



Agenda

Planning Decisions Committee

6.30pm, Tuesday 6 September 2022

Richmond Town Hall

The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

Participating in the Meeting

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

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the chair will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your 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 you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

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.

Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.

1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“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.”

3. Attendance, apologies and requests for leave of absence

Councillors

Cr Edward Crossland

Cr Anab Mohamud

Cr Amanda Stone (substitute for Cr Bridgid O’Brien)

Council officers

Daniel Herrmann (Co-ordinator Statutory Planning)

Jessica Sutherland (Senior Statutory Planner)

Cindi Johnston (Governance Officer)

Municipal Monitor

Yehudi Blacher

Apology

Cr Bridgid O’Brien

4. Declarations of conflict of interest

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

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Tuesday 16 August 2022 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN21/0788 - 9 - 15 Brighton Street & land in TP11938, Richmond - Construction of a multi-storey building for office and food and drink premises (no permit required for uses) and a reduction in the statutory car parking and visitor bicycle space requirements	5	62

6.1 PLN21/0788 - 9 - 15 Brighton Street & land in TP11938, Richmond - Construction of a multi-storey building for office and food and drink premises (no permit required for uses) and a reduction in the statutory car parking and visitor bicycle space requirements

Report Summary

Purpose

1. This report provides Council with an assessment of planning application PLN21/0788 which relates to land at No. 9 – 15 Brighton Street and land comprised in TP11938, Richmond. The report recommends a position of approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 22.10 – Built Form and Design Policy; and
 - (b) clause 43.02 – Design and Development Overlay, Schedule 27
 - (c) clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Built Form
 - (b) Off Site Amenity

Submissions Received

4. Seven objections were received to the application, these can be summarised as:
 - (a) Building height and massing and precedence of taller built form in the area;
 - (b) Amenity impacts including overlooking, overshadowing, visual bulk, loss of daylight, noise, light spill and
 - (c) Impacts to nearby heritage streetscapes;
 - (d) Impacts associated with the construction stage including noise, pollution, overlooking and traffic disruption;
 - (e) Concerns relating to the proposed car parking reduction and the impact on on-street car parking availability;
 - (f) Insufficient provision of DDA car parking;
 - (g) Concerns relating to equitable development;
5. One letter of support was received to the application.

VCAT Proceedings

6. On 22 June 2022, 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). As such, Council cannot issue a decision on this application and instead only a position on the application can be made.
7. A compulsory conference is scheduled for 19 September 2022 and a Major Cases Hearing is scheduled for 23 & 24 November 2022. Two objectors are registered as a party to the VCAT proceedings as is the authority Transport for Victoria. Three objectors have submitted statements of grounds.

Conclusion

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

- (a) Deletion of level 09
- (b) Improvements to the proposed kerb outstand along Brighton Street as recommended by Council's Urban Design Unit;

CONTACT OFFICER: Chris Stathis
TITLE: Senior Statutory Planner
TEL: 9205 5352

6.1 [PLN21/0788 - 9 - 15 Brighton Street & land in TP11938, Richmond - Construction of a multi-storey building for office and food and drink premises \(no permit required for uses\) and a reduction in the statutory car parking and visitor bicycle space requirements](#)

Reference D22/197961
Author Chris Stathis - Senior Statutory Planner
Authoriser Co-Ordinator Statutory Planning

Ward: Melba
Proposal: The construction of a multi-storey building for office and food and drinks premises (no permit required for proposed uses) and a reduction in the car parking and visitor bicycle space requirements.
Existing use: Office
Applicant: LPC Nominee 30 Pty Ltd
Zoning / Overlays: Commercial 1 Zone (C1Z)
Design and Development Overlay – Schedule 5 (DDO5)
Design and Development Overlay – Schedule 27 (DDO27)
Development Contributions Plan Overlay (DCPO1)
Date of Application: 25 October 2021
Application Number: PLN21/0788

Planning History

1. The subject site has the following planning history:
 - (a) The property at No. 11 Brighton Street has a Planning Permit for boundary realignment issued in 1998.
 - (b) Planning Permit PL05/0876 was issued by Council on 09 December 2005 for the *use of the premises for the purpose of trade supplies, and a waiver of car parking requirements* (this permit relates to land at No. 13 – 15 Brighton Street only).

[Planning Scheme Amendments](#)

[Amendment C269 – Rewrite of local policies](#)

2. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.
3. The amendment was on public exhibition between 20 August 2020 and 4 December 2020. Amendment C269 was adopted by Council on 3 August 2021 and was heard at a panel hearing in October 2021. The panel report was released in January 2022.

4. At a Council meeting on 19 April 2022, Council resolved to refer the Amendment to the Minister for approval, with some changes to Council Officer recommendations. These amendments included alterations to wording within Clause 11.03-1L, Activity Centres, and Clause 15.01-2L, Building Design.
5. The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below. This assessment confirms that the proposal is consistent with the new policies, with the exception of the affordable housing policy.

Proposed C269 Local Policy reference	Brief Assessment
Clause 02.04 – Strategic Framework Plan	The Site is formally identified as being located within the Swan Street Major Activity Centre (MAC), consistent with DDO26.
Clause 11.03-1L – Activity Centres	The proposal will contribute positively to the Retail Centre Precinct of the Swan Street MAC.
Clause 13.07-1L – Interfaces and Amenity	The policy aspirations of this clause is addressed under the off-site amenity and on-site amenity assessments below.
Clause 15.01-1L – Urban Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.01-2L – Building Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.02-1L – Environmentally Sustainable Development	The proposal achieves ESD Excellence, with a Green Star score of 5 stars.
Clause 16.01-2L – Housing affordability	The proposal does not provide affordable housing.
Clause 17.01-1L – Employment	The proposal features a genuine mix of land uses, including over 2000sqm of office floor space and over 300sqm of ground floor retail space. These offerings will provide a positive contribution to employment opportunities within the Swan Street MAC.
Clause 18.02-1L – Sustainable Transport	The provision of extensive bicycle facilities and reduction of car parking proposed will ensure this policy is met.
Clause 18.02-4L – Car Parking	The proposal seeks a reduction of the car parking requirements to reduce reliance on private vehicle usage. A car parking management plan has been included with the proposal.
Clause 19.03-2L –	This is addressed via permit conditions.

Development Contributions	
Clause 19.03-3L – WSUD	The proposal is consistent with this policy, as outlined in the submitted Sustainable Management Plan. Implementation is required by permit condition.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section below and addressed via a Waste Management Plan that will be implemented by permit condition.

[Amendment C191 – Swan Street Major Activity Centre](#)

6. This amendment was gazetted on 10 February 2022. The amendment introduced permanent built form controls associated with the Swan Street Major Activity Centre (MAC). These permanent controls will be referred to throughout this report and replace the interim planning controls previously set out in DDO17 that applied to the Site at the original time of lodgement.

Background

[VCAT Proceedings](#)

7. On 22 June 2022, 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). As such, Council cannot issue a decision on this application and instead only a position on the application can be made.
8. A compulsory conference is scheduled for 21 September 2022 and a Major Cases Hearing is scheduled for 23 & 24 November 2022.
9. Two objectors are registered as parties to the VCAT proceedings as is the authority Transport for Victoria. Three objectors have submitted statements of grounds.

[Lodgment of VCAT substituted plans](#)

10. On 18 August 2022 the permit applicant submitted amended plans to be substituted as the decision plans. These are referred to throughout this report as the 'decision plans (VCAT substituted plans)'. The decision plans (VCAT substituted plans) superseded the advertised plans. For clarity, the superseded plans are referred to throughout this report as the 'superseded plans (i.e. advertised plans)'.
11. As part of the submission of the decision plans (i.e. VCAT substituted plans), the permit applicant submitted the following:
 - (a) Updated renders to accord with the VCAT substituted plans;
 - (b) Updated Sustainable Management Plan;
 - (c) Public Realm Plan to show improvements to the public realm along the subject site's frontages, including a kerb outstand along Brighton Street;
 - (d) Swept path diagrams to demonstrate vehicle turning movements as a result of the proposed kerb outstand;
12. The changes shown on the VCAT substituted plans include:
 - Removal of Level 10 and replace with communal roof terrace and services.
 - Reconfigured ground level, including increased commercial tenancy sizes and a reduction in entry lobby width.

- Adjustment to floor to floor height for L3 and L9 (200mm increase per level).
- Additional façade articulation.
- Modified sun shading pattern.
- Modified external materials and finishes palette.
- Reconfigured northern light well at Levels L1 -L5.

The Proposal

13. The proposal is for the construction of an 11 storey building (plus roof terrace and two basement levels) for office and food and drink premises (no permit required for proposed uses), and reductions in the car parking and visitor bicycle space requirements. The proposal can be described in more detail as follows:

Use

The application proposes to use the land for:

- (a) Office (across all levels) with a net floor area of 10,035sqm.
- (b) Food and drink premises (at ground floor fronting Brighton Street) with a net floor area of 166sqm;

A planning permit is not required for either of the proposed land uses.

Development

General

- (c) The development proposes an overall building height of 11 storeys or 43.05m (this has been taken from the lowest level of natural ground level shown on the elevations). Including the lift overrun, the proposal seeks an overall height of 45.05m.
- (d) At the Brighton Street interface, a street wall height of four stories (15.55m – 16.62m) is proposed.
- (e) The development proposes a four-storey brick podium above which are a total of seven upper levels expressed with glazing and metal framing elements. The proposed massing typology can be described in more detail as follows:
 - (i) Ground floor largely constructed to all boundaries save for a setback along the Brighton Street footpath;
 - (ii) Levels 01, 02 and 03 largely constructed to all boundaries save for a recess along the northern boundary at each level and a setback above the ground floor office and entry at level 01 only.
 - (iii) Levels 04 - 07 are provided with the following upper level setbacks
 - 3.11m from Brighton Street
 - 3.06m to 3.25m from the northern boundary
 - 1.32m to 1.46m from the rear laneway;
 - 0m from Little Lesney Street
 - (iv) Level 08 and 09 provide deeper setbacks from the northern boundary and from the rear laneway
 - (v) Roof terraces are provided at:
 - Level 04 along the northern and western boundaries;
 - Level 08 along the northern edge of the level;
 - Roof level

Basement Levels

- (f) Two basement levels will be accessed via Little Lesney Street, with the following features

- (i) A total of 72 car spaces (including 4 electric vehicle car spaces and 2 accessible car spaces);
- (ii) Services including a fire tank and pumps, and a 60,000kL rain water tank.

Ground Floor (within title boundaries)

- (g) The proposed layout of the ground floor plan includes:
 - (i) Principal pedestrian entry point at Brighton Street frontage, behind which is a large lobby area leading to the central lift core;
 - (ii) Food and drink premises located along the northern section of the Brighton Street frontage, with pedestrian access to this tenancy provided along Brighton Street;
 - (iii) An office tenancy located at the southwest corner, with pedestrian access from Brighton Street. This tenancy faces both Brighton Street and Little Lesney Street
 - (iv) Vehicle access and loading dock access provided at the eastern end of the Little Lesney Street frontage;
 - (v) Bicycle space compound and end of trip facilities located internally along the northern boundary and accessed via 1.4m-wide ramp access from a single width entry at the northern edge of the Brighton Street frontage;
 - (vi) Services (including waste storage area, water meters and substation) and lift core included internally.
 - (vii) Services visible front the Brighton Street frontage are limited to a fire booster cupboard to the north of the proposed food and drink premises.

Ground Floor (within the public realm)

- (h) The application proposes the following works with the public realm:
 - (i) A kerb outstand (constructed of bluestone paving and asphalt) along Brighton Street which includes three street trees, public seating, six visitor bicycle spaces (i.e. three vertical racks) and two on-street car spaces. The proposed kerb outstand has been designed to line up with the proposed ground floor setback along Brighton Street.
 - (ii) Bluestone threshold pavement to the intersection of Brighton Street and Little Lesney Street to provide traffic calming near the pedestrian bridge over the railway corridor.
 - (iii) The section of Little Lesney Street along the site's southern boundary to be turned into a shared zone and provided with a strip of bluestone paving along its northern edge for pedestrian use

Level 01

- (i) This level includes a total of 1229 sqm of office floor area.

Levels 02 and 03

- (j) Each of these levels includes a 1274sqm of office floor area;

Level 04

- (k) This level includes 1073sqm of office floor area and a terrace along the northern and western boundaries of the site;

Levels 05 - 07

- (l) Each of these levels has 1052sqm of office floor area;

Level 08

- (m) This level includes 852sqm of office floor area and two north-facing terraces;

Level 09

- (n) This level includes 852sqm of office floor area.

Roof Terrace Level

- (o) A large open plant area is provided towards the centre-north-east of the site at the roof terrace level. A roof terrace wraps around the north, west and south of the open plant area, with the largest portion of the roof terrace facing south and provided with roofing above. A 44kW solar panel system is provided above the roof of the lift overrun and covered roof terrace.

Materials and finishes

- (p) The development proposes a mix of face brick, glazing, metal cladding, metal mesh and render.
- (q) The podium levels along the are finished in red face brick (EF01) with vertical-rectangular format windows (where facing a street)
- (r) The upper levels are constructed largely of glazing and include:
 - (i) Clear glazing (EF09);
 - (ii) Light grey reflective tint glazing (EF03);
 - (iii) Spandrel glazing (EF04) at the top of each floor;
 - (iv) Powdercoated metal fins and framing elements in a light grey colour (EF11)

14. Three-dimensional perspectives of the development is provided below at Figure 1.



Figure 1: Three-dimensional perspectives of the proposed development, taken from Lesney Street from the southwest (left) and from Church Street from the northwest (right)

Existing Conditions

Subject Site

15. The subject site is located on the eastern side of Brighton Street and includes three properties:
- (a) No. 9 Brighton Street – Lot 2 on Lot Plan 47188;
 - (b) No. 11 Brighton Street – Lot 1 on Plan of Subdivision 419841, and;
 - (c) No. 13 – 15 Brighton Street – Lot 2 on Plan of Subdivision 419841.
16. With these three properties combined, the subject site has a total area of 1,527sqm and has frontages to Brighton Street, Little Lesney Street and the rear laneway.
17. The subject site is not affected by any covenants or section 173 agreements, however:

- (a) Land to the north of No. 11 Brighton Street is registered on the title as a road;
 - (b) A party wall easement is located along the rear half of the southern boundary of No. 11 Brighton Street and the rear half of the northern boundary of No. 13 – 15 Brighton Street.
18. With respect to (a), the road only benefits the Nos. 9 and 11 Brighton Street (i.e. both properties which make up the subject site) and therefore the closure of this road to enable the proposed development is not anticipated to affect any other party. Notwithstanding this, it is important to note that road discontinuances have an application process that is outside of the planning process, and may entail their own specific requirements. Council's Development Engineering Unit reviewed this aspect of the proposal and commented that the applicant must apply to Council for the discontinuance of a road to expunge the laneway (known as 'Laneway 1121' or land within TP11938) from Yarra's *Register of Public Roads*. Thus, a condition will be added to require the permit holder to seek the relevant road discontinuance approvals prior to the commencement of any works associated with the subject application.
19. With regard to (b), the application proposes to demolish the party walls associated with the easement. Whilst this will not affect any other party, a note will advise the permit holder that the easement will need to be formally removed from the titles prior to the commencement of works.



Figure 2: The subject site (Council GIS, April 2022)

20. The three properties are developed as follows:
- (a) No. 9 Brighton Street is developed with a double-storey, post-war commercial building constructed of concrete. The building has a site coverage of 100% and at ground floor, a setback is provided from the Brighton Street boundary for a car parking undercroft. Windows fronting Brighton Street are at both ground and first floor. The entire frontage of the site is accessed by a wide crossover, which provides vehicle access to the aforementioned undercroft. The property also has vehicle access from the rear laneway via a single-width roller door.

- (b) No. 11 Brighton Street is developed with a single-storey, weatherboard house of the Victorian-era which fronts Brighton Street. The dwelling has a front setback of approximately 2m but the dwelling's front verandah is constructed flush to the Brighton Street boundary. To the rear of the house is a single-storey, post-war commercial addition constructed of brick which has vehicle access from Brighton Street via a driveway which extends along the property's northern boundary.

Vehicle access to the property is not provided from the rear laneway, however a pedestrian door is provide at the rear laneway.

- (c) No. 13 – 15 Brighton Street is developed with a double-storey, commercial brick building of the post-war era. The building is constructed to all boundaries save for a modest front setback and 2m-deep setback along the rear laneway, which enables vehicle access into the property via roller doors. The laneway setback also enables easier vehicle manoeuvres into the rear laneway via Little Lesney Street.



Figure 3: The subject site with No. 9 shown to the left, No. 11 at centre and No. 13 – 15 shown at right (Planning Officer Photos, May 2022).



Figure 4: The rear of the subject site, as it presents to the laneway (Planning Officer photos, May 2022)

21. The surrounding land is defined by commercial offerings within the Swan Street Major Activity Centre [Swan Street MAC], which is a significant business and retailing strip within the City of Yarra. The activity centre runs from Punt Road in the west to the rail overpass in the east and provides a range of business types, including offices, shops, restaurants and bars, interspersed with a number of dwellings. Church Street is also proximate to the subject site and functions as an important retail and office strip within the municipality.
22. Public transport is readily available to the site with immediate access to the tram services on both Swan and Church Streets as well as East Richmond Railway Station (180m west).
23. As shown in the zoning map below, the subject site and the majority of the Swan Street MAC are located in the Commercial 1 Zone (C1Z). To the north of the Swan Street MAC, the land is residentially zoned (either NRZ1 or GRZ2). To the south of the subject site is the railway corridor which runs east to west and is zoned Transport Zone 1. To the south of the railway corridor, the land is residentially zoned (either NRZ1 or GRZ2). Further southeast is the Church Street South (Richmond) Major Employment Precinct which is zoned Commercial 2.

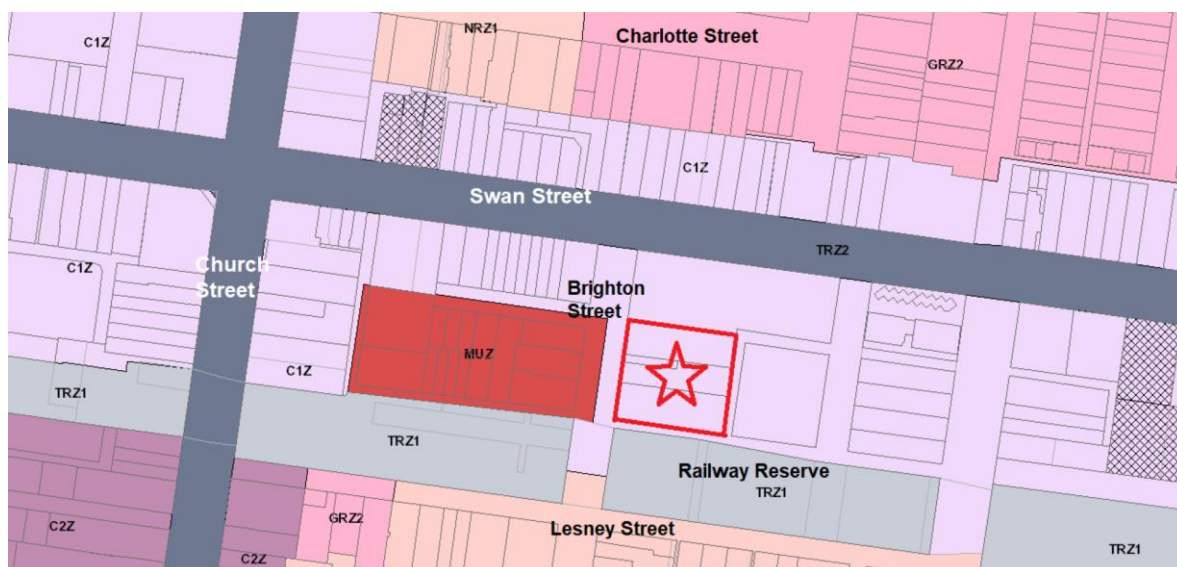






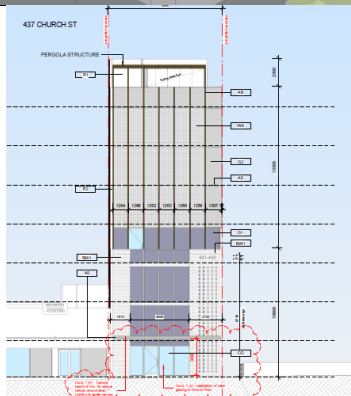




Figure 5: The zoning context of the subject site (DELWP, August 2022)

24. This part of the Swan Street MAC is experiencing a transition to higher-density built form as evidenced by following developments (all of these are in the Swan Street MAC save for the final two examples).

No.	Address	Details	Image
PLN21/0325	2 – 8 Brighton Street & 1 – 5 Wiltshire Street & 5 Little Lesney Street Richmond	A twelve-storey mixed use development comprising apartments, office and ground floor commercial tenancies. Council refused the application in June 2022 and the permit applicant lodged an appeal with the Tribunal in July 2022. A compulsory conference is scheduled for September 2022 and a hearing is scheduled for December 2022.	

PLN18/0658	2 – 8 Brighton Street & 1 – 5 Wiltshire Street & 5 Little Lesney Street Richmond	A nine-storey apartment development with commercial tenancies at ground floor. The permit was issued in 2019, however works have not yet commenced. The permit remains valid at the time of writing.	
PLN20/0740	1 Little Lesney Street & 9 Wiltshire Street Richmond	A twelve-storey serviced apartment development approved in 2021. Works are yet to commence.	
PLN13/0933	306 – 310 Swan Street Richmond	A seven-storey mixed use development including commercial tenancies at ground floor and apartments at all levels above ground floor. The development is complete.	
PLN16/0034	312 – 324 Swan Street and 236 Coppin Street Richmond	An eight-storey, mixed use development including apartments, office and ground floor commercial tenancies. The development is under construction and nearing completion.	

PLN20/0846	300 – 304 Swan Street Richmond	An eight-storey office development, approved in 2021, with works yet to commence.	
PLN19/0377	441-443 Church Street Richmond	Eight-storey office development approved in 2021, with works yet to commence.	
PLN18/0328	459 – 471 Church Street & 20 – 26 Brighton Street Richmond	Office development across a large site with building heights including three, six and ten storeys and features commercial tenancies at ground floor. The development is under construction and nearing completion.	
PLN17/0278	506 – 510 Church Street Cremorne	Office development across a large site with a height of ten storeys plus roof terrace. The development features a number of commercial uses at ground floor. The development is complete.	

25. The immediate interfaces of the subject site are described below:

North

26. Immediately north of the subject site is No. 274 – 280 Swan Street, which is a large site with frontages to Swan Street, Brighton Street, Harvey Street (further east) and the laneway to the rear of the subject site. The site is not affected by the Heritage Overlay and has the same preferred building height pursuant to the DDO27 as the subject site (that being 28m). The site is currently developed with a BP petrol station and car wash service centre, which has vehicle access from Swan Street and Harvey Street further east.

Vehicles cannot enter the site from Brighton Street, however a crossover is provided along the Brighton Street frontage for the purposes of egressing vehicles from the car wash service centre.

27. The site features a number of contemporary buildings and signage structures typical of a petrol station. This property has a common boundary with the subject site.



Figure 6: The north-abutting property at No. 274 – 280 Swan Street, as viewed from Brighton Street.

East

28. Immediately east of the subject site is the rear laneway, which has a width of 3.67m and provides an alternate vehicular connection between Little Lesney Street (in the south) to Harvey Street (to the northeast).
29. To the east of the rear laneway is No. 10 – 16 Harvey Street, which is a large site that is slightly smaller than the total size of the subject site. No. 10 – 16 Harvey Street fronts Harvey Street, Little Lesney and both the north-south and east-west segments of the rear laneway. The site is not affected by the Heritage Overlay and has the same preferred building height pursuant to the DDO27 as the subject site (that being 28m). The site is developed with a three-storey contemporary office development which has vehicle access from Little Lesney Street as well as the east-west segment of the rear laneway. The development presents to Harvey Street with a landscaped setback and a high proportion of glazing within the building façade. At the rear laneway, the development is built to the boundary.



Figure 7: The east-adjacent property at Nos. 10 – 16 Harvey Street, as viewed from the rear

laneway that separates it from the subject site.

West

30. To the east of the subject site is Brighton Street, which is roughly 15m wide with dual carriageway. This part of Brighton Street terminates at the railway line. On the western side of Brighton Street, opposite the subject site are the following properties:
 - (a) Nos. 2 and 4 Brighton Street, which are single-storey Edwardian-era houses constructed of brick and have recently been used for the purpose of medical centre (psychology and sports science clinics). These buildings have vehicle access from Wiltshire Street.
 - (b) No. 6 – 8 Brighton Street, a single-storey brick warehouse building of the post-war era, constructed to all title boundaries and presenting to Brighton Street with a recessed, glazed pedestrian entrance. This site has vehicle access from Wiltshire Street, via the rear of the two properties described above.
31. As previously outlined – Nos. 2 – 8 Brighton Street forms part of a larger site with an approval for a nine-storey mixed-se development.
32. To the north of No. 2 Brighton Street is Wiltshire Street which is a no-through road with a width of approximately 6m and narrow footpaths on either side of the roadway.

South

33. To the south of the site is Little Lesney Street (approx. 3m wide) and the railway line corridor (30m in width) with commercial areas (fronting Church Street) and the low rise, residential areas of Lesney, Shamrock and Brighton Streets located beyond this (with this land being slightly lower in elevation). A pedestrian footbridge over the train tracks, which connects the northern and southern sections of Brighton Street.
34. The dwellings south of the railway line generally have minimal front setbacks, high site coverage, and private open spaces along their rear boundaries (although some of the dwellings have their entire private open spaces along their side boundary). Heights range between single and triple storey. These dwellings are also located within the Barkly Gardens Heritage Precinct, with most of these buildings being of the Victorian or Edwardian eras. To the south-east is a Barkly Gardens, which is a large public open space.
35. Further south is Commercial 2 Zoned land and to the south-west is Church Street which includes numerous commercial uses such as bars, offices and furniture retail stores.



Figure 8: Railway corridor viewed from the pedestrian bridge (left) and view from the pedestrian bridge looking south toward Lesney Street (right).

Planning Scheme Provisions

Zoning

Commercial 1 Zone

36. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required:
- (a) for the use of the land for offices and food and drink premises (café);
37. Pursuant to Clause 34.02-4 of the Scheme, a planning permit is required to construct a building or to construct or carry out works.

Overlays

Clause 43.02 - Design and Development Overlay (Schedules 5 and 26)

38. The subject site is affected by the Design and Development Overlay (Schedule 5 and 26). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works.
39. Pursuant to Section 4.0 of Schedule 5 and the Schedule to Clause 66.06, where a permit is required for the development of the land, notice of the application must be given to the Environment Protection Authority (EPA), Transurban City Link, and the Roads Corporation (VicRoads). Notice of the application was given in accordance with this provision. No responses were received to this notice (Transport for Victoria only responded to the statutory referral pursuant to Clause 66.02-11).
40. Schedule 26 relates to Precinct 2 (retail centre) of the Swan Street Activity Centre. DDO26 provides comprehensive design guidelines and built form controls. The key quantitative built controls set out for the Site are outlined in the following table:

Item	DDO27 Built form Controls
Preferred maximum building height	28m
Mandatory maximum building height	N/A
Preferred maximum street wall height	14m (Brighton Street) 0m (Little Lesney Street)
Preferred min. upper level setback	3m (Brighton and Wilshire Street) 0m (Little Lesney Street)
Min. building separation (west boundary)	4.5m (habitable window / balcony) 3m (commercial or non-habitable window) 6m for floors above 28m
Rail corridor interface	Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
Building projections	Projections such as balconies and building services must not intrude into a setback

41. The application will be assessed against these controls in the assessment section of this report.

Clause 45.06 – Development Contributions Plan Overlay (Schedule 1) (DCPO1)

42. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.
43. Pursuant to Clause 45.06-1 a permit granted must:
 - (a) *Be consistent with the provisions of the relevant development contributions plan.*
 - (b) *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay*
44. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The development infrastructure levy is applicable to the office and retail floor space.
45. A planning permit is not required for works under the overlay. The requirements of the DCPO have been included as a condition in the recommendation.

Particular Provisions

Clause 52.06 – Car parking

46. Clause 52.06-1 of the Scheme prescribes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table overleaf outlines the car parking requirements for the proposed office use (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	10035sqm. net floor area	3 car parking spaces per 100sq.m. of net floor area	301	-	-
Food and Drink Premises	166sqm	3 car spaces per 100sqm of leasable floor area	5	-	-
Total			306	72	234

47. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of 234 spaces is sought.

Clause 52.34 – Bicycle facilities

48. 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. The table below outlines the bicycle parking requirements for the proposed use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus
Office	10035sqm. net floor area	<i>Employee spaces</i> 1 space to each 300m ² net floor area (if the net floor area exceeds 1000m ²)	33	-	
		<i>Visitor spaces</i> 1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m ²)	10	-	
Food and Drink Premises	166sqm	<i>Employee spaces</i> 1 space to each 300m ² leasable floor area	1	-	
		<i>Customer spaces</i> 1 visitor space to each 500sq.m. of leasable floor area	0	-	
TOTAL		<i>Employee Spaces</i>	34	103	69
		<i>Visitor Spaces</i>	10	7*	-3
		<i>Showers / Change Rooms</i> (1 to the first 5 employee spaces and 1 to each additional 10 employee spaces)	4	13	9

* 7 visitor spaces are provided within title boundaries, however an additional six visitor spaces are proposed within the public realm, which do not count towards the statutory requirements.

49. As detailed in the above table, the proposal provides a surplus of 69 employee spaces and a surplus of 9 showers / change rooms. As such, a planning permit is not triggered for these components of Clause 52.34. The development provides only 7 visitor spaces within title boundaries and thus triggers a planning permit for a reduction in the visitor bicycle space requirements pursuant to Clause 52.34- 2.

General Provisions

50. The decision guidelines outlines at Clause 65 of the Scheme are relevant to all applications. 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 Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

51. Relevant clauses are as follows:

Clause 11.01-1R (Settlement - Metropolitan Melbourne)

52. Relevant strategies include;

- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*

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

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

53. 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 11.03-1R (Activity centres – Metropolitan Melbourne)

54. 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 15.01 (Built Environment and Heritage)

55. This clause outlines the following guidelines;

- (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- (b) *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
- (d) *Planning should promote excellence in the built environment and create places that:*
- (i) *Are enjoyable, engaging and comfortable to be in.*
 - (ii) *Accommodate people of all abilities, ages and cultures.*
 - (iii) *Contribute positively to local character and sense of place.*
 - (iv) *Reflect the particular characteristics and cultural identity of the community.*
 - (v) *Enhance the function, amenity and safety of the public realm.*

Clause 15.01-1S (Urban design)

56. 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 15.01-1R (Urban design - Metropolitan Melbourne)

57. The objective is:

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

Clause 15.01-2S (Building Design)

58. The objective is:

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

59. The strategies of this clause are:

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

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

60. 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)

61. The objective is:

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

62. Strategies are:

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

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy and resource efficiency)

63. The objective is:

- (a) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 17 (Economic development)

64. The clause states:

- (a) *Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

Clause 17.01-1S (Diversified economy)

65. The objective is:
(a) *To strengthen and diversify the economy.*
66. Relevant strategies are:
(a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
(b) *Improve access to jobs closer to where people live*

Clause 17.01 -1R (Diversified economy – Metropolitan Melbourne)

67. Strategies include:
(a) *Facilitate the development of National Employment and Innovation Clusters by ensuring they:*
(i) *Have a high level of amenity to attract businesses and workers;*
(ii) *Are supported by good public transport services and integrated walking and cycling paths;*
(iii) *Maximise investment opportunities for the location of knowledge intensive firms and jobs.*

Clause 17.02-1S (Business)

68. The objective is:
(a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*
69. Relevant strategies include:
(a) *Plan for an adequate supply of commercial land in appropriate locations.*
(b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
(c) *Locate commercial facilities in existing or planned activity centres*

Clause 18.02-1S – (Sustainable personal transport)

70. The objective is:
(a) *To promote the use of sustainable personal transport.*
71. Relevant strategies 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) *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.*
(d) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

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

72. 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)

73. The objective 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)

74. 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)

75. The objective is:
- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*
76. 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 \(LPPF\)](#)

77. Relevant clauses are as follows:

Clause 21.04-2 (Activity Centres)

78. Relevant strategies include:
- (a) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
 - (b) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
 - (c) *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)

79. The objective of this clause is *to increase the number and diversity of local employment opportunities.*
80. The clause also acknowledges that Yarra's *commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.*

Clause 21.05-2 (Urban design)

81. The relevant objectives and strategies 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 encourages new development to be no more than five – six storeys unless it can be demonstrated that the development can achieve specific benefits.*
 - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*

- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 (Public environment)

82. The relevant objective and strategies 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 21.05-3 (Built form character)

83. The relevant objective is:

- (a) *Objective 27 To improve the interface of development with the street in non-residential areas.*

Clause 21.06 (Transport)

84. This clause builds upon the objectives outlined at clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

Clause 21.06-1 (Walking and cycling)

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

- (a) *Objective 30 To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

Clause 21.06-2 (Public transport)

- (b) *Objective 31 To facilitate public transport usage.*
 - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

- (c) *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 (Environmentally sustainable development)

86. The relevant objective of this clause is:

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

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

87. The following relevant commentary is offered at this clause:

- (a) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*

Relevant Local Policies

88. Relevant clauses are as follows:

Clause 22.05 (Interface Uses Policy)

89. The relevant policy is:

- (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 22.07 (Development abutting laneways)

90. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 (Built form and design policy)

91. This policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

- (a) Setbacks and building heights;
- (b) Street and public space quality;
- (c) Environmental sustainability;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Landscaping and fencing; and
- (g) Parking, traffic and access.

92. The policy has the following objectives:

- (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.*
- (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) *Encourage environmentally sustainable development.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

93. This policy applies to (as relevant) new buildings and contains the following objectives;
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
 - (b) *Currently, these water quality performance objectives require:*
 - (i) *Suspended Solids - 80% retention of typical urban annual load*
 - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
 - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
 - (iv) *Litter - 70% reduction of typical urban annual load*
 - (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
 - (d) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
 - (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
 - (f) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

Clause 22.17 (Environmentally Sustainable Design)

94. 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

95. 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.
96. It is policy to create mixed-use neighbourhoods at varying densities to offer more choice in housing and create opportunities for local businesses and new jobs whilst also delivering better access to local services and facilities. It is acknowledged that the application of the Mixed Use Zone can facilitate diverse housing and a greater mix of uses at varying densities.
97. 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 residence.

Urban Design Guidelines for Victoria (DELWP)

98. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Spatial Economic and Employment Strategy (SEES)

99. 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.
100. 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.
101. The Site is located within the Swan Street Major Activity Centre. One of the key strategic directions of the SEES is to:
- (a) *Strategy 1: Support employment growth in Activity Centres:*
 - (i) *Support growth in retail and other employment uses in Yarra's Activity Centres in a way that encourages existing trends, supports major employment sectors and provides opportunities for innovative businesses to flourish in Yarra, building on the unique, creative local character.*
 - (ii) *Support the provision of housing in Activity Centre in mixed-use developments. The scale and form of new development should seek to enhance the amenity of the centre and avoid introducing potential land use conflicts between residential development and employment activity.*

Yarra Economic Development Strategy 2020 – 2025

102. This is a local strategy that outlines Yarra's vision for future economic development with a focus on major employment precincts. The strategy calls for the intensification of employment opportunities, stating that:

Yarra's employment precincts and activity centres are critical economic areas that support a broad range of business and employment uses. The availability of areas of employment land in Yarra ...is a strength and competitive advantage and will be important in accommodating future business and employment growth. Therefore, Yarra is in a position whereby further population and employment growth can be accommodated.

Advertising

103. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 790 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 6 objections and 2 letters of support, the grounds of which are summarised as follows):
- (a) Building height and massing and precedence of taller built form in the area;
 - (b) Amenity impacts including overlooking, overshadowing, visual bulk, loss of daylight, noise, light spill and
 - (c) Impacts to nearby heritage streetscapes;
 - (d) Impacts associated with the construction stage including noise, pollution, overlooking and traffic disruption;
 - (e) Concerns relating to the proposed car parking reduction and the impact on on-street car parking availability;
 - (f) Insufficient provision of DDA car parking;
 - (g) Concerns relating to equitable development;

Referrals

104. The referral comments are based on either the decision plans (i.e. VCAT amended plans) or the superseded (i.e. advertised plans). This is explained further below.

External Referrals

105. The application was referred under section 55 of the *Planning & Environment Act 1987* to the following authority.

- (a) Transport for Victoria – due to the application exceeding 10,000sqm of office floor area. Transport for Victoria have confirmed no objection to the decision plans (i.e. substituted plans) subject to the a number of conditions and notes, which have been included in the officer recommendation at the end of this report. Two of the permit notes outlined by Transport for Victoria state that the EPA should be provided with an opportunity to review the plans. These two notes do not need to be included as the EPA was notified of the application and responded, confirming no objection.

106. The following authorities were provided with notice of the application under section 52 of the *Planning & Environment Act 1987* as required by the provisions of the DDO5:

- (a) EPA – response received – no objection
- (b) Transport for Victoria – response received by way of the section 55 referral response as outline above.
- (c) Transurban – no response received.

107. Referral responses/comments have been included as attachments to this report.

Internal Referrals

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

- (a) Urban Design Unit – in review of the decision plans (i.e. VCAT substituted plans) as well as the Public Realm Plan.
- (b) Development Engineering Unit - in review of the superseded plans (i.e. advertised plans) as the proposed vehicle access and car parking did not change as part of the decision plans (i.e. advertised plans);
- (c) Development Engineering Unit – in review of the swept path diagrams submitted with the Public Realm Plan.
- (d) City Strategy (Open Space) Unit – in review of the superseded (i.e. advertised) landscape plan as the permit applicant did not provide an updated landscape plan with the decision plans (i.e. VCAT substituted plans).
- (e) City Works (Waste) Unit – in review of the in review of the superseded (i.e. advertised) plans as the permit applicant did not provide an updated Waste Management Plan with the decision plans (i.e. VCAT substituted plans).
- (f) City Works (Open Space) Unit – in review of the in review of the proposed public realm plantings shown in the Public Realm Plan.
- (g) Strategic Transport Unit – in review of the decision plans (VCAT substituted plans);
- (h) Car Parking Management Unit – in review of the proposed changes to on-street car parking proposed as part of the Public Realm Plan. Comments were not received by this Unit.
- (i) ESD Advisor – in review of the decision plans (i.e. VCAT substituted plans) and the associated updated SMP.

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

OFFICER ASSESSMENT

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

- (a) Policy and Strategic Support;
- (b) Built Form and Design;
- (c) On Site Amenity;
- (d) Off Site Amenity;
- (e) Car Parking, Traffic, Loading and Waste;
- (f) Bicycle Facilities;
- (g) Objector Concerns, and;
- (h) Other Matters.

Policy and Strategic Support

111. The proposed development achieves the various land use and development objectives outlined in the Scheme and is in accordance with relevant State and local planning policies applicable to the redevelopment of sites within well-serviced commercial areas. The subject site is located within the Swan Street MAC, which provides a wide range of retailing, services and food and drinks premises with good public transport links. This ensures that the site is well serviced by local infrastructure and commercial activity.
112. The subject site is located within the Commercial 1 Zone (C2Z), a key purpose of which is *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The proposed office and food and drink premises uses are both Section 1 uses (no permit required) which indicates strong strategic support for the proposed land uses.
113. With regard to the proposed development of the site, State and local policies encourage the concentration of development in and around activity centres with more intense development on sites well-connected to public transport, thereby ensuring efficient use of existing infrastructure. The site is well connected to public transport opportunities, with tram services on Swan Street and Church Street being less than 200m from the subject site as well as the proximity of East Richmond Railway Station. This excellent access to public transport encourages the use of alternative modes of transport to and from the site and reduces reliance on motor vehicles as encouraged by clauses 18.02 (Transport), 21.03 (Vision), 21.06-3 (the road system and parking) and 21.07 (Environmental Sustainability).
114. The proposed intensification of the land is also consistent with the SEES, which earmarks the Swan Street MAC as a key centre for hospitality and office based operations. The proposal is highly consistent with the purpose of the zone and strategic intent for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities.
115. Whilst there is a high degree of strategic and policy support for the proposal, the built form controls of the DDO27, built form policy under clause 22.10 (Built form and design policy) and the decision guidelines of the C1Z direct that consideration must be given to the design of the building and its interface with the surrounding area, with the DDO27 providing specific requirements that relate to building height and massing. A key recommendation of this report is that one level be deleted to reduce the prominence of the proposal in its context. This recommendation will ensure a balance between the competing objectives of the Planning Scheme.

Built Form and Design

116. This section of the report considers the built form of the proposed development and is guided principally by the DDO27 at Clause 43.02 of the Yarra Planning Scheme. This assessment is also based upon the decision guidelines of the C1Z at clause 32.01-08 and local policy at clauses 21.05 – Urban design, 22.05 – Interface Uses Policy and 22.10 – Built form and design policy.
117. These provisions and policies seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the site context, building height, massing, architectural response, the pedestrian experience and the development's interface with existing sensitive uses. These will be considered in the following paragraphs.

Site Context

118. The built form of the surrounding area is a mixture of architectural styles, uses and materials. The area is defined by its location within the Swan Street MAC and the railway line to the south. Most of the surrounding developments are constructed with a zero setback from the street, high levels of site coverage (most with 100%) and walls on the boundaries. The existing character of the surrounding area is predominantly between one and three storeys in height with emerging taller built forms in the wider area with brick, render and glazing being the predominant materials.
119. The direct interfaces to the subject site include:
- (a) the railway line (and Little Lesney Street) to the south;
 - (b) to the west is Brighton Street (15m wide) with commercial properties located in the Mixed Use Zone on the opposite side of Brighton Street;
 - (c) to the north is No. 274 – 280 Swan Street, a petrol station located in the C1Z and which has a preferred height of 28m under the DDO27;
 - (d) to the east is a rear laneway (3.67m wide) and further east is No. 10 – 16 Harvey Street, an office building located in the C1Z with a preferred height of 28m under the DDO27.
120. The nearest dwellings in a residential zone are those located on Lesney Street, on the southern side of the railway corridor (40m south of the subject site).
121. As outlined above, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C1Z within the Swan Street MAC, with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.

Specific DDO27 controls for the Site

122. The development is assessed against the quantitative building height and setback controls of DDO27 in the table below:

Item	DDO27 Built form Controls	Proposal	Complies?
Preferred maximum building height	28m	43.05m	No (+15.05m)
Mandatory maximum building height	N/A	N/A	N/A

Preferred maximum street wall height	14m (Brighton Street) N/A (Little Lesney Street)	15.55m – 16.62m (Brighton Street)	No (+1.55m – +2.62m)
Preferred min. upper level setback	3m (Brighton Street) 0m (Little Lesney Street)	>3m (Brighton Street) 0m (Little Lesney St)	Yes
Min. building separation (east and north boundaries)	4.5m (habitable window / balcony) 3m (commercial or non-habitable window) 6m for floors above 28m	Non-compliance is proposed with respect to the levels above 28m—refer to the Massing section for details	No

123. As demonstrated above, the proposal seeks variations from the preferred building height, preferred street wall height and building separation requirements set out in the DDO27. These variations are discussed in detail throughout the following sections of this report. The development complies with the upper level setback requirements of the DDO27.

Heritage

124. The subject site is not affected by a heritage overlay and as such, no consideration is warranted for the proposed demolition of the existing buildings on site (as this does not trigger a planning permit).
125. No specific DDO27 heritage requirements apply to the subject site, as it does not have an abutting interface to a heritage building.
126. The closest heritage building is located on the opposite side of Brighton Street at No 270 - 272 Swan Street, which faces Swan Street. Given the buffer of Brighton Street (15m wide), the proposed development will not obscure any views of this heritage building nor will it visually compete. When seen from Swan Street, the proposed development would be read a separate and distinct form to that of the heritage building at No. 270 - 272 Swan Street.

Street wall height (Brighton Street)

127. In relation to street wall requirements, the DDO27 states:

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- *The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;*
- *The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule; and*
- *The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.*

128. The DDO27 sets out a preferred maximum street wall height of 14m for Brighton Street. No maximum street wall height requirement applies along the Little Lesney Street frontage.
129. Along Brighton Street, the street wall ranges in height between 15.55m and 16.62m. Accordingly, a variation of between 1.55m and 2.62m is required from the preferred street wall requirement set out in DDO27.
130. Having regard to the relevant DDO27 design objectives, design requirements and ground floor activation, the proposed street wall height variation to Brighton Street is considered appropriate for the following reasons:

- (a) The design response provides generous setbacks at ground floor along Brighton Street which, together with the proposed kerb outstand works, will provide a high quality pedestrian experience with new street tree plantings and ample space for pedestrian circulation. This aspect of the design also creates a sense of spaciousness when viewed from Brighton Street, ensuring that the proposed street wall height is not oppressive.
- (b) The additional height above the preferred requirement is in part required to accommodate commercial areas (office) across all podium floors, which demands a higher ceiling height than other, uses permitted in the C1Z (such as dwellings).
- (c) The natural slope of the land toward the south and southwest corner also contributes to the need to exceed the preferred street wall requirement. The highest point of the Brighton Street street wall interfaces Little Lesney Street and the railway corridor, which are not considered to be sensitive.
- (d) The ground level floor-to-floor height, at 4 metres, is generous and will ensure a range of commercial uses can be accommodated within the two ground floor commercial tenancies from an adaptability perspective. This floor-to-floor height also provides a high level of internal amenity for occupants.
- (e) The composition, articulation, fenestration and external materials of the proposed street walls (4 storey podium) is considered to achieve urban design and architectural excellence as sought by the design quality requirements of DDO27. Architectural quality is discussed further below.
- (f) In addition to the above considerations, Council's external urban design consultant was supportive of the proposed street wall height (upon reviewing the superseded plans which show the same street wall height as the decision plans)

Street wall height (Little Lesney Street)

- 131. With regard to the Little Lesney Street street wall, the proposal seeks to construct a hard edge (0m setback) up to level 07 (to a height of approximately 32.2m) and satisfies the quantitative 0m setback requirement for Interface Type H outlined in DDO27. The DDO27 does not stipulate a preferred street wall height to Little Lesney Street, which is reflective of the interface with the railway corridor.
- 132. Levels 05 – 08 feature metal framing elements which protrude outside title boundary by approximately 0.5m. This is supported given their ground clearance height of roughly five stories (ensuring no conflicts with vehicles using Little Lesney Street or the power lines along the street. Furthermore, the protrusion can be supported in this case given the interface with the rail corridor.
- 133. The southern façade has also been designed with significant articulation to effectively break up visual mass and avoid a continuous wall along the railway corridor as sought by DDO27 through the following:
 - (a) A sense of depth and shade will be created through the use of recessed metal window frames at the upper levels and the recessed windows within the podium form;
 - (b) A modest visual break is provided through the façade recess along the southern façade at levels 05 – 07.
 - (c) Contrasting architectural language and external materials between the podium form (red face brick) and upper levels above (glazing and metal in light colour treatments);

- (d) A recessive roof terrace level with the roofed terrace area setback 4m from the southern boundary (this will ensure minimal, if any, views of the roof terrace level from the public realm).
 - (e) The provision of deeper upper level setbacks at levels 08 and 09 (1m from Little Lesney Street, 2.94m from the eastern [rear] laneway and 4.52m from Brighton Street) ensure a sense of spaciousness for these levels, ensuring that a continuous 'wall' of development will not result when adjacent properties develop in the future.
134. These aspects of the design response combine to mitigate visual bulk effects when viewed from south of the railway corridor. Furthermore, a condition will require the deletion of level 09 (as will be discussed under the *Building Height* subsection of this assessment) which will further mitigate visual impacts when viewed from south of the railway corridor.



Figure 9: Three dimensional image depicting the southern façade of the proposal

135. The proposed height and massing response to Little Lesney Street will not cast any additional overshadowing over residentially zoned properties south of the railway between 9am – 3pm at the September Equinox (all equinox shadows will fall within the railway corridor). This overshadowing will further reduce with the recommended reduction in building height (one level). Overshadowing of the public realm will be discussed under a latter subsection of this assessment titled *Light and Shade*.

Building height

136. DDO27 outlines a preferred maximum building height of 28 metres, which is measured above natural ground level. The proposed building will exceed this requirement by 15.05 metres with an overall height of up to approx. 43.05 metres, measured above ground level adjacent the south west corner of the subject site.
137. To set the scene for the building height assessment, it is important to acknowledge the recent planning permit activity on land to the west at 2-8 Brighton Street and at 1 Little Lesney Street to the west detailed above:
- (a) 2-8 Brighton Street, 1-3 Wiltshire Street & 5 Little Lesney Street (PLN18/0658) allowing a 10 storey mixed use development, featuring:
 - (i) A maximum building height of approximately 34.4 metres, measured adjacent the southwest corner and 28.1 metres in the northeast corner.
 - (ii) Minimum 3m upper level setbacks from Wiltshire and Brighton Streets and the western common boundary (above the boundary wall).

- (b) 1 Little Lesney Street and 9 Wiltshire Street (PLN20/0740) allowing a 12 storey residential hotel building featuring:
 - (i) A maximum building height of 40.45 metres.
 - (ii) 3m setback from the site's eastern boundary.
- 138. The most recent planning application at No. 2 – 8 Brighton Street (PLN21/0325) will not be relied upon as it has been refused by PDC and is subject to a future VCAT hearing and thus the outcome of this application is unknown at the time of writing.
- 139. The proposed building height of 43.05m is an excessive departure from the preferred maximum height of 28m, seeking a variation of 15.05m. The proposed building height is also significantly taller than the approved developments nearby:
 - (a) Roughly 9m taller than the approved development at No. 2 - Brighton Street (PLN18/0658)
 - (b) Roughly 3m taller than the approved development at No. 1 Little Lesney Street & No. 9 Wiltshire Street (PLN20/0740) which has a height of 40.45m.
- 140. The proposed height, at 43.05m is not supported for the following reasons:
 - (a) The height, particularly at the upper-most tower level (level 09) creates a sheer sense of verticality that is an unreasonable imposition on the surrounding context and would attract pedestrian sightlines to the upper levels, rather than at the 'human scale' of the four-storey podium.
 - (b) The height results in excessive visual impacts for pedestrians in the public realm and reduces the primacy of the podium form. The current height has an imbalance between the four-storey podium and the six storeys of upper levels that are visible from the public realm (noting that the roof terrace level will largely be obscured from the public realm);
 - (c) As described above, the proposed height is discordant with the nearby approved developments.
- 141. Council's external urban design consultant reviewed the superseded (i.e. advertised) plans (which had a height of roughly 47m) and was not supportive of the that:

Whilst the site is subject to preferred building height of 28m, the proposed height of development exceeds this by approximately 50% greater. On face value this raises a series of issues relating to heightened potential for offsite impacts arising from visual bulk, wind, and offsite impacts. It also raises the issue of the adequacy of separation between the site and interfaces to the east and north and the adequacy of setbacks to accommodate the increased height to the interfaces to Brighton Street and Little Lesney Street.
- 142. While the decision plans are an improvement from the superseded plans, they do not go far enough and the concerns raised by Council's external urban design consultant are still considered applicable to the decision plans.
- 143. To remedy this issue of excessive building height, a condition is recommended to delete level 09, which has a high floor-to-ceiling height of 3.95m. With the deletion of level 09, the proposed development would have the following heights:
 - (a) 39.55m (measured from the roof of the roof terrace level) – a variation of 11.55m from the preferred height (28m);

- (b) 36.5m (measured from the top of the tower form (i.e. excluding roof terrace level which is largely obscured from the public realm) - variation of 8.5m from the preferred height (28m). This height is relevant to consider because the height associated with the roof terrace will be largely obscured from public view.

144. The reduced height also ensures that the development would better accord with the approved developments nearby at 1 Little Lensey Street and 2-8 Brighton Street as shown below at figure 10.

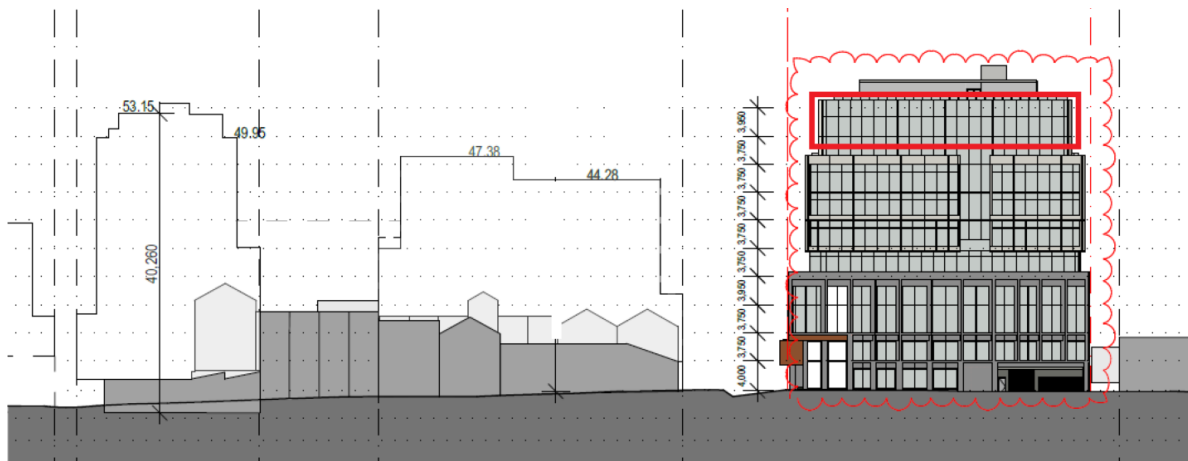


Figure 10: The proposed development compared to heights of nearby approvals to the west. The red outline shows the extent recommended for deletion.

145. Furthermore, the reduced height provides an improved relationship between the podium form (four storeys) and the upper level form (total of six storeys when accounting for the deletion of level 09). The deletion of level 09 will also not affect the well-resolved façade recesses below at levels 05 – 07, ensuring that design excellence will be maintained with the proposed condition. The Planning Officer has generated an image to approximately demonstrate the appearance of the development with the deletion of level 09, as shown at figure 11 below (note that the elevations, when zoomed out as per the image below, do not show the red colour of the brick podium levels).

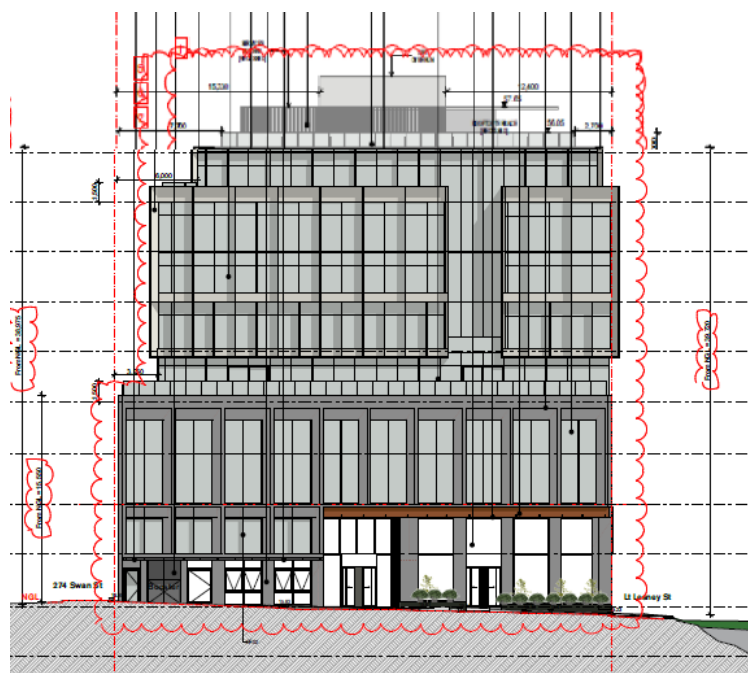


Figure 11: An approximate depiction of the proposal with level 09 deleted, prepared by the Planning Officer.

146. DDO27 states that a permit should only be granted to exceed the preferred maximum building height where all the following requirements are met to Council's satisfaction:
- (a) *the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and*
 - (b) *the proposal achieves each of the following:*
 - (i) *greater building separation than the minimum requirement in this schedule;*
 - (ii) *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;*
 - (iii) *no additional overshadowing or overlooking to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and*
 - (c) *where the proposal includes dwellings, it also achieves each of the following:*
 - (i) *accessibility provision objective that exceeds the minimum standards in Clauses 55.07-7 and 58.05-1 as relevant;*
 - (ii) *communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and*
 - (iii) *private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3.*
147. It is important to note the above criteria is a preferred criteria given the use of the word 'should'. As such, there is discretion to assess the development against each criterion on its own merits. The proposed development with the deletion of level 09 will be assessed against these criteria as follow.
148. With regard to criterion (a), the proposal, with the deletion of level 09, is considered to meet the relevant Design Objectives, design requirements and decision guidelines of DDO27 for the following reasons:
- (a) The proposal at 10 storeys will positively contribute to the new mid-rise character sought under the DDO27 and a varied skyline on the south side of Swan Street where taller development is envisaged.
 - (b) The proposal, together with the proposed kerb outstand works, will significantly enhance the pedestrian experience at ground level, as discussed above and further below. This will create an *active, high quality and pedestrian friendly environment* as pursued by the design objectives of the DDO27;
 - (c) As outlined previously, the design response has ensure a varied and articulated southern façade that will ensure that the development does not result in a 'wall' of built form when viewed from south of the railway corridor.
 - (d) The development provides a high quality architectural outcome as discussed in a latter subsection of this assessment.
149. With regard to criterion (b) the proposal:
- (a) Will exceed the building separation requirements for commercial windows (noting that the building separation requirement is 3m under the DDO27). This is discussed in further detail under the *Equitable Development* sub-section of this assessment.

- (b) Will comply with the building separation requirement (separation of 6m above a height of 28m) at level 08 at the northern elevation. Whilst this does not exceed the building separation requirement, it is still a substantial and satisfactory setback that, combined with the deletion of level 09, will minimise the prominence of the upper level from.
- (c) Will not comply with the building separation requirement (separation of 6m, measured from the centre of the rear laneway, above a height of 28m) at level 08 at the eastern elevation. Instead, a setback of 4.74m is provided from the centre of the rear laneway. This is considered to be an appropriate outcome because the metal framing elements proposed across levels 05 – 07 will partially obscure views of level 08, as shown by figure 12 below.
- (d) Will achieve a Green Star Rating of 5 stars (which is the equivalent of a BESS excellence score of 70%).
- (e) Will result in no unreasonable visual bulk or overshadowing to residentially zoned properties, which will be discussed further below under 'off-site amenity impacts'. Importantly, the proposal will not cast shadow over residential properties south of the railway corridor at the Equinox.



Figure 12: Render of the proposal taken from the northwest along Swan Street, with edits made by the Planning Officer

- 150. With regard to criterion (c), this is not applicable as the application does not include any dwellings.
- 151. The proposed building height, subject to conditions reducing the scale of the proposed building, is considered to contribute appropriately to the preferred mid-rise built form character sought by the DDO27 and demonstrates significant compliance with the criteria outlined above to exceed the preferred height limit.

Upper level setbacks

152. The DDO27 outlines a minimum 3 metre upper level setback requirement above the street wall along Brighton Street. The development complies with this requirement, providing upper level setbacks to Brighton Street of between 3.11m (levels 04 – 07) and 4.53m (levels 08 and 09). The roof terrace has been setback from Brighton Street even further (6.27m), ensuring minimal views of the roof terrace level. The proposed upper level setbacks comply with the DDO27 and will ensure a good sense of separation between the podium form and the upper levels.

Public realm interface (within title boundaries)

153. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the use. The DDO27 calls for high quality pedestrian environments to be achieved at ground floor and for development to provide a level of activation across the ground floor and lower level façade.
154. With respect to the public realm response to Brighton Street, the principal pedestrian entry point has been provided here which, together with a very high proportion of glazing along Brighton Street, will provide a high level of street activation in accordance with the design objectives of the DDO27 and the policy objectives of clause 22.10 (see figure 13 below).

The pedestrian entry is wide and connects to a large lobby connected to the lift core which provides a strong sense of address for the building. In terms of services along Brighton Street, the only instance is a 2m-wide booster cupboard, which allows for the high street activation mentioned above.

155. The majority of the ground floor is set back roughly 2m from the Brighton Street boundary, which allows for a substantial increase in space available for pedestrian circulation, which is a positive urban design outcome. Above the entry and the office tenancy, level 01 is also provided with a setback to match the ground floor, which creates a sense of spaciousness and comfort for pedestrians and helps to further ‘announce’ the pedestrian entry point. Landscaping planter boxes wrap around the majority of the office tenancy which will promote a sense of visual interest and soften the development at the pedestrian scale.

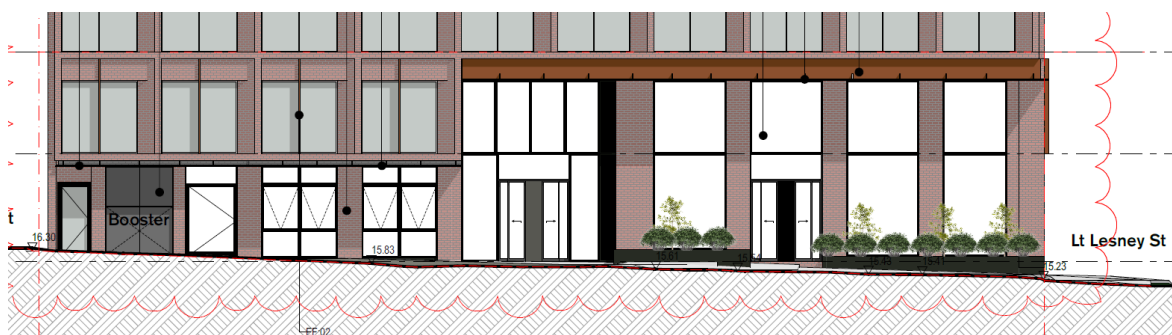


Figure 13: The public realm response along Church Street and the ground floor lobby (Applicant Submission, February 2022)

156. In their review of the superseded plans, Council's Urban Design Unit were supportive of the proposed public realm response to Brighton Street stating that it *creates a more generous public realm environment for pedestrians and building occupants*. Council's Urban Design Unit made the following recommendations for the superseded plans
- (a) Provide additional levels and grading around the building interface to demonstrate that seamless and DDA compliant entrance threshold and footpath interfaces are achieved;
 - (b) All redundant vehicle crossovers and any pavement surrounding the subject site should be reinstated as asphalt footpaths;
 - (c) All kerb and channel to be reinstated to Council's engineers requirements;

157. With respect to (a), this has not been shown by the decision plans and therefore a condition will require this recommendation. With respect to (b) this has been addressed by the decision plans. With respect to (c), this has already been dealt with by Council's Development Engineering Unit.
158. Council's Urban Design Unit also recommended the development of a kerb outstand along the site's Brighton Street frontage (including a number of specific recommendations, which is discussed in the following sub-section of the report. Specially, as part of the decision plans (i.e. VCAT substituted plans) the applicant is now providing a kerb outstand proposal (in response to the first Urban Design Unit comments).
159. With respect to the Little Lesney Street public realm response, roughly two thirds of the street frontage is taken up by the ground floor office tenancy, which has a high proportion of glazing ensuring good activation of the street. The remainder of the Little Lesney Street frontage is taken up by the waste storage area, loading zone and vehicle basement access – these are well located at the eastern end of the street frontage, away from Brighton Street.



Figure 14: The proposed public realm response along Little Lesney Street.

160. With respect to the public realm response to the rear laneway, this is discussed under the sub-heading *Laneway Abuttal*.
161. Based on the above considerations, the presentation of the development to the public realm within title boundaries (subject to conditions) is well designed and will provide a positive interface with the street.

Public realm (external to title boundaries)

162. In their review of the superseded (i.e. advertised) plans, Council's Urban Design Unit highlighted that the subject site is a good candidate for the introduction of a kerb outstand along the site's Brighton Street frontage. Council's Urban Design Unit recommended that any such kerb outstand should provide for (inter alia):
- (a) The planting of three street trees;
 - (b) Provision of visitor bicycle spaces;
 - (c) Footpath widening along the ground floor of the subject site
163. As part of the decision plans (i.e. VCAT substituted plans), the permit applicant submitted a public realm plan which shows the following:
- (a) A kerb outstand (constructed of bluestone paving and asphalt) along Brighton Street which includes three street trees, public seating, six visitor bicycle spaces (i.e. three vertical racks) and two on-street car spaces. The proposed kerb outstand has been designed to line up with the proposed ground floor setback along Brighton Street.
 - (b) Bluestone threshold pavement to the intersection of Brighton Street and Little Lesney Street to provide traffic calming near the pedestrian bridge over the railway corridor.

- (c) The section of Little Lesney Street along the site's southern boundary to be turned into a shared zone and provided with a strip of bluestone paving along its northern edge for pedestrian use

164. The proposed kerb outstand is shown below at figure 15 (with north to the right as the image has been rotated).



Figure 15: The kerb outstand along Brighton Street proposed as part of the application

165. From a general urban design perspective, the proposed kerb outstand is a good outcome that will increase space for pedestrians and improve public realm amenity along this part of Brighton Street. However, the proposed configuration has a number of issues as identified by Council's Urban Design Unit:

- (a) The tapering of the kerb towards the northern end of the site's street frontage is not supported as this is atypical for kerb outstands in the City of Yarra and unnecessarily reduces space available for pedestrians in the public realm.
- (b) The proposed furniture and sculpture elements within the public realm are not supported and need to be updated to accord with Council's standard public realm furniture suite.
- (c) The proposed bluestone threshold treatment to the intersection of Brighton and Little Lesney Streets be made into a shared zone instead as the area is linked to the pedestrian railway bridge, or alternatively investigate the potential for a pram crossing at the intersection to assist access to the pedestrian railway bridge (in lieu of a shared zone).
- (d) A number of other issues were not specifically raised by Council's Urban Design Unit's written comments, however are inferred by the Unit's preferred sketch design as discussed below.

166. To facilitate an appropriate kerb outstand, Council's Urban Design Unit have prepared a sketch design which makes the following key suggested changes:

- (a) Expansion of the kerb outstand further north and deletion of the aforementioned tapering element;

- (b) Visitor bicycle spaces provided perpendicular to Brighton Street (as opposed to parallel to Brighton Street as per the permit applicant's public realm plan)
- (c) Deletion of the furniture and sculptures towards the southern end of the street frontage and replacement with
- (d) Extension of bluestone paving within the ground floor setback area (i.e. within title boundaries), with this to extend to the title boundary so as to provide a clear demarcation between public and private land;
- (e) Three street trees, the northern two trees provided with a gravel tree square and the southernmost tree provided with a larger planter area to feature low level plantings;

167. An excerpt of the sketch design is shown below at figure 15.

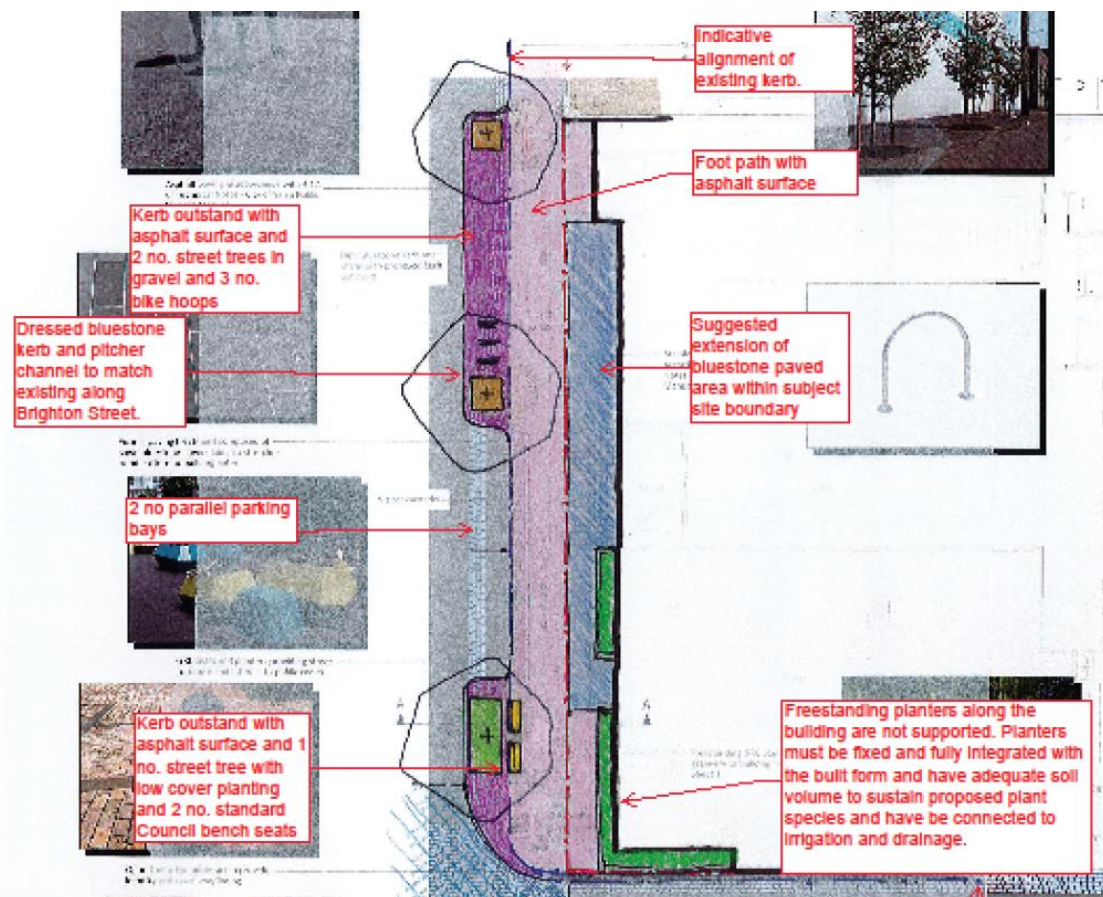


Figure 15: The sketch design prepared by Council's Urban Design Unit

168. The sketch design provided by Council's Urban Design Unit is considered to be significantly more resolved and amenable for pedestrians. It also will enable more efficient maintenance of the kerb outstand into the future. For these reasons, a condition will require the public realm plan to be updated to be generally in accordance with the sketch design. The use of 'generally in accordance' allows for minor design changes to be made if necessary. In addition to the changes shown by the sketch design, Council's Urban Design Unit called for the following additional changes to be made to the public realm plan:

- (a) *Landscaping, seating and bike hoops.*
- (b) *All pavements within the public realm to be reinstated as asphalt footpaths with kerb and channels to match adjacent existing as per City of Yarra's Infrastructure – Road Materials Policy.*
- (c) *All paving must be compliant with Australian Standards for slip resistance and DDA.*
- (d) *Details of any re-located street infrastructure.*

- (e) *Details of any potential pedestrian kerb crossing.*
 - (f) *Details of the materiality of outstands including edges, permeable surface finishes, drainage, and landscaping.*
 - (g) *Before the development is commenced, or by such later date as approved in writing by the Responsible Authority, the owner is to ensure the grade of all footpaths and pavements are gradual and DDA compliant.*
 - (h) *Footpaths and any paving adjacent to the site may need to be reinstated to ensure the grade of the footpath and the paving are gradual and DDA compliant at the full cost of the owner.*
169. These additional recommendations are logical and will ensure an optimal public realm outcome for the proposed kerb outstand and will be included as conditions for an amended Public Realm Plan.
170. Council's Urban Design Unit also recommended that a separate Stormwater Analysis, Catchment and Drainage Design Plan must be submitted to and approved by Council. This is a critical matter as the application proposes extensive works within public land and this will have drainage and stormwater implications. A condition will this require this plan. A condition will also require the development plans and also the public realm plan to show any necessary changes associated with the satisfactory Stormwater Analysis, Catchment and Drainage Design Plan.
171. With respect to the trees and landscaping within the public realm, Council's Urban Design Unit provided the following recommendations:
- (a) *All street tree planting, understorey planting and establishment / maintenance (24 months for trees and 6 months for groundcover planting) to be undertaken by Council's tree planting contractor.*
 - (b) *Council's tree planting contractor will source and plant the street trees. Final tree species and locations are to be confirmed by Council's arborist prior to installation. However, please keep Council updated as the project progresses so when the plans are approved Council can ensure trees are placed on order in time for completion.*
 - (c) *The applicant is requested to contribute to the cost of planting two (3) new street trees and streetscape groundcover planting, which would cover tree and plant sourcing, planting and 2 years of maintenance of trees and 6 months maintenance of groundcover planting. An estimate of the total cost for the trees and planting (August 2022, subject to variation) would be \$3,207 with a breakdown provided below:*
 - (i) *Softscape planting – 3 x trees; \$755 per tree*
 - (ii) *Street ground cover planting – Approximately 6m²; \$157 per m² (approx. \$942)*
172. With respect to (a), a condition will require this as a standalone condition but also as a condition for a notation to the public realm plan.
173. With respect to (b), this is more of a piece of advice directed at the applicant and is too vague to be included as a condition. In any case, this matter has been raised more succinctly by Council's City Works (Open Space) Unit as discussed below.
174. With respect to (c), this is reasonable as the proposed development will benefit from the street tree and ground cover plantings within the public realm. A condition will thus require this.

175. Compared to existing conditions, the permit applicant's proposed kerb outstand would reduce space for vehicle movements at the eastern intersection of Brighton Street and Little Lesney Street. Therefore, it is necessary to ensure that vehicle movements from Brighton Street into Little Lesney Street (and vice versa) are reasonably maintained. In order to assess future vehicle movements, the permit applicant prepared swept path diagrams for a B99 design vehicle and a small rigid vehicle, showing ingress and egress at the intersection. Council's Development Engineering Unit reviewed the swept path diagrams prepared with the public realm plan and commented that the proposed kerb outstand would allow for satisfactory vehicle movements into and out of Little Lesney Street for the aforementioned vehicle types.

Whilst the swept path diagrams were found to be satisfactory, Council's Development Engineering Unit recommended that the kerb outstand be updated to show vehicle movements for a medium rigid vehicle (which is 8.8m long) via additional swept path diagrams. This recommendation will not be pursued given the narrow width of Little Lesney Street and the rear laneway which makes the use of medium rigid vehicles unlikely in this context.

176. Council's City Works (Open Space) Unit reviewed the proposed plantings within the public realm and made the following recommendations:
- (a) All plans shall have confirmed new tree locations with 'species as directed by Council' in the plant schedule.
 - (b) Payment for new trees is to be made by the applicant, by contacting Council's Open Space Unit. Cost per tree is \$600 and includes procurement, planting, and establishment maintenance for 24 months.
 - (c) All constructed tree pits must be unencumbered, free from services to a depth of at least 600 mm, and be filled with soil that is conducive for tree root growth, appropriate for the location. Refer to Yarra Standard Drawings YSD709 and YSD711.
 - (d) Following practical completion, Council must be notified, and tree planting will occur in the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.
 - (e) New trees proposed for planting shall be procured, planted, and maintained for 24 months by Council at the applicant's expense. This is to ensure quality control and establishment as a public tree asset. Unit cost is in line with a schedule of rates for tree planting.
177. With regard to (a) and (c), these will be required by way of a condition for an amended Public Realm Plan. With regard to (b) and (e), this has already been addressed by the comments from Council's Urban Design Unit. With regard to (d), a stand alone condition will require this to be undertaken prior to the occupation of the building, but after construction is completed.

Landscaping

178. The development provides the following extent of landscaping:
- (a) Planter boxes along the Brighton Street frontage and part of the Little Lesney Street frontage of the ground floor office tenancy;
 - (b) Provision of pots for planting at the level 04 terrace and the roof terrace;
 - (c) Non-trafficable roof garden areas at level 08;

179. The proposed landscaping is supported with ground floor plantings enhancing the pedestrian experience along the Brighton Street and Little Lesney Street. Plantings at the various terraces will provide for occupant amenity.
180. The application's landscape plan is redundant as it relates to the superseded plans (i.e. advertised plans) rather than the decision plans. In their review of the landscape plan, Council's Open Space Unit made the following recommendations:
- (a) the depth of the planters need to be shown;
 - (b) clarify irrigation strategy;
 - (c) further detail on the maintenance schedule include how the proposed plantings in individual planters will be successfully maintained;
 - (d) Local bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plan mass being proposed.
181. All of these recommendations can be pursued by way of condition for an amended landscape plan, except for (d) as this is a non-planning matter that would be dealt with under the Building Permit process.
182. Additionally, a condition will require the landscape plans to be updated in accordance with the plans referred to at condition 1 (given that the landscape plan was not updated to show the proposal as per the decision plans – i.e VCAT substituted plans).
183. Finally, a condition will require the development plans to be updated to show any change relevant to the satisfactory landscape plan, thus ensuring that the two plans are consistent.

Street Trees

184. The subject site does not have any street trees along any street frontage and zero street trees along its Kingston Street frontage. Therefore, in this case, there is no concern relating to the protection of existing street trees.
185. The application proposes three street trees along the Brighton Street footpath as part of the proposed kerb outstand works. These have been reviewed by Council's City Works (Open Space) Unit. The details of this assessment is provided in the previous sub-section of this report.

Site coverage

186. The majority of the land will be covered in built form, with the exception of small sections at the Brighton Street frontage. Whilst the development does not achieve the recommended maximum site coverage of 80% in accordance with Clause 22.10, this is acceptable because the proposed high site coverage is similar to that of commercial buildings in proximity to the land, with intensive development a characteristic of this commercially-zoned precinct that forms part of the Swan Street MAC. The extent of site coverage is considered acceptable based on the context of the land and this aspect of the development is not considered to result in a visually bulky or imposing building. Further, the provision of landscaping and footpath widening across the Brighton Street frontage, will help to provide a sense of spaciousness when viewed from the immediate public realm.

Laneway Abuttal

187. Clause 22.07 of the scheme aims to maintain the unique character of laneways, ensure that development abutting laneways respects the scale of surrounding built form and that vehicle access via laneways will not detrimentally impact other users of the laneway. The DDO27 (as relevant to the subject site) calls for any pedestrian entrances accessed from a laneway to be set back from the laneway boundary and provided with appropriate lighting to enable a sense of safety for pedestrians.
188. The subject site abuts an unnamed laneway to the rear of the site. The design response has located a number of services to front the laneway, which is supported as it has enabled a very high proportion of active frontages to both Brighton Street and Little Lesney Street. Otherwise, the response to the rear laneway is supported for the following reasons;
- The use of red face brick across the podium level (see figure 16 below) will add a sense of visual interest to the laneway;
 - East-facing glazing at levels 01-will provide a sense of passive surveillance to the laneway;
 - A setback area (to the south of the switch room) has been provided which appears to function as a pedestrian traffic refuge;
 - The emergency pedestrian exit point has been set back from the laneway boundary, ensuring no interruption to traffic;
 - The application proposes improvements along the laneway itself as discussed under the public realm subsection of this report.



Figure 16: the podium levels as they respond to the rear laneway.

189. Whilst the response to the rear laneway is supported, the following conditions will ensure an optimal outcome:
- The finished level of the pedestrian refuge (south of the switch room) to be 40mm above the laneway level (it is currently shown as raised roughly 300mm above the laneway so this condition will ensure it is accessible to pedestrians);
 - Provide sensor lighting to the pedestrian refuge and the emergency pedestrian exit.
190. Council's external urban designer made the following recommendations with respect to the rear laneway:
- Indent the northern end of the laneway to facilitate external swings doors within the site boundary for services;
 - Provide a passing lane at the southern end of the laneway within the title boundaries of the subject site;
191. With respect to (a), this will not be pursued because the plans show that the services doors will swing 180 degrees to ensure no traffic disruptions along the laneway.

192. With respect to (b), this will not be pursued because the laneway is not highly used, noting that it only services two sites – No. 274 – 280 Swan Street and No. 10 – 16 Harvey Street. Furthermore, if the latter site was to develop, it is anticipated that vehicle access would be gained from Little Lesney Street given that this is wider than the rear laneway.
193. Council's Urban Design Unit recommended that the pedestrian refuge setback along the rear laneway be deleted as this could become a space for loitering. This recommendation will not be pursued because the condition for sensor lighting will ensure a sense of safety for users of the laneway at night.

Light and shade

194. The design objectives of the DDO27 call for the protection of solar access to the public realm. The overshadowing requirements of the DDO27 include specific requirements to protect a number of footpaths in the area (between the equinox hours of 10 – 2pm as relevant), but Brighton Street is not included in these. Therefore, Brighton Street is not specifically protected by the DDO27 in terms of footpath solar access.
195. The submitted shadow diagrams show that the proposed development will result in substantial shadowing to the western footpath of Brighton Street at 10am on the equinox (as shown at figure 17 below). From 11am to 3pm, the proposed development will not result in any new equinox shadowing to the western footpath of Church Street.

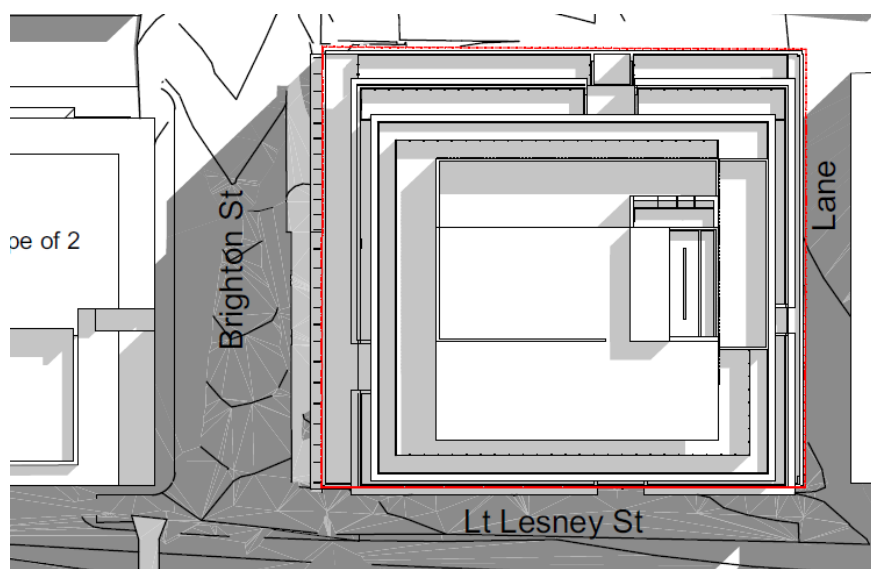


Figure 17: Extent of 10am equinox shadowing on the western footpath of Brighton Street

196. The proposed western footpath shadowing at 10am is supported in this case for the following reasons:
 - (a) Brighton Street is relatively narrow (15m wide), making the mitigation of shadows difficult;
 - (b) The commercial context and location within the Swan Street MAC, where taller heights are anticipated by the Planning Scheme;
 - (c) The permit applicant provided shadow diagrams for a development that would comply with the preferred height control (28m) – this demonstrates that the equinox shadow impact to the western footpath of Brighton Street would be largely the same as that proposed by the application;
 - (d) As outlined above, the DDO27 does not specifically protect Brighton Street footpaths from overshadowing;
197. The proposed development will also result in new shadowing to the entirety of Little Lesney Street (including its very narrow footpath). This is to be expected given the narrow width of the street and its southern orientation to the subject site.

198. Finally, the development will not result in any equinox shadows to the southern footpath of Lesney Street as all of the shadows will fall within the railway corridor. Council's external urban design consultant raised concerns about the accuracy of the shadow diagrams (part of the superseded plans) and stated that they could be understating the actual shadow impact. The decision plans have now updated the shadow diagrams to ensure that they are correct.

On-Site Amenity

199. The development is considered to achieve a high level of on-site amenity through the following:
- (a) provision of a suite of ESD features including indoor air quality monitoring and excellent daylight access with the majority of office space provided with daylight from three (and in some cases four) aspects;
 - (b) five terraces across the development for office employees, the majority of which are provided with landscaping;
 - (c) substantial provision of bicycle parking for both employees and visitors and end of trip facilities for employees.
200. With regards to the wider ESD features proposed for the development; rainwater will be harvested in a 60kL tank for use in landscape irrigation and the flushing of all toilets, a 44kW array of solar panels will be located on the roof and sustainable products will be used throughout the design. These features (amongst others) achieve a Green Star Rating of 5 stars (total Green Star score target of 42 points with 35 points being the minimum to achieve a 5 star rating). A Green Star 5 star rating signifies 'Australian Excellence' for ESD purposes.
201. The decision Sustainable Management Plan (SMP) was submitted together with the VCAT substituted plans and had been updated in response to the previous advice from Council's ESD Advisor. The decision SMP was reviewed by Council's ESD Advisor who found that it was fully satisfactory. This highlights that ESD matters have been incorporated into the proposed development in a satisfactory manner. Given that no changes are required to the SMP, a condition will require the SMP to be submitted for endorsement.
202. In order to exceed the preferred height of the DDO27, one of the discretionary criteria is to demonstrate an ESD performance of greater than BESS 70%. The application has done this with a Green Star score of 5 stars as confirmed by Council's ESD Advisor. However, to ensure that the development achieves this standard, a condition will require a Sustainable Management Plan Implementation Report, which is required to be submitted to and approved by the Responsible Authority after completion of the development but before its occupation. This will ensure that the requirements of the DDO27 are fully realised.

Off-Site Amenity

203. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 22.05 and 22.10 as well as the decision guidelines of the Commercial 1 Zone at Clause 34.01-7. Furthermore, the DDO27 contains a number of design objectives that call for amenity impacts to residential areas to be minimised.

204. As previously identified, the subject site is located within the Swan Street MAC, which is predominantly zoned Commercial 1. The nearest residentially-zoned dwellings are located approximately 40m to the south of the subject site, on the opposite side of the railway corridor. These dwellings front Lesney Street and have habitable rooms windows fronting the street.

Daylight to windows

205. The closest habitable room windows (for a dwelling in a residential zone) addressing the subject site are the north-facing windows of the dwellings fronting Lesney Street, which have a minimum setback of approximately 40 metres from the proposal's southern tower form (i.e. the southern wall of level 09) which has a height of 39.7m. Whilst not strictly applicable, this would comply with Standard A12 (Daylight to habitable room windows) of ResCode (Clause 54) as:
- (a) the setback (40m) from the eastern boundary wall is greater than half (19.85m) of the height of the southern tower form boundary wall (39.7m).
 - (b) the setback (52.4m) from the lift overrun is greater than half (22.15m) of the height of the level 11 wall (44.3m).
206. Whilst not applicable for office developments in the C1Z, the above compliance gives evidence to the minimal daylight impact on nearby dwellings proposed by the development. Furthermore, the daylight impact to residentially-zoned dwellings will be further reduced by the recommended deletion of one level (which is required for built form reasons, as discussed earlier in this report).

Overshadowing

207. The DDO27, decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 call for new development to consider overshadowing impacts to nearby land in residential zones (including shadowing to existing solar energy facilities). Although not strictly applicable in this instance, and in the absence of any other test, 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.*
208. Given the generous buffer between the subject site and the nearest dwellings on Lesney Street, the proposed development will not result in any equinox overshadowing to any part of the dwellings, thus complying with the standard. It is noted that the development would result in some morning shadows to the properties at 2 – 8 Brighton Street (which have a live permit for a multi-storey apartment building), however this would be supported due to the commercial context within a MAC.
209. With respect to solar energy facilities, there are none located within proximity to the subject site and thus the development is not anticipated to generate any problematic shadowing in this respect.
210. In the above considerations, the proposal satisfies the decision guidelines of the Commercial 2 Zone and local policy at Clause 22.10 with regard to overshadowing.

Overlooking

211. The design requirements of the DDO27, decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 call for new development to consider overlooking impacts to nearby land in residential zones. Clause 22.10 offers the following guidelines for mitigation of overlooking:

New residential development that contains a habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or a dwelling's secluded private open space located within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio, should be either:

*Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
Have sill heights of at least 1.7 metres above floor level.*

Have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25% transparent.

212. The above policy is not applicable to the proposed development as it is not a residential development. However, it can be used as a guide for the purpose of assessing overlooking impacts.
213. Given that there are no dwellings located within 9m of the subject site, regardless of any proposed screening, the development would comply with the overlooking requirements of clause 22.10.
214. The nearest residentially-zoned dwellings are those which front Lesney Street, 40m to the south. This is a substantial buffer and will ensure no unreasonable overlooking impacts result.
215. The proposed development will mitigate overlooking impacts in accordance with the decision guidelines of the Commercial 2 Zone and local policy at Clause 22.10.

Visual Bulk

216. Clause 22.10 calls for new development to be well designed in terms of both massing and materiality to minimise visual bulk impacts to nearby sensitive uses such as dwellings. Visual bulk impacts have been discussed at length in the *Building Height* and *Massing* sections of this report.

Noise Impacts

217. Clause 13.05-1S states that community amenity should not be reduced by noise emissions. Similarly, local policy at clause 22.05 calls for commercial development to consider noise attenuation in its design response.
218. The application proposes two different uses – a food & drink premises at ground floor, with the remainder of the building used for office. Both uses are section 1 uses under the C1Z and therefore do not require a planning permit (and as such, conditions cannot be placed on a permit to restrict the operational capacity of these uses). In any case, the proposed office use is not associated with problematic noise impacts. The proposed food and drink premises will not affect the nearest residentially-zoned dwellings (i.e. those fronting Lesney Street to the south) given that these have a buffer from the food and drinks premises of approximately 70m.
219. With respect to proposed development itself, noise emissions are anticipated to be low given that:

- (a) The application proposes a conventional car parking typology as opposed to a car stacker system, the latter of which can generate noise emissions;
- (b) Noise emissions associated with the roof level plant are unlikely to be problematic given their location high above footpath level;
- (c) The lack of nearby residentially-zoned dwellings;
- (d) The commercial context within a MAC.

220. Notwithstanding the above, a condition will require the development to comply at all times with the EPA noise regulations that apply to commercial developments (the EPA Noise Protocol). These measures will ensure minimal noise impacts arising from the development in accordance with State and Local planning policy.

Wind Impacts

221. Wind impacts relate to the public realm (with a particular focus on potential impacts to pedestrians using the public realm) and also to on site amenity for any external areas such as balconies of terraces. A desktop wind assessment was undertaken as part of the advertised (superseded) application which found that the advertised (superseded) development would be expected to result in wind conditions:

- (a) achieving the walking comfort criterion within the public realm along the Brighton Street, Little Lesney Street footpaths as well as along the rear laneway;
- (b) outside the main pedestrian entrance on Brighton Street and the food and drinks premises entrance (also on Brighton Street) achieving the standing comfort criterion;
- (c) the report makes a number of recommendations for the level 04 and level 08 terraces (including recommendations for vegetation) and fails to nominate an applicable wind comfort criterion;
- (d) for the roof terrace, the report makes a number of recommendations (including recommendations for vegetation) to achieve the standing comfort criterion as well as additional recommendations to achieve the seating comfort criterion where desired.

222. Firstly, the expected wind conditions to the public realm and building entrances are supported, as these are the minimum standards expected and will ensure amenable conditions across the public realm.

223. Secondly, the use of vegetation for the purposes of wind mitigation are not supported because if the vegetation fails to grow or is not properly maintained, the wind conditions cannot be guaranteed. Furthermore, the report is vague about the anticipated wind conditions at some of the terraces. In light of these issues, conditions for an amended wind report will require the following:

- (a) All vegetation-based wind mitigation devices to be deleted and replaced with appropriate alternative treatments;
- (b) The majority of the level 04 terrace and the level 08 terraces to achieve a minimum of the standing comfort criterion;
- (c) The majority of the roof terrace to achieve a minimum of the standing comfort criterion with at least part of the terrace to achieve the sitting comfort criterion.

224. These conditions will ensure a high level of amenity for occupants, noting that the roof terrace is anticipated to have the highest amenity expectations given its size.

225. Council's wind consultant was largely supportive of the wind report, however recommended that the report be updated to include wind tunnel modelling to determine whether or not a similar development on the opposite side of Brighton Street (i.e. Nos. 2 – 8 Brighton Street) would result in the walking comfort criterion being maintained along the Brighton Street footpath. Given that Nos. 2 – 8 Brighton Street have a live permit for a 9-storey development, it can be reasonably assumed that the site will develop within the short to medium term and thus the recommendation will be pursued via condition for an amended wind report.

226. Finally, a condition is required for the wind report to be updated so as to assess the decision plans (i.e. the VCAT substituted plans). This will ensure that the decision plans are fully assessed from a wind perspective, although it is noted that there is not a significant departure between the advertised (superseded) plans and the decision (VCAT substituted) plans.
227. In summary, with the inclusion of the above recommended conditions, the development will mitigate wind impacts satisfactorily. A general condition will also require the development plans to show any relevant detail required by the satisfactory wind tunnel report, to ensure that these are shown on the plans and designed to integrate with the architecture of the building.

Equitable Development

228. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. The DDO27 has the following relevant building separation requirements:

- (a) *Where development shares a common boundary and no interface treatment is shown in Map 1, upper level development should:*
- (i) *For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.*
 - (ii) *For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.*
 - (iii) *For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.*

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

229. In this instance, the site is separated from land to the west by Brighton Street (width of approximately 15m) and to the south by the railway corridor, Little Lesney Street and Lesney Street (total width of approximately 40m). Thus, for these interfaces, there is no equitable development issues posed by the development.
230. To the east of the subject site is the rear laneway, which has a width of 3.6m. The land to the east of the rear laneway is also located in the C1Z, is not affected by heritage controls and has the same preferred building height (28m) in the DDO27 as the subject site. Thus, the eastern property at No. 10 – 16 Harvey Street has a robust development potential and equitable development needs to be carefully considered. The proposed development complies with the 3m setback requirement for non-habitable room windows given that the upper levels have been set back:
- (a) 3.26m from the centre of the rear laneway (levels 04 - 07);
 - (b) 4.76m from the centre of the rear laneway (levels 08 and 09 and roof terrace balustrade).
231. These upper level setbacks will provide satisfactory equitable development for No. 10 – 16 Harvey Street. Levels 08 and 09 (both of which are above 28m in height) fail to provide the 6m building separation requirement however this does not relate to equitable development and in any case has been found to be satisfactory as per the *Massing* section of this report.

232. The site to the north (No. 274 – 280 Swan Street), like the subject site, is located within the Commercial 1 Zone with no heritage controls and a preferred maximum building height of 28m as per the DDO27. Thus, the adjacent site has robust development potential, warranting a close assessment of equitable development. The proposed development has responded to No. 274 – 280 Swan Street as follows:
- A solid podium wall (save for a north-facing recess providing daylight to north, east and west-facing windows, with a northern setback of 3m);
 - Level 04 provided with a northern setback ranging from 3.06m to 3.25m and a northern terrace setback ranging from 0.3 – 0.6m;
 - Level 05 – 07 provided with a northern setback ranging from 3.06m – 3.25m;
 - Levels 08 and 09 provided with a northern setback of 6m;
 - Roof terrace provided with a northern setback of 9.25m
233. All of these setbacks comply with the DDO27 requirements (save for the level 04 terrace) demonstrating a good equitable development outcome. The setback of the level 04 terrace is supported for the following reasons:
- It is logical to provide a terrace above the podium form as this would otherwise be unusable roof space;
 - The adjacent property at No. 274 – 280 Swan Street has a street wall height requirement (under the DDO27) that matches that of the subject application, which would mean a matching podium height at the adjacent property can reasonably be anticipated;
 - Overshadowing of an office terrace would not be a reason to limit development potential at the adjacent site;
 - The proposed development provides a principal terrace at roof level, which is expected to the main terrace for the purposes of occupant amenity.
234. The void setback at podium levels (i.e. levels 01 – 03), whilst unusual for a podium form, is generally an appropriate equitable development response given that a 3m setback has been provided from the north-facing office windows. However, there is concern that the high extent of northern-boundary glazing (see figure 18 below) will provide a poor equitable development response given the proximity to the northern-adjacent site. Therefore, a condition will require the provision of hit-and-miss brick screening (maximum 50% visual permeability) to the northern boundary of the void at levels 01 – 03. This will have the effect of reducing reliance on the northern property for daylight access into the void windows.

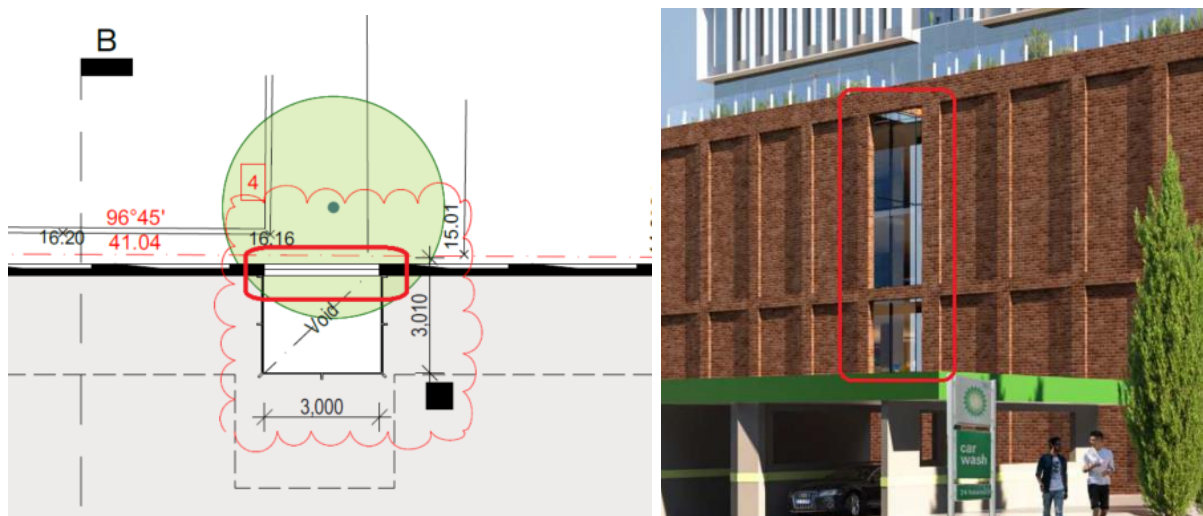


Figure 18: The proposed void / light court across levels 01 – 03 as seen in plan (left) and as seen in three dimensional image (right)

235. In summary, the proposed development has successfully incorporated equitable development principles into the massing scheme. No issues pertaining to equitable development were raised by Council's external urban designer.

Car Parking, Vehicle Access, Traffic, Loading and Waste:

Provision of car parking

236. The proposed development would provide 72 on-site car parking spaces across the two proposed basement levels. As previously outlined, the proposal triggers a car parking reduction of 234 spaces.
237. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:
- (a) The site has excellent access to public transport, including tram services on Swan Street (within 50m), Church Street (within 150m) as well as East Richmond Railway Station (within 200m). This will be a strong deterrent for employees / visitors to arrive via private vehicle;
 - (b) On-street car parking consists of:
 - (i) 2 hour spaces along Brighton, Wiltshire Streets and no restrictions on Harvey Street;
 - (ii) 2 hour (metered) spaces along Swan Street which are subject to clearway restrictions in the morning peak (westbound lane) and evening peak (eastbound lane)
 - (iii) A mix of 2 hour spaces and permit-restricted spaces in the nearby residentially-zoned land including along Charles and Charlotte Street (north) and Lesney Street (south);

The two-hour restricted car spaces are unlikely to be used by office employees given the long stay associated with the land use. The permit-restricted spaces will continue to be available for permit-holding residents and businesses. Any employees / visitors of the proposed development would not be able to seek a car parking permit.
 - (c) The provision of bicycle infrastructure in the surrounding area, including the Main Yarra Trail (600m southeast) which is a highly utilised commuter route for cyclists. The area also has shared lane markings for bicycles including on Church and Swan Streets. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme. These measures (as well as the proposed end of trip facilities) will encourage employees to arrive via bicycle. Highly visible bicycle spaces along Brighton Street will similarly encourage visitors to ride to the development.
 - (d) Local planning policy at clauses 18.02, 21.03, 21.06-3 and 21.07 encourages reduced rates of car parking provision for development sites within close proximity to public transport routes and activity centres.
 - (e) Traffic is a key issue affecting the road network, particularly in southern Richmond and Cremorne. Providing fewer car spaces will ensure that the development does not generate any unreasonable increase in traffic levels for the surrounding road network.
 - (f) The report recommends approval subject to the deletion of one level – this will reduce the quantity of approved office floor area and thus lessen the car parking reduction sought under Clause 52.06;

- (g) Council's Engineering Services Unit reviewed the proposed car parking reduction (i.e. that associated with the advertised plans) and raised no issue to the proposed reduction, stating that *the site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities*. Further, Council's Engineering Services Unit highlighted that the proposed car parking provision (at a rate of 0.66 car spaces per 100sqm of floor area) is similar to that of other office developments recently approved by Council in Cremorne and Collingwood. The examples provided by the Development Engineering Unit ranged from rates of 0.54 to 0.72 spaces per 100sqm floor area. The decision plans (i.e. VCAT substituted plans) have a lesser car parking reduction than the advertised (i.e. superseded) plans and thus were not re-referred to Council's Development Engineering Unit for the purposes of the car parking reduction.

Vehicle Access

238. The application seeks to provide access to the basement car parking area via a double-width access door and ramp from Little Lesney Street. The proposed loading zone (located immediately west of the basement entry) is also accessed off Little Lesney Street by a single-width access door. Other than requesting additional information to be shown on the plans, Council's Engineering Services Unit did not raise any issues with vehicle access and safety. The following recommendations were made by Council's Engineering Services Unit:
- (a) Dimension the width of the development's entrances of Little Lesney Street;
 - (b) Show and dimension the vehicle crossover along Little Lesney Street;
 - (c) Dimension the minimum headroom clearance at the car park and loading zone entrances;
 - (d) Dimension the width of the internal access ramp and the kerbs and lanes adjacent to the internal traffic island at ground floor;
 - (e) Columns along the southern boundary of basement levels 01 and 02 updated to comply with the parking space envelope of clause 52.06-9;
 - (f) Dimension the headroom clearances of the basement car parking levels;
 - (g) Provision of a headroom clearance of minimum 2.5m above the accessible parking spaces and adjacent shared area;
 - (h) Fully dimension the loading bay;
 - (i) The provision of a Vehicle Crossing Ground Clearance Cross Sectional Drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site without scraping or 'bottoming out' and to show the following spot levels:
 - (i) the reduced level 2.0 metres inside the property;
 - (ii) the property boundary level;
 - (iii) the bottom of kerb (invert) level;
 - (iv) the edge of the channel level; and
 - (v) a few levels on the road pavement – in this case, Little Lesney Street.
 - (j) Recess the emergency pedestrian door off the rear laneway;
 - (k) Bicycle requirements of the development to be assessed by Council's Strategic Transport Unit;
 - (l) Applicant is to apply to Council for the discontinuance of a road to expunge Laneway 1121 from the City of Yarra *Register of Public Roads*;
 - (m) The applicant is to liaise with the relevant service authority regarding the setback requirements of the existing sewer vent in Little Lesney Street.
239. With regards to items (a) – (i), these can be accommodated by way of conditions for the development plans.
240. With regards to item (j), this recommendation has been made by the decision plans (i.e. VCAT substituted plans) and thus the matter has been addressed.
241. With regards to (k), comments have been received by Council's Strategic Transport Unit and will be discussed in a latter section of this report.

242. With regards to (l), as previously outlined in this report, a condition will require the road discontinuation approval to be finalised prior to the commencement of any works associated with the development.
243. With regards to (m), this is a separate matter to planning and thus a note will be placed on any permit issued to advise that the development's setback to the sewer vent along Little Lesney Street will need to be reviewed by the relevant service authority.
244. A number of additional recommendations were made by Council's Engineering Services Unit; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holder's cost, as follows:
- (a) The footpath along the property's Brighton Street and Little Lesney Street frontages are to be reconstructed. The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by Council.
 - (b) The kerb and channel along the property's Brighton Street and Little Lesney Street frontages must be reconstructed to Council's satisfaction and at the permit holder's cost.
 - (c) Redundant vehicle crossings along Brighton Street are to be demolished and reinstated with paving, kerb and channel.
 - (d) Provide a drainage catchment analysis to Council for assessment approval. The applicant should also assess and provide details on how water will be drained from the site.
 - (e) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense;
 - (f) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
 - (g) 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;
 - (h) 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;
 - (i) Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains;
 - (j) 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;
 - (k) 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;

- (l) Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit;
- (m) 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;
- (n) Prior to the occupation of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
 - (i) In accordance with any requirements or conditions imposed by Council;
 - (ii) At the permit holder's cost; and
 - (iii) To the satisfaction of the Responsible Authority.

245. These additional recommendations can be appropriately captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type.

Traffic

246. The traffic report submitted with the application made the following findings:
- (a) The proposed 72 on-site car spaces would generate 36 vehicle trips per peak hour;
 - (b) Staff vehicle trips are anticipated to be split 90/10 in/out in the AM peak and 10/90 in/out in the PM peak.
 - (c) The traffic report also included the generated traffic associated with the approved development at No. 2 – 8 Brighton Street (approved under Planning Permit PLN18/0658) which has an estimated 49 trips per peak hour – including this development, a total of 85 trips per peak hour is anticipated.
 - (d) Based on the above findings, a traffic impact analysis was undertaken which found that combined, these developments would result in a 'degree of saturation' of 0.31 during peak hours and a vehicle queue length of 18m along Brighton Street, south of Swan Street, which was found to be a low impact on the surrounding road network.
247. Council's Engineering Services Unit concurred with the above findings, stating that *the traffic generated by the development would not have a detrimental impact on the surrounding road network and would be comfortably accommodated at the intersection of Swan Street and Brighton Street.*

Loading, unloading and waste

248. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. A loading zone has been designed as part of the development, located west of the basement car park entry and accessed off Little Lesney Street via a crossover. This is a good outcome as it ensures that loading activities (such as the delivery of goods or unloading of goods) occur within the development rather than in the public realm. The location of the loading access point is also supported as it will not interfere with pedestrian movements along Brighton Street. Council's Development Engineering Unit were satisfied with the proposed loading zone but recommended that it be fully dimensioned on the plans as previously discussed. This has been required by condition.
249. Waste collection will occur in the above-mentioned loading zone via a private collection service. This will ensure that Little Lesney Street remains unaffected by stationary waste vehicles during collection. Swept path diagrams have been provided to demonstrate that a Small Rigid Vehicle can access the site via Little Lesney Street which was supported by Council's Development Engineering Unit.

250. The submitted Waste Management Plan (WMP) and the plans show a waste storage area will be located to the west of the loading zone, with space for three different waste streams (garbage, commingled recycling and food/organic waste). The WMP outlines that the size of the waste area will require the following waste collection frequencies:
- (a) 3 garbage collections per week;
 - (b) 3 commingled recycling collections per week;
 - (c) 3 food/organic waste collections per week;
251. These collection frequencies are considered to be appropriate for this commercial context in the Swan Street MAC. A separate glass stream is not necessary in this case due to the lack of hospitality-based land uses (office is not a land use that generates a high degree of glass waste and the ground floor café, given its size, will not produce a high level of glass waste). The WMP has been assessed by Council's Civil Works Unit, who confirmed that it is satisfactory with no changes or clarifications required.

Bicycle Facilities

252. With regards to visitor spaces, the development will provide a total of 7 spaces within title boundaries which falls short of the statutory requirements outlined in Clause 52.34 (10 spaces, i.e. a shortfall of 3 spaces). These spaces are located within the ground floor bicycle compound. However, the development also proposes six visitor spaces within the proposed kerb outstand along Brighton Street and thus, in total, 13 visitor spaces will be available and the proposed visitor bicycle space reduction can be supported. Council's Strategic Transport Unit were also supportive of the proposed visitor bicycle space numbers, but recommended that a notation be provided for the spaces along Brighton Street to be installed in compliance with Australian Standard AS2890.3. A condition will require this notation to be added.
253. Council's Strategic Transport Unit also recommended that the two proposed car parking spaces along Brighton Street be converted to an additional four visitor bicycle spaces. This will not be pursued as the proposed kerb outstand arrangement has provided two on-street car parking spaces so as to minimise the loss of on-street parking associated with the proposed kerb outstand. However, as previously outlined, Council's Urban Design Unit have provided a preferred sketch for the kerb outstand along Brighton Street.

This sketch shows six visitor spaces (three hoops), but it also show an area of asphalt that is unused and could be utilised for the additional spaces (see yellow outline at figure 19 below). This would further encourage visitors to arrive to the site via bicycle and would not create any pinch points in the public realm given the generous size of the kerb outstand recommended by the Urban Design Unit. In light of this, a condition will require (in addition to the sketch plan by Council's Urban Design Unit), the provision of an additional four visitor bicycle spaces (two racks) to the north of the visitor bicycle spaces.

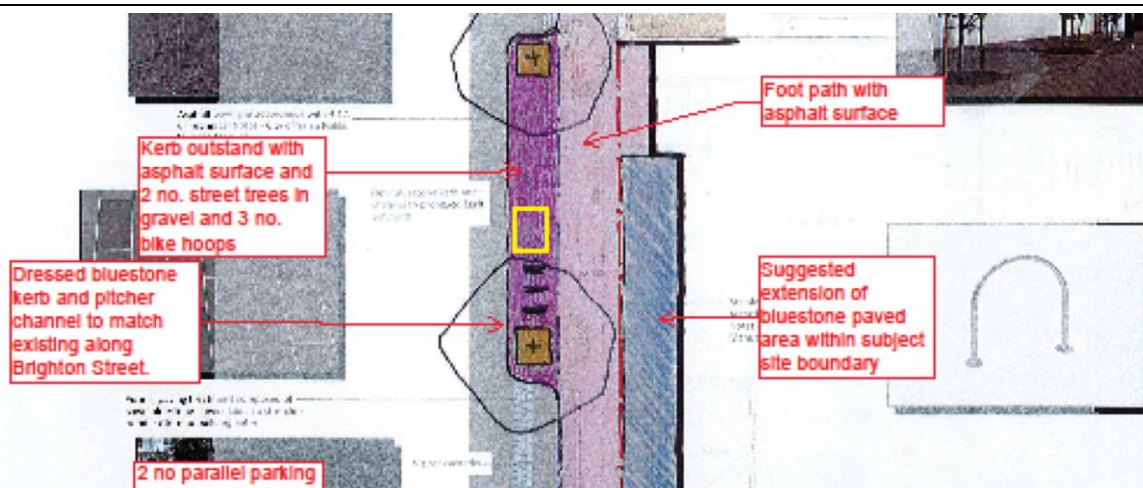


Figure 19: The kerb outstand arrangement recommended by Council's Urban Design Unit has space for additional visitor bicycle spaces (shown in yellow outline)

254. With regards to employee bicycle spaces, the development provides a total of 103 spaces within the ground floor compound, far exceeding the requirements outlined in Clause 52.34 along with the provision of substantial end-of-trip facilities for employees. Council's Strategic Transport Unit found that the number of spaces were appropriate. Whilst the quantity of spaces is proposed, the plans fail to show detail on the proposed layout of the spaces and only commit to a minimum of 110 spaces (including 60 'at grade' spaces) within the ground floor compound. Council's Strategic Transport Unit commented that full details of the layout is required to ensure compliance with the Australian Standard. It is also likely that the size of the compound will need to be increased in order to accommodate the stated bicycle numbers. Thus, a condition will required to show the full layout details of the bicycle space compound, with a minimum total of 110 spaces with these comprising a minimum of 60 'at-grade' spaces in accordance with the Australian Standard or otherwise to the satisfaction of the Responsible Authority. This condition will thus enforce compliant access arrangements together with the quantity of spaces indicated on the decision plans.
255. The proposed ground floor location of the bicycle space compound is supported as this is highly accessible, requiring no use of lifts or stairs. The access to the bicycle space compound is via a single-width (1.4m wide) ramp with an entry from Brighton Street. This width is considered to be insufficient for two cyclists walking their bicycles in opposing directions. Conditions will therefore require the following improvements to ensure amenable access for cyclists:
 - (a) Width of bicycle entry and ramp increased to a minimum of 2m;
 - (b) Bicycle entry door provided as sliding doors
256. The application material includes a Green Travel Plan (GTP) which provides detailed information on how sustainable travel modes will be encouraged and managed. Council's Strategic Transport Unit were supportive of the Green Travel Plan, however recommended the following changes:
 - (a) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (b) security arrangements to access the employee and visitor bicycle storage spaces;
 - (c) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (d) provisions for the GTP to be updated not less than every five years;
257. These will be pursued by conditions for an amended GTP.

Objector Concerns

258. The objector issues have been discussed throughout this report as follows:

- (a) *Building height and massing and precedence of taller built form in the area;*

This has been discussed at paragraphs 116-152.

- (b) *Amenity impacts including overlooking, overshadowing, visual bulk, loss of daylight, noise and light spill;*

This has been discussed at paragraphs 203-235.

- (c) *Impacts to nearby heritage streetscapes;*

This has been discussed at paragraphs 124-126.

- (d) *Impacts associated with the construction stage including noise, pollution, overlooking and traffic disruption;*

This is a matter that is dealt with under the Building Permit process. Notwithstanding this, a condition has required a Construction Management Plan which will ensure that the development will be constructed to Council's best practice standards.

- (e) *Concerns relating to the proposed car parking reduction and the impact on on-street car parking availability;*

This has been discussed at paragraphs 236-251. A car parking management plan has also been required by permit condition.

- (f) *Insufficient provision of DDA car parking;*

The provision of adequate on-site DDA car parking is principally a Building Permit consideration.

- (g) *Concerns relating to equitable development;*

This has been discussed at paragraphs 228-235.

Conclusion

259. As outlined throughout this assessment there is strong policy support at both State and local levels for urban consolidation. Given the site's strategic location within the Swan Street MAC, and its excellent public transport options; the site lends itself as an ideal development site for higher density. By deleting level 9, the recommended outcome tempers density with an appropriate response to its context and provides a height that is in accordance with the design objectives of the DDO27.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to advise the Tribunal in writing that if it was in a position to decide on the application, it would issue a Notice of Decision to Grant Planning Permit PLN21/0788 for the construction of a multi-storey building for office, food and drinks premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements at 9 – 15 Brighton Street and land comprised in TP11938, 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. The plans must be generally in accordance with the architectural plans prepared by DKO, drawing numbers TP400 – TP700 (Rev B) dated 10 June 2022 and TP701-702 (Rev 01) dated 15 October 2022, but modified to show:
 - (a) Deletion of level 09 and an overall reduction of the building height by 3.95m;
 - (b) The finished level of the ground floor pedestrian refuge (south of the switch room) along the eastern boundary to be 40mm above the laneway level);
 - (c) Provide sensor lighting to the ground floor pedestrian refuge as well as the emergency pedestrian exit;
 - (d) Hit-and miss brick screening (maximum 50% visual permeability) to the northern boundary of the void at levels 01 – 03;
 - (e) Dimension the width of the development's entrances of Little Lesney Street;
 - (f) Show and dimension the vehicle crossover along Little Lesney Street;
 - (g) Dimension the minimum headroom clearance at the car park and loading zone entrances;
 - (h) Dimension the width of the internal access ramp and the kerbs and lanes adjacent to the internal traffic island at ground floor;
 - (i) Columns along the southern boundary of basement levels 01 and 02 updated to comply with the parking space envelope of clause 52.06-9;
 - (j) A minimum of one gender-neutral toilet/change room within the end of trip facilities.
 - (k) Dimension the headroom clearances of the basement car parking levels;
 - (l) Provision of a headroom clearance of minimum 2.5m above the accessible parking spaces and adjacent shared area;
 - (m) Fully dimension the loading bay;
 - (n) Vehicle crossing ground clearance cross sectional drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site at the Little Lesney Street vehicle entrance without scraping or 'bottoming out' and to show the follow spot levels:
 - (i) the reduced level 2.0 metres inside the property;
 - (ii) the property boundary level;
 - (iii) the bottom of kerb (invert) level;
 - (iv) the edge of the channel level; and
 - (v) a few levels on the road pavement.
 - (o) Notation to state that the visitor bicycle spaces along Brighton Street will be installed in compliance with Australian Standard AS2890.3;
 - (p) Full detail of the proposed layout of the ground floor bicycle compound (including dimensions for bicycle spaces, door widths, aisle widths and wall setbacks) in accordance with Australian Standard AS2890.3 or otherwise to the satisfaction of the Responsible Authority to demonstrate a minimum of 110 bicycle spaces overall and of these, a minimum of 60 'at grade' spaces;
 - (q) Width of the bicycle entry and ramp corridor increased to a minimum of 2m with the bicycle entry door provided as sliding doors;
 - (r) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (s) any requirement of the endorsed Wind Report (condition 15) (where relevant to show on plans);
 - (t) any requirement of the endorsed Public Realm Plan (condition 17) (where relevant to show on plans).
 - (u) any requirement of the endorsed Stormwater Analysis, Catchment and Drainage Plan (condition 23) (where relevant to show on plans).
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.

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) 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) Details of services along Brighton Street
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a materials schedule with digital samples of proposed materials and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, DKO or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the 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.

Sustainable Management Plan

5. Before the development commences, the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 14 June 2022 must be submitted to Council. When approved, the Sustainable Management Plan will be endorsed and form part of this permit.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to 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 that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Waste Management Plan

8. Before the development commences, the Waste Management Plan prepared by Impact and dated 21 October 2021 must be submitted to Council. When approved, the Waste Management Plan will be endorsed and form part of this permit.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan (internal to title boundaries)

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 Davidson Design Studio and dated 08 December 2021, but modified to include (or show):

- (a) Updated in accordance with the plans referenced at condition 1;
- (b) Any detail for ground surface treatments within title boundaries as required by the endorsed Public Realm Plan;
- (c) Provide a plant schedule with the following information – the proposed plant species (botanical and common name), installation size, width and height at maturity, and plant numbers. These have been provided and given adequate information.
- (d) the depth of the planters need to be shown;
- (e) clarify irrigation strategy;
- (f) further detail on the maintenance schedule include how the proposed plantings in individual planters will be successfully maintained;

to the satisfaction of the Responsible Authority.

12. 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,

all to the satisfaction of the Responsible Authority.

Street Trees

13. Before the development commences, the permit holder must make a financial contribution towards the proposed street tree and understorey planting within public land of \$3,207 (ex GST), being \$755 for each of the three street trees, and \$942 for the understorey planting.
14. After the building is completed, and prior to occupation of the building, the permit holder must notify the Responsible Authority in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

Wind

15. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Impact Statement prepared by RWDI and dated 21 October 2021, but modified to include (or show):
- (a) Updated to assess the amended plans referenced at condition 1;
 - (b) Wind tunnel modelling to determine whether or not a similar-sized development on the opposite side of Brighton Street would result in the walking comfort criterion being maintained along the Brighton Street footpaths, with a list of any additional mitigation devices to be detailed in order to achieve the walking comfort criterion;
 - (c) Update the report so that the wind conditions do not rely on any vegetation-based wind mitigation devices;

- (d) The majority of the level 04 and level 08 terraces to achieve a minimum of the standing comfort criterion;
 - (e) The majority of the roof terrace to achieve a minimum of the standing comfort criterion, with at least part of the terrace to achieve the sitting comfort criterion;
- to the satisfaction of the Responsible Authority.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must be generally in accordance with the curb extension details shown on Drawing No. TP01 of the landscape plan prepared by Davidson Design Studio, dated 03 August 2022, but modified to include the following:
- (a) All changes shown by (and generally in accordance with) the sketch design prepared by Council's Urban Design Unit;
- But further modified to show:
- (b) An additional four visitor bicycle spaces located to the north of the six spaces shown on the sketch design prepared by Council's Urban Design Unit;
 - (c) High level details and dimensions of the proposed bench seats and visitor bicycle spaces;
 - (d) Full details of proposed landscaping within the public realm including plant species, soil depths and tree squares;
 - (e) All paving within the public realm reinstated as asphalt with kerbs and channels to match the adjacent existing kerb and channel;
 - (f) All paving compliant with the Australian Standards for slip resistance and DDA;
 - (g) Details of any re-located street infrastructure;
 - (h) Details of the materiality of outstands including edges, permeable surface finishes and drainage;
 - (i) Additional levels and grading along the building's ground floor Brighton Street interface to demonstrate that seamless and DDA compliant entrance threshold and footpath interfaces are achieved;
 - (j) Details of any adjacent footpath reinstatement if needed to ensure the grade of the footpath and the paving are gradual and DDA compliant;
 - (k) Notation to confirm that all street tree planting, understorey planting and establishment / maintenance (24 months for trees and 6 months for understorey planting) within the public realm to be undertaken by Council's tree planting contractor with all associated costs born by the permit holder;
 - (l) Notation for the three street trees to state 'species as directed by Council' in the plant schedule;
 - (m) All tree pits must be unencumbered, free from services to a depth of at least 600mm and be filled with soil that is conducive for tree root growth, appropriate for the location and in accordance with Yarra Standard Drawings YSD 709 and YSD711;
 - (n) Any detail required to be shown from the endorsed Stormwater Analysis, Catchment and Drainage Design Plan (condition 21),

All to the satisfaction of the Responsible Authority.

18. Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 17) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

Road Infrastructure

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
- (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required); and
 - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths, kerb and channel, and other road related infrastructure adjacent to the development site along Brighton Street and Little Lesney Street must be reconstructed:
- (a) in accordance with the requirements and detail shown in the endorsed Public Realm Plan and the endorsed Stormwater Analysis, Catchment and Drainage Design Plan;
 - (b) the footpath is to have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by the Responsible Authority;
 - (c) at no cost to the Responsible Authority; and
 - (d) to the satisfaction of the Responsible Authority.
21. Before the buildings 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.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Civil work and drainage design plans

23. Before the development commences, Civil Work and Drainage Design Plans prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:
- (a) Be consistent with the public realm plan required under Condition 17.
 - (b) Not include 'rough' bluestone pitchers in the road pavement at the intersection of Little Lesney Street and Brighton Street.
 - (c) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
 - (d) Include underground drainage from Little Lesney Street to the north end of the proposed kerb extension in Brighton Street
 - (e) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);
 - (f) Be in accordance with Council's engineering standards and requirements.
 - (g) Be DDA compliant to the satisfaction of Council.

- (h) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and linemarking in Brighton and Lt Lesney Streets abutting the development.
- (i) surface material finishes shown and specified to the satisfaction of the responsible authority
- (j) Provide street lighting in accordance with Council standards.
- (k) Ensure co-ordination with public realm works in Brighton Street and Lt Lesney Street proposed by the redevelopment of 2-8 Brighton St, 1-3 Wiltshire Street and 5 Little Lesney Street (where relevant).

24. Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

Car Parking

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces, all to the satisfaction of the Responsible Authority.
26. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
 - (b) the management of car parking spaces and security arrangements for employees of the development;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (f) details regarding the management of loading and unloading of goods and materials; and
 - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
27. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

29. 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 Impact and dated 25 October 2021, but modified to include (or show):
- (a) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (b) security arrangements to access the employee and visitor bicycle storage spaces;
 - (c) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (d) provisions for the GTP to be updated not less than every five years; to the satisfaction of the Responsible Authority.
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.

Lighting

31. 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,
- all to the satisfaction of the Responsible Authority.

General

32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the construction, 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.
34. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
35. 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.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

37. 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.

Road Discontinuance

38. Before the development commences, the permit holder must obtain the relevant approvals for the discontinuance of a road to expunge the road known as 'Laneway 1121' from Yarra's Register of Public Roads.

Development Contributions

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

Construction Management

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 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) that the crossover to Brighton Street associated with the land at 274-280 Swan Street is not obstructed during construction unless otherwise agreed to by the owner of the land;
 - (h) site security;
 - (i) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (j) the construction program;
 - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (l) parking facilities for construction workers;
 - (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
In preparing the Noise and Vibration Management Plan, consideration must be given to:
- (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) 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.
41. 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 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Transport for Victoria Conditions (conditions 40 – 48)

42. Before the development starts (excluding demolition and bulk excavation) or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria 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 submitted with the application but modified to show:
- (a) that the design prevents items from being thrown or falling onto railway land from any part of the development
- to the satisfaction of the Head Transport for Victoria.
43. Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations The study must clarify that:
- (a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
 - (b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.

- (c) the development exterior avoids use of red, green, or yellow colour schemes that may interfere with driver operations or schemes or shapes capable of being mistaken for train signals.
44. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted, and approved by Vic Track, the Head, Transport for Victoria, and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:
- (a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent.
 - (b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
 - (c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'
 - (d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance, and repair of any part of the building or development. The development must be designed so that maintenance can occur from within the development site without access to the rail corridor
 - (e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
 - (f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation, and maintenance for all buildings and works on site.
45. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered with VicTrack, the Head, Transport for Victoria, and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.
46. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:
- (a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
 - (b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.

The Traffic Management Plan must be consistent with any Traffic Management Plan required by the Responsible Authority.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

47. Before development starts (including demolition and bulk excavation) a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria.

The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets, and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:

- (a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
- (b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
- (c) Rail safety requirements that must be adhered to by the permit holder.
- (d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
- (e) Minimising disruption to train services and railway maintenance and commuter access.
- (f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
- (g) public safety, amenity, and site security.
- (h) Operating hours, noise, and vibration controls.
- (i) Air and dust management.
- (j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure.
- (k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules.

- 48. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented, and monitored at no cost to the Head, Transport for Victoria VicTrack, and/or the Rail Operator.
- 49. The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.
- 50. No drainage, effluent, waste, soil, or other materials must enter or be directed to railway land or stored or deposited on railway land.

Time expiry

- 51. 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; orThe 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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

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

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.

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.

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.

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.

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

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.

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.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

The permit holder must gain consent from the relevant service provider to ensure that the proposed building setbacks from the existing sewer vent along Little Lesney Street are satisfactory.

Transport for Victoria Notes

Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

Attachments

- 1 PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)
- 2 PLN21/0788 - 9 - 15 Brighton Street Richmond - Public Realm Plan
- 3 PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders
- 4 PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans
- 5 PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



9-15 Brighton Street Richmond

TOWN PLANNING AMENDMENT

DKO

9-15 Brighton Street

PREPARED FOR:
Little Projects Co

PROJECT
#00012810

B

10/06/2021
Cover Page

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)

Contents

Richmond is identified as an area that encapsulates both a rich local history of built form, and a rapidly growing commercial sector.

This is exemplified in the design of a building which prioritises the latest in sustainable design and technologies, while still retaining sensitivity and reference to the local context and heritage.

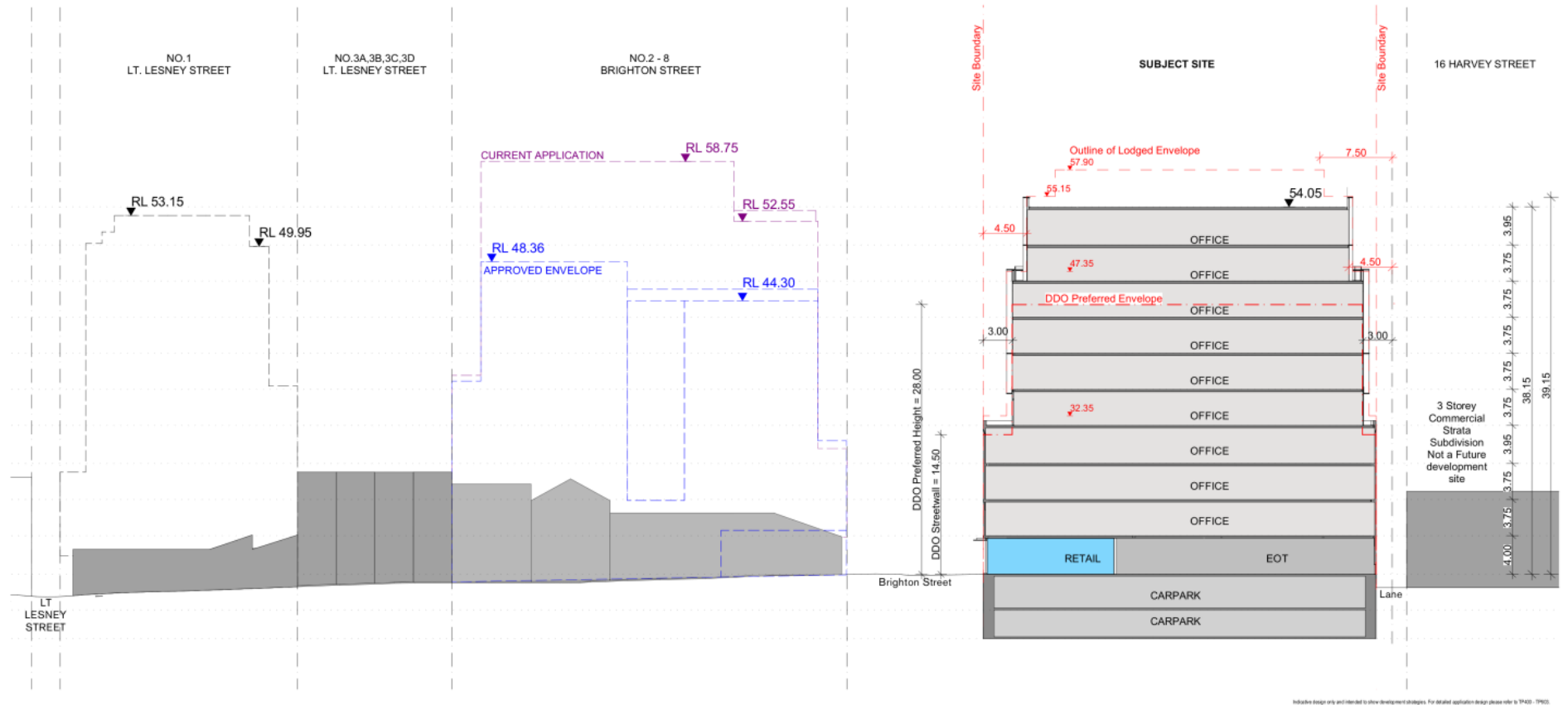
Design Changes

1. Removed Level 10
2. Revised floor to floor height
3. Revised Bike Store
4. Updated podium lightwell
5. Introduced vertical breaks for tower articulation
6. Introduced 1m setback from the South boundary on Level 8-9
7. Revised external facade material
8. Updated shadow diagrams
9. Updated Development summary
10. Revised Structure
11. Update kerb outstand along Brighton St in accordance to traffic advice

	DRAWING NUMBER	REV	REV DATE	DRAWING NAME
Cover Pages	TP000	B	10/06/2022	Cover Page
	TP001	B	10/06/2022	Contents
	TP002	-	21/10/2021	Project Team
Project Scope	TP100	-	15/10/2021	Project Scope
	TP101	-	15/10/2021	Site Intent
Site Analysis	TP200	-	15/10/2021	Site Analysis
	TP201	-	15/10/2021	Urban Context
	TP202	-	15/10/2021	Context Plan - Activity Routes
	TP203	-	15/10/2021	Context Plan - Transport
	TP204	-	15/10/2021	Opportunities and Constraints
	TP205	-	15/10/2021	Site Zoning and Overlays
	TP206	-	15/10/2021	Brighton Street Interface
	TP207	-	15/10/2021	LT Lesney St interface
	TP208	-	15/10/2021	Swan St interface
Design Response	TP300	-	15/10/2021	Design Response
	TP301	-	15/10/2021	Context Response
	TP302	-	15/10/2021	Massing Concept 1
	TP303	-	15/10/2021	Massing Concept 2
	TP304	-	15/10/2021	Massing Concept 3
	TP305	-	15/10/2021	Design Progression
	TP306	A	8/12/2021	Massing Concept 4
	TP307	-	15/10/2021	DDO Preferred Envelope Section
	TP308	-	15/10/2021	Comparative Envelope
	TP309	-	15/10/2021	Comparative Envelope
	TP310	B	15/06/2022	Comparative Envelope
	TP311	-	15/10/2021	Design Pillars
	TP312	-	15/10/2021	Proposed Street Interface- Brighton St
	TP313	A	8/12/2021	Proposed Street Interface- Brighton St
	TP314	A	8/12/2021	Public Realm Improvements- Brighton St
	TP315	-	15/10/2021	Material Precedents
	TP316	-	15/10/2021	Facade Design
	TP317	B	10/06/2022	View from Lesney St
	TP318	B	10/06/2022	View from Union House
	TP319	B	10/06/2022	View from Swan St
Plans	TP400	B	10/06/2022	Ground Floor Plan
	TP401	B	10/06/2022	Level 01 Plan
	TP402	B	10/06/2022	Level 02 - 03 Plan
	TP403	B	10/06/2022	Level 04
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	TP406	B	10/06/2022	Level 09
	TP407	B	10/06/2022	Roof
	TP408	A	8/12/2021	Roof Plan
	TP409	B	10/06/2022	Basement 02
	TP410	B	10/06/2022	Basement 01
Elevations & Sections	TP500	B	10/06/2022	North Elevation
	TP501	B	10/06/2022	West Elevation
	TP502	B	10/06/2022	South Elevation
	TP503	B	10/06/2022	East Elevation
	TP504	B	10/06/2022	Section A-A
	TP505	B	10/06/2022	Section B-B
	TP506	B	10/06/2022	Brighton Street Streetscape
	TP507	B	10/06/2022	Lesney Street Streetscape
	TP508	A	8/12/2021	Cross Section
Shadows	TP600	B	10/06/2022	Shadow_22 Sep 9am and 10am
	TP601	B	10/06/2022	Shadow_22 Sep 11am and 12pm
	TP602	B	10/06/2022	Shadow_22 Sep 1pm and 2pm
	TP603	B	10/06/2022	Shadow_22 Sep 3pm
Additional Information	TP700	B	10/06/2022	Development Summary
	TP701	B	10/06/2022	Comparative Envelope
	TP702	B	10/06/2022	Public Realm Plan

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)

Comparative Envelope



Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



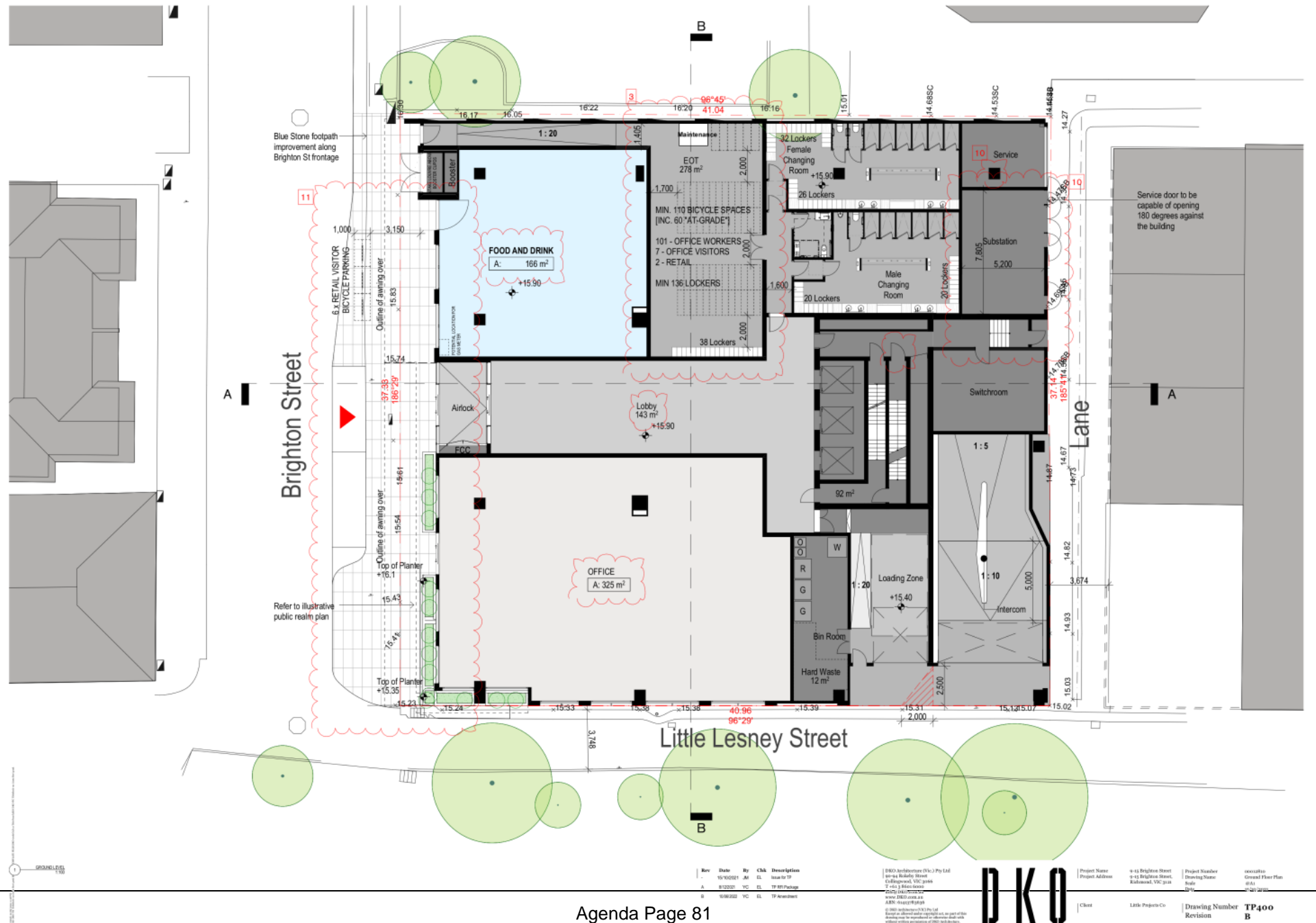
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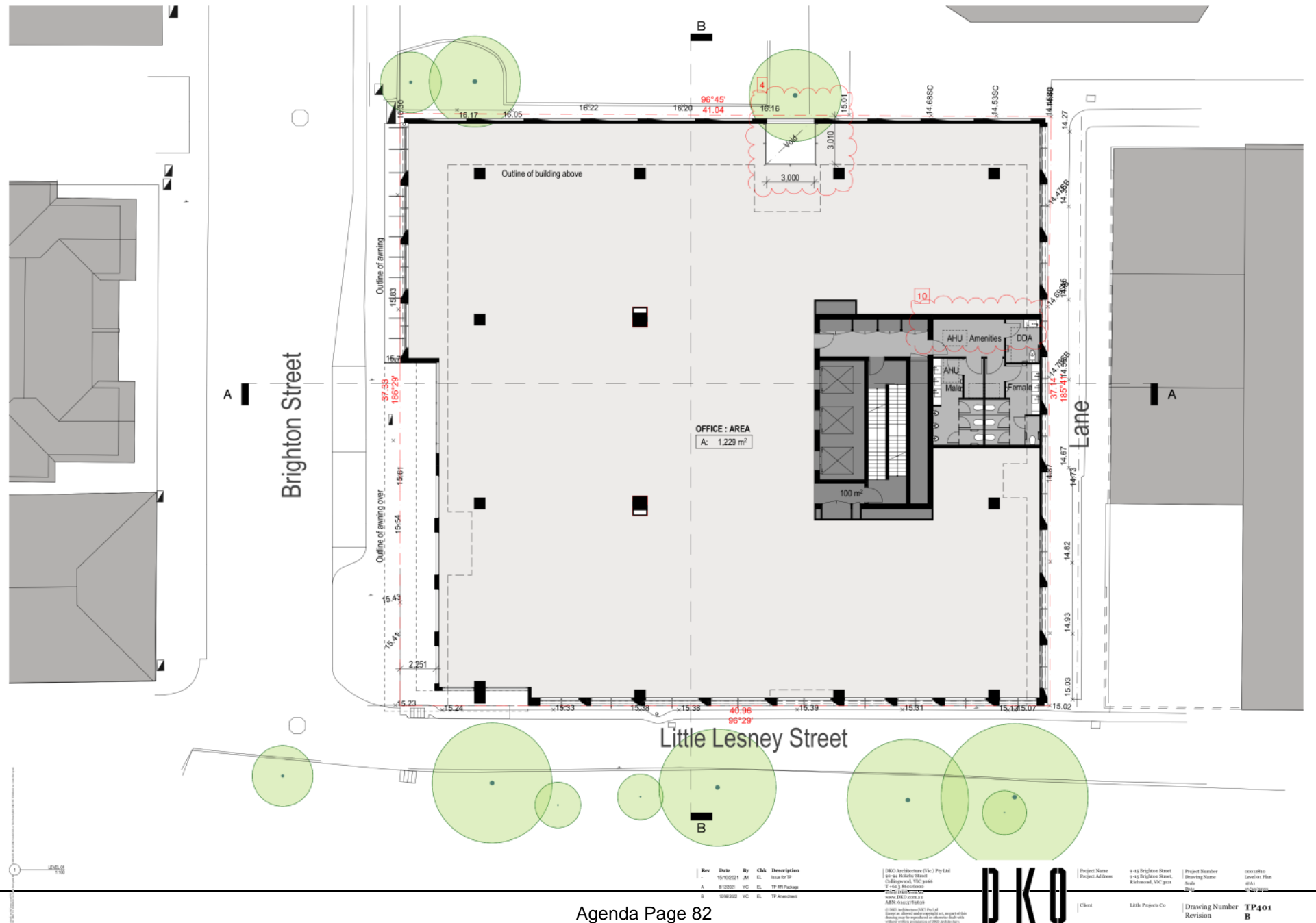
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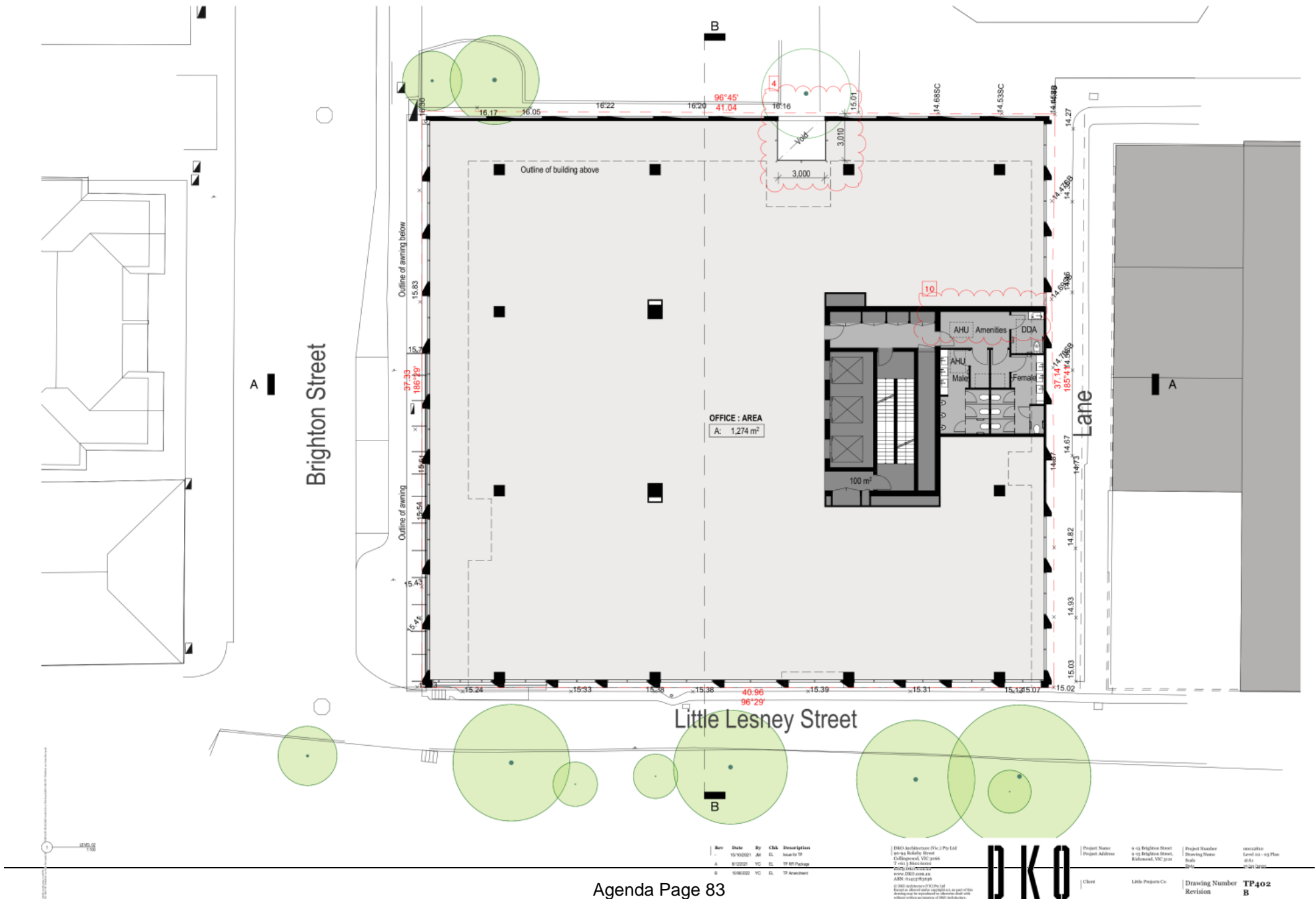


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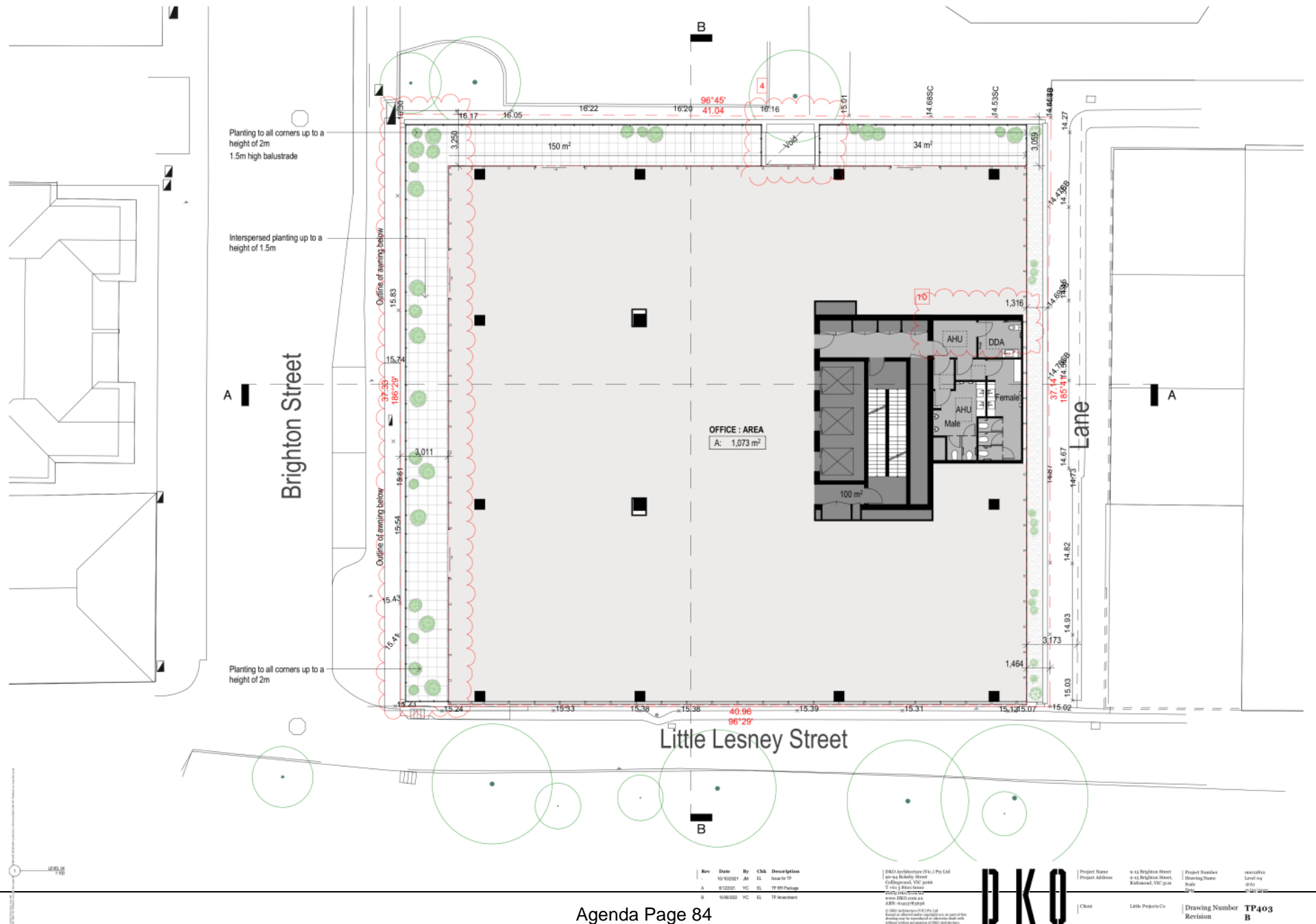


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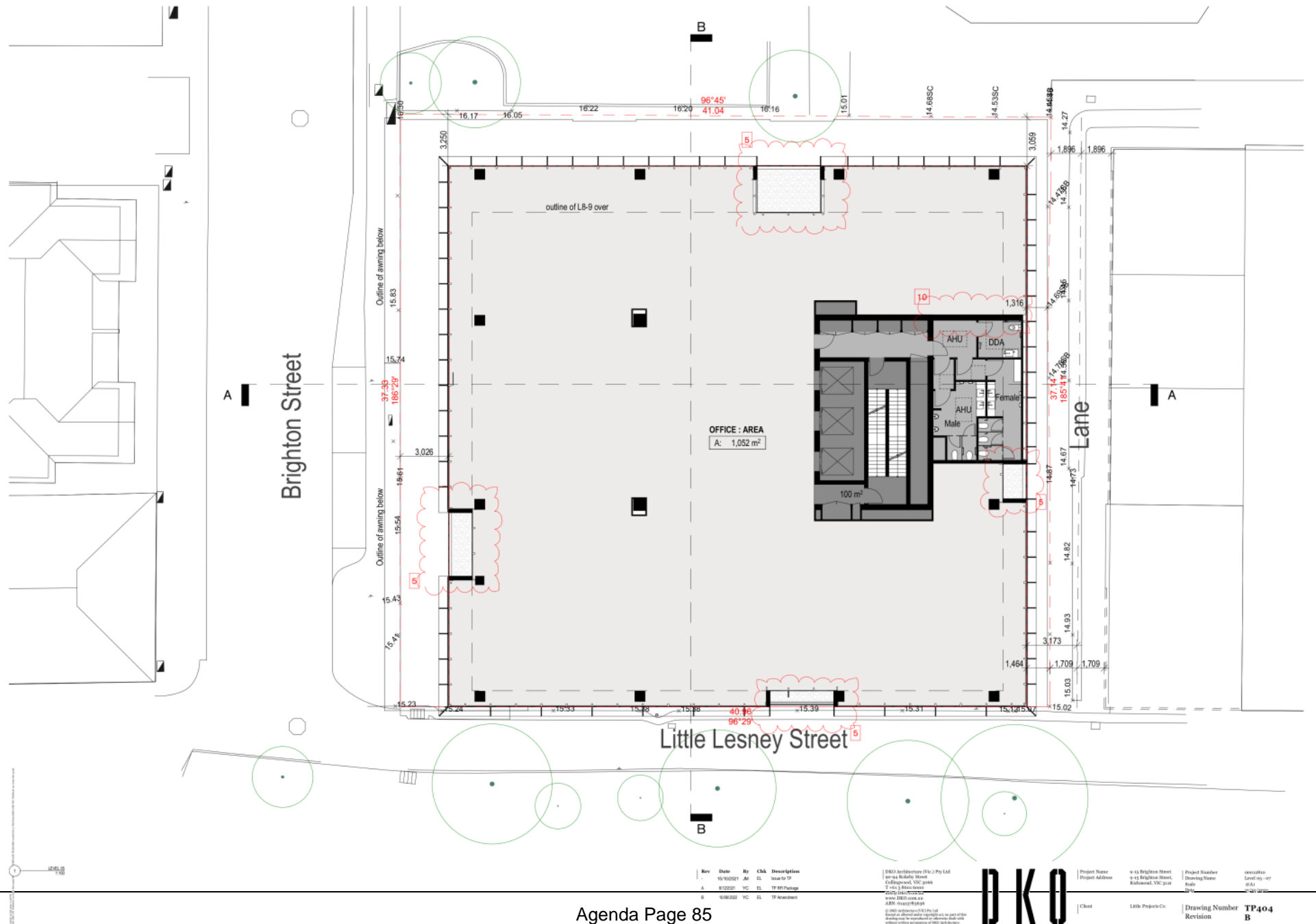




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Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



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B	01/02/2022	VC	EL	TP 801 Package
B	06/08/2022	VC	EL	TP Amendment

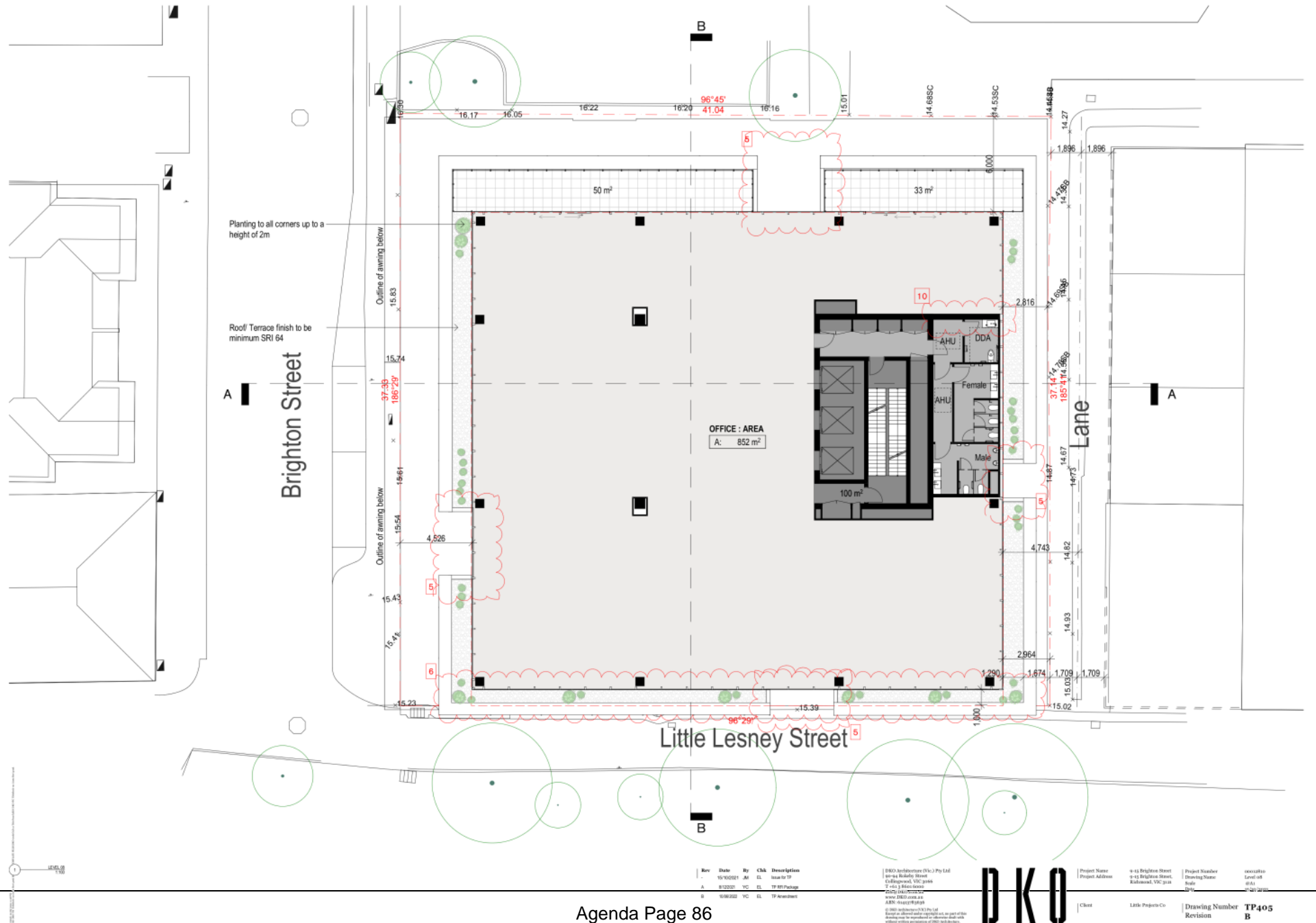
DKO Architecture (Vic.) Pty Ltd
200-204 Bolder Street
Collingwood, VIC 3066
T: +61 3 8366 6000
E: info@dko.com.au
ABN: 61411783498

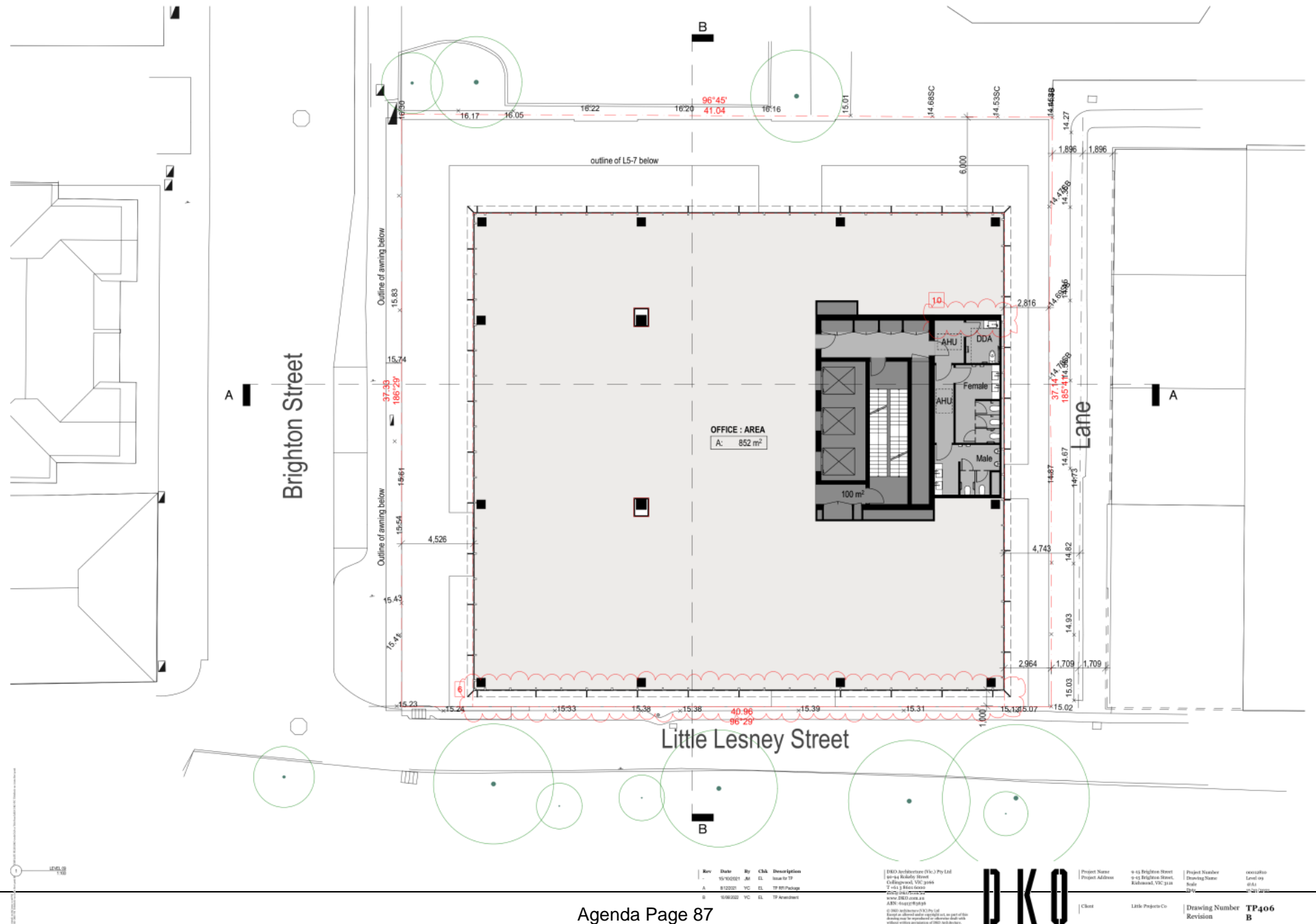
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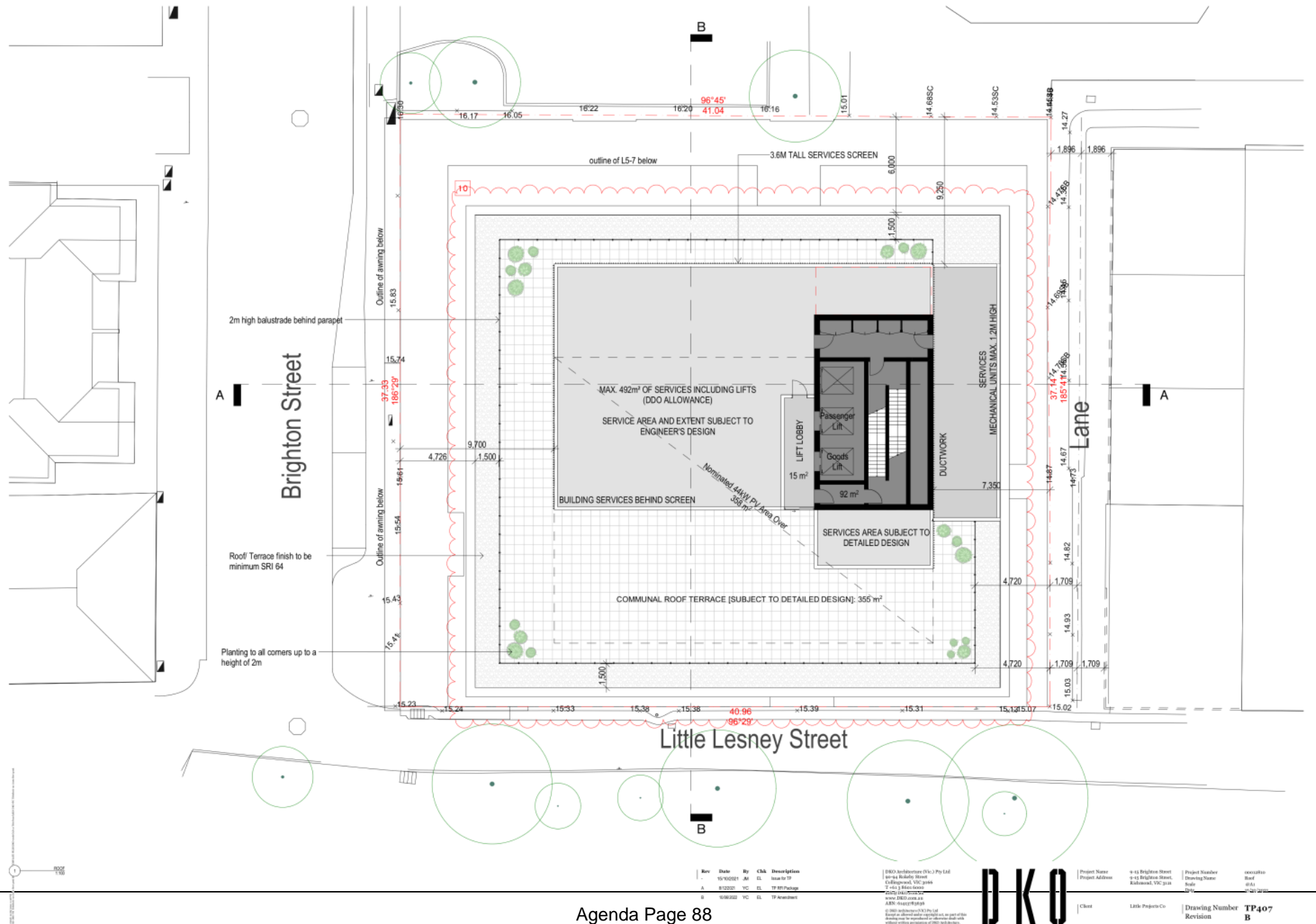
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Client	Little Projects Co	Revision	B

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)





Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



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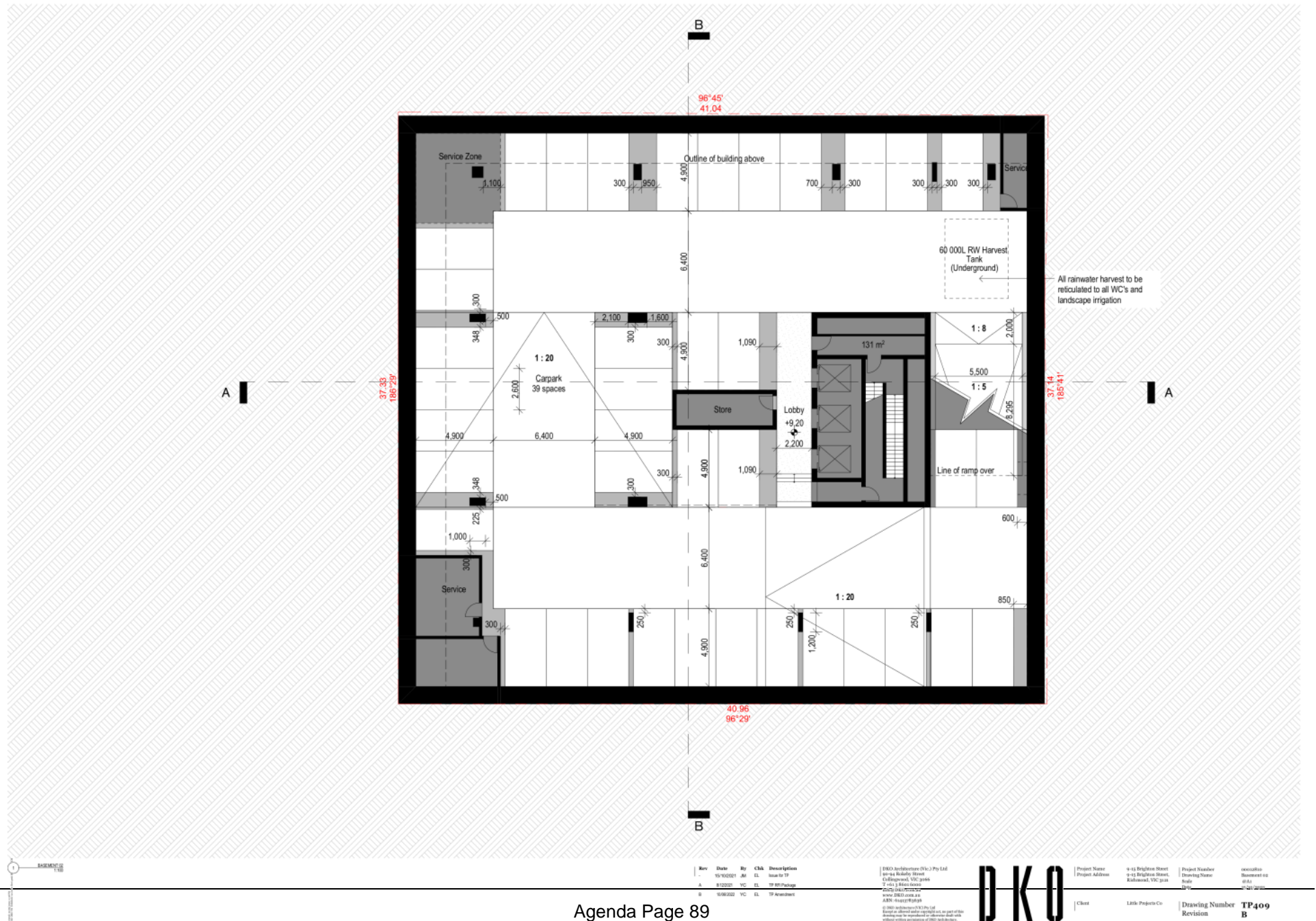
DKO Architecture (Vic.) Pty Ltd
100-104 Bolder Street
Collingwood, VIC 3066
T: +61 3 8366 6000
E: info@dko.com.au
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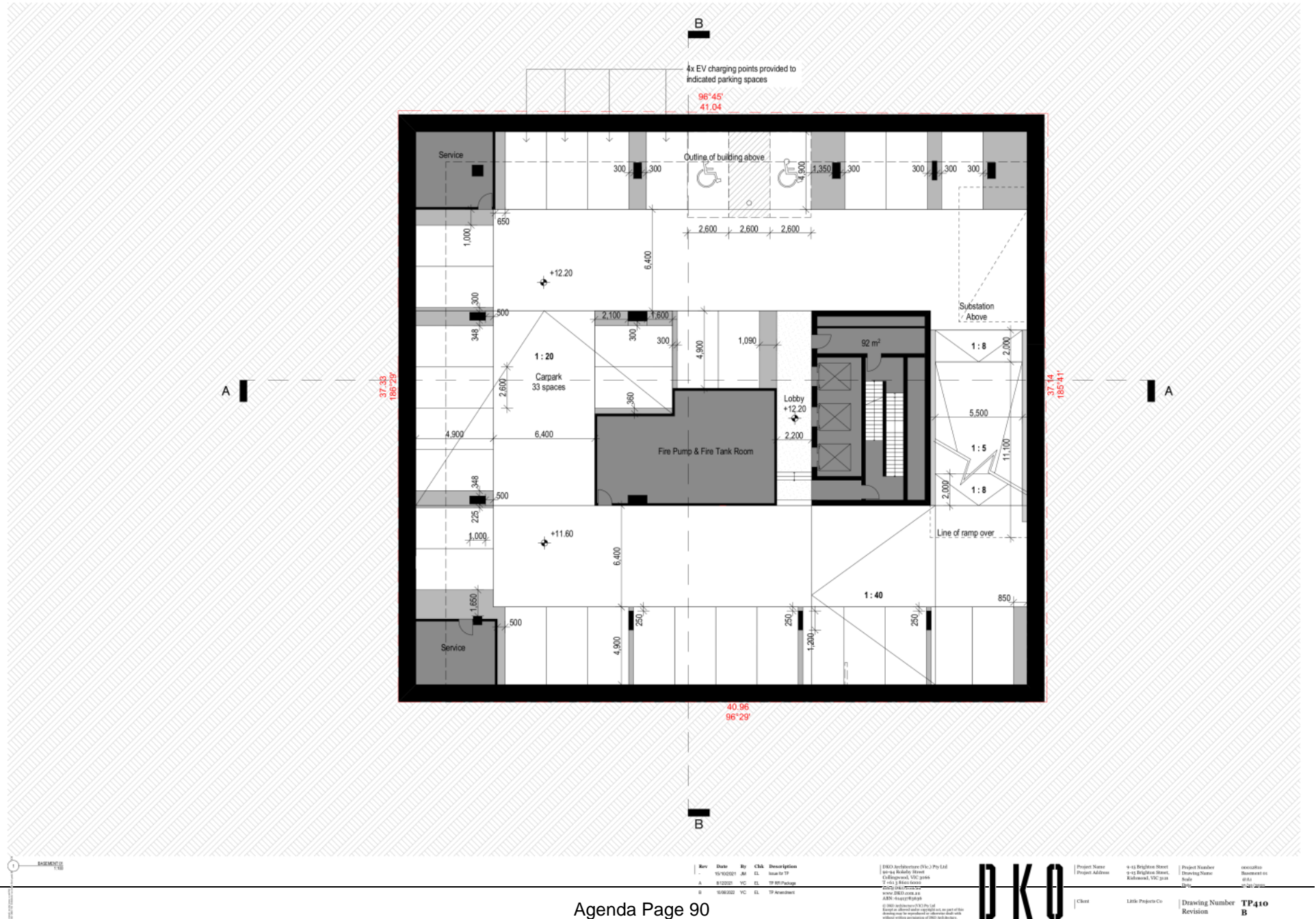
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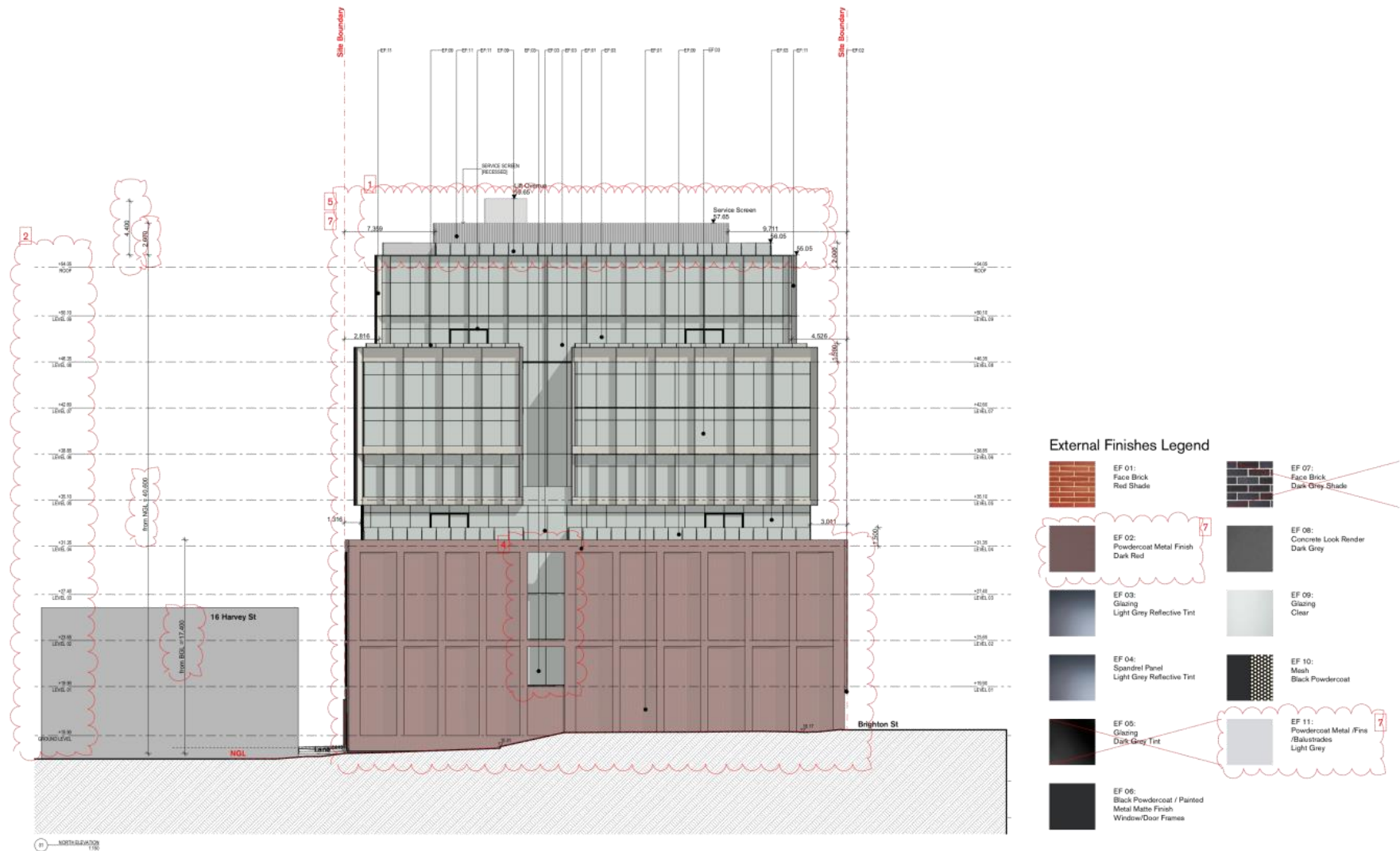
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B	01/06/2021	VC	EL	TP 801 Package
B	06/06/2021	VC	EL	TP Amendment

DKO Architecture (Vic.) Pty Ltd
 10-14 Bulwer Street
 Dandenong, VIC 3184
 T: 03 9411 8800
 E: info@dko.com.au
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Project Name
 Project Address

9-15 Brighton Street
 Richmond, VIC 3144

Project Number
 Drawing Name
 Title
 Date

Client
 Little Projects Co
 Drawing Number
 Revision

TP800
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Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



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B	02/02/22	VC	SL	TP 801 Package
B	06/08/2022	VC	SL	TP Amendment

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 10-14 Bolder Street
 Collingwood, VIC 3066
 T +61 3 8436 6000
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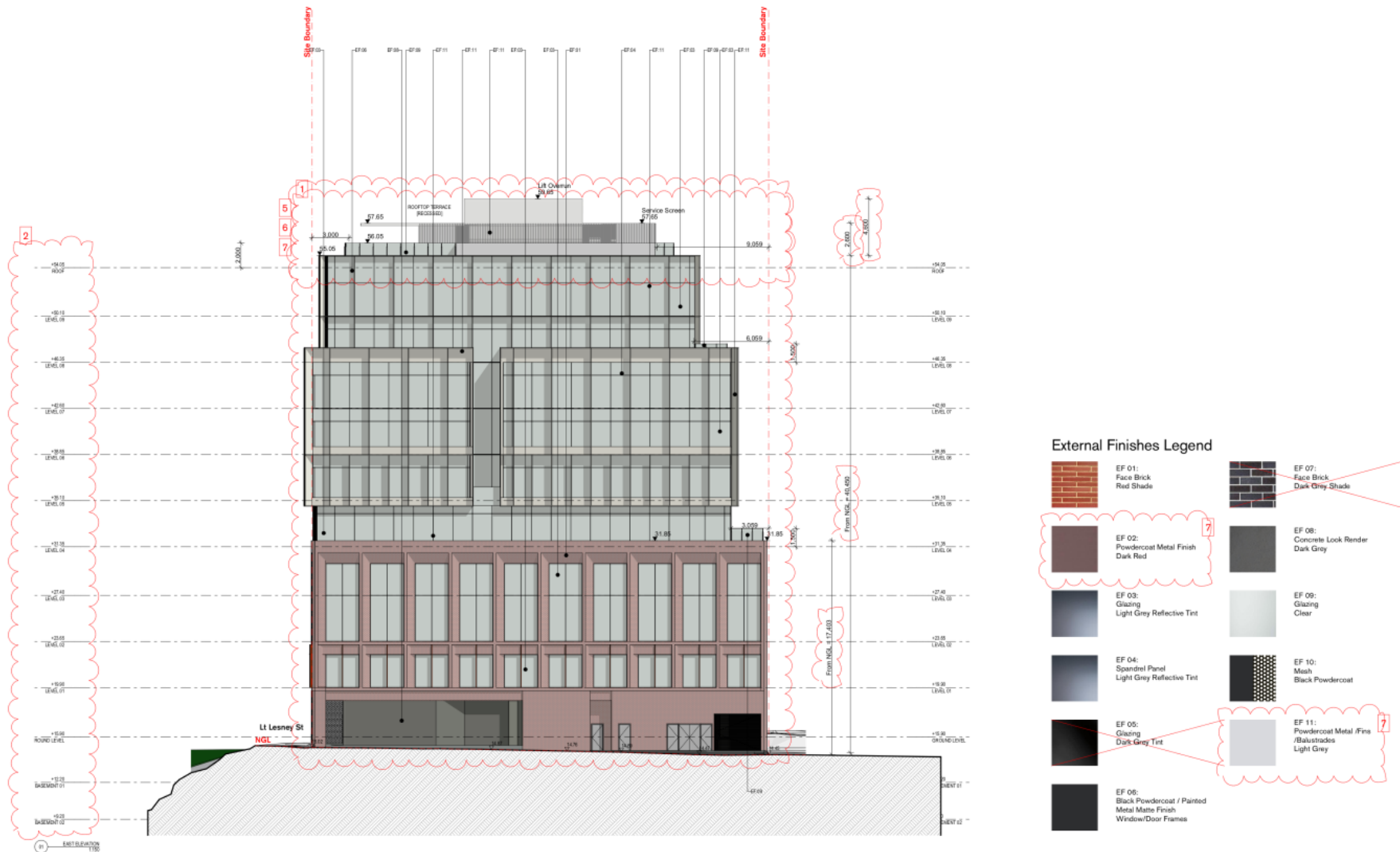
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 Revision

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B	06/08/2022	VC	SL	TP Amendment

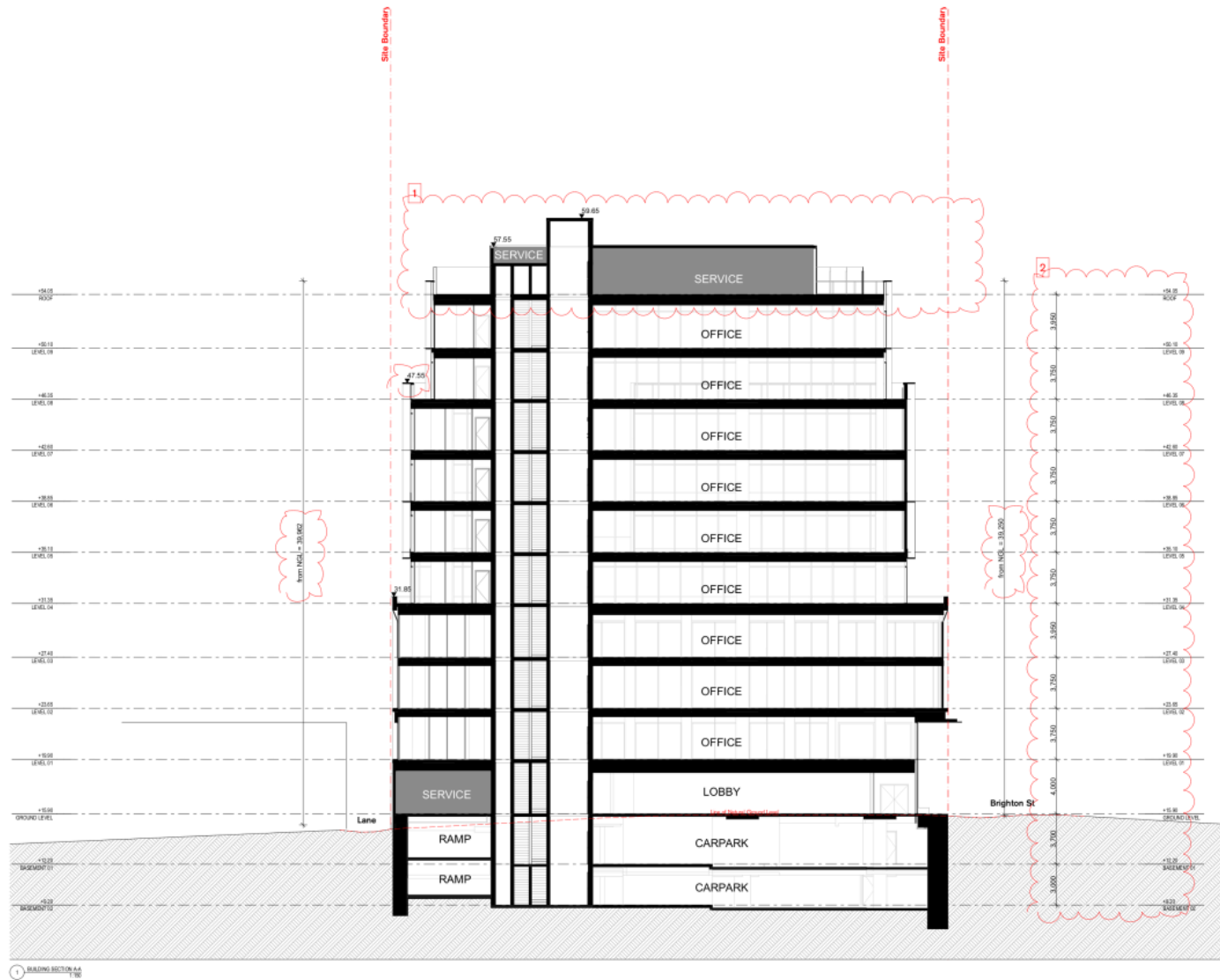
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 Dinglewood, VIC 3186
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 Drawing Name
 Revision
 TP503
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Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



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B	01/10/2022	VC	EL	TP 801 Package
B	16/08/2022	VC	EL	TP Amendment

DKO Architecture (Vic.) Pty Ltd
 10-14 Brighton Street
 Collingwood, VIC 3066
 T +61 3 9416 1000
 E info@dko.com.au
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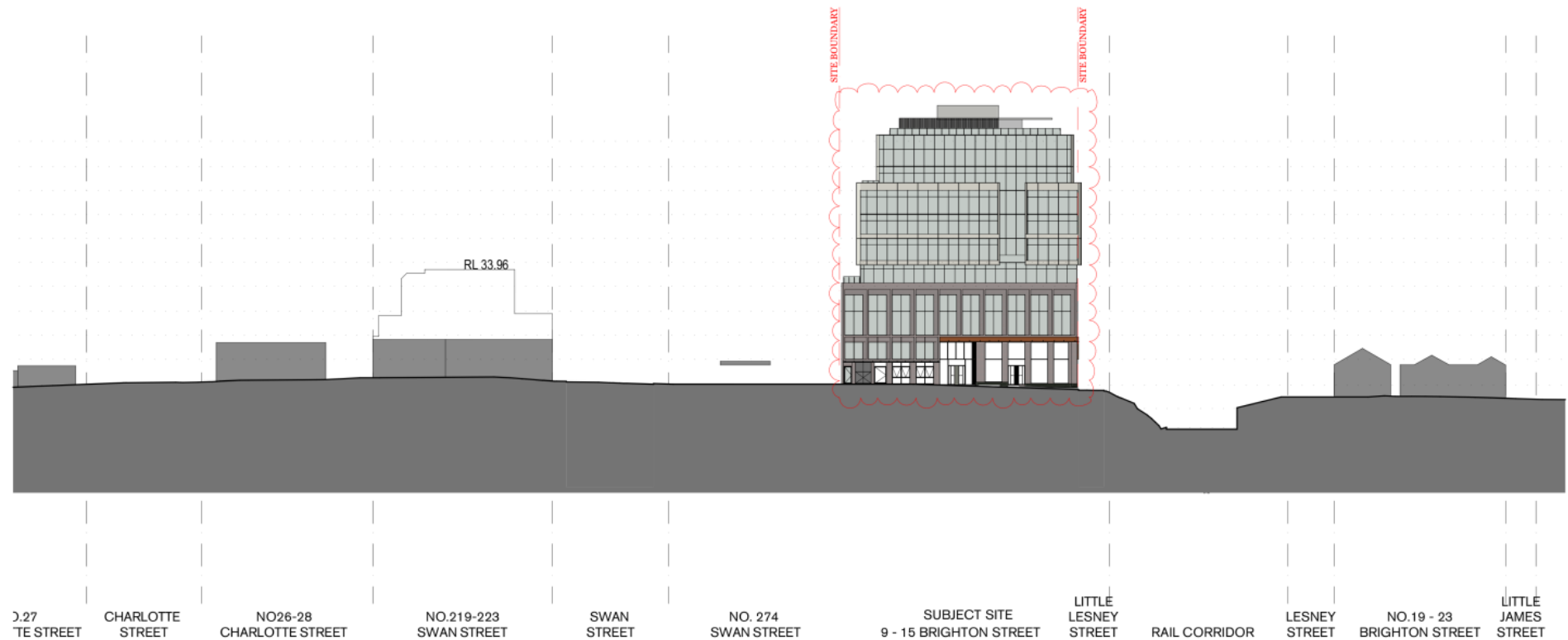
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Client	Little Projects Co	Author	0001
		Drawn	0001
		Checked	0001
		Approved	0001
		Revision	TP004 B



Project Name	9-15 Brighton Street	Project Number	00002810
Project Address	9-15 Brighton Street, Richmond, VIC 3121	Drawing Name	Section B-B
		Scale	@A1
		Date	27-Jan-2020
Client	Little Projects Co	Drawing Number	TP505
		Revision	B

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)

Brighton Street Streetscape



10/06/22
1300

DKO

9-15 Brighton Street
DOCUMENT TITLE

PREPARED FOR:
Little Projects Co

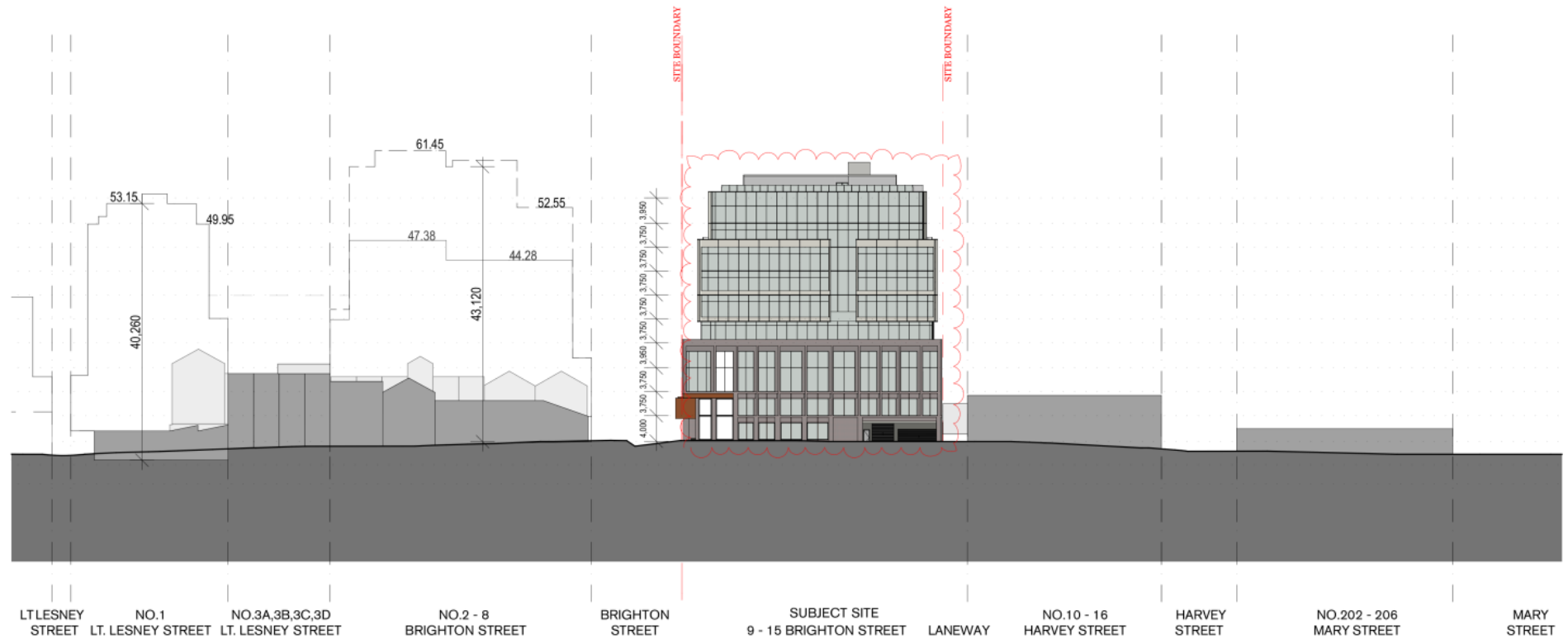
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Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)

Lesney Street Streetscape



LT LESNEY STREET OTHER THAN 150

DKO

9-15 Brighton Street
DOCUMENT TITLE

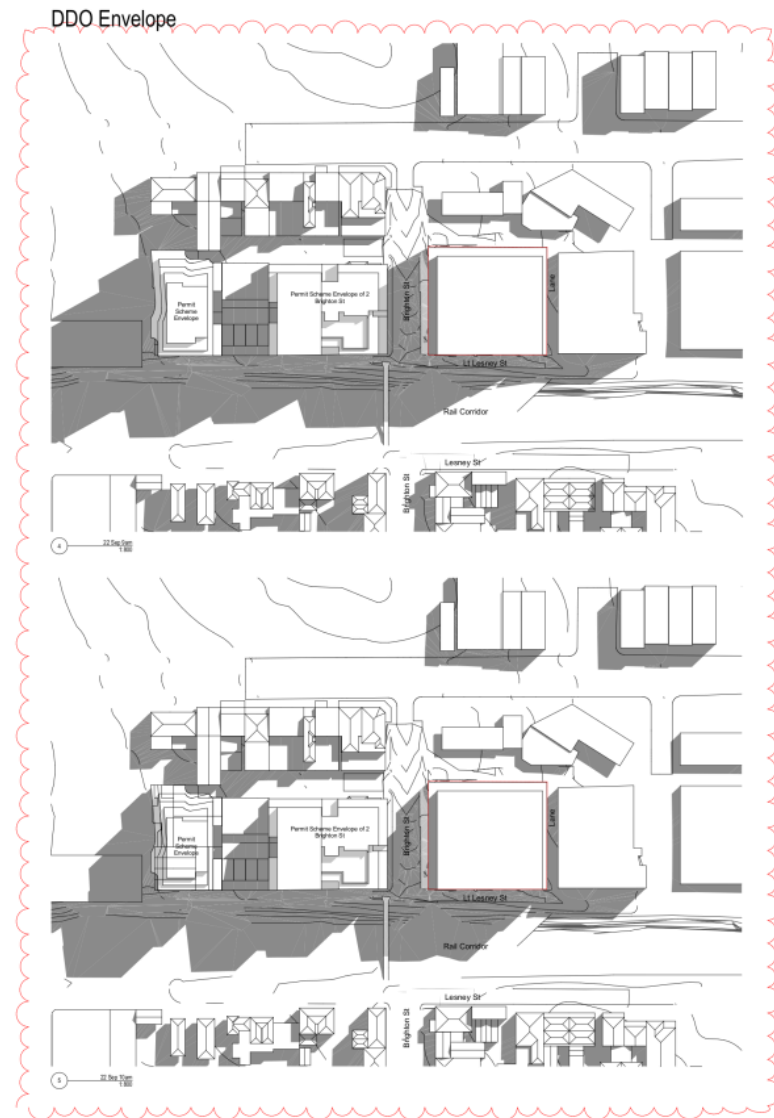
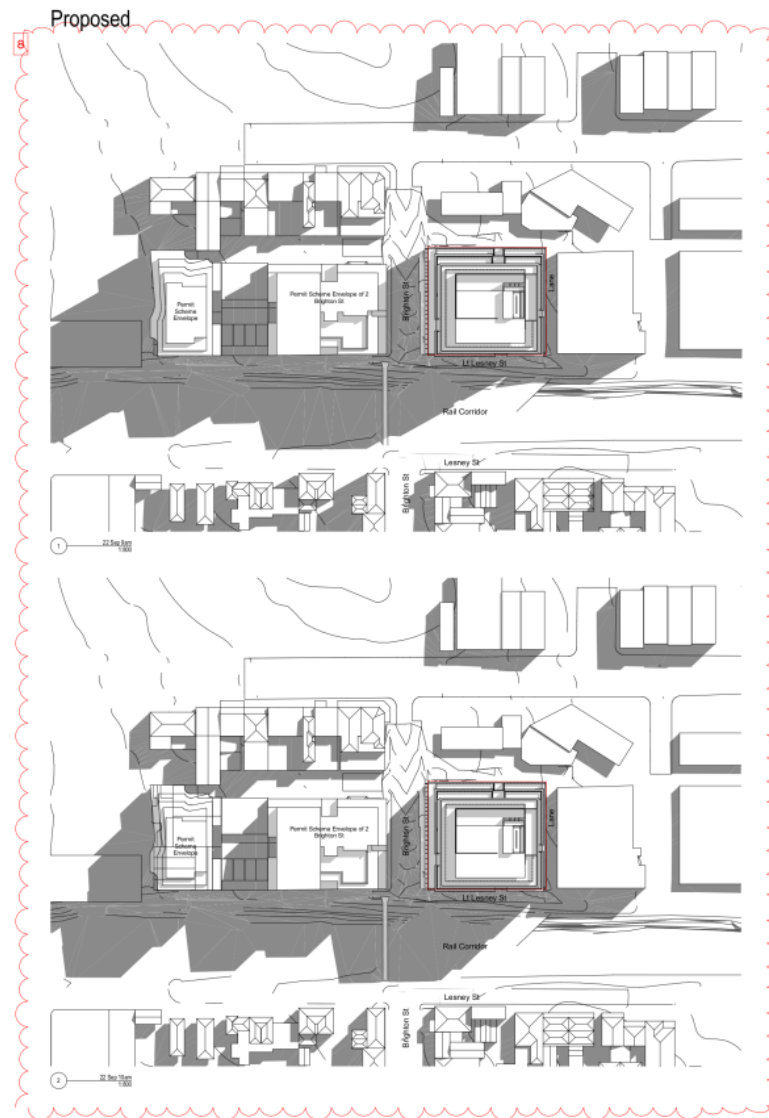
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Little Projects Co

PROJECT
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10/06/22
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Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



Rev	Date	By	Chk	Description	DKO Architecture (Vic.) Pty Ltd 10-15 Brighton Street Richmond, VIC 3124 T: +61 3 9411 8338 E: info@dkoarch.com.au ABN: 61 611 833 838	Project Name Project Address Study	Project Number Drawing Name Rev	Revision
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B	10/10/2021	VC	SL	TP 600 Package				
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Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



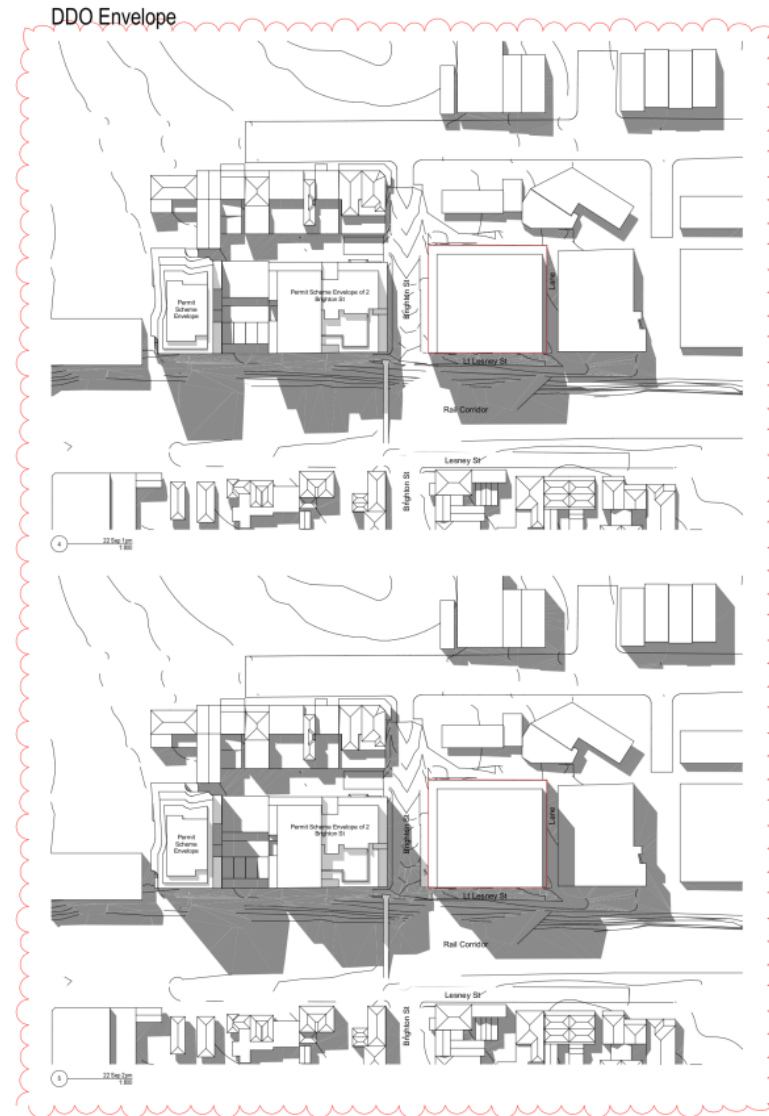
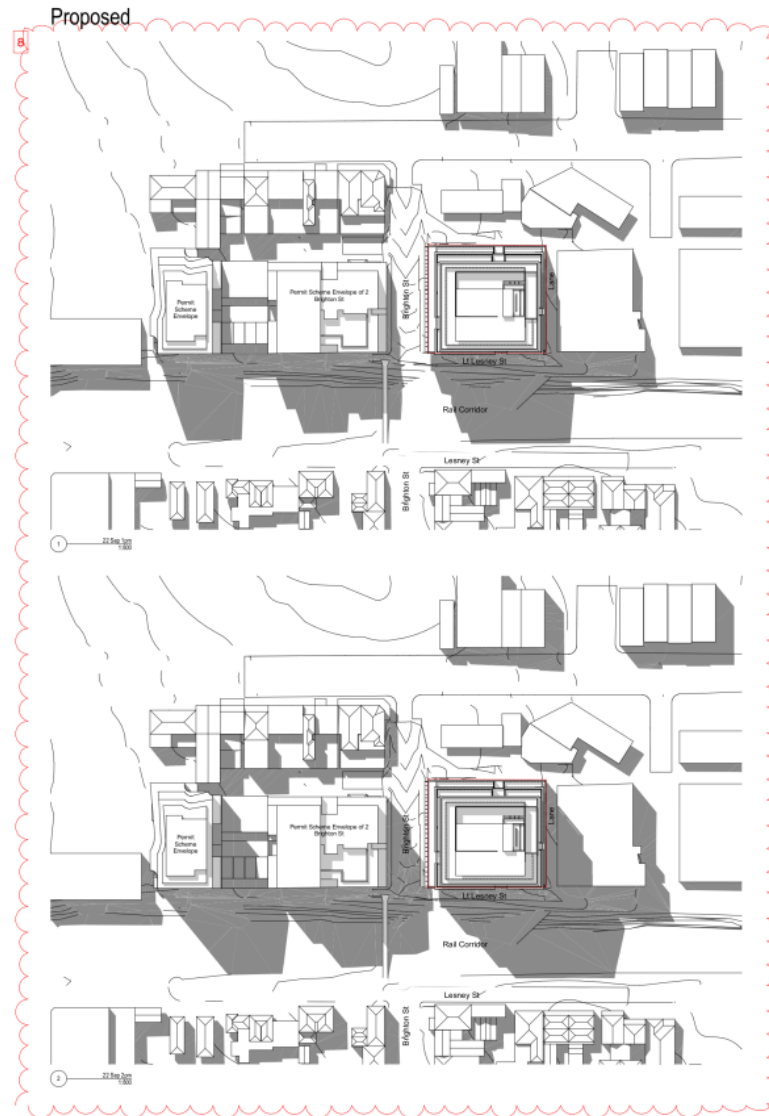
Rev	Date	By	Chk	Description
1	10/10/2021	AM	SL	Issue for TP
2	10/10/2021	VC	SL	TP 401 Package
3	10/10/2021	VC	SL	TP 401 Package

DKO Architecture (Vic.) Pty Ltd
 10-15 Brighton Street
 Collingwood, VIC 3066
 T: +61 3 8361 1000
 E: info@dko.com.au
 AEN: 0141178389
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DKO

Project Name	9-15 Brighton Street	Project Number	00000000
Project Address	9-15 Brighton Street	Drawing Name	Shading - 2D Top view and 3D
Client	Little Projects Co	Scale	1:100
Drawing Number	TP601	Revision	B

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



Rev	Date	By	Chk	Description
1	19/05/2021	AM	SL	Issue for TP
2	01/06/2021	VC	SL	TP 602 Package
3	10/06/2021	VC	SL	TP Amendment

DKO Architecture (Vic.) Pty Ltd
 10-12 Brighton Street
 Collingwood, VIC 3066
 T: +61 3 8361 6000
 E: info@dko.com.au
 AEN: 0141178395
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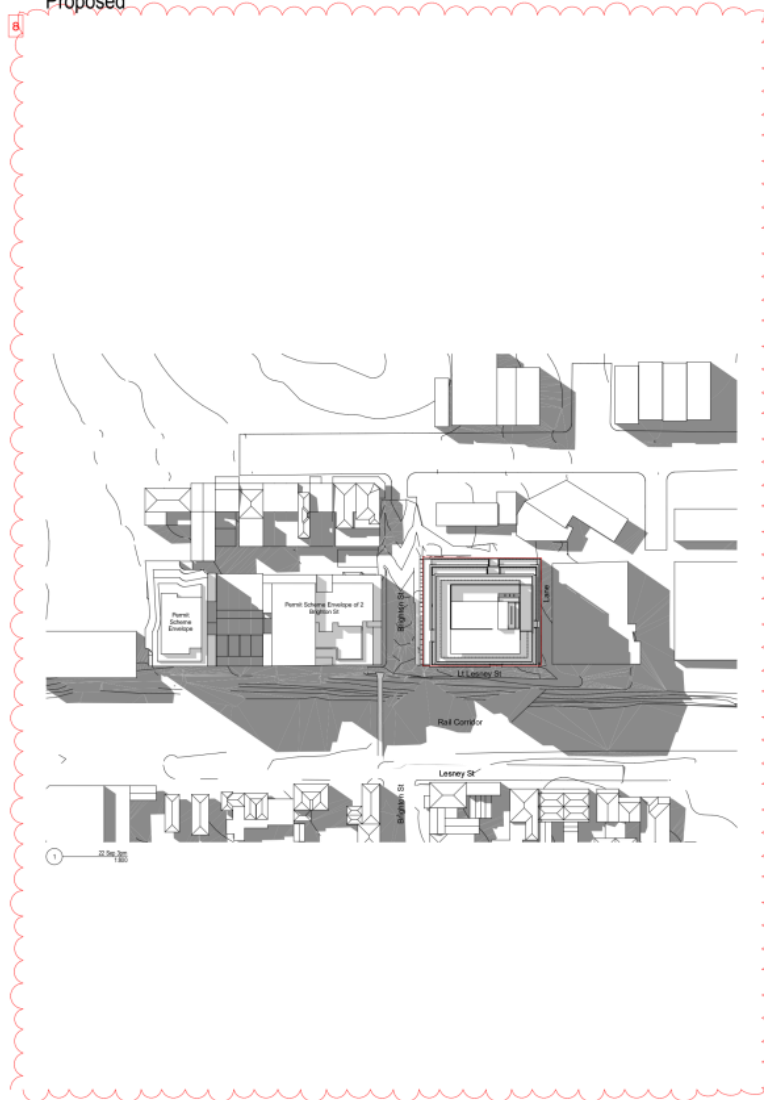
DKO

Project Name
 Project Address
 9-15 Brighton Street
 Richmond, VIC 3104

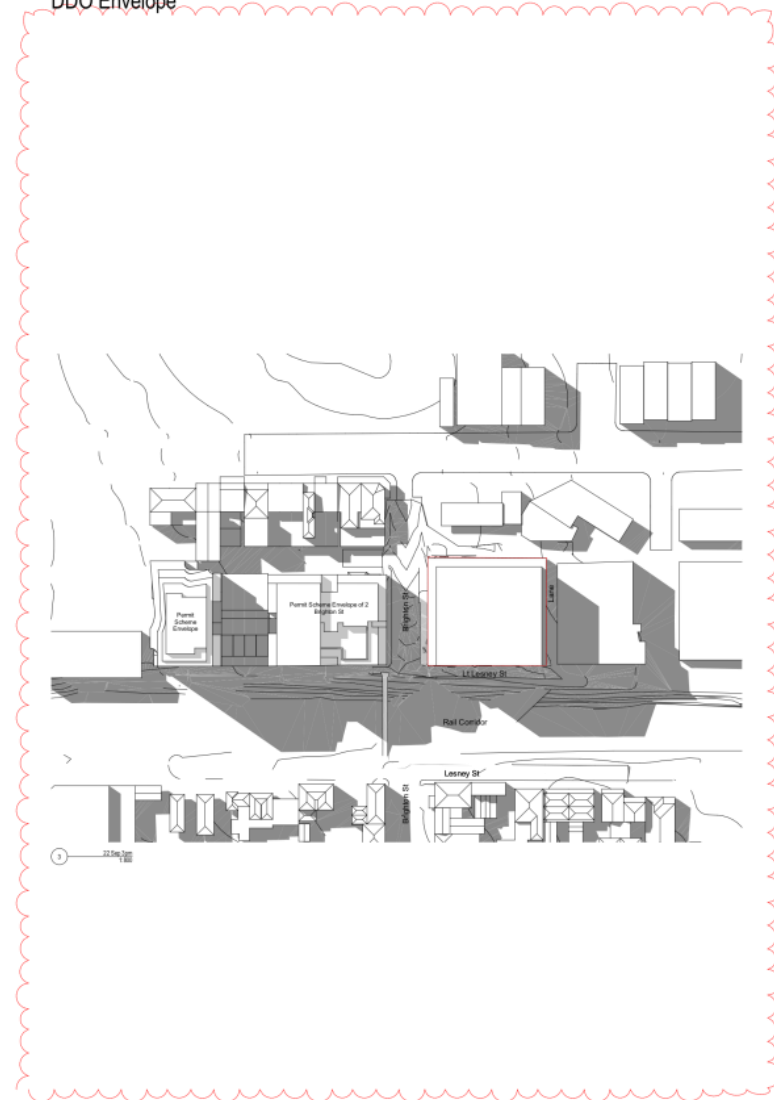
Project Number
 Drawing Name
 Revision
 TP602
 B

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)

Proposed



DDO Envelope



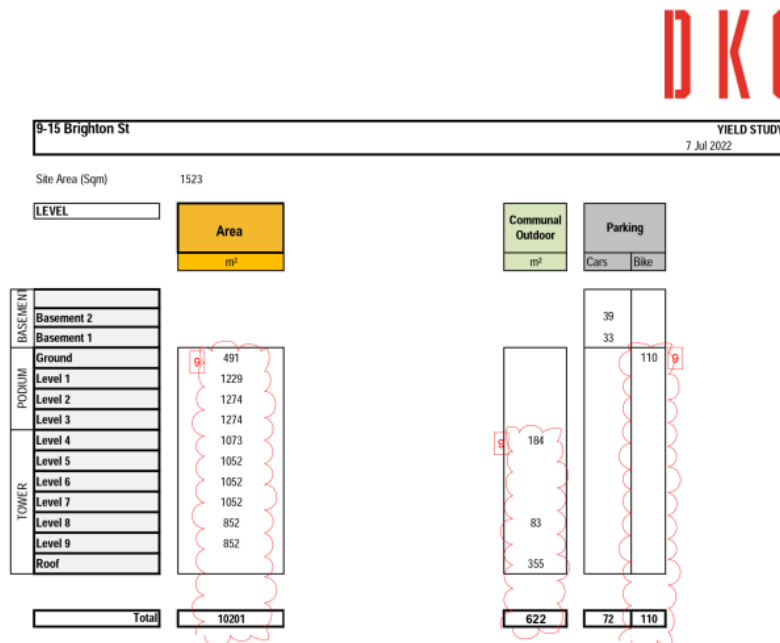
Rev	Date	By	Chk	Description
-	16/05/2021	AM	SL	Issue for TP
A	01/02/2021	VC	EL	TP 603 Package
B	10/08/2021	VC	EL	TP Amendment

DKO Architecture (Vic.) Pty Ltd
 10-12 Brighton Street
 Collingwood, VIC 3066
 T: +61 3 8416 1000
 E: info@dko.com.au
 AEN: 014117838
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Project Name	9-15 Brighton Street	Project Number	TP603
Project Address	9-15 Brighton Street, Richmond, VIC 3104	Drawing Name	TP603
Client	Little Projects Co	Drawing Number	TP603
		Revision	B

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



Notes/Assumptions:

- These areas are schematic only and subject to council and other requisite approval. Areas are not to be used for marketing purposes.
- This scheme has been prepared generally within the bounds of the current site dimensions. Dimensions are subject to detailed discussion with council, hence may be subject to change once advice is received.
- This design has been prepared without structural or services engineering input. Design is subject to change once advice is received.
- The information contained herein is believed to be correct at time on preparation based on the information available at time of preparation. Recipients must make their own investigations to satisfy themselves in all aspects.
- The design and accompanying documentation contained herein is and remains the intellectual property of DKO Architecture.
- All areas measured to PCA method of measurement
- GFA excludes balconies, planters, terraces, pedestrian walkway, roof plant or voids
- GFA/GBA excludes projecting architectural elements
- GFA in basement include retaining wall
- Communal outdoor space includes trafficable area of roof terrace only, measured to outside face of the balustrade

Rev	Date	By	Chk	Description
A	15/05/2021	AM	SL	Issue for TP
B	01/08/2022	VC	EL	TP 80% Package
C	10/08/2022	VC	EL	TP Amendment

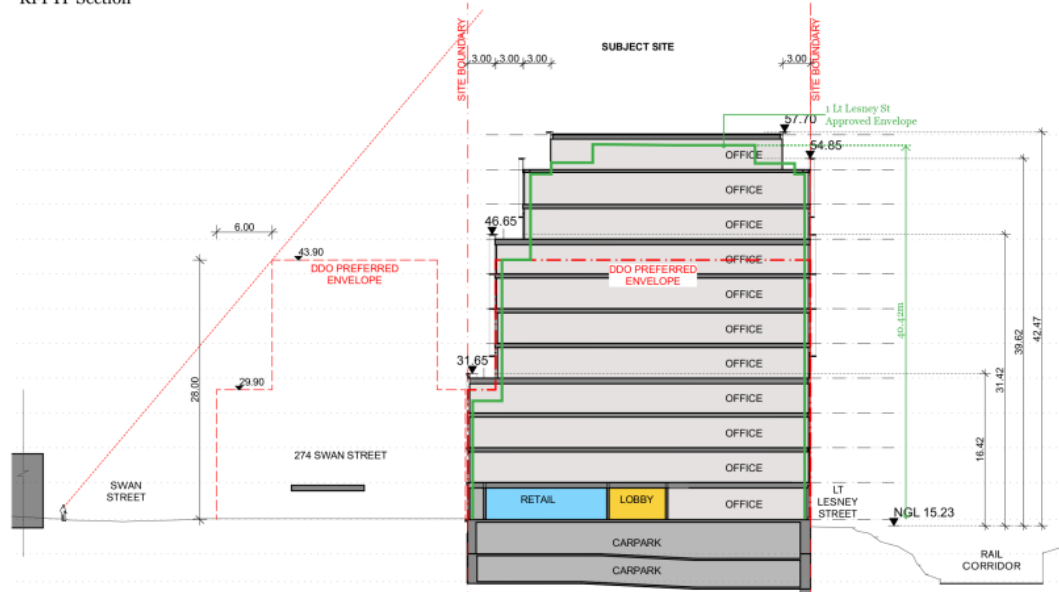
DKO Architecture (Vic.) Pty Ltd
20-22a Bolder Street
Caulfield North, VIC 3166
T: +61 3 8540 6000
E: info@dko.com.au
ABN: 61411783838
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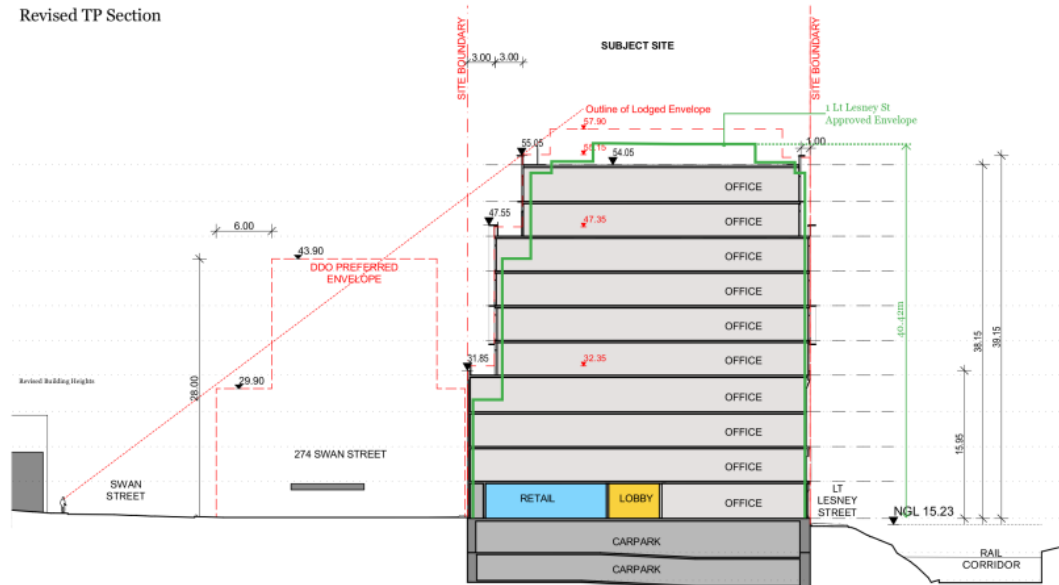
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Project Address	9-15 Brighton Street, Richmond, VIC 3104	Drawing Name	Development Summary
		Scale	0/0
		Date	27/01/2023
Client	Lark Projects Co	Drawing Number	TP000
		Revision	B

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)

RFI TP Section



Revised TP Section



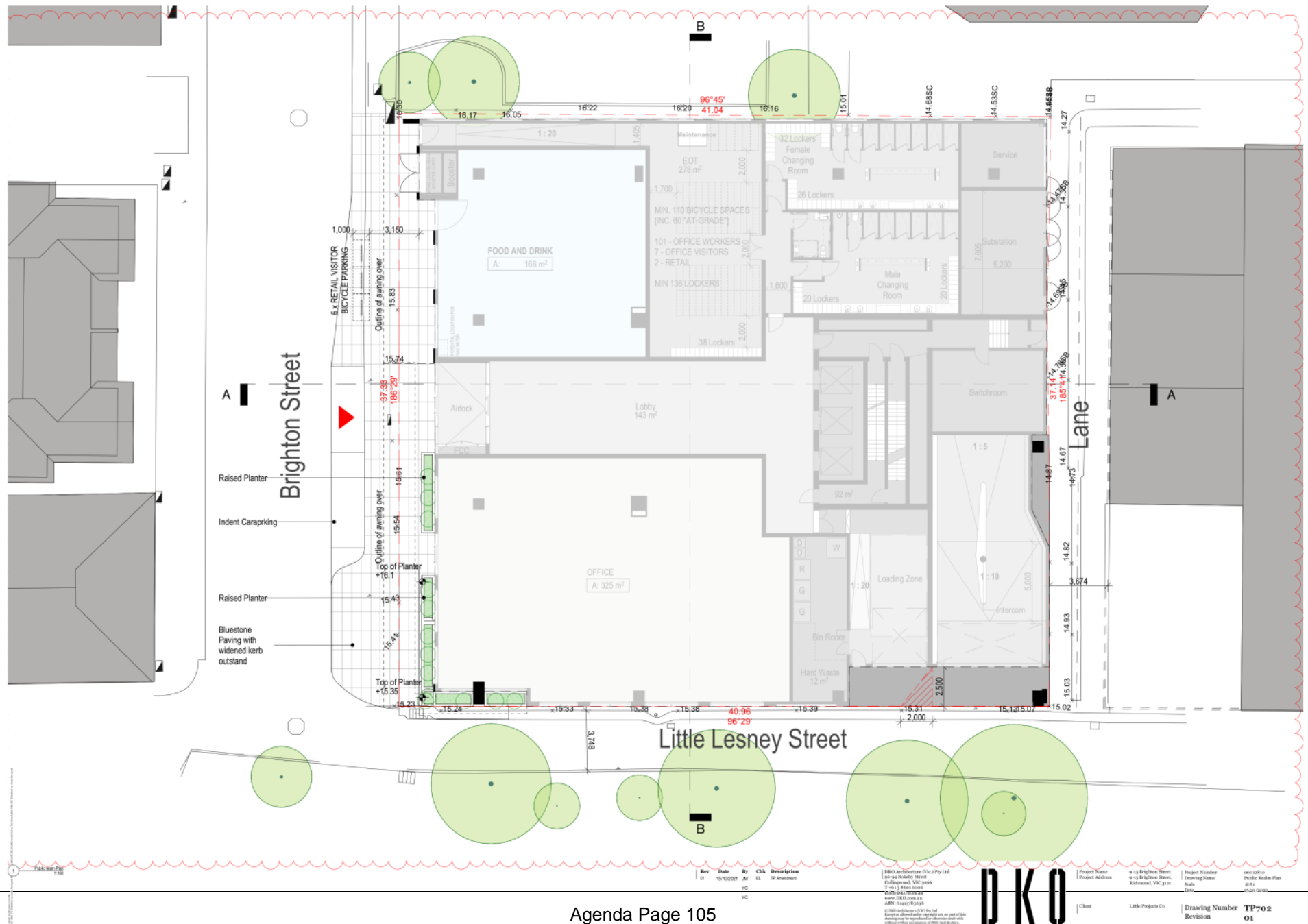
Rev	Date	By	Chk	Description
01	15/10/2021	AM	EL	TP Amendment
VC				

DKO Architecture (Vic.) Pty Ltd
 10-12a Bulwer Street
 Collingwood, VIC 3066
 T: +61 3 9416 6000
 E: info@dko.com.au
 AEN: 0141178398
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DKO

Project Name Project Address	9-15 Brighton Street 9-15 Brighton Street Richmond, VIC 3104	Project Number Drawing Name Scale	001 Comprehensive Envelope 0/15 1/200	Revision 01
Client	Little Projects Co	Drawing Number Revision	TP01 01	

Attachment 1 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plans (i.e. VCAT Amended Plans)



Attachment 2 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Public Realm Plan

Locality Plan



Precedent Imagery and Design Inspiration

The architecture of the proposed development has been recessed at the ground level from the title boundary on Brighton Street to increase the public realm environment for pedestrians. This provides a wider footpath and allows the integration of street furniture, feature art and street trees without compromising pedestrian movement.

As outlined in the Yarra City Council Public Domain Manual, asphalt is the preferred material for footpaths within the public domain. Asphalt is a versatile, presentable and low maintenance pavement material that offers flexibility in civic spaces. Street furniture and civil infrastructure can be readily

integrated into the pavement without compromising its appearance.

The entry threshold into the proposed building is composed of formal bluestone paving to assist with wayfinding and to highlight the building entrance. This threshold extends from the building entry to the title boundary. Asphalt is proposed for the remainder of the pavement within the title boundary to provide a seamless public realm surface. Additional improvements to the Brighton Street streetscape include bicycle parking hoops, bench seating, public art, visitor car parking, street trees and planter boxes.

Bluestone kerb and channel are considered an important heritage element in the City of Yarra. This infrastructure exists along Brighton Street and within the laneway to the east of the subject site. It is proposed to continue this feature and utilise the material as a key wayfinding element and traffic control device. A threshold pavement of bluestone is proposed to the intersection of Brighton Street, Little Lesney Street and the pedestrian footbridge. An onstreet footpath is proposed for Little Lesney Street and the existing central invert of the laneway is to be extended. This provides a unified pavement treatment around the subject site that directs pedestrian movement between Swan Street, Little Lesney Street and East Richmond Station.



Redeveloped George Street in Sydney CBD - Shared pedestrian zone



Feature art/sculpture opportunity



Versatile asphalt footpath with outdoor dining



Shared zone with pedestrian priority and low speed environment



Asphalt footpath with feature threshold paving



Street furniture fixed to asphalt paving



Outdoor dining and planters on asphalt

Draft Swan Street Streetscape Masterplan - August 2021

The Draft Swan Street Streetscape Masterplan, currently under consideration for adoption, was commissioned by Yarra Council to guide the design and delivery of streetscapes and public realm improvements to Swan Street and surrounds. Supporting a placemaking approach, the draft document outlines strategies to enhance the precinct for people, street life and the local community.

Located to the south of Swan Street, the subject site is within the classified Precinct 2 of the Swan Street Streetscape Masterplan. The site is bound by public interfaces on three sides - Brighton Street to the west, Little Lesney Street to the south and a laneway to the east. A commercial car wash and petrol station occurs on the northern boundary.

Opportunities identified in the Draft Swan Street Streetscape Masterplan include:

- greening of the public realm,
- additional seating,
- innovative paving treatments, and
- celebration of local identity and heritage.

These design measures will assist in activating the streetscapes by prioritising pedestrian movement and promoting a pedestrian environment.



Feature art celebrating local history and identity by local artists



GRC 'Gem' seating and planters



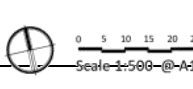
Heritage bluestone planting



Landscape Architecture and Urban Design
PO Box 7071 Beaumaris VIC 3225
0438 845 058
0438 048 740
www.davidsondesignstudio.com.au
office@daavidsondesignstudio.com.au

REVISION	DATE	DESCRIPTION	BY	CHKD	DATE	REFERENCE
1	03.08.2022	Public Realm Landscape Plan prepared	AJD	JDD	03.08.2022	211108-1

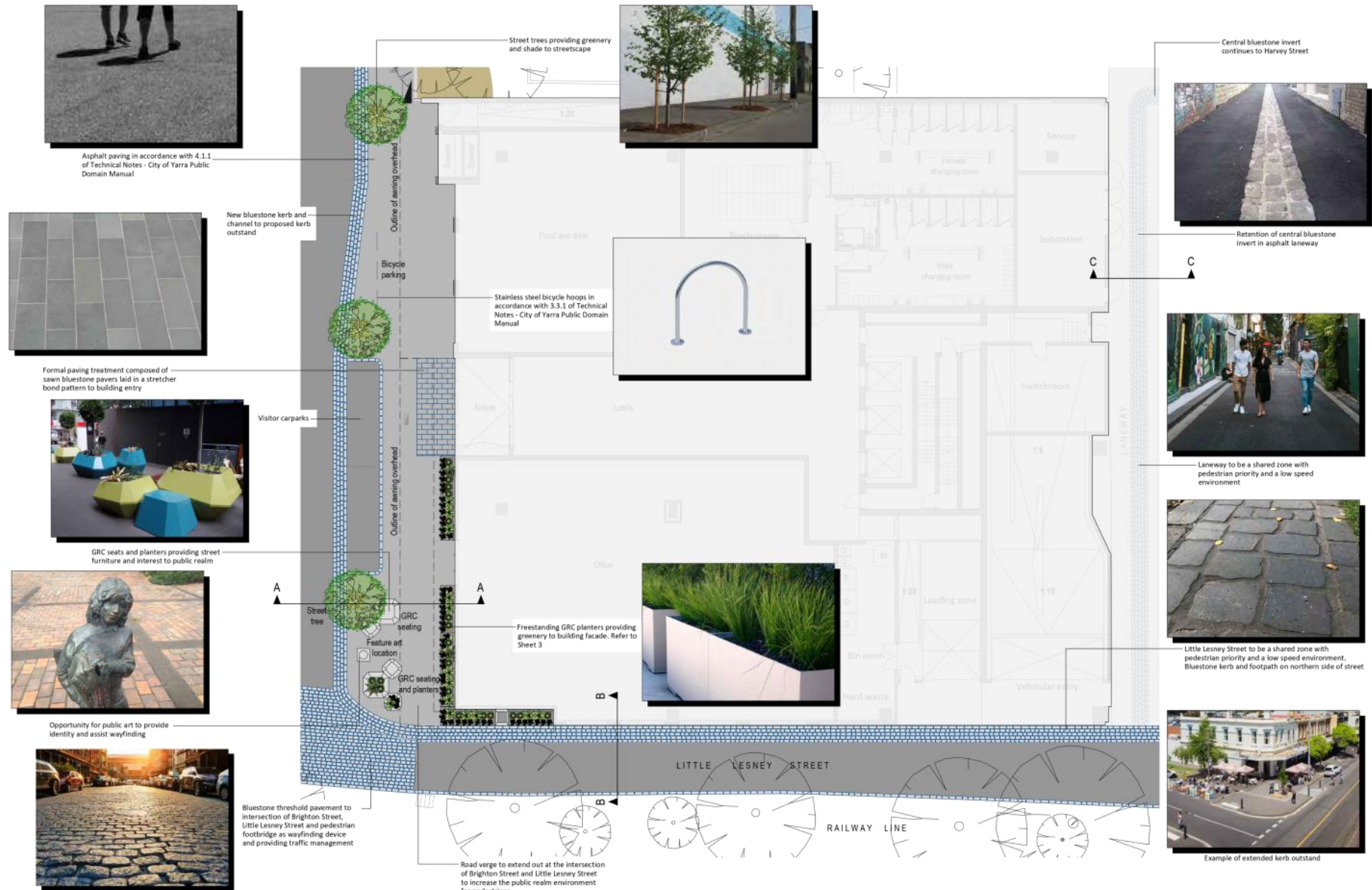
SCALE: 1:500
DATE: 03.08.2022
PAPER SIZE: A1
REVISION: 1 of 3



CLIENT: Little Projects Co
ADDRESS: 9-15 Brighton Street, Richmond
MUNICIPALITY: City of Yarra

Public Realm - Masterplan

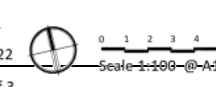
Attachment 2 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Public Realm Plan



Landscape Architecture and Urban Design
PO Box 7071 Beaumaris VIC 3225
0438 845 058
0438 048 740
www.davidsondesignstudio.com.au
office@davidsondesignstudio.com.au

REVISION	DATE	DESCRIPTION	BY
1	03.08.2022	Public Realm Landscape Plan prepared	AJD
2	03.08.2022	Public Realm Landscape Plan updated	JDD

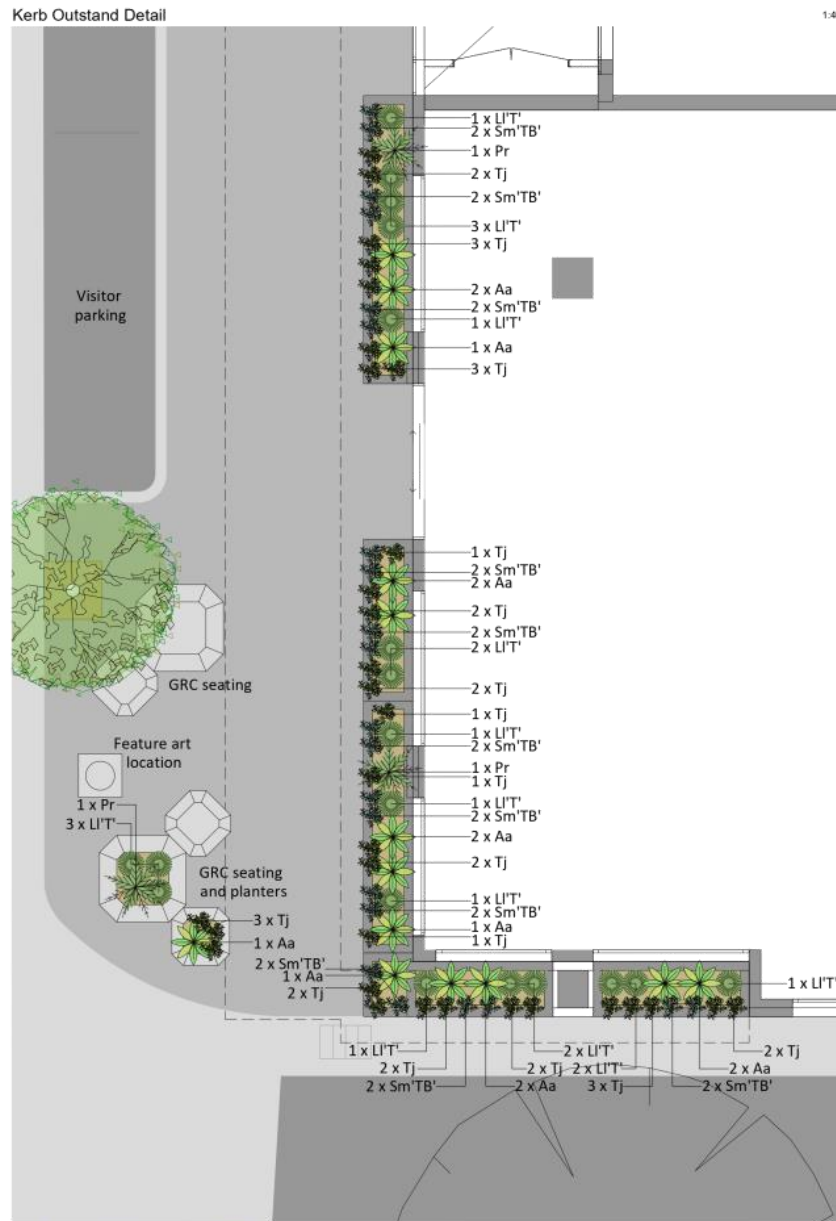
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MUNICIPALITY: City of Yarra
REFERENCE: 211108-1
DATE: 03.08.2022
SCALE: 1:100
SHEET: 2 of 3
PAPER SIZE: A1



Scale 1:100 @ A1

Public Realm - Landscape Plan

Attachment 2 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Public Realm Plan



Plant Schedule

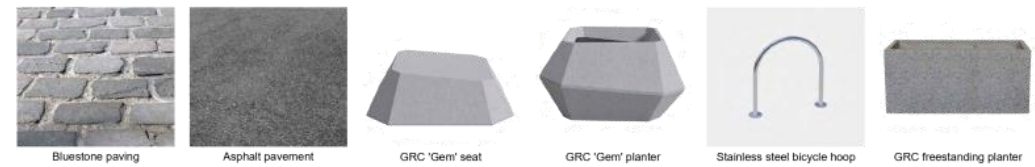
CODE	BOTANIC NAME	COMMON NAME	SIZE (MATURITY)	RECOMMEND POT SIZE	QUANTITY
SHRUBS					
Aa	<i>Agave attenuata</i>	Foxtail Agave	1.5 x 1.5	150mm	14
Pr	<i>Phoenix roebelenii</i>	Dwarf Date Palm	2 x 1	250mm	3
GRASSES					
LI'T'	<i>Lomandra longifolia</i> 'Tanika'	Tanika Spiny-headed Mat-rush	0.5 x 0.5	150mm	19
GROUNDCOVERS					
Sm'TB'	<i>Senecio mandraliscae</i> 'Trident Blue'	Trident Blue Chalk Sticks	0.3 x 1.0	150mm	22
Tj	<i>Trachelospermum jasminoides</i>	Chinese Star Jasmine	Prostrate/Climber	150mm	32

Note - Street trees will be sourced and planted by Council's planting contractor.
Tree species is to be confirmed by Council prior to construction.

Plant Palette



Materials Palette



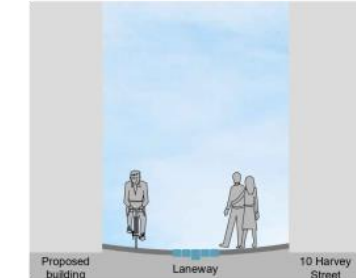
Section AA



Section BB



Section CC



Landscape Architecture and Urban Design
PO Box 7071 Beaumaris VIC 3185
0438 846 058
0438 048 740

REVISION	DATE	DESCRIPTION	BY	CHKD
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SCALE: 1:40
PAPER SIZE: A1

REFERENCE: 211108-1
DATE: 03.08.2022
Scale 1:40 @ A1

CLIENT: Little Projects Co
ADDRESS: 9-15 Brighton Street, Richmond
MUNICIPALITY: City of Yarra

Public Realm
- Landscape Detail

Attachment 3 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders



Attachment 3 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders



Attachment 3 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders



Attachment 3 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders



Attachment 3 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders



Attachment 3 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Decision Plan Renders



Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

Internal - City Works - Open Space Services Formal Referral Request



Application Information	
Officer	Chris Stathis
Council Reference	VCAT000099
Address	9 – 15 Brighton St, Richmond VIC 3121
Proposal	Planning VCAT Child Process - VCAT Appeal
Relevant Information	see links below
Zone	C1Z
Overlay(s)	DDO5, DDO26, DCPO1
Land Area	502.500000 m ²
Referral Status	Awaiting Response from Referral Authorities See below for more details
Previously Referred	Yes – previously referred – contact me (Chris) if you cant find your team's previous advice
Section 57A Amendment	No, however the applicant has submitted amended plans for an upcoming VCAT hearing which need to be assessed. Key changes include a reduction in building height, material changes and the provision of a kerb outstand along Brighton Street.
Referral IREF22/01138 Due	11 August 2022 – URGENT (VCAT) Apologies, we need these comments urgently by 11 August because of tight VCAT timeframes.

Background / Referral Instructions

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

The applicant has submitted amended plans for an upcoming VCAT hearing. We seek comments from each team as follows:

Urban Design Unit

Please review the kerb outstand (and other laneway resurfacing changes) to see if it is to your satisfaction. We can fix any issue by permit condition, so please phrase your comments as recommendations for improvements / changes.

Development Engineering Unit

Please review the kerb outstand for a vehicle movement perspective (i.e. will the kerb outstand result in acceptable turning movements into Little Lesney Street? The applicant has provided swept path diagrams to assist with your review.

City Works (Open Space) Unit

Please review the proposed plantings within the proposed kerb outstand to see if they are to your satisfaction. We understand that you will want a payment from the applicant to facilitate the initial maintenance of any new plants within the public realm – we can make them do this by permit condition so please list this as a recommendation if it is something that you want to pursue.

Civil Engineering Unit

Please review the kerb outstand and laneway resurfacing shown on the public realm plan to see if it is to your satisfaction. Please note that we can make them do a drainage / civil plan by way of permit condition so if you have something specific you would want them to provide in such a plan, please list this in your comments.

(please note that the visitor bike spaces shown in kerb outstand have been sent to **Strategic Transport** separately)

Plan Locations (to be assessed)

Amended Plans

[D22/171804 - PLN21/0788 - 9 - 15 Brighton Street Richmond \(VCAT P761/2022\) - Amended Plans \(received 11 July 2022 - not yet formally substituted\)](#)

Amended Public Realm Plan

[D22/194619 - PLN21/0788 - 9 - 15 Brighton Street Richmond \(VCAT P761/2022\) - Landscape and Public Realm Plan \(supplementary material to amended plans received 11 July 2022\)](#)

Amended Renders

[D22/194628 - PLN21/0788 - 9 - 15 Brighton Street Richmond \(VCAT P761/2022\) - Updated Renders \(supplementary material to amended plans received 11 July 2022\)](#)

Swept Path Diagrams for proposed kerb outstand

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

[D22/195480 - PLN21/0788 - 9 - 15 Brighton Street Richmond \(VCAT P761/2022\) - Swept Path Diagrams for proposed kerb outstand](#)

Previous Plans

[D21/202077 - PLN21/0788 - 9-15 Brighton Street, Richmond - Architectural plans](#)

For your reference, this application has also been referred to the following internal areas:

ESD Compliance & Parking - Parking Strategic Transport Civil Engineering - Traffic
Unit Development Engineering City Works - Open Space Services

Note: Each referral has a unique IREF number which you can use in Content Manager to check the referral memo and the referral response. Please type the relevant IREF number into Content Manager and click on 'view document'

Planner Name: Chris Stathis

Planner Signature: CS

Date: 04 August 2022

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

Open Space Services Formal Referral Response



Application Information	
Referral Officer	Chris Stathis
Officer	Rebecca Barnes (on behalf of Rob Hill)

Council's Open Space Services (City Works) provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Comments and Recommendations

Conditions

All plans shall have confirmed new tree locations with 'species as directed by Council' in the plant schedule.

Payment for new trees is to be made by the applicant, by contacting Council's Open Space Unit. Cost per tree is \$600 and includes procurement, planting, and establishment maintenance for 24 months.

All constructed tree pits must be unencumbered, free from services to a depth of at least 600 mm, and be filled with soil that is conducive for tree root growth, appropriate for the location. Refer to Yarra Standard Drawings YSD709 and YSD711.

Following practical completion, Council must be notified, and tree planting will occur in the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

Further information

Previous Open Space comments (IREF21/00231) do not appear to have been addressed in the updated submission.

New trees proposed for planting shall be procured, planted, and maintained for 24 months by Council at the applicant's expense. This is to ensure quality control and establishment as a public tree asset.

Unit cost is in line with a schedule of rates for tree planting.

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans



Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

10th August 2022
Our Ref: 40381/22

The Registrar
Planning & Environment List
Victorian Civil and Administrative Tribunal
DX 210576 MELBOURNE

E: vcat-admin@vcat.vic.gov.au

Dear Sir / Madam

APPLICATION FOR REVIEW NO: P761/2022
COUNCIL REFERENCE: PLN21/0788
ADDRESS: 9-15 BRIGHTON STREET RICHMOND

REVISED STATEMENT OF GROUNDS NUMBER 3

I write regarding the above matter and our letter dated 2nd August 2022 amending our original Statement of Grounds.

Due to the VCAT review and Section 55 referral running parallel there has been some delay in providing a finalised set of conditions for the rail interface. There are some slight variations to the rail interface conditions previously provided and for clarity a new set of conditions are submitted below to replace those provided in our letter dated 2nd August 2022.

As such, The Head, Transport for Victoria in consultation with CityLink has reviewed the plans prepared by DKO, (Drawings TP00 to TP700, dated 15 October 2021, Project Number #00012810) and the Traffic & Transport Assessment, dated 25 October 2022, (Reference IMP2107064REP01F01, prepared by Impact) and does not object to the development, subject to following revised conditions and notes (below) being included in the planning permit, should one be issued.

Conditions:

1. Before the development starts (excluding demolition and bulk excavation) or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria 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 submitted with the application but modified to show:
 - a) that the design prevents items from being thrown or falling onto railway land from any part of the developmentto the satisfaction of the Head Transport for Victoria.
2. Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations The study must clarify that:



Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

- a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
 - b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
 - c) the development exterior avoids use of red, green, or yellow colour schemes that may interfere with driver operations or schemes or shapes capable of being mistaken for train signals.
- 3. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted, and approved by Vic Track, the Head, Transport for Victoria, and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:
 - a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent.
 - b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
 - c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'
 - d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance, and repair of any part of the building or development. The development must be designed so that maintenance can occur from within the development site without access to the rail corridor
 - e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
 - f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation, and maintenance for all buildings and works on site.
- 4. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered with VicTrack, the Head, Transport for Victoria, and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.
- 5. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:
 - a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
 - b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.

The Traffic Management Plan must be consistent with any Traffic Management Plan required by the Responsible Authority.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

6. Before development starts (including demolition and bulk excavation) a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets, and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:
 - a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
 - b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
 - c) Rail safety requirements that must be adhered to by the permit holder.
 - d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
 - e) Minimising disruption to train services and railway maintenance and commuter access.
 - f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
 - g) public safety, amenity, and site security.
 - h) Operating hours, noise, and vibration controls.
 - i) Air and dust management.
 - j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure.
 - k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented, and monitored at no cost to the Head, Transport for Victoria VicTrack, and/or the Rail Operator.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

7. No drainage, effluent, waste, soil, or other materials must enter or be directed to railway land or stored or deposited on railway land.

Notes for the permit

Public Transport Asset protection

Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

City Link Exhaust Stack

As the planning application relates to a site that is within approximately 475 meters of the Richmond exhaust stack, it may impact on, or be impacted by, the City Link stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere and is licensed by the Environment Protection Authority.

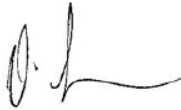
The Environment Protection Authority will need to be consulted with and provided an opportunity to comment on the effects of the plume generated from the Richmond stack and to determine if the building height is acceptable. We also recommend that the referral authority make an informed decision about whether the proposed project, which is the subject of the planning application, is consistent with the purposes of the DDO and to ensure the proposed project reduces the risk of harm to human health and

**Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral
Comments for Decision (i.e. VCAT Substituted) Plans**

the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

Should you require any further clarification, please feel free to contact James Noy on email james.noy@transport.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Singleton', with a stylized flourish at the end.

DWAYNE SINGLETON

Team Leader Statutory Planning

Inner Metropolitan Melbourne

10/08/2022

Under Delegation from the Head, Transport for Victoria

Cc: yarra city council & planning and property partners

**Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral
Comments for Decision (i.e. VCAT Substituted) Plans**

ESD Formal Referral Response



Application Information	
Referral Officer	WILLIAME
Officer	Euan Williamson
Council Reference	VCAT000099
Address	9 Brighton St, Richmond VIC 3121
Proposal	Planning VCAT Child Process - VCAT Appeal
Comments Sought	Click here to view the link to the Statutory Planning Referral memo: D22/171993

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Council's ESD Officer provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

ESD comments were requested on the following:

- Response to previous comments

In assessing this application, the following documents were reviewed:

- SMP prepared by GIW Environmental Solutions dated 14th June 2022
- Architectural drawings prepared by DKO dated 10th June 2022

Comments

The standard of the submitted ESD meets Council's Environmentally Sustainable Design (ESD) standards.

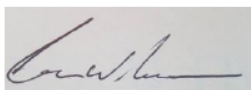
The amended documentation addresses all outstanding items of information previously identified and satisfies requirements for ESD.

If you or the applicant would like to discuss this project further, please contact me.

Euan.

ESD Officer: WILLIAME

Signature:



Date: 3rd August 2022

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans

Urban Design Formal Referral Response



Application Information	
Referral Officer	Chris Stathis
Officer	Christian Lundh
Council Reference	VCAT000099
Address	9 Brighton St, Richmond VIC 3121
Proposal	Planning VCAT Child Process - VCAT Appeal
Comments Sought	D22/194654 - IREF22/01138 - Internal Referral Formal Request

Recommendation

The public realm improvements along the subject site interface along Brighton Street including the proposed kerb outstands and street trees are supported in principle, subject to changes as noted in this memo and as shown on attached sketch '*IREF22 01138 City of Yarra UD Sketch 11 August 2022*'.

Comment Summary

It is request that the proposed streetscape and public realm design is modified as shown on the attached sketch '*IREF22 01138 City of Yarra UD Sketch 11 August 2022*' including but not limited to also addressing the items listed below:

- The proposed furniture elements and sculpture within public realm are not supported, all furniture and fixtures to be as per Council Standard public realm furniture suite.
- Freestanding planters along the building are not supported. Planters must be fixed and fully integrated with the built-form and have adequate soil volume to sustain proposed plant species and have adequate irrigation and drainage.

Further design investigations must be undertaken in relation to any propose public realm and streetscape improvements to the satisfaction and approval of the Responsible Authority including but not limited to the following items;

- Proposed bluestone threshold treatment to Little Lesney St and Brighton St intersection to be shared zone as the area is linked to Pedestrian bridge crossing over train lines.
- Potential for a pram crossing at Brighton St and Little Lesney St (in lieu of a shared zone) to assist access to the pedestrian bridge across the train lines.

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Recommended Permit Conditions

Streetscape and Public Realm Improvement plan

Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape and Public Realm Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including but not limited to:

- Reflect sketch design and notes on 'IREF22 01138 City of Yarra UD Sketch 11 August 2022'
- Landscaping, seating and bike hoops.
- All pavements within the public realm to be reinstated as asphalt footpaths with kerb and channels to match adjacent existing as per City of Yarra's Infrastructure – Road Materials Policy.
- All paving must be compliant with Australian Standards for slip resistance and DDA.
- Details of any re-located street infrastructure.
- Details of any potential pedestrian kerb crossing.
- Details of the materiality of outstands including edges, permeable surface finishes, drainage, and landscaping.
- Before the development is commenced, or by such later date as approved in writing by the Responsible Authority, the owner is to ensure the grade of all footpaths and pavements are gradual and DDA compliant.
- Footpaths and any paving adjacent to the site may need to be reinstated to ensure the grade of the footpath and the paving are gradual and DDA compliant at the full cost of the owner.

Drainage

A separate stormwater analysis and catchment plan and drainage design for the development capturing all requirements including but not limited to the subject site and any public realm and streetscape improvements to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

Trees and landscaping

- All street tree planting, understorey planting and establishment / maintenance (24 months for trees and 6 months for groundcover planting) to be undertaken by Council's tree planting contractor.
- Council's tree planting contractor will source and plant the street trees. Final tree species and locations are to be confirmed by Council's arborist prior to installation. However, please keep Council updated as the project progresses so when the plans are approved Council can ensure trees are placed on order in time for completion.
- The applicant is requested to contribute to the cost of planting two (3) new street trees and streetscape groundcover planting, which would cover tree and plant sourcing, planting and 2 years of maintenance of trees and 6 months maintenance of groundcover planting. An estimate of the total cost for the trees and planting (August 2022, subject to variation) would be \$3,207 with a breakdown provided below:
- Softscape planting – 3 x trees; \$755 per tree
- Street ground cover planting – Approximately 6m²; \$157 per m² (approx. \$942)

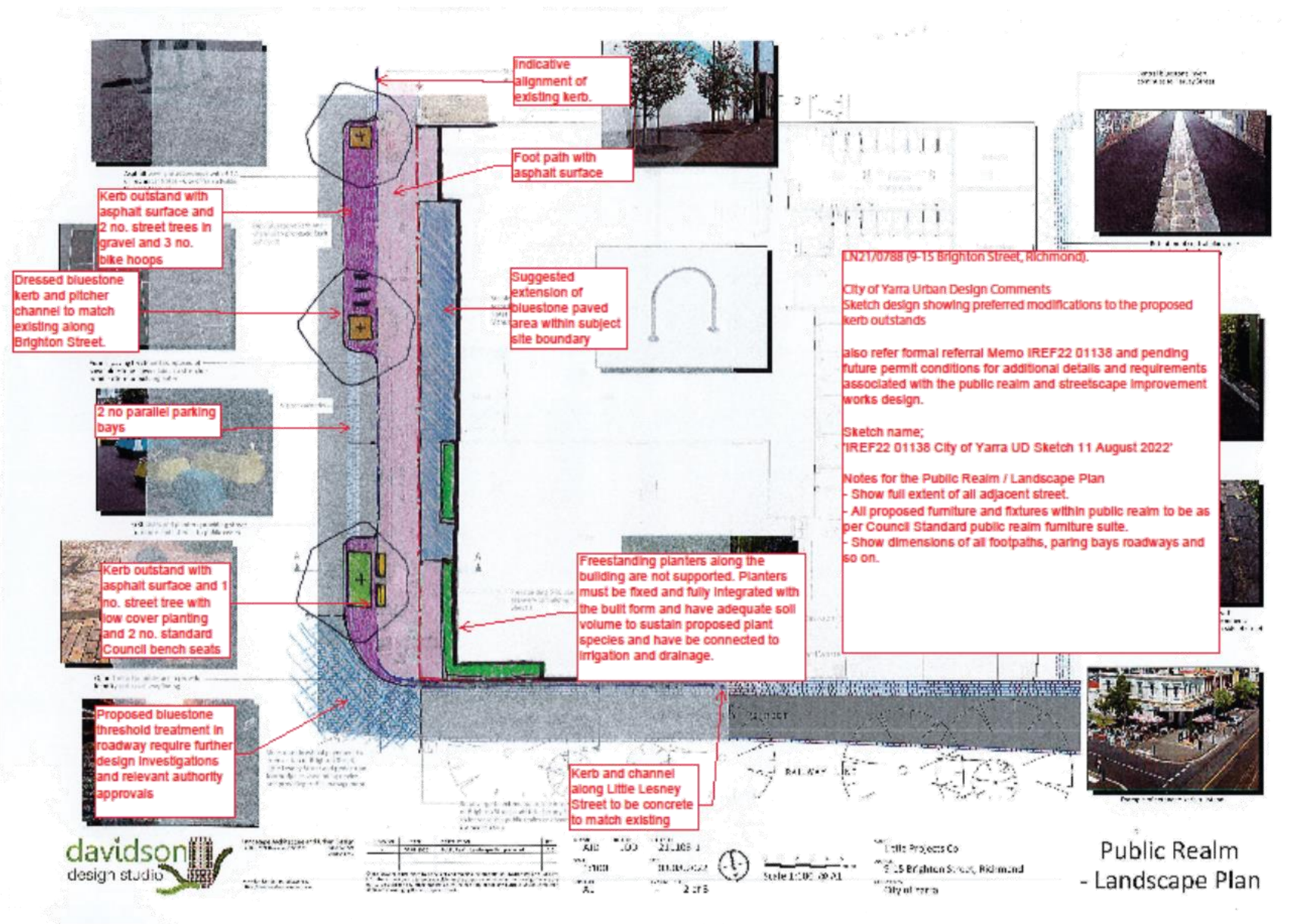
Capital Works:

There are no known planned / approved capital works around the site being led by the Urban Design Team.

Urban Designer: Christian Lundh

Date: 11 August 2022

Attachment 4 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Referral Comments for Decision (i.e. VCAT Substituted) Plans



Attachment 5 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans

10-22 Manton Lane
Melbourne 3000 Australia
T +61 3 9291 9900
mgs@mgsarchitects.com.au
mgsarchitects.com.au
ABN 13 006 488 302

mgs

INDEPENDENT URBAN DESIGN ADVICE

PROPOSED DEVELOPMENT AT 9-15 BRIGHTON STREET RICHMOND

APRIL 2022



Nearmap

Prepared by
Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, FVPELA, Architect

Our Ref: 22006

Directors
Chris Jones
Cameron Lacy
Robert McGauran
Elliet Spring
Joshua Wheeler

Attachment 5 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans

BACKGROUND

1. In December 2021 I was asked by Yarra City Council (Council) to provide urban design advice on a planning application for land at 9-15 Brighton Street Richmond.
2. The planning application seeks construction of an 11-storey building, use of the land for a 'food and drink premises and 'office' and a reduction in the statutory car parking rate.
3. Council would like me to provide an urban design analysis of the proposed development, including building height, massing, public realm interfaces and architectural composition.

SITE CONTEXT

4. The subject site is located on the north-eastern corner of Brighton Street and Little Lesney Street in Richmond.
5. The site includes a road which dissects the lots of 9 Brighton Street and 11 Brighton Street for approximately 20m from the intersection with Brighton Street. An application has been made to Council for the proposed sale and discontinuance of this road.
6. The site is regular in shape and has a combined frontage to Brighton Street of 37.7m and a frontage to Little Lesney Street of 40.96m. The eastern boundary of the site abuts an unnamed lane which extends north from Little Lesney Street and east onto Harvey Street. The site has an overall area of approximately 1,527sqm.
7. The site is currently occupied by:
 - > A two-storey rendered brick commercial building at 9 Brighton Street. Vehicle access from Brighton Street provides access to an under-croft car park within the front setback. To the south of this building the lot abuts the road which is to be discontinued.
 - > A single storey weatherboard dwelling with corrugated iron pitched roof is located at 11 Brighton Street.
 - > A two-storey brick commercial building at 13-15 Brighton Street. Vehicle access to an internal driveway is provided via a single width crossover located in the south-west corner of the land.
8. The subject site is located close to the intersection of Church and Swan Streets.
9. The railway corridor to the immediate south of Little Lesney Street provides both visual and physical separation from the residential area further south.
10. Abutting the site to the north at 274-280 Swan Street is a car wash and service station.
11. Little Lesney Street to the south comprises a width of approximately 4.5m and is a shared vehicle and pedestrian zone. There is a pedestrian link between Little Lesney Street and the residential properties on the south side of the railway line.
12. To the east, on the opposite side of the lane, is a three-storey commercial office building at 10-16 Harvey Street.
13. To the west on the opposite side of Brighton Street are two single storey brick dwellings (2-4 Brighton Street) and a single storey brick warehouse (6 Brighton Street). That land benefits from an existing Planning Permit No. PLN18/0658 and an amendment is currently being assessed by Yarra City Council for development of the land for the construction of a part-ten, part-twelve storey building.
14. The Site has an excellent level of public amenity with several services and facilities within close walking distance, including East Richmond Train Station, Church Street/Swan Street tram stop, Swan Street tram stop, Barkly Gardens, Alan Bain Reserve, McConchie Reserve and White Street Park.
15. The Site is within the Swan Street Activity Centre, a thriving hub which includes commercial and recreational uses, Richmond Primary School, Melbourne High School, and the MCG.
16. Land to the north, abutting Swan Street is located within the Commercial 1 Zone (C1Z), land to the east is located within the Commercial 2 Zone (C2Z), the train line south of the Site is within Schedule 4 to the Public Use Zone (PUZ4), and other surrounding zones include the Public Park

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and Recreation Zone (PPRZ) at Barkly Gardens and Neighbourhood Residential Zone (NRZ) land comprising residential dwellings to the south being within the Neighbourhood and General Residential Zones. The west includes nine other properties within the MUZ.

STATUTORY AND STRATEGIC PLANNING CONTEXT

PLAN MELBOURNE

17. Within *Plan Melbourne*, there are several outcomes, directions and policies that need to be considered when reviewing this proposal from an urban design perspective.
18. *Plan Melbourne* outlines a vision of Melbourne as a 'global city of opportunity and choice.' This vision is guided by seven key outcomes, each supported by directions and policies towards their implementation.
19. Outcomes relevant to the land-use and built-form changes sought by this proposal include the following:
 - a) Outcome 1: Melbourne is a productive city that attracts investment, supports innovation, and creates jobs
 - b) Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity
 - c) Outcome 5: Melbourne is a city of inclusive, vibrant, and healthy neighbourhoods
20. **Direction 1.1** seeks to create a city structure that strengthens Melbourne's competitive for jobs and investment, particularly regarding supporting the central city to become Australia's largest commercial and residential centre by 2050.
 - a) Policy 1.1.1 & 1.1.2 encourages new development opportunities to create grow office floor space amongst residential space is to deliver co-benefits of employment, reduced commuting and transport costs for workers and residents. Urban renewal precincts in and around the central city is acknowledged here to play a major role in delivering high-quality, distinct, and diverse neighbourhoods that offer a mix of uses.
21. **Direction 4.1** advocates a place-making approach to urban design to create "*more great public places across Melbourne.*"
 - a) Policy 4.3.1 seeks to integrate place-making practices into road-space management to ensure the design of streets encourages the use of active transport and facilitates a greater degree of and encounter and interaction between people and places.
22. **Direction 5.1** outlines the ambition of creating a city of 20-minute neighbourhoods by encouraging the development of vibrant, mixed-use neighbourhoods linked by a network of activity centres. 'Walkability,' 'housing diversity,' 'ability to age in place' are identified here as key characteristics of 20-minute neighbourhoods.
23. **Direction 5.3** notes the importance of social infrastructure in supporting strong communities. Delivery and co-location of social infrastructure in accessible locations near public transport is a key policy under this direction.
24. Policy guidelines to consider where relevant include:
 - a) *Urban Design Guidelines* for Victoria (Department of Environment, Land, Water and Planning, 2017).
 - b) *Safer Design Guidelines* for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005).
 - c) *Urban Design Charter* for Victoria (Department of Planning and Community Development 2009).

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STATE PLANNING POLICY FRAMEWORK

25. State and regional planning provisions relevant to this application are set out below:
26. **Clause 11.01-1 Settlement - Metropolitan Melbourne** includes the following relevant strategies:
 - a) Focus investment and growth in places of state significance, including Metropolitan Melbourne Central City, Metropolitan activity centres and major urban renewal precincts.
 - b) Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
27. **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.”* Relevant strategies outlined towards achieving this goal include the following:
 - a) *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility, and providing for inclusiveness.*
 - b) *Ensure the interface between the private and public realm protects and enhances personal safety.*
 - c) *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
 - d) *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts, and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
 - e) *Ensure that development provides landscaping that supports the amenity, attractiveness, and safety of the public realm.*
 - f) *Promote good urban design along and abutting transport corridors.*
28. **Clause 15.01-1R Urban design – Metropolitan Melbourne** sets out to create a *“distinctive and liveable city with quality design and amenity”* by undertaking the following relevant strategies:
 - a) *Support the creation of well-designed places that are memorable, distinctive, and liveable*
 - b) *Integrate placemaking practices into road space management*
 - c) *Provide spaces and facilities that encourage and support the growth and development of Melbourne’s cultural precincts and creative industries.*
29. **Clause 15.01-02S Building design** aims to ensure that building design outcomes contributes positively to local contexts and enhances public realm, strategies relevant to this proposal include:
 - a) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
 - b) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
 - c) *Ensure development is designed to protect and enhance valued landmarks, views, and vistas.*
 - d) *Ensure development provides safe access and egress for pedestrians, cyclists, and vehicles.*
 - e) *Ensure development provides landscaping that responds to its site context, enhances the built form, and creates safe and attractive spaces.*
30. **Clause 15.01-4S Healthy neighbourhoods** seeks to achieve neighbourhoods that foster healthy active living and community wellbeing by designing neighbourhoods that encourage community interaction, physical activity, and engagement amongst community members of all ages and abilities. Key relevant strategies include the provision of:

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- a) *Connected, safe, pleasant, and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
 - b) *Streets with direct, safe, and convenient access to destinations.*
 - c) *Conveniently located public spaces for active recreation and leisure.*
- 31. **Clause 15.02 Sustainable Development** is concerned with encouraging development that is energy and resource efficient, minimising greenhouse gas emissions towards supporting a cooler environment. Strategies outlined under this clause include the incorporation of ESD principles in new developments and supporting low energy forms of transport such as walking and cycling.
- 32. **Clause 17.01-1 Economic Development** acknowledges the role of planning in providing a strong, innovative, and diversified economy where all sectors are critical to its property. Specifically, planning has a key role in providing land, facilitating decisions, and resolving land use conflicts to enable regions to capitalise upon its strengths and achieve its economic potential.
- 33. **Clause 18 Transport** encourages solutions that ensure an integrated and sustainable public transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movement of goods and people and is safe.
- 34. **Clause 18.01-1 Land use and transport planning** outlines strategies to develop an integrated, equitable and accessible transport networks that connects people to jobs and services and goods to the market. The following strategies are relevant to this proposal:
 - a) Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
 - b) Requiring integrated transport plans to be prepared for all new major residential, commercial, and industrial developments.
- 35. **Clause 18.02-2S Public Transport** seeks to increase the use of public transport and encourage increased development close to high quality public transport networks.
- 36. **Clause 18.02-4S Car parking** encourages the efficient provision of car parking by consolidating facilities and ensuring that such facilities achieve a high quality of urban design and protects local amenity, including pedestrians and other users.
- 37. **Clause 19.02-6R Open space – Metropolitan Melbourne** outlines the objective to strength the integration of Melbourne's open space network, strategies relevant to this proposal include the following:
 - a) Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.
 - b) Create continuous open space links and tails along the Yarra River parklands (extending from Warrandyte to the Port Phillip Bay).
 - c) Continue the development of the lower Yarra River as a focus for sport, entertainment, and leisure.
- 38. **Urban Design Guidelines for Victoria**
 - a) The Victoria Planning Provisions were amended to require consideration of the Urban Design Guidelines for Victoria, and Apartment Design Guidelines for Victoria, where applicable, in the design and assessment of new development proposals.
 - b) 1.3 Large Development Structure seeks to develop a high-quality amenity for sites whilst Objective 1.4.1 b seeks to arrange blocks and streets in higher density residential precincts to provide all lots with access to an activity centre, public transport, and high-quality open space within a walking distance.

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- c) Objective 1.5.1 a seeks to locate walking destinations and activities along main pedestrian streets and paths with destinations nominated including bus stops parks and recreation facilities.
- d) 1.5.1b., seeks to Provide for a level of active frontage and lot access appropriate to street frontage and notes that *driveways and crossovers compromise pedestrian amenity and safety*.
- e) Cl 3.4.1, seeks to ensure communal open space is accessible and functional. Section 3 notes that design of communal open space is to be usable in a range of weather conditions and at all times of the year and provides a tip, to consider orientation of the open space for optimal winter solar access and summer shading, shelter from wind and rain and providing all weather ground surface materials.
- f) 5.1 buildings in activity centres
 - 5.1.1 seeks to ensure the building scale and building form support the context and preferred future character of the activity area centre.
 - 5.1.3, seeks to ensure buildings in activity centres provide equitable access to daylight and sunlight. Objective I seek to locate and arrange the buildings to allow daylight and winter sun access to key public spaces and keep pedestrian street spaces, Objective B seeks to allow sufficient distance between buildings to allow access to daylight for neighbouring windows. Objective C seeks to protect daylight and sunlight access to the private and communal open space of adjacent dwellings.
- g) Objective 5.1.4 seeks to minimise adverse wind effects caused by buildings in activity centres and to:
 - orient large buildings to minimise wind effects at Street level and on adjoining properties and public spaces.
 - detail the building facade to minimise wind effects on streets and spaces
 - as part of buildings design, to instal continuous weather protection for pedestrian priority streets and public spaces.

LOCAL PLANNING POLICY FRAMEWORK

- 39. **Clause 21.04 – Land Use** Local planning provisions relevant to this application are set out below:
 - a) Acknowledges the need for Yarra to accommodate its share of Melbourne's population growth, noting the need to direct higher density residential development to strategic re-development sites. Given the pre-existing population diversity, the clause looks to maintain diversity by encouraging all household types and structures - including supporting the provision of affordable housing, particularly in Strategic Redevelopment Sites. The subject site has been identified as a Strategic Development Site in the Swan Street Structure Plan, January 2014.
- 40. In response, Objective 8 under Clause 21.04-3 outlines the objective to increase the number and diversity of local employment opportunities by undertaking the following strategies:
 - a) Strategy 8.1 Support re-zonings, as identified on the relevant Neighbourhood plan, to permit increased commercial and office use in existing industrial areas.
 - b) Strategy 8.2 Support home-based businesses.
 - c) Strategy 8.3 Encourage residential and business land use within the Mixed-Use Zone to locate on the same site.
 - d) Strategy 8.5 Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.
- 41. A key element of importance in this instance relates to Objective 3 under Clause 21.04.1 wherein it is important to ensure new built residential development in Mixed Use, Business 1,

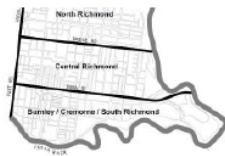
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- Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.
42. **Clause 21.05 Built Form** contains objectives and strategies considering heritage, urban design, built form character and the public environment. It seeks to reinforce the existing urban framework of Yarra of a 'low-rise urban form punctuated by pockets of higher development'. Objectives and strategies under this clause relevant to this application include the following:
- a) Developments on strategic redevelopment sites should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal provide community benefits such as the provision of affordable housing or a positive contribution to the enhancement of the public domain.
 - b) Retain, enhance, and extend Yarra's fine grain urban fabric by ensuring new developments are designed regarding its surrounding urban context and fabric, including the re-establishment of historical streets and laneways.
 - c) Provide a public environment that encourages community interaction and activity
 - d) Objective 16 under Clause 21.05 seeks to reinforce the existing urban framework of the City of Yarra, with Strategy 16.2 seeking to "maintain" and strengthen the preferred character of each built form character type within the City of Yarra."
 - e) Objective 17 under Clause 21.05 seeks to "retain Yarra's identity as a low-rise urban form with pockets of higher development", outlining the following relevant strategies:
 - f) Strategy 17.2 Development on strategic development sites or within Activity Centres should generally be no more than five to six 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 use of heritage buildings
 - > Positive contribution to enhancement of the public realm
 - > Provision of affordable housing.
 - g) Objective 19 under Clause 21.05 seeks to create an inner-city environment with landscaped beauty, outlining the following strategies:
 - > Strategy 19.1 Require well resolved landscape plans for all new development.
 - > Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.
 - > Objective 20 under Clause 21.05 seeks to ensure that new development contributes positively to Yarra's urban fabric, including the following strategies:
 - h) Strategy 20.1 Ensure development is designed having regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties, and its environs.
 - i) Strategy 20.2 requires development of Strategic Redevelopment Sites to consider the opportunities for development on adjoining land.
 - j) Objective 21 under Clause 21.05 seeks to enhance the built form character of Yarra's Activity Centres.
 - k) Objective 22 under Clause 21.05 seeks to encourage the provision of universal access in new development.
43. **Clause 21.05-3 Built Form Character** outlines the built form character type for each character area.
- a) New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
 - b) Clause 21.05-4 "Public environment" notes: "New development must add positively to Yarra's overall character and help create a safe and engaging public environment where pedestrian

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activity and interaction are encouraged. Public spaces and urban squares provide outdoor spaces for people to meet and gather. Opportunities to create such spaces will be sought. There is a need to ensure that, as development occurs, Yarra's public environment, buildings and transport infrastructure are accessible to all people."

44. **Objective 28 under Clause 21.05-4** seeks to provide a public environment that encourages community interaction and activity. Strategy 28.1 Encourage universal access to all new public spaces and buildings.
 - a) Strategy 28.2 Ensure that buildings have a human scale at street level.
 - b) Strategy 28.3 requires buildings and public spaces to provide a safe and attractive public environment.
 - c) Strategy 28.4 Require new development to consider the opportunity to create public spaces as part of new development.
 - d) Strategy 28.5 Require new development to make a clear distinction between public and private spaces.
 - e) Strategy 28.6 Require new development to consider the creation of public access through large development sites, particularly those development sites adjacent to waterways, parkland, or activity centres.
 - f) Strategy 28.8 Encourage public art in new development.
 - g) Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.
 - h) Strategy 28.10 requires site rezoning for new development to consider the inclusion of public domain improvements commensurate with the new use.
45. **Clause 21.06 Transport** seeks to reduce car dependency by promoting active and public transport by improving the quality of walking and cycling infrastructure. It is explicitly noted that 'walking' includes people who use wheelchairs and other mobility devices. Strategies relevant to this application include:
 - a) Improve pedestrian and cycling links in association with new development where possible.
 - b) Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.
46. **Clause 21.07 Environmental sustainability** promotes environmentally sustainable development.
47. **Clause 21.08 Neighbourhoods** sets out locally specific objectives and strategies for each neighbourhood, the site sits within the Burnley/Cremorne/South Richmond Neighbourhood.



48. **Clause 22.03 Landmarks and Tall Structures** sets out the objective to maintain the prominence of Yarra's valued landmarks and landmark signs and outlines policies and design responses to this end.
49. **Clause 22.03-3 Policy**
 - a) Protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal-built form reference.
 - b) Maintain the prominence of Yarra's valued landmarks and landmark signs and and
 - c) Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.

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- d) In this context, the Ball Tower of Dimmeys, Swan Street and Spire of St Ignatius Cathedral, Church Street, Richmond are identified under Clause 22.03-4 as landmarks where development should protect views to these elements to ensure it remains the principal-built form reference.
- 50. **Clause 22.05 Interface Uses Policy** seeks to facilitate 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'. Its aim is to ensure that residential uses located within Mixed-Use Zones or near commercial centres and industrial uses enjoy a reasonable level of amenity and are designed to minimise the impact of nearby business operations and industrial activities on the amenity within the proposed dwellings.
- 51. **Clause 22.10 Built Form and Design Policy.** The objectives of this clause 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 and,
 - f) Encourage environmentally sustainable development
- 52. **Clause 22.10-3.2 Urban form and character** notes as it aims the following Design Objectives:
 - a) To retain and extend the City's fine grain of street pattern and urban form.
 - b) To ensure that developments contribute positively to the urban fabric and public realm.
 - c) To improve the transparency and legibility of the city's urban form and structure.
 - d) To achieve continuity in the built form having regard to rhythm and spacing of buildings and any distinctive street pattern (as identified in the Site Analysis Plan and Design Response).
- 53. **Design Guidelines outlined in the clause** and relevant to the subject proposal include the following:
 - a) Within large redevelopment sites, design a vehicle and pedestrian network that ensures a high level of access within the development for all vehicular and non-vehicular traffic that connects and integrates with the broader network.
 - b) New development on large remnant sites should respect any existing prevailing subdivision pattern (as identified in the Site Analysis Plan and Design Response) by providing adequate separation between buildings and modular building bulk rather than unbroken mass.
 - c) Express the original fine-grained subdivision pattern in building design, massing, modulation, and facade articulation.
 - d) Within sites removed from the small lot, fine-grain areas of the city, create a new urban character that adds to the layering of the city's historical evolution.
- 54. **Clause 22.10-3.3 Setbacks & Building Height** Sets out design objectives relevant to the site including the following:
 - a) To ensure that the setbacks of new development complement the desired neighbourhood character of the area (as identified in the Site Analysis Plan and Design Response, the Municipal Strategic Statement, and any relevant local planning policies).
 - b) To ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.

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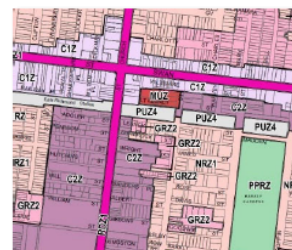
- c) To ensure new roof forms respect any prevailing roof forms in the area (as identified in the Site Analysis Plan and Design Response) and contribute to the skyline silhouette.
- 55. **Guidelines** include that new development that is higher than adjacent buildings should adopt a secondary setback for the higher building component which:
 - a) Aligns to the street pattern.
 - b) Retains existing view lines to nearby heritage places and other key features
- 56. **Other provisions of the clause** include objectives:
 - a) To ensure the building presents visually interesting elevations on all faces visible from the public domain.
 - b) To provide pedestrian/human scaled design at street level
- 57. Design guidelines specifically see that new development should:
- 58. Be oriented to front existing and proposed streets.
 - a) Produce high quality architectural design.
 - b) Maintain the dominant parapet line of adjacent buildings (where this exists).
 - c) Express the traditional and characteristic vertical rhythm of buildings and the dominant lot widths (where they exist) within the street.
 - d) Continue vertical or horizontal themes within the facade (where these exist and where appropriate).
 - e) Use appropriate materials, finishes and colours, which add visual interest and, assist in breaking up the mass and bulk of new development.
 - f) Incorporate roof articulation.
- 59. **Clause 22.10-3.8 Off-Site Amenity.** Design Objectives seek:
 - a) To ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy solar access, privacy, and acceptable noise levels.
 - b) To ensure that built form enhances and does not detract from the landscape character of parks and open spaces.
 - c) To ensure that new development does not substantially overshadow adjoining residential private open space or public facilities such as parks and gardens.
- 60. **Design Guidelines** seek to ensure that new development should ensure that:
 - a) The location, length and height of any wall built to a side or rear boundary should not adversely impact on the amenity of any adjoining residential properties in terms of overshadowing of private open space, visual bulk, or daylighting to habitable room windows.
 - b) Where private open space and/ or windows to adjacent uses are affected, additional setbacks from side boundaries are required to address loss of daylight, overshadowing and visual bulk impacts on neighbouring properties, especially residential properties.
 - c) The perimeter walls of new development should provide appropriate articulation (utilising setbacks,
- 61. Recent amendments to the Planning and Environment Act 1987 have established the delivery of affordable housing as a key purpose of planning policy and have defined affordable housing as housing available for very low-, low- and moderate-income earners.
- 62. **Clause 22.07 Development abutting laneways** seeks to ensure that laneways and their interfaces are considered as an important part of the public realm and the lanes an important shared movement network that should enjoy informal surveillance and activation from development.
- 63. **Clause 22.17 Environmentally sustainable development** builds upon Clause 21.07 by setting out an aspirational framework to encourage developments that incorporate best practice in environmentally sustainable development from design through to construction.
- 64. **Clause 22.10 Built form and design policy**

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- 65. Clause 22.16 Stormwater Management (Water Sensitive Urban Design)
- 66. Clause 22.17 Environmentally Sustainable Development
- 67. Clause 52.06 Car Parking
- 68. Clause 52.35 Bicycle Facilities

ZONING

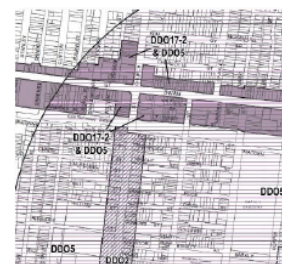
69. The subject site is located within the Commercial 2 Zone. The purpose of the Commercial 2 Zone is:
- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - > To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
 - > To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.



OVERLAYS

Design and Development Overlay

70. The Site is subject to Schedule 5 of the Design and Development Overlay (DD05). The purpose of the Design and Development Overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development.
71. The design objectives of DD05 - City Link Exhaust Stack Environs include:
- > To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack
 - > To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack
 - > To ensure that the relevant authorities are informed of development within 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.



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SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY - SWAN STREET ACTIVITY CENTRE



72. The DDO sets out General Design Objectives for the Swan Street Activity Centre which include the following:
 - a) To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.
 - b) To support a new mid-rise scale-built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
 - c) To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
 - d) To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.

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- > To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.
- > To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.
- > To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.
- > To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.
- > To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.

73. The following built form requirements apply:

- > Preferred building height of 28m
- > Preferred street wall height to Brighton Street of 14m
- > Preferred upper-level setback of 3m to Brighton Street.

Building Height requirements

74. A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height where all the following requirements are met to the satisfaction of the responsible authority:

- > the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule; and
- > the proposal will achieve each of the following:
 - greater building separation than the minimum requirement in this schedule.
 - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%.
 - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
 - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.

Street wall and setbacks requirements

75. A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

Building Separation requirements

76. Where development shares a common boundary and no interface treatment is shown in Plan 1, upper-level development should:
- > For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
 - > For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed
 - > For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.
77. Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

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Section 2.2 General Design Requirements

78. The following general design requirements apply to an application to construct a building or construct or carry out works and must be read in conjunction with the relevant precinct design requirements.
79. Design quality requirements
 - a) Development should achieve urban design and architectural excellence, demonstrating improved streetscape outcomes.
 - b) Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.
 - c) Development should provide for street activation at ground levels.
 - d) Development should be designed to avoid repetitive stepped form at upper levels.
 - e) Upper-level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.
 - f) Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.
 - g) Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.
 - h) Upper-level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:
 - be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
 - avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building heights

80. A permit should not be granted to exceed the preferred heights unless it can be demonstrated that the proposal will achieve each of the following:
 - a) greater building separation than the minimum requirement in this schedule
 - b) excellence for environmentally sustainable design measured as a minimum BESS project score of 70%
 - c) no additional overshadowing or overlooking to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height, Street wall and setbacks.

Building facades and street frontages

81. Infill Buildings and Development Adjoining a Heritage Building
 - a) Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:
 - > ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)
 - > respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)
 - > avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts
 - > Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.

Overshadowing

82. A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule

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unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access

83. Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.
84. Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high-quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.
85. Pedestrian access to buildings, including upper-level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.
86. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.

Decision Guidelines for DDO27

87. The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:
 - a) Whether the Design Requirements in Clause 2.3 are met.
 - b) Whether design excellence is achieved (in terms of building siting, scale, massing, articulation, and materials).
 - c) The design of the streetscape interface and its contribution to an active street environment.
 - d) Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
 - e) The shadowing impacts of the development on footpaths and public spaces.
 - f) The wind effects created by the development.
 - g) The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
 - h) The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
 - i) Whether heritage buildings on street corners retain their prominence when viewed on both streets.
 - j) Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
 - k) Whether upper-level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
 - l) The impact of development on the operation of the tram routes along Swan Street.

PARTICULAR PROVISIONS

88. **Clause 52.06 Car Parking.** The purpose of this provision is:
 - > To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
 - > To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
 - > To support sustainable transport alternatives to the motor car.
 - > To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
 - > To ensure that car parking does not adversely affect the amenity of the locality.
 - > To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

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89. **Clause 52.34 Bicycle Facilities.** The purpose of this provision is:
 - > To encourage cycling as a mode of transport.
 - > To provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities.
90. **Clause 65 Decision Guidelines.**

STRATEGIC DOCUMENTS

Swan Street Structure Plan

91. The Swan Street Structure Plan (SSSP) was adopted by Council in January 2014 and covers the area in which the subject site is located.
92. The Study Area comprises 10 precincts - the Subject Site is located within the "Swan Street Retail" precinct.
93. The land use objectives for the precinct encourage housing to accommodate the growth within the precinct. Furthermore, the built form objectives and strategies seek development to provide active frontages to the street and to ensure that the prevailing fine-grain pattern is preserved where site consolidation or development of larger sites occurs.
94. The SSSP identifies redevelopment to a preferred maximum height of 5-6 storeys (19m) with no indication of preferred street wall heights. The Structure Plan does not nominate any mandatory street wall heights or building heights.
95. Whilst we understand that the SSSP has been adopted by Council, it did not proceed to a planning scheme amendment and, in a strategic planning sense this document has effectively been superseded by the subsequent Planning Scheme Amendment C191 that was the subject of a comprehensive Planning Panel process subsequently awaiting approval by the Planning Minister and the City of Yarra.

PROPOSED DEVELOPMENT

96. The application proposes to develop the land for an eleven-storey building comprising two levels of basement car parking, ground floor retail tenancies and ten levels of office comprising a total of approximately 10,992sqm of net lettable floorspace, along with public realm improvements.
97. A vehicular entry ramp in the south-east corner of the site along Little Lesney Street provides access to a loading dock and two basement levels of car parking. A total of 72 car spaces are provided.
98. At Ground Floor Level a Food and Drink Premises of 171sqm is provided in the north-west corner of the site fronting Brighton Street. A ground floor office tenancy of 325sqm is provided in the south-west corner of the site.
99. A total of 117 bicycle spaces and end of trip facilities are in the northern portion of the ground floor level. These facilities are accessed via a pedestrian connection which extends from Brighton Street along the northern boundary of the site. A further six visitor bicycle spaces are proposed via three bicycle hoops on the footpath of the Brighton Street frontage.
100. The main building entry is located centrally along the Brighton Street frontage and provides access to a 156sqm lobby and access to the stair and lift core.
101. A waste room is located adjacent to the loading bay and accessed via a services corridor adjacent to the lift core.
102. Level 1 includes approximately 1,264sqm of lettable office floor area.
103. Levels 2 and 3 include approximately 1,300sqm per floor of lettable office floor area.
104. Level 4 includes approximately 1,079sqm of lettable office floor area with north and west facing terraces.
105. Levels 5 to 7 include approximately 1,083sqm per floor of lettable office floor area.
106. Levels 8 and 9 include approximately 883sqm per floor of lettable office floor area, with Level 8 containing north and west facing terraces.

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107. Level 10 includes approximately 538sqm of lettable office floor area.
108. A 186sqm rooftop terrace is provided with plant services.
109. The building has a maximum street wall height of approximately 15.53m from NGL to the Level 3 parapet to Brighton Street and a maximum building height of 43.22m measured from NGL to the roof parapet (RL57.90).
110. The ground floor level the lobby and southern tenancy are set back from Brighton Street approximately 1.5m.
111. Levels 1-3 are built to the boundary except for a 1m x 9.5m recess central to the north boundary.
112. Levels 4-7 are setback 3m from Brighton Street, 3.25m from the north boundary and 3.17m from the centre of the lane to the east.
113. Levels 8 and 9 are setback 4.52m from Brighton Street, 6.25m from the north boundary and 4.52m from the centre of the lane to the east.
114. Level 10 is setback 7.5m from Brighton Street and from the centre of the lane to the east, and 9.25m from the north boundary. A setback of 3m is adopted to Little Lesney Street.
115. The building presents a consistent street-wall up to Level 9 to the southern boundary.
116. Materials include brickwork, concrete render, powder-coat metal, and various glazing including clear, spandrel and dark grey tinted.
117. The proposal includes construction of public realm works including improvements to the Brighton Street footpath including resurfacing, provision of bicycle hoops, an awning, planting, and public seating.

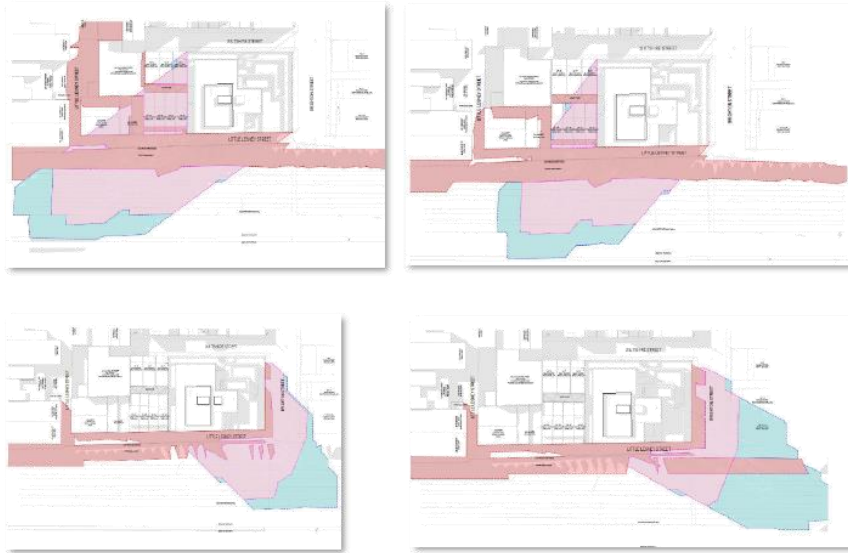
SUMMARY OF FINDINGS

118. The proposed land-use is supported, and the general organisation of the site is also logical with:
 - a) bicycle facilities and access at the ground floor.
 - b) Activation of the northeast corner with a F&B facility.
 - c) A central location for the primary entry to the offices off Brighton Street.
 - d) Primary vehicle and loading access off Little Lesney Street, are each supported as a strategy.
119. Generally speaking, the design strategies and materiality are also supported of a series of neighbourhoods expressed vertically as a stacked series of elements with differing but related architectural expressions and differing setbacks.
120. The issues with the building relate to a few key matters:
 - a) Assumptions underpinning the plan
 - b) Scale and Bulk
 - c) Setbacks
 - d) Offsite impacts.

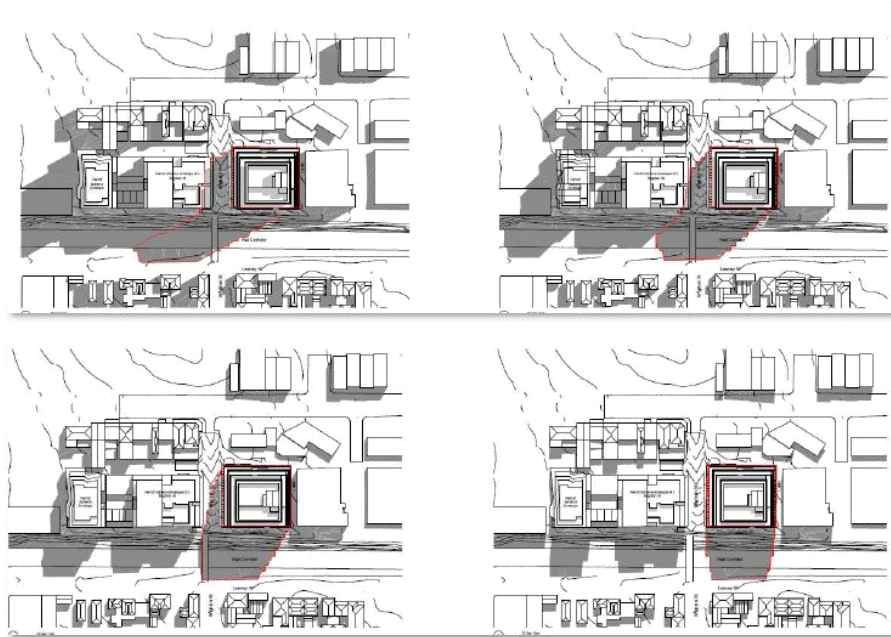
Assumptions underpinning the plan

121. The plan assumes the scale of the applied development opposite, bounded by Brighton Street, Wiltshire Street and Little Lesney Street is acceptable and a starting point for the Application's review. Having reviewed that application, it was evident that that proposal was excessive in its scale, the impact in visual bulk and overshadowing terms on valued heritage neighbourhoods south of the rail reserve were excessive and a series of major amenity issues also remained unresolved.
122. Notably the proposal with its proposed heights at RL 52 and RL 60 also demonstrated there were significant impacts south of the rail with overshadowing experienced on footpaths and residential streets as well as the important linking pedestrian bridge at key times of the day. I found these impacts excessive in their impact on the public realm and the experience of these adjoining streets and connecting bridges amplified by wind amenity impacts at major arrival points.

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123. The proposal before us appears to assume lesser shadows and, as a result, lesser shadows arising from their own site.



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124. It is obvious there are significant anomalies in the shadow diagrams, what is clear is that the shadows arising from the proposal are in the order of 20% longer than this adjoining application. Self-evidently it would be highly unlikely that the proponent in that instance would overstate shadow impacts. Based on the analysis put forward by the adjoining neighbours it would be reasonable to assume that major impacts could be expected on the amenity of the south footpath of Lesney Street, the western footpath of Brighton Street and the primary pedestrian link connecting the communities south of the rail through to public transport.
125. It would be my view that this has not been achieved in that demonstrably the extent of overshadowing arising from the development has demonstrably diminished rather than improved the pedestrian connectivity and amenity of the public realm.
126. The proposal demonstrates significant impact on the amenity of proposed F & B and residential spaces to the west of Brighton Street as well as to the western footpath, pedestrian footpath, and public realm south of the rail in Lesney Street. The shadowing impacts of the development on footpaths and public spaces.

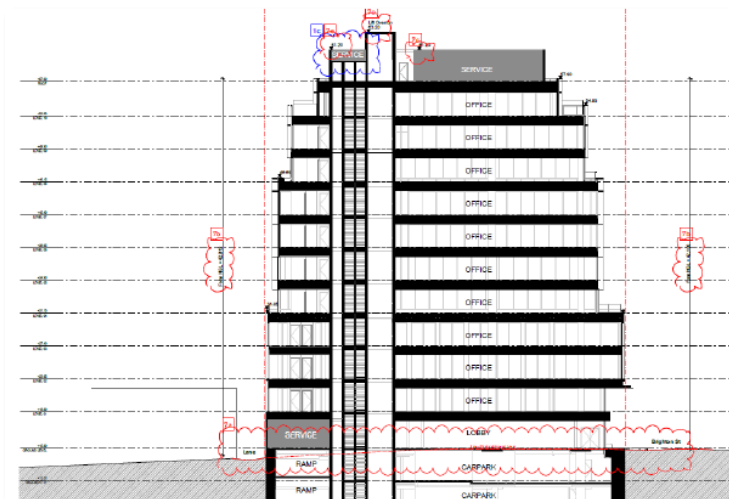
Recommendation 1

Resubmit the shadow diagrams to verify the extent of the proposed impacts through accurate plotting of the south footpath in Lesney Street and west footpath in Brighton Street.
Recalibrate the submission for approved and lower anticipated outcomes for adjoining development to the west.

Scale and Bulk

127. To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets.
128. In my earlier review for the neighbouring project, I reviewed how the proposed development aligns with the building heights an amenity guidance provided in Schedule 27 to Cl. 43.02 Design and Development Overlay.
129. As noted earlier, the provisions of this Overlay Schedule consider in combination of mandatory and preferred provisions, amenity outcomes that are sought, and character and design quality.
130. As noted earlier in my report, a permit cannot be granted to construct the building or construct or carry out works which exceed mandatory maximum building heights where applicable, but a permit may be granted to construct the building or construct or carry out works which exceed the preferred building heights shown in the height and interface plans, where key requirements noted earlier are met to the satisfaction of the responsible authority.
131. Whilst the site is subject to preferred building height of 28m, the proposed height of development exceeds this by approximately 50% greater. On face value this raises a series of issues relating to heightened potential for offsite impacts arising from visual bulk, wind, and offsite impacts. It also raises the issue of the adequacy of separation between the site and interfaces to the east and north and the adequacy of setbacks to accommodate the increased height to the interfaces to Brighton Street and Little Lesney Street.
132. The Preferred Street wall height to Brighton Street of 14m is approximated with a height of 15.3m and is acceptable in my view.
133. The Preferred upper-level setback of 3m to Brighton Street is met but for a much taller building. Greater setbacks are necessary in my view to achieve the benchmarks setout in the schedule and notably the criteria in the decision guidelines that, 'Whether design excellence is achieved (in terms of building siting, scale, massing, articulation, and materials).

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134. The ground floor expansion of the public realm to Brighton Street is supported, but at level 1 the northern half of the frontage is overhung back to the boundary whilst the southern half is overhung from level 2.
135. To the north only a modest lightwell setback of less than 750mm is proposed for 9.49m despite the depth of the building requiring daylighting to these central zones and with equitable development principles applying to the northern neighbour.

Recommendation 2

Provide a 3m deep lightwell for levels 1 to 3 for the full glazed width of (.49m proposed in the plan

Wind Impacts

136. The wind report notes that, the development will result in increased wind effects in the surrounding streets and an outcome for the ground level external areas associated with the F & B facilities that render them unfit for purpose.
137. The report also assumes that external spaces for the office would only be used in the summer months in benign conditions. This is at odds with the emerging evidence associated with post COVID return to work and greater need for access to external areas for wellbeing and the Urban Design Guidelines for Victoria that talk of communal open space within buildings within activity centres to provide for a year-round resource for workers in both windy and wet conditions.
138. The report notes the following, *these aspects and provide shielding to grade level areas. However, some localised wind activity is expected around the exposed corners of the development due to the height of the current setback at Level 4 above the existing surroundings. The proposed planters along the south-western corner of the development are expected to mitigate much of this wind activity at this location.*
139. *Additionally, the dense canopies of existing vegetation along Little Lesney Street and at the northeast of the development are also expected to further improve ground level wind conditions. Therefore, it is anticipated that the wind conditions would be suitable for strolling along the Brighton Street and Little Lesney Street pedestrian footpaths near the corners. The laneway to the east of the proposed development is expected to be exposed to high wind activity due to the funnelling of the northerly and southerly winds in this space. The wind conditions are, therefore, expected to be suitable for strolling and walking throughout the year. The proposed entrances are expected to benefit from the step recession along the Brighton Street frontage*

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and the proposed planting along the south-western corner of the development. It is expected that wind conditions near the entrances will be suitable for standing.

140. *The dense planting talked about to the northeast is shown below and falls well short of such a benchmark in my view, with the bulk of surrounding deciduous trees and within the property line of sites that the wind report goes on to argue when redeveloped might buffer development and which quite apparently provide little canopy for the winter months.*
141. *The amenity created by the development has diminished rather than improved the public realm and the applicant has not delivered spaces fit for collaboration for the large workplace therein when measured against the expectations outlined in the Urban Design Guidelines for Victoria when considered for their suitability all year in times of higher wind and rain and as a place for seating and collaboration as might be seen as core programmatic expectations for a contemporary workplace.*
142. *Self-evidently the width of Brighton Street offers an opportunity to expand the footpath zone and opportunities for placemaking associated with the development including contributory tree-planting absent in the proposal before the Council. Equally evidently the plans in their current form need further work.*

Recommendation 3

- a) Expand the footpath to a minimum of 4.5m from the site boundary to accommodate street tree planting areas, short term bicycle/scooter storage and capacity for street canopies to enhance the amenity of kerbside outside seating associated with the proposed F & B facility.
- b) Ensure the external seating area for the F & B facility achieves a minimum standard suitable for sitting (not standing or walking as currently proposed).
- c) Ensure the proposal results in no increase in wind speeds on the existing rail pedestrian footpath or western footpath where F & B and entries to adjoining future housing and existing housing exists.
- d) Ensure the shared spaces on level 4 and 8 provide areas of weather protection suitable for occupation in both windy and wet conditions for sitting.



The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets

Eastern Laneway

143. The building indicates a setback from the eastern laneway of separation of:
 - a) Effectively zero lot line setbacks at levels ground to 4.
 - b) 1.32-1.46m from levels 5 to 7
 - c) 2.82m to 3m m at level 8,9
 - d) 5.8m to 6m at level 10

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144. The current laneway is configured for two-way traffic in the east west northern section of its arrangement connecting to Harvey Street with the southern half of the subject site also indented to facilitate passing areas and use of space without encumbering the laneway. The laneway is also relied upon for emergency egress with no readily apparent separation zone for pedestrians and vehicles See below. Preferably basement access would have been via a widened laneway arrangement.

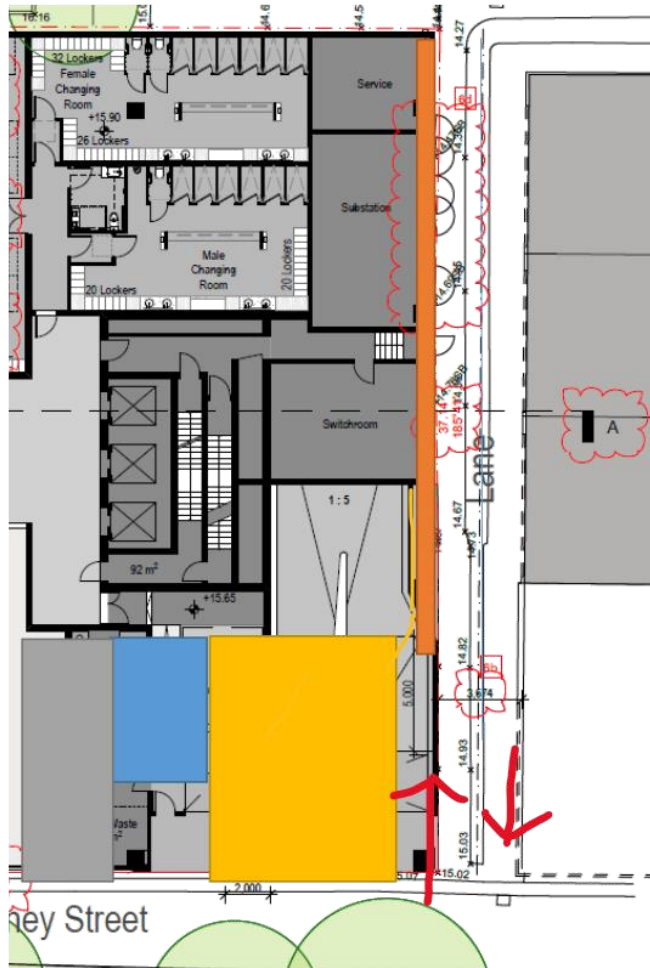


145. The facilitation of the use of this laneway not only to service the subject site effectively but also its neighbours is logical.
146. The proposed setbacks from the lane for levels 1-3 are acceptable
147. The proposed setbacks from the lane for levels 4-7 are acceptable
148. The proposed setback of less than 3m for levels above level 7 (the preferred maximum height) are problematic in the modest scale proposed and should be increased in my view to as a minim provide a 5m setback from the boundary so that if replicated would afford a 10m skyline separation in built form to respond appropriately to the preferred character and absence of continuous skyline form seen above preferred extent of future character

Recommendation 4

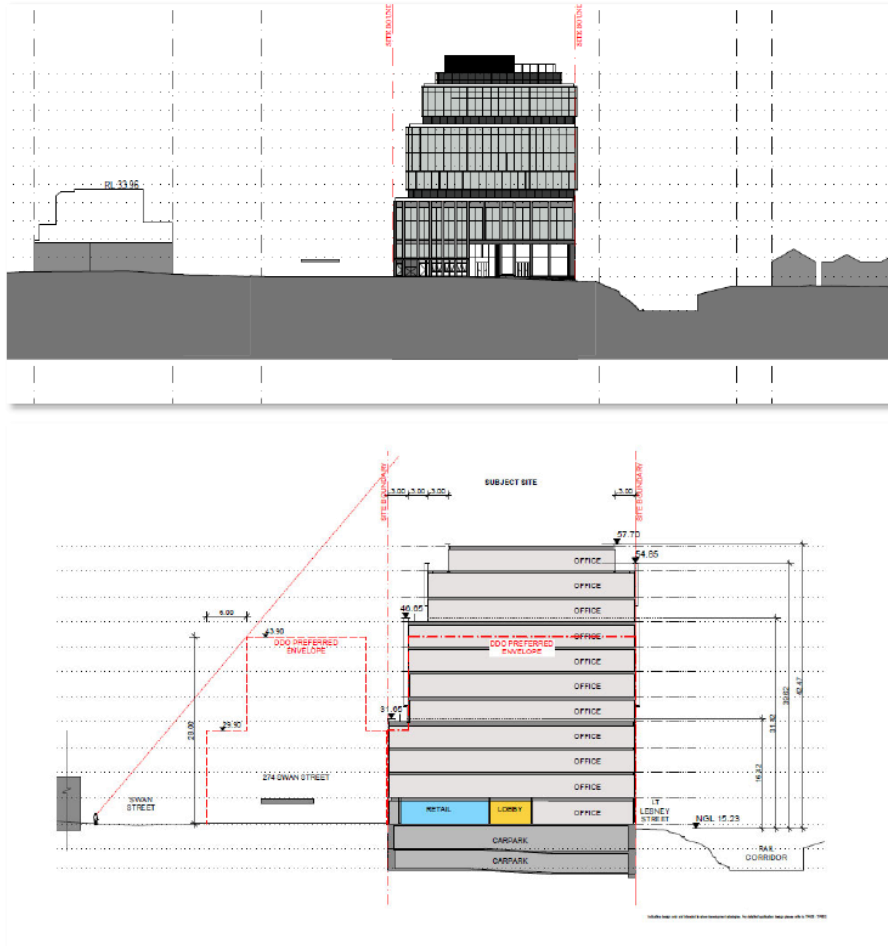
- a) Indent the northern end of the laneway to facilitate external door swings within the site boundary for service areas to the satisfaction of council.
- b) Provide a passing lane at the south end of the laneway (laneway width minimum of 5.5m to facilitate ongoing operation of the network (and 4.5m clearance for vehicles), with increased intensities to the satisfaction of councils traffic engineer and provide a safe pedestrian refuge zone and connecting path from the proposed exit to the eastern laneway and the Little Lesney Street interface.
- c) Provide a minimum setback of 5m from the eastern laneway interface above level 7.

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Little Lesney Street & Brighton St.



149. Mapping for the Little Lesney Street frontage envisages setbacks above the lower-level podium and envisages a Type I interface response.
150. Logically in this instance the 4-level podium (ground plus levels 1-3) should return eastwards down Little Lesney Street with a setback of commensurate scale above to that proposed at lower above podium levels of Brighton Street.
151. Upper-level setbacks should seek to mitigate the bulk of built form when viewed from hinterland residential areas and mitigate offsite overshadowing impacts to the west side of Brighton Street from the kerb, the pedestrian bridge to the south and the Lesney Street residential areas and south footpath zone to the satisfaction of the responsible authority.

Recommendation 5

- a. Provide a minimum 3m setback from Levels 4 to 8 of the southern tower façade from the Southern site boundary.

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- b. Provide upper-level setbacks above level 8 to ensure no additional overshadowing impacts to the western footpath of Brighton Street, the south footpath of Lesney Street or the pedestrian Bridge between the hours of 10am and 2pm at the September Equinox over and above that that would arise from the delivery of a building footprint designed in conformity with the preferred height and setback footprints.

Northern interface

- 152. I have previously noted setbacks for the central light court at levels 1 to 3 inclusive.
- 153. A setback of a little over 3m, is proposed at level 4 to 7 inclusive.
- 154. This setback is increased to 6 to 6.25m at level 8& 9 with an increase to 9.25m at level 10.
- 155. These setbacks are acceptable

CONCLUSION

- 156. Recommendations 1 to 5 will require a range of changes to the building footprint plans and elevations and internal arrangements and concurrently further work needs to be undertaken to provide satisfactory environmental standards supporting the desired activities and enhanced pedestrian amenity sought for ground level activation and upper level break out and collaborative areas.
- 157. Subject to satisfactory response to these issues that I believe will result in both an eroded profile of built form and a lessening ng of height. I would be supportive of an approval for development on eh proposed site

DOCUMENTS FORMING THE BASIS OF THIS REPORT

- > Architectural Plans, DKO, December 2021
- > Town Planning Report, Contour
- > Landscape Plan, Davidson Design Studio
- > Green Travel Plan, Impact
- > Survey Plan, Reeds Consulting
- > Sustainable Management Plan, GIW Environmental Solutions
- > Traffic Report, Impact
- > Waste Management Plan, Impact
- > Wind Report, RWDI.



Prepared by Robert McGauran

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Civil Works Formal Referral Response



Application Information	
Referral Officer	USERID
Officer	Atha Athanasi
Council Reference	PLN21/0788
Address	9 Brighton St, Richmond VIC 3121
Proposal	Construction of an eleven (11) storey building, use of the land for a 'food and drink premises' (permit required) and 'office' (no permit required) and a reduction in the statutory car parking rate
Comments Sought	This is the link to the Statutory Planning Referral memo: Insert CM Link here to referral request memo (which will include a hyperlink to the submitted WMP)

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Open Space Design Formal Referral Response



Application Information	
Referral Officer	Daniel Herrmann
Officer	Kevin Ayrey
Council Reference	PLN21/0788
Address	9 Brighton St, Richmond VIC 3121
Proposal	Construction of an eleven (11) storey building, use of the land for a 'food and drink premises' (permit required) and 'office' (no permit required) and a reduction in the statutory car parking rate
Comments Sought	This is the link to the Statutory Planning Referral memo:

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Council's Open Space Design (City Strategy) provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Council's Open Space Design (City Strategy) were requested to make comments on:

- Landscaping Plan
- Landscaping proposed within a development's property boundary

Comments and Recommendations

I have reviewed the plans provided by Davidson Design Studio (revision A – 08/12/2021) for the above planning application.

The landscape plans show landscaping and planting on the ground level, and level 10 and the roof. The architectural plans also shown plants on levels 4 and 8. This discrepancy needs to be resolved.

Planning permit requirements

- a) Provide a plant schedule with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers. These have been provided and given adequate information.
- b) Provide a planting plan(s) showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces – these have also been provided and have adequate information.
- c) Detail drawings for elements such as furniture and planters – showing dimensions, drainage, lining, materials and growing media. Volumes of growing media need to be adequate for the plant species proposed – some details are included however the depth of the planters has not been shown.
- d) Provide notes on proposed irrigation – there is reference to irrigation, but it is difficult to understand how this will be provided to so many individually located planters.
- e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be provided for- the information regarding maintenance appears to be generic will need to be modified to ensure the proposed planting in individual planters will be successful.

Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.

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City Works

Not Applicable

Open Space Design: USERID

Signature:

Date:

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Council's Civil Works Unit provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Civil Works were requested to make comment on the submitted Waste Management Plan (WMP).

Comments and Recommendations

The waste management plan for 9-15 Brighton Street, Richmond authored by Impact and dated 21/10/21 is satisfactory from a City Works Branch's perspective.

Engineer: USERID

Signature:

Date:

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Strategic Transport Formal Referral Response



Application Information	
Referral Officer	USERID
Officer	Chloe Wright
Council Reference	PLN21/0788
Address	9 Brighton St, Richmond VIC 3121
Proposal	Construction of an eleven (11) storey building, use of the land for a 'food and drink premises' (permit required) and 'office' (no permit required) and a reduction in the statutory car parking rate
Comments Sought	This is the link to the Statutory Planning Referral memo: D21/212383

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Council's Strategic Transport unit provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Comments

Access and Safety

No safety or access issues identified.

Bicycle Parking Provision

Statutory Requirement

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	10,821 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	36 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	11 visitor spaces	
Food and Drink	171 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	
		1 visitor space to each 1000 sqm of leasable floor area	0 visitor spaces	
Bicycle Parking Spaces Total			36 employee spaces	84 employee spaces
			11 visitor spaces	39 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	4 showers / change rooms	13 showers / change rooms

Adequacy of visitor spaces

The following comments are provided in relation to visitor bicycle parking:

- 39 visitor bicycle spaces are proposed, which exceeds Council's best practice rate¹ recommendation of 21 visitor spaces. 6 visitor bicycle spaces are located at the Brighton Street footpath and 33 visitor spaces are located internally within the employee bicycle parking area.
- It is recommended that some of the visitor bicycle parking (located internally) is allocated to employee bicycle parking, in order to meet the best practice rate for employee bicycle spaces.

¹ Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends 1 visitor space to each 500sqm of office floor space.

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- Visitor bicycle spaces at Brighton street appear to be horizontal at-grade bicycle hoops and positioned in accordance with clearance and access requirements of AS2890.3. The bike hoops should be set out accordance with the dimensions noted in Council's Urban Design Standard detail.

Adequacy of employee spaces

Number of spaces

84 employee bicycle spaces are proposed, which does not meet Council's best practice recommendation² of 109 employee bicycle spaces. It is recommended that some internal visitor bicycle spaces are allocated to employee bicycle parking in order to meet the best practice requirements. Provision of 109 employee spaces and 8 additional internal spaces for visitors is considered acceptable.

Design and location of employee spaces and facilities

The following comments are provided in relation to the design of employee bike parking:

- All employee bicycle spaces are provided within a secure facility at the ground floor, with access to the bicycle parking area via a ramp entry at Brighton Street.
- The ramp entry is 1500mm wide; AS2890.3 specifies a width of 1500mm for one-way access for a bicycle and 2500mm for two-way access. It is recommended that this access path is widened to at least 2000-2500mm or a second entry point to the bicycle parking is provided within the lobby area.
- The type of bicycle rack proposed is unclear and has not been noted in the Traffic report. The types of bicycle racks should be noted on the plans or Traffic report to demonstrate the layouts are in accordance with clearance requirements of AS2890.3 and product specifications.
- The plans note that 60 at-grade spaces are provided, which satisfies the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.
- An end of trip facilities area is provided adjacent to the bicycle parking and includes 13 shower/changes rooms and 136 lockers, which exceeds Council's best practice recommendations.

Electric vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). To allow for easy future provision for EV charging, it is recommended that car parking bays should be electrically wired to be 'EV ready'. This does not mean car parking bays must be fitted with chargers, but that the underlying wiring infrastructure is in place to allow future owners and tenants to easily install a charger.

Green Travel Plan

The application includes a Green Travel Plan (GTP). The GTP is generallyadequate, however should be modified to include the following:

- The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- Security arrangements to access the employee bicycle storage spaces;
- Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- Provisions for the GTP to be updated not less than every five years.

This information is required to be shown in the GTP before it can be approved.

² Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice guidance for employee office rates: 'Non-residential buildings should provide spaces for at least 10% of building occupants.' Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area

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Recommendations

The following should be shown on the plans before endorsement:

1. Visitor bicycle spaces at Brighton Street positioned in accordance with Council's Urban Standard Detail for Bicycle hoops.
2. Notations indicating the types of bicycle racks proposed and dimensions of bicycle spaces to demonstrate the layout of bicycle parking is in accordance with clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.

An Amended Green Travel Plan should be provided with the information outlined previously.

Sustainable Transport Planner (Strategic Transport Unit): Chloe Wright

Signature: 

Date: 21 February 2022

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Development Engineering Formal Referral Response



Application Information	
Referral Officer	Chris Stathis
Officer	Artemis Bacani
Council Reference	IREF21/00184
Address	9 Brighton Street, Richmond
Application No.	PLN21/0788
Proposal	Construction of an 11-Storey Mixed-Use Building
Comments Sought	<ul style="list-style-type: none"> • Car parking reduction sought • Crossover width and location • Sightlines • Gradients • Construction over easement • Road infrastructure • Basement / ramp design • Any other relevant traffic matter

Council's Engineering Referral team provides the following information which is based on the information provided by Statutory Planning referenced above.

Comments and Recommendations

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Impact	<i>Traffic and Transport Assessment</i>	FINAL 01	3 December 2021
DKO	TP400 <i>Ground Floor Plan</i>	A	8 December 2021
	TP409 <i>Basement 02</i>	A	8 December 2021
	TP410 <i>Basement 01</i>	A	8 December 2021

CAR PARKING PROVISION

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Proposed Development

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	10,821 m ²	3 spaces per 100 m ² of leasable floor area	324	72
Food & drink	171 m ²	3.5 spaces per 100 m ² of leasable floor area	5	0
Total			329 Spaces	72 Spaces

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

A reduction of 257 spaces (comprising of 252 office spaces and 5 spaces for the food and drink use) in the car parking requirements of Clause 52.06 is sought by the applicant.

To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

Parking Demand Consideration	Details						
<i>Parking Demand for the Office Use</i>	<p>The development would be providing on-site parking at a rate of 0.66 spaces per 100 square metres of floor area. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include:</p> <table border="1"> <thead> <tr> <th>Development Site</th><th>Approved Office Parking Rate</th></tr> </thead> <tbody> <tr> <td>60-68 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018</td><td>0.72 spaces per 100 m² (200 on-site spaces; 27,653 m²)</td></tr> <tr> <td>51 Langridge Street, Collingwood PLN17/0332 (Amended) issued 18 May 2018</td><td>0.54 spaces per 100 m² (18 on-site space; 3,335 m²)</td></tr> </tbody> </table> <p>The proposed office parking rate of 0.66 spaces per 100 square metres of floor area is fairly consistent with the above rates and is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.</p>	Development Site	Approved Office Parking Rate	60-68 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m ² (200 on-site spaces; 27,653 m ²)	51 Langridge Street, Collingwood PLN17/0332 (Amended) issued 18 May 2018	0.54 spaces per 100 m ² (18 on-site space; 3,335 m ²)
Development Site	Approved Office Parking Rate						
60-68 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m ² (200 on-site spaces; 27,653 m ²)						
51 Langridge Street, Collingwood PLN17/0332 (Amended) issued 18 May 2018	0.54 spaces per 100 m ² (18 on-site space; 3,335 m ²)						
<i>Parking Demand for the Food & Drink Use</i>	<p>No car spaces would be provided for the food and drink use. A staff parking demand of 1 space per 100 square metres of floor area could be adopted. Using this rate would equate to 1 space. This reflects the precinct approach for similar food and drink premises and acknowledges that a proportion of customers for this use</p>						

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	will be drawn from office staff and surrounding residences and businesses.
<i>Availability of Public Transport in the Locality of the Land</i>	<p>The following public transport services can be accessed to and from the site by foot:</p> <ul style="list-style-type: none"> ▪ Swan Street trams – 120 metre walk ▪ Church Street trams – 140 metre walk ▪ East Richmond railway station – 190 metre walk ▪ Burnley railway station – 720 metre walk ▪ Richmond railway station – 900 metre walk ▪ Punt Road buses – 940 metre walk
<i>Multi-purpose Trips within the Area</i>	Visitors and customers to the development could combine their visit by engaging in other activities of business whilst in the area.
<i>Convenience of Pedestrian and Cyclist Access</i>	The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

Consideration	Details
<i>Availability of Car Parking</i>	<p>Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time as it would not provide an accurate representation of the 'normal' car parking demands in the surrounding area.</p> <p>The on-street parking in this part of Richmond is generally high during business hours. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should be able to find an on-street car space near the site.</p> <p>In Richmond/Cremorne, the recent introduction of parking sensors in a number of streets would further discourage persons attempting to park all-day. The parking sensors also ensure that parking frequently turns over for short-stay parking users (visitor, client parking etc.).</p>
<i>Relevant Local Policy or Incorporated Document</i>	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.

Adequacy of Car Parking

From a traffic engineering perspective, the reduction of car parking for the site is considered appropriate in the context of the development and the surrounding area. Visitors and customers

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would commute to and from the site by using sustainable transportation modes, such as take public transport or ride a bicycle. The operation of the development should not adversely impact on the existing on-street parking conditions in the area.

The Engineering Referral team has no objection to the reduction in the car parking requirement for this site.

TRAFFIC DISTRIBUTION AND TRAFFIC IMPACT

Trip Generation

The trip generation for the site adopted by Impact is as follows:

Proposed Use	Adopted Traffic Generation Rate	AM Peak Hour	PM Peak Hour
Office (72 Spaces)	0.5 movements per space	36	36

Directional Split

Impact have adopted the following directional split for the office use:

- AM Peak – 10% outbound (4 trips), 99% inbound (32 trips); and
- PM Peak – 90% outbound (32 trips), 10% inbound (4 trips)

In addition to the traffic generated by the proposed development at 9 Brighton Street, the Impact report also provides an analysis of the cumulative traffic to be generated by the surrounding development at 2 Brighton Street, 1 Little Lesney Street and 9 Wiltshire Street.

The analysis determined that up to 49 vehicle trips would be generated in total by these developments.

Based on the above, the total traffic to be generated from 9 Brighton Street and the surrounding developments would be in the order of 85 movements.

Traffic Performance

Using the SIDRA Intersection 9.0, Impact performed a traffic impact analysis of the proposed development on the surrounding road network with existing and future volumes at the intersection of Swan Street and Brighton Street.

The analysis had determined the post development conditions were expected to be adequate with a Degree of Saturation (DoS) of up to 0.31 in the PM peak times and a vehicle queue length of 18 metres in Brighton Street, south of Swan Street.

Overall, the traffic generated by the proposed development would not have a detrimental impact on the surrounding road network and would be comfortably accommodated at the intersection of Swan Street and Brighton Street.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

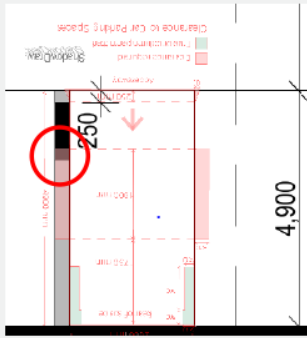
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Item	Assessment
Access Arrangements	
Development Entrance	The width of the development's entrance off Little Lesney Street is not dimensioned on the drawings.
Visibility	A visibility sight triangle has been provided on the west side of the exit lane.
Vehicle Crossing	The new vehicle crossing is not depicted and dimensioned on the drawings.
Headroom Clearance	The headroom clearance at the car park entrance is not dimensioned on the drawings.
Internal Ramped Accessways	The width of the internal access ramp, kerbs and traffic lanes adjacent to the traffic island have not been dimensioned on the drawings.
Vehicle Turning Movements	The swept path diagrams for a B85 design vehicle and an on-coming B99 design vehicle demonstrates adequate access and exit movements off Little Lesney Street.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the parking spaces (2.6 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> of Clause 52.06-9.
Accessible Parking Space	The dimensions of the accessible parking space and shared area (each 2.6 metres by 4.9 metres) satisfy the <i>Australian/New Zealand Standard AS/NZS 2890.6:2009</i> .
Aisles	The 6.4 metre wide aisle satisfies <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9.
Column Depths and Setbacks	With the exception of the columns along the southern boundary of the basement car park levels, the columns are positioned outside of parking space clearance envelopes as required by <i>Diagram 1 Clearance to car parking spaces</i> in Clause 52.06-9.
Clearances to Walls	Spaces adjacent to walls have been provided with a minimum 300 mm clearances, which satisfy <i>Design standard 2</i>
Headroom Clearance – Basement Car Park	<p>The headroom clearance within the basement car park levels have not been dimensioned on the drawings.</p> <p>The headroom clearance above the accessible parking spaces and shared area must be a minimum height of 2.5 metres to satisfy <i>AS/NZS 2890.6:2009</i></p>
Gradients Within Parking Modules	Maximum gradients within a parking module of 1 in 20 (5 %) have been provided to satisfy <i>AS/NZS 2890.1:2004</i> .
Gradients	

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Ramp Grade for the first 5.0 metres inside the Property	The ramp grade for the first 5.0 metres inside the property is flat to satisfy <i>Design standard 3 – Gradients</i> .
Ramp Grades and Changes of Grade	The ramp grades and changes of grade satisfy <i>Table 3 Ramp Gradients</i> of Clause 52.06-9.
Other Items	
Loading Arrangements	The size of the internal loading bay has not been dimensioned on the drawings.
Vehicle Crossing Ground Clearance	A vehicle crossing ground clearance check is to be undertaken for each new vehicle crossing by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under ' <i>Engineering Advice for Design Items to be Addressed by the Applicant</i> ' section).
Vehicle Turning Movements – Loading Bay	The swept path diagrams for a 6.4 metre long Small Rigid Vehicle demonstrates adequate turning movements into and out of the loading bay off Little Lesney Street.

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Development Entrance	The applicant is to dimension the width of the development's entrance on the drawings.
Vehicle Crossing	The applicant is to show the position of the vehicle crossing and dimension its width on the drawings.
Headroom Clearance	The applicant is to dimension on the drawings the headroom clearance at the car park and loading zone entrances.
Internal Ramped Accessways	The applicant is to dimension on the drawings the width of the internal access ramp, kerbs and lanes adjacent to the traffic island.
Column Depths and Setbacks	<p>The applicant is to re-check the positions of the columns along the southern boundary of the car park levels. The diagram below shows the columns encroach within the parking space clearance envelope.</p> 

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Headroom Clearance – Basement Car Park	The applicant is to dimension on the drawings the headroom clearance within the basement car park. The headroom clearance above the accessible parking spaces and shared area must be 2.5 metres.
Loading Arrangements	The applicant is to dimension on the drawings the loading bay.
Vehicle Crossing Ground Clearance Assessment	<p>To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo.</p> <p>The ground clearance assessment requires the applicant to obtain a number of spot levels which include:</p> <ul style="list-style-type: none"> - the reduced level 2.0 metres inside the property; - the property boundary level; - the bottom of kerb (invert) level; - the edge of the channel level; and - a few levels on the road pavement – in this case, Little Lesney Street. <p>These levels are to be shown on a 1 in 20 scale cross-sectional drawing with dimensions, together with the B99 design vehicle ground clearance template demonstrating access and exit movements.</p> <p>Providing the ground clearance checks early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.</p>
Emergency Pedestrian Door	The applicant is to recess the emergency pedestrian door off the rear laneway.
Bicycle Considerations	The bicycle requirements for this development are to be referred to Council's Strategic Transport unit for assessment.
Discontinuance of Road	The applicant is to apply to Council for the discontinuance of a road to expunge Laneway Number 1121 from the City of Yarra's <i>Register of Public Roads</i> .
Sewer Vent	The applicant is to liaise with the relevant service Authority regarding the setback requirements of the existing sewer vent in Little Lesney Street.

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

Item	Details
General	
Impact on Council Road Assets	<p>The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.</p> <p>It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council</p>

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	infrastructure surrounding the site has a high level of serviceability for employees, visitors and other users of the site.
Footpath and Kerb and Channel along Brighton Street and Little Lesney Street Frontages	
Footpath Reconstruction	The footpath along the property's Brighton Street and Little Lesney Street frontages are to be reconstructed. In undertaking these works, the existing kerbs are to be retained (fixed control points). The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by Council. In providing the new footpaths, the finished floor levels at the development's pedestrian entries must be readjusted to match the new footpath levels.
Kerb and Channel Reconstruction	The kerb and channel along the property's Brighton Street and Little Lesney Street frontages must be reconstructed to Council's satisfaction.
Other Items	
Redundant Vehicle Crossings	To be demolished and reinstated with paving, kerb and channel.
Drainage	<p>The applicant is to provide a drainage catchment analysis to Council for assessment approval.</p> <p>The applicant should also assess and provide details on how water will be drained from the site.</p>

ENGINEERING CONDITIONS

Civil Works

Upon the completion of all building works and connections for underground utility services,

- The kerb and channel along the property's Brighton Street and Little Lesney Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Brighton Street and Little Lesney Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 33 (for asphalt) or unless otherwise specified by Council.
- All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Attachment 5 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans

Vehicle Crossings

- Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering department for approval, and:
 - Demonstrate 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) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet.
- Prior to the occupation of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
 - In accordance with any requirements or conditions imposed by Council;
 - At the permit holder's cost; and
 - To the satisfaction of the Responsible Authority.

Road Asset Protection

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

Impact of Assets on Proposed Development

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Discharge of Water from Development

- 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.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- 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.


Attachment 5 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans

- 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.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Assessment
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <i>Building Regulations</i> 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 <i>Local Government Act</i> 1989 and Regulation 133.
VicTrack Trees	The applicant is to liaise with VicTrack regarding the protection of the trees along the railway tracks.

Engineer: Artemis Bacani

Signature: 

Date: 17 January 2022

Development Engineering Formal Referral Response

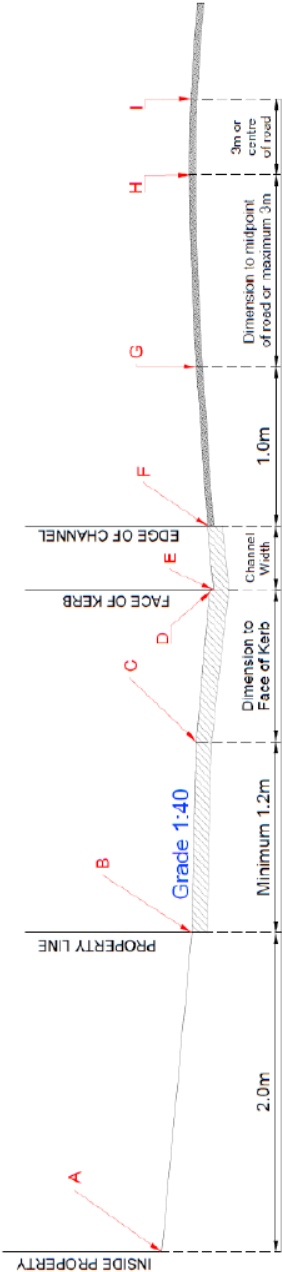


Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

- | | |
|--|--|
| A. Finished floor level 2.0 metres inside property | E. Surface level at the bottom of the kerb |
| B. Property line surface level | F. Surface level at the edge of channel |
| C. Surface level at change in grade (if applicable) | G. Road level 1.0 meter from the edge of channel |
| D. Bullnose (max height 60mm) – must be clearly labelled | H., I. Road levels |

- o Please note the cross section must be fully dimensioned. As shown in the sketch below.
- o Please show both the existing and proposed surface.
- o The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- o A bullnose (max 60mm) is permitted at point D, however not compulsory.
- o The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- o The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- o Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- o Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 5 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans



(ACN 004 230 013)

Ref: 17-22-DE-REV-00

24 February 2022

City of Yarra
PO Box 168
Richmond VIC 3121

Attn: Chris Stathis

Dear Chris,

**9-15 Brighton Street, Richmond
Review of RWDI Wind Environment Desktop Assessment
RWDI Project # 2105772 (21 October 2021)**

The review of the RWDI Wind Environment Desktop Assessment is based on MEL Consultants' experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 50 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

- The RWDI Wind Environment Desktop Assessment has been prepared based on the experience of the consultancy and no wind tunnel testing by RWDI has been carried out to support the report. MEL Consultants have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities advice on the wind effects of the design.
- MEL Consultants have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. RWDI has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a desktop wind impact assessment.

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- The pedestrian safety criterion is the 23ms^{-1} criteria from Melbourne (1974) and was the safety criterion prior to the C270 planning amendment for the Capital City Zone. MEL Consultants have no issue with the use of this safety criterion as it aligns with the recommendation of the Australian Wind Engineering Society Guidelines.
- The pedestrian comfort criteria are similar to the BADS/Standard D32 comfort criteria with the expression in km/hr giving a slight rounding error compared to the integer values of the BADS/D32 criteria, except the BADS/D32 criteria do not have a strolling criterion. These criteria are based on an all directions combined assessment of the wind conditions, i.e. average tolerable wind conditions. MEL Consultants have no issue with these comfort criteria as they are consistent with the Standard D32 criteria in all Victorian Planning Schemes.
- Considering the building with the existing surroundings, RWDI have assessed the wind conditions in the surrounding streetscapes to satisfy the safety and strolling/walking comfort criteria. RWDI have assessed the wind conditions outside the building entrances as satisfying the standing criterion. MEL Consultants have no issue with this assessment. Considering the future developments RWDI have assessed that the northerly and southerly winds would funnel along Brighton Street and the wind conditions would be comfortable, which is not a defined criterion in the RWDI report. The reviewer has knowledge of quantified wind tunnel data for Brighton Street from the studies for the development at 2 Brighton Street and these data indicated the wind conditions on the east side of Brighton Street would be close to the limit of the walking criterion without the 9-15 Brighton Street development. It is agreed that the 9-15 Brighton Street and 2 Brighton Street developments would adversely funnel wind flow along Brighton Street, and that there would be a concern that the wind conditions would exceed the walking comfort criterion i.e. uncomfortable. Therefore, if the planning assessment of the 9-15 Brighton Street development considers the presence of 2 Brighton Street as an existing scenario, then it would be recommended that a wind tunnel model study is undertaken.

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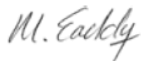
Attachment 5 - PLN21/0788 - 9 - 15 Brighton Street Richmond - Combined Relevant Referral Comments for Superseded (i.e. Advertised) Plans

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- MEL Consultants have no issue with the RWDI assessment of terrace wind conditions and the recommended wind mitigation strategies.

In conclusion, the RWDI Wind Environment Desktop Assessment has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. MEL Consultants agree with the assessment of the ground level and surrounding streetscapes wind conditions with the existing surrounding buildings. However, there would be a concern with the wind conditions along Brighton Street if the proposed 2 Brighton Street development is considered. There is concern, based on knowledge of wind tunnel studies for 2 Brighton Street as an existing scenario. The wind funnelling discussed by RWDI could result in the wind conditions exceeding the walking comfort criterion. A wind tunnel study would be recommended if the proposed 2 Brighton Street development is considered as part of the existing streetscape. MEL Consultants have no issue with the RWDI assessment of terrace wind conditions and the recommended wind mitigation strategies.

Yours sincerely,



M. Eaddy
MEL Consultants Pty Ltd

TELEPHONE: (03) 8516 9680 : Intl +613 8516 9680