



# Agenda

## Council Meeting

6.30pm, Tuesday 13 February 2024

Richmond Town Hall  
Wurundjeri Country

## Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

## Question Time

Yarra City Council welcomes questions from members of the community.

### Registration

To ask a question, you will need to register and provide your question by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

### Asking your question

During Question Time, the Mayor will invite everyone who has registered to ask their question. When your turn comes, come forward to the microphone and:

- state your name;
- direct your question to the Mayor;
- don't raise operational matters that have not been previously raised with the organisation;
- don't ask questions about matter listed on tonight's agenda
- don't engage in debate;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to ask your question, but do not need to use all of this time.

### Comments not allowed

When you are addressing the meeting, don't ask a question or make comments which:

- relate to a matter that is being considered by Council at this meeting;
- relate to something outside the powers of the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deal with a subject matter already answered;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

## Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

### Registration

To ask address Council, you will need to register by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

## Addressing the Council

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

## Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

## Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily

## Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication

## Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confirmation of minutes**
6. **Question time**
7. **Council business reports**
8. **Notices of motion**
9. **Petitions and joint letters**
10. **Questions without notice**
11. **Delegates' reports**
12. **General business**
13. **Urgent business**
14. **Confidential business reports**

## 1. Acknowledgment of Country

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

- Cr Edward Crossland Mayor
- Cr Anab Mohamud Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Claudia Nguyen Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

#### Council staff

##### *Chief Executive Officer*

- Sue Wilkinson Chief Executive Officer

##### *General Managers*

- Brooke Colbert Governance, Communications and Customer Experience
- Sam Hewett Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy
- Jenny Scicluna Corporate Services and Transformation

##### *Governance*

- Phil De Losa Manager Governance and Integrity
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

### 3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

### 4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

### 5. Confirmation of minutes

#### **RECOMMENDATION**

That the minutes of the Council Meeting held on Tuesday 12 December 2023 be confirmed.

### 6. Question time

An opportunity is provided for questions from members of the public.

## 7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	Cambridge Street Reserve - Consideration of additional play equipment	9	19	Kate Yuncken - Manager City Strategy
7.2	Former Richmond Power Station - 300/658 Church Street Cremorne	21	82	Kathryn Pound – Manager Statutory Planning
7.3	Quarterly Community Report - December 2023/2024	100	106	Wei Chen – Chief Financial Officer
7.4	Governance Report - February 2024	108	114	Rhys Thomas – Senior Governance Advisor

## 8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No. 1 of 2024 - Live Music Venues	115	115	Stephen Jolly - Councillor
8.2	Notice of Motion No. 2 of 2024 - Greening Melbourne General Cemetery	116	117	Sophie Wade - Councillor
8.3	Notice of Motion No. 3 of 2024 - Waste Collection at Public Housing Sites	118	119	Amanda Stone - Councillor

## 9. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

## 10. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

## 11. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report.

## 12. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

### 13. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

### 14. Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

#### RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information:
  - (a) legal privileged information, being information to which legal professional privilege or client legal privilege applies.

#### Item

##### 14.1 **Enterprise Resources Planning (ERP) Procurement Report**

This item is to be considered in closed session to allow consideration of legal privileged information, being information to which legal professional privilege or client privilege applies; and private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business commercial or financial undertaking to disadvantage.

These grounds are applicable because the report contains legal advice provided by Council's solicitors and information regarding the commercial terms of a contract between Council and a supplier.



## 7.1 Cambridge Street Reserve - Consideration of additional play equipment

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<b>Reference</b>	D24/3306
<b>Author</b>	Kevin Ayrey - Landscape Architect
<b>Authoriser</b>	General Manager City Sustainability and Strategy
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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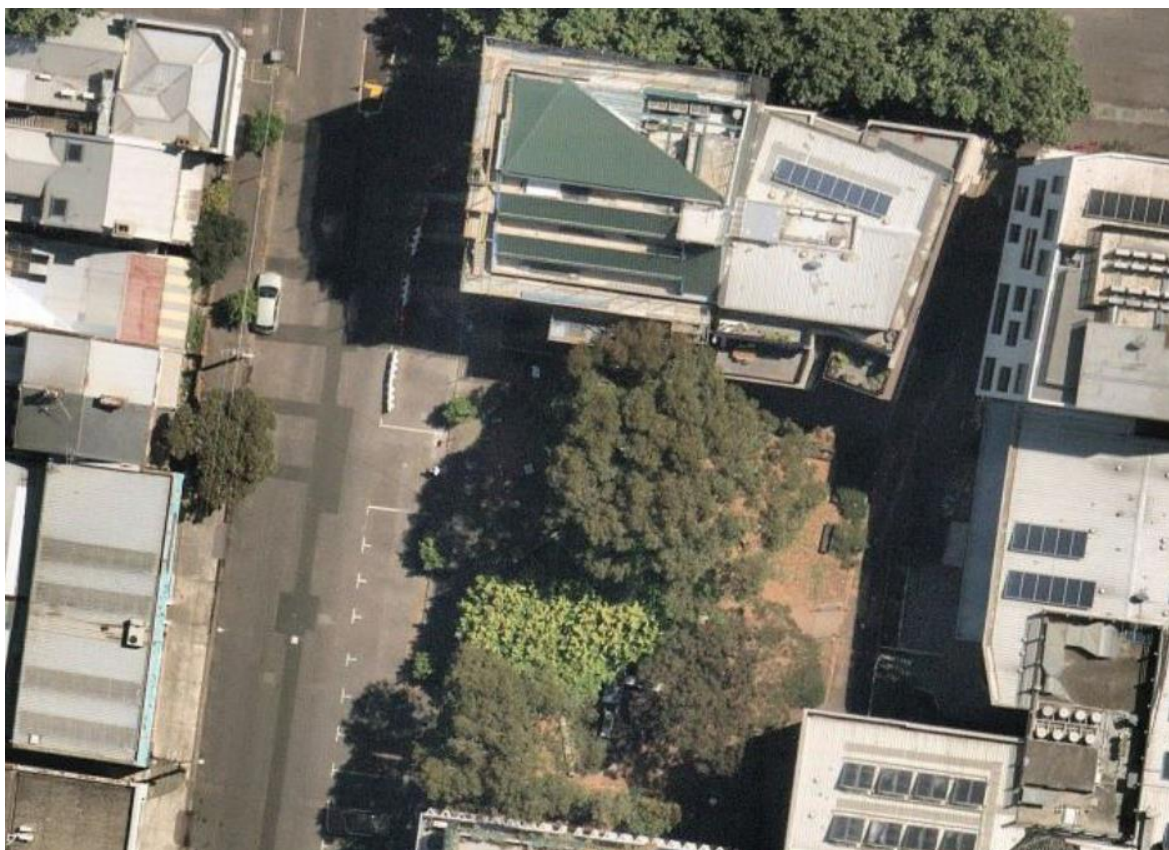
### Purpose

1. The purpose of this report is to respond to Part 1(b) of the Council's the Notice of Motion 12 December 2023:
  1. *That individual reports be presented to the February 2024 Council meeting:*
    - (b) *outline options for the installation of the children's playground equipment at the newly expanded park in Cambridge Street, Collingwood.*

### Critical analysis

#### History and background

2. The Yarra Open Space Strategy 2020 (YOSS 2020) identified the lack of open space in Collingwood and recommended investigating the opportunity to increase the size of Cambridge Street Reserve to meet the needs of the increasing population.



*Image 1: Photo aerial of the Original Cambridge reserve*

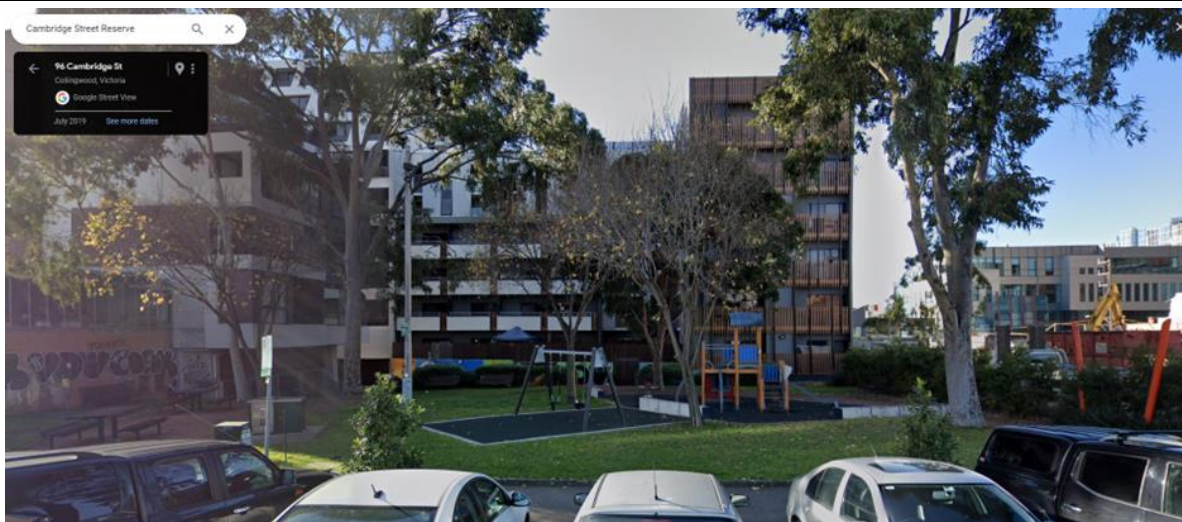


Image 2: Photo of Original Cambridge Reserve in 2019 (facing east).

3. Prior to being expanded, Council received a number of complaints from the community about antisocial behaviour due to the number of hiding places available within the playground equipment as well as dense plantings. In addition to this, the Reserve did not receive adequate sunlight and grass was difficult to establish and grow. The play equipment within the park only catered for very young children.
4. In early 2020, Council was awarded a grant of \$1.3M from the Department of Land, Water and Planning (DELWP now DEECA) to upgrade and expand Cambridge Street Reserve.
5. Council consulted with the community on a number of occasions and at various stages of the Cambridge Street Reserve Expansion Project. Consultation occurred from May 2020 until December 2022:
  - (a) May 2020 - Initial community consultation regarding a proposed road closure and the impact this would have on locals;
  - (b) August 2020 – Community consultation inviting ideas to develop a concept design for the park expansion. Approximately 2,000 people were informed about the consultation, and 65 people completed the online survey. The feedback received showed that the priorities for the community were:
    - (i) A park with a ‘natural feel’;
    - (ii) The provision of green space with trees and a grassed surface;
    - (iii) Improved solar access into the park;
    - (iv) Expansion of the park into Cambridge Street and the closure of the road; and
    - (v) Provision of a space for a variety of uses including dog exercise, exercise equipment and nature play,

This feedback informed the Draft Concept design (*Attachment 1 – Draft Concept*).

- (c) May/June 2021 – Community consultation to seek feedback on the *Draft Concept* for the park expansion. In terms of play, the *Draft Concept* design contained a sculptural element that offered opportunities for non-prescribed play, as well as the multi-use lawn area.

Council received 171 responses to the *Draft Concept* design with 5 of these requesting the inclusion of ‘traditional play equipment’ (*Attachment 2 – Consultation Summary*);

- (d) Community feedback on the draft design told us that:
  - (i) 94% of respondents ‘liked’ (22%) or ‘really liked’ (72%) the lawn area; and
  - (ii) 94% of respondents ‘liked’ (21%) or ‘really liked’ (73%) the planting and trees;

- (e) November 2021 – The *Final Concept* design was developed in response to feedback on the *Draft Concept* design and the plan was posted online.

In terms of play options, the sculptural play element was replaced with a basket swing, turnover / pull up bars and a balance beam. These were described as 'traditional play items' relative to the previously proposed sculptural element. The BBQ was also removed from the design in response to community feedback (*Attachment 3 – Final Concept*); and

- (f) October – December 2022 – The process for a Road Discontinuance on Cambridge Street to allow for the park expansion was undertaken.

This provided the community with the opportunity to comment on this aspect of the project. At the Council meeting on 6 December 2022 Council resolved to discontinue the required section of Cambridge Street to allow for the park expansion.

6. Construction of the Cambridge Street Reserve expansion took place from 27 February to 17 October 2023 and the expanded Reserve is now open and is being used by the community. See Images below.





Images 3,4 and 5: Photos of the Expanded Cambridge Reserve December 2023

Discussion

7. Following the completion of the Cambridge Street Reserve expansion, feedback has been received from some members of the community who would like additional/more traditional play opportunities for young children introduced back into the park, in particular comparing the new play equipment to the previous play items that were originally at Cambridge Street Reserve.
8. The current design of the Cambridge Street Reserve evolved from the community consultation that took place between May 2020 and November 2021. Any modifications to the current design that requires the removal/reduction of the lawn area, garden beds or trees will not align with the feedback Council received from the community.
9. The demographics provided in the table below and 'Community and social implications' section of this report, provides details of the local residential population within an approximate radius of 200 metres from the park which is generally identified as the catchment area for a park of this scale. In summary, people aged 0-11 years old account for 3.35% of the population, one or two parent families with child under 15 year of age account for 4.4% of the population and 77.7% of households are lone person or couples without children.

Cambridge Street Reserve – Resident Demographic data (ABS 2021 Census)				
		200m zone	Collingwood	Yarra
<b>Age groups</b>	0-4yrs	2.35% (25)	4.1%	4%
	5-11yrs	1% (11)	4.2%	4.7%
	12-17yrs	0.85% (9)	2.7%	3.5%
	Over 17yrs	95.8% (1,021)	89%	87.8%
	Total Population	1,066	9,179	90,114
<b>Households</b>	One or Two Parent with children under 15	4.4% (26)	8.9%	11.6%

	Lone, couples, groups without children	87.4% (463)	77.7%	73%
	Other	8.2% (105)	13.4%	15.4%
	Total Households	594	4,787	50,057

Table 1: Demographics of immediate population, suburb and Yarra City Council

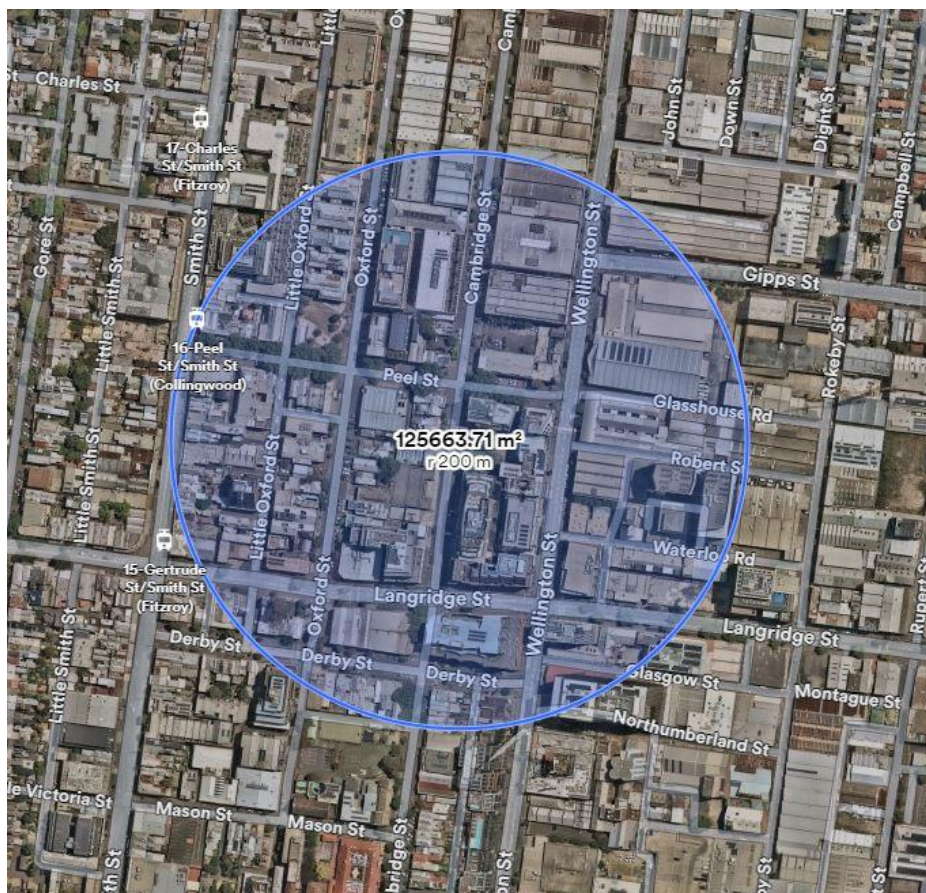


Image 6: 200 metre radius from Cambridge St Reserve

10. The current play opportunities in the Reserve include:
  - (a) A basket swing which was selected due to its suitability for people of all ages, including adults. The swing can accommodate groups of children or carers and their children together. It encourages social interaction and sharing;
  - (b) A balance beam that allows all ages opportunity to develop balance, spatial awareness, and strength whilst also providing a support handrail for infants learning to walk;
  - (c) A turnover / pull up bar providing opportunities for most ages including activities such as climbing, sliding down a pole, hanging upside down and exercise; and
  - (d) Varying surfaces and level changes for walking, running, cycling, balance, play and interaction. The grassed surface (almost 600m<sup>2</sup>) with a mound provides a flexible space for informal recreation.
11. It is important to note that any opportunities to incorporate additional play elements (extent and location) are significantly constrained by significant tree root zones, drainage and overland flow, underground services, site lines and safety considerations.
12. It is also noted that any modifications to the existing park would require areas of the park to be fenced and closed during works. This would limit public access to the park and impact on the amenity of the space during the works period. Depending on the scale of the changes the duration for works on site would be expected to be between 2-4 weeks.

13. Following the Council resolution on 12 December 2023, Officers arranged the preparation of a draft preliminary concept design to increase the play items in the Reserve. This was prepared by the consultants that designed the park expansion in consultation with Officers. (*Attachment 4 – Additional Play Concept*).
14. While introducing additional play opportunities, the concept design would reduce the lawn area by approximately 75m<sup>2</sup> (13% reduction).
15. The *Additional Play Concept* (identified as Option 2 below) includes the following new elements:
  - (a) Natural play elements (logs and timber steppers) within the garden bed close to the existing play equipment providing opportunity for engagement with natural materials and sensory play for especially for children aged 2 to 10;
  - (b) Four square/ handball surface providing the opportunity for structured games for primary school age children to adults;
  - (c) Surface treatments providing opportunities for interactive games and imaginative play developed by users of all ages; and
  - (d) New play items of 1 x mini in-ground trampoline, 2 x rockers and a climbing net with a slide and ladder providing opportunity for more structured play for children aged from 2-15.

This space is located in what is currently lawn area.

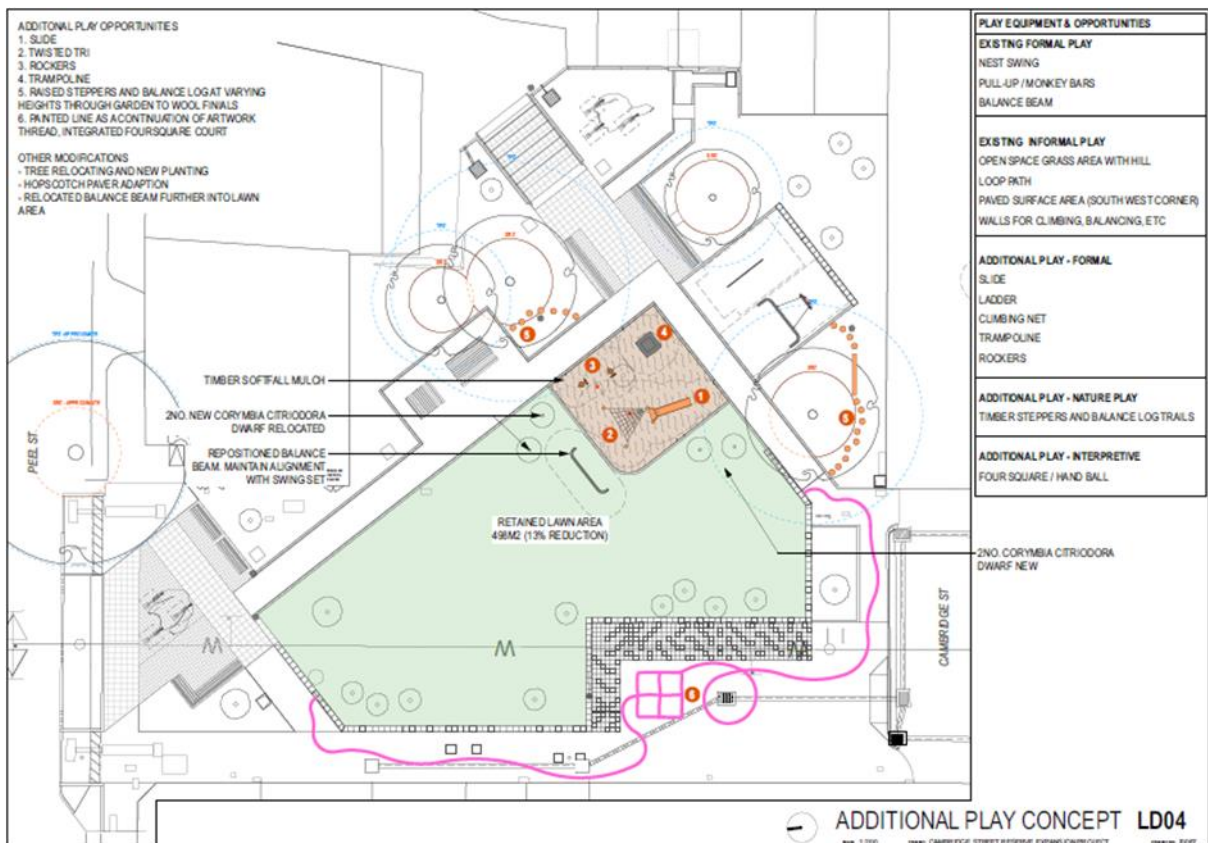


Figure 1: Additional Play Concept

16. All of the play equipment in this concept would be sourced from 'off the shelf' playground equipment suppliers, as is standard practice for the vast majority of playground upgrades in Yarra. Any new works would require a lead time for play equipment supply and installation which can vary from 3-6 months, noting this also does not take into account the time required for further community consultation and Council decisions as to the way forward.

## Options

There are multiple options available including;

### **Option 1 - No Change**

#### **Recommended**

17. The planned expansion of Cambridge Street Reserve was developed in consultation with the local community. The design of the park reflects the feedback received during consultation and caters to the needs of the majority of the residential and worker population.
18. The redeveloped space provides for a wide range of uses and users without excluding any particular community group. Whilst the opportunities for play in the expanded Reserve are different to the playground that previously existed, the Reserve now provides for more flexible use over a greater age range.
19. A key objective in planning the open space network is to provide open space within easy walking distance for the majority of the community. At approximately 1,038sqm (0.1ha) in size, the Reserve is categorised in the Open Space Strategy as Small Local Open Space (150m walking catchment).
20. Despite this, a 200m walking catchment has been used because of the high demand for open space in this area.
21. The characteristics of the population living within 200 metres of Cambridge Street Reserve according to the Australian Bureau of Statistics (2021 Census) are the following –
  - (a) People aged 0-11 years old are 3.4% of the population (2.4% aged 0-4 years old and 1% aged 5-11 years old);
  - (b) One or two parent families with children under 15 years old are 4.7% of the population; and
  - (c) 77% of households are lone person or couples without children.

### **Option 2: Consult with the community on the *Additional Play Concept***

22. The Additional Play Concept would deliver an expansion to the current playground space (estimated cost \$132K).
23. Existing equipment would be retained but the lawn area would be reduced by approximately 75m<sup>2</sup> (13% reduction) and there would be a minor reduction in the native gardens beds to accommodate the proposed nature play elements.
24. If Council supported this option in principle, Officers recommend the plan first be the subject of community engagement.
25. Following this consultation and analysis of the feedback, a decision will need to be determined by Councillors as to the way forward.

### **Option 3: Consult with the community on an amended (reduced) *Additional Play Concept: Nature Play***

26. This option is similar to Option 2 but would only seek to incorporate the nature play elements proposed in the *Additional Play Concept* and painted line marking (approx. \$15k);
  - (a) retaining the existing play equipment in situ;
  - (b) retaining the proposed natural play elements, meandering linear detail and four square play; and
  - (c) deleting the proposed expanded playground (in the concept plan) in the existing grassed area.
27. This would result in the Reserve having natural play elements (logs and timber steppers) within the garden bed close to the existing play equipment and meandering linear detail and four square play while not impacting on the grassed area which features as a key elements of the existing Reserve.

28. As with Option 2, if Council supported this option in principle, Officers recommend the plan first be the subject of community engagement.
29. Following this consultation and analysis of the feedback, a decision will need to be determined by Councillors as to the way forward.

**Option 4: Consult with the community on an amended *Additional Play Concept: Nature Play and replaced play equipment***

30. This option (approx. \$74K) is a further variation on Option 2 but amended by:
  - (a) removing the existing play equipment and installing new play equipment where the existing play equipment is located. The new play equipment would be similar to that in the Additional Play Concept (i.e. rockers and/or a slide or similar) with the selected play equipment items to be determined by the safety zones required and modified to fit the existing play area, and
  - (b) retaining the proposed natural play elements, meandering linear detail and four square play.
31. As with Option 3, this change will result in the Reserve having natural play elements (logs and timber steppers) within the garden bed close to the existing play equipment and meandering linear detail and four square play while not impacting the grassed area which is a key feature of the existing Reserve, with the exception of the removal of the swing.
32. As with Option 2, if Council supported this option in principle, Officers recommend the plan first be the subject of community engagement.

**Option 5: Consult with the community on an amended *Additional Play Concept: Nature Play and replaced play equipment (V2)***

33. This option (approx. \$50K) is similar to Option 4 but would include:
  - (a) removing the existing pull up / turnover bars and installing new play items in this space beside the existing swing. The new play equipment would be selected determined by the safety zones required and modified to fit the existing play area; and
  - (b) retaining the proposed natural play elements, meandering linear detail and four square play.
34. As with Option 3, this change will result in the Reserve having natural play elements (logs and timber steppers) within the garden bed close to the replaced/existing play equipment and meandering linear detail and four square play while not impacting the grassed area which is a key feature of the existing Reserve.
35. As with other Options, if Council supported this option in principle, Officers recommend the plan first be the subject of community engagement.

**Option 6: Consult with the community on the plan submitted by the community referred to as the 'Residents' Concept Design'.**

36. At the Council meeting on the 12 December 2023, residents submitted a new play equipment concept design for Council's consideration to fund and construct. The cost estimate provided in the submission for this concept was \$218K.



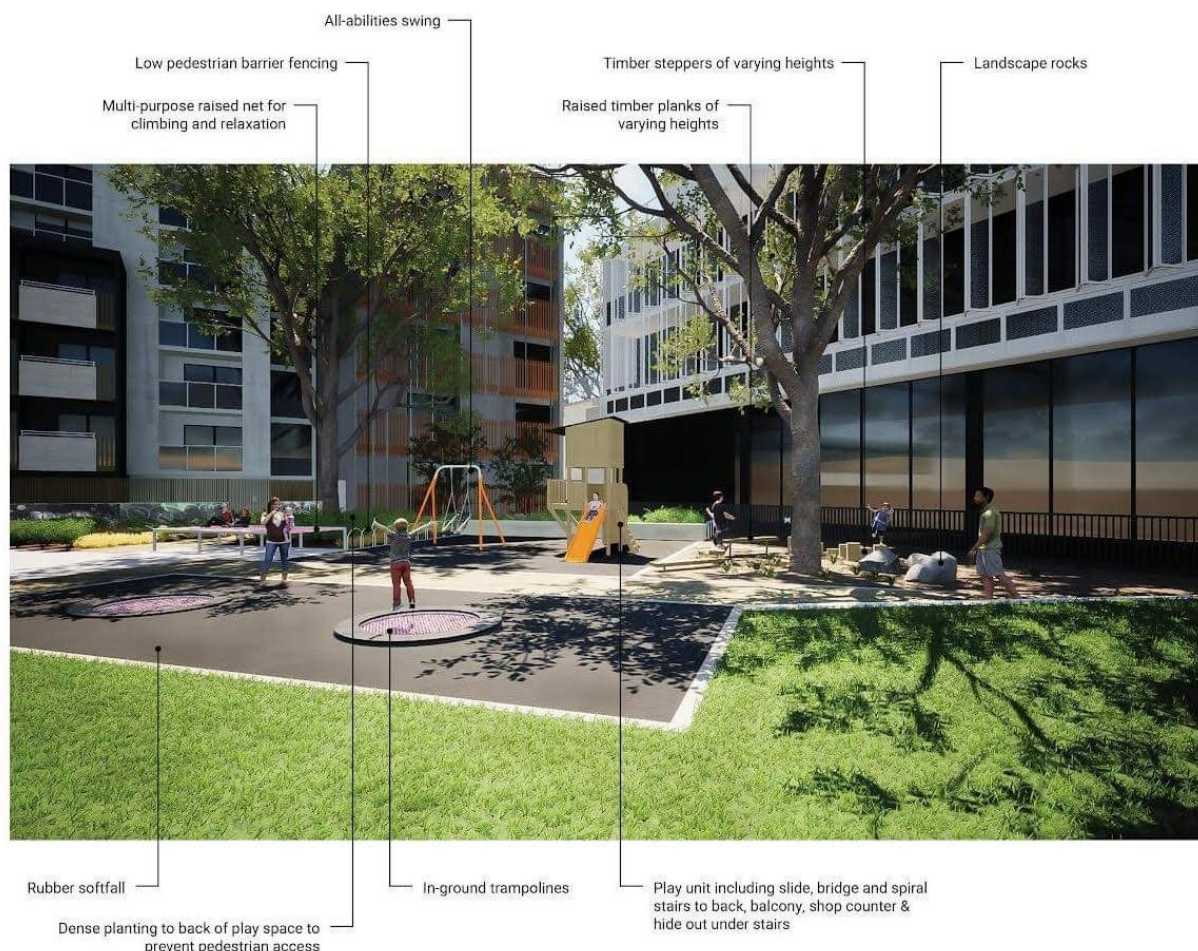


Image 7: Residents' Concept Design - December 2023

37. Despite the best of intentions, designing open space in Yarra can be very complex. Across the City open space is challenged by competing demands and constraints such as underground servicing and contaminated soil.
38. A high level review of this concept has been undertaken and Officers are not recommending pursuing this option for the following reasons:
  - (a) The design has not considered the Reserve's constraints such as underground services, drainage, overland flow and tree root zones and is unbuildable;
  - (b) The proposed play equipment is not suitable for children of a broad range of age groups; and
  - (c) The significant cost estimate associated with the concept which would likely increase at detailed design stage, has not been verified and which does not include contingencies.
39. Council officers have spoken to the resident who submitted the plan and advised that the design had not taken into consideration the Reserve's constraints and that some of the play equipment is not suitable. The resident acknowledged that they were not aware of these matters.

### Community and stakeholder engagement

40. The current park design reflects the feedback received during the extensive community consultation from May 2020 to November 2021.
41. Officers recommend that any proposed modifications to Cambridge Street Reserve that would result in a loss of park features should be the subject of further community consultation.

42. As noted previously, following consultation and analysis of the feedback, Councillors would be asked to determine a way forward informed by the engagement outcomes.

## Policy analysis

### Alignment to Community Vision and Council Plan

43. The Council Plan 2021-2025 Strategic Objective 4: Place and Nature contains the following Strategy and Initiatives relevant to the Cambridge Street Reserve expansion project.
- (a) To create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community;
  - (b) To protect and enhance the biodiversity values of Yarra's natural environment;
  - (c) To plan, design, deliver and maintain high quality open spaces, parks and reserves including the creation of seven new or expanded parks;
  - (d) To support and facilitate active recreation that is safe, inclusive and accessible for all genders; and
  - (e) To reduce the urban heat island effect through the planting of trees and vegetation and an increase in green open space.
44. This precinct in Collingwood is currently underserved for open space and efforts to identify opportunities to increase open space is ongoing. This includes exploring the potential for Joint Use Agreements with private and public land owners and schools.

### Climate emergency and sustainability implications

45. There are 4 significant mature native trees (*Corymbia maculata*) within the Reserve. These provide shade in the hot weather and habitat for birds and insects. Protection of these trees and the associated 'Tree Protection Zones' (areas of feeder roots of the trees) is important for the ongoing health of the trees and amenity of the park and benefits to fauna.
46. The large garden bed to the southeast corner provides an overland flow path for stormwater in heavy rainfall events. Given the change in weather patterns which is seeing an increase in storm events this design feature is important to manage flooding into the future.

### Community and social implications

47. A key objective in planning the open space network is to provide open space within easy walking distance for the majority of the community. At approximately 1,038sqm (0.1ha) in size, the Reserve is categorised in the Open Space Strategy as Small Local Open Space (150m walking catchment).
48. Despite this, a 200m walking catchment has been used because of the high demand for open space in this area.
49. Demographic information has been provided earlier in the report.
50. Modifications to the existing park would require areas of the park to be fenced and closed during works. This would limit public access to the park and impact on the amenity of the space during the works period. Depending on the scale of the changes the duration for works on site would be expected to be between 2-4 weeks.

### Economic development implications

51. This area of Collingwood is expected to see an increase in the worker population of just over 2,400 people by 2031. Flexible spaces with solar access such as Cambridge Street Reserve provide a lunchtime refuge for workers, as well as flexible work opportunities for outdoor meetings.

### Human rights and gender equality implications

52. The current park design caters to a broad range of members of the community without excluding any particular group or individuals. The flexibility of the grassed area, seating and play items recognises and supports the socially diverse community in Collingwood.

## Operational analysis

### Financial and resource impacts

53. As previously noted, should Council determine to support one of the options outlined which proposes a change to the Reserve, Officers recommend the plan first be the subject of community engagement.
54. The engagement could occur this financial year.
55. Council would need to allocate funds as part of the upcoming budget for construction works to occur in 2024/25. A combination of funds from the Open Space Reserve and Council's Capital Works budget would be appropriate.

### Legal Implications

56. Changes to the Reserve are within the existing boundaries and will not impact the road discontinuance status.

## Conclusion

57. The current design of Cambridge Street Reserve was developed in consultation with the local community.
58. The space provides for a wide range of uses and users without excluding any particular community group. The opportunities for play in the expanded Reserve are different to the playground that existed in the old park. The Reserve now provides for more flexible use over a greater age range and Council Officers consider that no further works are required in the reserve.
59. As highlighted in the Council's Open Space Strategy, there is a general scarcity of open space in Collingwood. Council will continue to proactively investigate new opportunities to increase open space offerings in this area. In addition to this the Play Space Strategy, which is currently under development will guide the provision of play within Yarra into the future.

## RECOMMENDATION

1. That Council:
  - (a) Continues to proactively investigate new opportunities to increase open space offerings in Collingwood;
  - (b) Notes the options outlined in this report for the installation of additional children's play equipment for the Reserve;
  - (c) Notes that the expansion of Cambridge Street Reserve was developed in consultation with the local community;
  - (d) Notes that the Cambridge Street Reserve provides for a wide range of uses including opportunities for play over a wide age range; and
  - (e) Resolves to support Option One - No Change.

## Attachments

- 1 Attachment 1 - Consultation Summary November 2021 Cambridge Street Reserve
- 2 Attachment 2 - Final Concept Cambridge Street Reserve
- 3 Attachment 3 - Draft Concept Cambridge Street Reserve
- 4 Attachment 4 - Additional Play Concept Cambridge Street Reserve

## 7.2 Former Richmond Power Station - 300/658 Church Street Cremorne

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### Executive Summary

#### Purpose

1. This report provides Council with an assessment of the site at 300/658 Church Street, Cremorne for a Section 20(4) of the *Planning and Environment Act 1987* (PE Act) Planning Application (combined Planning Scheme Amendment and Incorporated Document) to redevelop the site for an 'integrated mixed-use innovation centre'.
2. The Minister for Planning (the Minister) is considering whether to prepare, adopt and approve Draft Yarra Planning Scheme Amendment C322yara which would apply a Specific Control Overlay Schedule 20 (SCO20) and Incorporated Document titled 'Richmond Power Station Renewal Project – 300/658 Church Street Cremorne: November 2023' along with associated changes to the planning scheme.
3. This report provides the Minister (through the Department of Transport and Planning) with Council's recommendations.

#### Key Planning Considerations

4. Key planning considerations include:

- (a) land use;
- (b) amenity impacts;
- (c) built form;
- (d) economic factors; and
- (e) car parking and infrastructure,

associated with the proposed development that would be facilitated by the planning scheme amendment.

#### Key Issues

5. The key issue for Council is the acceptability of the Incorporated Document proposed for the site having regard to the relevant provisions of the Yarra Planning Scheme.

#### Financial Implications

6. None.

#### Recommendation

7. That the General Manager City Sustainability & Strategy write to the Department of Transport and Planning (DTP) on behalf of Council to advise that overall, the amendment would deliver net community benefit and generally complies with the relevant planning policies (subject to conditions), and is therefore supported, subject to a number changes being made to the Incorporated Document.
8. The key changes recommended require:
  - (a) Limitation to hours of operation, patron numbers and the hours in which liquor can be sold and consumed to manage potential off-site amenity impacts;
  - (b) Improved activation to Oddys Lane;
  - (c) Additional employee and visitor bicycle spaces;

- (d) Provision of Arboricultural report, landscape plan, post-commencement acoustic assessment, workspace management plan, patron management plan, construction management plan and amended sustainable management, loading management and waste management plans;
- (e) The EPA Noise Protocol to be met;
- (f) Provision of affordable workspaces; and
- (g) Open air, 24/7 publicly accessible pedestrian through links and open space, managed and maintained by the owner (per a S173 Agreement).

**CONTACT OFFICER:** Nish Goonetilleke  
**TITLE:** Principal Planner  
**TEL:** 9205 5005

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## 7.2 Former Richmond Power Station - 300/658 Church Street Cremorne

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<b>Reference</b>	D24/18682
<b>Author</b>	Nish Goonetilleke - Senior Statutory Planner
<b>Authoriser</b>	Manager Statutory Planning
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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<b>Ward:</b>	Melba
<b>Proposal:</b>	Use and development of the land for mixed-use innovation centre (innominate use), sale and consumption of liquor, live music, vegetation removal, including alterations and additions to the existing buildings, creation of open space, and a reduction in the bicycle and car parking requirements of the Yarra Planning Scheme and alteration of access to a Transport Zone Category 2
<b>Existing use:</b>	Commercial
<b>Applicant:</b>	Naomi Milgrom Foundation c/o Echelon Planning
<b>Zoning / Overlays:</b>	Commercial 2 Zone (C2Z) Adjacent to Transport Zone - Category 2 (TRZ2) Design and Development Overlay – Schedule 1-J (DDO1-J) Design and Development Overlay – Schedule 5 (DDO5) Development Contribution Plan Overlay – Schedule 1 (DCPO1) Heritage Overlay – Schedule 279 (HO279) (Northern-portion) – Victorian Heritage Register. Land Subject to Inundation Overlay (LSIO) (Southern-portion) Significant Landscape Overlay – Schedule 1 (LSIO1) Citylink Project Overlay (CLPO) (Abutting the southern boundary)
<b>Date of Application:</b>	04 December 2023
<b>Application Number:</b>	PPE23/0571

### Background

#### [Relevant Planning history](#)

*Request for application to be considered by the Development Facilitation Program*

1. On 05 July 2023 Council was informed that an application was made to the Development Facilitation Program (DFP) of the Department of Transport and Planning (DTP) on 08 May 2023. The City of Yarra was identified by DFP as a key stakeholder that has an interest or statutory responsibility relating to this proposal and preliminary comments were sought.

2. Council obtained preliminary referral advice from a Heritage Advisor and Council's Development Engineers and Arborists. Council provided preliminary comments and recommendations that supported the proposal in principle but required further clarification/information when the application was formally submitted. Specifically:
  - (a) Refurbishment of the subject site including the restoration of the heritage building is encouraging, however a Conservation Management Plan and Heritage Impact Assessment is required;
  - (b) Development Engineering did not object to the removal of existing car spaces and the reduction in car parking;
  - (c) Arborists required an Arboricultural Impact Assessment (AIA) and Non-Destructive Root Investigation (NDRI) for all retained trees and further justification was required for tree removal; and
  - (d) Further information and justification was required for the proposed 24-hour nature of the uses and high number of patrons, and an Acoustic Report was also recommended due to the nature of the land uses, hours of operation, the inclusion of alcohol and live music.

*Application under the Development Facilitation Program*

3. On 27 October 2023 Council was advised that the application had been recommended for accelerated assessment and determination by the Development Facilitation Program.
4. On 1 September 2023 DTP State Government proceeded with consultation including to nearby owners and occupiers and relevant referral authorities as well as a letter to Council pursuant to Section 20(5) of the Act. This report assesses this referral.

*Heritage Victoria application (PHRF23/0217)*

5. On 16 November 2023 the Executive Director Heritage Victoria, in a concurrent process under the *Heritage Act 2017*, provided a copy of the Heritage Victoria application for works to the registered place to Council.
6. On 19 December 2023 Council responded to Heritage Victoria indicating that Council is supportive of the overall works, subject to the proposed extent of demolition associated with the Boiler House (Building 5) and the Stores (Building 2) being reconsidered, and greater extent of original external fabric associated with these buildings being maintained.

Aboriginal Cultural Heritage Significance

7. The site is within an area of Aboriginal Cultural Heritage Significance. A Cultural Heritage Management Plan is not required for the proposed works as they constitute *alterations of buildings* and *demolition* pursuant to regulations 14 and 16 (respectively) of the *Aboriginal Heritage Regulations 2018*. Further, the entire site has previously experienced significant ground disturbance. Previous planning permits which have been acted on have resulted in ground disturbances. As shown in the aerial image (Figure 1 below) the majority of the site is developed with buildings/structures and concrete car parking areas.





Figure 1: Aerial view showing existing buildings/structures and concrete car parking on-site  
Source: NearMap, November 2023

## The Proposal

### Draft Amendment

8. The Draft Amendment Application applies only to the land bound by Electric Street to the north, Hargreaves Street to the east, Oddys Lane to the west and the CityLink to the south, which is known as 300/658 Church Street, shown in Figure 2 below. The land is more formally known as Lot 3A on Plan of Subdivision 335275Q.

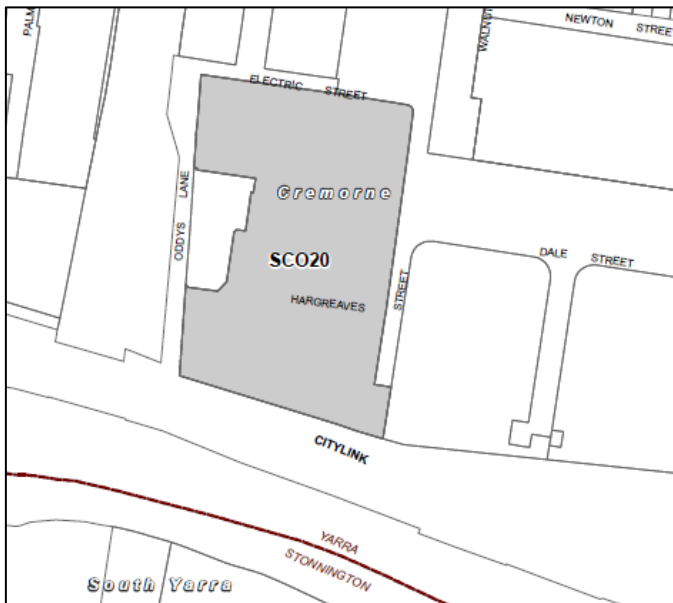


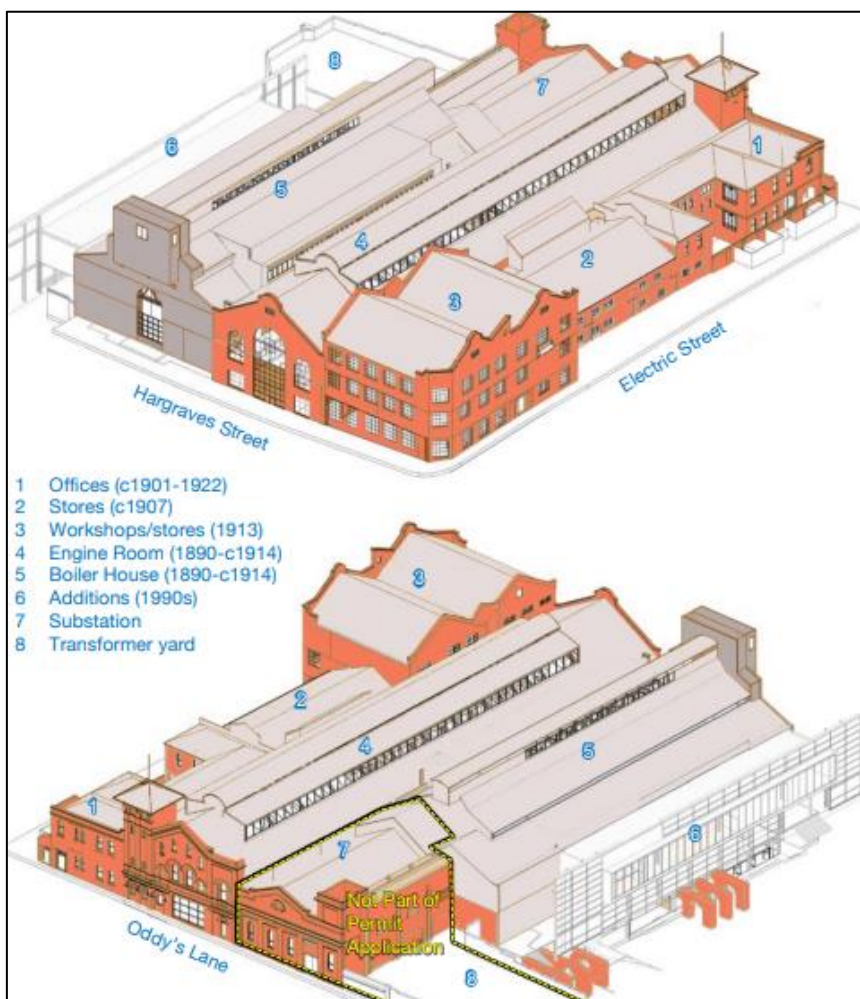
Figure 2: Exact extent of the subject land  
Source: State Government draft planning scheme amendment C322yara

9. The Amendment seeks to make the following changes to the Yarra Planning Scheme to facilitate the redevelopment of the site:
  - (a) Introduce Incorporated Document *Richmond Power Station Renewal Project – 300/658 Church Street Cremorne: November 2023* to the subject site under Section 6(2)(j) of the Act; and
  - (b) Introduce the Specific Controls Overlay – Schedule 20 (SCO20) to the subject site (Clause 45.12).
10. The ID states, the Minister for Planning is the Responsible Authority for administering *Clause 45.12* of the Planning Scheme with respect to this ID except that:

- (a) Yarra City Council (the Council) is the Responsible Authority for matters expressly required by the ID to be endorsed, approved or done to the satisfaction of Yarra City Council; and
  - (b) Yarra City Council is the Responsible Authority for the enforcement of the ID.
11. The Incorporated Document (ID) seeks the adaptive reuse of the existing Former Richmond Power Station (RPS) buildings as an integrated, mixed-use innovation centre with activities across nature, design, science, technology and art (innominate uses).

*General*

12. The RPS Renewal Project involves partial demolition of existing heritage buildings, including internal and external alterations to sections of these buildings. The existing buildings are known as follows:
- (a) Building 1: Offices (c1901 - 1922);
  - (b) Building 2: Stores (c1907);
  - (c) Building 3: Workshops/stores (1913);
  - (d) Building 4: Engine Room (1890 - c1914);
  - (e) Building 5: Boiler House (1890 - c1914); and
  - (f) Building 6: Non-original Additions (1990s).
13. The general position and age of these buildings is shown in Figure 3 below.



**Figure 3: General position and age of heritage buildings on-site**  
Source: Heritage Impact Statement (Bryce Rawthorn, November 2023)

14. It is proposed to remove approximately 150 car parking spaces, located south of the heritage buildings and adjacent Electric Street to create external green space.
15. The proposal seeks to create a north-south timber connector link (the Connector building) between the Workshop/Store/Office buildings (Buildings 3, 1) and the Engine Room building (Building 4), which provides access to the internal and exterior green spaces (see Figure 4 below).



**Figure 4: Proposed north-south connector**  
 Source: Design Book (OMA, November 2023)

*Land uses*

16. The proposal seeks to use the subject site for the innominate land use as an '*integrated mixed use innovation centre with activities across nature, design, science, technologies and art*'. This includes, but is not limited to, the following land uses as defined under the Victorian Planning Provisions (VPP):

Land use as defined in the VPP	Activities	Location (Building No.)
Industry	<ul style="list-style-type: none"> <li>• Kitchen (Food Production)</li> <li>• Artisan manufacturing</li> <li>• Light manufacturing and assembly (Furniture-Making) – Boiler House</li> <li>• Makerspace</li> <li>• Made-to-order</li> </ul>	<ul style="list-style-type: none"> <li>• Boiler House</li> <li>• Workshop/Office/Store</li> </ul>
Retail Premises	<ul style="list-style-type: none"> <li>• Market</li> <li>• Pop-ups</li> <li>• Sales</li> <li>• Food and drink</li> <li>• Bar</li> </ul>	<ul style="list-style-type: none"> <li>• New Southern Open Space / Boiler House</li> </ul>
Art Gallery	<ul style="list-style-type: none"> <li>• Gallery craftsmanship</li> </ul>	<ul style="list-style-type: none"> <li>• Engine Room</li> </ul>
Place of Assembly	<ul style="list-style-type: none"> <li>• Exhibition Centre</li> <li>• Live events</li> </ul>	<ul style="list-style-type: none"> <li>• Engine Room / Workshop/Office/Store</li> </ul>

	<ul style="list-style-type: none"> <li>• Immersive experiences</li> <li>• Festivals – Engine Room</li> <li>• Community activities</li> <li>• Function centre</li> <li>• Conference centre</li> </ul>	
Office	<ul style="list-style-type: none"> <li>• Co-working</li> <li>• Creative content and co-creation studio</li> </ul>	<ul style="list-style-type: none"> <li>• Boiler House / Engine Room</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Classes/workshops</li> </ul>	<ul style="list-style-type: none"> <li>• Boiler House</li> </ul>
Leisure and Recreation	<ul style="list-style-type: none"> <li>• Outdoor recreation (public)</li> </ul>	<ul style="list-style-type: none"> <li>• New Southern Open Space</li> </ul>
Agriculture	<ul style="list-style-type: none"> <li>• Nursery</li> </ul>	<ul style="list-style-type: none"> <li>• New Southern Open Space</li> </ul>

17. The hospitality and event spaces will include the sale and consumption of liquor.
18. Proposed hours of operation are as follows:
  - (a) 24-hours a day, and 7 days a week; and
  - (b) Hospitality and events between 8.00am to 1.00am, 7 days a week.
19. The planning report states that a maximum of 2,626 patrons is proposed between both indoor and outdoor areas. However other documents submitted refer to 2,500 and the draft ID specifies 2,500. Therefore for the purpose of this report, patron numbers of 2,500 have been assessed. Activities on the site are expected to be undertaken in three principal programming scenarios shown in the table below.

Scenario #	Scenario	Patron Capacity
Scenario #1	Multiple activities, including special one-off events across indoor and outdoor area	2,500
Scenario #2	General use during weekends	896
Scenario #3	Seasonal outdoor activation programs	1,940

20. Proposed staff for the overall complex would include 20 permanent management, administration, technical and visitor experience staff. This is understood to mean staff that would be permanently based on site, as opposed to staff that would come in on an as-needs basis i.e. to support events.

*Sale and Consumption of Liquor*

21. It is proposed to sell and consume liquor under various license types, with the red line plan to cover the entire subject site.
22. The total number of patrons for the sale and consumption of liquor are:

Licence Type	Scenario #	Patron Capacity
Café/restaurant and bar licence	Scenario #2	1,000
Special event liquor licence (through Liquor Control Victoria) (Up to 20 times a calendar year)	Scenarios #1 and #3	2,500

23. Proposed hours for liquor are:

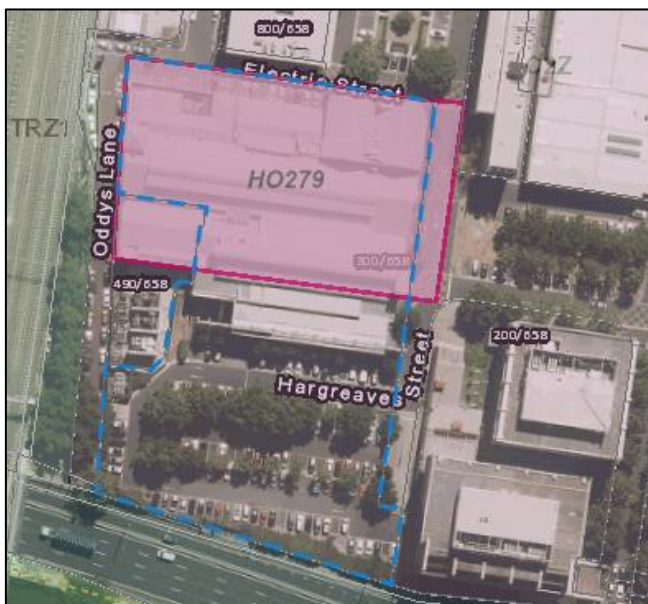
- (a) General public events (sale and consumption): 11.00am to 1.00am, 7 days a week; and
- (b) Non-public sales events/functions (consumption-only): 8.00am to 1.00am.

*Live Music*

- 24. Use of the land for music events and live music performances, ancillary to the primary use of the site (mixed-use innovation centre) comprising:
  - (a) Background music, live music and acoustic music played on site; and
  - (b) Live music performed seven days per week, generally in the afternoons/ evenings.

*Demolition (no permit required – subject to Heritage Victoria permit)*

- 25. The northern portion of the subject site is within the Victorian Heritage Register (VHR – Reference No. H1055). Pursuant to *Clause 43.01-3* of the Heritage Overlay 'No permit is required under this overlay to develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.' Figure 5 shows the extent of the Heritage Overlay on site.



**Figure 5: Extent of Heritage Overlay with Aerial View**  
Source: DELWP

- 26. Accordingly the assessment of the partial demolition of the existing buildings on site is via the Heritage Victoria assessment taking place concurrently to this application under the *Heritage Act 1995*. Council has already provided detailed comments on this process, included at Attachment 5.
- 27. As shown in Figure 5 above, the southernmost building (Building 6) and the southern-most portion of the site is not within the VHR or the Heritage Overlay and as such no permit is required for the demolition to these sections of the site.

*Overall design*

- 28. The proposal consists of alterations and additions to the existing basement, Workshop, Store, Office, Boiler House, Engine Room and the 1990's addition buildings. Each building will undergo removal of internal walls and addition of partitions to create multipurpose spaces for a mix of uses at each level, including reconfiguration of access, stairs and lifts. The following works are proposed:

*Basement*

- (a) Entry to the basement car park via Oddy Lane;

- (b) Internal partitions to facilitate:
  - (i) Services room, including waste storage area;
  - (ii) 12 bicycle parking spaces and End-of-Trip (EOT);
  - (iii) 13 car parking spaces including 1 disabled car parking space;
  - (iv) Loading area; and
  - (v) Rainwater tank and stormwater reuse treatment plant areas;
- (c) Centrally located stairwell and goods lift;

*Workshop/Stores (Building 3) / Stores (Building 2) / Office building (Building 1)*

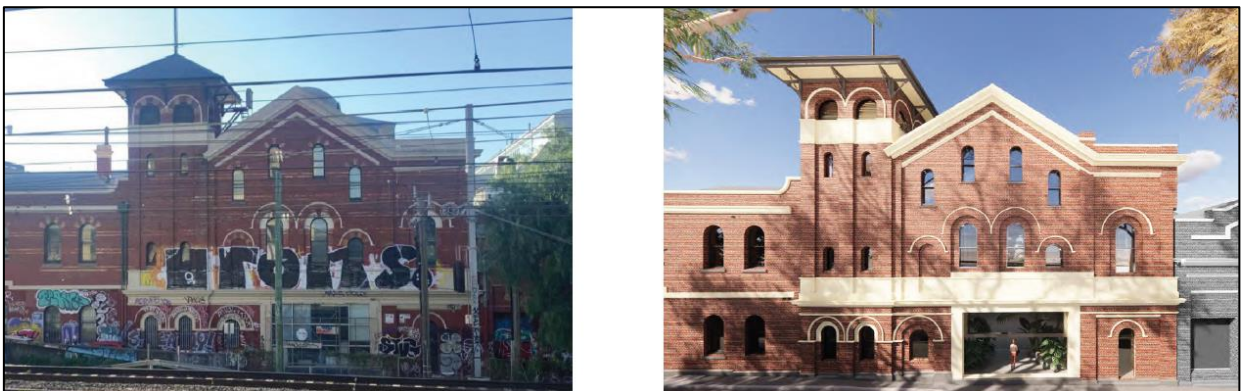
- (d) Removal of roof and internal demolition of the Stores to create green space adjacent to Electric Street, accessed via a new opening in the western wall, including a new glazed wall to the south;
- (e) Addition of an 11m high x 10.1m wide, north-facing, open-sided, wooden entry pergola to create a new entrance via Electric Street at ground floor (as part of 'the Connector');



**Figure 6: Existing and proposed northern façade of Workshop/Store/Office building**  
Source: Design Book (OMA, November 2023)

*Engine Room (Building 4)*

- (f) Replace existing, west-facing, ground floor window with a glazed entrance;
- (g) Creation of indoor green spaces in areas adjacent to Oddys Lane and Hargreaves Street at ground floor;
- (h) Removal of existing first-floor rooms with exception of the proposed north-south connector walkway;
- (i) New pedestrian through link created, oriented east-west;



**Figure 7: Existing and proposed western façade of Engine Room building**  
Source: Design Book (OMA, November 2023)

*Boiler House (Building 5)*

- (j) Removal of all roof and metal wall cladding and replaced with glazing (similar to a glass house), with a glazed buffer-zone wrapping around the eastern and southern facades of the building and corrugated cladding to the eastern façade at the upper-levels;
- (k) Creation of indoor courtyards in spaces adjacent to Hargreaves Street at ground floor;
- (l) Construction of new first-floor rooms in the south-west part of the site and internal reconfiguration of layout to facilitate the 12.8m high x 10.1m wide north-south connector;



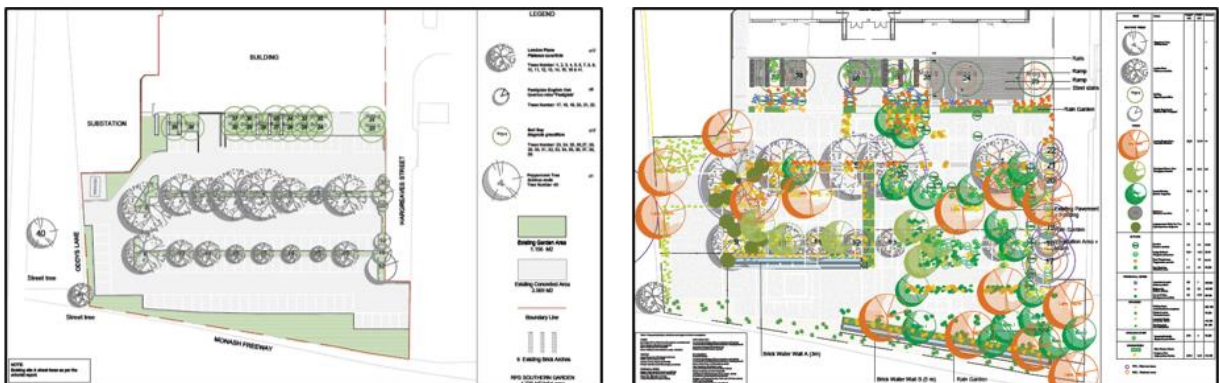
**Figure 8: Existing and proposed eastern façade of Boiler House building**  
 Source: Design Book (OMA, November 2023)

*1990s Addition (Building 6)*

- (m) Removal of the majority of the 1990’s addition;
- (n) A new southern entry point associated with ‘the Connector’, providing access to the former car park (new open space area) (see Figure 4 above);

*New Green Space*

- (o) Replacement of existing car parking spaces north of the site (adjacent to Electric Street) with publicly accessible open space; and
- (p) Removal of the car park located south of the 1990’s addition in order to create approximately 4,700sqm of green space consisting of:
  - (i) Additional vegetation areas set amongst the existing concrete pavement;
  - (ii) New rain garden, ramp, stairs and water wall structures;
  - (iii) New planting includes indigenous canopy trees, shrubs and grasses; and
  - (iv) Removal of 15 non-native trees (London Plane and Magnolia trees) and retention of 24 non-native trees (London Plane, Fastigate English Oak and Magnolia trees) within the southern car park area.



**Figure 9: Existing and proposed Green Space**  
 Source: Landscape Plan (Teresa Moller Landscape Studio, November 2023)

## Existing Conditions

### Subject Site

29. The subject site is located on the southwestern corner of Hargreaves Street (private road) and Electric Street and forms part of a larger business park accessed from Church Street, comprising retail, offices and light industries uses.
30. The site abuts the Monash Freeway to the south and 30m from the Yarra River. The legal description of the site is Lot 3A of PS 335275Q (300/658 Church Street).
31. Lot 3A is irregular in shape, with a frontage to Hargreaves Street measuring approximately 115m, a frontage to Electric Street of approximately 86m, and a frontage to Oddys Lane of approximately 40m and 60m, with a total site area of 10,276sqm. The site falls generally in a northeast to southwest direction. As shown on Figure 10 below (hatched area), a 994sqm electric substation on a separate lot interrupts the subject site's frontage to Oddys Lane. This abutting lot does not form part of the planning unit. A railway line runs parallel to the site, along Oddys Lane.



**Figure 10: Subject site outlined in red, with abutting electric substation hatched**  
**Source: Town Planning Report (Echelon Planning, November 2023)**

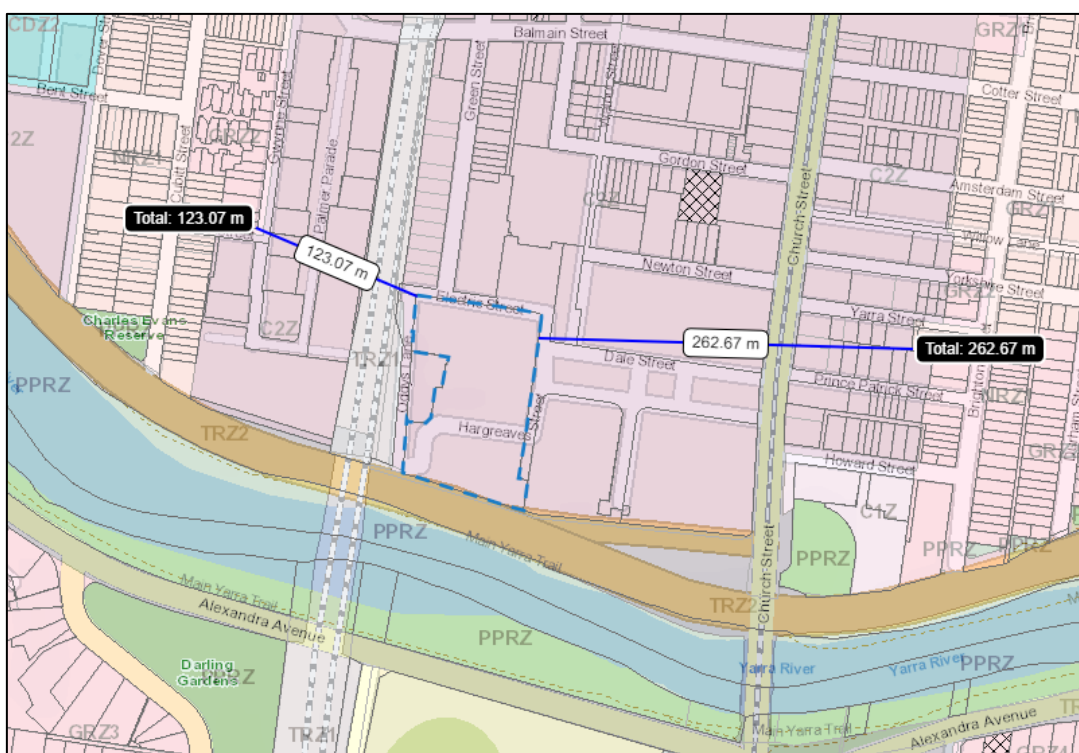
32. The former Richmond Power Station is a complex of industrial buildings developed in stages and operated between 1886 to 1976. As outlined earlier in the report, and shown in Figure 3 above, the complex consists of six main components, each built during various periods. In the mid 1990's, the complex was extensively refurbished to include a modern office building, which resulted in the majority of the interior and exterior refurbished, with all industrial plant equipment being removed. The existing buildings currently accommodate a range of commercial uses including offices and retail. Figures 7, 8 and 9 above show the existing buildings on-site.
33. The remainder of the site consist of 150 car spaces, accessed via Dale Street to the east, and Green Street to the north. The existing landscaping within the southern car park includes 39 exotic trees. The land adjacent to Oddys Lane consists of 2 street trees.
34. The titles submitted with the application do not show any covenants, however, the site is affected by the following easements:
  - (a) Drainage: E-2 and E-4 (City of Richmond) to the east;
  - (b) Powerline: E-5 and E-7 (CitiPower) to the south; and
  - (c) Gas supply purposes : E-16 (Status Networks Pty Ltd) to the east.



35. Separate approval is required to build over the easements, including the Council managed ones.

Surrounding Land

36. The surrounding area contains a mix of uses, with predominantly commercial development neighbouring the site. In the wider area are showrooms, warehouses and offices generally constructed to the boundary with high site coverage. Dwellings are also located within the wider area.
37. The site is in proximity to both the Swan Street (north) and Chapel Street (south) Major Activity Centres (MAC). The site is close to the Church Street commercial strip, which forms part of the Cremorne Major Employment Precinct. Church Street is a two-way main arterial road (within Transport Zone 2) with car parking located on either side and a tramlines. Public Transport is readily available with tram services on both Church and Swan Streets as well as East Richmond Railway Station (900m to the north), South Yarra Railway station located 700m to the south-west and Richmond Railway Station located about 1km to the north-east. The Yarra trail walking and bicycle path is located 30m south of the subject site.
38. The subject site is located in the Commercial 2 Zone (CZ2) with the properties to the north, northeast and west also located within this zone. Properties within the Commercial 1 Zone (C1Z) are located on the eastern side of Church Street. Land to the south is located within the Transport Zone (TRZ2). Nearest residentially zoned land is located approximately 120m north-west (GRZ2), beyond the railway corridor and 260m east (NRZ1), across Church Street. The mix of zoning is shown in Figure 11 below.



**Figure 11: Zoning map, including distance to nearest residentially-zoned land**  
**Source: DELWP**

39. The subject site’s immediate interfaces are described below.

*North*

40. To the north-west and north-east of the subject site, across Electric Street is a public car park (operated by Care Car Park) and a three-storey office building respectively.
41. Further north-east, and addressing Church Street, are two octagonal shaped two-storey office buildings. To the rear of these are office/warehouse buildings accessed from Dale Street or Newton Street.

*South*

42. To the south of the site is the Monash Freeway, followed by the Church Street exit ramp from the Monash Freeway further south-east. A stand of tall, mature trees separates this ramp from the freeway. South of the freeway is the Yarra River. Across the river are multi-storey residential developments and the Melbourne High School, all located within the City of Stonnington municipality.

*East*

43. To the east of the site, across Hargreaves Street is two, 6-storey office buildings (Lot 2). Access to this building is provided from Dale Street and service land that separates this land from the subject site. A number of restricted car parking spaces and mature trees exist along Dale Street, including the Dale Street Reserve.
44. Beyond this, is a western service lane, followed a two-storey commercial building fronting Church Street, with basement car parking (accessed via the western service lane) (Lot 1). The building is currently used for restricted retail premises (Plush Furniture) and office purposes. A single-storey building used as a food and drink premises (Top Paddock) is located at the northeast corner of the site. A two-storey building with at grade car parking, used as a self-storage facility is also located at the rear of the site, fronting Dale Street. Council issued a Notice of Decision to Grant Planning Permit PLN22/0120 on 08 December 2023 for alterations to the existing buildings, works within common property, the construction of an 11-storey (plus two plant levels), mixed-use building and associated basement levels, use as office (no permit required) and food and drink premises (permit required), tree removal, a reduction in car parking and alterations to access to a road in a Transport Zone - Category 2. Figure 12 below shows the proposed development on-site. Council's decision is currently being appealed at the Victorian Civil and Administrative Tribunal (VCAT).



**Figure 12: View of proposed development on Lot 1 and the existing development on Lot 2, from across the Yarra River**

**Source: 3D Renders (Denton Corker Marshall, July 2022)**

45. Across Church Street to the east are two, multi-storey residential apartment buildings ranging from 8 to 10-storeys and other commercial buildings.

*West*

46. The western boundary abutting Oddys Lane is interrupted by the site 490/658 Church Street, Cremorne which is known formally as Reserve 1 of Plan of Subdivision 335275. This lot contains an electrical substation. This site has dual access from Oddys Lane and via the subject site's car park from Hargreaves Street. Oddys Lane is not a public road.
47. To the west of the subject site, running parallel to Oddys Lane is a major railway reserve, followed by office/industrial buildings accessed via Balmain Street.

### *Broader area*

48. The Church Street spine and surrounding area is currently going through a period of transition from lower scale buildings to higher density commercial development. There have been a number of approvals along Church Street and the immediate blocks to the east and west for larger developments. Constructed developments within proximity to the site include ten office, mixed use and residential buildings ranging in height between six and nine storeys. In addition, there are a further ten office and mixed-use buildings ranging in height between six and twelve storeys that have commenced construction or recently received permits.

## Planning Scheme Provisions

### Zoning

#### **Commercial 2 Zone (C2Z)**

49. The subject site is zoned C2Z. The following relevant purpose of the C2Z is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
  - (b) *To encourage commercial areas for offices, appropriate manufacturing industries, bulky goods retailing, other retail uses, and associated business and commercial services; and*
  - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
50. Pursuant to *Clause 34.02-1* of the Yarra Planning Scheme (the Scheme), a planning permit is required to use the land for an innominate use; i.e. as a mixed-use innovation centre. Nonetheless, the following proposed uses either require or do not require a planning permit under the C2Z:
- (a) Permit not required uses (subject to condition): Office, Informal Outdoor Recreation, Arts and Craft Centre, and Industry; and
  - (b) Permit required uses: Food and Drink premises with leasable floor area exceeding 100sqm, other forms of Retail Premise, Place of Assembly, other Leisure and Recreation, Education Centre, and Horticulture.
51. Pursuant to *Clause 34.02-4* of the Scheme, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at *Clause 34.02-7*.

#### **Transport Zone (Category 2 – Principal Road Network)**

52. The subject site adjacent to a TRZ2. The following relevant purpose of the TRZ2 as follows:
- (a) *To identify transport land use and land required for transport services and facilities; and*
  - (b) *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
53. Pursuant to *Clause 36.04-2* of the Scheme, a permit is required to construct a building.
54. *Clause 36.04-3* of the Scheme requires written consent from Head, Transport Victoria.
55. *Clause 36.04-5 (Decision guidelines)* of the Scheme considers:
- (a) *the effect of the proposal on the development, operation and safety of the transport system; and*
  - (b) *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

## Overlays

### **Clause 43.01 Heritage Overlay (Northern Portion Only)**

56. As previously discussed, the majority of the subject site is within the Victorian Heritage Register (VHR – Reference No. H1055). Therefore all heritage considerations are subject of a separate Heritage Victoria approval process. Heritage matters cannot be considered as part of this assessment.

### **Clause 43.02-Design and Development Overlay - Schedule 1-J: Yarra (Birrarung) River Corridor (DDO1-J)**

57. The subject site is affected by the DDO1-J.
58. 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, unless a schedule to this overlay specifically state that a permit is not required. Schedule 1 of the Overlay is silent on this matter and thus a permit is required for the buildings and works.
59. Schedule 1-J to the DDO specifically relates to the Yarra River Corridor. Specific design objectives are:
- (a) *To ensure new buildings, tennis courts, swimming pools and other structures are appropriately set back from the banks of the Yarra River and adjacent public open space;*
  - (b) *To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting;*
  - (c) *To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, pedestrian and bicycle paths;*
  - (d) *To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees; and*
  - (e) *To minimise impervious surfaces to allow for the filtration of water and retention and establishment of vegetation and canopy trees.*
60. Pursuant to Section 2.0 of Schedule 1 (Buildings and works) of this overlay, the following requirements must be met and cannot be varied by a planning permit:
- (a) *Buildings and works must not cast any additional shadow across the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) between 11:00am and 2:00pm on 22 June;*
  - (b) *New buildings must not exceed the maximum building height specified in the applicable table to this schedule. A building may exceed the maximum building height by up to 1metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8metres, is greater than 2.5 degrees;*
  - (c) *New buildings (including basements and projections) must be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule; and*
  - (d) *The complete or partial replacement of an existing building within the minimum setback distance specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway) must not:*
    - (i) *Exceed the maximum building height specified in the applicable table to this schedule;*
    - (ii) *Reduce the existing setback of the building from the Yarra River and public open space; and*

(iii) Increase the existing gross floor area of the existing building.



Figure 13: DDO1-J Setback map reference, subject in purple  
Source: Yarra Planning Scheme

Map Reference Area	Location	Minimum setback	Discretionary maximum building height
J	Darebin Creek, Alphington	30 metres	-
	Melbourne Polytechnic, Clifton Hill	50 metres	15 metres
	Heidelberg Road, Alphington	-	-
	Motorway precinct, Cremorne	-	-

Figure 14: DDO1-J Setback and heights reference table: Motorway Precinct, Cremorne  
Source: Yarra Planning Scheme

61. Section 2.0 of Schedule 1 further outlines various requirements that can be varied by a planning permit as well as decision guidelines for development. These items will be discussed with the Assessment section of this report.
62. Pursuant to Section 1.0 of the Schedule to *Clause 66.04* (Referral or permit applications under local provisions), where the land is affected by Schedule 1 to *Clause 43.02* (DDO) an application within 100m of the Yarra River, as measured from the Setback Reference Line, should be referred to Melbourne Water.

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

63. The subject site is affected by the DDO5.

64. Pursuant to *Clause 43.02-2* of the Scheme, a planning permit is required to construct a building or construct or carry out works, unless a schedule to this overlay specifically state that a permit is not required. Section 2.0 of Schedule 5 specifically states that a permit is not required for buildings and works.
65. 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.
66. Pursuant to Section 1.0 of the Schedule to *Clause 66.06* (Notice of permit applications under local provisions), where the land is affected by Schedule 1 to *Clause 43.02* (DDO) notice should be given to the Environment Protection Authority (EPA), Transurban City Link Limited and the Roads Corporation (Transport for Victoria).

**Significant Landscape Overlay – Schedule 1 (SLO1)**

67. The subject site is affected by SLO1. The following relevant purpose of the SLO1 as follows:
  - (a) *To identify significant landscapes; and*
  - (b) *To conserve and enhance the character of significant landscapes.*
68. Pursuant to *Clause 42.03-2*, a planning permit is required to:
  - (a) *Construct a building or construct and carry out works; and*
  - (b) *Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:*
    - (i) *If the table to Clause 42.03-3 specifically states that a permit is not required; and*
    - (ii) *To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.*
69. Pursuant to Section 3.0 of Schedule 1 (Permit requirements) of this overlay, a permit is required for the proposed tree removal as the following exemptions are not met:
  - (a) *Non-native vegetation that is less than 6 metres in height, has a trunk circumference of less than 0.35metre measured at 1.4 metres above ground level and a branch spread of less than 4 metres;*
  - (b) *Pruning of dead or broken branches, or branches less than 50millimetres in diameter at the point of contact with the larger branches or trunk, provided no more than 1/3 of the foliage of each individual plant is removed. This does not apply to the trunk of a tree;*
  - (c) *Vegetation maintenance carried out by, or on behalf of, a municipal council or public authority or public land manager;*
  - (d) *Non-native vegetation in preparation for revegetation works carried out by, or on behalf of, a municipal council, public authority or public land manager;*
  - (e) *Vegetation that could adversely affect stream flow carried out by, or on behalf of, a municipal council, public authority or public land manager; and*
  - (f) *Land within Schedule 4 to the Special Use Zone if the removal, destruction or lopping of vegetation is carried out in accordance with the Abbotsford Convent Master Plan 2004.*
70. A permit is also required for the proposed development under this overlay as the following exemptions are not met:
  - (a) Buildings with a height not exceeding 6m above ground level; and
  - (b) Carried out by, or on behalf of, a public land manager, municipal council or public authority.

**Land Subject to Inundation Overlay (Southern Portion Only)**

71. The southern-portion of the subject site is affected by LSIO. The following relevant purpose of the LSIO as follows:
- (a) *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity;*
  - (b) *To minimise the potential flood risk to life, health and safety associated with development;*
  - (c) *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater; and*
  - (d) *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*
72. Pursuant to *Clause 44.04-2*, a planning permit is required to *construct a building or construct and carry out works*. The exemption listed under this clause do not apply to the works proposed on-site.
73. Pursuant to *Clause 66.03* (Referral of permit applications under other state standard provisions), where the land is affected by *Clause 44.04-7* (LSIO) an application should be referred to Melbourne Water.

**Development Contributions Plan Overlay - Schedule 1 (DCPO1)**

74. The subject site is located within Charge Area 11 (Cremorne). Council's standard condition will be recommended to ensure that the applicable Development Infrastructure Levy is paid, as required.
75. Pursuant to *Clause 45.06-1* of the Scheme, a permit granted must:
- (a) Be consistent with the provisions of the relevant development contributions plan; and
  - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
76. The proposal results in an increase to the commercial floor area; thus, the requirements of the Overlay apply. A standard condition is required to be included in the ID, which would include requiring a Development Infrastructure Levy to be paid.

Particular Provisions

**Clause 52.06- Car parking**

77. Pursuant to *Clause 52.06-2*, before a new use commences the number of car spaces required under Table 1 at *Clause 52.06-5* must be provided to the satisfaction of the responsible authority.
78. Pursuant to *Clause 52.06-3* a permit is required to reduce the number of car parking spaces required under this clause. 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.
79. The reduction in car parking for an innominate use is generally to the satisfaction of the Responsible Authority. Nonetheless, the applicant's Traffic Impact Assessment (BG&E, November 2023) has simplified the proposed uses on site into two key land uses: place of assembly and office. While this report references a total of 2,530 patrons for the proposed place of assembly use, the applicant's Town Planning Report (Echelon Planning, November 2023) references a total of 2,626 patrons on-site. The draft ID refers a total of 2,500 patrons. Therefore, the following car parking assessment will identify the total number of patrons on-site as 2,500. Under *Clause 52.06-5*, the following parking rates apply:

Land Use	Patrons/Area	Statutory Parking Rate	No. of spaces required	No. of spaces provided	Reduction sought
Place of Assembly	2,500	0.3 spaces per patron	750	-	-
Office	219.9sqm of Net Floor Area (NFA)	3 spaces to each 100sqm of net floor area	6	-	-
<b>Total</b>			<b>756</b>	<b>13</b>	<b>743</b>

80. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. As 13 car spaces are provided on site, a reduction of 743 spaces in total is sought.

**Clause 52.27 – Licensed Premises**

81. A planning permit is required under Clause 52.27 to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.

**Clause 52.29 – Land adjacent to the Principal Road Network**

82. Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2. The purpose of the clause is to ensure appropriate access to identified roads.

83. Pursuant to Clause 52.29-6, 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; and*
- (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3.*

84. 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 66.03 must be referred to Head, Transport for Victoria under Section 55 of the Act.

**Clause 52.34- Bicycle Facilities**

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

86. Similar to the car parking reduction assessment, the Traffic Impact Assessment (BG&E, November 2023) has simplified the proposed uses on site into two key land uses: place of assembly and office. The following table identifies the bicycle parking requirements pursuant to Clause 52.34-3 of the Scheme and the provision of bicycle parking on site:

Land Use	Size	Statutory Parking Rate	No. of spaces required	No. of spaces on-site
Place of Assembly	3,851sqm	1 employee space to each 1,500sqm of NFA	2 employee spaces	
		2 plus, 1 to each 1,500sqm of NFA	4 visitor spaces	



Office	219.9sqm	1 employee space to each 300sqm of NFA if the NFA exceeds 1,000sqm	0 employee spaces	
		1 visitor space to each 1,000sqm of NFA if the NFA exceeds 1,000sqm	0 visitor spaces	
Required Bicycle Parking Spaces Total			2 employee spaces 4 visitor spaces	10 employee spaces 2 visitor spaces
Showers/change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	EOT facilities provided at basement level, however the total numbers are unclear		

87. The plans do not clearly show the location of the proposed bicycle parking spaces. The applicant's Traffic Impact Assessment (BG&E, November 2023) and the Sustainable Management Plan (Atelier Ten, August 2023) reference the provision of a total of 12 bicycle spaces on-site (10 employee and 2 visitor spaces), including EOT facilities.
88. The development provides a total of 10 employee bicycle spaces, which is above the requirements of the Scheme. However, the proposal falls short of 2 visitor bicycle spaces and therefore a reduction in the visitor bicycle parking spaces is required.
89. *Clause 52.34-4* of the Scheme provides design standard for bicycle spaces and signage.

**Clause 53.06 - Live Music and Entertainment Noise**

90. The purpose of this clause is (relevantly):
- (a) *To recognise that live music is an important part of the State's culture and economy;*
  - (b) *To encourage the retention of existing and the development of new live music entertainment venues;*
  - (c) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise; and*
  - (d) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
91. Pursuant to *Clause 53.06-1* this clause applies to an application required under any zone of this scheme to use land for, or to construct a building or carry out works associated with:
- (a) *A live music entertainment venue; and*
  - (b) *A noise sensitive residential use that is within 50 metres of a live music entertainment venue.*
92. Relevant to this proposal, pursuant to *Clause 53.06-3*:
- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*

93. It is important to note that the nearest noise sensitive residential uses are located approximately 120m north-west (GRZ2), beyond the railway corridor and 260m east (NRZ1), across Church Street. Therefore, there are no noise sensitive residential uses within 50m of the subject site. Further, the C2Z prohibits all forms of accommodation (with the exception of a caretaker's house and residential hotel), and therefore no new accommodation uses are likely to establish within 50m of the subject site.

**Clause 53.18 – Stormwater Management in Urban Development**

94. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:
- (a) Must meet all of the objectives of *Clauses 53.18-5* and *53.18-6*; and
  - (b) Should meet all of the standards of *Clauses 53.18-5* and *53.18-6*.

[General Provisions](#)

**Clause 65 – Decision guidelines**

95. 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 66.03 Referral of Permit Applications Under Other State Standard Provisions**

96. In accordance with *Clause 66.03-11* of the Scheme, the following referrals should be undertaken:
- (a) 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; and
  - (b) Where the land is affected by *Clause 44.04-7* (LSIO) an application should be referred to Melbourne Water.
97. Pursuant to Section 1.0 of the Schedule to *Clause 66.04*, where the land is affected by Schedule 1 to *Clause 43.02* (DDO) an application within 100m of the Yarra River, as measured from the Setback Reference Line, should be referred to Melbourne Water.

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

98. 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 \(PPF\)](#)

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

**Clause 11.01-1R – Settlement – Metropolitan Melbourne**

100. The relevant strategy of this clause is to:
- (a) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

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

101. The relevant objective of this clause is:

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

102. The relevant strategy of this clause is to:

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

**Clause 11.03-1S – Activity centres**

103. The objective of this clause is to:

- (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.*

104. Relevant strategies include the following:

- (a) *Undertake strategic planning for the use and development of land in and around activity centres;*
- (b) *Give clear direction on preferred locations for investment;*
- (c) *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres;*
- (d) *Improve access by walking, cycling and public transport to services and facilities;*
- (e) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies;*
- (f) *Encourage economic activity and business synergies; and*
- (g) *Improve the social, economic and environmental performance and amenity of activity centres.*

**Clause 11.03-2S – Growth areas**

105. The objective of this clause is:

- (a) *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

106. Relevant strategy includes:

- (a) *Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.*

**Clause 12.03-1R – Yarra river protection**

107. The objective of this clause is:

- (a) *To maintain and enhance the natural landscape character of the Yarra River corridor.*

108. Relevant strategy includes:

- (a) *Strengthen the Yarra River's natural environment, heritage and overall health by:*
  - (i) *Protecting, conserving and enhancing areas of Indigenous and non-Indigenous cultural and archaeological significance; and*
  - (ii) *Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river;*
- (b) *Promote a sense of place and landscape identity by:*

- (i) *Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation;*
- (c) *Retain and enhance people’s enjoyment of the river and its environment by:*
  - (i) *Planning for the river and its environs as a recreation and tourism resource;*
  - (ii) *Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate; and*
  - (iii) *Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round; and*
- (d) *Ensure that development is designed and sited to maintain and enhance the river’s secluded and natural environment by:*
  - (i) *Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself;*
  - (ii) *Ensuring that the siting and design of buildings avoids conflicting with the local natural landscape and environmental character; and*
  - (iii) *Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres from the banks of the river.*

**Clause 12.03-1L – Yarra river, Darebin and Merri creek**

109. The objective of this clause is:

- (a) *To recognise the strategic importance of the Yarra River and Darebin and Merri Creek corridors as multi-functional open spaces and protecting and enhancing their environments.*

110. Relevant strategy includes:

- (a) *Ensure that development adjacent to the Yarra River, Darebin Creek and Merri Creek waterways:*
  - (i) *Provide a landscaped buffer with indigenous vegetation between the waterway and the development;*
  - (ii) *Provide opportunities for walking and cycling paths;*
  - (iii) *Maintain sightlines to the water corridor from the public realm; and*
  - (iv) *Minimise the visual intrusion of development when viewed from the waterway corridors and adjacent public open space, bicycle and shared paths and bridge crossings; and*
- (b) *Improve opportunities for leisure and recreation adjacent to waterways, including open space and walking and cycling paths.*

**Clause 12.05-1S – Environmentally sensitive areas**

111. The objective of this clause is:

- (a) *To protect and conserve environmentally sensitive areas.*

112. Relevant strategy includes:

- (a) *Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the, amongst other things, the Yarra.*

**Clause 12.05-2S – Landscapes**

113. The objective of this clause is:

- (a) *To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

114. Relevant strategy include the following:

- (a) *Ensure development does not detract from the natural qualities of significant landscape areas;*
- (b) *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces;*
- (c) *Recognise the natural landscape for its aesthetic value and as a fully functioning system; and*
- (d) *Ensure important natural features are protected and enhanced.*

**Clause 13.04-1S – Contaminated and potentially contaminated land**

115. The 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.*

116. Relevant strategies include the following:

- (a) *Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development; and*
- (b) *Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.*

**Clause 13.05-1S – Noise management**

117. The objective of this clause is:

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

118. Relevant strategy includes:

- (a) *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*

**Clause 13.06-1S – Air quality**

119. The objective of this clause is:

- (a) *To assist the protection and improvement of air quality.*

120. Relevant strategy includes:

- (a) *Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).*

**Clause 13.07-1L-01 – Interfaces and amenity**

121. The objective of this clause is:

- (a) *To support the growth and operation of surrounding non-residential development and uses.*

122. Relevant strategies include the following:

- (a) *Locate noise generating uses, including plant and equipment, away from noise-sensitive habitable rooms (in particular, bedrooms) and private open space and where appropriate incorporate acoustic attenuation measures;*
- (b) *Locate fume and air emission generating uses (including plant and equipment) away from residential uses or, where appropriate, provide a reasonable buffer;*
- (c) *Ensure that use and development with potential air quality impacts, including odours and emissions, do not adversely affect the amenity of the surrounding area;*

- (d) *Support use and development that resolves legacy issues of odour and emissions and their impacts on residential amenity;*
- (e) *Conceal commercial or industrial storage, waste or other processing activities from residential properties and locate them away from primary street frontages;*
- (f) *Minimise odour and noise disruption to nearby residential properties from commercial or industrial waste (solid, gas and liquid) management practices and storage; and*
- (g) *Minimise light spill (from both fixed and vehicular lights) beyond the perimeter of the site and onto habitable room windows of nearby residential properties through appropriate design, location and management practices.*

**Clause 13.07-1L-02 – Licensed premises**

123. The objective of this clause is:

- (a) *To protect the amenity of nearby properties and areas by managing the location, size, operation and hours of licensed premises;*
- (b) *To protect residential and other commercial uses from noise, traffic and car parking issues generated by licensed premises;*
- (c) *To encourage best practice venue design and operation for licensed premises; and*
- (d) *To protect the amenity of surrounding sensitive uses from an unreasonable cumulative impact of licensed premises.*

**Clause 13.07-1L-3S – Licensed premises**

124. The objective of this clause is:

- (a) *To encourage, create and protect opportunities for the enjoyment of live music.*

125. Relevant strategies include the following:

- (a) *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues; and*
- (b) *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

**Clause 15.01 – Built Environment and Heritage**

**Clause 15.01-1S – Urban design**

126. The objective 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**

127. The objective is:

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

**Clause 15.01-1L – Urban design**

128. Relevant strategies include:

- (a) *Public realm: Support development that creates new public spaces to serve the needs of residents, workers, traders and visitors;*
- (b) *Weather protection: Support development that provides weather protection of the public realm (including footpaths and plazas);*
- (c) *Development adjoining land in a Heritage Overlay:*
  - (i) *Ensure development is sympathetic and respectful design response that does not dominate an adjoining heritage place; and*

- (ii) *Ensure appropriate materials and finishes complement the area which do not detract from the fabric of the heritage place; and*
- (d) *Development adjacent to a public open space:*
  - (i) *Facilitate development that:*
    - *Maintains, improves, or provides pedestrian access to the space.*
    - *Orients windows and balconies to public open space to enhance public safety and the pedestrian experience.*
    - *Relates the scale and siting of a building to the character of the park.*
    - *Provides landscaping that complements the vegetation of the park.*
    - *Provides weather protection of footpaths where practical and appropriate.*
  - (ii) *Design buildings adjacent to any public open space set aside under Clause 19.02-6L to facilitate high quality and accessible public open space; and*
  - (iii) *Discourage development that projects (including internal floor space, balconies and garage doors) into or over a public open space.*

**Clause 15.01-2S – Building design**

129. The objective is:

- (a) *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

130. Relevant strategies include:

- (a) *Ensure a comprehensive site analysis forms 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; and*
- (f) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

131. 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**

132. The objective of this clause is:

- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

**Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne**

133. 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**

134. The objective of this clause is:

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

**Clause 15.02-1S – Energy Efficiency**

135. The objective of this clause is:

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

**Clause 15.03-1S – Heritage Conservation**

136. The objective of this clause is:

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

**Clause 17.01 – Employment**

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

137. The objective of this clause is:

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

138. 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;*
- (c) *Retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region; and*
- (d) *Improve access to jobs closer to where people live.*

**Clause 17.02-1S – Business**

139. The relevant objective of this clause is:

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

140. Relevant strategies include:

- (a) *Locate commercial facilities in existing or planned activity centres; and*
- (b) *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*

**Clause 17.03-1S – Industrial land supply**

141. The relevant objective of this clause is:

- (a) *To ensure availability of land for industry.*

142. Relevant strategies include:

- (a) *Identify land for industrial development in urban growth areas where:*
  - (i) *Good access for employees, freight and road transport is available; and*



- (ii) *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses; and*
- (b) *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*

**Clause 17.04-1L – Tourism, arts and culture**

143. The relevant objective of this clause is:

- (a) *To promote Yarra as a leading tourism, arts and cultural destination in metropolitan Melbourne.*

144. Relevant strategies include:

- (a) *Promote a diversity of arts and cultural uses, including live music venues, performance spaces, galleries and artist studios;*
- (b) *Promote the creative industries and artistic sectors by encouraging the provision of affordable workspaces for artists and public art installations; and*
- (c) *Encourage public realm enhancements in locations that support visitor attractions.*

*Clause 18 – Transport*

**Clause 18.01-1S – Land use and transport integration**

145. The objective of this clause is:

- (a) *To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.*

**Clause 18.02-1S – Walking**

146. The objective of this clause is:

- (a) *To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.*

**Clause 18.02-2S – Cycling**

147. The objective of this clause is:

- (a) *To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.*

**Clause 18.02-2R – Cycling – Metropolitan Melbourne**

148. The strategy of this clause is to:

- (a) *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 18.02-3S – Public Transport**

149. The objective of this clause is:

- (a) *To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.*

**Clause 18.02-3R – Principal Public Transport Network**

150. Relevant strategy include the following:

- (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 19.02-3S – Cultural facilities**

151. The relevant objective of this clause is:

- (a) *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*

152. The relevant strategies of this clause are:

- (a) *Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres;*
- (b) *Reinforce the existing major precincts for arts, sports and major events of state wide appeal; and*
- (c) *Establish new facilities at locations well served by public transport.*

**Clause 19.02-4S – Social and cultural infrastructure**

153. The relevant objective of this clause is:

- (a) *To provide fairer distribution of and access to, social and cultural infrastructure.*

154. The relevant strategies of this clause are:

- (a) *Encourage the location of social and cultural infrastructure in activity centres;*
- (b) *Ensure social infrastructure is designed to be accessible; and*
- (c) *Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.*

**Clause 19.02-6S – Open space**

155. The relevant objective of this clause is:

- (a) *To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community; and*
- (b) The relevant strategies of this clause are:
- (i) *Ensure that open space networks:*
- *Are linked, including through the provision of walking and cycling trails.*
  - *Are integrated with open space from abutting subdivisions.*
  - *Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.*
  - *Maintain public accessibility on public land immediately adjoining waterways and coasts.*
- (ii) *Improve the quality and distribution of open space and ensure long-term protection;*
- (iii) *Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided;*
- (iv) *Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude; and*
- (v) *Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.*

**Clause 19.02-6R – Open space – Metropolitan Melbourne**

156. The relevant objective of this clause is:

- (a) *To strengthen the integrated metropolitan open space network.*

157. The relevant strategy of this clause is:

- (a) *Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.*

**Clause 19.03-1S – Development and infrastructure contributions plans**

158. The relevant objective of this clause is:

- (a) *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.*

**Clause 19.03-3L – Water sensitive urban design**

159. The relevant objectives of this clause are:

- (a) *To achieve the best practice stormwater quality.*

160. The relevant strategies of this clause are:

- (a) *Encourage green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater;*
- (b) *Incorporate works to maintain or improve the quality of stormwater within or exiting the site; and*
- (c) *Minimise adding to stormwater discharge or adversely affecting water quality entering the drainage system.*

**Clause 19.03-3S – Integrated water management**

161. The relevant objective of this clause is:

- (a) *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

**Clause 19.03-5L – Waste**

162. The relevant strategies of this clause are:

- (a) *Make provision for waste and recycling in new development, including separation, storage and collection facilities and facilities for composting;*
- (b) *Ensure that the size and design of waste and recycling facilities can accommodate the waste and recycling likely to be generated by the development;*
- (c) *Ensure that waste and recycling facilities are located to enable ease of use by occupants and access for transport; and*
- (d) *Where possible, encourage waste and recycling facilities to be sensitively and discreetly located.*

[Other relevant documents](#)

163. Clause 15.01-2S states that planning must consider as relevant:

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

**Plan Melbourne**

164. Plan Melbourne outlines a vision of Melbourne as a 'global city of opportunity and choice'. This vision is guided by nine principles. To support those principles seven outcomes have been set, together with the policy directions that will be taken to reach those outcomes. Outcomes relevant to the land-use and built-form changes sought by this proposal include the following:

- (a) Outcome 1: Melbourne is a productive city that attracts investment, supports innovation and creates jobs:
    - (i) Direction 1.1: Create a city structure that strengthens Melbourne's competitive for jobs and investment;
  - (b) Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity:
    - (i) Direction 4.1: Create more great public places;
    - (ii) Direction 4.2: Build on Melbourne's cultural leadership and sporting legacy; and
    - (iii) Direction 4.3: Achieve and promote design excellence; and
  - (c) Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods:
    - (i) Direction 5.4: Deliver local parks and green neighbourhoods in collaboration with the communities.
165. Policy 1.1.2 acknowledges urban renewal precincts in and around the central city as they play a major role in delivering high-quality, distinct and diverse neighbourhoods that offer a mix of uses.
166. Policy 4.2.2 seeks to support the growth and development of Melbourne's cultural precincts and creative industries.
167. Policy 4.3.1 seeks to integrate place-making practices into road-space management to ensure the design of streets encourages the use of active transport and facilitates a greater degree of and encounter and interaction between people and places.
168. Direction 5.1 outlines the ambition of creating a city of 20-minute neighbourhoods by encouraging the development of vibrant, mixed-use neighbourhoods linked by a network of activity centres. 'Walkability', 'housing diversity', 'ability to age in place' are identified here as key characteristics of 20-minute neighbourhoods.
169. Direction 5.4 notes the importance of developing a network of accessible, high quality, local open spaces.

### ***Yarra Open Space Strategy 2020***

170. The Yarra Open Space Strategy 2020 provides an overarching vision and direction for the future provision, planning, design and management of open space in Yarra to 2031. It considers the current challenges and pressures of an expanding population and inner-city life and how these can be addressed with an expanded and improved public open space network that contributes to a more liveable and sustainable Yarra in the future.

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

171. 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 effectively plan for future employment and industry needs, and better inform future strategic directions. Map 4 within the document shows the industrial land within the inner metro region, identifying the site and those within the C2Z as existing regionally significant industrial land.

### ***Yarra Spatial Economic and Employment Strategy***

172. This strategy was developed to assist Council to understand and capitalise on the municipality's economic strengths over the next 10 to 15 years. The Strategy seeks to provide guidance for the management of growth and change in employment and economic activity, recognising employment land within the municipality as a strategic resource.
173. Relevant strategies for this land include:
- (a) Strategy 1 – Support employment growth in Yarra's Activity Centres;
  - (b) Strategy 2 – Retain and grow Yarra's major employment precincts; and

- (c) Strategy 6 – Retain Yarra’s existing industrial precincts for manufacturing and urban services.

174. 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.

175. The Cremorne Major Employment Precinct (defined roughly by the C2Z land within Cremorne) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street South, Gipps Street (Collingwood) and Victoria Parade.

***Cremorne Place Implementation Plan***

176. The Victorian Planning Authority (VPA), Yarra City Council (YCC) and State Government agencies worked together to prepare a plan for the future of Cremorne. The final Place Implementation Plan provides:

- (a) a high-level vision for the future of Cremorne that reflects input from the communities that live, work and invest there; and
- (b) a prioritised set of projects that will progress delivery of that vision.

177. The goal of the plan is to mobilise State government and council support and resources around the priority projects and ensure that these reflect the priorities of the community.

178. The VPA and YCC prepared an Issues and Opportunities Paper (November 2019) that outlined some key considerations planning in this area is required to address. These include the following (amongst others):

- (a) competing demands on public space;
- (b) desired building character; and
- (c) providing diverse and affordable working spaces.

***Revised Cremorne Urban Design Framework (Cremorne UDF)***

179. On 25 October 2022, Council resolved to endorse the Draft Cremorne Urban Design Framework for consultation and adopt the proposed community engagement program to seek community feedback on the Draft UDF. Additionally, Council resolved to make some changes to the Draft UDF in relation to bicycle and walking connection policy, building setbacks and overshadowing.

180. Consultation on the Draft UDF was carried out between 7 November 2022 and 12 December 2022. The feedback was reviewed and the findings and final Draft UDF were presented to Council on 12 September 2023. Councillors resolved to request the Minister for Planning to approve interim built form provisions via a Ministerial amendment and requested consent to formally exhibit permanent planning provisions.

181. As shown in Figure 15 below, the subject site is located in the ‘Birrarung Precinct’ within Cremorne (No. 7) and the subject site is also identified as one of four Strategic Redevelopment Sites. While built form controls have not been developed for the subject site, a number of design objectives have been included. The design objectives outlined in the UDF for the subject site will be discussed within the assessment section of this report.

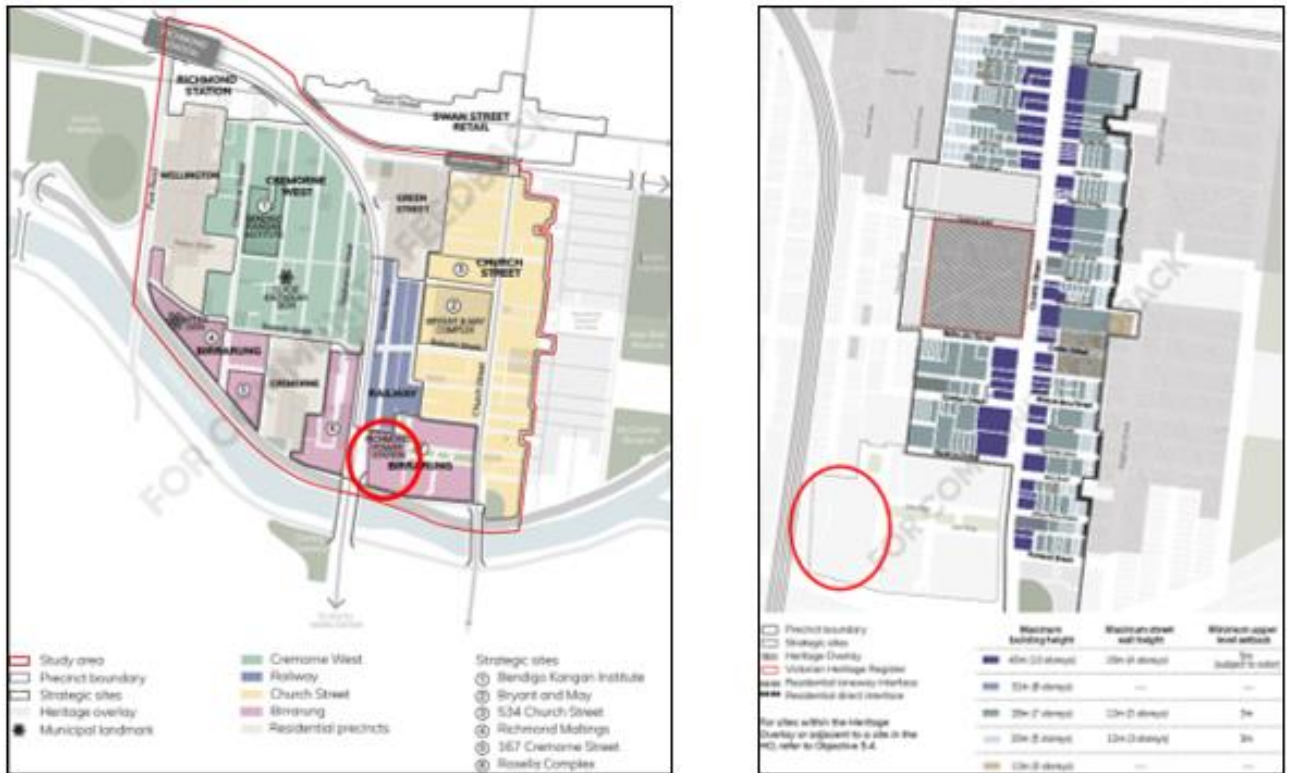


Figure 15: Cremorne Precincts and Strategic Redevelopment Sites, with subject site circled in red  
Source: Revised Cremorne UDF (September 2023)

## Advertising and Submissions

182. Before making a decision about whether to proceed with the draft amendment and draft permit, the Minister for Planning is undertaking consultation under section 20(5) of the Planning and Environment Act 1987 to understand the views of affected parties and to inform the drafting of both the amendment and permit.
183. The Department of Transport and Planning had advised Council that as a result of consultation, five submissions and one letter of support were received and specifically that:
- Five (5) objections were received. The objections are in support of majority of the elements within the proposal, aside from the following key issues raised:
    - Oversupply of office use within the Cremorne area;
    - Reduction in car parking and associated traffic impacts;
    - Lack of pedestrian/cyclist safety, especially along Oddys Lane; and
    - Improve existing sustainable transport options to the site; and
  - One (1) letter of support received and stated:
    - Project is a significant asset not only to Cremorne and the Council, but to the state of Victoria.
184. Following the consultation period, the Minister may decide to refer this matter to the Priority Projects Standing Advisory Committee for further advice before making a decision about whether to prepare, adopt and approve the amendment and permit.

## Referrals

### External Referrals

185. The required external referrals (Head, Transport for Victoria, EPA and Melbourne Water) will be undertaken by DTP.

### Internal Referrals

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

- (a) Strategic Planning;
- (b) Heritage;
- (c) Urban Design;
- (d) City Strategy - Open Space;
- (e) City Works – Open Space (Arborist);
- (f) Environmental Sustainable Development Advisor (ESD);
- (g) Social Planning;
- (h) Development Engineering Services;
- (i) Strategic Transport Unit; and
- (j) City Works.

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

### **OFFICER ASSESSMENT**

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

- (a) Planning Scheme Amendment:
  - (i) Strategic justification;
  - (ii) Draft Amendment C322yara;
  - (iii) Draft Amendment 318yara; and
- (b) The Incorporated Document (ID):
  - (i) Land use;
  - (ii) Sale and consumption of liquor, including live music;
  - (iii) Design and built form;
  - (iv) Open space and landscape design, including tree removal;
  - (v) On-site amenity;
  - (vi) Off-site amenity;
  - (vii) Car parking / traffic / bicycle parking and alterations of access;
  - (viii) Waste management / loading; and
  - (ix) Other matters.

### **Planning Scheme Amendment**

#### Strategic justification

189. The proposal enjoys considerable support from both State and Planning Policy Framework for accommodating increased land use and development in the given location, with policy at *Clauses 11, 17 and 18* of the Scheme, together with Plan Melbourne, encouraging the accumulation of activities and the intensification of development in and around activity centres.

190. In particular, *Clause 11.03-1L (Activity centres)* calls for commercial uses to be focused within Activity Centres (AC). The site is located within an employment cluster which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other ACs, residential areas and public transport. While the subject site does not directly form part of an AC, Church Street is a well-established commercial and industrial precinct, making it an appropriate location for the proposed uses.
191. The area supports a growing employment base, and the proposed mixed-uses will support this by providing a venue where the local workers and residents can visit. *Clause 11.02-1S (Supply of urban land)* highlights that planning should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas. The redevelopment of the Former RPS site fulfills this aim.
192. More intensive development of the site is further supported at State level, with *Clause 17.02-1S (Business)*, seeking adequate supply of commercial land in appropriate locations and to locate commercial facilities in existing or planning activity centres. The subject site provides the opportunity for these objectives to be achieved.
193. Objective 1 of the Council's Municipal Strategic Statement (MSS) seeks to *increase the number and diversity of local employment opportunities*, with Strategic Redevelopment Sites earmarked for more intense development and strategies seeking to support increased commercial and office uses in industrial areas.
194. The former RPS is identified as a 'Strategic Redevelopment Site' (Birraring Precinct) within the Cremorne UDF (September 2023). The Cremorne UDF identifies seven strategic sites which are large and complex sites that present development opportunities. They also present opportunities to realise community benefits including through site links, new walking and cycling connections and opportunities for much needed open space.
195. The vision for the Birrarung Precinct as outlined within the Cremorne UDF is to support commercial activities ranging from small innovative manufactures to corporate head offices. The Cremorne Implementation Plan (VPA, 2020) identifies Cremorne to be a *global innovation precinct with a vibrant village feel, new sustainable development, quality public spaces and active transport options*. Therefore, not only does the proposed uses align with planning policy, the RPS Renewal Project delivers on the vision for Cremorne as set out in the Cremorne UDF and other relevant strategic documents.
196. Despite comprising a limited amount of office and light industry, the majority of the proposed uses would be complementary to office and light-industrial uses which are supported within the C2Z. Importantly, the uses would enhance the economic and employment role of Cremorne and bring economic activity outside standard business hours. The 24/7 use of the site, combined with the proposed built form would contribute to a sense of safety, comfort and community presence through the activation of the street interfaces (currently graffiti stricken, under-utilised building) amenity implications will be considered later in the report.
197. The site has excellent access to shops, restaurants and community facilities, ensuring that the proposal will result in efficient use of existing infrastructure. This is consistent with the vision of Plan Melbourne which 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.
198. The proposal seeks to increase the commercial and retail offerings within the area. This is consistent with *Clause 17.01.1L (Employment)* which highlights that commercial and industrial sectors underpin a sustainable economy and provide employment, and further states that Yarra plans to foster a diverse and viable economic base.
199. The proposed mixed-uses will support economic opportunities in a highly accessible, service-rich area. The uses proposed will increase employment opportunities and are considered complementary to the surrounding area. Potential off-site amenity impacts will be discussed in detail later in the report.



200. Further, overarching state policy at *Clause 15.01-1S* (Urban design) seeks to *create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*. This is reinforced at *Clause 15.01-2S* (*Building design which encourages...building design outcomes that contribute positively to the local context and enhance the public realm*). These elements will be discussed in detail throughout this report.
201. Both State and Planning Policy Framework directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (*Clauses 18.01-3L, 18.02-1L, 18.02-2L and 18.02-4L*). With regard to car parking, Objective 32 of *Clause 18.02-4L-01* seeks to reduce the reliance on the privately owned vehicles. The site is well connected to public transport opportunities, with tram services along Church Street (160m east) and Swan Street (720m north), as well bus routes along Punt Road (760m north-west), and the proximity of Richmond and East Richmond Railway Stations (500m north-west and 680m north, respectively). This good access to public transport encourages the use of alternative transport modes to and from the site; this outcome is encouraged by *Clause 02.03* (Strategic direction) and *Clause 18* (Transport).
202. The site is well-positioned to accommodate development, with excellent accessibility to jobs, services and good access to public transport, but this must be balanced against respecting the heritage of the site. Policy support for development must be balanced with built form and heritage guidance at *Clause 15.01-2L* (Building design) and *Causes 15.03-1L* (Heritage). These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage. It is highlighted that development must also consider off-site amenity impacts (i.e., overlooking, overshadowing, wind) on surrounding private and public land. These aspects will be discussed in detail later in the report. Additionally, *Clause 15.01-2L* (Building design) sets out guidelines for the Yarra River Corridor which requires avoiding additional overshadowing of public open space adjacent to the Yarra River. This will be discussed later in the report. However the development has employed strategies such as a relatively small-scale addition and extensive landscaping that allow the building to fit within the Yarra River context without negatively impacting the River Corridor.
203. The Cremorne UDF highlights there may be lower development opportunities for sites on the Victorian Heritage Register and that any redevelopment should showcase heritage buildings on the site. Built form controls have not been developed for these sites as part of the revised Cremorne UDF. However, the vision for the site under the Cremorne UDF is to celebrate the former RPS and streetscape viewed to prominent facades be enhanced.
204. Further, the Cremorne UDF includes design objectives for each site which address important structural elements to guide the redevelopment of the site. Additional design objectives and updates to existing objectives were added following consultation with the community and government agencies. These are reflected in proposed planning policy at *Clause 11.03-6L* (Regional and local places) in Amendment C318yara. Overall the site generally complies with all the key objectives of the Cremorne UDF and responds to the strategic context as described above. Further, the development of the former RPS will specifically provide the following community benefits consistent with the strategic vision for the site:
- (a) Improve the legibility of the street network by providing a new east-west pedestrian link and other publicly accessible spaces;
  - (b) Vastly improved public realm including 4,700sqm (47% of site area) dedicated to publicly accessible green space and natural vegetation;
  - (c) The pergola structures at the entrances of Electric and Hargreaves Street (associated with the north-south timber connector link) will improve the interface of these streetscapes;
  - (d) Provide one of the largest spaces for creative industries within Yarra; and
  - (e) Additional retail and employment opportunities provided to a currently underutilised site.

205. For all of the above reasons there is strong strategic justification for the proposed redevelopment.

[Draft amendment C322yara](#)

206. A new Schedule 20 to the Specific Controls Overlay (SCO) has been prepared. This means the overall site (see Figure 2) is subject to the specific provisions outlined within the Incorporated Document (ID). The proposed SCO enables specific controls to override other requirements of the planning scheme through the proposed ID to facilitate the adaptive reuse of the existing Former Richmond Power Station (RPS) buildings for a mixed-use innovation centre (innominate use).

207. Council's Strategic Planning Unit reviewed the proposed changes to the planning scheme; mainly considering the ID against the Cremorne UDF and were generally supportive of the changes being sought under the proposed C322yara Amendment. The site is located within the Birrarung Precinct and forms part of a Strategic Redevelopment Site within the Cremorne UDF. Council's Strategic Planning Unit have confirmed that the proposed uses on-site align with the vision set out in the UDF, especially the co-working spaces and industrial uses.

208. The Cremorne UDF encourages affordable workspaces to ensure Cremorne remains a vibrant and diverse employment precinct. Council's Strategic Planning Unit have advised that affordable workspace is defined as *one where the cost of accessing workspace is not too high for the enterprise to sustain in the context of its other operating costs, revenues and need to generate a fair return on the enterprise's investment of time, skills and capital* (Supporting Enterprise and Creative Industries, Inner Metro Metropolitan Partnership, April 2021).

209. Given the provision of co-working spaces on site, Council's Strategic Planning Unit have recommended the inclusion of a definition identifying 'affordable workspaces' in the land use table and some provision to support affordable workspaces. It is recommended that a Workspace Management Plan be conditioned within the ID.

210. Council's Strategic Planning Unit found the proposal to align with the Design Objective of the Cremorne UDF. This will be discussed later in the report.

211. It was further outlined that the Cremorne UDF includes Ten Key Moves that summarise the key directions and outline some of the 'big ideas' for the precinct. Two relevant Key Moves identified that relate to the subject site are:

- (a) *Key Move #8: A network of open space that links to neighbouring spaces outside of Cremorne; and*
- (b) *Key Move #10: Reconnecting Cremorne to the river corridor.*

212. Further, Objective 3.1 seeks to *create a highly accessible and well-connected movement network that prioritises sustainable and active transport and discourages through traffic.*

213. As a result of the abovementioned directions and objective, Council's Strategic Planning Unit is supportive of the replacement of existing southern car parking spaces with usable green space for the overall complex.

[Draft amendment C318yara](#)

214. The Cremorne UDF recommends the progression of a planning scheme amendment to manage growth in Cremorne. Council has requested consent from the Minister for Planning to prepare and exhibit draft amendment C318yara. This includes a new planning policy which would apply to the subject site and a new Schedule 2 to the Parking Overlay (PO2). Council's Strategic Planning Unit have provided the proposed car parking rate below:

Use	Rate	Measure
Office	1	To each 100 sq m of net floor area
Retail	1	To each 100 sq m of leasable floor area

215. The proposal results in the removal of approximately 150 car spaces and the redevelopment of the car park as a publicly accessible, mixed-use open space. For the purpose of the car parking demand assessment, the applicant's Traffic Impact Assessment (BG&E, November 2023) identifies the predominant use as a 'Place of Assembly' and office.
216. The proposal includes:
- 219sqm of office space, which equates to a requirement for two car parking spaces under PO2;
  - Place of Assembly that has a capacity of 2,500 patrons, which equates to a requirement of 750 car spaces under PO2; and
  - Twelve car parking spaces in the basement, including one disabled space.
217. Council's Strategic Planning Unit have advised that the *objective of applying the PO2 is to assist in creating Cremorne as an urban environment focused on people. By reducing car parking rates within development it will discourage vehicle movements through Cremorne. This will be supported through incremental change to Cremorne's streets and road network.* Therefore, if the development were to provide the required spaces as outlined in *Clause 52.06* it would create an outcome that is in direct conflict with C318yara and the Cremorne UDF. Therefore, given the proposal falls short of the required number of spaces under *Clause 52.06*, the proposal aligns with the Draft C318yara Amendment.

### The Incorporated Document (ID):

#### Land use

218. The purpose of the CZZ is primarily to accommodate office and manufacturing/ industry uses. This application proposes an eclectic range of uses within the overall complex which includes creative, design, technology and innovation industries. Some of the proposed uses on site (i.e. offices (co-working spaces), art gallery, retail premises (food and drink, markets, bars), industry (subject to condition)) generally would not require a planning permit under the CZZ. Other permit required uses involve place of assembly (exhibition centres, live events, immersive experiences, festivals, functions, conferences), leisure and recreation, education and agriculture.
219. Overall, despite not being a wholly commercial or industrial use, the mixed-use innovation centre (innominate use) would complement the surrounding uses and contribute to the overarching economic role of the precinct. Importantly, the uses would not have any unreasonable impacts on surrounding commercial uses.
220. A brief response against the relevant decision guidelines of the CZZ under *Clause 34.02-7* of the Scheme is provided below:
- The effect of existing uses on the proposed use:*  
Existing uses within the business park are a mixture of commercial uses such as offices, food and drink premises, showrooms, etc. These existing commercial uses will most likely provide customer/patrons for the proposed businesses. The nearest residential uses are located in excess of 120m, beyond the railway corridor to the west and across Church Street to the west, from the subject site. Therefore, the proposed uses on-site are sufficiently separated from sensitive uses within residentially zoned land;
  - The drainage of the land:*

The land is not located in an area with any specific drainage requirement under the Scheme and would have adequate ability to connect to existing and relevant drainage networks;

(c) *The availability and connection to services:*

The site is in an existing built-up urban area with easy connection to all necessary services;

(d) *The effect of traffic to be generated:*

This is discussed in detail later within the 'Car Parking / Traffic' section of this report; and

(e) *If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

In terms of industry, the proposal includes commercial kitchens and light manufacturing. Industries resulting in much larger scale operations are not proposed on-site. Further, the nearest sensitive interfaces are located well over 120m from the subject site. Therefore, subject to conditions relating to noise, odour, fumes, etc, the proposed industries are considered acceptable. This is discussed later in the report.

221. Objective 1.2 of the Cremorne UDF supports affordable workspaces and diverse range of creative and innovative industries. Amongst other uses, the development will include co-working spaces. Therefore the proposed uses align with the vision set out in the Draft UDF. Similarly, the SEES (2018) identifies the subject site as being located within the Cremorne Major Employment Precinct which recommends the provision of co-working spaces such as start-ups, makers, micro-manufacturers and other enterprises.

222. In respect of amenity impacts, *Clause 13.07-1L-01* (Interfaces and amenity) seeks to ensure that new non-residential uses do not unreasonably impact dwellings including through noise, light spill, emissions and rubbish. As outlined earlier, the nearest residential building (located with a C1Z) is located east, across Church Street at Nos. 631 – 633 Church Street. The nearest residentially zoned land is approximately 120m north-west, beyond the railway corridor. The hours of operation sought under this proposal are as follows:

(a) 24-hours a day, and 7 days a week; and

(b) Hospitality and events between 8.00am to 1.00am, 7 days a week.

223. The applicant's Town Planning Report (Echelon Planning, November 2023) outlines that the 24/7 use and operation of the site is mainly necessary to allow for the commercial kitchen and fabrication lab/light industrial workshop which will require 24/7 hour loading and access. They say the majority of the proposed uses will most likely cease operation by 1.00am.

224. There is limited guidance in the Scheme as to what appropriate opening hours are in the C2Z. The subject site is located in a C2Z, with the nearest residential uses located in excess of 100m, with appropriate buffers as a result of Church Street and the railway corridor.

225. Overall, given the context of the site, the proposed operating hours could be considered acceptable subject to appropriate acoustic measures being implemented and appropriate patron and on-site management. The proposed hours for the hospitality and events spaces are considered to be typical hours associated with similar uses and are unlikely to unreasonably impact nearby residential uses. The applicant's Town Planning Report (Echelon Planning, November 2023) outlines that 24/7 uses are limited to the more light-industrial activities such as the commercial kitchen and fabrication lab/light industrial workshop which will require 24/7 loading and access. They say the majority of the proposed uses will most likely cease operation by 1.00am. To ensure the 24/7 use is limited to these light-industrial activities, it is recommended to amend the draft ID to include the following standalone conditions:

- (a) Except with the prior written consent of the Responsible Authority, only the light-industrial uses authorised by this permit may operate 24-hours a day, and 7 days a week; and
- (b) Except with the prior written consent of the Responsible Authority, the hospitality and event uses authorised by this permit may only operate between the hours of 8.00am to 1.00am, 7 days a week.

226. An Acoustic Report has not been submitted. Council requested an Acoustic Report from the DTP. However, was informed that this is already required by way of condition in the draft ID. As an Acoustic Report has not been provided upfront, including any discussion on any acoustic noise attenuation measures, it is difficult to determine the potential noise impacts from the proposed uses, patron and music noise. This will be discussed in detail later in the report. The condition requesting an Acoustic Report only discusses potential noise impacts from the use and omits any reference to noise impacts from the proposed patron numbers and music. It is recommended that this condition in the draft ID be amended to include noise from patrons (including any recommendations whether patron numbers need to be reduced to meet EPA noise requirements) and music, including live music.

227. In the absence of an Acoustic Report, a further condition will require the outdoor areas, including open courtyards to cease operation by 10.00pm. The justification for the 10.00pm closure can be found within the ‘sale and consumption of liquor’ section of this report..

228. While the total number of patrons is large, the total number of patrons utilising the various indoor and outdoor spaces at any given time will vary across the day and week, depending on the type of activities being programmed at any given time. Activities on the site are expected to be undertaken in three principal programming scenarios, with maximum patron numbers under each scenario varying. The potential distribution of activities across the site under each of the scenarios is described in the applicant’s Traffic Impact Assessment Report (BG&E, November 2023). The table below is data extracted from this Traffic Impact Assessment.

	Maximum Capacity	Weekday	Weekday Evening	Weekend	Weekend Evening
Patrons	2,500	896	1,260	1,726	1,260

229. As shown above, the total number of patrons expected at any one time is significantly lower than the maximum patron capacity, given that it is very unlikely that all uses would be active at the same time. Unless there was a music festival, it is more likely that events would extend across the different spaces of the development. Further, given the total area of the subject site (10,276sqm) the maximum number of patrons (2,500) and is considered acceptable. Essentially, the maximum number of patrons only make up around 24% of the overall site area.

230. As discussed earlier, an Acoustic Report has not been provided. The draft ID has conditioned the requirement for a Venue Management Plan and an Event Management Plan which would address the management of the larger number of patrons, when the site is at maximum capacity.

231. However, to further ensure that the total number of patrons expected at any one time (outside of Scenario #1) is limited and aligns with the potential distribution numbers, and to minimise adverse amenity impacts, it is recommended that the draft ID include a Patron Management Plan condition as follows:

- (a) Before the use commences, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Patron Management Plan will be endorsed and will form part of the incorporated plans for this document. The Patron Management Plan should address the following matters:

- (i) All proposed uses on-site;

- (ii) Patron numbers and staff, having regard to the recommendations of the Acoustic Report endorsed pursuant to Condition 34; and
- (iii) Hours of operation for each use, generally in accordance with Conditions 40, 41, 42 and 51.

232. The location of each use is not clearly identified on plan. The general position of the uses are shown in the land use table earlier in the report. A further condition (in addition to the Patron Management Plan) will require the development plans to show the general location of all proposed uses. The proposed north-south link between the Workshop/Store/Office building to the Engine Room building, as well as the east-west pedestrian link through the site ensures that all additional pedestrian activity will make the overall site livelier and an engaging environment is provided. Therefore, the proposed mixed-uses of the land is considered appropriate in the context and is supported.

233. Noise impacts will be further detailed later in this report. However, in the absence of an Acoustic Report, it is important to note the following:

- (a) The 24/7 uses are limited to the light-industrial operations on-site, and not the hospitality and events (8.00am to 1.00am, 7 days a week);
- (b) Nearest noise sensitive receivers (residential) are located in excess of 120m from the subject site;
- (c) The hospitality, retail and commercial kitchen are largely proposed within the outdoor areas and the Boiler House building which are positioned closer and oriented to the Monash Freeway and the Yarra River. This provides an appreciable distance away from sensitive noise receptors; and
- (d) Waste collection will be restricted within the basement, which minimises any noise impacts during collection times.

234. Noise generated from the proposed uses is required to be further managed by the use of a standard condition which requires the development to comply at all times with the EPA noise regulations that apply to commercial developments (the EPA Noise Protocol). These measures will also help minimise noise impacts arising from the uses. Therefore, it is recommended to amend the draft ID to include the following additional, standalone condition relating to noise:

*The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.*

235. Rubbish from the proposed uses would be adequately concealed within the building and any emissions would have an adequate dispersal distance from surrounding uses. This will be discussed further later in the report.

236. On this basis, the establishment of the for mixed-use innovation centre (innominate use) within the development is consistent with the purpose of the C2Z. It is therefore supported, subject to requiring the uses meeting the EPA Noise Protocol and the provision of an Acoustic Report which would form condition of the draft ID, including the Venue Management Plan and the Event Management Plan.

#### [Sale and consumption of liquor, including live music;](#)

237. Decision guidelines of *Clause 52.27* (Licensed premises), *Clause 53.06* (Live music entertainment venues) and policy at *Clause 13.07-1L-02* (Licensed premises) provide the relevant guidance in relation to considerations of the proposed sale and consumption of liquor on-premises, and the possible off-site amenity impacts, including cumulative impacts.

238. The following assessment relating to the sale and consumption of liquor and live music will consider the objectives and strategies listed under *Clause 13.07-1L-02* and Clause:

- (a) Location and access;

- (b) Venue design and venue operation;
- (c) Hours of Operation;
- (d) Patron Numbers;
- (e) Noise & Live music;
- (f) Noise and Amenity Action Plan;
- (g) Cumulative Impact; and
- (h) Amendment to an Existing Permit.

*Location and access, Venue design & Venue operation*

239. The subject site is located in the C2Z. The location of the licensed premises is supported by the Licensed premises policy at *Clause 13.7-1L-02*, which encourages venues to be located outside of residential zones. The directly abutting sites in all directions are located within the same C2Z. As discussed earlier in the report, the nearest residential uses are located well over 120m from the subject site. The subject site is located at the end/corner of a larger business park and therefore, further minimises any potential impacts to surrounding residential uses.
240. *Clause 13.7-1L-02* states licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts. The site is not located within a Core Entertainment Precinct. However Council's Social Planning Unit are supportive of the proposal exceeding 200 patrons within this site for the following reasons:
- (a) *The site is not located near any noise sensitive areas, and thus potential negative amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered;*
  - (b) *Security would be present, as required; and*
  - (c) *The proposal appears it will not result in an unreasonable cumulative impact on the amenity of the surrounding area.*
241. The dispersal of patrons with vehicles could have an impact on the amenity of the area. However, the Traffic Impact Assessment Report suggests that impact will be minimal. This is discussed later in this report.
242. Given the commercial nature of Church Street, it is a key boulevard that offers opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises. As such, there would still be a high amount of pedestrian activity in this area of Church Street when the proposed uses on site conclude trade at 1am.
243. The patron entry and exit points to the site would be via Hargreaves Street (east), Electric Street (north), Oddys Lane (west) and the new southern entrance. The entry locations would provide a high level of public safety. This is especially as a result of the north-south timber connector with pergola structures at each end. This would provide an opportunity for both passive and active surveillance, in particular to the streets, as well as providing good access to public transport as encouraged by *Clause 13.7-1L-02*. This would also discourage anti-social behaviour.
244. While the patron ingress/egress can occur from multiple locations on the site, the immediately surrounding land is located within the C2Z; i.e. a less sensitive interfaces. The draft ID includes a condition for the provision of a Venue Management Plan and a separate Event Management Plan, which would both assist in managing patron dispersal and external queues. A Noise and Amenity Action Plan has been included as a condition in the draft ID, including a Patron Dispersal Plan within this condition. This would further ensure the management of patron dispersal in a safe and orderly manner.
245. Bathrooms are located internal to the development and therefore patrons would remain within the red line area when using these facilities.

246. The majority of the venues (except for special events) would operate under an on-premises license and as such, food service is not mandatory. However, patrons would be able to purchase food during operating hours from other venues located within the overall development. Given that the overall premises allows for on-site food consumption, the proposed use is not considered to be aligned with mainly “vertical drinking” venues.
247. Bins would be stored on-site, within the bin room at basement level. This will be discussed in detail later in the report, however the location within the basement mitigates any noise impacts if bottle crushers are to be used.

#### *Hours of Operation*

248. As discussed earlier in the report, the following hours are proposed for liquor:
- (a) General public events (sale and consumption): 11.00am to 1.00am, 7 days a week; and
  - (b) Non-public sales events/functions (consumption-only): 8.00am to 1.00am.
249. The policy guideline at *Clause 13.7-1L-02*, limits the sale and consumption of liquor from licensed premises as follows:
- (a) No later than 1.00am in a commercial zone;
  - (b) 10pm for outdoor areas including smoking areas, rooftops and open courtyards; and
  - (c) to occur no earlier than 9.00am.
250. Given the C2Z zoning of the land, the proposed licensed hours between 11.00am to 1.00am (for general public events) comply with this policy. While the non-public sales events/functions would comply with ceasing the consumption of liquor by 1.00am, it has been proposed to serve liquor prior to 9.00am (for champagne breakfast). Given the site context with no immediate sensitive interfaces, this variation of one hour is acceptable.
251. Council’s Social Planning Unit did not raise concerns with the outdoor areas, including open courtyards operating till 1.00am as there are no noise sensitive areas in close proximity to the venue. However, there is no Acoustic Report to quantify potential noise impacts from an open courtyards trading until 1.00am, 7 days a week. Therefore, the sale and consumption of liquor within the open courtyards is not supported until 1.00am. *Clause 13.07-1L-02* recommends limiting the sale and consumption of liquor within outdoor areas, including open courtyards to no later than 10.00pm. In the absence of an Acoustic Report, to protect the amenity of nearby properties and limit any unreasonable noise impacts, it is recommended to amend the draft ID to include the following standalone condition:
- (a) Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in all outdoor areas, including open courtyards to cease by 10.00pm.
252. The proposed hours would provide an economic benefit in the employment of staff and contribute to the night-time economy of Cremorne. Further, the venue would provide opportunities for social interactions, within an area where similar venues operate. The proposed hours for the sale and consumption of liquor is therefore supported.

#### *Patron Numbers*

253. *Clause 13.7-1L-02* considers the following:
- (a) *Whether the number of patrons to be accommodated are within the safe and amenable operating capacity of the premises, based on the Liquor Licensing Fact Sheet - Maximum Patron Capacity (Victorian Commission for Gambling and Liquor Regulation, 2018);*
  - (b) *An assessment by a building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new licence; and*
  - (c) *Whether the number of patrons has a cumulative impact on the local area.*
-



254. The total number of patrons for the sale and consumption of liquor are:
- (a) Café/restaurant and bar licences: 1,000 patrons; and
  - (b) Special event liquor licence (applied through LCV): 2,500 patrons – this is not subject to planning permit approval.
255. Council’s Social Planning Unit provided the following table, based on the applicant’s Red Line Plan (OMA, June 2023) which outlines the number of patrons as per the Liquor Licensing Ratio (0.75sqm per person):

Type of Operation / Scenario	Floor area (SQM)	No. of patrons using Liquor Licensing Ratio (SQM/0.75)	No. of Patrons proposed
Ordinary Operation (Scenario #2)	11,500 (approx.)	15,333	1000
Major Events (Scenario #1 and Scenario #3) – liquor license for these events is not subject to planning permit approval	11,500 (approx.)	15,333	1,001 – 2,500

256. The total patron numbers for the sale and consumption of liquor (maximum 1,000) would not have an unreasonable impact on surrounding amenity considering:
- (a) The number of patrons is appropriate for the context of the site, being located in a commercial zone, and the immediately abutting uses also being within the C2Z;
  - (b) The nearest noise sensitive receivers (residentially-zoned land) are located in excess of 120m, with a railway corridor providing an appropriate buffer to minimise noise impacts; and
  - (c) The number of patrons proposed is less than the numbers recommended by the VCGLR patron capacity ratio (as shown in the table above).
257. The red line plan covers the entire site due to the flexible nature of uses, activities and programs which will change temporally and spatially across the precinct. Taking this into account, Councils Social Planning Unit were generally supportive of the proposed patron numbers, but provided the following recommendation:

*The proposed Venue Event Management Plans to take into consideration the Liquor Licensing Ratio for different events, accounting for the spaces being used for different events and operations, and their consequent variation of area. This is to contain the service and consumption of alcohol to ‘zones’ throughout the building, allowing for easier of observation of patron behaviour and to ensure the maximum patron capacity is adhered to.*

258. It is therefore recommended that the above be required by way of condition within the draft ID.

*Noise & Live music*

259. Noise impacts are a key consideration for this application. Background music, live music and acoustic music is proposed to be played on site.
260. *Clause 13.7-1L-02* recommends licensed premises to be designed, managed or modified to minimise any unreasonable noise impacts on the local area. Regarding live music, the objective of *Clause 13.7-1L-3S* (Live music) is *to encourage, create and protect opportunities for the enjoyment of live music*. The following strategies are listed in order to meet this objective:
- (a) *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues; and*

- (b) *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

261. Additionally, the requirements listed under *Clause 53.06-3* (Live music entertainment venues) are:

- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue; and*
- (b) *A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.*

262. The nearest noise sensitive residential uses are located in excess of 50m (120m) from the subject site, being within a larger business park used for industrial, commercial and creative uses. The site's interfaces with high background noise generating uses, such as the railway corridor to the west and Monash Freeway to the south, would provide an appropriate buffer from these sensitive interfaces. The frequency and times during which live music would be performed is expected to be up to 7 days per week, and generally in the afternoons / evenings. As the site is not surrounded by noise sensitive receivers, Council's Social Planning Unit were supportive of the provision of live music on site.

263. Given the non-sensitive noise context of the site, the applicant has not proposed any specific noise attenuation measures. Council's Social Planning Unit have recommended that in the event noise issues impacting residential amenity arise in the future (from existing dwellings), that the applicant acts to mitigate these. As outlined earlier in the report, given that an Acoustic Report has not been provided, Council is unable to make a detailed assessment of potential noise impacts from the proposed mixed-uses, patrons, music, and mechanical plant equipment.

264. A condition in the draft ID has required an acoustic report prior to the uses commencing on site. However, Council recommends the following condition be also included in the draft ID:

*Within 3 months of the commencement of the use (including the sale and consumption of liquor), an Acoustic Report must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of the incorporated plans for this document. The Acoustic Report must assess the compliance of the uses, patron and music noise, including live music, and confirm the findings of the Acoustic Report endorsed pursuant to Condition 34 and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.*

*If the Report makes recommendations to limit the noise impacts, these recommendations must be implemented within 3 months of the date of the report (unless otherwise agreed in writing by the Responsible Authority), to the satisfaction of the Responsible Authority.*

#### *Noise and Amenity Action Plan*

265. Pursuant to *Clause 13.7-1L-02*, a licensed premises should be managed in accordance with a Noise and Amenity Action Plan (NAAP). A NAAP has not been submitted. However, the draft ID requires the provision of a NAAP via its Event Management Plan (Major events with more than 1000 patrons). Council's Social Planning Unit have recommended that a NAAP is also submitted with the Venue Management Plan, which would ensure all requirements of *Clause 13.7-1L-02* are complied with, including the EPA noise and live music regulations. Therefore, a NAAP will be requested as a standalone condition (as opposed to being contained within the Event Management Plan). This would ensure all proposed uses which involve the sale and consumption of liquor would operate consistently, to minimise any offsite amenity impacts.

### *Cumulative Impact*

266. Council's Social Planning Unit have confirmed that excluding the venue, there are 0 licensed premises within 100m of the venue, and 13 licensed premises within 500m of the venue. Therefore, the site is not considered a cluster, and a cumulative impact assessment is not required.
267. *Clause 52.27* (Licensed premises), *Clause 53.06* (Live music entertainment venues) and policy at *Clause 13.07-1L-02* (Licensed premises) are supportive of licensed premises, subject to protecting the amenity of nearby properties and areas, by managing the location, size, operation hours of licensed premises. In the absence of an Acoustic Report, it is difficult to establish the full scale of noise impacts from the proposal. Therefore, Council is only supportive of the proposed sale and consumption of liquor, and live music subject to the abovementioned conditions being implemented.

### Design and built form

268. This section of the report considers the built form of the proposed development and is guided by the DDO1 at *Clause 43.02-6*, including the design objectives under Schedule 1-J. This assessment is also further based upon the decision guidelines of the C2Z at *Clause 34.02-7*, planning policy at *Clauses 15.01-1S, 15.01-1L* (Urban design) and *15.01-2S* (Building design), as well as the provisions of Schedule 2 to *Clause 43.02* (Main Roads and Boulevards) and decision guidelines at *Clause 44.04-8* (LSIO). This assessment will also include the recommendations set out in the Cremorne UDF.
269. 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 river. These will be considered in the following paragraphs. However, as the proposed additions to the existing heritage building are considered modest in scale a brief assessment is provided of that.
270. The proposal results in extensive demolition of the existing heritage buildings on-site and full demolition of non-original additions. As outlined earlier in the report, the northern portion of the subject site is within the Victorian Heritage Register (VHR – Reference No. H1055). As such the assessment of the partial demolition of the existing buildings on site is via the Heritage Victoria assessment. No further comment will be provided in relation to demolition within this report.
271. The plans provided with this application do not have a number of dimensions which would be relevant to the assessment, such as, existing and proposed front setbacks from all title boundaries, overall maximum heights of existing buildings, setbacks from the reference line, etc. However the key new works to the existing heritage building are:
- (a) Construction of 'the Connector' building (Figure 4), which creates a north-south timber connector link between the Workshop/Store/Office buildings (Buildings 3, 1) and the Engine Room building (Building 4), including associated timber pergola structures at the northern and southern ends of these buildings. The maximum height of 'the Connector' building is 12.8m above natural ground level (NGL); and
  - (b) Removal of all roof and wall cladding and associated framing elements dating from the 1990s and reimaging the building as a glass house structure with a glazed buffer zone wrapping around the east and south side of the building. The upper-levels along the eastern façade to consist of corrugated metal, to matching material found within the existing development.

*Site context*

272. As outlined within the 'site and surrounds' section of this report, the subject site is located within an area where higher built form and contemporary designs are emerging characteristics of the precinct, subject to heritage constraints. A significant number of multi-storey buildings have been approved or constructed within the Cremorne neighbourhood, with heights well above the recommended 5 – 6 storeys.
273. Given the minimal changes proposed (which are subject to heritage consideration), the proposed works responds to the dominant industrial streetscape character of the immediate area, in accordance with policy objective at *Clause 15.01-1S* (Urban design) which requires *development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate*.
274. The Cremorne UDF recognises the overall site at No. 658 Church Street as one of four strategic sites. The vision for this strategic site is a collection of contemporary office buildings within a landscape setting. The street network is legible, pedestrian friendly and well-connected to the surrounding streets. Carparking is consolidated to allow the extensive public space network to be expanded. Public spaces are sunny and comfortable places for people to meet and relax. On this basis, the proposed refurbishments, including the conversion of the existing southern car park into open space is considered complementary to the emerging character and context of the Cremorne area.

*Height and massing*

275. The proposed works will not result in any increase to the overall height of the existing buildings, with 'the Connector' building consisting of a maximum height of 12.8m above NGL.
276. Currently there are no preferred or mandatory height requirements identified for the subject site within the Scheme, aside from the mandatory design requirements outlined in Clause 2.0 of the DDO1-J - Yarra (Birrarung) River Corridor. In the absence of definite height controls, the maximum height will ideally be measured against the overshadowing test to the River environs and ensuring the proposal is an appropriate fit within the natural landscape setting of the River. While this DDO does not specify building height requirements, it includes design objectives that seek:
- (a) *To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting; and*
  - (b) *To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, pedestrian and bicycle paths.*
277. The decision guidelines under Clause 5.0 of the SLO – Schedule 1 consider the following in relation to new developments:
- (a) *The impact of any overshadowing by development:*
    - (i) *on the banks and waterway of the Yarra River between 11:00am and 2:00pm on 22 June; and*
    - (ii) *on any public open space between 11:00am and 2:00pm on 22 September.*
278. Similarly, the Cremorne UDF does not have designated height controls for the Birrarung Precinct. Nonetheless, in-relation to building height, the following relevant design objectives for 658 Church Street apply to the subject site:
- (a) *Buildings range in height with the highest scale buildings to the north of the site transitioning down to a lower scale to the south of the site;*
  - (b) *Additional overshadowing of the banks, water of the Yarra River and adjacent public open space, pedestrian and bicycle paths is avoided (in line with Design and Development Overlay – Schedule 1 Yarra (Birrarung) River Corridor); and*

- (c) *Heritage buildings will be reused or sensitively redeveloped to retain the integrity of the building and a sense of history (NOTE - Council and landowners would need to engage with Heritage Victoria on the power station which is on the Victorian Heritage Register.)*

279. As shown above, the design objectives within the Cremorne UDF echo the mandatory design requirements of Clause 2.0 of the DDO1-J, as well as the decision guidelines of Clause 5.0 of the SLO-Schedule 1. This is also reflected in policy guidelines at *Clause 15.01-2L* which states avoid additional overshadowing of public open space adjacent to the Yarra River. Given the southern interface of 'the Connector' building having a maximum height of 12.8m above NGL, combined with the southern setback of the development, which is in excess of 80m, the proposed height and profile fronting the Yarra River is supported.

#### *Setbacks*

280. The key change to the site is the addition of the north-south oriented Connector building. The plans do not show the setbacks of the proposed Connector building from any of the title boundaries. Council recommends requesting this information by way of condition as these setbacks are relevant.

281. As outlined earlier in the report, there are no built form controls for this site in terms of mandatory street wall heights and setbacks. The Cremorne UDF outlines that *a well-designed street wall creates a human-scale and active interface to Church Street*. The subject site does not have a direct interface to Church Street; however, this design objective could be used as a guide to assess the proposed Connector building on-site. Further, the proposal does not drastically alter the existing buildings on-site from an urban design perspective.

282. As shown in Figures 7 and 9 the proposed open-sided (north) and enclosed (south) timber pergola structures associated with the Connector building, with the negative space at ground floor helps to create a lightweight projection. The inclusion of green space adjacent to these projections further assists in mitigating the scale of the Connector building. Therefore, the proposed 'street wall' to Electric Street and Hargreaves Street would satisfactorily provide a human-scale. A relatively generous ground floor setback further activates this setback and contributes to the human scale.

283. Design Objective 4 of the Cremorne UDF further recommends *the public realm is upgraded to enhance the setting of The Richmond Power Station. Building massing is carefully located to ensure that the building remains prominent when viewed from Green Street, Electric Street, Hargreaves Street, Oddys Lane and Dale Street*. Council's Urban Design Unit confirmed that *as the development does not propose any substantial additions to built form and the heights generally sit within the Cremorne Urban Design Framework (UDF), which requires a heritage led response for the site. Therefore, we do not object to the built form and massing from an urban design perspective (subject to any heritage advice)*.

284. In general, the proposed massing of the additions is supported from an urban design perspective (subject to heritage considerations) and is considered to be a more suitable and balanced design response aligned with the existing and emerging context.

#### *The Public Realm & Pedestrian Spaces*

285. *Clause 15.01-1S* (Urban design) recommends ensuring *development supports public realm amenity and safe access to walking and cycling environments and public transport*. This can be achieved by designing developments to provide a high level of pedestrian amenity and visual interest, by incorporating well-defined entries at ground level and installing glazed areas which allow permeability into the interior space.

286. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety in comparison to the current conditions. In general, from an urban design perspective the proposed refurbishments will create high quality public spaces around the buildings and further activate the precinct. The creation of new open space and additional tree planters would create more visual interest and an improved public realm experience.

287. Design Objective 2 of the Cremorne UDF for this Strategic Redevelopment Site recommends car parking to be consolidated within the site to reduce negative impacts on the public realm and facilitate opportunities for an expanded public space network. The car parking is consolidated into the basement level and access provided via Oddys Lane.
288. The remaining frontages will be modified to incorporate additional glazing which would ensure a good degree of activation is provided. However, the acceptability of the extensive change to the Boiler House building (Figure 8), from metal wall cladding to glazing (similar to a glass house), is considered excessive and generally out of character for a heritage building. This will be discussed later in the report.
289. This application was referred to Council's Urban Design Unit for further comment. Their comments are summarised below:
- (a) In general, the architectural plans are difficult to read, given the minimal information provided and the lack of clarity in relation to the location of the primary entrance to the building;
  - (b) *Hargreaves Street:*

The renders do not show the location of any service cabinets. The booster cabinet is recommended to be better integrated with the façade and the materials/colours be recessive. *Clause 15.01-2L* recommends, *service infrastructure is appropriately sited and incorporated into the design of new buildings which has limited visibility from the public realm*. Therefore, it is recommended to require this by way of condition on the draft ID;
  - (c) *Southern frontage:*

The southern frontage provides a central connector entrance and the 'Boiler House Buffer Zone'. However, it is unclear what this buffer zone is and how it will be used. To ensure that the building activates the proposed southern open space to the south, it has been recommended that further clarity be provided regarding this buffer zone. It is recommended to require this by way of condition on the draft ID;
  - (d) *Oddys Lane:*

Unclear if this laneway will be a well-used entrance. Given that Oddys Lane is currently a 'dead space', it is pertinent that this development provides an active frontage to Oddys Lane. This would assist in activating pedestrian/cycle link to the river and across the river towards South Yarra Station. Oddy Lane frontage can be activated to create an improved pedestrian through-link, for instance through the use of lighting and landscaping. It is recommended to require this by way of condition on the draft ID; and
  - (e) *Electric Street:*

This street accommodates the northern entrance to the site (the Connector building), which sits within an existing front setback. This front setback is currently occupied by car parking but has the opportunity to be landscaped. While some trees are shown on the architectural plans, this is not reflected in the Landscape Plan. This will be discussed later in the report.
290. Council's Strategic Planning Unit have raised similar concerns relating to Oddys Lane and have requested greater clarification on the design of this façade.

#### *Wind*

291. Objective 5.1.4 of the UDGV requires new buildings within activity centres to minimise adverse wind effects. *Clause 15.01-1L* states, *support development that provides weather protection of the public realm (including footpaths and plazas)*. The application was not accompanied with a Wind Assessment. Given the relatively small-scale development/additions to the existing buildings, there are no concerns in relation to wind impacts. It is expected that the walking criterion will continue to be met in the surrounding streets, with standing criterion achieved at building entrances.

## Shadows

292. Design Objective 7 of the Cremorne UDF is, *overshadowing to Church Street (eastern footpath), and public space within the site is avoided*. Given the north-south orientation, the location of the subject site, and the limited additions proposed, there is no overshadowing to major thoroughfares such as Church Street, nor the immediately abutting street network. There are also no additional shadows caused to the bicycle lane across the Monash Freeway, nor the Yarra River. This is demonstrated by the shadow analysis provided.

## Architectural Quality

293. Policy at *Clause 15.01-2S* encourages high standards in architecture and urban design. Policy also encourages the design of new development to respect the pattern, spatial characteristics, fenestration, roof form and materials of the surrounding area. The proposed form is appropriate and responds well to this section of Cremorne, with the design offering proportionately sized additions.
294. The proposed development is considered to achieve a good level of architectural quality and provide an appealing aesthetic and visually interesting design response in comparison to the existing conditions of all buildings on-site. The material palette is composed of glazing and corrugated metal.



**Figure 16: Existing and proposed eastern façade of Boiler House building**  
Source: Design Book (OMA, November 2023)

295. The metal cladding proposed on the upper levels of the eastern and southern facades of the Boiler House is consistent with the existing materials on site. However the extensive use of glazing is a concern. *Clause 15.01-2L* states *encourage a simple palette of durable materials that respond to the streetscape character through type, colour, finish and contrast*. Further to this, *Clause 2.01* of the DDO-1J recommends building materials to utilise non-reflective colours and finishes that blend with the natural landscape. As a result, the extensive use of glazing on the eastern and southern facades of the Boiler House at the lower levels is considered out of character along this streetscape. It is recommended that a condition on the draft ID require a greater extent of original external fabric associated with the Boiler House (Building 5) is maintained.
296. The use of timber for the Connector building is considered acceptable as it will help erode the massing and soften the overall bulk of the additions. The open-sided pergola on the northern façade will further soften the overall addition when viewed from Electric Street.
297. A Façade Strategy Materials and Finishes Plan has been conditioned within the draft ID which will ensure that all details are constructed as per the images provided, and the façade will be maintained. Further, a condition will also require this plan to be amended to align with any requirements of the Condition 1 plans.

### *Glare impacts*

298. Planning Practice Note 96 (issued in December 2022) provides guidance regarding planning considerations for reflected sunlight glare in the built environment. PPN96 states that glass is a key source of reflected glare which can be particularly intense and visible from varying locations and directions throughout the day and year.
299. Given the Yarra River environs and the use of glass and metal within the proposed development, the risk of glare to surrounding sites, including vehicle is greater. A condition in the draft ID has recommended that *external building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority*. This will help to minimise detrimental impacts of development on neighbouring properties, the public realm and the natural environment.

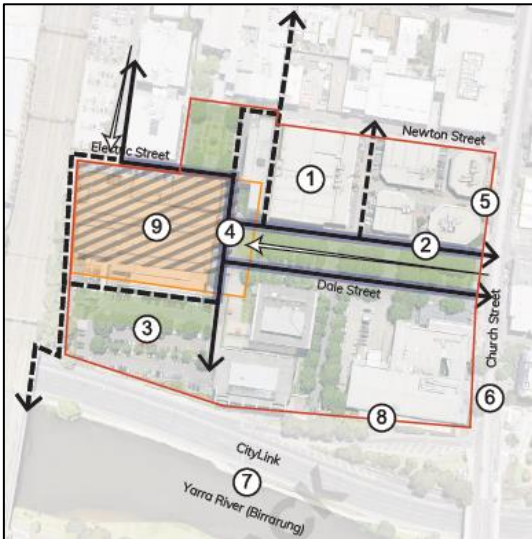
### *Landmarks, Views and Vistas*

300. 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.
301. *Clause 14.01-2L-02* identifies the Ball Tower of Dimmey's (Swan Street), the spire of St Ignatius Cathedral (Church Street, Richmond) and the Nylex Sign as landmarks. However, given the proposal does not include substantial built form on-site these sites will not be affected.

### Open space and landscape design, including tree removal

302. Landscaping is generally not a characteristic within the Cremorne area, with limited landscaping provided along the interfaces of commercial buildings. However, within the larger business park, and especially along Hargreaves Street and Dale Street there are a number of street trees, including the Dale Street Reserve.
303. *Clause 15.01-2L* encourages the provision of landscaping which would help to (relevantly):
- (a) *Promote the on-going health of trees and vegetation that has been retained on site;*
  - (b) *Respect the landscape character of the area where there is a prevailing character;*
  - (c) *Integrate with the building design;*
  - (d) *Retain existing mature trees where possible or incorporate suitable replacement planting where mature trees are removed; and*
  - (e) *Maximise internal sight lines to provide for pedestrian safety.*
304. The development proposes to remove the existing car parking to the south (150 spaces) and create a new, publicly accessible, open space to the south of the site. As shown on Figure 17 below, Design Objective 3 of the Cremorne UDF recommends *new publicly accessible open spaces are delivered that expand on the existing quality of spaces. Buildings are set within the landscape and mature trees are retained and integrated where possible.*





**Figure 17: Birrarung Precinct**  
**Source: Revised Cremorne UDF (September 2023)**

305. Council’s Urban Design Unit and Open Space Unit are supportive of the provision of publicly accessible open space with an east-west through link. However, they recommended lighting within the new open space, including for the east-west link. This is addressed by a condition in the draft ID which requires the provision of a Public Lighting Plan which would *address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site.*
306. Council’s Open Space Unit reviewed the extent of landscaping proposed within the Landscape Plan (Teresa Moller Landscape Studio, November 2023). Council’s Open Space Unit raised numerous concerns regarding the Landscape Plan:
- (a) Lacks detail:
    - (i) Plans do not show any information on the internal courtyard spaces on the north side of the building;
    - (ii) Construction or functionality of the rain-gardens. Provision of sections of the rain-gardens and through the site required. While the existing drainage is shown on L04, there is no understanding of how the drainage is to work, especially as the lower south-east corner of the car park is to be filled;
    - (iii) No elevation or 3D model provided of the proposed brick water walls. This would help explain their structure and functionality. The water wall in the south-east corner Drawing L04 shows the existing services and utilities in the car park. These need to be checked for easements and clearance requirements for proposed new trees;
    - (iv) Trees and ground cover plants proposed for the steps leading into the building. The cut outs for the trees do not align with the step treads and there is no information on how the ground cover plants are to be installed;
    - (v) More detail (3D model) is required on the ramp/steel stair structure; i.e. is it providing disabled access to the building? Steel stairs potentially hazardous during hot summer months. Potential impacts to tree #24 as a result of this structure; and
    - (vi) No information provided on new surface materials, furniture throughout the landscaped area, irrigation or maintenance; and
  - (b) Illegible – The colour scheme for the surface materials lacks differentiation. It has been assumed that the existing asphalt car park is to have sections cut out to accommodate new planting.

307. Similar concerns were raised by Council's Urban Design Unit, Strategic Planning Unit as well as the Arborists. The draft ID already requires a revised Landscape Plan to be provided and therefore, it is recommended that this condition be amended to capture these matters. Further, a condition will also require this plan to be amended to align with any requirements of the Condition 1 plans.
308. The applicant has indicated that the open areas, including the southern park and walkways within the site that will be open to the public. Therefore further recommended conditions will require the provision of a plan to clearly delineate private and public areas within the site, and a Section 173 Agreement to ensure all the public areas are open to the public 24-hours and are managed and maintained by the owner.
309. Subject to condition, the proposed extent of landscaping is an improvement from the current conditions on-site.

*Tree removal*

310. Pursuant to *Clause 42.03-2* of the Scheme a planning permit is required for the removal of trees under the Significant Landscape Overlay (Schedule 1). The purpose of the Significant Landscape Overlay is to identify significant landscapes and to conserve and enhance the character of significant landscapes. This application proposes to remove 15 trees within the southern car park, made up of 5 x London Plane and 10 x Bull Bay.
311. Schedule 1 to the Significant Landscape Overlay contains several exemptions that apply to non-native, exotic vegetation and pruning. However, in this instance, none of the exemptions apply. There is no native vegetation proposed to be removed. The following assessment is a brief response to the decision guidelines within *Clause 42.03-2*.

*The reasons for removing vegetation and whether there are alternative options*

312. Council's Arborists and Open Space Unit did not raise concerns with the removal of the trees as they are relatively smaller trees in comparison to the trees to be retained, or due to their low contribution to the heritage character of the site.

*Whether sufficient vegetation and canopy trees of appropriate species are to be planted to replace the removal of the existing vegetation and mature canopy trees*

313. The removal of the trees is considered acceptable subject to offsetting these with the planting of new trees. The proposal offsets those removed by proposing additional vegetation on-site, including retention of 24 existing trees.

*The ability for proposed vegetation species to be matched to the local plant communities*

314. Council's Urban Design Unit, Open Space Unit and Arborists did not raise concerns with the proposed tree species to be planted on site.
315. Council's Arborists have recommended the provision of an Arboricultural Impact Assessment to address the trees being retained (except for trees #24, 26, 38 and 29) because:
- (a) *Lack of information regarding the proposed works and as such, it is unclear whether the trees proposed to be retained will remain viable. For example, one of the proposed rain gardens which may involve excavation is within the SRZ of tree #5;*
  - (b) *It is unclear how the stairs and ramps would be constructed to avoid major encroachments to 7 Bull Bay proposed to be retained; and*
  - (c) *The hard surface adjacent to tree #1 to the north has been heavily raised and destroyed. It may not be practical to preserve the surface, as proposed in the landscape plan, while having it safe and levelled for pedestrians. Further investigation by the arborist may be required regarding the depth of the roots to guide the laying of new pavement.*

316. Council's Arborists identified that no neighbouring trees will be impacted by the proposal.
317. In relation to street trees, two road reserve trees (#40 and #41) were assessed by Council's Arborists who advised:

- (a) *Pruning of tree #40 may be required for clearance. All pruning must be approved by Council and carried out by Council's contractor;*
- (b) *Tree #41 was not sighted on site. As shown on NearMap, this tree was removed in 2023; and*
- (c) *Street trees along Hargreaves Street frontage may be impacted by the construction activities. These trees should be included in the Tree Protection and Management Plan, which will be required should the application be approved. One of these trees was dead, and one was in poor health at the time of inspection. These trees would need replacement by Council (see images below).*

318. As a result of the above comments, the following conditions are recommended to form part of the draft ID:

- (a) Provision of an Arboricultural Impact Assessment (AIA), including a clear photo of each tree, any design encroachments into the TPZ and SRZ of retained trees, and the impact on their health and longevity. Consideration of impact should include topography modification (cut and fill), proposed hard surfaces and any other landscape works; and
- (b) Additional investigation(s), such as the provision of a Non-destructive Root Investigation (NDRI) and photographs of findings (if required).

#### On-site amenity

##### *Daylight and Ventilation*

319. The proposed development is considered to provide a good level of amenity and indoor environmental quality. The development provides glazing at all levels. Specifically, the development achieves good access to daylight for the proposed commercial uses, with four frontages and a site depth of approximately 86m. Council's ESD Advisor has confirmed that good access to daylight is provided to 34% of regularly occupied spaces.
320. In terms of ventilation, Council's ESD Advisor has confirmed that the ventilation systems provide at least a 50% increase on minimum fresh air delivery rates required by AS1668.2:2012.

##### *Circulation Spaces*

321. The proposed works on-site improve an under-utilised building by demolition majority of the internals to the building and creating pedestrian through links. Access to the complex is provided from all four interfaces of the building, which is an improvement from the existing conditions.

##### *Facilities*

322. Communal facilities such as bathrooms are provided at all levels. Bicycle parking and EOT facilities are also incorporated into the design at basement level. External courtyards are provided at ground floor. These features will enhance the amenity of the development.

##### *Environmentally Sustainable Design (ESD)*

323. Policy at *Clauses 02.3, 15.01-2S, 15.01-2L-01 and 19.03-3L* of the Scheme encourage environmentally sustainable development, with regard to water and energy efficiency, building construction and ongoing management. The redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services. The proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.
324. Council's ESD Advisor has stated that the development largely meets Council's Environmentally Sustainable Design (ESD) standards. They identified the following ESD commitments:
- (a) *Energy efficiency standards exceeding minimum NCC2019 by at least 10%;*
  - (b) *Roof top solar PV array (minimum 20 kW) to contribute to energy demands onsite;*

- (c) *No gas connection, all electric building services;*
- (d) *A 101% STORM score relying on at least 2,520 m<sup>2</sup> of roof draining into 75,600 litres of storage for toilet flushing and irrigation;*
- (e) *Water efficient taps and fittings;*
- (f) *Recycling, general waste and organic FOGO waste management systems proposed;*
- (g) *A large proportion of the existing structure will be retained, reducing the potential for embodied carbon from new building materials;*
- (h) *A minimum of 30% of the site vegetated landscaping and at least 65m<sup>2</sup> of food production areas; and*
- (i) *Large areas of shared common area and communal outdoor public space.*

325. Council's ESD Officer also identified some deficiencies, outstanding information and improvement opportunities which will be addressed through the recommended conditions.

326. Subject to conditions, the proposal provides an innovative and high quality ESD response as required by policy. Further, a condition will also require the SMP to be amended to align with any requirements of the Condition 1 plans.

#### Off-site amenity

327. The policy framework for external amenity considerations is contained within Clauses 15.01-1L (Urban design), 15.01-2L (Building design) and 13.07-1L-01 (Interface and amenity) of the Scheme.

328. The subject site is located within the C2Z and within the Cremorne economic/employment precinct. The nearest residentially zoned land is located over 120m west, beyond the railway corridor and the nearest residential use is located approximately 260m east, across Church Street. Therefore, there are no direct sensitive interfaces, aside from the apartment building, situated across Church Street, but within a C1Z.

329. The acceptability of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context. With the above in mind, the following assessment is provided.

#### *Noise*

330. As outlined earlier in the report, it is unlikely that the proposal would result in unacceptable noise emissions. The existing commercial uses immediately adjacent to the subject site, including Church Street, the railway corridor and the Monash Freeway, provide an appropriate buffer between the site and the nearest sensitive use (the apartment building across Church Street).

331. The subject site is located within an existing business park consisting of offices and other commercial uses. It is necessary to consider potential amenity impacts from the proposed uses on site, to these surrounding commercial uses. There are potential noise impacts to surrounding commercial uses, especially when there are live music events. However, the applicant's Town Planning Report confirms that such events will only be carried out during the afternoons or evenings, i.e. outside standard business hours. The Event Management Plan also ensures that such events comply with the EPA noise and live music regulations. As discussed earlier in the report, a separate condition requiring compliance with the EPA noise protocols will also assist in ensuring surrounding commercial uses are not impacted.

332. Given the proposed uses, a large number of deliveries would be expected. Therefore, in addition to the existing condition relating to loading and unloading, a condition requiring deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law is recommended to be included. This would assist in minimising noise disruption to the surrounds from these noise sources.

333. As outlined earlier in the report, an Acoustic Report has not been provided. An Acoustic Report (pre and post commencement of use) is required to ensure all potential noise sources, including patron and music noise is contained and managed to minimise unacceptable noise emissions. Further, any noise generated from the hospitality, retail and place of assembly uses can be managed by the Venue Management Plan and the Event Management Plan, including the use of a standard condition that the use and development must comply at all times with the EPA noise regulations that apply to commercial developments (the EPA Noise Protocol).

*Overlooking and daylight to windows*

334. Policy at *Clause 13.07-1L-01*, off-site amenity and the overlooking objective and standard at *Clause 54.04-6/Clause 55.04-6* of the Scheme provides useful guidance in assessing overlooking. The design guideline and standard essentially relates to direct views into SPOS (including terraces) and a HRW of an existing dwelling within a nine metre horizontal distance.

335. This is a highly-built up, commercial context, with the closest residential interface located beyond the railway corridor and across Church Street. The proposed development will not result in any unreasonable amenity impacts in terms of overlooking and daylight to existing habitable room windows of these apartments.

*Visual bulk impacts*

336. In this C2Z context and given the modest scope of works proposed, there is minimal potential for visual bulk impacts on any adjoining residential or commercial uses.

*Fumes and air emissions, light spillage*

337. The proposed uses such as the commercial kitchen and other food and drink premises, collectively is likely to result in air emissions. An Odour Report would sometimes be required by way of condition to ensure no unreasonable odours arise. However given the location in a larger business park, with similar commercial uses, this is not necessary in this context.

338. Given the 24/7 nature of the use, there is potential for light spill. However, given the location of the site within a business park, and the size of the development on-site, this is not a concern.

*Equitable Development*

339. 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.

340. All abutting properties are located in the C2Z, built to all title boundaries, with none having heritage controls (aside from the subject site). All adjacent properties have robust development potential.

341. Given the low-scale refurbishments to the existing heritage building on-site, and the site being separated from surrounding lots by streets and/or laneways, there will be no impact on future development potential of neighbouring sites.

Car parking / traffic / bicycle parking and alterations of access

342. Under the provisions of *Clause 52.06-5* of the Yarra Planning Scheme, the proposal’s parking requirements are:

Land Use	Patrons/Area	Statutory Parking Rate	No. of spaces required	No. of spaces provided	Reduction sought
Place of Assembly	2,500	0.3 spaces per patron	750	-	-

Office	219.9sqm of Net Floor Area (NFA)	3 spaces to each 100sqm of net floor area	6	-	-
<b>Total</b>			<b>756</b>	<b>13</b>	<b>743</b>

343. 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 assessment requirements of *Clause 52.06-6*.

*Parking demand*

344. The applicant has not specified the on-site parking allocations for the proposed uses. The Traffic Impact Assessment (BG&E, November 2023) suggests that the development’s parking demands would vary each weekday, weekday evening, and at weekends and weekend evenings, especially given the various uses on site. The parking demands at various times of the week have been based on expected patron numbers, together with the statutory parking rates as shown on the table below, extracted from the applicant’s Traffic Impact Assessment.

Proposed Use	Parking Scheme Parking Requirement Rate	Max Capacity	Weekday	Weekday Evening	Weekend	Weekend Evening
Inventory	-	2,530 patrons	896 patrons	1260 patrons	1,726 patrons	1,260 patrons
Place of Assembly	0.3 spaces / patron	759 spaces	268	378	517	378
Office	3 spaces / 100 sqm LFA	6 spaces	6	0	6	0
Total	-	765 spaces	274 spaces	384 spaces	523 spaces	384 spaces

**Parking demand assessment**

**Source: Traffic Impact Assessment Report (BG&E, November 2023)**

345. Council’s Development Engineering Unit reviewed the information below and considered the parking demands to be reasonable within the site context.

346. The on-street parking in the surrounding area is very high during business hours. All streets in the area contain time-based parking restrictions, and ticketed parking within the larger business park e.g. along Dale Street (private road). The high parking demand in Cremorne would be a disincentive to visitors, customers or employees to drive.

347. The proposed development is considered to be in line with the objectives contained in Council’s Strategic Transport Statement. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

348. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:

- (a) The site has excellent access to public transport, including tram services on Church Street (160m east) and Swan Street (720m north), East Richmond Railway Station (900m north) and Richmond Railway Station (1km north-east). This will be a strong deterrent for employees / visitors to arrive via private vehicle;

- (b) The provision of bicycle infrastructure in the surrounding area, includes the Main Yarra Trail further south, which is a highly utilised commuter route for cyclists. The area also has shared lane markings for bicycles including along Church and Swan Streets. These measures (as well as the proposed EOT facilities on site) will encourage employees to arrive via bicycle. The adequacy of bicycle provisions on site will be discussed later in the report;
- (c) *Clauses 02.2, 02.03 and 18.02-2L* encourage reduced rates of car parking provision for development sites within proximity to public transport routes and activity centres;
- (d) Traffic is a key issue affecting the road network, particularly in Cremorne. Providing fewer car spaces will ensure that the development does not generate any unreasonable increase in traffic levels for the surrounding road network. Council's Development Engineering Unit found the traffic generated by the development to be low and would not adversely impact the traffic operation of the surrounding road network; and
- (e) Council's Development Engineering Services reviewed the proposed car parking reduction and raised no issue to the proposed reduction, stating that staff, clients and visitors would commute to the site using sustainable transport, including catching public transport or riding a bicycle.

#### *Parking availability*

- 349. BG&E have undertaken on-street parking occupancy surveys of the surrounding area on Friday 05 May 2023 and Saturday 06 May between 12:00pm and 2:00pm and between 6:00pm and 9:00pm (both days). The extent of the survey areas are unknown. An inventory of 586 to 588 publicly available parking spaces was identified. The results of the survey indicate that the peak parking occupancy occurred at 12:30pm on the Friday, with no fewer than 52 spaces vacant.
- 350. In addition to the on-street occupancy surveys, BG&E also conducted surveys of public off-street car parks in the vicinity of the site. These surveys were conducted concurrently with the on-street parking surveys. The available number of spaces in these car parks ranged from 79 spaces to 431 spaces.
- 351. Council's Development Engineering Unit confirmed that these results suggest that parking is available for persons who drive to the site.

#### *Traffic*

- 352. BG&E have estimated that during the AM and PM peak hours, a maximum of 13 trips would be generated in each peak hour (associated with staff parking). Council's Development Engineering Unit found that the traffic generated by the development would not have a detrimental impact on the traffic operation of the surrounding road network.

#### *Vehicle Access and layout*

- 353. Access to the basement car park, is via Oddy lane. *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.
- 354. Council's Development Engineering Unit reviewed the above against the plans and were generally satisfied with the layout of the car parking area and access via the existing vehicle entrance via Oddys Lane. However they recommended that some minor matters be addressed by way of condition. These have been included in the recommendation.
- 355. Several engineering conditions relating to civil works, road asset protection, and construction management and impacts of assets on the proposed development, have been recommended. These conditions are considered standard and should also be included on the draft ID as conditions or notes.

356. Overall, subject to conditions, the proposed design and configuration of access and car parking areas would achieve a satisfactory outcome.

#### *Bicycle parking*

357. Ten employee spaces and two visitor bicycle parking spaces would be provided on site. Two employee spaces and four visitor spaces are required by the Scheme. Therefore, the proposed development falls short for spaces by two visitor bicycle spaces.

358. Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice guidance for employee office rates: 'Non-residential buildings should provide spaces for at least 10% of building occupants (a rate of 1 space per 100sqm of floor area).

359. Based on the plans, Council's Strategic Transport Unit recommended a number of items to be addressed in relation to visitor bicycle spaces. The key ones require the provision of at least 30 visitor spaces, as well as conditions to ensure they are accessible. All recommendations have been included in the conditions.

#### *Electric Vehicles*

360. Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EVs). No electric car charging points are shown on the plans. Council's Strategic Transport Unit recommended that at least four EV charging points should be provided. In addition to allow for easy future expanded provision for electric vehicle charging, all car parking areas be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit.

361. It is also recommended that at least two employee electric bicycle charging points be provided in the bicycle parking spaces adjacent to spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8).

362. It is recommended that the above also be required by way of condition.

#### *Green Travel Plan*

363. The applicant has supplied a Green Travel Plan (GTP) prepared by BG&E, November 2023. Council's Strategic Transport Unit have reviewed this document stating that the *GTP provides all the required information and can be endorsed*. A condition will require the amended GTP to reflect the amended detailed development plans.

#### *Alterations of access*

364. A planning permit is required, as the proposal intensifies the use and alters access to a road in a Transport Zone 2 (without changing the physical access). This application must be formally referred to Head, Transport for Victoria, pursuant to the requirements of *Clause 52.29* and *Clause 66.02-11* (Land use and transport integration).

#### [Waste management / loading](#)

##### *Waste Management*

365. A Waste Management Plan (WMP) prepared by Urban Waste Environmental Consultants, dated June 2023 has been submitted by the applicant. Collection is proposed from the on-site loading area, accessed via Oddys Lane. The WMP specifies that a private contractor will manage the collection and disposal of all waste within the development, with a dedicated bin storage room at Basement Level.

366. The WMP and plans were reviewed by Council's City Works Branch, who raised the following:

*All diagrams pertaining to the management of waste should be included in the WMP including the swept path diagram. Please note it appears diagrams provided in the WMP do not match the plans.*



367. It appears that the swept-path diagram was provided within the Traffic Impact Assessment (BG&E, November 2023), however these are also required to be shown in the WMP. It is recommended that the above be included in the draft ID. Subject to condition, the WMP is satisfactory. Further, a condition will also require the WMP to be amended to align with any requirements of the Condition 1 plans.

*Loading and unloading*

368. *Clause 65.01* identifies that the responsible authority must consider the adequacy of loading and unloading facilities as well as any proposed amenity, traffic flow and road safety impacts.

369. The site includes several on-site and off-site loading areas, including the following:

- (a) Existing off-site loading zone on Hargreaves Street: For larger vehicles;
- (b) Proposed off-site loading zone on Oddys Lane: Smaller vehicles;
- (c) On-site basement loading zone: Waste collection, miscellaneous deliveries; and
- (d) On-site ground level loading zone: Exclusive use by the kitchen and food deliveries.

370. The measurements of the loading bays have not been provided on plans. It is recommended that a condition on the draft ID require the internal dimensions of the loading bays to be annotated on plans.

371. Council's Development Engineering Unit were satisfied with the location of the loading bay at basement level, including access, stating that *the area set aside for loading activities in the basement car park is considered satisfactory*. This is a good outcome as it ensures that loading activities (such as the delivery or of unloading of goods) can occur within the development.

372. Council's Development Engineering Unit have stated that Oddys Lane is a Public Highway and therefore Council's Parking Management Unit is required to be consulted prior to making any amendments to on-street parking. Additionally, they advised that a 12.5m vehicle using Oddys Lane is not advisable as on-street parking takes place on the west side of the street, which restricts a 12.5m vehicle's turning movements. This is discussed next in the report.

373. The applicant has provided a Loading Management Plan (BG&E, November 2023) which has not been referenced within the draft ID. It is recommended that the Loading Management Plan be endorsed on any ID issued. A condition will state a 12.5m vehicle cannot use the proposed loading bay on Oddys Lane. Further, a standalone condition is recommended to require the provisions, recommendations and requirements of the endorsed Loading Management Plan be implemented and complied with to the satisfaction of the Yarra City Council. Further, a condition will also require this plan to be amended to align with any requirements of the Condition 1 plans.

374. Finally, it is recommended that a new condition require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Other matters

375. The objective of *Clause 13.04* of the Scheme is to ensure that contaminated and potentially contaminated land is used and development safely. Strategies under *Clause 13.04-1S* recommends ensuring the potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.

376. The proposed uses have been deemed to be defined as 'open space, agriculture, retail or office, and industry or warehouse uses' by the Planning Practice Note 30 (PPN30). The subject site is not in an EAO, and the proposal does not seek to introduce any 'sensitive uses'.

377. A Preliminary Site Investigation (PSI) (Blue Sphere Environmental, October 2023) has been provided to make recommendations on the need for an environmental audit. The PSI advises that a *Preliminary Risk Screen Assessment (PRSA) or new environmental audit is not considered warranted for the proposed redevelopment as described herein, as the proposed redevelopment does not include a sensitive land use, is permissible under the current zoning (Commercial 2) and the Site has previously been subject to an environmental audit in 1997.* Based on the finding, it recommends that a more risk-based management strategy be undertaken. A Construction Environment Management Plan is required, which is addressed in the ID.

## Conclusion

378. On balance, subject to conditions, the proposal will deliver net community benefit by:

- (a) Enhancing an existing heritage-listed, underutilised building for a mix of community, industry, commercial and creative uses;
- (b) Creating new open spaces and activating street interfaces;
- (c) Providing new employment opportunities in the local area; and
- (d) Preserving and enhancing existing views from the Yarra River and public places.

379. It is therefore recommended that Council advise the Department of Transport that the proposal generally complies with the relevant planning policies subject to changes being made to the Incorporated Document (including to the conditions contained therein), should they be of the mind to issue the Incorporated Document.

## RECOMMENDATION

That the Council:

- (a) note the officer report and the application material; and
- (b) Delegate the General Manager City Sustainability & Strategy to write to the Department of Transport and Planning outlining the following:

### Draft Amendment C322yara

1. Overall, the proposed planning scheme amendment C322yara, which facilitates the 'Richmond Power Station Renewal Project – 300/658 Church Street Cremorne: November 2023', would deliver net community benefit and generally complies with the relevant planning policies (subject to conditions), and is supported subject to the following changes being made to the Incorporated Document (including to the conditions contained therein).
2. The key changes recommended require:
  - (h) Improved activation to Oddys Lane;
  - (i) Additional employee and visitor bicycle spaces;
  - (j) Provision of Arboricultural report, landscape plan, post-commencement acoustic assessment, workspace management plan and amended sustainable management, loading management and waste management plans;
  - (k) The EPA Noise Protocol to be met;
  - (l) Provision of affordable workspaces; and
  - (m) Open air, 24/7 publicly accessible pedestrian through links and open space, managed and maintained by the owner (per a S173 Agreement).

### Change required to Incorporated Document (general)

3. Amend the Incorporated Document to include a definition of 'affordable workspaces' in the land use table.

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Changes required to Incorporated Document (conditions)

4. Amend the conditions contained in the Incorporated Document as follows. All new wording is shown **bold** and underlined. All deleted wording is shown ~~strikethrough~~.

**Amended Detailed Development Plans**

1. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Minister for Planning (**Minister**). The plans must be generally in accordance with the architectural plans prepared by OMA Architects, dated 20 November 2023, but modified to include or show/address:
- (a) **Setbacks from all title boundaries, and maximum heights above natural ground level of all proposed works;**
  - (b) **All service and fire boosters integrated with the building;**
  - (c) **Clarification of the use of the 'Buffer Zone' associated with the Boiler House building;**
  - (d) **Greater extent of original external fabric associated with the Boiler House (Building 5) is maintained;**
  - (e) **Oddy Lane frontage further activated to create an improved pedestrian through-link, for instance through the use of lighting and landscaping;**
  - (f) **A plan that shows which areas of the site will be permanently publicly accessible, including open-air east-west and north-south pedestrian through links and the southern open space;**
  - (g) **A plan showing the location of proposed uses;**
  - (h) **The on-site accessible parking space and associated shared area depicted, with a bollard installed in the shared area as required by the Australian/New Zealand Standard AS/NZS 2890.6:2009;**
  - (i) **Test vehicle circulation in basement car park's aisles using the B99 design vehicle with 300 mm clearances on either side of the vehicle;**
  - (j) **Provision of a minimum of 30 visitor bicycle spaces and:**
    - (i) **All visitor bicycle parking spaces being horizontal at-grade hoops;**
    - (ii) **The inclusion of the model and all measurements/dimensions for the bicycle parking and all access ways for the bicycle parking areas;**
    - (iii) **Most visitor bicycle parking spaces being provided at street level;**
  - (k) **Provision of at least 50% of employee bicycle parking as horizontal, on-ground parking within a secure facility;**
  - (l) **Provision of at least 4 EV charging points;**
  - (m) **Suitable notation to identify that all car parking areas will be electrically wired to be 'EV ready' with a minimum 40A single phase electrical sub circuit;**
  - (n) **Provision of at least 2 employee electric bicycle charging points in the bicycle parking spaces adjacent to spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8);**
  - (o) Any changes technical information and plan notations (or otherwise) required as a consequence of any provision in this Incorporated Document;
-

- (p) Any changes technical information and plan notations (or otherwise) required as a consequence of any relevant Heritage Permit;

**Reports (where relevant to show on plans)**

- (q) **Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 3);**
- (r) **Any requirement of the endorsed Landscape Plan (Condition 9);**
- (s) **Any requirement of the endorsed Sustainable Management Plan (Condition 23);**
- (t) **Any requirement of the endorsed Waste Management Plan (Condition 26);**
- (u) **Any requirement of the endorsed Loading Management Plan (Condition 30); and**
- (v) **Any requirement of the endorsed Acoustic Report (Condition 34).**

**Layout Not Altered and Satisfactory Completion**

2. The use and development as shown on the endorsed plans (including other material that forms part of this Incorporated Document) must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Minister for Planning.

**Façade Strategy Materials and Finishes Plan**

3. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal and in conjunction with the submission of development plans under Condition 1 a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) **All design changes required under Condition 1 of this permit;**
- (b) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;
- (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (d) Information about how the façade will be maintained; and
- (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

**Amended Conservation Management Plan**

4. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The Conservation Management Plan must be generally in accordance with the Conservation Management Plan, prepared by Bryce Raworth, dated May 2023, **or the Conservation Management Plan approved by Heritage Victoria.**
5. **All development must be consistent with the development approved by Heritage Victoria.**

### **Demolition Management Plan**

6. Before the commencement of any demolition or construction works associated with the use and development approved under this Incorporated Document (excluding internal demolition), and before the approval of the Construction Environment Management Plan a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the incorporated plans for this document. The 'demolition method statement' must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the plan approved under Condition 1 will be safeguarded during and after the demolition process has occurred or finished in accordance with the plans approved under Condition 1. The statement must detail the necessary protection works required to retain the integrity of retained building fabric.

### **Glare and Reflectivity**

7. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

### **Ongoing Architect Involvement**

8. As part of the ongoing progress and development of the site, OMA or another architectural firm to the satisfaction of the Minister for Planning must be engaged to complete the design and to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and during construction.

### **Landscape Plan**

9. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, detailed landscaping plans must be submitted to and be approved in writing by the Responsible Authority. This detailed plan must be generally in accordance with the landscape plans prepared by Teresa Moller Landscape Studio, dated 20 November 2023, but modified to include or show/address:
  - (a) **All design changes required under Condition 1 of this permit;**
  - (b) **Detailed plans showing the indoor courtyard (i.e. not limited to the new open space to the south);**
  - (c) **Provision of sections of the rain-gardens and through the site;**
  - (d) **Elevation or 3D model of the proposed brick water walls;**
  - (e) **Trees and ground cover plants proposed for the steps leading into the building;**
  - (f) **Removal of any discrepancy associated with the alignment between the tree cut outs and the step treads;**
  - (g) **Information on how the ground cover plants are to be installed;**
  - (h) **3D model for the ramp/steel stair structure;**
  - (i) **Further differentiation for the surface materials;**
  - (j) Detailed plans and additional landscaping detail including consideration of designated zones for pedestrian movement, planting and seating;
  - (k) An Irrigation and Maintenance section to include reference to the management and maintenance of both the temporary and the final ground level works within title;

- (l) A detailed breakdown of soil volumes and planter depths for any on-structure planting;
- (m) A planting schedule of all proposed trees and other vegetation including botanical names, common names, pot sizes, soil volumes, sizes at maturity, and quantity of each plant and their protection and maintenance;
- (n) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored and the location and type of irrigation systems to be used including the location of water tanks and water sensitive urban design principles, as appropriate;
- (o) Details of all hard-landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading;
- (p) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs, access ways, **including furniture throughout the landscaped area**; and
- (q) Inclusion of innovative approaches to flood mitigation and stormwater run-off, and best practice Water Sensitive Urban Design (WSUD).

### **Tree Protection Fencing**

- 10.** Prior to the commencement of any buildings and/or works approved by this Incorporated Document, temporary fencing must be erected around any tree in the vicinity of the construction to define a Tree Protection Zone (TPZ) that is to the satisfaction of the Yarra City Council. The temporary fencing must:
- (a) Exclude access and construction activity within the TPZs, as assessed in the endorsed Tree Protection and Management Plan (TPMP) under Condition 10;
  - (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 Temporary fencing and hoardings;
  - (c) Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath;
  - (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of Yarra City Council; and
  - (e) Fencing must be modified in line with the footprint of the approved works only.

### **Tree Protection Management Plan**

- 11.** Prior to the commencement of any building and/or works, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The TPMP must be prepared to the satisfaction of the Minister for Planning by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:
- (a) To maintain and protect the condition of all retained trees;
  - (b) To comply with AS 4970–2009 Protection of trees on a development sites (Australian Standard AS 4970–2009); and
  - (c) **To include street trees along Hargreaves Street.**

12. The TPMP must include all tree related requirements conditioned in this Incorporated Document. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Minister for Planning. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to Minister for Planning at the completion of works.
13. **Before the development starts, excluding demolition, excavation, piling, site preparation works, an Arboricultural Impact Assessment, prepared by an arborist with a minimum AQF level 5 qualification and must be submitted to and approved by the Responsible Authority. When approved, the AIA will be endorsed and will form part of the incorporated plans for this document. The AIA must include or show/address:**
- (a) **A clear photo of each tree;**
  - (b) **Address trees on the site and street trees along Hargreaves Street;**
  - (c) **Any design encroachments into the TPZ and SRZ of retained trees;**
  - (d) **The impact on their health and longevity. Consideration of impact should include topography modification (cut and fill), proposed hard surfaces and any other landscape works; and**
  - (e) **If required, additional investigation(s), provide a Non-destructive Root Investigation (NDRI) and photographs of findings.**

#### **Public Lighting Plan**

14. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, a Public Lighting Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this Incorporated Document. The Public Lighting Plan must provide for:
- (a) All pedestrian access **and the open spaces** to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces;
  - (b) New poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
  - (c) Consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
  - (d) Light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 – 2019 Control of the obtrusive effects of outdoor lighting;
  - (e) The locations of any new light poles must not obstruct vehicular access into private properties;
  - (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
  - (g) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

15. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Yarra City Council and to the satisfaction of the Yarra City Council.

#### **Section 173 Agreement**

16. **Prior to the commencement of the use/development authorised by this Incorporated Document, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Yarra City Council under section 173 of the *Planning and Environment Act 1987*, which provides for the following:**
- (a) **The Owner must provide unfettered 24-hour public access over all publicly assessable open-air links and open outdoor areas, including courtyards (i.e. those areas shown on the plan required by Condition 1e) and onto adjoining public streets (Electric Street and Oddys Lane);**
  - (b) **The owner must maintain unfettered 24-hour public access onto adjoining private streets (Dale Street, Chestnut Street, and Hargreaves Street);**
  - (c) **The owner is responsible for maintaining at all times the areas that are private land open to the public at the cost of the owners of the site and to the satisfaction of the Yarra City Council;**
  - (d) **All paving must be compliant with Australian Standards for slip resistance and DDA; and**
  - (e) **The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.**
17. **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.**
18. **The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.**

#### **Development Infrastructure Levy**

19. **Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.**

#### **Public Works and Road Infrastructure**

20. X

#### **Civil work and Drainage Design Plans**

21. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal,....

#### **Car Parking and Access Management**

22. Prior to the occupation of the development allowed under this Incorporated Document, or by such later date as approved in writing by the Minister for Planning in consultation with Yarra City Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;



- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface;
- (d) Line-marked or provided with some adequate means of showing the car parking spaces; all to the satisfaction of the Minister for Planning;
- (e) Prior to the occupation of the development allowed under this Incorporated Document, an Access Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Access Management Plan will be endorsed and will form part of this Incorporated Document. The Access Management Plan must address, but not be limited to, the following:
  - (i) The number and location of car parking spaces, including DDA spaces;
  - (ii) The management of car parking spaces and security arrangements for employees of the development;
  - (iii) Details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (iv) 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;
  - (v) Details regarding the management of loading and unloading of goods and materials;
  - (vi) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public; and
  - (vii) The provisions, recommendations and requirements of the endorsed Access Management Plan must be implemented and complied with to the satisfaction of the Minister for Planning.

### **Amended Sustainable Management Plan**

23. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten, dated June 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit;**
  - (b) **Additional internal shading louvers or similar to manage glare and heat gains;**
  - (c) **Consideration of entering a 100% Green Power or renewable energy electricity retail contract for a minimum of 10 years;**
  - (d) **Consideration of increasing the capacity of the solar PV array above 20kWp, potentially utilising all available suitable rooftop space for solar power generation; and**
  - (e) **Consideration of utilising building integrated solar PV into the roofing and glazing systems.**
24. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

25. Before the occupation of the development, or by such later date as approved in writing by the Responsible Authority, a report from the author of the Sustainable Management Plan, approved under this document, 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 endorsed Sustainable Management Plan have been implemented.

#### **Amended Waste Management Plan**

26. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Waste Management Plan to the satisfaction of the Responsible Authority, in consultation with Yarra City Council, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Waste Management Plan prepared by Urban Waste, dated 28 June 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit; and**
  - (b) **All diagrams pertaining to the management of waste, including the swept path diagram.**
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. The collection of waste from the site must be by private collection, unless with the written consent of the Yarra City Council.
29. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.**

#### **Amended Loading Management Plan**

30. **Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Loading Management Plan to the satisfaction of the Responsible Authority, in consultation with Yarra City Council, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Loading Management Plan prepared by BG&E, dated 21 November 2023, but modified to include or show/address:**
- (a) **All design changes required under Condition 1 of this permit;**
  - (b) **Measures to prohibit the use of the proposed loading bay on Oddys Lane by a 12.5meter long vehicle.**
31. **The provisions, recommendations and requirements of the endorsed Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

#### **Stormwater Management Plan**

32. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal....

### **Workspace Management Plan**

33. **Before the use commences, a Workspace Management Plan must be prepared and submitted to and approved by the responsible authority. When approved, the workspace management plan will be endorsed and will form part of the incorporated plans for this document. The workspace management plan must show provision for affordable workspaces, including the general location of those, to the satisfaction of the responsible authority.**

### **Acoustic Report – required before use commences**

34. Before the use commences (including a stage of the development), an Acoustic Report must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the responsible authority. When approved, the Acoustic Report will be endorsed and will form part of the incorporated plans for this document. The Acoustic Report must assess the noise impact resulting from the proposed use, **including from music (live and pre-recorded) and from patrons both on and entering the premises,** and must make recommendations to limit the noise impacts in accordance with Part 5.3, Division 4 of the Environment Protection Regulations 2021 or any other requirement to the satisfaction of the responsible authority, **including recommendations about whether patron numbers need to be limited to meet the relevant noise requirements.**
35. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the responsible authority.
36. **The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**

### **Amended Acoustic Report – required post commencement of the uses**

37. **Within 3 months of the commencement of the use (including the sale and consumption of liquor), an Acoustic Report must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of the incorporated plans for this document. The Acoustic Report must assess the compliance of the uses, patron and music noise, including live music, and confirm the findings of the Acoustic Report endorsed pursuant to Condition 34 and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.**

**If the Report makes recommendations to limit the noise impacts, these recommendations must be implemented within 3 months of the date of the report (unless otherwise agreed in writing by the Responsible Authority), to the satisfaction of the Responsible Authority.**

### **Management details sign**

38. Prior to the commencement of the sale and consumption of liquor, a clearly legible sign must be placed directly outside the entrance to the premises, providing a telephone number for contacting the designated manager at all hours during which the premises is operating. The design, lighting and maintenance of the sign must be to the satisfaction of the responsible authority.

## Noise and Amenity Action Plan

39. A Noise and Amenity Action Plan to the satisfaction of the Responsible Authority, in consultation with the City of Yarra, must be submitted to and be approved by the Responsible Authority. The Noise and Amenity Action Plan must include/address:
- (a) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation;
  - (b) Patron Dispersal Plan that provides for the safe and orderly dispersal of patrons, including patrons loitering around the venue after the venue has closed;
  - (c) The management of large group bookings;
  - (d) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time);
  - (e) The management of external queues;
  - (f) How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and
  - (g) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.

## Hours of Operation

40. Except with the prior written consent of the Responsible Authority, only the light industrial uses authorised by this permit may operate 24-hours a day, and 7 days a week.
41. Except with the prior written consent of the Responsible Authority, the hospitality and event uses authorised by this permit may only operate between the hours of 8.00am to 1.00am, 7 days a week.
42. Except with the prior written consent of the Responsible Authority, uses in all outdoor areas, including open courtyards to cease by 10.00pm.

## Patron Management Plan

43. Before the use commences, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Patron Management Plan will be endorsed and will form part of the incorporated plans for this document. The Patron Management Plan should address the following matters:
- (a) All proposed uses on-site;
  - (b) Patron numbers and staff, having regard to the recommendations of the Acoustic Report endorsed pursuant to Condition 34; and
  - (c) Hours of operation for each use, generally in accordance with Conditions 40, 41, 42 and 51.

## Venue Management Plan – up to 1000 patrons on site

44. Before the use commences (including a stage of the development), a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Venue Management Plan will be endorsed and will form part of the incorporated plans for this document. The Venue Management Plan should address the following matters:

- (a) Minimisation of noise impacts such as amplified music or noise caused by patrons arriving and leaving the venue, generally in accordance with Condition 26 **34**;
- (b) Complaints procedures;
- (c) Responsible service of alcohol;
- (d) The management and dispersal of patrons and external queues;
- (e) The management of large group bookings; and
- (f) The management of smokers and on and off-site smoking areas.

**Event Management Plan – Major events with more than 1000 patrons**

45. Before an event with more than 1000 patrons commences, an Event Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Event Management Plan must include/address:

- (a) Site Layout Plan, addressing (but not limited to) the following matters:
  - (i) Location of temporary event structures, promotional or directional signage, access and car parking, loading arrangements, and management of waste;
  - (ii) Event programming under each of the following scenarios and expected patron number:
    - a. Scenario #1: Multiple Activations including special once-off programming for events and activations across indoor and outdoor areas (maximum 2500 patrons including 1000 patrons in outdoor areas);
    - b. Scenario #3: Outdoor Focus with a seasonal outdoor activation program (maximum 2000 patrons including 1000 patrons in outdoor areas);
- (b) Emergency Management Plan;
- (c) Traffic Management Plan;
- (d) Waste Management Plan;
- (e) **Liquor Licensing Ratio for different events; i.e. implementing ‘zones’ throughout the building;**
- ~~(f) Noise and Amenity Action Plan to the satisfaction of the Responsible Authority, in consultation with the City of Yarra, must be submitted to and be approved by the Responsible Authority. The Noise and Amenity Action Plan must include/address:
  - ~~(i) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an ‘authorised officer’ of Council or the Victorian Commission for Gambling and Liquor Regulation.~~
  - ~~(ii) Patron Dispersal Plan that provides for the safe and orderly dispersal of patrons, including patrons loitering around the venue after the venue has closed;~~
  - ~~(iii) The management of large group bookings;~~
  - ~~(iv) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time);~~
  - ~~(v) The management of external queues;~~~~

~~(vi) How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and~~

~~(vii) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.~~

46. An event with more than 1000 patrons must be carried out generally in accordance with an endorsed Event Management Plan at all times, to the satisfaction of the Responsible Authority.
47. Events with more than 1000 patrons must not be carried out more than twenty (20) times in a calendar year (unless otherwise agreed in writing).
48. Notice of an event with more than 1000 patrons must be given to Yarra City Council no less than six (6) weeks prior to the event commencing, to the satisfaction of Yarra City Council. **The event cannot proceed without an approved Event Management Plan as required by Condition 45.**
49. All temporary structures erected on the site, including all promotional or directional signage and all waste, must be removed at the completion of each event, no later than two (2) weeks after the event, to the satisfaction of Yarra City Council.

#### **Major Events – Maximum Patron Capacity**

50. Except with the prior written consent of the Responsible Authority, no more than 2,500 patrons (excluding event staff) are permitted on the land in association with any event at any time.

#### **Sale and Consumption of Liquor**

51. The sale and consumption of liquor must only operate between the following times:
- (a) Between 11am and 1am, 7 days a week (public events); and
  - (b) Between 8am to 1am (non-public events).

The responsible authority may consent in writing to vary these requirements.

52. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in all outdoor areas, including open courtyards to cease by 10.00pm.**

#### **Liquor Licence – Maximum Patron Capacity**

53. At any time no more than 1,000 patrons may be sold or consume liquor on the land. The responsible authority may consent in writing to vary this requirement in accordance with Condition **44 - 49**. Patron numbers must be counted and logged, and records must be made available on request to an authorised police officer, an authorised officer of the responsible authority, or an authorised officer under the Liquor Control Reform Act 1998 at any time.

#### **Management of Licensed Premise**

54. At all times when the premises is open for business, a designated manager must be in charge of the premises to the satisfaction of the responsible authority. The manager must be authorised by the operator under this incorporated document to make statements at any time on his/her behalf to any authorised police officer, any authorised officer of the responsible authority, or any authorised officer under the Liquor Control Reform Act 1998, and to take action on behalf of the operator in accordance with a direction by such officer.

### **Amended Green Travel Plan**

55. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Green Travel Plan prepared by BG&E, dated 29 June 2023, but modified to include or show/address:

(a) **All design changes required under Condition 1 of this permit.**

### **Ongoing Green Travel Plan Requirement**

56. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

### **Melbourne Water**

57. X

### **Head, Transport for Victoria**

58. X

### **Environmental Protection Authority**

59. X

### **CitiPower**

60. X

### **General**

61. 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;
  - (d) The presence of vermin,
- to the satisfaction of the Yarra City Council.
- (e) The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land or in designated loading zones to the satisfaction of the Yarra City Council; and
  - (f) All buildings and works must be maintained in good order and appearance to the satisfaction of the Yarra City Council.
62. **Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:**
- (a) In accordance with Yarra Standard Drawings | Yarra City Council;
  - (b) at the permit holder's cost; and
  - (c) To the satisfaction of the Responsible Authority.

### **Construction Environmental Management Plan**

**63. Before the development commences, excluding site preparation works, vegetation removal, and internal demolition, a Construction Environmental 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 the incorporated plans for this document. The plan must provide for:**

- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
- (b) Works necessary to protect road and other infrastructure;
- (c) Remediation of any damage to road and other infrastructure;
- (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) Facilities for vehicle washing, which must be located on the land;
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) Site security;
- (h) Management of any environmental hazards including, but not limited to:
  - (i) Contaminated soil;
  - (ii) Materials and waste;
  - (iii) Dust;
  - (iv) Stormwater contamination from run-off and wash-waters;
  - (v) Sediment from the land on roads;
  - (vi) Washing of concrete trucks and other vehicles and machinery;
  - (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Environment Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and
- (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.

### **Construction Management Plan**

**64. Before the use and 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; and
- (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.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

65. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**NOTES:**

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

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

**All future businesses (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.**

**These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.**

**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.**

**A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.**

**Pruning of tree #40 may be required for clearance. All pruning of street trees must be approved by Council and carried out by Council's contractor.**

**This permit holder must obtain approvals from the relevant authorities to remove and/ or build over easements. This includes from the City Of Yarra Council.**

**The site stormwater must be directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event.**

**The development must detain onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.**

**All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.**

**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.**

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

**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.**

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

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

## Attachments

- 1** Attachment 1 - PPE23/0571 - 300/658 Church Street Cremorne - C322yara SCO Map 08 - Exhibition
- 2** Attachment 2 - PPE23/0571 - 300/658 Church Street Cremorne - C322yara Draft Incorporated Document
- 3** Attachment 3 - PPE23/0571 - 300/658 Church Street Cremorne - C322yara Design Book Part (Combined)
- 4** Attachment 4 - PPE23/0571 - 300/658 Church Street Cremorne - C322yara Proposed Plans (Combined)
- 5** Attachment 5 - PHRF23/0217 - 300/658 Church Street Cremorne - Heritage Referral Comments
- 6** Attachment 6 - IREF23/02129 - Internal Referral Response - Strategic Planning
- 7** Attachment 7 - IREF23/02137 - Internal Referral Response - Social Planning
- 8** Attachment 8 - IREF23/02136 - Internal Referral Response - Urban Design
- 9** Attachment 9 - IREF23/02135 - Internal Referral Response - City Strategy - Open Space Design
- 10** Attachment 10 - IREF23/02134 - Internal Referral Response - City Works - Open Space
- 11** Attachment 11 - IREF23/02132 - Internal Referral Response - ESD
- 12** Attachment 12 - IREF23/02130 - Internal Referral Response - Development Engineering
- 13** Attachment 13 - IREF23/02133 - Internal Referral Response - Strategic Transport
- 14** Attachment 14 - IREF23/02131 - Internal Referral Response - City Works - Waste Management

## 7.3 Quarterly Community Report - December 2023/2024

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<b>Reference</b>	D24/45768
<b>Author</b>	Shane Looney - Corporate Planner
<b>Authoriser</b>	General Manager Corporate Services and Transformation
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. To present the 2023/2024 Community Report Quarter 2 (Community Report), which includes progress updates on the Financial, Capital Works and Annual Plan activity.

### Critical analysis

#### History and background

2. The Council Plan 2021-25 incorporating the Municipal Health and Wellbeing Plan was adopted by Council on 19 October 2021 in accordance with the *Local Government Act 2020* (the Act).
3. Supporting the Council Plan is an annual action plan that outlines the principal activities that will be undertaken over the course of each financial year.
4. The *Local Government Act 2020* requires that Council publishes a quarterly statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date.
5. The Quarterly Community Report provides a comprehensive, integrated report of progress against the delivery of the Council Plan, financial performance and capital works program, as well as updates on key strategies and programs for the second quarter 2023/24 financial year.
6. Over the last year, significant focus has been directed to strengthening the format and content of the Quarterly Report to Council.

#### Discussion

##### **Quarter Two – Budget**

7. Like all other councils across Victoria, Yarra is facing financial challenges with rising cost pressures, rate capping and cost shifting, coupled with unprecedented growth and increasing pressure and demand on its services. Constant changes to the economic landscape have compounded these challenges with high levels of inflation and significant increases to the cost of services and labour.
8. As part of our commitment to improving Council's financial health, our first Financial Sustainability Strategy was presented to Council for endorsement on Tuesday 12 December.
9. The Financial Sustainability Strategy ensures the organisation applies prudent financial management practices including detailed operating and capital budget monitoring.
10. Council continues to experience external pressures from rate capping, Enterprise Agreement obligations, labour market pressures, significant increases to the costs of materials and services. In addition, increases to the Workcover insurance premium (\$0.450m during 2023/24 - circa 30% increase) were announced this quarter.
11. For 2023/24, Council successfully restructured its capital works delivery program; focusing on priorities in the Council Plan, community needs and centralising planning and delivery.

12. A comprehensive mid-year review of operating and capital works budgets for the December 2023 period (quarter 2) has also been completed.
13. The outcomes of the mid-year review are provided below.

**2023/24 December Forecast (Mid-Year Budget Review) result**

14. Despite the ongoing financial challenges due to higher than budgeted inflation on several goods and services, lack of available resources in the employment market and other uncontrollable costs, a forecast surplus result of \$12.6m (Q1 \$9.4m) is reported compared to a surplus of \$15.2m in the adopted budget.
15. The reduced forecast surplus is largely as a result of deferral of capital grant income to 2024/25 (\$5m). Without these adjustments, Council's forecast would have provided a \$2.4m favourable position to budget.
16. This forecast result is a significant outcome for Yarra City Council and demonstrates Council's commitment to delivering an improved financial position without impacting services to the community. The outcome also moves towards achieving financial goals of no further borrowing to fund operating activities, holding costs, efforts to build cash reserves and enabling the organisation to make decisions in alignment with the adopted Financial Sustainability Strategy.
17. The forecast surplus result of \$12.6m is comprised of permanent changes and timing of transactions driven by:
  - (a) Increase in Statutory Fees and Fines;
  - (b) Better than expected income from Open Space and developer contributions, and
  - (c) Improved management of cash levels and returns on investments.Offset by:
  - (d) Decrease of capital grants due to the deferral of some capital works to 2024/25;
  - (e) Decrease in User fees partly due to works at Burnley Golf Course, and
  - (f) Employee costs primarily because of increased Workcover premiums and agency labour hire costs related to shortages in the labour market.
18. Materials and services will continue to be closely monitored during the second half of 2023/24 and are forecast to align with budget, despite escalated costs due to inflation.

**2023/2024 December YTD net result**

19. The YTD actual net result is \$12.4m favourable to the YTD budget. This is comprised of a combination of permanent changes and timing of transactions driven by:
  - (a) Permanent increase in Statutory Fees and Fines;
  - (b) Improved management of cash levels and returns on investments;
  - (c) Better than expected income from Open space and developer contributions, and
  - (d) Holding costs in materials and services, despite challenges with inflation.
20. The financial position as at 31 December 2023 shows a cash and investment balance of \$102.5m (June \$81.1m) which is partially funded by \$33.8m of borrowings.
21. Cash and investment balances are adjusted for restricted cash obligation, providing Council with an unrestricted cash balance of \$26.3m (\$5.39m on 30 June 2023). However, this movement is driven by the timing gap of receipts from rates instalments and the payments for suppliers and capital works to be paid during 2023/24.

**Quarter Two – Capital Works**

22. Council continues to plan and deliver projects that improve community safety and usability of our assets, to ensure longevity and reliability of our assets, to increase usability and efficiency, and address our community's current and future needs.

23. The expenditure to date for the 2023/24 Capital Works Program is \$11.65 million. Progress to date includes a mix of infrastructure works (roads and drainage) and structural works (ovals and pavilions, and community facilities) which have commenced or have been completed.
24. At end of December, budget adjustments to the total of 28 changes have resulted in a net budget decrease of \$1.48m. The revised full year expenditure forecast being \$28.18m.
25. In this quarter, Yarra City Council has completed the following:
  - (a) Eight footpaths and cycleways projects that include renewal and upgrade works on Leicester Street (Fitzroy), Parkville Street (Burnley), Little Alfred Street (Fitzroy), Yorkshire Street (Cremorne), Waverly Street (Richmond) and Wellington Street Bicycle Lanes Upgrades;
  - (b) Fourteen pavement and kerb and channel works the include renewal works on Hotham Street (Collingwood), Moss Street (Fitzroy North), McNamara Street (Richmond), Curtain Street (Carlton), Caroline Street (Clifton Hill), Highett Street (Richmond) and Corns Plane (Richmond);
  - (c) Ten laneway renewal works throughout the municipality;
  - (d) Construction of additional public toilet capacity integrated with the Barkly Gardens pavilion;
  - (e) Keele Street Acoustic Fence and Inclusive Entry; and
  - (f) Works to expand the existing open space area at Cambridge Street Reserve and refresh the landscape to include an informal green space suitable for a range of uses was completed this quarter.
26. The following are the major adjustments to the program in this quarter:
  - (a) Delivery savings identified through the mid-year review;
  - (b) Inclusion of an additional project to the program; Kindergarten Reform Buildings Planning (\$150K) to scope opportunities and establish feasibility of new education and care sites to address the upcoming unmet demand, based on unmet demand estimates provided by the Department of Education. Budget is fully funded by State government;
  - (c) Inclusion of an additional project to the program: to plant shrubs, plants and trees to increase the biodiversity outcomes at Burnley Golf Course funded by savings in the capital works program; and
  - (d) Inclusion of an additional project to the program: the renewal of the IDAHOBIT flag pavement treatment at the corners of Smith/Gertrude and Smith/Peel Street, Collingwood.
27. The attached Community Report contains further details of the Capital Works program progress.
28. A mid-year review of capital works project expenditure was undertaken in December. This process involved a detailed review of the proposed projects delivery plans and full year budget projections with intent to revise the baseline budget expenditure expectations for the budget year.
29. The outcomes from the mid-year review were a further budget reduction of \$715K to the capital adjustments made throughout the financial year. These savings were realised from completed projects or where capital budget funding is no longer required for that project or this year.
30. In relation to these savings Council has the following options;  
***Option 1 – Reinvest capital savings (\$715K)***  
***Sustainable transport outcomes & Planting***

**Recommended**

31. Council could invest the savings realised (\$715K) into capital projects which are “shovel-ready”, that is capable of being delivered this financial year and that meet the objectives of the Council Plan.
32. Officers have identified a list of potential projects that can be delivered, focused on sustainable transport outcomes and planting. These projects are listed in the table below.

Item	Project Name	Project Description	Project Cost
1	Bicycle infrastructure improvement – Easey St, Collingwood	Raised threshold crossing, kerb outstands, bike hoops - Easey Street, Collingwood	\$160,000
2	Bicycle infrastructure improvement – Moor St, Fitzroy	Increased budget – extend scope of works to increase bike parking area and include a bike repair station – Moor St, Fitzroy	\$25,000
3	Bicycle repair station installation	Installation of bicycle repair stations at three sites	\$40,000
4	Bicycle safety	Repainting of bicycle line marking	\$250,000
5	Park tree planting and rewilding	Planting of additional park trees, mid-storey and ground-storey rewilding of designated areas	\$240,000
<b>Total cost of proposed projects</b>			<b>\$715,000</b>

***Option 2 – Reinvest capital savings***

*Civil Projects*

33. Council could invest the savings realised into capital projects which are “shovel-ready”, that is capable of being delivered this financial year and that meet the objectives of the Council Plan.
34. A number of “shovel ready” civil projects (kerb & channel and footpath works) totalling \$687,000 have been identified which could be delivered before 30 June 2024 in Abbotsford, Richmond, Fitzroy North and Collingwood. These projects are listed in the table below.

Item	Project Name	Project Description	Project Cost
1	St Philips Street, Abbotsford	Kerb, channel, pavement	\$175,000
2	McCutcheon Way, Collingwood	Kerb, channel, pavement	\$198,000
3	McKean Street, Fitzroy North	Kerb, channel, pavement	\$100,000
4	Jackson St, Richmond	Kerb, channel, pavement	\$127,000
5	Kennedy St, Richmond	Kerb, channel, pavement	\$87,000
<b>Total cost of proposed projects</b>			<b>\$687,000</b>

***Option 3 – Reinvest capital savings (\$715K)***

*Prioritise a mix of civil projects and/or sustainable transport projects and/or planting*

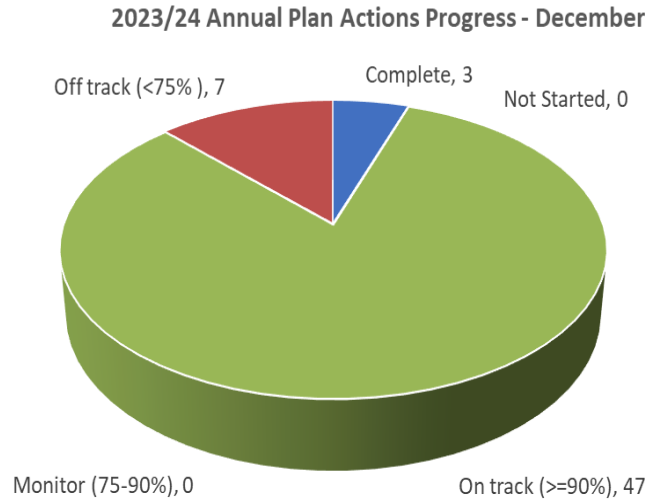
35. Council could select a mix of projects from both lists up to the value of \$715K.

***Option 4 – Not allocate the savings***

36. Council could determine not to progress new projects this financial year. This would result in the savings being carried forward for allocation to the 24/25 capital works budget.

**2023/24 Annual Plan Quarter 2 (Q2)**

- 37. The 2023/24 Annual Plan has 57 actions to be delivered.
- 38. At the end of December 50 of the actions (88%) are reported as completed (3) or on-track (47). The annual performance target for actions is 75% completed or on-track.



Strategic Objective	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started	Total
Climate and environment	0	8	0	0	0	8
Social equity and health	2	14	0	1	0	17
Local economy	0	3	0	2	0	5
Place and nature	0	12	0	3	0	15
Transport and movement	1	4	0	0	0	5
Democracy and governance	0	6	0	1	0	7
<b>Total</b>	<b>3</b>	<b>47</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>57</b>

- 39. The Community Report includes a detailed breakdown on the progress of each action in the Annual Plan and commentary on the achievements.
- 40. The following action and milestones could not be achieved due to a change in the project status.
  - (a) 6.1.3.1 Digital Transformation.
- 41. The original milestones were set in early 2023, representing individual projects that were under development. Since that time the Enterprise Resource Planning (ERP) program has been detailed incorporating the previous projects in the original milestones but amending the timelines and delivery as part of an overarching project plan. Officers are seeking to amend the action milestones to reflect the change in activity and priority aligned to the Enterprise Resource Planning program.

Current milestones for 2023/24:

September	Develop, and adopt a new City of Yarra Data Governance Framework. Present the Digital Blueprint and Roadmap to the Executive Leadership Team and seek endorsement for it to guide the future work program of the Digital and Technology branch
December	Develop Business Case for GIS/Yarra Maps enhancement
March	Create information products for the Workforce and Community by centralising data from multiple systems across the organisation into the Datahub Establish Data Governance Sub-committee



June	Provide access to data assets in the new Datahub to users and develop Power BI dashboards to support new data communication Develop, seek endorsement of and adopt Data Governance and Management policies and standards
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Proposed change to action title: 6.1.3.1 Digital Agenda  
Proposed milestones 2023/24:

March	Develop, and adopt a new City of Yarra Data Governance Framework.
June	Review Business Case for GIS/Yarra Maps enhancement Establish Data User Working Group Develop Power BI dashboards to support new data communication

## Community and stakeholder engagement

42. The Annual Plan is informed by initiatives in the adopted Council Plan 2021-25. Extensive community engagement was undertaken during the development of the Council Plan 2021-25.
43. Council's Community Engagement Policy guides the approaches taken for community engagement for the individual projects contained in the Annual Plan.

## Policy analysis

### Alignment to Community Vision and Council Plan

44. The structure of the Annual Plan is aligned to the six Strategic Objectives of the Council Plan 2021-25 that respond to Yarra 2036 Community Vision.
45. Actions in the Annual Plan are closely aligned to Initiatives in the Council Plan.

### Climate emergency and sustainability implications

46. The Council Plan 2021-25 includes a Strategic Objective 'Climate and Environment' that addresses climate emergency and sustainability implications. The Annual Plan includes seven actions that respond to Initiatives in this Strategic Objective.

### Community and social implications

47. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses community and social implications. The Annual Plan includes seventeen actions that respond to Initiatives in this Strategic Objective.

### Economic development implications

48. The Council Plan 2021-25 includes a Strategic Objective 'Local economy' that addresses economic development implications. The Annual Plan includes five actions that respond to Initiatives in this Strategic Objective.

### Human rights and gender equality implications

49. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses equity, inclusion, wellbeing and human rights considerations. The Annual Plan includes seventeen actions that respond to Initiatives in this Strategic Objective.

## Operational analysis

### Financial and resource impacts

50. This report provides an analysis of progress against the Council Plan and budget for the first quarter 2023/2024 financial year.

Legal Implications

51. There are no legal implications to this report.

**Conclusion**

52. The 2023/24 Community Report Quarter Two provides the community with an update of progress against the Council Plan and budget.

**RECOMMENDATION**

1. That Council:

- (a) Notes the 2023/24 Community Report Quarter Two provided at Attachment 1;
- (b) Resolves to reinvest up to \$715,000 of capital works savings by incorporating the five projects outlined in Option One into the FY2023/24 capital works program;

Item	Project Name	Project Description	Project Cost
1	Bicycle infrastructure improvement – Easey St, Collingwood	Raised threshold crossing, kerb outstands, bike hoops - Easey Street, Collingwood	\$160,000
2	Bicycle infrastructure improvement – Moor St, Fitzroy	Increased budget – extend scope of works to increase bike parking area and include a bike repair station – Moor St, Fitzroy	\$25,000
3	Bicycle repair station installation	Installation of bicycle repair stations at three sites	\$40,000
4	Bicycle safety	Repainting of bicycle line marking	\$250,000
5	Park tree planting and rewilding	Planting of additional park trees, mid-storey and ground-storey rewilding of designated areas	\$240,000
<b>Total cost of proposed projects</b>			<b>\$715,000</b>

(c) Endorses the following amendments to the Annual Plan action and milestones;

Current action title: 6.1.3.1. Digital Transformation

Proposed action title: 6.1.3.1 Digital Agenda

Remove milestone:

September	Develop, and adopt a new City of Yarra Data Governance Framework. Present the Digital Blueprint and Roadmap to the Executive Leadership Team and seek endorsement for it to guide the future work program of the Digital and Technology branch
December	Develop Business Case for GIS/Yarra Maps enhancement
March	Create information products for the Workforce and Community by centralising data from multiple systems across the organisation into the Datahub Establish Data Governance Sub-committee
June	Provide access to data assets in the new Datahub to users and develop Power BI dashboards to support new data communication Develop, seek endorsement of and adopt Data Governance and Management policies and standards

Add milestones:

March	Develop, and adopt a new City of Yarra Data Governance Framework.
June	Review Business Case for GIS/Yarra Maps enhancement Establish Data User Working Group Develop Power BI dashboards to support new data communication

## Attachments

- 1 Attachment 1 - City of Yarra Quarterly Community Report - Quarter 2 2023-24 - LATE ADDITION

## 7.4 Governance Report - February 2024

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<b>Reference</b>	D23/498622
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Manager Governance and Integrity
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### Purpose

1. The Governance Report is prepared as a periodic report to Council which provides a single reporting platform for a range of statutory compliance, transparency and governance related matters.

### Critical analysis

#### History and background

2. To ensure compliance with the Local Government Act 2020 and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
  - (a) Victorian government plans for local government reform;
  - (b) Appointment of the Chair of the Audit and Risk Committee;
  - (c) Operation of Advisory Committees;
  - (d) Establishment of a Family and Children Advisory Committee; and
  - (e) Removal of Lane 2244 from the register of public roads.

#### Discussion

##### Victorian Government plans for local government reform

4. On 17 November 2023, the Minister for Local Government announced the Government's plans to introduce reforms intended to improve governance and integrity standards in the state's 79 councils ahead of the 2024 council general elections. The proposed reforms respond to integrity body reports and recommendations, including the Independent Broad-based Anti-corruption Commission (IBAC) and the Chief Municipal Inspector, and other government initiatives such as the Local Government Culture Project.
5. On 31 January 2024, a consultation paper was released which sets out the proposed direction of the reforms. It can be found at **Attachment One**.
6. The reforms are proposed to include:
  - (a) ongoing mandated training for mayors and councillors that expand the existing induction training requirements for councillors;
  - (b) the introduction of a uniform councillor code of conduct and increasing the sanctions available to address councillor misconduct;
  - (c) the removal of the current ability for Councillor Conduct proceedings to be delayed through de novo appeals to VCAT;
  - (d) a change to avoid Councils being in a position of funding legal support for Councillors on both sides of a dispute;

- (e) giving an arbiter a broader range of sanctions in the event of a finding of misconduct against a Councillor;
  - (f) a mechanism for the suspension or disqualification of individual councillors found to have created a risk to health and safety, or prevented the council from performing its functions;
  - (g) a change to confidentiality provisions to ensure that a Municipal Monitor has access to all necessary Council information; and
  - (h) an enhancement of enforcement powers of the Chief Municipal Inspector, including having the ability to issue infringement notices for certain offences under the Act.
7. Officers are supportive of the direction of these reforms, which in large part arise directly from recommendations made in Operation Sandon, the findings of various Municipal Monitors appointed to Councils in recent years and the experience of the conduct of the first local government elections held under the new Local Government Act in 2020. While it is not intended to lodge a submission at this preliminary stage, officers will write to express our support for the direction of the reforms, and our willingness to engage in the subsequent consultation regarding legislative and regulatory drafting.
8. In its response, officers will express the view that regardless of the final decisions about the proposed reforms, it is necessary to underpin local government integrity reforms with appropriately resourced integrity bodies. This includes:
- (a) Local Government Victoria having the necessary resources and expertise to consult meaningfully with the sector in the development of legislation and regulation, as well as the development of model policies and processes, and the issuance of good practice guidelines under section 87 of the Local Government Act 2020;
  - (b) the Principal Councillor Conduct Registrar being better supported (either by Local Government Victoria or staff with direct local government expertise), to respond to matters more quickly, as well as having the resources necessary to enable the transparent publication of reasons for decisions, and
  - (c) the Local Government Inspectorate being funded to ensure that formal investigations of matters brought to it can be completed in a timely manner and do not become lengthy and unnecessary distractions to the ongoing good governance of Councils.
9. The government has informed Council that legislation will be introduced in early 2024, allowing time for the reforms to take effect in time for the Victorian local government general elections in October 2024.
10. The Government proposes to consult with the sector in coming months about the details of the legislation and throughout next year on the regulations for the councillor model code of conduct and mandatory training.
11. Officers will provide further advice to Council once details are released.
12. Councillors may also like to avail themselves of the opportunity to engage directly in the reform process as individuals – a process that will be coordinated by the Municipal Association of Victoria and the Victorian Local Governance Association. Officers will inform Councillors of these opportunities as they arise.

#### Appointment of the Chair of the Audit and Risk Committee

13. The Audit and Risk Committee Charter states that “*The Chairperson of the Committee will be an independent member and will be appointed by the Audit Committee annually. The nomination for the position of Chairperson will be submitted to Council for approval.*”
14. The use of the word ‘appointed’ in this way is contradictory with the next sentence in the Charter, in that it implies the Committee has the final authority to appoint its chair. In practice, the committee does not ‘appoint’ its chair, it actually ‘nominates’ a candidate for submission to Council for ratification (the resolution passed by the committee uses the language ‘nominate’).

15. This contradiction does not effect the validity of a Council resolution to appoint a chair, but the committee Charter scheduled for review later in 2024 presents an opportunity to resolve this contradiction. New language will be proposed at the time of redrafting a revised Charter for Council's consideration.
16. The three current external Independent Members are:
  - (a) David Ashmore – appointed 2015;
  - (b) Kylie Maher – appointed 2021; and
  - (c) Lisa Tripodi – appointed 2023.
17. At its meeting on 7 December 2023, the Audit and Risk Committee nominated Kylie Maher as its nominee for the position of Chair throughout 2023.
18. With the committee chair nomination already having been ratified by the committee, it is not open to Council to resolve to make a different appointment.
19. Should Council determine a course of action other than set out in the recommendation, a resolution to send the matters back to the Audit and Risk Committee for further consideration would be the appropriate mechanism.

#### Operation of Council's Advisory Committees

20. The operation of Council's Advisory Committees is set out in the Council Committees Policy (adopted by Council August 2020) and scheduled for review in August 2024.
21. There is an opportunity to align the establishment and purpose of Council's Advisory Committees with each four year Council term and in turn, to enable any Advisory Committees that are established to support the achievement of the objectives of the adopted Council Plan for each term. As such, Officers recommend that the review date of the Policy be amended to 30 June 2025.
22. The intention is that following the 2024 Council elections, that the incoming Council will be presented with a revised policy that sees the operation of Council's advisory committees sunset at the conclusion of each Council term, and that each Council then determine the necessary structure to support the delivery of its Council Plan, commencing from 1 July in the year following the election.
23. This approach has the advantage of aligning the advisory committee terms with the term of the Council Plan and enables the Terms of Reference for each committee to draw directly on the adopted Council Plan objectives.
24. This approach will mean that the Council will operate without having advisory committees in place at the commencement of its term. Instead, community members of former committees will be invited to engage in the consultation process for the development of the Community Vision and Council Plan – both of which will draw heavily on community input in determining community and Council priorities for the next four years.
25. At this time, it is necessary to seek a resolution to ensure the smooth operation of the existing advisory committees until the commencement of the election period in September 2024, including the extension of the current policy and the extension of membership terms where necessary.
26. There are two committees that will be required to continue in operation beyond the Council election period and are therefore not proposed to sunset. These are:
  - (a) the Yana Ngargna Advisory Committee, which is a partnership between Yarra City Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community; and

- (b) the Chief Executive Officer Employment and Remuneration Committee, which is unique in that it comprises all Councillors and does not include members of the community. It is a necessary committee to ensure that Council meets its legislative obligations regarding the employment and performance review of the Chief Executive Officer.

27. This report seeks the necessary resolution to extend the operation of the current policy and to conclude the term of the current committees at the commencement of the 2024 Council election.

#### Establishment of a family and children advisory committee

- 28. On 12 December 2023, Council resolved that a report be presented to Council to consider the establishment of a families and children advisory Committee.
- 29. Following the December 2023 resolution, Officers have considered the potential role of a families and children advisory committee and have begun work on understanding the resource implications. A preliminary draft terms of reference has also been developed.
- 30. The recent history of Council committees in this portfolio area is set out below.
  - (a) Until 2021, a committee known as the Early Years Reference Group operated. It was closed due to waning interest;
  - (b) In July 2021, officers presented a proposal to establish a new advisory committee for children, youth, and families to replace the Early Years Reference Group;
  - (c) Feedback from Councillors was that the scope and membership of the proposed advisory group was too broad, and the proposal was not supported;
  - (d) In 2022, Council supported the development of the Yarra Youth Advocacy Group; and
  - (e) In December 2023, Council sought a report to consider the establishment of a families and children advisory committee.
- 31. Officers support in principle the establishment of an advisory committee to consider issues affecting families and children.
- 32. The establishment of an advisory committee can be a lengthy process, first requiring the adoption of a terms of reference, a public expression of interest process, a formal membership selection process and a resolution by Council to establish the committee and appoint its members.
- 33. Given that under Council's Governance Rules, advisory committees cannot meet once the Council election period commences in September, it is unlikely that any new committee could meet more than once before entering the caretaker period.
- 34. Further, the review of the Council Committees Policy recommended above will mean that any new committee would be of limited life in any case.
- 35. For this reason, it is recommended that formal consideration of the establishment of a families and children advisory committee be held over until after the October 2024 Council election and considered in conjunction with the review of the Council Committees Policy and the establishment of the rest of Council's advisory committees.

#### Removal of Lane 2244 from the register of public roads

- 36. Council is required to maintain and publish a register of all public roads in Yarra under its management, as per the direction of the Road Management Act 2004.
- 37. Roads are required to be added or removed from Council's register of public roads when they are formally established as or cease to be a 'public road'.
- 38. In most situations, a 'road' either becomes or ceases to be a 'public road' following a formal declaration by Council that the 'road' is, or is no longer, reasonably required for general public use.

39. Legal representatives acting on behalf of the owner of 40 Miller Street Fitzroy North, have provided a detailed submission and legal analysis contesting the historic inclusion of Lane 2244 on Council's register of public roads.
40. Lane 2244 is located within the residential property boundary of 40 Miller Street Fitzroy North and is recorded as leading from Miller Street to the rear of this property (refer to Figure 1 noting that Lane 2242, which is not subject to any proposed change to public road status, runs east-west to the south of Miller Street property boundaries).

**Figure 1: Location Plan**



41. A review by officers has not found evidence that could sufficiently identify the existence of a road at this location, nor a requirement for public access and use. There is no record why Lane 2244 has historically been included on Council's register of public roads.
42. As a result, it is recommended Council resolves that Lane 2244 is no longer reasonably required for general public use and instructs officers to remove it from Council's register of public roads.
43. A decision to resolve that a road is no longer reasonably required for general public use in itself has no bearing on any legal status of a road or any associated private access rights should the existence of a road be proved in the future.
44. There is no statutory requirement to advertise or consult on any change to the public road status of any roads as it is solely a decision of Council so that it can fulfill its road management duties.

#### Options

45. There are no options presented in this report.

#### Community and stakeholder engagement

46. No community or stakeholder engagement has been undertaken in the development of this report, save the engagement with internal stakeholders necessary to compile the report content.



## Policy analysis

### Alignment to Community Vision and Council Plan

47. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *“informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy.”*
48. City of Yarra Council Plan 2021-2025 includes Strategic Objective six: ‘Democracy and governance’, which states that good governance is at the heart of our processes and decision-making. The plan commits Council to *“practice good governance, transparency and accountable planning and decision-making.”*
49. The presentation of a Governance Report provides an opportunity to provide updates on key organisational matters both to the Council and the community.

### Climate emergency and sustainability implications

50. There are no climate emergency or sustainability implications considered in this report.

### Community and social implications

51. There are no community or social implications considered in this report.

### Economic development implications

52. There are no economic development implications considered in this report.

### Human rights and gender equality implications

53. There are no human rights or gender equality implications considered in this report.

## Operational analysis

### Financial and resource impacts

54. N/A

### Legal Implications

55. There are no legal implications considered in this report.

## Conclusion

56. This report presents an officer recommendation on:
  - (a) Victorian Government plans for local government reform;
  - (b) appointment of the chair of the Audit and Risk Committee;
  - (c) operation of advisory committees;
  - (d) establishment of a family and children advisory committee; and
  - (e) removal of Lane 2244 from the register of public roads.

## RECOMMENDATION

1. That Council note the Victorian Government plans for local government reform.
2. That Council:
  - (a) appoint Kylie Maher as the Audit and Risk Committee Chair for 2024; and
  - (b) thank the Audit and Risk Committee for its contribution to good governance at the City of Yarra throughout 2023.
3. That in order to align the operation of Council advisory committees with the implementation period of the Council Plan, Council alter the review date of the Council Committees Policy to 30 June 2025, and make the following changes to the Active Ageing Advisory Committee, Active Transport Advisory Committee, Arts Advisory Committee, Business Advisory Group, Community Awards Committee, Disability Advisory Committee, Environment Advisory Committee, Heritage Advisory Committee, Multicultural Advisory Group, Rainbow Advisory Committee and the Yarra Libraries Advisory Committee:
  - (a) the term of appointment for current members be adjusted to conclude at 12 noon on Tuesday 24 September 2024;
  - (b) the operation of the committee sunset at 12 noon on Tuesday 24 September 2024; and
  - (c) community members be thanked for their ongoing contribution to the achievement of the Yarra 2036 Community Vision and the delivery of the Council Plan 2020-2024 and invited to participate in the consultation process for the development of the Community Vision and Council Plan in early 2025.
4. That formal consideration of the establishment of a families and children advisory committee be considered in conjunction with the establishment of a new Advisory Committee structure after the October 2024 Council election.
5. That in the exercise of its authority at section 17(4) of the Road Management Act 2004, Council:
  - (a) resolves that Lane 2244 is no longer reasonably required for general public use; and
  - (b) that Lane 2244 be removed from the register of public roads.

## Attachments

- 1 Attachment 1 - Local Government Reform Consultation Document - January 2024

## 8.1 Notice of Motion No. 1 of 2024 - Live Music Venues

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<b>Reference</b>	D24/47088
<b>Author</b>	Stephen Jolly – Councillor
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 February 2024:

- “1. *That a report be prepared for the March Council meeting that includes an update on the situation facing local live music venues, the advocacy work of Music Victoria and the Australian Live Music Business Council on the insurance matter, and any steps Council could take to assist local venues such as taking out insurance on their behalf.*”

### RECOMMENDATION

1. That a report be prepared for the March Council meeting that includes an update on the situation facing local live music venues, the advocacy work of Music Victoria and the Australian Live Music Business Council on the insurance matter, and any steps Council could take to assist local venues such as taking out insurance on their behalf.

### Attachments

There are no attachments for this report.

## 8.2 Notice of Motion No. 2 of 2024 - Greening Melbourne General Cemetery

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<b>Reference</b>	D24/46528
<b>Author</b>	Sophie Wade - Councillor
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 February 2024:

1. *That Council note:*
  - (a) *the proximity of Melbourne General Cemetery to Yarra residents in Carlton North and Princes Hill, with each suburb sharing a border with the Cemetery;*
  - (b) *the care that these residents have and shown for the Cemetery, with many walking and cycling through the Cemetery as part of their daily lives, and a committed local group even commencing native restorative planting within the Cemetery (with the consent, and now under direction, of Cemetery management);*
  - (c) *the sad state of a large portion of the Cemetery, and particularly the northern and eastern sections which abut the City of Yarra, and notes reports from residents on their disappointment at the current state of a large portion of the Cemetery, (particularly the northern section) given the significance of the Cemetery for many members of our wider community;*
  - (d) *while recent plantings of native grasses and the cessation of spraying of herbicides in the northern section of the cemetery along MacPherson St is welcomed, the lack of canopy from trees or shrubs means the northern and eastern parts of the Cemetery have a continued heat island effect;*
  - (e) *the impact that an area of such extreme heat can have on the inner-city, including by creating an urban heat island effect;*
  - (f) *the opportunity for the Melbourne General Cemetery to act as a biodiversity hotspot; and*
  - (g) *the environmental opportunity afforded by the continuity of open space from Flemington Rd through to Lygon St via Royal Park and Princes Park and a greener Melbourne General Cemetery.*
2. *That Council request that the Mayor write to the Lord Mayor Sally Capp (as the Cemetery is in the City of Melbourne) and the Mayor of Merri-bek (given the proximity of the Cemetery to Merri-bek Council) noting the above, and requesting that a meeting be held between the three Councils (including the three Mayors) and other relevant stakeholders, including the Health Minister, the Cemetery management and the Friends of Melbourne General Cemetery group, to develop a long term plan for the Cemetery to rectify the issues and take advantage of the opportunities listed above.*

## RECOMMENDATION

1. That Council note:
  - (a) the proximity of Melbourne General Cemetery to Yarra residents in Carlton North and Princes Hill, with each suburb sharing a border with the Cemetery;
  - (b) the care that these residents have and shown for the Cemetery, with many walking and cycling through the Cemetery as part of their daily lives, and a committed local group even commencing native restorative planting within the Cemetery (with the consent, and now under direction, of Cemetery management);
  - (c) the sad state of a large portion of the Cemetery, and particularly the northern and eastern sections which abut the City of Yarra, and notes reports from residents on their disappointment at the current state of a large portion of the Cemetery, (particularly the northern section) given the significance of the Cemetery for many members of our wider community;
  - (d) while recent plantings of native grasses and the cessation of spraying of herbicides in the northern section of the cemetery along MacPherson St is welcomed, the lack of canopy from trees or shrubs means the northern and eastern parts of the Cemetery have a continued heat island effect;
  - (e) the impact that an area of such extreme heat can have on the inner-city, including by creating an urban heat island effect;
  - (f) the opportunity for the Melbourne General Cemetery to act as a biodiversity hotspot; and
  - (g) the environmental opportunity afforded by the continuity of open space from Flemington Rd through to Lygon St via Royal Park and Princes Park and a greener Melbourne General Cemetery.
2. That Council request that the Mayor write to the Lord Mayor Sally Capp (as the Cemetery is in the City of Melbourne) and the Mayor of Merri-bek (given the proximity of the Cemetery to Merri-bek Council) noting the above, and requesting that a meeting be held between the three Councils (including the three Mayors) and other relevant stakeholders, including the Health Minister, the Cemetery management and the Friends of Melbourne General Cemetery group, to develop a long term plan for the Cemetery to rectify the issues and take advantage of the opportunities listed above.

## Attachments

There are no attachments for this report.

### 8.3 Notice of Motion No. 3 of 2024 - Waste Collection at Public Housing Sites

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<b>Reference</b>	D24/46492
<b>Author</b>	Amanda Stone – Councillor
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 February 2024:

1. *That the Mayor write to the Minister for Housing, Harriet Shing, requesting the state government's proactive assistance in implementing its circular economy reforms in public housing developments in Yarra.*
2. *That this correspondence:*
  - (a) *Reiterates Council's willingness and preference to provide waste and recycling services to Yarra's numerous public housing developments, in accordance with the State's Circular Economy (Waste Reduction and Recycling) Act 2021;*
  - (b) *Request DFFH staff and dedicated resources to ensuring waste and recycling separation at each site to deliver on the state's commitment to Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Policy;*
  - (c) *Request the department to work more closely with Council on finding innovative and tailored solutions to the waste and recycling challenges at each site;*
  - (d) *Request the state to manage hard waste collections at each site; and*
  - (e) *Reference Council's adopted Advocacy Action Plan 2023, Action 2.3*
3. *That this correspondence also outline the significant and unsustainable resources required of Council to manage the waste and recycling challenges at these sites, and that Council will need to review this resource allocation in future.*
4. *That copies of this correspondence be provided to the Member for Richmond and the Member for Brunswick.*

## RECOMMENDATION

1. That the Mayor write to the Minister for Housing, Harriet Shing, requesting the state government's proactive assistance in implementing its circular economy reforms in public housing developments in Yarra.
2. That this correspondence:
  - (a) Reiterates Council's willingness and preference to provide waste and recycling services to Yarra's numerous public housing developments, in accordance with the State's Circular Economy (Waste Reduction and Recycling) Act 2021;
  - (b) Request DFFH staff and dedicated resources to ensuring waste and recycling separation at each site to deliver on the state's commitment to Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Policy;
  - (c) Request the department to work more closely with Council on finding innovative and tailored solutions to the waste and recycling challenges at each site;
  - (d) Request the state to manage hard waste collections at each site; and
  - (e) Reference Council's adopted Advocacy Action Plan 2023, Action 2.3.
3. That this correspondence also outline the significant and unsustainable resources required of Council to manage the waste and recycling challenges at these sites, and that Council will need to review this resource allocation in future.
4. That copies of this correspondence be provided to the Member for Richmond and the Member for Brunswick.

## Attachments

There are no attachments for this report.

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