

YARRA CITY COUNCIL
Planning Decisions Committee
Agenda – Part 1

**to be held on Wednesday 23 September 2020 at
6.30pm in MS Teams**

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Jackie Fristacky
Councillor James Searle

I. ATTENDANCE

Danielle Connell (Senior Co-Ordinator Statutory Planning)
Michelle King (Principal Planner)
Rhys Thomas (Senior Governance Advisor)
Cindi Johnston (Governance Officer)

**II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF
INTEREST**

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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Acknowledgement of Country

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

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

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

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

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

Planning Decisions Committee Submissions

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

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

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

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

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

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

Extract from the Council Meeting Operations Policy, September 2019

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN19/0203: 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and reduction in car parking requirements associated with office and retail uses	5	83
1.2	PLN19/0892 - 157-161 Burnley Street, Richmond - Construction of a multi-storey building for use as an office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement.	97	146
1.3	PLN20/0022 - 16 Napier Street Fitzroy - Part demolition, alterations and additions to the existing dwelling including a ground and first floor extension	155	174
1.4	PLN20/0230 - 587 - 593 Church Street, Richmond - Use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1	177	263

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| 1.1 | PLN19/0203: 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and reduction in car parking requirements associated with office and retail uses |
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Executive Summary

Purpose

1. This report provides the Planning Decision Committee (PDC) with an assessment of a planning application submitted for 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond. The report recommends approval of the application, subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15 – Built Environment and Heritage;
 - (b) Clause 21.05 – Built Form;
 - (c) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (d) Clause 22.03 – Landmarks and Tall Structures;
 - (e) Clause 22.05 – Interface Uses Policy;
 - (f) Clause 22.07 – Development Abutting Laneways;
 - (g) Clause 34.01 – Commercial 1 Zone;
 - (h) Clause 36.04 – Road Zone;
 - (i) Clause 43.01 – Heritage Overlay;
 - (j) Clause 43.02 – Design and Development Overlay (Schedule 21); and
 - (k) 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) Built form, design and heritage, including;
 - i. Context;
 - ii. Height, scale and massing (including streetscape and equitable development);
 - iii. Heritage;
 - iv. Architectural quality;
 - v. Landmarks, views and vistas;
 - vi. Public realm, pedestrian spaces, light and shade; and
 - vii. Tree removal and landscaping;
 - (c) On-site amenity (including ESD);
 - (d) Off-site amenity;
 - (e) Car parking and traffic, car park access and layout, bicycle parking; and

- (f) Objector concerns.

Submissions Received

- 4. Thirty-two (32) objections were received to the application, these can be summarised as:
 - (a) Commercial use not appropriate in context of residential area;
 - (b) Built form, height, scale and setback
 - (c) Materials result in dominant presentation;
 - (d) Heritage impact to buildings on site, along Bridge Road, Lennox Street and heritage impact to Pelaco site and sign;
 - (e) No acknowledgement of indigenous significance of the site;
 - (f) Impact on views to Pelaco building and sign/impact on skyline;
 - (g) Overdevelopment;
 - (h) Removal of mature trees;
 - (i) Off-site residential amenity (daylight access, overlooking, obstruction to outlook, overshadowing, visual bulk, wind effect, traffic noise and pollution, noise from terraces, noise from a/c system);
 - (j) Off-site amenity impacts to Pelaco site and 154-160 Bridge Road;
 - (k) Equitable development opportunities to adjacent land (Pelaco site, 148 Bridge Road and shops at 154-160 Bridge Road);
 - (l) Reduction in car parking;
 - (m) Traffic impact;
 - (n) Increased traffic along southern laneway will obstruct ingress/egress movements to on-site parking at 197 Lennox Street. The southern laneway was not intended to carry hundreds of movements, deliveries and waste removal movements/does not allow two-way movements;
 - (o) Rubbish truck movements to north-east carriageway/loading area;
 - (p) Design restricts rear vehicular and pedestrian access to 156-160 Bridge Road via the carriageway;
 - (q) Construction over north-east carriageway;
 - (r) Waste disposal;
 - (s) Environmental sustainable design (**ESD**), greenhouse emissions due to a/c system;
 - (t) Site Plan incorrect (omits southern laneway) and no shadow diagrams and arborist report submitted;
 - (u) The plans show removal of trees on 197 Lennox Street without consent from owners;
 - (v) Insufficient advertising;
 - (w) Applicant's representatives trespassed and left painted markings at 197 Lennox Street without consent;
 - (x) Disturbance during the construction phase;
 - (y) Request insurance/bond for damage to vehicles and property during construction;
 - (z) Loss of tenants at 197 Lennox Street due to the long construction phase.

VCAT Proceedings

- 5. On 10 August 2020, Council was informed that the applicant lodged an appeal at the Victorian Civil and Administrative Tribunal (**VCAT**) under S79 of the Planning and Environment Act 1987 (**the Act**) for failure to determine within the prescribed time.

6. A compulsory conference has been scheduled for 14 October 2020 with the hearing scheduled to commence on 14 December 2020 for 5 days.

Conclusion

7. Based on the following report, the proposal is considered to largely comply with the relevant planning policy and therefore should be supported subject to the following key recommendations:
- (a) Provision of an increased 20.5m setback from Bridge Road to Levels 2, 3 and 4;
 - (b) Provision of an increased 29.0m setback from Bridge Road to Level 5;
 - (c) The terrace at Level 5 (west side) reduced to a depth of 5.0m;
 - (d) Levels 2, 3, 4 and 5 to be set back a minimum of 3.0m from the centre of Wustemenn Place;
 - (e) Levels 3, 4 and 5 set back a minimum 7.5m from Allowah Terrace;
 - (f) Provision of a minimum 3.0m setback from the common boundaries with 193A Lennox Street to the north and west at Levels 3, 4 and 5;

CONTACT OFFICER: Julian Larkins
TITLE: Coordinator Statutory Planning
TEL: 92055456

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- 1.1 PLN19/0203: 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and reduction in car parking requirements associated with office and retail uses**
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Reference: D20/139270

Authoriser: Manager Statutory Planning

Ward: Melba

Proposal: Part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and a reduction in car parking requirements associated with office and retail uses.

Existing use: Retail shops, car park and offices.

Applicant: Poly Developments and Holdings

Zoning / Overlays: Commercial 1 Zone
Heritage Overlay (Schedules 310 and 332)
Design and Development Overlay (Schedule 21-Precinct 1)

Date of Application: 9 April 2019

Application Number: PLN19/0203

Planning History

1. The subject site has a long planning history:

150-152 Bridge Road and 1-3 Allowah Terrace, Richmond

- (a) Planning Permit No.936 was issued 17 March 1976 for the purpose of a private car park.
- (b) Planning Permit No.7701 was issued 17 November 1994 for the purpose of erecting fencing, boom gates and removable bollards and carrying out works in accordance with the attached endorsed plans. It does not appear that the permit was acted upon.
- (c) Planning Permit No. 3098 was issued 10 May 1985 to construct the shop verandah in accordance with the endorsed plans. This is the verandah that currently presents to the Bridge Road frontage.
- (d) Planning Permit No. 7493 was issued on 7 June 1994 to use an existing building for the purpose of a 35 seat café, construct buildings and works to an existing building and to erect a business sign. This permit related to the shop at No. 152 Bridge Road, it is unclear whether the permit was acted upon.
- (e) Planning Permit No. 96/981 was issued on 4 December 1996 for a four (4) lot subdivision. The permit was not acted upon (i.e. certified) and the site continues as a single lot.
- (f) Planning Permit PLN11/0394 was issued on 23 August 2011 at No. 1 Allowah Terrace for buildings and works including part demolition associated with the replacement of windows and an entry door and the removal, relocation and display of signage. It appears that this permit has been acted upon.

195 Lennox Street, Richmond

- (g) Planning Permit PL04/0514 was issued on 13 September 2004 permitting the partial demolition, buildings and works to enclose a courtyard area and associated waiver of car parking requirements. A Section 72 Amendment was approved which reduced the extent of office, and retained most of the courtyard.
- (h) Planning Permit PLN17/1094 was issued on 12 October 2018 for part demolition and removal of a building, use of the land for dwellings, construction of a building and construction and carrying out of works. Construction has not yet commenced.

Background

- 2. Preceding the current application, the subject site had two relevant planning applications:
 - (a) Planning application PLN17/0131 for land at 150 – 152 Bridge Road and 1 – 3 Allowah Terrace Richmond; and
 - (b) Planning application PLN17/1094 for land at 195 Lennox Street, Richmond
 Each will be discussed in turn.

Planning Application PLN17/0131 - 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond (Refusal)

- 3. Planning application PLN17/0131 was a previous application relating only to the site at 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond. The application sought approval for part demolition of the existing building and construction of a seven storey building to the rear, use of the land for dwellings, reduction in the statutory car parking requirements and alteration of access to a Road Zone Category 1 Zone. The front (north) and western elevations to application PLN17/0131 are provided below.

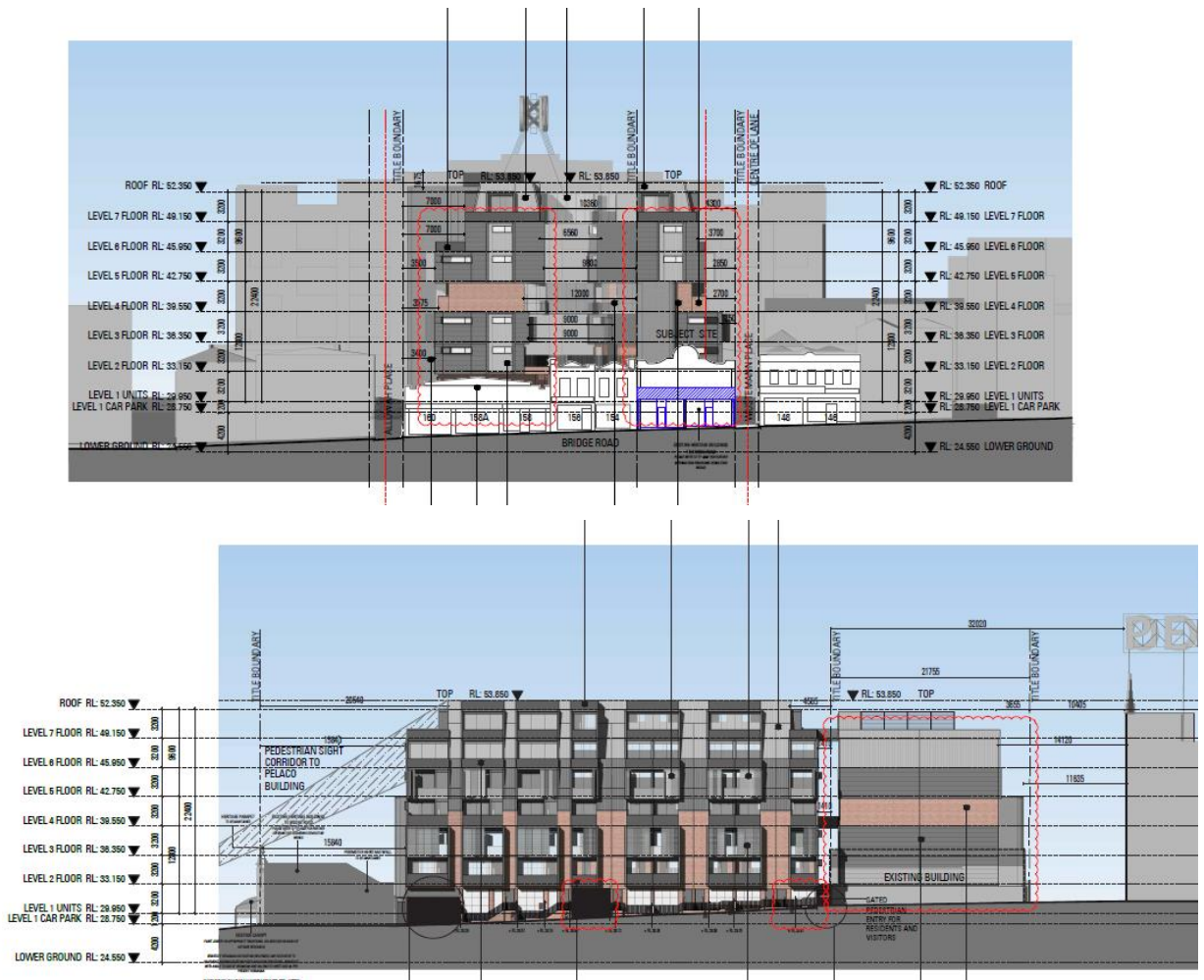


Figure 1 Front (north) and Western Elevations to Application PLN17/0131

4. The application was advertised and 44 objections were received.
5. Surrounding property owners were concerned about the impacts of the proposed scale and intensity of the development upon its surrounds. The issues of concern included heritage significance, residential amenity, opportunities for equitable development, car parking provision, traffic and vehicle access.
6. The applicant lodged an appeal at VCAT under S79 of the Act for failure to determine within the prescribed time.
7. The application was presented at Council's Internal Development Approvals Committee (**IDAC**) (former name of the PDC) Meeting dated 13 December 2017 and deferred to meeting 17 January 2018. The Planning Officer recommendation was that had Council been in a position to decide on the application, that a Notice of Decision to Grant Planning Permit PLN17/0131 be issued.
8. The IDAC resolved to support the application subject to the top level (Level 7) being deleted, amongst other matters relating to the clearance of the north-east carriageway easement, waste management, and the reconstruction of Allowah Terrace and Wustemenn Place as shared zones.
9. VCAT hearing *Richmond 048 Service Pty Ltd ATF Richmond 048 Trust v Yarra CC [2018] VCAT 1167* was held on 21, 22, 23 and 24 May 2018. The Tribunal found that while the site is eminently suitable for intensive development and the physical and planning policy context certainly provide the opportunity for a building of seven storeys to be considered on its merits on this site, the proposed design response is not acceptable. The Tribunal expressed the following concerns:
 - (a) The proposed form and appearance is not an acceptable response to the Bridge Road streetscape or the heritage significance of Richmond Hill. Notably, the Tribunal found the front setback to the upper levels as insufficient and that the development did not provide an acceptable presentation to Bridge Road.
 - (b) The built form along Allowah Terrace does not achieve an acceptable transition in scale in the context of the lower scale residences along the eastern side of the street and the upper level setback along Allowah Terrace is insufficient in reducing overshadowing to the secluded private open space (**SPOS**) at 2 and 4 Allowah Terrace.
 - (c) The development adversely affects the equitable development opportunities of 154-160 Bridge Road due to the sensitive residential interface of the proposed development and the insufficient setback.
 - (d) The development adversely affects the equitable development of 148 Bridge Road due to insufficient setback.
 - (e) The internal amenity of the apartments overall is not acceptable and the development has not achieved an acceptable response to ESD policy.
 - (f) The Tribunal does not support a reduction of two visitor car spaces.
10. Based on the above, the Tribunal directed that no permit be issued.
11. It is of note that at the time of the Richmond 048 Service Pty Ltd decision, there was no particular strategic planning policy to guide development along the Bridge Road MAC, such as an urban design framework, a structure plan and/or Design and Development Overlay. Since this time, the Minister for Planning approved the interim Development and Design Overlay – Schedule 21 (**DDO21**) for the Bridge Road MAC, introduced to the Yarra Planning Scheme (**the Scheme**) on 15 November 2018. The current DDO21 control provides prescribed requirements for development along the Bridge Road MAC relating to building and street wall height; setbacks; building separation; views to landmarks; overshadowing to the street; vehicular access; building design; heritage building design; and precinct specific development requirements.

Planning Application PLN17/1094 - 195 Lennox Street, Richmond (Permit)

12. Planning Permit PLN17/1094 relates to the site at 195 Lennox Street only.
13. The application was lodged on 20 December 2017 and originally proposed the use and development of the land for the construction of two buildings (five and twelve storeys in height plus three basement levels) for 28 dwellings, reduction in the visitor car parking requirement, buildings and works associated with the restoration of an existing building and part demolition. Figure 2 below shows the northern elevation of the original proposal.



Figure 2 Northern Elevation to the original proposal of PLN17/1094

14. The application was advertised and 51 objections were received. The grounds of objection broadly related to height, setback, visual bulk (including overall height, impact on heritage and impact on views to the Pelaco sign), demolition works, residential amenity, car parking provision, traffic and access, poor ESD standard and lack of green spaces.
15. The applicant lodged an appeal at VCAT under S79 of the Act for failure to determine within the prescribed time. Two compulsory conferences were held in August 2018, with the full VCAT hearing scheduled for six days on 16 November 2018.
16. Following receipt of all referral advice, Council planning officers outlined to the applicant that it had a number of threshold issues with the original proposal, including:
 - (a) the dominance of the built form in the streetscape due to its overall height (including the front building);
 - (b) equitable development impacts to the sites to the north and south;
 - (c) lack of street activation to Lennox Street; and
 - (d) impact on views of the Pelaco sign due to the height and lack of setbacks of the rear building.
17. These key concerns would result in Council being unable to support the proposal. It was outlined to the applicant that collectively these issues warranted a significant re-design of the proposal rather than being resolved via permit conditions.
18. Two compulsory conferences were held on 3 and 31 August 2018 where discussions between parties took place in an attempt to reach agreement on a revised development proposal.
19. The applicant circulated 'without prejudice' plans on 27 July and 20 August 2018 with additional plans circulated on 22 August 2018 to clarify queries raised by Council planning officers. In comparison to the advertised plans, the final 'without prejudice plans' dated 22 August 2018 resulted in significant changes, including:

- (a) reduction in size of basement levels with the car lifts shifted to the east;
- (b) at ground floor, communal areas shifted from along the northern boundary to centrally within the site, with built form being added and removed (respectively);
- (c) the existing building used for a residence instead of communal areas;
- (d) built form at first floor of the front building where there was previously a void;
- (e) reduction in the overall height of the front building from 18.55m to 14.7m (as measured from the Lennox Street frontage) with the rear section reducing from a maximum of 15.2m to a maximum of 11.4m (including the lift overrun). The building now presents as a three-storey podium with the fourth floor setback, whereas previously the front building was five storeys with the floors having alternating front setbacks;
- (f) increased southern boundary setbacks of the rear building from No. 21-23 Goodwood Street (Pelaco site) from 1.5m to 4.5m;
- (g) additional construction along the eastern boundary;
- (h) reduction in the setback from the north-eastern boundary from 4.5m to 3m;
- (i) overall height reduction of 14.1m from 42.5m to the roof level (taken from the ground level as shown on the west elevation) to 28.4m. Converted to RLs this would be the roof level reducing from RL71.42 (with a 0.8m high parapet and 2.4m high lift overrun) to RL 57.32 (with a 0.9m high lift overrun); and
- (j) subsequent internal re-arrangements resulting in a decrease in apartments from 28 to 19, and 51 to 42 car spaces.

20. The image below depicts the northern elevation:



Figure 3 Northern Elevation (final) to Permit PLN17/1094

21. Based on internal and external referral comments and a preliminary assessment carried out by Council's planning officer, it was found that significant improvements had been made. Council planning officers confirmed that subject to a number of conditions, they would have supported the amended development proposal if it had been in a position to.
22. At the compulsory conference 31 August 2018, all parties reached an agreement based on the final 'without prejudice' plans dated 22 August 2018 and agreed conditions.
23. A report was subsequently presented to the 26 September 2018 IDAC seeking support for the settlement agreed to at the compulsory conference 31 August 2018. Council consent was granted.
24. Based on all parties to the proceeding reaching agreement, VCAT ordered that a permit be issue based on the amended plans dated 22 August 2018 and agreed conditions.
25. It is worthy of note that the DDO21 control was not in effect at the time of this decision. However, it is of note that the Planning Officer did consider the draft DDO21 requirements in the planning assessment.

26. The Richmond 048 Service Pty Ltd decision and Permit PLN17/1094, including decision plans, will be considered in the assessment provided later in the report, as relevant.

The Proposal

Background

27. Planning Application PLN19/0203 was originally submitted on 9 April 2019 for part demolition and removal of existing buildings (including demolition works to sections of the single storey shops fronting Bridge Road and demolition of the double storey office building at the rear of 1-3 Allowah Terrace) for the development of a six storey commercial development for the property known as 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond.
28. During the application process, the applicant purchased the adjoining property at 195 Lennox Street, being the large property abutting the Bridge Road site to its south-west.
29. The applicant subsequently submitted an amendment under S50 of the *Planning and Environment Act 1987* (the Act) to amalgamate the two sites for the construction of a revised and larger six storey commercial development across the two properties.
30. The S50 Amendment was lodged prior to advertising and forms the basis of the assessment. A detailed description of the proposed development across the two sites is provided below.

Application

31. The proposal is for part demolition of existing buildings (i.e. the existing buildings on site are to be demolished with the exception of sections to the two single storey shops fronting Bridge Road at 150 and 152 Bridge Road and the existing double storey heritage residence at 195 Lennox Street) for the development of a six storey commercial development, construction of a canopy over a Road Zone Category 1 and a reduction of car parking requirements. The proposal particulars can be summarised as follows:

Demolition works

32. The proposed demolition works to the two Edwardian era shops at 150-152 Bridge Road include:
- (a) Demolition of the shared reproduction cast iron verandah over the Bridge Road footpath;
 - (b) Demolition of the two non-original glazed shopfronts;
 - (c) Demolition to sections of the hipped roof for six skylights along the western face; and
 - (d) Demolition of the rear lean-to addition.
- Otherwise, the two shops including external walls, front parapet and hipped roof will be retained.
33. The double storey office building at the rear of the car park (known as 1-3 Allowah Terrace) will be demolished, in full;
34. The proposed demolition works at 195 Lennox Street include:
- (a) Demolition of the standalone garage at the Lennox Street frontage, in full;
 - (b) Demolition of the front fence, in full;
 - (c) Demolition of the double storey commercial building and the attached single storey building at the rear of the site (former tobacco factory and warehouse), in full;
 - (d) Demolition of the rear single storey additions to the centrally located heritage residence; and
 - (e) Demolition of the brick wall around the northern courtyard on site, in full.

The original 1860's double storey heritage building on the Lennox Street land will be retained.

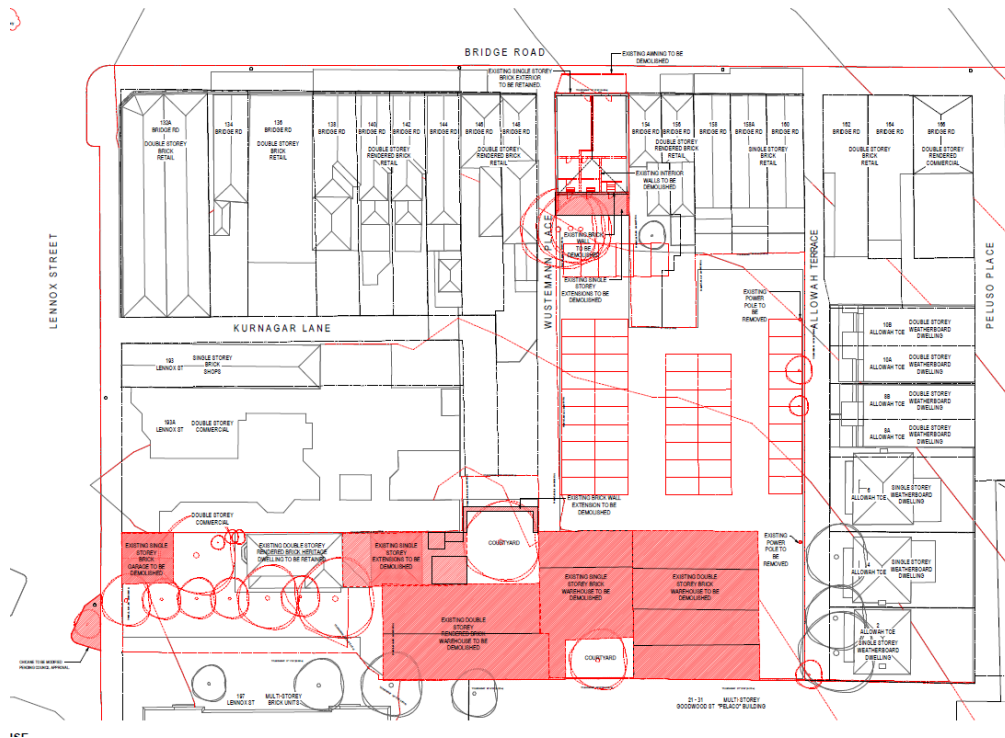


Figure 4 Proposed demolition plan

35. All trees on site will be cleared. Five trees (i.e. Tree Nos. 10-14) along the southern perimeter to the laneway marked A-1 on Title, accessed off Lennox Street, are also marked for removal. It appears that these trees are located beyond the laneway into 197 Lennox Street.
36. It is of note that the street trees located forward of the site and further south of the site along Lennox Street (i.e. Tree Nos. 1 and 41) will be retained. However, the existing kerb extension at the Lennox Street frontage will be modified under the proposal. Council's Arborist raises no concerns here. This can be addressed via condition.

Restoration works

37. Restoration works include:
 - (a) The reinstatement of the historical 'T.K. Bennet & Woodlock, Premier Butchers' sign within the parapet to the shops at 150 and 152 Bridge Road; and
 - (b) Making good and repainting the original 1860's double storey heritage residence located on the Lennox Street site.
38. No decorative scheme or paint finishes have been provided.

Buildings and works

39. As a broad description, the proposal is a substantial reverse 'L' shaped commercial development across two sites, comprising 5-6 storeys plus lift and stair overrun and two levels of basement car parking, with frontages to Bridge Road, Lennox Street, and interface to Allowah Terrace and Wustemenn Place.
40. The development comprises:
 - (a) 553.7m² retail floor space (including food and drink premises) predominantly at Ground Level, of which 44.8m² is located at Level 1;
 - (b) 571.6m² medical centre floor space at Levels 2 and 3, fronting Lennox Street;
 - (c) 9956m² office floor space, plus associated 436.5m² end of trip (EOT) amenities, at Ground Level to Level 5. It is of note that of the total 9956m² office floor space, 374.9m² is allocated to two ancillary event/show room areas at Ground and First Levels and 240.7m² is allocated to an ancillary wellness centre at Ground Level;

- (d) A 73.5m² south facing terrace at Level 4;
- (e) A 65.1m² and a 68.1m² north facing terrace at Level 5;
- (f) A 426.6m² communal roof top garden;
- (g) A total 234 bike spaces, of which 224 are located within the EOT facility at Ground Level and 10 are visitor bike spaces located at the Lennox Street entry court, at Level 1; and
- (h) 114 car spaces are provided at Basement Levels 1 and 2, accessed via a two way accessway off Lennox Street.

New Works

- 41. The existing single storey Edwardian shops at the Bridge Road frontage are proposed to be retained and will include a new clear glass shopfront (east) and entry into the complex (west), with new slimline canopy constructed over the Bridge Road footpath.
- 42. At the Bridge Road frontage, the first floor level is proposed to be constructed to the boundary behind the retained parapet. Beyond the tower at Levels 1-4 is set back 13.9m from Bridge Road, behind the retained Edwardian shops (including hipped roof form), and then staggers back 33.3m behind 154-156 Bridge Road reducing to 26.3m behind 158-160 Bridge Road.
- 43. At Level 5 (top level) the tower staggers back further to 20.26m behind the retained Edwardian shops, continues to be set back at 33.3m behind 154-156 Bridge Road and staggers back further at 32.7m behind 158-160 Bridge Road. At Level 5 the building comprises a 65.1m² and 68.1m² open north facing terrace at the western and eastern ends of the Bridge Road frontage, respectively. The proposed development comprises a largely glazed facade at the Bridge Road frontage.



Figure 5 Bridge Road frontage (Source: Rothelowman)

- 44. The presentation to Lennox Street consists of a 3 – 3½ storey podium in the southern part of the frontage, while maintaining physical clearance and visibility to the retained heritage residence in the northern part of the site. The podium is constructed to Lennox Street with a clear glass façade, with light grey cladding finish to the northern wall and a red brick finish to the southern wall. The retained heritage building comprises an approximate 16.5m setback from the street. As mentioned earlier, this building will be made good and repainted.
- 45. Behind these street edge forms the proposed development steps up to a maximum 21m height, with the roof top terrace lift and stairwell overrun stepping up to a maximum height of 23.28m.

46. When viewed from Lennox Street, the tower at Levels 4 and 5 comprises a staggered setback of 31.56 and 44.9m from Lennox Street, and is located to the rear (east) of the retained heritage residence. The tower comprises a light grey cladding system finish.



Figure 6 Lennox Street frontage (Source: Rothelowman)

47. It is noted that the site sits at the crown of the hill, rising approximately 3.5m from Bridge Road to the south and approximately 1.5m from Lennox Street to the east. Due to the topography of the land, the Ground Level matches street level at the Bridge Road frontage and is otherwise somewhat cut into the land to the rear (south) and west, resulting in a semi basement arrangement in these areas. As a result, access to the building occurs at different levels. At the Bridge Road frontage, entry to the building is at Ground Level. At the Lennox Street frontage, entry to the building is at Level 1 where the Ground Level is semi cut into the land. Similarly, pedestrian access is also provided at the 'elbow' of the building to the south of Wustemenn Place at Level 1.
48. Given the Ground Level is somewhat cut into the south and west areas of the site, the development effectively presents as:
- (a) Six storey built form when viewed from Bridge Road, more notably when viewed from oblique vantage points along Wustemenn Place and Allowah Terrace where the fenestration clearly defines the floor levels along the side elevations;
 - (b) Five storey built form when viewed from Lennox Street;
 - (c) A 5-6 storey built form when viewed along Allowah Terrace;
 - (d) A 5-6 storey built form when viewed along Wustemenn Place; and
 - (e) A 5 storey built form when viewed from the south.
49. Along Allowah Terrace the development is set back 2.45m – 3.05m at Ground Level to Level 3. At the upper levels (i.e. Levels 4 and 5) the eastern wall staggers back further, setback 4.2m from Allowah Terrace. Along the Allowah Terrace frontage there is a clear definition between the lower podium and the upper tower in massing and materiality, with the lower level podium being broken into repetitive vertical sections with recessed planters along the wall at Levels 1 and 2. The podium comprises a red brick finish. The upper level tower comprises of a flush wall with light grey cladding system finish.



Figure 7 Allowah Terrace (Source: Rothelowman)

50. Along Wustemenn Place the western wall to the Edwardian shops at the Bridge Road frontage is retained. To the rear (south) of this, the proposed development is setback 1.5m-2m at Ground Level and Level 1 to allow for planters and seating along the laneway. At Levels 2 - 5 the development is constructed to the laneway, cantilevering over the planters and seating below. At the southern end of Wustemenn Place, the development wraps around the laneway from Level 1- 5. The western elevation along Wustemenn Place comprises a clear glass wall and a light grey metal finish at Ground and First Levels. The upper levels above will comprise of a consistent light grey cladding system finish. The north facing wall at the southern end of Wustemenn Place comprises red brick finish with clear glass wall at Level 1 (lower level).



Figure 8 Wustemenn Place (Source: Rothelowman)

51. To the south, where not constructed to the boundary the building at Ground Level to Level 3 is set back 2.0m from the southern boundary and 6.1m from the southern boundary to the laneway known as A-1 on Title in the west (car park entry/exit). However, there is a small recession at the south-western corner of the podium at the Lennox Street frontage and midway along the boundary wall at Levels 1-3. At Levels 4 and 5 the tower comprises a staggered 10.2m and 3.5m setback from the southern boundary. At Level 4 the building comprises a 73.5m² open terrace within the southern setback. The southern wall to the three storey podium and the southern wall to the building further east comprises a red brick and a light grey cladding system finish, respectively.
52. A 426.5m² roof garden is centrally located above the tower and largely recessed, with lift and stairwell overrun and plant (601sqm) located to its eastern side. A solid 3m high dark grey metal cladding screen surrounds the plant area.
53. Landscaping is provided along pedestrian areas at ground level in the form of planters along Wustemenn Place, Allowah Terrace and around the court and walkway provided off Lennox Street. Further to this, vertical creeper planting with stainless steel trellis and/or cable systems is provided along the Allowah Terrace and Wustemenn Place interface at street level and is provided to the northern wall of the Lennox Street entry court. Landscaping is also integrated within the overall built form with recessed planters incorporated into the eastern and southern elevations at Levels 1 and 2, with climbing planting to stainless steel cables to the recessed planters along the Allowah Terrace wall. The two open north facing terraces at Level 5 and the roof garden comprise planter box arrangements. A pergola with vertical creeper is also proposed for the roof garden area. It is of note that there is some discrepancy between the landscaping shown on the submitted development plans and the landscape documentation. This would need to be rectified via condition, if a permit is to issue.
54. The design has a pedestrian/cyclist focus, including:
 - (a) A 'walk-through' entry atrium at the Bridge Road frontage at Ground Level;
 - (b) An outdoor, semi-covered entry court and walkway off Lennox Street at Level 1;
 - (c) Allowah Terrace and Wustemenn Place have been re-purposed as shared zones. This has come about by removing the existing at grade car park and limiting vehicular ingress and egress to the new basement carpark via the two way driveway and ramp off Lennox Street. To reinforce the shared zone focus, the applicant will resurface Allowah Terrace and Wustemenn Place with contrasting paving bands, tying into the architectural detailing of the development, will provide outdoor seating along Wustemenn Place and provides various pedestrian entries along Wustemenn Place and Allowah Terrace;
 - (d) With regard to cyclists, the development includes an integrated 1.6m wide bike ramp adjacent to Allowah Terrace with landscaping to its eastern side. The bike ramp provides direct access to the EOT facility at Ground Level where 224 bicycle spaces are provided for employees; and
 - (e) Ten visitor bicycle spaces will also be provided within the entry court at the Lennox Street frontage.
55. As indicted above, vehicular ingress and egress to the basement car park is provided via a two-way driveway and ramp off Lennox Street, located to the south side of the three storey podium at the Lennox Street frontage.
56. A 50kw solar PV system will be installed, comprising fifty-three roof mounted solar panels above the triple storey podium at the Lennox Street frontage, and 110 roof mounted solar panels above the tower at the Lennox Street end.
57. A 40,000 litre rainwater tank is also proposed at Basement Level 2 for toilet flushing at Ground Level and Level 1 and for landscape irrigation.

Reduction in car parking requirements

58. A total of 114 car spaces is proposed on site, with 2 allocated to the food and drink premises/shop uses, 20 allocated to the medical suites and 92 car spaces allocated to the office tenancies.
59. The applicant is seeking a total reduction of 223 car spaces, including 206 car spaces associated with the office use and 17 car spaces associated with the food and drinks/shop uses.

Lodgement of sketch plans and supporting material

60. On 4 August 2020, the applicant submitted amended sketch plans and supporting material in response to various issues raised in the referral comments relating to:
 - a) ESD requirements;
 - b) Treatment of Wustemenn Place;
 - c) Outdoor seating along Wustemenn Place and within the Lennox Street entry court area;
 - d) Landscape treatment along Allowah Terrace and the treatment of the southern termination;
 - e) Discrepancies found between the landscaping shown on the architectural plans and the landscape plans;
 - f) Heritage (various matters);
 - g) Car space and basement ramp design;
 - h) Equitable development of adjacent land; and
 - i) Transition in built form along Allowah Terrace.

61. Amendments shown on the sketch plans are minor in nature and can be summarised as follows:

Development Plans:

- (a) The Ground Level and Level 1 Plans clearly showing the outdoor planter seating arrangements along Wustemenn Place, with new Wustemenn Place Seating Section diagram provided;
- (b) The Level 1 Plan showing outdoor seating within the Lennox Street entry court area;
- (c) The Ground Level Plan showing the existing brick fence will be retained at the Allowah Terrace termination (south);
- (d) Provision of a bollard to accessible spaces within the basement car park, as required;
- (e) Modified transition grades to the basement car park ramp;
- (f) 300mm clearances between car spaces 18, 23, 27, 28, 32 and 54 and adjacent walls;
- (g) Provision of electric vehicle charging stations for 6 car spaces on Basement Level 1.

Landscape Plan:

- (h) Minor amendments to better reflect planting as shown on the architectural plans.
62. In addition to these amendments, new Sectional and Isometric Plans were prepared in an attempt to demonstrate equitable development opportunities are adequately protected at 146-148 Bridge Road, 154-160 Bridge Road and 193 Lennox Street.
63. An updated Sustainable Management Plan (SMP) by GIW Environmental Solutions, dated 31 July 2020, REV C was also submitted.
64. The amended sketch plans are provided for discussion purposes only. Therefore, assessment is based on the advertised plans. Reference will be made to the sketch plans in the assessment, as relevant.

Existing Conditions

Subject Site

65. As outlined earlier, the subject site includes two sites, 150-152 Bridge Road and 1-3 Allowah Terrace (**the Bridge Road land**) to the north-east, and 195 Lennox Street (**the Lennox Street land**) to the south-west, as shown in the aerial image at Figure 9 below.



Figure 9 Aerial image of site (Source: mapshare.vic.gov.au)

The Bridge Road land

66. The Bridge Road land includes two lots known as:
- Lot 1 on PS 51106, Vol. 9077, Fol. 775, being the larger irregular (principal) lot; and
 - Lot 1 of TP 80331M, Vol. 9425, Fol. 495, being the southern 56.41m length of Allowah Terrace.
67. The Bridge Road land is located on the southern side of Bridge Road, located 61.8m east of Lennox Street.
68. The larger lot runs between Wustemenn Place to the west and Allowah Terrace to the east and has an irregular battle axe configuration comprising a narrow 10.45m frontage to Bridge Road, widening to approximately 33m behind the Bridge Road shops at 150-160 Bridge Road and comprises a maximum depth of approximately 83.5m. This allotment includes two single storey Edwardian era shops at the Bridge Road frontage, an at-grade carpark behind the shops at 150-160 Bridge Road and a double storey office building to the rear of the car park, known as 1-3 Allowah Terrace. A 4.57m x 15.75m area at the rear of 158-160 Bridge Road is affected by a way, drainage and sewerage easement that benefits these properties.
69. The pair of Edwardian era shops at the Bridge Road frontage each comprise non-original glazed shopfronts with entry off Bridge Road, a shared non original cast iron verandah over the Bridge Road footpath, a shared parapet with semi-circular raised central pediment with rendered decoration and 'A.D 1903' between two raised orbs at each end along the Bridge Road frontage, a shared hipped roof beyond (south of) the front parapet clad in corrugated steel, and a small lean to addition to the rear. The western shop abuts Wustemenn Place for a length of approximately 17m.
70. The Edwardian era shops are graded 'contributory' to the HO310 Bridge Road Precinct, Richmond.

71. Three (3) semi-mature canopy trees are found at the rear (south) of the shops.
72. Beyond the Edwardian era shops to the south is an at grade, asphalt car park. The car park is accessible from Wustemenn Place to the west and Allowah Terrace to the east, both of which provide laneway access from Bridge Road. The applicant informs that during weekends 46 car spaces are made available for public use. The remaining 43 car spaces are allocated for permanent users, at all times.
73. To the rear of this at grade car park is a double storey office building. The building is set back approximately 6.5m from Allowah Terrace and is constructed to the southern and western boundary/common boundary with the Lennox Street land.
74. This office building is graded as 'not contributory' to the HO332 Richmond Hill Precinct.
75. The Bridge Road land comprises a site area of 2,047m².
The Lennox Street land
76. The Lennox Street land is described on title as Lots 1-6 and includes the common property on Registered Plan of Strata Subdivision 22858G, Vol. 9760, Fol. 32.
77. The Lennox Street land abuts the Bridge Road land to the east for a length of 21.09m, and is located on the eastern side of Lennox Street, 63.1m south of the Bridge Road intersection.
78. The Lennox Street lot has an irregular rectangular shape with staggered southern boundary and protrusion to the north, in the area immediately west of Wustemenn Place. The site has a 17.06m frontage to Lennox Street, a depth of 72.6m and an overall site area of 1,480m².
79. This site comprises a standalone double garage constructed to the Lennox Street frontage and along the northern boundary, a double storey white rendered heritage residence located midway along the length of the site constructed to the northern boundary, and a double storey commercial building at the rear (east) of the lot stepping down to a single storey built form to the rear and is constructed to the southern, eastern and northern boundaries of the Lennox Street lot, in part. A concave lattice fence is constructed along the Lennox Street frontage. An at grade car park area is located to the south of the garage and central heritage building on site.
80. The Lennox Street land is graded 'contributory' to the HO332 Richmond Hill Precinct. Council's Heritage Officer brings attention to the central residential building on site as being of heritage significance, quoting the Statement of Significance where it describes the building as '*an unusually conceived and intact 1860's Italianate residence*'. The submitted Heritage Impact Statement by Trethowan Architecture, dated 27 February 2020 also identifies the Victorian era house as the most significant heritage element remaining on site. As noted in the Trethowan Architecture report '*the c1866 house is substantially intact to the front but obscured to the street view by the c1940s garage. Alterations have occurred to the rear of the house with the conversion of the rear rooms to office spaces, connecting with the former warehouse*'.
81. This central residence and the rear double storey building are used as office space.
82. Eight (8) semi-mature canopy trees are found in between the garage and heritage building and to the south of these buildings. Other insignificant vegetation is found on this lot.
83. Vehicular access to the open car park area is provided via a southern laneway off Lennox Street shown as A-1 on Title (right of carriageway) and including a small splayed easement at the eastern end of this laneway. Five (5) small trees are located along the southern perimeter of this laneway.
84. Separate vehicular access to the front garage is provided via a double crossover off Lennox Street.
85. It is of note that the northern protrusion to the Lennox Street lot is affected by a 4.28m x 10.87m carriageway easement, benefiting No. 193A Lennox Street to the north. This easement provides vehicular access to No. 193A Lennox Street from Wustemenn Place to the east.

General

86. Combined, the Bridge Road and Lennox Street land comprises a reverse 'L' shaped configuration, albeit irregular, and yields a total site area of approximately 3,527m².
87. The overall site has a fall of approximately 3.5m from its rear southern end to Bridge Road and an approximate fall of 1.5m from its rear eastern end to Lennox Street. The contour map provided below shows that the development site sits at the crown of the hill in the Richmond Hill area.

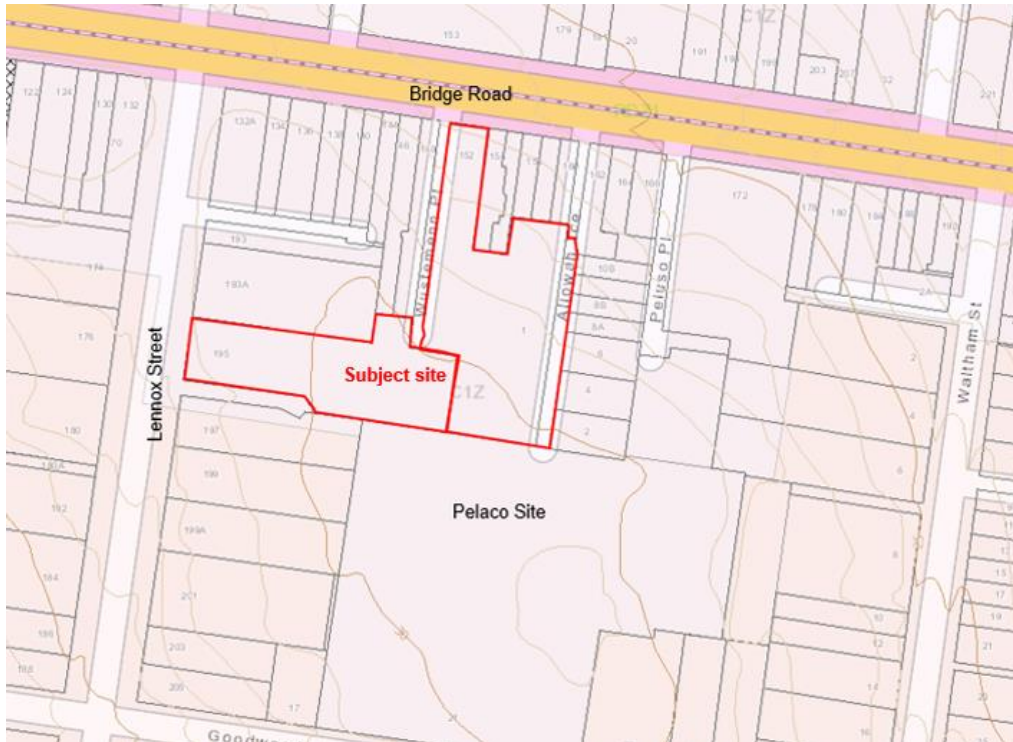


Figure 10 Contour map (Source: mapshare.vic.gov.au)

88. No covenants or agreements affect the certificates of title submitted for the subject site.

Surrounding Land

89. The site forms part of the Bridge Road Major Activity Centre (**MAC**) to the north, is located within the Commercial 1 Zone (**C1Z**) and is the southern most C1Z allotment located along Lennox Street, between Bridge Road to the north and Goodwood Street to the south.

Bridge Road Context

90. The Bridge Road MAC is a long commercial shopping strip that extends from Punt Road in the west to the Yarra River in the east, comprising an array of retail, dining and community, health and business services in addition to residential uses at upper levels. The built form in the Bridge Road MAC is evidently varied in style, scale and era, however the immediate streetscape in this section of Bridge Road, between Punt Road in the west and Church Street in the east, displays a more consistent character with one and two storey Victorian and Edwardian era shopfronts along the Bridge Road frontage, with evident taller built form located behind.
91. As identified by the Tribunal in the Richmond 048 Service Pty Ltd decision, Bridge Road is designated in the planning scheme and Plan Melbourne as a major activity centre which means it is an area where intense new development is encouraged. Such development is evident already as the strip is undergoing physical change, particularly on the north side of Bridge Road between Punt Road and Church Street.

92. Along the north side of the Bridge Road MAC, west of Church Street, Bridge Road has experienced, and is continuing to experience, significant redevelopment. Recently constructed buildings and current approvals range between 7 and 14 storeys. The upper levels of these developments are set back between 12m and 19m from Bridge Road, maintaining the existing shopfronts as the dominant element within the streetscape. Multi-storey development along the northern side includes the large 14 storey mixed used development at 153-177 Bridge Road, located opposite the subject site.
93. The land on the north side of Bridge Road slopes down from Bridge Road to the north.
94. On the other hand, the south side of the Bridge Road has experienced limited redevelopment, with a number of planning application refusals, and presents as a relatively intact heritage streetscape. One of the reasons for this is the south side of Bridge Road is either flat near Church Street or rises in topography to the hilltop around Lennox Street and the Pelaco site, as shown in the contour map provided earlier in the report, and therefore development on the southern side tends to have greater visual prominence. Streetscape, heritage and impact on views to the Pelaco sign have been relevant considerations in previous planning application refusals.
95. However, it is of note that VCAT recently approved a five storey development at 242 Bridge Road, located along the southern side of Bridge Road toward the Church Street end. Planning Permit PLN16/1027 (242 Bridge Road) was issued on 1 March 2018 for use of dwelling at ground level, part demolition and construction of a five storey addition and reduction of car parking requirements. Construction of this development has not yet commenced.
96. More recently, Council issued a Notice of Decision for a five storey building at 194 Bridge Road on 14 May 2020 under application no. PLN19/0312. An application for review has been lodged with VCAT by objectors and is scheduled for a hearing March 2021.

Lennox Street context

97. To the west of the development site is Lennox Street.
98. Between Bridge Road to the north and Goodwin to the south the Lennox Street streetscape comprises varied use and development, with more commercial built form to the north and residential development to the south. As noted earlier, the subject site is the southern most lot within the C1Z.
99. To the north, the eastern side of Lennox Street comprises 1-2 storey commercial development. The western side comprises 2-3 storey commercial development with evidence of residential use at upper levels and includes the recently constructed seven storey development at 172-174 Lennox Street, located north-west of the site.
100. The development at 172-174 Lennox Street is a seven storey development constructed to the northern side and rear of a retained double storey heritage building. The development comprises a triple storey podium to the north of the heritage building, constructed to the street, with upper levels setback 6.5m and beyond from Lennox Street. Figure 11 below shows the Lennox Street elevation.



Figure 11 172-174 Lennox Street, Richmond, Lennox Street Elevation

101. Further south of the site, Lennox Street is residential comprising 2-4 storey walk up flats and single and double storey dwellings, many of which are of the Victorian and Edwardian era.
102. Land immediately surrounding the development site is described as follows:



Figure 12 Aerial image of site (Source: mapshare.vic.gov.au)

North

103. Due to the irregular configuration, the development site has multiple northern interfaces.
104. The Bridge Road land has an interface and frontage to Bridge Road to the north-west. Further to the east the lot abuts the rear of five Bridge Road shops known as 154-160 Bridge Road. The properties at 154-160 Bridge Road comprise 2, two storey shops and 158-160 contain 3 single storey shops, all constructed to Bridge Road with glazed shopfronts to the street. All front facades, including the double storey shops, are slightly lower in height than the parapet to the Edwardian era shops on the subject site. The shops at 156-160 comprise a canopy constructed over the Bridge Road footpath. A palm tree is located to the rear of 154 Bridge Road. The rear sections of 154-160 Bridge Road are unfenced and form part of the rear car park. No. 154 Bridge Road is graded 'contributory' to the HO310 Bridge Road, Richmond Precinct, while 156-160 are graded 'not contributory'.

105. Further to the north is Bridge Road, comprising a 20m wide road reserve, metered parallel on-street parking, bicycle lanes and tram services including Tram Routes 48 and 75.
106. To the north of the Lennox Street portion of the site, is land at 193A Lennox Street, an at grade car park area to the rear of shops 146 and 148 Bridge Road and Wustemenn Place.
107. No. 193A Lennox Street is occupied by a brick double storey office complex with a central driveway providing access to at grade and undercroft car parking on site. The office development comprises a setback from Lennox Street with landscaping and at grade car parking. As identified earlier in the report, the northern protruding section to the Lennox Street land includes a 4.28m wide carriageway easement which benefits 193A Lennox Street. This easement provides vehicular access off Wustemenn Place to the east.
108. To the north of the protruding easement on site is the at grade car park to the shops at 146 and 148 Bridge Road, as indicated above.
109. West of this is Wustemenn Place, a 2.87m wide north-south laneway accessed off Bridge Road in the north and terminating at the Lennox Street land.
110. Further north of 193A Lennox Street is a single storey commercial building with frontage to Lennox Street and the rear of single and double storey commercial buildings fronting Bridge Road.

West

111. To the west of the Bridge Road land is Wustemenn Place, a narrow laneway accessed off Bridge Road to the north and terminating at the northern boundary to the Lennox Street land. Beyond Wustemenn Place is 148 Bridge Road comprising a two storey shop with shop top residence, being the eastern shop to a matching pair along the Bridge Road frontage. This building is constructed to both the Bridge Road frontage and Wustemenn Place and comprises a glazed shopfront to Bridge Road and a shared canopy over the Bridge Road footpath. Various windows face Wustemenn Place at ground and first level. A secondary entry is located midway along the length of its eastern wall, with a bluestone step encroaching onto the laneway. As indicated earlier in the report, an at grade car park is located to the rear of 148 Bridge Road.
112. To the west of the Lennox Street land is Lennox Street. Lennox Street comprises a 20m wide road reserve with time restricted parallel and angled on-street car parking, bicycle lanes and a wide speed bump and kerb outstand comprising street tree located forward of the subject site.

East

113. To the east of the Bridge Road lot is Allowah Terrace. Allowah Terrace is a 3.66m wide laneway accessed off Bridge Road to the north and terminating at the northern boundary to 21-31 Goodwood Street to the south.
114. Along the eastern side of Allowah Terrace is a row of four matching double storey townhouses and three single storey Edwardian dwellings. All dwellings have frontage and address to Allowah Terrace, set back approximately 2-3m from the laneway. All seven dwellings are located within the C1Z.
115. Further to the east of these dwellings is an at grade car park to the rear of 172 Bridge Road (north) and an at grade car park to 21-31 Goodwood Street (south).

South

116. To the south of the Lennox Street land is a laneway marked A-1 on Title, 197 Lennox Street and 21-31 Goodwood Street. To the south of the Bridge Road land is 21-31 Goodwood Street.
117. The laneway abutting the Lennox Street land to the south is 4.24m wide x 33.38m long and provides vehicular access to the Lennox Street land (north) and the walk up flats at 197 Lennox Street (south).

118. To the south is the walk up flat development at 197 Lennox Street. The walk up flats are developed as a four storey building with under croft car parking and comprises a frontage to Lennox Street. The residential building is setback 3m from Lennox Street and an estimated 4.3m from its northern boundary. A small landscaped area and mailboxes are located within the front setback to Lennox Street. An at grade car park is provided east of the residential building. The building comprises various north facing habitable room windows and six projecting north facing balconies at Levels 1, 2 and 3, with three aligned balconies located towards its western end and three aligned balconies located towards its eastern end.
119. Further to the south of this apartment building along Lennox Street, up until Goodwood Street, is a mix of double and triple storey apartment buildings, each with small front yard and at least one side boundary setback.
120. Further to the south of the Lennox Street land and Bridge Road land is 21-31 Goodwood Street. This is a large commercial site comprising the prominent and well known inter-war, four-five storey Pelaco factory building with Pelaco sign above. The Pelaco building is located adjacent to the subject site, setback 11m from the common boundary with the site and is approximately 26m in height. The Pelaco sign is a large doubled sided sign with individual box letters illuminated in neon and with north-south alignment above the building and has an approximate height of 32m. The building and sign are set prominently on the hill and are notable within the Richmond skyline from various elevated vantage points including from East Melbourne (Wellington Parade, Punt Road), the Spring Street office towers, from various vantage points in the west and from the Richmond Town Hall to the east. The site is graded 'individually significant' to the HO332 Richmond Hill Precinct. The sign is listed on the Victorian Heritage Register (Ref. H1149) and is one of the signs recognised in the Landmarks and Tall Structures Policy at Clause 22.03 of the Scheme. The building is used as office space. A driveway and at grade parallel and angled car parking area occupies its northern setback, in the area adjacent to the development site.

Local services and facilities available to the site

121. The site has immediate access to the retail, dining, community, health and business services along the Bridge Road MAC and is located 2km from the Melbourne CBD.
122. The site is within the Principal Public Transport Network (**PPTN**) area. The site comprises immediate access to Tram Routes 48 and 75 along Bridge Road, is within 300m from Tram Route 78 along Church Street, and is within reasonable walking distance to the bus services along Punt Road and the Richmond, West Richmond and Jolimont Railway Stations.
123. The site also benefits from immediate access to the on-road bicycle network with bicycle lanes provided along Lennox Street and Bridge Road.
124. Bridge Road comprises 2P ticketed parking and a clearway affecting the north and south sides during the afternoon and morning periods, respectively. Lennox Street comprises 2P, 5min and permit parking restrictions. Wustemenn Place and Allowah Terrace are both affected by no standing parking restrictions.
125. The site also benefits from convenient access to multiple Flexi-Car hire locations within a 5 minute walk, including one on Bridge Road and two along Lennox Street.

Planning Scheme Provisions

Zoning

Clause 34.01 - Commercial 1 Zone (C1Z)

126. The site is located within the C1Z. The purpose of the C1Z is as follows:
 - (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

127. Pursuant to Clause 34.01-1 of the Scheme, office (including medical centre) and retail premises (including food and drinks premises) are section 1 – permit not required uses.

It is of note that under Clause 64.01 the Scheme, the office floor space includes the wellness centre, showroom and EOT facility as these facilities are ancillary to the principal office use.

Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

Clause 36.04 - Road Zone

128. Pursuant to Clause 36.04-2, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04.1. Under Clause 36.04-1, retail and office are innominate uses and therefore fall into the section 2 - permit required category. As such, a permit is required for the new canopy constructed over the Bridge Road footpath.
129. Pursuant to Clause 36.04-3, amongst other things Council must consider the views of the relevant road authority.

Overlays

Clause 43.01 - Heritage Overlay (HO310 Bridge Road Precinct, Richmond and HO332 Richmond Hill Precinct)

130. The HO310 affects the land at the Bridge Road frontage, and the HO332 affects the remaining land on site.
131. Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building, to construct a building or construct or carry out works, and to externally alter a building by structural work, rendering, sandblasting or in any other way.
132. Under Clause 43.01-1, a permit is required to externally paint a building if the schedule specifies external paint controls apply. External paint controls apply under the HO310. External paint controls do not apply under the HO332.
133. Under Clause 43.01-1, a permit is required to remove, destroy or lop a tree if the schedule specifies tree controls apply. Tree controls do not apply under HO310 and HO332.
134. As identified in the incorporated document City of Yarra Review of Heritage Areas 2007 Appendix 8:
- (a) the pair of Edwardian era shops at 150-152 Bridge Road are graded 'contributory' to the HO310 Bridge Road Precinct, Richmond;
 - (b) the double storey office building at 1-3 Allowah Terrace is graded 'not contributory' to the HO332 Richmond Hill Precinct; and
 - (c) site 195 Lennox Street, Richmond, is graded 'contributory' to the HO332 Richmond Hill Precinct. With regard to the 195 Lennox Street site, Council's Heritage Officer identifies the residential building on site as being of heritage significance.

Clause 43.02 - Design and Development Overlay (DDO21 – Bridge Road Activity Centre)

135. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. The buildings and works must be constructed in accordance with the requirements of the schedule.
136. Under Schedule 21 to the Overlay, the site is located within Precinct 1 – Bridge Road West. Schedule 21 comprises the following mandatory requirements for the site:
- (a) The heritage frontage to Bridge Road must be retained;
 - (b) The built form above must be setback at least 6m from the Bridge Road frontage; and
 - (c) The maximum building height is 21m (applies to the whole site).

Particular Provisions

Clause 52.06 – Car Parking

137. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause. Pursuant to Clause 52.06-5 of the Scheme, the car parking requirements for the proposed development are taken from column B of table 1 given the land is identified as being within the PPTN Area.
138. Under the Clause 52.06-5 requirements, the proposed provision and the subsequent shortfall are shown below:

Land Use	Quantity/size	Statutory Rate	Required car spaces	Proposed car spaces	Reduction Sought
Office (including ancillary wellness and showroom)	9956m ²	3 car space to each 100m ² net floor area (NFA)	298.68 (298 rounded down)	92	206
Medical centre	571.6m ²	3.5 car space to each 100m ² leasable floor area (LFA)	20	20	0
Shop/Food and Drink premises	553.7m ²	3.5 car spaces to each 100m ² of LFA	19.3 (19 rounded down)	2	17
Total	-	-	337	114	223

139. In this instance, a planning permit is required to reduce the statutory requirements by 223 spaces.

Clause 52.34 – Bicycle Facilities

140. Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
141. The bicycle facilities requirements at Clause 52.34-5 are shown below:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Medical centre	8* practitioners	1 employee space to each 8 practitioners	1 employee spaces	
		1 visitor space to each 4 practitioners	2 visitor spaces.	
Office (other than specified in the table)	9956 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	33 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	10 visitor spaces	
Shop	554 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 visitor spaces	
Bicycle Parking Spaces Total			34 employee spaces	224 employee spaces
			12 visitor spaces	10 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	4 showers / change rooms	16 showers / change rooms

**The number of practitioners is assumed based on similar sized medical centres. This is as per the advice of Council's Strategic Transport Unit.*

142. It is of note that the total provision of bike spaces on the development plans (i.e. 252) does not match the provision of the development summary (i.e. 234). If a permit is to issue, this will need to be corrected via condition. For the purposes of assessment, the more conservative provision will be used.
143. The overall development comprises a total 234 bicycle spaces, including 224 staff spaces within the EOT facility at Ground Level accessed via bike ramp off Allowah Terrace, and 10 visitor spaces provided within the Lennox Street entry court at street level. The total bicycle space provision far exceeds the statutory requirement, however at a minimum 12 bicycle spaces must be allocated for visitor use. This is also raised as a matter for address by Council's Strategic Transport Unit and will be discussed in further detail later in the report.
144. The EOT facility exceeds the minimum shower/change room requirements of Clause 52.34-5.

General Provisions

Clause 65 - Decision Guidelines

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

Planning Policy Framework (PPF)

The following PPF provisions of the Scheme are relevant:

Clause 11 - Settlement

145. Under Clause 11 the Scheme outlines:

- (a) *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*

Clause 11.02-1S - Supply of urban land

146. The objective of this Clause is:

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

Clause 11.03-1S - Activity centres

147. The objective of this Clause is:

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

Clause 11.03-1R- Activity centres – Metropolitan Melbourne

148. The relevant strategy of this Clause is:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they are able to accommodate significant growth for a broad range of land uses.*

Clause 13.05-1S - Noise abatement

149. The objective of this clause is:

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

Clause 13.07-1S - Land use compatibility

150. The objective of this clause is:

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

Clause 15.01-1S - Urban Design

151. 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.*

Clause 15.01-1R - Urban design – Metropolitan Melbourne

152. The objective of this Clause is:

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

Clause 15.01-2S - Building design

153. The objective of this Clause is:

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

Clause 15.015-S - Neighbourhood character

154. The objective of this Clause is:

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

Clause 15.02-1S - Energy and resource efficiency

155. The objective of this Clause is:

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

Clause 15.03-1S - Heritage conservation

156. The objective of this Clause is:

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

Clause 17.01-1S - Diversified economy

157. The objective of this Clause is:

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

158. A relevant strategy of this Clause is:

- (a) *Facilitate a growth in a range of employment, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*

Clause 17.02-1S - Business

159. The objective of this Clause is:

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

Clause 18.01-1S - Land use and transport planning

160. The objective of this Clause is:

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

Clause 18.02-1S - Sustainable personal transport

161. The objective of this Clause is:

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

Clause 18.02-2S - Public Transport

162. 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 18.02-4S - Car parking

163. The objective of this Clause is:

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

Local Planning Policy Framework (LPPF)

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

Clause 21.03 – Vision

165. At Clause 21.03, the vision for the City of Yarra in 2020 is (as relevant):

Land use

- (a) *Yarra will have increased opportunities for employment.*
- (b) *The complex land use mix characteristic of the inner city will provide for a range of activities to meet the needs of the community.*
- (c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.*

Built form

- (d) *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks.*
- (e) *All new development will demonstrate design excellence.*

Transport

- (f) *Most people will walk, cycle and use public transport for the journey to work.*

Environmental sustainability

- (g) *Buildings throughout the City will adopt state-of the-art environmental design.*

166. Under the Figure 1 Strategic Framework Plan at Clause 21.03, the site is located within the Bridge Road MAC.

Clause 21.04-2 – Activity centres

167. The relevant objectives of this Clause are:

- (a) *To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
- (b) *To maintain the long term viability of activity centres.*

Clause 21.04-3 – Industry, office and commercial

168. The objective of this Clause is:

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

Clause 21.05-1 – Heritage

169. The relevant objective of this Clause is:

- (a) *To protect and enhance Yarra's heritage places.*

Clause 21.05-2 – Urban Design

170. The relevant objectives of this Clause are:

- (a) *To reinforce the existing urban framework of Yarra.*
- (b) *To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
- (c) *To create an inner city environment with landscaped beauty.*
- (d) *To ensure that new development contributes positively to Yarra's urban fabric.*
- (e) *To enhance the built form character of Yarra's activity centres.*
- (f) *To encourage the provision of universal access in new development.*

171. A relevant strategy of this Clause is Strategy 17.2:

- (a) *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:*
 - (i) *Significant upper level setbacks*
 - (ii) *Architectural design excellence*
 - (iii) *Best practice environmental sustainability objectives in design and construction*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings*
 - (v) *Positive contribution to the enhancement of the public domain*
 - (vi) *Provision of affordable housing*

Clause 21.05-3 – Built form character

172. The relevant objective of this Clause is:

- (a) *To maintain and strengthen the identified character of each type of identified built form within Yarra.*

Clause 21.05-4 – Public environment

173. The relevant objective of this Clause is:

- (a) *To provide a public environment that encourages community interaction and activity.*

Clause 21.06-1 - Walking and cycling

174. The objective of this Clause is:

- (a) *To provide safe and convenient pedestrian and bicycle environments.*

Clause 21.06-2 – Public transport

175. The relevant objective of this Clause is:

- (a) *To facilitate public transport usage.*

Clause 21.06-3 – The road system and parking

176. The relevant objectives of this Clause are:

- (a) *To reduce the reliance on the private motor car.*
- (b) *To reduce the impact of traffic.*

Clause 21.07-1 – Environmentally sustainable development

177. The relevant objective of this Clause is:

- (a) *To promote environmentally sustainable development.*

Clause 21.08-10 – Central Richmond (Area between Bridge Road and Swan Street)

178. Clause 21.08-6 describes the Bridge Road MAC as an important regional centre and splits it into three distinct precincts describing Bridge Road West, from Punt Road to Church Street, as encompassing:

- (a) *a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.*

179. Under the Figure 23: Central Richmond Neighbourhood Map at Clause 21.08-10:

- (a) The subject site is located within the Bridge Road MAC; and
- (b) The Pelaco sign to the rear of the site is marked as a landmark to be protected.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

- 180. This policy applies to all new development included in a heritage overlay. The relevant objectives of this Clause include to conserve Yarra's natural and cultural heritage; to conserve the historic fabric and maintain the integrity of places of cultural heritage significance; to retain significant view lines to, and vistas of, heritage places; to preserve the scale and pattern of streetscapes in heritage places; to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places; to ensure that additions and new works to a heritage place respect the significance of the place; and to encourage the retention of 'contributory' heritage places.
- 181. At Clauses 22.05-5, 22.02-5.3, 22.02-5.7.1, and 22.02-5.7.2 of the Scheme, the policy provides requirements with regard to demolition; reconstruction and restoration; new development and additions; and specific requirements relating to sites with dual frontages, commercial and retail heritage places or contributory elements, garages, and ancillaries and services.

Clause 22.03 – Landmarks and tall structures

- 182. The policy applies to all development. The relevant objective of this policy is to maintain the prominence of Yarra's valued landmarks and landmark signs. Amongst other things, the policy requires development to protect views to landmark signs, including the Pelaco Sign at 21-31 Goodwood Street, Richmond, to the rear of the subject site.

Clause 22.05 - Interface Uses Policy

- 183. This policy applies to applications for use or development within mixed use, business and industrial zones (including the C1Z). The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses and aims to reduce conflict between commercial, industrial and residential activities. The relevant objective is to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.
- 184. At Clause 22.05-4.2 of the Scheme, the policy requires new non-residential development near residential properties to be designed to minimise overlooking, overshadowing, visual bulk, loss of daylight, off-site acoustic impacts, unsightly views into the commercial development and light spill.

Clause 22.07- Development Abutting Laneways

- 185. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy are to provide an environment which has a feeling of safety for users of the laneway; to ensure that development along a laneway acknowledges the unique character of the laneway; to ensure that where development is accessed off a laneway, all services can be provided to the development; and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.
- 186. At Clause 22.07-3 of the Scheme, the policy provides requirements in relation to traffic, vehicular access, pedestrian access, lighting, overlooking beyond the laneway, built form scale, obstruction to access along the laneway, and refuse storage.

Clause 22.16 - Stormwater Management (Water Sensitive Urban Design)

187. This policy applies to applications for new buildings. The relevant objectives of this policy is to achieve best practice water quality performance objectives; to promote the use of water sensitive urban design, including stormwater re-use; to mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design in new development; and to minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies (creeks, rivers and bays).

Clause 22.17 - Environmentally Sustainable Development

188. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The policy considerations are energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology. Under Clause 22.17-4 of the Scheme, a Sustainability Management Plan (**SMP**) and Green Travel Plan (**GTP**) is required for non-residential development proposals with a gross floor area greater than 1000m². A SMP and GTP have been submitted with the application material.

Other Documents

Urban Design Guidelines for Victoria (DELWP, 2017)

189. The Urban Design Guidelines for Victoria (**UDGV**) are policy guidelines within the PPF. The guidelines must be considered when assessing the design and built form of new development, as relevant. The Guidelines use best practice knowledge and advice underpinned by sound evidence.

Advertising

190. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1724 letters sent to surrounding owners and occupiers and by two (2) signs displayed on site. Council received thirty-two (32) objections, the grounds of which are summarised as follows:

- (a) Commercial use not appropriate in context of residential area;
- (b) Built form, height, scale and setback
- (c) Materials result in dominant presentation;
- (d) Heritage impact to buildings on site, along Bridge Road, Lennox Street and heritage impact to Pelaco site and sign;
- (e) No acknowledgement of indigenous significance of the site;
- (f) Impact on views to Pelaco building and sign/impact on skyline;
- (g) Overdevelopment;
- (h) Removal of mature trees;
- (i) Off-site residential amenity (daylight access, overlooking, obstruction to outlook, overshadowing, visual bulk, wind effect, traffic noise and pollution, noise from terraces, noise from a/c system);
- (j) Off-site amenity impacts to Pelaco site and 154-160 Bridge Road;
- (k) Equitable development opportunities to adjacent land (Pelaco site, 148 Bridge Road and shops at 154-160 Bridge Road);
- (l) Reduction in car parking;
- (m) Traffic impact;

- (n) Increased traffic along southern laneway will obstruct ingress/egress movements to on-site parking at 197 Lennox Street. The southern laneway was not intended to carry hundreds of movements, deliveries and waste removal movements/does not allow two-way movements;
 - (o) Rubbish truck movements to north-east carriageway/loading area;
 - (p) Design restricts rear vehicular and pedestrian access to 156-160 Bridge Road via the carriageway;
 - (q) Construction over north-east carriageway;
 - (r) Waste disposal;
 - (s) Environmental sustainable design (**ESD**), greenhouse emissions due to a/c system;
 - (t) Site Plan incorrect (omits southern laneway) and no shadow diagrams and arborist report submitted;
 - (u) The plans show removal of trees on 197 Lennox Street without consent from owners;
 - (v) Insufficient advertising;
 - (w) Applicant's representatives trespassed and left painted markings at 197 Lennox Street without consent;
 - (x) Disturbance during the construction phase;
 - (y) Request insurance/bond for damage to vehicles and property during construction;
 - (z) Loss of tenants at 197 Lennox Street due to the long construction phase
191. As the applicant has lodged an appeal at the VCAT under S79 of the Act for failure to determine, a planning consultation meeting has not been arranged.

Referrals

192. The referral comments are based on the advertised plans.

External Referrals

193. The application was referred to Department of Transport who in a letter dated 1 September 2020 did not object to the proposal subject to conditions.

Internal Referrals

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

- (a) Urban Design (public realm only);
- (b) Open Space Planner;
- (c) Council Arborist;
- (d) Heritage Advisor;
- (e) ESD Advisor;
- (f) Engineering Services;
- (g) Strategic Transport;
- (h) Strategic Planning; and
- (i) Waste Management.

External Consultants

195. The application was referred to the following external consultants for further advice:
- (a) Urban Design (Kinetica Studio Pty Ltd);

- (b) Acoustics (SLR Consulting Australia Pty Ltd); and
- (c) Wind (MEL Consultants).

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

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Built form, design and heritage, including;
 - i. Context;
 - ii. Height, scale and massing (including streetscape and equitable development);
 - iii. Heritage;
 - iv. Architectural quality;
 - v. Landmarks, views and vistas;
 - vi. Public realm, pedestrian spaces, light and shade; and
 - vii. Tree removal and landscaping;
- (c) On-site amenity (including ESD);
- (d) Off-site amenity;
- (e) Car parking and traffic, car park access and layout, bicycle parking; and
- (f) Objector concerns.

Policy and strategic support

- 198. The proposal has strong strategic planning policy support at State and Local levels.
- 199. The subject site is within the C1Z and is a prominent site forming part of the Bridge Road MAC.
- 200. A key purpose of the C1Z is *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*.
- 201. Further to this, the PPF and LPPF at Clause 11.03-1S and Clause 21.04-2 encourage the concentration of retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community and support the long term viability of activity centres.
- 202. The proposed development provides a large commercial development across two sites within and adjacent to the Bridge Road MAC. While the site has a narrow 10.45m frontage and interface to the Bridge Road MAC, it is also conveniently accessible along two laneways off Bridge Road (Allowah Terrace and Wustemenn Place) and is accessible further south off Lennox Street, 63m south of the Bridge Road/Lennox Street intersection.
- 203. With its large floor space provision, this development provides a mix of 553.7m² retail floor space, 9956m² general office floor space and 571.6m² medical centre floor space within and adjacent to the Bridge Road MAC. The development will reinvigorate a large underutilised commercial site along the Bridge Road MAC, will provide more retail and commercial/administrative activity within the MAC and surrounding commercial area and will support the long term viability of the Bridge Road MAC.
- 204. The development is designed with a 80.7m² café at the Bridge Road frontage at street level, to provide an active retail interface along the Bridge Road commercial strip, and provides a 'walk through' access off Bridge Road providing convenient access to four other retail tenancies provided at Ground Level. This will support the retail focus of the Bridge Road MAC and will help promote the long term viability of the activity centre, pursuant to the PPF and LPPF.

205. Clause 17.02 of the PPF *encourages development that meets the community's needs for retail, entertainment, office and other commercial services*. The proposed retail, medical centre and office floor space will provide for this.
206. Clause 17.01 of the PPF encourages *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*. Clause 21.04-3 of the LPPF aims *to increase the number and diversity of local employment opportunities*. The site provides for various employment opportunities across the various tenancies and appropriately works in with the existing medical services already prevalent on Bridge Road. The proposed mix of uses will provide a positive employment source for the local and broader community and is in accordance with the PPF and LPPF.
207. Further to this, Clause 11 states that *planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services*. The proposed development makes use of an underutilised site in a built up inner city location. The site has immediate access to the Bridge Road MAC, the Bridge Road tram services, is within close proximity to tram services along Church Street and is within reasonable walking distance to bus services along Punt Road and the Richmond, West Richmond and Jolimont Railway Stations. The proposed mixed use development benefits from the established settlement pattern and the existing transport, utility, social and commercial infrastructure and services available in the area, pursuant to the PPF.
208. Overall, a substantial commercial development comprising a mix of retail, medical centre and office floor space has strong strategic planning policy support at this location. However, it is of note that policy support for more intensive commercial development on this site must be balanced with other planning considerations, including the local built form context (including streetscape, heritage values, landmarks), the proposed architectural response, equitable development opportunities, public realm, pedestrian spaces, light and shade, tree removal and landscaping, on-site amenity including ESD considerations, off-site amenity considerations, car and bicycle space provision and car park design. This is addressed at length in the following assessment.

Built form, design and heritage

209. In considering the built form, design and heritage of the proposed development the relevant aspects of the Scheme are provided at Clause 15 *Built Environment and Heritage*, Clause 21.05 *Built Form*, Clause 22.02 *Development Guidelines for sites subject to the Heritage Overlay*, Clause 22.03 *Landmarks and tall structures*, Clause 22.07 *Development Abutting Laneways*, Clause 22.16 *Stormwater Management (Water Sensitive Urban Design)*, and Clause 22.17 *Environmentally Sustainable Development*. Supplementary guidance is also provided under the Department of Environment, Land, Water and Planning's UDGv.
210. However, more specific to the Bridge Road MAC and this development site is the DDO21 control. The DDO21 provides relevant design objectives and guidelines, including prescribed requirements for building and street wall height; setbacks; building separation; views to landmarks; overshadowing to the street; vehicular access; building design; heritage building design; and precinct specific requirements. Due to its precinct specific and detailed design guidance, the DDO21 will be largely relied upon for the assessment of the development against built form, design and heritage considerations.
211. The Richmond 048 Service Pty Ltd decision for 150-152 Bridge Road and 1-3 Allowah Terrace and the Permit PLN17/1094 decision plans for 195 Lennox Street will also be referenced in the assessment, as relevant.

Context

212. Considering the strategic direction for the C1Z and Activity Centres, i.e. to create vibrant mixed use commercial centres and to support the long term viability of activity centres, the intensive development of the site and surrounding land within the Bridge Road MAC is anticipated.

However the strategic direction must be balanced against other considerations including site context, taking into consideration streetscape, heritage values and the equitable development opportunities of adjacent land.

213. As identified earlier in the report, the Bridge Road MAC is a traditional retail strip consisting of commercial use and development, largely comprising a single and double storey street wall interface. Many commercial buildings along the strip are Victorian and Edwardian with projecting canopies and verandahs over the Bridge Road footpath. Higher development has emerged to the rear of lower scale commercial/shop buildings, mainly concentrated on the north side of Bridge Road. The south side of the Bridge Road has experienced limited redevelopment, however it is of note that there is a recently constructed seven storey development at 172-174 Lennox Street constructed immediately south of the Bridge Road shops and other approved or recommended to be approved developments along Bridge Road at five storeys.
214. As acknowledged in the Richmond 048 Service Pty Ltd decision, VCAT identified that whilst the building height and setbacks of the earlier development proposal (refused) may have been comparable to the new development occurring on the opposite (north) side of Bridge Road, the visibility is different because of topography.
215. In this instance the subject site sits at the crest of the Richmond Hill. Therefore, building heights and setbacks must be treated differently along the northern and southern sides of the street at this location. This is reflected in the DDO21 control whereby the Precinct 1 – Bridge Road West Plan prescribes a preferred maximum building height of 28m for land on the north side of Bridge Road opposite the subject site and requires a lower mandatory maximum building height of 21m for the subject site and other adjacent land along the southern side of Bridge Road at this location.
216. With regard to the Bridge Road land, the proposed development retains the Edwardian shops at the site's Bridge Road frontage, provides a café with shopfront along the Bridge Road interface and includes an expansive and recessive six storey commercial built form, set back 13.9m, 33.3m and 26.35m from Bridge Road. Retention of the Edwardian shops and the provision of a café at the Bridge Road frontage ensures that the immediate Edwardian/Victorian commercial character of the strip is protected, with the established 1-2 storey street wall retained and it ensures an active street frontage to support the retail focus of the Bridge Road MAC.
217. The proposed development provides a positive response at the Bridge Road interface. With regard to the building height, there is planning policy support for a six storey development on site. At Clause 21.05-2, Strategy 17.2 requires development on strategic redevelopment sites or within activity centres to be no more than 5-6 storeys. More significantly, the DDO21 control allows a maximum building height of up to 21m on site. There is no particular concern with a six storey building on this site in principle, however the height, scale and mass of the development must be designed to ensure that the prominence of the established streetscape and the heritage buildings is retained and it must ensure that a comfortable level of street enclosure along Bridge Road is achieved. It is considered that the proposed 13.9m setback to the upper levels from Bridge Road is insufficient to achieve this. This is addressed at length in the assessment against the DDO21 requirements, provided later in the report.
218. To the east and west of the Bridge Road land is Allowah Terrace and Wustemenn Place, respectively.
219. Allowah Terrace is a 3.66m wide laneway accessed off Bridge Road to the north and terminating at the northern boundary to 21-31 Goodwood Street in the south. Opposite the site along the eastern side of the laneway are seven single and double storey dwellings with frontage and address at Allowah Terrace. The proposed six storey development comprises a 3-4 storey podium along Allowah Terrace (set back 2.45m and 3.05m from the street) with the upper levels (Levels 4 & 5) moderately recessed and set back 4.2m from the street. The proposed podium at a 3-4 storey height with moderately recessive tower above will be dominant in this streetscape.

It is considered that the proposed development does not provide an adequate transition in built form in the context of the low rise single and double storey dwellings found along the eastern side of the street and will result in a 'canyon effect' along the laneway. The built form and scale will need to be mitigated along this interface. This is discussed in further detail later in the report.

220. Wustemenn Place is a narrow 2.87m wide laneway accessed off Bridge Road to the north and terminating at the northern boundary to the Lennox Street land. Beyond Wustemenn Place is 148 Bridge Road. No. 148 Bridge Road has a narrow lot width at 4.8m to the north and 5.8m to the south. This property comprises a double storey shop with shop top residence constructed to the Bridge Road frontage and Wustemenn Place and includes various windows facing Wustemenn Place at ground and first levels. An open at grade car park is located to the rear of 148 Bridge Road. The Wustemenn Place 'lanescape' is not considered to be particularly sensitive or significant to the precinct given the buildings at 148 and 150 Bridge Road have a sideage to the laneway and at the southern end the laneway is flanked with at grade carparking to both sides. However, it is of note that the proposed development is set back 1.5m-2.0m from the laneway at Ground Level and Level 1 and Levels 2-5 above cantilever over the lower level footprint and will be constructed to the laneway. Given 148 Bridge Road is a long and narrow lot, this does not provide equitable development opportunities for 148 Bridge Road, particularly in relation to the undeveloped car park area to the south. To reasonably preserve the equitable development opportunities of this site, it is considered that an increased setback from Wustemenn Place is required at Levels 2-5. This is revisited later in the assessment.
221. Further to the west, the amalgamated development site has a frontage to Lennox Street. As described earlier in the report, between Bridge Road to the north and Goodwin to the south the Lennox Street streetscape comprises varied use and development, with more commercial built form to the north and residential development to the south. The subject site is the southernmost lot within the C1Z. To the north, the eastern side of Lennox Street comprises 1-2 storey commercial development. Further south Lennox Street is residential and the eastern side comprises 2-4 storey walk up flats, many of which are of the Victorian and Edwardian era. Immediately south of the development site is a four storey walk up flats development with undercroft car parking at 197 Lennox Street.
222. The context of Lennox Street is therefore mixed, with a prevailing scale of 2-7 storeys.
223. The proposal comprises a 3 - 3½ storey, 10m wide podium with a 2.9m wide recess at the southern end at the Lennox Street frontage, positioned south of the retained heritage residence. The area forward of the retained heritage residence is reserved as an open court and walkway off Lennox Street, which wraps around the retained heritage building to the south with built form cantilevering over the southern walkway at Levels 2 and 3, forming part of the podium. Deeper into the site, the commercial development comprises a tower with staggered 31.5m and 44.9m setback from Lennox Street.
224. Along Lennox Street, the subject site is an anomaly in the streetscape with only a single garage to the front with built form set back quite a distance to the rear (east). This creates a void in the streetscape where there should ideally be an active street frontage. This does not contribute positively to the streetscape character of Lennox Street. Further to this, the heritage building on site is entirely concealed by the garage when viewed from the street. The proposed development scheme makes an improved contribution to the streetscape and is respectful of the heritage values on site.
225. The development provides a three storey podium with recessive element to the south at the street frontage. As outlined in the report, the site is the southernmost lot within the C1Z along Lennox Street. Three storey street walls are typical of commercial areas in Yarra. The development at 172-174 Lennox Street is a recent example of such development.
226. More specific to the site, the three storey podium achieves a good transition in scale between the 1-2 storey commercial development to the north and the four storey walk up flats to the south along the eastern side of Lennox Street.

The location of the podium at the street interface is similar to the other commercial buildings located toward the Bridge Road intersection to the north, and with the 2.9m wide x 3.9m deep recess to the south side of the podium and the setback provided along the southern side of the podium to make way for the vehicular access, the built form will transition well with the residential zoned land to the south and the southern adjoining walk up flats development at 197 Lennox Street which comprises a 3.0m setback from Lennox Street.

227. Further to this, the overall development is designed to now reveal the heritage residence on site when viewed from the street. This is an improvement to the existing site conditions where the garage at the street frontage conceals the heritage building entirely. It is also an improvement when compared to the Permit PLN17/1094 decision plans. Under this approved scheme, a four storey podium is located at the Lennox Street frontage with a width of 15.04m. Under this scheme, views to the heritage building are limited to a walkway underpass only, whereby the four storey podium is constructed over the walkway at Levels 1, 2 and 3. In the approved scheme, visibility to the retained heritage building is further obstructed by a front fence. Below is the front elevation to this approved scheme, with walkway underpass highlighted in red dashed line, refer to Figure 13.

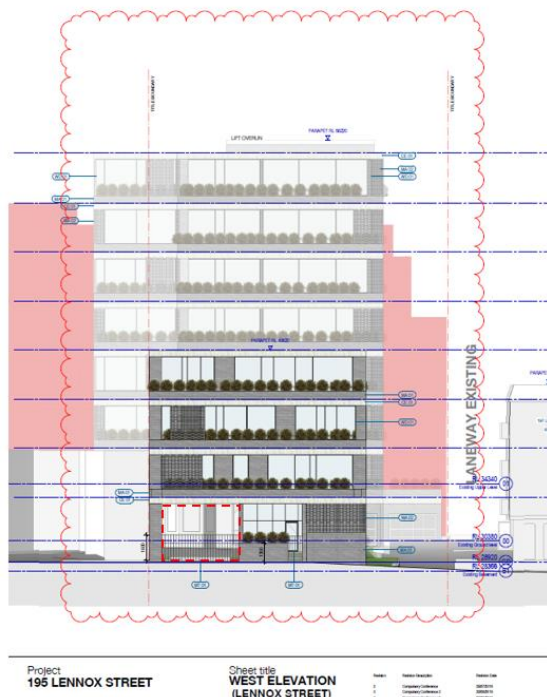


Figure 13 Front (west) Elevation to decision plans of Permit PLN17/1094

228. Referring back to the proposed development, the more intensive development is set back deep into the site. The proposed tower is set back 31.5m and 44.9m from Lennox Street, essentially lining up with the rear side to the four storey walk up flats development at 197 Lennox Street and will be seen in the foreground when viewed in the context of the triple storey podium, the retained heritage building and the broader streetscape overall. It is also worthy of note that while the development is proposed as a 6 storey development, when viewed from Lennox Street the tower will present as 5 levels, not 6 levels, given the Ground Level is somewhat cut into the site to the south and west of the land due to the site's topography. The proposed tower is a substantial improvement to that approved under Permit PLN17/1094.
229. Overall, the proposed development is a considered to be an appropriate design response in the Lennox Street streetscape, providing lower built form at the street interface with mid-rise development deep into the site to the rear (east), it ensures that the heritage building on the Lennox Street land now has exposure and prominence when viewed from Lennox Street and on a whole the proposed development makes an improvement to the development scheme approved under Permit PLN17/1094.

230. To the south of the site is the Pelaco building with prominent and well known Pelaco sign above. The planning scheme seeks to protect views of the Pelaco sign.
231. At large, views to the Pelaco sign have been addressed. The proposed development sits below the parapet to the Pelaco building. The overall development is located north of the sign and so when viewed from distant vantage points in the east and west, the building does not appear to block views to the sign. See render and photomontage submitted by the permit applicant below demonstrating the relationship between the proposal and the Pelaco sign from distant east and west views.



Figure 14 Distant view from the east



Figure 15 Distant view from the west with the proposal shown in red outline

232. Southern views are not of concern given the Pelaco site is located forward of the development site. With regard to northern views, the northern views along Bridge Road are largely obstructed by established development along the commercial strip. However, it is of note that there is some visibility to the sign from Bridge Road along Allowah Terrace. Along Allowah Terrace, the upper levels are setback 4.2m from Allowah Terrace and appear to obstruct visibility to the sign. Improvement can be made here. This is discussed in more detail later in the report.

Height, scale and massing (streetscape and equitable development)

233. At Clause 43.02-2, the Design and Development Overlay states that buildings and works must be constructed in accordance with any requirements in a schedule to the overlay. However, a permit may be granted to construct a building or construct or carry out works which are not mandatory requirements of the schedule. As will be identified, there is a combination of 'mandatory' and 'preferred' requirements applicable to this site.
234. The DDO21 provides guidelines for the Bridge Road MAC with regard to building heights, street wall heights, upper level setbacks at the street frontage, setbacks for interface with residential zoned land, and building separation, amongst other things. Under the DDO21 control, the site is located within Precinct 1 – Bridge Road West of the Bridge Road MAC.
235. Pursuant to the Building Heights and Setbacks – Precinct 1 Plan, the relevant building height and setback requirements for the Bridge Road land are as follows:
- (a) A maximum building height of 21m (mandatory);
 - (b) The street wall must retain the heritage frontage (mandatory);
 - (c) The upper level setback must be a minimum 6m (mandatory).
236. In addition to these requirements, under sub-clause 2.2 of the Schedule, development on Bridge Road in Precinct 1 *must also occupy no more than one quarter of the vertical angle defined by the whole building in the view from a sightline at a height of 1.7m above the footpath on the opposite side of the street*, as shown in Figure 2 to the Schedule, provided below.

Figure 2 – Setback for Upper Level Development

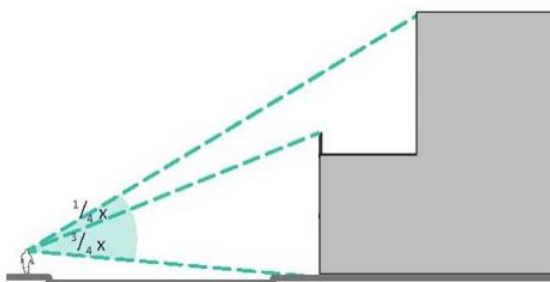


Figure 16 - DDO21 Figure 2 Requirement

237. Pursuant to the Building Heights and Setbacks – Precinct 1 Plan, the relevant building height and setback requirements for the Lennox Street land are as follows:
- (a) A maximum building height of 21m (mandatory);
 - (b) The street wall is to be a maximum 11m height (preferred);
 - (c) The upper level setback is to be 6m (preferred).
238. It is of note that under sub-clause 2.2 to the Schedule, a permit can be granted to vary the preferred street wall height and the preferred upper level setback if the proposal meets the Design Objectives, the Heritage Design requirements and the Precinct 1 Design requirements of the Schedule.
239. Additionally under the DDO21:

- (a) the building height does not include plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment;
- (b) setback is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the property boundary; and
- (c) in determining the mandatory upper level setback along the Bridge Road frontage under Figure 2 requirements, the parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Maximum building height

240. Discounting the plant rooms, lift overruns, structures associated with the green roof area, and screens to service areas, the overall development has a maximum building height of 21m at the Bridge Road frontage, in accordance with the DDO21 requirements. Compliance with the mandatory maximum 21m building height is clearly shown in Sections A, B, C, D and E with the maximum height allowance shown in red dashed line. Refer to Attachments in this report.

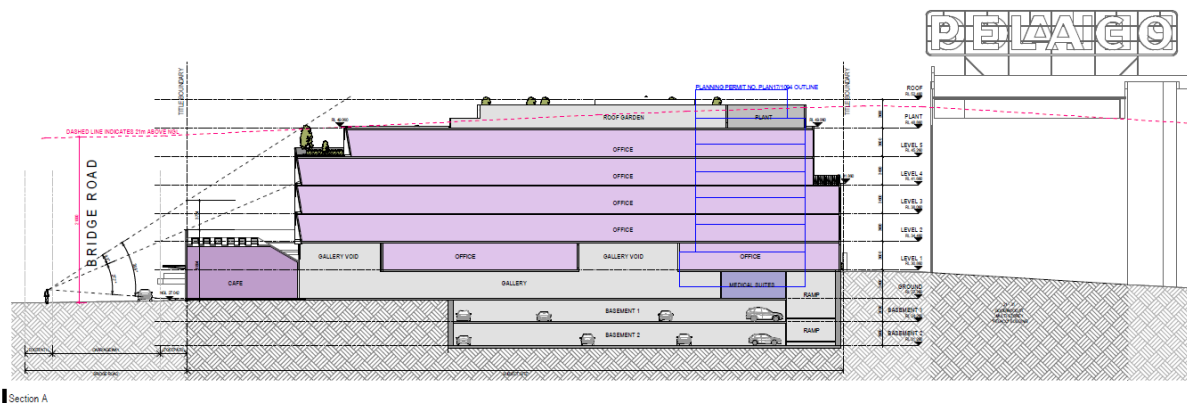


Figure 17 – Section A showing compliance with 21m maximum height

241. While the proposed six storey, 21m building height is considered acceptable for this development site, the building height must be appropriately considered in relation to street wall height and front setbacks to ensure that the new development adequately protects and contributes positively to the streetscape and heritage values and will result in a comfortable level of street enclosure. This is considered in the following discussion.

Bridge Road frontage

242. The Edwardian shops on site will be retained at the Bridge Road frontage, in accordance with the mandatory DDO21 street wall requirements. This will adequately maintain the prominent street wall character of Bridge Road and will help to protect the heritage streetscape. Further to this, the Edwardian shops will be retained in a three-dimensional form, except for the demolition works to the rear lean-to addition.
243. In relation to new development along Bridge Road within Precinct 1, the upper level setback must be in accordance with Figure 2 requirements.
244. The applicant appears to have taken their sightline to the top of the front parapet decorative elements in Section A, TP03.01, contrary to the DDO21 requirements.
245. When discounting the parapet decorative elements, the front parapet scales off at an estimated height of 6.3m-6.5m, as seen in the image below.

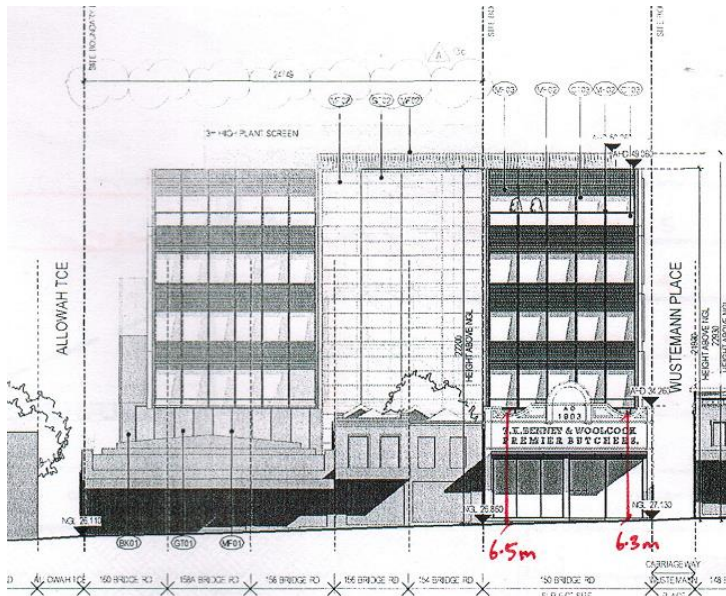


Figure 18 Bridge Road parapet height, as per DDO21 requirements

246. When conservatively applying a 6.5m parapet height, it is found that the required minimum setbacks to Levels 4 and 5 is 20.5m and 29m, respectively.
247. Further to this requirement, it is of note that pursuant to sub-clause 2.2 of the Schedule, development along the Bridge Road frontage *must adopt the same setback for at least 75% of the height of the proposed built form above the front street wall to avoid repetitive stepped form.*
248. When looking at Section A, TP03.01, the total built form above the front street wall at the Bridge Road frontage includes Levels 2, 3, 4 and 5. 75% of this would include Levels 2, 3 and 4. Therefore, if a new secondary setback at the Bridge Road frontage is to be introduced, it must apply to Levels 2, 3 and 4.
249. In applying the DDO21 upper level setback requirements, a uniform setback to Levels 2, 3 and 4 must be increased from 13.9m to 20.5m. Furthermore, to satisfy the Figure 2 setback requirement, Level 5 must stagger back from 20.26m to 29m and the northern terrace at Level 5 (west) needs to be reduced in depth to 5.0m to ensure no protrusions into the required front setback (terrace area estimated to reduce from 65.1m² to an estimated 47.5m²). Figure 19 below demonstrates the increased upper level setback requirements at the Bridge Road frontage.

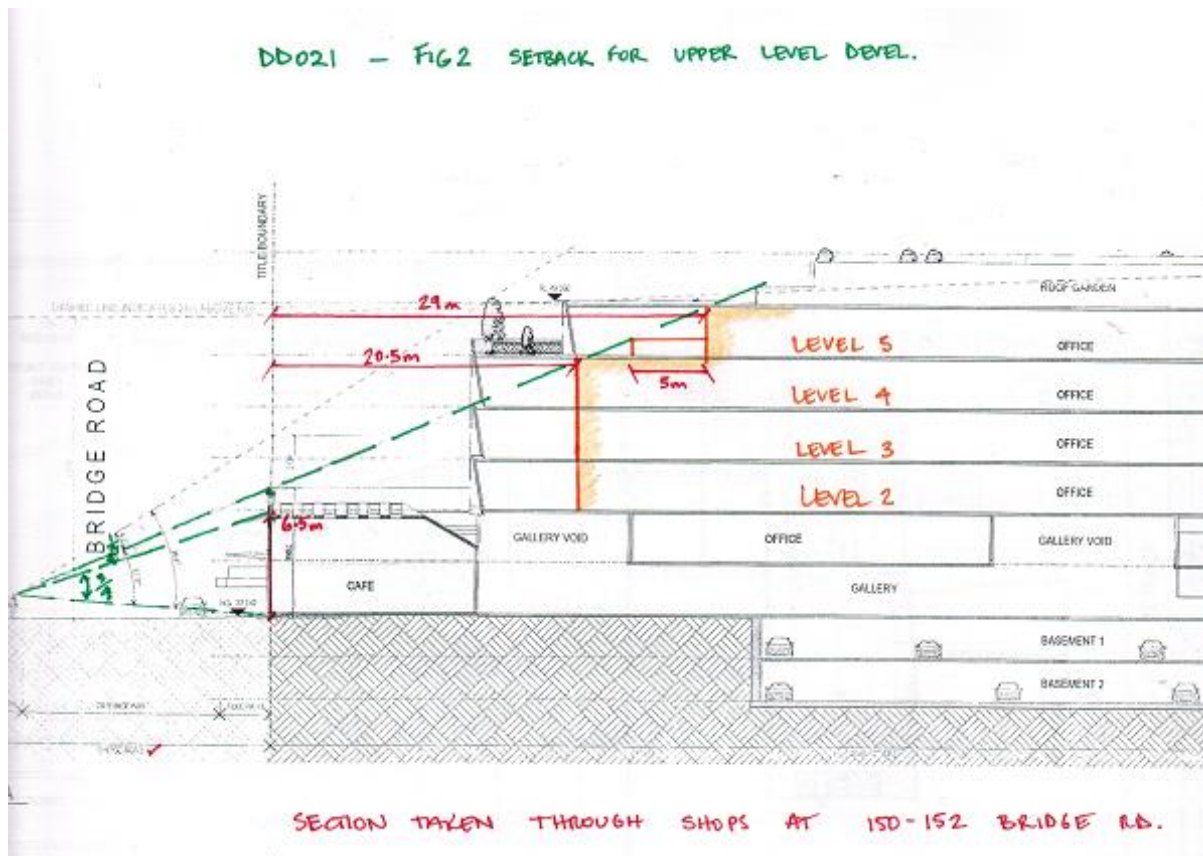


Figure 19 The DDO21 upper level setback requirement at the Bridge Road frontage

250. The increased upper level setback as shown above will ensure that the proposed development will achieve an appropriately recessive built form maintaining the prominence of the Bridge Road heritage streetscape, in accordance the DDO21 design objectives.
251. Further to this, with the required setbacks as described above, the building will continue to be shaped into a legible composition, divided into three elements with varied setbacks to assist in breaking up its visual mass.
252. If a permit is to issue, the increased setbacks as described above could be included as conditions of permit, to be achieved through an overall reduction in floor space.

Lennox Street frontage

253. The proposed street wall height along the Lennox Street frontage is 12.9m, exceeding the preferred 11m height prescribed under the Building Heights and Setbacks – Precinct 1 Plan.
254. The upper level is setback 31.5m and 44.9m from Lennox Street, satisfying the preferred 6m upper level setback prescribed under the Building Heights and Setbacks – Precinct 1 Plan.
255. It is reiterated that a permit can be granted to vary the preferred street wall height along Lennox Street if the proposal meets the Design Objectives, the Heritage Design requirements and the Precinct 1 Design requirements of the Schedule.
256. The Design objectives of the DDO21 are found at sub-clause 1.0 to the Schedule. In response to the relevant Design objectives it is considered that when viewed from the Lennox Street frontage:
 - (a) The proposed development will comprise of a triple storey podium at the street frontage and a mid-rise 5 storey tower deep into the lot beyond, set back 31.5m and 44.9m from the street frontage. The development successfully provides a mid-rise built form with lower built form at the street frontage, pursuant to the design objectives;

- (b) Under the proposed scheme, the centrally located heritage residence on the Lennox Street land will now be revealed when viewed from the street with the front garage now demolished and the podium constructed to its southern side. In this regard, the proposed development is respectful of the heritage values on site;
- (c) With a substantial 31.5m and 44.9m setback from the street, the tower will be seen in the foreground of the site and streetscape and will ensure a comfortable level of street enclosure;
- (d) Offsite residential amenity impacts relating to overlooking, overshadowing and visual bulk will be addressed later in the report.

Overall, the proposed development at the Lennox Street frontage meets the DDO21 Design objectives.



Figure 20 The Lennox St frontage

257. The Heritage building design requirements are at sub-clause 2.2 to the Schedule. In response to the relevant Heritage building design requirements for building facades, street frontages and upper level setbacks along Lennox Street:

- (a) The façade treatment to the podium is simple with glass wall at street level and consistent vertical aligned windows above at Levels 2 and 3 and does not compete with the architectural detailing of the heritage building on site;
- (b) The vertically aligned windows at Levels 2 and 3 adequately respect the vertical proportions of the façade to the heritage building and the C19th and early C20th facades of the Lennox Street streetscape;
- (c) No canopy is provided at the Lennox Street frontage. This is consistent with the heritage streetscape;
- (d) The rectilinear built form of the podium is adequately in keeping with the commercial development found toward the Bridge Road intersection and is consistent in form and articulation with the 2-4 storey walk up flats found in the heritage streetscape further to the south;
- (e) The heritage building on site will be restored and retained in three-dimensional form;
- (f) The tower is located deep into the site, behind the retained heritage building and is further recessed to the south. The tower is visually recessive and will not adversely overwhelm the heritage building on site or the heritage streetscape;

- (g) The western and northern elevations to the podium and the tower will comprise of a lightweight light grey cladding system finish. This finish will not compete with the white rendered heritage building on site. A red-brick finish is proposed to the southern side of the podium, however this is located away from the heritage building and due to the separation it will not compete with the white rendered finish to the heritage building.

258. The Precinct 1 design requirements are at sub-clause 2.2 to the Schedule. In response to the relevant Precinct 1 design requirements for the Lennox Street frontage:

- (a) The development is designed to reveal and give exposure to the retained heritage building on site, with the podium constructed to the south of the heritage residence and the area located forward of the retained heritage building is reserved as an open court and walkway off Lennox Street. This scheme is a vast improvement to the existing site conditions where the garage conceals the heritage building, entirely, and allows for improved visibility when compared to the approved scheme under Permit PLN17/1094, as discussed in detail earlier in the report;
- (b) When viewed from Lennox Street, the triple storey podium is comparable in height to the four storey walk up flats development at 197 Lennox Street to the south, and in this regard is adequately respectful of the low scale development adjoining the activity centre to the south. This is depicted in Figure 21 and 22 below, with the building envelope of the adjacent four storey walk up flats highlighted in red.



Figures 21 & 22 Lennox Street podium comparable in height to the walk up flats at 197 Lennox Street

- (c) In addition to this, the tower is recessive with staggered 31.5m and 44.9m setback from the street. The increased front setback is provided to the south, resulting in an appropriate transition in building height with the adjacent walk up flat development to the south. The following captures demonstrate this transition in building height down to the southern adjacent lower rise residential land.

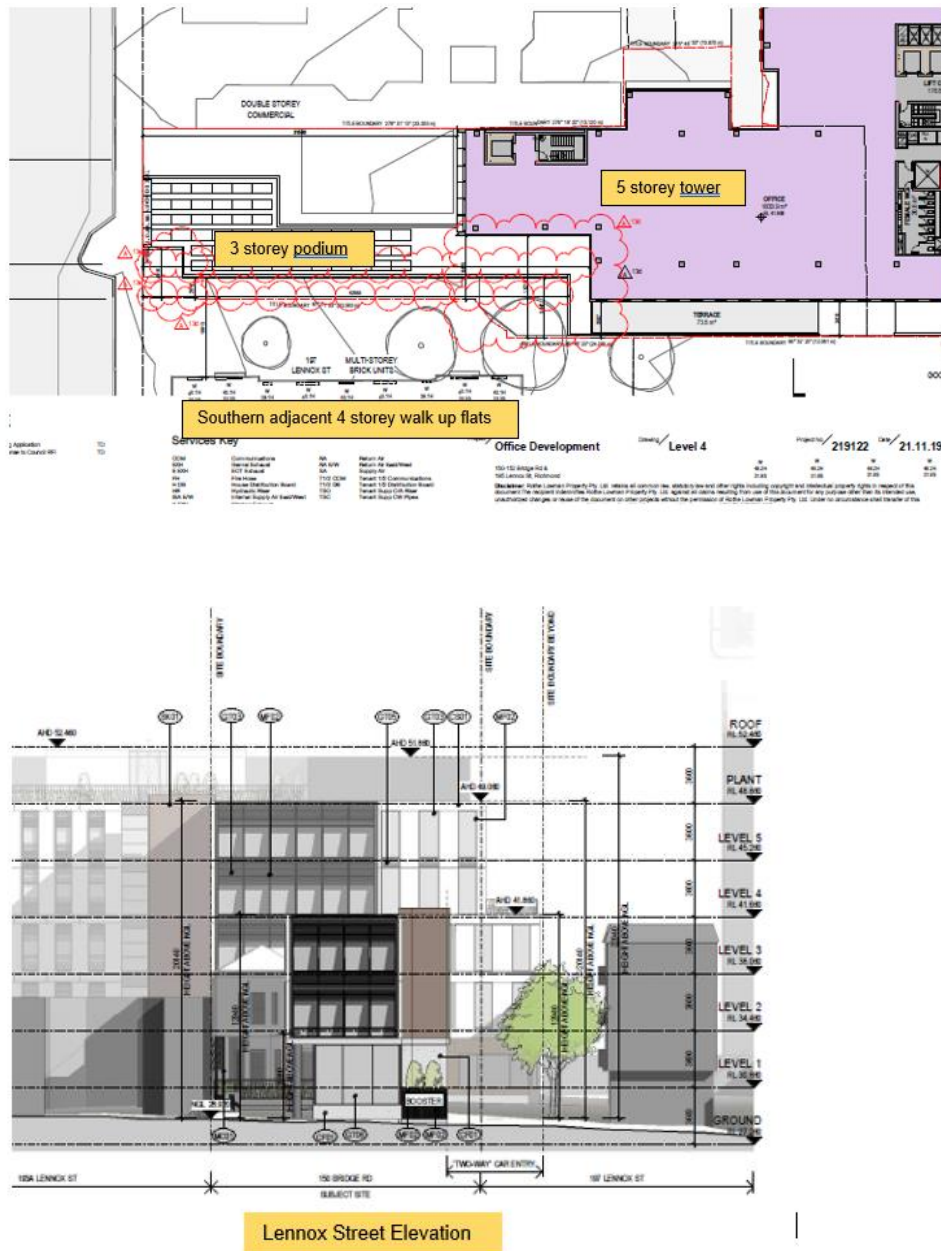


Figure 23 and 24 show transition in building height to the southern adjacent lower rise residential land

259. Further to the above Precinct 1 design considerations, and as discussed earlier in the report, the podium is designed and located to ensure an appropriate transition in built form with the residential land to the south. The podium comprises a 2.9m wide x 3.9m deep cut out at the south-west corner and is set back from the southern boundary to make way for the vehicular access. This transitions well with the southern adjoining walk up flats development at 197 Lennox Street which comprises a 3.0m setback from Lennox Street.
260. As demonstrated in the assessment above, the development meets the Design Objectives, the Heritage Design requirements and the relevant Precinct 1 Design requirements of the Schedule. Based on this, the proposed variation to the preferred 11m street wall height along the Lennox Street frontage is considered acceptable.

Building separation

261. The relevant Building separation requirements are at sub-clause 2.2 of the Schedule, as follows:
- (a) Development must provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk;
 - (b) Where development shares a common boundary, upper level development must be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

262. In addition to this, for buildings located adjacent to residentially zone land, buildings must be set back from residentially zoned land in accordance with Figure 1 requirements, shown below.

Figure 1 – Setback for Interface with Residential Zoned Land

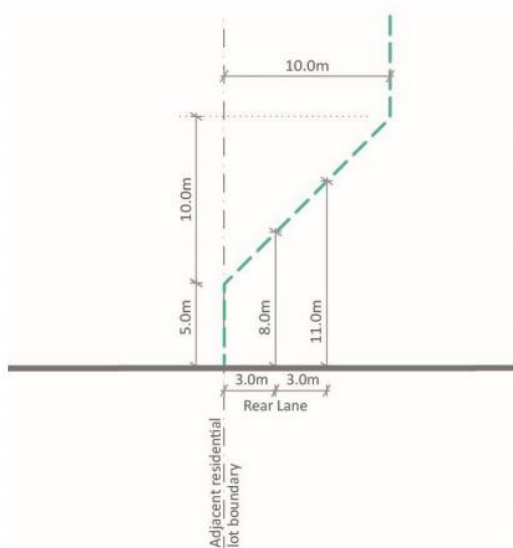


Figure 25 - DDO21 Figure 1 Requirement

Allowah Terrace interface:

263. As outlined earlier in the report, the eastern wall comprises a 3-4 storey podium along Allowah Terrace (set back 2.45m and 3.05m from the street) with the upper levels (Levels 4 & 5) moderately recessed and setback 4.2m from the street. The eastern elevation along Allowah Terrace comprises windows at all levels.
264. The upper level meets the DDO21 building separation setback requirements and will not pose any foreseeable problems with regards to equitable development opportunities to the east. However, in the context of Allowah Terrace, where seven low rise 1 to 2 storey dwellings address the street along the eastern side, the six storey development will unreasonably dominate the streetscape and will not achieve a comfortable level of street enclosure. This is raised as a concern by Council's Urban Design consultant.
265. In the Richmond 048 Service Pty Ltd decision, VCAT also states that an appropriate transition in scale between the taller building (western side) and the low rise buildings along the eastern side of Allowah Terrace must be achieved. At paragraphs 77 and 78 of the decision, VCAT suggests that a three storey podium is an acceptable transition in scale with the 1 and 2 storey dwellings along the eastern side of the street, but with a substantial setback at the upper levels (no setback to the upper levels is prescribed).

266. To achieve an appropriate transition in scale along Allowah Terrace and to reduce visual bulk along Allowah Terrace, Council's Urban Design Consultant has recommended that Levels 3-5 be further setback to at least 7.5m from Allowah Terrace.
267. Essentially this will result in a 2-3 storey podium set back 2.45m and 3.05m from Allowah Terrace, with Levels 3, 4 and 5 above setback 7.5m from Allowah Terrace. This is in line with the VCAT decision, will achieve an appropriate transition in built form along Allowah Terrace.
268. Off-site residential amenity considerations will be addressed later in the report.
269. If a permit is to issue, a condition of permit could be included to require a minimum 7.5m setback to Levels 3, 4 and 5 from Allowah Terrace, achieved through an overall reduction in internal floor space.

Wustemenn Place interface:

270. The DDO21 requires the development to consider the future development opportunities of the western adjacent land at 148 Bridge Road.
271. As outlined earlier in the report, the property at 148 Bridge Road is a long and narrow lot. This property comprises a two storey shop with shop top residence above, and is the eastern shop to a matching pair. The building at 148 Bridge Road is constructed to the Bridge Road frontage and Wustemenn Place. Various windows face Wustemenn Place at ground and first level, of which four are east facing habitable room windows (**HRWs**) at Level 1. An at grade car park is located to the rear (south) of 148 Bridge Road.
272. Beyond this property to the west is 146 Bridge Road, being the western double storey shop to the matching pair. To the rear (south) of the building is an open sealed area.
273. In the Richmond 048 Services Pty Ltd decision, VCAT identifies that the insufficient western setback in the area opposite the undeveloped part of 148 Bridge Road, being the southern at grade car park, will unreasonably inhibit the future development opportunities of this site.
274. It is of note that the proposed development is set back 1.5m-2.0m from Wustemenn Place at Ground Level and Level 1 and Levels 2-5 above cantilever over the lower level footprint and will be constructed to the laneway. The western elevation along Wustemenn Place comprises windows at all levels.
275. To reasonably protect the equitable development opportunities of 148 Bridge Road, particularly the open land to the south, the DDO21 requires the upper level development (being Levels 2, 3, 4 and 5) to be set back a minimum 3.0m from the centre of Wustemenn Place, which would result in a moderately recessive built form along Wustemenn Place. This can be easily achieved through an overall reduction in internal floor space. If a permit is to issue, this can be facilitated via condition of permit.
276. To the south of properties 146-148 Bridge Road is the 4.28m x 10.87m carriageway easement, benefiting No. 193A Lennox Street to the north-west. The proposed tower is kept clear of this carriageway easement, providing a 4.28m setback to the southern boundaries of 146-148 Bridge Road, in excess of the minimum 3.0m upper level setback required under the DDO21. The proposed tower will have no unreasonable impact on the equitable development opportunities of 146-148 Bridge Road at this location.

Interface with 154-160 Bridge Road:

277. Council's Urban Design Consultant has raised concern that the proposed development will unreasonably prejudice the development potential for 154 and 156 Bridge Road, due to the development being built sheer to the common boundaries with 154 and 156 Bridge Road and with glazing for the full height of the stairs from Levels 1-5.
278. As discussed at length earlier in the report, to meet the DDO21 upper level setback requirements along the Bridge Road frontage the front setback to Levels 2, 3 and 4 in the area behind the Edwardian shops must be increased from 13.9m to 20.5m and the front setback to Level 5 above must be increased from 20.26m to 29m.

This will remove a 6.6m length of wall at the upper levels along the common boundary with 154 Bridge Road and will improve the future development opportunities of this site, allowing improved outlook and access to daylight and ventilation to the west.

279. Further to this, it is of note that the abutting walls to the west and east of 154 and 156 Bridge Road do not comprise windows. Therefore, it is anticipated that any future development at 154-156 Bridge Road could construct hard up against these walls. While the DDO21 building separation requirements require a minimum 3.0m setback where there is a commercial window, the stairwell windows are to an ancillary area, not the office floor space. Therefore, future development at 154 and 156 Bridge could construct hard up against the glazed stairwell wall without adversely affecting the internal amenity of the office space at Levels 1-5. Based on this, a variation to the DDO21 requirements is considered acceptable.
280. Based on the above assessment, it is considered that the equitable development opportunities of 154 and 156 Bridge Road is reasonably protected.
281. In relation to 158, 158A and 160 Bridge Road further east, the tower (east) is set back 3.6m from the common boundary, in excess of the minimum 3.0m setback required by the DDO21. There is no adverse impact to the equitable development opportunities of 158, 158A and 160 Bridge Road.

Interface with 193A Lennox Street:

282. With regard to 193A Lennox Street, it is of note that the triple storey podium is set back 4.75m from the common boundary with 193A Lennox Street at the street frontage and the retained heritage residence and the tower further east are constructed to the common boundaries with 193A Lennox Street.
283. Under the proposed scheme, equitable development opportunities to 193A Lennox Street are adequately protected for a depth of 31.5m from the Lennox Street frontage given the podium is set back 4.75m from the common boundary, in excess of the minimum 3.0m setback prescribed by the DDO21, and the heritage building is an existing site condition and limited to two storeys. However, beyond 31.5m to the east, the proposed development provides a 5 to 5½ storey tower constructed flush to the common boundaries with 193A Lennox Street. This will unreasonably prejudice the future development opportunities of 193A Lennox Street, particularly in terms of accessing daylight and ventilation from the south and east.
284. The DDO21 building separation requirements require a development with commercial or non-HRWs to be set back 3.0m from the common boundary. In this instance, there are no windows to the north side of the tower and the return in the area adjacent to 193A Lennox Street. However, it is of note that in the approved scheme under Permit PLN17/1094, the 8 storey tower at this location is set back 3.0m from the common boundaries with 193A Lennox Street from Ground Level to Level 7 in an effort to protect the equitable development opportunities of this land.
285. To reasonably protect the equitable development opportunities of 193A Lennox Street and to reasonably preserve opportunities for daylight and ventilation access, it is considered that a 3.0m setback should be provided to the common boundaries with 193A Lennox Street above Level 2, i.e. a 3.0m setback from the common boundaries with 193A Lennox Street to the north and west at Levels 3, 4 and 5. This is in line with the advice of Council's Urban Design Consultant.
286. If a permit is to issue, this can be included as a condition of permit, achieved through an overall reduction in internal floor space. The stairwell and lift at this location would also need to be revised.

Interface with Pelaco Site (21-31 Goodwood Street):

287. As outlined earlier in the report, the development site abuts the Pelaco property to the south at 21-31 Goodwood Street. The Pelaco building is an inter-war, four-five storey factory building, currently used as office space, and with Pelaco sign above. The building is set back 11m from the common boundary with the subject site and sits prominently on the hill with the Pelaco building and Pelaco sign notable within the Richmond skyline.

The site is graded 'individually significant' to the HO332 Richmond Hill Precinct. The sign is listed on the Victorian Heritage Register (Ref. H1149).

288. Notwithstanding, the southern recess adjacent to the Pelaco site at Levels 1, 2 and 3 comprises a depth of 3.4m and the upper levels at Levels 4 and 5 are set back 3.4m from the southern boundary, exceeding of the minimum 3.0m setback prescribed by the DDO21. To adequately protect any possible future development opportunities of the Pelaco site, the south facing windows along the common boundary at Levels 2 and 3 must be deleted. If a permit is to issue, this can be facilitated via condition.

Interface with NRZ1 land (197 Lennox Street):

289. As outlined earlier, buildings must be set back from residentially zone land as shown in Figure 1 of the DDO21.
290. The southern land at 197 Lennox Street is located in part within the C1Z (north) and in part within the Neighbourhood Residential Zone – Schedule 1 (**NRZ1**) (south), as demonstrated in Figure 26 below.



Figure 26 Boundary of C1Z/NRZ1

291. When applying the DDO21 Figure 1 setback requirements along the boundary to the NRZ1 land, the proposed development meets the Figure 1 setback requirements. This is demonstrated in Figure 27 below.

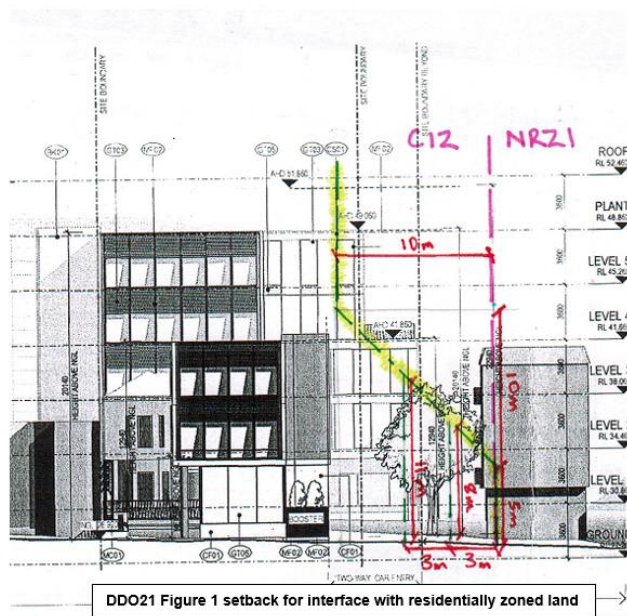


Figure 27 – DDO21 Figure 1 setback requirement along the southern boundary of the site (Lennox Street end)

292. Overall, the proposed development achieves an acceptable transition in built form and setbacks in the context of the NRZ1 land to the south.
293. There is no other adjacent residentially zoned land for consideration.

294. Off-site amenity impacts to the south will be addressed later in the report.

Heritage

295. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay), Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and the DDO21 Heritage building design requirements at sub-clause 2.2 to the Schedule.

Demolition

296. With regard to full demolition of a building, policy at Clause 22.02-5.1 states that a building in a heritage place should be retained, unless:
- (a) *The building is identified as being not contributory;*
 - (b) *The building is identified as a contributory building and new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document; and*
 - (c) *An application for demolition is to be accompanied by an application for new development.*
297. With regard to the removal of part of a heritage place or contributory elements, policy at Clause 22.02-5.1 states that demolition works to a contributory building should be discouraged unless:
- a) *That part is not visible from the street (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained;*
 - b) *The removal of that part would not adversely affect the contribution of the building to the heritage place.*
298. As identified earlier in the report, the properties at 150-152 Bridge Road and 195 Lennox Street are both graded 'contributory' and the office building at 1-3 Allowah Terrace is graded 'not contributory'.
299. In relation to the Edwardian shops at 150-152 Bridge Road, Council's Heritage Officer advises that the demolition of the rear additions to the Edwardian shops, demolition works to the hipped roof for six skylights and the demolition of the non-original aluminium shopfronts is acceptable and will have no adverse impact on heritage values. However, Council's Heritage Advisor has raised that with the removal of the shopfronts there is a risk of collapse of the retained parapet. Therefore, a structural methodology report should be provided to demonstrate how the façade will be propped up and not damaged during works. If a permit is to issue, this could be included as a condition.
300. In relation to the existing reproduction cast iron verandah, Council's Heritage Officer advises that *many of the verandahs in Melbourne's inner suburbs, including in Bridge Road, are reproduction standard post-supported cast iron verandahs ... These eventually came to be replaced by cantilevered verandahs in the inter-War years as a public safety measure related to the new necessity for on-street car parking and the frequent collisions therefrom and the consequent collapse of cast iron verandah posts. Today many of these verandahs are reproduction, and were recommended in past heritage studies and in accord with Burra Charter principles.* Further to this, the verandah is in good condition. Council's Heritage Advisor is of the view that the reproduction cast iron verandah holds heritage value. Based on this, the Heritage Advisor has recommended that if a permit is to issue that it include the following conditions:
- (a) Details of any reason why the existing verandah cannot be carefully dismantled and reinstated at the completion of works. If it cannot be re-instated,
 - (b) Then a decorative scheme for the front verandah be provided, to the satisfaction of the Responsible Authority.
301. The reinstatement of the reproduction cast iron verandah will help to preserve heritage values. If a permit is to issue, the Heritage Advisor's requirements (above) can be included as conditions.

302. The double storey office building at 1-3 Allowah Terrace is a 'not contributory' building. Therefore, the full demolition and replacement of this building with new development will have no impact on the heritage values of the Precinct and is in accordance with policy. Council's Heritage Advisor raises no objection to the demolition of this building.
303. In relation to 195 Lennox Street, Council's Heritage Officer advises that the demolition of the garage, front fence, the single storey warehouse building at the rear of the site and its sundry walls to the north is acceptable and will have no adverse impact on heritage values. Council's Heritage Officer raises no objection to the demolition of the former double storey factory building at the rear of the site.
304. In addition to this, Council's Heritage Officer advises that the proposed demolition of the single storey additions to the rear of the Victorian residence building on site is acceptable given the rear portions are only minimally visible. Council's Heritage Officer goes on to recommend that a site inspection should be undertaken to investigate the demolition works further before demolition of any portion is approved. Notwithstanding, as it is acknowledged that the demolition works to the single storey additions is minimally visible from street view and in the context of the overall development it will not be appreciable. A condition on permit will require a historical photographic record of both the Bridge Road and Lennox Street buildings prior to any demolition works.
305. Overall, it is considered that the extent of demolition works would have no adverse impact on heritage values and is supported.

Restoration

306. Policy at Cause 22.02-5.3 of the Scheme encourages *the restoration of a heritage place or contributory element if evidence exists to support its accuracy.*

Edwardian shops at 150-152 Bridge Road:

307. The applicant proposes to reinstate the historical 'T.K. Bennet & Woodlock, Premier Butchers' sign within the parapet to the shops at 150 and 152 Bridge Road, in line with the photograph of the site taken in 1904, as provided in the submitted Heritage Impact Statement by Trethowan Architecture, dated 27 Feb. 2020, provided below at Figure 28.

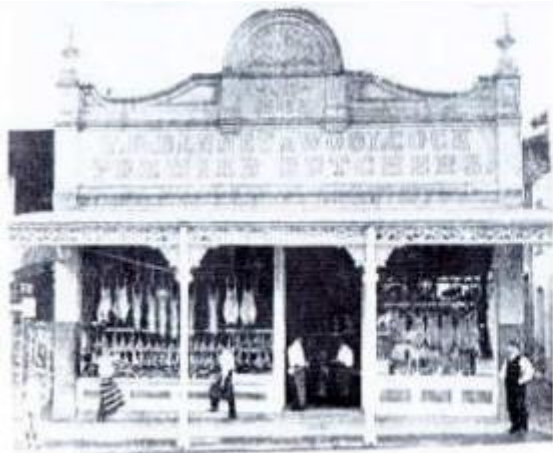


Figure 6. Photograph of the building at 150-152 Bridge Road as it originally appeared in 1904. Source: Punch 1904.

Figure 28 Photo of Bridge Road frontage, 1904 (Source: Heritage Impact Statement, Trethowan Architecture, 27.02.20)

308. The applicant has provided evidence to support the accuracy of the reinstatement of this sign at the Bridge Road frontage, pursuant to policy requirements.
309. However, as highlighted by Council's Heritage Advisor, external paint controls apply to the HO310 Bridge Road Precinct. Therefore, it is advised that:

- (a) *At the very least the proposed decorative scheme for the façade should be provided for approval. It should be either informed by microscopic paint analysis (façade) or otherwise developed in a historically accurate style.*
- (b) *The parapet should be stripped back to reveal the style, colour and dimensions of the original painted signage. Paint removal should be by a poultice or low pressure water and chemicals and should not remove evidence of the sign.*
- (c) *Paint removal is likely to reveal any repairs required to the retained façade in which case a schedule of works, with accompanying drawings, prepared by a conservation architect/consultant, should be submitted.*

310. To ensure the heritage fabric of the Edwardian shops is appropriately reinstated, these measures should be put in place. If a permit is to issue, the above requirements can be included as conditions.
311. It is worthy of note here that an objector has raised concern that the painted finish to the western brick wall of the Edwardian shops will adversely impact the heritage values of the site. This has not been raised as a concern by Council's Heritage Advisor.
312. In addition to the above considerations, policy at Clause 22.02-5.3 encourages *the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to shopfronts.*
313. Council's Heritage Officer advises that stallboards or plinths are a typical feature of shopfronts along Bridge Road and therefore any new shopfront should include a stallboard/plinth with minimum 400mm height. In correspondence dated 4 August 2020, the Applicant's Heritage Consultant responded to this advising that on the basis that the original stallboards have been removed, their preference is to provide a plinth to the eastern half of the shopfront, in relation to the café tenancy. This would make an acceptable reference to the historic shopfronts in the Bridge Road streetscape, whilst allowing the glazed entry atrium to the building to remain in place. This is considered to be an appropriate response to the heritage values of the commercial strip. If a permit is to issue, this can be facilitated via condition.

Heritage residence at 195 Lennox Street:

314. In relation to the 195 Lennox Street site the applicant proposes to "make good" and repaint the original 1860's double storey heritage residence located on the Lennox Street site. The extent of works and selection of paint colours has not been presented in the application material. As advised by Council's Heritage Officer, to ensure that the historic residence is appropriately restored and the paint colours are consistent with the period of the heritage place, a detailed schedule of conservation works and a microscopic analysis of the external decorative finishes, or otherwise a decorative scheme developed in a historically accurate style, is required. If a permit is to issue, this can be facilitated via conditions of permit.
315. In addition to the above, Council's Heritage Advisor also advises that if the retained buildings on site have interpretative historical plaques and they are removed, they must be re-instated in similar positions as existing. This can also be included as a condition, if a permit is to issue.

Buildings and works

316. Clause 22.02-5.7.1 of the Scheme encourages the design of new development to:
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (c) *Be visually recessive and not dominate the heritage place.*
 - (d) *Be distinguishable from the original historic fabric.*
 - (e) *Not remove, cover, damage or change original historic fabric.*

- (f) *Not obscure views of principle façades.*
 - (g) *Consider the architectural integrity and context of the heritage place or contributory element.*
 - (h) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
 - (i) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
 - (j) *Minimise the visibility of new additions by encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sightlines (for Contributory buildings refer to Figure 2).*
 - (k) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies.*
317. In relation to infill development, the DDO21 requires facade treatments and the articulation of infill buildings on land affected by the heritage overlay to:
- (a) *ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s);*
 - (b) *respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);*
 - (c) *avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts;*
 - (d) *maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building; and*
 - (e) *be articulated to reflect the fine grained character of the streetscape.*
318. The DDO21 requires upper level development on land affected by the heritage overlay to:
- (a) *be visually recessive and not visually dominate the heritage building and the heritage streetscape;*
 - (b) *retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism';*
 - (c) *utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades;*
 - (d) *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape;*
 - (e) *be articulated to reflect the fine grained character of the streetscape.*
319. Council's Heritage Advisor has raised concern that *being on the crown of the hill the height of the new built form is too great and the setbacks are inadequate to make it recessive, not dominant and respectful as is required by the heritage policy.*
320. For the development to maintain the prominence of the heritage streetscape, the heritage building on site and to achieve an acceptable level of street enclosure, the height must be considered in combination with the upper level setback to ensure that the overall development is adequately recessive and not visually dominant in the Bridge Road streetscape.
321. As outlined in the report, the development has a maximum building height of 21m and meets the DDO21 mandatory maximum building height limit. However, the upper level built form at the rear of 150-152 Bridge Road is set back 13.9m from the street and falls short of the minimum setbacks prescribed by the DDO21 control. As outlined previously, these setbacks will be conditioned to increase. Together, the staggered upper level setbacks will to help break up the overall building mass across the Bridge Road frontage.

322. In providing the increased upper level setbacks to the rear of the Edwardian shops at 150-152 Bridge Road, the overall development along the Bridge Road frontage will be adequately recessive and will not adversely dominate the Edwardian shops or heritage streetscape either from orthogonal or oblique vantage points along Bridge Road, and is consistent with Policy at Clause 22.02-5.7.1 and DDO21 Heritage building design requirements. It is considered that the above increased setbacks adequately resolve the concerns raised by Council's Heritage Officer with regard to built form and mass along the Bridge Road frontage. If a permit is to issue, this can be included as conditions of permit.
323. Further to this, Council's Heritage Advisor has raised concern that new built form is likely to have an adverse impact on the views to the Pelaco sign and will thereby intrude the Richmond Hill skyline. As will be addressed in greater detail later in the report, when viewed at a broad vantage point to the far west and east, the proposed development will not overwhelm the Pelaco sign given the proposed development sits lower than the parapet to the Pelaco building and provides a physical separation from the Pelaco building and will not be seen as a backdrop to the sign. On this basis, it is concluded that the proposed development will have limited impact on the Pelaco sign and skyline.
324. The proposed built form on the Lennox Street land has been considered at length against the DDO21 Heritage building design requirements earlier in the report. Without arduously re-iterating this heritage assessment it is concluded that:
- (a) The rectilinear built form and setback of the podium is adequately consistent in built form with the traditional commercial development found toward the Bridge Road intersection and is consistent with the form and articulation of the 2-4 storey walk up flats found in the heritage streetscape further to the south;
 - (b) The heritage residence will be restored and retained in three-dimensional form, avoiding facadism; and
 - (c) The tower is setback deep into the site, behind the retained heritage residence and is further recessed to the south. The tower will be adequately recessive and will not adversely overwhelm the heritage building on site or the Lennox Street heritage streetscape.
325. Council's Heritage Advisor has raised concern that the heritage residence on the Lennox Street land will be partially obscured from Lennox Street by the podium, which is higher than the Victorian residence. However, it is argued that the proposal is appropriately responsive to the heritage values of this building, which is set back 16.5m from Lennox Street. As discussed at length, the existing garage at the Lennox Street frontage conceals the heritage residence entirely when viewed from Lennox Street currently. Under the proposed scheme, this garage is removed and the 10m wide triple storey podium at the Lennox Street frontage is located south of the heritage residence. In the area forward of the heritage residence the proposal includes an open at grade walkway which wraps around the heritage residence to its southern side with built form cantilevered over at Levels 2 and 3. This design now reveals the currently concealed heritage residence when viewed from the street and makes a vast improvement to the development scheme approved under Permit PLN17/1094 where views to the heritage residence is limited to a walkway underpass at ground level and screened behind a transparent front fence/gate. Improvement is made to existing conditions and when compared to the approved development under Permit PLN17/1094. The development has respectfully revealed and incorporated the heritage residence into the overall design and does not unreasonably obscure views to the heritage residence, in line with Policy at Clause 22.02-5.7.1, and is supported.
326. Council's Heritage Advisor has also raised concern that the built form along Wustemenn Place and Allowah Terrace will result in a 'canyon effect'.
327. As outlined in the report, the Wustemenn Place 'lanescape' is not considered to be particularly sensitive or significant to the Precinct given the buildings at 148 and 150 Bridge Road have a sideage to the laneway and at the southern end the laneway is flanked with at grade carparking to both sides.

Notwithstanding, it has been considered that an increased setback of 3.0m from the centre of Wustemenn Place is required at Levels 2, 3, 4 and 5 to adequately protect the equitable development opportunities of 148 Bridge Road. This will result in a moderately recessive built form along Wustemenn Place and will somewhat address the Heritage Advisor's comments.

328. The Allowah Terrace streetscape is more sensitive given seven 1-2 storey dwellings are located along the eastern side with frontage and address to Allowah Terrace. In addition to this, the dwellings at 2 and 4 Allowah Terrace are graded 'contributory' to the Precinct. A reduced podium height and increased upper level setback is required along the Allowah Terrace interface to ensure an improved transition in scale with the dwellings along the eastern side and to adequately avoid a canyon effect. This has been addressed in earlier discussions in the report and it is concluded that a 2-3 storey podium should be provided with an increased upper level setback of 7.5m from Allowah Terrace at Levels 3, 4 and 4. It is expected that this would adequately address the Heritage Advisor's concerns.
329. With regard to architectural detailing and fenestration, except for windows at ground level the development avoids large expanses of glazing with horizontal emphasis and the upper levels comprise of simple vertical fenestration with sunshade elements to respect the fine grain character of the heritage streetscapes. At the Lennox Street frontage, the permeable glazing at street level allows additional views into the site from the street and the upper levels make reference to the heritage residence with its vertical rectangular window forms and sunshade elements. The development provides fenestration at all levels to its Bridge Road and Lennox Street frontages and along its Wustemenn Place and Allowah Terrace interfaces. All critical elevations have been adequately resolved.
330. In addition to this, a red brick finish is provided along the Allowah Terrace podium and to the southern side of the Lennox Street podium. Otherwise, the development comprises a lightweight grey cladding.
331. The above architectural detailing and finishes will not compete with the more elaborate detailing of the heritage buildings on site and adjacent to the land, and will be adequately distinguishable as new, pursuant to Policy at Clause 22.02-5.7.1.
332. Council's Heritage Advisor has raised no objection to the architectural detailing and finishes, however has required clear illustrations or samples of materials and colours to be provided. A detailed schedule of colours and finishes has been submitted with the application material. Samples can be required via condition, if a permit is to issue.
333. In other regards, Policy at Clause 22.02.5.7.1 discourages elements that detract from the heritage fabric or are not contemporary with the era of the building such as roof terraces and balconies. In this instance, the roof terraces are proposed in relation to the contemporary tower and will be adequately recessive. These elements will not negatively impact the heritage values. Council's Heritage Advisor raised no concern in this regard.
334. In other regards, the Policy at 22.02-5.7.2 encourages garages to be set back behind the front building line and ancillaries and services which reduce greenhouse gas emissions may be visible but should be sensitively designed. On site car parking is located at basement level and the ramp to the basement car park is set back 39m from the Lennox street frontage and will have no adverse impact on the heritage streetscape. The roof top solar panels are located above the podium at the Lennox Street frontage and above the tower (west side). The built form and parapet will reasonably obstruct visibility to these ancillaries. Council's Heritage Advisor raised no concerns in relation to this.

Architectural quality

335. As discussed in the report, the primary built form along Bridge Road has been shaped into a legible composition, divided into three segments with varied setbacks. With the increased DDO21 setback, the overall development will continue to be divided into three segments. The varied setbacks assist in breaking up the visual mass and scale across the Bridge Road frontage.

336. Further to this, the upper level development at the Bridge Road frontage comprises fine grain articulation, incorporating vertical and horizontal elements that distinguish it from the street wall. The proposed materiality, which includes a mix of grey metal finishes and grey glazing, will contrast with the lighter finish of the heritage building at street level and will contribute to a visually recessive upper form. Further to this, the three segments comprise of alternating façade treatments, with metal finishes and light grey glazing to the outer segments and a grey glazed wall to the central stairwell. This will help to break down the overall scale and will add visual interest.



Figure 29 – View of the proposal looking down Allowah Terrace and over buildings fronting Bridge Road

337. In the Richmond 048 Service Pty Ltd decision, VCAT determined that the proposed form and appearance was not an acceptable response to the Bridge Road streetscape. Notably, the Tribunal found that the front elevation presented as a 'sideage'. Particular effort is made in the current proposal to avoid this. As proposed, the development makes Bridge Road its primary street frontage. The upper level development is appropriately designed with consistent north facing fenestration at all levels and successfully avoids a 'sideage' presentation here.
338. The Bridge Road architectural detailing is also carried over to the Lennox Street frontage which incorporates a mix of clear glass at street level and otherwise light grey glazing, grey metal finishes, light grey cladding and a red brick finish to the southern side of the podium. This achieves consistency with the overall development and provides a good contrast with the retained heritage residence at the Lennox Street frontage, and is supported.



Figure 30 – View of the proposal from Lennox Street

339. To the east, the development comprises a lower scale edge along the Allowah Terrace interface, articulated with fine grain elements that break it into sections to help complement the grain and scale of the dwellings along the eastern side. The podium comprises a red brick finish, with visually lightweight grey cladding at the upper levels to draw a clear distinction in massing. The eastern wall comprises vertical windows at all levels, ensuring the development does not turn its side onto Allowah Terrace. Planters are provided along Allowah Terrace at street level to soften the built form. This treatment is considered to be a sensitive response to the residential character of the street, in an otherwise commercial precinct.



Figure 31 – View of the proposal looking south down Allowah Terrace

340. Along Wustemenn Place the development comprises a mix of clear glass, grey glazing, grey metal finishes, light grey cladding finishes and a red brick finish at the southern end with planters and outdoor seating along the eastern and southern sides of the laneway at street level to introduce some greenery within this space. A positive architectural finish and materiality is achieved along Wustemenn Place.



Figure 32 – View of the proposal looking south down Wustemenn Place

341. The design successfully avoids turning 'blind sides' to its Bridge Road and Lennox Street frontages and its Allowah Terrace and Wustemenn Place interfaces and the selected finishes will achieve a high quality architectural result.
342. The DDO21 includes specific requirements for the Bridge Road Activity Centre with regard to building design, requiring development to:
- (a) *incorporate vertical articulation in the street wall that reflects the prevailing pattern of subdivision and buildings;*
 - (b) *allow for commercial activity at the ground and first floor (as a minimum) incorporating commercial floor to floor heights of at least 4m, where heritage elements are not a constraint;*
 - (c) *incorporate awnings over the footpath on commercial zoned land for the full width of the lot, continuous with any adjoining awning;*
 - (d) *be expressed in the round and provide detail on facades when viewed from all directions;*
 - (e) *incorporate an architectural expression at upper levels that is distinct from but complimentary to the street wall.*
343. As discussed earlier, the development is designed to avoid turning 'blind sides' to Bridge Road, Lennox Street, Allowah Terrace and Wustemenn Place and is carefully designed in the round, as per DDO21 building design requirements. Overall, the development will achieve a high quality architectural result.
344. It is re-iterated that the development is designed and includes a materiality that contrasts well with the retained heritage buildings on site, pursuant to DDO21 requirements.

Landmarks, views and vistas

345. Policy at Clause 22.03 *Landmarks and tall structures* identifies the Pelaco sign as a prominent and valued landmark sign and requires new development within the vicinity of the Pelaco sign to be designed and located to ensure that this landmark remains as the principal built reference in the area. The DDO21 provides specific guidance in this regard.
346. The DDO21 requires new development to maintain existing views to the Pelaco sign when viewed from the following viewing points to the west:
- (a) *The footpath on the north west corner of Wellington Parade; and*
 - (b) *The tram Stop 13 on Wellington Street immediately west of Simpson Street*
- Where a landmark is currently viewed from the above viewing points with a “clear sky” backdrop, the development must maintain views to some clear sky between the landmark and the proposed development.*
347. In addition to this, Council’s Heritage Officer identifies that an important view of the Pelaco sign in the east from the steps of the Richmond Town Hall.
348. As outlined earlier in the report, the Pelaco building is a 4-5 storey factory building, set back 11m from the southern boundary with the site and is approximately 26m in height. The Pelaco sign is affixed above, with north-south alignment, east and west facing, and comprises approximate 32m height.
349. To minimise impact on views and intrusion into the skyline the proposed development, including the rooftop plant rooms, lift overruns, structures associated with the green roof area, and screens to service areas will sit below the parapet to the Pelaco building. Furthermore, the upper level is set back 3.4m from the common boundary with the Pelaco site, and a total 14.4m from the Pelaco building itself. So, when viewed from distant vantage points in the west and east, including the two viewing points identified under the DDO21 in the west and the steps to the Richmond Town Hall in the east, the building will not block views to the Pelaco sign and will ensure that clear sky separates the Pelaco sign and the proposed development. The significant vantage points are preserved. This is demonstrated in the viewshed analysis and streetscape perspective drawings submitted in the application material, as provided below at Figure 33.

Planning Controls

Design Development Overlay - DDO21

Views to landmarks requirements

Development must maintain existing views to the Pelaco sign when viewed from:

- (A) the footpath on the north west corner of Wellington Parade; and
- (B) the Tram Stop 13 on Wellington Street immediately west of Simpson Street.



A: view from the footpath on the north west corner of Wellington Parade



B: view from the Tram Stop 13 on Wellington Street immediately west of Simpson Street

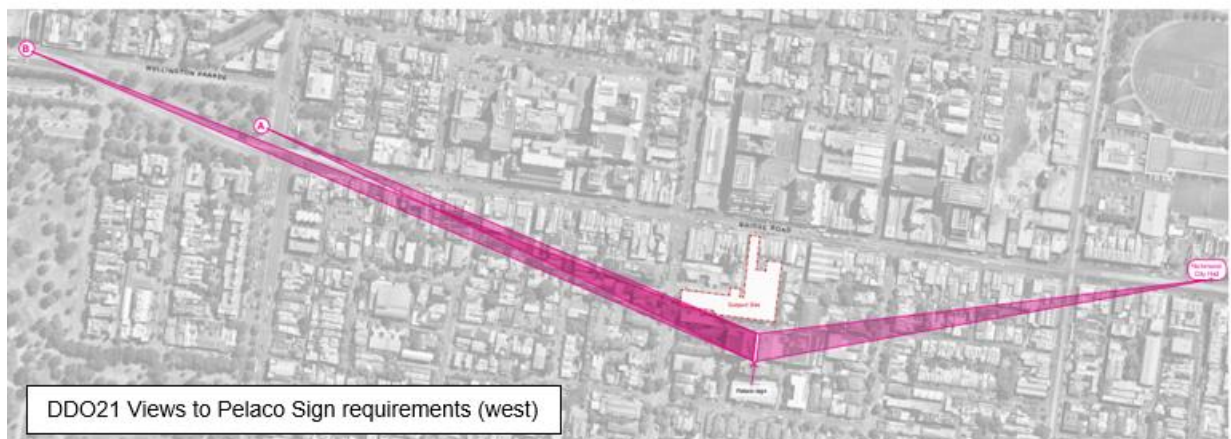




Figure 33 Applicant's viewshed analysis and streetscape perspective drawings demonstrating views to Pelaco sign are protected

350. Further to these considerations, it is of note that more immediate views to the Pelaco sign along Bridge Road is generally obstructed by established built form along the commercial strip. However, there are some intermittent views where there is break in the built form. This is the case when viewed from Bridge Road along Allowah Terrace, as seen in the google street view capture provided below at Figure 34.

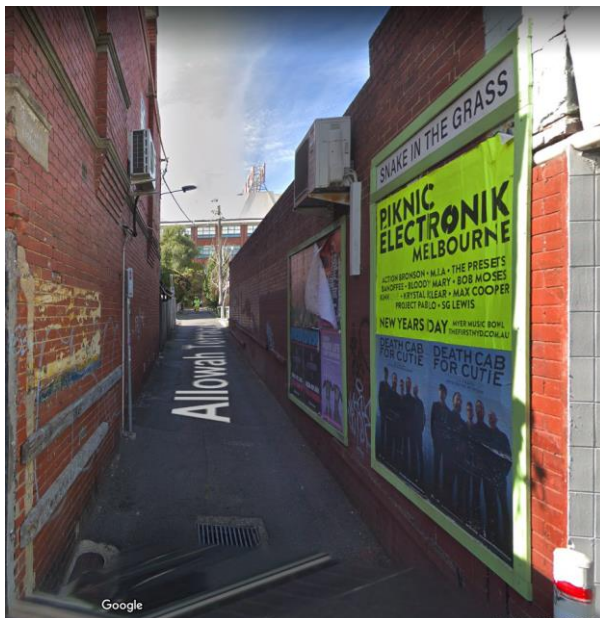


Figure 34 Existing views to Pelaco sign from Bridge Road along Allowah Terrace (Source: Google maps, street view Dec 2018)

351. As proposed, the upper level (Levels 4-5) is set back 4.2m from Allowah Terrace. This is expected to obstruct views to the Pelaco Sign when viewed from Bridge Road along Allowah Terrace. However, based on the discussed increased 7.5m setback from Allowah Terrace, implemented to improve transition in built form and to prevent a canyon effect along Allowah Terrace, it is evident that from a viewshed analysis views to the Pelaco sign are improved. See Figure 35 below based on an upper level setback of 7.5m.



Figure 35 Viewshed analysis based on 7.5m setback from Allowah Terrace at Levels 3-5

352. The increased 7.5m setback along Allowah Terrace at Levels 3, 4 and 5 makes an improvement with regard to the more immediate views to the Pelaco sign.
353. It is expected that views to the Pelaco sign along Wustemenn Place will be obstructed by the development. This is accepted given the key views are protected and improvement will be made along Allowah Terrace.

Public Realm, Pedestrian Spaces, Light and Shade

Bridge Road and Lennox Street public realm

354. The glazed shopfront and main entry to the commercial development at the Bridge Road frontage allows for internal views from the Bridge Road commercial strip to enhance the pedestrian experience and provides an active frontage within the Bridge Road MAC. The proposed canopy over the Bridge Road footpath appropriately provides users and visitors weather protection and will enhance the amenity of the Bridge Road public realm. With the Heritage Advisor's requirements to retain the existing verandah or instead provide a new decorative scheme for the front verandah, weather protection remains.
355. The Lennox Street frontage comprises a 6.5m wide open walk-through court forward of the heritage residence and the podium at the Lennox Street interface comprises a large horizontal window to the front and its returns at street level with void space down to the Ground Level event/showroom. The entry here will ensure good street engagement and the design will allow for good internal viewing into the building and into the complex from the street. In addition to this, Council's Urban Design Officer has recommended outdoor seating within the entry court area to provide good amenity for site users and to further activate this space. This is included on the amended sketch plan, under the undercroft area to the entry court. This will make a positive contribution at the Lennox Street frontage. If a permit is to issue, this can be facilitated as condition of permit.
356. In addition to the above considerations, the proposal introduces an internal walk-through connecting the Bridge Road MAC and Lennox Street. This will improve the overall pedestrian connectivity in the area, and is supported.

357. The DDO21 provides prescribed requirements for overshadowing impacts to the Bridge Road and Lennox Street footpaths. Pursuant to the DDO21 control, development must not overshadow any part of the southern footpath of Bridge Road to a distance of 3.0m from the kerb between 11am and 2pm at 22nd September. Due to the location of the site on the southern side of Bridge Road, there will be no overshadowing to the Bridge Road footpath, pursuant to the DDO21. With regard to Lennox Street, the DDO21 states that development must not overshadow the opposite footpath to a distance of 2.0m from the kerb between 11am and 2pm at 22 September. The submitted shadow diagrams demonstrate that the development will have some overshadowing impact to the footpath on the western side of Lennox Street at 9am, however from 10am onwards there will be no overshadowing impact to the western footpath. Therefore, the DDO21 overshadowing requirements for Lennox Street is satisfied. Overall, the development will have no adverse shadowing impact on Bridge Road and Lennox Street and the Bridge Road and Lennox Street public realm will continue to enjoy good access to sunlight and daylight.

Wustemenn Place public realm

358. Council's Urban Design Consultant advises that Wustemenn Place is a service lane which doesn't provide a public, pedestrian through-link and therefore doesn't warrant 'full' activation. However, a secondary public pedestrian access point is provided along the western wall to the café/atrium area and at the 'elbow' of the building at the southern end of Wustemenn Place, and therefore appropriate treatment and opportunities for passive surveillance must be considered. It is found that a high quality and safe interface is provided along the laneway, including landscaping with outdoor seating and lobby and Level 1 office windows along the eastern side. With the two secondary public entries and seating provided along the laneway it is considered that this shared zone/space will be sufficiently activated and the glass wall will provide appropriate passive surveillance to ensure a safe public environment.

359. Council's Open Space Planner raised issue with the narrow Wustemenn Place environment and has put forward some recommendations for an improved public realm, including:

- (a) the option of negotiating car spaces for 148 Bridge Road within the development in exchange for a green space or an urban plaza at the southern end of 148 Bridge Road;
- (b) extend the materiality of the laneway across the car park to 148 Bridge Road and Kurnagar Lane to create a pedestrian link to Lennox Street;
- (c) replacement of the adjacent boundary fence to 148 Bridge Road; and
- (d) removal of the western wall to the Edwardian shops so that a 'semi-private public realm space' can be created between the café and the laneway.

360. Council's Urban Design Officer has also recommended that large openings be cut into the western wall of the Edwardian shops for improved permeability to the laneway.

361. However, 148 Bridge Road does not form part of the subject site and therefore any works to include this property as public space and to replace its boundary fence cannot be considered under this planning application.

362. Further to the above considerations, it is of note that there is no confirmation on the surface finish for the Wustemenn Place shared zone. This must be provided, demonstrating a high quality finish, to the satisfaction of Council. If a permit is to issue, this can be included as a condition of permit.

Allowah Terrace public realm

363. The eastern elevation along Allowah Terrace is not designed with a prominent/public entry point to the development. Notwithstanding, the eastern wall is designed with a lower-scale podium and a materiality, grain and landscaping to soften the built form and to respond reasonably well with the dwellings located opposite. Further to this, the building is designed with east facing windows at all levels along Allowah Terrace.

This will ensure good passive surveillance along Allowah Terrace, however Council's Urban Design Officer and Open Space Planner have raised concern that the vertical planting at street level will completely block off visual connection between the public realm and building. It is also expected to allow opportunities for concealment along the Allowah Terrace bike ramp and could result in safety risk to site users. In the applicant's correspondence dated 4 August 2020, the applicant states that these devices are provided to '*aid visual screening on the low levels*'. There is no benefit in providing this vertical planting and screening in relation to the dwellings on the eastern side of Allowah Terrace given any visibility to their west facing, ground level HRWs is already available from the street. Hence, attention is reverted back to the passive surveillance requirements at this location. The replacement of some of these elements with small trees will improve natural surveillance and safety at this location and is supported. If a permit is to issue, this could be facilitated as a condition of permit.

364. Similar to Wustemenn Place, there is no confirmation provided on the surface finish for the Allowah Terrace shared zone. This must be provided, demonstrating a high quality finish, to the satisfaction of Council. If a permit is to issue, this can be included as a condition of permit.
365. In addition to this, Council's Urban Design Officer has queried how Allowah Terrace will be terminated. The amended sketch plan received by Council on 4 August 2020 confirms that the existing brick fence here will be retained. This is considered to be an acceptable response to the Allowah Terrace public realm.
366. It is also worthy to note here that the submitted Waste Management Plan (**WMP**) by Leigh Design, dated 12 June 2020 confirms that waste bins will be transferred to the north-eastern loading bay on collection days and transferred back to the bin store inside the building. No bins will not spill out onto Allowah Terrace, pursuant to Clause 22.07 *Development abutting laneways*.

Vehicular, pedestrian and cyclist access arrangements

367. Formal pedestrian access will be provided at the Bridge Road and Lennox Street frontages, with secondary public access x 2 along Wustemenn Place. Alternative pedestrian access is also available for employees along Allowah Terrace. Vehicular access is provided from Lennox Street, and will be physically separated from the pedestrian entry at the Lennox Street frontage. These pedestrian zones will be maintained as safe pedestrian environments. This is in line with the DDO21 requirements for pedestrian and vehicular access.
368. Deliveries and rubbish collection will take place in the north-eastern loading bay, off Allowah Terrace. This activity will be infrequent or scheduled on collection days during off-peak traffic periods and is not expected to cause a hazard with pedestrian/cyclist movements along Allowah Terrace. It is also of note that Council's Engineering Services Unit confirm the loading arrangement and associated turning movements meet standard. There are no anticipated hazards.
369. The Lennox Street frontage provides a wide entry court environment for employees and visitors. The visitor bicycle parking is well placed at this location, ensuring security and surveillance for visitor cyclists.
370. As identified by Council's Urban Design Officer, to eliminate hazard and to ensure public safety, the outdoor seating along Wustemenn Place must be set back into the site to ensure clear passageway for vehicles, including at times when patrons are seated. This can be built into the overall design. If a permit is to issue, this will be required via condition of permit.
371. With regard to pedestrian and cyclist access:
 - (a) Council's Urban Design Officer has raised the following areas for improvement:
 - (i) The staff wellness centre is accessed off Allowah Terrace via stairs and bike ramp. The bike ramp creates a hostile slope outside the wellness centre entry area; and

- (ii) The two entries off Wustemenn Place are via stairs. Wustemenn Place creates a hostile slope outside these two entry points; and
- (b) Council's Strategic Transport Officer has required the narrowest pinch point of the Allowah bike ramp to be dimensioned to demonstrate that it allows adequate clearance.

The above pedestrian entries must be designed to meet the relevant Australian Standards with regard to access and mobility. If a permit is to issue, this will be addressed via condition.

If a permit is to issue, the above access matters can be addressed via conditions of permit.

- 372. Further to the above, Council's Urban Design Officer identified that the secondary public entry at the southern end of Wustemenn Place is not appropriately designed for public access given access is obstructed by the eastern planter and the column to the west. To ensure free passage, the planter must be tapered off to the south and the column must be relocated clear of the stairs and entry area. If a permit is to issue, this can be facilitated via condition.
- 373. Council's Urban Design Officer and Open Space Planner both raised concern that as a result of the development and the reconstructing/resurfacing of Allowah Terrace and Wustemenn Place there is risk of a change in surface level between the laneways and the adjacent residential properties at 2-10B Allowah Terrace and the commercial property at No. 148 Bridge Road, resulting in access problems for the adjacent land. In the applicant's written response dated 4 August 2020, it is confirmed that there is no level change between Wustemenn Place and 148 Bridge Road. However, no confirmation is provided in relation to the grades along Allowah Terrace. If a permit is to issue, a condition of permit can be included to ensure that the development plans clearly demonstrate that both laneways are appropriately graded to ensure no steps are required to the residential properties along Allowah Terrace and that there is no change in level between 148 Bridge Road and Wustemenn Place.
- 374. Further to this, Council's Strategic Transport Unit has required appropriate level/grading detail along the laneways to ensure relevant accessibility requirements are satisfied. This can be included as condition, if a permit is to issue.

External lighting

- 375. In terms of lighting, the Bridge Road frontage will be appropriately illuminated by street lighting during evening times. There are no particular lighting requirements here.
- 376. While the Lennox Street entry will also benefit from street lighting, the entry court/walkway is 16.5m deep and then wraps around the heritage residence to the south for a length in excess of 30m into the site. There are opportunities for concealment at this location. Therefore, it is particularly important that this area is well lit for security and passive surveillance during evening times. If a permit is to issue, this can be required via condition of permit.
- 377. There is risk to safety and security along laneways during evening times. To address this, Council's Engineering Services Unit has required a public lighting scheme along Allowah Terrace and Wustemenn Place. If a permit is to issue, this will be included as condition of permit.
- 378. Further to this, there is risk of concealment within the north-eastern loading bay off Allowah Terrace, and at the entry points located along Wustemenn Place and Allowah Terrace. On site lighting is required at these locations.
- 379. Council's Urban Design Officer has stated that the lighting scheme for the development must be informed by CPTED principles and must meet relevant Australian Standards.
- 380. Pursuant to the Clause 22.07 *Development abutting laneways*, lighting must be designed to avoid light spill into adjacent private open space and HRWs.
- 381. If a permit is to issue, all above requirements can be facilitated as conditions of permit.

Wind impact

382. The applicant submitted a Pedestrian Wind Impact Assessment, by Windtech Consultants Pty. Ltd., dated 28 April 2020. This report was peer reviewed externally by MEL Consultants. MEL Consultants raised no concerns with the analysis approach, site exposure, regional wind climate and description of the development used in the assessment, however MEL Consultants advise that the assessment does not indicate whether the wind conditions would satisfy the recommended wind comfort criteria. MEL Consultants are of the opinion that due to the wind mitigation strategies and wind tunnel model testing recommended in the report, areas around the development would not satisfy this criteria. Therefore, MEL Consultants have recommended that a wind tunnel model study be undertaken to quantify the wind conditions and the effectiveness of recommended mitigation strategies.
383. It is of note that various wind mitigation strategies already recommended by Windtech will require further planning review. For example, the recommendation for densely foliating hedging in the Allowah Terrace planter boxes to mitigate wind impacts may reduce opportunities for passive surveillance along the Allowah Terrace interface. The inclusion of 2.0m high impermeable screens to the northern terraces at Level 5 and the roof top garden to mitigate wind effects will likely encroach into the minimum setback requirement/s of the DDO21. Any final recommendations made as a result of the wind tunnel model testing will need to avoid this and must be to Council's satisfaction. This can be facilitated via conditions of permit.

Tree removal and landscaping

384. All trees on site are proposed to be cleared. Five trees (i.e. Tree Nos. 10-14) along the southern perimeter to the laneway marked as A-1 on title are also marked for removal. These trees appear to be located beyond the laneway within 197 Lennox Street. The applicant did not address this issue in their correspondence dated 4 August 2020. Removal of trees outside the site and the southern laneway cannot be considered as part of this planning application. Therefore, if a permit is to issue, a condition is required to ensure that the driveway is appropriately designed to ensure the retention of these trees.
385. With regard to the on-site tree removal, Council's Arborist has indicated that the applicant has not adequately provided replacement canopy cover on site and recommends that similar long term offsets be provided as a minimum.
386. As outlined in the report, substantial landscaping has been incorporated into the overall development.
387. Landscaping is provided along Wustemenn Place, Allowah Terrace and around the entry court and walkway off Lennox Street in the form of planters. Vertical creeper planting is proposed along the Allowah Terrace interface at street level and is provided to the northern wall of the Lennox Street entry court area. Landscaping is also integrated within the overall built form with recessed planters incorporated into the eastern and southern elevations at Levels 1 and 2, with climbing planting to stainless steel cables to the recessed planters along the Allowah Terrace wall. The two open north facing terraces at Level 5 and the roof garden include planter box arrangements. A pergola with vertical creeper is also proposed for the roof garden area. Overall, Council's Open Space planner considers the extent of soft landscaping provided on site is a good design response and is supportive. In the context of this site and the proposed development, the extent of landscaping proposed is a considered response and replacement canopy cover will not be required in this instance.
388. It is of note that canopy tree replacement is difficult to facilitate in this instance. The site is a large inner city development site, within the Bridge Road MAC and within the C1Z. The physical and planning policy context encourage intensive development on this site. The designer would be hard pressed to integrate replacement canopy planting to match the existing site conditions, particularly that found on the Lennox Street land, whilst meeting planning policy objectives. An acceptable balance needs to be met between landscaping and land use and development planning policy objectives. It is considered that an appropriate level of soft landscaping is integrated into the overall design.

389. It is of note that the street tree located forward of the site and further south of the site along Lennox Street (i.e. Tree Nos. 1 and 41) are marked as being retained. However, the existing kerb extension at the Lennox Street frontage will be modified under the proposal, it is likely that this street tree (Tree No. 1) will need to be removed and replaced. Council's Arborist raises no concern or objection in this regard.

On-site amenity (including ESD)

Daylight and ventilation

390. The proposed development will have good access to natural light, with windows oriented toward the north, south, east and west, void spaces to the semi-basement Ground Level, and north facing windows at the Bridge Road frontage from Ground Level to Level 5, at the 'elbow' of the building from Level 1 to Level 5, and along the northern side to the Lennox Street podium from Level 1 to Level 3, maximising northern sunlight access.
391. Further to this, staff and visitors will have access to open light filled outdoor areas, including the Lennox Street entry court and walkway area, the two roof terraces at Level 5 and the roof garden. The Wustemenn Place shared zone is also designed as a light filled secondary outdoor space where patrons can sit outside.
392. Overall, the development and outdoor areas comprise good access to daylight and sunlight.
393. It is expected that there will be some level of natural ventilation in the internal walk-through from Bridge Road to Lennox Street. Other than this, the applicant's ESD consultant has confirmed that there will be no natural ventilation to the internal office, retail and medical centre floor space area through operable windows. Council's ESD Officer raised this as a matter that requires further attention. ESD matters will be addressed later in the report.

Circulation spaces

394. The development provides a significant opportunity for the site and the broader commercial area, providing a new internal walk-through corridor for pedestrians, connecting Bridge Road and Lennox Street. This will provide good pedestrian flow through the building and in the commercial precinct, and the internal walk-through leads pedestrian traffic to the lobby at the 'elbow' and importantly past the café and four retail tenancies at Ground Level, ensuring the development contributes positively to the retail activity and focus of the Bridge Road MAC.
395. A main stairwell is provided off the Bridge Road atrium area, the lobby area at the 'elbow' of the internal walk-through comprises the main lift core with three lifts and a stairwell, and a single lift with stairwell is accessible off the Lennox Street walkway. Where people with limited mobility need to avoid the stairs along the internal walk-through corridor at Ground Level, the lift at the Lennox Street end will provide accessibility, ensuring people with limited mobility will not be impacted by the change in level along the internal walkway. Four lifts and three stairwells provide access down to the basement car park. The staff wellness centre and ETO facility are accessed via separate entry and bike ramp off Allowah Terrace, with separate narrower corridors providing internal access into the building. The communal roof garden is accessed via the central lift core and stairwell. Circulation in and through the building is well designed and will ensure good internal amenity.

Facilities

396. The development comprises an internal staff EOT facility with 224 bicycle spaces and 16 showers/changerooms, a staff wellness centre, 10 visitor bicycle spaces at the Lennox Street frontage, ancillary event/showroom floor space to be used in association with the office floor area, outdoor seating areas along the Wustemenn Place shared zone, seating along the internal walk-through corridor, a communal roof garden and amenities on all levels.
397. As discussed in the report, the outdoor seating along Wustemenn Place will need to be set back into the site to ensure clear passageway for vehicles along Wustemenn Place, including at times when patrons are seated here.

398. Further to this, to satisfy the statutory requirement for bicycle parking two additional visitor bicycle spaces should be provided at the Lennox Street entry court area. To further improve the general amenity of this space, outdoor seating should also be incorporated within the Lennox Street entry court area.

399. If a permit is to issue, these items can be required via conditions of permit.

ESD

400. Policy at clauses 15.01-2S, 21.07-1, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD Advisor confirmed that the proposal doesn't quite meet Council's Best Practice ESD standards.

401. It is acknowledged that the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes and the on-road bicycle network reduces reliance on private vehicles. However, improvements to the overall ESD is required.

402. Council's ESD Advisor has identified areas of deficiencies and outstanding information that needs to be further addressed.

403. On 4 August 2020, the applicant's ESD Consultants, GIW Solutions, provided a response to the areas of deficiencies and outstanding information and submitted an updated SMP, Rev C, dated 31 July 2020. A cross check has been done. The following items are not satisfactorily addressed in the updated SMP, REV C, dated 31 July 2020:

Application ESD Deficiencies:

(a) *The shading treatment to exposed windows on the east façade (Level 2-5) requires attention.*

Outstanding information:

(b) *Clarify provision of outdoor air to office spaces on all levels, and indicate operable windows on all elevation where present.*

(c) *Clarify strategy around natural ventilation, and shading capabilities of the eastern façade in terms of eave/window depth, external shade blinds or otherwise.*

(d) *Confirm ventilation strategy for basement car parks.*

(e) *Confirm area of permeable vegetation (ground floor, uncovered planter boxes) that contribute to stormwater diversion.*

(f) *Confirm provision of a target to recycle or reuse 80% of demolition and construction waste.*

(g) *Confirm strategy regarding Urban Heat Mitigation, including the use of vegetation, external shading and high performing material surfaces (i.e. SRI>50).*

404. The SMP Rev C, dated 31 July 2020 must be further amended to address the above deficiencies and outstanding information as highlighted above. This can be addressed via condition of permit.

405. In addition, Council's ESD Advisor has required that the GTP and Basement Level 1, TP01.02, must identify that there will be 6 EV charging spaces provided on site. Further to this, Council's Strategic Transport Unit has required that the GTP be updated to confirm that a minimum 40A single phase electrical sub circuit will be installed for electric vehicle charging. If a permit is to issue, these requirements can be included as conditions of permit.

406. Further to the above requirements, Council's ESD Advisor has required that confirmation be provided on organic collection and that the general waste generation rates within the WMP be adjusted accordingly.

The updated WMP dated 12 June 2020 confirms that garden organics will be collected and disposed of by the future landscape maintenance contractor, and users shall place selected compostable food waste into Organics bins and the waste generation rates have been updated accordingly. This satisfies the ESD Advisor's requirement.

Off-site amenity

407. The site is surrounded by C1Z land to the north, east, west (i.e. beyond Wustemenn Place) and to south-east (the Pelaco site). To the west is 148 Bridge Road, a double storey shop comprising a shop top residence with east facing HRWs at First Level and open car parking to the south. To the east, along the eastern side of Allowah Terrace, are seven single and double storey dwellings with orientation and frontage to Allowah Terrace. The SPOS to these dwellings are located to the rear of the respective dwellings. The northern abutting properties at 154-160 Bridge Road and the south-eastern abutting Pelaco site are commercial and are not particularly sensitive with regard to off-site amenity considerations.
408. It is accepted that dwellings within the C1Z and within the Bridge Road MAC cannot expect the same level of amenity as dwellings within residential zones. Nevertheless, the amenity of these dwellings must be reasonably considered. This is the approach taken by the Tribunal in the Richmond 048 Service Pty Ltd decision, paragraph 67.
409. To the south-west is 197 Lennox Street. Except for the northern strip of land which is within the C1Z, this property is zoned NRZ1 and comprises a four storey walk up flats development with north facing HRWs and north facing balconies at Levels 1-3. This property is the development site's most sensitive interface.
410. A relevant design objective of the DDO21 is *to minimise amenity impacts on residential properties adjoining the Bridge Road MAC including overlooking, overshadowing and visual bulk*. Figure 1 is included in the DDO21 to assist with managing visual bulk impacts with respect to adjacent residentially zoned land.
411. In addition to this, the relevant policy framework for off-site amenity considerations is contained within the Clause 22.05 *Interface uses policy*. At Clause 22.05-3 it is policy that new non-residential development within Business Zones (including the current C1Z) are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. At Clause 22.05-4.2, the policy requires new non-residential development near residential properties to be designed to minimise overlooking, overshadowing, visual bulk, loss of daylight, off-site acoustic impacts, unsightly views into the commercial development, and light spill.

Visual bulk

412. Visual bulk considerations have been fundamentally addressed in the DDO21 building separation assessment provided earlier in the report. The following is a discussion with off-site visual amenity focus.

Allowah Terrace:

413. With regard to built form and mass along Allowah Terrace, it is reiterated that the 3-4 storey podium is set back 2.45m and 3.05m from Allowah Terrace and the upper levels (Levels 4 and 5) are setback 4.2m from Allowah Terrace.
414. While the podium is located with a reasonable 6.1m buffer distance from the residences along the eastern side of Allowah Terrace (i.e. 3.66m laneway + 2.45m setback), the podium does extend to 3-4 storeys in height, and the tower above is recessed only marginally with a 5-6 storey height. It is considered that this does not achieve a reasonable transition in built form scale and mass when compared to the 1 and 2 storey dwellings along the eastern side and may result in adverse visual bulk impacts when viewed from the dwellings opposite. It has been determined that an increased 7.5m upper level setback should be provided to Levels 3, 4 and 5.

This will result in a 2-3 storey podium, which is more sympathetic in scale to the 1-2 storey dwellings along the eastern side, and the 7.5m upper level setback will ensure that the built form is appropriately recessive along the eastern wall and will successfully break down the overall mass and scale of the development when viewed from the eastern residences. With the increased 7.5m setback to Levels 3, 4 and 5 visual bulk impacts to the east is adequately addressed.

148 Bridge Road:

415. With regard to the shop top dwelling at 148 Bridge Road, it is of note that with the required increased DDO21 upper level setbacks, i.e. Levels 2, 3 and 4 being set back 20.5m from Bridge Road and Level 5 being set back 29m from Bridge Road, the tower will now be located south of the east facing HRWs to the shop top dwelling at 148 Bridge Road. This is demonstrated in Figure 36 below. There are no foreseeable adverse visual bulk impacts to the residence at 148 Bridge Road.



Figure 36 Required minimum upper level setback to Levels 2, 3, 4 and 5 at the Bridge Road frontage in relation to the east facing HRWs at 148 Bridge Road

197 Lennox Street:

416. In relation to walk up flats at 197 Lennox Street, the DDO21 Figure 1 provides the relevant setback requirements for interface with residential zoned land. When applying the DDO21 Figure 1 setback requirements along the boundary to the NRZ1, the proposed development meets the Figure 1 setback requirements. This is demonstrated in Figure 27 provided earlier in the report.
417. More generally, the proposed development is designed with triple storey podium located adjacent to the four storey walk up flats at 197 Lennox, setback 10.0m from the residential building, and the tower is configured with a 'cut-out' and recessive built form at the south-eastern corner of the podium so as to achieve a recessive built form when viewed from the south. The tower is set back 13.8m from the four storey walk up flats. As shown in Figure 13 provided earlier in the report, the podium is comparable in scale to the southern walk up flats at 197 Lennox Street and will not of itself result in adverse visual bulk impacts to the south. The tower is substantially recessed and is not expected to result in unreasonable visual bulk impacts to the southern residential building.
418. Overall, with the increased setbacks required along the Allowah Terrace and Bridge Road frontage, all potential adverse off-site visual bulk impacts are resolved.

Overshadowing

419. Policy at Clause 22.05-4.2 requires new non-residential development to be designed so as to minimize overshadowing to private open spaces.

Allowah Terrace:

420. The submitted shadow diagrams demonstrate that there will be no overshadowing impact to the rear SPOS areas of the dwellings at 2-10B Allowah Terrace between 9am to 2pm on 22nd September and no overshadowing impact to the SPOS of 6-10B Allowah Terrace at 3pm. There appears to be some minor overshadowing impact to the SPOS at 2 and 4 Allowah Terrace at 3pm however with the required increased upper level setbacks along Allowah Terrace as discussed earlier in the report this is expected to be improved. There will be no adverse overshadowing impact to the dwellings along Allowah Terrace.

148 Bridge Road:

421. There is no evident SPOS to the shop top dwelling at 148 Bridge Road. Overshadowing is not of concern here.

197 Lennox Street:

422. A close review of the submitted shadow diagrams and submitted shadow analysis 8.10 indicates that there may be some overshadowing impact to the southern walk up flat's eastern balcony at Level 1 (bottom balcony) at 9am. However, a comparison with the shadow diagrams for the approved development under Permit PLN17/1094 reveals that the overshadowing impact is similar at this time. From 10am onwards, the submitted shadow analysis 8.10 shows that there will be no overshadowing impact to the northern balconies of the walk up flats at 197 Lennox Street. On this basis, there will be no adverse overshadowing impact to the walk up flats at 197 Lennox Street and the northern balconies will continue to receive good solar access.

Daylight to HRWs

423. Rescode provides a good guide for the assessment of daylight to existing windows. Amongst other things, the standard requires walls more than 3.0m in height to be setback from a HRW at least 50% of the height of the wall, if the wall is within a 55 degree arc from the centre of the existing window.

Allowah Terrace:

424. Taking a conservative approach, the Allowah Terrace podium is a maximum 14.5m high (northern end). This wall is set back 10.5m from the HRWs located opposite at 10A Allowah Terrace, in excess of the minimum 7.25m setback prescribed by the standard. The tower along Allowah Terrace is a maximum 20.5m high (northern end). This wall is setback 12.5m from the HRWs located opposite at 10B Allowah Terrace, in excess of the minimum 10.25m setback prescribed by the standard. The roof top plant screen is a maximum 22.5m high (northern end). This plant screen is set back an estimated 16m from the HRWs located opposite at 10A Allowah Terrace, in excess of the minimum 11.25m prescribed by the standard.
425. There is sufficient buffer distance between the dwellings at 2-10B Allowah Terrace and the proposed development to ensure that all their east facing HRWs will continue to receive adequate daylight access.

148 Bridge Road:

426. As discussed earlier, with the required increased DDO21 upper level setbacks from Bridge Road the tower will now be located south of the east facing HRWs to the shop top dwelling at 148 Bridge Road. There will be no impact to daylight access here.

197 Lennox Street:

427. With regard to daylight access to the north facing HRWs of 197 Lennox Street, we must consider the height and setback of the Lennox Street podium and the recessed tower in relation to the north facing HRWs of 197 Lennox Street.
428. The southern side of the Lennox Street podium is a maximum 13.8m in height. This podium is set back a minimum 10.0m from the north facing HRWs of the southern walk up flats, in excess of the minimum 6.9m setback prescribed by the standard.

429. The recessed southern wall to the tower, at the location opposite the north facing HRWs to the walk up flats, is 18.5m in height. This wall is set back 13.8m from the adjacent north facing HRWs, in excess of the minimum 9.25m setback prescribed by the standard.
430. The proposed built form is sufficiently set back to ensure that the north facing HRWs to the walk up flats will continue to receive ample daylight access.
431. Although solar access is not a relevant policy consideration under the Clause 22.05 *Interface uses policy*, it is noted that all north facing windows to the walk up flats at 197 Lennox will also continue to receive ample solar access.

Overlooking

432. Policy at Clause 22.05-4.2 requires new non-residential development to be designed so as to minimize overlooking to private open space areas and into HRWs of adjoining residential properties through the use of appropriate siting, setbacks, articulation and possibly screens.
433. Rescode provides a good guide for the assessment of overlooking. Amongst other things, the standard requires a window or terrace to be located and designed to avoid direct views into the SPOS or HRW of an existing dwelling within a horizontal distance of 9m of the window or terrace.

Allowah Terrace:

434. The podium at Allowah Terrace is set back a minimum 9.5m from the east facing HRWs of the dwellings at 2-10B Allowah Terrace. The tower above is recessed and set back further. There will be no unreasonable overlooking to the east facing HRWs of the dwellings at 2-10B Allowah Terrace.
435. The rear SPOS to the dwellings at 2-10B Allowah Terrace are located beyond 9m from the east facing windows of the development. There are no overlooking concerns here.
436. However, in the Richmond 048 Service Pty Ltd decision, the Tribunal highlights that the front yard to 10B Allowah Terrace is of significance with regard to overlooking, as follows:

[84] 8A, 8B and 10A Allowah Terrace have front gardens that are exposed to Allowah Terrace, so they are not private spaces and limiting overlooking is not necessary. 10B Allowah Terrace has enclosed their front garden with a high solid wall thereby creating a private space. The potential for overlooking into it should be considered and screening or other methods used to limit overlooking.

437. Upon site inspection, it appears that the Tribunal has referred to the wrong property address. The residential property with enclosed front garden is 8A Allowah Terrace. As a high solid fence is constructed along the frontage to this property, it is expected that their front garden may be used as private space. Therefore, all adjacent windows within the Allowah Terrace podium at Levels 1 and 2 within a 9m horizontal distance of 8A Allowah Terrace must be treated with fixed obscure glass up to at least 1.7m above finished floor level to prevent overlooking into this space. It is of note that the adjacent windows at Levels 3, 4 and 5 will not need to be treated given the increased 7.5m setback from Allowah Terrace (required to improve transition in built form scale along Allowah Terrace, as discussed earlier in the report) will ensure that these windows will be located beyond 9m from 8A Allowah Terrace.
438. If a permit is to issue, treatment of the adjacent windows at Levels 1 and 2 as described can be required via condition of permit.

148 Bridge Road:

439. On the basis that Levels 2, 3 and 4 now need to be set back 20.5m from Bridge Road and Level 5 now needs to be set back 29m from Bridge Road in order to satisfy the DDO21 upper level setback requirements, there will be no risk of overlooking to the east facing HRWs to the shop top residence at 148 Bridge Road. Refer to Figure 36 for required minimum upper level setback/s in relation to the four western adjacent HRWs at 148 Bridge Road.

197 Lennox Street:

440. The Lennox Street podium is located beyond 9.0m from the north facing HRWs and balconies of the adjacent walk up flats development at 197 Lennox Street. There are no overlooking concerns to the south.

Noise

441. The applicant submitted a Planning Stage Acoustic Report, by Resonate, dated 23 April 2020. The Resonate Report identifies and assesses noise relating to:
- (a) Deliveries;
 - (b) Waste collection;
 - (c) Mechanical services; and
 - (d) Café music (background only, based on assumed hours Mon-Sun 7am-5pm).
442. It is of note that the Resonate Report does not identify or assess noise impacts from the wellness centre.
443. To meet the relevant noise criteria the Resonate Report prescribes noise mitigation strategies as follows:
- a) Prescribed delivery and waste collection times (to be conducted within the hours scheduled in the EPA Noise Control Guidelines, Publication 1254);
 - b) The requirement of turning off all ancillary motors and trucks while making deliveries, and
 - c) Recommends various noise mitigation strategies to control mechanical services noise emissions (including the mechanical services on the roof top and within the enclosed basement car park). However, as the mechanical services selections have not been made at this stage of the project, the Resonate report includes the statement that the noise mitigation strategies/treatments will be confirmed at the Detailed Design stage to ensure noise emissions are compliant with the relevant environmental noise criteria.
444. In addition to this, the Resonate report finds that based on the café playing background music, only, and with assumed hours Mon-Sun 7am-5pm that the music will satisfy the relevant music noise criteria.
445. The Resonate Report was peer reviewed externally by SLR Consulting Australia. SLR have agreed with the identified nearest noise sensitive receivers, the noise limit criteria used, and the prescribed delivery and waste collection times required to mitigate noise impacts, however SLR have required the following:
- 1. As the night period music noise limit is calculated on the basis that the café will operate during the assumed hours Mon-Sun 7am-5pm, the café operating hours must be confirmed or stated as a permit condition;
 - 2. As the mechanical services plant equipment selections are not made at this stage of the project, the planning permit should include a condition that noise from the project mechanical plant be reviewed by a suitably qualified acoustical consultant during the Detailed Design phase to ensure that SEPP N-1 noise limits are met with all sensitive receiver locations identified in the Resonate report;
 - 3. Patron noise has not been assessed for the roof top garden. If the hours of operation for the rooftop terrace include the night period, we recommend that a patron noise assessment be conducted; and
 - 4. Resonate verbally confirmed to SLR that the wellness centre is proposed to function as a yoga studio or for other quiet usage. SLR advise that uses such as gym may result in noise impacts to the dwellings along Allowah Terrace. Therefore, SLR recommend that the Resonate report confirm that the wellness centre is proposed to function as a yoga studio or other quiet usage (rather than a gym etc.).
446. There are fundamental administrative problems with SLR's requirements given the café and office use are 'as-of-right' under the C1Z. Alternative measures will need to be considered to ensure that the acoustic amenity of the surrounding residences is adequately protected.

Furthermore, noise impacts for 'all' roof top terraces should be assessed, not just the roof garden. As such, the following alternative requirements are recommended:

1. The Resonate report amended to include *assessment of the music noise of the café, without specified trading hours, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy)*;
2. No change;
3. The Resonate report to include *assessment of patron noise in relation to all roof top terraces and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy)*;
4. The Resonate report to include *assessment of the wellness centre noise, including the use of this facility as a yoga centre and gym, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy)*.

447. The above requirements can be facilitated via conditions of permit if a permit is to issue.

Unightly views into the development

448. Policy at Clause 22.05-4.2 requires new development to minimize opportunities for views from adjoining residential properties into the site where storage and business activity could present an unsightly appearance. It is of note that rubbish bins will be stored inside the building, within the bin store room. On collection days, waste bins will be transferred to the north-eastern loading bay for collection and then transferred back to the bin store through the side door. The loading bay is located away from the dwellings along Allowah Terrace. There will be no unsightly views into the site.

Light spill

449. Policy at Clause 22.05-4.2 requires light spill to HRWs of nearby residential properties to be minimized. All fixed external lighting must be located, directed, shielded and of limited intensity to ensure no adverse light spill onto neighbouring HRWs. If a permit is to issue, this can be addressed via Council's standard condition of permit.

450. In other regards, vehicles will egress via driveway onto Lennox Street. Due to the typical hours for an office, it is anticipated that the majority of vehicles egressing the site will not rely on use of headlights. It is anticipated that there will be no adverse light spill from vehicle headlights to HRWs to the west.

Commercial waste

451. Policy at Clause 22.05-4.3 requires the submission of a WMP that includes details of proposed waste management practices, storage and disposal, demonstrating that the amenity of the surrounding area will not be unreasonably affected. The submitted WMP by Leigh Design, dated 12 June 2020 has been reviewed by Council's Waste Management Unit and is supported. There are no foreseeable off site amenity impacts associated with waste management and collection.

Construction management

452. Policy at Clause 22.05-4.4 requires all development to ensure that construction times, storage and disposal methods minimize disruption to nearby residential and business uses. Council's standard construction management plan condition of permit will be required to ensure that construction is adequately managed to minimize off-site disturbance.

Car parking and traffic, car park access and layout, bicycle parking

Reduction in car parking requirements

453. As identified earlier in the report, with 114 car spaces provided on site (2 allocated to the food and drink premises/shop uses, 20 allocated to the medical suites and 92 car spaces allocated to the office tenancies), the applicant is seeking a reduction of a total 223 car spaces, specifically 206 car spaces associated with the office use and 17 car spaces associated with the food and drinks/shop uses.
454. The relevant considerations for a reduction in car parking requirements are found at Clause 52.06-7 of the Scheme. Council's Engineering Unit provides a detailed assessment against these considerations.
455. Council's Engineering Services Unit advises that the office use would be providing on-site car parking at a rate of 0.92 spaces per 100m² of floor area. Council's Engineering Services Unit advise that Council has approved other office development throughout the municipality with similar reduced rates. Examples provided include:
 - (a) 60-88 Cremorne Street, Cremorne – 0.72 spaces/100m²;
 - (b) 71-93 Gipps Street, Collingwood – 0.96 spaces/100m²; and
 - (c) 2-16 Northumberland Street, Collingwood – 0.89spaces/100m².
456. The proposed office parking rate of 0.92 spaces per 100m² of floor area is consistent with these examples.
457. With regard to car parking demand for the retail use, Council's Engineering Services Unit advise that a retail use staff parking rate of 1.0 space per 100m² of floor area could be adopted in this instance. This would equate to 5 long stay spaces. With 2 spaces provided on site, 3 staff spaces would be accommodated off-site. Since the availability of long stay on-street parking is very scarce in the area, staff are expected to make alternative travel arrangements to commute to the site. Council's Engineering Unit accept that retail customer short stay parking would be generated off-site.
458. No reduction in car parking requirements is sought for the medical suites.
459. Council's Engineering Services Unit confirm that the total reduction of 223 associated with the office and retail uses is appropriate based on the following:
 - (a) The site has excellent access to public transport services, including immediate access to Tram Routes 48 and 75 along Bridge Road, is within 300m from Tram Route 78 along Church Street, and is within reasonable walking distance to the bus services along Punt Road and the Richmond, West Richmond and Jolimont Railway Stations. This offers convenient alternative modes of transport to staff, clients/visitors and customers and will effectively help to reduce the overall impact on the local car parking conditions;
 - (b) Council's Engineering Services Unit identify that demand for on-street parking in the Richmond area is very high during business hours and the local area is blanketed in time based parking restrictions. This would be a disincentive for staff without an allocated on-site car space and clients/visitors and customers to drive to the site. The site's close proximity to public transport and the on-road bicycle network, with the provision of 234 bicycle spaces on site (in excess of the statutory requirement), will support use of more sustainable modes of transport. This will foster reduction in car parking demand;
 - (c) Due to the site's location within the Bridge Road MAC, it is expected that customers and staff will engage in multi-purpose trips while in the area. The overall demand for parking is expected to be less than the sum of individual demands for each premises in the activity centre;
 - (d) Further to this, Council's Engineering Services Unit identifies that Practice Note 22 *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as the Bridge Road retail precinct, where spare on-street car parking capacity would be shared among sites within the activity centre. The principle is, the overall demand for parking within the Bridge Road MAC as a whole is expected to be less than the sum of individual demands for each premises within the centre;

- (e) In addition, as identified by Salt 3 Consultants, the site has convenient access to multiple Flexi-Car hire locations within a 5 minute walk from the site, including one on Bridge Road and two on Lennox Street. This may also provide an alternative option of transport for both staff and clients/visitors and may help to reduce overall car parking demand in the area.
- 460. It is of note that objectors have raised concern with regard to a shortage of car parking for the medical centre, raising concern that the medical centre patients will resort to illegally using the on-site car parking at No. 197 Lennox Street to the south. The proposed development meets the statutory car parking requirements for the medical centre. Should there be any incidences of medical centre patients parking illegally at 197 Lennox Street, this should be pursued as a civil matter.
- 461. Objector's have also raised concern that the removal of the at grade car park on site will result in customers having to park far away from the Bridge Road MAC. Council's Engineering Services Unit raised no concern in this regard.
- 462. Further to this, objectors have indicated that there is insufficient disabled car parking on site. Council's Engineering Services Unit have not indicated that the disabled parking on site fails to meet the provision requirements.
- 463. Further to the above considerations, Clause 52.06-7 decision guidelines include local traffic management as a relevant consideration. Council's Engineering Services Unit raise no concerns with regard to traffic volumes or traffic impacts. In particular, Council's Engineering Services Unit advise that Salt 3 Consultants assessed the traffic impact on the Bridge Road/Lennox Street intersection using SIDRA modelling. They confirm that these results show the intersection will continue to operate satisfactorily, post development.
- 464. It is of note that an objector raised concern that the traffic study is flawed as it was done before the residents moved into the new development at 172-174 Lennox Street. Council's Engineering Services Unit raised no concern in relation to this.
- 465. Council's Engineering Unit supports the car parking reduction as it is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
- 466. Council's Engineering Unit has no objection to the reduction of car parking. It is expected that office and retail staff without allocated on-site car parking would commute to and from the site using more sustainable forms of transport. Client/visitors and customers would either park on street, use sustainable transport modes or would already be in the area.
- 467. Overall, and as advised by Council's Engineering Unit, the proposed reduction in car parking is considered appropriate for this locality, is acceptable when considered against the relevant Clause 52.06-7 considerations and is consistent with the purpose of Clause 52.06.

Car park access and layout

- 468. Clause 52.06-9 of the Scheme includes relevant design standards for accessways, car parking areas, ramp gradients, mechanical parking, urban design and safety. Council's Engineering Services Unit have provided advice in relation to these matters and confirm that a high level of compliance is achieved. However, concern has been raised with regard to the accessible spaces, clearance of car spaces to walls and transition grades to the basement ramp. The Engineering Services Unit have required:
 - (a) A bollard to be inserted in the shared access area to the accessible parking spaces as per AS/NZS2890.6:2009;
 - (b) A 300mm clearance between car spaces 18, 23, 27, 28, 32 and 54 from adjacent walls; and
 - (c) The 1 in 8 transition grades at the bases of the 1 in 4 basement ramp sections to be lengthened to 2.5m to ensure a B99 design vehicle does not scrape or bottom out.

469. The applicant responded by incorporating these items into the amended sketch plans received on 4 August 2020. If a permit is to issue, these items can be readily facilitated via conditions of permit.
470. In addition to the above items, Council's Engineering Services Unit have been liaising with applicant's traffic consultants, Salt 3 Traffic Engineering Consultants, through the application process in relation to the necessary reconstruction of the kerb extension and speed hump located forward of the site in Lennox Street. Council's Engineering Services Unit confirm the design has been resolved, based on the concept design prepared by Salt 3 Traffic Engineering Consultants, Option 2 dated 25 February 2020 (see Engineering Services referral comments for diagram). Council's Engineering Services Unit have required the reconstruction of the kerb extension and speed hump, in accordance with this diagram. If a permit is to issue, this can be included as a condition.
471. The Engineering Services Unit have included various other standard conditions relating to civil works, the vehicle crossing at Lennox Street, road asset protection, construction management, impact on assets, discharge of water and removal, adjustment, changing or relocation of parking signs. If a permit is to issue, these requirements can be included as conditions.
472. In addition to the above matters, the DDO21 vehicular access requirements require redundant vehicle access points to be re-instated, linemark parking bays and to relocate any parking signs. The crossover to the existing garage at the Lennox Street frontage will be redundant and must be re-instated with footpath, kerb and channel. The plans show that an on-street loading bay will be provided here, however there is no confirmation that the crossing will be demolished and re-instated with footpath, kerb and channel. If a permit is to issue, this can be required via Council's standard condition.

Bicycle parking provision and storage

473. As outlined earlier in the report, under Clause 52.34-5 of the Scheme a total 34 employee bicycle spaces, 12 visitor/shopper bicycles, and 4 shower/change rooms is required for this development.
474. The overall development comprises a total 234 bicycle spaces, including 224 employee spaces within the EOT facility at Ground Level accessed via bike ramp off Allowah Terrace, and 10 visitor spaces provided within the Lennox Street entry court at street level. The proposed bicycle space provision far exceeds the statutory requirement, however at a minimum 12 bicycle spaces must be allocated for visitors. This is also raised as a matter for address by Council's Strategic Transport Unit. As the Lennox Street entry court provides immediate and easy access for visitor cyclists, it is considered that the two additional visitor bicycle spaces must be provided here, to the satisfaction of Council. If a permit is to issue, this can be included as condition.
475. Council's Strategic Transport Unit have advised that the EOT facility is adequately designed given all employee bicycle spaces are located in a single compound with easy access from the public domain, the EOT facilities are excellent, and walkway and storage area dimensions meet AS2890.3 requirements. However, Council's Strategic Transport Unit have required that the typical spacing between bike spaces should be noted on the plans for each type of storage device. If a permit is to issue, this will be required via condition of permit.
476. In other regards, the EOT facility exceeds the minimum shower/change room requirements with, 16 shower/change rooms provided.
477. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.
- (a) *Commercial use not appropriate in context of residential area;*
 - (i) Off-site residential amenity considerations are addressed at paragraphs 407 to 452.
 - (b) *Built form, height, scale and setback - Bridge Road;*

- (i) This is addressed at paragraphs 249 to 259.
- (c) *Built form, scale and setback - Lennox Street;*
 - (i) This is addressed at paragraphs 253 to 260.
- (d) *Built form, height, scale, setback and design - adjacent laneways;*
 - (i) This is addressed at paragraphs 263 to 276.
- (e) *Materials result in dominant presentation;*
 - (i) This is addressed at paragraphs 335 to 344.
- (f) *Heritage impact to buildings on site, along Bridge Road, Lennox Street and heritage impact to Pelaco site and sign;*
 - (i) This is addressed at paragraphs 295 to 334.
- (g) *No acknowledgement of indigenous significance of the site;*
 - (i) The site is not located within an area of Aboriginal cultural heritage significance. This is not a valid planning consideration.
- (h) *Impact on views to Pelaco building and sign/impact on skyline;*
 - (i) This is addressed at paragraphs 345 to 353.
- (i) *Overdevelopment;*
 - (i) As outlined in the report, the overall building meets the mandatory maximum building height requirement, however increased building setbacks are required along the Bridge Road frontage, the Allowah Terrace interface, the Wustemenn Place interface and along the common boundary with 193A Lennox Street to achieve an acceptable transition in built form and scale along Bridge Road and Allowah Terrace and to adequately protect the equitable development opportunities of the western and northern adjacent land. Based on this, it is agreed that the upper level building footprint does require reduction.
- (j) *Removal of mature trees;*
 - (i) This is addressed at paragraphs 384 to 389.
- (k) *Off-site residential amenity (daylight access, overlooking, obstruction to outlook, overshadowing, visual bulk, wind effect, traffic noise and pollution, noise from terraces, noise from a/c system);*
 - (i) This is addressed at paragraphs 407-452.
- (l) *Off-site amenity impacts to Pelaco site and 154-160 Bridge Road;*
 - (i) The Planning Scheme addresses off-site amenity in relation to adjoining residential properties and properties within an adjoining residential zone. The off-site amenity of commercial properties is not addressed in the Scheme and is not a valid planning consideration.
 - (ii) Equitable development opportunities for the Pelaco site and 154-160 Bridge Road is addressed at paragraphs 294 to 295 and 284 to 288, respectively.
- (m) *Too many high rise developments in the area leaving the surrounding area in shadow;*
 - (i) The relevant light and shade considerations for the Precinct are found at sub-clause 2.2 to the DDO21 and addresses overshadowing to the southern footpath of Bridge Road and the footpaths of Lennox Street. This is addressed at paragraph 373. Overall, it is found that the development will have no adverse overshadowing impact to the surrounding area.
- (n) *Equitable development opportunities to adjacent land (Pelaco site, 148 Bridge Road and shops at 154-160 Bridge Road);*

- (i) This is addressed at paragraphs 277 to 294.
- (o) *Reduction in car parking;*
 - (i) This is addressed at paragraphs 453 to 472.
- (p) *Traffic impact;*
 - (i) This is addressed at paragraph 463.
- (q) *Increased traffic along southern laneway will obstruct ingress/egress movements to on-site parking at 197 Lennox Street. The southern laneway was not intended to carry hundreds of movements, deliveries and waste removal movements/does not allow two-way movements;*
 - (i) The application was referred to Council's Engineering Services Unit for review. This was not raised as a concern.
 - (ii) Further to this, it is of note that deliveries and waste collection will be undertaken within the north-eastern loading bay off Allowah Terrace and will not cause disturbance to the walk up flats at 197 Lennox Street.
- (r) *Rubbish truck movements to north-east carriageway/loading area;*
 - (i) This is addressed at paragraph 368.
- (s) *Design restricts rear vehicular and pedestrian access to 156-160 Bridge Road via the carriageway;*
 - (i) Free passageway from the north-eastern carriageway to 156-160 Bridge continues to be available. It should be noted that the proposed development provides a 6.3m wide clearance over the 4.57m wide carriageway. This may allow for improved accessibility to 156-160 Bridge Road. There is no particular fencing specified along the common boundaries with 156-160 Bridge Road. The construction or replacement of the common boundary fencing is not a matter that can be considered as part of this Planning Permit application. Any disputes arising from the common boundary fencing here is a civil issue regulated by the *Fences Act 1968*.
- (t) *Construction over north-east carriageway;*
 - (i) The north-eastern carriageway continues to be reserved for the purpose of vehicular access. The proposed development is constructed in part over this carriageway at Levels 2-5, providing a minimum clearance of 6.0m. A standard medium truck is 4.0m in height. The proposed 6.0m clearance will continue to allow vehicles to access the carriageway without obstruction. There is no concern here.
- (u) *Waste disposal;*
 - (i) This is addressed at paragraph 466.
- (v) *ESD, greenhouse emissions due to a/c system;*
 - (i) This is addressed at paragraphs 400 to 406.
- (w) *Site Plan incorrect (omits southern laneway) and no shadow diagrams and arborist report submitted;*
 - (i) Council officers have conducted a careful analysis of all site and surrounds particulars and have carried out their own assessment of the proposal against the relevant matters set out in the Planning Scheme. Officers are of the view that there is sufficient information available to allow an informed decision to be made in respect to the proposal. The location of the southern laneway has been taken into consideration in the assessment. It is also of note that shadow diagrams and arborist report is submitted as part of the application material to allow for an informed decision.

- (x) *The plans show removal of trees on 197 Lennox Street without consent from owners;*
 - (i) This is addressed at paragraph 384.
- (y) *Insufficient advertising;*
 - (i) The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1724 letters sent to surrounding owners and occupiers and by two (2) signs displayed on site. The number of submissions received would suggest that public notice was effective in notifying residents about this application. There is nothing to prevent this application being determined. It should be noted that Council accepts submissions up until the time a decision is made on the application.
- (z) *Applicant's representatives trespassed and left painted markings at 197 Lennox Street without consent;*
 - (i) Matters of trespass and/or vandalism cannot be considered under the planning application. Any related concerns should be brought to the attention of the Victoria Police for address.
- (aa) *Disturbance during the construction phase;*
 - (i) Minimising all aspects of disruption during the construction phase is a matter relevant to all developments within the municipality. In this instance, a construction management plan will be required for endorsement. If a permit is to issue, this will be required via condition.
- (bb) *Request insurance/bond for damage to vehicles and property during construction;*
 - (i) Potential damage to adjoining property from construction is not a matter that can be considered through the planning process. It is a matter that would need to be addressed by the relevant Building Surveyor through the issue of building notices and the taking out of insurance prior to the commencement of construction.
 - (ii) Any damage to vehicles parked on the road cannot be considered under the planning application. Any issues in relation to this is a civil matter and would need to be addressed via relevant insurances.
- (cc) *Loss of tenants at 197 Lennox Street due to the long construction phase.*
 - (i) The construction management plan will work toward minimising overall disturbance during the construction phase. Any unfortunate loss of tenants due to the construction phase is not a relevant planning consideration and not a valid ground for refusal.
- (dd) *Projections beyond Wustemenn Place title boundary.*
 - (i) This can be addressed via condition.

Conclusion

478. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.
479. The proposal, subject to the condition recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That had Council been in a position to decide on the application, a Notice of Decision to Grant Planning Permit PLN19/0203 be issued for part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and a reduction in car parking requirements associated with office and retail uses at 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond generally in accordance with the decision plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:

Built form / plan detail

- (a) The A-1 Road as shown on Copy of Title Lot 1 on Registered Plan of Strata Subdivision 22858G, Vol. 9760, Folio 32, clearly delineated;
- (b) The driveway appropriately designed to ensure the retention of Tree Nos. 10, 11, 12, 13 and 14, to the satisfaction of the Responsible Authority;
- (c) Details of retention or reconstruction of the verandah element to Bridge Road in accordance with condition 4 of the permit;
- (d) The café shopfront to comprise a stallboard/plinth of a minimum 400mm height to the eastern half of the shopfront;
- (e) Provision of a uniform 20.5m setback from Bridge Road to Levels 2, 3 and 4 through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (f) Provision of a 29.0m setback from Bridge Road to Level 5 through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (g) The terrace at Level 5 (west side) reduced to a depth of 5.0m, to the satisfaction of the Responsible Authority;
- (h) Levels 2, 3, 4 and 5 to be set back a minimum of 3.0m from the centre of Wustemenn Place, through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (i) Levels 3, 4 and 5 set back a minimum 7.5m from Allowah Terrace, through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (j) Provision of a minimum 3.0m setback from the common boundaries with 193A Lennox Street to the north and west at Levels 3, 4 and 5, achieved through an overall reduction in internal floor space and without reducing other setbacks, to the satisfaction of the Responsible Authority;
- (k) All east facing windows at Levels 1 and 2 within a horizontal distance of 9m from 8A Allowah Terrace to comprise fixed obscure glass up to at least 1.7m above finished floor level, to the satisfaction of the Responsible Authority;
- (l) Deletion of the south facing windows at Levels 2 and 3 along the common boundary with 21-31 Goodwood Street;
- (m) Section A and Section D drawings to correctly label medical suites as retail;

- (n) Designated outdoor seating along Wustemenn Place clearly located and set back into the site to ensure a clear passageway for vehicles along Wustemenn Place including at times when patrons are seated, to the satisfaction of the Responsible Authority;
- (o) Provision of outdoor seating within the Lennox Street entry court area, as shown in the amended sketch plan received by Council on 4 August 2020;
- (p) The entry at the southern end of Wustemenn Place redesigned to ensure the structural column is relocated clear of the stairs and entry and the abutting planter tapers off to the south to ensure unobstructed access to the stairs;
- (q) Any level differences along Allowah Terrace and Wustemenn Place as a result of new works resolved through appropriate grading to ensure no steps are required for the residential properties along Allowah Terrace and there is no change in levels between 148 Bridge Road and Wustemenn Place;
- (r) The level and grading detail of Allowah Terrace and Wustemenn Place demonstrating relevant accessibility requirements are met, to the satisfaction of the Responsible Authority;
- (s) The entry to the Wellness centre and the two entries along Wustemenn Place designed to meet the relevant Australian Standards with regard to access and mobility;
- (t) The narrowest pinch point to the bike ramp dimensioned to demonstrate adequate clearance, to the satisfaction of the Responsible Authority;
- (u) A plan notation confirming that the existing brick fence at the Allowah Terrace termination will be retained;
- (v) Any development shown beyond title boundaries (i.e. landscaping at the southern end of Wustemenn Place) revised to be within the title boundaries.

Car parking and services

- (w) At least twelve (12) bicycle spaces at the Lennox Street entry court area reserved for visitor use, only;
- (x) The bicycle space provision correctly noted on the plan and in line with the development summary;
- (y) The typical spacing noted between each type of bike parking device within the employee bike parking facility;
- (z) A bollard inserted in the shared area of the carpark, as required by AS/NZS 2890.6:2009;
- (aa) The 1 in 8 transition grades at the bases of the 1 in 4 ramp sections lengthened to 2.5m to ensure a B99 design vehicle does not scrape or bottom out;
- (bb) Clearance of car spaces 18, 23, 27, 28, 32 and 54 from walls dimensioned as 300mm;
- (cc) The provision of six (6) EV charging spaces on Basement Level 1, TP01.02;
- (dd) A plan notation confirming that a minimum 40A single phase electrical sub-circuit will be installed for the EV charging spaces on Basement Level 1, TP01.02;
- (ee) The kerb extension on the east side of Lennox Street and the associated road hump outside the property frontage as per the Salt 3 Traffic Engineering Consultants scheme, Option 2, dated 25 February 2020;

Reports and Plans

- (ff) Any amendments as required by the Conservation Management Plan pursuant to Condition 4.
- (gg) Any amendments as required by the Amended Landscaping Plan pursuant to Condition 11.

- (hh) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 13, including recommended changes to meet NCC.
 - (ii) Any amendments as required by the Amended Acoustic Report pursuant to condition 15.
 - (jj) Any amendments as required by the Wind Tunnel Study pursuant to Condition 16.
 - (kk) Any amendments as required by the Amended Green Travel Plan pursuant to Condition 18.
 - (ll) Any amendments as required by the Public Lighting Plan pursuant to condition 22.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Façade Strategy

3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
 - (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 renders outlining colours, materials and finishes.

Conservation Management Plan Required

4. Before the demolition commences, a Conservation Management Plan prepared by a suitably qualified heritage practitioner/ architect must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
- (a) A schedule of conservation works, with accompanying drawings prepared by a conservation architect/consultant for works to 150 – 152 Bridge Road including:
 - (i) parapet and sign and restoration or reconstruction of the front verandah to Bridge Road;
 - (b) A schedule of conservation works, with accompanying drawings, prepared by a conservation architect/consultant for all retained heritage fabric, including No. 195 Lennox Street;
 - (c) Proposed decorative scheme for the façade of Nos. 150 – 152 Bridge Road and No. 195 Lennox Street. It should be informed by microscopic paint analysis (façade) or otherwise developed in a historically accurate style;
 - (d) Details of the style, colour and dimensions of the original painted signage;
 - (e) Methodology for paint removal;
 - (f) Location of any interpretative historical plaques and a statement that if these historical plaques are removed they will be reinstated in similar positions as existing prior to the completion of development.

Ongoing Conservation Management Plan Requirement

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

Structural Report Requirement

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

Archival Record

8. Before demolition commences, a detailed and annotated photographic record of the existing building/s in its/their context must be submitted to and approved by the Responsible Authority as a record of the building/s. The photographs must:
 - (a) include the interior and each external elevation of the building/s;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

Tree Management Plan Required

9. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of Trees 10, 11, 12, 13, 14, 15 and 24:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
 - (c) any pruning necessary;
 - (d) watering and maintenance regimes; and
 - (e) Confirmation that in the event any street trees and/or garden beds were approved to be removed by Council as a result of any public works (i.e. changes to Lennox Street kerb), the permit holder is to pay all costs associated including amenity value, tree replacement and establishment maintenance,to the satisfaction of the Responsible Authority.

Ongoing Tree Management Plan Requirement

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

Landscaping

11. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit.

The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by GbLA Landscape Architects and dated 22.04.2020, but modified to include (or show):

- (a) Retention of Tree Nos. 10, 11, 12, 13, and 14;
- (b) Building floor levels clearly noted on the landscape plans;
- (c) All landscaping details in line with the landscaping as shown on the endorsed development plans;
- (d) The correct location of the café;
- (e) Replace some of the vertical planting along the Allowah Terrace interface at street level with small trees to allow for improved natural surveillance, to the satisfaction of the Responsible Authority;
- (f) Cross section detail of the seating/planter beds along Wustemenn Place, with seating finishes specified, to the satisfaction of the Responsible Authority;
- (g) A detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants. None of the proposed plants are to be on the DELWP advisory list of environmental weeds;
- (h) Details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer (i.e. material that won't blow away), growing media (suitable in weight and content for roof top gardens), filter media, irrigation method, drainage system, root barrier/water proofing layer);
- (i) Details on any furniture proposed in the public realm or balcony and roof areas;
- (j) Details of the proposed method for irrigation and drainage;
- (k) Details of maintenance (duration, regime) and irrigation;
- (l) The materiality of the proposed spaces;
- (m) Specification of works to be undertaken prior to planting;
- (n) Plant/planting maintenance schedules and requirements, all to the satisfaction of the Responsible Authority.

Ongoing Landscaping Plan Requirement

12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Amended Sustainable Management Plan Required

13. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions, REV C and dated 31 July 2020, but modified to include or show:

- (a) The shading treatment to exposed windows on the east façade (Level 2-5);
- (b) Clarify provision of outdoor air to office spaces on all levels and indicate operable windows on all elevations where present;
- (c) Clarify the strategy around natural ventilation and shading capabilities of the eastern façade in terms of eave/window depth, external shade blinds or otherwise;
- (d) The ventilation strategy for basement car parks;
- (e) The area of permeable vegetation (ground floor, uncovered planter boxes) that contribute to stormwater diversion;
- (f) Provision of a target to recycle or reuse 80% of demolition and construction waste;
- (g) The strategy regarding Urban Heat Mitigation, including the use of vegetation, external shading and high performing material surfaces (i.e. SRI>50).

Ongoing Sustainable Management Plan Requirement

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

Amended Acoustic Report Required

- 15. Concurrent with the plans requested at Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Planning Stage Acoustic Report by Resonate, dated 23 April 2020, but modified to include (or show, or address):
 - (a) Assessment of the music noise of the café, without specified trading hours, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
 - (b) A statement that noise from the project mechanical plant will be reviewed by a suitably qualified acoustical consultant during the Detailed Design phase to ensure that SEPP N-1 noise limits are met with all sensitive receiver locations identified in this report;
 - (c) Assessment of patron noise in relation to all roof top terraces and roof top garden and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
 - (d) Assessment of the wellness centre noise, including the use of this facility as a yoga centre and gym, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
 - (e) All recommended noise attenuation measures designed to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

- (a) The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Wind Assessment Required

16. Concurrent with the plans requested at Condition 1, an amended Pedestrian Wind Environment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Pedestrian Wind Environment Statement will be endorsed and will form part of this permit. The amended Pedestrian Wind Environment Statement must be generally in accordance with the Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd and dated 28 April 2020, but modified to include:
- (a) Wind tunnel model testing;
 - (b) Any strategies to mitigate wind effects along Allowah Terrace to not adversely reduce passive surveillance along the laneway, to the satisfaction of the Responsible Authority;
 - (c) Any recommendation to introduce higher impermeable screens to the north facing terraces at Level 5 and in relation to the roof garden designed and located to satisfy the required setbacks of the Design and Development Overlay – Schedule 21, to the satisfaction of the Responsible Authority;
 - (d) All other recommended strategies to mitigate wind effects designed to the satisfaction of the Responsible Authority.

Ongoing Wind Assessment Requirement

17. The provisions, recommendations and requirements of the endorsed Pedestrian Wind Environment Statement must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Green Travel Plan Required

18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Salt 3 Traffic Engineering Consultants and dated 22 April 2020, but modified to include updates as shown on the endorsed plans and to include:
- (a) A minimum twelve (12) visitor bicycle spaces located within the Lennox Street entry court area;
 - (b) Six (6) EV charging spaces on Basement Level 1, TP01.02;
 - (c) A minimum 40A single phase electrical sub-circuit installed for the EV charging spaces on Basement Level 1, TP01.02.

Ongoing Green Travel Plan Requirement

19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Civil Works

20. Within six months of the development commencing, or by such later date as approved in writing by the Responsible Authority, the owner of the site must submit detailed engineering and landscaping documentation for all public works including the creation of Shared Zones to Allowah Terrace and Wustemenn Place to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) The following details are to be provided:
 - (i) Detailed sections, plans, renders and elevations of the full reconstruction of Allowah Terrace and Wustemenn Place.

- (ii) A complete schedule of colours and finishes (including swatch samples), and including the surface materials proposed for Allowah Terrace and Wustemenn Place, demonstrating a high quality architectural finish.
 - (iii) The provision of new road pavement for the shared zones (Allowah Terrace and Wustemenn Place);
 - (iv) Clear delineation of the site's title boundaries along Allowah Terrace and Wustemenn Place through the use of brass discs or a similar type method;
 - (v) Tree planting/traffic calming measures (including the provision of swept path diagrams for vehicles);
 - (vi) Measures to provide DDA access;
 - (vii) Details of custom benches, street furniture, bins and raised planters to be provided.
 - (viii) Materials to be of a City of Yarra Standard;
 - (ix) Provision of drainage infrastructure within Allowah Terrace and Wustemenn Place;
 - (x) Alignment for underground services to be clear of tree root zones
 - (xi) Location of all Shared Zone signage to be shown in the context of other furniture and trees
- (b) The drainage in Allowah Terrace must be upgraded to the satisfaction of Council and at the Permit Holder's expense. These drainage works must also incorporate property drain connections from surrounding properties that currently drain into Allowah Terrace.
- (i) The existing drain in Wustemenn Place must be extended to the satisfaction of Council and at the Permit Holder's cost.
 - (ii) A drainage design scheme for the entire development must be prepared and submitted to Council for assessment approval. All works associated with the drainage design scheme must be funded by the Permit Holder.
 - (iii) All pit grates to be replaced must be bicycle safe.
 - (iv) The east-west aligned laneway must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
 - (v) The footpaths along the property's Bridge Road and Lennox Street road frontages are to be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The cross-fall of the footpaths are to be no less than 1 in 33 (for asphalt) or unless otherwise specified by Council.
 - (vi) Detailed engineering design drawings must be prepared for all infrastructure and drainage works and are to be submitted to Council for assessment and approval.
 - (vii) The existing kerb extension on the east side of Lennox Street and the associated road hump outside the property frontage must be modified to Council's satisfaction and based on the concept design prepared by Salt 3 Traffic Engineering consultants (Option 2 dated 25 February 2020) and the at the Permit Holder's cost.

21. Before the building is occupied, all public works to the public realm as required by condition 20 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the relevant power authority and the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Allowah Terrace and Wustemenn Place and the entrance to the approved building.

When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:

- (a) A lighting scheme designed for the public highway that complies with uniformity requirements as per standard AS1158.3.1;
- (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
- (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
- (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
- (e) A maintenance regime for the lighting scheme within the curtilage of the property;
- (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

Ongoing Public Lighting Plan Requirement

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

External lighting

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the Lennox Street entry court and walkway, the loading bay off Allowah Terrace, the two secondary public entries along Wustemenn Place and the two entries along Allowah Terrace must be provided within the property boundary. CPTED principles must inform the lighting scheme and the relevant Australian standard must be met, to the satisfaction of the Responsible Authority. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Vehicle Crossing servicing East-West Aligned Laneway from Lennox Street

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing servicing the east-west aligned laneway from Lennox Street must be designed and constructed:
- (a) In accordance with any requirements or conditions imposed by Council.
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) At the Permit Holder's cost; and
 - (d) To the satisfaction of Council.

Road Asset Protection

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure, including roads, footpaths and other road related infrastructure adjacent to the development site, resulting from the development, including trenching and excavation for utility service connections, must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Impact of Assets on Proposed Development

27. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the any assets necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority
28. Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

Discharge of Water from Development

29. Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
30. Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

31. No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
32. Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
33. The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Construction Management Plan

36. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Ongoing Construction Management Plan

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

Ongoing Waste Management Plan Requirement

- 38. The provisions, recommendations and requirements of the endorsed Waste Management Plan (report dated 12 June 2020) must be implemented and complied with to the satisfaction of the Responsible Authority.

General

- 39. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
- 40. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 41. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 42. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 44. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 45. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Ongoing architect involvement

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

Construction hours & noise

- 47. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Department of Transport (conditions 48 – 51)

- 48. The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

49. The endorsed Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.
50. The permit holder must avoid disruption to tram operation along Bridge Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior.
51. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Time expiry

52. This permit will expire if:

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

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

Notes:

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

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 permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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 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.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

Department of Transport

Separate consent may be required from the Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1. Please contact Head, Transport for Victoria prior to commencing any works.

CONTACT OFFICER: Julian Larkins
TITLE: Coordinator Statutory Planning
TEL: 92055456

Attachments

- 1** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox St, Richmond - Decision plans
- 2** PLN19/0203 - 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox St, Richmond - Sketch plans
- 3** PLN19/0203 - 150 - 152 Bridge Road, 1 - 3 Allowah Terrace & 195 Lennox Street Richmond - Engineering comments
- 4** PLN19/0203 - 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox St, Richmond - internal Urban Design comments
- 5** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Heritage comments
- 6** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox St, Richmond - Kinetica external Urban Design comments
- 7** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox St, Richmond - ESD referral comments
- 8** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox St, Richmond - Waste comments
- 9** PLN19/0203 - 150-152 Bridge Rd, -3 Allowah Terrace and 195 Lennox St, Richmond - Acoustic peer review
- 10** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox St Richmond - Tree comments
- 11** PLN19/0203 - 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street - Open Space Referral comments
- 12** PLN19/0203 - 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Strategic Transport comments
- 13** PLN19/0203 - 150-152 Bridge Rd, 1-3 Allowah Terrace and 195 Lennox St, Richmond - Wind peer review
- 14** PLN19/0203 - 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox St, Richmond - Department of Transport comments

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| 1.2 | PLN19/0892 - 157-161 Burnley Street, Richmond - Construction of a multi-storey building for use as an office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement. |
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Executive Summary

Purpose

1. This report provides an assessment of the construction of a multi-storey building for use as office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement at No. 157-161 Burnley Street, Richmond.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01-1S (Urban design);
 - (b) Clause 15.01-2S (Building design);
 - (c) Clause 15.02-1S (Energy Efficiency);
 - (d) Clause 17.01 (Employment);
 - (e) Clause 18.01 (Integrated Transport);
 - (f) Clause 21.05-2 (Urban design);
 - (g) Clause 21.05-3 (Built form character);
 - (h) Clause 22.05 (Interfaces Uses Policy);
 - (i) Clause 22.10 (Built Form and Design Policy); and
 - (j) Clause 52.06 – (Car Parking).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification;
 - (b) Land Use;
 - (c) Built Form;
 - (d) On-site amenity (ESD);
 - (e) Off-site amenity;
 - (f) Traffic, access and car parking;
 - (g) Waste Management/Loading;
 - (h) Other matters; and,
 - (i) Objector's concerns.

Submissions Received

4. Thirty-six (36) objections were received to the application, these can be summarised as:
 - (a) Lack of on-site car parking
 - (b) Increased traffic impacts;
 - (c) Overshadowing to the public realm;
 - (d) Excessive height/overdevelopment of the site;
 - (e) Does not respond to the neighbourhood character;
 - (f) Potential off-site amenity impacts (loss of daylight, overlooking, noise, loss of views);
 - (g) Impacts during the construction phase;
 - (h) The development should be used for dwellings instead of offices;
 - (i) Increased pedestrian traffic in the area.
5. One letter of support was received to the application.

Conclusion

6. 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 requirements:
- (a) The office use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week;
 - (b) The café use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week;
 - (c) The submission of a Façade Strategy and Materials and Finishes Plan;
 - (d) The submission of a Wind Tunnel Test.

CONTACT OFFICER: Lara Fiscalini
TITLE: Principal Planner
TEL: 9205 5372

1.2 PLN19/0892 - 157-161 Burnley Street, Richmond - Construction of a multi-storey building for use as an office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement.

Reference: D20/138303
 Authoriser: Coordinator Statutory Planning

Ward: Melba
Proposal: Construction of a multi-storey building for use as office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement
Existing use: Warehouse
Applicant: CBR Development Group (Burnley St) Pty Ltd.
Zoning / Overlays: Industrial 3 Zone
 Adjacent to a Road Zone Category 1
 Design and Development Overlay (Schedule 2)
Date of Application: 11 December 2019
Application Number: PLN19/0892

Planning History

1. Planning Permit PL05/0180 was issued on 2 June 2005 for change of use to a warehouse (with ancillary office) and partial waiver of the associated car parking requirement.
2. Planning Permit PL08/0821 was issued on 13 March 2009 for change of use to warehouse and waiver of the associated car parking requirements.

Background

3. The application was submitted on 11 December 2019, with further information received on 4 February 2020. The application was advertised, with 36 objections and 1 letter of support received.
4. Whilst this process was occurring, Council sought and received advice from an external urban designer and wind consultant, as well as internal Council departments and advisors including Engineering Services, Strategic Transport, City Works, Urban Design, Open Space and Environmental Sustainable Development (ESD).
5. Based on these referral comments, amended plans were submitted via Section 57A of the *Planning and Environment Act 1987* (the Act) on 3 July 2020. These plans included the following changes to the development;
 - (a) Reduction in building height from 12-storeys (47.2m including services) to 10-storeys (40m including services).
 - (b) Increase to the street-wall height (podium) to all street frontages, from 4-storeys (15.9m) to 7- storeys (26.7m);
 - (c) Amended design of the podium to introduce face brickwork;
 - (d) Based on the amended design of the podium, the following changes to setbacks were incorporated into the design;
 - (i) Tighter curved corner to the podium element at the intersection of Burnley and Murphy Streets (south-west corner);
 - (ii) Minor setback introduced in the south-east corner at Levels 1, 2, 3 (from on-boundary wall to 1.059m);

- (iii) Level 3 setback from on-boundary wall along eastern boundary to 3.835m, with a terrace within this setback
- (iv) Void within south-west corner at Level 3 infilled;
- (v) Reduction in setbacks from the north-east corner at Levels 4, 5 & 6;
- (vi) Previous curved designs at these levels altered to straight walls, with the setbacks from the eastern, southern and western boundaries subsequently reduced;
- (vii) Outdoor terrace added around the perimeter of Level 7;
- (viii) Small outdoor terraces added to the south-east and north-west corners of Level 9, with the void in the south-west corner of this level infilled with office floor space;
- (e) Glazed canopy to the three street frontages replaced with a metal patterned material;
- (f) Reduction in car parking spaces from 55 to 53 spaces;
- (g) Increase in bicycle parking spaces from 211 to 234 spaces;
- (h) Increased area for waste facilities from 81sqm to 91sqm;
- (i) Reduction in office space area from 8,727sqm to 8,195sqm; and,
- (j) Increase in retail space from 507sqm to 516sqm.

6. Images of the original 12-storey building and the amended 10-storey building are provided in Figure 1.

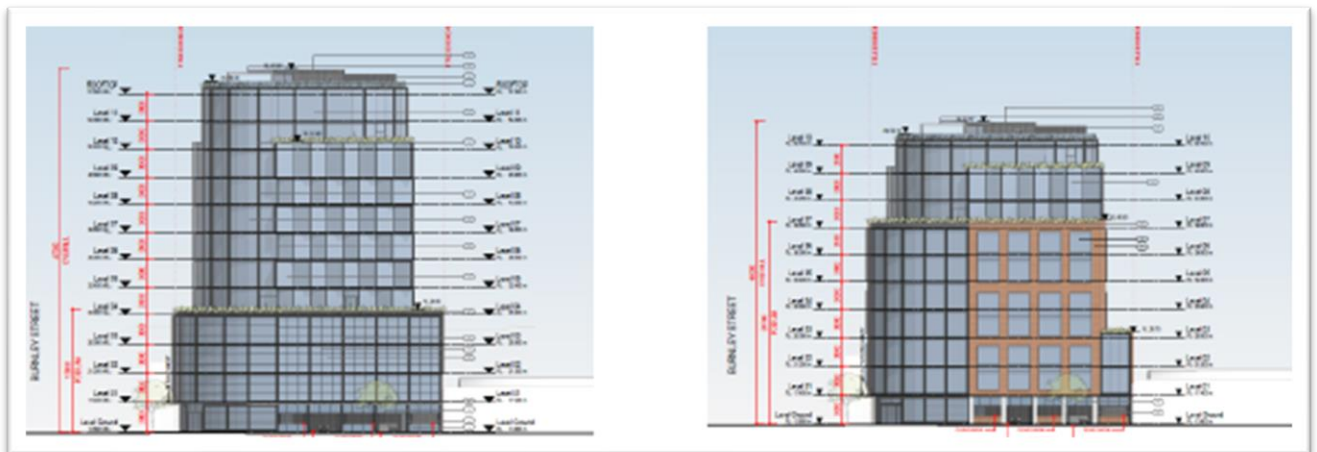


Figure 1: Original 12-storey (left) and amended 10-storey (right)

7. The amended plans were re-referred to the external urban design consultant and the following Council departments and advisors;
- (a) ESD;
 - (b) Engineering;
 - (c) Strategic Transport; and
 - (d) City Works (Waste).
8. The amended plans were readvertised to a number of sites to the north-east of the development, along with previous objectors. 9 objections to the amended plans were received, with 8 of the objections associated with existing objector parties, and 1 new objection. This increased the total number of objections to 37.
9. The amended plans form the decision plans for this assessment.

The Proposal

10. The proposal seeks a 10-storey mixed-use commercial development. The building will primarily comprise office space, with a retail element including food and drink premises (café) and restricted retail space at ground level. The specifics of the proposal are summarised below;

Uses

11. Restricted Retail – 314sqm at ground level, operating 7 days a week, 7am-9pm with 15 employees.
12. Food and drink premises (café) – 202sqm at ground level, operating 7am to 12am with 100 patrons and 15 employees;
13. Offices – 8,195sqm at levels 1-9. Operating 24 hours, Monday to Sunday. Approximately 880 office workers are anticipated to use the building at any one time.

Demolition (no permit required)

14. The entire building will be demolished, as will two existing crossovers to Murphy Street.

General

15. Construction of a 10-storey building (40m in height including services);
16. 4 levels of basement (in a 'half/half' design which results in 2 levels overall);

Basements

17. 49 office car parking spaces and 4 commercial spaces (including 1 DDA space and 6 electric vehicle charging spaces) are provided throughout the basement levels;
18. 5 motorcycle spaces within basement level 1;
19. 100 bicycle spaces within basement levels 3 & 4;
20. 94 bicycle spaces within basement levels 1 & 2;
21. Substation, services and a 20,000L capacity rainwater tank within basement levels 1 & 2.

Ground level

22. The ground level will be built to all boundaries, with the exception of the curved wall around the south-west corner;
23. The office entry will be located within a prominent 'atrium' design within this curved corner; The atrium will include a vertical 'green wall' and provide direct access to the central lift/stair core;
24. Access to the basement car park and a loading bay is provided via 2 separate crossovers to Blazey Street;
25. The restricted retail space will be in the north-west corner, with access from Burnley Street, with the café addressing Murphy Street in the south-east;
26. The remaining ground level will contain 22 bicycle spaces in secure storage, end-of-trip (EOT) facilities and a waste storage room directly adjacent to the loading bay;

27. 18 visitor bicycle spaces will extend along the northern wall (external to the building);
28. A canopy will extend above all three footpaths, with seating proposed within the Burnley Street footpath.

Levels 1-9 (Offices)

29. Levels 1 & 2 will be built to all boundaries with the exception of small 'cutouts' in the south-east, north-east and north-west corners;
30. A small external terrace will be located in the north-east corner at Level 2;
31. The south-west corners will contain 'voids' to the atrium below;
32. Level 3 will be built to the southern and western boundaries, with a small 'cut-out' in the north-west corner;
33. The eastern wall at Level 3 will be set back 3.835m from the east boundary, with an external terrace located within this setback;
34. Levels 4-6 will mirror the envelope of Level 3, with the exception of the eastern terrace;
35. Levels 7 & 8 will have various setbacks from all boundaries based on the irregular design of the facades, with the greatest setback being 9.8m from the north-east corner;
36. Level 9 will be further setback from all boundaries, with respective setbacks of 9.8m from the north-east, 10.2m from the north-west, 9.2m from the south-east and 8.3m from the south-west;
37. Small external terraces will be located within parts of the north-west and south-east setbacks at this level.

Roof

38. The roof level will mirror the setbacks of Level 9, with the plant room on the eastern side and a roof terrace to the west. The perimeter will contain a 'green roof';
39. An array of solar panels will sit above the terrace and lift overrun, forming a covered 'arbour' above the communal open space.

Materials and finishes

40. The podium will be composed of a mixture of face brickwork (red), aluminium window frames (charcoal) and reflective glazing (with a charcoal tint);
41. Levels 7-9 are finished with aluminium window frames (charcoal) and reflective glazing (with a charcoal tint);
42. A white finish is proposed on the ground floor 'columns';
43. Dark grey metal pattern canopy.

ESD Commitments

44. The following commitments are outlined in the Sustainable Management Plan;
(a) BESS score of 70%;

- (b) 21% improvement above the NCC energy efficiency requirements for heating and cooling through enhanced envelope insulation with preliminary JV3 verification provided;
- (c) Water efficient fixtures and taps;
- (d) 21% reduction in heating and cooling loads through efficient HVAC system and air-tight design;
- (e) 5-star continuous flow centralised HWS powered by natural gas;
- (f) Maximum illumination power density at least 20% lower than NCC requirements.
- (g) 15 kW PV system on rooftop to generate approximately 11.27MWh/p.a and contribute between 6-8% of the building's needs;
- (h) Additional 200 m2 of Building Integrated PV panels (BPIV) on north and west facing spandrels with estimated generating capacity of 7.73MWh/p.a.
- (i) Integrated stormwater treatment and filtration system;
- (j) 74% of the office area and 39% of the retail area to achieve a DF>2%;
- (k) All engineered timber products to meet Formaldehyde emission limits;
- (l) 234 bike spaces provided (18 visitor bike spaces) with EOT facilities including 5 male and 5 female showers;
- (m) 6 car parking spaces for EV vehicles;
- (n) 373 m2 common area on rooftop in addition to 131 m2 ground floor atrium;
- (o) 339 m3 (Approx. 25% of site coverage) of vegetation (rooftop planter boxes).

45. Images of the proposal are provided in Figures 2 & 3.



Figure 2: View from north-west along Burnley Street



Figure 3: View from south-west along Burnley Street

Existing Conditions

Subject Site

46. The subject site is located on the eastern side of Burnley Street in Richmond, with a southern frontage to Murphy Street and a northern interface to Blazey Street. The site is rectangular in shape with a frontage of 39.93m to Burnley Street and 34.75m to both Blazey and Murphy Streets, resulting in a total site area of 1,404sqm. It is noted that the plans include both the title dimensions, and the survey dimensions, with minor discrepancies between the two. To ensure consistency, references to the survey dimensions should be removed, with only title dimensions referenced, and the development to be confined within the title dimensions. A condition of the permit can ensure this occurs.
47. The subject site comprises a single-storey warehouse, built to each boundary and immediately abutting the neighbouring property to the east. The building has limited glazing within each frontage, with the principal entry off Burnley Street.
48. Vehicle access to the site is provided via two separate double crossovers along Murphy Street, as well as a single vehicle crossover to the north, along Blazey Street. Internal drive-through facilities within the building connects these two side streets.
49. A kerb outstand is located to the south-west of the site, extending into Murphy Street. One street tree is located directly adjacent to the Burnley Street façade, with one tree within the kerb outstand and a further two trees on the Murphy Street footpath. Images of the subject site are provided within Figures 4, 5 & 6.

Title

50. The certificate of title shows that the land is known formally as;
 - (a) Lot 1 TP813638C (Volume 10559 Folio 703)
 - (b) Lot 1 TP813638C (Volume 10710 Folio 214)
 - (c) Lot 1 TP813638C (Volume 10710 Folio 215)

51. The titles submitted with the application do not show any covenants or easements.



Figure 4: Burnley Street frontage

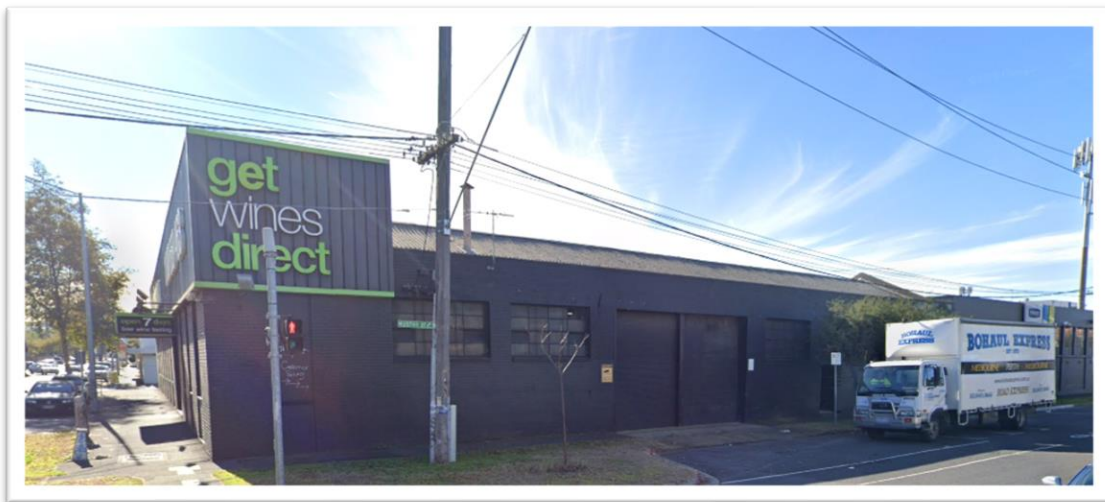


Figure 5: Murphy Street (southern) frontage



Figure 6: Blazey Street (northern) frontage

Surrounding Land

52. The property is within a precinct which contains a wide mixture of uses, given the variety of planning controls surrounding the site. Industrial, commercial, retail and residential uses are located within the immediate environs. With regards to built form, the surrounding area has experienced, and is continuing to undergo, a change in development. This is evident by increased densities and modern multi-storey developments interspersed amongst older heritage and industrial buildings. Burnley Street in particular has undergone substantial change in scale, with a number of 5-8 storey residential and commercial buildings extending along this streetscape.
53. A number of these developments are outlined in detail below;
 - (a) No. 132 Burnley Street (8-storeys) & No.142 Burnley Street, Richmond (6-storeys) – directly opposite the site to the west. An image of these buildings is provided in Figure 7.
 - (b) No. 174 Burnley Street (8-storeys) – 150m to the south-west of the site (Figure 8);
 - (c) No. 205 Burnley Street (7-storeys) – 315m to the south of the site (Figure 9).

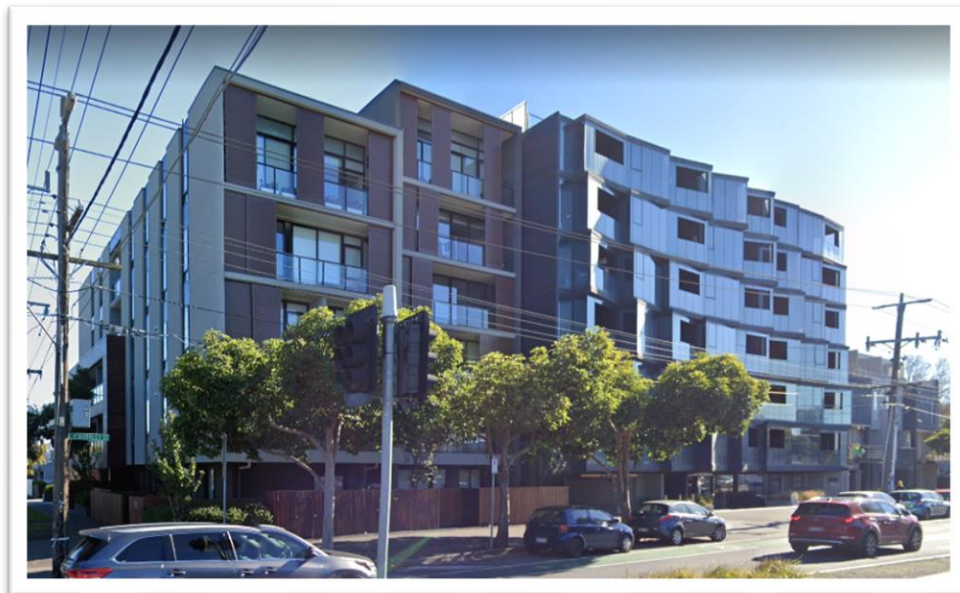


Figure 7: Nos. 132 & 142 Burnley Street

54. In addition to these existing buildings, the following developments have been approved and/or are under construction within proximity to the site;
 - (a) No. 175-179 Burnley Street (9-storeys – PLN17/0388) – directly to the south of the site (Figure 10);
 - (b) No. 171 Buckingham Street (8-storeys – PLN16/1016) – 200m to the north of the site (Figure 11);
 - (c) No. 43-57 Blazey Street (7-storeys – PLN18/0375) – 170m to the east of the site (Figure 12).

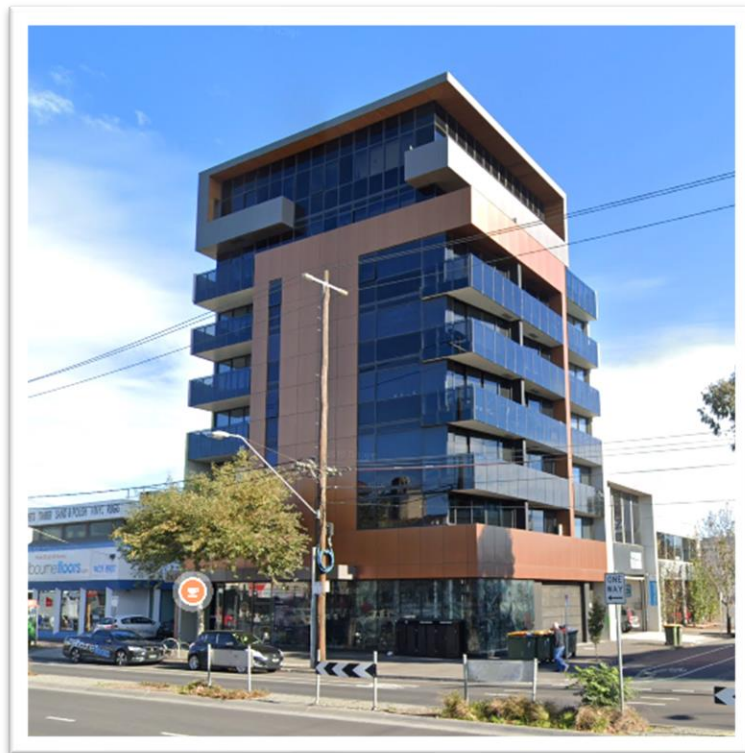


Figure 8: No. 174 Burnley Street

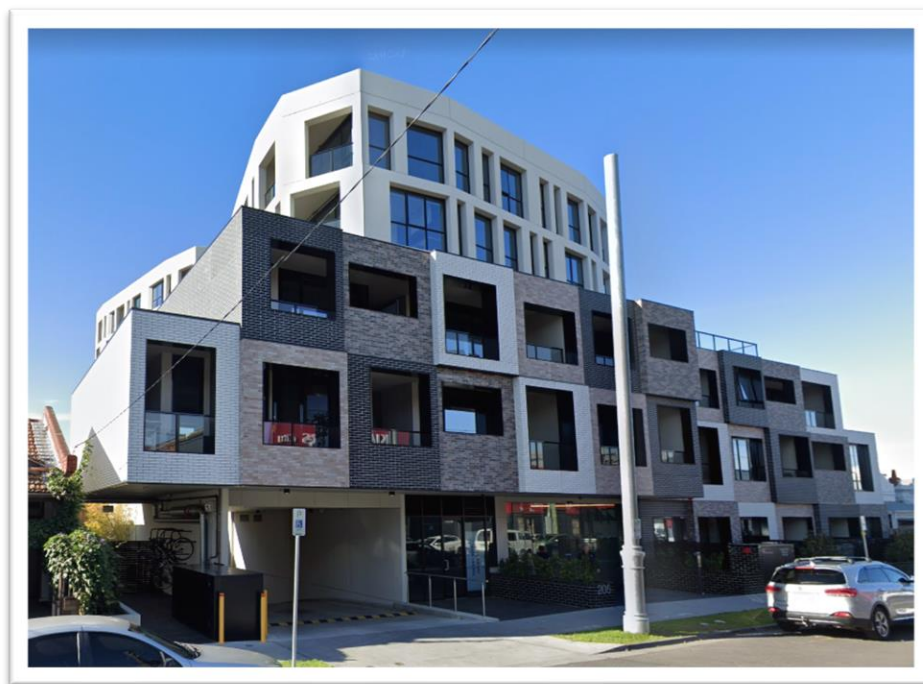


Figure 9: No. 205 Burnley Street



Figure 10: No. 175-179 Burnley Street



Figure 11: No. 171 Buckingham Street (Burnley Street façade)



Figure 12: No. 43-57 Blazey Street

55. As demonstrated in Figure 13, the site is surrounded by a mixture of zones. Properties immediately north and east of the site are included within the Industrial 3 Zone (IN3Z), with properties to the south within the Industrial 1 Zone (IN1Z). Burnley Street is located within a Road Zone Category 1 (RDZ1), with land to the north-east, west and north-west residentially zoned (GRZ2). A Mixed Use Zone (MUZ) is to the south-west.



Figure 13: Zoning mix surrounding the site

56. The mix of zoning around the site results in differing height expectations, with the low-scale residential land to the north-east likely to be maintained at this scale. The industrial and mixed-use zoning will however allow higher density built form into the future.

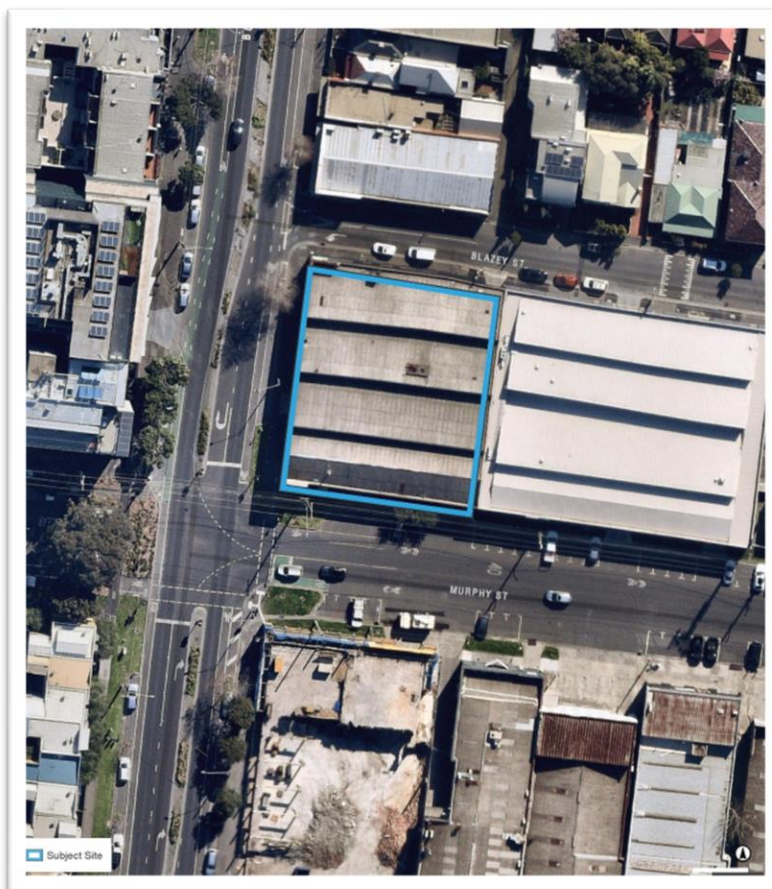


Figure 14: Aerial image of site and surrounds

57. The immediate interfaces with the site are as follows;

North

58. Blazey Street forms the site's northern boundary. The street comprises two lanes of vehicular traffic and on-street parking is provided on both sides of the street.
59. Further north is No. 147 Burnley Street. The site comprises a single-storey warehouse. Following a similar pattern to the surrounding warehouse developments, the building is built to each boundary and incorporates two single crossovers along the property's southern boundary. To the east of this site, and to the north-east of the subject site, the land is located within the GRZ Schedule 2. A laneway abuts the eastern boundary of the warehouse, with double-storey contemporary dwellings further to the east.
60. Further to the north are predominantly single-storey buildings, with a mixture of commercial and residential uses.

South

61. Murphy Street forms the site's southern boundary. The street comprises two lanes of vehicular traffic and on-street parking is provided on both sides of the street. On the southern side of Murphy Street is No. 171-175 Burnley Street.

The site was recently approved for a 9-storey mixed-use building, including office, restaurant and restricted retail uses (Permit Application No. PLN17/0388) and is currently undergoing construction. An image of this development is provided in Figure 10.

West

62. Burnley Street forms the site's western boundary, providing a two-way north-south link between Victoria Street to the north and the Citylink Freeway to the south. To the west of Burnley Street are two mid-rise residential buildings; Nos. 132 & 142 Burnley Street (Figure 7). These buildings are contemporary in design and both contain high street walls directly abutting the Burnley Street footpath.

East

63. No. 53 Murphy Street immediately adjoins the subject site to the east. The site is substantial in size, and comprises a single-storey warehouse currently occupied by Reece Plumbing. The site enjoys vehicular access over multiple singular crossovers along the northern and southern boundaries.
64. The subject site is well serviced by public transport enjoying access to tram services to the north and south including:
 - (a) Tram Route 48 between Victoria Harbour Docklands and North Balwyn with the closest stop located 180m south of the site (Bridge Road and Burnley Street intersection);
 - (b) Tram Route 75 between Etihad Stadium Docklands and Vermont South with the closest stop located 180m south of the site (Bridge Road and Burnley Street intersection);
 - (c) Tram Route 109 between Box Hill and Port Melbourne with the closest stop located approximately 650m north of the site (Victoria Street and Burnley Street intersection);
 - (d) The closest train station is Burnley Railway Station, located approximately 1.2km south of the subject site providing access to the wider metropolitan network.

Planning Scheme Provisions

Zoning

Industrial 3 Zone (IN3Z)

65. The relevant purposes of the zone include:
 - (a) *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
 - (b) *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
 - (c) *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
 - (d) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*
66. Pursuant to Clause 33.03-1, a planning permit is required to use the land for the following;
 - (a) An office;
 - (b) A restricted retail premises; and
 - (c) A food and drink premises (café). A food and drink premises is nested under 'shop' use, with a shop requiring a planning permit in the IN3Z if the following conditions are not met;
 - (i) Must adjoin, or be on the same lot as, a supermarket when the use commences.
 - (ii) The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres.

- (iii) The site must adjoin, or be within 30 metres of, a road in a Road Zone.
- (d) As the 'shop' does not adjoin a supermarket, a planning permit is required for this use.

67. Pursuant to Clause 33.03-4 of the Scheme, a planning permit is required to construct a building.

Road Zone Category 1 (RDZ1)

- 68. Pursuant to clause 36.04-2 a planning permit is required to carry out works for a use in Section 2 of clause 36.04-1. All of the proposed uses are 'section 2' uses within this clause.
- 69. The application seeks to construct a canopy above the three footpaths, with the canopy above the Burnley Street footpath encroaching into the RDZ1.
- 70. Decision guidelines at clause 36.04-3 note that before deciding on an application in the RDZ1, the responsible authority must consider the views of the relevant road authority. Section 55 of the Act also specifies that the application must be referred to the relevant authority. The application was referred to VicRoads (now Head, Transport for Victoria) accordingly.

Overlays

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

71. Pursuant to Clause 43.02-2, a planning permit is required to construct a building.

Particular Provisions

Clause 52.06- Car parking

72. The site is located within the Principal Public Transport Network Area, therefore the parking rates in Column B of Clause 52.06-5 apply. Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	8,195sqm	3.0 spaces per 100sqm of net floor area	245	49
Food and Drink (café)	202sqm	3.5 spaces per 100sqm of leasable floor area	7	2
Restricted Retail	314sqm	2.5 spaces per 100sqm of leasable floor area	7	2
Total			259 Spaces	53 Spaces

73. Pursuant to clause 52.06-3, a planning permit is required to reduce 206 car parking spaces.

Clause 52.34 - Bicycle facilities

74. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3 and the provision on site.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	8,195sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm	27 employee spaces	216 employee spaces
		1visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	8 visitor spaces.	
Retail premises (other than specified in this table)	202sqm	1 employee space to each 300sqm of leasable floor area	1 employee spaces	18 visitor spaces
		1 visitor space to each 500sqm of leasable floor area	0 visitor spaces.	
Shop	314sqm	1 employee space to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 employee spaces	
		1 visitor space to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			27 employee spaces	216 employee spaces
			8 visitor spaces	18 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		4 showers / change rooms	11 showers / change rooms

75. The proposal includes 243 bicycle spaces, including 18 outdoor visitor spaces, thus exceeding the minimum statutory requirement. The proposal also includes a total of 11 showers and associated changing room facilities (5 female, 5 male and 1 disabled), thereby exceeding the minimum requirement.

General Provisions

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

Planning Policy Framework (PPF)

77. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)
Clause 11.02-1S (Supply of Urban Land)

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

Clause 13.07 (Amenity)
Clause 13.07-1S (Land use compatibility)

79. The objective of this clause is:
- (a) To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

80. The relevant objective of this clause is:
- (a) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

81. The objective is:
- (a) To create distinctive and liveable city with quality design and amenity.

Clause 15.01-2S (Building design)

82. The relevant objective of this clause is:
- (a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm
83. Relevant strategies of this clause are:
- (a) Require a comprehensive site analysis as the starting point of the design process.
 - (b) Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.
 - (c) Ensure development responds and contributes to the strategic and cultural context of its location.
 - (d) Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
 - (e) Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
 - (f) Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
 - (g) Ensure development is designed to protect and enhance valued landmarks, views and vistas.
 - (h) Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

84. 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)

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

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

86. 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)

87. The relevant objective of this clause is:
- (a) To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

88. The objective of this clause is:
- (a) To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

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

Clause 17.02 (Commercial)

Clause 17.02-1S (Business)

91. The relevant objective of this clause is:
- (a) To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.
92. The relevant strategies of this clause is:
- (a) Plan for an adequate supply of commercial land in appropriate locations.
 - (b) Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
 - (c) Locate commercial facilities in existing or planned activity centres.

Clause 18.01 (Integrated Transport)

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

93. The objective of this clause is:
- (a) To create a safe and sustainable transport system by integrating land use and transport.

Clause 18.02 (Movement Networks)

Clause 18.02-1S (Sustainable personal transport)

94. The relevant objectives of this clause is:
- (a) To promote the use of sustainable personal transport.

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

95. Strategies of this policy are:

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

Clause 18.02-2S (Public Transport)

96. 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)

97. 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)

98. The objective of this clause is:
- (a) To ensure an adequate supply of car parking that is appropriately designed and located.
99. A relevant strategy is:
- (a) Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Municipal Strategic Statement

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

Clause 21.04-3 (Industry, office and commercial)

101. The objective of this clause is:
- (a) To increase the number and diversity of local employment opportunities.

Clause 21.05-2 (Urban design)

102. 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;
 - (i) Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
 - (ii) Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.
 - (iii) Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.
 - (iv) Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.

Clause 21.05-3 (Built form character)

103. The general objective of this clause is:

- (a) To maintain and strengthen the identified character of each type of identified built form within Yarra.

104. The subject site is located within the 'main roads' area, where the built form objective is to "maintain the hard edge of the strip".

Clause 21.05-4 (Public environment)

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

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

Clause 21.06 (Transport)

106. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

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

Clause 21.07-1 (Ecologically sustainable development)

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

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

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

108. Figure 22 of Clause 21.08-9, shows the subject site as being within a main roads built form character area where the objective is to maintain the hard edge of the strip.

Relevant Local Policies

Clause 22.05 (Interfaces Uses Policy)

109. This policy applies to applications within the Industrial Zone (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
110. It is policy that:
- (a) New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.

Clause 22.10 (Built form and design policy)

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

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

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

Clause 22.17 (Environmentally Sustainable Design)

113. This policy applies to (as relevant) the development of a non-residential building with a gross floor area of more than 1000sqm. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other relevant documents

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

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

Plan Melbourne

115. Released in May 2017, Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):
- (a) Outcome 1: *'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.'*
 - (i) Direction 1.2 of Plan Melbourne is to *'Improve access to jobs across Melbourne and closer to where people live'*
116. The strategy promotes '20-minute neighborhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your front door.

City of Yarra's Spatial Economic and Employment Strategy (SEES)

117. This is a local strategy adopted by Council on 4 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.

Advertising

118. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* by 1,239 letters sent to surrounding owners and occupiers and by four signs displayed on site. Council received 36 objections and 1 letter of support, the grounds of which are summarised as follows:
- (a) Lack of on-site car parking
 - (b) Increased traffic impacts;
 - (c) Overshadowing to the public realm;
 - (d) Excessive height/overdevelopment of the site;
 - (e) Does not respond to the neighbourhood character;
 - (f) Potential off-site amenity impacts (loss of daylight, overlooking, noise, loss of views);
 - (g) Impacts during the construction phase;
 - (h) The development should be used for dwellings instead of offices;
 - (i) Increased pedestrian traffic in the area.
119. The letter of support highlighted the positive renewal of the Burnley Street corridor, with the proximity to public transport and the provision of office floor space highlighted as positive features.
120. Amended plans were submitted via Section 57A of the Act on 3 July 2020. The amended plans were readvertised, with 84 letters sent to sites within the GRZ to the north-east and all objectors. 9 objections to the amended plans were received, with all of these objections associated with existing objector parties.

Referrals

External Referrals

121. The application was referred to Head, Transport for Victoria pursuant to Section 55 of the Act. No objection was raised, with specific conditions (regarding the construction of the canopy) to be placed on any permit issued.

Internal Referrals

122. The original application was referred to the following internal departments and advisors and external consultants;
- (a) Engineering Services Unit;

- (b) Environmental Sustainable Development (ESD);
 - (c) Strategic Transport Unit;
 - (d) Open Space (landscaping);
 - (e) Streetscapes and Natural Values Team; and
 - (f) City Works (Waste Management).
123. External consultants
- (a) Urban Design consultant (Global South);
 - (b) Wind consultant (MEL Consultants).
124. The amended application was re-referred to the following;
- (a) Engineering;
 - (b) ESD;
 - (c) City Works; and
 - (d) Urban Design consultant (Global South).
125. The amended application was not re-referred to the remaining internal departments as the changes did not require further review.
126. All referral comments have been included as attachments to this report

Assessment

127. The considerations for this amendment application are as follows, as required:
- (a) Strategic justification;
 - (b) Land Use;
 - (c) Built Form;
 - (d) On-site amenity (ESD);
 - (e) Off-site amenity;
 - (f) Traffic, access and car parking;
 - (g) Waste Management/Loading;
 - (h) Other matters; and
 - (i) Objector's concerns.

Strategic justification

128. The proposal enjoys considerable support from both State and local policy for accommodating increased development in the given location. The site is appropriately placed for the proposal, due to its proximity to two major activity centres (Bridge Road and Victoria Street), as well as the Victoria Gardens Shopping Centre and numerous public transportation options, including multiple bus routes, tram routes, and key arterial roads.
129. The IN3Z encourages non-residential uses, including commercial uses such as offices and retail, with a purpose of the zone '*to provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community*'. The development of the site achieves this outcome, and is consistent with strategies outlined in clause 11.01-1S (Settlement) which aim to '*promote and capitalise on opportunities for urban renewal and infill redevelopment*' and '*ensure retail, office-based employment, community facilities and services are concentrated in central locations*'.
130. Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) encourages development and growth in and around activity centres, with the proximity in particular to Bridge Road supporting more intensive development. This is evident in the emerging mid to high-rise character within the immediate area, with the increasing scale of development along Burnley Street acknowledging the thoroughfare's proximity to major centres and responding accordingly.

131. The development provides opportunities for new employment within the proposed office and retail spaces, consistent with clause 17.01-1S (Diversified Economy) and clause 17.02-1S (Business). These provisions, along with clause 21.04 (Land Use), recognise and support land uses and development that contributes *'to increase the number and diversity of local employment opportunities'*.
132. The development supports and promotes the use of sustainable personal transport by providing 234 on-site bicycle spaces and associated end-of-trip facilities, as sought by Clause 18.02-1S (Sustainable personal transport). Further to this, compliance with clause 18.01-2S (Integrated Transport) is achieved, with the development providing for communities' needs for commercial services by locating facilities within proximity to an existing activity centre with an established public transport system. This provides for a sustainable outcome with regards to land-use and transport integration.

This is also consistent with clause 21.06 (Transport), which aims to reduce car dependency by promoting walking, cycling and public transport use as viable and preferable alternatives. The site's proximity to public transport assists in achieving this objective.

Land Use

133. The proposal includes three distinct uses; with a café and restricted retail premises at ground level and offices in the levels above. Clause 22.05 (Interface Uses Policy) requires new non-residential uses and developments within Industrial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties, with the relevant purposes of the IN3Z to *'allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations'* and *'to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses'*.
134. The development has been designed with the surrounding context in mind, with the most sensitive interfaces being the residentially zoned land to the north-east and the west. At ground level, the retail premise will be located to the north, however access to this premise will be restricted to the Burnley Street interface. This will limit the amount of pedestrian activity along Blazey Street, to the north-east. The application material indicates that this retail outlet will operate 7 days a week, from 7am to 9pm. Given the interface with Burnley Street and the lack of associated impacts with this use, these hours are considered appropriate.
135. The proposed café is located on the southern side of the site, addressing Murphy Street. This location is appropriate, with Murphy Street located within the IN1Z and IN3Z, and therefore not containing any sensitive, residential interfaces. This use is likely to generate the majority of activity associated with the site; the proposed location is therefore supported. The application material indicates that the café will operate from 7am to 12am and cater for up to 100 patrons. There is no liquor licence being sought as part of this application.
136. Whilst a 7am opening is considered reasonable for a café use, the midnight close is not considered necessary. A 10pm closing time would allow evening trade and ensure that off-site amenity impacts to the residential uses on the western side of Burnley Street are more appropriately managed. A permit condition can facilitate this change.
137. The applicant is seeking a 24 hour use for the office, with staff numbers in the vicinity of 880 people. Although it is highlighted in the application that the office will be predominately used during standard working days and hours (i.e. Monday through Friday), it is anticipated that on occasion, some staff may need to access the office building out of hours (i.e. in the evenings or on weekends). To ensure that off-site amenity impacts such as light spill are appropriately managed, a restriction to the office hours is considered necessary.

Allowing this use to operate between 7am and 10pm, consistent with the use of the café, will provide a degree of flexibility whilst ensuring that impacts during night time hours are appropriately restricted. A permit condition will facilitate this.

138. The office entrance will be located within the south-west corner of the building; this will direct employee activity away from the residential zone to the north-east, with Burnley Street providing a buffer between the residential land to the west. This outcome is considered appropriate. The office use in particular is considered unlikely to result in unreasonable off-site amenity impacts, with all activities contained within the building and unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land. The restricted hours of the office during night-time hours will also ensure that light spill will not unreasonably affect adjacent residential uses. The use of the site predominantly as an office building is supported by both State and local policy, as outlined previously, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services.
139. It is considered that the proposed uses will serve the local community's needs and are appropriate given the location of the site on a prominent arterial road, within close proximity to the commercial strip of Bridge Road. Further to this, local policy at Clause 21.08 (Neighbourhoods), specifically within Clause 21.08-9 of the Scheme, identifies the subject site as being within the North Richmond area, located north of Bridge Road. Figure 21 within this Clause identifies the subject site as being appropriate for office and industrial uses, and also nominated as a non-residential area. The proposal is therefore consistent with this Clause.
140. Based on the above, the uses are supported.

Built form

141. The relevant permit trigger for the development is the IN3Z, and the primary considerations for the proposed development are the decision guidelines at clause 33.03-4 of the Scheme. Furthermore, the urban design assessment for this proposal is guided by State and local policies at clause 15.01-1S (Urban design), clause 15.01-2S (Building design), clause 15.01-5S (Neighbourhood character), clause 21.05-2 (Urban design) and clause 22.10 (Built form and design policy).
142. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area.

Context

143. As outlined within the 'site and surrounds' section of this report, the subject site sits at the intersection of four different planning zones; MUZ, GRZ, IN1Z and IN3Z. This context is demonstrated in Figure 13 of this report. This outcome has created a mixed urban landscape containing a variety of built form. Given the predominantly industrial nature of the area to the east of Burnley Street, the surrounding buildings are typically built to boundary, are course-grained with limited façade articulation and composed of concrete or rendered finishes.
144. The site is separated from the residential hinterland to the west by Burnley Street, with smaller-scale residential dwellings extending along Blazey Street, to the north-east. Whilst these dwellings are within proximity to the site and the lower heights of these residential streets will be maintained (given the GRZ affecting the land), the subject site addresses Burnley Street and any future development of the site will subsequently respond to this context.

145. There is a clear emerging character of higher built form along Burnley Street, with Figures 7 to 12 providing examples of existing and approved development along this main thoroughfare. Higher built form ranges from 5-storeys to 9-storeys. This increased density will continue, with State and local planning policy directing higher built form to areas such as this. The development of this site is therefore consistent with this emerging character.

Height and massing

146. There are no preferred or mandatory height requirements identified for the subject site within the Scheme, however with the existing and emerging built form context in mind, including the policy support for higher density development in this location and the lack of off-site amenity impacts to sensitive interfaces, the proposed additional built form on the land at 10-storeys is considered acceptable.
147. The original application sought to develop the site to a height of 12-storeys. Council officers were not supportive of this outcome, stating that it exceeded what was considered appropriate within the immediate context. External urban design advice was sought by Council from Simon McPherson of Global South Consultants. In his initial review, Mr McPherson also raised concerns with the overall height, noting the following;
- (a) *'The proposed 12-storey built form, with a 4-storey podium element, is too tall for its context, while the architectural design reinforces and emphasises the overt visual prominence of the proposal and its contrast to the local context, rather than seeking to reduce the visual effect of a building which is significantly taller than any other building in this locality. This proposal is clearly incongruous with its context, and does not provide adequate response, sensitivity or 'fit' in its streetscapes and wider built form setting'.*
148. As outlined in detail within the 'background' section of this report, the amended plans made significant changes to the overall design of the building, with 2 levels removed. The street-wall 'podium' design has also altered, with the height of this element increased from 4-storeys to 7-storeys at the north, south and west interfaces. Whilst this feature has increased in height, it is considered that the alteration to the design of the podium, when combined with the reduction in height of the overall building, results in a less prominent outcome. This is due to the following design features being incorporated into the amended response;
- (a) The design provides a more robust/solid outcome for the street-wall, with the use of brickwork contributing to this outcome and ensuring that this element is the most visible within the streetscape;
 - (b) The use of double-height windows within the podium give the perspective of a lower street-wall by combining 2 levels into 1. The effect of the double-height windows is demonstrated in Figure 15;
 - (c) The setbacks of the upper-most levels from all boundaries and use of light-weight glazing as opposed to brickwork ensures these elements are less obtrusive. It is considered that the more 'robust' podium downplays the upper levels in an effective manner.



Figure 15: View from south-west

149. Further to this, it is highlighted that there are existing buildings along Burnley Street within proximity to the site that incorporate substantial podium heights, with these outlined below. These developments are shown in Figures 7 & 8 respectively.
 - (a) No. 132 Burnley Street: 7-storey street-wall;
 - (b) No. 142 Burnley Street: 5-6 storey street-walls; and
 - (c) No. 174 Burnley Street: 8-storey street wall (6-storeys to Palmer Street).
150. Given the amended design of the building, and the scale of street-wall heights in nearby buildings, the proposed height of the podium in this context is considered an acceptable outcome.
151. The amended design and reduced height is supported by Mr McPherson, with updated urban design advice noting that *'the reduced height of 10 storeys, coupled with higher street walls of 7 storeys, give the building a more solid, robust and 'squat' proportion appearance...which I consider to be more responsive and suited to the urban context. At 10 storeys, the proposal will be less prominent in the context, and more in keeping with the broader emerging built form context, which is generally 6-9 levels in height, as identified in the previous review'*.
152. In addition to the reduction of overall height by 2 levels, the design of the building has altered significantly from the original application. These changes result in a more 'fine-grained' podium, and generally a more articulated response, with the modifications assisting in breaking up its visual bulk and providing a more integrated design which reflects surrounding industrial built form. This is achieved via a variety of setbacks and use of alternative materiality, consistent with policy at clause 22.10-3.3 (Setbacks & Building Height) which encourages the *'use of massing or articulation or changes of surface treatment, or a combination of these, to relate taller buildings to the scale of their surrounds, and to diminish visual bulk'*.
153. The tower element has been articulated using strategically placed spandrels, performance glass and photovoltaic (PV) panels on the north and west façades and on the roof. These will help to mitigate and offset cooling energy demands. They also create both articulation and design interest across the tower frontages whilst providing substantial ESD benefits.
154. The building has responded contextually to the residential interface to its north-east, with a lower built-form element provided in this corner, and increased setbacks from the north-east in order to provide a more graduated transition to the lower built form. This outcome is demonstrated in Figure 16.

This response is supported, and will allow for a visible gap in built form within the Blazey Street streetscape, if the site to the east is developed to a similar scale in the future.



Figure 16: View from residential interface at north-east corner

155. In support of the overall height being sought, the subject site benefits from having limited sensitive interfaces, with roads on three sides and an industrial building (also within the IN3Z) adjoining the eastern boundary. The building is located on the corner site of a main road, where taller buildings are appropriate in defining the corner condition. This reflects policy at clause 22.10-3.3 (Setbacks & Building Height) which states that *'the overall height of new development (including the height between the primary setback and the secondary setback) may exceed the prevailing building height of the area if the site does not cause off-site impacts and is either:*
 - (a) *Located on a corner site of a main road; or*
 - (b) *Of substantial land area.'*
156. The subject site fulfils these criteria.
157. At a height of 10-storeys, it is considered that the building will sit comfortably within the streetscape, where approved and existing buildings along Burnley Street contribute to the emerging robust context of the area. As already outlined, the site is within an area that has been identified as one where additional growth is encouraged and will occur. Whilst the building is higher than adjacent buildings, this outcome is supported by clause 22.10-3.3, which supports higher-density buildings if *'the development is in an area where it is appropriate and practicable to establish a distinctly different new character in order to achieve planning objectives'*.
158. In support of this, the application material references City of Yarra's Spatial Economic and Employment Strategy (SEES); a local strategy adopted by Council on 4 September 2018. This strategy notes that demand for industrial floor space is decreasing throughout the municipality, however the demand for commercial and office floor space is increasingly. The SEES anticipates that an estimated 134,000sqm of additional floor space will be added to Yarra's Activity Centres between 2016 and 2031 for commercial, retail and institutional uses. The proposal will contribute to this outcome by providing an additional 8,195sqm of office floor space and 516sqm of retail floor space.

It is further noted that office buildings are generally of a higher scale than industrial buildings given their function and size requirements. The proposed height of the proposal allows for a viable office building which is of an appropriate size and quality to attract tenants into the area.

159. It is clear that the development of the site as proposed is consistent with relevant policies throughout the Scheme, in addition to clause 15.01-2S, which aims to ensure development responds and contributes to the strategic and cultural context of its location. This is supported by Mr McPherson, who notes

(a) *'The amended plans for this proposal reflect a significantly improved urban design outcome. The scale of the building and proportions of the street walls within the overall massing present a less prominent and more contextual built form composition, while the more textured and solid façade expression, primarily through the use of face brickwork, supports the contextual response and more refined, visually quiet appearance. I consider that this amended proposal warrants support from an urban design perspective'.*

Architectural Quality

160. The proposed design provides a well-considered response that integrates with the surrounding older-style warehouse buildings and emerging contemporary designs. This is achieved through the combined use of brickwork and glazing, with the alternative materials providing an articulated design that creates a fine-grained rhythm along each street frontage. This is further enhanced by the verticality of the windows, particularly within the podium, with the brickwork at the lower levels breaking up the glazing and resulting in a visually interesting design. The use of aluminium framing surrounded by brickwork also reflects the solidity of older industrial developments, while providing a contemporary, site-responsive version of these existing buildings.
161. Mr McPherson supports this outcome, noting that the *'revised architectural expression utilising extensive brickwork, and therefore a lesser extent of metal and glass, adds texture, tactility and 'warmth' to the design, while also supporting a more contextual response'*. He also notes that the *'design is still contemporary and retains distinctly modern details such as the extended window reveals, curved glazed atrium frontage and 'folded' glazing above the street walls'*. The design approach is supported from an urban design perspective.
162. In his review, Mr McPherson commented on the use of white for the ground floor 'columns'. This is evident in Figure 17. He notes however that the white finish is not included in the materials schedule at TP-800. Mr McPherson supports the use of this contrasting colour, noting that the *'columns are quite an important element in the overall reading of the facades'*, with the use of white drawing focus to the solid brickwork and providing a clear visual element that breaks up the glazing at this level. A condition of the permit will require this colour/material to be included in the schedule.



Figure 17: Ground floor materials and design - Murphy Street

163. Another material highlighted by Mr McPherson was the extensive use of reflective glazing with a dark charcoal tint. Whilst he acknowledges that a degree of tint may be required for the northern and western facades in order to manage solar gain, he recommends more transparency where possible in order to '*support visual interaction and a lighter, more open appearance*'. Mr McPherson considered that lighter tinting could be incorporated into the south-facing windows as this façade will not be impacted by solar gain and more transparent windows will allow additional passive surveillance from the upper levels. Planning officers do not agree that this alteration is required; a lighter tint just for the southern interface would result in an inconsistent appearance throughout the building, with the ground floor interface being the most essential for passive surveillance opportunities. It is not considered that the upper levels are required to provide this surveillance, being further removed from the streetscape, with the design of the ground floor providing ample opportunity for this to occur.
164. It is noted however that the extensive use of glazing may result in unreasonable reflectivity and glare. To ensure this is addressed, a condition will be added to the permit that requires a low-reflective glazing to be used. A standard condition placed on permits for commercial buildings in the Melbourne CBD (where a high level of glazing is proposed), is as follows; *Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface*, with an example of this condition found in a 2018 VCAT decision *Perpetual Trustee Company Limited v Minister for Planning (Corrected)* [2018] VCAT 567. This requirement, will be required via permit conditions.
165. In addition to the above, a Façade Strategy and Materials and Finishes Plan will be required via a permit condition to ensure that the required quality of the design is achieved, as will the requirement to provide a graffiti proof finish to all walls facing the public realm. Overall, based on the conditions discussed, it is considered that the proposed development achieves a high level of architectural quality and provides an appealing aesthetic and visually interesting design response.

The Public Realm, Landscaping & Pedestrian spaces

166. Clause 22.10-3.4 (Street and Public Space Quality) aims to ensure that ground level façade treatments interface positively with the street, by enhancing the pedestrian experience and creating attractive and active interfaces with the public domain. This can be achieved by designing development to provide a high level of pedestrian amenity and visual interest, by incorporating well-defined entries at ground level and installing glazed areas which allow permeability into the interior space.

167. The proposed entrance in the south-west corner is consistent with these objectives, providing a large, open atrium design that establishes a clearly visible entrance to the office component and creates new pedestrian spaces and a more open environment at ground level. This is consistent with design objectives at clause 22.10-3.4, with aim to *ensure that new development enhances public safety and the pedestrian experience*. A setback in this corner will provide a wider, more accessible public pedestrian footpath along this section of Burnley Street, directly opposite the existing kerb outstand. This provides an inviting space for pedestrians and building occupants, thereby achieving the objective at clause 22.10-3.4, which is to *create attractive and active interfaces with the public domain whilst maintaining a sense of public space*.
168. The building provides attractive and open ground level facades to all three streets, ensuring that passive on-street surveillance and opportunities for views into and out of the building are available at this level. The location of the café within the southern section of the site will ensure that the most active use is located away from the residential land to the north-west, whilst providing a good degree of activation within the commercial/industrial streetscape along Murphy Street.
169. The building has been designed so that where possible, services (including the substation and switch room) have been located in the basement. This maximises active and articulated frontages at the ground level. Waste and back of house storage is proposed to be located within the loading bay, again hidden from public view.
170. All of these elements incorporate strategies outlined at clause 15.01-1S (Urban design) which are to;
 - (a) *Ensure the interface between the private and public realm protects and enhances personal safety;*
 - (b) *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport; and,*
 - (c) *Promote good urban design along and abutting transport corridors.*



Figure 18: Canopy surrounding ground floor

171. A canopy is provided at ground level which will assist in weather protection and pedestrian comfort, as well as providing shelter for the visitor bicycle spaces along the northern interface (Figure 18). As noted in the referral section of this report, Transport for Victoria requested that conditions be added to any permit issued due to the location of the awning above the Burnley Street footpath. This will be done accordingly. These conditions will not impact the overall design of this element, with the specific requirements discussed further in paragraph 261 of this report.

172. Pedestrian seating will be provided to Burnley Street, opposite the kerb outstand and parallel to the entrance. This outcome is supported by Council's Urban Design unit, who noted that the design of these seats should be City of Yarra standard furniture in line with Council's Public Domain Manual. A condition will ensure this occurs unless otherwise agreed.
173. The application proposes to reinstate the nature strip along Murphy Street, including where two crossovers are to be removed. The existing materials along the site frontage are asphalt footpaths and concrete kerb and channel, with the plans noting that the reinstated nature strip along Murphy Street will be asphalt. To ensure that all of the proposed surfaces within and surrounding the site are clearly demarcated, further detail is required on all proposed surface materials. Council Engineers also discussed this requirement in their comments, noting that the setback area inside the development must be constructed in a different material to that of the footpath and the boundary lines must be clearly defined. A permit condition will ensure this occurs.
174. The plans also indicate that the street trees adjacent to the site will be retained, with one tree on Burnley Street, two trees on Murphy Street and one tree within the kerb outstand. It is noted that the tree within the kerb outstand is not clearly shown on the plans. To ensure these trees are adequately protected during construction, a Tree Management Plan will be required via a condition of the permit, with all trees to be clearly shown on the plans. Council's Urban Design unit acknowledged there does not appear to be any further tree planting opportunities along Burnley Street in front of the site, given the location of the existing traffic lights. However, the retention of the existing trees is supported.
175. It is highlighted that the objectives outlined at DDO2 has been achieved, with the purpose of this overlay to protect and enhance the Burnley Street interface. The development provides high-quality contemporary architecture which responds to the desired character and pattern of development along the street, whilst creating a street wall and pattern of development that reflects the emerging context. The development's response to the public realm is supported.

Landscaping

176. A relatively significant degree of landscaping is proposed throughout the development, including planters and a vertical 'green-wall' within the entrance atrium, cascading plants at the upper levels and landscaping within the roof top terrace. The applicant has indicated that the landscaping forms an important feature of the design, intended to provide the employees with access to high quality open space and also soften the built form.
177. Council's Open Space unit was largely supportive of the extent of landscaping proposed, with the main concerns being the degree of exposure available to the roof top terrace and maintenance of the vertical green wall. It was highlighted that extra consideration will need to be given to the use of plants that will survive these conditions.
178. To ensure that the proposed landscaping is appropriate for the location and maintained properly, Open Space comments have specified that the following details will be required;
 - (a) A planting plan and schedule, to include;
 - (i) The plant code, botanical name, common name, mature height and spread, and installation size, density and quantities of all plants;
 - (ii) A plan showing plant locations and quantities, and garden bed dimensions;
 - (iii) A legend containing key features, materials and surfaces;
 - (iv) Information on maintenance requirements/ maintenance schedule, with specific reference to the 'green-wall'.
179. In addition to this, further details showing the planter design details and dimensions will be required, to include;
 - (a) Planter materials;
 - (b) Mulch type and depth;

- (c) Growing media and depth;
- (d) Filter media and depth;
- (e) Irrigation method;
- (f) Drainage system;
- (g) Root barrier / water proofing layer;
- (h) Any tree anchor system being proposed.

180. All of these details will be incorporated into a comprehensive Landscape Plan, which will be required via a condition of any permit issued.

Site Coverage

181. Design objectives at Clause 22.10-3.6 aim to ensure that the site coverage of new development complements the desired neighbourhood character of the area and responds to the features of the site. The existing building occupies 100% of the site, with the new building also extending over 100% of the land. This level of site coverage is consistent with existing built form within the area and is considered to be an appropriate outcome.

Light and Shade

182. The subject site is located in a predominantly commercial and industrial location, where some degree of overshadowing is inevitable due to the hard-edge built form character which has been established. It is considered that the shadowing from the development would not affect the usability of the public realm.
183. The approved development will result in additional overshadowing to the Burnley Street road reserve at 10am, with shadows also affecting the kerb outstand on the southern corner of Murphy Street and Burnley Street at this time. These shadows will move eastward throughout the day, with reduced sections of the Murphy Street footpath in shadow from midday onwards. As Murphy Street is located within industrially zoned land and is a secondary street with regards to pedestrian access, this outcome is acceptable. The shadow impacts are demonstrated in Figure 19.

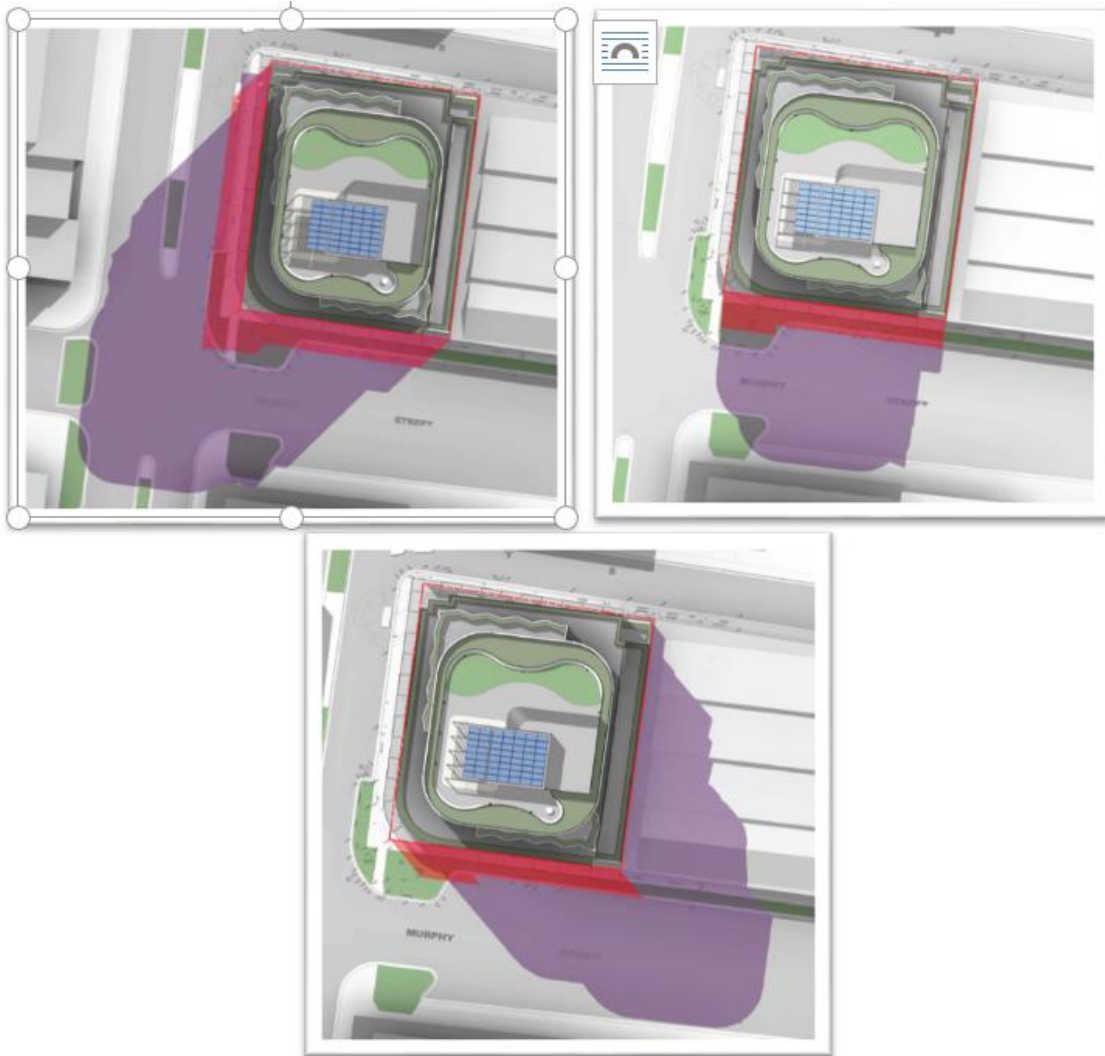


Figure 19: 10am, midday and 2pm shadows

On-site amenity

184. Design objectives outlined at Clause 22.10-3.7 of the Scheme aim to ensure that new development optimises the internal amenity for future occupants by providing well-designed and functional spaces that contribute to a sense of comfort within the site and its immediate environs. With this in mind, the proposal is considered to offer good on-site amenity for future users of the site, with excellent access to natural daylight and generous facilities that will contribute to a safe and usable workplace.
185. Daylight will be provided from the north, south and west interfaces, with the three street frontages ensuring that daylight access will not be unreasonably compromised by any future development on adjacent sites. Whilst it is noted that the windows are not operable, the application highlights that a mechanical system will deliver fresh air internally and allow for effective ventilation to occur.
186. There are a number of external terraces provided at various levels throughout the building, with the communal roof terrace providing a generous area of outdoor landscaped space for all occupants.

187. Further to this, the substantial amount of bicycle parking and comprehensive end-of-trip facilities all contribute to excellent on-site amenity, by offering future occupants alternative methods in which to access the site and ensuring that a high level of comfort would be afforded to all bicycle users.
188. Based on the above, the internal environment of the building for future users is supported.

Energy and Resource Efficiency

189. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourages ecologically sustainable development with regard to water and energy efficiency, building construction and ongoing management. A Sustainable Management Plan (SMP) was provided with the original proposal and referred to Council's ESD Advisor, who confirmed that the following commitments outlined in this document were supported from an ESD perspective;
 - (a) The development will achieve a Built Environment Sustainability Scorecard (BESS) score of 70% and a 21% improvement above the National Construction Code (NCC) energy efficiency requirements for heating and cooling through enhanced envelope insulation with preliminary JV3 verification provided;
 - (b) The development will achieve a 21% reduction in heating and cooling loads through an efficient Heating, Ventilating and Air Conditioning (HVAC) system and air-tight design;
 - (c) Water efficient fixtures and taps will be provided throughout, with a 5-star continuous flow centralised Hot Water Service (HWS) powered by natural gas to be used;
 - (d) A 15 kW Photovoltaic (PV) system will be provided on the roof; this system will generate approximately 11.27MWh/p.a and contribute between 6-8% of the building's needs;
 - (e) An additional 200sqm of Building Integrated PV panels (BPIV) will be incorporated into the north and west-facing facades of the building, thereby generating a capacity of 7.73MWh/p.a;
 - (f) Integrated storm water treatment and filtration systems will be utilized;
 - (g) Good levels of internal daylight will be achieved, with 74% of the office area and 39% of the retail area to achieve a Daylight Factor (DF) >2%;
 - (h) All engineered timber products will meet Formaldehyde emission limits;
 - (i) 234 bike spaces will be provided (18 visitor bike spaces) with EOT facilities including 5 male and 5 female showers; (and 1 DDA compliant facility);
 - (j) 6 charging stations for electric vehicles will be provided;
 - (k) A 373sqm roof terrace will be incorporated into the design, with a significant degree of landscaping proposed throughout the development.
190. A number of deficiencies were highlighted in the original review, with an amended SMP submitted in conjunction with the amended plans. This document was re-referred to Council's ESD Advisor, who noted that while many of the issues have been addressed in the amended SMP, there remains a number of elements to be clarified before the proposal is considered 'best practice' and in line with the City of Yarra's policy requirements. These include the following;
 - (a) Additional shading is still required for the north and west facades. A number of alternative solutions were provided by Council's ESD Advisor, with one of those being the provision of an external 'blind' system, as demonstrated in Figure 20. This would allow occupants to control internal comfort at each level appropriately. The use of these blinds will alleviate heat gain and reduce reliance on mechanical ventilation systems, thereby improving the overall energy efficiency of the development. A condition can be added to any permit issued to ensure that this feature is incorporated into the final design.



Figure 20: Proposed blind system

- (b) The requirement to address how organic waste will be managed has not been fulfilled. This continues to be a requirement, and the SMP must be amended to address how food waste diversion will be managed.
 - (c) A commitment to provide a HVAC system to have at least 20% improvement in Coefficient of Performance (COP) and Energy Efficiency Ratios (EERs) over minimum allowable has been made. This outcome is considered acceptable, however to ensure this is achieved, a permit condition confirming this outcome in an amended SMP will be required.
 - (d) The commitment to use recycled materials, and the details of these materials, have been removed from the amended SMP. A condition will require this information be provided in an updated SMP.
 - (e) The applicant has noted that no HVAC or other systems have been designed yet and no ESD initiatives related to system tuning or maintenance have been claimed. A condition of the permit will be added to ensure this information is provided in an updated SMP.
191. Based on the information provided, and the further details required via permit conditions, the proposal is considered to satisfactorily address the requirements of the policy under clause 22.10-3.5 (Environmental Sustainability), clause 22.16 (Stormwater Management) and clause 22.17 (Environmentally Sustainable Development) of the Scheme. The current SMP will be updated via the conditions outlined, with this document to be endorsed to form part of the permit.

Off-site amenity

192. The policy framework for external amenity considerations is contained within Clauses 22.10-3.8 (Off-site amenity) and 22.05 (Interface uses policy) of the Scheme.
193. The subject site is zoned IN3Z, as are the properties that immediately abut the site to the east and north. Sites to the south are within the IN1Z. The closest residential land is to the north-east, on the northern side of Blazey Street, and to the west, on the opposite side of Burnley Street. Respective distances of 12.5m and 30m separate these residential sites from the subject land. These are the only sensitive interfaces within proximity to the site.

194. The acceptability of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the dwellings to the north-east and west located adjacent to industrially zoned land.
195. This issue is discussed within the Tribunal matter of *Calodoukas v Moreland CC* [2012] VCAT 180:
[13] ...owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas.
196. With the above in mind the following assessment is provided.

Noise

197. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use will be conducted indoors. It is widely accepted that office use does not generate high external noise levels.
198. The restricted retail outlet is also not anticipated to result in unreasonable noise levels. The majority of activities will be undertaken internally, with the primary frontage of this use addressing the industrially zoned site directly to the north and Burnley Street to the west.
199. The café has been located on the southern side of the site; this allows an interface with Murphy Street to the south. This will limit the degree of activity oriented towards the MUZ on the opposite side of Burnley Street, to the west.
200. Concerns have been raised by a number of objector parties about potential noise impacts from the loading bay on the northern side of the building. It is highlighted that standard conditions would be included on any permit issued to manage this aspect of the proposal, with these conditions outlining specific times in which waste can be collected and deliveries can occur. There also appears to be a roller door provided at the entrance to this loading bay. To further ensure that no unreasonable amenity and noise impacts will occur at the residential land to the north-east, an additional condition can be added to the permit to specify that this door must be closed at all times when waste collection and deliveries are taking place.
201. The location of services/plant equipment is demonstrated on the roof, with services also located within the basement levels. A condition will require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).
202. In light of the above it is considered unlikely that the uses proposed within the development would result in any unreasonable noise impacts to the adjacent residential sites.

Visual bulk

203. The eastern and southern interfaces with the subject site are to commercial or industrial premises; on this basis these interfaces would not be subject to unreasonable visual bulk impacts, with the proposed building facing onto roofed areas of the adjoining properties. The residential buildings to the west are separated from the site by Burnley Street, with the 30m road reserve providing a sufficient buffer to reduce visual impacts from these sites. This further reduces the visual impact of the building and results in an acceptable outcome given the context of the residential land and its interface with industrial and commercial zones.

204. The primary consideration with regards to visual bulk is the appearance of the building to the north-east. As outlined earlier within this assessment, the building has been designed to provide a modulated form that has a lower element in the north-east corner, with setbacks from the east provided by the podium, and generous setbacks from the north and east provided by the tower. These design features will allow for a more human scale in the north-east corner, and respond well to the lower built form in this direction.
205. This outcome is considered reasonable, given the location of these residential uses and the surrounding strategic context, with the dwellings to the north-east located adjacent to industrially zoned land.

Overlooking

206. The immediately abutting properties to the north, south and east are zoned either IN1Z or IN3Z, where residential uses are prohibited. The proposal is separated from the GRZ to the north-east and west by 12.5m and 30m respectively; this will appropriately limit any unreasonable overlooking impacts to these sites.

Overshadowing

207. Based on the context of the site and the location of residential land to the north-east and west, there would be no additional overshadowing of secluded private open space associated with any residential land throughout the day. Whilst shadows will fall within the western side of the Burnley Street road reserve at 10am, given the elevated position of the dwellings within the multi-storey buildings to the west, balconies will not be affected by shadows at this time.

Wind

208. A Wind Assessment Report was prepared by Vipac Engineers and Scientists (Vipac) for the original development of the site; however an updated wind review was not undertaken for the amended design. It is acknowledged that the wind conditions surrounding and within the building may have altered as a consequence of the new design, particularly given the increased height of the street-wall from 4 to 7-storeys. The Wind Assessment was reviewed externally for Council by MEL Consultants (MEL).
209. With regards to the original design, Vipac noted that the mid-rise commercial and residential developments surrounding the site, and the higher built form proposed directly to the south, would provide some shelter at ground level. However, the site is relatively exposed from prevailing winds from the north and the south/south-west, as well as corner acceleration around the north-west corner. Upper level terrace areas will also be exposed to winds from multiple directions.
210. In their review, Vipac generally found that wind impacts were acceptable within and around the site. It was noted that wind levels along Burnley, Murphy and Blazey Streets are not significantly increased; this is due to the setback design of the tower, and the introduction of the canopy extending along the north, west and south streetscapes. On this basis, Vipac concluded that the footpaths are expected to meet the recommended walking criterion.
211. The atrium entry in the south-west corner has a rounded design and is sheltered beneath the proposed canopy. The entrances to the restricted retail space and the café are also sheltered under the canopy. Vipac concludes that both of these entrances are expected to meet the standing criterion.

212. MEL disagreed with this assessment, due to the exposure of the building and the height compared to the existing surrounding building for the prevailing wind directions. Away from the building corners the wind conditions would be expected to satisfy the walking criterion, but at the building corners the wind conditions may exceed this criterion. Furthermore, the wind conditions outside the main entrance at the south-west corner would be expected to exceed the standing criterion due to the corner location of this entrance, where the highest acceleration of wind flow would be expected. To ascertain whether the criterion can be met, MEL recommended that a comprehensive Wind Tunnel Test be undertaken. This requirement will be discussed below.
213. Vipac's review noted that the roof terrace would be exposed to winds in all directions, however the use of landscaping around the perimeter and the location of an arbour above the terrace will assist in reducing wind levels and create an improved wind environment. It is expected that wind levels in the rooftop terrace will be within the recommended walking criterion. MEL agreed with this outcome.
214. The only areas that may not always comply with the relevant criteria are the balconies, with the Vipac report noting that whilst wind conditions on the proposed balconies will frequently be acceptable for outdoor recreation during moderate to strong winds, conditions in these areas may exceed human comfort criteria. The report continues to note that this is a common occurrence in higher-density office buildings, with the high wind exposure sometimes precluding these areas from use. This outcome is not considered problematic for an office building, where occupants are not as reliant on outdoor spaces for everyday use. MEL supported this position.
215. Vipac recommends educating occupants about wind conditions at high level terrace areas during high-wind events and tying down loose, lightweight furniture is highly recommended.
216. Whilst this Wind Assessment largely concluded that wind impacts within and around the development were acceptable and that the necessary criteria would be met; at the conclusion of the report Vipac recommends a scaled wind tunnel test be conducted at the detailed design stage to verify the predictions and to determine the optimal wind control measures wherever necessary.
217. MEL agree that Wind Tunnel testing must be conducted to accurately investigate and address potential wind impacts caused by the development. This testing must be undertaken prior to the endorsement of any plans, in case further changes or wind mitigation measures are required to the design. The testing must not include any of the vegetation proposed as part of the development, with these elements variable and not forming part of the permanent building fixture. A condition will be added to the permit accordingly.

Equitable development

218. The site is surrounded by streets on three of its four interfaces, thereby ensuring that equitable development opportunities to the north, south and west will not be affected by the proposed development. To the east, the site directly abuts a single-storey warehouse, with this building currently constructed to all four boundaries. This site is also located within the IN3Z and is likely to be developed to a similar density as the subject site in the future.
219. The proposed development is considered to have been designed in response to this future context, with a solid wall proposed to extend along the full length of the shared boundary from ground level to Level 2. This allows any future development to also directly abut this interface with no impact upon daylight or ventilation to the subject site.

220. Levels 3 to 6 will be set back a minimum of 3.8m from this boundary, with setbacks above these levels ranging from 3.9m to 4.8m. These setbacks are considered appropriate, as they will provide a good degree of separation between the upper levels of any future development to the east, particularly if the eastern development adopts similar setbacks from the shared boundary. It is highlighted that the site to the east, No. 51-53 Murphy Street, is significant in scale; thereby providing opportunities for future setbacks from the subject site to be incorporated into any proposal on this land.
221. These setbacks will also ensure that ample daylight will continue to access these levels, noting that a high degree of glazing is proposed within the northern, southern and western facades of the proposal. It is unlikely that the development is highly reliant on daylight from its eastern elevation; however the setbacks will ensure that a degree of daylight continues to be provided from this interface.

Traffic, access and car parking reductions

222. In accordance with clause 52.06 of the Scheme, the application is seeking a parking reduction of 196 car parking spaces for the office use, with a reduction of 5 spaces each for the café and restricted retail premises. The statutory requirements, and subsequent reductions being sought, are outlined in the following table.

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	8,195sqm	3.0 spaces per 100sqm of net floor area	245	49
Food and Drink	202sqm	3.5 spaces per 100sqm of leasable floor area	7	2
Restricted Retail	314sqm	2.5 spaces per 100sqm of leasable floor area	7	2
Total			259 Spaces	53 Spaces

223. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the assessment requirements of Clause 52.06-6.

Availability of Car Parking

224. To ascertain the availability of existing on-street car parking spaces surrounding the site, Cardno conducted a parking occupancy survey on Monday 26 August 2019 between 2:00pm and 3:00pm. The area surveyed included an inventory of 275 time restricted car parking spaces. The survey results recorded an on-street parking occupancy of 66% (182 on-street spaces). In addition to the time-restricted spaces, Cardno identified an inventory of 70 unrestricted spaces, which had an occupancy of 94%.
225. Based on this outcome, whilst clients and customers should be able to find a short-stay parking space near the development, due to frequency of turnover of these spaces, it is acknowledged that long-term parking availability is extremely limited throughout the day.
226. Given the lack of options provided to office employees, staff would tailor their travel needs accordingly. In 2013, Council adopted a parking management strategy which aims to reduce the numbers of cars parking in Yarra, and also promote sustainable transport alternatives. This means that long-term parking will be progressively replaced over time by more short-term parking restrictions.

The prevalence of short-term parking surrounding the development (combined with Council policy to not provide parking permits for new development in the municipality) will dissuade future employees from driving cars to work, based on the difficulty in finding long-term car parking options in the area.

Parking Demand for Office.

227. The proposed office would be provided with a total of 49 on-site parking spaces, which equates to a parking rate of 0.59 spaces per 100sqm of floor area. Throughout the municipality, a number of developments have been approved with reduced office rates, as shown in the following table:

Development Site	Approved Office Parking Rate
Cremorne	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m ² (200 on-site spaces; 27,653 m ²)
Collingwood	
71-93 Gipps Street PLN16/1150 issued 30 August 2017	0.96 spaces per 100 m ² (86 on-site spaces; 8,923 m ²)
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m ² (135 on-site spaces; 15,300 m ²)
51 Langridge Street PLN17/0332 (Amended) issued 18 May 2018	0.54 spaces per 100 m ² (18 on-site space; 3,335 m ²)

228. Although lower than some of the rates listed above, the proposed office parking rate of 0.59 spaces per 100sqm of floor space is considered appropriate, as the proposal seeks to minimise private car dependency and promote more sustainable forms of transport via the generous provision of bicycle parking spaces.

229. To further support the reduced rate of on-site car parking, it is acknowledged that the actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3 spaces per 100sqm of floor space, given the site's proximity to public transport services. It is also noted that parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. As outlined earlier, the lack of long-term parking availability in the surrounding street network would discourage employees without dedicated on-site car parking spaces from driving to work.

230. Within a recent Tribunal decision regarding the car parking reduction associated with an office development, *KM Tram Enterprise Pty Ltd v Boroondara CC* [2018] VCAT 1237, the Member agreed that office developments "are prime candidates" for modal shifts to reduce reliance on private motor vehicles, with the following relevant comments:

[29] 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 it viable for many office workers commuting to a site such as this to change from private vehicle to public transport.

- [30] 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* which 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.
- [31] Local employment opportunities in this context are not limited to retail or community services. There is a 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 is far 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.

231. There is further support for changes to private motor vehicle reliance demonstrated in the Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*), which expanded on policy behind this approach. 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 in an inner-city suburb within proximity to train stations and tram routes. 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.

232. Following on from this, within the Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017] VCAT 753*) regarding the office development at No. 2 – 16 Northumberland Street, Collingwood which was referenced earlier, the Member supported a significantly reduced office car parking rate (405 spaces reduction) and made the following comments:

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

- [55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole.

This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

Parking Demand for Food and Drink Use

233. Council Engineers noted that typically, food and drink premises would generate a staff parking demand of 1.0 space per 100sqm. For this site, the retail staff parking demand would be two spaces, with 2 spaces provided on-site.
234. Customer parking would be provided off-site, in line with the majority of cafes within the City of Yarra.

Parking Demand for Restricted Retail Use.

235. The proposed restricted retail premises would be providing parking at a rate of 0.64 spaces per 100sqm. Council Engineers highlighted that the following restricted retail premises have been approved in the City of Yarra with rates below the statutory requirement:

Development Site	Approved Parking Rate
Floor 1, 523-533 Victoria Street, Abbotsford PLN15/1132 issued 21 March 2016	1.28 spaces per 100 m ² (5 on-site spaces; 390 m ²)
Building 2, 652-656 Church Street, Cremorne PLN16/0953 issued 20 December 2016	1.23 spaces per 100 m ² (11 on-site spaces; 897 m ²)

236. The restricted retail premises at the subject site is smaller than the approved examples listed above. The two allocated spaces would be used by staff. Providing a rate of 0.64 spaces per 100sqm is therefore considered appropriate.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

237. The reduction in car parking being sought by the proposal is further supported by the following:
- (a) Objective 32 of Council's MSS facilitates parking reductions by advocating reduced reliance on private motor vehicles;
 - (b) The site is within walking distance of the following tram/train services, as follows;
 - (i) Bridge Road trams – 200m;
 - (i) Victoria Street trams – 700m;
 - (ii) Church Street trams – 900m;
 - (iii) Swan Street trams – 1km;
 - (iv) Burnley railway station – 1.2km.
 - (c) The site is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources. Providing commercial development close to public transport links is consistent with urban consolidation objectives which require planning to assist in the implementation of feasible non-car based transport options;

- (d) Business and visitor parking permits will not be issued for the development, which will encourage employees and visitors to engage in alternative modes of transport, which is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;
- (e) Clients to the office and customers to the food and drink premises and restricted retail premises might combine their trips to the site by engaging in other business of activities whilst in the area.
- (f) The site has good pedestrian connectivity to Bridge Road, Church Street and Victoria Street, with good connectivity to the on-road bicycle network;
- (g) A total of 234 bicycle parking spaces will be provided on-site, substantially exceeding the number required by the Scheme, with excellent end-of-trip facilities further encouraging the use of bicycles;
- (h) A Green Travel Plan, advocating alternative transport options and providing initiatives to reduce reliance on driving was submitted with the application.
- (i) A share car is to be provided within the development. The site is also in proximity to on-street car share pods. A Flexicar car share pod is located on Burnley Street, approximately 15m south of the site; and
- (j) Providing less on-site car parking will ensure that a lower volume of vehicle traffic will impact the surrounding street networks.

238. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use. Forcing developments to provide additional parking, as set out in the Scheme, will not provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.

239. From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The lack of opportunities to park on-street in the surrounding area would be a disincentive for employees to commute to work by car, with the short-term parking restrictions allowing customers to park for limited periods. The site has good connectivity to public transport services and excellent bicycle parking provision. Council Engineers have no objection to the reduction in the car parking requirement for this development.

Traffic

240. The trip generation for the site adopted by Cardno is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Commercial (55 on-site spaces)	0.5 trips per space in each peak hour	Not Provided	27	27

241. Directional split assumptions in each peak hour for the commercial uses –

- (a) AM Peak – 10% outbound (3 trip), 90% inbound (24 trips); and
- (b) PM Peak – 80% outbound (22 trips), 20% inbound (5 trip).

242. The directional split assumptions adopted by Cardno are considered reasonable. The peak hour traffic volumes generated by the site are considered low and should not adversely impact on the traffic operation of the surrounding road network.

243. This level of traffic would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area. The traffic levels are not considered to result in any unreasonable impacts to the residential land to the east along Blazey Street, with the reduced number of on-site car parking spaces (as opposed to the statutory rate) ensuring that the additional traffic movements within Blazey Street will be relatively limited.

Car park design:

244. Clause 52.06-8 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains standards and requirements relating to access ways, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping. The *Australian/New Zealand Standard AS/NZS 2890.1:2004* is also used as a reference guide to assess whether the internal layout of the proposed garages are appropriate.
245. Council's Engineers assessed the original basement layouts and highlighted a number of items that required further details, these included aspects such as headroom clearances, layout of accessible parking spaces, clearances to walls and numbering of car parking spaces. The amended plans were re-referred to Council Engineers, who confirmed that all of the requirements outlined in their original comments (with the exception of one) had been addressed by the amended plans. The only outstanding item was that the vehicle crossing ground clearance check has not been provided. This item will be required via a permit condition.
246. A number of additional conditions, largely relating to civil works on Murphy Street, Blazey Street and Burnley Street, were recommended to be placed on any permit issued. These relate primarily to crossovers, the re-sheeting of footpaths, electrical poles, parking signs and sensors and stormwater pits and can be readily addressed via conditions or notes of the permit.

Bicycle parking

247. Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	8,195sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm	27 employee spaces	
		1visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	8 visitor spaces.	
Retail premises (other than specified in this table)	202sqm	1 employee space to each 300sqm of leasable floor area	1 employee spaces	
		1 visitor space to each 500sqm of leasable floor area	0 visitor spaces.	
Shop	314sqm	1 employee space to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 employee spaces	
		1 visitor space to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			27 employee spaces	216 employee spaces

		8 visitor spaces	18 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	4 showers / change rooms	10 showers / change rooms

248. The development provides a total of 189 additional employee spaces and 10 additional visitor spaces above the requirements of the planning scheme.

Employee spaces

249. 100 employee bicycle spaces are located within basement levels 3-4; these spaces are located at the northern and southern ends of the basement and are not enclosed within secure facilities. 42 bicycle spaces are located within a separate secure cage at the northern end of basement levels 1-2, with a further 52 located at the southern end of the basement at these levels. Of the 52, a total of 41 of these spaces are within a secure cage. An additional 22 employee spaces are located internally at ground level
250. This results in a total of 216 employee bicycle spaces over 3 levels of the development, with 105 of these spaces located within secure facilities. The number of employee bicycle spaces exceeds the statutory rate and Council's Best Practice rate (89 spaces).
251. Comments provided for the original plans from Council's Strategic Transport officer highlighted that in the original design, only 23 spaces were located within a secure facility. Pursuant to Clause 52.34-3 of the Scheme and *Australian Standard AS2890.3*, bicycle spaces for employees must be provided in a bicycle locker, or in a lockable compound. The car park is not considered to be secure, given vehicle access is provided through a roller door and ramp, allowing people to easily follow vehicles into the car park after vehicles enter.
252. It was also noted that the employee bicycle parking is located across three floors and various locations across the two basement levels. It was recommended that the design of the bicycle layout should be amended to provide a minimum of 89 employee bicycle spaces (to meet Council's best practice rate) within a maximum of 2 secure facilities, with at least 20% of the spaces to be horizontal at-grade spaces. The comments also raised concerns with potential non-compliance with *Australian Standard AS2890.3* clearance requirements between spaces.
253. The amended plans addressed these concerns somewhat, by providing additional bicycle spaces within secure cages, and demonstrating that the *Australian Standard AS2890.3* clearance requirements between spaces was achieved. The amended layout of the bicycle parking was re-referred to Council's Strategic Transport officer who, whilst acknowledging that 3 instead of 2 secure cages were proposed, confirmed that this outcome was acceptable based on the following;
- (a) Two of the secure bicycle parking areas are both located at the Basement level 1, meaning staff would not need to move between two basement levels to access a different secure location;
 - (b) The number of employee spaces at Basement level 1 has been increased by relocating some from Basement level 2;
 - (c) An additional 145 bicycle spaces are provided above the best practice rate. The additional employee bike parking is located external to the secure facilities as overflow bike parking, with this outcome considered acceptable in both the original and amended comments, and;
 - (d) The layout of employee bicycle parking meet the AS2890.3 clearance and access way requirements.
254. Further to this, the number of end-of-trip facilities exceed the statutory rate, and are well-designed and located.

Visitor spaces

255. 18 spaces are noted as visitor bicycle parking spaces, with these located underneath the proposed canopy extending along the Blazey Street frontage. The provision of the visitor spaces is adequate given:
- (a) The number of visitor bicycle spaces exceeds the statutory rate and meets Council's Best Practice rate (18 spaces);
 - (b) Visitor spaces appear to meet AS2890.3 access and clearance requirements, and are in an easy to access and locate space for visitors to the site; and,
 - (c) All visitor spaces are under cover.

Green Travel Plan

256. A Green Travel Plan (GTP) was submitted with the original application; an amended GTP reflecting the altered bicycle numbers and layout will be required via a permit condition.

Waste management

257. The waste storage area is located directly adjacent to the loading bay at ground level, providing good access for collection from this location. Issues were raised with the original waste procedures, with Council's City Works officer highlighting that the proposed waste room was not large enough to form an effective waste system and required a significant enlargement. The amended design substantially increased the waste storage area, which was subsequently considered acceptable from a City Works perspective. Whilst it was raised in the amended advice that food waste diversion had not been fully addressed, it was noted that the ample space now provided would allow this aspect to be incorporated into the design.
258. The issue of food waste diversion has been discussed within the 'energy efficiency' section of this report, with information on how this will be provided required via a permit condition.

Loading/unloading

259. A loading bay, capable of accommodating a 6.4m long Small Rigid Vehicle, is provided on-site and accessed via Blazey Street. This loading bay would allow on-site waste collection and deliveries for the commercial components. Swept path diagrams demonstrating access by a 6.4m long Small Rigid Vehicle into and out of the loading bay were provided with the application. Council Engineers confirmed that the loading bay can adequately accommodate a vehicle of this size, with this outcome supported.
260. As discussed earlier, a door to this loading bay is located within the external northern wall. To ensure that off-site amenity impacts are appropriately restricted when waste collection or deliveries occur, a condition has specified that the door must be closed at these times.

Other matters

261. Decision guidelines at clause 36.04-3 note that before deciding on an application in the RDZ1, the responsible authority must consider the views of the relevant road authority. Section 55 of the Act also specifies that the application must be referred to the relevant authority. The application was referred to VicRoads (now Head, Transport for Victoria) accordingly, who require the following condition to be placed on any permit issued;

- (a) *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Burnley Street, Blazey Street and Murphy Street boundary (i.e. the canopies, fixed shading devices, architectural features, awnings, balconies etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Burnley Street, Blazey Street and Murphy Street road reserve. A copy of the endorsed plan must be submitted and clearly detail the dimensions of all projections including the total area (sqm), length, width and height which extend beyond the title boundary. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required or if no projections are proposed into the road reserve airspace.*
- (b) *With regard to above condition, DoT requests that the written certification of building projections qualifying for an exemption be directed to DELWP's Land and Built Environment Department at property.portphillip@delwp.vic.gov.au*

Objector concerns

262. Lack of on-site car parking;

- (a) This aspect is discussed in paragraphs 222 to 239 of this report.

263. Increased traffic impacts;

- (a) This aspect is discussed in paragraphs 240 to 243 of this report.

264. Overshadowing to the public realm;

- (a) This aspect is discussed in paragraphs 182 & 183 of this report.

265. Excessive height/overdevelopment of the site;

- (a) These concerns are discussed in paragraphs 146 to 159 of this report.

266. Does not respond to the neighbourhood character;

- (a) The neighbourhood context is discussed in paragraphs 52 to 64 and 143 to 145 of this report.

267. Potential off-site amenity impacts (loss of daylight, overlooking, noise, loss of views);

- (a) Off-site amenity impacts are addressed in paragraphs 192 to 217 of this report. It is highlighted that the loss of a view cannot be considered via the Yarra Planning Scheme.

268. Impacts during the construction phase;

- (a) A Construction Management Plan has been incorporated into the permit conditions to appropriately manage this concern.

269. The development should be used for dwellings instead of offices;

- (a) The use of the land for dwellings is prohibited in the IN3Z.

270. Increased pedestrian traffic in the area.

- (a) The site is located on a major road, within proximity to two Major Activity Centres, where a high level of pedestrian traffic is expected to occur.

Conclusion

271. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0892 for construction of a multi-storey building for use as office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement at 157-161 Burnley Street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Peddle Thorp Architects and dated June 2020, but modified to show:
 - (a) The removal of all references to survey dimensions, with only title dimensions to be shown on the plans. All built form must be contained within these title boundaries;
 - (b) The notation on the ground floor plan referencing 'retail/café' amended to read 'food and drink premises (café)';
 - (c) The materials and finishes schedule (TP-800) updated to include the white (or similar) finish proposed within the ground floor façade;
 - (d) Glazing materials used on all external walls/windows must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority;
 - (e) The proposed seating on the Burnley Street footpath to be designed in accordance with Council's Public Domain Manual unless otherwise agreed by the responsible authority;
 - (f) All proposed surface materials within the subject site to be constructed in a different material to that of the footpath, with the boundary lines clearly defined;
 - (g) All existing street trees, including the tree within the kerb outstand, to be clearly shown on the ground floor plan
 - (h) A notation on the ground floor plan specifying that the door to the loading bay will be closed during all waste collection and deliveries;
 - (i) Details of the vehicle crossing (i.e. ground clearance check);
 - (j) A notation confirming that all walls facing public land will be treated with a graffiti proof finish;
 - (k) Any changes required by the endorsed Sustainable Management Plan pursuant to Condition 3, including details of the proposed 'blind systems' to provide sun-shading for the north and west facades;
 - (l) Any changes required by the endorsed Waste Management Plan pursuant to Condition 5;
 - (m) Any changes required by the endorsed Landscape Plan pursuant to Condition 8;
 - (n) Any changes required by the endorsed Wind Tunnel Test pursuant to Condition 15.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Built Environment and dated 12 June 2020, but modified to include:
 - (a) Details of the proposed 'blind systems' to provide sun-shading for the north and west facades;
 - (b) Details on how organic waste and food diversion will be managed;
 - (c) Written commitment to provide a HVAC system to have at least 20% improvement in Coefficient of Performance (COP) and Energy Efficiency Ratios (EERs) over minimum allowable;
 - (d) Details on types and quantities of recycled materials to be used throughout the development;
 - (e) Details of the ESD initiatives related to system tuning or maintenance.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 10 June 2020, but modified to include:
 - (a) An organic waste management system, such as compost;
 - (b) Confirmation that the loading bay door will be closed at all times waste is being collected from the site.
6. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

7. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (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.

Landscape Plan

8. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the waste management plan prepared by Urbis and dated 19 November 2019, but modified to include

- (a) A planting plan and schedule to show the following details;
 - (i) The plant code, botanical name, common name, mature height and spread, and installation size, density and quantities of all plants;
 - (ii) A plan showing plant locations and quantities, and garden bed dimensions;
 - (iii) A legend containing key features, materials and surfaces;
 - (iv) Information on maintenance requirements/ maintenance schedule, with specific reference to the 'green-wall'.
 - (b) Further details showing the planter design details and dimensions, to include;
 - (i) Planter materials;
 - (ii) Mulch type and depth;
 - (iii) Growing media and depth;
 - (iv) Filter media and depth;
 - (v) Irrigation method;
 - (vi) Drainage system;
 - (vii) Root barrier / water proofing layer;
 - (viii) Any tree anchor system being proposed.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Tree Management Plan

10. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of the tree on Burnley Street, the tree within the kerb outstand and the two trees on Murphy Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
11. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
12. Before the development commences, the permit holder must provide an Asset Protection Bond of \$8,000 (ex GST) for the trees in Burnley Street and Murphy Street adjacent to the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or otherwise to the satisfaction of the Responsible Authority.

Green Travel Plan

13. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Built Environments and dated October 2019, but modified to include or show:
 - (a) The amended bicycle numbers and layout, to be consistent with all architectural plans.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Test

15. Before the development commences, a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit. The Wind Tunnel Report must include (or show);
 - (a) Testing of assumptions as contained within the Environmental Wind Assessment prepared by Vipac Engineers and Scientists dated 16 October 2019;
 - (b) Achieve recommended criteria at each point (i.e. not an average) without the reliance upon vegetation.
16. The provisions, recommendations and requirements of the endorsed Wind Tunnel Test must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

17. Except with the prior written consent of the Responsible Authority, the office use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
18. Except with the prior written consent of the Responsible Authority, the restricted retail use authorised by this planning permit may only operate between the hours of 7:00am to 9:00pm, seven days a week.
19. Except with the prior written consent of the Responsible Authority, the café use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
20. No more than 100 patrons are permitted within the café at any one time.
21. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and 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.
 - (d) The presence of vermin.
22. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).

23. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
25. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
26. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

General

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
30. Before the building is occupied, any wall located facing public land must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
31. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) Constructed and available for use in accordance with the endorsed plans.
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
 - (c) Line-marked or provided with some adequate means of showing the car parking spaces.
 - (d) to the satisfaction of the Responsible Authority.

Civil Works

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; andto the satisfaction of the Responsible Authority.

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
37. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
 - (a) The footpath immediately outside the site on Burnley Street, Murphy Street and Blazey Street must be stripped and re-sheeted.

VicRoads Conditions

39. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Burnley Street, Blazey Street and Murphy Street boundary (i.e. the canopies, fixed shading devices, architectural features, awnings, balconies etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Burnley Street, Blazey Street and Murphy Street road reserve. A copy of the endorsed plan must be submitted and clearly detail the dimensions of all projections including the total area (sqm), length, width and height which extend beyond the title boundary. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required or if no projections are proposed into the road reserve airspace. Written certification of building projections qualifying for an exemption must be directed to DELWP's Land and Built Environment Department at property.portphillip@delwp.vic.gov.au.

Construction Management Plan

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) Any site-specific requirements.

41. 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.

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

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

Construction hours & noise

43. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

Permit Expiry

44. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the uses are not commenced within five years of the date of this permit.

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

Notes:

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

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

A 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.

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

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

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

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

Separate consent may be required from VicRoads under the *Road Management Act 2004* for all buildings and works (including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Road Zone Category.

CONTACT OFFICER: Lara Fiscalini
TITLE: Principal Planner
TEL: 9205 5372

Attachments

- 1 PLN19/0892 - 157 - 161 Burnley Street Richmond - Advertising S57B - Plans Part 1
- 2 PLN19/0892 - 157 - 161 Burnley Street Richmond - Advertising S57B - Plans Part 2
- 3 PLN19/0892 - 157 - 161 Burnley Street Richmond - Advertising S57B - Plans Part 3
- 4 PLN19/0892 - 157 - 161 Burnley Street Richmond - Advertising S57B - Plans Part 4
- 5 PLN19/0892 - 157 - 161 Burnley Street Richmond - UD Public Realm comments
- 6 PLN19/0892 - 157-161 Burnley Street, Richmond - Urban Design referral comments
- 7 PLN19/0892 - 157-161 Burnley Street, Richmond - Waste referral comments
- 8 PLN19/0892 - 157 - 161 Burnley Street Richmond - Engineering referral comments
- 9 PLN19/0892 - 157-161 Burnley Street - Strategic Transport referral comments
- 10 PLN19/0892 - 157-161 Burnley Street Richmond - ESD referral comments
- 11 PLN19/0892 - 157-161 Burnley Street, Richmond - Streetscapes and Natural Values referral comments
- 12 PLN19/0892 - 157-161 Burnley Street, Richmond - Open Space referral comments
- 13 PLN19/0892 - 157-161 Burnley Street, Richmond - Wind referral comments

1.3 PLN20/0022 - 16 Napier Street Fitzroy - Part demolition, alterations and additions to the existing dwelling including a ground and first floor extension

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN20/0022 submitted for 16 Napier Street Fitzroy. The application seeks approval for part demolition, alterations and additions to the existing dwelling, including a ground and first floor extension. The report recommends approval of the application, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.3-1 – Heritage conservation;
 - (b) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
 - (c) Clause 43.01 – Heritage overlay; and
 - (d) Clause 54 – Single dwelling on a lot .

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 – Single dwellings on a lot;
 - (b) Heritage; and
 - (c) Objector concerns.

Submissions Received

4. Seventeen (17) objections were received to the application and can be summarised as:
 - (a) Heritage concerns (significant features should be retained and authentically restored);
 - (b) Inappropriate landscaping within the front yard; and
 - (c) Electricity supply should be removed from the front of the building.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and key considerations, and should therefore be supported, subject to conditions generally requiring limited design changes.

CONTACT OFFICER: Nish Goonetilleke
TITLE: Senior Statutory Planner
TEL: 9205 5005

1.3 PLN20/0022 - 16 Napier Street Fitzroy - Part demolition, alterations and additions to the existing dwelling including a ground and first floor extension

Reference: D20/140470

Authoriser:

Ward: Langridge Ward

Proposal: Part demolition, alterations and additions to the existing dwelling, including a ground and first floor extension

Existing use: Dwelling

Applicant: Foursight Architects Pty Ltd.

Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1)
Heritage Overlay (Schedule 334)

Date of Application: 14 January 2020

Application Number: PLN20/0022

Planning History

1. Council records indicate that there is no planning permit history for the subject sites.

Background

2. The application was received by Council on 14 January 2020 and additional information was received on 24 April 2020. The application was advertised on 29 April 2020 with seventeen (17) objections received.

Section 57A Plans

3. The permit applicant submitted a set of amended plans to Council under Section 57(a) of the *Planning and Environment Act* (1987) (the "Act") on 31 July 2020 in an attempt to resolve concerns raised by Council's Heritage Advisor and objectors. The Section 57(a) plans included the following changes:
 - (a) Retention and restoration of the existing front fence (previously to be demolished and re-constructed);
 - (b) Lilly Pilly hedge proposed within the front yard (previously grass);
 - (c) Retention of the existing eastern (rear) boundary fence and the southern (side) boundary wall/fence (previously to be demolished); and
 - (d) All proposed works to be located within title boundaries.
4. The amended plans were not advertised, with the application given a discretionary exemption at Council's internal Development Assessment Panel (DAP) meeting held on 01 September 2020, on the basis that the proposed amendments would not result in any material detriment. However, a copy of the S57A plans was circulated with the Planning Decisions Committee invitations.
5. The assessment in this report is based on the amended 57A plans submitted to Council on 31 July 2020.

The Proposal

6. The application seeks approval for part demolition, alterations and additions to the existing dwelling, including a ground and first floor extension. The proposal is summarised as follows:

Demolition

- (a) Demolition of the majority of the northern (side) boundary wall at both floors, including the ground floor lounge and living area and first floor bedroom, bathroom and walk-in-robos, and part demolition of the southern ground floor wall;
- (b) Removal of the concrete slab associated with the ground floor meals and kitchen area and other internal demolition (no planning permit required);
- (c) Demolition of the rear, first floor balcony with the exception of the existing southern screen;
- (d) Removal of north and east-facing windows at both floors;
- (e) Demolition of the 1.9m high northern boundary fence to the east of the dwelling, with all remaining front (including the bluestone curb underneath) and boundary fences retained;
- (f) Existing metal roof to be retained, with the exception of the side wall capping and gutters;

Development

- (g) Existing cast-iron front fence, returns and gate repaired and restored to match existing, with the front setback consisting of 1m high Lilly Pilly hedges;
- (h) Existing ground floor northern and southern boundary walls will be rebuilt, with the ground floor extension setback a minimum 1.11m and 3.68m from the eastern and northern boundaries, respectively. Secluded private open space (SPOS), including a 100mm high timber deck, bin storage and clothesline would be provided within these setbacks;
- (i) The remainder of the ground floor northern boundary will consist of a 1.9m high fence and gate, with the existing paling fence proposed along the eastern boundary;
- (j) The ground floor extension will accommodate a foyer, lounge room, powder room, laundry, 2m³ storage and an open plan living/meals/kitchen area, providing access to the rear SPOS;
- (k) Similarly, the first floor northern boundary wall will be rebuilt, and the rear balcony reconstructed for a length of 4.46m at an overall height of 4.83m (abutting the majority of the existing southern screen), and setback 1.11m and 3.68m from the eastern and northern boundaries, respectively;
- (l) New multi-pane, double-hung windows with security bars are to be located at both floors on the northern façade, to match existing;
- (m) New wall capping and gutters to the existing roof form;
- (n) The maximum building height of the proposed extension is 9.64m above natural ground level (NGL);

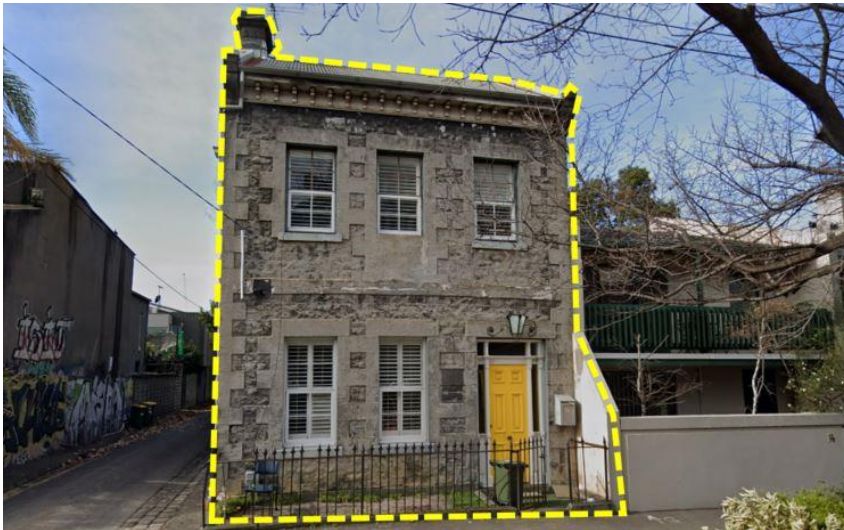
Materials and finishes

- (o) Retained, rendered northern boundary wall – Washed and re-rendered to match existing grey colour;
- (p) Reconstructed, northern boundary wall – Rendered, with colour to match existing grey colour;
- (q) Existing front door – Painted (Dulux Dandelion yellow, with frames in white);
- (r) Windows – Timber (Dulux natural white);
- (s) Balcony – Mix of cement cladding (shale grey), Aluminium screen (slate grey) and glass balustrades;
- (t) Boundary fencing – Timber paling; and
- (u) Wall capping and gutters – Natural Zincalume.

Existing Conditions

Subject Site

7. The subject site is located on the south-eastern corner of Napier Street and Little Victoria Street, approximately 70m north of Victoria Parade, 170m south of Gertrude Street and 280m west of Smith Street. The site is generally rectangular in shape, with a total frontage of 6.76m to Napier Street and a maximum depth of 16.61m, consisting of an overall site area of approximately 112sqm. The land slopes from south to north.
8. The site is occupied by a double-storey, Victorian-era dwelling, with a transverse gabled roof, and a chimney along the ridge of the roof (abutting the northern boundary). The front façade consists of double-hung windows and a pedestrian door. The dwelling is setback 1.2m from the western (front) boundary which accommodates a 1m high, relatively dilapidated cast-iron front fence and garden. At ground floor, the dwelling is built along the northern and southern boundaries for lengths of 9.84m and 14.13m, respectively and setback 1.28m and 4.45m from the eastern (rear) and northern boundaries, respectively, to accommodate rear SPOS. The ground floor consists of a foyer, lounge, living room, meals and kitchen area which provide access to the rear SPOS. The existing rear boundary fence is located outside of the subject site's title boundary, and encroaches on to the land at Nos. 21 – 23 George Street.
9. The first floor of the dwelling is built flush to the ground floor façade and 9.84m along the northern and southern boundaries. A 4.48m high balcony extends along the southern boundary for a length of 4.53m, with the first floor setback a minimum 1.28m from the rear boundary and 3.54m from the northern boundary. The remainder of the southern boundary consists of a 2.3m high part brick/part timber fence. The first floor consists of two bedrooms, two walk-in-robos, and a bathroom providing access to the rear balcony. There is no car parking on-site.



The subject site when viewed from Napier Street (Planning Officer, March 2020)

10. The northern façade of the dwelling consists of two double-hung windows, with the one at ground floor consisting of security bars. The northern wall is currently in poor condition as shown on the image below. The applicant has also provided a structural engineer's report, prepared by DSL Consulting, dated 18 August 2019, which outlines that the structural integrity of this wall has been compromised.



Northern façade from Little Victoria Street (Google Maps, July 2019)

Title and Plan of Subdivision

11. There are no restrictive covenants or easements listed against the certificate of title provided for the subject site.

Surrounding Land

12. As shown below, the surrounding land is largely Neighbourhood Residential Zone (Schedule 1) to the east and north of Napier Street; Commercial 1 Zone to the south along Victoria Parade, and west of Napier Street; and a Mixed Use Zone further north-west.



The land zoning context of the surrounding land (Planning Maps Online, September 2020)

13. To the east and north of the subject site the neighbourhood is residential in nature, with a mixture of single and double-storey dwellings and an increasing number of contemporary developments. While building types vary substantially within Napier Street, high site coverage and the construction of walls on boundary are common elements, with the majority of buildings being constructed on at least one (if not both) side boundary.

14. To the north of the subject site, across Little Victoria Street is a row of four, similar, double-storey, Victorian-era, brick houses, with a substantial front setback. The closest dwelling to the subject site is No. 18 Napier Street, built for a length of 9.6m along the southern boundary at both floors and setback 1.7m from the remainder of the boundary. Two, south-facing habitable room windows; one at ground floor and one at first floor front the subject site. SPOS is located with the rear setback. This dwelling has been graded as being “contributory” to the heritage precinct.
15. Abutting the subject site to the south is No. 14 Napier Street, a double-storey, brick dwelling, setback 1.2m from the front boundary, built abutting the subject site for a length of 14.13m at ground floor and 9.84 at first floor and setback a minimum 4m from the rear boundary to accommodate SPOS. This dwelling is graded as being “not-contributory” to the heritage precinct.
16. Abutting the subject site to the east is the car park associated with the four-storey, brick apartment building at Nos. 21 – 23 George Street. This building is graded as being “not-contributory” to the heritage precinct.
17. Immediately to the west of the subject site, across Napier Street and within the Commercial 1 Zone are Nos. 115 and 115B Victoria Parade, which forms part of a larger complex of buildings associated with the Australian Catholic University Campus. Planning Permit PLN17/0991 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 13 June 2018 for the *development of the land for the construction of a multi storey building associated with the Australian Catholic University including a reduction in the car parking requirements and alteration to Road Access in accordance with the endorsed plans*. The works proposed under this permit have commenced. Council received another planning application PLN19/0238 on 24 April 2019 for this site, for the *demolition of the existing building to allow for the construction of a twelve (12) storey building used as an education centre (permit not required use), a reduction (to zero) in the car parking requirement of the Yarra Planning Scheme, display of business identification signs and alterations to Victoria Parade (Road Zone, Category 1) to make way for a loading dock / bay*. At the time of writing this report, a decision has not been made by Council.
18. Further north-west of the subject site, across Napier Street are a number of double-storey, Victorian-era, rendered brick dwellings.
19. Napier Street consists of a variety of front fence designs, ranging from cast-iron to timber-pickets to brick fences, in different heights.



The subject site and surrounding land (Council GIS, September 2020)

Planning Scheme Provisions

Zoning

20. The subject site is zoned Neighbourhood Residential Zone (Schedule 1). The following provisions apply:
- (a) Pursuant to *Clause 32.09-6* of the Scheme, a planning permit is required to construct one dwelling on lot less than 500sq.m. *Clause 54* (one dwelling on a lot) applies.
 - (b) Pursuant to *Clause 32.09-10* of the Scheme, a maximum building height of 9m and two-storeys generally applies. A building may exceed the maximum height where *it replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building*. The proposed extension is two-storeys and has an overall height of 9.64m associated with the reconstructed northern boundary wall, and therefore satisfies this requirement.

Overlays

21. The subject site is affected by the Heritage Overlay (Schedule 334 – South Fitzroy Precinct). The following provisions apply:
- (a) Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required to:
 - (i) *Demolish or remove a building, and;*
 - (ii) *Construct and carry out works, including*
 - a. *a fence, if the fence is visible from a street (other than a laneway) or public park;*
 - b. *a deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park.*
 - c. *externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.*
22. A planning permit is triggered under the overlay for the demolition and proposed works, including the proposed boundary fencing along the northern boundary as they are visible from Little Victoria Street, which is not considered a laneway.
23. The following do not trigger a permit under the overlay:
- (a) The proposed rear deck at ground floor as it will not be visible from Napier Street or Little Victoria Street;
 - (b) Rendering of the retained northern boundary wall and painting of the front door; both to match existing colours, as the schedule to this overlay does not specify the building as having external paint controls.

Particular Provisions

Clause 54 – One dwelling on a lot

24. Pursuant to Clause 54 of the Scheme, the provisions apply to extend one dwelling on a lot less than 500sqm.

General Provisions

Clause 62 – General exemptions

25. Pursuant to *Clause 62.02 (Buildings and works not requiring a permit unless specifically required by the planning scheme)*, of the Scheme:
- (a) *Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to a deck to a dwelling with a finished floor level not more than 800mm above ground level.*
26. Therefore, the proposed 100mm high ground floor deck does not trigger a planning permit under the Neighbourhood Residential Zone.

Clause 65 - Decision Guidelines

27. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

28. Relevant clauses are as follows:

Clause 15.01-1S – Urban design

29. The relevant objective of this clause is *to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-5S – Neighbourhood character

30. The relevant objective of this clause is *to recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02-1S Energy and resource efficiency

31. The objective of this clause is *to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 15.03 – Heritage

32. The relevant objective of this clause is *to ensure the conservation of places of heritage significance.*

Local Planning Policy Framework (LPPF)

Clause 21.05-1 – Heritage

33. The relevant objective of this clause is:

- (a) *Objective 14 – To protect and enhance Yarra's heritage places.*

Clause 21.05-2 – Urban design

34. The relevant objectives of this clause are:

- (a) *Objective 16 – To reinforce the existing urban framework of Yarra.*
(b) *Objective 18 – To retain, enhance and extend Yarra's fine grain street pattern.*
(c) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.07 Environmental Sustainability

35. The relative objective of this clause is:

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

36. This clause describes the neighbourhood as being *a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*

37. The built form character map at Figure 18 identifies the subject site as being within a Heritage Overlay and the specific development guideline is:

(a) *Ensure that development does not adversely affect the significance of the heritage place.*

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay

38. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:

- (a) *to conserve Yarra's natural and cultural heritage;*
- (b) *to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
- (c) *to retain significant view lines to, and vistas of, heritage places;*
- (d) *to preserve the scale and pattern of streetscapes in heritage places;*
- (e) *to ensure that additions and new works to a heritage place respect the significance of the place;*
- (f) *to encourage the retention of 'individually significant' and 'contributory' heritage places; and*

39. Clause 22.02-5.1 generally encourages the retention of a building in a heritage place, unless the building is identified as being not-contributory.

Removal of Part of a Heritage Place or Contributory Elements

- (a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
- (b) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
 - (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
 - (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

Clause 22.02-5.3 Reconstruction and Restoration

- (a) *Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.*
- (b) *Encourage the reconstruction of a building or works which previously existed in a heritage place if:*
 - (i) *The reconstruction will enhance the heritage significance of the heritage place*

(ii) *Evidence exists to support the accuracy of the reconstruction.*

- (c) *Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.*

Clause 22.02-5.4 Painting and Surface Treatments

- (a) *Encourage the removal of paint from originally unpainted masonry surfaces.*
 (b) *Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.*
 (c) *Encourage paint colours to be consistent with the period of the heritage place.*

Clause 22.02-5.7 New Development, Alterations or Additions

40. The relevant policies of *Clause 22.02-5.7.1*, in relation to the development subject of this application, encourages the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 (c) *Be visually recessive and not dominate the heritage place.*
 (d) *Be distinguishable from the original historic fabric.*
 (e) *Not remove, cover, damage or change original historic fabric.*
 (f) *Not obscure views of principle façades.*
 (g) *Consider the architectural integrity and context of the heritage place or contributory element.*

Clause 22.05 – Interface Uses Policy

41. This policy applies to land in a residential zone where the land is within 30m of a Business Zone or residential land that is within 30 metres of an existing business use. The subject land is within 20m of land in Commercial 1 Zone and an existing commercial premises, and therefore this policy is relevant. The relevant objectives of *Clause 22.05-2* are:
- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
 (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.16 – Stormwater management (Water Sensitive Urban Design)

42. *Clause 22.16* of the Scheme applies to applications for extensions to existing buildings which are 50 square metres in floor area or greater.
43. However, given the total extension to the existing building is limited to 15sqm, this policy does not apply to this application.

Incorporated Documents

44. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being “Individually-significant” to the South Fitzroy Precinct (as identified by Schedule 334 to the Heritage Overlay).

Advertising

45. The originally submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 90 letters sent to surrounding owners and occupiers and by two signs displayed on site (one at Napier Street and the second along Little Victoria Street).
46. Council received 17 objections, the grounds of which are summarised as follows:
 - (a) Heritage concerns (significant features should be retained and authentically restored);
 - (b) Inappropriate landscaping within the front yard; and
 - (c) Electricity supply should be removed from the front of the building.
47. On 31 July 2020, the applicant submitted revised plans under a S57(A) of the Act. Following the submission of amended plans, the application was not advertised. The application was given a discretionary exemption at Council's internal DAP meeting held on 1 September 2020, on the basis that the proposed amendments would not result in any material detriment. However, a copy of the plans were circulated with the PDC invitations.

Referrals

External Referrals

48. The application was not required to be referred to any external authorities under the Scheme.

Internal Referrals

49. The originally advertised application was formally referred to Council's Heritage Advisor. The referral comments have been included as an attachments to this report.
50. The amended (S57A) plans were informally referred to Council's Heritage Advisor and these comments have also been included as an attachment to this report.

OFFICER ASSESSMENT

51. The following key issues and policies will be used to frame the assessment of this planning permit application:
 - (a) Clause 54 – One dwelling on lot;
 - (b) Heritage; and
 - (c) Objector concerns.

Clause 54 – One dwelling on lot

52. The following is a detailed assessment of the proposal against the relevant provisions of ResCode (*Clause 54*). This particular provision comprises of 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

A1 – Neighbourhood character objective

53. The immediate streetscape character is diverse, with a variety of dwelling designs, varying in height and setbacks. Aside from the single and double-storey Victorian-era dwellings on the eastern side of Napier Street, there are examples of contemporary multi-storey buildings on the western side of Napier Street.

Considering the context of the site, which is surrounded by a mixture of heritage and non-traditional housing stock, the design response is respectful of the existing neighbourhood character. Aside from the reconstruction of the existing double-storey, northern boundary wall to match the existing conditions, the remainder of the proposed extension is to be constructed to the rear of the existing dwelling, and would be located behind the existing transverse gable roof. The proposed 3.68m northern setback will limit views to the ground floor extension and first floor balcony when viewed from the corner of Napier and Little Victoria Streets, thereby maintaining the prominence of the existing building. Furthermore, the proposed ground and first floor addition to the rear is essentially a replacement of the existing conditions, with slightly altered setbacks and heights.

54. As stated earlier in the report, construction of walls along site boundaries is a common feature of the neighbourhood especially to the north and south of the subject site. Furthermore, the proposed site coverage too is generally consistent with the character of the street which is typically high given the minimal setbacks and variety of lot sizes which are evident.
55. The proposed addition and choice of materials will not detract from the streetscape appearance and overall neighbourhood character. In this regard, the property would continue to be in keeping with the historical presentation to Napier Street, with the extension behind the main built form, similar to other additions evident within the surrounding streets.

A2 – Integration with the street objective

56. The dwelling will remain orientated to Napier Street. The existing cast-iron front fencing and pedestrian gate are to be retained and restored. Further discussion of this front fence will be assessed within the heritage section of the report.

A3 – Street setback objective

57. As there is no change to the street setback, the dwelling will continue to respect the existing neighbourhood character.

A4 – Building height objective

58. The proposed total height of the extension is 9.64m above NGL, thereby not complying with the maximum 9m height specified in the Scheme or the Neighbourhood Residential Zone (Schedule 1). Nonetheless, as outlined earlier in the report this height is associated with the reconstruction of the existing, dilapidated, double-storey, northern boundary wall and does not exceed the maximum height of the existing building. Therefore, given that it *replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building*, this overall height of 9.64m above NGL is acceptable. The remainder of the new addition is the first floor balcony, which has a limited overall height of 4.83m above NGL.

A5 – Site coverage objective

59. This Standard states that the site area covered by buildings should not exceed 60%. The proposed increase in site coverage from approximately 64% to 72% continues to exceed the requirement of the Standard.
60. However, this is similar to the properties to the immediate north. The increased site coverage is reasonable in the context of the site in an inner urban environment on a lot that is 112sqm, and where the established neighbourhood character is of high site coverage.

A6 – Permeability objectives

61. The existing permeable surfaces are located within the front and rear setbacks of the subject site, equating to 31sqm or 28% of the overall site. A minimum of 20% site permeability is recommended by this Standard.
62. The proposed ground floor plan confirms that 32sqm or 28% of permeable surfaces consisting of garden area and gravel are proposed within the front and rear setbacks at ground floor, which meets the standard. This would continue to assist in reducing storm water run-off on-site.

A7 – Energy efficiency protection objectives

63. It is considered that the proposed development will have a good level of energy efficiency given:
 - (a) The proposal incorporates an area of private open space at the rear of the dwelling which will gain access to direct sunlight, and is located directly off the main living room, thereby achieving good solar access and reducing the reliance on artificial lighting;
 - (b) North-facing windows will provide adequate natural lighting to the ground floor living room and first floor bedroom; and
 - (c) The majority of the built form of the proposed dwelling would be adjacent existing on-boundary built form, thereby not unreasonably impacting daylight or solar access to neighbouring dwellings. This will be discussed later in the report.
64. The plans and elevations however do not show the operability of the proposed windows or doors at both ground and first floor (with the exception of the ground floor, north-facing living room window), and as such, a condition will require this be addressed with each habitable room to have an operable window.

A8 – Significant trees objective

65. The subject site has not been identified as having significant trees within the Council's tree Register. Nonetheless, there are no trees proposed to be removed on-site.

A10 – Side and rear setbacks objective

66. This standard stipulates the following:

"A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- (a) *At least the distance specified in a schedule to the zone, or*
- (b) *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres".*

Eastern setback

67. The proposed eastern wall at ground floor associated with the living room and kitchen will be setback 1.11m and 5.58m, respectively at a height of approximately 3.2m above NGL, which meets the standard's requirement of 1m.
68. The proposed eastern screening associated with the first floor balcony will be constructed at a maximum height of 4.3m above NGL and will be setback 1.11m from the eastern boundary.

This falls short of the 1.21m setback required by the standard. Nonetheless, this variation of 1cm from the standard is acceptable as the immediate interface to the east is the car parking area of the apartment block located at 21 – 23 George Street and not adjacent to SPOS or habitable room windows. Therefore the proposal balcony will not cause any unreasonable off-site, visual bulk impacts.

Northern setback

69. The proposal incorporates a 3.68m northern setback of the ground floor addition (3.2m above NGL) and the first balcony (4.3m above NGL). This complies with the setback requirements of 1m and 1.21m, respectively, set by the standard.
70. Overall, the design response is considered to be reasonable given the built form dominated inner-urban context and established character of minimal side and rear setbacks and extensive boundary wall construction. It is considered that the objective of the standard is met and the adjacent dwellings to the north will not be unreasonably impacted.

A11 – Walls on boundaries objective

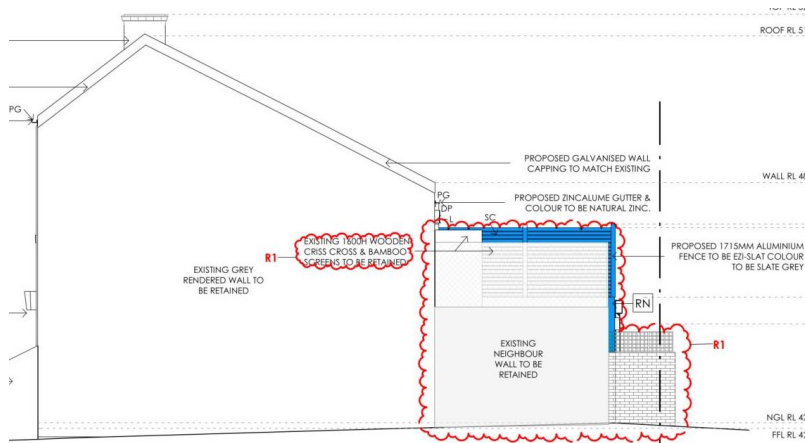
71. Pursuant to this standard:
 - (a) The total length of walls along the northern and southern boundaries should not exceed 11.65m, *unless abutting an existing or simultaneously constructed wall*; and
 - (b) *The maximum height of all boundary walls should not exceed an average 3.2m height, with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall on an adjoining lot.*

Northern boundary

72. Currently there is a 9.84m long wall along the northern boundary with staggered heights, reaching to a total height of 9.64m above NGL. As such, the existing wall along this boundary exceeds the height set by the standard.
73. The proposal establishes to reconstruct and reinstate this wall at a similar height and length as the existing wall along the northern boundary. This wall will continue to be adjacent to Little Victoria Street, which provides 4m buffer between the subject site and the side, on-boundary wall of No. 18 Napier Street to the north. This wall will not be adjacent any SPOS or habitable room windows. Therefore, the height variation to this standard is acceptable as it maintains the existing form and does not cause visual bulk impacts to surrounding sites.

Southern boundary

74. Currently, an existing 14.13m long ground floor wall and a 9.84m long first floor wall runs along the southern boundary, at varied heights between 2.3m to 9.6m above NGL. Therefore, the existing wall along the southern boundary exceeds the allowable wall length and height set by the Standard.
75. The proposal incorporates a 4.46m long wall and screening along the southern boundary at ground and first floors, respectively. The ground floor wall will have a maximum height of 3.2m above NGL, whilst the balcony will have a maximum height of 4.83m above NGL. The majority of this addition along the southern boundary will abut existing building form of No. 14 Napier Street, including the retained wooden crisscross screening along the southern boundary. As highlighted in blue on the image below, only a small section of this boundary wall and screening will be visible from the SPOS of No. 14 Napier Street.



76. As a result, the new boundary construction only marginally exceeds the height of the existing boundary construction and therefore is considered negligible when viewed from the neighbouring SPOS. In addition, the use of more contemporary materials to the first floor balcony (Aluminium screen) will be differentiated from those of the ground floor (brick) which will provide some articulation and break up the visual bulk of the double storey built form. Furthermore, the shared screen along the southern boundary has been increased in height compared to the existing 1.6m high screening in order to prevent overlooking into the SPOS of No. 14 Napier Street. Therefore this proposed wall and balcony screening at first floor will not cause off-site, visual bulk impacts when viewed from this neighbouring SPOS to the south.
77. Based on the above the location, lengths, heights of proposed walls and balcony screening will meet the objectives of the standard.

A12 – Daylight to existing windows objective

78. There are no habitable room windows within 3m of the subject site. Existing south-facing windows of the dwelling to the north are located over 4m from the proposed addition.

A13 – North-facing windows objective

79. There are no north-facing habitable room windows within 3m of the subject site.

A14 – Overshadowing open space objective

80. The standard states, *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
81. Given the east-west orientation of the site and based on the September Equinox, the proposed development will result in additional overshadowing to the SPOS of No. 14 Napier Street between 9.00am to 3.00pm. Whilst there will be additional overshadowing post 2.00pm on Nos. 21 – 23 George Street, given these shadows fall on a car park (not a sensitive interface, or used as SPOS), only the overshadowing caused to the neighbouring SPOS at No. 14 Napier Street will be discussed. This abutting site to the south consists of 35sqm of SPOS within the rear setback. The following table is a comparison between existing unshadowed SPOS, proposed unshadowed SPOS and the increase in overall shadows:

Time	Unshadowed Area (Existing) SPOS	Unshadowed Area (Proposed) SPOS	Increase in Overall Shadows
9.00am	10.87sqm	10.68sqm	0.19sqm
10.00am	16.86sqm	15.95sqm	0.91sqm
11.00am	18.41sqm	17.22sqm	1.19sqm
12.00pm	19.18sqm	17.74sqm	1.44sqm
1.00pm	13.66sqm	12.57sqm	1.09sqm
2.00pm	7.12sqm	6.87sqm	0.25sqm
3.00pm	0sqm	0sqm	No change

82. The SPOS of this dwelling is already heavily shadowed by existing built form and fencing. As outlined above, the marginal increases in shadows are considered acceptable as they will not significantly alter the use of the neighbouring SPOS area which is already affected by shadows cast under the existing conditions. The SPOS of the dwelling to the south continues to be suitable for recreational needs of residents.
83. Given the narrow lot sizes, high built form in the area and the site's east-west orientation; it is common to see some level of overshadowing. The impact of the additional overshadowing on the SPOS of the adjacent dwelling to the south is reasonable and will continue to allow solar access, generally in accordance with the objective.

A15 – Overlooking objective

84. This standard stipulates that a habitable room window, balcony, terrace, deck should be located and designed to avoid direct views into the SPOS of an existing dwelling (or a habitable room window) within a horizontal distance of 9 metres (measured at ground level) of the window. Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7m above floor level.
85. The above standard does not apply to a new habitable room window, deck or patio which faces a property boundary where there is a visual barrier at least 1.8m high and the floor level of the habitable room window, deck or patio is less than 800mm above ground level at the boundary.
86. Overlooking opportunities at ground level would be suitably limited by existing and proposed boundary fences that are 1.8m and 2.3m in height (and given that floor levels are less than 800mm above natural ground). There are no overlooking opportunities from the ground floor, north-facing, double-hung window of the living room as there are no sensitive interfaces within the 9m arc. Any views into south-facing habitable room windows of No. 18 Napier Street will be blocked by existing built form.
87. Similar to the north-facing living room window, the first floor, north-facing bedroom window will not have any sensitive interfaces within the 9m arc. Any views into south-facing habitable room windows of No. 18 Napier Street will be intercepted by existing built form. Therefore, no screening is required to this window.
88. As a result of the 1.7m high southern screen to the balcony, there will be no overlooking into the SPOS of No. 14 Napier Street from the southern perimeter of the first floor balcony. However, it appears that there will be views within the 9m overlooking arc into the south-facing habitable room windows of No. 18 Napier Street and the SPOS of No. 14 Napier Street as the northern and eastern perimeters of the first floor balcony will be constructed with 1m high glass balustrades. Therefore, a condition will require the first floor balcony to demonstrate compliance with the objective of Standard A15 (Overlooking objective) of Clause 54 of the Scheme.
89. There are no other potential sources of overlooking.

A16 – Daylight to new windows objective

90. All of the proposed windows will face an area with a minimum 3sqm and minimum dimension of 1m clear to the sky, thereby complying with the standard.

A17 – Private open space objective

91. The standard states that a dwelling should have POS of an area consisting of 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm. Furthermore, at least one part of the POS should consist of SPOS with a minimum area of 25sqm and a minimum dimension of 3m at the side or rear of the dwelling with convenient access from a living room.
92. The dwelling would provide approximately 44sqm or 39% of POS within the front and rear setbacks at ground floor, as well as within the first floor balcony. Of this area, 22sqm of SPOS is provided at ground floor at the rear. Whilst this does not comply with the minimum area of 25sqm required by the standard, this area will continue to provide for the reasonable enjoyment of the occupiers and is easily accessible from the main living area.

A18 – Solar access to open space objective

93. This standard does not apply to extensions to existing dwellings.

A19 – Design detail objective

94. The design of the addition is supported given:
- (a) The presentation, sighting and proportions of the additions, including the reconstructed double-storey northern boundary wall are considered to achieve a design response which respects the existing heritage character of the area;
 - (b) The materials are generally respectful of the existing neighbourhood character; rendered brick, cement sheeting, Aluminium and glass screening and timber paling fences can all be found within the subject building and neighbouring sites, ensuring that the proposed materials are generally sympathetic to the surrounding area.
 - (c) The use of both traditional materials along the northern boundary and contemporary materials to the first floor balcony would appropriately distinguish the new addition from original heritage fabric; and
 - (d) The proportions of the extension complement the existing dwelling and the neighbourhood setting and will provide no visual intrusion when viewed from Napier Street.

A20 – Front fences objective

95. Does not apply as the existing fence is to remain.
96. Overall, subject to conditions as discussed above, the proposal is considered to generally respond to the features of the site and the surrounding area, contributing to the emerging and preferred neighbourhood character.

Heritage

97. The relevant purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places. The subject site is included in HO334, and is identified as an 'individually-significant' building within this site. *Clause 22.02* articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay.

Demolition

98. The proposed extent of demolition is associated with the majority of the double-storey northern boundary wall, the existing wall capping along the northern and southern boundaries, front and rear gutters, including sections of the rear additions, boundary fences and windows. Whilst the proposed extent of demolition of the existing dwelling, beyond the first half of the transverse gable roof, including the northern boundary wall, appears to be inconsistent with *Clause 22.02-5.1* of the Scheme, which discourages demolition of built form visible from the street frontage; the demolition would only be visible from oblique angles in Napier Street (ie. along Little Victoria Street).
99. In addition, Council's Heritage Advisor is supportive of the extent of demolition as *the works will contribute to the long-term conservation of the building*. The applicant provided a structural engineer's report prepared by DSL Consulting, dated 18 August 2019, which outlines that the structural integrity of this side wall has been compromised. Therefore, the demolition (and subsequent rebuilding of this side wall to match existing) is supported. Council's Heritage Advisor has stated that the submitted drawings; i.e. the plan scaled at 1:20 (Demolition works - North Elevation Detail) are *considered acceptable for ensuring the accuracy of the proposed reconstruction works*.
100. Whilst the rear kitchen, boundary fencing and first floor balcony are visible from Little Victoria Street, the demolition of these elements were found to be acceptable by Council's Heritage Advisor as *this these parts of the building have been previously heavily modified* and as such will not adversely affect the significance of the heritage building or the broader heritage precinct. This is also consistent with policy at *Clause 22.02-5.1* of the Scheme which encourages the *removal of inappropriate alterations, additions and works that detract from the cultural significance of the place*.
101. Council's Heritage Advisor and objectors raised concerns with the removal of the existing front fence and returns as the existing wrought iron front fence appears to be original but in need of repair. Therefore it was recommended that *as an example of an early railing fence, it is considered that the fence should be repaired, rather than simply replaced*. It was also advised that full details of the proposed repairs must be submitted for approval.
102. In response, the applicant lodged amended plans under S57A of the Act, retaining and repairing the existing front fence and returns, as opposed to demolishing and replacing it like-for-like. This also complies with policy objectives at *Clause 15.03-1S (Heritage conservation)* and policy at *Clause 22.02-5.3 (Reconstruction and restoration)* of the Scheme which encourages restoration of a heritage place or contributory elements. The S57A plans were informally referred to Council's Heritage Advisor who was supportive of retaining the existing fence and ensuring that the repairs are done to appropriately to match the original detail. Therefore, a condition will require the provision of detailed elevation drawings at 1:20, showing the proposed reconstruction and restoration works associated with the existing front fence and returns.
103. Overall, the proposed demolition works and restoration of the front fence are considered acceptable and will not adversely impact the heritage significance of the heritage precinct.

Proposed development

104. In relation to the additions, Clause 22.02 of the Scheme seeks to ensure that new additions are visually recessive so as to not dominate the heritage place and are distinguishable from the original historic fabric. The extent of new works proposed under this application include the reconstruction of part of the original northern boundary wall to match existing, new capping of the side walls, new gutters, including the reinstatement of window frames on the northern façade to match the existing. As stated earlier in the report, policy in the Scheme encourages the preservation, maintenance, restoration and (where appropriate) reconstruction of heritage places.

Therefore, Council's Heritage Advisor is supportive of the reconstructed northern boundary wall, the wall capping, gutters, including the window proportions on the northern façade.

105. Further to the above, the proposal seeks approval for a rear addition, including a first floor balcony. These works will be fully concealed from Napier Street, as a result of being located behind the existing double-storey dwelling on-site, and fully sited within the 'envelope' created by projected sightlines (Figure 3 of *Clause 22.02-5.7.1* of the scheme) from across Napier Street. While this extension will be visible from Little Victoria Street, Council's Heritage Advisor found that these works are acceptable as they *are essentially a replacement of the existing rear wing to the house*. Therefore, the proposed rear addition will not adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.
106. Council's Heritage Advisor and objectors have raised a number of opportunities for improving the character and appearance of the existing dwelling. These include the reconstruction of the central door opening at the upper floor of the façade, and the original front balcony. Whilst *Clause 22.02-5.3 encourages the reconstruction of a building or works which previously existed in a heritage place if the reconstruction will enhance the heritage significance of the heritage place and evidence exists to support the accuracy of the reconstruction*, this cannot be required by way of condition as the application does not propose to change the existing façade, aside from re-painting the front pedestrian door, replacing front gutters and restoring the front fence. As discussed earlier in the report, the schedule to the heritage overlay does not identify this precinct as having external paint controls, therefore the proposed paint colours (which match existing colours) does not require a planning permit. Nonetheless, Council's Heritage Advisor has not raised concerns with the chosen paint colours.
107. Furthermore, the materials and finishes proposed for the rear extension are also considered to be acceptable. The proposal has adopted both traditional materials, associated with the reconstructed and rendered wall (to match existing) along the northern boundary and contemporary materials (cement cladding, Aluminium and glass screens) to the rear additions, which will appropriately distinguish the new addition from original heritage fabric. While contemporary, the first floor balcony will not introduce a dominating or overwhelming built form element when viewed from Little Victoria Street. Council's Heritage Advisor is supportive of the proposed material palette. Currently there appears to be graffiti on the existing northern boundary wall. Given the heritage significance of the building, a condition will require that any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
108. Overall, subject to condition, the proposal appropriately responds to the particular requirements contained within *Clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay)* and *Clause 43.01 (Heritage Overlay)* of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

Objector concerns

109. The objector concerns are outlined and discussed below:

- (a) *Heritage concerns (significant features should be retained and authentically restored)*

Heritage, including retention and restoration of significant built form has been discussed in paragraphs 98 to 106.

- (b) *Inappropriate landscaping within the front yard*

A number of objectors raised it as unacceptable to plant the narrow front garden with grass/synthetic grass and requested that expert heritage advice be sought to recommend an appropriate treatment for the front garden. As part of the S57A plans, the applicant amended the treatment of the front garden from grass to 1m high Lilly Pilly hedges.

Council's Heritage Advisor has confirmed that whilst heritage policy at *Clause 22.02-3* and *Clause 22.02-5.5* seeks to *conserve contributory landscape elements such as trees and paving* and *respect significant garden layouts*, the subject dwelling does not have any contributory trees, paving or garden layout that is being removed as part of the proposed works. Furthermore, Council's Heritage Advisor has stated that *for the last 10 years, the front garden area has housed nothing more than a mixture of different types of potted plants. Historically, it would not be considered unusual for a hedge to be planted in such a small, narrow garden in front of a heritage dwelling. Lilly Pillies are often planted as an Australian alternative to traditional hedging such as Privet (now considered a noxious weed).* In addition, the statement of significance does not reference landscaping as a contributory element, and there is no planning control which relates to landscaping.

(c) *Electricity supply removed from the front of the building*

Whilst *Clause 43.01* of the Scheme triggers a planning permit if *domestic services normal to a dwelling is visible from a street*, the proposed development does not seek to remove any of the existing electric work located on the front façade. Therefore, this cannot be considered as part of this application. *Clause 22.02-5.7.2* of the Scheme encourages ancillary services to be concealed when viewed from the street frontage. The proposed hot water system will be located at ground floor, within the rear setback and as such, the proposed development complies with policy at *Clause 22.02-5.7.2* of the Scheme.

Conclusion

Based on the report, the proposal is considered to comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0022 for part demolition, alterations and additions to the existing dwelling, including a ground and first floor extension at 16 Napier Street Fitzroy VIC 3065, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Foursight Architects, dated Aug 2020 (Rev 2: TP003, Rev 1: TP004, Rev 2: TP005, TP006, Rev 2: TP008, TP007, TP009, TP010, TP100, TP101, Rev 1: TP102, TP104, TP103, Rev: TP201, TP200, TP202 and TP501), but modified to show the following:
 - (a) Detailed elevations at 1:20 scale, showing the proposed reconstruction and restoration works associated with the existing front fence and returns;
 - (b) The operability of windows and doors shown on the proposed elevations, with each habitable room to have access to an operable window;
 - (c) First floor balcony screened to comply with the objective of Standard A15 (Overlooking objective) at Clause 54 of the Yarra Planning Scheme.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before 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.
4. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
8. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
10. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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.

CONTACT OFFICER: Nish Goonetilleke
TITLE: Senior Statutory Planner
TEL: 9205 5005

Attachments

- 1 PLN20/0022 - 16 Napier Street Fitzroy - Advertised Plans
- 2 PLN20/0022 - 16 Napier Street Fitzroy - Heritage Comments Based on Advertised Plans
- 3 PLN20/0022 - 16 Napier Street Fitzroy - Decision Plans (S57A Plans)
- 4 PLN20/0022 - 16 Napier Street Fitzroy - Heritage Advised based on S57A Plans

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| 1.4 | PLN20/0230 - 587 - 593 Church Street, Richmond - Use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1 |
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Executive Summary

Purpose

1. This report provides Planning Decision Committee (PDC) with an assessment of the planning permit application against the provisions of the Yarra Planning Scheme (the Scheme) and recommends that Council notify the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the proceeding that Council supports the application, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Use (Clause 34.02-1)
 - (b) Built form (Clauses 15, 21.05, 22.10, 34.02-7 and 43.02);
 - (c) Interfaces uses policy (Clause 22.05); and
 - (d) Car Parking and Bicycle Provision (Clauses 52.06, 52.29 and 52.34) of the Yarra Planning Scheme.

Key Issues

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

VCAT Proceedings

4. On 12 August 2020, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
5. A total of 40 submissions including 32 complete statements of grounds have been received with a total of 14 parties having joined the appeal.
6. A Compulsory Conference is listed for 15 October 2020 with a VCAT Full Hearing scheduled for five days beginning on 14 December 2020.

Submissions Received

7. The application was advertised by the Applicant at the direction of VCAT. Council received 40 submissions including 32 complete statements of grounds, the grounds of which are summarised as follows:

- (a) Built form and design
 - (i) Height and mass of the development is inconsistent with the neighbourhood character and policy.
 - (ii) The development is an overdevelopment of the site.
 - (iii) Inadequate upper level setbacks to ameliorate visual bulk and provide for equitable development.
 - (iv) Building should provide public realm benefits.
 - (v) Development is at odds with the lower scale heritage and residential areas to the east.
 - (vi) The development includes limited landscaping.
 - (vii) The podium design is too high.
 - (viii) The proposed extent of glazing will result in sun reflection.
 - (ix) The proposal does not result in an acceptable ESD response.
 - (x) No thought to the current pandemic (e.g. design initiatives).
- (b) Use and Off-site amenity impacts
 - (i) Unrestricted hours of operation result in significant litter, noise, light and traffic disturbance to residential properties.
 - (ii) Lack of patron management plan and details of use.
 - (iii) Loss of daylight and privacy, including overlooking concerns.
 - (iv) Unacceptable noise (from rooftop bar, external terraces, 24/7 use, vehicles, loading/unloading and plant).
 - (v) Unacceptable visual bulk and overshadowing (including to solar panels) to residences in the surrounds.
 - (vi) Overshadowing of the public realm.
 - (vii) Wind impacts.
- (c) Traffic and Car parking
 - (i) Too many car parks provided on-site, additional traffic cannot be supported within the narrow local road network.
 - (ii) Reliance on traffic through residential streets.
 - (iii) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.
- (d) Other
 - (i) Disruption and damage during construction.
 - (ii) Result in devaluation of surrounding properties.
 - (iii) The 'bar' use is not sought in conjunction with the sale and consumption of liquor.
 - (iv) Odours from the proposed uses.

Conclusion

8. Based on the following report, the proposal is considered to generally comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) An overall height reduction of 9.6 metres, through the deletion of Levels 4 and 5 and a reduction in height to the roof-top level.
 - (b) An increased setback of 3 metres (total 13 metres) for the roof-top level from the eastern boundary, with any further modifications (including increased setback of the upper levels or a reduction in height) incorporated to eliminate overshadowing experienced to dwellings within the residential zoning to the east between 9am and 3pm at the September equinox..
 - (c) The provision of a Hotel Management Plan, to oversee all operational details of the proposed residential hotel.

- (d) The provision of an Operational Management Plan, to oversee all operational details of the two proposed food and drinks premises.

CONTACT OFFICER: Michelle King
TITLE: Principal Planner
TEL: 9205 5333

1.4 PLN20/0230 - 587 - 593 Church Street, Richmond - Use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1

Reference: D20/139348

Authoriser: Manager Statutory Planning

Ward: Melba

Proposal: Use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1

Existing use: Vacant (previously restricted retail premises)

Applicant: Planning & Property Partners Pty Ltd

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

Date of Application: 6 April 2020

Application Number: PLN20/0230

Planning History

1. None relevant considering all existing structures on-site are to be demolished.

Background

VCAT Proceedings

2. On 12 August 2020, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
3. The applicant stated that the application had been lodged on 6 April 2020, when a soft copy of the application was emailed to Council, and not the 18 April 2020, when the hard copy submission including all documentation was received and formally lodged by Council.
4. Council records indicate that whilst the application was lodged on 18 April 2020, an email containing the application information was received in Council's inbox on 6 April 2020. The approach taken by the applicant is supported by numerous VCAT decisions, with an excerpt from the Tribunal's decision in *Brown v Yarra CC* [2019] VCAT 1499 provided below:

[43] In the context of an application for planning permit, I agree that it is received by the Council at the time of receipt, whether or not it is physically received. In the context of an email application, receipt will occur when the email enters the Council inbox. This is also consistent with the Tribunal rules applying to commencement of a proceeding.

5. In the time between the lodgement date and the appeal date, Council requested further information from the applicant who responded twice. Both responses did not adequately respond to Council's further information request, with the applicant notified on 1 July 2020 that outstanding items were required to be satisfied before Council could progress with the application.
6. Following advertising, undertaken by the applicant at the direction of VCAT, a total of 40 submissions including 32 complete statements of grounds have been received with a total of 14 parties having joined the appeal.
7. A Compulsory Conference is listed for 15 October 2020 with a VCAT Full Hearing is scheduled for five days beginning on 14 December 2020.

The Proposal

8. The application is for the use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1.
9. Key features of the proposal include:

Use and layout
10. Residential hotel with 223 rooms operating 24 hours a day. The hotel guests entrance is located along Yorkshire Street which connects to the hotel lobby, lifts accessed from the lobby provide access to all levels above.
11. Hotel rooms are all one-bedroom with a bathroom and no cooking facilities. There are ten hotel room types proposed, the standard bedroom suite (28sqm), the deluxe suite (40sqm), the DDA suites (28sqm-38sqm), Type C (28sqm), Type D (36sqm – 40sqm), Type E (28sqm), Type F (28sqm), Type H (29sqm), Type G (28sqm) and Type J (32sqm). The hotel rooms are provided on Levels 2 – 11, with back of house areas including a kitchen, furniture storage room, meeting rooms, housekeeping department and staff facilities provided at Level 1.
12. Three function rooms and a pre-function area are provided at level 1. Whilst the traffic report indicates this is for hotel guest use only, the town planning report indicates that the function centre will be available to use by both the public and hotel guests. The definition of 'residential hotel' as contained within clause 73.03 of the Scheme includes function or conference rooms and therefore is considered an ancillary component of the hotel use. This definition is provided below:

(a) Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.
13. A gym is also located on the first floor, with all submitted information consistently outlining the gym will be for hotel guest use only. No hours of operation have been specified for the proposed conference facilities or gym.
14. In terms of vehicle access, a porte cochère is proposed along Yorkshire Street, aligning with the main entrance to the hotel lobby. As outlined in the Traffic Report, a valet system will be in place whereby guests wishing to park their cars will enter the porte cochère, after which hotel staff will take the car to the basement carpark. Staff will return the car to the porte cochère when guests wish to access their vehicles.

15. The proposal contains 70 car parking spaces and 42 employee bicycle spaces across two basement levels, a loading bay and services. The basement is to be accessed from a 11.35 metre wide crossover adjoining Willow Lane toward the east of the site. The loading bay and waste room are also accessed from this crossover to Willow Lane.
16. The staff bicycle spaces are spread throughout the basement with end of trip facilities provided at the first floor. A further 12 visitor bicycle spaces are provided at the ground floor, external to the building. These aspects will be discussed in further detail, later in the report.
17. Two food and drinks premises are proposed, a ground floor restaurant and a roof-top bar. At ground floor, a restaurant with a floor area of 520sqm is proposed. There are limited kitchen facilities provided at the ground floor, with kitchen facilities located at the first floor with a total floor area of 254sqm. A dumb waiter and the services lift connect the two floors.
18. It is noted that the applicants documentation refers to several floor areas ranging from 500sqm (WMP) to 715sqm (TMP), the above floor area has been worked out using Trapeze Software that can scale and measure the plans. It is considered that in total, a floor area of 774sqm is proposed for the restaurant, considering both the ground and first floors.
19. The restaurant is proposed to have a maximum 120 patrons with 10 staff. The proposed hours of operation proposed are:
 - (i) Monday to Saturday: 7am to 11pm; and
 - (ii) Sunday: 10am to 11pm.
20. At the roof-top level, a bar with a floor area of 525sqm is proposed (inclusive of the pool lounge). Both the pool lounge and bar are proposed to be open to the public and guests of the hotel. There are no kitchen facilities provided at this level. The applicant specified the bar would operate in accordance with the definition of a bar provided at clause 72.03 of the Scheme, as follows:
 - (a) *Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.*
21. No liquor licence is being sought as part of this application as confirmed by the applicant and therefore no assessment of potential impacts from liquor will be undertaken. Any licensing of the bar would require a planning permit and be subject to additional assessment upon application.
22. Whilst the planning report indicates the bar is proposed to have a maximum 216 patrons, the acoustic report clarifies that the bar will cater to 179 patrons, and that 37 people could also be accommodated within the adjoining pool area. Twelve staff are proposed. The proposed hours of operation proposed are:
 - (i) Monday to Sunday: 12noon to 11pm.

Demolition

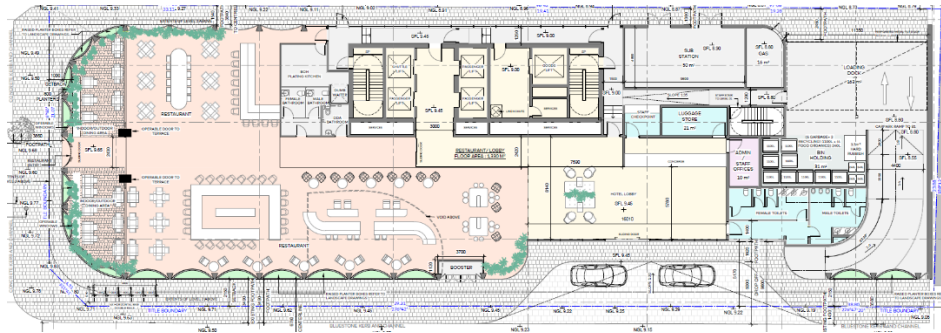
23. All structures on site and existing crossovers are to be demolished.

Construction

Basement

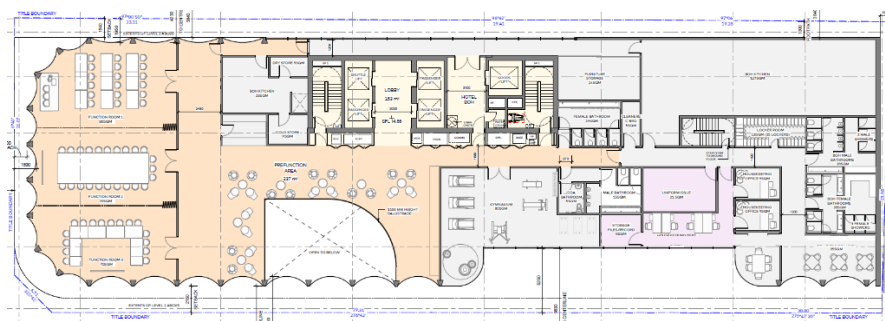
24. Two basement levels are accessed via Willow Lane with 70 car parking spaces, including 5 spaces with electric charging (not shown on plans). The 42 employee bicycle spaces are also provided throughout the basement level. The basement areas also house hotel storage areas and service rooms (e.g. engineer's workshop and office), a range of service cupboards and the rainwater tank (total 16,000 litres as per SMP, not 1,600 litres as shown on plans). The basements are generally constructed to all title boundaries.

Ground floor level



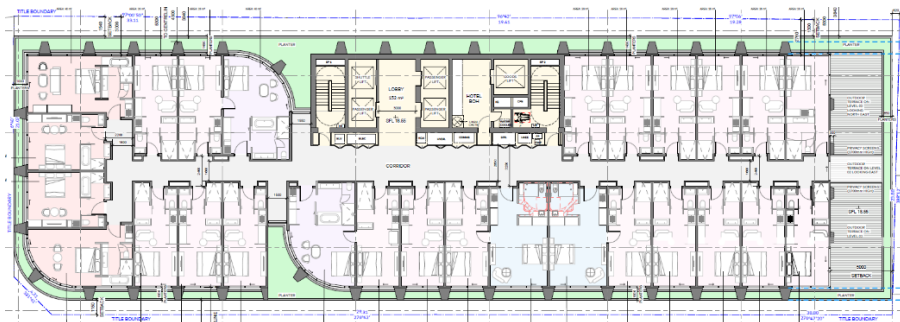
25. This ground floor adopts a minimum 1 metre setback from the Church Street frontage, with the glazing adopting a scalloped design. Within the scalloped insets, the area is utilised as planters. The building curves around the northern-western corner adopting a minimum 1.3 metres from the northern boundary with the exception of a 2.45 metre setback provided to the loading dock and vehicular entrance. The first 19 metres of this level, measured back from Church Street, also adopts a scalloped design (no planter boxes after the rounded corner) with the balance of the elevation designed to be a flat plane.
26. This level is built to the rear boundary for a length of approximately 20.5 metres, however, due to the irregular boundary will be setback by between 0 metres and 0.78 metres. The building provides a minimum setback of 2.15 metres from the southern boundary with the exception of an approximate 21 metre length that is setback 5.17 metres from the southern boundary where the porte cochère is located. The glazing, apart from the increased setback area and booster cupboard, adopts a scalloped design and the building curves around the south-western corner. Within the scalloped insets, the area is utilised as planters.
27. Six horizontal double bike rails are located in the south west corner for public use.
28. All building setbacks at the ground floor level as identified above would result in increased footpath widths.

Level 1



29. This level maintains the minimum 1 metre setback from the Church Street frontage, with the glazing continuing the scalloped design. The building curves around the northern-western corner adopting a minimum 1.3 metres from the northern boundary. Similar to the ground floor, the first 19 metres of this level, measured back from Church Street, also adopts a scalloped design with the balance of the elevation designed to be a flat plane.
30. This level is generally built to the rear boundary for a length of approximately 20.5 metres, however, due to the irregular boundary will be setback by between 0 metres and 0.78 metres. The building provides a minimum setback of 2.15 metres from the southern boundary with the exception of an approximate 21 metre length that is setback 5.25 metres from the southern boundary, above the porte cochère. The glazing, apart from the increased setback area, adopts a scalloped design and the building curves around the south-western corner.

Level 2



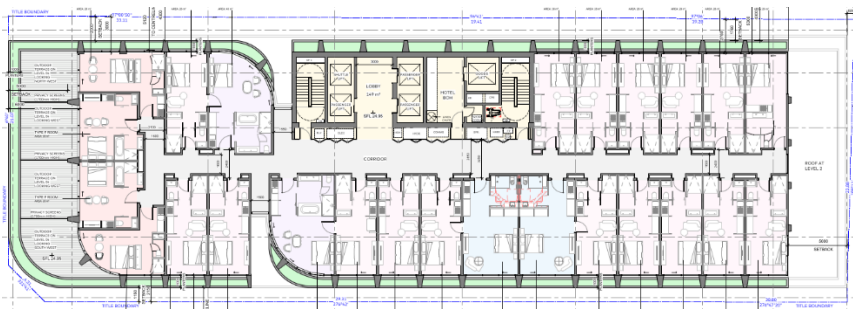
31. This level is built to the Church Street frontage, with the glazing setback by 1 metre. A planter box and architectural features are located in the setback. The northern elevation is setback a minimum 2.76 metres to the glazing with a 1.46 metre wide planted box and architectural projections located in the setback area. A minimum 1.5 metre break in the built form is provided approximately 22 metres back from Church Street along the northern elevation.
32. This level is setback a minimum 5 metres from the rear boundary to the built form with a terrace located in the setback area incorporating a 0.85 metre wide planter along the rear boundary. The terraces are setback off the boundary between 0 metres and 0.78 metres due to the irregular rear boundary. The building provides a minimum setback of 2.15 metres from the southern boundary to the glazing with a 1 metre wide planter box and architectural projections located in the setback area. The building curves around the south-western corner. A minimum 1.5 metre break in the built form is provided approximately 20 metres back from the Church Street boundary.
33. There are 27 hotel rooms on this level that are accessed from the lift lobby. A back of house room is also provided on each level with access to the goods lift. All hotel room terraces are separated by 1.7 metre high internal screens.

Level 3



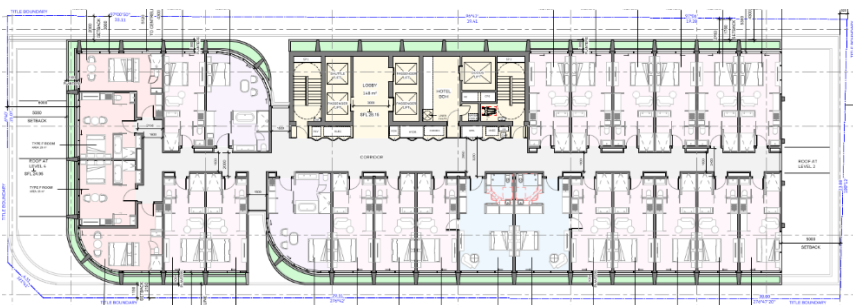
34. This level is built to the Church Street frontage, with the glazing setback by 1 metre. A planter box and architectural features are located in the setback. The northern elevation is setback a minimum 2.76 metres to the glazing with a 1 metre wide planted box and architectural projections located in the setback area. A minimum 1.5 metre break in the built form is provided approximately 22 metres back from Church Street along the northern elevation.
35. This level is setback a minimum 5 metres from the rear boundary to the built form. The building provides a minimum setback of 2.15 metres from the southern boundary to the glazing with a 1 metre wide planter box and architectural projections located in the setback area. The building curves around the south-western corner. A minimum 1.5 metre break in the built form is provided approximately 20 metres back from the Church Street boundary.
36. There are 27 hotel rooms on this level that are accessed from the lift lobby. A back of house room is also provided on each level with access to the goods lift.

Level 4



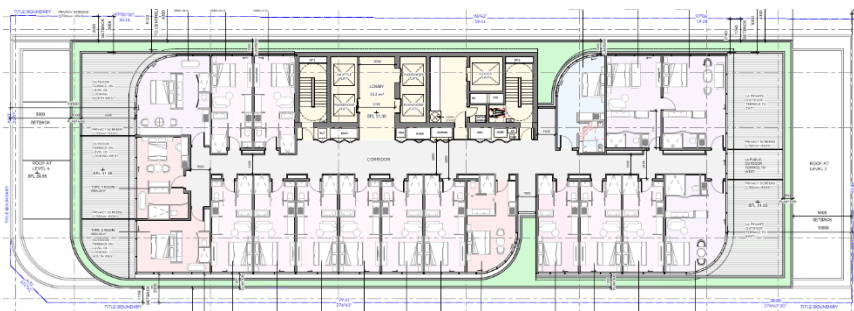
37. This level is setback a minimum 6 metres from the Church Street frontage to the glazing with terraces located in the setback area incorporating a 1 metre wide planter along the Church Street boundary. The northern elevation is setback a minimum of 2.76 metres to the building with a 1 metre wide planter box and architectural projections located in the setback area. A minimum 1.5 metre break in the built form is provided approximately 22 metres back from Church Street along the northern elevation.
38. This level is setback a minimum 5 metres from the rear boundary to the built form. The building provides a minimum setback of 2.15 metres from the southern boundary to the glazing with a 1 metre wide planter box and architectural projections located in the setback area. The building curves around the south-western corner. A minimum 1.5 metre break in the built form is provided approximately 20 metres back from the Church Street boundary.
39. There are 25 hotel rooms on this level that are accessed from the lift lobby. A back of house room is also provided on each level with access to the goods lift. All hotel room terraces are separated by 1.7 metre high internal screens.

Level 5



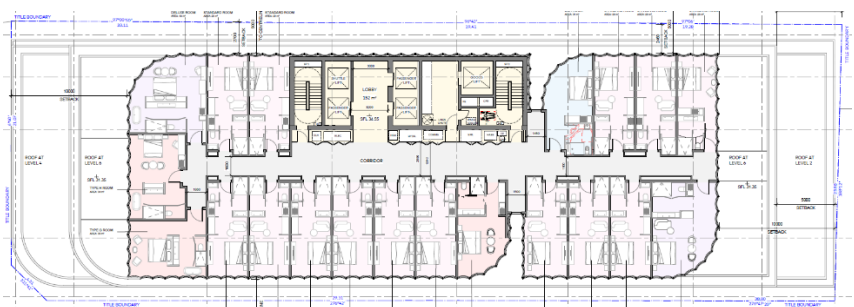
40. This level is setback a minimum 6 metres from the Church Street frontage to the glazing with a 1 metre planter located in the setback area (5 metres from Church Street). The northern elevation is setback a minimum of 2.76 metres to the building with a 1 metre wide planter box located in the setback area. A minimum 1.5 metre break in the built form is provided approximately 22 metres back from Church Street along the northern elevation.
41. This level is setback a minimum 5 metres from the rear boundary to the built form. The building provides a minimum setback of 2.15 metres from the southern boundary to the glazing with a 1 metre wide planter box located in the setback area. The building curves around the south-western corner. A minimum 1.5 metre break in the built form is provided approximately 20 metres back from the Church Street boundary.
42. There are 25 hotel rooms on this level that are accessed from the lift lobby. A back of house room is also provided on each level with access to the goods lift.

Level 6



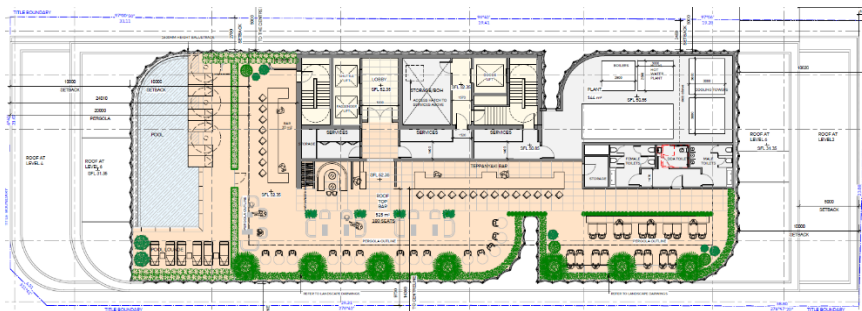
43. This level is setback a minimum 10.5 metres from the Church Street frontage to the built form. Terraces are located in the setback area, setback 5 metres from the Church Street frontage incorporating a 1 metre wide planter along the edge. The northern elevation is setback a minimum of 3 metres to the building with a 1 metre wide planter box located in the setback area. A minimum 1.2 metre break in the built form is provided approximately 44 metres back from Church Street along the northern elevation.
44. This level is setback a minimum 10.5 metres from the rear boundary to the built form. Terraces are located in the setback area, setback a minimum 5 metres from the rear boundary incorporated a 1 metre wide planter along the edge. The building curves around the south-eastern corner, providing a minimum setback of 2.35 metres to the southern boundary with a 1 metre wide planter box located in the setback area. The building also curves around the south-western corner. A minimum 1.2 metre break in the built form is provided approximately 27 metres back from the rear boundary along the southern elevation.
45. There are 19 hotel rooms on this level that are accessed from the lift lobby. A back of house room is also provided on each level with access to the goods lift. All hotel room terraces are separated by 1.7 metre high internal screens.

Levels 7 - 11



46. These levels are setback a minimum 10 metres from the Church Street frontage. The building curves around the north-western corner, providing a minimum setback of 2.46 metres to the northern boundary. A minimum 0.8 metre break in the built form is provided approximately 44 metres back from Church Street along the northern elevation.
47. These levels are setback a minimum 10 metres from the rear boundary. The building curves around the south-eastern corner, providing a minimum setback of 1.85 metres to the southern boundary. A minimum 0.8 metre break in the built form is provided approximately 27 metres back from the rear boundary along the southern elevation.
48. The glazing around the exterior of the building adopts a scalloped design. On each level are 20 hotel rooms that are accessed from the lift lobby. A back of house room is also provided on each level with access to the goods lift.

Level 12 – rooftop



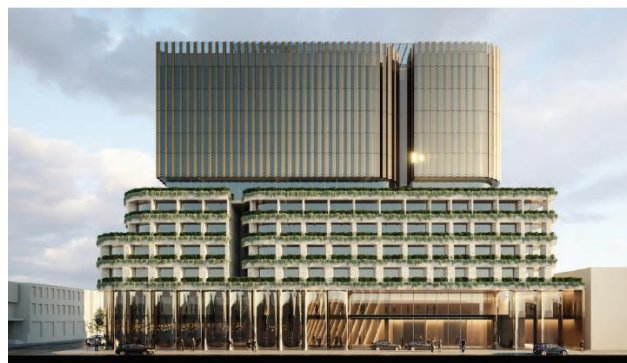
49. This level is setback a minimum 10 metres from the Church Street frontage, however, the built form (associated with services and lobby) is setback by 24 metres. A 4 metre wide pergola attached the building encroaches into this setback.
50. The building curves around the north-western corner, providing a minimum setback of 2.46 metres to the northern boundary. A minimum 0.8 metre break in the built form is provided approximately 44 metres back from Church Street along the northern elevation.
51. This level is setback a minimum 10 metres from the rear boundary. The building curves around the south-eastern corner, providing a minimum setback of 1.85 metres to the southern boundary, however, the built form (associated with services and lobby) is setback by a minimum 9.73 metres. A 4.94 metre wide pergola attached to the building encroaches into this setback. A minimum 0.8 metre break in the built form is provided approximately 27 metres back from the rear boundary along the southern elevation.
52. The glazing around the exterior of the building adopts a scalloped design.

Elevations

53. To Church Street, a four storey podium with an overall height of 16.6 metres is proposed. A part four and part six storey podium with an overall height of 23 metres is proposed to both Willow Lane and Yorkshire Street.
54. The building will be thirteen storeys with an overall height of 47.6 metres (including plant).

Materials and Finishes

55. At the ground and first floor where facing the street interfaces the building comprises mainly glazing with white clay long form brick planters. Colour back glazing will be utilised where proposed around services (e.g. bathrooms and access way). The substation and services along Willow Lane will be clad with white clay long form hit and miss brick. The two-storey boundary wall along the eastern boundary is proposed to be concrete in a white quarts aggregate polished finish in a white/grey colour.
56. Levels 2 – 5 are proposed to be glazed, with white clay long form brick framing. The northern elevation of the services (lift cores/lobby, stairwells, etc.) and the eastern elevation of the hotel room bathrooms, will be clad with white clay long form hit and miss brick, behind the white clay long form brick framing.
57. Level 6 is proposed to be glazed, with the services (lift cores/lobby, stairwells, etc.) along the northern elevation clad with white clay long form hit and miss brick.
58. Above this, the proposal will be constructed using custom manufactured fritted glazing with polished brushed solid bronze metal panels at the edges of the scalloped glass.
59. At the rooftop level, along the northern elevation the services (lift cores/lobby, stairwells, etc.) will be clad with white clay long form hit and miss brick, behind the white clay long form brick framing. This material will also be utilised on the western and southern elevations of the roof top level with the screening toward the eastern portion of the rooftop (facing north, south and east) screened with custom perforated bronze metal.
60. The materiality of the pergola and soffits throughout have not been identified.



*Image: Render of the development from the south-western corner (left) and Yorkshire Street elevation (right)
Source: Applicant documentation*

Existing Conditions

Subject Site

61. The subject site is located on the eastern side of Church Street, Richmond between Willow Lane to the north and Yorkshire Street to the south. The subject site is generally rectangular in shape, with the exception of a 4.31 metre wide corner splay within the south-western corner. The site has a 21.07 metre frontage to Church Street, a 71.8 metre frontage to Willow Lane and a 68.11 metre frontage to Yorkshire Street. The site has a boundary of 23.88 metres to the east (rear). The site has an overall area of approximately 1709sqm (shown below).



Image: North-western corner showing the Willow Lane existing elevation
Source: NearMaps 28 April 2020

62. The site consist of one allotment, known as Land in Consolidation 108445. The site is currently occupied by a single storey retail/furniture showroom with a car park located within the north-eastern corner of the site accessed off Willow Lane as well as the south-western corner of Church and Yorkshire Street accessed off both Church and Yorkshire Streets (shown below).



Image: North-western corner showing the Willow Lane existing elevation
Source: GoogleMaps June 2019



Image: Church Street existing elevation
Source: GoogleMaps June 2019



Image: South-western corner showing the Yorkshire Street existing elevation
Source: GoogleMaps June 2019

Title Documents

63. The title submitted with the application does not show any covenants, restrictions or easements.

Surrounding Land

64. The surrounding area contains a mix of uses, with predominantly commercial development neighbouring the site. In the wider area are showrooms, warehouses and offices generally constructed to the boundary with high site coverage. Dwellings are also located within the wider area. A furniture retailing theme is evident along Church Street.
65. The site is in proximity to activity centres and public transport routes. The site is within 640 metres of the Swan Street Major Activity Centre (MAC) and located on the Church Street commercial strip. Public transport is readily available to the site with tram services on both Church and Swan Streets as well as East Richmond Railway Station (540 metres to the north) and South Yarra Railway station located (900 metres to the south-west).
66. The subject site is located in the Commercial 2 Zone (C2Z) with the properties to the north, west, south and immediately east also located within this zone. Properties within the Neighbourhood Residential Zone (NRZ1) are located to the east and properties within the General Residential Zone (GRZ2) to the south-east. The surrounding land is mixed, and this pattern is most clearly demonstrated by the zoning context; specifically by the C2Z and residential zones to the east.
67. The mix of zoning and surrounding built form is shown below:

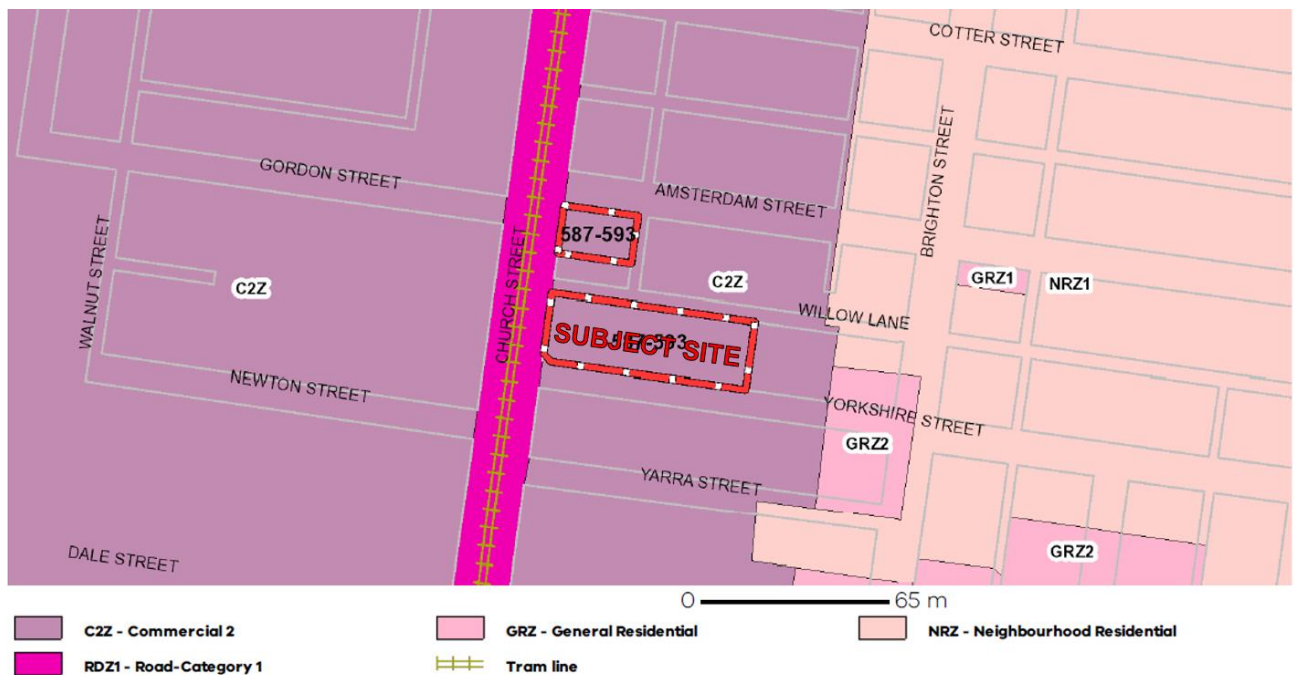


Image: Zoning map of the site and surrounds (subject site shown with notation, does not include site to north)
Source: DELWP

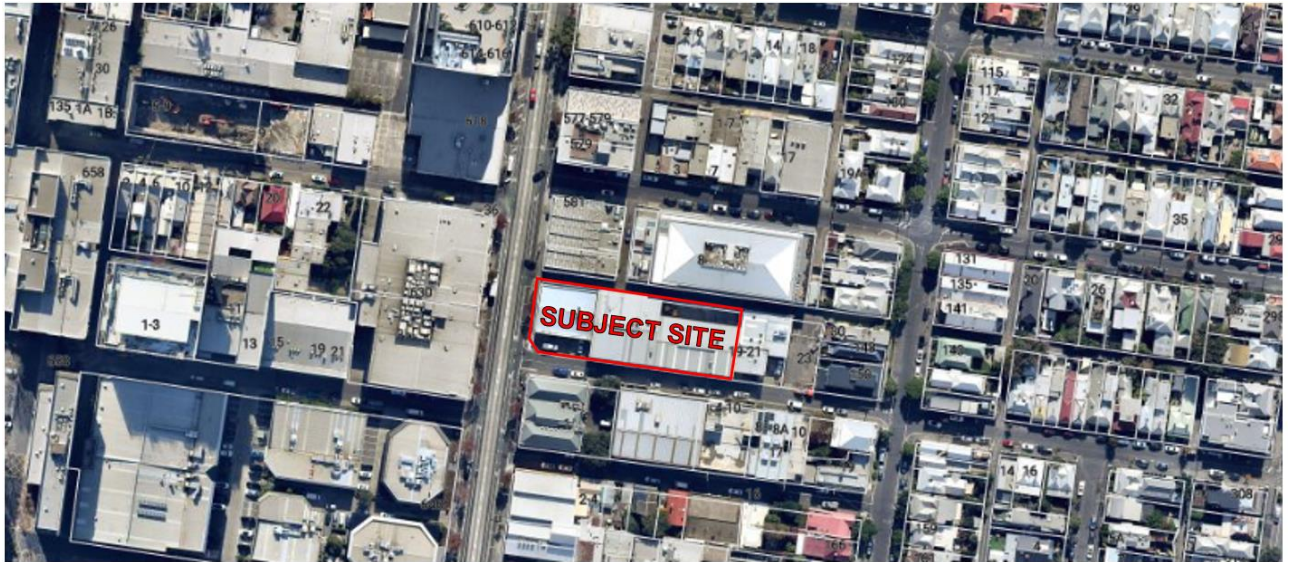


Image: Aerial imagery of the site and surrounds
Source: NearMaps 28 April 2020

68. The site's immediate interfaces are as follows:

North

69. To the north is Willow Lane, a one-way, west-bound, local road with no parking permissible along the length of the street. The lane is narrow, approximately 6.33 metres in width, and is treated as a 'back-of-house' area with access to car parking areas (commercial and residential) a common feature of the lane. There are no footpaths provided on either side of the lane.

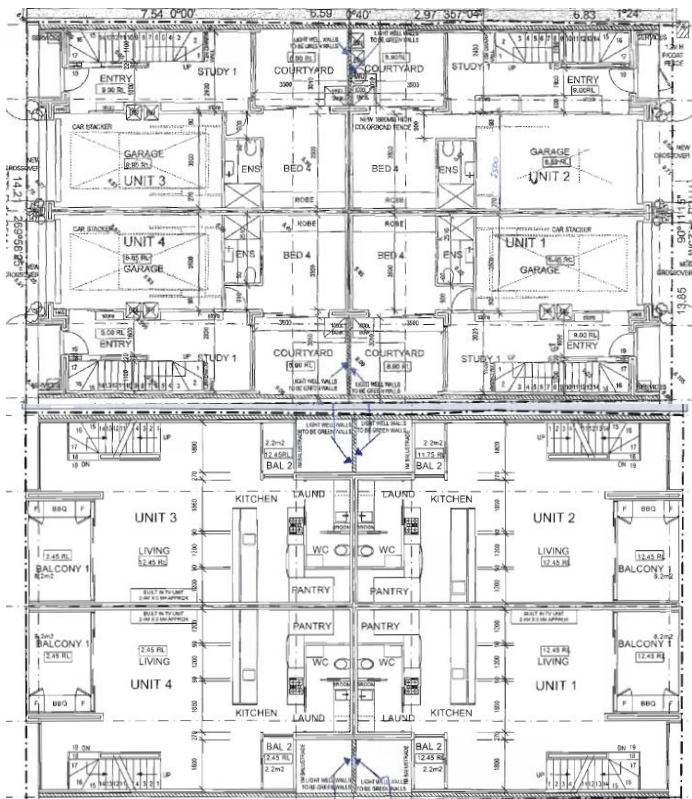
70. On the northern side of Willow Lane are several properties, as follows:

- (a) No. 581-587 Church Street is on the corner of Church Street between Willow Lane and Amsterdam Street with an abuttal to all streets. This property is developed with a single-storey petrol station. Access to the petrol station is gained from Amsterdam Street and Church Street. An exit lane onto Church Street is provided adjoining the lane on the southern boundary of the allotment. Whilst sharing the address of the subject site, these properties are not on the same title. A right-of-way (ROW) is located along the rear boundary of this site, however, the petrol station has no interface with the ROW.
- (b) To the east of the ROW is No. 2 Amsterdam Street, a single storey factory building which is currently used for motor vehicle repairs/ panel beating exists on the site. The site has both vehicle and pedestrian entrances to Willow Lane and a frontage to Amsterdam Street. The building is generally constructed to all site boundaries.
- (c) A three-storey office building is developed on No. 4 – 12 Amsterdam Street, with the top level setback 0.5 metres the southern boundary, along Willow Lane. The site has both vehicle and pedestrian entrances to Willow Lane to a ground level car park and a frontage to Amsterdam Street. The building is generally constructed to all site boundaries.
- (d) To the east of the above site is a ROW which has an approximate width of 4.0 metres. Due to the location of the carport for the dwelling at No. 144 Brighton Street, which enjoys access from Willow Lane, the laneway does not fully connect between Amsterdam Street and Willow Lane. Located further to the east are four dwellings which face Brighton Street. The dwellings at No. 140 and No. 142 Brighton Street have private open spaces adjacent to the aforementioned ROW.

The dwellings at No. 138 and No. 144 Brighton Street have rear outbuildings with their private open space areas located between the dwellings and outbuildings. No. 144 Brighton Street includes windows along the Willow Lane boundary. These properties are all located within the Neighbourhood Residential Zone.

South

71. To the south is Yorkshire Street, a two-way local road with parallel parking on the southern side. The street is proliferated by crossovers and is narrow, approximately 10 metres in width including the footpaths.
72. On the southern side of Yorkshire Street are several properties, as follows:
 - (a) No. 597-599 Church Street is a double storey commercial building with an open car park adjoining the built form to the east. Access to the car park is provided from Yorkshire Street. The uses within this site vary from offices to cafes.
 - (b) No. 6 Yorkshire Street is an existing two-storey office building that is currently under construction to extend the first floor and construct a second floor. An amendment to the proposal is currently before Council (PLN17/0762) for various modifications, including additional demolition (no permit required), changes to the Yorkshire and Yarra Street facades, increased heights, eastern setbacks and terraces, rearranged roof plant areas and material changes. A determination has yet to be made on the amendment. The existing and modified building will maintain vehicular and pedestrian access to the building from Yorkshire Street.
 - (c) At No. 8, 8A and 10 Yorkshire Street are three, three-storey, dwellings; fronting Yorkshire Street. There are also three, three storey dwellings directly behind, at No. 15, 15A and 17 Yarra Street. Both pedestrian and vehicle access is provided from the respective street frontages to each dwelling with secluded private open space adjoining a living room provided for all dwellings at the second floor, as shown below:



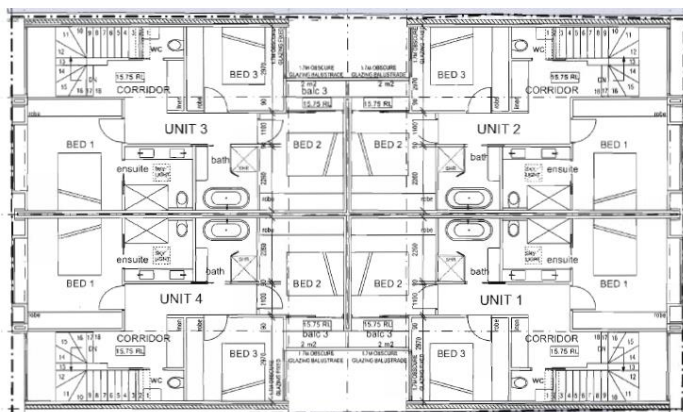


Image: Ground, first and second floor plans of No. 8 and 8A Yorkshire Street and No. 15 and 15A Yarra Street, Richmond (Yorkshire Street on right)

Source: Extracts from endorsed plans to PLN10/0339

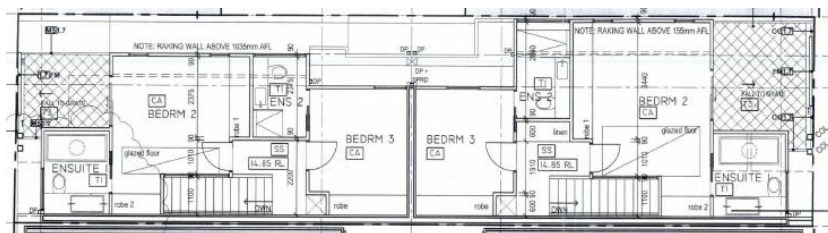
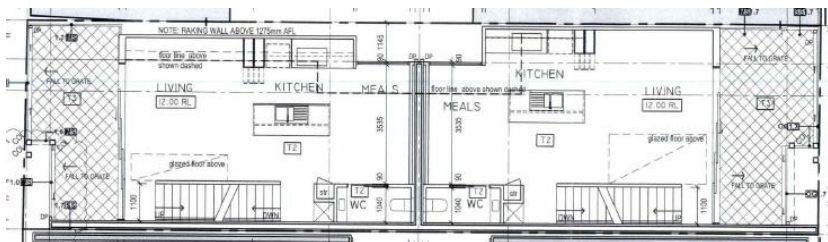
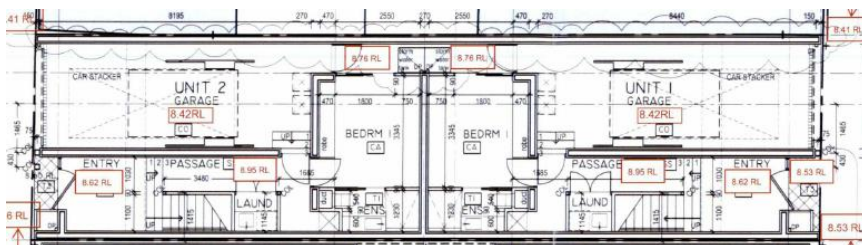


Image: Ground, first and second floor plans of No. 10 Yorkshire Street and 1 Yarra Street, Richmond (Yorkshire Street on left)

Source: Extracts from endorsed plans to PLN10/0901

These dwellings are all located within the Commercial 2 Zone, however, Existing Use Rights for the dwellings was established with the respective granting of permits.

(d) Located to the east of this allotment are two dwellings, as follows:

- (i) No. 154 Brighton Street, Richmond: A prominent two storey Victorian-era building occupies the site and is constructed flush to Brighton and Yorkshire Streets. A garage and private open space located along the western boundary.

- (ii) No. 19 Yarra Street, Richmond: A single storey, warehouse converted dwelling is located on this property. Given the pronounced floor-to-ceiling height of the building, it appears equivalent to two storeys in the streetscape. The building is constructed flush to the footpath with an entry door presenting to Yarra Street at the eastern end, and a roller door at the western end. Private open space is located further to the east of the site.

East

73. To the east are several properties, as follows:

- (a) The property directly adjoining to the site to the east, No. 19-21 Yorkshire Street, is a double storey commercial building with abutments to both Willow Lane and Yorkshire Street. The building is generally constructed to all site boundaries, with the exception of the 1.7 metre setback from Yorkshire Street and on-site loading area located in the south-east corner. Additional car parking is accommodated in an undercroft, with access from Yorkshire Street. The site has both vehicle and pedestrian entrances to Willow Lane with the building built to this interface.
- (b) The property at No. 23 Yorkshire Street is currently utilised as a car park, recently an internal and portable chain fence has been constructed to section off the car park. The northern section provides access to four informal spaces accessed direct from Willow Lane with access provided from Yorkshire Street to the larger portion that also appears to be utilised for the storage of construction material.
- (c) Located to the east of this allotment are four dwellings, as follows:
 - (i) No. 30 Willow Lane, Richmond: This property is a double storey dwelling which has a frontage to Willow Lane. The dwelling provides secluded private open space on the first floor along the western boundary, as follows:

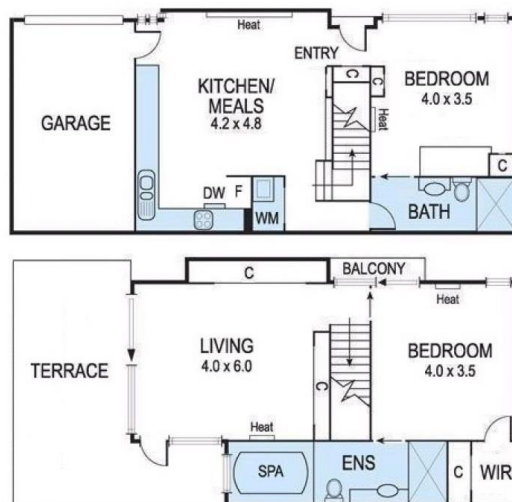


Image: Floor plan of No. 30 Willow Street, Richmond (Willow Street to the top)
Source: <https://www.landlordschoice.com.au/4477659/>

- (ii) No. 146 Brighton Street, Richmond: This property is a double storey dwelling that was developed with the above mentioned property. This property has a frontage to Brighton Street and sideage to Willow Lane, with vehicular access from Willow Lane. The secluded private open space associated with this dwelling is also provided on the first floor, along its western abuttal with No. 30 Willow Lane, facing the lane.

- (iii) No. 148 Brighton Street, Richmond: This property is a single storey dwelling that is oriented to face Brighton Street, with a small area of secluded private open space located along the rear boundary, as shown below:

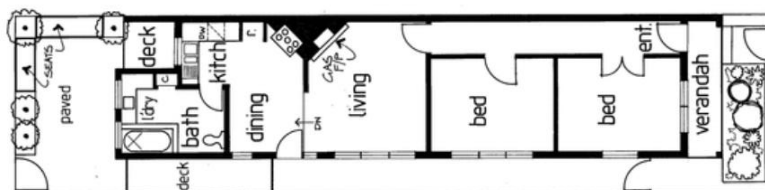


Image: Floor plan of No. 148 Brighton Street, Richmond (Brighton Street on right)

Source: <https://www.realestate.com.au/sold/property-house-vic-richmond-105679573>

Aerial photography identifies a shade sale has been erected across the north-western corner of the secluded private open space area.

- (iv) No. 150 Brighton Street has been developed with a double storey dwelling with vehicular access gained from Yorkshire Street from the western edge of the allotment. The secluded private open space associated with the development is located along the northern boundary, as shown below:

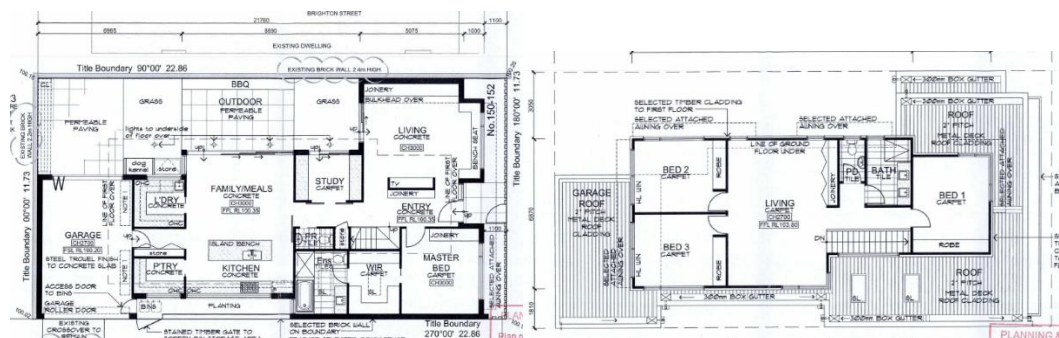


Image: Ground and first floor plans of No. 150 – 152 Brighton Street, Richmond (Brighton St on right)

Source: Extracts from endorsed plans to PLN13/0852

West

74. To the west of the subject site is Church Street, a Category 1, Road Zone (under the Roads Corporation control – Transport for Victoria) with a tram route running north to south and parking either side. The road accommodates one south-bound and one north-bound lane of traffic. On the opposite side of the street are other large single and double storey commercial buildings with a business park located to the south-west containing a campus of buildings with car parking in the surrounds.

Broader area

75. The Church Street spine and surrounding area is currently going through a period of transition from lower scale buildings to higher density commercial development. There have been a number of approvals along Church Street and the immediate blocks to the east and west for larger scale developments.
76. Constructed developments within proximity to the site are as follows:
- (a) 17 William Street, Cremorne (6 Storeys);
 - (b) 19 William Street, Cremorne (7 storeys);
 - (c) 480 Church Street, Richmond (Glenville) (6 storeys)
 - (d) 534 Church Street, Cremorne ('X' Building) (7 storeys);
 - (e) 594 - 612 Church Street, Cremorne (Icon) (8 storeys);
 - (f) 12 – 18 Albert Street, Richmond (7 storeys);

- (g) 511 – 521 Church Street, Richmond (REA) (6 storeys);
- (h) 561 – 563 Church Street, Richmond (6 storeys);
- (i) 631 – 633 Church Street, Richmond (9 storeys); and
- (j) 8 Howard Street, Richmond (9 storeys).

77. Other recently approved larger scale developments in the vicinity that have commenced construction or recently received planning permits include:

- (a) PLN18/0328 – 459 – 471 Church St & 20-26 Brighton St, Richmond (10 storeys);
- (b) PLN17/0278 – 506 & 508-510 Church Street, Cremorne (10 storeys plus roof terrace);
- (c) PLN17/0456 – 594 – 612 Church St, Cremorne (8 storeys plus roof terrace);
- (d) PLN19/0886 – 11 – 13 Pearson Street and 10 - 12 Adolph Street (8 storeys);
- (e) PLN19/0404 – 10 Chapel Street, Cremorne (7 storeys);
- (f) PLN19/0025 – 9 Kingston Street, Richmond (6 storeys);
- (g) PLN14/0714 – 565 – 567 Church Street, Richmond (6 storeys); and
- (h) PLN18/0498 – 1 – 11 Gordon Street, Cremorne (6 storeys);

78. The above recently constructed, under construction, and recently approved planning applications show that the subject site is an area which can sustain larger scale developments compared to the more long-established building stock.

Planning Scheme Provisions

Zoning

Clause 32.04 – Commercial 2 Zone

79. The site is located within the Commercial 2 Zone (C2Z). The relevant purposes of the C2Z is as follows:

- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

80. Pursuant to this clause, a planning permit is not required for a 'food and drink premises' if the leasable floor area does not exceed 100sqm. The proposed food and drink premises (restaurant at ground floor and roof top bar) has a combined floor area of 1,299sqm and therefore triggers a permit under the zone.

81. Pursuant to clause 34.02-1, 'residential hotel' is a Section 2 –permit required use and therefore requires a planning permit.

82. Pursuant to clause 34.02-4, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at Clause 34.02-7.

Overlays

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

83. The site is located within the DDO2. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay.

84. Schedule 2 to the DDO specifically relates to Main Roads and Boulevards. Specific design objectives are:
- (a) *To recognise the importance of main roads to the image of the City.*
 - (b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
 - (c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
 - (d) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
 - (e) *To encourage high quality contemporary architecture.*
 - (f) *To encourage urban design that provides for a high level of community safety and comfort.*
 - (g) *To limit visual clutter.*
 - (h) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

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

85. The site is located within the DDO5. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay. This does not apply:
- (a) *If a schedule to this overlay specifically states that a permit is not required.*
86. Section 2.0 of Schedule 5 specifically states that a permit is not required for buildings and works
87. Section 4.0 of Schedule 5 states that where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the *Planning and Environment Act 1987* to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.
88. Clause 66.06 of the Scheme identifies that the Environment Protection Authority (EPA), Transurban City Link Limited and the Roads Corporation (Transport for Victoria).
89. The City of Yarra has entered into an agreement with the EPA on 10 July 2019 regarding the requirement for notice to be given to the EPA under Schedule 5 to Clause 43.02. The agreement is to exempt certain applications from being required to be referred to the EPA.
90. These application exemptions are as follows:
- (a) *An application to use land or for the construction of a building or the construction or carrying out of works does not require notice to be given to the EPA if the following requirements are met:*
 - (ii) *The title boundary of the subject site is more than 50 metres from the centre of the Burnley Tunnel exhaust stack (located at Barkley Ave. Richmond. Latitude - 37.8295434, Longitude 145.0018514); and*
 - (iii) *The proposed building height is less than 10 stories or 30 metres, whichever is lesser.*

(b) *Regardless of clause 3(a) of this Agreement, an application for carrying out of works specified in clause 62.02-2 of the Yarra Planning Scheme (even if a permit is specifically required for any of these matters) does not require notice to be given to the EPA.*

91. As the subject site is over 500 metres from the centre of the Burnley Tunnel exhaust stack, irrespective of the properties height exceeding 10 storeys and 30 metres, notice to the EPA is not required to be given.
92. Notwithstanding, the applicant notified the EPA (as well as Transurban City Link Limited and the Roads Corporation (Transport for Victoria)). On 4 September 2020 Council Officers contacted the EPA via phone, the EPA advised they would not be commenting on the application as it was exempt from notice pursuant to the above agreement.

Particular Provisions

Clause 52.06 – Car Parking

93. Pursuant to clause 52.06-2 of the Scheme, before a new use commences the number of car parking spaces required under Table 1 at Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
94. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
95. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identifies as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
96. Pursuant to clause 52.06-6, where a use of land is not specified in Table 1, car parking spaces must be provided to the satisfaction of the responsible authority.
97. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.
98. Under clause 52.06-5, the following parking rates are required:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Residential Hotel	223 rooms	Rate not specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	70
Food and Drink	1,299 m ²	3.5 spaces per 100 m ² of leasable floor area	45	0
			45 spaces + parking for the residential hotel	70 spaces

99. A total of 70 car spaces are proposed on site for the residential hotel only, therefore the application seeks a reduction of 45 car spaces and seeks to establish confirmation that the car parking is provided to the satisfaction of the responsible authority in respect of the residential hotel.

Clause 52.34 – Bicycle Facilities

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Residential building	223 rooms	In developments of four or more storeys, 1 resident space to each 10 lodging rooms	22 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	22 visitor spaces	
Shop	1,299 sqm	1 employee space to each 600 sqm of leasable floor area if total area is greater than 1000 sqm	2 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if total area is greater than 1000 sqm	2 visitor spaces	
Bicycle Parking Spaces Total			24 resident / employee spaces	42 resident / employee spaces
			24 visitor spaces	12 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		3 showers / change rooms	6 showers / change rooms

102. The development proposes a shortfall of 12 visitor spaces than required by the planning scheme. The applicant did not apply for a reduction of visitor spaces and therefore this will be required via condition. This will be discussed further, later in the report.
103. Pursuant to clause 52.34-3, the rate for the provision of showers/change rooms is 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces. Therefore, 3 showers and 3 change rooms are required. These statutory rate has been exceeded, with the provision of 6 showers and change rooms.
104. Clause 52.34-4 provides design standard for bicycle spaces and signage.

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

105. Pursuant to clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1. The purpose of the clause is to ensure appropriate access to identified roads.

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

Clause 53.06-5 – Live Music and Entertainment Noise

108. Pursuant to clause 53.06, this clause applies to an application required under any zone of the scheme to use land for, or to construct or carry out works associated with, a live music entertainment venue. As the rooftop bar proposes a DJ on Friday and Saturday evenings between 7pm and 11pm, the provisions of this clause apply.
109. The purposes of this policy are as follows:
- (a) *To recognise that live music is an important part of the State's culture and economy.*
 - (b) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
 - (c) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
 - (d) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
110. The following requirement is to be met:
- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*
111. A permit can be granted to reduce or waive the above requirement if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.
112. The decision guidelines of the clause are as follows:
- (a) *the extent to which the siting, layout, design and construction minimise the potential for noise impacts.*
 - (b) *whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.*
 - (c) *whether the proposal adversely affects any existing uses.*

General Provisions

Clause 65 – Decision Guidelines

113. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters.

Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Clause 66.02 – Use and Development Referrals

114. In accordance with Clause 66.02-11 of the Yarra Planning Scheme, an application to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to the Head, Transport for Victoria. The Head, Transport for Victoria, is a determining referral authority for this application.

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

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

Clause 66.06 – Notice of Permit Applications Under Local Provisions

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

Planning Policy Framework (PPF)

117. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

118. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

119. The relevant objectives of this clause include:

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

120. Relevant strategies are:

- (a) *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:*
- (i) *Comprise a range of centres that differ in size and function*
 - (ii) *Is a focus for business, shopping, working, leisure and community facilities*

- (iii) *Provide different types of housing, including forms of higher density housing*
- (iv) *Is connected by transport*
- (v) *Maximises choice in services, employment and social interaction*

Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

121. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
 - (i) *Are able to accommodate significant growth for a broad range of land uses.*
 - (ii) *Are supported with appropriate infrastructure.*
 - (iii) *Are hubs for public transport services.*
 - (iv) *Offer good connectivity for a regional catchment.*
 - (v) *Provide high levels of amenity*

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

122. 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.*

123. Relevant strategies are:

- (a) *Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.*
- (b) *Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.*

Clause 13.05-1S (Noise abatement)

124. The relevant objective of this clause is:

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

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

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

126. The objective of this clause is:

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

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

127. The relevant objective of this clause is:

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

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

128. The objective is:

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

Clause 15.01-2S (Building design)

129. The relevant objective of this clause is:

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

130. Relevant strategies of this clause are:

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

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

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

Clause 15.01-4S (Healthy neighbourhoods)

132. The objective is:

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

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

133. The strategy is:

- (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S (Neighbourhood character)

134. The relevant objective of this clause is:

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

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

135. The objective of this clause is:

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

Clause 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

136. The objective of this clause is:

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

137. The relevant strategies of this clause are:

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

Clause 17.02 (Commercial)

Clause 17.02-1S (Business)

138. The relevant objective of this clause is:

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

139. The relevant strategies of this clause is:

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

Clause 17.04-1S (Facilitating Tourism)

140. The relevant 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.*

141. The relevant strategy of clause 17.04-1R Tourism in Metropolitan Melbourne 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) *Revitalising the retail core of the Central City.*
 - (iii) *Supporting artistic and cultural life.*
 - (iv) *Improving public facilities, amenities and access.*
 - (v) *Maintaining city safety.*
 - (vi) *Providing information and leisure services.*
 - (vii) *Improving transport infrastructure.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S (Sustainable personal transport)

142. The relevant objectives of this clause is:

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

143. Relevant strategies of this policy are:

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

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

144. Strategies of this policy are:

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

Clause 18.02-2S (Public Transport)

145. 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)

146. 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)

147. The objective of this clause is:

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

148. 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)

Municipal Strategic Statement (MSS)

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

Clause 21.04 (Land Use)

150. Relevant objectives and strategies include;

- (a) *Objective 3 – To reduce potential amenity conflicts between residential and other uses.*
 - (i) *Strategy 3.2 – Apply the Interface Uses policy at clause 22.05.*
 - (ii) *Strategy 3.4 – Discourage late night and 24 hour trading activities located near residential zones to minimize impacts on residential amenity.*

Clause 21.04-2 (Activity Centres)

151. The relevant objectives of this clause are:

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

152. Relevant strategies to achieve this objective include:

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

Clause 21.04-3 (Industry, office and commercial)

153. The objective of this clause is:

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

Clause 21.05-2 (Urban design)

154. The relevant objectives of this Clause are:

- (a) *Objective 16 – To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 – To retain Yarra’s identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 1. *Significant upper level setbacks*
 2. *Architectural design excellence*
 3. *Best practice environmental sustainability objectives in design and construction*
 4. *High quality restoration and adaptive re-use of heritage buildings*
 5. *Positive contribution to the enhancement of the public domain*
 6. *Provision of affordable housing.*
- (c) *Objective 18 – To retain, enhance and extend Yarra’s fine grain street pattern;*
- (d) *Objective 19 – To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 – To ensure that new development contributes positively to Yarra’s urban fabric:*
 - (i) *Strategy 20.1 – Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
 - (ii) *Strategy 20.2 – Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
 - (iii) *Strategy 20.3 – Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
 - (iv) *Strategy 20.4 – Apply the Built Form and Design policy at clause 22.10.*
- (f) *Objective 21 – To enhance the built form character of Yarra’s activity centres;*
 - (i) *Strategy 21.1 – Require development within Yarra’s activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 – Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-3 (Built form character)

155. The general objective of this clause is:

- (a) *To maintain and strengthen the identified character of each type of identified built form within Yarra.*

156. The subject site is located within a non-residential area, where the built form objective is to *“improve the interface of development with the street”*.

157. The strategies to achieve the objective are to:

- (a) *Strategy 27.1 – Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
- (b) *Strategy 27.2 – Require new development to integrate with the public street system.*

Clause 21.05-4 (Public environment)

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

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

Clause 21.06 (Transport)

159. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

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

Clause 21.07-1 (Environmentally sustainable development)

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

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

Clause 21.08-2 (Burnley-Cremorne-South Richmond)

161. This clause outlines the South Richmond neighbourhood as follows (as relevant):

- (a) *the established residential area surrounding Barkly Gardens provides a range of housing opportunities in small cottages and larger period dwellings*
- (b) *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.*
- (c) *The Barkly industrial precinct, south of Swan Street and west of Burnley Street, has the opportunity to establish itself as a new business employment node. This should include a mix of industrial and related activities as well as service business and offices.*

- (d) *Along Church Street is an activity centre based on furniture and homewares, professional and business services and hospitality. There is an opportunity to enhance this activity centre with consistent active frontages.*

162. Figure 8 shows the subject site is on a 'main road' where the built form character objective is to maintain the hard edge of the strip.

Relevant Local Policies

Clause 22.05 (Interface Uses Policy)

163. This policy applies to applications for use or development within Commercial 2 Zones (amongst others). The relevant objective of this clause is '*to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes*'.

164. It is policy that:

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

165. Decision guidelines at clause 22.05-6 include:

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

Clause 22.10 (Built form and design policy)

166. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*

167. The Clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:

- (a) *urban form and character;*
- (b) *setbacks and building height;*
- (c) *street and public space quality;*
- (d) *environmental sustainability;*
- (e) *site coverage;*
- (f) *on-site amenity;*
- (g) *off-site amenity;*
- (h) *landscaping and fencing;*
- (i) *parking, traffic and access; and*
- (j) *service infrastructure.*

Clause 22.16 (Stormwater Management [Water Sensitive Urban Design])

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

Clause 22.17 (Environmentally Sustainable Design)

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

Other Documents

Plan Melbourne

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

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

172. The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.
173. Map 4 within the document shows the industrial land within the inner metro region, identifying the site and those within the C2Z as existing regionally significant industrial land (see below with the site identified as a red dot).



Source: MICLUP (Excerpt from Map 4)

Yarra Spatial Economic and Employment Strategy

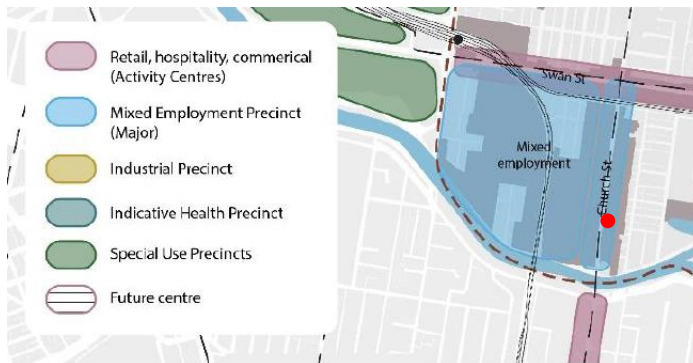
174. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
175. In regards to the site, the Strategy 2 of the SEES aims to retain and grow Yarra's Major Employment Precincts, providing the following:
 - (a) *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.*
176. Strategy 2 further identifies the key characteristics of the area, as follows:
 - (a) *The precincts are characterised by a variety of lot sizes, a diversity of building stock and building condition, and variable public realm quality. This physical diversity and urban character are important elements in attracting and supporting a diversity of economic activities. This older morphology – which includes many buildings that might be described as 'life-long-loose-fit' – is conducive to attracting innovative businesses, a deeper mix of businesses, and a degree of informality that is lacking from other existing and emerging (and potential) employment precincts in inner Melbourne. Although the C2 zoning in these precincts prevents residential development, these areas will be subject to pressure for residential conversion.*

This may have been exacerbated by their designation in earlier iterations of Plan Melbourne as 'Other Renewal Areas' with little guidance on the nature or type of renewal envisaged (see Figure 2). Precincts such as Cremorne/Church Street South are attracting major businesses and investment, which is evident by the recent surge in planning applications and approvals for office developments that has occurred. Compared to other Councils within the inner city region, Yarra has a large amount of C2 zoned land (around 100 hectares) dispersed across most of the municipality which is being used for a variety of commercial and business purposes. The C2 zoning provide opportunities for a different range of uses and businesses than occurs in Yarra's activity centres which are predominantly based around retailing and services.

...

Major employment areas, such as the Cremorne/Church Street South and the Gipps Street precinct, are highly sought after and highly valued as business locations due to their location and proximity to central Melbourne, access to transport, business synergies and the vibrancy of Yarra. They have proven particularly attractive to creative- and technology-oriented business that a non-but-near-CBD location.

177. As identified within Figure 23 of the SEES (see image below, with subject site as red dot), the subject site is located within a Major Mixed Employment Precinct:



Source: Yarra Spatial Economic and Employment Strategy (Excerpt from Figure 23)

Cremorne and Church Street Precinct Urban Design Framework

178. 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.
179. The subject site is located within the Church Street Sub-Precinct, with the following aim:
- (a) *Encourage redevelopment that consolidates Church Street's role as a focus of office and showroom retail activities with a mixture of complementary activities that support these dominant uses and add to the amenity and activation of the public realm. Encourage high quality new buildings of a scale complementary to the Bryant & May factory while ensuring transitions to protect the amenity of lowrise development away from Church Street on side streets and ensuring a sense of pedestrian scale in the streetscape.*
180. The document also recommends a height of four to five storeys on the eastern side of Church Street to maintain fine grain and heritage nature of development with three to four storey podium heights envisioned along Church Street and three storeys along side streets. Crossovers are recommended to be accommodated in side streets and not from Church Street.

181. Council prepared Amendment C97 to the Scheme which proposed to rezone the study area from the Business 3 Zone to the Business 2 Zone, in order to provide for some residential development in the precinct. The Amendment was abandoned by Council at its February 2010 meeting, however the UDF remains as an adopted document.

Swan Street Structure Plan

182. The Swan Street Structure Plan (SSSP) was adopted by Council at its meeting on 17 December 2013 and is relevant to the site. The Swan Street Structure Plan aims to manage growth within the Swan Street activity centre and the surrounding area.
183. The site is located within the Church Street precinct of the plan. The plan provides guidance on maximum building heights within each precinct, with 5-6 storeys the suggested height for this area within the Church Street neighbourhood. The plan does not direct the subject site to provide a transition in scale to low-rise residential properties to the east, however, this direction is applicable to the property at No. 23 Yorkshire Street. A 'low-scale' street wall is recommended along the Church Street, Willow Lane and Yorkshire Street frontages.
184. The Swan Street Structure Plan acknowledges that the area is functioning well and provides significant employment opportunities and that with the right support, these activities are likely to continue. It also acknowledges that the current zoning does not allow residential development.
185. The rationale for this precinct includes:
- (a) *Consolidation of commercial and retail uses will strengthen the current land use activities along Church Street and support the precinct's important employment role.*
 - (b) *Varying lot sizes and lack of heritage will offer some opportunities for redevelopment for commercial purposes.*
 - (c) *Improvements to street level activity can be achieved through encouraging active frontages along Church Street.*
 - (d) *Network of narrow east west streets and laneways provides conditions for improving pedestrian and cycling friendly environs.*
 - (e) *Redevelopment provides opportunity to create a defined street wall and sense of enclosure along Church Street.*
 - (f) *Retention of existing zoning will support the consolidation of the precinct's increasing specialisation in furniture and homewares.*
186. The SSSP states that new buildings should:
- (a) *Establish a preferred street wall height of 3-4 storeys along Church Street.*
 - (b) *Ensure upper levels are visually recessive.*
 - (c) *Ensure a transition in building heights at the interface with existing residential areas*
 - (d) *Provide active frontages to the street.*
 - (e) *Ensure new buildings are built to the street boundary and both side boundaries at the street interface.*
187. In terms of access and movement, the SSSP discourages through traffic to residential streets and encourages improvements to pedestrian access and movements on local roads, east of Church Street.
188. Whilst adopted, the structure plan has yet to progress to the formal amendment stage and technically has limited statutory weight.

Advertising

189. The application was advertised by the Applicant in accordance with the Order of VCAT by 1,025 letters sent to surrounding owners and occupiers and by five signs displayed on site.

190. Council received 40 submissions including 32 complete statements of grounds, the grounds of which are summarised as follows:

- (a) Built form and design
 - (i) Height and mass of the development is inconsistent with the neighbourhood character and policy.
 - (ii) The development is an overdevelopment of the site.
 - (iii) Inadequate upper level setbacks to ameliorate visual bulk and provide for equitable development.
 - (iv) Building should provide public realm benefits.
 - (v) Development is at odds with the lower scale heritage and residential areas to the east.
 - (vi) The development includes limited landscaping.
 - (vii) The podium design is too high.
 - (viii) The proposed extent of glazing will result in sun reflection.
 - (ix) The proposal does not result in an acceptable ESD response.
 - (x) No thought to the current pandemic (e.g. design initiatives).
- (b) Use and Off-site amenity impacts
 - (i) Unrestricted hours of operation result in significant litter, noise, light and traffic disturbance to residential properties.
 - (ii) Lack of patron management plan and details of use.
 - (iii) Loss of daylight and privacy, including overlooking concerns.
 - (iv) Unacceptable noise (from rooftop bar, external terraces, 24/7 use, vehicles, loading/unloading and plant).
 - (v) Unacceptable visual bulk and overshadowing (including to solar panels) to residences in the surrounds.
 - (vi) Overshadowing of the public realm.
 - (vii) Wind impacts.
- (c) Traffic and Car parking
 - (i) Too many car parks provided on-site, additional traffic cannot be supported within the narrow local road network.
 - (ii) Reliance on traffic through residential streets.
 - (iii) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.
- (d) Other
 - (i) Disruption and damage during construction.
 - (ii) Result in devaluation of surrounding properties.
 - (iii) The 'bar' use is not sought in conjunction with the sale and consumption of liquor.
 - (iv) Odours from the proposed uses.

191. Of the 32 completed statements of grounds received, 14 parties having joined the appeal.

Referrals

External Referrals

192. The application was referred to the following authorities:

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

Internal Referrals

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

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

External Consultants

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

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

OFFICER ASSESSMENT

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

- (a) Policy and Strategic Support
- (b) Uses
- (c) Built form and Urban Design
- (d) On-site amenity including Environmentally Sustainable Design
- (e) Off-site amenity including City Link Exhaust Stacks and Waste Management
- (f) Car parking, traffic and alteration of access
- (g) Bicycle facilities and strategic transport
- (h) Potentially contaminated land
- (i) Objector concerns

Policy and Strategic Support

196. The proposal satisfies the various land use and development objectives within the PPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development and use within a well-resourced inner-urban environment.
197. The C2Z which applies to the site is capable of accommodating greater density and higher built form, subject to individual site constraints. Additionally, state and local policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport. The site and adjacent land are located in the C2Z, which specifically encourages office, retail uses and associated commercial services. These sites form part of the Church Street activity centre, identified within clause 21.08-2 as an activity centre based on furniture and homewares, professional and business services and hospitality.
198. This is also evidenced through recent strategic work and analysis presented within the recently adopted SEES that identifies the subject site as being located within an area that is expected to accommodate future growth and density. The proposal complies with strategic direction by continuing the commercial use of the site in a more intensive form, in order to facilitate greater employment opportunities and to assist in facilitating tourism.

199. 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).
200. Pursuant to State policy at clause 17, economic development is to be fostered by ‘...providing land, facilitating decisions and resolving land use conflicts, so that each region may built on its strengths and achieve its economic potential’. At a local level, the Municipal Strategic Statement at Clause 21.04-3 seeks to ‘increase the number and diversity of local employment opportunities’. The proposal will support economic opportunities in a highly accessible, service-rich area. The uses proposed will increase employment opportunities in hospitality as well as support the surrounding commercial uses through the provision of accommodation and two food and drinks premises.
201. Clause 17.04-1R seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination. The provision for a residential hotel will contribute to the availability of accommodation within the locality, while concurrently supporting the local economy through additional visitors to the area.

Given the location within the Church Street activity centre, this is considered an appropriate location for temporary accommodation. Furthermore, the location of the site in proximity to the Central Business District, the Swan Street MAC, the Cremorne employment precinct and the Chapel Street precinct is likely to support proximate accommodation for business travellers.

202. The proposed uses are complementary to the surrounding area due to the specific encouragement of office uses within the Commercial 2 zoned land and are not expected to pose interface conflict issues due to the temporary nature of hotel guests.
203. Having regard to the above, the proposed re-development of the site for accommodation with additional commercial uses (food and drinks premises) at the ground and rooftop levels is considered to have strategic planning support, however regard must be had to the off-site amenity impacts given the proximity to residentially zoned land to the east and the appropriate scale of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below with regard to policies including clauses 22.05, 22.10 and Schedule 2 to the Design and Development Overlay.

Uses

204. Both the residential hotel and food and drinks premises (ground floor restaurant and roof-top bar) require a planning permit under the zone. As outlined within the *Policy and physical context* section earlier, the subject site is considered an appropriate location for a residential hotel based on its proximity to key activity centres and employment precincts.
205. In respect to their appropriateness there is support for them where it can be demonstrated that the scale of operation would not result in unreasonable impacts to the surrounding area or erosion of the primary purpose of the Commercial 2 Zone. This consideration is relevant in terms of the objective of the Commercial 2 Zone: *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

206. By retaining land for commercial uses, Richmond will remain a viable and thriving economic cluster, thus providing a net community benefit through employment and contributing to the local and regional economy for present and future generations. It is also Council local planning policy (Clause 21.04-3) to increase the number and diversity of local employment opportunities and by maintaining this land for the purpose it was intended for, this policy will be met and a net community benefit will be achieved. Council's local policy at Clause 21.04-3 states that the commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.
207. The site is located within an employment cluster which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and public transport. The area supports a growing employment base, and the proposed uses will support this. These uses will provide:
- (a) a venue where the local workers and residents can obtain food and drinks and recreate; and
 - (b) temporary accommodation for visitors to the local area and business travellers.
208. The uses will contribute to the mixed use nature of the location which includes other commercial entities. On weekends, there is an expectation that buildings are active and provide for visitors and local residents alike. These different uses will play a legitimate role in meeting the needs of the area in this respect and providing activation of the area seven days a week whereas offices are generally closed on weekends and can lead to inactivity.
209. The Commercial 2 Zone also requires consideration of the following matters (as relevant) at clause 34.02-7, each with a response provided below:
- (a) The effect of existing uses on the proposed use – existing uses are a mixture of commercial in the immediate surrounds with residential uses to the east and are not expected to have an adverse impact on the proposed uses. These existing uses will most likely provide patrons for the proposed businesses;
 - (b) The drainage of the land – the land is not located in an area with any specific drainage requirement under the Scheme and would have adequate ability to connect to relevant drainage networks;
 - (c) The availability and connection to services – the site is in an existing built up urban area with easy connection to all necessary services;
 - (d) The effect of traffic to be generated – this is discussed in detail later in this report;
210. In respect of amenity impacts, Clause 22.05 seeks to ensure that new non-residential uses do not unreasonably impact dwellings including through noise, light spill, emissions and rubbish.

Residential Hotel

211. Given the proposed use of the land as a residential hotel, the premises would be open and available to guests 24 hours a day, 7 days a week. To ensure that the amenity of the surrounding area is not unreasonably impacted from noise or activity associated with the hotel, a permit condition can be included for a management plan to control the use. The policies and procedures outlined within the management plan will ensure that external amenity impacts from the residential hotel, such as noise and guest behaviour, are appropriately managed.
212. The hotel management plan should include the following details:
- (a) The gym, function centre and roof top pool facilities to be open only during the hours of 7am to 10pm each day;
 - (b) Sign in and management procedures for the use of the function centre facilities and pool facilities by the public, including:

- (i) Management procedures for the use of the pool by hotel guests and patrons of the bar during permitted operating hours including safety and security arrangements;
- (c) The gym is restricted to hotel guests only;
- (d) Hours of operation for the restaurant and roof-top bar.
- (e) The management of large group bookings for the conference facilities and pool area including the management and dispersal of users to Church Street for both areas, and strategies to manage users loitering around the venue after the event/venues have closed;
- (f) Reception operating hours;
- (g) Staffing/Management arrangements;
- (h) Provisions for 'after-hours' arrivals and departures;
- (i) Security arrangements;
- (j) Procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
- (k) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
- (l) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
- (m) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken;
- (n) Details of eviction process in the event house rules are broken;
- (o) Standards for property maintenance, health and cleanliness; and
- (p) Security against thefts and break-ins, including security of guests' belongings.

213. The first floor gym and conference facilities are considered to be 'ancillary' uses to the hotel. The acoustic report identifies that the gym use should be restricted to between 7am and 10pm. The gym will also be restricted to hotel guests only. No specific operating hours have been nominated for the conference facilities, technically this would allow these spaces to operate throughout the day and night, with no restrictions to the hours proposed within the application.
214. In respect of the conference facilities, it is considered that limited off-site amenity impacts would result from the use given the small areas associated with these rooms. Nevertheless, as conference facilities can be utilised by persons other than guests, a condition should limit operations to align with the other ancillary use, the gym, through the Hotel Management Plan. This will enable the conference facilities to operate during the day and evening periods (7am – 10pm) and ensures that residential amenity during the sensitive night-time period (10pm – 7am) is protected.
215. Turning to the roof-top pool, no operating hours have been specified. It is considered appropriate for the hours applied to the gym and conference facilities to also apply to the use of the rooftop pool and will be included within the Hotel Management Plan. It is acknowledged that the application somewhat anticipates use of the pool by bar patrons and therefore a further condition should require the management of the users of the pool area. This will remove any ambiguity from the proposed hours of the pool and will enable the use of the pool area by the bar between 12pm and 10pm only.
216. There is limited guidance in the Scheme as to what appropriate opening hours are in the Commercial 2 Zone. Due to the zoning of the land, other potentially more intensive uses could operate without requiring a planning permit and would therefore not have their hours restricted. Additionally, considering the uses do not have any direct abuttal with residentially zoned land, impacts will be low. Accordingly, the uses are not expected to have unreasonable impacts on these dwellings and can be managed with appropriate conditions.

217. In terms of the numbers of hotel guests, the applicant is proposing a total of 223 rooms. These numbers are considered to be reasonable for the location of the proposed development, however, given concerns regarding the height and massing of the development the overall number of hotel rooms would be reduced to 173 rooms and continues to be acceptable. This will be discussed further, under built form and urban design.
218. Whilst the primary access and lobby area is located on Yorkshire Street, people are likely to disperse toward Church Street through the front entrance to access public transport, or the licensed venues and shops within the area, once they have checked in. A further item should be added to the Hotel Management Plan, requiring initiatives to direct hotel guests to the wider area from Church Street and not the residential areas to the east. The Hotel Management Plan should also provide a strategy for how this will be communicated to guests.
219. In addition, the hotel guests movements in and out of the residential hotel are likely to be staggered, with hotel patrons coming and going at various times throughout the day, evening and night. Furthermore, with respect to typical check out and check in times, it is anticipated that the majority of hotel guests would be arriving outside of peak hours, also reducing impacts to surrounding residents.
220. It is highlighted that the applicant has not applied for the sale and consumption of liquor within the premises. If this was to alter in the future, further planning approval would be required. To ensure the applicant is aware of this requirement, a note should be included to that effect.
221. General conditions should also be included to ensure the amenity of the area is not unreasonably compromised due to the proposed use. These would include restrictions on noise, waste disposal, deliveries and emissions, including light spill. Subject to the above conditions, the use of the land as a hotel can be supported.
222. Interface matters relating to the proposed buildings and works will be discussed later within the assessment of amenity impacts. Other matters relating to the operation of the residential hotel, such as waste management, loading and unloading and car parking generation, will be discussed in greater detail within the relevant sections of this report.

Food and drink premises

223. It is highlighted that the applicant has not applied for the sale and consumption of liquor from either of the food and drinks premises. If this was to alter in the future, further planning approval would be required. To provide greater certainty, a note should be included to that effect.
224. The ground floor restaurant is located towards Church Street and is located entirely within the C2Z land. The restaurant does not have a direct interface with any dwellings and faces Commercial 2 Zoned land only. As such, this minimises the potential for off-site amenity impacts such as light spill.
225. The maximum number of patrons will be 120 and the hours of operation are proposed to be 7am to 11pm Monday to Saturday and 10am to 11pm on Sundays. The proposed hours of operation and number of patrons given the size of the restaurant are also considered to be compatible with the surrounding neighbourhood.
226. It is considered that the use of the land as a food and drink premises (restaurant) will support the function of the residential hotel on site and the surrounding commercial precinct. In addition, the combined restaurant will provide for new employment opportunities within the area.

227. The restaurant operates on the ground floor with the kitchen facilities provided on the first floor. Council's external Urban Design consultant recommended the commercial kitchen layout and operational design demonstrating the fitness for purpose of the current ground, first and rooftop layouts be provided. This is considered necessary, the plans indicate that the restaurant will utilise the first floor kitchen facilities and food will be transferred using the internal dumb waiter. The layout of the BOH kitchen areas on Level 1 are to be shown via condition with details of the food service provided within the Operational Management Plan discussed below.
228. The off-site amenity impacts as a result of the proposed use, trading hours and patron numbers is considered acceptable with regards to the impacts on the amenity of the surrounding land uses, which are predominately commercial uses in the C2Z to the immediate north, south, east and west. With regard to the existing non-conforming use of the land to the south-east, in proximity to the site, residential amenity should not burden commercial development in a C2Z, particularly given that residential occupants are aware their amenity may be affected by the presence of lawful commercial uses.
229. This is also true with regard to the residentially zoned areas to the east, given these dwellings have a direct interface with a commercial area expectations on amenity are to be tempered. The restaurant use has been sited away from these dwellings which will also assist in reducing any associated off-site amenity impacts. Noise is extensively covered further, later in this report, however it was concluded that the restaurant had a low probability of causing unreasonable off-site amenity impacts.
230. On this basis, it is considered that the establishment of a food and drinks premises (restaurant) within the ground floor of the premises will work to support the purpose of the C2Z, and is therefore supported.
231. The roof top bar spans the entire roof-top level, with the exception of the western portion facing Church Street where the pool facilities are located. The bar does not have a direct interface with any dwellings and interfaces with Commercial 2 Zoned land only.
232. An Acoustic Report was submitted by the Applicant and reviewed on behalf of Council. The outcomes of this report will be discussed within the 'off-site amenity impacts' section of this report, however, it is noted that the proposed DJ to operate on Friday and Saturday nights between 7PM and 11PM has been deleted as insufficient information was provided to satisfy the Council that this would not result in adverse amenity impacts.
233. The maximum number of patrons will be 179 within the bar area and a further 37 accommodated within the pool area. The hours of operation are proposed to be 12 noon to 11pm Monday to Sunday. The proposed hours of operation and number of patrons given the size of the bar are also considered to be compatible with the surrounding neighbourhood. It is noted that operational times for the pool area differ from the bar area and will be accessible for hotel patrons only between 7am and 12pm.
234. In respect of food service, it is not clear where the kitchen for the roof top bar would be located. Whilst the use may just provide drinks, it is considered that food may be served and should therefore be clarified. A condition can require any kitchen areas servicing this area to be shown and a further analysis will be required to be included within the Operational Management Plan which will be discussed further, below.
235. In respect of dispersal from the venue at closing times, Council's external Urban Design consultant made the following comment in relation to the Church Street frontage:

- (a) *Additionally, the amenity of guests waiting for collection needs to be considered at this interface. At closing times of the rooftop bar, conclusion of events in the function areas etc considerable demand on this space should be anticipated. Expecting guests to wait on an unprotected footpath is unsatisfactory as is the expectation that Yorkshire Street and de-facto the residential hinterland will become the proposed route.*

236. In regards to the above it is considered that the proposal does provide weather protection, due to the increased footpath width along Church Street the upper levels cantilever above. Furthermore, the relationship of the building with the street is similar to other food and drinks premises in the area, such as the Prince Alfred Hotel (510 patrons), the Royal Saxon (385 patrons) and Harlow (540 patrons).
237. It is agreed that patrons leaving both of the venues within the development are to exit via Church Street, rather than Yorkshire Street. Considering the access of the bar, which would be from the lobby accessed from Yorkshire Street, it is considered an Operational Management Plan for both food and drinks premises is required to include policies and procedures to enable this.
238. This would also align with the provisions of the Road Safety Audit, discussed later in this report, that require the applicant to review the two existing on-street car spaces on the Church Street frontage and investigate the feasibility as designating these as a "Taxi Zone" (or similar to cater for car share services) to cater for pick up and drop off traffic.
239. The Operational Management Plan should include the following details:
- (a) The management and dispersal of patrons to Church Street for both venues, including patrons loitering around the venue after the venue has closed.
 - (b) How the movement and exit of patrons is to be managed for both venues.
 - (c) The management of the bar and pool area, including conflict between hotel guests and patrons.
 - (d) The management of large group bookings within both venues.
 - (e) The management of external queues for both venues.
 - (f) Any other measures to be undertaken to ensure no unreasonable amenity impacts from the ground floor restaurant and roof-top bar.
240. Based on the above, the proposed uses of both 'food and drink premises' are considered acceptable, subject to conditions.

Built form and Urban Design

241. The following is a detailed assessment of the proposal against the design objectives of Clause 22.10 – Built Form and Design Policy and Schedule 2 of the Design and Development Overlay. The assessment will also consider the decision guidelines of the Commercial 2 Zone, and the urban design principles articulated at Clause 15.01-2. In the interests of providing a concise assessment and avoiding repetition between State and local design principles, the following assessment will group similar themes where applicable.

Urban form, character and context

242. Built form in the surrounding area consists of a mixture of architectural styles and materials. Taller buildings are emerging within proximity to the land. The majority of these buildings are robust in design and constructed hard-edged to the street. The Richmond area is undergoing significant change with regards to building heights and forms, with a clearly emerging character of dense development. This proposal is, however, the first larger development towards the southern end of the Church Street precinct in recent times, acknowledging the presence of the two nine-storey residential buildings closer to the Yarra River.

243. As already outlined in this report, there is no dispute that strategically the subject site is appropriately located for a higher-density development, being within proximity to a MAC, located in a lower order activity centre and within the C2Z, which provides excellent access to cycling networks, near various forms of public transport, with no heritage restrictions and limited immediate sensitive interfaces.
244. Based on these attributes, it is a reasonable expectation that this site will experience intensification in the future, however, a detailed assessment against the appropriateness of the height and massing are prudent in determining the acceptability of the proposal from a built form perspective.

Height and massing of the development

Height

245. The proposal is an overall thirteen storeys in height which equates to 47.6 metres including plant which is incorporated into the uppermost level. Whilst it is acknowledged that the building will be taller than adjoining developments, there are recent approvals for higher developments in this area, with some having already been constructed or under construction. There is no doubt significant change will occur here, however it is not to say that any increase is therefore acceptable.
246. It cannot be ignored that the proposal is greater in height than the adopted SSSP. As previously outlined, whilst it is an adopted document, it can only be given very limited weight as it has not progressed to a planning scheme amendment. This has been repeatedly stated by the Tribunal in numerous decisions, one of which being *Barkly Gardens Pty Ltd v Yarra CC* [2017] VCAT 995:

[19] It is not a seriously entertained planning proposal. It has not been subject to public scrutiny. The Tribunal has consistently given limited weight to the structure plan.

247. This view was further held in *Shaw and Wangaratta Street Pty Ltd v Yarra CC* [2017] VCAT 758:

[20] Parties also made reference to the Swan Street Structure Plan adopted by Council in 2013 but not yet incorporated into the Planning Scheme, either as a specific Design and Development Overlay or as an incorporated document. The Structure Plan has suggested heights of 5-6 storeys (19 metres) on the eastern side of Wangaratta Street and 7-10 Storeys (30 metres) on the western side.

[21] I agree with Council and Mr McGurn that I should give little weight to the Structure Plan given it has not been incorporated into the Planning Scheme in some form. I therefore agree with the Tribunal's comments in 429 Swan Street Pty Ltd v Yarra CC [2016] VCAT 370 that:

[21] I should give limited weight to the adopted Structure Plan, particularly its site-specific provisions. Ultimately my assessment needs to be based on the particular circumstances of the existing, and likely future, physical context.

[22] On balance, I consider there is strong policy support for more intensive built form on the review site. Although local policy is suggesting heights of 5 to 6 storeys in activity centres and strategic redevelopment sites, that cannot be used as a defacto height control and needs to be considered along with site context and all other relevant State and local policies.

248. More recently, and within the Church Street context, the Tribunal had similar findings within *Salta Properties Pty Ltd v Yarra CC* [2019] VCAT 718, as follows:

[29] Parties also referred to the Swan Street Structure Plan, adopted by the Council in January 2014. Again, this is an adopted policy of the Council which has never been translated into policy or a design overlay of the planning scheme. Our review of this document is that development in both the Church Street Precinct, and the Cremorne South Precinct should not exceed 5 to 6 storeys with low scale street walls and transition in built form to adjoining low scale residential form. The Council has already approved a number of buildings in both precincts that are more than five or six storeys.

[30] Mr Sheppard provided urban design evidence. He is satisfied with the building heights. When cross-examined about how he reconciled this opinion with the 2014 structure plan, which his office prepared in conjunction with the Council, he said that the structure plan provides little current guidance given the more recent building approvals of the Council, including the 10 storey building at 510 Church Street and the seven storey building at 12 – 18 Albert Street, and the overall emergence of Cremorne as an employment hub. He acknowledged, as did the Council, that the structure plan has limited weight, given that it has never been translated into policy or provisions of the planning scheme.

249. Furthermore, this decision found that a 10 storey commercial building on Church Street was considered an appropriate response to the strategic context of the area and that there is an expectation for higher forms along both sides of Church Street, as follows:

[33] We do not accept that buildings on opposite sides of Church Street should have a different form because of differing rear interfaces. Whilst the allotments within the commercial zone are somewhat deeper on the west, in this part of Church Street both east and west rear interfaces are fine grain residentially zoned properties, largely covered by heritage overlays.

[34] Based on our review of relevant policy and the existing physical context we find that:

- The potential for a 10 storey building on the east side of Church Street is commensurate with the emerging character of Church Street as an employment precinct and with the approvals of 8 and 10 storey development nearby.*

250. Considering the street's proximity to the Swan Street MAC, the Forest Hill renewal precinct, convenient access to East Richmond train station and tram routes combined with the lack of heritage overlay across the land, it would be a reasonable expectation that this site and others along Church Street and within the C2Z would experience further intensification in use and development. The proposed overall height of the development however, at 13 storeys, is a departure from the emerging character of development.

251. Council's external Urban Designer raised concerns with the proposed overall height, providing the following analysis:

- (a) In my view the development is excessive in scale, and awkward in its proportions and its impacts on adjoining development equally detrimental and its integration into a broader narrative problematic.*
- (b) Whilst significant in size, the property sits on the northern side of the street abutment to Yorkshire Street rather the south side as characterized the taller built form referenced and relies on a service network with reverberating detrimental impact on surrounding residential areas of significance in local character and heritage terms. Its excessive height also significantly diminishes the amenity for surrounding users of the public realm on which the DNA of this area is so dependent.*

- (c) *In my view there can be little justification for the scale at an effective 2-3 levels higher than the tallest building on the eastern side of Church Street a site with far better Activity Centre and Transport node credentials despite the usefulness of an accommodation destination in the locale. There is no question in my view that in addition to needing to address offsite overshadowing impacts, the building needs to be lowered to sit within an orderly renewal strategy for the area.*
- (d) *The wind reports also point to the very poor amenity outcomes achieved for the proposed terraces on level 6.*
- (e) *The longitudinal section indicate the tallest elements of the project are directed to the most sensitive residential hinterland areas to the east where they will present largely inactivated upper level form (plant area occupying the upper areas to the northeast and east.*
- (f) *The rooftop terrace areas indicate that with a reduced seating area to the Southeast the plant areas and toilets could be rotated 90 degrees and given a significant setback from the eastern facades of the levels below of at least 5m reducing this impact.*

252. In addressing the concerns raised in regards to height, Council's external Urban Designer recommended that Levels 4 and 5 of the development be deleted and that the rooftop plant areas adopt a minimum setback of 13 metres from the eastern boundary. A maximum height of RL47.45 (in lieu of the currently proposed RL 57.05) was also recommended.

253. The above represents a height reduction of 6.6 metres through the deletion of Levels 4 and 5 and a further height reduction of 3 metres through the reduction to the rooftop plant height (see image below). The overall height reduction of 9.6 metres and additional setback of the roof plant to the east are significant and provide a greater transition to the more sensitive interface to the east.



Image: red line outlining the height reduction recommendations of Council's external Urban Designer
Source: Section AA of the plan package, with recommended outline shown in red using Trapeze Software

- 254. Council planning officers agree with the recommendation for a reduction of two levels with a further reduction in the overall height of the rooftop plant.
- 255. The recommendation for Levels 4 and 5 to be deleted is also supported, these floor plates are significantly larger than the upper storeys, with minimal setbacks to the east and west. Furthermore, the external materiality proposed (predominately glazed with white clay long form brick framing) to these levels contributes to the bulk of the building when viewed in the surrounds.

256. The recommendation to reduce the plant area is considered appropriate, currently Level 11 adopts a height of 5 metres (the approx. upper 2 metres reserved for plant) and Level 12 (roof-top level) adopts a floor to ceiling height of 4.7 metres to accommodate plant, as well as the lobby/roof-top bar amenities. A conditional reduction of the plant will likely result in these areas being amalgamated and therefore the condition should anticipate a reduction from not just the rooftop level but Level 11 also. The height reduction from these levels would require the consolidation of the services, however, as outlined below a reduction of 3 metres is achievable while still providing a typical floor to ceiling height for the rooftop bar/services.

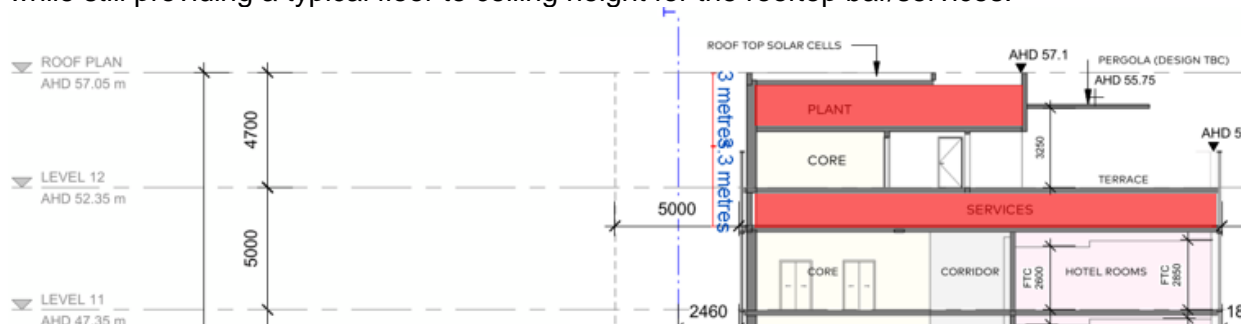


Image: Red areas outlining services that would be required to be amalgamated to accommodate height reduction
Source: Section BB of the plan package, with service areas shown in red using Trapeze Software

257. The overall height reduction will result in a building height of 38 metres, comparable to the development at 459 – 471 Church Street that is currently under construction at an approved height of 44.5 metres, both heights including plant. It is considered that the lower height recommended for the subject site is appropriate with regard to the proximity to residential properties.
258. The recommended height reduction would also ensure the development is similar in height to the constructed or under construction developments on the western side of Church Street. No. 594-600 Church Street adopts an overall height of 36.84 metres (along the southern boundary) and the development at No. 506 & 508-510 Church Street approved at 48.42 metres in height (albeit adopting front setbacks of between 15 metres and 26 metres above 37 metres).
259. Whilst it is acknowledged that the conditional height of the building will be taller than the existing adjoining developments and the existing single storey form on-site, it is clear this proposal is in-line with the emerging character of the area and consistent with local and state policy. Whilst initially, this development will be prominent, this will lessen over time as surrounding sites are developed.
260. The issue of development which is higher than surrounding built form was further discussed in the Red Dot Tribunal decision, *Pace Developments v Port Phillip CC* (includes Summary) (Red Dot) [2012] VCAT 1277:
- [58] *We accept that the building will be taller and will be seen, but the notion of respectful development does not mean that new buildings must replicate that which exists nor does it imply that they will not result in change. As we have noted, change must be contemplated in an area where growth is encouraged by the MSS and chance to improve, or perhaps in this case repair, the urban environment.*
261. Continuing the discussion regarding visibility of taller built form, the following comments were made by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):
- [54] *If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to".*

The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.

262. As identified, given the sites proximity to the Swan Street MAC and the Forrest Hill renewal area south of the Yarra River and the lack of heritage constraints, it would be a reasonable expectation that this site and others within the C2Z land to the east of Church Street experience further intensification in use and development. There is no doubt that its current use as a single storey commercial buildings is an underutilisation of land in an inner city location.
263. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra's identity as a low-rise urban form with pockets of higher development.*

(a) Strategy 17.2 reads as follows:

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:

- (i) *Significant upper level setbacks*
- (ii) *Architectural design excellence*
- (iii) *Best practice environmental sustainability objectives in design and construction*
- (iv) *High quality restoration and adaptive re-use of heritage buildings*
- (v) *Positive contribution to the enhancement of the public domain*
- (vi) *Provision of affordable housing*

264. Whilst the site is not designated as a strategic redevelopment site, it is located within the lower order Church Street activity centre and the criteria identified above provides a benchmark against which the assessment of a permit application for a development of height above 5 – 6 storeys can be assessed against. This is considered to be appropriate and was confirmed within VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018] VCAT 482*.
265. In regards to (ii), (iii) and (v), these items are all considered to have been met and will be discussed later in the report. Items (iv) and (vi) are not relevant, given that the buildings on site are not of heritage significance and this is a commercial proposal. The following section will discuss the massing of the proposal and provide an assessment against item (i).

Massing

Podium

266. As identified by Council's external Urban Design consultant, not only was the building considered to be too tall, but proportionally too big in the base levels in its middle podium levels relative to the tower.
267. This concern is shared by officers, the six storey podium to Yorkshire Street and Willow Lane with a robust two-tiered podium to Church Street (four storeys with two storeys above setback by 5 metres) and two-tiered podium to the east (two storey podium with four storeys above setback 5 metres) contributed to excessive visual bulk when viewed within the surrounds.
268. The conditional deletion of Levels 4 and 5 as referenced above will result in a clear four storey podium provided to Church Street, Willow Lane and Yorkshire Street, with the exception of the eastern portion which steps down to a two-storey form on the boundary.

269. The stepping created to the east provides an appropriate transition to the lower existing buildings and is considered acceptable.
270. Whilst Council's external Urban Designer identified that the adjoining property to the east was not shown correctly on the southern elevation, a review of Council records indicates that the building has an overall height of 6.4 metres where interfacing with the subject site and a secondary height of 5.7 metres. This can be corrected via condition. This is shown below, with the resultant built form outcome as conditioned also shown as a red line, and reinforces the appropriateness of the building transition to the east.

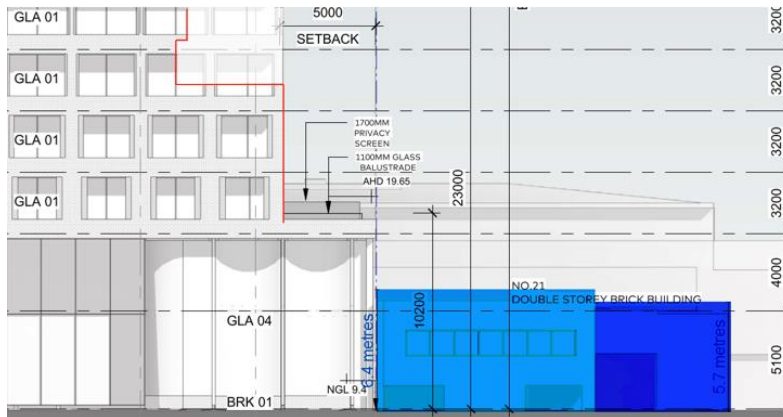


Image: Blue showing true height of adjoining properties with the red line outlining the height reduction recommendations of Council's external Urban Designer relative to the podium

Source: Southern elevation of the plans package, with annotations made using Trapeze Software

271. The predominant four-storey street wall to Church Street, Yorkshire Street and Willow Lane is considered acceptable and is supported. It is acknowledged that the that the proposed podium is higher than the majority of those within the streetscape, however, the site is viewed from Church Street as an 'island site' and the separation provided by the Willow Lane and Yorkshire Street would provide an adequate transition.
272. At a predominant height of 16.6 metres, the podium would be comparable to the recently constructed development at No. 594-600 Church Street with a podium height along Church Street and Balmain Street of 17.9 metres.
273. Furthermore, the two developments under construction further north also provide comparable podium heights. The development under construction at 459 – 471 Church Street adopts a podium height of 17.39 metres to Church Street. To Shamrock Street the taller building adopts this height for a length of 24 metres before lowering to a three-storey podium. This lower podium height acknowledges this sites location opposite SPOS areas of residences to the north, and the subject site is not constrained in this way. The development under construction at No. 506 & 508 – 510 Church Street provides a 14.5 metre high street wall to Church Street.
274. Lastly, it is acknowledged that the SSSP anticipates a street wall height of 3 – 4 storeys along Church Street and recommends new buildings to be built to the street boundary and both side boundaries at the street interface. The podium height, as reduced by conditions, is therefore considered acceptable.
275. The use of scalloped glazing for the lower two levels and brick framing for the upper two levels will provide an active frontage to the street and is considered to be appropriate for the use proposed, predominately as a residential hotel.
276. Whilst Council's external Urban Design consultant identified the fluted glass for the ground and first level is dramatic in its expression, it is considered the differing materiality used within the podium and tower form of the proposal adequately assist in breaking down the massing of the tower form and is considered acceptable.

Furthermore, the location of the planter boxes within the fluted insets (as discussed further under landscaping) would anchor the ground floor plane and provide a hard edge to the street.

Tower

277. When viewed from various locations along Church Street, the contrast between the robust upper brick podium and fritted glass with brushed solid metal detailing of the upper levels would distinguish the two parts of the building and will increase the prominence of the lower form. Council's external Urban Design consultant commended the proposed setback of the development to Church Street above the resultant 4 storey podium.
278. The tower form will also be read as a separate element, and not as a large mass, due to the substantial setbacks adopted to the east and west. Due to the deletion of Levels 4 and 5, the tower form will adopt a predominant setback of 10 metres both to the east and west. In respect of setbacks from the north and south, the upper levels will be setback from the podium form by 0.7 metres.
279. The extensive northern and southern elevations are broken up by the inclusion of building breaks within the tower form, a minimum 0.8 metre break in the built form is provided on both the northern and southern elevations, approximately 44 metres back from Church Street along the northern elevation and 27 metres from the rear boundary along the southern elevation. This is further assisted by the inclusion of building breaks within the brick podium, which provide a minimum of 1.5 metres in width location 22 metres back from Church Street along the northern elevation and 20 metres back from Church Street along the southern elevation.

Architectural Quality

280. The development is considered to be of high architectural quality and in that regard responds to the design objectives of clause 15.01-2S of the Scheme. The contemporary design is appropriate and responds well to this part of Richmond with the design offering a modern built form that revitalises the street frontage through generously sized openings, upper level terraces and the provision of building entrances along all street frontages.
281. Council's external Urban Design consultant raised no issues with the overall materials used throughout the development, with the exception of the following comments that have not previously been addressed:
 - (a) *The proposed resolution of the interface with the adjoining BP service centre is questioned. There will be significant vehicle glare at night into the primary restaurant with the current configuration as illustrated given all cars and 4 lanes thereof are egressing the facility to the south towards this interface amplifying headlight impacts.*
 - (b) *Details of how the proposed extensive north and west facing glazing will be managed whilst maintaining engagement with the street as sought by policy.*
282. Furthermore, it is noted that operable windows to Church Street at the ground floor level are shown on the plans but not shown in elevation. Given the large expanse of fluted glazing and the design outcome this achieves, further design resolution to the satisfaction of the responsible authority is required.
283. It is considered that the proposed detailing and form of the podiums assist in breaking down the massing of the building. This is largely achieved through the utilisation of the framing that is layered and specific details of this layering must be provided.
284. This is also particularly important for the northern elevation where the hit and miss brick screening the back of house areas is located behind the framing. Details to ensure that depth and perspective is retained to this portion of the development is required.

285. It is acknowledged that the eastern elevation of Levels 3 – 6 provided a poor design outcome, due to the large expanse of hit and miss brick which did not integrate with the overall design of the building, as shown below:



Image: Eastern elevation

Source: Renders provided by the applicant

286. Through the deletion of Levels 4 and 5 this concern would be alleviated, whilst two levels would still present as represented above, the lower height would ensure it does not appear overly bulky when viewed from the surrounds.
287. Further information is also required on the tower forms fritted glazing with metal features. This is not shown on the plans or elevations to the level identified within the renders and therefore further details are required to confirm the application of these materials.
288. It is considered that a façade strategy and materials and finishes schedule be submitted to resolve the above issues, requiring the following:
- (a) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities and tower facade details (in particular the detailing of 'GL03' and 'MET02' and other glazing types and finishes used within the development);
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation;
 - (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
 - (i) details of the proposed permeability of 'BRK02' allowing adequate transparency and depth;
 - (ii) High level details of the plant level and any screening, ensuring it is integrated with the design of the building.
 - (iii) Resolution of the interface with the adjoining BP service centre including glare reduction.
 - (iv) Details of how the proposed extensive north and west facing glazing will be managed whilst maintaining engagement with the street as sought by policy.
 - (v) Details of the ground floor operable windows fronting Church Street and of the upper level window operability.
 - (vi) Detailed diagrams of the architectural framing within the brick base maintain the depth and layering provided.
 - (vii) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface

- (viii) Material proposed for soffits and roof top pergola.
- (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.

289. This will ensure that the materials to be utilised for the development are reviewed prior to construction to ensure they are of a high architectural quality in accordance with the plans submitted to date. This will also ensure that the reflectivity of the glazing, extensively used, is appropriate.

Landmarks, Views and Vistas

290. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features.

291. Within Clause 22.03-4, the Ball Tower of Dimmeys (Swan Street), the spire of St Ignatius Cathedral (Church Street, Richmond) and the Nylex Sign are identified as a landmarks. These landmarks are not in proximity to the site and thus will not be affected.

292. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under clause 22.03-4 of the Scheme.

Light, Shade and Public Realm

293. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety.

294. Council is supportive of the construction of the proposed building with large glazed ground floor lobbies, active tenancies and improved outdoor spaces. Through the activation of the ground floor, the building will provide interaction at street level where there currently is minimal. Whilst the back of house area interfaces with Willow Lane this is considered satisfactory considering its function as the lower order street to which back of house areas are typically located.

295. Council's external Urban Design consultant supported this also, commenting that the determination to identify Church Street and Yorkshire Street as the primary frontages for the project and Willow Lane as the primary service street is logical and supported. This satisfies public realm, pedestrian spaces and street and public space quality policies at Clauses 15.01-2S and 22.10-3.4.

296. The proposal provides the following public realm benefits (street trees and bicycle hoops will be discussed further, later in the report):

Church Street

- (a) Setback zone for a footpath between the title boundary and western façade (minimum additional width of 1 metre). The setback zone is to be paved in 495mm x 245mm x 40mm sawn Bluetooth paving in stretcher bond pattern with new bluestone curb.
- (b) New pedestrian crossover to south-western corner finished with 495mm x 245mm x 40mm sawn bluestone paving in stretcher bond pattern with tactile indicators.

Yorkshire Street

- (c) Footpath extension and realignment to provide a minimum additional width of 2.15 metres for circulation along the building façade and the provision of street trees and bicycle hoops within Council land. The setback zone for the footpath is to be paved in 495mm x 245mm x 40mm sawn bluetooth paving in stretcher bond pattern with new bluestone curb.
- (d) Forecourt and porte cohere proposed for hotel. The setback zone is to be paved in 100mm x 100mm x 90mm sawn bluetooth setts with bluestone kerb.

Willow Lane

- (e) Setback zone for a footpath between the title boundary and northern façade (minimum width of 1.3 metres). The setback zone is to be paved in 100mm x 100mm x 90mm sawn Bluetooth setts.
- (f) Bollards to be installed to avoid vehicular impact against building facades. The bollards are not shown on the floor plans.

297. In respect of the improvements along the Church Street frontage, Councils internal Urban Design Unit made the following comment:

- (a) *The ground floor building interface along Church Street is generally supported. The building line is setback by a metre along Church Street which contributes in providing a positive pedestrian environment. The pedestrian entrance to the restaurant will add some level of activation to the street frontage which is supported.*

298. In respect of the improvements along the Yorkshire Street frontage, Councils internal Urban Design Unit made the following comment:

- (a) *The overall ground floor interface along Yorkshire Street is supported. The building is setback by 2.15m which is highly supported as it has provided opportunity for street tree planting and bicycle parking which will all make a positive contribution in the street environment and hence is supported. The total building frontage along Yorkshire Street is approximately 65m, however, there is only one pedestrian entrance proposed to the hotel lobby. Direct pedestrian entrances contribute in providing visual connection and passive surveillance between streetscape and private spaces. Hence, the design will benefit by providing an additional pedestrian entrance to the restaurant area.*

299. In respect of the improvements along the Willow Lane frontage, Councils internal Urban Design Unit made the following comment:

- (a) *The building is setback by 1.5m from Willow Lane which creates a space for pedestrians to walk along the lane. In principle the setback is supported, however, there are concerns regarding the number of doorways opening up on this pedestrian footway. Provide further details demonstrating that potential conflicts between pedestrians and people using the building can be mitigated and managed. The design will benefit it at least the staff entrance door does not directly open up on the pedestrian footway.*

300. In respect of the improvements along each frontage, Councils internal Urban Design Unit required the following changes:

- (a) All pavements along Church Street are to be reinstated as asphalt footpaths with concrete kerb and channel for the full length of the site plus the pedestrian kerb crossing area (on corner of Church Street and Yorkshire Street) as per *City of Yarra's Infrastructure – Road Materials Policy*.
- (b) Proposed footpath and kerbs and channels to be shown on drawings as per *Yarra Standard Drawings*.

- (c) The proposed sawn bluestone within the private boundary is supported along Church Street, however, a seamless transition between the footpath and the private property is required. It must also be clearly demonstrated that all drainage and storm water requirements have been resolved. Any height differences are to be resolved through grading of the paving to ensure no steps are required. All proposed paving in the pedestrian walkways must be compliant with Australian Standards for slip resistance and DDA.
- (d) The development proposes sawn bluestone within Council land and private property along Yorkshire Street. This street presents a different road condition to Church Street where the existing footpath (Council land) is very narrow. Further, there will be total of five (5) new footpath trees along Yorkshire Street. In order to provide a consistent appearance along Yorkshire Street the provision of sawn bluestone is supported within public and private land. Even though a single material is supported it is recommended to provide banding (parallel to kerb) to clearly identify extent of the private property. It is preferred to have bluestone banding.
- (e) All proposed paving in the pedestrian walkways must be compliant with Australian Standards for slip resistance and DDA. The applicant needs to provide the following for the section between the building line and edge of the kerb (including the section wrapping around the forecourt/porte cochere area):
 - (i) Unfettered 24 hour public access;
 - (ii) Owner to be responsible for maintenance at all times; and
 - (iii) Obtain and maintain public liability and indemnity insurance

- 301. A number of other general technical information and corrections to the plans were requested, these will be included as conditions. Notably, a condition should be included requiring a streetscape improvement plan, detailed engineering drawings and a further condition requiring a Section 173 Agreement regarding the additional publically accessible areas.
- 302. Council's external Urban Designer requested safety by design lighting should be also incorporated to solutions in Yorkshire Street and Willow Lane. This will be included within the streetscape improvement plan required by condition.
- 303. Whilst Council's external Urban Design consultant commented that disappointingly the laneway configuration has not been widened to make two-way movements possible from Church Street, it is considered that this would create conflict with the existing service station and is not considered a preferable modification by officers. Traffic will be discussed further, later in the report. Council's external Urban Designer also commented that rectification works would be required for the length of Willow Lane where adjoining the development, this has also been recommended by Council's Engineering Unit and will be included as a condition.
- 304. In terms of light and shade, the proposal shades the western footpath of Church Street and parts of Newton Street beyond, in the morning hours as shown in the shadow diagrams at 9am and 10am. Council's external Urban Design consultant identified that this is considered to be substantial overshadowing and recommended the footprint of the development should be reduced to remove overshadowing of Church Street beyond the western footpath kerb line after 10am.
- 305. With regards to the decrease in height as discussed above, it is considered that the overshadowing of the western side of the street would still occur at 10am, however, this would be improved. The additional overshadowing would clear by 11am. It is considered that the proposed overshadowing is acceptable, with regard to the immediate built up context along the Church Street activity centre and emerging character of taller forms. It is considered modifications to remove shadowing entirely at 10am would be substantial, and not required.
- 306. Shadowing of the footpaths immediately outside of the subject site's title boundaries are considered acceptable and a common occurrence. It would be difficult to any building of height to not result in additional overshadowing of the adjacent footpaths.

307. Finally, objective 2.10 of the DSE Guidelines seeks to ensure that new buildings do not create adverse wind effects including for pedestrians. The applicants supplied a wind tunnel study with the proposal which outlined the following:
- (a) Wind conditions at the north-west corner of the development at the ground floor would be above walking criterion for north and west sector winds.
 - (b) The terraces on Level 2, 4 and 6 were shown to be generally within the walking comfort criterion, however, conditions for the north and west sector wind directions were shown to be above the criterion.
 - (c) The rooftop terrace was shown to be well within the walking comfort criterion with conditions for many areas achieving the stationary activities criteria.
308. The wind tunnel study has been peer reviewed externally, the Council's Wind consultant raised no concerns with the proposed methodology or findings of the report prepared by the applicant. The wind tunnel study demonstrated that the proposal would not have adverse impacts to the surrounding streets, including Amsterdam Street, Brighton Street, Yarra Street, Gordon Street and Newton Street.
309. In respect of wind conditions at the north-eastern corner of the development, the applicant has suggested that the current ground floor plan (different to the plan included within the wind report) would comply with walking criteria. This is therefore required to be updated within the wind tunnel study and deemed to be compliant. The location of the ground floor entrance is also different to that assessed by the applicants wind consultant, and as such should be updated to ensure it meets short exposure criterion. This was supported by Council's external Urban Design consultant.
310. In respect of the roof terraces at Levels 2, 4 and 6 the report determined that it was Level 6 where conditions for the north and west sector wind directions were shown to be above the criterion. Council's external Urban Design consultant was quite critical of this exceedance. It is noted that due to the deletion of Levels 4 and 5, the Level 6 terrace would sit at a lower level and with the information provided this would improve wind conditions. This would be required to be confirmed, with a condition requiring the wind tunnel study updated to assess the development as approved pursuant to Condition 1 assessed.
311. Furthermore, the wind report submitted by the applicant identifies that the private outdoor terraces should satisfy walking criterion as these spaces could be considered elective when external conditions could be perceived as acceptable for the desired activity. The applicants report submitted that users of these terraces will need to be educated on the wind effects and loose objects should not be left unattended in outdoor areas. Whilst Council's Wind consultant raised no issue with this, identifying that further work was required to achieve walking criteria for all, is not considered to be acceptable by Officers. Users of the hotel rooms would constantly change and it is expected a reasonable and safe level of amenity should be provided to these rooms and as such a condition will require the report to be updated to ensure the private terraces achieve compliance with the short exposure criterion.
312. In respect of the roof terrace, the wind tunnel study concluded that the terrace achieved walking criterion for all wind directions with conditions for many wind directions achieving stationary activities criteria. Considering the intended use, as a bar, this is completely unacceptable. Council's Wind consultant identified this as an issue, recommending the roof terrace achieve short term stationary criteria. Officers disagree, and considered that long term stationary criteria for the roof terrace should be applied. This is applied to uses such as restaurants and is considered applicable to the terrace use as a bar in this instance. This can be facilitated via condition.

Site Coverage

313. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6. However, as the existing level of site coverage in the surrounding and immediate area is similar, it is acceptable. Higher density developments in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout the commercial zones of Richmond and Cremorne.

Landscape architecture

314. Whilst landscaping is not a typical feature of commercial buildings in Richmond, the proposal includes a degree of visible landscaping throughout.
315. At the ground level planter boxes are proposed within the scallop insets created by the scalloped glazing design where facing Church Street and along Yorkshire Street. Two 'entry door pots' are also located either side of the building setback adjoining the porte cochère. The plantings mainly consist of *Buzus japonica* (Japanese Box), a hedging plant.
316. At levels 1 – 6 the building includes planter boxes around the edge of every terrace and façade, with the exception of the eastern façade for levels 2 - 5. The predominant plant that will be utilised within the planter boxes along the building edge is *Juniperus conferta* (Trailing Juniper), a low shrub and trailing plant. On the terraces, a range of pots are proposed with several *Lagerstroemia indica x fauriei* 'Acoma' (Dwarf White Crepe Myrtle) trees proposed that will be maintained at a height of 3 metres.
317. The roof top level of the proposal includes landscaping within a planter box on the northern façade, to the west of the services core. Substantial plantings within planter boxes are proposed along the southern edge and curves around the south-eastern corner.

The predominant plant that will be utilised within the planter boxes along the building edge is *Murraya paniculata* (Orange Jessamine), a shrub. Seven *Washingtonia filifera* (California Fan Palm) trees are proposed within the planter boxes located along the southern edge. The trees will be maintained at a height of 6 metres.

318. This is a significant improvement compared to the existing conditions of the subject site where no landscaping is provided. The substantial number of trees proposed throughout the design in combination with the understorey plantings of shrubs and trailing plants with upper canopy plantings will ensure adequate landscape perspective is provided.
319. Council's Open Space Unit reviewed the submitted landscape plans and advised that the submitted package, including maintenance schedule, was satisfactory. The following items were raised:
- (a) Any street tree planting including tree protection and species selection should be aligned to the advice provided by the Streetscapes Team.
 - (b) Any footpath treatments outside the title boundary will need to be aligned to City of Yarra standards.
 - (c) We are supportive of an Urban Design proposal to decrease the height of the planters along the façade of the building in order to create a better connection between the public and private realm. Our suggestion is that the planters are between 450-500mm in depth.
320. In terms of item (b), this has previously been discussed within the report under public realm.
321. With regard to item (c), it is acknowledged that the landscape plans and development plans are inconsistent. This was raised by both Council's internal Urban Design Unit and external Urban Designer.

The taller planters within the scalloped insets at the ground level are shown as reaching a height of 1.2 metres, with the vegetation extending above, within the landscape plans. The planters are shown as 0.5 metres in height on the development plans. Council's Urban Design Unit made the following comments:

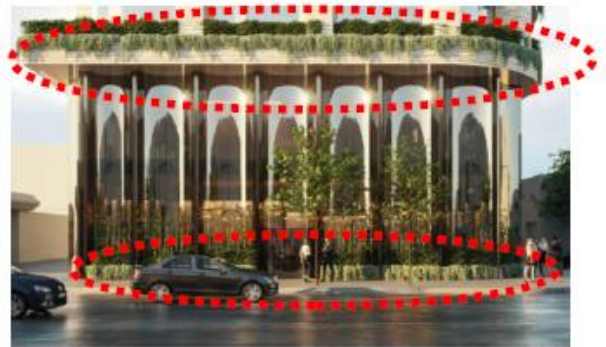
(a) *The provision of planters is supported, however, the 1200mm high planters will obstruct visual connection between public realm and private spaces. Hence it is recommended to reduce the height of the planters as much as possible without impacting the landscaping requirements (full growth potential of the planters). This will contribute in making the street interface more engaging and safe. Refer to Open Space team comments for further details.*

322. Council's external Urban Designer was in agreeance, identifying that the tall planters deny any transparency to the ground floor. It is therefore recommended that a condition be included reducing the height of the planters to between 450 mm to 500mm in height. This height will ensure views and transparency between the building and public realm are maintained and also ensure the plants are viable from an Open Space perspective.

323. Further to the above, both Council's internal Urban Design Unit and external Urban Designer identified that the renders show a different landscaping outcome for the upper levels:



Perspective 3 (Architectural Renders)



Perspective 4 (Architectural Renders)

Image: Discrepancies in landscaping highlighted between Perspective 3 and Perspective 4

Source: Renders provided by the applicant with red circles highlighting areas of discrepancy as shown in the internal Urban Design advice.

324. It is clear the planters are shown differently. These can be required to be updated, given the location of the ground level planters is consistent within the ground floor plan and ground floor landscape plan there is no dispute that they are intended to be included within the scalloped insets along the Church Street and southern interface.

325. In regards to the discrepancy of the upper level planting, given the framing proposed the landscaping outcome provided would be that as shown in Perspective 3. This is considered acceptable.

326. Turning back to the items raised by Council's Open Space Unit, item (a) required any street tree planting including tree protection and species selection to be aligned with the advice provided by the Streetscapes Team. This advice was provided within the internal Urban Design Unit's comments.

327. On Church Street, the applicant proposes to remove the southern street tree and replant it with *Platanus orientalis* (Oriental Plane) and retain the northern tree. The removal and replacement of the southern tree was not supported due to the constraints posed by the street light and narrow width of the footpath. The internal Urban Design Unit commented that this trees removal can be contemplated with the relocation of the powerlines underground or bundled into an aerial bundled cable (ABC). On this topic, Council's external Urban Designer made the following comment:

- (a) *The proposal is silent on the treatment of overhead power but presumably this is to be removed. This is logical and supported given that it sits so poorly in the context.*

328. The removal of the street poles followed as a recommendation and will form a condition. Given the size and scale, and significant redevelopment of the site proposed, it is considered a condition requiring the relocation of power underground is appropriate. As a result of this, it is considered the removal and replacement of the southern street tree is acceptable. Council's Streetscapes and Natural Values Unit identified that the replacement tree species is to be Acer Autumn Blaze, the tree amenity value of the existing tree is \$2,074 with the replacement tree cost of \$565 also to be provided.
329. A tree management plan for the retained tree should also be required to ensure it is not impacted during construction with a tree protection bond of \$1000 applied.
330. In respect of Yorkshire Street, the applicant proposes the installation of six *Ficus macrocarpa* 'Hilli' (Hill's Evergreen Fig) trees within stainless steel tree grates. Council's internal Urban Design Unit recommend five trees to be accommodated along Yorkshire Street with modified spacing to provide greater sight lines and clearance in front of the proposed booster cupboard. Tree grates are not supported and standard 1m x 1m cut outs are recommended.
331. The proposed species are also not supported, with '*Magnolia grandiflora* 'Greenback' or *Tristanopsis laurina* 'Luscious' recommended, with the decision on species to be finalised upon implementation. Conditions requiring the above will be included.
332. The cost per tree is \$565, this covers tree sourcing, planting and maintenance for two years and will be applied for the six new street trees proposed along Church Street and Yorkshire Street. Subject to conditions, the proposed landscaping is acceptable.

On-site amenity including Environmentally Sustainable Design

333. It has been well established by VCAT that residential hotels do not require the same standard of internal amenity as a dwelling given the short term, temporary nature of the accommodation type.
334. In the matter of *Tribe v Whitehorse CC* [2014] VCAT 212, the Tribunal made the following observations at paragraphs 59 and 62 regarding the serviced apartments, which could equally apply to a residential hotel:
- [59] *The proposed apartments do not have layouts or facilities consistent with what would typically be provided for dwellings. As noted by the objectors, some apartments do not have balconies or ground level courtyards for open space, living spaces rather than some bedrooms are 'internalised' within the unit layout and facilities like storage and areas to dry clothes are not provided. The 'apartments' are, in many cases small, and more akin to a motel unit with cooking facilities.*
- ...
- [62] *By and large, I do not see any difficulty with apartments of the size and type proposed being used for temporary accommodation. However, I would not approve them for dwellings providing permanent accommodation given the standard of amenity they provide. The absence of open space for some apartments, the internal layouts and absence of facilities do not make the proposed units suitable for permanent accommodation*
335. However, whilst residential hotels are not expected to provide the same level of internal amenity as permanent accommodation, a level of amenity commensurate with the expectations of temporary accommodation still needs to be considered.

This was explored through the recent VCAT decision of nearby site at Nos. 42-44 Oxford Street, 61-63 Cambridge Street and 16 Langridge Street, *Langridge and Cambridge Funding Development Pty Ltd v Yarra CC* [2018] VCAT 703, which at paragraph 126 stated that:

[126] We accept there is limited guidance in the scheme as to the benchmarks that would demonstrate that a hotel room provides acceptable amenity. Clearly daylight, ventilation, safety and communal spaces are necessary starting points.

336. The level of amenity afforded to the hotel rooms is considered acceptable.

Environmentally Sustainable Design (ESD)

337. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD Advisor confirmed that the proposal was close to meeting Council's Best Practice ESD standards.

338. Further, the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.

339. As identified by Council's ESD Advisor, the proposal provides the following ESD commitments:

- (a) *Equivalent 5-star Green Star Design & As-Built rating; 60 points claimed including 4 Innovation points. 60 points is the minimum for a 5-star rating.*
- (b) *A site-specific Climate Adaptation Plan identifying the climate change risk is to be carried out.*
- (c) *A Building Users Guide, and Building Operations and Maintenance manual to be provided to guide the sustainable operation of the building.*
- (d) *The building owner will commit to extending the life of interior finishes for at least 10 years.*
- (e) *A site-specific Environmental Management Plan to be implemented (90% waste diverted from landfill), with head contractor to be ISO 14001 certified.*
- (f) *All facades will comply with glare reduction through a combination of blinds, screens, fixed devices, or other means.*
- (g) *60% of nominated area will have clear line of sight to external view.*
- (h) *Low VOC and formaldehyde products specified throughout.*
- (i) *Non-residential areas will achieve a minimum 10% improvement over NCC Section J DTS reference tower building, and achieve a 20% reduction in GHG emissions.*
- (j) *10kWp rooftop photovoltaic system mounted on roof serving common area power.*
- (k) *5 EV charging spaces provided.*
- (l) *54 bicycle parking spaces provided in addition to EOT facilities.*
- (m) *159% STORM rating with a 16,000L rainwater tank used to collect water from the non-trafficable roof area. The water collected will be re-used for toilet flushing and irrigation to the landscaped areas of the development.*
- (n) *Stormwater management strategy that ensures the post-development peak event discharge from the site does not exceed the pre-development peak event discharge.*
- (o) *A Life Cycle Analysis will be undertaken to demonstrate reduction in embodied energy in comparison with a reference building.*

340. Council's ESD Advisor did not identify any areas of deficiency, however, the following outstanding information that is required to be provided was outlined:

- (a) *Clarify design and extent of operable windows on ground floor and level 1 and levels 7-11 (TP-21-10).*
- (b) *Clarify provision of natural ventilation to all hotel suites.*
- (c) *JV3 modelling should be provided.*

- (d) *Include within JV3 modelling to articulate thermal performance associated with building fabric.*
- (e) *Confirm that the 2016 NCC is the appropriate reference point.*
- (f) *Include reference to peak demand within JV3 modelling.*
- (g) *Clarify shading strategy for levels 7-11 in terms of performance outcomes of Fritted Glazing.*
- (h) *Clarify HVAC approach and consider 3 pipe VRF.*
- (i) *Clarify carpark ventilation strategy.*
- (j) *Clarify size of rooftop solar PV system (inconsistency between 10kWp and 20kWp)*
- (k) *Clarify water tank sizing (inconsistency between 16,000 L storage and 40,000L).*
- (l) *Clarification of rainwater storage size.*
- (m) *Satisfactory. However only the goods lift reaches basements 1 & 2, confirm employee access to goods lift to reduce inconvenience of having to park in B2 and shower on Lv1.*
- (n) *Provide details in Green Travel Plan & Building User Guide to ensure occupants have access to surrounding car share options.*
- (o) *Indicate location of EV charging on B1 plans, and consider providing some charging stations or wiring for future.*
- (p) *Confirm Green Travel Plan with performance targets and monitoring and reporting components included.*
- (q) *Provide details of roof material/colour in terms of SRI and urban heat mitigation properties to meet 75% target.*
- (r) *Clarify 'relevant stakeholders' for BUG and ensure occupants are equipped with knowledge regarding organic waste and other sustainable initiatives.*

341. It is considered that all items can be addressed by conditions as these items request further detailed analysis of the ESD measures. Items (m), (n), (o) and (p) will be discussed further under 'Bicycle facilities and strategic transport.' With respect to the outstanding information outlined above at (a) and (o), these are required to be shown on the development plans and will be included as such.

342. The water tank size as shown on the plans should also be corrected to be in line with the SMP, as previously outlined this is shown as 1,600 litres, not 16,000 litres or 40,000 litres which is required to be clarified pursuant to item (k) referenced above. A condition can require this to also be clarified on the plans, as the Green Star Action Matrix references the provision of a 40,000 litre rainwater tank this will be required.

343. In addressing the outstanding concerns the development would meet Council's ESD best practice standard and achieve Australian excellence with the proposed Green Star 5 Star Rating targeted. This is considered an appropriate response for a development of this size.

344. Council will be requiring its standard condition which requires an implementation report to confirm all measures specified in the SMP have been implemented in accordance with the approved plan. Subject to conditions, the proposal provides an innovative and exemplary ESD response as required by policy.

Daylight and Ventilation

345. As indicated on the floor plans, each room has access to an operable window on Levels 2 – 6. There is no indication of ventilation provided for the hotel rooms on Levels 7 – 11. As identified above, this will be addressed via condition and is considered acceptable.

346. Each room is provided with a large windows, for the upper levels this essentially covers the full external wall. Whilst the lower levels are somewhat obstructed by the brick framing they are considered to be of substantial size. The brick framing also provides shading, as does the use of fritted glass with bronze metal detailing on the upper levels. This is quite reasonable particularly considering the size of the rooms and that half of them have a northern aspect.

Council's ESD advisor raised no issue with the provision of daylight and shading to the development, requesting a shading strategy in terms of performance outcomes of the fritted glazing.

Room Layout

347. The rooms are generous in size (between 28sqm to 40sqm). This is further evidenced when compared to two recently approved hotels at 419 Fitzroy Street, Fitzroy and the second at 60 – 62 Langridge Street and 23 – 45 Waterloo Road, Collingwood which provide predominant room sizes of 18sqm and 15sqm – 17sqm respectively. The rooms are functional in layout and geometry, clearly for short stay. There are 14 DDA rooms provided within the development (10 considering the deletion of Levels 4 and 5). Each room is fitted with one bed, tv and lounge area, a wardrobe, desk and bathroom facilities (shower, basin, toilet). This is typical of short stay accommodation.
348. Furthermore, high floor-to-ceiling heights of 2.85 metres will be provided to all habitable spaces within the rooms which will create a sense of spaciousness for guests. The location of the subject site within the Church Street activity centre and close to the Swan Street MAC and Chapel Street precinct will allow visitors easy access to a wide variety of retail, hospitality and art-based offerings, which provide additional amenity.

Noise

349. An acoustic report was submitted with the application and reviewed on behalf of Council by SLR Consultants (SLR). This report assessed external noise sources and internal noise sources to ensure that the internal amenity of the residential hotel is not adversely affected. SLR raised no issues with the findings of the report in that respect.
350. The report also assessed potential noise emitted from the premises to ensure that surrounding dwellings are not adversely impacted. Impacts on surrounding dwellings will be discussed within the 'off-site amenity' section of this report.

Circulation Spaces

351. Corridors are a minimum 1.6 metres in width with larger areas adjacent to the lift lobby areas. From the larger lobby area adjacent to the lift lobby, the corridors are approximately 21 metres in length. Due to the central location of the lifts, occupants will only be travelling a maximum of 21 metres in either direction. This is considered reasonable, furthermore the provision of a window at the eastern end of the corridor at each level provides natural daylight to the area.
352. Council's external Urban Designer commended the internal circulation areas of the hotel rooms, commenting that the floor layout result in good light and ventilation being provided to well scaled circulation zones. A concern was raised regarding the lack of interconnectivity between the lift and gym facility, as presently the floor plate would require guests to traverse through the pre-function facility. A condition can be included for this to be resolved, and will likely result in a reduction to the pre-function floor area to the west of the void on Level 1.

Facilities

353. The proposal provides a number of communal facilities, including the ground and roof-top food and drinks premises (also open to the public) and the gymnasium at level 1 as well as the pool area on the roof-top level. These are quite generous in size and considered adequate for the number of rooms proposed.

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

354. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) and 22.10-3.8 (Built form and Design Policy). Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable). This application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial/industrial uses.
355. Design objectives at clause 22.10-3.8 aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a residential zone where they interface with commercial zones.
356. Having regard to amenity impacts on nearby existing residences, policy within clause 22.05 acknowledges that in order to maintain the viability of industrial and business areas, residences which abut business areas should not have unrealistic expectations of the level of amenity which can be achieved.
357. As the site surrounds description identifies, there are non-conforming dwellings (with existing use rights) located on the southern side of Yorkshire Street, at No. 8, 8A and 10 Yorkshire Street, approximately 13 metres south-east. Dwellings located within the Neighbourhood and General Residential Zones are located approximately 28 metres to the east, 22 metres to the north-east and 31 metres south-east. The locations of these dwellings are shown below, those in the C2Z shaded in purple, those in residential zones shaded in pink.



Image: Residential properties within the C2Z (purple) and residentially zoned land (pink) in proximity

Source: Site context plan of the plan package, modified to highlight residences

358. Commercial 2 zoned land is where a range of commercial and light industrial uses are to be located (and hence their associated built form). Dwellings (other than caretaker's dwellings) are prohibited in this zone. Hence, even with established existing use rights, these dwellings located within the C2Z are not afforded the same level of amenity protection as dwellings within residential areas (such as those highlighted in pink above).
359. Underlining this, it is noted that the decision guidelines for buildings and works in Clause 34.02 do not refer to consideration of impacts on residential uses more generally but rather of *the interface with adjoining zones, especially the relationship with residential areas* (emphasis added).
360. This issue has been discussed in many Tribunal decisions within Commercial 2 Zones (formerly Business 3 Zones) including the following two cases:

W Huczek & D Starkiewicz v Yarra CC [1999] VCAT 45 (31 August 1999)

[97] Neither the zone purpose, nor the decision guidelines, indicate an intention that residential amenity should be an issue in this zone, or residential standards of amenity applied within it.

[108] It is not for the Tribunal to refuse a commercial development which complies with the zone requirements in a "Business" zone on the basis that if residential standards of amenity are applied, it would have an adverse impact on a non-conforming residential use. Such assertions would render the planning controls unwieldily, cumbersome and unpredictable, and would lead to a reduction in confidence in those particular planning controls.

Burrett v Yarra CC [2005] VCAT 978 (24 May 2005)

[23] I am not suggesting that residential amenity considerations are irrelevant; however, expectations need to be tempered against the purpose of the Business 3 zone which does not include providing for residential use. On the contrary residential use is "prohibited", with caretaker's house being the exception. If the protection of the residential amenity of caretaker's houses is elevated to a matter of primary or significant importance in this type of zone, this could stifle the proper development of the area for its primary purpose.

[24] The policy at Clause 22.05 referred to by Ms Miles deals with the amenity impacts at interface locations. Whilst this site is located at the interface between the Business 3 and Residential 1 zones, the proper application of the policy is with respect to with interface issues between properties within different zones, not within the same zone. Further, the site is not located in an area where a mix of residential and commercial/industrial activity is encouraged and the potential for amenity conflicts needs to be carefully managed.

361. Non-conforming residential uses cannot expect the same level of amenity as a dwelling within a residential area. Application of policies to protect their amenity to a standard associated with residential areas would result in an unreasonable limitation of the development protection of the subject site. The vision for the area under the current zoning and Council's strategic planning is for increased development to contribute to accommodating employment growth supporting the economic viability and enhancing the commercial precinct.
362. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate);
- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*

Noise

363. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
364. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for a residential hotel and is a reasonable distance away from the nearest dwellings. Due to the nature of the use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Church Street and Yorkshire Street, within the C2Z, and is not considered to be detrimental to the amenity of the adjacent properties. The majority of the hotel space is enclosed and the use conducted indoors.

365. The proposed ground floor restaurant will also be located indoors, whilst operable windows are indicated on the floor plans to Church Street the windows are facing the C2Z land and a main street. The roof-top terrace will be used as a bar that includes background music with the exception of a DJ on Friday and Saturday nights between 7pm and 11pm. The proposal must therefore ensure compliance with clause 53.06 (live music and entertainment noise).

366. The applicant submitted an acoustic report which made the following key recommendations:

- (a) An acoustic assessment should be undertaken by the venue operator prior to the bar/restaurant operation, so that the final acoustic design and fitout of the rooftop bar are considered for compliance.
- (b) Truck driving (for loading and unloading) to be restricted to 1 movement in any given 30 minute period during the day and no movements in the evening and night times.
- (c) Local laws shall be observed for all operations in public and private areas.
- (d) Restriction on the times of operation for the gym to only the day and evening periods (7am to 10pm). It is recommended that a gym design (including proposed times of operation, equipment types and layouts) is prepared at the earliest convenience. These gym designs can be acoustically reviewed, and isolation measures can be developed further.
- (e) In respect of the rooftop bar:
 - (i) Rooftop bar to have anticipated operating hours of 12pm till 11pm
 - (ii) Expected occupancy of 179 patrons. Pool area separate with 37 patrons.
 - (iii) Allowance for outdoor music to accompany the rooftop bar, as follows:
 - Outdoor amplified music at background levels
 - Outdoor DJ Booth on Friday and Saturday nights between 7pm and 11pm

367. The report was peer reviewed by Council's acoustic consultant, SLR Consulting, who confirmed that the report generally addresses the acoustic issues related to the proposal however they suggested the following matters be addressed further, with each of these being discussed individually:

- (a) *Ideally, photos of the measurement equipment installed on site be included in the report or as a minimum, a more detailed description be included.*

This is considered reasonable and will be requested to be included, via condition.

- (b) *Zoning Levels be used as the SEPP N-1 noise limits. According to our calculations, the resulting SEPP N-1 noise limits would be 58 dBA for the day period, 52 dBA for the evening period and 47 dBA for the night period.*

This is considered reasonable and will be requested to be included, via condition.

- (c) *A formal patron noise assessment be conducted and the report provide predicted patron noise levels at existing residences. The noise levels can be assessed to SEPP N-1 or 'background + 5 dB' targets.*

This is considered reasonable and will be requested to be included, via condition.

The report includes no assessment of the restaurant use, this will be required via condition and music from this premises shall be restricted to background music only. Given the hours of operation (concluding at 11pm on Monday to Sunday) and the location of the restaurant it is considered that compliance can be achieved. SLR confirmed that they consider the restaurant to be low risk, however, the assessment is to be undertaken for completeness.

Section 4.4 of the Acoustic assessment identifies the closest residential receiver as a property within NSW. This section will also be required to be updated.

Section 4.8.1 identifies the closest residential receiver is a minimum 40 metres away. This is incorrect, with the dwelling uses located at 8A Yorkshire Street a minimum 13 metres away. This section will also be required to be updated, furthermore it is considered a more detailed analysis of the residential receivers should be included within Section 2.1 of the report to inform the formal patron noise assessment to be undertaken.

- (d) *Background noise levels measured on a Thursday night may not represent the quietest period, given that the music may be operational on any night. Therefore, the SEPP N-2 limits for music noise may be too high.*

Further attended noise measurements will be required via condition to ensure that this item is satisfied.

- (e) *A formal music noise assessment should be provided, which includes the source spectra for the music and the predicted music noise levels at existing residences, assessed to the night period octave band noise limits (unless night period is eliminated as a usage time). The applicable criteria for music noise to existing dwellings are the SEPP N-2 outdoor noise limits, and are for an indoor venue (not an outdoor venue).*

In respect of compliance with Clause 53.06, the applicant's acoustic report indicates that noise levels will be compliant with noise criterion inside of residences per the requirements of the clause. The report, however, also identifies that the specific use and details of the rooftop bar is yet to be determined and that only a preliminary desktop analysis has been able to be conducted at this stage. Furthermore, at Section 1.4 of the report it was identified that an acoustic assessment should be undertaken by the venue operator to ensure the final acoustic design and fitout of the rooftop bar are considered for compliance.

It is clear from the above that the provision of live music in the form of a DJ on Friday and Saturdays between 7PM and 11PM has not been adequately addressed nor assessed by the applicant. As such the requirements of clause 53.06 have not been satisfied and live music in the form of a DJ is not supported and the provision of DJs will be deleted from the application. In future, the applicant may seek to pursue live music and provide the additional assessment and details required to satisfy clause 52.06.

In respect of the amplified background music proposed, it is considered the above further information is required and will be included as such, as the rooftop bar operates until 11pm it will be operating into the night period.

A post commencement acoustic report will also be required to be submitted to ensure that once operational, the venues are operating in accordance with the relevant criteria.

- (f) *The loading dock roller door acoustic requirements be specified, given that there appears to be some reliance on the door to control noise break-out from the loading area. The door is indicated to be a perforated door in the architectural drawings, which would provide little acoustic attenuation.*

The above item is considered reasonable and will be requested to be included, via condition. As identified above, this item is required to be addressed with the endorsement of plans as design changes may be required to achieve compliance with the relevant criteria.

Furthermore, a condition will require a review of all acoustically significant mechanical plant, including the car park entrance door and loading bay door, prior to the occupation of the development. This will ensure there is a further mechanism to ensure that the development complies with the relevant criteria.

- (g) *The report include a clear recommendation that mechanical plant and the substation be reviewed by a qualified acoustic consultant during the design stage of the development to ensure that the SEPP N-1 noise limits are met.*

A condition will require a review of all acoustically significant mechanical plant, including the car park entrance door and loading bay door, prior to the occupation of the development. This will address the above concern and will ensure there is a further mechanism to ensure that the development complies with the relevant criteria.

- (h) *The indoor SEPP N-1 noise limits (used for the assessment of existing commercial plant) be added to Section 3.1.1 of the report.*

This is considered reasonable and will be requested to be included, via condition.

- (i) *It is preferable that some consultation occur between the developer of 587-593 Church St and the adjacent commercial operators to minimise risks regarding noise levels of existing rooftop plant.*

This is not considered necessary, the report has adequately assessed the existing plant within the surrounds.

368. Subject to conditions, it is considered that noise can appropriately be addressed. Given the complexity of the site, the inclusion of a post completion and a post operational acoustic report will also ensure review mechanisms are in place to confirm the proposal complies with the relevant criteria throughout the development and use process.

Overlooking

369. All of the windows and areas of SPOS associated with the surrounding dwellings are more than 9 metres from any windows associated with the proposed hotel. Although not strictly applicable in this instance, the proposal would thus comply with the overlooking objective of Clause 55 (Standard B22), which specifies that new development should be designed to avoid direct views into habitable room windows and SPOS of dwellings within a radius of 9 metres.
370. Furthermore, the upper levels incorporate setbacks to the north and south, as well as substantial setbacks to the east that would provide a greater separation to the residentially zoned land and assist in mitigating views. Given the short-term nature of the proposed hotel rooms and the distance provided between these interfaces, this outcome is acceptable.

Visual bulk

371. Traditionally buildings with commercial and industrial uses tend not to include side and rear setbacks and this is evident in both the remnant and modern commercial and industrial buildings in the area. Additionally, those which reside in residential zoned land which backs onto a commercial/industrial area must have an expectation that there will be greater built form in these areas compared to if it faced residential land. The issue of expecting change on adjoining lots was addressed within the Tribunal decision, *37 KR Developments Pty Ltd v Moonee Valley CC* [2010] VCAT 1063, where it was stated that:

- [9] *Local communities often do not acknowledge or recognise that significant change has been a constant feature of our urban areas, and that further substantial change will continue into the future*

372. This was discussed more recently concerning a development site in Cremorne, *Arthur Land Pty Ltd v Yarra CC* [2018] VCAT 946, where the Tribunal found:

- [37] *As indicated earlier, interface situations such as this are difficult. Different outcomes are sought for the residential/heritage areas and the commercial precinct. Similarities are seen where cottages are located behind strip shopping centres and where increased scale occurs at the edge of an activity centre. Transitional responses are required but these situations inevitably see some change in residential amenity because of the scale and bulk of new forms that are typically directed to activity centres and commercial precincts. Visual bulk cannot be expected to be minimised in the same way as a residential-to-residential interface. We agree with the applicant and Council officer's report that the land's size and strategic context underpin a relevant principle evident in the scheme; that the use and development of land in the C2Z should not be unduly fettered by the presence of adjacent dwellings while ensuring that a reasonable amenity outcome is retained for those residential properties. The proposed development is not required to be low-rise because of the interface condition where the residential land will not experience significant change.*

- [38] *Residential properties in the C2Z are different again. The C2Z prohibits new dwellings other than a caretaker's dwelling. A standard of residential amenity commensurate with that experienced in residential areas and zones, including those in interface locations, cannot reasonably be expected and retained. Residential amenity should not be expected to prevail over the purposes and provisions of the zoning, which support and facilitate non-residential uses, specifically offices.*

[emphasis added]

373. In regards to visual bulk impacts to the non-conforming dwellings to the south-east, it is considered that within this built form context views from windows and balconies to built form is not an unreasonable expectation. Minimal side and rear setbacks would be an expected feature of the redeveloped commercial buildings where interfacing with zoning that encourages higher density forms.
374. Given the intended use of the building as a residential hotel, greater side setbacks and a high quality architectural outcome has been provided. The designing of the building 'in the round' ensures that there are no large expanses of blank walls facing residentially used properties. Where the lift core is located this is along the northern boundary, ensuring that the elevations facing the residential properties are articulated and activated reducing the impact of bulk.
375. When assessing potential visual bulk impacts to the residentially zoned properties to the east, it is considered that the conditional height reduction and the separation distance combined within the upper level setbacks would provide an appropriate built form outcome when viewed from secluded private open space areas or habitable room windows.
376. It should be noted that the development would meet Standard B17 (Side and Rear Setbacks) of Clause 55 (ResCode) if applied, taken from the rear boundary of the residential properties to the east. The overall height as conditioned of 38 metres would require a setback of 33 metres and a setback in excess of this would be provided. Council submits that compliance with this Standard is not a requirement nor warranted when considering the zone and strategic context of the site, where policy does not require this more stringent policy associated with residential zoning to be applied, however, the compliance does demonstrate that the conditional height reduction further contributes to the acceptability of the proposal.

377. In regards to the built form strategy of the SSSP to ensure a transition in building height at the interface with existing residential areas, it is considered this is not strictly applicable to the site, as it does not have a direct interface with the residentially zoned land. However, it is considered that any future development of the sites to the east (No. 19 – 23 Yorkshire Street), such as the development approved at No. 9 Kingston Street and constructed at No. 12 – 18 Albert Street (both shown below) would further restrict views to the development. Notwithstanding, the assessment provided in the preceding paragraphs does not rely on this scenario, with the proposed built form and massing considered to provide an acceptable outcome when viewed from the residentially zoned properties to the east and non-conforming residences within the existing site context.



Image: No. 9 Kingson Street (left) on boundary with residentially zoned land to the east
No. 12-18 Albert Street (right) separated from residentially zoned land to the east by a laneway
Source: Respective planning application reports.

Overshadowing and daylight to windows

378. The decision guidelines of the Commercial 2 Zone include a requirement of buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to encourage commercial areas for commercial services.
379. Although not strictly applicable in this instance, Standard B21 of Clause 55 notes;
- (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September; and*
 - (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
380. As identified within the shadow diagrams, the dwellings located at No. 154 Brighton Street and No. 19 Yarra Street would be impacted at 3PM, resulting in an additional 16.4sqm and 15.2sqm overshadowing respectively. The shadowing impacts are considered excessive, and attributed to the overall height of the development as proposed deemed to be unacceptable. The existing shadowing to both properties currently does not comply with the standard requirement, as the following table indicates:

Existing unshaded area at:	No. 154 Brighton Street SPOS area total: 133.9sqm	No. 19 Yarra Street SPOS area total: 46.3sqm
9AM	13.4sqm	10.4sqm
10AM	49.1sqm	17sqm
11AM	74.6sqm	24.7sqm
12PM	94.9sqm	30.1sqm
1PM	83.1sqm	31.2sqm
2PM	53.7sqm	31.2sqm
3PM	16.4sqm	22.6sqm

381. Council's external Urban Design consultant made the following comments in regards to the overshadowing of these properties:

- (a) *It is clear that the proposed development is pushing the boundaries of what is reasonable exceeding the heights of the other benchmark larger projects on the eastern side of Church Street and indeed projects delivered more recently in the south half of the Cremorne Precinct. In this case the 3pm shadow is impacting on adjoining GRZ zoned properties and public space in a heritage overlay and putting nearly 80% of the entire street in shadow. This in my view is in contradiction with the objective in policy to not excessively borrow on the amenity of other precinct users.*

382. Council's external Urban Design consultant recommended the built form, height and setbacks be modified to ensure that residentially zoned property at 154 Brighton and 19 Yarra Street do not receive any additional overshadowing before 3pm at the September 22nd equinox.

383. To achieve the recommendation of Council's external Urban Design consultant, a condition of permit can require the southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to these properties. It is noted that this will likely require a further 1 – 2 metre setback of the uppermost level, however, this will require further design resolution and as such reference to specific additional setbacks will not be included.

384. In respect of overshadowing to the residential properties located within the C2Z it is clear that these properties, including their street facing balconies, would be overshadowed by the development from 2PM. Specific details have not been provided regarding the area of increased overshadowing. Council's external Urban Design consultant made the following comments in regards to the overshadowing of these properties:

- (a) *Whilst there may be grounds for some lesser standard of amenity in the adjoining residential areas, local policy asks all development to consider impacts of development and responsiveness to local character and amenity. I note in this instance the redevelopment of properties at 8a, 8 and 10 Yorkshire Street has not relied on the ground level dwellings for amenity in contrast to adjoining properties in Brighton Street that have ground level habitable room windows to the street and private open space.*

385. Council's external Urban Design consultant recommended the built form, height and setbacks be modified to ensure that Levels 1 and 2 of these properties do not receive any additional overshadowing before 2pm at the September 22nd equinox.

386. The above recommended is considered onerous. As identified, the subject site and these residences are both located within the C2Z, in a zone that anticipates higher density forms. Within the context of the C2Z with the built form expectations as expressed in policy, it is considered that the proposed development as modified by conditions is acceptable and would not cause unacceptable overshadowing to these properties.

387. Notwithstanding the above, the conditions as discussed reducing shadowing to the residentially zoned land at 3PM would improve conditions to these properties. These properties within the C2Z were developed to orient their balconies and windows to the street and therefore it would be expected than any development of the land on the opposing side of Yorkshire Street would increase shadowing to these spaces.
388. Whilst increased shadowing of the solar panels of the dwellings on the south side of Yorkshire Street will occur, the Scheme does not offer protection to solar panels on buildings within commercial areas. Notwithstanding, it is considered that the conditions as outlined above would somewhat reduce overshadowing to the solar panels atop of this property.
389. Lastly, and as noted previously, the closest habitable room windows addressing the subject site are located within the dwellings on the southern side of Yorkshire Street, within the C2Z. A distance of at least 13 metres will separate the new built form from these dwellings (given the width of Yorkshire Street and location to the south-east). In respect of daylight, the proposal is not sited directly opposite these properties and adequately setback from the windows on these properties to allow for access to daylight.

Fumes and air emissions, light spillage

390. The majority of the hotel rooms are enclosed and the use conducted indoors (with the exception of the outdoor terraces associated with the individual rooms at varying levels and the roof terrace). The proposed uses are not considered to result in unreasonable air emissions, with light spill from the building limited due to the nature of the use and operating hours of the roof-terrace. There would be no fumes associated with the residential hotel use nor any that are considered unreasonable concerning the restaurant and roof-top bar within the commercial context.

Equitable Development

391. The sites to the south, across Yorkshire Street, will not be impacted by the proposal from an equitable development consideration as they are separated by the width of the street which provides a reasonable buffer. Furthermore, the ground level up to Level 1 provides a further minimum 2.15 metre setback from the boundary. Level 2 to Level 6 (noting Levels 4 and 5 are to be deleted via condition) would provide an increased setback to the southern boundary of 1.15 metres to the building and 2.35 metres to the glazing. The upper levels adopt a 1.85 metre setback from the southern boundary. These are considered to be considerable setbacks and are acceptable.
392. The sites to the north, across Willow Lane, will be separated from the subject site by the width of the laneway (4.6 metres). The ground level up to Level 2 provides a further minimum 1.3 metre setback from the boundary, with the glazing associated with the hotel rooms' setback a minimum 2.7 metres. Levels 4 to 6, (noting Levels 4 and 5 are to be deleted via condition) would provide an increased setback of 1.76 metres, with the glazing a minimum 2.7 metres from the northern boundary. The upper levels adopt a minimum 2.46 metre setback. These are considered to be considerable setbacks and are acceptable.
393. To the east, the development proposes a two-storey on-boundary wall which is typical of development within commercial zones. Above, Level 2 to Level 5 is setback 5 metres from the boundary to the glazing of the hotel rooms. At Level 6 the glazing is setback 10.5 metres to the boundary, with the upper levels setback 10 metres to the glazing.
394. It is an accepted principle (such as referenced within Design and Development Overlay – Schedule 17 Swan Street) that the upper levels of a developments are to provide a 3 metre setback for commercial windows and 4.5 metres for a habitable room windows. It is clear that the proposed setback exceeds both these scenarios.

395. This principle referenced above also applies to balconies, where a 4.5 metre setback is recommended. Hotel room terraces located on Level 2 are setback a minimum 0.85 metres from the boundary (planter in setback). Given the terraces association with short stay accommodation and the capability of the surrounding sites to accommodate taller forms, any built form opposite would be an expectation of development in the area and would not have adverse amenity impacts.
396. Notwithstanding the above, it is considered that a minimum setback of 3 metres from the eastern boundary should be provided commensurate of what is expected for commercial windows. As shown below this can be accommodated whilst maintaining generous sized terraces of between 18.5sqm and 19.9sqm, increased landscaping should be provided within the setback area.

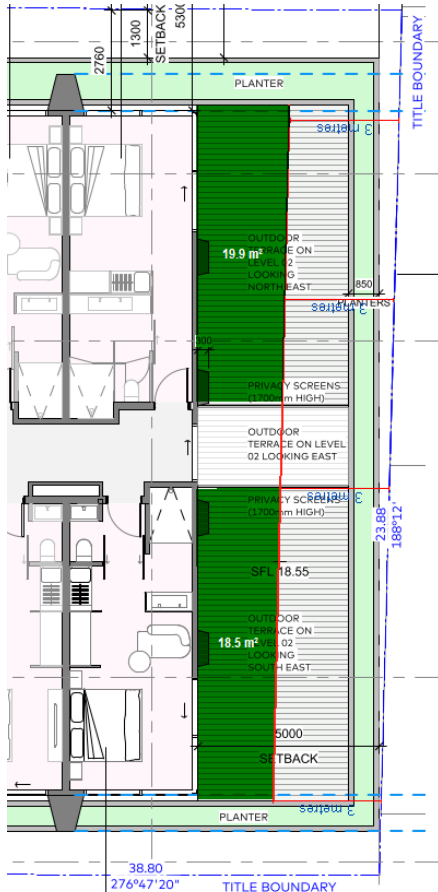


Image: Green areas outlining useable terrace space with a 3 metre setback from the eastern boundary

Source: Level 2 floor plan of the plan package, with modified terraces shown in green using Trapeze Software

397. The east facing terraces provided at level 6 are setback 5 metre to the planter box edge and would therefore not result in equitable development concerns. The annotations referenced “roof at Level 2” and “roof at Level 6” should be deleted via condition, as these are unclosed terraces and not roofed as shown within the balance of the documentation.

City Link Exhaust Stacks

398. The Design and Development Overlay Schedule 5, City Link Exhaust Stack Environs (DDO5) requires that notice of a development be given to the Transurban City Link Limited and the Roads Corporation (Transport for Victoria) as previously identified. The design objectives of DDO5 are as follows:

- (a) To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.

- (b) *To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.*
- (c) *To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.*

399. Transurban City Link and the Road Corporation (Transport for Victoria) were notified of the proposal. The Road Corporation (Transport for Victoria) provided a response in consultation with Transurban City Link, which raised no concern about impacts of the proposed development on the exhaust stacks with Transurban City Link.
400. Whilst Transurban City Link identified they will not be seeking to participate or make submissions in the upcoming VCAT proceedings, should any new matter be raised within the hearing affecting Transurban City Link they reserve their right to appear. Accordingly, based on the application at hand, the objectives of the DDO5 are considered to be met.

Waste management

401. The applicant submitted a Waste Management Plan (WMP) prepared by Leigh Design and dated 25 March 2020 that included the following key features:
- (a) Provision of a 31sqm waste storage room within the ground floor facing Willow Lane for 9 x 1,100 litre bins (6 for garbage and 3 for recycling) and 4 x 240 litre bins (all for food organics), a 3.5sqm area for hard waste and e-storage is also provided.
 - (b) All waste removal will be undertaken by a private contractor. Waste collection will be undertaken internal to the building within the loading dock area, five times a week for garbage and 4 times a week for recycling and food organics. A rear-lift vehicle (8.8m long, 4m high) will prop within the loading bay provided at ground level with the operators collecting and returning the bins to the waste storage room. The vehicle will enter and exit the site in a forwards direction.
 - (c) A wash down area will be provided within the loading bay, alternatively, a third-party contractor could be engaged for bin cleaning services to be in a mobile bin-wash vehicle.
402. Council's City Works Unit reviewed the submitted WMP, raising the following issues to be rectified:
- (a) *Five and four collections per stream is an excessive number and should be reduced.*
 - (b) *The bin storage area is not large enough to form an effective waste system and needs to be enlarged.*
 - (c) *The swept path diagram relating the waste service must be provided in the WMP.*
403. The above items can be addressed via conditions. The built form reductions would also reduce the waste generated by the hotel rooms as this would result in a reduction of 50 hotel rooms. Furthermore, the floor areas presented within the WMP regarding the food and drinks premises have not included all area (e.g. kitchen area) and therefore this will be required to be updated. In regards to bin washing, the WMP should clarify that all bin washing and cleaning is to occur on-site.
404. Lastly, the development has not included a separate waste stream for glass. Council is set to introduce a four bin service across the municipality that includes a waste stream for glass, separate from commingled recycling. Whilst the implementation has been delayed due to implications posed by COVID-19, the Council voted on 23 June 2020 to roll out the glass bin in October 2020. It would therefore be prudent for the development to include a separate waste stream, and bins, for glass and this can be facilitated via condition.

405. Subject to conditions, the proposal would result in satisfactory waste arrangements.

Car parking, traffic and alteration of access

406. Under clause 52.06 of the Scheme, the applicant is seeking a full car parking reduction of 45 spaces associated with the food and drinks premises as outlined within the table included in the *Particular Provisions* section earlier in the report. There is no statutory requirement within clause 52.06-5 for residential hotel, with parking to be provided to the satisfaction of the Responsible Authority.

Parking Availability

407. On-street parking occupancy surveys of the surrounding area was undertaken by Traffix Group on Tuesday 7 January 2020 at 10:00am. The survey area included sections of Church Street, Brighton Street, Yarra Street, Yorkshire Street, Newton Street, Gordon Street, Willow Lane and Amsterdam Street. The time and extent of the survey area was confirmed to be appropriate by Council's Engineers.
408. Within this area, an inventory of 179 publicly available parking spaces was identified. The survey recorded a parking occupancy of 77% (or 42 available spaces) out of all available spaces.
409. Council's Traffic Engineers confirmed that the availability of short to medium-stay parking would provide regular turnover throughout the day, thereby allowing visitors to park near the site. Surrounding residential car parking is typically protected through the use of on-street permit parking.
410. The survey demonstrated that the availability of on-street parking in the vicinity of the site that could potentially be utilised by future employees is highly constrained, given that the majority of on-street parking is time-restricted throughout the day. The limited availability of long-term on-street parking would discourage employees from driving to work, and encourage them to travel by alternative forms of transport.

Car Parking Demand Assessment

Food and Drink Use

411. The application is proposing to provide no on-site car parking for the food and drinks premises on site (ground floor restaurant and roof-top bar). This represents a reduction of 45 spaces.
412. Clause 52.06 is a state-wide provision and the rates are not always relevant to inner city locations such as Yarra. Clause 52.06 therefore requires that an assessment of the actual number of car spaces which are likely to be generated by the uses be undertaken.
413. The report prepared by Traffix Group provided a detailed traffic engineering assessment which provides an empirical study. As the site would largely cater for guests of the residential hotel, as well as local employees from the surrounding area, Traffix Group adopted a parking demand that is half of the statutory parking rate. This would equate to a demand of 23 spaces and was deemed an acceptable assumption by Council's Engineering Unit.
414. As identified previously, the available car parking within the area would be able to accommodate the empirical car parking rate identified. Furthermore, Council's Engineering Unit identified that the previous use as a restricted retail premises would have been operating with a deficiency of 21 car spaces, comparable to the empirical rate, demonstrating that the reduction has likely already been absorbed into the area.

415. Specifically in relation to the particular benefits of the site location, the reduction being sought by the proposal is further supported by the following:

- (a) The site is well serviced by public transport, with tram services on both Church and Swan Streets as well as East Richmond Railway Station (540 metres to the north) and South Yarra Railway station located (900 metres to the south-west).
- (b) The surrounding area has a good bicycle network and the development includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.
- (c) There is limited on-street parking in the area, with restrictive parking controls acting as a disincentive for employees to travel to work by car. Employee parking permits will not be issued for the development and building tenants would be entering leases aware of the on-site parking availability. Therefore businesses with a high reliance on car parking are unlikely to take up a lease at the site.
- (d) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the tenants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis;
- (e) Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

Residential Hotel

- 416. The proposed development would provide 70 on-site car parking spaces within the basement levels. As previously outlined, there is no prescribed car parking rate provided at Table 1 to Clause 52.06 associated with the use of the site as a residential hotel, and as such, car parking must be provided to the satisfaction of the Responsible Authority.
- 417. Council's Engineering Services Unit outlined that the proposed residential hotel can be compared to the NSW Roads and Maritime Services' *Guide to Traffic Generating Developments*, which provides a car parking rate of 1 space per four bedrooms for residential hotels (0.25 spaces per one-bedroom lodging room). The provision of 70 spaces would equate to 0.31 spaces per room. This was supported by Council's internal Engineering Unit.
- 418. It must be acknowledged that due to the recommended conditions regarding built form, a total of 50 hotel rooms would be deleted from the proposal. It is not considered appropriate for the 70 car spaces to be retained in full, as this would result in a rate of 0.4 spaces per room.
- 419. Furthermore, the proposed rate of car parking must be considered with regard to the issues raised by Council's external Urban Design Unit, Council's internal Engineering Unit and external Traffic consultant regarding additional traffic through residential areas to the east.
- 420. A review of recently approved hotel developments and their respective car parking rates per hotel room is provided below:

Planning Application No.	Address	Rate of car parking provided
PLN18/0990	419 Fitzroy Street, Fitzroy	0.08 spaces per hotel room
PLN18/0643	60 – 62 Langridge Street and 23 – 45 Waterloo Road, Collingwood	0 spaces per hotel room

PLN18/0497	42-44 Oxford Street, 61-63 Cambridge Street & 16-20 Cambridge Street, Collingwood	0.16 spaces per hotel room
PLN18/0442	291-295 Swan Street, Richmond	0.12 spaces per hotel room

421. Whilst the originally proposed rate of 0.31 car spaces per room is higher than the current trend for hotel developments, it is considered acceptable in this instance. This would result in a total 53 car parking spaces on-site, a reduction of 17 car spaces from that proposed, and should form a condition. The provision of car parking at a rate of 0.31 car spaces per room would reduce amenity impacts to the residentially zoned land to the east as lower vehicle movements, as discussed further below, are anticipated for the rooms with access to car parking.
422. The proposed provision of 53 on-site spaces is considered appropriate given the following considerations:
- (a) The excellent access to public transport and lack of long-stay car parking within the surrounding area as identified above.
 - (b) The nature of the use generates transient visitors who would likely be attracted to the inner-city location and the retail, hospitality and art-based offerings within Richmond, Cremorne and the suburbs to the south of the river within the Chapel Street precinct which are all readily accessible on foot. Given the site's context, it is anticipated that visitors would be less inclined to arrive via private vehicle. Further, it is anticipated that the majority of visitors would stay for short periods of time and be from outside the area, which would make the use of taxis or private driver services more likely (for visitors who choose not to arrive via public transport).
 - (c) The provision of bicycle infrastructure in the surrounding area, including bicycle lanes incorporated into many streets. Whilst it is acknowledged that visitors are unlikely to access the hotel on bicycle, many residents may wish to utilise bicycles during their stay. Further, the proposed bicycle parking facilities proposed will encourage staff associated with the use to arrive via bicycle.
 - (d) The variation of car parking demand over time – the peak parking demand would be during the check in period for hotel guests. As hotel guests would arrive at different times for check-in, it is considered that the peak parking demand would be spread out across the afternoon and evening period (i.e. typical check in hours for hotels).
423. Car parking for the residential hotel would be provided to the satisfaction of the responsible authority, subject to conditions.

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

424. As identified above, Council's external Urban Design Unit, Council's internal Engineering Unit and external Traffic consultant raised issues with the additional traffic required to traverse through residential areas to the east. With the location of the porte cochère along Yorkshire Street and the entrance to the basement car park provided on Willow Lane (a west-bound one-way road). Traffic from the porte cochère to the parking area would be required to undertake the following loop:

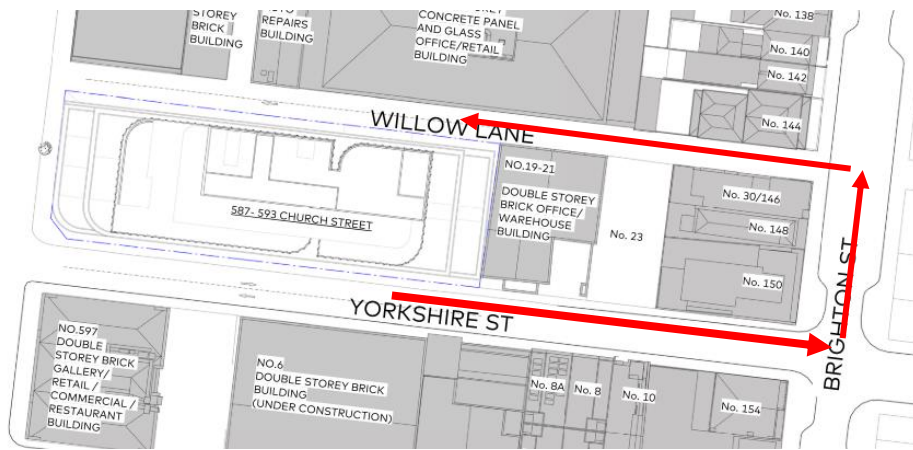


Image: Red arrows showing travel path between porte cochere and the basement car park
Source: Application documents with arrows added

425. As identified within the traffic engineering assessment prepared by Traffix Group:
- (a) *A porte-cochere will be provided along the southern boundary of the site, providing short-term drop off and pick up at Yorkshire Street.*
 - (b) *A valet system will be in place whereby guests wishing to park their cars will enter the porte cochere, after which hotel staff will take the car to the basement carpark. Staff will return the car to the porte-cochere when guests wish to access their vehicles.*
426. Only hotel staff will be accessing the basement car parking. This will not be utilised by hotel guests. This can form a condition of the hotel management plan, with details of ongoing measures to be taken to ensure hotel staff do not cause unreasonable amenity impacts through the transferring of vehicles to be provided.
427. Irrespective, hotel patrons who collect their cars would also likely travel to the east and then travel north or south to eventually access Church Street. Council's external Urban Design consultant was extremely critical of the proposed on-site car parking arrangement, recommending the following:
- (a) *Redesign the ground level arrangements to provide for a one-way laneway between Yorkshire Street and Willow Lane at the abutment to 19-21 Yorkshire Street to provide entry to the basement carpark and loading areas and exit westwards to Willow Lane.*
428. This recommendation has merit, and would result in a circuit being provided entirely within the subject site and C2Z, removing the need for any vehicles to traverse to the east into residentially zoned land entirely. With the current floor plans before Council this is not a modification that can be required via condition and subsequent comments were sought from an external Traffic consultant to explore whether the loading bay and basement access could 'flipped' from Willow Street to Yorkshire Street.
429. Council's external Traffic consultant provided an assessment against the benefits and limitations of each scenario, ultimately commenting that the current proposal is considered satisfactory given access to Church Street is provided from the basement. The location of the basement access and loading bay on Willow Lane was also commended from a traffic engineering perspective as it would reduce the chance of vehicle conflict and queuing on Yorkshire Street.
430. This is complementary to the findings of Council's Engineering Unit. The following traffic generation for the site was adopted by the Applicant's Traffic Engineers and reviewed by Council Engineers, this is based on the originally proposed development:

Hotel Room Type	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Without on-site parking (152 rooms; 0 spaces)	AM peak: 0.30 trips per room PM peak: 0.20trips per room	46 trips	31 trips
With on-site parking (70 rooms; 70 spaces)	AM peak: 0.15 trips per room PM peak 0.10 trips per room	11 trips	7 trips

431. Council's Traffic Engineers have confirmed that the traffic directional split and distribution assumptions outlined Figure 14 of the report prepared by Traffix Group are appropriate, and that any increase in the volume of traffic generated by the development, based on the 223 room proposed, could be accommodated on the local road network without adversely impacting on the traffic operation of nearby streets.

432. If the above rates were to be applied to the conditional development, where 50 hotel rooms and 17 car spaces are to be deleted, the following generation rates would be applied:

Hotel Room Type	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Without on-site parking (120 rooms; 0 spaces)	AM peak: 0.30 trips per room PM peak: 0.20trips per room	36 trips	24 trips
With on-site parking (53 rooms; 53 spaces)	AM peak: 0.15 trips per room PM peak 0.10 trips per room	8 trips	5 trips

433. It is therefore considered that the conditional development would reduce impacts to the surrounding residentially zoned land to an acceptable level.

434. Notwithstanding the above, Council's external Traffic consultant recommended the following be undertaken:

- (a) Subject to review and Council approval, sign post the two existing on-street car spaces on the Church Street frontage "Taxi Zone" (or similar to cater for car share services) to cater for pick up and drop off traffic or provisions made for the pick up and drop off of traffic expected to utilise the Church Street frontage redirect to the porte cochère.
- (b) Further clarity in relation to the use of the porte cochère including: turnover of porte cochère parking; duration of stay of vehicles accessing the porte cochère; and estimated time for a valet to pick up and drop off a vehicle to the basement car park and anticipated wait times for taxi / ride share within the porte cochère. Further information is required to assess if the arrival / departure of the vehicles accessing the porte-cochere and the potential for queuing in Yorkshire Street from the porte-cochere back to Church Street.
- (c) A queue analysis taking into consideration the existing traffic volumes on Yorkshire Street and the expected traffic generated by the development. The analysis must also take into consideration existing on-street parking restrictions on the southern side of Yorkshire Street as these spaces limit passing opportunities within Yorkshire Street for eastbound and westbound vehicles.
- (d) Additional information should be provided in relation to the stop / go system used at the basement car park entrance with an assessment of the entry light and whether this should be default green to give priority for vehicles entering the basement and ensure any queuing is within the basement car park and not within Willow Lane.
- (e) Provision of a Sidra analysis utilising existing traffic volumes to better inform the comparison of car park access options.

435. The above is considered reasonable to be included via condition and to be provided prior to the endorsement of plans. This will enable modifications to be made, if required, once the results of the above analysis are deemed acceptable.
436. The application was referred to Transport for Victoria, both the Roads and Public Transport divisions pursuant to the requirements of clause 52.29 (alteration of access through the removal of the Church Street crossover) and clause 66.02-11 (construction of a residential building comprising 60 or more lodging rooms). No issues were raised with regards to the proposed use, nor the removal of the Church Street crossover.
437. The following condition was requested to be included, and as such would be included via condition pursuant with the requirements of the Act:
- (a) *The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.*

Access and layout

438. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
439. These details, along with the proposed entry and exit movements to the porte cochère, waste collection movements, vehicle entry and exit movements to the basement and ramp designs have been reviewed by Council's Engineering Unit who are satisfied with the layout of the car parking area. Council's Engineering Unit has requested that the plans be revised to include the following details / dimensions:
- (a) The headroom clearances at the development entrance and along critical points along the curved ramps be dimensioned/depicted on the drawings.
- (b) The loading bay to be dimensioned on the drawings.
- (c) The outward opening doors along the north side of the building can present a safety hazard for pedestrians walking along the footway along the north side of the building. The applicant should address this issue with the option of providing glazed sliding doors or similar treatments suggested.
- (d) The applicant should engage an access consultant to assess disability access around the porte cochère.
- (e) Exploration of alternative access arrangements for the basement car park with a view to limited the amount of development traffic utilising Brighton Street.
440. Items (a) and (b) are requesting additional information and can be addressed by way of condition. Item (c) can also be required via condition and will ensure that the conflict identified above will be resolved.
441. Item (d) will be incorporated within the detailed design plans for the streetscape improvement works, previously mentioned. Item (d) has previously been addressed within this report.

442. In regards to the external Traffic consultants comments, a recommendation was made for a convex mirror was recommended to be installed to assist in providing sight lines for vehicles exiting the basement car park, if a loading vehicle were propped in the loading bay. This can form a condition.
443. Several engineering conditions in regards to civil works, road asset protection, and construction management, impacts of assets on the proposed development, reinstatement of redundant vehicle crossings and modification to car parking signage have been recommended. These conditions are considered standard and should also be included on any permit issued.
444. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above conditions.

Loading Bay

445. In accordance with clause 65.01, before deciding on an application or approval of a plan, the responsible authority must consider *the adequacy of loading and unloading facilities and any associated amenity traffic flow and road safety impacts.*
446. Loading is to be undertaken within a dedicated on-site loading bay with access from Willow Lane. Whilst alternative access for the basement entrance and loading bay to Yorkshire Street was explored, Council's external Traffic consultant identified the introduction of loading manoeuvres on Yorkshire Street in proximity to the porte cochère and basement access could result in conflict. The current access arrangement was deemed appropriate.
447. Council's Engineering Unit reviewed the arrangement, providing the following comment:
 - (a) *The development entrance off Willow Lane comprises a combined entrance for vehicles and loading/waste collection. The 4.4 metre wide single lane ramp with an additional 300 mm wide kerb on the outside radius satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.*
448. The provision for on-site loading is considered acceptable, a condition will require the loading and unloading of vehicles and the delivery of goods to and from the land be conducted entirely within the sites boundaries.
449. As previously identified, a condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Bicycle facilities and strategic transport

Bicycle parking and facilities

450. The proposal provides a total of 42 bicycle parking spaces on-site for employees, with employee bicycle parking spread around the basement levels and end-of-trip facilities provided at level 1. The number of bicycle spaces for employees exceeds the statutory rate outlined in Clause 52.34, which requires 24 employee spaces. With the reduction of 50 hotel rooms as a result of conditions, it is noted the statutory rate would be reduced to 19 spaces.
451. The employee bicycle parking is currently provided within 7 storage cages throughout the basement levels. The provision of seven storage cages is not supported by Council's Strategic Transport Unit and was also raised with the applicant by officers. This was considered unsatisfactory from a 'user experience' perspective, as employees may need to move around the basement levels searching for a vacant space.

452. In addition to the above, Council's Strategic Transport Unit identified that the location of the bicycle parking was not safe, located adjacent to vehicle ramps with blind corners. The location of the employee bicycle parking would therefore not accord with the requirements of clause 52.34-6, where bicycle spaces should, relevantly:
- (a) Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
 - (b) Not cause a hazard.
453. Council's Strategic Transport Unit have recommended that all employee parking is to be provided ideally within one secure room. If the employee spaces cannot be accommodated in one secure room, Council's Strategic Transport Unit commented that two rooms can be provided, but on the same basement level.
454. The above is considered necessary to meet the design requirements and objectives of clause 52.34, most relevantly 'to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities'. Given the reduction of on-site car parking (by 17 spaces), that will form a condition as referenced above, it is considered that there will be ample room to accommodate one secure employee bicycle facility within the basement levels and this will form a condition.
455. In respect of layout, the Unit recommended the following:
- (a) The bicycle room should include a total of 38 bike racks, comprising of 24 employee spaces and 10 visitor spaces (to meet the total of 24 visitor spaces, this will be discussed further, below).
 - (b) All employee / resident spaces are provided as hanging wall racks. As per AS2890.3 at least 20% of bicycle storage spaces must be provided as horizontal at ground-level spaces.
 - (c) All employee / resident bicycle spaces and access ways should be positioned in accordance with the clearance requirements of AS2890.3.
456. The above will form conditions of permit to ensure that the bicycle facility will be designed to meet the requirements of the Australian Standard.
457. Lastly, the Unit recommended bicycle parking be provided in proximity to the lift to ensure the end-of-trip facilities provided on Level 1 are easily accessed. This was also identified by Council's ESD Advisor, who recommended employee access to the goods lift (only the goods lift accesses the basement levels) be provided to ensure convenient connection between bicycle facilities and showers/lockers. Furthermore, Council's external Urban Designer also identified back of house connectivity was required to be provided between the bicycle storage and travel staff facilities. A condition can require the goods lift to be made accessible to staff and a further condition requiring safe pedestrian egress from the basement to Willow Street, in accordance with the comments of Council's external Urban Design Unit who commented this was required to meet regulatory requirements.
458. In respect of visitor parking, the development plans show six bicycle hoops, to accommodate 12 bicycles, within the title boundary on the extended footpath area proposed on Yorkshire Street. The landscaping plans show these spaces to be on Council land on the Yorkshire Street footpath. The provision of 12 bicycle spaces would not meet the statutory requirement of 24 spaces (reduced to 19 spaces due to the deletion of the two levels containing 50 lodging rooms).
459. In respect of the placement of bicycle hoops on the footpath, Council's Strategic Transport Unit recommended the following:
- (a) 1 bike hoop on the Church Street frontage; and

(b) 4 bike hoops on the Yorkshire Street frontage, in-between the proposed street trees.

460. Both Council's internal Urban Design Unit and Strategic Transport Unit recommended the bicycle hoops be provided on Council land, this will ensure a clear path of travel for pedestrians is maintained through the increased footpath widths and is considered acceptable. The bicycle hoops are to be parallel to the curb in accordance with Yarra's standard bike hoop detail. This will be facilitation via condition.

461. As identified above within the discussion on employee bicycle parking, 19 visitor parking spaces are required to satisfy the requirements of clause 52.34. The location of additional visitor bicycle parking within the bicycle facility referenced above is considered acceptable due to the predominant use as a hotel, where visitors would be patrons of the hotel. As no reduction of bicycle parking has been sought by the applicant and bicycle parking must be provided on-site, a condition will require 19 visitor bicycle spaces to be located within the basement bicycle store.

462. Subject to conditions it is considered that the bicycle parking and facilities is acceptable.

Electric vehicles

463. The SMP submitted by the applicant states that 5 Electric Vehicle (EV) parking spaces will be provided within the development. The plans do not identify any spaces as being EV parking spaces. Council's ESD Officer reviewed the submitted SMP and outlined this as a deficiency, recommending that the basement plan be updated to indicate the location of the EV charging.

464. Council's Strategic Transport Officer reviewed the proposal and encouraged the applicant to electrically wire the car parking areas to be 'EV ready'. This was also suggested by Council's ESD advisor, who recommended the applicant consider providing charging stations or wiring for the future. This is considered appropriate to include, and will assist in the application meeting the following outcome of the Transport category of the Green Star pathway:

(a) *The facilitation and encouragement of the use of alternative transport options, such as bicycles or electric vehicles.*

465. With regard to the above, the following conditions should be included:

(a) *Electric vehicle charging infrastructure for at least 5 vehicle spaces clearly shown, with the car spaces marked.*

(b) *A notation indicating that the car parking area will be electrically wired to be 'EV ready.'*

466. Subject to the conditions outlined above, the proposed response to electric vehicles is acceptable.

Green Travel Plan

467. As identified by the Strategic Transport Officer, a Green Travel plan for the development is required, as follows:

(a) *Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. The following information should be included:*

(i) *Description of the location in the context of alternative modes of transport;*

(ii) *Employee welcome packs (e.g. provision of Myki/transport ticketing);*

(iii) *Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;*

(iv) *A designated 'manager' or 'champion' responsible for co-ordination and implementation;*

- (v) *Details of bicycle parking and bicycle routes;*
- (vi) *Details of Green Travel funding and management responsibilities;*
- (vii) *The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);*
- (viii) *Security arrangements to access the employee bicycle storage spaces;*
- (ix) *Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and*
- (x) *Provisions for the GTP to be updated not less than every five years.*

468. Council's ESD Advisor recommended the GTP include performance targets and monitoring and reporting components, this is captured under item 'iii' as identified above by Council's Strategic Transport Officer. Council's ESD Advisor also required details of surrounding car share options to be included within the GTP. This can be incorporated into item 'i' as referenced above.

469. The provision of a GTP is a requirement of Clause 22.17 and will provide key information on the management and promotion of the sustainable transport provisions offered within the development and as such the recommendations by Council's Strategic Transport and ESD Officers should be included as a conditional requirement.

Potentially contaminated land

470. As identified within the Environmental Desktop Study prepared by Environmental Assessment Services Pty Ltd, the site has potential for both on-site and off-site sources of contamination, as follows:

- (a) *On-site sources of potential contamination: Below ground storage of hydrocarbons during occupancy of site as a motor vehicle agent (i.e. service station, garage, repairers, painters). Importation of fill and former building demolition works.*
- (b) *Off-site sources of potential contamination: Primarily the service station at 581 Church Street, Richmond (<5 metres to the north) since at least 1957. Other motor vehicle agents have also occupied 2 Amsterdam Street, Richmond (<5 metres to the north) and 620 Church Street, Richmond (20 metres to the west).*

471. The site has previously been used for a motor body builders and repairers (1945), a motor garage and engineers / body repairers / motor painters (1950), a motor service station, petrol / motor towing service / motor painters / motor garage and engineers (1960) and motor painters (1965 – 1974).

472. As identified within by the *State Environment Protection Policy (Prevention and Management of Contamination of Land)*, automotive repair/engine works as well as service stations/fuel storage are considered to have a high potential for contamination.

473. It is clear that the previous uses undertaken on the subject site may have resulted in soil contamination of the site. While the land is not included within an Environmental Audit Overlay, given the intended sensitive use (a residential building), it is considered reasonable to introduce conditions for investigations to be made and rectification works to occur, if required.

474. It is recommended a condition be included to require a suitably qualified person to undertake preliminary investigations for the site with regard to the future use of the land and make recommendations accordingly.

475. This condition is generally in line with the guidance provided under the Practice Note – *Potentially Contaminated Land* (DSE, June 2005) which outlines that where identified as potentially contaminated land and where a planning permit application may allow potentially contaminated land to be used for a sensitive use, the SEPP requires that the responsible authority seek a Certificate of Environmental Audit or a Statement of Environmental Audit indicating that the site is suitable for the proposed use.

Objector concerns

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

Built form and design

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

This is discussed within paragraphs 245 to 279.

- (b) *The development is an overdevelopment of the site.*

This is discussed within paragraphs 241 to 244.

- (c) *Inadequate upper level setbacks to ameliorate visual bulk and provide for equitable development.*

This is discussed within paragraphs 266 to 279, 371 to 389 and 391 to 397.

- (d) *Building should provide public realm benefits.*

This is discussed within paragraphs 293 to 312.

- (e) *Development is at odds with the lower scale heritage and residential areas to the east.*

This is discussed within paragraphs 242 to 265.

- (f) *The development includes limited landscaping.*

This is discussed within paragraphs 314 to 332.

- (g) *The podium design is too high.*

This is discussed within paragraphs 266 to 276.

- (h) *The proposed extent of glazing will result in sun reflection.*

This is discussed within paragraphs 289.

- (i) *The proposal does not result in an acceptable ESD response.*

This is discussed within paragraphs 337 to 344.

- (j) *No thought to the current pandemic (e.g. design initiatives).*

It is considered that pandemic design initiatives (such as the use of materials that reduce surface transmission) would be undertaken during the design detail stage. Details of management including safety and social distancing would be implemented during the occupation stage of the building.

Use and Off-site amenity impacts

- (k) *Unrestricted hours of operation result in significant litter, noise, light and traffic disturbance to residential properties.*

This is discussed within paragraphs 204 to 240 and 424 to 437.

- (l) *Lack of patron management plan and details of use.*

This is discussed within paragraphs 204 to 240.

- (m) *Loss of daylight and privacy, including overlooking concerns.*

This is discussed within paragraphs 369 to 370 and 389.

- (n) *Unacceptable noise (from rooftop bar, external terraces, 24/7 use, vehicles, loading/unloading and plant).*

This is discussed within paragraphs 363 to 368.

- (o) *Unacceptable visual bulk and overshadowing (including to solar panels) to residences in the surrounds.*

This is discussed within paragraphs 371 to 388.

- (p) *Overshadowing of the public realm.*

This is discussed within paragraphs 304 to 306.

- (q) *Wind impacts.*

This is discussed within paragraphs 307 to 312.

Traffic and Car parking

- (r) *Too many car parks provided on-site, additional traffic cannot be supported within the narrow local road network.*

This is discussed within paragraphs 407 to 423.

- (s) *Reliance on traffic through residential streets.*

This is discussed within paragraphs 424 to 437.

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

This is discussed within paragraphs 407 to 423.

Other

(u) *Disruption and damage during construction.*

A construction management plan will be required via condition.

(v) *Result in devaluation of surrounding properties.*

This is not a relevant planning matter.

(w) *The 'bar' use is not sought in conjunction with the sale and consumption of liquor.*

The applicant has not applied for the sale and consumption of liquor within the premises. If this was to alter in the future, further planning approval would be required.

(x) *Odours from the proposed uses.*

This is discussed within paragraph 390.

Conclusion

477. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy. The proposed uses are also considered to have strong strategic support and are considered acceptable, subject to conditions.

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

RECOMMENDATION

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0230 for the use and development of the land for a multi-storey residential hotel (with an ancillary gym and function centre); two food and drinks premises (a ground floor restaurant and a roof-top bar), a reduction in car parking and alteration of access to a road zone, category 1, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by COX Architecture, TP-11-01 (Rev 10), TP-11-02 (Rev 7), TP-21-01, TP-21-02, TP-21-03, TP-21-04 (Rev 15), TP-21-05 (Rev 14), TP-21-06 (Rev 6), TP-21-07 (Rev 13), TP-21-08 (Rev 6), TP-21-09 (Rev 10), TP-21-10, TP-21-11 (Rev 13), TP-21-13 (Rev 10), TP-30-01 (Rev 7), TP-30-02, TP-30-03 (Rev 6), TP-40-01 (Rev 11), TP-40-02 (Rev 10), TP-51-01 (Rev 1), TP-90-01, TP-90-02, TP-90-03 (Rev 1) and perspective 1-8 dated 1 June 2020 but modified to show:

Layout

- (a) The layout of the BOH kitchen areas on Level 1 shown, with a notation indicating that the kitchen will service the ground floor restaurant.
- (b) Any kitchen areas servicing the rooftop bar to be shown on the floor plan.
- (c) Connectivity provided between the lift lobby and gym on Level 1 to ensure patrons of the gym are not required to traverse through the pre-function area.

- (d) A notation indicating that all power will be relocated underground along the Church Street frontage and street poles are to be removed.
- (e) A notation confirming the goods lift is accessible to staff between the bike store and end-of-trip facilities.
- (f) Safe pedestrian egress from the basement to Willow Street.
- (g) Correct labelling of size of rain water tank to be a minimum 40,000 litres.

Built Form

- (h) Deletion of Levels 4 and 5 and a reduction in height to the roof-top level (through modifications to Levels 11 and 12) to reduce the overall height to RL 47.45.
- (i) An increased setback of 3 metres (total 13 metres) for the roof-top level from the eastern boundary, with any further modifications (including increased setback of the upper levels or a reduction in height) incorporated to eliminate overshadowing to dwellings within the residential zone between 9am and 3pm at the September 22nd equinox.
- (j) The materiality of the pergola and soffits identified and integrated with the overall building.
- (k) The design and extent of operable windows on ground floor and levels above clarified and shown.
- (l) The height of the ground floor planters located within the scalloped inserts of the ground floor to be between 450mm to 500mm in height.
- (m) A minimum 3 metre setback provided from the eastern boundary to the edge of the Level 2 eastern balconies, with landscaping provided within the additional setback area.
- (n) The annotations referencing “roof at Level 2” and “roof at Level 6” on the floor plans deleted.
- (o) The notation on the ground floor referencing a 3.49 metre wide existing footpath corrected.
- (p) The southern elevation updated to correctly show the existing buildings to the east.

Car Parking and Services

- (q) The location of bollards along the northern boundary with Willow Lane to adequately protect the building from vehicle movements.
- (r) The headroom clearances at the development entrance and along critical points along the curved ramps be dimensioned/depicted on the drawings.
- (s) The loading bay to be dimensioned on the drawings.
- (t) The outwardly opening doors at the ground floor along Yorkshire Street modified to glazed sliding doors (or similar treatments to remove conflict).
- (u) Installation of a convex mirror to provide sight lines for vehicles exiting the basement car park, if a loading vehicle were propped in the loading bay.
- (v) Deletion of 17 car spaces from the basement levels.
- (w) Electric vehicle charging infrastructure for at least 5 vehicle spaces clearly shown, with the car spaces marked.
- (x) A notation indicating that the car parking area will be electrically wired to be ‘EV ready.’
- (y) A minimum of 24 employee bicycle spaces and 19 visitor bicycle spaces located within a secure compound in the basement level, provided in accordance with the requirements of AS23890.3 (including a minimum 20% of employee racks horizontal at grade) and conveniently located close to the goods lift.
- (z) One additional visitor bicycle hoop provided on the Church Street frontage in accordance with Yarra’s standard bike hoop detail.
- (aa) The six visitor bicycle hoops provided on Yorkshire Street reduced to four, located horizontal at-grade on the footpath in between the proposed street trees in accordance with Yarra’s standard bike hoop detail.

Reports and Plans

- (bb) Any requirement of the Road Safety Audit (condition 11) (where relevant to show on plans).
- (cc) Any requirement of the endorsed Landscape Plan (condition 16) (where relevant to show on plans).

- (dd) Any requirement of the endorsed Sustainable Management Plan (condition 23) (where relevant to show on plans).
- (ee) Any requirement of the endorsed Waste Management Plan (condition 26) (where relevant to show on plans).
- (ff) Any requirement of the endorsed Green Travel Plan (condition 29) (where relevant to show on plans).
- (gg) Any requirement of the endorsed Acoustic Report (condition 31) (where relevant to show on plans).
- (hh) Any requirement of the endorsed Wind Tunnel Study (condition 37) (where relevant to show on plans).
- (ii) Any requirement of the Streetscape Improvement Plan (Conditions 42) (where relevant to show on plans).

Façade Strategy

2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities and tower facade details (in particular the detailing of 'GL03' and 'MET02' and other glazing types and finishes used within the development);
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation;
 - (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
 - (i) details of the proposed permeability of 'BRK02' allowing adequate transparency and depth;
 - (ii) High level details of the plant level and any screening, ensuring it is integrated with the design of the building.
 - (iii) Resolution of the interface with the adjoining BP service centre including glare reduction.
 - (iv) Details of how the proposed extensive north and west facing glazing will be managed whilst maintaining engagement with the street as sought by policy.
 - (v) Details of the ground floor operable windows fronting Church Street and of the upper level window operability.
 - (vi) Detailed diagrams of the architectural framing within the brick base maintain the depth and layering provided.
 - (vii) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface
 - (viii) Material proposed for the soffits and roof top pergola
 - (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
3. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. As part of the ongoing progress and development of the site, Cox Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

- (a) oversee design and construction of the development; and
- (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Use

- 5. Except with the prior written consent of the Responsible Authority, the food and drinks premises (ground floor restaurant) use authorised by this permit may only operate between the following hours:
 - (a) Monday to Saturday 7:00am – 11:00pm.
 - (b) Sunday 10:00am – 11:00pm.
- 6. Except with the prior written consent of the Responsible Authority, the food and drinks premises (roof-top bar) use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 12 midday – 11:00pm.
- 7. Except with the prior written consent of the Responsible Authority, the use of the pool in association with the food and drinks premises (roof-top bar) authorised by this permit may only operate between 12 midday and 10:00pm on any day.
- 8. Except with the prior written consent of the Responsible Authority, no more than the following maximum number patrons are permitted on the land at any one time:
 - (a) Ground Floor Restaurant – 120
 - (b) Rooftop Bar – 216 (maximum 179 patrons in bar area at any time and 37 in pool area until 10pm on each day).
- 9. The provision of music and entertainment on the land must be at a background noise level.
- 10. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

Road Safety Audit

- 11. Prior to the submission of plans required pursuant to Condition 1, the permit holder must submit a formal road safety audit prepared by a suitably qualified consultant, to the satisfaction of the Responsible Authority. The audit must include, but not limited to:
 - (a) Investigation and recommendations to sign post the two existing on-street car spaces on the Church Street frontage to “Taxi Zone” (or similar to cater for car share services) to cater for pick up and drop off traffic or a detailed analysis of how the pick up and drop off of traffic expected to utilise the Church Street frontage is redirected to the porte cochère.
 - (b) Details of the porte cochère including:
 - (i) turnover of porte cochère parking;
 - (ii) duration of stay of vehicles accessing the porte cochère;
 - (iii) estimated time for a valet to pick up and drop off a vehicle to the basement car park; and

- (iv) anticipated wait times for taxi / ride share within the porte cochère.
- (c) A queuing analysis taking into consideration the existing traffic volumes on Yorkshire Street and the expected traffic generated by the development. The analysis must also take into consideration existing on-street parking restrictions on the southern side of Yorkshire Street as these spaces limit passing opportunities within Yorkshire Street for eastbound and westbound vehicles.
- (d) Additional information in regards to the proposed stop / go system used at the basement car park entrance with an assessment of the entry light proposed, including an assessment of whether the entry light should be default green to give priority for vehicles entering the basement.
- (e) Provision of a Sidra analysis utilising existing traffic volumes, demonstrating that the proposed access arrangements for the development would not unduly impact the surrounding road network.

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

Hotel Management Plan

12. Before the uses commence, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must include or show, but is not limited to, the following:
 - (a) The gym, function centre and roof top pool facilities to be open only during the hours of 7am to 10pm each day;
 - (b) Sign in and management procedures for the use of the function centre facilities and pool facilities by the public, including:
 - (i) Management procedures for the use of the pool by hotel guests and patrons of the bar during permitted operating hours including safety and security arrangements;
 - (c) The gym is restricted to hotel guests only;
 - (d) Hours of operation for the restaurant and roof-top bar.
 - (e) The management of large group bookings for the conference facilities and pool area including the management and dispersal of users to Church Street for both areas, and strategies to manage users loitering around the venue after the event/venues have closed;
 - (f) Reception operating hours;
 - (g) Staffing/Management arrangements;
 - (h) Provisions for 'after-hours' arrivals and departures;
 - (i) Security arrangements;
 - (j) Procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
 - (k) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (l) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (m) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken;
 - (n) Details of eviction process in the event house rules are broken;
 - (o) Standards for property maintenance, health and cleanliness;
 - (p) Security against thefts and break-ins, including security of guests' belongings; and

- (q) Initiatives provided to direct hotel guests to the wider area from Church Street and not the residential areas to the east, with a strategy provided outlining how this will be communicated to guests.
13. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Operational Management Plan (Food and Drink Premises)

14. Before the uses commence, an Operational Management Plan for the two food and drinks premises (restaurant and bar) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and will form part of this permit. The Operational Management Plan must include or show but is not limited to, the following:
- (a) Provision of a Commercial Kitchen layout and operational design demonstrating the operational fitness for purpose of current ground, first and rooftop layouts.
 - (b) Detailed analysis on the kitchen facilities provided at Level 1 and how they will be managed to service the restaurant.
 - (c) Details provided on any kitchen facilities for the rooftop bar area and how they will be managed.
 - (d) The management and dispersal of patrons to Church Street for both venues, including patrons loitering around the venue after the venue has closed.
 - (e) How the movement and exit of patrons is to be managed for both venues.
 - (f) The management of the bar and pool area, including conflict between hotel guests and patrons.
 - (g) The management of large group bookings within both venues.
 - (h) The management of external queues for both venues.
 - (i) Any other measures to be undertaken to ensure no unreasonable amenity impacts from the ground floor restaurant and roof-top bar.
15. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. Before the use and development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Jack Merlo dated 01.06.20, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1, including the revised location of bicycle hoops. All bicycle hoops are to be shown in accordance with Yarra's standard bike hoop detail.
 - (b) Landscaping provided within the setback area to the east of the Level 2 eastern balconies.
 - (c) The height of the ground floor planters located within the scalloped inserts of the ground floor to be between 450mm to 500mm in height.
 - (d) The proposed street trees along Yorkshire Street reduced to five street trees and:
 - (i) modified to be '*Magnolia grandiflora* 'Greenback' or *Tristanopsis laurina* 'Luscious;'
 - (ii) Placed within standard 1m x 1m cut-outs.
 - (iii) Setback 10 metres from the Church Street curb and spaces 7 metres centre to centre.
 - (iv) Four trees are to be provided west of the porte cochère and one tree to the east of the porte cochère.
 - (e) The proposed street tree on Church Street modified to be Acer Autumn Blaze.

- (f) The pedestrian kerb crossing at the intersection of Church Street and Yorkshire Street to align with the direction of travel required to cross to the south with tactiles removed.
17. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Street Trees

18. Before the use and development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the northernmost street tree located on the Church Street frontage, including:
- (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority
20. Before the use and development commences, the permit holder must provide a security bond of \$1000 for the retained street tree to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
21. Before the use and development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution of \$2,074 to the Responsible Authority for the amenity value and removal cost of the southernmost street tree located on the Church Street frontage of the site.
22. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off a contribution of \$3,390 to the Responsible Authority for the sourcing, installation and 2 year maintenance of five street trees within Yorkshire Street and one tree on Church Street.

Sustainable Management Plan

23. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP Consulting dated 14 March 2020, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Clarification provided on the design and extent of operable windows on ground floor and level 1 and levels 7-11 (TP-21-10).
 - (c) Clarification on the provision of natural ventilation to all hotel suites.
 - (d) Inclusion of JV3 modelling.
 - (e) Include within JV3 modelling to articulate thermal performance associated with building fabric.
 - (f) Confirm that the 2016 NCC is the appropriate reference point.
 - (g) Include reference to peak demand within JV3 modelling.
 - (h) Clarify shading strategy for levels 7-11 in terms of performance outcomes of Fritted Glazing.
 - (i) Clarify HVAC approach and consider 3 pipe VRF.
 - (j) Clarify carpark ventilation strategy.
 - (k) Clarify size of rooftop solar PV system (inconsistency between 10kWp and 20kWp)
 - (l) Amend water tank size to 40,000L.
 - (m) Clarification of rainwater storage size.
 - (n) Confirm employee access to goods lift to reduce inconvenience of having to park in B2 and shower on Lv1.
 - (o) Commitment to provide details in Green Travel Plan & Building User Guide to ensure occupants have access to surrounding car share options.
 - (p) Confirm Green Travel Plan with performance targets and monitoring and reporting components included.
 - (q) Provide details of roof material/colour in terms of SRI and urban heat mitigation properties to meet 75% target.
 - (r) Clarify 'relevant stakeholders' for BUG and ensure occupants are equipped with knowledge regarding organic waste and other sustainable initiatives.
24. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Before the 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

26. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by LeighDesign and dated 25 March 2020, but modified to include:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The total floor areas associated with each use.
 - (c) Reduced rates of collection.

- (d) A separate waste stream and bin/s for glass.
 - (e) Increased bin storage area to provide an effective waste system.
 - (f) A notation indicating all bin washing and cleaning is to occur on-site.
 - (g) The swept path diagram relating the waste service.
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Green Travel Plan

29. Before the use and development commences, 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) Assess the proposal as amended pursuant to Condition 1.
 - (b) Description of the location in the context of alternative modes of transport, including access to surrounding car share options;
 - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of Green Travel funding and management responsibilities;
 - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) Security arrangements to access the employee bicycle storage spaces;
 - (j) Employee access to the goods lift to provide connection between the basement levels and the end-of-trip facilities on level 1.
 - (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (l) Provisions for the GTP to be updated not less than every five years.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

31. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by ADP Consulting and dated 1 June 2020, but modified to include:
- (a) The report updated to include the hours of operation as allowed by this permit and the proposal as amended pursuant to Condition 1.
 - (b) Deletion of references to addresses not within proximity and a detailed analysis of the sensitive residential receivers within proximity (both in residential and commercial zoning) with the report updated to reflect the resultant minimum distances.
 - (c) Photos of the measurement equipment installed on site included in the report and a more detailed description included.
 - (d) Zoning Levels be used as the SEPP N-1 noise limits.

- (e) A formal patron noise assessment be conducted and the report provide predicted patron noise levels at existing residences. The noise levels can be assessed to SEPP N-1 or 'background + 5 dB' targets. This assessment include reference to the ground floor restaurant as well as the roof-top bar.
 - (f) Provision for background music only for the restaurant and roof top bar, with the deletion of the proposed DJ music.
 - (g) Additional attended noise measurements to determine the appropriate SEPP N-2 music noise limits.
 - (h) A formal music noise assessment including the source spectra for the music and the predicted music noise levels at existing residences, assessed to the night period octave band noise limits.
 - (i) The applicable criteria for music noise to existing dwellings are to assess SEPP N-2 outdoor noise limits.
 - (j) The loading dock and car park entrance roller door acoustic requirements be specified, providing an acoustic specification for achieving the targets such that sleep disturbance levels will be met at the closest dwelling.
 - (k) The indoor SEPP N-1 noise limits (used for the assessment of existing commercial plant) be added to Section 3.1.1 of the report.
32. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
33. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, substation, loading dock and car park roller doors with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.
34. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
35. Within 3 months of the commencement of the food and drinks premises uses (restaurant and bar), an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Confirm that the recommendations of the endorsed Acoustic Report required by Condition 31 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed Acoustic Report required by Condition 31;
 - (c) Include measurements taken on nights where events with amplified background music and maximum patron occupancy (indoors and outdoors) occurs;
 - (d) If non-compliance is measured, the venue must implement additional acoustic measures as recommended by the endorsed Acoustic Report or the post-commencement Acoustic Report within one month of the date of the amended acoustic report, or as otherwise extended by the Responsible Authority. During the time the additional acoustic measures are being implemented no operation which would cause the non-compliance are to take place.

The acoustic report must assess the compliance of the uses and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

36. The provisions, recommendations and requirements of the endorsed post commencement Acoustic Report be implemented within one month of the endorsement, or as otherwise agreed in writing by the Responsible Authority and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Report

37. Before the use and development commences, an amended Wind Tunnel Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this permit. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated March 2020, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The north-east corner of the development, along Willow Lane and Church Street achieving pedestrian comfort for walking activities.
 - (c) The Church Street entrance to the development achieving pedestrian comfort for stationary, short exposure activities.
 - (d) The external private and communal terraces achieving pedestrian comfort for stationary, short exposure activities.
 - (e) The roof-terrace achieving pedestrian comfort for stationary, long exposure activities.

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

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

Environmental Audit

39. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

40. If the assessment required by condition 39 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
41. If the assessment required by condition 39 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or \
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 41, a Statement is issued:

- (c) the:
 - use; and
 - development,

authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (development pre-commencement conditions);
- (e) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (use pre-commencement conditions);
- (f) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (g) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (h) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act* 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and

- (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Streetscape Improvement Plan (widened footpaths and Porte Cochère)

42. Before the use and development commences, the owner of the site must submit a detailed Streetscape Improvement Plan for the developments Willow Lane, Church Street and Yorkshire Street frontages including the widened footpaths (including the porte cochère) to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner.

The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the widened footpaths and porte cochère. Furthermore, the detailed design plan must include the areas within the title boundaries to be utilised as footpath, including the following:

- (a) Provision of widened footpaths along Willow Lane, Church Street and Yorkshire Street frontages including the widened footpaths and the porte cochère, including land located on the subject site as identified within the Ground Floor plan prepared by Cox Architecture, Drawing No. TP-21-03, Revision 15, showing:
 - (i) The proposal as amended pursuant to Condition 1, including the revised location of bicycle hoops. All bicycle hoops are to be shown in accordance with Yarra's standard bike hoop detail.
 - (ii) All pavements along Church Street within Council land are to be reinstated as asphalt footpaths with concrete kerb and channel for the full length of the site plus the pedestrian kerb crossing area (as shown in Image A of the permit notes) as per *City of Yarra's Infrastructure – Road Materials Policy*.
 - (iii) A seamless transition between the footpath and private property is to be demonstrated.
 - (iv) All proposed paving in the pedestrian walkways to be compliance with Australian Standards for slip resistance and DDA.
 - (v) Bluestone banding (parallel to curb) included along the Yorkshire Street frontage to clearly identify the extent of private property.
 - (vi) Inside the curtilage of the property, the infill material of the indented area of the porte cochère is to be different to that of materials used for Council's road infrastructure. The property boundary is clearly identifiable/demarcated.
 - (vii) The design of the porte cochère is to have the input from an access consultant with any recommendations to enable disability access incorporated.
 - (viii) The pedestrian kerb crossing at the intersection of Church Street and Yorkshire Street to align with the direction of travel required to cross to the south with tactiles removed. The crossing is to be as per *Yarra Standard Drawings (YSD404 – Kerb layback pram crossing)*.
- (b) All proposed streetscape materials as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings.
- (c) Proposed vehicle crossovers to be shown on drawings as per Yarra Standard Drawings.
- (d) Show location of all existing infrastructure on footpath/lane, such as drainage pits, electricity poles and street signs. If any of this infrastructure is proposed to be relocated the proposed location is to be shown.
- (e) Show existing on-street parking on Church Street.
- (f) Correct the street tree labelling along Church Street
- (g) All redundant vehicle crossovers are to be demolished and note added on drawings.
- (h) Show general Grading and Drainage information (including within the walkway) to ensure the site layout is universally accessible, appropriate and well-designed, including:

- (i) RLs at all building entries and street interfaces.
- (ii) Falls of pavements, including extents of significant falls (i.e. steeper than 1:33 and 1:20).
- (iii) Drainage pits (and associated RLs).
- (iv) Show drainage infrastructure, such as trench grates on plans.
- (i) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas, as modified by Condition 16.
- (j) Relocation of the electricity and overhead power connection along Church Street underground.
- (k) Safety by design lighting solutions incorporated for Yorkshire Street and Willow Lane.

Widened section of Willow Street, Church Street and Yorkshire Street, including the Porte Cochère

- 43. Within six months of the development, the design of the widened sections of Willow Lane, Church Street and Yorkshire Street footpaths including the porte cochère must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must provide details including pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the Responsible Authority.
- 44. Within six months of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) The Owner must provide unfettered 24 hour public access (inclusive of the provision of light) over that part of the land to be used for the widening of the Willow Lane, Church Street and Yorkshire Street footpaths including the porte cochère;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 44(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 44(a).
- 45. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Timing of works

- 46. Before the building is occupied, all works to the public realm as required by conditions 42 and 43 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Car parking

- 47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

48. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Infrastructure

49. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the electricity connection along Church Street underground to facilitate the development must be undertaken:

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

50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, new pram crossings are to be constructed at the south-west Church Street and Yorkshire Street intersection;

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

51. Upon the completion of all building works and connections for underground utility services and before the building is occupied or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Church Street and Yorkshire Street frontages must be reconstructed:

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

52. Upon the completion of all building works and connections for underground utility services and before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Church Street and Yorkshire Street frontages must be reconstructed:

- (a) With a cross-fall of 1 in 40 unless otherwise specified by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

53. Upon the completion of all building works and connections for underground utility services and before the building is occupied or by such later date as approved in writing by the Responsible Authority, the asphalt flanks (road pavement) of Willow Lane, immediately abutting the site's northern boundary must be profiled and re-sheeted:

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

54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:

- (a) at the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
56. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one bicycle rack must be installed on Church Street and four bicycle racks must be installed on Yorkshire Street:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.
59. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Head, Transport for Victoria Condition (Condition 60)

60. The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Lighting

61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and

(d) of limited intensity

to the satisfaction of the Responsible Authority.

General

62. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
63. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
64. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
65. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
66. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
67. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
68. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
69. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Construction Management Plan

70. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

71. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

73. This permit will expire if:

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

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

Notes:

No liquor associated with any of the approved uses is to be sold or consumed on the site. A planning permit pursuant to the requirements of clause 52.27 (Licenced Premises) is required to facilitate the sale and consumption of liquor.

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

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

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

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

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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

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

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

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

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

IMAGE A:



CONTACT OFFICER: Michelle King
TITLE: Principal Planner
TEL: 9205 5333

Attachments

- 1 PLN20/0230 - 587 - 593 Church Street Richmond - Locality Plan
- 2 PLN20/0230 - 587 - 593 Church Street Richmond - Decision Plans
- 3 PLN20/0230 - 587 - 593 Church Street Richmond - Head, Transport for Victoria referral
- 4 PLN20/0230 - 587 - 593 Church Street Richmond - Open Space referral
- 5 PLN20/0230 - 587 - 593 Church Street Richmond - Urban Design (internal) referral
- 6 PLN20/0230 - 587 - 593 Church Street Richmond - Engineering Unit referral
- 7 PLN20/0230 - 587 - 593 Church Street Richmond - Strategic Transport referral
- 8 PLN20/0230 - 587 - 593 Church Street Richmond - City Works Unit referral
- 9 PLN20/0230 - 587 - 593 Church Street Richmond - ESD referral
- 10 PLN20/0230 - 587 - 593 Church Street Richmond - Urban Design (external) referral
- 11 PLN20/0230 - 587 - 593 Church Street Richmond - Traffic (external) referral
- 12 PLN20/0230 - 587 - 593 Church Street Richmond - Acoustic (external) referral
- 13 PLN20/0230 - 587 - 593 Church Street Richmond - Wind (external) referral