



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 8 May 2019 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Danae Bosler
Councillor Misha Coleman
Councillor Daniel Nguyen

I. ATTENDANCE

Lara Fiscalini (Principal Planner)
Sarah Griffiths (Senior Co-Ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN16/0807 - 33-35 Stewart Street, Richmond - Part demolition and development of a nine storey building for use as office and retail (shop) and a reduction in the car parking requirements of the Yarra Planning Scheme.	5	45

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Executive Summary

Purpose

1. This report provides an assessment of the proposed 9 storey building and its use as office and retail and associated reduction in the car parking requirements of the Yarra Planning Scheme at No's 33-35 Stewart Street, Richmond.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Land Use (Clauses 11.02, 17.01, 17.02, 21.04 and 32.04-14 of the Yarra Planning Scheme)
 - (b) Built form and Heritage (Clauses 15.01, 15.03, 21.05-1, 22.02, 32.04-14 and 43.01 of the Yarra Planning Scheme)
 - (c) Off-site amenity impacts (Clauses 13.05-1S, Clause 13.07 and 22.05 of the Yarra Planning Scheme)
 - (d) Internal amenity (Clauses 22.05 and 22.17 of the Yarra Planning Scheme)
 - (e) Car and bicycle parking (Clauses 18.01, 18.02, 21.06, 22.07, 52.06 and 52.34 of the Yarra Planning Scheme)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification;
 - (b) Use;
 - (c) Built form, Heritage and Urban Design;
 - (d) Environmentally Sustainable Design;
 - (e) On-site amenity;
 - (f) Off-site amenity;
 - (g) Car parking, traffic and access;
 - (h) Other matters; and
 - (i) Objector concerns.

Submissions Received

4. 65 objections were received to the application, these can be summarised as:
 - (a) Built form concerns relating to heritage considerations and the proposed building height;
 - (b) ESD issues;
 - (c) Amenity impacts; and
 - (d) Traffic impacts.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) The proposal being amended in line with the condition 1 recommendations.

- (b) The proposed 24 hour operation of the offices being reduced by way of condition to Monday to Friday 7.00am – 8.00pm and Saturday and Sunday 9.00am – 6.00pm.

CONTACT OFFICER: Laura Condon
TITLE: Senior Statutory Planner
TEL: 92055016

1.1 PLN16/0807 - 33-35 Stewart Street, Richmond - Part demolition and development of a nine storey building for use as office and retail (shop) and a reduction in the car parking requirements of the Yarra Planning Scheme.

Trim Record Number: D19/15384

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Part demolition and development of a nine storey building, use as office and retail (shop) and a reduction in the car parking requirements.
Existing use:	Two storey factory/warehouse/office
Applicant:	Slimform Holdings Pty Ltd.
Zoning / Overlays:	Mixed Use Zone Heritage Overlay, Schedule 332 Environmental Audit Overlay
Date of Application:	7 September 2016
Application Number:	PLN16/0807

Planning History

1. There is no relevant planning history for the subject site.

Background

Planning Scheme Amendments

2. Amendment VC142 was introduced into the Scheme on 16 January 2018. This amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions. This amendment included the deletion of clause 52.07 (*Loading and Unloading of vehicles*). As a result of amendment VC142 the requirements for a reduction in the loading bay requirements is no longer applicable.

Lodgment of S57A plans or sketch plans

3. The application was lodged on 7 September 2016 for a 10 storey building over one basement level incorporating retail and car parking at ground floor, offices at floor 1-8 and two dwellings at floor 9. Further information was received on 16 June 2017 and the application was then advertised by way of 951 letters 2 signs with 39 objections received. Figure 1 provides a perspective image of the original design concept.



Figure 1: Original application design

4. In response to objector and officer concerns relating to the glazed façade design and building height being out of context in heritage area, the applicant requested Council to put the application on hold to allow the applicant time to reconsider the building design. Council agreed to this. An amended application was lodged on 8 October 2018 pursuant to section 57A of the *Planning and Environment Act (1987) (the Act)*. These plans showed the following changes:
- (a) Deletion of level reducing the building from a ten to nine storey building and removal of 3 car spaces;
 - (b) Overall maximum height reduced from 33.45m to 31.76m (to top of lift overrun);
 - (c) Deletion of the proposed dwellings with only office and a retail premises now proposed;
 - (d) Increased setbacks to east boundary from 0.2m, 0.52m and 0.6m to 0.6m, 2.16m and 2.39m; and
 - (e) Changed façade design which reduced the extent of glazing and incorporated brick and precast concrete window mullion features.

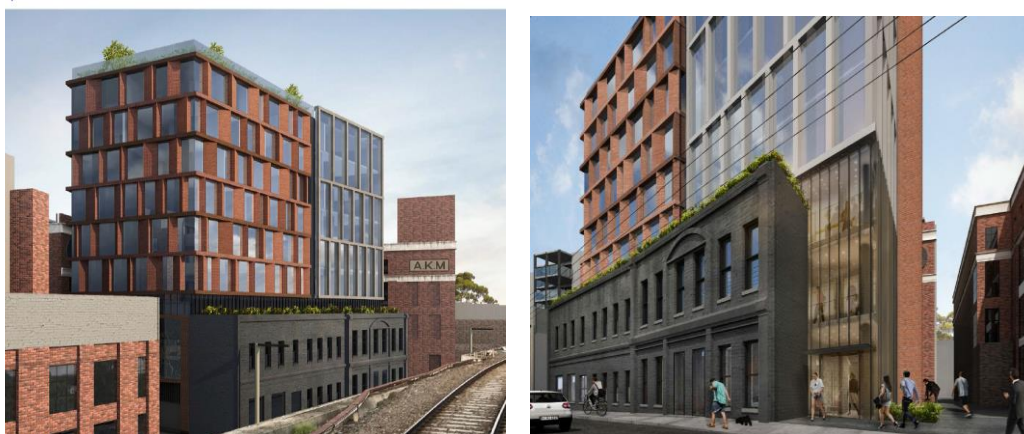


Figure 2 and 3: Section 57A amended plans perspectives.

5. The section 57A plans were advertised in November 2018 by way of 244 letters to objectors and to nearby/adjoining properties. Further submissions were received from some existing objectors with 26 new objections received, resulting in a total of 65 objections.
6. A consultation meeting was held on 11 December 2018. The permit applicant, 4 objectors and planning officers attended the meeting. Officers and objectors raised further concerns with the following:
 - (a) The presentation of the precast concrete wall to the stair and lift core (north-west corner of the building);
 - (b) Vehicles entering and exiting the site via Gibson's Way which is a private carriage-way easement with the subject site not enjoying access rights to this easement; and
 - (c) The basement extending under the drainage easement to the west and north, which may restrict other beneficiaries access rights to the drainage easement in the future.
7. In response, the applicant submitted a second section 57A amendment on the 17 April 2019 showing the following changes:
 - (a) Deletion of the basement from the northern and western drainage easement and from under No's. 37-39 Stewart Street. As a result the proposal is now limited to only No's. 33-35 Stewart Street with No's. 37-39 Stewart Street no longer forming part of the application site;

- (b) A three tier car stacker is proposed in the basement with the number of car spaces in the basement reduced from 18 to 17. One waiting bay in the northern carriageway has also been deleted;
 - (c) The precast concrete wall to the lift and stair core (east and north wall) replaced with a redbrick finish with 5 bands of horizontal bricks in a darker shade;
 - (d) The ground floor area of the retail space increased by 4sqm (total of 178sqm);
 - (e) The floor area of the substation reduced by 5sqm (total of 25sqm) for increased setback of the north-western electrical car charging space, and the setback of the northern end of the west wall to be increased by 2.6m;
 - (f) A minimum 2.4m clearance to the angled sections of the structural columns at ground floor in the car parking area; and
 - (g) Revised swept path diagrams to show vehicle egress and ingress can be achieved using only the northern and western carriageways (and swept paths for the revised basement layout).
8. The assessment of the application will be based on the section 57A amended plans submitted 17th April 2019 (decision plans). The plans were granted an exemption from advertising on the 17th April 2019 on the basis the proposed changes would not result in material detriment to any persons or nearby properties. Detail of a link to Council's website where the plans could be viewed were included with the Internal Development Approval Committee (IDAC) invite letters sent to objectors.

The Proposal

9. The application proposes part demolition and development of a nine storey building, use as office and retail (shop) and a reduction in the car parking requirements.

General

- (a) The total commercial floor area will be 3,183sqm comprising:
 - (i) 178sqm of retail (shop) at ground floor,
 - (ii) 1,231sqm of office floor area comprising 3 large offices over floor 1 to 3,
 - (iii) 1780sqm of office floor area over floor 4 to 8, comprising 30 studio office spaces ranging in floor area from 41sqm to 75sqm, and
 - (iv) A total overall office area of 3,011sqm is proposed.
- (b) The proposed retail operation hours are from 6.00am to 9.00pm Monday to Sunday.
- (c) The proposed operating hours for the offices are 8.00am to 6.00pm for public entry and 24 hour staff access Monday to Sunday.
- (d) Parking includes a total of 28 car spaces, 2 motorcycle spaces and 26 bicycle spaces.

Demolition and restoration

- (e) Removal of the roof to the existing two storey building.
- (f) Demolition of the northern wall and the eastern wall apart from a 4m return and the western wall apart from a 3m return.
- (g) Removal and replacement of windows to the facade.
- (h) New stringcourse to the façade of the ground floor western building.
- (i) Applied grey finish to the retained walls with the window sills in a lighter grey colour.

New/upper façade setbacks

- (j) A fully glazed second floor southern wall above the two storey retained heritage façade. This wall will be setback between 3m and 4.6m behind the heritage façade and will have a 97sqm terrace in this setback area. The remaining new southern walls above on all levels will also match these setbacks. This glazed wall to floor 2 will also run around the west and north wall.
- (k) The new western wall will be built to the eastern edge of the western carriageway and be setback 3.17m from the west boundary.

- (l) The new northern wall will be built to the southern edge of northern carriageway boundary and be setback 4.87m to the northern boundary (apart from the recessed undercroft car parking area).
- (m) The new east walls on all levels will be setback between 0.6m, 2.16m and 2.39m to the eastern boundary.

New/upper facade design

- (n) The north, west and part of the south wall from floor 3 to 8 is proposed to be an extruded redbrick exoskeleton/mullions which will define the window openings both vertically and horizontally. The vertical brick work will have a variety angled wall alignments of varying widths, with the horizontal brickwork having a uniform alignment and with both extending 300mm from the glazing. They will frame the windows on all floors and will have a variety of opening widths. A 1.2m high dark glazed balustrade to the roof terrace will be located atop the redbrick walls (apart from the lift and stair core).
- (o) A similar 300mm deep exoskeleton approach wraps around the south-east corner of the building for the new upper 6 storeys but will be constructed of a pressed precast concrete finish with a uniform alignment and will have narrower mullion widths than their redbrick counterparts on the remaining walls. They will also have taller openings allowing for double floor height windows floors between floor 3 and 6. The framed window elements will appear taller on floor 7 and 8 through framing the roof terrace balustrade with the precast concrete exoskeleton.
- (p) The redbrick and precast concrete walls are separated from each other on the southern façade by a 1.5m wide strip of dark glazing running from floor 3 to 8.
- (q) These walls to the top of the roof terrace balustrades will have a maximum height of 28.96m, with the lift and stair core having a maximum height of 31.76m.
- (r) A 3 storey glazed wall on the south-east corner of the building will define the office entry lobby.
- (s) The lift and stair core will be clad with red brick and will have 5 horizontal bands in a darker shade of brick.

Basement

- (t) The basement will have 17 spaces in a car stacker and will be accessed via a car lift, the stairs and lifts. The basement will have 4 services areas ranging in size from 12sqm to 45sqm. The largest services area will accommodate two 10,000ltr rainwater tanks. The basement will also accommodate 20 Ned Kelly bicycle spaces, a DDA compliant toilet and male and female end of tip facilities (each with 3 showers and 13 lockers).

Ground floor

- (u) At ground floor the retail space will measure 178sqm.
- (v) An entry foyer measuring 98sqm is located on the south-east corner of the building with direct access to the lift and stair core. An emergency exit is located on the base of the stairwell with 6 visitors bicycle spaces located outside this door.
- (w) The remainder of the ground floor is occupied by a 25sqm substation, 11 undercroft car spaces (one being an accessible space and one being electrical car charging space). The car lift platform is located to the immediate west of the stair core with a 14sqm bin storage area and a DDA compliant toilet to the south of the car lift platform. The northern carriage easement is to accommodate 3 vehicle waiting bays for the car lift (reduced to 2 on the sketch plans).

Floor 1 to 3

- (x) Floor 1 to 3 will all accommodate a 68sqm circulation area off the stairs and lifts with a DDA toilet and two male and two female toilets and a service area.

- (y) The office at floor 1 will measure 471sqm, the office at floor two will measure 382sqm with a 97sqm southern terrace and floor 3 will have an office area of 378sqm.

Floor 4 to 8

- (z) Floor 4 to 8 will all having matching layouts and will accommodate 6 offices units each, ranging in size from 41sqm to 75sqm. Each will be serviced a 92sqm circulation area with 3 male and 3 female toilets and a DDA compliant toilet. The roof garden will measure 335sqm and will be accessed by both the lift core and stair well. An area measuring 95sqm on the north side of the terrace will accommodate a 5Kw solar array.

Existing Conditions

Subject Site

10. The subject site is located on the north side of Stewart Street in Richmond. The site has a southern boundary of 39.7m, western of 17.06, eastern of 33.77m and northern of 35.04m, yielding a lot area of approx. 897sqm. The site is occupied by two double storey buildings with a carriage way, drainage and light easement to the north and west of the building forming part of the subject site.
11. The buildings are both nominated as being of 'contributory' significance to the heritage overlay. The building on the eastern side dates from the late nineteenth century and features a rendered façade divided into three sections by pilasters, with prominent stringcourse features, a high parapet and an entry portico on the east wall. The western building has a somewhat simpler form and is likely to be early twentieth century with a rendered brick façade and painted brick walls to the side and rear elevations.
12. The buildings are constructed to the eastern edge of the western easement and Stewart Street footpath. The building has an irregularly configured setback to the northern easement varying from approx. 0.5m to 2.5m. The eastern wall partially abuts Gibson's Way but is recessed toward the Stewart Street end to accommodate the pedestrian entry and 3 car spaces. There is no pedestrian entry from Stewart Street. There is vehicle roller door located on the east end of the north wall.
13. The site is located approx. 145m east of Punt Road and is immediately opposite the rear pedestrian entry to Richmond Station. Gibson's Way is located to the immediate east of the site and provides for pedestrian access between Tanner Street and the train station.
14. Given the large numbers of pedestrians accessing the station from the east and west along Stewart Street and from the north along Gibson's Way, a shared vehicle and pedestrian zone has been recently implemented to the front of the site. The shared zone includes signage restricting vehicles to a maximum speed of 10km per hour, a coloured road surface with speed humps at either end, a new garden bed on the east end with a new tree opposite and 2 pedestrian access ramps within the road reserve. Three on-street car parking spaces are located within the shared area to the front of the subject site.

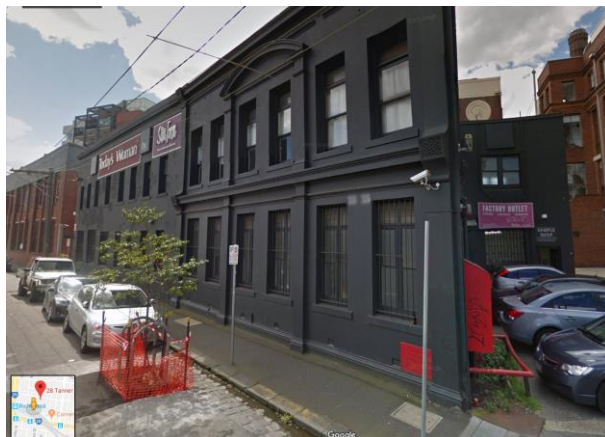


Figure 4: Subject site

Surrounding Land

15. The site sits within the Swan Street Major Activity Centre (MAC), an Activity Centre containing a wide range of retail, entertainment, dining and service offerings. To the south of Swan Street and the rail line is the Cremorne area containing an emerging employment centre focussed primarily on offices but containing a number of light industrial/warehouse uses. Hoddle Street is located 130m west of the site with Richmond Station and associated railway line are located immediate opposite the site on the other side of Stewart Street. The MCG, AMMI Park and Hisense Arena sports and entertainment precinct is located on the west side of Hoddle Street, with the Melbourne CBD approx. 2km north-west.
16. The Bridge Road and Church Street Activity Centres/retail precincts are also located to the north (700m) and east (650m) respectively. Both these and Swan Street contain tram lines, with other public transport options including Richmond Train Station (immediately opposite the subject site) and busses on Hoddle Street. There are three public car parks located along Swan Street, being 130m, 520m and 530m respectively to the east of the subject site.
17. The area to the north, east and west of the subject site bounded by Tanner Street to the north, Hoddle Street to the west and Botherambo Street to the east is a former Victorian era industrial area with a large number of the industrial buildings being used for commercial purposes (mainly offices) and dwellings. The buildings generally range in height from 2 to 8 storeys, with a large proportion of the building being 4 storeys or more. The buildings also generally have very large footprints (reflective of their previous industrial uses) and so the immediate area has a robust built form character with tall and large buildings being the predominant feature. The areas further north and east are residential areas characterised by single and double storey dwellings.

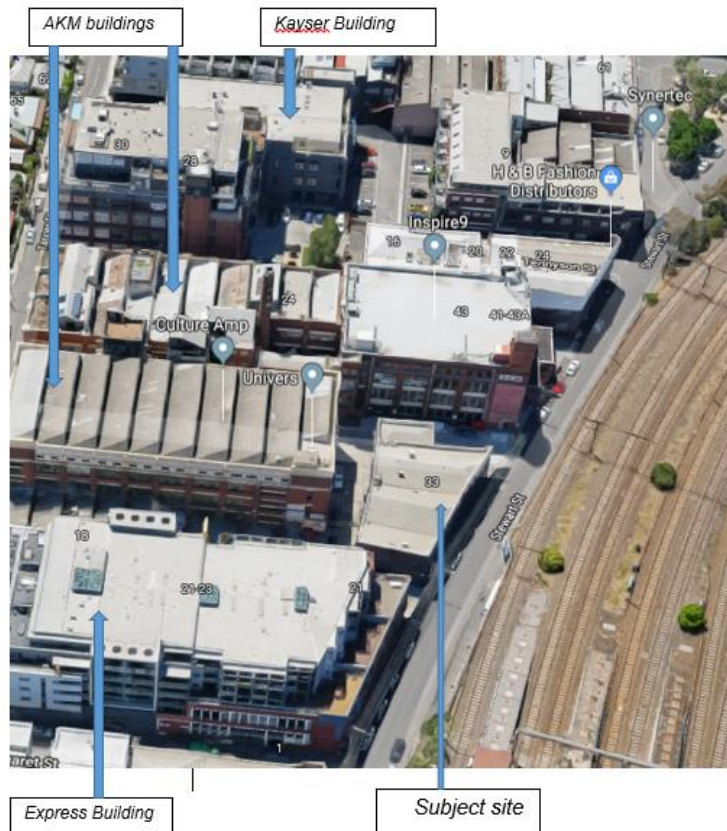


Figure 6: Surrounding land

18. To the immediate east of the site is Gibson’s Way which is a carriageway easement located on private land. Gibson’s Way is approximately 7m wide opposite the subject site and narrows to a width of approximately 3.6m north of the subject site.

On the opposite side of Gibson's Way is a large four storey building known as No.24 Tanner Street (northern portion of building) and No.41-43 Stewart Street (southern portion) and extends between Tanner Street and Stewart Street. The building is graded as being 'individually' significant to the heritage overlay and forms part of The Australian Knitting Mills (AKM) complex.

19. The factory was established in 1912 and becoming a major supplier for World War 1 uniforms was an impetus for its expansion resulting in another major building expansion addition in 1922-1925. This additional building is the four storey building located on the opposite side of the carriageway easement on the northern portion of the subject site (ie No 37-39 Stewart Street). The company created the "Golden Fleece" and "Kookaburra" brands, with these logos to be found on the parapets of both buildings.
20. Another notable feature of the building is a large industrial chimney containing the letters "AKM" that is located in a courtyard on the northern portion of the building (ie No. 24 Tanner Street) approx. 20m north-east of the subject site. This portion of the building has been converted to a residential use and contains 34 properties. Two of the dwellings have access to a car space each via a sliding gate located 10m north-east for the subject site, with the main pedestrian entry to the residential building located approx. 8m further north. The part of this residential building that is located immediately opposite the subject site is a four storey stair core that services two dwellings to the north of the stair. These dwellings have habitable room windows facing Gibson's Way and the AKM chimney courtyard, with all windows on the stair core opposite the subject site servicing the stair well (apart from the top level windows servicing a study/roof top access area).
21. The southern portion of the AKM building (No. 41-43 Stewart Street) is occupied by offices with a roller door and two service entries located opposite the subject site and pedestrian entry via Stewart Street. Four outdoor car spaces for the use of tenants are also located adjacent to this building and opposite the subject site. An AKM tower structure on the south-west corner of the building has an overall height of approx. 24.4m and features the AKM logo.

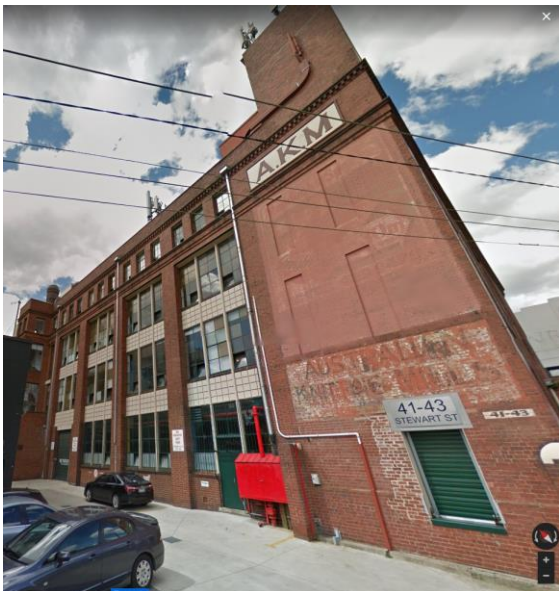


Figure 7 Gibson's Way with AKM tower and AKM chimney in distance.



Figure 8: Gibson's Way

22. To the immediate east of this building is a two storey former 'Henry Bucks' factory building which is graded 'contributory' to the heritage overlay. To the immediate north of this building is the former 'Kayser' factory (No.28 Tanner Street) which has been converted to a residential use accommodating 43 dwellings. The building is 8 storeys, however with the taller heritage floor to ceiling height, this building would be approximately equivalent to a 9 storey modern building height. The building has two recessed upper levels. Based on Council records, this building has a maximum height of 26m.



Figure 9: Kayser Building

23. To the immediate west of the subject site is a larger residential development known as 1 Margret Street, 18 Tanner Street, 23 and 25 Tanner Street (Express building - containing 93 Dwellings) and a commercial property fronting Stewart Street. This building is 'contributory' to the heritage overlay and has retained the two storey heritage street wall (which has been converted to accommodate 3 floors including 2 floors of car parking) with a further 4 levels above. The building has an overall height of 20.45m. This building has a carriage way and drainage easement abutting its eastern wall and adjoining the western carriage way and drainage easement at the subject site (creating a combined average separation of approx. 8m between the Express building and the building at the subject site). The new upper additions façade has a saw-tooth configuration to Stewart Street with a minimum setback of approx. 4m.

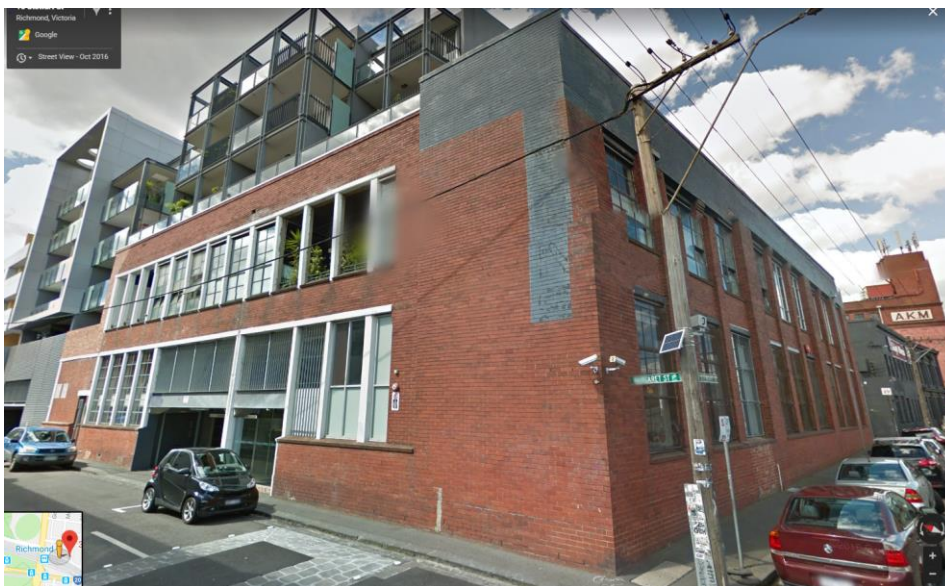


Figure 10: Express Building

24. To the immediate west of this site is number No. 5 and 9-13 Stewart Street and contains a two storey former factory building that is 'contributory' to the heritage overlay. This site had a previous application for a fourteen storey building refused by the Victorian Civil and Administrative Tribunal (VCAT/Tribunal) in 2012 (VCAT Reference no. P339/212). In summary, the Tribunal found that 11 storeys above the existing heritage building was unacceptable and recommended 7-9 storeys overall with a minimum 3m setback to Stewart Street. Subsequent to this, a new application PLN113/0417 was lodged with Council in 2013 showing the 3m setback to Stewart Street, 7 storeys proposed (24m high) to the Stewart Street side of the building and 9 storeys (27.5m high) to the rear/northern portion of the building. The application was approved by Council with the permit issued in November 2014. This permit has not been acted upon but due to recent extension of time, the permit remains valid.
25. Of further note is the recent VCAT approval for permit PLN15/1260 for a 7 storey building at 45 Wangaratta Street [Shaw and Wangaratta Street Pty Ltd v Yarra CC (Corrected) [2017] VCAT 758]. The plans before the Tribunal proposed an eight storey building with Council recommending support for 7. The Tribunal supported Council's view that 7 storeys is appropriate at the site. This permit has not yet been acted upon. This site has an overall area of 360sqm and an approved maximum height of 24.2m.
26. The Tribunal also approved a total 8 storey office building atop a single storey individually significant heritage building in Cobuild Pty Ltd v Yarra CC [2017] VCAT 817 at No's 9-11 Cremorne Street, Cremorne (Permit No. PLN16/0171). This site has a similar location to the subject site, albeit it is located on the opposite side of Richmond Station and 60m south of the intersection of Cremorne Street and Swan Street. The approved building height was 30m with the site having an overall area of approx. 465sqm.

Planning Scheme Provisions

Zoning

Mixed Use Zone (MUZ)

27. The purpose of this zone is:
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
 - (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
28. The use of the site for an office requires a planning permit under clause 32.04-2 because the total leasable floor area exceeds 250sqm.
29. The use of the site for retail (shop) does require a permit because the total leasable floor area does exceed 150sqm.
30. Pursuant to clause 32.04-9 a permit is required to construct a building or construct or carry out works for a use in section 2 of Clause 32.04-2.
31. Clause 32.04-14 contains application decision guidelines for use applications and buildings and works applications for section 2 uses.

Overlays

Heritage Overlay (HO332 – Richmond Hill Precinct, Richmond)

32. Under clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

33. The buildings on the subject site are located within Schedule 332 and identified as 'contributory' to this precinct as outlined in the incorporated document.

Environmental Audit Overlay

34. The Environmental Audit overlay applies to the full extent of the site. Pursuant to Clause 45.03-1 of the Scheme, the following requirements apply:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

35. The use of the site for offices and food and drinks premises are not sensitive uses and so the requirements of this overlay are not relevant to the application.

Particular Provisions

Clause 52.06 – Car Parking

36. Clause 52.06-1 requires that a new use must not commence until the required car spaces have been provided on the land.
37. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
38. It is noted that the introduction of VC148 amended Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this planning permit application.
39. Under clause 52.06-5, the following parking rates are required based on the sketch plans:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated	Reduction required
Office	3,011sqm	3 spaces per 100sqm of net floor area	90	28	62
Retail (Shop)	178sqm	3.5 spaces per 100sqm of leasable floor area	5	0	5
Total			95	28	67

40. As 28 car spaces are being provided, a total of 67 car spaces are required to be reduced.

Clause 52.34 – Bicycle Facilities

41. Pursuant to clause 52.34, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces.

Land Use	Units/Area proposed	Rate for staff	Rate for visitors/shoppers	No. required	No. proposed
Office	3,011sqm	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm	1 to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	30 staff 3 visitor	
Shop	178sqm	1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 staff 0 visitor	
Total				33	20 staff 6 visitors

42. The proposal provides bicycle parking at basement and ground levels; accessible to office and retail employees, along with visitors. The number of on-site bicycle spaces falls short of the statutory requirements by 7 spaces.
43. Pursuant to table at clause 52.34-5, the rate for the provision of showers is 1 to the first 5 employee bicycle spaces and 1 to each additional 10 employee spaces and 1 change room or direct access to a communal change room to each shower. Therefore, 3 showers and 2 change rooms are required. In compliance, six showers and 2 change rooms are provided at basement level.
44. Clause 52.34-7 provides design standard for bicycle spaces and signage.

General Provisions

45. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Planning Policy Framework (PPF)

46. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

47. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

48. The relevant objectives of this clause include:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 13.05 (Noise)

Clause 13.05-1S (Noise abatement)

49. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

50. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

Clause 13.07 (Amenity and Safety)

Clause 13.07-1S (Land use compatibility)

51. 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 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

52. The relevant 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)

53. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

54. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

55. Relevant strategies of this clause are:

- (a) *Require a comprehensive site analysis as the starting point of the design process.*
- (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (g) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- (h) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (i) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

56. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S (Healthy neighbourhoods)

57. The objective is:

- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

58. The strategy 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)

59. The relevant objective of this clause is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

60. 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 15.03 Heritage

Clause 15.03-1S – Heritage conservation

61. The objective of this clause is:

- (a) *To ensure the conservation of places of heritage significance.*

62. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 17.01 – (Employment)

Clause 17.01-1S – (Diversified economy)

63. The objective of this clause is:

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

64. The relevant strategies of this clause are:

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

Clause 17.02 – (Commercial)

Clause 17.02-1S – (Business)

65. The relevant objective of this clause is:

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

66. The relevant strategies of this clause is:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

Clause 18.01 (Integrated Transport)

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

67. The objective of this clause is:

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

68. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*
 - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
 - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
 - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- (c) *Integrate public transport services and infrastructure into new development.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S – (Sustainable personal transport)

69. The relevant objectives of this clause is:

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

70. Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R – (Sustainable personal transport- Metropolitan Melbourne)

71. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

72. 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)

73. A relevant strategy of this clause is to:

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

Clause 18.02-4S – (Car Parking)

74. The objective of this clause is:

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

75. A relevant strategy is:

- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Municipal Strategic Statement

76. The relevant policies in the Municipal Strategic Statement can be described as follows:

Municipal Strategic Statement (MSS)

77. Relevant clauses are as follows:

Clause 21.04-2 (Activity Centres)

78. The relevant objectives of this clause are:

- (a) *To maintain the long term viability of activity centres.*

79. Relevant strategies to achieve this objective include:

- (a) *Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (b) *Strategy 5.3 - Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.04-3 (Industry, office and commercial)

80. The objective of this clause is:

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

Clause 21.05-1 Heritage

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

82. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Strategy 14.2 Support the restoration of heritage places.*
 - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*
 - (vii) *Strategy 14.9 Apply the landmarks and Tall Structures Policy at clause 22.03*

Clause 21.05-2 – (Urban design)

83. The relevant objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 1. *Significant upper level setbacks*
 2. *Architectural design excellence*
 3. *Best practice environmental sustainability objectives in design and construction*
 4. *High quality restoration and adaptive re-use of heritage buildings*
 5. *Positive contribution to the enhancement of the public domain*
 6. *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 19 To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-4 (Public environment)

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

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

Clause 21.06 – (Transport)

85. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.

86. Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.

87. Relevant objectives and strategies of this Clause are as follows:

- (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
 - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
- (b) *Objective 31 – To facilitate public transport usage.*
- (c) *Objective 32 – To reduce the reliance on the private motor car.*
- (d) *Objective 33 To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07-1 – Ecologically sustainable development

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

- (a) *Objective 34 – To promote ecologically sustainable development.*
 - (i) *Strategy 34.1 – Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08-2 Neighbourhoods (Central Richmond)

89. Relevant land use strategies are as follows:

- (a) *Improve the built form of:*

- (i) *land adjacent to Punt Road.*
- (ii) *land around Richmond Station.*

Figure 23: Neighbourhood Map shows the site to be located in the Swan Street Major Activity Centre.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

90. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

Clause 22.03 – Landmarks and Tall Structures

91. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, the following is relevant: *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

Clause 22.05 – Interfaces Uses Policy

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

93. It is policy that:

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

94. Decision guidelines at clause 22.05-6 include:

- (a) *Before deciding on an application for non-residential development, Council will consider as appropriate:*
 - (i) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
 - (ii) *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

95. Clause 22.16-3 requires the use of measures to *“improve the quality and reduce the flow of water discharge to waterways”*, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Design

96. 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

Swan Street Structure Plan

97. The Swan Street Structure Plan was adopted by Council at its meeting on 17 December 2013 and is relevant to the site. The Swan Street Structure Plan aims to manage this growth within the Swan Street activity centre and the surrounding area. Of relevance to this application are proposed revisions to the built form guidelines that will provide guidance on future built form and how that would be in keeping with the longer term vision for Swan Street and surrounds, along with guidance on urban intensification within the precinct. The plan provides guidance on maximum building heights within each precinct, with seven to ten storeys the suggested height for this Richmond Station precinct with a max height of 30m nominated for the subject site
98. The Swan Street Structure Plan acknowledges that the area is functioning well and provides significant employment opportunities and that with the right support, these activities are likely to continue. Whilst adopted, the structure plan has not progressed to the formal amendment stage and technically has limited statutory weight.

Plan Melbourne

99. The plan outlines the vision for Melbourne's growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city's growth. It is a blueprint for Melbourne's future prosperity, liveability and sustainability.
100. The Richmond- Swan Street area is identified as a Major Activity Centre. The Flinders Station to Richmond Station Corridor is also identified as a Major urban renewal precinct the report stipulating *Major urban renewal precincts will play an important role in accommodating future housing and employment growth and making better use of existing infrastructure.*
101. Focusing on these areas, planning for their development as industrial and commercial precincts, targeting infrastructure investment in these locations and ensuring they are linked to transport networks will help maximise the city's productivity.

Advertising

102. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by a minimum of 951 letters sent to surrounding owners and occupiers and by signs displayed on site. 39 objections to the application were received.
103. The first section 57A plans were advertised in November 2018 by way of 244 letters to objectors and to nearby/adjointing properties. Further submissions were received from some existing objectors with 26 new objections received, resulting in a total of 65 objections.
104. The second section 57A amended plans submitted 17th April 2019 (decision plans). The plans were granted an exemption from advertising on the 17th April 2019 on the basis the proposed changes would not result in material detriment to any persons or nearby properties.
105. Objector concerns are summarised as follows:
- (a) Built form concerns relating to heritage considerations and the proposed building height;
 - (b) ESD issues;

- (c) Amenity impacts; and
- (d) Traffic impacts.

Referrals

External Referrals

106. The application was not required to be referred to external authorities.

Internal Referrals

107. The original application plans were referred to the following internal departments and Council consultants:

- (a) Engineering Services Unit;
- (b) Heritage Advisor;
- (c) Urban Design Unit;
- (d) ESD Officer;
- (e) Strategic Transport Unit;
- (f) Contracts Services Unit; and
- (g) Acoustic Engineer.

108. Referral responses are contained in appendices to this report save for Contract Services which are provided below:

Contract Services Unit

109. Council's Contracts Services Unit indicated the proposed waste management strategy is acceptable subject to the following changes being made to the submitted Waste Management Plan:

- (a) *Further information must be included on the separation, storage and disposal of e-waste.*
- (b) *Please include the actual size of the waste room.*

110. The 1st section 57A amendment were referred to the following internal departments and Council consultants:

- (a) Engineering Services Unit;
- (b) Heritage Advisor;
- (c) Urban Design Unit;
- (d) Strategic Transport Unit; and
- (e) Acoustic Engineer.

111. Referral responses are contained in appendices to this report.

112. The 2nd section 57A amendment original application plans were referred to Council's Engineering Services Unit. Their referral responses are contained in appendices to this report.

OFFICER ASSESSMENT

113. The primary considerations for this application are:

- (a) Strategic justification;
- (b) Use;
- (c) Built form, Heritage and Urban Design;

- (d) Environmentally Sustainable Design;
- (e) On-site amenity;
- (f) Off-site amenity;
- (g) Car parking, traffic and access;
- (h) Other matters; and
- (i) Objector concerns.

Strategic justification

114. The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.
115. The Mixed Use Zone objectives readily encourage commercial uses and higher built form, subject to individual site constraints. State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport. Plan Melbourne identifies the Richmond-Swan Street area as a Major Activity Centre. The Flinders Station to Richmond Station Corridor is identified as a Major Urban Renewal Precinct with the report stipulating these precincts will play an important role in making better use of existing infrastructure and accommodating future employment growth.
116. The application proposes the construction of a nine storey office building on a site which is currently underutilized in an area identified for increased development under Plan Melbourne at Initiative 1.4.2 as follows:
Prepare a Plan for the Central Subregion to accommodate at least 1 million jobs and 1 million people. The proposal is highly consistent with the purpose of the zone and strategic intent for this area which seeks to encourage intensification of commercial uses and provision of diverse employment opportunities.
117. The site is well connected to public transport infrastructure being next door to Richmond Train Station and with tram services along Swan Street 180m to the east. In line with clauses 18.02 (*Movement Networks*); 21.06-3 (*The Road System and Parking*); and 21.03 (*Vision*) of the Scheme, these attributes encourage the use of alternative modes of transport to and from the site rather than reliance on motor vehicles.
118. The proposal also includes facilities for 26 bicycle spaces and end of trip facilities including 6 shower, 2 change rooms and 26 lockers, encouraging staff to utilise the existing bicycle path network in the local area to travel to and from work. This access to bicycle parking and public transport encourages the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, as per clauses 18.02-1S (*Movement Networks-Sustainable personal transport*); *Clause 18.02-2S (Public Transport)*, *Clause 18.02-2R (Principal Public Transport Network)* and *Clause 21.06-1 (Walking and Cycling)*; and 21.03 (*Vision*) of the Scheme.
119. The proposal is consistent with the purpose of the zone and strategic intent for this area which seek to encourage intensification of commercial uses and provision of diverse employment opportunities. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clause 15.01 (*Built form and Environment*), clause 2.05-2 (Urban design) clause 22.10 *Built Form and Design Policy* and clause 22.05 (*Interface uses policy*) of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area. The following Built Form assessment will consider these issues.

Use

120. The office and retail premises (shop) uses within the development require planning permission. Clause 22.05 (*Interface Uses Policy*) requires new non-residential use and development within Mixed Use Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. The use of the site predominantly as an office building is supported by the Planning Policy Framework and the objectives of the zone, as outlined previously, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services.
121. The proposed office use is largely considered to generate minimal off-site amenity impacts, with the use contained within the building and unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land. The applicant has not included staff numbers for the office as part of the application material. Officers discussed this with the applicant who indicated that 300 staff would be sufficient for the proposed office use. This figure seems reasonable as it is in line with that permitted by the building regulations (at 1 worker per 10sqm of office area). The applicant is agreeable to a condition to this effect.

24 hour operation of office and staff numbers

122. The office is proposed to be a 24-hour operation for staff with the public permitted to enter the building between 8.00am and 6.00pm, Monday to Sunday. While it is not unusual that some staff may need to stay late from time to time, officers were uncomfortable with the idea of unrestricted office hours as it allows future occupants the option to operate the building at full capacity 24 hours per day. This potential 24-hour operation was particularly a concern given the residential properties to the east and west would likely be disturbed by large numbers of staff attending the office at night and weekends when residents spend most time at home. Of particular concern was light spill from the building overnight and its impact on these nearby residential properties. For this reason, officers recommend the use be permitted to operate only between the hours of 7.00am to 8.00pm on weekdays. The applicant has agreed to a condition to this effect.
123. In relation to the weekend operation, Council officers considered it would be appropriate to support a more limited daytime operation to prevent activity at the site very early in the morning and the early evening when residents are likely to be home. Stewart Street experiences daytime activity at the weekend due to its proximity to a number Melbourne's major sporting arenas which can be accessed from Richmond Station. Given this higher level of activity than would one typically find in the remainder of the Mixed Use Zone, it is considered the operation of the office would not radically alter existing levels of activity (particularly given the proposed restricted hours of operation). As the office entrance faces Stewart Street, occupants entering the building will not be clearly discernible from nearby residential properties. For these reasons it was considered appropriate to prevent late night operations and to impose operating hours 9.00am to 6.00pm Saturday and Sunday. The applicant has agreed to a condition to this effect.
124. Further to this, individual office tenants have the ability to apply to Council for evening hours (if necessary) giving officers the ability to carry out a full assessment of the impacts of these extended hours in light of the particular operational needs and likely off-site amenity impacts of that particular office use.
Subject to the conditions described above, overall the proposed staff numbers and hours of operation are considered to appropriately balance the need to protect the amenity of residents with the operational needs of the office use.

Shop use

125. The proposed retail (shop) use accords with the Mixed Use Zone objectives given its size at only 178sqm will be a limited operation that will service the community, train commuters and existing business in the immediate area.

The small scale will allow for it to be a locally focused service that would not generate unreasonable levels of activity and associated off-site amenity impacts for the surrounding residential properties.

126. It is noted the original application material proposed only a retail use. However, in the Planning Scheme, a retail premises is an umbrella term for a number of uses, including shop, food and drinks premises, trade supplies etc. Given the broad scope of uses permitted under the term "retail" use, officers requested that applicant specify a particular use within those defined under the umbrella of retail uses. The applicant indicated that it was intended to nominate the use as a shop, with the traffic report submitted with the application demonstrating this intention by providing an analysis against the car parking requirements for shop floor this area. For this reason, the applicant is comfortable with retail use being clarified as a shop via a condition.
127. The proposed hours of operation for the shop are 6.00am to 9.00pm Monday to Sunday. These hours are considered reasonable and are reflective of normal hours for local convenience shops and so could be supported given the hours are unlikely to have detrimental impacts on the amenity of residents in the area. Further given the shop entrance is sufficiently separated from the residential interfaces to the east at No.24 Tanner Street (min 47.5m separation) and the Express building to the west (min 30m separation) and with the entrance facing Stewart Street, activity generated by the shop would not have an unreasonable impact on these dwellings. It is not considered necessary to condition staff numbers for the shop, given the shop is a small operation that will be unlikely to employ large numbers of staff. The proposed hours of operation can be controlled by way of condition.
128. Finally, in relation to both the office and shop use, it is worth noting that clause 22.01 (*Discretionary Uses in a Residential 1 Zone*) stipulates that permit required uses in a residential zone should have hours of operation limited to 8am to 8pm. In light of these hours being supported by the Scheme in a purely residential area and that the proposed uses are located in a Mixed Use Zone where commercial uses are explicitly encouraged, it is reasonable to permit the uses to operate for a maximum of two hours more in the morning from 6am and one hour later in the evening until 9pm. A condition will also limit delivery hours to Council's standard delivery times to ensure deliveries are undertaken at appropriate times (7am to 10pm).

Built form, Heritage and Urban Design

129. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*) and Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*). As supplementary guidance, the Department of Environment, Land, Water and Planning's *Urban Design Guidelines for Victoria* (UDGV) are also of relevance.
130. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings. This assessment will also consider the building design response to ESD, equitable development and noise considerations with applicable policy at Clauses 13.05-1S (*Noise Abatement*), 22.16 (*Stormwater Management*), and 22.17 (*Environmentally Sustainable Development*).

Demolition and works to the existing building

131. Prior to ascertaining if the proposed building is acceptable, one must consider if the demolition and works to the existing building satisfy Council's policy. The subject site is graded as being 'contributory' within the Richmond Hill Heritage Overlay Precinct (HO332). Council's heritage advisor has confirmed the extent of demolition proposed to the existing building is acceptable.

132. This will include the removal of the existing roof and the north wall and parts of the east and west walls apart from a 3m and 4m return (respectively) to the Stewart Street ends. As illustrated by Council's heritage advisors support for this extent of demolition, the retained returns to the east and west wall is sufficient to allow for the existing three-dimensional presentation of the building to Stewart Street to be retained. However, given a large proportion of the building is proposed to be removed, it is appropriate that a structural engineers report is required to ensure the façade will be appropriately propped during construction works. The applicant is accepting of a condition to this effect.
133. It is also proposed to remove some existing brickwork below two windows to accommodate 2 new doors for the shop. Council's heritage advisor has not objected to this aspect of the proposal. It also appears proposed to remove the remainder the windows on the façade (apart from the three westernmost windows at ground floor) but the plans do not clearly demonstrate this and with very little detail provided of the replacement windows.
134. Council's heritage advisor is supportive of the removal of the windows indicating their poor condition would warrant their replacement. Further detail is however required in relation to which windows are removed and retained and detail of replacement windows to ensure their materials and detailing are appropriate to the period of the building. Council's heritage advisor further requested the ground floor casement windows be replaced with windows of a similar format and the remaining replacement windows be sash windows with no glazing bars. Conditions will address these items.
135. It is proposed to carry through the ground floor ornate stringcourses located above ground floor on the on eastern building and carry this across the façade of the western building. Council's heritage advisor is not supportive of this attempt to make the two separate building appear as one building. This is contrary to heritage policy which would seek to retain the existing presentation of the western building. A condition will address this. The plans also show that it is proposed to pick out the window sills by applying a lighter coloured grey. Council's heritage advisor has not supported this indicating it is not historically accurate to pick out the sills in this manner. A condition will address this.
136. The advisor also requested an analysis of the existing paint be carried out, with a view to restoring the redbrick finish to the western building. However, photos provided by the applicant appear to demonstrate the facades of both buildings have been either rendered or painted for some time. For this reason, it is not considered appropriate to require the building be stripped and restored in this manner.



RICHMOND STATION 1910

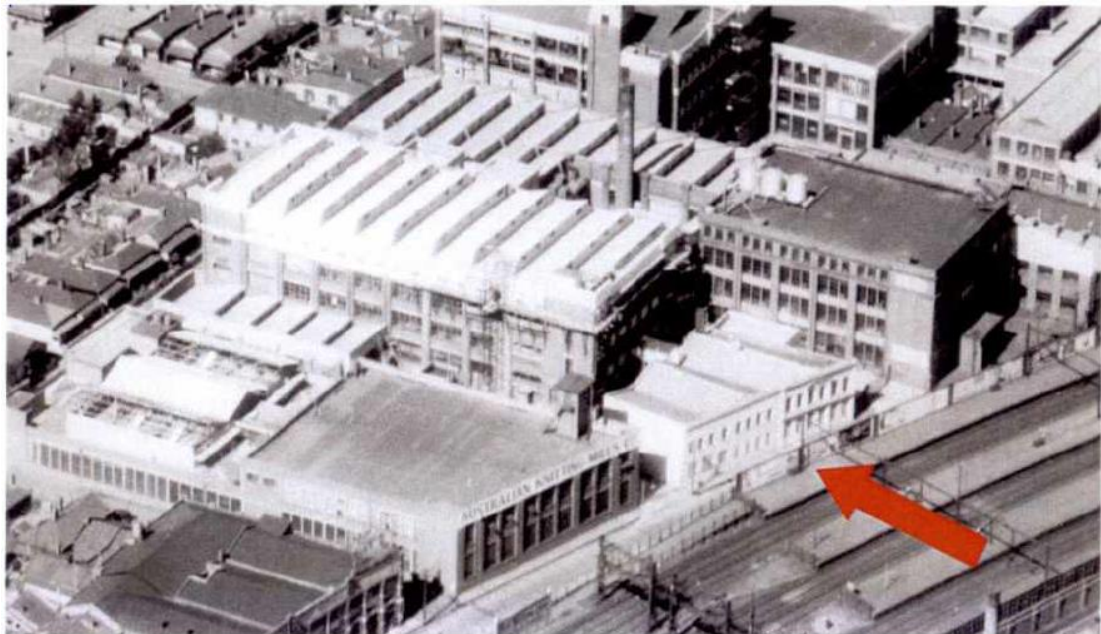


Figure 1 Aerial photograph of the Australian Knitting Mills complex in 1948. The subject site is indicated by the arrow.

Source: State Library of Victoria

137. The plans also stipulate an 'applied grey finish' will be placed on the façade of both buildings but it is not clear what this finish will be. Further both facades are very heavily painted with the western building appearing very patchy from areas where paint peeled having been painted over. For this reason, it seems likely that the existing paint will be removed from both buildings to improve their appearance. The applicant has also confirmed this is likely to occur.

138. To ensure the paint stripping works will not damage the façades and the proposed finishes are historically appropriate, the applicant has consented to a management plan addressing these items being submitted to Council for approval. A condition will address this. Subject to the conditions outlined above the proposed demolition and restoration works to the facades are considered acceptable.

Context, height and massing

139. Whilst it is acknowledged that this application would be one of the highest developments in the immediate area, it is clear the wider Richmond Station neighbourhood is undergoing change, and as outlined in the *Strategic* assessment, with strong state policy support for increased density in this neighbourhood. Considering the strategic direction of the MUZ to encourage higher density developments, the expectation is for intensive development of the subject site and surrounding land.

Existing taller built form typologies in the immediate context.

140. The area to the north, east and west of the subject site bounded by Tanner Street to the north, Hoddle Street to the west and Botherambo Street to the east is a former Victorian era industrial area with a large number of the industrial buildings being now used for commercial purposes (mainly offices) and dwellings. The buildings generally range in height from 2 to 8 storeys, with a large proportion of the buildings being 4 storeys or more. The buildings also generally have very large footprints (reflective of their previous industrial uses) and so the immediate area has a robust built form character with tall and large buildings being the predominant feature.
141. With the Express building to the immediate east being 7 storeys (4 above the heritage façade) and with the AKM buildings to the north and east being tall heritage four storeys (perhaps modern building equivalent of 5 storeys), it is considered the proposed 9 storeys will not appear out of context. In addition, the south-west corner of the AKM building at No. 41-43 Stewart Street has a tower structure that adds approximately a further two storeys in height allowing for an appropriate transition between the proposed nine storey building and the AKM building along the Stewart Street frontage. The proposed building will be 4.75m higher than the AKM tower element and 9.2m taller than the Express building which is not considered to be in the realm of unreasonable additional height in this context.
142. The Kayser building (No. 28 Tanner Street) is the tallest building in the area (at 26m in height) at 8 storeys. However with the taller heritage floor to ceiling heights, this building would be equivalent to a 9 storey modern building. Given the position of this building 40m north-east of the subject and being of approximate equivalent height to that proposed at the subject site (being only 3m lower), the proposed building height at the subject site is considered to be reasonable in this existing context.
143. Both Council's heritage advisors and urban design advice was unsupportive of the originally proposed height at 10 storeys. However, the section 57A amended plans reduced the height to 9 storeys and brought the building in line with the 30m height limit expressed in the Swan Street Structure Plan (with only the lift and stair core exceeding this height). Subject to the deletion of the level, both Council's Heritage Advisor and Urban Design Unit are supportive of the height. Given taller buildings with robust built form character are typical of the area and particularly given Council's Heritage Advisor and Urban Design Unit are supportive of the proposed height, it is considered the building height will not appear anomalous within this existing context.

Emerging built form character

144. As outlined above, it is considered the building can sit comfortably within the existing built form typology of the area. Further to this, it is also important to consider whether the proposal is in line with the emerging built form character. The following assesses recent approvals in the area with a view to demonstrating the proposed building is characteristic of the emerging built form typology.

No.5 and 9-13 Stewart Street VCAT decision

145. To the immediate west of the Express Building is number No.5 and 9-13 Stewart Street which contains a two storey former factory building that is 'contributory' to the heritage overlay. The site has had a previous application for a fourteen storey building refused by the Tribunal in 2012 (VCAT Reference no. P339/212). In summary, the Tribunal found the proposed height was unacceptable and recommended that 7-9 storeys overall with a minimum 3 m setback to Stewart Street as being a more acceptable outcome.
146. Subsequent to this, a new application PLN13/0417 was lodged with Council showing the 3m setback to Stewart Street, 7 storeys proposed (24m high) to the Stewart Street side of the building and 9 storeys (27.5m high) to the rear/northern portion of the building. The application was approved by Council with the permit issued in November 2014. This permit has not been acted upon but due to recent extension of time to the permit, it remains valid.
147. Given this clear direction from the Tribunal that seven to nine storeys can be accommodated in the area, the proposed height at the subject site is considered acceptable. It is acknowledged that the Tribunal suggested that the portion of the building fronting Stewart Street should be seven storeys with this view being based on the fact that the Swan Street Structure Plan (which recommended 7-10 storeys and 30m max height) was at an embryonic stage and had not yet been adopted by Council and so could not be relied upon to inform an acceptable height limit. They also considered for heritage reasons the front part of the building should be lower.
148. However, since this time the Swan Street Structure Plan has been adopted by Council. The position of the subject site between two tall buildings, combined with more recent decisions allowing for greater height in the area (particularly around Cremorne) and the renewed focus in Plan Melbourne to facilitate development around Richmond Station, the proposed height to Stewart Street is considered acceptable.

No.45 Wangaratta Street VCAT decision

149. Further in relation to height, of note is the recent Tribunal approval of permit PLN15/1260 for a 7 storey building at No.45 Wangaratta Street [Shaw and Wangaratta Street Pty Ltd V Yarra CC (Corrected) [2017] VCAT 758] (130m east of the subject site). The plans before the Tribunal proposed an 8 storey building with Council recommending support for 7. The Tribunal supported Council's view that 7 storeys is appropriate at the site. This permit has not yet been acted upon. This site has an overall area of 360sqm and an approved maximum height of 24.2m.
150. However it is considered that it does not follow from this decision that a seven storey building height is appropriate for the subject site. In contrast, No.45 Wangaratta Street is approximately one-third the size of the subject site, is located in an area with predominately 2/3 storey buildings and abuts a Neighbourhood Residential Zone. The combination of these factors tempers the height that can be reasonably contemplated at this site. Given the subject site is almost 3 times the size of No.45 Wangaratta Street, is located within the heart of the area dominated by very tall heritage buildings and is only 4m higher than this approved 7 storey building, these factors demonstrate the height proposed at the subject site is not unreasonable.

Cobuild VCAT decision

151. This view that taller office buildings are appropriate built form outcomes in this area is further explicitly supported by Cobuild Pty Ltd v Yarra CC [2017] VCAT 817 at No's 9-11 Cremorne Street, Cremorne (approved at 8 storeys). This site has a similar location to the subject site, albeit it is located on the opposite side of Richmond Station and 60m south of the intersection of Cremorne Street and Swan Street.

152. The sites also differs from the subject site which is located in a Mixed Use Zone and is contributory to the heritage overlay; whilst No's 9-11 Cremorne Street is located in a Commercial 2 Zone, has an individually significantly heritage grading and is approximately half the size of the subject site.

153. No's 9-11 Cremorne Street enjoys the same locational advantages as the subject site, with the *Cobuild* decision explicitly outlining the strategic importance of these locations:

[20] The subject land is proximate to, and within the sphere of influence of, Richmond Station which forms part of a designated major urban renewal precinct in Plan Melbourne 2017-2050. Jobs growth is an important theme in Plan Melbourne 2017-2050. It is also instructive that the Municipal Strategic Statement recognises the importance of Cremorne in mixed use and employment terms, the latter being in a metropolitan context as cited above at paragraph 17. It is clear that there are ambitions for Cremorne to make a significant contribution to the achievement of the planning vision.

154. This decision clearly articulates that the locational advantages of the proximity to Richmond Station make this area ideally located to satisfy the aspirations of Plan Melbourne. In light of the *Cobuild* decision, it is considered that sufficient parallels can be drawn between the subject site and No's 9-11 Cremorne Street (in particular, heritage significance and proximity to Richmond Station) to conclude that an office use in a nine storey building can be reasonably supported at the subject site.

155. The *Cobuild* decision emphasised the position of this site as a gateway to Cremorne and its position on a corner to justify the decision to support proposed eight storeys in the context of no other eight storey building having been approved in the immediate area. It is acknowledged the subject site does not share the same gateway and corner attributes of the *Cobuild* site but contextually enjoys other attributes that confirm the acceptability of the proposed height. At the time the *Cobuild* building was proposed, the Cremorne area was generally low rise with only isolated examples of building up to 6 storeys having been constructed. This low-rise character of the immediate area coupled with the individual significant heritage grading of this building made the proposed 8 storey height problematic, but the Tribunal ultimately determined that the height was acceptable for the reasons outlined earlier.

156. In contrast the subject site is contributory to the heritage overlay and double the size of the *Cobuild* site which suggests that greater height can be supported. Further the subject site is not located in area dominated by low rise building (as was the case for *Cobuild*) but instead is located in an area with numerous examples of taller historic and modern buildings. This will allow for the proposed building to sit more comfortably within the area, particularly from more long-range view where the building will not be significantly taller than existing buildings allowing it to form part of the backdrop within the existing taller built form typologies.

157. Finally in relation to height, Council's heritage advisor also requested computer modelling be provided showing views of the proposed height from the Richmond Hill area. However, given the previous assessment demonstrates the height and massing can be accommodated without being an overly prominent feature in the area, it is not considered necessary to require this.

Massing, bulk and equitable development.

158. The No.5 and 9-13 Stewart Street decision gave clear direction that a 3m setback to the historic Stewart Street façade was acceptable. The proposal allows for a 3m to 4.49m to the heritage façade, in line with this direction. Council's Urban Design Unit and Heritage Advisor were accepting of this setback particularly as the larger setback allows for views through to the historic AKM tower to the immediate east.

159. Council's Heritage Advisor requested further perspectives be provided to confirm these views through to the AKM tower will be achieved. However, the perspectives provided are considered to adequately demonstrate this. Further with the south-east corner of the proposed building being setback a total of 6.2m from the south-west corner of the AKM tower, it is reasonable to conclude that views of the tower will be maintained.
160. In terms of equitable development outcomes, Council's Urban Design Unit requested the original application plans increase the setback to the eastern AKM building to a minimum of 9m. This has been carried out and so is acceptable in this regard. The urban design advice also requested the building be setback a further 1.4m to the west (to a total of approx. 9m) to provide greater separation to the Express building. However, with a setback of 8m to 8.35m proposed and with the proposed building located immediately opposite only three windows (all habitable) and one dual aspect open space area on the podium of the Express building, it is not considered reasonable to require the western elevation be further setback.
161. The 4.87m setback proposed to No's. 37-39 Stewart Street is considered acceptable from an equitable development perspective. Given the large size and island configuration of this site, it will have ample opportunity to provide light and air access for any future development of this site.

Architectural Quality

162. As outlined in the background section of the report, the original design included an entirely glazed new upper levels that were not supported by either Council's Heritage Advisor or Urban Design Unit. The section first set of Section 57A amended plans responded to their advice and this design subsequently has been supported by both Council's Heritage Advisor and Urban Design Unit. The design includes an extruded redbrick exoskeleton/mullions defining the window openings to the north, west and part of the southern facade. The brick work will have angled wall alignments or varying widths extending a maximum of 300mm from the glazing. They will frame the windows on the upper 6 floors and will have a variety of opening widths.
163. A similar exoskeleton approach wraps around the south-west corner of the building but will be a pressed precast concrete finish and will have narrower mullion widths than their redbrick counterparts on the remaining walls. They will also have taller openings allowing for double floor height windows openings between floor 3 and 6. The framed window elements will appear taller on floor 7 and 8 through framing the roof terrace balustrade with the precast concrete exoskeleton.
164. The redbrick and precast concrete walls are separated from each other on the southern façade by a 1.5m wide strip of dark glazing running from floor 3 to 8. Floor 2 will be a glazed wall/shadowing line floor that runs around the building. The entry lobby will have simple three storey high glazed walls.
165. With support from both the Heritage Advisor and the Urban Design Unit for the design illustrates it will be appropriate to the context. The use of the two separate materials to the façade is also reflective of the fact that the existing façade is made up of two different buildings. The use of redbrick that is so commonly found in the area is appropriate to ground the building within the existing context. However, the angled alignment of the redbrick wall, along with the variety of the window opening sizes allows for the building to be a modern interpretation of the existing redbrick heritage industrial buildings rather than attempting a faux heritage replication of existing building forms.
166. The inclusion of the lighter precast framing elements to the remainder of the façade takes this modern interpretation further being reflective of the concrete advertising bands found above ground floor or on the parapets of the nearby heritage industrial buildings. This part of the building also having larger window openings provides a lighter finish that balances the robust character of the new redbrick upper levels.

The inclusion of a shadow line second floor and a glazed horizontal link between the redbrick and pressed concrete façades allows for a successful transition between the two different styles of facades and between the heritage façade and new upper levels. The applicant is agreeable to a condition requiring the on-going involvement of the architect to encourage the achievement of high quality built finish.

167. However, the section 57A plans did show the wall to the stair and lift core to be pressed concrete which the Heritage Advisor and Urban Design Team raised as a concern. The Heritage Advisor suggested to further articulate the wall it should be clad with redbrick. The second section 57A amended plans show this change and include horizontal bands of a darker brick shade. This treatment is in line with the heritage advice so is considered to successfully treat this wall.
168. Council's Heritage Advisor requested the pressed concrete finish be treated with a sealant to prevent it weathering and to maintain a pristine appearance. The applicant has agreed to a condition to this effect.
169. The Heritage Advisor also requested detail of the roof terrace balustrade be provided. The applicant has confirmed it will be a dark tinted glazing. This is considered acceptable as its transparent nature will prevent it being a dominant feature. The Heritage Advisor also requested a landscape plan be provided to ensure the plant species selection on the second floor terrace would ensure foliage would not be visible over the heritage parapet. The applicant has agreed to a condition to this effect.
170. As will be discussed later in this assessment, a wind assessment submitted with the application has suggested a canopy be provided over the shop entry to protect pedestrians from downward wind gusts from the building. The Heritage Advisor is accepting of this but requested detail of the canopy be provided to ensure an appropriate design. This will be addressed by way of condition.

Public realm, light and shade and pedestrian spaces

171. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety.
172. The construction of the office and pedestrian entry areas located along the street frontages is an improvement on the streetscape compared to existing conditions which are largely blank walls. Additionally, the proposal will include public bicycle spaces and some landscape beds at ground floor with these improvements satisfying public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2S, 18.02-1S and 21.05-2. It is noted the garden beds are appropriately located to Gibson's Way, a highly used pedestrian thoroughfare.
173. Now turning to shadows to the public realm. The proposal would result in shadows cast on the opposite footpath of Stewart Street between 9am and 2pm with shadow substantially moved off the opposite footpath after 2pm. The shadow path moves throughout the day and so only shades parts of the footpath at these times. The footpath area is already heavily shadowed by existing buildings and it is considered the proposed additional shadow would not significantly or detrimentally alter existing shadow conditions. Given the narrow width of both Stewart Street and the opposite footpath, it would be very difficult to accommodate any additional building height at the subject without causing additional shadow to the opposite footpath. Given this and that Stewart Street currently does not present high public amenity values given the canyon effect presented by the tall street wall to the railway embankment and is current a heavily shaded environment, it is not considered reasonable to reduce the building height to minimise public realm shadows.

174. The entry area to the rear of Richmond Train Station is affected by additional shadow between 9am and noon. However between 9am and 10am this area is already significantly overshadowed and so the additional shadow does not significantly reduce the amenity of this area at these times. Between 11am and noon, this area continues to receive good access to direct sunlight despite the additional shadow cast by the development (approx. 40% to 80% in full sun at the equinox). Given this and that the station entry area is in full sun for the remainder of the day, on-balance the proposed additional shadow is considered acceptable.
175. The southern end of Gibson's Way will be partially shaded by the proposed development between the hours of 1pm and 3pm, with it unaffected by additional shadow outside these times. However given Gibson's Way is substantially shaded throughout the day (apart from at noon), the small area of additional shadow to the southern extremity of the carriageway is not considered to radically alter the existing carriageway character and is considered acceptable for this reason.

Environmentally Sustainable Design

176. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce residents and visitors from relying on private vehicles. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
177. Council's ESD officer has reviewed the applicant submitted ESD advice and outlined the following application ESD commitments and application ESD deficiencies;

ESD Commitments:

- (a) *22% improvement above the NCC energy efficiency requirements for heating and cooling.*
- (b) *Energy efficient lighting 20% improvement on NCC lighting power densities.*
- (c) *5kW solar PV is proposed.*
- (d) *VSD and CO controls of car park exhaust*
- (e) *Collection of 100% of roof rainwater and tank of 20,000 litres proposed (pending STORM assessment)*
- (f) *95% (by cost) of all timber used in the project is to be re-used timber, post-consumer recycled timber, Forestry Stewardship Council Certified or Australian Forestry Standard (PEFC) Certification.*
- (g) *End of trip facilities provided on same level as office bicycle storage.*
- (h) *There is access to car share providers in the building.*
- (i) *One bay is dedicated for electric vehicle charging.*
- (j) *A recycling target of 80% of all demolition and construction waste (by mass) is proposed to ensure that all materials collected which are appropriate for reuse are suitably recycled, in-lieu of being disposed of in landfills.*

ESD Deficiencies- Outstanding Information:

- (k) *No mention of ventilation approach, except "layouts that promote natural ventilation", recommend given acoustic constraints to include mechanical ventilation commitment to outdoor air quantities to be 50% greater than the minimum required by AS1668.2 or CO2 concentrations are maintained at below 800ppm.*
- (l) *Recommendation to optimise brick reveal geometry on West to maximise shading potential and horizontal louvres to North facing aspect.*
- (m) *Undertake STORM or MUSIC assessment and provide detailed response to Council's WSUD policy, including how the trafficable roof areas will be adequately treated for reuse on site.*

- (n) *No modelling has been provided to support claim for Daylight benchmark being met. Please provide daylight modelling outputs to substantiate the claim.*
- (o) *Please provide table summarising differences between reference and actual input data for energy modelling.*

178. All of these recommendations/deficiencies have been addressed by way of conditions bar requiring additional shading louvers to the northern facade. The building has committed to 22% improvement above the NCC energy efficiency requirements for cooling, it is clear the building design has been designed to effectively treat heating load issues. The applicant has also advised that the glazing will be low Solar Heat Gain Coefficient (SHGC), will provide for high Visual Light Transmittance (VLT) and will be double glazed which will successfully manage heat gain issues. In relation to the shading to the north and west wall, the applicant has agreed to extend the redbrick to a minimum of 500mm as suggested by Councils ESD officer. A condition will address this.
179. Further ESD advice was sought regarding the recommended daylight modelling. The advice indicated that given the extent of glazing proposed, it was likely that the minimum requirement could be achieved. Despite this, given the size of the floor plates, it is appropriate that the modelling be provided. The applicant and their ESD consultant has agreed to a condition to this effect.
180. Council's ESD officer also requested mechanical ventilation commitment to outdoor air quantities to be 50% greater than the minimum required by AS1668.2 or CO2 concentrations are maintained at below 800ppm given the windows will not be operable for acoustic reasons. The applicant has argued it is not necessary to require this as air quality is already controlled under the building permit process. They have also argued that requiring this would have a significant impact on their energy rating outputs, as drawing air from the exterior on hot days would require significant levels of air condition systems to cool the air. For this reason, it is not considered reasonable to require this (particularly as the building has already committed to 22% improvement above the NCC energy efficiency requirements for cooling).
181. In relation to the CO2 monitoring, the applicant has argued this is something that is normally applied in larger office developments which would have high levels of fluctuations in occupant capacity throughout the day (eg, in conference rooms that would mostly be empty but could suddenly hold large numbers of people when in use). In this situation it is justified to require CO2 monitoring when levels could shoot up due to the sudden influx of people. The applicant has argued it is not typical to require this for a smaller office developments with no conference rooms and the CO2 levels would be pretty static given the occupancy levels of the buildings would also be relatively static. They have also argued that the system is very expensive and requires calibration multiple times a year and for these reason the applicant has argued it is not justified to require this. The applicant's response is considered reasonable and a condition will not require CO2 monitoring.
182. For the reasons and subject to the conditions outlined above, the proposal is considered acceptable from an ESD perspective.

On-site amenity

183. The office building has been designed to include appropriate services for future users. The ESD requirement that daylight modelling be provided will also ensure that the building will have adequate access to daylight. Each floor would be provided with service amenities accessible to staff.
184. The substantial amount of bicycle parking, comprehensive end-of-trip facilities contribute to excellent on-site amenity, by offering future occupants' alternative methods in which to access the site and ensuring that a high level of comfort would be afforded to all bicycle users.

Council's Strategic Transport Unit requested that the basement spaces be provided in a secure compound and pursuant to Australian Standard AS2890.3 with at least 20% of the spaces should be horizontal (all proposed are Ned Kelly hanging racks).

185. It is not considered necessary to require the spaces are provided in a secure compound given they are located basement that will not be accessible to the public (with no open vehicle ramp to the basement proposed). A condition will require that 20% of the spaces are provided at grade to facilitate individuals that might have difficulty lifting a bicycle into an elevated rack. The roof terrace provides a generous recreation space for occupants. On this basis, a high level of internal amenity will be achieved.

Noise

186. The proposal is likely to be heavily affected by noise from the train line. Council's acoustic engineers reviewed the acoustic report submitted with the original application material and requested noise from the proposed plant be assessed and confirmation be provided that the proposed glazing is sufficient to control noise from train pass by events and train horn noises. The report submitted with the first section 57A amended plan addresses these issues. Council's acoustic engineer has reviewed this report and recommended it is suitable for endorsement. A further condition would require that the noise and emissions from mechanical equipment must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1). State Environment Protection Policy – Control of Music Noise (SEPP N2) will also be imposed to ensure music from the shop is kept within reasonable limits. Accordingly, noise issues are considered to be suitably addressed.

Wind Impacts

187. A desk top wind study assessment was provided as part of the application material which concluded that wind comfort criterion would likely be met subject to the roof terrace balustrade being increased to a minimum height of 1.8m and a canopy being installed over the shop pedestrian entry. The increased height to the terrace balustrade is acceptable as it will increase the existing balustrade heights by only 0.6m and given their glazed appearance the additional height will not be clearly discernible from street level.
188. Council's Wind Expert reviewed this report and is satisfied with the recommendations subject to a wind tunnel assessment being carried out to determine the extent of canopy required. Council's Heritage Advisor also provided comment in relation to the canopy and indicated that this would be acceptable subject to detail of the canopy being provided for assessment to ensure the size, design and proposed material is acceptable from a heritage perspective.

Off-site amenity

189. The policy framework for external amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme. The closest residences are within a Mixed Use zone, and are located to the immediate west of the site (Express building) and No. 24 Tanner Street approx. 20m north-east of the subject site. No. 24 Tanner Street is the northern part of the AKM building complex and contains 34 residential properties. The part of the building that is located immediately opposite the subject site is a four storey stair core that services two dwellings to the north of the stair. These dwellings have habitable room windows facing Gibson's Way and the AKM chimney courtyard, with only the top level windows to the stair core servicing a study/roof top access area. The remainder of the dwellings are located further north of the subject site. These two buildings are the only sensitive interfaces within proximity to the site.

190. Issues in relation to the use and hours of operation of the building and its impact on residential properties has been discussed in detail in the previous *Use* assessment. The following assessment will consider, noise, overlooking and overshadowing to residential properties.

Noise

191. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Furthermore, the majority of the office space are enclosed and the use will be conducted indoors. It is widely accepted that office use does not generate high external noise levels.
192. The location of services/plant equipment on the roof and basement are appropriately located to minimise noise impacts. A condition will require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1).
193. In light of the above it is considered unlikely that the office and retail use of the building, along with all services and equipment required, would result in any unreasonable noise impacts to the surrounding residential area.

Overlooking

194. The proposed stair and lift core is located opposite the dwellings at No.24 Tanner Street and so will prevent unreasonable overlooking to these properties. With the building to be located a minimum of 8.2m to 8.54m from the three bedroom windows, the third floor podium open space and fifth floor bedroom terrace (4.7sqm) located immediately opposite the site on the Express building, this separation is considered sufficient to treat overlooking to an acceptable level (subject to the condition requiring the windows are setback a further 0.2m to accommodate the widened brick reveals/shading devices to the western windows).
195. While 9m separation is an established distance to reasonably reduce overlooking (established by Rescode for residential developments) it is not appropriate to strictly apply this as Rescode is not applicable in this instance. As the proposed separation is reasonably close to the preferred 9m separation, it is not considered justified to impose further setbacks, particularly when Rescode is not applicable. Further as the office use will not operate after 8pm, residents will not be affected by overlooking after this time. The remainder of the windows and balconies on the east wall of the Express building are in excess of 9m from the proposed building which is an established distance to reduce overlooking to an acceptable level.

Overshadowing of private open space

196. Given the orientation of the site on the southern side of Stewart Street, there would be no additional overshadowing of secluded private open space associated with any residential land throughout the day after 10am. While Rescode is not applicable, the additional overshadowing before 10am to the south-eastern balcony on the Express building podium adjacent to the subject site (only private open space affected by additional overshadowing) would satisfy relevant standards thus demonstrating the acceptability of this shadowing. With overshadowing limited to Stewart Street and the roofs of commercial buildings after 10am, additional shadowing is acceptable.

Car parking, traffic and access

197. In relation to traffic considerations, the previously provided summary of Tribunal Cases and discussion of Plan Melbourne objectives demonstrates this area has strong strategic justification to support buildings of this scale, along with associated car parking reductions.

Given Richmond Station is located immediately opposite the site, along with tram services running along Swan Street and bus services on Punt Road, the site is ideally located to take advantage of multiple modes of existing public transport infrastructure within the immediate vicinity.

198. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.
199. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion. Further Council's traffic engineers also refer to a number of developments in the immediate area that have been approved by the Tribunal with similar car parking rates, which further demonstrate the strategic justification for the proposed reduction.
200. Based on surveys carried out at other development, the applicant's Traffic report suggests the level of traffic generated by the proposed development to be in the order of 28 movements into the site in the morning peak and the same out in the evening peak. This level of traffic represents 1 vehicle every 2.5 minutes at peak times which is considered to be able to be absorbed by the surrounding road network. This is considered to not generate unreasonable demand on the existing road network. Given a large number of tandem spaces in the undercroft and a car stacker in the basement, it will not be convenient for staff to make multiple trips to and from the site during the day, and so it is considered the proposal will not generate unreasonable levels of traffic.
201. The applicant's Traffic report suggests the level of traffic generated by the proposed development to be in the order of 28 movements into the site in the morning peak and the same out in the evening peak but with only 17 of these requiring access to the car lift. The car lift will take 75 seconds to carry a car to the basement and return to the surface to collect another car and so can accommodate 48 lifts in an hour. With two waiting bays proposed in the northern carriage way easement, this is considered acceptable and will not result in vehicles waiting for excessively long periods in the waiting bays. The applicant traffic report and subsequent correspondence from their traffic engineers have commented that the provision of the two waiting bays is in accordance with the waiting bay ratios suggested Austrades Guide to traffic management having a morning peak of three vehicles waiting, two in the waiting bays and one in the lift.
202. The findings in the traffic report were reviewed by Council's Engineer who responded favourably. With the above comments in mind, it is considered that the level of traffic which would be associated with the proposed development would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area. Further Council's traffic engineers are satisfied that vehicles can safely enter and exit the site subject to a condition requiring the structural column depths and setbacks are nominated on the plans. This will be addressed by condition. The engineers also requested standard conditions in relation to drainage, protection of Council assets and the provision of a Construction management plan be placed on the permit. The engineers also requested conditions in relation to waterproofing and draining the basement. However, this is a building permit issue and is not a relevant planning matter.
203. While finalising the application, officers noted the swept path diagrams for the building showed vehicles exiting the site via Gibson's Way to the east. However, an examination of the certificate of title demonstrates the subject site does not have access rights over this easement which is private property.

As a result, the applicant was requested to demonstrate that vehicle access to and from the site could be solely achieved via the northern and western carriageway easements that service the subject site. To achieve this one of the waiting bays was deleted which resulted in one of the car spaces in the basement also being deleted (in order to satisfy waiting bay to car parking spaces ratios). A section of the wall on the north-west corner of the building was removed to allow for greater visibility and effective turning circles around the corner of the building. Council's engineers have reviewed this arrangement and are satisfied it will allow for safe and efficient vehicle movements on and off the site.

204. It is acknowledged that vehicles could turn to the east and attempt to exit via Gibson's Way. However, with other properties having access rights to the northern carriage way easement on the subject site, physical barriers cannot be placed in the carriage way to prevent vehicles turning to the east. It is considered that had a residential development been proposed, it would be very difficult to police the actions of individuals accessing onto Gibson's Way. In contrast, an office building is proposed where managers are likely to take a dim view of staff who continually use Gibson's Way as this is likely to generate complaints from the properties benefited with access rights over Gibson's Way. Staff would likely to be reprimanded and this would prevent staff attempting to access from Gibson's Way in the future. Further a condition will require that way-faring signs are installed in the car parking areas to discourage staff from exiting via Gibson's Way.
205. Objectors have raised concerns that staff and visitors may increase pressure on existing on-street car parking. However, the development will not be eligible for on-street staff or visitor parking permits which minimise the impact the development will have on existing on-street car spaces. Further, given the proximity of the site to public transport and two hour on-street car parking restrictions, it is considered unlikely that staff (with no allocated car space) would drive to work as they would be aware of these restrictions.
206. An office use would not typically generate a significant number of visitor trips and so would not place undue strain on available on-street parking. Visitors also have the option to use the public car park located on the opposite side of the train line (Stephenson Street, Cremorne), with four other private car parks available off Swan Street. Further given the proximity of public transport options servicing the site and multiple commercial uses along Swan Street, it is considered likely that a large proportion of visitors will be in the area for more than one purpose and will be short term stays.

Waste management

207. The waste management plan submitted with the application proposes private collection with bins being collected from the bin room by the private contractors and being returned immediately to the bin room after. This addresses concerns from objectors that bins would be stored in the lane for long periods of time to facilitate their collection. The plan was reviewed by Council's Contracts Services unit and was considered satisfactory subject to an amended Waste Management Plan being submitted allowing for the size of the bin room to be clearly noted on the plan and the inclusion of waste management strategies for e-waste. The applicant is accepting of a condition to this effect.

Other matters

Easements

208. As described earlier, the northern and western portion of the site is affected by a carriage, light and drainage easement and the impact of the proposal on this easement should be considered. Council officers are satisfied that a planning application does not need to be made to alter the carriageway easement to accommodate the vehicle waiting bays. As the vehicle waiting bays will only allow for vehicles to idle temporarily while they wait to access the car lift, they will not unreasonably block the access of others using the easement.

Further the swept paths provided by the applicant show that vehicles can exit to the west past the waiting bays, demonstrating the waiting bays do not unreasonably restrict access to the easement.

209. As detailed earlier, the decision plans have removed the basement from the drainage easement as this was thought to be an unreasonable restriction on this easement and its beneficiaries. This is considered to satisfactorily address this issue.
210. The extruded brick on the west and north walls is also a concern with the plans showing them to be slightly over the western easement at level 3 and over the northern easement from level 3 to 8 by 300m (confirmed by applicant). Council officers raised concerns with this overhanging built form due to the difficult nature of quantifying the impact of this overhang on the light access rights of affected parties. Given this, the applicant has agreed to a condition requiring the plans clearly demonstrate all built form is located outside the northern and western easement.

Objector concerns

211. Objector concerns have been addressed within the body of this report, the following section provides a summary of the assessed outcomes discussed earlier:
- (a) Heritage/Height/Scale. Within this topic, the following specific concerns were raised:
- (i) Out of character with heritage area/interrupts heritage skyline.
 - (ii) Visual bulk to dwellings opposite at 24 Tanner Street.
 - (iii) Should have increased upper storey setbacks to Stewart Street.
 - (iv) Blocks views to the AKM chimney/landmark.
 - (v) Poor architectural design/glass at odds with heritage.
 - (vi) Perspectives and massing diagrams misleading, taken at train level rather than street level.
 - (vii) Structural damage to nearby heritage buildings during construction.
212. These issues have been discussed between paragraph 129 to 170 apart from the issue of structural damage, however issues of this nature are a building permit matter.
- (a) ESD. Within this topic, the following specific concerns were raised:
- (i) Excessive glazing.
 - (ii) Shadowing of Gibson's Way and Stewart Street.
213. These issues have been discussed between paragraph 171 and 182.
- (a) Amenity impacts. Within this topic, the following specific concerns were raised:
- (i) Overshadowing.
 - (ii) Overlooking.
214. These issues have been discussed between paragraph 194 to 196.
- (a) Traffic impacts. Within this topic, the following specific concerns were raised:
- (i) Vehicles will try to exit via Gibson's Way,
 - (ii) Vehicle conflict with pedestrians accessing train station/pedestrian shared area to the front of the site.
 - (iii) Increased traffic in the area not welcome.
 - (iv) Not enough car parking provided.
 - (v) Will the car lift be fast enough to prevent excessive queuing of vehicles.
 - (vi) Lack of loading bay.
 - (vii) Garbage being stored in carriageway conflicting with vehicles and pedestrians.

215. These issues have been discussed between paragraph 197 to 207 apart from the lack of a loading bay and pedestrian conflict issue. Office staff in the subject site will be restricted to same 10km per hour speed restriction as all motorists using the pedestrian shared area to the front of the site. The planning scheme no longer requires loading provisions and for this reason, officers do not have the ability to require one. Further given the small size of the shop, large delivery trucks are very unlikely to service the shop. Deliveries are very likely to be undertaken in small vans that can utilise the publicly available parking bays to the front of the site.

Conclusion

216. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported, subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0807 for part demolition and construction of a mixed use building and a reduction in the car parking requirements at No.33-35 Stewart Street, Richmond, subject to the following conditions:

Condition 1

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 development plans being Drawings TP020 dated 05/06/2018, TP99, TP100, TP101, TP0102, TP103, TP107, TP108, TP200, TP201, TP202, TP203, TP220, TP221 and materials and finishes schedule, Revision 5 dated 17/04/2019 prepared by PLUS Architecture Pty Ltd, and the landscape plans L-TP01, L-TP02 and L-TP03, dated July 2018 prepared John Patrick Landscape Architects PTY LTD by but modified to show:
 - (a) the landscape plans updated to show the basement boundary to accord with TP99 basement plan prepared by PLUS Architecture Pty Ltd dated 17/04/2019,
 - (b) precast concrete walls will be treated with a sealant to maintain an acceptable finish,
 - (c) the retail premises to be nominated as a shop,
 - (d) An existing elevation to Stewart Street detailing all demolition including further clarification of proposed demolition to windows,
 - (e) The replacement casements windows to the Stewart Street façade to generally match the appearance of the existing windows with the remaining replacement windows to be sash windows with no glazing bars,
 - (f) Detail of replacement windows to be provided at a scale of 1:50 and to demonstrate the materials and detailing of the windows will be appropriate to the period of the building,
 - (g) The proposed ground floor stringcourses to the existing western part of the Stewart Street façade to be deleted,

- (h) The window sills to the existing building not to be detailed in a different colour to the façade,
- (i) Detail of the proposed canopy or any wind mitigation structures to be an acceptable design, size and material from a heritage perspective and in accordance with the requirements of condition 19,
- (j) A minimum of 20% of the bicycle spaces in the basement to be provided at grade,
- (k) The roof terrace balustrades to be increased to a minimum height of 1.8m,
- (l) Column depth and setbacks in the basement and undercroft and to ensure the positions of columns comply with diagram 1 clearances to car spaces of clause 52.06-8,
- (m) Way-faring signs to be installed in car parking areas discouraging staff from exiting and entering the site via Gibson's Way,
- (n) Redbrick window reveal geometry to have a depth of 0.5m on west and north wall from floor 3 to 8 and must not overhang the northern and western easement,
- (o) A materials board to demonstrate that the wall finishes will be a suitably high quality finish to compliment the heritage area, and
- (p) Any alterations to the development required by the updated show any changes to the plans required by the updated Façade Management Plan at condition 14 Sustainable Design Management Plan at condition 16, Wind Assessment at condition 19, and Waste Management Plan at condition 21.

Use

2. The 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. No more than 300 staff are permitted to operate from the offices at any one time.
4. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday 7.00am – 8.00pm.
 - (b) Saturday and Sunday 9.00am – 6.00pm.
5. Except with the prior written consent of the Responsible Authority, the retail premises (shop) use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am – 9.00pm.
6. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
7. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or

- (d) the presence of vermin.

to the satisfaction of the Responsible.

Ongoing Architect Involvement

- 8. As part of the ongoing consultant team, Plus Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Structural report

- 9. Before the demolition commences, a Structural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
- 10. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic

- 11. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
- 12. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 13. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Facade Management plan

- 14. Before the demolition commences, a Façade Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Façade Management Plan will be endorsed and will form part of this permit. The plan must be prepared by a suitably qualified person, and demonstrate the following:
 - (a) means by which paint from the existing façade will be removed,
 - (b) detail of any proposed rendering or painting works (as applicable), and
 - (c) to demonstrate that any restoration works will not damage the façade.
- 15. The provisions, recommendations and requirements of the endorsed Façade Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

16. 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 Lucid Consulting Australia and dated 2 October 2018, but modified to include or show:
- (a) Undertake STORM or MUSIC assessment and provide detailed response to Council's WSUD policy, including how the trafficable roof areas will be adequately treated for reuse on site,
 - (b) Daylight modelling to demonstrate BESS daylight benchmark being met and include daylight modelling outputs, and
 - (c) provide table summarising differences between reference and actual input data for energy modelling.
17. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

18. Before the development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vicpac Engineers and Scientists and dated 8 October 2018, but modified to include or show:
- (a) A wind tunnel model study of the development be undertaken to quantify the wind conditions in the surrounding streetscapes and on the terraces due to the relative height of the proposed development compared to the surrounding buildings resulting in full exposure to prevailing wind directions. Any wind mitigation strategies (wind controls) determined to be required by the wind tunnel study must not rely on existing or future street trees.
19. The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

20. 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 Pty Ltd and dated 17 October 2016, but modified to include or show:
- (a) Clearly show the size of the bin room, and

- (b) Further information must be included on the separation, storage and disposal of e-waste.
- 21. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 22. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

- 23. Before the development commences, a 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 Landscape Plan must:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants to the second floor terrace and demonstrate that the planter height and plant species will be suitable to prevent views of them above the existing parapet.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, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.

General

- 25. 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.
- 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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 28. 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 (including the reconstruction of the footpath immediately outside the property's road frontage if required by the Responsible Authority).

The cross-fall of the reconstructed footpath must be no steeper than 1 in 40 and any existing service pit lids within the vehicle crossings must be replaced with pit lids that can accommodate vehicle loadings

- (a) at the permit holder's cost,
 - (b) to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
30. 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 and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans; and
 - (b) line-marked or provided with some adequate means of showing the car parking spaces; 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, external lighting capable of illuminating access to the car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Construction Management Plan

32. 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.
- (q) 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.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) 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;
- (t) vehicle borne material must not accumulate on the roads abutting the land;

- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
33. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
34. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry

35. 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 5 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 5428 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 5428 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5428 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

CONTACT OFFICER: Laura Condon
TITLE: Senior Statutory Planner
TEL: 92055016

Attachments

- 1 PLN16/0807- 33-35 Stewart Street-Decision Plans (2nd Section 57A amended plans)
- 2 PLN16/0807-33-35 Stewart Street-Decision Plans (demolition)
- 3 PLN16/0807-33-35 Stewart Street-Decision Plans (landscape)
- 4 PLN16/0807-33-35 Stewart Street-Decision Plans (perspective of red brick finish to stair/lift core wall).
- 5 PLN16/0807-33-35 Stewart Street-Heritage comments on original application plans
- 6 PLN16/0807-33-35 Stewart Street-Heritage comments on 1st Section 57A amended plans
- 7 PLN16/0807-33-35 Stewart Street-Urban Design comments on original application plans
- 8 PLN16/0807-33-35 Stewart Street-Urban Design comments on 1st Section 57A amended plans
- 9 PLN16/0807-33-35 Stewart Street-Acoustic comments on original application plans
- 10 PLN16/0807-33-35 Stewart Street- Acoustic comments on 1st Section 57A amended plans
- 11 PLN16/0807-33-35 Stewart Street-Engineering comments on 1st Section 57A amended plans
- 12 PLN16/0807-33-35 Stewart Street-Engineering comments on vehicles entering and exiting the site in a westerly direction (2nd Section 57A amended plans)
- 13 PLN16/0807-33-35 Stewart Street-Engineering comments on car stacker (2nd Section 57A amended plans)
- 14 PLN16/0807-33-35 Stewart Street-Strategic Transport comments original application plans
- 15 PLN16/0807-33-35 Stewart Street-Strategic Transport comments on 1st Section 57A amended plans
- 16 PLN16/0807-33-35 Stewart Street-ESD comments on original application plans
- 17 PLN16/0807-33-35 Stewart Street-Wind comments on 1st Section 57A amended plans