

OBJECTION PLN21/0652

84-104 JOHSTON STREET, FITZROY

We refer to the application by SMA Projects lodged in August 2021, which is the second proposal for this site following the decision of VCAT, P422/2020 dated 11 December 2020, to refuse to grant a permit.

The Fitzroy Residents Association was a party to this decision and had supported the position of Council that a permit should be refused for a number of reasons generally related to the excessive height and scale of the mixed use building. Further concerns were raised about wind effects, acoustic attenuation, poor internal amenity and open space provision for residents and equitable development of adjoining land.

The FRA has examined the revised proposal and notes that there has been a considerable reduction in the number of apartments, compared to the application as originally lodged (107), and a commensurate reduction in one level of basement car parking. As a result the new proposal will appear less over-bearing and has the potential to make a positive contribution to the public realm and the Johnston Street West neighbourhood activity centre.

We note that some of the detailed façade improvements are a response to commentary provided by Council planners prior to advertising the application.

In lodging an objection to the new application, the FRA is seeking reassurance that all of the deficiencies identified by VCAT have been adequately addressed. The application has therefore been assessed against the relevant questions of the VCAT decision:

- Does the proposed built form respond acceptably to the site's physical and strategic context?
- Is the treatment of the lane abuttal acceptable?
- Is the presentation of the retail frontage to Johnston Street acceptable?
- Is sufficient car parking provided and will there be any unacceptable traffic impacts?
- Will the development result in any unacceptable wind impacts?
- Does the proposal provide equitable development opportunities for adjoining land?
- Will the development provide an acceptable level of internal amenity for occupants?
- Does the Sustainable Management Plan meet the requirements of the Yarra City Council and community expectations?

DOES THE PROPOSED BUILT FORM RESPOND ACCEPTABLY TO THE SITE'S PHYSICAL AND STRATEGIC CONTEXT?

The FRA would prefer the overall height to be reduced to a maximum of eight storeys (27.2m), consistent with the draft interim DDO32 of YPS Amendment C270. The guidance provided by the Tribunal, however, was that nine storeys could be acceptable on this site.

The building is now comprised of a single 'tower' structure set back behind a podium of two x four storey modules and a five storey module at the Fitzroy Street corner. This is in line with the VCAT guidance, and will fit more comfortably into the heritage streetscapes.

IS THE TREATMENT OF THE LANE ABUTTAL ACCEPTABLE?

In line with the VCAT findings, the entrance to the building abutting the eastern laneway has been increased in width and redesigned to have visual permeability to improve safety.

IS THE PRESENTATION OF THE RETAIL FRONTAGE TO JOHNSTON STREET ACCEPTABLE?

The design has introduced off form concrete above the canopy and the top of the podium and thickening of the vertical pier bricks to ensure that the façade exhibits a strong base for the tower above. As a retail frontage, this is considered to be an improved design.

WILL THE DEVELOPMENT RESULT IN ANY UNACCEPTABLE WIND IMPACTS?

According to the Town Planning report, advice has been received from Mel Consultants that has informed treatment of the north-east and north west corners of the Level 8 terraces; and the roof level common area with the objective of meeting the sitting criterion. At the time of writing the Wind Assessment was still in preparation.

VCAT found that the roof top outdoor area could and should be designed for sitting comfort. Council will therefore need to be assured that this will be achieved and that if landscaping is required to maintain comfort, there are permit conditions for on-going maintenance.

Given the high levels of pedestrian activity along the street frontage of the site, the FRA also believes that the standing criterion should be met at all entrances to the building.

WILL THE DEVELOPMENT PROVIDE AN ACCEPTABLE LEVEL OF INTERNAL AMENITY FOR OCCUPANTS?

Open space provision

The town planning report states that each dwelling will have access to secluded private open space in the form of upper-level terraces and balconies which achieve a north, east or western orientation where possible.

It is disappointing that some apartments continue to be provided with private open space areas with less than the recommended minimum dimensions or compromised by the presence of A/C units.

Daylight and ventilation

The Town planning report claims that no habitable rooms rely on 'borrowed light' and dwelling layouts facilitate direct access to daylight and natural ventilation, with 47% of the dwellings being naturally ventilated.

In the original proposal, the Tribunal found that dwellings on the lower levels experienced constrained daylight access and identified a number of causes. The new design has

required a full reassessment of daylight access and it is evident that apartment Type 2B2B-2A as shown on drawing TP03.3B have a sub-optimal layout. For these six apartments (101, 102, 201,202,301 and 302) the windows in the designated 'main' bedrooms rely on a funnel of daylight from windows deeply recessed from the street frontage.

These same six apartments do not meet the room depth standard of D25, as explained on page 47 of the Town Planning report. They are not accessible and they are not cross-ventilated.

The SMP prepared by Ark resources confirms that on a whole of development basis, 84.3% of living areas and bedrooms in the development meet the best practice daylight standard and thus the development meets the daylight requirements of the Green Star Buildings sustainability tool.

Noise

The Tribunal accepted that with suitable noise attenuation, the relevant standards for dwellings in the vicinity of live music entertainment venues could be met. It was noted, however, that acoustic impacts would need to be re-assessed as part of any future application as the acoustic conditions of the site's context may have altered from the time the assessment contained in the evidence was undertaken.

The FRA expects that Council will commission an independent peer review of the Acoustic Report for the new proposal.

DOES THE SUSTAINABLE MANAGEMENT PLAN MEET THE REQUIREMENTS OF THE YARRA CITY COUNCIL AND EXPECTATIONS COMMUNITY?

The building seeks a 7 NatHERS star rating which is below the 9 star expectation of nearby City Councils. It should be noted that a number of the apartments are in fact below 6 stars and some are modelled to require twice the energy to heat. NatHERS rated developments are not post – tested to confirm the actual performance and the star rating could be up to 2.5 stars in arrears. The Green Building rating again is as-designed but may not perform as well as is indicated.

The storing of water as with the previous design will require pumping up to 7 storeys and will therefore require mechanical pumping with increased energy and cost. In a power outage there will be no water for those common areas including toilets.

The reduction in underground car parking from 2 to 3 levels is welcomed. However it is important to recognise that the provision of underground car parking contributes the equivalent of 131kg per 3 square metres of carbon emissions to a building's performance. This cancels many of the sustainable claims for the building. The reduction in height to 9 storeys can be supported but 8 storeys is considered a maximum height for limiting emissions from embodied steel and concrete. However we would encourage the use of aerated concrete or fly ash concrete to reduce embodied carbon.

As previously noted the photo-voltaic system proposed of 26 kW for 65 dwellings is very limited and will be for common areas. More could and should be done to increase the PV system given there are new technologies available and PVs could be used for shading.

To summarise, the new application PLN2021/0625 for 84-104 Johnston Street, Fitzroy is a considerably improved design for this key site, compared with the serious over-development

previously proposed. There is scope for further refinement, particularly in the performance areas of residential amenity and sustainable development.

Martin Brennan

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