



**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 27 February 2019  
at 6.30pm in Meeting Rooms 1 & 2  
at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Misha Coleman  
Councillor Danae Bosler  
Councillor Daniel Nguyen

- I. ATTENDANCE**  
Vicky Grillakis (Coordinator Statutory Planning)  
Amy Hodgen (Coordinator Statutory Planning)  
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**

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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	PLN18/0471 - 31-51 Nelson Street Abbotsford - Langridge Ward - Use and construction of a 7-storey building containing offices, shops and food and drink premises (cafe) and a reduction in car parking.	5	39
1.2	PLN18/0328 - 459- 471 Church Street and No. 20 - 26 Brighton Street Richmond - Melba Ward - Use and development of the land for the construction of three mixed use buildings (including a childcare centre), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road.	49	72

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**1.1 PLN18/0471 - 31-51 Nelson Street Abbotsford - Langridge Ward - Use and construction of a 7-storey building containing offices, shops and food and drink premises (cafe) and a reduction in car parking**

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## Executive Summary

### Purpose

1. This report provides Council with an assessment of planning permit application PLN18/0471 which seeks approval for the use and construction of a 7-storey building containing offices, shops and food and drink premises (cafe) and a reduction in car parking.
2. As detailed in the assessment section, this report recommends approval of the proposed development subject to conditions.

### Key Planning Considerations

3. Key planning considerations include:
  - (a) Land use (Clauses 11.02, 17.01, 17.02, 17.03, 21.04 and 33.03 of the Yarra Planning Scheme).
  - (b) Built form and design (Clauses 15.01, 21.05, 22.05, 22.07, 22.10 and 33.03 of the Yarra Planning Scheme).
  - (c) Off-site amenity impacts (Clauses 15.01, 22.05 and 22.10 of the Yarra Planning Scheme).
  - (d) Car and bicycle parking (Clauses 18.01, 18.02, 21.06, 52.06 and 52.34 of the Yarra Planning Scheme).

### Key Issues

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

### Submissions Received

5. A total of 16 objections were received for the application, these can be summarised as:
  - (a) Excessive height and scale
  - (b) Amenity impacts (overlooking, overshadowing and visual bulk)
  - (c) Equitable Development
  - (d) Light spill from office lights
  - (e) Wind impacts

- (f) Insufficient car parking
- (g) Increased traffic
- (h) Incompatible uses
- (i) Will set a precedent
- (j) Loss of views
- (k) Reduction in property values

6. One letter of support was received for the application.

**Conclusion**

7. 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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**PLN18/0471 - 31-51 Nelson Street Abbotsford - Langridge Ward - Use and construction of a 7-storey building containing offices, shops and food and drink premises (cafe) and a reduction in car parking**

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Trim Record Number: D18/219115

Responsible Officer: Manager Statutory Planning

[Help](#)

<b>Proposal:</b>	Use and construction of a 7-storey building containing offices, shops and food and drink premises (cafe) and a reduction in car parking.
<b>Existing use:</b>	At-grade car park.
<b>Applicant:</b>	G2 Urban Planning
<b>Zoning/Overlays:</b>	Industrial 3 Zone/No Overlays
<b>Date of Application:</b>	4 July 2018
<b>Application Number:</b>	PLN18/0471

**Planning History**

1. On 17 April 2000, a planning permit 990903 was issued for the land to the east of Thompson Street at 11-17 South Audley Street for a Place of Assembly (Carlton & United Breweries Museum and hospitality centre), buildings and works and car parking requirements reduction. This permit included the use of the subject site for car and bus parking, accommodating 47 cars and 3 buses. The subject site is no longer available for car parking, with temporary fencing having since been erected around the perimeter of the site. The applicant has indicated that the lease of the subject land terminated in 2017 and since that time, the subject site has been fenced and unavailable for parking.
2. This has been raised with Council's Compliance Unit and the planning consultant who acted for the applicant has also been alerted. While the apparent non-compliance with the planning permit associated with 11-17 South Audley Street needs to be investigated, it does not affect the assessment of the current application.

**Background**

3. This application was received by Council on 4 July 2018. Following the submission of further information, the application was advertised for 4 weeks commencing September 2018 and 16 objections were received.
4. A consultation meeting was held on 11 December 2018, attended by objectors, the applicant's development team and Council officers. No resolutions were reached at the meeting, however the applicant tabled sketch plans at the consultation meeting that have since been formally lodged under Section 57A of the *Planning and Environment Act 1987* (the Act) as detailed below.

Lodgement of S57A plans or sketch plans

5. Following the consultation meeting, the applicant formally amended the development plans on 4 February 2019 via Section 57A of the Act. The main changes between the advertised plans and the Section 57A amended plans include the following:
  - (a) Increased western boundary setbacks between 1.7m and 2.55m at Levels 1 to 6 behind the adjoining properties of No. 28, 30 and 32 Cooke Street, to remove any additional overshadowing to secluded private open space from 10:00am at the September Equinox.
  - (b) The sixth floor office space, south of the lift core on Thompson Street, deleted and the roof top plant equipment lowered accordingly.

- (c) East-facing windows at Levels 1 to 4 been pulled back from the south-east corner for a length of 3.2m.
6. As the amended plans have been formally substituted under to Section 57A of the Act, they now form the decision plans and the basis of this report.



**Figure 1: Original proposal highlighting Section 57A Amendments**

### The Proposal

7. This application is for use and construction of a 7-storey building containing offices, shops and food and drink premises (café) and a reduction in car parking.
8. The key elements of the proposed development as depicted in the Section 57A amended plans (Attachment 1) prepared by Fieldwork referenced as TP000-TP205, 300-301, 312 – 405 and 601, Rev C dated 18 December 2018 and TP206-209, 302 – 311 Rev C01 dated 4 February 2019 are as follows:

#### Use:

- (a) At ground floor there are two retail tenancies, a food and drink premises (café) and office tenancies at ground floor
- (b) Levels 1 to 6 contain multiple office tenancies
- (c) Use areas as per the following table:

Use	Total Area
Retail tenancies	539sqm
Food & drink premises (café)	121sqm
Office	6,725sqm

#### Car Parking and Access:

- (d) Vehicle access is via Thompson Street to the south of the site.
- (e) All existing vehicle crossovers to be removed and footpaths reinstated with kerb and channel.



- (f) A total of 116 car parking spaces across two basement levels in a combination of traditional on-grade spaces and car stacker spaces.
- (g) A waste collection bay on basement level one, adjacent to the bin storage room.
- (h) A total of 137 bicycle parking spaces, with 89 spaces on the ground floor and 48 on Basement L1.

Built Form:

- (i) The construction of a seven storey building with two levels of basement and a roof top terrace.
- (j) Maximum building height of 31.7m to the top of the roof top terrace screening and 28.75m to the top of Level 6.
- (k) A 2 to 5 storey street wall height to Cooke Street, at a maximum height of 20.75m.
- (l) A 5 to 7 storey street wall to Nelson Street, at a maximum height of 28.75m.
- (m) A 5 to 7 storey street wall to Thompson Street, with a maximum height of 28.75m.
- (n) A stepped built form to the western and southern interface with the residentially zoned land that transitions in height away from the respective boundaries.
- (o) Materials and finishes including concrete panels, clear and obscure glazing, tiled finish, galvanised metal, vertical metal balustrade, metal mesh, aluminium louvres and perforated galvanised metal.

Environmental Sustainable Design:

- (p) At least a 20 per cent improvement above the NCC heating and cooling energy efficiency requirements.
- (q) Good daylight to most office areas.
- (r) Horizontal exterior shading (photo voltaic arrays) to the northern façade and vertical fins to eastern and western façades to manage solar heat gain.
- (s) 35 kWp of solar photo voltaic integrated into the northern façade as horizontal shading elements.
- (t) A STORM report with a 102 per cent score that demonstrates best practice and relies on at least 627 square metres of roof connected to 20kL of rainwater storage proposed to flush toilets for equivalent of 40 people. An additional 671sqm of terrace connected to 12 square metres of raingarden for filtering.
- (u) 137 bicycle parking spaces for ~7,700 square metres of commercial floor area, provided for staff and visitors.
- (v) Twelve showers and lockers to support cyclists riding to work.
- (w) Landscaping on ground floor, terraces and roof will marginally improve the ecological value of the site.
- (x) Electric vehicle charge points.
- (y) Energy efficient lighting.
- (z) Water efficient fixtures and taps.



**Figure 2: Proposed Nelson Street perspective**

## **Existing Conditions**

### Subject Site

9. The subject site is irregular forming an inverted 'L' shape and located on the southern side of Nelson Street, between Cooke Street to the west and Thompson Street to the east. The site comprises a total area of 2,168.6sqm with the following frontage dimensions:
  - (a) 63.91m to Nelson Street
  - (b) 21.90m to Cooke Street
  - (c) 43.61m to Thompson Street
10. The site is relatively flat with a slight fall from the east to the west of 0.3 metres.
11. The subject site contains an at-grade asphalt car park and landscaping, including some mature trees.
12. Vehicle access to the site is gained via two existing crossovers, one centrally located on the Nelson Street frontage and the other centrally located along the Thompson Street frontage.
13. The subject site consists of three allotments:
  - (a) North-western allotment located on the corner of Cooke and Nelson Streets, legally described as Lot 1 on Title Plan 595479F.
  - (b) North-eastern allotment located on the corner of Nelson and Thompson Streets, legally described as Lot 1 on Title Plan 323128J.
  - (c) South-eastern allotment fronting Thompson Street, legally described as Lot 1 on Title Plan 235286E.
14. There are no restrictive covenants or easements identified on any of the certificate of titles.

### Surrounding Land

15. The surrounding area contains a mix of uses, with predominantly commercial/warehouse activity along both Nelson and Thompson Streets, while Cooke Street contains predominately single storey residential dwellings.

*East*

16. To the immediate east of the site is Thompson Street; a local two-way street accommodating parallel car parking on both sides.
17. On the eastern side of Thompson Street is a single storey brick building used as a brewery with associated function centre. The building is set back approximately 15m from Thompson Street, with the setback accommodating a garden bed at the corner of Thompson and Nelson Streets and a circular driveway looping between Nelson and Thompson Streets.
18. To the south of the brewery along Thompson Street are predominantly industrial and warehouse buildings used for automotive repairs. However further to the south (approximately 45m from the subject site) fronting Thompson Street are remnant dwellings within the Industrial 1 and 3 Zone.

*South*

19. To the south of the site, abutting the eastern half of the southern boundary is No. 17 Thompson Street. This site contains a single storey industrial building occupied by an automotive repair business fronting Thompson Street.
20. The western half of the southern boundary abuts a 3.7m wide unmade Council Right of Way (RoW). Further to the south is a similar-sized vacant lot at No. 34 Cooke Street. The RoW and vacant lot present as a single garden bed along the southern boundary of the site, supporting four trees, shrubbery and top soil. There is also a bluestone vehicle crossover that provides vehicle access to this land. The Cooke Street boundary is fenced by a chain connected to two metal poles approximately 0.5m in height.
21. Further south is a single storey dwelling at No. 32 Cooke Street with its rear secluded private open space abutting the subject site's western boundary. The rear secluded private open space of Nos. 30 and 28 Cooke Street also abut the western boundary of the subject site. All land on the eastern side of Cooke Street, south of the subject site is within the Neighbourhood Residential Zone (Schedule 1).

*West*

22. Cooke Street is to the immediate west, a local north-south road accommodating one-way vehicle traffic in a northbound direction and parallel car parking on both sides of the road.
23. On the opposite side of Cooke Street at No. 13-29 Nelson Street is also an asphalt at-grade car park with an approximately 2m high wire mesh fencing surrounding the site. This is currently used privately for a removalist company 'Man with a Van'. A Planning Permit was issued on 6 July 2015 (and amended 5 November 2018) allowing the use of the land as a warehouse (vehicle storage), construction of a double-storey building, the construction and display of advertising signage and a waiver of the loading bay requirement. Works on site have not yet commenced, however an extension of time to the permit was granted until 6 July this year.
24. To the south of the car park is a laneway and further south on the western side of Cooke Street is low-rise dwellings similar to the eastern side of Cooke Street and also located within the Neighbourhood Residential Zone.
25. Nelson Street is immediately north of the subject site, a local east-west road with a road reserve width of approximately 15 metres, a carriageway width of 10.2 metres accommodating one lane of traffic in each direction and parallel car parking on both sides of the road.
26. On the northern side of Nelson Street, opposite the subject site, is the Carlton United Brewery. The land is developed with a brick building between three and five storeys in height. The building extends to the site's boundaries, with a number of roller doors and vehicle entrances located along the Nelson Street interface.

27. The Victoria Street Major Activity Centre (MAC) is located 100 metres to the south of the site. The site is well serviced by public transport with the Victoria Street and Church Street trams located approximately 100 metres to the south and the North Richmond train station approximately 1km to the west.



Figure3: Aerial Imagery, December 2019

## Planning Scheme Provisions

### Zoning

#### *Clause 33.03 – Industrial 3 Zone*

28. Pursuant to Clause 33.03-1 of the Yarra Planning Scheme, a shop is a section 1 use within the Industrial 3 Zone, provided the shop adjoins, or is on the same lot as, a supermarket when the use commences, amongst other requirements. As the shop will not adjoin or be on the same lot as a supermarket, it becomes a Section 2 use and therefore requires a planning permit to operate within the Industrial 1 Zone.
29. An office and a food and drink premises (nested under retail premises) are both Section 2 uses and therefore also require a planning permit to operate within the Industrial 3 Zone.
30. Pursuant to Clause 33.03-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.



Figure 4 : Zoning Map

### Particular Provisions

#### *Clause 52.06 – Car Parking*

31. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause.
32. Pursuant to Clause 52.06-5 of the Scheme, the car parking requirements for the proposed development are taken from column B of table 1 as the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps (State Government of Victoria, 2018)*. The car parking requirements are as follows:

Use:	Rate:	Spaces required:	Spaces proposed:	Reduction sought:
Shop (539 sqm)	3.5 to each 100sqm of leasable floor area	18	5	13
Food and drink premises (121 sqm)	3.5 to each 100sqm of leasable floor area	4	1	3
Office (6,725 sqm)	3 to each 100 sqm of net floor area	202	110	92
<b>TOTAL</b>		<b>224</b>	<b>116</b>	<b>108</b>

33. With a shortfall of 108 car parking spaces, this application therefore seeks a reduction in the car parking requirement of the Scheme associated with the shop, food and drink premises and office uses within the proposed building.

*Clause 52.34 – Bicycle Facilities*

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

<b>Use:</b>	<b>Employee Rate:</b>	<b>Spaces required:</b>	<b>Visitor/Shopper Rate:</b>	<b>Spaces required:</b>
Shop (539 sqm)	1 to each 600 sqm of leasable floor area if the leasable floor area exceeds 1,000 sqm	0	1 to each 500 sqm of leasable floor area if the leasable floor area exceeds 1,000 sqm	0
Food and drink premises (121 sqm)	1 to each 300sqm of leasable floor area	0	1 to each 500 sqm of leasable floor area	0
Office (6,725 sqm)	1 to each 300 sqm of net floor area if the net floor area exceeds 1,000 sqm	22	1 to each 1,000 sqm of net floor area if the net floor area exceeds 1,000 sqm	7
<b>TOTAL</b>		<b>22</b>		<b>7</b>

35. As 137 on-site bicycle parking spaces are proposed within the development and 29 spaces are required by the Scheme, the application exceeds the bicycle parking spaces requirement.
36. End of trip facilities (i.e. showers or change rooms) are required by the Scheme. Further, the Scheme prescribes that when 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.
37. As the Scheme requires 22 employee bicycle parking spaces, three showers with change rooms are also required. As the proposed development incorporates twelve showers with change rooms, the application exceeds the requirements of Clause 52.34 of the Scheme.

General Provisions*Clause 65 – Decision Guidelines*

38. 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 Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

39. The following PPF provisions of the Scheme are relevant:

*Clause 11.02-1S – Supply of Urban land*

40. The objective of this Clause is:

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

*Clause 13.05-1S – Noise Abatement*

41. The objective of this Clause is:
- (a) To assist the control of noise effects on sensitive land uses.  
*Clause 13.07-1S – Land Use Compatibility*
42. The objective of this Clause is:
- (a) To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.  
*Clause 15.01-1S – Urban Design*
43. The objective of this Clause is:
- (a) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.  
*Clause 15.01-1R – Urban Design – Metropolitan Melbourne*
44. The objective of this Clause is:
- (a) To create a distinctive and liveable city with quality design and amenity.  
*Clause 15.01-2S – Building Design*
45. The objective of this Clause is:
- (a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm.  
*Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne*
46. The strategy of this Clause is:
- (a) Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.  
*Clause 15.01-5S – Neighbourhood Character*
47. The objective of this Clause is:
- (a) To recognise, support and protect neighbourhood character, cultural identity, and sense of place.  
*Clause 15.02-1S – Energy and Resource Efficiency*
48. The objective of this Clause is:
- (a) To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.  
*Clause 17.01-1S – Diversified Economy*
49. The objective of this Clause is:
- (a) To strengthen and diversify the economy.  
*Clause 17.02-1S – Business*
50. The objective of this Clause is:
- (a) To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.  
*Clause 17.03-1S – Industrial Land Supply*
51. The objective of this Clause is:
- (a) To ensure availability of land for industry.  
*Clause 18.01-1S – Land Use and Transport Planning*
52. The objective of this Clause is:

- (a) To create a safe and sustainable transport system by integrating land use and transport.

*Clause 18.01-2S – Transport System*

53. The objective of this Clause is:

- (a) To coordinate development of all transport modes to provide a comprehensive transport system.

*Clause 18.02-1S – Sustainable Personal Transport*

54. The objective of this Clause is:

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

*Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne*

55. The relevant strategy of this Clause is:

- (a) Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

*Clause 18.02-2S – Public Transport*

56. 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*

57. The relevant strategy of this Clause is:

- (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*

58. The objective of this Clause is:

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

*Clause 19.02-1S – Health Facilities*

59. The objective of this Clause is:

- (a) To assist the integration of health facilities with local and regional communities.

*Clause 19.02-1R – Health Facilities – Metropolitan Melbourne*

60. The relevant strategy of this Clause is:

- (a) Ensure health precincts are well serviced by community services.

*Clause 19.03-4S - Stormwater*

61. The objective of this Clause is:

- (a) To reduce the impact of stormwater on bays, water bodies and catchments.

Local Planning Policy Framework (LPPF)

62. The following LLPF provisions of the Scheme are relevant:

*Clause 21.04-3 – Industry, Office and Commercial*

63. The objective of this Clause are:

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

*Clause 21.05-2 – Urban Design*

64. 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.
- (c) To retain, enhance and extend Yarra's fine grain street pattern.
- (d) To create an inner city environment with landscaped beauty.
- (e) To ensure that new development contributes positively to Yarra's urban fabric.
- (f) To enhance the built form character of Yarra's activity centres.

*Clause 21.05-3 – Built Form Character*

65. The relevant objectives of this Clause are:

- (a) To maintain and strengthen the identified character of each type of identified built form within Yarra.

*Clause 21.05-4 – Public Environment*

66. The relevant objectives of this Clause are:

- (a) To provide a public environment that encourages community interaction and activity.

*Clause 21.06 – Transport*

67. The relevant 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 – Environmentally Sustainable Development*

68. 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 21.08-1 – Abbotsford*

69. Clause 21.08-1 describes the Abbotsford area in the following way:

- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*
- (b) *There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.*

70. Within Figure 5 of Clause 21.08-1, the site is located outside of the Victoria Street major activity centre. Figure 6 of Clause 21.08-1 shows the site as being within category 3 area relating to non-residential areas where the objective is to 'improve the interface of development with the street'.

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

71. This policy applies to applications for use or development within Mixed Use 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*

- 72. 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*

- 73. 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)*

- 74. 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*

- 75. 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)*

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

**Advertising**

- 77. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 144 letters sent to surrounding owners and occupiers and by a sign displayed on Cooke, Nelson and Thompson Streets. Council received sixteen objections and one letter of support, the grounds of objection are summarised as follows:
  - (a) Excessive height and scale
  - (b) Amenity impacts – Overlooking, overshadowing and visual bulk
  - (c) Equitable Development
  - (d) Light spill from office lights
  - (e) Wind impacts
  - (f) Insufficient car parking
  - (g) Increased traffic
  - (h) Incompatible uses
  - (i) Will set a precedent

- (j) Loss of views
  - (k) Reduction in property values
78. The Section 57A amended plans were not readvertised as the changes would not result in any additional material detriment. A discretionary exemption was granted at Council's Development Assessment Panel on 6 February 2019.
79. However, a copy of the Section 57A amended plans has been placed on Council's website, with a link and a summary of the changes provided to the objectors.

### **Referrals**

80. The referral comments are based on the advertised plan, unless otherwise specified.

#### External Referrals

81. The application was not required to be referred to any external authorities under Clause 66 of the Scheme.

#### Internal Referrals

82. The application was referred to the following units within Council and external consultants :
- (a) Engineering services unit
  - (b) City works branch
  - (c) ESD advisor
  - (d) Strategic transport unit
  - (e) Open space planning and design unit
  - (f) Streetscapes and natural values unit
  - (g) Urban design unit
  - (h) Urban design consultant (Hansen Urban Design Team)
83. Referral comments have been included as attachments to this report.

### **OFFICER ASSESSMENT**

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

Strategic Justification

85. There is both State and local support for commercial developments that provide local employment opportunities (Clauses 11.02-1S, 21.04-3) and are appropriately located to minimise potential off-site impacts (Clause 13.07-1S). The proposed uses are considered to be compatible with their surrounds.
86. Council's local planning policy acknowledges a shift in the demand for industrial uses within the Abbotsford local area, stating at clause 21.08-1 that *'Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilized land to the west of Victoria Crescent south of Gipps Street'*. While Nelson Street is outside this pocket, a similar principle applies and as such, from a local strategic perspective, the proposed office development reflects an appropriate activity within the Abbotsford industrial precinct.
87. The intensification and concentration of development is encouraged in and around activity centres and on sites that are well connected to public transport to ensure efficient use of existing infrastructure. As noted within the surrounds description, the site is well placed in terms of public transport and the Victoria Street MAC. It is a location where increased development could take advantage of existing services.
88. While there is policy support for more intensive development on the site, this needs to be balanced with built form guidance at Clauses 15.01, 21.05-2 and 22.10 of the Scheme, which encourages contextually responsive and high quality development. As will be discussed in greater detail throughout this assessment, the proposed development will meet these objectives having regard to the existing sensitive interfaces and the strategic expectations for the area.
89. Both State and local policy directives seek to promote the use of sustainable personal transport (Clauses 18.02-1R, 18.02-2R, and 21.06). In regard to car parking, Clause 18.02-4S 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.
90. 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 will be covered later within this report.

Land Use

91. As detailed within the planning controls section earlier in the report, all uses proposed as part of the current application require a planning permit. Notwithstanding this, it is considered that the proposed uses are appropriate having regard to the purposes of the Industrial 3 Zone and the particular location of the site.
92. A purpose of the Industrial 3 Zone is *'to provide a buffer between the Industrial 1 Zone or the Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community'*. The predominate use of the site is 'office', this is considered an appropriate "buffer" activity between the Industrial 1 Zone to the north and east and the Neighbourhood Residential Zone to the south-west. As will be discussed, office uses have minimal external impacts and as such, exist comfortably alongside residential properties. Office uses can also be placed adjacent to industrial/warehouse uses with limited disruption to activities.
93. A further purpose of the Industrial 3 Zone is *'to allow for limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations'*. The proposed plans describe the use for two of the ground tenancies as 'retail'. Under the Scheme, 'retail' encapsulates a wide range of uses, including some that would not necessarily be appropriate for this site or would require further assessment and potentially more tailored conditions.

94. To ensure that unintended externality impacts are not overlooked, a condition of permit will require the ground floor 'retail' tenancies to be relabelled as 'shop'. This has been discussed with the permit applicant who was agreeable to this change.
95. Both the shops and café on the ground floor are considered appropriate uses consistent with this purpose. Given the close proximity to the Victoria Street MAC, the provision for a shop on this site is considered appropriate and would likely attract customers from the MAC. The café will also provide convenience for occupants of the proposed building, in addition to other commercial and residential uses nearby. As will be discussed within the streetscape and activation discussion, the inclusion of the retail and food and drink premises at the ground floor will also provide activation and an improved pedestrian experience adjacent to the site.
96. When assessing new uses within Industrial Zones proximate to residentially zoned land, Council's Interface Uses Policy (Clause 22.05) needs to be considered. The policy provides guidance on matters relating to:
  - (a) Noise
  - (b) Visual impact and appearance
  - (c) Overlooking
  - (d) Odour and air emissions
  - (e) Light spill
  - (f) Loading and unloading
  - (g) Rubbish removal and storage
  - (h) Construction noise
97. The proposed uses have been assessed against the above elements and are considered to be acceptable subject to conditions on any permit that issues. Further discussion of each matter is covered in the report within the built form and off site amenity sections.
98. No operating hours have been nominated for the proposed uses. As will be discussed within the off-site amenity section, it is considered appropriate that these uses be permitted to operate from 8am to 8pm, 7 days a week. These hours derive from Council's *Discretionary Uses in Residential 1 Zone* policy at Clause 22.01 of the Scheme. While this policy does not apply to land outside the residential zone, given that the land is immediately adjacent to a residential zone and the majority of existing commercial uses within the abutting Industrial Zone appear to operate mainly during business hours, restricting operation between 8am and 8pm is considered reasonable.
99. It may be appropriate for uses to operate beyond these hours, however given that there are no specific tenants at this stage, this more detailed assessment cannot be undertaken at this point.

#### Built Form and Design

100. The relevant considerations for the design and built form 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) of the Scheme. As supplementary guidance, the *Urban Design Guidelines for Victoria 2017* (prepared by Department of Environment, Land, Water and Planning).

#### *Height*

101. There are no specific height controls for the subject site within the Scheme. The Built Form and Design Policy at clause 22.10 seeks to ensure that *'the height of new development is appropriate to the context of the area and respects the prevailing pattern of heights of the area where this makes a contribution to the character of the area.'*

102. As identified in the description of the surrounds, the area is predominately one and two storey in scale, with the exception of the Carlton United Brewery (CUB), which presents a sheer brick wall equivalent to 3 to 5 commercial storeys. While the proposed development at 7 storeys would be taller than its surrounds, the height is contextually appropriate for this site for the reasons discussed below.
103. Importantly, the proposed development will only reach 7 storeys at the corner of Nelson and Thompson Streets. The height then steps down to 6 storeys along Thompson Street south of the stair core, 5 storeys west of the eastern stair core along Nelson Street and to Cooke Street the building steps down from 5 to 3 storeys toward the south. This distribution of height across the site assists in providing a comfortable transition to the surrounding area.
104. The taller built form at the corner of Nelson and Thompson Streets would not be detrimental to the character of the area given that historically the area supported a juxtaposition of building heights with the mix of industrial and residential uses. There are also no unreasonable amenity impacts as a consequence of the taller built form as will be discussed in greater detail under offsite amenity impacts.
105. While presently the remnant industrial/warehouse building stock is largely one and two storeys, it is expected that the scale of the surrounding built form will increase over time as these sites are redeveloped. In particular, it is likely that the adjacent properties to the east and the west will be redeveloped with taller built form in future given that these sites are a similar size to the subject site and are not affected by any overlays (e.g. heritage). This anticipated future development within the area will in time erode the variation in the scale of the subject site and its surrounds. In the interim, given that the subject site is directly opposite the taller section (approximately 5 commercial storeys) of the CUB site, its scale will sit comfortably within the surrounds.
106. Council's Urban Designer (Hansen) was also largely comfortable with the overall scale of the development. They were of the opinion that this area could form a pocket of taller built forms distinct from those that will emerge along Victoria Street. Their advice however did suggest reducing the building by one storey south of the lift core along Thompson Street from 7 to 6 storeys. This recommendation was based on the advertised plans and has since been incorporated into the amended plans to the application.



Figure 5: Thompson Street elevation depicting the deleted level in red

107. To address the height variation between the 6 storey form and the existing 1 and 2 storey buildings along Thompson Street, the proposed development incorporates a setback of 3.63m from the southern boundary at Level 5 in addition to an artwork feature to the southern boundary wall up to Level 4 adjacent to No. 17 Thompson Street. This will provide visual interest to this wall until such time as properties to the south along Thompson Street are redeveloped. To ensure that an appropriate art installation is erected upon the wall, a condition will be placed on any permit issued requiring that a public art management plan is submitted for endorsement.
108. The Urban Design advice also recommended reducing the building on the corner of Nelson and Cooke Streets from 5 to 4 storeys. This recommendation has not been adopted for the following reasons:
- (a) The corner height at 5 storeys is only marginally (0.5m) taller than the CUB to the north of Nelson Street and in this regard would not appear overbearing in the wider context.
  - (b) The Nelson Street elevation is likely to look overly stepped if the western corner height were reduced given that the building height already transitions from 7 to 5 storeys along this elevation.
  - (c) The proposed development provides a comfortable transition to the south, including the stepping from 5 to 3 storeys, combined with a 4.1m setback of the third level from Cooke Street.
  - (d) A separation of approximately 15m is provided from the 5 storey element to the residential terrace dwellings along Cooke Street to the south.
  - (e) As discussed below, a similar contrast in height is anticipated from Victoria Street to Cooke Street under the interim Design and Development Overlay, which extends along Victoria Street.



**Figure 6: Cooke Street isometric depicting height transition**

109. The Design and Development Overlay Schedule 22 (DDO22) was introduced in November last year along Victoria Street. This recommends a building height of 24m along both sides of Victoria Street extending from Nicholson Street to the west to Grosvenor Street to the east. This equates to between 5 and 8 storeys depending on the floor to ceiling heights proposed. It is also 3.25m greater than the 5 storey element proposed for the corner of Nelson and Cooke Street.
110. This becomes relevant when considering the potential future impact to Cooke Street. Under DDO22, Cooke Street is already anticipated to be bookended by a building of a similar height at its southern end, however without a 15m separation; as is currently proposed at the subject site. Given that a similar contrast in height is proposed at the southern end of Cooke Street, it is equally reasonable to have a 5 storey transition at the northern end.

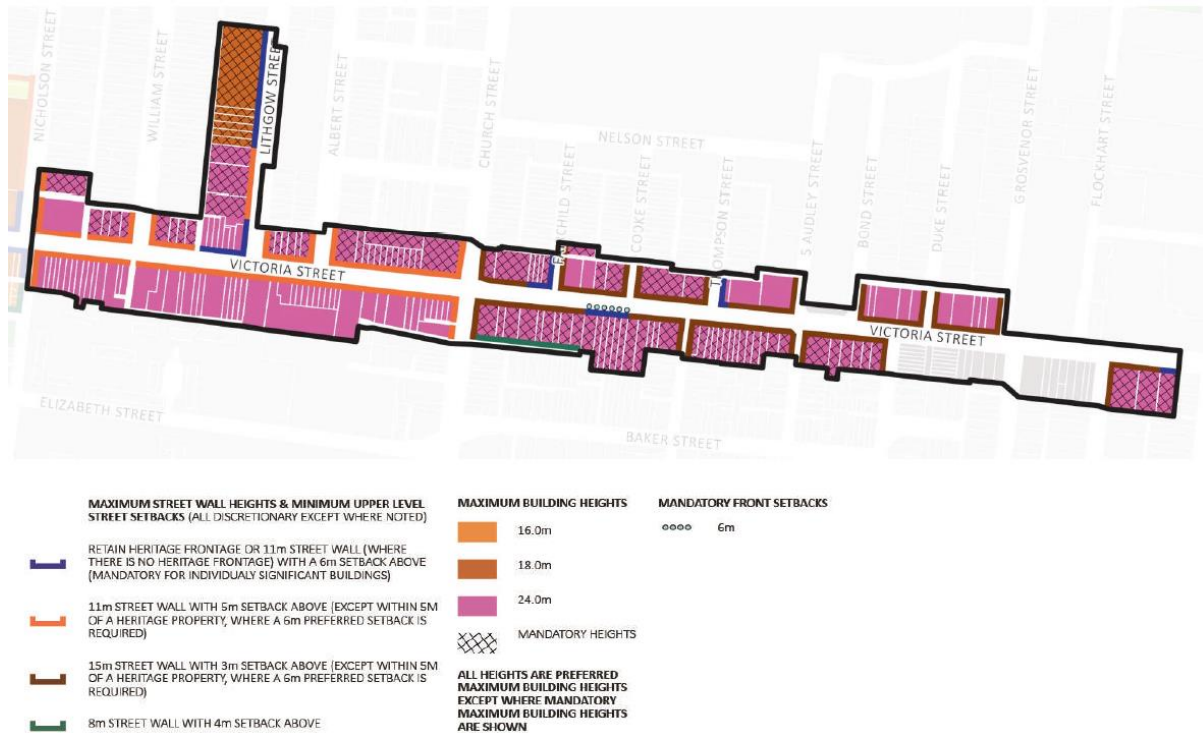


Figure 7: Building Heights for Precinct 4 in DDO22

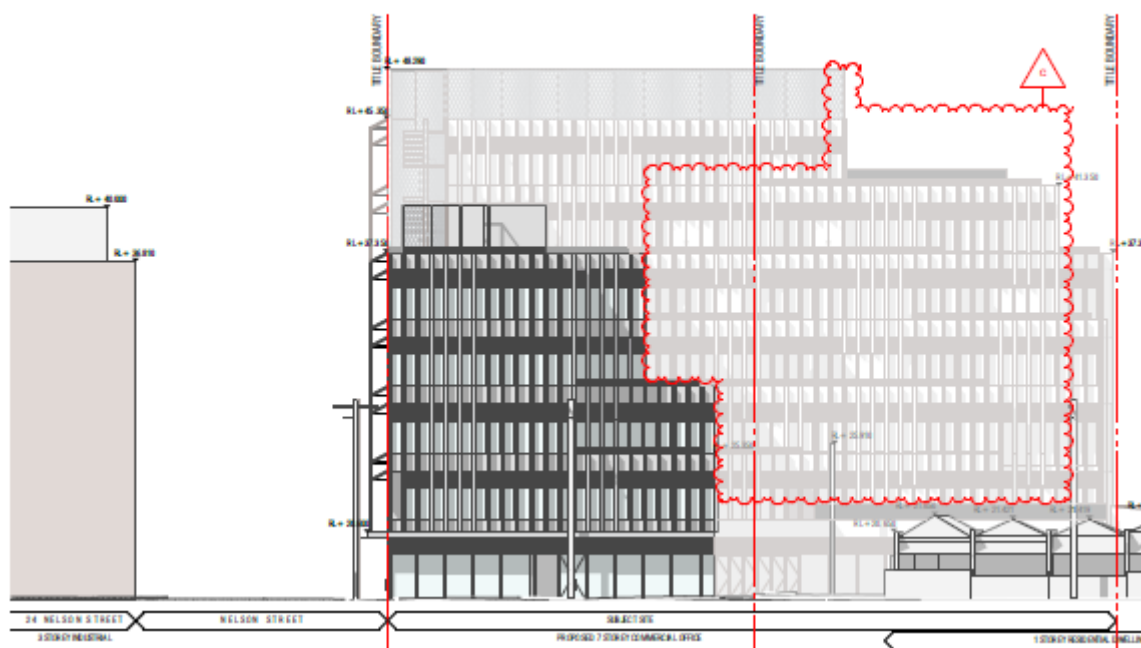
#### Street Wall/Upper level setbacks

111. There are no specific street wall/upper level setback requirements for the subject site. A typical approach to massing taller buildings is to provide a podium/tower typology. The primary motivations for this are to ensure that taller built forms do not dominate an area and a pedestrian scale is maintained along streetscapes. The proposed development however adopts a different typology, responding directly to the more robust forms within the industrial pocket and in particular the existing CUB building on the northern side of Nelson Street. Rather than a podium/tower relationship, the building uses terracing to mitigate potential visual bulk and to maintain a pedestrian scale.
112. Clause 22.10-3.3 suggests that new development that is higher than adjacent buildings should adopted a secondary setback for the higher building component that:
- (a) Aligns to the street pattern
  - (b) Retains existing viewlines to heritage properties.
113. The subject site exists along three streetscapes, each very different in character. The response to each streetscape has been assessed in turn below.

#### Nelson Street



114. To Nelson Street, a street wall height of 7 storeys stepping down to 5 storeys is proposed. As previously discussed, the urban design advice recommended that a 4 storey 'base' be provided with the setting in of the fifth floor level. As mentioned previously, they have also recommended deleting the fifth floor to the west of the western core. The urban design advisor has explained the basis for these recommendation is to minimise the visual impact of the upper level forms viewed from Nelson Street.
115. It was also recommended that a different material treatment to distinguish the 'base' from the 'crown'. These recommendations would be tantamount to a refusal, requiring a significant redesign of the proposal. A substantial alteration to the design is not considered necessary from a visual bulk perspective. The proposed composition sits comfortably within the robust context of the site. The vertical segmentation of the building through expressing the stair elements, coupled with the reduction of the scale as the building approached the Cooke Street interface appropriately responds to the site negating the need for a base/tower building typology.
116. The southern side of Nelson Street does not currently have a distinguishable street wall pattern given that it comprises largely of open, undeveloped areas. This may likely be somewhat improved by the proposed two storey development to the west of Cooke Street (as approved under PLN14/1166). Notwithstanding this, the southern streetscape will still be largely fragmented by the street junctions and large lot sizes. Nelson Street is also strongly influenced by the very prominent CUB site on its northern side, which comprises a sheer wall the full length of Nelson Street equivalent in height to between 3 and 5 storeys, with the tallest portion of this wall occurring adjacent to the subject site.
117. In this context, it is considered that there is greater flexibility in street wall heights for this site. A taller street wall is considered acceptable given the presence of robust, hard edge built form and the industrial zoning of the surrounding land. The design and massing of the proposed development is considered sufficiently resolved to ensure that it does not present excessive visual bulk, including:
- (a) The 7 storey street wall is only proposed to the corner of Thompson Street, with the remainder of the building stepping down to 5 storeys
  - (b) Two recessed stair cores are provided along the façade that will assist breaking up the length of the façade
  - (c) Relatively light-weight materials are proposed in addition to comprehensive landscape concept to the façade, further softening views to the built form
  - (d) The building will be read alongside the CUB site, which is equivalent in scale to the 5 storey street wall.
118. Having regard to the above, it is considered that the proposed development responds appropriately to the streetscape and no further changes to the street wall are required.



**Figure 8: Western elevation depicting interface with CUB site**

#### *Thompson Street*

119. Thompson Street currently presents a collection of 1 and 2 storey industrial and warehouse buildings. The development responds to this streetscape by stepping down in height from a 7 to 6 storey street wall to the south along Thompson Street. As previously mentioned, this is an amendment from the advertised plans as recommended by the urban design advice, which previously proposed a 7 storey street wall. The street wall at 6 storeys however will still be noticeably higher than the remainder of Thompson Street.
120. The urban designer has recommended that a four storey street wall be provided, with the top two levels recessed. This is based on a 1:1 street wall height to street width ratio. While it is acknowledged this is a reasonable urban design tool to determine scale, this additional setbacks from Thompson Street are not considered necessary on the following basis:
- Thompson Street is likely to experience change given its limited sensitivity.
  - The juxtaposition of building heights is not unusual to this area
  - Thompson Street contains industrial zoned land and thus limited level of sensitivity
  - The verticality of the design is also consistent with the robust character of the area, where upper level setbacks are atypical of the area.
  - The subject site is situated at the end of Thompson Street rather than a midblock position and therefore would not impact upon the streetscape consistency.
121. For the reasons outlined above, a further setback to the upper levels is not considered necessary and has not been conditioned.

#### *Cooke Street*

122. Cooke Street is a more sensitive streetscape given that it is residentially zoned and covered by a heritage area. The proposed development provides a 5 storey streetwall at the corner of Nelson Street, which then steps down to a two storey street wall, with recessed third floor. The urban design has suggested deleting the fifth storey to the corner of Nelson Street. This however is not considered necessary. As has been covered above, a similar book end is anticipated at the southern end of Cooke Street under DDO22.

The proposed development is considered to already provide an acceptable transition between the low scale of Cooke Street to the more robust forms within the Industrial Zone. On this basis it is not considered that further amendments are needed to this elevation.

#### *Street Level Interface*

123. In relation to the street level interface, Council's Urban Design policy at Clause 22.10-3.4 encourages new development to be orientated to front existing and proposed streets, incorporate articulation and a reasonable level of transparent treatments. Weather protection is also encouraged.
124. The proposed development is considered to be well resolved in relation to the street level interface and will significantly enhance the existing pedestrian experience. The surrounding area presently is largely closed off, with limited openings within buildings and poor passive surveillance of the area.
125. The proposed development provides extensive street level activation, with a ground level retail and café offerings in addition to office. All ground floor activity is largely glazed with multiple entries into the building provided, contributing to the activation and integration of the subject site with the public realm.
126. A canopy is also proposed to wrap around the building, which will contribute to weather protection.



**Figure 9: Street level activation at the corner of Cooke and Nelson Streets**

127. As will be discussed further in the landscaping section below, the proposed development also intends to activate the land immediately to the south of the site off Cooke Street. In addition to the landscape treatments, the proposed development provides operable bi-folding doors, set back 2.35m from this area, supporting opportunities for the usability and amenity of this space.

#### *Architectural quality*

128. 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 of the Scheme. The design takes its cues from the remnant industrial/warehouse building stock, presenting a contemporary, rectilinear form. However, the design incorporates extensive glazing broken up with metal blades, which assist in reducing the solidity and visual mass of the building. Whilst the development expresses a similar material and design language across the site, the proposed development incorporates stepping in height and rebates to break up the volume and mass of the building. The simplicity of the development is considered appropriate and ensures that the development will not look overly busy. It also responds to the character of the area, which tends to comprise singular design treatments of only one or two materials.
129. Furthermore, as will be discussed in the landscaping section, the proposed development uses vegetation to assist in softening the built form and contribute to the visual interest.

#### *Site Services*

130. 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 policy at 22.10-3.11 that service infrastructure is appropriately sited and blended into the design of new buildings and is obscured from the public domain.

131. The majority of site services are appropriately contained internally within the building, consistent with clause 22.10-3.11. There are however some services that will be visible within the ground level façade, this includes a gas metre cabinet along Nelson Street and a fire booster cabinet and substation along Thompson Street. These services are required to be accessible by the relevant service provider. Appropriately, the proposed design response has avoided any visible services along Cooke Street. This is considered the most sensitive interface, given that it transitions into the Neighbourhood Residential Zone and heritage overlay to the south. The gas meter cabinet comprises 3m of the 63.91m wide frontage to Nelson Street and therefore will have a very limited impact upon the activation and presentation of this elevation. The Thompson Street elevation presents the greatest proportion of visible site services with the 2.2m wide fire booster cabinet, the 4.4xm wide substantial as well as the basement entrance. However, there will still be approximately 18m of clear glazing associated with the café and retail tenancies as well as a 3.9m wide lobby entrance. Given the Industrial zoning of Thompson Street, the visual amenity expectations for the streetscape are not as significant. On balance, it is considered that a sufficient level of amenity for this interface will be maintained.

#### *Wind*

132. Given the scale of the development, it is important to consider how it may impact on the wind climate within the surrounding area. While a wind report was not provided with the application, the proposed development appears to be appropriately designed to mitigate potential wind impacts, in particular:
- (a) Terracing of the development along southern and western sides adjacent the Cooke Street residential properties
  - (b) Applying metal fins along the building facades would be expected to fragment downward wind flows
  - (c) Cross-drafts would be reduced by the inset stairwell/building cores along the Nelson Street and Thompson Street
  - (d) Vegetation on the building would also assist in filtering wind
133. Notwithstanding the above, a wind assessment report will be required as a condition of any permit that issues prior to the endorsement of plans. A condition will also require any recommendations from this report to be incorporated within the plans prior to endorsement. Subject to these conditions, it is not anticipated that the proposed development would cause any unreasonable wind impacts.

#### *Landscaping and streetscape improvements*

134. Soft landscaping has not traditionally been a strong feature of the surrounding area, with remnant industrial/warehouse buildings typically built to the boundaries offering minimal areas for landscaping opportunities. However, the subject site is within 240m of the Yarra River Environs, separated only by the CUB site.
135. The proposed development seeks to integrate landscaping opportunities throughout the development. This is a key element of the proposed design response that will contribute to the visual interest of the development and soften the appearance of the built form, particularly as viewed from the south. A landscape plan prepared by Coolth Inc. has been submitted with the application providing greater details of the planting proposed. This has been reviewed by Council's Open Space Unit who have made the following additional recommendations:
- (a) Include more planter boxes on the northern façade of the building from Levels 2 to 6, as per the treatment on Level 1
  - (b) Consider adding intermittent vertical green systems on higher levels e.g. 3 and 5 to create a more successful green wall system.
  - (c) Provide an alternative species within the southern walkway that is more shade-tolerant.

- (d) Planting beds adjacent to the stairwell as shown on the ground floor of the architectural drawings.
  - (e) Include climbing plants on the pergolas at Levels 5 and 7
136. The above suggestions are considered appropriate and will further enhance the appearance of the development and its contribution to the area. Given that the development will be highly visible in the surrounds, it is particularly important that the building is well resolved and contributes positively to its surrounds. The inclusion of greenery throughout the development will not only contribute to a visually interesting building, it will also contribute to the wider Yarra Environs.
137. Further information and clarification on the landscape plans has also been requested by Council's Open Space Unit including:
- (a) Paving details (e.g. materials) and a typical section through the ground floor and balcony paving
  - (b) Height and width of all planters, including details of the soil media, irrigation systems, drainage outlets and the specific mineral mulch material proposed.
  - (c) Details the vertical green systems and furniture systems on the terrace balconies
  - (d) Relocate the title plan on the landscape drawings so that it is not covering the subject site
  - (e) Include finished floor levels on the plans
  - (f) Details of the barrier between the terrace balcony and the roof services area on Level 7
  - (g) Clarify/correct reference to the Water Gum (TL) on the Level 7 roof terrace.
138. In addition to providing greenery throughout the development, it is proposed to undertake upgrades the streetscape adjacent to the subject site as part of the development, including widening the footpath and introducing new street tree planting. The concept designs are shown on the landscape plans. These details have been reviewed by Council's Streetscapes and Natural Values team, Urban Design Unit and Engineering Services Unit.
139. It has been recommended by Council's Streetscape and Natural Values team that larger tree species be planted along the street interfaces. To accommodate a largest possible street tree variety, it was recommended by Council's Urban Design Unit that the façade of the building is setback a metre to accommodate this. Given that the proposal will already be delivering a widened footpath, it is considered unreasonable to also require a set back of the building to accommodate an even larger tree. This increased setback would also noticeably impact the design of the development such as eroding the visual benefits of the inset cores. While provision of a larger tree is supported, it is considered appropriate for the species to be chosen based on the current proposed building footprint. This will be reflected in the permit conditions.
140. Further detailed design plans have been requested regarding the streetscape works, this will be conditioned accordingly. Council's Urban Design Unit has requested that both sides of Thompson Street are redesigned with outstands, however implementation be limited to the western outstand only. It is likely that the property to the east of Thompson Street will be redeveloped. At such time, the redesign of the eastern side of Thompson Street could be negotiated. For the interim, it is necessary that the western outstand is designed to connect into the existing conditions on the eastern side of Thompson Street and therefore it is considered unnecessary for a design of the western side of Thompson Street include a future scenario.
141. Council's Streetscape and Natural values team also requested that overhead powerlines be relocated underground and the cost of the permit holder. This is not considered a reasonable request. While it might be desirable to have underground power, it is not a necessary requirement for this proposal. Also given that the surrounding area has above ground power, replacing this with underground power is beyond the scope of a single site. For this reason, this suggestion has not been pursued.

### Equitable Development

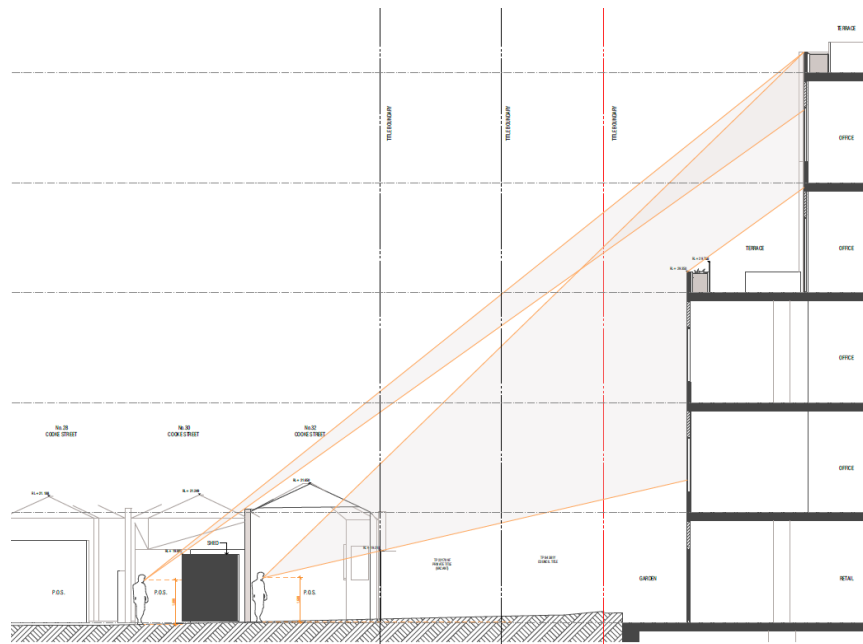
142. To ensure the fair, orderly, economic and sustainable development of land, matters of equitable development must be considered in accordance with the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*. Objective 5.1.3 of the *Urban Design Guidelines for Victoria* also seeks to ensure buildings provide equitable access to daylight and sunlight.
143. The subject site has only one immediate abutting property, being No. 17 Thompson Street to the south. It is also separated by a narrow RoW from properties at Nos. 28 to 34 Cooke Street to the west. In regard to the properties at No. 28 to 34 Cooke Street, these are all within the Neighbourhood Residential Zone and are contributory to the Fairchild Street Heritage Precinct. Given their small size, zoning and overlay controls, the development potential of these sites is considerably constrained. Any development is restricted to two storeys and a maximum of 9m (under the zone) and given the heritage protection, is likely to be limited to rear additions. The proposed minimum 2.365m separation from these properties is considered sufficient to maintain their future development opportunities.
144. No. 17 Thompson Street however is likely to be redeveloped in future. This site is also within the Industrial 3 Zone and is not affected by any overlays. It is a noticeably smaller site than the subject site and it is likely that future development of this site will seek to extend to the side boundaries. The proposed development responds appropriately to this scenario by constructing to the shared boundary up to Level 4. Level 5 is then set back 3.63m, with the uppermost level (Level 6), set back 16.31m from this boundary. Even in the event that No. 17 Thompson Street was to mirror the subject site providing a six storey 'cap', the proposed 3.63m setback if mirrored (i.e. 7.26m) would facilitate sufficient daylight opportunities into both sites. The proposal is not considered to adversely impact the reasonable development opportunities of this site.

### Off-site Amenity Impacts

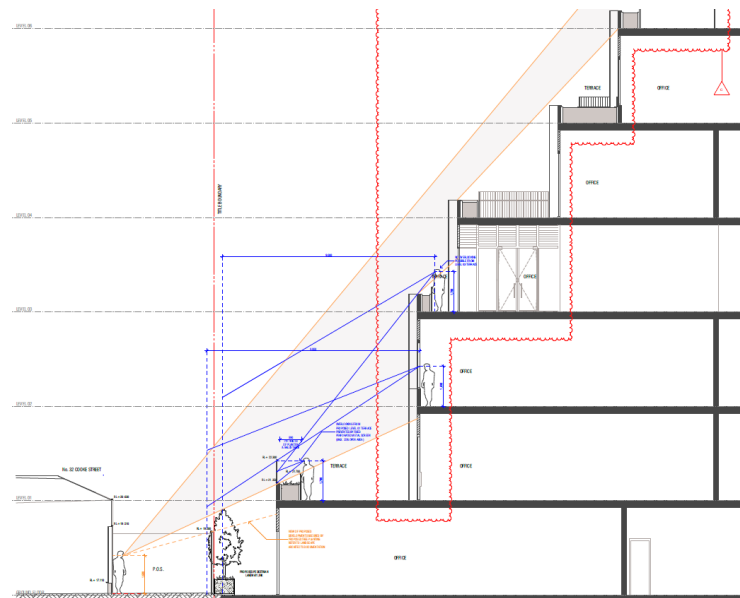
145. The policy framework for amenity considerations is at Clause 22.05 (Interface Uses Policy) and Clause 22.10 of the Scheme. Policy at Clause 22.10-3.8 of the Scheme seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy solar access, privacy, and acceptable noise levels, although this should be tempered with amenity expectations for residential properties at mixed-use interface locations.
146. Additionally, where private open space and/or windows to adjoining residential properties are unreasonably affected, Clause 22.05-4.2 calls for non-residential development to have appropriate setbacks from boundaries to address loss of daylight, overshadowing and visual bulk impacts.

### Visual Bulk

147. The applicant has provided sightline diagrams to demonstrate the extent of visibility as viewed from the most directly affected residential properties at Nos. 28 to 32 Cooke Street. These demonstrate that there will be very little visibility of the upper levels from adjacent areas of secluded private open space (SPOS), with these levels largely obscured by Levels 2 and 3. This also indicates that from a potential visual bulk perspective, the top two levels of the development will not have an unreasonable amenity impact on these most immediately affected properties.



**Figure 10: Northern outlook from No. 30-32 Cooke St**



**Figure 11: Eastern outlook from No. 32 Cooke Street**

148. While the upper levels will be more apparent from residential properties further to the south, the distance from the development would sufficiently mitigate any unreasonable amenity impacts. On this basis, it is considered the proposed development would not result in unreasonable visual bulk impacts.
149. The proposed development is also considered to sufficiently ameliorate unreasonable visual bulk to surrounding residential interfaces noting the following:
- Terracing the development as viewed from the south-west aids in reducing the mass of the building and provides an interesting and articulated building elevation.
  - Extensive soft planting opportunities across all levels of the building and to the external terraces will assist in softening the built form and will contribute to a visually interesting façade.
  - The bulk of the building has been pushed toward the corner of Thompson and Nelson Streets, which is appropriate given the industrial zoning and limited sensitivity to visual bulk at this corner.

- (d) The materials, while clearly commercial and contemporary, are relatively light-weight and avoid adding to the potential visual bulk of a large building.

### Overshadowing

150. Policy at Clause 22.10-3.8 of the Scheme seeks to ensure that *new development does not substantially overshadow adjoining residential private open space*. A key change in the amended plans received after advertising was to reduce the extent of overshadowing so that there would be no additional overshadowing on the residential properties along Cooke Street from 10am at the September Equinox.
151. While there will be additional overshadowing at 9am to the SPOS of properties at Nos. 20-28 and 32 Cooke Street, this is not unreasonable given:
- These properties will be unaffected for the remaining 5 hours between 10am and 3pm
  - The SPOS areas are modest in size and as such are already largely overshadowed at 9am by existing fencing.
  - No. 30 Cooke Street is already entirely in shadow, with only a small slither of sunlight to No. 32 Cooke Street available.
  - Expectations of properties immediately adjacent to Industrial Zones should be also somewhat tempered, as compared to dwellings within a residential hinterland.
152. It is evident the development has sought to minimise overshadowing by substantially setting back the upper levels of the development. The additional overshadowing is generated by the lower levels, which is not reasonably avoided given the modest SPOS areas. Having regard to the above, the additional overshadowing impacts are considered acceptable.

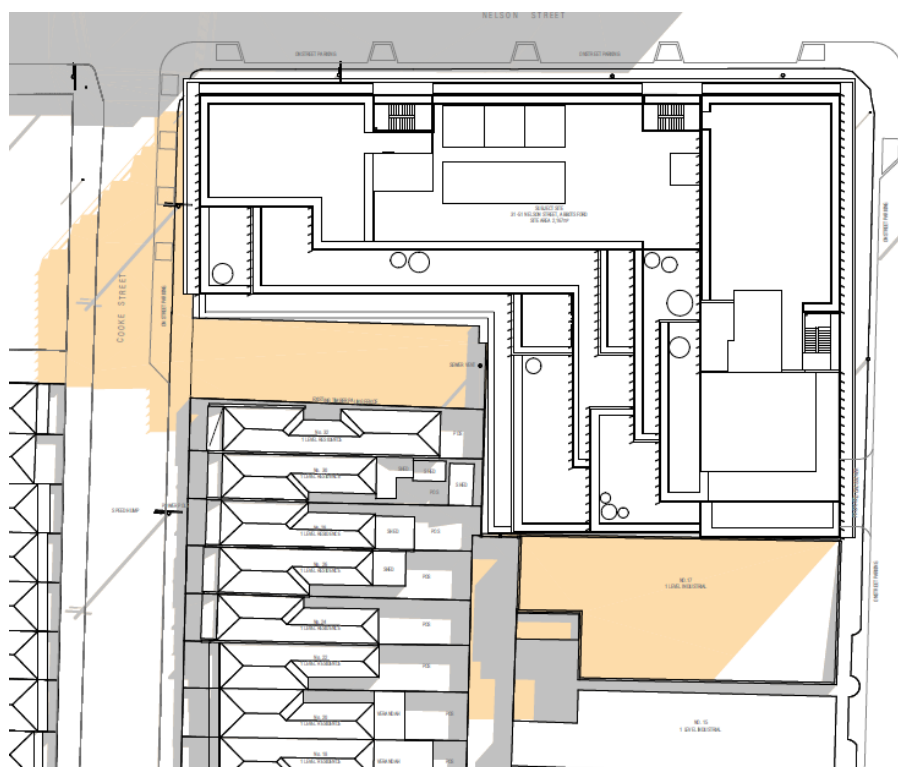


Figure 12: 10am shadow diagram (additional shadowing in yellow)

### Daylight Access

153. Clause 22.10-3.8 seeks to ensure that new development does not adversely impact on the amenity of adjoining residential properties in terms of daylighting to habitable rooms.



154. The proposed development is considered sufficiently set back from any adjacent existing habitable room windows to ensure that the daylight to habitable room windows are not affected.
155. Given that the shadow diagrams demonstrate there will be no overshadowing on the SPOS of the properties along Cooke Street from 10am, it equally demonstrates that the proposed development is sufficiently set back from any east-facing habitable windows that face onto the SPOS (and the subject site). The only other windows at risk of being impact are those along the northern side of No. 32 Cooke Street, which are situated within a lightcourt midway along the dwelling. According to real estate plans online, these windows are associated with a laundry and bathroom and therefore any loss of daylight/solar access is not considered to cause unreasonable amenity impacts. However, in any event, the proposed development is set back between 12m and 16m from these windows, which would ensure that the daylight to these windows will not be unreasonably impacted.

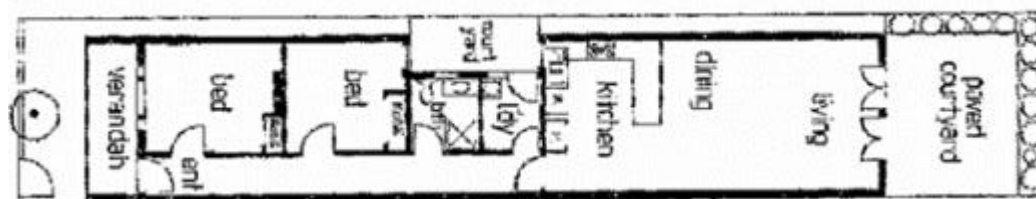


Figure 13: Floorplan of No. 32 Cooke St (source: realestate.com.au)

#### Overlooking

156. Clause 22.10-3.8 of the Scheme seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy privacy. Council's interfaces uses policy at clause 22.05 also states that *'where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate setbacks from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts.'*
157. Various treatments are proposed to minimise overlooking opportunities to private open space areas within 9m of the proposed glazing or terraces. The 9m distance derives from the ResCode Overlooking standard at Clause 55.04-6. While ResCode does not apply to commercial developments, it provides a quantifiable measure for assessing 'unreasonable' overlooking to residential properties.
158. Views from the ground level into adjacent private open space areas are considered to be sufficiently mitigated by boundary fencing of the adjacent Cooke Street properties, which is approximately 2m above the proposed ground floor.
159. The first floor plan indicates that a fixed perforated screen along the western and southern edge of the terrace will prevent overlooking into the adjacent SPOS areas of the Cooke Street properties. Details of the perforated screening have been provided on overlooking section TP400- 402; confirming that screens will be 1.7m high and openings will be no greater than 25%. The west facing windows associated with the office also have a notation indicating that nominated windows are to be composed of obscure glazing. The extent of obscure glazing to these windows is not clear. It is also unclear whether these windows are to be fixed or otherwise restricted to prevent views. Further detail is required to determine the level of overlooking treatment required. This will be conditioned accordingly.
160. Overlooking sections have been provided demonstrating that from Level 2 and above, the building is sufficiently set back to generally prevent any views into secluded private open space within 9m. The only views within 9m of are from the second floor terrace located within the 'elbow' of the building. As shown on the sectional elevation on TP405, these views however do not fall below a height of 1.7m at a distance of 9m. In light of this, the views are not considered unreasonable. Furthermore, these views are associated with the roof terrace that is not likely to be regularly occupied.

Furthermore, while vegetation is not a screening measure in itself, the view from this terrace would likely be further reduced by vegetation within the planter boxes, which has not been shown in the overlooking diagrams.

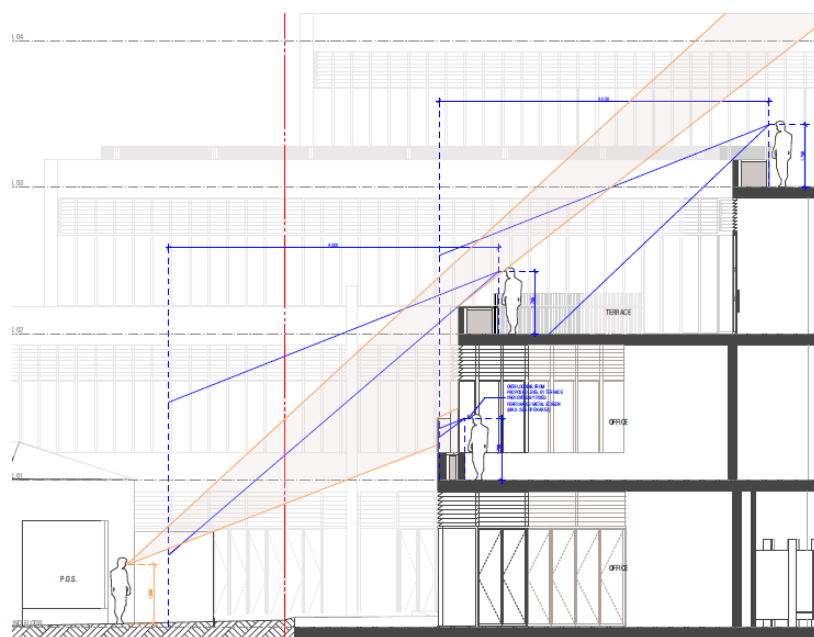


Figure 14: North-east overlooking diagrams TP405

#### Light spill

161. Clause 22.05-4.2 seeks to 'minimise the opportunity for light spill due to fixed or vehicle lights, outside the perimeter of the site and on to habitable room windows of nearby residential properties'.
162. Dealing first with vehicular light spill, as has been identified, the vehicle access to the site is provided via Thompson Street, which falls within the Industrial zoned land. The site immediately opposite is used for commercial purposes (Brewery) and therefore the amenity of this property would not be affected by light spill from vehicular movements in or out of the site. Given there are no vehicle access points proximate to Cooke Street, there will be no impact on these residential properties.
163. Turning to the illumination from within the building, while the glazing applied to the building is expected to enable light to be emitted from the building, as will be discussed, this is not considered to cause unreasonable detriment to the surrounding residential area.
164. The north-facing windows within the lightcourt to No. 32 Cooke Street would be protected by the boundary fencing, which is located within 1m of the windows. The only other windows that may be affected are the east-facing rear window also to No. 32 Cooke Street. The impact to this window however is not considered to be unreasonable given this is understood to be associated with a living room and not a room likely to be significantly affected by light spill, such as a bedroom. Furthermore, the glazing line above ground level is setback a minimum of 8.7m from the rear boundary of No. 32 Cooke Street, and over 10m from the glazing line. This is considered a sufficient distance to dissipate any light emitted from the development.

#### Noise

165. Clause 13.05 of the Scheme aims to ensure that development is not prejudiced and community amenity is not reduced by noise emissions. Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.

166. The proposed development is not anticipated to generate any excessive noise impacts. Typically office is a low-noise generating activity and would be unlikely to impact the nearby residential area. However it is acknowledged that in the case of the proposal, the offices have outdoor terrace areas located at each level above Level 1. It would be expected that these terraces would be used during business hours and mainly for lunch breaks or similar. It is therefore not expected that noise generated on these terraces would cause unreasonable noise impacts. However, to ensure that these terraces are not used into the night where amenity disturbances could be caused e.g. for Christmas parties or other celebrations. Conditions of any permit that issues will restrict the use of office (which would include the terraces) to 8am to 8pm. It is not anticipated that the office uses, including the terraces, would create unreasonable amenity impacts.
167. On the ground floor there is an external door to the office tenancy directly adjacent the residential properties of No. 30 and 32 Cooke Street. It is not anticipated that this door will cause unreasonable noise impacts. This is not the main entrance to the office, which is located off Thomson Street. It would also be an indirect way to access Victoria Street, which is anticipated to be the main path of travel due to the public transport links and commercial activity. In addition to the restricted hours of operation for the office, it is not anticipated that the location of the ground floor door adjacent to the residential properties would cause unreasonable noise impacts.
168. The shops and food and drink premises are not expected to generate any audible noise impacts given that these uses are enclosed within built form. It is noted that the retail tenancy on the corner of Cooke and Nelson Streets has bi-folding doors and a setback area along the southern boundary. While the separation between the subject site and the closest residential premises at No. 32 Cooke Street will assist in reducing the potential noise impacts, as previously mentioned, a condition will also be applied restricting the hours of the retail from 8am to 8pm.
169. Furthermore, standard conditions requiring any music noise on the premises to comply with the relevant State Environmental Protection Policy requirements (SEPP N-2). This will be included as condition on any permit that issues.
170. The potential noise generating elements of the proposal include the vehicle entrance and plant equipment. Both have been located away from the residential interfaces reducing the potential off-site amenity impacts. The vehicle basement ramp is accessed via Thompson Street and adjacent to a warehouse building. The plant equipment is located on the top level of the building, also toward Thompson Street. Notwithstanding this, standard conditions will be placed on any permit that issues requiring that all commercial noise comply with the relevant SEPP N-1 requirements.

#### Environmentally Sustainable Design

171. 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.
172. The proposed development incorporates a number of environmentally sustainable design initiatives, as described in the submitted Sustainability Management Plan (SMP) prepared by ADP Consulting and shown on the plans. The most notable initiative is the ~35kWp PV array external shading devices that are applied to the northern facade of the building. In addition to reducing summer heat loads and generating renewable energy, this innovative design feature will have a highly visible presence on the building, promoting the environmental features of the development.
173. Other ESD initiatives proposed include:
- (a) Shading devices to the east and west elevations
  - (b) At least 20% improvement above the NCC heating and cooling energy efficient requirements
  - (c) STORM report achieving best practice with a score of 102%, relying on a 20kL rainwater storage to be connected to toilet flushing and a 12sqm raingarden

- (d) 137 bicycle parking spaces and end of trip facilities
  - (e) Electric vehicle charging points
  - (f) Energy efficient lighting and water efficient fixtures and taps.
174. Council's ESD advisor has reviewed the application including the SMP and has identified one deficiency with the application relating to natural ventilation. It was acknowledged that although some windows are clearly operable, no other information regarding ventilation is included. It was subsequently recommended that operable windows are provided to all office areas and mixed mode HVAC or mechanical ventilation to exceed AS1668 air flow rates by at least 50%. This will be conditioned on permit accordingly to ensure that Council's Environmental Sustainable Design Standards of Clause 22.16 are met.
175. Other items that are either missing or require clarification that will be addressed via condition are as follows:
- (a) Revised Stormwater management plan with the correct site area i.e. 2,168.6sqm
  - (b) Size and location of the raingarden to be clearly shown on all relevant plans, including a section diagram.
  - (c) The number and location of the electric charging facilities to be confirmed in the SMP and clearly shown on the plans.
176. Prior to occupation of the development, Council's ESD advisor recommends the following is provided:
- (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 20% improvement in the heating and cooling requirements of the NCC
  - (b) Type and efficiency standard of the HVAC system in the JV3 energy modelling report to be a mixed mode, energy efficient VRF HVAC system with a high COP
  - (c) Type and efficiency standard of the hot water system in the JV3 energy modelling report
177. The above items will be required via a permit condition.
178. Council's ESD Advisor has also suggested a number of improvement opportunities to be considered. These have been discussed with the permit applicant who has agreed to incorporate these into the project and will subsequently be conditioned accordingly. They include the following:
- (a) Compost system for organic waste
  - (b) Larger water tank capacity to be utilised for irrigation
  - (c) Low-VOC paints, adhesives, sealants and carpets
  - (d) Low-emission formaldehyde timber products
  - (e) Recycled materials incorporated into concrete mixes
  - (f) Recycled timber or accredited as sustainable by FSC
  - (g) Comprehensive commissioning and tuning of all major appliances and services
  - (h) Engagement with independent commissioning agent
  - (i) Environmental Management Plan to be developed by the building contractor to monitor and control activities during construction.
179. A key strength of this proposal is its high ESD standards. This is further evident by the applicant's support for the additional suggestions put forward by Council's ESD advisor. With the additional conditions as discussed above, it is considered that the proposed development will readily achieve Council's best practice standards in environmentally sustainable design.

#### Car and Bicycle Parking

*Car Parking*

180. As detailed in the table in the Particular Provision section earlier in the report, the proposal provides 110 car spaces for the offices, 5 spaces for the shops and 1 space for the food and drink premises. This results in reductions under the statutory requirements of 91 spaces, 13 spaces and 3 spaces respectively.
181. The reductions in the statutory rates are considered appropriate in this instance given the following:
- (a) The site is readily accessible via public transport, including tram services along Victoria Street, Church Street and North Richmond train station.
  - (b) The proposal supports cyclists through extensive bicycle parking for staff and end of trip facilities
  - (c) The café is expected to primarily service the local area, who would be accessing the site by foot.
  - (d) The shop tenancies would be likely to share a customer base with the Victoria Street traders, as such customers to these shops would already be visiting the area for other purposes.
  - (e) Council's Engineering Services Unit were satisfied with the office parking rate provided within the development, noting that it was also more conservative than a number of other recently approved office developments in Cremorne and Collingwood. Furthermore, since the application was assessed by Council's Engineering Services Unit, the rate has increased, with the floor area reducing as a consequence of the built form changes within the amended plans.
182. To assist with the assessment of the car parking reduction, a report prepared by Traffix Group was provided containing car parking surveys of the surrounding area. The survey was conducted on Tuesday 29 May 2018 at 10am. The results found that of the 158 publicly available car parking spaces, 82% were occupied. Given the limited availability of public parking within the surrounding area, it is expected that staff and visitors to the site will be encouraged to access the site via alternative transport modes.
183. Given the scale of the proposal (more than 1,000sqm), clause 22.17-4 requires a green travel plan. As one has not been provided, it will form a condition of permit prior to the commencement of the development. Council's Sustainable Transport Officer has provided advice on the content of the GTP, which will be incorporated into the condition.

*Bicycle Parking*

184. The proposed development includes bicycle facilities well in excess of the minimum statutory requirements of 26 employee spaces and 8 visitor spaces, with a total of 120 bicycle spaces provided. The bicycle facilities also exceeds the BESS best practice rate of 1 space per 100sqm, which would generate 73 employee spaces.
185. In regard to the design and location of the bicycle spaces, the majority (72 spaces) are provided within a secure and convenient location on the ground floor. 50% of the spaces are also designed as horizontal at-grade spaces, also exceeding the minimum 20% requirement of AS2890.3. The design and location of the bicycle facilities will greatly support cycling as a mode of transport, providing a convenient alternative to driving.
186. The bicycle space provision has been reviewed by Council's Strategic Transport Unit who were supportive of the bicycle parking availability and design within the development. It was recommended that the overflow bicycle parking within the basement could also be provided within a secure facility. This suggestion has not been conditioned as it was considered that the un-caged bicycle spaces provides an overflow bicycle alternative for those that may not regularly cycle to work and therefore may not have access to the secure cage. The ease of access would also allow these spaces to be made available for visitors to the site. Given that the majority of the bicycle spaces are provided within a secure cage, it is considered that the current design of the overflow bicycle parking is acceptable and could fulfil a different demand.

187. While there is ample bicycle parking for the occupants of the building, the bicycle facilities are not convenient or appropriate for visitor parking. Council's Strategic Transport Unit has recommended that additional bicycle parking is provided for visitors that is appropriate for short term use. It is recommended that these spaces are horizontal at-grade facilities and eternally accessible on the ground floor. Council's Strategic Transport Unit recommends providing 11 spaces within the site's title boundaries in addition to two hoops along the streetscape. These spaces will be conditioned on permit accordingly.

#### *Traffic Generation*

188. Vehicle access into the development is provided from Thompson Street. This is considered the optimal location given that properties within this street are largely commercial and within an Industrial zone and there is already an existing access point to the subject site from Thompson Street, albeit slight further north.

189. The Traffix report anticipates an AM peak of 90% (52 trips) inbound and a PM peak of 80% outbound. Of this, it is expected that 40% of the development would access and exit the site via Nelson Street, with the remaining using Victoria Street (20% west and 40% east). The assumptions within the Traffix report were considered reasonable by Council's Engineering Services Unit. They also did not consider the volumes of traffic generated in the AM or PM peak hours were unduly high and are not expected to adversely impact upon the operation of the surrounding road networks. On this basis, it is considered from a traffic generation perspective, the scale of the proposed development is acceptable and will not adversely impact the surrounding area.

#### *Car Park layout*

190. The proposed car parking layout has been assessed by Council's Engineering Services Unit to ensure that the car parking area is functional and safe. Subject to some additional dimensions to be provided in the plans, Council's Engineering Services Unit was largely satisfied with the design of car spaces, access ways and ramp grades. The omitted details and dimensions identified by Council's Engineering Services Unit will be conditioned accordingly.

#### Waste Management

191. A waste storage room of 27sqm is provided within Basement Level 1, this is accessed via a corridor from the lift core. A designated waste collection area is also provided within the car park adjacent to the waste room. A Waste Management Plan (WMP) prepared by Leigh Design submitted with the application identifies that waste will be collected within the basement from the designated waste collection area three times a week by a private contractor. The WMP has been reviewed by Council's City Works Unit who have requested that this be updated to include details of E-Waste collection. A revised WMP will be required via condition accordingly.

#### Objectors' Concerns

192. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:

- (a) Excessive height and scale (paragraph 101 - 122)
- (b) Amenity impacts (overlooking, overshadowing and visual bulk) (paragraph 145-160)
- (c) Equitable Development (paragraphs 142-144)
- (d) Light spill from office lights (paragraph 161- 164)
- (e) Wind impacts (paragraph 132-133)
- (f) Insufficient car parking (paragraph 180-183)
- (g) Increased traffic (paragraph 188-189)
- (h) Incompatible uses (paragraph 91-99)

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

- (a) 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 and relevant planning policy at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated.

- (a) Loss of views.

While the Victorian Civil and Administrative Tribunal have recognised that views can be a relevant amenity consideration, it has also held that there is no right to a view and that the weight to be given to the amenity impact of loss of views is diminished where no planning control applies encouraging retention or sharing of views. There is no specific policy, provision or local policy control regarding views within the Yarra Planning Scheme that is applicable to the subject site.

- (a) Reduction in property values.

The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impacts of this proposal.

## Conclusion

194. The proposed development, subject to conditions outlined in the recommendation section below, is considered to strike an appropriate balance between urban consolidation and delivering a high quality, site responsive design; consistent with policy objectives contained within the State and Local Planning Policy Framework. While it will be a prominent development within the landscape, it is well justified by its high quality architecture, environmentally sustainable design initiatives and minimal adverse amenity impacts to the surrounding residential area.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0471 for the use and construction of a 7-storey building containing offices, shops and food and drink premises (cafe) and a reduction in car parking at 31-51 Nelson Street, Abbotsford, 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 decision plans prepared by Fieldwork Architects, numbered TP000-TP205, 300-301, 312 – 405 and 601, Rev C dated 18/12/2018 and TP206-209, 302 – 311 Rev C01 dated 4/02/2019 but modified to show:

#### *General*

- (a) Retail tenancies to be re-labelled as 'shop'
- (b) Clarification of the extent of obscure glazing to the first floor west-facing office windows to restrict views into No. 32 Cooke Street within 9m, including whether windows are to be fixed or have restricted openings

#### *ESD*

- (c) Photovoltaic panels (PVP01) to be clearly shown on the elevations.

- (d) Size and location of the raingarden to be clearly shown on all relevant plans, including a section diagram.
- (e) Number and location of electric charging facilities
- (f) Operable windows provided to all areas

*Car and bicycle parking*

- (g) Provision for a minimum of 11 horizontal floor bicycle spaces for visitors within the site boundaries at ground that are readily accessible.
- (h) Shared area to be infilled with line marking pursuant to AS/NZS 2890.6:2009
- (i) The following dimensions on relevant plans:
  - (i) Width of the vehicle entrance
  - (ii) Ramp grade lengths
  - (iii) Numbering of parking spaces

*Reports*

- (j) Any changes as required by the endorsed Landscape plan pursuant to Condition 4
- (k) Any changes as required by the endorsed Wind Report pursuant to Condition 8
- (l) Any changes as required by the endorsed Sustainability Management Plan pursuant to Condition 10
- (m) Any changes as required by the endorsed Waste Management report pursuant to Condition 13
- (n) Any changes as required by the endorsed Green Travel Plan report pursuant to Condition 15

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, Fieldwork 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.

**Landscaping**

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 Coolth Inc. and dated 13 June 2018, but modified to include (or show):
  - (a) Consistency with the endorsed plans under condition 1
  - (b) Paving details (e.g. materials) and a typical section through the ground floor and balcony paving
  - (c) Height and width of all planters, including details of the soil media, irrigation systems, drainage outlets and the specific mineral mulch material proposed.
  - (d) Details the vertical green systems and furniture systems on the terrace balconies
  - (e) Relocate the title plan box so not to cover the subject site
  - (f) Finished floor levels
  - (g) Details of the barrier between the terrace balcony and the roof services area on Level 7
  - (h) Clarify/correct reference to the Water Gum (TL) on the Level 7 roof terrace.
  - (i) Additional planter boxes on the northern façade of the building from Levels 2 to 6, as per the treatment on Level 1
  - (j) Intermittent vertical green systems on higher levels i.e. 3 and 5 to create a more successful green wall system.
  - (k) Alternative species within the southern walkway that is more shade-tolerant.
  - (l) Planting beds within the stairwells rebates along Nelson and Thompson street



- (m) Include climbing plants on the pergolas at Levels 5 and 7
- (n) Remove reference to the streetscape improvement works

to the satisfaction of the Responsible Authority.

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape maintenance plan.
  - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
  - (c) Replacing any dead, diseased, dying or damaged plants.

to the satisfaction of the Responsible Authority.

6. Before the development commences, an amended Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Maintenance Plan will be endorsed and will form part of this permit. The amended Landscape Maintenance Plan must be generally in accordance with the Landscape Maintenance Plan prepared by Coolth Inc. and received 4 July 2018, but modified to include (or show):
- (a) Any changes as a result of the endorsed landscape plan pursuant to Condition 4

### **Streetscapes Plan**

7. Before the development commences, a Streetscapes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscapes Plan will be endorsed and will form part of this permit. The Streetscapes Plan must be generally in accordance with the streetscape works shown on the Ground floor Landscape Plan prepared by Coolth Inc. and dated 13 June 2018, but modified to include (or show):

#### *Roadworks*

- (a) Provision of two bicycle hoops along the footpath
- (b) Demonstrate net loss of car parking from existing conditions
- (c) Car parking dimensions of any new car spaces to comply with AS 2890.5-1993
- (d) Any new parking bays to be offset 10m from adjacent intersections and 1m from existing/proposed vehicle crossovers
- (e) Geometry of outstand returns at 90 degrees with tightest possible radii
- (f) Pram ramps on Nelson Street adjacent to the site and on the opposite side of the street
- (g) Pedestrian crossings in alignment with the building line and at a minimum width of 1.5m wide
- (h) Full width of Nelson Street depicted including concrete carriageway and kerb and channel
- (i) Swept path diagram to demonstrate a 12.5m Heavy Rigid Vehicle can enter/exit Thompson Street via Nelson Street.
- (j) Remove section of Cooke Street outstand south of the subject site
- (k) Remove existing bluestone pitcher crossover and resinate with standard YCC footpath, kerb and channel immediately south of the subject site on Cooke Street
- (l) All existing roadside objectives, furniture, electrical poles and service authority assets, including underground utility services to be depicted
- (m) All footpaths along the site frontages to be reconstructed and have a cross-fall of 1 in 40
- (n) Any existing grates on drainage put to be replaced with bicycle safe grates

#### *Street tree planting*

- (o) Street tree species replaced with a larger species to achieve a minimum of 10m high and 5m spread
- (p) Street trees to be within the parking bay alignment as on-grade tree pits
- (q) Any underground services to be clear of tree root zones

#### *Drainage*

- (r) Location of existing pits and any other drainage infrastructure
- (s) Details how drainage requirements are met.
- (t) Detailed contours (at 1m intervals) and existing top of kerb levels

### **Wind Report**

- 8. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
- 9. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

- 10. 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 ADP Consulting Engineering and dated 26 June 2018, but modified to include or show:
  - (a) mixed mode HVAC or mechanical ventilation to exceed AS1668 air flow rates by at least 50%
  - (b) Revised Stormwater management plan with the correct site area i.e. 2,168.6sqm
  - (c) Confirmation of the number and location of the electric charging facilities
  - (d) Compost system for organic waste
  - (e) Larger water tank capacity to be utilised for irrigation
  - (f) Low-VOC paints, adhesives, sealants and carpets
  - (g) Low-emission formaldehyde timber products
  - (h) Recycled materials incorporated into concrete mixes
  - (i) Recycled timber or accredited as sustainable by FSC
  - (j) Comprehensive commissioning and tuning of all major appliances and services
  - (k) Engagement with independent commissioning agent
  - (l) Environmental Management Plan to be developed by the building contractor to monitor and control activities during construction.
- 11. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan including:
  - (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 20% improvement in the heating and cooling requirements of the NCC
  - (b) Type and efficiency standard of the HVAC system in the JV3 energy modelling report to be a mixed mode, energy efficient VRF HVAC system with a high COP
  - (c) Type and efficiency standard of the hot water system in the JV3 energy modelling report

12. The provisions, recommendations and requirements of the endorsed sustainable management plans must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

13. 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 Leigh Design and dated 22 August 2018, but modified to include:
  - (a) Details regarding the separation, storage and disposal of e-waste
  - (b) Provision for organic waste
14. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

15. 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 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) Performance targets and monitoring and reporting components.
  - (e) A designated 'manager' or 'champion' responsible for coordination and implementation.
  - (f) Details of bicycle parking and bicycle routes.
  - (g) Details of green travel plan funding and management responsibilities.
  - (h) The types of bicycle storage devices proposed to be used for employee, guest and visitor spaces (i.e. hanging or floor mounted spaces).
  - (i) The types of lockers proposed within the change-room facilities, with at least 50 per cent of lockers providing hanging storage space.
  - (j) Security arrangements to access the employee bicycle storage spaces.
  - (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
  - (l) A minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
  - (m) Provisions for the green travel plan to be updated not less than every five years.
16. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Uses**

17. Except with the prior written consent of the Responsible Authority, the uses authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.
18. 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.

19. 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).
20. 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).
21. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### **General**

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 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.
23. All buildings and works must be maintained in good order and appearance 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. 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. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
26. 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.
27. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
28. 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.
  - (d) Line-marked or provided with some adequate means of showing the car parking spaces.

to the satisfaction of the Responsible Authority.

### **Public Art Management Plan**

29. 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**

30. 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.

### **Civil works**

31. Prior to the commencement of works, or such later date as approved in writing by the Responsible Authority, detailed engineering/drainage design drawings and calculations for the streetscape scheme design as shown on the endorsed Streetscape Plan pursuant to Condition 7 must be submitted to and approved by Council's Engineering Services Unit .
32. 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.
33. 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.
34. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
35. Before the building is occupied, or by such later date as approved, Streetscape Works as shown on the endorsed Streetscape Plan pursuant to Condition 7, including any civil engineering/drainage works pursuant to condition 31 must be carried out:
  - (a) at the permit holder's cost; and
  - (b) 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, 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.
37. 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.

### **Construction Management Plan**

38. 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.

39. 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.
40. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
41. 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.

#### **Permit Expiry**

42. 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 5095 for further information.

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.

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.

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

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

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

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.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

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

#### **Attachments**

- 1 Section 57A/Decision Plans
- 2 Landscape Plans
- 3 Engineering Services Unit Referral Comments
- 4 City Works Branch Referral Comments
- 5 ESD Advisor Referral Comments
- 6 Strategic Transport Unit Referral Comments
- 7 Open Space Planning referral comments
- 8 Streetscapes and Natural Values Unit
- 9 Urban Design Unit (Internal) Referral Comments
- 10 Urban Design Unit (Internal) Referral Comments - Sketch Plan
- 11 Urban Design consultant (Hansen Urban Design Team) Referral Comments



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- 1.2 PLN18/0328 - 459- 471 Church Street and No. 20 - 26 Brighton Street Richmond - Melba Ward - Use and development of the land for the construction of three mixed use buildings (including a childcare centre), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road.**
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## Executive Summary

### Purpose

1. The purpose of this report is to Council's position on the substituted plans for the above application.
2. This report provides Council with an assessment of the planning permit application against Council's Grounds of Refusal, the provisions of the Yarra Planning Scheme (the Scheme) and recommends that Council notify the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the proceeding that Council supports the substituted plans, subject to conditions.
3. This planning permit application was called up to an Internal Development Approvals Committee Meeting by Cr Stephen Jolly.

### Key Planning Considerations

4. Key planning considerations include:
  - (a) Use (Clauses 34.02-7 and 32.08-2);
  - (b) Interfaces uses policy (Clause 22.05);
  - (c) Built form (Clauses 15.01, 21.05, 22.10, 34.02-7, 36.04, 43.02 and 52.29); and
  - (d) Car Parking and Bicycle Provision (Clauses 52.06, and 52.34) of the Yarra Planning Scheme.

### Key Issues

5. The key issues for Council in considering the proposal relate to:
  - (a) Previous Grounds of Refusal associated with the original application;
  - (b) Matters raised in the original delegate report;
  - (c) Any additional matters; and
  - (d) Referral comments.

### Submissions Received

6. A total of 225 objections were received to the application, these can be summarised as:
  - (a) Amenity Impacts (overshadowing, overlooking, loss of daylight, light spill, wind, noise, pollution);
  - (b) Built form;
  - (c) Uses;
  - (d) Traffic and Car Parking;
  - (e) ESD; and
  - (f) Waste.
7. Five parties having joined the appeal.

### VCAT Proceedings

8. On 8 October 2018, Council received notice that an application had been lodged at the Victorian Civil Administrative Tribunal (VCAT) by the applicant under section 79 of the *Planning and Environment Act 1987* (the Act) for the failure of Council to determine the application within the statutory time period.

9. Five parties have joined the appeal.
10. On 18 January 2019, the planning application was presented at Council's internal Development Assessment Panel (DAP) meeting where it was determined that had Council been in a position to, it would have issued a Notice of Refusal to Grant a Planning Permit based on the following grounds:
  - (a) *The scale, height and massing of the buildings will dominate the surrounding streetscape of Church, Shamrock and Brighton Streets, will dominate the wider heritage place and is contrary to policy at clauses 15.01-1S, 15.01-2S, 21.05-2, 22.10-3.2, 22.10-3.3 and the design objectives of Schedule 2 of the Design and Development Overlay.*
  - (b) *The development will unreasonably impact on the amenity of the area.*
  - (c) *The proposal results in unreasonable visual bulk impacts and inequitable development opportunities for the site to the east at No. 16 Brighton Street.*
  - (d) *The proposal does not provide for a pedestrian friendly environment along Shamrock Street and does not provide for sufficient public realm improvements.*
11. A Compulsory Conference occurred on for 22 January 2019. No agreement was reached.
12. The Application for Review was amended on 3 February 2019 by the permit applicant in accordance with the VCAT Practice Note No. 9. On 4 February 2019, the applicant provided updated versions of Section G-G (Sheet DA2107) and shadow diagrams (Sheets DA2201-DA2216).
13. The applicant also provided additional drainage and traffic information to Council on 6 February 2019.
14. The following parties were notified of these amended plans (with at least one copy provided to each) as per the VCAT Order dated 1 February 2019:
  - (a) any referral authority;
  - (b) all other parties to the proceeding;
  - (c) any objector to the permit application who is not a party to the proceeding
  - (d) the owners and occupiers of adjoining properties who were originally given notice of the permit application, and
  - (e) the owners and occupiers of properties in Church Street, Shamrock Street and Brighton Street directly opposite the subject land who were given notice of the permit application, as highlighted in yellow on the diagram below



15. Any statements of grounds associated with these amended plans are due by 26 February 2019 in accordance with the VCAT Practice Note No. 9.
16. A VCAT Full Hearing is scheduled for five days beginning on 18 March 2019

### Conclusion

17. 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) a setback of at least 3m provided for Building B from level 3 and above from the eastern boundary (associated with the section of wall to the north of the lift area where it is attached to Building C);
  - (b) deletion of any glazing along the eastern boundary wall of Building B;
  - (c) an increase in the width of the separation of Buildings A and B to a minimum of 9.8m;
  - (d) an amended acoustic report to assess No. 28 Brighton Street; and
  - (e) a Streetscape Improvement Plan for the development's Shamrock Street frontage.

**CONTACT OFFICER:** Vicky Grillakis  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 92055124

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**PLN18/0328 - 459- 471 Church Street and No. 20 - 26 Brighton Street Richmond - Melba Ward - Use and development of the land for the construction of three mixed use buildings (including a childcare centre), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road.**

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Trim Record Number: D19/16721

Responsible Officer: Senior Coordinator Statutory Planning

[Help](#)

<b>Proposal:</b>	Use and development of the land for the construction of three mixed use buildings (including a childcare centre), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road.
<b>Existing use:</b>	Furniture Showrooms, car park and dwelling
<b>Applicant:</b>	Salta Properties Pty Ltd
<b>Zoning / Overlays:</b>	Part Commercial 2 Zone, Part General Residential Zone (Schedule 2)/ Design and Development Overlay (Schedules 2 and 5) and CityLink Project Overlay (CLPO)
<b>Date of Application:</b>	11 May 2018
<b>Application Number:</b>	PLN18/0328
<b>Ward:</b>	Melba

### Planning History

1. As outlined in the original officer report prepared for the application.
2. This is an attachment to this report.

### Background

#### VCAT Proceedings

3. On 8 October 2018, Council received notice that an application had been lodged at the Victorian Civil Administrative Tribunal (VCAT) by the applicant under section 79 of the *Planning and Environment Act 1987* (the Act) for the failure of Council to determine the application within the statutory time period.
4. Five parties have joined the appeal.
5. On 18 January 2019, the planning application was presented at Council's internal Development Assessment Panel (DAP) meeting where it was determined that had Council been in a position to, it would have issued a Notice of Refusal to Grant a Planning Permit based on the following grounds:
  - (a) *The scale, height and massing of the buildings will dominate the surrounding streetscape of Church, Shamrock and Brighton Streets, will dominate the wider heritage place and is contrary to policy at clauses 15.01-1S, 15.01-2S, 21.05-2, 22.10-3.2, 22.10-3.3 and the design objectives of Schedule 2 of the Design and Development Overlay.*
  - (b) *The development will unreasonably impact on the amenity of the area.*
  - (c) *The proposal results in unreasonable visual bulk impacts and inequitable development opportunities for the site to the east at No. 16 Brighton Street.*

- (d) *The proposal does not provide for a pedestrian friendly environment along Shamrock Street and does not provide for sufficient public realm improvements.*
6. A Compulsory Conference occurred on for 22 January 2019. No agreement was reached.
  7. The Application for Review was amended on 3 February 2019 by the permit applicant in accordance with VCAT Practice Note No. 9. On 4 February 2019, the applicant provided updated versions of Section G-G (Sheet DA2107) and shadow diagrams (Sheets DA2201-DA2216).
  8. The applicant also provided additional drainage and traffic information to Council on 6 February 2019.
  9. The purpose of this report is to form Council's position on the substituted plans.
  10. The amended application will be discussed within the proposal section within this report.
  11. The following parties were notified of these amended plans (with at least one copy provided to each) as per the VCAT Order dated 1 February 2019:
    - (a) any referral authority;
    - (b) all other parties to the proceeding;
    - (c) any objector to the permit application who is not a party to the proceeding
    - (d) the owners and occupiers of adjoining properties who were originally given notice of the permit application, and
    - (e) the owners and occupiers of properties in Church Street, Shamrock Street and Brighton Street directly opposite the subject land who were given notice of the permit application, as highlighted in yellow on the diagram below



12. Any statements of grounds associated with these amended plans are due by 26 February 2019 in accordance with the VCAT Practice Note No. 9.
13. A VCAT Full Hearing is scheduled for five days beginning on 18 March 2019.

### **The Proposal**

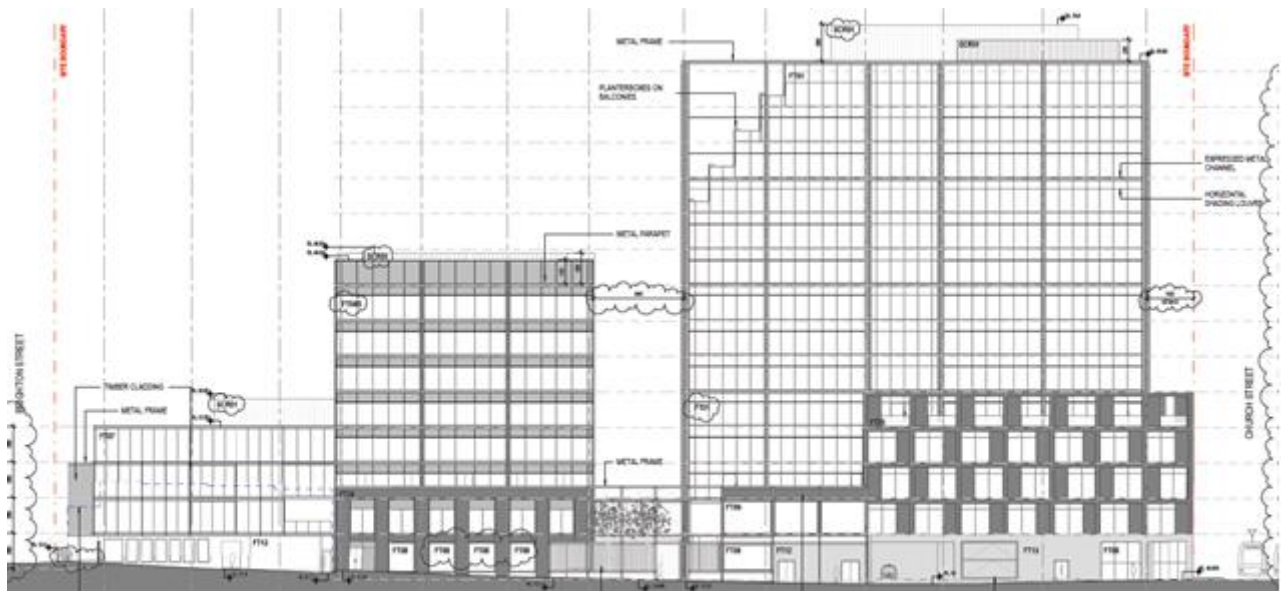
14. The following description is provided of the amended plans dated 3 and 4 February 2019, highlighting key changes from the original application.
15. A description of the original proposal is contained in the initial officer report which is attached.

- 16. The proposal is for the demolition of all buildings on site, and the constructed of three buildings, one facing Church Street (Building A), another facing Shamrock Street (Building B) and the third, facing Brighton Street (Building C).
- 17.

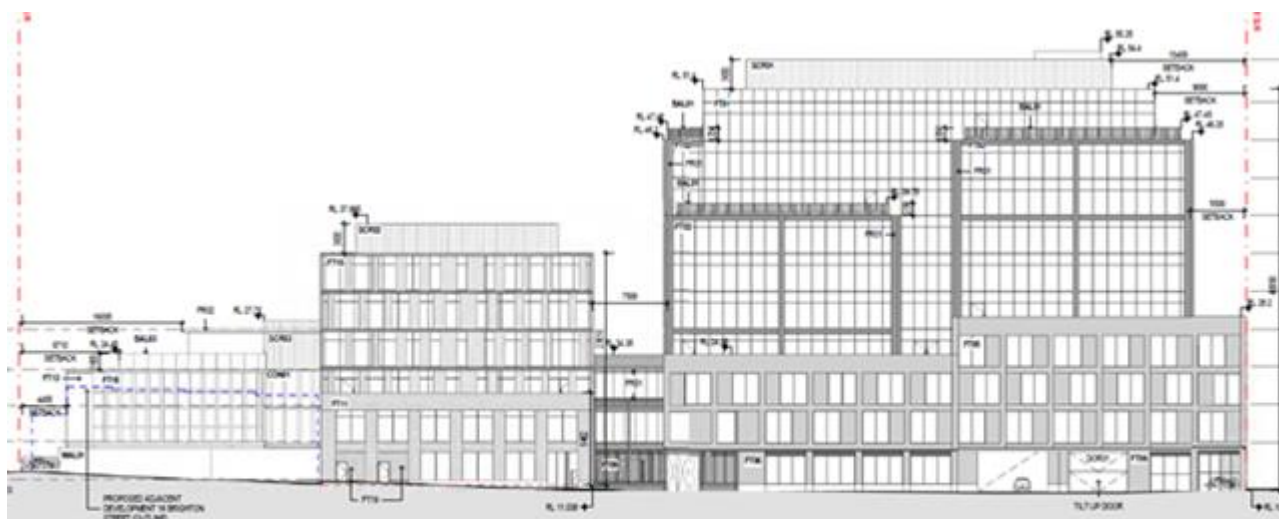


Original application      Substituted plans

- 18. The image above depicts a view of the proposal from the north, along Church Street looking southward. The image on the left is the original application, whilst the image on the right is the amended plan.



Original application



## Substituted plans

19. The two images above are of the proposal along its northern elevation to Shamrock Street. The upper image is the original application, whilst the lower image is the amended plan.
20. Key changes are:

### Building A

- (a) Reduction in height by four levels from 14 storeys to 10 storeys and a reduction in the overall height by 15.35m to the top of the plant. Previously the overall maximum height of Building A was 57.37m to the top of the building (and also the maximum on-boundary wall height) and 61.32m to the top of the plant screening. This has now been reduced to 42.015m and 45.865m respectively (from RL70.6 to RL55.25).
- (b) Reduction in the height of the western end of the northern wall of the podium from 20.3m to 18.815m through a reduction in the terrace balustrade height.
- (c) Increased setback from Shamrock Street for the eastern section of the podium from zero, to a minimum of 2.35m. This portion of the podium is increasing in height from two storeys with a terrace above, to three storeys with a terrace above (increase in height by 3.74m from 10.1m to 13.84m).
- (d) Decrease in the length of the southern wall on boundary above the podium from 22.85m in length and 57.37m in height, to 15m in length and 42.015m in height.
- (e) The loading bay moved further to the west directly opposite No. 475 Church Street.
- (f) The vehicle entrance from Shamrock Street has moved to the west and is only partially in front of No. 1 Shamrock Street, previously it was entirely opposite it.

### Building B

- (g) Reduction in the height by two levels, from eight storeys to six storeys and a reduction in the overall height by 8.2m to the top of the plant. Previously the maximum overall height was 34.8m, and the maximum wall height was 33m, these are now both 26.6m (from RL45.85 to RL37.665)
- (h) Increase in the podium setback to Shamrock Street from zero, to 0.7m.
- (i) Increase in setbacks from the south (further detailed below) and modification from a stepped terracing effect at the rear to more regular setbacks.
- (j) Internal alterations.

### Building C

- (k) Increase in the front setbacks at all levels from 4.61m at ground floor to 7.27m, from between 1.35m and 4m at first and second floors to between 4.455m and 7m and from 4m at the third floor to 9.71m.
- (l) Decrease in height by 2.5m to the top of the plant, from RL30.05 to RL27.55.

21. Plan changes:

*Basements (all buildings)*

- (a) Conversion from split level basements to single level.
- (b) Internal reconfigurations.
- (c) Reduction in car parking provide in Basement 2 from 121 to 104 (reduction of 17) and Basement 1 of Building C from 23 to 12, a reduction of 11 car parking spaces. Overall total reduction of 28 spaces from 240 to 212.

*Building A and B*

*Ground floor*

- (d) Internal reconfigurations including the relocation of the substation to the basement.
- (e) Increase in setbacks of Building A from Shamrock Street by an additional 2.935m to the east of the vehicle entrance. Previously these were constructed along the title boundary.
- (f) Reduced entrance width from Church Street.
- (g) The loading bay moved to the west away from residences.
- (h) The vehicle entrance from Shamrock Street has moved to the west and is only partially in front of No. 1 Shamrock Street, previously it was entirely opposite it.
- (i) Increase in the podium setback of Building B to Shamrock Street from zero, to 0.7m (this continues until the second floor).
- (j) A widened pedestrian walk way to the north of the end of trip facilities.
- (k) Reconfiguration of the end of trip facilities.
- (l) Widened internal courtyard.

*First floor*

- (m) The setback of the podium of Building A to Shamrock Street increased, and decreased at various points, from previously having a setback of between zero and 3.9m to now being between 2.53m and 3.43m.
- (n) Decrease in the depth of the front indentation to Church Street (this is continued in all levels of the podium).
- (o) The podium of Building A has increased in length along Shamrock Street by approximately 7.5m to the east.
- (p) Widened internal courtyard.
- (q) A setback area in the south-eastern corner of Building A has now been filled in.
- (r) The setback of the southern wall of Building B has increased from 3.79m to 6.79m (with a 3.77m wide panting strip).
- (s) Internal reconfiguration of Building B at all levels.

*Second floor*

- (t) A north-facing terrace has been deleted, with the setbacks of the northern podium wall of Building A along Shamrock Street now being between 2.35m and 3.43m instead of between 3.8m and 5.1m.
- (u) The podium of Building A has increased in length along Shamrock Street by approximately 2.3m and subsequent decrease in the separation between Building A and B from 9.8m to 7.5m. This continues until the eighth floor. This also results in an increase in net floor area for this floor.



- (v) Previously an outdoor terrace connected Building A and B, however this has now been replaced with additional floor area for Building A.
- (w) The setback of the southern wall of Building B from the southern boundary has increased from 6.82m to between 12m and 19m. The terrace is setback 6.79m whilst it was previously setback 3.79m.

#### *Third floor*

- (x) Along Shamrock Street, the podium of Building A includes a terrace where there was previously no built form, and the four storey podium terminates further to the west.
- (y) Along the southern boundary of Building A, a terrace wraps around the eastern and southern side of the building, resulting in additional built form along the eastern side, but a reduction along the southern side associated with the truncation of the lift core.
- (z) The setback of the southern wall of Building B from the southern boundary has increased from 9.65m to between 11.2m and 19m. Previously there was also a terrace within this setback, this has now been deleted.

#### *Fourth floor*

- (aa) Increase in setbacks of the podium of Building A from the northern boundary from between 5.1m to 5.78m to between 5.93m and 6.33m and a deletion of the north-facing terrace opposite No. 1 Shamrock Street. These setbacks continue up to the sixth floor.
- (bb) Decrease in the length of the southern on-boundary wall of Building A from 22.85m to 15m. This continues to the full height of Building A.
- (cc) Decrease in the setback of the southern wall of the tower of Building A from the boundary from 5.39m to 5.165m. This continues to the full height of Building A.
- (dd) The internal void of Building A is filled in from the fourth floor and above.
- (ee) The setback of the southern wall of Building B from the southern boundary has been amended from 12.88m with a 2.42m wide terrace located within the setback, to a setback of between 12.2m and 19m.

#### *Fifth floor*

- (ff) The setback of the southern wall of Building B from the southern boundary has been increased from 15.93m with a 2.42m wide terrace located within the setback, to a setback of 19m with a terrace located beyond this.

#### *Sixth floor*

- (gg) This floor is now the roof plan of Building B. The southern wall of Building B was previously setback 18.97m, it is now setback 23m. Two levels have been deleted from Building B.

#### *Seventh and eighth floor*

- (hh) This floor of Building A now includes an additional setback from Shamrock Street in the eastern end of the tower, with setbacks of between 6.33m and 14.155m from the northern boundary. Previously the tower was setback 5.78m.
- (ii) A terrace is partly located within this setback on the seventh floor.

#### *Ninth floor*

- (jj) The built form of the tower steps away from Church and Shamrock Streets with increased setbacks, as well as additional setbacks from the east as this presents as the upper level 'cap'.
- (kk) The setback from Church Street is proposed to be 9m, where it was previously 5m, setbacks to the north were previously between 5.1m and 5.78m, and are now 10.185m.

- (ll) Terraces are partially located within these setbacks. Previously there were not any terraces.

#### *Tenth floor*

- (mm) This is now the roof plan for Building A and depicts only the plant and PV solar array. The plant area is enlarged towards the east compared to the previous plant area.
- (nn) Four levels have been deleted from Building A.

#### Building C

- (oo) The ground floor of this building is reduced in size and is now setback 7.37m from the northern boundary, 7.27m from the front boundary and 7.23m from the southern. These setbacks were previously 6.4m, 4.61m and, 7m respectively. The outdoor play space has also been reduced and partly replaced with an elevated garden bed. The southern boundary wall of the outdoor play space is now clearly shown as being retained.
- (pp) At first and second floors, the setbacks have remained similar to the north and south, but increased from Brighton Street, from between 1.35m and 4m, to between 4.455m and 7m. Additional cut outs have been provided in the western end of the second floor.
- (qq) At third floor, the outdoor play space has been reduced in size and is now setback between 6m and 7.36m from the northern boundary, 9.71m from the front boundary and 11.855m from the southern. These setbacks were previously between 4.5m and 5.76m, 4m and between 9.85m and 10.29m respectively.
- (rr) Building C presents as an 11.2m high street wall to Building C, where it previously presented as a 15m street wall.

### **Existing Conditions**

#### Subject Site

- 22. A description of the subject site was provided in the original report. There has been no noticeable change in the existing conditions.

#### Surrounding Land

- 23. A description of the subject site was provided in the original report. There has been no noticeable change in the existing conditions.

### **Planning Scheme Provisions**

- 24. Details of the relevant planning scheme provisions were provided in the original report.

### **Advertising**

- 25. As outlined in the original officer report prepared for the application.

### **Referrals**

- 26. The advertised plans were referred to various external referrals as well as internal departments and external consultants. Details are provided within the initial officer report.
- 27. The substituted plans were re-referred to the following departments for comment:

#### Internal departments

- (a) Engineering Services Unit;
- (b) Waste Services;

#### External consultants

- (c) Traffic (Traffix);
- (d) Urban Design (MGS Architects);

28. The original referral responses/comments were included in the original delegate report.
29. The referral comments related to the substituted plans are an attachment to this report.
30. As outlined in the original delegate report, VicRoads are a Section 55 referral authority. Clause 66.03 of the Yarra Planning Scheme outlines that they are a determining referral authority. The applicant gave notice to VicRoads. Whilst Council officers did not refer the substituted plans, their comments will be included within the referral attachments to this report.
31. Transport for Victoria are also a Section 55 referral authority. Clause 66.02-11 of the Yarra Planning Scheme outlines that they are a determining referral authority.
32. Transport for Victoria did not object to the original application but had provided Council with permit conditions. They are not a party to these proceedings, and the application was not referred to them. The recommended permit conditions will be included on any permit to be issued.

## OFFICER ASSESSMENT

33. The key considerations for this report are whether the 'substituted plans' have satisfactorily addressed Council's Grounds of Refusal and any other matters discussed within the original officer's assessment. Additionally, an assessment will have to be carried out to ascertain whether the changes introduce any additional concerns.

### Ground 1

*The scale, height and massing of the buildings will dominate the surrounding streetscape of Church, Shamrock and Brighton Streets, will dominate the wider heritage place and is contrary to policy at clauses 15.01-1S, 15.01-2S, 21.05-2, 22.10-3.2, 22.10-3.3 and the design objectives of Schedule 2 of the Design and Development Overlay.*

34. To provide some context, within the original delegate report the following issues were raised with regards to scale, height and massing:
  - (a) *the excessive overall height of Building A (including the sheer southern boundary wall) which is not only a detriment to the Church Street streetscape, but subsequently results in excessive overshadowing to the western footpath of Church Street;*
  - (b) *the excessive height and lack of setback of the tower component of Building A and its impact on the Shamrock Street streetscape; and*
  - (c) *the overall height and lack of transition of Building B will dominate the streetscape along Shamrock and Brighton Streets as well as the repetitive stepped form southern façade being incongruous to the area;*
35. This ground had mainly centred on issues with Building A and B, rather than Building C.
36. Council's planning officer made the following comments with regards to Building C:
  - (a) *Council planning officers and external urban design submit that this building is acceptable within this streetscape, subject to additional front setbacks to avoid dominating the streetscape and the adjoining dwellings. This will also assist to reduce the prominence of the new building within the heritage streetscape. It is important to note that in terms of Brighton Street, the subject site is located within an area where there are less intact heritage buildings compared to further south (as already outlined).*
37. The applicant has now provided additional front setbacks for Building C, which is in-line with the buildings to the north and south. A substantial reduction in the size of the fourth floor has also been incorporated into these substituted plans. This now results in a three storey presentation to Brighton Street, with a recessed fourth floor. This satisfies both Council's planning officers and external urban designer's previous concerns.

38. Returning now to Buildings A and B, each will be discussed in turn.

#### *Building A*

39. The substituted plans incorporate a number of built form changes and they include:

- (a) Reduction in height by four levels from 14 storeys to 10 storeys and a reduction in the overall height by 15.35m to the top of the plant. Previously the overall maximum height of Building A was 57.37m to the top of the building (and also the maximum on-boundary wall height) and 61.32m to the top of the plant screening. This has now been reduced to 42.015m and 45.865m respectively (from RL70.6 to RL55.25).
- (b) Reduction in the height of the western end of the northern elevation of the podium from 20.3m to 18.815m through a reduction in the terrace balustrade height.
- (c) Increased setback from Shamrock Street for the eastern section of the podium from zero setback, to a minimum of 2.35m. This portion of the podium has increased in height from two storeys with a terrace above, to three storeys with a terrace above (increase in height by 3.74m from 10.1m to 13.84m).
- (d) Increase in the northern setback of the tower component from between 5.1m and 5.76m to between 5.93m and 6.33m.
- (e) Decrease in the length of the southern wall on boundary above the podium from 22.85m in length and 57.37m in height, to 15m in length and 42.015m in height.

40. In addition to those changes, the design detail of this building has also been altered as follows:

- (a) the ground floor concrete treatment to Church Street has been deleted;
- (b) along the northern elevation there is a prominent articulation of two stepped forms with a glass wall behind; and
- (c) the upper level framing element has been deleted.

41. These changes constitute a significant improvement in the overall architectural quality of the proposal and they can be clearly seen in the image below:



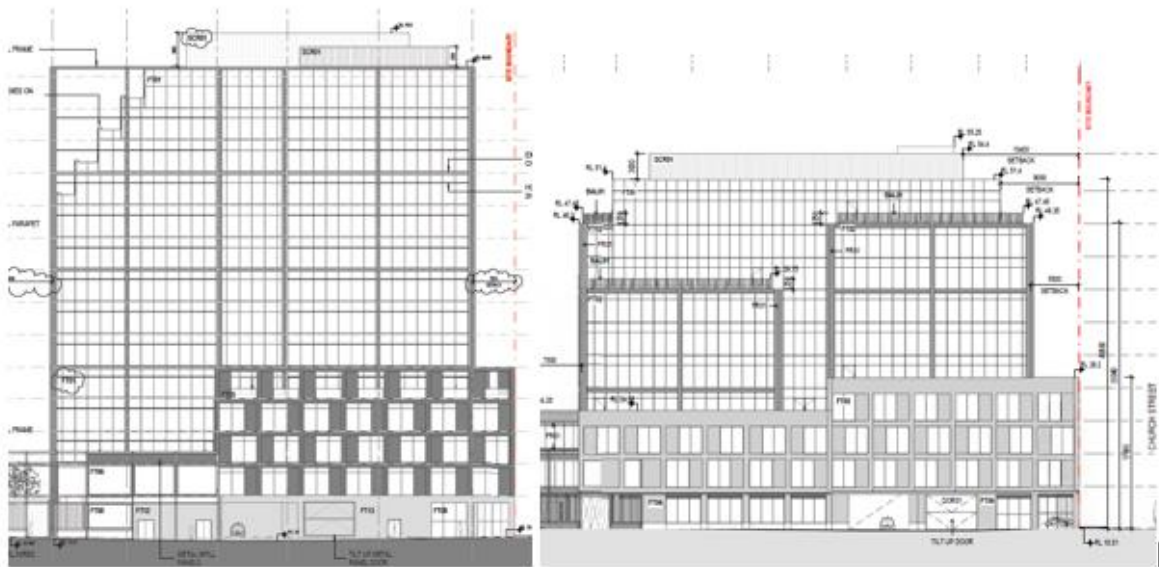
Original application      Substituted plans

42. Council's planning officers previously made the following assessment with regards to the building's impact to Church Street:

- (a) *Looking specifically at the overall height, whilst Council acknowledges that this is a site where much taller developments can occur compared to what currently exists, Council does not support the proposed 14 storeys in height. Council's external urban designer stated that the proposal should be no more than eight storeys in height, with development above level 7 to be deleted.*
  - (b) *Council planning officers submit that at least three of the upper levels should be deleted. This would assist with the proportions of the development, which as seen in the image below when viewed from the north along Church Street, it is quite evident that the upper levels result in a dominating and overbearing presentation to the street.*
  - (c) *The framing element visible on the upper levels is unacceptable, and undermines the attempt at reducing the visual bulk of the overall height through the provision of increased setbacks from the east. The applicant has provided these setback upper levels as a way to reduce the form of Building A, however this form is then surrounded by a four storey external frame which draws the views eye up towards the top of the building.*
  - (d) *Finally, another issue with the proposal, as already outlined is the visual dominance of the southern boundary wall associated with the core. The height, width and lack of articulation result in dominating the Church Street streetscape and is unacceptable. The use of glazing along this boundary is also unacceptable. Had Council been of a mind to support the proposal, this would have been required to be deleted.*
  - (e) *Council's external urban designer suggested that the lift core should be internalised to avoid the southern boundary wall, however planning officer's believe there may be other solutions which would also resolve this issue. Again, this is a failing of the proposal which cannot be resolved by way of a condition on permit, but would need the applicant to provide a re-design for further consideration.*
43. The amended scheme has not reduced the height of Building A to eight storeys as per the recommendation of Council's external urban designer. Council planning officers had suggested that at least three levels be deleted, which has now occurred. The reduction in height by four levels, in addition to the changes to the design detail (as previously outlined), reduction in the width and height of the southern boundary wall and the deletion of the upper level framing element have all gone a considerable way in reducing the building's previous dominating and overbearing presentation to the surrounding streets. Council planning officers submit that these changes have now sufficiently addressed their concerns regarding the visual impact of the height of Building A.
44. Council's external urban designer also agrees that the majority of issues previously identified have been resolved. Council's external urban designer no longer recommends reducing the height to eight storeys, but rather that it should be reduced so that it does not overshadow the western footpath of Church Street after 10am. This is the remaining issue associated with the height of this building.
45. The current shadow diagrams show that Building A will impact the western footpath at 10am, but by 10.30am the shadows are well clear of the footpath and are onto the road reserve. The amended plans have reduced the extent of overshadowing by 30 minutes. Previously the shadows did not fall on the road until 11am. Council planning officers submit that the amended plans allow for a reasonable amount of overshadowing and will not result in excessive overshadowing.
46. This issue was previously discussed at VCAT in relation to an office development and its overshadowing of the opposite footpath, *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [2017] VCAT 753. Within that decision, member Sibonis makes the following remark:

[34] ....According to the shadow diagrams, and the evidence, the overshadowing is confined to the morning hours. By 11.00am the shadow is cast on the pavement itself, meaning that pedestrians will be in sunlight. After this time, the shadow will not affect the footpath. This is a reasonable outcome having regard to the site's context and we are persuaded that the extent of overshadowing has been minimised. The shadow impact does not justify a reduction in the height of the building.....

47. The amended plans have reduced the extent of overshadowing to the western footpath of Church Street by 30 minutes. Council planning officers do not believe a further reduction is required particularly as to gain those 30 minutes as the proposal has already been reduced by four levels. Having the opposite footpath free of any shadow by 10.30am (and potentially by 10.15am although the applicant did not provide this information) is reasonable and will still allow for pedestrians to be in light from 10.30am onwards.
48. Turning to the acceptability of this building with regards to Shamrock Street, the northern elevation below provides a comparison between the original and amended scheme:



Original application      Substituted plans

49. The reduction in height of this building, the additional setbacks provided to Shamrock Street and the reduction in height and length of the western end of the podium all contribute to address the previous concerns regarding the height and lack of setbacks of this building and its impact onto Shamrock Street (including the wider heritage area). Council's external urban designer also agrees that the majority of issues previously identified have been resolved.
50. The amended plans include some variations to the podium of Building A as it presents to Shamrock Street. This includes decreased setback distances and height in the western end, with increased setback distances and height in the eastern end. Overall these changes are considered to be acceptable as on balance they present as a reduction in built form opposite dwellings.

#### *Building B*

51. The scale, height and massing issues surrounding this building were in relation to both Shamrock and Brighton Streets.
52. The substituted plans incorporate a number of built form changes to this building and they include:

- (a) Reduction in the height by two levels, from eight storeys to six storeys and a reduction in the overall height by 8.2m to the top of the plant. Previously the maximum overall height was 34.8m, and the maximum wall height was 33m, this is now 26.6m (from RL45.85 to RL37.665)
- (b) Increase in the podium setback to Shamrock Street from zero, to 0.7m.
- (c) Increase in setbacks from the south (already outlined in detail in the *Proposal* section) and modification from a stepped terracing effect at the rear to more regular setbacks.
- (d) Internal alterations.

53. Council's planning officer made the following comments in the original delegate report:

- (a) *As already outlined, Council's external urban designer has recommended the entire Shamrock Street elevation of the proposal should be setback a total distance of 9m from the sites along the northern side of the street. This would necessitate additional setbacks for the levels above also.*
- (b) *Council's external urban designer found the overall height of Building B to be excessive considering that it adjoins lower scale residences, some of which have heritage value. It was recommended that it not exceed five levels in overall height. Council's heritage advisor was also not supportive of overall massing of this building and its impact to the Shamrock and Brighton Street heritage buildings and wider heritage precinct to the east.*
- (c) *Whilst Building B includes a northern 5m setback above its street wall which is a positive design outcome, its eastern side wall is sheer along the boundary and this lack of transition in relation to No. 16 Brighton Street (either existing or approved) in the streetscape is unacceptable and would be excessively dominant. It should be noted that this building includes glass windows along the eastern boundary. Council does not support this due to inequitable development opportunities, as will be discussed in the Off-site Amenity section of this report.*
- (d) ....
- (e) *As already outlined, Council planning officers agree that this building is excessive in height, as is the eastern sheer wall due to its dominating impact on the Shamrock Street streetscape. The impact would be similar from along Brighton Street and Council planning officers submit this is unacceptable also.*
- (f) *In addition to the eastern wall, from the south, along Brighton Street, the repetitively stepped form of southern façade of this building will be visible. This stepped massing is incongruous with the surrounding area and will visually dominate the Brighton Street streetscape. Whilst a reduction in height would have reduced the visibility of this facade, this is another issue which goes beyond what can be required by way of condition.*

54. The amended plans have improved a number of aspects with regards to Building B. The height reduction and the regular southern setbacks are significant improvements and resolve Council's planning officer's previous issues with those aspects of the proposal. The changes to the setbacks at the rear of Building B have resulted in a reduction in built form. Council's external urban designer has also confirmed that these concerns are now satisfied. The reduction in height will reduce the visual impact of this building when it's seen from the surrounding area.

55. The substituted plans do not provide the full 9m setback from the Shamrock Street residences that was previously recommended by Council's external urban designer. Only a 0.7m additional setback has been provided for the podium levels. Through further analysis, Council planning officers agree that it is not necessary to setback this building the same distance as Building A.

This is due to the Shamrock Street pedestrian entrance being to the west of this building which means that it is less likely the increased foot traffic associated with this development would be walking eastward, passed the courtyard. Additionally, the commercial premises at ground floor will be accessed from the internal courtyard, and not from its Shamrock Street frontage. Finally, this building will be setback a similar distance to the approved townhouses at No. 16 Brighton Street and it is a better urban design outcome for this building to provide the setback transition. If this building were to be setback further, the eastern boundary wall of the approved townhouses at No. 16 Brighton Street would be visible. Council's external urban designer did not raise this as an issue.

56. Finally, an issue which has not been resolved is the sheer wall along the eastern boundary. Whilst the height has been reduced, there continues to be a six storey sheer wall along the eastern boundary visible from both Shamrock and Brighton Streets. It is noted that the articulation of this wall has been improved through the inclusion of concrete cladding. To rectify this issue, Council's planning officer recommends from the third floor and above, an additional 3m setback be provided from the eastern boundary (associated with the section to the north of the lift area where it is attached to Building C). This will allow for a clear separation between the lower and upper levels and reduce the visual impact of this wall when seen from the Shamrock and Brighton Streets streetscapes and wider heritage area. The additional setback has been required from the third floor and above, as the side wall can transition down to the approved three storey townhouses (which are lower in height). This can be required by way of condition.
57. Council planning officers submit that the reduced height, improved façade treatments and the provision of additional setbacks will allow the buildings to fit into the existing and emerging context, compliant with policy within clauses 15.01-1S, 15.01-2S, 21.05-2, 22.10-3.2 and 22.10-3.3 as well as Schedule 2 of the DDO.

58. This ground has been addressed.

#### Ground 2

*The development will unreasonably impact on the amenity of the area.*

59. This ground related to the general amenity of the area due to the impact of the height of Buildings A and B, and the lack of place-making initiatives along Shamrock Street. Considering the significant reduction in built form and the improved pedestrian amenity along Shamrock Street, as already outlined in relation to Ground 1, the proposal's impact on the surrounding area has been drastically reduced. This ground has been addressed.
60. This ground did not relate to off-site amenity impacts. Off-site amenity impacts were assessed within the planning officer's original delegate report and they were found to be reasonable (with the exception of those associated with No. 16 Brighton Street), or able to be resolved by way of conditions, such as in the case of overlooking.

#### Ground 3

*The proposal results in unreasonable visual bulk impacts and inequitable development opportunities for the site to the east at No. 16 Brighton Street.*

61. This ground related to the eight storey sheer, eastern boundary wall of Building B and its impact to No. 16 Brighton Street due to the inclusion of on-boundary windows. As already discussed under Ground 1, the reduction in overall height and inclusion of additional articulation to the eastern wall have partly satisfied Council planning officers concerns with the visual bulk associated with this wall.



62. Council planning officers have also recommended that an additional 3m side setback be provided from the third floor and above, from the eastern boundary (associated with the section of wall to the north of the lift area where it is attached to Building C). This will further assist in reducing any visual bulk impacts from No. 16 Brighton Street as it will create a clear physical separation. Council's planning officer has required the setback to be from the third floor and above, as this will allow a transition down to the approved three storey townhouses (which is lower in height compared to a three storey office podium height).
63. Finally, in terms of equitable development opportunities, the proposal retains on-boundary windows where it abuts No. 16 Brighton Street. Council planning officers do not support this, and a condition will require their removal. By including the aforementioned condition, this will allow for Building B to retain east-facing windows, from the third floor and above.
64. This ground has been addressed.

#### Ground 4

*The proposal does not provide for a pedestrian friendly environment along Shamrock Street and does not provide for sufficient public realm improvements.*

65. The following is an excerpt for the original delegate report where this issue was identified:
  - (a) *One of the key issues with the proposal is the extent of inactive frontage onto Shamrock Street, and the lack of street setback provided at ground floor. Council's external urban designer was particularly critical of this. It was recommended that the full extent of the site's Shamrock Street frontage be setback to provide for appropriate place making initiatives. The street currently has very narrow footpaths, typical of a side street in Richmond/Cremorne. The development proposes to have its secondary office lobby entry off Shamrock Street yet has not provided a sufficient footpath width to accommodate the foot traffic. The development is attempting to entice office staff and patrons to the ground floor uses via the central courtyard from Shamrock Street but fails to provide for any improvements to the public realm. Again, this is not an issue which can be resolved by way of condition.*
66. The proposal has now setback the development from Shamrock Street at ground floor to create a footpath width of at least 4m for the section to the west of Building B. This ensures that office staff or commercial patrons who access the central courtyard have sufficient footpath width to accommodate the additional foot traffic.
67. To the north of Building B the amended plans include an additional 0.7m of footpath, resulting in a total width of 2m. Whilst this is not to the full extent of what was originally recommended, it is acceptable as the main pedestrian entry from along Shamrock Street is through the central courtyard, and not the front of Building B. Therefore, foot traffic would be directed into the central area. Additionally the restricted retail premises has its entry from the central courtyard and not from Shamrock Street.
68. The approved townhouses to the east are to be constructed with a similar setback as Building B which allows for a more consistent streetscape.
69. The applicant has not provided a streetscape improvement plan for its frontage onto Shamrock Street. This is necessary considering the significant portion of widened footpath and the increase in foot traffic. This will be required by way of condition.

#### Other matters

70. As outlined within the assessment above, the substituted plans have addressed Council's previous grounds of refusal and subject to conditions, can be supported. It should be noted, that where it had previously been stated in the original delegate report that matters could be resolved by way of condition, they have been included within the proposed *Recommendation* section of this report (where relevant). Additionally, referral comments from both the original application and the amended plans have resulted in a number of conditions being placed on the permit (where relevant). Other matters to be discussed are as follows:

*Decrease in the width of the separation between Building A and B*

71. The setback between Buildings A and B has decreased from 9.8m to 7.5m from the second floor and above is not acceptable, as it reduces the visual separation between the two buildings. This separation assists in reducing the visual bulk of the development when viewed in the round. Additionally, this reduction in setback enlarges the massing of Building A and allows it to encroach further east towards the more sensitive interfaces and streetscapes. A condition can require this setback to be retained at 9.8m.

*Alterations to the built form of Building A along the southern boundary*

72. The substituted plans make some adjustments to the built form along the southern boundary by filling in:
- (a) a setback area at first floor;
  - (b) the terrace at second floor; and
  - (c) the third floor setback area between Buildings A and B with a terrace.
73. Council planning officers find this to be acceptable as this part of the site abuts land (No. 475 Church Street) zoned Commercial 2 where more intensive development is expected. Additionally, to the south of the subject site, is a continuous on-boundary wall which limits any off-site amenity impacts.
74. With regards to potential equitable development impacts to No. 475 Church Street due to the inclusion of an open terrace along the shared boundary, any future development at No. 475 Church Street would be able to build along the shared boundary as offices are not considered a sensitive use. Additionally, the proposal is not reliant in the southern terrace for light and air as the third floor of Building A also has an eastern aspect and the southern wall is setback 5m from the shared boundary which is sufficient to allow for daylight access. Any occupants of this terrace will also have a northern outlook between Building A and B.
75. In terms of any visual bulk impacts to No. 28 Brighton Street from this additional built form, the majority of views to these 'filled in' areas would be obscured by the existing on-boundary wall along their northern boundary, the built form of Building B and the existing building of No. 475 Church Street.
76. As identified in the original delegate report, there are townhouses located to the south of No. 475 Church Street, at No. 7 Sanders Place with Council planning officers making the following comments:
- (a) *These dwellings do not directly abut the subject site. The three, western townhouses are constructed along the shared boundary with No. 475 Church Street which is also located within the Commercial 2 Zone. Any residents living in these townhouses, in this circumstance, should have an expectation that due to the Commercial 2 zoning of No. 475 Church Street, it is likely to be developed more intensely in the future than the current single storey warehouse.*
77. These comments are relevant in the consideration of any additional visual bulk impacts associated with these 'filled in' areas. These townhouses are also between two and three storeys in height and therefore are comparable to the height of these 'filled in' areas.

78. Considering the built form to the south and the distance of the subject site to these dwellings, the additional built form would not result in increased overshadowing impacts. It should be noted that overshadowing was not previously identified by Council planning officers as an issue. The following is an excerpt from the original report where this was discussed:
- (a) *Following on from this, the proposal does not impact these townhouses until 1pm, when the two western-most, first and second floor terraces are completely in shadow. This increases to approximately the western half by 2pm, and by 3pm, all townhouse terraces are in shadow. The shadowing is primarily from Building A. Council planning officers agree that Building A is excessive in height and requires a substantial reduction in height. If this were to occur, the shadowing would also be reduced. However, Council planning officer note that it would be an unrealistic expectation for any residents in this location to not experience any additional overshadowing. The western-most townhouses directly abut a Commercial 2 Zone and all have their private open spaces abutting their northern boundary, with minimal, if any, setbacks provided. The issue of expecting change on adjoining lots was addressed within the Tribunal decision, 37 KR Developments Pty Ltd v Moonee Valley CC [2010] VCAT 1063, where it was stated that:*
- [9] *Local communities often do not acknowledge or recognise that significant change has been a constant feature of our urban areas, and that further substantial change will continue into the future*
- (b) *Considering the limited extent of time of additional overshadowing for the majority of these townhouses (four out of the six are impacted for one hour), their site context of abuttal with a Commercial 2 Zone and being one site removed from the proposal, the level of overshadowing is not considered unreasonable.*
79. The applicant has also provided additional shadow diagrams associated with these dwellings. These diagrams show a similar level (if not less) of overshadowing to what was previously assessed. These shadow diagrams show that the second floor balcony (primary area adjacent to the living room) of the western-most townhouses is impacted from 2pm onwards, and that the second floor balcony of the townhouse to its east is not impacted until 3pm. This is a lesser impact than what was previously assessed and found to be satisfactory. Council planning officers continue to find this level of overshadowing to be reasonable, for the reasons already outlined and also for those further discussed in the original delegate report. Council's external urban designer had previously raised this as an issue but has now found this to be addressed.

#### *Traffic assessment*

80. Both Council's Senior Traffic Engineer and external traffic consultant raised traffic concerns regarding the intersection of Shamrock and Church Streets. The following is an excerpt from Council's original delegate report:
- (a) *The results of the post-development modelling provided by the applicant's traffic engineers suggest that the intersection is expected to operate under 'excellence' conditions without adversely impacting Church Street. Both Council's engineers and external traffic engineer questioned the accuracy of this due to anecdotal evidence of queuing along Church Street.*
- (b) *Council's external traffic engineer made the following statements:*
- (i) *It is not clear whether the analysis has considered any existing traffic queues on Church Street. Church Street is known for slow traffic movement and significant queuing during the commuter peak hours.*

- (ii) *The reduction in intersection performances as a result of queuing on a main road is difficult to reflect in SIDRA and the analysis provided may not represent actual conditions.*
- (iii) *A gap analysis based on actual gaps in traffic along Church Street may have been more appropriate to assess whether this intersection is impacted by stationary queues on Church Street.*
- (c) *Both Council's engineers and external traffic engineer requested further investigation of this by the applicant. Council's external traffic engineer also recommended that the applicant review whether 'Keep Clear' line marking or turn bans are warranted. This is in particular reference to ensuring that traffic turning right into Shamrock Street is not obstructed by stationary queues of southbound traffic along Church Street and therefore obstructing northbound traffic on Church Street. Had Council been of a mind to support this proposal, this would have been required prior to making a decision.*

81. The applicant has now provided this additional gap study with these amended plans. The applicant's traffic engineers commissioned Trans Traffic Survey Pty Ltd to undertake gap capacity surveys at the existing intersection of Shamrock Street and Church Street during the peak periods.
82. The traffic studies were undertaken on Wednesday 10 October 2018 and recorded gaps along both the northbound and southbound lanes of Church Street adjacent Shamrock Street. Both Council's Senior Traffic Engineer and external traffic consultant are now satisfied with the additional assessment with the following comments being provided:

Council's Senior Traffic Engineer

- (a) This analysis has been used to determine whether the critical movements at the intersection have adequate capacity in the peak hours once the development is operational. When entering major roads from minor roads (such the left and right turn movements from Shamrock Street into Church Street), motorists must wait for an acceptable time gap in the traffic stream to which they must give way before proceeding. It is agreed that the operation of the signalised intersection of Church Street/Swan Street (150 metres to the north) would provide gaps in the Church Street traffic stream to allow vehicles to exit Shamrock Street. The analysis undertaken by Impact confirms that the intersection has capacity to accommodate the critical turning movements.

Traffic Group

- (b) *The Impact response includes the gap analysis requested by the referral comments. We are satisfied with the analysis and associated assumptions/methodology. The critical movement as far as the impact on Church Street is the right turn into Shamrock Street in the AM peak, which has adequate capacity based on this analysis. It is likely during the PM peak that there will be some queuing on Shamrock Street from vehicles exiting the site, which is acceptable and will not impact on Church Street.*
- (c) *Based on the above, we are satisfied that Impact response is acceptable and that no additional mitigating works are required at this intersection.*

83. This issue is now resolved, subject to this additional analysis.

Car parking provision

84. As outlined in the *Proposal* section of this report the substituted plans reduce the car parking provision. Reduction in car parking provide in Basement 2 from 121 to 104 (reduction of 17) and Basement 1 of Building C from 23 to 12, a reduction of 11 car parking spaces. Overall total reduction of 28 spaces from 240 to 212.
85. The applicant has not provided Council planning officers with any indication if the number of children attending the child care has changed. Therefore the number of children will remain at 100. The previous car parking table as per Clause 52.06 showed the following:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	23,504 m <sup>2</sup>	3 spaces per 100 m <sup>2</sup> of net floor area	705	217 (202 for the office, with the remainder shared between the staff of the restricted retail and food and drinks premises)
Restricted Retail	1,219 m <sup>2</sup>	2.5 spaces per 100 m <sup>2</sup> of leasable floor area	30	
Food and Drink	83 m <sup>2</sup>	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	2	
Childcare Centre	100 places	0.22 spaces to each child	22	23
<b>Total</b>			<b>759 Spaces</b>	<b>240 Spaces</b>
<b>Shortfall</b>				<b>520 spaces +1 child care</b>

86. With the current amended plans, the revised table is as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	17,193 m <sup>2</sup>	3 spaces per 100 m <sup>2</sup> of net floor area	515	200 (allocation unknown)
Restricted Retail	1,102 m <sup>2</sup>	2.5 spaces per 100 m <sup>2</sup> of leasable floor area	27	
Food and Drink	155m <sup>2</sup>	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	5	
Childcare Centre	100 places	0.22 spaces to each child	22	12
<b>Total</b>			<b>569 Spaces</b>	<b>212 Spaces</b>
<b>Shortfall</b>				<b>357 spaces</b>

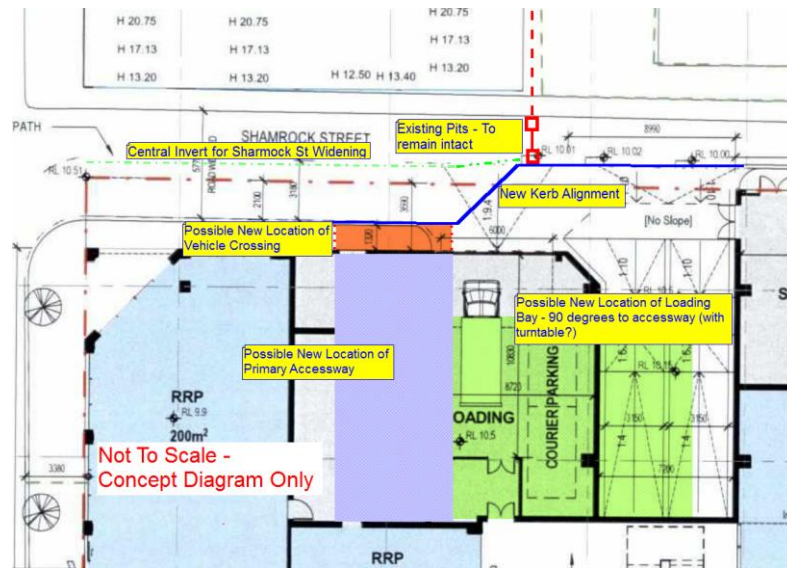
87. As already discussed in the previous delegate report, the previous reduction in car parking spaces was considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services and external traffic engineer had no objection to the proposed reduction in the car parking requirement.

88. The reduction in the provision of the child care spaces are an important consideration. The child care car parking has been reduced to 12, from a previous 23, which was an oversupply of 1 space. Within the previous assessment it was outlined that there were a number of issues with the internal spacing's of this car park, with a number of additional areas now being provided.
89. The applicant's traffic report associated with the original application stated that at a maximum, up to 50 percent of the 22 staff would drive, which equates to a demand of 11 car parking spaces. These can be accommodated on-site even in the amended basement car park.
90. Council's Senior Traffic Engineer supported the proposed reduction and made the following supplementary comments in relation to the changes in the child care parking provision:
- (a) *For the childcare centre, the provision of 12 on-site spaces would equate to a rate of 0.12 spaces per child. A childcare centre at 556 Swan Street, Richmond (PLN15/0302 issued on 22 March 2016), was approved with an on-site car parking rate of 0.134 spaces per child. The proposed car parking provision for the childcare at the subject site is considered appropriate.*
  - (b) *There is no objection to the reduction in car parking for the childcare centre.*
  - (c) *Generally, parking at childcare centres is split between staff and parents. The City of Brisbane's Transport, access, parking and servicing planning scheme policy (SC6.31) indicates that a childcare centre's on-site parking should allocate 60% of spaces to staff. There might be some merit in providing some on-site parking to parents. On the other hand, the proposed childcare centre's catchment area would potentially encompass much the surrounding businesses and residences whereby parents could walk with their children to and from the childcare centre.*
  - (d) *If all parking is allocated to staff, parents would know upfront that the childcare centre would not have any on-site parking for parents.*
91. Council's Senior Traffic Engineer also recommended that the footprint of the basements should clear of the widened road pavement and new kerb alignments of Shamrock Street (i.e. - no portion of the basement should be located underneath the road pavement of Shamrock Street). Council planning officers have not included this as a permit condition as this is an onerous request.

#### *Drainage*

92. Within the original delegate report, a significant issue was identified with regards to a drain in Shamrock Street, the following is an excerpt:
- (a) *Turning to the widening of Shamrock Street. Council's civil engineers identified this as a significant issue. As a result of the widening, two existing grated side entry pits (located 24m to the east of Church Street) would be impacted. These pits are located at the lowest point in Shamrock Street which connects into a drain that runs underneath properties on the east side of Church Street and continues to Lesney Street. The inlet capacity of the southern grated side entry pit would be reduced as a result of the widening of Shamrock Street due to the removal of the lintel and the throat. Council's civil engineers stated that it is vital that the pits remain intact as they are critical in collecting rainfall run-off for the Shamrock Street catchment area. Council's civil engineers recommended that the principal vehicular entrance be relocated further west. As the development entrance would be located in the vicinity of the low point in Shamrock Street, Council's civil engineers also recommended that a central invert be constructed in the widened section of Shamrock Street.*

As a result of these recommendations, the principal vehicle entrance and loading bay need to be redesigned and the length of the Shamrock Street widening be reduced from what was originally proposed. Council's civil engineers provided the following diagram:



93. As part of the amended plans, the applicant made changes to the widened section of Shamrock Street and also provided a drainage investigation report. The report stated that due to the revised widening, additional offset from the building line, increased storage area, and the minimum of 300mm of additional floor level (to RL10.4), the existing drainage flooding within Shamrock Street will not be adversely affected.
94. Council's drainage engineer continues to have concerns with this and made the following comments:
- (a) *I have reviewed the drainage investigation report prepared by Northrop Pty Ltd. The CCTV inspection of the existing drain from Shamrock Street to Lesney Street requested by Council was not provided in the report. On page 9 of the report in section 2.2 the report states that "Based on the CCTV investigation the existing DN225 (pipe) is in reasonable condition and has a capacity of 100 litres per second. "This flow capacity is used to determine the flood level in Shamrock Street. However, a Council CCTV inspection of the drain undertaken on the 24 October 2018 indicates that a smaller diameter pipe (150mm diameter) has been inserted into the drain between Shamrock Street and Lesney Street at some time in the past. This constriction (see attached image), reduces the capacity of the existing drain and may affect the determined flood level. This section of the Council drain is under a building and cannot be accessed to remove the constriction. The provided catchment and flood analysis should be reviewed to determine if the constricted drain will affect the specified flood level and the development still has adequate protection from flooding.*
- (b) *Further to our discussion on the flood risk assessment for this development. The current report indicates the depth of flooding in the street in the vicinity of the driveway could reach 300mm. This could prevent vehicles getting into and out of the driveway while the road is flooded.*
95. Please note that this is an on-going issue and an addendum will be provided prior to the Council meeting on 27 February 2019 in relation to this specific issue.

*Other requirements*

96. As the substituted plans have not included amended reports, the following is required as part of permit conditions:
- (a) Sustainable Management Plan;
  - (b) Waste Management Plan;
  - (c) Acoustic Report;
  - (d) Landscape plan report;
  - (e) Wind Report
97. The following will also be required by way of condition:
- (a) Green Travel Plan;
  - (b) Construction Management Plan;
  - (c) Car Park Management Plan; and
  - (d) Various traffic engineer conditions relating to civil works to, road protection, impacts on assets, vehicle crossings and drainage.

### Conclusion

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

### RECOMMENDATION

That having considered all objections and relevant planning policies, Council resolve to advise the Victorian Civil and Administrative Tribunal that it supports the substituted amended plans, and that had Council been in a position to it would have issued a Notice of Decision to Grant a Planning Permit PLN18/0328 for the use and development of the land for the construction of three mixed use buildings (including a childcare centre), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road at 459 – 471 Church Street and 20-26 Brighton Street, Richmond, generally in accordance with the architectural plans prepared by Architectus dated 3 and 4 February 2019 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 architectural plans prepared by Architectus dated 3 and 4 February 2019 but modified to show:
- (a) a setback of at least 3m provided for Building B from level 3 and above from the eastern boundary (associated with the section of wall to the north of the lift area where it is attached to Building C);
  - (b) deletion of any glazing along the eastern boundary wall of Building B;
  - (c) an increase in the width of the separation of Buildings A and B to a minimum of 9.8m;
  - (d) confirmation (via a sectional diagram) that there is no unreasonable overlooking opportunities from the north-facing podium walls of Building B into the private open space of No. 9 Shamrock Street within 9m;
  - (e) the allocation of car spaces for each use on the basement floor plans;
  - (f) the allocation of any car spaces for child care drop offs/pickups within the basement of Building C on the basement floor plans;



- (g) the width of the Shamrock Street footpath annotated on plans;
- (h) the dimension of the doorway width of the Brighton Street vehicle entrance;
- (i) sight triangles superimposed and dimensioned for the exit lanes of all vehicular entrances;
- (j) the loading facility dimensioned including the entrance and vehicle crossing;
- (k) swept path diagrams to confirm truck access and egress from the loading bay;
- (l) the widened section of Shamrock Street dimensioned from the face of the kerb, to the face of the kerb;
- (m) accessible parking spaces and associated shared areas dimensioned and as satisfying the Australian/New Zealand Standard AS/NZS 2890.1:2004 with bollards inserted as required;
- (n) column depths and locations to satisfy *Diagram 1 Clearances to car parking spaces* or AS/NZS 2890.1:2004 (where applicable);
- (o) the dimensions of clearances to walls (and be no less than 300mm);
- (p) the dimensions of each ramp grade length;
- (q) a pedestrian refuge (minimum 1.3m in span) in between the vehicle crossings of the development entrance and the loading bay;
- (r) the inside edge of the ninety-degree bend of the ramped accessway connecting Basement 2 with Basement 1 with a minimum clearance of 300 mm from the column as required by AS/NZS 2890.1:2004;
- (s) swept path diagrams of passing movements for a B85 design vehicle and an oncoming B99 design vehicle along the ninety-degree bend of the ramped accessway connecting Basement 2 with Basement 1, demonstrating satisfactory passing movements;
- (t) the boundary between private and public property delineated through the use of alternative surface materials or “banding”;
- (u) confirmation that none of the utility services in Wright Street are required;
- (v) the provision of a clear travel path for pedestrians along the south side of Shamrock Street between Church Street and the eastern side of the car park entrance;
- (w) a pram ramp at the Shamrock Street kerb, aligned with the northern courtyard entrance;
- (x) dimensions of bicycle storage spaces, and relevant access ways demonstrating compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (y) visitor bicycle parking provided at a rate of at least 1 space to each 500sqm of net office floor space, in a location easily accessed by visitors to the site (i.e. spaces must not be located within a secure facility) and for at least 80 percent visitor bicycle parking facilities to be ground level (horizontal) spaces;
- (z) employee bicycle parking facilities (provided at a rate of a minimum of 1 space to each 100sqm of net office floor space) located at ground-floor or basement 1, each within a secure facility (bicycle locker or lockable compound), with reasonable proximity and access to:

- (i) building entrances and/or lift shafts;
  - (ii) end of trip facilities, including showers and change rooms.
- (aa) at least 20% of bicycle storage spaces provided as horizontal storage spaces as required under AS2890.3;
  - (bb) details of the number of showers and change-rooms;
  - (cc) confirmation on plans that the car park areas are electrically wired with a minimum 40A single phase electrical sub circuit for 'EV readiness';
  - (dd) a materials sample board of external colours, materials and finishes;
  - (ee) any requirement of the endorsed Sustainable Management Plan (condition 7) (where relevant to show on plans);
  - (ff) any requirement of the endorsed Waste Management Plan (condition 10) (where relevant to show on plans);
  - (gg) any requirement of the endorsed Landscape Plan Report (condition 13) (where relevant to show on plans);
  - (hh) any requirement of the endorsed Wind Report (condition 17) (where relevant to show on plans);
  - (ii) any requirement of the endorsed Acoustic Report (condition 19) (where relevant to show on plans); and
  - (jj) any requirement of the endorsed Streetscapes Improvements plan (condition 33) (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.
- 3 As part of the ongoing consultant team, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the 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.

#### **Childcare Centre Use**

- 4 Except with the prior written consent of the Responsible Authority, the childcare centre use authorised by this permit may only operate between the hours of 7am and 7pm, Monday to Friday.
- 5 Except with the prior written consent of the Responsible Authority, no more than 22 staff are permitted on the land at any one time.
- 6 Except with the prior written consent of the Responsible Authority, no more than 100 children are permitted on the land at any one time.

#### **Sustainable Management Plan**

- 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 Cundall in April 2018, but modified to include or show:

- (a) fresh air supply in excess of AS1668 air flow rates by at least 50%;
- (b) more information on the expected daylight performance of the buildings and ensure that 30% of floor area can reach a minimum 2% df standard, and provide a suitable VLT for each area to assist achieve this standard;
- (c) increased external shading systems to reduce heat gain, rather than rely on glazing. If not, include the SGHC proposed including the minimum VLT noted in the SMP, and demonstrate that the 30% energy reduction can be met;
- (d) a completed JV3 energy modelling report, or equivalent, demonstrating the 6 points or 30% improvement in NCC requirements;
- (e) include all MUSIC model inputs and outputs including catchment area, storage locations and volume and location and number of toilet connections to ensure that best practice in WSUD can be met;
- (f) mark approximate size and location of solar PV array on roof and elevations;
- (g) details of proposed type and efficiency of hot water system. Recommend gas boosted solar hot water or gas storage hot water with a minimum 85% efficiency / 5 Star equivalent;
- (h) ensure that the WMP has sufficient spaces allocated to recycling and all waste streams. Ensure that recycling is just as convenient at general garbage;
- (i) a COP for HVAC (VRV) within one Star or 85% of best available of suitably designed size and capacity;
- (j) the provision of a composting system; and
- (k) the provision of electric vehicle charging facilities.

- 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.

### **SMP Implementation Report**

- 9 Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

### **Waste Management Plan**

- 10 Before the development commences, an amended Waste Management Plan prepared 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 Irwin Consult (dated 4 May 2018), but modified to include:

- (a) collection for the waste associated with Building C to occur within title boundaries; and
  - (b) details of how food waste will be diverted from the waste stream from the remaining areas of the development.
- 11 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 12 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Landscape Plan**

- 13 Before the development is occupied, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) be updated in accordance with the most recent architectural drawings;
  - (b) provide further detail on the design of the outdoor playspace for the childcare facility;
  - (c) provide further details on the vertical green systems across the development;
  - (d) provide details on how the feature tree in the deck area will be incorporated into the deck surface to ensure sufficient growing width is provided. Details on the nominal depth to be included;
  - (e) provide information on the landscape feature proposed at the corner of Church and Shamrock Streets;
  - (f) provide information in the Technical Notes on how the grade of the proposed garden beds in relation to their mounded nature will be maintained over time;
  - (g) provide details of allowances in the basement parking plans to accommodate the drop in the slabs for the proposed garden beds, ensuring there is sufficient headroom as well as depth for tree and plant growth;
  - (h) include more green infrastructure on the northern façade to Building B such as vertical climbing structures or planting beds;
  - (i) provide detailed planting plans for the development and show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (j) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (k) detail the design and layout of the common area, outdoor terraces, planters and any ground level planting;
  - (l) provide a specification of works to be undertaken prior to planting; and
  - (m) detail plant/planting maintenance schedules and requirements.
- 14 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

### **Street Tree**

- 15 Before the development commences, the permit holder must provide an Asset Protection Bond of \$10,000 (ex GST) for the three (3) trees in Church Street adjacent the frontage of the development and one (1) tree opposite 22 Brighton Street to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) in accordance with the requirements of this permit; or
  - (d) otherwise to the satisfaction of the Responsible Authority.
- 16 Before the development commences, the permit holder must make a one off contribution of 17,633.25 to the Responsible Authority to be used for:
- (a) the cost of supply, planting and establishment maintenance four trees (one in Church St and three in Brighton St).

### **Wind**

- 17 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 MEL Consultants and prepared on 1 May 2018, but modified to include (or show):
- (a) a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the ground floor and the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
- 18 The provisions, recommendations and requirements of the endorsed Environmental Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic report**

- 19 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 Cundall prepared on 27 April 2018, but modified to include (or show, or address):

- (a) confirmation of the following:
  - (i) that rail noise has been predicted to upper levels of the building, and that the advice provided will achieve the indoor design targets.
  - (ii) that noise from children playing in the rooftop outdoor play area has been predicted to the proposed overlooking office spaces, and that the glazing proposed will achieve appropriate indoor targets for this noise source.
  - (iii) that a review of façade upgrade treatments to offices overlooking the rooftop plant room on Building C will be undertaken during the detailed design to ensure that the indoor targets will be met.
- (b) The sound power level used for children's voices in each of the outdoor play areas, or sufficient information included in the report to calculate them. A 3-D image of the noise model used in calculations must be provided.
- (c) Assessments of the childcare centre noise impacts to (with the receiver locations included):
  - (i) No. 28 Brighton Street (the high level north facing windows, and the outdoor private open space) and
  - (ii) Upper levels of the approved townhouses at No. 16 Brighton Street.

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.

- 20 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 21 Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-occupation Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
- (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 19 have been implemented;
  - (b) Assess mechanical plant noise to SEPP N-1; and
  - (c) If non-compliance with Condition 21b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
- 22 The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Transport for Victoria Conditions (Condition 23 and 24)**

- 23 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty five days (35) prior.

- 24 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

**VicRoads Conditions (Conditions 25 to 27)**

- 25 Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) The provision of Keep Clear line-marking at the intersection of Church Street and Shamrock Street, Richmond.
- 26 Prior to the commencement of the development, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implement prior, during and following excavation to prevent any impact on the Burnley Tunnel is to be submitted to VicRoads and CityLink for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
- (a) That the development will not compromise the structural integrity of the Burnley Tunnel;
  - (b) What is the load applied to the ground by the development;
  - (c) What is the depth of the excavation;
  - (d) That the development will not cause changes to groundwater conditions that will result in adverse effect on the Burnley Tunnel.
  - (e) Any holding points requiring VicRoads and CityLink inspection and approval prior to releasing the hold points.
- 27 Prior to the commencement of and during the course of construction the following details must be submitted to the satisfaction of VicRoads and CityLink for approval:
- (a) Initial groundwater level;
  - (b) Expected and confirmation of actual flows and total volume drained during the construction of the basement;
  - (c) if the completed basement is tanked or drained;
  - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the watertable.
  - (e) Temporary or permanent groundwater drawdown greater than 2 metres below existing levels requires the developer to demonstrate the impact of the proposed development on the regional groundwater regime. The developer shall describe how groundwater drawdown will be managed, and demonstrate that there will be an insignificant impact on CityLink assets.

**Road Infrastructure**

- 28 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 no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and

- (b) to the satisfaction of the Responsible Authority.
- 29 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works, including trenching and excavation for utility service connections must be reconstructed and re-sheeted as single full width areas (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
- (a) at no cost to the Responsible Authority; and
- (b) to the satisfaction of the Responsible Authority.
- 30 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the subject site's the Brighton Street, Shamrock Street and Church Street road frontages must be reconstructed:
- (a) with the footpath having a cross-fall of 1 in 40 or unless otherwise specified by Council;
- (b) at no cost to the Responsible Authority; and
- (c) to the satisfaction of the Responsible Authority.
- 31 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the Brighton Street and Church Street road frontages are to be reconstructed:
- (a) at no cost to the Responsible Authority; and
- (b) to the satisfaction of the Responsible Authority.
- 32 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width of Shamrock Street along the development frontage must be profiled (grinded to a depth of 50mm) and re-sheeted:
- (a) at no cost to the Responsible Authority; and
- (b) to the satisfaction of the Responsible Authority.
- 33 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicular crossing on the west side of Brighton Street and the new vehicle crossing on the properties Shamrock Street road frontage must be constructed:
- (a) to satisfy the vehicle ground clearance requirements for the B99 design vehicle;
- (b) at no cost to the Responsible Authority; and
- (c) to the satisfaction of the Responsible Authority.

### **Streetscape Improvement Plan**

- 34 Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development's Shamrock Street frontage (inclusive of the widening of Shamrock Street) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.
- 35 Before the building is occupied, all works associated with the Streetscape Improvement plan as shown on the endorsed plans and Streetscapes Improvement plan (referred to in Condition 33) must be fully constructed and completed by the permit holder, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.



**Widened section of Shamrock Street**

- 36 Before the development commences, the design of the widened section of Shamrock Street must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the widening of Shamrock Street must provide details including pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage.
- 37 Before the building is occupied, all works associated with the widening of Shamrock Street (referred to in Condition 36) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.
- 38 Within six months of the commencement of works, 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 (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Shamrock Street between Church Street and the eastern boundary of the development's Shamrock Street frontage;
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 38(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 38(a).
- 39 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 reasonable costs borne by the Responsible Authority.

**Car parking**

- 40 Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the management of any visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) the number and allocation of storage spaces;
  - (d) any policing arrangements and formal agreements;
  - (e) 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;

- (f) 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 10; and
  - (g) 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, 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, all to the satisfaction of the Responsible Authority.
- 43 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### **Green Travel Plan**

- 44 Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering prepared on 2 July 2018, but modified to include (or show, or address):
- (a) deletion of any language such as 'could be introduced' and instead of 'should' or otherwise committing to a particular action;
  - (b) the Action Plan at Appendix A to references to all actions included in the report, including any carpooling actions;
  - (c) the promotion of various public transport smartphone apps such as the Public Transport Victoria app and/or train or tram tracker;
  - (d) a description of the location in the context of alternative modes of transport;
  - (e) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (f) the provision of real time passenger information displays for nearby stops within each lobby;
  - (g) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (h) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (i) details of bicycle parking and bicycle routes;

- (j) details of GTP funding and management responsibilities;
- (k) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (l) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (m) security arrangements to access the employee bicycle storage spaces;
- (n) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (o) reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
- (p) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

### **Lighting**

46 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,

all to the satisfaction of the Responsible Authority.

### **General**

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

48 The amenity of the area must not be detrimentally affected by the construction and use, 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.

49 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).

50 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.

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

- 52 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.
- 53 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 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Construction Management**

- 54 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.

### **Time expiry**

55 This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit; or
- (c) the child care centre use has 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.

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**TITLE:** Coordinator Statutory Planning  
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**Attachments**

- 1 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - subject land - idac attachment
- 2 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - original delegate report
- 3 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - referrals of substituted plans - idac attachment
- 4 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - Original Decision Plans Part 1 - idac attachment
- 5 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - Original Decision Plans Part 2 - idac attachment
- 6 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - Original Decision Plans Part 3 - idac attachment
- 7 PLN18/0328-7 - 459 - 471 Church Street & 20 - 26 Brighton Street Richmond - VCAT Ref No P1957/2018 - VCAT Substituted Documents