



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda – Part 2 of 2

to be held virtually on
Wednesday 13 May 2020 at 6.30pm

Rostered Councillor membership

Councillor Amanda Stone
Councillor Daniel Nguyen (substitute for Cr Chen Yi Mei)
Councillor Bridgid O'Brien

I. ATTENDANCE

Mary Osman (Manager Statutory Planning)
Danielle Connell (Senior Co-Ordinator Statutory Planning)
Michelle King (Acting Principal Planner)
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 Woi-wurrung 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."***

Internal Development Approvals Committee Submissions

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.”

Extract from the Council Meeting Operations Policy, September 2019

1. Committee business reports

Item		Page	Rec. Page
1.4	271 Bridge Road, 208, 224, 228, 230, and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street Richmond - PLN11/0834.03 - Section 72 Amendment to allow for changes to the permit preamble, conditions of the permit and changes to the endorsed plans including reconfiguration of uses, changes to car parking and bicycle provisions and built form changes.	5	100

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Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN11/0834.03 being an amendment to the approved development of the former Richmond Plaza site at 271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 26 Cameron Street and 25 and 37 – 39 Bank Street, Richmond and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Section 72 of the *Planning and Environment Act 1987*;
 - (b) Accrued rights under the planning permit;
 - (c) Built form and Heritage (clauses 15.01, 15.03, 21.05, 22.02, 34.01, 32.08, 43.01 and 43.02-21);
 - (d) Amenity; and
 - (e) Car Parking and Bicycle provisions (clauses 52.06 and 52.34)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and Strategic context;
 - (b) Existing use rights and accrued rights within the General Residential Zone;
 - (c) Use;
 - (d) Built form;
 - (e) On site amenity – clause 58;
 - (f) Off site amenity;
 - (g) Car and bicycle parking provisions and traffic and access;
 - (h) Contamination; and
 - (i) Objector concerns.

Submissions Received

4. Eighteen objections were received to the application, these can be summarised as:
 - (a) Reduction in commercial offering;
 - (b) Urban design (design and height);
 - (c) Overdevelopment of the site – density;
 - (d) Traffic Impacts (reduction in parking, increased traffic, delivery truck movements, availability of public transport);
 - (e) Off site amenity impacts (overshadowing, noise, overlooking, loss of daylight);
 - (f) Internal amenity of the apartments; and

- (g) Construction and demolition 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) Additional articulation to building interfaces
 - (b) Improvements to internal amenity;
 - (c) Public realm improvements

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

1.4 271 Bridge Road, 208, 224, 228, 230, and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street Richmond - PLN11/0834.03 - Section 72 Amendment to allow for changes to the permit preamble, conditions of the permit and changes to the endorsed plans including reconfiguration of uses, changes to car parking and bicycle provisions and built form changes.

Reference: D20/78067
 Authoriser: Manager Statutory Planning

Ward: Melba Ward

Proposal: Amendment to the endorsed plans and permit conditions of PLN11/0834 including:

- Amendment to permit preamble
- deletion/amendment of conditions,
- reconfiguration of building uses,
- changes to the car parking any bicycle provision/allocation and
- built form changes.

Existing use: Vacant – under construction

Applicant: GFM Investment Management Limited as Trustee for GFM Home Trust – C/- SJB Planning Pty Ltd

Zoning / Overlays: Commercial 1 Zone, General Residential Zone (Schedule 1 & 2), Design and Development Overlay (Schedule 2 and 21, Heritage Overlay (Schedule 310) and Public Acquisition Overlay

Date of Application: 28 October 2019

Application Number: PLN11/0834.03

Planning History

1. The subject site and this permit have a long planning history. The original Planning permit PLN11/0834 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 20 December 2012 permitting the demolition, buildings and works, use of the land for dwellings, shop, restricted recreation facility, food and drinks premises, restaurant, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements, and use of the northern part of the land for loading/unloading bay and waste collection.
2. The permit was subsequently amended by VCAT on 27 March 2013 with plans endorsed on 14 December 2017.
3. A condition of planning permit PLN11/0834 (condition 5) required the following occur prior to the commencement of the development:
 - (a) *‘Except with the written consent of the Responsible Authority, prior to the commencement of the development, the land known as Henty Street, or the land marked green on plan of consolidation 105419 and land known as Lot 1 Title Plan 843675B must be discontinued.’*
4. A request was lodged with Council to discontinue both these parcels of land and this was considered and supported at the Council meeting of 18 March 2014.
5. Subsequent to the discontinuance process, an amendment application to the Yarra Planning Scheme was lodged by SJB Planning acting on behalf of the Coles Group.

6. Amendment C138 sought approval for the rezoning of land known as 46 – 48 Cameron Street, Richmond also land formerly known as Henty Street from General Residential Zone to Commercial 1 Zone.
7. Council adopted the request at its meeting of 19 September 2014 with the amendment gazetted on 14 May 2015.
8. A further amendment to the permit was issued on 26 June 2018 which approved an internal reconfiguration of the uses and layout of the buildings approved generally relating to minor increases and decreases to the various floor areas of the uses across the site, a decrease in the number of apartments, modifications to the car park layout including loss of 2 spaces and minor changes to the external presentation of the building. Plans were also endorsed on 26 June 2018.
9. An extension of time to the commencement and completion date of the permit was also approved, requiring the development to commence no later than 20 December 2019 and be completed no later than 20 December 2021.
10. Planning permit PLN14/0314 (42 Cameron Street) was issued on 14 January 2015 and permits the development of the land to construct a multi-storey building (over a basement car park), and a reduction in the car parking requirement. Plans were endorsed on 5 October 2017.
11. An amendment to the development via the secondary consent mechanism was approved on 28 November 2017 and in general terms approved minor design changes with plans being endorsed on 28 November 2017.
12. An extension of time to the commencement and completion date of the permit was also approved, requiring the development to commence no later than 20 December 2019 and be completed no later than 20 December 2021.
13. A second amendment to the permit was issued via consent from the VCAT on 28 May 2019 (and corrected 25 September 2019) which approved the incorporation of the site 42 Cameron Street into the overall development site an internal reconfiguration of the uses and layouts of the buildings which included a reduction in the number of dwellings, increase in car and bike parking across the site, variation to the commercial mix on the site and a redesign of the external façades of the buildings.
14. Plans were endorsed on 3 September 2019 along with a number of reports.
15. The planning permit has been activated with the demolition of the buildings on the site contained within the Heritage Overlay. Works are continuing on site with excavation occurring.

Background

Application Process

16. The application was lodged with Council on 28 October 2019. A further information letter was sent on 25 November 2019 with all matters addressed by 2 December 2019.
17. The application was then advertised and received 18 objections.
18. A consultation meeting was held on 25 February 2020 and was attended by the permit applicant, objectors and Council officers.
19. During this process, Council had sought and received external referral advice from various consultants in the fields of urban design, acoustics, wind and traffic, as well as internal advice including waste management, engineering, strategic transport, urban design, heritage, landscape, environmental sustainable design (ESD) and City works branch. A referral was also sought and received from VicRoads.
20. The applicant in response to the objections and referral comments has submitted additional information on a without prejudice basis, this will be referred to where relevant throughout the report.

The Proposal

21. The application proposes amendments to both the permit preamble and conditions and to the endorsed plans:

The Permit

22. The proposal seeks modifications to a number of conditions of the original permit as a result of the deletion of some uses (childcare centre and commercial gym/yoga centre) and modifications to a number of the uses and layouts including external changes to the buildings.
23. Changes to the preamble are also required to delete reference to uses which are sought to be deleted.

Plans

24. The proposal seeks approval for the following changes to the endorsed plans. In a general sense the changes can be summarised as follows:
- (a) Increase in the number of dwellings from 307 to 368 (now proposed to be purpose built rental accommodation known as a 'build to rent' scheme);
 - (b) Reduction in the floor area of the retail space by 89 sqm;
 - (c) Increase in the office floor space by 960sqm;
 - (d) Deletion of the childcare centre and commercial gym/yoga spaces;
 - (e) Reduction in the number of car parking spaces from 624 to 492;
 - (f) Increase in the bicycle parking spaces from 410 to 557;
 - (g) Addition of a mezzanine level;
 - (h) Changes to various setbacks;
 - (i) Building heights increased as follows:
 - (i) Building A – from 38.35 – 38.59m to 38.35m – 38.74m;
 - (ii) Building B – from 32.75m – 35.9 to 32.99m – 35.9m
 - (iii) Building C – No change - 25.78m
 - (iv) Building D – from 10.5m – 27.1m to 10.5m to 27.77m; and
 - (v) Building E – No change
 - (j) Modified architectural treatment to the exterior of the building including materials and design composition.
25. The amendment retains the fundamental components of the approved development being a shopping centre with various commercial uses with car parking and a residential development above.
26. For ease of reference the locations of the various residential buildings and overall heights are outlined below:
- (a) Building A – 11 storey (Bridge Road)
 - (b) Building B – 9 storey (Corner of Bridge Road and Church Street)
 - (c) Building C – 7 storey (Church Street)
 - (d) Building D – 7 storey (Cameron Street)
 - (e) Building E – 4 storey (Bank Street)

27. Further, the table below provides greater detail of the amendments proposed.

Level	Proposed Amendments
Basement	<ul style="list-style-type: none"> • Stair/lift/lobby and storage areas adjusted • Internal services re-arranged • Provision of 1 less car parking space • Provision of 11 additional bicycle spaces • Minor rearrangement of the carpark
Podium Ground Floor	<ul style="list-style-type: none"> • Splay to the Bridge Road buildings introduced • Internal rearrangement of the commercial floor area layout • Introduction of leasing office for the dwellings to the south eastern corner of the site. • Change to bicycle parking location and numbers being reduced by 6 spaces • Minor variations (reduction)to setbacks to Cameron Street (building D) • Minor changes to the loading bay area (ramps and internal dimensions).
Mezzanine – upper ground floor Building B	<ul style="list-style-type: none"> • Additional storage area
Level 1	<ul style="list-style-type: none"> • Increased setback to the interface with 285 Bridge with a straightening of Building B southern edge. • Insertion of apartments along the western interface replacing previously endorsed plant and car park, variations to setbacks generally increasing. • Changes to apartment mix and layout • Increase in bicycle parking provision from 217 to 310 bikes • Redesign of storage/lobby and plant areas • Corridor widths reduced to approximately 1.7m • Internal redesign of car park area with a 48 space reduction in car parking numbers • Introduction of motor cycle spaces • Introduction of void area to the ground floor providing natural light to commercial retail area • Deletion of commercial gym/yoga area with increased office floor space.
Level 2	<ul style="list-style-type: none"> • Increased setback to the interface with 285 Bridge Road with straightening of Building B southern edge • Deletion of childcare centre with increased office floor space • Reduced setback to north eastern corner of 267 Bridge Road • Insertion of apartments along western interface replacing previously endorsed car park with increased setbacks • Changes to apartment mix and layouts • Communal facilities introduced including garden space, pool, lounge areas, multipurpose room and gym with landscaping proposed to the building edge • Corridor widths reduced to approximately 1.7m

	<ul style="list-style-type: none"> • Internal redesign of car park area with an 83 space reduction in parking numbers • Introduction of motor cycle spaces • Setback variations along Church Street • Introduction of void area providing natural light to the ground floor
Level 3	<ul style="list-style-type: none"> • Reduction in roof terrace area to eastern Bridge Road building • Minor reduction to setback to 267 Bridge Road • Variation to western boundary setbacks • Separation between Buildings A & B reduced • Changes to apartment mix and layouts • Introduction of 'work hub' orientated to Cameron Street and deletion of terrace area • Separation between Building D & C reduced • Minor variation to southern setback of Building C • Building separation between Building B & C decreased with corresponding widening of Building C • Variation to Church Street setback • Corridor widths reduced to 1.6m • Variations to Building B setback from northern boundary • Minor variation to central courtyard dimension and void area introduced
Level 4 - 7	<ul style="list-style-type: none"> • Changes to apartment mix and layouts • Variations to setbacks
Level 8	<ul style="list-style-type: none"> • Changes to apartment mix and layouts • Variations to setbacks • Deletion of roof terrace to Building A
Level 9	<ul style="list-style-type: none"> • Changes to apartment mix and layouts • Variations to setbacks • Coles plant and equipment relocated to roof are of Building B
Level 10	<ul style="list-style-type: none"> • Changes to apartment mix and layouts • Variations to setbacks
Elevations	<ul style="list-style-type: none"> • Increase to heights as outlined above • Setback variations • Architectural treatment of all facades updated

Existing Conditions

Subject Site

28. The subject site is located on the north side of Bridge Road, between Church Street to the east, Cameron Street to the north and Bank Street to the west in Richmond (See below) and is known as the former Coles Richmond Plaza site.
29. Highlighted in the red and green is the property boundary for planning permit PLN11/0834.

30. The subject site is irregular in shape and comprises a total area of approximately 13,660m². The subject site has a frontage of approximately 33m to Bridge Road in two separate frontages, 123m to Church Street, 52m to Cameron Street and 37.8m to Bank Street.
31. The site has an approximately 1 metre fall across the site.



Subject Site

32. The subject site comprises 7 lots that are legally described as follows (taken from previous officer report):

Address	Lot	Title Plan/ Plan of Subdivision	Volume	Folio	Area (approx)
37 – 39 Bank Street	1	707109Y	01712	375	186m ²
42 Cameron Street	Lots 1-8	335273U	01644	751	448m ²
46 Cameron Street	1	238647G & 955857U	0206 & 0170	962 & 682	440m ²
Former Henty Street	1	955857U	09296	682	297m ²
271 Bridge and 224, 230 and 238 Church Street		TP955858S			12,100m ²
25 Bank Street	1	897636H	01715	833A	187m ²
Substation (Church St)	1	843675B	03603	553	46m ²

33. The subject site was the former Richmond Plaza shopping complex which has since been demolished. The subject site is currently a construction site with excavation works underway in accordance with the existing permit.



Subject Site

Easements and Laneways

34. There are numerous easements registered on title, these include:
- (a) An easement in the south east corner of the site in favour of the Gas and Fuel Corporation of Victoria leading from Church Street and immediately adjacent to 285 Bridge Road;
 - (b) An 'unspecified' easement immediately adjacent to the easement referenced above and both easements are shown as ROW on Council's register; and
 - (c) An 'unspecified' easement to the eastern portion of the site extending from Cameron Street (north – south orientated laneway which is in part shown as a ROW on Council's register).

Surrounding Land

35. A description of the surrounds was provided within the officer report for the original application, as follows:

The subject site is located within the Bridge Road Major Activity Centre (MAC). The Bridge Road MAC is a linear commercial shopping strip running between Hoddle Street/Punt Road to the west and the Yarra River to the east. It comprises an array of retail, dining, community, health and business services in addition to residential uses.

The site is located within the Principal Public Transport Network (PPTM), which includes Tram Routes 48 and 75 along Bridge Road, Tram Route 78 along Church Street, Routes 12 and 109 along Victoria Street and West Richmond and Jolimont train stations both within walking distance of the site.

Built form in the Bridge Road MAC is varied in style, scale and era with the traditional building stock generally Victorian era shopfronts one to two storey in scale with taller built form behind.

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



(Looking north – west along Bridge Road)



Looking south to the rear of Bridge Road developments

The south side of the Bridge Road MAC has conversely experienced relatively limited development.

The subject site's immediate surrounds are identified by four distinct interfaces each described below:

North

To the north of the subject site is Cameron Street, which runs from Church Street at its eastern end to Lennox Street to its west and forms the public interface of the sites northern boundary.

On the opposite side of Cameron Street is a single storey brick commercial building interfacing with Bridge Road, the remaining section of the street can generally be described as a mix of single and double storey dwellings with taller (approximately three storey) multi unit developments.

To the west of the subject site and beyond the ROW at the intersection of Bank and Cameron Streets is 13 Bank Street which is the first of a row of six, single storey residences fronting Bank Street.

At the corner of Cameron and Church Street is a part one and two commercial period building. The rear half is two storey in form and provides for vehicular access from Church Street.

South

To the south the site interfaces with Bridge Road.

In between the two sections of Bridge Road frontage, is a two storey individually significant heritage building used for both commercial and residential purposes.

A lane separates the subject site and the 196-198 Bridge Road (western boundary) with vehicular and pedestrian access via this laneway. There are a series of windows along the boundary at both ground and first floor level with some of the first floor windows providing light and air to a bedroom and bathroom. An 'L shaped' deck which is partially roofed is attached to the common boundary with the subject site to the east.

South of the subject site is the southern side of Bridge Road. Development is generally characterised by one, two and three storey commercial heritage buildings with retail/commercial uses at ground floor with some shop-top housing and commercial uses at first floor.

The south side of Bridge Road has not experienced the same level of development pressure as the north. Lot sizes are typically small and recent strategic work (DDO21) recognises that the development potential for the south side is not as great as the north side.

East

The east of the site interfaces with Church Street for its majority which contains one and two storey commercial buildings including the Richmond Police Station.

To the south-east of the subject site, fronting onto Bridge Road are a row of four, two storey Victorian terraces and a two storey more modern building setback from Bridge Road. The terraces are occupied by retail and food and drinks premises uses at ground level, with the building on the corner (former ANZ bank) occupied by a shop.

A rear laneway accessed from Church Street, allows for vehicular access to an informal parking area at the rear of these tenancies and allows for some commercial loading activities.

The corner of Bridge Road and Church Street is used as an informal plaza with seating and some vegetation.

At the northern end of the subject site is a series of five properties which front Church Street that sit between the subject site and Cameron Street. These properties are commercial in nature some having a residential interface at the upper levels.

An existing 3m laneway separates the rear of the Church Street properties and the subject site.

West

Fronting Bridge Road to the west of the site is a row of three, two storey Victorian era terraces occupied as shops at the ground floor. These building separate the subject site from the "ARK" development being a mixed use development rising to 10 storeys. The ARK development extends to Hull Street and has a significant immediate interface with the subject site.

At its tallest, the ARK building is setback approximately 42 metres from Bridge Road. A three storey podium presents to Bridge Road, providing a series of shops and a pedestrian entry to the residential component well setback from the street.

The ARK development presents 9 levels of dwellings orientated towards the subject site. As is visible from the aerial image below, many of these dwellings have sole outlook towards the subject site, with balconies and habitable room windows having a direct interface with setbacks of 3.5 – 5m (to bedroom edge) to 5.5m – 7.5m (to living room edges behind balconies) from the common boundary.



- *Epworth Hospital redevelopment, a 9 storey building recently completed.*



- *An 8 storey building at 79 Bridge Road containing a residential hotel (currently under construction).*
- *A 7 storey building at 113-115 Bridge Road containing offices and shops (currently under construction).*
- *A 7 storey building at 123-125 Bridge Road containing dwellings and shops (recently completed).*
- *A 7 storey building at 127 Bridge Road, Richmond containing dwellings and café (recently approved).*
- *A 12 storey building at 153-177 Bridge Road containing shops and dwellings (Thomas Dux site).*



- A 10 storey building at 183-189 Bridge Road containing dwellings and shops located (currently under construction).



- A 9 storey building at 203-207 Bridge Road comprising shops and dwellings.
- A 12 storey building also proposed for 203 – 207 Bridge Road comprising a restaurant bar lounge with a hotel above (currently at VCAT).
- An 8 storey building at 209-211 Bridge Road comprising shops and dwellings.
- A 7 storey building at 231 Bridge Road comprising shops and dwellings.
- A 10 storey building at 243 Bridge Road comprising shops and dwellings (ARK development).

The above list of developments demonstrates the change that has been occurring and continues to occur on the north side of Bridge Road.

36. There have not been any notable changes since the previous report in the immediate context.

Planning Scheme Provisions

Legislative Provisions

37. The amendment has been requested pursuant to section 72 of the *Planning and Environment Act 1987 (the Act)*
38. Section 72 of the Act states:
- (1) *A person who is entitled to use of develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
 - (2) *The section does not apply to -*
 - (a) *A permit or part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*

(b) A permit issued under Division 6.

39. The original permit PLN11/0834 issued on 20 December 2012 at the direction of VCAT, did not specify that the Responsible Authority must not further amend the permit.
40. The permit was not issued under Division 6.
41. Section 73 of the Act states that Section 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the above-mentioned sections of the Act to the amendment application as if it was an application for a permit.
42. Accordingly the relevant sections will be addressed in this report.

Zoning

43. The planning controls that affect the subject site have not changed since the last amendment. The site is mostly included within the Commercial 1 Zone, with the Bank Street parcels of land and part of the Cameron Street frontage (42 Cameron Street) included within the General Residential 1 Zone – Schedules 1 & 2).



Zoning of the subject site

Commercial 1 Zone (C1Z)

44. The majority of the site is included within the Commercial 1 Zone. The use of the land as an office, food and drinks premises, supermarket (within retail premises) continue to be section 1 uses under clause 34.01-1 of the Yarra Planning Scheme (**the Scheme**) – meaning no permit required.
45. The use of the site as dwellings (rental accommodation) requires a planning permit under clause 34.01-1 of the Scheme as the ground floor frontage exceeds 2m.
46. The previously approved child care centre and restricted recreation facility triggered a planning permit for the use however, these are now proposed to be deleted and if approved will be required to be deleted from the permit preamble and all accompanying conditions.

It is noted that the plans continue to show a gym and other facilities that will be made available to the future occupants of the development, these are proposed to be part of, and ancillary to, the residential complex and are not a standalone uses in their own right.

47. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works. It is noted that under this clause, transitional provisions apply to Section 72 application meaning clause 58 – Apartment developments does not apply.

General Residential Zone – Schedule 1 (GRZ1)

48. The GRZ1 affects the Bank Street residential properties along the western end of the site. Under clause 32.08-2 of the Scheme, the use of the land for dwellings is a section 1, permit not required use.

49. As outlined in the previous officers report:

The use of the Bank Street land however, for car parking and access and loading/unloading of goods associated with the retail use is prohibited under the zone.

The original Council report for PLN11/0834 (dated 21 August 2012) established existing use rights for this portion of the site.

Clause 32.08-4 of the Scheme was introduced on 27 March 2017 to include a minimum garden area requirement. This does not apply to the three lots fronting Bank Street as they are all individually under the 400sqm threshold.

Under clause 32.08-6 of the Scheme, a permit is required to construct a building or construct or carry out works. It is noted that under this clause, transitional provisions apply to Section 72 application meaning clause 58 – Apartment developments does not apply.

Clause 32.08-10 of the Scheme was introduced and now states that:

- *A building must not be constructed for use as a dwelling or a residential building that:
 - (a) *Exceeds the maximum building height specified in a schedule to this zone; or*
 - (b) *Contains more than the maximum number of storeys specified in a schedule to this zone.**

The site is partially included in the GRZ – Schedule 1 which has maximum 10.5 metre height requirement with the zone default of 3 storey.

With respect to the provisions of 32.08-6 and 32.08-10, this will be discussed in detail within the assessment section of this report under the section accrued rights.

General Residential Zone – Schedule 2 (GRZ2)

50. The GRZ2 affects 42 Cameron Street along the north. Under clause 32.08-2 of the Scheme, the use of the land for dwellings is a section 1, permit not required use.

51. As outlined in the previous officers report:

Clause 32.08-4 of the Scheme was introduced on 27 March 2017 to include a minimum garden area requirement. This applies to 42 Cameron Street, Richmond as it meets the 400sqm lot threshold being approximately 466sqm therefore the scheme requires 25% of the lot to be set aside as garden area.

Under clause 32.08-6 of the Scheme, a permit is required to construct a building or construct or carry out works. It is noted that under this clause, transitional provisions apply to Section 72 application meaning clause 58 – Apartment developments does not apply.

Clause 32.08-10 of the Scheme was introduced and now states that:

- *A building must not be constructed for use as a dwelling or a residential building that:*
 - (a) *Exceeds the maximum building height specified in a schedule to this zone; or*
 - (b) *Contains more than the maximum number of storeys specified in a schedule to this zone.*

The site is partially included in the GRZ – Schedule 2 which has maximum 9 metre height requirement with the zone default of 3 storey.

With respect to the provisions of 32.08-6 and 32.08-10, this will be discussed in detailed within the assessment section of this report under the section accrued rights.

Road Zone – Category 1 (RDZ1)

52. The subject site adjoins two (2) roads (Bridge Road and Church Street) which are included in a Road Zone Category 1. Pursuant to clause 36.04-2 of the Scheme, buildings and works associated with a section 2 use (including Church Street canopies and built form along Bridge Road) require a planning permit.
53. Under the existing planning permit, conditions 85 – 87 relate to VicRoads conditions. Condition 87 required:
 - (a) *Construction plans for the buildings and works proposed within the area affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site.*

The plans must demonstrate that the buildings and works proposed within the PAO1 area may be removed by the owners of the building at a time as required by VicRoads.
54. VicRoads confirmed by letter dated 5 September 2019 that this condition had been met.
55. The amendment application was again referred to VicRoads as the relevant road authority and any new conditions will be included on any amended permit.

Overlays

Heritage Overlay – HO310 – Bridge Road Precinct

56. This overlay only applies to the southern segment of the site.
57. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building (no longer relevant as the buildings have already been demolished) and to construct a building or construct or carry out works.
58. The schedule to the Heritage Overlay outlines that external paint controls apply in this precinct.

Design and Development Overlay (Schedules 2 and 21) (DDO2 & DDO21)

59. Pursuant to clause 43.02-2, a permit is required to construct a building or construct or carry out works within the overlay area. Buildings and works must be constructed in accordance with any requirement in a schedule to this overlay.

Schedule 2 - Main Roads and Boulevards

60. The eastern (Church Street) portion of the site is affected by the DDO2.
61. Design objectives at Clause 1 of the DDO2 include:
 - (a) *To recognise the importance of main roads to the image of the City.*
 - (b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
 - (c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*

- (d) *To recognise and reinforce the pattern of development and the character of the street including traditional lot width, in building design.*
- (e) *To encourage high quality contemporary architecture.*
- (f) *To encourage urban design that provides for a high level of community safety and comfort.*
- (g) *To limit visual clutter.*
- (h) *To maintain and where needed create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

Schedule 21 – Bridge Road Activity Centre

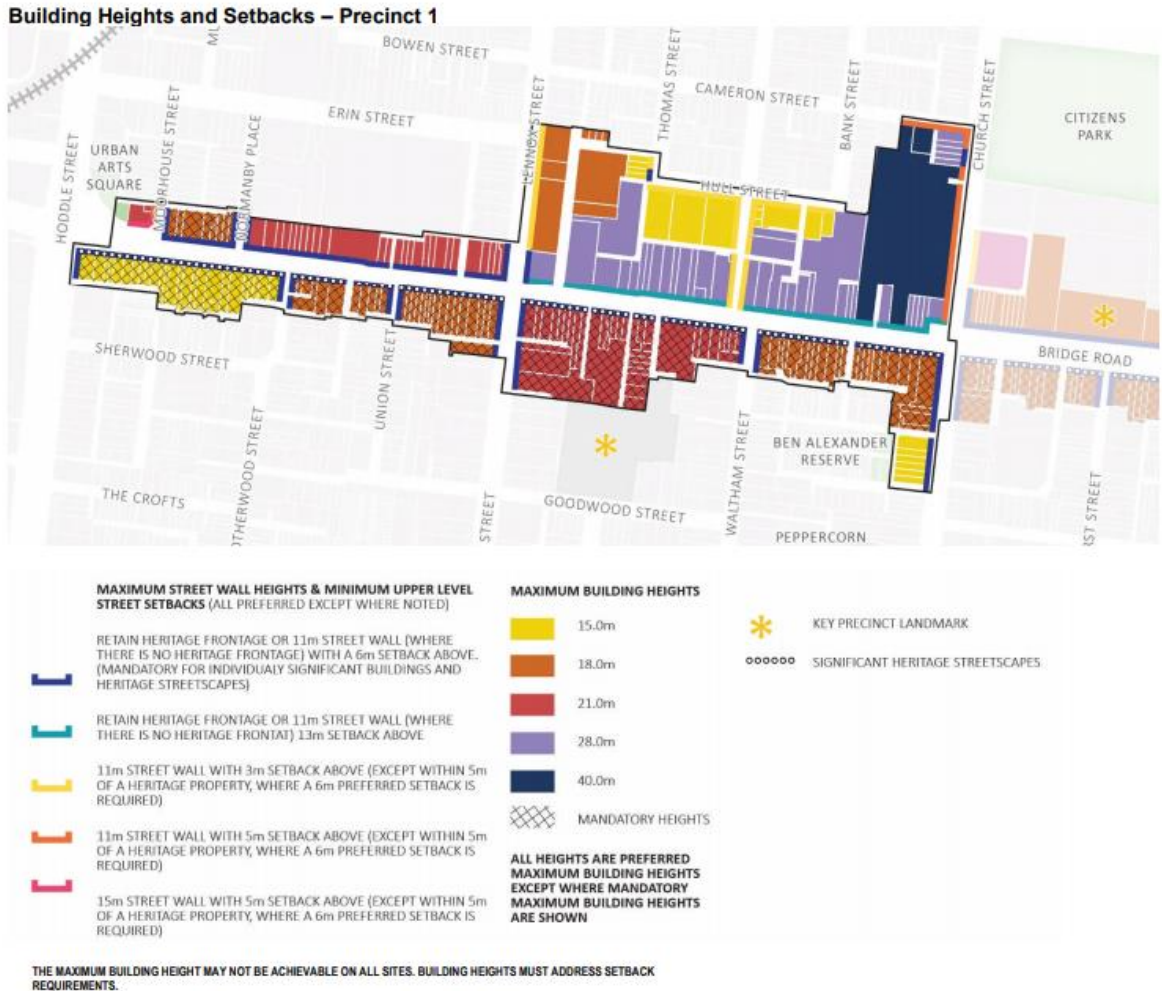
62. DDO21 covers most of the subject site excluding the properties fronting onto Bank Street and 42 Cameron Street.



63. As outlined earlier clause 43.02-2 of the scheme states a planning permit is required to construct a building or to construct or carry out works. The DDO21 schedule provides specific controls relevant to the overall Bridge Road precinct and divides the precinct into 3 sections, the subject site is in Precinct 1.
64. The design objectives for Precinct 1 – Bridge Road West are: Development must
- (a) *Retain the visual prominence of heritage buildings in the streetscape and the significant 'High Street' streetscape in the vista along Bridge Road;*
 - (b) *Retain the visual prominence of the return facades of buildings;*
 - (c) *Be consistent in form, massing and façade treatment as existing upper level development (where this exists) for any upper level development behind rows of identical or similar residences;*
 - (d) *Maintain and reinforce the prominence of the street wall character of Bridge Road and Church Street;*
 - (e) *Maintain the sense of openness along Bridge Road and Church Streets;*

- (f) *Respect the low scale existing development adjoining the activity centre;*
- (g) *Provide a transition in height along Lennox Street and Church Street from the taller forms on Bridge Road to the adjacent low rise residential neighbourhoods.*

65. Specific to the subject site as shown in the figure below are maximum building heights and maximum street wall heights and minimum upper level setbacks all of which are preferred.



- 66. The subject site has a preferred maximum height of 40 metres.
- 67. The preferred maximum street wall heights and setbacks vary as follows:
 - (a) To Bridge Road – *‘retain heritage frontage or 11m street wall (where there is not heritage frontage) 13m setback above’.*
 - (b) To Church and Cameron Streets – *‘11m street wall with 5m setback above (except within 5m of a heritage property, where a 6m preferred setback is required).’*
- 68. In addition to the above, the control outlines a number of general requirements needing to be met including general design guidelines including residential interface and setbacks, views to landmarks (not applicable to this application), overshadowing, access and building design requirements.
- 69. Over and above the heritage overlay which applies to the site, the DDO also includes a section relating to Heritage building design requirements which apply to the subject site which requires the following (relevant section only):

Design Element	Design Requirement
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<p>Building facades and street frontages</p>	<p>Infill Buildings and Development Adjoining a Heritage Building</p> <p>Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> ▪ Ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s); ▪ Respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s); ▪ Avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts; ▪ Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building; ▪ Be articulated to reflect the fine grained character of the streetscape.
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70. A detailed assessment against this control is offered in the built form assessment section of this report.

Public Acquisition Overlay - (Schedule 1) (PAO1)

71. The subject site southern interface with Bridge Road is included within the PAO. A permit is required under clause 45.01-1 of the scheme to construct a building or construct or carry out works. An application must be referred under Section 55 of the Act to the Roads Corporation being the Department of Transport. As the amendment proposes to make changes to the Bridge Road frontage and therefore, the application was re-referred to the relevant authority.

Particular Provisions

Clause 52.06 – Car Parking

72. Pursuant to clause 52.06-2, the car parking spaces required under 52-06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.

73. Within clause 52.06 the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this amendment application.

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

Use	Bedroom/s / Floor Area	Rate	No. required	No. proposed	Reduction
Dwelling	114 x 1 bedroom	1 space per 1 or 2 bedroom dwelling	337		
	223 x 2 bedroom				
	31 x 3 bedroom	2 spaces per 3 or more bedroom dwelling	62		
			Total: 399	200	199

Supermarket	4,069sqm	5 per 100sqm	203	Total proposed 256	69
Shop and Food and Drinks premises (café)	3492sqm	3.5 per 100sqm	122		
Office	3,089sqm	3 per 100sqm	93	30	63
TOTAL			817 spaces	486 + 6 car share spaces	331 spaces

75. A reduction in car parking of over 400 spaces was already permitted by the original permit. Clause 52.06-6 of the scheme, outlined a range of decision guidelines and 52.06-8 outlines a range of design standards, these will be discussed where relevant in the assessment section of the report.

Former 52.07 – Loading and Unloading of vehicles

76. The requirements of Clause 52.07 (Loading and unloading of vehicles) has been deleted from the planning scheme and the consideration relating to loading and unloading facilities has been added to Clause 65 as a general decision guideline. This arrangement is not proposed to be amended.

77. In addition, an existing use rights discussion regarding loading from Bank Street will form part of the assessment.

Clause 52.27 – Licensed Premises

78. The permit already allows the licencing of the bottle shop, however the proposal seeks to reduce the area of the bottle shop from 324sqm to 329sqm.

79. Pursuant to clause 52.27, a planning permit is required if:

- (a) *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

Clause 52.29 – Land Adjacent to a Road Zone Category 1, or a Public a Public Acquisition Overlay for a Category 1 Road.

80. A permit is not triggered under this provision as the proposal does not create or alter access to Church Street or Bridge Road.

Clause 52.34 – Bicycle Facilities

81. Pursuant to clause 52.34-1, a new use must not commence or the floor area of an area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

82. The clause 52.34-5 requirements are shown below:

Use	Bedroom/s / Floor Area	Rate	No. required	No. proposed
Dwelling	368 dwellings	Residential – 1 to each 5 dwellings	74	
		Visitor – 1 to each 10 dwellings	37	

Supermarket and shops	6,297sqm	1 to each 600sqm of leasable floor area if floor area exceeds 1000sqm Visitor 1 to each 500sqm of leasable floor area if floor area exceeds 1000sqm	10 13	
Food and Drinks premises (café)	1264sqm	1 to each 300sqm of leasable floor area Visitor 1 to each 500sqm of leasable floor area.	4 3	
Office	3,089sqm	1 to each 300sqm of leasable floor area if floor area exceeds 1000sqm Visitor 1 to each 1000sqm of leasable floor area if floor area exceeds 1000sqm	10 3	
TOTAL			154 spaces	557 spaces

83. It is also noted that condition 39 of the permit requires a minimum of 333 bicycle parking spaces, with the amendment seeking to provide 557 bicycle spaces. This significantly exceeds the requirements of the condition. The allocation of these spaces will be resolved by way of a condition on any permit issued.

General Provisions

Clause 63 – Existing Use Rights

84. Clause 63 of the Scheme sets out the requirements for establishing an existing-use-right in relation to the use of land, including (amongst others) proof of continuous use for 15 years is established under clause 63.11 (Proof of continuous use).
85. Under clause 63.11, an existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:
- (a) *At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.*
 - (b) *During the 15 year period, the responsible authority has clearly and unambiguously given a written direct for the use to cease by reason of its non-compliance with the scheme.*
86. Under clause 63.05 (section 2 and 3 uses), a use in Section 2 or 3 of a zone for which an existing use has been established (as is the case) may continue provided:
- (a) *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
 - (b) *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of land subject to the existing use right or the extent of activities within the use.*
 - (c) *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

87. As outlined in the previous officer report, the Cameron Street segment of the site is now part of the C1Z, the proposed continued use of part of the Bank Street land for the purposes of loading/unloading of goods associated with a Coles Supermarket as part of the proposed development requires a planning permit under this provision. This has already been established under the previous application and has continued to be used since then.

Clause 65 – Decision Guidelines

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

Clause 65.01 – Approval of an application or plan

89. The planning scheme requires:

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

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

Planning Policy Framework (PPF)

90. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

91. The objective is:

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

92. A relevant strategy:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S Activity Centres

93. 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.*

94. Relevant strategies include:

- (a) *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:*
 - (i) *Comprises a range of centres that differ in size and function.*
 - (ii) *Is a focus for business, shopping, working, leisure and community facilities.*
 - (iii) *Provides different types of housing, including forms of higher density housing.*
 - (iv) *Is connected by public transport.*
 - (v) *Maximises choices in services, employment and social interaction.*
- (b) *Undertake strategic planning for the use and development of land in and around activity centres.*
- (c) *Encourage a diversity of housing types at higher densities in and around activity centres.*
- (d) *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.*
- (e) *Improve access by walking, cycling and public transport to services and facilities.*
- (f) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*
- (g) *Encourage economic growth activity and business synergies.*
- (h) *Improve the social, economic and environmental performance and amenity of activity centres.*

Clause 13.04-1S Contaminated and potentially contaminated land

95. The relevant objective of this clause is:

- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

Clause 13.05-1S Noise abatement

96. The relevant objective of this clause is:

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

Clause 13.07 Amenity

Clause 13.07-1S Land use compatibility

97. 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 (Built Environment and Heritage)

Clause 15.01-1S Urban design

98. 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.*

99. Relevant strategies include:

- (a) *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- (b) *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- (c) *Ensure the interface between the private and public realm protects and enhances personal safety.*
- (d) *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- (e) *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- (f) *Promote good urban design along and abutting transport corridors*

Clause 15.01-2S Building design

100. 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.*

101. Relevant strategies include:

- (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 provides safe access and egress for pedestrians, cyclists and vehicles.*
- (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

Clause 15.01-4S Healthy neighbourhoods

102. 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

103. 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

104. 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

105. 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

106. The objective of this clause is:

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

107. 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) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

Clause 16.01 Residential Development

Clause 16.01-1S – Integrated housing

108. The objective of this clause is:

- (a) *To promote a housing market that meets community needs*

109. Strategies include:

- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

- (b) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

110. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S Location of residential development

111. The objective of this clause is:

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

112. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas- Metropolitan Melbourne

113. Relevant strategies for this clause are:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *In and around the Central City.*
 - (ii) *Urban-renewal precincts and sites.*
 - (iii) *Areas for residential growth.*
 - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - (v) *Areas designated as National Employment and Innovation Clusters.*
 - (vi) *Metropolitan activity centres and major activity centres.*

- (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
- (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*
- (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

Clause 16.01-3S – Housing diversity

114. The objective of this clause is ‘

- (a) *to provide for a range of housing types to meet increasingly diverse needs.*

115. Strategies of this policy are:

- (a) *Ensure housing stock matches changing demand by widening housing choice.*
- (b) *Facilitate diverse housing that offers choice and meets changing household needs through:*
 - (i) *A mix of housing types.*
 - (ii) *Adaptable internal dwelling design.*
 - (iii) *Universal design.*
- (c) *Encourage the development of well-designed medium-density housing that:*
 - (i) *Respects the neighbourhood character.*
 - (ii) *Improves housing choice.*
 - (iii) *Makes better use of existing infrastructure.*
 - (iv) *Improves energy efficiency of housing.*
- (d) *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
- (e) *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

116. The strategy of this policy is:

- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing*

Clause 16.01-4S – Housing affordability

117. The objective of this clause is:

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

Clause 17 Economic Development

Clause 17.01-1S

118. The objective of this clause is:

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

119. Relevant strategies for this policy are:

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

Clause 17.02-1S Business

120. The objective of this clause is:

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

121. Relevant strategies include:

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

Clause 18.01 Integrated Transport

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

122. The objective of this clause is:

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

Clause 18.02 Movement Networks

Clause 18.02-1S – Sustainable personal transport

123. The relevant objectives of this clause is:

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

Clause 18.02-2S Public Transport

124. 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

125. 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

126. The objective of this clause is:

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

127. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

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

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

129. The relevant Objectives and Strategies of this Clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
 - (ii) *Strategy 1.3 Support residual population increases in established neighbourhoods;*
- (b) *Objective 2 To retain a diverse population and household structure; and*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

130. The relevant objective of this clause is:

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

131. 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; and*

- (c) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.04-3 – Industry, office and commercial

132. The objective of this clause is ‘

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

Clause 21.05 Built Form

Clause 21.05-1 – Heritage

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

- (a) *Objective 14 - To protect and enhance Yarra's heritage places:*
- (i) *Strategy 14.3 Protect the heritage skyline of heritage precincts;*
 - (ii) *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; and*
 - (iii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.*

Clause 21.05-2 – Urban design

134. 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:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
- (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

135. 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 28.4 Require new development to consider the opportunity to create public spaces as part of new development.*
 - (v) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (vi) *Strategy 28.6 Require new development to consider the creation of public access through large development sites, particularly those development sites adjacent to waterways, parkland or activity centres.*
 - (vii) *Strategy 28.8 Encourage public art in new development.*
 - (viii) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 – Transport

Clause 21.06-1 – Walking and cycling

136. This Clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
- (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
- (b) *Objective 32 - To reduce the reliance on the private motor car:*
- (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
 - (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
- (c) *Objective 33 - To reduce the impact of traffic:*
- (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

137. The relevant Objective of this Clause is:

- (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; and*
 - (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

Clause 21.08-9 North Richmond (area north of Bridge Road)

138. Although the site is north of Bridge Road, clause 21.08-10 (Central Richmond (area between Bridge Road and Swan Street) is more relevant given the site's position within the Bridge road MAC.
139. Clause 21.08-10 identifies Bridge Road as a MAC and states that the landmark role of the Richmond Town Hall should be protected. Specifically, this clause separates the Bridge Road Activity Centre into three distinct precincts. The subject site is located at the border of the following two precincts:
- (a) *Bridge Road West, from Punt Road to Church Street, encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services; and*
 - (b) *Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form.*

Relevant Local Policies

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

140. This policy only applies to a section of the site with frontage to Bridge Road which extends approximately 32m into the subject site.
141. The relevant objectives of this clause are:
- (a) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - (b) *To retain significant view lines to, and vistas of, heritage places;*
 - (c) *To preserve the scale and pattern of streetscapes in heritage places;*
 - (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
 - (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
142. This policy refers to an incorporated document (City of Yarra Review of Heritage Overlay Areas 2007 *Appendix 8 (as updated from time to time)*), which identifies the level of significance for all buildings/sites within the Heritage Overlay. Notably, the subject site is nominated as being of 'no contributory' value to the Bridge Road Heritage Precinct.
143. At clause 22.02-5.7.1 (General), it is policy to:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
 - (iii) *Be visually recessive and not dominate the heritage place;*
 - (iv) *Be distinguishable from the original historic fabric;*
 - (v) *Not remove, cover, damage or change original historic fabric;*
 - (vi) *Not obscure views of principle façades; and*

- (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
- (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply;*
- (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height;*
- (d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

144. At clause 22.02-5.7.2 (Specific Requirements [where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail]), it is relevant policy to:

Corner Sites and Sites with Dual Frontages

- (a) *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and*
- (b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

Industrial, Commercial and Retail Heritage Place or Contributory Elements

- (c) *Encourage new upper level additions and works to:*
 - (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms; and*
 - (ii) *Incorporate treatments which make them less apparent.*

Carports, Car Spaces, Garages, and Outbuildings

- (d) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.*
- (e) *Discourage:*
 - (iii) *new vehicle crossovers in streets with few or no crossovers;*
 - (iv) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area; and*
 - (v) *new vehicle crossovers in excess of 3 metres wide in residential streets.*

Ancillaries and Services

- (f) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and*

- (g) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.03 – Landmarks Policy

- 145. The objective of this clause is:
 - (a) *To maintain the prominence of Yarra's valued landmarks and landmark signs*
- 146. The clause continues to state that (relevant elements):
 - (a) *New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference:*
 - (i) *Clocktower of Richmond Town Hall; and*
 - (ii) *Spire of St Ignatius Cathedral, Church Street, Richmond.*

Clause 22.05 – Interface uses policy

- 147. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
 - (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
 - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
- 148. At clause 22.05-3 it is policy that:
 - (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
 - (b) *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.*

Clause 22.07 – Development abutting laneways

- 149. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this clause are:
 - (a) *To provide an environment which has a feeling of safety for users of the laneway;*
 - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway;*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development;*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.09 – Licensed premises

- 150. The relevant objectives of this policy are:
 - (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*

Clause 22.10 – Built form and design policy

151. The policy applies to all new development not included in a Heritage Overlay (noting that the eastern section of the site is not within a Heritage Overlay). Clause 22.10-3.1 does not apply to residential development. The objectives of this clause are:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
 - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
 - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
 - (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
 - (e) *Create a positive interface between the private domain and public spaces.*
 - (f) *Encourage environmentally sustainable development.*

Clause 22.12 – Public open space contribution

152. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
- (a) *To implement the Yarra Open Space Strategy.*
 - (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
 - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

153. The site is located in an area where cash in lieu of land is the preferred method of contribution. Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

154. This policy applies to new buildings (amongst others) and aims to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999; promote the use of water sensitive urban design, including stormwater re-use; mitigate the detrimental effect of development on downstream waterways; minimise peak stormwater flows; reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

Clause 22.17 – Environmentally sustainable development

155. The most relevant objective of this clause is '...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'.
156. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert.

Other relevant documents

157. Clause 15.01-2 states that planning must consider as relevant:
- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*
 - (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (ADG)*

Advertising

158. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* to residents of the City of Yarra by 913 letters sent to surrounding owners and occupiers and by 6 signs displayed on site.
159. Council received 18 objections, the grounds of which are summarised as follows):
- (a) Reduction in commercial offering;
 - (b) Urban design (design and height);
 - (c) Overdevelopment of the site – density;
 - (d) Traffic Impacts (reduction in parking, increased traffic, delivery truck movements, availability of public transport);
 - (e) Off site amenity impacts (overshadowing, noise, overlooking, loss of daylight);
 - (f) Internal amenity of the apartments; and
 - (g) Construction and demolition impacts.
160. A planning consultation meeting was held on 25 February 2020 and was attended by the permit applicant, objectors and Council officers to discuss issues and concerns raised in the letters of objection.
161. The applicant in response to the objections and referral comments has submitted additional information on a without prejudice basis, this will be referred to where relevant throughout the report.

Referrals

162. The referral comments are based on the application plans and included a number of internal Council departments as well as external consultants and a Referral Authority.
163. All referral responses/comments have been included as attachments to this report.

External Referrals

164. The application was referred to the following authority;
- (a) Department of Transport

Internal Referrals

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

- (a) Engineering
- (b) Strategic Transport
- (c) Open Space;
- (d) Environmental Sustainable Design;
- (e) Waste Management; and
- (f) Heritage
- (g) Urban Design
- (h) City Works

166. External Consultants

- (a) Mel Consultants (wind)
- (b) Rob McGauran (Urban Design)
- (c) Marshall Day (Acoustics)
- (d) Cardno (Traffic)

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Use
- (c) Built form (urban design and Heritage);
- (d) On site amenity – Clause 58
- (e) Off site amenity
- (f) Car & bicycle parking, loading, traffic and access;
- (g) Other Matters including procedural matters and contamination
- (h) Objector concerns; and
- (i) Amendment to permit structure

Strategic Context

168. The proposed development of the site is already permitted and since the original approval in 2012, the strategic context for the subject site has been strengthened as outlined in the previous officer report.
169. The proposal in its amended form, again continues to satisfy the various land use and development objectives within the PPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide an improved positive strategic opportunity for development within a well-resourced inner-urban environment.
170. State and Local Policies (such as clause 16.01-2S) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport such as the subject site. It is clear that this part of Richmond is undergoing change and there is strong State policy support for increased density in this area as shown through Clause 16.01-1S (amongst others) and further supported by the most recent strategic work undertaken for Bridge Road which identifies this site as being able to rise higher than adjacent developments to a 40m preferred maximum height (DDO21).
171. In this instance the site is located close to several public transport options with trams operating along Bridge Road and Church Street, the nearby West Richmond train station as well as the Hoddle Street/Punt Road bus routes. Bicycle tracks along the Yarra River provide a better connected journey for cyclists.
172. Locating such a development in this area satisfies the objectives of clauses 11.02-1S, 11.03-1 and 18.01-1S of the Scheme.
173. The site continues to be located in an area identified as being suitable for redevelopment, with the proposed amendment proposing a modified development responsive to its built form context and responsive to the diverse pattern of urban form and uses in the neighbourhood.
174. The proposed amendment seeks to increase the number of dwellings and seeks to introduce housing in a non traditional form being a purpose 'built to rent scheme'. The use component will be discussed further however for all intense purposes, the proposal continues to offer higher density residential development with a broader mix of dwellings types contributing to the diversity of housing stock in Richmond, which are predominantly detached or attached dwellings. This ensures efficient use of infrastructure and supports Council's preference that established residential areas experience residual increases in population and density.

175. The scheme also recognises the importance of Activity centres, with the redevelopment of the site assisting in the reinvigoration of the Bridge Road MAC with the insertion of a contemporary shopping and commercial and residential complex complementing the already changing Bridge Road.

Use

Existing use rights and accrued rights within the General Residential Zone

Existing Use Rights

176. As outlined in the planning controls section of the report, existing use rights were established by the original officers report for:
- (a) 46 Cameron Street – car parking, access and loading/unloading of goods associated with a supermarket;
 - (b) Supermarket plant room at Level 1 over land at 46 Cameron Street; and
 - (c) Bank Street land (area between 25 and 37 – 39 Bank Street) – car parking with access to loading activities for a supermarket.

Please Note: both points (a) & (b) are no longer relevant as this site has now been rezoned to Commercial 1 Zone

177. The original approval also granted (pursuant to clause 63.08) commercial loading and waste collection to occur within the segment of land within Bank Street which enjoys existing use right. The amendment is consistent with the original approval.

Use and liquor

178. The amendment seeks an internal reconfiguration of the shopping centre resulting in a number of the uses moving location and changes to the floor areas of these uses.
179. In summary, the proposed floor area changes include:
- (a) Increase in the number of dwellings from 307 to 368 (now proposed to be purpose built rental accommodation known as a ‘build to rent’ scheme);
 - (b) Reduction in the floor area of the retail space by 89 sqm;
 - (c) Increase in the office floor space by 960sqm;
 - (d) Deletion of the childcare centre and commercial gym/yoga spaces;

Dwellings – Build to Rent (BTR)

180. The amendment seeks a change in the number of dwellings proposed on the site including the dwelling mix and seeks to build a purpose built development with all dwellings proposed to be available for ‘rent’ rather than for ‘sale’.
181. Included within the application material was the following description of what Build to Rent is (taken from page 28 of the planning report prepared by SJB Planning):
- ‘Build to Rent (or multifamily buildings are designed for the rental market, BTR operates with significant institutional backing in the USA, Japan, Europe and, most recently, the UK. BTR properties typically comprise:*
- (a) *Scale of 100+ units with single-ownership entity*
 - (b) *Extensive resident amenity and services*
 - (c) *Community engagement and curation programs*
 - (d) *Dedicated onsite management and maintenance*
182. While it recognises that this model of housing is new to the Yarra context, for the consideration of this report, the ultimate sale or rental of the dwellings does not change the use of the site for the purposes of dwellings.

183. The amendment does not seek short term accommodation which could be defined as a hotel or serviced apartment, as understood the application remains for dwellings and does not seek a variation to this description.

Commercial uses

184. The proposal for all intent remains the same being a shopping centre with dwellings above.
185. The proposed amendment is still compliant with Activity Centre policy, supporting the Bridge Road MAC by maintaining active commercial frontages to both Bridge Road and Church Street while also supporting urban consolidation policy with a higher density residential development above.
186. There are no new uses proposed to be included, however the amendment seeks to delete the childcare and commercial gym/yoga studio from the development which requires deletion of a number of conditions from the permit and to the permit preamble. It is considered that the deletion of these two uses is of no consequence to the commercial component of the development.
187. The amendment also seeks to reduce the 'retail' floor space by 89sqm and increase the office component by 960sqm. While acknowledging this change, both uses do not trigger a planning permit.
188. The amendment also proposes a minor decrease in the floor area of the internal bottle shop from 342sqm to 329sqm, with a minor variation to the red line plan highlighting the area to be licenced.
189. This is of no consequence to the consideration of this amendment.
190. Car parking will need to be considered as a result of floor area changes and this will be discussed later in the report.

Accrued rights within the General Residential Zone

191. As outlined in the most recent officer report, since the original approval was granted, the residentially zoned land was rezoned from Residential 1 Zone to General Residential – Schedule 1 (parts of Bank Street) and Schedule 2 (parts of Bank and Cameron Street).
192. The two issues raised by this new zoning of the land relates to :
- (a) Exceeding the height requirements for both Cameron and Bank Streets; and
 - (b) Garden area requirements for the Cameron Street property only.
193. At the time of the original determination, there were no mandatory height limits or minimum garden area requirements applicable to the site. If the application were lodged afresh today, the controls relevant to the GRZ – Schedules 1 & 2 would apply and would provide for a different outcome on the site relevant to these two portions of land.
194. However, the Act allows for the amendment of permits and while the Responsible Authority must consider the relevant planning scheme requirements before deciding on an application, it does not provide guidance on how this is done where an existing planning permit allows a development that is inconsistent with the planning scheme as it reads now.
195. This question of accrued rights has been addressed in a number of VCAT decisions where the Tribunal has amended permits for the development of land which has become prohibited after the grant of a permit.
196. In *Caydon High Street Development Pty Ltd v Darebin CC (2017)* the issue of accrued rights was discussed in detail:

[39] On numerous occasions, the Tribunal has held that a permit can lawfully be amended so as to permit alteration to or expansion of an approved use or development that would otherwise be prohibited under the current planning scheme controls.[18] The recent decision of the Tribunal in Gembrook Pines Pty Ltd v Glen Eira CC.[19] further confirms the existence of accrued rights and opportunities for lawful amendment of the original permission in these circumstances

[40] Although the detailed reasoning in some Tribunal decisions on this point differs to some extent, I find that the underlying reasoning remains equally applicable to the facts of this proceeding. The answer hinges on the concept of accrued rights under the permit, in so far as these are protected by section 28(2)(e) of the Interpretation of Legislation Act 1984 (ILA). That section provides:

- (2) Where a subordinate instrument or a provision of a subordinate instrument—
 - (a) is repealed or amended; or
 - (b) expires, lapses or otherwise ceases to have effect—

the repeal, amendment, expiry, lapsing or ceasing to have effect of that subordinate instrument or provision shall not, unless the contrary intention expressly appears –

...

- (e) affect any right, privilege, obligation or liability acquired, accrued originally under that subordinate instrument or provision.

[41] The parties agreed that the development has been approved at a number of storeys and a maximum height which are above those now specified for the relevant area in the DDO.[20] It has also been approved with reduced setbacks compared with the current mandatory suite of provisions. Essentially, the current approval takes the benefit of the earlier suite of planning scheme provisions which did not prescribe mandatory controls pertaining to height or setbacks.[21]

[42] It is relevant that there is no indication in the current DDO3 provisions that the maximum height restriction or staggered setback requirements are intended to operate retrospectively.

[43] In my opinion, in line with relevant case law, this has significant consequences for opportunities to vary this permit, which extend beyond the current requirements in the planning scheme. This represents rights or privileges that have been accrued under the permit to exceed the current controls pertaining to maximum building height and minimum setbacks, amongst other restrictions.

[44] Further question that arose in the current proceeding is how to define the right that has accrued under the permit – is it a right to construct a building above the current prescribed maximum height, or is it a right to construct a building to a specified level?

[45] The responsible authority submitted that the extent of any accrued right in this case is confined by the precise maximum height of the building depicted on the set of plans endorsed under the permit immediately before the gazettal date. Consequently, it submitted that the accrued right is to construct a building with a maximum height of 20.55 metres. The amended proposal would seek to increase this maximum height by approximately 500mm in addition to providing an extra storey of apartments.[22]

[46] With respect, I find this submission misguided. At the time the permit was granted, a building could lawfully be approved on the subject land to an unrestricted height. In this context, the measurement of 20.55 metres is almost arbitrary since it was not referenced to any height limitation in the scheme at the time. A building of seven storeys could have been approved consistently with the Tribunal's decision at a height of 22 metres, for example.[23] Therefore, I find that it is not reasonable to seek to limit the accrued right in this case to the measure of maximum height depicted on the currently endorsed set of plans.

[47] A more vexed question may be whether there is an accrued right to construct above a mandatory height where there is an existing permit for a building that is below that height, as was considered in *Pantas v Boroondara City Council*. [24] In such a case, it was arguably relevant to consider the maximum height approved on the plans for that purpose. That aspect of the reasoning in that case is distinguished on the basis that the approval at present is above the height stipulated in the newly introduced control.

[48] In summary, I find that the opportunity to increase the height or number of storeys or to make other changes to the permission that has been granted is preserved in the current proceeding because the proposed amendment sits outside the application of the mandatory controls that would presently apply to a new proposal.

[49] In *Gembrook Pines*, Senior Member Wright held that there was no warrant to impose a strict literal interpretation since section 28(2) of the ILA is a permissive provision. However, he observed that clearly the right could not extend to a 'transformation' of the development.[25] I would agree.

[50] The Tribunal in that case nevertheless considered that there were limitations on the scope of the accrued rights that had been conferred, by virtue of section 35(a) of the ILA. That section provides:

In the interpretation of a provision of an Act or subordinate instrument—

(a) a construction that would promote the purpose or object underlying the Act or subordinate instrument (whether or not that purpose or object is expressly stated in the Act or subordinate instrument) shall be preferred to a construction that would not promote that purpose or object.

[51] Adopting a purposive approach, Senior Member Wright considered that the right retained under the permit should be identified in a planning context which seeks to avoid or control land use conflict. Therefore, the accrued right should be interpreted consistently with this objective. In Gembrook Pines, it was considered that changes that could be allowed under the secondary consent mechanism would satisfy this objective.

[52] With respect, I am not persuaded that the tests for secondary consent should be applied by this Tribunal in the current proceeding, which is an application under section 87A of the PE Act.[26] There is no such direction in the provisions pertaining to section 87A. Instead, it confers an extremely broad power. It would also extend to amending the permissions granted by the permit (i.e. the preamble), as has been sought in the current proceeding.

197. Based on the above an amendment to a permit can consider changes that could not be contemplated by a new application for permit.

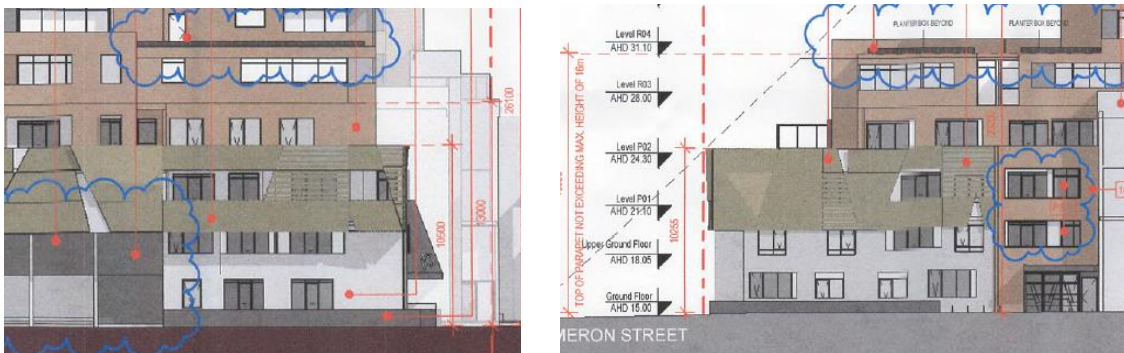
198. In accepting the above, the merits of the amendment needs to be determined.

Cameron Street – Building D

199. To understand the extent of change proposed it is important to review the building envelopes of both the existing approvals and that proposed to ensure that what is being proposed is not a transformation in form that would push the boundaries of an accrued right or make the outcome worse.

200. The image below outlines the endorsed plans for the portion of the site applicable to 42 Cameron Street which is included within the General Residential Zone 2 with a maximum height of 9m. The current endorsed plans show:

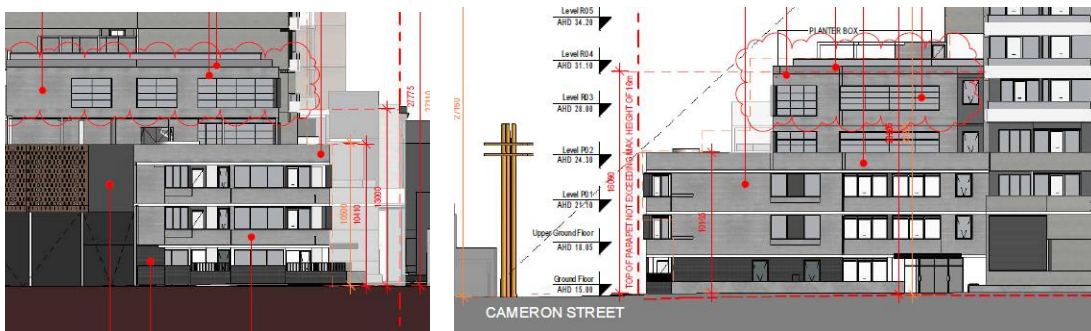
Site Coverage	100% - basement construction
Street setback	Generally setback 2m from Cameron Street, with sections built to the boundary at levels 1 & 2
Podium height	3 storey – 10.5m in height
Upper level setbacks	9m setback at the equivalent third floor increasing to 9.2m at the equivalent fourth floor.
Overall height	16 – 17 m to top of building – no plant in this section.



North and West Elevation of Building D - Endorsed Plans

201. In comparison, the proposed amendment can be described as the following:

Site Coverage	100% - basement construction
Street setback	Varying setback between 0.5m – 1.7m at ground floor with sections built to the boundary at levels 1 & 2
Podium height	3 storey – 10.4m in height
Upper level setbacks	9.2m to the equivalent of levels 3 & 4
Overall height	16 – 17 m to top of building – no plant in this section.



North and West Elevation of Building D - Amended Plans

202. In a general sense the envelope of the endorsed and that of the proposed amendment are comparable albeit a lesser setback is proposed at ground level. It is suggested to seek to reduce the scale or to address a garden area requirement as per the zone requirements would undermine the strategic importance of the broader site.

203. The design changes will be discussed later in the report.

204. In this context it is considered that the accrued right correctly allows for the site to continue to be developed in a similar manner to which it is already approved.

Bank Street – Building E

205. In a similar context Building E – Bank Street the amendments proposed amendment proposes no change (see images below). It is acknowledged that the height limit expressed within Schedule 1 to the GRZ zone has a height of 10.5m, however the proposed scale of the development remains comparable to surrounding building form.

206. No changes are proposed to Building E.



Endorsed Bank Street Building



Proposed amended Bank Street Building

Built form (Urban Design and Heritage)

- 207. When considering the design and built form changes proposed by the amendment, the most relevant aspects of the scheme are provided at Clause 15 (Built form and Environment), Clause 21.05 (Built Form), Clauses 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) Clause 22.10 Built form and Design Policy) and the more recently approved Design and Development Overlay – Schedule 21 (Bridge Road Activity Centre).
- 208. The suite of policy directed to built form outcomes support development that responds to its existing or preferred neighbourhood character with particular regard given to height, massing, street setbacks, relationships to the adjoining buildings and heritage.
- 209. When considering policy, the consideration needs to be limited to the proposed amendments only and not a complete reassessment of the application. The site already has an approval for a substantive redevelopment of the site which has commenced.

Context

- 210. The immediate site context for the site has not really changed since the original approval was granted in 2012. The broader context of the Bridge Road MAC has continued to be developed with numerous higher density developments being approved and constructed as described in the site and surrounds section of the report.
- 211. As outlined earlier, the approval already permits a significant development of the site and the proposed amendments seek to refine this existing approval.

Building Height Changes

- 212. As outlined earlier in the report, the proposed amendment seeks some minor changes to the heights of three of the buildings, Building A, B and D. The increases in height are outlined below:
 - (a) Building heights increased as follows:
 - (i) Building A – from 38.35 – 38.59m to 38.35m – 38.74m;
 - (ii) Building B – from 32.75m – 35.9 to 32.99m – 35.9m
 - (iii) Building C – No change - 25.78m
 - (iv) Building D – from 10.5m – 27.1m to 10.5m to 27.77m; and
 - (v) Building E – No change
- 213. DDO21 states the a preferred maximum building height of 40 metres and the proposed amendment still sits below this height limit.

- 214. The changes in height equate to variations between 0.15 – 0.67m. It is considered that these height changes will appear as insignificant variations when viewed holistically with the already approved scale of development of the site. These changes are considered to be inconsequential variations to this amendments and should be supported.
- 215. Variations in scale where directly interfacing with an adjoining property will be considered in the off site amenity section of this report.

Bridge Road Interface

- 216. To Bridge Road, the most visible change to the development can be described as:
 - (a) Architectural response to the two infill pieces of the Bridge Road streetscape;
 - (b) Modified architectural language to Buildings A and B
- 217. The images below show a visual comparison between the approved and proposed development.



Endorsed Development – Bridge Road



Proposed Development – Bridge Road

Bridge Road infill

- 218. To Bridge Road, the proposal continues to show 3 storey form presenting to the street with two laneway interfaces flanking the heritage building which divides the site.

219. The endorsed plans show a simplified building with more regular window punctuations with deep reveals and a simplified pallet of materials being mainly a light coloured brick. The two lead buildings with direct interface to Bridge Road are proposed to be clad in a white brick with chamfered corners at the laneway interface which appear to widen and mark the entry ways into the shopping centre. Forming the backdrop to the heritage building, the building is to be clad in red brick.



Endorsed Development Bridge Road

220. The amendment seeks to refine the design of the Bridge Road infill buildings with the window fenestration presenting a finer detailing with brick pilasters and deep window reveals to provide articulation to the three storey podium. The brick is proposed to be a light cream coloured brick similar to that already endorsed.



Proposed Development – Bridge Road

221. The backdrop to these buildings being Building A has also been redesigned with a finer detailing but has maintained a red brick base (unclear on the elevations and will need to be clarified by way of condition) with a red oxide finish to about level 6 – 7 which then transitions to a lighter off white colour (more details later in the report).
222. Council’s heritage advisor and urban designer are supportive of the design for the two new infill sections of building and how they interface with the central heritage former bank building.
223. Importantly Council’s DDO21 also provides clear design requirements which include:
- (a) *Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:*
 - (i) *Ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s);*
 - (ii) *Respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);*

- (iii) *Avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts;*
- (iv) *Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building;*
- (v) *Be articulated to reflect the fin grained character of the streetscape.*

224. When considering the above design objectives which seek to ensure new infill development complement and does not compete with the significant heritage building stock, both the heritage and urban design response support the refinements made to the design of these buildings.

225. A condition on permit will require the submission of thumb nail sketches of key elements of the proposal to detail the artisanship of the proposal are prepared to the same level of detail as those currently endorsed, this condition will remain on the permit.

Modified Architectural Language

Bridge Road Interface – Building A

226. Building A as endorsed presents a strong red brick base which would have been visible over the Bridge Road infill buildings and heritage building detailing a remnant industrial built form typology, with the upper most levels detailed on elevations as a white mesh aluminium clad with the lift core expressed as a concrete panel.



Endorsed Elevation – Building A



Endorsed Façade strategy

- 227. The proposed composition of Building A seeks to refine this elevation with finer vertical details extruded up the building. The vertical fins which run down the face of the building are detailed in a waterfall pattern which are horizontally divided at various heights across the face of the building.
- 228. Colour variation is still proposed but this is expressed horizontally with a red brick base, red brick colour oxide for the midrise section and a lighter off white colour for the upper most levels.



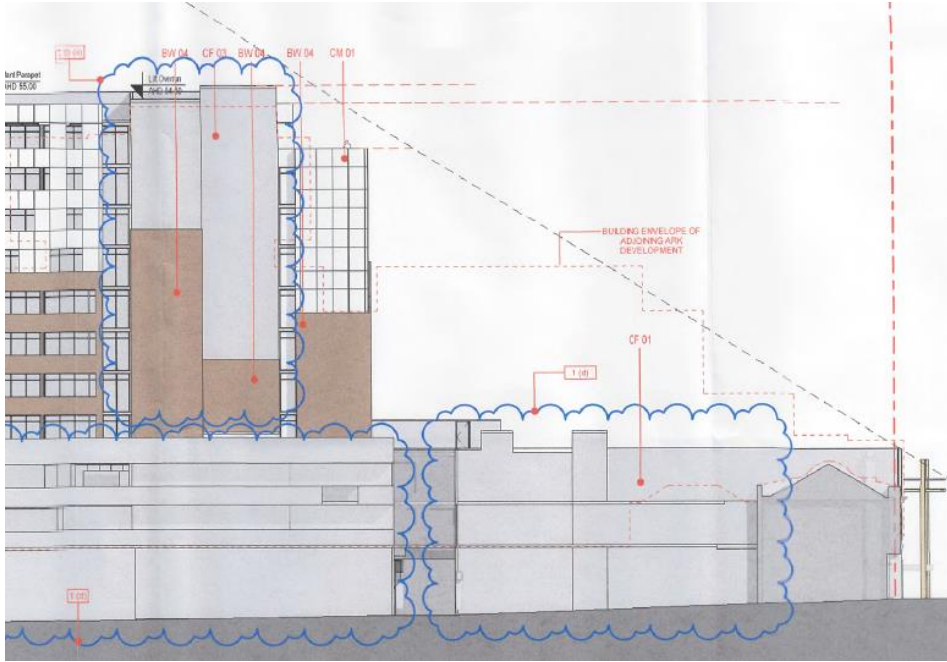
Proposed Building A - Elevation



Proposed Building A - Render

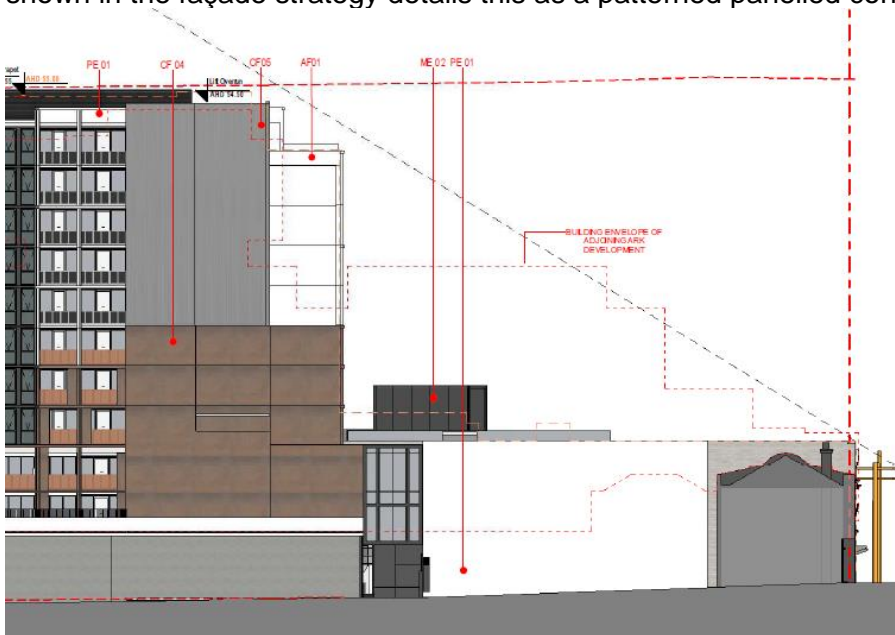
- 229. Council's heritage advisor raised concerns with the use of red brick and red brick oxide colouring at the lower levels however this colouring has already been approved in the earlier endorsed plans however is softer in appearance in the amended version through the change to a finer more vertical fenestration. Additional comments regarding colouring of the building and use of more bronze tones are not being recommended as the colour scheme is similar to what has already been approved and most relevant, these areas sit outside the heritage overlay.

- 230. Councils urban designer raised no issues with the modified treatment of the upper level of Building A, however did require more clarity around the materiality of the building and required additional thumb nail sketches to ensure the detailing of the building is correctly shown on plan, these were included within the application material and officers are satisfied that subject to conditions this presentation is acceptable.
- 231. The prominence of the lift core and its treatment from both the west and Bridge Road elevations, has always been an element which requires careful consideration.
- 232. The endorsed plans show to the west a combination of red brick and concrete finish in an irregular pattern.



Endorsed Plan – West Elevation

- 233. The proposed amendment elevation also shows a prominent lift core area treated in a patterned off white concrete finish with the lower level treated in the red brick oxide. The plan shows this as a primarily blank wall as shown in the image below, however greater details shown in the façade strategy details this as a patterned panelled concrete wall.



Proposed Amendment – West Elevation



Proposed Amendment – Western boundary render

- 234. It is suggested that elevations show greater detail to be consistent with the proposed design outcome depicted in the façade strategy.
- 235. Council's urban design raised a concern with the use of a paint finish labelled as PE01 and PE02, the durability of this material was questioned and a condition on permit will require the deletion of these materials and replaced with a more durable and integrated solution.

Bridge Road Interface – Building B

- 236. The presentation of Building B has also been modified. The building as endorsed presents a split external presentation of the building into two vertical elements. The western portion of the façade was to be a grey patterned concrete with geometric clear glazing, and a projecting framed element accents the building with a visible timber soffit lining. The eastern building presents as an aluminium clad building in a dark grey with clear glazing with a geometric slice through the façade accentuating the balconies which are treated in a different material.



Proposed Building B - Elevation



Proposed Building B – Render (South)

- 239. Council's urban designer queried the quality of the northern and southern ends of Building B and sought refinements to these end corner treatments.
- 240. In response, the permit applicant submitted additional material detailing the corner treatments as a direct comparison with what is currently endorsed.
- 241. The images below show this comparison



Endorsed Scheme (taken from original officers report)



Proposed response (south)

242. It is acknowledged that the shroud treatments have been deleted and replaced with dark grey metal hoods which include irregular tops to show a varied silhouette in the skyline. While it is acknowledged that Council's urban designer is seeking an ideal outcome, the design solution shown is a well resolved elevation and corner treatment which appropriately marks the corner of Bridge Road and Church Street.
243. To the northern end, the image below shows a detail of this end treatment as originally approved. The façade was punctuated with a series of slot windows which assisted to articulate this face of the building.



Endorsed Façade strategy (north)

244. The proposed amendment while expressing a similar building form has changed the articulation to being punctuated with three single rows of windows with the remaining presented as blank solid walls.



Proposed Building B – Render (North)

245. Council's urban designer is seeking greater permeability for this corner and while the suggestions go beyond additional punctuations, it is considered that the form of the building is acceptable, however, greater punctuation to this interface is required to better articulate this façade and will also improve natural daylight to these dwellings.
246. The applicant has submitted sketch plans which show additional punctuations to this elevation (see below).



Schematic Plans

247. It is agreed that this is an improvement to the elevation, but suggest that this treatment also be extended to the rear wing to further improve the articulation of this façade and improve the internal amenity of the dwellings. This will form a condition of any amended permit.

Church Street Interface – Building B

248. To Church Street, the most visible change to the development can be described as:

- (a) Building design of corner building (Church Street and laneway); and
- (b) Modified architectural language

249. The images below show a visual comparison between the approved and proposed development.



Endorsed



Proposed

Corner Building

- 250. The corner building in both the endorsed and amended application presents as a 3 storey commercial building with a height of 14.25 metres.
- 251. The amendment does include layout modifications to this building footprint through the straightening of the southern wall (previously jagged) but ostensibly the changes are design focussed and internally uses have changed to reflect its use as an office.
- 252. The endorsed plans show a sleek contemporary building being a standing seam, aluminium clad building in dark grey with feature glazing.



Endorsed

- 253. The amendment seeks to modify the design and shape of the building. The ground floor introduces additional solidity through grey bricks and glass with the upper level framed with dark grey metal with a serrated glazing edge.



Proposed

- 254. The proposed design treatment is an appropriate addition to the Church Street Streetscape and appropriately reflects the rectilinear forms in the area.

Building B

- 255. Building B proposes a change in the architectural expression of the building as presenting to Church Street. Both schemes show a 3 storey podium (ground floor commercial and two levels of residential above) and a tower form behind.

Building B Podium level

- 256. The original scheme shows glazed shop fronts at ground level interfacing with Church Street with the residential components above. The proposed material composition was red brick material above the glazed shopfronts with the two end pieces being an aluminium grey mesh finish where the building interfaces with Building C and the corner building.



Endorsed – Elevation



Endorsed - Render

- 257. The proposed design composition maintains the red brick podium albeit the design detailing deletes the decorative brick panelling and the aluminium grey mesh finish end pod and replaces this with a continuous red brick podium with decorative brick pilasters above a glazed shopfront level.
- 258. The canopy detail has also been simplified to present as a single horizontal canopy across the entire face of the podium.



Proposed – Elevation



Proposed - Render

259. While the presentation is similarly expressed, Council' urban design raised a concern with the repetition of the podium expression and wanted the entries into the shopping centre marked with double and or triple height architecture gestures.
260. It is acknowledged that the façade length to Church Street is long, however a similar podium has already been approved. In recognition of the urban design comments, the applicant has submitted sketch plans which show the:
- (a) The deletion of level1 & 2 horizontal beams in two sections to further divide the façade; and
 - (b) Introduction of two concrete planter in these locations to break up the brick banding and introduce new opportunities for planting along this façade.





Schematic Plans

- 261. The introduction of these two breaks in the façade successfully addresses the issue of a repetitive façade and is considered to be an appropriate response to the Church Street Streetscape. These proposed amendments will be included as conditions on any permit issued for the site.
- 262. The request for additional marking of entries is not considered appropriate. The typical streetscapes in Richmond do not include such architectural treatments and would appear as an intrusion to the streetscape. While signage is not being considered by this application, the careful placement of signage will clearly identify the entry into the shopping complex and can appropriately be design to complement the architecture of the site.

Building B - Tower

- 263. The endorsed tower above the podium details a roof silhouette reminiscent of industrial roof forms (skillion roofs). Feature shrouds mark the vertical alignment of the façade with each piece presenting a different brick in a grey or light grey colour, balconies are patterned concrete with clear glazing



Endorsed Elevation



Endorsed – Church Street

264. The tower element has retained the skillion roof form but has deleted the shrouds and replaced the upper level treatment with metal clad hoods. The lower levels are expressed horizontally with textured concrete and glass balustrades divided by a darker grey slot of windows.



Proposed – Elevation



Proposed - Render

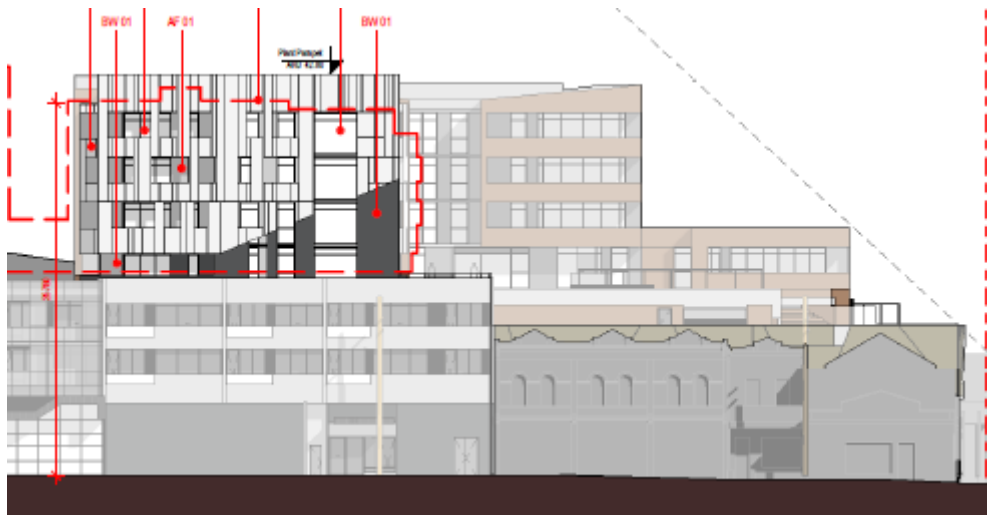
265. The façade strategy as depicted in the 3D image detail a well resolved building to the street. Conditions will require consistency between the montages and elevations to ensure the quality of built form.



Proposed – Design details for Building B

Building C – Podium Level

266. Building C is located towards the northern end of the site and sits adjacent to a row of Victorian two storey buildings and a part one and two storey building marking the corner with Cameron Street.



Endorsed - Elevation



Endorsed - Render

270. The amendment seeks both massing changes and fenestration changes. The envelope of Building C proposes to decrease the separation distance between Building B and C by 1m. The façade also seeks to be regularised and adopts the same corbelled column detail as shown in building A but in white with glass balustrades.



Proposed - Elevation



Proposed - Render

- 271. The composition of the tower is cohesive with the design composition of the development as a whole and is acceptable for its context. No issues were raised with this building by Council's urban designer.
- 272. One issue which is consistent with earlier comment by Council's urban design is the treatment of the north elevation which includes blank walls as a result of the stair and core area which are proposed to be treated with a paint finish. This will need to be amended to show a higher quality finish and treatment and this will be required to be amended via conditions on the permit.

Cameron Street Interface

- 273. To Cameron Street, the most visible change to the development can be described as:
 - (a) Building massing changes
 - (b) Modified architectural language
- 274. To Cameron Street, the proposal has always located the loading and services facilities for the site and a residential offer to the corner of Cameron Street and the laneway. The endorsed plans show this area as a unified façade at the upper podium level clad in a timber look material with the residential red brick tower above.



Endorsed – Elevations

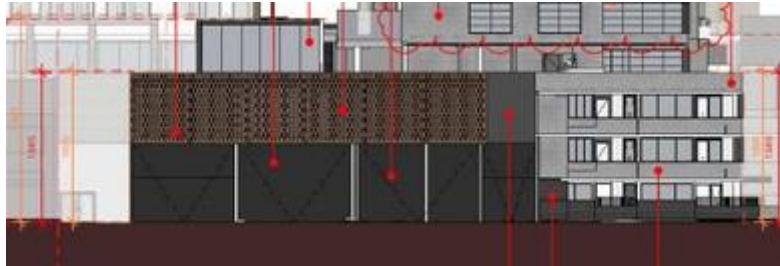


Endorsed - Renders

275. The amendment seeks minor changes to the massing of the building with the most obvious variation being to the design of this interface.

Cameron Street – Podium Building D

276. The function of the podium is not changing at ground level with the loading and other services occupying the eastern portion of the site, with an apartment offering to the western portion. At level 2, the endorsed plans show a communal terrace area with the upper level apartment offering continuing, the proposed amendment seeks to expand the communal facilities at this level.



Proposed – Elevations



Proposed - Renders

277. The eastern portion of the site being the ‘commercial’ space, is proposed to be treated with a decorative metal punctuated façade in a charcoal colour with perforated metal doors for all the loading and car parking areas.

278. The residential western component is proposed to be a grey patterned concrete building with horizontal banding facilitating the balcony and window punctuations. A brick plinth with planting proposes some privacy to the ground level apartments.

279. The laneway interface proposes greater openings, to facilitate improved surveillance of this space, but a review of the possibilities of overlooking will need to be reviewed later in the report.



Endorsed – Render



Proposed - Render

280. It is considered the podium presents as an acceptable response to Cameron Street.

Cameron Street – Tower Building D

281. The Cameron Street tower component of the development adopts a similar envelope to that already approved with some setback changes which will be considered under the off-site amenity impacts section of this report. The architectural language is proposed to be modified from a red brick to a light grey/white presentation similar to that of Building B.



Endorsed – Detail render



Proposed – Detail Render

282. The architectural changes is considered to be acceptable and sits well within the development language for the broader site. However, the treatment of the northern elevation as presenting to Cameron Street is not acceptable as it presents as a side age with little articulation at the upper levels other than 3 windows for a building width of 23.7m.
283. As shown below, the endorsed plans show an articulated presentation to this interface and this should also be continued in the proposed amendment.



Proposed - Elevation

Design Development Overlay 21 – Bridge Road Activity Centre

286. The DDO21 includes specific design requirements of Precinct 1 which require a design to respond to the following:
- (a) Retain visual prominence of heritage buildings in the streetscape and the significant 'High Street' streetscape in the vista along Bridge Road;
 - (b) Retain the visual prominence of the return facades of corner buildings;
 - (c) Be consistent in form, massing and façade treatment as existing upper level development (where this exists) for any upper level development behind rows of identical or similar residences;
 - (d) Maintain and reinforce the prominence of the street wall character of Bridge Road and Church Street;
 - (e) Maintain a sense of openness along Bridge Road and Church Streets;
 - (f) Respect the low scale existing development adjoining the activity centre;
 - (g) Provide a transition in height along Lennox Street and Church Street from the taller forms on Bridge Road to the adjacent low rise residential neighbourhoods.
287. When assessing the application for amendment against these design principles, the amended proposal continues to adopted these requirements, in response:
- (a) The proposal successfully maintains the visual prominence of heritage buildings by adopting a streetwall scale comparable to what already exists and significantly setbacks the taller forms;
 - (b) Incorporates laneways and sets back built form around the heritage building on Bridge Road so it can readily be read in the round;
 - (c) The upper level setbacks are consistent with those adopted by the ARK development;
 - (d) Adopts a strong podium / streetwall along both Bridge Road and Church Street.
 - (e) Incorporates setbacks from both Bridge Road and Church Street at the upper levels;
 - (f) The scale of development on the site is commensurate with the site's strategic importance while addressing lower built form interfaces; and
 - (g) Appropriately transitions in scale across the site.
288. With some minor changes to the plans, it is submitted that the amendments proposed to the built form show an improved design response for the site.

Landscape architecture

289. The proposal includes significant landscaping as part of the development, the majority of which is within the private realm of communal terraces.

290. The plans were again referred to Council's open space unit who subject to minor conditions are generally satisfied with the plans. It is noted however that a number of the conditional requirements of the landscape condition have not been met and therefore will be retained on the permit.
291. The applicant has responded to queries raised by Council's open space unit and these will be the basis for additional conditions on the permit.
292. Council's internal urban design unit and City works unit have requested the following changes to improve the public realm surrounding the subject site, comment is provided where required.

(a) *Upgrade of the laneway adjacent to 267A Bridge Road to sawn bluestone;*

Comment: - this already forms a condition of the permit and shown as sawn bluestone on the endorsed plans and therefore will be required to be met.

(b) *Concrete wall providing protection between laneway and walkway (west of 267A Bridge Road) to be replaced with tree with a clear trunk to provide adequate clearance;*

Comment: - it is recognised that this area serves as dual purpose and that the concrete upstand provides multiple uses including serving as a safety barrier, however the current endorsed landscape plans show some landscaping in this area, a condition on permit will require some planting in this location.

(c) *East pedestrian laneway, two types of paving are proposed, suggest keeping this as one material (sandblasted concrete) to keep this place flexible or have a similar pattern of concrete and bluestone as the walkway to the west.*

Comment: - the current arrangement presents an appropriate design response with a mix of sawn bluestone and sandblasted concrete – no change required

(d) *New street tree to Bank Street to be placed with roadway similar to existing trees;*

Comment: - This will form a condition on the permit

(e) *Laneway from Cameron Street treatment to the southern end.*

Comment: - bollards already exist to this end, a condition on permit will require replacement of bollards to the laneway in consultation with Councils engineering unit.

(f) *Bank Street Pedestrian walkway to accommodate DDA access between trees and seats, suggest repositions seat in this walkway to provide DDA access.*

Comment: - Applicant has agreed to remove seating, it is noted that the advice was to reposition the seating not to delete and a condition will require the repositioning to facilitate DDA access.

(g) *Vehicle laneway off Bank Street and Cameron Street be constructed with sawn bluestone to provide consistency.*

Comment: - Officers agree that this area should be treated in bluestone as currently shown on the endorsed plan

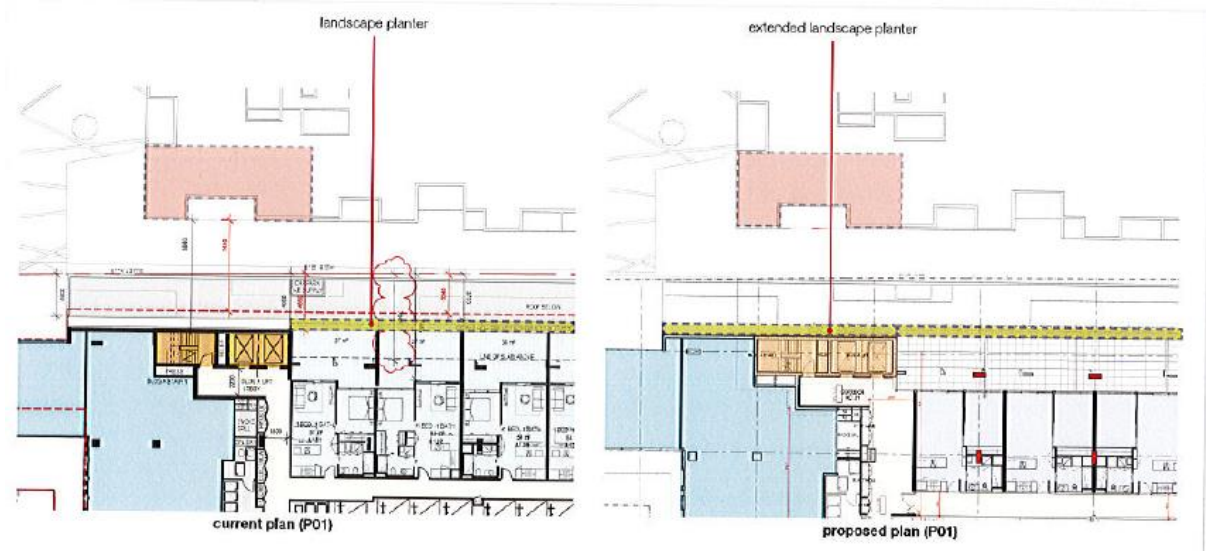
(h) *Cycling parking within the forecourt should be better aligned along the edge of the property boundary*

Comment:- A condition on permit will require the landscape plan to clearly show the number, location and style of publically accessible bike hoops in consultation with Council's sustainability unit

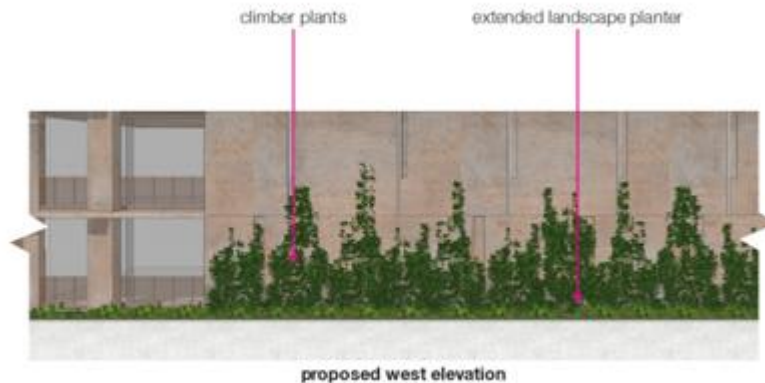
(i) *The Church Street loading bay is located along the easement E-1 as indicated on the Title plan (PC378284L). The area is to be constructed in sawn bluestone paving in accordance with Yarra Standard drawing YSD-416 and the attached drawing 'Sawn Bluestone – Paving section for road pavement'.*

Comment: - The loading area has been consistently shown on the plans in this location and the current endorsed plans show this area treated in sandblast concrete paving. It is considered reasonable that his material continue to be used.

293. Schematic plans also submitted by the permit applicant (dated 24 March 2020) responding to concerns raised in an objection regarding outlook from an apartment in Ark seek to increase the perimeter landscape strip along the western boundary along the core and office tenancy at Level 1.



Proposed change to landscape plan



Proposed schematic Plan showing climbing plants

294. It is considered that this minor change can readily be accommodated as depicted in the images about and should form a condition of the landscape plan.

Environmentally Sustainable Design

295. Policy requires the redevelopment of a site located in an existing built up area should make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduces reliance on private vehicles. Additionally, 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 maintenance.
296. The applicant submitted a Sustainable Management Plan and Daylight availability Assessment prepared by ADP Consulting.
297. Council’s ESD officer reviewed the documents and raised a number of concerns with the submitted information. A meeting was held to discuss the concerns and a revised package of material was submitted to Council on 28 February 2020 for further review.

- 298. Nine issues were raised in the original comments most of which are addressed with the additional information submitted.
- 299. Schematic plans submitted on 19 March 2020 further addressed outstanding concern regarding natural light and ventilation to corridors which was also raised by Council’s Urban Designer. These schematic plans changes some internal layouts to improve the amenity of the dwellings.
- 300. The proposed schematic propose the following changes:

(a) Inclusion of skylights to levels 1 & 2 Building B



(b) Extension to Building C corridor to facilitate light and ventilation through a new light court



- 301. It is considered that these schematic plans improve the application plans and will form condition of the permit.
- 302. Additionally, an updated report confirming all ESD targets will be required by condition on any permit issued.

On site amenity – Clause 58

- 303. As outlined in the policy section of the report, pursuant to clause 34.01-4 of the Scheme, transitional provisions apply to Section 72 applications meaning clause 58 – Apartment developments does not strictly apply. The applicant has however provided information to show how the amendment addresses many of the elements of Clause 58 and therefore a brief assessment is outlined below.
- 304. This particular provision comprises 27 design objectives and standards to guide the assessment of new residential development. Given the site’s location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

Standard D1 – Urban context

305. Already discussed within the Built Form and Design section of this report. The standard and objective is met.

Standard D2 – Residential Policies

306. Already discussed within the Strategic Context section of this report. The standard and objective is met.

Standard D3 – Dwelling diversity

307. The proposal is providing a mixture of one, two and three bedroom dwellings. The standard and objective is met.

Standard D4 - Infrastructure

308. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The standard and objective is met.

Standard D5 – Integration with the street

309. The proposed development adequately integrates with the street.
310. To Bridge Road and Church Street, the interface with the street is a commercial one with shopfronts, with residential lobby interfaces either accessed from a laneway or direct to the street.
311. To Cameron Street, where not used for loading facilities, Building D includes two ground floor dwellings which interface with the street (small front courtyards). The remainder of the dwellings are accessed from a lobby area via the laneway.
312. To Bank Street, dwellings EG.01 –EG.03 all have direct access to the street with a lobby area visible from Bank Street providing access to the dwellings above.
313. Above the ground floor, the proposal incorporates glazing and private open spaces facing out onto all street frontages which provides passive surveillance.
314. Overall, the proposal complies with both the standard and the objective.

Standard D6 – Energy efficiency

315. As already outlined, Council's, ESD officer was satisfied with the submitted Sustainability Management Plan (SMP) and Daylight Availability Assessment. In response to concerns with some aspects of the development, a modified SMP and Daylight report will be required addressing the submitted sketch plans and updated information.

Standard D7 – Communal open space

316. The proposal provides approximately 3,200sqm of communal open space. This is provided in one main area located on level 3 and supplemented by two north facing courtyards on levels 2 and 4 of Building D (orientated to Cameron Street), well exceeding this requirement.
317. The main communal open space area allows for the passive surveillance of the internal areas of the site as it forms part of the internal connections of all the buildings. External to the dwellings are the two north facing communal terraces.
318. The internal facing dwellings are orientated towards the space and the upper levels have windows and balconies which have downwards views. This meets the objective as they are accessible, practical, and attractive (subject to landscape plan conditions), easily maintained (subject to landscape plan conditions) and integrate with the layout of the development.

Standard D8 – Solar access to communal open space

319. The standard requires that:

- (a) The communal outdoor open space should be located on the north side of a building, if appropriate.
- (b) At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

320. The standard is met, the proposal incorporates approximately 1,000sqm of north facing open space which will be unencumbered by shadow. The larger communal open space area will have some areas which would also meet this standard.

Standard D9 – Safety

321. The Standard is as follows:

- (a) Entrances to dwellings should not be obscured or isolated from the street and internal accessways.
- (b) Planting which creates unsafe spaces along streets and accessways should be avoided.
- (c) Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal access ways.
- (d) Private spaces within developments should be protected from inappropriate use as public thoroughfares.

322. The proposal includes a total of 6 residential lobby's, each will be discussed in turn:

- (a) Building A - Two lobby areas accessed off the Bridge Road lane, both these areas have 24hr public access and lighting details for this space will continue to form a condition of the permit;
- (b) Building B – Lobby accessed from Church Street through concierge space/ home leasing office;
- (c) Building C - Lobby accessed from Church Street;
- (d) Building D – Lobby accessed from laneway off Cameron Street, built form is setback from the laneway so a clear line of sight to the street is available (see image below), additionally, lighting details for this space will form a condition of the permit, additionally, two dwellings will have direct access from Cameron Street;



- (e) Building E – Lobby accessed from Bank Street and 3 dwellings with direct access from Bank Street.

Standard D10 – Landscaping

- 323. Landscaping is not a strong feature of the Bridge Road or Church Street character.
- 324. To Cameron and Bank Streets where small front courtyards are common, landscaping has been incorporated.
- 325. On a broader scale, the 3,200qm of communal open space proposes detailed landscape plans which have (subject to some minor additions) been supported by Council's Open Space unit.

Standard D11 – Access

- 326. All car access is from a single point located to Cameron Street.
- 327. Loading facilities are mainly concentrated to Cameron Street with some loading occurring from Bank Street and off a ROW from Church Street.
- 328. The Standard and Objective is met.

Standard D12 – Parking location

- 329. The proposal includes one basement level and 2 podium levels of car parking. Accessing parking is via the ingress and egress point from Cameron Street. There are multiple options for stair or lift access from the parking spaces up to the apartment levels.
- 330. This complies with the objective and the standard.

Standard D13 – Integrated water and stormwater management

- 331. The plans show a total capacity of 80,000 litre rainwater collection tanks located in the basement. The accompanying SMP states that this is sufficient to meet 90 – 93% of the combined irrigation and retail/office toilet flushing demand for the development. An existing condition of the permit requires a total. The current endorsed drawings show 100,000 litre rainwater tank capacity is required to be shown on the plan. This will remain as a condition of the permit.
- 332. The STORM score provided within the SMP achieved a score of 132%, which is in line with the policy direction under clause 22.16 – Stormwater Management (Water Sensitive Urban Design). This complied with the objective and the standard.

Standard D14 – Building setbacks

- 333. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views.
- 334. As outlined earlier in this report, subject to conditions, the height and massing of the building are considered to achieve an acceptable design response to the character of the surrounding area.
- 335. All dwellings have outlook, some with dual aspect and either face a street, a side boundary (set back) or face internal to the site. Building separation where they interface with another site are generally in the order of 9.3 – 10.5m to the west, 2.45m to the south (from level 4 and above) and 5.9m to the north providing a good level of separation between buildings. This will be discussed in more detail below.
- 336. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views.
- 337. The subject site has sensitive interfaces to the west of Building A; north of Building E; west of Building D; eastern interface Loading Area and north of Building C, each interface will be discussed in turn in the off site amenity section of this report.

Standard D15 – Internal views

- 338. The internal separation of the buildings is as follows:

- (a) Building A & B is approximately 13m;
- (b) Building A & D – 10.5m;
- (c) Building D & C – 8.4m
- (d) Building B & C – 8m

339. Based on the above separation distances, there appears to be the potential for windows and balconies to overlook private open space. This will be required to be addressed by way of condition as well as compliance with this objective.

Standard D16 – Noise impacts

340. The amendment was accompanied by an acoustic report prepared by Acoustic Logic in response to condition 15 of the permit. Council sought a peer review of the report by Marshall Day Acoustic who required clarification regarding a number of aspects of the report.
341. The permit applicant responded with a letter and updated report dated 16 January 2019, which provides some additional information.
342. A condition on any permit issued will require an amended acoustic report.

Standard D17 – Accessibility objective

343. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide:
- (a) A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;
 - (b) A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;
 - (c) A main bedroom with access to an adaptable bathroom;
 - (d) At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.
344. As outlined earlier in the report, the provisions of clause 58 are not applicable to this application, however condition 1(uuu) requires a minimum of 33% of the dwellings to be shown as including internal layouts supporting adaptation for persons with limited mobility.
345. Plans have been submitted which shows that based on schematic typical Apartment types 138 apartments could be adapted being 37% of dwellings being an increase of 4% from the previously endorsed development. It is acknowledged that this is less than the 50% required by this standard, however is greater than the 33% required by the condition of the permit. As the development is not required to meet these standards, a condition will not require the 50% compliance.

Standard D18 – Building entry and circulation

346. The proposal incorporates 6 residential entries into the complex. All are considered to have an acceptable level of visibility and safety subject to some additional details regarding lighting.
347. Within the development, apartments will have their own entry at each level which will be directly accessible from lifts or stairs.

Standard D19 – Private open space

348. Of relevance to this development, a dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that:
- (a) A Studio or one bedroom dwelling should have access to a balcony with a minimum area of 8sqm and a minimum dimension of 1.8m, with convenient access from a living room.

- (b) A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room.
- (c) A three (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.

349. The applicant submitted schematic apartment layout addressing internal amenity concerns raised by Council's consultant urban designer, these did not include a BADS compliance schedule and so compliance with standard has been approximated.

- (a) 79% of the apartment comply with both the minimum area and minimum dimension requirements;

350. It is reiterated that compliance with clause 58 is not required.

Standard D20 – Storage

351. Of relevance to this development, the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:

- (a) A studio dwelling should have a total minimum storage volume of 8 cubic meters with a minimum storage volume within the dwelling of 5 cubic metres
- (b) A one bedroom dwelling should have a total minimum storage volume of 10 cubic meters with a minimum storage volume within the dwelling of 6 cubic metres
- (c) A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of 9 cubic meters.
- (d) A three (or more) bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.

352. Storage cages are shown in the basement, mezzanine level, and both level 1 and 2 car parking area. Condition 1(rrr) require provision of an average 4 cubic metres of storage, this was a figure accepted by VCAT. The floor layouts show that storage is also provided for within the cabinetry of the dwelling.

Standard D21 – Common property

353. The common property areas within the development are generally clearly delineated and would not create areas which were difficult to maintain into the future. The lobby and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

354. Condition 1(mmm) also require a plan to show all publically accessible areas.

Standard D22 – Site services

355. Services are located in different locations within the site with some facing the street and some being internal. Locations are all easily accessible and maintained. A new substation continues to be shown to Church Street.

Standard D23 – Waste and recycling

356. The applicant's Waste Management Plan (WMP) prepared by Leigh Design dated 15 October 2019 was assessed by Council' Waste Management Unit as acceptable. A condition will required compliance with this updated report.

Standard D24 – Functional layout

357. This Standard requires that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this). Living area dimensions (excluding dining and kitchen areas) should have a minimum width of 3.3m and a minimum area of 10sqm for a Studio or one bedroom dwelling and minimum width of 3.6m and minimum area of 12sqm of two or more bedrooms.

358. As previously noted, apartment type plans have been submitted but no BADS schedule. A review of the layout plans show:
- (a) Of the 23 types of 1-bedroom apartments, 3 typical layouts don't comply with either the bedroom or living room dimensions being type 1B, 1K, and 1L;
 - (b) Of the 20 types of 2-bedroom apartments, 5 typical layouts don't comply with either the bedroom or living room dimensions being type 2E, 2F, 2K, 2N and 2Q;
 - (c) Of the 8 types of 3-bedroom apartments, 2 typical layouts don't comply with either the bedroom or living room dimensions being type 3B and 3G;

359. As these controls do not apply to the site, on balance this is an acceptable outcome.
Standard D25 – Room depth

360. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height; the depth can be increased to 9m if the room combines the living, dining and kitchen with the kitchen being the furthest from the window, and finished floor level to ceiling is 2.7m
361. There are multiple single aspect habitable rooms within the development and no information regarding the proposed ceiling height. The sections show an internal ceiling height of 2.7m, approximately of the 51 apartment types only 5 don't appear to comply with this requirement being (type 1H, 2A, 2E, 2J and 3D).

362. As these controls do not apply to the site, on balance this is an acceptable outcome.
Standard D26 – Windows

363. All habitable rooms within the proposed development contain a window within an external wall to the building, except for 9 of the dwellings within Building E, these layouts have already been approved and no change is proposed to the layout of Building E.

Standard D27 – Natural ventilation

364. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.
365. This information has not been submitted although there are a number of dual aspect apartments proposed within the complex.

Off site amenity

Interfaces

366. The subject site has a number of sensitive interfaces including:
- (a) west of Building A,
 - (b) south of Bridge Road podium levels
 - (c) north of Building E,
 - (d) west of Building D; and
 - (e) eastern interface to Loading Area.
367. However, the context of the site and its immediate interfaces with Commercial 1, Mixed Use and some residential land tempers amenity outcomes due to their location abutting the Bridge Road MAC and a strategically important site zoned Commercial 1.
368. The policy framework for amenity considerations is contained within the decision guidelines of the Commercial 1 Zone, clause 15.01-2S (Building Design) and clause 22.05 (Interface uses policy). Clause 55 of the Scheme (Rescode) provides some guidance on these matters (although not strictly applicable). Whilst Clause 22.05 applies to this proposal, the policy is mainly centred on impacts from a mixture of uses, eg commercial use impacts onto residences, or new dwelling impacts onto commercial areas.

369. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Zone.
370. The appropriateness of the setbacks and walls on boundaries provided in this instance need to be considered within their strategic context, being located within a Commercial 1 Zone (previously Business 1 Zone) and adjacent to a MAC. This issue was discussed within the Tribunal decision *Phillip Crouch Architects v Bayside CC [2009] VCAT 2719 (21 December 2009)*. The following statement was made:

[16] It is normal in commercial developments within a Business 1 zone to build to the boundary, as there are no side or rear boundary setback requirements. There is no site coverage or setback requirements specified for developments located in Business 1 zones and 100% site coverage or 'boundary to boundary' developments are not uncommon on commercial land in strip shopping centres.

371. Following on from this, there would be an expectation within this area that buildings would include on-boundary walls and limited setbacks, particularly as this area is earmarked for higher density developments.
372. The issue of impacts to residential land in the instance where it abuts a commercial zone has been discussed many times at VCAT, one such decision (*Calodoukas v Moreland CC [2012] VCAT 180*) made the following comments:

[13] I accept the well established view that interface properties, on which ever side of a zone boundary, have different opportunities and constraints than sites well removed from zone boundaries. Owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas. This is explicitly recognised in planning policy as evidenced by the many references to commercial development maintaining and enhancing residential amenity and interfaces.

373. Additional to the above, as the application is an amendment to an already approved development, the starting point for consideration is the impact of the already approved development and what impact the amendment would have, if any, to these interfaces are these impacts acceptable.

Western interface – Building A

374. The ARK development presents 9 levels of dwellings towards the subject site, many of which have sole outlook towards the subject site with balconies and habitable room windows, having a direct interface with setbacks in the order of 3.5 – 5m (bedroom edge) to 5.5 – 7.5m living room edge behind balconies from the common boundary (see image below showing interface with the subject site prior to its demolition).



375. The council report for the original application outlined the following assessment for this interface which is still relevant to this application:

'To the south-west, the ARK development has adopted a podium and tower configuration, being the same typology as is proposed in this instance. The proposal has considered the impact on the adjacent site through a three storey podium and 3.3m to 8.6m tower setbacks from the west title boundary.'

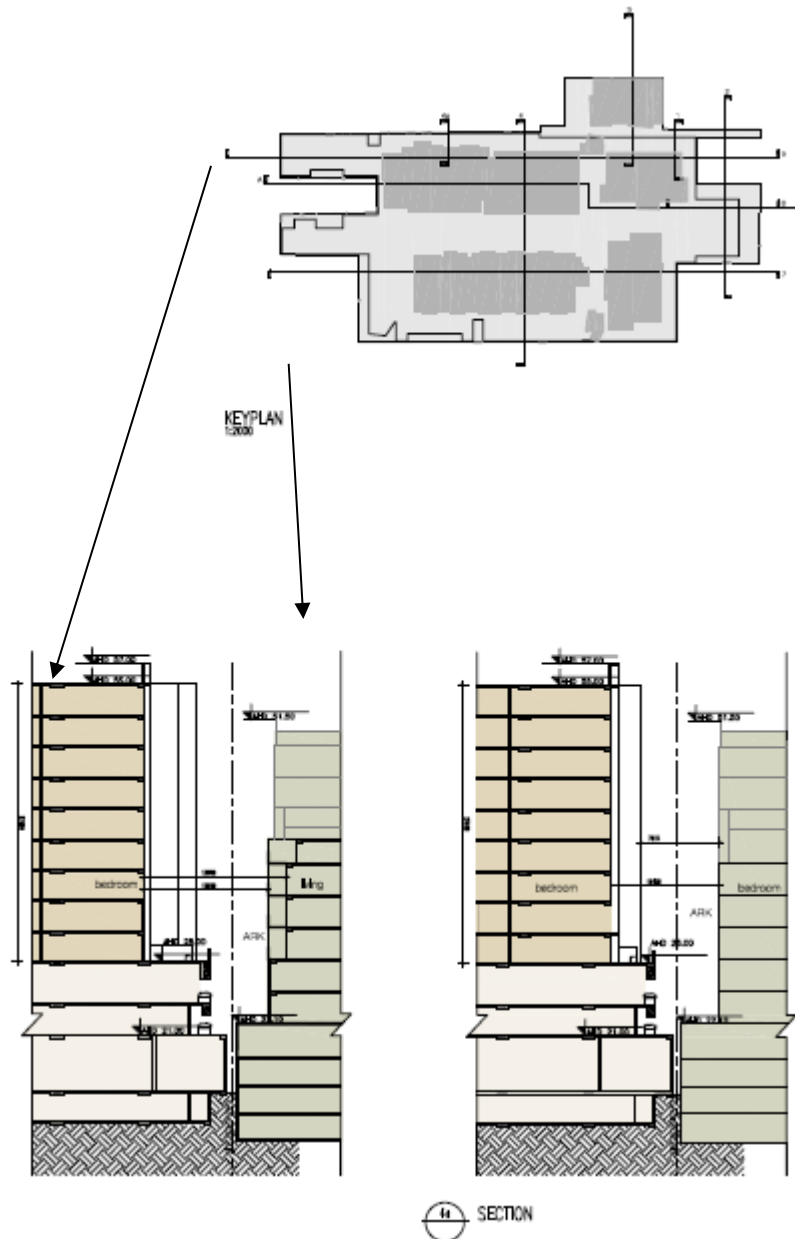


Figure 19: Section through building A (proposed) and ARK (TP-30, Revision 1)

It has been established that a 4.5m side boundary setback was envisaged by VCAT for the ARK development and any future development of the Richmond Plaza site. This would ensure a reasonable separation between towers so that residents could enjoy reasonable daylight levels without the need for extensive screening (preventing overlooking). In this instance, apart from the lift core with a 3.3m west boundary setback, the development has offered setbacks exceeding the minimum 4.5m approach.

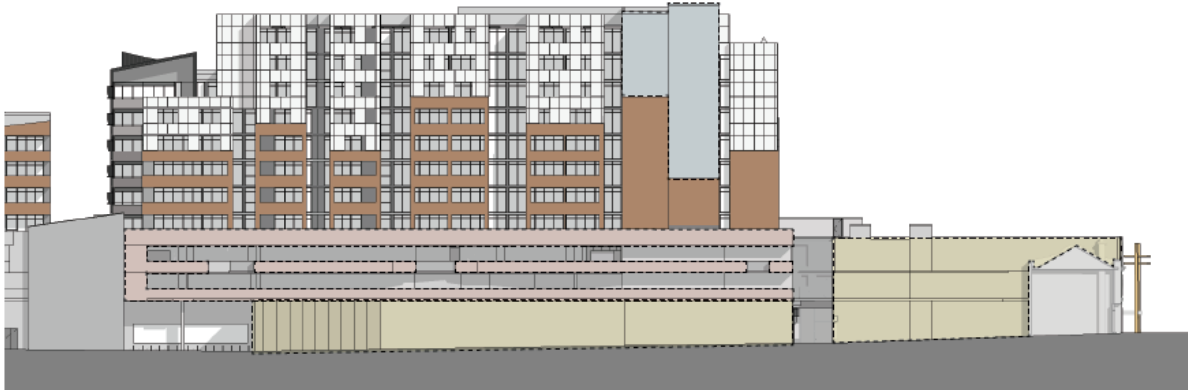
The ARK development presents 9 residential levels towards the subject site, with many adjacent dwellings having a sole outlook towards Richmond Plaza. The setbacks proposed range from 10.4m to 12m (building edge to building edge), with the setbacks to habitable living spaces within the ARK development increasing to as much as 13.8m in some instances given their positioning behind balconies.

The exception to the minimum 9m suggested 'test' established in the ARK VCAT decision is the proposed lift core, which is setback 7.6m from ARK (or 3.3m from the shared boundary). However, the lift core is only 6m long and is adjacent to a segment of two units across each of the lower levels of the ARK development (as opposed to extending the full extent of only one adjacent dwelling).

This ensures that the encroachment is minimal and will not unreasonably impact the amenity of adjacent dwellings, which for most part, enjoy setbacks ranging from 10.4m to 13.8m.

Many objections raised issue with a loss of views from the ARK development. Council's Urban Design comments confirmed that there is '...no support in the planning scheme for such a proposition and the matter of view protection has been discussed and rejected in areas of significant change such as Major Activity Centres in previous VCAT matters'. This statement is correct and the issue of loss of view will not be considered as part of this assessment.

376. The interface with Ark has changed with the most obvious change being the introduction of apartments at levels 1 & 2 which previously was the car park edge.

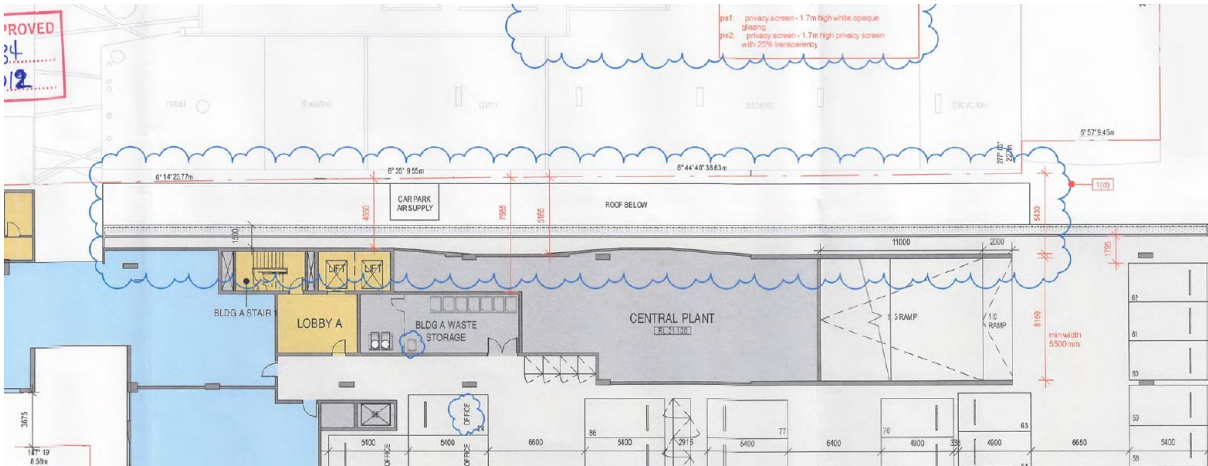


Endorsed - Ark Interface

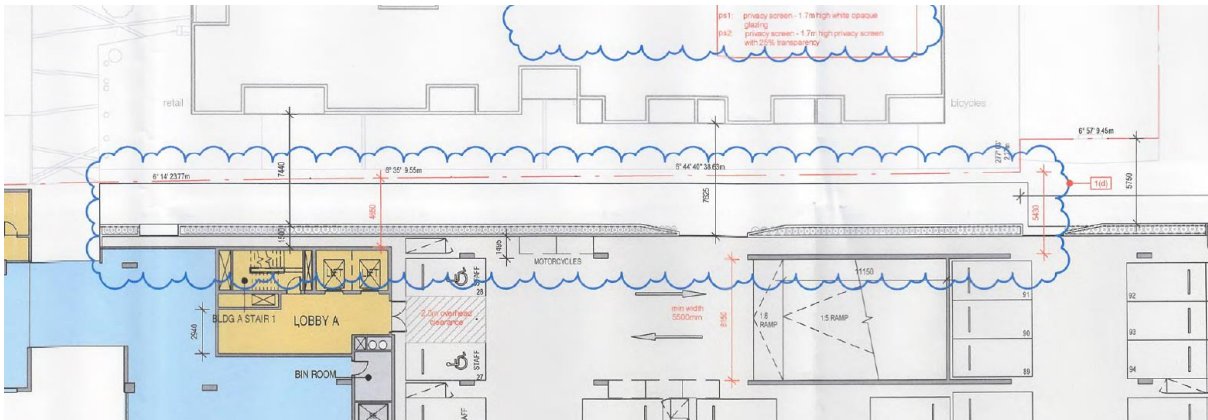


Proposed – Ark interface

377. As endorsed, the interface with the Ark at Level 1 shows a separation distance from the boundary of between 3.1m to planter edge increasing to 4.5m. This increases at level 2 where the current plans show a separation distance of between 7.4 - 7.6m to car park edge with a landscape planter projecting into this setback. The setback to the stair and lift core increased the separation by another 1.5m

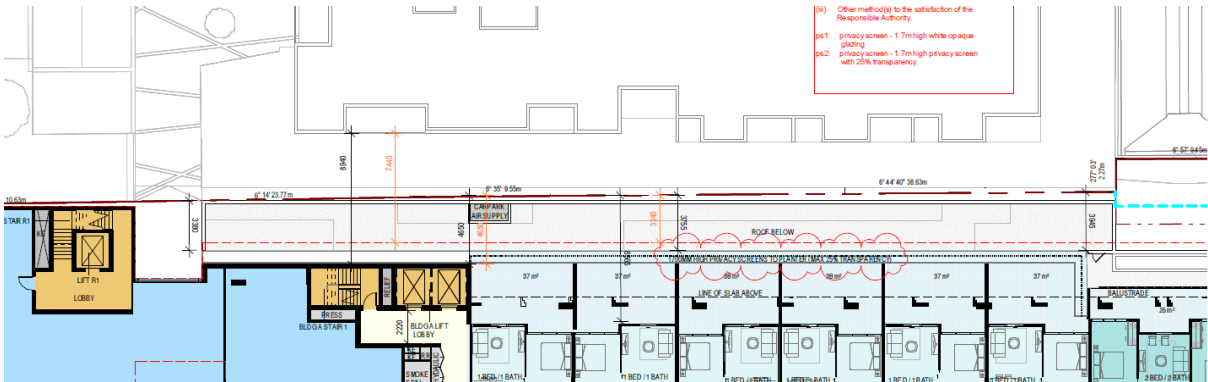


Endorsed – Level 1



Endorsed – Level 2

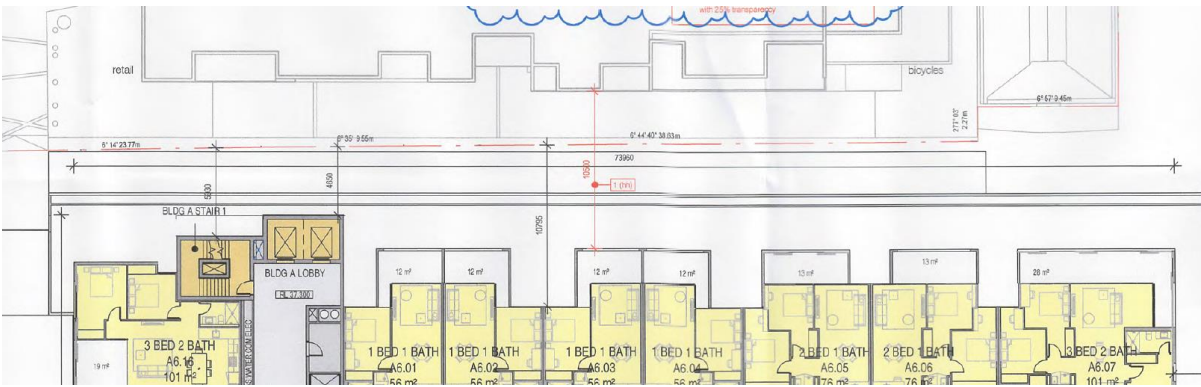
378. The setbacks proposed by the amendment seeks to increase the minimum setback to the boundary is 3.7m with deep terrace areas interfacing at this level. This separation distance moderately improves the interface with Ark while providing an acceptable level of amenity to the new row of apartments. The separation distance between apartments is approximately 8.9m.



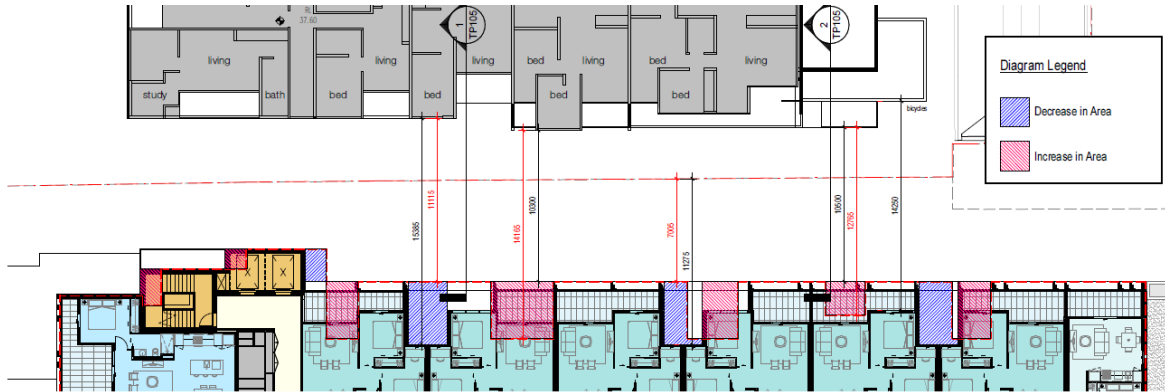
Proposed - Level 1

379. As discussed earlier, through discussions with an objector owner of an apartment in ARK, the proposed landscaping strip proposed at the balcony edges will be extended to along the core and office area. A condition on any permit granted will require this change.

380. At Level 2 the separation distances increase to vary between 8.9 – 10.6m which is an improvement to the existing setback levels and affords a good level of amenity to the proposed new apartments.



Endorsed Plan

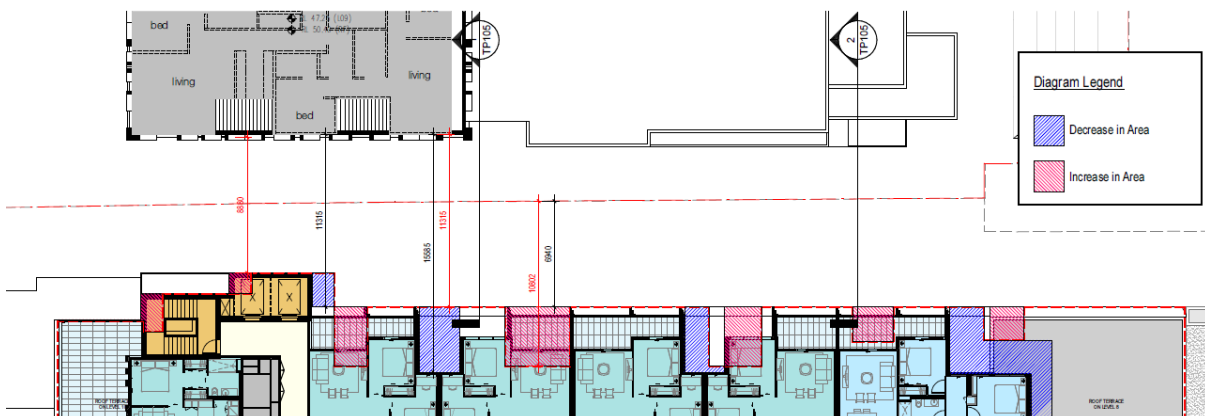


Proposed Plan

384. The amendment seeks to generally maintain this separation with the decorative corbelling treatment to the façade projecting in this setback by 200mm. Again there is some variation to the articulation for this interface but the general separation distance is maintained.

Level 7

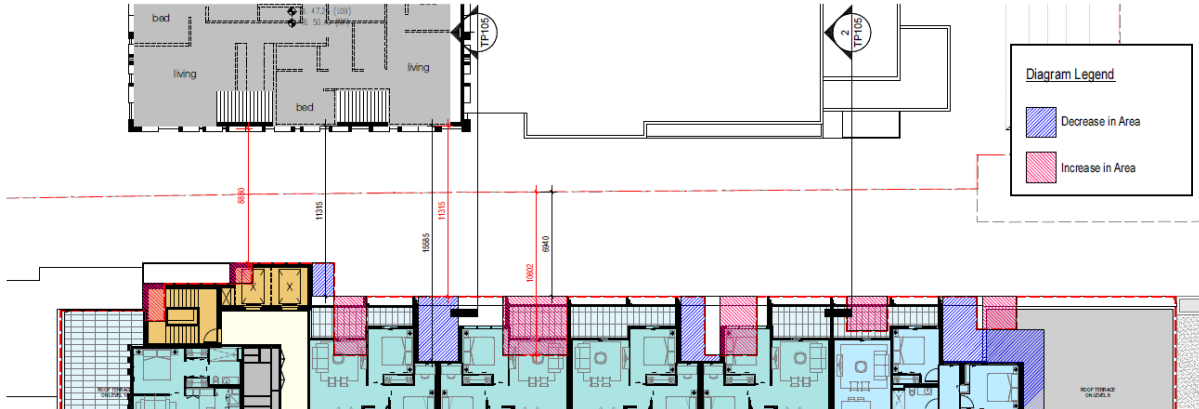
385. At this level, the ARK apartment constrict to a smaller dual apartment footprint. Again the approved development typically has separation distances 8.8m for the lift core and increases the setback for the remaining section of building to 10.5m. The amendment seeks to project into this setback by 200mm for the decorative corbelling of the building but otherwise again the only changes are to the articulation of this façade being placement of balconies and building edge.



Proposed Plan

Level 8 - 10

386. At these levels, the ARK apartment constrict to a smaller dual apartment footprint as outlined at level 7. Again the approved development typically has separation distances of 8.8m separation for the lift core and increase the setback for the remaining section of building to 10.5m. The amendment similarly is setback as described at Level 7.



387. The proximity of dwellings to the Coles common boundary was a concern raised by Council at the VCAT hearing which determined the ARK development. In the decision (*Cremorne Corporation Pty Ltd v Yarra City Council 2008*) the Tribunal clearly acknowledged this concern and adopted an approach that the 9 metres separation distance could be achieved and in principal set out that as the Coles site was the larger parcel that it could readily accommodate additional setbacks to achieve this.

- 63. *The council and Richmond Plaza argue that the east side setbacks proposed do not provide for an equitable sharing of development opportunities between the site and the Plaza's land. Essentially it was argued that a 4.5 metre setback to the edge of walls and balconies should be provided on this site, replicated on the Richmond Plaza site so as to achieve the desired 9 metre separation between dwellings, a concept that accords with some of the standards set out in clause 55.*
- 64. *The Guidelines for higher density residential development include the objective 2.6 w
To ensure areas can develop with an equitable access to outlook and sunlight.*
- 65. *Design Suggestion 2.6.1 under this objective is:
Consider the possible future development of adjoining sites and allow, as best as possible, or [sic] an equitable spread of development potential throughout the area.*
- 66. *Essentially, the above support the notion of equity with respect to the potential for sunlight access and outlook and that new development not unduly prejudice their availability to another site.*
- 67. *We have little doubt that the Richmond Plaza site is also ripe for redevelopment given its size, corner location and context. However, save for the balconies at the lowest residential level that come to about 1 metre off the common boundary, we are satisfied that the proposal has made enough effort to setback from its neighbour. As indicated by Ms Ring these balconies can be reduced so as to provide greater separation, to say 3.35 metres, like the levels above.*
- 68. *The notion of equity does not in itself mean equal. The reality is that expectations as to what can be achieved from site to site varies. For example, we do not apply the standards of clause 54 for the redevelopment of small inner suburban lots in the same way as they may be applied to a larger site. The site size, proportion and context all come into play.*

69. *What is to happen on the Richmond Plaza site is unclear. However, as this is a larger site, much wider than the subject site and having the added benefit of a corner location, we do not think that the development potential of the site would be unreasonably prejudiced by this proposal. There is plenty of room to move. Rather, the expectation that all sites contribute equally, as opposed to equitably, may well stifle the development potential of smaller, narrower sites.*

We do not accept that this is an outcome that is consistent with the intent of the objectives of the Guidelines for Higher Density Residential Development.

388. In most part, the separation distances have generally remained consistent. It is considered that the proposed amendment presents an acceptable interface with the ARK apartments.

Southern interface – Podium levels

389. The southern interface with the subject site is the individually significant former bank building at 267 Bridge Road. At the first floor is a centrally located terrace which wraps around part of the site extending along the eastern boundary.

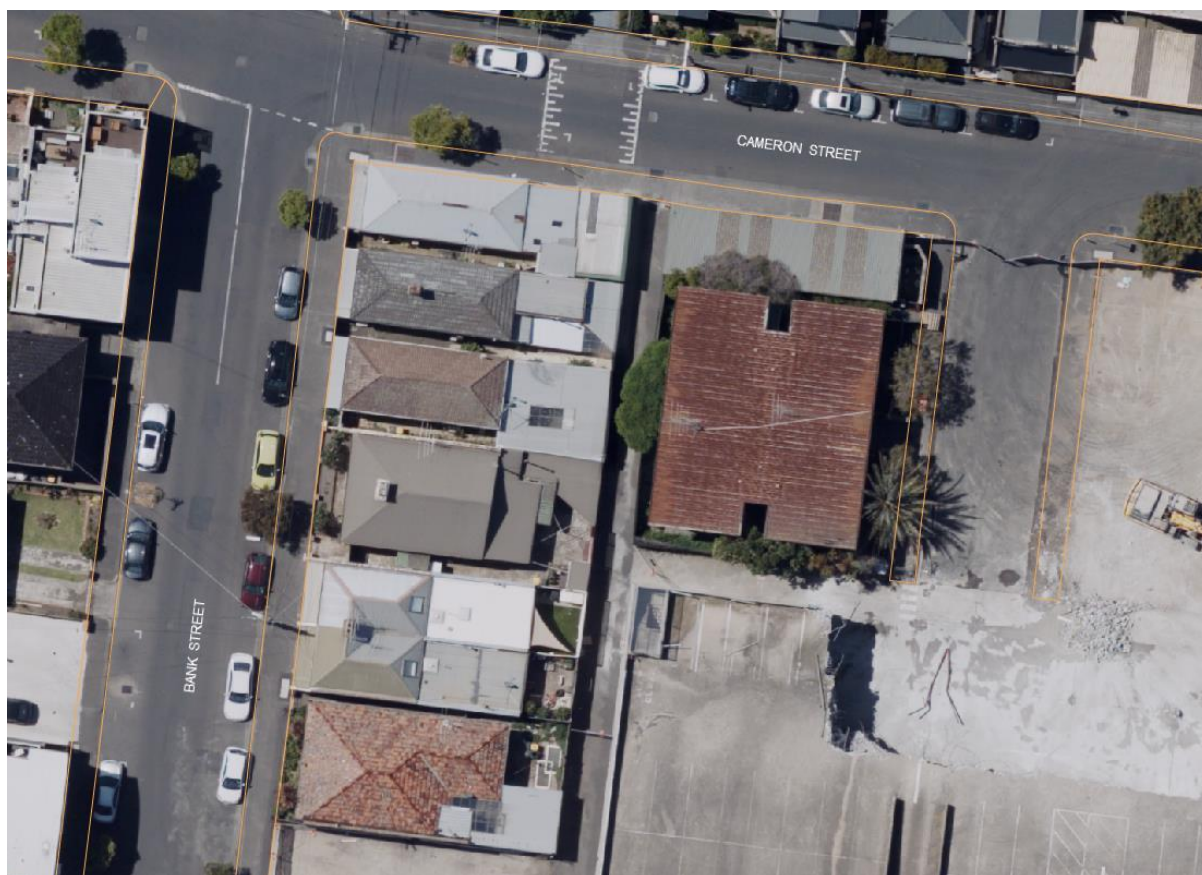
390. Previously the endorsed plans show a 2.4 metre setback at both levels 1 & 2, this is proposed to be reduced by 100mm at level 2. This change is considered to be inconsequential to the application.

Northern interface – Building E

391. The northern interface of Building E is with a single storey dwelling orientated to Bank Street. The amendment proposes no change to this interface.

Western interface – Building D

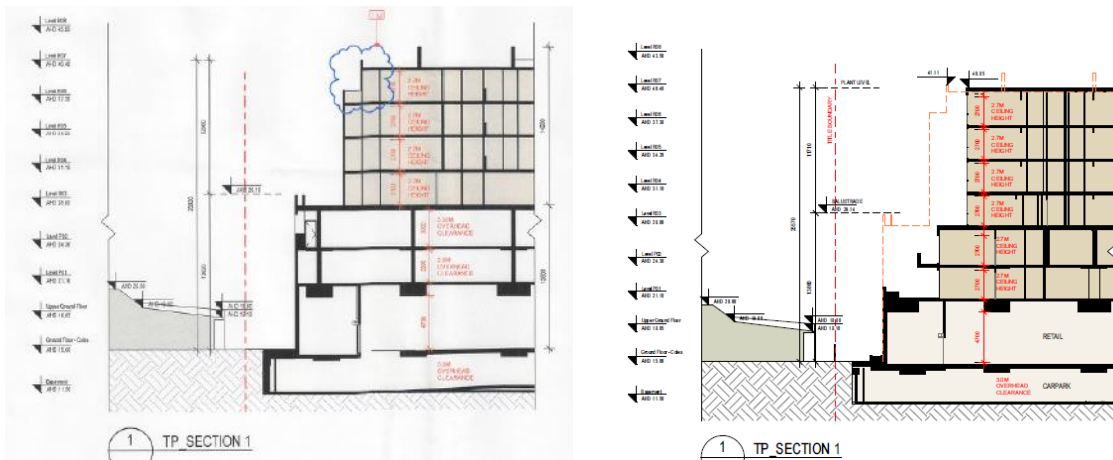
392. The western interface of Building D is with the rear of properties fronting onto Bank Street with some properties having areas of private open space interfacing with the ROW or construction to the boundary.



393. Separating the Bank Street residences and the subject site is a 3m wide ROW. The setbacks from the ROW for both the endorsed and proposed are described in the table below

Level	Endorsed	Proposed
Ground	Car park separation of 4.45m increasing to 7.29m setback with courtyard projecting into the setback.	Minor variations to setback – generally consistent with endorsed plans
Level 1	Setback to car parking 4.5m, apartment separation of 7.0 – 7.19m	Setback to apartments ranging between 4.5m - 7.0m.
Level 2	Setback to car parking 4.5m, apartment separation of 7.0 – 7.19m	Setback to apartments ranging between 4.5m - 7.0m.
Level 3	Setback to car parking 4.5m, apartment separation 8.8 balcony projection in this space	Setback to apartments 8.8m.
Level 4	Setback to terrace edge 8.8m	Setback to terrace edge 9.3m
Level 5	As above	As above
Level 6	As above	As above

394. The setbacks adopted by the amendment are mostly comparable with those endorsed however with some increases.



Endorsed

Proposed

395. The proposed amendment improves the interface between building D and the rear interface of the Bank Street residences.

Eastern interface Loading Area

396. The eastern interface is separated by a 3m lane to the rear of the properties fronting onto Church Street. Habitable room windows exist at the first floor and in some instances second level with outlook to the Coles site.

397. The approved development provides a total setback of 5m for ground – Level1 with a roof terrace located at level 2. This arrangement has been improved.

Overlooking

398. As outlined within Standard D14 of the Clause 58 assessment some of the separation distances between the subject site and some of the adjoining sensitive interfaces fall within the accepted 9m overlooking rule. A performance based condition is recommended to achieve the objectives of standard D14 of clause 58.

Noise

399. The proposal is unlikely to result in unacceptable noise emissions to any nearby commercial or residential properties.
400. However, as outlined in the assessment section of Standard D16 – Noise impacts, the acoustic report was required to be updated.
401. A condition on any permit issued will require an amended acoustic report.

Wind

402. A wind report was prepared by Vipac assessing the impact of wind on the proposed amended development. This document was peer reviewed by Mel Consultants who generally agreed with the principles and finding of the Vipac report.
403. This report will be endorsed as part of any approvals and any recommendations contained within the report namely the wind mitigation at level 3 adjacent to Building C be shown on plan being either porous screen or 2 m landscaping – this has been shown on the landscape drawings.

Car & bicycle parking and traffic and access

Car Parking – Up to here

404. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 331 spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report. The reduction in parking numbers has been fluctuating throughout a number of amendments lodged and variously approved for the site which originally approved a 470 car parking space reduction, reduced to 140 the last amendment and now seeking an overall reduction of 331 spaces..
405. A Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*) made numerous statements with regards to car parking reductions. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes. In this instance, the subject site is closer to public transport opportunities and the Melbourne CBD than the review site.
406. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;
- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
 - (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
 - (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*

- (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
- (e) *Policy tells us the future must be different.*
- (f) *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
- (g) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*

407. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, this need to drastically change how people are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.

408. It is acknowledged, the proposed amendment seeks to reduce the provision of onsite parking from 624 to 492 spaces. This in part reflects the amended composition of the uses on the site but also noteworthy is that condition 39 of the permit requires minimum car parking numbers for uses as part of the Transport Management Plan, this will be discussed below.

Parking Demand

409. Condition 39 of the permit outlines the car parking allocation attributed to the originally endorsed plans, each requirement will be discussed in turn.

Residential

410. Parking for the residential component of the development was required at the following rate:

- (a) *residential car parking must be allocated such that 80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space and all three – bedroom dwellings must be provided with an average of 1.5 on site car parking spaces. This allocation of car spaces may be varied with the written consent of the Responsible Authority;*

411. The revised rate for car parking for the residential component of the development is proposed as:

Table 3: Proposed Car Parking Allocations

Land Use	Proposed Allocation
Residential	200 spaces (0.54 spaces per apartment)

412. The parking rate proposed is significantly lower than that originally allowed for by the approval. Council’s engineering department reviewed the rates and acknowledge that the residential component of the development is proposed to be a ‘build to rent’ scheme and that on site parking spaces would be leased to tenants on an as need basis (at an additional cost). Additionally based on 2016ABS data for Richmond, which showed 29% of people residing in flats did not own a car. On this basis, they were satisfied that the rate of 0.54 spaces per dwelling was acceptable.

413. The application was also referred externally to Cardno for comment, who also agreed cautiously, that a reduction should be support based on Council’s local policy which has a strong emphasis on reducing car ownership.

Office

414. Car parking associated with such developments is generally long-stay parking for employees and short-stay parking (approximately up to two hours' duration) for customers and clients. Council's Senior Traffic Engineer has previously confirmed that the actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3 spaces per 100 square metres of floor space, as the area has very good access to public transport services.
415. The proposal would be providing on-site office parking at a rate of 1 spaces per 100sqm. The parking demand generated by the new use would be influenced by the constrained nature of on-street parking the surrounding area, the availability/access to off-street commercial parking provided on site and accessibility to public transport services.
416. The current wording of Condition 39 requires the provision of 40 office staff car parking spaces.
417. Within the Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017] VCAT 753*) regarding the office development to the south at No. 2 – 16 Northumberland Street, Collingwood, the Tribunal Member also supported a significant reduced office car parking rate (405 spaces) and made the following comments:

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

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

418. Similarly as outlined in Council's engineering referral a parking rate of 1 space per 100sqm has been applied to other development within the City of Yarra including:
- (a) 60 – 88 Cremorne Street, Cremorne
 - (b) 71 – 3 Gipps Street, Collingwood; and
 - (c) 2 – 16 Northumberland Street Collingwood.

419. Based on this data, Council's engineering unit and contract traffic engineers were satisfied that the allocation of 30 car parking spaces for 3,089sqm of office floor area is acceptable.

Retail (including Food and drinks)

420. The proposed allocation for the retail component of the development is proposed as follows:

- (a) Supermarket = 233 spaces
- (b) Other retail including food and drinks = 23 spaces

421. The amendment seeks to provide 256 spaces for these uses which is comparable with that already approved and supported by Council's contract engineers.

Reduction in Parking

422. The reduction being sought by the proposal is supported by the following additional reasons:

- (a) The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Bridge Road MAC, which in turn will reduce the dependence on private vehicle by future employees;
- (b) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future employees would be able to take advantage of the nearby bike lanes;
- (c) Occupant or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, this is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;
- (d) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
- (e) The location of the proposal encourages multi-purpose trips to the area.

423. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services has no objection to the proposed reduction in the car parking requirements.

424. All car parking rates reflected in condition 39 will be updated.

Traffic

425. In terms of traffic, the applicant's traffic engineers adopted the following summary for the traffic generation for the site:

Under the new proposal, the AM and PM peak traffic volumes generated by the site are expected to be 293 trips per hour and 273 trips per hour respectively. For the traffic distribution of the development, Traffix Group has assumed that 60% of development traffic would use the Cameron Street/Church Street intersection. This assumption is considered reasonable.

To assess the traffic impact of the Cameron Street/Church Street intersection (unsignalised), Traffix Group has used gap acceptance analysis. This analysis has been used to determine whether the critical movements at this intersection has adequate capacity once the development is operational. When entering major roads from minor roads (such the left and right turn movements from Cameron Street into Church Street), motorists must wait for an acceptable time gap in the traffic stream to which they must give way before proceeding. The analysis undertaken by Traffix Group confirms that the intersection has capacity to accommodate the critical movements.

Traffix Group had undertaken SIDRA intersection analysis of the Cameron Street/Church Street intersection for existing and post-development traffic conditions (by using the reconfigured intersection arrangement). The results of the post-development modelling suggests that the intersection is expected to operate satisfactorily.

We are satisfied with the analysis provided by Traffix Group.

426. Both Council's engineers and Council's consultant traffic engineer are satisfied that the amendment will not have a detrimental impact on the development's access and egress points, or on nearby intersections.

Layout

427. The proposal maintains car parking access from Cameron Street leading to a single level of basement car parking and two levels of podium parking.
428. Council's Senior Traffic Engineer and consultant traffic reviewed the layouts and are generally satisfied with the design subject to some minor changes:.
- (a) Disabled car parking spaces to comply with the Australian Standard for Off-Street Parking for People with Disabilities (AS2890.6:2009);
 - (b) Provision of a long section ensuring critical headroom measurements at grade changes between ramps in accordance with (AS2890.6:2004); and
 - (c) Swept path analysis of tandem car space 9 to ensure appropriate ingress and egress.
429. These will form conditions on any permit issued.

Electric vehicles / Shared Vehicles

430. Within the car parking areas, the plans show electric vehicle charging spaces and the required 6 car share spaces.

Bicycle parking and facilities

431. The proposed amendment seeks to increase bike parking from 410 spaces to 557 spaces. As outlined earlier in the report, the development is required to provide a total of 154 spaces under clause 52.34 of the scheme.
432. Council's strategic transport unit has suggested some modifications to the location, allocation and design of the bike parking, but is generally supportive of the proposal.
433. Conditions on any permit issued will require:
- (a) Increase the width of the bike ramps to 1.5m with ramp grades to be as close to 1:12 (ramp 1:10 is acceptable) in general compliance with AS2890.3
 - (b) At least 20% of residential/employee spaces to be provided as horizontal at ground level spaces.
434. These will form conditions on the permit
435. Condition 39 of the permit requires the provision of 7 bike share spaces to be provided along Church Street. Additional words will be included to enable these spaces to revert to public spaces if a suitable provider cannot be found, as it currently stands there are no bike share providers for static bikes.

Other

436. Council's Senior Traffic Engineer and the applicant have commenced discussion regarding condition 5 of the permit which requires works to the intersection of Cameron/Church Street.
437. Council engineering unit are supportive of the revised arrangement and a condition on permit will reference the proposed plan and enable a time extension for approval and completion of these works.

Waste management

438. The applicant submitted an amended Waste Management Plan again prepared by Leigh Design dated 15 October 2019 which was assessed by Council' Waste Management Unit as acceptable. A condition will required compliance with this updated report.

Loading

439. All loading facilities and locations have been approved previously.

Other Matters

Procedural matters

440. As a result of the proposed amendments, further changes are required to plans and conditions, these matters can be addressed by condition should a permit issue.

Contamination

441. The site is contaminated and on going condition on the permit require management of this, no change to these conditions are proposed.

Objector concerns

442. The majority of the issues which have been raised by the objectors have been addressed within this report.

- (a) Reduction in commercial offering – See paragraphs 178 to 190
- (b) Urban design (design and height) – see paragraphs 207 - 288
- (c) Overdevelopment of the site – density;

There are no density controls which apply to the site.

- (d) Traffic Impacts (reduction in parking, increased traffic, delivery truck movements, availability of public transport); - See paragraphs 404 to 430
- (e) Off site amenity impacts (overshadowing, noise, overlooking, loss of daylight); - see paragraphs 366 - 403
- (f) Internal amenity of the apartments - see paragraph 303 to 365; and
- (g) Construction and demolition impacts.

This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) will be required by way of condition and will manage impacts during the construction stage. This will be further considered during the building stage also.

Conclusion

443. The amended proposal continues to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy as well as the direction given by the Tribunal.
444. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies and is considered to continue to make a substantial contribution to the improvement of the surrounding streetscape.

Reading the Recommendation

445. The recommendation outlined below shows:

- (a) New conditions in **bold**; and
- ~~(b) Redundant conditions have been deleted.~~

RECOMMENDATION

1. That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN11/0834.

With the following preamble

demolition, buildings and works, use of the land for dwellings, shop, ~~restricted recreation facility~~, food and drinks premises, restaurant, office, ~~childcare centre~~, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements, and use of the northern part of the land for loading/unloading bay and waste collection.

And subject to the following conditions:

- 1 Before the development starts, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by SJB Architects, ~~received by Council on 11 and 19 July 2018~~ **dated 17 October 2019 and 29 November 2019** but modified to show:

Building Design

Podium

- (a) details of the material along the west title boundary (adjacent to Ark) at ground and first floor level;
- (b) all canopies and architectural projections along Church Street and Bridge Road to be setback a minimum 750mm from the back of the kerb;
- (c) good visibility in to the residential lobbies;
- (d) setback of the western car park edge at levels 1 & 2 to be ~~increased to align with those currently endorsed being ranging between~~ **to be a minimum of 3.98 – 4.5m.**
- (e) **plans updated to show (Levels 1 – 3) Building B to show insertion of skylights to the corridor and any other corresponding amendments as required as depicted in the schematic plans prepared by SJB Architects dated 19 March 2020;**
- (f) **plans updated to show Level 1 Building C to show new courtyard facilitating natural light to this corridor including changes to the storage cages at this level and any other corresponding amendments as required as depicted in the schematic plans prepared by SJB Architects dated 19 March 2020**

Bridge Road Tower [Building A]

~~details of the operable screens proposed for the upper levels~~

- (g) basement car park to be contained within the subject sites title boundaries
- (h) **floor plans update to show new window locations to the northern elevation consistent with condition 1o(vii);**

Building B

- (i) **floor plans update to show new window locations to the northern elevation consistent with condition 1o(v);**

- (j) **floor plans updated to show location of new planter areas at levels 1 & 2 of building B & C consistent with condition 1o(vi).**

Building C

~~a reduction in the parapet height (to apartment C6.01) as it presents to Church Street and for the first section of the return from 1.6m to approximately 300mm as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.~~

- (k) At level 3 details of location of porous screen or 2m high tree/**planting** as required by the wind assessment;
- (l) Details of doors to loading and parking area (Cameron Street).

Building D

- (m) **floor plans update to show new window locations to the northern elevation consistent with condition 1o(vii);**

~~setback apartments D6.03 and D6.04 an additional 2 metres from the western boundary or rake or an alternative measure to reduce visual bulk.~~

Building E

- (n) Plans and elevations to clearly show location of doors and windows

Building Materials / Façade Strategy

- (o) an updated schedule of all materials and finishes (including materials samples, colours coloured elevations and perspectives), **generally in accordance with the façade strategy prepared by SJB Architects dated December 2019.** The **strategy schedule** must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and must include:
 - i thumb nail sketches of key elements of the façade of each building **to the same level of detail as that endorsed.**
 - ii **confirmation that the ground level treatment to Building A (bridge Road) to be red brick.**
 - iii **Great detail regarding** material treatment of Building A lift core to **include a patterned treatment** to both the south and west elevations **as depicted in the façade package dated December 2019.**
 - iv **Deletion of material PE01 and PE02 and replaced with a more durable and integrated material to all elevations where this material is proposed, other than for areas defined as slab edges, soffits and the like.**
 - v **Build B design resolution of the northern elevation showing additional window punctuations as depicted in the schematic plans prepared by SJB Architects dated 19 March 2020 and further modified to show this extended to the rear wing.**
 - vi **Building B and C podium updated to include deletion of horizontal beams at levels 1 & 2 and the introduction of two concrete planter areas as depicted in the schematic plans prepared by SJB Architects dated 19 March 2020.**
 - vii **Building A and D design resolution of the northern elevation showing additional window punctuations and or material treatment.**

~~Building A upper levels to be treated with a patterned mesh in a light colour as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.~~

~~Building B design resolution to be as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.~~

~~Building C Church Street podium façade levels 1 & 2 to replicate façade detailing (brick) of the remainder of the façade in a white or light grey colour~~

- viii Ground floor building C wall adjacent to lobby and substation to be **clearly detailed to articulate this wall and not present as a blank wall, this may include patterned brick work or the like** ~~wall in a black or dark colour.~~
- ix Details of the grey mesh proposed on the Church Street podium
- x Details of materials proposed for the ground floor of building D;
- xi Details of car park / loading bay doors
- xii include details of graffiti proof coating to be applied to the ground floor interfaces of the buildings;

Landscape

- (p) updated landscape plans generally in accordance with the Landscape **plans Concepts February 2018 received by Council 2 December 2019**) prepared by **Jack Merlo Design & Landscape MemLa** to the satisfaction of the Responsible Authority must be prepared by a suitably qualified person. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - i the location of all areas to be covered by lawn or other surface materials;
 - ii the location of any permanent structures, furniture, public seating or other facilities;
 - iii all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;
 - iv grades of all ramps shown on plan;
 - v grades of all footpaths shown on plan;
 - vi details of **all** raised planters to ~~courtyards~~ to be confirmed (height, construction and tree planting details) **including soil volumes to demonstrate the capability to achieve intended canopy volumes to the satisfaction of the responsible authority**
 - vii location and type of water tank for irrigation;
 - viii detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height);
 - ix details of street furniture, including bench seats and street tree planters **including all clearances**;
 - x existing and proposed levels including top wall and fence heights (where relevant);

- xi details of the installation methodology for the green wall to the car parking area, including planting and initial establishment requirements and details of the proposed maintenance regime to ensure the integrity of the green wall over its operation life, including plant replacement, irrigation and fertilisation and guidelines for monitoring;
- xii ongoing maintenance and management details of all publically accessible spaces;
- xiii Cameron Street planter (northern most planter eastern side of laneway to delete *Eleocharpu reticulatus* and replace with *Syzigium Austral* 'Aussie Southern/Compact Lily Pilly' or the like;**
- xiv Cross over location of laneway adjacent to 267A Bridge Road,**
- xv Locations of all new crossovers;**
- xvi a detailed lighting plan for all publicly accessible areas including private, communal and the public laneways ensuring lighting is baffled to minimise light spill;
- xvii a schedule of 'way finding' signage;
~~additional soft landscaping including planting details to assist in the delineation between the pedestrian and loading/waste management sections of the Bank Street square;~~
- xviii dimensioned cross sections and internal elevations detailing the interior of the laneways, access ways and Bank Street square;
~~deletion of *Quercus Rubra* Red Oak from Podium Level 3 plan and replace with a smaller tree~~
- xix replacement of existing bollards to laneway off Cameron Street in consultation with Councils engineering unit;**
- xx Repositioning of seating between trees (Bank Street) to facilitate a DDA complaint walkway.**
- xxi Area between building line and the rear of Bank Street properties to be shown as bluestone or an alternative material to the satisfaction of the Responsible Authority.**
- xxii fencing details for Podium Level 3
- xxiii use of stormwater or grey water for irrigation of planters
- xxiv the ground floor plan to show locations of all existing street trees to be removed and retained and any protection works required
- xxv show a physical separation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited to) planter boxes on wheels in the western most laneway between the laneway and the 'trade out area';
- xxvi inclusion of planting (planters with appropriately scaled trees) within the trade out area of the western laneway accessed from Bridge Road, the planting must not encumber vehicular access;**

- xxvii the relaying or new blue stone within Council's lane with need to meet Council' design standards.
 - xxviii **All existing Street trees to be shown on plan**
 - xxix The provision of 2 Street tree plantings along, Cameron Street and Bank Street **(within roadway consistent with existing trees)** in consultation with Councils open space and engineering units.
 - xxx **The number, type and location of all publically accessible bike hoops in consultation with Council's sustainable transport unit;**
 - xxxi **additional landscaping section to the western boundary at Podium Level 1 adjacent to office tenancy and core as shown on schematic plan prepared by SJB Architects dated 24 March 2020. Planting within this landscape strip to include climbing plants.**
- ~~Landscape images and plans to match the schematic plans prepared by SJB Architecture dated 26 October.~~
- ~~Additional landscape facilities including toilets, sinks, BBQ to be added to the communal terrace at level 3.~~

Acoustic

- (q) all works recommended in the report of the professional acoustic engineer referred to in condition 16;

Environmentally Sustainable Design Principles

- (r) all works recommended in the ESD report referred to in condition 19;

Wind Assessment

- (s) all works recommended in the wind assessment report referred to in condition 22;

Bicycle Parking

- (t) a minimum 7 public bicycle share spaces;
- (u) width of the bike ramps increased to 1.5m with ramp grades to be as close to 1:12 as possible **(with a maximum of 1:10)** in general compliance with AS2890.3
- (v) increased bike provision to 410 spaces with **a minimum of 103** spaces allocated for visitor parking to be located with the basement and in the laneway access spaces (Bridge Road) without hindering vehicular access.
- (w) 20% of residential /staff spaces to be provided as horizontal at ground level spaces.

Car Parking

- (x) **Disabled car parking spaces to comply with the Australian Standard for Off-Street Parking for People with Disabilities (AS2890.6:2009);**
- (y) **Provision of a long section ensuring critical headroom measurements at grade changes between ramps in accordance with (AS2890.1:2004); and**
- (z) **Swept path analysis of tandem car space 9 to ensure appropriate ingress and egress.**

~~Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 04 car spaces (5, 120 and 133);~~

~~Column locations to be in accordance with AS2890.1:2004;~~

~~Installation of appropriate signage and / or line marking /ground stencilling be installed at the location where one way aisles meet two way aisles.~~

~~Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;~~

~~Priority line marking within the basement and podium car parking levels at all conflict points~~

~~Appropriate pedestrian crossing signage be provided at each formal pedestrian crossing;~~

~~Location of speed humps at the approaches to pedestrian crossings if required;~~

Loading and Waste

- (aa) all **bin storage areas and any** works recommended in the waste management plan referred to in condition 77;

General

~~internal layout of apartments to comply with the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.~~

- (bb) location of the proposed water tank with a minimum capacity of 100,000 litres;
- (cc) all plans to be drawn within title boundaries (excluding architectural features, canopies and awnings) and to be fully dimensioned;
- (dd) a full set of all elevations and cross-sections including full internal elevations of all buildings and public spaces (including laneways) fully dimensioned with setbacks and heights of all buildings;
- (ee) Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows; (with the exception of dwellings within Building E which must continue to have access to natural light by way of an openable window or sliding door);
- (ff) Where overlooking opportunities can be provided within a 9m radius and 45 degree arc from a habitable room window or private open space into another habitable room or private open space on or off site, the following must be applied:
 - i Minimum 1.7m fixed obscure glazing;
 - ii Minimum 1.7 high, maximum 25% transparent screens; or
 - iii Other method(s) to the satisfaction of the Responsible Authority.
- (gg) all publicly accessible areas to be shown as referred to in condition 23;
- (hh) deletion of all reference to business identification signage;
- (ii) location of all mailboxes;
- (jj) a demolition plan clearly detailing all structures and surfaces to be demolished within the portion of the site affected by the Heritage Overlay;
- (kk) all internal corridors in the apartment buildings to have a minimum width of 1.5m with an indentation at each entrance of up to 100mm to articulate dwelling entries;
- (ll) details and provision of **external storage on** an average of 4 cubic metres of storage for each dwelling;

- (mm) provision of an internal signage plan detailing indicative signage to guide residents, employees, visitors and the public to communal open spaces, commercial facilities, car parking areas, bicycle parking areas with priority given to pedestrian and cyclist wayfinding;
- (nn) all feature paving and in ground lighting proposed is to be contained within the site title boundaries;
- ~~(oo) a minimum of 33.37% of the dwellings or 136 dwellings to be shown as including internal layout supporting adaptation for persons with limited mobility. based on the schematic apartment layout plans prepared by SJB Architects dated 26 October 2018.~~

Endorsed Plans

- 2 All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
- 3 Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

Ongoing Involvement of the Architect

- 4 As part of the ongoing consultant team SJB Architects must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Cameron/Church Street Intersection

- 5 Within ~~six~~ **twelve** months of the development commencing **of as otherwise agreed to in writing by the Responsible Authority**, the design of the proposed works to the Cameron Street road reserve at the intersection with Church Street must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority **and must be generally in accordance with the 'Cameron Street/Church Street Proposed Intersection Works plan' prepared by Traffix Group referenced as GRP23479-SK01 dated 24 September 2019.** The design must be submitted to and approved by the Responsible Authority. The design of the works must provide details of how the road reserve will be treat to enable:

~~the creation of separate right turn and left turn exit lanes, while retaining a single entry lane;~~

- (a) the removal of the two kerb extensions;
- (b) reinstatement of road pavement;
- (c) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
- (d) removal of street trees (as necessary);
- (e) installation of no stopping (all times) restrictions on the south side of Cameron Street (including the loss of three on street car parking spaces) all between the subject sites access points and Church Street;
- (f) removal of parking restrictions (as necessary); and
- (g) any other works required.

Details must include, but are not to be limited to, all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services.

- 6 Before any use commences on site and prior to the issue of a certificate of occupancy, all works associated with provision of the Cameron/Church Street intersection works as set out in condition 6 5 must be undertaken and completed at the cost of the permit holder to the satisfaction of the Responsible Authority.

Environmental Audit

- 7 Before any development approved under this permit starts:
- (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 of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970* that the environmental conditions of the land are suitable for a sensitive use.
- 8 Notwithstanding the requirements of Condition 7, the following works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority:
- (a) Demolition, buildings and works necessarily forming part of the environmental audit process; and
 - (b) Demolition, buildings and works the Environmental Auditor engaged by the owner(s) advises must be carried out before a Statement or Certificate of Environmental Audit can be issued.
 - (c) Construction of buildings and works up to the ground floor level including the ground floor slab.

These works must be carried out in accordance with a works plan approved by the Environmental Auditor engaged by the owner(s). A copy of the works plan must be provided to the Responsible Authority before any demolition, buildings or works start for the purpose of this condition.

- 9 The permit holder must:
- (a) demolish or remove some or all of the buildings or works constructed up to the ground floor level (including the ground floor slab) authorised under condition 8(c) to the extent necessary where the Environmental Auditor engaged by the owner(s) advises further works must be carried out before a Statement of Environmental Audit or Certificate of Environmental Audit is issued and those works will be constrained in any way by the existing buildings or works already constructed or carried out under condition 8(c); and
 - (b) comply fully with the obligation under condition 9 at its own cost and in a timely manner.

- 10 Before the development approved under this permit starts (excluding demolition and buildings and/or works carried out in accordance with a works plan approved by the Environmental Auditor engaged by the owner(s)), a copy of the Statement or Certificate of Environmental Audit, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
- 11 Where a Statement of Environmental Audit is issued in accordance with condition 7(b):
- (a) The development and uses allowed by this permit must comply with the directions and conditions of the Statement of Environmental Audit to the satisfaction of the Responsible Authority;
 - (b) Before any sensitive use starts, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority confirming the directions and conditions contained in the Statement of Environmental Audit are satisfied; and
 - (c) Where any condition of the Statement of Environmental Audit requires any maintenance or monitoring of an ongoing nature, the owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. The Agreement must:
 - i Provide the undertaking of the ongoing maintenance and monitoring required by the Statement of Environmental Audit; and
 - ii Be executed before the sensitive use for which the land is being developed starts.
- All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).
- 12 Any ongoing groundwater management and abatement of groundwater contamination must be in accordance with all requirements of any Clean Up Notice issued by the Environment Protection Authority (EPA) under section 62A of the *Environment Protection Act 1970*, or any other relevant written notice or direction issued by the Environment Protection Authority, to the satisfaction of the Environment Protection Authority.
- 13 The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.
- 14 Prior to the occupation of dwellings ~~and commencement of the childcare centre use~~ a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.
- 15 Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

Acoustic Treatments

- 16 Before the **amended** plans are endorsed, an updated acoustic report generally in accordance with the ~~Watson Moss Growcott report dated December 2017~~ and the Acoustic Logic report dated ~~9 July 2018~~ **25 October 2019 and 16 January 2020** must be submitted to and approved by the Responsible Authority.

Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified acoustic engineer and include:

- (a) **Any layout changes as a result of requirements under condition 1**
- (b) an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - i protect all dwelling occupants from external noise sources from Bridge Road and Church Street including details of glazing types;
 - ii protect dwelling occupants with a specific interface to commercial tenancies above, next to or below from associated commercial noise sources including but not limited to loading (including reversing beepers), waste collection **and** plant and equipment (**including new plant on roof**) ~~and gym~~;
 - iii protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - iv protect all dwelling occupants and nearby occupants with a direct interface with the loading areas and car park; and
 - v protect all dwellings within Building A from noise generated from use of the bin chutes.

~~details of acoustic treatment of the rooftop terrace fronting Bridge Road (westernmost above the second floor café) to limit noise emanating from the site to not exceed 48dB(A) when measure at the nearest residential dwelling at night time under the SEPP- N1 methodology;~~

- (c) an assessment of how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met including music noise from ~~gym~~, cafes/restaurant etc.;
- (d) specific details of acoustic attenuation (not just preliminary recommendations), including but not limited to mechanical services equipment, ~~the gym/yoga centre and the child care centre~~; and

~~breakout from the facility will comply with the relevant noise limits at the nearest noise sensitive receivers (existing and future). (Noting that the Revision 10 design features the Gym and Yoga Studio entrance across the hall from the entry doors of apartments B-0-14 and B-0-13, therefore this may require an airlock to the Gym and Yoga Studio entry door.)~~

~~Include 42 Cameron Street into the assessment and review any interface issues between the fresh food truck store and dwellings **in building DDG.02, D.104 and D.203**;~~

- (e) Address the modified loading area.

- 17 On the completion of any works required by the endorsed Acoustic report (condition 16) above and before the residential use commences, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with condition 16 of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with State Environment Protection Policy N-1 (indoor noise limits), however allowing internal noise measurements to be taken with openable external façade sections close.
- 18 The recommendations and any works contained in the approved acoustic reports pursuant to conditions 16 and 17 must be implemented and completed and where they are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles

- 19 Before the **amended** plans are endorsed, an amended Environmentally Sustainable Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit.

The Report must be generally in accordance with the ~~report Sustainability Management Plan for Coles Richmond Plaza (April 2018) prepared by Cundall~~ **Richmond Quarter Sustainability Management Plan (23 October 2019 prepared by ADP Consulting** but

modified to address the following:

- (a) **Any layout changes as a result of requirements under condition 1 of the permit including the apartment layout schematic plans prepared by SJB Architects dated 19 March 2020** ~~26 October 2018~~.
- (b) **All recommendations included within the Consultant Advice Notice document prepared by ADP Consulting (28 February 2020 and 27 March 2020).**
- (c) An updated daylight modelling report **generally in accordance with the Richmond Quarter Daylight Report (11 October 2019) prepared by ADP Consulting** but modified to show:
 - (i) **All recommendations outlined in the Consultant Advice Notice document prepared by ADP Consulting (28 February 2020)**
 - (ii) **reflective of all internal and external changes;**
 - (iii) inclusion of a daylight modelling report that confirms that albeit the use of tinted glazing a daylight factor of at least 1.5 per cent is met for 75% of the living areas across at least 80 per cent of dwellings;
- (d) confirmation that door / window locks are to be provided to all balcony doors and windows so that they can be fixed/locked into position such that they can provide a secure opening for night purging;
- (e) confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards;

- (f) details of insulation and sealing of penetrations between air-conditioned and unair-conditioned areas through the provision of seals to the loading dock area;
 - (g) incorporation where viable, solar boosted gas hot-water; and confirm the use of dimmable lighting systems;
 - (h) confirmation that a 100,000 litre water tank is sufficient to service watering of landscaping and flushing of retail tenancy toilets;
 - (i) confirmation the number and location of toilets that will be serviced by rainwater rather than mains water;
 - (j) natural ventilation to residential corridors, **as shown within the submitted ESD report dated 28 February and the Urban Design response submitted by SJB Architects dated 19 March and** in consultation with the wind assessment required by condition 22;
 - (k) provision for future electric vehicle and bicycle charging points; and
 - (l) provision for all electric vehicle charging stations to be powered by Green power.
- 20 The dwellings must achieve a minimum average of 6.5 star rating under first rate (BCA standards).
- 21 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

- 22 The provisions, recommendations and requirements of the endorsed Wind Impact Assessment prepared by Vipac dated 10 April 2018 **and addendum dated 15 October 2019** must be complied with and implemented to the satisfaction of the Responsible Authority.

Accessibility Plan

- 23 Before the **amended** plans are endorsed, an accessibility plan must be submitted to and approved by the Responsible Authority and must be generally in accordance with the access plan shown on page 88 of the original urban context report submitted with the application. Once approved, the accessibility plan will be endorsed and will then form part of the permit. The plan must show:
- (a) areas within the development that are proposed to have 24 hour access including but not limited to:
 - i western laneway accessed from Bridge Road;
 - ii part eastern laneway accessed from Bridge Road;
 - iii public square accessed from Bank Street;
 - iv existing lane extending south from Cameron Street;
 - v civic space adjacent to Church Street;
 - vi residential lobby adjacent to Church Street; and
 - (b) areas within the development that are proposed to have access during the centre operating hours.

- 24 Unfettered public access at all times must be maintained through areas nominated under condition 23(a).

Affordable Housing

- 25 Unless with the prior written consent of the Responsible Authority, provision of at least 13 apartments which meet the definition of 'affordable housing' to be managed by an accredited Housing Association. In the event that no agreement can be reached with a Housing Association, evidence of this must be submitted to the Responsible Authority for consideration.

Car and Bicycle Share

- 26 Before the development is occupied, a minimum of six car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation.

The provision of car share spaces and bicycle share facilities may be varied with the written consent of the Responsible Authority.

Green Travel Plan [GTP]

- 27 Prior to the occupation of the development, an **amended** Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Plan will be endorsed and will then form part of the permit. The Plan must **be generally in accordance with the GTP prepared by the Traffix Group dated October 2019 and must** encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:
- (a) Updated to reflect the new bicycle space allocation
 - (b) the provision of a minimum three car share vehicles on site within close proximity to the vehicle entrance and located to the satisfaction of the Responsible Authority;
 - (c) the provision of 10 electric charging stations in locations to the satisfaction of the Responsible Authority;
 - (d) describe the location in the context of alternative modes of transport;
 - (e) the provision of real time passenger information displays for nearby stops within each residential lobby and outside the Church street kiosk;
 - (f) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (g) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (h) details of bicycle parking and bicycle routes;
 - (i) details of car share and bicycle share schemes (including any discounts for residents/tenants and electric car charging points);
 - (j) details of GTP funding and management responsibilities; and
 - (k) include provisions to be updated not less than every five years.

Developer Contribution

- 28 Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$40,000 to the City of Yarra for future public transport improvements to Bridge Road and/or Church Street in the immediate vicinity of the site. The bank guarantee may be drawn down by Council and used for proposed works by either Yarra Trams, Department of Transport or VicRoads to carry out public transport improvements (e.g. increased tram capacity) in the immediate vicinity of the site along Bridge Road and/or Church Street, Richmond, in consultation with the permit holder.

The bank guarantee will be returned to the permit holder if the transport improvement works are not commenced by the relevant authorities, prior to the occupation of the final stage of the development.

Loading General

- 29 Unless with the prior written consent of the Responsible Authority, no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time.

Loading and Waste Management – Cameron Street Loading Dock

- 30 All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must be carried out within the confines of the designated Cameron Street loading dock (Cameron Street).
- 31 All loading dock deliveries and commercial garbage and recycling collection must be to the satisfaction of the Responsible Authority. During all loading and unloading activities, truck/vehicle motors must be turned off.
- 32 All truck/vehicles using the Cameron Street loading dock must enter and exit the site in a forward motion.
- 33 All delivery and collection of goods at the Cameron Street loading dock associated with the supermarket are restricted to the following hours and number of deliveries:

Day	Time Period	Maximum Number of Delivery Vehicles per 30 minutes
All Days (Monday to Sunday)	7.00 am – 6.00 pm	2
All Days (Monday to Sunday)	6.00 pm – 10.00 pm	1
Weekday (Monday to Friday)	5.00 am – 7.00 am	2
Saturday	5.00 am – 7.00 am	1
Sunday	5.00 am – 7.00 am	No vehicles

- 34 No more than a maximum of 30 deliveries/collection of goods to occur from the Cameron Street loading dock per day.

Loading and Waste Management – Bank Street Loading Dock

- 35 Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 am and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday
- 36 Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Loading and Waste Management – Church Street Loading Dock

- 37 Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday.
- 38 Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Transport Management Plan

- 39 ~~Prior to the commencement of the development,~~ **Before the amended plans are endorsed, an amended** Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan must **be generally in accordance with the TMP prepared by the Traffix Group dated October 2019 and must** address the following:

General

- (a) A review of directional line marking and control methods with the car park areas addressing safety for vehicle, bikes and pedestrians.
- (b) an internal signage plan distinguishing permanent parking areas (resident and commercial) from visitor parking areas, and car share programme parking areas, directional arrows and signage, information signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc.;
- (c) management system of trolley bay area's to ensure appropriate measures are in place for collection and storage;
- (d) security arrangements;
- (e) location of all real time travel information signs to be installed within the development;
- (f) right turn only between 10.00 pm – 7.00 am into Cameron Street from the site;

Car Parking

- (g) residential car parking must be allocated such that **an average of 0.5 spaces is provided.** ~~80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space and all three-bedroom dwellings must be provided with an average of 1.5 on-site car parking spaces.~~

This allocation of car spaces may be varied with the written consent of the Responsible Authority;

- (h) other car parking must be allocated as follows:
- i 23 staff car parking spaces (shop, **food and drinks premises** ~~childcare, gym, yoga etc~~)
 - ii ~~40~~ **30** office car parking spaces;
 - iii ~~237~~ **233** retail/public/**staff** car parking spaces **including 8 'parking for parent with prams' spaces located in basement 1** (~~inclusive of staff~~):
 - ~~including eight 'parking for parents with prams' spaces located in basement 1; and~~
 - ~~three car share parking spaces located in basement 1;~~
 - ~~four spaces allocated to drop off – pick up for the childcare centre~~
 - (i) a minimum of 52 motorcycle parking bays;
 - (j) a minimum of six car spaces for car share programme in locations to the satisfaction of the Responsible Authority;
 - (k) management details of the car share programme provided;
 - (l) the proposed parking fee structure, including shopper incentives for short term parking and details of ticketing systems, including any requirements for boom gates etc;
 - (m) management of queuing at the entry and exit points of the car park during peak times to comply with Table 3.3 of the Australian Standards for Off - Street Car Parking AS/NZS2890.1 (2004);

Bicycle Spaces

- (n) a minimum of ~~557~~ **440** on site bicycle parking spaces:
 - i ~~368~~ **307** resident spaces;
 - ii ~~127~~ **103** visitor spaces;
 - iii **59 staff spaces**; and
 - iv 7 bike share spaces provided along the Church Street frontage **if a suitable provided cannot be contracted, these spaces are to be made available as publically accessible spaces to the satisfaction of the Responsible Authority**;
- (o) a mechanism to review the car parking (including car share spaces) and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;
- (p) management details of the bike share programme provided;

Loading and Deliveries and Waste

- (q) no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time;
- (r) details regarding the management of loading and unloading of goods and materials for commercial and residential uses to the Bank Street loading area all in compliance with any other condition(s) of this permit;

- (s) the provision of spotter to assist truck vehicles reversing into the loading/unloading (public square) area to Bank Street or any other measures to ensure public safety to the satisfaction of the Responsible Authority;
- (t) management of separate pedestrian and loading bay areas in the Bank Street public square;
- (u) confirmation commercial deliveries (except for supermarket) and loading will only occur within section of the public square in the land in plan of consolidation 105419 and how this will be managed; and
- (v) details regarding the management of loading and unloading of goods and materials for the supermarket including frequency, times, truck sizes all in compliance with any other condition(s) of this permit.

40 Except with the further consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car Parking, Crossovers and Footpaths

- 41 The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the **use** hereby permitted;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat
- all to the satisfaction on the Responsible Authority.
- 42 Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area. The cost of these reinstatement works must be borne by the Permit Holder.
- 43 Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 44 Footpaths adjacent to the development site (along Bank Street, Cameron Street, Church Street and Bridge Road) must be reconstructed to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 45 All vehicle crossings must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
- 46 The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
- 47 All existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004;

- 48 At no cost to Council, any in-ground parking sensors surrounding the subject site that are required to be removed as part of the works approved by this development must be removed and or relocated/reinstated in consultation with and to the satisfaction of the Responsible Authority.
- 49 Before the development commences (excluding demolition and excavation), detailed design drawings must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with the development.

Once approved, the plans will be endorsed and will then form part of the permit.

Before the development is completed, all works shown on the endorsed plans must be carried out and completed and at no cost and to the satisfaction of the Responsible Authority

Childcare Centre

~~Unless with the prior written consent of the Responsible Authority, no more than 40 places may be offered in the childcare centre at any time.~~

~~Unless with the prior written consent of the Responsible Authority, the childcare centre may only operate between 6.00 am to 6.00 pm Monday to Sunday.~~

Restricted Recreation Facility (Gym)

~~Unless with the prior written consent of the Responsible Authority, no more than 60 patrons and six staff may be present in the gym at any time.~~

~~Unless with the prior written consent of the Responsible Authority, the gym may only operate between:~~

~~(a) 6.00 am to 10.00 pm Monday to Friday; and~~

~~(b) 6.00 am to 10.00 pm Saturday and Sunday.~~

Restricted Recreation Facility (Yoga studio)

~~Unless with the prior written consent of the Responsible Authority, no more than 25 patrons and five staff may be present in the yoga studio at any time.~~

~~Unless with the prior written consent of the Responsible Authority, the yoga studio may only operate between:~~

~~(a) 6.00 am to 10.00 pm Monday to Friday; and~~

~~(b) 6.00 am to 10.00 pm Saturday and Sunday.~~

Bottle Shop

- 50 Unless with the prior written consent of the Responsible Authority, the sale of liquor hereby permitted may only be offered between 9.00 am – 11.00 pm Monday to Sunday.
- 51 During all hours in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale of alcohol on the site.
- 52 During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").

- 53 The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
- 54 The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

Operations Management Plan

- 55 Before any of the development is occupied, an Operations Management Plan prepared by an appropriately qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan must address the following:
- (a) access arrangements to the tenancies;
 - (b) internal signage;
 - (c) security arrangements;
 - (d) servicing arrangements; and
 - (e) complaint resolution mechanisms.

Community Services Plan

- 56 Prior to the commencement of the uses hereby permitted, a community services plans 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 then form part of the permit. The plan must address:
- (a) implementation and management of the plaza to enable the opportunity for community events to be coordinated between council and the centre free of charge each year, including display spaces etc.;
 - (b) installation of real time information on public transport services and programs; and
 - (c) that the centre will be invested with wireless technology to the public lanes and spaces ensuring these areas support local commerce and contemporary e-commerce, community information and social networking.

General Amenity

- 57 Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
- 58 The amenity of the area, particularly the Yarra River Corridor, must not be detrimentally affected by the use or development, through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
- 59 All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 60 Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.

- 61 Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

Landscaping

- 62 Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 63 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
- 64 Prior to commencement of the development the permit holder must make a one off contribution of a maximum of \$6,000 to the Responsible Authority to be used for street tree plantings to Hull Street.
- 65 Before the development commences, the permit holder must make a one off contribution of \$3220.00 (excluding GST) to the Responsible Authority to be use for 2 new street tree plantings along Cameron and Bank Streets that are required as a result of the development.
- 66 Before construction works start, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than six months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Wayfinding and Lighting

- 67 **Prior to the occupation of the development, a detailed wayfinding signage plan must be submitted to and approved by the Responsible Authority. The plans must ensure the wayfinding signage is integrated into the design of the development.**
- 68 **Prior to the occupation of the development, a detailed lighting plan for all publicly accessible areas including private, communal and the public laneways must be submitted to and approved by the Responsible Authority. The plans must ensure lighting is integrated into the design of the development and is baffled to minimise light spill.**
- 69 The development must be provided with external lighting capable of illuminating access to each car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

- 70 Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
- 71 All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 72 All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Waste Management

- 73 **The collection, storage and disposal of waste must be undertaken generally in accordance with the approved Waste Management Plan prepared by Leigh Design dated 15 October 2019.**

~~Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.~~

~~When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 3 August 2018, but modified to include the following:~~

~~(a) An organic waste collection or a composting system for residents.~~

- 74 The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.
- 75 All commercial waste must be collected via a private collection service to the satisfaction of the Responsible Authority.

Construction Management Plan

- 76 Before any 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 as evidence of its approval. The plan must provide for or include the following:

- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
- (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- (e) on site facilities for vehicle washing;
- (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 that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;

- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - i using lower noise work practice and equipment;
 - ii the suitability of the site for the use of an electric crane;
 - iii silencing all mechanical plant by the best practical means using current technology; and
 - iv fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port;
- (q) confirm the location of the Council drain within the laneway running adjacent to properties fronting Bank Street and ensure that the drain is protected and be made accessible to Council work works in times of maintenance or emergency; and
- (r) screening measures to prevent overlooking into 267 Bridge Road during construction.

77 During the construction, the following must occur:

- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) all site operations must comply with the EPA Publication TG302/92.

- 78 The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Transport for Victoria Condition (79 to 80)

- 79 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bridge Road and Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.
- 80 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

VicRoads Conditions (81 – 83)

- 81 In the event that the Roads Corporation requires the land affected by the Public Acquisition Overlay – Schedule 1 (PAO1), VicRoads will advise the landowner in writing. Upon receiving this notice, the owner must remove, from the land affected by the overlay, all use and development permitted by this planning permit to the satisfaction of VicRoads and the Responsible Authority. The cost associated with removing the use and development from the land affected by the PAO1 is to be borne by the owner of the land.
- 82 No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.
- 83 Construction plans for the buildings and works proposed within the areas affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site.

The plans must demonstrate that the buildings and works proposed within the PAO1 areas may be removed by the owners of the building at a time as required by VicRoads.

Expiry

- 84 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three (3) years of the date of this permit;
 - (b) the development is not completed within seven (7) years of the date of this permit;
 - (c) the uses are not commenced within seven (7) years of the date of this permit.

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three (3) months afterwards.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

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

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.

NOTE: 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.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

NOTE: The southern part of the site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: Permission is required from Council's Parking Services Unit to remove on-street parking spaces and/or modify parking restrictions.

VicRoads NOTE: Separate consent may be required from **the Department of Transport (Head, Transport for Victoria)** ~~VicRoads (the Roads Corporation)~~ under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. ~~Church Street and Bridge Road~~). Please contact **Department of Transport** ~~VicRoads~~ prior to commencing any works.

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

Attachments

- 1** Cover Letter
- 2** Facade Strategy November 2019
- 3** Landscape Plans November 2019 Part 1
- 4** Landscape Plans November 2019 Part 2
- 5** Landscape Plans November 2019 Part 3
- 6** Landscape Plans November 2019 Part 4
- 7** PAO Structural Drawings November 2019
- 8** Planning Report November 2019
- 9** Statement of Changes November 2019
- 10** Town Planning Drawings November 2019 Part 1
- 11** Town Planning Drawings November 2019 Part 2
- 12** Town Planning Drawings November 2019 Part 3
- 13** Town Planning Drawings November 2019 Part 4
- 14** Town Planning Drawings November 2019 Part 5
- 15** Town Planning Drawings November 2019 Part 6
- 16** Town Planning Drawings November 2019 Part 7
- 17** Town Planning Drawings November 2019 Part 8
- 18** Town Planning Drawings November 2019 Part 9
- 19** PLN11/0834.03 - Urban Design Response Package March 2020
- 20** PLN11 0834.03 - Referral Comments

Attachment 20 - PLN11 0834.03 - Referral Comments