

Susie Saraiva
Senior Planner
Development Approvals and Urban Design
Department of Environment, Land, Water and Planning
Level 8
8 Nicholson Street
EAST MELBOURNE VIC 3002
via email: susie.saraiva@delwp.vic.gov.au

28 May 2021

Dear Susie

102 – 108 Jeffcott Street, West Melbourne (PA1800480-1)
Response to the Request for Further Information (RFI)

We continue to act on behalf of *BEG Projects Pty Ltd* in relation to the above matter.

We are pleased to enclose the following documentation which forms our response to your RFI letter dated 19 April 2021:

- Amended Development Plans prepared by CHT Architects (in response to RFI Point 1).
- Amended Acoustic Report prepared by Acoustic Logic (in response to RFI Point 2).
- Amended Planning Report prepared by Tract.
- Comparison plans prepared by CHT Plans (in response to RFI Point 1).
 - Please ensure these are viewed as double pages in PDF so the comparison can be seen.
- Email from Melbourne Assessment Prison confirming the proposed changes are supported.
- Response to the requests / preliminary matters (on the following pages).
- FBX model prepared by CHT Architects (responding to RFI Point 3).

We trust that this is sufficient and that the amended proposal can proceed to public notice. Should you have any questions in relation to this matter, do not hesitate to contact Robert Carletti (0438 587 694 / rcarletti@tract.net.au) or Mia Zar (8420 0655 / mzar@tract.net.au) of our office.

Yours sincerely



Robert Carletti
Senior Town Planner
Tract

CHANGES TO THE PROPOSAL

The following changes have been made to the proposal (which seek to respond directly to the concerns noted by DELWP):

- Provision of four, three-bedroom apartments on the top floor (in lieu of the previous one and two bedroom apartments provided on this floor).
- Deletion of one apartment at the ground floor level and replacement with a gym (for the exclusive use of residents, rather than a public facility).
- Alterations to the plans to provide the further information requested.

These changes are reflected on the revised Development Plans which accompanies this RFI Response. The Planning Report (including Clause 58 assessment) has been amended accordingly.

FURTHER INFORMATION RESPONSE

We note the following changes to the plans as requested by the RFI letter:

- Response to Points 1a and b are demonstrated on the ground floor plan (TP.104.B).
- Response to Point 1c has been demonstrated in the Development Summary (TP0.002.B).
 - Note that a discrepancy was uncovered, with the previous floor areas shown on the approved scheme being inaccurate. CHT has now confirmed the areas against their REVIT model to ensure the correct floor areas are shown. The proposed floor area ratio (FAR) is now consistent with the approval (12.7:1).
 - In addition, we note your comment re expanded floorplates, however this 'new' floorspace has been offset by the deletion of several levels (from 23 in the approval to 19 in the revised proposal) which means that the FAR has not increased.
- Response to Point 1d and 1e is shown on each of the floorplates.
- Response to Point 1f is shown on TP5.005.A to TP5.007.A.
- Response to Point 1g is shown on the separate comparison plans prepared by CHT Architects.
- Response to Point 2b is shown on the amended Acoustic Report.
 - Note that in relation to Point 2a, as a gym (for resident use) is now proposed on the ground floor, so this reference has not been deleted.

RESPONSE TO PRELIMINARY CONCERNS

1.1 Dwelling Diversity:

DELWP comment:

In developments of 10 or more dwellings, Clause 58 recommends the inclusion of a range of dwelling sizes and types including dwellings with a different number of bedrooms. Dwelling diversity is further encouraged by both state and local policies in the Melbourne Planning Scheme. Further consideration should be given to the inclusion of three bedroom dwellings in order to respond to policy and improve housing affordability to meet the changing needs of households.

Our response:

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We acknowledge this concern and as a result, have altered the proposal to include four x three-bedroom apartments on the top floor.

The proposal provides excellent dwelling diversity, noting:

- The above change provides for a mix of one, two and three bedroom dwellings in a variety of different layouts. This caters to a diversity of residents who require differing levels of bedrooms and space within dwellings.
- Dwellings are offered a different range of amenities. Some dwellings (such as those above the podium) include larger balcony spaces, whilst others include larger bedrooms and living areas. Other dwellings also include study nooks, whilst outlooks, opportunities for cross ventilation, car parking provision and levels of accessibility also range between dwellings. This ensures a variety of needs and lifestyles are catered too.
- Likewise, the proposal provides two distinct 'loft style' one-bedroom apartments within the heritage component of the building at the ground floor. This offers a distinct dwelling type which is not common in new developments.

1.2 Activation of McDougall Lane

DELWP comment:

The proposed replacement of the retail units with dwellings appears to reduce the activation of McDougall Lane. Given the outlook of these dwelling will face directly onto the laneway, the Department notes that residents may wish to improve privacy and security by installing shutters and curtains that will reduce the activation and passive surveillance along the lane. Further consideration should be given to reinstating the approved retail uses at ground floor level.

Our response:

We acknowledge that the approval has a different relationship with McDougall Lane than that of the amended proposal. We maintain however that the level of activation proposed is appropriate and will improve the amenity of McDougall Lane.

Given that McDougall Lane replicates key pedestrian routes, does not provide for any unique points of access and does not offer primary access to other buildings, it is not expected to accommodate significant pedestrian movements.

Whilst we understand that DELWP may be concerned with the reduction of commercial space along McDougall Lane in comparison to the approval, we believe the proposal offers a more realistic environment for the laneway and will still provide appropriate levels of activation.

Whilst the approval included many commercial spaces along the laneway, these spaces would have likely struggled to be viable from an economic perspective, given the low numbers of pedestrians moving along the laneway. It is unlikely this will change in the short to medium term, particularly given that other developments in the area are again likely to front the primary streets in which they are located on rather than on to the laneway.

Notwithstanding this, as part of our RFI Response the ground floor apartment in the north east of the ground floor has been deleted and replaced with a gym (open to residents only). Coupled with the extensive glazing to the laneway, this will increase opportunities for passive surveillance and interaction between the building and the laneway.

The building proposes a suitable level of interaction with the laneway, noting:

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ADVERTISED PLAN

- At the corner of Jeffcott Street and McDougall Lane, a café will provide two large windows to the laneway. This offers opportunities for passive surveillance / interaction throughout the opening hours of the café (and is consistent with the approval).
- Two, one bedroom loft apartments will then offer windows to the laneway. Whilst we appreciate the living room windows are 'hard up' against the laneway (and may be more likely to use curtains or screening to improve privacy), given it is the primary source of daylight for these apartments we believe some form of semitransparent screening could be used. In addition, these windows are large in size and extend to the first floor, where the loft bedroom will have commanding views to the laneway whilst being separated from a direct interface with the laneway.
- A direct entrance to the lobby of the residential building will also front the laneway. This will likely act as the primary entrance for residents given the large void provided to this lobby area at the first floor, providing excellent daylight and amenity for this key entrance into the building.
- As outlined above, a gym is now proposed to face the laneway. This will be for the exclusive use of residents and be used throughout the day and night, encouraging passive surveillance and activation of the laneway.
- At the first floor, the co-working office space and two-bedroom dwelling (with a balcony, living room and bedroom facing the laneway) include extensive openings to the laneway, offering passive surveillance opportunities.

Given the above, it is submitted that the revised relationship with McDougall Lane is appropriate and will offer an appropriate level of amenity for the laneway, particularly considering its limited usefulness as a pedestrian route. This will also be a substantial improvement to the existing poor amenity of the laneway.

1.3 Reduced Tower Setbacks

DELWP comment:

It is noted that the approved scheme varied the setbacks above podium recommended by DDO33. The proposed scheme seeks to further reduce these setbacks, resulting in additional non-compliance. Further analysis (requested above) and justification is required to demonstrate that the reduced setbacks will not unreasonably impact the public realm.

Our response:

A full assessment of the revised built form has been provided at Section 6.3 of the Planning Report submitted with the application.

It is acknowledged that the existing approval included setbacks above the podium height that were less than the discretionary setbacks outlined by DDO33 and that this proposal seeks to reduce them further.

DDO33 seeks 6m front, side and rear setbacks above the podium, or 2m if to a laneway.

For reference, we have provided a summary below of the approved setbacks and proposed setbacks against the relevant requirements.

Setback	Approval	Proposed amendment	Requirement
Front	Ranges between 1.395m and 13.73m (Level 1) to 5.90m and 20.6m (Level 6 and above)	Ranges between 5.5m and 13.14m (Level 2) to 5.69m (Level 12 and above)	6m

ADVERTISED PLAN

Side (east)	2.395m	2.390m	2m (to lane)
Side (west)	5.96m	4.88m	6m
Rear	2.33m	2.17m	2m (to lane)

In general terms, whilst setbacks have slightly decreased, when taking a holistic view of the amendment it is submitted that the setbacks will not result in any unreasonable amenity impacts to surrounding properties and the streetscape, nor prejudice the development of adjoining Sites.

The following key points are noted in support of this statement:

- The reduced setbacks result in more efficient floor plates which have allowed for an approximately 5m reduction in building height from the approved envelope. The reduced setbacks do not result in any unreasonable shadow impacts to the street or adjoining properties. In particular, the reduced height of the building will maximise sunlight to the footpath on the southern side of Jeffcott Street.
- In the context of the scale of the building, the reduced setbacks will be imperceptible when viewed from the street adding just 1.24m to the width of the building (through reductions to the east and west setbacks).
- The setbacks to existing habitable room windows and balconies (that already exist in the surrounding area) will continue to be in excess of 9m, negating the need for any screening devices to manage overlooking impacts. This also ensures appropriate daylight and sunlight continues to be provided to surrounding properties.
- The setbacks to the 50 Adderley Street (adjoining to the west) continue to be larger than 4.5m (at 4.88m), not unreasonably prejudicing its development potential (if / when it is redeveloped).
- The wind report prepared by Vipac Engineers and Scientists demonstrates that the reduced setbacks will not have any unreasonable wind impacts to surrounding properties or the public realm.
- The reduction in the height of the tower continues to ensure that when viewed from standing eye level to the east side of Spencer Street, the tower is not visible behind the Sands and McDougall building. This ensures that the Sands and McDougall Building is not overwhelmed by the building (or reduced setbacks).

In terms of each individual setback reduction, the following is noted:

Front (Variation sought)

It is noted that the minimum front setback has been increased from the existing approval which included a small front setback at the lower levels whilst it increased in height towards the upper levels.

The amendments provide for a consistent front setback that decreases in depth as the building height increases. This works to ensure that, when viewed from the street, more space is provided between the retained heritage form and the tower above. To achieve this, the setbacks are reduced at the upper levels where there is limited visual impact.

The variation sought from the requirements is a maximum of 500mm. The setback, coupled with the 'twisting' element of the tower will appropriately soften the presentation of the building and ensures that the tower will not read as 'bulky' from the street or within the skyline.

Given the above, it is submitted that the reduced setback at the front of the Site does not unreasonably impact the amenity of the public realm and in-fact improves the presentation of the building to the street.

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Eastern setback (Complies)

The reduction of the eastern setback measures to 0.05m (or 50mm) and is considered to be negligible. Notably, the setback will still comply with the requirements of DDO33 (which requires a 2m setback above the podium to a laneway).

Given the size of the reduction, it is not considered this will have any unreasonable visual impacts by way of visual bulk, nor any other unreasonable amenity impacts. Likewise, given the heritage status of the Sands and McDougall Building, it is not considered that this will prejudice the development potential of that Site (as the heritage status means that it is unlikely that the building will ever be demolished, or a 'tower addition' provided above).

In addition, the building will continue to be 'hidden' behind the Sands and McDougall Building when viewed from the eastern side of Spencer Street.

Western setback (Variation sought)

The setback reduction to the west is the largest reduction proposed, with the building now proposed to be setback 4.88m in lieu of 5.96m. It is considered this is appropriate given the following:

- The side setback proposed remains in excess of 4.5m, offering equitable development opportunities to 50 Adderley Street (if / when it is redeveloped in the long term).
- The proposed setback remains sufficient to ensure that there will be appropriate tower separation from any redevelopment of 50 Adderley Street (providing appropriate daylight / sunlight access opportunities and ensuring that the streetscape does not appear as a 'wall of towers').
- Appropriate visual articulation is provided to the façade, ensuring it will appear as interesting when viewed from the street and adjoining properties.
- The amended setbacks have been assessed by Trethowan as not having any unreasonable impacts on the heritage fabric of the existing building or surrounding area. Therefore the proposal remains consistent with DDO33 which seeks to retain the heritage characteristics of the precinct.

Rear setback (Complies)

The reduction of the rear setback is also negligible, being reduced from 2.33m to 2.17m.

The setback will continue to comply with the requirements of DDO33, which requires a 2m setback above the podium to a laneway.

The setback will still be in excess of 9m to the adjoining residential properties to the north, ensuring there is no need to screening devices to minimise overlooking, whilst also maximising daylight and sunlight to habitable rooms and balconies.

1.4 Security implications for the Melbourne Assessment Prison

DELWP comment:

The Department notes the potential for overlooking from the dwellings and communal rooftop garden into the MAP. The 'Post - Construction Security Requirements' report prepared by ARUP notes that a meeting has taken place with the Department of Justice and Community Safety. Given that a number of the permit conditions were drafted by a MAP representative at compulsory conference, it is recommended that written confirmation from the MAP be sought confirming the proposed changes are supported.

Our response:

An email from the Melbourne Assessment Prison accompanies this RFI Response and demonstrates that the proposed design changes are supported in meetings in 2020.