

17 November 2025

The Registrar
The Victorian Civil and Administrative Tribunal
55 King Street
MELBOURNE 3000

Via online portal

Section 87A Amendment
Planning Permit No. MPS/2020/57
495-511 Lygon St, Brunswick East

Dear Sir / Madam,

Ratio Consultants have been instructed by Lucent Group, the permit holder in relation to the above-mentioned matter to undertake an assessment of proposed amendments to the endorsed plans under Planning Permit No. MPS/2020/57.

Pursuant to Section 87A (S87A) of the Planning & Environment Act 1987 (the Act), the permit holder now seeks to make amendments to the endorsed plans under the permit (MPS/2020/57). The amendments are sought following further detailed design, site analysis, market research and consideration of surrounding land use context.

We have assessed the following application materials for consideration and endorsement under the permit:

- A copy of Planning Permit No. MPS/2020/57;
- Amended Architectural Plans & Statement of Changes prepared by KUD;
- Engineering Report, prepared by BOT Engineering;
- Heritage Report, prepared by Bryce Raworth;
- Transport Impact Assessment, prepared by OneMileGrid;
- Loading Management Plan, prepared by OneMileGrid;
- Waste Management Plan, prepared by OneMileGrid;
- Consultants Advice Notes, prepared by JBA Consulting Engineers;
- Current copy of Title; and
- A written letter of support (provided below).

We include the relevant history of Planning Permit No. MPS/2020/57 and an assessment of the proposed amendments below.

1. Permit History

Planning Permit No. MPS/2020/57 was issued by Council under the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 17 February 2022.

The permit allows the following:

“Part demolition of existing building and the construction of a multi storey building above basement levels, use of land for Place of Assembly, (function centre), dwellings, and a reduction in carparking in accordance with the endorsed plans”.

Pursuant to Section 69 of the Planning and Environment Act 1987, an extension of time approval for Planning Permit No. 0183/17 was approved by Council on 7 October 2025; requiring works to commence by 17 February 2026 and be completed by 17 February 2028, and the approved uses must commence by 17 February 2028.

We note that plans are yet to be endorsed to form part of the permit, prompting this conjoined S87A / endorsement request application.

Importantly the proposed amendments are entirely within the previously approved building envelope and will not result in any additional amenity impacts onto the adjoining properties compared to what was approved in the original planning permit.

2. Site Context

2.1 Subject Site

The subject site is located on the western side of Lygon Street, approximately 50 metres (m) southwest of the intersection between Lygon Street, Albion Street, Holmes Street and Eddy Street, Brunswick East. The site also directly adjoins laneways along the southern and western boundaries.

The site has a frontage of 51.76m to Lygon Street, a maximum depth 33.19m and total area of 1,179.79 square metres (sqm).

Contextually, the subject site is located on the northwestern edge of the Commercial 1 Zone and within Design and Development Overlay – Schedule 19 (DDO19) forming part of the Brunswick Activity Centre. The laneway along the western boundary of the subject site demarcates a transition into Neighbourhood Residential Zone (NRZ) to the west.

The subject site is located proximate to the following properties, beyond the unnamed laneway to the site's western interface:

- 26 Stanley Street, Brunswick East;
- 28 Stanley Street, Brunswick East;
- 30 Stanley Street, Brunswick East.

Figure 1: Aerial Image of Subject Site

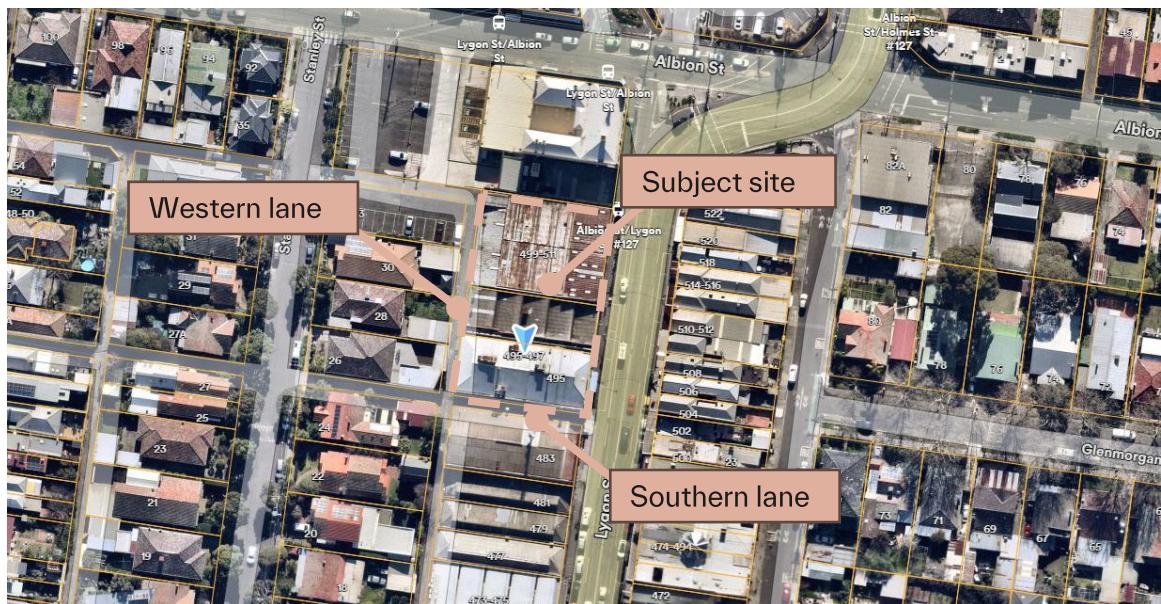
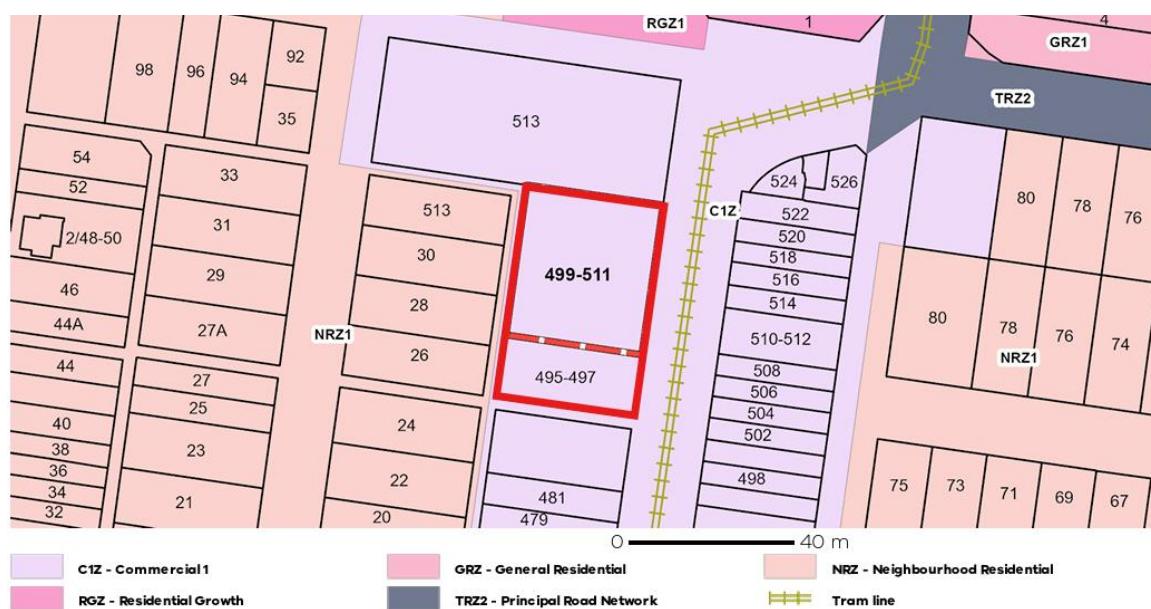


Figure 2: Zoning Map



3. Proposed Amendments

This Section 87A Amendment seeks permission from VCAT to amend Planning Permit No. MPS/2020/57, including changes to address structural and heritage considerations and compliance with Condition 1 of the permit.

The key architectural changes to the proposed development are as follows:

- Extent and reconfiguration of the basement layout, including changes to car parking, bicycle parking, waste and storage arrangements.
- A reduction in commercial car parking spaces and addition of bicycle parking allowance.
- Revision of heritage structure retention and demolition extent as advised by structural and heritage reports.
- Reconfiguration of the layout to Ground Floor, including spaces within the community hall, retail tenancies, amenities, services and back of house areas.
- A total reduction of apartments from 52 to 46.
- Updates to the façade design/ terraces due to reconfiguration of apartments/ privacy, sag and sway assessments, substation relocation and review of the construction methodology.

Table 1 below sets out the key development summary changes included within the amendment:

Table 1: Key Development Summary Changes

	Approved	Proposed	Difference
Apartments	52	46	-6
Residential Car Spaces	58	63	+5
Commercial Car Spaces	43	17	-26
Bicycle Parking Spaces	19	57	+38

Further, Table 2 outlines the proposed amendments to the overall architectural design of the proposal:

Item	Proposed Amendments
Window Height	Heights of the existing level 1 heritage windows have been confirmed and updated in the drawings accordingly.

Apartment Reconfiguration and Reduction	<p>A reconfiguration of apartments across levels 01 to 05 has occurred to ensure required structure & services are incorporated in the design.</p> <p>The redesign of the apartments across each level has resulted in a reduction of the originally proposed number of apartments from 52 to 46 now proposed.</p>
Storage Areas	<p>The storage area for the apartments has been relocated to Basement 1A, 2A and 2B levels.</p> <p>There is now an allowance for 1 storage cage per apartment unit on or directly adjacent allocated car spaces.</p>
Car parking spaces	<p>The change in parking spaces are as follows:</p> <p>Previous:</p> <ul style="list-style-type: none"> – Residential: 58 spaces – Commercial: 43 spaces <p>New:</p> <ul style="list-style-type: none"> – Residential: 63 spaces (+5) – Commercial: 17 spaces (-26)
Bicycle Parking	<p>All bike parking has been moved to avoid cyclists using stairs.</p> <p>Bicycle storage for residents has been relocated to the basement level.</p> <p>The proposal now includes a total of 57 bicycle parking spaces within the basement level and ground floor for visitors.</p>
Ground Floor Reconfigurations	<p>The following rooms and areas located on the proposed ground floor have been reconfigured:</p> <ul style="list-style-type: none"> – Retail spaces – Amenities – Substation & Plant Rooms – Community Hall <p>We defer to Drawing No. TP303 for all changes to the layout of the ground floor.</p> <p>Further, the substation has been relocated to the Lygon Street frontage to comply with the requirements from CitiPower. The main switchboard (MSB) room has been repositioned adjacent to the substation and the fire pump room has been repositioned to allow for direct external access from Bluestone Laneway.</p>

Façade treatments	<p>The following changes have been made to the façades of the proposed built form:</p> <ul style="list-style-type: none"> – On the northern façade, the full height glazing at the terrace lightwell now comprises of window wall and punched windows, with solid concrete panels. The curves to the corners also been removed. – Further, the curved corner of the North-Eastern façade has been removed. – On the eastern façade the types & locations of windows and façade features have been changed to improve the design, rationalise construction methodology and match the reconfiguration of apartments. – With regard to the canopy of the heritage building, the canopy has now been shortened in width to be a 600mm extension from the heritage frontage, to accommodate a safe clearance from the above power cables. We defer to the advice from JBA Consulting Engineers for further details. <p>A stainless-steel web net façade treatment has been added to the Level 01 balconies, to ensure safety requirements from the adjacent power lines.</p> <ul style="list-style-type: none"> – Additionally, the substation has been relocated to the Lygon Street frontage. The proposed door finish will match that of the façade to create a seamless design between the façade and substation. – On the southern façade the façade from Level 01 to Level 05 has been changed to house punched windows, in lieu of window wall. – On the western façade the types & locations of windows and façade features have been changed to improve the design, rationalise construction methodology and match the reconfiguration of apartments. – Additionally, façade on Ground Floor has also been updated to reflect internal planning & design changes.
Terrace treatment & reconfiguration	<p>The terrace configurations on Levels 01 & 02 have been updated to accommodate the revised apartment layouts.</p> <p>Additionally, the terraces on Level 02 have been reduced to create a lightwell void to the Level 01 terraces allowing for natural light.</p> <p>The lightwell void from the Roof Level to Level 03, has been extended through to the terraces, creating a clear break in geometry and allowance for natural light into bedrooms.</p>
Apartment configurations	<p>The proposed apartment types have been reconfigured and rationalised due to structure & services being incorporated into the design.</p>

We defer the BADS compliance summary provided within the architectural plans and Clause 58 Assessment (Appendix A) of this letter.

Overshadowing Diagrams	All shadow diagrams have been updated to reflect the design changes to the development.
Basement Ramps	<p>The bottom of the entry basement ramp (wall and ramp) has been splayed to allow for clear swept paths in accordance with advice from OneMileGrid</p> <p>Further, the ramp gradients have also been updated (basement 2b to 2a / basement 1b to 1a) from a 1:6 to 1:5 gradient. The length of the ramps have therefore been increased from 2880mm to 4850mm.</p>

We defer to the accompanying amended Architectural Plans and Statement of Changes prepared by KUD for further information. All plan changes are clearly identified by 'red clouding' in the Revision E set of drawings.

Compliance with Permit Conditions

Additionally, the amendment aims to make changes in accordance with the conditions included within the permit (MPS/2020/57) under Condition 1.

Accordingly, the following changes have been made for endorsement of the architectural plans and comply with the requirements of Condition 1, with the exception of Condition 1(d) as outlined further below:

– Condition 1

Before the development commences, 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 the permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must generally accord with VCAT substituted plans that are dated 10 November 2021 prepared by Cera Stribley Architects but be modified to show:

- a) Deleted
- b) Deleted
- c) Deleted
- d) The original roof of the former Liberty heater building will be demolished as part of the overall development and reinstated for a minimum of 11 metres from the Lygon Street frontage.
- e) Deleted
- f) A maximum wall of height of 8 metres is proposed along the western site boundary in accordance with the requirements of the Design and Development Overlay – Schedule 19 (DDO19)
- g) Deleted
- h) Deleted

- i) The statement 'extent of heritage façade to be retained (refer to heritage report)' has been deleted from the East Elevation Plan
- j) All details of the retention, conservation and restoration of the former Liberty Theatre heritage building in accordance with the Heritage Report have been provided within the accompanying Statement of Changes, prepared by KUD.
- k) The proposed verandahs to Lygon Street have been setback a minimum of 750mm from the kerb and with a height of less than 3 metres above the level of the footpath in accordance with Clause 507 of the *Building Regulations 2006*
- l) *The entry to the basement from the laneway to the rear of the site is designed with an apex height along the basement access ramp equivalent to 47.21AHD +150mm to prevent stormwater inundation of the basement from the road reserve.*
- m) We note all bicycle storage for residents has been moved in the basement level to avoid the use of the stairs.
- n) All line markings and bollard locations for the accessible parking spaces are shown on the basement level plans bollard in accordance with Australian Standard 2890.6.
- o) A 1 metre offset has been provided for all car parking spaces adjacent to the walls of the basement levels.
- p) The proposed substation has been incorporated on the ground floor
- q) All residential bicycle parking spaces are located within a secured area including self-closing and self-locking doors.
- r) The ESD initiatives outlined in Condition 8 are shown on the plans. These include:
 - Solar system has been added to the roof.
 - 5% of car parking designed for electric vehicles.
 - Recycling & garbage waste chutes.
 - Addition of a rainwater tank to the basement.
 - Window shading added to the North and West elevations.
 - Operable windows have been designated.
- s) All changes required by the SMP in accordance with Condition 8 have been made to the plans.
- t) All changes required by the Landscape Plan in accordance with Condition 11 have been made to the plans. The change includes the addition of planter boxes added to all western balconies and the rooftop terrace planting.
- u) All changes required by the Waste Management Plan in accordance with Condition 15 have been made to the plans. The change includes the revision of the Basement 1 plan to be consistent with feedback provided and details within the accompanying Waste Management Plan.
- v) All changes required by the Accessibility Report in accordance with Condition 17 have been made to the plans.
- w) All changes required by the Acoustic Report in accordance with Condition 19 have been made to the plans.

- x) All changes required by the Loading Management Plan in accordance with Condition 22 have been made to the plans. The Ground Floor has been altered to allow for goods to be delivered from the loading zone at the rear of the site.
- y) All changes required by the Wind Assessment Report in accordance with Condition 33 have been made to the plans. The heights of the balustrading have been increased to mitigate any potential for adverse wind impacts.
- z) Visual aids and signage will be included for vehicles and pedestrians in the laneway.

aa) Privacy screens have been added between all balconies as well as to levels 1 & 2 to avoid overlooking to 26-30 Stanley Street in accordance with the requirement of Clause 55.04-6.

bb) A screen diagrams is shown on Drawing No. TP400 associated with the west facing balconies.

cc) *The bicycle parking spaces provided meet the minimum requirements as required by the Australian Standard for Parking Facilities- Bicycle parking (AS2890.3). Please refer to Drawing Nos. TP 301 & 303 for details*

dd) The shared area of the accessible parking spaces has been updated as required by Australian Standard AS2890.6

ee) The splay on the south west corner of the site has been updated to the required dimensions (5.035m x 3.805m) to allow vehicles to turn from one laneway to the other.

Amendment to Permit Condition 1(d)

Further to the issue of Planning Permit No. MPS/2020/57, it is proposed to amend Condition 1(d) of the permit. The condition requires the following to be undertaken within the proposal:

Retention of the original roof of the former Liberty Theatre building for a minimum of 11 metres from the Lygon Street frontage.

The proposal seeks to demolish the original roof form of the former theatre building and reconstruct the roof form exactly matching the existing configuration in design and detail, and in accordance with the intent of condition 1(d).

It is proposed that the existing roof form to a depth of 11 metres will be carefully disassembled, and reconstructed 'like for like' (i.e. "reinstated" in its current form). The roof trusses will be salvaged for reuse if viable or refabricated to match the existing detail although to meet the current building codes.

Additionally, we note the northern side return wall, and a portion of the southern side return wall will also be reconstructed to a depth of 11m due to engineering and constructability issues that would arise if retained.

We defer to the accompanying Heritage Report, prepared by Bryce Raworth and Engineering Report prepared by Bot Engineering outlining support for the proposed conservation of the former theatre building.

4. Planning Controls & Policy

4.1 Zoning and Overlays

The site continues to be located within the Commercial 1 Zone (**C1Z**) and affected by the following overlays:

- Development Contributions Plan Overlay – Schedule 1 (DCPO1)
- Design and Development Overlay – Schedule 19 (DDO19)
- Heritage Overlay – Schedule 435 (HO435)
- Parking Overlay – Schedule 1 (PO1)

Permit Triggers

Based on the following planning controls, the permit triggers for the original Planning Permit No. MPS/2020/57 include:

- **Clause 34.01-1** (C1Z) to use land for dwellings and function centre
- **Clause 34.01-4** (C1Z) to construct multi-storey building above basement levels
- **Clause 43.01-1** (HO435) to construct multi-storey building above basement levels
- **Clause 43.01-1** (HO435) part demolition of existing heritage building
- **Clause 43.02-2** (DDO19) to construct multi-storey building above basement levels
- **Clause 52.06-3** (Car parking) to reduce the standard requirement for car parking.

We note the amendment does not trigger any new permit requirements (i.e. primary consent) that were not previously considered under the original application.

Commercial 1 Zone

The subject site is located with the Commercial 1 Zone (**C1Z**), pursuant to Clause 34.01 of the Merri-bek Planning Scheme.

The relevant purposes of the zone include:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

We note, pursuant to **Clause 34.01** and the Schedule to the zone, no maximum leasable floor area requirements are specified.

Pursuant to **Clause 34.01-1**:

- A planning permit is required to use the land for a ‘dwelling’.
- A planning permit is required to use the land for a ‘function centre’ (community hall).

Pursuant to **Clause 34.01-4**, a planning permit is required to construct or carry out works on the site.

We note that there has been change in planning policy pertaining to Clause 58 (often colloquially referred to as ‘BADS’) as implemented by Amendment VC174 to the Planning

Scheme which introduced changes to/new standards within Clause 58. However, it is important to note the ‘transitional provisions’ offered by Clause 34.01-8 under the C1Z which stipulates:

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- **An application for a planning permit lodged before that date.**
- *An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.*

While not referring expressly to an application to amend a permit under section 87A of the Act, recent VCAT Decision **Papermite Pty Ltd v Monash CC [2025] VCAT 893** examines this question of law in detail, helpfully providing the following finding:

Question 1

Do the provisions of Clause 55 as amended by Amendment VC267 (the ‘Townhouse and Low-rise Code’) apply to an application to amend an existing permit brought in the Tribunal’s original jurisdiction under section 87A if the original permit application was lodged before the approval date of Amendment VC267?

Answer

No

As such, it follows that the revised design must be assessed under the previous iteration of Clause 58 (‘BADS’) as it was at the time the permit application was made.

However, we observe the revised proposal is generally responsive to the updated Clause 58 requirements and continues to represent a good planning outcome having regard to these design parameters.

Design and Development Overlay – Schedule 19

The site is affected by the Design and Development Overlay – Schedule 19, relating to the Brunswick Activity Centre - Lygon Street Local Area.

The development, as amended, for the construction of a 5-storey development, within an existing activity centre, is considered entirely consistent with the objectives of the overlay.

The key design objectives (as relevant) of the DDDO19 are summarised as follows:

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

The development, as amended, does not result in any changes to the approved building envelope for Planning Permit No. MPS/2020/57 and continues to remain commensurate with the established and emerging built form context surrounding the site, in addition to the findings set out within the VCAT Administrative Decision dated 18 January 2022.

In summary, the amendments to Planning Permit No. MPS/2020/57 result in a medium density residential development within the Brunswick Activity Centre and DDO19, which enjoys a high level of support at all levels of planning policy.

An assessment of the amended development against the current provisions within Schedule 19 of the Design and Development Overlay is set out in Section 6 below.

Heritage Overlay – Schedule 435

A portion of the site is affected by the Heritage Overlay – Schedule 435 (HO435). We note while the subject site is inclusive of multiple lots, only Lot 495-497 and Lot 1 of TP659398 at 499-511 Lygon Street included in the *Lygon Street Precinct A*.



Further, we note 495-497 Lygon Street (Former Theatre Building) is graded as 'significant' with the *Lygon Street Precinct A* (HO435).

As outlined above, we note a planning permit is required pursuant to **Clause 43.01-1** to:

- Partially demolish a building;
- Construct a building or construct or carry out works, including:
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.

In relation to the partial demolition, retention and reconstruction of the existing theatre building, we refer to the Heritage Report, prepared by Bryce Raworth and Engineering Report, prepared by BOT Engineering.

4.2 Planning Policy Framework

State and local planning policy supports the redevelopment of underutilised land for new housing that is close to jobs, services and public infrastructure. The approved development pursuant to Planning Permit No. MPS/2020/57 for a mixed-used,

residential-led development within the Brunswick Activity Centre is therefore supported at all levels of planning policy.

The following state and local policies, *inter alia*, are deemed to be relevant:

- Clause 11.03-1S – Activity centres and precinct
- Clause 15.01-1S – Urban Design
- Clause 15.01-1L – Urban design in Merri-bek
- Clause 15.01-2S – Building Design
- Clause 15.01-2L – Building design in Merri-bek
- Clause 15.01-2L-03 – Apartment developments in Merri-bek
- Clause 15.01-2L-05 – Environmentally sustainable development
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.03-1S – Heritage conservation
- Clause 15.03-1L – Heritage in Merri-bek
- Clause 16.01-1S – Housing supply
- Clause 16.01-1L – Homes in Merri-bek
- Clause 18.01-1S – Land use and transport integration

5. Planning Considerations

In assessing the merits of the Section 87A Amendment, the following matters are considered of most relevance:

- Is the proposal an acceptable outcome with regard to its context and comparatively to the endorsed plans?
- Does the proposal continue to respond accordingly to the requirements of the Design and Development Overlay – Schedule 19?

We offer responses to each of these considerations as follows.

5.1 Is the proposal an acceptable outcome with regard to its context and comparatively to the endorsed plans?

The proposed amendment to the approved development is entirely appropriate with respect to the surrounding area and presents as an improvement on the previously endorsed plans, particularly with regard to the interface with Lygon Street and retention of the existing heritage building.

The subject site within the Brunswick Activity Centre is nominated as a significant change area; supporting urban consolidation and infill medium and higher density housing with a high standard of urban design outcomes.

The proposed amendments have carefully considered the subject site within its surrounding context, market demand factors, and further design development to develop the proposed amendments.

Importantly, the amendments sought remain consistent with the built form parameters approved by the approved planning permit relating to building height and setbacks.

The proposed amendments are consistent with the decision guidelines of the C1Z having regard to the applicable policies of the Merri-bek Planning Scheme, specifically **Clause 11.03-1S** and **Clause 15.01-2L**.

The proposal is in keeping with the objectives of Clause 15.01-2L, noting that the proposed works continue to provide for a five storey apartment development that:

- Provides adequate daylight to living rooms and bedrooms.
- Provide opportunities for open space and landscaping areas.
- Reduce overlooking into habitable rooms and private open space areas through location and design
- Provide a reasonable outlook from living areas.
- Enable the reasonable future development opportunities of adjoining sites.
- Manage the amenity impacts to adjoining sites.
- Achieve a greater level of privacy and higher levels of daylight compared to bedroom.

Further to the above, the proposed buildings and works are consistent with the relevant decision guidelines of the Heritage Overlay (HO435), noting:

- The proposal will include the retention of the former theatre building and will be used for community facilities and will be retained as a large open space, with an addition to the rear.
- The proposal will include the repainting of the existing render to ensure the significance of the heritage building is retained.
- As requested by Council under Condition (d), the original roof of the former Liberty heater building will be reinstated for a minimum of 11 metres from the Lygon Street frontage.

Given the above, the proposed amendments remains consistent and appropriate having regard to the relevant PPF provisions and C1Z.

5.2 Does the proposal continue to respond accordingly to the requirements of the Design and Development Overlay – Schedule 19.

As outlined above, the site is affected by the DDO19 relating to the Brunswick Activity Centre - Lygon Street Local Area.

The design objectives of the overlay are as follows:

- *To create a new mid rise built form character that provides a built form transition between the Lygon Activity Corridor and adjoining low-rise residential areas.*
- *To ensure highly visible development is limited to identified key redevelopment sites and responds to specific design objectives.*
- *To ensure the street wall remains the visually dominant element of all development in Lygon Street and that any height above the street wall is visually recessive, subservient and does not dominate the streetscape appearance.*
- *To ensure development is designed to respect the form, design and context of buildings of individual heritage significance.*

- To protect and enhance the amenity, and maintain solar access to existing and proposed public open spaces and key pedestrian streets, and maintain reasonable amenity for residential properties adjacent to or within the activity centre.

In response to the design guidelines specified under Clause 2.0 of the Schedule, we provide the following assessment and response to the requirements of the overlay:

Provision	Response
Building Height	<p>The development, as amended, is suitable within the context, and continues to meet the height and massing guidelines.</p> <p>The proposal reduces the overall building from 20.8 metres to 20.1 metres in accordance with the approved plans for the proposal.</p> <p>The amendment maintains a 5-storey building height, with the upper levels setback from the street.</p>
Street Walls	<p>The development, as amended, maintains the required street wall height to Lygon Street.</p> <p>As outlined in <i>Map 1A: Lygon Street Local Area Built Form Controls (North)</i>, the proposal includes a 2 storey street wall, while also retaining the existing heritage building along the street frontage.</p>
Upper Levels	<p>Similarly to the above, as amended the proposal ensures the built form meets the requirements specified in <i>Map 1A: Lygon Street Local Area Built Form Controls</i>.</p> <p>A minimum 5 metre setback is provided from the street walls to the upper levels of the development.</p> <p>The amendments ensures the upper levels of the development are highly articulated and visually distinctive through landscape features, stepped built form, and materiality.</p>
Setbacks to residential land	<p>The development, as amended, does not result in any amendments to the setbacks to the residential interface setbacks.</p> <p>The amendment ensures the development is consistent with the envelope specified under the DDO requirements to the residential land to the rear of the site.</p> <p>The amendments meets the following requirements:</p> <ul style="list-style-type: none"> – A maximum height of 5 metres at the common boundary. – A maximum height of 8 metres where the site is separated from the adjacent residential property by a 3 metre wide lane. – A maximum height of 11 metres where existing lanes are widened to 6 metres.

Building layout and detailed design	<p>The development, as amended, continues to provide an active frontage to Lygon Street by continuing to propose retail premises on the ground floor of the building.</p> <p>This includes vertical articulation to reinforce the prevailing pattern of subdivision and buildings along Lygon Street. Further, all services for and loading and car parking located to the rear of the site, with access provided via the laneway.</p> <p>As outlined above, the retained heritage building will be used as a community hall and provide additional services to the community.</p> <p>While the proposed amended design includes some changes/reconfigurations to the internal program of the development, the substantive presentation to the public realm remains as an active frontage that furthers planning policy seeking passive surveillance to the street.</p> <p>The amended design also includes some refinements to design detail such as the materials and finishes palette, that will see the heritage theatre building finished with Haymes "Eggshell", presenting a warm tone that emphasises this retained heritage fabric. The overall/substantive materials and finishes palette maintains a high standard architectural outcome with contemporary finishes combining perforated metal, render, concrete and large expanses of glazing. Importantly, the revised proposal continues to enjoy support from Bryce Raworth Pty Ltd as outlined in the accompanying heritage memorandum.</p>
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5.3 Sub-consultant Reports in Support of the Proposal

As noted previously, a number of subconsultant reports have been prepared in support of the application. This submission should be read in conjunction with the supporting documents.

As an overview, we hereby provide a brief response to how each supporting report/plan supports the proposal and responds to the relevant provisions of the planning scheme that they have been prepared in response to:

– **Engineering Report, prepared by BOT Engineering**

- Provides structural advice and scope during construction of the proposal and ensure the retention of the heritage building is suitable.

– **Heritage Report, prepared by Bryce Raworth**

- Provides justification and response to heritage considerations with regard to partial demolition and reconstruction of portions of the former theatre building and the construction of a multi-storey development with two basement levels to the rear and adjacent of the retained building.

– **Transport Impact Assessment, prepared by OneMileGrid**

- Provides technical justification and response to car parking provision (Clause 52.06); and bicycle parking (Clause 52.34);
- **Loading Management Plan, prepared by OneMileGrid**
 - Provides an overview of the loading dock operations (loading and unloading) for the retail uses proposed as part of the development
- **Waste Management Plan, prepared by OneMileGrid**
 - Provides an overall waste strategy for the proposed development (onsite storage and collection).

6. Conclusion

It is considered that the proposal is consistent with the guidelines within the Merri-bek Planning Scheme, and the amendment results in an appropriate response with minimal environmental impacts. If you have any further queries, please do not hesitate to contact me on (03) 9429 3111 or by email at lewis.moore@ratio.com.au.

Yours sincerely,



Lewis Moore
Associate: Planning & Urban Design
Ratio Consultants Pty Ltd