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251-265 LYGON STREET AND 1A PITT STREET, BRUNSWICK EAST PLANNING PERMIT NO: PA2403218 SECTION 72 AMENDMENT

1. INTRODUCTION

This Planning Report has been prepared in support of an application to amend the plans permitted under Planning Permit No. PA2403218 pursuant to Section 72 of the Planning and Environment Act 1987.

Updated plans and reports, as listed below, are enclosed:

- Updated Architectural plan prepared by Pace Architects;
- Updated Sustainability Management Plan prepared by Sustainable Development Consultants;
- Updated Accessibility Report prepared by Jensen Hughes;
- Updated Waste Management Plan prepared by Ratio;
- Updated Traffic assessment prepared by Ratio; and
- Updated Traffic and Parking Management Plan prepared by Ratio;

While the details are covered below, it is submitted that the updated design is an improvement to the approved development and is therefore worthy of support.

2. BACKGROUND

Planning Permit PA2403218 was issued on 28 February 2025. It allows for:

Planning scheme clause	Matter for which the permit has been granted
34.01-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works under clause 43.02-2 of the DDO19
52.06-3	Reduce the number of car parking spaces

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3. SUBJECT SITE AND SURROUNDS

The subject site was comprehensively described in the original application documentation. Since that time, the demolition of the buildings on the land has been completed. A copy of the Certificates of Title for the land are enclosed.

4. PLANNING CONTROLS

The planning controls were thoroughly detailed in the original application and have not changed since that time.

5. PROPOSAL

The application seeks several amendments to the approved development, which can be broadly grouped into the four categories below.

1. Tenancy 1-3 combined into one Tenancy (called Tenancy 1), with land use changed to a supermarket tenancy

A supermarket falls under the umbrella term 'shop', which is a Section 1 – Permit Not Required use in the Commercial 1 Zone. The supermarket tenancy will be allocated 26 car parking spaces (24 for visitor use and 2 for staff use). While 1 of the staff car parks is a small car park only, this is considered acceptable given staff are familiar with the space and will be able to successfully manoeuvre it as compared with a visitor who would be likely to be using the space for the first time. The car parking provision and layout are discussed further in the enclosed traffic letter and Traffic and Parking Management Plan, however overall it is considered that the basement layout is appropriate and functional, and the parking provision sufficient for the likely demand to be generated. The endorsed Waste Management Plan has also been updated to accommodate the change of use and a copy of this report is enclosed.

The amended plans also include signage for the supermarket tenancy which is comprised of an internally illuminated under-canopy light box (2000mm x 500mm), and window decal signage (16.8sqm total) both to the Lygon Street / Evans St adjacent the supermarket entrance.

The decal signage has been designed based on the supermarket operator's anticipated layout, located to disguise the rear of refrigeration units where these are located adjacent the façade. The decals have also been located and designed as to leave a large majority of the frontages to both Evans St and Lygon St with clear glazing to preserve visual permeability and integration with the street.

The proposed change of use does not give rise to any additional or intensified acoustic impacts on the residential apartments above, and as such, an amended acoustic report is not required to support this application. To the contrary, the supermarket use is materially less acoustically impactful than the approved food and beverage use across each of the relevant noise sources typically assessed under the EPA noise limits for commercial premises in mixed-used settings.

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In particular, the supermarket use will not generate the following sources of noise that were inherent to the approved food and beverage use:

- Commercial kitchen extraction, rangehood and exhaust systems, which are typically the dominant mechanical noise source from F&B tenancies;
- Patron noise associated with extended evening trading, including conversation, departures and queuing outside the premises;
- Amplified music or background entertainment;
- Glass and bottle disposal, including waste consolidation into external skips;
- Outdoor or footpath dining activity.

Overall, the purpose of the Commercial 1 Zone is to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses. A supermarket is a quintessential anchor land use within a C1Z setting and is precisely the activity the zone seeks to accommodate. Clear, well-designed identification signage is integral to the commercial function of the zone. It supports legibility, assists customers in locating goods and services, contributes to active street frontages, and reinforces the commercial character that the zone is intended to express. The proposal is therefore wholly consistent with the strategic intent of the C1Z.

2. Tenancy 4 to be renamed Tenancy 2 and land use changed to an indoor recreation facility (pilates and wellness)

An indoor recreation facility is a Section 2 – Permit Required use in the Commercial 1 Zone. The details of the proposed use are as follows:

- Maximum 50 patrons at any one time
- Maximum 6 staff members at any one time
- Operating hours 5am to 9pm
- 2 x staff car parks, 0 x visitor car parks

Please refer to the enclosed traffic letter and amended Waste Management Plan which detail the traffic impact and waste management requirements generated by the proposal; however in summary, given the modest size of the tenancy and modest intensity of the use, it is considered that any changes to traffic or waste generation is negligible as compared to the approved uses and is therefore acceptable.

The amended plans also include signage for the supermarket tenancy which is comprised of an internally illuminated under-canopy light box (2000mm x 500mm), and window decal signage (5.1sqm total) to the Lygon Street frontage adjacent the tenancy entry respectively. As above, it is considered that this type and extent of signage is typical for a Commercial 1 Zone for business identification purposes and still leaves a large majority of the site's frontages as clear glazing, as is therefore acceptable.

3. Basement redesign, including

- a. EV chargers relocated from B2 to B1
- b. Minor / inconsequential relocation of some storage cages

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- c. Provision of a security door on B1 to separate commercial car parking spaces from residential spaces amongst other changes.
- d. 1 small car park

Please refer to the enclosed Traffic Letter and Traffic and Parking Management Plan which details and provides justification for these amendments.

4. Small amendments resulting from Design Development

- a. Total accessible apartments reduced from 70 to 69 (still meeting 50% to comply with BADS standard) – Type 2F no longer accessible, Type 1-PA added as accessible
- b. Secure residential bicycle spaces increased from 112 to 118
- c. Apt type 123, 223, 323 reconfigured by relocating bedroom/bathroom
- d. Reconfiguration of rooftop services

This suite of other smaller amendments to the design that have resulted from the typical design development process. It is considered that the above are typical changes resulting from development of the design and are inconsequential with respect to the relevant planning policy and are therefore worthy of support.

The increased provision of residential bicycle spaces improves the amenity of the dwellings and also cleans up previous inconsistencies between the endorsed architectural plans, the endorsed SMP and the endorsed traffic letter.

The reconfiguration of apartments 123, 223 and 323 is inconsequential with respect to BADS, as is the slight reduction to the number of accessible apartments from 70 to 69 given the overall development will still achieve a minimum 50% accessible apartments, in compliance with the standard.

6. PUBLIC NOTICE

It is submitted that the amendments are minor and do not require any further public notification. In particular:

- There are no changes to the level of building bulk or shadowing experienced by the local area;
- Any elements that were put in place to limit overlooking remain in place;
- The supermarket is a Section 1 – Permit Not Required use and the indoor recreation facility, while a Section 2 – Permit Required use, is small in scale and would be operationally similar in terms of demand created and off-site amenity impacts as the currently approved land uses. Re-allocation of the car parking makes efficient use of the car parking provided on site, ensuring that there will be no additional impact on the local area.

Given the above, it is submitted that the amendments will not result in any additional amenity impacts and therefore public notice is not required.

7. SECTION 173 AGREEMENT & AFFORDABLE HOUSING REPORT

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Enclosed with this application is also a drafted Section 173 agreement and Affordable Housing Report to satisfy conditions 22 and 23 of the Planning Permit.

8. CONCLUSION

It is submitted that the submitted plans and reports comply with the conditions of the permit and the amendments are acceptable and consistent with the original approval and the planning scheme.

We look forward to working with you through this process and if you have any questions, please do not hesitate to contact me on 0438 514 555.

Yours Sincerely,



Tarquin Leaver
Head of Planning
Pace Development Group