



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 22 May 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Danae Bosler
Councillor Misha Coleman
Councillor Daniel Nguyen

- I. ATTENDANCE**
Gary O'Reilly (Senior Statutory Planner)
Danielle Connell (Senior Co-Ordinator Statutory Planning)
Cindi Johnston (Governance Officer)
- 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	50 Gough Street, Cremorne - PLN15/0355.02 - Amendment to permit and endorsed plans including deletion of 'Soho' apartments and increase in office floor area and rationalisation of car parking.	5	24

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Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN15/0355.02 being an amendment to Stage 1 of the former Nylex Site at 50 Gough Street, Cremorne and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Section 72 of the *Planning and Environment Act 1987*;
 - (b) Car Parking and Traffic (clause 52.06);
 - (c) Amenity

Submissions Received

3. Eight objections were received to the application, these can be summarised as:
 - (a) traffic and car parking
 - (b) Stage 1 and 2 proposed amendments should be considered together
 - (c) Infrastructure (transport) can't cope
 - (d) Too much development in Cremorne
 - (e) Amenity

Conclusion

4. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) An updated Car Park Management Plan to adequately outline the re-allocation of car parking across Stage 1 of the development.

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

1.1 50 Gough Street, Cremorne - PLN15/0355.02 - Amendment to permit and endorsed plans including deletion of 'Soho' apartments and increase in office floor area and rationalisation of car parking.

Trim Record Number: D19/74608

Responsible Officer: Senior Coordinator Statutory Planning

- Proposal:** Amendment to the endorsed plans and permit conditions of PLN15/0355 including:
- Deletion of most of the 'Soho' apartments with an increase in office floor area;
 - Amend conditions relevant to quarantining 40 car parking from Stage 1 to Stage 2; and
 - Distribution of the 40 car parking spaces within Stage 1.
- Existing use:** Currently under construction
- Applicant:** Caydon Cremorne No. 2 Development Pty Ltd
- Zoning / Overlays:** Comprehensive Development Zone – Schedule 3 (Richmond Maltings, 2 Gough Street, Cremorne, part CitiLink project Overlay, Environmental Audit Overlay, Heritage Overlay (H)350 – 2 Gough Street [Nylex Plastics sign] and 2 – 15 Gough Street [Richmond Maltings], both on the Victoria Heritage Register [H2049 & H2050] and Land Subject to Inundation Overlay.
- Date of Application:** 18/12/2018
- Application Number:** PLN15/0355.02

Planning History

1. A detailed planning history is offered in the DAP reports dated 1 October 2015 and 14 June 2016 for PLN15/0355.
2. Planning permit PLN15/0355 was issued at the direction of the Victorian Civil and Administrative Tribunal [VCAT] on 15 July 2016 for:
 - (a) *The use of the land for dwellings, shop and supermarket;*
 - (b) *The construction of a building or carrying out works;*
 - (c) *The reduction in the number of car parking spaces associated with dwellings, shop and supermarket;*
 - (d) *The waiver of the loading/unloading bay requirements associated with a shop; and*
 - (e) *Reduce the loading/unloading bay requirement associated with a supermarket.*
3. A section 87A Appeal (amendment) was lodged with VCAT on 23 November 2017 which sought a number of amendments and clarification to conditions of the permit which can be summarised as:
 - (a) *Condition 1(a) replaced to provide greater clarity of the maximum height of the building;*
 - (b) *Condition 1(b) replaced provide flexibility in the delivery of the 9m southern east-west link;*
 - (c) *Condition 1(w) replaced to clarify compliance with the Australian standard for the design of the support columns in the car park;*
 - (d) *Condition 1(ee) replaced to clarify compliance with the Australian standard for the design of the bicycle parking;*

- (e) *Condition 4 amended to reflect changes to condition 1(b); and*
 - (f) *Condition 69 replaced to clarify the timeframes for expiry of the permit.*
4. Agreement was reached between the permit applicant and Council via a consent order with the permit ultimately amended on 19 February 2018.
 5. The planning permit has recently been amended pursuant to section 72 of the *Planning and Environment Act 1987* [the Act], facilitating two changes:
 - (a) *A change of address from 2 Gough Street, Cremorne to 50 Gough Street Cremorne; and*
 - (b) *Amendment to acoustic conditions in recognition that the building at 17-21 Harcourt Parade, Cremorne (Stage 3) will provide some acoustic buffering to the site and the addition of a new condition 31 requiring the completion of PL08/0921 prior to Stage 1 being able to be occupied.*

Background

6. The application was lodged with Council 18 December 2018. A further information letter was sent on 10 January 2019 with all matters addressed by 24 January 2019.
7. The application was advertised and received 8 objections.
8. A consultation meeting was held on 7 May 2019 and was attended by the permit applicant, and Council officers, no objectors attended.
9. During this process, Council sought comments from Council's Engineering Services Unit.
10. A secondary consent amendment to the construction management plan has been lodged but at the time of writing the report had not been approved.

Planning Scheme Amendments

Amendment VC148

11. Since the original determination of the application on 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.
12. The introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).
13. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application which means that there is no requirement to provide any visitor car parking spaces as part of the proposal as well as modified rates associated with dwellings and those for the food and drinks premises, office, restaurants, shop.

The Proposal

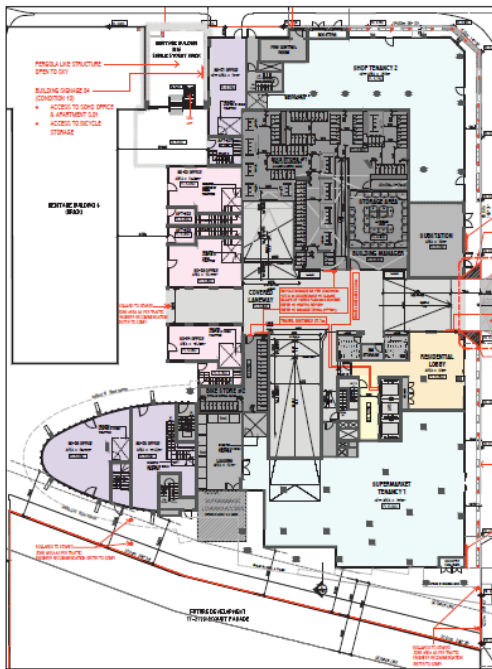
14. The application proposes amendments to both the permit and endorsed plans:

Endorsed Plans

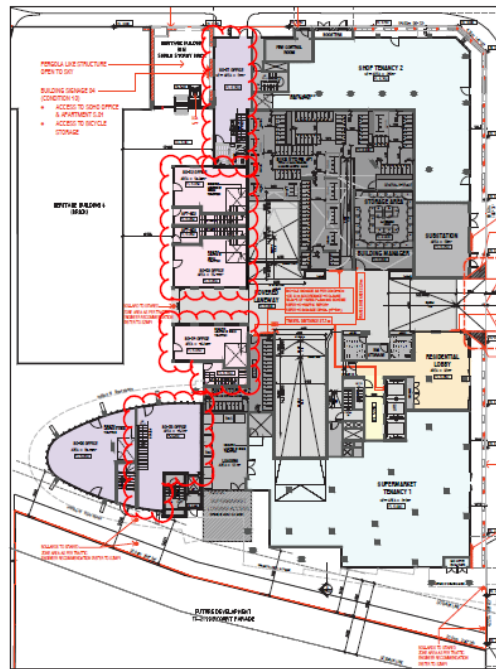
15. The proposal seeks approval for the following changes to the endorsed plans:
 - (a) Deletion of 5 of the 'SOHO' apartments – (mix of ground level office with dwelling above over Levels 1 & 2, and replaced with office space. See figures below:

GROUND FLOOR - SOHO APARTMENTS

Five of the six previously proposed SOHO apartments to be converted to offices. (S01 - S05)



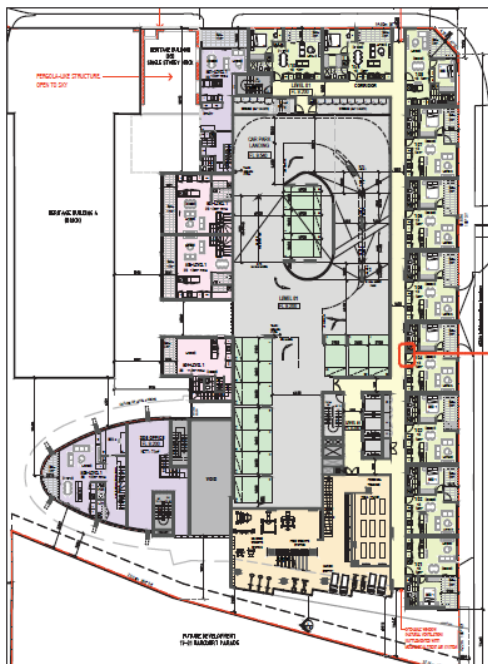
APPROVED



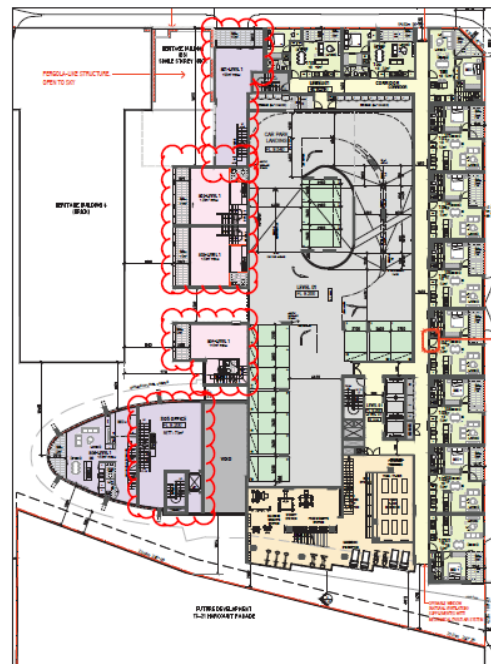
PROPOSED

LEVEL 01 - SOHO APARTMENTS

Five of the six previously proposed SOHO apartments to be converted to offices. (S01 - S05)



APPROVED



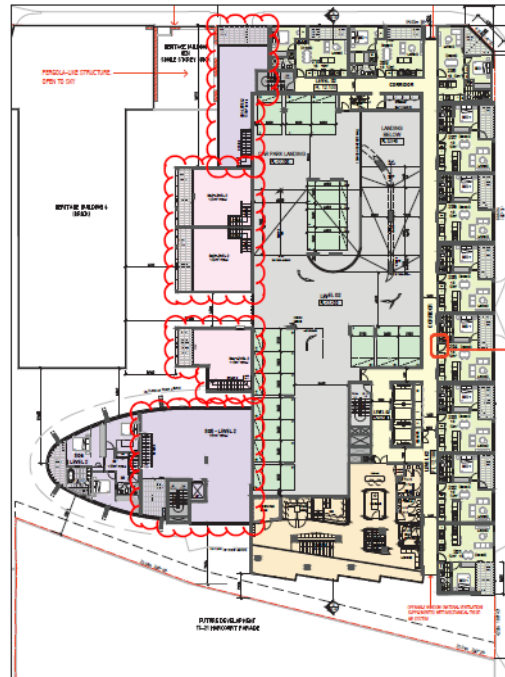
PROPOSED

LEVEL 02 - SOHO APARTMENTS

Five of the six previously proposed SOHO apartments to be converted to offices. (S01 - S05)



APPROVED



PROPOSED

16. In summary:

- (a) Reduction of 5 dwellings from 202 to 197 dwellings;
- (b) Increase in office space from 441sqm to 1700sqm.
- (c) Car parking provision for Stage 1, increased from 177 to 217spaces (no actual increased in on site car parking).

Permit

17. Amend the permit in the following way:

- (a) Amend condition 27 by deleting parts (a) and (b) which deletes the obligation of providing 40 car parking spaces for Stage 2 of the development being the broader portion of the site.

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) that the 40 spaces 'quarantined' for stage 2 will be allocated to this future development on the balance of the site at 2 Gough Street Cremorne;~~
- ~~(b) a legally effective and enforceable mechanism to the satisfaction of the Responsible Authority to ensure that:~~
 - ~~(i) the owners of lots within stage 2 are able to freely access the 40 car spaces for their own private use without restriction;~~
- (c) *the owner must provide unfettered public access over that part of the land to be used for the widened Gough Street and Cremorne Street footpath;*
- (d) *until such time as the land is vested in 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 25 at the cost of the owners of the land to the satisfaction of the Responsible Authority;*
- (e) *the owner(s) must obtain and maintain insurance approved by the 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 25.*

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.

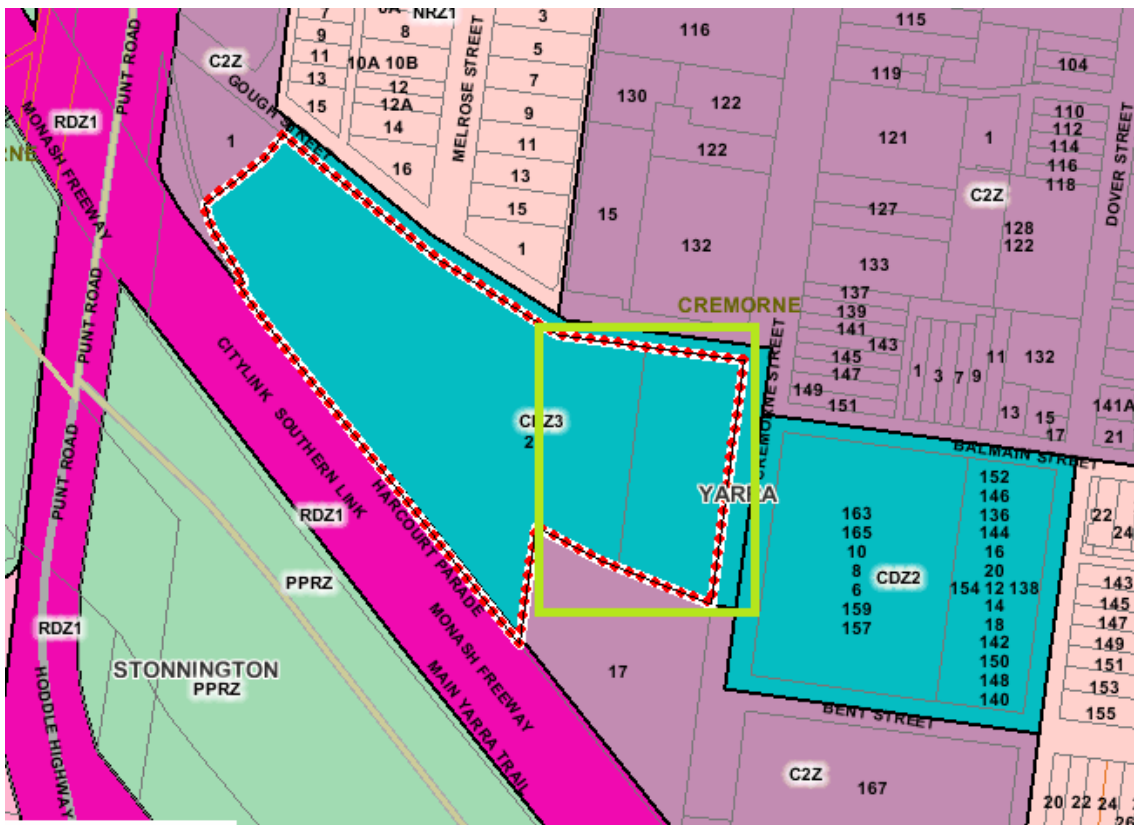
Amend Endorsed Car Park Management Plan

18. Amend the already endorsed Car Park Management Plan (approved under condition 41) to reflect the availability of an additional 40 car parking spaces for Stage 1.

Existing Conditions

Subject Site

19. The subject site is located on the south-west corner of the intersection of Gough and Cremorne Streets in Cremorne. Broadly speaking, the site is located in the south-west corner of Cremorne, adjacent to the CityLink, Yarra River and Hoddle Street.
20. The site comprises part of Lot S100 on Plan of Subdivision 810921M and is an irregular shaped lot, with a frontage of 68.7m to Cremorne Street and a frontage of approximately 54m to Gough Street.
21. The site now known as 50 Gough Street, (formerly 2 Gough Street) forms Stage 1 of the broader site commonly known as the 'Nylex' site by virtue of the prominent silos and sign adjacent to the Citylink
22. The entire site inclusive of the both Stages 1 & 2 are included on the eritage Register (two listings – the sign specifically and the site as a whole).
23. The two Heritage Victoria registrations for the site are:
 - (a) H2049 – Nylex Sign – The sign is identified as a double sided sky-sign mounted on a cross braced steel frame on top of silos. The sign is of social and historical significance to the state of Victoria. The sign is said to signalise the industrial base of the former City of Richmond. Further, the sign is of social significance for its landmark qualities, forming an unofficial gateway to Melbourne. It is noted that the silos supporting the sign are not referenced in the registration and are not of heritage significance.
 - (b) H2050 – Richmond Malting’s – The site was the Barrett Burston Richmond Malting’s, initially developed in the 1850s – 1860s. The site is historically, scientifically (technologically), aesthetically, socially and archaeologically significant to the State of Victoria.



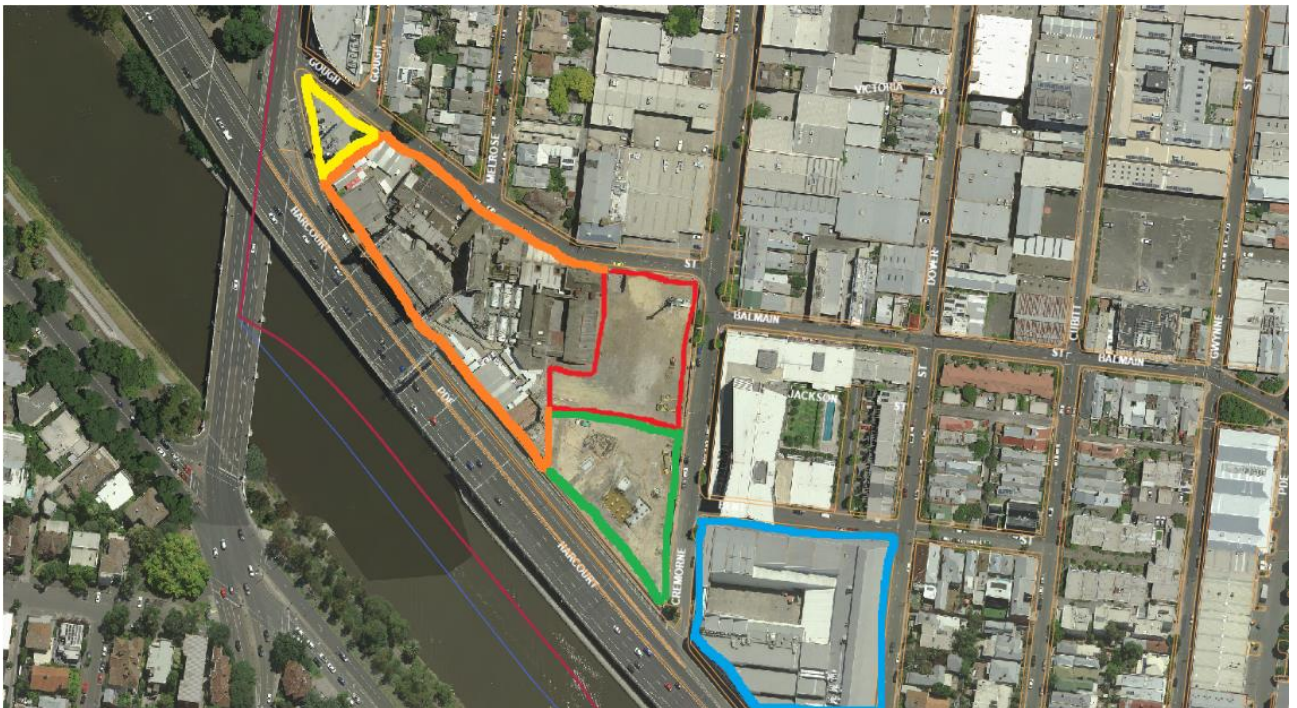
24. The green box depicts the general area of the proposed works. The land known as 2 Gough Street however, is boarded by the red and white dotted line [Nylex Site].
25. The site has been cleared with the only structures remaining are those associated with a 7.4m section of heritage wall orientated to Gough Street and a single storey heritage building.
26. Construction has commenced on site.
27. *Restrictive Covenants*
28. There are no restrictive covenants shown on the certificates of title provided with the application.

Easements

29. A 1.83m wide light and air easement runs along the southern end of the site (the section adjacent to 17-21 Harcourt Parade).

Surrounding Land

30. The surrounding context of the site is one of change. Existing built form varies from single storey dwellings and former industrial buildings to 10 storey mixed use (predominantly residential) development.
31. The immediate context of the site will notably change over the next 5 – 10 years as the broader Nylex site is fully developed and surrounding developments commence and or complete construction.
32. In the image below, the subject site is shown in red and has a planning permit for a mixed use development including buildings up to 15 storeys in height. Uses across the site include residential, office, supermarket and a gym with basement car parking.



33. Stage 2 of the development of the broader site (shown in orange) approved under planning permit PLN15/1176 includes a number of buildings rising to 15 storeys in height. Uses include residential, office, hotel, cafes and restaurants, galleries and the like with basement car parking.

34. A current amendment to the permit has been lodged with Council but is currently awaiting further information.
35. The site at 17 – 21 Harcourt Parade (shown in green) is known as Stage 3. Planning permit PL08/0921 approves a commercial office building of up to 9 storeys in height. Construction has commenced on the site.
36. Two amendment are currently with Council, one seeking to introduce a commercial car park on the site. This application at the time of writing this report was currently on advertising. A second amendment to the endorsed construction management plan has recently been received and is yet to be reviewed.
37. The image below is an indicative representation when all 3 stage are completed.



38. In yellow is 1 - 3 Harcourt Parade, Cremorne, a planning permit application has been lodged with Council (PLN18/0002) which seeks approval for 'Development of the land for the construction of a 10 storey building (plus plant deck), use of the land as a residential hotel (104 rooms), construction and display of major promotional electronic signage and removal of covenant 1818808 from lot 1 on plan of subdivision 408289Y', the application has been advertised and Council will be assessing the application shortly.



39. In blue is the former 'Stitches' site at 167 – 169 Cremorne Street, Cremorne. A combined rezoning and planning permit application is lodged with Council, however it is unclear if this application will proceed.

Planning Scheme Provisions

Legislative Provisions

40. The amendment has been requested pursuant to section 72 of the *Planning and Environment Act 1987 (the Act)*
41. Section 72 of the Act states:
- (1) *A person who is entitled to use of develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
 - (2) *The section does not apply to -*
 - (a) *A permit or part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (b) *A permit issued under Division 6.*
42. The original permit PLN11/0834 issued on 20 December 2012 at the direction of VCAT (and was further amended on 27 March 2013 at the direction of VCAT), however the order did not specify that the Responsible Authority must not further amend the permit, and in fact Council has amended the permit earlier this year.
43. The permit was not issued under Division 6.
44. Section 73 of the Act states that Section 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the above-mentioned sections of the Act to the amendment application as if it was an application for a permit.
45. Accordingly the relevant sections will be addressed in this report.

Zoning

Comprehensive Development Zone – Schedule 3 (Richmond Maltings, 2 Gough Street, Cremorne)

46. The purpose of this zone is:
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*
47. The purpose of schedule 3 is:
- (a) *To allow a comprehensively staged, mixed use development on the site which will create activity during the day and evening and generate local employment opportunities.*
 - (b) *To conserve and enhance key heritage buildings through refurbishment and reuse.*
 - (c) *To allow the continuation of limited major advertising in the precinct.*
 - (d) *To ensure that development on the site will complement and enhance the Yarra River environs.*
 - (e) *To ensure the combination of uses, their density and the scale and character of development does not prejudice the amenity of the surrounding area.*
 - (f) *To retain the visual dominance and preservation of views of the landmark Nylex sign and associated silos through the sensitive siting of new building envelopes on the site.*
 - (g) *To provide a well designed, attractive open plaza space within the development which is accessible to the surrounding community.*
 - (h) *To ensure a high quality architectural response to the site that acknowledges and is respectful of the scale and form of buildings within the site and its immediate environs.*
48. Under schedule 3, the use of the site for offices does not require a planning permit. However, the use of the site as dwellings (nested within 'accommodation'), a shop and supermarket (nested within 'retail premises') requires a planning permit. No changes proposed.
49. Section 2 of schedule 3 states that:
- (a) *Use of land must be in accordance with the Table of uses to this Clause and the comprehensive development plan: "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007". [Design Principles]*
 - (b) *A use must not detrimentally affect the amenity of the neighbourhood, including through the:*
 - (i) *Transport of materials, goods or commodities to or from the land.*
 - (ii) *Appearance of any building, works or materials..*
 - (iii) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,*

soot, ash, dust, waste water, waste products, grit or oil.

50. Under section 4 of schedule 3, a planning permit is required for the proposed buildings and works as the proposal is not generally in accordance with the Planning or Design Principles.
51. Decision guidelines when considering the proposed buildings and works are (as relevant):
- (a) *Consistency with the building envelopes and design principles detailed on the comprehensive development plan: "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007".*
 - (b) *Streetscape character.*
 - (c) *Built form.*
 - (d) *Interface with nearby areas.*
 - (e) *Parking and site access.*
 - (f) *The preservation of the amenity of nearby residents.*
 - (g) *The orderly management of vehicular and pedestrian traffic.*
 - (h) *The visual impact of the building or works on the impact of the area.*
52. The Design Principles offer the following guidance when assessing built form (the full list has been included here, where some items may relate to the balance of the site, any development in this section must ensure it does not undermine the broader objectives of the site):
- (a) *Facilitate safe, convenient and legible public access into and through the site.*
 - (b) *Provide tall development at the eastern end of the site consistent with the built forms adjacent to the east.*
 - (c) *Retain the visual prominence and landmark qualities of the Nylex sign and clock and the 1960's silos which support this heritage feature.*
 - (d) *Provide opportunities for pedestrian access through the site to Harcourt Parade to the south and the Punt Road Bridge. Options for any future potential pedestrian access across or along Harcourt Parade are to be the subject of full discussion and negotiation between VicRoads, CityLink, Council and the land owner.*

Overlays

CityLink Project Overlay

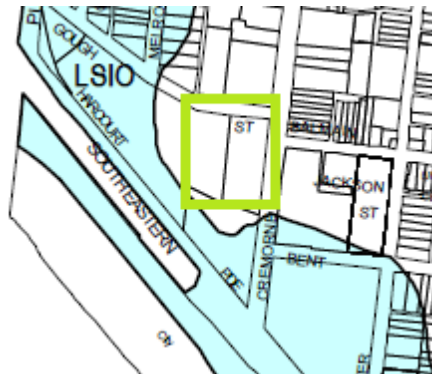
53. This overlay exempts use and development in association with the City Link Project area if the use or development is part of the Melbourne City Link Project (as relevant). The only permit triggers of this overlay relate to signage (none is proposed as part of this application).

Environmental Audit Overlay

54. Clause 45.03-1 of the Scheme states that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
55. This requirement is already conveyed to the Applicant in the form of a notation on the permit. *Heritage Overlay (HO350 – 2 Gough Street [Nylex Plastics sign] and 2 and 15 Gough Street [Richmond Maltings], both on the Victorian Heritage Register [H2049 and H2050])*
56. Clause 43.01-2 of the Scheme states that no permit is required under this overlay to develop a heritage place which is included on the Victorian Heritage Register.
57. It is noted however, that the CDZ3 Design Principles note the following objectives:
- (a) *Conserve and enhance the key heritage features of the site which depict the various stages of the malting process since the late 19th Century.*
 - (b) *Provide opportunities for interpretation and appreciation of the cultural heritage attributes of the site which are to be retained.*

Land Subject to Inundation Overlay

58. The LSIO does not affect the area of the site subject to the proposed works.



Particular Provisions

Clause 52.06 – Car Parking

59. Pursuant to clause 52.06-2, the car parking spaces required under 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.
60. It is noted that the introduction of VC148 amended clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this amendment application.
61. The table below shows clause 52.06-5 requirements, the proposed provisions, and the subsequent shortfall.

Use	Bedroom/s / Floor Area	Rate	No. required	No. proposed	Reduction
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Dwelling	82 x 1 bedroom	1 space per 1 or 2 bedroom dwelling	171		
	89 x 2 bedroom				
	25 x 3 bedroom	2 spaces per 3 or more bedroom dwelling	52		
	1 x 4 bedroom (Soho)		Total: 223	Total: 173	Total: 50
Supermarket	638sqmsqm	5 per 100sqm	32	7	25
Office	1700sqm	3 per 100sqm	51	10	41
visitor			-	26	
Car share		1	1	1	1
TOTAL			306 spaces	217 spaces	89spaces

62. A reduction in car parking was already permitted by the original permit. Clause 52.06-6 of the scheme, outlined a range of decision guidelines and 52.06-8 outlines a range of design standards, these will be discussed where relevant in the assessment section of the report.

General Provisions

Clause 65 – Decision Guidelines

63. The decision guidelines outlined at clause 65 of the scheme are relevant to all applications. This clause notes *‘because a permit can be granted does not imply that permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause’*.

Clause 65.01 – Approval of an application or plan

64. The planning scheme requires:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- (a) *The matters set out in section 60 of the Act;*
- (b) *The Municipal Planning Strategy and the Planning Policy Framework;*
- (c) *The purpose of the zone, overlay or other provisions;*
- (d) *Any matter required to be considered in the zone, overlay or other provision;*
- (e) *The orderly planning of the area;*
- (f) *The effect on the amenity of the area;*
- (g) *The proximity of the land to any public land;*
- (h) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Relevant Planning Policy Framework (PPF)

65. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

66. The objective is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

67. A relevant strategy:

- (a) *Planning for urban growth should consider:*
 - (i) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas*

68. The objective of this clause is:

- (a) *to deliver more affordable housing closer to jobs, transport and services.*

Clause 17 Economic Development

Clause 17.01-1S

69. The objective of this clause is:

- (a) *To strengthen and diversity the economy.*

70. Relevant strategies for this policy are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

Clause 17.02-1S Business

71. The objective of this clause is:

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

72. Relevant strategies include:

- (a) *Plan for an adequate supply of commercial land in appropriate locations. Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (b) *Locate commercial facilities in existing or planned activity centres. Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- (c) *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

Clause 18.01 Integrated Transport

Clause 18.01-1S – (Land use and transport planning)

73. The 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

Clause 18.02-1S – Sustainable personal transport

74. The relevant objectives of this clause is:

- (a) *To promote the use of sustainable personal transport.*

Clause 18.02-2S Public Transport

75. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R Principal Public Transport Network

76. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – Car Parking

77. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

78. A relevant strategy is:

- (a) *Allocate or require land to be set aside for car parking subject to the 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.*
- (b) *Encourage the efficient provision of car parking by consolidating car parking facilities.*
- (c) *Design and locate local car parking to:*
- (i) *Protect the role and function of nearby roads.*
 - (ii) *Enable easy and efficient use.*
 - (iii) *Enable the movement and delivery of goods.*
 - (iv) *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
 - (v) *Create a safe environment, particularly at night.*
 - (vi) *Facilitate the use of public transport.*
- (d) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

79. The following LPPF provisions of the Scheme are relevant:

Clause 21.04-3 – Industry, office and commercial

80. The objective of this clause is ‘

- (a) *To increase the number and diversity of local employment opportunities.’*

Clause 21.06 – Transport

Clause 21.06-1 – Walking and cycling

81. This Clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.
- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
 - (b) *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.*
 - (c) *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 network.*

Advertising

82. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 328 letters sent to surrounding owners and occupiers and by two signs displayed on site. Council received 8 objections, the grounds of which are summarised as follows):
- (a) traffic and car parking
 - (b) Stage 1 and 2 amendments should be considered together
 - (c) Infrastructure (transport) can't cope)
 - (d) Too much development in Cremorne
 - (e) Amenity
83. A planning consultation meeting was held on 7 May 2019. The Applicant and Council Officers were in attendance, no objectors attended the meeting.

Referrals

84. The referral comments are based on the application plans.

Internal Referrals

85. The application was referred to the following units within Council:

- (a) Engineering.

86. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

87. The primary considerations for this application are as follows:

- (a) policy and strategic support;
- (b) car parking / traffic; and
- (c) objector concerns.

Policy and Strategic Support

88. The policy context for the site has not changed since the original approval.

89. The mix of uses supporting a diverse combination of housing and commercial uses is maintained on the site with a moderate increase in office footprint. The deletion of 5 ‘Soho’ apartments (being a mix of office and dwelling) is immaterial to the overall offering of uses across Stage 1 and the site more broadly.
90. The proposed changes to floor area is supported.

Car parking / traffic

91. The proposal in summary seeks the following:
- (a) Reduction of 5 dwellings from 202 to 197 dwellings;
 - (b) Increase in office space from 441sqm to 1700sqm.
 - (c) Car parking provision for Stage 1, increased from 177 to 217spaces.

All of which have some impact to car parking and traffic across the site.

92. The table below shows clause 52.06-5 requirements, the proposed provisions, and the subsequent shortfall.

Use	Bedroom/s / Floor Area	Rate	No. required	No. proposed	Reduction
Dwelling	82 x 1 bedroom 89 x 2 bedroom 25 x 3 bedroom 1 x 4 bedroom (Soho)	1 space per 1 or 2 bedroom dwelling 2 spaces per 3 or more bedroom dwelling	171 52 Total: 223	 Total: 173	 Total: 50
Supermarket	638sqmsqm	5 per 100sqm	32	7	25
Office	1700sqm	3 per 100sqm	51	10	41
Visitor			-	26	
Car share		1	1	1	1
TOTAL			306 spaces	217 spaces	89spaces

93. Under clause 52.06 of the Scheme, the applicant continues to seek a parking reduction in the car parking rates applicable to the site. Based on the proposed composition of uses a reduction of 89 spaces is being sought.
94. The VCAT decision for the site (Caydon Cremorne No 1 Development Pty Ltd v Yarra), set out a required rate for car parking for the residential component of the development being:
- (a) 0.5 spaces per one bedroom apartment
 - (b) 0.7 spaces per two bedroom apartment
 - (c) 1 space per three bedroom apartment and
 - (d) 0.12 spaces per dwelling for visitors.

95. When considering the above parking rates and the additional 40 spaces previously quarantined for Stage 2, the proposed reduction in car parking is reduced from 89 to 20:
96. A Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*) made numerous statements with regards to car parking reductions. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes.
97. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;
- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
 - (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
 - (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
 - (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
 - (e) *Policy tells us the future must be different.*
 - (f) *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.*
 - (g) *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 on the road network.*
98. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, this need to drastically change how people are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.
99. To enable this change, condition 27 which requires a S173 Agreement will need to be amended to delete clauses (a) and (b) to in effect release the 40 quarantined space.

Office

100. Car parking associated with such developments is generally long-stay parking for employees and short-stay parking (approximately up to two hours' duration) for customers and clients. Council's Senior Traffic Engineer has reviewed the proposed car parking rate which would equate to 0.6 spaces per 100sqm.
101. It is commonly accepted that the actual parking demand generated by office uses is expected to be lower than the statutory parking rate of 3 spaces per 100 square metres of floor space as the site is located within the Principal Public Transport Network Area and the fact the area has excellent access to public transport services.

102. Council's Senior Traffic Engineer was satisfied with the rate of 0.6 per 100sqm of office space and considered this rate appropriate for the Cremorne area. Additionally a significant office development in Cremorne Street was recently approved at a rate of 0.72 spaces per 100sqm.
103. Within a recent Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017] VCAT 753*) regarding the office development to the south at No. 2 – 16 Northumberland Street, Collingwood, the Tribunal Member also supported a significant reduced office car parking rate (405 spaces) and made the following comments:

[54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.

[55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

Traffic

104. In terms of traffic, the total number of car parking spaces proposed as part of Stage 1 remains the same therefore there will be no real change in traffic movement numbers than that already proposed.

Layout

105. The proposed car park layout has been reviewed and is consistent with that already endorsed. No changes required.

Car Share

106. The car share space required by the permit is maintained. No change required.

Amenity

107. Concerns with amenity impacts were based on two main issues:

- (a) Traffic impacts on safety of residents; and
- (b) Smoking and litter as a result of additional office employees.

108. The proposed amendment does not physically alter the number of car parking spaces approved as part of the Stage 1 development. Council's Engineering unit have raised no concerns with safety of residents as a result of traffic movements forming part of this development.

109. In response to concerns about smoking and litter as a result of the additional office floor area, the proposed increase is 1,259sqm of additional office floor space. It is not anticipated that this increase will result in a visible change to the composition and behaviour of people on site namely as the site is part of a large complex of developments which will significantly change the immediate precinct.

Objector concerns

110. The majority of the issues raised by objectors have been addressed within the report:
- (a) *Car Parking and Traffic (paragraph 91 to 106)*
 - (b) *Amenity (paragraph 107 to 109)*
111. Outstanding concerns are discussed below:
- Stage 1 and 2 amendment should be considered together*
112. There is no requirement that amendments for Stage 1 and 2 be considered together, while preferable, each application must be considered on merit.
- Infrastructure (transport) cant cope.*
113. No evidence has been submitted that the infrastructure in and around cannot cope.
- Too much development in Cremorne*
114. The Cremorne area is undergoing significant change however each application must be assessed on its merits and not determined how many applications have been lodged or determined in an area.

Conclusion

115. The amended proposal continues to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement.
116. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

Reading the Recommendation

117. The recommendation outlined below show:
- (a) New conditions in **bold**
 - (b) Amended condition in **bold underline**; and
 - (c) Redundant conditions have been ~~deleted~~.

RECOMMENDATION

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN15/0355 for land at 50 Gough Street, Cremorne 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 further amended plans TP001, TP002, TP097, TP098, TP099, TP100 – TP114 inclusive, TP200-TP205 inclusive, TP300-TP302 inclusive, TP500-TP503 inclusive, revision 6, all dated 22/04/16 prepared by Fender Katsalidis Architects and LP01 Ground Floor Plan dated 21/4/16 prepared by Oculus **and the decision plans prepared by Caydon Property Group received by Council on 18 December 2018** but modified to show:

- (a) the height of the elliptical tower reduced to a maximum 50.60AHD and the height of the northern tower reduced to a maximum 41.65AHD excluding any balustrading, unroofed service installations and any lift enclosures located on the roof;
- (b) the southern east-west link having a minimum width of 9m that may be provided either wholly on the subject land or partly within the subject land and partly on the adjoining land at 17-21 Harcourt Parade, Cremorne. The link must be predominantly clear to the sky and treated with signage, materials to delineate this space as a shared zone;
- (c) the access and movement plan, landscape master plan and residential rooftop amenities plan (as per the original VCAT substituted plans) modified to reflect the further amended plans;
- (d) at least 25% of the smaller units offered should be capable of amalgamation into larger 2 or 3 bedroom apartments;
- (e) reconfiguration of the type 2E apartments on the west bank of the northern tower from levels 3 to 11 to provide an increase in size of living rooms;
- (f) deletion of proposed works outside the site (excluding the new crossovers to Cremorne Street);
- (g) floor, section and elevation plans to correlate;
- (h) deletion of the pedestrian visibility zones at the northern end of the north-south link;
- (i) floor to ceiling heights to be no less than 2.65m except where there is a bulkhead where this may be reduced to 2.4m;
- (j) minimum 2.1m wide lift lobby areas, minimum 1.6m wide corridors and a minimum 200mm inset for dwelling entries;
- (k) all balconies must be a minimum of 8m²;
- (l) access from all living rooms to balconies (some are only provided with access via bedrooms);
- (m) screening to habitable room windows, balcony or terrace to address internal overlooking, where necessary, to the satisfaction of the Responsible Authority;
- (n) the location of external plant and equipment;
- (o) a general signage plan, directing pedestrians to each residential entry (including the SOHO apartments);
- (p) ramp grades and lengths dimensioned;
- (q) swept path diagrams using a B99 design car and ramp grade details demonstrating that the ramps will be functional in terms of grades and enable cars to pass each other;
- (r) pedestrian sight triangles;
- (s) the provision of convex mirrors where sight distance is limited throughout the car park;
- (t) kerbs, barriers, wheel stops and structural elements shown in the car parking areas;
- (u) the northern staircase within the basement levels not opening to the aisle;
- (v) location and width of the new crossover to Cremorne Street (southern end);
- (w) the location and dimensions of supporting columns within all carpark areas. The car parking spaces must then be demonstrated to comply with Australian Standard AS/NZS 2890.1:2004;
- (x) sectional drawings of the ramps and accessways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disable car parking spaces;
- (y) details of car park security (e.g. roller doors, intercoms, swipe card readers, etc.);
- (z) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Gough Street and Cremorne Street (from the kerb line to the centre line of the road) and the accessways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
- (aa) swept path diagrams for the 4 westernmost car parking spaces within the basement levels. This may indicate that these spaces need to be designated as small car spaces;
- (bb) swept path diagrams for the southernmost angled parking spaces in the basement levels;

- (cc) all bicycle parking spaces within 30m of the lift;
- (dd) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (ee) details of bicycle storage/parking systems, demonstrating they comply with Australian Standard AS2890.3 (2015);
- (ff) at least 20% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
- (gg) at least 1 bicycle parking space per dwelling;
- (hh) all resident and staff bicycle parking spaces secured behind lockable gates;
- (ii) a lighting plan addressing entries and public spaces within the development;
- (jj) a schedule of external colours and materials, including samples. The façade of the elliptical tower must be confirmed as meeting the relevant EPA standards for glare;
- (kk) a landscape plan which shows the:
 - (i) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants;
 - (ii) location of all areas to be covered by lawn, paving or other surface materials;
 - (iii) specification of works to be undertaken prior to planting;
 - (iv) watering and maintenance; and
 - (v) WSUD initiatives.
- (ll) clear glazing to all habitable room windows; and
- (mm) changes (as necessary) as per the endorsed Acoustic Report, Wind Report, SMP, Shared zone management plan and Waste management plan.

- 2 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3 The southern east west link must be provided to the satisfaction of the Responsible Authority prior to the commencement of the use or at some other time as agreed in writing by the Responsible Authority.

If any part of the southern east west link is provided on the adjoining land at 17-21 Harcourt Parade, Cremorne, prior to the commencement of the use or at some other time as agreed in writing by the Responsible Authority, the owner shall provide evidence to the satisfaction of the Responsible Authority that it has secured an easement of carriageway over that part of the southern east west link that is provided on the adjoining property at 17-21 Harcourt Parade in favour of the land at 2 Gough Street, Cremorne.

- 4 As part of the ongoing consultant team, Fender Katsalidis 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.

Structural report requirement

- 5 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 and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 6 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Art Management Plan

- 7 Before the buildings are occupied, 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) details of the commissioned artist(s);
 - (b) description of art work, including:
 - (i) materials;
 - (ii) colours;
 - (iii) dimensions;
 - (iv) content;
 - (v) special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.

- 8 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

General

- 9 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

- 10 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

- 11 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

- 12 Before the buildings are 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.

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

- 14 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.

- 15 Before the buildings are 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.

- 16 Before the buildings are 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 dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,all to the satisfaction of the Responsible Authority.

- 17 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).

- 18 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).

Shop use

- 19 Except with the prior written consent of the Responsible Authority, the shop use must only offer baskets and must not provide trolleys.

Supermarket use

- 20 Deliveries may only occur on site and during the hours of 7.00 am to 6.00 pm.
- 21 Except with the prior written consent of the Responsible Authority, no more than 3 loading vehicle events may occur per day.
- 22 The loading bay may only be used by maximum 6.4m long trucks.

General use conditions

- 23 The amenity of the area must not be detrimentally affected by the 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; or
 - (d) the presence of vermin;
- to the satisfaction of the Responsible Authority.

Public realm

- 24 Prior to the 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 full cost of the owner showing:
- (a) provision of 1.2 metre-wide footpath along the northern boundary of the site (within title boundaries adjacent to the proposed built form) and a minimum 1.8 metre wide footpath along the eastern boundary of the site (within title boundaries).
- 25 Before the building is occupied all works required by condition 25 must be fully constructed and completed to the satisfaction of the Responsible Authority.

Section 173 Agreement

- 26 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) that the 40 spaces 'quarantined' for stage 2 will be allocated to this future development on the balance of the site at 2 Gough Street Cremorne;~~
 - ~~(b) a legally effective and enforceable mechanism to the satisfaction of the Responsible Authority to ensure that:~~
 - ~~(i) the owners of lots within stage 2 are able to freely access the 40 car spaces for their own private use without restriction;~~
 - (a) the owner must provide unfettered public access over that part of the land to be used for the widened Gough Street and Cremorne Street footpath;
 - (b) until such time as the land is vested in 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 25 at the cost of the owners of the land to the satisfaction of the Responsible Authority;

- (c) the owner(s) must obtain and maintain insurance approved by the 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 25.

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.

Wind Assessment report

- 27 Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac and dated 15 May 2015, but modified to include (or show):
 - (a) reflect the further amended plans; and
 - (b) include wind tunnel modelling to verify the results of the preliminary assessment.
- 28 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

- 29 Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin and Associates, dated 29 May 2015 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (a) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
 - (b) protect all dwelling occupants from noise associated with the operation of the supermarket;
 - (c) protect all dwelling occupants within the development from noise associated with City Link;
 - (d) an assessment of the remaining land uses on the balance of the site and the impact on the proposed dwellings (unless the land uses on the balance of the site have ceased). 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; and
 - (e) an assessment of the impact on the following on the proposed dwellings; car park entrance door, the car park itself, the level 13 and 18 communal areas (including the dropping of weights, footfall, pool equipment, music and furniture movement), structure borne noise through the pool and supermarket and shop services.

Treatments must be provided to achieve a reasonable level of amenity for residents and 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.

- 30 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 31 Occupation of the development approved by this permit must not occur prior to the completion of the development at 17-21 Harcourt Parade, Cremorne approved under PL08/0921.
- 32 On the completion of any works required by the endorsed acoustic report and before the residential use commences of any stage of the of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
 - (a) confirm compliance with relevant conditions of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with 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 relevant requirement.
- 33 The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 34 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 Simpson Kotzman dated 10 April 2015, but modified to:
 - (a) reflect the decision plans;
 - (b) include definite, clear commitments, e.g. not 'a vast majority';
 - (c) reflect the changes required as per condition 1 (where relevant);
 - (d) confirm a minimum 6.5 star energy rating;
 - (e) include sample NatHERS reports/ratings to demonstrate how a minimum 6.5 star energy rating will be achieved;
 - (f) achieve a minimum 20% improvement on the lighting power densities required by the NCC Section J 6.2;
 - (g) include a commitment to energy and water efficient initiatives to optimise the swimming pool. Consider the use of a pool blanked, a high efficiency filter/pump set and UV treatment of rainwater to top up the pool;
 - (h) include detail on waste and recycling; and
 - (i) confirm windows are operatable to all habitable rooms.
- 35 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 36 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 RB Waste Consulting Service and dated 24 June 2015, but modified to:
- (a) be written as a standalone document;
 - (b) be written regardless if a private or Council collection;
 - (c) address both rubbish and recycling for all uses;
 - (d) include bin room details (for all tenants, residential, commercial, retail, supermarket, etc). The bin room(s) must be of an appropriate size for their intended use;
 - (e) confirm weekly collection for the residential component. However, more weekly collection may be considered with appropriate justification;
 - (f) confirm a minimum number of collections for all users, however, more than weekly collection may be considered with appropriate justification;
 - (g) details of the waste sorting system for the bin chute. Alternatively, a double chute must be provided;
 - (h) confirm the path of access for residents, property manager and collection vehicle (including turning templates or swept path diagrams);
 - (i) include information to tenants, owners corporation, property manager (information pack details); and
 - (j) include a commitment that the Building Manager/Owners Corporation will organise a preoccupation site meeting with Council's Waste Management Coordinator at least 30 days prior to occupation and demonstrate implementation of the WMP.
- 37 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

- 38 Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 39 The landscaping shown on the endorsed plans 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; all to the satisfaction of the Responsible Authority.

Car parking

- 40 **Within 6 months of the amendment permit, an amended** Car Park Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy (**including the additional 40 car parking spaces previously quarantined for Stage 2,**
 - (b) the number and location of any car spaces for shared use, including time of shared use and how this will be managed;
 - (c) management details for residential loading/unloading when moving;

- (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) any policing arrangements and formal agreements;
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 36; and
 - (i) details regarding the management of loading and unloading of goods and materials.
- 41 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 42 Before the building is occupied, 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.

Traffic, roads and footpaths

- 43 Before the development commences, a Shared Zone Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Shared Zone Management Plan will be endorsed and will then form part of this permit. The Shared Zone Management Plan must address, but not be limited to, the following:
- (a) the east-west shared zones in the central and southern ends of the site;
 - (b) how supermarket loading and deliveries will be safely managed with regard to conflicts with pedestrians and cyclists;
 - (c) how the vehicular, pedestrian and cyclist movements in the central east-west link will be managed; and
 - (d) details as to how these areas will be designed to clearly delineate their shared zone status (e.g. pavement treatments, signage, line marking).
- 44 The provisions, recommendations and requirements of the endorsed Shared Zone Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 45 All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.
- 46 Upon the completion of all building works and connections for underground utility services, the footpaths and kerb and channel immediately outside the property's Gough Street and Cremorne Street road frontages must be reconstructed to Council's satisfaction and at the developer's expense.
- 47 The cross-fall of the reconstructed footpath must be no steeper than 1 in 40 as per DDA requirements.

- 48 All redundant vehicle crossings area to be demolished and reinstated with paving, kerb and channel to the satisfaction of Council and at the developer's cost.
- 49 The road pavements immediately outside the development's Gough Street and Cremorne Street road frontages must be profiled and re-sheeted to Council standard and at the developer's cost.
- 50 All vehicle crossings must be constructed in accordance with Council's Standard Drawings and engineering requirements.
- 51 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 developer's expense.
- 52 Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Green Travel Plan

- 53 Before the occupation of the development, 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) describe the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (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; and
 - (g) include provisions to be updated not less than every 5 years.
- 54 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management

- 55 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) a lighting plan;
 - (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; and
 - (v) other relevant considerations.

56 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.

57 Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:

- (a) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
- (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
- (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;

- (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
 - (e) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
 - (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.
- 58 The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 59 Before the buildings are 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.
- 60 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.
- 61 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.
- 62 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
- 63 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.
- 64 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings 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.
- 65 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 66 Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.
- 67 No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.

- 68 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
- 69 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the date of the issue date of this Permit;
 - (b) The development is not completed within six years from the date of the issue of the permit;
 - (c) The uses are not commenced within six years from the date of this permit.
- In accordance with Section 69 of the Planning and Environment Act 1987 (Vic), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this Condition.

NOTES:

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.

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

All future property owners, residents, business owners and employees 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 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.

This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

CONTACT OFFICER: Mary Osman
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Attachments

- 1 PLN15/0355.02 - 50 Gough Street Cremorne (formerly known as 2 Gough Street Cremorne)
- S52 Advertising Plans
- 2 PLN15/0355.02 - 50 Gough Street Cremorne (formerly known as 2 Gough Street Cremorne)
- S52 Advertising Town Planning Report
- 3 PLN15/0355.02 - 50 Gough Street Cremorne (formerly known as 2 Gough Street Cremorne)
- S52 Advertising Traffic Assessment Report Part 1
- 4 PLN15/0355.02 - 50 Gough Street Cremorne (formerly known as 2 Gough Street Cremorne)
- S52 Advertising Traffic Assessment Report Part 2
- 5 PLN15/0355 - 50 Gough Street Cremorne - Stage 1 of Nylex Site - Engineering comments