



Agenda

Planning Decisions Committee

6.30pm, Tuesday 28 May 2024

Richmond Town Hall

The Planning Decisions Committee

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

Participating in the Meeting

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

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

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

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

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

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

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

1. Appointment of Chair

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

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Edward Crossland Councillor
- Cr Stephen Jolly Councillor
- Cr Sophie Wade Councillor

Council officers

- Danielle Connell Senior Coordinator Statutory Planning
- Nish Goonetilleke Principal Statutory Planner
- Phil De Losa Manager Governance and Integrity
- Mel Nikou Governance Officer

4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Tuesday 23 April 2024 be confirmed.

6. Committee business reports

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6.1 **PLN21/0670.02 - 223-229 Johnston Street & 369 Gore Street Fitzroy
VIC 3065**

Report Summary

Purpose

1. This report provides Council with an assessment of the Section 72 Amendment planning permit application PLN21/0670.02 submitted for Nos. 223 - 229 Johnston Street & 369 Gore Street Fitzroy. This amendment application seeks to allow for the additional demolition and reconstruction of sections of the existing Gore Street façade (previously approved to be retained).

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.03 – Heritage; and
 - (b) Clause 43.01 – Heritage Overlay.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Heritage; and
 - (b) Objector concerns.

Submissions Received

4. Fifteen (15) objections were received to the application; these can be summarised as:
 - (a) Heritage impacts;
 - (b) Material of the external staircase;
 - (c) Traffic impacts due to poor waste management;
 - (d) Potential noise impacts from the roof terrace; and
 - (e) Storm-water run-off issues.
5. One (1) letter of support was received to the application; this can be summarised as:
 - (a) Extent of demolition is reasonable based on the information provided.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

CONTACT OFFICER: Nish Goonetilleke
TITLE: Principal Statutory Planner
TEL: 9205 5005

6.1 **PLN21/0670.02 - 223-229 Johnston Street & 369 Gore Street
Fitzroy VIC 3065**

Reference D24/159420
Author Nish Goonetilleke - Principal Statutory Planner
Authoriser Senior Coordinator Statutory Planning
Disclosure The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward: Nicholls
Proposal: Section 72 Amendment to Planning Permit PLN21/0670 to allow for additional demolition and reconstruction of sections of the existing Gore Street façade (previously retained)
Existing use: Vacant commercial buildings
Applicant: Pace Development Group Pty Ltd
Zoning / Overlays: Commercial 1 Zone (C1Z)
 Abutting Transport Zone - Category 2 (TRZ2)
 Design and Development Overlay - Schedules 10 and 36 (DDO10 & DDO36)
 Development Contribution Plan Overlay - Schedule 1 (DCPO1)
 Environmental Audit Overlay (EAO)
 Heritage Overlay – Schedule 334 (HO334)
Date of Application: 21 November 2023
Application Number: PLN21/0670.02

Planning History

1. The site has the following planning history of relevance:
2. Planning Application PLN19/0928 for the full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No. 369 Gore Street and construction of an 11-storey building (plus three basement levels and roof terrace) for use as dwellings with a ground floor restricted retail premises and food and drinks premises (no permit required for all uses), a reduction in the car parking requirements associated with the restricted retail premises and food and drinks premises and alteration of access to a road zone, category 1 was refused by the Victorian Civil and Administrative Tribunal (VCAT) on 09 March 2021.
3. Planning application PLN21/0670 for the full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a 10-storey, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 was refused by Council on 14 June 2022.
4. The applicant reviewed Council's decision under a Section 77 of the Planning and Environment Act (1987). Without prejudice plans were circulated by the applicant to all parties on 01 September 2022, ahead of the Compulsory Conference held on 16 September 2022. At the Compulsory Conference, all parties reached agreement and requested orders by consent. Subsequently, Planning Permit PLN21/0670 was issued at the direction of VCAT on 19 September 2022.

5. Demolition plans (Condition 2), Conservation Management Plan (Condition 6), Photographic Record (Condition 8) and Structural Report (Condition 9) were endorsed on 26 May 2023.
6. This permit was subsequently corrected on 25 September 2023 under Section 71 of the *Planning and Environment Act (1987)* to correctly reflect the planning permit number on the endorsed Conservation Management Plan (Condition 6), Photographic Record (Condition 8) and Structural Report (Condition 9).
7. As the approved demolition has commenced (see Figure 1 below), this planning permit will expire if the works are not completed by 19 September 2026. Accordingly, the permit remains valid at the time of writing this report.



Figure 1: Commencement of demolition (subject site outlined in pink) Source: Nearmap (March 2024)

8. Planning Application PLN21/0670.01 was submitted (and subsequently amended by Council on 05 April 2024), for variations to existing permit Conditions 1, 13 (Acoustic Report) and 15 (post development Acoustic Report) requirements. The plans were also amended for various modifications, including the reduction in the total number of apartments from 103 to 74, addition of a half basement level, increase in the number of car parking, reduction in the residential bicycle parking spaces, deletion of the Level 01 co-working space, increase in the height of the lift over run RL by 0.5m and changes to window and terrace configurations and materials.
9. Planning application PLN21/0670.03 was lodged on 22 December 2023, for various modifications to the approved development, including increase in the overall height by 1.2m (to the top of the rooftop parapet), variations to setbacks and walls-on-boundary, internal alterations to the basement levels and an increase in the number of car parking spaces on-site, relocation of bicycle parking and EOT facilities, increase in floor areas of the commercial tenancies and associated additional reduction in the car parking requirements, changes to landscaping in communal areas, revised roof amenities and co-work space, changes to the internal layout of apartments and increase in the number of apartments from 74 to 77. This application is currently waiting on internal and external referral comments.
10. On 08 May 2024, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT) against PLN21/0670.03.

Background

VCAT Proceedings

11. On 02 April 2024, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT) against PLN21/0670.02. As such, Council cannot issue a decision on this application and instead only form a position on the application.

12. A compulsory conference is scheduled for 25 June 2024 and a major cases hearing is scheduled for 28 – 29 August 2024.
13. At the time of writing, no Statement of Grounds have been received to date as parties to the VCAT proceedings.

The Proposal

14. The application is for a Section 72 Amendment to Planning Permit PLN21/0670 to allow for the additional demolition and reconstruction of a section of the existing Gore Street façade. Key features of the proposal include:

Demolition

15. The additional demolition and reconstruction of two sections of the Gore Street façade (previously proposed to be retained) of No. 369 Gore Street. Figure 2 below shows the additional demolition hatched in red, a length of 33.3m, with the retained walls shown in green (length of 27.77m).



Figure 2: Extent of additional demolition shown in red Source: SJB (August 2023)

16. Figure 3 below shows a comparison between the extent of approved demolition and proposed additional demolition (highlighted in yellow) of the Gore Street façade.

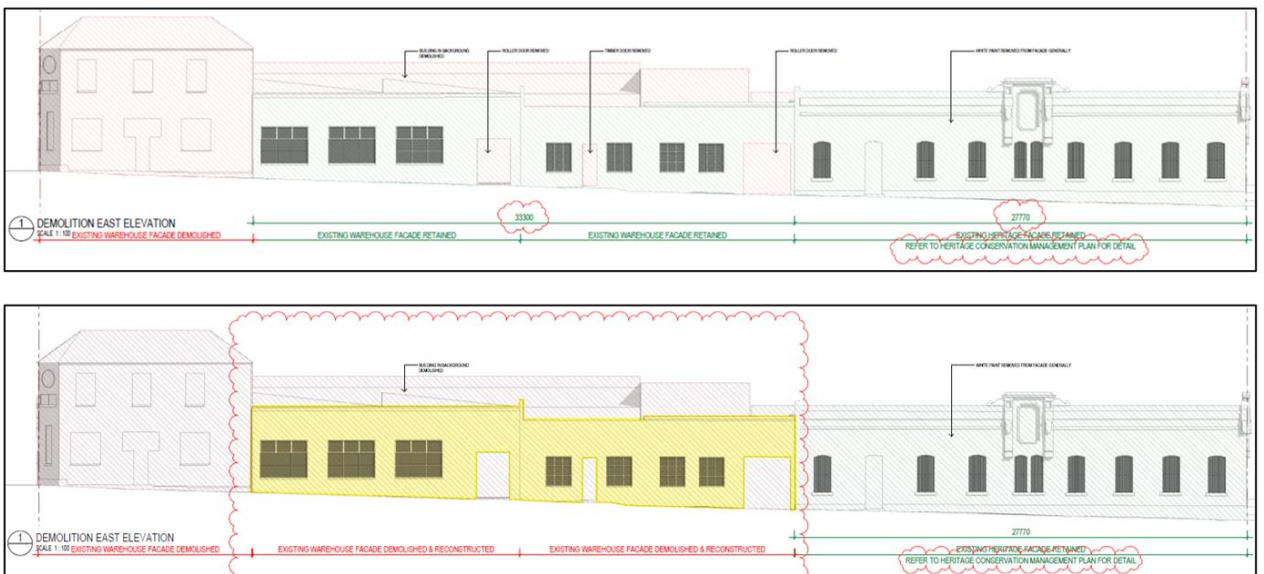


Figure 3: Extent of approved demolition (top image) and proposed additional demolition (bottom image) Source: SJB (top image: January 2023, bottom image: August 2023)

17. The additional demolition is being sought due to the poor structural integrity of this wall. The existing bricks are to be salvaged during demolition and reused in the reconstruction of this facade (as much as possible).
18. This amendment application is limited to the demolition and reconstruction of the abovementioned wall, with no new works proposed.

Permit Preamble & Conditions

19. The applicant has not requested any changes to the permit preamble and conditions.

Existing Conditions

Subject Site

20. A description of the subject site is provided within the previous officer report dated 14 June 2022 and is reproduced below. Where not in italics, the description has been modified to be relevant to existing conditions, including a further description of the heritage characteristics of each building:

- (a) *The subject site is located on the northern side of Johnston Street, the western side of Gore Street and southern side of Argyle Street in Fitzroy. The site consists of two addresses and seven titles, as follows:*
 - (i) *Nos. 223 – 229 Johnston Street, Fitzroy (Lot 1 TP 227539W);*
 - (ii) *Nos. 223 – 229 Johnston Street, Fitzroy (Lot 1 TP 326260S);*
 - (iii) *No. 369 Gore Street, Fitzroy (Lot 1 TP 688936L);*
 - (iv) *No. 369 Gore Street, Fitzroy (Lot 1 TP 757987K);*
 - (v) *No. 369 Gore Street, Fitzroy (Lot 1 TP 744709N);*
 - (vi) *No. 369 Gore Street, Fitzroy (Lot 1 TP 707950S); and*
 - (vii) *No. 369 Gore Street, Fitzroy (Lot 1 TP 592180B); and*



Figure 4: *All titles that form the subject site) Source: Reeds consulting, November 2019*

- (b) *Collectively, the site is 37.43m in width along Johnston Street, 74.15m in length along Gore Street and 27.79m width along Argyle Street. The western boundary is atypical with a total site area of 2,437sqm. The subject site has two crossovers onto Johnston Street, with these crossovers providing access to the existing car parking area in the frontage of No. 223 – 229 Johnston Street. The site has one crossover to an internal loading area along Gore Street and three crossovers, side-by-side, along the Argyle Street interface providing pedestrian access into the building, access to an internal loading bay as well as an existing car parking area. Access to a further loading area appears to be provided from the western ROW. The land has a significant fall of approximately 2m in a northerly direction, with the Argyle Street frontage lower than the Johnston Street frontage;*
- (c) *The subject site is occupied by a number of buildings, as follows: Nos. 223 – 229 Johnston Street (Lot 1 TP 227539W & Lot 1 TP 326260S);*
- (d) *Occupying this site at Lot 1 TP 227539W is a single-storey commercial building that is setback to accommodate car parking directly from Johnston Street. This building is generally built to the side and rear boundaries and is utilised as a restricted retail premises.*
- (e) *At Lot 1 TP 326260S, adjoining the above lot on its east side is a single-storey building with a sawtooth roof and no setback to Johnston Street.*
- (f) *These two buildings are graded as being ‘not-contributory’ to the heritage overlay: No. 369 Gore Street (Lot 1 TP 688936L, Lot 1 TP 757987K, Lot 1 TP 744709N, Lot 1 TP 707950S & Lot 1 TP 592180B);*
- (g) *Located at the corner of Johnston Street and Gore Street, this site consists of a part single, part double-storey, rendered brick building built to all title boundaries;*
- (h) *The 19th century, heavily modified, double-storey component with a hipped roof and chamfered corner form was previously sited at the intersection of Johnston and Gore streets and was utilised as a restricted retail premises. This building is graded as being ‘not-contributory’ to the heritage overlay. The approved demolition associated with this building has since commenced;*
- (i) *The balance of the site, along Gore and Argyle Streets, consists of two, single-storey buildings including the former shirt factory that is built to the Gore and Argyle Street boundaries. Several different façade and parapet treatments are evident, as are different roof forms including a sawtooth roof to the northern building which is the largest and oldest of this group and occupies the corner of Argyle and Gore streets. The former shirt factory building is individually-significant to the heritage overlay and has been rendered;*
- (j) *The second single-storey building fronts Argyle Street and has been constructed with a setback to the street to allow for car parking. This building is graded as being ‘not-contributory’ to the heritage overlay;*
- (k) *Title and Plan of Subdivision:*
 - (i) *The titles submitted with the application do not show any covenants, restrictions or easements with the exception of Lot 1 TP 227539W which shows a 2.9m wide and 30.61m long easement for ROW (as outlined in Figure 19 above); and*
 - (ii) *This easement is shown as a road on Lot 1 TP 592180B and is included on Yarra’s Road Register as Lane No. 1809.*

Surrounding Land

21. A description of the surrounding land is provided within the previous officer report (see extracts of relevant sections from this report below). Where not in Italics the description has been modified to be relevant to existing conditions:

- (a) *The Johnston Street NAC is located between two designated Major Activity Centres (MAC) of Brunswick Street (360m to the west) and Smith Street (115m to the east), and as such, the surrounding area includes a mixture of commercial uses (taverns, restaurants, retail stores, furniture stores, restricted retail, art galleries, offices etc.), light industrial, warehouses and pockets of residential buildings. Whilst there are a variety of live music venues in the surrounds, these are located in excess of 50m from the subject site (The Rochester Hotel and The Birmingham Hotel);*
- (b) Johnston Street is covered by the Transport Zone, Category 2 and carries two lanes of traffic in each direction. The outside lanes are also provided with parallel parking on both sides of the road, except in front of the site where no stopping restrictions apply. The subject site has good access to public transport, including:
 - (i) *Johnston Street bus routes immediately south of the subject site;*
 - (ii) *Smith Street tram lines approximately 100m east;*
 - (iii) *Brunswick Street tram lines approximately 350m to the west; and*
 - (iv) *Nicholson Street bus routes approximately 660m to the west; and*
- (c) *The surrounding area is a mixture of commercially zoned land along Johnston Street, and Mixed-Use Zone (MUZ) further north directly across Argyle Street. The nearest residential uses occurring within the C1Z are located approximately 3m to the west at No. 192 Argyle Street, and also within the development under construction on the opposite side of Gore Street, at the south-eastern corner with Johnston Street. There are also dwelling uses to the north, within the MUZ (closest residential use located 10m opposite the site, at No. 197 Argyle Street), and to the south across Johnston Street within the Neighbourhood Residential Zone. The mix of zoning and surrounding built form is shown in the figures below:*

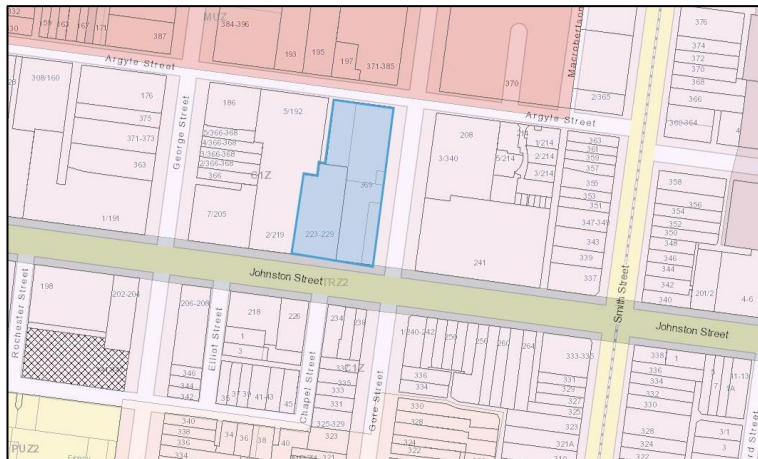


Figure 5: Zoning map Source: VicPlan, May 2022

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

- (e) More generally, in terms of heritage, this area of the heritage precinct differs between the northern and southern sides of Johnston Street. The northern side of Johnston Street consists of larger buildings and allotments including some factory and warehouse buildings from the late 19th and early 20th centuries, such as the former shirt factory on part of the subject site and the former MacRobertson confectionery factories. Development south of Johnston Street is more consistent with the typically fine-grained historic residential built-form of one to two-storey scale;
- (f) *Immediately surrounding the subject site are the following properties:*
- North*
- (g) *To the north of the site is Argyle Street; a one-way local street, with car parking provided on the southern side of the street;*
- (h) *The property on the north-western corner of Argyle and Gore Streets is utilised as an Australian Post distribution centre. It appears that the site was previously occupied by a service station, with the ground floor utilised as car parking and a large canopy provided over the concrete apron. A basement entrance ramp is also provided with direct access to Argyle Street. A single-storey building exists along the sites northern boundary;*
- (i) *To the west of this property, at No. 197 Argyle Street, is a double-storey dwelling. At ground floor, the dwelling is built to the street with car parking and pedestrian access provided via Argyle Street, with several first-floor windows fronting the street, as shown below;*
- (j) *Further west are a series of single-storey commercial buildings which orient their back of house areas to Argyle Street. Crossovers, car parking areas and loading bay access areas are common along Argyle Street in respect to these buildings;*
- (k) *To the north-east of the subject site, on the opposite side of Gore Street at Nos. 356-390 Gore Street are double-storey redbrick converted apartments. The apartments are part of a large whole-block site bound by Argyle, Kerr and Gore streets and MacRoberston Lane;*
- (l) As outlined in the previous officer's report, further north, at Nos. 371 – 385 Gore Street & 195 – 197 Argyle Street, Council approved an eight-storey residential building on 20 May 2022 under Planning Permit PLN21/0807. The approved works have since commenced.



Figure 6: 3D perspective of the development looking north, down Gore Street Source: Woods Bagot, 2021

South

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

East

- (n) *Immediately to the east of the subject site is Gore Street, a 20m wide (including both footpaths) two-way street, with on-street car parking provided on both sides of this street. Four mature street trees line the western side of the street, with two on the eastern side;*
- (o) *On the north-eastern corner of Johnston and Gore Streets is No. 239-249 Johnston Street; a site with a recently constructed 10-storey mixed-use development in accordance with Planning Permit PLN13/0566. The approved allotment extends away from Johnston Street and along Gore Street by approximately 34m;*
- (p) *On the south-eastern corner of Argyle Street and Gore Street is a two-storey office building (a former MacRobertson factory/ warehouse building) with entry from either Gore or Argyle Streets. Much of the ground level is used for car parking. At the first floor are offices arranged around a central, communal area which is open to the air due to a cut-out provided within the roof;*

West

- (q) *To the west; on the northern portion of the site is a 2.9m wide bluestone clad ROW. The ROW is approximately 30m in length and terminates within the internal boundary of the subject site;*
- (r) *On the western side of the ROW is No. 192 Argyle Street, a development consisting of ten units. Units 2, 3, 4, 5, 6, 7, 8, 9 and Unit 10 are lawfully used as dwellings pursuant to Planning Permits PLN11/0038 and PLN19/0579, respectively;*
- (s) *All secluded private open spaces (SPOS) face the central accessway provided on site. The development has numerous windows along their eastern boundary with the ROW, including non-habitable room windows at the ground level, habitable room windows (HRW) associated with kitchens at the first-floor and HRWs associated with bedrooms at the second-floor; and*
- (t) *To the west of the southern portion of the site at No. 219 Johnston Street is a three-storey commercial building used as an office and showroom. This site was developed with the aforementioned No. 192 Argyle Street site, with vehicle access from Argyle Street provided to a basement servicing No. 219 Johnston Street. At the second-floor the building adopts a 3m setback from the common boundary where a terrace is accommodated.*

Legislation Provisions

- 22. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act). Section 72 of the Act states:
 - (a) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit; and*
 - (b) *This section does not apply to –*
 - (i) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (ii) *a permit issued under Division 6.*
- 23. The planning permit was issued on at the direction of VCAT. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.
- 24. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Planning Scheme Provisions

Zoning

Commercial 1 Zone (C1Z)

25. The subject site is zoned C1Z. The following relevant purpose of the C1Z is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
 - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
26. Pursuant to *Clause 34.01-4* of the Yarra Planning Scheme (the Scheme), a planning permit is required to construct a building or construct or carry out works. This application does not propose any new buildings and works, other than the demolition and reconstruction of the abovementioned section of the Gore Street façade.
27. Therefore, a planning permit is not triggered for the demolition and reconstruction works under the zone.

Overlays

Heritage Overlay - Schedule 334 (South Fitzroy Precinct)

28. The subject site is affected by the Heritage Overlay (Schedule 334 – South Fitzroy Precinct). The following provisions apply:
- (a) Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required for demolition, to construct a building and carry out works.
29. *City of Yarra: Database of Heritage Significant Areas, September 2023* identifies the buildings as Nos. 223 – 229 Johnston Street as being graded as ‘not contributory’ whilst the site at No. 369 Gore Street is identified as being partly ‘not contributory’ and partly ‘individually significant’ to the South Fitzroy Precinct (as identified by Schedule 334 to the Heritage Overlay).

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

30. Pursuant to *Clause 43.02-2* of the Scheme, a planning permit is required to construct a building or construct or carry out works unless exempt under the schedule.
31. A planning permit is not triggered for the demolition and reconstruction works under the DDO10 or the DDO36.

Development Contributions Plan Overlay - Schedule 1 (DCPO1)

32. Pursuant to *Clause 45.06-1* of the Scheme, a permit granted must:
- (a) Be consistent with the provisions of the relevant development contributions plan; and
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
33. This overlay would be applicable if the amendment resulted in an increase in the floor area and/or the total number of dwellings. However, this amendment is limited to demolition and reconstruction of sections of wall, with no increase in the approved floor area or number of apartments.
34. Nonetheless, the requirements of this provision has been dealt with through a condition included in the original planning permit and continues to be maintained and relevant.

Environmental Audit Overlay (EAO)

35. Pursuant to *Clause 45.03-1* of the Scheme, before a sensitive use such as a residential use, or before the construction or carrying out of buildings and works in association with this use commences:
- (a) *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
 - (b) *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
 - (c) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - (d) *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*
36. There is no planning permit trigger for the proposed demolition and reconstruction works under this overlay.

General Provisions

Clause 65 – Decision guidelines

37. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

Municipal Planning Strategy (MPS)

38. The following MPS provisions of the Scheme are relevant:
- (a) Clause 02.01-6 – Built environment and heritage; and
 - (b) Clause 02.03-4 – Built environment and heritage.

Planning Policy Framework (PPF)

39. The following PPF provisions of the Scheme are relevant:
40. Clause 15 – Built environment and heritage:
- (a) Clause 15.01-1S – Urban design;
 - (b) Clause 15.01-2L-02 – Landmarks;
 - (c) Clause 15.01-5S – Neighbourhood character;
 - (d) Clause 15.03-1S – Heritage conservation;
 - (e) Clause 15.03-1L – Heritage.

Advertising

41. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act* (1987) with 310 letters sent to surrounding owners and occupiers and by two signs displayed on site; both along sections of the Gore Street façade.
42. Council received 15 objections, the grounds of which are summarised as follows:
- (a) Heritage impacts;
 - (b) Traffic impacts due to poor waste management;

- (c) Potential noise impacts from the roof terrace; and
 - (d) Storm-water run-off issues.
43. One (1) letter of support was received to the application and can be summarised as follows:
- (a) Extent of demolition is reasonable based on the information provided.

Referrals

44. The referral comments are based on the advertised plans.

External Referrals

45. The application was not required to be referred to any external authorities under the provisions of the Scheme.

Internal Referrals

46. The application was referred to the following internal units within Council:
- (a) Heritage Advisor.
47. The application was also referred to the following external consultant:
- (a) Structural Engineer (Phelan Shilo Partners).
48. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

49. The primary considerations for this application are as follows:
- (a) Heritage; and
 - (b) Objector concerns.

Heritage

50. Policy at *Clause 15.03-1S* (Heritage conservation), *Clause 15.03-1L* (Heritage) and *Clause 43.01* (Heritage overlay) of the Scheme provide guidance in considering the extent of demolition and reconstruction. As shown in Figure 3 earlier in the report, the proposal results in additional demolition and reconstruction of two sections of the Gore Street façade. These two sections were previously proposed to be retained.
51. As outlined earlier in the report, the subject wall is part of the building at No. 369 Gore Street identified as being 'individually-significant' to the South Fitzroy Precinct. A strategy of *Clause 15.03-1L* of the Scheme is to prevent the demolition of any part of an individually-significant building unless all of the following can be demonstrated:
- (a) *The building is structurally unsound rather than in poor condition;*
 - (b) *Alternative stabilisation works have been investigated and are not feasible; and*
 - (c) *The replacement building and/or works is appropriate for the heritage context.*
52. Aside from the amended demolition plans, the applicant provided the following reports prepared by qualified consultants evaluating the current structural condition of the subject wall, and heritage considerations:
- (a) Assessment of Existing Brick Wall Report (prepared by IGS, October 2023);
 - (b) Amended Structural Report (prepared by IGS, October 2023);
 - (c) Heritage Impact Assessment (prepared by Bryce Raworth, January 2024); and
 - (d) Amended Conservation Management Plan (prepared by Bryce Raworth, January 2024).

53. The 'Assessment of Existing Brick Wall' Reports provided by the applicant conclude that the demolition and reconstruction of these sections of walls is necessary due to issues arising from the structural inadequacy of these walls and their inability to be safely retained during the construction phase. This report made the following observations on the subject wall:
- (a) *Diagonal wall cracks at opening;*
 - (b) *Cracks on lintels above the window opening;*
 - (c) *Corroded steel window frames; and*
 - (d) *Verticality of the wall could not be verified by visual inspection due to uneven surface. However, the nature of cracks on walls suggests that the wall has moved out of plane and settlement of foundations could not be verified visually.*
54. The recommendation from this report is to remove these sections of the wall and rebuild using retained bricks. The application was referred to Phelan Shilo Partners (PSP) to review the applicant's structural engineering reports. PSPS confirmed that *the intent for demolishing and reconstructing the facade brickwork to the south of Gore Street is an appropriate course of action, given its current condition.*
55. At the time the original extent of demolition and proposed works were assessed, it was concluded that the sections of the subject wall *did not contribute to the same degree as the former Argyle shirt factory and are considered secondary in character and interest.* At the time the original planning permit was assessed, as well as the previously refused planning application (PLN19/0928) Council engaged Anita Brady to review the extent of demolition, retention and subsequent development on the subject site. It was identified that the walls further south of the Gore Street façade had been heavily modified and had limited heritage value or interest in comparison to the Argyle shirt factory further north.
56. The 'Heritage Impact Assessment' provided by the applicant found the street presentation of these sections of wall to be of a typical 20th century factory with limited architectural interest but contributed to the industrial character of the site as it presents to Gore Street. The applicant's heritage advisor concluded that the previous retention of these sections of wall *was an architectural gesture, with the focus directed towards the individually-significant former Argyle shirt factory and not these later additions.*
57. Council's Heritage Advisor reviewed the amended reports and confirmed that the extent of demolition and reconstruction to stabilise these walls is an acceptable outcome. The amended Conservation Management Plan commits to all works being undertaken to ensure that as much of the original or early fabric as possible is conserved. The salvaged bricks to be reused would be carefully removed and stored in a secure location. This report further outlines that *where fabric is unable to be repaired and reused, it must be replaced with a compatible alternative of identical appearance. No conservation works will be undertaken without the guidance of tradesmen or other persons skilled in the particular tasks to hand.*
58. Council's Heritage Advisor concluded that the heritage conservation of this wall by using salvaged bricks is supported as the reconstruction works would match the original brickwork, as much as possible. The reuse of existing bricks complies with the strategies of *Clause 15.03-1S* which encourages the *conservation and restoration of contributory elements of a heritage place* as well as *Clause 15.03-1L* which supports adaptive re-use. As a result of using the salvaged bricks (where possible), the visual impact of the reconstructed wall will continue to sufficiently retain the industrial contribution of the existing building in the streetscape.
59. Council's Heritage Advisor also reviewed the revised plans and reports against the existing planning permit conditions; notably Conditions 2 (Demolition plan) and 6 (Conservation Management Plan). It was confirmed that these documents reflect all proposed changes, and on heritage grounds, this amendment application is supported with no additional permit conditions recommended.

- 60. PSP were generally supportive of the structural engineer reports outlining that further structural assessment documented and certified by a suitably qualified structural engineer should be supplied to Council during the Building Permit stage. This is a separate stage from the planning process.
- 61. PSP identified a discrepancy between the amended Structural Report, the demolition elevations and the Conservation Management Plan with regard to existing high-level window panelling on the Gore Street façade. Figure 7 below shows this discrepancy highlighted in yellow, where the plans show these windows replaced with brickwork. In contrast, the amended Structural Report (as shown in Figure 8) shows these window/cladding panels to be retained.



Figure 7: Discrepancy of the high-level window Source: PSP Referral Comments (May 2024)

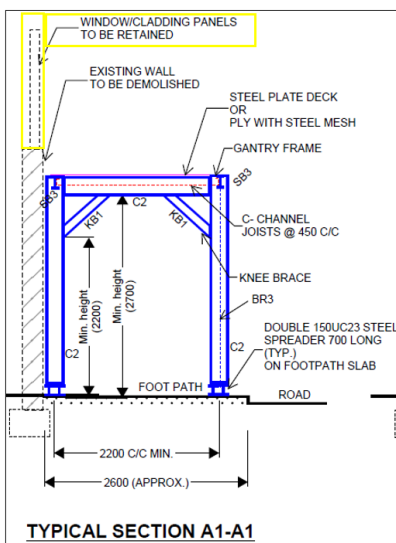


Figure 8: Discrepancy of the high-level window Source: IGS (October 2023)

- 62. The approved works show this section of the façade to consist of brickwork instead of window panelling. See Figure 9 below which shows the endorsed east elevation.

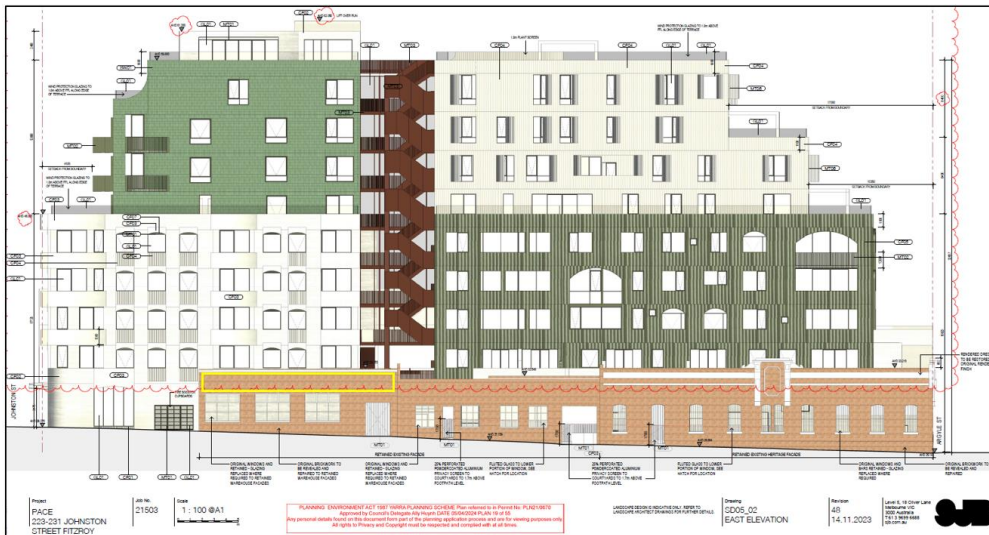


Figure 9: Endorsed east elevation with the relevant section of wall outlined in yellow.
Source: SJB (November 2023)

63. Given that the window panelling appears to be a later addition with no heritage value (given this was not identified as a concern in the original planning process), the retention of these high-level windows is not required. The provision of brick, as shown in the already endorsed plans is a more appropriate outcome from a heritage perspective. Therefore, it is not required to amend the Structural Report. No further changes is required to Condition 9 (Structural report).
64. PSP also recommended further safety measures which include streetside scaffolding that can provide lateral restraints to the façade walls at height. Safety issues can be addressed during the Building Permit stage. Notwithstanding this, a condition on the existing planning permit requires a Construction Management Plan which will ensure that the development will be constructed to Council’s best practice standards.
65. For all the reasons above, the additional demolition and reconstruction of two sections of the Gore Street façade is acceptable.

Objector concerns

66. Many of the objector issues have been addressed within the body of the report, as follows:
 - (a) *Heritage impacts:*
 Demolition has been discussed at paragraphs 50 to 64;
 - (b) *Material of the external staircase:*
 This amendment application is only for additional demolition and reconstruction of sections of the Gore Street wall. The material of the external staircase has already been approved with no changes proposed under this application;
 - (c) *Traffic impacts due to poor waste management:*
 This amendment application is limited to the demolition and reconstruction of an existing wall. There is no change to the approved use and development. Traffic impacts and waste management were considered at the time the original planning permit and subsequent amendment (PLN21/0670.01) were issued;
 - (d) *Potential noise impacts from the roof terrace:*
 This amendment application is only for additional demolition and reconstruction of sections of the Gore Street wall. No changes are proposed to the already approved roof terrace under this application; and

(e) *Storm-water run-off issues:*

This amendment application is only for additional demolition and reconstruction of sections of the Gore Street wall. This cannot be considered under this application as no change is proposed to the already approved development on-site. In addition this is a matter that is dealt with under the Building Permit process.

Conclusion

67. Based on the above report, the revised proposal is considered to comply with the relevant planning policies and therefore the extent of additional demolition and reconstruction should be supported.

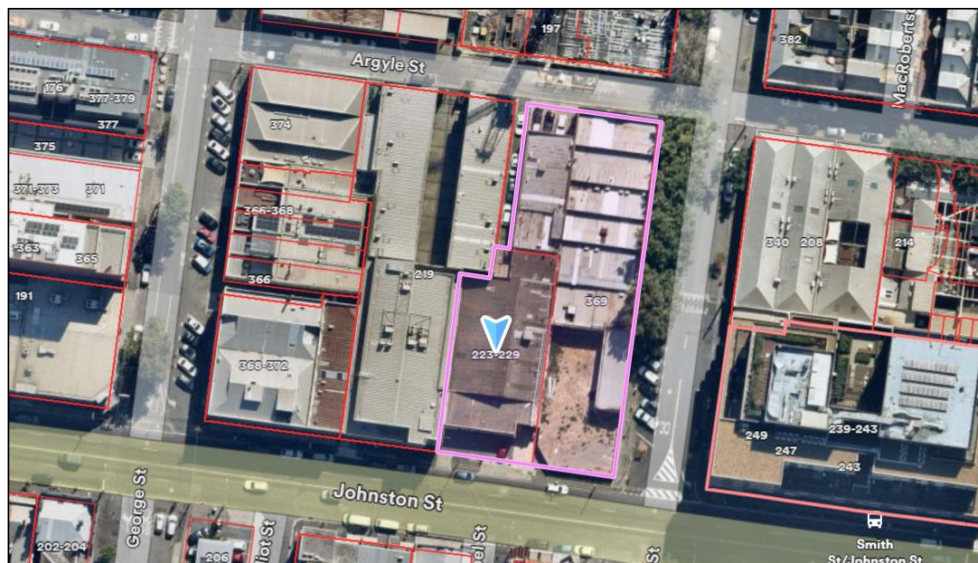
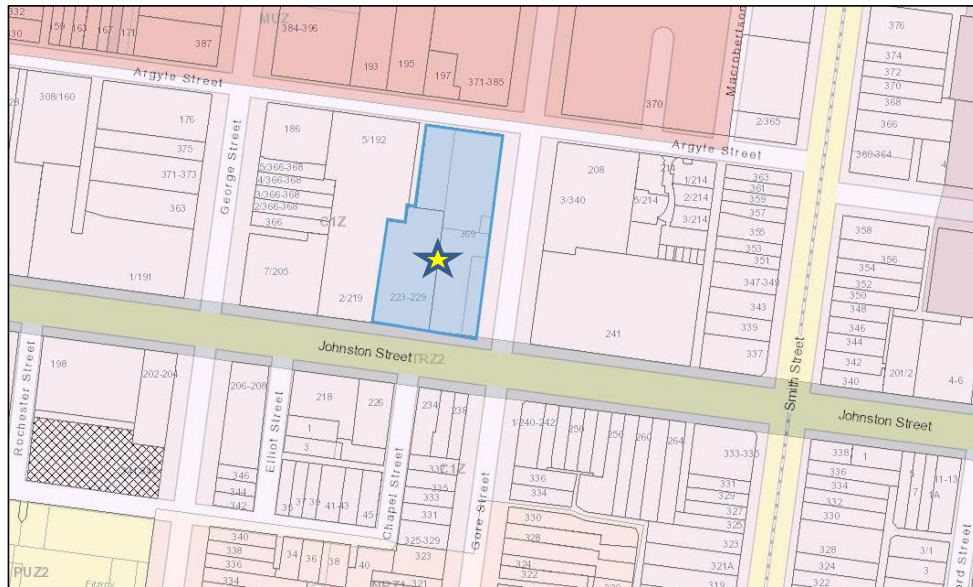
RECOMMENDATION

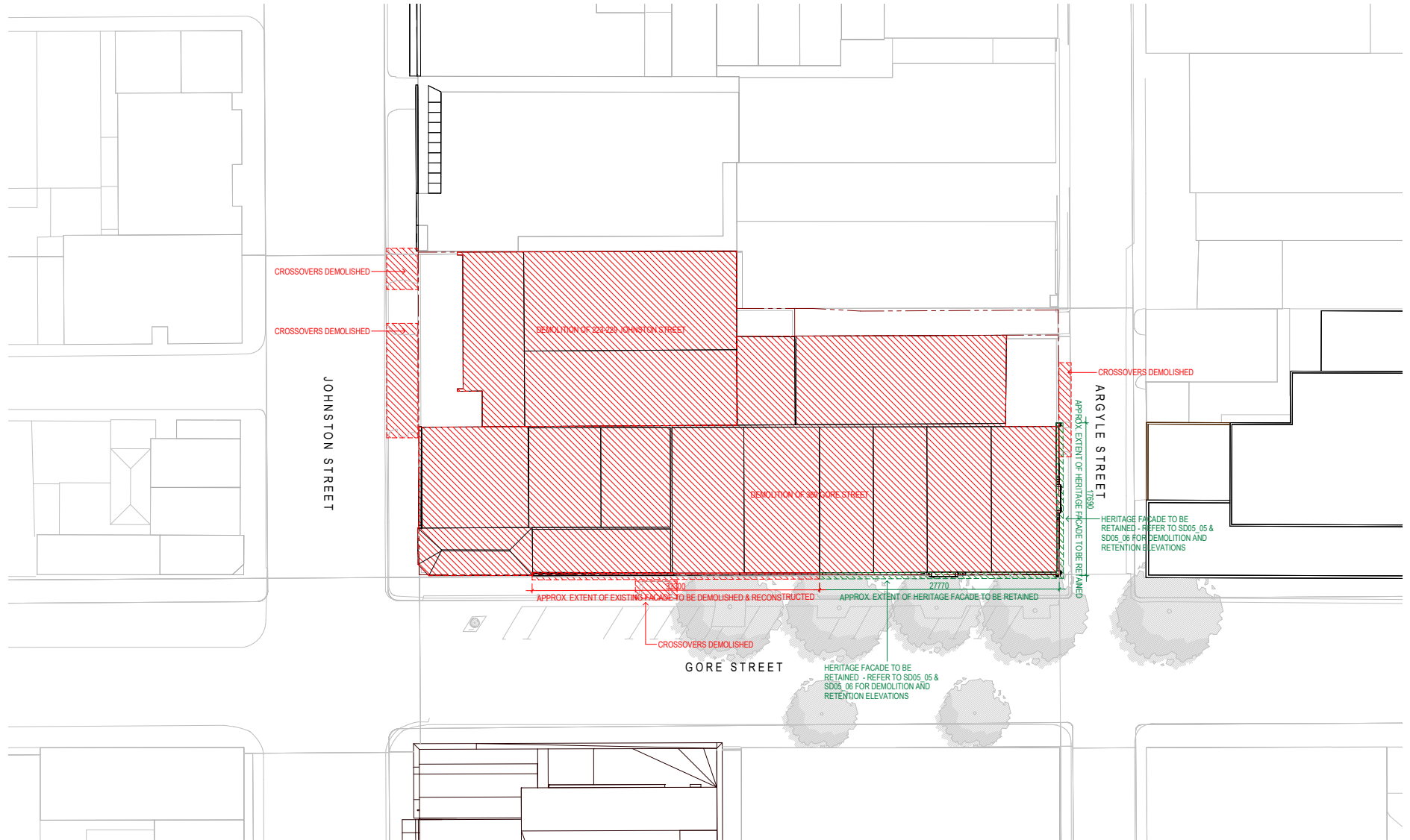
That Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to determine the application it would have issued a Notice of Decision to Grant an Amended Planning Permit PLN21/0670.02 be issued for the Section 72 Amendment to Planning Permit PLN21/0670 to allow for the additional demolition and reconstruction of sections of the existing Gore Street façade Nos. 223 - 229 Johnston Street & 369 Gore Street Fitzroy VIC 3065, generally in accordance with the “decision plans” prepared by SJB, dated 20.09.2023 (SD01_03, SD05_05 and SD05_06), with no changes to the permit preamble or permit conditions.

Attachments

- 1 [↓](#) Attachment 1 - PLN21/0670.02 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Site Location Plan
- 2 [↓](#) Attachment 2 - PLN21/0670.02 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Decision Plans
- 3 [↓](#) Attachment 3 - PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Planning Permit (Amended)
- 4 [↓](#) Attachment 4 - PLN21/0670 - 223 - 229 Johnston Street & 369 Gore St Fitzroy - Endorsed Demolition Plan (Condition 2)
- 5 [↓](#) Attachment 5 - IREF24/00276 - Internal Referral Response - Heritage
- 6 [↓](#) Attachment 6 - CREF24/00050 - Referral Response - Structural Engineer (PSP)

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





26/09/2023 10:00:16 AM

Project
PACE
223-231 JOHNSTON
STREET FITZROY

Job No.
21503

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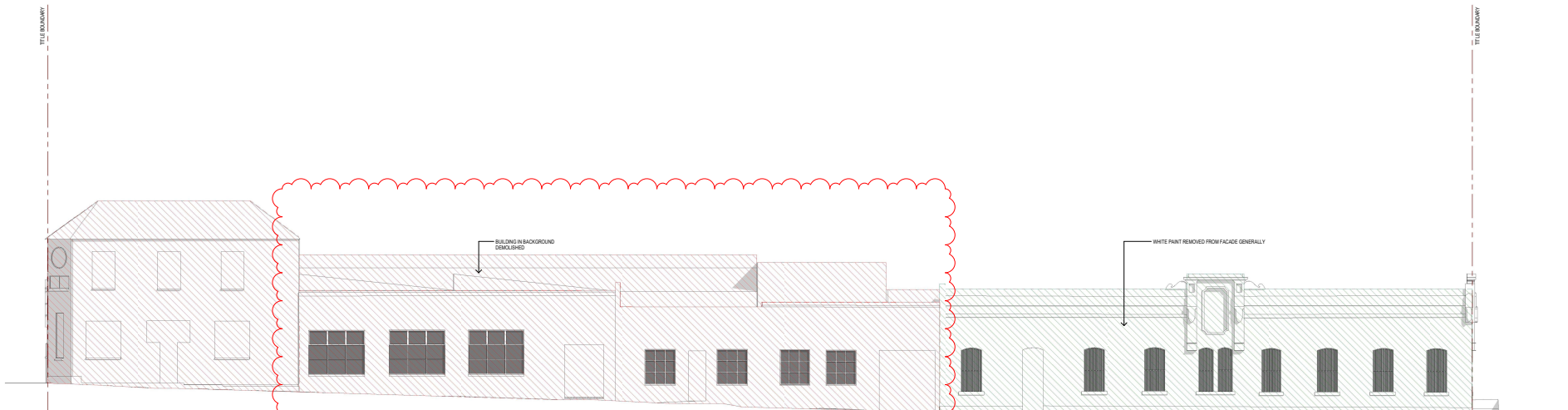


Drawing
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DEMOLITION PLAN

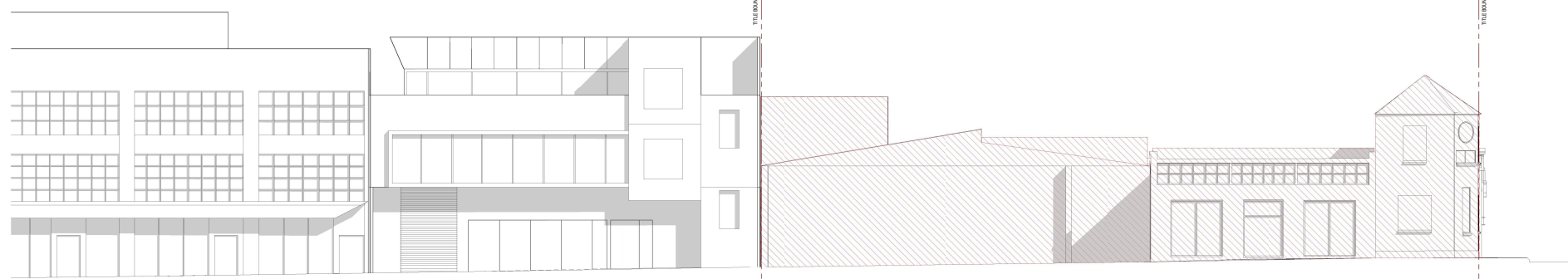
Revision
47
20.09.2023

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T 61 3 9699 6688
4pb.com.au





1 DEMOLITION EAST ELEVATION
SCALE 1:100



2 DEMOLITION SOUTH ELEVATION
SCALE 1:100



20/09/2023 3:28:03 PM

Project
PACE
223-231 JOHNSTON
STREET FITZROY

Job No.
21503

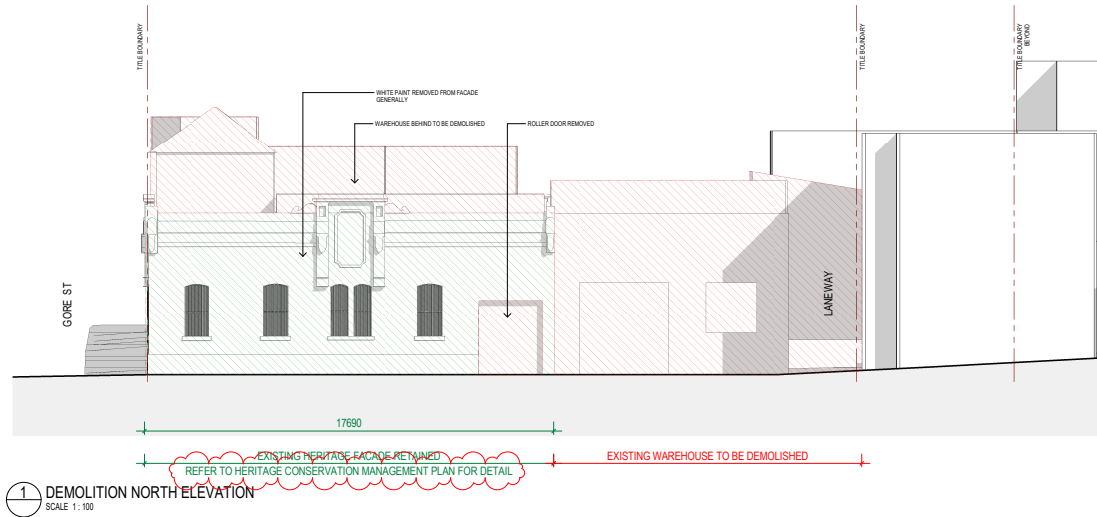
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Drawing
SD05_05
DEMOLITION ELEVATIONS

Revision
47
20.09.2023

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
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ajp.com.au





1 DEMOLITION NORTH ELEVATION
SCALE 1:100

7/08/2023 5:03:54 PM

Project
PACE
223-231 JOHNSTON
STREET FITZROY

Job No.
21503

Scale
1 : 100 @A1

Drawing
SD05_06
DEMOLITION ELEVATIONS

Revision
43
11.08.2023

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Yarra City Council (Responsible Authority)
Yarra Planning Scheme



PLANNING PERMIT (AMENDED)
PLN21/0670

Address of the land: 223-229 Johnston Street & 369 Gore Street Fitzroy VIC 3065

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

The following conditions apply to the permit:

Amended/Endorsed Plans

1. Before the development commences (except for demolition, retention and excavation works), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by SJB Architects, dated 19.11.2021, but modified to show:

Layout

- (a) ****Deleted****
- (b) Wall-mounted sensor lighting to be provided to all pedestrian entrances, including the internal courtyard area;
- (c) Details of security lighting to the laneway;
- (d) ****Deleted****
- (e) An alternative door solution to the 'smoke lobby' between Levels 1 to 5, to improve the circulation and functionality of the east-west corridor;
- (f) Additional on-street car parking along Johnston Street as a result of removing the existing crossover;
- (g) Swept path diagrams to show the following:
 - (i) that a B99 design vehicle can enter and exit the reconstructed laneway/widened carriageway via Argyle Street without scraping or bottoming out;
 - (ii) commercial vehicles entering and leaving the development in Argyle Street;
- (h) a vehicle crossing design that:
 - (i) Demonstrates satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
 - (ii) is fully dimensioned with actual reduced levels (to three decimal places) and that complies with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet;

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Signature for the Responsible Authority

- (i) The finished floor levels at the edge of the pedestrian Entry/Courtyard to neatly match and transition into the reconstructed back of the footpath design levels of Gore Street;
- (j) The asphalt ramp and Bluestone layback (vehicle crossing) on Gore Street to include a notation confirming that it will be reinstated as asphalt footpath and bluestone kerb and channel;
- (k) A notation to confirm the fire booster doors fronting Johnston Street to outwardly swing 180 degrees and be latched to the wall when opened;
- (l) A notation confirming that a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street;
- (m) A minimum of twenty (20) visitor bicycle spaces provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
- (n) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
 - (i) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
- (o) Two carparks and three trees in cut-outs with bike hoop protection along Argyle Street;

Built Form

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

Reports and Plans

- (s) Any changes required by the amended Sustainable Management Plan at Condition 11;
 - (t) Any changes required by the amended Acoustic Report at Condition 13;
 - (u) Any changes required by the amended Landscape Plan at Condition 17;
 - (v) Any changes required by the amended Wind Report at Condition 19; and
 - (w) Any changes required by the Green Travel Plan at Condition 21.
2. Before demolition, retention or excavation starts, demolition plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The demolition plans must be drawn to scale with dimensions and an electronic copy must be provided. The demolition plans must be generally in accordance with the plan numbers SD01-03, SD05-05 and SD05-06 prepared by SJB Architects dated 19 November 2021 and marked Revision 16. When approved, these plans will be endorsed and will form part of this permit.

3. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes including:
 - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
5. As part of the ongoing consultation SJB Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Heritage

6. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façade, roof and return walls to a depth of approximately 5m, including sections to how the thickness of architectural elements;
 - (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (iii) Any specific requirements outlined in the Heritage Impact Statement prepared by Bryce Raworth (dated September 2021);
 - (b) A written description of the demolition and construction methods to be used.
7. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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Signature for the Responsible Authority

8. Before demolition commences, a detailed and annotated photographic record of the existing building at 369 Gore Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
 - (a) include the interior and each external elevation of the building;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.
9. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
10. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

11. Before the development commences (except for demolition, retention and excavation works), an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and dated November 2021, but modified to include or show:
 - (a) All design changes required under Condition 1 of this permit.
 - (b) Revise strategy to include additional shading treatments for Apartments 5.04, 7.02 and 7.03 (north-facing without balcony overhang);
 - (c) Clarify visible light transmittance (VLT) which is identified as 60% on page 13 and 70% on page 69, and provide result of daylight modelling in a table (for each dwelling's living area and bedroom);
 - (d) Provide copy of JV3 prior to construction to support indicative figures provided in BESS report;
 - (e) Confirm post-development stormwater flows will not exceed pre-development levels;
 - (f) Clarify whether any additional treatment strategies are required for rainwater reuse;
 - (g) Confirm car share details will be provided in Building Users Guide;
 - (h) Given the minor provision of non-residential uses, confirm the content required by a Green Travel Plan (GTP) will be included within the Building User's Guide (BUG);
 - (i) Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans);
 - (j) Confirm head contractor will be ISO14001 accredited.

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

Acoustic Report

13. Before the development commences (except for demolition, retention and excavation works), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit.

The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Vipac Engineers & Scientists and dated 8 September 2021, but modified to include or show:

- (a) All design changes required under Condition 1 of this permit;
 - (b) The correct architectural plans (revision number and date) to be referenced;
 - (c) ****Deleted****
 - (d) Carry out several, detailed measurements and at least one of them to be conducted during peak traffic period to ensure that the proposed glazing design will meet the nominated targets;
 - (e) Provide advice for noise control via non-glazed areas of the façade if the façade is not proposed to be fully masonry;
 - (f) Provide an assessment of voice noise from use of the rooftop spaces, demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter);
 - (g) A review of all acoustically significant mechanical plant and equipment to be conducted during the detailed design phase, to ensure the equipment meets the identified noise criteria;
 - (h) ****Deleted****
 - (i) Specify the minimum treatments required to address impact noise transfer. This could be presented as a minimum 'delta L' rating of the proposed underlay or spring treatment; and
 - (j) Provision of minimum Rw ratings for any lightweight, non-glazed components of the façade.
14. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
15. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Review all mechanical plant associated with the proposal for compliance with the endorsed Acoustic Report;

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- (b) ****Confirm whether the plant equipment at No. 219 Johnston Street is not operational at night, i.e. between 10 pm and 7 am. If it operates during the night period, noise from the equipment should be assessed by measurement, in accordance with the Guideline advice provided in Section 4.4 of the City of Yarra 'Guidelines – managing noise impacts in urban development', 2019, and advice provided for addressing any identified exceedances. The advice is to be implemented to the satisfaction of the Responsible Authority**;**
- (c) ****Noise from operation of the carpark entrance gate is to be measured outside the potentially most impacted bedroom windows and demonstrated to comply with a sleep disturbance criterion of 65 dBA LMax**.**

The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

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

Landscape Plan

17. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre Studio and dated November 2021, but modified to include or show:
- (a) Further detail drawings of the planters, including the provision of adequate soil depth for all trees;
 - (b) Further notes on proposed irrigation;
 - (c) Notation confirming that the load bearing weights for the building will be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;
 - (d) Provision of additional vertical greening and climbing vegetation;
 - (e) Street tree species to be updated to align with wider street tree character as follows:
 - (i) Tree species on Argyle Street to be *Koelreuteria paniculatum*;
 - (ii) Proposed plane trees on Gore Street to be *Platanus x acerifolia* 'Liberty';
and
 - (iii) Tree species on Johnstone Street to be *Hymenosporum flavum*.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Wind

19. Before the use and/or development commences (except for demolition, retention and excavation works), an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers & Scientists and dated September 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
 - (b) Wind tunnel study for the roof terraces, which also includes the wind conditions for the Ground Floor, Level 1 communal space and private balconies/terraces.
 - (c) Demonstrate sitting criterion is achieved in designated sitting areas for all dwelling balconies and communal open space areas.
20. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

21. Before the development commences (except for demolition, retention and excavation works), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Development Consultants and dated November 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
 - (b) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (c) A designated 'manager' or 'champion' responsible for coordination and implementation; and
 - (d) Provisions for the Green Travel Plan to be updated not less than every 5 years.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste

23. Before the development commences (except for demolition, retention and excavation works), an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When

approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Sustainable Development Consultants and dated November 2021 but modified to include or show:

- (a) All design changes required under Condition 1 of this permit.
- 24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 26. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 27. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Public Realm Design and Detail Plan

- 28. Within six (6) months of the development commencing (except for demolition, retention and excavation works), detailed engineering and landscaping plans of works within the public realm to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing the following:
 - (a) the location of all existing infrastructure on footpath like drainage pits, electricity poles, street signs, parking metre, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations.
 - (b) the location of existing power poles/lights to ensure the location and number of new street trees.

Streetscape Improvement Plan

- 29. Before the development commences (except for demolition, retention and excavation works), or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:
 - (a) Landscaping, seating and bike hoops;
 - (b) Existing and proposed adjacent on street parking along with verification of existing and proposed on-street parking numbers;
 - (c) Drainage, including kerb and channel (back of kerb, invert, and lip of channel) and any side entry pits;
 - (d) Streetscape surface finishes;

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- (e) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*.
 - (f) All paving must be compliant with Australian Standards for slip resistance and DDA.
 - (g) Details of any re-located street infrastructure.
 - (h) Details of the materiality of outstands including permeable surface finishes, drainage and tree pit cut outs/tree protection measures;
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all works (including landscaping) to the public realm as shown in the plans approved under conditions 28 and 29, must be fully constructed and completed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority

Trees

31. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$6,037 to the Responsible Authority. This fee:
- (a) Will be used for seven (7) new street tree plantings as listed below:
 - (i) Roadside – 3 along Argyle Street; approximate cost \$1,099 per tree;
 - (ii) Outstand – 1 along Gore Street; approximate cost \$880 per tree; and
 - (iii) Footpath – 3 along Johnston Street; approximate cost \$620 per tree.
 - (b) Will cover tree sourcing, planting and 2 years of maintenance;
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.
32. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of all existing street trees on Gore Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
33. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

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34. Before the development commences, the permit holder must provide an Asset Protection Bond of \$85,863 (ex GST) for the trees in Gore Street adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Public Lighting Plan

35. Before the development commences (except for demolition, retention and excavation works), a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along all street frontages, in particular the laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public areas/paths/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
 - (c) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (d) A maintenance regime for the lighting scheme within the curtilage of the property.
 - (e) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.

Head, Transport for Victoria Conditions (36 – 38)

36. Prior to occupation of the development all disused or redundant vehicle crossings on Johnston Street must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
37. The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria.
38. Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Car Parking

39. Before the development commences (except for demolition, retention and excavation works), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved,

the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number of car parking spaces allocated to each tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (e) the number and allocation of storage spaces;
 - (f) policing arrangements and formal agreements;
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.
 - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 22; and
 - (i) details regarding the management of loading and unloading of goods and materials.
40. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

General

43. The amenity of the area must not be detrimentally affected by the development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;

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- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot,
 - (d) ash, dust, waste water, waste products, grit or oil, or
 - (e) the presence of vermin.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
45. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
47. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
48. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
49. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

Road Infrastructure

50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's street frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to all street frontages must be reconstructed:
-

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south aligned laneway abutting the site's western boundary must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along all three street frontages:
- (a) in accordance with Council's Road Materials Policy;
 - (b) the footpaths must have a cross-fall of 1 in 33, or unless specified by the Responsible Authority;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
56. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
57. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across Argyle Street road pavement running along the west channel alignment of Gore Street:
- (a) at the permit holder's cost; and

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(b) to the satisfaction of the Responsible Authority.

60. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

(a) at the permit holder's cost;

(b) to the satisfaction of the Responsible Authority.

61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

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

(a) at the permit holder's cost;

(b) to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

63. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

64. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management Plan

65. Before the development commences, for the relevant stage of demolition or construction, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan may be prepared in stages, with the first stage to allow for demolition, retention and excavation works to commence and the second stage to allow for the balance of the development, unless otherwise agreed by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

(a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

(b) works necessary to protect road and other infrastructure;

(c) remediation of any damage to road and other infrastructure;

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- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) management of any environmental hazards including, but not limited to,;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (q) Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
-

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- (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
66. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
67. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry

68. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit;
or
 - (b) the development is not completed within five years of the date of this permit.

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

Notes:

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

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

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

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A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

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No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

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

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

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order

19 September 2022 Planning Permit PLN21/0670 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P768/2022 via consent.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS:

Date of amendment	Brief description of amendment
25 September 2023	Pursuant to Section 71 of the <i>Planning and Environment Act</i> (1987) the planning permit number reflected on the endorsed Conservation Management Plan (Condition 6), Photographic Record (Condition 8) and Structural Report (Condition 9) corrected to PLN21/0670.
Date 05 April 2024 (PLN21/0670.01)	Pursuant to Section 73 and 74 of the <i>Planning and Environment Act</i> 1987, the following changes were made: <ul style="list-style-type: none">• Variations to existing Conditions 1, 13 (Acoustic Report) and 15 (post development Acoustic Report) requirements.• Plans amended to show various modifications, including reduction in the total number of apartments, addition of a half a basement level, increase in the number of car parking, reduction in the residential bicycle parking spaces, deletion of the Level 01 coworking space, increase in the height of the lift over run RL by 0.50m and changes to window and terrace configurations and materials.

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PLANNING PERMIT IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- From the date specified in the permit; or
- If no date is specified, from:
 - (i) The date of the decision of the Victorian Civil and Administration Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) The date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.

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5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

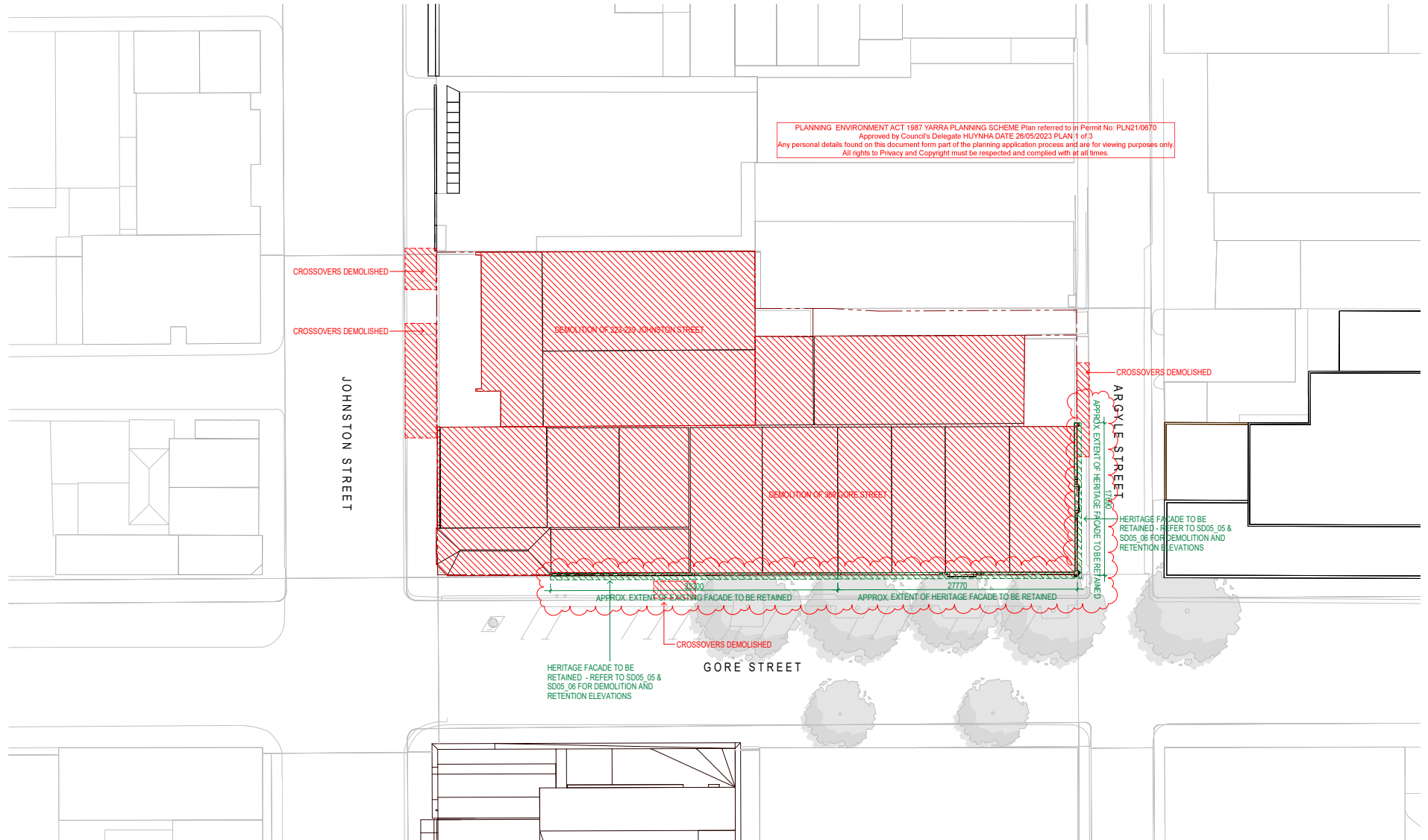
WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review must be lodged with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#).
- An application for review must be made on the relevant form which can be obtained from [Victorian Civil and Administrative Tribunal \(VCAT\)](#), and must be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.

Information about the VCAT process, applications for review and the fees payable to the Victorian Civil and Administrative Tribunal you can look at Council's website <https://www.yarracity.vic.gov.au/services/planning-and-development/decisions-and-appeals>, [download the Planning proceedings at VCAT factsheet](#) (PDF) or visit the [VCAT website](#).

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Project
 PACE
 223-231 JOHNSTON
 STREET FITZROY

Job No.
 21503

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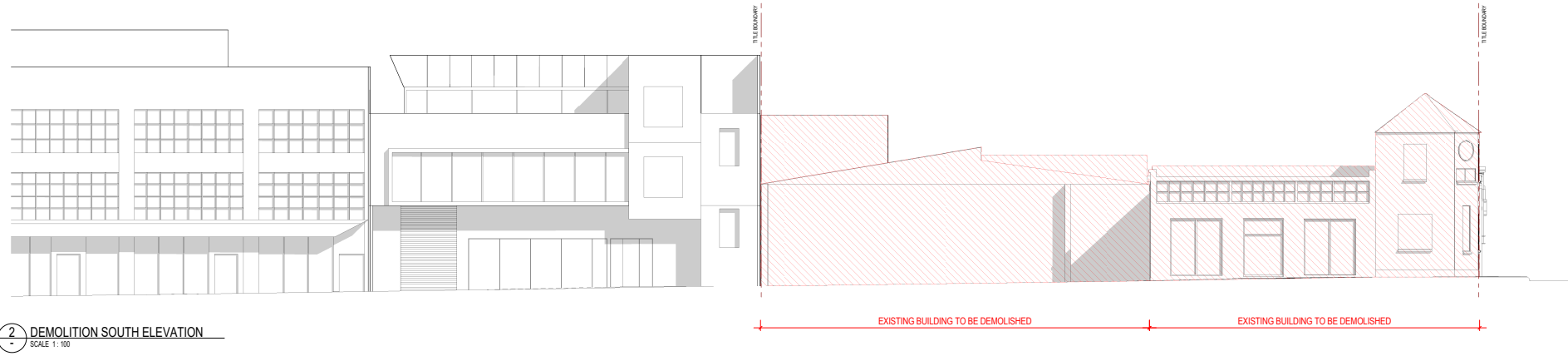
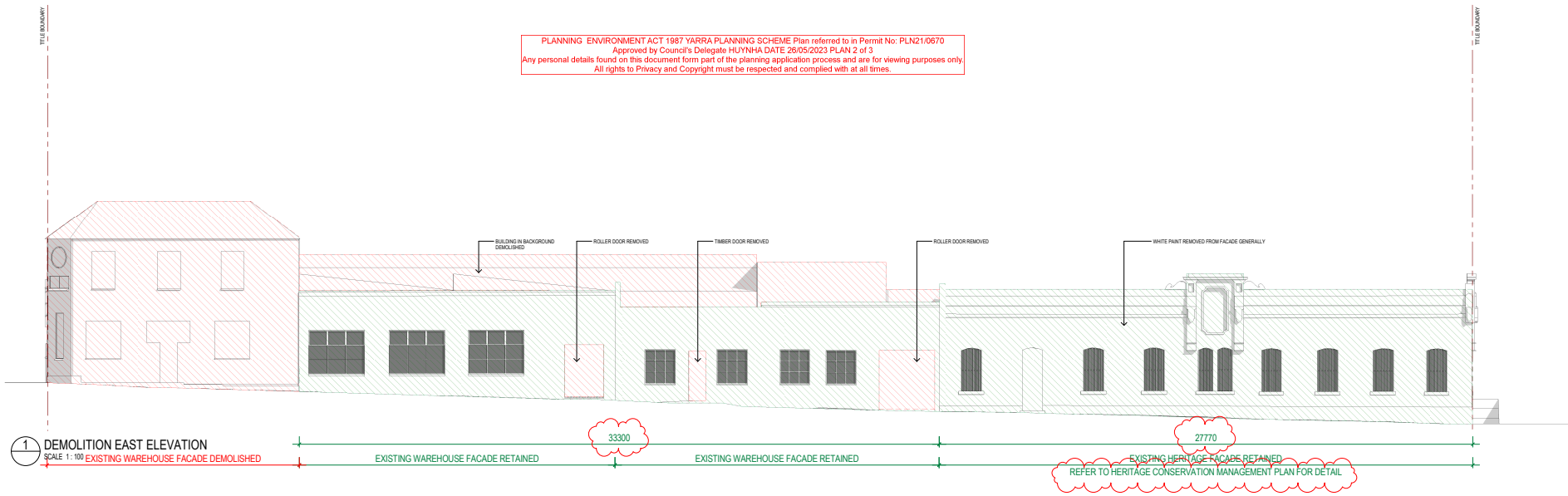
Drawing
 SD01_03
 DEMOLITION PLAN

Revision
 29
 21.01.2023

Level 5, 18 Oliver Lane
 Melbourne VIC
 3000 Australia
 T 61 3 9599 6688
 efp.com.au



PLANNING ENVIRONMENT ACT 1987 YARRA PLANNING SCHEME Plan referred to in Permit No: PLN21/0670
 Approved by Council's Delegate HUYNHA DATE 26/05/2023 PLAN 2 of 3
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Project
PACE
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 STREET FITZROY

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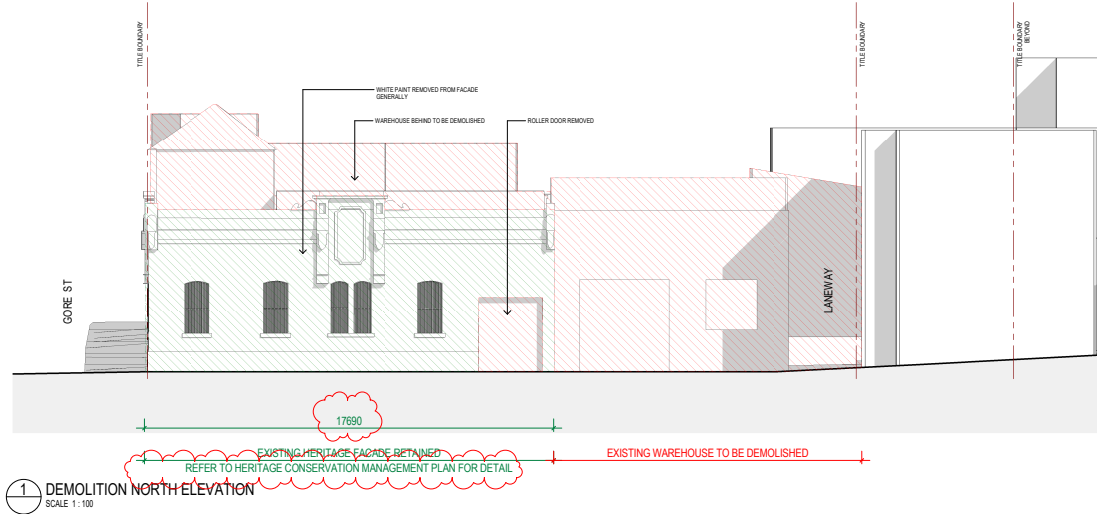
Drawing
SD05_05
 DEMOLITION ELEVATIONS

Revision
29
 21.01.2023

Level 5, 18 Oliver Lane
 Melbourne VIC
 3000 Australia
 T 61 3 9599 6688
 qjb.com.au



PLANNING ENVIRONMENT ACT 1987 YARRA PLANNING SCHEME Plan referred to in Permit No: PLN21/0670
 Approved by Council's Delegate HUYNHA DATE 28/05/2023 PLAN 3 of 3
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Project
 PACE
 223-231 JOHNSTON
 STREET FITZROY

Job No.
 21503

Scale
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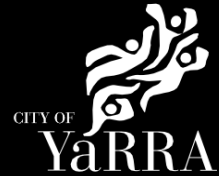
Drawing
 SD05_06
 DEMOLITION ELEVATIONS

Revision
 29
 21.01.2023

Level 5, 18 Oliver Lane
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 efp.com.au



Heritage Formal Referral Response



Application Information:

Referral Officer:	Nish Goonetilleke
Officer:	Diahnn McIntosh
Council Reference:	PLN21/0670.02
Address:	223 - 229 Johnston Street & 369 Gore Street Fitzroy
Proposal:	Section 72 Amendment to Planning Permit PLN21/0670 to amend endorsed demolition plans to allow for the additional demolition and reconstruction of the existing Gore Street façade (previously to be retained).
Relevant Overlays	Heritage Overlay – Schedule 334 (HO334) Heritage Grading: Nos. 223 – 229 Johnston Street - ‘Not contributory’ No. 369 Gore Street – ‘Individually significant’
Yarra Planning Scheme	<ul style="list-style-type: none">• Clause 02.01-6 Municipal planning strategy - Built environment and heritage
References	<ul style="list-style-type: none">• Clause 02.03-4 Strategic directions – Built environment and heritage• Clause 15.03-1S Heritage conservation• Clause 15.03-1L Heritage• Clause 43.01 Heritage Overlay <p>As per the Schedule to the Heritage Overlay, there are no internal alteration, external paint, or tree controls. Solar energy system controls apply.</p>
Comments Sought:	Comments on the application from a Heritage perspective are requested on the following: <ul style="list-style-type: none">• Is the additional demolition and reconstruction of the eastern façade (yellow highlight below) supported?; and• Any changes required to Conditions 6 to 9?
Disclaimer:	Council’s Heritage Advisor provides the following information which is based on the information provided in the referral request memo referenced above.

Prev. Responses:

Planning background:

PLN19/0928

Heritage referral comments (Anita Brady) on 1st application:

PLN19/0928 - 223-229 Johnston Street and 369 Gore Street, Fitzroy - Heritage (external) referral response

PLN21/0670

Previous Planning Application - PDC Decision Plans:

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

Heritage Referral Comments (Anita Brady) on 2nd application:

PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - All referral comments

Previous Planning Application - Planning Officer Report:

PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - PDC Agenda (Officer Report)

Application refused at PDC.

Compulsory Conference Plans (CONFIDENTIAL – DO NOT SHARE):

PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - VCAT (P768/2022) - Without prejudice amended plans circulated for CC - Zip folder

Planning Permit PLN21/0670:

Issued at the direction of VCAT: 19 September 2022;

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

PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Planning Permit

Section 72 Amendment PLN21/0670.01:

Submitted in response to Condition 1 Requirements;

Various modifications (see statement of changes below) to the plans agreed upon at the Compulsory Conference at VCAT; and
Application currently being assessed.

Section 72 Amendment PLN21/0670.02:

Additional demolition and reconstruction of the eastern façade (previously retained).
Applicant has provided a letter from Bryce Raworth, including a Structural Engineers Report.

Assessment of Proposed Amended Works

PROPOSED AMENDED WORKS

This application is for the demolition and reconstruction of existing facades that were proposed to be retained in the original planning permit PLN21/0670.

Comments regarding additional demolition and reconstruction works:

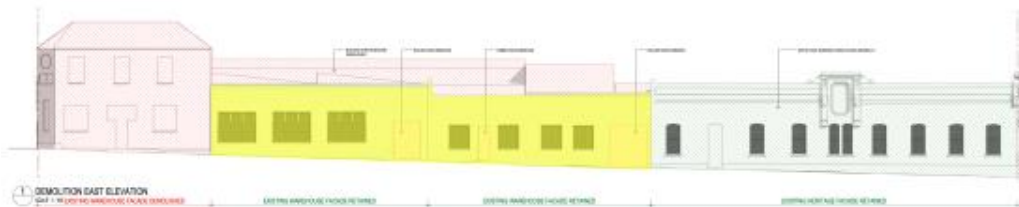


Figure 1: The section of wall that is sought to be demolished and reconstructed in the present amendment to the approval is coloured yellow.

The Heritage Impact Statement submitted with the original application for the development of the site concluded that the walls shaded yellow above “did not contribute to the same degree as the former Argyle shirt factory and are considered secondary in character and interest”. Despite this finding it was considered that the subject walls contribute to the industrial character of the site as it presents to Gore Street.

The proposed demolition and reconstruction of the subject section of wall in question is supported by the submitted structural assessment and the method of reconstruction which will stabilise the wall. This is considered an acceptable outcome in terms of heritage conservation as the wall will be reconstructed to match using original brickwork, as much as possible.

The visual impact of the reconstructed wall will sufficiently retain the industrial contribution of the existing building in the streetscape.

Impact on heritage condition of the original planning permit PLN21/0670

6. Before the demolition commences, a Conservation Management Plan to the satisfaction

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

(a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:

(i) The existing façade, roof and return walls to a depth of approximately 5m, including sections to show the thickness of architectural elements;

(ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and

(iii) Any specific requirements outlined in the Heritage Impact Statement prepared by Bryce Raworth (dated September 2021);

(b) A written description of the demolition and construction methods to be used.

A Conservation Management Plan was prepared by Bryce Raworth Pty Ltd in accordance with Condition 6 of the permit however, by agreement with Council, the Conservation Management Plan only related to the former Argyle shirt factory and not the later additions along Gore Street due to their limited architectural interest. That Conservation Management Plan was endorsed.

To reflect the amended scope of demolition currently proposed, the previously endorsed Conservation Management Plan has now been updated.

In particular it states that as part of the currently proposed works, the existing bricks are to be salvaged during demolition and reused in the reconstruction of the façade(s).

CONCLUSION: The currently submitted documents, as amended and supplemented, address the requirements of this condition.

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

CONCLUSION: The currently proposed works will not alter the requirements of this condition.

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

(a) include the interior and each external elevation of the building;

(b) be submitted in black and white format; and

(c) be taken by a suitably qualified heritage photographer.

CONCLUSION: The currently proposed works will not alter the requirements of this condition.

9. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the structural report will be endorsed and will form part of this permit.

The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.

CONCLUSION: The currently proposed works include a full structural assessment of the wall to be demolished and will therefore no change is required to this condition.

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

CONCLUSION: This condition continues to be relevant despite the change of demolition and reconstruction works.

Summary of Recommendations

On heritage grounds, the works proposed in this application are support with no additional permit conditions.

Heritage Officer: Diahnn McIntosh

Signature:



Date: 19 March 2024



3rd May 2024

Yarra City Council
PO BOX 168
Richmond VIC 3121

Attention: Ms Nish Goonetilleke

RE: Review of amendment to 'Heritage brick façade temporary protection works at 369 Gore Street, Fitzroy, VIC 3068' Report and 'Assessment of Existing brick wall at 369 Gore Street, Fitzroy VIC 3065' Report – Letter of Findings

Dear Nish,

Phelan Shilo Partners Pty Ltd ('PSP') has been engaged by Yarra City Council ('Council') to provide consulting services for the project best described as 223-229 Johnson Street and 369 Gore Street, Fitzroy. The purpose of this particular engagement is to:

- Provide our professional opinion on the proposed demolition and reconstruction of a section of the façade wall along Gore Street
- Review the suitability of the 'Assessment of Existing brick wall at 369 Gore Street, Fitzroy VIC 3065' condition report, prepared by ISG, dated 12.10.2023. This document will hereafter be referred to as the 'ISG Condition Report'.
- Review the suitability of the 'Heritage brick façade temporary protection works at 369 Gore Street, Fitzroy, VIC 3068', structural report, prepared by ISG, dated 12.10.2023. This document will hereafter be referred to as the 'ISG Structural Report'.

The reports should also be read in conjunction with the updated architectural 'Demolition Plan' and 'Demolition Elevations' by SJB, dated 20.09.2023 and the amended Conservation Management Plan (CMP) by Bryce Raworth, dated 17.01.2024. Reference to these documents has been made in this letter where relevant.

OVERVIEW

PSP understands that the Developer has proposed an amendment to the planning permit (PLN21/0670) in relation to the treatment of the existing façade to the south of Gore Street. An excerpt of this elevation is indicated in Figure 1 below, with the façade subject to this amendment clouded in red. This extent of the façade, indicated to be approximately 33.3m long, is understood to be only of limited heritage value. As such, the Developer is suggesting that it be demolished and reconstructed. PSP understands that no amendments are proposed to the treatment of the existing heritage façade, which is of individually significant heritage value to the north of Gore Street (approximately 27.7m length) and along Argyle Street.

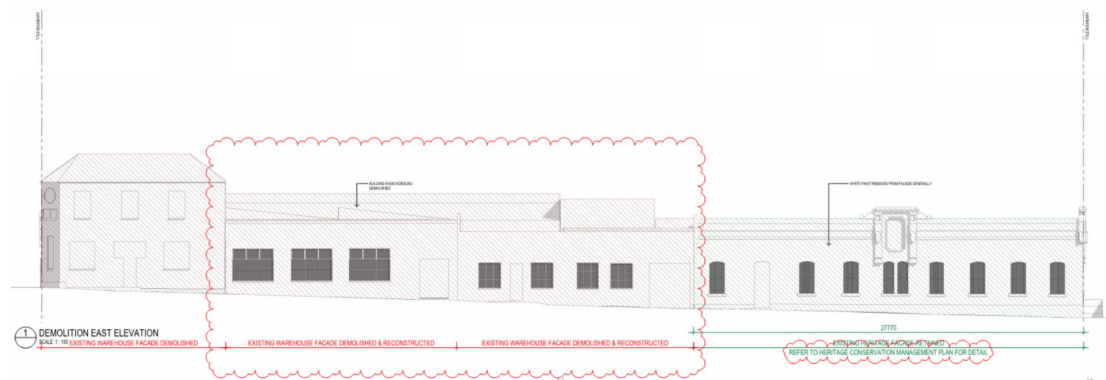


Figure 1 – Proposed amendment to façade (excerpt from Drawing SD05_05 (Rev 47) – Demolition Elevations, prepared by SJB)

A 3/6 Riddell Parade,
Elsternwick VIC 3185

E info@phelanshilo.com.au

Ref 23-S-012-LET-002 (Rev 0)

phelanshilo.com.au

Page 1



PSP has been provided with the ISG Condition Report, outlining defects observed to the southern façade brickwork extent externally and internally. The existing roof trusses, internal walls, and the condition of existing window frames have also been highlighted during the inspection.

PSP notes that the ISG Structural Report submission presents four (4) gantry frame types, further commented on in this report's Recommendations / Commentary section. The drawings contained within the ISG Structural Report are noted to have progressed in detail to a 'For Construction' set. Supporting calculations have also been provided.

PSP's desktop review does not constitute a third-party review or certification of the proposed temporary protection works specifications but rather a high-level review of the design approach proposing for demolition and reconstruction of the limited heritage façade and the façade extent to be retained. This review only applies to Clause 9 of the original Planning Permit (PLN21/0670), which stipulates:

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

At this time, the detailed structural drawings for the development have not been produced, and the specifications of the existing structure are also unknown. As such, PSP cannot comment definitively on constructability issues that may arise between the façade retention, or demolition and reconstruction concept, and the greater development.

FINDINGS

The following are the findings from the PSP desktop review of the relevant documents provided to PSP by Council:

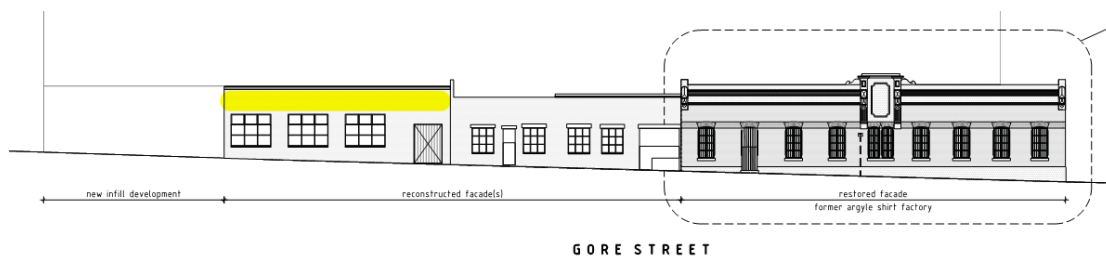
F1. We deem Daniel Rostami (Director and Registered Professional Engineer), acting on behalf of ISG, a suitably qualified engineer to provide the condition report and temporary protection works design. PSP notes that some aspects of the design will have to be further developed, as outlined in the findings and recommendations. Refer Recommendation 'R1'.

F2. Based on the photographs provided in the ISG Condition Report, PSP notes that the nature of the stepped and horizontal cracking in the brickwork indicates possible foundation settlement and rotation. The stepped cracking adjacent to the shutter door (see Photograph 02 in ISG Condition Report) suggests out-of-plane movement of the façade brickwork. Concrete lintels also appear to exhibit some cracking over openings. Existing steel window framing elements appear to have undergone corrosion, with some sill framing locally damaged. Refer Recommendation 'R2'.

F3. There appears to be some discrepancy regarding the treatment of the high-level window panelling when examining architectural elevations and amending CMP against the ISG structural report documentation. The CMP and architectural elevations appear to have excluded these panel elements from the reconstructed façade and replaced them with masonry. However, 'Typical Section A1-A1' in 'Job No. 19177, Drawing No. S002 (Rev 1)' of the ISG Structural Report indicates that these window/cladding panels will be retained. The need to clarify the treatment of this component was highlighted in findings and recommendations 'F3' and 'R3' in the letter 23-S-012-LET-001 (Rev 0), previously issued by this office. Figure 2 below depicts the current appearance of the panels, while Figure 3 indicates the proposed reconstruction as per the amended CMP. Refer Recommendation 'R3'.



Figure 2 - Photograph from Bryce Raworth CMP



Proposed east elevation
SCALE 1:200

Figure 3 – Proposed east elevation of reconstructed façade.

Highlighted region added by PSP; currently lightweight framing, denoted as masonry on proposed architectural drawings

F4. The ISG Structural Report has been designed and detailed to a 'For Construction' stage. PSP note that some comments offered in its initial letter (23-S-012-LET-001 (Rev 0)) have been addressed in this progressed design. Refer Recommendation 'R4' for observations and comments on the proposed design.

F5. PSP notes that the updated architectural plans and CMP documents do not denote the thickness of façade elements to remain/be demolished and reconstructed. The ISG Structural Report appears to adopt a thickness of 300mm for calculations. Refer Recommendation 'R5'.

F6. We note that no detailed structural engineering drawings for the proposed development have been produced for our review. As such, PSP has not been able to review the proposed façade restraints in their final condition. Refer Recommendation 'R6'.



RECOMMENDATIONS / COMMENTARY

The following recommendations and comments are provided in good faith to assist Council in handling the matter. Based on the findings above, PSP makes the following recommendations to Yarra City Council with regard to the suitability of the ISG Structural Report submission and how Council may choose to proceed:

R1. It is recommended that Council ensure that the protective works are formally designed, documented and certified by a suitably qualified structural engineer engaged by the Developer. Supporting calculations for the protective works should be supplied. Certified structural documentation should be submitted to Council before the issue of any Building Permit(s) on the subject site. Separate from this arrangement, PSP may be able to provide third-party structural reviews on behalf of Council of the detailed design when it is provided.

R2. PSP generally agrees with the findings and contention of the ISG Condition Report. PSP is of the opinion that the proposed demolition and reconstruction of the southern portion of the façade is a prudent approach. It will offer those responsible for undertaking restoration works greater control over necessary repairs. Furthermore, the permanent works engineer could potentially have greater flexibility in specifying restraint details for the façade in its final condition, depending on the sequencing of new construction works and reinstatement of the brickwork façade. The load-bearing elements of the façade, such as the concrete lintels or headers, can also be subject to further structural assessment and upsized to support the proposed loading adequately.

R3. Council should confirm whether it is satisfied with the extent of masonry walling shown on Gore Street, with particular reference to the extent highlighted in Figure 3. If the wall type is to be changed, the lintels may need to be upsized to support the heavier masonry. Additional brickwork would also be required as part of reconstruction works to infill this portion of the façade. Should Council wish for this portion of walling to be retained as cladding or sheet panelling as historically the case, it may advise the architect to revise its elevations to Council's satisfaction. Regardless of the treatment of this portion of the façade, verifying the condition and suitability of the existing loadbearing lintels or header members over openings to support the required loads will be necessary. The existing lintels are noted to have some cracking, as per the ISG Condition Report. Council may wish to request a structural assessment or structurally certified design submission on load-bearing elements of the façade brickwork.

R4. PSP offers the following observations/comments on the structural design of the proposed façade retention works:

- 1) PSP notes there are to be a total of four (4) Gantry types. Gantry types 1 and 2 are located against the extent of the façade subject to demolition and reconstruction. Gantry types 3 and 4 are noted to temporarily support the heritage brickwork to be retained across the various stages during demolition through construction until the development can provide adequate restraint.
- 2) There appears to be a discrepancy in the noted treatment of the southern façade subject to demolition and reconstruction on the plans provided in 'Job No. 19177, Sheet S001 (Rev 1)' in Appendix A of the ISG Structural Report. PSP recommends revising the 'Temporary Heritage Wall Protection Gantry Layout Plan' and 'Protection Steel Gantry Layout Plan' to ensure consistency and identify façade extents to be retained and those to be demolished and reconstructed. PSP note the following:
 - a. On the 'Temporary Heritage Wall Protection Gantry Layout Plan', the façade walling corresponding to Gantry Type 1 is noted to be demolished as part of 'Stage 1' works. The façade walling corresponding to Gantry Type 2 is indicated to be demolished as part of 'Stage 2' works. PSP understands that the extent of the wall along both Gantry types 1 and 2 are to be included as part of 'Stage 1' demolition works, as it is still part of the 33.3m length of limited heritage value façade.
 - b. The 'Protection Steel Gantry Layout Plan' denotes walls and window panelling along Gantry types 1 and 2 to be retained.

PSP recommend the structural plans and sections are amended to suit the above items, also noting the clarification required for the treatment of high-level window panelling identified in Recommendation 'R3'.



- 3) 'Typical Section A1-A1' and 'Typical Section A2-A2' indicate the proposed approach to the façade demolition and reconstruction works. The gantry frames are shown not to be offering any restraint to the façade walls and seem to be treated simply as fall protection gantries over the footpath. PSP note the following design issue with this proposal:
 - a. Consideration still needs to be given to the stability of the façade wall during demolition works. It is understood that the roof trusses and internal and perpendicular buttress walls are to be demolished. The ISG Structural Report and ISG Condition Report identify these elements to brace the brick walls laterally. If this is the case, the façade brickwork will be freestanding without any top restraint in the temporary state when subject to demolition works. Although this may not be for an extended period, it still introduces the risk of instability and collapse should a high wind event or seismic event occur.
- 4) Given the risk and safety concern identified in item 3 above, PSP recommends Council to request further design consideration of this aspect. At a conceptual level, a potential solution could be to install a streetside scaffold that can provide lateral restraint to the façade walls at height. This arrangement will also require ballast, similar to the other gantry types. As the façade wall is progressively demolished, lateral restraints can be gradually removed, with the scaffold being freestanding in its final condition. The footpath may need to be closed to the public during the demolition works.
- 5) We note that no reference is made to any geotechnical report or existing geotechnical information in the submission. Although the frames are ballasted, they rely on a minimum allowable bearing pressure. The final, certified design provided to Council shall be based on and refer to geotechnical advice provided by a suitably qualified geotechnical engineer.

R5. It is recommended that Council request confirmation and explicit specification of the thickness of façade elements to be in documentation. Should the brickwork be deemed to be thicker than assumed in structural design, the computations are to be revised to account for additional lateral robustness loading. The engineer undertaking inspections may have adequately addressed this design recommendation as part of the detailed design of the temporary works.

R6. Council should stipulate that in its final condition, the proposed structure shall be capable of providing adequate restraint so that both the reconstructed and retained façade extents conform to Section B of the National Construction Code. The façade will notably be exposed to wind loading. All masonry facades, whether retained or reinstated (excluding its foundations), should be certifiable in its end condition as part of the new structural works. Note: We do not believe it is reasonable for the incumbent engineer to re-certify the existing foundations to current-day codes.



CONCLUSION

In summary, we believe the intent for demolishing and reconstructing the facade brickwork to the south of Gore Street is an appropriate course of action, given its current condition. A key item requiring further structural input and attention is ensuring the stability of the wall during the short-term demolition phase. A sequential and controlled approach to demolition that considers the stability of the wall will ensure the preservation of façade elements for later restoration.

As the approved Structural Report, Town Planning Drawings and CMP will form part of the Planning Permit, Council may, at its discretion, have ISG, SJB or Bryce Raworth, respectively, incorporate any of the recommendations herein. PSP would like to reiterate that this review does not constitute a third-party review or certification of the proposed framing and design. Council is to ensure that all relevant structural documentation supplied is certified before issuing any Building Permit(s).

All care has been taken in undertaking our review and preparing this report. We trust that this feedback satisfies Council's request for information at this time and thus concludes our services. Should you have any queries regarding this advice, please do not hesitate to contact the undersigned.

Kind regards,

Robert Phelan

Co-Founder | Principal Structural Engineer

BEng (Hons) MIEAust NER RPE(Vic) RPEQ

robert@phelanshilo.com.au

Enc: Planning Permit, by Yarra City Council (Ref: PLN21/0670), dated 19.09.2022
'Assessment of Existing brick wall at 369 Gore Street, Fitzroy VIC 3065', (Ref. 19177-P1) by ISG, dated 12.10.2023
'Heritage brick façade temporary protection works at 369 Gore Street, Fitzroy, VIC 3068', (Ref. 19177/R1) by ISG, dated 12.10.2023

Yarra City Council (Responsible Authority)
Yarra Planning Scheme



PLANNING PERMIT (Corrected)
PLN21/0670

Address of the land: 223-229 Johnston Street & 369 Gore Street Fitzroy VIC 3065

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

The following conditions apply to the permit:

Amended/Endorsed Plans

1. Before the development commences (except for demolition, retention and excavation works), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by SJB Architects, dated 19.11.2021, but modified to show:

Layout

- (a) All changes at levels 4 to 8 and Roof Deck generally in accordance with the level 4 – 8 and Roof Deck plans prepared by SJB Architects, drawing numbers SD02-09, SD02-10, SD02-11, SD02-12, SD02-13, SD02-14 dated 26 August 2022 (Rev 19);
- (b) Wall-mounted sensor lighting to be provided to all pedestrian entrances, including the internal courtyard area;
- (c) Details of security lighting to the laneway;
- (d) Internal staircase (between the north and south wings) screened to limit views into the balconies of Apartments 2.17, 3.17, 4.16, 5.09 and bedrooms of Apartments 6.09, 7.07 and 8.07 (apartment numbers above level 5 correspond to 26 August 2022 plans);
- (e) An alternative door solution to the 'smoke lobby' between Levels 1 to 5, to improve the circulation and functionality of the east-west corridor;
- (f) Additional on-street car parking along Johnston Street as a result of removing the existing crossover;
- (g) Swept path diagrams to show the following:
 - (i) that a B99 design vehicle can enter and exit the reconstructed laneway/widened carriageway via Argyle Street without scraping or bottoming out;
 - (ii) commercial vehicles entering and leaving the development in Argyle Street;
- (h) a vehicle crossing design that:

Planning Permit PLN21/0670
Date issued: 19 September 2022

Ally Huynh
Signature for the Responsible Authority

- (i) Demonstrates satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
- (ii) is fully dimensioned with actual reduced levels (to three decimal places) and that complies with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet;
- (i) The finished floor levels at the edge of the pedestrian Entry/Courtyard to neatly match and transition into the reconstructed back of the footpath design levels of Gore Street;
- (j) The asphalt ramp and Bluestone layback (vehicle crossing) on Gore Street to include a notation confirming that it will be reinstated as asphalt footpath and bluestone kerb and channel;
- (k) A notation to confirm the fire booster doors fronting Johnston Street to outwardly swing 180 degrees and be latched to the wall when opened;
- (l) A notation confirming that a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street;
- (m) A minimum of twenty (20) visitor bicycle spaces provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
- (n) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
 - (i) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
- (o) Two carparks and three trees in cut-outs with bike hoop protection along Argyle Street;

Built Form

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

Reports and Plans

- (s) Any changes required by the amended Sustainable Management Plan at Condition 11;
 - (t) Any changes required by the amended Acoustic Report at Condition 13;
 - (u) Any changes required by the amended Landscape Plan at Condition 17;
 - (v) Any changes required by the amended Wind Report at Condition 19; and
 - (w) Any changes required by the Green Travel Plan at Condition 21.
2. Before demolition, retention or excavation starts, demolition plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The demolition plans must be drawn to scale with dimensions and an

Planning Permit PLN21/0670
Date issued: 19 September 2022

Ally Huynh
Signature for the Responsible Authority

electronic copy must be provided. The demolition plans must be generally in accordance with the plan numbers SD01-03, SD05-05 and SD05-06 prepared by SJB Architects dated 19 November 2021 and marked Revision 16. When approved, these plans will be endorsed and will form part of this permit.

3. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes including:
 - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
5. As part of the ongoing consultation SJB Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Heritage

6. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façade, roof and return walls to a depth of approximately 5m, including sections to how the thickness of architectural elements;
 - (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (iii) Any specific requirements outlined in the Heritage Impact Statement prepared by Bryce Raworth (dated September 2021);

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- (b) A written description of the demolition and construction methods to be used.
- 7. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 8. Before demolition commences, a detailed and annotated photographic record of the existing building at 369 Gore Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
 - (a) include the interior and each external elevation of the building;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.
- 9. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
- 10. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 11. Before the development commences (except for demolition, retention and excavation works), an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and dated November 2021, but modified to include or show:
 - (a) All design changes required under Condition 1 of this permit.
 - (b) Revise strategy to include additional shading treatments for Apartments 5.04, 7.02 and 7.03 (north-facing without balcony overhang);
 - (c) Clarify visible light transmittance (VLT) which is identified as 60% on page 13 and 70% on page 69, and provide result of daylight modelling in a table (for each dwelling's living area and bedroom);
 - (d) Provide copy of JV3 prior to construction to support indicative figures provided in BESS report;
 - (e) Confirm post-development stormwater flows will not exceed pre-development levels;
 - (f) Clarify whether any additional treatment strategies are required for rainwater reuse;
 - (g) Confirm car share details will be provided in Building Users Guide;
 - (h) Given the minor provision of non-residential uses, confirm the content required by a Green Travel Plan (GTP) will be included within the Building User's Guide (BUG);

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- (i) Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans);
 - (j) Confirm head contractor will be ISO14001 accredited.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

13. Before the development commences (except for demolition, retention and excavation works), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit.

The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Vipac Engineers & Scientists and dated 8 September 2021, but modified to include or show:

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

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15. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.
16. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

17. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre Studio and dated November 2021, but modified to include or show:
 - (a) Further detail drawings of the planters, including the provision of adequate soil depth for all trees;
 - (b) Further notes on proposed irrigation;
 - (c) Notation confirming that the load bearing weights for the building will be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;
 - (d) Provision of additional vertical greening and climbing vegetation;
 - (e) Street tree species to be updated to align with wider street tree character as follows:
 - (i) Tree species on Argyle Street to be *Koelreuteria paniculatum*;
 - (ii) Proposed plane trees on Gore Street to be *Platanus x acerifolia* 'Liberty'; and
 - (iii) Tree species on Johnstone Street to be *Hymenosporum flavum*.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Wind

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19. Before the use and/or development commences (except for demolition, retention and excavation works), an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers & Scientists and dated September 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
 - (b) Wind tunnel study for the roof terraces, which also includes the wind conditions for the Ground Floor, Level 1 communal space and private balconies/terraces.
 - (c) Demonstrate sitting criterion is achieved in designated sitting areas for all dwelling balconies and communal open space areas.
20. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

21. Before the development commences (except for demolition, retention and excavation works), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Development Consultants and dated November 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
 - (b) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (c) A designated 'manager' or 'champion' responsible for coordination and implementation; and
 - (d) Provisions for the Green Travel Plan to be updated not less than every 5 years.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste

23. Before the development commences (except for demolition, retention and excavation works), an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Sustainable Development Consultants and dated November 2021 but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.

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24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
26. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
27. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Public Realm Design and Detail Plan

28. Within six (6) months of the development commencing (except for demolition, retention and excavation works), detailed engineering and landscaping plans of works within the public realm to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing the following:
 - (a) the location of all existing infrastructure on footpath like drainage pits, electricity poles, street signs, parking metre, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations.
 - (b) the location of existing power poles/lights to ensure the location and number of new street trees.

Streetscape Improvement Plan

29. Before the development commences (except for demolition, retention and excavation works), or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:
 - (a) Landscaping, seating and bike hoops;
 - (b) Existing and proposed adjacent on street parking along with verification of existing and proposed on-street parking numbers;
 - (c) Drainage, including kerb and channel (back of kerb, invert, and lip of channel) and any side entry pits;
 - (d) Streetscape surface finishes;
 - (e) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*.
 - (f) All paving must be compliant with Australian Standards for slip resistance and DDA.
 - (g) Details of any re-located street infrastructure.
 - (h) Details of the materiality of outstands including permeable surface finishes, drainage and tree pit cut outs/tree protection measures;

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30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all works (including landscaping) to the public realm as shown in the plans approved under conditions 28 and 29, must be fully constructed and completed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority

Trees

31. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$6,037 to the Responsible Authority. This fee:
- (a) Will be used for seven (7) new street tree plantings as listed below:
 - (i) Roadside – 3 along Argyle Street; approximate cost \$1,099 per tree;
 - (ii) Outstand – 1 along Gore Street; approximate cost \$880 per tree; and
 - (iii) Footpath – 3 along Johnston Street; approximate cost \$620 per tree.
 - (b) Will cover tree sourcing, planting and 2 years of maintenance;
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.
32. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of all existing street trees on Gore Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
33. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
34. Before the development commences, the permit holder must provide an Asset Protection Bond of \$85,863 (ex GST) for the trees in Gore Street adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and

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- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

Public Lighting Plan

35. Before the development commences (except for demolition, retention and excavation works), a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along all street frontages, in particular the laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public areas/paths/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
 - (c) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (d) A maintenance regime for the lighting scheme within the curtilage of the property.
 - (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

Head, Transport for Victoria Conditions (36 – 38)

36. Prior to occupation of the development all disused or redundant vehicle crossings on Johnston Street must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
37. The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria.
38. Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Car Parking

39. Before the development commences (except for demolition, retention and excavation works), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;

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- (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (e) the number and allocation of storage spaces;
 - (f) policing arrangements and formal agreements;
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.
 - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 22; and
 - (i) details regarding the management of loading and unloading of goods and materials.
40. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

General

43. The amenity of the area must not be detrimentally affected by the development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot,

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- (d) ash, dust, waste water, waste products, grit or oil, or
 - (e) the presence of vermin.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
45. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
47. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
48. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
49. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

Road Infrastructure

50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's street frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to all street frontages must be reconstructed:

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- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south aligned laneway abutting the site's western boundary must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along all three street frontages:
- (a) in accordance with Council's Road Materials Policy;
 - (b) the footpaths must have a cross-fall of 1 in 33, or unless specified by the Responsible Authority;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
56. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
57. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across Argyle Street road pavement running along the west channel alignment of Gore Street:
- (a) at the permit holder's cost; and
-

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- (b) to the satisfaction of the Responsible Authority.
60. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
62. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bench seating on the Gore Street frontage is to be installed:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

63. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

64. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management Plan

65. Before the development commences, for the relevant stage of demolition or construction, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan may be prepared in stages, with the first stage to allow for demolition, retention and excavation works to commence and the second stage to allow for the balance of the development, unless otherwise agreed by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

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- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) management of any environmental hazards including, but not limited to, ;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (q) Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

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- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
66. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
67. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry

68. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit; or
 - (b) the development is not completed within five years of the date of this permit.

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

Notes:

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

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Planning Permit PLN21/0670
Date issued: 19 September 2022

Ally Huynh
Signature for the Responsible Authority

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

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

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

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order

19 September 2022 Planning Permit PLN21/0670 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P768/2022 via consent.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS:

Date of amendment	Brief description of amendment
25 September 2023	Pursuant to Section 71 of the <i>Planning and Environment Act</i> (1987) the planning permit number reflected on the endorsed Conservation Management Plan (Condition 6), Photographic Record (Condition 8) and Structural Report (Condition 9) corrected to PLN21/0670.

Planning Permit PLN21/0670
Date issued: 19 September 2022

Ally Huynh
Signature for the Responsible Authority

PLANNING PERMIT
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- From the date specified in the permit; or
- If no date is specified, from:
 - (i) The date of the decision of the Victorian Civil and Administration Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) The date on which it was issued, in any other case

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.

Planning Permit PLN21/0670
Date issued: 19 September 2022

Ally Huynh
Signature for the Responsible Authority

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review must be lodged with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#).
- An application for review must be made on the relevant form which can be obtained from [Victorian Civil and Administrative Tribunal \(VCAT\)](#), and must be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.

Information about the VCAT process, applications for review and the fees payable to the Victorian Civil and Administrative Tribunal you can look at Council's website <https://www.yarracity.vic.gov.au/services/planning-and-development/decisions-and-appeals>, [download the Planning proceedings at VCAT factsheet](#) (PDF) or visit the [VCAT website](#).

Planning Permit PLN21/0670
Date issued: 19 September 2022

Ally Huynh
Signature for the Responsible Authority



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Ref: 19177-P1

12/10/2023 (Rev 1)

Pace Building Group

200 ARGYLE STREET, FITZROY, VIC 3065

Re: Assessment of Existing brick wall at 369 Gore Street, Fitzroy Vic 3065

ISG have been commissioned by Pace Building Group to assess the existing condition and stability of the wall at current stage, during and after demolition stage.

This report addresses a portion of the existing walls along Gore Street as shown in photographs 1 & 2. These walls are identified as several additional to the original Argyle shirt factory as per conservation management plan.

The existing building is a single storey brick building and the wall along Gore Street is laterally braced by series of steel roof trusses which will be removed as part of the demolition.

We inspected these particular walls recently on 06th of Sept 2023 and the identified defects are reported in this document.

Observations

- Diagonal wall cracks at opening
- Cracks on lintels above the window opening
- Corroded steel window frames
- Verticality of the wall could not be verified by visual inspection due to uneven surface.
However, the nature of cracks on walls suggests that the wall has moved out of plane and settlement of foundations could not be verified visually.

It is also noted that the lateral bracing system of this wall, such as steel roof trusses, buttress wall and the perpendicular walls will be removed as part of the demolition.




Recommendations

Considering the defects observed on walls and lintels and also the nature of the walls at post-demolition stage, it is preferred to remove this part of the wall and rebuild to suit the town planning requirements and design intent. It is also proposed to retain the existing bricks removed and rebuild using the retained bricks.


Please do not hesitate to contact the undersigned should you need further information.
Yours faithfully,

Daniel Rostami (MIEAust NER, PE) B.E (Hons) (Civil) B.E (Mechanical)

DIRECTOR

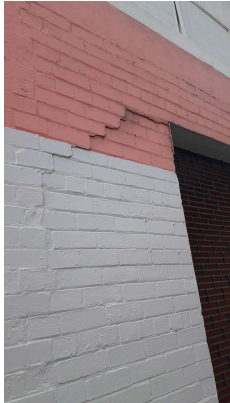
	<p>External view of the wall concerned</p>
<p align="center">Photograph 01</p>	
 <p><i>Figure 2 c.1970 view of the Gore Street elevation showing it largely as found today. Source: State Library of Victoria</i></p>	<p>External view of the wall concerned along Gore street.</p>
<p align="center">Figure 2 (reference from conservation management plan)</p>	
	<p>External view of the wall concerned</p> <p>Close up view of the diagonal crack suggest the wall out of plane movement.</p>
<p align="center">Photograph 02</p>	

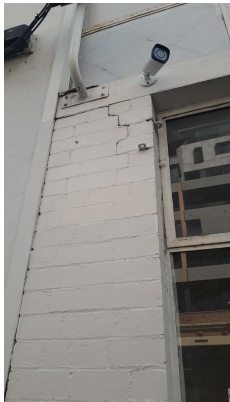
 <p><small>Figure 26 Line between the 19th century Argyle shirt factory and the first of the several additions to Gore Street elevation.</small></p>	<p>Line between the 19th century Argyle factory and the first of several additions.</p>
<p>Figure 3 (reference from conservation management plan)</p>	

	<p>View of the diagonal cracks</p>
<p>Photograph 03</p>	



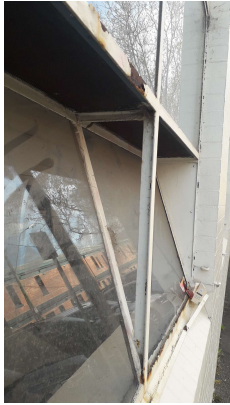
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	<p>Close up view of the diagonal crack suggest the wall out of plane movement</p>
<p><u>Photograph 04</u></p>	

	<p>View of diagonal crack</p>
<p><u>Photograph 05</u></p>	




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 A photograph showing a close-up view of a window frame on a building. The steel frame is heavily corroded, with significant rust and pitting visible. The window is partially open, and the surrounding wall is light-colored.	<p>View of the corroded steel window frames</p>
<p>Photograph 06</p>	

 A close-up photograph of a window lintel. The lintel is made of concrete and shows significant cracking. The wall above the window is white, and the wall below is painted orange. The cracks are visible along the top edge of the lintel.	<p>Close up view of the cracks on lintels</p>
<p>Photograph 07</p>	




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 A close-up photograph of an external wall. The wall is composed of two sections: the upper section is made of reddish-brown bricks, and the lower section is made of white rectangular panels. A horizontal crack is visible in the white paneling, extending across the width of the panel. To the left of the crack is a window with a white frame.	<p>Close up view of a horizontal cracks. (External)</p>
<p>Photograph 08</p>	

 A close-up photograph of an internal wall. The wall is white and appears to be made of plaster or concrete. A horizontal crack is visible in the wall, extending across the width of the frame. To the right of the crack is a window with a white frame. The ceiling above the wall is visible, showing some structural elements.	<p>Close up view of a horizontal crack (internal)</p>
<p>Photograph 09</p>	



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	<p>Wall crack (Internal)</p>
<p><u>Photograph 10</u></p>	


	<p>Internal view of the roof lateral bracing system and the pedicular walls to be demolished.</p>
<p><u>Photograph 11</u></p>	




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	<p>Internal view of the existing roller shutter in the area of additions to Original Argyle factory.</p>
<p><u>Photograph 12</u></p>	

	<p>Internal view of the area of additions to original Argyle factory.</p> <p>Minor cracks observed.</p>
<p><u>Photograph 13</u></p>	



Ref: 19177/R1

12/10/2023 (Rev 3)

Heritage brick façade Temporary protection works at 369 Gore Street, Fitzroy, VIC 3068

ISG have been appointed by Pace Development Group to assess and design temporary supports for the existing heritage façade to be retained and supported during the construction works of proposed development.

1.0 Site Description

The existing building is a single storey brick building and the walls along Argyle Street in the north and part of the walls along Gore Street in the east are to be retained as part of the heritage building.

All other existing structures such as external walls, roof including additions to original Argyle factory building will be demolished.

There are several additions to the original Argyle shirt factory building as mentioned in conservation management plan.

2.0 Existing structural system

The existing structure is a single storey building with brick walls varying in height and braced by timber and steel roof beams and trusses. The existing roof system has multiple roof types and pitches.

The floor system comprises raised timber floors and concrete slab on ground in some part of the building.

Concrete lintels have also been observed above the window and door openings. There are operable windows installed between top of the brick walls and the roof on part of the walls along Gore Street.

The type of foundations and founding levels of the existing walls to be retained are not known at this stage.

3.0 Proposed development

As per the current architectural drawings, the proposed development consists of 3 levels of basement and 8 stories above ground.

It is noted that the line of proposed basement has been set back from the existing walls to be retained.

However, the sequence and construction method of basement must not undermine the foundations of the walls to be retained and it is the responsibility of the permanent works engineer.



4.0 Design concept of Temporary supports

Temporary steel gantries will be installed externally against the heritage walls to be retained along the existing footpath and will remain until the permanent supports (gravity and lateral) for the walls are constructed and effectively connected. Design of permanent supports are not part of the temporary works engineer's scope and not included in this document.

Concrete or steel counter weights will also be installed for the lateral stability of the gantries supporting the walls.

The gantry decks will be designed to be heavy duty fall protection platforms.

Refer to the attached design concept drawings for temporary wall retention works and fall protection gantry.

Stage 1 Demolition:

Stage 1 demolition refers to demolition of existing retail/tenancy area 02 and additions. No heritage walls involved in this stage of demolition. Refer to demolition plan.

Stage 2 Demolition:

Stage 2 demolition refers to final demolition of the buildings as per demolition plan and propping of entire heritage walls affected.

4.1 Design Assumptions:

-The condition of the existing heritage walls will be surveyed and identified defects will be repaired prior to demolition of the building.

-Permanent supports and integration of the heritage walls to proposed development is the responsibility of the permanent works engineer.

-It is assumed that the heritage walls will be supported at multiple levels to new building structure and will not leave any part of the walls as cantilever or unsupported.

- It is assumed that proposed basement design, construction and sequence will consider and provide all necessary additional protective works required to avoid undermining the existing heritage wall foundations and not included in this concept design report.

5.0 Demolition Works

Approximately 27m long eastern wall and 17m long northern wall have to be retained as part of heritage wall protection works.

The existing wall height varies from 3m to 5.5m approximately and to be verified by licensed surveyor.

All necessary steel supports, gantries and counterweights must be installed prior to any demolition works.



6.0 Permanent Structural Works

Design of permanent supports and integration of the heritage walls to proposed development is the responsibility of the permanent works engineer.

Permanent works engineer to ensure that the existing wall foundations and temporary support systems are not undermined by basement excavation works and necessary protection works including underpinning, if required, to be provided.

The assessment of existing wall foundation settlement and lateral movement due to proposed basement excavation works has to be carried out by permanent works engineer prior to any excavation works.

"The proposed shoring works shall not undermine or damage the existing heritage brickwork or protective works. If the retention work leads to damage, the brickwork should be repaired to Council's satisfaction. Remedial works could include underpinning or repointing of brickwork."

"The proposed structure shall be capable of providing adequate restraint so that the restrained façade conforms to Section B of the National Construction Code."

7.0 Recommendations

- It is recommended to carry out the assessment of the condition of existing heritage walls and repair any defects identified prior to any demolition works.
- Permanent works engineer to assess and provide all necessary additional protection works required prior to basement excavation works as described in sections 4.0 & 6.0.
- Demolition sequence to be approved by the Temporary works engineer prior to start any demolition works.

8.0 References:

- Architectural drawings SD02_01 to SD02_15 dated on 19.11.2021.
- Features and levels survey report & plans (23500_SK_RFL_Report Vers A, 23500-0-RFL-C)
- Demolition works key plan

Please do not hesitate to contact the undersigned should you need further information.

Yours faithfully,

Daniel Rostami B.E (Hons) (Civil) RBP B.E (Mechanical)

DIRECTOR

no.	revision	date

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288-326 EXHIBITION STREET
MELBOURNE, VIC 3000

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client: --

engineer:	drawn:
scale:	date:

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job no. 17104	sheet:	rev.



STRUCTURAL DESIGN **COMPUTATIONS**

(HERITAGE BUILDING FAÇADE PROTECTIVE WORKS)

PROJECT NAME:

PROJECT ADDRESS: 369 Gore Street, Fitzroy
VIC 3065

JOB NO.: 19177

ENGINEER(S): DANIEL ROSTAMI
VINSON

DATE: 29/03/2023

Volume: 1



Gantry design

Page:

Project No.: -

Designed: VT/DR

Wind Analysis WA01

Rincovitch Consultants Pty Ltd

WIND V5.00

Design: (Wind Analysis WA01) Melbourne, Non-temporary structure
Importance: All other structures not included in 1,3 or 4, Life = Construction years, Non-Cyclonic, APE = 100 years, APE.Serv = 25 years
Pressures: Wu.max = 0.76kPa, Ws/Wu =0.81

Location - Fig 3.1(A), 3.1(B)

Location = Melbourne
 Region = A
 Sub region = 5

Importance All other structures not included in 1,3 or 4

Importance level = 2 1,2,3,4,(C)ustom
 Design working life = Construction Years AS1170.0 Table F2
 Cyclonic = N (Y)es, (N)o CI 3.4

Annual prob. of exceedance (APE) = 1/ 100 years
 Annual prob. of exceed. Serv. (APE.s) = 1/ 25 years Ref. AS1170.0 - App C

Design wind speed (Vdes,g) - CI 2.3

Ultimate regional wind speed (VR) = 41 m/s For a 1/100 APE - Table 3.1
 Serv. regional wind speed (VR.s) = 37 m/s For a 1/25 APE.s - Table 3.1
 Factor for reg. C or D (F) = 1.00 CI 3.4, R ≥ 50
 Factor for reg. C or D (F.s) = 1.00 CI 3.4, R.s < 50
 Minimum ultimate speed (Vdes,θ) = 30 m/s - CI 2.3
 Ratio VR.s / VR = 0.90

Ratio Ws / Wu = 0.81

Design wind data for non-cyclonic areas with APE of 1:100 years

Dir (b)	Vdes,θ m/s	Wu kPa	Ws kPa	Dir (b)	Vdes.θ m/s	Wu kPa	Ws kPa
N	35.7	0.76	0.62	NE	35.7	0.76	0.62
S	32.1	0.62	0.50	SW	35.7	0.76	0.62
E	30.3	0.55	0.45	SE	30.3	0.55	0.45
W	35.7	0.76	0.62	NW	35.7	0.76	0.62

Site wind data for non-cyclonic areas with APE of 1:100 years

Dir (b)	Md (*1) m/s	VR*Md m/s	Ave. Ht (z) m	Cat	Mz	Ms	Mt	Vsit,β m/s	Wu.sit kPa
N	1.00	41.0	5	2.5	0.87	1.00	1.00	35.7	0.76
NE	0.85	34.9	5	2.5	0.87	1.00	1.00	30.3	0.55
E	0.80	32.8	5	2.5	0.87	1.00	1.00	30.0	0.54
SE	0.80	32.8	5	2.5	0.87	1.00	1.00	30.0	0.54
S	0.85	34.9	5	2.5	0.87	1.00	1.00	30.3	0.55
SW	0.90	36.9	5	2.5	0.87	1.00	1.00	32.1	0.62
W	1.00	41.0	5	2.5	0.87	1.00	1.00	35.7	0.76
NW	0.95	39.0	5	2.5	0.87	1.00	1.00	33.9	0.69

*1 - Refer to Table 3.2 and CI 3.3, TC interpolated

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Gantry design

Page:
 Project No.: -
 Designed: VT/DR

Hoarding H01

HOARDINGS V5.00

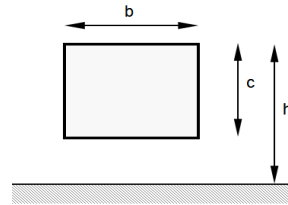
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Member: (Hoarding H01) 16.0m wide x 5.0m high, 5.0m to top
Normal: $C_{p,n}=1.22$
Wind at $\theta=45^\circ$: $C_{p,n}=1.22$
Wind at $\theta=90^\circ$: $C_{p,n}=\pm 1.0 - 0$ to 2h, then ± 0.25

Freestanding hoardings and walls - Appendix D2

Breadth (b) = 16000 mm
 Board height (c) = 5000 mm
 Height (h) = 5000 mm

 $b/c = 3.20$
 $c/h = 1.00$



Wind normal to hoarding or wall $\theta = 0^\circ$ - Table D2(A)

Design $b/c = 3.20$
 Design $c/h = 1.00$
 $C_{p,n} = 1.3 + 0.5(0.3 + \log_{10}(b/c)) * (0.8 - c/h) = 1.22$
 $e = 0 = 0$ mm

Wind at $\theta = 45^\circ$ to hoarding or wall - Table D2(B) & D2(C)

Design $b/c = 3.20$
 Design $c/h = 1.00$
 $C_{p,n} = 1.3 + 0.5(0.3 + \log_{10}(b/c)) * (0.8 - c/h) = 1.22$
 $e = 0.2 * b = 3200$ mm
 From Table D2(B)

Wind parallel to hoarding or wall $\theta = 90^\circ$ - Table D2(D)

Design $b/c = 3.20$
 Design $c/h = 1.00$
 $C_{p,n} = \pm 1.0 - 0$ to 2h, then ± 0.25

Licensee: Rincovitch Consultants Pty Ltd

PROJECT 369 Gore street
 SUBJECT Wind load computations
 JOB NO _____ SHEET NO _____
 BY VT/DR DATE 30.03.23



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Design loads:

Direct wind On Facade:

Wind load:

Max. height of the facade = 5m
 CAT 2.5, $W_s = 0.62$ kPa
 $W_u = 0.76$ kPa

Net wind pressure coefficient, $C_{pn} = 1.22$

Design wind pressure, $W_s = 0.76$ kPa
 $W_u = 0.93$ kPa

Type 1-3: Frame max. spacing = 4m
 Applied wind load, $W_s = 0.76 \times 4 = 3.04$ kN/m per frame

Type 4: Frame max. spacing = 3m
 Applied wind load, $W_s = 0.76 \times 3 = 2.28$ kN/m per frame

Minimum Lateral load :

Brick wall self weight = 0.30 (thick) x 22 x 5 (height) = 33 kN/m

Frame max. spacing = 4m (type 1-3)
 Minimum lateral resistance = 5% of G = $33 \times 0.05 \times 4 = 6.6$ kN per frame
 = $6.6 / 5.0 = 1.32$ kN/m distributed over the height of the frame

Frame max. spacing = 3m (type 4)
 Minimum lateral resistance = 5% of G = $33 \times 0.05 \times 3 = 4.95$ kN per frame
 = $4.95 / 5.0 = 0.99$ kN/m distributed over the height of the frame

Lateral stability combination 1 = $W_s + \text{Minimum lat. force (5% of G)} + 0.9 \text{ Frame Self weight}$

Lateral stability combination 2 = $W_u + \text{Minimum lat. force (5% of G)} + 0.9 \text{ Frame self weight}$

Load combination 2 was used for stability check conservatively.

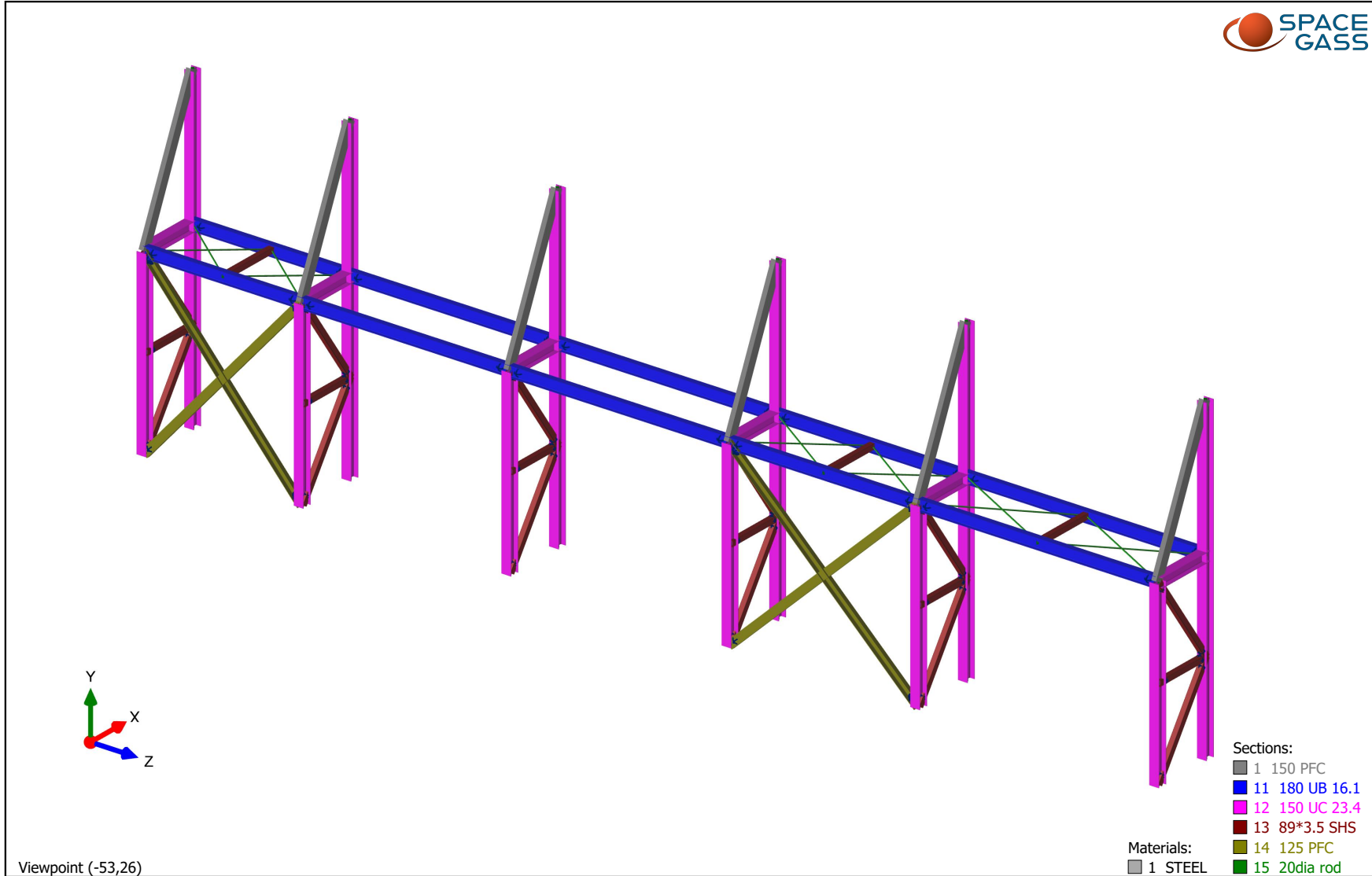
Cross wind on Steel members:

For beam, $W_s = W_s \times 2.2$ (Cfig) x beam depth (typical)
 Cross wind is not the worst case for this as the frames are braced.

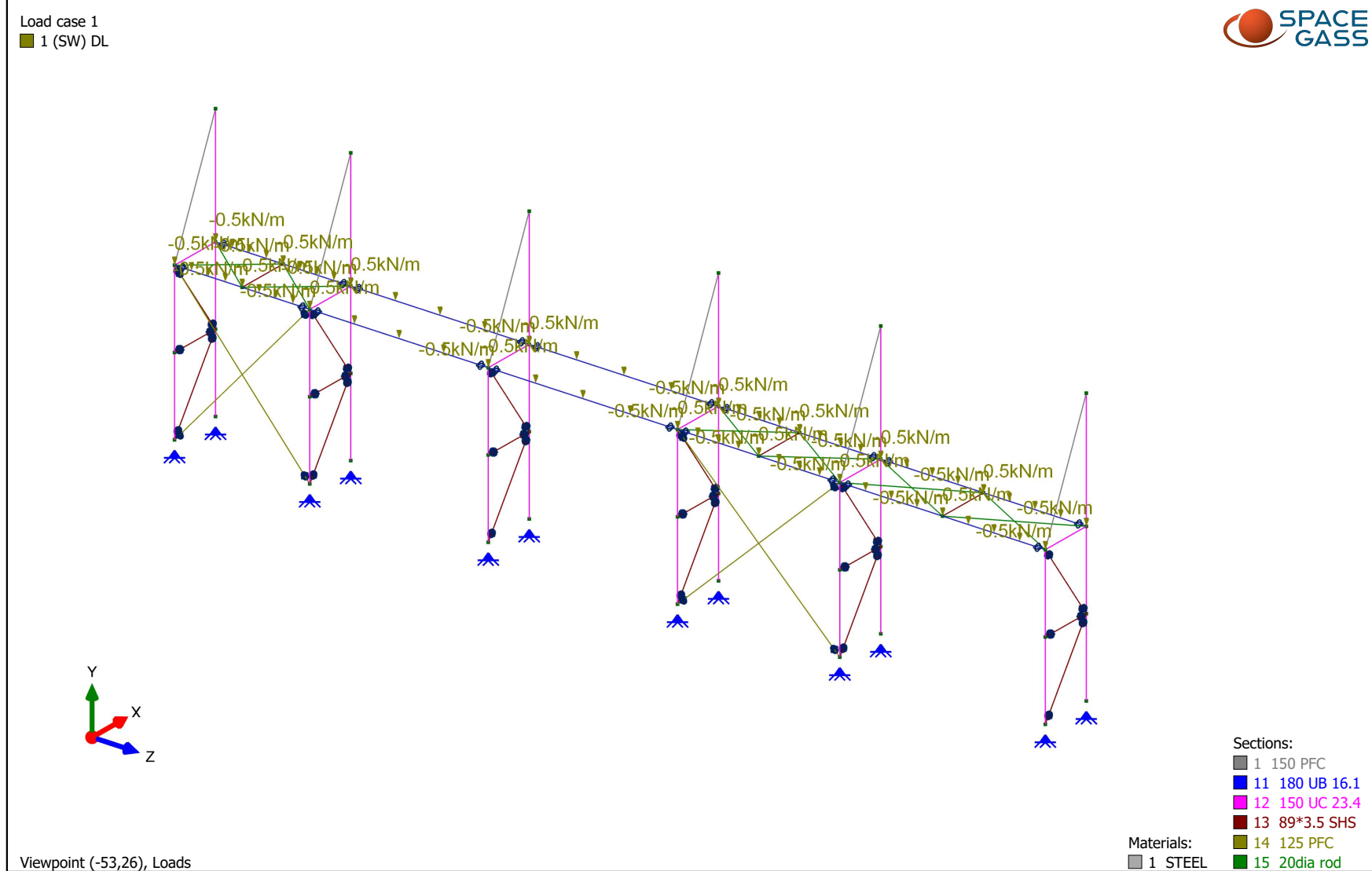
For 200 deep beam, $W_s = 0.273$ kN/m

**Gantry type 4
Along Argyle street**

SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
Path: ...Final_23.03.28\369 Gore street Fitzroy_heritage wall bracing_B only
Designer: Date: Wednesday, March 29, 2023 4:00 PM, Page: 1



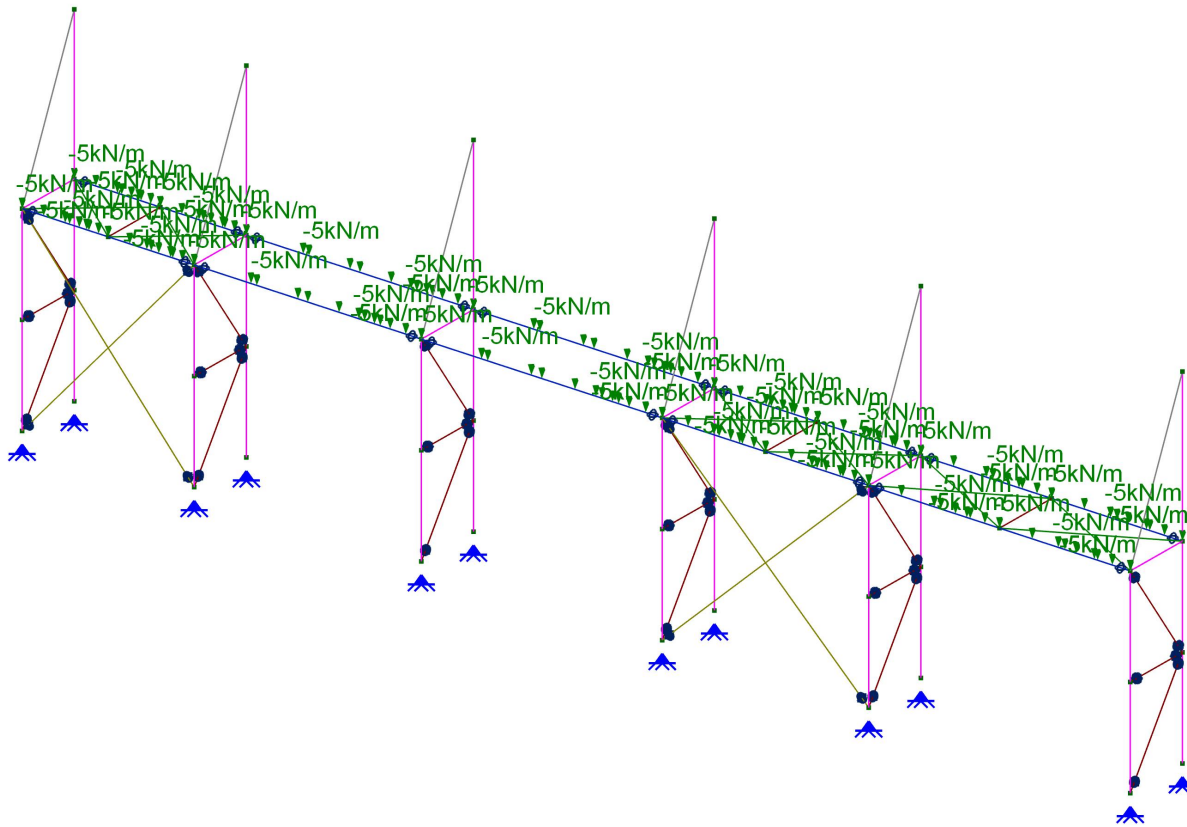
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 Path: ...Final_23.03.28\369 Gore street Fitzroy heritage wall bracing_B only
 Designer: Date: Wednesday, March 29, 2023 4:42 PM, Page: 1



SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
 Path: ...Final_23.03.28\369 Gore street Fitzroy heritage wall bracing_B only
 Designer: Date: Wednesday, March 29, 2023 4:42 PM, Page: 1



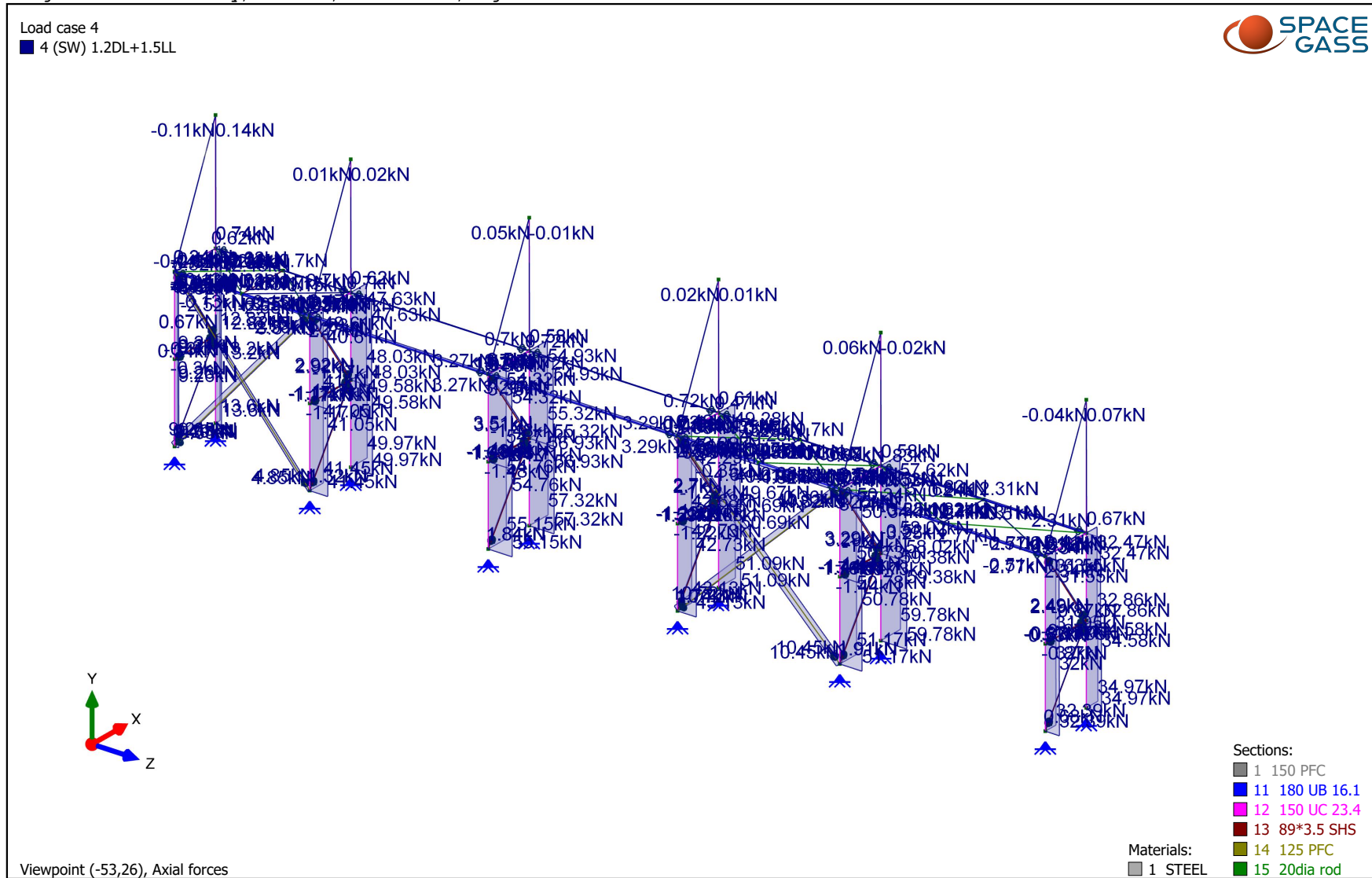
Load case 2
 ■ 2 LL



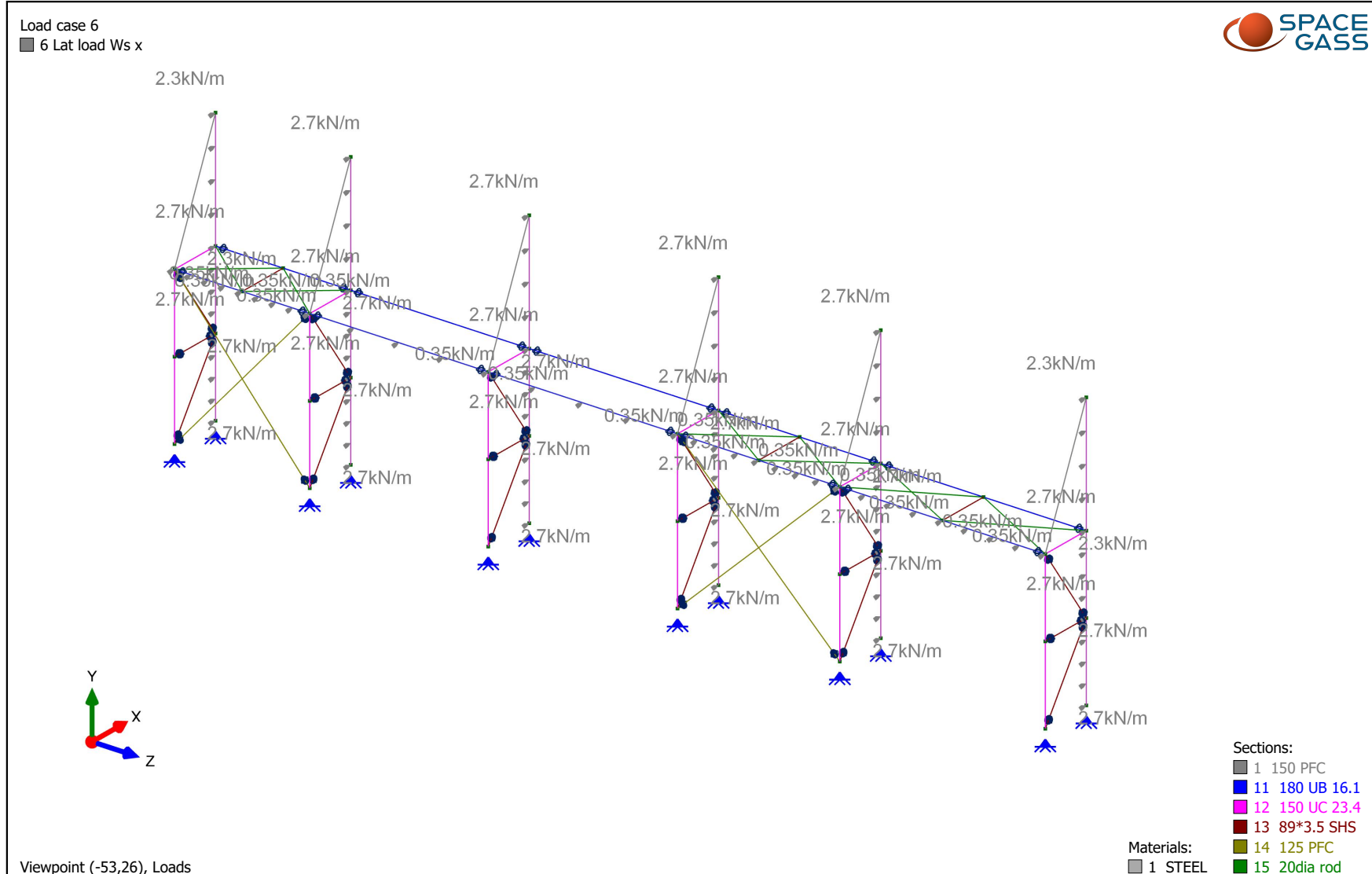
- Sections:
- 1 150 PFC
 - 11 180 UB 16.1
 - 12 150 UC 23.4
 - 13 89*3.5 SHS
 - 14 125 PFC
 - 15 20dia rod
- Materials:
- 1 STEEL
 - 15 20dia rod

Viewpoint (-53,26), Loads

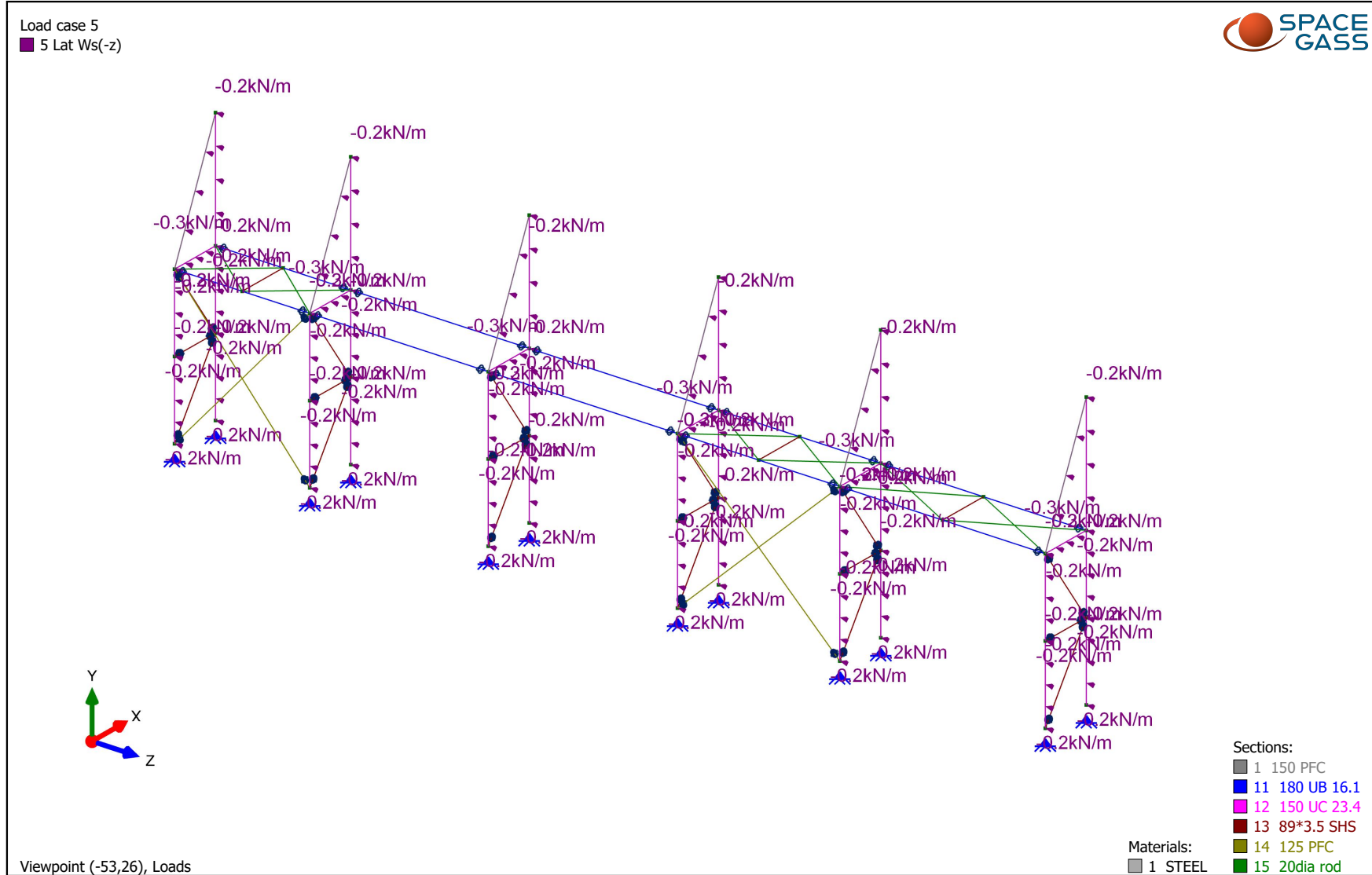
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 Path: ...Final_23.03.28\369 Gore street Fitzroy heritage wall bracing_B only
 Designer: Date: Wednesday, March 29, 2023 4:44 PM, Page: 1



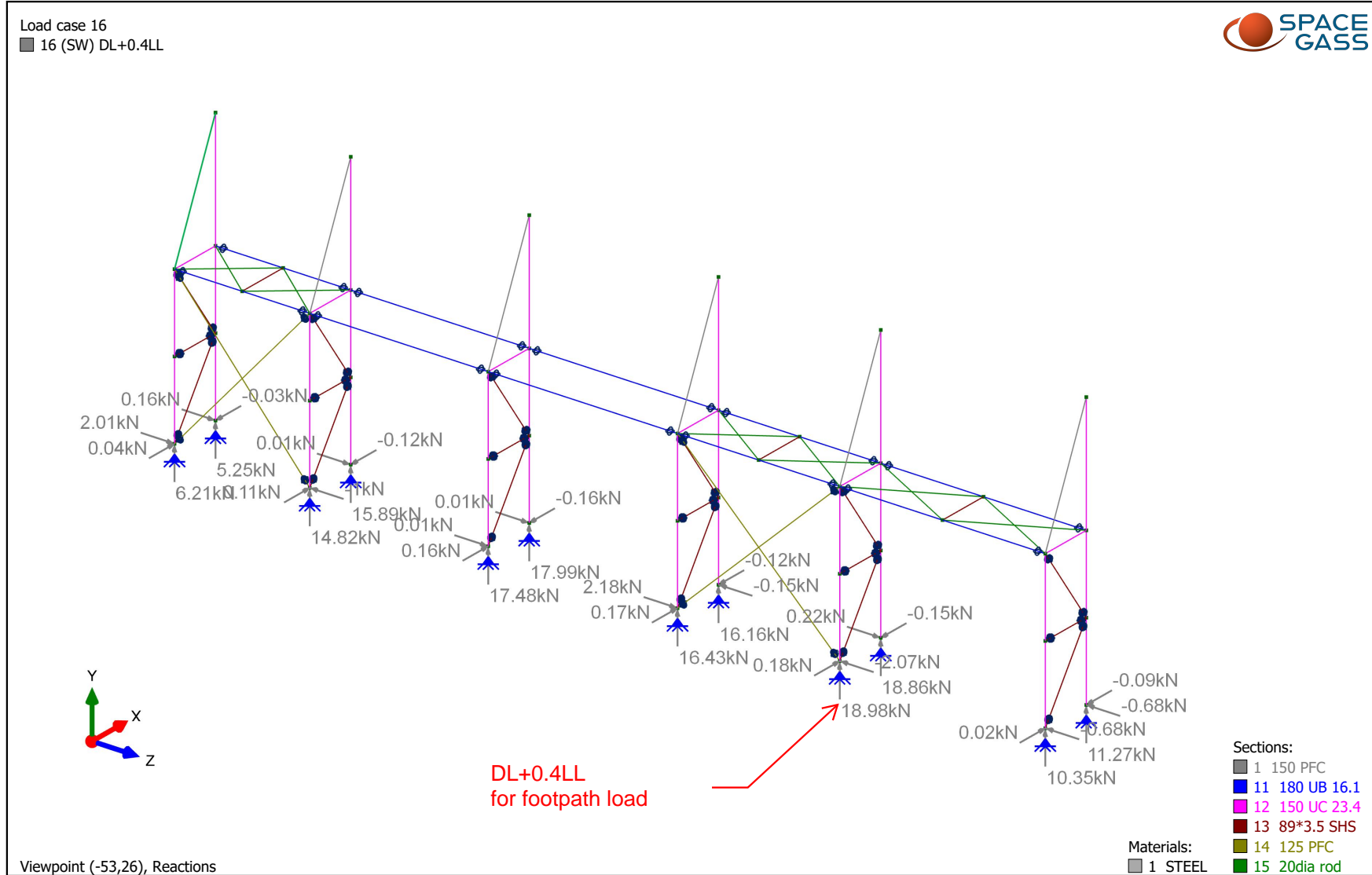
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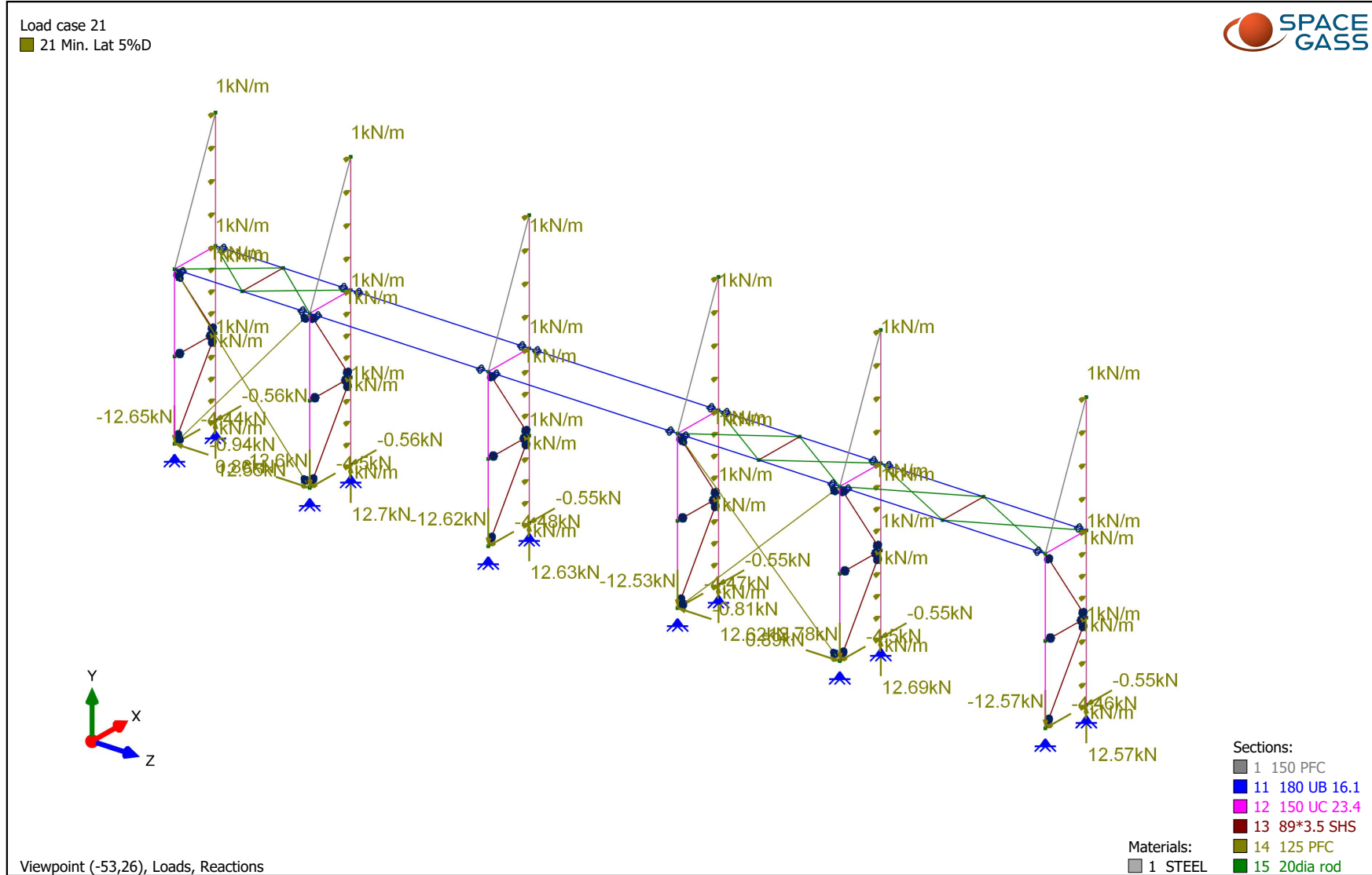
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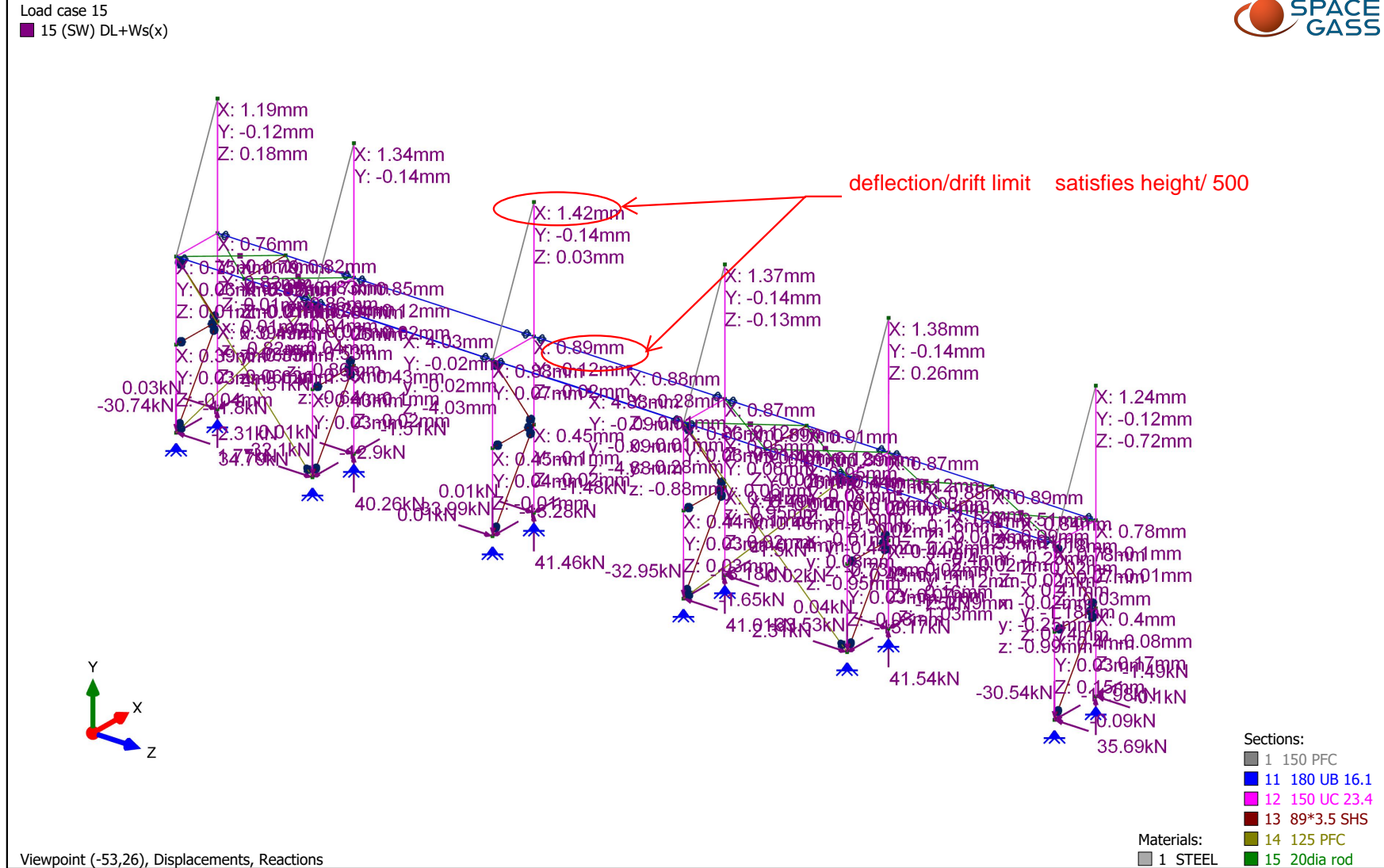
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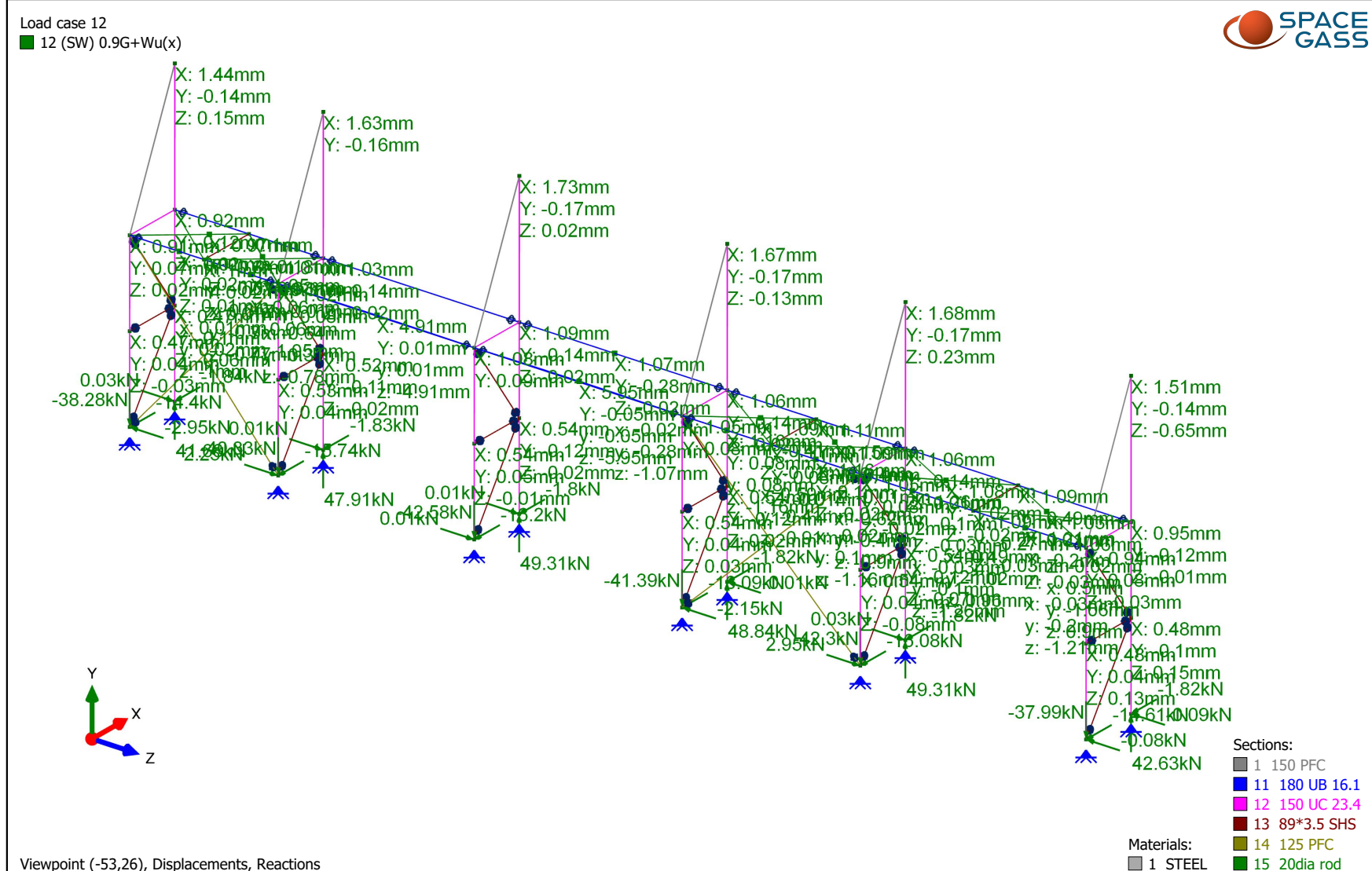
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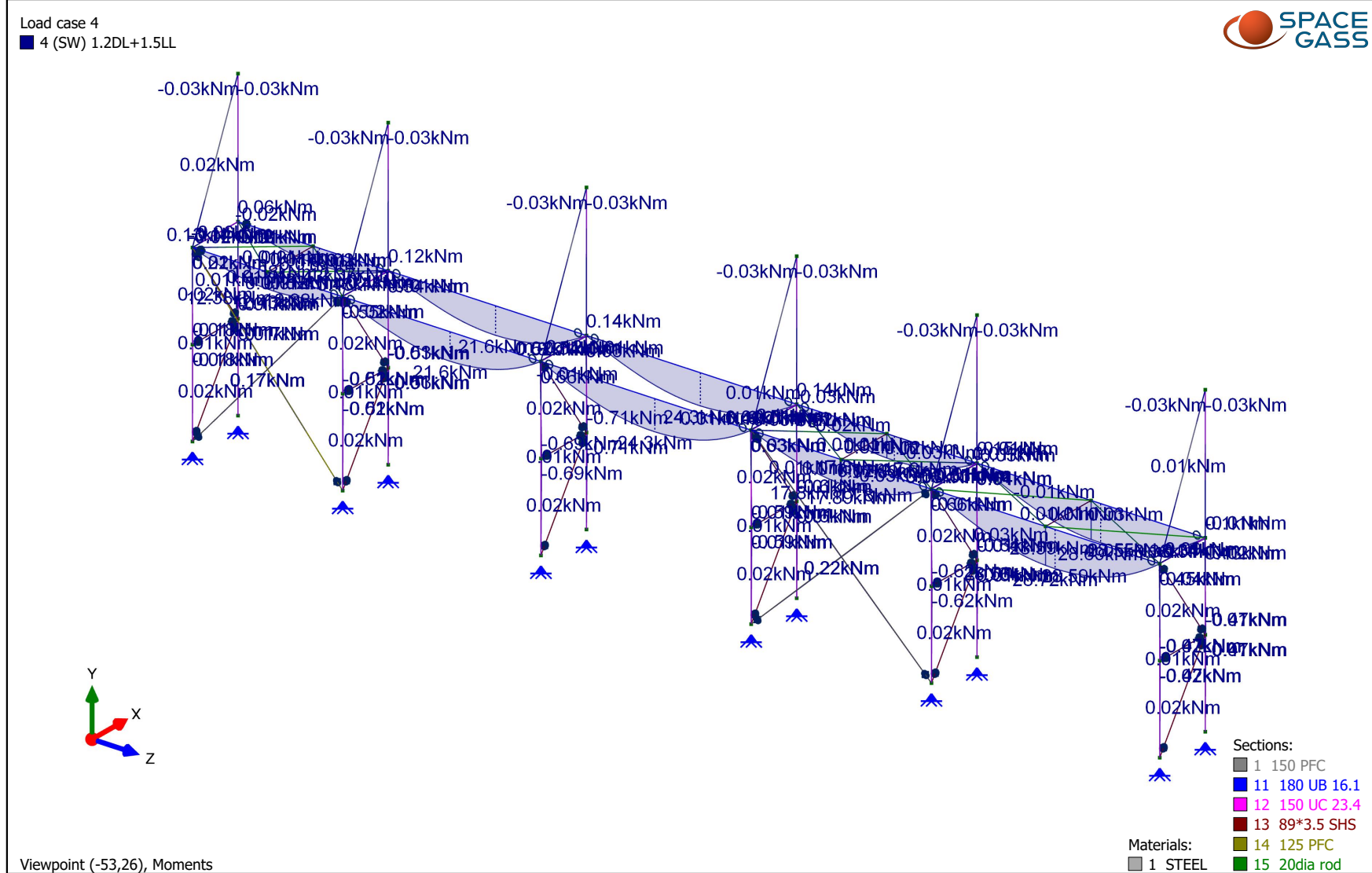
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SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
 Path: ...Final_23.03.28\369 Gore street Fitzroy heritage wall bracing_B only
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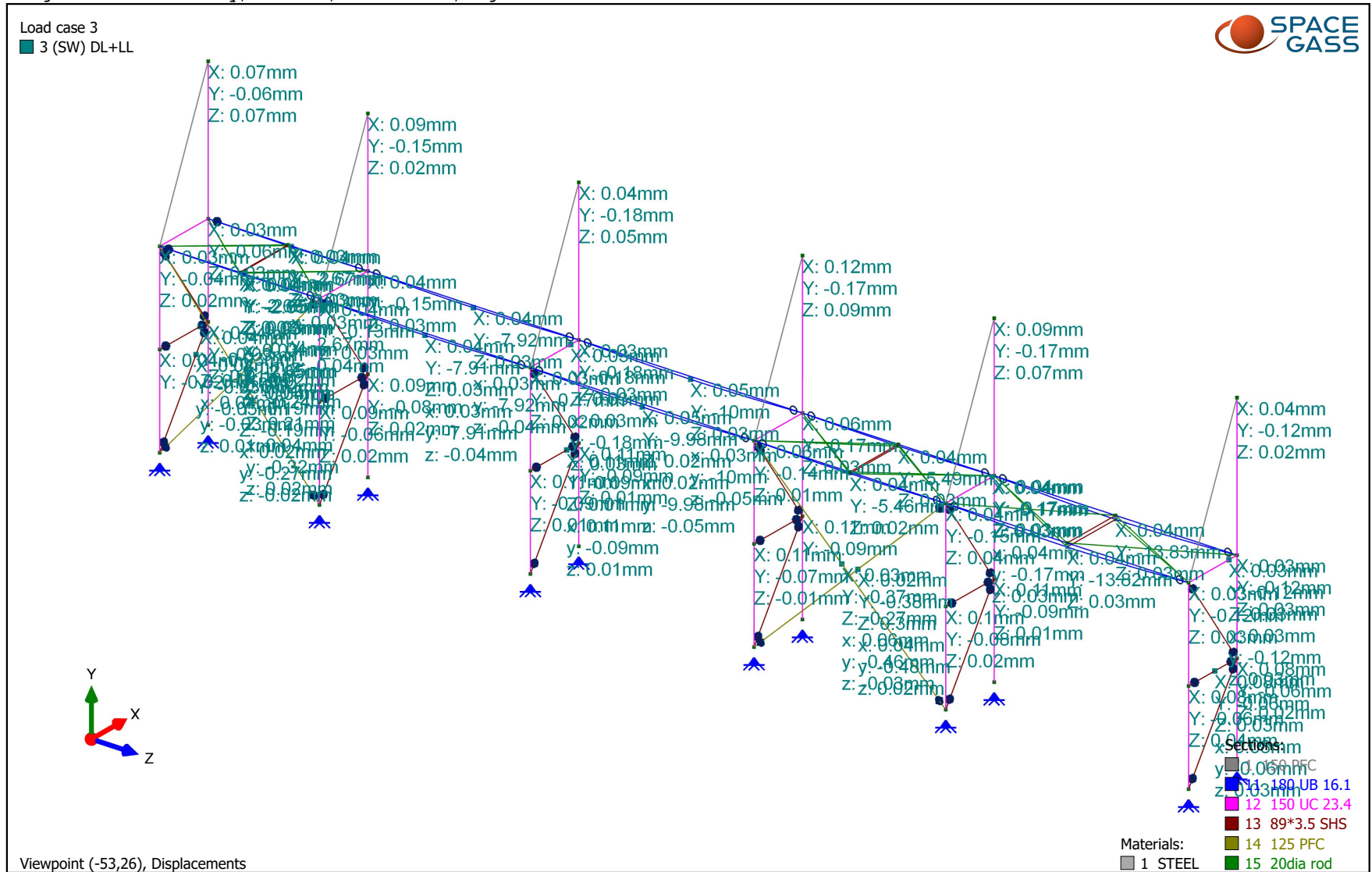


SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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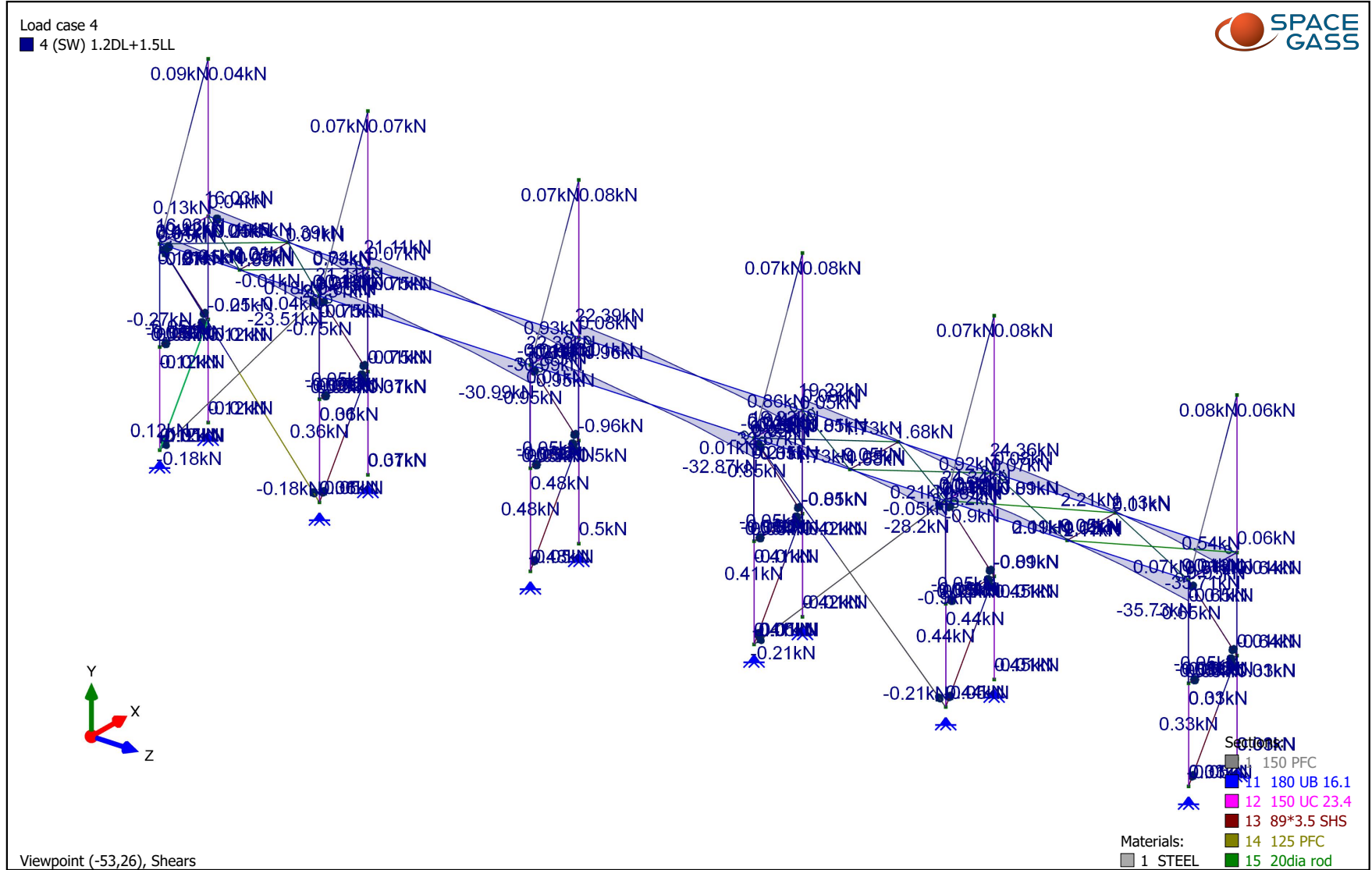


Attachment 6 Attachment 6 - CREF24/00050 - Referral Response - Structural Engineer (PSP)

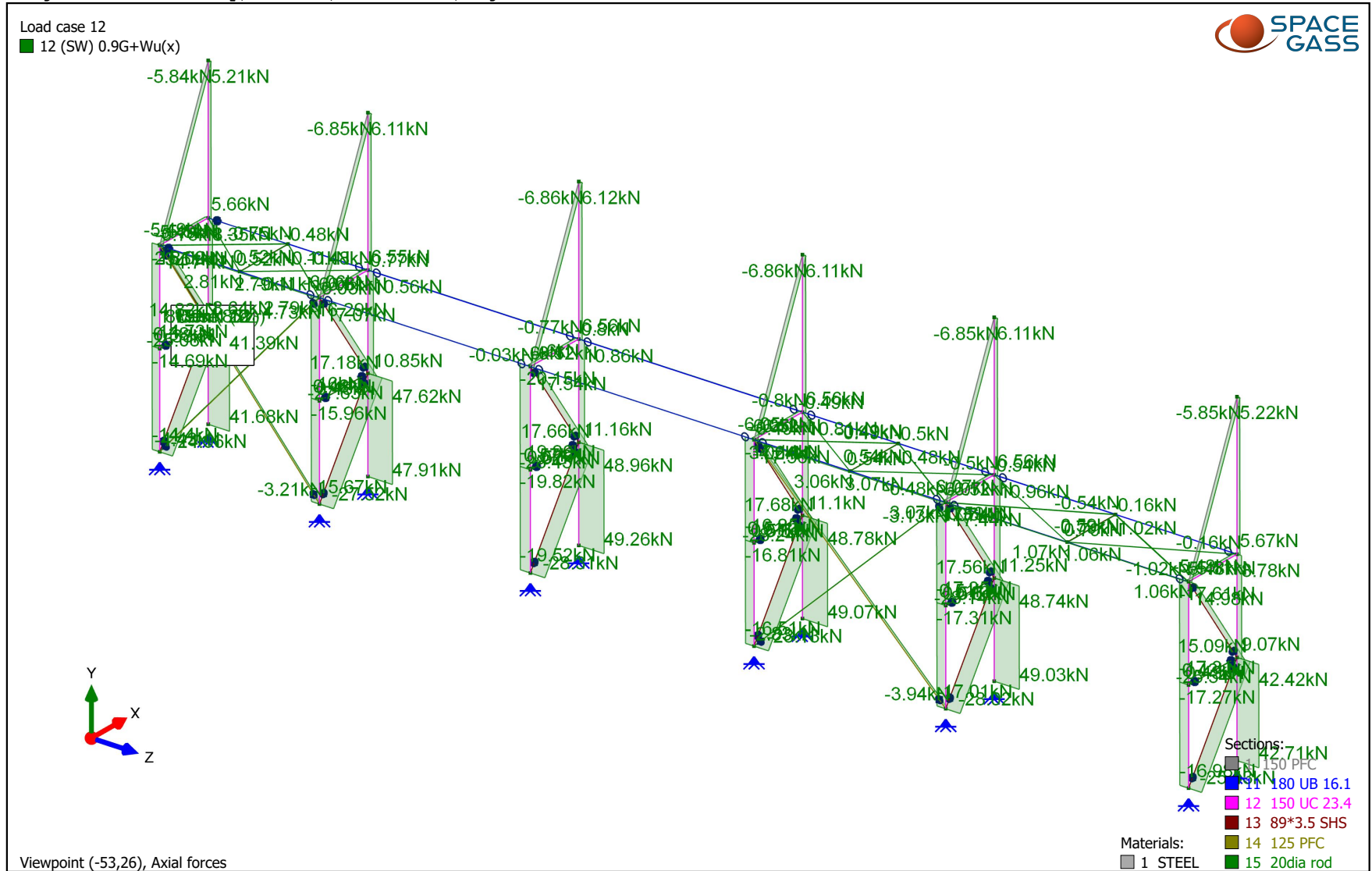
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 Designer: Date: Wednesday, March 29, 2023 4:52 PM, Page: 1



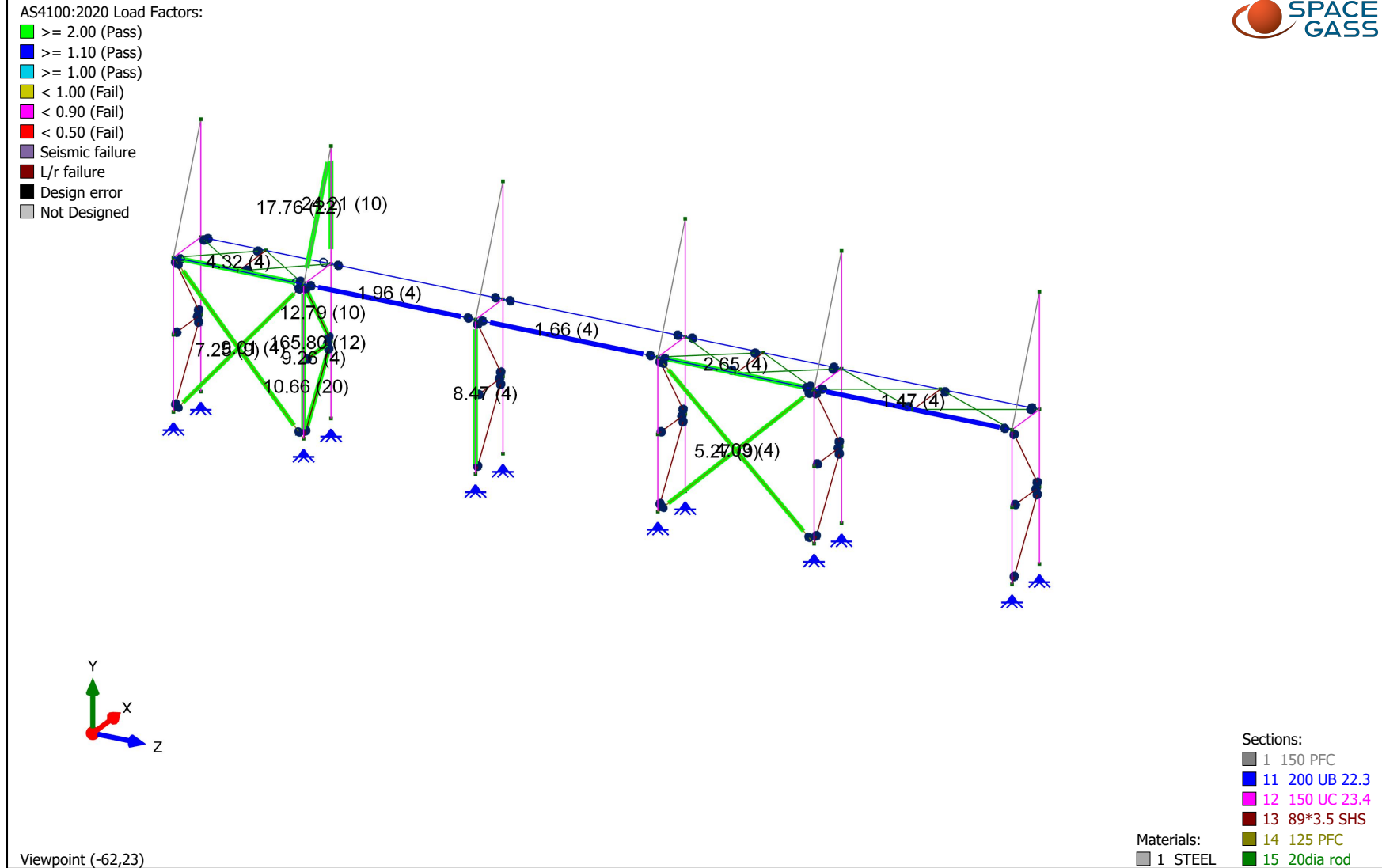
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SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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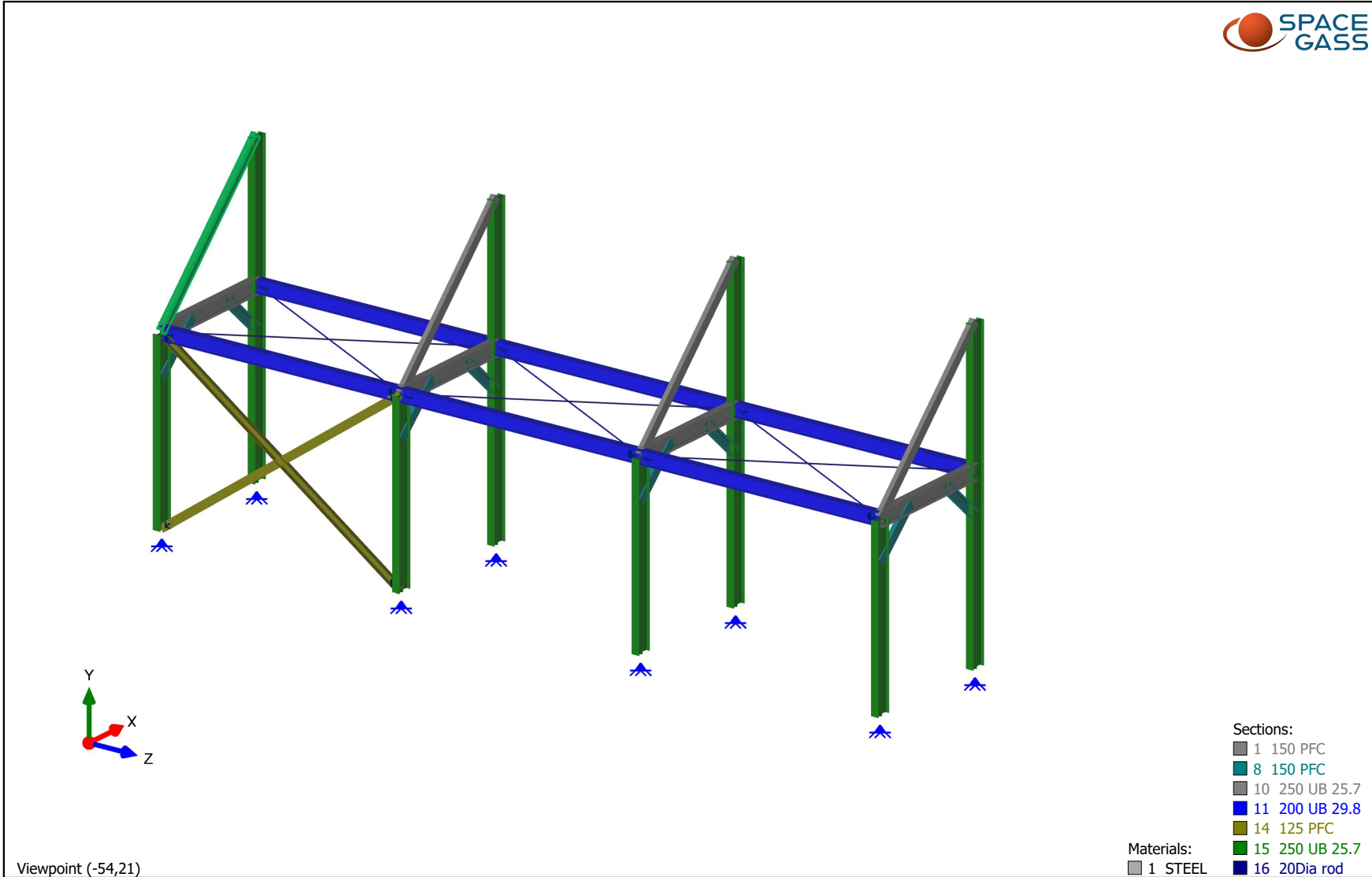


SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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Gantry type 1-4
Gore street

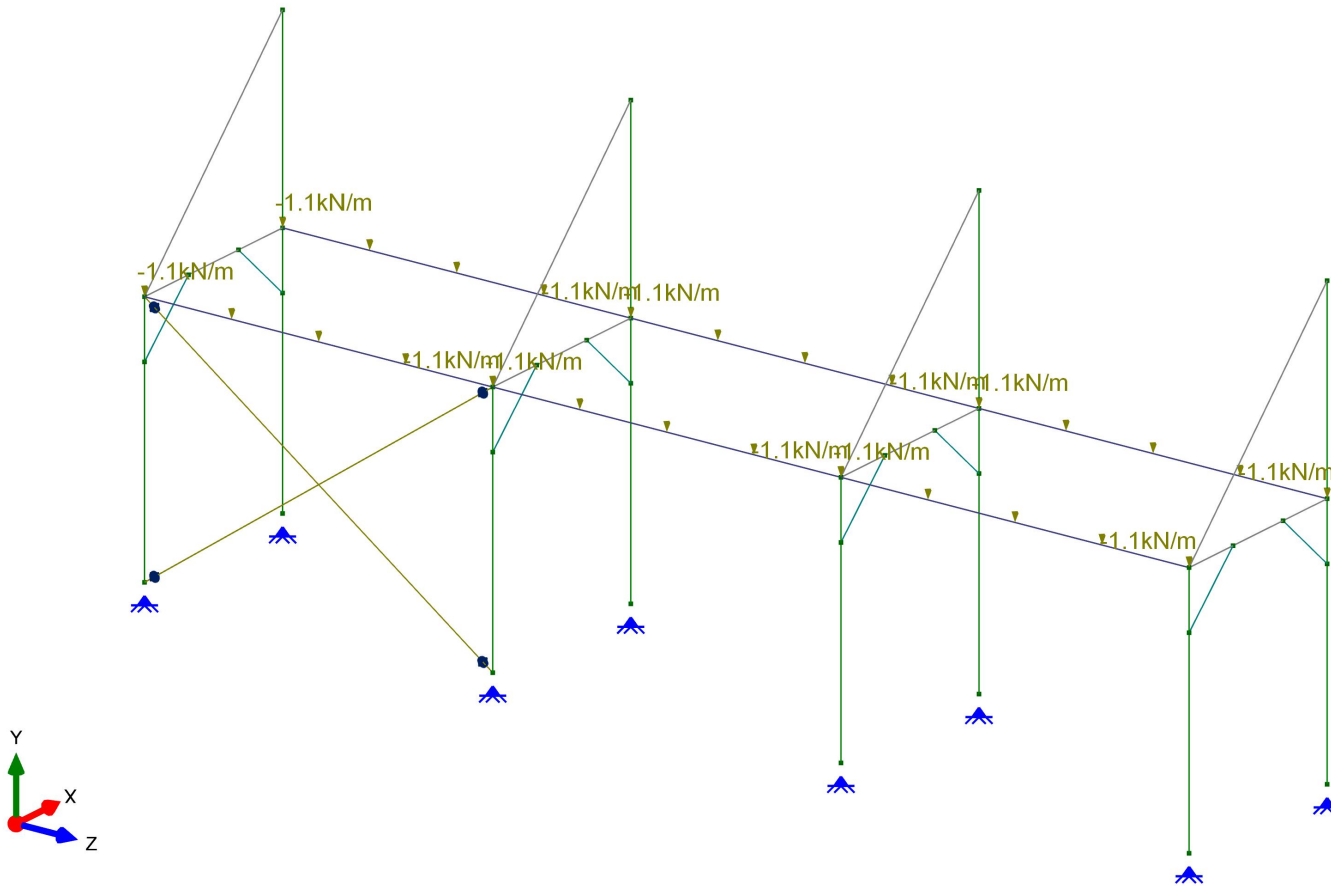
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Designer: Date: Thursday, March 30, 2023 3:13 PM, Page: 1



SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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 Designer: Date: Thursday, March 30, 2023 3:05 PM, Page: 1



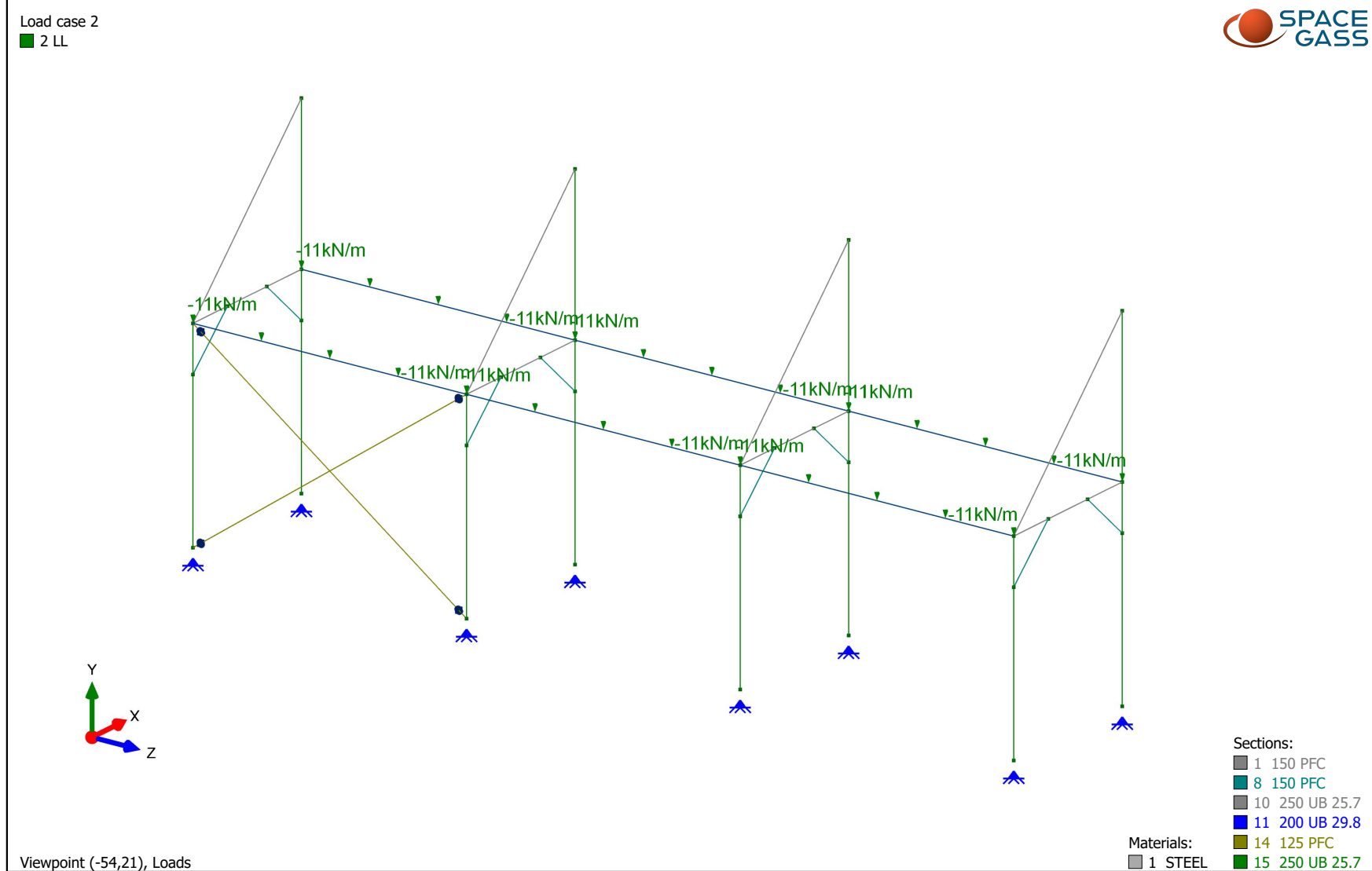
Load case 1
 ■ 1 (SW) DL



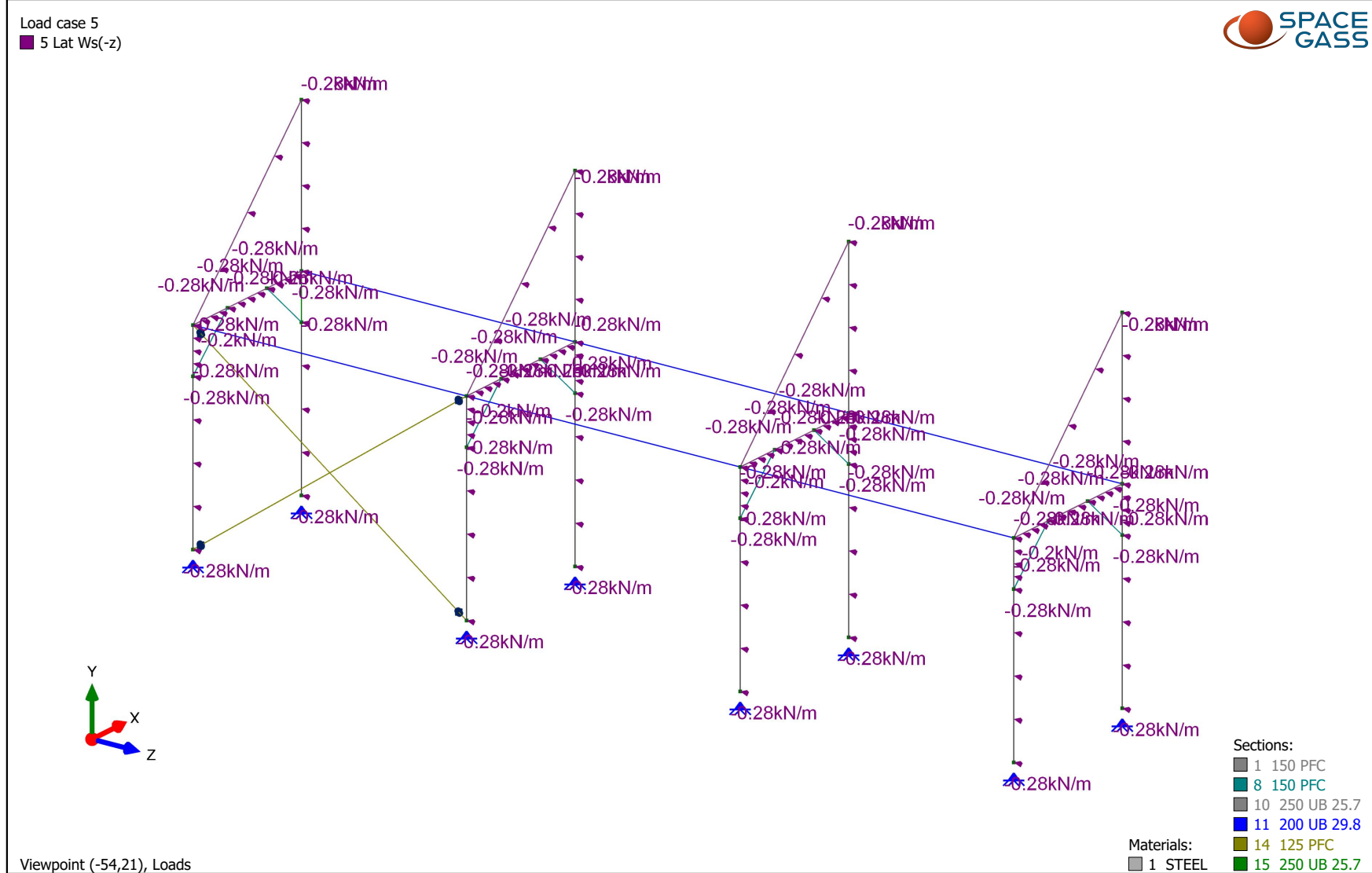
- Sections:
- 1 150 PFC
 - 8 150 PFC
 - 10 250 UB 25.7
 - 11 200 UB 29.8
- Materials:
- 14 125 PFC
 - 15 250 UB 25.7

Viewpoint (-54,21), Loads

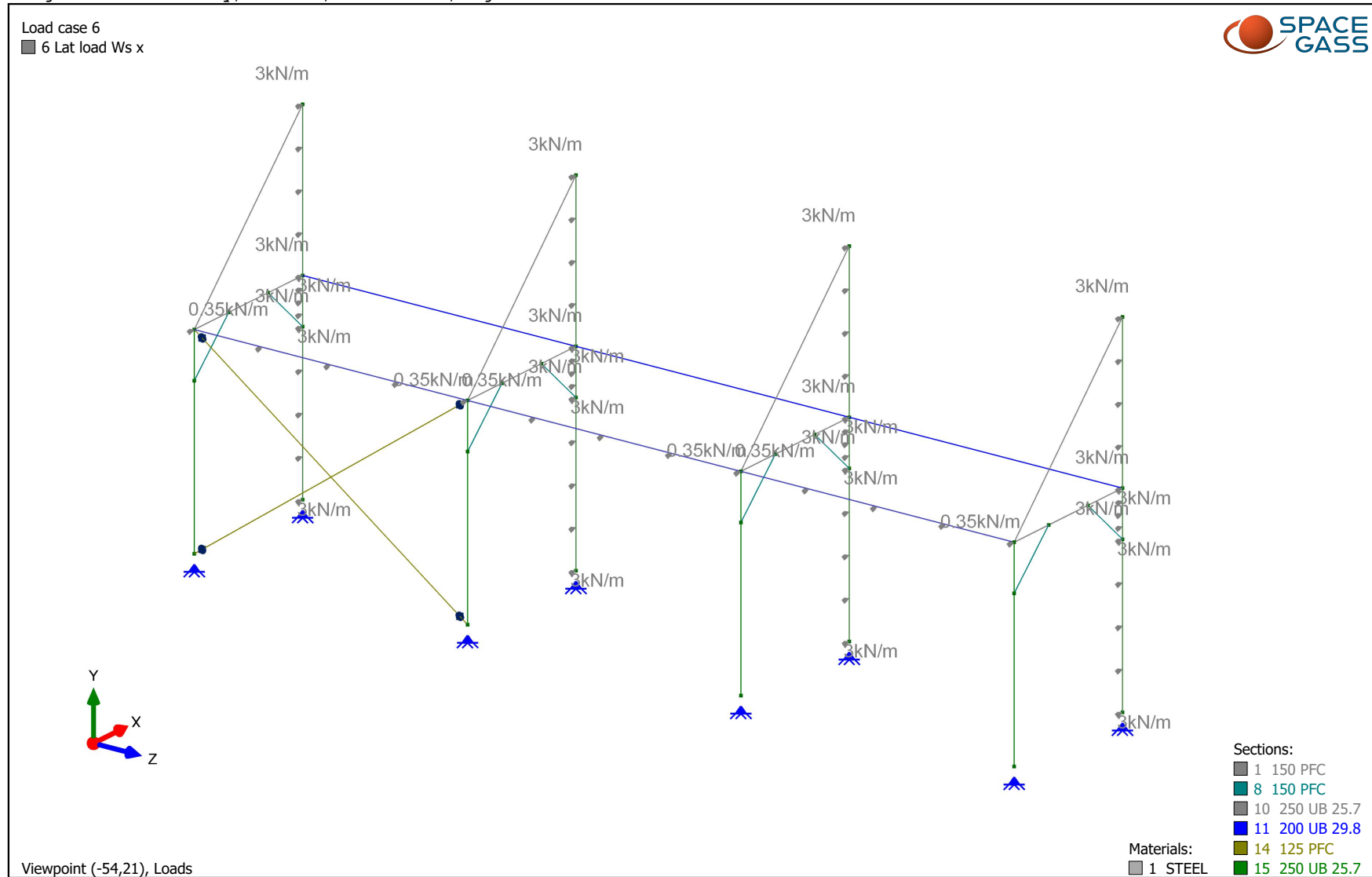
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 Designer: Date: Thursday, March 30, 2023 3:05 PM, Page: 1



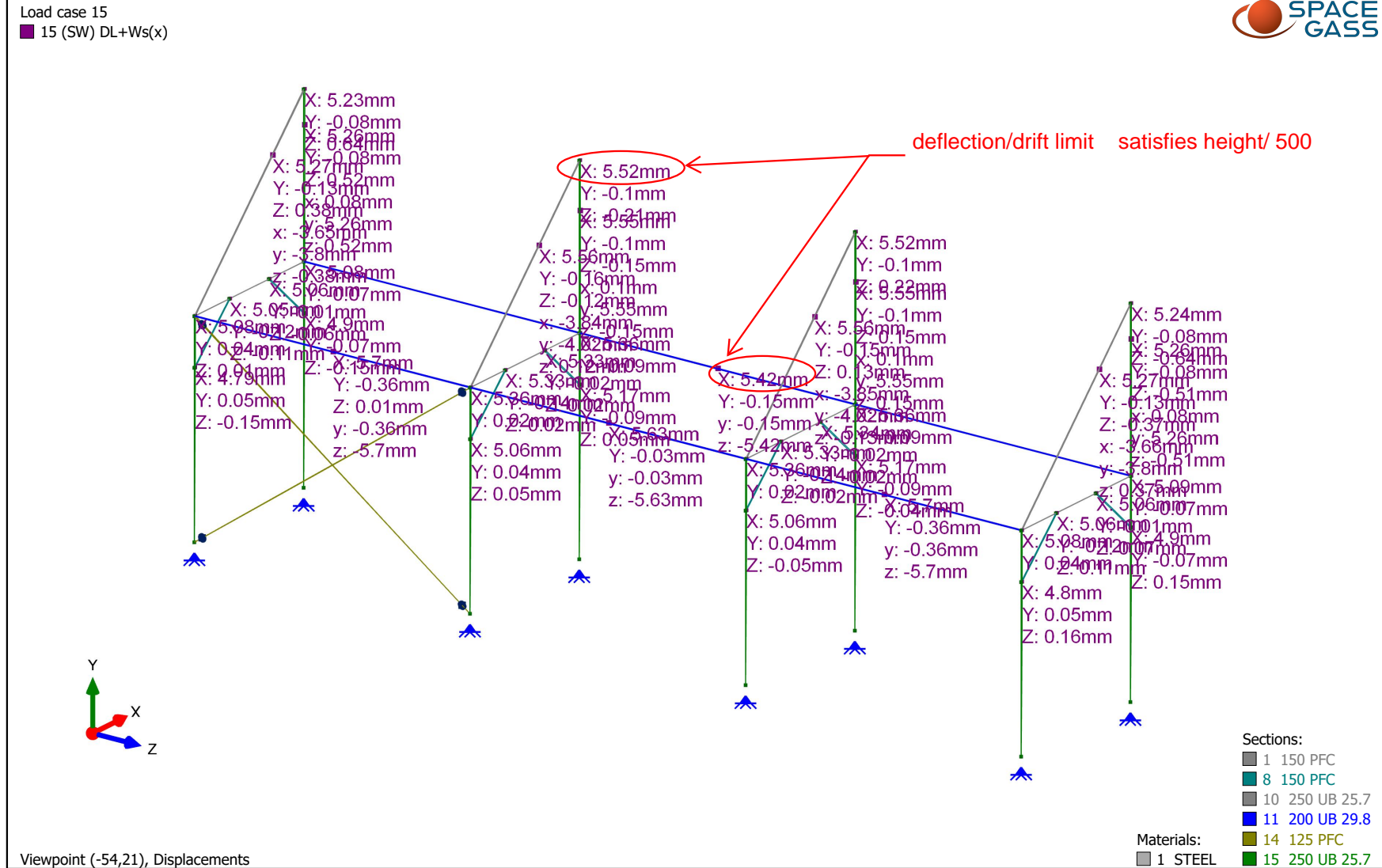
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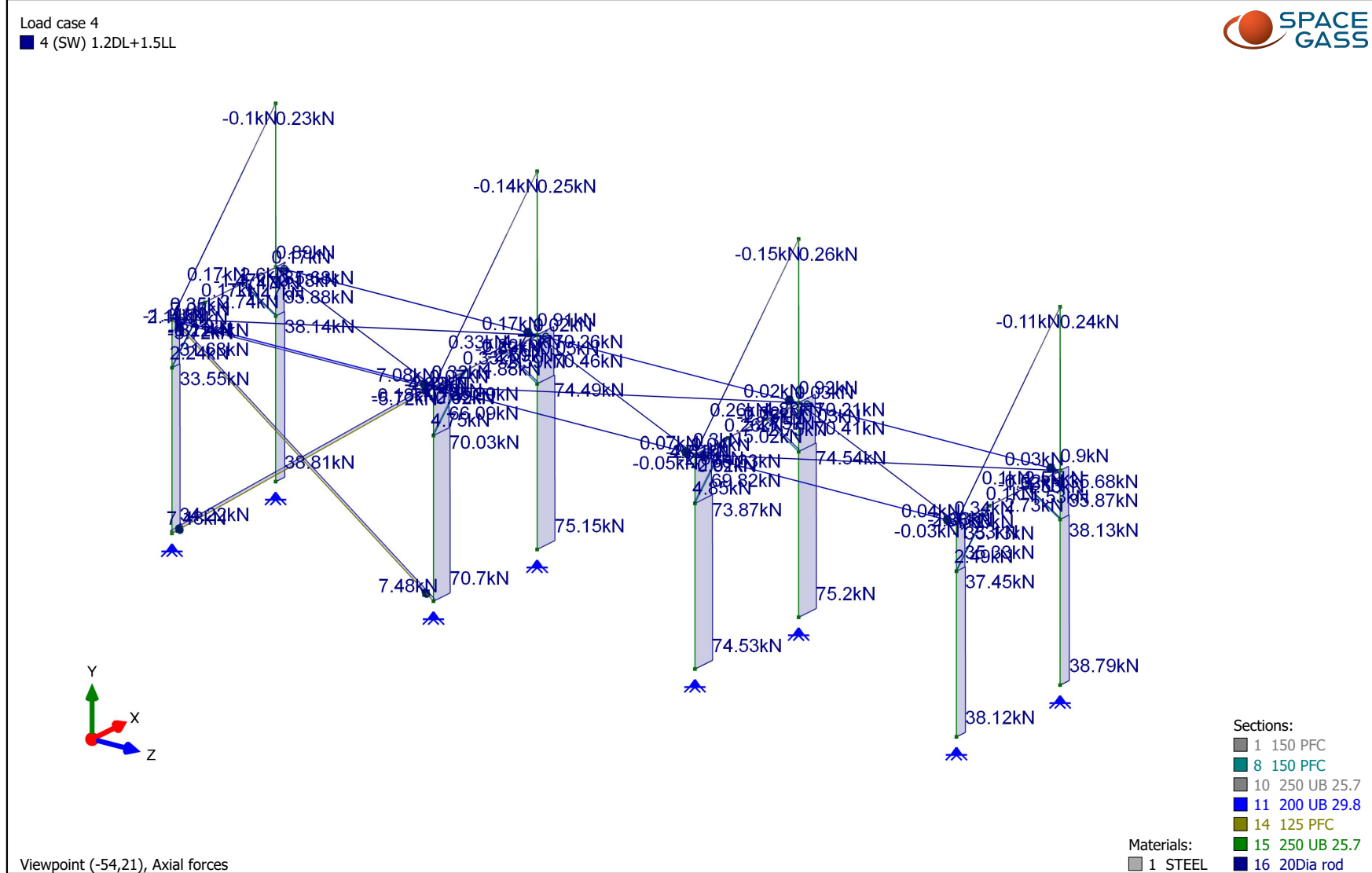
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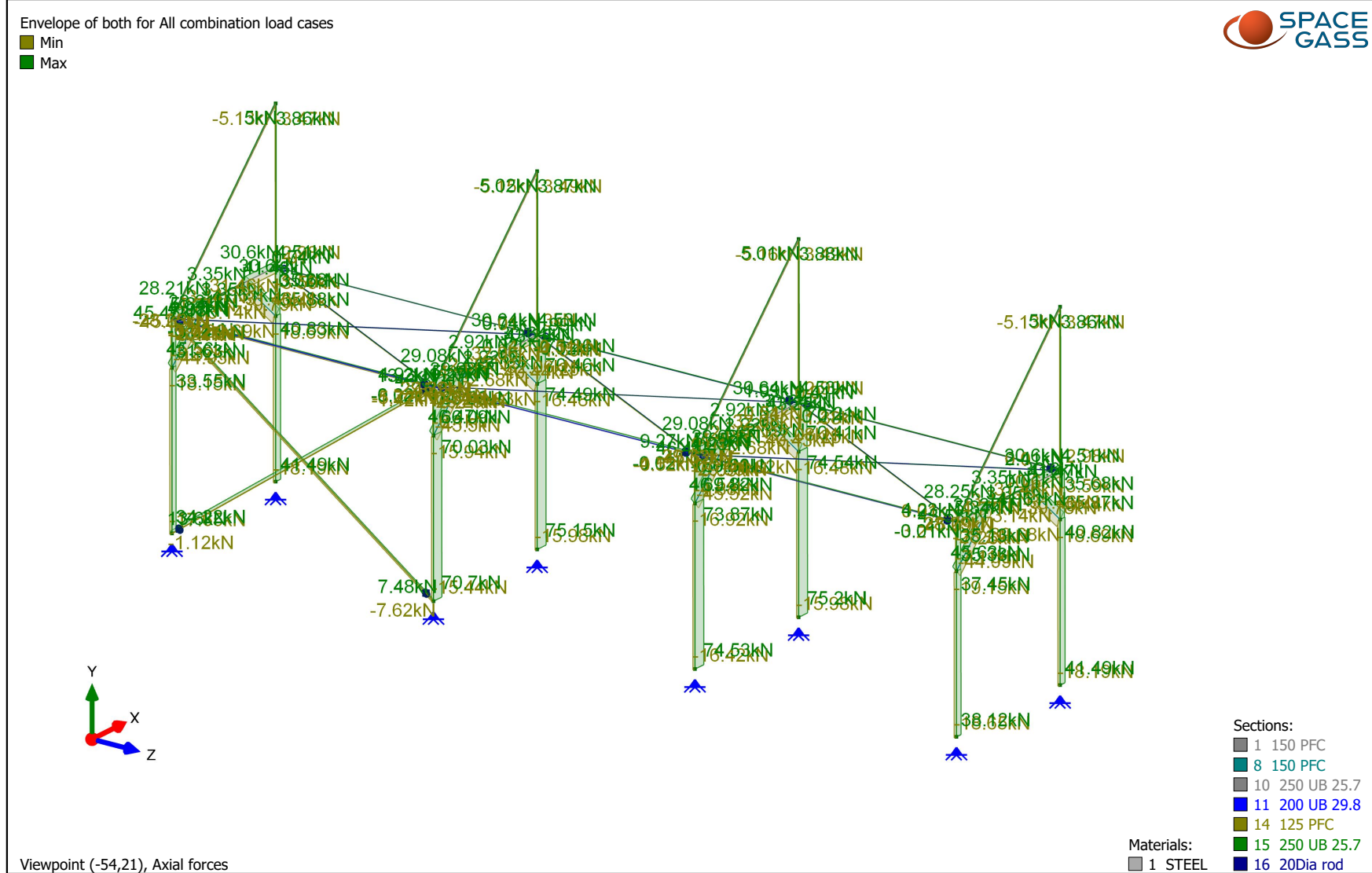
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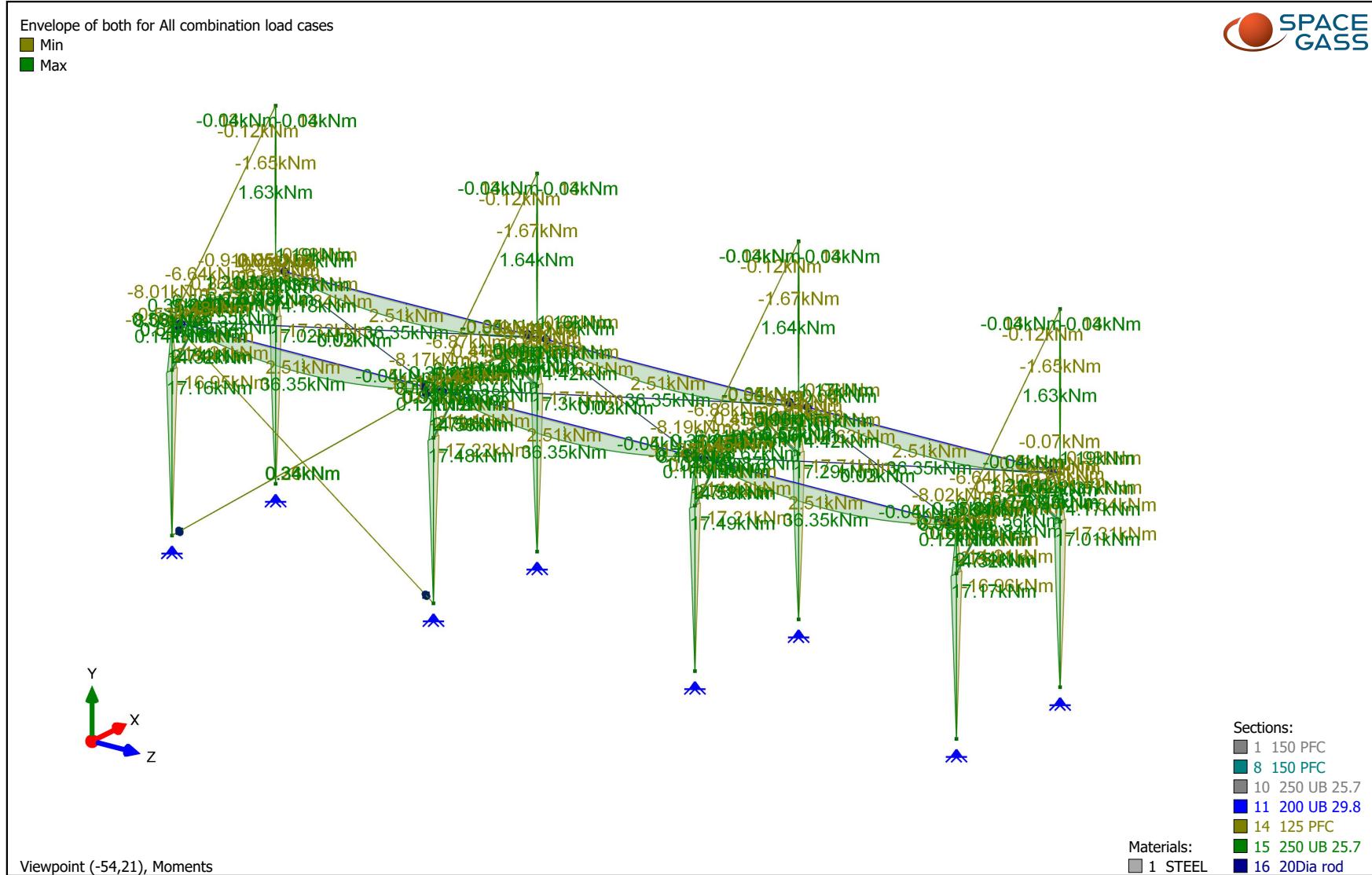
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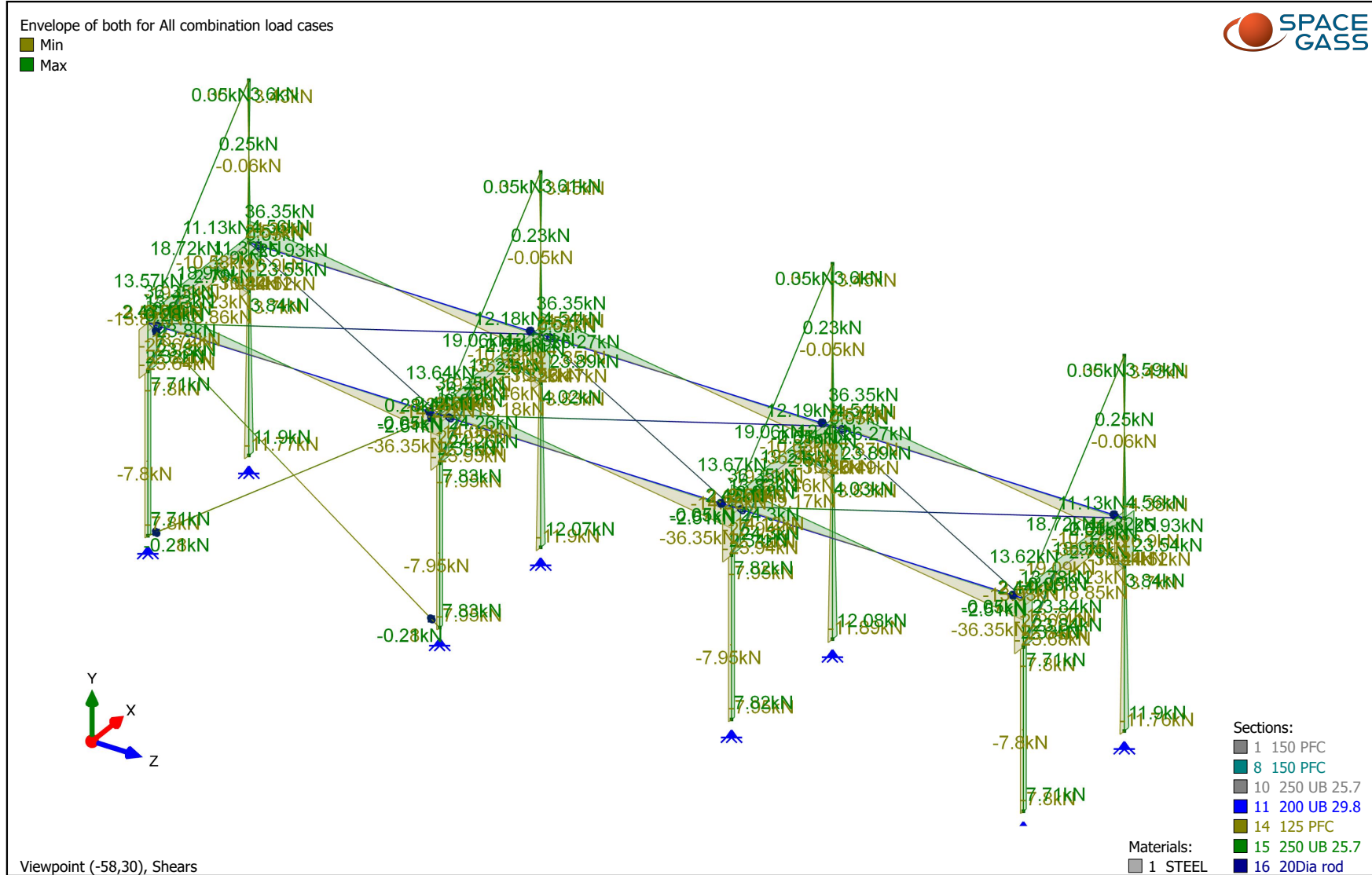
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 Designer: Date: Thursday, March 30, 2023 3:16 PM, Page: 1



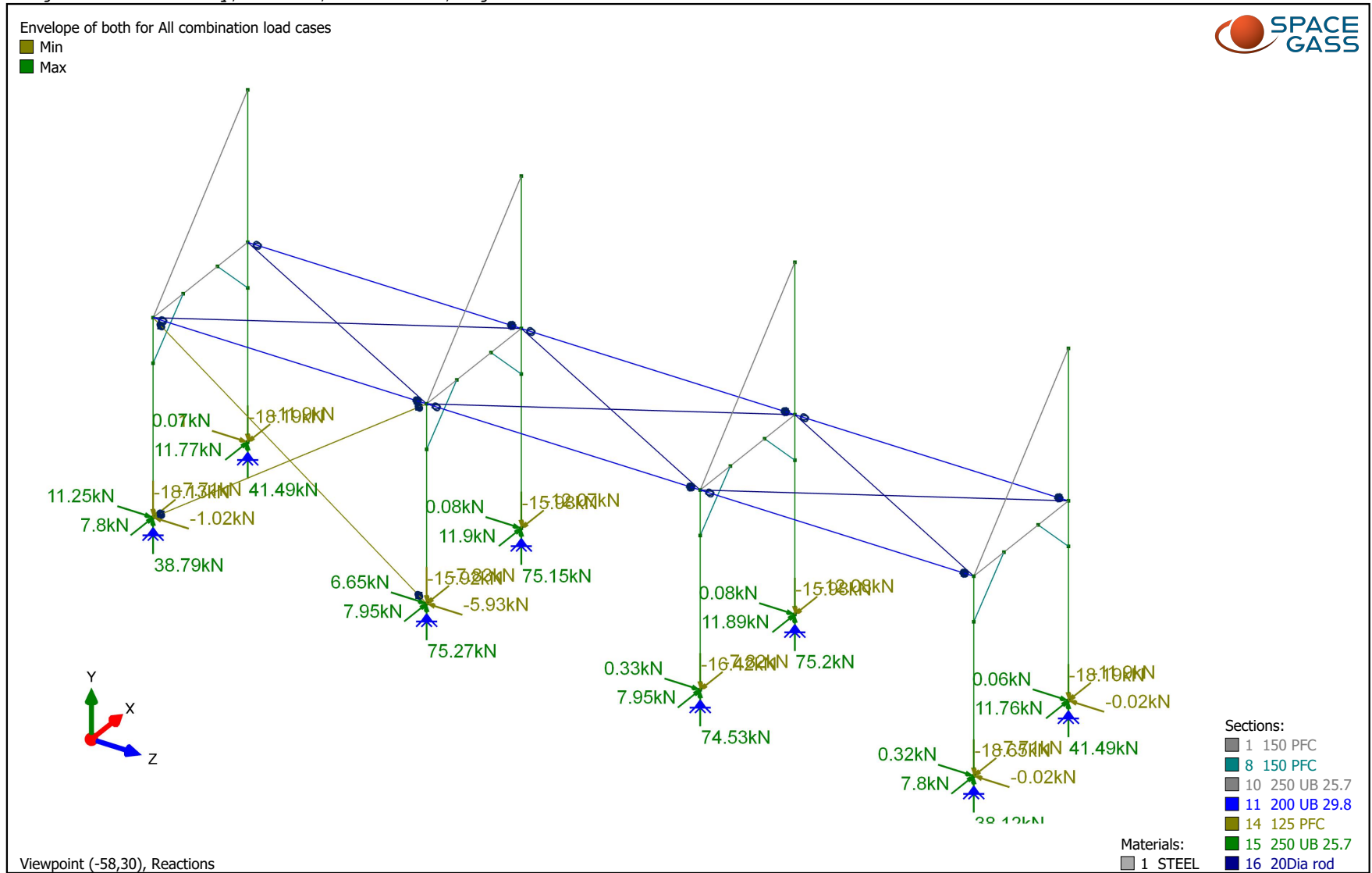
SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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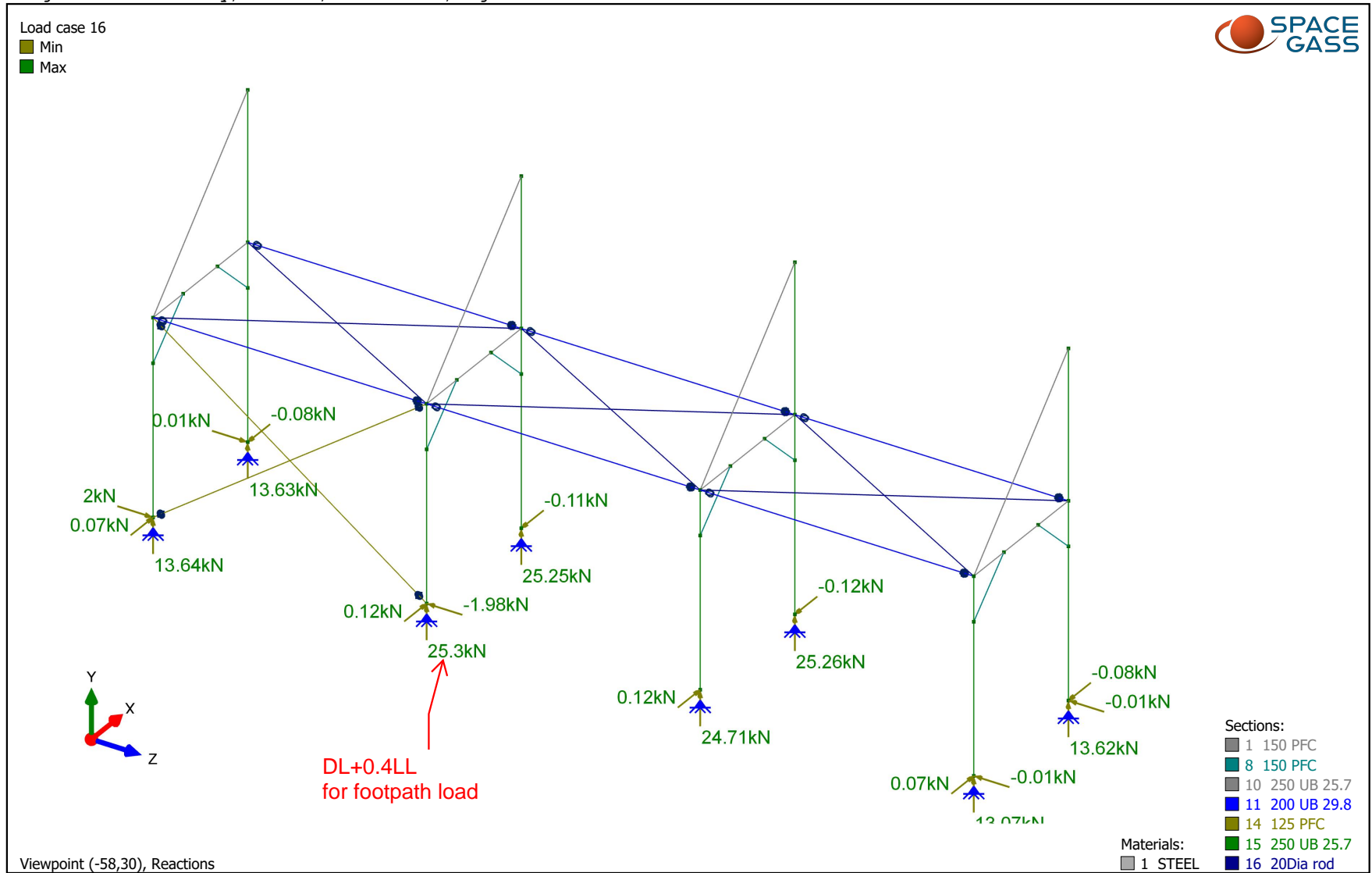
SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
 Path: ...nal_23.03.28\369 Gore street Fitzroy heritage wall bracing_Type 1-3
 Designer: Date: Thursday, March 30, 2023 3:18 PM, Page: 1



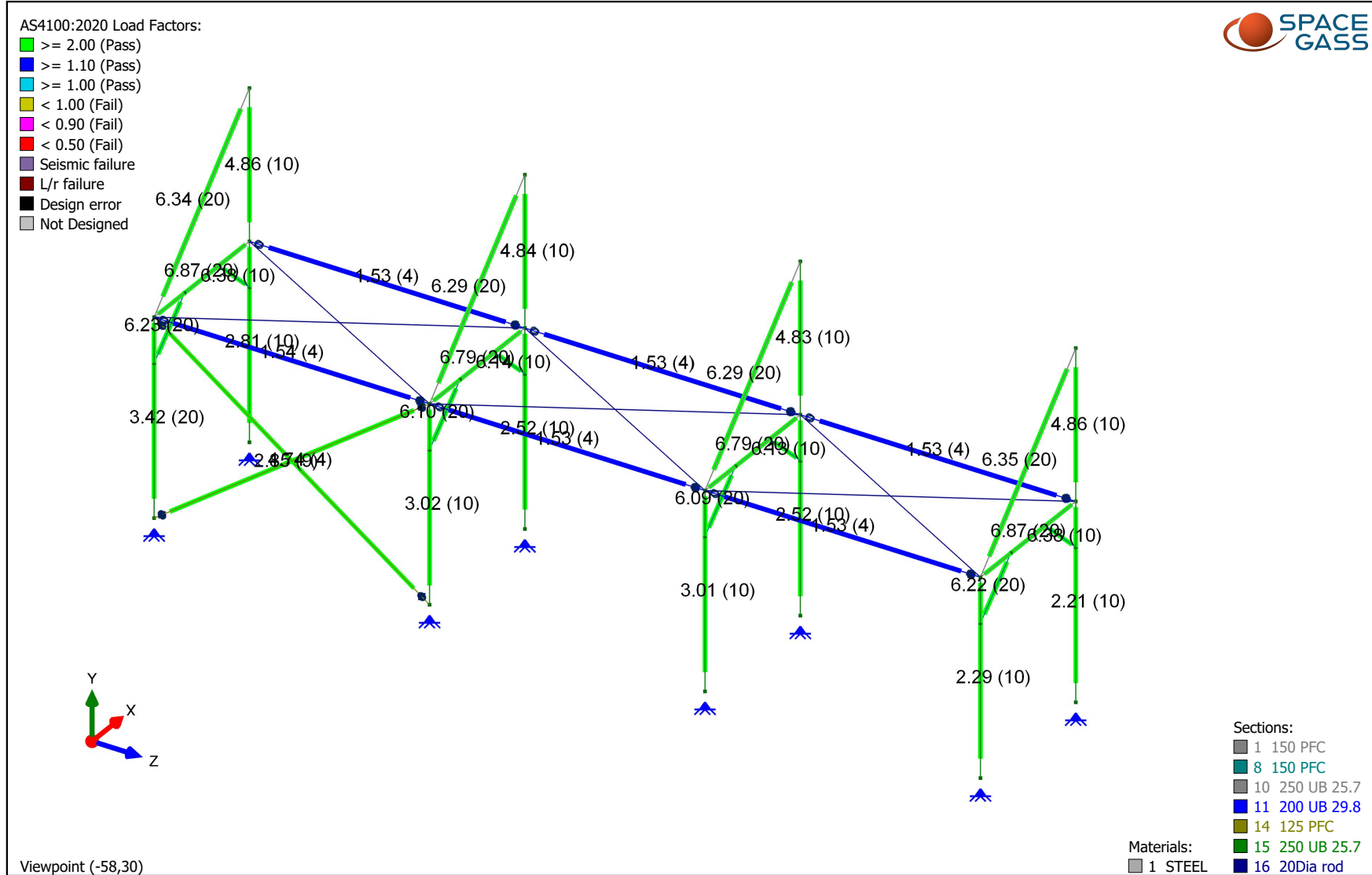
SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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 Designer: Date: Thursday, March 30, 2023 3:19 PM, Page: 1



SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
 Path: ...nal_23.03.28\369 Gore street Fitzroy heritage wall bracing_Type 1-3
 Designer: Date: Thursday, March 30, 2023 3:19 PM, Page: 1



SPACE GASS 14.10 - RINCOVITCH CONSULTANTS PTY LTD
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 Designer: Date: Thursday, March 30, 2023 3:20 PM, Page: 1

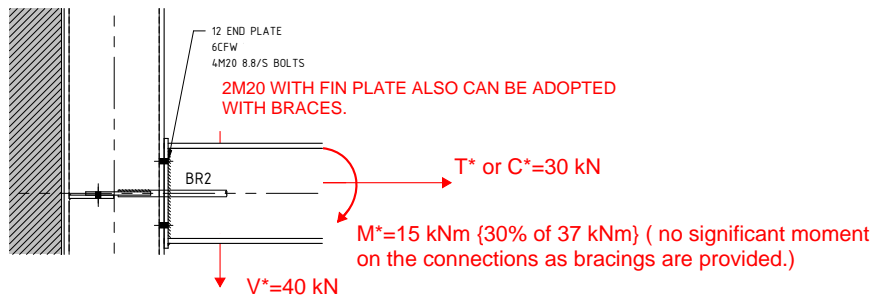


PROJECT _____
 SUBJECT CONNECTION DESIGN _____
 JOB NO - _____ SHEET NO _____
 BY _____ DATE _____



MELBOURNE:
 Suite 1, Level 8/3 Bowen Crescent
 Melbourne, VIC, 3004
 T: + 61 3 9088 7653

SYDNEY:
 Suite 2, Level 11/100 William Street
 Woolloomooloo, NSW, 2011
 T: + 61 3 9188 0506



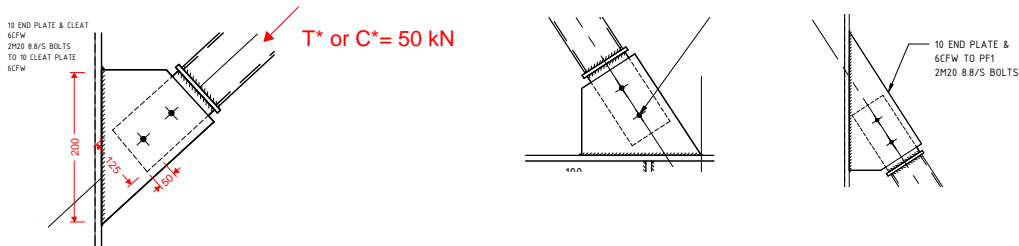
Tension per bolt = $30/2 + 15/0.2 = 90 \text{ kN}$ < M20 8.8 tension capacity = 162 kN

Shear per bolt = $40/2 = 20 \text{ kN}$ < M20 8.8 shear capacity = 92 kN

Combined check:
 $90/162 + 20/92 = 0.79 < 1.0$ ok

weld check:
 Weld modulus = $0.7 \times 0.6 \times 30.7 (6 \times 16.6 + 30.7) / 6 = 280 \text{ cm}^3$
 Weld area = 2680 mm^2

Weld stress = $\text{Sqrt} [(43.7 + 89.3)^2 + 29.1^2] = 136 \text{ MPa} < 220 \text{ MPa}$ OK



Shear per bolt = $165/2 = 82.5 \text{ kN}$ < M20 8.8 shear capacity = 92 kN
 Ply bearing = $40 \times 10 \times 300 \times 0.9 = 108 \text{ kN} < 50 \text{ kN}$ OK

weld check:
 Weld area = 1050 mm^2
 Weld stress = $157 \text{ MPa} < 220 \text{ MPa}$ OK

PROJECT _____
SUBJECT CONNECTION DESIGN _____
JOB NO _____ SHEET NO _____
BY _____ DATE _____



MELBOURNE:
Suite 1, Level 8/3 Bowen Crescent
Melbourne, VIC, 3004
T: + 61 3 9088 7653

SYDNEY:
Suite 2, Level 11/100 William Street
Woolloomooloo, NSW, 2011
T: + 61 3 9188 0506

UPLIFT CHECK:

TYPE 1-3 FRAMES @ 4000 C/C Max:

UPLIFT = 17.2 kN per leg

Counter weight required = 1.75T PER LEG

Provide equivalent concrete block counter weight per leg / continuous between legs throughout.

TYPE 4 FRAMES @ 3500 C/C Max:

UPLIFT = 50 kN per leg

Counter weight required = 5T PER LEG

Provide equivalent concrete block counter weight per leg / continuous between legs throughout.

COLUMN STEEL BASE CHECK:

TYPE 1-3 FRAME :

Reaction (DL + 0.4LL) = 26 kN per leg

Allowable reaction = 140 kPa

Required base area = 0.186 m²

Provide 2 Nos of 150UC30, 700 long under each leg.

TYPE 4 FRAME :

Reaction (DL + 0.4LL) = 19 kN per leg

Allowable reaction = 140 kPa

Required base area = 0.136 m²

Provide 2 Nos of 100UC14, 700 long under each leg.