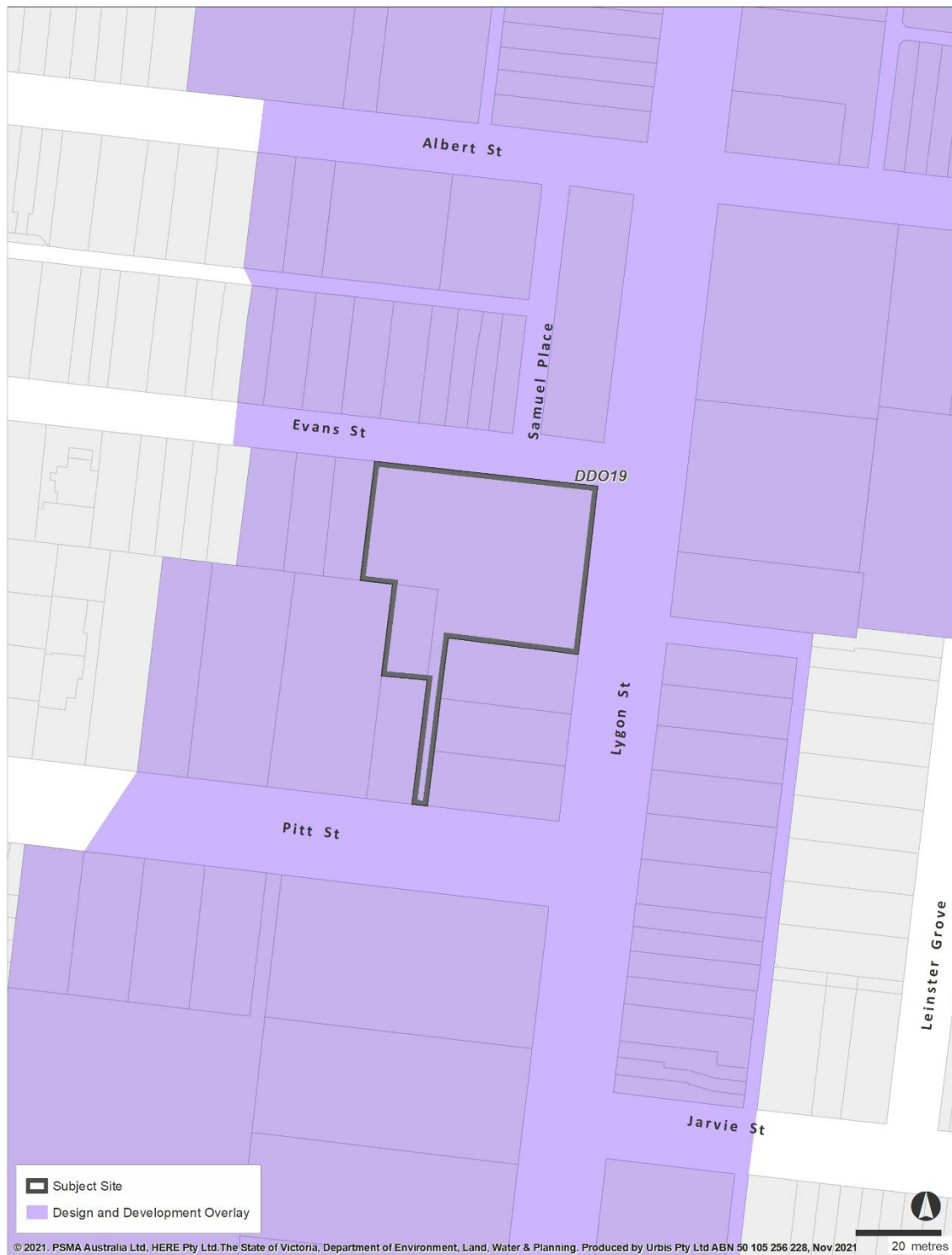


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Map 1 DDO19 Map, with subject site identified





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### DESIGN AND DEVELOPMENT OVERLAY (DDO19)

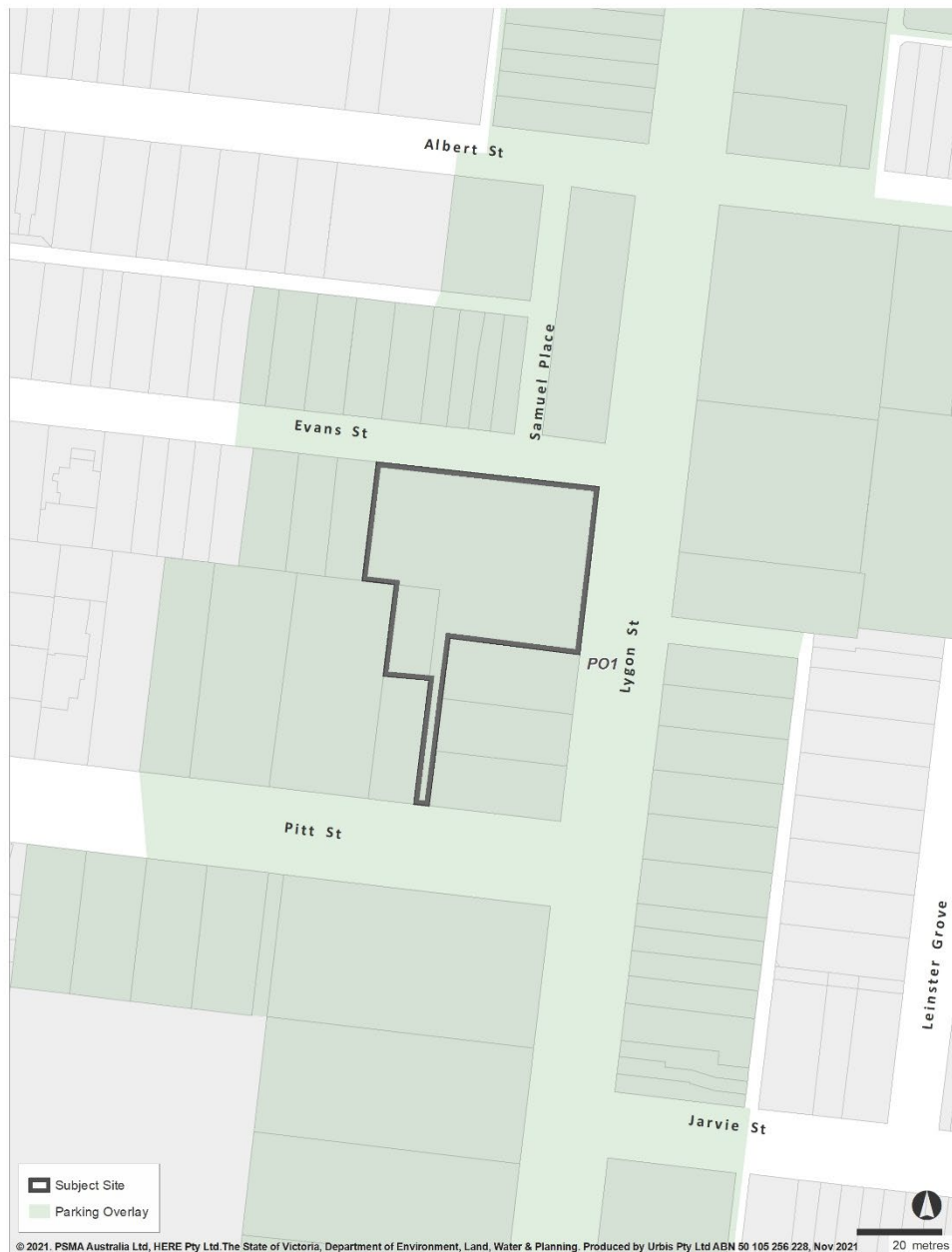
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## Parking Overlay

Pursuant to clause 45.09-1 of the Scheme, the Parking Overlay amends the parking requirements under Clause 52.06 such that “for all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the Rate in Column B of that Table.”

A planning permit is not required under the overlay. The car parking requirements are considered under particular provisions clause 52.06.



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**PARKING OVERLAY (PO1)**

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## Development Contributions Plan Overlay – Schedule 1

Pursuant to Clause 45.06-1 a permit granted must;

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

As the proposed development is not exempt from a development contribution, a condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

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



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DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO1)

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## GENERAL AND PARTICULAR PROVISIONS

### Clause 52.06 – Car Parking

The proposal provides car parking in excess of the planning scheme rate of one car park per each one- and two-bedroom dwelling, two car parks for dwellings containing three or more bedrooms.

The combined statutory requirement for the development, pursuant to Table 1 of Clause 52.06 of the Merri-Bek Planning Scheme is 168 car parking spaces.

It is proposed to allocate 106 spaces to residents and 6 to the commercial tenancies.

Accordingly, a permit is required under Clause 52.06-3 for a reduction of 56 spaces.

### Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

The required spaces under clause 52.34 include 22 residential spaces, 5 commercial Staff, 11 residential visitor spaces and 3 commercial visitor spaces.

The proposal provides for a total of 133 bicycle spaces. Of these, 115 are for residents (within a separate and secure facility), eight are for staff within their own secure facility, four visitor spaces are with the building and six visitor bike spaces are provided on-street near the north-east entrance to the building airlock.

End of Trip Facilities (EOTF) for commercial tenancy staff include lockers and a shower. The residential EOTF include a bike workshop.

As five or more employee bicycle spaces are required, there is a statutory requirement within Clause 52.34 to provide showers or change rooms for the commercial component of the proposed development. The proposal exceeds this.

### Clause 53.18 – Stormwater Management in Urban Development

This clause applies to an application under a provision of a zone to construct a building, or construct or carry out works. The purpose of the clause is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

An application to construct a building or construct or carry out works must meet all the objectives and should meet all the standard of Clause 53.18-5 and Clause 53.18-6.

### Clause 53.23 – Significant Residential Development with Affordable Housing

This Clause provides specific consideration for residential development containing Social and Affordable Housing to be considered via DTP and be exempt from Third party appeal rights. The purpose of the clause is to:

- *To facilitate residential development that includes affordable housing to meet existing and future needs.*
- *To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.*
- *To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.*

- To facilitate residential development with high quality urban design, architecture and landscape architecture.
- The provisions of this clause prevail over any inconsistent provision in this planning scheme.
- To provide opportunities for non-residential use and development in association with residential development.

This clause applies to an application under any provision of this planning scheme if all of the following are met:

- The application includes the use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel); and
- The condition corresponding to a category in Table 1 is met.
- This clause does not apply to an application to subdivide land.

Category	Condition
<p>Category 1</p> <p><b>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</b></p>	<p>The estimated cost of the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) as specified in the quantity surveyor report required under clause 53.23-3 must be at least:</p> <ul style="list-style-type: none"> <li>▪ \$50 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$15 million if the land is not in metropolitan Melbourne.</li> </ul> <p>At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.</p> <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.</p>
Category 2	<p>The use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) will be:</p> <ul style="list-style-type: none"> <li>▪ carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or</li> <li>▪ funded, or partly funded, by the State of Victoria or a public authority; or</li> <li>▪ carried out on Crown land.</li> </ul> <p>At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.</p>

## Clause 58 - Better Apartment Design Standards

The provisions of Clause 58 are relevant to this application owing to the requirements of the C1Z. A development must meet the Objectives of Clause 58.

An assessment against this clause is provided within **Appendix B**.

## Clause 65 - Decision Guidelines

The responsible authority must consider the decision guidelines of Clause 65 when considering a planning permit application.

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## APPENDIX B    **CLAUSE 58 ASSESSMENT**

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## CLAUSE 58 (BADS) ASSESSMENT

Objectives	Standard	Assessment	 Complies	 Variation Required
Clause 58.02 – Urban Context				
<b>58.02-1 – Urban Context objectives</b>  To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.  To ensure that development responds to the features of the site and the surrounding area.	<b>Standard D1</b>  The design response must be appropriate to the urban context and the site.  The proposed design must respect the existing or preferred urban context and respond to the features of the site.	  	Does the proposal meet the <b>objective</b> ?  Does the proposal meet the <b>standard</b> ?	  The proposal is consistent with the existing and preferred urban context of the site. The design continues to align with the intent of the approved development.  The subject site is located within the Brunswick Major Activity Centre (MAC) which has recently seen approvals ranging between 5 and 12 storeys in height. The development sits within this already established height range.  The proposal has strong policy support and is situated in a precinct which is earmarked (via site zoning, planning policy and the DDO19) for high density developments given its Major Activity Centre location (MAC).  The proposed street wall height responds to the emerging character of Lygon Street where medium scaled buildings are prominent. There are numerous examples of buildings with four, and even five storey

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street walls immediately adjoining Lygon Street.

Above the street façade, the proposal includes setbacks of 3 metres to Evans street and 4.5 metres to Lygon Street. This distinguishes the lower and upper levels to ensure that the street wall will be the visually dominant element in the streetscape. This is aided by the more prominent colours on the podium façade which anchor it into the streetscape. This is juxtaposed to the upper levels which are lighter in colour and as such, are less visually dominant in comparison. A darker applied finish is utilised to Level 7 to ensure it appears as a highly recessed cap to the building.

The DDO19 outlines preferred setbacks above the street wall of at least 3m. The proposal complies with this setback and provides additional setbacks to the upper level beyond the requirement. The proposal has had adequate regard to existing interfaces through the provision of side and rear setbacks.

### 58.02-2 - Residential policy Standard D2 objectives

To ensure that residential development is provided in accordance with any policy for

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.



Does the proposal meet the **objective**?

housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

The proposal is considered to appropriately respond to both State and Local Policy regarding increasing housing stock and diversity as part of a mixed-use development within an activity centre.

The development incorporates housing in an area well serviced by existing facilities and public transport, within a MAC.

The provision of part five-storey, part eight-storey apartment development provides diversity of choice in an area designated for higher density residential developments.

Notably, the proposal will provide 25% of affordable housing. This is seen as a significant benefit that will support housing affordability within Merri-Bek.

**58.02-3 - Dwelling diversity Standard D3 objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The development provides a mix of 1-, 2- and 3- bedroom apartments as well as 3- and 4- bedroom townhouses. The development provides a good mix of apartment sizes and styles which meet the standard.

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This contributes to housing choice and diversity and provides a varied dwelling product for the area.

## 58.02-4 - Infrastructure objectives

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

### Standard D4

Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The subject site is within an established area which is connected to all services.

All dwellings will be provided with appropriate utility services and infrastructure.

## 58.02-5 - Integration with the street objective

To integrate the layout of development with the street.

To support development that activates street frontage.

### Standard D5

Development should be oriented to front existing and proposed streets.

Along street frontage, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The development provides for activated frontages on the Lygon Street and Evans Street frontages.

Vehicles access the site continues to be from Evans Street, as per the current approved development.

The primary pedestrian access point is along the northern boundary from Evans Street closer to the Lygon Street intersection and has been designed as an

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inviting and easily identifiable space leading to a lobby.

The development fronts Lygon Street with retail uses and upper-level dwellings which are appropriate for the context and commensurate to other developments in the surrounds.

Where townhouses front Evans Street the front fences have been designed to balance the need for privacy with an activated frontage to Evans Street. The fencing proposed is a mix of open picket visually permeable fence behind a planter.

### Clause 58.03: Site Layout

#### 58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

#### Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwelling or small second dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 – Cooling Load



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal makes appropriate use of solar energy and has optimised the building envelope for improved thermal comfort, including north-facing apartments. This is in line with the approved development.

All apartment ratings for the development are required to meet the cooling load requirement of  $\leq 30\text{MJ/m}^2$  for Climate

NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Zone 21 Melbourne (Clause 58.03 Standard D6).

The design of the building is also such that no unreasonable impact will occur to neighbouring properties, including future proofing for future development on adjacent lots to the west.

The Sustainable Design Assessment prepared by Sustainable Development Consultants Pty Ltd confirms compliance with this.

### 58.03-2 Communal open space objective

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, practical, attractive, easily maintained.

To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

### Standard D7

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - a. Provide passive surveillance opportunities, where appropriate.
  - b. Provide outlook for as many dwellings as practicable.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The development proposes 109 apartments and includes a total communal open space of 940.9 sqm (with 614.2 being outdoor and 326.7 being indoor). This is a significant surplus to the standard.

Two generous communal outdoor areas are provided, one on the first floor, and an area on the roof. Both indoor and outdoor elements are proposed to these spaces including a co-work space. A gymnasium

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- c. Avoid overlooking into habitable rooms and private open space of new dwellings.
- d. Minimise noise impacts to new and existing dwellings and existing second small dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

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for residents is also provided at ground level.

Where dwellings interface with the first-floor communal terrace balconies include 1.1m high planters which encourage passive surveillance whilst also providing privacy.

A second communal terrace is located on the roof. It abuts the penthouses with lobby areas and planters separating these spaces and as such, there is limited interface between these two areas.

The communal open spaces are also provided with appropriate landscaping.

### 58.03-3 Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

#### Standard D8

The communal outdoor open space should be located on the north side of a building, if appropriate.

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.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

Communal open space (325.2 sqm) is provided at Level 01 of the proposed development located between the Lygon Street building and the Pitt Street building. A second area of communal open space (289 sqm) is provided at roof level of the Lygon Street building. The communal open space at roof level which is orientated to the east and south will receive at least two hours of sunlight between 9am and 3pm on 21 June as a

result of its location at roof level on the eastern façade.

#### 58.03-4 Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

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#### Standard D9

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

Safety and security for residents has been a consideration for the development.

The proposal has been designed to ensure that no dwellings are obscured or isolated. The development has been designed to provide good visibility and surveillance of car park entries and internal accessways. This is in line with the approved development.

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#### 58.03-5 Landscaping objectives

To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

#### Standard D10

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:



Does the proposal meet the **objective**?

The proposal is responsive to its Major Activity Centre site context and its site characteristics as outlined under the Commercial 1 Zone.

The landscape plan aligns with what was previously approved and will continue to provide a positive landscape design

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- a. Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
- b. Consistent with the canopy diameter and height at maturity specified in Table D4.
- c. Located in communal outdoor open space or common areas or street frontages.
  - Comprise smaller trees, shrubs and ground cover, including flowering native species.
  - Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
  - Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
  - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
  - Protect any predominant landscape features of the area.
  - Take into account the soil type and drainage patterns of the site.
  - Provide a safe, attractive and functional environment for residents.
  - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 – Canopy Cover and Deep Soil Requirements

Site Area	Canopy Cover	Deep Soil
1000 sqm or less	5% of site area Include at least 1 Type A Tree	5% of site area or 12 sqm (whichever is the greater)
1001 – 1500 sqm	50 sqm plus 20% of site area above 1,000 sqm	7.5% of site area

outcome for the site and future residents, providing a large communal garden with canopy trees, outdoor seating in the communal garden and roof terrace. Overall, there are significant planted areas across the development.

Please refer to the Landscape Plan prepared by Acre for details.

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	Include at least 1 Type B Tree	
1501 – 2500 sqm	150 sqm plus 20% of site area above 1,500 sqm Include at least 2 Type B trees or 1 Type C Tree	10% of site area
2500+ sqm	350 sqm plus 20% of site area above 2,500 sqm Include at least 2 Type B trees or 1 Type C Tree	15% of site area

Table D3 – Soil Requirements for Trees

Tree Type	Tree in deep soil - Area of deep soil	Tree in planter - Volume of planter soil	Depth of planter soil
A	12 sqm (min. plan dimension of 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metres
B	49 sqm (min. plan dimension of 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 sqm (min. plan dimension of 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metres

Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%

Table D4 – Tree Type

Tree Type	Minimum canopy diameter ; Minimum height a maturity
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A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

#### 58.03-6 Access objective

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure the vehicle crossovers are designed and located to minimise visual impact.

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#### Standard D11

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Developments must provide for access for service, emergency and delivery vehicles.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

As per the current approval, pursuant to Standard D11, the site has limited vehicle access to a single crossover on Evans Street. The access way is sited on the north-west side of the development, away from the corner with Lygon Street. Pedestrian and cycling access are clearly delineated from the vehicle access. The crossover provides access to the basement car parking, which can accommodate service and emergency vehicles. Bicycle parking is provided at ground level with separate access to the vehicle entry.

#### 58.03-7 Parking location objectives

To provide convenient parking for resident and visitor vehicles.

#### Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

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To protect residents from vehicular noise within developments.

- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

The proposed development complies with Standard D12. The parking areas proposed at basement levels deliver an appropriate design solution to address the car parking requirements, safety, ventilation and convenience.

Access to dwellings is via a lift or stairs which is convenient for residents.

Given car parking spaces are within the basement there is no conflict with habitable rooms of dwellings.

#### 58.03-8 Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

#### Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The building proposes the collection of rainwater and its re-use for toilet flushing (residences between Levels 1 and 5) through the provision of a 20,000L rainwater tank.

Additionally, a minimum surface area of 33m<sup>2</sup> will treat the runoff from the trafficable roof terrace and balconies, as well as the Level 1 communal garden area.

The stormwater management is in line with the previously approved development.

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Please refer to the enclosed SMP for details as to how the proposal meets best practice water and stormwater management.

## Clause 58.04 – Amenity Impacts

### 58.04-1 Building setback objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings.

To provide a reasonable outlook from new dwellings and existing small second dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

### Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings and existing small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The building setbacks vary and as previously stated, the subject site is surrounded by at least two street frontages, thus providing significant setback distances.

The proposal has provided setbacks from side and rear boundaries in the order of between 3m and 4.5m. In other instances, on-boundary walls are proposed. Greater setbacks are provided for the upper-most level.

This ensures the proposed development provides adjoining sites with equitable development, allows for daylight, provides excellent outlook and reduces visual bulk impacts. The Tribunal decision also acknowledged that the equitable development impacts of the proposal are acceptable.

	<p>Where there are setbacks from side or rear boundaries, these are generally associated with bedrooms, whilst where there are terraces or living rooms, in each instance there are alternative outlooks.</p> <p>Due to the setback distances and the existing context, the proposal is generally not reliant on screening to reduce views. Screening is not required to prevent overlooking to adjoining properties, but some limited screening is required to prevent overlooking between apartments in the development. This is required at the inner corner of the Lygon Street building.</p> <p>The amendments to the setbacks align with the recommendations of the Tribunal and are therefore considered an acceptable response.</p>
--	---

**58.04-2 Internal views objective    Standard D15**

To limit views into the private open space and habitable room windows of dwellings within a development.

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The design, layout and orientation of the proposed development is generally in line with the previously approved development.

The orientation of the site, combined with the layout of the proposed dwellings will ensure that windows and balconies do not

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overlook more than 50% of the private outdoor space of a lower-level dwelling within the same development. It is noted that the two buildings are setback a minimum of 9m from each other ensuring appropriate separation to protect privacy.

The building footprint is replicated on the upper levels meaning that there is limited potential for downward views to private open space of dwellings on lower levels.

In the inner corner of the Lygon Stret building, a mixture of screening mechanisms, high level windows and privacy glazing are employed to ensure there are limited direct views where apartments are located closer to one another. Overlooking Diagrams are provided on Architectural Plan sheet TP60 which confirm that there is no unreasonable overlooking.

The development has been designed to mitigate the need for external screening devices as far as practical, and all balconies and habitable rooms windows have been orientated to prevent opportunities for views into adjoining lots as appropriate.

58.04-3 Noise impacts Standard D16  
objectives



Does the proposal meet the **objective**?

To contain noise sources in developments that may affect existing dwellings or small second dwellings.

To protect residents from external and internal noise sources.

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Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 - Noise influence area

Noise Source	Noise Influence Area
Zone Interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways, and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane



Does the proposal meet the **standard**?

Plant and equipment are centrally located on the roof of both the Lygon and Pitt Street buildings, and hence are well separated from the bedrooms of existing and proposed dwellings. The lift cores of both buildings are adjacent to either living rooms or kitchens. These are considered less sensitive as they are typically used when occupants are awake. Hence the lift is less likely to result in adverse impacts.

The layout will minimise noise impact between dwellings, with all dwellings oriented towards a boundary rather than against the lift core. This location also provides good separation from sensitive spaces within the buildings.

There are no unusual noise sources in the surrounding area. The buildings will be a quality construction which will protect future residents from unreasonable noise impacts.

The site is not located within a noise influence area. This design is in line with the approved development.

Please refer to the assessment by ViPac for further information with respect to noise impacts.

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Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

#### 58.04-4 Wind impacts objective

To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

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#### Standard D17

Development of five or more storeys, excluding a basement should:

- Not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and
- Achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land

Within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Table D6 – Wind Conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind direction.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

A Wind Impact Assessment was prepared by ViPac.

The proposal will not generate unsafe wind conditions within the development or along the abutting street.

The report confirms that the Wind Conditions as per Table D6 within Clause 58.04-4 are anticipated to be achieved.

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	<p>exceedance less than 20% of the time, equal to or less than:</p> <p>3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas.</p>
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## Clause 58.05: On-Site Amenity and Facilities

### 58.05-1 Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

### Standard D18

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Table D7 – Bathroom Design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or	Either: A slide door, or



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The apartment building will provide accessibility to future residents meeting the requirements of Standard D17, with 58% of dwellings comprising:

- A clear path with a minimum width of 1.2 metres connecting the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

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	A door that opens inwards that is clear of the circulation area and has readily removable hinges.	A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin, and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

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### 58.05-2 Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

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### Standard D19

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - a. Include at least one source of natural light and natural ventilation.
  - b. Avoid obstruction from building services.
  - c. Maintain clear sight lines.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

All entries to the development are visible and easily definable. The main pedestrian entrance is located on Evans Street. The entrance is setback from the street, is sheltered and has a sense of address. The airlock and lobby provide transitional spaces to private building spaces and apartment entries. Corridors are generally straight and provided clear site lines. The common spaces also have good passive surveillance through corridors or balconies. Corridors are provided with opening windows.

The entries to the townhouses fronting Evans Street are accessible via two steps from street level. The front doors to the apartments are setback from the street with a transitional space provided around the entry. The townhouse entrances are easily identifiable by the gates provided to these spaces.

A secondary entry to the Pitt Street building is provided via the laneway off Pitt Street in addition to the entry via Evans Street.

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Stairs provided to each building are easily accessible from the entrance.

The retail tenancies have separate entrances.

### 58.05-3 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

### Standard D20

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 – Balcony Size

Orientation of dwelling	Dwelling Type	Minimum area	Minimum dimension
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Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

All apartments are provided with private open space that meets the minimum area and minimum dimensions required by Standard D20. All balconies or terraces are conveniently accessed from a living room and account for additional space required to allow for an air conditioning to be located on the terrace or balcony.

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North (between north 20 degrees west to north 30 degrees east)	All	8 sqm	1.7m
South (between south 30 degrees west to south 30 degrees east)	All	8 sqm	1.2m
Any other orientation	Studio or 1 bedroom dwelling	8 sqm	1.8m
	2 bedroom dwelling	8 sqm	2m
	3 or more bedroom dwelling	12 sqm	2.4m

Table D9 – Additional Living Area or Bedroom Area

Dwelling Type	Additional area
Studio or 1 bedroom dwelling	8 sqm
2 bedroom dwelling	8 sqm
3 + bedroom dwelling	12 sqm

#### 58.05-4 Storage objective

To provide adequate storage facilities for each dwelling.

#### Standard D21

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 – Storage

Dwelling type	Total minimum storage	Minimum storage volume within the dwelling
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Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

All apartments are provided with the minimum storage volumes (including internal requirements) to comply with the standard.

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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

## Clause 58.06: Detailed Design

### 58.06-1 Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

### Standard D22

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

All communal areas are clearly delineated, functional and capable of efficient management. Private areas are delineated through lockable doors.

### 58.06-2 Site services objectives

To ensure that site services are accessible and can be installed and maintained.

To ensure that site services and facilities are visually integrated into the building design or landscape.

### Standard D23

Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

All proposed development services are designed to be installed and easily maintained through ease of access, and adaptability of site facilities and location.

Facilities and services are proposed at basement levels (where possible). Services located along the street frontage

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are limited to a booster cabinet to Evans Street which has been integrated into the design of the development.

Mailboxes are located adjacent to the primary residential lobby.

## 58.06-3 Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

## Standard D24

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - a. Adequate in size, durable, waterproof and blend in with the development.
  - b. Adequately ventilated.
  - c. Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

In accordance with Standard D24, the proposal demonstrates commitment to ensure the dwellings are encouraged to recycling and manage waste effectively.

A waste room for residents is provided at Basement 1 level and is easily accessible via lift or stairs. Bin chutes are also provided to each level within the Lygon Street building.

A separate waste room for residents is also provided at ground level adjacent to the lobby to the Pitt Street building.

A Waste Management Plan further details the waste collection and management services relating to this proposal.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

#### 58.06-4 External walls and materials objective

To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

#### Standard D25

External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal incorporates high quality and durable materials such as concrete, metal cladding, render and glazing.

### Clause 58.07: Internal Amenity

#### 58.07-1 Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

#### Standard D26

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D11.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Table D11 – Bedroom Dimensions



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal meets the standard of D26 with all bedrooms and living areas meet the minimum width and area required by the standard.

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Table D12 – Living Area Dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

All living rooms are regular in shape and highly functional with direct access to balconies, kitchens and bedrooms.

#### 58.07-2 Room depth objective

To allow adequate daylight into single aspect habitable rooms.

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#### Standard D27

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- 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.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal meets the standard of D27 by allowing adequate daylight into single aspect habitable rooms.

The sections confirm via notation that the ceiling heights are a minimum 2.7m.

Where the room depth has been increased up to 9 metres the layout of the habitable rooms meet the standard.

#### 58.07-3 Windows objective

To allow adequate daylight into new habitable room windows.

#### Standard D28

Habitable rooms should have a window in an external wall of the building.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

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A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

The proposal meets the standard of D28 by allowing adequate daylight into new habitable room windows. All habitable rooms have a window to an external wall that meets the standard. Minimal “saddleback” bedrooms are proposed and where they do they meet the standard.

#### 58.07-4 Natural ventilation Standard D29 objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

A total of 45% of the apartments (49 out of 109) will meet the standard which exceeds the requirement.

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