



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 17 January 2018 at 6.30pm
in Meeting Rooms 1 & 2
at the Richmond Town Hall**

Rostered Councillor membership

Councillor Mike McEvoy
Councillor James Searle
Councillor Amanda Stone (substitute for Cr Jolly)

- I. ATTENDANCE**
Danielle Connell (Senior Coordinator Statutory Planning)
Gary O'Reilly (Senior Statutory Planner)
Rhys Thomas (Senior Governance Advisor)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch
2008**

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN17/0456 – 594-612 Church Street, Cremorne - The construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.	5	35
1.2	PLN17/0177 - 57 Balmain Street, Cremorne - Part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement	44	73
1.3	PLN17/0131 - 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - Part demolition of the existing building and construction of a seven (7) storey building to the rear, use of land for dwellings, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.	83	127
1.4	115 Victoria Parade, Fitzroy - Heritage Victoria Referral - Partial demolition and construction of a multi storey building associated with the Australian Catholic University	136	140

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- 1.1 PLN17/0456 – 594-612 Church Street, Cremorne - The construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN17/0456 and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Land use (Clauses 11.03, 11.06, 17.01, 21.04 and 34.02)
 - (b) Built form (Clauses 15.01, 21.05, 22.07 and 22.10)
 - (c) Off-site amenity impacts (Clauses 15.01, 22.05 and 22.10)
 - (d) Internal amenity (Clauses 22.05 and 22.17)
 - (e) Car and bicycle parking (Clauses 18.02, 21.06, 52.06 and 52.34)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification.
 - (b) Built form and design.
 - (c) Equitable development.
 - (d) Off-site amenity impacts.
 - (e) Internal amenity.
 - (f) Sustainable design.
 - (g) Car and bicycle parking.
 - (h) Traffic and access.
 - (i) Objectors' concerns.

Objector Concerns

4. A total of ten objections were received to the application, these can be summarized as:
 - (a) Exceeds structure plan height.
 - (b) Excessive height.
 - (c) Out of character.
 - (d) Overshadowing.
 - (e) Increase in noise (traffic, people, outdoor areas/terraces, mechanical plant equipment, etc.).
 - (f) Wind impacts.
 - (g) Obstruct views to the Bryant and May building.
 - (h) Lack of an awning to both Church Street and Balmain Street.
 - (i) Too much car parking.
 - (j) Lack of car parking.
 - (k) Increased traffic congestion.
 - (l) Widen the footpaths along Church Street and Balmain Street.
 - (m) Lack of a loading bay
 - (n) Lack of public open space.
 - (o) Impacts during construction.
 - (p) Will set a precedent.
 - (q) No community benefit.

Conclusion

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

CONTACT OFFICER: **Nikolas Muhllechner**
TITLE: **Principal Planner**
TEL: **9205 5456**

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- 1.1 PLN17/0456 – 594-612 Church Street, Cremorne - The construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.**
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Trim Record Number: D17/208842

Responsible Officer: Coordinator Statutory Planning

Proposal: The construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.

Existing use: Single storey brick warehouse.

Applicant: Contour Consultants Aust Pty. Ltd.

Zoning / Overlays: Commercial 2 Zone
Design and Development Overlay (Schedule 2)
Design and Development Overlay (Schedule 5)

Date of Application: 9 June 2017

Application Number: PLN17/0456

Planning History

1. Planning permit application 7642 sought approval for the construction of alterations and additions to the existing warehouse. This planning permit was issued on 25 August 1994.
2. Planning permit application 96/368 sought approval for the display of business identification signage. This planning permit was approved on 30 April 1996.

Background

3. This application was received by Council on 9 June 2017. Following the submission of further information, the application was advertised and ten objections were received.
4. On 13 October 2017, 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. No objector parties have been joined as a party to the appeal. A compulsory conference is scheduled on 29 January 2018, while the hearing is set down for 16 April 2018 over three days.
5. A consultation meeting was held on 12 December 2017 and attended by objectors, the applicant's development team and Council officers. In response to the issues raised in objections, as well as issues raised by Council officers and in referral comments, a set of concept plans prepared by Wood Marsh Architecture, dated 14 December 2017 (Attachment 3) were discussed at the consultation meeting. These plans made the following changes to the proposed development as depicted in the advertised plans:
 - (a) Ground floor building line set back 350mm from the Church Street boundary to achieve a 3 metre wide footpath along Church Street.
 - (b) Ground floor building line set back 350mm from the Balmain Street boundary to achieve a 2.5 metre wide footpath along Balmain Street.
 - (c) Ground floor shop front glazing altered from a zig-zag arrangement to a conventional vertical form.

- (d) A canopy overhanging both the Church Street and Balmain Street footpaths provided by glazing creating an overhang canopy over the footpath.
 - (e) The cylindrical automatic glass door on the corner of Church Street and Balmain Street has changed to a pair of glass hinged doors.
 - (f) Activation of the laneway provided by using coloured translucent zig-zag panels with neon back-lighting to the ground floor west elevation.
 - (g) Enhanced architectural aesthetic of the building's façade flushed structural glazing system, by removal of the exoskeleton while retaining the same architectural design integrity.
 - (h) On the southern boundary wall, coloured rebate lines have been added onto the pre-cast concrete panels to create a continuous architectural design language further blurring the design elements between glazing façade and concrete panels.
 - (i) Visual interest has been added to the carpark entry/exit using coloured translucent panels.
 - (j) The upper floor above the street wall setback 4.5 metres from the centreline of the laneway, achieved by varying the inner and outer points of the façade, providing both greater and lesser setbacks at certain points, but which average at 4.5 metres and retain the architectural design integrity.
 - (k) Visual separation between podium and tower, with the tower setback between 2.25 metres and 3 metre from the boundary on all sides except for the southern façade.
 - (l) The altered setbacks to the east, north and west boundaries for the upper floors results in smaller floor plates for the fourth, fifth and sixth floors and slightly larger floor plates on the seventh floor and rooftop terrace.
6. The concept plans were discussed at the consultation meeting, however no resolutions were reached. These plans have not been formally substituted within the application material but will be utilized for discussion purposes throughout the body of this report.

Existing Conditions

Subject Site

- 7. The subject site (Attachment 1) is nominally rectangular in shape and located on the south-west corner of Church Street and Balmain Street, in Cremorne. The site has a frontage of 29.6 metres to Church Street, a frontage to Balmain Street of 34.71 metres and an overall site area of approximately 1,032 square metres. A north-south laneway abuts the western boundary of the site. The site is relatively flat with minimal appreciable fall across the site.
- 8. The subject site is currently developed with a single storey brick warehouse with 100 per cent site coverage. Vehicle access to the site is currently gained from a crossover to the south of the Church Street frontage and a crossover to the west of the Balmain Street frontage. A roller door also provides access from the rear laneway.
- 9. The subject site is legally described as Lot 1 on Title Plan 836998Q and is not affected by any restrictive covenants. The title indicates that the site has a right of carriageway over the laneway along the western boundary of the site.



Aerial imagery, August 2017.

Surrounding Land

10. The surrounding area contains a mix of uses, with predominantly commercial development neighbouring the site. In the wider area are showrooms, warehouses and offices generally constructed to the boundary with high site coverage. Dwellings are also located within the wider area. A furniture retailing theme is evident along Church Street. More generally, Cremorne is a pocket generally bound by Punt Road to the west, CityLink and the Yarra River to the south, Church Street to the east and Swan Street to the north.
11. To the immediate south is a single storey showroom currently used for furniture sales. The showroom extends to Gordon Street further south and the laneway to the west. Gordon Street is a local one-way street travelling in a westerly direction commencing at Church Street.
12. To the immediate east is Church Street, a north-south arterial road covered by the Road Zone, Category 1. The road reserve has a width of approximately 20 metres and carries two lanes of traffic in each direction. The outside lanes also provide parallel parking on both sides of the road, while the centre lanes also carry the Church Street tram line. On the opposite side of Church Street are other large single, double and triple storey commercial buildings.
13. To the north-east, on the north-east corner of Church Street and Cotter Street, is a single storey commercial building, while to the north of that at 561-563 Church Street is a six storey office building that is currently under construction.
14. To the immediate north is Balmain Street, a local east-west feeder road. Balmain Street has a road reserve width of approximately 15 metres, one lane of traffic in each direction and parallel car parking on both sides of the road. Balmain Street forms a signalized intersection with Church Street and Cotter Street further east.
15. To the north of Balmain Street is a double storey office building setback from both Church Street and Balmain Street, approximately 11 metres and 2 metres respectively. Further north is the former Bryant and May industrial complex, a superb, largely intact Edwardian

factory complex with a three storey street wall and a clock tower set well back from Church Street with an overall height of approximately 35.75 metres. Further north, at 534 Church Street, is a seven storey office building with a sheer street wall to the full height of the building, containing no fenestration.

16. To the west of the site is the north-south laneway that links Balmain Street to Gordon Street in the south. The laneway has a width of 3.69 metres. Further west is a double storey office building constructed to both the Balmain Street and laneway frontages.
17. The nearest dwelling to the subject site is located on the northern side of Gordon Street to the south-west of the site, approximately 39 metres away at 11 Gordon Street. On the southern side of Gordon Street, approximately 50 metres away at 22-26 Gordon Street, are more dwellings. These dwellings in Gordon Street are all located within the Commercial 2 Zone. Other dwellings are located to the west on the southern side of Balmain Street, approximately 68 metres from the site, commencing at 108 Balmain Street. These dwellings are also located in the Commercial 2 Zone.
18. To the east, the nearest dwellings are located on Cotter Street a minimum of 56 metres away and are also located within the Commercial 2 Zone. The nearest residentially zoned land is located to the east, near the corner of Cotter Street and Brighton Street, approximately 118 metres away.
19. The site is well serviced by public transport with the Church Street tram line travelling in front of the site, the Swan Street tram line located approximately 525 metres away to the north, and the East Richmond train station located approximately 425 metres away to the north. The Swan Street activity centre is located approximately 525 metres to the north of the site. The Swan Street activity centre consists of a wide range of commercial uses, including retail premises, restaurants, cafes and licensed premises.

The Proposal

20. This application proposes the construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.
21. The key elements of the proposed development as depicted in the plans advertised with the application (Attachment 2) are:

Use:

- (a) Ground floor shop with a floor area of 508.2 square metres and operating hours between 9:00am and 9:00pm, Monday to Friday and 9:00am to 6:00pm, Saturday and Sunday.
- (b) A total of 5,159 square metres of office space across the upper floors.
- (c) Main pedestrian entrance to the south of the Church Street frontage.
- (d) Ground floor shop entrance located on the corner of Church Street and Balmain Street, including the introduction of a splayed corner cut-out.
- (e) End of trip facilities, including nine showers and communal change rooms, located on the mezzanine level.
- (f) The rooftop accessed via a lift and stairwell, containing services, lift overrun and a 300 square metre communal rooftop terrace.

Car Parking and Access:

- (g) A total of 71 car parking spaces across three levels of basement.
- (h) Vehicle access proposed from the existing crossover to the west of the Balmain Street frontage.

- (i) A total of 100 bicycle parking spaces located on the ground floor, accessed from either the main pedestrian entrance from Church Street or the rear entrance off the laneway.

Built Form:

- (j) The construction of an eight storey building extending across the full extent of the site with a maximum overall height of 36.87 metres
- (k) A street wall that folds in and out from the first floor to the third floor.
- (l) The fourth floor recessed 2.4 metres from the east, north and west boundary with a terrace extending to the boundary.
- (m) The fifth floor and above raked from the east, north and west boundaries to form a mansard volume above the street wall, with a 4.22 metre setback to the rooftop terrace parapet from the east, north and south boundaries.
- (n) The corners of the building are chamfered and the overall form is wrapped in an exoskeleton skin.
- (o) Construction on the southern boundary for the full extent of the eight storeys.
- (p) Materials including various coloured glazing, concrete finish in various shades of grey, anodized aluminium balustrades and window frames, stainless steel service cabinets and black glass canopies.

Environmental Sustainable Design:

- (q) Minimum NCC energy efficiency standards for building shell and services exceeded by at least 28 per cent.
- (r) High efficiency VRV/package HVAC system, modelled with 4.17/5.38 cooling heating COP system efficiency.
- (s) A STORM report demonstrating best practice in stormwater management that relies on a minimum of 586 square metres of roof connected to 20,000 litres of storage for toilet flushing of all toilets onsite.
- (t) Energy efficient lighting system at least a 10 per cent improvement on NCC requirements. Project aiming for a 38 per cent improvement in lighting power density.
- (u) Mechanical ventilation with high fresh air rates.
- (v) Glazing specification and shading fins in the façade will control glare and excess heat gain.
- (w) 100 bicycle spaces for staff with end of trip facilities.
- (x) Water efficient taps, fixtures and irrigation system.

Landscaping:

- (y) 300 square metre landscaped rooftop garden.

Planning Scheme Provisions

Zoning

Clause 34.02 – Commercial 2 Zone

- 22. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), an office is a section 1 use in the Commercial 2 Zone. A shop is also a section 1 use, subject to the following:
 - (a) Must adjoin, or be on the same land as, a supermarket when the use commences;
 - (b) The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres; and
 - (c) The site must adjoin, or have access to, a road in a Road Zone.
- 23. As there is no supermarket on the subject site or adjoining land, the shop requires a planning permit to operate in this instance.
- 24. Under clause 34.02-4 of the Scheme, a planning permit is required for buildings and works.

25. Pursuant to Clause 34.02-6, an application to construct a building or construct or carry out works in the Commercial 2 Zone is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. As the site is not within 30 metres of a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre, the exemption would apply.

Clause 36.04 – Road Zone

26. Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works. As the proposed awnings are located over the Church Street footpath within the Road Zone, a planning permit is triggered under this zone.



Zoning Map

Overlays

Design and Development Overlay (Schedule 2 – Main Roads and Boulevards)

27. The Design and Development Overlay (Schedule 2) applies to the site. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The design objectives of the schedule include the following:
- (a) To recognise the importance of main roads to the image of the City.
 - (b) To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.
 - (c) To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
 - (d) To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
 - (e) To encourage high quality contemporary architecture.
 - (f) To encourage urban design that provides for a high level of community safety and comfort.

- (g) To limit visual clutter.
- (h) To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.

Design and Development Overlay (Schedule 5 – City Link Exhaust Stack Environs)

- 28. The Design and Development Overlay (Schedule 5) applies to the site. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Clause 2 of Schedule 5 to the overlay specifically states that a permit is not required to construct a building or construct or carry out works.
- 29. Schedule 5 (City Link Exhaust Stack Environs) specifically exempts buildings and works from requiring a planning permit. Pursuant to Clause 43.02 of the Scheme, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the *Planning and Environment Act 1987* to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause. Notice of the application must therefore be given to the Environment Protection Authority, Transurban CityLink Limited and the Roads Corporation (VicRoads). Their comments, where submitted, are provided in the referrals section of this report.

Particular Provision

Clause 52.06 – Car Parking

- 30. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.
- 31. Pursuant to Clause 52.06-5, the car parking requirements for the proposed development are as follows:

Use:	Rate:	Spaces required:	Proposed:	Reduction sought:
Shop (508.2 sqm)	4 per 100 sqm of leasable floor area	20		
Office (5,159 sqm)	3.5 per 100 sqm of net floor area	180		
TOTAL		200	71	129

- 32. With a shortfall of 129 car parking spaces, this application therefore seeks a reduction in the car parking requirement.

Clause 52.07 – Loading and Unloading of Vehicles

- 33. Pursuant to Clause 52.07 of the Scheme, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles.
- 34. As the proposed shop is not provided with a loading bay, a planning permit is required to waive these requirements.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1

- 35. Pursuant to Clause 52.29, a planning permit is required create or alter access to a road in a Road Zone, Category 1. Church Street is a road in a Road Zone, Category 1 and the

proposal seeks to remove a vehicle access point from Church Street. A planning permit is therefore required to alter the access to Church Street.

Clause 52.34 – Bicycle Facilities

36. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The bicycle parking requirements as contained in the table at Clause 52.34-3 are summarised in the table below:

Use:	Employee Rate:	Spaces required:	Visitor/Shopper Rate	Spaces required:
Shop (508.2 sqm)	1 to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0	1 to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0
Office (5,159 sqm)	1 to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	17	1 to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	5
TOTAL		17		5

37. As 100 bicycle parking spaces are proposed and 22 spaces are required, the application exceeds the bicycle parking spaces requirement.
38. End of trip facilities (i.e. showers or change rooms) are required by the Scheme. If five or more employee bicycle spaces are required, one shower is required for the first five employee bicycle spaces, plus another shower to each ten employee bicycle spaces thereafter. Additionally, one change room or direct access to a communal change room is required to each shower. The change room may be a combined shower and change room.
39. As 17 employee bicycle parking spaces are required, two showers with change rooms are required. The plans provide nine showers with communal change rooms on the mezzanine floor, exceeding the requirements of Clause 52.34.

General Provisions

Clause 65 – Decision Guidelines

40. 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 State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 11.03 – Activity Centres

41. The relevant objectives of this clause include:
- (a) To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
 - (b) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 11.06 – Metropolitan Melbourne

42. The relevant objectives of this clause include:
- (a) To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.
 - (b) To provide an integrated transport system connecting people to jobs and services, and goods to market.
 - (c) To create a distinctive and liveable city with quality design and amenity.
 - (d) To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.
 - (e) To create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way.

Clause 13.04 – Noise and Air

43. The relevant objective of this clause is:
- (a) To assist the control of noise effects on sensitive land uses.

Clause 15.01-1 – Urban Design

44. The relevant objectives of this clause are:
- (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 – Urban Design Principles

45. The relevant objectives of this clause are:
- (a) To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-4 – Design for Safety

46. The relevant objectives of this clause are:
- (a) To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.02 – Sustainable Development

47. The objective of this clause is:
- (a) To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 17.01 – Commercial

48. The relevant objectives of this clause are:
- (a) To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 18.01 – Integrated Transport

49. The relevant objective of this clause is:
- (a) To create a safe and sustainable transport system by integrating land-use and transport.

Clause 18.02 – Movement Networks

50. The relevant objectives of this clause are:
- (a) To promote the use of sustainable personal transport.
 - (b) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
 - (c) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04-2 – Activity Centres

51. The relevant objectives of this clause are:
- (a) To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
 - (b) To maintain the long term viability of activity centres.

Clause 21.04-3 – Industry, Office and Commercial

52. The relevant objectives of this clause are:
- (a) To increase the number and diversity of local employment opportunities.

Clause 21.05-2 – Urban Design

53. The relevant objectives of this clause are:
- (a) To reinforce the existing urban framework of Yarra.
 - (b) To retain Yarra's identity as a low-rise urban form with pockets of higher development. Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
 - i. Significant upper level setbacks.
 - ii. Architectural design excellence.
 - iii. Best practice environmental sustainability objectives in design and construction.
 - iv. High quality restoration and adaptive re-use of heritage buildings.
 - v. Positive contribution to the enhancement of the public domain.
 - vi. Provision of affordable housing.
 - (c) To ensure that new development contributes positively to Yarra's urban fabric
 - (d) To enhance the built form character of Yarra's activity centres.

Clause 21.05-4 – Public Environment

54. The relevant objectives of this clause are:
- (a) To provide a public environment that encourages community interaction and activity.

Clause 21.06 – Transport

55. The objectives of this clause are:
- (a) To provide safe and convenient pedestrian and bicycle environments.
 - (b) To facilitate public transport usage.
 - (c) To reduce the reliance on the private motor car.
 - (d) To reduce the impact of traffic.

Clause 21.07 – Environmental Sustainability

56. The relevant objectives of this Clause are:

- (a) To promote environmentally sustainable development.
- (b) To improve the water quality and flow characteristics of storm water run-off.

Clause 21.08 – Neighbourhoods

57. Clause 21.08-2 describes the Burnley, Cremorne, South Richmond area in the following way:
- (a) The Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered.
 - (b) This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.
 - (c) Along Church Street is an activity centre based on furniture and homewares, professional and business services and hospitality. There is an opportunity to enhance this activity centre with consistent active frontages.
58. Within Figure 7 of Clause 21.08-2, offices and showrooms are supported along Church Street and a more active street frontage should be created along Church Street. Figure 8 of Clause 21.08-2 shows the site as being within category 1 area relating to 'Main Roads' where the objectives include to *'maintain the hard edge of the strip'*.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

59. This policy applies to applications for use or development within Commercial 2 Zones (amongst others). The relevant objective of this clause is to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity. It is policy that:
- (a) New non-residential use and development within Business (now Commercial) and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.

Clause 22.07 – Development Abutting Laneways

60. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.10 – Built Form and Design Policy

61. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

62. This policy applies to applications for new buildings. The policy aims to achieve best practice water quality performance objectives, to promote the use of water sensitive urban design, including stormwater re-use, and to mitigate the detrimental effect of development of downstream waterways.

Clause 22.17 – Environmentally Sustainable Development

63. This policy applies to commercial development with more than 1,000 square metres. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Documents

Urban Design Guidelines for Victoria (DELWP)

64. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Swan Street Structure Plan

65. The Swan Street Structure Plan was adopted by Council at its meeting on 17 December 2013 and is relevant to the site.
66. The site is located within the Church Street precinct of the plan's study area. The structure plan prepared for the Swan Street major activity centre was in response to the State Government sustainable growth policy, Melbourne 2030; a plan for the growth and development of the Melbourne metropolitan area. One of the principal aims of the policy was to provide a network of activity centres throughout Melbourne, with these centres providing a focus for development and urban expansion in areas well serviced by public transport, existing infrastructure and community services. The Swan Street Structure Plan aims to manage this growth within the Swan Street activity centre and the surrounding area.
67. Of relevance to this application are proposed revisions to the built form guidelines that will provide guidance on future built form and how that would be in keeping with the longer term vision for Swan Street and surrounds, along with guidance on urban intensification within the precinct. The plan provides guidance on maximum building heights within each precinct, with five to six storeys the suggested height for this area within the Church Street neighbourhood.
68. The Swan Street Structure Plan acknowledges that the area is functioning well and provides significant employment opportunities and that with the right support, these activities are likely to continue. It also acknowledges that the current zoning does not allow residential development.
69. Whilst adopted, the structure plan has yet to progress to the formal amendment stage and technically has limited statutory weight.

Cremorne and Church Street Precinct Urban Design Framework

70. The Cremorne and Church Street Precinct Urban Design Framework (UDF) was adopted by Council at its meeting in September 2007. The intent of the UDF was to support redevelopment that contributes to Cremorne as a mixed-use area, while supporting strategic aims to develop employment opportunities in the area.
71. Council prepared Amendment C97 to the Scheme which proposed to rezone the study area from the Business 3 Zone to the Business 2 Zone, in order to provide for some residential development in the precinct. The Amendment was abandoned by Council at its February 2010 meeting, however the UDF remains as an adopted document.

Advertising

72. The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 (the Act) by way of 271 letters sent to the surrounding property owners/occupiers and by a sign facing both Church Street and Balmain Street.
73. A total of ten objections were received to the application. The concerns can be summarised as:
- (a) Exceeds structure plan height.
 - (b) Excessive height.
 - (c) Out of character.
 - (d) Overshadowing.
 - (e) Increase in noise (traffic, people, outdoor areas/terraces, mechanical plant equipment, etc.).
 - (f) Wind impacts.
 - (g) Obstruct views to the Bryant and May building.
 - (h) Lack of an awning to both Church Street and Balmain Street.
 - (i) Too much car parking.
 - (j) Lack of car parking.
 - (k) Increased traffic congestion.
 - (l) Widen the footpaths along Church Street and Balmain Street.
 - (m) Lack of a loading bay
 - (n) Lack of public open space.
 - (o) Impacts during construction.
 - (p) Will set a precedent.
 - (q) No community benefit.
74. The grounds of objections raised will be considered and addressed where relevant throughout the following assessment.
75. A consultation meeting was held on 12 December 2017, where the key issues raised in the objections were discussed with the objectors, the applicant's development team and Council officers. No resolutions were reached at the meeting.
76. As highlighted earlier in this report, concept plans were discussed at the consultation meeting in an attempt to address the issues raised in the objections, as well as issues raised by Council officers and in referral comments. The changes made in the concept plans are outlined earlier in this report.
77. These concept plans have not been formally substituted within the application material but will be utilised for discussion purposes through the body of this report.

Referrals

External Referrals

VicRoads

78. The application was referred under Section 55 of the Act to the Roads Corporation (VicRoads) pursuant to Clause 52.29 of the Scheme as the proposal includes alterations to the access to Church Street, a road in a Road Zone, Category 1. VicRoads has considered the proposal and requested the following conditions be included on any planning permit that is issued:
- (a) Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Church Street boundary (i.e. the canopies, fixed shading devices, awnings, etc.), to indemnify the

Crown in relation to any claim or liability arising from the projections within the Church Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

- (b) The canopy located along the Church Street façade at the corner of Balmain Street must be revised to provide a minimum setback of 0.5 metres from any part of the traffic signal at this location.
- (c) All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building/s hereby approved.

Environment Protection Authority

79. Notice of the application was given under Section 52(1)(c) of the Act to the Environment Protection Authority pursuant to Schedule 5 of the Design and Development Overlay. The EPA have not provided a response.

Transurban

80. Notice of the application was given under Section 52(1)(c) of the Act to the Transurban CityLink Limited pursuant to Schedule 5 of the Design and Development Overlay. Transurban have not provided a response.

Internal Referrals

81. The application and where relevant the concept plans, were referred to the following areas, with their full comments attached to this report:
- (a) Engineering services unit (Attachment 4).
 - (b) ESD advisor (Attachment 5).
 - (c) City works branch (Attachment 6).
 - (d) Open space planning and design unit (Attachment 7).
 - (e) Urban design unit (Attachment 8).
 - (f) Urban design consultant (MGS) (Attachment 9).

OFFICER ASSESSMENT

82. The primary considerations for this assessment are as follows:
- (a) Strategic justification.
 - (b) Built form and design.
 - (c) Equitable development.
 - (d) Off-site amenity impacts.
 - (e) Internal amenity.
 - (f) Sustainable design.
 - (g) Car and bicycle parking.
 - (h) Traffic and access.
 - (i) Objectors' concerns.

Strategic Justification

83. The subject site is located within the Commercial 2 Zone (C2Z), a zone that encourages commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. An office use does not require a planning permit in the Commercial 2 Zone. However, as detailed earlier in this report, the use of the land for a shop and the construction of buildings and works do.
84. Given the above, an office is therefore considered entirely appropriate for the site and complementary to the surrounding commercial uses.

85. The proposed shop, while a section 2 use within the Commercial 2 Zone, is also considered appropriate given that the purpose of the zone includes encouraging other retail uses. Additionally, as there are no immediate sensitive interfaces to the subject site, the proposed hours of operation for the shop will not unreasonably impact on any nearby residential uses.
86. In regards to the proposed building and works, State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport, ensuring the efficient use of existing infrastructure.
87. Council's local policy at Clause 22.10 outlines high level urban design guidance for future built form, which supplements State and Local policy that seeks to increase the number and diversity of employment opportunities within and around activity centres.
88. The application proposes the construction of a building up to eight storeys containing office and retail uses on a site which is underutilized and zoned for commercial purposes. Council's Municipal Strategic Statement (MSS) identifies the site as being within the Church Street activity centre (Clause 21.08-2) and the site has many of the attributes of a strategic redevelopment site. These include the overall size of the site, three street frontages, proximity to a regionally significant transport corridor and proximity to services and transportation within the Swan Street activity centre.
89. The proposal is therefore considered to be consistent with the purpose of the zone and strategic incentives for this area that seek to encourage intensification of commercial uses and the provision of diverse employment opportunities.
90. The site is also well connected to public transport infrastructure, with tram lines along both Church Street and Swan Street and the East Richmond train station located approximately 425 metres to the north, encouraging the use of alternative modes of transport to and from the site, rather than reliance on motor vehicles. This is encouraged by both State and local policies, at Clause 18.02 (Movement Networks), Clause 21.06-3 (Transport) and Clause 21.07 (Environmental Sustainability).
91. In a strategic sense, the proposal to construct a multi-storey office building with a ground floor retail use is consistent with the relevant State and local policies (Clauses 11.03-2 and 17.01-1 and Clause 21.04-3) and the purpose of the Commercial 2 Zone.
92. However, the policy support for more intensive development needs to be balanced with built form guidance at Clauses 15.01, 21.05-2 and 22.10 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character.
93. While the surrounding area is expected to undergo change as a result of the zoning of the land, strategic location and access to services and transport, consideration of the off-site amenity impacts and the scale of the development taking into account the expected future character of the area remain relevant considerations. As will be discussed in more detail within this report, the scale of the proposed development as depicted in both the advertised plans and the concept plans responds to the surrounding context and results in no unreasonable overshadowing, visual bulk or overlooking impacts on the nearby residential land.
94. The proposed development enjoys strong strategic support at both State and local level. The site is within an area where a change in the environment is encouraged and is achieved through the mix of uses proposed. Subject to conditions, the proposed development is considered to achieve the various land use and development objectives outlined earlier in this report.

Built Form and Design

95. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.07 (Development Abutting Laneways) and Clause 22.10 (Design and Built Form). As supplementary guidance, the Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017) are also of relevance.
96. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks, relationship to adjoining buildings, views and roof forms.
97. The proposed development incorporating a building up to eight storeys as depicted in the advertised plans is generally considered acceptable for the subject site and surrounds, subject to the changes detailed in the concept plans. The proposal as depicted in the concept plans is considered to be generally consistent with the relevant built form and design guidelines, as discussed in further detail below.

Street Wall

98. The relationship between street width and building height is important for defining the character of a place. In this instance, the Swan Street Structure Plan calls for a low scale street wall to reinforce the street wall height across the precinct to create a consistent three storey built form. Clause 21.05-4 aims to ensure that buildings have a human scale at street level.
99. The proposal incorporates a four storey street wall to both Church Street and Balmain Street, reaching an overall height of 16.8 metres. The surrounding built form context contains a mixture of street wall heights, including single storey to the immediate south and double storey to the west across the laneway. The six storey office building to the north-east has a four storey street wall with a height reaching 14.79 metres. The Bryant and May building to the north has a three storey street wall with a height reaching approximately 17.5 metres.
100. The proposed street wall to both Church Street and Balmain Street exceeds the preferred street wall height recommended in the Swan Street Structure Plan. However, at 16.8 metres, the proposed street wall is considered acceptable due to the varied nature of street walls along this section of Church Street. The proposed street wall height is also generally consistent with the street wall height of the Bryant and May building and will therefore not unduly impact on the heritage values along this section of Church Street.
101. Council's local policy at Clause 22.10 in relation to built form and design states that new development which abuts a laneway should be no higher than two storeys
102. The proposal depicted in the advertised plans incorporates a four storey wall on the laneway. While the policy mentioned above does not specify a maximum height in metres, it is acknowledged that the proposed four storey high wall on the laneway would exceed the recommended two storeys for development that abuts a laneway.
103. The concept plans retain the height of the wall on the laneway. However, the upper floors are setback further ensuring an average setback of 4.5 metres from the centreline of the laneway in response to equitable development concerns raised by Council's urban design consultant. The height of the laneway wall remains greater than the two storeys specified within the policy.
104. However, the policy provides guidance only and is not a mandatory control. The lack of any immediately adjoining sensitive interface and the emerging character of taller buildings within

the surrounding area ensures the four storey wall on the laneway will not result in any unreasonable impacts and is therefore considered acceptable in this instance.

Upper Level Setbacks

105. The Swan Street Structure Plan calls for the upper levels to be visually recessive within the Cremorne precinct. Clause 22.10-3.3 seeks to ensure that the setbacks of new development complement the desired neighbourhood character of the area.
106. The advertised plans incorporate a raked form to the east, north and west boundaries from the fifth floor and above to form a mansard volume above the street wall. The fourth floor is recessed 2.4 metres from the east, north and west boundary with a terrace extending to the boundary, creating a negative space that separates the street wall from the upper floors.
107. Council's urban design unit noted that the *'building massing is articulated to respond to the street wall height with a 'mansard roof' setback above. This solution is weakly expressed, however, and the uniform façade treatment on the return elevation emphasises the continuity of the façade rather than the articulation. The fold at the street wall height is too subtle to reinforce or express the street wall'*.
108. The concept plans alter the relationship between the street wall and the upper floors by providing a setback between 2.25 metres and 3 metres above the street wall from the boundary on all sides except for the southern elevation. The differentiation between the street wall and the upper floors is further enhanced through the use of darker glazing for the street wall and lighter glazing for the upper floors.
109. The upper level setbacks to both Church Street and Balmain Street depicted in the concept plans are considered appropriate in this instance. Combined with the materials used in the upper floors that differentiate them from the street wall, the upper floor setbacks result in an acceptable outcome and create a visually recessive upper level form above the proposed four storey street wall.
110. Council's urban design consultant raised concern with the sheer wall on the southern elevation, recommending that the proposal *'provide for setbacks to south boundary above level three through the returning of the indented balcony to create a minimum setback of 3 metres to either side of the central lift and stair core to erode the apparent height and provide for enhanced lateral visibility, diminished visual bulk and heightened visual interest from this prominent sideage'*.
111. The concept plans partly respond to these concerns through the increase setbacks above the street wall to both Church Street and the laneway. The southern elevation, as depicted in the concept plans, has also been treated with coloured rebate lines added onto the pre-cast concrete panels to create a continuous architectural design language further blurring the design elements between glazing façade and concrete panels.
112. Overall, the interface with the southern boundary is considered appropriate in this commercially zoned setting, subject to the changes as shown in the concept plans. Therefore, a condition contained in the recommendation section of this report requires amended plans showing the changes illustrated in the concept plans.

Height

113. In terms of the built form context, the area is generally defined by the one to three storey hard edged development along Church Street and Balmain Street, as well as some low-rise residential development dispersed within the surrounding area. In terms of recent developments, a six storey commercial building is currently nearing completion at 561-563 Church Street, while at 534 Church Street there is a seven storey office building with a sheer street wall to the full height of the building, containing no fenestration. The Bryant and May

clock tower reaches a height of approximately 35.75 metres to the north-west of the subject site, while the façade height to Church Street reaches a height of approximately 17.5 metres.

114. Physically, the site provides opportunities in the form of the commercial zoning of the land and its overall size supporting its consideration as a redevelopment site, as well as constraints due to the proximity of nearby dwellings to the south-west.
115. The proposed development seeks the construction of an eight storey building. The overall maximum height reaches 36.87 metres to the top of the roof top terrace. The building incorporates setbacks above the street wall of 2.25 metres to the east, north and west boundaries. On the side (southern) boundary, the proposed development presents a sheer wall for the full height of the building.
116. Clause 22.10-3.3 aims to ensure that the height of new development is appropriate to the surrounding context and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character. Additionally, the Swan Street Structure Plan provides additional guidance on the anticipated built form of the precinct. Specifically, the structure plan recommends a maximum building height of five to six storeys or 19 metres. Objectives for the precinct aim to ensure the built form provides passive surveillance of the street and to ensure new built form minimises off-site amenity impacts at the interface with existing residential areas.
117. Moreover, there is justification for a taller building than envisaged by the structure plan. The Victorian Civil and Administrative Tribunal has found that only limited weight can be given to the structure plan, particularly its site-specific provisions (*429 Swan Street Pty Ltd v Yarra CC [2016] VCAT 370*; *Blueprint Development Pty Ltd v Yarra CC [2016] VCAT 2105*).
118. Most relevantly, Clause 21.05-2 states that development on strategic development sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits, such as:
 - (a) Significant upper level setbacks.
 - (b) Architectural design excellence.
 - (c) Best practice environmental sustainability objectives in design and construction.
 - (d) High quality restoration and adaptive re-use of heritage buildings.
 - (e) Positive contribution to the enhancement of the public domain.
 - (f) Provision of affordable housing.
119. The proposed eight storey building is considered to be appropriate in the context of the policy support for higher development, the prominent corner location, local character of taller buildings and the lack of sensitive interface. While the overall height is taller than the Bryant and May clock tower, the proposed building will sit slightly lower due to the slope of the land.
120. Additionally, as Council's urban design consultant noted, *'the overall height of the development is in my view supportable'*. Furthermore, the precinct and spatial attributes for the site suggest consideration of a stronger built form as the *'site is an important gateway location within the rapidly developing Cremorne Employment Precinct for a contemporary corporate occupancy'*.
121. The proposed upper level setbacks are not considered significant in the context of the specific benefits listed above. However, they are sufficient to differentiate the upper floors from the podium levels. Additionally, the proposed development is considered to be of a high architectural quality, as discussed in more detail later in this report.
122. The proposed tower element, at eight storeys and a maximum height of 36.87 metres, exceeds the five to six storey height limit referred to above. However, Council's ESD advisor has reviewed the application and noted the proposed development *'meets Council's Environmental Sustainable Design (ESD) standards'*, achieving best practice environmentally sustainability objectives.

123. Additionally, as noted by the Tribunal in *Zak Group Pty Ltd v Yarra CC [2017] VCAT 1124*, *'we need to recognise that the proposed predominant land use of office floor space represents a significant benefit to the broader community'* (paragraph 11).
124. The public realm will benefit from the proposed retail premises at ground floor providing greater activation to both Church Street and Balmain Street, while the increased width of the both footpaths as depicted in the concept plans provides an improved public realm outcome.
125. Therefore, the proposed development meets a number of the criteria to allow a building that exceeds the five to six storey preferred height limit for development on strategic redevelopment sites or within activity centres.
126. For the above reasons, the proposed development is considered to adequately respond to the existing and emerging character of this section of Cremorne, subject to the changes as depicted in the concept plans.

Architectural quality

127. The proposed development is considered to be of a high architectural quality and in that regard responds to the design objectives of Clause 15.01-2. The contemporary design is appropriate and responds to the existing and emerging character of this part of Cremorne, as confirmed by Council's urban design consultant who noted that the *'development of the site with a building with a lantern-like quality is as a starting point an acceptable approach'*.
128. However, Council's urban design unit noted that *'the uniform façade treatment on the return elevation emphasises the continuity of the façade rather than the articulation'*. The concept plans respond to these concerns by providing a setback of between 2.25 metres and 3 metres from the street wall to the upper floors and providing greater difference between the darker glazing of the street wall and the lighter glazing of the upper floors.
129. Furthermore, the concept plans incorporate coloured rebate lines added onto the pre-cast concrete panels to create a continuous architectural design language further blurring the design elements between glazing façade and concrete panels. This treatment will assist in articulating this elevation until such time as the neighbouring property develops, which is both logical and supported.
130. There are protrusions outside the boundaries of the site, including the canopy above the Church Street and Balmain Street footpaths. However, the design and location of these protrusions are considered acceptable and add to the visual interest and functionality of the proposed design.
131. The concept plans did not include a colour and materials schedule. A condition contained within the recommendation section of this report therefore requires the submission of a colour and materials schedule for endorsement.

Street Level Interface

132. At the ground floor, the proposal will activate both Church Street and Balmain Street by way of a retail premises to the majority of the ground floor facade. The location of service cabinets predominantly away from the ground floor façade is a positive element of the proposal and will ensure an active ground level frontage and a design which facilitates street level activity.
133. The Church Street frontage consists of the retail premises frontage as well as the office entrance lobby. The depth of the lobby has been minimised compared to its 4.4 metre width to ensure no substantial areas for concealment and minimising potential hiding places that undermine the safety of the street.

134. The proposed canopies over both the Church Street and Balmain Street footpaths, as depicted in the concept plans, are an appropriate height and depth for the provision of meaningful weather protection and are supported. The recessed ground floor to both streets results in 1.6 metre and 1.4 metre wide protected areas, respectively.
135. The concept plans include setbacks at the ground floor to Church Street and Balmain Street to widen the footpath area, which is a positive outcome for the public realm. However, this raises issues surrounding the maintenance, costs and indemnity of the space and public access. A condition contained within the recommendation section of this report therefore requires the applicant enter into a Section 173 agreement with Council to address these issues. Additionally, to ensure there is a clear distinction between private and public land, the boundary between the two should be clearly delineated. A condition contained in the recommendation ensures this is achieved.
136. Objective 3.1.5 of the Urban Design Guidelines for Victoria (UDGV) aims to ensure comfortable and enjoyable public spaces. Taller buildings invariably create challenging wind conditions at street level and, specifically, the guidelines seek to protect public spaces from strong winds. These include down drafts and wind tunnel effects. Measures to reduce the impact of these effects should be considered.
137. The proposed development incorporates a stepped building form and articulation of the building mass to reduce wind turbulence at ground level of both the Church Street and Balmain Street frontages, with the proposed canopies further reducing any adverse wind impacts.
138. The proposed development also seeks to retain the vehicle crossover to Balmain Street for vehicle access to the three basement levels of car parking. Council's urban design consultant noted that *'where rear laneways exist, crossovers on the important primary walking networks should be eliminated wherever possible'*, recommending that *'crossovers to Balmain Street should be eliminated'*.
139. However, the crossover on Balmain Street is an existing condition of the site. While the amount of car parking proposed within the basement levels would result in increased traffic movements to and from the site, adequate measures have been incorporated into the design of the vehicle entrance, including a sight triangle of 2.0 metres by 2.5 metres provided for the exit lane of the entrance, to ensure conflict between vehicles and pedestrian is minimised.

Laneway Interface

140. Council's local policy at Clause 22.07 relates to development abutting laneways. Relevantly, the policy seeks to provide an environment which has a feeling of safety for users of the laneway and to ensure that development along a laneway acknowledges the unique character of the laneway. The policy specifically calls for development that respects the scale of the surrounding built form.
141. Additionally, Council's local policy at Clause 22.10 in relation to built form and design states that new development which abuts a laneway should not affect the amenity of neighbouring residential properties.
142. The proposal depicted in the advertised plans incorporates a four storey wall on the laneway. The concept plans retain the height of the wall on the laneway. The proposed design as depicted in the concept plans activates the laneway by using coloured translucent zig-zag panels with neon back-lighting to the ground floor west elevation. The first, second and third floors also incorporate floor to ceiling glazing to the laneway interface ensuring appropriate passive surveillance of the laneway.

143. Council's engineering services unit reviewed the laneway activation and *'has no objections with the proposed coloured translucent zig-zag panels with neon back-lighting'*, further noting that the *'neon back-lighting should not dazzle or distract motorists along the [laneway] or the entrance to the car park'*.
144. Additionally, the subject site is not constrained by adjoining residential properties that would be impacted upon by the four storey wall on the boundary. The four storey height of the wall on the laneway is therefore considered acceptable, providing an appropriate level of activation and visual interest, whilst not resulting in any unreasonable off-site amenity impacts.
145. A condition contained within the recommendation section of this report ensures that amended plans are submitted that include the changes depicted in the concept plans.

Site Services

146. Site services and related enclosures for waste disposal and recycling, mail and deliveries and water and energy metering are necessary elements in any development. It is important, however, that these elements are assimilated in a subdued way into the design while still meeting the size and location requirements of service authorities.
147. The ground floor façade of the proposed development presents to two streets and incorporates minimal service cabinets facing the street. To Balmain Street, the water meter cupboard is located to the east of the car park entrance, while on the Church Street frontage, the fire booster cupboard is located next to the main pedestrian entrance. The minimal amount of service cabinets facing the street is considered an appropriate design outcome consistent with Clause 22.10-3.11 of the Scheme, minimising the visual impact of these items.
148. However, the fire booster cupboard doors open outwards, encroaching on the footpath area and the substation cupboard and gas meter cupboard door open outwards, encroaching on the laneway. The doors encroaching over the public footpath and laneway have been designed to ensure they swing 180 degrees, but not latch on to the building. The recommendation section of this report includes a condition to ensure this requirement is met.
149. The remainder of the building services are appropriately located within the basement, on the ground floor or on the roof top, largely concealed from view and obscured from the public domain. This is also considered an appropriate outcome that is consistent with Clause 22.10-3.11 relating to service infrastructure.

Landscaping

150. Landscaping is not a typical feature of commercial buildings in Cremorne. However, the proposal includes landscaping to the rooftop terrace. This is an improvement compared to existing conditions of the site. Council's open space planning and design unit provided comments in relation to the landscaping of the rooftop terrace, and these can be incorporated as conditions on any planning permit to be issued. A condition contained within the recommendation section of this report requires a landscape plan to show all plantings, satisfying objectives at Clauses 22.10-3.2 and 22.10-3.9.

Equitable Development

151. To ensure the fair, orderly, economic and sustainable development of land, matters of equitable development should be considered in accordance with the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*. Objective 5.1.3 of the UDGV also seeks to ensure buildings provide equitable access to daylight and sunlight.

152. Council's urban design consultant noted that *'the development is unreasonably prescriptive and impacting on the interfaces to the west and the south'*, further commenting that the *'building is too high relative to the standards established more broadly across the municipality'*. Their recommendation included a minimum 4.5 metre setback to the centreline of the laneway above the third floor in order *'to provide reasonable access to light and amenity for development to each side thereof and enhanced visual surveillance of the public realm'*.
153. The concept plans provide an increased setback to the western boundary with the laneway, achieving a setback to the laneway above the third floor of between 4.215 metres and 4.965 metres. This is considered to be an appropriate outcome that effectively meets the setback requirement to the western boundary and centreline of the laneway to allow for an equitable development scenario and shared amenity between sites.
154. While the concept plans do not specifically achieve the recommended outcome for the southern interface sought by Council's urban design consultant, they achieve the intent of the recommendation. The changes are considered appropriate from an equitable development perspective and allow the adjoining property to similarly build up to the common boundary, while retaining the Church Street frontage and rear laneway for daylight access.

Off-site Amenity Impacts

155. The subject site is located within the Commercial 2 Zone. Properties to the north, west and south are also within the Commercial 2 Zone. The policy framework for amenity considerations is contained within clause 22.05 (Interface Uses Policy) and Clause 22.10. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 2 Zone.
156. In addition, the local character shows a high level of site coverage and boundary-to-boundary development, within the subject site and those surrounding it that are also within the Commercial 2 Zone. There would be an expectation within this area that buildings would include on boundary walls and limited setbacks, particularly as this area is earmarked for commercial development.
157. The purpose of the zone also seeks to ensure that the safety and amenity of adjacent, more sensitive uses is not affected, although this should be tempered with amenity expectations for residential properties at commercial interface locations. It is also noted that there is no residentially zoned land with abuttal to the subject site, indeed the nearest residentially zoned land is approximately 118 metres away to the east.

Visual Bulk

158. Given the lack of an immediate sensitive interface with residentially used or zoned land, visual bulk impacts are limited in this instance. However, Council's urban design consultant commented that the recommended setbacks to the southern boundary, as noted earlier in this report, would also result in *'enhanced lateral visibility, diminished visual bulk and heightened visual interest from this prominent sideage'*.
159. The concept plans largely retain the built form to the southern boundary, with the main change to this interface providing a setback above the street wall of between 2.25 metres and 3 metres, to both Church Street and the laneway property boundaries. Additionally, on the southern boundary wall, coloured rebate lines have been added onto the pre-cast concrete panels to create a continuous architectural design language further blurring the design elements between glazing façade and concrete panels.

160. The changes identified in the concept plans are considered to sufficiently address the concern raised with the visual bulk of the southern elevation, ensuring the visual interest of this prominent sideage is enhanced.

Overshadowing

161. The decision guidelines of the Commercial 2 Zone include a requirement of buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to encourage commercial areas for offices.
162. The subject site has no immediate sensitive interface with land in a residential zone. The shadow diagrams submitted with the advertised plans show that the secluded private open space of the residential properties in the Commercial 2 Zone to the south-west will not be impacted upon by the proposed development, with the exception of 11 Gordon Street, which receives some additional overshadowing at 9:00am. This additional shadow disappears by 10:00am and is therefore not considered unreasonable given the non-conforming nature of the dwelling in the Commercial 2 Zone. No other dwellings are impacted by additional overshadowing from the proposed development between 9:00am and 3:00pm on the Equinox.

Overlooking

163. Clause 22.10-3.8 seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy privacy. The subject site has no sensitive interfaces with dwellings that are within 9 metres of the site. No overlooking measures are therefore required in this instance.

Noise

164. Clause 13.04-1 of the State Planning Policy Framework aims to ensure that development is not prejudiced and community amenity is not reduced by noise emissions. Council's local policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
165. The proposed use of the land is unlikely to result in unacceptable noise emissions given the distance to nearby residential properties and the majority of the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use conducted indoors. As the office use does not require a planning permit, there is no further control that can be applied in regards to the use of offices, including the fourth floor terrace and rooftop terrace.
166. Conversely, as the shop is a section 2 use within the Commercial 2 Zone, its use can be controlled via conditions. An additional condition contained within the recommendation section of this report therefore restricts the use of the shop on the ground floor to between 9:00am and 9:00pm, Monday to Friday and 9:00am to 6:00pm, Saturday and Sunday, as requested by the applicant.
167. In relation to mechanical plant equipment and other potential noise sources, a condition contained in the recommendation section of this report requires the submission of an acoustic report ensuring the appropriate EPA guidelines are met.

Internal Amenity

168. Council's local policies at Clause 22.10-3.7 relating to on-site amenity and Clause 22.17 relating to sustainable design provide useful guidance with regard to on-site amenity. Generally, these policies aim to ensure that new development optimises amenity for future occupants and improves the amenity and liveability of new development.

Daylight and Ventilation

169. The proposed development is considered to provide an acceptable level of amenity and indoor environmental quality consistent with objectives of these policies. Specifically, this is achieved through good access to daylight for the office space and retail premises, compliant with the Built Environment Sustainability Scorecard's minimum standard for non-residential development.
170. In relation to ventilation, Council's ESD advisor noted that the proposed development does not provide for natural ventilation and recommended that mechanical fresh air rates are at least 50 per cent above AS1668 rates. A condition contained in the recommendation section of this report will ensure this target will be met and the proposed development is adequately ventilated to meet Council's sustainable design standards.

Circulation Spaces

171. The main pedestrian entrance to the proposed building is from the south of the Church Street frontage, with a separate rear entrance from the laneway and the ground floor shop having a separate entrance on the splayed corner of Church Street and Balmain Street.
172. The main pedestrian entrance from Church Street provides access to the lift cores and stair well, as well as to the bike storage and end-of-trip facilities. The entrance and lift lobby area is provided with adequate sightlines from the street so people can see both in and out when entering or leaving. As noted by Council's urban design unit, the *'entrances to the lift lobby and ground floor retail are well located and the canopies are modest in size but succeed in denoting the entry points'*.

Sustainable Design

173. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation. The applicant submitted a sustainability management plan prepared by Edefice which provides an overview of the sustainability initiatives that have been assessed for inclusion in the proposed development.
174. Council's ESD advisor has reviewed the application, including the sustainability management plan, and found that the standard of environmental sustainable design largely meets Council's requirements. Overall, the proposed development achieves an appropriate level of sustainability with the following initiatives proposed:
- (a) Minimum NCC energy efficiency standards for building shell and services exceeded by at least 28 per cent.
 - (b) High efficiency VRV/package HVAC system, modelled with 4.17/5.38 cooling heating COP system efficiency.
 - (c) A STORM report demonstrating best practice in stormwater management that relies on a minimum of 586 square metres of roof connected to 20,000 litres of storage for toilet flushing of all toilets onsite.
 - (d) Energy efficient lighting system at least a 10 per cent improvement on NCC requirements. Project aiming for a 38 per cent improvement in lighting power density.
 - (e) Mechanical ventilation with high fresh air rates.
 - (f) Glazing specification and shading fins in the façade will control glare and excess heat gain.
 - (g) 100 bicycle parking spaces for staff with end of trip facilities.
 - (h) Water efficient taps, fixtures and irrigation system.
175. However, the following additional requirements as recommended by Council's ESD advisor will be required in order to ensure Council's environmental sustainable design standards are met:

- (a) Mechanical fresh air rates at least 50 per cent above AS1668 rates.
- (b) Indicate what type of hot water system will be used and its standard of energy efficiency.
- (c) Ensure the sustainable management plan and the plans are consistent in relation to the overall site area.

176. A condition in the recommendation section of this report ensures these requirements will be achieved in the proposed development.

Car and Bicycle Parking

Car Parking

177. Under clause 52.06 of the Scheme, the development as shown in the advertised plans is seeking a car parking reduction of 129 car parking spaces, as outlined within the table included in the Particular Provisions section earlier in the report. It is noted that the overall car parking reduction sought in the concept plans is the same.
178. A total of 71 on-site car parking spaces will be accommodated within the proposed development, all allocated to employees. The concept plans also provide a total of 71 car parking spaces. The development will also contain 100 on-site bicycle parking spaces.
179. According to Council's engineering services unit, car parking associated with office type developments *'is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients'*. The actual parking demand generated by the office is expected to be lower than the statutory car parking rate of 3.5 spaces per 100 square metres of floor space, since the area has very good access to public transport services.
180. The applicant's traffic consultant has sourced the travel to work data for the area from the 2011 Census conducted by the Australian Bureau of Statistics. The travel to work data indicates that some 45.4 per cent of employees that work in Richmond travel to their place of employment by means other than driving a car. This suggests that there is a heavy reliance on public transport and other forms of sustainable travel to places of work in Richmond.
181. According to the applicant's traffic consultant, the proposed office would have a car parking provision rate of 1.25 spaces per 100 square metres. This would be based on 71 on-site car parking spaces for 5,159 square metres of floor area. By comparison, the development at 33 Balmain Street, Cremorne, was approved with an on-site car parking provision of 0.78 spaces per 100 square metres with an office floor area of 1,788.1 square metres and fourteen on-site car parking spaces. Council's engineering services unit is satisfied that the office car parking rate of 1.25 spaces per 100 square metres for the proposed development is appropriate given the site's excellent accessibility to public transport services.
182. For the shop use, a parking rate of 3.0 spaces per 100 square metres of floor area could be adopted as the premises is located along a commercial area/activity centre. Using this rate equates to a car parking demand of fifteen spaces. As noted by Council's engineering services unit, *'since six spaces would be allocated for the shop use, the shortfall of nine spaces would be accommodated off-site'*.
183. Clause 52.06 of the Yarra Planning Scheme lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the considerations for providing fewer car parking spaces than the likely car parking demand are discussed below.
- Council's engineering services unit commented that the *'site is within walking distance of tram services operating along Church Street and Swan Street. The East Richmond and Richmond railway stations are also within walking distance of the site'*. Customers

and clients might also combine their visit to the development by engaging in other activities or business whilst in the area.

- Furthermore, Council's engineering services unit noted that the *'site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is also in proximity to on-street car share pods. A GoGet car share pod is located in Church Street, approximately 50 metres north of the site'*.
- Council's engineering services unit further noted that *'the site has very good pedestrian links to arterial roads and public transport nodes. Bicycles can access the site from the Principal Bicycle Network'*.
- The applicant's traffic consultant had commissioned car parking occupancy surveys of the area surrounding the site. The survey area includes all public parking that is suitable for the site within a radius of around 200 metres. The extent and time of the survey is considered adequate by Council's engineering service unit.
- The results of the survey indicate that peak car parking occurred at 10:00am with 96 per cent of spaces occupied or 18 vacant spaces. As noted by Council's engineering services unit, *'the on-street car parking demand remained above 90 per cent occupied for much of the late morning and the early afternoon, before dropping back to 83 per cent occupied at 2:00pm'*. Car parking in the area is time restricted and provides parking turnover. Overall, car parking demand in the Cremorne area is very high and close to saturation point.
- The proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement. Council's engineering services unit commented that *'the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use'*.
- The site was previously used as a retail/warehouse with a floor area of approximately 700 square metres with no on-site car parking. To determine the parking requirement for this use, the applicant's traffic consultant has used a restricted retail premises rate of 2.5 car parking spaces. The previous use would have had a car parking credit of 17 car parking spaces which would have been accommodated on-street.

184. From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The lack of opportunities to park on-street in the surrounding area would be a disincentive for employees to commute to work by car. The site has good connectivity to public transport services. Council's engineering services unit has no objection to the reduction in the car parking requirement for this development.

185. To further demonstrate the commitment to encouraging alternative forms of transport, the applicant has indicated that they are willing to commit to the preparation of a green travel plan that outlines each of the green travel initiatives proposed for the development. This will include the generous provision of bicycle parking and end-of-trip facilities to actively encourage future tenants to access the site via transport modes other than private car. A condition contained in the recommendation section of this report requires the submission of a green travel plan to the satisfaction of the Responsible Authority.

Bicycle Parking

186. As outlined earlier in the report, the proposed development as depicted in the advertised plans is required to provide 17 employee bicycle parking spaces and five visitor bicycle spaces. The proposal includes 100 bicycle parking spaces within the proposed development.

187. Through the provision of these spaces, the applicant has responded to the importance that State and local policies place on encouraging low energy forms of transport such as Clauses 15.02-3, 18.02-1, 18.02-2 and 21.06.
188. This is a development where the use of bicycles can take precedence over the use of private motor vehicles due to the proximity of services and employment opportunities and higher density residential development, which will encourage the use of bicycles in this development.
189. The bicycle parking spaces have also been provided within the ground floor, where there is limited potential for conflict with motor vehicles and they are close to the proposed end-of-trip facilities. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme.
190. Pursuant to the Australian Standard AS2890.3 - 2015, at least 20 per cent of bicycle parking spaces should be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops. As the bicycle parking spaces shown on the plans incorporate 57 horizontal spaces in a three tier bicycle stacker, this requirement is considered to be met.
191. In relation to visitor bicycle parking options, the traffic report indicates that *'visitors can be directed to use on-site parking by office tenants'*. Additionally, it is noted that there are opportunities within proximity of the site for visitors to temporarily lock-up their bike along either the Church Street or Balmain Street footpaths.

Traffic and Access

Traffic Generation

192. The applicant's traffic consultant estimates that *'based on our experience with commercial developments, it is expected that 50 per cent of the available parking supply will fill in the morning peak hour and 50 per cent will vacate during the afternoon peak hour on a weekday'*.
193. The proposed development would generate peak hour traffic volumes of 35 vehicle trips per hour. As noted by Council's traffic engineering services unit, *'the volume of traffic generated by the development in the peak hours is not unduly high and could be accommodated on the local road network without adversely impacting on its operation'*.

Vehicle Access

194. The proposed basement car parking will be serviced from the retained crossover to Balmain Street. Vehicles would enter and exit the basement car parking directly from Balmain Street. Council's urban design consultant recommended that vehicle access to the basement be provided from the rear laneway, requiring the width of the laneway to be increased to allow two-way traffic movement for the full extent of the western interface and to maximise the quality of the pedestrian experience.
195. As noted by the applicant's traffic consultant, *'whilst it is acknowledged that overall traffic volumes generated by the proposal are low, when combined with the traffic generated by the existing properties with access from the right-of-way, it would warrant a widening of the laneway to allow for two-way passing'*.
196. Ultimately, the proposed access arrangements meet the design requirements of the Planning Scheme and in particular, allow for a flat section at the property boundary (prior to the 1 in 10 ramp) and a setback of the north-western corner of the building to provide for pedestrian sight triangles in accordance with Clause 52.06. Council's engineering services unit raised no objection to the vehicle access from Balmain Street.

Car Parking Layout

197. Council's engineering services has reviewed the car parking layout and access arrangements, noting that the vehicle entrance has a width of 6.4 metres which satisfies the relevant standard, while an adequate sight triangle has been provided for the exit lane of the vehicle entrance. Additionally, a minimum headroom clearance of 2.4 metres has been provided and the ramp grades and changes of grade also satisfy the relevant standard.
198. However, Council's engineering services unit has recommended changes to the accessible car parking space, column depths and setbacks, service cabinet doors and swept path diagrams for the B99 design vehicle. Conditions contained within the recommendation section of this report ensure these requirements are satisfied.

Loading and Unloading

199. While a loading bay could theoretically be provided on-site, it is not practical to provide one as required under Clause 52.07 of the Yarra Planning Scheme in this instance. The nearest on-street loading zone is located on the eastern side of Church Street, north of Northcote Street approximately 90 metres away to the north-east. The ground floor of the site comprises a total of 508 square metres of retail space as depicted in the advertised plans and 536 square metres of retail floor space as depicted in the concept plans. Small trucks or vans would service a shop of this size. Council's engineering services unit has no objection to these vehicles utilising on-street car parking to deliver goods to the site.

Civil Works

It should be noted that Council's engineering services unit has recommended the inclusion of a number of conditions relating to civil works, including for road protection, impacts on assets, vehicle crossings and drainage. Many of these have either been included as notes on the permit or can be required by way of condition.

Waste Management

200. The applicant submitted a waste management plan with the application which outlines the waste management practices for the proposed development. These practices include a private waste contractor to collect all waste streams for commercial waste. The waste collection point is located within the basement car parking area, adjoining the bin storage room.
201. Council's city works branch has reviewed the application and the waste management plan and found the proposed management of waste to be acceptable.

Objectors' Concerns

202. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:
- (a) Exceeds structure plan height (paragraphs 113-126).
 - (b) Excessive height (paragraphs 113-126).
 - (c) Out of character (paragraphs 95-145).
 - (d) Overshadowing (paragraphs 161-162).
 - (e) Increase in noise (traffic, people, outdoor areas/terraces, mechanical plant equipment, etc.) (paragraphs 164-167).
 - (f) Wind impacts (paragraphs 136-137).
 - (g) Lack of an awning to both Church Street and Balmain Street (paragraph 134).
 - (h) Lack of car parking (paragraphs 177-185).
 - (i) Increased traffic congestion (paragraphs 192-196).
 - (j) Widen the footpaths along Church Street and Balmain Street (paragraph 124, 135).
 - (k) Lack of a loading bay (paragraph 199).

- (l) No community benefit (paragraphs 123-124).

203. Outstanding concerns raised in the objections are discussed below, and relate to:

- (a) *Obstruct views to the Bryant and May building.*
As noted by Council's urban design unit, *'the proposed building will obscure some views to the Bryant and May clock tower from Church Street however, it is expected a new building of even modest height on this site will obscure the view to the tower'*. Additionally, the clock tower is not listed as a landmark or tall structure in Council's local policy at Clause 22.03 relating to landmarks and tall structures.
- (b) *Too much car parking.*
As noted by Council's engineering services unit, *'the development at 33 Balmain Street, Cremorne, was approved with an on-site car parking provision of 0.78 spaces per 100 square metres with an office floor area of 1,788.1 square metres with 14 on-site car parking spaces'*. While this application seeks a rate of 1.25 car parking space per 100 square metres, Council's engineering services unit is satisfied the provision of car parking is *'appropriate given the site's excellent accessibility to public transport services'*.
- (c) *Lack of public open space.*
While there is no public open space proposed as part of the advertised plans, the concept plans include the widening of both Church Street and Balmain Street footpaths that will improve the pedestrian experience at this gateway location to the Cremorne precinct.
- (d) *Impacts during construction.*
Concern has been raised in relation to damage of the adjoining buildings and public property during construction. Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. However, the developer has obligations under the Building Act 1993 to protect adjoining property from potential damage. It is the responsibility of the relevant building surveyor to require protection work as appropriate. Council's local laws require an asset protection permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged. A condition contained in the recommendation section of this report also requires a construction management plan to be submitted outlining the measures to be put in place during the construction phase to minimise impacts on the surrounding area.
- (e) *Will set a precedent.*
Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated.

Conclusion

- 204. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives and Council's preference to direct higher density development in activity centres or on strategic redevelopment sites.
- 205. The proposal, subject to conditions outlined in the recommendation section below including the adoption of the changes made in the concept plans, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN17/0456 for the construction of an eight storey building plus three basement levels and a roof top terrace, the

use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street at 594-612 Church Street, Cremorne, subject to the following conditions:

Amended Plans

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 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 advertised plans prepared by Wood Marsh Architecture and dated 27 July 2017, but modified to show:
 - (a) The changes shown in the concept plans prepared by Wood Marsh Architecture and dated 14 December 2017, which generally show:
 - i) Ground floor building line set back 350mm from both the Church Street and Balmain Street boundaries.
 - ii) Ground floor shop front glazing altered from a zig-zag arrangement to a conventional vertical form.
 - iii) A canopy overhanging both the Church Street and Balmain Street footpaths provided by vertical glazing creating an overhang canopy over the footpath.
 - iv) The automatic revolving glass door on the corner of Church Street and Balmain Street changed to a pair of glass hinged doors.
 - v) Coloured translucent zig-zag panels with neon back-lighting to the ground floor west elevation.
 - vi) Enhanced architectural aesthetic of the building's façade flushed structural glazing system, by removal of the exoskeleton.
 - vii) Coloured rebate lines added onto the pre-cast concrete panels on the southern elevation.
 - viii) Coloured translucent panels added to the carpark entry/exit.
 - ix) The upper floors setback between 2.25 metres and 3 metre from the boundary on all sides except for the southern façade.
 - But further modified to show the following changes:
 - (b) The canopy located along the Church Street façade at the corner of Balmain Street with a minimum setback of 0.5 metres from any part of the traffic signal at this location in accordance with VicRoads condition 35.
 - (c) Any service cabinet or meter room doors that open outwards over public land as able to swing 180 degrees and be latched to the building when opened or serviced.
 - (d) The shared area adjacent to the accessible car parking bay with a bollard to prevent cars from parking in this space.
 - (e) A minimum headroom clearance of 2.5 metres must be provided above the dedicated accessible car parking space and adjacent shared area to comply with AS/NZS 2890.6:2009.
 - (f) Swept path diagrams for the B99 design vehicle showing acceptable vehicle entry and exit movements for the Balmain Street entrance. Parallel parking and nearby vehicle crossings must be accurately depicted on the swept path diagrams.
 - (g) The existing vehicle crossing to Balmain Street reconstructed to Council's satisfaction.
 - (h) The grated side entry pit in the Right of Way - 1116 on the north-west corner of the site's boundary.
 - (i) The property boundary between private and public property clearly delineated where

this is not delineated by a building on boundary.

- (j) The dimensions of column setbacks.
 - (k) A colour schedule of all proposed materials and finishes.
 - (l) Any requirement of the amended landscape plan required by condition 4 of this planning permit (where relevant to show on plans).
 - (m) Any requirement of the amended sustainable management plan required by condition 7 of this planning permit (where relevant to show on plans).
 - (n) Any requirement of the acoustic report required by condition 9 of this planning permit (where relevant to show on plans).
2. The use and 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.

Section 173 Agreement

3. Prior to the commencement of the development authorised by this permit, or by such later date as approved in writing by the Responsible Authority, the permit holder (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 providing for the following:
- (a) The permit holder must provide unfettered 24 hour public access over that part of the land to be used for the footpath widenings on both Church Street and Balmain Street.
 - (b) The permit holder is responsible for maintaining at all times the areas that are private land open to the public described in condition 3(a) at the cost of the permit holder of the site and to the satisfaction of the Yarra City Council.
 - (c) The permit holder must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 3(a).
 - (d) That the permit holder pay the costs of the Responsible Authority in relation to the preparation, review, execution and registration of the agreement.
 - (e) For any other matters agreed between Council and the owner in relation to the public realm improvements.

The permit holder, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Landscape Plans

4. Before the development commences, 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 T.C.L and dated 1 August 2017, but modified to include (or show):
- (a) Location of species proposed.
 - (b) Plant schedule indicating pot size, quantity, mature height and spread of all proposed planting.
 - (c) Details of raised garden beds.
 - (d) Planting details, including proposed planting media, climbing frames, irrigation and drainage.
 - (e) Appropriate protection measures for the two street trees (one on the Balmain Street frontage and one near the south-east corner of the site) documented and implemented during development. Protection measures should be consistent with AS4970 Protection of Trees on Development Sites.

5. Before the buildings are 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.

- 6. Before the development starts, the permit holder must provide a bond to the Responsible Authority for the two street trees in proximity of the site. The bond:
 - (a) is to be to the value of the \$4,000.00 per street tree.
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
 - (d) may be applied by the Responsible Authority to allow for a large replacement planting(s) and costs associated with establishment and maintenance.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

Sustainable Design

- 7. Before the development commences, 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 Edefice and dated 31 May 2017, but modified to include or show:
 - (a) Mechanical fresh air rates at least 50 per cent above AS1668 rates.
 - (b) The type of hot water system that will be used and its standard of energy efficiency.
 - (c) The overall site area consistent between the STORM report, sustainable management plan and development plans.
- 8. 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

- 9. Before the development commences, an 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 ensure the following:
 - (a) Noise impacts are in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
- 10. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

- 11. Before the development commences, a green travel plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the green travel plan will be endorsed and will form part of this permit. The green travel plan must include, but not be limited to, the following:

- (a) Initiatives that would encourage employees, visitors and customers of the development to utilise alternative travel methods and other measures that would assist in abating the amount of vehicle traffic generated by the site.
- (b) An on-site bicycle parking and facilities map.
- (c) A mechanism to advertise the lack of on-site vehicle parking.
- (d) A mechanism to advertise non car based access possibilities to the site.

12. 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 Management

13. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Shop Use

14. Except with the prior written consent of the Responsible Authority, the shop use authorised by this permit may only operate between 9:00am and 9:00pm, Monday to Friday and 9:00am to 6:00pm, Saturday and Sunday.
15. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7:00am and 10:00pm on any day.

General

16. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, 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, ash, dust, waste water, waste products, grit or oil.
 - (d) The presence of vermin.
17. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
18. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. 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.
22. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Car Parking

25. 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
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.

Civil Works

26. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the Balmain Street vehicle crossing(s) must be reconstructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
27. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Church Street 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.
28. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, all Council stormwater pits along the Balmain Street road frontage are to be reconstructed as per Council's current pit standards and with bike safe grates. Works are to be carried out to the satisfaction of the Responsible Authority and at the permit holder's cost.
29. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant legal point of discharge on the south side of Balmain Street is to be removed and reinstated with footpath, and kerb and channel to the satisfaction of the Responsible Authority and at the permit holder's cost.
30. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel and the concrete infill along the western boundary of the site must be reconstructed to the satisfaction of the Responsible Authority and at the permit holder's cost.
31. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
32. Before the buildings 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 by the re-sheeting of the entire Church Street and Balmain

Street footpaths for the width of the property frontage if required by the Responsible Authority):

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

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

Construction Management Plan

34. Before the development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved 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.
 - (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.
 - (vii) spillage from refuelling cranes and other vehicles and machinery.
 - (i) The construction program.
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
 - (k) Parking facilities for construction workers.
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
 - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (n) 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.
 - (o) 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.
 - (p) A 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.

- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (t) Any site-specific requirements.

If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

35. During the construction:

- (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (b) 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;
- (c) Vehicle borne material must not accumulate on the roads abutting the land;
- (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

36. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads Conditions

- 37. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Church Street street boundary (i.e. the canopies, fixed shading devices, awnings, etc.), to indemnify the Crown in relation to any claim or liability arising from the projections within the Church Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
- 38. The canopy located along the Church Street façade at the corner of Balmain Street must be revised to provide a minimum setback of 0.5 metres from any part of the traffic signal at this location.
- 39. All disused or redundant vehicle crossings must be removed and the area reinstated to kern and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building/s hereby approved.

Permit Expiry

- 40. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use is not commenced 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:

A building permit may be required before development is commenced. Please contact Council's

building services on 9205 5095 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 5585 for further information.

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.

All future employees and occupiers working within the development approved under this permit will not be permitted to obtain employee or visitor car parking permits.

The applicant must liaise with Council's open space unit for the protection of the street trees in the vicinity of the site.

CONTACT OFFICER: Nikolas Muhllechner
TITLE: Principal Planner
TEL: 9205 5456

Attachments

- 1** PLN17/0456 - 594-612 Church Street Cremorne - Subject Land Map
- 2** PLN17/0456 - 594-612 Church Street Cremorne - Advertised plans prepared by Wood Marsh Architecture
- 3** PLN17/0456 - 594-612 Church Street Cremorne - Concept plans (14 December 2017) prepared by Woods Marsh Architecture
- 4** PLN17/0456 - 594-612 Church Street Cremorne - Referral comments from Council's engineering services unit
- 5** PLN17/0456 - 594-612 Church Street Cremorne - Referral comments from Council's ESD advisor
- 6** PLN17/0456 - 594-612 Church Street Cremorne - Referral comments from Council's city works branch
- 7** PLN17/0456 - 594-612 Church Street Cremorne - Referral comments from Council's open space planning and design unit
- 8** PLN17/0456 - 594-612 Church Street Cremorne - Referral comments from Council's urban design unit
- 9** PLN17/0456 - 594-612 Church Street Cremorne - Urban design referral comments from McGuaran Giannini Soon (MGS)

-
- 1.2 PLN17/0177 - 57 Balmain Street, Cremorne - Part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement**
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Executive Summary

Purpose

1. This report provides an assessment of planning permit application PLN17/0177 for 57 Balmain Street and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 34.02 – Commercial 2 Zone;
 - (b) Clause 43.01 – Heritage Overlay;
 - (c) Clause 52.06 – Car parking
 - (d) Clause 52.07 – Loading and unloading
 - (e) Clause 52.34 - Bicycle facilities
 - (f) Clause 65 – Decision guidelines;
 - (g) Clause 10.04 – Integrated decision making;
 - (h) Clause 13.04-1 – Noise abatement;
 - (i) Clause 15.01-1 – Urban design;
 - (j) Clause 15.01-2 – Urban design principles;
 - (k) Clause 15.01-4 – Design for safety;
 - (l) Clause 15.01-5 – Cultural identity and neighbourhood character;
 - (m) Clause 15.02-1 – Energy and resource efficiency;
 - (n) Clause 15.03-1 – Heritage Conservation;
 - (o) Clause 17.01-1 – Business;
 - (p) Clause 18.02-1 - Sustainable personal transport;
 - (q) Clause 18.02-2 – Cycling;
 - (r) Clause 18.02-5 – Car parking;
 - (s) Clause 21.04-3 – Industry, office and commercial;
 - (t) Clause 21.05-1 – Heritage;
 - (u) Clause 21.05-2 – Urban design;
 - (v) Clause 21.05-4 – Public environment;
 - (w) Clause 21.06-1 – Walking and cycling;
 - (x) Clause 21.06-2 – Public transport;
 - (y) Clause 21.06-3 – The road system and parking;
 - (z) Clause 21.07-1 – Ecologically sustainable development;
 - (aa) Clause 21.08-2 – Burnley, Cremorne, South Richmond;
 - (bb) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
 - (cc) Clause 22.03 – Landmarks and tall structures;
 - (dd) Clause 22.05 – Interface uses policy;
 - (ee) Clause 22.07 – Development Abutting Laneways;
 - (ff) Clause 22.16 – Stormwater management (water sensitive urban design); and
 - (gg) Clause 22.17 – Environmentally Sustainable Development.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) strategic context;
 - (b) food and drinks premises (café) use;
 - (c) urban design and heritage;
 - (d) off-site amenity;
 - (e) on-site amenity and ESD;

- (f) car parking;
- (g) bicycle parking;
- (h) waste;
- (i) loading bay;
- (j) Objector concerns.

Objector Concerns

4. Five objections were received to the application, these can be summarised as:
- (a) insufficient car parking / too much car parking;
 - (b) insufficient bicycle parking;
 - (c) traffic impacts;
 - (d) building height (including contrary to Swan Street Structure Plan and impact on views to the Nylex sign and silos);
 - (e) off-site amenity (overshadowing, overlooking, wind, loss of daylight and impact on energy efficiency of nearby dwellings);
 - (f) development of the Rosella Complex buildings should not be considered in isolation;
 - (g) neighbourhood character and heritage;
 - (h) waste management;
 - (i) a loading bay should be provided; and
 - (j) impact during construction on nearby businesses (including dust, traffic and noise).
5. A planning consultation meeting was held on 28 November 2017. No objectors attended.

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: Sarah Thomas
TITLE: Principal Planner and Advocate
TEL: 9205 5046

1.2 PLN17/0177 - 57 Balmain Street, Cremorne - Part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement

Trim Record Number: D18/1100

Responsible Officer: Coordinator Statutory Planning

Proposal: Part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement

Existing use: Commercial

Applicant: Zig Inge 57 Balmain Street Pty Ltd

Zoning / Overlays: Commercial 2 Zone and Heritage Overlay (Schedule 349)

Date of Application: 3 March 2017

Application Number: PLN17/0177

Planning History

1. The site has the following planning history:
 - (a) Planning Permit No. PL03/0531 was issued on 23 September 2003 and allowed the construction of a four storey office building and a reduction in the car parking requirement. Plans were never endorsed and the development was never constructed;
 - (b) Planning Permit No. PL02/1110 was issued on 15 October 2003 for the construction of a five storey office building and a reduction in the car parking requirement. Plans were endorsed for this development, but the development was never constructed; and
 - (c) Planning Permit No. 001188 was issued on 28 November 2000 and allowed a change of use to automotive sales and buildings and works which included alterations to doors and windows which currently exist on the land.

Background

2. The following are matters of process which are important to this application:

Lodgment of sketch plans

3. On 24 November 2017, sketch plans were provided by the Applicant. The plans make the following changes to the advertised plans:
 - (a) the curved form would be 'squared off' with the western boundary setbacks generally the same and the southern setbacks being reduced from 5m-6.5m to 3m at the first and second floors to a zero setback at the third level and above; and
 - (b) there would be no change in overall building heights.



Advertised/decision plans



Sketch plans

4. These changes will be considered throughout this report, with the decision plans remaining the advertised set of plans.
5. The application is being determined at IDAC due to Cr Searle calling the item up.

Existing Conditions

Subject Site

6. The subject site is located in the north-eastern corner of the intersection between Balmain and Stephenson Streets in Cremorne. The land is irregular in shape, with frontages to Balmain Street of 37.34m and Stephenson Street of 39.58, resulting in a site area of 1620sqm.
7. The land is developed with a single storey commercial building which was formerly part of the Rosella complex of buildings which exists to the south of Balmain Street. To the rear is a later addition and an open car parking area. Currently occupying the site is an office.

Title

8. The title submitted with the application does not show any covenants or easements.

Surrounding Land

9. The subject site is located centrally in Cremorne, with Church Street being 280 metres to the east and Swan Street being 500 metres to the north. The site has good access to commercial offerings and public transport options along both Swan and Church Streets.
10. Immediately surrounding the subject site are the following:
 - (a) To the north is a narrow laneway, beyond which is a single storey commercial building which occupies the entire site. Further north is another commercial building, with car parking in its front setback. This building has a recent approval for a seven storey office building with associated car parking reduction (Planning Permit No. PLN12/0894).
 - (b) To the east is the train line.
 - (c) To the south is Balmain Street, which allows east and west flowing traffic. To the south-west is a public plaza area. Beyond the public spaces is the remainder of the Rosella complex of buildings, generally constituting one to two storey buildings used commercially and located either side of a private road (Palmer Place).
 - (d) To the west is Stephenson Street, which allows a single lane of northbound traffic and includes on-street parking on its western side. Beyond Stephenson Street is a two storey building used as the Cherry Tree Hotel (a tavern). Further west is a two storey commercial building. To the north of the Cherry Tree Hotel are three commercial buildings of 1-2 storeys; an open car parking area; and four single storey dwellings.

The Proposal

11. The application is for part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement. Further details of the proposal are as follows:

Development

- (a) the existing buildings would be largely demolished, with the southern and western facades generally being retained. Some demolition of these facades would occur to doors and windows;
- (b) the subsequent construction would incorporate the following:
 - (i) three basement levels allowing for 130 cars, 7 motorbikes and services;
 - (ii) a ground floor level allowing for a commercial display area (580sqm), café (137sqm) and lobby entrance to the upper level offices. To the north of these uses are service areas, bicycle parking (76 staff spaces and 8 visitor spaces), lockers and bathrooms. Access to the basement car parking areas is from Stephenson Street at the northern end of the site;
 - (iii) six levels of office, for a total of 6,526sqm. The first and sixth floors include a rooftop terrace area to the south and west respectively;
 - (iv) the building would have a maximum height of 33.4 metres;

- (v) materials would be a mix of concrete, glazing and metal. The Rosella facades would be retained in their original brick, with the reinstatement or incorporation of doors and windows; and
- (vi) the original Rosella signage would be retained and/or reinstated; and
- (c) the food and drink premises (café) would operate between 6am and 8pm, 7 days with a maximum of 91 patrons at any one time.

Planning Scheme Provisions

Zoning

12. The subject site is zoned Commercial 2. The following provisions apply:
- (a) pursuant to Clause 34.02-1, a planning permit is not required to use the land as an office or for a commercial display area. (A commercial display area is defined at clause 74 of the Scheme as '*land used only to display goods*'.) However a planning permit is required for the food and drink premises (café) as the leasable floor area exceeds 100sqm;
 - (b) pursuant to Clause 34.02-4, a planning permit is required to construct a building or construct or carry out works; and
 - (c) pursuant to Clause 34.02-6, an application to construct a building or construct or carry out works is exempt from the Notice Requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82(1) of the Act.

Overlays

13. The subject site is affected by the Heritage Overlay (Schedule 349). The following provisions apply:
- (a) pursuant to Clause 43.01-1, a planning permit is required for demolition and to construct or carry out works. Schedule 349 also requires a planning permit for external painting.

Particular Provisions

Clause 52.06 – Car parking

14. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Statutory Requirement	On-site Provision	Reduction requested
Office	228	129	99
Food and drink premises (café)	5	1	4
Commercial display area (nested within warehouse)	10	0	10
Total	243	130	113

15. Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5.
16. Council's Engineering Services Unit incorrectly referenced 127 as being proposed, where there are 130. This is inconsequential to their review and this assessment.

Clause 52.07 – Loading and unloading

17. Pursuant to Clause 52.07, no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless land of the size specified by the clause is set aside for the loading and unloading of vehicles. The proposal does not provide a loading area for the food and drink premises and commercial display area. A permit may be granted to reduce or waive these requirements.
18. It is noted that an indented loading bay is proposed to partially project into the site along Stephenson Street, however as the bay is not fully contained within the site, a permit is required to reduce this requirement.

Clause 52.34 - Bicycle facilities

19. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the car parking requirement under Clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Statutory Requirement	On-site Provision	Reduction requested
Office	22 employee 7 visitor	76 employee 8 visitor	Surplus of 54 employee spaces and 1 visitor space
Food and drink premises (café)	0	0	0
Commercial display area	No requirement	-	-
Total			Surplus of 54 employee spaces and 1 visitor space

20. Clause 52.34-2 states that a permit may be granted to reduce or waive this requirement. Clause 52.34-5 contains bicycle signage requirements.

General Provisions

Clause 65 – Decision guidelines

21. 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 State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

22. Relevant clauses are as follow:
Clause 10.04 – Integrated decision making

23. This clause states that:
Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Clause 13.04-1 – Noise abatement

24. The objective of this clause is: *To assist the control of noise effects on sensitive land uses.*

Clause 15.01-1 – Urban design

25. The objective of this clause is: *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 – Urban design principles

26. The objective of this clause is: *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
27. A list of 11 design principles is listed for development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.

Clause 15.01-4 – Design for safety

28. The objective of this clause is: *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 – Cultural identity and neighbourhood character

29. The objective of this clause is: *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 – Energy and resource efficiency

30. The objective of this clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 15.03-1 – Heritage Conservation

31. The objective of this clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 17.01-1 – Business

32. The objective of this clause is: *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18.02-1 - Sustainable personal transport

33. The objective of this clause is: *To promote the use of sustainable personal transport.*

Clause 18.02-2 - Cycling

34. It is an objective: *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-5 – Car parking

35. It is an objective: *To ensure an adequate supply of car parking that is appropriately designed and located.* The clause includes the following (relevant) strategies to achieve this objective:
- (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
 - (b) *Protect the amenity of residential precincts from the effects of road congestion created*

by on-street parking.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

36. Relevant clauses are as follow:

Clause 21.04-3 – Industry, office and commercial

37. The objective of this clause is: *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.05-1 – Heritage

38. The objective of this clause is: *Objective 14 To protect and enhance Yarra's heritage places.*

Clause 21.05-2 – Urban design

39. The relevant objectives and strategies of this clause are:

- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
- (e) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 – Public environment

40. The relevant objective and strategies of this clause are:

- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
 - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (v) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06-1 – Walking and cycling

41. The relevant objective and strategies of this clause are:

- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*
 - (ii) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

- (iii) *Strategy 30.3 Use rear laneway access to reduce vehicle crossovers.*

Clause 21.06-2 – Public transport

42. The relevant objective and strategies of this clause are:
- (a) *Objective 31 To facilitate public transport usage.*
 - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 – The road system and parking

43. The relevant objective and strategies of this clause are:
- (a) *Objective 32 To reduce the reliance on the private motor car.*
 - (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
 - (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
 - (b) *Objective 33 To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

Clause 21.07-1 – Ecologically sustainable development

44. The relevant objective of this clause is: *Objective 34 To promote ecologically sustainable development.*

Clause 21.08-2 – Burnley, Cremorne, South Richmond

45. The following relevant elements are offered at this Clause:
- (a) *The Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered.*
 - (b) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*

Local Policies

46. Relevant clauses are as follow:

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

47. The relevant objectives of this clause are:
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To retain significant view lines to, and vistas of, heritage places.*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
 - (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
 - (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
 - (h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

48. At clause 22.02-5.1, the following is offered in relation to the removal of part of a heritage place or contributory elements, noting the building has been graded 'contributory' in the City of Yarra Review of Heritage Overlay Areas 2007:
 - (a) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
 - (b) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
 - (c) *For a contributory building:*
 - (i) *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
 - (ii) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*
49. Clause 22.02-5.4 offers the following relevant policy in relation to painting and surface treatments:
 - (a) *Encourage paint colours to be consistent with the period of the heritage place.*
50. In relation to new development, alterations or additions, clause 22.02-5.7.1 offers the following general guidance:
 - (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (iii) *Be visually recessive and not dominate the heritage place.*
 - (iv) *Be distinguishable from the original historic fabric.*
 - (v) *Not remove, cover, damage or change original historic fabric.*
 - (vi) *Not obscure views of principle façades.*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
 - (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
 - (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height. Minimise the visibility of new additions by:*
 - (i) *Locating ground level additions and any higher elements towards the rear of the site.*
 - (d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*
51. Clause 22.02-5.7.2 offers the following relevant guidance for corner sites and sites with dual frontages:
 - (a) *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
52. Clause 22.02-5.7.2 offers the following relevant guidance for industrial, commercial and retail heritage place or contributory elements:
 - (a) *Encourage new upper level additions and works to:*
 - (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form*

elements. Each higher element should be set further back from lower heritage built forms.

- (ii) *Incorporate treatments which make them less apparent.*

53. Clause 22.02-5.7.2 offers the following relevant guidance for ancillaries and services:

- (a) *Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.*
- (b) *Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.*
- (c) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.03 – Landmarks and tall structures

54. The objective of this clause is: Objective 14 To protect and enhance Yarra's heritage places.

55. The site is within 382m and 173m (respectively) of the Nylex and Slade Knitware Signs. However, this separation would ensure that the proposal would not unreasonably impact views to the signs.

Clause 22.05 – Interface uses policy

56. This policy applies to applications within Business Zones (now Commercial Zones, among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

57. The relevant objective is:

- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

58. It is policy that:

- (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

59. A number of decision guidelines for non-residential use and development within the business zones are outlined, including the extent to which the proposal may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.

Clause 22.07 – Development Abutting Laneways

60. A laneway is located at the northern end of the site. The relevant objectives of this clause are:

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*

Clause 22.16 – Stormwater management (water sensitive urban design)

61. This policy applies to applications for new buildings, amongst others. The policy aims to achieve best practice water quality performance.

Clause 22.17 – Environmentally Sustainable Development

62. This policy applies to developments for non-residential buildings with a gross floor area greater than 100m². In this instance, the policy calls for the submission of a Sustainable Management Plan [**SMP**]. This has been provided.
63. The relevant objective of this policy is: *...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

Other Policies

Swan Street Structure Plan

64. The subject site is located within the draft Swan Street Structure Plan [**Structure Plan**] study area. The first round of public consultation on the draft Structure Plan took place during May and June 2011. In mid-2012, Council revised the draft Plan, and conducted further community consultation. The final Plan was adopted by Council at its meeting on 17 December 2013.
65. The site is within area 6 – Cremorne Mixed Commercial Precinct

Existing context

The Cremorne Mixed Commercial Precinct is characterised by an eclectic mix of buildings and land uses. Its strong industrial heritage is juxtaposed with more recent office developments and existing residential uses. The precinct has a strong educational, small to medium size enterprises and arts-based presence which has formed the basis of the emerging character in the area.

66. The site is in an area where 4 storey heights (13-16m) are encouraged.

Land Use Objectives

- (a) *To ensure active uses at street level.*
- (b) *Encourage commercial uses that consolidate the role of the precinct as a business and employment area.*
- (c) *Support education uses in the precinct.*

Built Form Objectives

- (a) *Reinforce the industrial and commercial building character of the precinct.*
- (b) *To promote development that responds to the diverse character and architectural styles of the precinct's existing built form.*

Public Realm Objectives

- (a) *To encourage opportunities for new or improved public spaces.*

Access and Movement Objectives

- (a) *To improve access to surrounding areas and public transport infrastructure.*
- (b) *To improve the internal connectivity and local circulation network for pedestrians and cyclists.*
- (c) *To manage local traffic with targeted traffic management measures.*

67. While the Structure Plan has been adopted by Council, it does not yet form part of the Yarra Planning Scheme and is therefore given limited weight.

Cremorne and Church Street Precinct Urban Design Framework

68. The *Cremorne and Church Street Precinct Urban Design Framework [UDF]* was adopted by Council at its meeting in September 2007. The intent of the UDF was to support redevelopment that contributes to Cremorne as a mixed-use area, while supporting strategic aims to develop employment opportunities in the area.
69. Council prepared Amendment C97 to the Scheme which proposed to rezone the study area from Business 3 Zone to Business 2 Zone, in order to provide for some residential development in the precinct. The Amendment was abandoned by Council at its February 2010 meeting.
70. The objectives/ aims of the UDF are as follows:
 - (a) *to support appropriate redevelopment and ensure that it contributes to, rather than undermines, Cremorne's valued characteristics such as the mixed use environment and its sense of place;*
 - (b) *to encourage activities that fit comfortably with the desired future character of the precinct, complementing its distinctive character, while also supporting strategic aims to develop employment opportunities in Yarra;*
 - (c) *to identify public domain improvements that can be realised through the private and public development process; and*
 - (d) *to better connect Cremorne with surrounding areas.*
71. The subject site and surrounding area is identified as suitable for 'incremental change', defined as:
 - (d) *Mixed use areas dominated by light industry, with slightly larger properties. Recent redevelopment trends are likely to continue on a property-by-property basis. The industrial building pattern with total site coverage makes it relatively easy for new development to occur with minimal impact on nearby sites with the same building pattern and similar scale.*
72. The UDF has no strategic weight other than as an adopted Council document, and has not been translated into planning policies or controls. It is noted that since Amendment C97 was abandoned, a number of the strategies of the UDF have been incorporated into the Structure Plan.

Advertising

73. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 5 objections, the grounds of which are summarised as follows:
 - (a) insufficient car parking / too much car parking;
 - (b) insufficient bicycle parking;
 - (c) traffic impacts;
 - (d) building height (including contrary to Swan Street Structure Plan and impact on views to the Nylex sign and silos);
 - (e) off-site amenity (overshadowing, overlooking, wind, loss of daylight and impact on energy efficiency of nearby dwellings);
 - (f) development of the Rosella Complex buildings should not be considered in isolation;
 - (g) neighbourhood character and heritage;
 - (h) waste management;
 - (i) a loading bay should be provided; and
 - (j) impact during construction on nearby businesses (including dust, traffic and noise).
74. A planning consultation meeting was held on 28 November 2017. No objectors attended.
75. It is noted that correspondence was received from VicTrack, being the adjoining land manager. While VicTrack initially objected, the objection was withdrawn subject to the

imposition of a number of conditions or requirements within a construction management plan condition. As VicTrack is the adjacent land owner and the conditions are to ensure the safety and efficiency of the adjacent train line, these conditions should be imposed on any permit issued.

Referrals

76. No referral was required to any external authority.
77. The application was referred to the following and their recommendations are included as attachments to this report:
 - (a) Council's Heritage advisor;
 - (b) Council's ESD Advisor;
 - (c) Council's Urban Design Unit;
 - (d) Council's Engineering Services Unit;
 - (e) Council's Services Contracts Unit;
 - (f) Council's Strategic Transport Unit;
 - (g) Council's Open Space Unit; and
 - (h) Acoustic (external consultants).

OFFICER ASSESSMENT

78. The considerations for this application are as follows:
 - (a) strategic context;
 - (b) food and drinks premises (café) use;
 - (c) urban design and heritage;
 - (d) off-site amenity;
 - (e) on-site amenity and ESD;
 - (f) car parking;
 - (g) bicycle parking;
 - (h) waste;
 - (i) loading bay;
 - (j) Objector concerns.

Strategic context

79. The site is within the C2Z, where the purpose includes: *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.* The SSSP also encourages employment generating uses, while protecting the existing character and heritage value of the area. A 4 storey (13m-16m) building height is suggested, although the SSSP is not part of the Scheme and recent approvals in the area have been around the 5-7 storey mark.
80. The assessment in this instance is primarily focused on a balance between encouraging increased office and employment generating uses in the area, while ensuring the heritage significance of the site and the wider Rosella Precinct and the general character of the area is not unreasonably impacted.

Food and drinks premises (café) use

81. Being within the C2Z, the café use requires a permit as it is over 100m² (137m² proposed). The use generally supports the C2Z as it offers a dining option for workers in the area.
82. While clause 22.05 is applicable (as the site is within a Commercial Zone), the closest dwelling is 21.7m to the northwest (albeit they are within the C2Z) and the closest dwellings within a residential zone are 45.1m to the west.
83. Given there is already a hotel west of the site (Cherry Tree Hotel), which operates as follows:

- (a) Monday to Friday 12:00pm – 1:00am;
 - (b) Saturday 1:00pm – 1:00am; and
 - (c) Sunday 1:00pm – 12:00am
- a café operating 6am to 8pm, with a maximum of 91 patrons at any one time will not unreasonably impact the amenity of the area.

84. Standard condition should be imposed to ensure that SEPP N-1 and N-2 requirements are met by the use.

Urban design and heritage

85. This assessment will be primarily framed using clauses 22.02 and 15.01-2 of the Scheme.

Urban form and character

86. The urban form and character of the area is changing, with more recent 5-7 storey office approvals in Cremorne. The site is also located to the south of a 7 storey office approval (77 Stephenson Street). Although the Urban Design advice suggested that the proposal 'would stand in stark contrast to the one and two storey buildings to the north and west', the building height proposed respects the emerging character of the area.
87. The main issue with this application is the form of the upper level addition, which both urban design and heritage advice raised issue with.

(a) Urban design:

The proposed upper levels present as a massive, bulky form sitting above the heritage façade. The building's visual weight is heightened by its curvature in plan and section.

(b) Heritage:

The proportion of new built form to the area and vertical proportion of the host building is reasonably compatible, although greater setbacks would be an improvement and would assist in reducing visual bulk. From the ground looking upwards the new element is quite dominant but from the railway line it is not so. The dominance is created partly by narrow setbacks and more by the "bulge" and the consequent visible "soffit". A more straight, or less "bulgy" design here would probably alleviate the dominance to an acceptable degree. A less busy "net" would also assist to tone it down somewhat.

88. This leads to a more detailed assessment of height and setbacks.

Setbacks and building height

89. Clause 21.05-2, Strategy 17.2 of the Scheme states that:
Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
- (a) *Significant upper level setbacks*
 - (b) *Architectural design excellence*
 - (c) *Best practice environmental sustainability objectives in design and construction*
 - (d) *High quality restoration and adaptive re-use of heritage buildings*
 - (e) *Positive contribution to the enhancement of the public domain*
 - (f) *Provision of affordable housing.*
- It is acknowledged that this list is not intended to be exhaustive.
90. The SSSP suggests that building heights in the area should be 4 storeys or 13m-16m. At 7 storeys, the proposal is higher than the SSSP, however the proposal supports other objectives, including street activation and supporting the commercial building character of the precinct. The proposal is also only 1 storey higher than the relevant building height guidance in the Scheme (at clause 21.05-2).
91. Clause 22.02-5.7.2 also states that new upper level additions should:
- (a) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form. Each higher element should be set further back from lower heritage built forms.*
 - (b) *Incorporate treatments which make them less apparent.*
92. Council's Heritage Advisor acknowledges that '*In assessing what is proposed it is not simply a matter of considering height and setbacks in a formulaic fashion*'. The entire composition of the proposal must be considered.
93. With this in mind, the Applicant has provided Council with sketch plans, adopting a more rectilinear approach to the upper levels.
94. Council's Urban Design Unit and Heritage Advisor were asked to comment on these sketch plans and offered the following:
- (a) Urban Design Unit:
 - (i) *The building cantilevers out at Level 3, hovering somewhat heavily above the existing façade.*
 - (ii) *The setback from the south boundary at Levels 3 to 6 has been reduced from about 4-5m to nil, increasing the building's bulk and shadow impacts.*
 - (iii) *The plant enclosure remains visible from the opposite street corner and its design does not integrate with the typical façade treatments below.*
 - (iv) *At a more detailed level, the screen no longer flows up the façade, due to the building cantilevering out at Level 3. To help address this and item 1 above, consideration should be given to either a) wrapping the screen across the soffit or b) extending the screen a little below the soffit and cladding the soffit with mirror or another material which helps to "dematerialise" it.*
 - (v) *With the loss of curvature, the building has also become less interesting. One way to help redress this is to introduce recesses (as previously recommended) so that the upper levels present as a cluster of well-scaled boxes rather than one massive one. This would also help to address the visual heaviness mentioned in item 1 above.*
 - (b) Heritage Advisor:
 - (i) *Better setbacks. Straighter design and therefore less imposing. Heading in the right direction but not quite there.*
 - (ii) *I also not[e] that the Rosella parapet on the railway line side has been graffitized and my recollection was that it was originally the same as the one in Balmain*

Street. Ask them to check and if I am correct they should reinstate the Rosella parapet.

- (iii) *The rebate and 7 metre setback are acceptable but I would like them to improve it along the lines of making the soffit less visually imposing – softening it somehow, creating less of a shadow line.*
- (iv) *The shadow underneath makes it look heavy in daylight whereas at night the illumination is fine. Maybe 24 hour illumination?*
- (v) *Height and texture are acceptable.*

95. The proposal would be the same overall height and the result is a form that adopts a complementary geometry to the base. While the general form would now respect the host or base building, with the upper level setbacks reduced (due to the loss of the curve), the upper levels would now be dominant when viewed along Balmain Street. While the 300mm western setback could be tolerated across levels 3-5 (previously 550mm-1.9m), this is due to the approval of the site to the north and because Stephenson Street is a secondary street. However, the 300mm setback from the southern boundary (previously 4.5m to 6.7m) is not supported as the upper level would appear too dominant above the heritage base and also generally from an urban design perspective when looking east down Balmain Street.

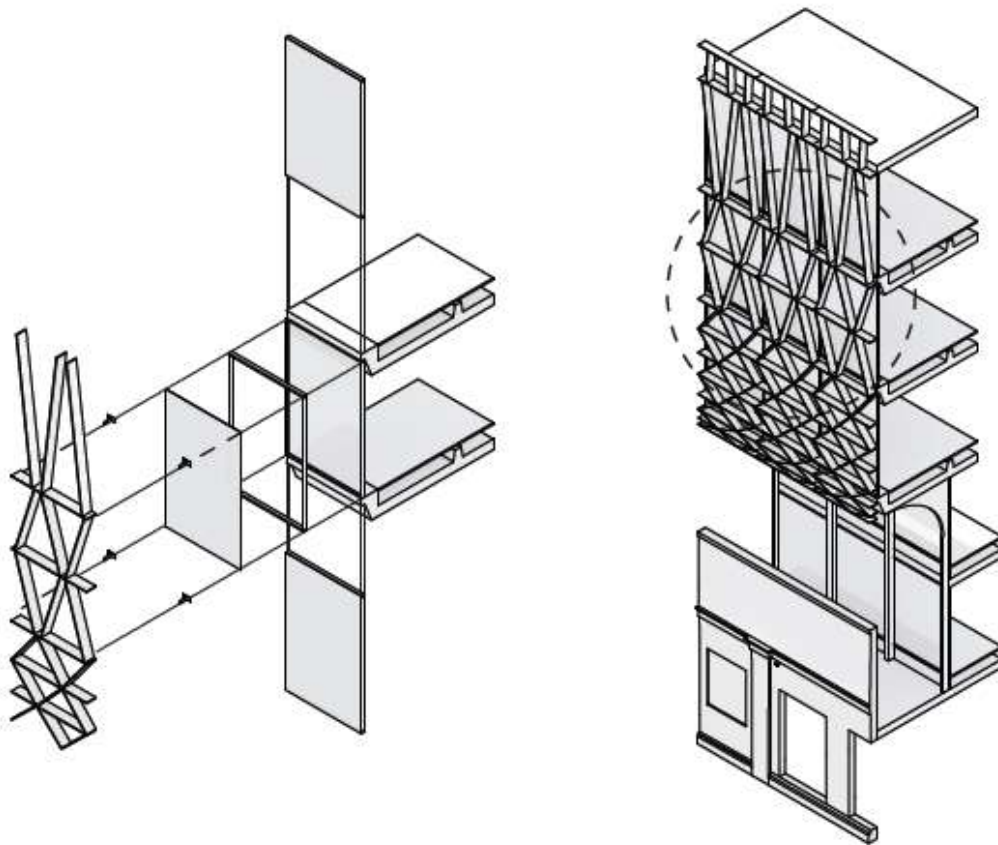


Advertised/decision plans



Sketch plans

96. While the form is generally supported in the sketch plans, levels 3 and above should be setback at least 2m from the south and south-west title boundary (with the recessed levels below at levels 1 and 2 also setback a further 2m (to 5m) to retain the transition or negative space). This would result in there being almost no overshadowing of the public open space to the south-west (south side of Balmain Street) from 11am at the September Equinox. This would ensure the proposal would not unreasonably impact the amenity of the surrounding public realm, especially for residents and office workers at lunch time periods.
97. The south-west and south setbacks recommended above would also assist in providing a separation or visual relief from the heritage base to ensure that the new built form would not dominate the heritage place.
98. Council's heritage advisor raised issue with the shadow line or recessed level as being too heavy. This view is not shared by planning officer's as the level 1-2 setbacks ensure that a separation is provided between the heritage and new fabric. The heritage recommendation to have this space continuously illuminated is not considered to be necessary. However, the urban design comment on the shadow line or soffit space is supported, as the screen stops abruptly at the base of level 3. The urban design suggestions are to either:
 - (a) wrap the screen under the soffit; or
 - (b) extend the screen below the soffit and cladding.This should be imposed by way of a permit condition, should a permit issue.
99. Council's urban design unit raised issue with the sketch plans continuing to show the plant screen as a contrasting material/treatment to the façade. Should a permit issue, a condition should require the plant screen to compliment the façade screen and also be setback at least 3m from the west, south-west and south title boundaries (currently only setback 1m from the level below when there is no equipment in these locations to shield views to).
100. The Applicant has also provided details of the metal screen to the upper levels.



101. The depth of the fins and their spacing appears too solid, especially when the above detail is read in conjunction with the perspectives. Should a permit issue, a condition should require details these fins, ensuring the upper levels do not appear too 'solid'. This is also considered to address the urban design advice that the sketch plans make the proposal 'less interesting'. By opening up the façade (a combination of narrower fins or more open screens) the façade will again become more interesting.

Heritage context

102. While the buildings and works have been considered above from an urban design and heritage perspective, demolition must be considered from a heritage perspective.
103. While a demolition plan has been provided, a detailed demolition elevation plan should be required by a permit condition. However, it is clear from the information provided that the west and south walls of the building would be retained, with a 2.4m wide section of the northern nib wall and the eastern wall reinstated using existing bricks.
104. Should a permit issue, a condition should also require a structural report, demonstrating how the heritage façade will be protected during the construction of the basement levels.
105. Council's Heritage Advisor reviewed this aspect of the proposal and raised no issue with the demolition proposed due to the 'utilitarian nature of the building' and assumedly as the existing windows have already been altered (large glazed panels with retractable [vertical] awnings).
106. Council's Heritage Advisor also supported the restoration of the Rosella signage on the parapet.

107. Council's Heritage Advisor also indicated that there may have previously been a Rosella sign on the eastern façade of the building. The Applicant's heritage report confirms this. While the Heritage Advisor requested this sign be reinstated, the wall would be demolished as part of this application and replaced with a crash wall (due to its positioning next to the railway line). The reinstatement of the sign will therefore not be required (noting the sign has not been visible for some time due to the graffiti). On balance and due to the reinstatement of the other signs, the application is still considered to result in a net improvement to the heritage fabric.

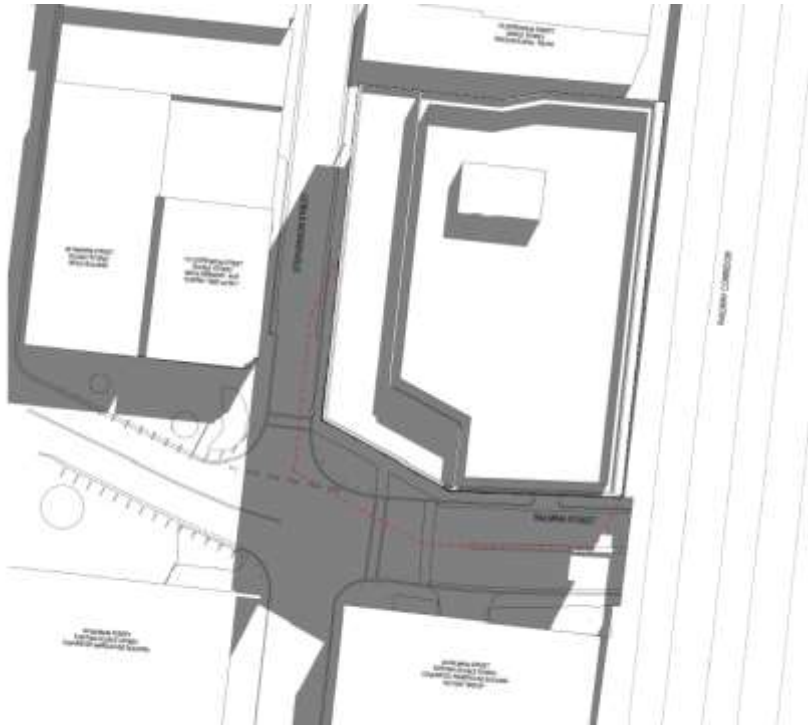
Street and public space quality

108. Clause 21.08 calls for developments in non-residential areas to improve the interface with the street. Clause 22.07 is also applicable; however the development does not rely on access via the ROW.
109. Council's Urban Design Unit suggested that the building envelope should not overshadow the footpath to the west and south-west beyond 10am. For this to occur, the western end of the development would need to be more than halved to a maximum of 10m (where this segment is currently 25m high). This is considered to be unnecessary in this instance. Even at midday, to not overshadow the footpath to the south, the building edge would need to be a maximum 15m and given the weight of support for increased density this is considered to be excessive.
110. It is noted that 'squaring off' the building would result in additional shadows compared to the advertised plans, however as there is also a large landscaped/seating area further west (south side of Balmain Street) that would be reasonably unaffected by the proposal from 11am onwards (at the Equinox), the proposal would not unreasonably impact the surrounding public realm. The conditions contained in this report would also improve this. As a result, public areas in direct sunlight would remain available for residents and workers in the area.

Area of public open space



11am shadow diagrams (September Equinox) – Based on sketch plans



111. Council's Urban Design Unit also raised issue with the inset loading bay proposed on Stephenson Street. However, conditions can be imposed to ensure the inset footpath remains open to the public (with the applicant obtaining and maintaining public liability insurance). While it was suggested by the Urban Design Unit that loading occur within the basement, this may not satisfy the needs of any occupants given anticipated delivery vehicle sizes. Conditions should therefore be imposed to ensure that the footpath is provided within the site, and easily accessed by the public.
112. Council's Urban Design Unit also raised issue with the commercial display area not having direct access via the footpath. However, the use is understood to be associated with the office and is not a typical 'retail space' which would be open to the public. In any event, the lobby entry and café entry are considered to reasonably activate the facades, along with the extensive glazing to the west, south-west and south elevations. The ground floor level is also elevated along the south elevation and there are heritage constraints which would make the imposition of an entrance difficult.

Site coverage

113. Clause 22.10-3.6 states that:
New development should not exceed a maximum site coverage of 80% of the site area unless:
 - *the pattern of site coverage in the immediate area is higher than this figure (as identified in the Site Analysis Plan and Design Response); or*
 - *there is a need to cap the site to deal with contamination.*
114. In this instance, the other buildings surrounding the site and further south within the Rosella complex display high levels of site coverage, similar to or equal to the 100% proposed as part of this application. This is appropriate in this context and in keeping with the character of the area.

Landscaping and fencing

115. There is no mature landscaping on-site to be retained and the proposal does not include any landscaping. However, this is appropriate in the context of the area.
116. An arborist report was provided with the application and was referred to Council's Open Space Unit. The following issues were raised and could be addressed by way of a permit condition, should a permit issue:
- (a) the arborist report needs to include:
 - (i) protection measures for the 3 street trees to the south; and
 - (ii) reference to the trees in the north-west corner of the site.
 - (b) the construction management plan must include reference to tree protection measures;
 - (c) bonds for each tree must be paid to the Responsible Authority (based on the Melbourne Amenity Value Calculator and applied to the trees in the order (West-East) as defined in the Arborist Report):
 - (i) 1. \$26,974.00
 - (ii) 2. \$22,908.00
 - (iii) 3. \$25,927.00
 - (d) should these 3 street trees be damaged or compromised resulting in complete loss, all removal and reinstatement costs will be added to these values at the current schedule of rates available to Council; and
 - (e) the removal of the trees in the north-west corner of the site may need a local law permit. This should be conveyed to the Permit Holder in the form of a notation.

Parking, traffic and access

117. Car parking and traffic will be discussed later in this report. It is noted that the location of the vehicular crossover along Stephenson Street is supported from an urban design perspective, maintaining the visual integration and heritage façade along Balmain Street.

Service infrastructure

118. The development includes a plant area on the roof which would be screened with a 1.95m high barrier. This ensures the plant and equipment would not be visible from the wider area. However, the previous section of this report has noted that the plant area is larger than the needs of this building and has not been adequately designed in keeping with the façade. This report recommends conditions to address these issues.

Urban design and heritage summary

119. Subject to the conditions contained in this report (including the rectilinear treatment to the upper level additions and increased southern setbacks), the proposal would result in a reasonable heritage and urban design outcome for the site and area.

Off-site amenity

120. As is identified in clause 21.08 '*This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*
121. The site is located within the C2Z, where the purposes include:
- (a) *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services;*
 - (b) *to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Overlooking

122. Referring to the ResCode overlooking standard (although ResCode does not apply in this instance), the proposal is not within 9m of any dwellings and would therefore not cause any unreasonable overlooking opportunities.

Overshadowing

123. Reviewing the Applicant's shadow diagrams and considering the proximity of the site to dwellings, the proposal would not cast any shadow over private open space areas between 9am and 3pm at the September Equinox.

Visual bulk

124. The closest dwellings are 21.7m to the northwest (albeit they are within the C2Z), with the closest dwellings within a residential zone being 45.1m to the west. These separations ensure that the proposed 7 storey building would not unreasonably impact the amenity of these dwellings by virtue of visual bulk.

Noise

125. The Applicant included an acoustic report, prepared by Resonate Acoustics (dated 19 April 2017). The report included recommendations to protect office workers from noise from the train line to the immediate east. While this is an on-site amenity consideration, acoustic matters will be addressed all at once in this section of the report (on and off-site amenity).
126. Council had this report peer reviewed by SLR Consultants, they provided the following comments on the Applicant's acoustic report:
- (a) the assessment of train noise may be unconventional (using AS/NZS 2107, where L_{max} figures are typically used). However SLR confirmed that the internal noise would be reasonable for an office use;
 - (b) SLR contacted the Resonate Acoustics directly for the raw data to undertake their own L_{max} assessment:
*In order to provide a secondary check on the glazing design, we have used the provided raw data from Resonate, and undertaken an L_{max} based assessment rather than a 15 minute Leq assessment. The provided external L_{max} level (95th percentile) was 89 dBA for the provided data set during the day period. With this external noise level, we predict an internal noise level in the order of 60 dBA within the office building based on the use of 10.5 mm Viridian VLAM glazing. We are comfortable with this result in the context of our discussion in **Section 2**.*
 - (c) SLR concluded that 'The assessment approach provided by Resonate does however provide for an appropriate façade acoustical design, which is generally in line with our own calculation findings'.
127. In terms of off-site amenity, the considerations are limited to the buildings and works (plant and equipment) and the café use.
128. With the closest dwellings within a residential zone being 45m to the south-west and the café operating between 6am and 8pm, the café use does not bring rise to off-site amenity concerns. A condition should also ensure that the use complies with SEPP N-2.
129. In terms of plant and equipment, should a permit issue, a condition should ensure that the proposal meets SEPP N-1.

Wind

130. At 7 storeys, the proposal does not bring rise to wind concerns. This is further assured with the recommended upper level southern setbacks in this report.

Services

131. The plans generally show services and plant equipment on the roof, which could be easily treated acoustically (see noise assessment above).
132. However mail box locations, pits and metres have not been shown on the plans and will be required by way of a permit condition, should a permit issue.
133. As will be discussed later in this report, the substation cupboards must be inset and able to be hinged to the walls so as to not impede pedestrian flows past the site.

Light spill

134. The plans do not show any lights which would unreasonably impact the amenity of nearby dwellings (especially as the nearest dwellings are over 21.7m away).
135. Subject to the conditions contained in this report, the proposal would not unreasonably impact the amenity of the area.

Off-site amenity summary

136. Subject to the conditions contained in this report, the proposal would not unreasonably impact the amenity of nearby properties.

On-site amenity and ESD

137. This section of the assessment will be guided by clause 22.17 of the Scheme.
138. In terms of on-site amenity and ESD features, the application proposes the following:
 - (a) Minimum NCC energy efficiency standards for building shell and services exceeded by at least 30%;
 - (b) a ~20 kWp solar PV array to contribute to electricity consumption;
 - (c) external architectural feature screening system which will assist in glare control and reduce heat gain; and
 - (d) 76 bicycle spaces for staff, plus 8 visitor bike spaces.

139. The Application was referred to Council's ESD Advisor, who raised the following outstanding information which must be included/addressed in the SMP:
- (a) at least 40% of office areas will reach a daylight factor of 2%;
 - (b) the type of hot water system to be used, confirming the intended energy performance to be met;
 - (c) the type of HVAC system to be used, confirming the intended energy performance to be met. It is recommended that a heat recovery and 100% economy cycle be used;
 - (d) the type of lighting system to be used, confirming the intended energy performance to be met. It is recommended that LED be used with suitable controls;
 - (e) solar PV system capacity (also shown on the plans);
 - (f) the WELS Star ratings;
 - (g) confirm rainwater tank size and connections (also shown on the plans). It is recommended that all toilets are flushed with rainwater;
 - (h) details on sub-metering;
 - (i) irrigation systems, recommending rainwater re-use, where possible;
 - (j) confirm if electric vehicle car charging facilities are proposed (also shown on the plans); and
 - (k) a target of 90% recycling/reuse of construction and demolition waste.
140. Should a permit issue, the above should be imposed by way of permit conditions.
141. The ESD advice also indicated that a waste management plan [**WMP**] had not been prepared. However, a WMP was provided and is assessed later in this report.
142. Four ESD improvement opportunities were also identified by Council's ESD Advisor:

There is restricted access to natural ventilation, except through access to terraces. Fresh air rates will be a minimum 50% above AS1668 rates. Consider mixed mode HVAC and introduce more operable elements to the glass façade.

- (a) The Applicant responded that a mixed mode façade is not appropriate in this context given the train line is abutting the eastern boundary. This is accepted.

Consider using recycled materials in products such as insulation.

- (b) The Applicant confirmed this will be considered throughout the detailed design stage. This should be confirmed by way of a permit condition on any permit issued.

Consider using recycled concrete.

- (c) As part of the Green Star pathway, reductions of Portland cement content of 40% were proposed. This should be confirmed by way of a permit condition on any permit issued.

Recommend that all timbers are FSC accredited.

- (e) The Applicant has confirmed that FSC/PEFC timber or re-used timber will be the preferred timber on the project. This should be confirmed by way of a permit condition on any permit issued.

143. Subject to the conditions contained in this report, the proposal would achieve a high standard of on-site amenity and energy and resource efficiency.

Car parking

144. This section of the report will be guided by clause 52.06, noting that clauses 18 and 21.06 support sustainable transport modes, such as walking, cycling and public transport.

145. This application has a statutory requirement for 243 car parking spaces. With 130 spaces being provided (noting that 127 are referenced in the traffic report but 130 are shown on the plans), a reduction of 113 car parking spaces is sought.
146. Considering the reduction sought with regard to clause 52.06:
 - (a) the GTA report acknowledges that the existing use has a car parking deficiency of 102 spaces, reducing the effective reduction sought to 28 spaces;
 - (b) Council's Engineers note that car parking for office staff is typically long stay and given the site's accessibility to walking, cycling and public transport options, that car parking demand rates are typically less than the 3.5 spaces per 100m² of office area at clause 52.06;
 - (c) the Applicant's traffic report (prepared by GTA consultants) referred to the State Government's journey to work data (*Victorian Integrated Survey of Travel and Activity 2009*) which found that 48% of employees who work in Richmond drive. GTA extrapolated this modal split, which would equate to a parking rate of 2.07 spaces per 100m² of office. This application proposes a provision of 1.93 spaces per 100m² of office;
 - (d) Council's Engineers referred to another approval nearby for an office development at 33 Balmain Street. This development was approved with an on-site parking rate of 0.78 spaces per 100m² of office floor area. The proposal is therefore considered to be approximate to the anticipated parking demand, with any (anticipated to be minor) shortfalls being accommodated by public transport, walking or cycling modal shifts as per state and local policy objectives;
 - (e) while the commercial display area has a statutory car parking requirement of 10 spaces, the Applicant's traffic report indicates that this space will be ancillary to the office. Nevertheless, the space is large enough in planning terms to be considered as a stand-alone-use. Considering this, the site is within close proximity to public transport, walking and cycling options. It is accepted that as per the GTA on-street parking survey there is limited availability for on-street parking. Nevertheless, the 10 space reduction associated with the commercial display area is supported and would not unreasonably impact parking conditions in the area;
 - (f) the food and drinks premises (café) has a parking requirement for 5 spaces with 1 being provided on-site. This is supported as it is likely that the 1 space would be used for staff with any other staff and the customers either already being or living in the area or undertaking multi-purpose trips. Walking, cycling and accessing the site via public transport is the preferred transport option as per state and local policy and would be encouraged with only 1 space being provided on-site for the café.
147. Council's Engineers concluded: *From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The lack of opportunities to park on-street in the surrounding area would be a disincentive for employees to commute to work by car. The site has good connectivity to public transport services. Engineering Services has no objection to the reduction in the car parking requirement for this development.*
148. Council's Engineering Services Unit reviewed the anticipated traffic generation outlined by GTA. GTA indicate that there would be 73 AM and 64 PM vehicle trips in the peak hours. GTA also undertook a SIDRA analysis of the Balmain Street / Stephenson Street / Palmer Parade intersection, with Council's Engineers agreeing that the surrounding road network would not be unreasonably impacted by the proposal.
149. A number of other issues were raised by Council's Engineers, which could be addressed by way of permit conditions:
 - (a) widths of small car bays dimensioned;
 - (b) dimensions of motorbike spaces;
 - (c) demonstration via a ground clearance check that B99 design vehicles can access the Stephenson Street crossover;

- (d) provision of a sight triangle of 2m by 2.5m for the exit lane of the vehicular entrance cannot be provided, so a CCTV and monitor should be provided for motorists exiting the site (should be mounted at the left [south side] of the exit);
- (e) the existing electrical pole on the east side of Stephenson Street, in front of the development entrance must be relocated to the satisfaction of Council and the relevant power authority and at the expense of the Permit Holder;
- (f) the footpath along the indented loading bay must be DDA compliant in terms of width and cross-fall;
- (g) a fully dimensioned, detailed engineering design of the indented loading bay must be prepared and submitted to Council for assessment and approval;
- (h) all outwardly opening fire escape doors must be recessed to avoid injuring pedestrians;
- (i) all service cabinet doors that open outwards must be able to swing 180 degrees and be latched to the wall when opened and serviced;
- (j) the footpath immediately outside the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense;
- (k) the kerb and channel along the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense;
- (l) the road pavement of Stephenson Street outside the development must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense. These works must also include the reinstatement of line marking for the on-street parking bays;
- (m) any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the permit holder's expense;
- (n) a Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties. Council's Construction Management Unit also noted the following:
 - (i) there are currently 4 lights attached to the walls of the property at 57 Balmain Street. These lights are as follows:
 - Two T5 2x14 Watts
 - One MV125
 - One LED 18 W
 The developer must ensure that all the above lights remain operation for the duration of demolition and construction works;
- (o) any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority; and
- (p) 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.

150. Council's engineers also requested that the northern ROW be reconstructed at the expense of the permit holder, however, the development does not propose vehicular access via this lane. There is therefore not considered to be a reasonable nexus between the proposal and these works.

151. Subject to the conditions above, the proposal would not unreasonably impact parking or traffic conditions in the area.

Bicycle parking

152. The application exceeds the clause 52.34 statutory bicycle parking requirements, being:
- (a) Office – 22 employee and 7 visitor, with 76 employee and 8 visitor spaces being provided;
 - (b) 3 showers for the office staff, with 8 being provided and
 - (c) No requirement for the café or commercial display area.
153. Council's Strategic Transport Unit reviewed the layout and location of the spaces and showers and raised no objection, however they did indicate it would be preferable if the visitor bicycle parking spaces were not accessed via Stephenson Street. As the existing heritage building is to be retained along the Balmain Street frontage, this does impose a constraint on the proposal. The position of the visitor spaces adjacent to the northern lane is therefore, on balance, considered to be acceptable.
154. Should a permit issue, conditions should be imposed to require:
- (a) a green travel plan [**GTP**];
 - (b) dimensions of all bicycle parking spaces and access ways, demonstrating compliance with Australian Standard AS2890.3;
 - (c) all doors that provide access to bicycle parking spaces must be at least 1m wide; and
 - (d) bicycle parking signage as per clause 52.34- of the Scheme.

Waste

155. The Applicant's Waste Management Plan [**WMP**] proposes separate office and café waste stores at the ground level. A private contractor would then prop in the proposed loading bay (partially inset within the site along the Stephenson Street frontage) and collect bins from the bin rooms and return them once complete.
156. Council's Services Contracts Unit have reviewed the WMP and have raised no issue with the proposed arrangement.

Loading bay

157. It is noted that a loading bay has not been provided on-site, requiring a permit under clause 52.07 of the Scheme.
158. The plans however, include a partially inset loading bay within the site, which would push the footpath into the site along Stephenson Street.
159. Council's Engineering Services Unit have reviewed the proposal and support this arrangement subject to the following '*An easement must be created for the footpath adjacent to/surrounding the indented loading bay at ground level*'.
160. Should a permit issue, a condition (through a Section 173 agreement) should require a minimum 1.5m wide footpath adjacent to the loading bay on Stephenson Street. While Council's engineers requested an easement, this is considered to be a more appropriate mechanism as it will also ensure public liability insurance is held by the Permit Holder. The footpath must be constructed at the expense of the permit holder and to the satisfaction of the Responsible Authority. As the Stephenson Street loading bay would 'push' the footpath onto the subject site, a condition should require unrestricted public access of this footpath. Further, with the basement below and built form above, the Applicant should be required to enter into a public liability agreement with Council. A condition should also require details of lighting to this footpath as it would be under part of the building.

Objector concerns

161. The following objector concerns have been considered throughout this report:

insufficient car parking / too much car parking

162. Addressed at paragraphs 142 to 149.

insufficient bicycle parking

163. Addressed at paragraphs 150 to 152.

traffic impacts

164. Addressed at paragraph 146.

building height (including contrary to Swan Street Structure Plan and impact on views to the Nylex sign and silos)

165. Addressed at paragraphs 85 to 100.

off-site amenity (overshadowing, overlooking, wind, loss of daylight)

166. Addressed at paragraphs 118 to 134.

neighbourhood character and heritage

167. Addressed at paragraphs 85 to 105.

waste management

168. Addressed at paragraphs 153 to 154.

a loading bay should be provided

169. Addressed at paragraphs 155 to 158.

170. The following will now be addressed:

off-site amenity (impact on energy efficiency of nearby dwellings)

171. Considering the location of nearby dwellings and reviewing the shadow diagrams, the proposal would not cast shadow between 9am and 3pm at the equinox of any dwellings around the site (be it in a residential or commercial zone).

development of the Rosella Complex buildings should not be considered in isolation

172. While it would be preferable if the sites were developed according to a master plan, there is no planning scheme or statutory requirement for this to occur.

impact during construction on nearby businesses (including dust, traffic and noise).

173. Should a permit issue, a condition should require the submission of a construction management plan to mitigate construction impacts.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0177 be issued for the part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction

in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement at 57 Balmain Street, Cremorne VIC 3121 generally in accordance with the decision plans and subject to the following conditions:

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 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 but modified to show:
 - (a) demolition elevations;
 - (b) the location of mailboxes, pits and metres;
 - (c) levels 1 to the roof generally as per the sketch plans dated 21 September 2017, but further modified to show:
 - (i) a minimum 2m south-west and south setback from level 3 and above, with levels 1 and 2 setback a minimum 5m;
 - (ii) plant area south-west and south setback a minimum 3m from the level below and the colours/materials of the screen to complement or match the façade below;
 - (iii) either wrap the screen under the soffit or extend the screen below the soffit and cladding at the base of level 3;
 - (d) details of the façade screen/fins, ensuring it does not appear too solid;
 - (e) the service/waste cupboard doors adjacent to the western footpath (within the site) able to be fixed to the façade when open;
 - (f) the fire escape door to Stephenson Street recessed so as to not obstruct the footpath when open;
 - (g) widths of small car bays dimensioned;
 - (h) dimensions of motorbike spaces;
 - (i) demonstration via a ground clearance check that B99 design vehicles can access the Stephenson Street crossover;
 - (j) a CCTV and monitor for motorists exiting the site (should be mounted at the left [south side] of the exit);
 - (k) the footpath along the indented loading bay DDA compliant in terms of width and cross-fall;
 - (l) a fully dimensioned, detailed engineering design of the indented loading bay;
 - (m) dimensions of all bicycle parking spaces and access ways, demonstrating compliance with Australian Standard AS2890.3;
 - (n) details of lighting for the footpath within the site;
 - (o) all doors that provide access to bicycle parking spaces must be at least 1m wide; and
 - (p) bicycle parking signage as per clause 52.34- of the Scheme.
2. The use and 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.

Structural report

3. 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.
4. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP

5. Before the development commences, 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 Arup and dated 1 February 2016, but modified to include or show:

- (a) at least 40% of office areas will reach a daylight factor of 2%;
- (b) the type of hot water system to be used, confirming the intended energy performance to be met;
- (c) the type of HVAC system to be used, confirming the intended energy performance to be met. It is recommended that a heat recovery and 100% economy cycle be used;
- (d) the type of lighting system to be used, confirming the intended energy performance to be met. It is recommended that LED be used with suitable controls;
- (e) solar PV system capacity (also shown on the plans);
- (f) the WELS Star ratings;
- (g) confirm rainwater tank size and connections (also shown on the plans). It is recommended that all toilets are flushed with rainwater;
- (h) details on sub-metering;
- (i) irrigation systems, recommending rainwater re-use, where possible;
- (j) confirm if electric vehicle car charging facilities are proposed (also shown on the plans);
- (k) a target of 90% recycling/reuse of construction and demolition waste;
- (l) consider using recycled materials in products such as insulation;
- (m) use of recycled concrete (minimum 40%); and
- (n) timber used in the project will be FDC/PEFC timber or reused timber.

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

Arborist report

7. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Tree Radar Australia and dated 8 December 2016, but modified to include (or show):
 - (a) protection measures for the 3 street trees to the south; and
 - (b) reference to the trees in the north-west corner of the site.
8. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Street Trees

9. Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 3 street trees adjacent to the site along Balmain Street ("bonded works"). The security bond would cover the amenity value of each tree as follows and:
 - (a) is to be:
 1. \$26,974.00;
 2. \$22,908.00; and
 3. \$25,927.00.
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
 - (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority,

the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.

10. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Food and drinks premises (café) use

11. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 6.00 am and 8.00 pm, Monday to Sunday.
12. No more than 91 patrons are permitted in the food and drinks premises (café) at any one time.
13. The provision of music and entertainment on the land for the food and drinks premises (café) use must be at a background noise level.
14. Emptying of bottles and cans into bins for the food and drinks premises (café) use may only occur between 7am and 10pm on any day.
15. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

Acoustic report

16. Before the development commences, an 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 be updated to reflect any necessary changes as a result of condition 1.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

General

18. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
20. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
21. The amenity of the area must not be detrimentally affected by the use or 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, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and entrances must be 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.

23. 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.

24. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

25. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Section 173 agreement

27. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:

- (a) the Owner must provide unfettered 24 hour public access over that part of the land to be used for the new Stephenson Street footpath (segment within the site);
- (b) until such time as such the land is vested in the Yarra City Council, the owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 27(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
- (c) the owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 27(a).

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

GTP

28. Before the use and/or development commences, a Green Travel Plan to the satisfaction of

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

- (a) a description of the location in the context of alternative modes of transport;
- (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) details of bicycle parking and bicycle routes;
- (f) details of GTP funding and management responsibilities;
- (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (i) security arrangements to access the employee bicycle storage spaces;
- (j) signage and wayfinding information for bicycle facilities and pedestrians, pursuant to Australian Standard AS2890.3; and
- (k) provisions for the Green Travel Plan to be updated not less than every 5 years.

29. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

WMP

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

Construction

31. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved 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;
- (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) protection of the 3 street trees adjacent to the site along Balmain Street;
- (i) 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;
- (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) a 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;
- (r) any site-specific requirements;
- (s) there are currently 4 lights attached to the walls of the property at 57 Balmain Street. These lights are as follows:
 - Two T5 2x14 Watts
 - One MV125
 - One LED 18 W

The developer must ensure that all the above lights remain operation for the duration of demolition and construction works;

- (t) the commitment to comply with the following VicTrack requirements:
 - (i) before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land;
 - (ii) prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into any Construction Control and Indemnity Agreements as required by Public Transport Victoria and VicTrack (including if required by Public Transport Victoria an agreement with the MTM);
 - (iii) during the construction of the development, including demolition and bulk excavation, the permit holder must:
 - take all reasonable steps to avoid disruptions to rail operations; and
 - comply with:
 - the Rail Operator's safety and environmental requirements; and
 - the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
 - (iv) the permit holder must, at all times, ensure that the common boundary with railway land is fenced at the permit holder's expense to prohibit unauthorised access to the railway land.
 - (v) all works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
 - (vi) the permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers; and
 - (vii) the permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

32. During the construction:

- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) 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;
 - (c) vehicle borne material must not accumulate on the roads abutting the land;
 - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
33. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
34. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to 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; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
35. Prior to the commencement of the development, subject to the relevant authority's consent, the relocation of the power pole in Stephenson Street and any other asset(s) necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
36. 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:
- (d) in accordance with any requirements or conditions imposed by Council;
 - (e) at the permit holder's cost; and
 - (f) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing 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.
38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
39. 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:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
40. 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.
41. Prior to the occupation of the development, the footpath immediately outside the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
42. Prior to the occupation of the development, the kerb and channel along the property's

Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense.

43. Prior to the occupation of the development, the road pavement of Stephenson Street outside the development must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense. These works must also include the reinstatement of line marking for the on-street parking bays.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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
 - (d) line-marked or provided with some adequate means of showing the car parking spaces. to the satisfaction of the Responsible Authority.

Expiry

45. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use is not commenced 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 external works.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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 5585 to confirm.

All future property owners, business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Access to the site during construction may be limited and difficult due to the geometry and traffic flow of the surrounding streets (including the power pole, power supply to neighbouring properties, landscaping nature garden on the S/E corner of Balmain and Stephenson Streets).

The rear ROW has restricted access. Currently it is only 2.7m wide and limiting larger sized construction vehicles is advised. The fact that part of the R.O.W. has been encroached over and

possibly illegally occupied, it may be difficult to ascertain whether the R.O.W could be used at all for construction activity until issues relating to encroachments have been resolved.

Architectural features that encroach into the road reserve must satisfy the Building Regulations 2006. The applicant must apply for a Report and Consent (when applying for a Building Permit).

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority. 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.

VicTrack NOTE:

The development including temporary structures must maintain the required clearances from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the *Electrical Safety Act 2009* (Vic) and the Electrical Safety Regulations (including the *Energy Safety (Installation) Regulations 2009*.

CONTACT OFFICER: Sarah Thomas
TITLE: Principal Planner and Advocate
TEL: 9205 5046

Attachments

- 1** PLN17/0177 - 57 Balmain Street Cremorne - Advertising S52 - Plans Part 1
- 2** PLN17/0177 - 57 Balmain Street Cremorne - Advertising S52 - Plans Part 2
- 3** PLN17/0177 - 57 Balmain Street Cremorne - Advertising S52 - Plans Part 3
- 4** PLN17/0177 - 57 Balmain Street Cremorne - Advertising S52 - Plans Part 4
- 5** PLN17/0177 - 57 Balmain Street Cremorne - Advertising S52 - Plans Part 5
- 6** PLN17/0177 - 57 Balmain Street Cremorne - Advertising S52 - Plans Part 6
- 7** PLN17/0177 - 57 Balmain Street Cremorne - Council ESD review
- 8** PLN17/0177 - 57 Balmain Street Cremorne - Sustainable Transport comments
- 9** PLN17/0177 - 57 Balmain Street Cremorne - urban design advice
- 10** PLN17/0177 - 57 Balmain Street Cremorne - Engineering comments
- 11** PLN17/0177 - 57 Balmain Street Cremorne - Heritage advice
- 12** PLN17/0177 - 57 Balmain Street Cremorne - Acoustic report review
- 13** PLN17-0177 - 57 Balmain St Cremorne - Arborist referral.docx
- 14** PLN17/0177 - 57 Balmain St Cremorne - Services Contract Unit advice
- 15** PLN17/0177 - 57 Balmain Street Cremorne - Without prejudice sketch plans
- 16** PLN17/0177 - 57 Balmain Street Cremorne - Council Urban Design and heritage advisor comments on sketch plans

-
- 1.3 PLN17/0131 - 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - Part demolition of the existing building and construction of a seven (7) storey building to the rear, use of land for dwellings, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.**
-

Executive Summary

Purpose

1. This report provides the Internal Development Approvals Committee with an assessment of a planning application submitted for 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond. The report recommends approval of the application subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Land Use (Clauses 11.01, 17.01, 21.04 and 34.01)
 - (b) Built form and heritage (Clauses 15.01, 15.03, 21.05 and 22.02)
 - (c) Off-site amenity impacts (Clause 15.01 and 22.05)
 - (d) Internal amenity (Clauses 15.01, 22.05 and 52.43)
 - (e) Car parking, bicycle parking (Clause 18.02, 21.06, 52.06 and 52.34)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification
 - (b) Land use
 - (c) Noise emissions
 - (d) Heritage Impacts
 - (e) Built form and design
 - (f) Off-site amenity impacts
 - (g) Equitable development
 - (h) Internal amenity
 - (i) Sustainable design
 - (j) Car parking and bicycle facilities
 - (k) Traffic and access
 - (l) Objector concerns

Objector Concerns

4. Forty-four (44) objections were received to the application, these can be summarised as:
 - (a) Excessive height and setbacks
 - (b) Design incongruous with existing character
 - (c) Loss of heritage fabric
 - (d) Impact on Pelaco Sign
 - (e) Amenity impacts – overshadowing, loss of daylight, overlooking and visual bulk
 - (f) Inequitable development opportunities
 - (g) Poor internal amenity
 - (h) Loss of existing car park
 - (i) Insufficient parking
 - (j) Traffic and safety impacts from use of the laneways
 - (k) Impact during construction
 - (l) Emergency vehicle access
 - (m) Loss of views
 - (n) Impact on property values
 - (o) Attract renters to the area

Conclusion

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

CONTACT OFFICER: Amy Hodgen
TITLE: Coordinator Statutory Planning
TEL: 9205 5330

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- 1.3 PLN17/0131 - 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - Part demolition of the existing building and construction of a seven (7) storey building to the rear, use of land for dwellings, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.**
- Internal Development Approvals Committee at its meeting on 13 December 2017 resolved that the matter be deferred to the meeting to be held on 17 January 2018.**
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Trim Record Number: D17/176330

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Part demolition and construction of a seven (7) storey building to the rear, use of land for dwellings, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.
Existing use:	Retail shops
Applicant:	Richmond 048 Service Pty Ltd ATF Richmond 048 Trust C/- Urbis Pty Ltd
Zoning / Overlays:	Commercial 1 Zone, Heritage Overlay (HO310 & HO332)
Date of Application:	17 February 2017
Application Number:	PLN17/0131

Planning History

1. Correspondence dated 9 October 1956 from the Town Clerk at the City of Richmond outlined that it did not object to an application made to the Melbourne and Metropolitan Board of Works for a printing business at the rear of 152 Bridge Road.
2. Planning Permit No. 936 was issued 17 March 1976 for the purpose of a private car park.
3. Planning Permit No. 7701 was issued 17 November 1994 for the purpose of erecting fencing, boom gates and removable bollards and carrying out works in accordance with the attached endorsed plans. It does not appear that the permit was acted upon.
4. Planning Permit No. 3098 was issued 10 May 1985 to construct the shop verandah in accordance with the endorsed plans. This is the verandah that currently presents to the Bridge Road frontage.
5. Planning Permit No. 7493 was issued on 7 June 1994 to use an existing building for the purpose of a 35 seat café, construct buildings and works to an existing building and to erect a business sign. This permit related to the shop at No. 152 Bridge Road, it is unclear whether the permit was acted upon.
6. Planning Permit No. 96/981 was issued on 4 December 1996 for a four (4) lot subdivision. The permit was not acted upon (i.e. certified) and the site continues as a single lot.
7. Planning Permit PLN11/0394 was issued on 23 August 2011 at No. 1 Allowah Terrace for buildings and works including part demolition, associated with the replacement of windows and an *entry door and the removal, relocated and display of signage*. It appears that this permit has been acted upon.

Background

8. Sketch plans were provided by the applicant on 16 November 2017. These included the following amendments to the advertised plans:

- (a) Relocation of the vehicle entrance from Allowah Terrace from the southmost end of the site to the northern most. Rather than creating a new entry, it is proposed that vehicles will traverse the easement in this location.
 - (b) The vehicle exit point to Wustemann Place has also been shifted further to the north.
 - (c) A larger lobby entry is proposed to Allowah Terrace.
 - (d) Seven bicycle hoops for visitor use are proposed adjacent to the easement.
 - (e) Modify the fencing along Allowah Terrace to reduce the height and increase permeability.
9. The sketch plans do not formally substitute the advertised plans; however references to the sketch plans will be made throughout the report and in the officer recommendation.
10. Sightlines of the proposal prepared by the architects were also provided on 27 November 2017.

Existing Conditions

Subject Site

- 11. The subject site is located on the southern side of Bridge Road, approximately 64m east of Lennox Street. The site runs between Wustemann Place and Allowah Terrace. The site is irregular in shape, comprising a narrow frontage to Bridge Road of 10.45m, widening to approximately 35m behind the Bridge Road shopfronts. The overall site area is 2,047sqm.
- 12. The site has an approximately 3m fall from Bridge Road to the southern end of the site. There is a 4.57m wide easement (way, drainage and sewerage) immediately to the rear of Nos. 158-160 Bridge Road that benefits these properties.
- 13. The section of the site abutting Bridge Road supports two Victorian era shops. The two shops share a common parapet and verandah. The building abuts Wustemann Place to a depth of approximately 18m from Bridge Road.
- 14. To the south of the site is a two storey office building. The building abuts the southern and western boundaries of the site and is set back approximately 6.8m from Allowah Terrace.
- 15. The remainder of the site contains a line-marked at-grade asphalt car park. The car park is leased out to surrounding businesses Monday to Friday between 8am and 4pm. Outside these times, the car park is available for casual paid parking. Access to the carpark is available from both Allowah Terrace and Wustemann Place.
- 16. There are no covenants or agreements affecting the certificate of title submitted with the subject site.

Surrounding Land

- 17. The site is located within the Bridge Road Major Activity Centre (MAC), which is a linear commercial shopping strip running between Hoddle Street to the west and the Yarra River to the east. The Bridge Road MAC comprises an array of retail, dining and community, health and business services in addition to residential uses at upper levels.
- 18. The site is located on the Principal Public Transport Network (PPTN), which features Tram Routes 48 and 75 traversing Bridge Road. Additionally, Richmond, West Richmond and Jolimont train stations are within walking distance.
- 19. Built form in the Bridge Road MAC is varied in style, scale and era. This section of Bridge Road however displays a more consistent character of one and two storey Victorian-era shopfronts.

20. The north side of the Bridge Road MAC has experienced, and is continuing to experience significant redevelopment. Recently constructed buildings and current approvals range between seven and 12 storeys. Upper levels of these developments are set back between 12m and 19m from Bridge Road, maintaining the existing shopfronts as the dominant element within the streetscape. Recent developments are summarised in the table below:

Planning Permit No.	Address	Storeys	Bridge Rd Setback at Level 7	Status
PLN14/0861	153-177 Bridge Road	12	12.9m	Under Construction
PLN14/0635	183-189 Bridge Road	10	14.31m	Under Construction
PLN13/0269	203-207 Bridge Road	10	14.4m	Permit issued
PL10/0316	209-211 Bridge Road and 32 Bosisto Street	8	13.3m	Built
PLN10/0463	229-231 Bridge Road	7	14.9m	Built
PL07/0876	243-249 Bridge Road & 34 Hull Street	10	19.4m	Built

21. The south side of the Bridge Road conversely has experienced limited redevelopment and presents a relatively intact heritage streetscape. There is however a seven storey development under construction at No. 172- 174 Lennox Street (PLN12/1175), which is located immediately to the south of the Bridge Road shops approximately 80m from the site.

22. Land immediately surrounding the subject site is described as follows:

North

23. Due to the irregular allotment shape, the site has multiple northern interfaces. The north-western section of the site has a northern boundary to Bridge Road. On the opposite side of Bridge Road is No. 153-177 Bridge Road, which comprises a 12 storey building current under construction (listed in the above table).

24. The immediate northern portion of the site abuts the rear of the shopfronts to Bridge Road from No. 154 to 160 Bridge Road. Nos. 154 & 156 Bridge Road contain two storey Victorian shopfronts, however the façades are slightly lower in height than the parapet of the subject site. The rear section of these properties is delineated by a chain fence. A palm tree is located immediately to the rear of the buildings. The rear 3m to 4m sections of Nos. 158 to 160 Bridge Road are unfenced and form part of the carpark. These properties contain three single storey shops sharing a single triangular parapet.

East

25. Allowah Terrace forms the site's eastern boundary, a 3.14m wide lane extending from Bridge Road terminating adjacent to the southern boundary of the subject site. A row of one and two storey dwellings face the eastern side of Allowah Terrace, set back between 2m to 3m from the lane. These dwellings are within the Commercial 1 Zone.

South

26. The majority of the southern boundary abuts No. 21-31 Goodwood Street. This site is well known for the "Pelaco" sign which features above the existing office building. The sign is listed on the Victorian Heritage Register (Ref. H1149).

27. The western portion of the southern boundary abuts the rear of No. 195 Lennox Street. This site contains a two storey office building within the eastern rear portion of the site and a

Victorian purpose-built dwelling also occupied by office adjacent to the site's northern boundary.

West

28. Wustemenn Place abuts the majority of the western boundary, with the exception of the southernmost portion which abuts No. 195 Lennox Street (described above). Wustemenn Place is a 2.67m wide north-south laneway extending from Bridge Road terminating at the northern boundary of No. 195 Lennox Street.
29. On the western side of Wustemenn Place is No. 148 Bridge Road, developed with a two storey shop facing bridge road, there are a number of windows at ground and first floor facing the laneway in addition to an entrance door located partway down the lane.

The Proposal

30. The application proposes development of the land for part demolition of the existing building and construction of a seven (7) storey building to the rear, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.
31. Key elements of the proposed development, as depicted on the advertised plans prepared by Peddle Thorp Architecture, dated July 2017 and received 14 July 2017 are described below: (Sketch plans have been described earlier in this report)

Demolition

32. Demolition works include:
 - (a) Demolition and reconstruction of the ground floor shop fronts, front verandah and roof to enable site access during construction, with the perimeter walls and front parapet to be retained.
 - (b) Demolition of the rear lean-to of the shops fronting Bridge Road.
 - (c) Full demolition of the two storey office building to the rear of the site.

Basement Levels

33. Two levels of basement are proposed accessible via ramps comprising:
 - (a) Car parking (including tandem spaces)
 - (b) Storage cages
 - (c) Bicycle spaces
 - (d) Service rooms
 - (e) 30kL rainwater tank
 - (f) Lift and stair access to levels above

Ground Floor (also Level 1 on elevation)

34. The labelling on the plan refers to the Ground Floor also as Level 1. To avoid confusion, this report references the floor levels as they are described on the plans.
35. The existing building fronting Bridge Road is to be retained (with aforementioned reconstruction) with the use of the building continuing as two retail tenancies.
36. A new loading bay is proposed immediately behind the shops to be retained at 150-152 Bridge Road.
37. The ground level comprises townhouses extending along Allowah Terrace and Wustemenn Place. Individual entrances are provided to each townhouse via the respective lane. A bedroom and bathroom is contained within the ground level of the townhouses.

38. The entrance to the residential lobby is provided via Allowah Terrace, approximately half way down the lane.
39. Car parking is located within the centre core of the building with vehicular entrance to be provided via Allowah Terrace and exit to Wustemenn Place at the southern ends.
40. Also within the core of the building is bicycle parking and bin storage.

Level 2 and 3

41. These levels contain the second and third storeys of the ground floor townhouses (first and second storeys). The main living areas are located on Level 2 and one to two bedrooms are at Level 3.
42. Balconies are provided on both levels to townhouses adjacent to the lanes and the internal core.
43. A 6.68m wide central communal courtyard is located on Level 2. Alternative entrances are also provided for each of the dwellings via the courtyard.

Level 4, 5 and 6

44. Three storey townhouses are located on these levels, accessed via Level 4. They comprise the main living area on Level 4 and bedrooms to levels 5 and 6. A sky bridge extends across the courtyard at Levels 4 and 7 to provide access to the townhouses on the western side of the site.

Level 7

45. This is the top level and contains five single-level dwellings and the terrace of Townhouse 47. Balconies are located along the eastern and western perimeters. A second sky bridge extends across the courtyard immediately above the sky bridge on Level 4.

Development Summary

46. The overall height of the development is 23.9m (RL53.85m), appearing as 27.2m from Bridge Road (consequent to the fall in the land)
47. The building setbacks are summarised as follows:
 - (a) Bridge Road – 0.0m (ground floor) to max. 20.69 (behind No. 150-152 Bridge Road) and 4.6m (from rear boundary of No.160 Bridge Road)
 - (b) Allowah Terrace – 0.0m (to central stairs at ground level) to max. 7.2m (top floor)
 - (c) Wustemenn Place – min. 3.2 (ground level) to max. 7m (top floor)
 - (d) Abutting rear (south) boundary, setting back 3.75m at top floor (terrace extending into this set back)
48. It is identified that the building setbacks along Wustemenn Place and Allowah Terrace are taken from the midpoint of the lane rather than the site boundaries. A condition of permit will require dimensions to also be taken from the title boundaries.
49. Total of 52 dwellings; 9 x two bedroom, 39 x three bedroom and 4 x four bedrooms.
50. 87 car spaces (allocated to residents), 9 motorbike spaces and 128 bicycle spaces.
51. Material Palette to include:
 - (a) Brick cladding
 - (b) Zincalume cladding (light and dark finishes)
 - (c) Bluestone tiles

- (d) Perforated screens (light and dark finishes)
- (e) Transparent glazing with dark metal framing
- (f) Reflective glazing (dark)



Proposed Eastern Elevation

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

- 52. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required to use land for accommodation (dwellings) if a frontage at ground floor exceeds two metres. While the residential development will not interrupt the Bridge Road ground level frontage, it is proposed to run dwellings along Allowah Terrace. Given that the subject site has an address to Allowah Terrace, it is considered that a permit is triggered for the use of dwellings.
- 53. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
- 54. Also pursuant to Clause 34.01-4, an apartment development must meet the requirements of Clause 58. However, Clause 58 does not apply to applications lodged before the approval date of Amendment VC136 (13 April 2017). The application was lodged on 17 February 2017 and therefore Clause 58 does not apply.

Overlays

Clause 43.01 – Heritage Overlay

- 55. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct or carry out works.
- 56. Pursuant to the Schedule to the Heritage Overlay, external paint controls apply to the Bridge Road Heritage Precinct (HO310).

Particular Provisions

- 57. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling	9	1 space per dwelling	9	9
Three or more-bedroom dwelling	43	2 spaces per dwelling	86	78
Residential visitors	52 Dwellings	1 space per 5 dwellings	10	0
Total			105 Spaces	87 Spaces

58. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car spaces required under Clause 52.06-5.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1 Road (inter alia)

59. Pursuant to clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1.
60. An application must be referred to the Roads Corporation under Section 55 or the Act.

Clause 52.34 – Bicycle Facilities

61. Pursuant to clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Quantity/Size	Statutory Rate	No. Spaces required
Dwellings	52 dwellings	1 per 5 dwellings for residents 1 per 10 dwellings for visitors	10 resident spaces 5 visitor spaces
		Total:	15 spaces

62. The proposal provides 128 spaces and as such the requirement of 52.34-3 is exceeded.

General Provisions

63. 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 State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

64. The following SPPF provisions of the Scheme are relevant:

Clause 11.03.01 – Activity Centre Network

65. The objective of this clause is:

- (f) *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

Clause 11.03-2 – Activity Centre Planning

66. The objective of this clause is:
(g) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

Clause 11.06-2 - Housing Choice

67. The objective of this clause is:
(h) *To provide housing choice close to jobs and services.*

Clause 11.06-5 – Neighbourhoods

68. The objective of this clause is:
(i) *To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.*

Clause 13.03-1 – Use of contaminated and potentially contaminated land

69. The objective of this clause is:
(j) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

Clause 13.04 – Noise and Air

70. The objective of this clause is:
(k) *To assist the control of noise effects on sensitive land uses.*

Clause 15.01.1 – Urban Design

71. The objective of this clause is:
(l) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 – Urban Design Principles

72. The objective of this clause is:
(m) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.01-4 – Design for Safety

73. The objective of this clause is:
(n) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 – Cultural Identity and Neighbourhood Character

74. The objective of this clause is:
(o) *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02 – Sustainable Development

75. The objective of this clause is:

- (p) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 15.03 - Heritage

76. The objective of this clause is:
(q) *To ensure the conservation of places of heritage significance.*

Clause 16.01-1 – Integrated Housing

77. The objective of this clause is:
(r) *To promote a housing market that meets community needs.*

Clause 16.01-2 – Location of residential development

78. The objective of this clause is:
(s) *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

Clause 16.01-3 – Housing opportunity areas

79. The objective of this clause is:
(a) *To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

Clause 16.01-4 – Housing Diversity

80. The objective of this clause is:
(a) *To provide for a range of housing types to meet increasingly diverse needs.*

Clause 16.01-5 – Housing affordability

81. The objective of this clause is:
(t) *To deliver more affordable housing closer to jobs, transport and services.*

Clause 17.01.1 - Business

82. The objective of this clause is:
(u) *To encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18.01 – Integrated Transport

83. The objective of this clause is:
(v) *To create a safe and sustainable transport system by integrating land-use and transport.*

Clause 18.02-1 – Sustainable personal transport

84. The objective of this clause is:
(w) *To promote the use of sustainable personal transport*

Clause 18.02-2 - Cycling

85. The objective of this clause is:
(x) *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-3 – Principal Public Transport Network

86. The objective of this clause is:
(y) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne.*

Clause 18.02-5 – Car parking

87. The objective of this clause is:
(z) *To ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land Use

88. The relevant objectives of this clause are:

Clause 21.04-1 – Accommodation and Housing

89. The relevant objectives and strategies of this clause are:
- (aa) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
 - (bb) *Objective 2 To retain a diverse population and household structure; and*
 - (cc) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

90. The relevant objective and strategies of this clause is:

- (a) *Objective 5 To maintain the long term viability of activity centres.*
 - (i) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
 - (ii) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
 - (iii) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.05-1 Heritage

91. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

92. The relevant objective and strategies of this clause is:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*

- (ii) *Strategy 14.2 Support the restoration of heritage places.*
- (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
- (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
- (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*
- (vii) *Strategy 14.9 Apply the landmarks and Tall Structures Policy at clause 22.03*

Clause 21.05-2 – Urban design

93. The relevant objectives and strategies of this clause is:

- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
- (e) *Objective 21 To enhance the built form character of Yarra's activity centres.*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

94. The relevant objectives and strategies of this clause is:

- (a) *Objective 28: To provide a public environment that encourages community interaction and activity:*
 - (ii) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - (iii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - (iv) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (v) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (vi) *Strategy 28.8 Encourage public art in new development.*
 - (vii) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 - Transport

95. The relevant objectives of this clause is:

- (b) *To provide safe and convenient pedestrian and bicycle environments.*
- (c) *To facilitate public transport usage.*
- (d) *To reduce the reliance on the private motor car.*
- (e) *To reduce the impact of traffic.*

Clause 21.07 – Environmental Sustainability

96. The relevant objectives of this Clause are:
- (f) *To promote environmentally sustainable development*
 - (g) *To improve the water quality and flow characteristics of storm water run-off.*

Clause 21.08 – Neighbourhoods

Clause 21.08-10 – Central Richmond (area between Bridge Road and Swan Street)

97. Clause 21.08-5 identifies Bridge Road as a Major Activity Centre and an important regional Centre, consisting of three distinct precincts. The subject site is situated within the Bridge Road West Precinct, which runs from Punt Road to Church Street and is described as follows:
- (a) *'...encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.'*
98. Implementation of the built form strategies at clause 21.05 includes maintaining the visual prominence of the Pelaco sign.

Relevant Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

99. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To retain significant view lines to, and vistas of, heritage places.*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (e) *To ensure that additions and new works to a heritage place respect the significance of the place.*

Clause 22.03 – Landmarks Policy

100. The objective of this clause is to:
- (a) *maintain the prominence of Yarra's valued landmark signs;*
 - (b) *protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference; and*
 - (c) *ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

101. The subject site sits immediately to the north of the Pelaco sign, which is listed within this policy as a landmark sign.

Clause 22.05 – Interface Uses Policy

102. The objectives of this clause are:
- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
 - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.12 – Public Open Space Contribution

103. The objectives of this clause are:

- (a) *To implement the Yarra Open Space Strategy;*
- (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*
- (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

104. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (Area 3121A).

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

105. The relevant objectives of this clause are:

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
 - (i) *Suspended Solids - 80% retention of typical urban annual load*
 - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
 - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
 - (iv) *iv. Litter - 70% reduction of typical urban annual load*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.17 – Environmentally Sustainable Development

106. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Incorporated Documents

City of Yarra Review of Heritage Areas 2007 Appendix 8, revised May 2017

107. The commercial buildings facing 150-152 Bridge Road are identified as 'contributory' to the Bridge Road Precinct (HO310).
108. The office/warehouse building to the rear of the site is identified as 'not contributory' to the Richmond Hill Precinct (HO332).

Advertising

109. The application was advertised during August 2017 in accordance with Section 52 of the *Planning and Environment Act 1987* (the Act) by way of 1,396 letters sent to the surrounding property owners/occupiers and by four signs on the site. A total of 44 objections were received. The concerns can be summarised as:
- (a) Excessive height and setbacks
 - (b) Design incongruous with existing character
 - (c) Loss of heritage fabric
 - (d) Impact on the Pelaco Sign
 - (e) Amenity impacts – overshadowing, loss of daylight, overlooking and visual bulk
 - (f) Inequitable development opportunities
 - (g) Poor internal amenity
 - (h) Loss of existing car park
 - (i) Insufficient parking
 - (j) Traffic and safety impacts from use of the laneways
 - (k) Impact during construction
 - (l) Emergency vehicle access
 - (m) Loss of views
 - (n) Impact on property values

- (o) Attract renters to the area

110. Whilst not a referral authority, notice was also given to Heritage Victoria pursuant to Section 52(C) of the Act on 7 September 2017 having regard to the proximity of the site to the Pelaco sign. They have advised that they do not object to the application.

Referrals

External Referrals

111. The application was required to be referred to the following referral authorities, with their comments attached to this report:

- (a) VicRoads

Internal Referrals

112. The application was referred to the following areas, with their full comments attached to this report:

- (a) Engineering Services Unit
- (b) Construction Management Unit
- (c) Building Services Unit
- (d) Waste Services Unit
- (e) ESD Advisor
- (f) Open Space Unit
- (g) Heritage Advisor
- (h) Urban Design Unit (Streetscape review)
- (i) Urban Design Consultant - David Lock Associates (DLA)

Notice

113. Notice of the application was given to Heritage Victoria, their comments are attached to this report.

OFFICER ASSESSMENT

114. The primary considerations for this assessment are as follows:

- (a) Strategic justification
- (b) Land use
- (c) Heritage Impacts
- (d) Built form and design
- (e) Off-site amenity impacts
- (f) Equitable development
- (g) Internal amenity
- (h) Sustainable design
- (i) Car and bicycle parking
- (j) Traffic and access
- (k) Waste and services
- (l) Potential site contamination
- (m) Objectors' concerns

Strategic Justification

115. State Policy expressly supports the intensification of housing on this site, being within a Major Activity Centre (MAC) and proximate to services, infrastructure and amenities. Specifically, clause 11.03 (Activity centres) encourages '*diversity of housing types at higher densities in and around activity centres.*' Situated within the Bridge Road MAC, this policy direction is applicable to the subject site.

116. Housing intensification is further encouraged within clause 16 (Housing) of State planning policy. Notably, clause 16.01-1 (Integrated housing) seeks to *'Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.'* The existing car park, whilst a valuable asset to its users, is considered an under-utilisation of a large 2,047sqm site within a MAC.
117. Additionally, clause 16.01-2 seeks to *'Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.'* The subject site benefits from excellent access to jobs, services and public transport within the Bridge Road MAC as previously outlined.
118. At a local level, there is an expectation stated at Clause 21.04-1 that Commercial 1 Zones will accommodate some of Yarra's housing growth, however potential amenity conflicts between residential and other uses needs to be managed, with Strategy 3.1 requiring that new residential development in the Commercial 1 Zones to be designed to minimise potential negative amenity impacts of existing non-residential uses in the vicinity. Potential interface issues with non-residential uses will be discussed as relevant through this report.
119. Housing diversity is encouraged at both a State and local level, with State policy at clause 16.01-4 identifying the objective *'To provide for a range of housing types to meet increasingly diverse needs.'* Including the strategy to *'support opportunities for a wide range of income groups to choose housing in well- serviced locations.'* Objectives within the MSS on land use (clause 21.04) are very similar, advocating for the retention of a diverse population and household structure. The proposed development supports these policies by incorporating a mix of two, three and four bedroom dwellings at various sizes and layouts.
120. State and local policies on heritage and built form (Clause 15.01 and 21.05) are consistent in their objectives for protection and conservation of heritage places and for the delivery of responsive and high quality built form environments. More specifically and relevantly, objective 17 of Clause 21.05 seeks *'to retain Yarra's identity as a low-rise urban form with pockets of higher development'*. The consistency with heritage and built form policies will also be discussed in greater detail within the built form assessment.
121. Yarra recognises the importance of environmentally sustainable development within its MSS (clause 21.07) and through its Environmentally Sustainable Development Policy at clause 22.17 and Stormwater Management (WSUD) Policy at Clause 22.16. The environmental sustainability of the proposed development will be covered in greater detail within this report.
122. Both State and local policy directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (Clauses 18.02-1, 18.02-2, 18.02-3 and 21.06). In regard to car parking, Clause 18.02-5 encourages an adequate supply of car parking to be provided with consideration to *'existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.'*

At a local level, clause 21.06 acknowledges that whilst parking availability is important for many people, *'unrestricted car use and parking is neither practical nor achievable.'* Matters relating to transport relevant to the proposed development will be covered later within this report.
123. The site is well-positioned to accommodate more intensive development of the site, with excellent accessibility to jobs, services and public transport. Having regard to the above discussion, the proposal clearly demonstrates strong policy support at both a State and local level.

Land use

124. As stated within the planning controls section earlier, a permit is only triggered to use the land for dwellings because a ground level residential interface of greater than two metres is proposed to Allowah Terrace.
125. The intention of this permit trigger is to ensure that residential uses do not erode active retail frontages within commercial areas. The proposed development does not alter the Bridge Road retail frontage with the existing retail use of this building to be maintained, thus meeting this objective. The ground level residential abuttal along Allowah Terrace is considered appropriate given the existing residential uses on the opposite side of this lane. This outcome is not considered detrimental to the Bridge Road MAC.
126. Residential use of the land has clear policy support within both State and local policy as outlined within the 'Strategic Justification' section above. The residential use is also consistent with the purpose of the Commercial 1 Zone, which includes: *'To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*
127. While residential use of the land is supported and will contribute toward a vibrant mixed use commercial centre, consideration needs to be given to potential land use conflicts with non-residential uses. This will be covered later within the report as relevant.

Heritage Assessment

Demolition

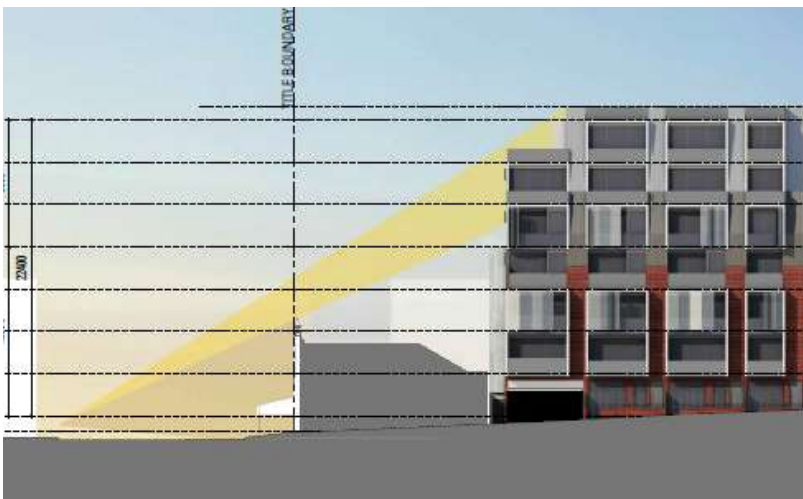
128. The advertised application proposes part demolition of the Bridge Road facade to allow site access during construction. This would also include the removal of the glazing and the verandah with retention of the perimeter walls and parapet. At completion of construction, the façade and the verandah would be reconstructed like for like. Council's heritage advisor has not raised concern with the sections of the building to be removed during construction. It was noted that these elements are not original to the building and therefore their removal and subsequent reconstruction would not be detrimental to the integrity of the heritage place. However, the extent of demolition compromises the stability of the remaining sections of the façade that are original and of greater heritage contribution to the heritage streetscape. Of particular concern is associated with the loss of the raised parapet and moulding detailing within the façade.
129. Structural design advice prepared by WSP Structures was submitted by the applicant, detailing the construction methodology including identification of the load bearing walls and new strengthening works required to stabilise the retained portion of the facade during the construction process. Given the risks associated with the potential collapse of the façade, the construction methodology was discussed with Council's Building Services and Construction Management Units. Council's Construction Management Unit was not satisfied that the proposed temporary openings within the façade would be sufficient to facilitate the construction of the building. The applicant has advised that an alternative construction methodology is now being explored that does not involve demolition to the front façade. The alternative construction process would be confirmed via a construction management plan required as a condition of any permit that issues. No further detail is necessary at this stage for the purposes of assessing the current application. Amended Plans will also be required if a permit is issued showing the full retention of the Bridge Road façade.
130. The warehouse/office building to the rear of the site is identified as non-contributory to the Richmond Hill heritage precinct and thus its demolition will not adversely impact the heritage area. This has been confirmed by Council's heritage advisor. Similarly, no concern was raised to the demolition of the lean-to at the rear of the Bridge Road shops given its limited contribution to the Bridge Road heritage streetscape.

Buildings and works

131. The proposed development is located entirely to the rear of the existing Bridge Road shops, generating a setback from Bridge Road of 14.8 metres to the western portion of the building and 24.8 metres to the eastern portion. In regard to upper level setbacks in a heritage retail context, Council's heritage policy at clause 22.02-5.2 seeks *'to respect the scale and form of the existing heritage place by being set back from the lower built form elements.'* This is distinct from the policy guidance for residential heritage places, which encourages upper levels to be concealed.
132. As the Scheme does not nominate a preferred upper level setback, it is to be based upon a contextual analysis. The development has taken cues from the recent approvals on the northern side of Bridge Road (refer to surrounds description), adopting a similar setback to the western portion and an even greater setback to the eastern portion of the proposed development. As such, while the upper levels will be visible from Bridge Road, the set back of the upper levels is considered to be respectful and responsive to the heritage streetscape. The extent of visibility is illustrated in the sightline diagrams below:



Sightline – East Elevation



Sightline – West Elevation

133. The proposal at seven storeys is three to five storeys lower than recent approvals on the northern side of Bridge Road. However, the more modest height is considered appropriate acknowledging the limited scale of development that has occurred on the southern side of Bridge Road. In terms of the southern side of Bridge Road, the only proximate example of taller built form is the six to seven storey residential building currently under construction at No. 172-174 Lennox Street. While not fronting Bridge Road, this development is situated immediately to the south (rear) of the Bridge Road shops on the western side of Lennox Street. Another constraining factor on building height is the potential to obscure or dominate

views of the Pelaco sign, which is located immediately south of the subject site. As will be discussed within the following section, at seven storeys, the proposed development is not considered to impact upon the prominence of the sign. For these reasons, it is considered that the height of the proposed development is appropriate for the heritage context of the site.

134. Council's heritage advisor also found the height and setback of the proposed development from Bridge Road to be acceptable insofar as it respected the Bridge Road heritage streetscape. However the heritage advisor was concerned that the height of the proposed development would impact upon views of the Pelaco building and the sign given its proximity. The impact on the sign will be discussed in greater detail within the following section. There is limited visibility of the Pelaco building from Bridge Road between Church Street and Lennox Street presently, other than along Allowah Terrace or Wustemenn Place. These views will not be affected given the proposal does not project past these lanes. Furthermore, the primary views of the Pelaco building from the site's Goodwood Street frontage will be unaffected.
135. In comparison to Bridge Road, the setbacks from Allowah Terrace and Wustemenn Place are much more modest, ranging from 1.6 metres at ground level to 6.2 metres at the uppermost level. This is reflective of the more robust built form character typical to laneways. Council's heritage advisor also found these setbacks to be acceptable however suggested that they could be further improved by deleting the internal lightcourt to allow a greater setback from Allowah Terrace. As will be discussed later within the report, the internal courtyard offers significant internal amenity benefits that on balance outweigh the value gained from increasing setbacks from Allowah Terrace. Given that Council's heritage advisor has found the currently proposed setbacks to be acceptable, no further increase is considered necessary from a heritage perspective.
136. In regard to the architectural treatment and design detail employed within the development, Council's heritage advisor is generally supportive of the east and west elevation treatments, however raised concern with respect to the northern (Bridge Road) elevation. It has been suggested that a light material palette would be more appropriate. The extent of metal cladding was also seen as a concern, noting that this material is not typical of the Bridge Road streetscape and that when used; it is in a more sparing fashion, such as to window shrouding or similar. Urban design advice from DLA has also suggested that a more coherent design is required for this facade. This can be dealt with via conditions if a permit is to issue. Further discussion from an urban design perspective is provided later in the report.

Impact on the Pelaco Sign

137. The subject site is located immediately north of the Pelaco Sign, which is listed within Council's *Landmark and Tall Structures* policy at Clause 22.03 of the Scheme. The sign is also listed on the Victorian Heritage Register (H1149).
138. The height of the proposed development sits slightly below the parapet of the building supporting the Pelaco sign. Council's heritage advisor was concerned that the proposed development would block views of the sign from Allowah Terrace and Wustemenn Place. While no doubt these immediate views would be impacted, this is not considered unacceptable having regard to Clause 22.03.

Clause 22.03 seeks to protect views of Yarra's valued landmarks however it is unclear which views should be protected. This was explored by Member Naylor in the Victorian Civil and Administrative Tribunal (VCAT) decision of *Rescom QOD Lennox Street Pty Ltd v Yarra CC [2013] VCAT 1799*. This related to a seven storey development at No. 172-174 Lennox Street, Richmond, which is located one site back from the south-west corner of Lennox Street and Bridge Road:

- (a) *I agree with the findings of the Tribunal in Crema Group that the policy is not intended to preserve and protect every possible view from public spaces. The Tribunal found in Cremorne Corporation that key or important views need to be carefully dealt with, not every incidental view; and in Richmond Icon that not all views are of equal worth. (para. 53)*
- (b) *In [Mr Lovell's] opinion, what needs to be protected are "the historical principal heroic views". In this case, Mr Lovell considers the key view of concern is that obtained from the west side of the intersection of Punt and Bridge Roads, namely in Wellington Street between Punt Road and Berry Street. (para. 54)*

139. Member Naylor then concludes at paragraph 61:

- (a) *The photomontages in this case demonstrate that the proposed building has no impact upon the visibility of the Pelaco sign from the montage view points. In the absence of montages from Ms Trehwella's viewpoint it is difficult to conclude with accuracy as to what impact the proposed building may have. Even if this view of the sign is lost as a result of this development, I would not refuse this proposal as it is clear from the photomontages that other viewpoints would maintain a view.*

140. The Rescom decision has determined that not all views of the Pelaco sign are of equal worth and warrant protection. Specifically, the orientation of the Pelaco sign suggests that the key view lines are to the east and west rather than the north. The views from Allowah Terrace and Wustemenn Place are immediately north and limited to mainly the supporting structure for the sign. On this basis, less weight to the protection of these views has been given. Due to the setback of the Pelaco sign from Bridge Road, the views between Church Street and Lennox Street on the northern side of Bridge Road are already largely obscured by the existing streetscape, thus the impact on these views are considered of lesser impact. Council's Heritage advisor has also not raised concern with the potential loss of views from this section.

141. As highlighted in the Rescom decision, one of the key views of the Pelaco sign is at intersection of Punt and Bridge Roads. Council's heritage advisor has also identified this vista. In response to these concerns, 3D imagery was provided by the permit applicant. The visual intrusion from this location (Bridge/Punt) has been analysed by the applicants. The image below clearly demonstrates that the building will not block or dominate views to the sign, with the sign still appearing prominent from this vantage.



Proposed development location indicated in pink

142. Another prominent view of the sign is from the Richmond Town Hall. This view was also identified by Council's heritage advisor as a view to be investigated. The following image has been provided by the permit applicant. This also demonstrates that the sign will remain prominent above the built form.



View of the development from the town hall

143. Council's heritage advisor also identified that the sign can be seen from more distant locations such as the Spring Street Office towers. However given that it has been demonstrated that views at a closer vantage point would not be dominated by the proposed development, it is considered the impact from a more distant location would be less affected by the proposal.
144. Furthermore, notice of the application was given to Heritage Victoria. Heritage Victoria responded advising that it had no objection to the proposal noting *'the height of the new development appears to allow the Pelaco sign to retain a high degree of visibility.'* Having regard to the response from Heritage Victoria, the Rescom decision and the additional view line analysis provided by the applicant, it is considered that the proposed development would not unreasonably compromise the key views and prominence of the Pelaco sign.

Built form and design

145. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage) and Clause 21.05 (Built Form). As supplementary guidance, the recently released *Urban Design Guidelines for Victoria* prepared by the Department of Environment, Land, Water and Planning are also of relevance.
146. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and its relationship to adjoining buildings and properties.

Street level interface

147. As discussed previously, the permit applicant no longer intends to demolish and reconstruct the Bridge Road façade. The Bridge Road façade is to be retained as existing (reflected in conditions of permit) with the use of the building continuing as two retail tenancies, as such this interface will be unaffected. In regard to Allowah Terrace and Wustemenn Place, individual townhouses are proposed to run along the perimeters of both lanes. This also includes provision for individual entries. The intent of this design response is supported;

noting that it replicates the fine grain built form character along the eastern side of Allowah Terrace.

148. However, due to the natural fall of the land, the northern end of the ground floor is elevated approximately two metres above Allowah Terrace. As a consequence, the northern end of the development presents solid brick walls to a similar height, preventing meaningful activation and integration with Allowah Terrace. This concern was also highlighted within the urban design advice from DLA. While the variation in the site levels is unavoidable, 'sketch plans' provided by the applicant have sought to improve the laneway interfaces by reducing the extent of solid fencing on the boundary. This is illustrated in the images of the current proposal and 'sketch plans' below:



Current proposed elevation to Allowah Terrace (Townhouse 11)



Sketch plan of amendments to the Allowah Terrace elevation

149. This amendment could be dealt with by way of conditions if a permit is to issue. There is not the same concern for the Wustemenn Place interface, with the difference in levels at the northern end less substantial (approx. 1.5m).
150. The laneway elevations will be further softened through planter boxes at ground level (not depicted in the images above). The proposed landscape opportunities will be discussed later within this assessment. Subject to the further amendments described in the sketch plans, the proposed laneway interfaces are considered acceptable.

Height and setbacks of upper levels

151. The upper level setbacks from Bridge Road are primarily driven by the heritage considerations, in particular the policy guidance that seeks to respect and maintain the

prominence of the existing streetscape. The upper level setbacks to Bridge Road have been discussed in detail within the heritage assessment and deemed acceptable in this context. From an urban design and character perspective, DLA were also satisfied that the height and setbacks of the upper levels from Bridge Road were acceptable based on their analysis.

152. As mentioned within the heritage assessment, the overall height of the building at seven storeys is three to five storeys lower than the recent approvals on the northern side of Bridge Road. Unlike the northern side of Bridge Road however, the southern side has experienced limited development.
153. In recent years, there have been three other applications on the south side of Bridge Road; each proposed at seven storeys:
 - (a) No. 18-20 Bridge Road (PLN12/0127) – Appeal lodged by the applicant for a failure to determine the application. A position of refusal was subsequently formed by Council Officers. This position was upheld by the Tribunal (further discussion on the decision below)
 - (b) No. 54-56 Bridge Road (PLN15/0645) – Notice of refusal was issued at IDAC on 16 November 2016. This was appealed and subsequently heard at the Tribunal on 16 October 2017. The Tribunal decision is pending.
 - (c) No. 178-182 Bridge Road (PLN14/1171) – Notice of refusal was issued by Council Officers on 22 April 2016. An appeal was lodged and subsequently withdrawn by the permit applicant.
154. The principal issue with all three previous applications was not height per se but the combination of the height and inadequate setbacks. As illustrated in the cadastral map below, these sites are substantially smaller than the subject site and do not have the depth necessary to cater for the generous setbacks that are accommodated in the current application.



Cadastral Map of other applications (in green) south of Bridge Road

155. The Tribunal decision for No. 18-20 Bridge Road (*Dreaming Investments Pty Ltd v Yarra CC*), raised the following concerns in relation to the proposed upper levels:
 - (a) *Unlike other sites along Bridge Road that have new higher levels setback well behind lower front sections, the review site is constrained by the relatively shallow depth from front to back of just 21.21 metres. The narrow width of just 6.87 metres exacerbates the ability to view the building from oblique angles and serves to emphasise the height and visual dominance of the rear section. (Para. 19)*
 - (b) *Unlike the higher rear extensions on the north side of Bridge Road, the high rear section of the proposed building on the review site does not gain any visual amelioration because of higher intervening front parapets or buildings on adjoining and nearby sites. Nor does it have a backdrop of higher built form such as is provided on*

the north side by the tall and visually dominating Epworth Hospital buildings or the new tall buildings further east near Church Street. (Para. 20)

156. In contrast to No. 18-20 Bridge Road and the other previous application sites, the subject site is not constrained in the manner described in the Dreaming Investments decision cited above. Namely:
- (a) The subject site is a substantially larger site along the southern side of Bridge Road, which can readily accommodate the generous setbacks necessary to mitigate the prominence of the upper levels within the Bridge Road streetscape;
 - (b) The Pelaco building and other commercial buildings surrounding the subject site provide an adequate visual buffer to prevent unreasonable amenity impacts from the sensitive residential land further to the south;
 - (c) The site is entirely surrounded by commercially zoned land. While there are dwellings on the east side of Allowah Terrace, these are located within a Commercial 1 Zone, thus are not afforded with the same level of amenity consideration. Offsite amenity impacts will be discussed later within the report
157. Due to the absence of upper level development along Bridge Road, it is inevitable that the proposed development will have a high degree of visibility. However, over time as other surrounding sites on the southern side of Bridge Road are developed, the visual prominence of this building would decrease. This line of reasoning is reaffirmed by the Dreaming Investments decision:
- (a) *I acknowledge that over time, other sites along the south side of Bridge Road may be developed with taller buildings in response to planning controls and policy directions and that those taller buildings will not be confined to the north side. I also acknowledge that a taller building on the review site should not be penalised because few tall buildings have yet been constructed along this southern section of Bridge Road. (Para.26)*
158. As discussed within the heritage assessment, the setbacks from the respective lanes are considered acceptable and consistent with the more robust built form character along laneways and narrow streets. For example, the development currently under construction, directly opposite the site at No. 153-177 Bridge Road comprises a 12 storey development within 2.4m of Judd Street. While not a lane, it is a relatively narrow street of approximately six metres in width (image below).



No. 153-177 Bridge Road and Judd Street interface

159. While there would be a substantial height difference between the proposed development and the existing one and two storey dwellings adjacent to Allowah Terrace, this juxtaposition is not uncommon to Yarra and Richmond in particular. Notably, a similar height contrast is already present with the Pelaco Building and its surrounding residential area. There are also numerous other examples of this height contrast nearby, such as along Tanner Street, north of Richmond Station and Walnut Street in Cremorne. In fact, it is a characteristic that has been directly identified within Council's MSS at clause 21.05-2 (Urban Design), which states:
 - (a) *Looking at the built form of the whole municipality, a clear picture emerges of a low-rise urban form punctuated by pockets of higher development.*
160. In their review of the proposal, DLA were also comfortable with the laneway interfaces, providing the following commentary:
 - (a) *In considering appropriate street wall responses, we give weight to the fact that the subject site is a large contributor to the character of each street interface and therefore the existing character of each interface is yet to be largely determined. It is also reasonable for inner-city laneways to contain more 'sheer' built form that results in a greater sense of enclosure, and the proposal's street wall interface to both Allowah Terrace and Wustemenn Place are consistent with this.*
161. From an urban design perspective, the scale and massing of the development along the abutting laneways is entirely appropriate. Whether the setback from the lane is acceptable becomes more a question of offsite amenity impacts and equitable development. Further discussion in relation to these aspects will be provided later in this report.

Design Detail and Materiality

162. Following on from the previous discussion; due to the high degree of visibility of the proposed development, it is even more essential that the upper levels display a high standard of architectural quality and design. The eastern and western elevations are particularly important given they will be the most visible elements from the oblique views to the east and west along Bridge Road. DLA were satisfied with these elevations stating that *'There is a clear and high quality architectural concept underpinning the proposal'* specifically noting the

use of a cladded brick base beneath a contemporary grey cladded upper form. The use of glazing was also considered to offer visually interesting articulation and modulation within the proposal. This design detail and articulation is illustrated in the image below.



Perspective from Allowah Terrace

163. While the east and west elevations are considered to be well resolved, DLA have suggested that further consideration needs to be given to the northern elevation of the upper levels facing Bridge Road, encouraging *'greater consistency and coherence in the architectural language.'* It is agreed that the northern elevation is not as well resolved as the east and west elevations. The northern elevation presents more akin to a sidage due to the high proportion of solidity and sheer surfaces with minimal articulation. Given the visibility of the upper levels from Bridge Road, it is necessary that the building is designed 'in the round'. This concern could be resolved through modifications to the materiality and design detailing, rather than built form. As such, it is considered that this could be addressed via a condition of permit.



Perspective provided by the permit applicant as part a later submission

Landscaping

164. The proposed development incorporates soft landscaping along the eastern and western perimeters, which will assist in softening the built form as viewed from surrounding sites. This includes raised in situ planters at Level 1 along both Wustemenn Place and Allowah Terrace interfaces and a deciduous canopy tree to each side. At Level 2, climbers are proposed to two of the balconies along Allowah Terrace. Planter boxes adjacent to balconies are also proposed at Levels 4, 6 and 7, furthering assisting with minimising the building bulk.
165. From an internal amenity perspective, the central area between the two buildings contains a treed landscaped courtyard at Level 2. Climbers are also proposed at Level 4 along the communal corridors.
166. The landscape plans were referred to Council's Open Space Unit who requested additional detail and clarification on the plans. This additional detail could be addressed via condition on any permit issued. The Open Space Unit have also queried whether there is sufficient space to accommodate the upright small deciduous trees shown on the ground floor plan along Wustemenn Place and Allowah Terrace. In response to this, the permit applicant has advised that the front fencing design could potentially be modified to ensure that the trees can be accommodated. This is a matter that could also be dealt with via condition.

Micro Climate impacts

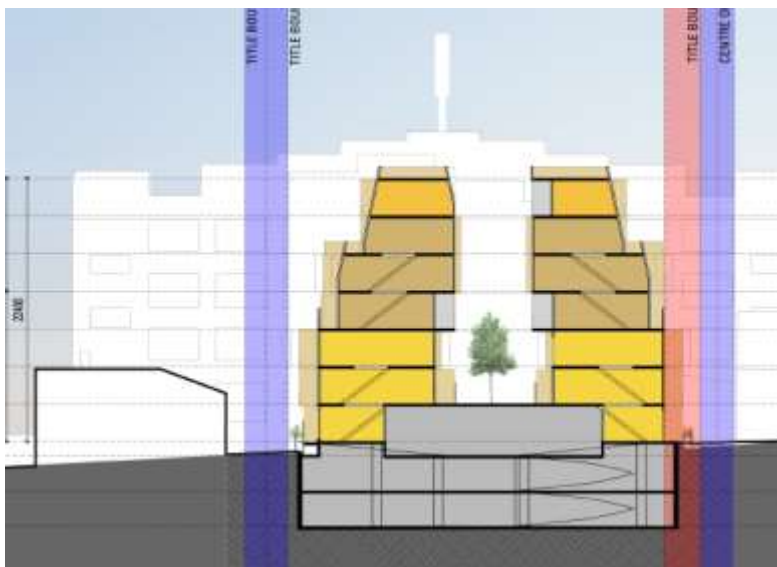
167. A wind tunnel assessment has been undertaken by MEL Consulting dated July 2017. This confirmed that the wind conditions in the streetscapes surrounding the proposed development and the central landscape area are either within or on the criterion for walking comfort for all wind directions, with many achieving the criteria for stationary activities. This is considered satisfactory.

Off-site Amenity Impacts

168. The policy framework for offsite amenity considerations is contained within Clause 22.05 (Interface Uses Policy), with additional guidance within the *Urban Design Guidelines* and the Decision guidelines within the Commercial 1 Zone. Clause 55 (ResCode) of the Scheme does not apply to an apartment building; however it contains standards that can assist in a more measurable assessment of the application.
169. The subject site is entirely surrounded by Commercial 1 zoned land, with the closest residential zoned land 25m to the south-west of the site. There are a row of one and two storey dwellings immediately opposite the subject site on the eastern side of Allowah Terrace, however these dwellings are within the Commercial 1 Zone. As will be discussed in the following sections, the existing amenity of these dwellings will inevitably be impacted by the proposed development. However whether that impact is unreasonable is the key consideration.
170. The Tribunal frequently comments upon the reasonable expectations of residents living in commercially zoned land, such as in *Daniel Stevens (Zero Nine Pty Ltd) v Yarra CC [2011] VCAT 467*, which related to the land at No. 105-107 Johnston Street, Collingwood. At paragraph 18, the Tribunal surmises that:
 - (a) *In relation to Mr Moir who lives in the neighbouring property to the west, I appreciate that he is concerned at the likely loss of his amenity in terms of the use of the rear courtyard area of his property by him and his family who all live on this neighbouring property. However (as has been said many times before by the Tribunal) anyone who chooses to live on this type of commercially zoned location needs to substantially temper their amenity expectations. For these reasons, I am unconvinced that it would be justifiable for the proposed overall design response to be refused or diluted simply due to the likely amenity impacts on the Moir property.*
[Emphasis Added]

Visual Bulk

171. The development of the subject site will significantly change the outlook of the properties along the eastern side of Allowah Terrace. Rather than looking out across an open car park, they would be immediately adjacent to built form. The existing residents of Allowah Terrace have had the benefit of abutting an underdeveloped site for many years and have likely become accustomed to a certain standard of amenity. This however, is not relevant in assessing whether the current proposal is acceptable. Rather, the assessment needs to be based upon the reasonable expectations for dwellings in a Commercial 1 Zone, a MAC and abutting a laneway.
172. In assessing the impact, it is identified that the areas that are most sensitive to visual bulk (i.e. main living spaces and principal private open space areas) do not face the subject site, but rather are located to the other (eastern) side of the dwellings. The proposed development would not be readily visible from these locations and thus would not impinge on the enjoyment of these key amenity areas. While the proposed development would be visible from the front yards and bedroom windows of these properties, this impact is not so unreasonable on the amenity of these properties to warrant variation to the proposed development.
173. However, the proposed development has sought to ameliorate the visual bulk impacts by stepping back the upper levels. This will assist in minimising the full appreciation of the building height. These setbacks are illustrated in the sections below. In addition to upper level setbacks, the eastern elevation to Allowah Terrace is also well articulated through materiality and architectural detailing. As discussed previously, DLA were satisfied that the east and west elevations were well resolved and of a high architectural quality. While DLA did also suggest setting back the ground floor along Allowah Terrace, this was related to pedestrian safety within the laneway, rather than a visual bulk concern. Pedestrian safety will be discussed later within this report.



Northern east-west cross section



Southern east-west cross section

Daylight to existing windows

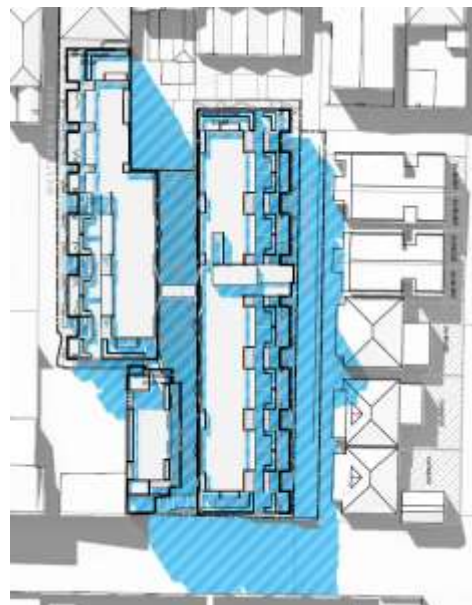
174. It is understood that all windows facing Allowah Terrace are associated with bedrooms. While the proposed development may reduce the level of daylight to these rooms, this impact would be acceptable. Specifically, daylight to bedrooms is not as critical for amenity as main living spaces given their primary purpose for sleeping. The proposed development would not compromise the daylight access into the main living spaces of these dwellings and therefore an acceptable level of amenity will be maintained.

Overshadowing

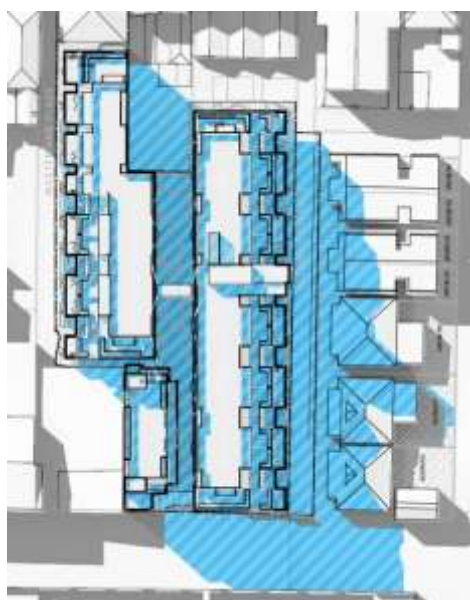
175. Shadow diagrams have been prepared for the September Equinox between 9am and 3pm, reflective of the information provided to assess Clause 55, Overshadowing Standard B21 (see below). This illustrates that there will be no additional shadow cast upon the secluded private open space areas of the properties along the eastern side of Allowah Terrace between 9am and 2pm. There is an increase in overshadowing to No. 4 Allowah Terrace at 3pm of approximately 10 per cent, however it is noted that approximately 65-70% of this area is already in shadow at 3pm. On this basis, the increase of shadow is not considered to result in unreasonable amenity impacts. No other secluded private open space areas will be further impacted at 3pm. Objections have been received raising concern with overshadowing within the front setback areas, however as these areas are not secluded, nor are they the only open space areas for these dwellings, the increased overshadowing in the afternoon is not unreasonable. This would also have been the case if these dwellings were in a residential zone.



1.00pm



2.00pm



3.00pm

Overlooking

176. A note is included on the floor plans indicating that *'screening treatment will be provided to all townhouses within 9m of secluded private open space to all existing and proposed adjoining dwellings'*. No detail of the privacy screening is provided on the elevations, with decorative screens shown to be operable. Notwithstanding this, the proposed development does not result in any unreasonable overlooking into existing secluded private open space areas.

The upper levels of the proposed development may have distant views of secluded private open space areas to the east of dwellings along Allowah Terrace, however this would be at a horizontal distance over 20 metres. These views are considered acceptable noting that Standard B22 of Clause 55 only seeks to restrict views within nine metres.

177. There will be views within nine metres into the front setbacks of the dwellings facing Allowah Terrace, however these areas are not secluded, being entirely visible from Allowah Terrace and the existing car park. The existing bedroom windows and first floor balconies are also within nine metres of the proposed development but again these windows and balconies are readily visible from Allowah Terrace and the car park. While there are existing views into

these areas at street level, it is acknowledged that the proposed development will introduce elevated views into the existing first floor windows of Nos. 8 to 10 Allowah Terrace. However, given the difference in the first floor finished floor levels between the existing dwellings and the subject site (siting approximately half way between the ground and first floor levels of the proposed development), there would be no direct horizontal views and therefore this is considered acceptable and not requiring screening.

178. In any event, the decision guidelines within the Commercial 1 Zone only requires consideration to be given to overlooking residentially zoned land, reflecting the lower amenity expectations for dwellings within the Commercial 1 Zone.

Equitable Development

179. In regard to equitable development, the Tribunal decision of *Gesher Pty Ltd v Yarra CC [2015]* quoted Council's submission at paragraph 35 as a fair summary of previous Tribunal decisions in respect to equitable development. This is recited below:
- (a) *Numerous decisions of the Tribunal have considered the notion of what constitutes equitable development rights. The following principles emerge from these decisions in relation to equitable development rights:*
 - (i) *Equitable does not mean equal.*
 - (ii) *Development should not be too dependent on borrowing from neighbouring sites for its amenity.*
 - (iii) *Development should not unreasonably fetter redevelopment opportunities on adjoining sites.*
 - (iv) *In the absence of a specific proposal for an adjoining property, development should not have to satisfy a speculative or hypothetical worst case scenario on an adjoining property.*
 - (v) *The site size, proportion and context will influence how amenity can be equitably shared between adjoining sites.*
180. In respect to the western interface with No. 148 Bridge Road, DLA in their advice recommended a 4.5m set back to the edge of balcony and glazing to facilitate equitable development opportunities. This is based on the assumption that the same design response could be replicated on this site achieving a 9m separation (thus negating the need for privacy screening). However, given the narrow width of No. 148 Bridge, even if combined with No. 146 Bridge Road, it is more likely that the development would orientate itself in a northern and southern orientation thus pushing out to the Wustemenn Place boundary. Having regard to the equitable development principles above and the reasonable development opportunities of the site to the west, the proposed western interface to Wustemenn Place as currently proposed is considered acceptable.
181. The southern section of the western boundary adjacent to No. 195 Lennox Street proposes to abut the boundary for the full height of the development. This would enable the proposal to also abut the subject site. This is a valid response to this interface with the generous depth of No. 195 Lennox Street enabling future development of this site to either abut the boundary, or set back, depending upon the design response employed for the site.

The current proposal is therefore not considered to impact upon the reasonable development opportunities of this site.

182. The western elevation depicts a window within the upper levels facing No. 195 Lennox Street, this has also been shown in the perspective imagery. Windows on shared boundaries are not supported from an equitable development perspective. The permit applicant has confirmed that this is an error on the plans and this interface should be shown as a blank elevation. This can be corrected via a condition if a permit is to issue. Subject to the deletion of this window, DLA were comfortable that equitable development opportunities have been achieved.

183. With respect to the eastern interface, DLA recognised that the properties on the eastern side of Allowah Terrace do not have significant development opportunities as individual sites (given their modest size), however if consolidated could support a more substantial development. Their comments however did not take into account the 'contributory' heritage grading of the two southernmost properties, constraining development opportunities of these sites. Nevertheless, the opportunity for equitable future development needs to be considered.
184. At ground floor, the proposed glazing line is set back 3.9m at the southern end and 4.7m at the northern end, with terraces to encroach within this area. The encroachment of terraces at ground level is considered acceptable given that these areas would also be visible from the street and thus not sensitive to overlooking. The setback to the glazing line at ground floor is considered sufficient noting that the southern sections within 4.5m of the midpoint of the lane are adjacent to the contributory heritage properties.
185. At Levels Two and Three, a setback of 3.75m is proposed from the midpoint of Allowah Terrace at the southern end and 4.8m at the northern end, with balconies projecting a further 1.6m into this space. Given that future development of these sites would likely orientate toward Allowah Terrace, a 4.5m setback from the balcony edge to the midpoint of the lane should be met. Based on the depth of the living spaces at Level 2 (approximately 10m), this additional setback could be readily achieved without unduly impacting on the internal amenity of these living spaces. It would also be possible to delete the balconies to the bedrooms on the level above, thereby maintaining a minimum 4.5m setback to the glazing line, except for the case of the two southernmost heritage properties. These amendments could be achieved via a condition of any permit issued and would ensure equitable development opportunities are maintained.
186. While the increase in setback at the lower levels would slightly erode the variation between the lower and upper level setbacks, this is considered an acceptable outcome, noting that overall that the boundary setbacks would be increased. However, it will be important to ensure that while the set backs are increased, the articulation and visual interest to these elevations is not lost.
187. While the individually significance property to the south (the Pelaco building) has limited development opportunities, the proposed development has been designed in a manner that would not further impede on any development opportunities. The current proposal abuts this property with the exception the common corridor. DLA has also acknowledged the limited development potential of this site and raises no concerns with this interface.
188. The properties along Bridge Road immediately to the north of the site (Nos. 154 to 160 Bridge Road) have limited potential for development given their modest size and depth. Nos. 154 and 156 Bridge Road display the greatest development opportunity (if consolidated) due to their greater site depth. The proposed development mostly abuts the shared boundary on all three sides except for the common corridors and balconies to the northernmost townhouses along the eastern wing. A balcony associated with Level 2 of Townhouse 10 extends to the boundary; however there is a second balcony to this level facing Allowah Terrace. This alternative area protects the amenity of this townhouse in the event that this site is developed.

Townhouse No. 33 (situated immediately above Townhouse 10) also contains a balcony orientated toward the shared boundary with No. 156 Bridge Road. As with Townhouse 10, this level also has a second balcony facing Allowah Terrace, which would be unaffected in the event that No. 156 Bridge Road is redeveloped. DLA were also comfortable with the proposed interface, affirming the limited development potential of this site.
189. North-facing habitable windows are proposed within 1.45m from the shared boundary with No. 158 Bridge Road from Level 2 and above. These windows are highlight windows and are not relied upon for daylight access, with alternative light sources available to the east and

west elevations. As such, in the event that these sites are redevelopment, the current application will not unreasonably impact upon its development opportunities. Also noting that the north-facing windows are highlight windows, it would likely prevent any overlooking opportunities occurring. DLA considered the development potential of these sites was relatively low and therefore were also supportive of the proposed interface with these sites.

On-site Amenity

Dwelling layout and functionality

190. The dwellings provide usable and functional room layouts. While Clause 58 of the Scheme does not apply to the proposed development, individual floor layouts submitted with the application demonstrate that the majority of townhouses will meet the minimum room dimensions and areas of Standards D7 and D8.

Daylight and solar access

191. All habitable room windows within the development face the abutting laneways or the internal courtyard, with most dwellings receiving good access to daylight (confirmed by a daylight analysis). The majority of townhouses are also dual aspect offering cross-ventilation opportunities. However, concern is raised with the level of amenity for Townhouses 22 and 23 in the south-west corner of the development. These dwellings have their main living area and private open space adjacent to the internal courtyard at Level 2. Four levels are proposed to be constructed above, cantilevering over much of the private open space area. Additionally, the internal lightcourt narrows to 4.2m in width at this section, with five levels proposed to the east of the lightcourt. Unlike other dwellings within the development, these do not benefit from a dual aspect, constructed on the western boundary. This severely compromises the daylight access into the main living areas (noting these apartments were excluded from the daylight analysis sample). Furthermore shadow diagrams (and the internal section) indicate that the private open space areas will be in shadow across the course of the day.
192. To address this concern, it is recommended that the dwellings above at Levels 5 to 7 are deleted i.e. Townhouses 45, 46 and 47. A further condition will require the upper levels (on Level 3) of Townhouses 22 and 23 to be set back so they project no further forward than the easternmost wall of the kitchen/dining area of the level below (Level 2). With the inclusion of these amendments, Townhouses 22 and 23 are expected to achieve an acceptable level of daylight to living areas and solar access to private open space. This condition will have consequential benefits to the level of solar access in the southern section of the internal courtyard. It will also increase the daylight levels into living areas of townhouses to the east of the internal courtyard.
193. Other less critical concerns would also be addressed through the deletion of Townhouses 46 and 47; namely the convoluted access to Townhouse 46 and the poor entrance accessibility and open space connectivity of Townhouse 47. These aspects are further discussed in relevant sections of this report.

Private open space

194. Each dwelling has private open space in the form of balconies directly adjacent to main living areas, with many of the dwellings also having additional balconies adjacent to bedrooms and upper level dwellings containing roof terraces. One exception to this is Townhouse 47, which has private open space as a roof terrace at the upper level. This is connected via stairs from the main living area. While not as well integrated with the main living area as the other open space areas, it is nonetheless a generous area of 90 square metres. On balance this would be considered acceptable. However as discussed with the assessment of daylight and solar access, it is recommended that Townhouse 47 is deleted in order to improve the daylight and solar access for Townhouses 22 and 23.

195. The areas of open space for the remaining dwellings range from 10 square metres to 35 square metres. The minimum dimension of the primary balcony of each dwelling is 1.6 metres, complying with Standard B28 (Private Open Space) of Clause 55 of the Scheme. It is acknowledged that this would not comply with the recently introduced Clause 58 Standard D19 (requiring 2m depth for 2 bed and 2.4m depth for 3 or more bed dwellings), however as already discussed, the application was lodged prior to these controls and therefore they are not applicable.

Storage

196. Each dwelling is provided with storage ranging in volume from 16 cubic metres to 37.6 cubic metres. The storage consists of a 10 cubic metres externally accessible storage cage for each dwelling in addition to internal storage within each dwelling. While not applicable to this development, the proposal would meet Standard D20 (Storage) of Clause 58 of the Scheme, which stipulates that 14 cubic metres be provided to two-bedroom dwellings and 18 cubic metres for three or more bedroom dwellings, with 9 cubic metres and 12 cubic metres respectively provided within the dwelling. On this basis, the proposed development is considered to provide adequate storage facilities for the future occupants of the dwelling.

Communal Open Space

197. The applicant has submitted a diagram to demonstrate the extent of solar access within the internal courtyard at the September Equinox. This indicates that the courtyard will receive direct solar access from approximately 11.30am to 1.30pm. It is not clear whether this section has taken into account the impact from the shared passageways at Levels 4 and 7. Nevertheless, it is considered that the level of solar access within the internal courtyard could be improved by constructing the shared passageways and sky bridges in a semi-transparent material that would allow additional sunlight to penetrate into the courtyard below. This could be addressed via condition if a permit is granted.

Passive Surveillance and safety

198. Objective 5.1.5 of the Urban Design Guidelines seeks to maximise safety through informal surveillance of streets and public spaces from within buildings in activity centres. As has been discussed, the proposal will not change the presentation to Bridge Road interface, with the existing glazed shopfronts maintained to the street.
199. In regard to Allowah Terrace and Wustemenn Place, the proposed development delivers passive surveillance by orientating the townhouses to face these lanes. This includes the provision of generously-sized habitable room windows at ground floor and open balconies above. Subject to conditions previously discussed relating to reduced fence heights to the northern end of Allowah Terrace, the proposal will achieve acceptable levels of passive surveillance and safety within the lanes.
200. The lobby and stairwell core is adjacent to Allowah Terrace. These elements are to be composed of clear glazing, contributing to the passive surveillance and visual interest of the building.

The clear glazing will also ensure the residents and visitors entering and exiting the building have a clear line of vision between the public and private realms. As discussed in the assessment of the sense of address, it has also been proposed within the 'sketch plans' to increase the width of the lobby, further improving passive surveillance opportunities within the lane.

201. Concerns have been raised by objectors in relation to potential pedestrian and vehicle conflicts and inadequate emergency service vehicle access. These matters are discussed within the section on *Traffic, Access and Pedestrian Safety*.

Internal views

202. There is a note on the plans indicating that screening treatments will be provided to proposed dwellings in accordance with Standard B22 requirements (Clause 55). However no detail has been provided of the proposed screening and where it is to be provided.
203. There are perforated screens that appear to be operable shown on the internal elevations. Given their operability, these would not prevent overlooking in accordance with Standard B22. This is not necessarily unacceptable having regard the finding in the Tribunal decision received earlier this year of *BEG Developments Pty Ltd v Yarra CC* at 36-44 Doonside Street, Richmond, which provided the following commentary in relation to screening:
- (a) *The matter of overlooking is widely discussed in our hearings and it seems that we often resolve the privacy issues of one resident by diminishing the outlook of another whereas giving the control of the residents' interior environment to them could, in many cases, provide a net benefit to all residents. In this instance for example, controllable window furnishings such as internal louvres or shutters could enable a resident to view their landscaped light court but still preclude a neighbour from above overlooking them.*
204. Informed by this Tribunal decision, a more flexible approach to screening (rather than Standard B22 or B23) for townhouses facing the internal courtyard would strike a better balance between protecting privacy and delivering superior internal spaces. It is therefore recommended that the notation on the plans referencing compliance with Standard B22 is deleted thus enabling the residents to control their own environments through the operable screens or internal window furnishings.
205. In the case of balconies associated with immediately adjoining townhouses, it would be appropriate to apply screening to 1.7 metres above finished floor level in accordance with Standard B22 given their proximity of these spaces to one another. However to minimise the impact this may have on solar access to balconies, it is recommended that the screens are composed of an opaque glass or similar that would allow light to penetrate through the screens.

Noise

206. Council's Interfaces Uses Policy at Clause 22.05 seeks to mitigate noise conflicts between uses. It further encourages dwelling design to incorporate measures to protect residents from unreasonable noise as well as locating noise-sensitive rooms and private open space away from noise sources.
207. The surrounding commercial uses appear to be largely compatible with residential uses, consisting predominately of retail shops and cafes. The separation of the proposed dwellings from the ground level retail premises is also considered adequate to sufficiently mitigate any noise impacts from these uses.
208. Road traffic (including trams), is likely to be the most significant noise factor impacting upon the amenity of the future development. Noting also that the proposed development has located bedrooms facing Bridge Road, included highlight windows.

Given the exposure to the street, there is potential that road noise may unreasonably impact the internal amenity within these bedrooms. A condition will be included on any permit that issues requesting that an acoustic report is prepared assessing this impact.

209. In respect to noise sources internal to the site, there are a number of bedrooms abutting the lift core which may cause noise transfer impacts. This would also need to be assessed through an acoustic report.

Sense of Address

210. The townhouses at ground level facing Wustemenn Place and Allowah Terrace have clearly defined entrances. As mentioned previously, the dwellings at the upper levels are to be accessed via a 1.95m wide lift lobby and entry to Allowah Terrace. A secondary pedestrian access is also available to Wustemenn Place at the southern end. The legibility of the entrance was raised as a concern by DLA in their referral comments. This has been addressed in the sketch plans, which now propose a much wider lobby space of approximately 6m. This has also been further set back from Allowah Terrace to facilitate a transitional area between the development and the lane.
211. While most of the dwellings on the upper levels would have reasonably clear points of entry, the entrance for Townhouse 46 has poor visibility from the lobby area and situated at the end of a long corridor. However, while not ideal, on balance, it would have been an acceptable outcome that could be addressed via appropriate internal directional signage. Nevertheless, as discussed previously, it is proposed to delete this dwelling to address daylight and solar access issues to the townhouses below.

Circulation spaces/accessibility

212. The ground floor tenancies have individual entrances to the abutting laneways. The residential lobby to Allowah Terrace accessing the levels above has at a width of 1.7m to 1.95m. This is considered particularly narrow and restrictive on circulation and ease of movement. This concern has been addressed in the 'sketch plans', which depict a much wider lobby that would cater for more efficient movements within the development.
213. The common access path at Level 4 and Level 7 generally maintains a width of 1.6m, which is considered adequate for convenient circulation. The corridor accessing Townhouses 24 to 27 however is approximately 1.2m wide. In lieu of any alternative measure, consideration has been given to Clause 58 Accessibility Standard D17. This Standard encourages corridor widths of 1.2m internal to a dwelling. Given this portion of the access path only provides access to four dwellings within the development and is open on one side to the internal courtyard, this is considered an acceptable amenity outcome.
214. The multi-storey townhouse typology of most dwellings within the development would be unsuitable for persons of limited mobility. Notwithstanding this, the proposed development is designed to enable accessibility to the principal living space to all dwellings, with the exception of Townhouse 47. While the ground level terraces are elevated above natural ground level (consequent to the level change), alternative access is provided to these dwellings at Level 2, accessible via the lift from Allowah Terrace. Single grade access to the upper townhouses is available from Level 4 via the lift. The top floor (Level 7) apartments are each single level and can also be accessed via the lift.
215. Townhouse 47 is considered to offer a poor level of accessibility and connectivity between the entrance, which is located on Level 7 and the internal area of the dwelling, situated on Level 6. While this is not an ideal outcome, as discussed previously, it is proposed to delete this apartment to achieve a better standard of amenity for the townhouses below.

Site services

216. The various site services associated with an apartment building have been adequately shown on the plans. This includes:
- (a) Mail boxes within the main lobby area adjacent to the lifts.
 - (b) Bin storage within the basement
 - (c) An area for loading and bin storage for the existing retail tenancies is shown to the rear of the existing building, accessed via Wustemenn Place
 - (d) Various service rooms within the basement
 - (e) Gas metres and a fire booster is located along the Allowah Terrace elevation, adjacent to the entry foyer

217. An indicative substation location is shown on the ground floor plan toward the north of the site. However preliminary advice from Citipower indicated that this would not be needed for the development. Irrespective, the proposed location of the substation is considered appropriate, being located within the development and concealed from public view.

Sustainable design

218. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation, respectively.
219. The applicant submitted a Sustainable Management Plan (SMP) prepared by SBE dated 9 June 2017. The SMP proposes to implement the following initiatives into the development:
- (a) Average 6.5 star energy efficiency rating for dwellings;
 - (b) STORM rating of 101% achieved by 1,230sqm roof catchment of a 30,000L rainwater tank;
 - (c) Energy efficient hot water and lighting systems;
 - (d) Water efficient appliances and fittings; and
 - (e) A total of 128 bicycle spaces.
220. Council's ESD Advisor has advised that the SMP would meet Council's Environmental Sustainable Design Standards provided that clear glazing (as opposed to tinted glazing) is used to all habitable windows with a VLT of 70 per cent or greater as used in the daylight modelling. This can be addressed via condition on any permit that issues.
221. Council's ESD advisor also recommended further areas of improvement, noting that these recommendations are not mandatory and would be considered to exceed Council's ESD standards. Of these additional recommendations, the permit applicant has agreed to the following:
- (a) Reverse cycle heating and cooling systems within one star of the best available for the required designed capacity;
 - (b) Connection of the rainwater detention tank to the irrigation system;
 - (c) Where equally suitable for use and selection does not impact the project budget, construction materials with a recycled content shall be chosen in preference to materials without a recycled content; and
 - (d) Provide space for green waste within the waste storage area
222. These further ESD commitments offered by the permit applicant will be incorporated via conditions if a permit is to issue.

Car and bicycle parking

Car Parking

223. As outlined in the Particular Provisions section earlier in this report, the proposal is seeking a statutory car parking reduction of 18 car spaces (8 resident and 10 visitor spaces). There is no on-site parking proposed for the existing retail tenancies, which the applicant has advised is an existing condition and therefore a further reduction is not required. While in practice staff and customers may have utilised the rear car park, this is commercial car park run by a separate tenancy and therefore does not count toward the on-site parking provision of the shops.
224. Additionally, while the loss of the commercial carpark will displace existing cars that utilise this existing facility, this is not a relevant consideration in assessing the application. It would be unreasonable to refuse or restrict the grant of a permit based on a preference to retain the existing commercial car park for the surrounding area.

225. In terms of assessing the car parking demand generated by the proposed development, it is important to note that Clause 52.06 is a State wide provision and the rates are not always relevant to inner city locations such as Yarra. In considering a reduction, Clause 52.06 requires that an assessment is undertaken of the actual number of car spaces likely to be generated by the use.
226. The Traffic and Transport Assessment prepared by Cardno dated 7 June 2017 and submitted with the application contains car ownership rates for Richmond based on the 2011 ABS census data. This identified that 34 per cent of three-bedroom flat-type households do not own a car and 42 per cent own one car. For three-bedroom townhouses, 10 per cent do not own a car and 43 per cent have one car. The proposed development provides car parking for the three bedroom townhouses at a rate of 1.79 space per dwelling, thereby exceeding the census data averages of 1.1 spaces per three bedroom townhouse and 1 space per three bedroom flat. Council's traffic engineers were satisfied with this provision.
227. In respect to residential visitor parking, Council's Engineering Unit have quoted a frequently used empirical rate for peak visitor parking demand in apartment developments of 0.12 spaces per dwelling. Applying this rate, peak residential demand of 6 car spaces would be expected. However during normal business hours, it is expected that the demand would be approximately 0.07 spaces per dwelling, resulting in a demand of approximately 3 to 4 spaces. Council's traffic engineers are supportive of the full reduction in the visitor car noting that the right of way network accessing the site is not ideal or appropriate for visitors to navigate and way-find. Council's traffic engineers were also satisfied that the demand of three to six visitor spaces should not be detrimental on the existing parking conditions surrounding the site.
228. The need to provide car parking in accordance with existing demand was explored in a recent VCAT Red Dot decision of *Ronge v Moreland CC* [2017] VCAT 550 issued 2 May 2017 at Paragraph 70:
- (a) *Census data from 2011 or 2016 is simply a snapshot in time, a base point, but we are not persuaded that such data should be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers. Policy tells us the future must be different. We consider that oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
229. In the same decision, the Tribunal states at Paragraph 72:
- (a) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements along Stewart and Hardy Streets, and other local roads.*
230. This decision demonstrates that it is imperative to consider the site context and whether there are opportunities to encourage sustainable transport alternatives and assist with reducing existing traffic congestion. In respect to the current proposal, reduced car parking provision is considered appropriate, specifically:
- (a) The site is within a Major Activity Centre where a concentration of activities and services promotes greater walkability and multi-purpose trips;
- (b) The area is well serviced by public transport, including tram services along Bridge Road and Church Street, bus services along Punt Road and Richmond and West Richmond train stations a short walk from the subject site.
- (c) Residents would be ineligible for parking permits, thus it would likely discourage those with cars (or multiple cars) where not otherwise allocated onsite; and
- (d) The provision for on-site bicycle parking facilities in excess of the minimum statutory requirements supports cycling as a form of travel for both residents and visitors.
231. Council's Engineering Unit were also supportive of the proposal on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally

located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle ownership and use.

Bicycle parking

232. As outlined in the planning controls section earlier in this report, pursuant to Clause 52.34-3, the proposed application requires a minimum 15 bicycle spaces to be provided. The proposal exceeds the requirements, providing 128 spaces across the basements and ground floor. Council's Sustainable Transport Unit did not consider that any of the spaces were appropriate for visitor spaces given that they are contained within a secure basement and may not be accessible to visitors. The most conveniently located bicycle spaces for visitors would be those on the ground floor, however it is noted that these spaces are hanging spaces rather than floor mounted. This would be contrary to clause 52.34-3, which states that all visitor spaces should be provided as at ground spaces. Council's Sustainable Transport quotes a rate of 0.25 visitor spaces to each dwelling as best practice, equating to 13 visitor spaces.
233. The 'sketch plan' submitted proposes seven bicycle hoops adjacent to the easement in the north-east corner of the site. This would provide 14 spaces at grade, readily accessible for visitors; consistent with the advice from Council's Sustainable Transport Unit. Council's Sustainable Transport Officer has reviewed the location of these spaces and has confirmed that at 1.8m deep (as measured) it would be sufficient to accommodate bicycle parking. A condition on any permit issued will require a dimension to be notated on the plans that this area is a minimum of 1.8m in depth.
234. Council's Sustainable Transport Unit had also raised concern with the location of the bicycle spaces across multiple levels reducing the convenience of these spaces. Also of concern was that bicycle spaces were not located within a secure facility. It is subsequently recommended that the bicycle spaces be contained to the ground and Basement 1 levels only, as close as practicable to the building entrances, exits and lift shafts and in a secure location. While Council's Sustainable Transport Unit was comfortable with a reduction in the number of bicycle spaces to 52 resident spaces to accommodate these recommendations, given the proportion of three and four bedroom townhouses, it is likely (and to be encouraged) that households have more than one bike. At least two spaces per dwelling (i.e. 104 spaces) in addition to the visitor spaces, should be provided on the site.

Traffic, Access and Pedestrian safety

Traffic Generation

235. Traffic movement surveys were commissioned as part of the Cardno traffic report in Allowah Terrace and Wustemenn Place. For Wustemenn Place, the AM and PM peak volumes were 15 and 20 vehicle trips respectively, while in Allowah Terrace, the AM and PM peak volumes were 11 and 9 respectively. The weekend peak was identified between 9.15am and 10.15am with a total of 15 vehicle movements within Allowah Terrace and 5 within Wustemenn Place.
236. Case studies of vehicle movements associated within comparable apartment developments within Richmond were undertaken to determine likely vehicle movements from the proposed development. This analysis determined that a peak hour rate of 0.19 to 0.56 movements per dwelling is to be expected i.e. 21 vehicle movements during AM and PM peaks and 26 vehicle movements during the weekend midday peak. On this basis, the traffic volumes are expected to be below the threshold volume where provision is required for vehicles to pass pursuant to AS/NZS 2890.1:2004.
237. The report surmises that the proposed development will displace the majority of the existing traffic movements that presently occur within these lanes through the redevelopment of the existing car park. The peak traffic volumes of the proposed development are also considered to be comparable to the existing commercial car park and therefore unlikely to have a

noticeable impact upon other users of the lane. Overall Council's Traffic Engineers were satisfied that the traffic volumes generated by the proposed development are not unduly high and are not expected to compromise the traffic operation of Allowah Terrace, Wustemenn Place or Bridge Road.

238. The 'sketch plans' that have been provided by the applicant propose to relocate the vehicle access point for the development so that vehicle access from Allowah Terrace will be provided via the existing easement at the north-eastern section of the site. This will substantially reduce the distance of vehicles traversing the lane and the subsequent conflicts that may occur. It will also improve the pedestrian amenity and safety within the balance of the laneway as will be discussed in greater detail. The sketch plan amendments can be incorporated into the development by way of permit condition if a permit is to issue.
239. The 'sketch plans' have been verbally discussed with Council's Traffic Engineers. They were comfortable with the changes proposed and that sufficient turning circle would be available to access the site via the northern easement. Council's Traffic Engineers were also comfortable with the 'dead end' arrangement within the lane and the absence of a turning area and the termination of the lane. Council's traffic engineers noted that this was uncommon within Yarra for laneways to terminate within a turning area. They considered that the occurrence of a vehicle entering the lane, other than to access adjoining properties was a relatively unlikely occurrence to warrant concern. Notwithstanding this, they have suggested that 'no through road' signs be erected at the Bridge Road entries to both lanes. This can be included via condition.

Car Parking Layout

240. Council's Traffic Engineers have assessed the internal car parking layout and consider it to be satisfactory. A recommendation for a convex mirror was made based on the location of the Wustemenn Place vehicle entrance adjacent to the pedestrian stairs. With the relocation and redesign of the vehicle access under to the 'sketch plans', the vehicle exit point would now have clear line of sight to pedestrian, negating the need for a convex mirror to be provided. Council's Traffic Engineers have also recommended that the headroom clearance of the easement should be no less than 4.2m. The headroom clearance has not been nominated on the plans, however the permit applicant has since confirmed that the clearance height ranges between 4.5m and 4.8m due to the topography of the land. If a permit is to issue, it will include a condition requiring a headroom clearance of a minimum of 4.5m to the easement.

Emergency service access

241. Pursuant to the decision guidelines of the Commercial 1 Zone, consideration needs to be given to the movement of emergency services. Concern has been raised by objections received that Allowah Terrace is not sufficiently wide to cater for emergency service vehicles. A similar concern was also raised in the matter of *Ciullo & Yarra CC & Ors [2016] VCAT 921* at Rear 304 Queens Parade, Fitzroy North. The Tribunal made the following findings in Paragraphs 23 to 25:
 - (a) *While I appreciate the concern of objectors to ensure that there is safe access to the site by emergency services vehicles such as the fire brigade, with respect, I regard these concerns as overstated and unproven in the planning process.*
 - (b) *I also note that there are more direct processes by which this issue can be considered. In any event, even if I was to seek to apply the guidelines referred to by objectors (which sit outside the planning scheme and are administered by a specialist authority), there is a process by which consent could be given by the relevant authority even if the preferred parameters were not met.*

- (c) *In these circumstances, I do not regard this allegation as a reliable reason to refuse to grant a planning process in the absence of a clear indication from the relevant authorities that the site is not accessible to fire fighting apparatus, especially when the site is within an existing urban area, is accessed via a 3 metre bluestone surfaced laneway, is proximate to nearby formed roads and does not exhibit any greater than average susceptibility. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant State and Local Planning policies.*

242. The approach taken by VCAT is applicable to the current proposal noting that emergency access would be further assessed by the relevant authority if a permit is to issue.

Pedestrian safety

243. The movement of pedestrians is a relevant decision guideline pursuant to the Commercial 1 Zone. Also applicable is policy at clause 22.07 (Development Abutting Laneways), which seeks to *ensure that development along a laneway is provided with safe pedestrian and vehicular access.*
244. Concern has been raised by objectors in relation to the narrowness of the lane and the potential conflicts between vehicles and pedestrians, which would compromise pedestrian safety. Urban design advice received from DLA raised similar concerns recommended that the basement access be relocated to the northern end of the laneways or alternative increase ground floor setbacks to facilitate meaningful pedestrian refuge. Council's engineering services also initially suggested 1.2m wide footpaths to be provided along each lane within the property boundary.
245. The sketch plans incorporate the DLA suggestion to relocate the vehicle access points closer to Bridge Road. The vehicle entry from Allowah Terrace is proposed to be shifted to the northern end of the site via the existing easement with the exit point to Wustemenn Place also located further north (approximately half way down the lane). As a result of these changes, the majority of Allowah Terrace and half of Wustemenn Place would transform into a predominately pedestrianised space. This would be a significant improvement in pedestrian safety in comparison to existing conditions.
246. Furthermore, the permit applicant has agreed to upgrade Allowah Terrace and Wustemenn Place as part of this development. This will substantially improve the uneven and poor condition of the existing laneways. These improvements can be included by way of permit condition if one is to issue.
247. Given that the majority of the laneways would become pedestrian spaces, the suggestion for a 1.2m wide footpath along both laneways is considered unnecessary. Allowah Terrace at 3.6m in width would enable a pedestrian and a vehicle to pass one another at a slow speed. It may be slightly more difficult within Wustemenn Place (at 2.67m in width). However this would be a situation that occurs from time to time within many of Yarra's laneways and would not be unique to this site. Given the low vehicle movements expected, in addition to the access rearrangements described in the sketch plans and upgrades to the laneway services, the proposed development is considered, on balance, to achieve an acceptable outcome.

Waste Management

248. A waste management plan prepared by Wastetech dated 8 June 2017 has been submitted as part of the application outlining the following waste management procedures:
- (a) General and recyclable residential waste is to be stored within the designated waste storage area within the ground floor.
 - (b) Waste collection for the residential component is to be provided by a private waste contractor who is to collect the bins internally within the site
 - (c) A 6.4m long small rigid vehicle will perform the collections

- (d) The commercial tenants are to keep their bins within the storage area to the rear of the shops.
 - (e) Bins are to be wheeled out onto Bridge Road for subsequent collection by a waste contractor
249. The waste report has been reviewed by Council's Waste Services Unit is generally deemed acceptable with the exception for the proposed Bridge Road collection point for the commercial waste streets. A condition of any permit that issues will require an updated waste management plan to address this concern.
250. Furthermore, in light of the changes shown on the 'sketch plans', updated swept path diagrams will be required to be submitted to confirm that the waste collection vehicle is still able to access the site via the laneway.

Public realm and Infrastructure improvements

251. Referral comments received from Council's Engineering Services and Urban Design units have suggested a number of public realm and infrastructure improvements that would be desirable. There are no formal avenues presently within the Yarra Planning Scheme to require developer contributions. These upgrade commitments occur via a consultation process with the applicant and depend largely on the scale of development and the willingness of the applicant to fund the requested work.
252. Council's Engineering Services Unit has requested that the permit applicant undertake extensive upgrades to Council's assets as part of the proposed development, including:
- (a) Full reconstruction of Allowah Terrace and Wustemenn Place
 - (b) Upgrade of the drainage system within Allowah Terrace, include property drain connections from the surrounding properties
 - (c) Extension of the existing drain in Wustemenn Place
 - (d) Upgrades to the vehicle crossings from Allowah Terrace and Wustemenn Place to Bridge Road
 - (e) Public lighting scheme for Allowah Terrace and Wustemenn Place to the satisfaction of the relevant power authority and Council.
253. The permit applicant has agreed to undertake the majority of these upgrade works with the exception of the public lighting scheme. However the applicant has committed to relocating the existing lights within the Allowah Terrace to the satisfaction of Council. These upgrade works will be included via conditions on any permit issued.
254. Council's Urban Design Unit made further suggestions for streetscape improvements based upon the recently adopted *Bridge Road Streetscape Master Plan*. The recommendations include:
- (a) Exploring opportunities for artwork at the northern end of Allowah Terrace and Wustemenn Place
 - (b) Upgrade the pavement and seating along the site's Bridge Road frontage
 - (c) Consider opportunities for landscaping along the Bridge Road frontage such as planters around footpath trading areas where it can be maintained by ground floor tenants.
255. The permit applicant has agreed to the aforementioned streetscape improvements. From a planning perspective however, it is suggested that artwork installations be confined to Wustemenn Place given that the subject site does not encompass the buildings adjacent to Allowah Terrace fronting Bridge Road. Conditions will be placed on permit to facilitate further discussions with the relevant Council Units to undertake streetscape upgrade works to the site's Bridge Road frontage and an art installation along Wustemenn Place. Conditions will be placed on any permit issued to facilitate the implementation of these streetscape improvements.

Open Space Contributions

256. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121A). However based on the size of the site, a land contribution would generate a meaningful open space area. On this basis, it is acceptable that a monetary contribution be requested instead at the subdivision stage should a permit be issued.

Potentially contaminated land

257. Clause 13.03-1 of the Scheme seeks *to ensure that potentially contaminated land is suitable for its intended future use and development.*
258. As detailed in the planning history section, there is correspondence on the planning files dating back to 1956 that suggests that the rear portion of the site may have been used as a printing business. Pursuant to the former DSE Practice Note No. 30 on Potentially Contaminated Land, a printing shop is included within the list of uses with high potential for contamination. On this basis, if a permit is to issue, a condition will be required that a site assessment is undertaken by a suitably qualified environmental professional to determine whether an environmental audit is necessary. A further condition for an environmental audit will be triggered in the event that it is recommended by the site assessment.

Objector Concerns

259. The following objector issues have been addressed in the report within the paragraphs described:
- (a) Excessive height and setbacks (Paragraphs 131 to 135 and 151 to 161)
 - (b) Design incongruous with existing character (Paragraphs 136 and 162 to 163)
 - (c) Loss of heritage fabric (Paragraphs 128 to 130)
 - (d) Impact on Pelaco Sign (Paragraphs 137 to 144)
 - (e) Amenity impacts – overshadowing, loss of daylight, overlooking and visual bulk (Paragraphs 168 to 178)
 - (f) Inequitable development opportunities (Paragraphs 179 to 189)
 - (g) Poor internal amenity (Paragraphs 190 to 217)
 - (h) Loss of existing car park (Paragraph 224)
 - (i) Insufficient parking (Paragraphs 223 to 231)
 - (j) Traffic and safety impacts from use of the laneways (Paragraphs 235 to 247)
 - (k) Emergency vehicle access (Paragraphs 241 to 242)

260. Matters not addressed in the report are summarised as follows:

- (a) Impact during construction

There is discussion within the report regarding the impact of construction on the existing Bridge Road façade at paragraph 129

Minimising disruption during construction is a matter relevant to all developments within the municipality, however it is not a determining factor in respect to whether a permit should be granted. If a permit were to be issued, a condition would require a construction management plan to be prepared and submitted to Council for approval. This would be assessed and enforced by Council's construction management unit.

- (b) Loss of views

Impacts on views to the Pelaco sign have been discussed with the report at paragraph 137 to 144. Also discussed in the report is visual impact upon the existing dwellings along Allowah

Terrace. In both accounts, the proposal is considered acceptable. Loss of otherwise incidental views is not a relevant planning consideration.

(c) Impact on property values

This is not a relevant planning consideration.

(d) Attract renters to the area

As outlined within the strategic section of this report, diversity of housing and availability of housing is supported. Whether the future occupants are renters is not a relevant planning consideration.

Conclusion

261. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State policies' urban consolidation objectives and Council's preference to direct housing within commercial areas.
262. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0131 for development of the land for the construction of a seven (7) storey building, including part demolition, use of the land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 road at 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond, generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

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 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 but modified to show:
 - (a) The following changes in accordance with the sketch plan received 16 November 2017:
 - (i) Relocation of the vehicle access from Allowah Terrace to the northern end of the site, accessed via the northern easement;
 - (ii) Relocation of the vehicle entrance shifted further to the north, to be situated between Townhouses 3 and 6;
 - (iii) Provision of 7 bicycle hoops directly south of the easement;
 - (iv) Increase the width of the residential lobby from Allowah Terrace to a minimum of 6.4m;
 - (v) Modification to the brick fences along Allowah Terrace to reduce the height of brick proposed along the laneway, with a maximum height of 1.7m at the northernmost end.
 - (b) Boundary setbacks dimensioned on the plans measured from the site boundary line;
 - (c) Full retention of the Bridge Road façade;
 - (d) Redesign of the northern elevation to include a more coherent and cohesive design, accommodating a lighter palette of materials and a more sparing use of metal cladding to present as a front façade and not a sideage;
 - (e) Townhouses 10 to 21 at Level 2 to be set back a minimum of 4.5m from edge of

- balcony to the midpoint of the respective lane, without reducing the balcony widths;
- (f) Deletion of the balconies at Level 3 to Townhouses 10 to 21, whilst maintaining the articulation to the eastern elevation;
- (g) Removal reference to openings within the west-facing wall on boundary adjacent to 195 Lennox Street;
- (h) Deletion of Townhouses 45, 46 and 47;
- (i) Set back Townhouses 22 and 23 on Level 3 so they project no further forward than the easternmost wall of the kitchen/dining area on Level 2;
- (j) Shared passageways, including sky bridges, on Levels 4 and 7 to be constructed in a semi-transparent material;
- (k) Delete privacy screening notation on the plans;
- (l) Notation confirming that a minimum 1.7m high screens will be provided between abutting balconies, to be composed of opaque glass or similar material that would allow light to penetrate;
- (m) Notation confirming that a minimum 1.8m depth is provided at ground level between the northern wall and the easement for the visitor bicycle hoops, as proposed as part of the 'sketch plan' amendments under condition 1(a)(iii);
- (n) Provision for a secure facility within the ground floor and basement 1 levels, conveniently located near the entrances and lift core, maintaining a minimum of 104 bicycle spaces (excluding visitor spaces adjacent to the easement);
- (o) Erection of 'no through road' signs at the Bridge Road entries to both Wustemenn Place and Allowah Terrace;
- (p) A minimum headroom clearance above the northern easement of 4.5m;
- (q) Location for public art installation to be nominated to the northern end of Wustemenn Place adjacent to Bridge Road;
- (r) Schedule of materials, colours and finishes including samples;
- (s) Coloured perspective images from Bridge Road, Allowah Terrace and Wustemenn Place;
- (t) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (u) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (v) Any amendments consequent to the amended sustainable management plan pursuant to Condition 6 of this permit;
- (w) Any amendments consequent to the acoustic report pursuant to Condition 8 of this permit; and
- (x) Any amendments consequent to the amended waste management plan pursuant to Condition 10 of this permit.

2. The use and 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.

Ongoing architect involvement

3. As part of the ongoing consultant team, Peddle Thorp 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.

Amended Landscaping Plan Required

4. Before the development commences, 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 CDA Design Group Pty Ltd and dated January 2017, but modified to include (or show):

- (a) Plant schedule identifying the botanical name, mature height and spread, pot size and quantity of all proposed planting
- (b) Planting plan indicating the location of species proposed
- (c) Details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage.
- (d) Demonstrate that there is sufficient space to accommodate the proposed “upright small deciduous trees” shown on the ground floor plan
- (e) Greater detail on the central landscaping on levels 4 and 7

Ongoing Landscaping Plan Requirement

5. Before the new 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.

Amended Sustainable Management Plan

6. Before the development commences, 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 SBE and dated 9 June 2017, but modified to include or show:

- (a) Clear glazing used to all habitable room windows with a VLT of 70 per cent or greater, consistent with the daylight modelling
- (b) Reverse cycle heating and cooling systems within one star of the best available for the required designed capacity;
- (c) Connection of the rainwater detention tank to the irrigation system;
- (d) Where equally suitable for use and selection does not impact the project budget, construction materials with a recycled content shall be chosen in preference to materials without a recycled content; and
- (e) Provide space for green waste within the waste storage area

7. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report Required

8. Before the development commences, an 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) Road traffic and tram noise;
- (b) Internal building services including the lift core, substation (in the event that it is required), carpark exhaust fans, carpark entrance door, bin chute. Noise from these items must comply with SEPP N-1. Refer to the AAAC 'Guideline for Apartment and Townhouses Acoustic Rating', 2010, for amenity targets;

Amended Waste Management Plan Required

9. Before the development commences, 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 Waste Tech and dated 8 June 2017, but modified to include:
 - (a) Collection of commercial waste bins to occur onsite by private contractor (i.e. not via Bridge Road or laneways)
 - (b) Details on green waste,
 - (c) Updated swept path diagrams for the waste collection vehicle based upon the revised vehicle access arrangements pursuant to condition 1(a) demonstrating accessibility into the basement.

Ongoing Waste Management Plan Requirement

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

Public Art Management Plan

11. Before the development commences, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) The location of the artwork (to be consistent with the endorsed development plans);
 - (b) Outline of methodology for commission;
 - (c) Details of the commissioned artist(s);
 - (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting);
 - (e) Details of the installation process;
 - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (g) Attribution plans (eg signage or plaque)

Ongoing Public Art Management Requirement

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.
13. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the public light poles adjacent to Allowah Terrace necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Public realm and Infrastructure

14. Within three months of commencement of the development, the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:

- (a) Full reconstruction of Allowah Terrace and Wustemenn Place;
- (b) Upgrade of the drainage system within Allowah Terrace, include property drain connections from the surrounding properties;
- (c) Extension of the existing drain in Wustemenn Place;
- (d) Upgrades to the vehicle crossings from Allowah Terrace and Wustemenn Place to Bridge Road;
- (e) Erection of 'no through road' signs at the Bridge Road entries at Allowah Terrace and Wustemenn Place; and
- (f) Upgrade to Bridge Road pavement adjacent to the subject site, with consideration to inclusion of public seating and planting.

Timing of works

15. Before the building is occupied, all works required by condition 14 must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

VicRoads Conditions (16-18)

16. The road works required at the entry and exit points to Bridge Road/ Allowah Terrace and Bridge Road/ Wustemann Place Richmond must be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
17. Prior to the commencement of the use or the occupation of the buildings hereby approved, Alloway Terrace and Wustemann Place must be provided and available for use and be:
- (a) Provided with left in left out access only.
 - (b) Formed to such levels and drained so that they can be used in accordance with the plan.
 - (c) Treated with an all-weather seal or some other durable surface.
18. Alloway Terrace and Wustemann Place must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

Environmental Audit

19. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
20. If the assessment required by condition 19 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
21. If the assessment required by condition 19 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an

Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.

22. If, pursuant to condition 21, a Statement is issued:

- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
- (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

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

24. 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:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

26. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby must be 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.

- 27. 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.
- 28. 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.
- 29. 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; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Plan

- 30. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved 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;
 - (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) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) 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;
 - (o) 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.

- (p) a 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
 - (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) 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;
- (s) vehicle borne material must not accumulate on the roads abutting the land;
- (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Ongoing Construction Management Plan

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

Time Expiry – use and development

- 32. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use is not commenced 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 external works.

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 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 5585 for further information.

All future property owners, residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

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 5585 to confirm.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

CONTACT OFFICER: Amy Hodgen
TITLE: Coordinator Statutory Planning
TEL: 9205 5330

Attachments

- 1** Decision Plans
- 2** Sketch Plans
- 3** Landscape Plans
- 4** Heritage Victoria Response
- 5** VicRoads Referral Response
- 6** Engineering Services Referral Response
- 7** Construction Management Referral Response
- 8** Building Services Referral Response
- 9** Waste Services Referral Response
- 10** ESD Advisor Referral Response
- 11** Open Space Referral Response
- 12** Heritage Advisor Referral Response
- 13** Internal Urban Design Unit Referral Response (Streetscape Improvements)
- 14** External Urban Design (DLA) Referral Response

1.4 115 Victoria Parade, Fitzroy - Heritage Victoria Referral - Partial demolition and construction of a multi storey building associated with the Australian Catholic University

Executive Summary

Purpose

Council has received a referral under Section 100 of the *Heritage Act 2017*, in relation to an application made to Heritage Victoria by the Australian Catholic University for part demolition of the former Commonwealth Note and Stamp Printing Department building (VHR H2372) (known as the Mary Glowery building) and the construction of a multi storey building associated with the Australian Catholic University.

This report provides Council with information regarding the proposal and makes recommendations for a response to the Heritage Victoria Referral.

Officers need to provide a Council position to Heritage Victoria by end of business on 18 January 2017.

Key Issues

As this report results from a Heritage Victoria referral, consideration in this referral request is limited to heritage matters and thus only the Heritage Overlay and heritage policies contained within Council's Municipal Strategic Statement and local section of the Planning Scheme are relevant. Other land use and development aspects will be determined by the Planning Permit application currently lodged with Council.

Financial Implications

There are no financial implications associated with this heritage referral response.

PROPOSAL

The proposal seeks partial demolition of the existing Mary Glowery building to facilitate the redevelopment and expansion of the Australian Catholic University.

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5300

1.4 115 Victoria Parade, Fitzroy - Heritage Victoria Referral - Partial demolition and construction of a multi storey building associated with the Australian Catholic University

Trim Record Number: D18/7758

Responsible Officer: Director Planning and Place Making

Purpose

1. Council has received a referral under Section 100 of the *Heritage Act 2017*, in relation to an application made to Heritage Victoria by the Australian Catholic University for part demolition of the former Commonwealth Note and Stamp Printing Department building (VHR H2372) (known as the Mary Glowery building) and the construction of a multi storey building associated with the Australian Catholic University.
2. This report provides Council with information regarding the proposal and makes recommendations for a response to the Heritage Victoria Referral.

Background

3. Council received written referrals and architectural plans from Heritage Victoria on 27 November 2017 as the site is included on the State Heritage Register.
4. External heritage advice was sought from Trethowan Architecture Interiors Heritage and was received on 11 January 2018. The advice in full is included as an attachment (Attachment 2) to this report and referred to within the assessment section of the report.
5. An extension to the submission timeframe has been granted by Heritage Victoria with Council now given until 18 January 2018 to lodge any submission.
6. For the purpose of this report, Council's role is limited to providing heritage comments on the proposal; with Heritage Victoria ultimately deciding on the heritage merits of the application.
7. Relevantly, Council determined at the Council meeting of 19 December 2017 to endorse the Amended Development Plan for the Australian Catholic University. The Development Plan was endorsed on 21 December 2017.
8. A planning permit application for part of the ACU site being 115 and 115B Victoria Parade, Fitzroy being the subject site, was lodged with Council on 20 November 2017. The application is currently awaiting a number of referral comments.

The Site

1. Development Plan Overlay – Schedule 2 (**DPO**) covers the sections of land known as 115 Victoria Parade (Mary Glowery Building), 28 Young Street (car park) and 20 – 26 Brunswick Street (Cathedral Hall and adjacent buildings).

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8. The remainder of the site is occupied by hardstand areas used as a 50 car space car park with access from Victoria Parade with periphery planting.
9. To Napier Street, the sites direct interface is with the open corner to Victoria Parade occupied by the at grade car park area and the lower 4 -5 storey built form.
10. Victoria Parade is a wide boulevard and a declared Main Road. Victoria Parade runs in an east-west direction with multiple traffic lanes, dedicated bus lanes and a central tree lined median accommodating tram lines. Intermittent parallel parking is provided on both sides of the Street.
11. Victoria Parade is one of the borders of the Municipality with the City of Yarra managing the north side and the City of Melbourne the south side.
12. Napier Street is a reasonably wide tree lined street with an alternating arrangement of angled and parallel parking on either side of the street. The street also operates as an important bike thoroughfare with clear markings on the road pavement; close to the Victoria Parade intersection is a Melbourne Bike share station. Currently there is no access to the ACU car park from Napier Street.

The Proposal

13. The proposal is in effect the same proposal currently lodged with Council.
14. In more detail, as relevant to this heritage referral, the proposed works include the demolitions of:
 - (a) Demolition of the existing glazed entry to the building along Victoria Parade;
 - (b) Demolition of the curtain glazed wall additions to the east and north façade;
 - (c) Demolition of a section of wall/fence partly along Napier Street.
15. The ACU seeks to construct a multi storey extension to the building (12 storey) plus plant areas and multiple basement levels. The new building would be constructed on the existing at grade car parking area and be attached to and above the existing Mary Glowery Building.
16. The proposal is described in more detail in the plans and Heritage Impact Statements prepared by Lyons and Bryce Raworth which are provided at Attachment 1.

Planning Provisions

17. The subject site is contained within the Commercial 1 Zone and is also affected by the Heritage Overlay 334 (South Fitzroy Precinct) and included on the State register, Design and Development Overlay, Schedule 2 (Main Roads and Boulevards), Development Plan Overlay Schedule 2, (Australian Catholic University Development Plan) and the Environmental Audit Overlay.

Commercial 1 Zone

18. A planning permit is required pursuant to Clause 34.01-4 to construct a building or carry out works.

Heritage Overlay

19. As the site is included on the State Register, a planning permit is not triggered. Heritage Victoria is the decision maker pursuant to clause 43.01-2 (Heritage) of the Yarra Planning Scheme.
20. The Municipal Strategic Statement and Local Planning Policies contained at clauses 21.05-1 and 22.02 provide guidance on the development of Heritage places.

Design and Development Overlay – Schedule 2

21. Design and Development Overlay – Schedule 2 – Main Roads and Boulevards also applies to the site; pursuant to clause 43.02-2 a permit is required to construct a building or construct and carry out works.

Environmental Audit Overlay

22. As the proposal does not include a sensitive use, this overlay is not triggered.

Development Plan Overlay

23. Development Plan Overlay - Schedule 2 Australian Catholic University Development Plan, applies to the site and is a site specific control which *'provides criteria for any future use and development'* of the site.

Assessment

24. Attached to this report is a detailed heritage assessment undertaken by Trethowan Architecture, Interiors, Heritage who have assessed the proposal on behalf of Council, responding to the specific questions asked in the referral letter from Heritage Victoria
- (a) *Whether the registered place is within or adjoining a locally significant place or precinct subject to a Heritage Overlay control and whether the application is likely to have an adverse effect on that locally significant place or precinct.*
 - (b) *Whether the Municipal Strategic Statement or a local policy specifically mentions or relates to the registered place or the area in which the place is located and whether the application is consistent with the MSS or relevant policies.*
25. Outlined within the advice are a number of concerns raised with the proposal generally described around the topics of:
- (a) Setbacks – *failing to respect the consistency of the building form and setbacks and the grid pattern of the street.*
 - (b) Height - *The current form of the proposal is not in accordance with policy that encourages new development to 'respect the character of the surrounding historic streetscape'*
 - (c) Form/Massing - *The proposed form is angular and forms a vague diamond shape that extends out towards the corner of Victoria Parade and Napier Street and then over and above the existing buildings at the registered place.*
 - (d) Articulation/Materials - *While it is commendable that these material and articulation choices attempt to reference the historical use of the site, they have a dominating and detracting impact on the registered place and surrounding heritage precinct.*
 - (e) MSS and Local Policy - *The application is inconsistent with relevant local policies at Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and 43.01 (Heritage Overlay) as has been demonstrated above.*
26. The concluding recommendation of the advice from Trethowan Architecture is:
- (a) *While appropriate development at the site would be acceptable, the current proposal represents an overwhelming form that fails to respect the significance of the heritage place and would result in an adverse impact on both the registered place and the surrounding South Fitzroy Precinct.*
 - (b) *We therefore recommend that the City of Yarra doesn't support the proposed works in its current form.*

Conclusion

27. In accordance with the expert heritage advice received, it is considered that the proposal is not appropriate for a site of State Heritage significance.

RECOMMENDATION

1. That Council:
- (a) note the officer's report in relation to the Heritage Victoria referral regarding the site at 115 Victoria Parade, Fitzroy.

- (b) note the expert advice of Trethowan Architecture as shown in Attachment 2.
- (b) Authorise officers to write to Heritage Victoria advising no support for the proposal for the following reason:

The proposal in its current form represents as an overwhelming form that fails to respect the significance of the heritage place and would result in an adverse impact on both the registered place and the surrounding South Fitzroy Precinct through the:

- (i) proposed lack of setbacks,.
 - (ii) proposed height of the proposed building;
 - (iii) incongruous form and massing of the building;
 - (iv) dominating use of materials and articulation.
- (c) Attach to the response to Heritage Victoria a full copy of the heritage advice received from Trethowan Architecture dated 11 January 2018.

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5300

Attachments

- 1 PPE17/0244 - 115 Victoria Parade Fitzroy - Planning Property Enquiry
- 2 ACU Redevelopment Proposal - VHR Referral, 1 November 2018