
6.4 LATE ITEM - PLN15/1176.02 - 2 Gough Street, Cremorne

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN15/1176.02 being an amendment to Stage 2 of the overall Nylex Silos redevelopment. The subject site is 2 Gough Street, Cremorne and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Section 72 of the *Planning and Environment Act 1987*
 - (b) Comprehensive Development Zone – Schedule 3, Richmond Maltings, 2 Gough Street, Cremorne
 - (c) Built Form and Design Policy; and
 - (d) clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and Strategic support;
 - (b) Use;
 - (c) Built form
 - (d) Landscape and Public Realm
 - (e) Car & bicycle parking, loading, traffic and access;
 - (f) Other matters including, waste management, sustainability, wind; and
 - (g) Objector concerns.

Submissions Received

4. Seven objections were received to the application, these can be summarised as:
 - (a) Scale of development
 - (b) Traffic and car parking
 - (c) Oppose additional restaurants and impact on amenity
 - (d) Deletion of residential component
 - (e) No bicycle network improvements
 - (f) Waste collection and impact on surrounding streets
 - (g) Impact on adjacent developments
 - (h) Narrow footpaths
 - (i) No designated smoking areas

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:

- (a) Reduction in the provision of car parking by deletion of excess car parking;
- (b) Wind mitigation
- (c) Design detail

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6.4 LATE ITEM - PLN15/1176.02 - 2 Gough Street, Cremorne

Reference D21/35659
Author Mary Osman - Manager Statutory Planning
Authoriser Manager Statutory Planning

Ward: Melba Ward
Proposal: Amendment to the endorsed plans and permit conditions of PLN15/1176 including:

- Changes to the permit preamble,
- deletion/amendment of conditions,
- reconfiguration of building uses including deletion of residential component,
- internal reconfiguration of buildings,
- changes to the car parking and bicycle parking provision/allocation and
- built form changes including façade changes and increase in height.

Existing use: Vacant
Applicant: Caydon Cremorne No 2 Development Pty Ltd
Zoning / Overlays: Comprehensive Development Zone – Schedule 3 and part Road Zone (Category 1), Environmental Audit Overlay, Land Subject to Inundation, City Link Project Overlay, Heritage Overlay – Schedule 350 (Sign and Richmond Maltings both included on the Victorian Heritage Register H2049 and H2050) and Development Contributions Plan.

Date of Application: 27 May 2020
Application Number: PLN15/1176.02

Planning History

1. Planning permit PLN15/1179 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 22 January 2018 (corrected on 4 April 2018) permitting *'Development of the land for buildings and works, including the construction of three buildings, use of the land as accommodation (dwellings and serviced apartments), function centre, shop and restaurant, food and drink premises (café), art gallery, reduction in the car parking requirements and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B8 and B9).*
2. Plans have not been submitted for endorsement as an amendment lodged pursuant to Section 72 of the *Planning and Environment Act 1987* (**the application**) has been made.
3. Demolition has commenced (see image below) no planning permit required as approvals have been granted by Heritage Victoria.



Figure 1: - Subject site (source applicant)

Background

4. The application was lodged with Council on 27 May 2020. A further information letter was sent on 18 June 2020 with all matters addressed by 28 July 2020.
5. The application was then advertised to owner and occupiers within the City of Yarra, Melbourne and Stonnington and 7 objections have been received.
6. During this process, Council sought and received external referral advice from various consultants in the fields of urban design, acoustic, traffic, as well as Council internal units including waste management, building (structural advice), environmental sustainable development (ESD), heritage, landscape, engineering and strategic transport. A referral was also sought and received from Melbourne Water and the Department of Transport.
7. To address concerns raised by officers, objectors and referral advice, the application was amended under section 57(a) of the *Planning and Environment Act 1987* (the 'Act;') on 9 March 2021.
8. Amongst other changes, the proposal has been amended as follows:
 - (a) Ground floor changes including presentation to Gough Street amended waste rooms, bike storage and entry points;
 - (b) Material changes; and
 - (c) Updated reports.
9. The S57(a) amended plans were not re-advertised and only referred back to acoustics, waste management and ESD.

Heritage Victoria Approvals

10. The subject site includes parts of the site on the Victorian Heritage Register (**the register**). Heritage Overlay schedule 350 relates to 2 Gough Street (Nylex Plastics sign) and 2 and 15 Gough Street (Richmond Maltings) reference as H2049 and H2050 pursuant to the register.
11. Clause 43.01-2 of the Yarra Planning Scheme states that no permit is required under this overlay to develop a heritage place which is included on the register.

12. A number of heritage permits have been granted subsequent to the grant of the planning permit, a relevant chronology of these is provided below:
 - (a) 15 November 2019 – Heritage Victoria Permit P32084 approved archaeological excavation.
 - (b) 2 August 2019 – Amendment to Heritage Victoria Permit P25508 which amongst other things approved an amendment to the scope of works to the fire damaged B6 building and all other Heritage buildings on site.
 - (c) 14 March 2018 – Amendment to Heritage Victoria Permit P27181 approved removal of archaeological remains from the site.
 - (d) 30 March 2017 – Heritage Victoria Permit P26027 approved to temporarily remove the 'Nylex' sign including transfer, storage and reinstatement of sign.

Planning Scheme Amendments

13. Since the most recent amendment was granted, Amendment C238 was introduced into the Yarra Planning Scheme (the Scheme) on 01 February 2021 and inserts Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 into the Scheme.
14. The Plan requires developers to pay a contribution towards essential city infrastructure and is to ensure that the cost of providing new infrastructure and upgrading existing infrastructure is shared between developers and the wider community on a fair and reasonable basis. The Plan outlines that DCP charges comprise of Development Infrastructure Levy (DI) and/or a Community Infrastructure Levy (CI). Payment of DI (applicable to all new development) may be made at subdivision stage, planning permit stage or building permit stage whilst payment of the CI (applicable to residential developments/components only) must be made at the building permit stage.
15. As a building permit has not yet been issued for the site. A condition on any amended permit will be included but only is applicable to the 'changes' approved by the amendment.

Aboriginal Cultural Heritage Significance

16. The subject site falls within an area of cultural heritage sensitivity. The original officer report (28 June 2017 IDAC meeting) included the following discussion:

"The site is within 500m of the Yarra and therefore, the impact of the proposal on the Aboriginal Cultural Heritage significance of the land must be considered.
The Applicant submitted a Preliminary Cultural Heritage Study as part of the original application, prepared by Ecology and Heritage Partners.

The report confirmed that the site has been subject to significant ground disturbance, so r. 23(2) of the *Aboriginal Heritage Act 2006* applies and a mandatory Cultural Heritage Management Plan is not required before a permit can be issued. In any event, the report included core samples within the stage 2 area, no Aboriginal artefacts of areas of archaeological likelihood have been identified within the study area'.

The Proposal

17. The application proposes amendments to both the permit and endorsed plans:

Permit

18. The proposal seeks approval for the following amendments to the permit:
 - (a) Permit preamble to delete reference to 'dwellings' and 'shop';
 - (b) Delete conditions 94 and 95 relating to bike share;
 - (c) Modification to a number of the conditions as a result of the proposed use and design modifications to the various buildings.

Plans

19. The amendment retains a number of the fundamental components of the approved development being a mixed use development incorporating a number of retained heritage buildings and signs and with new construction. The most significant change is the proposed deletion of the residential component and replaced with a large commercial office use. The proposed amendments can generally be described as:
- Two additional restaurants (120 patrons Building B6 and 50 patron Building B9);
 - Increase in hotel rooms from 200 to 201;
 - Deletion of residential component of the development
 - Increase in office floor area by 14,731sqm;
 - Reduction in car parking from 245 to 228 including a further reduction in the car parking provision;
 - Increase in bicycle provision from 330 to 341
 - Modifications to floor areas of uses across the site
 - Additional bridges between buildings and
 - General design changes including façade changes and minor variation in height.
20. For ease of reference, the image below identifies the locations of the various buildings and depicts the staging of the development across the site. It is noted that stages 1 & 3 are complete with stages 2A and 2B applicable to this application only.

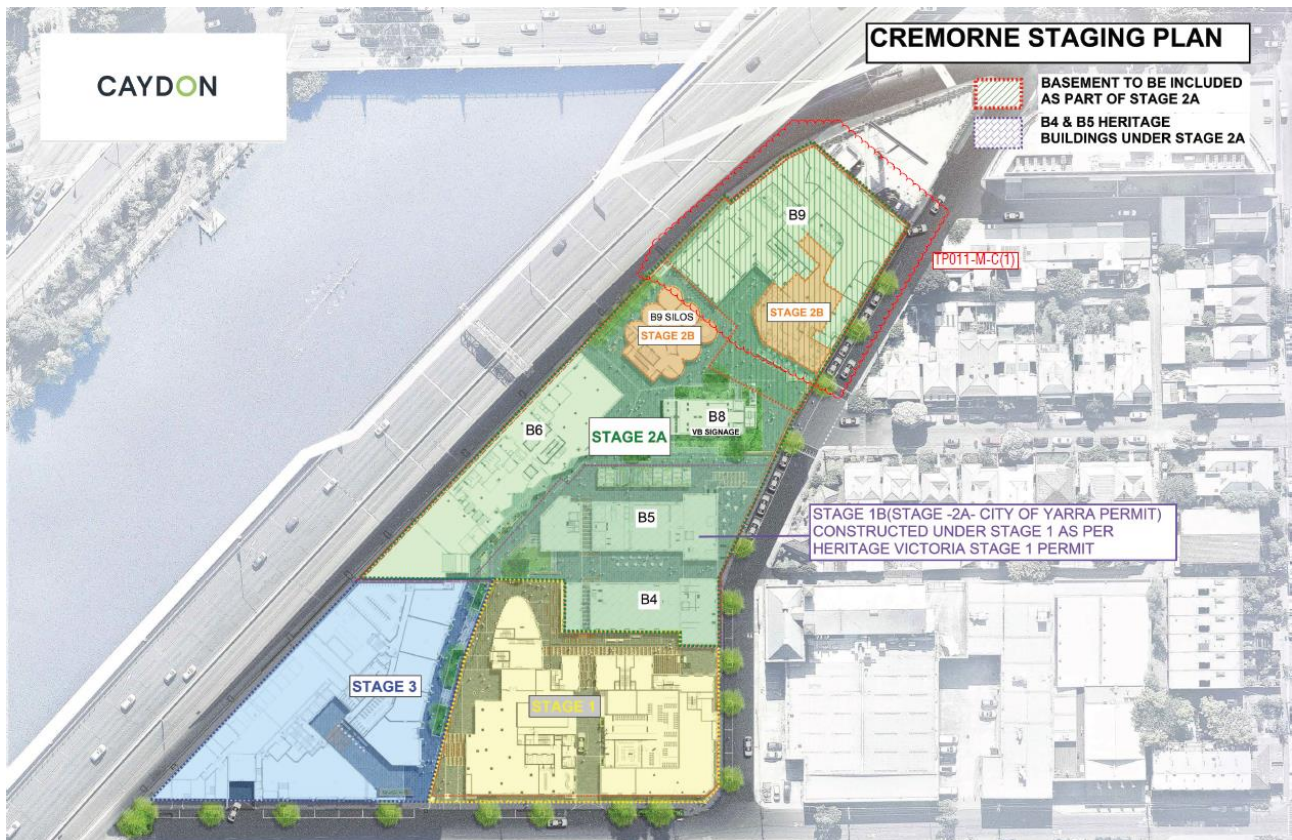


Figure 2 – Staging Plan and building location plan

21. Further details outlined below describe the proposed amendments to each of the buildings.

Buildings B4 and B5

22. No change proposed to either building – all existing conditions relevant to these buildings remain.

Building B6

- (a) Ground level back of house (BOH) relocated to the south and active co-working/office space interfacing internal to the site. Additional window punctuations to reconstructed ground floor heritage wall complying with condition 1(q) of the permit. It is noted that this condition has been met and will be deleted as a condition of the permit;
- (b) Floor areas modified including internal layout of ground floor hotel lobby, restaurant and office area;
- (c) Variation to northern ground floor façade staggering;
- (d) First floor – deletion of co working space (relocated to ground level) and replaced with administration and service areas, reduction in size of function space and introduction of a gym;
- (e) Level 3 deletion of co working space and introduction of hotel rooms (23);
- (f) Level 11 reduction in number of hotel rooms from 16 to 14; reallocation of terrace space to hotel rooms;
- (g) Level 12, deletion of 12 hotel rooms and addition of a new restaurant/lounge area. External south facing terrace now forming part of restaurant area;
- (h) Level 13, reduction in number of hotel rooms from 9 to 2 and redesign of plant area
- (i) Repositioning of stair and lift core; and
- (j) Insertion of winter gardens to southern façade from levels 3 to 11, this address existing condition 1(v), however, the winter gardens are not clearly shown on the plans and a condition of permit will require these details (a sketch plan has been provided by the permit application and will be conditioned accordingly).

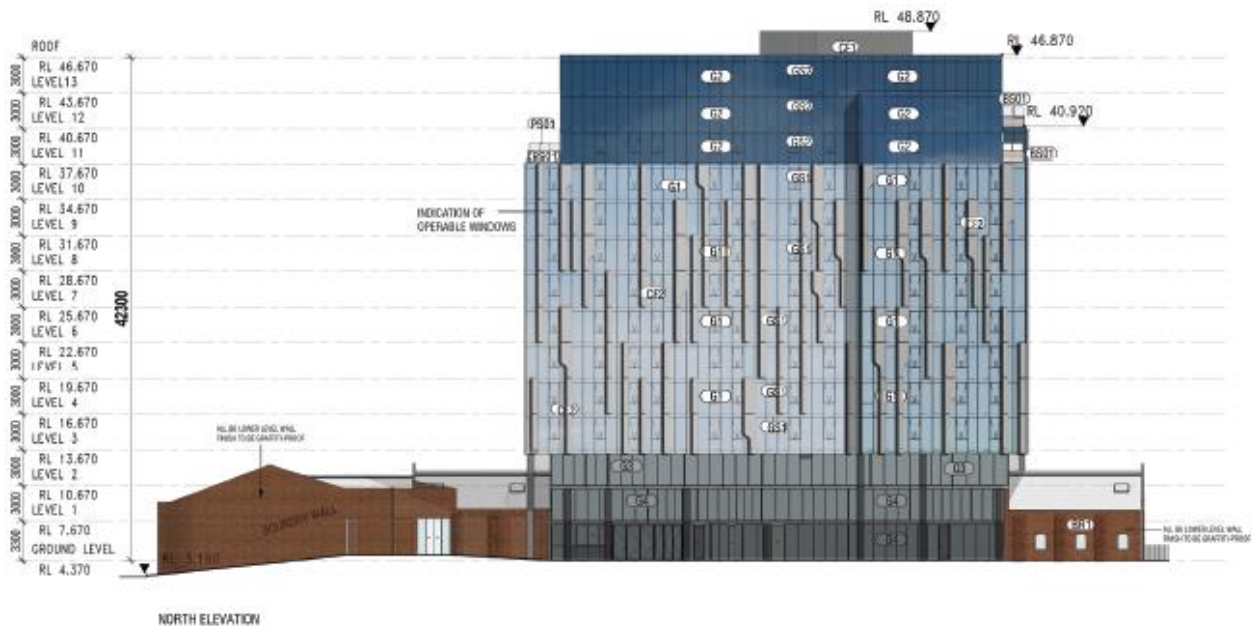


Figure 3 – proposed north elevation



Figure 4 – previous north elevation (not endorsed)

Building 8

- (k) Ground floor relocation of services, addition of a ramp to stair and 1.5m wind screen to the north as required by wind report, additional glazing to the east and west façade and column placement amended.
- (l) Level 1 and above, additional structural supports added to west elevation and internal stair relocation.
- (m) Level 7, deletion of windows to west elevation and retention of existing painted signage.
- (n) Addition of louvres to plant area

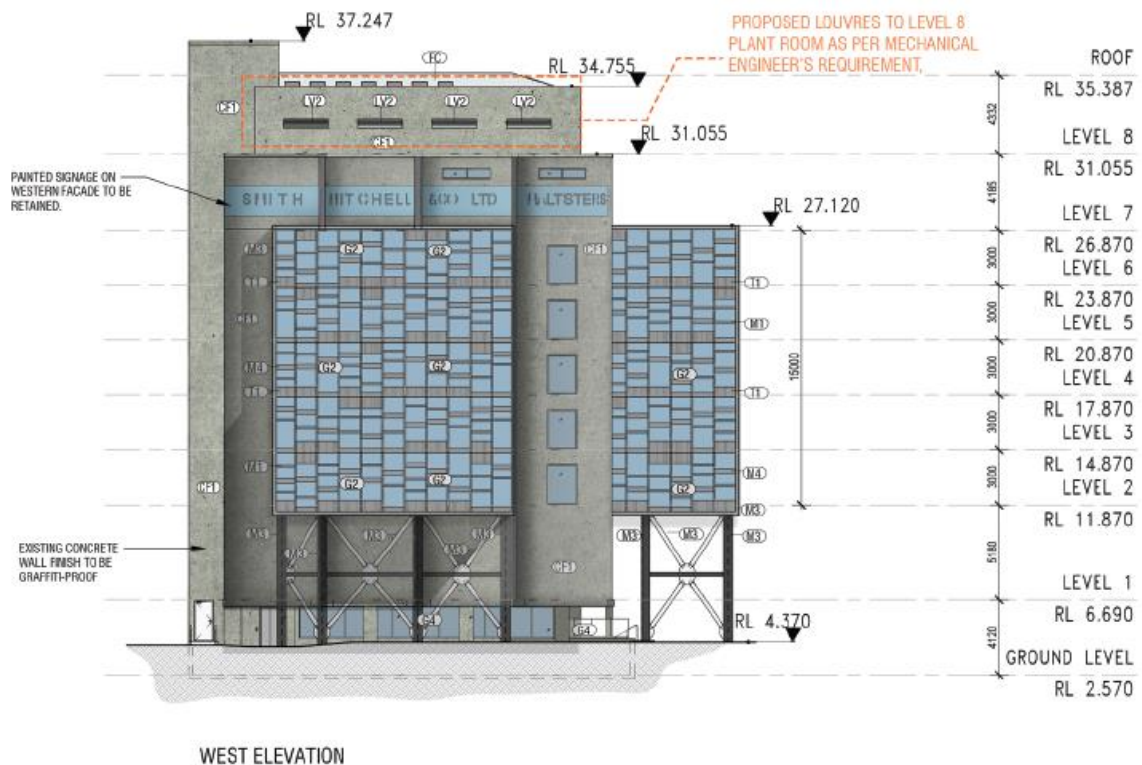
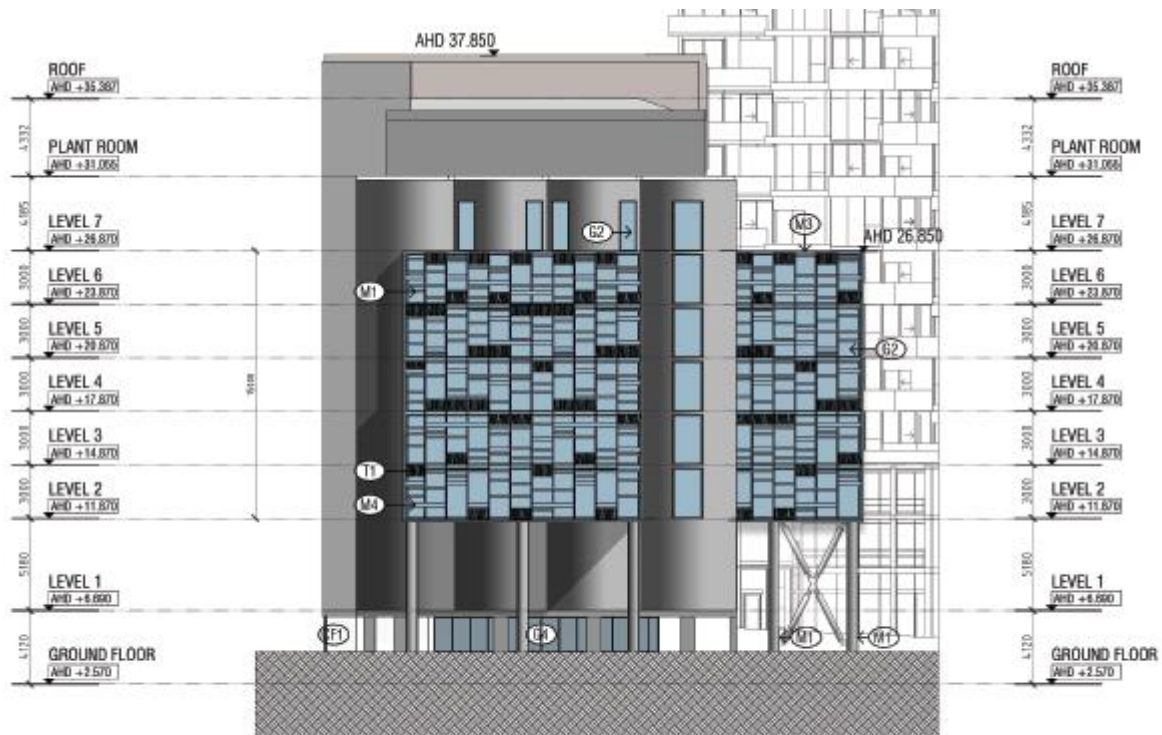


Figure 5 – proposed west elevation



WEST ELEVATION

Figure 6 – previous west elevation (not endorsed)

Building 9

- (o) Extension to basement level – new ‘basement 4 lower’.
- (p) Basement levels reorganised, storage areas added, additional lifts and redesign of internal space
- (q) Basement level 2 addition of dynamic bike storage racks
- (r) Ground floor parking car and loading access ways in same location internal spaces for loading redesigned, increase size of waste areas and bike storage rooms, switch and substation flank the southern boundary.
- (s) Deletion of residences and replaced with commercial space additional bridges linking new building with retained silos.
- (t) Ground floor, deletion of dwellings and reception area, replaced with office lobby areas accessed from Gough Street and a new ground floor restaurant proposing 50 patrons and orientated to Gough Street and internal courtyard. Reorganisation of proposed art gallery housed in the retained silos.
- (u) Level 1, deletion of dwellings and replaced with office with central core and reorganisation of proposed art gallery housed in the retained silos.
- (v) Level 2, deletion of dwellings and replaced with office, office use introduced into the retained silos.
- (w) Level 3, deletion of dwellings and replaced with office, extension of wrap around terrace to the eastern boundary, office use introduced into the retained silos.
- (x) Level 4 and 5, deletion of dwellings and replaced with office including filling in of previous terraces with office floor area, deletion of art gallery and office use introduced into the retained silos.

- (y) Level 6, deletion of dwellings and replaced with office including filling in of previous terraces with office floor area, deletion of kitchen to upper level restaurant and office use introduced into the retained silos.
- (z) Level 7, deletion of dwellings and replaced with office including filling in of previous terraces with office floor area, deletion of gym and office use introduced into the retained silos.
- (aa) Level 8, deletion of dwellings and replaced with office including filling in of previous terraces with office floor area and office use introduced into the retained silos.
- (bb) Level 9, deletion of dwellings and replaced with office including filling in of previous terraces with office floor area, deletion of gym and office use introduced into the retained silos.
- (cc) Level 10 and 11, deletion of dwellings and replaced with office including filling in of previous terraces with office floor area.
- (dd) Level 12, deletion of dwellings and replaced with restaurant and function space including filling in of previous terraces and extending into the retained silos. (No change to existing patron numbers for the restaurant and function centre (total patrons 200)).
- (ee) Deletion of levels 13 – 14 to accommodate taller floor to ceiling requirement for commercial space – no change to overall height – RL 50.87.



Figure 7 – previous north elevation (not endorsed)

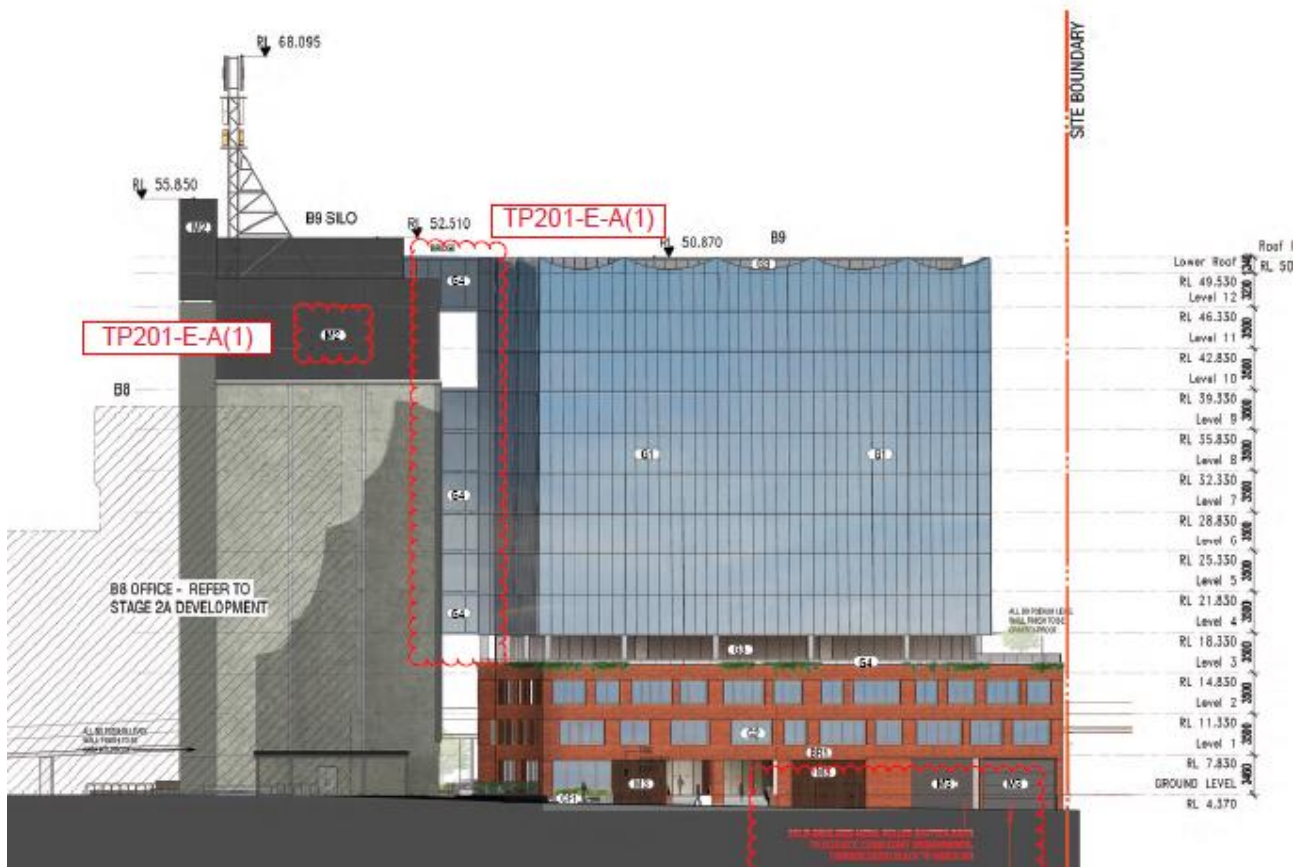


Figure 8 – proposed north elevation

Lodgment of S57A plans

23. To address concerns raised by officers, objectors and referral advice, the application was amended under section 57(a) of the *Planning and Environment Act 1987* (the 'Act;') on 9 March 2021.
24. Amongst other changes, the proposal has been amended as follows:
 - (a) Ground floor changes including presentation to Gough Street amended waste rooms, bike storage and entry points;
 - (b) Material changes; and
 - (c) Updated reports.

Sketch plans

25. In addition to the amended plans submitted, sketch plans addressing other concerns were also lodged detailing the following changes could be conditioned should an amended permit issue:
 - (a) Details of winter gardens proposed to Building B6

Existing Conditions

Subject Site

26. The subject site is located on the south-west corner of the intersection of Gough and Cremorne Streets in Cremorne and is known as Stage 2 of the broader Nylex Silos Site. Broadly speaking, the site is located in the south-west corner of Cremorne, adjacent to the CityLink, Yarra River and Punt Road.



Figure 9 – Aerial Photo (source Nearmap)

27. The site comprises 2 titles (whole or in part, being legally known as:
 - (a) Lot S2 on Plan of Subdivision 810921M; and
 - (b) In part Lot S100 on Plan of Subdivision 810921M.
28. The overall site is an irregular shaped lot, with a frontage of 68.7m to Cremorne Street and a frontage of 161m to Gough Street. The site also has a 139.1m frontage to Harcourt Parade (adjacent to the CityLink onramp). The overall site (stages 1 & 2) is approximately 11,025m².
29. The location of the proposed works is the western end of the larger property, known commonly as the 'Nylex' site by virtue of the prominent silos and sign adjacent to the Citylink. The significance of the site (and the sign) are highlighted with the site being included on the Heritage Register (two listings – the sign specifically and the site as a whole).
30. Two Heritage Victoria registrations for the site exist and are described as:
 - (a) H2049 – Nylex Sign – The sign is identified as a double sided sky-sign mounted on a cross braced steel frame on top of silos. The sign is of social and historical significance to the state of Victoria. The sign is said to signalise the industrial base of the former City of Richmond. Further, the sign is of social significance for its landmark qualities, forming an unofficial gateway to Melbourne. It is noted that the silos supporting the sign are not referenced in the registration and are not of heritage significance.
 - (b) H2050 – Richmond Malting's – The site was the Barrett Burston Richmond Malting's, initially developed in the 1850s – 1860s. The site is historically, scientifically (technologically), aesthetically, socially and archaeologically significant to the State of Victoria.

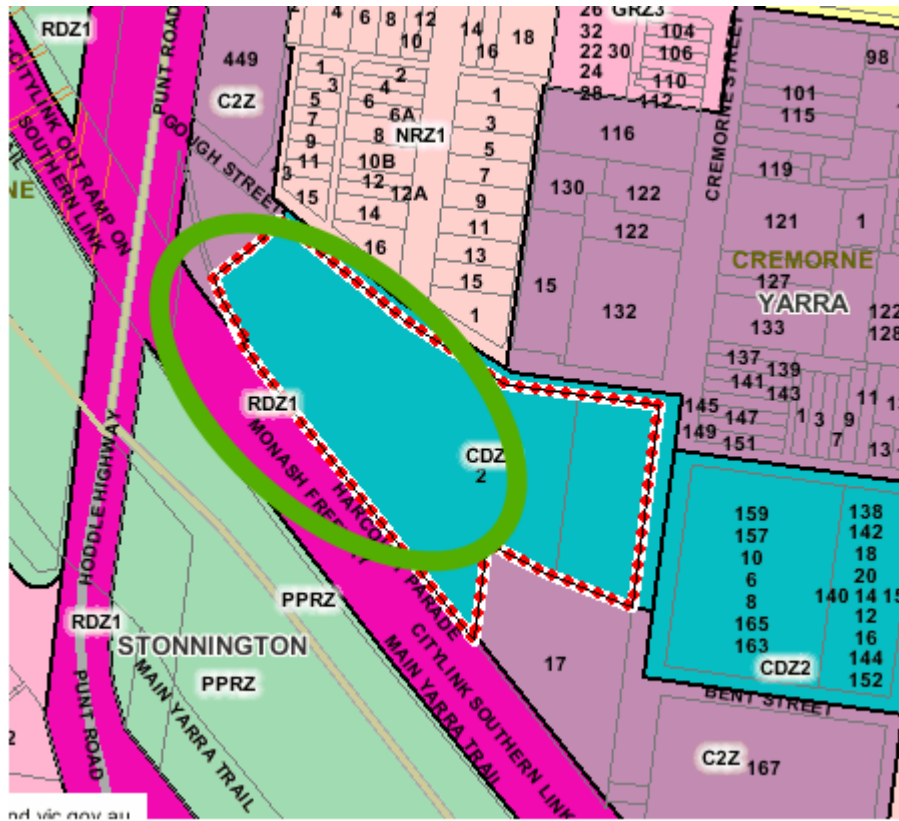


Figure 10 – Zoning Map

31. The green oval depicts the general area of Stage 2. The land known as 2 - 50 Gough Street however, is boarded by the red and white dotted line [Nylex Site].



Figure 11 – Gough Street streetscape

32. Reviewing the built form across the site in its entirety, the site contains a number of buildings, including 2 groups of silos, heritage building stock and non-heritage buildings. The section of the site affected by this application was/is developed with:
- (a) B11 – a three storey brick building in the western end – 1939 barley store - **demolished**
 - (b) B10 – a multi-storey brick building in the north-west corner of the site fronting Gough Street – 1956 malt house - **demolished**
 - (c) B9 – ‘Nylex’ silos with the iconic sign on top along the Harcourt Parade frontage – **part demolished**;
 - (d) B8 – ‘VB’ silos (displaying the ‘Victoria Bitter’ sign) to the north-east of the Nylex silos;
 - (e) B6 – Significantly damaged building previously a double storey brick building along Harcourt Parade, south-east of the Nylex Silos – 1920 malt house and mid-1920s extension – **fire damaged and demolished**
 - (f) B7 – Single storey building north of B6 and generally central to the site – 1950s drum malt house;
 - (g) B5 – three storey building along the Gough Street frontage – 1880 and later malt house; and
 - (h) B4 – three storey brick building – late 1930s malt house.

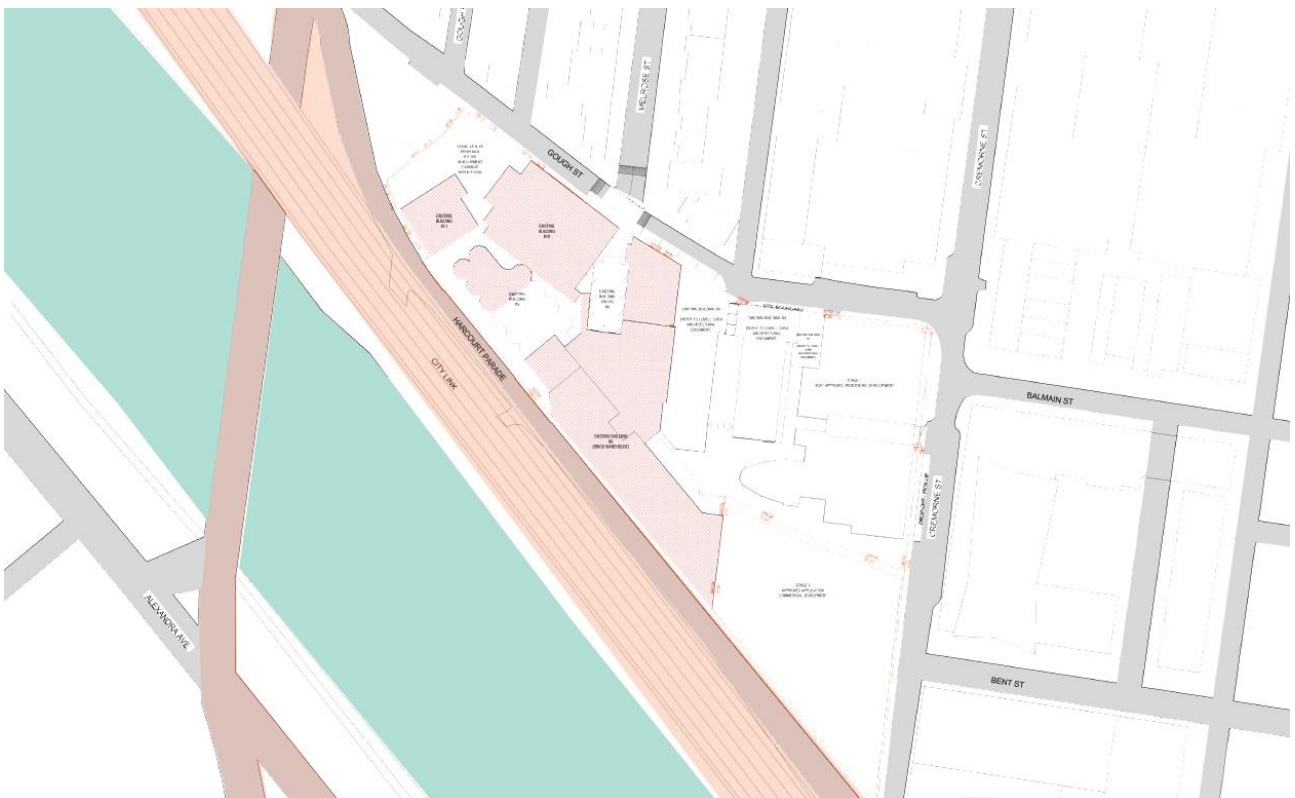


Figure 12 – Demolition plan



Figure 13 – Gough Street Silos

Restrictive covenants

33. There are two Section 173 Agreements relevant to the site.
- (a) Agreement AQ996177P was registered on 8/5/2018 which requires amongst other things:
 - (i) That the 40 spaces 'quarantined' for Stage 2 will be allocated this future development on the balance of the site at 2 Gough Street Cremorne; and
 - (ii) The owner must provide unfettered public access over that part of the land to be used for the widened Gough Street and Cremorne Street footpath
 - (b) Agreement AQ996255V which applies to land at 17 – 21 Harcourt Parade, Cremorne (Stage 3) which requires:
 - (i) The establishment of an east-west link (between Stages 1 & 3) having a minimum width of 9m and be predominantly clear to sky and treated with signage and materials to delineate this space as a shared zone.
34. The S173 Agreement AQ996177P is partly now redundant, as an amendment to planning permit PLN15/0355 has been issued which deletes the requirement for 40 car parking spaces to be quarantined for Stage 2.

Easements

35. A 1.83m wide light and air easement runs along the southern end of the site (the section adjacent to 17-21 Harcourt Parade). The stage 1 application sought to remove this easement, however still remains on title

Surrounding Land

36. The site is situated near the interface between the City of Yarra and neighboring municipalities of the City of Melbourne (west of Punt Road) and the City of Stonnington (south of the Yarra River). The site is located within Cremorne.
37. Cremorne is a pocket generally bounded by Hoddle Street/Punt Road to the west, the CityLink and the Yarra River to the south, Church Street to the east and Swan Street to the north. The area is characterised by a number of constrained streets, narrow footpaths and limited 'through roads'. Swan Street is the closest Activity Centre, being approximately 525m to the north of the subject site.
38. The area is provided with public transport options (a Public Use Zone 'cuts' the suburb into 'western' and 'eastern' segments by virtue of the train line) with Richmond Train station being located on the north side of Swan Street. The station is an approximately 525m walk up Punt Road. Trams service Church and Swan Streets (600m and 525m respectively from the site). Two bus routes service Punt Road, with the closest bus stop being approximately 380m south of the site along Punt Road (South Yarra side).
39. Zoning in the area is predominantly Commercial 2, with some residential areas (Neighbourhood Residential and General Residential Zones) and the Comprehensive Development Zone which applies to the subject site. A PUZ2 is located centrally within Cremorne, being home to Kangan Institute (TAFE). This campus has a focus on creative industries (including visual merchandising, retail, hair and beauty, fashion and millinery).
40. The City of Melbourne is located to the west of the subject site with parklands buffering the Yarra River and further to the west are main sporting stadiums and grounds such as Melbourne Park, Melbourne Cricket Ground and Olympic Park.
41. The immediate context of the of the site will notably change over the next 5 – 10 years as the broader Nylex Site is fully developed and surrounding developments commence and or complete construction.
42. In the image below the subject site is shown in orange and is the subject of this report.



Figure 14 – Development Key

43. Stage 1 of the Nylex site redevelopment (shown in red). Planning Permit No. PLN15/0355 (known as ‘Stage 1’ of the Maltings Redevelopment) was issued at the direction of VCAT order P1969/2015 on 15 July 2016 for the land at 50 Gough Street formerly known as 2 Gough Street, Cremorne. The permit allows for a maximum 14 storey building, specifically allowing:
- (a) the use of the land for dwellings, a shop and supermarket;
 - (b) the construction of a building or carrying out works;
 - (c) the reduction in the number of car parking spaces associated with dwellings, shop and supermarket;
 - (d) the waiver of the loading/unloading bay requirement associated with a shop;
 - (e) reduce the loading/unloading bay requirement associated with a supermarket;
44. A number of amendments have been approved for this permit including:
- (a) S87A amendment making changed to permit conditions issued via a consent order;
 - (b) S72 amendment approved changing address of the site and amendments to acoustic conditions;
 - (c) S72 amendment approved deleting ‘Soho apartments, increasing office floor area; deletion of conditions requiring the quarantining of 40 car parking space for stage 2 and distribution of additional cars across the site.
 - (d) Secondary consent amendments – approved minor design changes.



Figure 15 – Stage 1 - 50 Gough Street, Cremorne

45. Works on site are now completed.
46. The site at 17 – 21 Harcourt Parade (shown in green) is known as Stage 3. Planning permit PL08/0921 approved a commercial office building of up to 9 storeys in height. Construction has been mostly completed.
47. A number of amendments have been approved for this permit including:
 - (a) S72 amendment reducing car parking provision on site;
 - (b) Secondary consent approving internal amendment and a modified external façade;
 - (c) S72 amendment approving a commercial car park on part of the site;
 - (d) Secondary consent – approved minor design changes



Figures 16 and 17 – 17 – 21 Harcourt Parade, Cremorne

48. Additionally, a current secondary consent application has been received seeking changes to the landscape plan, this is yet to be considered by Council.
49. Shown in blue on the map is 167 Cremorne Street, Cremorne. Planning permit PLN19/0775 was issued on 23 March 2020 and approved '*Buildings and works to the existing building, a reduction in the car parking requirements associated with offices (no permit required for the office use)*'.
50. Plans have not been endorsed with no work having commenced on site.



Figure 18 – 167 Cremorne Street, Cremorne

51. Planning permit PLN18/0002 was issued by Council on 17 January 2020 for land at 1 – 3 Harcourt Parade, Cremorne (shown in yellow) and approved '*use and development of the land with a multi storey building containing a residential hotel, construction and display of a major promotional electronic sign and removal of covenant 1818808 from lot 1 on plan of subdivision 408289Y*'.



Figure 19 – 1 – 3 Harcourt Parade, Cremorne

52. No construction has commenced on site.
53. Looking more broadly, the surrounding context includes:
- (a) To the north of the subject site, across Gough Street, is a five-storey, office building (as developed under planning permit No. PL03/0445) that is hard edged to all street interfaces and is primarily constructed of glass;
 - (b) To the north-east are single-storey dwellings fronting Gough Place and Melrose Street (which both intersect with Gough Street). These dwellings are zoned Neighbourhood Residential (Schedule 1);
 - (c) East of the dwellings described above are single-storey, Victorian era terraces that are zoned Commercial 2, (with some that may enjoy existing use rights);
 - (d) Further east is Cremorne Street that contains a range of 1-3 storey office/industrial buildings including the “Era” 10-storey, mixed use/apartment building and new and emerging office buildings of approximately 8 storey. A mixture of front setbacks (with car parking) and hard edged development is generally evident;
 - (e) To the south of the subject site is Harcourt Parade and further south-east is an entry ramp to the CityLink. Beyond this at-grade onramp is an elevated ramp of the CityLink with one southbound and 4 City bound lanes. Elevated views are offered from the freeway to the subject site. Further south is the Yarra River environs opposite side of this is the municipality of the City of Stonnington; and
 - (f) To the immediate west of the subject site is Punt Road, a declared road and one of Melbourne’s primary arterial roads. Punt Road is an approximately 15m wide carriageway, with two lanes in each direction separated by a median strip and a slip lane to Gough Street. Punt Road is within a Road Zone Category 1.

Planning Scheme Provisions

Legislative Provisions

54. The amendment has been requested pursuant to section 72 of the *Planning and Environment Act 1987 (the Act)*

55. Section 72 of the Act states:
- (1) *A person who is entitled to use of develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
 - (2) *The section does not apply to -*
 - (a) *A permit or part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (b) *A permit issued under Division 6.*
56. The original permit PLN11/1176 issued on 22 January 2018 at the direction of VCAT (corrected 4 April 2018), did not specify that the Responsible Authority must not further amend the permit.
57. The permit was not issued under Division 6.
58. Section 73 of the Act states that Section 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the above-mentioned sections of the Act to the amendment application as if it was an application for a permit.
59. Accordingly the relevant sections will be addressed in this report.

Zoning

Comprehensive Development Zone – Schedule 3 (Richmond Maltings, 2 Gough Street, Cremorne)

60. The purpose of this zone is:
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*
61. The purpose of schedule 3 is:
- (a) *To allow a comprehensively staged, mixed use development on the site which will create activity during the day and evening and generate local employment opportunities.*
 - (b) *To conserve and enhance key heritage buildings through refurbishment and reuse.*
 - (c) *To allow the continuation of limited major advertising in the precinct.*
 - (d) *To ensure that development on the site will complement and enhance the Yarra River environs.*
 - (e) *To ensure the combination of uses, their density and the scale and character of development does not prejudice the amenity of the surrounding area.*
 - (f) *To retain the visual dominance and preservation of views of the landmark Nylex sign and associated silos through the sensitive siting of new building envelopes on the site.*
 - (g) *To provide a well designed, attractive open plaza space within the development which is accessible to the surrounding community.*
 - (h) *To ensure a high quality architectural response to the site that acknowledges and is respectful of the scale and form of buildings within the site and its immediate environs.*

62. Under schedule 3, the use of the site for offices does not require a planning permit. However, the use of the site as a hotel (nested within 'accommodation'), a shop, café/restaurant (nested within 'retail premises'), Art gallery and function space (nested within 'place of assembly) all require a planning permit. No planning permit is required for the use of the land as office.
63. The proposed amendments seeks to delete the residential component from the development therefore the words 'dwelling' will be deleted from the permit preamble and all existing references within the permit including conditions will also need to be deleted.
64. Section 2 of schedule 3 states that:
- (a) *Use of land must be in accordance with the Table of uses to this Clause and the comprehensive development plan: "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007". [Design Principles]*
 - (b) *A use must not detrimentally affect the amenity of the neighbourhood, including through the:*
 - (i) *Transport of materials, goods or commodities to or from the land.*
 - (ii) *Appearance of any building, works or materials.*
 - (iii) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
65. Under section 4 of schedule 3, a planning permit is required for the proposed buildings and works as the proposal is not generally in accordance with the Planning or Design Principles.
66. Decision guidelines when considering the proposed buildings and works are (as relevant):
- (a) *Consistency with the building envelopes and design principles detailed on the comprehensive development plan: "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007".*
 - (b) *Streetscape character.*
 - (c) *Built form.*
 - (d) *Landscape treatment*
 - (e) *Interface with nearby areas.*
 - (f) *Parking and site access.*
 - (g) *The preservation of the amenity of nearby residents.*
 - (h) *The orderly management of vehicular and pedestrian traffic.*
 - (i) *The visual impact of the building or works on the impact of the area.*
 - (j) *The inclusion of appropriate acoustic measures to attenuate noise levels internally within new or refurbished/converted buildings for residential and other noise sensitive uses, located on the southern part of the site directly adjacent to the Monash Freeway.*
67. The Design Principles offer the following guidance when assessing built form (the full list has been included here, where some items may relate to the balance of the site, any development on this section must ensure it does not undermine the broader objectives of the site):
- (a) *Facilitate safe, convenient and legible public access into and through the site.*
 - (b) *Provide tall development at the eastern end of the site consistent with the built forms adjacent to the east.*
 - (c) *Retain the visual prominence and landmark qualities of the Nylex sign and clock and the 1960's silos which support this heritage feature.*

- (d) *Provide opportunities for pedestrian access through the site to Harcourt Parade to the south and the Punt Road Bridge. Options for any future potential pedestrian access across or along Harcourt Parade are to be the subject of full discussion and negotiation between VicRoads, CityLink, Council and the land owner.*

68. Under section 5 specifies the following car parking controls as relevant to the amendment:

- (a) Café – 0.3 spaces/seat
- (b) office – 2.6 spaces per 100m²;
- (c) shop – 4 spaces per 100m²;
- (d) restaurant – 0.3 car spaces / seat

Land Use	Units/Area/Seats proposed	No. required	No. proposed	Reduction sought
Hotel	201 rooms	No specified rate		
Office	20,339m ²	528		
Art Gallery	505m ² or 50 patrons	No rate specified		
Function Space	1,336m ² or 250 patrons	No rate specified		
Restaurant	519 seats	155		
Cafe	84 seats	25		
TOTAL		708 spaces	228 spaces	480 Spaces

69. A permit may be granted to reduce the number of car spaces required for a particular use if the Responsible Authority is satisfied that the number of spaces required:

- (a) *Is unnecessary in the circumstances;*
- (b) *Can be provided on nearby land; or*
- (c) *If the proposal is to achieve a heritage outcome.*

70. This application has a statutory requirement for 708 spaces, with a reduction of 480 being sought.

71. Before deciding on the application, the Responsible Authority must consider:

- (a) *The likely demand for car parking spaces.*
- (b) *The extent to which the various uses of the land are likely to generate different levels of demand for parking at different times.*
- (c) *The possible multi-use of car spaces.*
- (d) *The demand for car spaces generated by the uses established in previous stages of the development.*
- (e) *The accessibility of the site to vehicle traffic;*
- (f) *The proposed layout of parking areas.*

72. Section 6 states that the dimensions of the car spaces, access lanes and driveways and layout of parking areas must meet the requirements of Clause 52.06, unless the responsible authority agrees otherwise.

Part Road Zone – Schedule 1

73. The southernmost strip of land adjacent to Harcourt Parade is within the RDZ1. This appears to be a planning anomaly, however this zoning must be considered.

Overlays

CityLink Project Overlay

74. This overlay exempts use and development in association with the City Link Project area if the use or development is part of the Melbourne City Link Project (as relevant). The only permit triggers of this overlay relate to signage (none is proposed as part of this application).

Environmental Audit Overlay

75. Clause 45.03-1 of the Scheme states that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
76. This requirement is already conveyed to the Applicant in the form of a notation on the permit.

Heritage Overlay (HO350 – 2 Gough Street [Nylex Plastics sign] and 2 and 15 Gough Street [Richmond Maltings], both on the Victorian Heritage Register [H2049 and H2050])

77. Clause 43.01-2 of the Scheme states that no permit is required under this overlay to develop a heritage place which is included on the Victorian Heritage Register.
78. It is noted however, that the CDZ3 Design Principles note the following objectives:
- (a) *Conserve and enhance the key heritage features of the site which depict the various stages of the malting process since the late 19th Century.*
 - (b) *Provide opportunities for interpretation and appreciation of the cultural heritage attributes of the site which are to be retained.*

Land Subject to Inundation Overlay

79. A planning permit is required under clause 44.04-1 of the scheme to construct a building or to construct or carry out works. This includes roadworks. An application under this overlay is exempt from the notice requirements, however the application must be referred to Melbourne Water under Section 55 of the Act.

Development Plan Contribution Overlay

80. The subject site is affected by the Development Plan Contributions Overlay (DPCO) – Schedule 1.
81. Pursuant to Clause 45.06-1 a permit granted in the DCPO must;
- (a) Be consistent with the provisions of the relevant development contributions plan.
 - (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
82. As the proposed amendment is not exempt from a development contribution, a condition and a note will be included in the recommendation to require the development contributions to be met prior to commencement of the development but will only be applicable to the amendments as the development would have accrued rights.
83. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.05 – Advertising signs

84. The purpose of this provision is:
- (a) *To regulate the display of signs and associated structures.*

- (b) *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- (c) *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- (d) *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

85. A permit is required under clause 52.05-8 of the Scheme to construct and display a major promotion sign (this zone is a category 2 area).

Clause 52.06 – Car parking

86. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. However, the CDZ3 rates prevail in this instance.
87. Section 6 of the CDZ3 however, states that ‘*The dimensions of the car spaces, access lanes and driveways and layout of parking areas must meet the requirements of Clause 52.06, unless the responsible authority agrees otherwise*’.

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

88. A permit is not triggered under this provision as the proposal does not create any new alter access to a category 1 Road.

Clause 52.34 – Bicycle facilities

89. The purpose of this clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of clause 52.34-3 and clause 52.34-4.

Land Use	Units/Area/Seats proposed	No. required	No. proposed	Surplus
Hotel	201 rooms	5		
Office	20,339m ²	68 employee + 20 visitor		
Art Gallery	505m ² or 50 patrons	1 employee + 2 visitor		
Function Space	1,336m ² or 250 patrons			
Shop	84 m ²	-		
Restaurant	519 seats	30 employee + 17 visitor		
Cafe	84 seats (84sqm)	-		
TOTAL		143 spaces	341 spaces	+ 198 Spaces

90. Design and signage requirements are at clause 52.34-4 and 52.34-5 of the Scheme and will be referenced throughout the assessment.

[General Provisions](#)

Clause 65 – Decision Guidelines

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

Clause 65.01 – Approval of an application or plan

92. The planning scheme requires:

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

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

Planning Policy Framework (PPF)

93. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

94. The objective is:

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

95. A relevant strategy:

- (a) Planning for urban growth should consider:

- (i) Opportunities for the consolidation, redevelopment and intensification of existing urban areas

Clause 11.03-1S Activity Centres

96. The objective is:

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

97. Relevant strategies include:

- (a) Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:
 - (i) Comprises a range of centres that differ in size and function.
 - (ii) Is a focus for business, shopping, working, leisure and community facilities.
 - (iii) Provides different types of housing, including forms of higher density housing.
 - (iv) Is connected by transport.
 - (v) Maximises choices in services, employment and social interaction.
- (b) Support the continues growth and diversification of activity centre to give communities access to a wide range of goods and services, provide local employment and local economies;
- (c) Improve the social, economic and environmental performance and amenity of activity centres.

Clause 12.03-1S (River corridors, waterways, lakes and wetlands)

98. The objective is:

- (a) To protect and enhance river corridors, waterways, lakes and wetlands.

99. Relevant strategies include:

- (a) Ensure development responds to and respects the significant environment, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
- (b) Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
- (c) Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.

Clause 12.03-1R (Yarra River Protection)

100. The objective is:

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

101. Relevant strategies include:

- (a) 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.
 - (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.
- (b) 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.
 - (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 13.03-1S Floodplain management

102. The relevant objective of this clause is:

- (a) To assist the protection of:
 - (i) Life, property and community infrastructure from flood hazard.
 - (ii) The natural flood carrying capacity of rivers, streams and floodways.
 - (iii) The flood storage function of floodplains and waterways.
 - (iv) Floodplain areas of environmental significance or of importance to river health.

Clause 13.04-1S Contaminated and potentially contaminated land

103. The relevant objective of this clause is:

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

Clause 13.05-1S Noise abatement

104. The relevant objective of this clause is:

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

Clause 13.07 Amenity and Safety

Clause 13.07-1S Land use compatibility

105. The objective of this clause is:

- (a) D To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 15 Built form and Heritage

Clause 15.01 - Built Environment and Heritage

Clause 15.01-1S - Urban design

106. The objective of this clause is:

- (a) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

107. Strategies of this clause are:

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

Clause 15.01-1R - Urban design - Metropolitan Melbourne

108. The objective of this clause is:

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

109. Relevant strategies of this clause are:

- (a) Support the creation of well-designed places that are memorable, distinctive and liveable.

Clause 15.01-2S - Building design

110. The objective of this clause is:

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

111. Relevant strategies of this clause are:

- (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.
- (f) Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- (g) Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- (h) Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

112. 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

113. The objective of this clause is:

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

114. Relevant strategies of this clause are:

- (a) Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:
 - (i) Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
 - (ii) Streets with direct, safe and convenient access to destinations.
 - (iii) Amenities and protection to support physical activity in all weather conditions

Clause 15.01-4R - Healthy neighbourhoods - Metropolitan Melbourne

115. 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

116. The objective of this clause is:

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

117. Relevant strategies of this clause are:

- (a) Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- (b) Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - (i) Pattern of local urban structure and subdivision.
 - (ii) Heritage values and built form that reflect community identity.

Clause 15.02 - Sustainable Development

Clause 15.02-1S - Energy and Resource Efficiency

118. 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.

119. Relevant strategies of this clause are:

- (a) Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.
- (b) Promote consolidation of urban development and integration of land use and transport.
- (c) Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
- (d) Support low energy forms of transport such as walking and cycling.
- (e) Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.

Clause 15.03

Clause 15.03-1S

120. The objective of this clause is:

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

121. Relevant strategies of this clause are:

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

Clause 15.03-2S Aboriginal Cultural Heritage

122. The objective of this clause is:

- (a) To ensure the protection and conservation of places of Aboriginal cultural heritage.

123. Relevant strategies of this clause are:

- (a) Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

Clause 17.01 – Employment

Clause 17.01-1S – Diversified economy

124. The objective of this clause is:

- (a) To strengthen and diversify the economy.

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

Clause 17.02 – Commercial

Clause 17.02-1S – Business

125. The objective of this clause is:

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

126. *The relevant strategies of this clause is:*

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

Clause 17.04 Tourism

Clause 17.04-1S – Facilitating Tourism

127. The objective of this clause is:

- (a) To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

128. The relevant strategies of this clause is:

- (a) Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- (b) Seek to ensure that tourism facilities have access to suitable transport.
- (c) Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- (d) Create innovative tourism experiences.
- (e) Encourage investment that meets demand and supports growth in tourism.

Clause 17.04-1R Tourism in Metropolitan Melbourne

129. The objective of this clause is:

- (a) To maintain and develop Metropolitan Melbourne as a desirable tourist destination

130. The relevant strategies of this clause is:

- (a) Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:
 - (i) Developing city precincts and promenades.
 - (ii) Supporting artistic and cultural life.
 - (iii) Improving public facilities, amenities and access.
 - (iv) Maintaining city safety.
 - (v) Providing information and leisure services.

- (vi) Improving transport infrastructure.

Clause 18.01 - Integrated Transport

Clause 18.02-1S Sustainable personal transport

131. The objective of this clause is:

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

132. The relevant strategies of this clause is:

- (a) Encourage the use of walking and cycling by creating environments that are safe and attractive.
- (b) Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.
- (c) Ensure cycling routes and infrastructure are constructed early in new developments. Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.
- (d) Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.
- (e) Ensure provision of bicycle end-of-trip facilities in commercial buildings.

Clause 18.02-1R Sustainable personal transport – Metropolitan Melbourne

133. The relevant strategies of this clause is:

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

Clause 18.02-2S - Public Transport

134. The objective of this clause is:

- (a) To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

Clause 18.02-2R - Principal Public Transport Network

135. A relevant strategy of this clause is to:

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

Clause 18.02-4S – Car Parking

136. The objective of this clause is:

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

137. A relevant strategy is:

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

[Local Planning Policy Framework \(LPPF\)](#)

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

Clause 21.04 – Land use

Clause 21.04-3 – Industry, office and commercial

139. The objective of this clause is:

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

Clause 21.05 Built Form

Clause 21.05-1 – Heritage

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

- (a) Objective 14 - To protect and enhance Yarra's heritage places:
 - (i) Strategy 14.1 Conserve and enhance identified sites and areas of heritage significance including pre-settlement ecological places;
 - (ii) Strategy 14.2 Support the restoration of heritage places
 - (iii) Strategy 14.3 Protect the heritage skyline of heritage precincts;
 - (iv) Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas; and

Clause 21.05-2 – Urban Design

141. The relevant objectives of this Clause are:

- (a) Objective 16 - To reinforce the existing urban framework of Yarra;
- (b) Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:
 - (i) Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
 - Significant upper level setbacks
 - Architectural design excellence
 - Best practice environmental sustainability objectives in design and construction
 - High quality restoration and adaptive re-use of heritage buildings
 - Positive contribution to the enhancement of the public domain
 - Provision of affordable housing.
- (c) Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;
- (d) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;
- (e) Objective 22 – To encourage the provision of universal access in new development.

Clause 21.05-4 – Public Environment

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

- (a) Objective 28 - To provide a public environment that encourages community interaction and activity:
 - (i) Strategy 28.1 Encourage universal access to all new public spaces and buildings.
 - (ii) Strategy 28.2 Ensure that buildings have a human scale at street level.
 - (iii) Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.

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

Clause 21.06 – Transport

Clause 21.06-1 Walking and cycling

143. This clause builds upon the objective outlined in clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

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

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecological sustainable development

144. The relevant objective of this clause is:

- (a) Objective 34 To promote ecologically sustainable development:
 - (i) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and
 - (ii) Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.

Clause 21.08-2 – Burnley, Cremorne, South Richmond

145. The following relevant commentary is offered in this clause:

- (a) The neighbourhood provides a range of residential opportunities:
 - (i) the Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered
 - (ii) the established residential area surrounding Barkly Gardens provides a range of housing opportunities in small cottages and larger period dwellings
 - (iii) the area east of Burnley Street includes the Golden Square residential area which comprises predominantly cottages of heritage significance.
-

- (b) This area includes the visually and historically significant silos which host the also significant Nylex Plastics clock and temperature indicator. Views of and to these Melbourne landmarks need to be protected.
- (c) This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.

Relevant Local Policies

Clause 22.03 – Landmarks Policy

146. The objective of the clause is to:

- (a) maintain the prominence of Yarra's valued landmark signs
- (b) protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference; and
- (c) ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline

147. The Nylex sign is an identified landmark sign in this policy.

Clause 22.04 – Advertising Signs Policy

148. This policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign:

149. The relevant objectives of this clause are:

- (a) To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.
- (b) To minimise visual clutter.
- (c) To ensure that signs are not the dominant element in the streetscape.
- (d) To protect and enhance the character and integrity of places of heritage significance.
- (e) To protect major view corridors and vistas.
- (f) To maintain vehicular and pedestrian safety.

Clause 22.12 – Public Open Space Contribution

150. The objective of this clause are:

- (a) To implement the Yarra Open Space Strategy;
- (b) To identify when and where land contributions for public open space are preferred over cash contributions; and
- (c) To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.

151. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121G), however, as the site has already been granted a permit, no further discussion will be offered,

Clause 22.16 – Stormwater Management (Water sensitive urban design)

152. This policy applies to applications for more than 50m² extensions to existing buildings (amongst others).

153. Under this clause it is policy to:
- (a) Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)
 - (b) Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:
 - (i) collection and reuse of rainwater and stormwater on site
 - (ii) vegetated swales and buffer strips
 - (iii) rain gardens
 - (iv) installation of water recycling systems
 - (v) multiple uses of water within a single manufacturing site
 - (vi) direction of flow from impervious ground surfaces to landscaped areas.
 - (c) Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:
 - (i) appropriately designed waste enclosures and storage bins, and
 - (ii) the use of litter traps for developments with the potential to generate significant amounts of litter.
 - (d) Encourage the use of 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

Clause 22.17 – Environmentally Sustainable Development

154. This clause applies to this application as the development is for more than 10 dwellings. A Sustainability Management Plan [**SMP**] is therefore required.
155. This clause states that '*The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation*'.
156. The clause outlines objectives relating to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

[Other relevant documents](#)

Cremorne – Issues and Opportunities Paper

157. Council is working with the state government and the Victorian Planning Authority preparing a Cremorne Place Implementation Plan (CPIP). This project was in recognition of Cremorne's significant economic role as an Enterprise Precinct under the government's recent policy announcements. The CPIP sets out the key action across governments to support Cremorne's role, including strategic land use planning, transport & movement, car parking, built form and the public realm and open space.

Urban Design Guidelines

158. 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)

Cremorne and Church Street Precinct Urban Design Framework

159. The Cremorne and Church Street Precinct Urban Design Framework (UDF) was adopted by Council at its meeting in September 2007. The intent of the UDF was to support redevelopment that contributes to Cremorne as a mixed-use area, while supporting strategic aims to develop employment opportunities in the area.
160. The subject site is highlighted on Map 2 as a site where substantial change is expected and can contribute to improvements to the public domain.
161. Map 5 shows the intersection of the subject site at the Gough Street and Harcourt Parade interface as a key area for street activation. The subject site is located in the Richmond Maltings Sub-Precinct. The aim of the sub-precinct is to encourage redevelopment within the precinct, to restore a significant source of activity and employment in Cremorne, to showcase the heritage structures and to better integrate the precinct with its surroundings. It is highlighted that whilst the UDF remains as an adopted document, it has limited statutory weight and nonetheless, should still be recognised that the proposal achieves this primary aim.

Swan Street Structure Plan (SSSP)

162. The SSSP was adopted by Council at its meeting on 17 December 2013. The site is located within the 'Cremorne South' Precinct of the Plan's study area. The Structure Plan prepared for the Swan Street Major Activity Centre [MAC] was in response to the State Government sustainable growth policy, Melbourne 2030; a plan for the growth and development of the Melbourne metropolitan area. One of the principal aims of the policy was to provide a network of activity centres throughout Melbourne, with these centres providing a focus for development and urban expansion in areas well serviced by public transport, existing infrastructure and community services. The Swan Street Structure Plan aims to manage this growth within the Swan Street MAC and the surrounding area.
163. Of relevance to this application are proposed revisions to the built form guidelines that will provide guidance on future built form and how that would be in keeping with the longer term vision for Swan Street and surrounds, along with guidance on urban intensification within the precinct. The plan provides guidance on maximum building heights within each precinct, with seven to ten storeys at the suggested height for this area within the 'Malting's Site' with the subject site identified as a Strategic redevelopment site and a key landmark.
164. The SSSP also includes objectives to consolidate the Precinct's role as a location for offices and employment, provide high quality pedestrian orientated public realm along Church Street, as well as promote public realm improvements through redevelopment opportunities.
165. The rationale entertains the following (as relevant) for the 'Malting's Site' (inclusive of the subject site):
 - (a) Redevelopment of large sites provides opportunity for strengthening the built form edge to the river;
 - (b) Opportunities to intensify land uses will strengthen Yarra's employment base through the conversion of redundant industrial or manufacturing land uses.
 - (c) A precedent for height has been established on the Maltings site that has since been reinforced by the Era development and Planning permit issued for 17-21 Harcourt Parade. Heights generally permitted between approximately 36m and 37m.
 - (d) The Comprehensive Development Zone that applies to the Maltings site, ERA development and planning approval for Harcourt Parade, further support this precinct as an emerging pocket of taller development.
 - (e) Reinforcing the role of Balmain Street and Cremorne Street as primary vehicular access to and from the precinct will deter vehicles from travelling through the surrounding network of small residential streets to enter and exit the precinct.

- (f) Strengthening connections to public transport networks promotes active modes of transport.
166. Whilst adopted, the SSSP has yet to progress to the formal amendment stage and has limited statutory weight, but to the extent that the building achieves the above rationale, and principles of the height anticipated for this site, particularly when compared to the development already approved at the 'Maltings Site', it is considered that it can be supported.
- Yarra Spatial and Economic Employment Strategy - August 2018 – (SEES)*
167. The Yarra SEES was adopted by Council in September 2018, which is intended to assist Council to understand, and capitalise on, Yarra's economic strengths and respond to the key trends and economic drivers over the next 10 to 15 years.
168. The Spatial Economic and Employment Strategy (SEES) includes 6 directions or strategies which inform policy in the Scheme.
169. The subject site is identified as being located within the Mixed Employment Precinct (Major) within Figure 39 at page 60 and of relevance is Strategy 2 which is to retain and grow Yarra's Major Employment Precincts. Essentially, the strategy intends to accommodate projected demand for commercial floor space Yarra's two large consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities. These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts except in the comprehensive development zone which specifically permits residential development.
170. The following direction is provide for the Cremorne / Church Street Precinct at page 65 of the SEES:
- (a) Cremorne/Church St south precinct The Cremorne precinct is also strategically located with respect to public transport, the arterial road network and CBD. Given its current employment focus and the projected demand for employment floor space, retention and intensification of employment should be the focus of renewal efforts. Growth of the Kangan Institute, which specialises in fashion and retail training, should be supported for adding to the diversity of employment but also to underpin a competitive strength for creative firms in this precinct.
171. Whilst adopted, the SEES has limited statutory weight. However, the proposal is supported to the extent that it achieves the direction and vision stipulated for the subject site.

Advertising

172. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 2,692 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 7 objections, the grounds of which are summarised as follows):
- (j) Scale of development
- (k) Traffic and car parking
- (l) Oppose additional restaurants and impact on amenity
- (m) Deletion of residential component
- (n) No bicycle network improvements
- (o) Waste collection and impact on surrounding streets
- (p) Impact on adjacent developments
- (q) Narrow footpaths
- (r) No designated smoking areas

173. Due to the COVID-19 pandemic, a consultation meeting was not held by Council.
174. To address concerns raised by officers, objectors and referral advice, the application was amended under section 57(a) of the *Planning and Environment Act 1987* (the 'Act;') on 9 March 2021.
175. Amongst other changes, the proposal has been amended as follows:
- (a) Ground floor changes including presentation to Gough Street amended waste rooms, bike storage and entry points;
 - (b) Material changes; and
 - (c) Updated reports.
176. Where relevant these plans will be referred to throughout the report.

Referrals

177. The referral comments are based on both the original application plans and the S57A plans as relevant

External Referrals

178. The application was referred to the following authority
- (a) Melbourne Water; and
 - (b) Department of Transport
179. Melbourne Water provided comments on 21 September 2020 confirming that the conditions outlined in their letter to VCAT of 18 July 2017 (being the existing conditions on the permit) are still applicable. It should be noted that the numbering of the condition on the permit no longer correlate with the original referral letter due to amendments being made to the permit.
180. All Melbourne Water conditions will need to be complied with.
181. The Department of Transport has consented to the deletion of conditions 94 and 95 as there are no bike share schemes operating.
182. Referral responses/comments have been included as attachments to this report.

Internal Referrals

183. The application was referred to the following units within Council:
- (a) Engineering
 - (b) Strategic Transport
 - (c) Open Space (landscape);
 - (d) ESD;
 - (e) Waste Management;
 - (f) Heritage; and
 - (g) Building (structural advice)
184. External Consultants
- (a) Rob McGauran (Urban Design)
 - (b) SLR (Acoustics)
 - (c) Traffix Group (Traffic)
 - (d) Mel Consultants (Wind)
185. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Principles relevant to assessment of an application under section 72 of the Act;
- (b) Policy and strategic support;
- (c) Use
- (d) Built form;
- (e) Landscape and Public Realm
- (f) Car & bicycle parking, loading, traffic and access;
- (g) Other Matters including waste management, sustainability, wind;
- (h) Compliance with permit conditions;
- (i) Amendment to permit structure and
- (j) Objector concerns

Principles relevant to assessment of an application under section 72 of the Act

187. The following key principles apply to an assessment of an application under section 72 of the Act:

- (a) legislation provides a legitimate opportunity to consider amendments to permits regardless of the time that has passed since the original decision;
- (b) it is well-established authority that, in an application to amend a permit, a decision-maker must confine its considerations to the proposed amendments to the permit. What has been approved and not proposed to be changed is not open for reconsideration;
- (c) the proposed amendments must be assessed on their own merits, and not by reference to whether they are “better” or “worse” than the situation approved under the current permit;
- (d) while the scope of consideration is limited to the amendments, the implications of the amendments need to be understood in the context of the development as a whole; and
- (e) in assessing the planning merits of the amendment, the relevant test in the exercise of the discretion is whether the proposal would result in an acceptable planning outcome as opposed to an ideal outcome when having regard to the relevant planning policies currently applicable to the subject land, and not the policies that were in place at the time of the original grant of the permit (unless an application benefits from transitional provisions in the Scheme).

188. As such, the application must be assessed on its planning merits.

Policy and Strategic Support

189. The amended proposal continues to offer a mixed use development in an area where policy directs such development.
190. The context of assessing the application for an amendment against strategic policy is firstly recognising that a development is already approved for the site and the policy context for the subject site is generally consistent with that relevant at the time of approval in January 2018.
191. The most relevant policy guidance for this site is contained within the CDZ3 which is a site specific control.
192. The purposes of the CDZ include:
- (a) To allow a comprehensively staged, mixed use development on the site which will create activity during the day and evening and generate local employment opportunities.

- (b) To conserve and enhance key heritage buildings through refurbishment and reuse.
 - (c) To allow the continuation of limited major advertising in the precinct.
 - (d) To ensure that development on the site will complement and enhance the Yarra River environs.
 - (e) To ensure the combination of uses, their density and the scale and character of development does not prejudice the amenity of the surrounding area.
 - (f) To retain the visual dominance and preservation of views of the landmark Nylex sign and associated silos through the sensitive siting of new building envelopes on the site. To provide a well designed, attractive open plaza space within the development which is accessible to the surrounding community.
 - (g) To ensure a high quality architectural response to the site that acknowledges and is respectful of the scale and form of buildings within the site and its immediate environs.
193. The proposal in its amended form continues to satisfy the various land use and development objectives within state and local policies. Additionally, state and local policies (such as clauses 11.02-1S and 21.04-3) encourage the concentration of development near activity centres (with the Swan Street Major Activity Centre located 500m north), diversifying employment opportunities and more intense development on sites well connected to public transport.
194. The site continues to provide a mixed of commercial uses meeting the objectives of clause 17 relating to economic development.
195. 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.*’ Council’s Municipal Strategic Statement seeks to ‘*ensure that new development contributes positively to Yarra’s Urban fabric*’ (Objective 20) and also ‘*maintain and strength the identified character of each type of identified built form within Yarra.*’ (Objective 23).
196. Both State and local policies (clause 15.02-1S, 21.07-1) support energy and resource efficiency through environmentally sustainable development, consolidation and integration of urban development and supporting low energy forms of transport.
197. The site is also located close to several public transport options including trams, trains and buses. Bicycle routes along the Yarra River and Cremorne in general provides a better connected journey for cyclists. The development satisfies the objectives of clauses 11.02-1S, 11.03-1 and 18.01-1S of the scheme.
198. The subject site continues to be located in an area identified as being suitable for redevelopment with the proposed amendment continuing to be responsive to its approved built form context and continues to enjoy broad policy support.

Use

199. There are a number of purposes of the CDZ3 as relevant to land use, they include:
- (a) To allow a comprehensively staged, mixed use development on the site which will create activity during the day and evening and generate local employment opportunities.
 - (b) To ensure the combination of uses, their density and the scale and character of development does not prejudice the amenity of the surrounding area.
200. The amendment seeks to reconfigure a number of spaces resulting in a number of uses moving locations and/or changes to floor areas of these uses and most notably the deletion of the dwellings and the replacement with office floor area.
201. In summary, the proposed floor areas changes include:
-

Use	Approved Development	Proposed Amendment	Difference
STAGE 2A			
Office	4,761sqm	3,253 sqm	- 1508 sqm
Shop	84 sqm	0	- 84 sqm
Café	84 patrons	84 patrons	No change
Restaurant	315 patrons	435 patrons	+ 120 patrons
Hotel	200 rooms	201 rooms	+ 1 room
STAGE 2B			
Dwellings	173 dwellings	0	-173 dwellings
Office	284 sqm	17,086sqm	+ 16,802 sqm
Restaurant/Function Centre	200 patrons	250 patrons	+ 50 patrons
Art Gallery	450sqm – 50 patrons	505sqm – 50 patrons	No Change

202. The amendment seeks to shift the focus of the development to a more commercial mixed use development which is consistent with the purpose of the CDZ3.
203. The deletion of the dwellings while regretful is acceptable, and its replacement with a significant commercial offering is consistent with the identification of Cremorne’s significant economic role as an Enterprise Precinct. Importantly, the use of land for the purpose of office does not require a planning permit.
204. The amendment seeks a change in the number of hotel rooms by an increase of 1, this change is inconsequential to the already approved permit. The permit will need to be amended to reflect this change.
205. An increase in the number of restaurants/function spaces on the site is proposed to be increased with a new restaurant proposed at level 12 of Building B6, a new restaurant on the ground floor of Building B9 orientated to Gough Street and a reorganisation of the roof top restaurant to Building B9.
206. Overall the proposed number of patrons on site for the restaurant/function centre use is sought to be increased from 515 patrons to 685 patrons. Importantly no permit has been sought for liquor and this has not been considered as part of this amendment assessment.
207. The existing permit controls the hours of operation to typically between 6:00am and 1:00am every day for the restaurants.
208. Acoustic reports were lodged with the amendment application specifically addressing condition 58 of the permit.
209. Specific to restaurant/function centre use, condition 58(f) required:
- (a) *Address the impact of the restaurants, food and drinks premises (café), shops, function centres, exhibition centre, art gallery and venue on residents on and off site;*
210. The submitted reports were peer reviewed by Council’s contract acoustic engineers SLR who concluded that the acoustic treatments proposed are generally acceptable.

211. It has been accepted previously that these are compatible use with the mixed use nature of the site and surrounding area and subject to maintaining general amenity conditions, patron numbers and hours of operation conditions, the intensification of these uses is acceptable.

212. Car parking will need to be considered as a result of floor area changes and this will be discussed later in the report.

Built form (Urban Design and Heritage)

213. When considering the design and built form changes proposed by the amendment, the most relevant aspects of the scheme are provided at Clause 15 (Built form and Environment), Clause 21.05 (Built Form), Clause 22.10 Built form and Design Policy) and the provision of the CDZ3 zone, more specifically the 'Planning and Design Principles for the Richmond Maltings site, Cremorne, - November 2007.

214. The suite of policy directed to built form outcomes support development that responds to its existing or preferred neighbourhood character with particular regard given to height, massing, street setbacks, relationships to the adjoining buildings and heritage.

215. When considering policy, the consideration needs to be limited to the proposed amendments and not a complete reassessment of the application. The site already has an approval for a substantive redevelopment of the site.

216. Importantly as the site is included on the State Heritage Register and has a number of relevant approvals on the site, limited consideration on heritage matters will form part of this assessment.

Buildings B4 & B5

217. Heritage Victoria have endorsed plans relevant to the works to these buildings.

218. No changes to these buildings are proposed by this amendment.

Remaining Buildings

219. In order to assess the amendment, each of the remaining buildings will be discussed in turn with concluding comments made regarding the entire site.

Building B6

220. The changes proposed to Building B6 can generally be described as minor and include:

- (a) Ground level back of house arrangement and norther elevation; and
- (b) Addition of winter gardens to the southern elevation addressing existing condition 1(v) of the permit.

Ground Floor

221. The ground level northern façade has been modified to regularise the staggered ground level glass line and improve the previously blank walls presenting to the internal courtyard (required by condition 1(q)).

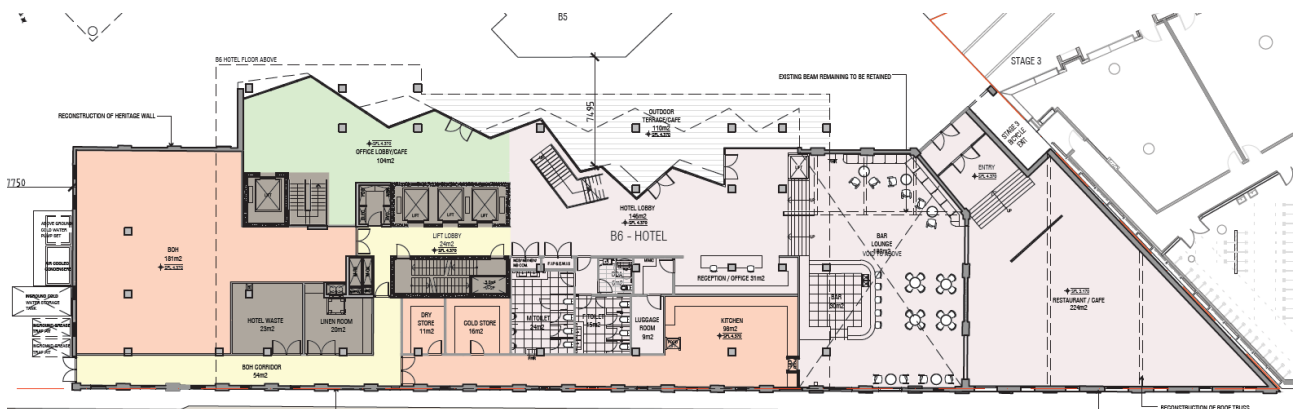


Figure 20 – previous ground floor building B6 (not endorsed)

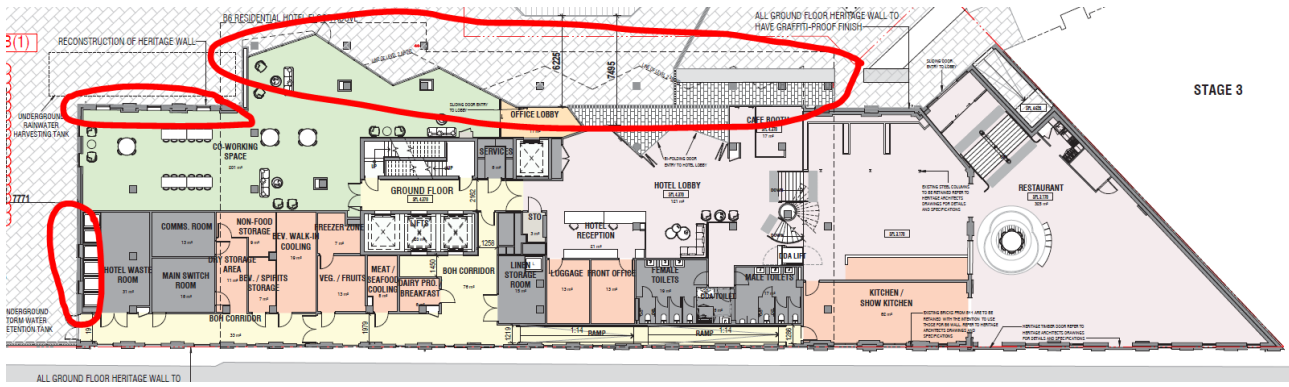


Figure 21 – proposed ground floor building B6

222. The changes are shown in red above are either consistent with the conditions of the permit or are a minor design changes which simplifies the irregular glass line of the façade, both changes are considered to be acceptable changes.

Winter gardens



Figure 22 – previous south elevation (not endorsed)



Figure 23 – proposed south elevation

223. Condition 1(q) of the permit required the insertion of balconies to the southern elevation of the building. The amendment proposes the insertion of louvred winter gardens which add another textural element to the façade while being respectful of the glazed wall system that has been previously approved.

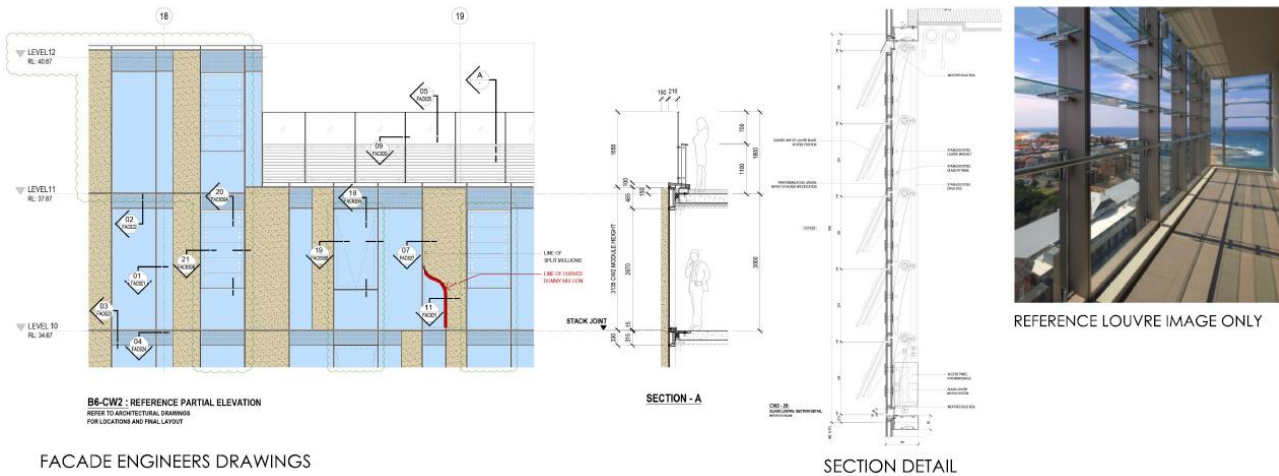


Figure 24 – proposed south elevation – winter garden detail

224. The insertion of these winter gardens improves the internal amenity of the hotel rooms while maintaining a level of acoustic insulation as these hotel rooms interface with freeway.

225. Greater design detail is required to ensure consistency in the façade system, a sketch plan has been provided by the permit application and this will form a condition of the amended permit.



Figure 25 – proposed south elevation – winter garden render

226. The balconies are considered to be a cohesive design addition to this elevation and successfully address the condition of the permit.

Building B8

227. Design changes proposed to Building B6 including:

- (a) Ground floor relocation of services, addition of a ramp to stair and 1.5m wind screen to the north as required by wind report, additional glazing to the east and west façade and column placement amended.
- (b) Level 1 and above, additional structural supports added to west elevation and internal stair relocation.
- (c) Level 7, deletion of windows to west elevation and retention of existing painted signage.
- (d) Addition of louvres to plant area

Ground Floor

228. The ground floor presentation to Gough Street is proposed to be varied with the relocation of the access point from Gough Street to the western side of the building with the addition of a ramp and a 1.5m screen designed for wind mitigation purposes (see images below).

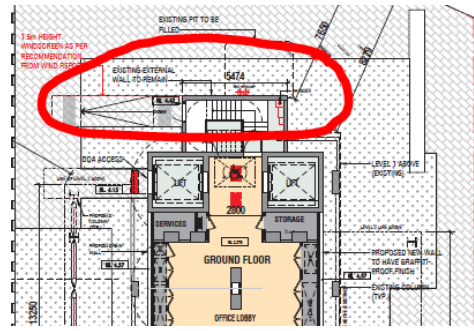
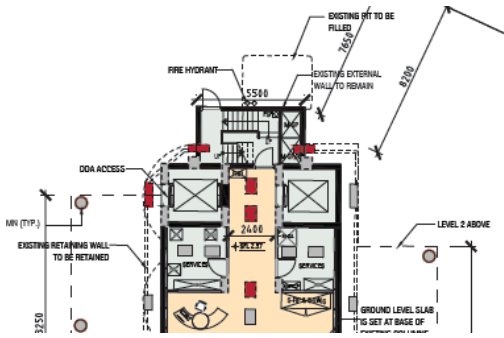


Figure 26 – previous part ground floor (not endorsed) Figure 27 – proposed part ground floor

229. This change is marginal and subject to a condition detailing the wind mitigation screening device, this change is acceptable.

Structural supports

230. A further change to this building is the addition of further structural supports to the west elevation of the building. The amendment was accompanied by a letter a civil engineer who sought to address condition 1(x) of the permit which required:

- (a) *Deletion of structural supports at ground level unless no other option is possible as advised by a suitably qualified engineer.*

231. The supporting information was referred to Council’s building department who advised:

- (a) *I agree the new braced columns have been installed for structural support and restraint of the new upper level additions in order to comply with current legislation.*
- (b) *However, the new addition work appears to rely somewhat on its structural stability being connected to the existing silo which should not be the case.*
- (c) *.....*
- (d) *Confirmation should be confirmed that the new addition works is completely self-supporting for wind and earthquake loading with no reliance on the silo structure.*
- (e) *Further comment without structural plans and computations that another competent structural engineer should assess.*

232. The need for this bracing has not conclusively been dealt with and requires further consideration, the existing condition will remain and be amended to reflect the additional bracing of this building proposed along the western elevation.

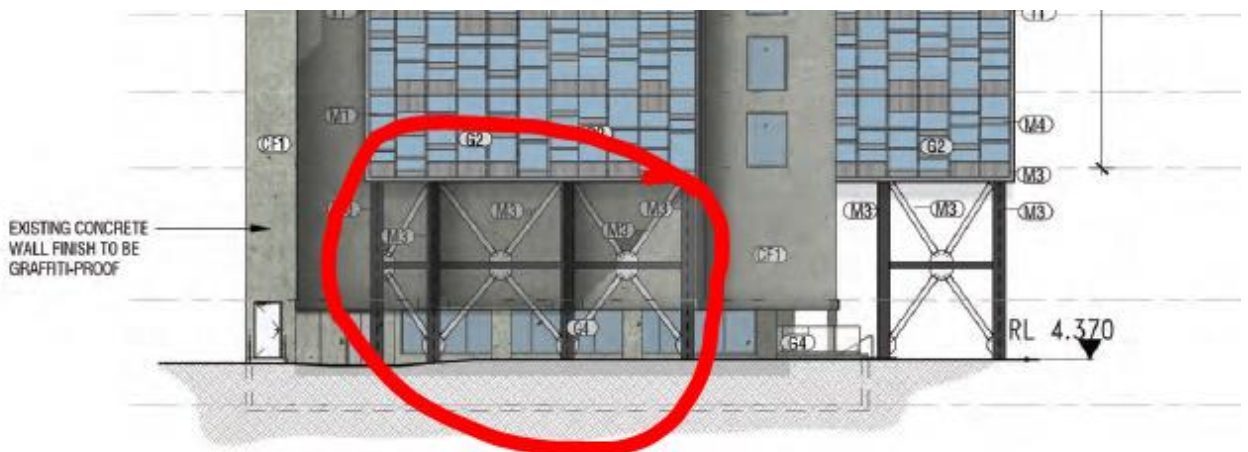


Figure 28 – proposed part west elevation

Painted Signage

233. On the western elevation of the existing silos are a series painted signs which are visible from the public realm (see image below). The amendment seeks to retain this feature on the silos and delete a series of window which were proposed to be cut out of the silo.

234. The deletion of the windows is considered acceptable as original signage on the silos will be retained, the floor plans will need to be updated to show the deletion of all windows at this level with new window placement possibly to the south to ensure sufficient light into the office space is made available.



Figure 29 – existing silo building

Louvres

235. Louvres are proposed to be added to the northern end of the silos as per the requirements of the mechanical engineer.

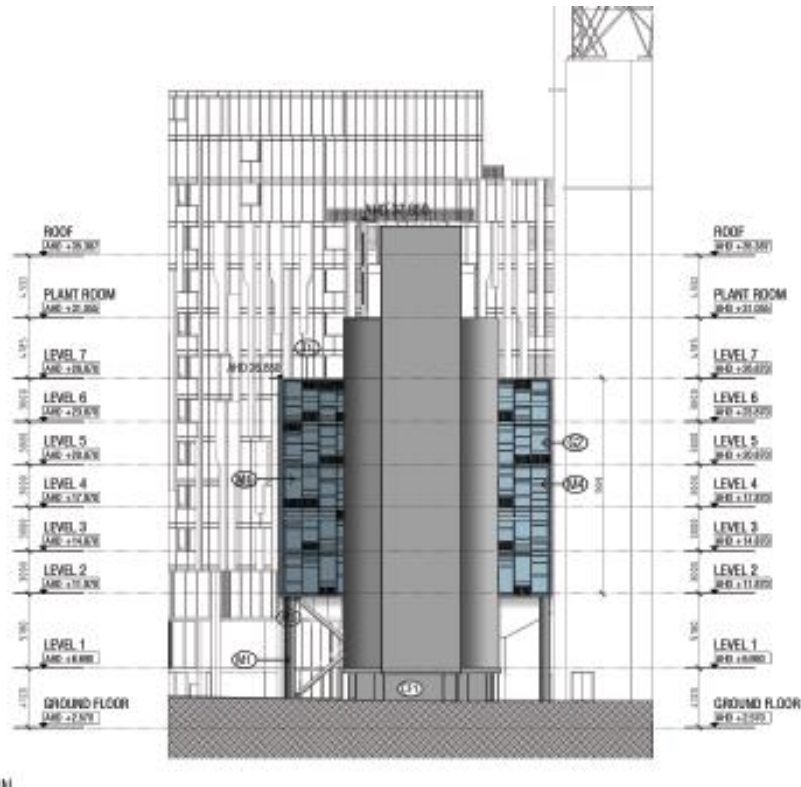


Figure 30 – previous north elevation (not endorsed)

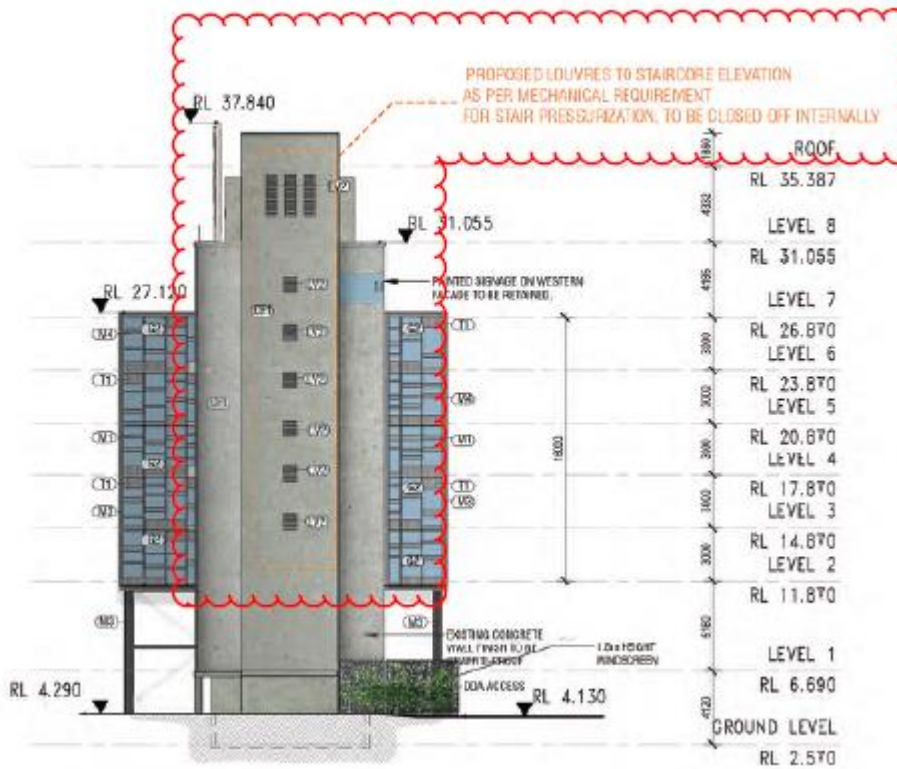


Figure 31 – proposed North elevation

236. As evident by the existing images of the silos, these openings already exist and use of these is consistent with the former industrial use of the structures, a view that is shared by Council’s Heritage Adviser.



Figure 32 – proposed render Building B9

237. The proposed variations to Building B8 are consistent with the existing approval and are considered acceptable.

Building B9

238. The change of use of Building B9 from dwellings to office will not significantly alter the external appearance of this building, however there are some amendments which propose changes to the approved built form which require further consideration including:

- (a) Ground floor interface and activation of Gough Street;
- (b) Substation interface with internal courtyard; and
- (c) additional bridges linking new building with retained silos.
- (d) Interface with adjoining property at 1- 3 Harcourt Parade.
- (e) Office vs residential

Gough Street

239. The relationship between Building B9 and Gough Street has been reviewed over the various iterations of the plans with concerns raised during the course of the last amendment regarding the amount of vacant space (accessways, services and the like) occupying this frontage.

240. A condition of the permit requires (condition 3k):

- (a) *Reduction in the provision of serviced along Gough Street to improve pedestrian connectivity with Gough Street.*

241. Below is an image of the plans as they were proposed at the time of the imposition of this condition.



Figure 33 – previous part ground floor plan (not endorsed)

- 242. Forming part of the amendment was a response to this condition which outlined why the servicing was required to be located to Gough Street and that moving this internal to the site was not necessarily possible.
- 243. Council consultant urban designer along with officers raised concern with the extent of blank frontage to Gough Street and that the development needed to better respond to this interface.

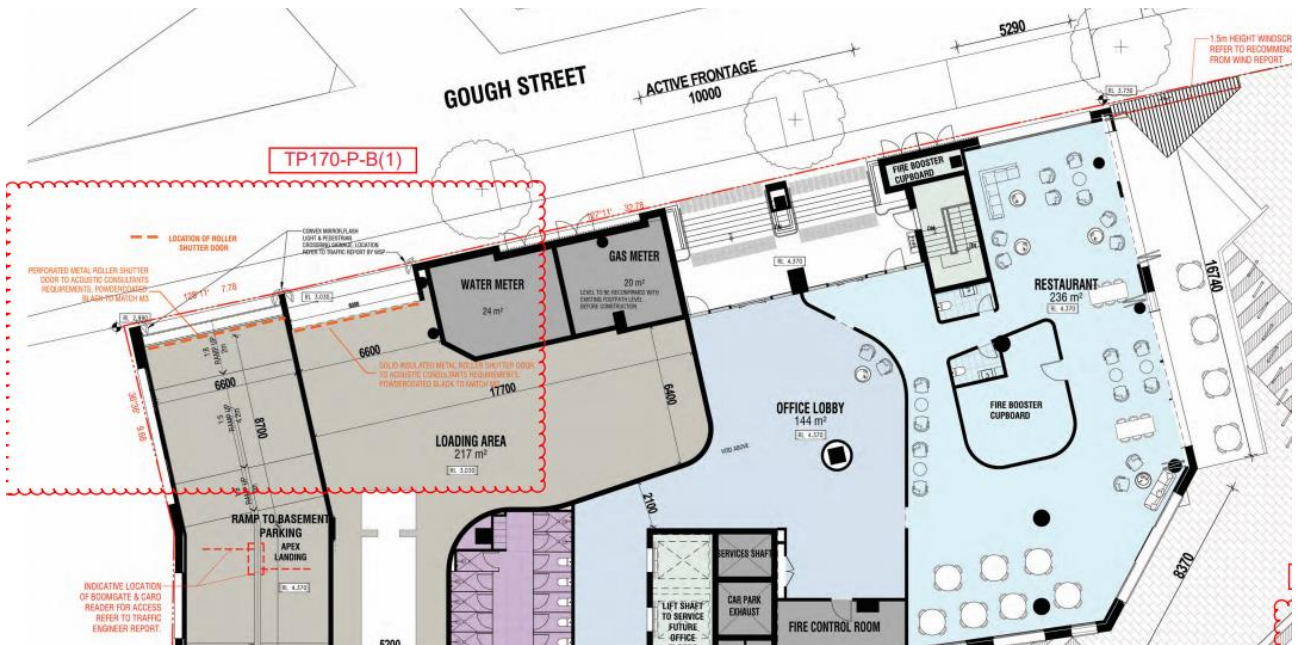


Figure 34 – proposed part ground floor



Figure 35 – proposed Gough Street render

244. In response, the S57A plans have sought to address this concern by modifying the design presentation of the services element through use of less dominate materials and have proposed to incorporate a canopy to mark the entry to the building and landscaping to improve the presentation to the street.

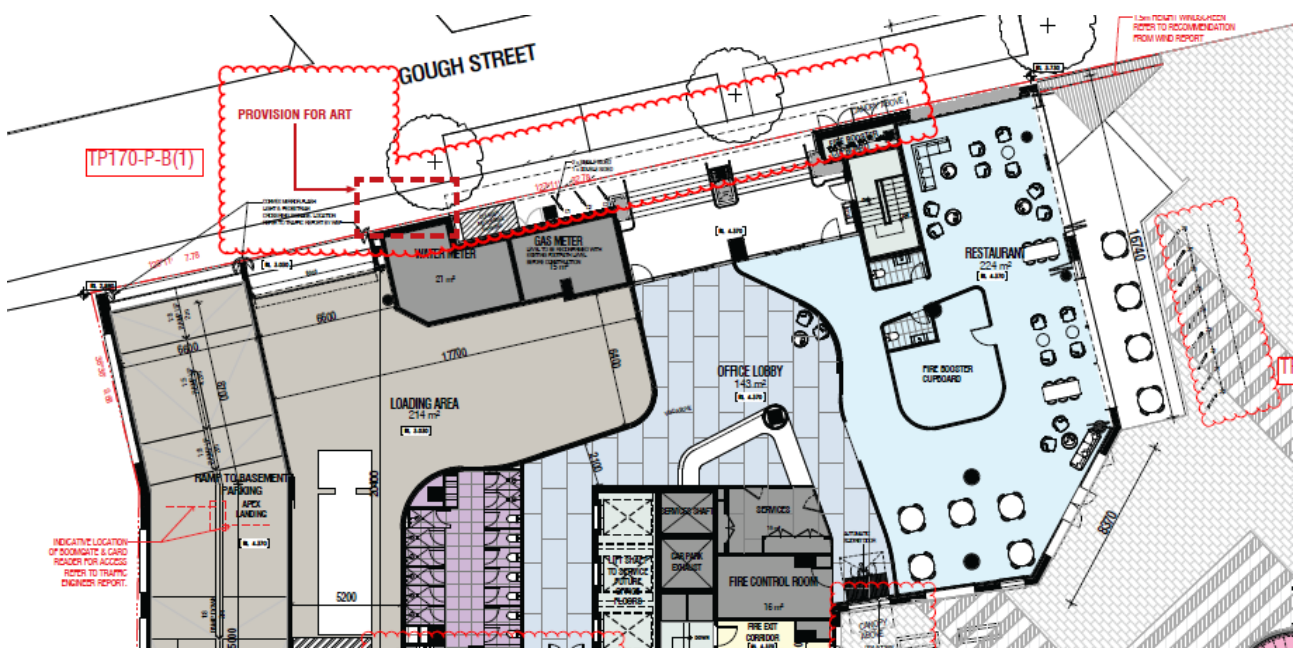


Figure 36 – proposed part ground floor



Figure 37 – proposed Gough Street render

245. It is acknowledged that the limiting of services to an active street frontage is always a preferred outcome however the design response proposed to Gough Street provides a good level of activation and improved interface through greater permeability of materials and use of the canopy, art and landscaping to appropriately respond to the street context.
246. It is noted that the landscape plan will be required to be updated by condition to reflect the additional landscape works to this section of the building.



Figure 38 – proposed Gough Street render

Substation

247. A substation within Building B9 has always been proposed with previous plans showing this located proximate to Harcourt Parade with the access to the substation located to the side away from the main internal landscape square with the front of the substation sleeved with activated spaces.

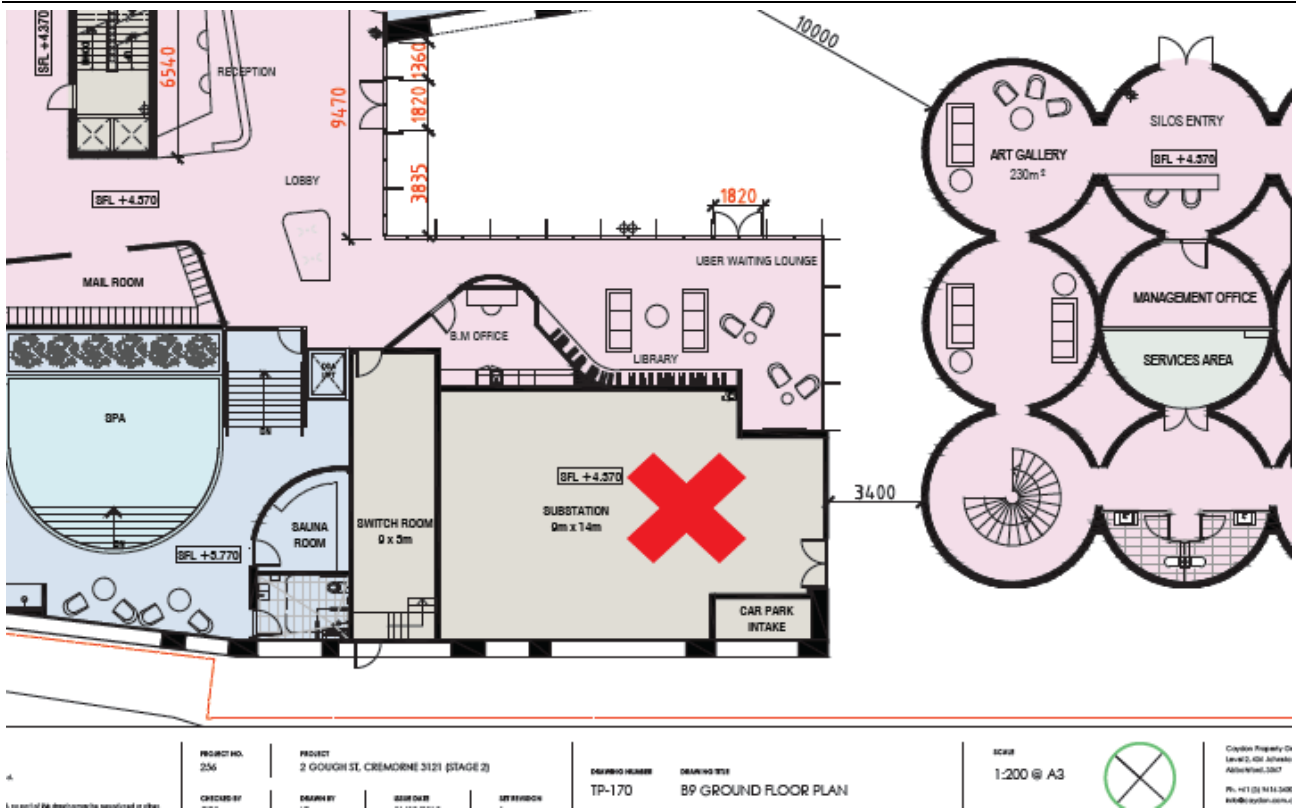


Figure 39 – previous part ground floor plan (not endorsed)

248. The amendment seeks to relocate the substation further north and proposes the access directly orientated to the internal square.

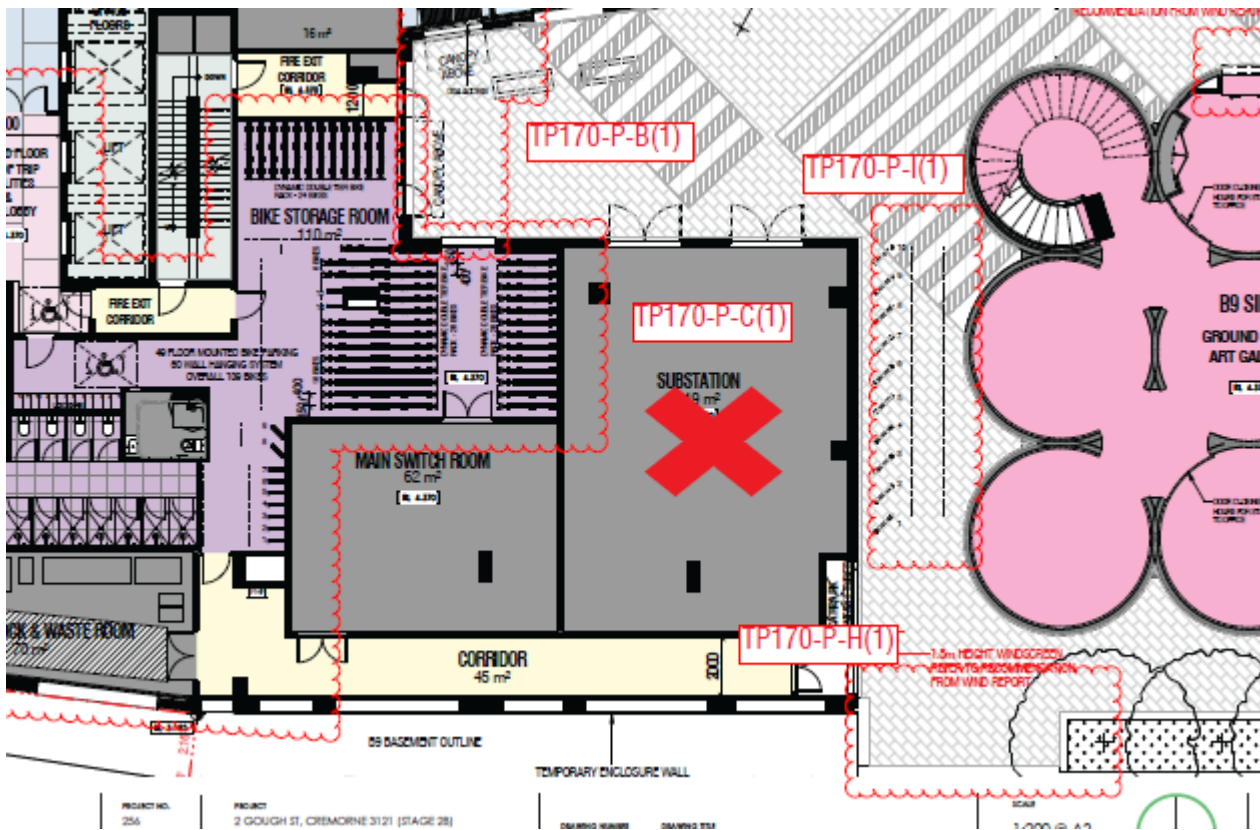


Figure 40 – proposed part ground floor



Figure 41 – proposed internal Street render

249. The internal square is a significant focal point for the development. Officers along with Council's consultant urban designer have raised concern with this element and sought additional information regarding opportunities to move this infrastructure to the east as per the previous plans or located this within the basement.
250. The permit applicant provided a written response from the relevant power authority who advised that neither option was acceptable.
251. Options to improve the visual amenity of the space has been explored by the applicant who have suggested:
- (a) Moveable art installation and or
 - (b) Installation of a vertical garden
252. A condition of any permit issued will require further exploration with the relevant authority to relocate the substation, if this is not possible the condition will provide for required improvements to the design of this interface which may include art and landscaping.

Air Bridges

253. Connectivity between the silos and the new office building is proposed to be increased by introducing additional bridges between the two buildings.

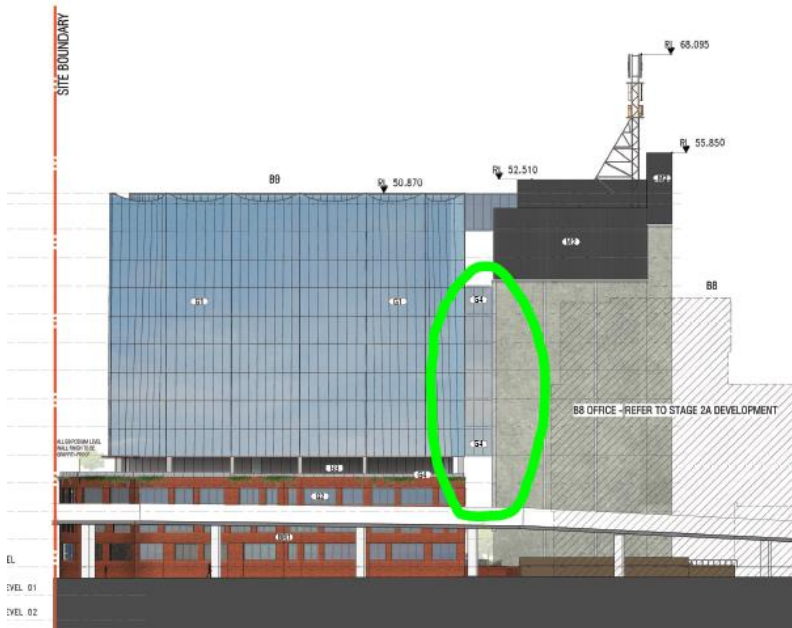


Figure 42 – proposed south elevation

254. Council's consultant urban designer has raised concern with this element and suggests that the extent of the bridged diminishes the profile of the historic silo structure. He suggests the deletion of connection points at levels 4, 5, 6 and level 9 to enable the silos to be read in the round (see image below).



Figure 43 – proposed south elevation – Urban design drawing

255. Conversely, Council's Heritage adviser is satisfied that the bridge connections are reasonably obscured from direct views.

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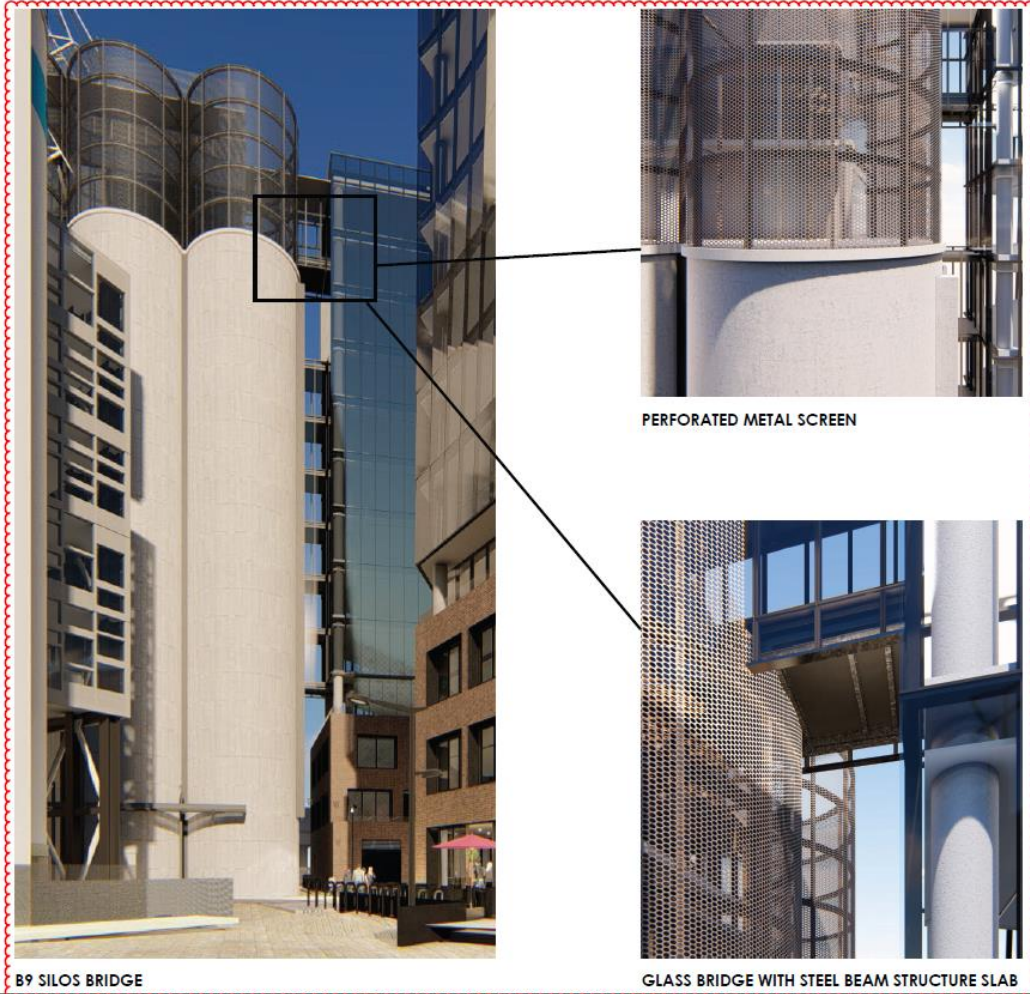


Figure 44 – detail sky bridge

256. Officers agree that the extent of connection between the two structures appears excessive and dilutes the presence of the silos on site. However, officers do not agree that the extent of connection removal as suggested by Council’s contract urban designer is required. A rationalisation of these connections needs to be made to ensure the silos are read as a stand alone feature and are not absorbed into the bulk of the new building.

Harcourt Parade Interface

257. The adjoining property to the west at 1 – 3 Harcourt Parade, Cremorne has approval for the construction of a hotel.

258. The existing approved development for this site approved windows to this boundary which are sought to be maintained by this amendment albeit deleting a lightcourt previously included to aid in daylight to habitable rooms windows associated with dwellings.

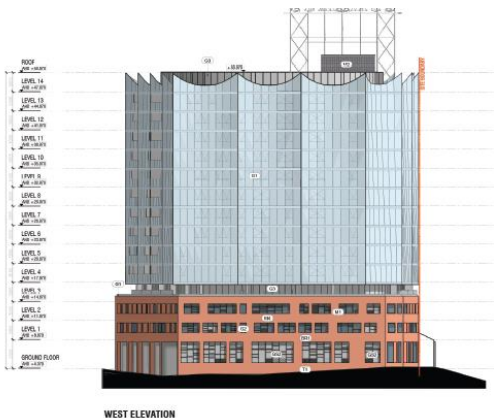


Figure 44 - Previous west elevation

Figure 45 - Proposed – western elevation

259. At ground level, the subject site locates a loading area immediately abutting the neighbouring property which similarly locates parking at this level.

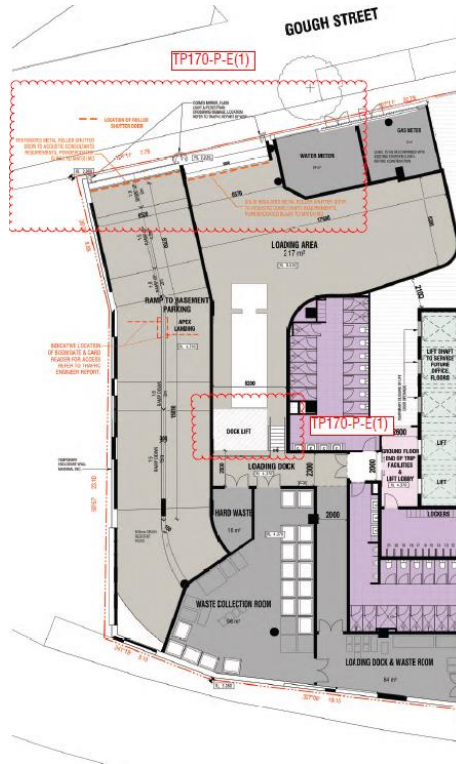
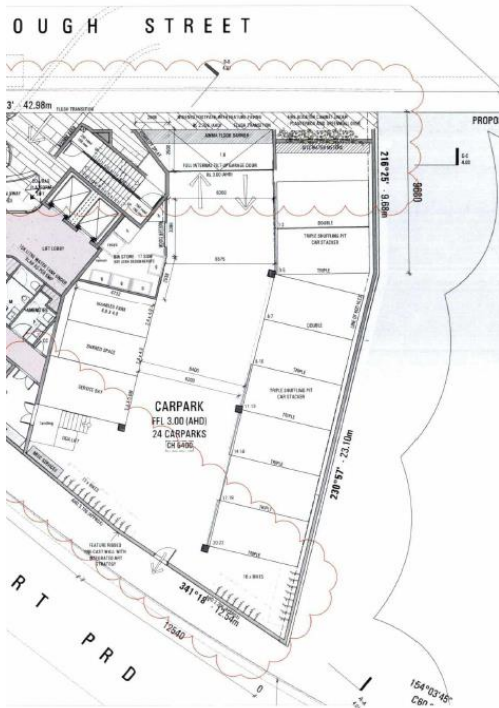


Figure 46 - PLN18/0002 – Ground floor

Figure 47 Proposed – Ground floor

260. The plans for 1 – 3 Harcourt Parade shows built form setback between 0 – 3m from the boundary with no habitable windows interfacing with the subject site. At level 1, the windows to the boundary facilitate daylight to the office space borrowing amenity from 1 – 3 Harcourt Parade. This is also replicated at level 2.

261. It is acknowledged that openings on the boundary is not typically permitted as these have no rights to light and will need to ultimately be fire rated. The existing permit (condition 3(k)) requires these to be deleted and replaced with a suitably treated interface to avoid a blank wall. There is no consequence for the deletion of these window as light is available to the office space from windows to the north and south and therefore it is recommended that this condition stay.



Figure 48 - PLN18/0002 – First floor

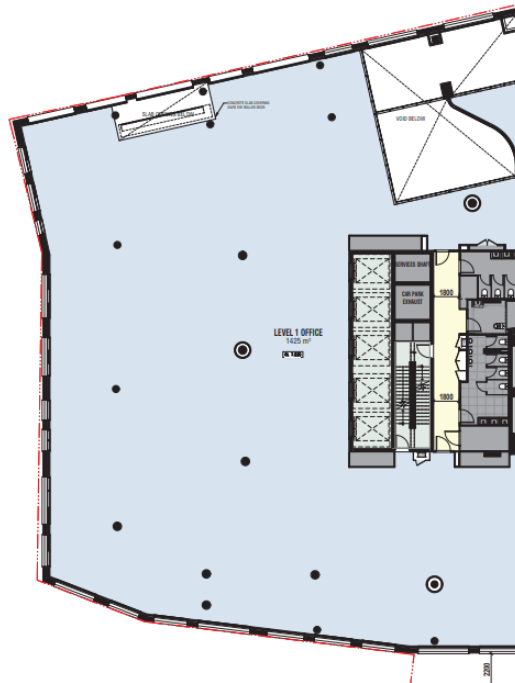


Figure 49 - Proposed – First floor

Facade

- 262. As a result of the change in use from a predominantly residential building to a commercial building, the fenestration has changed to accommodate a different use.
- 263. The architecture has deleted open balconies and operable windows and now proposes a curtain glass wall retaining the scalloped edges of the building.
- 264. It is noted that Council’s urban design was somewhat critical of the occupation of the vacant spaces previously allocated as balconies for the associated dwellings, however the design response accommodating a different use within the same building typology is considered acceptable.

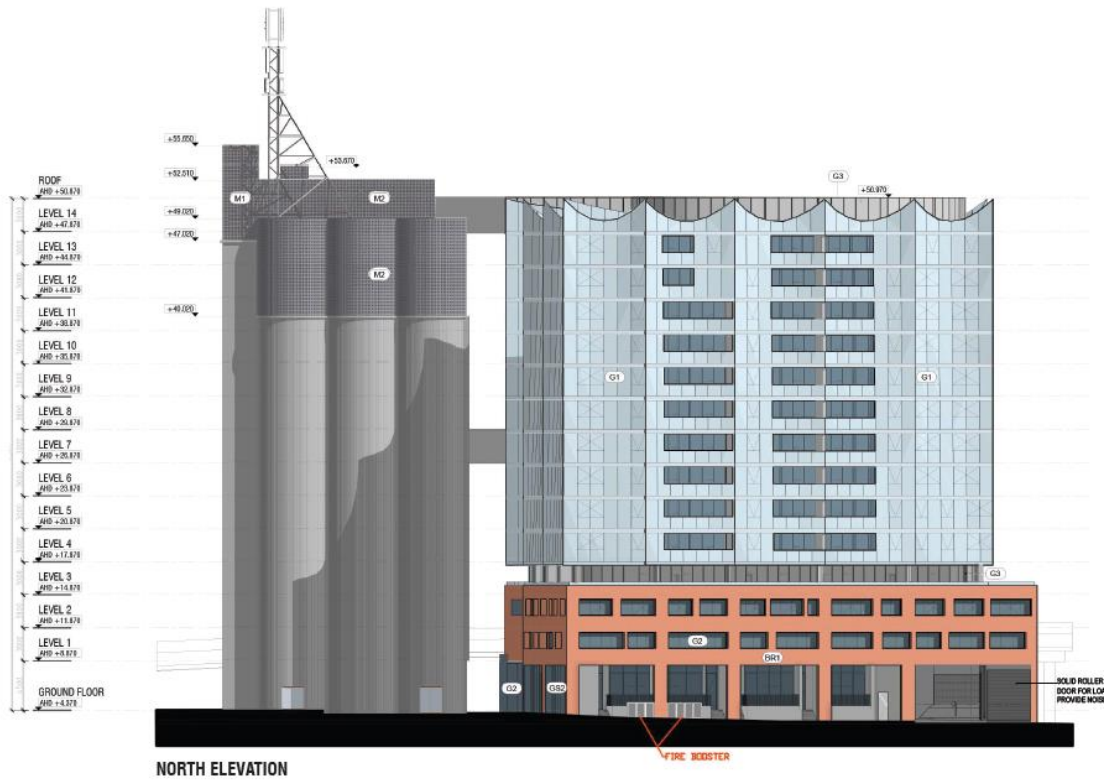


Figure 50 - Previous north elevation

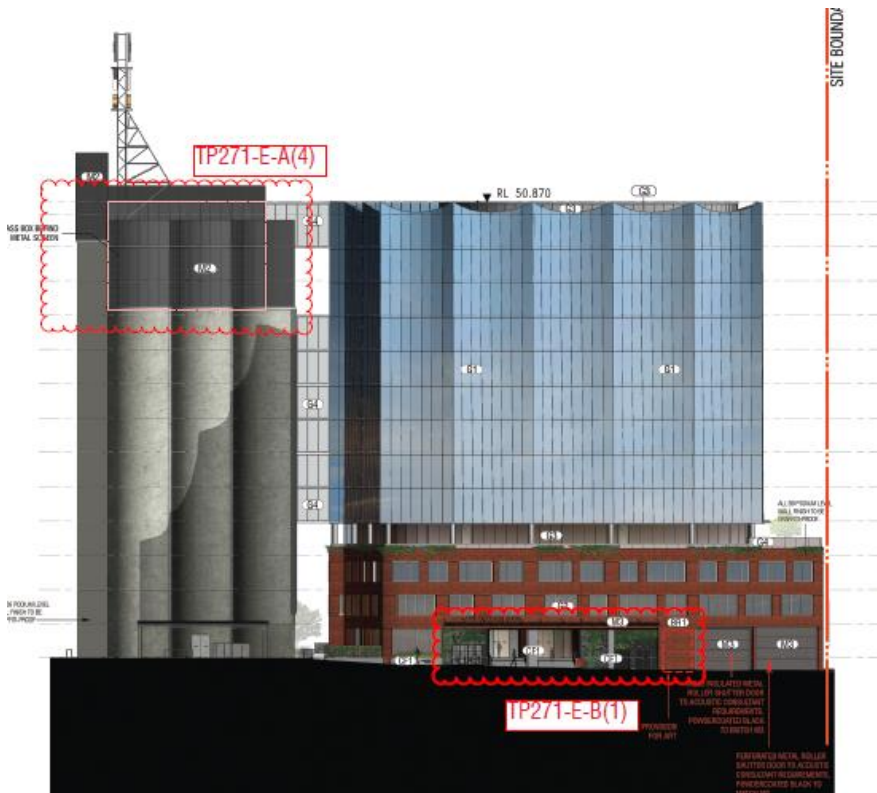


Figure 51 - Proposed north elevation

265. The overall height of the building has been generally retained albeit the number of floors have been reduced due to the increased floor to ceiling clearances required for a commercial use as opposed to a residential use.



Figure 51 - Previous render



Figure 52 - Proposed render

266. The language of the architecture has been retained and will generally present comparable to the development already approved.

[Landscape and Public Realm](#)

267. Forming part of the approval for the site, is an overall masterplan for landscape public realm improvements.

268. The previous amendment sought to pair back the proposed landscape concept which was not supported by officers and required a landscape concept which introduced a good amount of greenery to the site and provided a visually interesting ground plane with a mix of materials reflecting the former industrial nature of the site such as depicted in the landscape concept submitted as part of the VCAT proceedings.
269. The original landscape concept presented to VCAT introduced a good amount of greenery to the site and provided a visually interesting ground plane with a mix of materials reflecting the former industrial nature of the site.



Figure 53 – VCAT landscape concept

270. The amended landscape plan continues to seek to simplify and deletes a noticeable amount of planting

4.2 Precinct Plan

Legend

- Title Boundary
- FFL Proposed Building Levels
- ① Asphalt Paving to Gough Street
As per the City of Yarra Standard Details
- ② Bluestone Paving
As per the City of Yarra Standard Details
- ③ Irrigation Lawn Bed at Grade
- ④ Raised Garden Bed at Grade
Nominal 450-500mm in height
- ⑤ Brick Clad Seating Wall with Timber Top
- ⑥ Red Brick & Concrete Paving
- ⑦ Garden Bed at Grade
- ⑧ Bicycle Hoops
62no. bicycle parks provided for Precinct
- ⑨ Raised Brick Clad Planter on Structure
Nominal 1200mm in height
- ⑩ Pergola Structure
- ⑪ Concrete Wall with Timber Top
- ⑫ Precast Concrete Terraces



Figure 54 – Previously Amended Landscape concept – not supported

4.2 Precinct Plan

Legend

- Title Boundary
- FFL Proposed Building Levels
- ① Asphalt Paving to Gough Street
As per the City of Yarra Standard Details
- ② Bluestone Paving
As per the City of Yarra Standard Details
- ③ Irrigation Lawn Bed at Grade
- ④ Raised Garden Bed at Grade
Nominal 450-500mm in height
- ⑤ Brick Clad Seating Wall with Timber Top
- ⑥ Red Brick & Concrete Paving
- ⑦ Garden Bed at Grade
- ⑧ Bicycle Hoops
100no. bicycle parks provided for Precinct
- ⑨ Raised Brick Clad Planter on Structure
Nominal 1200mm in height
- ⑩ Pergola Structure
- ⑪ Concrete Wall with Timber Top
- ⑫ Precast Concrete Terraces



Figure 55 – Amended Landscape concept

271. An existing condition on the permit requires for a new landscape concept to be prepared which reinstates much of the deleted detail which was shown in the original concept or a suitable alternative.

272. The submitted concept in general terms seeks to introduce decorative brick paving to the area surrounding building B9, it is not considered that the landscape concept has gone far enough and therefore the condition is proposed to be retained requiring further work to the landscape concept
273. It is noted comments outlined with the urban design referral that relate to the siting of buildings which has already been approved cannot be reconsidered as part of this application. The urban design referral comments on the lack of weather protection and identifies an opportunity to include a canopy to the south eastern corner of the ground floor restaurant of Building B9, this should be incorporated as a condition on the permit.
274. The landscape plans show public realm improvements as contemplated by the original approval for the site, this includes new street trees and reinstatement of redundant crossovers. The application was not required to widen the footpath along Gough Street and this is not proposed by the amendment.

Car & Bicycle Parking, Loading, Traffic and access

Car Parking

275. Car parking provisions was heavily debated during the course of the Stage 1 VCAT Hearing where reduced parking rates were supported being applied to the site. This approach was considered to be consistent with the strategic direction of reduced reliance on private motor vehicles outlined within the planning scheme.
276. Under clause 5 of the CDZ3 parking rates are included which would require a total of 708 car parking spaces be provided for Stage 2 (break down outlined below).

Land Use	Units/Area/Seats proposed	No. required	No. proposed	Reduction sought
Hotel	201 rooms	No specified rate		
Office	20,339m ²	528		
Art Gallery	505m ² or 50 patrons	No rate specified		
Function Space	1,336m ² or 100 patrons	No rate specified		
Restaurant	519 seats	155		
Cafe	84 seats	25		
TOTAL		708 spaces	228 spaces	480 Spaces

277. The CDZ3 provisions anticipate reductions to these rate with the relevant decision guidelines outlined as follows:
- (a) The likely demand for car parking spaces;
 - (b) The demand for car spaces generated by the uses established in previous stages of the development.
278. More recently, parking rates for office use within the Cremorne area have significantly reduced from the 2.6 spaces per 100sqm outlined with the CDZ3 provisions. More recent examples include:
- (a) Seek - 60 – 88 Cremorne Street, Cremorne - 0.72 spaces/100sqm or
 - (b) MYOB - 17 – 21 Harcourt Parade, Cremorne – 1.1 spaces/100sqm
279. When applying the rates accepted by the Tribunal for commercial development, the number of car parking spaces reduces significantly to between:

Land Use	Units/Area/Seats proposed	No. required	No. proposed	Reduction sought
Hotel	201 rooms	No specified rate		
Office	20,339m ²	Between 146 and 223		
Art Gallery	505m ² or 50 patrons	No rate specified		
Function Space	1,336m ² or 100 patrons	No rate specified		
Restaurant	519 seats	155		
Cafe	84 seats	25		
TOTAL		326 - 403 spaces	228 spaces	98 - 175 Spaces

280. The total number of parking spaces seeking to be reduced is between 98 - 175 spaces.

281. Specific to office use, a Tribunal decision regarding the car parking reduction associated with an office development (*KM Tram Enterprise Pty Ltd v Boroondara CC [2017] VCAT 1237*) discusses that office developments are 'prime candidates' for modal shifts to reduce reliance on private motor vehicles, making the following statements within the decision:

- (a) *In this context of a change from the 'business as usual' approach, I agree with Ms Dunstan that office workers are prime candidates for a mode change given their commuting patterns of travel to and from work during peak times. This is the time when public transport services run at highest frequencies and when Melbourne's roads are most congested. The combination of 'carrot' and 'stick' makes I viable for many office workers commuting to a site such as this to change from private vehicle to public transport.*
- (b) *I am not persuaded that the council's option of reducing the amount of office space so that it better aligns with on-site parking supply is consistent with planning policy. Plan Melbourne promotes '20 minute neighbourhoods' where most of a person's everyday needs can be met locally within a 20 minute journey from home by walking, cycling or local public transport. The everyday needs referred to include local employment opportunities along with shopping, education and community facilities.*
- (c) *Local employment opportunities in this context are not limited to retail or community services. There is benefit in encouraging office uses in the '20 minute neighbourhood mix', as it provides opportunities for business owners and their staff to work locally. I find this line of argument more persuasive than the council's position of limiting the amount of office floor space so that more cars can be brought into this part of Hawthorn.*

282. Additionally, a Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*) made numerous statements with regards to car parking reductions. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes. In this instance, the subject site is closer to public transport opportunities and the Melbourne CBD than the review site.

283. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;

- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*

- (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
- (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
- (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
- (e) *Policy tells us the future must be different.*
- (f) *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
- (g) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*

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

285. It is acknowledged, the proposed amendment seeks to change the composition of uses on site and seeks a further reduction in the provision of onsite parking from 245 to 228 spaces. This in part reflects the amended composition of the uses on the site but also noteworthy is that condition 71 of the permit requires a maximum of 245 car parking spaces on site for uses as part of the Car Parking Management Plan and this will be discussed below.

Parking Demand

286. Condition 71 of the permit outlines the requirement for a Car Park Management Plan which includes details for the allocation of spaces to each tenancy.

287. Officers referred the Car Park Management Plan internally to Council's engineering unit and externally to a consultant traffic engineering firm for advice.

288. A summary of the parking demand as proposed by the permit applicant is outlined as follows:

Use	Anticipated Parking Demand
Residential Hotel	13
Office	121
Café Staff	1
Restaurant	21
Restaurant/Function Centre	12
Gallery	2
Total	170 spaces

289. The demand for car parking has been peer reviewed by both Council and a consultant traffic engineer who agree that the figures outlined above are acceptable.

290. The key change to parking demand for the site is the shift from residential to now a predominantly commercial development and the large floor area associated with the office use and the additional restaurants proposed for the site.

Café/Restaurant/function centre and Art Gallery

291. The proposed amendment does include floor area changes (generally increases) to the following uses, restaurant, function centre, art gallery and café (no change in floor area).

292. An addition 170 patrons are proposed on site in the form of two new restaurants one at Level 12 of building B6 (120 patrons) and a new ground level restaurant at Building B9 (50 patrons).

293. The current allocation of car parking as outlined at condition 71 requires:

- (a) 1 café space;
- (b) 14 restaurant spaces;
- (c) 5 function centres spaces; and
- (d) 2 art gallery spaces

294. It is proposed that these figures should be increased in recognition of the additional floor space and or new spaces to:

- (a) 1 café space;
- (b) 21 restaurant spaces;
- (c) 12 function centres spaces; and
- (d) 2 art gallery spaces

295. For the purpose of this assessment both council and consultant engineers accept the outlined anticipated demand which will then form part of the amended condition 71 of the permit.

Office

296. The amendment seeks to increase the office floor area component from 5,020sqm to 20,0399sqm. The submitted traffic report seeks to allocate 121car parking to this use.

297. Car parking associated with such developments is generally long-stay parking for employees and short stay parking (approximately up to two house durations) for customers and clients. Council's engineering department have regularly confirmed that the actual parking demand generated by an office use is expected to be lower than the statutory parking rate of 2.6 spaces per 100 square metres of floor space, as the area has good access to public transport.

298. The application proposes a car parking rate of 0.6spaces per 100sqm of office floor area which is significantly lower than the rate outlined within the CDZ3 provisions.

299. Both Council and consultant engineers have reviewed this and both agree that the reduced rate of 0.6 spaces per 100sqm is acceptable for the following reasons:

- (a) The parking rate is consistent with recent approvals within the Cremorne area over the last 5 years which has an average rate of 1.07 car parking spaces per 100sqm – lower in more recent developments;
- (b) The low rate limits the traffic impacts of the office use;
- (c) Cremorne is well serviced by alternative transport modes and is ideally places to accommodate low levels of car parking;
- (d) There is no ability for staff to park off-site (other than the commercial car park), due to existing parking controls; and
- (e) It accords with Council's sustainable transport objectives.

300. The reduced rate of the office use is considered acceptable

Hotel

301. The use of part of the site for the purpose of a hotel remains with the increase in the number of room limited to 1, the application proposes to allocate 13 spaces to this use and increase of 3 spaces which remains acceptable, this will be reflected in the new allocation schedule forming part of condition 71 of the permit.

Excess Provision of Parking

302. The submitted traffic report for the site foreshadows the potential for deleting basement 4, in effect deleting the availability of ‘excess parking’ above the anticipated demand.

303. Both Council and consultant engineers have reviewed this and both agree that the deletion of these spaces can be support based on empirical data.

304. Based on Council policy which supports a shift from private vehicle reliance to more sustainable modes of transport, the excellent access to public transport, on site bicycle facilities and the proximity of a commercial park which forms part of Stage 3 of the overall development site. A condition on any amended permit will seek to delete the excess parking from site and cap a maximum of 175 car parking spaces inclusive of the required 5 car share spaces on site.

Car Parking Conclusion

305. A total of 175 car parking spaces are to be located on the site, based on the above assessment the allocation of car parking spaces is as follows:

- (a) 1 café space;
- (b) 21 restaurant spaces;
- (c) 12 function centres spaces; and
- (d) 2 art gallery spaces
- (e) 121 office space
- (f) 13 hotel spaces
- (g) Car share – 5 spaces

Traffic

306. The consideration of traffic and parking impacts was rigorously examined as part of both VCAT hearings for both Stages 1 & 2. In the decision of Stage 1 (*Caydon Cremorne No.1 Development Pty Ltd v Yarra CC [2016] VCAT1177*) the tribunal summarised the traffic conditions as follows:

[86] There is a wide range of initiatives needed to address the traffic congestion issues in Cremorne. Most of these initiatives are beyond the control of the applicant in this case, and are the responsibility of the Council and VicRoads. Limitations on the provision of car parking is however one component of a wider strategy necessary to address traffic congestion generally and, in Cremorne specifically, that does fall within the ambit of the applicant’s responsibility. Notwithstanding our reservations about the Council’s lack of detailed policy analysis and development on this issue, the existing levels of congestion in Cremorne calls for an approach that at least begins the process of reducing the reliance on car dependency and encouraging increased use of alternative transport methods. The review site is one site where this approach can be usefully employed.

307. Summarised within the engineering referral, the following trip generation information has been provided:

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM

Office (121 spaces)	0.5 trips per space in each peak hour	61	61
Remaining Uses (49 spaces)	0.5 trips per space in each peak hour	24	24
Total		85 trips	85 trips

308. Council's engineering unit have reviewed the above information and in their view agree that the Peak hour traffic generation would be 85 trips. The volumes generated for the approved scheme would be approximately 80 trips at the peak with the amended proposal generating an additional 5 tips in each peak hour.
309. Council's consultant engineer also reviewed the figures and determined a figure of 8 additional vehicle movements rather than 5.
310. The conclusion however from both engineers is:
- (a) *The additional trips are not substantial; and*
 - (b) *It is not necessary to reduce the office parking further to match the previous traffic generation.*

Layout

311. Council's engineering unit have reviewed the plans and subject to the following design changes are satisfied with the layout of the car parking area:
- (a) Ramp grades and lengths dimensioned;
 - (b) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;

312. These will remain as conditions on any permit issued.

Loading

313. Council's engineering unit have reviewed the practicality of the loading facility and have deemed the outcome satisfactory.

Bicycle Parking

314. The proposed amendment seeks to increase bicycle parking 341 spaces. As outlined earlier in the report, the development is required to provide a total of 143 spaces under clause 52.34 of the scheme and is proposed to provide 1198 additional bicycle spaces.

315. Council's strategic transport unit identified that the proposal seeks to include:

- (a) 255 employee spaces; and
- (b) 80 visitor spaces

316. Best practice combined with statutory requirements would equate to a split of:

- (a) 241 employee spaces; and
- (b) 100 visitor spaces

317. The referral comment states that the proposed allocation of bicycle spaces is acceptable

318. Council's strategic transport unit were generally satisfied with the design of the bicycle parking space but required additional information to be shown clarifying the total number of visitor spaces and locations; the ground floor plans should number the bicycle hoops to clarify the total number provided. This will form a condition of any permit issued.

[Other Matters including waste management, sustainability, wind](#)

Waste

319. The applicant's three submitted amended Waste Management Plans (WMP) prepared by Irwin Consultants for Buildings B6, B8 and B9 and by WSP for Building B4 and B5 were assessed by Councils Waste Management unit and deemed satisfactory. A condition on any permit issues will require compliance with these updated reports.

Sustainability

320. Sustainability Management Plans were lodged for Buildings B4, B5, B6, B8 and B9 which were reviewed by Council's ESD officer and were considered to reasonably address the existing permit conditions subject to the following:

- (a) *Update all SMP to refer to most recent plans*
- (b) *Provide a STORM report for each building identifying a score >100% or target outcomes listed in column B (in Green Star table 26.2).*

321. A condition on permit will require the SMP's to be updated to reflect the above information.

Wind

322. The applicant has submitted a wind tunnel prepared by Vipac which has been peer reviewed by Mel Consultants. While general support is been provided for the methodology the following additional information is required:

- (a) Stage 2A:
 - (i) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
 - (ii) Confirmation that screen edges have been tested at high wind conditions;
 - (iii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;
 - (iv) Correct any inconsistency in data included within the report;
 - (v) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
 - (vi) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
- (b) Stage 2B
 - (i) Establishment of walking criteria to be minimum acceptable criterion for the wind effects assessment;
 - (ii) Correction of safety limit and comfort criteria threshold wind speeds as defined at Table 1 of section 3
 - (iii) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
 - (iv) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
 - (v) Information on point locations 60- 63
 - (vi) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
 - (vii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;

323. These recommendation will form a conditions of any permit issued.

[Compliance with Permit conditions](#)

Buildings B4 and B5

324. Submitted seek to close out three conditions relating to details on the plans. The conditions required:
- (a) deletion of the servery window facing Gough Street along the northern end of B4 (may be replaced with a window that does not function as a servery);
 - (b) consistency between the floor and elevation plans of B4 and B5;
 - (c) B4 and B5 windows as openable.
325. Relevantly, all three conditions have been met and shown on plan and will no longer form conditions on the permit.

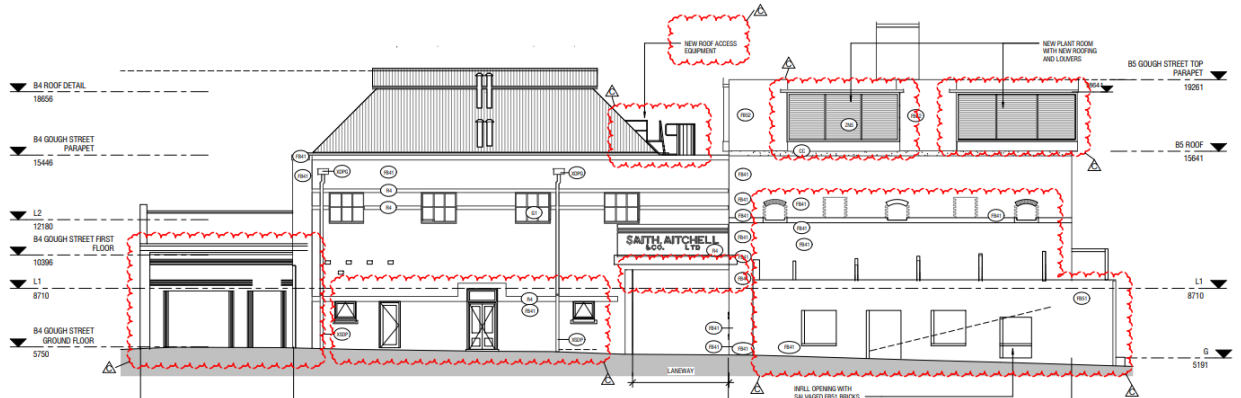


Figure 56 –North Elevation

326. Two additional conditions relevant to the uses required at condition 2(c & d):
- (a) the bakery/retail as a 'food and drinks premises (café)';
 - (b) location of heritage visitor centre within the ground floor to outline the history of the former brewery;
327. Both changes have been made to the plans and will be deleted from the permit.

Building B6

328. Condition 2(y) of the existing permit seeks:
- (a) details of the relocated sign (Victoria Bitter), including:
 - (i) dimensions;
 - (ii) the colour, materiality and lettering style;
 - (iii) the type and level of illumination;
329. This information has been shown on drawing HV_B8002 and will no longer form a condition of the permit.

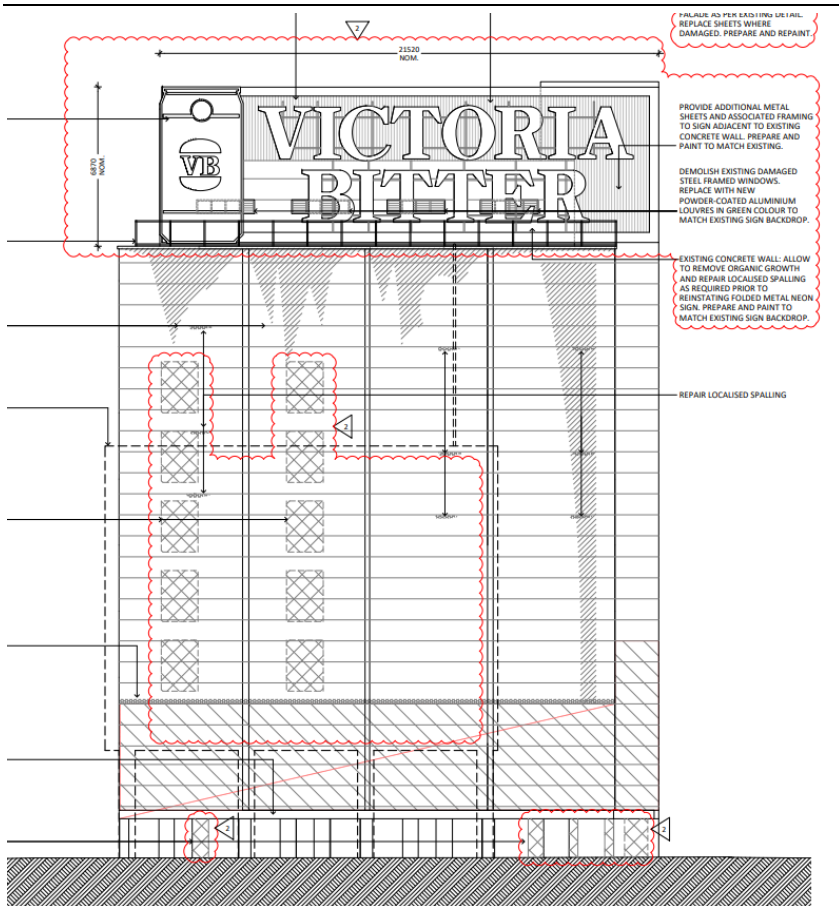


Figure 57 – Victoria Bitter sign

Amendments to Permit

330. The amendment application seeks to vary the preamble and conditions of the permit to reflect the plan changes. These changes are generally considered reasonable with the following changes proposed:

- (a) Amendment to preamble:
 - (i) Deletion of uses shop and dwellings as these are no longer proposed to form part of the development;
 - (ii) The use office is not required to be included in the preamble as the use does not require a permit.
- (b) Amendments to conditions
 - (i) Various amendments to conditions, were a condition have become redundant this will be identified as in **bold**
- (c) New conditions:
 - (i) A number of new conditions are sought to be imposed as a result of use and plan changes, these will all be shown in **bold** in the recommendation section below.

Objector Concerns

331. Objector concerns have been addressed within this report:

- (a) Scale of development – (paragraphs 213 – 265)
- (b) Traffic and car parking – (paragraphs 274 – 311)
- (c) Oppose additional restaurants and impact on amenity – (paragraphs 205 – 212)
- (d) Deletion of residential component – (paragraph 203)
- (e) No bicycle network improvements – (paragraph 313 – 320)

- (f) Waste collection and impact on surrounding streets – (paragraph 318)
- (g) Impact on adjacent developments – (paragraphs 256 – 260)
- (h) Narrow footpaths – (paragraph 273)
- (i) No designated smoking areas – the planning scheme does not require a designated smoking area to be provided, within the overall development there is ample external space which can be used.

Attachments

332. Attached to this report are the Section 57A plans, to view the advertised plans, please follow the link below:

<https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2020/09/07/pln15117602>

Conclusion

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

RECOMMENDATION

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

THE PERMIT ALLOWS:

Development of the land for buildings and works, including the construction of three buildings, use of the land as accommodation (residential hotel), function centre and restaurant, food and drink premises (café), art gallery, reduction in the car parking requirements and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B8 and B9).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Staging

- 1 The staging as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Stage 2A

- 2 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the application plans;

HV00 – HV13, HV30 – HV32, HV40 – HV42 HV_B8001 and HV_B8002 dated October 2015 and prepared by Lovell Chen and Caydon and TP-000 – TP-003, TP-010 – TP-011, TP-096 – TP-114, TP-130 – TP-144, TP-150 – TP155, TP-166 – TP170, TP-201- TP204, TP-231, TP-251, TP-301 – TP303, TP-500 – TP-501, TP-601 – TP-603, TP-650 – TP-701, TP-720, TP-750 – TP752 and TP-900 – TP-911 received 9 March 2021 and prepared by Caydon but modified to show:

Staging

- (a) The staging plan for Stage 2A to include:
 - i Building B4, B5, B6, B8 and Victoria Bitter Sign and all basement car park levels within Building B9 including all vehicular access and egress ways an loading area;
 - ii Building B9 outline on all relevant plans

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;

Built form

- (c) a complete set of detailed elevation and section drawings of all buildings clearly showing windows, doors, balconies and the like and to correctly label each use;
- (d) details of the fire booster cupboards and treatments;
- (e) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (f) treatment of all lower level walls with a graffiti-proof finish;
- (f) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;
- (g) location of all solar panels as outlined within the endorsed SMP;

Building B6

- (h) stair element to south elevation to be treated in another material or detail a patterned concrete finish;
- (i) details of the glazing treatment of B6 and concrete strip pattern to ensure a quality and cohesive design response;
- (j) **design detail of winter gardens to the southern façade of Building B6 to be generally in accordance with sketch plans received 5 May 2021 prepared by Caydon.**

Building B8

- (k) deletion of structural supports at ground level **and along the western elevation** unless no other option is possible as advised by a suitably qualified engineer.
- (l) design detail of proposed wind mitigation screen

- (m) **floor plans to correctly show deletion of windows to Level 7 in locations where they interfere with the proposed retain painted sign and an alternate light source be provided for the internal office space.**
- (n) **update drawing HV_B8001 to show retention of painted signage and deletion of new openings to the west elevation of the silos**

B9 Car parking/bicycle parking

- (o) a maximum of **245 175** spaces on site **with the deletion of a full or part basement level to reduce on site carparking** ;
- (p) ramp grades and lengths dimensioned;
- (q) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;
- (r) underside clearance of over-bonnet storage cages;
- (s) all bicycle parking spaces located to the satisfaction of the responsible authority;
- (t) an overall provision of **341** bicycle parking spaces;
- (u) **A minimum of 80 visitor bike spaces to be located at ground level, location and type to be specified on plan**
- (v) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans;
- (w) at least 5 car share spaces provided on site;
- (x) electric vehicle charging point locations
- (y) details of the roller/tilt doors to vehicular access and egress point and loading area;

General

- (z) a lighting plan addressing entries and public spaces within the development;
- (aa) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (bb) Location and details of the water tanks as outlined within the SMP (50,000 litre tanks in B6 and B8)
- (cc) changes (as necessary) as per the endorsed, façade strategy, landscape plan Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Stage 2B

- 3 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the application plans; **TP-000 – 003, TP-006, TP-100 – TP-114, TP170 – TP-183, TP-201 – TP-204, TP-271 – TP-273, TP-275 – TP-276, TP-301 – TP-302, TP-502, TP-750 – TP-751 and TP-900 – TP-911 received 9 March 2021 and prepared by Caydon** but modified to show:

Staging

- (a) The staging plan for Stage 2B to include:
 - i Building B9 and Nylex Sign
 - ii Buildings B6 and B8 interface with B9

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;

Built form

- (c) a complete set of detailed elevation and section drawings of all buildings clearly showing windows, doors, balconies and the like and to correctly label each use;
- (d) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (e) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;

Building B9

- (f) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (g) **relocation of substation away from internal square to improve interface with the public square. If that cannot be achieved, instillation of moveable public art which maintain access to the substation and vertical landscaping to improve presentation to the square;**
- (h) **addition of a weather protection canopy to the south-eastern corner of the ground level restaurant;**
- (i) **rationalisation (reduction) of number of air bridges to reduce the number of connection points;**
- (j) **plans to show location and detail of access into the ground level silos art gallery;**
- (k) details of above ground rainwater treatment plant adjacent to silos;

B9 Car parking/bicycle parking

- (l) All car parking and loading areas as endorsed under Stage 2A

Signage

- (m) details of the relocated sign (Nylex), including:
 - i dimensions;
 - ii the colour, materiality and lettering style;
 - iii the type and level of illumination; and
 - iv confirmation that the Nylex sign will be turned on.

General

- (n) a lighting plan addressing entries and public spaces within the development;

- (o) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (p) Location and details of the water tank as outlined within the SMP 60,000 litre tank in B9
- (q) changes (as necessary) as per the endorsed, façade strategy, landscape plan Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Occupation of Stage 2A

- 4 Prior to the occupation of any of the uses in stage 2A, the car parking, access and loading required for these uses must be constructed, completed and be to the satisfaction of the Responsible Authority.

General

- 5 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 6 After the relocation of the Nylex sign, the sign must be turned on to the satisfaction of the responsible authority.
- 7 As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) to the satisfaction of the responsible authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the responsible authority.

Façade Strategy

- 8 In conjunction with the submission of development plans before each stage, a Façade Strategy and Materials and Finishes Plan prepared in consultation with David Local Associates to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical facade details for all buildings;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes to include:
 - i the use of actual bricks (i.e. not snaplock) within the podium level of building B9

Landscape Plan

- 9 Before the plans required by Condition No. 2 or 3 of this permit respectively are endorsed, updated landscape plans generally in accordance with the **Landscape Architecture Plans & Report, prepared by Oculus, dated 9 April 2020** must be submitted to and approved by the Responsible Authority. When approved, the Landscape plans will be endorsed and will form part of this permit. The landscape plan must show:

- (a) Areas proposed to be landscaped (stage 2A or 2B)
 - (b) landscape concepts more consistent with those shown on LP01 – Ground Floor Plan dated 5 June 2017.
 - (c) street tree species for Gough Street to be – *Hymenosporum flavum*, 100L size or a suitable alternative
 - (d) the type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
 - (e) the location of all areas to be covered by lawn, paving or other surface materials;
 - (f) the specification of works to be undertaken prior to planting;
 - (g) details of the watering and maintenance regime;
 - (h) garden bed dimensions;
 - (i) areas of paving and proposed materials;
 - (j) the location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
 - (k) a clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
 - (l) water sensitive urban design [WSUD] features;
 - (m) a clear delineation of public/private interface;
 - (n) cross-sections of open space areas are required, confirming which areas are raised or sunken;
 - (o) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
 - (p) proposed treatments to unused roof areas;
 - (q) the location of street trees with no loss of on street car parking (excluding for the new crossover);
 - (r) location of bike parking within each landscape precinct;
 - (s) modified landscape treatment to area between B5 and B6 as shown in schematic plan contained within David Lock Associates advice dated 14 February 2020.
 - (t) **additional landscaping proposed to the Gough Street Façade generally in accordance with drawings TP-909 – TP-910 prepared by Caydon dated 3/3/2021**
- 10 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
- 11 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
- 12 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
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- 13 All pipes except down pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
- 14 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any wall located on a boundary facing public property must be treated with a graffiti-proof finish to the satisfaction of the responsible authority.
- 15 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,all to the satisfaction of the responsible authority.
- 16 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 17 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

- 18 The amenity of the area must not be detrimentally affected by the uses, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;to the satisfaction of the responsible authority.

B4 café

- 19 Except with the written consent of the responsible authority no more than 84 patrons are permitted in the B4 café at any one time.
- 20 Except with the written consent of the responsible authority the B4 café must only operate between the hours of 7am to 8pm, any day.

B5 restaurant

- 21 Except with the written consent of the responsible authority no more than 195 patrons are permitted in the B5 restaurant at any one time.
- 22 Except with the written consent of the responsible authority the B5 restaurant must only operate between the hours of 7am to 11pm, any day.

B6 restaurants

- 23 Except with the written consent of the responsible authority no more than 120 patrons are permitted in the **ground floor B6 restaurants** at any one time.
- 24 **Except with the written consent of the responsible authority no more than 120 patrons are permitted on the Level 12, B6 restaurants at any one time.**
- 25 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 6am to 11pm, any day.

B9 restaurants

- 26 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the roof top B9 restaurants at any one time.
- 27 **Except with the written consent of the responsible authority no more than 50 patrons are permitted in the ground floor B9 restaurants at any one time.**
- 28 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 7am to 1.00am, any day.

B9 Function centre

- 29 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the function centre at any one time.
- 30 Except with the written consent of the responsible authority the function centre must only operate between the hours of 8am to 11pm, any day.

B9 Art gallery

- 31 Except with the written consent of the responsible authority no more than 50 patrons are permitted in the art gallery at any one time.
- 32 Except with the written consent of the responsible authority the art gallery must only operate between the hours of 8am to 6pm, any day.

Victorian Bitter and Nylex signs

- 33 The location and details of the VB and Nylex signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 34 The signs must not include any flashing or intermittent light.
- 35 External sign lighting must be designed, baffled and located to the satisfaction of the responsible authority.
- 36 The signage component of this permit will expire if the signs are not erected within six years of the date of this permit. The responsible authority may extend the period referred to if a request is made in writing before the signage component of the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Structural report requirement

- 37 Before the demolition of either stage (2A or 2B) starts, a structural report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.

- 38 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the responsible authority.

Public Art Management Plan

- 39 Before either stage (2A or 2B) of the development is occupied, a Public Art Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - i materials;
 - ii colours;
 - iii dimensions;
 - iv content;
 - v special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 40 Before the final Stage of the development is occupied, buildings or by such later date as approved in writing by the responsible authority, the approved public art must be completed or security to the satisfaction of the responsible authority provided to secure its completion. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the responsible authority.

Public realm

- 41 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
- 42 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.

- 43 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.

- 44 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
- 45 Before each stage of the buildings are occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the responsible authority.
- 46 Except with the prior written consent of the responsible authority, Council assets must not be altered in any way. All public works require the consent of the responsible authority prior to any works being undertaken.
- 47 Pit lids and levels must be readjusted to match the surface of the footpath, to the satisfaction of the responsible authority.
- 48 Trees in the road reserves must be provided with structural soils to protect road pavements from damage by roots. The preferred tree cut size is 1.5m x 1.5m.
- 49 The layout of the street trees in Gough Street must show parking spaces between trees.
- 50 All street tree planting works must be carried out by the Council's tree planting contractor. Once tree locations are finalised, a cost to the owner will be determined and the owner is then responsible for payment to Council.
- 51 Prior to the occupation of Stage 2A and subject to obtaining the consent of the responsible authority and any other relevant road authority, all of the proposed network improvements set out in the GTA consultants report dated 18 July 2017 must be the subject of detailed plans and specifications prepared by the owner and then approved by the responsible authority. All works must be carried out in accordance with the approved plans and at the owner's cost in each and every respect.

Public Access Management

- 52 Before each stage of the development starts or at some later time approved by the responsible authority, a Public Access Management Plan must be prepared by the owner and approved by the responsible authority. The Public Access Management Plan must show all areas to be accessible by the public and must provide for the ongoing management and maintenance to the satisfaction of the responsible authority of all publicly accessible areas.
- 53 Once approved, the provisions, recommendations and requirements of the approved Public Access Management Plan must be implemented to the satisfaction of the responsible authority.

Wind Assessment Report

- 54 Before the plans required by Condition No.2 and 3 of this permit are endorsed respectively, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.

The amended Wind Assessment Report must be generally in accordance with the **Wind Impact Assessment Report, prepared by Vipac Engineers and Scientists, dated 6 May 2020** but modified to:

- (a) reflect the decision plans submitted for endorsement
- (b) Stage 2A:**
 - (i) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
 - (ii) Confirmation that screen edges have been tested at high wind conditions;
 - (iii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;
 - (iv) Correct any inconsistency in data included within the report;
 - (v) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
 - (vi) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
- (c) Stage 2B
 - (i) Establishment of walking criteria to be minimum acceptable criterion for the wind effects assessment;
 - (ii) Correction of safety limit and comfort criteria threshold wind speeds as defined at Table 1 of section 3
 - (iii) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
 - (iv) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
 - (v) Information on point locations 60- 63
 - (vi) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
 - (vii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;

55 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Acoustic report

56 Before the plans required by Condition No. 2 and 3 of this permit are endorsed respectively, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics, dated **25 September 2020** and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must:

- (a) be amended to reflect the decision plans;

- (b) address the impact of the restaurants, food and drinks premises (cafes), function centre, exhibition centre, art gallery and venue on residents on and off the site; and
 - (c) demonstrate compliance with the requirements of Schedule 3 to the Comprehensive Development Zone of the Yarra Planning Scheme to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to City Link, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building;
- 57 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.
- 58 On the completion of any works required by the endorsed Acoustic Report and before the **occupation** of any Stage of the of the development, an updated Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the responsible authority must be submitted to the responsible authority demonstrating by measurement that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with relevant conditions of this permit;
- 59 The recommendations and any works contained in the approved Acoustic Report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the responsible authority.

Residential Hotel Management Plan

- 60 Before the residential hotel use starts, a Residential Hotel Management Plan must be submitted to, and approved by the responsible authority. When approved, the Residential Hotel Management Plan will be endorsed and will then form part of the permit. The Residential Hotel Management Plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking impacts in the neighbourhood.
 - (b) measures to be taken by the operator to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
 - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (d) an outline of all house rules intended to be used to manage residents and guests including:
 - i guest behaviour;
 - ii noise;
 - iii alcohol consumption; and
 - iv methods of eviction if house rules are broken;
 - (e) Management of communal terraces;
 - (f) details of eviction process in the event house rules are broken;
 - (g) standards for property maintenance, health and cleanliness; and
 - (h) security against thefts and break-ins, including security of guests' belongings.
-

Sustainable Management Plan

- 61 Before each stage of the development starts as relevant an amended Sustainable Management Plans for all buildings (B4, B5, B6, B8 and B9) to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Irwin Consult dated **18 November 2020**, but modified to show/reflect/demonstrate:
- (a) the decision plans;
 - (b) the changes required as per condition 1 (where relevant);
 - (c) ***Provide a STORM report for each building identifying a score >100% or target outcomes listed in column B (in Green Star table 26.2***
 - (d) a minimum 4 star green star rating for each building;
- 62 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 63 Before each stage of the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

- 64 The provisions, recommendations and requirements of the Waste Management Plans for **Buildings B4 and B5 prepared by WSP dated 22 October 2020 and B6, B8 and B9 prepared by Irwin Consultants dated 18 November 2020** be endorsed and must be implemented and complied with to the satisfaction of the responsible authority.
- 65 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

- 66 Before each stage of the development is occupied, as relevant, or such later date as is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority, unless security to the satisfaction of the responsible authority is provided for its completion.
- 67 The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants;
- all to the satisfaction of the responsible authority.

Car parking

68 Before the development starts, a Car Park Management Plan prepared to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Car Park Management Plan will be endorsed and will then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the development schedule to accurately reflect all uses and floor areas
- (b) the provision of a maximum of **175** car spaces;
- (c) the allocation of car parking spaces as follows:
 - (i) 1 café space;
 - (ii) 21 restaurant spaces;
 - (iii) 12 function centres spaces; and
 - (iv) 2 art gallery spaces
 - (v) 121 office space
 - (vi) 13 hotel spaces
 - (vii) 5 car share spaces

The allocation of car spaces can be varies with the written consent of the Responsible Authority.

- (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) any policing arrangements and formal agreements;
- (g) 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;
- (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the endorsed Waste Management Plan (refer to Condition No. 57 of this permit);
- (i) details regarding the management of loading and unloading of goods and materials for the commercial uses.
- (j) at least five car share spaces to be provided on site.

69 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

70 Before each stage of the development is occupied, as relevant, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and

- (d) line-marked or provided with some adequate means of showing the car parking spaces to the satisfaction of the responsible authority.

Traffic, roads and footpaths

- 71 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.
- 72 Before the development starts, the permit holder must pay a bank guarantee to the value of \$50,000 to the City of Yarra for traffic, car parking, road improvements and associated studies in the Cremorne area.

The bank guarantee may be drawn down by Council and used for the proposed works and study by the responsible authority for traffic/road/car parking improvements in the Cremorne area, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the traffic/road/car parking improvements are not commenced by the relevant authorities before the final Stage of the development is occupied.

Green Travel Plan

- 73 Before each stage of the development is occupied, as relevant, a Green Travel Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of Green Travel Plan funding and management responsibilities; and
 - (g) include provisions to be updated not less than every five years.
- 74 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Developer Contribution Plan

- 75 Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.**

Construction

- 76 Before each stage of the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management 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) a lighting plan which must include:
 - i details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
 - ii confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - iii confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
- (i) 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;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) 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;

- (p) 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;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- i using lower noise work practice and equipment;
- ii the suitability of the land for the use of an electric crane;
- iii silencing all mechanical plant by the best practical means using current technology;
- iv fitting pneumatic tools with an effective silencer; and
- v other relevant considerations.

77 During the construction:

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

78 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the responsible authority.

79 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the responsible authority.

80 No parking restriction signs must be removed, adjusted, changed or relocated without approval or authorisation from the responsible authority.

- 81 Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Public lighting plan

- 82 Before each stage of the development starts, as relevant, a Public Lighting Plan must be submitted to and approved by the responsible authority. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must:
- (a) confirm that all primary pedestrian access to a residential/ multi-purpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
 - (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
 - (e) include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
 - (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the permit holder.
- 83 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with to the satisfaction of the responsible authority.

VicRoads Conditions

- 84 VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).
- 85 VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.
- 86 The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than 0.25cdm², throughout the driver’s approach to the advertising sign/s.
- 87 Before the development starts, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.

- 88 The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Council.

CityLink Conditions

- 89 There should be no interruption to traffic flow on CityLink assets.
- 90 CityLink assets should not be exposed to any waste generated from the project.
- 91 New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

Melbourne Water Conditions

- 92 The ground floor areas of the new buildings must be constructed with finished floor levels set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 93 All lifts and stairwells, windows, openings, vents or other entry and exit points that could allow entry of floodwaters to the basement must be set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 94 The entry / exit driveway of the basement car park at the north west corner of the site must incorporate a flood proof apex set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 95 Flood resistant materials must be used for the construction of floor levels and walls (including any glass/glazing window panels) below the applicable flood level.
- 96 Signage and flood gauge boards must be provided at the basement car park entrance at the north western end of Gough Street to provide warning for flood depths during extreme flood events, to the satisfaction of Melbourne Water.
- 97 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
- 98 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 99 Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

- 100 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three years of the issued date of this permit;
 - (b) the development is not completed within six years of the issued date of this permit;
 - (c) the uses are not commenced within nine years from the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

NOTES:

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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 5585 to confirm.

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

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Attachments

- 1 PLN15/1176.02 - 2 Gough Street, Cremorne - Referrals (consolidated)
- 2 PLN15/1176 - 2 Gough Street Cremorne - Planning Permit (Amended)
- 3 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2A - Part 1
- 4 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2A - Part 2
- 5 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2A - Part 3
- 6 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2A - Part 4
- 7 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2A - Part 5
- 8 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2A - Part 6
- 9 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2B - Part 1
- 10 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2B - Part 2
- 11 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2B - Part 3
- 12 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2B - Part 4

13 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2B - Part 5

14 PLN151176.02 - 2 Gough Street, Cremorne - S57a plans Stage 2B - Part 6