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**PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1**

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## **Executive Summary**

### **Purpose**

1. This report provides an assessment of the proposal at 462 – 482 Swan Street, Richmond, for the construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) clause 15.01 – Urban Environment;
  - (b) clause 21.05 – Built Form;
  - (c) clause 22.10 – Built Form and Design Policy;
  - (d) clause 22.05 – Interface Uses Policy;
  - (e) clause 34.01 – Commercial 1 Zone;
  - (f) clause 43.02 – Design and Development Overlay (Schedule 14);
  - (g) clause 52.06 – Car Parking; and
  - (h) clause 52.29 – Alteration of Access to a Road Zone, Category 1.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy and Strategic Support;
  - (b) Built form and Urban Design including Affordability;
  - (c) On-site amenity including Environmentally Sustainable Design;
  - (d) Off-site amenity including City Link Exhaust Stacks and Waste Management;
  - (e) Car parking, traffic and alteration of access;
  - (f) Bicycle facilities and strategic transport; and
  - (g) Objector concerns.

### **Submissions Received**

4. Thirteen (13) objections were received to the application, these can be summarised as:
  - (a) Built form and massing
    - (i) Height and mass of the development is inconsistent with the existing neighbourhood character;
    - (ii) Inadequate upper level setbacks;
    - (iii) Building should provide greater footpaths around;
    - (iv) Building separation is inadequate; and
    - (v) Development not in keeping with historic low-scale precinct.
  - (b) Use and Off-Site Amenity Impacts:
    - (i) Loss of views;
    - (ii) Overshadowing of the public realm; and

- (iii) Wind impacts.
- (c) Traffic and Car Parking:
  - (i) Too many car parks provided on-site, additional traffic cannot be supported within local road network; and
  - (ii) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.
- (d) Other:
  - (i) Due to COVID-19 there is no longer a need for large-format office space;
  - (ii) The office layout would not allow for social distancing or safe use of lifts due to the COVID-19 pandemic; and
  - (iii) Amendment C185/Planning Permit PLN15/0057 provided significant community benefits (including a supermarket) to justify the preferred DDO14 height.

### **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) Modifications to the south-western corner and upper levels of the development, including at level 10, the west façade setback to a minimum 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres. The level 11 setback is to accord with these requirements, with the south-western Level 11 terrace relocated to Level 10.
  - (b) Inclusion of a setback at the level 11 the eastern façade, to a minimum 6.23 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade.
  - (c) Inclusion of a condition requiring the southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform.
  - (d) Requirement for the owner (or another person in anticipation of becoming the owner) to enter into a Section 173 Agreement with the Responsible Authority to facilitate the provision of affordable commercial space, or provide an equivalent community benefit.
  - (e) Requirement for a shared zone to be delivered within the Burnley Street service road.
  - (f) Requirement for the Sustainable Management Plan to be updated to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating.

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**1.2 PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1**

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Reference: D20/92444

Authoriser: Manager Statutory Planning

**Ward:** Melba

**Proposal:** PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1

**Existing use:** Timberyard/Dwellings

**Applicant:** Human Habitats

**Zoning / Overlays:** Commercial 1 Zone  
Environmental Audit Overlay (EAO)  
Design and Development Overlay (Schedule 2)  
Design and Development Overlay (Schedule 5)  
Design and Development Overlay (Schedule 14)  
Adjoining Road Zone, Category 1

**Date of Application:** 6 January 2020

**Application Number:** PLN20/0006

### Planning History

6. The subject site has a long planning history of relevance to this application.

#### *Planning Application No. PLN12/0505 & Planning Scheme Amendment C153*

7. A Section 96A amendment application (PLN12/0505) was submitted to Council on 14 June 2012. The application sought to undertake a combined planning permit and planning scheme amendment process (Amendment C153) to facilitate the development of a 17 storey mixed-use building (comprising retail, including a supermarket, offices and 295 apartments) and proposed to rezone the land from Business 4 Zone to Business 1 Zone.
8. At a Council meeting conducted on 5 June 2012, Council resolved to adopt the *Business and Industrial Land Strategy*, incorporating a number of changes to the draft strategy which in part identified a number of sites eligible for rezoning. Council resolved to retain the existing zone in a number of precincts, including precinct BS13 (in which the subject site was located). The proposed Amendment C153 was therefore not supported as the rezoning would be inconsistent with the adopted *Business and Industrial Land Strategy*.

#### *Planning Permit No. PLN15/0057 & Planning Scheme Amendment C185*

9. A subsequent 96A amendment application (PLN15/0057) was received on 30 January 2015. The application sought to undertake a combined planning permit and planning scheme amendment process (Amendment C185), which resulted in the following:
- (a) Amendment C185 was approved, with the notice of the approval published in the Victorian Government Gazette on 25 January 2018, allowing the land at 462 - 482 Swan

Street Richmond to be rezoned from a Commercial 2 Zone to a Commercial 1 Zone and the application of a site specific Design and Development Overlay (DDO14) and Environment Audit Overlay to the land.

- (b) Planning Permit PLN15/0057 was issued on 31 January 2018 by Council at the direction of the Minister for Planning pursuant to Section 96J of the *Planning and Environment Act 1987* (the Act). The permit allows the use and development of the land for a mixed use development comprising two buildings (part 3-10 storey and part 3-12 storey) containing dwellings, a supermarket, retail, offices, gymnasium (with swimming pool) (permit required for dwellings and restricted recreation facility only), a reduction in the car parking requirement and buildings and works including an alteration to a Road Zone (Category 1) (Figure 1).
10. An extension of time was recently granted to this planning permit. The development must now commence no later than 31 January 2021, be completed no later than 31 January 2023 and the approved uses must be commenced by 31 January 2024. This permit has not been acted upon.



Figure 1: Development approved pursuant to Planning Permit PLN15/0057 from the north-western corner of Swan and Burnley Streets

11. Through the implementation of Amendment C185, Planning Permit PLN15/0057 demonstrated significant community benefit provided through rejuvenation of this part of Swan Street. The application proposed considerable improvements to the public realm (Swan and Burnley Street and Burnley Station) and the provision of 5% of total dwellings to be provided as affordable housing (or a comparative number off-site). In respect of the public realm works, the following was approved:
- (a) Along Swan and Burnley Streets where the development is setback from its site boundaries to enable a wider footpath and create a 'pedestrian plaza';
  - (b) Construction of DDA-compliant access ramps to Burnley Station and to the pedestrian path along the southern boundary of the site;
  - (c) A second walkway up to the pedestrian plaza from Burnley Station;
  - (d) Improved landscaping along Swan and Burnley Streets and to the pedestrian link to the south.

### **The Proposal**

12. The application is for the construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1.
13. Key features of the proposal include:

Use and layout

- 14. The main building entrances providing access to the ground floor and upper levels are provided from Swan Street and the pedestrian laneway to the rear (interface with Burnley Station/rail corridor). These entrances provide access to an internal north-south quasi-public pedestrian laneway that provides a pedestrian connection between Swan Street and Burnley Station.
- 15. The internal laneway will be open during standard business hours (facilitated by a permit condition) and will be 7 metres in width and three-storeys in height, dissecting the Level 01 and Level 02 offices spaces internally which are connected via an internal bridge.
- 16. A total of 32,052 sqm of open-plan office space is proposed. No permit is required for the proposed office use.
- 17. At ground floor, six retail premises are proposed providing 1,626sqm of floor area. Two larger spaces are provided to the north-western and south-western corners. Four smaller tenancies are provided with one fronting Swan Street toward the east, one fronting Swan Street and to the east of the internal laneway and two internal to the building, fronting the internal laneway.
- 18. Limited details of the retail uses have been provided, this will be discussed later in the report, under on-site amenity. No permit is required for any retail use.
- 19. At the ground floor, the following public realm benefits are proposed:
  - (a) To the northern boundary the building proposes a setback of between 2 metres and 2.6 metres, providing a widened footpath to Swan Street. The design of the building façade along Swan Street is undulating, with public bench seating provided within the building indentations and 3 bicycle racks proposed. A canopy is proposed over the Swan Street footpath, with six new street trees proposed. This interface is activated by the retail spaces and main entrance, only 14.63 metres is not active, as a result of the building services and vehicle accessway located toward the eastern boundary.
  - (b) To the western boundary the building proposes a setback of between 1.73 metres and 4 metres, with four additional street trees and public seating proposed along the Burnley Street curb. Within this space, 13 bicycle racks are proposed. This interface at ground floor is completely active, with the retail spaces interacting directly with the street.
  - (c) To the southern boundary the building proposes a setback of between 3 metres and 4.5 metres, providing additional circulation space and matching the southern setback of the adjoining development to the east. Within this space, 11 bicycle racks are proposed as well as the entrance to the end-of-trip facilities to the east and retail spaces to the west. Where interfacing with the existing station ramp access points, a landscaped terrace is proposed (Figure 2) to provide better integration of the differing levels.

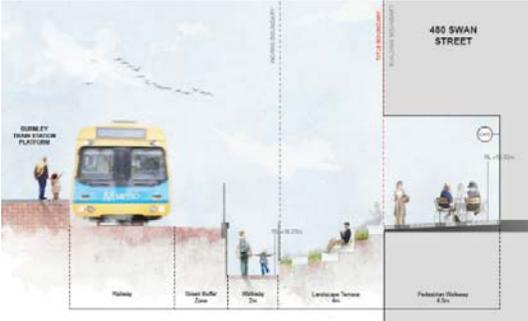


Figure 2: A sectional diagram of the proposed landscaped terrace to the south of the development.

- 20. All structures on site and existing crossovers are to be demolished (no permit required).

*Construction*

21. Two basement levels accessed via a double width crossover to Swan Street with 222 car parking spaces, including 4 DDA spaces. The basement areas house a range of service cupboards, storage cupboards and the rainwater tanks (total 90,000 litres). The basements are generally constructed to all title boundaries.
22. Podium heights of:
  - (a) Part four and part three storey podium proposed to Swan Street with heights of 17.86 metres and 14.1 metres. Both podiums whilst clad in GRC or similar cladding panel system and with a textured finish and grey powder coated coloured aluminium are architecturally expressed in differing ways.
  - (b) Part three and part two storey podium proposed to Burnley Street with heights of 14.1 metres and 10.35 metres. The street storey podium will be clad in grey powder coated coloured aluminium whilst the two storey podium will be clad in grey/brown brick with a natural finish. The two podiums will adopt differing architectural expression which varies again from that presented to Swan Street.
  - (c) Part four and part two storey podium proposed to the south with heights of 17.85 metres and 10.35 metres. Both podiums are clad in grey/brown brick with a natural finish and adopt a similar architectural expression and match part of the Burnley Street podium.
  - (d) Four storey on boundary wall proposed along the eastern boundary with a height of 17.84 metres.
23. The upper levels of the building have been designed to respond to the varying podium heights, with building indentations provided to break down the massing and provide the illusion of an interconnecting campus of forms.
24. The proposal provides several outdoor terraces above the ground floor, as follows:
  - (a) At the first floor: 89sqm and 179sqm facing north on the western and eastern sides of the internal laneway respectively, and 73sqm centrally along the eastern boundary.
  - (b) At the second floor: 43sqm facing north-west and 327sqm facing south and west;
  - (c) At the third floor: 663qm facing north-west; and
  - (d) At the eleventh floor: 320sqm facing south-west.
25. The building presents an overall height of 53.65 metres to the top of the plant, associated with the eastern portion where fronting Swan Street whilst the western portion presents as 48.85 metres in height. To the rail corridor the building presents as 44.7 metres in height, with the eleventh level setback by 8.29 metres to be read as a separate more recessive element.
26. Along Burnley Street the development presents as 48.85 metres in height for the northern portion, with the southern portion presenting as 44.7 metres in height due to the setback adopted at the eleventh level from the western boundary of 13.6 metres. To the east, the building will present as 48.85 metre form for the southern portion and 53.65 metres for the northern portion.
27. The materiality of the upper levels are a glazed curtain wall system in two types, Type 1 – integrated expressed mullion and Type 2 – Articulated façade system.



Figure 3: Image of the proposed development from the north-western corner of Swan and Burnley Streets



Figure 4: Image of the proposed development from the Burnley Street overpass

Lodgement of additional documents

- 28. During the course of the application, further documentation was submitted responding to issues raised, this includes:

*Wind Memo – 21 May 2020*

- 29. On 21 May 2020 a Wind Memo (prepared by Mel Consultants, dated 19 May 2020) was submitted in response to the following comment raised by Council's external wind consultants Vipac:

*Vipac notes that there is an alfresco dining area proposed at the south side of the development close to southwest corner (see Figure 1 in the attachment). MEL Consultants test report has not assessed any outdoor seating areas. Test showed that the wind conditions at the close by location (Location 5) were within walking criterion for the updated design but well over the sitting comfort criterion. Vipac recommends that MEL Consultants should provide additional assessment for this area.*

The full referral response is attached to this report.

30. The updated wind memo identified that the location of the outdoor seating area could be re-located further east, along the southern face of the building, where wind conditions would be expected to achieve the long term stationary criterion. As further wind issues were identified, this was not re-referred to Council's external wind consultants. Wind impacts will be discussed within this report.
31. The wind memo is attached to this report.

*Updated Waste Management Plan (WMP) – 21 May 2020*

32. On 21 May 2020 an updated WMP (prepared by WSP, dated May 2020) was submitted in response to the following comments raised by Council's City Works Department:
  - (a) *The waste management plan for 462 – 482 Swan Street, Richmond authored by WSP and dated 17/4/20 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:*
    - (i) *Please provide an explanation of how risk will be managed.*
33. The updated WMP was re-referred to Council's City Works Department who advised the updated WMP was satisfactory, with their comments attached to this report. The updated WMP is also attached to this report.

*Without Prejudice Sketch Plans – 5 June 2020*

34. On 5 June 2020 the applicant prepared a response to the Urban Design comments prepared by Council's external consultant, Rob McGauran.
35. In respect of Recommendation 1 (Podium and Street Wall) the applicants advised further documentation would be supplied to address this concern at a later date.
36. In respect of Recommendation 2, the following was provided:
  - (a) The Urban Design comments recommended that at Level 11 the eastern façade should be setback 8 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade with the south roof zone reconfigured to a landscaped terrace.
  - (b) The applicant submits that the 8 metre setback cannot be accommodated as it would compromise the functionality of the level, reduce the capacity of this level to provide passive surveillance and would conflict with structural requirements. Instead, a setback of 6.23 metres was recommended by the applicant. A terrace can be accommodated within the southern roof zone.
37. In respect of Recommendation 3, the following was provided:
  - (a) The Urban Design comments recommended that to ensure the proposed development responds to Local Policy and the provisions of the DDO14, where outcomes that enable increased density and scale are considered appropriate where they are able to mitigate offsite impacts, the scale of the south-western corner and plant level should be addressed via condition, as follows:
    - (i) At level 10, setback the west façade to 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres.
    - (ii) At level 10, setback the southern façade to 12 metres, west of Gridline E.
    - (iii) Setback Level 11 in accordance with the setbacks above.
    - (iv) Relocate the south-western Level 11 terrace to Level 10, in the area created by the conditions above.

- (v) Reconfigure the southern façade at Level 11 and reduce the scale/height of the plant level above to reduce the impact of overshadowing on the central Burnley Station platform between 10am and 2pm to ensure that there is no net increase in platform overshadowing.
  - (b) The applicant submits that the setback recommended cannot be accommodated as it would compromise the functionality of the level and would conflict with structural requirements. Instead, at Level 10 a setback of 10.589 metres for the entire west elevation south of where the building currently indents to 10.97 metres and a setback of the southern façade, west of Gridline E, to 11.322 metres is recommended by the applicant. Level 11 would adopt these setbacks also, with the terrace relocated from Level 11 to Level 10.
  - (c) In respect of the plant level, further information was provided later, on 15 June 2020 and is discussed below. Whilst massing diagrams and shadows were provided, shadow diagrams showing the true impact of the above changes were also provided on 15 June 2020.
38. In respect of Recommendation 4 the applicant advised that they would accept conditions to ensure wind conditions are acceptable for stationary activities on the ground floor and terrace areas.
39. These plans are provided without prejudice for discussion purposes and does not indicate the applicant consents to the recommended changes.

*Response to Referrals – 11 June 2020*

40. On 11 June 2020 the applicant prepared a response to the referral comments received from Urban Design (Internal - streetscapes), Streetscapes and Natural Values, Open Space, ESD and Acoustics (SLR Consulting).
41. No new consequential information was provided within the documentation, this response is included as an attachment to this report.

*Response to Referrals – 12 June 2020*

42. On 12 June 2020 the applicant's traffic engineers prepared a response to the referral comments received from the Strategic Transport Unit, Engineering Unit and the external Transport for Victoria Comments.
43. This information was re-referred to the Engineering Unit with their most recent comments included as an attachment to this report. The applicant's response is also included as an attachment to this report.

*Without Prejudice Sketch Plans – 15 June 2020*

44. On 15 June 2020 the applicant prepared further information in response to the Urban Design comment prepared by Council's external consultant, Rob McGauran. Provided was a façade package, roof/plant plan and shadow diagrams.
45. The package provides additional supporting information for the podium and façade design and provides an alternative design response for the eastern portion of the Swan Street podium, as shown in Figure 5 and Figure 6.



Figure 5: Current podium design of the eastern portion of the Swan Street podium



Figure 6: Proposed podium design solution regarding the eastern portion of the Swan Street podium.

- 46. An alternative roof/plant plan was provided that modified the setbacks to the east, west and south, as follows:
  - (a) East: from 6.23 metres to 11 metres.
  - (b) West: from 26.43 metres to 18.5 metres.
  - (c) South: from 11.3 metres to 13 metres.
  
- 47. These setbacks are reflective of the massing plans provided on 5 June 2020 and informed the shadow plans submitted on this date and also on 15 June 2020, that show a reduction in shadowing over Burnley Station.
  
- 48. These plans are provided without prejudice for discussion purposes and does not indicate the applicant consents to the recommended changes and are included as attachments to this report.

## Existing Conditions

### Subject Site

49. The subject site is located on the southern side of Swan Street, on the eastern intersection with Burnley Street in Richmond. The site consists of six addresses and nine titles, as follows:
- (a) No. 462 Swan Street, Richmond (Lot 1 TP 121471V);
  - (b) No. 464 Swan Street, Richmond (Lot 2 PS 052088);
  - (c) No. 466 Swan Street, Richmond (Lot 3 PS 052088);
  - (d) No. 468 Swan Street, Richmond (Lot 4 PS 052088);
  - (e) No. 470 Swan Street, Richmond (Lot 5 PS 052088); and
  - (f) No. 476 – 482 Swan Street, Richmond (Crown Allotment 28 City of Richmond Parish of Jika Jika, Lot 1 TP 686295P, Lots 1&2 TP 592681C and Portion 29 Parish of Jika Jika).
50. Collectively, the site is 80.44m in width along Swan Street and 57.91m in length with a total site area of 4,658sqm. The subject site has two crossovers onto Swan Street, the eastern-most (and larger one) being shared with the site to the east. A pedestrian path runs along the southern boundary of the site, separating it from the train line to the south and providing access to Stawell Street.
51. The subject site is occupied by five, brick single storey attached dwellings (No. 462 – 470 Swan Street) (Figure 7) and a large, single storey warehouse building being used as a timber yard (No. 476 – 482 Swan Street) (Figure 8).



Figure 7: Extract from Human Habitats Town Planning and Urban Context Report, dated 17 April 2020



Figure 8: Extract from Human Habitats Town Planning and Urban Context Report, dated 17 April 2020

### *Title Documents*

52. The titles submitted with the application do not show any covenants, restrictions or easements with the exception of a Right-of-Carriageway (ROW) associated with Title Plan TP592681C which provides access to the rear of the site from Swan Street. This ROW is not a Council ROW.

Surrounding Land

53. The site is located within a predominantly mixed commercial and light industrial area with residences further to the north and south. The site derives much of its context from its location within the Swan Street Major Activity Centre (MAC), its abuttal to the Burnley railway station immediately to the south, and the Burnley Street overpass which travels over the railway line to the west of the site. The site is also adjacent to the Burnley Street Neighbourhood Centre (NC) which is to the north of its intersection with Swan Street.
54. The Swan Street MAC and Burnley Street NC provide a wide range of services including local convenience retailing, bulkier item stores, car showrooms and food and drinks premises. In terms of public open space, there is access to public parks and recreation areas in the locality including the Barkly Gardens, Allan Bain Reserve, Ryan Reserve, Golden Square Bicentennial Park, Yarra River, Burnley Oval and the Burnley Golf Course.
55. Swan Street and Burnley Street are both Secondary State Arterial Roads, controlled by VicRoads and designated with a Road Zone, Category 1 Zoning. Swan Street contains tram lines (Route 70 – Wattle Park to Waterfront City Docklands) with Burnley Train Station to the south (Lines: Alamein, Belgrave, Glen Waverly and Lilydale). Burnley Street provides a connection to the Monash Freeway, with the Burnley Street entrance located 400 metres to the south.
56. The character of built form and development along Swan Street reflects the uses within the area with a mixture of larger commercial/industrial buildings predominantly along the southern side of Swan Street with finer grain development along the northern side. There are only a handful of buildings in the area with heritage value with the closest two being directly to the north at Nos. 413-415 Swan Street.
57. In respect of residential uses, the closest residential uses are located 20 metres away to the north, on the opposing side of Swan Street, at No. 429-437 Swan Street and 65 metres away to the south, across the railway line along Madden Grove.
58. In terms of the emerging character, Burnley Street has had a number of developments approved within the last 10 years, with built form up to 8 storeys in height and is experiencing a reasonable degree of change. There are also a number of larger developments emerging along the Swan Street spine of up to 11 storeys in height, with Schedule 17 to the Design and Development Overlay anticipating significant change in the emerging built form character.
59. The mix of zoning is demonstrated in Figure 9 and surrounding built form shown in Figure 10.

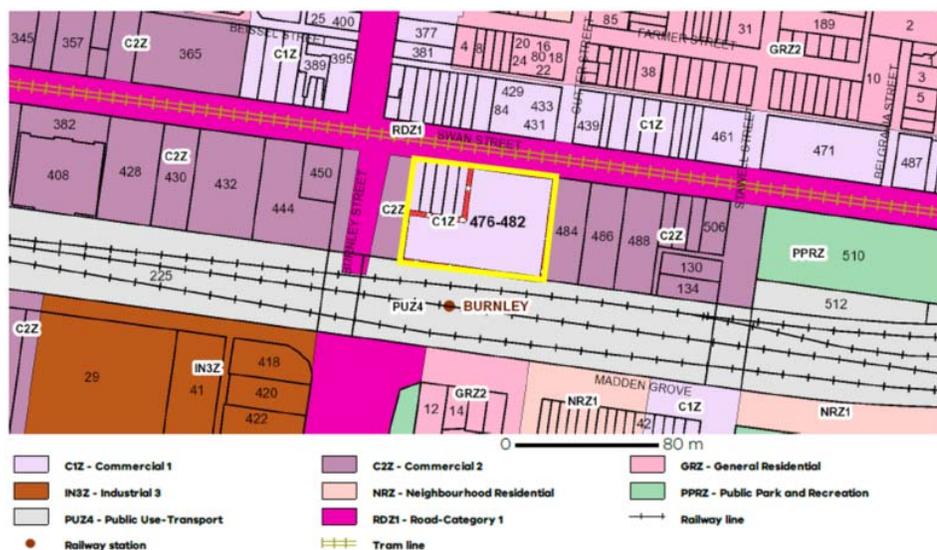


Figure 9: The subject site and surrounding land shown as C2Z and C1Z, with GRZ further north and south (Source: DELWP)



Figure 10: Aerial imagery of the subject site and surrounding built form  
(Source: City of Yarra GIS: Dec 2019)

60. The immediate interfaces are described as follows:

*North*

- (a) The northern side of Swan Street is located within the Commercial 1 Zone, and the built form reflects a fine grain pattern of development, with a row of single and double storey Victorian-era shop buildings at Nos. 405 – 421 Swan Street (opposite the site).
- (b) No. 429-437 Swan Street, also opposite the subject site, has been developed in accordance with Planning Permit PLN14/1205 (also applies to No. 16-26 Farmer Street) and allows *the development of the land for the construction of town houses and one multi-storey building with a food and drinks premises at ground floor, shops, offices (no-permit required uses) and dwellings including a reduction in the associated car parking and the waiver of the loading bay requirements of the Yarra Planning Scheme.* To Swan Street the development is seven storeys in height with a six-storey street wall (17.71 metres).

*South*

- (c) The railway line is located directly to the south of the subject site. Further south, beyond the station and on the southern side of Madden Grove is the residential area of Burnley. These residences are located 65 metres from the subject site.

*East*

- (d) Immediately to the east of the subject site is a double storey office building, partly constructed along the boundary with the subject site at No. 484 – 486 Swan Street. Car parking is located within the front setback and to the rear of this site.
- (e) This site has a current planning permit, PLN17/0448, for *the use and development of the land for the construction of a thirteen storey mixed use building (permit required for food and drinks premises (café)), reduction in car parking requirements, and alteration of access and buildings and works to a Road Zone, Category 1.*



Figure 11: Render of the development approved pursuant to PLN17/0448.

- (f) This planning permit was issued on 2 May 2018. An extension of time request to the commencement date was lodged on 30 May 2020 and is currently under consideration.
- (g) A Section 72 amendment to the planning permit was lodged on 4 July 2019 for *changes to the permit preamble, deletion/amendment of conditions, reconfiguration of building uses (including increased hours and patron numbers for cafe and restaurant - permit required uses), internal reconfigurations, changes to the car parking provision/allocation, built form changes (including a reduction in setbacks, an increase in overall height, addition of a storey to a total of 14 storeys plus rooftop plant and changes to the design) and alteration of access to a road zone, category 1*. This amendment is currently under consideration.



Figure 12: Render of the amended development proposal currently before Council (PLN17/0448.01).

- (h) Further east of this are two similar large commercial buildings, also with car parking areas within their front setbacks along Swan Street.

West

- (i) To the west of the subject site (across the Burnley Street rail overpass) are a number of double storey offices, car showrooms, furniture stores and industrial buildings.

## Planning Scheme Provisions

### Zoning

Clause 34.01 – Commercial 1 Zone

61. The site is located within the Commercial 1 Zone (C1Z). The relevant purposes of the C1Z is as follows:
  - (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
62. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme) a planning permit is not required for the 'office' or 'retail premises' (inclusive of 'food and drinks premises') uses.
63. Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.

Overlays

*Clause 43.02 – Design and Development Overlay (Schedule 2 – Main Roads and Boulevards) (DDO2)*

64. The site is located within the DDO2. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay.
65. Schedule 2 to the DDO specifically relates to Main Roads and Boulevards. Specific design objectives are:
  - (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.*

*Clause 43.02 – Design and Development Overlay (Schedule 5 – City Link Exhaust Stack Environs) (DDO5)*

66. The site is located within the DDO5. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay. This does not apply:
  - (a) *If a schedule to this overlay specifically states that a permit is not required.*
67. Section 2.0 of Schedule 5 specifically states that a permit is not required for buildings and works
68. Section 4.0 of Schedule 5 states that where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1) (c) of the *Planning and Environment Act 1987* to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.
69. Clause 66.06 of the Scheme identifies that the Environment Protection Authority (EPA), Transurban City Link Limited and the Roads Corporation (Transport for Victoria).

*Clause 43.02 – Design and Development Overlay (Schedule 14 – 462-482 Swan Street Richmond) (DDO14)*

70. The site is located within the DDO14, a site specific schedule. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay.
71. Specific design objectives are:
- (a) *To provide for high density, taller development that delivers significant public realm outcomes.*
  - (b) *To reinforce the corner of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.*
  - (c) *To strengthen connectivity to Burnley Station and establish a highly walkable and cycle friendly public realm.*
  - (d) *To ensure new development provides well-located accessible and safe car parking areas that do not visually dominate the streetscape.*
  - (e) *To ensure that new development does not result in unreasonable overshadowing of the public realm including the adjoining streets, the Burnley Railway Station or neighbouring residential areas.*
72. The following requirements apply:

*Buildings and works*

- (a) *Buildings and works must be constructed in accordance with the following requirements:*

*Building heights*

- (i) *The building height must not exceed a maximum of 42 metres (12 storeys).*
- (ii) *The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment.*

*Building setbacks*

- (iii) *Reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form.*
- (iv) *Upper levels must be setback from the podium at all site boundaries, except for façade articulation of up to 0.5m, as follows:*
  - *A minimum of 6m from Swan Street to provide upper level setbacks from the primary street frontage.*
  - *A 5m setback from the eastern boundary to provide upper level building separation between the subject site and any future redevelopment of the abutting property.*
  - *A minimum of 3m setbacks from the south (rail corridor) and west (Burnley Street).*
- (v) *Provide building separation between built form elements at upper levels.*
- (vi) *Ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.*

*Building design*

- (vii) *Development must be designed to:*
  - *Provide active frontages at ground level and overlooking of the public realm, including station environs from upper levels.*
  - *Ensure development is of a high architectural standard in terms of its form, scale, massing, articulation and materials and that these design elements respond to the site context.*

- *Ensure development is designed to ameliorate adverse wind conditions at street level, communal open spaces, balconies and adjoining properties.*
- *Ensure building services are screened from the public realm and communal open spaces.*

*Traffic and access*

- (viii) *Ensure convenient and adequate bicycle parking is provided at street level to cater for the general public.*
- (ix) *Integrate carparking into the building design and conceal from the public realm.*
- (x) *Ensure vehicular access and egress and loading bay arrangements are designed to maximise pedestrian safety.*

*Public realm*

- (xi) *Provide improved connectivity between Swan Street, Burnley Street and Burnley Station.*
- (xii) *Improve the interface between the development and the east-west pedestrian link abutting the southern site boundary.*
- (xiii) *Enhance the amenity and appearance of the public realm along the Swan Street and Burnley Street frontage and east-west pedestrian link, including elements such as improved footpath treatments, lighting, street trees and street furniture.*
- (xiv) *Ensure new or improved pedestrian links promote a sense of safety for day and night-time conditions.*
- (xv) *Minimise overshadowing of adjoining streets, the public realm and existing residential areas.*
- (xvi) *Ensure no unreasonable overshadowing impact to Burnley Station.*

*Amenity*

- (xvii) *Provide acoustic treatments to address the impact of existing and potential noise from the rail corridor, the Burnley Street overpass and Swan Street.*
- (xviii) *Provide awnings over footpaths to Swan Street and Burnley Street to provide weather protection.*
- (xix) *Ensure built form and internal building layout are designed to maximise solar access, access to daylight, ventilation and outlook.*

73. Pursuant to the permit requirements contained within DDO14, a permit may be granted to construct a building or construct or carry out works which vary the specified height and/or setbacks specified above, where the applicant demonstrates to the satisfaction of the Responsible Authority that the following would be satisfied:

- (a) *that the built form outcome as a result of the proposed variations satisfies the Design Objectives of this Schedule.*
- (b) *that the proposal will achieve:*
  - (i) *An exemplary built form outcome;*
  - (ii) *An exemplary public realm outcome;*
  - (iii) *Innovative environmentally sustainable development;*
  - (iv) *Minimal additional overshadowing (beyond that which would be generated by a proposal that complies with the specified setback requirements) of the public realm;*
  - (v) *Minimal adverse amenity impacts to adjoining properties (beyond that which would be generated by a proposal that complies with the specified setback requirements).*

74. The specific decision guidelines are as follows:

- (a) *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:*
- (b) *How the development responds to each of the Design Objectives and the requirements included in clause 2 of this schedule.*

- (c) *The design, scale, height, mass and visual bulk of the development in relation to the surrounding built form.*
- (d) *Any minor variations from the required setbacks resulting from façade articulation.*
- (e) *How the proposal improves the pedestrian environment and other areas of the public realm.*
- (f) *The location, layout and appearance of areas set aside for car parking, vehicular access and egress and loading bay arrangements.*
- (g) *The effectiveness of new development in protecting the amenity of occupants from the off-site impacts of existing uses and activities.*
- (h) *The views of relevant referral authorities.*

*Clause 45.03-1 – Environmental Audit Overlay*

75. Pursuant to Clause 45.03-1 of the Scheme, the following requirements apply:

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

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

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

Particular Provisions

*Clause 52.05 – Advertising signs*

77. As identified within on Drawing No. DA2101, a 5.25 metre long by 0.64 metre wide sign is proposed above the northern pedestrian entrance. The signage will be 3.36sqm in area and does not appear to be illuminated. The sign is a business identification sign, specifying the address of the building '480 Swan Street.'
78. Pursuant to Clause 34.01-9 of the C1Z, advertising sign requirements are at Clause 52.05. This zone is in Category 1.
79. The application does not require a planning permit for signage as it is under 8sqm in total area and meets the Category 1 requirements contained within Clause 52.05 for business identification signage.
80. If the signage were to be illuminated, a planning permit would be required pursuant to Clause 52.05 as the sign exceeds 1.5sqm in area and is above the verandah. As no planning permit has been sought for signage, a condition can require the sign as shown on Drawing No. DA2101 to be shown as non-illuminated.

*Clause 52.06 – Car parking*

81. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.
82. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.

83. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
84. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the decision guidelines at clause 52.06-6 of the Scheme.

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	32,052 sqm	3 spaces to each 100m <sup>2</sup> of net floor area	961	222
Retail/ Food and Drink	1,626 sqm	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	56	0

85. A total of 222 car spaces are proposed on site, therefore the application seeks a total reduction of 795 car spaces. This represents a full reduction of car parking associated with the retail/food and drink premises component and a partial reduction in car parking for the office component.

*Clause 52.34 – Bicycle Facilities*

86. Pursuant to clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces
87. Under the provisions of Clause 52.34-3 of the Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	32,052 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	107 employee spaces	282 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	32 visitor spaces.	56 visitor spaces
Retail premises (other than specified in this table)	1,626 sqm	1 employee space to each 300 sqm of leasable floor area	5 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	3 visitor spaces	
<b>Bicycle Parking Spaces Total</b>			<b>112 employee spaces</b>	<b>282 employee spaces</b>
			<b>35 visitor spaces</b>	<b>56 visitor spaces</b>
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		4 showers / change rooms	28 showers / change rooms

88. The development proposes a total of 170 additional employee spaces and 21 additional visitor spaces above the statutory requirements of the planning scheme. A total 280 lockers are also proposed.
89. Clause 52.34-4 provides design standard for bicycle spaces and signage.

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

90. Pursuant to clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1. The purpose of the clause is to ensure appropriate access to identified roads.
91. Pursuant to clause 52.29-4, an application to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, in accordance with clause 52.29 must be referred to the Roads Corporation (Transport for Victoria) under section 55 of the Act.
92. The decision guidelines require the following to be considered:
- (a) *The Municipal Planning Strategy and the Planning Policy Framework.*
  - (b) *The views of the relevant road authority.*
  - (c) *The effect of the proposal on the operation of the road and on public safety.*
  - (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

General Provisions

*Clause 65 – Decision Guidelines*

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

*Clause 66.02 – Use and Development Referrals*

94. In accordance with clause 66.02-11 of the Scheme, an application to construct a building or to construct or carry out works for an office development comprising 10,000sqm or more of leasable floor area must be referred to the Head, Transport for Victoria (Department of Transport). The Head, Transport for Victoria, is a determining referral authority for this application.

*Clause 66.03 – Referral of Permit Applications Under Other State Standard Provisions*

95. In accordance with clause 66.03-11 of the Scheme, an application to create or alter access to a road declared as a freeway or an arterial road under the *Road Management Act 2004*, in accordance with clause 52.29 must be referred to the Roads Corporation (Transport for Victoria). The Roads Corporation (Transport for Victoria) is a determining referral authority for this application.

*Clause 66.06 – Notice of Permit Applications Under Local Provisions*

96. In accordance with Section 1.0 of clause 66.06 of the Scheme, notice must be provided to the Environment Protection Authority (EPA), Transurban City Link Limited and the Roads Corporation (Transport for Victoria) where the application is within the DDO5 and triggered under another provision of the Scheme.

Planning Policy Framework (PPF)

97. Relevant clauses are as follows:

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

98. The objective is:

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

*Clause 11.03 (Planning for Places)*

*Clause 11.03-1S (Activity Centres)*

99. The relevant objectives of this clause include:

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

*Clause 11.03-1R (Activity Centres – Metropolitan Melbourne)*

100. The relevant objectives of this clause include:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*  
(i) *Are able to accommodate significant growth for a broad range of land uses;*  
(ii) *Are supported by appropriate infrastructure;*  
(iii) *Are hubs for public transport services;*  
(iv) *Offer good connectivity for a regional catchment*  
(v) *Provide high levels of amenity*
- (b) *Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.*

*Clause 13.04-1S (Contaminated and potentially contaminated land)*

101. 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 (Noise)*

*Clause 13.05-1S (Noise abatement)*

102. The relevant objective of this clause is:

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

103. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.
- Clause 13.07 (Amenity and Safety)*
- Clause 13.07-1S (Land use compatibility)*
104. The objective of this clause is:
- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*
- Clause 15.01 (Built Environment and Heritage)*
- Clause 15.01-1S (Urban design)*
105. The relevant objective of this clause is:
- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
- Clause 15.01-1R (Urban design - Metropolitan Melbourne)*
106. The objective is:
- (a) *To create distinctive and liveable city with quality design and amenity.*
- Clause 15.01-2S (Building design)*
107. 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.*
108. Relevant strategies of this clause are:
- (a) *Ensure a comprehensive site analysis as the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- (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.*
109. This clause also states that planning must consider as relevant:
- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

*Clause 15.01-4S (Healthy neighbourhoods)*

110. 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)*

111. 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)*

112. 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)*

113. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

*Clause 17.01 – (Employment)*

*Clause 17.01-1S – (Diversified economy)*

114. The objective of this clause is:

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

115. The relevant strategies of this clause are:

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

*Clause 17.02 – (Commercial)*

*Clause 17.02-1S – (Business)*

116. The relevant objective of this clause is:

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

117. The relevant strategies of this clause is:

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

*Clause 18.02 (Movement Networks)*

*Clause 18.02-1S – (Sustainable personal transport)*

118. The relevant objectives of this clause is:

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

119. Relevant strategies of this policy are:

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

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

120. Strategies of this policy are:

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

*Clause 18.02-2S (Public Transport)*

121. 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)*

122. 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)*

123. The objective of this clause is:

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

124. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

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

*Municipal Strategic Statement (MSS)*

126. Relevant clauses are as follows:

*Clause 21.04-2 (Activity Centres)*

127. The relevant objectives of this clause are:

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

128. Relevant strategies to achieve this objective include:

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

*Clause 21.04-3 (Industry, office and commercial)*

129. The objective of this clause is:

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

*Clause 21.05-2 – (Urban design)*

130. The relevant objectives of this clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
  - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
    1. *Significant upper level setbacks*
    2. *Architectural design excellence*
    3. *Best practice environmental sustainability objectives in design and construction*
    4. *High quality restoration and adaptive re-use of heritage buildings*
    5. *Positive contribution to the enhancement of the public domain*
    6. *Provision of affordable housing.*

- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 19 To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
  - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
  - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

*Clause 21.05-4 – Public environment*

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

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

*Clause 21.06 – Transport*

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

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

134. Relevant objectives and strategies of this clause are as follows:

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

*Clause 21.07-1 – Ecologically sustainable development*

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

- (a) *Objective 34 – To promote ecologically sustainable development.*

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

*Clause 21.08-2 Neighbourhoods (Burnley, Cremorne, South Richmond)*

136. Relevant land use strategies are as follows:

- (a) *Improve access and perceived safety around Burnley Station and East Richmond Station.*
- (b) *Maintain the hard edge of the strip.*

137. 'Figure 7 Neighbourhood Map' of this clause shows the site to be located within the Swan Street Major Activity Centre.

Relevant Local Policies

*Clause 22.03 – Landmarks and Tall Structures*

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

*Clause 22.05 – Interfaces Uses Policy*

139. This policy applies to all development and use applications and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

140. It is policy that:

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

141. Decision guidelines at clause 22.05-6 include:

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

*Clause 22.10 – Built form and design policy*

142. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage;

on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

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

*Clause 22.17 – Environmentally Sustainable Design*

144. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Documents

*Plan Melbourne*

145. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.
146. The Richmond - Swan Street area is identified as a Major Activity Centre. Furthermore, the document identifies that increased diversity and density of development is encouraged within areas covered by the Principal Public Transport Network particularly at interchanges, activity centres and where principal public transport routes intersect.

*Melbourne Industrial and Commercial Land Use Plan (MICLUP)*

147. The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.
148. Map 5 within the document shows the commercial land within the inner metro region and identifies the land as being a regionally significant existing commercial area (Figure 13).



Figure 13: Excerpt from Map 5 of the MICALUP showing the subject site as a red circle.

149. The MICALUP identifies the role of regionally significant commercial areas as follows:

- (a) *These include commercial areas and places identified in Plan Melbourne as major activity centres as well as growth area business with residential precincts identified in Growth Corridor Plans. They should provide for and support access to a wide range of goods and services, including office and retail development, and provide for a wide range of employment opportunities. They are expected to deliver more intensive forms of employment uses including office and commercial activity.*

150. Map 4 within the document shows the industrial land within the inner metro region, identifying the properties to the east and west (across Burnley Street) as existing industrial land (Figure 14).

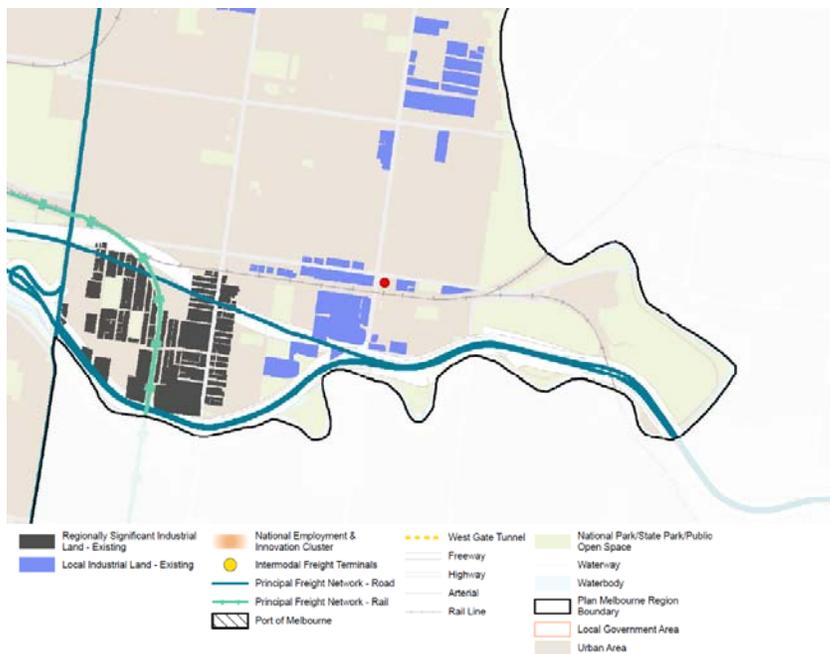


Figure 14: Excerpt from Map 4 of the MICALUP showing the subject site as a red circle.

151. The MICLUP anticipates an additional 4 million square metres of commercial floor space will be required across the Inner Metro Region by 2031. Of this, approximately 3.3 million square metres is anticipated to be required for office uses and the remaining floor space to be allocated for retail. Whilst the City of Melbourne is anticipated to accommodate the majority of the additional floor spaces required, the City of Yarra is expected to provide, in addition to the existing 933,400sqm of commercial floor space identified in 2018, an additional 548,000sqm of commercial floor space by 2031.
152. Action 7 of the MICLUP identifies the need for the state government to investigate options available to preserve and create affordable workspaces in inner Melbourne.

*Yarra Climate Emergency Plan*

153. The Climate Emergency Plan was adopted by Council in June 2020 and includes five strategic priorities. One of the priorities is to accelerate renewable energy, zero-carbon buildings and efficient operations.
154. An action of this policy is to transition towards zero-carbon buildings and precincts. Specifically, this action will result in a transition towards zero-carbon and precincts through the planning process, as follows:
  - (a) *Develop a zero carbon developments framework and work with developers to achieve leading practice.*
  - (b) *Introduce zero carbon standards for new commercial and residential developments, through pursuing a planning scheme amendment with local and state government partners.*
  - (c) *Encourage leadership in the local development industry by promoting leading practice buildings, such as developments that have met high sustainability standards (for example, case studies, tours and recognition).*
  - (d) *Seek to waive fees for solar installations and improve guidance to help facilitate installs in heritage areas.*
  - (e) *Consider precinct-level opportunities when undertaking planning for activity centres, precincts, such as renewable energy generation, storage and local distribution.*

[Emphasis added]

*Yarra Spatial Economic and Employment Strategy*

155. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
156. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
157. In regards to the strategic context of the site, the SEES provides the following:
  - (a) *A number of major railway stations serve the north and south of the municipality. Stations at Richmond, East Richmond and Burnley are located in established retail strips and present opportunities for consolidation and densification of commercial, retail and residential land uses. Stations at Victoria Park, Collingwood and North Richmond all serve the Hoddle Street precinct. At a metropolitan scale Yarra is highly accessible from the north, east and south (as evidenced in the journey to work data) and a convenient location for a diverse workforce to access employment opportunities in the CBD. Locally, there is also a high level of accessibility to employment, retail and services via public transport, walking and cycling, and private vehicles.*

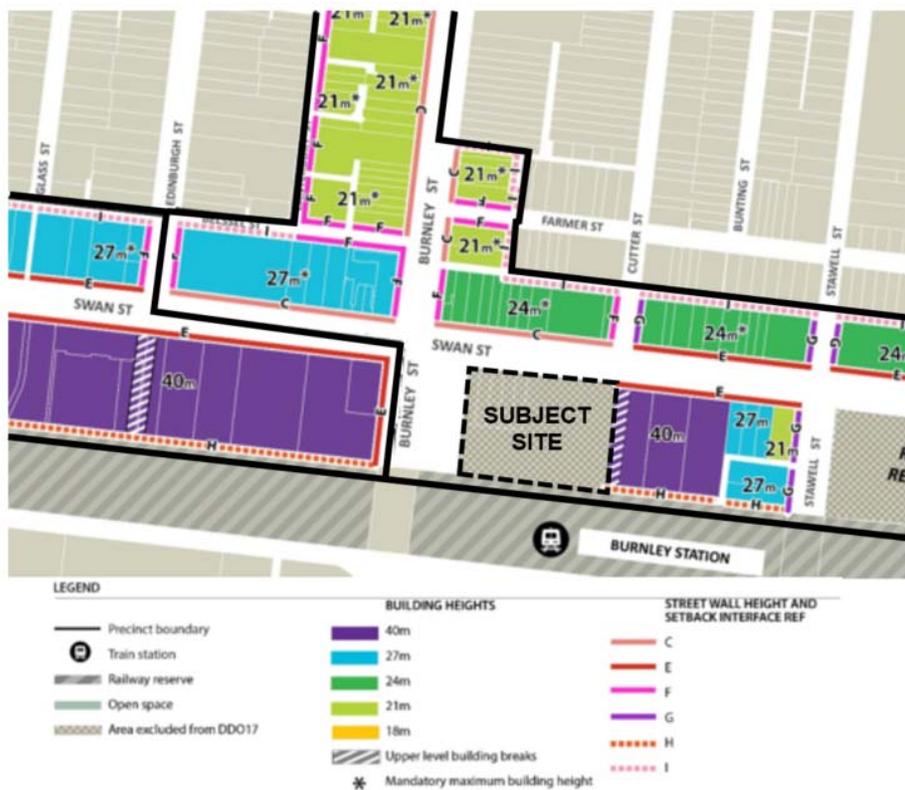
- (b) *...The Swan Street Structure Plan proposes zone changes and intensification of development around Burnley Station, potentially leading to further growth in capacity at the street's eastern end.*

*Swan Street Structure Plan*

- 158. The Swan Street Structure Plan (SSSP) was adopted by Council at its meeting on 17 December 2013 and is relevant to the site. The SSSP aims to manage this growth within the Swan Street activity centre and the surrounding area.
- 159. The subject site is within the Burnley Station Village Precinct, with the following specific statements relevant to the subject site:
  - (a) *Buildings are predominantly of a low scale at 1-2 storeys and existing zoning in the precinct, on the south side of Swan Street (Commercial 2 Zone). This limits future opportunities for a broader range of land uses including residential uses.*
  - (b) *Burnley Station currently has very poor public access and general amenity. The station is largely hidden behind Swan Street and has poor connectivity to the surrounding area. 2 underpasses provide access to the station. They feel unsafe and are difficult to identify in the street network.*
  - (c) *The station has potential to provide the precinct with excellent access to public transport and offers a major opportunity for redevelopment and improvement to the station and surrounding environs.*
  - (d) *The timber yard and adjoining sites located on the South east corner of Swan and Burnley Street are underutilised and offer potential for significant redevelopment and change in the precinct.*
- 160. The future vision for this precinct is described as follows:
  - (a) *A vastly transformed village precinct accommodating a diversity of activity including residential, local convenience retail, entertainment, and commercial uses. The precinct includes a major transit orientated development that plays a central role in Yarra's sustainable transport network and will act as a catalyst for change within this precinct.*
- 161. The document identifies the subject site as a strategic redevelopment site with a recommended height of 10 – 12 storeys (36 metres). Some specific rationale statements relevant to the subject site are as follows:
  - (a) *Redevelopment of the strategic redevelopment site on the southeast corner of Burnley Street and Swan Street will act as a major catalyst for change.*
  - (b) *Redevelopment provides opportunities to integrate Burnley Station with Swan Street and surrounding environs.*
  - (c) *Strengthening the variety of land uses will support intensification of residential uses.*
  - (d) *Large lot sizes on south side of Swan Street have good separation from existing residential uses to the north and less potential for adverse amenity impacts.*
- 162. In order to deliver the vision for the Swan Street study area, the Structure Plan articulates objectives and strategies grouped into four themes: land use; built form; public spaces; and access and movement. Whilst adopted, the structure plan has not progressed to the formal amendment stage and has limited statutory weight.

Amendment C191 – Swan Street Major Activity Centre

163. Yarra City Council is proposing to apply new planning controls to the Swan Street Major Activity Centre, via Amendment C191 and the implementation of a Design and Development Overlay, to help manage future development, protect heritage and support employment in the area.
164. The amendment was on public exhibition for six weeks during February and March 2019. Since then, the amendment has proceeded to a Panel Hearing. The Panel Hearing commenced on 2 December 2019. On 5 December 2019 the Panel Hearing was adjourned and will recommence on Monday 27 July 2020. The hearing is expected to run for three weeks.
165. The subject site is not included within the proposed Design and Development Overlay, due to its location within a site specific Design and Development Overlay, DDO14.
166. The site falls to the east of Precinct 3 (Swan Street East), applying to the land on the western side of Burnley Street and just outside of Precinct 4 (Burnley Station), applying to the land directly adjoining to the east and to the properties on the northern side of Swan Street. This is shown in Figure 15.



Note: All heights are preferred maximum building heights except where mandatory maximum building heights are shown  
 Figure 15: Extract from Plan 5 (Precinct 3) and Plan 7 (Precinct 4) of proposed DDO17 (precinct boundaries shown as thick black line), detailing the proposed controls and location of the subject site.

167. The overlay supports a discretionary 40 metre height limit for the sites to the east and west on the southern side of Swan Street. The overlay supports mandatory height limits on the northern side of Swan Street, of 27 metres for the site on the north-western corner of Swan and Burnley Streets and of 24 metres on the north-eastern corner of this intersection.

**Advertising**

168. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1,828 letters sent to surrounding owners and occupiers and by four

signs displayed on site. Council received thirteen (13) objections, the grounds of which are summarised as follows:

- (a) Built form and massing
  - (i) Height and mass of the development is inconsistent with the existing neighbourhood character;
  - (ii) Inadequate upper level setbacks;
  - (iii) Building should provide greater footpaths around;
  - (iv) Building separation is inadequate; and
  - (v) Development not in keeping with historic low-scale precinct.
- (b) Use and Off-Site Amenity Impacts:
  - (i) Loss of views;
  - (ii) Overshadowing of the public realm; and
  - (iii) Wind impacts.
- (c) Traffic and Car Parking:
  - (i) Too many car parks provided on-site, additional traffic cannot be supported within local road network; and
  - (ii) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.
- (d) Other:
  - (i) Due to COVID-19 there is no longer a need for large-format office space;
  - (ii) The office layout would not allow for social distancing or safe use of lifts due to the COVID-19 pandemic; and
  - (iii) Amendment C185/Planning Permit PLN15/0057 provided significant community benefits (including a supermarket) to justify the preferred DDO14 height.

169. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.

*VicTrack*

170. In accordance with Section 52 of the Act, VicTrack (owner of the rail reserve) was advertised to who provided no comments at the time of decision.

*YarraTrams*

171. In accordance with Section 52 of the Act, it was deemed that Yarra Trams (operator of the tram network on Swan Street) may have an interest in the application, and therefore the proposal was advertised to Yarra Trams, who on 8 May 2020 requested the applicant contact Yarra Trams directly to discuss potential requirements such as distances from Yarra Trams infrastructure. This request was provided to the applicant.

*Clause 43.02 – Design and Development Overlay (Schedule 5)*

172. In accordance with the requirements of Clause 66.06, this application was advertised to the EPA, Transurban City Link Limited and the Roads Corporation (Transport for Victoria).

173. The Roads Corporation (Transport for Victoria) responded in conjunction with the Department of Transport (Transport for Victoria) in response to the Section 55 Referral made pursuant to both clause 66.02-11 and clause 52.29-4. The comments are included as an attachment to this report.

174. At the time of decision, Transurban City Link Limited had not responded directly, however, the Roads Corporation (Transport for Victoria) confirmed on 11 June 2020 that Transurban City Link Limited had provided the following comments on the application to them:

- (a) *We have no comments regarding the proposed development aside from noting that the proposed building's height exceeds the plume buffer envelope from the Burnley Tunnel Exhaust Stacks, meaning that the occupants of the building may be exposed to pollutant levels that exceed EPA limits. As such, the EPA may choose to provide comment on the effects of the plume on the development.*

175. The EPA had responded on 5 May 2020, advising the following:

- (a) *The Environment Protection Authority (EPA) has reviewed the referral and documents accompanying the application. EPA advises that we do not have concerns with the proposal with respect to the City Link Exhaust Stack Environs. As such, EPA has no concerns with Council issuing this planning permit according to the information that has been provided.*

## Referrals

### External Referrals

176. The application was referred to the following authorities:

- (a) Head, Transport for Victoria (Roads Corporation and Department of Transport)

On 12 June 2020, Transport for Victoria contacted Council by email, identifying that the applicant had requested a change to Condition 1 (a) of the referral comments to which they had no objection to. The updated wording is provided below:

*The installation of signs, line marking, splitter island and associated road works permitting only "left turn in" and left turn out" vehicular access from Swan Street ~~(informed by the Road Safety Audit)~~ unless otherwise recommend by the Road Safety Audit.*

### Internal Referrals

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

- (a) Open Space Unit;
- (b) Streetscapes and Natural Values Unit;
- (c) Urban Design Unit (public realm only);
- (d) Engineering Unit;
- (e) Strategic Transport Unit;
- (f) City Works Unit; and
- (g) ESD Advisor.

### External Consultants

- (h) Urban Design (Rob McGauran, MGS Architects);
- (i) Acoustics (SLR Consulting); and
- (j) Wind (Vipac).

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

## OFFICER ASSESSMENT

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

- (a) Policy and Strategic Support;
- (b) Built form and Urban Design including Affordability;
- (c) On-site amenity including Environmentally Sustainable Design;
- (d) Off-site amenity including City Link Exhaust Stacks and Waste Management;

- (e) Car parking, traffic and alteration of access;
- (f) Bicycle facilities and strategic transport; and
- (g) Objector concerns.

Policy and Strategic Support

180. The proposed development has strong strategic support at State and local level for the construction of a larger scale office building. The subject site is located within a C1Z, this zone has a key purpose *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
181. Consistent with the zone, the use of the land for office, retail and food and drinks premises does not require a planning permit and only the buildings and works are triggered by the zone. This indicates strong strategic support for office use within the precinct and for supporting uses such as the ground floor retail (inclusive of the food and drinks premises) which will provide activation along both Swan and Burnley Streets. Additionally, policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport.
182. The site is well documented within both State and local policies as being a regionally significant commercial site (MICLUP) and a strategic redevelopment site (SSSP) that is slated for more intensive development (DDO14), subject to the delivery of significant public realm outcomes, public benefit outcomes as well as a responsive and high quality built form.
183. The site and adjacent surrounding land is located within commercially zoned land with the rail corridor located to the south. As a strategic redevelopment site the site has a number of attributes that facilitate a higher development capacity such as the overall size of the site, the underutilised development capacity, no heritage restrictions, distance from residential/sensitive uses, proximity to public transport corridors and services within the surrounding area.
184. The proposal complies with the strategic direction outlined within the SEES by continuing the commercial use of the site in a more intensive form, in order to facilitate greater growth and densification. As previously identified, the SSSP identifies the timber yard site as a site slated for significant redevelopment and change.
185. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.
186. The site fulfils this criteria, with tram routes along Swan Street, the site abutting Burnley Station and funding currently being sought for a bus route through the area. The proposal includes a total of 338 on-site bicycle spaces, including 56 visitor bike spaces, bike repair workshop and end-of-trip facilities thereby encouraging the use of alternative modes of transport to and from the site rather than encouraging the reliance on motor vehicles. This is encouraged by clauses 18.02 – Movement Networks; 21.06-3 – The Road System and Parking; and 21.03 – Vision of the Scheme.
187. The site is located in an area suitable for redevelopment, with a proposed built form that generally includes some elements of diverse pattern of urban form in the neighbourhood, creates a new built form character and would result in no unreasonable off-site amenity impacts due to the surrounding commercial uses.
188. Having regard to the above, the proposed development of the site for a greater provision of floor area for office is considered to have strategic planning support, however regard must be had to the appropriate scale and massing of the proposal, based on the individual context and

the Scheme requirements, most notably the DDO14. This aspect of the development will be discussed below.

Built form and Urban Design including Affordability

189. The primary considerations for the proposed development are the decision guidelines at clause 34.01-8 of the Scheme as well as the provisions of Schedule 2 and Schedule 14 of the DDO. The urban design assessment is further guided by planning policy at clauses 15.01-1S (Urban design), 15.01-2S (Building design) and 22.10 (Built form and design policy).
190. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the height and massing, street setbacks and the proposal's relationship to adjoining buildings and the public realm. These considerations will be addressed separately below.

*Urban form, character and context*

191. As already outlined in the *Surrounding Land* description of this report, the surrounding neighbourhood character is mixed. The northern side of Swan Street is a mixture of finer grain commercial buildings with some larger apartment buildings emerging amongst existing office and warehouses whilst along the southern side there are much 'bulkier' and taller office buildings emerging with older warehouses.
192. The existing neighbourhood character along the southern side of Swan Street is not one which Council prefers. This part of Swan and Burnley Streets (Burnley Village) is earmarked to be "vastly transformed" within Council's adopted document, the SSSP. The SSSP also includes a built form objective "to establish a new built form character that is complementary to existing context".
193. The existing context along the northern and southern side of this part of Swan Street will significantly change in the future as envisioned by Council's own adopted documents. The relevant strategies of the SSSP are:
  - (a) *Provide active frontages to the street.*
  - (b) *Rebuild/reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form scale with visually recessive upper levels.*
  - (c) *Ensure that the prevailing fine-grain pattern is preserved on larger sites or where sites are consolidated.*
  - (d) *Encourage taller buildings on the south side of Swan Street between Burnley Street and Stawell Street.*
194. The proposal complies with all of these, being on the southern side of Swan Street between Burnley and Stawell Streets and vastly improves on the previous proposal (PLN15/0057) in respect of the level of active frontages (including to the rail corridor to the south).

*Podium*

195. In regards to the podium, this is expressed in two forms as it presents to Swan Street and the rail corridor that can be described as the eastern form and the western form.
196. Whilst the eastern form adopts a four storey podium of 17.85 metres, this is considered to integrate well with the emerging character of the area and in particular the current approval at No. 484-486 Swan Street that also adopted a four storey and 16 metre high street wall at the common boundary (both to Swan Street and the rail corridor).
197. It is considered that the step up in height from this development and the subject site is appropriately managed through the materiality utilised. Furthermore, the podium of the

adjoining development is currently proposed within the current amendment to increase to 16.6 metres. If approved it would still be considered that the step between the two street walls would be appropriately managed.

- 198. In addition to the above, the six storey street wall of the development on the opposing side of Swan Street, at No. 429-433 Swan Street, with a height of 17.71 metres demonstrates that more robust forms interfacing with the street are common attributes of emerging design that go beyond the three storey built form scale envisioned by the SSSP.
- 199. The western form of the streetwall is expressed as a three storey form to Swan Street which wraps around to Burnley Street and steps down to a two storey form for the rear half that again wraps around to the rail corridor. This acknowledges the sensitivities of the south-western interface, with Burnley Station and the improved public realm that creates a future plaza area.
- 200. It is considered that the built form scale of the street wall, whilst varying between two and four storeys, is site responsive in reinforcing the street wall height along Swan Street and Burnley Street.
- 201. Council’s Urban Design consultant shared this view, commenting that the street wall steps appropriately along the differing site interfaces. Whilst issues were identified with the architectural expression, this will be discussed further later.
- 202. Where the podium forms step up or down, the building provides an indented setback to assist in breaking down the massing of the long site frontage and the differing podium forms. This is particularly evident above the podium and is highlighted within the landscape concept plan (Figure 16).

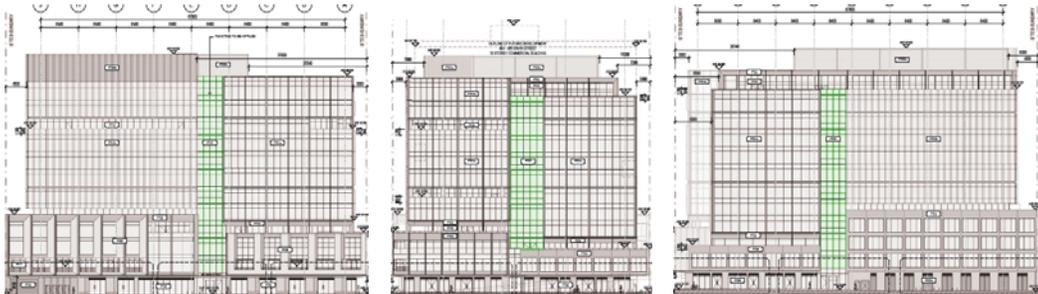


Figure 16: Extracts from the landscape concept plan, highlighting the indented setback between podium forms, where 'vertical gardens' are proposed on the northern, western and southern facades

- 203. The proposal has complied with the built form objectives and strategies of the SSSP and ensures the building is integrated with the surrounding urban context as per the design objectives of the DDO14.
- 204. This building will be contributing to a new built form character along this part of Swan Street, consistent with other approvals and the requirements of the DDO14 as discussed further below. This is a new built form character that is expected to develop as the sites further to the east within the C2Z build on and form a new emerging character that is more aligned with the strategic significance of this area.

*Height, scale and massing of the development*

- 205. There is a clearly established emerging character of higher built form in the area as identified above. All of these attributes favour the subject site’s potential for a greater height with the proposal fitting in with the emerging height range of the area. As such, the height is compliant with policy at clauses 15.01-1, 15.01-2, 22.10-3.2 and 22.10-3.3.

206. Council's adopted SSSP shows the subject site as an area where a 10-12 storey building should be located. As already outlined in the *Policy and strategic support* section of this assessment, Council has envisioned significant change of this magnitude on this site.
207. Council's overlay, DDO14, which is a site specific overlay is particularly specific with regards to the appropriate height and massing which should occur on the site. These built form recommendations are outlined below:
- (a) *The building height should not exceed a maximum of 42 metres.*
  - (b) *The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment.*
  - (c) *Reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form.*
  - (d) *Upper levels should be setback from the podium at all site boundaries, except for façade articulation of up to 0.5m, as follows:*
    - (i) *A minimum of 6m from Swan Street to provide upper level setbacks from the primary street frontage.*
    - (ii) *A 5m setback from the eastern boundary to provide upper level building separation between the subject site and any future redevelopment of the abutting property.*
    - (iii) *A minimum of 3m setbacks from the south (rail corridor) and west (Burnley Street).*
  - (e) *Provide building separation between built form elements at upper levels.*
  - (f) *Ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.*
208. The building height exceeds the 42 metre height and does not provide all of the setback requirements referenced within the DDO14 and therefore it must be determined if the development achieves:
- (a) an exemplary built form outcome,
  - (b) an exemplary public realm outcome,
  - (c) an innovative environmentally sustainable development,
  - (d) minimal overshadowing of the public realm and
  - (e) minimal adverse amenity impacts to adjoining properties in accordance with the requirements of Section 2.0.
209. Whether the development achieves an exemplary built form outcome and is appropriately massed to achieve minimal adverse amenity impacts that do not contribute to visual bulk will be discussed below. The other items will be discussed relevantly, within the balance of the report.
210. The building presents as 53.65 metres in height associated with the eastern portion where fronting Swan Street whilst the western portion presents as 48.85 metres in height. To the rail corridor the building presents as 44.7 metres in height, with the eleventh level setback by 8.29 metres to be read as a separate more recessive element.
211. Along Burnley Street the development presents as 48.85 metres in height for the northern portion, with the southern portion presenting as 44.7 metres in height due to the setback adopted at the eleventh level from the western boundary of 13.6 metres. To the east, the building will present as 48.85 metre form for the southern portion and 53.65 metres for the northern portion.
212. It is expected that the development, exceeding the height of 42 metres as referenced within the DDO14 provide significant and exceptional built form, public realm and ESD outcomes.

- 213. Whilst the height above the 42 metres is not considered a significant departure from the DDO14; in regards to height it must be determined whether the massing appropriately responds to the differing interfaces.
- 214. Excluding plant, the number of storeys proposed (12) is within the preferred future mid-rise character for Swan Street of generally 5 to 12 storeys. Council's external Urban Designer raised no issues with the proposed height. There are however, three aspects of the massing that were identified by Council's Urban Design consultant as requiring further design resolution and will be discussed in turn as follows:

*South-eastern upper level setback*

- 215. To ensure the architectural quality, upper level setbacks, visual breaks and design interest from the eastern approach respond to Local Policy and the provisions of DDO14 Council's Urban Design consultant recommended the following:
  - (a) At level 11 the eastern façade should be setback 8 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade; and
  - (b) At level 11, the south roof zone reconfigured to a landscaped terrace.
- 216. As previously identified, sketch plans were provided on 5 June 2020 providing an upper level setback to the eastern boundary of 6.23 metres in lieu of 8 metres, increasing from the 4.5 metre setback as shown on the proposed plans. The applicant identified that the 6.23 metre setback, in lieu of 8 metres, was required to maintain functionality, passive surveillance and for structural requirements.
- 217. This would result in a 1.73 metre setback from the level below when the setback requested would provide a 3.5 metre setback from the level below. Acknowledging that this is less than the requested setback by Council's Urban Designer, the increased separation coupled with an additional landscaped terrace provides a good response to receding this corner of the building. A condition can be included requesting this setback change.
- 218. In respect of the landscaped terrace within the southern setback zone, a condition can be included to require this. This will ensure passive surveillance is maintained, and improved, to the south. The applicant provided a digital model demonstrating the modifications to the building as referenced above (Figure 17).



Figure 2 - Submitted Proposal



Figure 3 - Proposed alternative response

Figure 17: Digital modelling of the proposal showing the current proposal (left) and the proposal including the Level 11 eastern setback of 6.23 metres (right).

*South-western upper level setback*

- 219. To ensure the proposed development responds to Local Policy and the provisions of the DDO14, where outcomes that enable increased density and scale are considered appropriate where they are able to mitigate offsite impacts, Council's Urban Design consultant recommended that the scale of the south-western corner and plant level should be eroded further, through the following:
  - (a) At level 10, setback the west façade to 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres;
  - (b) At level 10, setback the southern façade to 12 metres, west of Gridline E; and
  - (c) Setback Level 11 in accordance with the setbacks above.
  - (d) Relocate the south-western Level 11 terrace to Level 10, in the area created by the conditions above.
  
- 220. As previously identified, sketch plans were provided on 5 June 2020 providing, at Level 10, a setback of 10.589 metres for the entire west elevation south of where the building currently indents to 10.97 metres and a setback of the southern façade, west of Gridline E, to 11.322 metres. Level 11 would adopt these setbacks also, with the terrace relocated from Level 11 to Level 10. The applicant identified that these setbacks, in lieu of those recommended by Council's Urban Design consultant, were required due to structural requirements.
  
- 221. With respect to the setback of the southern façade, west of Gridline E, it is considered that the proposed 11.322 metre setback is considered acceptable. It will fall short of the recommended 12 metres by 0.678 metres and the difference will be negligible. This setback will also closely align with the current Level 11 setback of 11.14 metres.
  
- 222. In respect of the setback from the western boundary it is unclear why the recommended 13.5 metre setback cannot be accommodated with particular regard to the current Level 11 setback of 13.6 metres generally in the same location. This recommendation should therefore remain and form a condition of permit. The recommended 13.5 metre setback would provide an appreciable setback of the two upper levels linking to the two storey podium at this corner.
  
- 223. The above conditions as discussed would provide a built form response that scales down to this more sensitive interface and will assist in ensuring that overshadowing of Burnley Station is reduced. Overshadowing will be discussed later in the report.
  
- 224. The applicant provided a digital model demonstrating the modifications to the building as identified at paragraph 215 (Figure 18). Whilst the lesser eastern setback proposed by the applicant will not be adopted, the modelling demonstrates the acceptability of the modified southern setback of Levels 10 and 11.



Figure 4 - Submitted Proposal



Figure 5 - Proposed alternative response

Figure 18: Digital modelling of the proposal showing the current proposal (left) and the proposal including the erosion of the south-western corner in accordance with the setbacks described in Paragraph 215 (right).

Plant Level

225. Whilst the overall building height does not include plant, DDO14 requires building services to be hidden from view or designed as architectural roof top features. In this instance, the parapet of the building as identified in Figure 19 has been extended by 6 metres in height to conceal the plant, as shown in Figure 20.

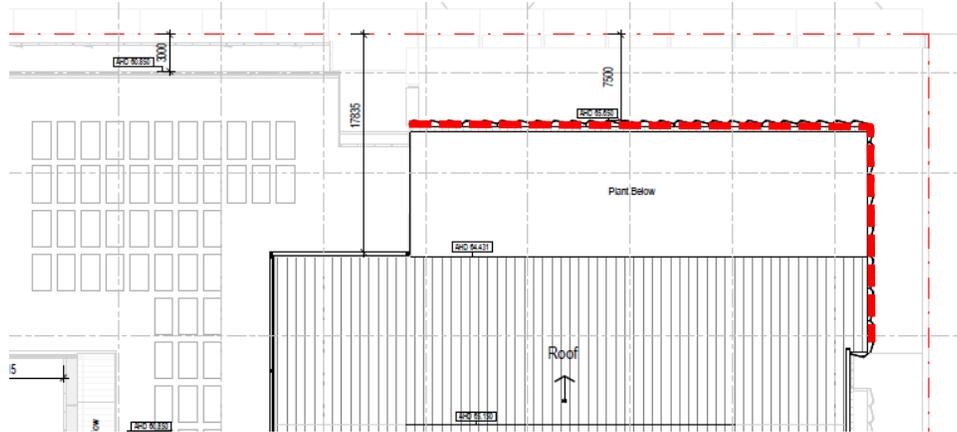


Figure 19: Extract from the roof plan with red line indicating parapet around plant



Figure 20: Section B-B and Section C-C showing the 6 metre high parapet proposed to conceal roof plant along the Swan Street interface

226. Council's Urban Design consultant identified that the southern façade at Level 11 was required to be reconfigured with the scale/height of the plant level above reduced to reduce the impact of overshadowing on the central Burnley Station platform between 10am and 2pm to ensure that there is no net increase in platform overshadowing.
227. In addition to this, it is considered that the proposed height of the roof top plant and parapet is unnecessary, resulting in excessive and avoidable visual bulk. The 6 metre high parapet as identified within Figure 19 is to be clad in 'FT03a', a grey powder coated coloured aluminium perforated façade system. This material placed above the lightweight 'FT01b', the glazed curtain wall system Type 2 – articulated façade system, will be visually prominent and there is concern it would accentuate the building height resulting in a 'top heavy' design.
228. The applicant has advised that the extent of plant required has not yet been determined. This is considered an inadequate response and the services must be resolved as they have a direct consequence on the built form outcome.

229. The applicant provided without prejudice sketch plans on 15 June 2020 that provided modified setbacks to the rooftop plant level (no change to the parapet) to address issues of overshadowing to Burnley Station. These plans did not modify the height and it is still considered that the 6 metre high parapet and plant room is excessive and unnecessary.
230. A condition can be included to require the lowering of the parapet around the roof services and for the plant room to be lowered in height, and integrated into the design of the building and minimised to reduce visual prominence.
231. Council's external Urban Design consultant provided the following in relation to the above discussion in summary:
- (a) *The concerns I have when measured against the outcomes sought of the site relate primarily to the scale of the SW corner tower and its consequent impacts and the southern and southeast corners at plant level and level 11 and their impacts and the uniformity of design language applied to the podium levels.*
  - (b) *These substantial impacts used as measures against which any exceedance over the DDO must demonstrate alignment have clearly not been met in this instance at this stage but could in my view be resolved by negotiation.*
232. It is clear that further refinement of the aspects discussed above are required, and can be facilitated via condition, to warrant the proposed height exceeding 42 metres with regard to the provisions of the DDO14.
233. The acceptability of the proposed two to four storey street wall heights to Swan Street, Burnley Street and the rail corridor have been discussed and deemed acceptable, in regards to massing.
234. In respect of upper level setbacks, these are considered well setback from the street with the podium forming the main viewpoint for passers-by. In respect of the specific setbacks sought by the DDO14 where heights exceed 42 metres, the minimum 3 metre setback to the south and west have been met.
235. The upper level 6 metre setback sought for Swan Street and upper level 5 metre setback sought to the eastern boundary are proposed to be modified.
236. To Swan Street, above the podium the eastern portion of the development adopts a setback of 7 metres and complies. The western portion, however, provides a setback of 3 metres. This is considered appropriate given the strategic location of the site on the corner of Burnley Street and Swan Street, a major road intersection. The reduced setback will provide an adequate differentiation between the tower and podium elements whilst holding the corner. Council's external Urban Design consultant did not raise issues with the proposed setback at this corner.
237. To the eastern boundary the proposal provides a 4.5 metre setback. This is considered appropriate, whilst 0.5 metres shy of the recommended setback it is considered the 4.5 metre setback provides for an equitable development scenario, as discussed further in this report under *equitable development*.
238. The DDO14 requires built form elements at the upper levels to be separated. As the proposal does not contain multiple elements and is expressed as one building, no separation is required to be implemented.
239. It is considered that the building has been appropriately massed with differing architectural expression provided for the western and eastern portions to break down the massing of the development. The provision of the three landscaped 'vertical gardens' located centrally within the northern, western and southern elevations further assists in breaking down the massing of the development.

240. In accordance with the requirements of DDO14, provided with the application was a 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling. The DDO14 requires a revised model to be provided where substantial modifications have been made. With regard to the amendments recommended to the built form through conditions as referenced above, an updated 3D model will be required to be submitted.

*Architectural Quality*

241. The development is considered to be of high architectural quality and in that regard responds to the design objectives of clause 15.01-2S of the Scheme. The contemporary design is appropriate and responds well to this part of Richmond with the design offering a modern built form that revitalises the street frontage through generously sized openings, upper level communal areas and the provision of several building entrances along all street frontages.
242. Council's Urban Design consultant was generally supportive of the proposed materials advising that the proposal was close to providing an exemplary built form outcome with regard to the requirements of the DDO14, however, raised issue with the proposed materiality of the podium forms, as follows:
- (a) *Of concern currently however, is the uniformity of the proposed treatment of these responses with the eastern end of the Swan Street frontage, a location in an infill setting, given the same design language and finish as the primary corner façade on Burnley Street at the principle interface of the two roads.*
  - (b) *This continuity amplifies the notion of a single institution expression and conceptual solution rather than addressing the fine grain character, diversity and richness of detail and materiality characteristic of this part of Richmond.*
  - (c) *The response is inconsistent with the richness of response to context sort in the Local Policy and DDO provisions in my view and as underlined in the report.*
243. In conclusion, the following comment was made:
- (a) *The podium treatments internal walk and retail configuration are well configured in a volumetric sense but the materiality and expression of the NE and SW elements require review to diversify the response to better reference the valued attributes of streetscape material diversity and history sought in policy*
244. Whilst an alternative design response to the eastern portion of the Swan Street podium was provided within the without prejudice sketch plans received on 15 June 2020, the documentation provided insufficient information to enable a thorough assessment of the proposal and also did not address the podium design interfacing with Burnley Street. These are therefore considered to be outstanding items.
245. To ensure the architectural expression of the development responds to Local Policy and the provisions of DDO14, the following conditions can be included:
- (a) The design expression east of the primary north-south entrance in Swan Street to be revised for each of the podium levels;
  - (b) The design expression of the Burnley Street zone south of the projecting corner to be revised.
246. Aside from the materiality and fenestration of the podiums identified above, which can be modified by condition, it is considered that the proposed detailing and form of the podiums reference the fine grain subdivision pattern found within the surrounding area assisting in breaking down the massing.

247. With respect the balance of the materiality proposed, the applicant provided materials samples. Following a review of the materials samples and the elevations, it is determined that the following aspects require further resolution:
- (a) Further façade details of the 'FT01a' glazed curtain wall system Type 1 – integrated express mullion and 'FT01b' glazed curtain wall system Type 2 – articulated façade system utilised for the tower forms are required as adequate details of the design intricacies have not been provided. This can be requested by condition.
  - (b) The sample provided of 'FT08' aluminium click on batten or similar utilised for the soffits and ground floor seating attached the building does not adequately reflect the warm tones represented within the renders or elevation plans. Furthermore, the soffits of the upper level recesses have not been adequately captured throughout the documentation and is required to be provided. Further development of this material and provision of documentation for the upper level soffits can be requested by condition.
  - (c) The sample provided for 'FT03a' grey powder coated coloured aluminium perforated façade system does not show the perforations referenced within the description. In respect of 'FT03a' this is utilised along the southern ground floor interface of the end of trip facilities and a condition can require further details to be provided to ensure adequate transparency and visual connection is facilitated by the perforation. This can be requested by condition.
  - (d) In respect of the parapet around the rooftop plant this is also proposed to be 'FT03a' with the plant room, to be clad in 'FT03b' grey powdercoated coloured aluminium horizontal louvre screen façade system. As referenced above, a condition will require the lowering of the parapet around the roof services and for the plant room to be lowered in height and integrated with the design of the building to reduce visual prominence. A further condition can require details of the materiality applied to the plant level to ensure it is integrated with the building.
248. It is considered that a façade strategy and materials and finishes schedule be submitted to resolve the above issues, requiring the following:
- (a) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities and tower facade details (in particular the detailing of 'FT01a', 'FT01b' and other glazing types used within the development);
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation;
  - (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
    - (i) details of the proposed material 'FT08' outlining all areas it is to be applied and ensuring it provides warmth and depth to the overall façade.
    - (ii) details of the proposed permeability of 'FT03a' allowing adequate transparency and visual connection to the end of trip facilities;
    - (iii) Details of the plant level and any screening, ensuring it is integrated with the design of the building.
    - (iv) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface
  - (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
249. This will ensure that the materials to be utilised for the development are reviewed prior to construction to ensure they are of a high architectural quality in accordance with the plans

submitted to date. This will also ensure that the reflectivity of the glazing, extensively used, is appropriate.

*Landmarks, Views and Vistas*

250. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features.
251. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under clause 22.03-4 of the Scheme.

*Wind impacts*

252. The provisions of the DDO14 seeks to ensure that development is designed to ameliorate adverse wind conditions at street level, communal open spaces, balconies and adjoining properties. The wind report submitted with the initial application has been peer reviewed externally, the wind consultants raised no concerns with the proposed methodology or findings of the report prepared by the applicant.
253. The wind consultants for Council identified one area of concern that the outdoor dining area as shown on the plans along the southern ground floor interface would be well over sitting comfort criterion. Whilst an updated wind memo was provided by the applicant identifying that sitting comfort criterion could be achieved if the seating was relocated further east, Council's Urban Design consultant raised significant concern with adequate wind conditions at ground floor level and on the terraces.
254. To ensure that the proposal results in adequate wind conditions within the public realm, the Wind Impact Assessment (prepared by MEL Consultants, dated April 2020) is to be updated to ensure:
  - (a) The northern, southern and western retail frontages achieve pedestrian comfort for stationary, long exposure activities.
  - (b) The bicycle arrival achieves pedestrian comfort for stationary, short exposure activities.
  - (c) The external terraces at Levels 1, 2 and 3 achieve pedestrian comfort for stationary, short exposure activities.
255. The current wind report identified that at Level 11 the terrace has been shown to be either on or within the walking criterion, with many wind directions achieving stationary activities criteria. With conditions requiring the relocation of the Level 11 terrace to Level 10, with a new Level 11 terrace proposed, the report should also be updated to ensure:
  - (a) The external terraces at Levels 10 and 11 achieve pedestrian comfort for stationary, short exposure activities.
256. Subject to conditions it is considered that wind is adequately assessed and will ensure the development would not generate safety concerns for the pedestrian wind environment.

*Light, Shade and Public Realm*

257. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety.
258. Council is supportive of the construction of the proposed building with large glazed ground floor lobbies, active tenancies and improved outdoor spaces. Through the activation of the ground floor, the building will provide interaction at street level where there currently is minimal.

This satisfies public realm, pedestrian spaces and street and public space quality policies at Clauses 15.01-2S and 22.10-3.4.

259. The DDO14 provides specific guidance in respect of what is expected on the site. Key design objectives are:
- (a) *To provide for high density, taller development that delivers significant public realm outcomes.*
  - (b) *To strengthen connectivity to Burnley Station and establish a highly walkable and cycle friendly public realm.*
  - (c) *To ensure that new development does not result in unreasonable overshadowing of the public realm including the adjoining streets, the Burnley Railway Station or neighbouring residential areas.*
260. Furthermore, the DDO14 requires the following to be delivered in respect of the public realm:
- (a) *Provide improved connectivity between Swan Street, Burnley Street and Burnley Station.*
  - (b) *Improve the interface between the development and the east-west pedestrian link abutting the southern site boundary.*
  - (c) *Enhance the amenity and appearance of the public realm along the Swan Street and Burnley Street frontage and east-west pedestrian link, including elements such as improved footpath treatments, lighting, street trees and street furniture.*
  - (d) *Ensure new or improved pedestrian links promote a sense of safety for day and night-time conditions.*
  - (e) *Minimise overshadowing of adjoining streets, the public realm and existing residential areas.*
  - (f) *Ensure no unreasonable overshadowing impact to Burnley Station.*
261. The above is required to be provided for any proposal on the site.
262. With regard to the height exceeding the 42 metres and setbacks not in accordance with the DDO14, the proposal is to demonstrate it provides an exemplary public realm outcome.
263. The previous planning approval (PLN15/0057) was deemed to provide significant public realm improvements as specified below:
- (a) Along Swan and Burnley Streets where the development is setback from its site boundaries to enable a wider footpath and create a 'pedestrian plaza';
  - (b) Construction of DDA-compliant access ramps to Burnley Station and to the pedestrian path along the southern boundary of the site;
  - (c) A second walkway up to the pedestrian plaza from Burnley Station;
  - (d) Improved landscaping along Swan and Burnley Streets and to the pedestrian link to the south.
264. The previous upgrades to the Burnley Station pedestrian ramps are not proposed as part of this application. These were seen as significant public realm improvements and therefore it must be determined whether the current proposal also achieves these significant benefits to justify the increased height and reduced setbacks. The current proposal provides public realm benefits to the north (Swan Street), south (rail corridor) and west (Burnley Street).
265. The proposal has been setback from Swan Street at ground floor which results in an additional 2 metres to 2.6 metres in width for a footpath area which provides a public benefit for all pedestrians. The setback to the building entrance is also increased to 8.9 metres from the title boundary, providing a circulation space. The proposal also incorporates public seating integrated with the undulating design of the ground floor façade. A canopy over Swan Street is also proposed with the proposal including the planting of six street trees.

266. Both Council's Open Space Unit and Streetscapes and Natural Values Unit raised concern with the proximity of the canopy to the proposed street trees. Whilst the applicant argued that the street trees could be pruned and maintained to accommodate the awning. This is considered unsatisfactory and can be required to be addressed via condition. The Engineering Unit also required the canopy to be shown as being setback 0.75 metres from the boundary. This can also form a condition.
267. The proposal has been setback from Burnley Street at ground floor which results in an additional 1.73 metres to 4 metres in width for a footpath area which provides a public benefit for all pedestrians. The proposal also incorporates public seating integrated along the western edge of the footpath with four new proposed street trees. A canopy over Burnley Street is also proposed.
268. The proposal has been setback from the southern boundary at ground floor which results in an additional 4.5 metre wide area where opposite the ramp leading to the station and 3 metres where adjoining the existing VicTrack pedestrian path. This new space provides a public benefit for all pedestrians and enhances connectivity to the station. The proposal also incorporates a landscaped terrace to manage the levels between the finished footpath and existing VicTrack pedestrian lane.
269. With regards to the above public realm improvements which are within the title boundaries of the site, these will remain as private title with the construction and on-going management/maintenance of the public realm improvements being required as per the endorsed plans and to the satisfaction of Council. This can be dealt with by way of condition on a permit.
270. Overall Council's internal Urban Designers were supportive of the improvements to the public realm. However, they did make some additional recommendations in respect of surface materials and furniture and fixes. A condition of permit can require detailed design plans for the streetscape improvement works with these requirements included.
271. Council's Urban Design Unit raised the potential for the applicant to provide an upgrade to the pedestrian path to the south. This is being delivered in the adjoining development to the east and would constitute a significant improvement to the public realm and will also strongly contribute to the success of the emerging developments. This can be required by way of condition.
272. Advice from Transport for Victoria has indicated that if the existing ramps were to be upgraded to be DDA compliant, this would result in a requirement for the whole station to be upgraded. Burnley Station is not currently slated for redevelopment and redevelopment of the station at the cost of the applicant would be extremely onerous. This was a significant public realm outcome that contributed to the acceptability of the 42 metre height limit imposed within the DDO14.
273. In not upgrading the existing ramps to Burnley Station the proposal allows for an increased footpath width and ability to provide larger street trees and public seating. This will also allow for free movement between the site and Burnley Street, previously the modified ramp would have been a barrier to movement. Whilst this is a positive outcome it is considered that the development is not meeting the requirements of the DDO14 where an exemplary public realm outcome is required for developments that vary the specified height and setbacks.
274. Council's Urban Design Unit identified that there was an opportunity to develop the eastern side of the Burnley Street service road into a shared space. This would result in an exemplary public realm outcome through the inclusion of a safe drop off zone to the station, slowed traffic adjacent the proposed planter boxes/seating, as well improving the adjacent verge planting to soften the interface with the Burnley Street overpass.

275. Whilst asphalt was recommended as the surface material for all re-sheeted footpaths the shared zone would allow the proposed bluestone paving across the full width of the footpath and potentially the shared road space. It is considered that the delivery of the shared zone would represent an exemplary public realm outcome and should be included by condition.
276. In terms of light and shade to the public realm, the proposal does not shade Swan Street at any time of the day as the site is located on the southern side of the street. To Burnley Street, the development would shade the western side until 10am, which is considered acceptable given the limited hour of impact. In respect of the eastern side of Burnley Street the development would shade the footpath until 12PM. Given the orientation of the building it is considered increased shadowing on the eastern footpath is unavoidable, and as such the overshadowing during the morning period is acceptable.
277. With regard to overshadowing impacts to Burnley Station it is clear that when compared to the overshadowing impacts of the approved proposal (PLN15/0057), which was compliant with the DDO14, the overshadowing to the station platforms would be greatly increased. Significantly, the western portion of the central platform would be substantially overshadowed in the morning with increased shadows to this central platform experienced until 2PM when they would clear. At this time, increased and substantial overshadowing would occur to the northern platform.
278. Council's external Urban Design consultant raised significant issues with the proposal, providing the following:
- (a) *Disappointingly the application demonstrates substantive additional overshadowing of the public realm most notably the station platform areas which were the basis of substantial scrutiny at the Panel. The argument that the application is only modestly increasing the loss of amenity is not in my view substantiated by the material provided which demonstrate considerable impact on the area of platform available to access sunlight.*
279. Council's external Urban Design consultant recommended setbacks that have previously been discussed to the eastern edge of Level 11 and to the south-western corner of Levels 10 and Levels 11. These setbacks have been generally recommended to be included as conditions for built form and massing reasons with some modifications, however, they were also recommended to reduce overshadowing.
280. Furthermore, Council's external Urban Design consultant requested the roof plant be reconfigured along with the southern façade at Level 11 to reduce the impact of overshadowing on the central platform between 10am and 2pm at the September equinox. Council's external Urban Design consultant seeks to ensure there is no nett increase in platform overshadowing to the central platform. Again, conditions have been included to ensure the roof plant is reduced in height as it was considered to result in excessive visual bulk, however, no condition has been included regarding the southern façade at Level 11.
281. Turning to overshadowing, the applicant submitted further shadow diagrams on 15 June 2020 demonstrating the overshadowing outcome if the building setbacks at Levels 10 and 11 were adopted as shown in the sketch plans submitted on 5 June 2020 and the plant level was reconfigured as per the sketch plans submitted on 15 June 2020.
282. As these shadow diagrams demonstrate, the overshadowing impact is only improved slightly. To achieve the recommendation of Council's external Urban Design consultant, a condition of permit can require the southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform.
283. Burnley Station is a key public area and the design response has not addressed this constraint to date. The proposed condition will allow flexibility in the modifications to the development

whilst also ensuring an acceptable response to Burnley Station is provided and an adequate degree of amenity is maintained, as intended by the DDO14.

284. Furthermore, the conditional reduction in height to the roof plant level and parapet around the roof plant will see a reduction to the shadowing of the northern platform. Subject to conditions, it is considered that the proposed overshadowing to Burnley Station will be acceptable.
285. The pedestrian path along the southern side of the subject site will also be in shadow at all times of the day. This is as per existing conditions as the existing southern boundary wall shadows the narrow pedestrian footpath.

*Site Coverage*

286. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6 that applies to new development not within a Heritage Overlay. However as the existing level of site coverage in the surrounding (and immediate) area and within zoning that encourages higher density development (C1Z, C2Z) is similar, it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Richmond.

*Landscape architecture*

287. Whilst landscaping is not a typical feature of commercial buildings in Richmond, the proposal includes a degree of visible landscaping above the ground level in the form of planter boxes along the perimeters of outdoor terraces and three 'vertical gardens' on the northern, southern and western interfaces.
288. At the ground level, six new London Plane trees are proposed along the Swan Street frontage and four new trees, two Japanese Zelkova 'Green Vase' and two Chinese elms, are proposed along the Burnley Street frontage within raised planters. Where interfacing with the existing station ramp access points, a landscaped terrace is also proposed with low level plantings.
289. In respect of the street trees, Council's Streetscapes and Natural Values Unit were generally supportive of the proposal, with the following recommended (in summary):
- (a) The six London Plane trees to be replaced with *Lagerstroemia indica* 'Natchez' to be consistent with other plantings along Swan Street.
  - (b) Further resolution of the proposed canopy which appears to conflict with the proposed tree plantings.
  - (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova 'Green Vase.'
  - (d) A review of the garden beds to be provided with details of soil volumes to support the proposed plantings with consideration to passive irrigation or use of water captured by the subject site.
  - (e) The removal of any existing trees and replacement are to be completed by Council tree maintenance contractors at the cost of the developer.
290. It is considered that the above is reasonable to ensure consistent tree plantings within the area and the long term viability of the trees and can form conditions of permit.
291. Council's Open Space Unit reviewed the proposal, commenting that the proposed scheme was good and provided increased amenity to this part of Swan Street. A number of items were requested to be included within the landscape concept plan, with further information on the raised garden beds, custom furniture and landscaped terrace also requested. Detailed landscape plans were also requested to be submitted if the application were supported.
292. A number of items that were raised have already been discussed, such as the inability for the ramp to Burnley Station to be upgraded and the conditional requirement for a shared zone to

be provided within the Burnley Street side street. The only outstanding item that will not be covered by condition is the request for additional landscaping within the internal laneway. As this is internal to the site it is not considered relevant.

293. The proposed landscaping represents a significant improvement compared to existing conditions with the subject site where limited landscaping is provided.

*Affordability*

294. The history of the site with Amendment C185 and the implementation of a condition on Planning Permit PLN15/0057 that required the owner to facilitate the provision of affordable housing, (5% of the total number of dwellings either within the development or off-site) it is considered appropriate for a commensurate outcome to be provided with regard to the current commercial proposal.

295. The rezoning of the land from C2Z to C1Z would have resulted in land value uplift whilst removing important industrial/commercial land where residential uses are prohibited. It is acknowledged within the SEES and the MICLUP that businesses gravitate toward industrial areas where large and affordable sites are available. The inclusion of affordable commercial space would be consistent with the recently adopted MICLUP with particular regard to Principle 4.

296. Principle 4 of the MICLUP seeks planning to support industry and business to innovate and grow in areas identified for these purposes, with a strategy to support the development of buildings that provide affordable, flexible and innovative spaces for businesses.

297. Given the sites regionally significant designation, and the scale of the development delivering a proposed 32,052sqm of office space across twelve levels it is considered appropriate for a condition to be included requiring 5% of the office floor area to be provided as affordable office space which may include a co-working space/social enterprise space/office space for creative design tenant(s) available at a discount compared with market rent or making other arrangements for the provision of affordable commercial space in respect of the same floor area or an equivalent community benefit, such as the delivery or investment in an Aboriginal Employment Program, to the satisfactory of the responsible authority.

298. The proposal will provide an acceptable outcome with regard to commercial affordability, providing a wide range of employment opportunities within a regionally significant commercial area as well as on a strategic redevelopment site.

On-site amenity including Environmentally Sustainable Design

*Daylight and Ventilation*

299. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office space due to the allotment abutting Swan Street and Burnley Street to the north and west, and the rail corridor to the south. Along the western boundary, the lower floor plates have been provided with a 12.38 metre by 6.18 metre light court with the upper levels setback a minimum 4.5 metres.

300. Council's ESD Advisor identified that no specific information on expected daylight performance standards has been submitted. In line with their recommendation a condition of permit can require a daylight report to be prepared demonstrating that at least 30% of the net leasable area exceeds a 2% daylight factor standard. This is the minimum BESS standard and will ensure adequate daylight is afforded to the future office.

301. With regard to ventilation, the Sustainable Management Plan submitted with the application indicates that the outside air quality will be improved by 50% beyond the NCC requirements

and demand controlled in response to CO2 sensors, this will adjust outside air rates to occupancy rates to maintain the indoor air quality. In addition to this, the provision of several terraces throughout the design provides operable elements to outside. Council's ESD Advisor raised no concern with the proposed ventilation to the proposed development.

#### *Circulation Spaces*

302. The main pedestrian entrances from Swan Street as well as the pedestrian laneway to the south are highlighted through design, with the building indented with a 'green wall' provided where the main entrance is. The main entrance provides access to the central lift cores and stairwells of the building, as well as to several of the retail/food and drinks premises uses.
303. The retail and food and drinks premises are oriented to active Swan Street, Burnley Street and the western half of the rear interface. Several entrances are provided along the interfaces back of house areas shown to be internal to the building. The plans submitted do not show the retail uses in detail, with the documentation identifying that 1,050sqm of the retail use will be provided as food and drinks premises.
304. Other documentation indicates that this space will be utilised as a market and it is understood from the applicant that the detailed design is in the early stages as a result of discussions with potential retail tenants. As Figure 21 demonstrates, the Urban Context Report envisions the larger retail tenancies to be broken up into smaller spaces.

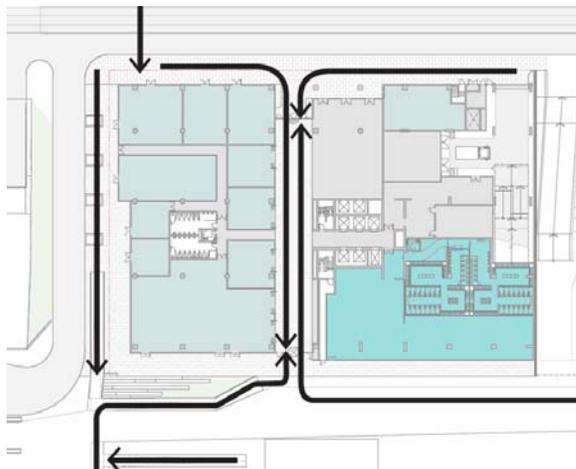


Figure 21: Extract from the urban context report, showing smaller retail tenancies

305. To ensure that the development adequately reflect the finalised ground floor plan in respect of the retail tenancies, and to ensure that the finalised retail scheme is consistent with the documentation submitted, a condition can require the detailed design of the retail spaces to be shown with their uses identified. A condition can also require the WMP be updated to reflect the proposed uses, if required.
306. A 40sqm 'soft slab' is proposed along the western interface of Levels 3 to 7. The inclusion of this 'soft slab' will enable future tenancies that occupy several floors to provide internal stairs to connect the office floor areas and is considered an appropriate future proofing measure to ensure efficient use of the building once it is tenanted.

#### *Facilities*

307. Communal facilities are provided at each level for the office tenants. Whilst kitchen facilities are not currently shown on the floor plan, it is considered that this will be designed in the detailed design stage once the building becomes tenanted. External terraces are provided at

varying levels to support the office use. These features will further enhance the amenity of the development.

308. Bicycle parking and end-of-trip facilities are also incorporated into the design on the ground floor with a direct interface to the southern pedestrian pathway and expanded footpath accommodated within the title boundary of the site.

*Environmentally Sustainable Design (ESD)*

309. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD Advisor confirmed that the proposal was close to meeting Council's Best Practice ESD standards.
310. Further, the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.
311. Council's ESD Advisor identified areas of deficiencies and outstanding information that needed to be provided. This was outlined within their referral comments as follows

*Application ESD Deficiencies:*

- (a) *10% improvement in energy efficiency (minimum), is the only clear commitment to an energy performance standard specified within the SMP. This standard just meets Council's best practice standard for thermal energy. Recommend that a large development like this demonstrates leadership with at least a minimum 20% improvement above NCC 2019 standards. Recommend that prior to commencement a completed JV3 energy report be submitted demonstrating the proposed energy performance standard.*
- (b) *282 bicycle parking spaces plus additional spaces for visitors. This falls short of our best practice standard for bicycle parking (10% of building users), which for 32,053m2 NLA should be 320 bicycle spaces. Recommend increasing bicycle parking 320 spaces.*
- (c) *Electric vehicle charging infrastructure is an option being considered. Recommend electric vehicle charging infrastructure for at least 5% of vehicle spaces is provided.*

*Outstanding Information:*

- (d) *No specific information on expected daylight performance standards has been submitted. Recommend that a daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard. Lower levels are split with a north-south internal atrium which will assist bring light into lower office levels, but the upper levels enclosing the atrium will reduce this potential. A glazing VLT of 45% could be improved to increase daylight levels, as could the increase of the atrium over a greater number of levels.*
- (e) *There is little detail on the size and capacity of the proposed solar PV array. Please update the SMP with approximate size (kWp).*
- (f) *The notation on plans shows a 70,000 rainwater tank, not 90,000 as required by the stormwater and WSUD reports. Please update the architectural plans to be consistent with the SMP.*

312. It is considered that all items can be addressed by conditions as these items request further detailed analysis of the ESD measures. With respect to the application deficiencies outlined above at (b) and (c), these will be discussed further within the bicycle facilities and strategic transport section of this report. With respect to items (e) and (f) it is acknowledged that these are required to be shown on the development plans. A condition can require these items to also be shown on the plans with any solar PV array to be shown and adequately screened from view.
313. In addressing the outstanding concerns the development would meet Council's ESD best practice standard and achieve Australian excellence with the proposed Green Star 5 Star Rating targeted. This is considered an appropriate response, as the development is exceeding the height specified within DDO14 the proposal is also required to deliver an innovative environmentally sustainable development.
314. To warrant the additional height above the 42 metres as specified within the DDO14, a condition will be included requiring the development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating.
315. This would be considered an innovative environmentally sustainable development outcome. Furthermore, the applicant has chosen to commit to achieving a Green Star 5 Star Rating. In terms of Green Star ratings, certification by an accredited professional is required for claiming a particular star rating. The Green Star tool can facilitate and support a zero carbon emission pathway.
316. Council will be requiring its standard condition which requires an implementation report to confirm all measures specified in the SMP have been implemented in accordance with the approved plan. Subject to conditions, the proposal provides an innovative and exemplary ESD response as required by policy.

Off-site amenity including City Link Exhaust Stacks and Waste Management

317. The decision *guidelines* at Clause 22.05-6 specify that Council should consider (as appropriate);
  - (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
318. Furthermore, as the proposed height is to exceed the 42 metres as specified within DDO14, the development must demonstrate that the proposal results in minimal adverse amenity impacts to adjoining properties.
319. The appropriateness of amenity impacts need to be considered within their strategic context, with the site located on land zoned C1Z. As the site surrounds description identifies, the closest residential properties are located to the north across Swan Street (429-437 Swan Street) and to the south, across the railway line along Madden Grove. These properties are 20 metres and 65 metres from the subject site respectively. The properties to the east and west are both zoned Commercial 2 Zone, in which residential use is prohibited.

*Equitable Development*

320. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered.

321. In this instance, only the eastern interface is considered relevant as there are no directly adjoining properties to the north, south and west.
322. As identified, the site to the east is proposed to be developed pursuant to Planning Permit PLN17/0448. The current permit allows for a mixed-use building (no residential uses) predominately containing offices and is built to the common boundary for four levels before adopting a minimum 5 metre setback for the upper levels.
323. The amended proposal again is built to the boundary for four levels (noting a 7.3 metre x 4.2 metre light court on Levels 2-4 behind a boundary wall is now proposed, setback from the street by 25.4 metres) before adopting a minimum 4.5 metre setback for the upper levels. The building maintains the predominant office use.
324. With a minimum upper level setback of 4.5 metres proposed to the east, the proposal considered against both the approved and proposed scenarios would result in generous separation distances at the upper levels of 9 metres (total minimum). This is in excess of the requirements of the current DDO17 and modified DDO17 sought pursuant to Amendment C191 that applies to the broader Swan Street MAC that seek a minimum 3.0 metre setback from common boundaries where a commercial or non-habitable room window is proposed.

*Noise*

325. Given that the office, retail and food and drinks premises uses do not require a planning permit the noise from these uses cannot be considered, however, clause 22.05 – *Interface uses policy* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
326. Given the separation between the subject site and sensitive land uses are 20 metres at a minimum from the site, the proposal is unlikely to result in unacceptable noise emissions given that the building would be used for offices with a ground floor retail and food and drinks premises.
327. The applicant submitted an acoustic report to address noise impacts to and from the development. With regards to the proposal, noise impacts to the subject development were identified as rail and road traffic. Noise impacts from the proposal to the closest residential receivers (429-437 Swan Street) were identified as noise from roof mounted mechanical plant and equipment, the loading bay, car parking and rubbish collection noise as well as emissions from the retail premises.
328. The acoustic report provided by the application was peer reviewed by Council's Acoustic Consultant. With regards to the noise impacts to the development and from the development to residential receivers, the proposal was deemed to be satisfactory, however the following was noted:
  - (a) In respect of the measurements of the road traffic noise, Council's Acoustic Consultant identified that the means by which the long term averages have been derived were not provided in the report, nor had the logging data. They recommended this be included for transparency and therefore this will be required by condition.
  - (b) In respect of retail tenancy noise emissions, the applicant's acoustic report identifies that future occupants will provide a patron noise assessment if required. As no retail tenancy/food and drinks premises would require further approvals this would not be required and therefore will not form a condition of permit.

A stand-alone condition will be included requiring the uses to comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

- (c) The building services are proposed to be designed to meet SEPP N-1 noise limits during the detailed design phase of the project, with input from the acoustic engineers. A condition will require a review of all acoustically significant mechanical plant, including the car park entrance door and loading bay prior to the occupation of the development to ensure that SEPP N-1 has indeed been met.

A further condition will require noise and emissions from plant equipment to comply at all times with the *State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1)*. This is a standard condition to remind the permit holder of their obligations.

329. In respect of vibration, the applicants' acoustic report recommended remeasuring the vibration once excavation of the site had been completed as excavation may alter the ground conditions. This is support by Council's Acoustic Consultant, who recommended the following:
- (a) *The proposed approach is appropriate. We recommend that vibration is re-measured following excavation of the site, and that the VDV is measured directly, or that full details of the measurement results and conversion calculation to obtain the VDV is provided at that time (SLR requested this information in relation to the original Acoustic Logic assessment, however it was not provided). The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth (the 2015 Acoustic Logic assessment used the 1992 Standard, which referenced different weighting curves).*
330. This matter can be addressed via permit condition on any permit to be issued. The condition will reflect the requirement for this to be undertaken following excavation of the basement. This complies with the decision guidelines of DDO14 which requires new development to protecting the amenity of occupants from the off-site impacts of existing uses and activities.
331. Due to the provision of a loading bay within the building, a condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law. This would assist in minimising noise disruption to the surrounds from these noise sources.

*Visual bulk and overlooking*

332. In relation to overlooking, it is an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open spaces within a 9 metre radius. The proposed building will not be within 9 metres of any residences.
333. The proposed development is for an office and therefore is not subject to the same requirements as would be afforded to other built form typologies, such as an apartment building. Regardless, when assessed against the neighbouring development (current approval and current amendment) the combined separation distance of 9 metres is considered to address any overlooking concerns between these commercial developments.
334. In respect of visual bulk impacts, it is considered that the separation provided by Swan Street to the north and the train lines to the south would adequately mitigate visual bulk impacts to the more sensitive interfaces.

*Overshadowing*

335. As discussed earlier in the report, the proposed development would increase the shadowing impact into the public domain only. There is no secluded area of private open space associated with any existing dwelling that would be impacted by the additional shadows cast.

*Fumes and air emissions, light spillage*

336. The majority of the office, retail and food and drinks premises uses are enclosed with the uses conducted indoors (with the exception of the outdoor terraces for office and ground floor outdoor dining areas). All uses within the building do not require planning permission to operate.
337. The proposed uses are not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use that is anticipated to operate primarily during the day. There would be no fumes associated with the proposed uses.

*City Link Exhaust Stacks*

338. The Design and Development Overlay Schedule 5, City Link Exhaust Stack Environs (DDO5) requires that notice of a development be given to the EPA, Transurban City Link Limited and the Roads Corporation (Transport for Victoria). The design objectives of DDO5 are as follows:
- (a) *To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.*
  - (b) *To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.*
  - (c) *To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.*
339. The EPA reviewed the proposal and advised that they had no issue with the proposed development. The advice of the EPA is considered adequate to consider that the City Link Exhaust Stacks will not adversely impact the proposed development, meeting the relevant purpose of the DDO5.
340. Transurban City Link and the Road Corporation (Transport for Victoria) were notified of the proposal, neither of which raised concern about impacts of the proposed development on the exhaust stacks with Transurban City Link deferring to the advice of the EPA. Accordingly, the objectives of the DDO5 are considered to be met.

*Waste Management*

341. An updated WMP was submitted on 21 May 2020 to address concerns that had initially been raised by Council's City Works Unit on 8 May 2020.
342. The updated WMP includes the following key features:
- (a) Provision of a 136sqm waste storage room within the ground floor for 19 x 1,100 litre bins (9 for garbage and 10 for recycle) and a 5sqm area for hard waste and e-storage.
  - (b) Inclusion of a food digester that will decompose organic food matter into a product of CO<sub>2</sub> and greywater, with no residual waste generated.
  - (c) All waste removal will be undertaken by a private contractor. Waste collection will be undertaken internal to the building, three times per week. A standard SRV sized collection vehicle, or smaller, will prop within the loading bay provided at ground level with the operators collecting and returning the bins to the waste storage room. The vehicle will enter and exit the site in a forwards direction.
  - (d) A wash down area will be provided within the loading bay where building management will manage the regular cleaning of the bins, alternatively, a third-party contractor could be engaged for bin cleaning services to be undertaken off-site.

343. Following a review of the updated WMP (authored by WSP and dated May 2020), Council's City Works Unit advised that the document was satisfactory.
344. The collection of waste from within the title boundaries will assist in ensuring all commercial activities are contained within the boundaries of the site to ensure that unreasonable impacts to the residential properties on the northern side of Swan Street is limited.
345. A condition is to be included to ensure that the WMP is amended to reflect the proposed changes to the floor area of the proposed office, due to the increased setbacks, and to also accord with the ground floor uses if modified as a result of the conditional requirement for the retail spaces to be shown. A further condition can be included to ensure that the provisions, recommendation and requirements of the endorsed WMP are implemented and complied with.

Car parking, traffic and alteration of access

346. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 795 car parking spaces, including a full waiver of the car parking spaces required for the retail/food and drinks premises and a partial waiver for the office, with 222 on-site car parking spaces proposed.

*Parking Demand*

347. With regards to the car parking demand generated by the proposed office and retail/food and drinks premises uses, it is acknowledged that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means.
348. 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.
349. 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.*
350. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, we need to drastically change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.
351. Specifically in relation to the particular benefits of the site location, the reduction being sought by the proposal is further supported by the following:
- (a) The site is well serviced by public transport, including the Burnley Train Station and tram services along Swan Street at the sites frontages.
  - (b) The surrounding area has a good bicycle network and the development includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.
  - (c) Office land uses are particularly conducive to alternative transport modes given that trips typically occur within peak hour when public transport services are most frequent. The regularity and familiarity of the journey is also a factor that encourages alternative travel modes. Employees are also more likely to cycle to avoid peak hour traffic delays.
  - (d) There is limited on-street parking in the area, with restrictive parking controls acting as a disincentive for employees to travel to work by car. Occupant or visitor parking permits will not be issued for the development and building tenants would be entering leases aware of the on-site parking availability. Therefore businesses with a high reliance on car parking are unlikely to take up a lease at the site.
  - (e) Visitors, clients and customers to both uses would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis. Furthermore, in respect of the retail/food and drinks premises customers, any spare on-street short-term car parking capacity would be shared amongst sites within the activity centre resulting in multi-purpose trips.
  - (f) Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

#### *Parking Availability*

352. The applicant's traffic engineers (Impact Traffic Engineers) did not conduct a parking survey however, it is understood that on-street parking demand is very high and close to saturation point. As acknowledged in the *Ronge v Moreland* decision, existing patterns of car parking usage is not useful given policy within Clause 52.06 encourages the use of other forms of transport.
353. Council's Engineering Unit were supportive of the proposed reduction, stating the following:

- (a) *From a traffic engineering perspective, the waiver of parking associated with this development is considered appropriate in the context of the development and the surrounding area. Employees would commute to and from the site using more sustainable forms of transportation*

*Traffic and Alteration of Access to a Road Zone, Category 1*

354. The applicant's traffic report indicated that an intersection study of Burnley Street/Swan Street and the existing site access were undertaken over a three-day period. Data was provided for Tuesday 19 November 2019 and Wednesday 20 November 2019. Council's Engineering Unit requested further supporting details be provided, including details of the third survey. These details were provided on 12 June 2020 and deemed to be satisfactory.
355. The following traffic generation for the site was adopted by the Applicant's Traffic Engineers and reviewed by Council Engineers.

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Office (222 spaces)	0.5 trips per space in each peak hour	111	111

356. The proposal would have the following traffic directional split:
- (a) AM Peak – 10% outbound (11 trips), 90% inbound (100 trips); and  
 (b) PM Peak – 90% outbound (100 trips), 10% inbound (11 trips).
357. Council's Engineering Unit commented that the peak hour traffic volumes generated by the site are high and account for approximately 10 percent of existing traffic volumes along Swan Street. They also commented that the gap analysis performed by Impact Traffic Engineering suggests that there is sufficient capacity to comfortably accommodate the development's traffic without impacting on the traffic operation along Swan Street. Further information was also requested by Council's Engineering Unit on this aspect, who commented that the findings were acceptable.
358. Whilst Council's Traffic Engineers queried whether the car park entrance should be signalised, such as adopted within the previous approval (PLN15/0057), the applicant provided further information on 12 June 2020 on this aspect. Following review, Council's Engineering Unit commented:
- (a) *The peak hour volumes of the current development proposal are less than the volumes contemplated for the previous development proposal on the land. Impact Traffic has confirmed that the volumes generated by this site would not meet the minimum warrants specified in the Austroads Guide to Traffic Management for signals. It is understood that the Department of Transport also agree that signalisation of the development entrance is not warranted at this time. This item has been addressed.*
359. This aspect was also considered by Transport for Victoria, who provided a joint response to the referrals undertaken due to the alteration of access from a Road Zone, Category 1 (Clause 52.29) and due to the office floor area exceeding 10,000sqm (Clause 66.02-11). Transport for Victoria made the following comments:
- (a) *As Council will be aware, the Department have considered a previous application for this site through a Planning Scheme Amendment and Planning Panel several years ago. At the time, there was considerable debate at the Panel about the provision of traffic signals to access the site, delays to trams along Swan Street and public realm works to integrate Burnley Station and surrounds.*

- (b) *The new use and development has less car parking spaces and places emphasis on the site's public and active transport access which is welcomed. The Department have reviewed the new application and have concluded that traffic signals can be waived in this instance provided access is restricted to a left in left out arrangement like the application at the adjoining property to the east.*
  - (c) *The Department have also recommended a detailed road safety audit for the site and public realm works to assess and improve pedestrian / cycle movements and traffic safety to and from the site and surrounds.*
  - (d) *The Burnley Street underpass was also discussed during the Planning Panel and is currently used for Metro Trains bus replacements. The underpass is also slated for a bus terminal when funding for a bus route becomes available. The space available in the underpass is already restrained and we would respectfully request Council use this opportunity to remove on street parking in this location for pedestrian improvements and protection of existing and future public transport requirements.*
360. Transport for Victoria advised they did not object to the proposal, subject to the implementation of several conditions. With key conditions outlined below:
- (a) Provision of left-in and left-out access only.
  - (b) Provision of a formal road safety audit, including a function layout plan.
  - (c) Provision of a post development road safety audit.
  - (d) Provision of details of the public realm works where on VicTrack land.
361. All of these conditions are to be included on the permit, pursuant with the requirements of the Act. It is considered that the proposed information submitted to support the impact to the surrounding road network is satisfactory.
362. Council's Engineering Unit requested the following to be clarified by the applicant:
- (a) Impact is to also confirm if the removal of on-street car parking along the south side and north side of Swan Street is necessary to improve traffic movements along Swan Street. This is considered to be captured by Condition 2 of the Transport for Victoria conditions and would be required to be reviewed by Council.
  - (b) Impact has recommended for a "Keep Clear" road marking treatment to be installed at the development's vehicle entrance. This would prevent any stationary traffic from blocking the car park entrance at the site. This recommendation is considered reasonable and would be captured by both Condition 1 and 2 of the Transport for Victoria conditions.
363. With regards to the cumulative impact of other developments, the area has repeatedly been acknowledged as being quite constrained. In the Red Dot Tribunal decision regarding Stage 1 of the Nylex development (*Caydon Cremorne No.1 Development Pty Ltd v Yarra CC (Red Dot) [2016] VCAT 423*), the Member acknowledged that the issue of congestion is one for Council and VicRoads rather than the applicant. This development has limited the number of car spaces it has provided which is all it can do. The issue of traffic congestion is bigger than this application and is a Metropolitan Melbourne wide issue.

*Access and layout*

364. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

365. These details, along with the proposed ramp designs have been reviewed by Council's Engineering Unit who is satisfied with the layout of the car parking area. Council's Engineering Unit has requested that the plans be revised to include the following details / dimensions that will be addressed by way of conditions, unless otherwise specified:
- (a) The median traffic island inside the vehicle accessway was requested to be removed. The applicant identified within their referral response received on 12 June 2020 that the island was required to accommodate a boom gate. Council's Engineering Unit reviewed the additional information commenting that as the swept path diagrams demonstrated appropriate access/egress with the island in place, the removal was no longer required.
  - (b) Visibility sight line triangles are requested to be superimposed and dimensioned on the drawings as required by Design Standard 1.
  - (c) The floor to ceiling height clearance within the basement car park levels are to be dimensioned on the plans and must be no less than 2.1 metres in height as per Design Standard 1.
  - (d) Columns setbacks are to be designed in accordance with AS/NZS 2890.1:2004 with the column depths dimensioned on the plans or the parking spaces adjacent to columns be widened to allow car doors to be opened. Whilst the applicant provided further information on 12 June 2020 to justify the current design, Council's Engineers commented that this is still required and can easily be accommodated with the current car space widths provided.
  - (e) The applicant is to consider leaving the security gate open during the AM peak period to allow vehicles to enter the site without the operation of the security gate. The applicant advised that the boom gate at the development entrance would remain open during the AM peak period. To ensure this is adequately captured, a condition can require a Car Parking Management Plan to be provided with details of how this will be managed.
  - (f) A swept path diagram for B99 design vehicle and an oncoming B85 design vehicle entering and exiting the development via Swan Street are to be provided, as well as at the corner of the basement car park levels. A swept path diagram demonstrating adequate access/egress at the Swan Street interface was provided on 12 June 2020 and deemed acceptable by Council's Engineering Unit. The second swept path diagram requested remains outstanding.
  - (g) A vehicle crossing ground clearance check is required to be submitted.
  - (h) The canopy along the site's Swan Street and Burnley Street road frontages must be setback 750 mm from the front kerb to satisfy the *Building Regulations 2018*.
  - (i) Waste collection is to be documented in a Waste Collection Plan with collection performed using a private contractor using a Small Rigid Vehicle or similar. This information is already provided within the submitted WMP, however, it will also be required to be included within the Car Park Management Plan referenced above.
  - (j) Council's Engineering Unit also requested that the parking spaces in the architectural drawings be numbered for identification. This can form a condition of permit.
366. Several engineering conditions in regards to civil works, road asset protection, and construction management, impacts of assets on the proposed development, reinstatement of redundant vehicle crossings and modification to car parking signage have been recommended. These conditions are considered standard and should also be included on any permit issued.

367. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Unit.

Bicycle facilities and strategic transport

*Bicycle parking and facilities*

368. The proposal provides a total of 282 bicycle parking spaces on-site for employees, with end-of-trip facilities provided at the ground floor level. The number of bicycle spaces for employees exceeds the statutory rate outlined in Clause 52.34 (which requires 112 employee spaces) but does not meet rate outlined in Category 6 of the Built Environment Sustainability Scorecard (BESS), which recommends a total of 326 employee spaces (321 for the office based on the BESS and 5 being the statutory requirement for the retail).
369. Given the scale of the proposed building and the reduction of car parking sought, it is considered that additional bicycle parking is required and therefore a condition can require a minimum 326 employee bicycle spaces be provided. The Strategic Transport Unit has recommended that this be within a maximum of two secure compounds, this is considered appropriate to ensure that the additional 44 spaces are provided in a secure and conveniently accessible location and not spread around the development.
370. The employee bicycle parking is currently provided within a large end-of-trip facility at the south-east corner of the development. This facility has direct access to the southern interface and is provided at ground level. The bicycle parking is also conveniently located close to toilets, showers and change rooms. A bike repair station is also provided within the facility. Council's Strategic Transport Unit reviewed the proposed access and safety, advising that there were no issues with the layout of the bicycle parking. The layout satisfies the requirements of AS23890.3 as at least 20% of the employee spaces are horizontal at-grade.
371. In respect of visitor parking, the proposal provides 56 spaces (6 spaces proposed at Swan Street, 22 spaces proposed at the southern side of the building and 28 on the eastern side of the building along Burnley Street). The statutory rate outlined in Clause 52.34 requires 35 visitor spaces and the rate outlined in Category 6 of the BESS results in a recommendation for 66 spaces.
372. Council's Strategic Transport Unit has identified that the existing four bicycle hoops located on the footpath on Burnley Street can be included as part of the visitor space offer so long as they are relocated to a suitable location away from the streetscape improvement works. This can form a condition of permit. As the four hoops will cater to eight additional spaces, an additional two spaces (or one hoop) will also be required to be provided to meet the BESS requirement. This can also form a condition of permit.
373. In respect of the layout of the bicycle spaces, Council's Strategic Transport Unit recommended four spaces provided along the southern side of the building be relocated to Swan Street, to provide adequate visible bicycle parking and also recommended wayfinding signage be installed, to direct visitors to the visitor bicycle parking at the western and southern sides of the building. Conditions can be included to require the four bicycle spaces to be relocated, and for details of wayfinding signage to be provided within the GTP.
374. Subject to conditions it is considered that the bicycle parking and facilities is acceptable.

*Electric vehicles*

375. The SMP submitted by the applicant states that 15% small/hybrid vehicle parks (of which max 5% can be motorcycle) or 5% Electric Vehicle (EV) parking spaces will be provided within the development. The plans do not identify any spaces as being EV parking spaces.

376. Council's ESD Officer reviewed the submitted SMP and outlined this as a deficiency, recommending that charging infrastructure for at least 5% of parking spaces be provided. This is considered appropriate and a condition will require 5% of the car parking spaces (11 spaces) to be shown as being EV spaces.
377. Council's Strategic Transport Officer reviewed the proposal and encouraged the applicant to electrically wire the car parking areas to be 'EV ready', the applicant has agreed to this and it can therefore form a condition. It is therefore considered the proposed response to electric vehicles is acceptable.

*Green Travel Plan*

378. The applicant also supplied a Green Travel Plan (GTP). The GTP is generally adequate but as identified by Council's Strategic Transport Unit, the following will be required to be incorporated:
- (a) Security arrangements to access the employee bicycle storage spaces;
  - (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (d) The floor plans showing details of the bicycle parking and end of trip facilities.
379. It is considered appropriate for the above to form conditions as these items are easily addressed through a revision of the GTP.

Objector concerns

380. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.

*Built form and massing*

- (a) *Height and mass of the development is inconsistent with the existing neighbourhood character;*

This is discussed within paragraphs 200 to 209.

- (b) *Inadequate upper level setbacks;*

This is discussed within paragraphs 210 to 219.

- (c) *Building should provide greater footpaths around;*

This is discussed within paragraphs 260 to 264.

- (d) *Building separation is inadequate; and*

This is discussed within paragraphs 233 to 234.

- (e) *Development not in keeping with historic low-scale precinct.*

This aspect was discussed within the Panel Report for Amendment C185 where it was determined that the removal of the five existing older dwellings on the Swan Street frontage represent an acceptable planning outcome, as they are not of such significance that their retention is warranted.

Furthermore, the southern side of Swan Street is not affected by a heritage overlay and is earmarked as to be “vastly transformed” within Councils adopted document, the SSSP.

*Use and Off-Site Amenity Impacts*

- (f) *Loss of views;*

This is discussed within paragraphs 245 to 246.

- (g) *Overshadowing of the public realm; and*

This is discussed within paragraphs 276 to 280.

- (h) *Wind impacts.*

This is discussed within paragraphs 247 to 251.

*Traffic and Car Parking*

- (i) *Too many car parks provided on-site, additional traffic cannot be supported within local road network;*

This is discussed within paragraphs 349 to 358.

- (j) *Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development;*

This is discussed within paragraphs 342 to 348.

*Other*

- (k) *Due to COVID-19 there is no longer a need for large-format office space.*

The application proposed large-format office space and therefore must be assessed as such. The office building is typical of office development occurring in the area.

- (l) *The office layout would not allow for social distancing or safe use of lifts due to the COVID-19 pandemic.*

The office building is typical of office development occurring in the area and the wider city. Details of management including safety and social distancing would be implemented during the occupation stage of the building.

- (m) *Amendment C185/Planning Permit PLN15/0057 provided significant community benefits (including a supermarket) to justify the preferred DDO14 height.*

This is discussed within paragraphs 252 to 275 and paragraphs 289 to 293.

Furthermore, the proposed uses are as-of-right and do not require a planning permit and it has been determined that the proposed development has significant policy and strategic support, as discussed within paragraphs 175 to 183.

**Conclusion**

381. The proposed development is considered 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.

382. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the construction of a mixed-use building, reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1 at 462 – 482 Swan Street, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with DA1001 – DA1016 (Rev C), DA2001 – DA2013 (Rev C) and DA2101-DA2105 (Rev B) and Materials Schedule P142-143 prepared by Architectus, but modified to show:

### Signage

- (a) A notation included on Drawing No. DA2101 indicating the proposed signage is not illuminated.

### Built Form

- (b) At level 11 the eastern façade setback a minimum 6.23 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (c) At level 11, the south roof zone reconfigured to a landscaped terrace as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (d) At level 10, the west façade setback to a minimum 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres;
- (e) At level 10, the southern façade setback to 11.322 metres, west of Gridline E, as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (f) Level 11 setback in accordance with the requirements of Condition 1(d) and 1(e).
- (g) The south-western Level 11 terrace relocated to Level 10, in the area created by Condition 1(d) and 1(e).
- (h) The building parapet around the roof top plant and the roof top plant level to be lowered in height and integrated into the design of the building to minimise visibility and reduce overshadowing to the Burnley Station.
- (i) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling.
- (j) The design expression east of the primary north-south entrance in Swan Street to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (k) The design expression of the Burnley Street zone south of the projecting corner to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality.
- (l) The southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform.
- (m) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting and incorporate a minimum 750mm setback from the Swan Street kerb.
- (n) The canopy to Burnley Street to be setback a minimum 750mm setback from the Burnley Street kerb.
- (o) The detailed design of the retail spaces, with individual tenancies shown, areas provided and uses identified.

### Car Parking and Services

- (p) Electric vehicle charging infrastructure for at least 5% of vehicle spaces clearly shown, with the car spaces marked.
- (q) A notation indicating that the car parking area will be electrically wired to be 'EV ready.'
- (r) Rainwater tank to have a capacity of 90,000 litres.
- (s) Details of the size and location of the proposed solar PV array, demonstrated to be adequately screened from view.
- (t) Visibility sight line triangles (corner splay) superimposed and dimensioned as required by clause 52.06-9: Design Standard 1.
- (u) Floor to ceiling height clearances within the basement car park levels dimensioned as required by clause 52.06-9: Design Standard 1.
- (v) Columns setbacks are to be designed in accordance with AS/NZS 2890.1:2004 with the column depths dimensioned on the plans or the parking spaces adjacent to columns be widened to allow car doors to be opened.
- (w) A swept path diagram for B99 design vehicle and an oncoming B85 design vehicle at the corner of the basement car park levels.
- (x) The canopies along the sites Burnley Street and Swan Street frontages to be setback a minimum 750mm from the kerb in accordance with the *Building Regulations 2018*.
- (y) The car parking spaces numbered for identification.
- (z) A minimum of 326 employee bicycle spaces within a secure and conveniently located compound and in accordance with the requirements of AS23890.3. The existing 282 employee spaces are to remain within the end of trip area with no more than two secure compounds provided.
- (aa) Relocation of the four existing bicycle hoops where no streetscape improvements (street trees, seating) is proposed.
- (bb) One additional visitor bicycle hoop provided on-site with a minimum eight visitor bicycle hoops provided on the northern side of the development.

### Reports and Plans

- (cc) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans).
- (dd) Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans).
- (ee) Any requirement of the endorsed Waste Management Plan (condition 14) (where relevant to show on plans).
- (ff) Any requirement of the endorsed Wind Assessment Report (condition 21) (where relevant to show on plans).
- (gg) Any requirement of the Transport for Victoria conditions (conditions 38 – 56) (where relevant to show on plans).

### Façade Strategy

2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (f) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities (services to Swan Street) and tower facade details (in particular the detailing of 'FT01a', 'FT01b' and other glazing types used within the development);
  - (g) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (h) information about how the façade will be maintained, including any vegetation;
  - (i) a sample board and coloured renders outlining colours, materials and finishes including the following:

- (i) details of the proposed material 'FT08' outlining all areas it is to be applied and ensuring it provides warmth and depth to the overall façade.
  - (ii) details of the proposed permeability of 'FT03a' allowing adequate transparency and visual connection to the end of trip facilities;
  - (iii) Details of the plant level and any screening, ensuring it is integrated with the design of the building.
  - (iv) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface
- (j) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
3. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. As part of the ongoing progress and development of the site, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Landscape Plan

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by TLC and dated April 2020, but modified to include (or show):
- (a) The six London Plane trees to be replaced with *Lagerstroemia indica*.'
  - (b) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting, with advice provided by a suitably qualified arborist/landscape architect demonstrating any proposed canopy will not impact the long term viability of the proposed Swan Street street trees,
  - (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova 'Green Vase.'
  - (d) Details of tree guards and treatments for the proposed street trees, in accordance with Yarra standard details.
  - (e) Details of soil volumes for all garden beds provided.
  - (f) Consideration to passive irrigation or use of water captured by the subject site.
  - (g) A 600mm setback provided between the proposed raised planters with custom seating along Burnley Street and the kerb.
  - (h) Consistently show details of the form, size and furniture proposed around the edges of the planters.
  - (i) In respect of the Burnley Station landscaped terrace, the following details provided:
    - (i) Proposed levels.
    - (ii) Materials of seating slabs.
    - (iii) Several sectional diagrams demonstrating the relationship between the terrace and Burnley Station pedestrian ramp.
  - (j) A detailed planting plan including a planting schedule including the quantities, pot sizes, mature heights, botanical and common names.
  - (k) A specification of works to be undertaken prior to planting.
  - (l) Maintenance schedules and notes, including how any plant failure will be managed, including for the façade planting.

- (m) Details on the proposed methods for irrigation and drainage.
  - (n) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.
  - (o) Include any requirements where relevant in accordance with Condition 29.
6. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.
7. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution of \$4,149 to the Responsible Authority for the amenity value and removal cost of the street trees located in front of the site.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the six street trees must be installed within Swan Street and four street trees must be installed within Burnley Street:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Floth dated 16 April 2020, but modified to include or show:
- (a) The development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating.
  - (b) A minimum 20% improvement above NCC 2019 standards and a completed JV3 energy report demonstrating the proposed energy performance standard.
  - (c) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces be provided.
  - (d) The provision of 326 employee bicycle spaces.
  - (e) A daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard.
  - (f) Size and capacity of the proposed solar PV array.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted

to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

#### Green Travel Plan

12. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact dated 16 April 2020, but modified to include or show:
  - (a) Security arrangements to access the employee bicycle storage spaces;
  - (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (d) The floor plans showing details of the bicycle parking and end of trip facilities.
13. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

14. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated May 2020, but modified to include:
  - (a) Assess the proposal as amended pursuant to Condition 1.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic Report

17. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Floth and dated 17 April 2020, but modified to include:
  - (a) The means by which the long term averages for road traffic noise have been derived.
18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
19. Following the excavation of the basement and before the development commences (excluding any works required to secure the basement), an Acoustic Report (vibration) to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
  - (a) Remeasuring of the vibration once excavation of the site had been completed. The VDV is

to be measured directly, or full details of the measurement results and conversion calculation to obtain the VDV is provided at that time. The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth.

When approved, the Acoustic Report will be endorsed and will then form part of this permit.

20. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (b) Compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.
  - (c) Compliance with any recommendations or requirements of the report referenced within Condition 19.

When approved, the Acoustic Report will be endorsed and will then form part of this permit.

#### Wind Report

21. Before the development commences, an amended Wind Tunnel Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this permit. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated 17 April 2020, but modified to include (or show):
- (b) Assess the proposal as amended pursuant to Condition 1.
  - (c) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities.
  - (d) The bicycle arrival achieving pedestrian comfort for stationary, short exposure activities.
  - (e) The external terraces at Levels 1, 2 and 3 achieving pedestrian comfort for stationary, short exposure activities.
  - (f) The external terraces at Levels 10 and 11 achieving pedestrian comfort for stationary, short exposure activities.

Landscaping is not to be used as a wind mitigation measure.

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

#### Car parking

23. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
  - (b) Numbering of car parking spaces;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) policing arrangements and formal agreements including the provision for the development entrance boom gate to remain open during the AM peak period;
  - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;

- (f) the collection of waste and garbage in accordance with the Waste Management Plan required by Condition 14; and
  - (g) details regarding the management of loading and unloading of goods and materials.
24. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
27. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
28. Except with the prior written consent of the Responsible Authority, the internal north-south connection between Swan Street and the land to the south must be open between 8am and 6pm on business days (excluding public holidays).

Design Detail Plan (widened footpaths and land to the south)

29. Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) Provision of widened footpaths along Swan Street and Burnley Street, including land located on the subject site as identified within the Ground Floor plan prepared by architectus, Drawing No. DA1003, Revision C.
  - (b) Provision of pedestrian path along the southern boundary entirely located on the subject site as identified within the Ground Floor plan prepared by architectus, Drawing No. DA1003, Revision C.
  - (c) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas and those associated with the landscaped terrace to the south.
  - (d) The design detail plan is to provide details of the following:
    - i. Integration with the Burnley Street Shared Zone, as proposed within the plan required pursuant to Condition 32.
    - ii. Clear delineation of the site's title boundaries along Burnley Street through the use of brass discs or a similar type method;
    - iii. The Swan Street footpath area outside of the subject site's title boundary are to be surfaced in asphalt as per Yarra standard drawings, unless otherwise agreed to by the responsible authority.

- iv. DDA compliant pram ramps (including TGSIs) shown at the Burnley St/Swan St intersection as per Yarra standard drawings.
- v. All existing street furniture on Swan Street to be upgraded and located in accordance with the City of Yarra Public Domain Manual and Yarra Standard Drawings.
- vi. Details of custom benches and raised planters to be provided with a 600mm setback provided from the Burnley Street kerb.
- vii. Provision of additional street litter bins on Burnley Street in accordance with City of Yarra Public Domain Manual / Yarra Standard Drawings.

#### VicTrack Landscaped Zone and Pedestrian Path

- 30. Within six months of the development commencing, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the Responsible Authority and VicTrack, showing:
  - (a) interface improvements for the footpath to the south (directly abutting the subject site's boundaries) and
  - (b) details of the proposed landscaped terrace; and
- 31. Before the building is occupied, all works associated with the VicTrack pedestrian path and landscaped terrace detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicTrack and be maintained thereafter.

#### Infrastructure and Streetscape Masterplan

- 32. Within six months of the development commencing, the applicant must prepare an infrastructure and streetscape masterplan in conjunction with Council, Department of Infrastructure, VicTrack, Transport for Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to:
  - (a) the interface with the Burnley railway station.
  - (b) the mitigation works at the Burnley Street/Swan Street intersection.
  - (c) the improvement to the Burnley Street service road, including:
    - i. the provision of a shared zone within Burnley Street (service road) where the street interfaces with the western boundary where not obstructed by the existing rail ramp.  
  
The design of the Burnley Street shared zone must provide details including civil works drawings, pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the Responsible Authority.
  - (d) the streetscape along Swan Street.

The extent and scope of the works must be clearly defined before approval is granted by Council. All traffic mitigation works, road infrastructure works and streetscape works shall be funded by the applicant.

#### Timing of works

- 33. Before the building is occupied, all works to the public realm as required by conditions 29, 30 and 32 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Section 173 Agreement (widening of Swan and Burnley Streets and the land to the south)

34. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the widening of the Swan Street and Burnley Street footpaths and pedestrian footpath to the south (rail interface);
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 34(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
  - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 34(a).
35. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement (Affordable Commercial Space)

36. Before the development is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* which requires that the owner must facilitate the provision of affordable commercial space by:
- (a) Providing 5% of the office floor area on-site as affordable office floor space which may include a co-working space/social enterprise space/office space for creative design tenant(s) available at a discount compared with market rent; or
  - (b) Making other arrangements for the provision of affordable commercial space as per condition 36 (a) in respect of the same floor area, or an equivalent community benefit, such as the delivery of or investment in an Aboriginal Employment Program, to the satisfactory of the responsible authority.
37. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Head, Transport for Victoria (Condition 38 to 56)

38. Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, transport for Victoria (TfV) 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. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:
- (a) The installation of signs, line marking, splitter island and associated road works permitting only "left turn in" and left turn out" vehicular access from Swan Street-unless otherwise recommend by the Road Safety Audit

- (b) modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement;
- (c) retention of Metro Train bus replacement space in the Burnley Street underpass;
- (d) tram shelter and associated works in an agree location on Swan Street;
- (e) a landscaping plan and schedule;
- (f) demonstrate compliance with air, light and fire requirements without reliance on railway land, and;
- (g) any recommendations of the road safety audit,

to the satisfaction of the TfV.

39. Before the development commences (excluding demolition), unless otherwise agreed in writing with TfV, the permit holder must submit a formal road safety audit, (including a function layout plan) by a suitable qualified consultant, to the satisfaction of TfV and the Responsible Authority. The audit must include, but not limited to:

- i) the function and layout of the left in left out Swan Street access,
- ii) pedestrian, cycle and vehicle access/egress arrangements (including pedestrian crossings at/in vicinity of the intersection of Swan & Burnley Streets)
- iii) loading arrangements,
- iv) buildings and works within the public realm,
- v) internal circulation/layout,
- vi) lighting and vegetation impact on adjoining roadway/s.

The findings of the audit must be incorporated into the development and at the developer's expense.

40. Unless otherwise agreed in writing with TfV within six (6) months of the occupation of the development the permit holder must submit a post development road safety audit, to the satisfaction of TfV, demonstrating that all works associated with the approved road safety audit have been tested and any reasonable alterations required are completed to the full cost of the permit holder and to the satisfaction of TfV.

41. Before the Development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending along the frontage to the railway land and connecting to the Burnley Station ramps as appropriate) being 'public realm works' on railway land. The plans must:

- (i) show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure;
  - (ii) meet Rail Operator specifications and standards; and
  - (iii) demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002.
- a) A construction control agreement must be in place between the Permit Holder and RO prior to commencement of the Public Realm Works on Railway Land.
  - b) The Public Realm Works outlined in the plans must be completed by the permit holder at their full cost and to the satisfaction of TfV, VicTrack & the RO.

42. Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV

and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:

- a. building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
  - b. design loadings for the building include for:
    - i) compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
    - ii) compliance with AS1170 Part 4 - Earthquake Actions in Australia,
  - c. working adjacent to overhead power to the satisfaction of the RO;
  - d. demonstrate compliance with air, light and fire requirements without reliance on railway land; and
  - e. demonstrates a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.
43. Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
44. Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the permit holder.
45. Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must be in place to the satisfaction of TfV at the full cost to the permit holder. Any costs required to review documents for the construction control and indemnity agreement must be met by the permit holder.
46. Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), the permit holder must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
47. Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
48. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out only access must be completed with associated signs, to the satisfaction of TfV at the full cost to the permit holder.
49. The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.

50. Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
51. Prior to commencement of works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
52. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.
53. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the permit holder.
54. The permit holder must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
55. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
56. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

#### Road Infrastructure

57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
  - (e) The edge of the vehicle crossing must comply with the minimum setback from the two electrical poles as required by the relevant power authority and Yarra Trams. If there is a requirement to relocate the poles, The Permit Holder must obtain the consent of the relevant power authority and Yarra Trams. All costs associated with the relocation will be at the Permit Holder's cost
  - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's Swan Streets and Burnley Street (service road) frontages must be reconstructed (including kerb and channel):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of the Burnley Street service road (from west kerb to east kerb line) from the southern limit of the development to Swan Street must be profiled and re-sheeted:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

60. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Swan Street (from south kerb to tramway tracks) from the western limit of the development to the eastern limit of the development must be profiled and re-sheeted (including the reinstatement of all road markings):
- (a) at the permit holder's cost;
  - (b) to the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the Responsible Authority.
61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at the permit holder's cost;
  - (b) to the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the Responsible Authority.
62. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
63. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
64. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
65. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the four bike hoops located on Burnley Street must be re-located within the sites frontages:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,  
to the satisfaction of the Responsible Authority.

#### Lighting

66. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages (including along the pedestrian link to Burnley Train Station) demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder.

67. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity

to the satisfaction of the Responsible Authority.

#### General

68. The amenity of the area must not be detrimentally affected by the use or development, including through:

- (a) the transport of materials, goods or commodities to or from land;
- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

69. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

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

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

72. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

73. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

74. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

76. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

77. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Plan

78. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.  
In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

79. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

All future employees within the development approved under this permit will not be permitted to obtain business parking permits.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. 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), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

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.

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

**CONTACT OFFICER:** Michelle King  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333

**Attachments**

- 1 PLN20/0006 - 462 - 482 Swan Street Richmond - Site Plan
- 2 PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 1
- 3 PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 2
- 4 PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 3
- 5 PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 4
- 6 PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 5
- 7 PLN20/0006 - 462 - 482 Swan Street Richmond - Wind Memo (21/05/2020)
- 8 PLN20/0006 - 462 - 482 Swan Street Richmond - Updated Waste Management Plan (21/05/2020)
- 9 PLN20/0006 - 462 - 482 Swan Street Richmond - Without Prejudice Sketch Plans (05/06/2020)
- 10 PLN20/0006 - 462 - 482 Swan Street Richmond - Response to referrals (11/06/2020)
- 11 PLN20/0006 - 462 - 482 Swan Street Richmond - Response to engineering referrals (12/06/2020)
- 12 PLN20/0006 - 462 - 482 Swan Street Richmond - Without Prejudice Sketch Plans (15/06/2020)
- 13 PLN20/0006 - 462 - 482 Swan Street Richmond - Head, Transport for Victoria referral response
- 14 PLN20/0006 - 462 - 482 Swan Street Richmond - Open Space referral response
- 15 PLN20/0006 - 462 - 482 Swan Street Richmond - Streetscapes & Natural Values referral response
- 16 PLN20/0006 - 462 - 482 Swan Street Richmond - Internal Urban Design streetscapes referral response
- 17 PLN20/0006 - 462 - 482 Swan Street Richmond - Engineering referral response (1)
- 18 PLN20/0006 - 462 - 482 Swan Street Richmond - Engineering referral response (2)
- 19 PLN20/0006 - 462 - 482 Swan Street Richmond - Strategic Transport referral response
- 20 PLN20/0006 - 462 - 482 Swan Street Richmond - City Works referral response
- 21 PLN20/0006 - 462 - 482 Swan Street Richmond - ESD referral response
- 22 PLN20/0006 - 462 - 482 Swan Street Richmond - Urban Design referral response (MGS)
- 23 PLN20/0006 - 462 - 482 Swan Street Richmond - Acoustic referral response (SLR consulting)
- 24 PLN20/0006 - 462 - 482 Swan Street Richmond - Wind referral response (Vipac)