



Attn: Mr Lachlan Forsyth
Senior Planner, Development Approvals and Design
Department of Environment, Land, Water and Planning
Level 4, State Government Offices
30-38 Little Malop Street
GEELONG VIC 3220

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Date: 8 May 2020

**Re: Amend Planning Application pursuant to Section 50 of the *Planning and Environment Act 1987*
Planning Permit Application No. TPM-2019-30
346-350 Macaulay Road Kensington**

Dear Mr Forsyth,

We act on behalf of the permit holder in relation to the above matter.

Further to our recent discussions, our client seeks to amend their current planning application (No. TPM-2019-30), pursuant to Section 50(1) of the *Planning and Environment Act 1987*.

As you are aware, our client and project team have undertaken extensive liaison and discussions with Council to satisfy Council's concerns and preliminary feedback. The attached set of drawings incorporate the Council's internal referral comments regarding waste, traffic, urban forrest, urban design and ESD matters (all of which are provided in the link below). They also seek to consolidate apartments A1 and A2 within Building A and remove the mezzanine levels, thereby removing TP01.05 Rev 3 from the set of drawings.

Our client now seeks to substitute the attached set of drawings to become the application plans pursuant to Section 50(1) of the *Planning and Environment Act, 1987*.

Accordingly, we enclose the following supporting material in the link below for your consideration:

- Amended plans prepared by Hayball Architects in association with BCS;
- Planning report, prepared by SJB Planning;
- Landscape plans prepared by Openwork;
- Clause 58 assessment, prepared by SJB Planning and internal layouts prepared by Hayball Architects;
- Letter from ADP regarding easements;
- Acoustic Assessment, prepared by Acoustic Logic;
- Sketch plans dated 21/11/19 prepared by BCS;
- Council internal referral comments regarding waste, traffic, urban design and ESD;
- Arborist reports dated 25 October 2019 and 4 December 2019 prepared by Galbraith and Associates;

- Updated ESD report prepared by Umow Lai dated 7 October 2019;
- Updated Waste Management Plan prepared by Leigh Design dated 19 February 2020; and
- Traffic response prepared by GTA Consultants dated 4 December 2019.

We also provide the following detailed written response to respective items raised in the internal referral comments, which will assist in understanding the principles behind the updates to the plans.

1.0 PARKS AND CITY GREENING – Urban Forester

Our client's Arborist, Rob Galbraith has undertaken non-destructive investigations to determine potential root loss that would ensue because of constructing the 400mm deep cantilevered slab shown in Hayball plan TP07.01 Rev 5.

The enclosed report confirms Tree 1 (public tree asset 1290317) and Tree 2 (public tree asset 1290316) will not suffer significant root loss or impact on their health because of the proposed development.

We note Council will undertake further assessment of Tree 4 (public tree asset 1290405) with the view to agreeing to its removal. The Arborists' report dated 25 October 2019 (also enclosed) provides a compelling case for its removal. It has a significant lean over Stubbs Street and its trunk is being repeatedly damaged by trucks.

Tree 6 (public tree asset 1290408) is the only viable street tree at potential risk. Our client's Arborist has advised that there are significant liability and cost implications involved with opening the footpath, which prevent investigative work being completed at this time.

Preliminary surveys show the point of the Stubbs Street basement entry splay where it intersects with the kerb being only 1.2 metres from the trunk centre. While investigative work for Tree 6 could form a pre-commencement condition, our client's preference is that it be removed and the landscape plan TP08-02 updated accordingly.

In the report dated 25 October, our client's Arborist describes it as a small, semi mature *Melia*. The Arborist advice is that '*an advanced replacement tree, whether a Spotted Gum or Melia as per the current species mix along Stubbs Street, could replace it. The change imparted with the removal of this tree relative to a new one should be imperceptible within 3 years*'.

2.0 OPEN SPACE PLANNING - Green Infrastructure and ESD Officer

a) Green Star Pathway

Umow Lai confirms that only 5 points were targeted under the Innovation category and the proposed development has a 10 per cent buffer to the 5 Star Green Star rating without reliance on the Financial Transparency credit. A preliminary Potable Water calculation is appended to the updated SMP.

b) Energy

Additional preliminary modelling is appended to the updated SMP, which confirm the overall development will achieve an average 7 Star NatHERS rating with a minimum of 6 Star NatHERS rating for individual apartments.

c) Renewable Energy

It is proposed to install a Solar PV system with a capacity of 60kW. The system is appended to the updated SMP. Hayball plan TP01.11 Rev 12 has been updated accordingly.

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d) Green Infrastructure and Landscaping

Our client supports lodgement of a landscape management plan.

e) Transport

The SMP has been revised to show the correct number of bicycle spaces – 4/6 spaces.

We also note the SMP has been revised to include provision of electrical charging infrastructure as recommended. Hayball plan TP01.03 Rev 16 has been updated accordingly.

f) Stormwater Management

As well as the 80,000L rainwater harvesting tank proposed, Section 3.4.3 of the SMP confirms provision of a 685 square metre raingarden to collect and slow stormwater runoff and increase its filtration into the soil. Hayball plan TP01.00 Rev 12 has been updated accordingly.

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3.0 WASTE – Performance Management Engineer

- a) **The management of bin lifters and relocation prior to collection of compactors is Building Management’s responsibility. Relocation of the bin lifter must not impact the waste collection vehicle’s access to the compactors. The temporary location of bin lifters should be shown on the plans.**

The ground floor plan TP01.04 Rev 20 shows the temporary location of the Bin lifters (in front of the adjacent compactor whilst the first compactor is being emptied, noting that the compactors are emptied by different trucks, so the Bin lifters can be placed in front of one whilst the other is being emptied).

Our client supports the requirement for an amended WMP. The bin lifter dimensions will be appended to the WMP for endorsement.

An annotation on the ground floor plan TP01.04 Rev 20 states:

The Bin lifters will be manually moved by the Operator prior to collection (not Council collection employees).

- b) **A requirement of the Guidelines is for internal access to the bin room for each commercial tenement. This requirement is still outstanding.**

The ground floor plan TP01.04 Rev 20 has been updated as follows:

- Consolidation of Building A retail tenancy’s T01 and T02 to a single tenancy – T01 (total floor area has been confirmed at 115 square metres);
- A door added to T01 to allow direct access to the goods lift to transfer waste to the Basement Level Commercial Bin Store;
- A ‘BOH’ corridor introduced at the rear of the newly consolidated T01 tenancy that provides internal access (in Building A) to the goods lift;
- A ‘BOH’ corridor introduced at the rear of T02, T03 and T04 that provides internal access for the commercial tenancy’s in Building B to the good lift in Building A;
- An internal wall provided between the ‘BOH’ corridor in Building B and the residential lift to restrict all commercial tenants from having access to the residential lobby.

- c) **The residential hard waste area needs to be fully enclosed and not accessible by commercial tenants.**

Basement 1 TP01.03 Rev 16 show the residential hard waste area enclosed with an internal wall and secured door. Access will be by Operator-issued swipe cards (the hard waste room will be locked at all times). Tenants will also be advised via lease information of their responsibilities regarding the disposal of hard/other waste items, and that such items must be placed in the Basement Level Commercial Bin Store, or kept within tenancies until disposal. This can be confirmed in the WMP for endorsement.

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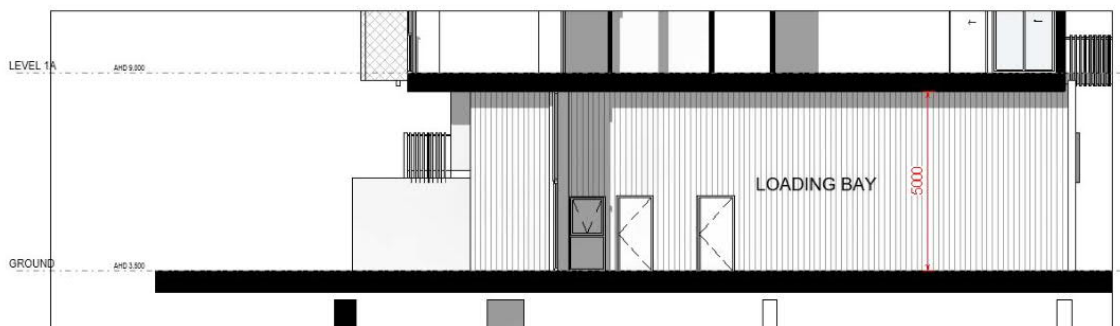
- d) **Hard waste is to be brought by Building Management to the loading area in coordination with the waste collection vehicle.**

Hard waste items are to be taken by the Operator to the Loading area in coordination with the arrival of the waste collection vehicle (not temporarily placed/stored in the Loading Area between collections). This can be confirmed in the WMP for endorsement.

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- e) **A sectional diagram showing adequate clearance for the hook-lift vehicle is required.**

A sectional diagram through the loading area (in accordance with what is annotated on TP01.04 Rev 20) as depicted below show the 5 metre clearance for the hook-lift vehicle parked within the Loading Area. We understand City of Melbourne guidelines require a 5.0m height clearance (including away from services/fittings), which can be accommodated.



4.0 TRAFFIC – Senior Transport Engineer

Consistent with the enclosed GTA Consultants response, updates have been made to Hayball plans TP01.03 Rev 15, TP01.02 Rev 15 and TP01.01 Rev 15 as follows:

- a security roller door for the basement is now shown at the base of the ramp;
- a signed DDA space has been relocated adjacent to the Building A lifts;
- eleven (11) motorcycle spaces have been provided across Basements 2 and 3; and
- provision is made for two electric charging spaces at Basement 1.

5.0 URBAN DESIGN – Urban Design and Design Review Team

a) Urban Structure

- We note Council's support for the gating of the central north-south link. We also highlight the exceptional response achieved across the site's western boundary that goes well beyond what is anticipated by Clause 22.17: Urban Design Outside the Capital City Zone - '*a new and equally attractive environment must be created*'.

The proposed new 7-metre-wide laneway along the western boundary provides a clear community benefit to the broader urban structure. By electing to set the building back the full seven (7) metres from the boundary, the greater portion of the recommended six-metre-wide laneway is provided for in this proposal and thus a demonstrable benefit to the wider community.

- Enclosed is a sketch prepared by BCS that shows how the Stubbs Street entry will be resolved. It is intended that the east-west link will be secured during “non-daylight” hours to safeguard the security of residents but also to ensure an appropriate measure of security and control over the use of communal landscaped spaces and associated infrastructure.

We note that the proposed gates are discreetly positioned behind the respective building entrances, are permeable and ensure a visual connection between the site and the adjacent footpaths is achieved. While open, the gate is concealed within a landscaped screen and is suitably positioned to allow for seating and landscaping that is welcoming and well-integrated with the public realm.

At least and until such time as the adjacent property to the west is developed and access arrangements are firmly understood, the proposal to restrict pedestrian access to “non-daylight hours” is considered responsible. Importantly, restricting access will ensure the privacy and security of future residents and ensure the amenity of landscaped assets and communal spaces is preserved.

The access arrangement remains consistent with what is anticipated for New laneway connections: they are *'walkable...safe streets...and through links to better integrate with the scale of adjacent areas...and...provide passive surveillance and activation of ground floors addressing the street'* – Principles 6 and 8, Urban Structure and built form, *Arden-Macaulay Structure Plan 2012*.

The Stubbs Street pedestrian entry has been redesigned to align with requests for a more ‘public feeling’ entry (TP01.04 Rev 20 and TP06.05 Rev 3).

- There was never any intention to allocate additional communal space along the northern boundary. It would significantly compromise the amenity of the ground level apartments; not only their security but also a reduction in the amount of secluded private open space they are afforded.
- The Development Staging Diagram (Hayball plan TP00.02) has been updated to demonstrate that the east-west link can be delivered within Stage 1 as recommended. We also note that the basement ramp has also been included in Stage 1.

b) Massing

- We note Council support for the overall height profile.
- We contend in this instance, that further architectural diversity would dilute the complimentary language expressed across each street interface. Further, the landscape concept successfully engages external and internal interfaces and facilitates a sense of place and community for residents.

The proposed development is a coherent composition that meets the design objectives of Schedule 63 to Clause 43.02 Design and Development Overlay and represents an appropriate model for future development in the Arden-Macaulay precinct. It establishes a new character in a context where change is contemplated and contributes to a new built form that has a strong sense of definition and place.

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It will contribute to the realisation of a *compact, high density, predominantly mid-rise...walkable neighbourhood* and creates an urban streetscape that is defined by a *generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the street and to lower building levels.*

- We maintain the design language on the Macaulay Road corner with Stubbs Street is a considered and appropriate design response that, on balance, is an acceptable and equally legitimate planning outcome that *responds to the existing or preferred neighbourhood character of the area*, sought by the various applicable planning controls and policies.

The brick detail and robust built form is a 'calm' rather than 'busy' translation of the adjacent warehouse buildings. The sawtooth design captures oblique northern light and city views but also provides appropriate noise protection.

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Image of the Macaulay Road corner with Stubbs Street

- The 'vertical slit' openings identified by Council's urban design team, are a purposeful architectural response. The smooth, solidness of the street wall at the south-east and south-west corners anchor the building and counterbalance the more sculptural central elements. This is an equanimous design response that we submit is, on balance, an acceptable and equally legitimate planning outcome where considerable competing benefits and challenges are appropriately resolved.

The layout was designed to afford residents views across Kensington Village, to capture oblique northern light but also to allow for surveillance of the southern end of the pedestrian link. The southwest Macaulay Road corner has nevertheless been revised to flip apartments A103, A203

and A503 as requested to open the 'defensive side' and provide a balcony on the south-western corner (TP01.06 Rev 15, TP01.07 Rev15, TP01.08 Rev 15, TP06.02 Rev 6).



Image that shows the equanimity achieved across the Macaulay Road interface

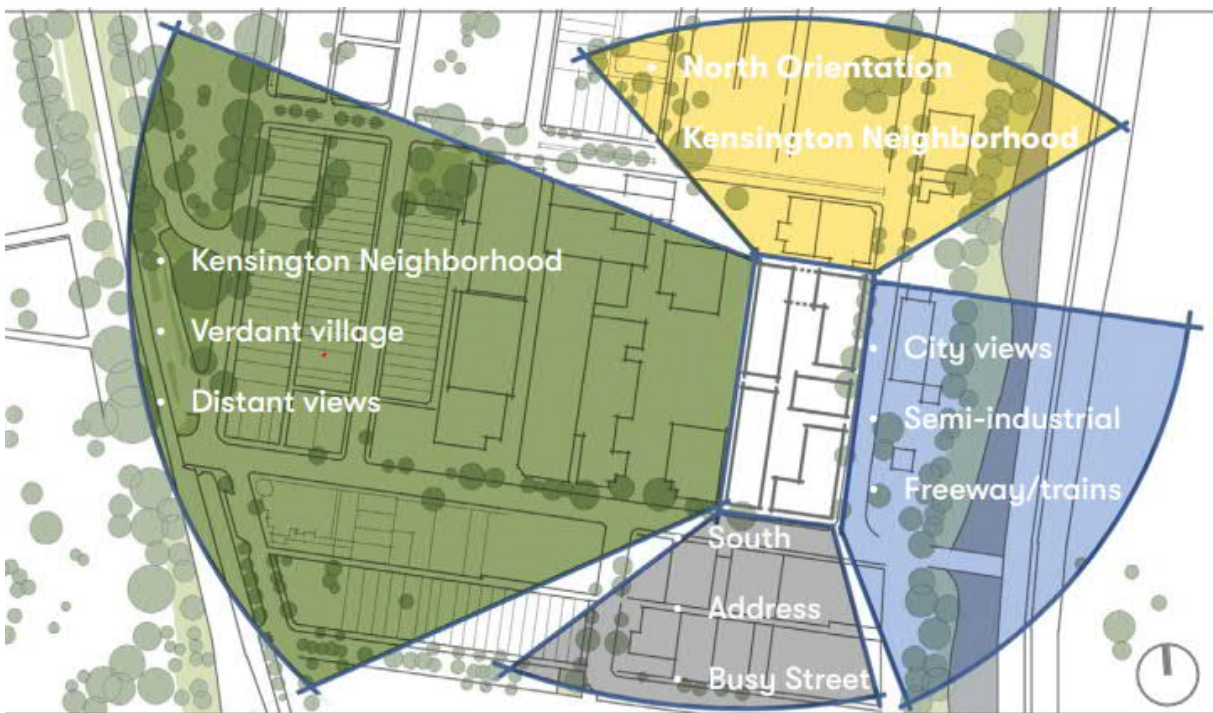


Image from Urban Context Analysis – consideration of view in design consideration

c) Building Program

- We note Council's support for the commercial tenancies along Macaulay Road. There was however a suggestion of consolidation and consideration of back of house facilities.

The Ground Floor (Hayball plan TP01.04 Rev 20) has been updated to consolidate the tenancies either side of the Macaulay Road entry. There is now three (3) larger tenancies proposed on the east side (previously four (4) smaller ones) and one larger tenancy proposed on the west side (previously two (2) smaller ones). DDA compliant toilet facilities have also been provided within each tenancy. These plans could form the basis of a permit condition in relation to the commercial tenancies.

- We note Council's support for the limited number of 'crossover' apartments and appreciation of the amount of dual aspect apartments proposed.
- Clause 58 does not expect a 9-10 metre setback. Rather the Building setback objectives at Clause 58.04-1 seek:
 - *To ensure the setback of a building from a boundary appropriately responds to the urban context.*
 - *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 dwellings.*
 - *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*

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We note most apartments that interface the central communal courtyard achieve a separation greater than 9 metres. Where the separation is less than 9 metres, it is to bedrooms. In a development comprising a total of 425 apartments this is a commendable outcome. Further refinements of screens to around Building C (TP08.01 Rev 2) have however been made.

We are of the view that on balance, the layouts allow for enough separation between apartments and appropriate setbacks are achieved at various levels so that the development will not present as visually overwhelming and apartments will be afforded reasonable outlook.

- The Internal Overlooking Analysis (Hayball plan TP08.01 Rev 2) shows that on balance, the siting of the building ensures future occupants will have an excellent standard of residential amenity. External perforated screens ensure privacy. They are fixed at an angle that controls views.

Fixed screens are not required to be fitted to any living room windows and all apartments have a high level of internal amenity, with large open plan living areas. The Clause 58 assessment confirms each living room is provided with the minimum area required for the corresponding type of dwelling and while not all living areas meet the minimum width, being 3.3 metres for a studio or one-bedroom dwelling and 3.6 metres for a two or more-bedroom dwelling, nearly all do and the variance is insignificant. We also note the all bedrooms have the internal dimensions specified.

Each apartment has been carefully and thoughtfully designed to have a functional layout, with direct access to an area of private open space. Further details on the apartment layout plans for each dwelling type are enclosed.

Our client has had the opportunity to review apartments B2 and D1 and the corresponding apartments in the levels above. This has resulted in the improvements to the west-facing bedroom windows. They have been increased to full width. Hayball plans (TP01.04 Rev 20, TP01.06 Rev 15, TP01.07 Rev 15, TP01.08 Rev 15, TP01.09 Rev 14 and TP01.10 Rev 14) have been updated accordingly.

- We note Council's concern with the amenity of the north-facing apartments adjacent to the ramped vehicle access. In response, the two, two-bedroom apartments C1 and C2 have been consolidated into one generously sized two-bedroom apartment (C1) and its balcony positioned

to face the communal courtyard, away from the ramp. Hayball plan TP01.04 Rev 20 has been updated accordingly. We also draw attention to the landscape arbour (shown on Hayball plan TP06.06 Rev 1), which provides the landscape buffer and vertical separation recommended.

- We note Council's concern for the amenity of apartment A1 and the recommendation for a landscape buffer. In response, you will note apartments A1-A6 have been consolidated. Apartments A1 and A2 have been consolidated into one larger 2-bedroom apartment. Hayball plans TP01.04 Rev 20, TP06.01 Rev 7 and TP06.03 Rev 6 have been updated accordingly.
- Our client is strongly opposed to the proposition that basement parking be retained as common property. It is an unreasonable proposition and one that would very significantly impact on project feasibility. To ensure that the project remains commercially viable, it is imperative that the car spaces are individually titled so that they can be sold with the apartments. For further discussion on this matter, please refer to the advice provided by GTA Consultants.

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d) Public Interfaces

- We note Council support for the deep planting zones provided adjacent to the northern and western boundaries.



Image that shows the canopy element

- We maintain the design language on the Macaulay Road frontage with the strong vertical canopy element, as shown in the above image, is a considered and appropriate design response. It is a more than acceptable and equally legitimate planning outcome. It responds to the existing or

preferred neighbourhood character of the area as sought by the various relevant planning controls and policy.

- We note Council's support for the prominent arched form opening off Macaulay Road. It is intended that one gate is provided. Our client supports a condition that ensures the landscape plans are consistent with these plans/sketch at such time as DELWP decides on our client's application.
- We note Council's urban design recommendation for 'at least one direct residential entry to a ground floor balcony'. This could be provided to the entry of apartment C3 if considered necessary and form part of a condition at such time as DELWP decides on our client's application.
- We note Council's urban design support for the treatment of the loading bay zone
- We confirm that the setback of the loading bay door is necessitated by swept paths and access arrangements required for an 8.03-metre-long Council hook truck. Our client was initially resolute on providing a private residential waste collection for this development. Preliminary plans were designed for this with a consolidated bin room located close to the entry ramp within the basement. Council waste engineers would not entertain a private residential collection. Consequently, a street level loading zone was designed to accommodate the waste compactor required for bi-weekly Council collections.

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e) Design Quality

- We note Council's urban design support for the building language and material palette.
- We note Council's urban design recommendation for a façade strategy, which could form part of a condition at such time as DELWP decides on our client's application.
- We note Council's urban design team cautioning on the diligence required with sample selection of brick tiles and its recommendation for hand laid bricks at street level. This could form part of a condition at such time as DELWP decides on our client's application.

5.0 CONCLUSION

We have prepared this additional material to demonstrate that the matters raised in Council's internal referrals have been appropriately attended to with only minor changes to the application plans. They meet the relevant provisions of the Melbourne Planning Scheme and are requested pursuant to Section 50 of the *Planning and Environment Act 1987*.

We trust that the enclosed information is of assistance and welcome the opportunity to discuss the project in further detail with you when convenient.

Yours sincerely



Kate Foldi
Associate
Electronic copy: Lachlan.forsyth@delwp.vic.gov.au