



Agenda

Planning Decisions Committee

6.30pm, Tuesday 27 February 2024

Richmond Town Hall
Wurundjeri Country

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

Anticipated attendees:

Councillors

- Cr Anab Mohamud Councillor
- Cr Claudia Nguyen Councillor
- Cr Bridgid O’Brien Councillor

Council officers

- Ally Hunyh Senior Coordinator Statutory Planning
- Jessica Sutherland Acting Principal Planner
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

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 19 December 2023 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN18/0471.06 - 31-51 Nelson Street, Abbotsford	5	34
6.2	PLN23/0553 - 786-794 Nicholson Street Fitzroy North	60	115
6.3	PLN23/0316 - 475-481 Church Street Richmond	274	337

6.1 PLN18/0471.06 - 31-51 Nelson Street, Abbotsford

Report Summary

Purpose

1. This report provides Council with an assessment of the planning application at No. 31-51 Nelson Street, Abbotsford for a Section 72 Amendment to Planning Permit PLN18/0471 which allows for the *use and construction of a seven storey building containing offices, restricted retail and food and drink premises (café) and a reduction in car parking* to amend the permit and endorsed plans. Key amendments include:
 - (a) Partial use of the land for a rooftop bar;
 - (b) The sale and consumption of liquor (on-premises licence), associated with the bar;
 - (c) Buildings and works, including the construction of an enclosed bar area to Level 5 and associated terrace area / seating; and
 - (d) Reduction in car parking associated with the bar use (3 spaces).

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 13.07 – Amenity, Health and Safety;
 - (b) Clause 15.01 – Built Environment;
 - (c) Clause 33.03 – Industrial 3 Zone;
 - (d) Clause 52.06 – Car Parking; and
 - (e) Clause 52.27 – Licenced Premises.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) The use of the land for a rooftop bar;
 - (b) The sale and consumption of liquor associated with the rooftop bar;
 - (c) Buildings and works for the construction of an enclosed bar area to Level 5 and associated terrace area / seating; and
 - (d) Reduction in car parking associated with the bar use.

Submissions Received

4. Forty-one (41) objections were received to the application, these can be summarised as:
 - (a) Amenity impacts from bar/liquor licence (noise, anti-social behaviour);
 - (b) Additional built form impacts;
 - (c) Amenity impacts from additional built form (overshadowing, overlooking, daylight access, light spill etc.);
 - (d) Car parking impacts (insufficient parking provided, loss of on-street parking);
 - (e) Lack of community engagement; and
 - (f) Reduction in property prices.

VCAT Proceedings

5. On 15 January 2024, 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).

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) Prohibit the use of the outdoor terraces after 10pm;
 - (b) Requirement for the submission of an acoustic report; and
 - (c) Restrict music from the bar to background levels only.

CONTACT OFFICER: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

6.1 **PLN18/0471.06 - 31-51 Nelson Street, Abbotsford**

Reference	D24/43529
Author	Gary O'Reilly - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Langridge
Proposal:	Section 72 amendment to Planning Permit PLN18/0471 and associated endorsed plans with primary changes including: <ul style="list-style-type: none"> • The partial use of the land as a rooftop bar (Level 5). • The sale and consumption of liquor (on-premises licence), associated with the bar, for a maximum of 90 patrons and during the following hours: <ul style="list-style-type: none"> ○ Monday to Saturday: 9.00am to 11.00pm ○ Sunday: 10.00am to 11.00pm ○ Good Friday and ANZAC Day: 12noon to 11.00pm • A reduction in car parking (3 spaces) associated with the bar use. • Additional buildings and works, including: <ul style="list-style-type: none"> ○ Construction of an enclosed bar area to Level 5. ○ Additional terrace seating
Existing use:	Building nearing completion (office, restricted retail food and drink (café))
Applicant:	31 Nelson Street Pty Ltd
Zoning / Overlays:	Industrial 3 Zone Development Contribution Plan Overlay
Date of Application:	11 August 2023
Application Number:	PLN18/0471.06

Planning History

1. Planning Permit PLN18/0471 was issued on 28 March 2019 and allows for the *use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café) and a reduction in car parking:*
 - (a) Amended planning permit PLN18/0471.01 was issued on the 16 July 2020 to *delete the Landscape Plan conditions 4(i) and (j):*
 - (i) *Additional planter boxes on the northern façade of the building from Levels 2 to 6; and*
 - (ii) *Intermittent vertical green systems on higher levels i.e. 3 and 5 to create a more successful green wall system;*

- (b) A Secondary Consent amendment was approved on 23 July 2021 allowing for changes to the endorsed plans including:
 - (i) *The revision of the net leasable floor areas associated with each use;*
 - (ii) *Reduce the overall height;*
 - (iii) *Amend the façade treatment and window configurations;*
 - (iv) *Internal reconfigurations;*
 - (v) *Allow an additional level of basement;*
- (c) The Planning Permit was corrected on 3 September 2021 under Section 71 of the Planning and Environment Act 1987 to reference ‘*restricted retail*’ instead of ‘*shop*’;
- (d) Amended planning permit PLN18/0471.03 was issued on the 16 September 2021 to *allow for the excavation and commencement of the basement prior to the requirements of condition 7 (the Streetscape Plan) being satisfied;*
- (e) Amended planning permit PLN18/0471.02 was issued on the 28 March 2022 to amend the endorsed plans with primary changes including:
 - (i) *Increase in size to the rooftop terraces;*
 - (ii) *Increase in Office leasable floor area;*
 - (iii) *Changes to northern ground floor entry and glazing;*
 - (iv) *Pergola structure included to roof top terrace;*
 - (v) *Changes to setbacks;*
 - (vi) *Provision of additional car and motorcycle parking;*
- (f) Amended planning permit PLN18/0471.04 was issued on the 24 January 2023 to amend the endorsed plans and permit with primary changes including:
 - (i) *Deletion of the planters to the northern and eastern façade of the building;*
 - (ii) *Delete Condition 4;*
 - (iii) *Amend Condition 7;*
 - (iv) *New Condition 43 and renumbering of subsequent conditions;*
- (g) A further Secondary Consent PSEC23/0029 amendment was approved on 24 January 2023 allowing for changes to the endorsed plans including:
 - (iii) *Amend the RL level of the level 7 roof terrace from RL42.40m to RL42.53m;*
- (h) Amended planning permit PLN18/0471.05 was withdrawn on the 29 March 2023;
- (i) A further Secondary Consent PSEC23/0074 amendment was approved on 3 April 2023 allowing for changes to the endorsed plans including:
 - (i) *Amend the height of the Level 5 roof pergola from RL 38.53 to RL 38.80;*
 - (ii) *Enclose the space between the services area and lift core at Level 5 roof to create a lobby area; and*
 - (iii) *Enclose the space between the services area and lift core at Level 7 roof to create a lobby area; and*
- (j) A further Secondary Consent PSEC23/0153 amendment was submitted to Council on 23 October 2023 requesting numerous changes to the endorsed plans (all floor levels and elevations). At the time of writing this report, no decision has been made on this application.

Background

VCAT Proceedings

2. On 15 January 2024, 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.
3. A compulsory conference is scheduled for 19 March 2024 and a Major Cases Hearing is scheduled for 11, 12 and 13 June 2024.
4. At the time of writing, no statements of grounds were received by Council and no objectors are registered to date as parties to the VCAT proceedings.

The Proposal

5. The application is for a Section 72 Amendment to planning permit PLN18/0471. The following changes are proposed:

Buildings and works

6. Construction of an enclosed bar area to the north-west of the existing terrace at level 5 which would incorporate a bar, storage area and terrace to the north, south and western interfaces. This building area itself would have a length of 14m and width of 7.95m (92sqm), with a maximum height of 4m, and an overall height of 22.6m (NGL to top of parapet). The addition would be setback as follows from the edge of the approved terrace area:
 - (a) Northern – 1.86m;
 - (b) Southern – 2.5m; and
 - (c) Western – 1.86m.
7. Construction of an enclosed bathroom (3 water closets) and storage area (8sqm) to the east of the existing services area at level 5. The addition would be setback 1.6m from the southern balustrade, and would have a length of 6.2m and width of 4.3m (26sqm) to a maximum height of 3.8m.

Use/ sale and consumption of liquor

8. The bar area described above with the existing terrace areas to the north, south, west and east (partly) would be used as a bar and seeks an on-premises liquor. The proposed trading hours for the sale of liquor / use of the land are as follows:
 - (a) Monday to Saturday: 9.00am to 11.00pm;
 - (b) Sunday: 10.00am to 11.00pm; and
 - (c) Good Friday and ANZAC Day: 12.00 noon to 11.00pm.
9. The property would be licenced for a maximum of 90 patrons, with a licensed 'red-line' area totalling 177sqm (inclusive of terraces). The applicant has stated the following:
 - (a) *The predominant use of background recorded music, within EPA guidelines that will be controlled by premises management and staff;*
 - (b) *The Premises shall ensure that the level of noise emitted from the Premises shall not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area); and*
 - (c) *Live music or recorded music is permitted on the Premises within the permissible noise levels stipulated in State and Environment Protection Policy N-2 (Control of Music from Public Premises).*

10. To facilitate these changes, the following amendments to the permit and permit conditions are requested by the applicant (changes are shown in **bold**):
- (a) Amend what the planning permit allows from:
- Use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café) and a reduction in car parking.*
- To:
- Use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café), **bar operating under an on-premises licence** and a reduction in car parking.*
11. Amend the following permit conditions (changes are shown in **bold**):
- (a) Condition 17 (hours of operation) amended from:
- Except with the prior written consent of the Responsible Authority, the uses authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.*
- To:
- Except with the prior written consent of the Responsible Authority, the uses authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week **with the exception of the Bar which may operate between the following hours:***
- | | |
|--|---|
| <i>Sunday:</i> | <i>Between 10am and 11pm.</i> |
| <i>Good Friday and ANZAC Day:</i> | <i>Between 12 noon and 11pm.</i> |
| <i>On any other day:</i> | <i>Between 9am and 11pm.</i> |

Existing Conditions

Subject Site

12. The subject site is irregular forming an inverted 'L' shape and located on the southern side of Nelson Street, between Cooke Street to the west and Thompson Street to the east. The site comprises a total area of 2,168.6sqm with the following frontage dimensions.
- (a) 63.91m to Nelson Street;
- (b) 21.90m to Cooke Street; and
- (c) 43.61m to Thompson Street.
13. Construction has commenced and is nearing completion of the multi-storey, mixed use building approved under the original application (refer to images below). The approved development allows for three levels of car parking (accessed via a ramp along Thompson Street), ground floor café, restricted retail and office and upper-level offices with ancillary terraces along multiple levels.
14. There are no restrictive covenants or easements identified on any of the certificate of titles.



Image – Subject site No. 31-51 Nelson St, Abbotsford - View from west of Nelson Street (Source: Officer inspection – Feb 2024)



Image - Subject site No. 31-51 Nelson St, Abbotsford - View from Cooke Street (Source: Officer inspection – Feb 2024)



Image – Subject site No. 31-51 Nelson St, Abbotsford - View from east of Nelson Street (Source: Officer inspection – Feb 2024)

Surrounding Land

15. Since the granting of the original permit, there has been limited changes within the surrounding area. The following is an extract for the original Officer's report:
16. *The surrounding area contains a mix of uses, with predominantly commercial/warehouse activity along both Nelson and Thompson Streets, while Cooke Street contains predominately single storey residential dwellings.*

East

17. *To the immediate east of the site is Thompson Street; a local two-way street accommodating parallel car parking on both sides.*
18. *On the eastern side of Thompson Street is a single storey brick building used as a brewery with associated function centre. The building is set back approximately 15m from Thompson Street, with the setback accommodating a garden bed at the corner of Thompson and Nelson Streets and a circular driveway looping between Nelson and Thompson Streets.*
19. *To the south of the brewery along Thompson Street are predominantly industrial and warehouse buildings used for automotive repairs. However further to the south (approximately 45m from the subject site) fronting Thompson Street are remnant dwellings within the Industrial 1 and 3 Zone.*

South

20. *To the south of the site, abutting the eastern half of the southern boundary is No. 17 Thompson Street. This site contains a single storey industrial building occupied by an automotive repair business fronting Thompson Street.*
21. *The western half of the southern boundary abuts a 3.7m wide unmade Council Right of Way (RoW). Further to the south is a similar-sized vacant lot at No. 34 Cooke Street. The RoW and vacant lot present as a single garden bed along the southern boundary of the site, supporting four trees, shrubbery and top soil. There is also a bluestone vehicle crossover that provides vehicle access to this land. The Cooke Street boundary is fenced by a chain connected to two metal poles approximately 0.5m in height.*

22. Further south is a single storey dwelling at No. 32 Cooke Street with its rear secluded private open space abutting the subject site's western boundary. The rear secluded private open space of Nos. 30 and 28 Cooke Street also abut the western boundary of the subject site. All land on the eastern side of Cooke Street, south of the subject site is within the Neighbourhood Residential Zone (Schedule 1).

West

23. Cooke Street is to the immediate west, a local north-south road accommodating one-way vehicle traffic in a northbound direction and parallel car parking on both sides of the road.
24. On the opposite side of Cooke Street at No. 13-29 Nelson Street is also an asphalt at-grade car park with an approximately 2m high wire mesh fencing surrounding the site. This is currently used privately for a removalist company 'Man with a Van'. A Planning Permit was issued on 6 July 2015 (and amended 5 November 2018) allowing the use of the land as a warehouse (vehicle storage), construction of a double-storey building, the construction and display of advertising signage and a waiver of the loading bay requirement. Works on site have not yet commenced, however an extension of time to the permit was granted until 6 July this year.
25. To the south of the car park is a laneway and further south on the western side of Cooke Street is low-rise dwellings similar to the eastern side of Cooke Street and also located within the Neighbourhood Residential Zone.
26. Nelson Street is immediately north of the subject site, a local east-west road with a road reserve width of approximately 15 metres, a carriageway width of 10.2 metres accommodating one lane of traffic in each direction and parallel car parking on both sides of the road.
27. On the northern side of Nelson Street, opposite the subject site, is the Carlton United Brewery. The land is developed with a brick building between three and five storeys in height. The building extends to the site's boundaries, with a number of roller doors and vehicle entrances located along the Nelson Street interface.
28. The Victoria Street Major Activity Centre (MAC) is located 100 metres to the south of the site. The site is well serviced by public transport with the Victoria Street and Church Street trams located approximately 100 metres to the south and the North Richmond train station approximately 1km to the west.

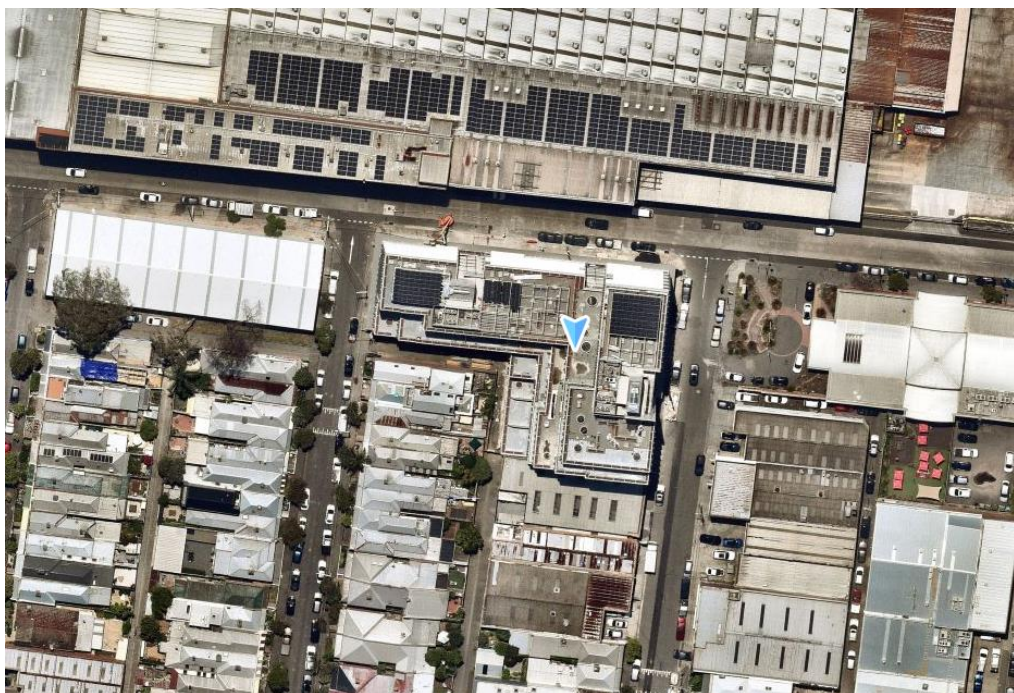


Image – Aerial photo of subject site and surrounds (Source: Nearmaps – Nov 2023)

29. Since the original Officer's report, the following changes have occurred to the surrounding area:
- (a) Construction of a double storey addition to the existing dwelling at No. 32 Cooke Street under planning permit PLN21/0936. This dwelling fronts Cooke Street with a Secluded Private Open Space (SPOS) to the rear and not directly facing (i.e. north-facing) habitable room windows;
 - (b) Construction of a new double storey dwelling at No. 34 Cooke Street under planning permit PLN20/0802. This dwelling also fronts Cooke Street with a Secluded Private Open Space (SPOS) to the rear and not directly facing (i.e. north-facing) habitable room windows; and



Image - Nos. 32 & 34 Cooke St, Abbotsford - (Source: Officer inspection – Feb 2024)

- (c) Construction of a double storey warehouse (vehicle storage) at No. 13-29 Nelson Street under planning permit PLN14/1166.



Image – 13-29 Nelson St, Abbotsford - (Source: Officer inspection – Feb 2024)

Planning Scheme Provisions

Zoning

30. The subject site is in the Industrial 3 Zone (IN3Z). The following provisions apply:
- (a) Pursuant to Clause 33.03-1, the use of the land as a Bar (Retail Premises) is a Section 2 use and requires a planning permit; and
 - (b) Pursuant to Clause 33.03-4, a planning permit is required for buildings and works.

Overlays

31. The site is affected by the Development Contributions Plan Overlay (Schedule 1) (DCPO1). Pursuant to Clause 45.06-1 a permit granted must.
- (a) Be consistent with the provisions of the relevant development contributions plan; and
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
32. The amended proposal introduces new commercial floor area therefore only the additional floor area is considered (100sqm). Condition 42 of the permit already includes the relevant condition for the payment of the Development Infrastructure Levy.
33. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 (Car Parking)

34. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
35. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
36. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to decision guidelines at Clause 52.06-6 of the Scheme. The provision of car parking is as follows:

Proposed use	Quantity / size	Statutory parking rate	No. of spaces required	No of spaces allocated
Bar	203sqm	3.5 spaces per 100sqm of leasable floor area	7 spaces	0 spaces

37. The Permit allows for a reduction of car parking of 117 spaces (as endorsed). This proposal requires a further reduction of 7 car spaces associated with the bar (124 spaces in total).

Clause 52.34 (Bicycle Facilities)

38. Pursuant to Clause 52.34-5, bicycle facilities are required if the use is listed in Column 1 of the table at Clause 52.-34-5. A Bar is not included in the table of uses at this Clause. Therefore, bicycle facilities are not required.

General Provisions

39. The decision guidelines outlined 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.

Municipal Planning Strategy

40. Relevant clauses are as follows:
- (a) Clause 02.01-6 (Built Environment and Heritage);
 - (b) Clause 02.01-8 (Economic Development);
 - (c) Clause 02.01-9 (Transport);
 - (d) Clause 02.03-4 (Built Environment and Heritage);
 - (e) Clause 02.03-6 (Economic Development); and
 - (f) Clause 02.03-7 (Transport).

Planning Policy Framework (PPF)

41. Relevant clauses are as follows:
- (a) Clause 11.01-1R (Settlement - Metropolitan Melbourne);
 - (b) Clause 11.02 (Managing Growth);
 - (c) Clause 11.02-1S (Supply of Urban Land);
 - (d) Clause 13.05-1S - Noise management;
 - (e) Clause 13.07-1S – Land use compatibility;
 - (f) Clause 13.07 (Amenity, Human Health and Safety);
 - (g) Clause 13.07-1S (Land use compatibility);
 - (h) Clause 13.07-1L-01 (Interface and Amenity);
 - (i) Clause 13.07-1L-02 (Licenced Premises);
 - (j) Clause 15 (Built Environment and Heritage);
 - (k) Clause 15.01 (Built Environment);
 - (l) Clause 15.01-1S (Urban design);
 - (m) Clause 15.01-1R (Urban Design – Metropolitan Melbourne);
 - (n) Clause 15.01-2S (Building Design);
 - (o) Clause 15.01-2L (Building Design);
 - (p) Clause 17 (Economic development);
 - (q) Clause 17.01 (Employment);
 - (r) Clause 17.01 -1R (Diversified economy – Metropolitan Melbourne);
 - (s) Clause 17.02 (Commercial);
 - (t) Clause 17.02-1S (Business);
 - (u) Clause 18.01 (Land Use and Transport);
 - (v) Clause 18.02 – (Movement Networks);
 - (w) Clause 18.02-1S – (Walking);
 - (x) Clause 18.02-3S (Public Transport);

- (y) Clause 18.02-3R (Principal Public Transport Network); and
- (z) Clause 18.02-4S (Car Parking).

Advertising

42. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by three signs displayed on site. Council received 41 objections, the grounds of which are summarised as follows):
- (a) Noise (out of character with surrounding quiet residential area; require same restrictions as Cardwell Cellars and Terminus Hotel; elevated location will carry noise further; location of bar adjacent to existing residential properties is inappropriate; concern with use of word “predominantly” pre-recorded music; and proposed noise measures will not limit or control patron behaviour upon leaving the premises and using surrounding residential streets);
 - (b) Creates an additional storey/bulk to approved building;
 - (c) Car parking (insufficient car parking provided; loss of on-street car spaces to residents; no significant changes being made to prioritise residential parking in the area);
 - (d) Serving of alcohol and the provision of music on the rooftop bar until 10pm;
 - (e) Overlooking;
 - (f) Overshadowing;
 - (g) Impact access to natural daylight;
 - (h) Impact on current or future solar panel installations by adjoining residents;
 - (i) Light pollution;
 - (j) Sets a precedent;
 - (k) Bar unnecessary in this location, with Victoria Street nearby;
 - (l) Will disturb residents;
 - (m) Lack of community engagement;
 - (n) Developer website does not include proposed bar/works; and
 - (o) Reduction in property prices.

Referrals

External Referrals

43. The application was not required to be referred to external referral authorities.

Internal Referrals

44. The application was referred to the following units within Council:
- (a) Compliance;
 - (b) Engineering; and
 - (c) Waste.
45. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

46. The primary considerations for this application are as follows:
- (a) Strategic context;
 - (b) Use;

- (c) Sale and Consumption of Liquor;
- (d) Buildings and Works;
- (e) Off-site amenity impacts;
- (f) Car parking / traffic;
- (g) Objector concerns; and
- (h) Other matters.

Strategic Context

- 47. There is policy support within the Planning Policy Framework for a use of this nature in this location, given the zoning of the land, location within close proximity to the Victoria Street Major Activity Centre (120m) and that the site is within walking distance of public transport networks along Victoria Street (48 & 109 trams).
- 48. The proposal is limited to buildings and works to part of level 5 (terrace) of the existing building, for the creation of a bar and associated sale and consumption of liquor. In addition, the proposal also requires an additional reduction of 7 car spaces. The subject site is zoned Industrial 3 which has a purpose, “*to allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations*”. The use as a bar falls within the umbrella of a “retail use”.
- 49. The specific policy guidelines with regards to the use and sale and consumption of liquor will be discussed later in this report. With particular regard to the purpose of the Industrial 3 Zone and the residential interface to the south and south-west along Cooke Street. The sale and consumption of liquor will be considered against the cumulative impact and off-site amenity impacts of the site.
- 50. There is strategic support for the proposed use and liquor license as both State and local planning policies encourage the concentration of commercial and entertainment uses within and near activity centres, which are well connected to public transport and benefit from existing infrastructure (Clauses 17.02-1S, 17.02-2S and 18.02-2R). The subject site is within close proximity to the Victoria Street MAC and a Core Entertainment Precinct. The site also benefits from access to various public transport services including two tram routes along Victoria Street.
- 51. Moreover, Clause 17.01-1S (Diversified Economy) and Clause 17.01-1L (Employment) encourage growth that strengthens and diversifies the economy and job opportunities, encouraging that growth *improve(s) access to jobs closer to where people live*. As discussed, the site is highly accessible, is zoned for industrial use and is near to where people live, providing an appropriate location for a bar (subject to further assessment on the operation of the bar).
- 52. The proposed use and licensed premises would continue to strengthen the role of the Victoria Street MAC in supporting entertainment venues, would increase job opportunities in the area and provides an entertainment service for local residents. The Victoria Street MAC already fosters a number of existing licensed venues in the immediate vicinity, including at Carlton and United Breweries (No. 11-17 South Audley Street), The National Hotel (No. 340-344 Victoria Street) and Nice Guys Brewery (No. 308 Victoria Street).

Use

- 53. Pursuant to Clause 33.03-1 of the Scheme, a planning permit is required to use the land as a bar within an Industrial 3 Zone (I3Z). One of the purposes of this zone is “*to allow limited retail opportunities*.” Examples of other uses in the area can be seen at No. 11-17 South Audley Street (opposite side of Thompson Street) which currently operates under an existing liquor licence associated with Carlton Breweries.

54. The commercial use of the building on the subject site has been approved for a range of uses under the original planning permit (and subsequent amendments) including offices, restricted retail premises and a café. This is consistent with the purpose of the zone which includes the objective, *“to allow limited retail opportunities”*.
55. In addition, it is an objective under clause 13.07-1L-01 (interface and amenity) of the Scheme, *“to provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones”*. Policy under Clause 13.07-1L-01 further states that for non-residential use and development to consider *“The nature of the proposed use, including the following: associated activities which will be carried out, hours of operation, patron and/or staff numbers, potential off-site impacts including how such impacts will be managed and mitigated”*. The following is an assessment against the relevant impacts identified under the IN3Z and Clause 13.07-1L-01 guidelines.
56. It is proposed to construct a bar with ancillary bathroom facilities within part of the existing terrace to level 5 of the host building. This area has approval as a terrace associated with the existing uses for the site (i.e. offices, café, restricted retail). The proposal will incorporate a bar area of 177sqm (enclosed area & terraces) and bathroom facilities. This will result in a combined area of approximately 203sqm.
57. The bar would have a maximum capacity of 90 patrons and operate within the following hours:
- (a) Monday to Saturday: 9.00am to 11.00pm
 - (b) Sunday: 10.00am to 11.00pm
 - (c) Good Friday and ANZAC Day: 12.00 noon to 11.00pm
58. The applicant proposes a boutique type bar with future customers primarily coming from the surrounding area; which is an area currently experiencing an increase in residential (including apartment type) developments. Patrons will be mostly contained within the enclosed area, with terraces (ranging in widths of between 1.8 to 2.5m) located along the northern, southern and western interfaces. Although within an industrial zone, which allows limited retail opportunities, the overall building does abut a residential zone to the south and south-west along Cooke Street. As such, the proposal needs to respond to the site context and appropriately manage unreasonable amenity impacts to the surrounding neighbourhood.
59. The proposed hours of operation, until 11pm, are considered reasonable subject to conditions relating to noise and restricting the hours of usage to the terrace areas. Noise and restrictions of the use of the terraces will be discussed in more detail later in this report under the liquor licence assessment. However, the proposed hours are in accordance with hours permitted under Clause 13.07-1L-02 (Licenced Premises) which seek to limit the sale and consumption of liquor from licensed premises to no later than:
- (a) 11pm within 30 metres of a residential zone; and
 - (b) 10pm for outdoor areas including smoking areas, rooftops and open.
60. The 11pm closures of the internal sections of the bar are considered reasonable. Given the potential amenity impacts associated with the terraces, a condition will be included for the terraces to close by 10pm. This is in line with Clause 13.07-1L-02 (Licenced Premises), which states that outdoor areas should operate no later than 10pm. These proposed hours of operation are considered reasonable given the location within a I3Z, the site context, acoustic conditions and measures which will be put in place via conditions.
61. It is proposed to restrict the venue to a maximum of 90 patrons. Given the size of the venue at 177sqm (red line area), this is considered a safe operating capacity that reflects the strategic and physical constraints of the site. Further, at a maximum of 90 patrons, this is below the higher capacity venues which are typical to core entertainment precincts (i.e. above 200 patrons).

62. Entry to the building will be via Nelson Street only. This interface is opposite the Carlton Brewery site to the north and which is zoned industrial also. This is considered an appropriate response as it locates the entry away from the sensitive residential interface to the south along Cooke Street.
63. Subject to conditions, it is considered that the proposed use would not have unreasonable impacts on the surrounding industrial or residential uses. This is due to its relatively small size, location on the fifth level of an existing building, provision of a NAAP and would be compliant with local policy. Car parking and the possible impacts in terms of traffic generation will be discussed later in this report.
64. Overall, it is considered that the use as a bar, subject to conditions, meets the relevant decision guidelines identified under Clause 33.03-2 and can be supported.

Sale and Consumption of Liquor

65. This assessment will be based on the decision guidelines of Clause 52.27 and the licensed premises policy of Clause 13.07-1L-02.
66. The potential cumulative impacts of the proposed licensed premises will be assessed against the risk assessment matrix provided by the Corner Hotel decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*). Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be *no risk* and would not require a cumulative impact assessment. Any score higher than 3 would suggest a potential risk that would require a cumulative impact assessment.

Type of Premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2
Size of Premise	Risk Factor
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
Closing hours	Risk factor
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

67. The proposed bar achieves a score of 4 and therefore requires a cumulative impact assessment.
68. Pursuant to Clause 13.07-1L-02, it is policy that specific licensed premises are managed in accordance with a Noise and Amenity Action Plan (NAAP). The applicant has provided a NAAP, which outlines how the premises will operate including detail on staffing, patrons, incident complaints and noise control among other things.

Location, Access and Venue Design

69. The subject site is located in an Industrial 3 Zone (IN3Z), within close proximity to the Victoria Street MAC (120m). The location of the proposed licenced premises is supported by the Licensed Premises Policy under Clause 13.07-1L-02, which encourages venues to be located outside of residential zones. The abutting sites to the north, east and west are located within industrial zones. To the south (rear) and south-west (opposite side of Cooke Street), is a Neighbourhood Residential Zone (NRZ). These properties are occupied by dwellings fronting Cooke Street and have over 10m separation from the subject tenancy.
70. The subject site is located within an industrial zone with access to the venue via Nelson Street. Given the industrial zoning of the subject site and surrounds, there is limited passive surveillance. However, there is a recently completed footpath with recessed parking / pick up area for patrons, allowing for high levels of public safety when exiting the venue (image below). The subject site is also in close proximity to Victoria Street MAC, approx. 120m to the south which provides convenient access to public transport.



Image – Subject site entry to Nelson Street (Source: Officer inspection – Feb 2024)

71. The proposed access point along Nelson Street is considered appropriate, given its location away from the residential interface to the south and recently constructed footpath providing a good level of public safety. Should patrons not be picked up from Nelson Street, the site is in close proximity to Victoria Street, giving some public transport options and easier access to taxi and ride share options. It is acknowledged that access to Victoria Street would most likely be via the residential zone along Cooke Street. However, given the relatively small size of the proposed venue (90 patrons), provisions within the NAAP and proposed conditions (such as notices within in the premises requesting patrons when leaving to be aware of the residential neighbourhood) it is not anticipated that there should be unreasonable impacts to the residential properties; particularly given other uses in the industrial zone operate outside the hours proposed by the bar (i.e. already other activity in the area).
72. The venue is to be located on level 5 of the existing building. The venue will include an enclosed area, terraces and toilet facilities to the east. The terraces will have a setback of over 9.9m to the nearest dwelling to the south. Combining the 9m setback with the elevated location of the bar, this is considered to provide an appropriate separation to the residential interface. Subject to conditions regulating the hours of operation, use of the terraces and noise, the proposal is considered appropriate in this industrial zone.

73. Queuing over an extended period of time is not anticipated given the nature and relatively small size of the venue. When required, queuing would be able to occur along the Nelson Street frontage which consists of a generous footpath width. This is considered appropriate given the wide frontage of the site to Nelson Street and non-sensitive industrial interface to the north. Any queuing will be monitored by staff members to ensure the queuing of patrons occurs in a safe and orderly manner. The provision for queuing within the NAAP is considered appropriate given the type of licence being applied.
74. Toilet facilities are located on level 5, adjacent to the lobby. Although outside of the red-line area, they are convenient for patrons. The toilets are accessed via the lobby and terrace areas on the opposite side of the lobby. The entry to the toilet is directed away from the residential interface (towards to the north) and is therefore unlikely to create any additional noise impacts associated with patrons spilling beyond the venue / redline area.
75. The Waste Management Plan has been updated and incorporates the additional waste generated by the bar into the overall waste generated by the host building (i.e. offices, café & restricted retail). The plans conclude that no additional bins or collections are required, with three collections per week of general garbage, recycle materials and organics. The updated WMP has been reviewed by Council's Waste Management Unit who confirmed it is satisfactory for endorsement.
76. No specific smoking area have been identified. However, patrons may be able to smoke within the terraces or within the public realm (i.e. Nelson Street) in accordance with the smoking regulations.

Hours of operation

77. The proposed premises would have the following operational hours:
- (a) Monday to Saturday: 9.00am to 11.00pm;
 - (b) Sunday: 10.00am to 11.00pm; and
 - (c) Good Friday and ANZAC Day: 12.00 noon to 11.00pm.
78. The proposed venue is located within close proximity to a residential zone (to the south) and a Major Activity Centre (120m). The proposed liquor licence will be associated with a bar and will not provide for the sale of liquor beyond 11pm. A maximum of 90 patrons are proposed (both internal and external terraces). The applicant has not clarified the type of music to be played with references to predominantly background music in their further information response and live music within the NAAP. Further, no acoustic report has been provided. Given the lack of clarity regarding music noise, no acoustic report and proximity to residential properties conditions will require the provision of background music only, no live music is to be played and an acoustic report will be required prior to commencement to demonstrate compliance with the relevant regulations (e.g. noise protocol) or any other relevant requirements.
79. As discussed earlier in this report, Clause 13.07-1L-02 (Licenced Premises) seeks to limit the sale and consumption of liquor from licensed premises to no later than:
- (a) *11pm within 30 metres of a residential zone; and*
 - (b) *10pm for outdoor areas including smoking areas, rooftops and open.*
80. These hours could be varied provided sufficient justification has been provided. Typically, through the submission of an acoustic report. With the provision for only background music and a maximum of 90 patrons, it is considered that the 11pm closure for the internal areas is acceptable and in line with the provisions under Clause 13.07-1L-02. There are however concerns with regards to the terrace areas operating past 10pm. Given the interface to the residential zone, and in line with the above policy, a condition will be included for the terraces to cease operation at 10pm.

81. Given the nature of the venue (boutique bar), elevated location, restricted number of patrons at 90, provision for only background music (to be conditioned), setback / buffer area to the rear and the venue layout where the majority of patrons are seated within the enclosed area of the bar, it is considered that the risk of unreasonable amenity impacts to the surrounding area is limited subject to conditions.
82. As discussed earlier in this report, the toilet facilities extend outside of the main bar area and into a separate terrace area to the east of the lobby. However this area would be restricted to a circulation area for patrons and staff using the toilets and is not included in the licensed area. Further, the entry to the toilet is directed away from the residential interface (towards to the north) and therefore would not create any additional noise impacts associated with patrons spilling beyond the venue / redline area.
83. The hours of operation would not permit the sale and consumption of liquor before 9am as encouraged by the policy, and the closing hours proposed are considered appropriate as discussed above.
84. Whilst the site is located within a cluster of licensed premises (48 venues within 500m), the proposal will incorporate sufficient measures to justify the proposed hours in line with policy. These measures include conditions which will restrict patron numbers to 90, restrict usage of the terraces to 10pm, measures outlined in the NAAP (responsible serving of alcohol, exit signs to respect the surrounding neighbourhood, complaints procedure), no speakers to be erected on the outside of the building, and the incorporation of background music only. These combined measures would provide a low risk for negative cumulative impacts such as anti-social behaviour, violence and crime (vandalism, trespass and property damage) or infrastructure capacity problems. Overall, the operating hours will not result in any unreasonable amenity impacts to the surrounding area, subject to acoustic mitigation measures discussed below.
85. No specific details have been provided with regards to waste collections times or emptying of bottles times. Clause 13.07-1L-02, discourages deliveries and waste collection to occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on Sunday or public holidays (except for those allowed under any relevant local law). Condition 21 of the existing permit already restricts deliveries and collections of goods to and from the land at these times.
86. A further condition will require that the emptying of bottles into bins in the rear outdoor area will not occur after 10pm on any day, before 7am Monday to Saturday, and before 9am on a Sunday or public holiday.

Patron numbers

87. The venue will have a maximum of 90 patrons on premises at any one time. With regards to patron numbers Clause 13.07-1L-02 strategies state:
 - (a) *Encourage venue size and patron numbers that:*
 - (i) *Provide for a safe and amenable operating venue capacity; and*
 - (ii) *Reflect the strategic and physical context of the site.*
88. The policy guidelines in achieving the above strategies include:
 - (a) *Whether the number of patrons to be accommodated are within the safe and amenable operating capacity of the premises, based on the Liquor Licensing Fact Sheet - Maximum Patron Capacity (Victorian Commission for Gambling and Liquor Regulation, 2018);*
 - (b) *An assessment by a building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new licence; and*
 - (c) *Whether the number of patrons has a cumulative impact on the local area.*

89. The applicant has not provided a Building Surveyors Report (patron capacity report). However in determining the maximum patron capacity, the *Liquor Licensing Fact Sheet - Maximum Patron Capacity (Victorian Commission for Gambling and Liquor Regulation, 2018)* provides a ratio of one person per 0.75sqm. With a floor area of approximately 177sqm (i.e. red line area) and using the ratio of 0.75 per square metre, this allows a maximum of 236 patrons. When the terraces are excluded (i.e. closed at 10pm) and only the internal area (92sqm) is calculated, this equates to a maximum of 122 patrons. With a maximum of 90 patrons at any one time, this is below the maximum permitted under these guidelines.
90. There are typically additional building permit requirements in terms of maximum patron numbers. These relate to the occupancy permit provision of bathroom facilities, exit widths etc. These calculations have not been provided and will be subject to a separate building permit / occupancy permit process.
91. Based on the above, the number of patrons is considered to be appropriate for the context of the site and will not adversely or unreasonably impact the amenity of the surrounding area subject to conditions.

Noise

92. As discussed earlier in this report, it is proposed to locate the bar on level 5 of the existing building. The bar will include an internal area of 92sqm and outdoor terraces to the northern, southern and western interfaces. A maximum of 90 patrons are proposed.
93. Conditions 19 and 20 of the existing permit states:
- (a) *The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1); and*
 - (b) *The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).*
94. As discussed earlier in this report, the applicant has not clearly stated the type of music to be played with references to predominantly background music in their further information response and live music within the NAAP. Given the lack of clarity regarding music noise, no acoustic report and proximity to residential properties conditions will be included for the provision of background music only, no live music to be played and an acoustic report demonstrating compliance.
95. There are additional concerns with regards to the terrace areas operating past 10pm. Clause 13.07-1L-02 seeks to limit the sale and consumption of liquor to no later than 10pm for outdoor areas. As discussed earlier, a condition will be included for the terraces to cease operation at 10pm in accordance with the provision under Clause 13.07-1L-02.
96. In addition to the above requirements, a further condition will be included for an acoustic report to be submitted for endorsement at the same time as the condition 1 plans. This report is to demonstrate that noise (e.g. patrons noise, music) from the venue will comply with the relevant requirements and ensure no unreasonable impacts to the surrounding area during the hours permitted.
97. The requirements of SEPP N-1 and SEPP N-2 have been superseded in recent years by the *Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020)*. These provisions provide protections with regards to music noise and plant equipment noise. It is considered that these conditions will provide adequate protection to the nearby sensitive uses from both forms of noise. Conditions 19 and 20 will be updated accordingly.

98. Overall, the limiting of patrons to a maximum of 90, the elevated nature of the venue, setbacks to the residential properties, restricting of hours to 11pm, restricting the times of the usage of the terraces past 10pm, inclusion of the noise Protocol requirements and requirement for an acoustic report should provide sufficient protections to adjoining properties.

Buildings and Works

99. The following assessment of the proposed buildings and works is informed by the relevant objectives and decision guidelines of the Industrial 3 Zone and Clause 15.01 (Built Environment) of the Scheme.
100. The extent of works is limited to additions to convert the existing terrace/pergola on level 5 into a bar area with terraces and a separate toilet/services structure. As discussed earlier in this report a summary of the proposed works are as follows:
- (a) Construction of a 92sqm (14m long by 7.95m wide) enclosed bar area to the north-west of the existing terrace with a maximum height of 4m (overall height of 22.6m above ground level):
 - (i) Addition to incorporate the following setbacks via the proposed terraces to the balustrade:
 - Northern – 1.86m
 - Southern – 2.5m
 - Western – 1.86m
 - (b) Construction of 26sqm enclosed bathroom and storage area associated with the bar (6.2m long by 4.3m (26sqm)) with a maximum height of 3.8m; with a setback of 1.6m to the southern balustrade.
101. With regards to the works associated with the proposed bar, this addition is to be single storey in scale (4m high) and incorporate varied setbacks of between 1.8m to 2.5m to the northern, eastern and western interfaces. A metal canopy / louvers with a width of 1m extends along the northern and western sections. The addition will incorporate a predominantly glazed (clear and spandrel) finish, with a barestone ash Cemintel parapet wall (fiber cement panel cladding – Cemintel website) and metal louvers. The balustrade to the terraces is a mix railings (1.3m high -existing) and glazing (1.8m high - to the north-west corner) attached to the existing parapet wall.
102. Under the original assessment, significant consideration was given to the building's height and upper-level setbacks. Particularly towards the southern interface towards the residential dwelling along Cooke Street. The original proposal found the five-storey interface acceptable for the following reasons:
- (a) *The corner height at 5 storeys is only marginally (0.5m) taller than the CUB to the north of Nelson Street and in this regard would not appear overbearing in the wider context;*
 - (b) *The Nelson Street elevation is likely to look overly stepped if the western corner height were reduced given that the building height already transitions from 7 to 5 storeys along this elevation;*
 - (c) *The proposed development provides a comfortable transition to the south, including the stepping from 5 to 3 storeys, combined with a 4.1m setback of the third level from Cooke Street;*
 - (d) *A separation of approximately 15m is provided from the 5 storey element to the residential terrace dwellings along Cooke Street to the south; and*
 - (e) *As discussed below, a similar contrast in height is anticipated from Victoria Street to Cooke Street under the interim Design and Development Overlay, which extends along Victoria Street.*

103. As discussed earlier in this report, the only significant change since the granting of the original permit towards the southern interface was the construction of a double storey dwelling at No. 34 Cooke Street. The proposed addition to the building is considered acceptable as it is single storey in scale and setback from the street walls. In addition the height is only 0.43m higher than the approved pergola structure which will ensure that the dominant element visible is the street walls and not the bar which will be recessed. The high use of glazing enables the bar to sit comfortably into the overall built form which has a high level of glazing.
104. The southern interface would not be significantly altered, with a stepped back / recessed built form maintained. This includes a 2.5m setback of the bar to the balustrade and an additional 9.9m to the southern boundary. This is considered a sufficient combined setback of 12.4m. The additional massing is further softened with the retention of planter boxes or landscaping along most of the perimeter of the bar. The exception to the landscaping is the north-west corner which incorporates seating on the boundary and a 1.8m high concrete / clear glazing balustrade. Given the limited length of this glazing, transparent nature and non-sensitive interface to the industrial zone this is considered appropriate.
105. The second addition consists of the storage and toilet facilities to the east of the lobby. This addition is smaller in size (26sqm) and is ancillary to the bar use. The addition maintains an approx. 1.6m setback to the balustrade and an additional 6.9m to the nearest residential property boundary. Given the nature of the use of this addition, cladded (solid) finishes are proposed. This addition is considered acceptable given the single storey scale, setbacks provided and relatively small size of the addition to the host building.
106. Built form impacts will be considered in the following section.

Off-site amenity impacts

107. The policy framework for amenity considerations is at Clause 13.07-1L-01 (Interface and amenity) of the Scheme. This policy seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) with respect to noise, fumes and air emissions, waste, light spill and overlooking. Amenity expectations should be tempered for residential properties at mixed-use interface locations.
108. A number of these impacts have already been assessed earlier in this report (i.e. noise, waste), however remaining impacts will be assessed below.

Fumes and air emissions

109. It is not anticipated that fumes or air emissions would be emitted for the bar given the nature of the use and that the majority of the use would be within the building itself. However condition 18 of the planning permit requires that:

The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:

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

110. This condition will appropriately address this issue (should it arise).

Light spill

111. Given the height of the bar and setbacks provided to the balustrade (particularly to the south towards Cooke Street at 2.5m and over 10m to residential interface) light spill is unlikely to occur; particularly with an 11pm close (and 10pm close to terraces).
112. In the event of possible unreasonable light spill, condition 18 (reference above) can be enforced to ensure the amenity of the area is not detrimentally affected.

Overlooking

113. Clause 13.07-1L-01 of the Scheme seeks to ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy privacy. This policy's strategies include:
- (a) *Minimise unsightly views of business or industrial activity from adjoining residential properties; and*
 - (b) *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through appropriate siting, setbacks and screening.*
114. This clause does not provide a numerical standard. However, it is an accepted principal at VCAT that overlooking is to be screened within 9m. This 9m distance derives from the ResCode Overlooking standard at Clause 55.04-6. While ResCode does not apply to commercial developments, it provides a quantifiable measure for assessing 'unreasonable' overlooking to residential properties.
115. The proposed bar and terraces are to be located at the fifth level (19.4m as measured from ground level to top of balustrade) and the southern terrace is setback over 10m from the nearest residential property. As such, it is considered that there would be no unreasonable overlooking given this setback and combined with the height of the bar above ground level.

Overshadowing

116. Overshadowing is generally assessed under ResCode (Clauses 54 & 55) 9am and 3pm on the 22 September, during the equinox. The ResCode is not applicable in this instance (as discussed under the overlooking standards). Shadow diagrams have been provided and show that there will be no additional overshadowing caused by the proposed works beyond those already approved.

Daylight access

117. As discussed earlier in this report, the additions are setback into the host building by between 1.8m and 2.5m and will not create any additional overshadowing. The most sensitive interface is to the south and dwellings along Cooke Street. Given the setbacks provided (combined 12.4m to No. 34 Cooke Street) and height above ground level it is considered that the existing level of daylight access will not be impacted as a result of the proposed additions.

Car parking / traffic

118. The introduction of a 203sqm bar has increased the overall car parking demand by 7 spaces. None of the existing basement car parking spaces are proposed to be allocated to the bar requiring a full reduction of 7 spaces.
119. A car parking assessment has been provided, which included an on-street parking survey. Council's Engineering Unit have reviewed this report and confirmed / provided the following comments:
- (a) *Traffic Group had conducted on-street parking surveys of the surrounding area on Friday 13 October 2023 and Saturday 21 October 2023 at various afternoon and early evening times. The survey area was bounded by Church Street, Nelson Street, South Audley Street and Victoria Street. The times and extent of the survey are considered appropriate. An inventory of some 145 to 165 publicly available spaces was identified. The results of the survey indicate that the peak parking occupancy had occurred at 7:00pm on the Saturday with no fewer than 16 spaces vacant. The findings of the parking survey suggest that some short-stay on-street parking is available for patrons; and*

- (b) *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.*
120. The car parking reduction is supported by Council's Engineering Unit and is considered appropriate for the following reasons:
- (a) *The bar is located on the roof terrace of the recently constructed building at 31-51 Nelson Street. It is agreed that this bar would not attract people from further afield, but would be primarily used by occupants of the building. The car parking demand of 7 spaces is considered appropriate;*
- (b) *The following public transport services can be accessed to and from the site by foot:*
- (i) *Victoria Street trams – 200 metre walk;*
- (ii) *Church Street trams – 350 metre walk;*
- (iii) *North Richmond railway station – 1,100 metre walk;*
- (c) *Patrons to the development could combine their visit by engaging in other activities or business whilst in the area; and*
- (d) *The site is very well positioned in terms of pedestrian access to public transport nodes, shops, and other essential facilities. The site also has good connectivity to the on-road bicycle network.*
121. In addition to the above, it is also Council policy under Clause 18-01-3L (Sustainable Transport), "to support a sustainable transport system that reduces the impact of private motor vehicle traffic and on-street parking." Strategies under this clause support developments which reduces reliance on private cars.
122. Given the location of the subject site and the reasons outlined above, it is considered that a reduction of 7 car spaces in acceptable in this instance.

Objector concerns

123. The majority of the issues raised by the objectors have been addressed within the body of this report. The outstanding concerns raised by the objectors are discussed below:
- (a) *Impact on current or future solar panel installations by adjoining residents:*
- As discussed earlier in the report, given the setbacks and distance to residential properties, there will be no additional overshadowing as a result of the proposed additions. As such, and while 'future' works cannot be considered, future solar panels should not be impacted as a result of the additions.
- (b) *Sets a precedent:*
- All applications are assessed on an individual bases and against the relevant decision guidelines of the Yarra Planning Scheme and *Planning and Environment Act 1987*. In this instance and in its current form and subject to conditions, the proposal is found to be compliant with the relevant decision guidelines.
- (c) *Bar unnecessary in this location, with Victoria Street nearby:*
- The cumulative impact has taken into account the number of venues within the surrounding area. The assessment has found that the possible negative impacts including noise, anti-social behaviour, crime etc have been sufficiently managed and addressed through the proposed operation of the venue (i.e. NAAP). The venue also creates positive impacts such as adding to the continued viability of the nearby MAC, economic benefits, increased consumer choices and location to public transport. Further, there is no limit within the Scheme as to the maximum number of licenced venues within a certain area or municipality;

(d) *Lack of community engagement:*

The proposed development has been advertised in accordance with the requirements of the *Planning and Environment Act 1987*;

(e) *Developer website does not include proposed bar/works:*

The content of the developer's website is not relevant to this application. The application was advertised, with all relevant materials including a full description of the proposal; and

(f) *Reduction in property prices:*

The potential devaluation of properties is not a consideration under the Yarra Planning Scheme or *Planning and Environment Act 1987*. The devaluation of property is not a valid consideration for planning applications and is consistently dismissed by VCAT.

Other matters

124. The current conditions 1 requirements have already been met, with amended plans endorsed on the January, April and July 2023. However, given the changes proposed under this amendment, amended plans are required to address numerous concerns raised within this report. As such, new condition 1 requirements will be included as follows:

1. *Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fieldwork Architects, numbered TP001 Rev G, TP100 – TP01 Rev E, TP199-201 Rev F, TP0202 Rev G, TP203 – TP206 Rev F, TP207 – TP208 Rev G, TP209 Rev F, TP300 – TP301 Rev G, TP302 - TP304 Rev F, TP305 – TP312 Rev G and TP313 – TP405 Rev F dated 23/11/20, 10/3/21 and 18/7/21 but modified to show:*

General

- (a) *The deletion of the ground floor north eastern garden bed and the relocation of the inner western pedestrian door location consistent with elevation plans and the sketch plans prepared by Fieldwork (received by Council on 10/02/21);*
- (b) *A secure (i.e. locked) gate restricting access from the west facing terrace adjacent to Office 308 to the non-trafficable terrace to the west of Office 307;*
- (c) *A notation confirming that the non-trafficable terrace adjacent to Office 307 will be accessible by the building maintenance staff for maintenance only;*
- (d) *The colour of tile (i.e. green) WAF01 to be included in the finishes schedule;*

ESD

- (e) *The extent of photovoltaic panels (PVP01) to be clearly shown on the plans and elevations consistent with the sketch plans prepared by Fieldwork (received by Council on 25/10/21);*

Car and Bicycle parking

- (f) *All bicycle parking spaces to demonstrate compliance with the requirements of AS2890.3;*

Reports

- (g) *Any changes as required by the endorsed Landscape plan pursuant to Condition 4; and*
- (h) *Any changes as required by the endorsed Sustainability Management Plan pursuant to Condition 10.*

To:

- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by **Buchan Group**, numbered **ATP-2009 Rev 2, ATP-2010 Rev 2, ATP-4001 Rev 2, ATP-4002 Rev 2, ATP-4004 Rev 2 and ATP-4011 Rev 1** dated **31/07/2023** but modified to show (changes in **bold**):
 - (a) **A full set of plans for endorsement;**
 - (b) **Annotation stating that the terraces associated within the red line area are to cease operation / sale and consumption of liquor at 10.00pm;**
 - (c) **Any requirements of the endorsed Wind Report (Condition 8) (where relevant to show on plans);**
 - (d) **Any requirements of the endorsed Acoustic Report (Condition 15) (where relevant to show on plans); and**
 - (e) **Any requirements of the endorsed Green Travel Plan (Condition 18) (where relevant to show on plans.**

125. As new plans have now been included within the plans for endorsement, a full set of plans is now required. This is to allow for the proper numbering of the endorsed plans.

126. Further to condition 1, the following additional conditions have been updated to reflect changes brought about as a result of this amendment (changes in **bold**):

Condition 4

- As part of the ongoing consultant team, Fieldwork **and Buchan Group** or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - oversee design and construction of the development; and
 - 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.

Condition 8

- **In conjunction with the submission of development plans under Condition 1 (PLN18/0471.06), 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 endorsed Wind Assessment Report prepared by VIPAC and dated 6 August 2019, but modified to include (or show):**
 - **The terrace areas associated with the bar are safe to be used/occupied by patrons.**

Condition 15

- **In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**

- **Demonstrate that noise emanating from the venue will comply with the relevant regulations and requirements and ensure no unreasonable impacts to the surrounding area (including plant, patron and venue noise).**

Condition 16

- **Within 3 months of the commencement of the bar use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - **Demonstrate compliance with any requirements of condition 15.**
 - **Demonstrate compliance with any requirements of condition 30**

Condition 17

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

Condition 18

- **Before the development commences of works approved under this amendment (PLN18/0471.06), 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 Traffix Group and dated June 2021, but modified to include or show:**
 - **Incorporate any changes as a result of this amendment.**

Condition 20

- **Except with the prior written consent of the Responsible Authority, the **offices, restricted retail and food and drink premises (café)** authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.**

Condition 21

- **Except with the prior written consent of the Responsible Authority, the bar use authorised by this permit may only operate between the following hours:**
 - **Monday to Saturday: 9.00am to 11.00pm**
 - **Sunday: 10.00am to 11.00pm**
 - **Good Friday and ANZAC Day: 12.00 noon to 11.00pm**

Condition 22

- **The outdoor terraces associated with the bar (with the exception of access to the toilet and storage areas by staff and customers) must not be used after 10.00pm.**

Condition 23

- **No more than 90 patrons are permitted within the bar use at any one time.**

Condition 24

- **The provision of music and entertainment on the land must be at a background noise level.**

Condition 25

- **No live music to be played within the bar.**

Condition 26

- **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**

Condition 27

- **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**

Condition 28

- **Speakers external to the building must not be erected or used**

Condition 30

- **The use/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.**

Condition 31

- ****Deleted****

Condition 33

- **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - **Monday to Saturday: 9.00am to 11.00pm**
 - **Sunday: 10.00am to 11.00pm**
 - **Good Friday and ANZAC Day: 12.00 noon to 11.00pm**

Condition 34

- **The outdoor terraces associated with the bar must not be used after 10.00pm.**

Condition 35

- **No more than 90 patrons are permitted on the land at any time liquor is being sold or consumed.**

Condition 36

- **Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by G2 Urban Planning and dated November 2022, but modified to include (or show, or address):**
 - **The closure of the terraces associated with the bar at 10.00pm.**
 - **Hours for the sale and consumption of liquor to correspond with condition 33.**

- **Update section 6 of the NAAP (measures to control noise emissions from the premises and amenity control) to reference the current EPA noise requirements / requirements (e.g. Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) and delete any superseded requirements.**
- **All conditions referenced in the NAAP to correspond with this amended permit.**

Condition 37

- **The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority**

Condition 56

- Prior to the issue of a Statement of Compliance the Development Infrastructure Levy for the additional **commercial** floor space (**203sqm**) allowed by amendment of this permit (**PLN18/0471.06**) 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 Development Infrastructure Levy for the commercial floor space allowed by amendment of this permit within a time specified in the agreement.

Condition 60

- This permit will expire if:
 - **the development is not commenced within two years of the date of this amended permit (PLN18/0471.06);**
 - **the development is not completed within four years of the date of this amended permit (PLN18/0471.06);**
 - the use is not commenced within five years of the date of this permit.
 - **the bar use is not commenced within two years of the date of this amended permit (PLN18/0471.06).**
 - **the sale and consumption of liquor associated with amended permit (PLN18/0471.06) is not commenced within two years of the date of this amended permit.**

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

Landscape plan

127. An updated landscape plan for level 5 has been provided. This plan shows the reduced level of planting as a result of seating associated with the bar. It is considered that even with the reduced level of planting there is sufficient landscape provided in terms of internal amenity and soften the visual bulk.

Wind report

128. A wind report prepared by VIPAC currently forms part of the endorsed plans. This report took into account wind impacts of the outdoor terraces (Section 2.6.1) recommending a minimum walking criteria based on the following items:
- (a) *These areas are not public spaces;*
 - (b) *The use of these areas is optional; and*

- (c) *Many similar developments in Melbourne and other Australian capital cities experience wind conditions on outdoor terraces and elevated deck areas in the vicinity of the criterion for walking.*

129. Given terraces are now proposed to be accessed by the public it is considered that a revised wind report be submitted to confirm that the proposed terraces are acceptable for the use associated with the bar.

Green Travel Plan

130. A condition will be included for an updated Green Travel Plan to take into account the proposed amendments.

Conclusion

131. Overall, the proposal would substantially comply with the relevant planning policies and therefore should be supported subject to conditions.

RECOMMENDATION

That Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to make a decision, it would have issued a Notice of Decision to grant to a planning permit subject to the following conditions (changes in **bold**):

Permit Preamble

Use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café) **and bar, sale and consumption of liquor (on-premises licence)** and a reduction in car parking.

Conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by **Buchan Group**, numbered **ATP-2009 Rev 2, ATP-2010 Rev 2, ATP-4001 Rev 2, ATP-4002 Rev 2, ATP-4004 Rev 2 and ATP-4011 Rev 1** dated **31/07/2023** but modified to show:
 - (a) **Annotation stating that the terraces associated within the red line area are to cease operation / sale and consumption of liquor at 10.00pm;**
 - (b) **Any requirements of the endorsed Wind Report (Condition 8) (where relevant to show on plans);**
 - (c) **Any requirements of the endorsed Acoustic Report (Condition 15) (where relevant to show on plans); and**
 - (d) **Any requirements of the endorsed Green Travel Plan (Condition 18) (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.

Ongoing architect involvement

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

Landscaping

4. ****Deleted****
5. 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 maintenance plan;
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose; and
 - (c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
6. Before the development commences, an amended Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Maintenance Plan will be endorsed and will form part of this permit. The amended Landscape Maintenance Plan must be generally in accordance with the Landscape Maintenance Plan prepared by Coolth Inc. and received 21 July 2021, but modified to include (or show):
 - (a) Any changes as a result of the endorsed landscape plan pursuant to Condition 4.

Streetscapes Plan

7. Before the development commences (with the exception of the excavation and construction of the basement), a Streetscapes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscapes Plan will be endorsed and will form part of this permit. The Streetscapes Plan must be generally in accordance with the streetscape works shown on the Ground floor Landscape Plan prepared by Coolth Inc. and dated 13 June 2018, but modified to include (or show):

Roadworks

- (a) Provision of four bicycle hoops along the footpath;
- (b) Demonstrate no net loss of car parking from existing conditions;
- (c) Retention of car parking along Cooke Street;
- (d) Car parking dimensions of any new car spaces to comply with AS 2890.5-1993;
- (e) Any new parking bays to be offset 10m from adjacent intersections and 1m from existing/proposed vehicle crossovers;
- (f) Geometry of outstand returns at 90 degrees with tightest possible radii;
- (g) Pram ramps on Nelson Street adjacent to the site and on the opposite side of the street;
- (h) Pedestrian crossings in alignment with the building line and at a minimum width of 1.5m wide
- (i) Full width of Nelson Street depicted including concrete carriageway and kerb and channel;
- (j) Swept path diagram to demonstrate a 12.5m Heavy Rigid Vehicle can enter/exit Thompson Street via Nelson Street;
- (k) Remove section of Cooke Street outstand south of the subject site;
- (l) Remove existing bluestone pitcher crossover and reinstate with standard YCC footpath, kerb and channel immediately south of the subject site on Cooke Street;

- (f) All existing roadside objectives, furniture, electrical poles and service authority assets, including underground utility services to be depicted;
- (g) All footpaths along the site frontages to be reconstructed and have a cross-fall of 1 in 40;
- (h) Any existing grates on drainage put to be replaced with bicycle safe grates;

Street tree planting

- (i) *The indicative tree locations to be shown consistent with the Urban Design Comments sketch updated 23 June 2022;

Drainage

- (j) Location of existing pits and any other drainage infrastructure;
- (k) Details how drainage requirements are met; and
- (l) Detailed contours (at 1m intervals) and existing top of kerb levels.

Wind Report

8. In conjunction with the submission of development plans under Condition 1 (PLN18/0471.06), 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 endorsed Wind Assessment Report prepared by VIPAC and dated 6 August 2019, but modified to include (or show):

(a) The terrace areas associated with the bar are safe to be used/occupied by patrons.

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

Sustainable Management Plan

10. Before the development commences an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by ADP Consulting Engineering and dated 13 October 2021, but modified to include or show:

(a) A revised BESS report [targeting other non-residential IEQ credits] with an IEQ score above the mandatory threshold (50%).

11. Prior to the occupation of the development approved under this planning 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 including:

(a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 20% improvement in the heating and cooling requirements of the NCC;

(b) Type and efficiency standard of the HVAC system in the JV3 energy modelling report to be a mixed mode, energy efficient VRF HVAC system with a high COP; and

(c) Type and efficiency standard of the hot water system in the JV3 energy modelling report.

12. The provisions, recommendations and requirements of the endorsed sustainable management plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

13. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 22 August 2018, but modified to include:
- (a) Details regarding the separation, storage and disposal of e-waste; and
 - (b) Provision for organic waste.
14. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

15. **In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
- (a) Demonstrate that noise emanating from the venue will comply with the relevant regulations and requirements and ensure no unreasonable impacts to the surrounding area (including plant, patron and venue noise).**
16. **Within 3 months of the commencement of the bar use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
- (a) Demonstrate compliance with any requirements of condition 15; and**
 - (b) Demonstrate compliance with any requirements of condition 30.**
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. **Before the development commences of works approved under this amendment (PLN18/0471.06), 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 Traffix Group and dated June 2021, but modified to include or show:**
- (a) Incorporate any changes as a result of this amendment.**
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

20. Except with the prior written consent of the Responsible Authority, the **offices, restricted retail and food and drink premises (café)** authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.

21. **Except with the prior written consent of the Responsible Authority, the bar use authorised by this permit may only operate between the following hours:**
 - (a) **Monday to Saturday: 9.00am to 11.00pm**
 - (b) **Sunday: 10.00am to 11.00pm**
 - (c) **Good Friday and ANZAC Day: 12.00 noon to 11.00pm**
22. **The outdoor terraces associated with the bar (with the exception of access to the toilet and storage areas by staff and customers) must not be used after 10.00pm.**
23. **No more than 90 patrons are permitted within the bar use at any one time.**
24. **The provision of music and entertainment on the land must be at a background noise level.**
25. **No live music to be played within the bar.**
26. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
27. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
28. **Speakers external to the building must not be erected or used.**
29. **The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:**
 - (a) **The transport of materials, goods or commodities to or from land;**
 - (b) **The appearance of any buildings, works or materials;**
 - (c) **The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - (d) **The presence of vermin.**
30. **The use/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.**
31. ****Deleted****
32. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.**

Liquor Licence

33. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - (a) **Monday to Saturday: 9.00am to 11.00pm**
 - (b) **Sunday: 10.00am to 11.00pm**
 - (c) **Good Friday and ANZAC Day: 12.00 noon to 11.00pm**
34. **The outdoor terraces associated with the bar must not be used after 10.00pm.**
35. **No more than 90 patrons are permitted on the land at any time liquor is being sold or consumed.**

- 36. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by G2 Urban Planning and dated November 2022, but modified to include (or show, or address):**
- (a) The closure of the terraces associated with the bar at 10.00pm;**
 - (b) Hours for the sale and consumption of liquor to correspond with condition 33;**
 - (c) Update section 6 of the NAAP (measures to control noise emissions from the premises and amenity control) to reference the current EPA noise requirements / requirements (e.g. Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) and delete any superseded requirements; and**
 - (d) All conditions referenced in the NAAP to correspond with this amended permit.**
- 37. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

General

- 38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:**
- (a) located;**
 - (b) directed;**
 - (c) shielded; and**
 - (d) of limited intensity,**
- to the satisfaction of the Responsible Authority.**
- 39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 40. 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.**
- 41. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.**
- 42. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.**
- 43. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:**

- (a) Constructed and available for use in accordance with the endorsed plans;
- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface; and
- (d) Line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

Public Art Management Plan

45. Before the occupation of the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) The location of the artwork (to be consistent with the endorsed development plans);
 - (b) Outline of methodology for commission;
 - (c) Details of the commissioned artist(s); and
 - (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting)
 - (vi) Details of the installation process;
 - (vii) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (viii) Attribution plans (e.g. signage or plaque).

Ongoing Public Art Management Requirement

46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Civil works

47. Prior to the commencement of works, or such later date as approved in writing by the Responsible Authority, detailed engineering/drainage design drawings and calculations for the streetscape scheme design as shown on the endorsed Streetscape Plan pursuant to Condition 7 must be submitted to and approved by Council's Engineering Services Unit.
48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Before the building is occupied, or by such later date as approved, Streetscape Works as shown on the endorsed Streetscape Plan pursuant to Condition 7, including any civil engineering/drainage works pursuant to condition 31 must be carried out:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. 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.

Construction Management Plan

54. Before the development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery;

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations;
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational;
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated; and
- (t) Any site-specific requirements,

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

55. During the construction:

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

- (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
56. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
57. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contribution

58. Prior to the issue of a Statement of Compliance the Development Infrastructure Levy for the additional **commercial** floor space (**203sqm**) allowed by amendment of this permit (**PLN18/0471.06**) 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 Development Infrastructure Levy for the commercial floor space allowed by amendment of this permit within a time specified in the agreement.
59. Before the development commences (with the exception of the excavation and construction of the basement), or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$12,325 to the Responsible Authority. This fee:
- (a) Will be used for 10 new street tree plantings as listed below:
 - (i) Roadside – 2 along Cooke Street, 3 along Nelson Street and 2 along Thompson Street;
 - (ii) Footpath – 2 along Nelson Street and 1 along Thompson Street;
 - (b) Will cover tree sourcing, planting and 2 years of maintenance; and
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Permit Expiry

60. This permit will expire if:
- (a) **the development is not commenced within two years of the date of this amended permit (PLN18/0471.06);**
 - (b) **the development is not completed within four years of the date of this amended permit (PLN18/0471.06);**
 - (c) the use is not commenced within five years of the date of this permit.
 - (d) **the bar use is not commenced within two years of the date of this amended permit (PLN18/0471.06); and**
 - (e) **the sale and consumption of liquor associated with amended permit (PLN18/0471.06) is not commenced within two years of the date of this amended permit.**

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

Notes:

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

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.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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.

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

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

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

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

The applicant must liaise with Council's open space unit for the protection of the street trees and trees on Council land in the vicinity of the site.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

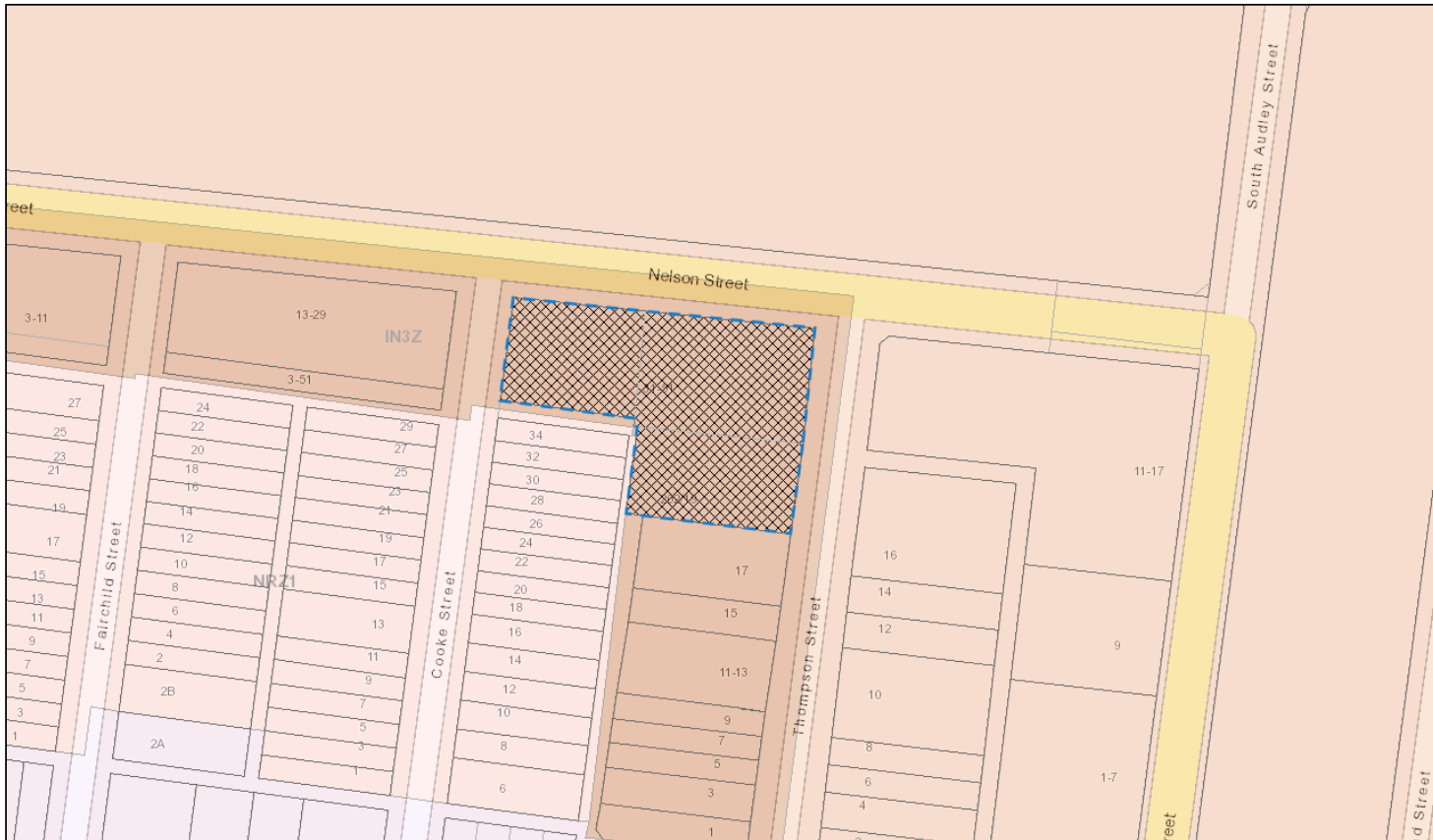
The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their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

Attachments

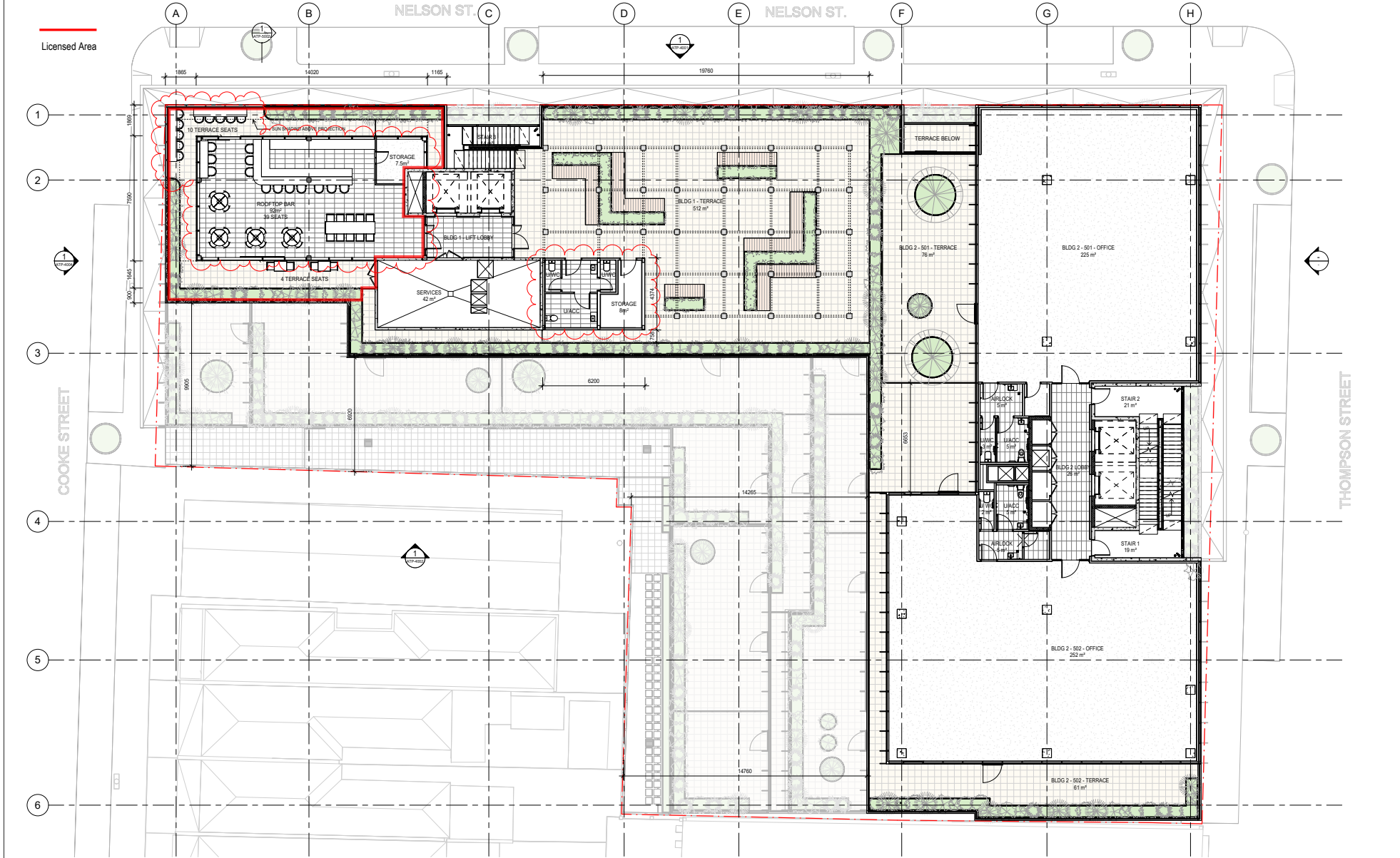
- 1** [↓](#) Attachment 1 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Site Context and Zoning Map
- 2** [↓](#) Attachment 2 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Plans
- 3** [↓](#) Attachment 3 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Compliance Referral Response
- 4** [↓](#) Attachment 4 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Waste Referral Response
- 5** [↓](#) Attachment 5 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Engineering Referral Response

PLN18/0471.06 – 31-51 Nelson Street, Abbotsford

Site Context and Zoning Map



Attachment 2 Attachment 2 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Plans



No.	Date	Description	No.	Appr.
1	23/05/2023	PLANNING AUTHORITY	AK	
2	14/07/2023	PLANNING AUTHORITY	AK	

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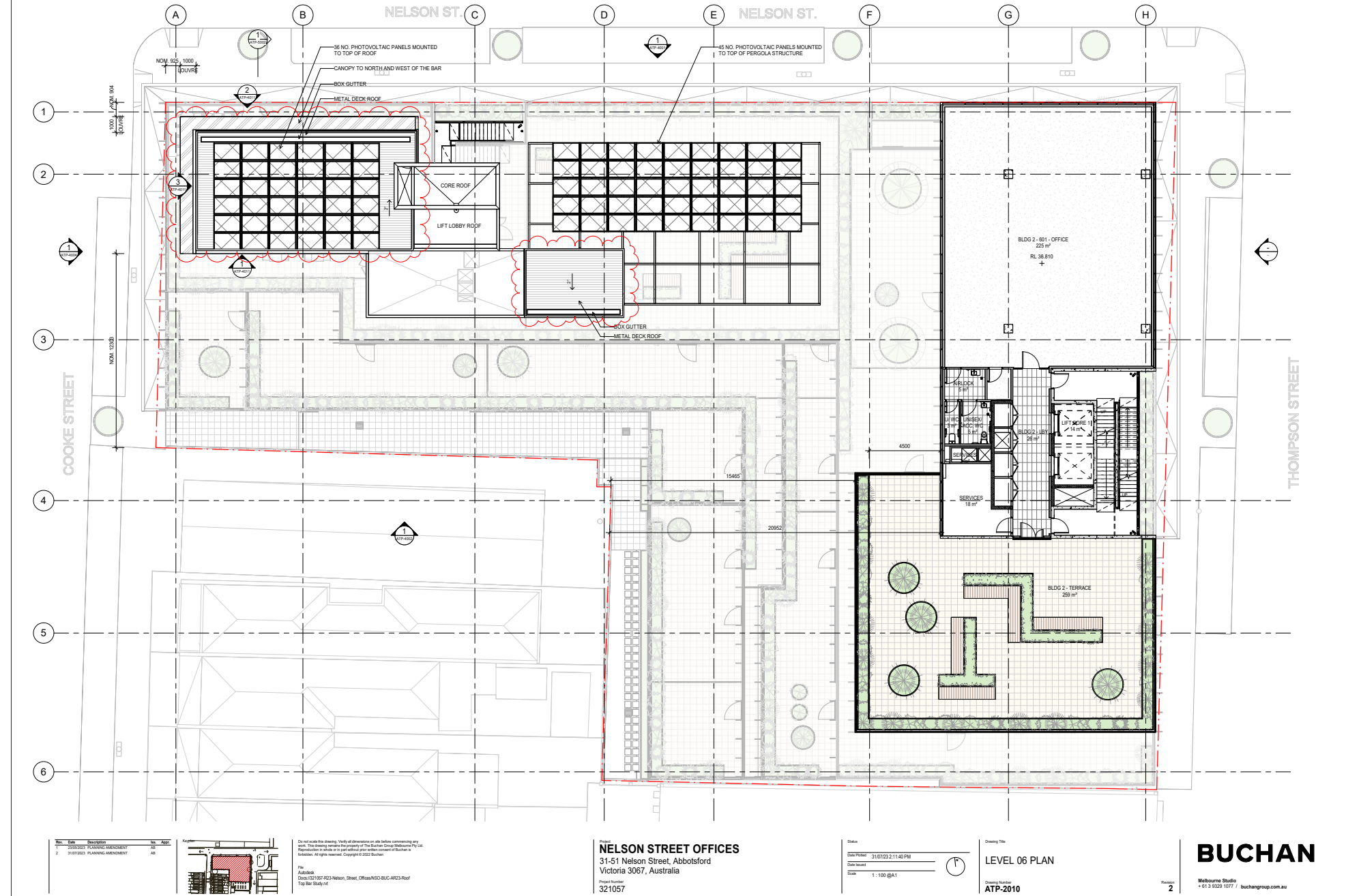
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 Victoria 3067, Australia
 Project Number: 321057

Date: 31/07/23 2:11:22 PM
 Date Issued:
 Scale: 1:100 @A1

Drawing Title: **LEVEL 05 PLAN**
 Drawing Number: **ATP-2009**

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Attachment 2 Attachment 2 - PLN18/0471.06 - 31-51 Nelson Street, Abbotsford - Plans



No.	Date	Description	By	Appr.
1	23/03/2023	PLANNING AMENDMENT	AB	
2	31/07/2023	PLANNING AMENDMENT	AB	

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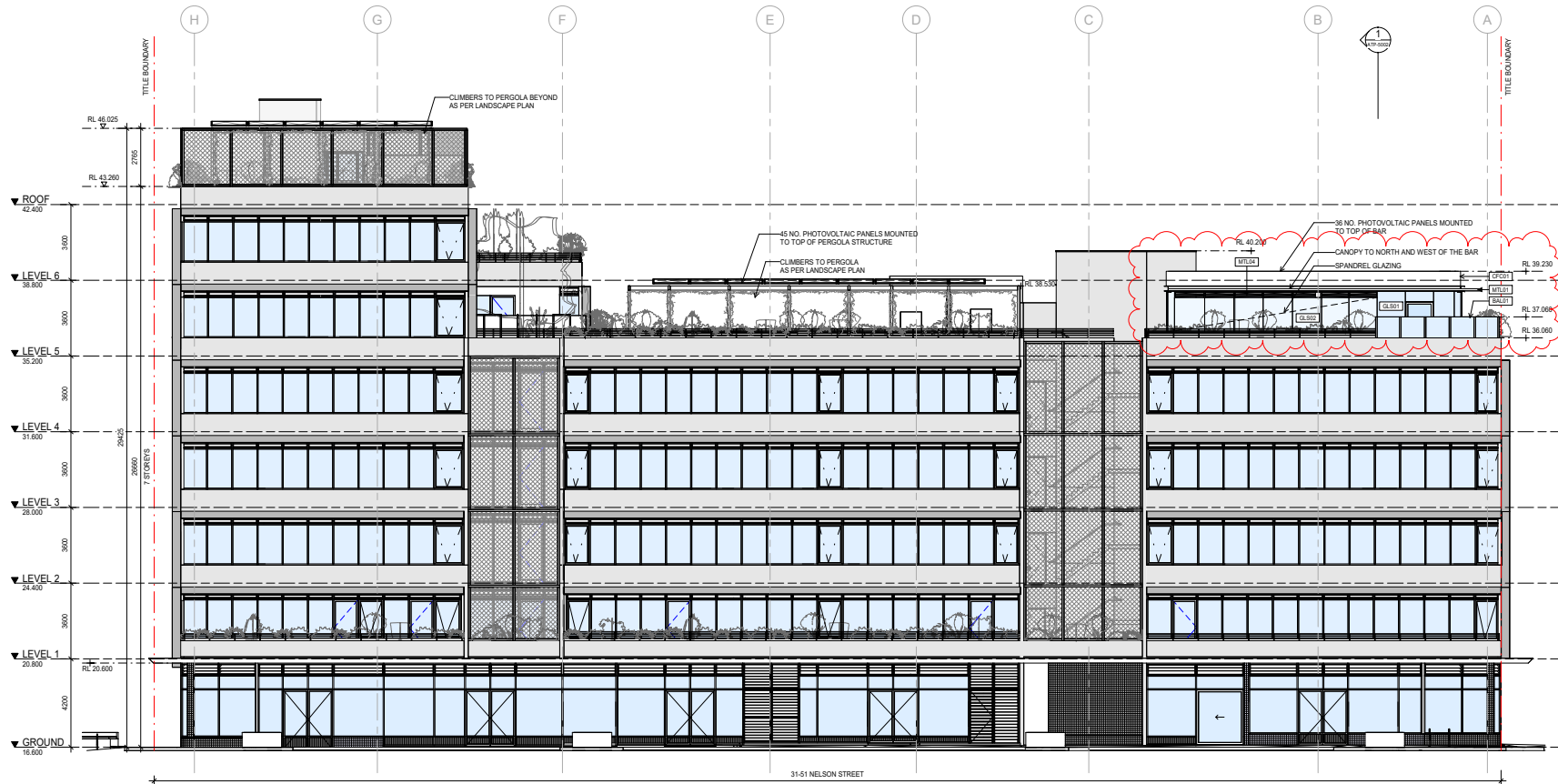
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Top-Bar Study 04

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NELSON STREET OFFICES
31-51 Nelson Street, Abbotsford
Victoria 3067, Australia
Project Number:
321057

Status:
Date/Time:
31/07/23 2:14:40 PM
Drawn/Checked:
Scale:
1:100 @A1

Drawing Title:
LEVEL 06 PLAN
Drawing Number:
ATP-2010

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Revision:
2



No.	Date	Description	By	Appr.
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2	31/07/2023	PLANNING AMENDMENT	AK	

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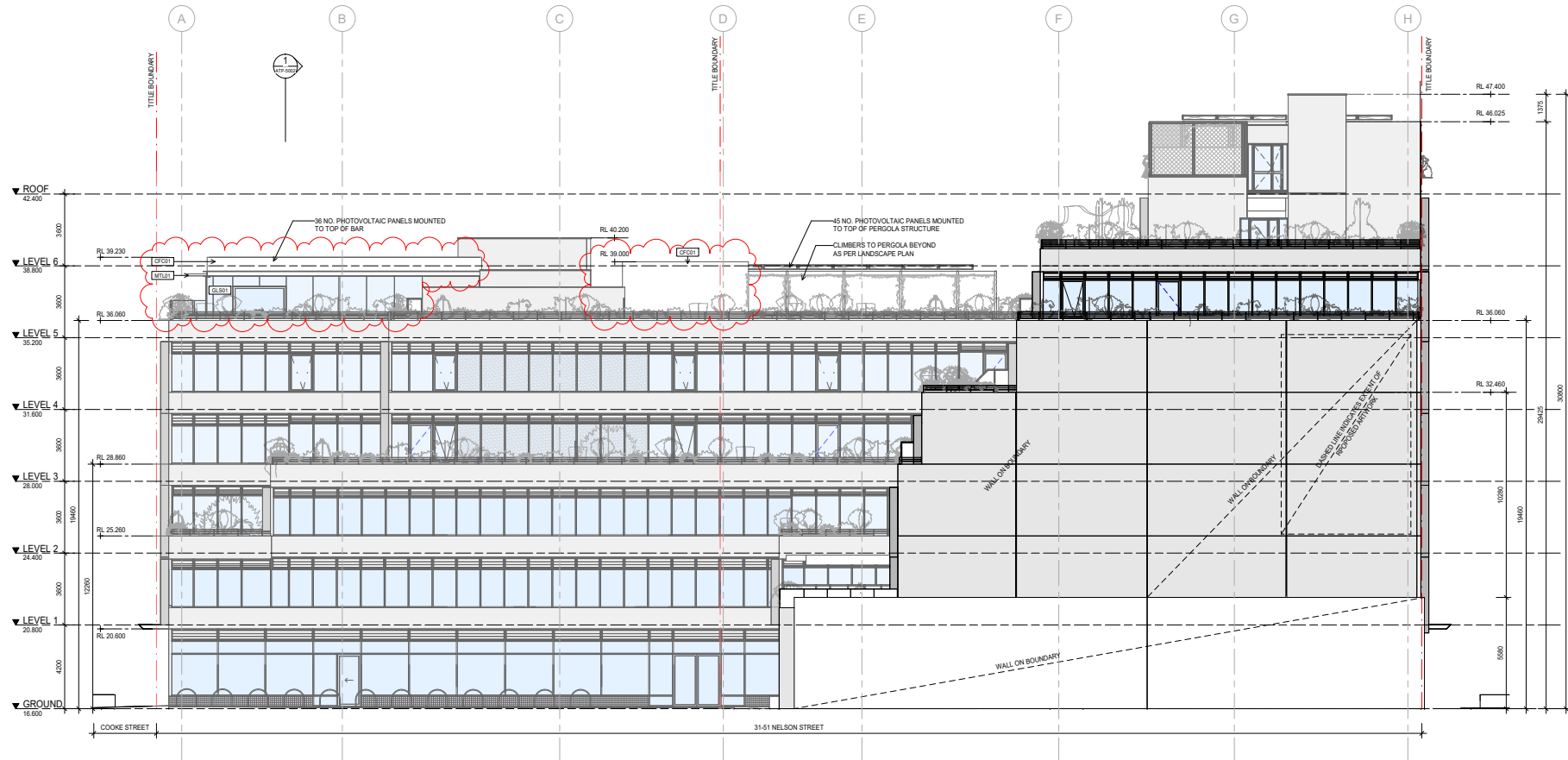
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 31-51 Nelson Street, Abbotsford
 Victoria 3067, Australia
 Project Number: 321057

Date Plotted: 31/07/23 2:12:00 PM
 Date Issued:
 Scale: 1:100 @A1

Drawing Title: **NORTH ELEVATION**
 Drawing Number: **ATP-4001**

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Rev.	Date	Description	By	Appr.
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2	31/07/2023	PLANNING AMENDMENT	AB	

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At:
 Address:
 Docs 132/102/103 Nelson Street, Offices/NSO BUC-AR23/001
 Top Bar Study #4

NELSON STREET OFFICES
 31-51 Nelson Street, Abbotsford
 Victoria 3067, Australia
 Project Number:
 321057

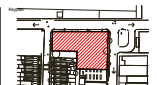
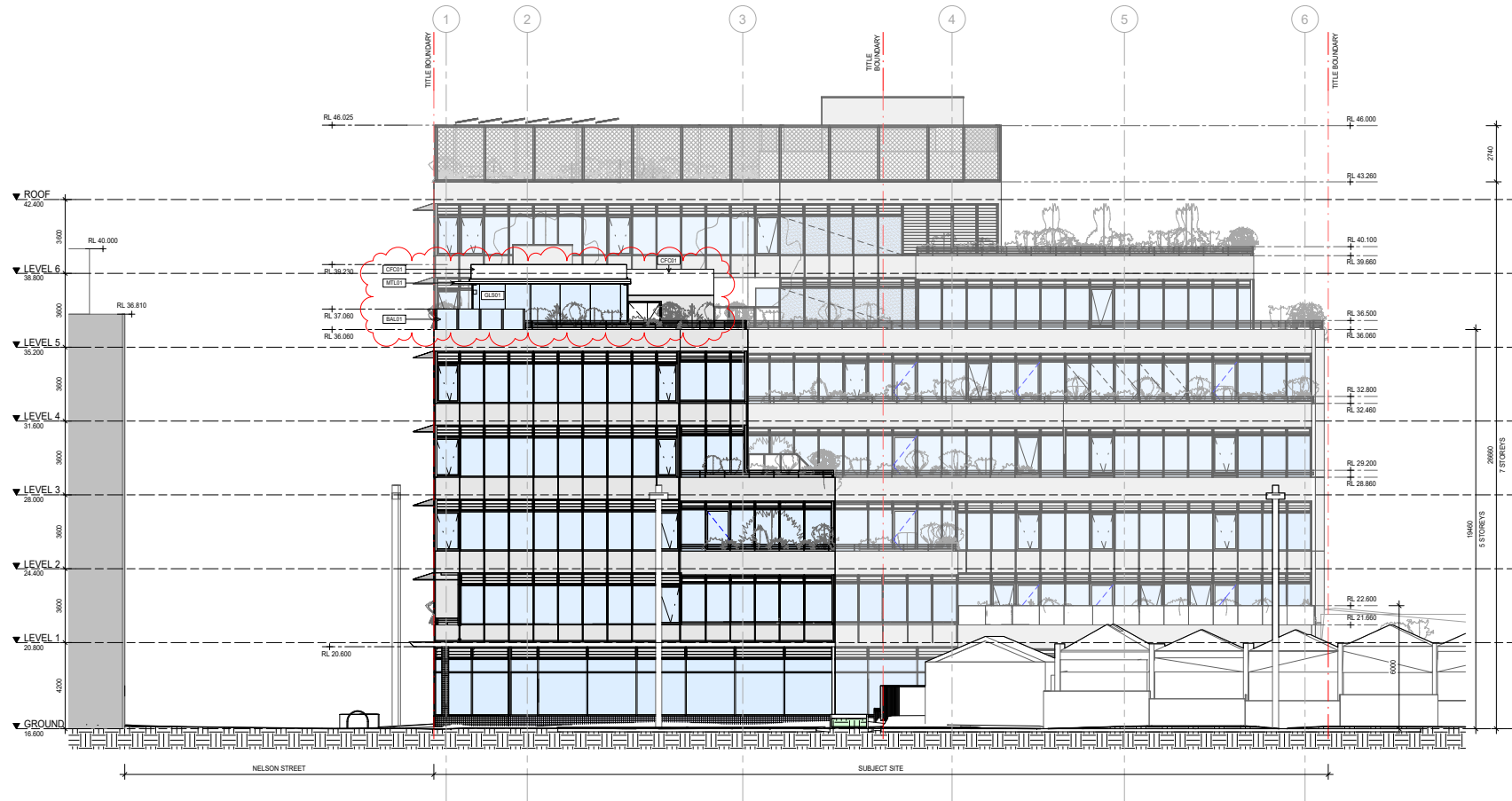
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 Date Issued:
 Date:
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Drawing Title:
SOUTH ELEVATION
 Drawing Number:
ATP-4002

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Revision:
2



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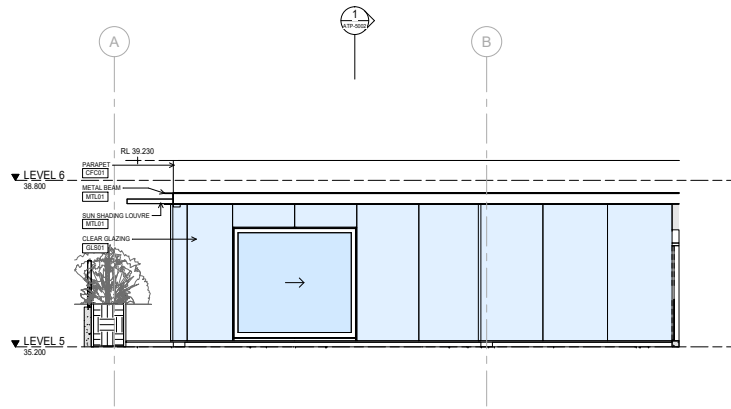
To:
 Attention:
 31-51 Nelson Street, Abbotsford VIC 3067, Australia
 Tel: 03 9360 1234

NELSON STREET OFFICES
 31-51 Nelson Street, Abbotsford
 Victoria 3067, Australia
 Project Number:
 321057

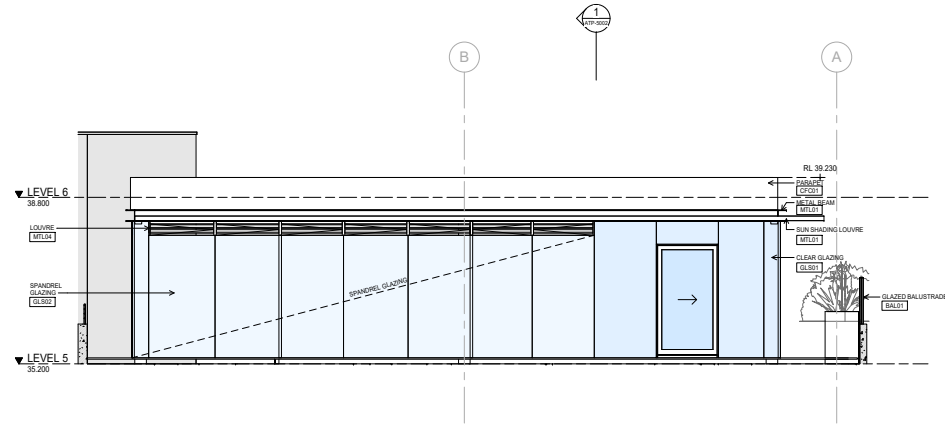
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 Drawing Number:
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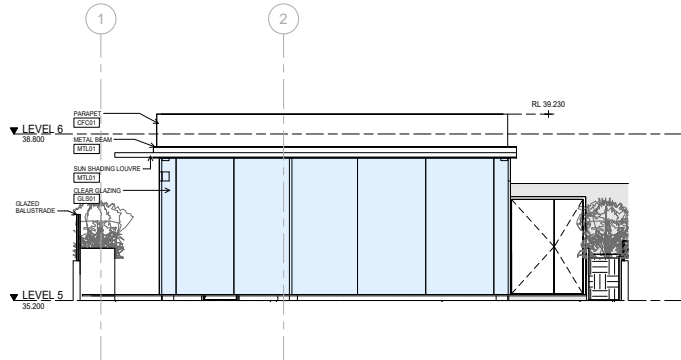
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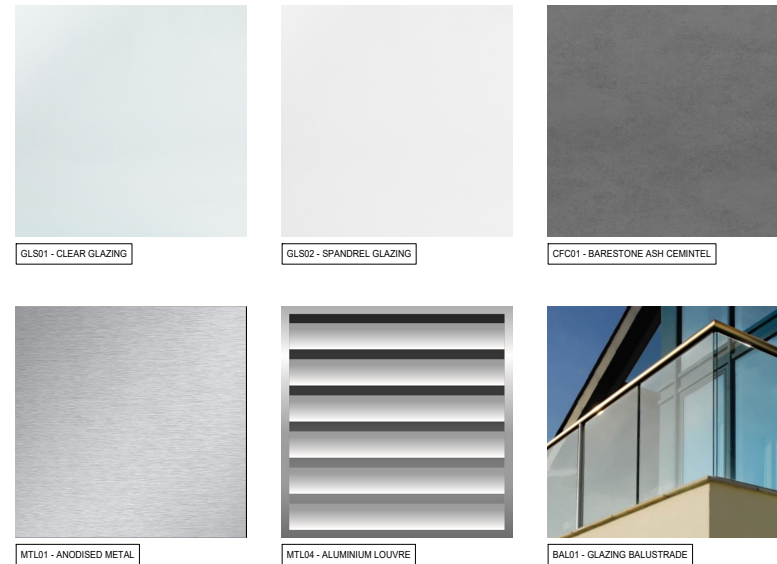
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SCALE 1:50



2 BAR NORTH ELEVATION
SCALE 1:50



3 BAR WEST ELEVATION
SCALE 1:50



Rev	Date	Description	By	Appr
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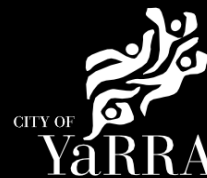
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Victoria 3067, Australia
Project Number:
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Date Issued:
Scale: 1:50 @A1

Drawing Title:
BAR ELEVATIONS
Drawing Number:
ATP-4011

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Compliance & Parking - Compliance Formal Referral Response



Application Information:

Referral Officer:	Steve Alexander
Officer:	Gary O'Reilly
Council Reference:	PLN18/0471.06
Address:	31-51 Nelson St, Abbotsford VIC 3067
Proposal:	<p>Section 72 amendment to Planning Permit PLN18/0471 and associated endorsed plans with primary changes including:</p> <ul style="list-style-type: none">• The partial use of the land as a rooftop bar (Level 5).• The sale and consumption of liquor (on-premises licence), associated with the bar, for a maximum of 90 patrons and during the following hours:<ul style="list-style-type: none">o Monday to Sunday: 9.00am to 11.00pmo Sunday: 10.00am to 11.00pmo Good Friday and ANZAC Day: 12noon to 11.00pm• A reduction in car parking (3 spaces) associated with the bar use.• Additional buildings and works, including:<ul style="list-style-type: none">o Construction of an enclosed bar area to Level 5.o Additional terrace seating
Comments Sought:	<p>Click here to view the referral memo: Insert CM Link here to referral request memo (which will include a hyperlink to all relevant plans / information)</p>
Disclaimer:	<p>Council's Compliance & Parking – Compliance Team provides the following information which is based on the information provided in the referral request memo referenced above.</p>
Prev. Responses:	

Comments and Recommendations

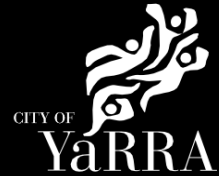
The Compliance branch has reviewed the application and given the licensed hours being no later than 11pm, there is no concern with the proposal, however the following conditions are recommended.

1. Background music only at all times for any outdoor area up to 10.00pm including the rooftop.
2. No music or any amplified noise after 10pm at any outdoor area including the rooftop.

Compliance Officer: Steve Alexander

Date: 01 December 2023

City Works Formal Referral Response



Application Information:

Referral Officer:	Atha Athanasi
Officer:	Gary O'Reilly
Council Reference:	PLN18/0471.06
Address:	31-51 Nelson St, Abbotsford VIC 3067
Proposal:	<p>Section 72 amendment to Planning Permit PLN18/0471 and associated endorsed plans with primary changes including:</p> <ul style="list-style-type: none">• The partial use of the land as a rooftop bar (Level 5).• The sale and consumption of liquor (on-premises licence), associated with the bar, for a maximum of 90 patrons and during the following hours:<ul style="list-style-type: none">o Monday to Sunday: 9.00am to 11.00pmo Sunday: 10.00am to 11.00pmo Good Friday and ANZAC Day: 12noon to 11.00pm• A reduction in car parking (3 spaces) associated with the bar use.• Additional buildings and works, including:<ul style="list-style-type: none">o Construction of an enclosed bar area to Level 5.o Additional terrace seating
Comments Sought:	<p>Click here to view referral memo: Record D23/464324: IREF23/02054 - Internal Referral Request</p>
Disclaimer:	<p>Council's City Works Unit provides the following information which is based on the information provided in the referral request memo referenced above.</p>
Prev. Responses:	

Comments:

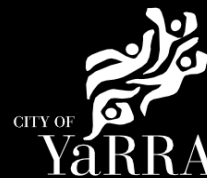
The waste management plan for 31-51 Nelson St, Abbotsford authored by Leigh Design and dated 23/10/23 is satisfactory from a City Works Branch's perspective.

Waste Management Officer: Atha Athanasi

Signature: 

Date: 5/12/2023

Development Engineering Formal Referral Response



Application Information:

Referral Officer:	Mark Pisani
Officer:	Gary O'Reilly
Council Reference:	PLN18/0471.06
Referral Number:	IREF23/02053
Address:	31-51 Nelson Street, Abbotsford
Proposal:	The partial use of the land as a rooftop bar (Level 5).
Comments Sought:	Reduction in the car parking requirement
Disclaimer:	Council's Development Engineering unit, provides the following advice based on information provided in the referral request memo referenced above.

Engineering Referral Details

Council's Engineering Referral team has reviewed the drawings and documents provided by the Statutory Planning department, as outlined in [Table 1](#) below.

Note: the engineering related matters highlighted in the Planning referral have been assessed and included in the response.

Table 1 - Drawings and Documents reviewed by Engineering

Author / Consultant	Drawing No. or Document	Revision	Dated
Buchan Group	ATP-2009 <i>Level 05 Plan</i>	2	31 July 2023
Traffix Group	Traffic Engineering Assessment	A	31 October 2023

SECTION 1: Engineering Detailed Assessment

CAR PARKING PROVISION

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
Bar	92 m ²	3.5 spaces per 100 m ² of leasable floor area	3 spaces	0 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.

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 Bar Use</i>	The bar is located on the roof terrace of the recently constructed building at 31-51 Nelson Street. It is agreed that this bar would not attract people from further afield, but would be primarily used by occupants of the building. The car parking demand of 3.0 spaces is considered appropriate.
<i>Availability of Public Transport in the Locality of the Land</i>	The following public transport services can be accessed to and from the site by foot: <ul style="list-style-type: none"> ▪ Victoria Street trams – 200 metre walk ▪ Church Street trams – 350 metre walk ▪ North Richmond railway station – 1,100 metre walk
<i>Multi-purpose Trips within the Area</i>	Patrons to the development could combine their visit by engaging in other activities or 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, 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>	Traffix Group had conducted on-street parking surveys of the surrounding area on Friday 13 October 2023 and Saturday 21 October 2023 at various afternoon and early evening times. The survey area was bounded by Church Street, Nelson Street, South Audley Street and Victoria Street. The times and extent of the survey are considered appropriate. An inventory of some 145 to 165 publicly available spaces was identified. The results of the survey indicate that the peak parking occupancy had occurred at 7:00pm on the Saturday with no fewer than 16 spaces vacant. The findings of the parking survey suggest that some short-stay on-street parking is available for patrons.
<i>Relevant Local Policy or Incorporated Document</i>	The proposed development is considered to be in line with the objectives contained in Council's <i>Strategic Transport Statement</i> . 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 waiver of parking associated with the bar use is considered appropriate in the context of the development and the surrounding area.

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.

SECTION 2: Acknowledgement

Engineer: Mark Pisani

Signature: 

Date: 8 December 2023

6.2 PLN23/0553 - 786-794 Nicholson Street Fitzroy North

Report Summary

Purpose

1. This report provides Council with an assessment of the planning permit application PLN23/0553 submitted for Nos. 786 - 794 Nicholson Street, Fitzroy North. The application seeks the full demolition and the construction of a multi-storey, mixed-use building, including a shop and dwellings (permit required for dwelling use), reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 02.03 – Land use;
 - (b) Clause 13.07-1L-01 – Interfaces and Amenity;
 - (c) Clause 15.01 – Built Environment;
 - (d) Clause 15.03 – Heritage;
 - (e) Clause 17.02 – Commercial;
 - (f) Clause 18.01 – Land Use and Transport Integration;
 - (g) Clause 34.01 – Commercial 1 zone;
 - (h) Clause 43.01 – Heritage Overlay;
 - (i) Clause 52.06 – Car Parking;
 - (j) Clause 52.29 – Land adjacent to the principal road network;
 - (k) Clause 52.34 – Bicycle parking; and
 - (l) Clause 58 – Apartment developments.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and strategic support;
 - (b) Dwelling use;
 - (c) Built form, urban design and heritage;
 - (d) On-site amenity impacts, including Clause 58;
 - (e) Off-site amenity impacts;
 - (f) Car parking, traffic, bicycle facilities, alteration of access and loading/unloading;
 - (g) Objector concerns; and
 - (h) Other matters.

Submissions Received

4. Thirty-eight (38) objections were received to the application; these can be summarised as:
 - (a) Built form and design (overdevelopment, height, scale, bulk, character);
 - (b) Heritage impacts;
 - (c) Off-site amenity (off-site, on-site, visual bulk, overlooking, loss of light);
 - (d) On-site amenity;

- (e) Traffic and car parking;
 - (f) Minimal scale of the proposed shop;
 - (g) Noise; and
 - (h) Construction impacts.
5. Four (4) letters of support were received to the application; these can be summarised as:
- (a) High quality development, responding positively to the emerging surrounding and strategic context; and
 - (b) Housing and economic benefits.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to the following key recommendations:
- (a) Deletion of Level 03.;
 - (b) Additional visual articulation to the northern blank walls above the podium levels; and
 - (c) Substation and fire-booster cupboards be appropriately integrated within the building design through the incorporation of high-quality design/finish.

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

6.2 PLN23/0553 - 786-794 Nicholson Street Fitzroy North

Reference	D24/35448
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Nicholls
Proposal:	Full demolition and the construction of a multi-storey, mixed-use building, including a shop and dwellings (permit required for dwelling use), reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2
Existing use:	Car wash and associated café
Applicant:	UPCO
Zoning / Overlays:	Commercial 1 Zone (C1Z) Heritage Overlay – Schedule 327 (HO327) Development Contribution Plan Overlay – Schedule 1 (DCPO1) Abutting Transport Zone – Category 2 (TPZ2)
Date of Application:	08 August 2023
Application Number:	PLN23/0553

Planning History

1. Planning Permit PLN13/0329 was issued by Council on 02 July 2013 for the development of the land to construct permanent food van. The works have completed.

Background

[Appeal against Council's failure to determine the application in time](#)

2. On 18 December 2023, 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 form a position on the application.
3. A Compulsory Conference is scheduled for 08 March 2024 and a Major Cases Hearing is scheduled for 20-22 May 2024.
4. At the time of writing, four (4) Statement of Grounds were received and registered to date as parties to the VCAT proceedings.

The Proposal

5. The proposal is for the full demolition and the construction of a six-storey building (plus two levels of basement), use of the land for dwellings (apartments) and shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2. Key features of the proposal include:

Use

6. Shop at ground level fronting Nicholson Street with an overall Leasable Floor Area (LFA) of 189sqm.

7. Primary residential entry is via Liverpool Street, with a total of 34 dwellings proposed between ground floor and Level 05:
- (a) The dwelling breakdown is as follows:

Bedroom Type	Total
1 bedroom	14
2 bedroom	12
3 bedroom	8
Total	34

Car parking/bicycle parking

8. A total of 46 car parking spaces and 43 bicycle spaces provided:
- (a) Of these car parking spaces:
- (i) 44 for residential use and 2 for the shop use; and
- (b) Of these bicycle parking spaces:
- (i) 35 for residents, supplied within two internal secure facilities; 15, wall-mounted spaces at Basement 01 and 20 (horizontal and hoop) at ground floor; and
- (ii) 8 visitor spaces provided along Nicholson Street; 7 spaces for dwellings and 1 space for the shop use.
9. Vehicle access to the basement to be provided via Railway Lane, the 3.6m wide eastern Right-of-Way (ROW) off Liverpool Street. This ROW is to be widened for the majority of the width of the subject site by an additional 0.92m and 1.45m, including some landscaped areas.
10. Access to the ground floor bicycle facility is provided via the main pedestrian entrance on Liverpool Street and a secondary pedestrian entrance via Railway Lane.

Demolition

11. The demolition of the existing crossovers on Nicholson Street and Liverpool Street.
12. The demolition of all buildings on-site, including shade sails, with the exception of the northern boundary fencing.

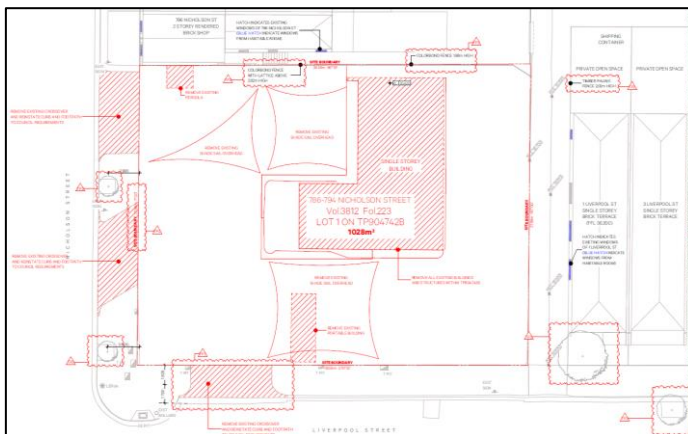


Figure 1: Extent of demolition
Source: Kennedy Nolan (September 2023)

Built Form:

13. The construction of a six-storey building, to a maximum overall height of 20.39m (including lift overrun) above natural ground level (NGL). Height and massing details as follows:

- (a) Two separate sections of street walls address Nicholson Street: 2 storeys (8.59m) with a framing element above reaching 11.22m; and four-storeys (14.67m) wrapping around the corner to Liverpool Street. The remainder of built form at Level 03 is set back 5m from the Nicholson Street frontage, with a balcony also occupying this setback;
- (b) The street walls are proposed to be in brick (varied patterns), in a cream finish and punctuated by windows and incorporated balconies (see Figure 2 below);



Figure 2: Proposal viewed from Nicholson Street
Source: Kennedy Nolan (September 2023)

- (c) The four-storey street-wall wraps the corner of Nicholson and Liverpool Streets (14.67m), before transitioning down to three-storeys (14.99m) further east (see Figure 3 below);



Figure 3: Proposal viewed from Liverpool Street
Source: Kennedy Nolan (September 2023)

- (d) The Railway Lane podium is set back a minimum 0.92m from the eastern boundary and consists of a part three (11.83m) and part two-storey (8.63m) base;
- (e) A minimum front set back of 5m above the Nicholson Street podium is introduced at Levels 04 and 05 for the full length, with balconies projecting into this setback at Level 04;
- (f) Levels 04 and 05 above the Liverpool Street podium is to be set back a minimum 3m with a balcony encroaching this setback only at the intersection with Nicholson Street, at Level 04;
- (g) Above the Railway Lane podium, setbacks of the upper levels are generally a minimum of 4.42m, increasing to 8m between Levels 03 to 05; some with balcony intrusions within these setbacks;

- (h) The development is built abutting the majority of the northern boundary at all levels with the exception of the following setbacks:
 - (i) 9.92m long x 4.6m wide centrally located, curved cut out between Levels 01 to Level 05 (with a north-facing planter-box encroaching this setback between Levels 03 to 05); and
 - (ii) 4.15m at the north-western corner of Level 05, with a balcony projecting within this setback; and
- (i) The building provides a communal courtyard at ground floor (43.47sqm), as well as a communal terrace at Level 05 (total of 110sqm).

Basement (2 levels)

- 14. Generally constructed to all title boundaries, the two basement levels are accessed via the widened eastern ROW (off Liverpool Street). Across the two basement levels are 46 standard car parking spaces, as well as eight x 3.6m³ storage spaces.
- 15. Basement Level 02 includes an above ground 20,000Ltr rainwater tank, as well as the grease trap.
- 16. Basemen Level 01 houses a range of service cupboards, including a centrally located waste room and a secure bicycle parking facility (15 wall-mounted spaces) further south-east.

Ground floor

- 17. The ground floor is built abutting the Nicholson Street frontage, with the exception of the shop entrance (set back approximately 0.9m). The proposal provides 1.78m wide awnings along the Nicholson Street frontage, separated at each pillar. The awnings are setback 2.42m from this street.
- 18. Two service cabinets are proposed; a substation along the Nicholson Street façade (north-west) and the fire-booster (south) along the Liverpool Street façade. A 1.82m wide awning is located above the services cabinet along Liverpool Street, setback 1.72m from this street.
- 19. Along Liverpool Street, the new built form is proposed to be built to the boundary, with nib walls and brick balustrades associated with balconies of ground floor apartments. These balconies consist of a minimum 8sqm of private open space (POS) for each apartment. The main entrance to the residential component of the development is provided via Liverpool Street.
- 20. To Railway Lane; built form is setback a minimum 0.92m from this boundary, with landscaping provided at the south-eastern corner. This eastern setback increases to 3.5m to allow for vehicle access to the proposed basements off Railway Lane.
- 21. The ground floor will accommodate one commercial tenancy (shop), a north-facing, courtyard, five apartments (four x 1-bedroom dwellings and one x 2-bedroom dwelling) and 20 bicycle parking spaces. Mail-boxes and other services are located central to this floor.
- 22. Four bicycle hoops for visitors will be located on the Nicholson Street footpath (8 bicycle spaces in total).

Upper levels

- 23. From Level 01 and above, the floor plates accommodate more apartments, ranging in size from 1, 2 and 3-bedrooms, with balconies fronting all three street frontages.

Levels 01 - 02

- 24. Levels 01 and 02 are built to the majority of the Nicholson and Liverpool Street boundaries, and setback 0.92m to 2.4m from Railway Lane.
- 25. Both levels accommodate nine apartments (five x 1-bedroom dwellings and four x 2-bedroom dwellings).
- 26. Each apartment consists of POS ranging between 8sqm to 20sqm and 8sqm to 14.6sqm within the balconies at Levels 01 and 02, respectively.

Levels 03

27. Level 03 is built along the Nicholson Street boundary for a length of 20.55m and setback 5m at the north-western corner, with a balcony and pergola structure encroaching this setback. This level is built along the Liverpool Street boundary for a length of 14.87m, before being setback 3m from this boundary. A balcony encroaches the majority of this setback and wraps around to Railway Lane. Level 03 is setback 0.92m to 4.65m from Railway Lane with balconies incorporated into this eastern setback.
28. This level consists of six apartments (two x 2-bedroom dwellings and three x 3-bedroom dwellings).
29. Each apartment consists of POS ranging between 10.8sqm to 58.5sqm within the respective balconies.

Levels 04

30. Level 04 is set back a minimum 5m, 3m and 7.76m from the Nicholson Street, Liverpool Street and Railway Lane, respectively, with balconies introduced within the majority of these setbacks.
31. This level includes four apartments (all 3-bedroom dwellings).
32. Each apartment consists of private open spaces (POS) ranging between 17.1sqm to 60.5sqm within the respective balconies.

Levels 05

33. Level 05 is set back a minimum 5m, 3m and 8m (up to the balconies/courtyards/services) from the Nicholson Street, Liverpool Street and Railway Lane, respectively. This level consists of the following:
 - (a) 1 x 3-bedroom (penthouse) apartment, with a balcony wrapping around the northern, western and southern facades (37.1sqm of POS), including a pergola structure;
 - (b) South and east-facing covered (30sqm) and uncovered (80sqm) communal terraces; and
 - (c) Low-height plant equipment further north-east of this level.

Roof plan

34. The roof has similar setbacks as Level 05, with a greater setback from Railway Lane.
35. 13 x 5.2kW solar panels are accommodated along the northern portion of the roof; pane.

Materials and Finishes

36. The development proposes a mix of brick and concrete finishes, punctuated with glazing, in shades of cream, grey and green hues as shown in Figure 4 below:



Figure 4: Proposed materials and finishes
Source: Kennedy Nolan (September 2023)

37. The material palette is provided in Figure 5 below:

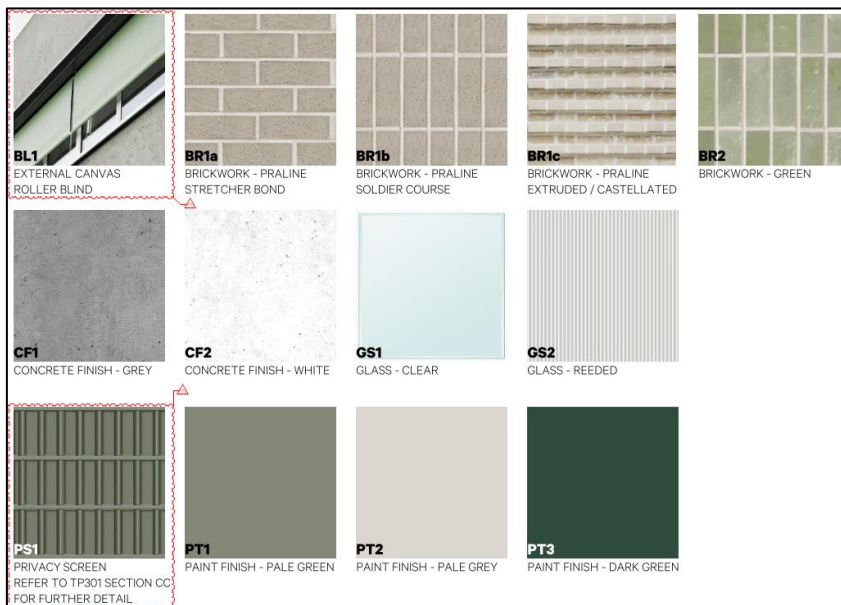


Figure 5: Materials and finishes schedule
Source: Kennedy Nolan (September 2023)

Existing Conditions

Subject Site

38. The subject site is located on the north-eastern corner of the intersection with Nicholson Street and Liverpool Street, in Fitzroy North. The site is rectangular in shape with a frontage of 27.98m to Nicholson Street and 36.58m to Liverpool Street; constituting a total area of approximately 1,027sqm. The eastern boundary abuts Railway Lane; a 3.6m wide north-south ROW, extending between Park Street to the north and Liverpool Street to the south.
39. The site is currently occupied by a car wash and associated café (Figures 5 and 6 below). Built form consists of two single-storey buildings and a number of shade sails throughout the site. Vehicle access is via three single and double crossovers, providing access from Nicholson Street, Liverpool Street and Railway Lane. Chain and metal fences are located along the northern and eastern boundaries.
40. Three street trees are located in front of the site: two along Nicholson Street and one along Liverpool Street.



Figure 5: View of the subject site from Nicholson Street
Source: UPCO Town Planning Report (September 2023)



Figure 6: View of the subject site from Liverpool Street
Source: UPCO Town Planning Report (September 2023)

Title and Plan of Subdivision

41. The titles submitted with the application do not show any covenants or restrictions, with the exception of land marked as A-1. As shown on Figure 7 below, A-1 is Liverpool Street and Railway Lane and are identified as carriageways on Lot 1 Title Plan 904742B. A-1 is included on Yarra's Road Register.

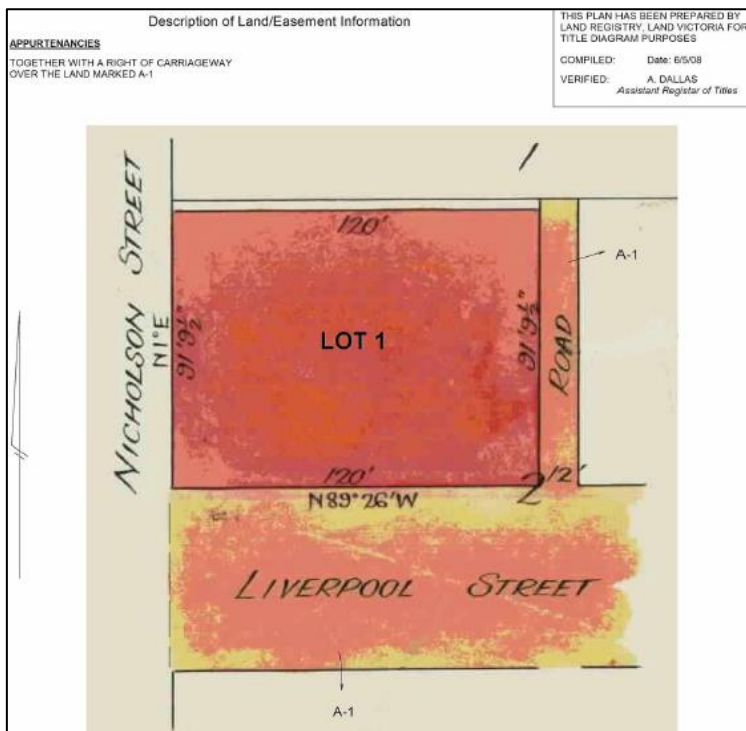


Figure 7: Title Plan showing A-1 as carriageway
Source: Title Plan 904742B (July 2023)

Surrounding Land

42. The stretch of Nicholson Street between Park Street to the north and Salisbury Crescent to the south is located within a Neighbourhood Activity Centre (NAC) as defined *Clause 11.03-1L (Activity centres)* of the Scheme. The extent of the Nicholson Street NAC is shown in Figure 8 below. The Nicholson Street NAC includes restaurants, cafes, real estate agencies, shops and pubs.

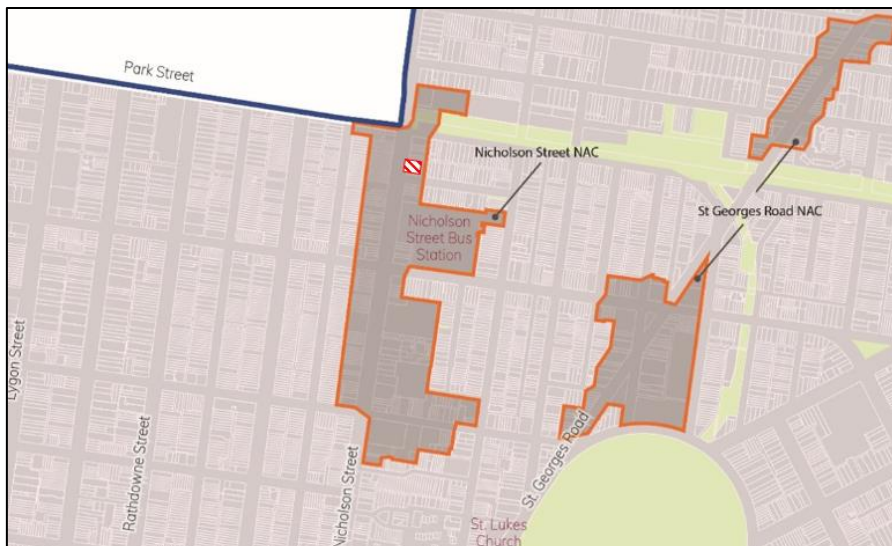


Figure 8: Extent of Nicholson Street NAC, location of subject site hatched in red
Source: Yarra Planning Scheme (February 2023)

43. To the east and west of Nicholson Street is Fitzroy North and Carlton North, respectively. Nicholson Street is covered by the Transport Zone, Category 2 (TPZ2) and carries two lanes of traffic in each direction. The outside lanes are also provided with parallel parking on both sides of the road, except in front of the site where no stopping restrictions apply. The subject site has good access to public transport, including:
- (a) Nicholson Street tram and bus routes immediately west of the subject site;

- (b) St. Georges Road tram lines approximately 630m south-east;
 - (c) Lygon Street tram lines approximately 670m to the west;
 - (d) Holden Street bus routes approximately 200m to the north; and
 - (e) Rathdowne Street bus routes approximately 400m to the west.
44. In addition to the above, the site is located 100m south of the Capital City Trail, which is a shared use path, which circles the city-centre and some inner eastern and northern suburbs.
45. The site is located in an area consisting of a variety of built form and uses. The immediate area is a mix of commercial and residential. The subject site is located within the Commercial 1 Zone (C1Z) with the nearest residential uses occurring within the Neighbourhood Residential Zone (NRZ) located across Railway Lane to the east. The mix of zoning and surrounding built form is shown in Figures 9 and 10 below:

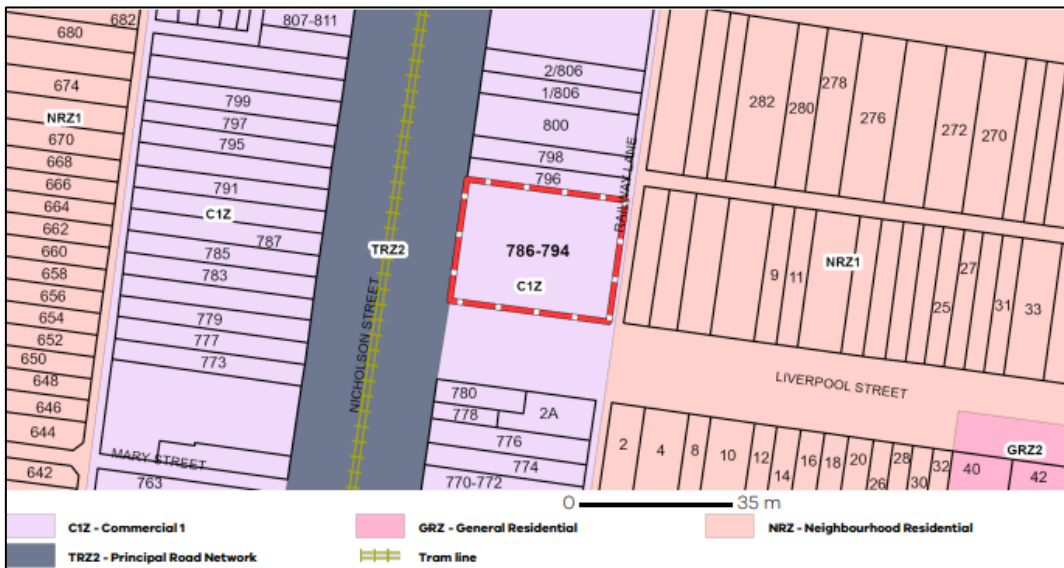


Figure 9: Zoning map showing subject site and surrounding sites
Source: DELWP (February 2023)



Figure 10: Aerial imagery of the subject site and surrounding built form
Source: Nearmaps (November 2023)

46. Immediately surrounding the subject site are the following properties:

North

47. The built form between Liverpool Street and Park Street (further north) has a consistent character comprising of one to two-storey heritage buildings, with a zero-meter setback to Nicholson Street.
48. Immediately north of the site at Nos. 796 & 798 Nicholson Street are double-storey, Victorian-era, rendered brick buildings. No. 796 Nicholson Street is a licensed restaurant at ground floor with the first floor occupied as a dwelling (according to the application material). No. 798 Nicholson Street is used as an optometrist clinic.
49. No. 796 Nicholson Street is built along the common boundary with the subject site for a length approximately 9m at both levels, with the remainder of the building set back from this shared boundary. Two south-facing, first-floor, habitable room windows (HRW) are located adjacent to the subject site, associated with a kitchen and bedroom. The kitchen window consists of glass blocks. The rear open area appears to be paved and utilised for car parking and private open space. A metal fence with a lattice above, ranging in height between 1.88m to 2.62m runs along the shared boundary. A canopy is provided along the Nicholson Street façade.
50. No. 798 Nicholson Street is built as a mirror image to No. 796 Nicholson Street, with the exception of a front awning.
51. Further north at Nos. 800 – 806 Nicholson Street is the Railway Hotel, a licensed premises with live music. The hotel has a front entrance to Nicholson Street, with a centrally-located beer garden.
52. At the other end of the block is No. 290 Park Street, located at the south-eastern intersection of Nicholson Street and Park Street. This site is developed with a double-storey, red brick building and has an awning protruding over both the Nicholson Street and Park Street (further north) footpaths. Planning application PLN22/0915 is currently being assessed by Council for the demolition of existing buildings and construction of a four-storey, mixed-use building containing dwellings and a café and associated reduction in the car parking requirements. Figure 11 below shows the proposed development, when viewed from the corner of Nicholson and Park Streets.

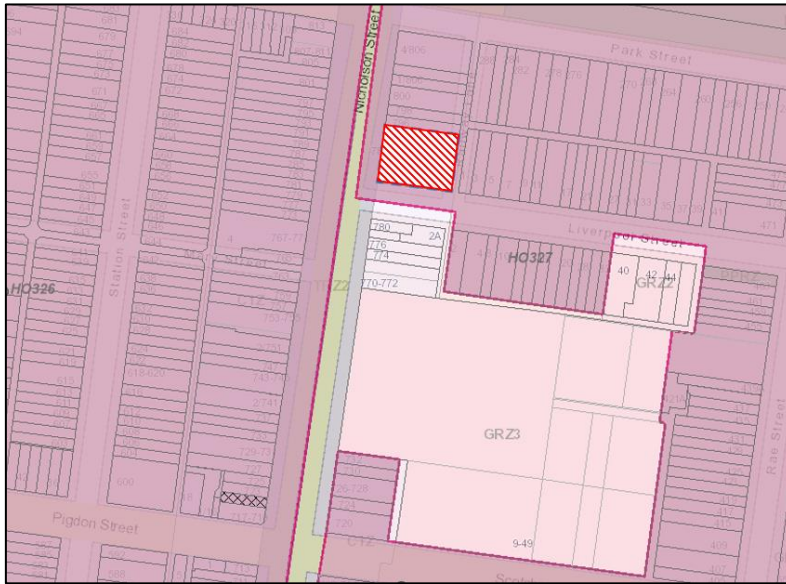


Figure 11: Proposed development at No. 290 Park Street
Source: Architecture (September 2023)

53. The majority of the development is proposed to be built along all title boundaries at ground floor and Level 01, with the northern boundary setbacks flanked with small, landscaped courtyards and balconies. Level 02 is set back 5.91m from the Nicholson Street frontage, with terraces occupying this setback. Level 03 is to match the front setback at Level 02, but with no terraces. The overall development will have a maximum height of 15.13m above NGL.
54. Further north, beyond Park Street and the Capital City Trail is land within the City of Merri-bek.

South

55. Directly south of the subject site is Liverpool Street, a 12m wide carriageway containing a mixture of permit zone and time restricted parking on both sides.
56. Beyond Liverpool Street, further south are Nos. 780 Nicholson Street, a single-storey, brick shop, used as a massage parlour and 2A Liverpool Street, a single-storey brick dwelling. These two buildings are not affected by the heritage overlay. As shown in Figure 12 below, the heritage overlay (North Fitzroy Precinct) excludes a number of sites further south of the subject site. No. 780 Nicholson Street adopts zero-meter front setback to Nicholson Street and Liverpool Street, with an awning overhanging the Nicholson Street footpath. 2A Liverpool Street consists of a minimum 1m setback from Liverpool Street with the carport/storage constructed with a zero-meter front setback to Liverpool Street.



**Figure 11: Extent of the heritage overlay (pink) and the location of the subject site (red hatch)
Source: DELWP (February 2023)**

57. Further south along Liverpool Street, built form ranges between single to double-storey, shops, and the large (former) Nicholson Street Cable Tram Car Shed and Workshop. This is currently being operated as a bus depot and extends to parts of Scotchmer Street, further south. Built form on this site ranges from single to double-storey.

East

58. To the east of the site is Railway Lane, a 3.6m wide bluestone ROW. Beyond the ROW is No. 1 Liverpool Street, a single-storey, Victorian-era dwelling. This dwelling contains four, west-facing windows that front the subject site, of which three are HRWs. Secluded private open space (SPOS) is located further north of this site. A shed is located at the north-eastern corner of this SPOS.
59. Built-form further east along Liverpool Street generally consist of single-storey housing stock. Further north-east are the garages and fences associated with the rear of the SPOS of properties fronting Park Street.

West

60. To the west of the subject site is Nicholson Street (Carlton North side), beyond which is a highly intact row of one and two-storey, Victorian-era and Edwardian-era shop/residences that form the western edge of the North Carlton Precinct (HO326).

61. It is worth noting that the two sides of Nicholson Street have distinct built-form differences. The western side of Nicholson Street retains a high degree of low-rise, heritage forms which are visually cohesive. Contrary to this, the eastern side of Nicholson Street is characterised by later developments, including two to three-storey residential and mixed-use buildings, intercepted by remnant mid- to late-19th and early-20th century buildings. The following development applications within the wider Fitzroy North area is evident of this difference in built form character along each side of Nicholson Street:
- (a) PLN18/0172: Nos. 622 - 642 Nicholson Street Fitzroy North (east side). Approved by the Victorian Civil and Administrative Tribunal (VCAT) for the construction of an eight-storey, mixed-use building (approximately 400m south of the subject site); and
 - (b) PLN19/0696: Nos. 637 – 639 Nicholson Street Carlton North (west side). Refused by Council and VCAT for the construction of a seven-storey, mixed-use building (approximately 370 south-west of the subject site).

Planning Scheme Provisions

Commercial 1 Zone (C1Z)

62. The subject site is zoned C1Z. The following relevant purpose of the C1Z is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
 - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
63. Pursuant to *Clause 34.01-1* of the Yarra Planning Scheme (the Scheme), the proposed uses fall within the following categories:
- (a) The shop use (nested under 'retail premises') is 'Section 1' permit not required use; and
 - (b) Dwelling (nested under accommodation) does not require a planning permit provided any frontage at ground floor level does not exceed 2m:
 - (i) As the dwelling entrance fronting Liverpool Street exceeds 2m in width, a planning permit is required for the dwelling use.
64. Pursuant to *Clause 34.01-4* of the Scheme, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at *Clause 34.01-*
65. For an apartment development, the objectives, standards and decision guidelines of Clause 58 applies.

Transport Zone - Category 2 – Principal Road Network (TRZ2)

66. The subject site adjacent to a TRZ2. The following relevant purpose of the TRZ2 as follows:
- (a) *To identify transport land use and land required for transport services and facilities; and*
 - (b) *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
67. Pursuant to *Clause 36.04-2* of the Scheme, a permit is required to construct a building.
68. *Clause 36.04-3* of the Scheme requires written consent from Head, Transport Victoria.
69. *Clause 36.04-5 (Decision guidelines)* of the Scheme considers:
- (a) *the effect of the proposal on the development, operation and safety of the transport system; and*

- (b) *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

Overlays

Clause 43.01 Heritage Overlay

70. The subject site is affected by the Heritage Overlay (Schedule 327 – North Fitzroy Precinct). The following provisions apply:
- (a) Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required for demolition, to construct a building and carry out works, including for the construction and display of signage.
71. *City of Yarra: Database of Heritage Significant Areas, September 2023* identifies Nos. 786 - 794 Nicholson Street as being graded as ‘not contributory’ to the North Fitzroy Precinct (as identified by Schedule 327 to the Heritage Overlay).

Development Contributions Plan Overlay - Schedule 1 (DCPO1)

72. The subject site is located within Charge Area 2 (Fitzroy North).
73. Pursuant to *Clause 45.06-1* of the Scheme, a permit granted must:
- (a) Be consistent with the provisions of the relevant development contributions plan; and
- (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
74. A planning permit is not required for works under the overlay. However, the overlay is applicable to the proposed development as it results in the provision of new dwellings and a shop. Council’s standard condition will be recommended to ensure that the applicable Development Infrastructure Levy and a Community Infrastructure Levy are paid, as required.

Particular Provisions

Clause 52.06- Car parking

75. Pursuant to *Clause 52.06-2*, before a new use commences the number of car spaces required under Table 1 at *Clause 52.06-5* must be provided to the satisfaction of the responsible authority.
76. Pursuant to *Clause 52.06-3* a permit is required to reduce the number of car parking spaces required under this clause. Pursuant to *Clause 52.06-5*, Column B of Table 1 applies if any part of the land is identified as being within the Principal public Transport Network Area as shown on the Principal Public transport Network Area Maps (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
77. Under *Clause 52.06-5*, the following parking rates apply:

Land Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Provided	Reduction Sought
1 x Bedroom Dwelling	14	1 space per dwelling	14	44	
2 x Bedroom Dwelling	12	1 space per dwelling	12		
3 x Bedroom Dwelling	8	2 spaces per dwelling	16		

Shop	189sqm	3.5 spaces per 100sqm of LFA	6	2	
Total			48	46	2

78. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to *Clause 52.06-3*. As 46 car spaces are provided on site, a reduction of 2 spaces in total is sought.

Clause 52.29 – Land adjacent to the Principal Road Network

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

80. Pursuant to *Clause 52.29-6*, the decision guidelines require the following to be considered:

- (a) *The Municipal Planning Strategy and the Planning Policy Framework;*
- (b) *The views of the relevant road authority;*
- (c) *The effect of the proposal on the operation of the road and on public safety; and*
- (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3.*

81. Pursuant to *Clause 52.29-4*, an application to create or alter access to a road declared as a freeway or arterial road under the Road Management Act 2004, in accordance with *Clause 66.03* must be referred to Head, Transport for Victoria under Section 55 of the Act.

Clause 52.34- Bicycle Facilities

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

83. The following table identifies the bicycle parking requirements pursuant to *Clause 52.34-3* of the Scheme and the provision of bicycle parking on site:

Land Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	34	In developments of four or more storeys, 1 resident space to each 5 dwellings	7 resident spaces	35 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	3 visitor spaces	7 visitor spaces
Shop	189sqm	1 employee space to each 600sqm of LFA if the LFA area exceeds 1000 sqm	0 employee spaces	1 visitor space
		1 visitor space to each 500sqm of LFA if the LFA exceeds 1000 sqm	0 visitor spaces	
Total Bicycle Parking Spaces			10 bicycle spaces	43 bicycle spaces

Showers/change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	0 showers / change rooms
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84. The proposal provides a total of 28 additional resident spaces and 5 additional visitor spaces, exceeding the bicycle parking requirements of the Scheme.
85. *Clause 52.34-4* of the Scheme provides design standard for bicycle spaces and signage.

Clause 53.06 - Live Music and Entertainment Noise

86. The Railway Hotel at No. 800 Nicholson Street (approximately 10m north of the subject site) is a live music venue.
87. The purpose of this clause is (relevantly):
- (a) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise; and*
 - (b) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
88. Pursuant to *Clause 53.06-1* this clause applies to an application required under any zone of this scheme to use land for, or to construct a building or carry out works associated with:
- (a) *A noise sensitive residential use that is within 50 metres of a live music entertainment venue.*
89. Relevant to this proposal, pursuant to *Clause 53.06-3*:
- (a) *A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:*
 - (i) *Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020); and*
 - (ii) *Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.*
90. This clause further goes on to state:
- (a) *For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826); and*
 - (b) *A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.*

Clause 53.18 – Stormwater Management in Urban Development

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

Clause 58 – Apartment developments

92. The provisions apply to an apartment development in the C1Z. A development must meet all of the objectives and should meet all of the standards of the Clause.

General Provisions

Clause 65 – Decision guidelines

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

Clause 66.03 Referral of Permit Applications Under Other State Standard Provisions

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

Municipal Planning Strategy (MPS)

95. The following MPS provisions of the Scheme are relevant:
- (a) Clause 02.03 – Strategic directions;
 - (b) Clause 02.03-1 – Settlement;
 - (c) Clause 02.03-2 – Environmental and landscape values;
 - (d) Clause 02.03-1 – Environmental risks and amenity;
 - (e) Clause 02.03-1 – Built environment and heritage;
 - (f) Clause 02.03-1 – Housing;
 - (g) Clause 02.03-1 – Economic development;
 - (h) Clause 02.03-1 – Transport; and
 - (i) Clause 02.03-1 – Infrastructure.

Planning Policy Framework (PPF)

The following PPF provisions of the Scheme are relevant:

96. Clause 11.01 – Victoria:
- (a) Clause 11.01-1S – Settlement;
 - (b) Clause 11.01-1R – Settlement – Metropolitan Melbourne;
 - (c) Clause 11.02-1S – Supply of urban land; and
 - (d) Clause 11.03-1S – Activity centres.
97. Clause 13 – Environmental risks and amenity:
- (a) Clause 13.04-1S – Contaminated and potentially contaminated land;
 - (b) Clause 13.05-1S – Noise management; and
 - (c) Clause 13.07-1L-01 – Interfaces and amenity.
98. Clause 15 – Built environment and heritage:
- (a) Clause 15.01-1S – Urban design;
 - (b) Clause 15.01-1R – Urban design - Metropolitan Melbourne;
 - (c) Clause 15.01-1L – Urban design;

- (d) Clause 15.01-2S – Building design;
 - (e) Clause 15.01-2L – Building design;
 - (f) Clause 15.01-2L – Environmentally sustainable development;
 - (g) Clause 15.01-2L-02 – Landmarks;
 - (h) Clause 15.01-4S – Healthy neighbourhoods;
 - (i) Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne;
 - (j) Clause 15.01-5S – Neighbourhood character; and
 - (k) Clause 15.03-1L – Heritage.
99. Clause 16 – Housing:
- (a) Clause 16.01-1S – Housing supply;
 - (b) Clause 16.01-1R – Housing supply – Metropolitan Melbourne; and
 - (c) Clause 16.01-1L – Location of residential development.
100. Clause 17 – Economic development:
- (a) Clause 17.01-1S – Diversified economy;
 - (b) Clause 17.01-1L – Employment;
 - (c) Clause 17.02-1S – Business; and
 - (d) Clause 17.02-1L – Retail.
101. Clause 18 – Transport:
- (a) Clause 18.01-1S – Land use and transport integration;
 - (b) Clause 18.02-1S – Walking;
 - (c) Clause 18.02-2S – Cycling;
 - (d) Clause 18.02-2R – Cycling – Metropolitan Melbourne;
 - (e) Clause 18.02-3S – Public transport; and
 - (f) Clause 18.02-3R – Principal Public Transport Network.
102. Clause 19.03 – Development infrastructure:
- (a) Clause 19.03-1S – Development and infrastructure contributions plans;
 - (b) Clause 19.03-3L – Water sensitive urban design;
 - (c) Clause 19.03-3S – Integrated water management; and
 - (d) Clause 19.03-5L – Waste.

[Other relevant documents](#)

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

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

Plan Melbourne

104. Plan Melbourne (2017 – 2050) outlines a vision of Melbourne as a 'global city of opportunity and choice'. This vision is guided by nine principles. To support those principles seven outcomes have been set, together with the policy directions that will be taken to reach those outcomes. Outcomes relevant to the land-use and built-form changes sought by this proposal include the following:

- (a) Outcome 1: *Melbourne is a productive city that attracts investment, supports innovation and creates jobs:*

- (i) Direction 1.2: *Improve access to jobs across Melbourne and closer to where people live.*

105. The strategy specifies that all activity centres have the capacity to continue to grow and diversify the range of activities they offer. Opportunities to partner with the private sector to enable future diversification, investment and employment growth should be explored and, where appropriate, facilitated through planning provisions:

- (a) Outcome 2: *Melbourne provides housing choice in locations close to jobs and services:*

- (i) Direction 2.2: *Deliver more housing closer to jobs and public transport.*

106. The strategy specifies that *Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast.*

107. The strategy promotes '20-minute neighbourhoods' where there is access to local shops, schools, parks, jobs, and a range of community services within a 20-minute trip from your front door.

Urban Design Guidelines for Victoria (DELWP)

108. The Urban Design Guidelines for Victoria (UDGV) are policy guidelines within the 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.

Apartment Design Guidelines for Victoria (DELWP)

109. The Apartment Design Guidelines for Victoria (ADGV) provide additional explanation of the apartment standards and provides guidance on matters to consider meeting the objectives of the apartment standards in the Design Guidance section. The Guidelines are also intended to support greater consistency in the planning permit assessment phase of an apartment development.

Yarra Spatial Economic and Employment Strategy

110. 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.

111. This strategy was developed to assist Council to understand and capitalise on the municipality's economic strengths over the next 10 to 15 years. The Strategy seeks to provide guidance for the management of growth and change in employment and economic activity, recognising employment land within the municipality as a strategic resource.

112. In regard to the site, the SEES identifies the site as being within the Nicholson Street NAC, where the following is outlined:

- (a) *Yarra's Activity Centres are also appropriate locations for new housing. Housing growth supports economic activity by increasing the local population and, when provided in a mixed-use building can be developed with an increase in the quantum of employment floor space. Residential developments can impact existing business if the new residents are affected by noise or other perceived nuisance. These potential conflicts should be managed, particularly in vibrant service and entertainment precincts, ensuring established businesses can continue to operate.*

Yarra Housing Strategy

113. The Yarra Housing Strategy (YHS) was adopted by Council in September 2018 and includes 4 directions which will inform future policy for the Scheme. The adopted YHS will guide and inform decisions on how residential land in the municipality will evolve and develop into the future.

114. The subject site is located in an 'incremental change area' that is applied to residential, mixed use and commercial areas that have capacity to accommodate a more modest level of housing growth over time.

Advertising

115. The application was advertised under the provisions of Section 52 of the Planning and Environment Act (1987) with 400 letters sent to surrounding owners and occupiers and by three signs displayed on site; one at the Nicholson Street frontage, one at the Liverpool Street frontage and the other on the Railway Lane façade.

116. Council received 38 objections, the grounds of which are summarised as follows:

- (a) Built form and design (overdevelopment, height, scale, bulk, character);
- (b) Heritage impacts;
- (c) Off-site amenity (off-site, on-site, visual bulk, overlooking, loss of light);
- (d) On-site amenity;
- (e) Traffic and car parking;
- (f) Minimal scale of the proposed shop;
- (g) Noise; and
- (h) Construction impacts.

117. Four support letters were received to the application and can be summarised as follows:

- (a) High quality development, responding positively to the emerging surrounding and strategic context; and
- (b) Housing and economic benefits.

Referrals

External Referrals

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

118. Pursuant to *Clause 52.29-4*, an application to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, in accordance with Clause 66.03 must be referred to Head, Transport for Victoria under Section 55 of the Act.

119. Head, Transport for Victoria were supportive of the proposal, subject to condition and notes. These comments have been included as an attachment to this report.

Internal Referrals

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

- (a) Urban Design Unit;
- (b) City Strategy – Open Space Unit;
- (c) Environmentally Sustainable Design (ESD) Advisor;
- (d) City Works Unit – Waste Management;
- (e) Development Engineering Services Unit; and
- (f) Strategic Transport Unit.

121. The application was also referred to the following external consultants:

- (a) Heritage Consultant (GJM Heritage);
- (b) Acoustic (SLR Consulting); and
- (c) Wind Consultants (VI Pac).

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

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Dwelling use;
- (c) Built form, urban design and heritage;
- (d) On-site amenity impacts, including Clause 58;
- (e) Off-site amenity impacts;
- (f) Car parking, traffic, bicycle facilities, alteration of access, loading/unloading;
- (g) Objector concerns; and
- (h) Other matters.

Policy and Strategic Support

124. The proposal enjoys considerable support from both State and Planning Policy Framework for redevelopment of the site to provide higher density residential use. Policy at *Clauses 11, 16 and 18* of the Scheme, together with *Plan Melbourne*, encourage the accumulation of activities and the intensification of development in and around activity centres.
125. Consistent with the C1Z, the use of the land for shop does not require a planning permit, and only the use for the dwellings, require a planning permit, as well as the buildings and works. This indicates strong strategic support for the mixed-use development containing a commercial use across part of the ground floor, which in turn will provide activation along Nicholson Street. The inclusion of a shop is also consistent with *Clause 17.01.1L* (Employment) which highlights that commercial sectors underpin a sustainable economy and provide employment, consistent with Yarra's plans to foster a diverse and viable economic base.
126. Whilst the dwelling use requires a planning permit, the C1Z specifically identifies the purpose of the land is to provide for residential uses at densities complementary to the role and scale of the commercial centre. The dwellings would provide increased housing opportunities consistent with policy outlined above. Furthermore, *Clause 16.01-1R* (Housing supply – Metropolitan Melbourne) and the SEES specifically seek to support the provision of housing in Neighbourhood Activity Centres (NACs) within mixed-use developments, especially those with good public transport connections.
127. Both State and Planning Policy Framework directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (*Clauses 18.01-3L, 18.02-1L, 18.02-2L and 18.02-4L*). The site is well connected to public transport opportunities, with tram services along Nicholson Street (100m west), St. Georges Road (630m south-east) and Lygon Street (670m west), as well bus routes along Holden Street (200m north) and Rathdowne Street (400m west). This good access to public transport encourages the use of alternative transport modes to and from the site; this outcome is encouraged by *Clause 02.03* (Strategic direction) and *Clause 18* (Transport).
128. The site is well-positioned to accommodate development, with excellent accessibility to jobs, services and public transport, but this must be balanced against respecting the heritage character of the site. Policy support for development must be balanced with built form and heritage guidance at *Clause 15.01-2L* (Building design) and *Clauses 15.03-1L* (Heritage). These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage. It is highlighted that development must also consider off-site amenity impacts (i.e., overlooking, overshadowing, wind) on surrounding private and public land. These aspects will be discussed in detail later in the report.

Dwelling use

129. The proposal incorporates a mixture of shop and dwellings at ground floor, and all dwellings at the upper levels. The development provides for a good diversity and range of dwelling types and sizes, with the dwelling layouts and configurations allowing for an increased choice of type, orientation and size. The use of the site predominantly as a residential building is supported by both State and Planning Policy Framework, as outlined previously, and promotes urban consolidation within a NAC that is well serviced by existing infrastructure and services.
130. Additionally, the provision of dwellings is supported by the C1Z which aims to create vibrant mixed use commercial centres for retail and community uses (amongst others), whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. The proposal achieves this by providing an active commercial frontage to the Nicholson Street interface, which complies with policy at *Clause 17.02-1L*. The entrance to the dwellings is from the secondary frontage along Liverpool Street. The location of the entrance will not detract from the commercial nature of Nicholson Street. Therefore, the use of the land for dwellings is an appropriate outcome.
131. Concerns have been raised by objectors regarding the minimal scale of the proposed shop (189sqm) in comparison to the number of dwellings on-site. The surrounding commercial uses occupy similar floor space. Furthermore, the subject site is located within a C1Z and directly abuts a NRZ1 land. On balance with the abutting NRZ1 and the scale of surrounding commercial uses, the size of the proposed shop is supported.

Built form, urban design and heritage:

132. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at *Clause 15* (Built Environment and Heritage) and the decision guidelines of the C1Z.
133. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the context, height and massing, relationship to adjoining buildings and architectural quality. These matters, and others, will be assessed in turn below.

Site Context

134. As outlined within the 'sites and surrounds' section of this report and shown in Figure 12 below, the eastern and western sides of Nicholson Street have distinct built-form differences. The western side of Nicholson Street retains a high degree of visually cohesive, low-rise, heritage forms, with the eastern side consisting of later developments, including two to three-storey residential and mixed-use buildings, intercepted by remnant mid- to late-19th and early-20th century buildings.



Figure 12: Western side of Nicholson Street
Source: Kennedy Nolan (September 2023)

135. This distinct difference in character and built form is set out in the decision of *Nicholson Place Pty Ltd v Yarra CC* [2022] VCAT 1053 where the tribunal stated:

[53] *....there is a distinct difference between the two sides of Nicholson Street. We are persuaded that there is a clear difference in subdivision pattern, the historic difference in roles (with larger industrial and commercial uses emerging early towards the east) and the clear difference in the heritage context of the two sides. We find these differences are readily perceived by the viewer on either side of the street.*

[54] *We note that historically the two sides of Nicholson Street were in different local government areas (Carlton and Fitzroy) and we find that this historical difference is still evident in the development pattern of this part of Nicholson Street.*

136. The subject site is located on the eastern side of Nicholson Street, where more recent multi-storey developments such as the eight-storey, mixed-use building has been approved by VCAT at Nos. 622 - 642 Nicholson Street Fitzroy North, approximately 400m south of the subject site. The Tribunal acknowledges that the eastern side of Nicholson Street has an expectation of change due to the variation in subdivision pattern and the historic difference in roles. Council's Consultant Heritage Advisor, Mr Jim Gard'ner of GJM Heritage (GJM) was engaged to review the proposed development and also acknowledged this variation in context between the eastern and western sides of Nicholson Street and anticipates mid-scale development on the subject site. Based on these attributes, it is a reasonable expectation that the subject site will experience intensification in the future.

137. Pursuant to *Clause 16.01-1L* (Location of residential development) and the Yarra Housing Strategy, the subject site is identified as being in an 'incremental change area'. The relevant strategy is to *provide for incremental change in incremental change areas by encouraging development that respects the fine-grain subdivision pattern, neighbourhood or streetscape character and identified heritage significance*. This will be discussed later in detail. However, the subject site, being located on the eastern side of Nicholson Street is capable of accommodating taller forms and more robust massing.

138. Whilst there is potential for a mid-rise development on-site, regard must be had to the appropriateness of scale of the proposal, based on the individual context and constraints of the land, and the specific provisions of the heritage overlay.

Demolition

139. Prior to ascertaining if the proposed development of the land is acceptable, consideration of the extent of demolition of the existing buildings is required. These considerations are outlined at *Clause 15.03-1L* (Heritage) and *Clause 43.01* (Heritage overlay) of the Scheme. The proposal results in full demolition of existing buildings and structures on-site, including the removal of three crossovers.

140. As outlined earlier in the report, the subject site is graded as being 'not-contributory'. *Clause 15.03-1L* mainly outlines the demolition associated with 'individually-significant' and 'contributory' buildings. Nonetheless, the removal of 'not-contributory' buildings would not detrimentally impact the significance of the wider area.

141. GJM is supportive of the full demolition of the existing not-contributory buildings and structures, including the crossovers stating that the *no heritage fabric is proposed to be demolished or impacted by this infill development on a not-contributory graded site*.

142. The proposed demolition is consistent with the relevant heritage provisions of the Scheme.

Height and Massing

143. The proposal seeks to construct a six-storey building, to a maximum overall height of 20.39m (including lift overrun) above natural ground level (NGL).

144. In the absence of structure plans or height controls, each application must be considered on its own merit. The strategic planning context for the site has been established and is considered to support re-development of the site including for a multi-storey, mixed use building. However, this must be balanced against achieving acceptable design outcomes for the site having regard to relevant built form polices outlined in *Clause 15.01-2S* (Building design) and *Clause 15.03-1L* (Heritage).
145. In regard to the proposed new works the relevant objectives of *Clause 15.03-1L* (Heritage) is *to preserve the scale and pattern of streetscapes in heritage place*. This clause includes the following relevant strategies for new developments:
- (a) *Promote development that is high quality and respectful in its design response by:*
 - (i) *Maintaining the heritage character of the existing building or streetscape;*
 - (ii) *Respecting the scale and massing of the existing heritage building or streetscape;*
 - (iii) *Not visually dominating the existing heritage building or streetscape;*
 - (iv) *Not detracting from or competing with the significant elements of the existing heritage building or streetscape; and*
 - (v) *Maintaining the prominence of significant and contributory elements of the heritage place.*
146. Similarly, *Clause 15.01-2L* (Building design) encourages new development to ensure the proposed height responds to the building height of adjoining developments, or where there are no specified building height requirements, have regard to the physical and strategic context of the site. This clause further recommends development to reflect the predominant low-rise character of the area, except in MACs and NACs, where mid-rise should be directed. The subject site is located in the Nicholson Street NAC. *Clause 15.-01-2S* further supports mid-rise developments that *provide a transitional scale to the buildings in adjoining low-rise neighbourhoods to protect amenity and discourage visual bulk*.
147. In terms of the immediately surrounding heritage context, the subject site does not form part of a highly intact heritage precinct, in comparison to the North Carlton heritage precinct on the western site of Nicholson Street. Notwithstanding, the row of two double-storey properties adjoining to the north and the single-storey property to the east across Railway Lane are graded as 'contributory' to the heritage precinct. The properties to the south, across from Liverpool Street vary in height between one to three-storeys and are not affected by the heritage overlay.
148. Given the immediate site context, the overall height of the development at six-storeys is considerably greater than the prevailing, low-scale, heritage built-form surrounding the subject site. Furthermore, the development capacity of the adjoining properties to the north are constrained due to their small lot widths, and contributory heritage designation. As shown in Figure 13 below, the proposed six-storey height with the current design and massing, transitioning from the neighbouring two-storey building results in the development appearing as overtly large in the streetscape. The proposed overall height would also detract from the contributory elements of the abutting heritage places to the north. The proposed height does not comply with the strategies of *Clause 15.03-1L* or *Clause 15.01-2L* set out above.



Figure 13: Western side of Nicholson Street
Source: Kennedy Nolan (September 2023)

149. GJM have concurred that the height of the proposed infill development will have *substantial impact on the scale and pattern on the streetscape, including when viewed from distant vantage points*. In order for this infill development to be acceptably visually recessive within the predominantly one and two-storey streetscape, it has been recommended to reduce the overall height by one level; specifically the deletion of Level 03. The reasoning behind this chosen level will be discussed within the massing section of this report. Council’s Urban Design Unit has also stated that policy recommends development within activity centres could be up to five to six-storeys in height, but also noted that new development should respond to the scale of surrounding context, including heritage streetscape/areas. Therefore, it is recommended that a condition require the deletion Level 03, reducing the overall number of storeys from six to five.
150. A number of objectors have raised concerns with the proposed height, some citing a preference for two-storeys, whilst others recommend a four to five-storey building. Given the site’s location within a NAC, the lack of visual cohesion, heritage significance and the anticipated and emerging character along the eastern side of Nicholson Street, there is insufficient justification to require a height reduction to two-storeys. Scaling down the proposed development to abutting lower built-form would substantially impede development potential on an under-utilised site located within a NAC. Furthermore, both GJM and Council’s Urban Design Unit are supportive of the proposed height, subject to the deletion of one level.
151. For all these reasons and subject to the recommended condition, it is clear that the proposed building height in this location is acceptable. However the street wall heights and building massing, and whether the development provides significant, and appropriate, upper-level setbacks is key to its acceptability within this specific context. The street wall heights and upper-level setbacks will be discussed in turn below in relation to the presentation to Nicholson Street, Liverpool Street, Railway Lane, and the northern interface, respectively.

Street wall & Upper-level setbacks

Nicholson Street & Liverpool Street

152. The proposal largely consists of a four-storey street wall to Nicholson Street, with the north-west corner presenting as three-storeys with the presence of the framing element. The remaining built form is set back from this boundary. Despite the framing element presenting as three storeys, it provides an appropriate height transition to abutting double-storey heritage buildings to the north.
153. The four-storey street wall wraps around to the Liverpool Street frontage, followed by a stepdown to three-storeys further east along this street. The variation in the street wall heights along Nicholson and Liverpool Streets is shown in the massing diagram at Figure 14 below. As shown in Figures 2 and 3 earlier in the report, these street walls are punctuated by windows and incorporated balconies.

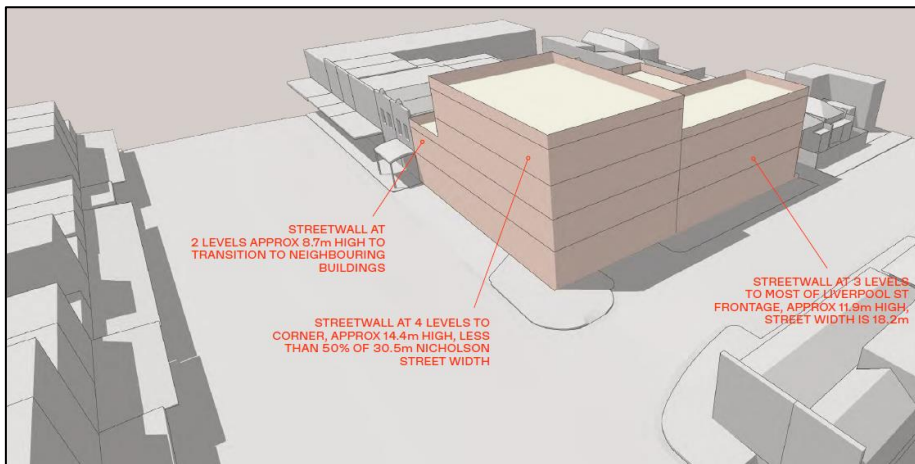


Figure 14: Massing diagram showing street wall variations along Nicholson and Liverpool Streets
Source: Kennedy Nolan (September 2023)

154. *Clause 15.03-1L* recommends respecting the existing street wall pattern within a heritage streetscape. *Clause 15.01-2L* recommends that *buildings should align with the street at ground level unless for the provision of public open space or landscaping*. As shown in Figure 15 below, the proposed Nicholson Street podium complies with these relevant strategies, by providing a two-storey street wall abutting the double-storey, contributory-graded building to the north. The design provides comparable proportions to this neighbouring heritage shop/residence typology, including appropriate solid-to-void ratios to this shopfront windows and residential windows.



Figure 15: Proposed two-storey street wall further along Nicholson Street
Source: Kennedy Nolan (September 2023)

155. GJM acknowledged that the design response *goes some way to ameliorate the change in height between the two-story, contributory-graded properties to the north*. The use of windows was found to *break up the façade with rhythmic vertical elements to minimise the bulk and scale of the new street wall*. This is consistent with *Clause 15.03-1L* which recommends developments to retain the pattern and grain of streetscapes in heritage places. Council's Urban Design Unit is also supportive of this two-storey portion of street wall along Nicholson Street.
156. Neither GJM, nor Council's Urban Design Unit are supportive of the four-storey street wall along Nicholson Street, which subsequently wraps around to part of Liverpool Street at the same height.

157. The four-storey street wall was found to be too tall in the context of this part of the HO327, which does not generally exceed beyond two-storeys in height. GJM advised that the four-storey street wall and the overall six-storey height and scale of the proposal is unprecedented and will dominate the surrounding heritage streetscapes. As shown on Figure 16 below, it has been recommended by GJM to reduce the height of the proposal by deleting Level 03. This would reduce the overall height, as well as the height of the street walls by one-storey. This would allow the infill development to be relatively visually recessive within this predominantly one- and two-storey heritage precinct.



Figure 16: Deletion of Level 03
Source: GJM Heritage (December 2023)

158. Council's Urban Design Unit also recommended the reduction in the four-storey street wall element along Nicholson Street to three-storeys, including at the corner. Therefore, a condition will require the deletion of Level 03.
159. In terms of upper-level setbacks, the following are proposed:
- (a) Minimum front set back of 5m above the Nicholson Street podium introduced at Levels 04 and 05 for the full length, with balconies projecting into this setback at Level 04; and
 - (b) Levels 04 and 05 above the Liverpool Street podium to be set back a minimum 3m with a balcony encroaching this setback only at Level 04, at the intersection with Nicholson Street.
160. The roof plan does not have any setbacks annotated on the plans. If a permit is to issue, a condition will require the setbacks at roof level from all title boundaries be annotated on the roof plan, including of the life overrun;
161. *Clause 15.01-2L recommends developments to incorporate setbacks that limit excessive tiered building profiles on street and laneway frontages and encourage use of contextual materials and finishes at upper levels and provide space for soft landscaping including the planting of canopy trees, where appropriate.*
162. The proposed setbacks comply with the above policy whereby the design does not result in an excessive tiered building profile. The addition of balconies within the proposed setbacks, including soft landscaping along some sections of the perimeters help to ameliorate any visual bulk impacts from the upper levels.
163. GJM are supportive of the upper-level setbacks between the podium and the upper-levels. However, it was advised that these upper-level setbacks, solely, are inadequate to help mitigate the overall scale of the proposed development. Even with the relatively generous upper-level setbacks, as a result of the overall height, combined with the street wall heights, the proposed development was found to overwhelm the heritage streetscape. Therefore, the condition recommending the deletion of Level 03, combined with the proposed upper-level setbacks would assist in maintaining the prominence of the street wall along Nicholson and Liverpool Streets.

Railway Lane

- 164. The Railway Lane podium is set back a minimum 0.92m from the eastern boundary and consists of a part three and part two-storey base. The eastern setbacks at ground floor allow for the increase in the width of the ROW. Above the Railway Lane podium, setbacks of the upper levels are generally a minimum of 4.42m, increasing to 8m between Levels 04 and 17.13m at Level 05; some with balcony intrusions within these setbacks.
- 165. The north-eastern corner of this façade is dedicated to the entrance to the car parking and bicycle parking areas; all accessed via Railway Lane. The existing ROW, combined with the proposed eastern setbacks allow for a sufficient level of building separation from the residential dwelling to the east. Visually the ROW and the upper-level setbacks provide an adequate break between built form along this interface.
- 166. *Clause 15.01.2S* supports mid-rise development that *provides a transitional scale to the buildings in adjoining low-rise neighbourhoods to protect amenity and discourage visual bulk*. Council’s Urban Design Unit advised that the proposed eastern setbacks, combined with the width of the ROW provides a reasonable separation between the proposed development and the dwelling at No. 1 Liverpool Street. However, subject to heritage advice, the following recommendation was provided by this unit:

It is considered that the street wall at the eastern end of the site could potentially be reduced to two storeys to further improve the transition from the site to the lower scale heritage residential along Liverpool Street.

GJM have not raised concerns with the proposed podium height and upper-level setbacks from Railway Lane. With the deletion of Level 03, combined with the rear setback of Level 02 from No. 1 Liverpool Street being in excess of 4m, the proposed transition to a three-storey street wall on-site is supported. On balance, this setback separation and the articulated eastern façade would ensure the development would not result in excessive visual bulk.

Northern interface

- 167. The subject site presents a 4-storey boundary wall punctuated by a 4.6m wide by 9.92m deep central courtyard (light-well) to the common boundary with No. 796 Nicholson Street. The proposal also incorporates a 4.15m setback at Level 05, with a balcony projecting within this setback. Any offsite amenity impacts from this wall, including the architectural quality will be discussed later in the report.
- 168. As shown in Figure 17 below, the zero-meter setback for sections of this side boundary is supported as the central courtyard provides a break in the building mass along the northern interface. Therefore, the proposal will not create excessively long ‘blocks’ of built form along the northern boundary.

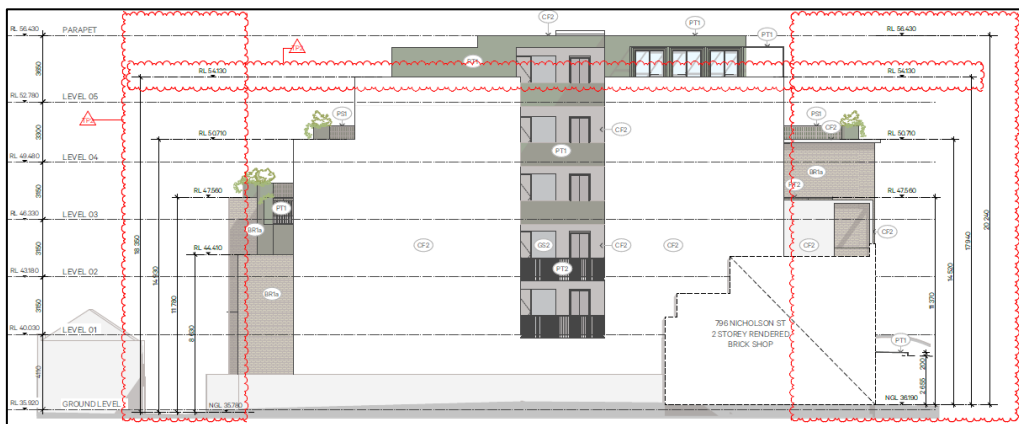


Figure 16: Deletion of Level 03
Source: GJM Heritage (December 2023)

169. In summary, the proposed massing of the development is supported, with the principal exception being the overall height and the street wall height along Nicholson and Liverpool Streets. A six-storey building, with a predominantly four-storey street wall is not an appropriate outcome for the subject site, based on the heritage streetscape, as well as the existing and anticipated scale of built form surrounding the land. The deletion of Level 03 will result in an overall height of five-storeys, with a predominantly three-storey street wall. This would provide a more suitable and balanced design response aligned with the existing heritage and emerging context. As discussed, it is recommended that permit conditions be included to ensure the proposal is modified accordingly.

The Public Realm & Pedestrian Spaces

170. *Clause 15.01-1L and Clause 15.01-2L* encourage the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. This can be achieved by designing developments to provide a high level of pedestrian amenity and visual interest, by incorporating well-defined entries at ground level and installing glazed areas which allow permeability into the interior space.
171. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety in comparison to the current conditions. Furthermore, the built form integrates greenery and tree planters which creates more visual interest and an improved public realm experience.
172. The proposed shop tenancy along the western boundary and dwelling frontage to Liverpool Street would ensure that the street activation and pedestrian experience are improved. Windows and balconies along the Nicholson Street and Liverpool Street facades allow direct interaction and casual surveillance between the commercial uses, apartments and the public realm. The extent of vertical fenestrations/glazing associated with the shop complies with policy at *Clause 15.03-1L* which states, *encourage new shopfronts to complement the general form and proportion of glazing and openings of adjoining original or early shopfronts, if any.*
173. *Clause 15.03-1L* encourages the provision of *simple, contemporary verandah design, consistent with the form and scale of adjoining verandahs.* There appears to be a discrepancy regarding the nature of the proposed awning along Nicholson Street. The architectural plans notes that the awning is continuous. However, the 3D perspectives and the Urban Context Plan (prepared by Kennedy Nolan) show the provision of ‘stop-start’ awnings along the Nicholson Street façade and terminating at the end of this street. Whilst either design provides a level of weather protection to pedestrians and also gives emphasis to the commercial use at ground floor, the stop-start design is not supported by Council’s Urban Design Unit. Furthermore, Council’s Urban Design Unit and the Arborists have advised that the location of these awnings may potentially impinge on the health of trees located in front of the site. Council’s Arborists have advised that the two trees along Nicholson Street are ‘Acer negundo sensations’, which could potentially grow to a height of approximately 6m to 7m, with a canopy of 3m to 4m. Therefore, a redesign of these awnings, needs to be considered, to ensure that the health of these trees are not compromised. This redesign will be discussed below.
174. Furthermore, as shown in Figure 17 below, the proposed awning along Nicholson Street sits considerably lower than the canopy on No. 796 Nicholson Street façade and the other heritage buildings further north and is contrary to *Clause 15.03-1L* which recommends maintaining the existing awning height of adjoining heritage buildings and the heritage streetscape. GJM, whilst supportive of the contemporary awning, have advised that the location of the awning is too low, and therefore, inconsistent with heritage policy. This same concern is raised by Council’s Urban Design Unit. Both GJM and Urban Design have recommended that this awning be increased in height, to match the neighbouring canopy to the north. Council’s Development Engineering Unit have recommended that any verandah structure have a minimum clearance height of 3m above ground level to allow for street cleaners.

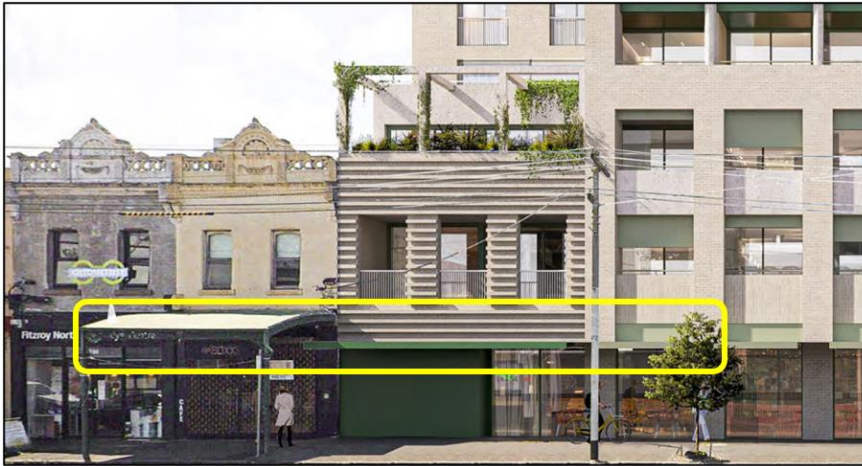


Figure 17: Location of proposed awning and neighbouring canopy outlined in yellow
Source: GJM Heritage (December 2023)

175. Given the combined concerns with the awning, the following condition is recommended to be include:
- (a) Proposed awnings along Nicholson Street frontage to be consolidated into two separate awnings, with no impacts to the existing street trees, and aligning in height with the ground floor canopy at No, 786 Nicholson Street.
176. The design of these amended awnings could potentially look like the following (hatched in blue), as shown on Figure 18 below:

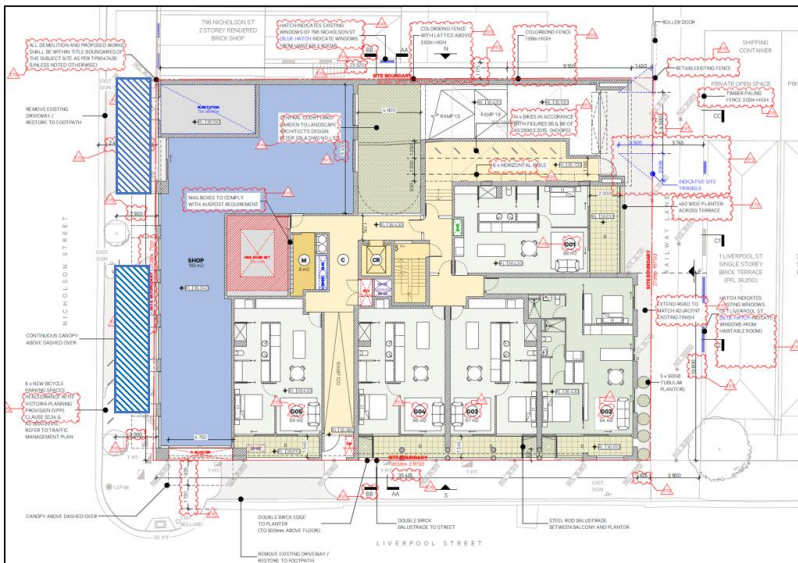


Figure 18: Proposed revisions to awnings along Nicholson Street
Source: Council office mark-up

177. It is recommended to include a separate condition requesting the proposed awning along the Liverpool Street façade (above the fire-booster) to have a clearance height of at least 3m above ground level.
178. Both GJM and Urban Design have raised concerns with the location of the substation (along the Nicholson Street façade) and the fire-booster (along the Liverpool Street façade). The substation is located along the Nicholson Street façade and concealed behind a solid wall and metal door painted in dark green. Council’s external Heritage Advisor recommended that ideally the substation should be relocated to a less prominent position such as Liverpool Street or Railway Lane, if possible. Similarly, the fire booster cupboard is located along the Liverpool Street frontage, with the access door consisting of glass. Council’s Urban Design Unit have suggested that the *fire booster is relocated further east if possible, to provide better activation and presentation to the street at the corner, and to avoid litter collecting in the space.* There appears to be no opportunity on the ground floor plane to shift either the

substation, or the fire booster further east. A check with Council's Building Unit has confirmed that the fire-booster must be located where the FRV trucks have good and easy access. The location of the substation is not specified in the Building Code; however, it must be separated from the fire-booster. The location of the substation was considered to be acceptable. Considering the wide street frontage, the location of these services is considered acceptable subject to a condition requiring they be appropriately integrated within the building design, through the incorporation of high-quality design/finishes. A further condition is recommended to ensure that the service doors will swing outwardly 180-degrees and be latched to the wall when opened. This would ensure that when open, the doors would not obstruct footpath access.

179. Urban Design provided commentary on the ground floor apartments and the central pedestrian entrance. These concerns will be discussed within on-site amenity impacts (Clause 58).
180. Five tubular planters are proposed along Railway Lane. Whilst greenery is supported in principle, Council's Urban Design Unit have stated that it should be more integrated with the façade. It is recommended that this could be one continuous planter along the two sections of frontage (excluding the vehicle entrance) or a climbing plant up sections of the wall. This would potentially reduce the likelihood of graffiti along the laneway. It is recommended that this be required by way of condition.
181. The following commentary was provided by Council's Urban Design Unit in relation to reinstatement of footpath, kerb and channel along Nicholson and Liverpool Streets, as well as Railway Lane, subject to comments from Council's Development Engineering Unit:
 - (a) *The footpaths are required to be reinstated with asphalt, noting that there is some inconsistency in footpath materials along the Liverpool Street frontage;*
 - (b) *The kerb and channel are currently bluestone on Nicholson Street and concrete in Liverpool Street. Given the site is in a Heritage Overlay, it is expected that the kerb and channel is reinstated in bluestone in line with the Roads Materials Policy;*
 - (c) *The reinstatement should include removal of redundant crossovers along both frontages; and*
 - (d) *The laneway may need to be reinstated as well – refer to Engineering team to advise on requirements, including any requirements for the paving material within the ground floor setback.*
182. The plans do not show the potential impacts to the bluestone detailing at Railway Lane. GJM advised that *any planning permit granted should include a permit condition to the effect that any such fabric should be reinstated to existing conditions where impacted.*
183. Council's Development Engineering Unit have recommended a suite of conditions relating to the footpath, kerb and channel and reinstatement of redundant vehicle crossings. These will be discussed later in the report and incorporated as conditions on any permit issued.
184. Council's Urban Design Unit have provided the following recommendations relating to bicycle parking, bench seating and paving material within the recess to the shop entrance.
 - (a) Visitor bicycle spaces along Nicholson Street to be made parallel and broken down into two groups of two. Yarra's standard bike hoops must be used and be in line with Yarra's Public Domain Manual;
 - (b) Provision of a bench along the Nicholson Street frontage. This must be a Yarra standard bench with back and arm rests. Refer to 3.1.1 of Public Domain Manual; and
 - (c) Clarify paving material in setback to shop entrance. This should be seamless transition with any level changes managed with compliant grading with no steps and considering the floor level within the shop.
185. It is recommended that the above be requested by way of conditioning a Public Realm Plan to any permit issued.

Shadows

186. In regard to sunlight access within the public realm, *Clause 15.01-2L* provides the following guidance:
- (a) *Unless specified elsewhere in this scheme, ensure development allows direct sunlight between 10am and 2pm on 22 September to any part of the:*
 - (i) *Footpath on the southern side of streets orientated east-west in activity centres as defined in clause 11.03-1L; and*
 - (ii) *Opposite footpath on streets orientated north-south in activity centres as defined in clause 11.03-1L.*
187. The applicant submitted shadow diagrams. As a result of the relatively large widths of Nicholson and Liverpool Streets, the proposed development will not cause increased shadow impacts on the western side of Nicholson Street, nor the southern side of Liverpool Street between 10am to 2pm. The additional shadows remain central to these streets. This outcome is acceptable, ensuring that there will be no loss of solar access to the opposing footpaths throughout the day. The deletion of one level will further reduce the extent of proposed shadows.

Architectural Quality

188. Policy at *Clause 15.01-2L* encourages design developments to *make a positive contribution to the streetscape through high quality architecture and urban design*. This policy further supports mid-rise development that *contribute to high-quality built form*.
189. Subject to the deletion of one level, the proposed form is appropriate and responds well to this section of Fitzroy North, with the design offering proportionately sized openings and a street-facing upper-level terraces.
190. The proposed development is considered to achieve a good level of architectural quality and provide an appealing aesthetic and visually interesting design response. The material palette is composed of brick, concrete and glazing. The proposal adopts muted material and colour palette which consists of shades of cream, grey and green hues. This is consistent with *Clause 15.01-2L* which *encourages a simple palette of durable materials that respond to the streetscape character through type, colour, finish and contrast*. GJM have commented that *the proposed infill development is of very high quality, with a selection of high-end architectural finishes and materials and provision of high-amenity spaces*. Council's Urban Design Unit are also supportive of the proposed materials, stating that the use of brick and concrete finishes compliment the brick shops along Nicholson Street. The plans do not clearly identify the material proposed for PT1 and PT1 (pale green) as well we PT3 (dark green). This will be required by way of condition.
191. The proposed street wall design along Nicholson Street consists of more restrained vertical fenestrations, with circular windows located along Liverpool Street, which interfaces with the residential properties to the east. GJM found that the design will not *detract from or compete with the often-ornate architectural detailing of nearby and adjacent heritage buildings but provides its own visual interest in the streetscape*.
192. The design is reflective of the surrounding commercial/industrial context along the eastern side of Nicholson Street, which consist of brickwork and steel framed windows and maintains a sense of robustness and visual stability. Therefore, the design response of the street wall is considered to be acceptable.
193. The upper-level design expression is similar to the approach undertaken with the street walls; consisting of vertical fenestrations, and light-coloured materials. The use of vertical framing provides a legible connections to the design expression of the podium. Level 05 (now Level 04) consist of pale green and therefore, the upper-most level will appear lighter and more open against the brick podium.

194. The rear (Railway Lane) façade reflects similar modulation and material selection as the front façades. The composition of the front and rear facades reflect an integrated approach, with materials and finishes carrying across these two facades. The proposed material for the vehicle entry has not been provided and this will be required by way of condition.
195. A pergola is proposed at the north-western corner at Level 02 and at Level 05. GJM outlined that whilst this is a departure from heritage typologies and historic architectural styles, given the narrowness of these pergolas, *they read as visually lightweight, and assist in providing a transition between clear sky and the new built form to reduce visual bulk*. As such these pergolas are supported.
196. The northern elevation has been incorrectly identified as the southern elevation, and this will be required to be corrected by way of condition. The northern side boundary walls predominantly consist of blank concrete walls in a light-coloured finish and would be highly visible from the surrounding streets, up until such time the adjoining properties to developed. To reduce the expanse of blank walls along this boundary, it is recommended to include a condition requiring a level of visual articulation to provide visual interest and enhance the quality and appearance of the building.
197. One way of achieving this could be through the incorporation of either brick or pre-cast concrete panels in brick finish, or similar to the northern façade, which would ensure that the same quality materials and visual interest is replicated on the northern façade.
198. Furthermore, the central courtyard along the northern façade helps to breakdown the overall bulk of this interface. It is considered that the design approach for this side boundary demonstrate a simple, yet high degree of depth and texture, providing adequate articulation.
199. A Façade Strategy will be incorporated into the permit conditions to ensure that all details are constructed as per the images provided, and the façade will be maintained.

Glare impacts

200. Planning Practice Note 96 (issued in December 2022) provides guidance regarding planning considerations for reflected sunlight glare in the built environment. PPN96 states that reflected glare risks can arise when cladding, painted walls or concrete have matt or smooth finishes, although reflection is generally less intense than from glass or polished cladding.
201. The predominant use of brickwork and precast concrete within the proposed development reduces the risk of glare to surrounding sites. The development also comprises of glazing and metal cladding (architectural features/window frames). Whilst glazing and polished metal cladding are considered a key source of reflected glare, which can be particularly intense and visible from varying locations and directions throughout the day and year, the use of these materials is minimal.
202. Overall, the proposed materials will not cause detrimental impacts to developments on neighbouring properties, the public realm, the natural environment nor traffic along Nicholson and Liverpool Streets.

Landmarks, Views and Vistas

203. It is policy at *Clause 15.01-2L-02* of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features.
204. Table 1. (Landmark primary viewpoints and architecture significant elements) of *Clause 15.01-2L-02* identifies St Luke's (Nos. 121 – 123 St. Georges Road, North Fitzroy) as a landmark, with its spire and belfry outlined as the significant elements.
205. This landmark is located well over 670m south-east in distance from the subject site and thus will not be affected.

206. The proposed development, with one level deleted, would not compete with St Lukes given its location and is considered to be an acceptable response to the local policy direction under *Clause 15.01-2L-02* of the Scheme.

Site Coverage

207. The level of site coverage proposed substantially exceeds the maximum of 80% suggested by *Clause 15.01-2L*. However, as the existing level of site coverage in the surrounding (and immediate) area and within a zoning that encourages higher density development (C1Z) is similar, it is acceptable. Mixed-use buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident along the Nicholson Street NAC.

Landscaping

208. Landscaping is proposed for the private and communal terraces in the form of planter boxes. The planters provide both small and/or medium canopy trees at podium and Level 05, with the planters cascading over the respective edges of the proposed development.
209. Significant landscaping does not form part of the neighbourhood character, or the subject site. However, the proposal provides this as an improvement to the amenity for future occupants. This complies with *Clause 15.01-2L* (Building design) which encourages developments to provide *landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas*.
210. The proposed landscape design also complies with strategies at *Clause 15.01-2L* which recommends developments to *incorporate setbacks that provide space for soft landscaping, including the planting of canopy trees, where appropriate*.
211. The applicant provided a Landscape Plan (SBLA Landscape Architecture & Urban Design, August 2023). Council's Open Space Unit reviewed the extent of landscaping proposed within the Landscape Plan and were generally supportive of these elements, albeit with the following amendments and additional information required.
- (a) Plant schedule to provide the plant size at installation;
 - (b) Confirm the type of species associated with the climbers at ground floor;
 - (c) The courtyard garden to show the depth or volume of soil on the podium;
 - (d) Provide information on the various types of surfaces and the shallow planting zone;
 - (e) Dimension all raised planters on the architectural plans; and
 - (f) Provide notes on the maintenance schedule, tasks and duration.
212. It is recommended that the above be required by way of conditions on any permit issued. Subject to this, it is considered that the proposal will provide an adequate response to landscaping, given the site context.
213. There are three street trees located immediately adjacent to the subject site: two along Nicholson Street and one along Liverpool Street. The plans only identify two street trees. It is recommended that a condition be included to show the location of the street tree along the northern side of Liverpool Street.
214. A further condition will require a Tree Management Plan be provided for the protection of all retained trees along Nicholson and Liverpool Streets.
215. Given the width of both Nicholson Street and Liverpool Street, there is opportunity for additional street tree planting. Council's Urban Design Unit have recommended that the applicant provide a financial contribution (total of \$2,782.00) to plant the following additional trees along the Nicholson and Liverpool Street frontage:
- (a) Two footpath trees along Nicholson Street: \$1,504.00; and
 - (b) One roadside tree on Liverpool Street (accounting for the minimum 10m required setback from Nicholson Street intersection): \$1,278.00.

216. Council's Urban Design Unit have also advised the following:

- (a) *All street tree planting, garden bed planting and establishment / maintenance (24 months for trees) to be undertaken by Council's tree planting contractor;*
- (b) *The applicant is required to contribute to the cost of planting new street trees. This would cover tree sourcing, planting and 2 years of maintenance for trees; and*
- (c) *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 construction.*

217. It is recommended that a condition be included to require the above.

[On-site amenity impacts, including Clause 58:](#)

218. Clause 58 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built-up inner-city mixed-use area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. As supplementary guidance, the UDGV and ADGV are also of relevance.

219. The objectives and standards are assessed in detail below.

Clause 58.0-1-1 Urban context report and Clause 58.0-1-2 Design Response

220. An Urban Context report and Design Response explanation contained within this report has been provided that includes the information required by both these standards.

Clause 58.02-1 – Urban context (Standard D1)

221. This standard has two objectives:

- (a) *To ensure that the design responds to the existing urban context or contributes to a preferred future development of the area; and*
- (b) *That development responds to the features of the site and the surrounding area.*

222. These matters have been discussed previously within the *Built form, urban design and Heritage* assessment. The assessment highlighted that the site is located within an urban area identified for high-density residential and mixed-use development. Concern with overall height has been previously raised, and it has been concluded that subject to condition, the proposal responds appropriately to features of the site and emerging development within the surrounding area. As such reasonable compliance with this standard is considered to be achieved.

Clause 58.02-2 – Residential Policies (Standard D2)

223. As outlined earlier within the Policy and Strategic Support section, the proposal is considered on-balance to be compliant with relevant Residential Policy objectives.

Clause 58.02-3 – Dwelling diversity (Standard D3)

224. The proposal consists of a total of 34 dwellings. The apartment mix is as follows:

- (a) 1-bedroom apartments – 14;
- (b) 2-bedroom apartments – 12; and
- (c) 3-bedroom apartments – 8.

225. The mix of apartments including 1, 2 and 3-bedroom apartments will contribute to the diversity of housing. The proposal satisfies the objectives of this standard.

Clause 58.02-4 – Infrastructure (Standard D4)

226. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The standard and objective are met.

Clause 58.02-5 – Integration with the street (Standard D5) & Clause 58.05-2 – Building entry and circulation (Standard D19)

- 227. Standard D5 aims to integrate the layout of development with the street and support development that activates street frontages. Standard D19 ensures *to provide each dwelling and building with its own sense of identity, the internal layout of buildings provide for the safe, functional and efficient movement of residents and internal communal areas provide adequate access to daylight and natural ventilation.*
- 228. The shop tenancy at ground floor will front Nicholson Street, with the ground floor apartments fronting both Liverpool Street and Railway Lane. Therefore, there are no concerns from an activation perspective.
- 229. The remaining residential uses are located within the upper floors; balconies associated with the dwellings will address all three streets which provide passive surveillance to the public realm. There are no large areas of blank walls addressing any street interfaces.
- 230. There are 1.69m to 1.93m high masonry fences proposed to the apartments fronting Liverpool Street and part of the eastern laneway. In the absence of any transparent material, the fence heights will not allow for passive surveillance. Therefore, it is recommended to include a condition requiring these fences associated with the ground floor apartments to provide a level of transparency. This will improve activation and passive surveillance at ground floor.
- 231. The primary pedestrian access points for the apartments are located centrally along Liverpool Street. The vehicle access point is via Railway Lane. This location is considered appropriate given the secondary nature of this street. The layout of this access will be discussed later in the report. The standard and objective are met.

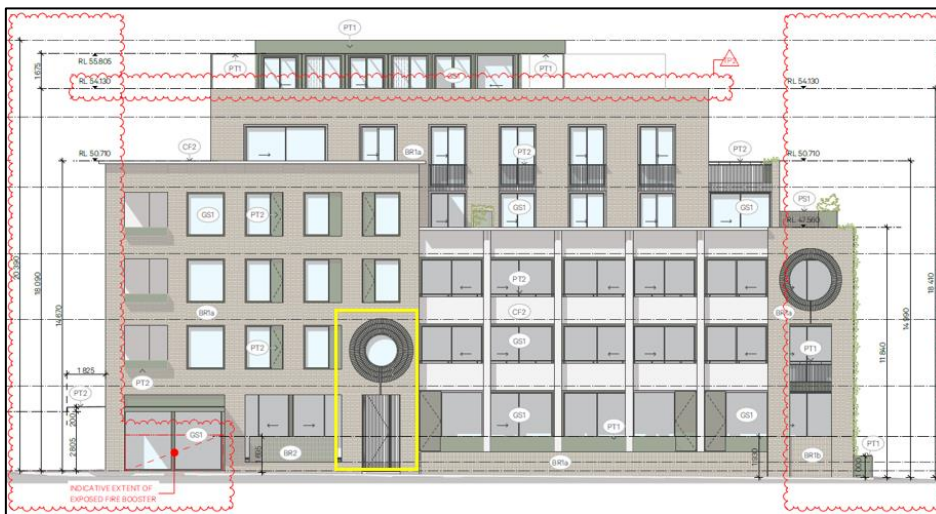


Figure 19: Primary pedestrian entrance outlined in yellow

Source: Kennedy Nolan (September 2023)

- 232. As shown in Figure 19 above, the primary pedestrian entrance to the residential lobby from Liverpool Street is via a recessed, permeable gate, with a circular window above this gate. The recess of this pedestrian entrance provides shelter and a transitional space around the entrance. However, as discussed earlier in the report, this narrow width and recess creates an unsafe environment, i.e. a hiding spot. Therefore, a condition has been recommended in order to increase the width of this entrance, or introduce a splay, as well as the provision of lighting. To further improve the legibility of this entrance, it is recommended that a condition require an awning to be provided above this gate. This would ensure that the entrance meets the requirements of the standard by being easily identifiable, and by providing a sense of personal address.

233. The four apartments at ground floor do not have direct pedestrian access to Liverpool Street, or Railway Lane. In order to provide residents an alternate entry point and an improved sense of address, Council's Urban Design Unit have recommended that the proposal consider the introduction of direct gated access to these apartments from Liverpool Street. However, Council's Urban Design Unit have also acknowledged that this would result in potential changes to the floor levels of these properties, including the depth of these balconies. This could potentially alter other BADS standards of the development which already comply. Despite this the ground floor apartments have sliding access door to the POS fronting Liverpool Street and the provision of a gate incorporated in the fences of these private open space is feasible without significant changes. Therefore, it is recommended that a condition require the provision of pedestrian gates accessing Liverpool Street to the ground floor apartments G02 to G05.

234. The communal corridor is not excessively long, and this corridor includes a source of natural light via the north-facing, central cut-out. Natural ventilation is also provided to the corridors via the open void, as recommended by the standard.

235. Subject to condition, the objective of the standard is met.

Clause 58.03-1 – Energy efficiency (Standard D6)

236. This standard seeks to ensure that buildings are orientated to make appropriate use of solar energy and sited to ensure that the energy efficiency of existing adjoining dwellings is not unreasonably reduced. Dwellings should also not exceed the maximum NatHERS annual cooling load of 30MJ/M2 (Climate zone 21 – Melbourne). Similarly, policy at *Clauses 02.03, 15.01-2L-01* and *19.03-3L* of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

237. The Sustainable Management Plan (GIW Environmental Solutions, dated September 2023) shows a 7.0 Star average NatHERS rating and maximum 30MJ/m2 cooling load to all dwellings in compliance with the standard.

238. Council's ESD Advisor reviewed the submitted SMP and the development plans and outlined the following ESD commitments:

- (a) Total BESS score of 63% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%;
- (b) 65% (22/34) of the apartments receive cross-ventilated;
- (c) Daylight modelling summary result is as follows:
 - (i) 88% of living floor area achieves >90% above Daylight Factor (DF) 1;
 - (ii) 98% of bedroom floor area achieves >90% above DF 0.5;
 - (iii) Non-residential areas are targeting a 2% DF to 33% of the nominated area;
- (d) 26% (9/34) apartments achieve at least 3 hours of sunlight;
- (e) Comprehensive shading strategy provided;
- (f) The non-residential areas aim to reduce heating and cooling energy consumption below the reference case (BCA Section J 2019);
- (g) Centralised electric heat pump hot water system to be utilised;
- (h) A 5.2kW Solar PV system located on the roof;
- (i) Individual water and electricity meters to be provided to the apartments and communal areas, including water efficient fittings and fixtures applied throughout;
- (j) A 20,000Ltr rainwater tank to harvest rainwater for sanitary purposes, as well as for landscaping, achieving a STORM rating of 101%;
- (k) Total of 34 bicycle spaces provided for residents and 8 for visitors; and

- (l) 110sqm of communal space provided at Level 05 (now Level 04, as result of recommending the deletion of Level 03).

239. However, Council's ESD Advisor commented that the proposal did not meet Council's ESD standards. Specifically, there were a number of outstanding information that had not been provided to substantiate items referenced within the SMP. Council's ESD Advisor identified the following outstanding items and area of improvement:

Outstanding information

- (a) Provide modelling for commercial areas to show they meet the 33% area target;
- (b) Confirm that post-development stormwater flows will not exceed pre-development levels;
- (c) Provide more information and specific targets regarding recycled materials;
- (d) Annotate specified SRI of roof on architectural plans;
- (e) Confirm that building services fine tuning each quarter for the first 12 months of occupation;
- (f) Confirm that Head Contractor will be ISO14001 accredited;
- (g) Confirm that an environmental management plan (EMP) will be implemented to council guidelines prior to construction;

Improvement opportunities

- (h) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
- (i) Consider incorporating a car share space within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan;
- (j) Consider a Green Travel Plan for the development;
- (k) Consider increasing landfill diversion target for construction to 90% in line with best practice; and
- (l) Consider a green wall, roof or façade. Document the outcome using the Green Factor tool: Greenfactor.com.au.

240. It is recommended that points (a) to (h) and (k) to (l) be conditioned on any permit issued. The development does not meet the threshold to require a Green Travel Plan. This is discussed later in the report. Therefore, items (i) and (j) are not recommended to be required by way of condition. Subject to condition, the standard and objective are met.

Clause 58.03-2 – Communal open space (Standard D7)

241. The standard requires the following:

- (a) *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30sqm; and*
- (b) *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5sqm per dwelling or 220sqm, whichever is the lesser.*

This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

242. Based on a total of 34 dwelling proposed, the development generates a requirement for 115sqm of communal outdoor open space. The building provides a communal courtyard at ground floor (43.47sqm), as well as a communal terrace at Level 05 (now Level 04) (total of 110sqm). With the provision of 153sqm of communal open space on-site, the proposal exceeds the requirements of this standard.

Clause 58.03-3 – Solar access to communal open space (Standard D8)

243. The standard encourages communal outdoor open spaces:
- (a) to be located on the northern side of a building if appropriate; and
 - (b) at least 50%, or 125sqm, whichever the lesser, of the primary outdoor open space area receives a minimum two hours of sunlight a day between 9am and 3pm on 21 June.
244. The shadow diagrams (TP500) provided by the architect shows that 50% of the primary communal open space at Level 05 (now Level 04) receives a minimum of 2-hours of sunlight between 9am to 3pm on 21 June. As such the sunlight access to this communal terrace complies with the requirements of this standard.

Clause 58.03-4 – Safety (Standard D9)

245. Entrances to residential lobbies are primarily provided through a recessed, permeable gate along Liverpool Street, with a secondary entrance provided for cyclists via Railway Lane. These entrances are in visible locations where passive surveillance is prevalent (including Railway Lane access, set back over 3.6m from the laneway), allowing clear views to and from the public domain. However, given the narrow width and recess, Council’s Urban Design Unit have commented that this central pedestrian entrance from Liverpool Street could potentially become a safety concern. It has been recommended that this entrance be widened, or a splay introduced to improve visibility. This is recommended to be conditioned on any permit issued.
246. The standard recommends that *developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways*. There is no indication of any source of lights on the Liverpool Street or Railway Lane façades, where residential walkways and car parking access are provided, respectively. Therefore, in order provide safety and security for both residents and visitors, and to improve the integration between the development and the street, it is recommended that a condition require wall-mounted sensor lighting to be provided to all pedestrian entrances, including the internal courtyard areas. Standard conditions will be imposed to ensure the lights are appropriately baffled and shielded to prevent light spill. Overall, subject to condition, the development achieves a satisfactory outcome against the objective of this Standard.

Clause 58.03-5 – Landscaping (Standard D10)

247. This standard contains specific requirements for the provision of canopy cover and deep soil planting. Table D2 (Canopy cover and deep soil requirements) in the standard specifies the following for sites of 1,001sqm – 1,500sqm:

Site area	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	75% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Figure 20: Table D2 Canopy cover and deep soil requirements, site specific requirement outlined the red Source: Yarra Planning Scheme (February 2023)

248. Table D4 of the standard specifies the minimum canopy diameter of 4m and minimum height of trees at 6m at maturity should be provided.

249. The site has an overall area of 1,027sqm. To meet the above requirements the proposal should provide 55.4sqm of canopy cover (including shrubs), and 154sqm (7.5%) of deep soil planting including 1 Type B tree.
250. As discussed earlier in the report, landscaping is proposed in the form of planters in private terraces and at the communal at Level 05 (now Level 04). The extent of landscaping provided does not meet the requirements of the standard.
251. In general, the extent of landscaping proposed throughout the site is supported and is a considerable improvement to the existing conditions. Deep soil planting opportunities are constrained given the proposed basements. Existing landscape features within the immediate area is also limited. A variety of species are proposed within the development, with climbing plants and planter boxes integrated throughout the open space areas, including both small to medium canopy trees at podium level and at Level 05 (now Level 04) communal terrace.
252. Subject to conditions discussed earlier in the report, the extent of landscaping is acceptable.

Clause 58.03-6 – Access (Standard D11)

253. This standard seeks to ensure car parking entries consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.
254. Vehicle access is provided from the rear ROW; Railway Lane. This rear ROW provides the least visual impact, being located at the rear and least visible side of the site.
255. All existing crossovers to Nicholson and Liverpool Streets servicing the existing uses on-site will be removed and reinstated to footpath which will improve the pedestrian experience and provide for additional on-street car parking in line with the objectives of this policy.
256. The objective of this standard also seeks to *ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles*. In compliance with the policy objective, bicycle access will be clearly delineated and separated from vehicle access.

Clause 58.03-7 – Parking location (Standard D12)

257. The purpose of this standard is to provide secure car parking facilities that are reasonably close and convenient to dwellings and are well ventilated. The proposal includes two basement levels with car parking accessed via the widened ROW. Direct lift and stair access is provided in compliance with policy objectives. Car park ventilation fans are provided within the basement levels and are controlled by sensors. The parking provided is conveniently located and ventilated and therefore, the standard and objective are met.

Clause 58.03-8 – Integrated water and stormwater management (Standard D13)

258. The objective of this standard is to encourage the *use of alternative water sources such as rainwater, stormwater and recycled water*, and encourage proposals to *facilitate stormwater collection, utilisation and infiltration within the development*. Further, buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
259. As outlined earlier in the report, a 20,000Ltr rainwater collection system will be provided to be connected for sanitary purposes and landscaping. The STORM report provided achieves a score of 101%, which is in line with the policy direction under *Clause 19.03-3L*. Council's ESD Advisor raised no concern with the proposed stormwater management proposed and it is considered the requirements of *Clause 52.18* (Stormwater Management in Urban Development) of the Scheme are met. The proposal complies with the objective and the standard.

Clause 58.04-1 – Building setbacks (Standard D14)

- 260. This standard seeks to ensure that building setbacks respond to the surrounding context of the site and allow adequate internal and off-site amenity to be achieved. As discussed earlier in the report, subject to condition, the proposed development respects the existing and emerging built form along Nicholson and Liverpool Streets, as well as Railway Lane, and thereby, the proposal integrates with the surrounding neighbourhood character.
- 261. Adequate outlooks for each dwelling are provided, with apartments receiving daylight from east, west and south-facing windows, including the north-facing central courtyard. The individual internal layouts of each dwelling, as will be discussed in detail later within this assessment, are considered appropriate.
- 262. The setbacks provided at each level, along with the privacy screening, prevent unreasonable overlooking to adjacent residential land. This aspect of the proposal will also be discussed in more detail within the 'off-site amenity' section of this report.

Clause 58.04-2 – Internal views objective (Standard D15)

- 263. This standard notes that windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.
- 264. Internal overlooking between the ground floor balconies is limited as a result of the full height nib walls separating each private open space.
- 265. Due to the balconies at the upper levels being stacked atop each other on the east, west and south side of the development, overlooking between them is not of concern. Where separate private balconies abut each other, the plans note that full height nib walls and metal screens with a minimum height of 1.8m will be provided. As shown in Figure 21 below, the 1.8m high metal screens between the balconies consist of metal grating over solid walls. Therefore, any internal overlooking opportunities are minimised as a result of the proposed design, meeting the requirements of this standard.

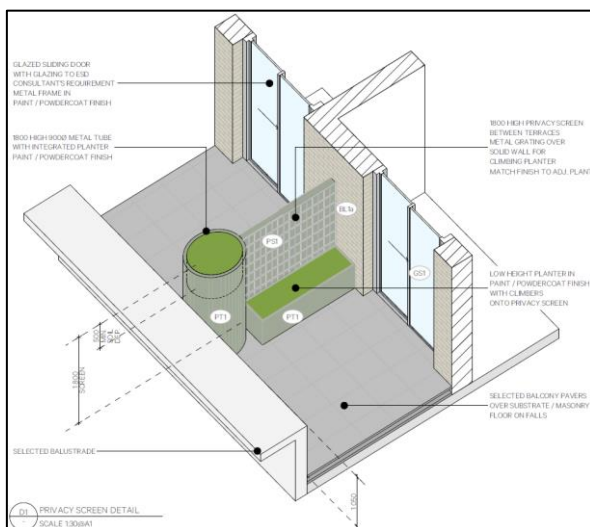


Figure 21: Internal privacy screen details
Source: Kennedy Nolan (September 2023)

Clause 58.04-3 – Noise impacts (Standard D16)

- 266. This standard aims to contain noise sources in developments that may affect existing dwellings, whilst protecting residents from any external and internal noise sources. In this instance, whilst the development is located on a busy road (Nicholson Street), it is not located in proximity to any noise generating areas as listed under Table D5 (Noise influence area) of this standard.

267. However, given the site's location within a NAC, the proximity to traffic and tram noise along Nicholson Street, as well as the live music venue at the Railway Hotel (10m to the north), and the licensed premises at No. 796 Nicholson Street, it is considered that the new dwellings must be designed and constructed to include acoustic attenuation measures to reduce noise levels from these off-site noise sources.
268. The standard also requires noise sensitive rooms to be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. Similarly, *Clause 13.07-1L-01* (Interface uses policy) also recommends residential developments considering *acoustic attenuation and other design features proposed to mitigate potential noise, fumes, air emissions, light spill, overlooking, waste management and other operational matters from nearby commercial or industrial uses*. *Clause 53.06-3* (Live music entertainment venues) requires the following to be met:
- (a) *A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:*
 - (i) *Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020); and*
 - (ii) *Outdoor live music entertainment venue to below 45dB(A), assessed as an L_{eq} over 15 minutes.*
269. Only the kitchens/dining rooms of apartments are located either adjoining or adjacent to the lift core. Therefore, the more noise sensitive rooms such as the bedrooms and living rooms are protected from the lift core.
270. The bedrooms, living spaces and balconies of apartments from Level 01 and upwards face Nicholson Street or Liverpool Street. Bedroom/s and study-nooks of Apartments 101, 109, 201, 209, 301, 309, 401 and 404 face the north-facing communal courtyard at ground floor, with the penthouse apartment and the apartments below abutting the communal terrace at Level 05 (now Level 04). Apartment G05 at ground floor, and the apartments on Level 01 are also located above the ground floor commercial tenancy.
271. The submitted Acoustic Report (Enfield Acoustics Noise Vibrations, September 2023) was peer reviewed by SLR Consulting. The Acoustic Report was found to generally address acoustic issues associated with the development, however, SLR Consulting provided the following recommendations and items to be resolved, in relation to impacts to the development, as follows:
- Mechanical plant from Railway Hotel*
- (a) Further discussion (or investigations if necessary) in order to clarify that mechanical plant from the roof of the Railway Hotel does not cause noise impacts at the subject development;
- Glazing*
- (b) Report revised to review the final selected glazing system, should it vary from the glazing configurations provided in the assessment (i.e. not rely just on the Rw ratings);
- Ground floor shop*
- (c) Revised Acoustic Report addressing noise from the ground floor shop, if the tenancies are proposed to be operated outside the Noise Protocol Part I 'day' period (i.e. 7am to 6pm Monday to Saturday); and
 - (d) The wall separating the shop from the adjacent apartment upgraded to achieve not less than $R_w + C_{tr} 50$ dB, or better, if considered appropriate by the acoustical consultant and considering the likely uses.

272. It is recommended that items (a), (b) and (d) be required by way of condition. Item (c) will not be recommended to be conditioned as the use of the land as a shop is a Section 1, no permit required use. It would be onerous to limit the hours in which the shop could be used. In the event the proposed use changes on-site, this could be dealt with as an amendment to any permit issued. Furthermore, by conditioning item (d); i.e. upgrading the wall between the shop and apartment at ground floor, will help to mitigate any noise impacts.

273. The Acoustic Report identified the nearest, existing noise sensitive receivers as being the residential dwellings to the east and south, along Liverpool Street. SLR Consulting provided the following recommendations in order to mitigate noise impacts to these sensitive interfaces:

Communal Terrace

(a) Revised Acoustic Report addressing potential noise impacts from the roof terrace. It is also recommended that the:

- (i) The external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm, and
- (ii) Impact noise control upgrades to protect apartments below; and

Mechanical plant from proposed development

(b) Assessment of mechanical plant noise, including the carpark door and substation conducted during the detailed design phase of the project. Confirm the mechanical review is required to be undertaken to consider both the Noise Protocol and EPA Low Frequency Guideline (1996), and structure-borne noise / vibration from the carpark door or other plant equipment. The report is also required to provide a specification of maximum allowable noise levels from the carpark door; and

Car park access

(c) There is a potential risk of sleep disturbance impacts to the dwelling at No. 1 Liverpool Street from the proposed car park access. It has been recommended that either the car park access is relocated to the south, or potentially treating this neighbouring dwelling.

274. As the dwelling use requires a planning permit under the C1Z, it is recommended that items (a) and (b) be required by way of condition.

275. In relation to item (c); the recommendation to relocate the car park further south would potentially give rise to on-site and off-site amenity impacts which are not considered as part of this application. Treating the neighbouring dwelling with acoustic attenuation measures will need to occur outside of this planning application, in the event any proposed buildings and works requiring a planning permit.

276. SLR have acknowledged that ultimately Railway Lane is a public road, and the dwelling at No. 1 Liverpool Street is currently highly exposed to the laneway activity as well as the carwash on-site and surrounding commercial uses. The proposal is not dissimilar to other applications with laneway access and similar site contexts (C1Z/C2Z abutting residential zones). Subject to amending the Acoustic Report, the location of the car park and potential noise impacts to neighbouring residents is considered acceptable.

277. Subject to the above conditions, the proposal meets the objective of the Standard.

Clause 58.04-4 – Wind (Standard D17)

278. The Standard seeks to ensure the built form, design and layout of developments do not generate unacceptable wind impacts within the site or on surrounding land. A strategy in *Clause 15.01-1L (Urban design)* is to *minimise the potential for development, particularly taller buildings, to create adverse wind conditions in the public realm at street level through building siting and design*. Similarly, Objective 5.1.4 of the UDGV requires new buildings within activity centres to minimise adverse wind effects.

279. The application was accompanied by a desktop wind assessment authored by MEL Consultants, August 2023. The assessment analysed the wind effects from the development at each interface (street by street) and concluded that the wind conditions would be expected to satisfy the safety criterion. The following table summarises the findings (wind conditions):

Location	Walking Criterion	Standing Criterion	Sitting Criterion
Streetscapes along Nicholson Street, Liverpool Street, Railway Lane and the northern side of the development	Yes		
Building entrances along Nicholson Street, Liverpool Street and Railway Lane		Yes	
Ground floor courtyards	Yes	Yes	
Outdoor landscaped communal terrace on Level 05 (now Level 04)	Yes	Yes (away from the corners)	
Middle inset private residential balconies		Yes	
Corner private residential balconies	Yes		

280. The report also recommended that users of the terraces will need to be educated on the wind effects and loose objects should not be left on an unattended terrace.
281. Council’s external Wind Consultants (ViPac) peer reviewed the report and generally agreed with the findings, aside from the wind conditions in the communal terrace at Level 05 (now Level 04). It has been recommended that the wind assessment be revised to provide further comments as to whether additional wind control measures are required to achieve sitting comfort criterion.
282. Wind impacts on a rooftop communal space were considered by the Tribunal in *SMA No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364*. In that case, the Tribunal found:

The key concerns relating to the wind impacts are in respect to the rooftop communal open space area. The evidence is that walking criterion is an acceptable outcome for this area. The Council does not agree, arguing that sitting criterion should be achieved.

The rooftop space is an important area and will make a notable contribution to residents amenity given its size, proportions, landscaping, opportunities for views and solar access. It will provide an attractive option for occupants and their visitors as an alternative to the individual balconies.

According to the evidence, it is possible to create areas within the rooftop communal open space that achieve the sitting criteria, with reference being made to the use of vegetation and screens. We consider that an acceptable outcome would be achieved by ensuring that the designated sitting area (comprising a table and seating) is designated to meet the sitting criterion in order for occupants to experience comfortable conditions while in this part of the rooftop open space. This outcome would be conducive to the intended use and provide an acceptable level of amenity to encourage residents to occupy this area.

283. The above case directly discusses wind impacts to communal areas and demonstrates that the communal areas should be afforded greater wind comfort. Therefore, a condition will require the wind conditions within the communal terrace at Level 05 (now Level 04) to meet the sitting criterion.

284. Subject to condition, the proposed development is considered to be designed to appropriately mitigate wind impacts.

Clause 58.05-1 – Accessibility objective (Standard D18)

285. This Standard requires the following:

- (a) *At least 50 per cent of dwellings should have:*
 - (i) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
 - (ii) *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
 - (iii) *A main bedroom with access to an adaptable bathroom; and*
 - (iv) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*

286. The BADS summary provided by the applicant confirms that all of the apartments (100%) meet this standard, which is well above the 50% requirement. An assessment undertaken by Council officers also confirms that the proposal meets this standard.

Clause 58.05-3 – Private open space (Standard D20)

287. The Standard requires the following:

- (a) *A dwelling should have private open space consisting of at least one of the following:*
 - (i) *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room;*
 - (ii) *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room;*
 - (iii) *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room; and*
 - (iv) *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*

288. The Standard notes that 1 x bedroom, 2 x bedroom and 3 x bedroom dwelling should be provided with SPOS of 8sqm and a minimum width of 1.8m, 8sqm and a minimum width of 2m, and 12sqm and a minimum width of 2.4m, respectively.

289. The Standard also specifies if a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5sqm.

290. The sizes and orientations of the balconies differ throughout the development, with some balconies addressing two street interfaces (including the ROW). Balconies range in size from 8sqm to a maximum of 60.5sqm. Airconditioning units have not been shown on plans.

291. In all instances the minimum area requirements are met; in some instances, sections of the south-facing POS at ground floor, and balconies at Level 01 and Level 02 fall short of the minimum dimension. However in all of these cases the balcony is generally irregularly shaped as a result of the central columns, with one area of the balcony exceeding the minimum dimension. In all of these instances the overall area of the balcony also exceeds the minimum area. This ensures that these particular balconies are able to provide a useable space. Further, sliding doors are provided to all balconies, ensuring that they are not compromised by an outward opening door. The objectives of this Standard are met.

Clause 58.05-4 – Storage (Standard D21)

292. The standard encourages each dwelling to have convenient access to usable and secure storage space in accordance with Table D10.
293. Each dwelling provides convenient access to useable and secure storage, with the BADs diagrams and table confirming that all apartments will comply with both the internal and external storage requirements.

Clause 58.06-1 – Common property (Standard D22)

294. The standard recommends that developments should clearly delineate public, communal and private areas. Common property should also be functional and capable of efficient management.
295. All communal areas are functional and readily accessible from communal corridors and lifts. The proposed common property areas do not appear to create any spaces that would be difficult to maintain by a future Owners Corporation.

Clause 58.06-2 – Site services (Standard D23)

296. The majority of site services would be located either within the basements or at roof level. The substation and fire-booster are located along the Nicholson Street and Liverpool Street facades at ground floor, respectively. As discussed earlier in the report, subject to condition, the location of these two services at ground floor is supported.
297. The ground floor plan demonstrates that mailboxes are located in the ground floor communal corridor.

Clause 58.06-3 – Waste and recycling (Standard D24)

298. A shared refuse room for the dwelling use is provided at Basement Level 01, with this space easily accessible from the apartments (adjacent to the lift and the provision of a chute system). A separate waste storage room is also provided for the shop use at Basement Level 01. The location of the proposed refuse rooms ensure that all waste will be stored within the development and hidden from external views.
299. The Waste Management Plan (WMP) authored by Traffix Group, August 2023, states that waste collection is to occur on-site and undertaken by a private collection service.
300. The WMP was referred to Council's City Works Branch who recommended the following items to be rectified:
- (a) *Residential hard waste collected from within the property must be via private contractor. Update Table 2 should this be the case. Council hard waste collections are a kerbside service, sufficient space on the footpath or appropriate space adjacent must be identified and approved otherwise internal private collection is required; and*
 - (b) *The main Council provided drop off for E-waste is at the recycling centre located at 168 Roseneath Street, Clifton Hill.*
301. It is recommended to require the above by way of condition.

Clause 58.06-4 – External walls and materials (Standard D25)

302. The objectives of this Standard seek to ensure external walls use materials appropriate to the existing urban context or preferred future development of the area and to ensure external walls endure and retain their attractiveness by using materials that do not easily deteriorate or stain and weather well over time.
303. The architectural quality was already discussed earlier in the report. It was found that the proposed materiality, which contains a mixture of brickwork, concrete and metal, relates well to existing built form within the neighbourhood and is acceptable within the existing and emerging context.

Clause 58.07-1 – Functional layout (Standard D26)

Bedrooms

304. Table D11 within this standard notes that main bedrooms should have a minimum width and a minimum depth of 3m and 3.4m, and all other bedrooms 3m and 3m.
305. All of the bedrooms meet the relevant requirements of Table D11.

Living areas

306. Table D12 within this standard states that living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified below;
- (a) 1 bedroom dwelling: Minimum width of 3.3m, with a minimum area of 10sqm; and
 - (b) 2 or more-bedroom dwelling: Minimum width 3.6m, with a minimum area 12sqm.
307. All of the apartments with the exception of Apartments 106 and 206 meet the relevant requirements of Table D12. These two, 2-bedroom apartments provide a minimum width of 3.25m (as opposed to 3.6m) x 3.7m. The overall area meets the minimum 12sqm recommended by the standard. For these two apartments to provide functional areas that meet the needs of residents, it is recommended a condition require these two apartments to meet the minimum requirements of Table D12 of *Clause 58.07-1 (Standard D26)*

Clause 58.07-2 – Room depth (Standard D27)

308. The Standard notes that the depth of a single aspect, open plan, habitable room may be increased to 9m if all the following requirements are met:
- (a) *The room combines the living area, dining area and kitchen;*
 - (b) *The kitchen is located furthest from the window; and*
 - (c) *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*
309. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. All proposed room depths are under 9m.
310. However, the decision guidelines associated with this standard also highlight that any overhang above habitable room windows that limits daylight should be taken into consideration. In this instance, a majority of habitable room windows between ground level to Level 05 would be affected by the overhang of terraces of levels above. Nonetheless, Council's ESD Advisor has confirmed that the apartments will not be inappropriately impacted.

Clause 58.07-3 – Windows (Standard D28)

311. The objective of this standard is to allow for adequate daylight into new HRWs. The standard requires all habitable room windows to have a window to an external wall of a building. In all apartments, all bedrooms and living rooms will have access to a window within an external wall, ensuring that daylight is accessible to all habitable rooms. As stated earlier in the report, based on the daylight modelling data provided by the applicant, Council's ESD Advisor was satisfied with the level of daylight received to all habitable rooms.

Clause 58.07-4 – Natural ventilation (Standard D29)

312. The standard requires that at least 40% of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.
313. The position of operable windows is noted on both the floor plans and elevations. In compliance with the standard, the BADs summary indicates that a total of 65% of dwellings are naturally cross-ventilated. This has also been confirmed by Council's ESD Advisor.

Off-site amenity impacts

314. *Clause 15.01-2L* of the Scheme aims to provide building design that minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within this clause, as well as *Clause 13.07-1L-01* (Interface uses policy).
315. In this instance the site is surrounded by land within the C1Z and NRZ1. The nearest residential uses occurring within the C1Z are approximately 20m to the south across Liverpool Street, at No. 2A Liverpool Street. The nearest dwelling within the NRZ1 is located 3.6m east of the subject site at No. 1 Liverpool Street.

Visual bulk

316. In regard to visual bulk impacts to the dwellings located south and east, across Liverpool Street and Railway Lane, respectively, it is considered that within this built form context views from windows to built-form is not an unreasonable expectation. This is also true of the dwelling at first-floor at No. 796 Nicholson Street. Nonetheless, the proposed development provides a central courtyard adjacent to the bedroom window of this dwelling to the north. The kitchen window currently consists of glass blocks and therefore will not be impacted visually.
317. The closest dwelling to the site is located east, at No. 1 Liverpool Street. However, the HRWs and SPOS of this dwelling is located well over 3.6m from the subject site as a result of the proposed setback and Railway Lane. Nonetheless, the combination of varied setbacks, balconies, projecting window shrouds and contrasting materiality will ensure that a good degree of modulation and visual interest is provided when viewed from across Railway Lane.
318. Subject to the deletion of Level 03, it is not considered that the overall height and massing will result in unreasonable visual bulk impacts from any vantage point.

Overlooking

319. All of the windows and areas of SPOS associated with the surrounding dwellings to the south, across Liverpool Street are more than 9m from any windows or balconies associated with the proposed development. Although not strictly applicable in this instance, the proposal would comply with the overlooking objective of Clause 55 (Standard B22) to the south, which specifies that new development should be designed to avoid direct views into habitable room windows and SPOS of dwellings within a radius of 9m.
320. There are no existing residences directly north of the site.
321. Any views from the west-facing windows and balconies will fall within the public realm along Nicholson Street.
322. *Clause 15.01-1L* states *provides windows and balconies to facing laneways to enhance surveillance but do not unreasonably overlook neighbouring private open spaces or habitable rooms on the opposite side of the laneway*. To the east, there are several habitable room windows and the SPOS associated with No. 1 Liverpool Street that face the subject site.
323. The proposal incorporates numerous treatments to the east-facing apartment windows and balconies (between Levels 01 to 05) to limit overlooking; i.e. the use 300mm to 600mm deep metal shelving to the top of the balustrades, and 500mm wide planters along the perimeter of these balconies. The overlooking diagrams clearly demonstrate that these treatments will limit views within the 9m arc.

Overshadowing

324. *Clause 15.01-2L* states *discourage impacts on existing adjoining development through unreasonable overshadowing of secluded open space and loss of daylight to habitable room windows*.

325. The submitted detailed shadow diagrams show that the SPOS of No. 1 Liverpool Street will be impacted by overshadowing as a result of the proposed development on-site. Given the subject site's orientation, and this neighbouring SPOS being located further north, the additional shadowing will only occur at 3pm. Furthermore, the additional shadows are limited to approximately 2sqm. Whilst the proposal will reduce sunlight to this SPOS, the hours of impact are limited to the afternoon and therefore acceptable. The deletion of Level 03 may also reduce the extent of additional shadows on this SPOS.

Daylight to existing windows

326. The separation distances provided by Nicholson Street, Liverpool Street and Railway Lane would adequately address matters of daylight to the west, south and east, respectively.
327. As outlined earlier in the report, No. 1 Liverpool Street has three, west-facing habitable room windows. However, all three windows will be located in excess of 4.5m from the proposed development, due to the width of Railway Lane (3.6m) and the setback of the development from the eastern boundary (minimum 0.925m). There will be no unreasonable loss of daylight into these neighbouring HRWs. The deletion of Level 03 will also further improve conditions of these windows.
328. In respect of the interface to No. 796 Nicholson Street, a central courtyard is provided on-site adjacent to the neighbouring HRW. Therefore it is not considered that the proposal would have an adverse impact on the daylight of this building.

Fumes and air emissions, light spillage

329. The majority of the building is enclosed and the use conducted indoors (with the exception of the outdoor balconies associated with the individual dwellings at varying levels and the communal terrace. The proposed uses are not considered to result in unreasonable air emissions, with light spill from the building limited due to the nature of the uses (predominately dwellings) and the location of the commercial ground floor use facing Nicholson and Liverpool Streets.
330. As a result of the above, it is considered that the proposal does not unduly compromise or prejudice the future development potential of adjoining properties.

Equitable Development

331. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered.
332. The adjoining site to the north is a contributory graded building, and therefore development potential to this neighbouring site is constrained. However, the centrally located northern setback of the subject site would provide a reasonable degree of separation between existing and future built form on this adjoining site. Furthermore, the adjoining site is smaller than the subject site and therefore, has a lesser development potential unless consolidated with the abutting site further north. Nonetheless, a 9m break for a length of 4.6m to mirror this courtyard on the subject site would result in an acceptable outcome that is not considered to unduly impact upon future development potential within this site.
333. To the west, south and east of the site are Nicholson Street, Liverpool Street and Railway Lane, respectively, and as such, the sites beyond these are separated by the widths of these carriageways, which provide a reasonable buffer.
334. Overall, subject to condition, the potential off-site amenity impacts from the proposed development is considered acceptable.

Construction management

335. Policy at *Clause 13.07-1L-02* require all development to ensure that construction times, storage and disposal methods minimize disruption to nearby residential and business uses. Council's standard Construction Management Plan condition will be required to ensure that construction is adequately managed to minimise off-site disturbance.

Car parking, traffic, bicycle facilities, alteration of access and loading/unloading

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

Land Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Provided	Reduction Sought
1 x Bedroom Dwelling	14	1 space per dwelling	14	44 (surplus of 2 for dwellings)	
2 x Bedroom Dwelling	12	1 space per dwelling	12		
3 x Bedroom Dwelling	8	2 spaces per dwelling	16		
Shop	189sqm	3.5 spaces per 100sqm of LFA	6		
Total			48	46	2

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

338. The applicants submitted Traffic Engineering Assessment (Traffix Group, September 2023).

Parking demand

Shop

339. The applicant has specified two on-site parking allocations for the shop use at Basement Level 01. Therefore, requiring only a reduction of 4 spaces for this use. Council's Development Engineering Unit have suggested that the parking generated by the shop use would primarily consist of short-stay parking for customers and long-stay parking for staff.

340. Given the site's good accessibility to public transport services, it would encourage visitors to the site to utilise more sustainable forms of transportation. The limited long-term parking availability in the surrounding street network would discourage employees without dedicated on-site car parking spaces from driving to work.

Dwellings

341. The development is not required to provide any visitor car parking and all dwellings are provided with car parking in accordance with *Clause 52.06*. Council's Development Engineering Unit also confirmed that there is no objection with the two surplus car spaces for the residential use.

342. 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 and bus services immediately west along Nicholson Street, tram services along St. Georges Road (630m south-east), tram services along Lygon Street (670m west), and bus routes along Holden and Rathdowne Streets (200m north and 400m west, respectively). This will be a strong deterrent for employees / visitors to arrive via private vehicle;

- (b) The provision of bicycle infrastructure in the surrounding area, includes the Capital City Trail further north, which is a highly utilised commuter route for cyclists. The area also has shared lane markings for bicycles including along Nicholson and Park Streets. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme. These measures will encourage employees/visitors to arrive via bicycle;
- (c) Planning policy at *Clauses 02.02, 02.03, 18.01-3L, 18.02-1L and 18.02-2L* encourages reduced rates of car parking provision for development sites within proximity to public transport routes and activity centres;
- (d) Council's Development Engineering Unit found the traffic generated by the development to be low and would not adversely impact the traffic operation of the surrounding road network; and
- (e) Council's Development Engineering Services reviewed the proposed car parking reduction and raised no issue to the proposed reduction, stating that employees and visitors would commute to the site using sustainable transport, including catching public transport or riding a bicycle.

Availability of car parking

343. To establish the level of on-street and off-street car parking demand in the vicinity of the site, Traffix Group had undertaken parking occupancy surveys during the following days and times:
- (a) Thursday 1 June 2023 and Saturday 3 June 2023 at 12pm - 1pm and 7pm - 8pm.
344. An inventory of 175 - 180 on-street car spaces, and 24 off-street public car spaces were identified within a 200m radius around the site.
345. The survey results are as follows:
- (a) Peak on-street parking demand occurred on Saturday at 1pm with 29 vacant spaces or 84% occupancy; and
 - (b) Peak off-street car parking demand occurred at 12pm on Saturday with 2 vacant spaces or 92% occupancy.
346. Council's Development Engineering Unit concurred that the visitors to the site should be able to find an on-street car space in the surrounding road network.

Vehicle Access and layout

347. Access to the basement car park is via Railway Lane.
348. *Clause 52.06-9* (Design standards for car parking) relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
349. Council's Development Engineering Unit reviewed the above against the advertised plans and were satisfied with the layout of the car parking area. Whilst Council's Development Engineering Unit were generally supportive of the car parking arrangements, including access from Railway Lane, it has been recommended that the following matters be addressed by way of conditions:
- (a) Dimension the following:
 - (i) width of the internal access ramp;
 - (ii) headroom clearance at the development's entrance;
 - (iii) length of the tandem spaces;
 - (iv) column depths and setbacks;
 - (b) Increase the length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on Basement 02 to 2.5m;

- (c) Demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle; and
- (d) Demonstrate cars will not bottom-out when entering or exiting the development via Railway Lane.

350. The above are recommended to be required by way of condition. An additional condition is recommended to number the car parking spaces.

351. Several engineering conditions relating to civil works, road asset protection, and construction management, impacts of assets on the proposed development, reinstatement of redundant vehicle crossings and modification to car parking signage have been recommended. These conditions are considered standard and should also be included on any permit issued.

352. Overall, subject to condition, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome.

Bicycle parking

353. The application exceeds the *Clause 52.34* statutory bicycle parking requirements, being:

- (a) 7 resident spaces (35 resident spaces provided); and
- (b) 3 visitor spaces for the dwelling use (8 visitor spaces are provided).

354. However, the provision of eight visitor spaces was found to be inadequate by Council's Strategic Transport Unit as it falls short of the BESS requirements for a residential development. The BESS requirements equate to nine visitor spaces (0.25 spaces per dwelling). In order to meet best-practice, it is recommended that one additional visitor bicycle space; i.e. a total of 9, be provided. This can be addressed by way of condition.

355. Council's Strategic Transport Unit further advised that for residential buildings, BESS requires at least one bicycle space to be provided per dwelling. When applied to the proposed development, this would result in a requirement of 34 residential bicycle parking spaces. 35 resident bicycle parking spaces are provided on-site, meeting best-practice.

356. Further advice suggested that, for a non-residential use (shop), a provision of a space for at least 10% of building occupants is required. Using an approximation of one employee per 50 - 100sqm of gross floor area, it was estimated that the shop use would have at least two to four employees. This results in a requirement of one employee space. Two bicycle spaces are provided for the shop use. This too will meet best practice.

357. Based on the plans, Council's Strategic Transport Unit recommended the following design items to be addressed in relation to both resident and visitor bicycle spaces. The following can be addressed by way of condition:

- (a) *Dimension of bicycle parking spaces and access paths in accordance with the requirements of AS2890.3 and the Yarra Planning Scheme Clause 52.34;*
- (b) *Details of the proposed access path for bicycles to the basement bicycle parking area is required to be defined, including:*
 - (i) *Details and internal dimensions of the lift to confirm that this is of a suitable size to contain a bicycle to the basement; and*
 - (ii) *Details of how the stop and go lighting system proposed to be used along the basement ramp from Railway Lane (as referenced within the Transport Impact Assessment Report) will be activated by a bicycle to ensure that vehicle / bicycle conflicted is not created along the basement ramp; and*
- (c) *Provide a locking mechanism to the bike rooms to limit access to authorised personnel only.*

Electric Vehicles

358. Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EVs). No electric car charging points are shown on the plans. To allow for easy future expanded provision for electric vehicle charging, Council's Strategic Transport Unit recommended that all car parking areas be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit installed. It is recommended that this also be required by way of condition.

Green Travel Plan

359. The applicant has not supplied a Green Travel Plan (GTP). Council's Strategic Transport Unit have confirmed that given the development has a total non-residential floor area of less than 1,000sqm, a GTP is not required.

Alterations of access

360. A planning permit is required, as the proposal alters access to a road in a TPZ2.

361. This application was formally referred to Head, Transport for Victoria, pursuant to the requirements of *Clause 52.29* and *Clause 66.02-11* (Land use and transport integration).

362. The Department of Energy, Environment and Climate Action advised that *there is no objection and no comment to the proposal*.

363. The Department of Transport provided the following comments which are recommended to be included on any permit issued:

- (a) Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria; and

Accompanying Note:

- (b) *The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works.*

Loading and unloading

364. The traffic assessment provided by the applicant states that any loading/unloading of deliveries will occur off-site. The Town Planning Report contradicts this and states that this will occur on-site. The plans also do not show the location of a loading bay on-site.

365. Therefore, it is considered that a loading bay has not been provided as part of the development. This is an acceptable outcome given that the majority of the development is associated with dwelling use.

366. Whilst there will be a shop proposed at ground floor, this is not a large-scale operation and deliveries are likely to be from small vehicles which can utilise the on-street parking. Council's Development Engineering Services raised no issue with this aspect of the proposal.

367. A standalone condition can also require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Objector concerns.

368. Many of the objector issues have been addressed within the body of the, as follows:

- (a) Built form and design (overdevelopment, height, scale, bulk, character):

Overdevelopment, height, scale and massing have been discussed at paragraphs 213, 149 to 191. Context and character is discussed in paragraphs 140 to 144;

- (b) Heritage impacts:

Demolition has been discussed at paragraphs 145 to 148.

The proposed development in relation to heritage is discussed in paragraphs 149 to 191 and 194 to 197;

- (c) Off-site amenity (off-site, on-site, visual bulk, overlooking, loss of light):

Visual bulk, overshadowing, overlooking and loss of daylight have been discussed at paragraphs 322 – 324, 330 to 331, 325 to 329, and 332 to 333, respectively;

- (d) On-site amenity:

This is discussed at paragraphs 224 to 319;

- (e) Traffic and car parking:

This is discussed at paragraphs 342 to 358;

- (f) Minimal scale of the proposed shop:

This is discussed at paragraph 137;

- (g) Noise:

Noise impacts to the development from licensed/live music venues, including noise from the proposed development, have been discussed at paragraph 273 to 278 and paragraphs 279 to 282, respectively; and

- (h) Construction impacts:

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.

Other matters

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

370. The proposed dwelling use on-site has been deemed to be defined as a 'high risk use' by the Planning Practice Note 30 (PPN30). The subject site is not in an EAO, and the proposal seeks to introduce a 'sensitive use'.

371. A Preliminary Site Investigation (PSI) (Arc Environmental, July 2023) has been provided to make recommendations on the need for an environmental audit. The PSI advises the following:

The Practice Note, in Table 3 "Recommended Approach to Assessing Potentially Contaminated Land" goes on to indicate that for a High-risk site (based on known use), where residential use is proposed, proceeding directly to an environmental audit as required by Ministerial Direction No. 1.

As such, an Environmental Auditor will be required to issue a statement or certificate of Audit prior to redevelopment for a sensitive land use (i.e. residential or child care). As part of the Audit process, a Detailed Site Investigation (DSI) will be required to build on the information gathered in this PSI. The DSI will include, at a minimum soil and groundwater investigation, to assess the risk posed to human health and the environment from the past Site use.

372. Based on this finding, if a permit is to issue, a condition will require an environmental audit to be undertaken prior to the commencement of the use and development.

Conclusion

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

RECOMMENDATION

That Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to make a decision, it would have issued a Notice of Decision to grant to a planning permit PLN23/0553 for the full demolition and the construction of a multi-storey, mixed-use building, including a shop and dwellings (permit required for dwelling use), reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 at Nos. 786 – 794 Nicholson Street Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Kennedy Nolan, Rev TP2: TP002 - TP010, TP100 - TP108, TP200 - TP202, TP300 – 301, TP400 – 405 and TP600, but modified to include/show:
 - (a) Deletion of Level 03;
 - (b) Remove all demolition works from proposed plans;
 - (c) Setbacks of all built form, including the lift overrun, from title boundaries annotated on the roof plan;
 - (d) Correctly label the northern elevation;
 - (e) Additional visual articulation to the northern blank walls above the podium levels.
 - (f) Provision of wall-mounted sensor lighting to all pedestrian entrances, including the internal courtyard areas;
 - (g) Fences associated with the ground floor apartments to consist of permeable material (maximum 25% transparency);
 - (h) Provision of pedestrian gates accessing Liverpool Street to the ground floor Apartments G02 to G05.;
 - (i) Improve the visibility of the primary pedestrian entrance from Liverpool Street by:
 - (i) Widening the entrance, or by introducing a splay;
 - (ii) Provision of an awning above this pedestrian entrance;
 - (j) Awnings along Nicholson Street frontage to be consolidated into two separate awnings, with no impacts to the existing street trees, and aligning in height with the ground floor canopy at No. 786 Nicholson Street;
 - (k) Awnings along Liverpool Street to have a minimum clearance height of 3m above ground level;
 - (l) Substation and fire-booster cupboards be appropriately integrated within the building design through the incorporation of high-quality design/finish;
 - (m) All service doors to swing outwardly 180-degrees and be latched to the wall when opened;
 - (n) Location of the street tree along the northern side of Liverpool Street;
 - (o) Materials and finishes schedule to confirm the proposed materials for the following:
 - (i) vehicle entry;
 - (ii) PT1, PT1 and PT3;
 - (p) Tubular planters along Railway Lane replaced with either:
 - (i) one continuous planter along the two sections of this frontage (excluding the vehicle entrance); or

- (ii) a climbing plant up sections of this wall.
- (q) Apartments 106 and 206 to meet the minimum requirements of Table D12 of Clause 58.07-1 (Standard D26);
- (r) Dimensions relating to car parking and access as follows:
 - (i) width of the internal access ramp;
 - (ii) headroom clearance at the development's entrance;
 - (iii) length of the tandem spaces;
 - (iv) column depths and setbacks;
 - (v) Increase the length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on Basement 02 to 2.5m;
- (s) Demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle;
- (t) Demonstrate cars will not bottom-out when entering/exiting the development via Railway Lane by providing 1:20 scaled cross-sectional diagram with the following:
 - (i) Provision of a 40mm lip/bullnose along the eastern edge of the internal concrete slab;
 - (ii) A number of spot levels which include the reduced level 2.0m inside the property, the level at the west and east edge of Railway Lane and the level at the centreline/invert of Railway Lane;
- (u) Car parking spaces numbered;
- (v) Provision of one (1) additional visitor bicycle space (total of 9 spaces);
- (w) Dimension bicycle parking spaces and access paths in accordance with the requirements of AS2890.3 and the Yarra Planning Scheme Clause 52.34;
- (x) Detail and define the proposed access path for bicycles to the basement bicycle parking area, including:
 - (i) Internal dimensions of the lift to confirm that this is of a suitable size to contain a bicycle to the basement;
 - (ii) How the stop and go lighting system proposed to be used along the basement ramp from Railway Lane (as referenced within the Transport Impact Assessment Report) will be activated by a bicycle to ensure that vehicle / bicycle conflicted is not created along the basement ramp;
- (y) Provide a locking mechanism to the bike rooms to limit access to authorised personnel only;
- (z) Notation confirming all car parking areas be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit installed;

Reports

- (aa) Any requirement of the endorsed Public Realm Plan, where relevant (Condition 11);
- (bb) Any requirement of the endorsed Sustainable Management Plan, where relevant (Condition 12);
- (cc) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 14);
- (dd) Any requirement of the endorsed Landscape Plan, where relevant (Condition 16);
- (ee) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 18);

- (ff) Any requirement of the endorsed Acoustic Report, where relevant (Condition 22); and
- (gg) Any requirement of the endorsed Wind Report, where relevant (Condition 24).

Use

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. The external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm.
4. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin.
5. The use 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).
6. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
7. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
8. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Facade Strategy and Materials and Finishes Plan

9. Concurrent with the submission of Condition 1 plans, 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, crossed intersection of slab edges, 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;
 - (i) information about how the high-quality appearance of the façade will be maintained; and
 - (ii) a sample board and coloured drawings outlining colours, materials and finishes.

Ongoing architect involvement

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

Public Realm Plan

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Visitor bicycle spaces along Nicholson Street to be made parallel and broken down into two groups of two. Yarra's standard bike hoops must be used and be in line with Yarra's Public Domain Manual;
 - (b) Provision of a bench along the Nicholson Street frontage. This must be a Yarra standard bench with back and arm rests. Refer to 3.1.1 of Public Domain Manual;
 - (c) Clarify paving material in setback to shop entrance, providing a seamless transition with any level changes managed with compliant grading with no steps, and considering the floor level within the shop;
 - (d) at the permit holder's cost; and
- to the satisfaction of the Responsible Authority.

Sustainable Management Plan

12. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the advertised Sustainable Management Plan prepared by GIW Environmental Solutions and dated 13 September 2023, but updated to include the following:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Provide modelling for commercial areas to show they meet the 33% area target;
 - (c) Confirm that post-development stormwater flows will not exceed pre-development levels;
 - (d) Provide more information and specific targets regarding recycled materials;
 - (e) Annotate specified SRI of roof on architectural plans;
 - (f) Confirm that building services fine tuning each quarter for the first 12 months of occupation;
 - (g) Confirm that Head Contractor will be ISO14001 accredited;
 - (h) Confirm that an environmental management plan (EMP) will be implemented to council guidelines prior to construction;
 - (i) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
 - (j) Consider increasing landfill diversion target for construction to 90% in line with best practice; and
 - (k) Consider a green wall, roof or façade. Document the outcome using the Green Factor tool: [Greenfactor.com.au](https://www.greenfactor.com.au).
13. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

14. Concurrent with the submission of Condition 1 plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated 03 August 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Table 2 updated to confirm if residential hard waste is to be collected from within the property via private contractor or by Council (Council hard waste collections are a kerbside service, sufficient space on the footpath or appropriate space adjacent must be identified and approved, otherwise internal private collection is required); and
 - (c) Notation confirming the main Council provided drop off for E-waste is at the recycling centre located at 168 Roseneath Street, Clifton Hill.
15. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. Concurrent with the submission of Condition 1 plans, 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 SBLA Landscape Architecture & Urban Design and dated 12 August 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Plant schedule to provide the plant size at installation;
 - (c) Confirm the type of species associated with the climbers at ground floor;
 - (d) The courtyard garden to show the depth or volume of soil on the podium;
 - (e) Provide information on the various types of surfaces and the shallow planting zone;
 - (f) Dimension all raised planters on the architectural plans; and
 - (g) Provide notes on the maintenance schedule, tasks and duration.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Street trees

18. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:

- (a) the protection and preservation of the existing street trees on the Nicholson Street and Liverpool Street footpaths, including:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
20. Before the development commences, or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,782.00 to the Responsible Authority. This fee:
- (a) Will be used for three (3) new street tree plantings as listed below:
 - (i) Footpath - Two (2) along Nicholson Street; and
 - (ii) Roadside – One (1) along Liverpool Street; and
 - (b) Will cover the tree sourcing, planting and 2 years of maintenance.
21. All street tree planting, garden bed planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).

Acoustic Report

22. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Noise Vibration and dated 08 September 2023, but modified to show/address:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Potential noise impacts from the mechanical plant from the roof of the Railway Hotel to the subject development, and any mitigation measures;
 - (c) Final selected glazing system, should it vary from the glazing configurations provided in the assessment (i.e. not rely just on the Rw ratings);
 - (d) The wall separating the shop from the adjacent apartment upgraded to achieve no less than $R_w + C_{tr} 50$ dB, or better, if considered appropriate by the acoustic consultant and considering the likely uses;
 - (e) Potential noise impacts from the Level 05 (now Level 04) terrace. Furthermore,:
 - (i) The external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm;
 - (ii) Impact noise control upgrades to protect apartments below;
 - (f) Confirm mechanical plant noise, including the carpark door and substation. The review must consider both the Noise Protocol and EPA Low Frequency Guideline (1996), and structure-borne noise / vibration from the carpark door or other plant equipment; and

- (g) Provide a specification of maximum allowable noise levels from the carpark door.
23. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

24. Concurrent with the submission of Condition 1 plans, 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 Assessment Report prepared by MEL Consultants and dated 03 August 2023, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit; and
 - (b) Wind conditions within the communal terrace at Level 05 (now Level 04) to meet the sitting criterion.
25. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Head, Transport for Victoria (26)

26. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Environmental Audit

27. Before the use and/or development authorised by this permit commences an Environmental Auditor be appointed pursuant to the Environmental Protection Act (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act, and issue an Environmental Audit Statement (**Statement**) under Part 8.3, Division 3 of the Environment Protection Act 2017 which states either:
- (a) that the site is suitable for the approved use and/or development; or
 - (b) that the site is suitable for the approved use and/or development if the recommendations made in the statement are complied with;
- and the Statement must be provided to the Responsible Authority within 5 business days of the Statement being issued.
28. If a Statement is issued under condition 27(b), the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (**Agreement**). The Agreement must:
- (a) outline the recommendations contained in the Statement to be complied with;
 - (b) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement;
 - (c) be executed before the sensitive use for which the land is being developed commences; and
 - (d) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to the Agreement (including those incurred by the Responsible Authority).
29. Where an Environmental Audit Statement for the land in accordance with the EP Act (**Statement**) is issued and before the use authorised by this permit is occupied/commences:
- (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and

- (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works.

30. All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

31. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

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

General

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

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity to the satisfaction of the Responsible Authority.

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

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

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

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

Car Parking

38. 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; and
- (c) Line-marked or provided with some adequate means of showing the car parking spaces. to the satisfaction of the Responsible Authority.

Civil Works

39. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Nicholson Street frontage must be reconstructed in asphalt:

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

40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Nicholson Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
41. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
42. All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
43. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Construction Management Plan

44. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with chapter 4 of the Civil Construction, Building and Demolition Guide (Publication 1834) as issued by the Environment Protection Authority in November 2020. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) Any site-specific requirements.

During the construction:

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

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

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

Construction hours & noise

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

Permit Expiry

47. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) the dwelling use is not commenced within five years of the date of this permit.

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

Notes:

The site is subject to a Heritage Overlay. A planning permit may be required of external works.

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

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

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

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

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

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

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

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.

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage area within the property must be provided for and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

All future property owners or residents within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

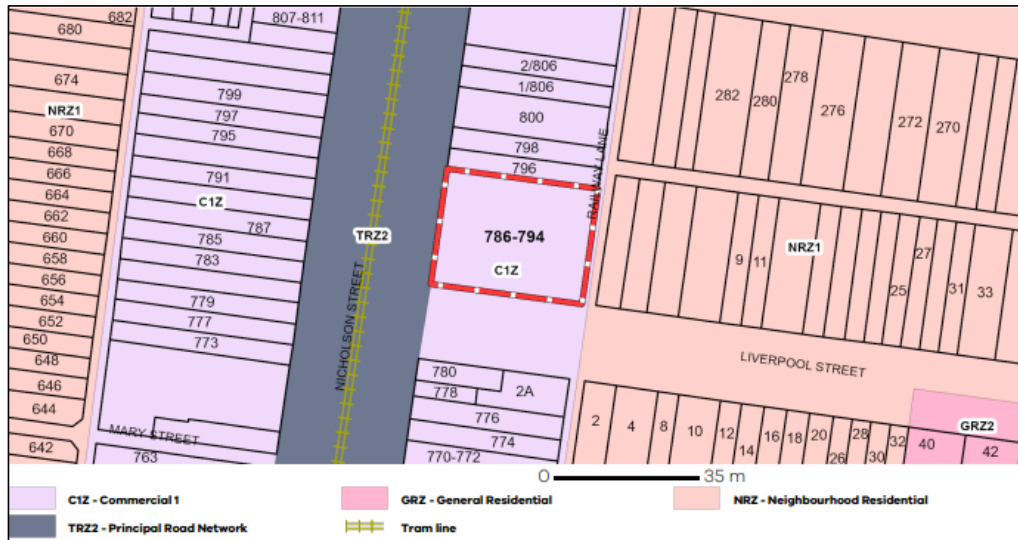
All future business (*whether as owners, lessees/tenants, occupiers*) within the development approved under this permit, will not be permitted to obtain business parking permits.

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

Attachments

- 1 [↓](#) Attachment 1 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Site Location Plan
- 2 [↓](#) Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)
- 3 [↓](#) Attachment 3 - CREF23/00223 - Referral Response - Heritage
- 4 [↓](#) Attachment 4 - IREF23/01911 - Internal Referral Response - Urban Design
- 5 [↓](#) Attachment 5 - IREF23/01908 - Internal Referral Response - ESD
- 6 [↓](#) Attachment 6 - IREF23/01906 - Internal Referral Response - Development Engineering
- 7 [↓](#) Attachment 7 - IREF23/01909 - Internal Referral Response - Strategic Transport
- 8 [↓](#) Attachment 8 - IREF23/01907 - Internal Referral Response - City Works - Waste Management
- 9 [↓](#) Attachment 9 - IREF23/01905 - Internal Referral Response - City Strategy - Open Space Services
- 10 [↓](#) Attachment 10 - CREF23/00220 - Referral Response - SLR
- 11 [↓](#) Attachment 11 - CREF23/00221 - Referral Response - Wind
- 12 [↓](#) Attachment 12 - EREF23/00186 - Referral Response - DECCA
- 13 [↓](#) Attachment 13 - EREF23/00186 - Referral Response - Head, Transport for Victoria

SUBJECT LAND: 786 – 794 Nicholson Street Fitzroy North
Subject Site



DEVELOPMENT SCHEDULE

SITE AREA SCHEDULE

	AREA
SITE AREA	1028m ²
BUILDING SITE COVERAGE	94.1%
IMPERVIOUS SITE COVERAGE	98.3%

6 274.1 m²

GFA SCHEDULE

STOREY	AREA
BASEMENT LEVEL 02	597.6
BASEMENT LEVEL 01	935.2
GROUND LEVEL	920.2
LEVEL 01	888.0
LEVEL 02	884.4
LEVEL 03	828.7
LEVEL 04	701.7
LEVEL 05	518.3

APARTMENT NSA SCHEDULE

STOREY	AREA
GROUND LEVEL	362.8
LEVEL 01	713.9
LEVEL 02	713.9
LEVEL 03	636.2
LEVEL 04	476.8
LEVEL 05	129.6

3 033.2 m²

APARTMENT MIX SCHEDULE

UNIT TYPE	QTY
1 BED	14
2 BED	12
3 BED	8

34

RETAIL NET FLOOR AREA SCHEDULE

STOREY	AREA
GROUND LEVEL	189.1

CAR PARKING SPACE SCHEDULE

USE	QTY
RESIDENTIAL	44
RETAIL	2
NO. OF CAR SPACES	46

NOTE: THIS CAR SPACE SCHEDULE INCLUDES 2 TANDEM CAR SPACE

BICYCLE PARKING SCHEDULE

USAGE	QTY
GROUND LEVEL HOOPS	
RESIDENT	20
STREET	
RESIDENTIAL VISITOR	7
RETAIL VISITOR	1
WALL MOUNT	
RESIDENT	15
NO. OF BICYCLE SPACES	43

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REFER NATIONAL AND TYPICAL DOOR, FITTINGS AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM

REFER CONSULTANT DRAWINGS FOR MECHANICAL, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, HYDROLOGIC AND SUSTAINABILITY MEASURES.

Revisions		
No.	Date	Description of Revision

Client
 Outline Projects

Project
 Fitzroy North Apartment with Outline Projects @ A0

Project Address
 786-794 Nicholson Street Fitzroy North VIC 3068 Australia

Project Number
 2305

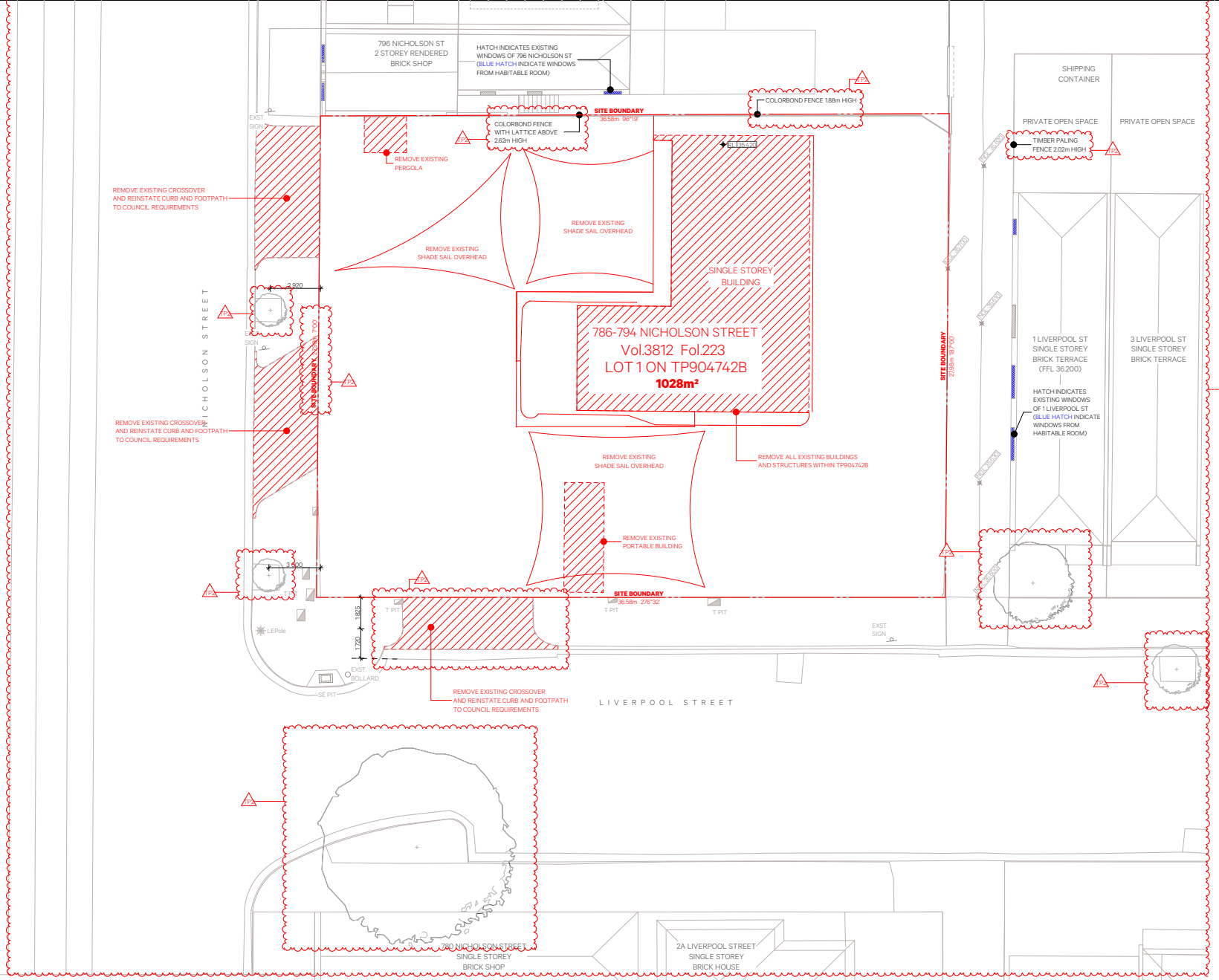
Project Stage
 Issued for Town Planning

Date
 18/09/2023

Drawn
 [INITIALS]

2305
 Drawing Name
 DEVELOPMENT SCHEDULE

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



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2018
Professional Engineer
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ELECTRICAL
PLUMBING
REFRIGERATION

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REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES
REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM
REFER CONSULTING DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.

Revisions		
REV	DATE	REVISION/ISSUE

Client Outline Projects
Project Fitzroy North Apartment with Outline Projects
Project Address 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
Project Number 2305
Drawing Name DEMOLITION PLAN

Project Stage Issued for Town Planning
Scale 1:100 @ A0
Date 18/09/2023
Drawn DN/CLJ
Checked

KENNEDY NOLAN
Drawing TP010 Revision TP2

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)

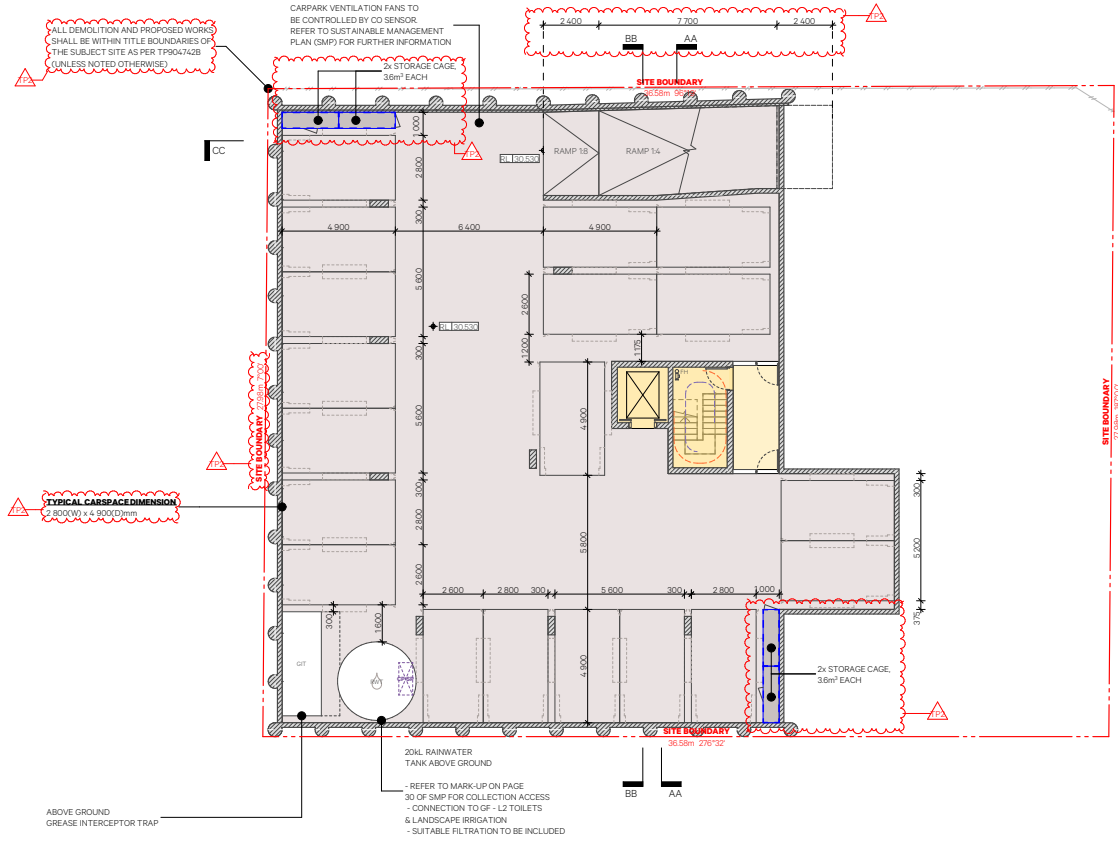
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ARCHITECTS
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REFER SANITARIAL AND FINISHES SCHEDULES, FITTINGS AND FIXTURES SCHEDULES FOR ALL CODE ELEMENTS SHOWN IN THIS DRAWING.
 REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
 REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.
 REFER CONSULTANT DRAWINGS FOR MECHANICAL, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, HYDROLOGIC AND SUSTAINABILITY MEASURES.



Revisions		
Rev	Date	Description of Change

Client Outline Projects	Project Stage Issued for Town Planning
Project Fitzroy North Apartment with Outline Projects	Scale 1:100 @ AO
Project Address 786-794 Nicholson Street Fitzroy North VIC 3068 Australia	Date 18/09/2023
Project Number 2305	Drawn DNT/CL
Drawing Name FLOOR PLAN - BASEMENT 02	

KENNEDY NOLAN

Drawing: TP100 TP2

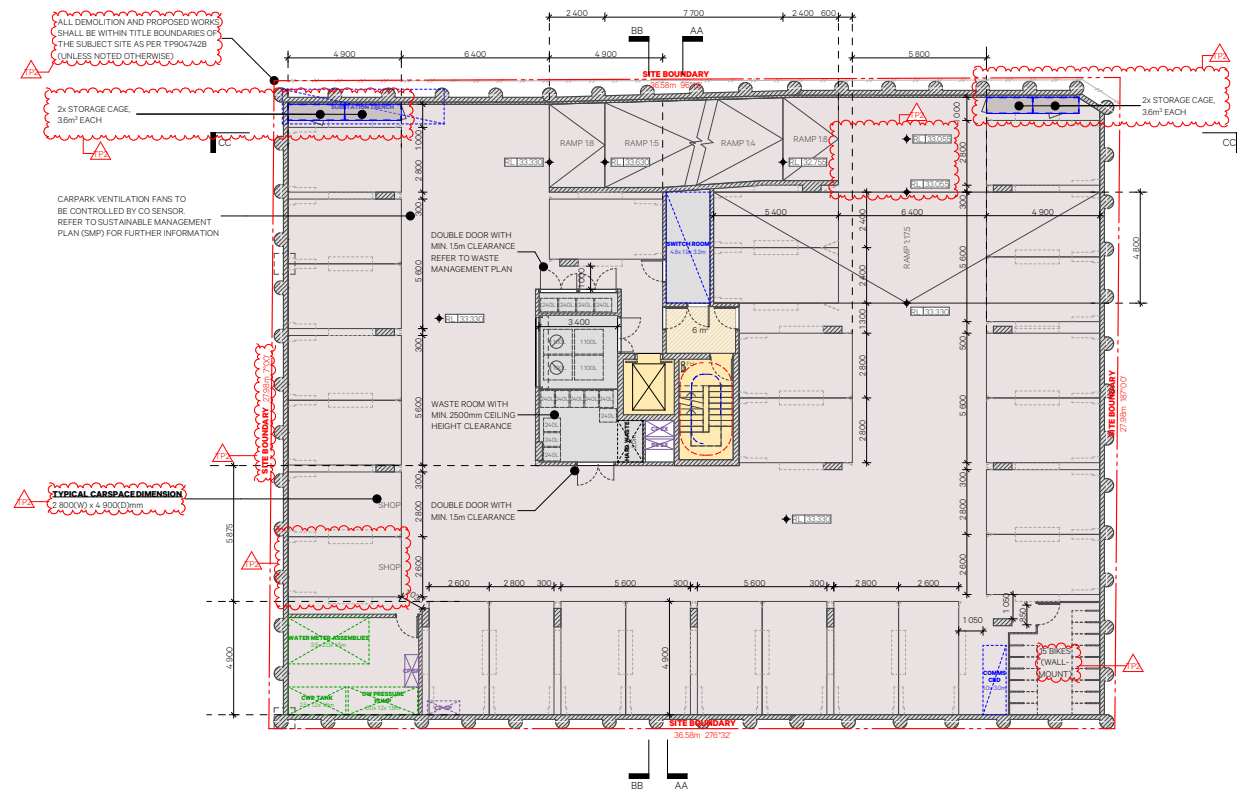
Revision:

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)

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- The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figured dimensions shall take precedence over scaled dimensions that be noted on site.
- REFER: SATISFIED AND INSPECTED SCHEDULES (FITTINGS AND FIXTURES) SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.
- REFER: DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
- REFER: STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.
- REFER: CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACUSTIC AND SUSTAINABILITY MEASURES.

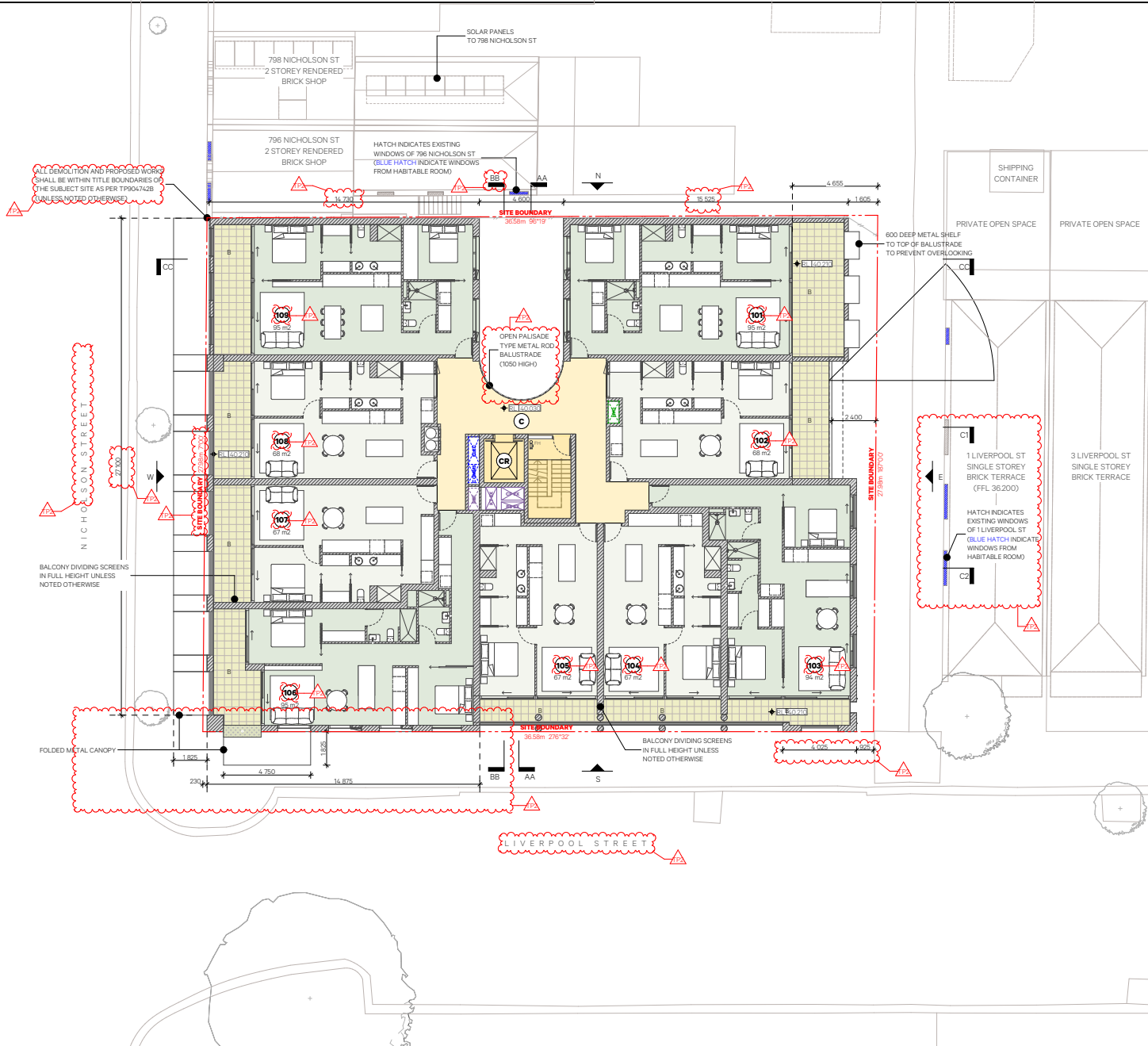


Revisions	
NO.	DATE

Client Outline Projects	Project Stage Issued for Town Planning
Project Fitzroy North Apartment with Outline Projects	Scale 1:300 @ AO
Project Address 786-794 Nicholson Street Fitzroy North VIC 3068 Australia	Date 18/09/2023
Project Number 2305	Drawn DVC131
Drawing Name FLOOR PLAN - BASEMENT 01	

KENNEDY NOLAN
Drawing Revision
TP101 TP2

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



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REFER NATIONAL AND FIREFLEX SCHEDULES (TT102) AND FITTINGS SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.
 REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
 REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.
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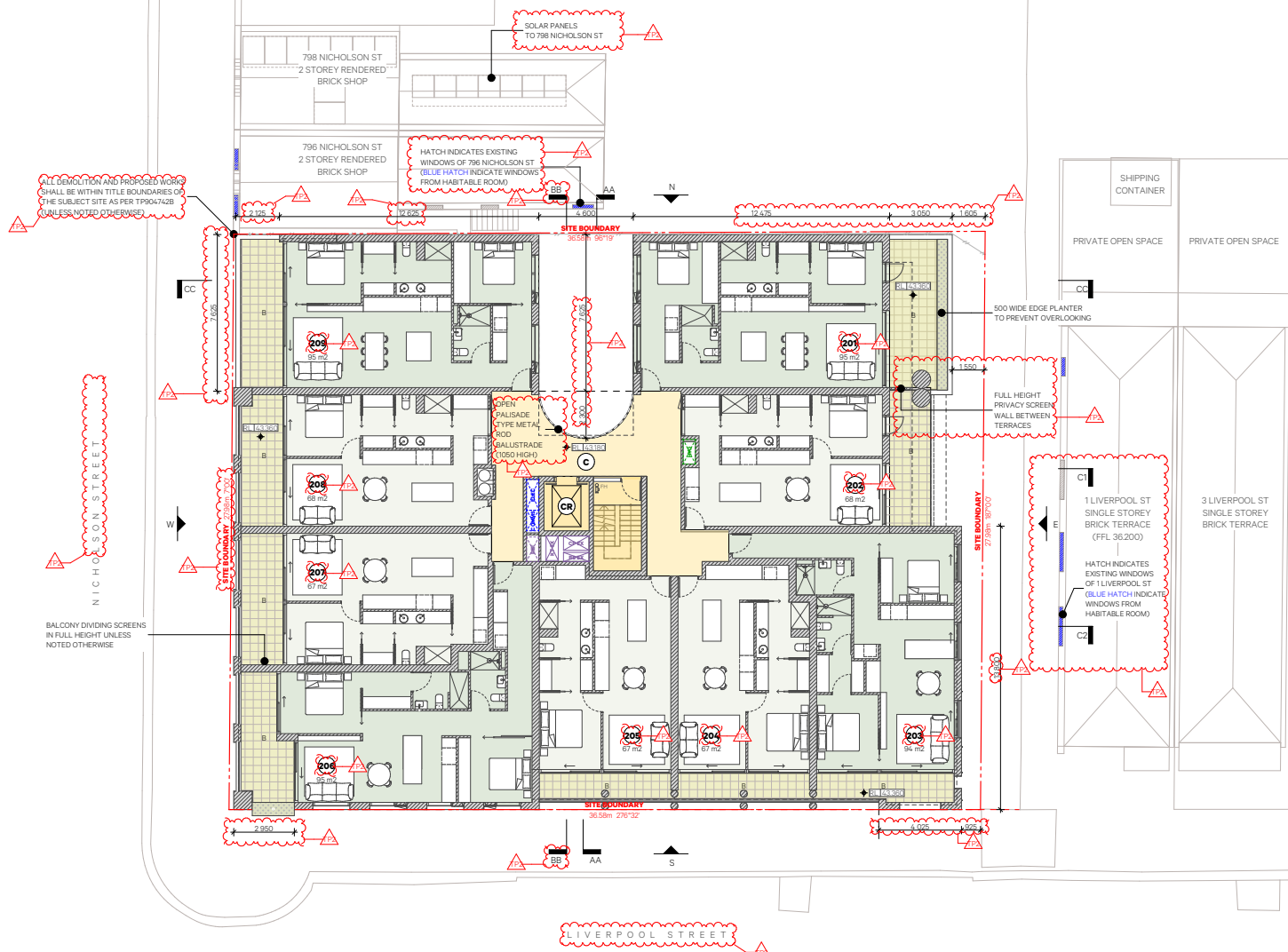
Rev.	Date	Description

Client: Outline Projects
 Project: Fitzroy North Apartment with Outline Projects
 Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
 Project Number: 2305
 Drawing Name: FLOOR PLAN - LEVEL 01

Project Stage: Issued for Town Planning
 Scale: 1:100 @ A0
 Date: 18/09/2023
 Drawn: DANIEL

KENNEDY NOLAN
 Drawing: TP103 Revision: TP2

Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



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REFER: ARCHITECTURAL AND FIRE RESISTANCE DETAIL (TT1002) AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN DRAWINGS.

REFER: DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER: STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER: CONSULTANT DRAWINGS FOR MECHANICAL, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, HYDROLOGIC AND SUSTAINABILITY MEASURES.

Revisions

No.	Date	Description

Client
 Outline Projects
Project
 Fitzroy North Apartment with Outline Projects
Project Address
 786-794 Nicholson Street Fitzroy North VIC 3066 Australia
Project Number
 2305
Drawing Name
 FLOOR PLAN - LEVEL 02

Project Stage
 Issued for Town Planning
Scale
 1:100 @ A0
Date
 18/09/2023
Drawn
 DANIEL
Checked

KENNEDY NOLAN
 Drawing Revision
 TP104 TP2

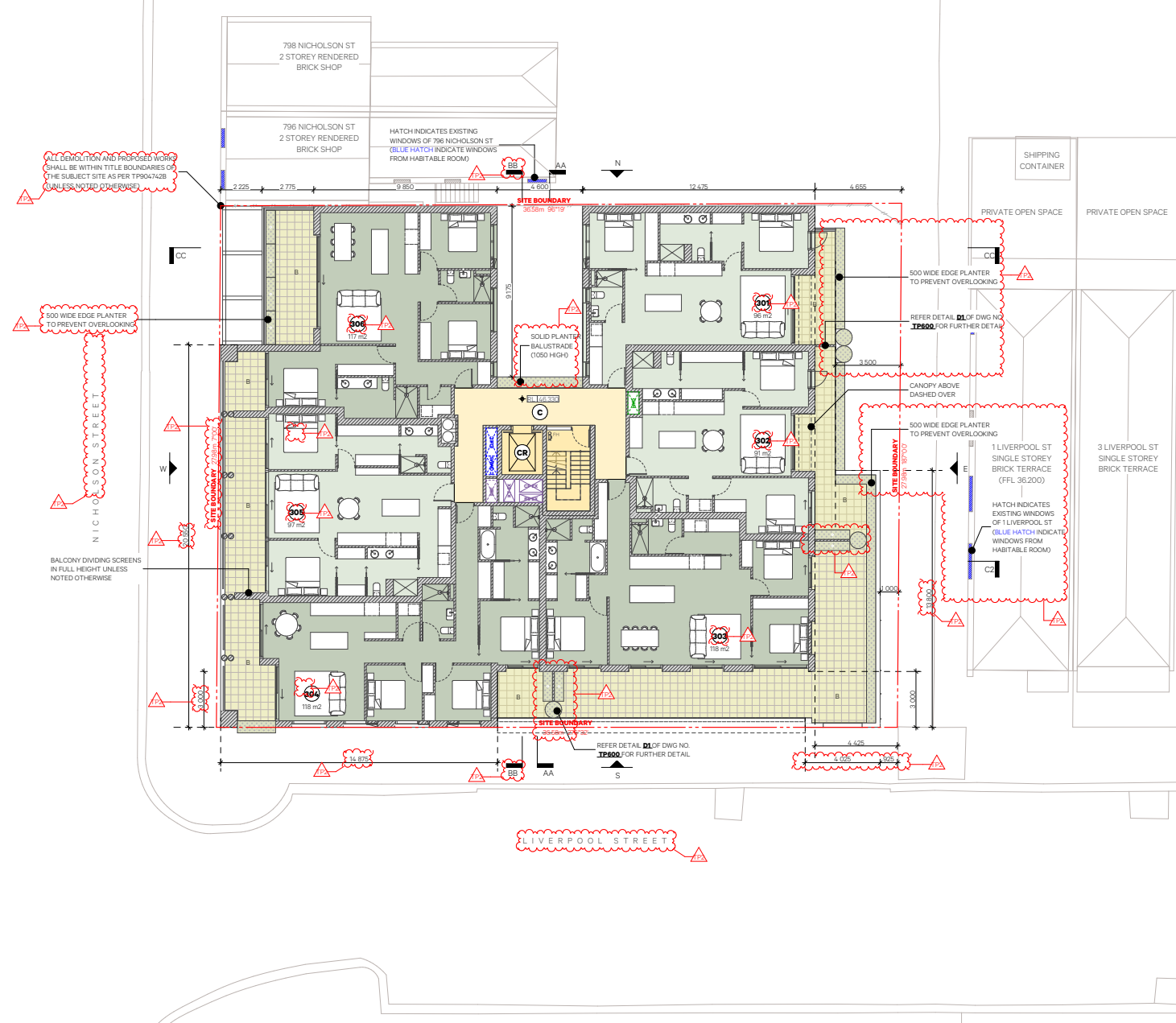
Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)

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REFER BALCONY AND TERRACE SCHEDULES TP105B AND TP105C AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.
 REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
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 REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACUSTIC AND SUSTAINABILITY MEASURES.



No.	Date	Revised By/Name	Revised Description

Client: Outline Projects
 Project: Fitzroy North Apartment with Outline Projects
 Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
 Project Number: 2305
 Drawing Name: FLOOR PLAN - LEVEL 03

Project Stage: Issued for Town Planning
 Scale: 1:100 @ A0
 Date: 18/09/2023
 Drawn: DENTAL

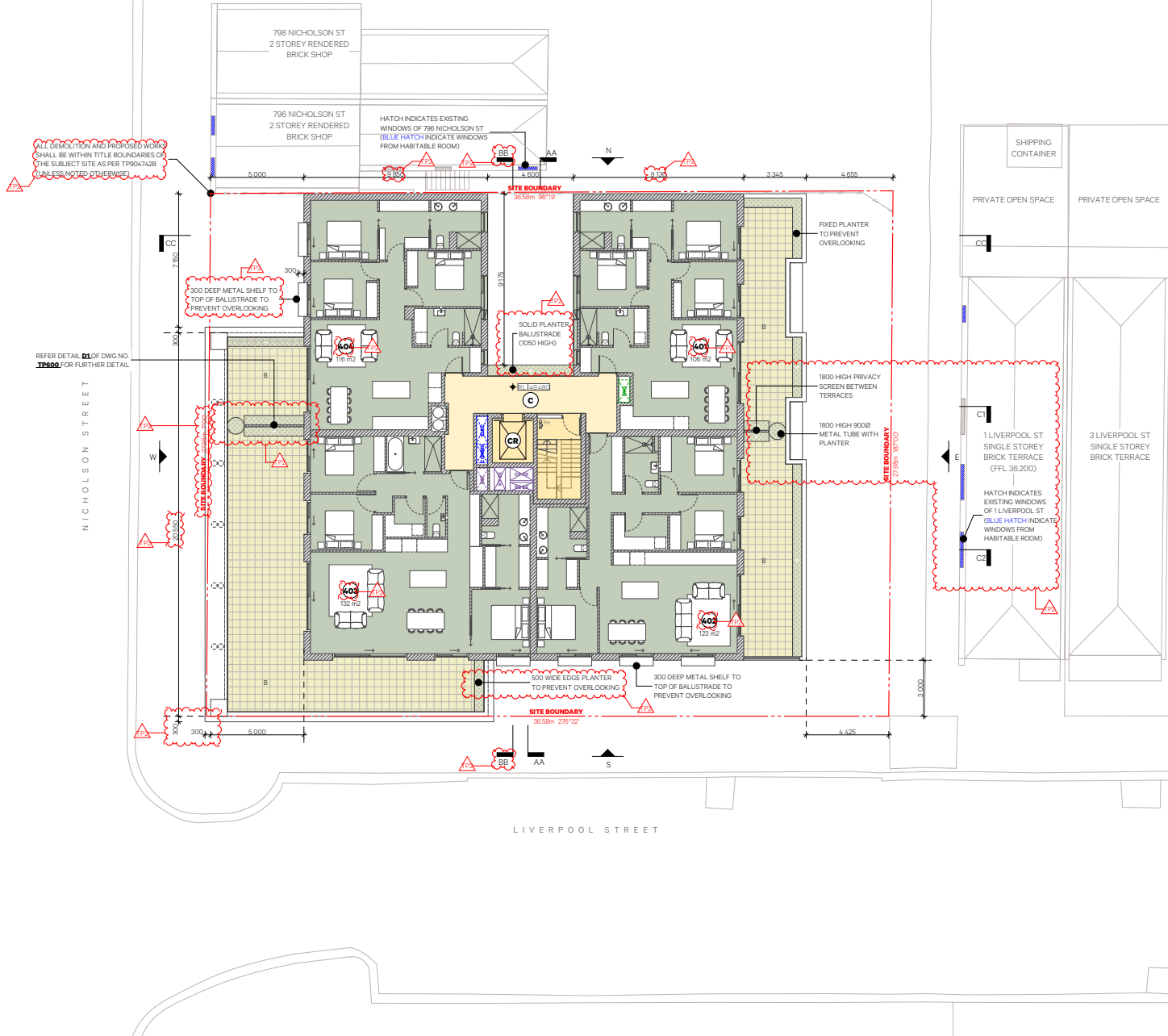
KENNEDY NOLAN
 Drawing: TP105 TP2
 Revision:

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REFER BALUSTRADE AND RIBBES TO SCHEDULE 11 TT022 AND FOR LUSSED SCHEDULES FOR ALL CODE ELEMENTS SHOWN IN ELEVATIONS
 REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES
 REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM
 REFER CONSULTANTS DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.



Revisions			
No.	Date	Revised by Name	Revised by Title

Client	Project Stage
Outline Projects	Issued for Town Planning
Project	Fitzroy North Apartment with Outline Projects
Project Address	786-794 Nicholson Street Fitzroy North VIC 3066 Australia
Project Number	2305
Drawing Name	FLOOR PLAN - LEVEL 04
Date	18/09/2023
Drawn	DM11.1
Checked	[Signature]

KENNEDY NOLAN
 Drawing: TP106 Revision: TP2

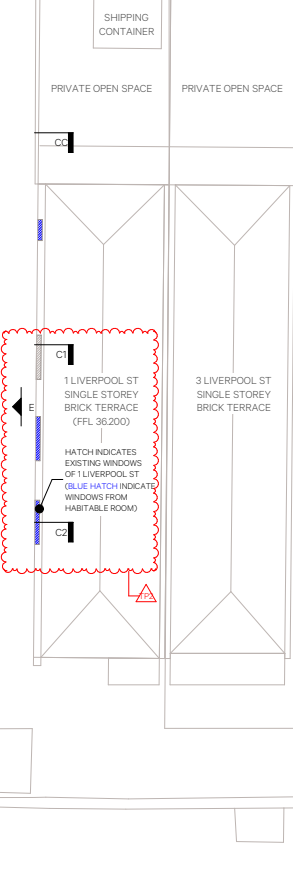
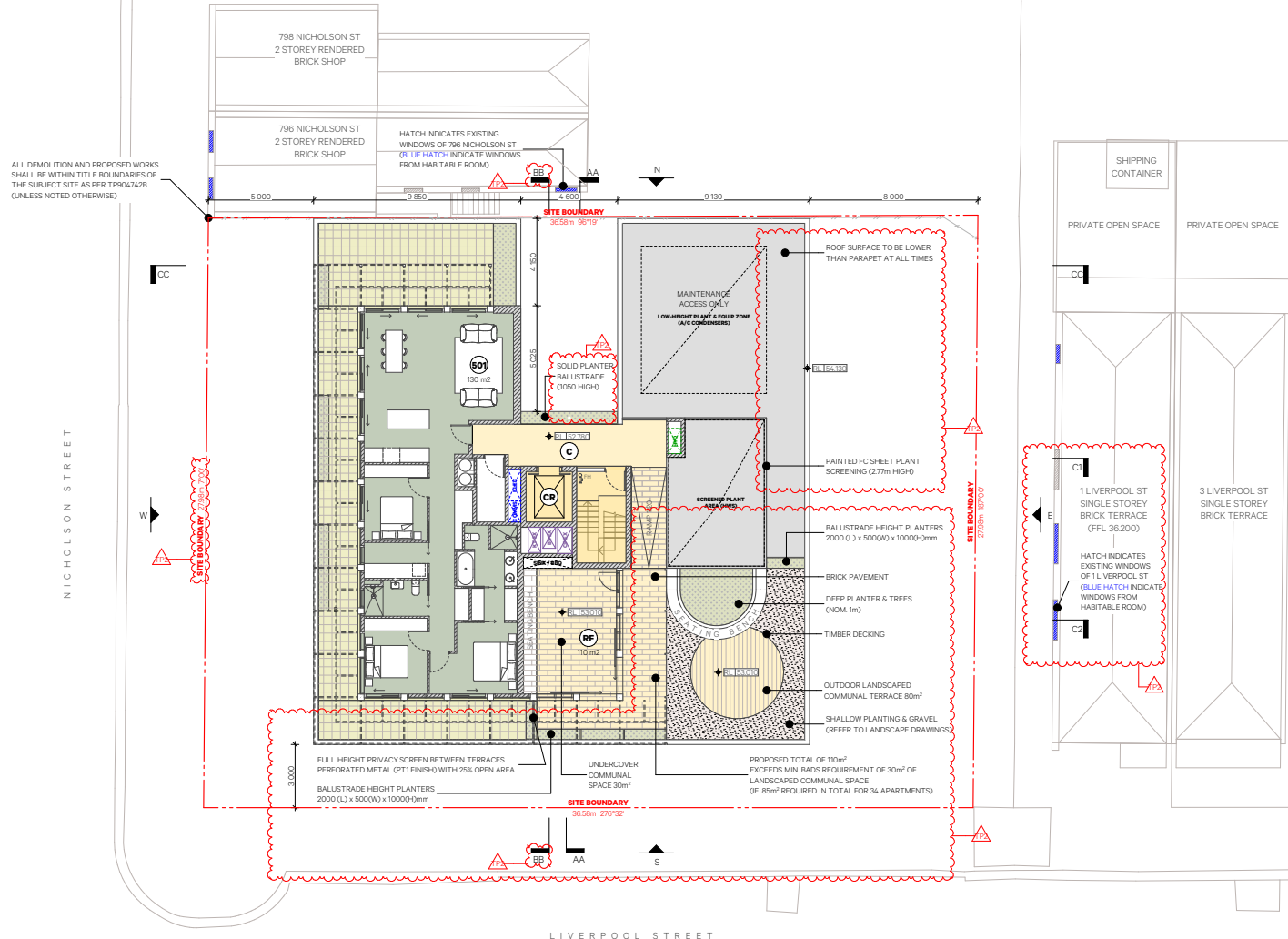


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REFER SCHEDULES AND REFERENCES TO SCHEDULES OF FINISHES AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.
 REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
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ALL DEMOLITION AND PROPOSED WORKS SHALL BE WITHIN TITLE BOUNDARIES OF THE SUBJECT SITE AS PER TP1904742B (UNLESS NOTED OTHERWISE)



No.	Issue	Revised By Name

Client	Outline Projects	Project Stage	Issued for Town Planning
Project	Fitzroy North Apartment with Outline Projects	Scale	1:100 @ AO
Project Address	786-794 Nicholson Street Fitzroy North VIC 3068 Australia	Date	18/09/2023
Project Number	2305	Drawn	DN/CL/1
Drawing Name	FLOOR PLAN - LEVEL 05		

KENNEDY NOLAN
 Drawing Revision
 TP107 TP2

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ARCHITECTS

REGISTERED ARCHITECTS

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. If panel dimensions shall take precedence over scaled dimension shall be noted on site.

REFER MATERIALS AND FINISHES SCHEDULES FITTINGS AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.

REFER DOOR AND WINDOWS SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER CONSULT ANTISEWERING FOR HYDRAULIC ELECTRICAL MECHANICAL FIRE SERVICES CIVIL, ROADS AND SUSTAINABILITY MEASURES.

Revisions

Rev	Date	Description of Change

Client
Outline Projects

Project
Fitzroy North Apartment with Outline Projects

Project Address
786-794 Nicholson Street Fitzroy North VIC 3066 Australia

Project Number
2305

Project Stage
Issued for Town Planning

Scale
@ A0

Date
18/09/2023

Drawn
[INITIALS]

Drawing Name
MATERIALS BOARD

**KENNEDY
NOLAN**

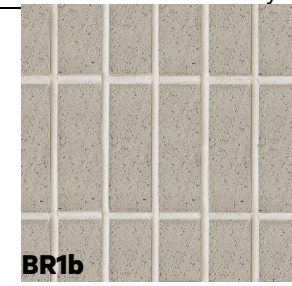
Drawing **Revision**
TP200 TP2



BL1
EXTERNAL CANVAS
ROLLER BLIND



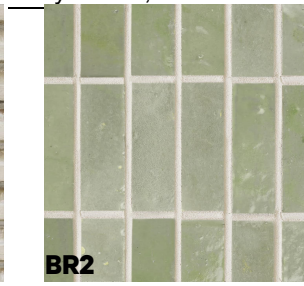
BR1a
BRICKWORK - PRALINE
STRETCHER BOND



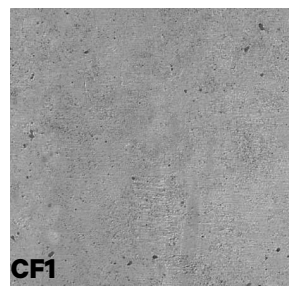
BR1b
BRICKWORK - PRALINE
SOLDIER COURSE



BR1c
BRICKWORK - PRALINE
EXTRUDED / CASTELLATED



BR2
BRICKWORK - GREEN



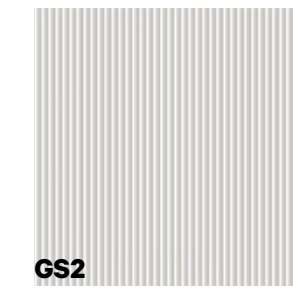
CF1
CONCRETE FINISH - GREY



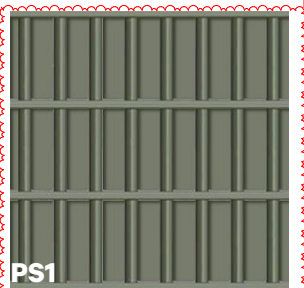
CF2
CONCRETE FINISH - WHITE



GS1
GLASS - CLEAR



GS2
GLASS - REEDED



PS1
PRIVACY SCREEN
REFER TO TP301 SECTION CC
FOR FURTHER DETAIL



PT1
PAINT FINISH - PALE GREEN



PT2
PAINT FINISH - PALE GREY



PT3
PAINT FINISH - DARK GREEN

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



W WEST ELEVATION
SCALE 1:100@A1



S SOUTH ELEVATION
SCALE 1:100@A1

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Tolerances shall take precedence over scaled dimensions and be verified on site.

REFER MATERIALS AND FINISHES TO SCHEDULES FITTINGS AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.
REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.
REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACoustics AND SUSTAINABILITY MEASURES.

- LEGENDS**
- BL1) EXTERNAL CANVAS ROLLER BLIND
 - BR1a) BRICKWORK - PRALINE STRETCHER BOND
 - BR1b) BRICKWORK - PRALINE SOLDIER COURSE
 - BR1c) BRICKWORK - PRALINE EXTRUDED / CASTELLATED
 - BR2) BRICKWORK - GREEN
 - CF1) CONCRETE FINISH - GREY
 - CF2) CONCRETE FINISH - WHITE
 - GS1) GLASS - CLEAR
 - GS2) GLASS - REEDED
 - PS1) PRIVACY SCREEN - REFER TP800
 - PT1) PAINT FINISH - PALE GREEN
 - PT2) PAINT FINISH - PALE GREY
 - PT3) PAINT FINISH - DARK GREEN

GENERAL NOTE
ALL BALUSTRADES ARE 1050mm ABOVE BALCONY FFL UNLESS NOTED OTHERWISE

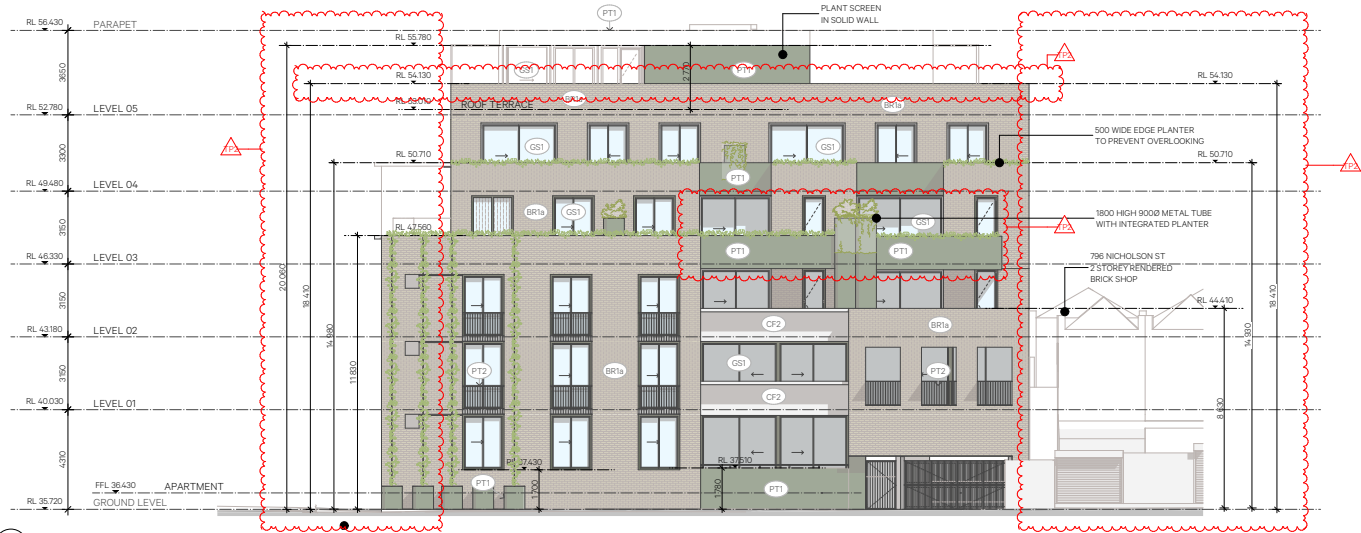
Revisions

No.	Date	Description

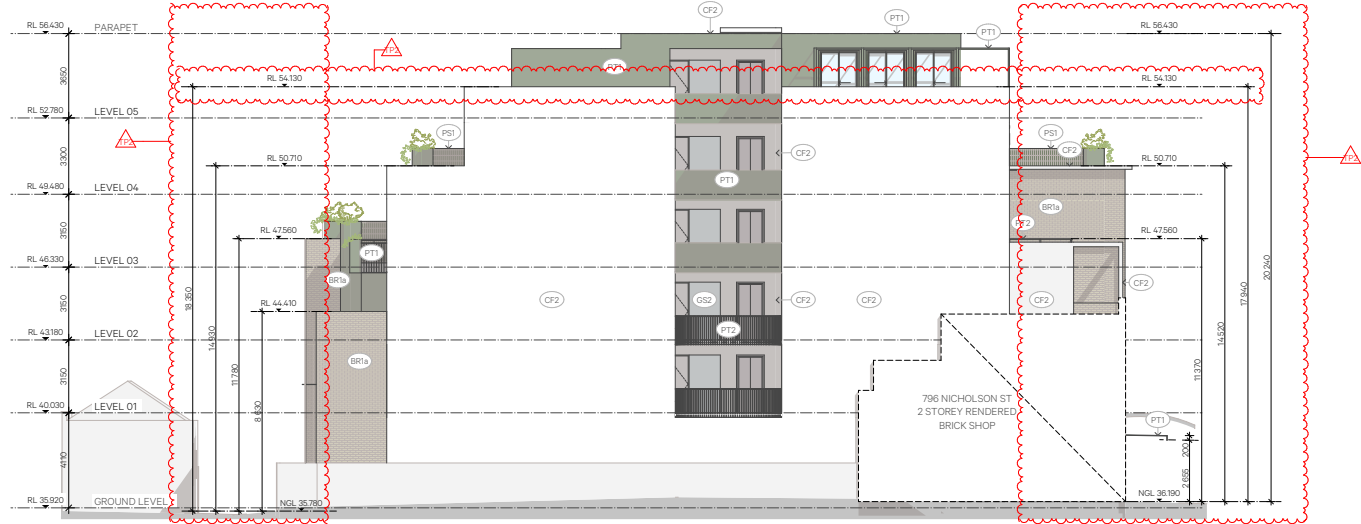
Client: Outline Projects
Project: Fitzroy North Apartment with Outline Projects
Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
Project Number: 2305
Drawing Name: ELEVATIONS - WEST & SOUTH

Project Stage: Issued for Town Planning
Scale: @ A0
Date: 18/09/2023
Drawn: [REDACTED]
Checked: [REDACTED]

KENNEDY NOLAN
Drawing: TP201
Revision: TP2



E EAST ELEVATION
SCALE 1:100@A1



N SOUTH ELEVATION
SCALE 1:100@A1

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MARN 132 171 255
ACN 128 171 285

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Tolerances shall take precedence over stated dimensions and be noted on site.

REFER MATERIALS AND FINISHES SCHEDULES (PT2) AND FINISHES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.

LEGENDS

- (BL1) EXTERNAL CANVAS ROLLER BLIND
- (BR1a) BRICKWORK - PRALINE STRETCHER BOND
- (BR1b) BRICKWORK - PRALINE SOLDIER COURSE
- (BR1c) BRICKWORK - PRALINE EXTRUDED / CASTELLATED
- (BR2) BRICKWORK - GREEN
- (CF1) CONCRETE FINISH - GREY
- (CF2) CONCRETE FINISH - WHITE
- (GS1) GLASS - CLEAR
- (GS2) GLASS - REEDED
- (PS1) PRIVACY SCREEN - REFER TP900
- (PT1) PAINT FINISH - PALE GREEN
- (PT2) PAINT FINISH - PALE GREY
- (PT3) PAINT FINISH - DARK GREY

GENERAL NOTE
ALL BALUSTRADES ARE 1050mm ABOVE BALCONY FFL, UNLESS NOTED OTHERWISE.

Revisions	

Client
Outline Projects

Project
Fitzroy North Apartment with Outline Projects

Project Address
786-794 Nicholson Street Fitzroy North VIC 3068 Australia

Project Number
2305

Project Stage
Issued for Town Planning

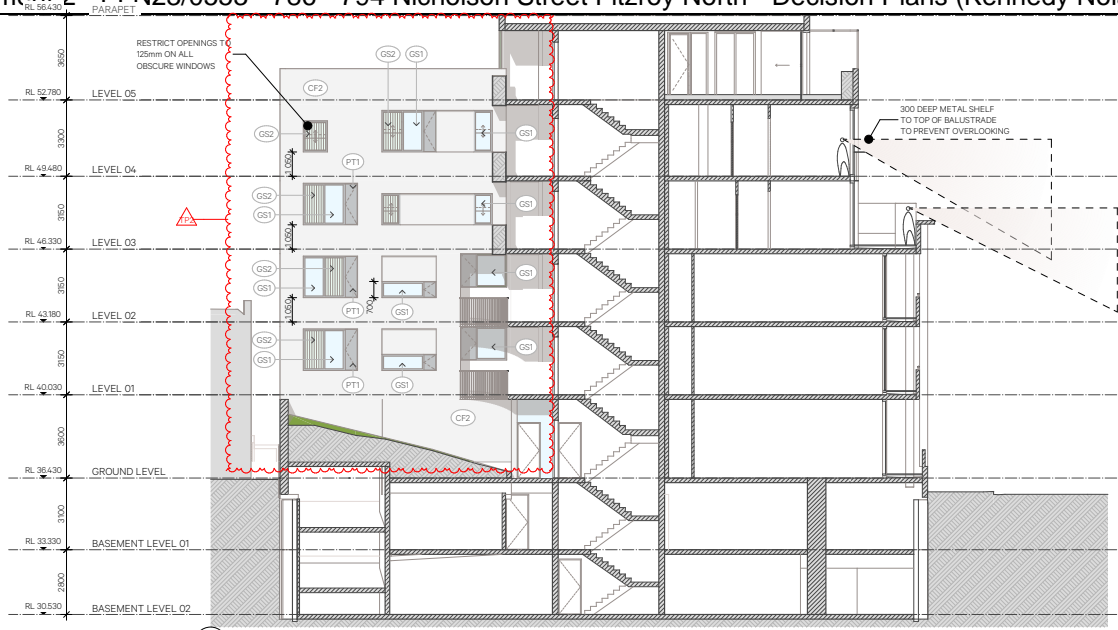
Scale
@ A0

Date
18/09/2023

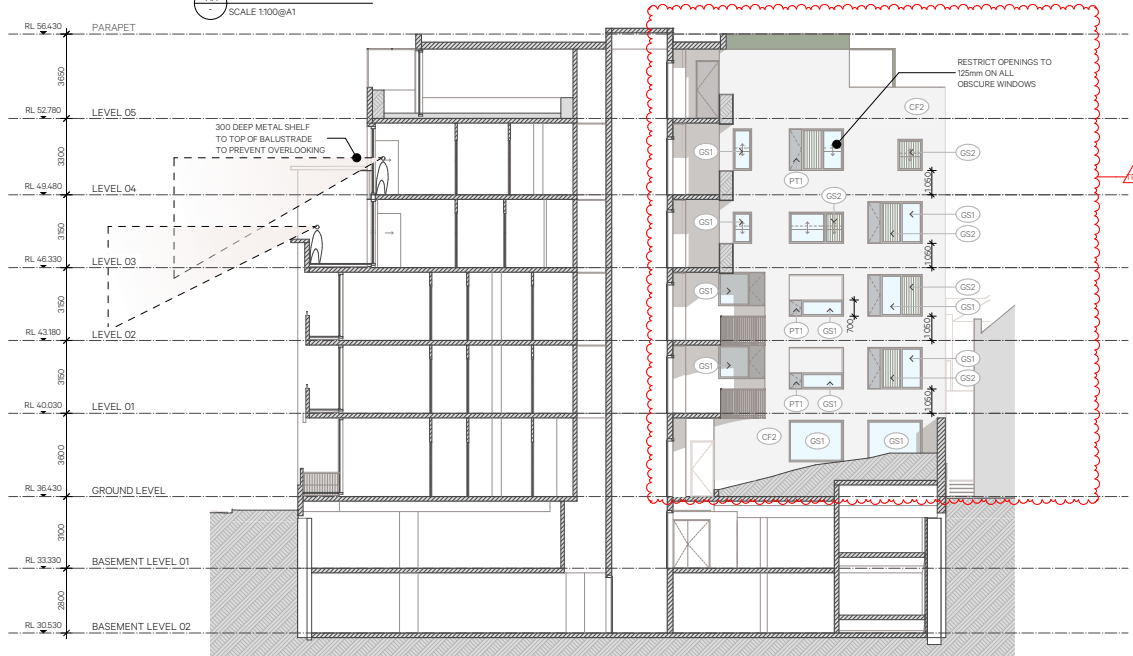
Drawn
[INITIALS]

KENNEDY NOLAN
Drawing Revision
TP202 TP2

Attachment 2 Attachment 2 - PI N23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



AA SECTION AA
SCALE 1:100@A1



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ACN 128 171 285

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions shall take precedence over scaled dimensions and be verified on site.

REFER BALLUSTRADES AND FINISHES TO SCHEDULE FITTINGS AND FINISHES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACoustics AND SUSTAINABILITY MEASURES.

LEGENDS

- (BL1) EXTERNAL CANVAS ROLLER BLIND
- (BR1a) BRICKWORK - PRALINE STRETCHER BOND
- (BR1b) BRICKWORK - PRALINE SOLDIER COURSE
- (BR1c) BRICKWORK - PRALINE EXTRUDED / CASTELLATED
- (BR2) BRICKWORK - GREEN
- (CF1) CONCRETE FINISH - GREY
- (CF2) CONCRETE FINISH - WHITE
- (GS1) GLASS - CLEAR
- (GS2) GLASS - REEDED
- (PS1) PRIVACY SCREEN - REFER TP300
- (PT1) PAINT FINISH - PALE GREEN
- (PT2) PAINT FINISH - PALE GREY
- (PT3) PAINT FINISH - DARK GREEN

GENERAL NOTE

ALL BALLUSTRADES ARE 1050mm ABOVE BALCONY FELL LINES UNLESS NOTED OTHERWISE

Revisions	
No.	Description

Client
 Outline Projects
Project
 Fitzroy North Apartment with Outline Projects
Project Address
 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
Project Number
 2305

Project Stage
 Issued for Town Planning
Scale
 @ A0
Date
 18/09/2023
Drawn
 [INITIALS]

2305
 Drawing Name
 SECTIONS - AA & BB

KENNEDY NOLAN

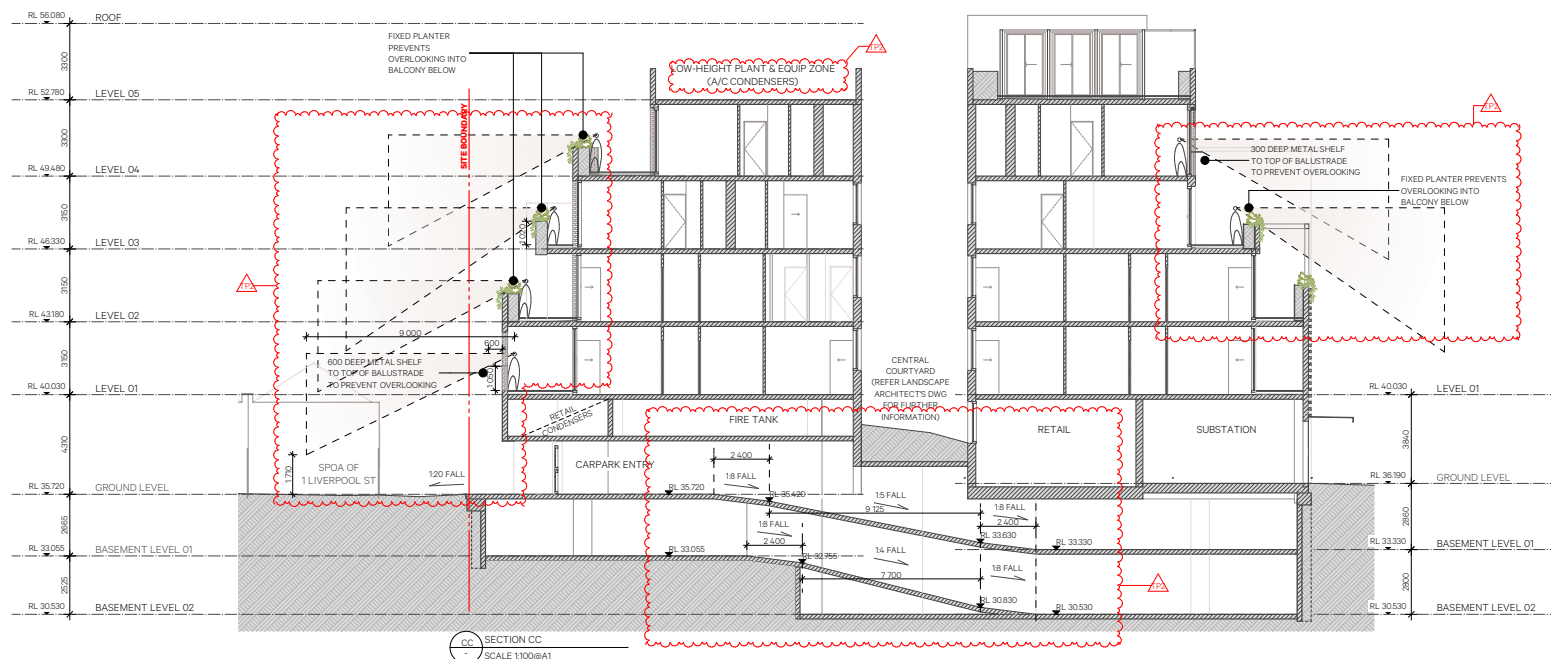
Drawing Revision
 TP300 TP2

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)

KENNEDY NOLAN
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 ACN 128 171 285

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The drawing is to be used in conjunction with the Secretary's Conditions (plans, details and specifications) and any other written conditions issued during the course of the project.
 The Contractor shall verify all dimensions on site prior to commencing any site drawings. Elevation drawings shall take precedence over scaled Section drawings and be noted as such.



CC SECTION CC
 SCALE 1:100@A1

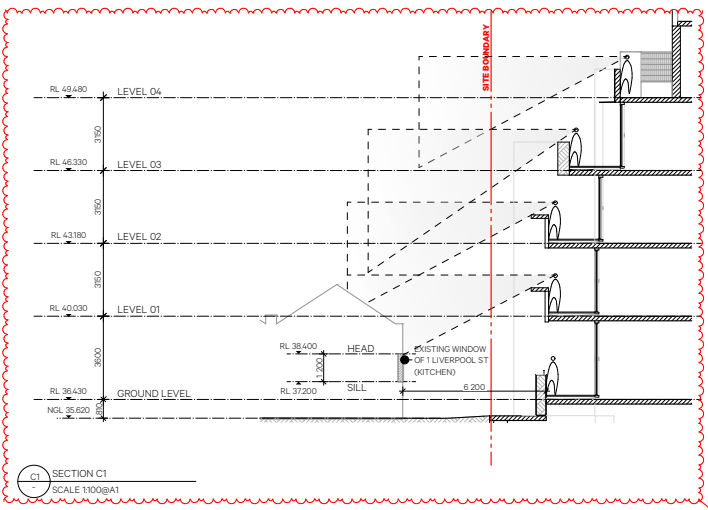
- LEGENDS**
- (BL1) EXTERNAL CANVAS ROLLER BLIND
 - (BR1a) BRICKWORK - PRALINE STRETCHER BOND
 - (BR1b) BRICKWORK - PRALINE SOLDIER COURSE
 - (BR1c) BRICKWORK - PRALINE EXTRUDED / CASTELLATED
 - (BR2) BRICKWORK - GREEN
 - (CF1) CONCRETE FINISH - GREY
 - (CF2) CONCRETE FINISH - WHITE
 - (GS1) GLASS - CLEAR
 - (GS2) GLASS - REEDED
 - (PS1) PRIVACY SCREEN - REFER TP600
 - (PT1) PAINT FINISH - PALE GREEN
 - (PT2) PAINT FINISH - PALE GREY
 - (PT3) PAINT FINISH - DARK GREEN

GENERAL NOTE
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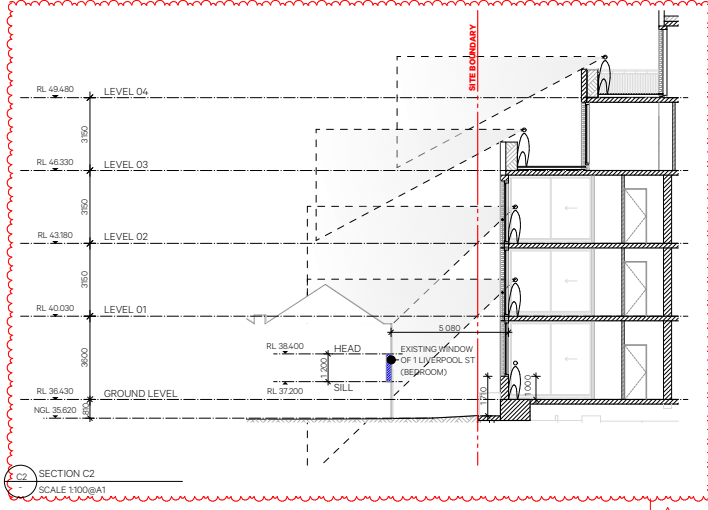
Revisions	Date	Revised By	Revised For

Client	Outline Projects	Project Stage	Issued For Town Planning
Project	Fitzroy North Apartment with Outline Projects	Scale	@ A0
Project Address	786-794 Nicholson Street Fitzroy North VIC 3068 Australia	Date	18/09/2023
Project Number	2305	Drawn	(DWG/TAL)

2305
 Drawing Name:
 SECTIONS - CC



C1 SECTION C1
 SCALE 1:100@A1



C2 SECTION C2
 SCALE 1:100@A1



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MBC 1218 171 285
ACN 128 171 285

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. If any dimensions shall take precedence over scaled dimensions shall be noted on site.

REFER SANITARY AND FIRE FIXTURES TO SCHEDULES 11TTT022 AND 11TTT023 AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ISOMETRIC.

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER CONSULTANT DRAWING FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACUSTIC AND SUSTAINABILITY MEASURES.

Revisions	
No.	Description
1	Issue for Approval
2	Issue for Approval
3	Issue for Approval
4	Issue for Approval
5	Issue for Approval
6	Issue for Approval
7	Issue for Approval
8	Issue for Approval
9	Issue for Approval
10	Issue for Approval
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47	Issue for Approval
48	Issue for Approval
49	Issue for Approval
50	Issue for Approval

Client: Outline Projects
Project: Fitzroy North Apartment with Outline Projects
Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
Project Number: **2305**
Drawing Name: **BADS COMPLIANCE DIAGRAM - GROUND LEVEL**

Project Stage: Issued for Town Planning
Scale: @ A0
Date: 18/09/2023
Drawn: DENTAL1
Checked: [Signature]

KENNEDY NOLAN
Drawing: TP400TP2 Revision: [Signature]

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



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 www.kennedynolan.com.au
 ANZ: 138 171 285
 ACN: 128 171 285

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions shall take precedence over scaled. Scaled dimensions shall be verified on site.

REFER: MATERIALS AND FINISHES SCHEDULES (FITTINGS) AND FINISHES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN EXISTING.

REFER: DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER: STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER: CONSULTANT DRAWINGS FOR MECHANICAL, ELECTRICAL, MECHANICAL, HYDRAULIC, AND SUSTAINABILITY MEASURES.

Revisions	
No.	Description

Client: Outline Projects
 Project: Fitzroy North Apartment with Outline Projects
 Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
 Project Number: **2305**
 Drawing Name: **BADS COMPLIANCE DIAGRAM - LEVEL 01**
 Project Stage: Issued for Town Planning
 Scale: @ A0
 Date: 18/09/2023
 Drawn: [Signature]
 Checked: [Signature]

KENNEDY NOLAN
 Drawing: TP401 TP2
 Revision: [Blank]

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)



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 ANCC 128 072 285
 ACN 128 171 285

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 REFER: BATHROOM AND BATHING FIXTURES FITTINGS AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN THIS DRAWING.
 REFER: DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.
 REFER: STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.
 REFER: CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.

Revisions	
1	Issue for Review
2	Issue for Review
3	Issue for Review
4	Issue for Review
5	Issue for Review
6	Issue for Review
7	Issue for Review
8	Issue for Review
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99	Issue for Review
100	Issue for Review

Client: Outline Projects
 Project: Fitzroy North Apartment with Outline Projects
 Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
 Project Number: 2305
 Project Stage: Issue for Town Planning
 Scale: @ A0
 Date: 18/09/2023
 Drawn: [Signature]

2305
 BADS COMPLIANCE DIAGRAM - LEVEL 02

KENNEDY NOLAN
 Drawing: TP402 TP2
 Revision: [Signature]

Attachment 2 Attachment 2 - PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North - Decision Plans (Kennedy Nolan, dated 18.09.2023)

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 A/NZ 128 171 285
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Professional Engineer
 Structural
 Professional Engineer
 Mechanical

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REFER MATERIALS AND FINISHES TO INCLUDE FITTINGS AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

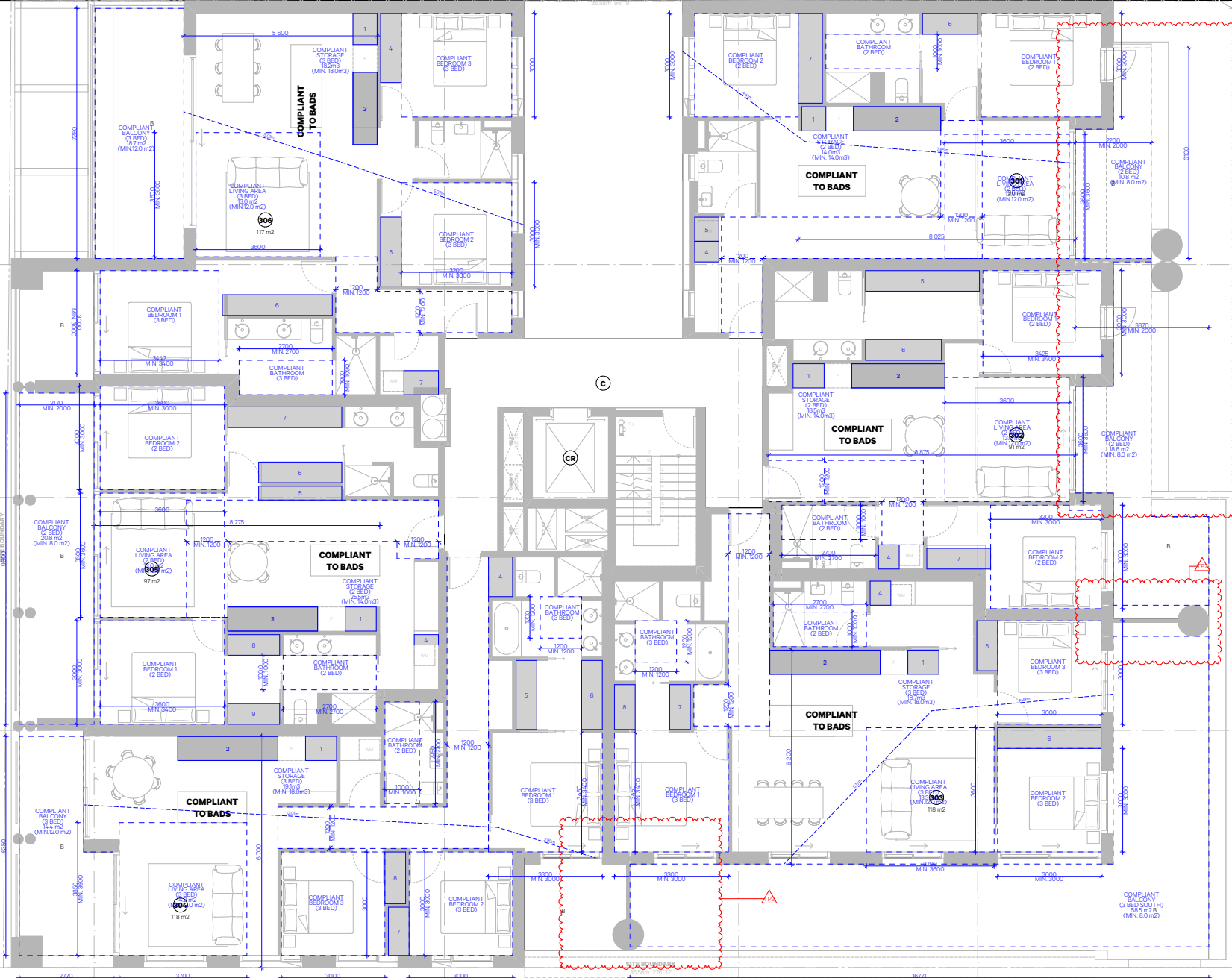
REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

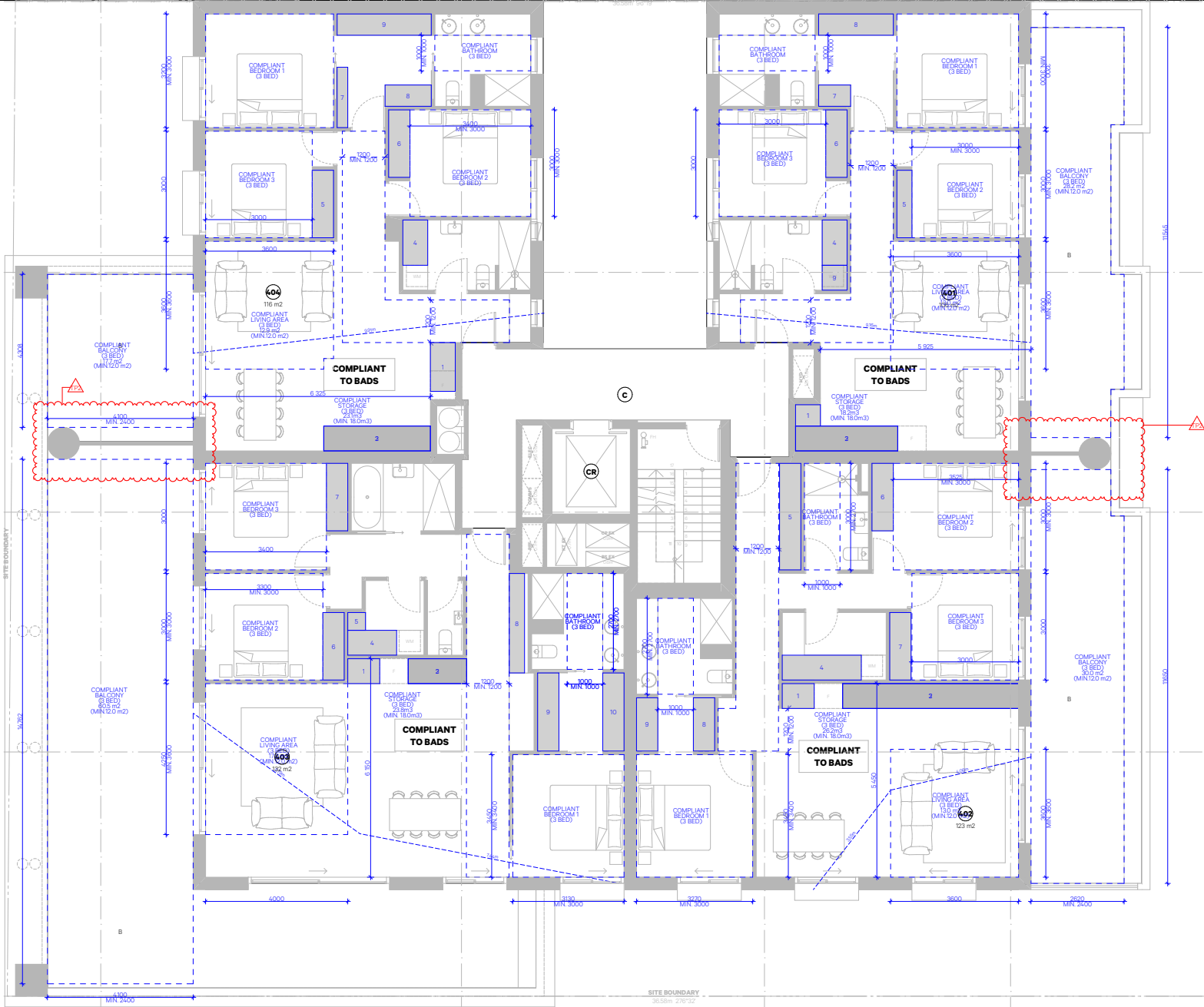
REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.

Revisions	Client	Project Stage
	Outline Projects	Issued for Town Planning
	Fitzroy North Apartment with Outline Projects	@ A0
	786-794 Nicholson Street Fitzroy North VIC 3068 Australia	18/09/2023
		Date
		Drawn
		Checked
		Project Number
		Scale

2305
 Drawing Name
 BADS COMPLIANCE DIAGRAM - LEVEL 03

KENNEDY NOLAN
 Drawing TP403 TP2





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 A1910
 A1911
 A1912
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 A1920

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REFER PARTIAL AND FINISHES SCHEDULES FITTINGS AND FIXTURES SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN ELEVATIONS.

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

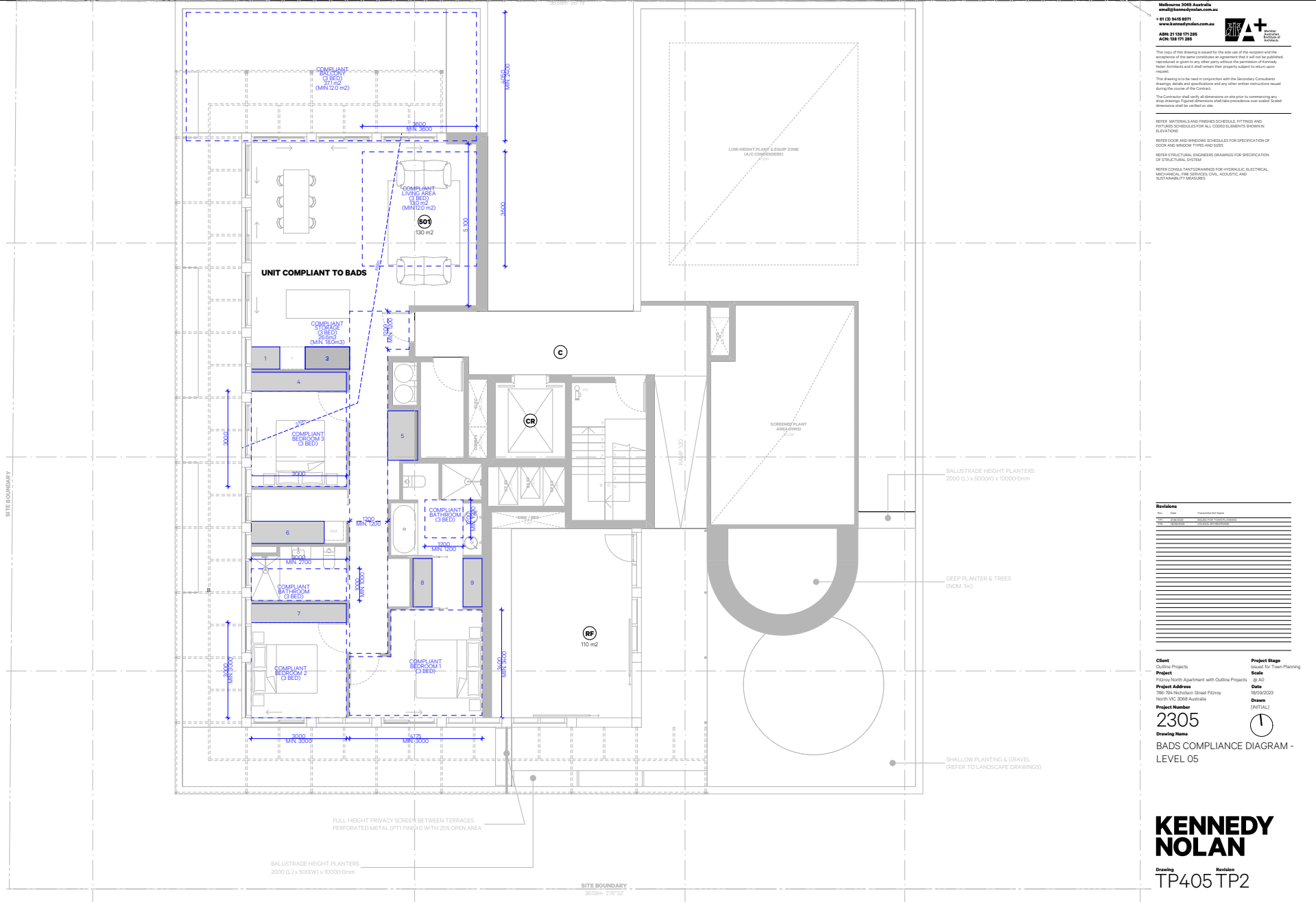
REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.

Revisions
1. Issue for Tender
2. Issue for Construction
3. Issue for Construction
4. Issue for Construction
5. Issue for Construction
6. Issue for Construction
7. Issue for Construction
8. Issue for Construction
9. Issue for Construction
10. Issue for Construction
11. Issue for Construction
12. Issue for Construction
13. Issue for Construction
14. Issue for Construction
15. Issue for Construction
16. Issue for Construction
17. Issue for Construction
18. Issue for Construction
19. Issue for Construction
20. Issue for Construction

Client: Outline Projects
 Project: Fitzroy North Apartment with Outline Projects
 Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
 Project Number: 2305
 Drawing Name: BADS COMPLIANCE DIAGRAM - LEVEL 04

Project Stage: Issued for Town Planning
 Scale: @ A0
 Date: 18/09/2023
 Drawn: DM/TCL

KENNEDY NOLAN
 Drawing: TP404 TP2
 Revision: 01



EL 010000 - Street Elevation
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REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM

REFER CONSULTANTS DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES

Revisions	
No.	Description
1	ISSUE FOR TOWN PLANNING
2	REVISED
3	REVISED

Client
 Outline Projects
 Fitzroy North Apartment with Outline Projects @ A0

Project Address
 786-794 Nicholson Street Fitzroy North VIC 3068 Australia

Project Number:
2305

Drawing Name
BASiS COMPLIANCE DIAGRAM - LEVEL 05

Client
 Outline Projects
 Fitzroy North Apartment with Outline Projects @ A0

Project Address
 786-794 Nicholson Street Fitzroy North VIC 3068 Australia

Project Number:
2305

Drawing Name
BASiS COMPLIANCE DIAGRAM - LEVEL 05

KENNEDY NOLAN

Drawing **TP405 TP2** Revision **1**

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KL
 Architect
 Planning
 Surveyors

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REFER MATERIAL AND FINISH SCHEDULES FOR FITTINGS AND FITTINGS SCHEDULES FOR ALL CODED ELEMENTS SHOWN IN EXISTENCE.

REFER DOOR AND WINDOW SCHEDULES FOR SPECIFICATION OF DOOR AND WINDOW TYPES AND SIZES.

REFER STRUCTURAL ENGINEERS DRAWINGS FOR SPECIFICATION OF STRUCTURAL SYSTEM.

REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, LANDSCAPE AND SUSTAINABILITY SERVICES.

SPOA TO LIVERPOOL STREET AREA = 45m²
 UNSHADOWED AREA = 36m²

SPOA TO LIVERPOOL STREET AREA = 45m²
 UNSHADOWED AREA = 36m²

SPOA TO LIVERPOOL STREET AREA = 45m²
 UNSHADOWED AREA = 36m²

SPOA TO LIVERPOOL STREET AREA = 45m²
 UNSHADOWED AREA = 32m²
 ADDITIONAL SHADOW = -2m²

Rev	Date	Description

Client
 Outline Projects

Project
 Fitzroy North Apartment with Outline Projects

Project Address
 786-794 Nicholson Street Fitzroy North VIC 3068 Australia

Project Number
 2305

Drawing Name
 SHADOW DIAGRAM

Project Stage
 Issued for Town Planning

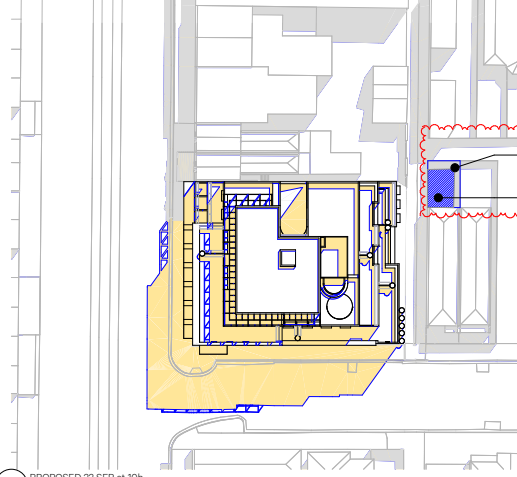
Scale
 @ A0

Date
 18/09/2023

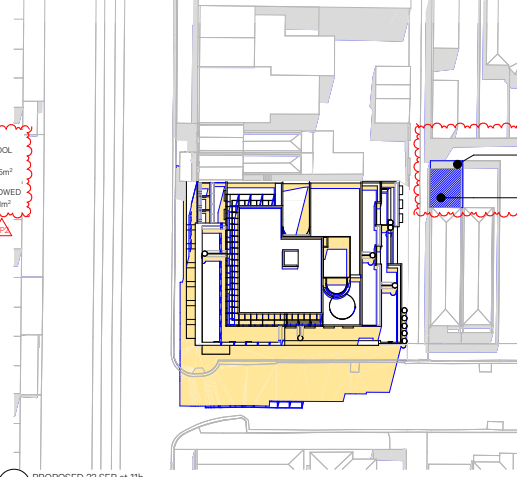
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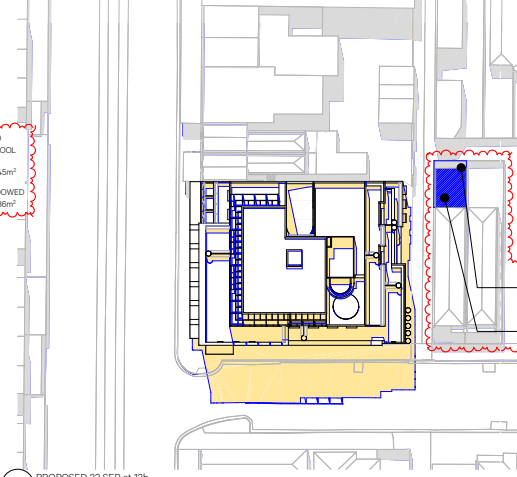
Drawing Revision
 TP500 TP2



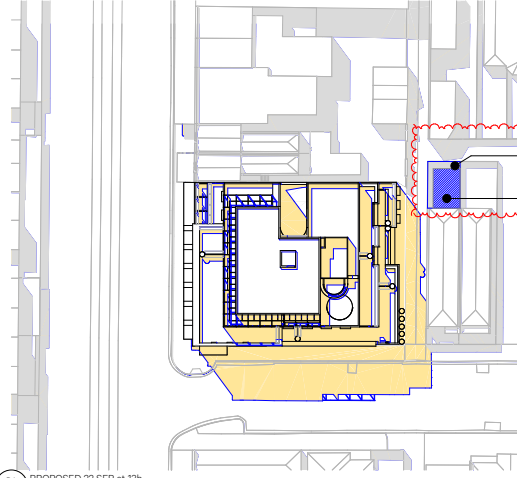
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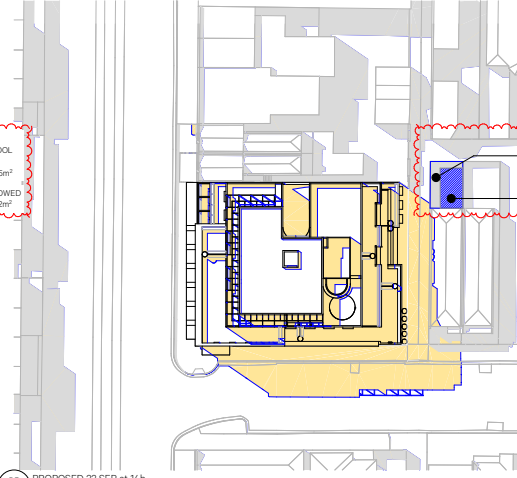
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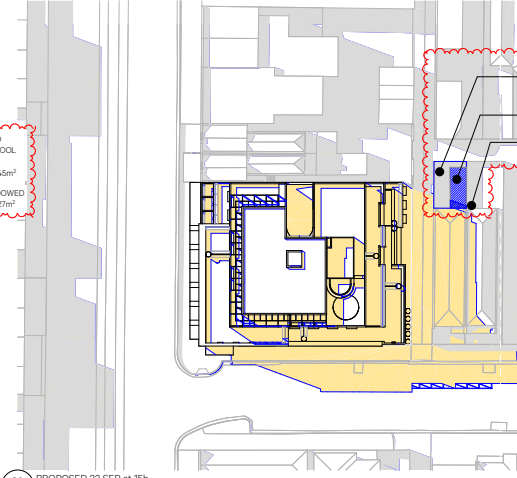
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B4 PROPOSED 22 SEP at 13h
 SCALE 1400@A1



B5 PROPOSED 22 SEP at 14h
 SCALE 1400@A1



B6 PROPOSED 22 SEP at 15h
 SCALE 1400@A1

INCREASE IN SHADOWING OF SPOA						
1 LIVERPOOL STREET (NET SPOA - 45m ²)						
TIME	10AM	11AM	12PM	1PM	2PM	3PM
CURRENT UNSHADOWED AREA	24m ²	36m ²	36m ²	32m ²	27m ²	20m ²
PROPOSED UNSHADOWED AREA	24m ²	36m ²	36m ²	32m ²	27m ²	18m ²
ADDITIONAL SHADOWED AREA	0m ²	0m ²	0m ²	0m ²	0m ²	2m ²
TOTAL						2m²

INCREASE IN SHADOWING OF SOLAR FACILITIES		
ADDRESS	TIME	MAX. AREA
NIL		0m ²

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ACN: 128 171 218



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REFER CONSULTANT DRAWINGS FOR HYDRAULIC, ELECTRICAL, MECHANICAL, FIRE SERVICES, CIVIL, ACQUISITION AND SUSTAINABILITY MEASURES.

LEGENDS

- ⊖(BL1) EXTERNAL CANVAS ROLLER BLIND
- ⊖(BR1a) BRICKWORK - PRALINE STRETCHER BOND
- ⊖(BR1b) BRICKWORK - PRALINE SOLDIER COURSE
- ⊖(BR1c) BRICKWORK - PRALINE EXTRUDED / CASTELLATED
- ⊖(BR2) BRICKWORK - GREEN
- ⊖(CF1) CONCRETE FINISH - GREY
- ⊖(CF2) CONCRETE FINISH - WHITE
- ⊖(GS1) GLASS - CLEAR
- ⊖(GS2) GLASS - REEDED
- ⊖(PS1) PRIVACY SCREEN - REFER TP600
- ⊖(PT1) PAINT FINISH - PALE GREEN
- ⊖(PT2) PAINT FINISH - PALE GREY
- ⊖(PT3) PAINT FINISH - DARK GREEN

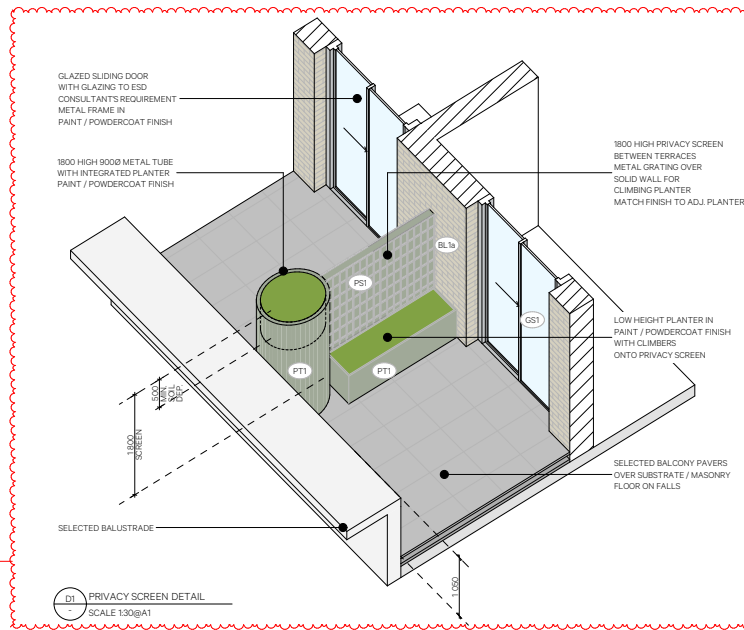
GENERAL NOTE
ALL BALUSTRADES ARE 1050mm ABOVE BALCONY FFL UNLESS NOTED OTHERWISE

Rev	Issue	Revised By/Date

Client: Outline Projects
Project: Fitzroy North Apartment with Outline Projects
Project Address: 786-794 Nicholson Street Fitzroy North VIC 3068 Australia
Project Number: 2305

Project Stage: Issued for Town Planning
Scale: @ A0
Date: 18/09/2023
Drawn: [INITIALS]

Drawing Name: BALCONY PRIVACY SCREEN DETAIL



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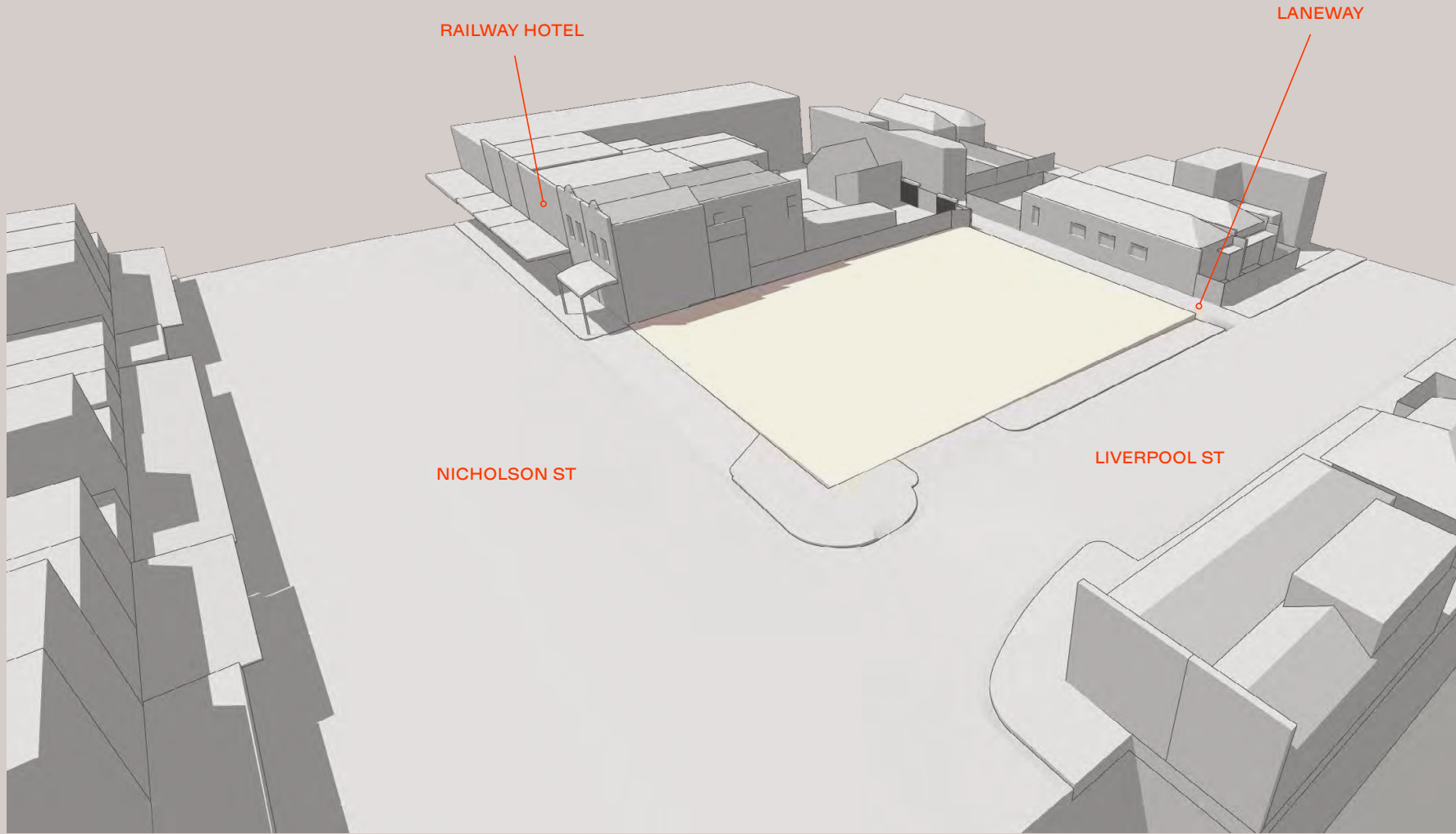
Drawing: TP600TP2
Revision:

Nicholson St Proposal

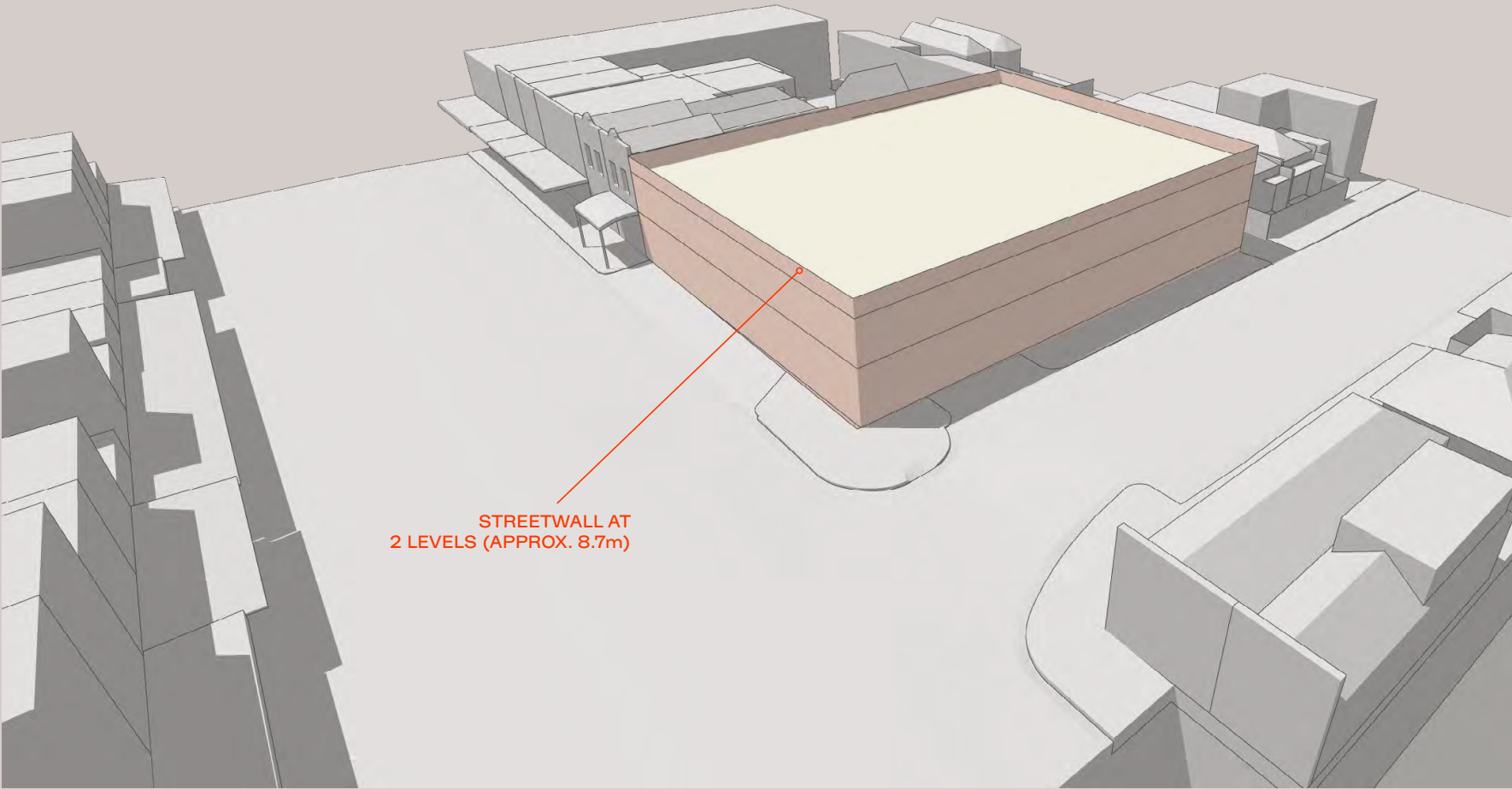


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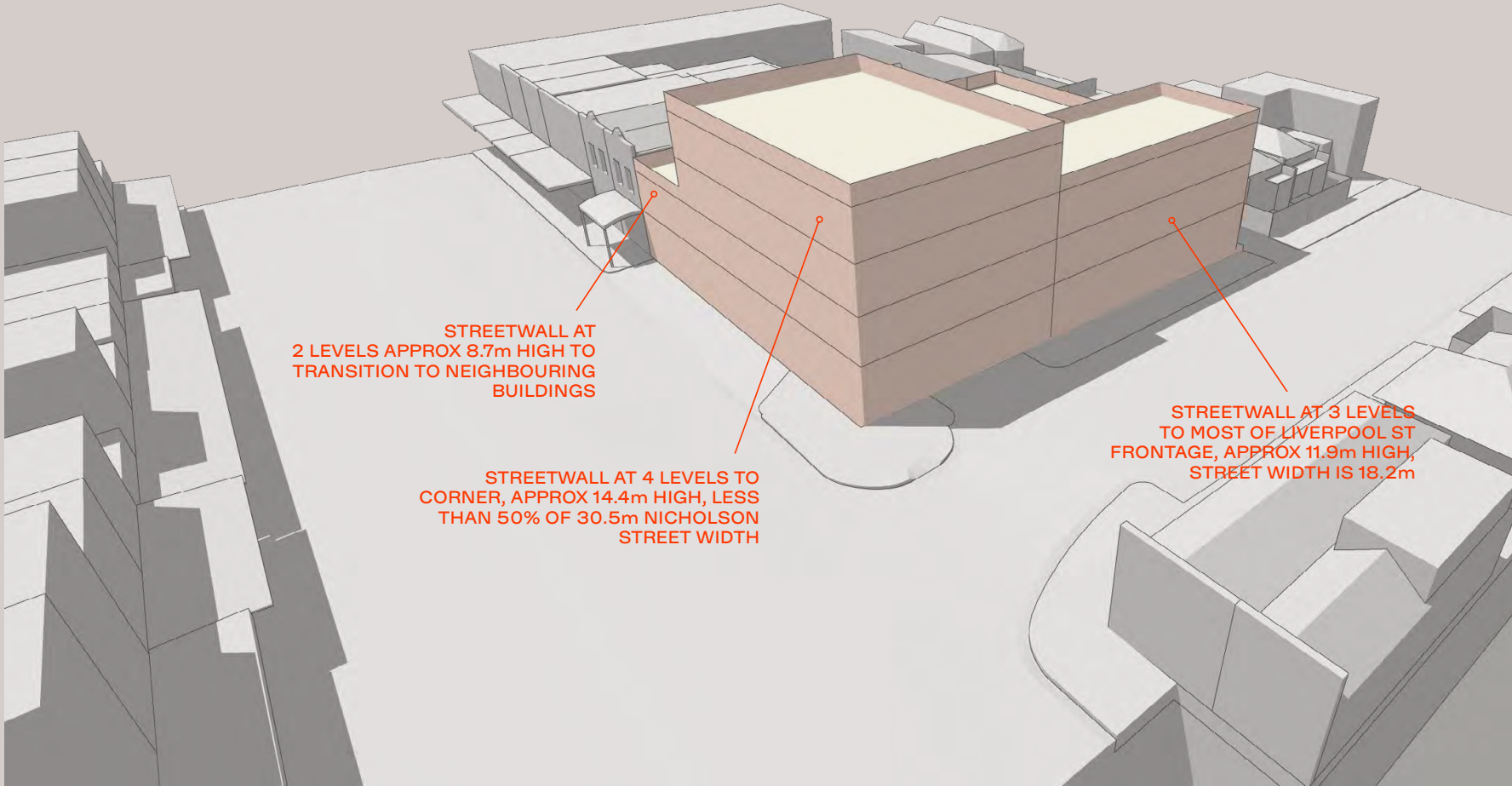
Massing Analysis (Southwest View)



Massing Analysis (Southwest View)



Massing Analysis (Southwest View)

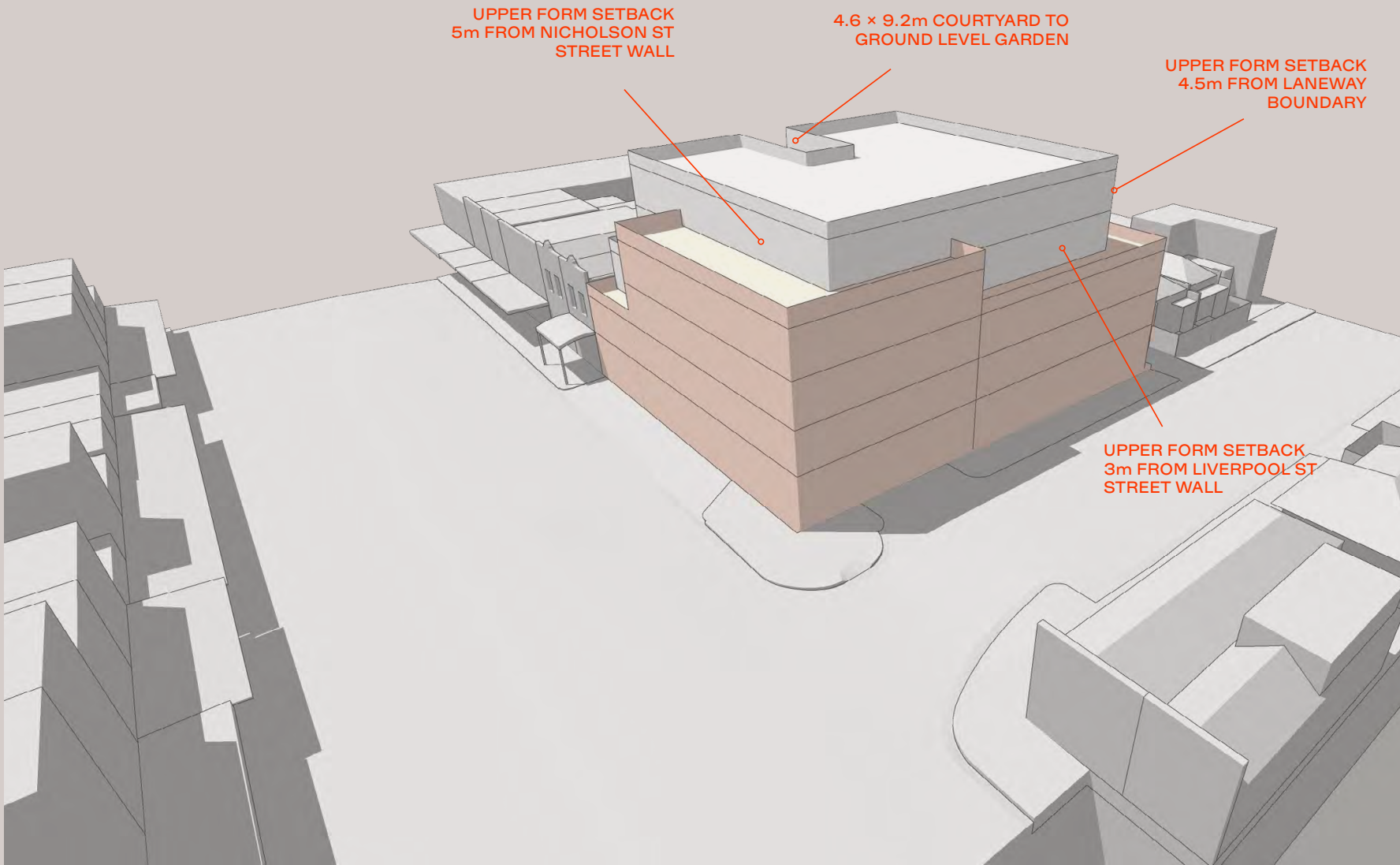


STREETWALL AT 2 LEVELS APPROX 8.7m HIGH TO TRANSITION TO NEIGHBOURING BUILDINGS

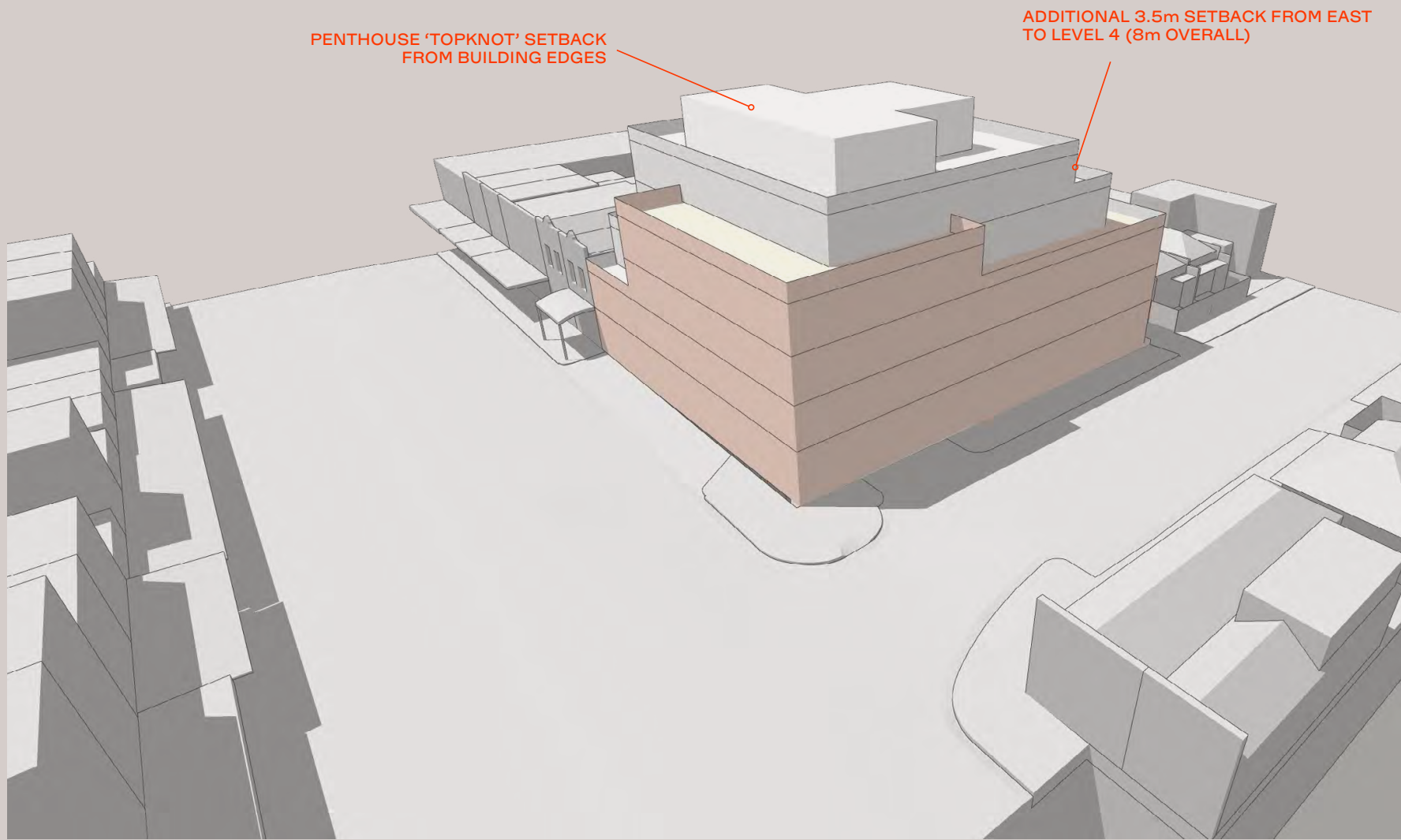
STREETWALL AT 4 LEVELS TO CORNER, APPROX 14.4m HIGH, LESS THAN 50% OF 30.5m NICHOLSON STREET WIDTH

STREETWALL AT 3 LEVELS TO MOST OF LIVERPOOL ST FRONTAGE, APPROX 11.9m HIGH, STREET WIDTH IS 18.2m

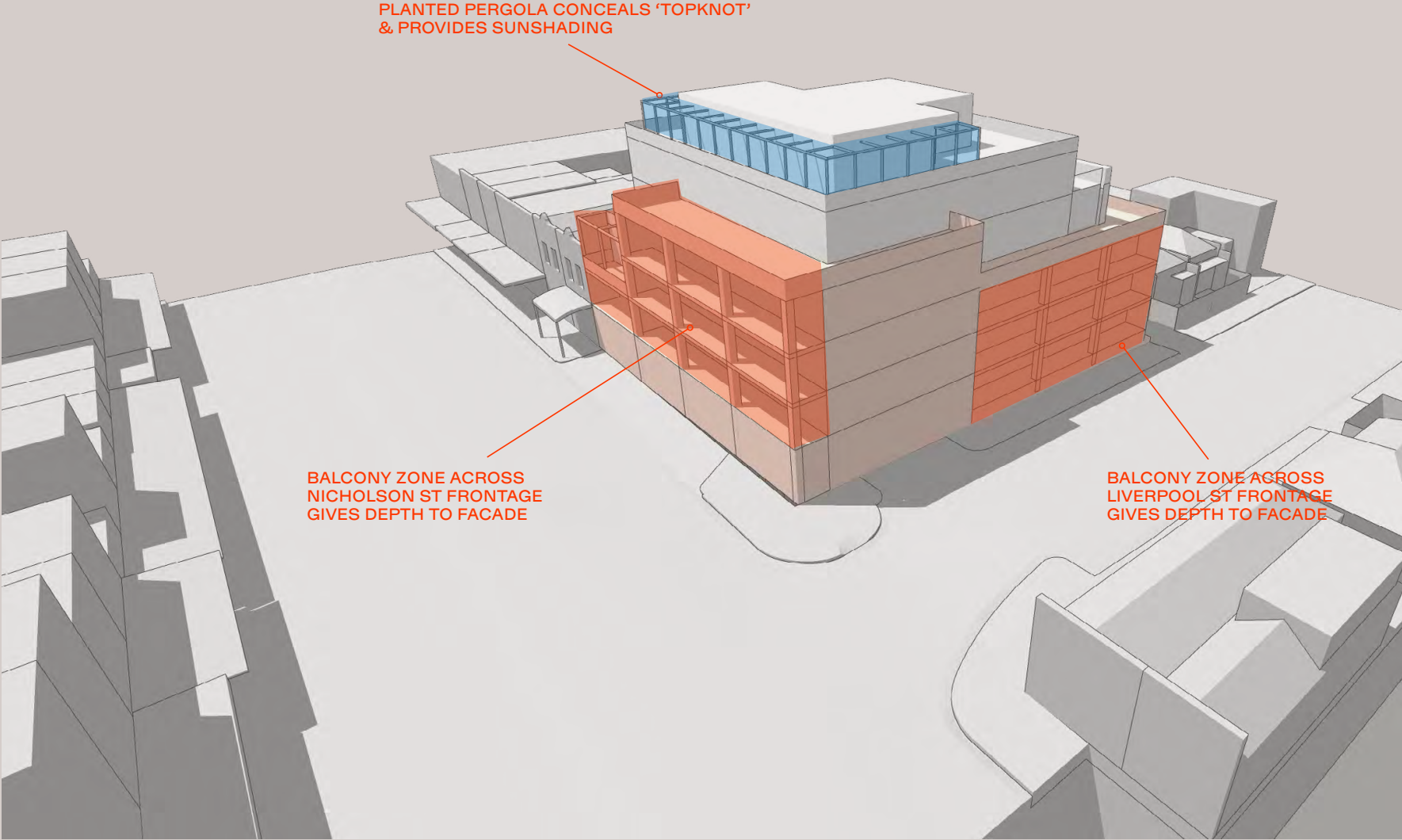
Massing Analysis (Southwest View)



Massing Analysis (Southwest View)



Massing Analysis (Southwest View)



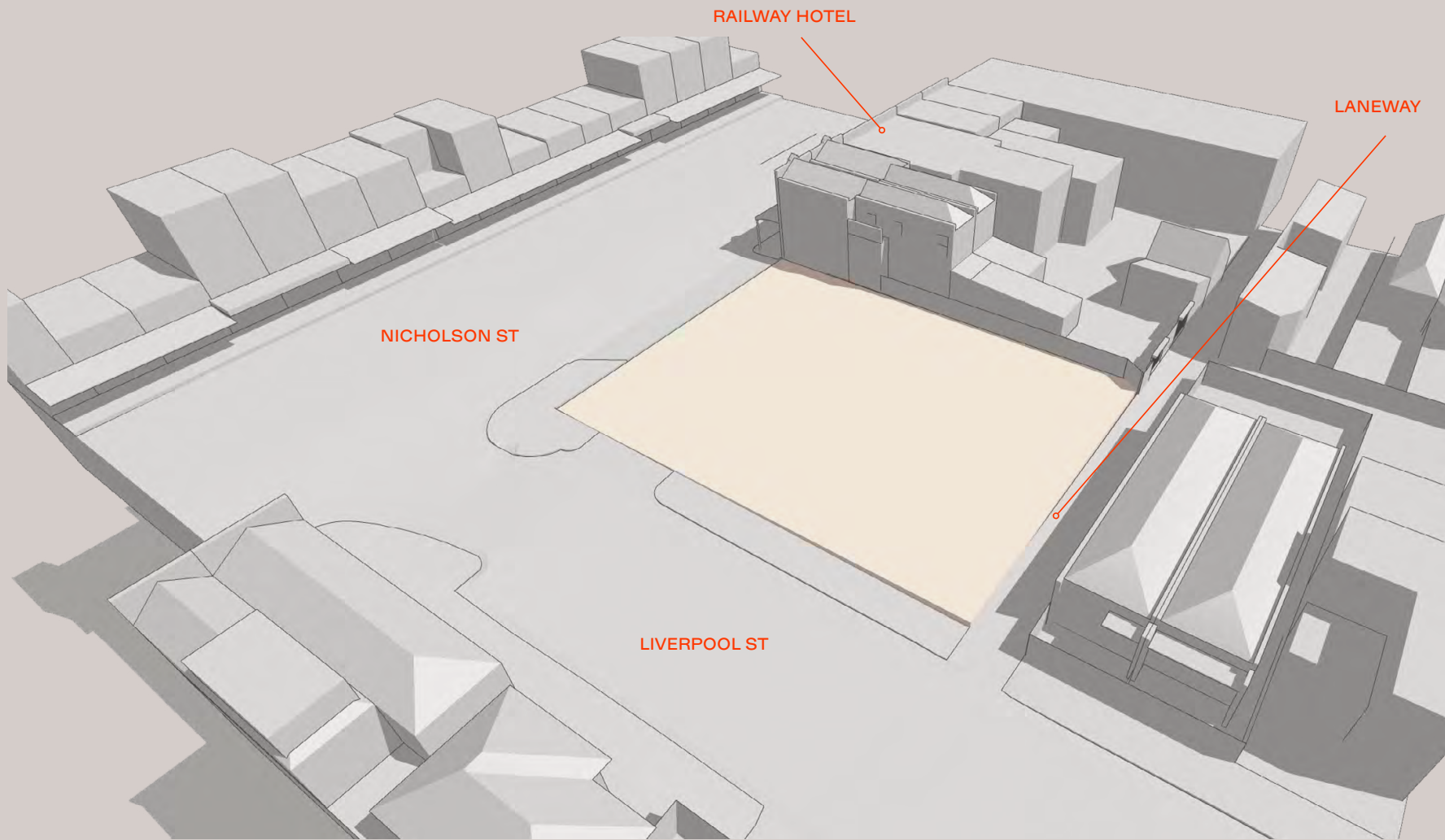
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Massing Analysis (Southwest View)

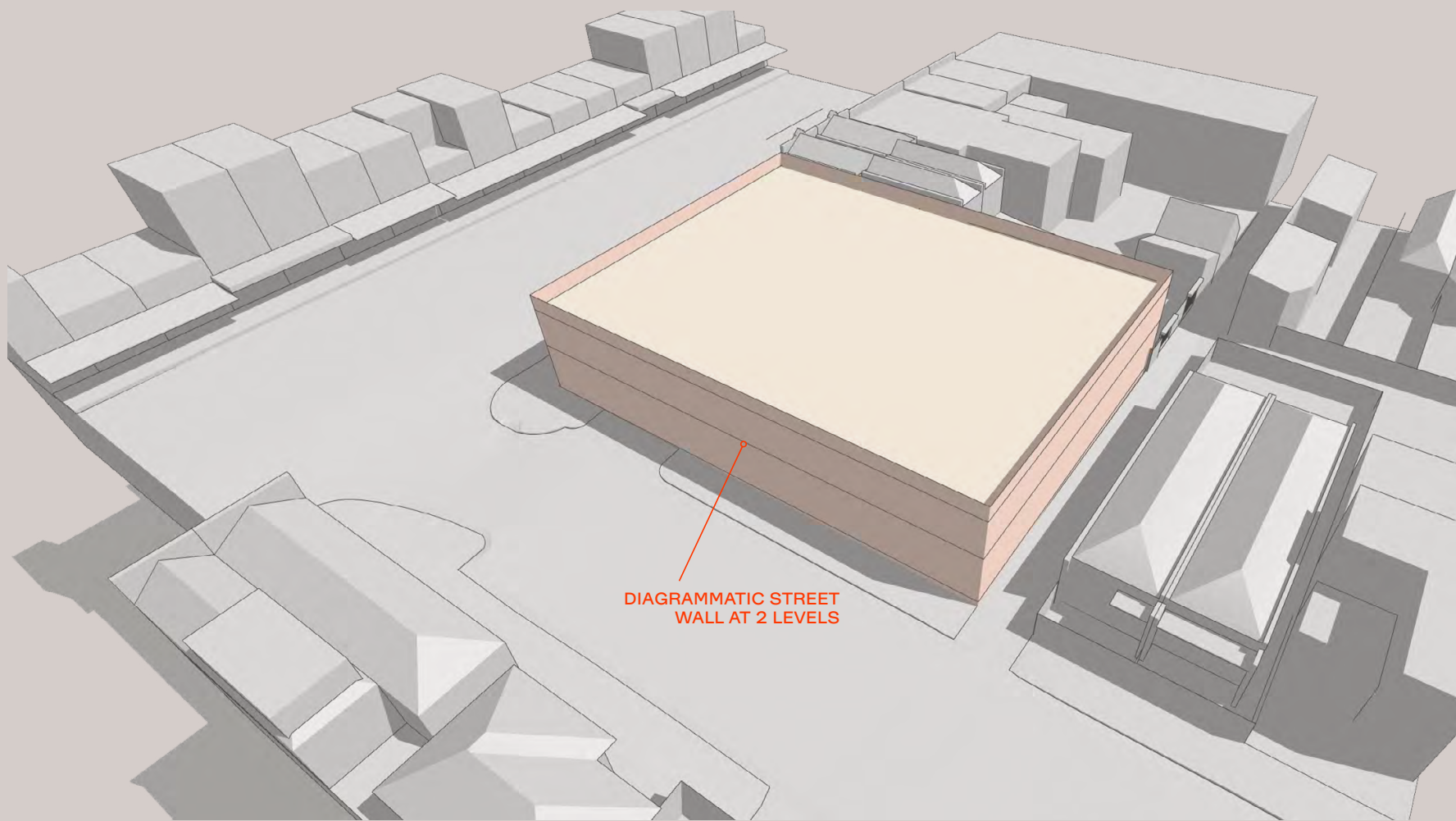


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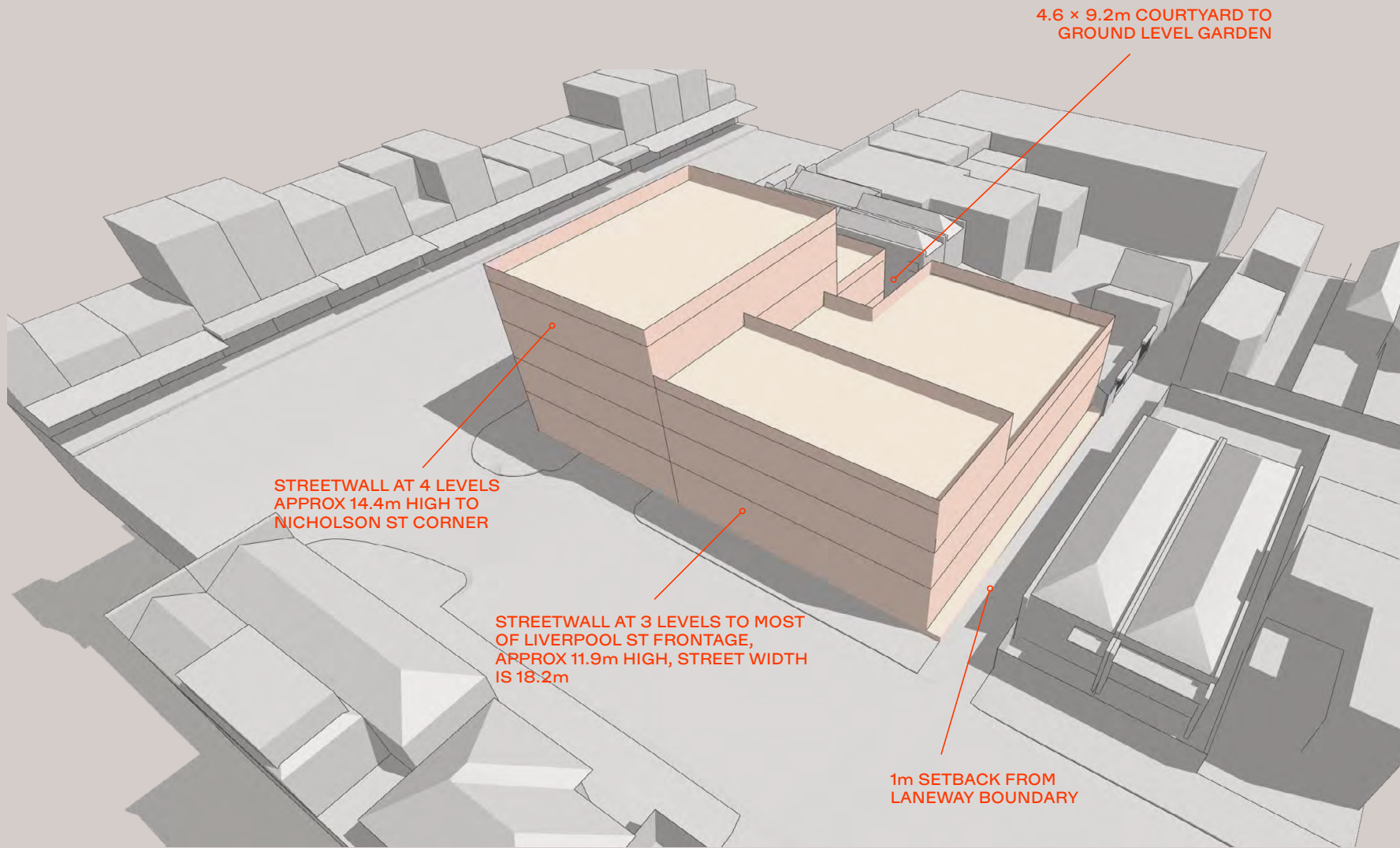
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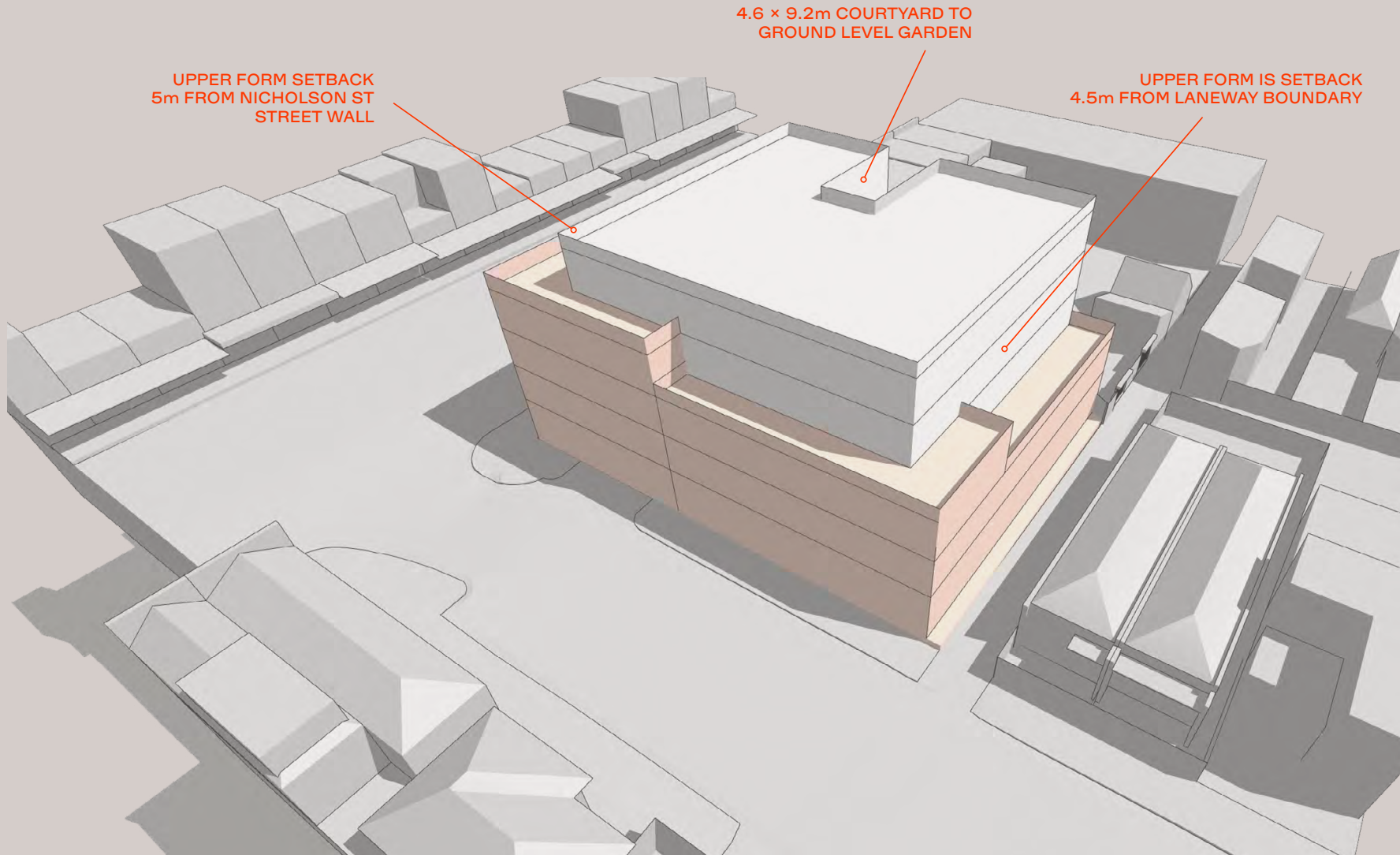
Massing Analysis (Southeast View)



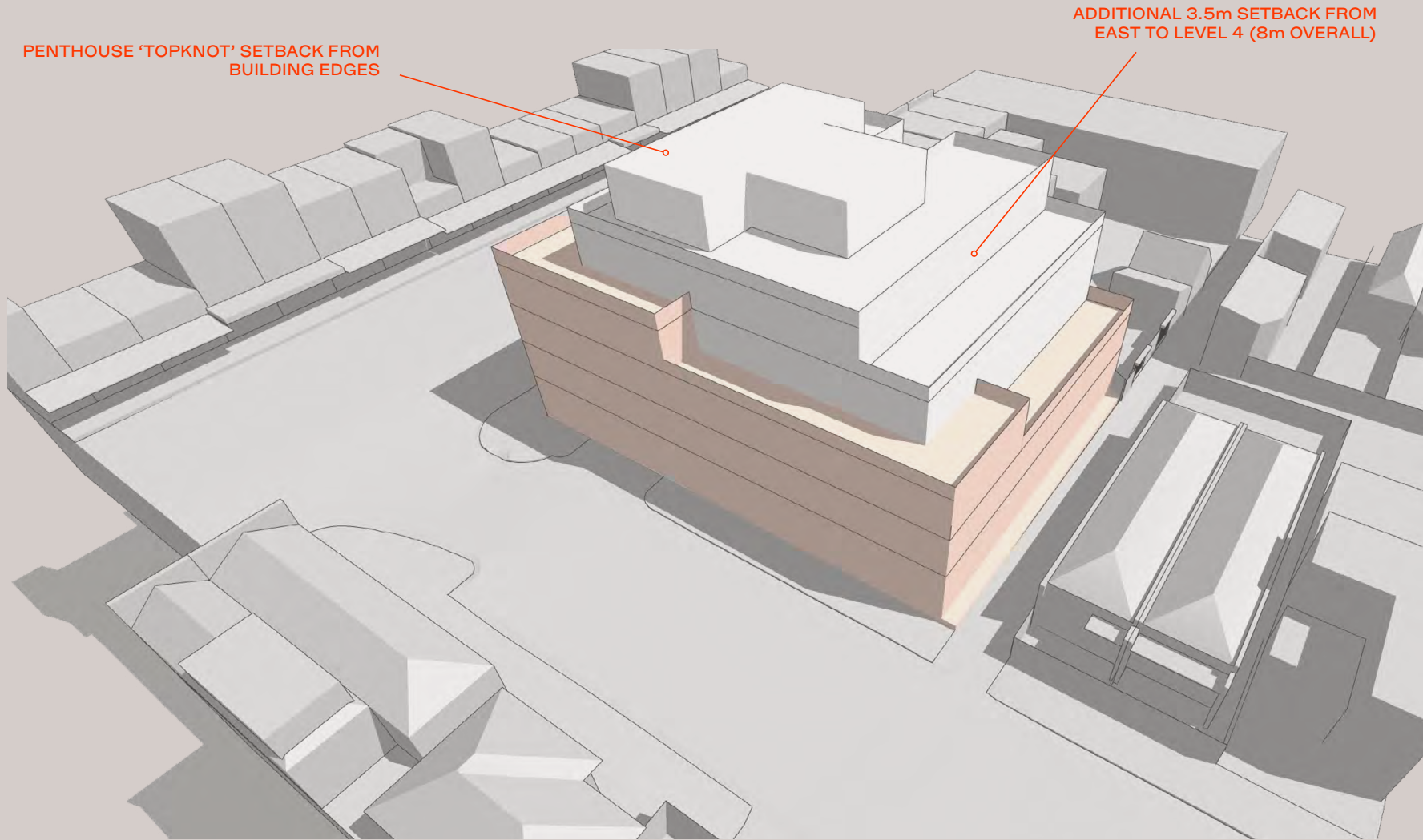
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Massing Analysis (Southeast View)

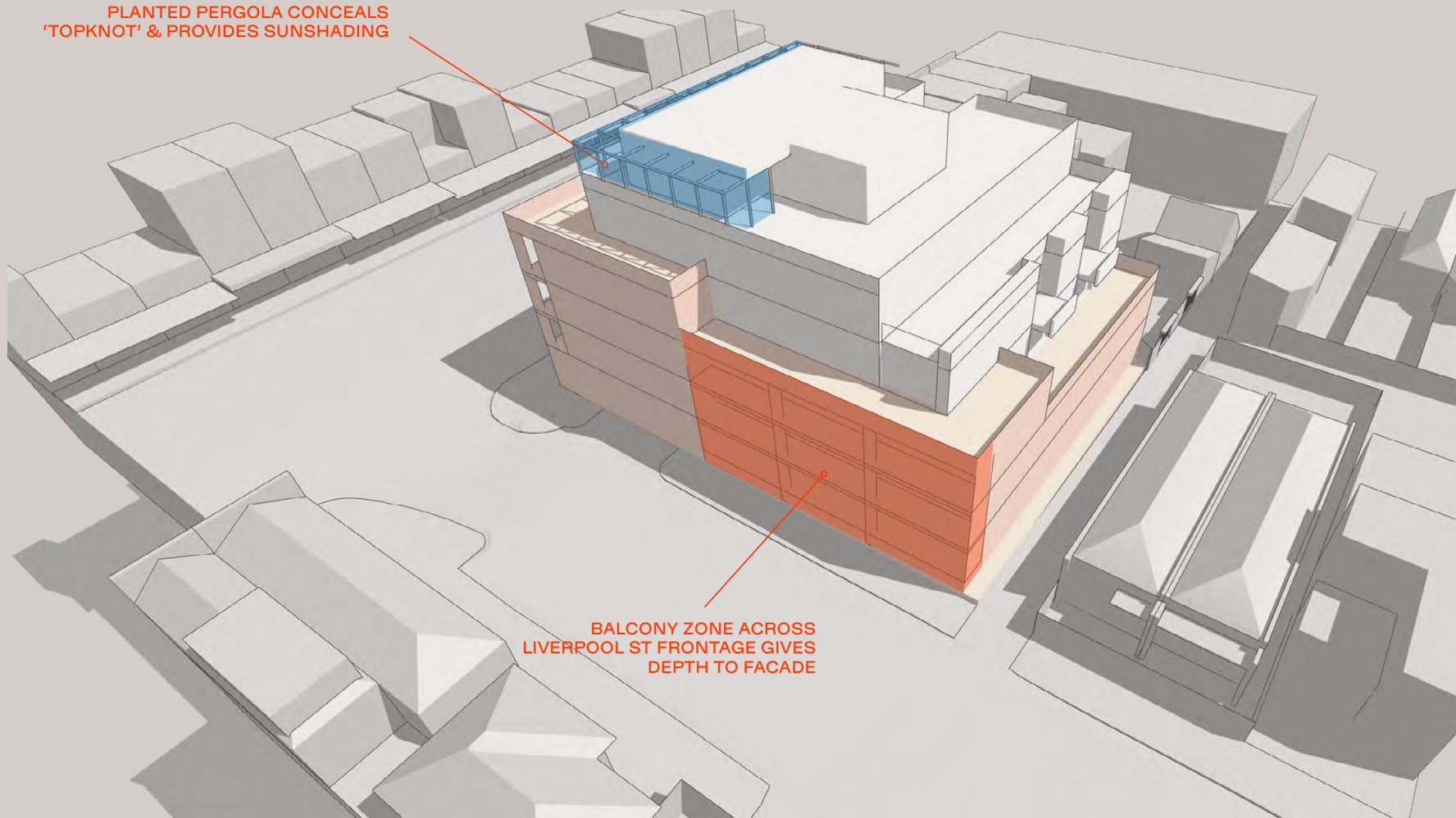


Massing Analysis (Southeast View)



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Massing Analysis (Southeast View)



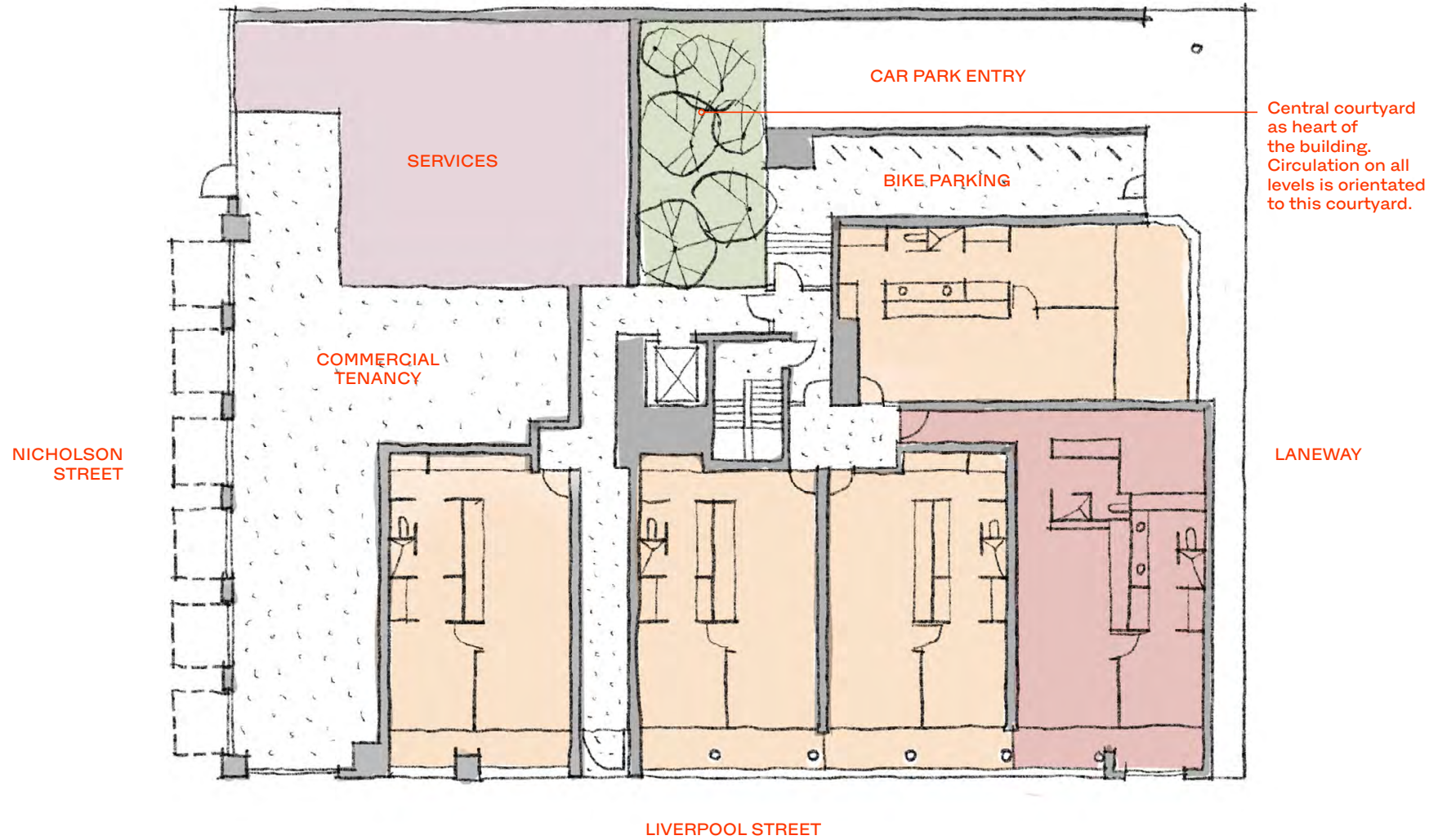
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Nicholson St Proposal

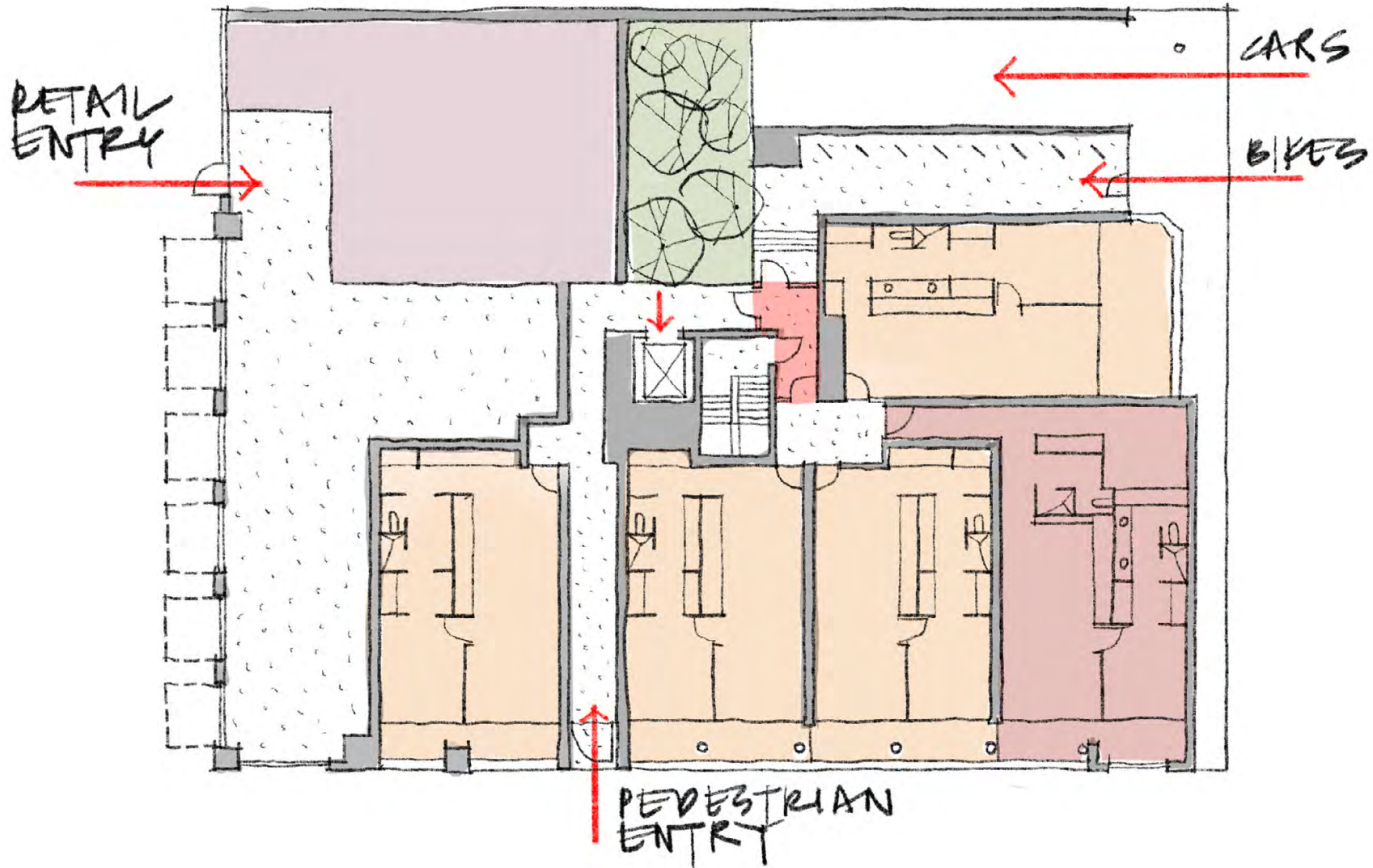


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Proposed Ground

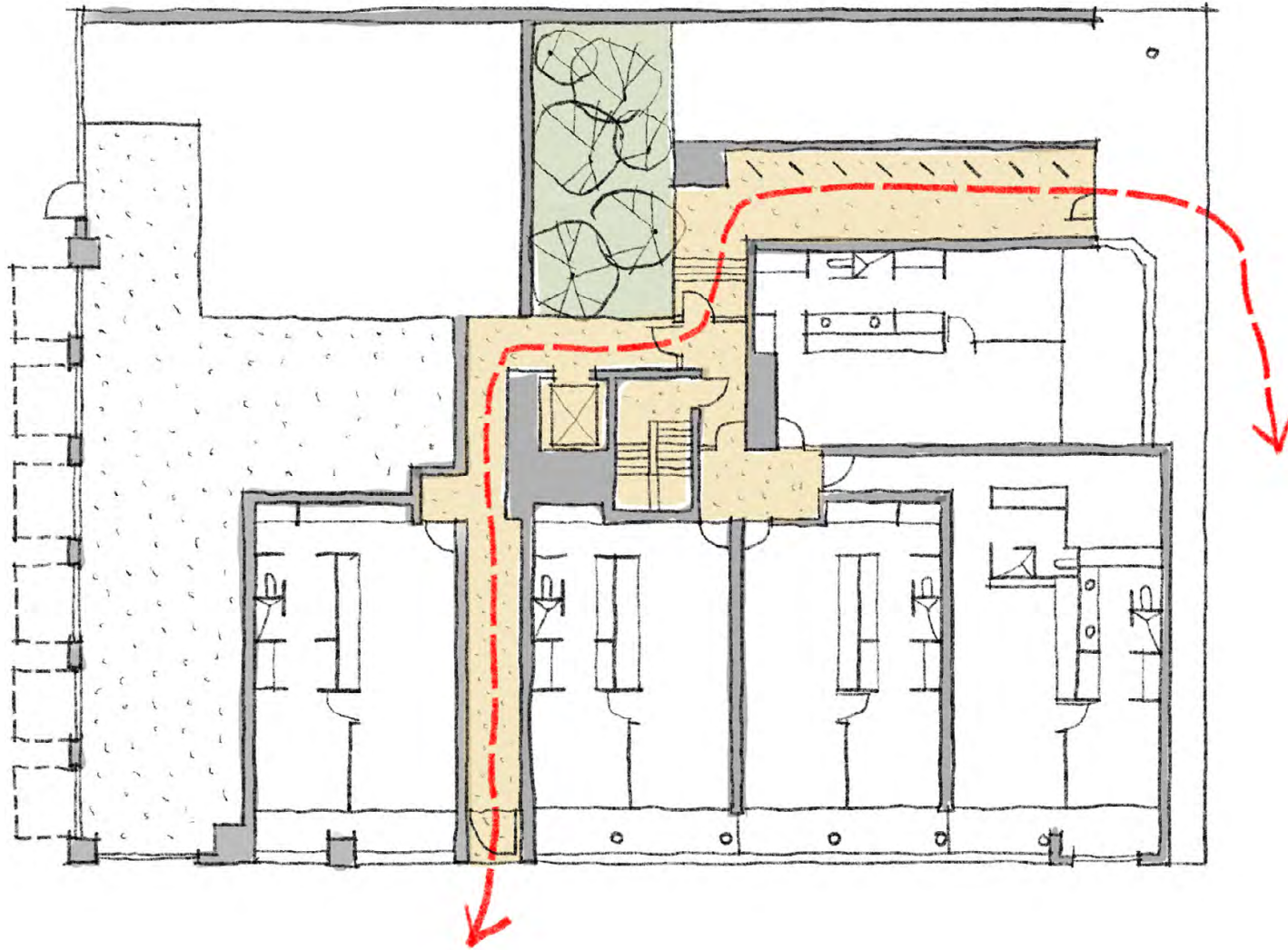


Proposed Ground Level Interfaces



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Proposed Ground Level Access/Egress Pathways



Proposed Ground Level Courtyard Sketch View



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Proposed Courtyard Sketch View



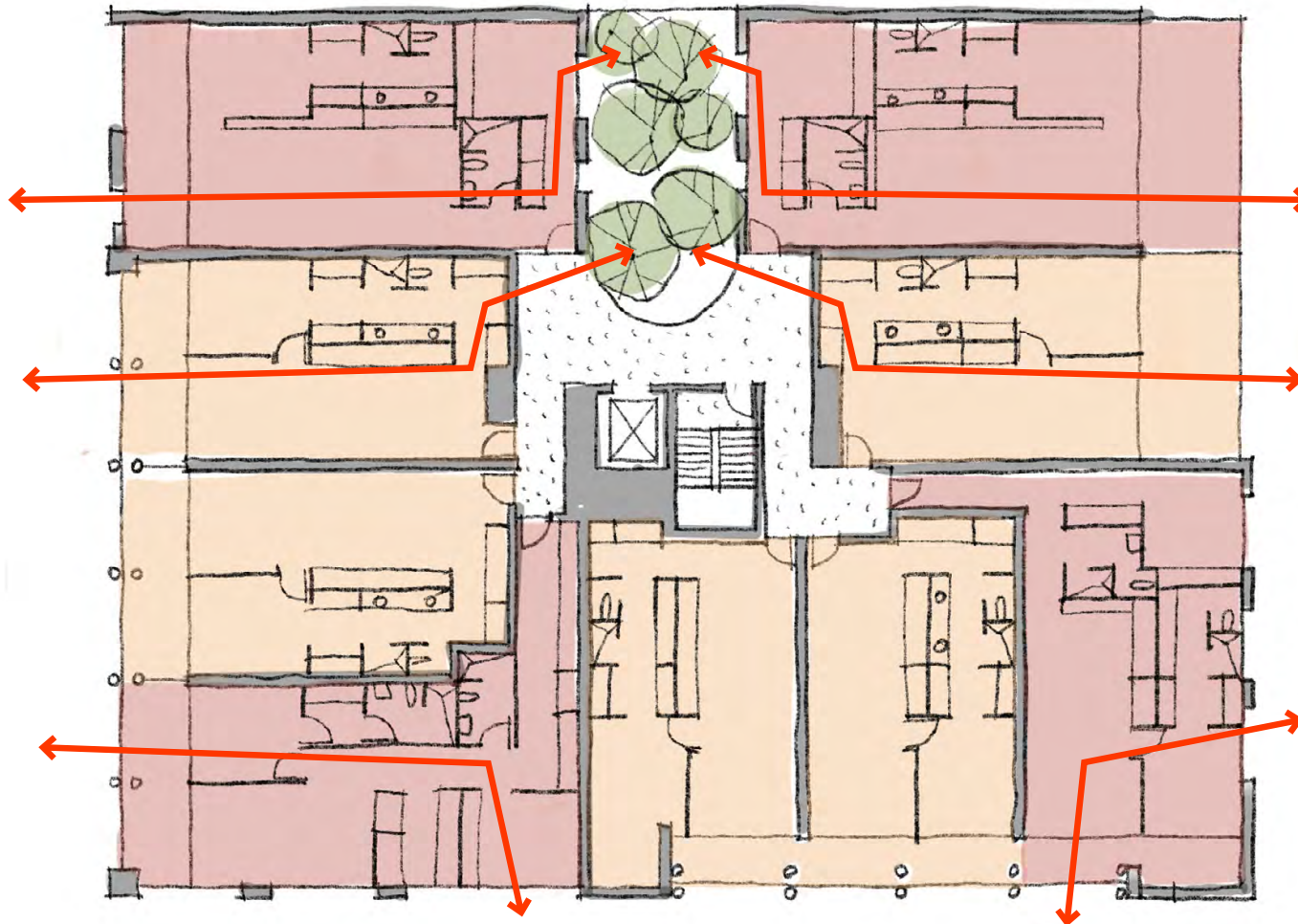
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Proposed Typical Apartment Level Arrangement



Arrival on every level is orientated to the north-facing courtyard. The open air circulation space is a generous & social space.

Proposed Typical Apartment Level Cross-Ventilation



Proposed 3D Views











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East Melbourne, Victoria 3002

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ARBV: 51910

MEMORANDUM OF ADVICE:

HERITAGE REFERRAL ADVICE

786-794 NICHOLSON ST, FITZROY NORTH

[PLN23/0553]

PREPARED FOR: Statutory Planning Branch, Yarra City Council
DATE: 21 December 2023 (revised 29 January 2024)
FILE: 2023-036

1 BACKGROUND

GJM Heritage has been engaged to provide heritage advice that will inform the preparation of a Planning Officer's report for the planning permit application PLN23/0553 (the application) at 786-794 Nicholson Street, Fitzroy North (the subject site). The subject site comprises a service station with shade sail structures and at-grade carparking at the corner of Nicholson and Liverpool Streets. The proposal for which the application has been made seeks to demolish the existing building and car park, and construct on the site an eight- to nine-storey mixed-use building with two basement levels.

The subject site is graded¹ 'Not contributory' and is located within HO327 – North Fitzroy Precinct in the Schedule to Clause 43.01 of the Yarra Planning Scheme. This memorandum of advice provides a heritage analysis of the subject site and the planning application's response to the heritage provisions of the Yarra Planning Scheme.

A site inspection was undertaken by GJM on 15 December 2023 in fine conditions, during which the subject site and its broader streetscape context were visually

¹ In the Incorporated Document *City of Yarra Database of Heritage Significant Areas, April 2022*

inspected from the public realm. All photos in this memorandum were taken during this site visit unless otherwise stated.

We note that the subject site forms part of the traditional lands of the Wurundjeri People, who are represented by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. This memorandum is limited in its scope to consideration of post-contact cultural heritage and does not provide advice on any Aboriginal cultural heritage significance. Nonetheless, we acknowledge the Wurundjeri People as the Traditional Owners of the land at this place and pay our respects to their Elders past and present, from whose stewardship and wisdom we continue to benefit. For more information on the Wurundjeri People, please visit their website at <https://www.wurundjeri.com.au/>.

Our analysis is based on the following planning permit application materials:

- Architectural drawing set titled *Fitzroy North Apartment with Outline Projects*, prepared by Kennedy Nolan Architects, Revision 'TP2', dated 18 September 2023 ('Council RFI response'), 26 No. sheets;
- 3D Render, prepared by Kennedy Nolan Architects, undated, 1 No. sheet;
- *PLN23/0553 Planning Permit Application Form* prepared by the Applicant Op Nicholson Ptd Ltd, c/o Upco, dated 8 August 2023;
- Landscape drawing set titled *Landscape Architecture Town Planning Package*, prepared by SBLA Landscape Architecture + Urban Design, (Rev A) dated 12 August 2023, 11 No. sheets;
- *Memorandum of Heritage Advice*, prepared by Bryce Raworth Pty Ltd, dated 22 September 2023, 8 No. pages;
- *Appendix 6.0 / Landscape Design, 224-228 Smith Street Collingwood 3066*, prepared by Etch Projects Pty Ltd, Town Planning Submission v2, dated May 2023; and
- Town Planning Report titled, *Planning Submission: 786-794 Nicholson Street, Fitzroy North*, prepared by Upco, dated 20 September 2023, 79 No. pages; and
- *Design Report*, prepared by Kennedy Nolan Architects, undated, 67 No. pages.

This memorandum was been amended on 29 January 2024 to correct an inadvertent error in the analysis and recommendations and Figure 39 was added to improve clarity of the recommended changes.



2 THE SUBJECT SITE

2.1 Context

Nicholson Street is a long (approximately 5km) principal thoroughfare that runs in a north-south direction between Victoria Parade, Carlton in the south and Albion Street, Brunswick East in the north. Within the City of Yarra, Nicholson Street comprises a dual direction carriageway approximately 23m wide, with directional traffic lanes separated by an at-grade, dual track tram line, with island platforms at the stops. The street is characteristic of the City of Yarra in that it hosts a variety of building stock, including warehouses, commercial buildings, and small-lot residential subdivisions on rectilinear lots.

The subject site is located on the east side of Nicholson Street, Fitzroy North on the north side of its intersection with Liverpool Street. The east side of Nicholson Street – south of Park Street and north of Liverpool Street - is characterised by a mix of fine grain two-storey shop/residences, including the ‘Railway Hotel’ at 800-804 Nicholson Street. South of the subject site, a row of one- and two-storey shops at the corner of Liverpool Street and the large (former) Nicholson Street Cable Tram Car Shed and Workshop (VHI H7822-2237) – now a bus depot – lies outside the extent of the North Fitzroy Precinct.

Besides this bus depot site and a run of properties between 508 and 698 Nicholson Street, HO327 extends north and south along the east side of Nicholson Street and east into the residential streets. It is bisected by the Inner Circle Railway Linear Park and the Capital City Trail.

On the Carlton (west) side of Nicholson Street, opposite the subject site, is a highly intact row of one- and two-storey shop/residences that form the western edge of the North Carlton Precinct (HO326). This heritage precinct has similar but not identical cultural heritage values as articulated in the two Statements of Significance; the two sides of Nicholson Street have distinct development and use histories that are evident in the noticeable difference in their built form characters today. The west side of Nicholson Street retains a high degree of visual cohesion, with the building stock sharing similar (commercial) typologies and low-rise forms. The east side, however, is characterised by a higher level of later development, including multi-storey residential and mixed-use buildings, interspersed with remnant mid- to late-nineteenth century and early twentieth century buildings.

Returning to the subject site, Railway Lane – with bluestone flags and central channel – separates the rear of the commercial properties addressing Nicholson Street from the residential properties addressing Liverpool and Park Street to the east. These streets are relatively intact and include generally one-storey late-nineteenth and early-twentieth century housing stock.

2.2 Description

The rectangular subject site measures 36.58m x 27.98 (1024m²) and extends east to Railway Lane. Vehicular access is provided at various crossovers on the west, south and east boundaries. The site is partially fenced at its northeast corner, and has an essentially flat topography. Various concrete treatments provide at-grade

carparking and internal vehicle access to a carwash at the north boundary of the site. This structure and the adjacent café and administration building are both of composite masonry and steel-framed construction and are single storey in height. Steel posts throughout the site provide structure for several large shade sails. A temporary food cart is installed at the south boundary.

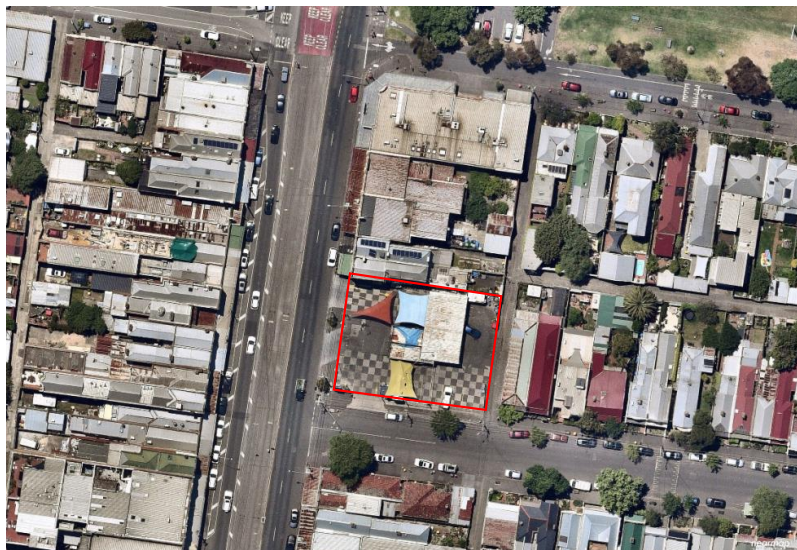


Figure 1. Aerial image of the subject site (indicated).

(Source: Nearmap, accessed 21 December 2023, image dated 10 November 2023)



Figure 2. Looking east from the west side of Nicholson Street to the subject site, showing crossovers, and two-storey 'contributory' graded heritage building at the north boundary (at left).



Figure 3. Oblique view looking northeast from opposite side of Liverpool Street into the subject site, showing carwash facilities, signage, and two storey 'contributory'-graded heritage commercial buildings beyond at left, and one-storey 'contributory'-graded heritage houses at right.





Figure 4. Looking northeast across the subject site from the intersection of Liverpool Street and Railway Lane.



Figure 5. (left) Looking north along Railway Lane, showing bluestone detailing. Subject site at left.



Figure 6. (right) 1 & 3 Liverpool Street, houses neighbouring the subject site to its east across Railway Lane. Note 5 Liverpool Street (partially visible at right) is graded 'not contributory.'



Figure 7. Longer view of the north side of Liverpool Street, east of the subject site.



Figure 8. Long view of the south side of Liverpool Street, looking southeast. Subject site behind viewer's position.





Figure 9. 'Contributory' graded properties further east along Liverpool Street (left to right, 9, 11, 13-15, and 17, 191, 21, 23 and 25 Liverpool Street).



Figure 10. Looking northwest along the north side of Liverpool Street to the subject site (centre-left) with shops on the west side of Nicholson Street visible beyond at left.



Figure 11. Looking west from the intersection of Liverpool and Nicholson Street to the highly-intact and visually coherent shops along the west side of the street (within HO326 – North Carlton Precinct).



Figure 12. Similar view looking southwest.





Figure 13. Similar view looking northwest. These shops are directly opposite the subject site.



Figure 14. Looking southeast from the west side of Nicholson Street towards the subject site.



Figure 15. Looking southeast from opposite the intersection with Liverpool Street to shops outside the heritage overlay along the east side of Nicholson Street, south from the subject site. Bus depot site at right.



Figure 16. Looking northeast along the east side of Nicholson Street to 'contributory' graded shops and the 'Railway Hotel', located north of the subject site (partially visible at right). Note: shops on the corner of Park Street at left are graded 'not contributory.'





Figure 17. Looking north along Nicholson Street from the tram stop at its intersection with Richardson/Reid Street, showing ‘individually significant’ (fmr) Melbourne Savings Bank (North Fitzroy Branch) building at 720 Nicholson Street. Location of subject site indicated by white arrow.

2.3 History

The subject site, originally part of Crown Allotment 2 on Section 38 at Fitzroy, Parish of Jika Jika, County Bourke, was owned by Angus Carruthers, blacksmith in 1871 and later in 1885 by William Bell, policeman. However, as Melbourne and Metropolitan Board of Works (MMBW) plans from 1900 to 1905 and Sands and McDougall directories show, the land was not developed until 1915.² In 1914 the site was acquired by Griffiths and West Pty Ltd, cinema (known as “picture show”) proprietors who established the Palace Picture Theatre on the site where it operated until its closure in c. 1960.³

² MMBW plans 1902, State Library of Victoria. Sands and McDougall Directory, 1915, p. 322.

³ Arc Environmental, *Preliminary Site Investigation 786-794 Nicholson Street North Fitzroy*, 19 July 2023. Certificate of Title Volume 3812 Folio 762



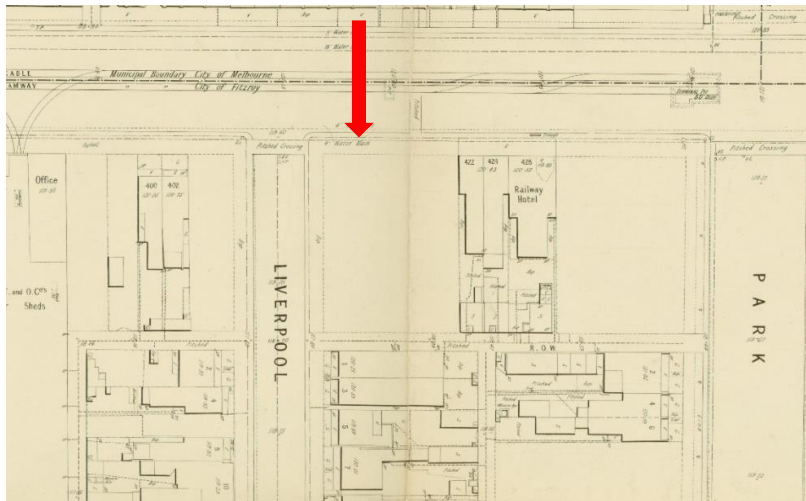


Figure 18. Melbourne and Metropolitan Board of Works (MMBW) plan, 1902 shows the undeveloped site. Source: State Library of Victoria. Note: north to right of image.

Although film screenings began in the 1890s and grew in popularity in Melbourne, they were originally shown in existing theatres, halls and open-air venues with the first purpose-built cinema opening in 1909 in South Melbourne built by T J West, an early film entrepreneur and exhibitor. Bourke Street, Melbourne became the centre of entertainment with the opening of cinemas including Hoyts Pictures in 1909 and by 1916, there were eight cinemas in Bourke Street presenting continuous screenings. Permanent cinemas appeared in the suburbs from 1910, and by 1919 there were 67 suburban cinemas and 11 cinemas in the city.⁴

According to the Sands and McDougall Directory, the Palace Picture Theatre was under construction in 1915.⁵ By 1920 the site is also occupied by Mrs N, confectioner.⁶ With the advent of television in 1956, cinemas rapidly went into decline and of the 124 cinemas operating in the suburbs in 1956, 57 had closed by 1961.⁷ The Palace Cinema was also a casualty of this trend and in 1960 Ampol Pty Ltd, an Australian petroleum company purchased the site.⁸

The 1950s and 1960s saw an increase in the construction of service stations in Melbourne’s suburbs. The old-style service stations (“servos”) with their individual service and choice of multiple petrol brands began to disappear after Ampol introduced solo marketing in December 1952. Petroleum companies like Ampol, Caltex and Shell, bought up and demolished properties, in particular those on corner sites, establishing their own petrol outlets designed to reflect their brand. By the mid-1960s, with a global crude oil surplus resulting in plummeting company profits, the number of service stations declined and eventually stabilised. The 1970s saw the

⁴ Daniel Catrice, ‘Cinemas’ e-Melbourne, <https://www.emelbourne.net.au/biogs/EM00347b.htm> accessed on 28 November 2023.

⁵ Sands and McDougall Directory, 1915, p. 322.

⁶ Sands and McDougall Directory, 1920, p. 356.

⁷ Daniel Catrice, ‘Cinemas’ e-Melbourne, <https://www.emelbourne.net.au/biogs/EM00347b.htm> accessed on 28 November 2023.

⁸ Arc Environmental, *Preliminary Site Investigation 786-794 Nicholson Street North Fitzroy*, 19 July 2023. Appendix C Certificate of Title Volume 3812 Folio 762.



introduction of self-service and later the inclusion of convenience stores, marking the end of the old-style “servo”.⁹

By 1963 the Palace Theatre was demolished and the site occupied by a service station owned by Ampol.¹⁰ Still listed as a cinema in 1960, the site was recorded as a service station in the 1965 edition of Sands and McDougall.¹¹ By 1974 the site was known as T and R Ceravolo Service Station.¹² In 1978 the site was owned by Cerafam Nominees Pty Ltd and continued to operate as a service station until 2000. It was then used as a car wash facility up until the present.¹³



Figure 19. Aerial photograph taken in 1963 showing the newly built Ampol service station. Source: Arc Environmental, Preliminary Site Investigation 786-794 Nicholson Street North Fitzroy, 19 July 2023.

⁹ David Wixted, ‘Service stations,’ e-Melbourne, <https://www.emelbourne.net.au/blogs/EM01356b.htm> accessed on 28 November 2023. Sarah Matthews, ‘Are you being served?’, 2018, State Library of Victoria, <https://blogs.slv.vic.gov.au/such-was-life/are-you-being-served/> accessed on 28 November 2023.
¹⁰ Arc Environmental, *Preliminary Site Investigation 786-794 Nicholson Street North Fitzroy*, 19 July 2023. Appendix C Certificate of Title Volume 3812 Folio 762.
¹¹ Sands and McDougall Directories, 1960, p. 392 and 1965, p. 412.
¹² Sands and McDougall Directory, 1974, p. 396.
¹³ Arc Environmental, *Preliminary Site Investigation 786-794 Nicholson Street North Fitzroy*, 19 July 2023, p. 12 and Appendix C Certificate of Title Volume 3812 Folio 762





Figure 20. Ampol service station, c. 1970-1974, Committee for Urban Action photographic survey of Fitzroy. Source: State Library of Victoria



Figure 21. Ampol service station, c. 1970-1974, Committee for Urban Action photographic survey of Fitzroy. Source: State Library of Victoria



Figure 22. Ampol service station, c. 1970-1974, Committee for Urban Action photographic survey of Fitzroy. Source: State Library of Victoria



3 YARRA PLANNING SCHEME

3.1 Heritage Controls

The subject site is subject to HO327 – North Fitzroy Precinct. The heritage precinct is extremely large, comprising almost the entire suburb of North Fitzroy generally bounded by May Street to the north, Merri Creek to the east, Alexandra and Queens Parade to the south and Nicholson Street to the west. The citation for the precinct describes its aesthetic and historical significance to the City of Yarra, and differentiates the areas north and south of Holden Street. The subject site is located south of Holden Street, for which a broad period of significance is described as follows:

The main development period evident in the heritage overlay south of Holden St is that of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well-preserved inter-war buildings and individually significant places of all eras.

The Statement of Significance attributes the significance of the precinct to the following:

Why is it significant?

The Government-planned section of Fitzroy north (south of Holden St) is significant:

- *As a demonstration of the earliest stages in the development of North Fitzroy, commencing with the 1850s Yan Yean tramway and the quarry route of Nicholson St, the establishment of North Fitzroy's first churches and its pre-Boom suburban mixture of small residential and commercial buildings coinciding with provision of horse drawn public transport;*
- *For its late 19th century buildings that represent rapid growth and change in the character of the relatively remote suburb to an established residential business area with a range of commercial and institutional buildings serving the wider population of North Fitzroy;*
- *For the aesthetic value of its suburban planning, with the combination of curving streets and garden reserves, and the vistas created by the intersections of standard rectilinear subdivision with the strong diagonals formed by St Georges Road and Queens Parade, the exceptionally wide streets and crescents, the triangular garden reserves, and focal views to buildings and parkland. This aesthetic is underscored by the built form seen in the construction of commercial and institutional buildings to the property alignment along a number of streets and on corners;*
- *The generous public domain, with street plantings of historic elms and 20th century plane trees;*
- *For its low rise streetscapes of intact Victorian and Edwardian buildings one and two-storey terrace and villa housing;*
- *For the range of Victorian and Edwardian-era building form and finish, from the modestly decorated timber cottages and stuccoed Italianate style houses, simply designed corner hotels and shops, to the rich variety of decorative buildings including an extraordinary concentration of decorative bichrome and polychrome brickwork and flamboyantly decorated Italianate residential*

and commercial terraces, banks and hotels, interspersed very occasionally with dominating narrow spire and tower elements of religious, commercial and institutional buildings;

- *As one of Melbourne's early residential commuter suburbs served by train and cable tram services lining it to the city by 1888, with extensive Boom era terrace buildings and closely built row housing within this sub-area providing evidence of the effects of public transport on early development;*
- *As essentially a well preserved Boom-era suburb that, despite the abrupt economic collapse of the early 1890s, continued developing during the Great Depression years and into the first decades of the 20th century due to the amenity of it planning, parkland, local schools and shops and extensive public transport. This yielded both the generous frontages and sizes of the post-Depression villa houses and the row house forms and narrow frontages of the Boom era;*
- *For its traditional Victorian-era residential character, evoked by the formal presentation of the decorated façade to the street with its small ornamental front garden, low front fence, pedestrian gateway and front path, with the functional necessities of delivering coal, removal of nightsoil and occasional stabling provided by the back lanes;*
- *For landmark buildings and sites that formed key meeting places in the area during the main development era of the 1860s to the 1930s, including religious institutions, schools, monasteries and churches, and the buildings associated with charitable bodies such as the Salvation Army, Church of Christ Bible School, and the temperance movement. Also the former Nth Fitzroy Police Station, the former Licensed Victualler's School and Asylum site and complexes such as the Old Colonists Homes;*
- *For the asphalt footpaths, pitched lanes, gutters and lane crossovers and mature street and individual plantings (such as mature elms, planes, palms, and Kurrajongs) that reinforce the unified character of the dense, relatively low-rise residential development;*
- *The 19th century landscape of Edinburgh Gardens and its representation of Fitzroy's cultural history in its plantings, memorials, recreation sports club grounds and pavilion buildings plus the Inner Circle Railway reserve as a cultural landscape strip across the north of the area;*
- *For the outstanding Victorian and Edwardian-era streetscapes such as those surrounding the Edinburgh Gardens (Alfred Crescent, St Georges Road, Brunswick and Freeman Streets) that include a rich collection of Victorian-era Gothic and Italianate style buildings interspersed with fine buildings from the Edwardian period;*
- *For the important views and vistas within the area, including those of the Edinburgh Gardens, its mature trees and historic structures, as seen from many parts of the Heritage Overlay Area, and views obtained from Edinburgh Gardens to the many significant buildings at its curtilage and the city skyline, the vista from the elevated position of the Cricket Club grandstand toward the upper facades of buildings in Freeman and Brunswick Streets, and the Brunswick Street vistas (south to the spire of St Patrick's Cathedral, and north to St Luke's spire);*
- *For the contribution of well-preserved inter-war buildings, particularly the small intact inter-war houses where the building design has adapted to the*



prevailing built character of the area in siting, scale, decorative quality and stylistic variety.

The Statement of Significance for the precinct also includes a list of contributory elements, of which none are present at the subject site. We note however that the following contributory element is located in the road reserve along the Nicholson Street frontage (where not interrupted by crossovers) and in Railway Lane at the rear of the site:

Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, and channels, and asphalt paved footpaths.

The Incorporated Document, *City of Yarra Database of Heritage Significant Areas (April 2022)* lists properties included in the Heritage Overlay and identifies a grading for each – either ‘Unknown,’ ‘Not contributory,’ ‘Contributory’ or ‘Individually significant.’ The building occupying the subject site is dated ‘1950 - 1990’ and described as ‘Service Station’. The subject site is graded ‘Not contributory’ to HO327. ‘Not contributory’ is defined in the Incorporated Document as:

Not contributory to identified cultural value of heritage overlay area as stated in the Statement of Significance.

Having reviewed the subject site and its context within the North Fitzroy Precinct, we consider the place’s grading as ‘not contributory’ to appropriately reflect its contribution to the significance of HO327. The Incorporated Document *Incorporated Plan Under the Provision of Clause 43.01 Heritage Overlay* (July 2014) identifies planning permit exemptions for properties subject to the Heritage Overlay in the City of Yarra. We note that none of the proposed works are exempt under this Incorporated Plan.

The Schedule to Clause 43.01 Heritage Overlay does not select ‘External paint controls’, ‘Internal alteration controls’, ‘Tree controls’ or permit ‘Prohibited uses’ for the precinct. ‘Solar energy system controls apply’ are selected in the schedule, which is a new control that was introduced through Amendment VC226.

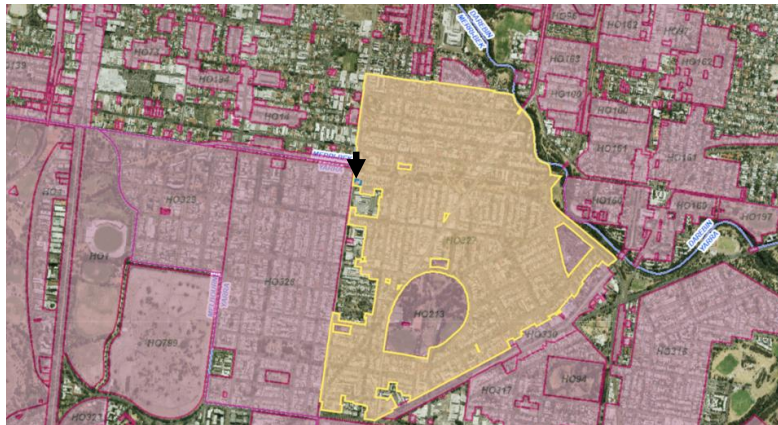


Figure 23. Aerial map overlaid showing HO327 – North Fitzroy Precinct (shaded yellow) in its entirety, within the context of the Heritage Overlay (including places outside the City of Yarra) (shaded pink). Subject site indicated by black arrow.

(Source: VicPlan, accessed 14 December 2023)



Figure 24. Aerial image showing closer view of the subject site (black arrow) within HO327 (shaded yellow); land subject to the Heritage Overlay (shaded pink) of adjacent places also shown. HO326 – North Carlton Precinct, at bottom left. (Source: VicPlan, accessed 14 December 2023)

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?
HO327	North Fitzroy Precinct Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	Yes	No	No	No

Figure 25. Extract from the Schedule to Clause 43.01 Heritage Overlay of the Yarra Planning Scheme showing entry for HO327.



Figure 26. Map of area surrounding the subject site, showing HO327 boundary (thick pink line) with selected properties shaded to illustrate heritage gradings from the City of Yarra Database of Heritage Significant Areas (April 2022). Green places are 'individually significant,' yellow places 'contributory' and gray places 'not contributory.' Note: not all gradings have been plotted. Pale pink hatch denotes other heritage overlay places. Subject site indicated by blue dashed polygon. Source: Adapted from data.vic.gov.au, accessed 15 December 2023.

The Yarra Planning Scheme includes heritage policy and strategies of particular relevance to the subject site at Clause 15.03-1S, Clause 15.03-1L and Clause 43.01. The proposed scheme is assessed against this policy at Section 5 below.

3.2 Nicholson Street Neighbourhood Activity Centre

The subject site is located in a part of a Nicholson Street that is designated as a neighbourhood activity centre, as designated at Clause 21.08 – Neighbourhoods. Included in the Municipal Strategic Statement at Clause 21.08-8 – North Fitzroy, strategies pertaining to heritage matters are limited to a notation on Figure 20: Built Form Character Map Fitzroy North, which reads “ensure that development does not adversely affect the significance of the heritage place.”



3.3 Zoning

The subject site is included in the Commercial 1 Zone (C1Z) which extends along Nicholson Street to the north and south of the site. Directly east of the subject site, the Neighbourhood Residential Zone (NRZ) interfaces with the C1Z along the centre of Railway Lane. Schedule 1 to the Commercial Use Zone does not specify neighbourhood character objectives nor a maximum building height, however under the Design Guidelines at Clause 34.01-8, includes the following of particular relevance to the application and heritage considerations (*inter alia*):

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The streetscape, including the conservation of buildings...the treatment of backs of buildings and their appurtenances...and the landscaping of land adjoining a road.*

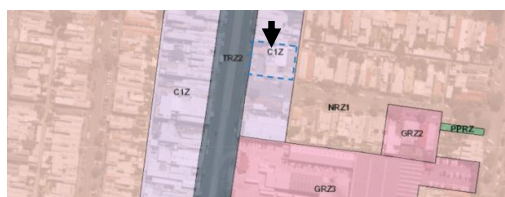


Figure 27. Map showing planning scheme zones of the subject site (blue dashed line) and surrounding properties.

Commercial 1 Zone (C1Z) shaded mauve.

4.3 New development

The application proposes a mixed-use building six-storeys in height with a predominantly four-storey street wall at the corner of Nicholson and Liverpool Street that drops to three-storeys where it abuts the adjacent contributory-graded shop/residence at 796 Nicholson Street. The proposed development includes the following:

- Two basement levels, comprising carparking and utilities such as waste room, plant, bike storage etc., accessed from the rear (south) of the subject site via Railway Lane;
- Ground floor level comprising commercial space along Nicholson Street and residential terrace apartments along Liverpool Street and Railway Lane, oriented around a central service and circulation core with courtyard at the approximate centre of the north boundary;
- Levels 1 & 2 comprising nine apartments each, oriented to the west, south and east, with private balcony spaces;
- Level 3 comprising six apartments oriented to the west, south and east, with private balcony spaces, and forming a 4-storey street wall at the corner of Nicholson and Liverpool Streets;
- Level 4 with four apartments oriented west, south and east, set back 5.3m from the west (Nicholson Street), 3.0m from the south (Liverpool Street), and 8.0m from the east (Railway Lane);
- Level 5 with one penthouse apartment oriented west, with wraparound private balcony, and additional setbacks, as well as communal rooftop spaces and mechanical plant to the east; and
- Rooftop pergola structure and roof with photovoltaic array.



Figure 29. Proposed Nicholson Street elevation, as shown in 3D Render prepared by Kennedy Nolan.



Figure 30. Proposed Nicholson Street elevation, as shown in 3D Render prepared by Kennedy Nolan.



Figure 31. Proposed Liverpool Street elevation, as shown in 3D Render prepared by Kennedy Nolan.

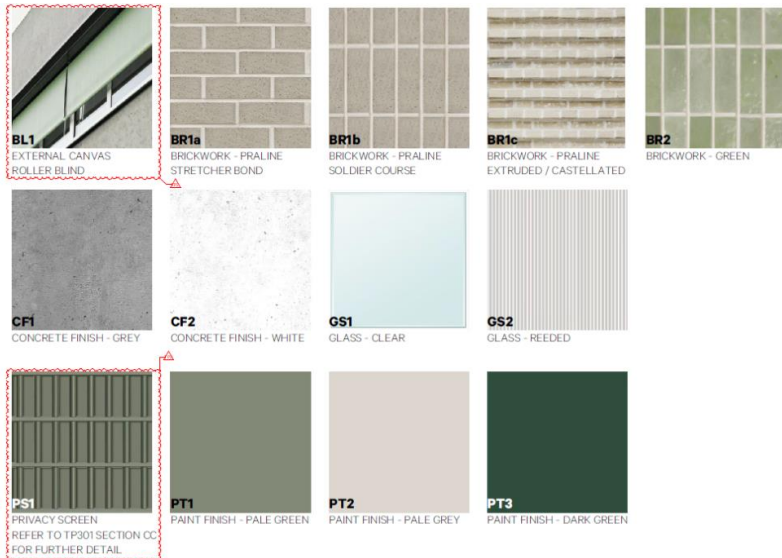


Figure 32. Proposed material palette, prepared by Kennedy Nolan (dated 18 September 2023).



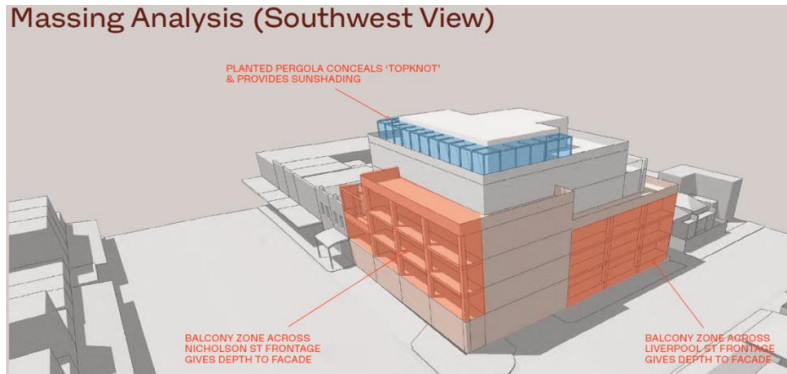


Figure 33. Conceptual massing analysis, looking northeast, showing urban design response. (Source: Kennedy Nolan, Design Report, page 31)

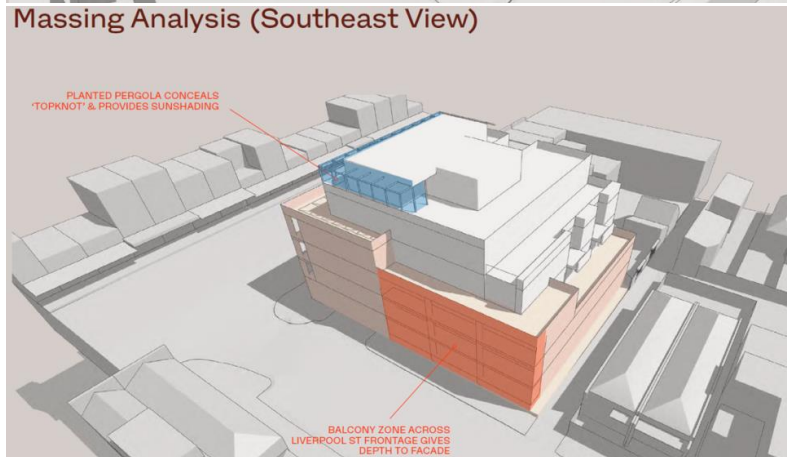


Figure 34. Conceptual massing analysis, looking northwest, showing urban design response. (Source: Kennedy Nolan, Design Report, page 38)



Figure 35. West (Nicholson Street) elevation of proposed infill development. (Source: Kennedy Nolan, dated 18 September 2023)





Figure 36. South (Liverpool Street) elevation of proposed infill development. (Source: Kennedy Nolan, dated 18 September 2023)



Figure 37. East (Railway Lane) elevation of proposed infill development. (Source: Kennedy Nolan, dated 18 September 2023)

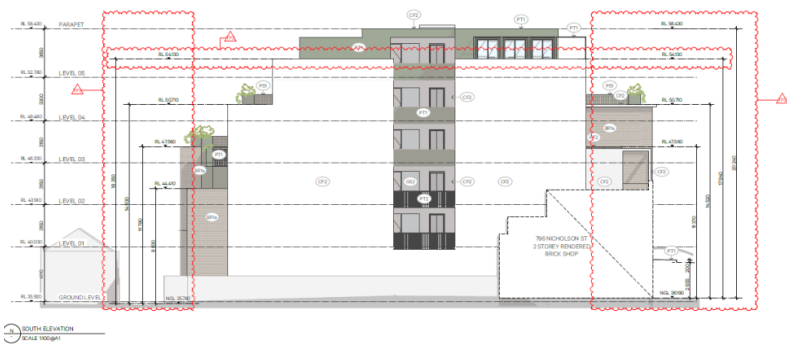


Figure 38. North elevation of proposed infill development. (Source: Kennedy Nolan, dated 18 September 2023)



5 HERITAGE ADVICE & ASSESSMENT

5.1 Demolition

5.1.1 Assessment against the (relevant) heritage provisions of the Yarra Planning Scheme

Clause No.	Relevant Planning Scheme Provision	GJM Heritage Assessment
15.03-1S Strategy	Retain those elements that contribute to the importance of the heritage place.	The proposal achieves this on the basis that no heritage fabric is proposed to be demolished or impacted by this infill development on a not-contributory graded site.
15.03-1L Objectives	To ensure the adaptation of heritage places is consistent with the principles of good conservation practices.	The adaptive reuse of the subject site is largely consistent with good conservation practice in that it provides for a <i>compatible</i> ongoing new use involving minimal impact on heritage fabric and values. Demolition is limited to later, not-contributory fabric.
15.03-1L Strategies	Prioritise the conservation and adaptive reuse of a heritage place over demolition.	While all land included in the extent of the heritage overlay for HO327 is considered 'the heritage place,' the subject site and all structures, materials and built form upon it are graded 'not contributory' and therefore the conservation of fabric at this part of the heritage place is not required to conserve its aesthetic and historic significance.

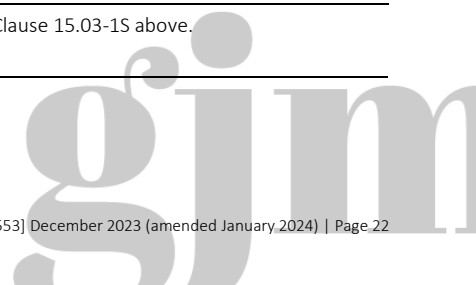
5.1.2 Heritage Advice

The proposed demolition is consistent with the relevant heritage provisions of the Yarra Planning Scheme.

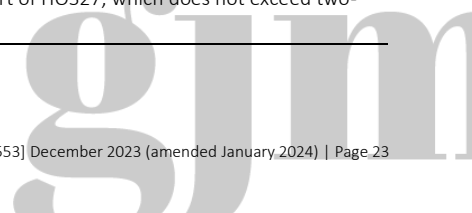
5.2 New Development

5.2.1 Assessment against the (relevant) heritage provisions of the Yarra Planning Scheme

Clause No.	Relevant Planning Scheme Provision	GJM Heritage Assessment
15.03-1S Objective	The objective of the State-level heritage policy at Clause 15.03-1S of the Yarra Planning Scheme is to "ensure the conservation of places of heritage significance". This includes the strategies, <i>inter alia</i> , to "encourage appropriate development that respects places with identified heritage values" and "ensure an appropriate setting and context for heritage places is maintained or enhanced."	The proposal achieves this to a large extent on the basis that no heritage fabric is proposed to be demolished or impacted by this infill development on a not-contributory site. The proposal's consideration of heritage significance is framed in the context of the envisaged development forming a "transition to the likely development sites along Nicholson Street to the south," (<i>Design Report</i> , Kennedy Nolan, page 10) including and especially the strategic development site at 9-49 Scotchmer Street. Notwithstanding this, the height of the development is considerably greater than the prevailing heritage built form and we consider it should be reduced in order to meet the policy at Clause 15.03-1S.
15.03-1L Objectives	To conserve and enhance Yarra's natural and cultural heritage.	See response to Clause 15.03-1S above.

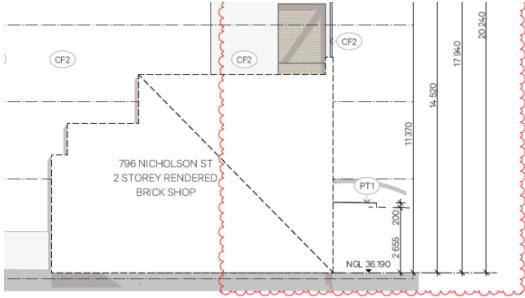


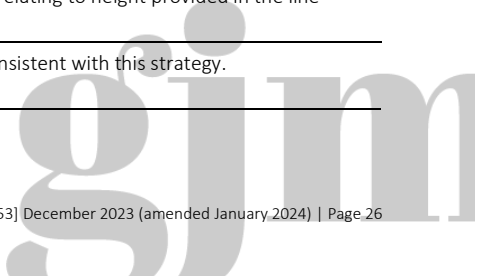
	<p>To preserve the scale and pattern of streetscapes in heritage places.</p>	<p>The scale and pattern of the heritage streetscape north of the subject site, including the Railway Hotel, is two-storey cheek-to-jowl shop/residences. More distantly, and acknowledging the lengths of the east side of Nicholson Street excluded from the heritage overlay, the predominantly heritage streetscape is one- to three-storey commercial buildings. To the east, one- to two-storey residences predominate.</p> <p>While the infill development does not change the physical fabric of the significant heritage fabric in these streetscapes, it does introduce substantial new built form on a prominent corner site. The height and scale of the proposed infill development will have a substantial impact on the scale and pattern of the streetscape, including when viewed from distant vantage points. The introduction of setbacks notwithstanding, we consider the height of the proposed development should be reduced in order to meet this objective.</p>
<p>15.03-1L Strategies <i>New development, alterations or additions</i></p>	<p>Promote development that is high quality and respectful in its design response by:</p> <ul style="list-style-type: none"> ▪ Maintaining the heritage character of the existing building or streetscape; ▪ Respecting the scale and massing of the existing heritage building or streetscape; 	<p>The proposed infill development is of a very high quality, with a selection of high-end architectural finishes and materials and provision of high-amenity spaces.</p> <p>However, the height and scale of the proposal is excessive in heritage context and fails to maintain the existing streetscape’s heritage character. We acknowledge that the design goes some way to ameliorating the change in height between the two-story contributory-graded properties to its immediate north by providing a bay of comparable proportions to heritage shop/residence typologies within the precinct, which references the street wall height and arrangement of wall apertures of the adjacent heritage buildings. Nonetheless, the overall 6-storey height is without precedent in this location and cannot be considered the ‘respect the scale and massing of the existing heritage...streetscape’ as sought by this strategy.</p>
	<ul style="list-style-type: none"> ▪ Retaining the pattern and grain of streetscapes in heritage places; 	<p>As noted in the line above, the design of the Nicholson Street street wall includes an element that references and interprets the articulation of heritage shop/residence typologies to moderate the transition between the contributory-graded properties to the north of the subject site and the proposed new built form. This is a positive heritage response and is commended.</p> <p>Further, the design adopts appropriate solid-to-void ratios to shopfront windows and to residential windows above, references the windowhead datum of the first floor windows in adjacent heritage buildings, and breaks up the façade with rhythmic vertical elements to minimise the bulk and scale of the new street wall. All these devices are considered to assist in ‘retaining the pattern and grain’ of the heritage streetscape as sought by this strategy.</p> <p>However, we consider a 4-storey street wall at the Nicholson and Liverpool Street corner to be too tall in the context of this part of HO327, which does not exceed two-storeys in height.</p>



	<ul style="list-style-type: none"> ▪ Not visually dominating the existing heritage...streetscape; 	<p>As outlined above, while the design adopts various high-quality architectural design elements to sit comfortably within the pattern and grain of the heritage streetscape, this is insufficient to mitigate the impact of the excessive overall height and scale of the proposal. In our view it will visually dominate the existing heritage streetscape along Nicholson Street and also when viewed from the residential streetscapes to the east.</p>
	<ul style="list-style-type: none"> ▪ Not detracting from or competing with the significant elements of the exiting heritage building or streetscape; ▪ Maintain the prominence of significant and contributory elements of the heritage place; 	<p>In addition to the positive elements outlined above, the proposal adopts a restrained and muted material and colour palette and a rhythmic and organised façade articulation, particularly at the Nicholson Street elevation. More architecturally playful details including circular windows are located at the south elevation, which interfaces with the residential properties to the east. This design thereby does not detract from or compete with the often ornate architectural detailing of nearby and adjacent heritage buildings, but provides its own visual interest in the streetscape.</p> <p>However, as aforementioned we consider the proposed height and scale to be excessive; the scale of the development would visually and physically overwhelm that of the adjacent two-storey heritage streetscape and would fail to maintain its prominence.</p>
	<ul style="list-style-type: none"> ▪ Respecting the following elements of the heritage place: <ul style="list-style-type: none"> - Pattern, proportion and spacing of elements on an elevation. - Orientation to the street. - Setbacks. - Street wall. - Relationship between solid and void. - Roof form. - Chimneys. - Verandahs and canopies. - Materials. 	<p>As described more fully above, the proposal includes a number of architectural design elements, materials and gestures that respect these elements of the heritage place. We add that the adoption of no setback to the west and south boundaries appropriately reflects and responds to the prevailing setback pattern within the precinct for commercial buildings.</p> <p>The roof form reflects those of commercial heritage buildings within the precinct in that it is hidden beyond a parapet and is considered appropriate.</p> <p>No chimneys are proposed.</p> <p>Several pergola-like structures are proposed on various levels over terraces and balconies. This is a departure from heritage typologies and historic architectural styles from the precinct’s period of significance, however we consider that by virtue of their ‘thinness’ they read as visually lightweight, and assist in providing a transition between clear sky and the new built form to reduce visual bulk. As such we consider these elements acceptable.</p> <p>We note also that the arrangement of deep balcony recesses, balustrades, and vertical elements that span between levels to provide a creative interpretation of the arrangement of verandahs and balconies at a Victorian terrace house, which is common throughout the residential areas of the precinct.</p>
	<ul style="list-style-type: none"> ▪ Being visually recessive against the heritage fabric through: <ul style="list-style-type: none"> - Siting. 	<p>As articulated above we consider the siting of the proposed infill (being built to the boundary), its rectilinear massing, materiality, architectural detailing, and textures, colours and</p>

	<ul style="list-style-type: none"> - Mass. - Scale. - Materials. - Architectural detailing. - Texture, colours and finishes. 	<p>finishes sit comfortably within the heritage streetscape and reduce its visual prominence.</p> <p>However, the 4-storeys street wall at the Nicholson and Liverpool Street corner and the overall 6-storey height and scale of the proposal is unprecedented and will dominate the surrounding heritage streetscapes. Reducing the height of the proposal by one storey through removing Level 3 would reduce the overall massing and height of the development, reduce the street wall height, and allow the infill development to be acceptably visually recessive within this predominantly one- and two-storey heritage precinct.</p>
	<ul style="list-style-type: none"> ▪ Protecting and conserving the view of heritage places from the public realm (except from laneways, unless fabric visible from laneways is identified as being significant in the Statement of Significance for the place); 	<p>Key views around the subject site including those along the heritage streetscape to its immediate north are protected and conserved by the proposal.</p>
	<ul style="list-style-type: none"> ▪ Maintain views to the front of an individually significant or contributory building or views to a secondary façade...by not: <ul style="list-style-type: none"> - Building over the front of it. - Extending into the air space above the front of it. - Obscuring views of its principal façade/s. 	<p>The proposal is consistent with this strategy as it maintains views to the principal facades of the adjacent contributory-graded heritage buildings.</p>
	<ul style="list-style-type: none"> ▪ Retain or reinstate historic street and laneway fabric and infrastructure, including bluestone; ▪ In circumstance where primary pedestrian access is provided from a laneway, allow for any reinstatement of the laneway fabric to provide universal access. 	<p>It is not clear if or how the proposal impacts the bluestone detailing at Railway Lane, however any planning permit granted should include a permit condition to the effect that any such fabric should be reinstated to existing conditions where impacted.</p>
Commercial and industrial heritage places	<p>Articulate new facades by incorporating simple architectural detailing that does not compete with the more elaborate detailing of adjoining individually significant or contributory building.</p>	<p>As outlined above, we consider the articulation of the proposal’s facades to appropriately reference and reflect that of the adjacent and nearby heritage fabric without visually competing with it.</p>
Commercial heritage places	<p>Encourage buildings and works to respect and respond to the existing proportions, patterning and massing of nineteenth and early twentieth century facades and streetscapes.</p>	<p>The proposal is consistent with this strategy as outlined above.</p>
	<p>Maintain the prominence of the street wall through appropriate upper level setbacks.</p>	<p>The upper level setbacks between the ‘podium’ element and the upper level of 5m from Nicholson Street and 3m from Liverpool Street are appropriately. However, we consider the overall height and scale of the development to be too great in the context of the two storey heritage street wall to Nicholson Street to the north and the predominantly single-</p>

	<p>storey scale of the modest houses on Liverpool Street. The upper-level setbacks provided in the proposed design do not sufficiently mitigate the adverse impact of the development’s overall height on the surrounding heritage precinct or street wall.</p>
<p>Encourage new development in activity centres to respect the prevailing street wall height in the immediate area.</p>	<p>The proposal includes a four-storey street wall at the corner of Nicholson and Liverpool Streets which steps down to a three-storey element that reflects the height of the parapet height of the adjacent contributory-graded heritage shop/residences. We consider the 4-storey street wall to be too tall to sit comfortably within a predominantly one- and two-storey heritage streetscape, and recommend the street wall height be reduced by one (1) storey through the deletion of Level 3 (refer Figure 39).</p>
<p>Encourage new shopfronts to complement the general form and proportion of glazing and openings of adjoining original or early shopfronts, if any.</p>	<p>The new shopfronts at the ground floor level of the Nicholson Street elevation adopt large-format glazing set between masonry walls that complement the typical arrangement of shopfronts from the period of significance of the heritage precinct, and as such the proposal is consistent with this strategy.</p>
<p>Maintain the existing canopy/verandah height of adjoining heritage buildings and the heritage streetscape.</p>	<p>The proposed cantilevered canopy along the Nicholson Street elevation is substantially lower than the heritage canopy, at least as drawn, of the adjacent 796 Nicholson Street (see extract from section drawing below). It is unclear whether the heritage canopy is accurately drawn, however as described in the architectural drawings the proposed canopy is not consistent with this strategy, and should be revised to more closely match the height of the adjacent heritage canopies.</p> 
<p>Encourage a simple contemporary verandah design, consistent with the form and scale of adjoining verandahs.</p>	<p>The proposal includes a cantilevered canopy detail that is continuous along Nicholson Street, plus a short additional sections along Liverpool Street, which spans 1.825m in depth and which is finished in a ‘PALE GREEN’ paint finish. This is a simple and contemporary detail that, whilst narrower than the adjacent and typical heritage canopies which span the full depth of the footpath, we consider to be satisfactorily consistent with this strategy, noting recommendation relating to height provided in the line above.</p>
<p>Encourage inset balconies above the street wall rather than projecting balconies.</p>	<p>The proposal is consistent with this strategy.</p>



	Incorporate an angled splay to buildings on street corners where these are present on adjacent or opposite corners.	No relevant adjacent or opposite built form condition within the heritage overlay exists for this site. The proposed building corner at Nicholson and Liverpool Streets is built to the boundary, and in our view this is acceptable from a heritage perspective.
Services and equipment	<p>Ensure that the location and installation of services and equipment does not detract from the significance of the heritage place or damage the heritage fabric.</p> <p>Conceal solar panels, water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services.</p>	<p>Solar panels are provided at the northwestern corner of the roof and are likely to be entirely concealed from public realm views.</p> <p>Water tanks and other plant are provided in the basement or at the northeastern corner of Level 5 and will be concealed and not detract from the significance of the precinct.</p> <p>A substation is concealed behind solid walls and door painted 'PT3 – DARK GREEN' at the northern end of the Nicholson Street (west) elevation at the ground floor level. This element is sensitively integrated into the street wall and is relatively discreet. We presume that it is located at the principal elevation to meet building code or operational requirements, however from a heritage perspective it would ideally not be located along the principal elevation and should be relocated to a less prominent position if possible, such as along Liverpool Street or Railway Lane.</p>
Roof terraces and roof decks	<p>Set back roof terraces/roof decks so that they are concealed when viewed from the street and where on a corner, when viewed from the side street.</p> <p>Encourage roof terraces/roof decks that are set back a minimum of one metre from chimneys and parapets.</p> <p>Ensure that stairwells, lift wells and lift overruns are not visible when viewed from the public realm.</p>	<p>The proposal is largely consistent with these strategies, except where roof terraces and decks are visible from the streets. However, we consider these elements to be sensitively integrated in the new built form and to not increase its visual complexity such that they detract from the significance of the surrounding precinct. The proposed balustrades to these elements are solid, and pergola structures provide lightweight transitions between clear sky and the new built form. We consider the proposed roof terraces and decks to be acceptable from a heritage perspective.</p>
Policy guideline Signs	<p>Consider as relevant:</p> <p>Discourage the following signs in heritage areas:</p> <ul style="list-style-type: none"> ▪ Major promotion signs. ▪ Promotion signs. ▪ Panel signs. ▪ Pole signs. ▪ Internally illuminated and electronic signs at upper levels. ▪ Animated signs. ▪ Sky signs. ▪ Above-verandah signs, unless they are part of the existing character. 	<p>Acknowledging the town planning stage of the drawings, we note that no nominal signage is shown for the proposed commercial use along the Nicholson and Liverpool Street elevations.</p> <p>Any future planning permit should include a permit condition to the effect that sign proposals should be developed during the detailed design phase and submitted for approval to the responsible authority, and that any such sign proposal should be consistent with this heritage policy.</p>
43.01-8 Decision Guidelines	<p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p>	<p>The positive aspects of the scheme outlined above notwithstanding, we reiterate that we consider the proposed 4-storey street wall and 6-storey overall height and scale of the infill development to be too tall. The excessive height will adversely impact the cultural heritage</p>

	<ul style="list-style-type: none">▪ The Municipal Planning Strategy and Planning Policy Framework.▪ The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.▪ Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.▪ Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.▪ Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.▪ Whether the demolition, removal, or external alteration will adversely affect the significance of the heritage place.▪ Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.	<p>significance of the North Fitzroy Precinct and is not in keeping its character or appearance, noting that the adjacent heritage shop/residences have a consistent two-storey built form, and residential areas to the east of the subject site are one- to two-storeys in height.</p>
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5.2.2 Heritage Advice

The following changes are required to achieve an acceptable heritage outcome in the context of the heritage provisions of the Yarra Planning Scheme:

- Reduce the overall height of the proposed development and the street wall at the corner of Nicholson and Liverpool Street, by one storey by deleting Level 3;
- The height of the proposed cantilevered canopy along Nicholson Street should be revised to match the height of the adjacent heritage canopies.





Figure 39. Marked up south (Liverpool Street) elevation showing Level 3 (outlined) which we recommend be deleted. Adapted from Kennedy Nolan drawing TP201.

In addition, we recommend the following changes would allow the proposal to be more consistent with the strategies at Clause 15.03-1L.

- Consider increasing the depth of the proposed cantilevered canopy along Nicholson Street to the full depth of the footpath to be more consistent with the typical form and scale of the adjoining (and typical to the precinct) heritage shop verandahs; and
- Where possible, relocate the substation away from the principal elevation of the proposed new built form, ideally within the east (laneway) elevation.

6 CONCLUSION

The proposed scheme is a high-quality infill development design that is generally responsive to its heritage and built form context, however we consider its proposed height and scale to be too tall and bulky. A 6-storey building of this scale in this location would visually dominate this part of the North Fitzroy Precinct and adversely affect its cultural heritage significance. Additionally, we consider a 4-storey street wall to be too tall to sit comfortably within this predominantly one- and two-storey heritage streetscape.

We provide recommended revisions at Section 5.2.2 that would allow the proposal to provide an acceptable heritage outcome and be more consistent with the heritage policy at Clauses 15.03-1S, 15.03-1L and 43.01-8 of the Yarra Planning Scheme. We also commend the design team for the various positive elements that they have incorporated in order to respond to the site's heritage context to-date.

Jim Gardner | Director

Jessica Hogg | Heritage Consultant

GJM Heritage



Urban Design Formal Referral Response



Application Information:

Referral Officer:	Hayley McNicol
Officer:	Nish Goonetilleke
Council Reference:	PLN23/0553
Address:	786-794 Nicholson St, Fitzroy North VIC 3068
Proposal:	Full demolition and the construction of a 6-storey building (plus 2 levels of basement), use of the land for dwellings (apartments), as-of-right shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.
Comments Sought:	Click here to view referral memo: Record D23/431118: IREF23/01911 - Referral Request
Disclaimer:	Council's Urban Designer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

Recommendation

- Changes are required to make the proposal acceptable from an urban design perspective.

Comment Summary

Built Form and Massing

- The site forms part of Nicholson Village (Neighbourhood Activity Centre) and is within a Heritage Overlay (HO327). Although the site is occupied by a car wash and open area, it sits within a streetscape comprising one-two storey buildings along Nicholson Street with no front setback. Liverpool Street has a similar scale with one-two storey buildings, although many of these also provide a front setback.
- In relation to the street wall, it is acknowledged that the street wall character is generally one-two storeys in height, however this is more prominent on the west side (where there is more consistent finer grain heritage), compared to the east (where there are bigger sites such as the car wash and bus depot sites, including a small stretch of non-heritage).
- Under Clause 21.05-1:
 - Strategy 14.6 *“Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.”*
- Under Clause 21.05-2:
 - Strategy 17.2 *“Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys.”*
 - Strategy 21.1 *“Require development within Yarra’s activity centres to respect and not dominate existing built form.”*

- Strategy 21.2 *“Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.”*
- Clause 22.02-4 seeks *“to preserve the scale and pattern of streetscapes in heritage places.”*
 - Clause 22.02-5.7.1 seeks to *“encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.”*
- The proposed development comprises a four-storey street wall to Nicholson Street (with a small section of two storey wall adjacent to the northern property). The four-storey street wall wraps around to the Liverpool Street frontage and then steps down to three storeys at the eastern side. The overall height of the building is six storeys in height.
- The policies above note that development within activity centres could be up to 5-6 storeys in height, however, also notes that new development should respond to scale and massing of the surrounding context including heritage streetscapes/areas.
- Considering the scale of development in the area, which includes consistent one and two storey buildings, the overall scale of development and the street wall is considered to be excessive and is not supported. It is recommended:
 - To reduce height of four storey street wall element along Nicholson Street to three storeys, including at the corner.
 - The overall height be reduced to four storeys (with a five-storey cap).
 - The above could be achieved through deleting Level 03 for example.
- Along Liverpool Street, there is a laneway between the residential properties and the site. This along with the proposed setback from the eastern boundary of the site provides a reasonable separation between the residential and commercial areas. However, it is considered that the street wall at the eastern end of the site could potentially be reduced to two storeys to further improve the transition from the site to the lower scale heritage residential along Liverpool Street. We therefore suggest that the applicant consider this approach, subject to any heritage advice.

Public Realm Interface

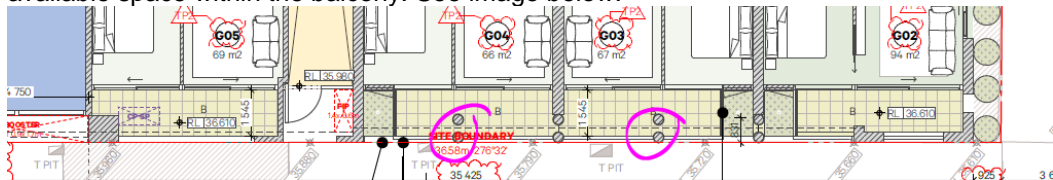
Nicholson Street frontage

- The proposal provides a ground floor shop unit which extends along the majority of the frontage.
- A substation is proposed at the northern end of this frontage. It is recommended to relocate this to the laneway if possible, or alternatively to the Liverpool Street if it is demonstrated that the laneway is not possible, to avoid substations on the main shopping street.
- An awning is proposed.
 - Please refer the application to the Open Space Services team, to check if the depth of the awning is acceptable given the footpath trees.

- If the awning is acceptable, then it is recommended that a continuous awning is provided to ensure adequate weather protection along the footpaths. The fragmented awning is not supported.
- The height of the awning should align with the awnings on the northern adjacent properties.

Liverpool Street frontage

- The ground floor shop window facing Liverpool Street (at the southwest corner of the site) is partially obscured by an exposed fire booster cabinet. It is suggested that the fire booster is relocated further east if possible, to provide better activation and presentation to the street at the corner, and to avoid litter collecting in the space.
- Four ground level apartments are proposed facing Liverpool Street. These apartments do not provide any address to the street. It is recommended that the proposal consider opportunity for direct gated access to these properties from Liverpool Street, although it is acknowledged that this would require changes to the floor levels for these properties and potentially the depth of the balcony space.
- The balconies for G03 and G04 include a column which impacts access and available space within the balcony. See image below.



- The central entrance from Liverpool Street is fairly narrow and could become a hiding spot. Recommend that entrance is widened, or a splay introduced to improve visibility.

Laneway

- Five tubular planters have been proposed along the laneway. Greenery is supported in principle, but it should be more integrated with the façade. This could be one continuous planter along the two sections of frontage (excluding the vehicle entrance) or a climbing plant up sections of the wall, which would also assist in reducing the likelihood of graffiti along the laneway.

Façade Design & Materials

- The materials include pale brickwork, green brickwork and concrete finish which is supported. The streetwall along Nicholson Street comprises brickwork (stretcher bond and extruded/castellated) which is supported and compliments the brick shops along Nicholson Street.
- Further clarification is required on the:
 - Proposed material for 'PS1 Privacy Screen'.
 - Proposed materials for the vehicle entry.

Streetscape and Capital Works

Reinstatement works

- The footpaths, kerb and channel are required to be reinstated along the Nicholson and Liverpool Street frontages.
 - The footpaths are required to be reinstated with asphalt, noting that there is some inconsistency in footpath materials along the Liverpool Street frontage.
 - The kerb and channel are currently bluestone on Nicholson Street and concrete in Liverpool Street. Given the site is in a Heritage Overlay, it is expected that the kerb and channel is reinstated in bluestone in line with the Roads Materials Policy.
 - The reinstatement should include removal of redundant crossovers along both frontages.
 - Refer to any requirements from the Engineering team.
- The laneway may need to be reinstated as well – refer to Engineering team to advise on requirements, including any requirements for the paving material within the ground floor setback.

Nicholson Street

- A bank of angled bike hoops is proposed along Nicholson Street. These should be made parallel and should be broken down into two groups of two. Yarra’s standard bike hoops must be used and be in line with Yarra’s Public Domain Manual.
- There is an opportunity to provide a bench along the frontage – this must be a Yarra standard bench with back and arm rests. Refer to 3.1.1 of Public Domain Manual.
- Clarify paving material in setback to shop entrance. This should be seamless transition with any level changes managed with compliant grading with no steps, and considering the floor level within the shop.

Tree planting

- The existing tree along Liverpool Street needs to be marked on the architectural plans.
- It is recommended that the applicant provide a financial contribution to plant additional trees along the Nicholson and Liverpool Street frontage.
 - Two footpath trees along Nicholson Street.
 - One roadside tree on Liverpool Street (taking into account the minimum 10m required setback from Nicholson Street intersection).
- All street tree planting, garden bed planting and establishment / maintenance (24 months for trees) to be undertaken by Council’s tree planting contractor.
- The applicant is required to contribute to the cost of planting new street trees. This would cover tree sourcing, planting and 2 years of maintenance for trees. An estimate of the total cost for the trees and planting with a breakdown provided below:

Type	No.	Rate	Amount
Footpath trees	2	\$752	\$1,504
Roadside trees	1	\$1,278	\$1,278
Total			\$2,782

- 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 construction. 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 following changes are required to make the proposal acceptable from an urban design perspective:

- Reduce overall height to four storeys (with a five-storey cap).
- Reduce height of four storey street wall element along Nicholson Street to three storeys, including at the corner.
- Consider potential to reduce street wall along eastern side of Liverpool Street frontage to two storeys, subject to heritage advice.
- Relocate substation to laneway if possible.
- Check awning depth with Open Space Services team to ensure it does not impact footpath trees.
- Provide continuous awning rather than fragmented one.
- Raise height of awning to match awning heights of northern adjacent properties.
- Consider relocating fire booster equipment away from south-west corner to improve corner presentation and activation.
- Provide direct gate access to Liverpool Street apartments, if feasible to adjust floor levels.
- Reconsider placement of columns within Liverpool Street ground level balconies (G03 and G04).
- Widen central Liverpool Street entrance to improve visibility.
- Change tubular planters along laneway to better integrate with the building façade and assist in reducing likelihood of graffiti.
- Clarify materials for 'PS1 Privacy Screen' and vehicle entry.
- Reinstate footpath, kerb and channel and remove redundant crossovers in line with Roads Materials Policy and advice from Engineering team.
- Reinstate laneway materials and provide adequate surface materials within the front setback in line with Engineering team advice.
- Change angled bike hoops along Nicholson Street to two sets of two bike hoops, with standard bike hoops in line with Public Domain Manual.
- Provide a Yarra standard bench along Nicholson Street frontage, in line with Public Domain Manual.
- Clarify surface material within shop front entrance, and ensure that compliant grading (with not steps) is achieved from the footpath into the shop.
- Provide tree planting contribution for two footpath trees and one roadside tree.

These comments exclude comments from the following teams:

- Open Space Services (existing trees)
- Open Space Planning and Design (on-site landscaping)

Capital Works:

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

Urban Designer: Hayley McNicol

Date: 27 November 2023

ESD Formal Referral Response



Application Information	
Referral Officer	Nish Goonetilleke
Officer	Gavin Ashley
Council Reference	PLN23/0553
Address	786-794 Nicholson Street, Fitzroy North VIC 3068
Proposal	Full demolition of the existing buildings and construction of a six (6) storey (plus two basement levels), use of the land for dwellings (apartments), as-of-right shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.
4Comments Sought	Click here to view the link to the Statutory Planning Referral memo: N/A

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:

- Sustainability management plan & daylight modelling, and associated architectural plans

In assessing this application, the following documents were reviewed:

- SMP prepared by GIW Environmental Solutions (Rev D – 13.09.2023)
- Architectural Plans prepared by Kennedy Nolan Architects (18.09.2023)

Comments

The standard of the submitted ESD does not meet Council's Environmentally Sustainable Design (ESD) standards.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met:

(1) Applicant ESD Commitments

- The project achieves a total BESS score of 63% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.
65% (22 out of 34) of the development's apartments are naturally cross-ventilated.
- Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:
 - 88% of living floor area achieves >90% above DF 1
 - 98% of bedroom floor area achieves >90% above DF 0.5
- The non-residential areas are targeting a 2% DF to 33% of the nominated area.
- 26% (9 out of 34) of apartments achieve at least 3 hours of sunlight.
- The development is provided with a comprehensive shading strategy.
- The development is to achieve a 7.0 Star average NatHERS Energy Rating result.
- The non-residential areas aim to reduce heating and cooling energy consumption below the reference case (BCA Section J 2019).
- The development is to utilise a centralised electric heat pump hot water system.
- A 5.2kW Solar PV system is to be located on the roof of the proposed development.
- Individual water and electricity meters will be provided to the apartments and communal areas.
- Water efficient fittings and fixtures are applied throughout.
- A 20,000-litre rainwater tank will harvest rainwater from the upper roof, communal terrace, apt 501 balcony and apt 403 & 404 balconies. This tank will be connected to all GF-L2 toilets.
- A Melbourne STORM rating of 101% is achieved.
- Landscape irrigation demand will be connected to the rainwater tank.
- In total 34 bicycle spaces are to be provided for residents.
- In total 7 bicycle spaces are to be provided for residential visitors.
- In total 1 bicycle space is to be provided for employees & 1 bicycle space is to be provided for non-residential visitors.
- 116m² of communal space will be provided at L5 terrace.

(2) Application ESD Deficiencies

(3) Outstanding Information

- Please provide modelling for commercial areas to show they meet the 33% area target.
- Confirm that post-development stormwater flows will not exceed pre-development levels.
- Please provide more information and specific targets regarding recycled materials.

- Please annotate specified SRI of roof on architectural plans.
- Confirm that building services fine tuning each quarter for the first 12 months of occupation.
- Confirm that Head Contractor will be ISO14001 accredited.
- Confirm that an environmental management plan (EMP) will be implemented to council guidelines prior to construction.

(4) ESD Improvement Opportunities

- Consider materials and assembly methods to assist with disassembly and adaptive reuse at end of life.
- Consider incorporating a car share space within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan.
- Consider a Green Travel Plan for the development.
- Consider increasing landfill diversion target for construction to 90% in line with best practice.
- Consider a green wall, roof or façade. Document the outcome using the Green Factor tool. Greenfactor.com.au

Recommendations

The applicant is required to address the items listed as ESD Deficiencies (2) or Outstanding Information (3) and it is recommended that ESD Improvement Opportunities (4) are considered for inclusion to improve the environmental performance of the development.

ESD Officer: ASHLEYG

Signature: Gavin Ashley

Date: 29.11.2023

Sustainable Management Plan (SMP)
for planning applications being considered by Yarra Council



Applicant Response Guidelines

Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.

Sustainable Management Plan (SMP) for planning applications being considered by Yarra Council



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category *Non-residential 1. 1,000m² or greater*.

What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- Provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- Demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

1. Indoor Environment Quality (IEQ)

Objectives:

- to achieve a healthy indoor environment quality for the wellbeing of building occupants
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	<p>65% (22 out of 34) of the development's apartments are naturally cross-ventilated. Apartments are provided with windows on opposite or adjacent facades or are effective single sided ventilated.</p> <p>Outdoor air rate for the commercial areas is to be 50% increased compared to AS 1668:2012.</p>	Satisfactory.	1
Daylight & Solar Access	<p>Daylight modelling has been conducted for a representative sample of apartments. The summary results shows 88% of living floor area is above DF 1.0, and 98% of bedroom floor area is above DF 0.5.</p> <p>The non-residential areas are targeting a DF 2.0 for 33% of the nominated area.</p> <p>26% (9 out of 34) of apartments achieve at least 3 hours of winter sunlight.</p>	Please provide modelling for commercial areas to show they meet the 33% area target.	3
External Views	NIL internal bedrooms.	Satisfactory.	1
Hazardous Materials and VOC	All internally applied paints adhesives and sealants, carpets, and engineered wood products are to have a low or ultra-low VOC content in line with Green Star Buildings V1 Credit 13.	Satisfactory.	1
Thermal Comfort	The development is provided with a comprehensive shading strategy: Majority of the GF-L3 recessed windows are shaded by the overhanging slab of the	Satisfactory.	1

balcony above. Perimeter GF-L3 windows are sized to limit summer heat gain and winter heat loss. Light court windows are shaded by the built form. L4 east and west oriented windows are recessed by 175mm and sized to limit summer heat gain and winter heat loss. L5 windows are shaded by a pergola structure. Retail windows are provided with a 1.8m deep canopy. Nil ceiling fans to be provided.

*** Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**
- 2 – Design Response is **NOT SATISFACTORY**
- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

- SDAPP Fact Sheet: [1. Indoor Environment Quality](#)
- Good Environmental Choice Australia Standards www.geca.org.au
- Australian Green Procurement www.greenprocurement.org
- Residential Flat Design Code www.planning.nsw.gov.au
- Your Home www.yourhome.gov.au

2. Energy Efficiency

Objectives:

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements	<p><i>The apartments are currently achieving a 7.4 Star weighted average. This represents > 10% reduction compared to minimum NCC compliance benchmarks.</i></p> <p><i>The non-residential areas aim to reduce heating and cooling energy consumption below the reference case (BCA Section J 2019).</i></p>	Satisfactory	1
Thermal Performance	<i>0% reduction in heating and cooling energy consumption for the non-residential portion of the development.</i>	Satisfactory.	1
Greenhouse Gas Emissions	<i>56% reduction in GHG for apartments, 5% reduction for shop.</i>	Satisfactory.	1
Hot Water System	<i>The development is to utilise a centralised heat pump hot water system.</i>	Satisfactory.	1
Peak Energy Demand	<i>4% reduction in peak energy demand.</i>	Satisfactory.	1
Effective Shading	<p><i>External Dynamic Louvre system is implemented to the Western façade and will provide the required level of shading and heat reduction in the building, resulting in visual and thermal comfort with minimum use of cooling, heating and lighting.</i></p> <p><i>No shading on Eastern façade as it may affect the project daylight performance. No glazing present on Northern and Southern façades.</i></p> <p><i>All windows and doors will be fitted with internal automated sun tracking blinds.</i></p>	Satisfactory.	1
Efficient HVAC system	<i>Inverter split systems are to be installed and sized to maintain conditions of the habitable rooms of each apartment. The efficiency of the air conditioning system is to be within 1 star rating of best available under MEPS Post-October 2012 measurement standard.</i>	Satisfactory.	1

	<i>VRV / VRF systems with a COP of 3.4 are to be installed to the non-residential areas.</i>		
Car Park Ventilation	<i>Carpark ventilation fans are driven by a VSD motor connected to CO sensors within the carpark. The inclusion of CO sensor control will allow the ventilation fans to ramp down when the car park is unoccupied. The system is to be designed in accordance with AS1668.2. The mechanical services engineer is responsible for the design and specification of the system. The contractor is to procure and install the specified system. Maintenance requirements of the CO sensor system are to be included in the O&M manual.</i>	Satisfactory.	1
Efficient Lighting	<i>The maximum illumination power density (W/sqm) is at least 20% lower than NCC 2019 requirements. Lighting power density shall be as follows:</i> <ul style="list-style-type: none"> <i>• Dwellings: No greater than average 4W/m2</i> <i>• POS: No greater than average 3.2W/m2</i> <i>• Back of house and indoor car parks: No greater than average 2W/m2</i> <i>• Retail: No greater than average 14W/m2</i> <i>All common area, external and carpark lighting is to be controlled with daylight, motion sensors or timers (whichever is deemed appropriate).</i>	Satisfactory.	1
Electricity Generation	<i>A 5.2kW Solar PV system is to be located on the roof of the proposed development. The system is expected to generate approximately 6,969kWh annually.</i>	Satisfactory.	1

*** Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**
- 2 – Design Response is **NOT SATISFACTORY**
- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [2. Energy Efficiency](#)
 House Energy Rating www.makeyourhomegreen.vic.gov.au
 Building Code Australia www.abcb.gov.au

Window Efficiency Rating Scheme (WERS) www.wers.net

Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au

Energy Efficiency www.resourcesmart.vic.gov.au

3. Water Efficiency

Objectives:

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	<i>Minimum WELS star rating of fixtures:</i> <ul style="list-style-type: none"> • Taps: 5 star • Toilets: 4 star • Showers: 4 star • Dishwasher: 5 star 	Satisfactory.	1
Water for Toilet Flushing	<i>A 20,000-litre rainwater tank will harvest rainwater from the upper roof, communal terrace, apt 501 balcony and apt 403 & 404 balconies. This tank will be connected to all GF-L2 toilets. It is estimated that this will save more than 199kL of potable water every year and meet 53.1% of the demand in these areas.</i>	Satisfactory.	1
Water Meter	<i>Electricity and cold water metering is to be provided to each individual apartment and commercial tenancy. Lighting and general power to common areas is to be separately metered to quantify energy used for common areas spaces.</i>	Satisfactory.	1
Landscape Irrigation	<i>Landscape irrigation demand will be connected to the rainwater tank.</i>	Satisfactory.	1
Other	<i>>80% of fire test water (e.g. hydrant pump test water or SCV annubar test) is to be reused on site. The proposed development is to incorporate air-cooled HVAC systems for both the residential and non-residential areas within the development.</i>	Satisfactory.	1

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- 3 – **MORE INFORMATION** is required
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References and useful information:

SDAPP Fact Sheet: [3. Water Efficiency](#)

Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au

Water Services Association of Australia www.wsaa.asn.au

Water Tank Requirement www.makeyourhomegreen.vic.gov.au

Melbourne Water STORM calculator www.storm.melbournewater.com.au

Sustainable Landscaping www.ourwater.vic.gov.au

4. Stormwater Management

Objectives:

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	<i>A Melbourne STORM rating of 101% is achieved via the following: • Rainwater is to be collected from the upper roof, communal terrace, apt 501 balcony and apt 403 & 404 balconies and directed into the 20,000-litre rainwater tank. All GF-L2 toilets and landscape irrigation are to be connected to the rainwater tank. Note: Suitable filtration is to be introduced as rainwater is collected off trafficable areas.</i>	Satisfactory.	1
Discharge to sewer	<i>A passing STORM score doesn't specify reduction in stormwater flows (like MUSIC does).</i>	Confirm that post-development stormwater flows will not exceed pre-development levels.	3
Stormwater Diversion	<i>A rooftop catchment area of 357m² and a balcony area of 260m² is proposed.</i>	Satisfactory.	1
Stormwater Detention	<i>A 10,000L rainwater tank is proposed and annotated on plans, basement L2.</i>	Satisfactory.	1
0Stormwater Treatment	<i>A 10,000L rainwater tank is proposed and annotated on plans, basement L2.</i>	Satisfactory.	1

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- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)

Melbourne Water STORM calculator www.storm.melbournewater.com.au

Water Sensitive Urban Design Principles www.melbournewater.com.au

Environmental Protection Authority Victoria www.epa.vic.gov.au

Water Services Association of Australia www.wsaa.asn.au

Sustainable Landscaping www.ourwater.vic.gov.au

5. Building Materials

Objectives:

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	<i>The project will incorporate products that meet the transparency and sustainability requirements where deemed appropriate. This includes the following: reused products, recycled content products, environmental product declarations, third party certified and stewardship programs.</i>	Please provide more information and specific targets regarding recycled materials.	3
Embodied Energy of Concrete and Steel	<i>The design will seek to limit the use of high embodied energy metal finishes. At least 40% of coarse aggregate in the concrete is crushed slag aggregate or other alternative materials (measured by mass across all concrete mixes in the project). The building's steel (by mass) is to be sourced from a Responsible Steel Maker with: • a currently valid and certified ISO 14001 Environmental Management System (EMS) in place; and • is a member of the World Steel Association's (WSA) Climate Action Programme (CAP)</i>	<u>Satisfactory.</u>	1
Sustainable Timber	<i>Where timber is to be used, such timbers are to accord with the GBCA's 'Essential' criteria for forest certification. This may include FSC and / or PEFC Certification which are both internationally recognised schemes ensuring that timber is sourced from sustainable sources. Alternatively, recycled timber will be used.</i>	Satisfactory.	1
Design for Disassembly	<i>No specific information has been provided.</i>	<u>Consider materials and assembly methods to assist with disassembly and adaptive reuse at end of life.</u>	4

PVC	<i>Permanent formwork, pipes, flooring, blinds and cables in the project will seek to comply with the following:</i> <ul style="list-style-type: none">• <i>Meet the GBCA's Best Practice Guidelines for PVC. or;</i>• <i>The supplier holds a valid ISO140001 certification.</i>	Satisfactory.	1
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*** Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**
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- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

- SDAPP Fact Sheet: [5. Building Materials](#)
- Building Materials, Technical Manuals www.yourhome.gov.au
- Embodied Energy Technical Manual www.yourhome.gov.au
- Good Environmental Choice Australia Standards www.geca.org.au
- Forest Stewardship Council Certification Scheme www.fsc.org
- Australian Green Procurement www.greenprocurement.org

6. Transport

Objectives:

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	<i>No information has been provided.</i>	Satisfactory.	1
Bike Parking Spaces	<p><i>In total 34 bicycle spaces are to be provided for residents. This will provide a ratio of approximately 1 resident bicycle space for every apartment. In total 7 bicycle spaces are to be provided for residential visitors. This will provide a ratio of approximately 1 visitor bicycle space for every 5 apartments.</i></p> <p><i>In total 1 bicycle space is to be provided for employees. In total 1 bicycle space is to be provided for non-residential visitors. This represents a 50% increase over the planning scheme requirements.</i></p>	Satisfactory.	1
End of Trip Facilities	<i>Nil.</i>	Satisfactory.	1
Car Share Facilities	<i>Nil.</i>	Consider incorporating a car share space within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan.	4
Electric vehicle charging	<i>Future infrastructure and load management system for electrical charging points to all carparking spaces is incorporated in the services design.</i>	Satisfactory.	1
Green Travel Plan	<i>Green Travel Plan has not been submitted with the application.</i>	Consider a Green Travel Plan for the development.	4

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 2 – Design Response is **NOT SATISFACTORY**

- 3 – MORE INFORMATION is required
- 4 – ESD IMPROVEMENT OPPORTUNITIES

References and useful information:

SDAPP Fact Sheet: [6. Transport](#)

Off-setting Car Emissions Options www.greenfleet.com.au

Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf

Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/

Bicycle Victoria www.bv.com.au

7. Waste Management

Objectives:

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	<i>A target recycling rate of 80% of construction and demolition waste has been adopted for the construction phase of the development to minimise the volume of waste to landfill.</i>	Consider increasing landfill diversion target for construction to 90% in line with best practice.	4
Operational Waste Management	<i>Site specific WMP provided.</i>	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	<i>Green waste storage is provided in the basement bin room. Separate general, recycling, glass and organic waste storage will be provided at the basement bin room. Each tenancy is to be provided with separate general, recycling and food and organics waste bins. This requirement is to be included in the owners corporation rules or lease agreement. Kitchen joinery for the residential units is to provide appropriate spatial allowance for food and organics, general and recycling waste collection.</i>	Satisfactory.	1

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- 2 – Design Response is **NOT SATISFACTORY**
- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [7. Waste Management](#)

Construction and Waste Management www.sustainability.vic.gov.au

Preparing a WMP www.epa.vic.gov.au

Waste and Recycling www.resourcesmart.vic.gov.au

Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)
www.environment.nsw.gov.au

Waste reduction in office buildings (2002) www.environment.nsw.gov.au

8. Urban Ecology

Objectives:

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	<i>Site is 'previously developed'.</i>	Satisfactory.	1
Maintaining / Enhancing Ecological Value	<i>Planter boxes are to be located at ground floor and L1-L5 balconies. The total area of vegetation is 15% of the site area.</i>	Satisfactory.	1
Heat Island Effect	<i>Roof are to have a three year SRI of minimum 60. Unshaded hard-scaping elements are to have a three year SRI of minimum 40.</i>	Satisfactory. Please annotate specified SRI of roof on architectural plans.	3
Green wall, roofs, facades	<i>Nil.</i>	Consider a green wall, roof or façade. Document the outcome using the Green Factor tool. Greenfactor.com.au	4
Other	<i>116m2 of communal space will be provided at L5 terrace. Communal space will include the following amenities: indoor communal space, seating opportunities, BBQ, landscaping. All balconies or private open space have been provided with a tap and floor waste allowing residents to cultivate their own gardens.</i>	Satisfactory.	1

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- 2 – Design Response is **NOT SATISFACTORY**
- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [8. Urban Ecology](#)

Department of Sustainability and Environment www.dse.vic.gov.au

Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au

Greening Australia www.greeningaustralia.org.au

Green Roof Technical Manual www.yourhome.gov.au

9. Innovation

Objective:

- to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings

Issues	Applicant's Design Responses	Council Comments	CAR*
	<i>No innovation credits claimed.</i>		

* Council Assessment Ratings:

- 1 – Design Response is **SATISFACTORY**
- 2 – Design Response is **NOT SATISFACTORY**
- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [9. Innovation](#)

Green Building Council Australia www.gbca.org.au

Victorian Eco Innovation lab www.ecoinnovationlab.com

Business Victoria www.business.vic.gov.au

Environment Design Guide www.environmentdesignguide.com.au

10. Construction and Building Management

Objective:

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	<i>No information has been provided.</i>	Confirm that building services fine tuning each quarter for the first 12 months of occupation.	3
Building Users Guide	<p><i>A Building User's Guide will be provided to all occupants explaining the correct use of installed equipment and building systems. This shall cover at a minimum:</i></p> <ul style="list-style-type: none"> • <i>Energy and Environmental Strategy</i> • <i>Options for purchasing a ≥3 Star Washing Machine</i> • <i>Monitoring and Targeting</i> • <i>Building Services</i> • <i>Transport Facilities</i> • <i>Materials and Waste Policy</i> • <i>Expansion/Re-fit Considerations</i> • <i>References and Further Information</i> 	Satisfactory.	1
Contractor has valid ISO14001 Accreditation	<i>No information has been provided.</i>	Confirm that Head Contractor will be ISO14001 accredited.	3
Construction Management Plan	<i>No information has been provided.</i>	Confirm that an environmental management plan (EMP) will be implemented to council guidelines prior to construction.	3

* Council Assessment Ratings:

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- 2 – Design Response is **NOT SATISFACTORY**
- 3 – **MORE INFORMATION** is required
- 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [10. Construction and Building Management](#)

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Development Engineering Formal Referral Response



Application Information	
Referral Officer	Artemis Bacani
Officer	Nish Goonetilleke
Council Reference	IREF23/01906
Address	786 - 794 Nicholson Street, Fitzroy North
Application No.	PLN23/0553
Proposal	Full demolition and the construction of a 6-storey building (plus 2 levels of basement), use of the land for dwellings (apartments), as-of-right shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.
Comments Sought	<ul style="list-style-type: none">• Traffic/car parking;• Proposed on-site car parking, including egress and ingress;• Removal of existing vehicle crossovers;• Reduction in the car parking requirements; and• Does this development require Council's Civil Engineering comments?

Engineering referral details

Council's Engineering Referral team has reviewed the drawings and documents provided by the Statutory Planning department, as outlined in **Table 1** below.

A list of requirements for the applicant and proposed conditions to be included in the Planning Permit have been outlined in the **Section 1 – Engineering requirements** below. Specific details of the assessment are provided in **Section 3 -** and have informed the requirements and conditions.

Note: the engineering related matters highlighted in the Planning referral have been assessed and included in the response.

Table 1 - Drawings and documents reviewed by Engineering

Consultant	Drawing No. or Document	Revision	Dated
Kennedy Nolan	TP100 <i>Floor Plan – Basement 02</i>	TP2	18 September 2023
	TP101 <i>Floor Plan - Basement 01</i>	TP2	18 September 2023
	TP102 <i>Floor Plan – Ground Level</i>	TP2	18 September 2023
	TP201 <i>Elevations – West & South</i>	TP2	18 September 2023
	TP301 <i>Sections - CC</i>	TP2	18 September 2023
Traffix Group	<i>Transport Engineering Assessment</i>	E	19 September 2023

SECTION 1: Engineering requirements – Issue to the applicant

The applicant must satisfy the engineering items outlined in **Table 2** below. A written response must be provided for each requirement, and the action is to be completed prior to resubmission.

Any amendments to plans/drawings or updates to reports/documents must be highlighted using a *red cloud* around the relevant section. In the written response, indicate the relevant sheet/pages of each document which have been amended.

Table 2 - Engineering requirements for applicant

Item	Engineering requirement	Action for applicant
1	The width of the internal access ramp is to be dimensioned.	Update the relevant drawings accordingly
2	The headroom clearance at the development's entrance is to be dimensioned.	Update the relevant drawings accordingly
3	The length of the tandem spaces is to be dimensioned.	Update the relevant drawings accordingly
4	The column depths and setbacks are to be dimensioned.	Update the relevant drawings accordingly
5	Increase the length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on basement 02 to 2.5 metres.	Update the relevant drawings accordingly
6	Demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle.	Submit swept path diagrams
7	Demonstrate cars will not bottom-out when entering or exiting the development via Railway Lane	Submit a ground clearance assessment

Item	Engineering requirement	Action for applicant
8	The veranda is to have a minimum clearance height of 3 metres above ground level.	Update the relevant drawings accordingly

SECTION 2: Engineering conditions – Planning Permit

The conditions outlined in **Table 3** below must be included in the Planning Permit to ensure the specific engineering requirements are complied with.

Note: further conditions may be required if any of the items in Table 2 are not fulfilled prior to the issuing of the Planning Permit.

Table 3 - Engineering conditions to be included in the Planning Permit

<i>Public realm (PR) conditions</i>		
Condition related to...	Engineering condition	Reasoning / justification
Public Realm: <i>Footpath specific</i>	<u>Before the building/s is/are occupied</u> or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Nicholson Street frontage must be reconstructed in asphalt: (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority(s).	
Public Realm: <i>Kerb & channel specific</i>	<u>Before the building/s is/are occupied</u> , or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Nicholson Street frontage must be reconstructed: (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority(s).	
<i>General works conditions</i>		
Condition related to...	Engineering condition	Reasoning / justification
Reinstatement of damages caused during development works	Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:	

	<p>(a) In accordance with Yarra Standard Drawings Yarra City Council</p> <p>(b) at the permit holder's cost; and</p> <p>(c) To the satisfaction of the Responsible Authority.</p>	
Reinstatement of Redundant Vehicle Crossings	<p>All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel:</p> <p>(a) In accordance with Yarra Standard Drawings Yarra City Council</p> <p>(b) at the permit holder's cost; and</p> <p>(c) To the satisfaction of the Responsible Authority.</p>	
Planning Permit – Notes		
Note related to...	Engineering note	Reasoning / justification
Redundant stormwater outlets	All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.	
Service infrastructure adjustment to suit finished grades, alignments, etc.	<p>Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:</p> <p>(a) at the permit holder's cost; and</p> <p>(a) to the satisfaction of the Responsible Authority.</p>	
Existing parking infrastructure	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.	
Private utility assets	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.	
Adjusting utility infrastructure	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.	
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.	
Discharge of Water from Development	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.	
Existing parking infrastructure	Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.	

Parking sensors	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.
Advice Note	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 area within the property must be provided for 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.

SECTION 3: Engineering detailed assessment

CAR PARKING PROVISION

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
1-bedroom dwelling	14	1 space per dwelling	14	14
2-bedroom dwelling	12	1 space per dwelling	12	12
3-bedroom dwelling	8	2 spaces per dwelling	16	18
Shop	189 m ²	3.5 spaces per 100 m ² of leasable floor area	6	2
Total			48 Spaces	46 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.

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 Shop Use</i>	<p>The shop use has a statutory car parking requirement of 6 spaces.</p> <p>Parking generated by the shop use would primarily consist of short-stay parking for customers and long-stay parking for staff.</p> <p>The site's good accessibility to public transport services and proximity to Melbourne would encourage visitors to the site to utilise more sustainable forms of transportation, including catching public transport or riding a bicycle</p>
<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"> ▪ Nicholson Street trams – 100 metre walk ▪ Holden Street buses – 200 metre walk ▪ Rathdowne Street buses – 400 metre walk ▪ Reid Street buses – 500 metre walk ▪ St Georges Road trams – 630 metre walk ▪ Lygon Street trams – 670 metre walk ▪ Alexandra Parade buses – 1,350 metre walk
<i>Multi-purpose Trips within the Area</i>	<p>Customers and visitors to the development could combine their visit by engaging in other activities or business whilst in the area.</p>
<i>Convenience of Pedestrian and Cyclist Access</i>	<p>The site is very well positioned in terms of pedestrian access to public transport nodes, shops, businesses and other essential facilities. The site also has good connectivity to the on-road bicycle network.</p>

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>To establish the level of on-street and off-street car parking demand in the vicinity of the site, Traffix Group had undertaken parking occupancy surveys on Thursday 1 June 2023 and Saturday 3 June 2023 at 12pm-1pm and 7pm-8pm.</p> <p>An inventory of 175-180 on-street car spaces and 24 off-street car spaces were identified within a 200 metre radius around the site were identified for public use.</p> <p>The survey results indicate the peak on-street parking demand occurred on Saturday at 1pm with 29 vacant spaces or 84 percent occupancy.</p>

Consideration	Details
	<p>For the off-street car parking, the peak demand occurred at 12pm on Saturday with 2 vacant spaces or 92 percent occupancy.</p> <p>Visitors to the site should be able to find an on-street car space in the surrounding road network.</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 <i>Strategic Transport Statement</i> . 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 parking associated with the shop use is considered appropriate in the context of the development and the surrounding area.

In addition, the Engineering unit has no objection with the 2 surplus car spaces for the residential use.

TRAFFIC IMPACT

Trip Generation

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

Proposed Use	Adopted Traffic Generation Rate	Daily	AM Peak Hour	PM Peak Hour
1 & 2-bedroom dwellings (26 dwellings)	3 trips per dwelling per day 0.3 trips per dwelling per peak hour	78	8	8
3-bedroom dwellings (8 dwellings)	5 trips per dwelling per day 0.5 trips per dwelling per peak hour	40	4	4
Shop (2 spaces)	4 trips per space per day 1 trip per space per peak hour	8	2	2
Total		126 Trips	14 Trips	14 Trips

It is agreed the traffic generated by the development is considered low and should not adversely impact the traffic operation of the laneway and the surrounding road network.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The width of the development's entrance is 4.5 metres.
Width of Railway Lane	The width of Railway Lane is 3.74 metres.
Internal Ramped Accessway	The width of the internal ramped accessway is not dimensioned on the drawings.
Headroom Clearance at Development's Entrance	The headroom clearance at the development's entrance is not dimensioned on the drawings.
Car Parking Modules	
Car Spaces	The dimensions of the car spaces (2.6 metres by 4.9 metres), (2.8 metres by 4.9 metres), and (2.4 metres by 5.4 metres) satisfy <i>Design standard 2 – Car parking spaces</i> .
Tandem Car Spaces	The depth of the tandem spaces is not dimensioned on the drawings.
Aisles	A minimum aisle width of 6.4 metres is provided within the basement levels to satisfy <i>Table 2: Minimum dimensions of car parking spaces and accessways of Clause 52.06-9</i> .
Column Depths and Setbacks	Using the Objective Trapeze software, the column depths and setbacks were checked. The position of the columns satisfies <i>Figure 5.2 of AS/NZS 2890.1:2004</i> . The column depths and setbacks are not dimensioned on the drawings.
Clearances to Walls	Car spaces adjacent to a wall have been provided with a minimum clearance of 300 millimetres to satisfy <i>AS/NZS 2890.1:2004</i> .
Gradients	
Ramp Grade for the first 5.0 metres inside the Property	The ramp grade for the first 5.0 metres inside the development is flat to satisfy <i>AS/NZS 2890.1:2004</i> .
Ramp Grades and Changes of Grade	The ramp grades and changes of grade satisfy <i>Table 3 Ramp Gradients of Clause 52.06-9</i> .
Transition Grade at Base of 1 in 4 Ramp Section – Basement Levels	The length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on basement 02 is 2.4 metres. The length of the 1 in 8 ramp is to be increased to 2.5 metres to prevent cars scraping onto the pavement.

Swept Path Assessment	
Vehicle Entry & Exit Movements – Development Entrance	The swept path diagrams for a B99 design vehicle demonstrate adequate turning movements into and out of the site via Railway Lane.
Vehicle Circulation Movements – Basement	The applicant should provide swept path diagrams to demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle.
Vehicle Entry & Exit Movements – Car Spaces	The swept path diagrams for a B99 design vehicle demonstrates adequate turning movements into and out of the car spaces.
Waste Collection Vehicle Entry and Exit Movements	The swept path diagrams for the 6.34-metre-long Waste Wise Mini waste collection vehicle are considered adequate.
Passing Movements within the Laneway	The swept path diagrams demonstrating passing movements within the laneway are satisfactory.
Other Items	
Vertical Ground Clearance Check Development Entrance	A vehicle access cross-sectional diagram is to be provided by the applicant to confirm that a B99 design vehicle can enter and exit the property without scraping or bottoming-out (Please see under 'Engineering Advice for Design Items to be Addressed by the Applicant' section).


Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Internal Ramped Accessway	The applicant is to dimension on the drawings the width of the internal access ramp.
Headroom Clearance at Development's Entrance	The applicant is to dimension on the drawings the headroom clearance at the development's entrance.
Tandem Car Spaces	The applicant is to clearly dimension on the drawings the length of the tandem spaces.
Column Depths and Setbacks	The applicant is to dimension on the drawings the column depths and setbacks.
Transition Grade at Base of 1 in 4 Ramp Section – Basement Levels	The applicant is to increase the length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on basement 02 to 2.5 metres.
Vehicle Circulation Movements – Basement	The applicant is to submit swept path diagrams to demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle.
Ground Clearance Cross-Sectional Diagram	To assist the applicant, an example of a cross-sectional diagram of the laneway and garage/car park is appended to this Memo. To ensure that vehicles do not scrape or bottom-out when entering or exiting the site and show the provision of a 40-millimetre lip/bullnose along the edge of the internal concrete

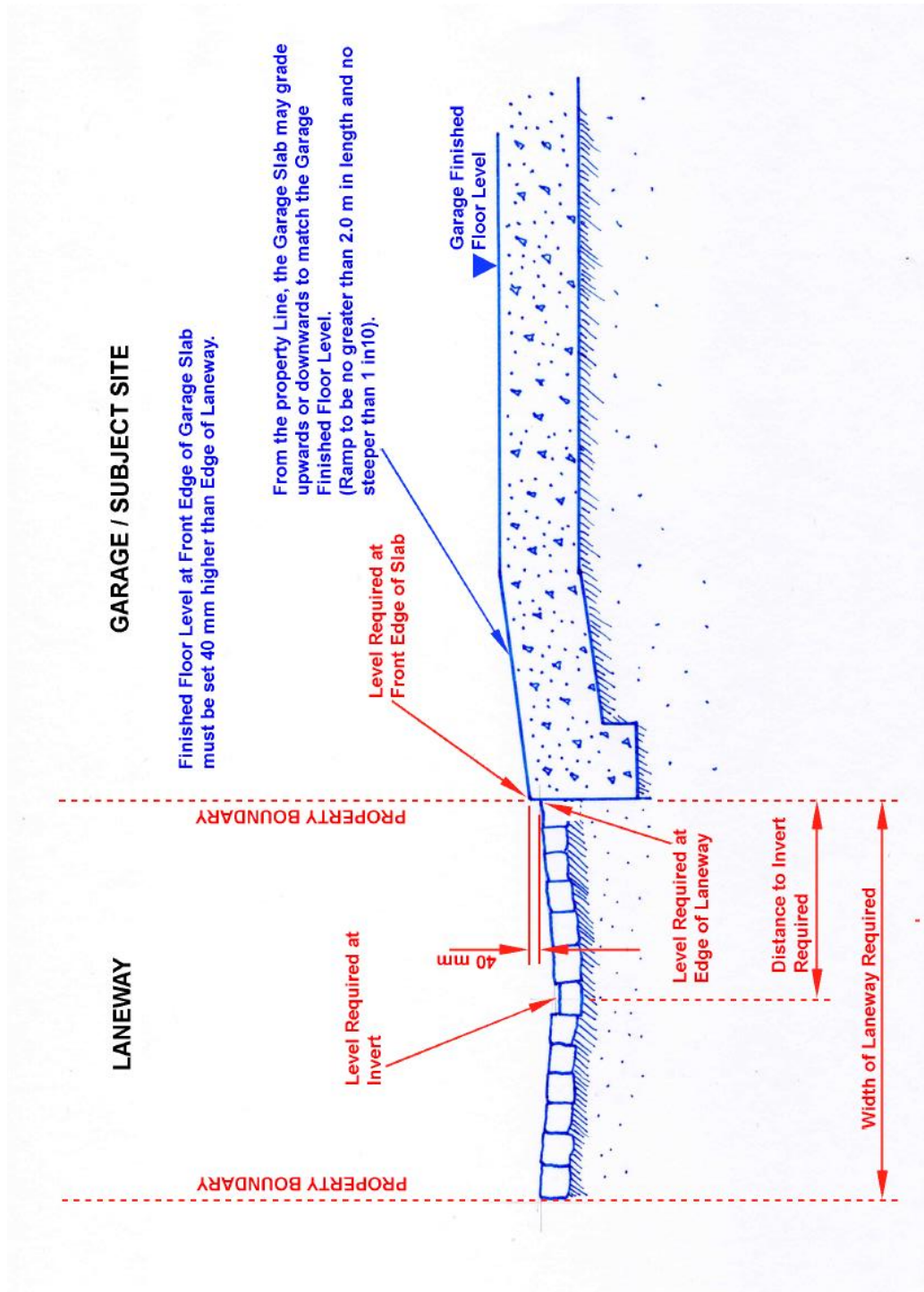
Item	Details
	<p>slab with Railway Lane, a vehicle access cross-sectional diagram is required.</p> <p>The applicant is required to obtain a number of spot levels (existing and proposed) which include:</p> <ul style="list-style-type: none">• the reduced level 2.0 metres inside the property;• the level at the west and east edge of Railway Lane;• the level at the centreline/invert of Railway Lane; and• the 40 millimetre lip/bullnose along the eastern edge of the internal concrete slab. <p>These levels are to be shown on a 1 in 20 scale cross-sectional drawing, with dimensions. The assessment should be taken along the centre of the car park entrance.</p> <p>Providing the cross-sectional diagram 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>
Veranda – Nicholson Street Frontage	The applicant must provide a minimum clearance height of 3 metres for all sections of the veranda to satisfy the requirements of the <i>Building Regulation – Reg.103</i> .

SECTION 4: Acknowledgement

Engineer: Artemis Bacani

Signature: 

Date: 22 November 2023



Strategic Transport Formal Referral Response



Application Information	
Referral Officer	Philip Mallis
Officer	Nish Goonetilleke
Council Reference	PLN23/0553
Address	786 - 794 Nicholson Street Fitzroy North VIC 3068
Proposal	Full demolition and the construction of a 6-storey building (plus 2 levels of basement), use of the land for dwellings (apartments), as-of-right shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2
Comments Sought	<p>Comments on the application from a Strategic Transport perspective are requested on the following:</p> <ul style="list-style-type: none"> • Access and safety; • Bicycle Parking Provisions; • Adequacy of bicycle parking spaces provided (and waiver/reduction sought); • Design and location of bicycle parking spaces and facilities; and • Electric vehicles / share cars / other relevant topics.

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 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
Dwellings	34 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	7 resident spaces	35 internal resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	3 visitor spaces.	7 external visitor spaces
Shop	189.1 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 employee spaces	1 external visitor space
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			7 resident / employee spaces	35 resident / employee spaces
			3 visitor spaces	8 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	0 showers / change rooms

The development provides a total of 28 additional resident/employee spaces and 5 additional visitor spaces above the requirements of the Scheme.

Adequacy of visitor spaces

8 spaces are noted as visitor bicycle parking spaces. All of which are located on Nicholson Street, external to the site boundary. Therefore, the supply exceeds the statutory requirement of 3 spaces.

However, the provision of the visitor spaces is inadequate for the following reasons:

- The CASBE requirements for a residential development are for the provision of 0.25 spaces per dwelling, which equates to 9 visitor spaces.
- The 8 visitor spaces do not meet the CASBE requirements
- At minimum, 9 visitor spaces should be provided for the following reasons:
 - Best-practice requires a rate of 0.25 visitor spaces to each dwelling, requiring 9 spaces for the 34 dwellings
 - 1 additional visitor space is required to meet the CASBE requirement

Adequacy of resident and employee spaces

Number of spaces

The proposal includes a total of 35 resident/employee bicycle parking spaces and exceeds the statutory requirement of 7 spaces. 15 of the spaces are located in a storage room on basement level 01 with the remaining 20 being positioned in the northeast corner of the ground floor. The provision of resident/employee spaces is inadequate for the following reasons:

- The CASBE requirements state that at least one bicycle space should be provided per dwelling for residential buildings. Which, when applied to the proposed development results in a requirement of 34 bicycle parking spaces.
- For non-residential a provision of a space for at least 10% of building occupants is required. Using an approximation of 1 employee per 50 -100 sqm of gross floor area estimates 2 - 4 employees at the development and results in a requirement of 1 employee space.
- In total, the CASBE requirement at the development for resident/employee bicycle parking spaces is 35, spaces.
- Therefore, a suitable resident / employee bicycle parking provision has been provided.

Design and location of employee spaces and facilities

Employee spaces are inadequately located and designed for the following reasons:

- 15 bicycle spaces are provided via wall mounts in a storage area on Basement 01. The remaining 20 are located on the ground floor, with 6 horizontal rails providing 12 spaces and 14 spaces being provided by hoops.
- Therefore, 40% of employee spaces are provided as ground level, horizontal spaces, satisfying AS2890.3, which requires a minimum rate of 20% ground level (horizontal) bicycle parking devices is required at any parking facilities.
- The transport impact assessment report identifies that bicycle parking spaces have been designed in accordance with AS2890.3. Dimensions are however not shown on plans to confirm that spaces have been suitably designed. Dimension of bicycle parking spaces and access paths are required to be identified to ensure that they comply with the minimum requirements of AS2890.3 and the Yarra Planning Scheme Clause 52.34.
- Details of the proposed access path for bicycles to the basement bicycle parking area is required to be defined including:

- Details and internal dimensions of the lift to confirm that this is of a suitable size to contain a bicycle to the basement
- Details of how the stop and go lighting system proposed to be used along the basement ramp from Railway Lane (as referenced within the Transport Impact Assessment Report) will be activated by a bicycle to ensure that vehicle / bicycle conflicted is not created along the basement ramp.
- Details are required to be provided within architectural plans to confirm that bicycle storage rooms will contain locking mechanisms pursuant to Clause 52.34-3 & Australian Standard AS2890.3 which requires that bicycle spaces for employees must be provided in a bicycle locker, or a lockable compound.

Electric vehicles / share cars / other relevant topics?

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Whilst it is acceptable no EV charging points are installed during construction, to allow for easy future provision for electric vehicle charging, all car parking areas should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

Green Travel Plan

No Green Travel Plan (GTP) has been provided. Given the development has a total non-residential floor area of less than 1,000 sqm, no GTP is required.

Yarra's key bicycle corridors

The site is located 100 metres south of the Capital City Trail, which is a shared use path in which circles the city centre and some inner eastern and northern suburbs

Yarra's Bicycle Lanes

From the areal imagery review, it was identified that a bike lane stencil is provided on Pigdon Street to the south. No bike parking facilities were identified within the immediate vicinity of the site.

Recommendations

The following should be shown on the plans before endorsement:

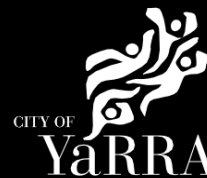
1. Supply a minimum of 9 visitor spaces (1 additional space).
2. Dimension of bicycle parking spaces and access paths in accordance with the requirements of AS2890.3 and the Yarra Planning Scheme Clause 52.34.
3. Details of the proposed access path for bicycles to the basement bicycle parking area is required to be defined including:
 - a. Details and internal dimensions of the lift to confirm that this is of a suitable size to contain a bicycle to the basement
 - b. Details of how the stop and go lighting system proposed to be used along the basement ramp from Railway Lane (as referenced within the Transport Impact Assessment Report) will be activated by a bicycle to ensure that vehicle / bicycle conflicted is not created along the basement ramp.
4. Provide a locking mechanism to the bike rooms to limit access to authorised personnel only.
5. Identify EV charging provision on the plans or state the intention for car parking spaces to be 'EV Ready'.

Sustainable Transport Planner (Strategic Transport Unit): Philip Mallis

Signature:

Date: 13/12/2023

City Works Formal Referral Response



Application Information:

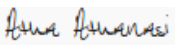
Referral Officer:	Atha Athanasi
Officer:	Nish Goonetilleke
Council Reference:	PLN23/0553
Address:	786-794 Nicholson St, Fitzroy North VIC 3068
Proposal:	Full demolition and the construction of a 6-storey building (plus 2 levels of basement), use of the land for dwellings (apartments), as-of-right shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.
Comments Sought:	Click here to view referral memo: Record D23/430943: IREF23/01907 - Internal Referral Request
Disclaimer:	Council's City Works Unit provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

Comments:

The waste management plan for 786-794 Nicholson Street, Fitzroy North authored by Traffix Group and dated 3/8/23 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include but may not be limited to the following:

1. Residential hard waste collected from within the property must be via private contractor, please update table 2 should this be the case. Council hard waste collections are a kerbside service, sufficient space on the footpath or appropriate space adjacent must be identified and approved otherwise internal private collection is required.
2. The main Council provided drop off for E-waste is at the recycling centre located at 168 Roseneath Street, Clifton Hill.

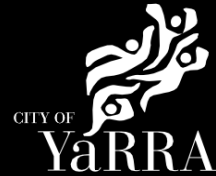
Waste Management Officer: Atha Athanasi

Signature: 

Date: 21/11/2023

Referral Response

City Strategy – Open Space Design



Application Information:

Referral Officer:	Kevin Ayrey
Officer:	Nish Goonetilleke
Council Reference:	PLN23/0553
Address:	786-794 Nicholson St, Fitzroy North VIC 3068
Proposal:	Full demolition and the construction of a 6-storey building (plus 2 levels of basement), use of the land for dwellings (apartments), as-of-right shop, a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.
Comments Sought:	Click here to view referral memo: D23/430978 - IREF23/01905 - Referral Request
Disclaimer:	Council's City Strategy - Open Space Plan & Design Unit – Open Space Planner, provides the following referral advice based on the information provided in the referral request memo referenced above.
Prev. Responses:	

The comments below relate to these plans:

- The Landscape Plans by SBLA (version A – 12/08/2023).
- Architectural plans by Kennedy Nolan - vegetation planning control (Rev TP2 – 18/09/2023).

Comments and Recommendations:

Typical Planning permit conditions

Landscape plans to the satisfaction of the planning authority must be submitted and include the following information:

- a) An existing conditions plan showing existing trees on the site to be retained or removed, as well as those trees external to the site but close to the boundary, to be removed, retained or protected during construction.

This information has been included and is adequate. The 3 council street trees are shown on the plans.

- b) Plant schedule and planting plans that show the botanical and common plant names, size at planting, typical mature size, plant numbers, planting density (where relevant) and plant locations.

A plant schedule and planting plans have been included containing most of the required information. The plant size at installation is missing. The proposed plant species are acceptable.

Ground level – it appears that some climbers are included to green the façade, but not clear what these are growing up. The courtyard garden does not show the depth or volume of soil on the podium.

- c) A plan legend containing key landscape features and surface materials;

There is a lack of information on the various types of surfaces and the shallow planting zone.

- d) Details for raised planters including –
- i. Planter materials and dimensions
 - ii. Mulch layer and depth
 - iii. Growing media type and depths
 - iv. Filter material and waterproofing
 - v. Irrigation and drainage notes

Details for a generic raised planter have been included. Dimensions for some raised planters (but not all) are included on the architectural plans.

- e) Notes on the maintenance schedule, tasks and duration;

Notes on maintenance have not been included. There is reference to 4 different irrigation areas but no further details.

City Works

NA

Open Space Designer: Kevin Ayrey

Date: 29 November 2023

SLR Consulting Australia

Level 11, 176 Wellington Parade, East Melbourne VIC 3002, Australia



30 November 2023

SLR Ref No.: 640.10090 786-794 Nicholson Review 20231130.docx

Attention: Nish Goonetilleke
City of Yarra
PO Box 168
RICHMOND 3121

SLR Project No.: 00063

**RE: 786-794 Nicholson Street, Fitzroy North
Development Application Acoustic Review
PLN23/0553**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to review the acoustic report prepared to support the application for a mixed use development at 786-794 Nicholson Street, Fitzroy North.

Details of the report are as follows.

- Title: 786-794 Nicholson Street, Fitzroy North - Acoustic Report for Town Planning Application
- Date: 8 September 2023
- Reference: V1436-01-P Acoustic Report (r1).docx
- Prepared by: Enfield Acoustics
- Prepared for: OP Nicholson Pty Ltd

The report has been prepared to address noise impacts to and from the mixed use development proposed for the site.

1.0 Background

(Reference: Sections 1 and 2 of the report)

The project is identified as a 6 level building with shop and residential use on ground floor, and residential apartments from level 1 to level 5.

Surrounding uses and potential impacts are identified as:

- Commercial uses and in particular 2 licences premises; the Railway Hotel and Zafeera's restaurant (both to the north). Music, patron and mechanical plant noise is noted as potential sources of noise from these uses.
- General retail, food and beverage outlets to the west (other side of Nicholson St), noted to provide negligible noise impacts from Enfield's inspection.
- Traffic and tram noise from Nicholson Street.
- Nearest existing sensitive uses were identified to be residential dwellings along Liverpool Street to the south and east.

The review is based on the architectural drawings dated 2 August 2023.

Enfield also advise that they inspected the site on four different occasions, generally between 6 pm and 11 pm, to identify sources of noise and undertake monitoring. Section 2.2 of the report provides specific inspection details in relation to Zafeera's Restaurant which has a kitchen exhaust fan and some other plant (which appeared to be decommissioned) on the roof. The report advises that there were numerous attempts to measure the kitchen fan, in consultation with the venue, and that noise from the fan and other plant equipment was not audible or measurable at close proximity. The restaurant also advised the fan is switched off at 10 pm so does not operate during the night period.

SLR Comments:

The report appropriately describes the use and has identified key sources of impact and potential sensitive receivers around the site.

The consultant has also made appropriate queries in relation to the Zafeera's restaurant mechanical plant (and attempted to measure the fan noise) and has provided sufficient justification to suggest that there would be negligible impact from mechanical plant from this venue to the development.

2.0 Railway Hotel Noise Impacts

(Reference: Section 3 of the report)

In relation to the Railway Hotel, the acoustic report advised that:

- Enfield had past involvement with the venue as part of another development application (290 Park Street) and observed the venue provides low to moderate music noise impacts.
- The venue is allowed to have live music up to 1 am under their licence. The venue online information indicates live music on Thursdays till 10 pm, and Sundays till 6 pm.
- Enfield previously measured live music inside and outside the venue with levels of 75 dBA, Leq internally, and levels less than 45 dBA at the rear of the venue. The music levels were barely audible within the rear courtyard of the venue itself.
- The above only related to day/evening period noise emissions.
- In order to consider night period emissions, Marshall Day Acoustics were retained by the Railway Hotel to assess potential music operations to 1 am (including the 1st floor band room which is not currently in use).
- The MDA assessment identified relatively low music levels could be emitted by the venue given its obligations to comply with the noise limits at existing dwellings.
- Based on the allowable music levels from the venue identified by MDA for the residential use to the north, Enfield advise that the internal / 'agent of change' provisions criteria (base noise limits under the Noise Protocol) would be readily met at the subject development with standard glazing.

SLR Comment:

Overall, the discussion and justification provided in the Enfield report appear reasonable.

We further note that as part of the 290 Park Street application and discussions, Council advised that it was appropriate for developments to be designed for current operations of venues and not for future potential increase in music levels or operational times. On this



basis, the subject development is likely to be minimally impacted, as the Railway Hotel has already effectively been 'limited' to its existing operations via the development of 290 Park Street and residents to the rear.

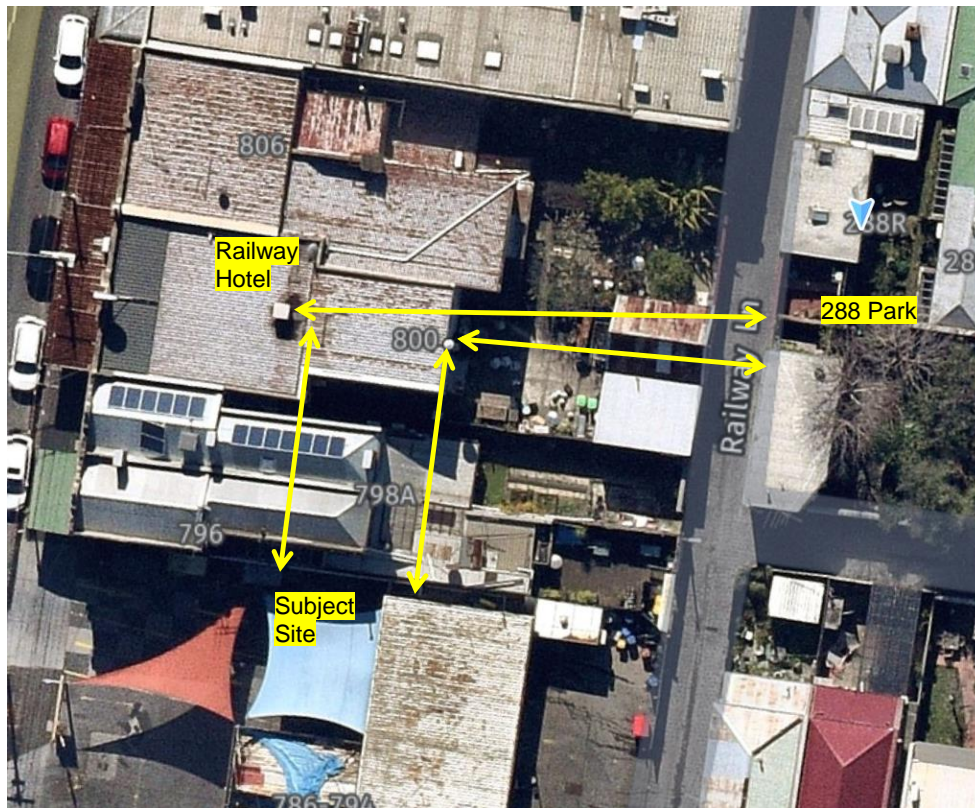
2.1 Mechanical Plant Noise Impacts from Railway Hotel

The report provides some discussion on the mechanical plant noise impacts from the Railway hotel to the subject development.

The report advises that as there is already a 2 storey dwelling at 288 Park Street overlooking the venue, mechanical plant noise would need to comply at that location and by inference would comply at the subject development which is further setback. The report also notes there are limited north façade areas of glazing at the development, and minimal line of sight to balconies from the venue.

SLR Comment:

The following is an aerial image showing the situation:



There are a number of matters requiring consideration:

- from the aerial above it would appear that 288 Park Street is further away or at similar distance from general roof plant on the Railway Hotel than the northern



façade of the proposed development. This does not align with the comments provided in the acoustic report.

- *It is also not clear if the 2nd level of 288 Park Street is habitable, sensitive, or used by the owner at 288 Park Street*
- *The proposed development will be more elevated than 288 Park Street and may have more exposure to roof plant. The elevated apartments may however also be exposed to higher background levels and associated noise limits, which would counteract this somewhat.*
- *The roof area of the Railway Hotel does not appear to include substantial plant items – potentially some sort of kitchen exhaust fan along the east façade and a roof ventilator / AC system.*
- *The development does have a somewhat ‘minimal’ northern interface, with no direct north facing windows (but the northern lightwell would be exposed to similar noise levels as a northern window).*

On the balance of all of the above, we expect mechanical plant noise to the subject development would be a low risk issue. However, some further discussion / investigations may be necessary to provide a better level of certainty such that this issue can be closed out.

3.0 Road Traffic Noise to Development

(Section 3.2 and Appendix A of the report)

Design criteria for road traffic noise consistent with the levels provided in the City of Yarra Guideline, and Clause 58.04 of the planning scheme are nominated in the report being:

- 40 dBA Leq 16h day, 45 dBA Leq 1h loudest hour
- 35 dBA Leq 8h night, 40 dBA Leq 1h loudest hour

Road traffic noise level measurements are indicated to have been measured during peak traffic conditions along the west boundary of the site as follows:

- 68 dBA Leq (6-6.15pm)
- 64 dBA Leq (10-10.15pm)

The report adopts the above noise levels as the Leq 16h (day) and the Leq 8 h (night) respectively, stating that these are considered conservative for the full period averages.

The report recommends 2 types of glazing with Rw 35 and Rw 32 dB ratings.

SLR Comments:

The adopted traffic noise criteria are in line with the Yarra Guidelines.

The measurements conducted on the site represent a fairly short sample of testing, but application of these measurements to the full day and night periods is likely a conservative approach given that the measurements are likely representation of a typical noisier period of the full intervals (ie 6 pm traffic is usually louder than the full day average and 10 pm traffic is usually louder than the whole night average). The specific dates of testing should ideally be provided for these measurements, as well as instrumentation used.

SLR cannot check the calculations of internal noise levels with the provided data, but our indicative calculations suggest the recommended glazing is likely to meet the criteria.



We note that the specification for the glazing is fairly basic – ie that any 'Rw 35 dB' system will comply. While this is possible, it would be advisable that the report recommended that any reselected glazing / system be reviewed by an acoustical consultant.

4.0 Noise Impacts from Shop Use

(Section 3.3 of the report)

The report discusses the proposed shop use and concludes it represents a low risk, noting that the use is unlikely to operate during the night, and that it will only have modestly sized mechanical plant.

The report also recommends a suspended plasterboard ceiling above and a discontinuous wall construction to the common wall to the apartment.

SLR Comments:

We generally agree that a shop can be a low risk use, provided the shop only operates during business hours, and is not a food or drinks premises. There are also some potential risks with fitout issues – such as flooring types, locations of cupboards etc.

The suggested recommendation for the ceiling is appropriate. In relation to the wall, it is recommended that the report also calls for a higher specification than the minimum Rw 50 dB as per the NCC (along with the discontinuous construction). This will further reduce risk of impacts. We would recommend not less than Rw + Ctr 50 dB as a minimum.

5.0 Base Building Mechanical Plant

(Section 3.4 of the report)

The report advises that carpark exhaust fans would represent the main base building noise source.

The report recommends that the base building mechanical plant is reviewed once plant specifications are known.

SLR Comments:

We also observe a substation (directly under apartments within the development), fire pump room, and the carpark entry gates (addressed separately below) which are in the order of 7-8 m from an existing dwelling window.

We agree that a formal review should be undertaken as part of the detailed design, and consider all mechanical plant and equipment inclusive of these items. Both the Noise Protocol and the Victorian EPA guideline for low frequency noise should be considered.

6.0 Carpark Entry Gate

(Section 3.6 of the report)

Section 3.6 provides an indicative assessment to Lmax sleep disturbance criteria at the nearest dwelling to the east. The assessment is based on Enfield tests of other carpark doors that provided 66 dBA Lmax at 3 m. Their assessment predicts less than 58 dBA at the nearest existing dwelling, being below the 65 dBA criterion.

SLR Comments:

The assessment criteria and general approach are reasonable and identify that an appropriately selected carpark entry door will likely achieve the criterion. It is further noted that the door will also have to comply with the Noise Protocol.



In order to ensure that any installed door meets the requirements, it is recommended that the report provides a specification for the door, rather than assume all doors can meet the criterion (we have measured doors that do not meet the levels of noise assumed in the report). It would also be appropriate to provide some guidance on structureborne noise control to the apartments within the development, noting that the gates also need to comply with the Noise Protocol limits inside apartments.

7.0 Other Aspects

7.1 Roof Terrace

The building includes a roof level communal terrace area (approx. 110 m²). Noise from this area would potentially impact occupants of the development, and may provide impacts to neighbouring dwellings if used at night.

It is recommended that the report consider the terrace and in particular advise on:

- any recommended restrictions on times of use. In the absence of any guidance, it is recommended that the roof terrace not be used during the night as a minimum.
- appropriate acoustic ratings / upgrades to protect apartments directly below this area from impact noise, noting that minimum NCC acoustic provisions for these areas are rarely sufficient to address the risk of noise impact. While it is acknowledged that this is an internal quality issue for the developer to consider, and not a high level planning issue, City of Yarra have expressed concern in relation to such matters in the past as they affect internal amenity to occupants and the ongoing viability of outdoor areas. In some extreme circumstances we are aware of outdoor communal areas being completely shut down by building management and not able to be used by occupants at any time due to amenity impacts within the building.

7.2 Carpark Access

It is noted that access to the apartment is via the rear lane. Every vehicle accessing the site will pass within 1-2 m of the dwelling windows at 1 Liverpool Street (noting the dwelling has no setback and has windows directly onto the lane). The noise of the pass-bys will generally exceed sleep disturbance criteria (65 dBA L_{max}) at the dwelling.

There is no simple solution to this issue without a redesign of the access location to the development. One other possible option for minimising impacts is to offer upgraded secondary glazing to the dwelling owner at 1 Liverpool Street, noting that this would require windows of the dwelling to be kept shut (which may require further consideration of fresh air to the dwelling).

8.0 Summary

SLR has reviewed the acoustic report prepared by Enfield Acoustics to support the application for the development at 786-794 Nicholson Street, Fitzroy North.

The report generally addresses acoustic issues associated with the development, however we make the following comments and recommendations:

Mechanical plant from Railway Hotel



City of Yarra
786-794 Nicholson Street, Fitzroy North

30 November 2023
SLR Project No.: 00063
SLR Ref No.: 640.10090 786-794 Nicholson
Review 20231130.docx

We seek some further discussion (or investigations if necessary) in order to clarify that mechanical plant from the roof of the Railway Hotel does not cause noise impacts at the subject development.

Project mechanical plant

An assessment of mechanical plant noise, including the carpark door and substation is to be conducted during the detailed design phase of the project. The mechanical review should consider both the Noise Protocol and EPA Low Frequency Guideline (1996), and structureborne noise / vibration from the carpark door or other plant equipment. The report should also provide a specification of maximum allowable noise levels from the carpark door.

Glazing

It is recommended that the report call for a review of the final selected glazing system should it vary from the glazing configurations provided in the assessment (ie not rely just on the Rw ratings).

Ground floor shop

An updated acoustic report addressing noise from the ground floor shop should be provided if the tenancies are proposed to be operated outside the Noise Protocol Part I 'day' period (i.e. 7 am to 6 pm Monday to Saturday).

The wall separating the shop from the adjacent apartment should be upgraded to achieve not less than $R_w + C_{tr} 50$ dB, or better, if considered appropriate by the acoustical consultant and taking into account the likely uses.

Roof terrace

The acoustic report should be updated to address potential noise impacts from the roof terrace, and consider / advise / recommend:

- The roof terrace external area is not used after 10 pm, and
- Impact noise control upgrades to protect apartments below.

On the issue of the carpark access, there is a risk of sleep disturbance impacts to the dwelling at 1 Liverpool Street. The only options available to address this would be relocating the carpark access to the south, or potentially treating the existing residential dwelling.

Regards,

SLR Consulting Australia



Jim Antonopoulos
Technical Director - Acoustics

Reviewed by: Dianne Williams 2023-11-22





Vipac Engineers and Scientists Ltd
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Ison

City of Yarra
333 Bridge Road, Richmond, VIC 3121

27 November 2023

Ref: 30N-23-0457-GCO-70617-1

Dear Nish Goonetilleke,

City of Yarra - 786-794 Nicholson St, Fitzroy North

This peer review of MEL Consultants "Environmental Wind Assessment" (Report: 23053-DE-EWA02) is based on Vipac's experience as a wind engineering consultancy. No wind tunnel studies have been undertaken to support this review.

Vipac has reviewed the assessment report and the associated drawings (see Reference attached), and have the following comments:

- i. The MEL Consultants Environmental Wind Assessment has been prepared based on drawings dated 3 Aug 2023 and consultancy experience. We have no issues with this method for a desktop study as this is a common approach to provide architects, developers and responsible authorities advice on wind impact of the proposed design.
 - a. It should be noted that the drawings supplied to Vipac by Council for this review were dated 18 Sept 2023. A comparison between the two sets of drawings determined that the findings and conclusions are generally valid for the updated drawings.
- ii. We have no issues with the analysis approach or the description of the wind environment. MEL Consultants have clearly described the process for a desktop assessment, and this is consistent with the approach that Vipac would take.
- iii. The report has used the assessment criteria from Clause 58.04-4 (Standard D32) or BADS; Vipac has no issues with this assessment criteria.
- iv. The Terrain Category (TC) 3 exposure was used in the desktop wind assessment, and this was an appropriate category for this assessment. Natural vegetation and trees were not included in the analysis.
- v. The report analysed the wind effects on the development Street by Street and its findings can be summarised as follows:
 - a. The wind conditions on the streetscapes along Railway Lane, Liverpool Street, Nicholson Street, and the north side of the development are generally expected to meet the recommended walking comfort criterion.
 - b. Building entrances along Nicholson Street, Liverpool Street, and Railway Lane will be expected within the recommended standing comfort criterion.
 - c. Wind conditions at ground level courtyard would be expected to fulfil the walking comfort criterion and likely standing comfort criterion.
 - d. Wind conditions in the outdoor landscaped communal terrace on Level 5 would be expected to satisfy the walking comfort criterion and likely the standing comfort criterion away from the corners.
 - i. Vipac generally agrees with MEL Consultant assessment that Level 5, with the proposed landscaping, is expected to meet the walking comfort criteria. However, in-line with City of Yarra's requirements; MEL Consultants should provide further



City of Yarra
City of Yarra - 786-794 Nicholson St, Fitzroy North
Peer Review

comments as to whether further wind control measures are required to achieve sitting comfort criterion.

- e. Wind conditions on the middle inset private residential balconies would be expected to satisfy the standing comfort criterion and the corner private residential balconies would be expected to satisfy the walking comfort criterion.
 - f. Wind conditions would be expected to satisfy the safety criterion.
 - g. It is recommended in the report that users of the terraces will need to be educated on the wind effects and loose objects should not left on an unattended terrace.
- vi. Vipac generally agrees with the conclusions made in the MEL Consultants wind report.

In conclusion, the MEL Consultants Environmental Wind Assessment report uses the proper analysis and methodology to analyse the wind effects on the pedestrian level surrounding the proposed development. The report found that the proposed design would be expected to generate winds within the recommended walking criterion at the ground level footpaths and standing criterion at main entrances. However, MEL Consultants should clarify whether the outdoor communal terrace meets the sitting comfort, as required by City of Yarra.

Yours sincerely,

Vipac Engineers & Scientists Ltd

A handwritten signature in black ink, appearing to read "Mohamed Zaid".

Mohamed Zaid
Wind Consultant

A handwritten signature in black ink, appearing to read "Eric Yuen".

Eric Yuen
Wind Team Leader

27/11/2023

30N-23-0457-GCO-70617-1

Commercial-In-Confidence

Page 2 of 3



City of Yarra
City of Yarra - 786-794 Nicholson St, Fitzroy North
Peer Review

Attachments

1. Y. Padayatchy, J. Kostas, Mel Consultants, Environmental Wind Assessment of the 786-794 Nicholson Street, Fitzroy North (Report 23053-DE-EWA02), Aug 2023.
2. Kennedy Nolan (Sept 2023), 786-794 Nicholson Street, Fitzroy North, 3068, (Fitzroy North Apartment with Outline Projects 2023 Drawings).



Department of Energy, Environment
and Climate Action

Your Ref: PLN23/0553
Our Ref: SP486268

9 November 2023

Nish Goonetilleke
Senior Statutory Planner
City of Yarra
333 Bridge Rd,
Richmond VIC 3121

Port Phillip Region
PO Box 137
Heidelberg Victoria 3084
DX211902
Telephone: 136 186
ppr.planning@delwp.vic.gov.au

Dear Nish Goonetilleke,

PLANNING PERMIT: PLN23/0553
ADDRESS: 786-794 NICHOLSON ST FITZROY NORTH VIC 3068
APPLICANT: URBAN PLANNING COLLECTIVE
PROPOSAL: FULL DEMOLITION AND THE CONSTRUCTION OF A 6-STOREY BUILDING (PLUS 2 LEVELS OF BASEMENT), USE OF THE LAND FOR DWELLINGS (APARTMENTS), AS-OF-RIGHT SHOP, A REDUCTION IN THE CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A TRANSPORT ZONE, CATEGORY 2.

Thank you for your correspondence to the Minister for Environment dated and received on 8 November 2023 regarding the above amendment.

Response

The Department of Energy, Environment and Climate Action wishes to advise that it has no objection and no comment to the proposal.

If you have any further questions in relation to this matter, I can be contacted directly at portphillipregion.planning@delwp.vic.gov.au.

Yours sincerely

Nicole Finn
Planning Approvals Program Officer (Statutory Planning)
Planning Approvals, Central East Hub
Port Phillip Region

9 November 2023

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



OFFICIAL



Department of Transport
and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Ref: PPR 44591/23

Nish Goonetilleke
Yarra City Council
PO BOX 168
RICHMOND VIC 3121

Dear Nish

PLANNING APPLICATION No.: PLN23/0553
DEPARTMENT REFERENCE NO: PPR 44591/23
PROPERTY ADDRESS: 786-794 NICHOLSON STREET, FITZROY NORTH VIC 3068

Section 55 – No objection subject to conditions

Thank you for your referral dated 2 November 2023 of the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987*.

The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the following conditions:

1. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria

Accompanying Note:

- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works.

Please forward a copy of any decision to this office as required under the *Planning and Environment Act 1987*.



Should you have any enquiries regarding this matter, please contact Klaas Meekel on 9229 6063 or statutory.planning@roads.vic.gov.au.

Yours sincerely



Dwayne Singleton
Team Leader Statutory Planning
Inner Metropolitan Region
Under delegation from the Head, Transport for Victoria
28/11/2023

cc. Permit applicant

6.3 PLN23/0316 - 475-481 Church Street Richmond

Report Summary

Purpose

1. This report provides Council with an assessment of planning application PLN23/0316 for construction of a multi-storey, mixed use building, use of land for a Shop and Food and drink premises, and a reduction in the car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01 – Built Environment;
 - (b) Clause 13.07 – Interfaces and amenity;
 - (c) Clause 34.02 – Commercial 2 Zone;
 - (d) Clause 52.06 – Car Parking; and
 - (e) Clause 52.34 – Bicycle facilities.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic Support;
 - (b) Uses requiring a permit;
 - (c) Building design;
 - (d) Urban design and public realm;
 - (e) Off-site amenity impacts;
 - (f) Environmentally sustainable design;
 - (g) Car parking and traffic;
 - (h) Vehicle access and design;
 - (i) Bicycle provision and facilities; and
 - (j) Objector concerns.

Submissions Received

4. Twenty-six (26) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment (height, scale, bulk);
 - (b) Off-site amenity (overlooking, reduced daylight, overshadowing, visual bulk impacts);
 - (c) Poor response to residential properties and character of Brighton Street;
 - (d) Increased traffic and oversupply of car parking on-site;
 - (e) Impact on car parking availability;
 - (f) Light reflection / glare from glazing;
 - (g) Poor public realm contribution;
 - (h) Noise impacts (pedestrian, vehicular, mechanical equipment);
 - (i) Light pollution;
 - (j) Wind impacts;

- (k) Road safety;
 - (l) Impact on trees and neighbouring vegetation;
 - (m) Impact on Burnley Tunnel;
 - (n) Urban heat island effect;
 - (o) Loss of city views;
 - (p) Viability of office use;
 - (q) Lack of details in plans; and
 - (r) Construction matters (removal of asbestos, noise, access, dust and pollution) – request that CMP not be left to permit condition.
5. One (1) letter of support was received for the application outlining the development's compliance with State and local planning policy.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) Deletion of Level 5 of the main building, or another level above the podium to the satisfaction of the Responsible Authority;
 - (b) The changes shown in sketch plans submitted dated 12 December 2023 which are summarised as follows:
 - (i) the deletion of Level 2 from the pavilion on the north-east corner of the site reducing the maximum height to approximately 12.89 metres above NGL (RL 22.90); and
 - (ii) an increased setback of the pavilion from the southern boundary shared with 7 Sanders Place, that being a minimum setback of 3 metres at ground level;
 - (c) The podium and associated Level 4 terrace on the north-east corner of the main building with a minimum setback of 5 metres from the second floor terrace of No. 1 / 7 Sanders Place; and
 - (d) Level 2 and 3 (roof plant) of the pavilion set back from the east boundary to be sited within a 45 degree angle from the retained boundary wall with No. 28 and 30 Brighton Street.

CONTACT OFFICER: Jessica Sutherland
TITLE: Senior Statutory Planner
TEL: 9205 5365

6.3 **PLN23/0316 - 475-481 Church Street Richmond**

Reference D24/60335
Author Jessica Sutherland - Senior Statutory Planner
Authoriser Senior Coordinator Statutory Planning
Disclosure The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward: Melba Ward
Proposal: Construction of a multi-storey, mixed use building, use of the land for a Shop and Food and drink premises, and a reduction in the car parking requirements.
Existing use: Commercial / retail
Applicant: Human Habitats
Zoning / Overlays: Commercial 2 Zone
 Design and Development Overlay (Schedule 2 and 5)
 City Link Project Overlay
 Development Contributions Plan Overlay (Schedule 1)
Date of Application: 19 May 2023
Application Number: PLN23/0316

Planning History

1. Planning Permit No. 81141 was issued on 3 October 1975 for the land at No. 475 Church Street to *have an internally illuminated advertising sign and a non-illuminated advertising sign erected thereon.*
2. Planning Permit No. 96/185 was issued on 18 March 1996 for the land at No. 475 Church Street for *the purpose of alterations to an existing factory.*
3. Planning Permit PL05/0163 was issued on 1 June 2005 for the land at No. 475 Church Street for *buildings and works for the front façade of an existing building.*
4. Planning Permit PLN14/1062 was issued on 12 June 2015 for the land at No. 475 Church Street for *the display of a floodlit major promotion sign for the purposes of business identification.*
5. Planning Permit PLN19/0727 was issued on 14 January 2020 for the land at No. 475 Church Street for *the display of internally illuminated business identification signage.*
6. Planning Permit PL10/0457 was issued on 19 July 2010 for the land at No. 477 Church Street for *the display of an internally illuminated sign.*
7. Planning Permit PL07/1018 was issued for the land at No. 481 – 483 Church Street for the *use of the site as a restricted retail premises (furniture sales), waiver of the loading bay requirements and the construction and display of advertising signage.*

Background

Planning Scheme Amendments

Amendment C269yara

8. Amendment C269yara was gazetted into the Yarra Planning Scheme (the Scheme) on 21 December 2023, and implements the Yarra Planning Scheme Review (2014), updating local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) at Clause 21 and Clause 22 with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected local schedules, particular provisions, and operational provisions consistent with the structure introduced by Amendment VC148.
9. The application was lodged prior to the gazettal of the amendment into the Scheme, however, the application will be based on the requirements at the time of determination.

Lodgement of sketch plans

10. In response to concerns raised by Council Officers, referral departments and objectors, the Applicant submitted Without Prejudice Plans for discussion on 20 December 2023, consisting of architectural sketch plans (DA1000, DA1001, DA1002 and DA1003 and dated 12 December 2023), revised shadow studies, overlooking diagrams, additional render perspectives and an External Reflected Glare Assessment (prepared by wrap consulting engineering and dated 7 December 2023).
11. These documents are included within the appendix to this report.
12. The architectural sketch plans show a reduction to the scale of the pavilion (in the north-east corner of the site) through a deletion of a level and increased setbacks from the southern boundary, as follows:
 - (a) Deletion of Level 2 from the pavilion, reducing the overall maximum height from 16.64 metres to 12.89 metres. *All measurements calculated using RLs of building and natural ground level (NGL) provided on plans and survey plan;*
 - (b) The ground and first-floor southern setback (from the boundary with 7 Sanders Place) increased from 0 metres to 3 metres;
 - (c) The second and third floor (now the roof plant) raked to the same angle but with the greater setback from the southern boundary continued;
 - (d) These changes are indicated in the section provided below (excerpt from A.SK0022);
and

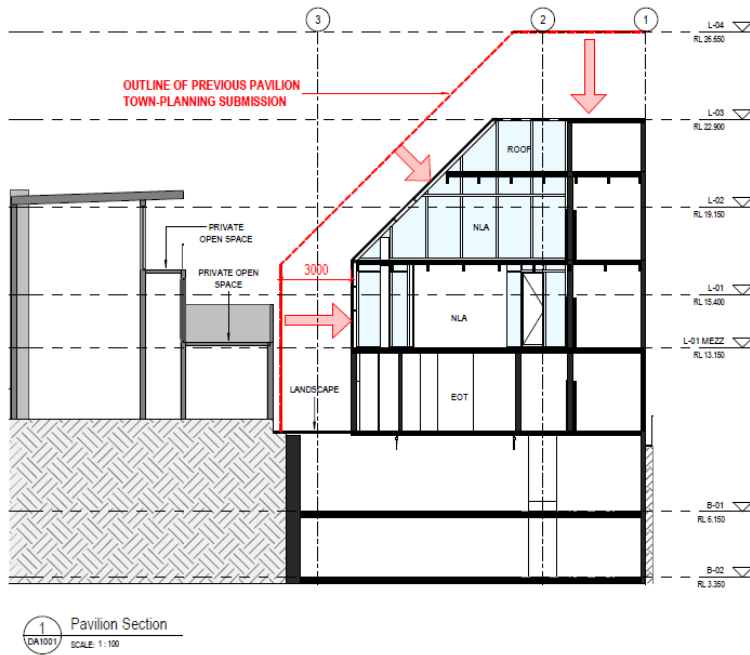


Image 1: pavilion section from sketch plan (A.SK0022) showing the reduced height and increased setback from the southern title boundary to 7 Sanders Place

- (e) The separation of the pavilion and the north-east podium of the main building increased from 5 metres to 6.5 metres at the Levels 2 to 4. This change is indicated in the plan provided below (excerpt from A.SK0022).

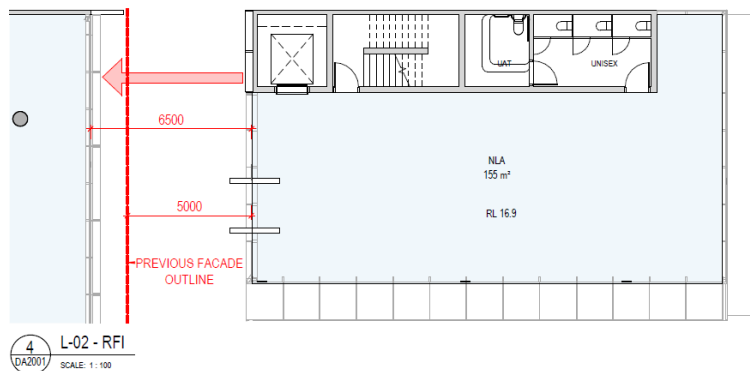


Image 2: excerpt from sketch plans (A.SK0022) demonstrating the increased setback of the north-east podium of the main building from the east, creating a larger break between the podium and pavilion

13. On the 23 January 2024, the Applicant circulated further without prejudice plans for discussion which show the deletion of Level 10, reducing the overall building height from 50.94 to 47.2 metres. For a point of comparison, sketch plans showing the deletion of Level 5 (as recommended by Hansen urban design consultants) and deletion of Level 10 (as preferred by the Applicant) have been provided for discussion.



Image 3: WPP showing the deletion of Level 10 (circulated on 23 January 2024)

14. These plan changes have not been lodged under Section 57A of the *Planning and Environment Act 1987* (the Act), and as such, the plans as advertised continue to be the Decision Plans. The changes shown in the sketch plans will be discussed in the body of this report where relevant.

The Proposal

15. *Full demolition of the existing buildings on site (no permit required)*
16. Construction of an 11 storey (plus two basement levels and roof plant) mixed use building, with further details as follows:
 - (a) Open plan offices (no permit required) at Levels 1 – 10 with a total floor area of 18,097sqm;
 - (b) The ground floor (GF) is provided with:
 - (i) a central lobby with a 7.81 metre deep entry provided from Church Street. The entry has a clearance of 5.15 metres and is provided a “Richmond Loft” sign;
 - (ii) Food and drink premises (permit required) on the north-west corner (255sqm in area) and an outdoor seating area provided within the 3.36 metre front setback of the building at GF along the north of the Church Street frontage.



Image 4: Artistic render of the GF entry and Food and drinks premises on Church Street (source: page 64 of the Architectural RFI Response Report)

- (iii) A Restricted retail premises (no permit required) on the south-west corner to Church Street and Sanders Place, 679sqm in area;
- (iv) A Shop (permit required), 75sqm in area, with a recessed entry from Sanders Place to the east of the frontage;
- (v) A secondary entry for walkers and cyclists is provided at the rear of the site from Sanders Place, providing access to the main building foyer, pavilion building and bicycle facilities to the north-east (to be discussed);



Image 5: Artistic impression of the rear of the lobby with forum stairs providing access to the pavilion on the north-east corner of the site (source: page 49 of Planning Report)

- (c) The building is designed to appear as three forms along the Church Street facade, with the street wall and overall height of each form stepping down north to south;
- (d) The street wall along Church Street is (from north to south) 18.61 metres, 14.03 metres and 10.26 metres in height. The upper levels are set back 5 metres behind the street wall;
- (e) The overall height (from north to south) steps down from 50.94 metres, 47.6 metres to 45.61 metres in height. The upper levels begin to taper between levels 7 and 9 so that the highest parapet of the building has a maximum setback of 11.15 metres from Church Street;



Image 6: Artistic render of the building as viewed from Church Street (source: page 52 of Urban Context Report)

- (f) A five-storey wall is constructed flush to the northern boundary to a maximum height of 18.32 metres. The building core is also constructed flush to the boundary to a height of 47.78 metres and for a length of 20.28 metres. The building is then set back by 4 metres from the northern title boundary, with a taper from Level 10 and above resulting in a maximum setback of 7.2 metres;
- (g) A 3 metre setback is proposed along Sanders Place, allowing the widening of the street where adjacent to the site (to be discussed);
- (h) The southern street wall to Sanders Place projects over this setback (with a minimum clearance of 4.8 metres above footpath). The street wall is stepped to have a height of 11.19 metres on the south-west corner and 14.81 metres to the east;
- (i) The upper levels are set back 2.89 metres above the street wall, raking back to a maximum setback of 6.39 metres from the south title boundary;
- (j) The southern elevation also incorporates shallow breaks in the upper level façade to give the appearance of three forms;



Image 7: Artistic render of the south-west corner of building (source: page 6 of Architectural RFI Response Report)

- (k) At the rear (east) the building has a general setback of 5 metres from the title boundary (noting that the rear title boundary is irregular). The façade begins to taper at Level 7 to a maximum setback of 8.7 metres at the parapet. There is a recess at GF and Level 1 for the rear entry and courtyard which is cantilevered by the upper levels of the building;
- (l) The building is provided a protruding podium on the north-east corner (level 2, 3 and a terrace at Level 4), and a four-storey pavilion building in the very north-east corner of the site;
- (m) The base of the pavilion is attached to the main building at ground level and provides the bicycle parking and end-of-trip facilities. The upper-levels of the pavilion separate from the main building, by 5 metres. Entry to the pavilion is provided from the forum stairs and a partially open mezzanine created by the building / pavilion break; and
- (n) The pavilion is:
 - (i) Constructed flush to the northern boundary to an overall height of 16.64 metres (to top of plant parapet);
 - (ii) Constructed to the southern boundary for two storeys (to a height of 6.84 metres), then tapered back to a maximum setback of 10.04 metres from southern boundary; and
 - (iii) Set back 500mm from the east boundary at the ground and first floor (height of 684 metres), then set back 2 metres for all levels above.

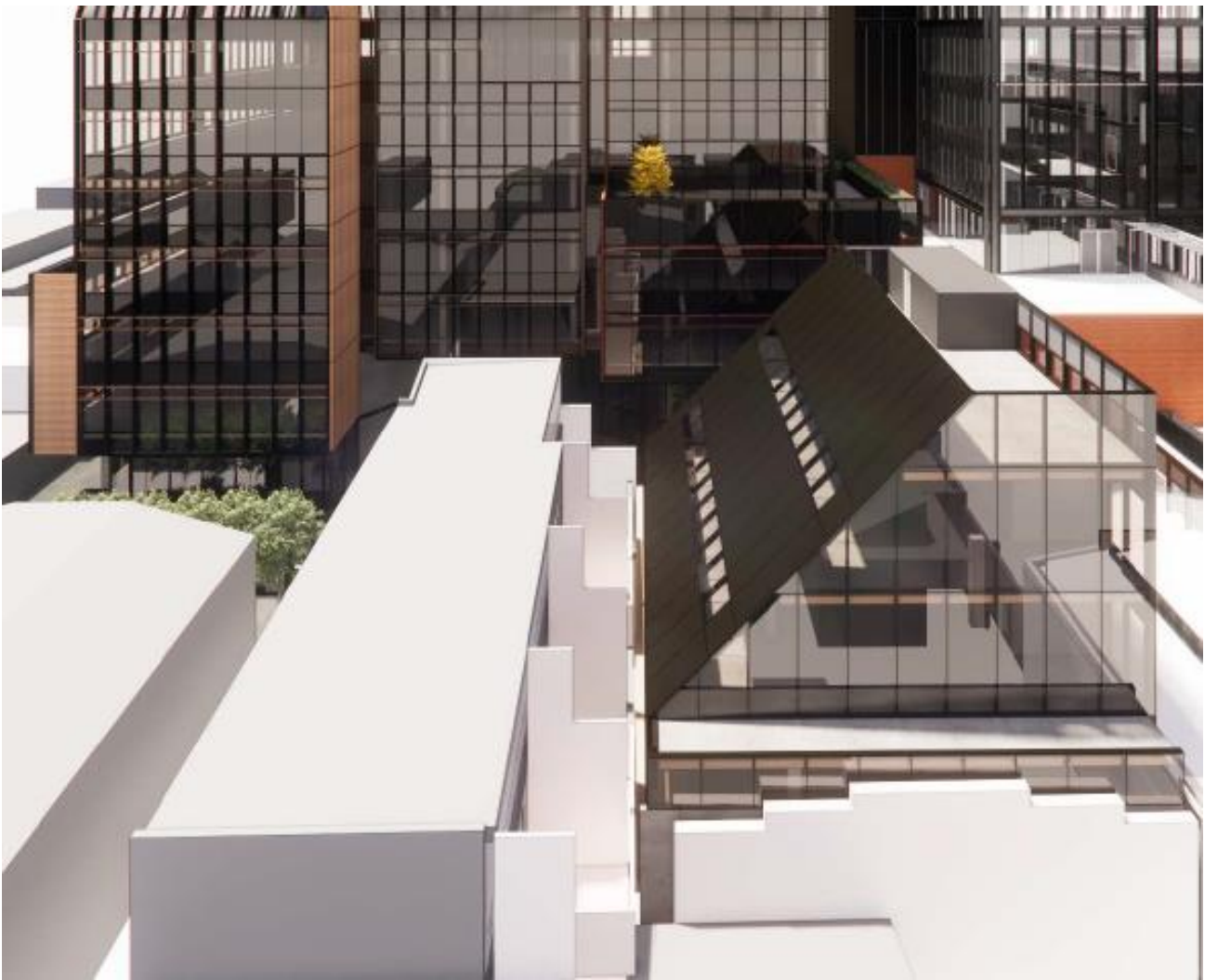


Image 8: Artistic render of the rear of the building and the standalone pavilion in the north-east corner. Dwellings at 7 Sanders Place indicated in white to the left of the pavilion (source: Pavilion view renders submitted with sketch plans)

17. Vehicle entry to the basement levels is provided from Sanders Place, with on-site loading provided to its east. The basement levels are approximately 6.5 metres deep below NGL (RL 3.1).
18. As part of the application, streetscape works are proposed to Sanders Place, widening the road by 3 metres to allow for two-way traffic where adjacent to the site and a footpath along the site's boundary.
19. 152 car parking spaces (including 3 accessible spaces) are provided on-site.
20. 156 bicycle spaces are provided in the GF of the pavilion, with 11 additional visitor hoops (22 spaces) provided near to the entry from Sanders Place.
21. Male and female end of trip facilities, providing for 12 showers / change rooms and 222 lockers.
22. Materials, finishes and façade details include:
 - (a) A curtain wall system (framing), with terracotta baguette fins for the street wall / podium finished with a range of three different terracotta tones (from the Tempio range);
 - (b) A curtain wall system at the upper levels, with fixed terracotta baguettes, implementing a mixture of single, double and triple heights. Full range of terracotta finishes;



Image 9: the terracotta baguette and isometric section of the street wall façade (source: pages 42 and 43 of the Urban Context Report)

- (c) Flat terracotta tile cladding on side elevations and within façade breaks in the full range of terracotta finishes;
- (d) Aluminium cladding with powdercoat finish on boundary walls; and
- (e) A mixture of clear and obscure glazing.

Existing Conditions

Subject Site

- 23. The subject site, being No. 475 – 481 Church Street Richmond, is comprised of four allotments formally known as Lot 1 on TP 838763J, Lots 1 and 2 on TP811785Y and Lot 1 on TP 837225U. The overall area of the site is 3,356sqm.
- 24. The titles submitted with the application do not include any covenants or restrictions, however, show the following easements:
 - (a) A drainage easement along the southern boundary of Lot 1 on TP9397653J. The easement is proposed to be built over (a partially existing condition). Permission will need to be sought from the relevant authority to build over the easement prior to construction commencing. A note will be included within the recommendation accordingly; and
 - (b) A party wall easement partially located between Lots 1 and 2 on TP811785Y of the subject site. The beneficiary of the easement would be the landowner in this instance, so the removal of the party wall and construction over the easement is accepted.
- 25. The allotments create a frontage of 49.05 metres along the east side of Church Street, and a 62.18 metre side boundary to Sanders Place to the south. Given the varying depths of each lot, the site has an irregular rear (east) title boundary, with the northern lot at No. 475 Church Street protruding furthest east with an overall length of 83.53 metres along its northern title boundary.
- 26. The lots are currently developed with three modern commercial buildings, either single or double storey in height, and generally constructed to all site boundaries with the exception of at-grade concrete car parking on the south-east corner as accessed from Sanders Place.
- 27. A crossover and private driveway is also provided along the southern boundary to No. 475 Church Street.
- 28. Three (3) street trees are located along the Church Street frontage.
- 29. The entire site is located within the Commercial 2 Zone (as shown in Image 10 below) despite having residential interfaces to its east (to be discussed in the *Site Surrounds* section of this report).

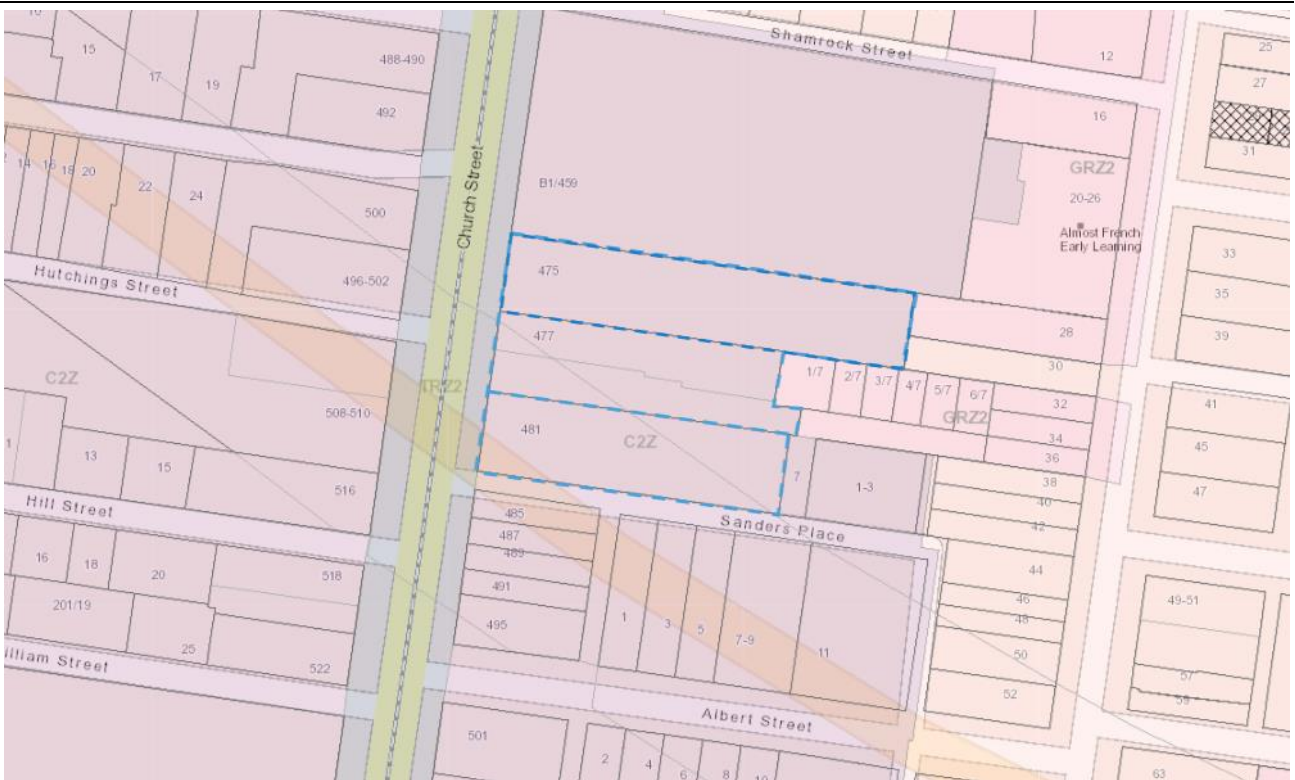


Image 10: Zoning map of the site and surrounds (VicPlan, 2024)

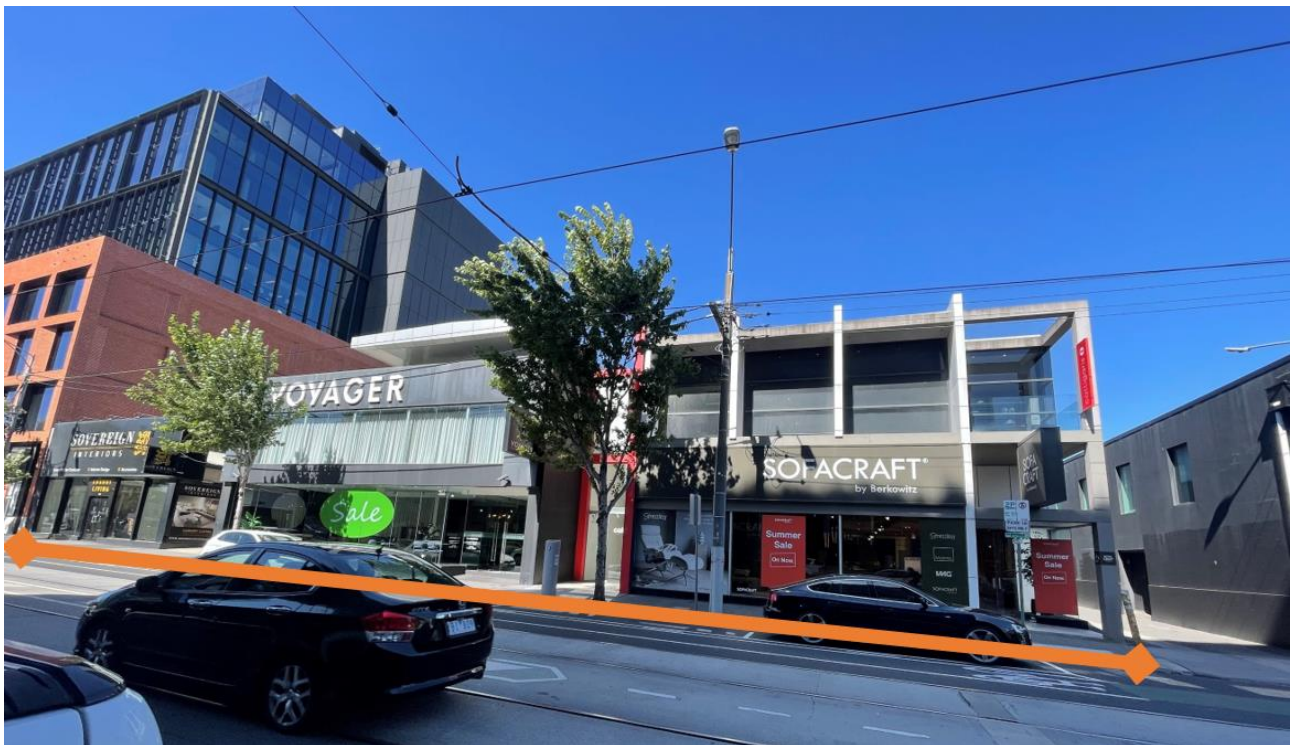


Image 11: the subject site's frontage to Church Street, with No. 459 – 471 Church Street to the left, and the Sanders Place entry to the right (Officer site visit, February 2024)



Image 12: the at-grade car park at the rear south-east corner of the site, with Sanders Place to the left and the private driveway and trees of No. 7 Sanders Place to the right (Officer site visit, February 2024)

Surrounding Land

30. The immediate area of Richmond (and Cremorne to the west of Church Street) is characterised by a mixture of uses and development styles, with more robust commercial development and uses apparent along the Church Street corridor and in the Cremorne precinct to its west. To the east of Church Street, however, is an area of low-rise residential development much of which is located within the Barkly Gardens Heritage Precinct.
31. Within the commercial Church Street precinct there is a clear emerging character of robust development. A detailed review of all approved development proximate to the site is provided at pages 14 -16 of the Urban Context Report (included in the appendix to this report) with recent approvals and developments ranging between 7 to 11 storeys. Of note however, is No. 459 – 471 Church Street (immediately abutting to the north) and No. 510 Church Street (opposite on Church Street), which have both been recently developed with 10 storey office buildings (to be discussed).
32. Church Street itself is identified by the Scheme as being a key employment precinct and growth area for the Municipality, and the subject site is proximate to the Swan Street Major Activity Centre (MAC), 200 metres to the north.
33. The residential area to the east of the site is characterised by fine grain subdivision and generally single to double storey residential development.

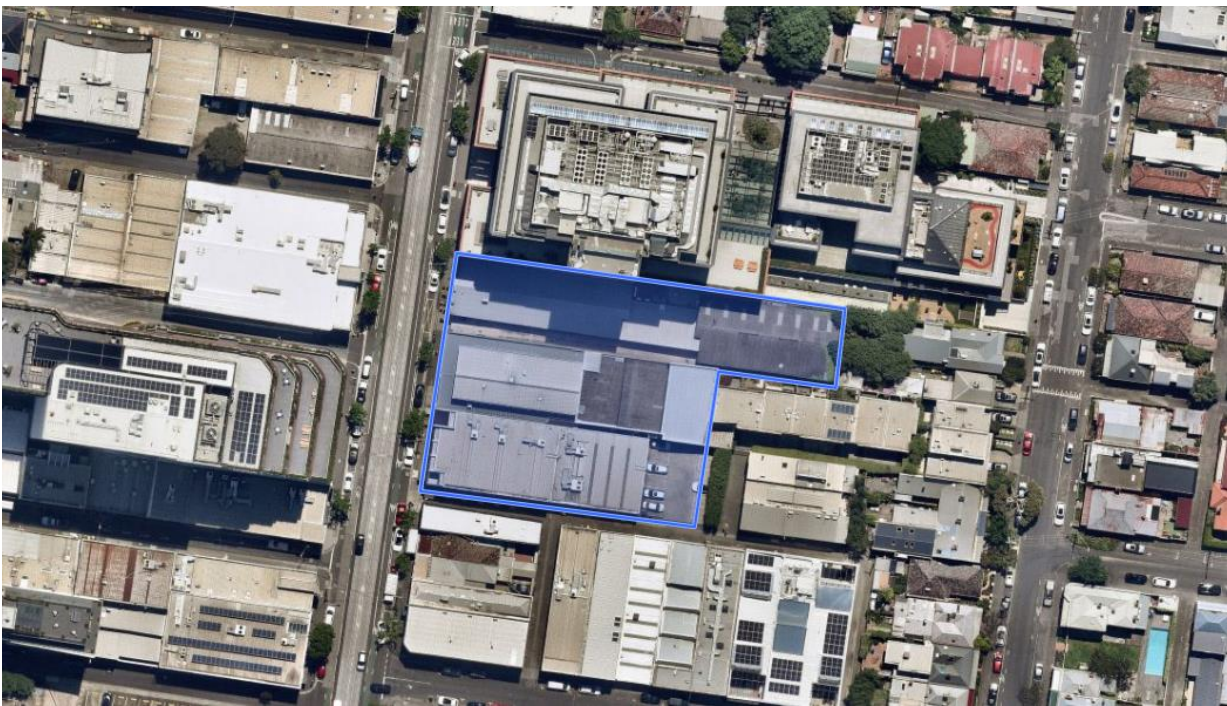


Image 13: Aerial of the subject site and surrounds (NearMap, November 2023)

North

34. To the immediate north is No. 459 – 471 Church Street and 20 – 26 Brighton Street (known as Industry Lanes). The site is generally bound by Church Street to the west, Shamrock Street to the north and Brighton Street to the east, and is developed as follows:
 - (a) A ten-storey building to the west of the site fronting Church Street, generally for office use but with Food and drink premises and Restricted retail premises at ground floor. Maximum height of 41.1 metres, not including plant screening;
 - (b) A six-storey building central to the site for the use as offices; and
 - (c) A three-four storey building to the east, fronting Brighton Street and occupied by a childcare centre.
35. The development is provided 2 basement levels with separate vehicle access from Shamrock Street for the office development and Brighton Street for the childcare centre.
36. The site is mostly within the C2Z, except for the childcare centre which is within in the General Residential Zone (Schedule 2).

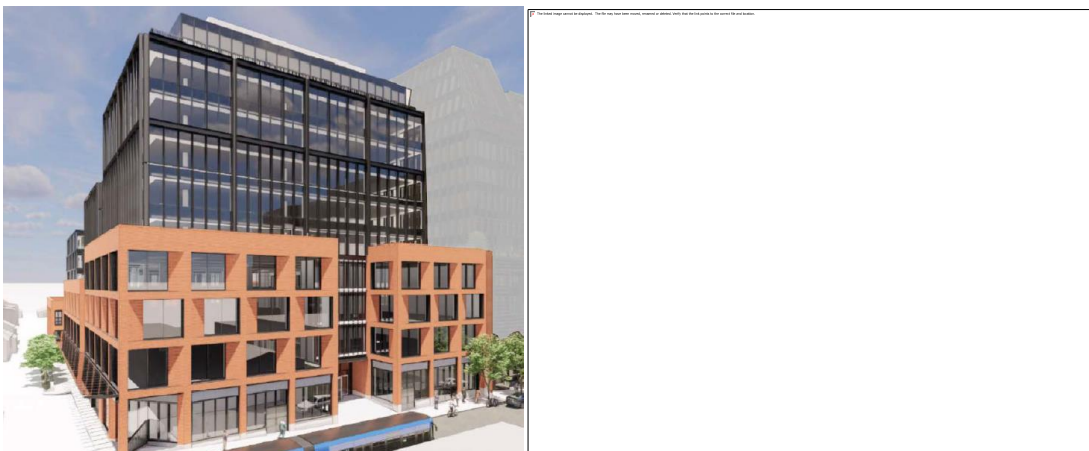


Image 14 (left): render of No. 459 – 471 Church Street (source: page 9 of Planning Report), and Image 15 (right) the building as viewed from the south along Church Street (Officer site visit, February 2024)

37. The site was developed in accordance with Planning Permit PLN18/0328 as issued at the direction of the VCAT - *Salta Properties Pty Ltd v Yarra CC [2019] VCAT 718*. This decision is highly relevant to the subject proposal due to the shared site context and commensurable scale of the proposal, and as such will be referenced within the assessment of this report where appropriate.

East

38. A number of properties are adjacent to the east of the site including offices at No. 5 Sanders Place, 6 attached townhouses at No. 7 Sanders Place and standalone dwellings at No. 28 and No. 30 Brighton Street.



Image 16: site context to the east of the subject site as provided in the Planning Report

39. Enveloped by the south and east boundaries of the subject site is Nos. 1 - 6 / 7 Sanders Place, developed with a row of attached triple and double storey townhouses approved by Planning Permit PL01/0765. The dwellings are within the General Residential Zone. Units 1 – 4, being the triple storey dwellings, are immediately abutted by the subject site. The dwellings are orientated to face their northern title boundary, so that habitable room windows and areas of private open space (either courtyard or terrace) are located on or near to the shared boundary with the subject site at every level. The dwellings are reverse living so that the principal living areas are located at the second floor and bedrooms and secondary livings/studies are located at ground and first floor.
40. The dwellings are setback 3.1 metres at ground and first floor, with a courtyard and terrace constructed to the shared boundary with the subject site. The second-floor windows are set back 4.8 metres with the terrace set back 3.5 metres from the shared boundary.

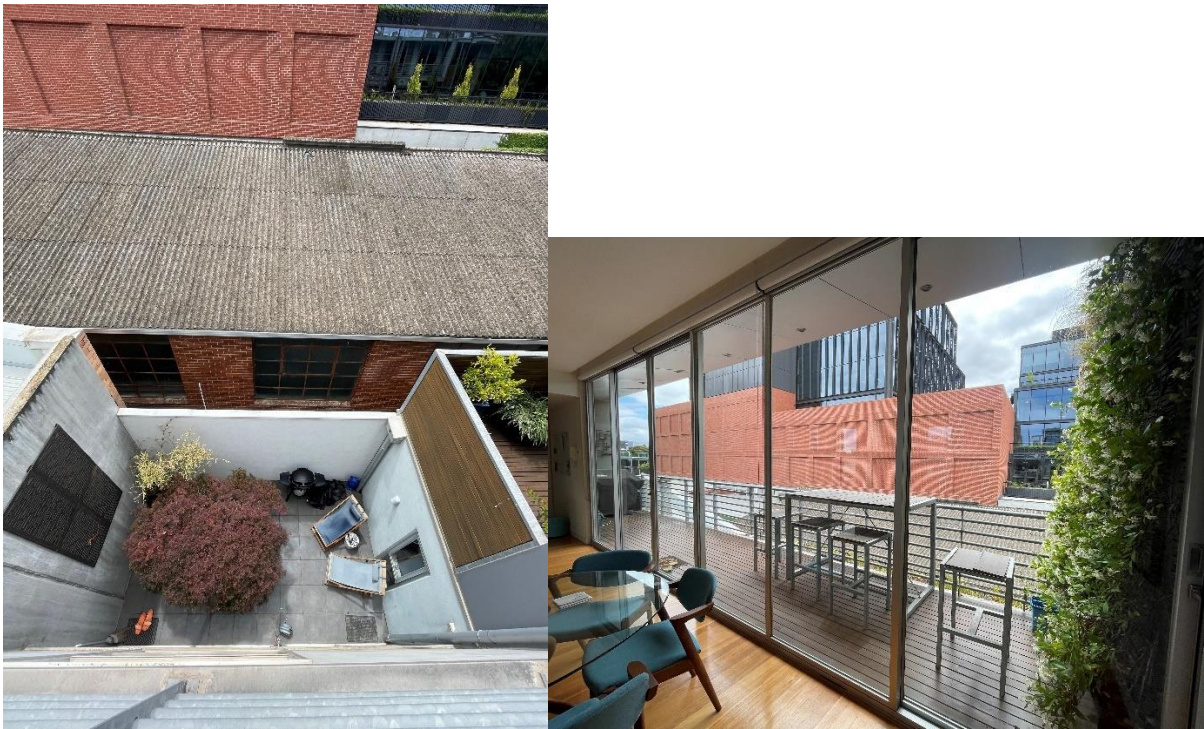


Image 17 (left): the ground floor courtyard and first floor terrace of 1/7 Sanders Place (the most western townhouse), abutted by the existing single storey building of the subject site, and the office building at No. 459 – 471 Church Street beyond (Officer site visit, November 2023)

Image 18 (right): the open plan living and second floor terrace of No. 1/7 Sanders Place, looking north-west with a view to the roof of a building on the subject site and the office building at 459 – 471 Church Street (Officer site visit, November 2023)

41. Each dwelling is provided a garage, which receives access from Sanders Place via a private driveway located in the Commercial 2 Zone. Trees currently line the west of the driveway, abutting the rear boundary of the subject site (visible in Image 12).
42. No. 5 Sanders Place is developed with a two-storey modern office building accessed from Sanders Place. The building is located within the Commercial 2 Zone and has windows on the west boundary facing the subject site (separated from the subject site by No. 7 Sanders Place's private driveway).
43. No. 28 Brighton Street is developed with a single storey dwelling graded as 'Contributory' to the Barkly Gardens Heritage Precinct and located in the General Residential Zone. The dwelling has a contemporary extension (approved by Planning Permit PLN13/0432) with glazing (associated with an open plan kitchen and living area) facing west towards the subject site. The dwelling has a 12 metre rear setback in which the secluded principal private open space area (SPOS) is located. A high brick wall (approximately 5 – 6 metres in height) is constructed along the shared boundary and there are a number of mature trees within the SPOS area.



Image 19: rear SPOS of No. 28 Brighton Street from rear elevation of dwelling, high boundary wall and trees, with rear shed of No. 30 Brighton Street visible over fence to left (source: Officer site visit, January 2024)

44. No. 30 Brighton Street is developed with a double storey dwelling graded as 'Individually Significant' to the heritage precinct and located in the Neighbourhood Residential Zone. Along the rear boundary with the subject site is large shed, with an area of SPOS further east. A two-storey extension has been approved (Planning Permit PLN210735) but not yet constructed which would allow for an extension with a rear setback of 12.94 metres from the shared boundary with the subject site.
45. Further east is Brighton Street, a 15 metre wide residential road with on-street parking and bicycle lanes.

South

46. Immediately abutting the subject site to the south is Sanders Place, a narrow 3.8 metre wide laneway which has a 'dog-leg' to terminate at Albert Street to the south.
47. On the opposite side of Sanders Place is No. 485 Church Street, a two storey furniture store fronting Church Street, and the rear (back walls and garages) of commercial buildings which front south to Albert Street. These buildings are generally occupied by commercial and light industrial uses (including offices, a physio, retail premises and car service centre). These properties are located in the Commercial 2 Zone.

West

48. To the west of the subject site is Church Street, a 20 metre wide road in the Transport 2 Zone which has north and south tram routes and parking either side, effectively resulting in single lane traffic in both directions.
49. On the opposite side of Church Street are a range of commercial buildings within the Commercial 2 Zone.
50. No. 510 is immediately opposite the subject site and is developed with a 10 storey office building (plus 2 basements and a roof terrace and plant) with Restricted retail premises and Food and drinks premises at ground floor. The development has an overall building height of 48.42 metres. Vehicle access is provided from Hutchinson Street to its north.



Image 20 (left): Render of No. 510 Church Street from the Endorsed Façade Strategy (PLN17/0278) and Image 21 (right) the building as viewed from Church Street (Officer site visit, February 2024)

General

51. Car parking within the area includes:
 - (a) No parking in Sanders Place;
 - (b) 2P ticketed parking between 8.30am and 5.30pm Monday to Saturday (unrestricted at all other times) on both sides of Church Street;
 - (c) 2P free parking between 7am and 7pm (unrestricted at all other times) on both sides of Albert Street and the western side of Brighton Street;
 - (d) Permit zone on the eastern side of Brighton Street; and
 - (e) No parking on Shamrock Street to the north.
52. Bicycle lanes along Church Street and Brighton Street.
53. Nearby public transport routes include:
 - (a) Tram routes 78 along Church Street and 70 along Swan Street; and
 - (b) Richmond Train Station and East Richmond Train Station, 100 metres north and 700 metres north-west, respectively.

Planning Scheme Provisions

Zoning

54. The site is located in the *Commercial 2 Zone*. The following provisions apply:
 - (a) Pursuant to Clause 34.02-1, The following are Section 1 [no permit required] uses:
 - (i) Office;
 - (ii) Food and drink premises, if the leasable floor area does not exceed 100sqm;
 - (iii) Restricted retail premises; and
 - (iv) Shop, which must adjoin, or be on the same land as a supermarket when the use commences, have a combined leasable floor area not exceeding 500sqm and be adjoining a Transport Zone 2 or 3;
 - (b) As such, the use of the land as an Office and for Restricted Retail is as-of-right (no permit required). However:

- (i) The Food and drink premises which is 255sqm in area requires a permit; and
- (ii) The shop, which does not adjoin a supermarket or directly adjoin Church Street (a road within the Transport Zone 2), requires a permit;
- (c) Pursuant to Clause 34.02-4, a permit is required to construct a building or construct or carry out works;
- (d) Pursuant to Clause 34.02-6, *an application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. This exemption is not applicable to the subject application as the land is within 30 metres of a residential zone and Education Centre; and*
- (e) Pursuant to Clause 34.01-9, sign requirements are at Clause 52.05. This zone is in category 1.

Overlays

55. The site is affected by the *Design and Development Overlay (Schedule 2 and 5)*. The following provisions apply:
- (a) Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works, unless a schedule to this overlay specifically states that a permit is not required;
Schedule 2 (Main roads and boulevards)
 - (b) The schedule is silent on permit triggers, thus a permit is required to construct a building or construct or carry out works;
Schedule 5 (City link exhaust stack environs)
 - (c) Clause 2.0 of the schedule states a permit is not required to construct a building or construct or carry out works;
 - (d) Clause 7.0 of the schedule states that *where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause; and*
 - (e) Schedule 1 to Clause 66.06 specifies the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation as the persons or bodies to be notified and notice was given accordingly.
56. The site is affected by the *CityLink Project Overlay*. The following provisions apply:
- (a) Pursuant to Clause 45.07-1, a permit is not required to use or develop land in the:
 - (i) *CityLink Project area if the use or development is part of the Melbourne City Link Project or the Exhibition Street Extension Project; and*
 - (ii) *CityLink Tulla Widening Project Area if the use or development is part of, or associated with, the CityLink Tulla Widening Project;*
 - (b) Further, Clause 45.07-5 states that no other requirement of the scheme applies to a use or development of a land in these project areas;
 - (c) The subject site is not located in these project areas, thus, the permit exemption is not applicable;
 - (d) Pursuant to Clause 45.07-6, *an application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03; and*

- (e) Clause 66.03 specifies the Head, Transport for Victoria as the determining referral authority and the application was referred accordingly.
57. The site is affected by the *Development Contributions Plan Overlay (Schedule 1)*. The following provisions apply:
- (a) Pursuant to Clause 45.06-1, a permit must not be granted to construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme. The development contributions plan has taken effect so a permit can be granted;
 - (b) *A permit granted must:*
 - (i) *Be consistent with the provisions of the relevant development contributions plan; and*
 - (ii) *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; and*
 - (c) Schedule 1 to the overlay outlines the Development Infrastructure levy applicable to the application. Council’s Standard Conditions will be included on any permit issued requiring these levies to be paid.

Particular Provisions

Clause 52.05 – Signs

A “Richmond Loft” sign is proposed above the main building entry on Church Street. The sign is 950mm by 5.925 metres, equating to an area of 5.63sqm. The building sign can be categorised as business identification signage pursuant to Clause 73.02 (Sign terms). The sign is not illuminated.

Pursuant to Clause 52.05-11, business identification signage does not require a permit in a Category 1 area if the total display area does not exceed 8sqm. As such, no permit is required.

Clause 52.06 – Car parking

58. Pursuant to Clause 52.06-1, this policy applies to new uses.
59. Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
60. Table 1 of this clause sets out the car parking requirements that applies to the proposed uses. In this instance, column B applies as the site is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018). The following table assesses the car parking requirements of Clause 52.06.

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	18,097 m ²	3.0 spaces per 100 m ² of net floor area	542	Not provided
Restricted Retail	679 m ²	2.5 spaces per 100 m ² of leasable floor area	16	Not provided
Retail	75 m ²	3.5 spaces per 100 m ² of leasable floor area	2	Not provided
Food and Drink	255 m ²	3.5 spaces per 100 m ² of leasable floor area	8	Not provided
Total			568 spaces	152 spaces

61. A reduction of 416 car parking spaces is required; thus, pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces.

Clause 52.34 – Bicycle facilities

62. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development’s bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	18,097 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	60 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	18 visitor spaces.	
Food and Drink premises (other than specified in this table)	255 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee space	
		1 visitor space to each 500 sqm of leasable floor area	1 visitor space	
Retail (other than specified in this table)	75 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	1 visitor spaces.	
Shop (restricted retail)	679 sqm	1 employee space to each 300 sqm of leasable floor area	2 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	1 visitor spaces.	
Bicycle Parking Spaces Total			64 employee spaces	156 employee spaces
			21 visitor spaces	22 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		6 showers / change rooms	13 showers / change rooms

63. The development therefore exceeds the requirements of the clause providing for an additional 92 resident/employee spaces and 1 additional visitor space.

Clause 53.18 – Stormwater management in urban development

64. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

(a) *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6; and*

(b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

65. This will be discussed further in the *Environmentally sustainable design* section of this report.

General Provisions

Clause 65.01 – Approval of an application or plan

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

Clause 66.02 – Use and development referrals

67. Pursuant to Clause 66.02-11 an application to construct a building or to construct or carry out works for an office development of 10,000 or more square metres of leasable floor area must be referred to Head, Transport for Victoria as a determining authority.

Planning Policy Framework (PPF)

Clause 02 – Municipal Planning Strategy

- 68. Clause 02.01 – Context.
- 69. Clause 02.01-1 – Location.
- 70. Clause 02.01-6 – Built environment and heritage.
- 71. Clause 02.01-9 – Transport.
- 72. Clause 02.02 – Vision.
- 73. Clause 02.03-1 – Settlement.
- 74. Clause 02.03-3 – Environmental risks and amenity.
- 75. Clause 02.03-4 – Built environment and heritage.
- 76. Clause 02.03-6 – Economic development.
- 77. Clause 02.03-7 – Transport.
- 78. Clause 02.04 – Strategic Framework Plan.

Clause 11 – Settlement

- 79. Clause 11.01-S – Settlement.
- 80. Clause 11.02-1S – Supply of urban land.

Clause 13 – Environmental risks and amenity

- 81. Clause 13.05-1S – Noise management.
- 82. Clause 13.06-1S – Air quality management.
- 83. Clause 13.07-1S – Land use compatibility.
- 84. Clause 13.07-1L – Interfaces and amenity.

Clause 15 – Built environment and heritage

- 85. Clause 15.01-1S – Urban design.
- 86. Clause 15.01-1L – Urban design.
- 87. Clause 15.01-2S – Building design.
- 88. Clause 15.01-2L – Building design.
- 89. Clause 15.01-2L-01 – Environmental sustainable development.

Clause 17 - Economic Development

- 90. Clause 17.01-1S – Diversified economy.
- 91. Clause 17.01-1L – Employment.
- 92. Clause 17.02-1S – Business.
- 93. Clause 17.02-1L – Retail.

Clause 18 – Transport

- 94. Clause 18.01-1S – Land use and transport integration.
- 95. Clause 18.02-1S – Walking.
- 96. Clause 18.02-2S – Cycling.
- 97. Clause 18.02-2L – Cycling.
- 98. Clause 18.02-3S – Public transport.
- 99. Clause 18.02-3R – Principal Public Transport Network.
- 100. Clause 18.02-4S – Roads.
- 101. Clause 18.02-4L – Road system.
- 102. Clause 18.02-4L-01 – Car parking.

Clause 19 – Development infrastructure

- 103. Clause 19.03-3L – Water sensitive urban design.

[Other Relevant Documents](#)

Draft Cremorne Urban Design Framework (November 2022)

- 104. The draft Cremorne Urban Design Framework (UDF) builds on the Cremorne Place Implementation Plan (CPIP), released in December 2020, which was developed jointly by the Victorian Planning Authority and Yarra City Council. The UDF provides detailed directions for the future growth of the precinct and establishes the strategic basis for new built form controls in the Yarra Planning Scheme.
- 105. The UDF encourages and envisions Cremorne’s growing commercial core as a global tech and enterprise precinct and anticipates Church Street as one of the key spines for the precinct.
- 106. Specifically relating to the built form direction for the subject site, the UDF indicates a preferred maximum height of 10 storeys and directs that there should be no overshadowing to the footpath on the opposite side of Church Street at 10am on the Equinox.
- 107. The UDF was taken to Council Meeting on 12 September 2023 where it was endorsed for further consultation to be carried out in 2024. The UDF, however, has not been formally exhibited or tested by an independent Panel and therefore is not yet considered a ‘seriously entertained’ document and carries limited weight.

Swan Street Structure Plan (January 2014)

- 108. The Swan Street Structure Plan is a high-level strategy document which provides a vision for the future development and growth of 10 precincts within the Swan Street and Cremorne Precinct.
- 109. The subject site is located in Precinct 9 of the Structural Plan which is recognised to “serve a strong retail and office function while providing a complementary hospitality presence to Swan Street”.
- 110. This document is also not a ‘seriously entertained’ document and carries limited weight given the extent of transition that has occurred since it was adopted.

111. In the VCAT decision for No. 11 – 13 Pearson Street Cremorne, the VCAT member relevantly stated the following - *Gantal Investments Pty Ltd v Yarra CC* [2018] VCAT 482:

[62] *The Swan Street Structure Plan is not part of the Planning Scheme. It is strategic work that Council adopted in 2013 which may form the basis of a future planning scheme amendment. Any planning scheme amendment would involve public exhibition, submissions, an independent panel hearing if there are adverse submissions, review by Council before adoption and Ministerial approval. The Structure Plan is, at the moment, neither a planning requirement nor policy in the planning scheme.*

Plan Melbourne

112. Released in May 2017, Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):

- (a) *Outcome 1: 'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.':*
 - (i) *Direction 1.2 of Plan Melbourne is to 'Improve access to jobs across Melbourne and closer to where people live'; and*
- (b) *The strategy promotes '20-minute neighbourhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your front door.*

113. In respect of commercial use, the plan identifies the following:

- (a) *Between now and 2031 it is estimated that approximately 11.9 million square metres of commercial floorspace will be required across metropolitan Melbourne to meet projected demand.*

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

114. The Melbourne Industrial and Commercial Land Use Plan (**MICLUP**) builds on the relevant policies and actions of Plan Melbourne 2017-2050. The MICLUP is a policy document as referenced under Clause 11.02-1S (Supply of urban land) which seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

115. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.

116. Map 4 within the document shows the industrial land within the inner metro region, identifying the subject site as existing regionally significant industrial land. This would be due to the zoning of the land as C2Z, where dwelling uses are prohibited.

117. The MICLUP identifies the role of regionally significant commercial areas as follows:

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

118. The MICLUP anticipates an additional 4 million square metres of commercial floor space will be required across the Inner Metro Region by 2031. Of this, approximately 3.3 million square metres is anticipated to be required for office uses and the remaining floor space to be allocated for retail. Whilst the City of Melbourne is anticipated to accommodate the majority of the additional floor spaces required, the City of Yarra is expected to provide, in addition to the existing 933,400sqm of commercial floor space identified in 2018, an additional 548,000sqm of commercial floor space by 2031.

Advertising

119. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 184 letters sent to surrounding owners and occupiers and by two (2) signs displayed on site.
120. Twenty-six (26) objections were received to the application, these can be summarised as:
- (a) Overdevelopment (height, scale, bulk);
 - (b) Off-site amenity (overlooking, reduced daylight, overshadowing, visual bulk impacts);
 - (c) Poor response to residential properties and character of Brighton Street;
 - (d) Increased traffic and oversupply of car parking on-site;
 - (e) Impact on car parking availability;
 - (f) Light reflection / glare from glazing;
 - (g) Poor public realm contribution;
 - (h) Noise impacts (pedestrian, vehicular, mechanical equipment);
 - (i) Light pollution;
 - (j) Wind impacts;
 - (k) Road safety;
 - (l) Impact on trees and neighbouring vegetation;
 - (m) Impact on Burnley Tunnel;
 - (n) Urban heat island effect;
 - (o) Loss of city views;
 - (p) Viability of office use;
 - (q) Lack of details in plans; and
 - (r) Construction matters (removal of asbestos, noise, access, dust and pollution) – request that CMP not be left to permit condition.
121. One (1) letter of support was received for the application outlining the developments compliance with state and local planning policy.
122. A planning consultation meeting was not held.

Referrals

External Referrals

123. The Decision Plans referred to the following authorities:
- (a) Transurban;
 - (b) EPA; and
 - (c) Head, Transport for Victoria.
124. EPA has not provided a response to Council at the time of this report.
125. The remaining referral responses have been included as attachments to this report.
-

Internal Referrals

126. The Decision Plans were referred to the following units / external consultants:

- (a) City Works – Waste Management;
- (b) City Works – Open Space services;
- (c) City Strategy – Open Space Services;
- (d) Development Engineering;
- (e) ESD advisor;
- (f) Strategic Transport;
- (g) Urban design (internal);
- (h) Strategic Planning;
- (i) Urban Design consultant (Hansen);
- (j) Wind Engineer (Vipac); and
- (k) Acoustic engineering consultant (SLR).

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

OFFICER ASSESSMENT

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

- (a) Strategic Support;
- (b) Uses requiring a permit (Shop and Food and drinks premises);
- (c) Building design;
- (d) Urban design and public realm;
- (e) Off-site amenity impacts;
- (f) Environmentally sustainable design;
- (g) Car parking and traffic;
- (h) Vehicle access and design;
- (i) Bicycle provision and facilities; and
- (j) Objector concerns.

Strategic Support

129. The proposal is considered to provide a positive strategic development within a well-resourced inner-urban environment and benefits from strong strategic support from the State and local policies of the Yarra Planning Scheme.

130. One of the purposes of the Commercial 2 Zone (Clause 34.02) is *to encourage commercial areas for offices; appropriate manufacturing and industries, bulk goods retailing, other retail uses, and associated business and commercial services*. The development of a mixed use building (for office and retail premises) is therefore in keeping with the purpose of the zoning, with the proposed uses generally being considered low risk in the context of the historically commercial/light industry use area.

131. There is clear overarching strategic policy for the intensification and redevelopment of land in locations such as the subject site, as well as specific direction provided in the Draft Cremorne Urban Development Framework (UDF) to encourage the growth of the employment sector in this area.

132. The objective of Clause 11.01-1S (Settlement) is to develop sustainable communities through a settlement framework which offers convenient access to jobs, services, infrastructure and community facilities. This policy aims to capitalise on opportunities for urban renewal and infill development; outcomes that are consistent with the metropolitan planning strategy *Plan Melbourne*.
133. At Clause 02.04 (Strategic Framework Plan) the subject site is identified as being in a Major Employment Precinct where Clause 02.03-6 (Economic Development) identifies there is a recognised capacity for employment growth and “economic primacy” in preference to residential development. This sentiment is further reinforced by the UDF which outlines actions to support the economic role of the precinct, specifically *to grow Church Street as [a] key spine of the enterprise precinct* (page 8 of Draft Cremorne UDF).
134. Recognising Church Street’s capacity for growth, various clauses relevantly encourage more robust development along existing transport infrastructure routes, and for convenient access to be provided for jobs closer to where people live (Clause 11.01-1S – Settlement; Clause 11.02-1S – Supply of urban land; Clause 17.01-1S-Diversified economy).
135. Similarly, Clause 18.02-3R (Principal Public Transport Network) and Clause 18.02-3S (Public Transport) both encourage a departure from vehicle centric design and reliance, recognising the need to maximise the existing public transport infrastructure and locate higher density development along the Principal Public Transport Network.
136. As discussed in the Site and Surrounds section of this report, the subject site is very near to two train stations (East Richmond just 100 metres from the site and Richmond Station 700 metre to the north-west), as well as tram routes along Church Street and Swan Street (200 metres to the north). This, coupled with the extensive local bicycle network and Church Street’s connection to the Main Yarra Trail (650 metres to the south), provides for a highly accessible location for commuters. The site is therefore primed for robust infill development, being highly accessible, appropriately zoned and well-resourced with infrastructure and services.
137. Although an established commercial area, with strong policy drivers for commercial development, the site abuts a low scale residential area to it’s east. Relevant to this context, Clause 02.03-6 aptly identifies that:
- (a) *Yarra’s diverse economy means that different land uses often overlap or vary within short distances. This mix of residential, commercial, industrial and entertainment in proximity creates a challenge as well as opportunities to manage environmental and amenity impacts and enhance activity centres and precincts.*
138. A balance needs to be struck between the development potential of a site, in the Commercial 2 Zone and within a Major Employment Precinct, with the amenity expectations of adjacent dwellings within a residential zone. As will be substantiated throughout this report, the proposal, subject to conditions will appropriately respond to the sensitive interfaces to avoid unreasonably impacting their amenity.

[Uses requiring a permit \(Shop and Food and drinks premises\)](#)

139. The discussion of the appropriateness of the proposed uses requiring a permit will be guided by the purpose and decision guidelines of the Commercial 2 Zone (C2Z) at Clause 34.02-7 and the requirements of Clause 13.07-1S (Land use compatibility) and Clause 13.07-1L-01 (Interfaces and amenity) of the Scheme.
140. The proposed uses requiring a permit are a Shop (75sqm in area) with access from Sanders Place and a Food and drink premises (255sqm internally, plus external seating) on the Church Street frontage.
141. The application seeks to have unrestricted operating hours for these uses, justified by their buffer from sensitive residential interfaces and compatibility with the purpose of the commercial precinct.

142. Generally, it is considered that the use of the land as a Shop and Food and drink premises is consistent with the purpose of the Commercial 2 Zone, which is to *encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods and retailing, other retail uses, and associated business and commercial services*. It is therefore anticipated by the Scheme that land located within this zone will be developed and used for commercial purposes; this is reiterated by the fact that land uses such as Art galleries, Cinemas, Offices and Restricted retail premises (i.e. Furniture stores) are as-of-right in the Commercial 2 Zone. The zone not only encourages commercial uses but dissuades from uses that might detract from commercial and light industrial uses freely operating in these areas by prohibiting dwellings and requiring Food and drink premises greater than 100sqm seek planning permission.
143. Further, various policies within the Scheme encourage that retail uses, including Food and drink premises, be located in established activity centres and that they be aggregated to ensure their viability, accessibility and efficient use of infrastructure (Clause 17.01-1S – Business; Clause 17.02-1L – Retail; Clause 17.01-1L – Employment). These policies also recognise the benefits of Retail premises by providing for activation and improving the quality of building interfaces, as well as providing services for workers in employment areas.
144. The location of the proposed Shop and Food and drink premises is therefore acceptable in a strategic sense; however, consideration must be given to the potential impacts on the surrounding area and interfacing sensitive uses.
145. Clause 13.07-1S (Land use compatibility) includes the objective *to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*. Similarly, Clause 13.07-1L-01 of the Scheme includes various considerations for new non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites. These requirements are further reiterated by the objectives of the Commercial 2 Zone.
146. The Food and drink premises is well buffered from any sensitive interfaces being located on the north-west corner of the site and accessed from Church Street. Although there are sensitive residential interfaces to the east of the site, there are no immediate linkages to this area, rather customers would have to detour to the north or south, down Shamrock Street or Albert Street respectively, to enter the residential area. As such, visitors travelling to and from the Food and drinks premises would be unlikely to impact the amenity of the quieter residential area to the east.
147. Although the proposed Shop is located down Sanders Place, nearer to the dwellings at No. 7 Sanders Place, transient visitors down Sanders Place is not unreasonable given the commercial zoning and numerous commercial uses along the southern aspect of the street.
148. Neither premise has a direct interface to a residential area and as such, light spill, fumes and unreasonable noise emissions are unlikely. In reviewing the application, SLR acoustic consultants noted the Food and drink premises proposed but stated “noise from these tenancies is not expected to be an issue, given the location distance to the nearest sensitive receivers”.
149. The Food and drink premises and Shop equate to only 1.7% of the commercial floor area of the site, and as such, visitors to these premises would be a negligible in comparison to the workers and visitors for the site in association with the as-of-right office use (and wider employment precinct).

150. Nonetheless, it is not considered warranted in this instance to allow for unfettered operating hours for both the premises. Church Street is identified as a Major Employment Precinct where offices and business services are encouraged. It is not however, recognised by the Scheme to be a Core Entertainment Precinct, unlike Swan Street to the north, where more substantial Food and drink offerings are encouraged to be located. Although the proposed Office use could operate 24/7 (given it as-of-right), it is more likely to experience decreased activity in the night-time hours and this should be reflected by the operations of the Food and drink premises.
151. As such, the operating hours for the licenced Food and drink premises for Industry Lanes to the north is relied upon. The licenced restaurant immediately abuts the proposed Food and drinks premises of the subject site, is 251sqm in area and is to operate between the hours of 6am to 1am (the following day), seven days a week for a maximum of 200 patrons. Given the subject Food and drink premises is comparable in size and location, is further away from residential dwellings and does not propose for the sale of liquor, these restrictions to the operating hours and maximum number of patrons are considered reasonable and will be included as conditions in the recommendation.
152. With regards to the proposed Shop on Sanders Place, the Applicant has offered the restricted operating hours of 7am to 10pm. These operating hours are considered acceptable given the low amenity risks associated with a Shop, the commercial zoning of the properties along Sanders Place and the activity level expected for land within a Major Employment Precinct.
153. For the reasons elaborated, conditions will be included in the recommendation restricting the operating hours of the Shop to 7am to 10pm and the Food and drink premises to 6am to 1am (the following day), every day of the week for a maximum of 200 patrons.

Building design

154. An assessment of the proposed building design is guided by both State and local policy (Clause 15.01-2S and Clause 15.01-2L – Building design), which provides directions for the assessing building height, setbacks, walls on boundaries, site coverage, impact of development on adjoining properties, materials, landscaping, pedestrian access and frontages, car parking, loading facilities and service equipment.
155. Consideration will also be given to the directives of the Draft Cremorne UDF.
- Building height*
156. With regards to building height, Clause 15.01-2L (Building design) *acts to ensure the height of new buildings respond to the building height requirements set out in the planning scheme, adjoining development building height or where there are no specified building height requirements, have regard to the physical and strategic context of the site.*
157. There are no building height controls for the site currently within the Scheme, however, the Draft Cremorne UDF indicates a preferred maximum height of 10 storeys (40 metres) for the subject site, scaling down to 5 storeys (20 metres) at the rear north-east corner of the site.
158. The main building, which fronts Church Street and Sanders Place, is proposed to be 11 storeys (plus roof plant built into the building parapet) resulting in an overall height of approximately 50.95 metres. The pavilion in the north-east corner of the site is proposed to be 4 storeys (plus roof plant) resulting in an overall height of 16.64 metres above NGL.

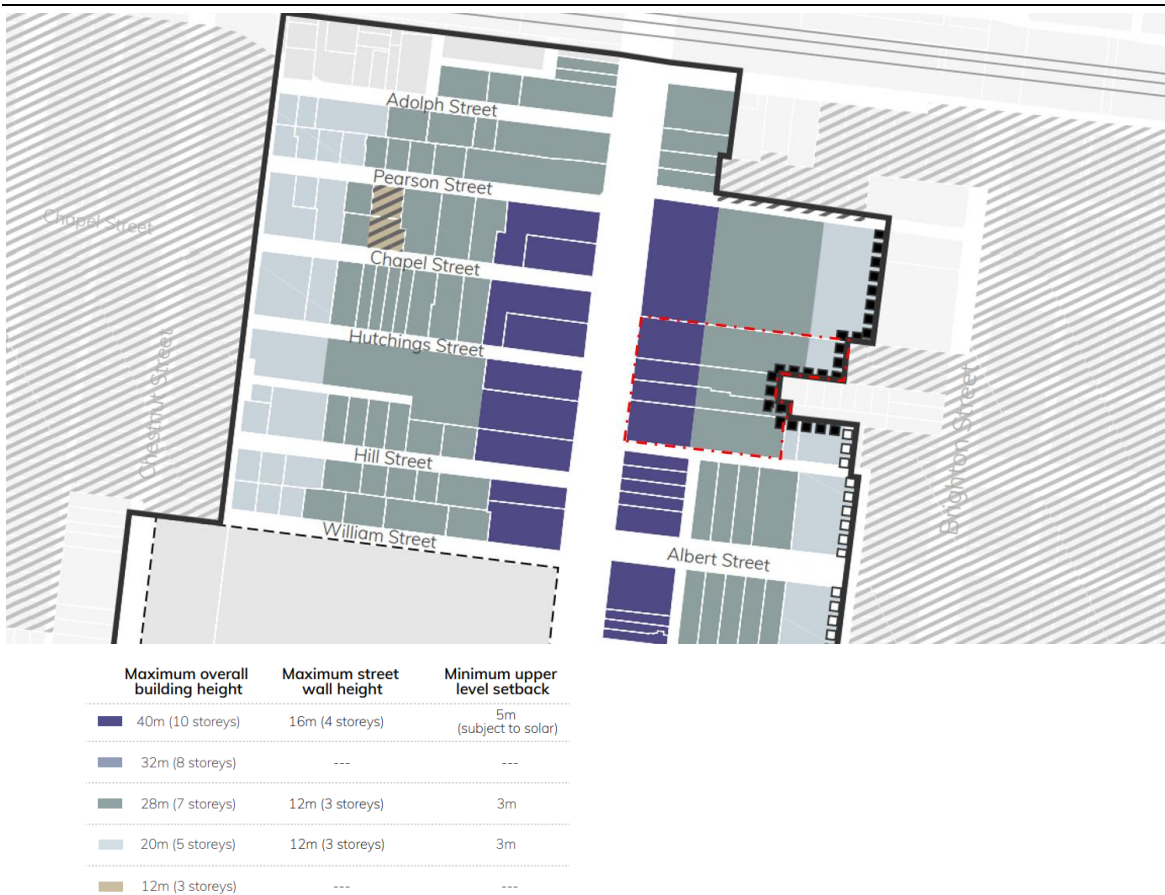


Image 22: excerpt from Figure 45 on page 95 of the Draft Cremorne UDF indicating preferred heights and setbacks along Church Street.

159. Each building will be discussed in turn.
160. The main building is generally well separated from the sensitive interfaces to the east, and as such, the assessment of appropriate height will be predominantly guided by the site and strategic context. Although the UDF indicates preferred heights for the site, this draft document is not a requirement built into the planning scheme, and as previously discussed, it must be given limited weight. The physical context of the site, with regards to adjacent developments, provides clear direction in that both the northern abutting office building, as well as that immediately opposite on Church Street, were approved to a height of 10 storeys (in the realm of 41 – 48 metres in height). This development context was also noted by the VCAT member for No. 459 – 471 and 20 – 26 Brighton Street to the immediate north - *Salta Properties Pty Ltd v Yarra CC* - who stated the following:
- [34] *The potential for a 10 storey building on the east side of Church Street is commensurate with the emerging character of Church Street as an employment precinct and with the approvals of 8 and 10 storey development nearby.*
161. The application was referred to Hansen Urban Design Consultants who, in keeping with this view, recommended that a level be deleted to reduce the height of the building to 10 storeys. Hansen note that although the proposal is only technically a storey higher than the adjacent development at No. 459 – 471 Church Street, it appears much taller due to high internal plant areas incorporated into the tapered roof forms. Hansen consider this additional height unacceptable given that these upper floors will be prominent in the view line from the opposite side of Church Street. In reaching this view, they rely on the 1/3 to 2/3 ratio view line outlined in the 2014 Swan Street Structure Plan which intends to limit the visibility of upper levels above the street wall. As such, they recommend that Level 5 be deleted from the middle of the building as demonstrated below:

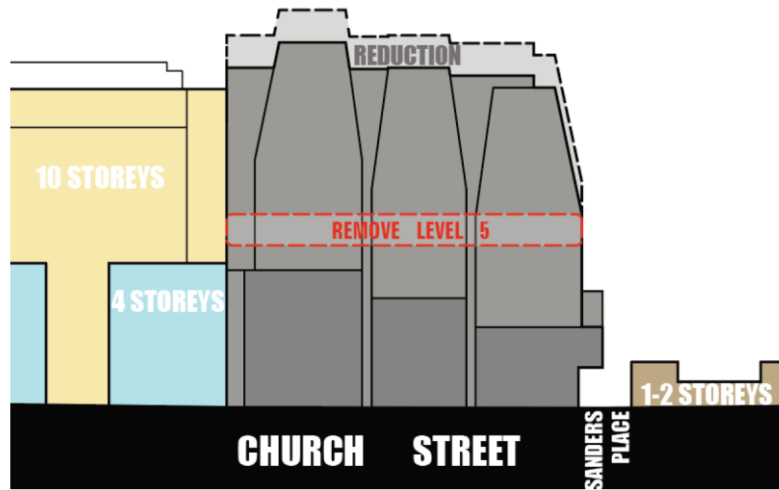


Image 23: recommendation to delete 5 from Hansen advice (page 9)

162. In response to this recommendation, the Applicant submitted ‘without prejudice’ plans indicating a preference for Level 10 to be deleted in lieu of Level 5. The Applicant submits that the deletion of Level 10 will result in a similar reduction in height (only 250mm difference between both options) and will achieve the reduction in bulk as sought by Hansen. Renders of each option have been provided for comparison.



Image 24: Artistic impression of the building as per Decision Plans



Image 25: Artistic impression of the building with removal of Level 5



Image 26: Artistic impression of the building with removal of Level 10

163. Council Officers acknowledge that there is an indiscernible difference between the latter options regarding overall height (both reducing the overall height to approximately 47.2 metres). Moreover, the bulk and scale of the building continue to be comparable between both renders. However, this is likely due to the perspective being taken from above.
164. Council Officers agree with Hansen consultants that the building height should be reduced by a level to be a maximum of 10 storeys; to reflect the pattern of emerging development as discussed and to eliminate the additional shadows to the footpath on the opposite side of Church Street at 10am (to be discussed in the *Urban design and public realm* section of this report). However, the deletion of either level 5 or 10 would likely achieve these outcomes.
165. The key concern then remains to be how the upper levels will be viewed from street level. As discussed previously, Hansen consultants have relied on the 1/3 to 2/3 ratio view line from the Swan Street Structure Plan (2014). However, this document was adopted by Council a decade ago and has never been introduced into the Scheme. As noted in the VCAT decision for 11 – 13 Pearson Street Cremorne - *Gantal Investments Pty Ltd v Yarra CC* [2018] VCAT 482 – the structure plan has not been tested by an independent Panel and must be given limited weight accordingly.
166. Nevertheless, views to the upper levels of a building are still a relevant consideration of the Scheme, with Clause 15.01-2L (Building design) encouraging that development be massed to minimise visual bulk and integrate with the surrounding character. Council Officers anticipate that the principal views to the building from street level will be to the street wall and the vertical façade (Levels 4 – 7) above, with the tapered roof form being generally concealed from view. Council Officers therefore consider that the deletion of Level 5 will likely assist in reducing the bulk of the building most visible from the public realm, while the deletion of Level 10 may only assist in stunting the upper-level tapered forms. However, perspective renders may demonstrate no discernible difference between the deletion of level 5 or 10 when viewing the building from the street level and so any condition should be openly worded accordingly. For this reason, it is recommended that a condition require perspective renders of the proposed building be provided from street level for Officer review and that a condition require the deletion of level 5, or an alternative level to the satisfaction of the responsible authority.
167. More generally, the building is considered to substantially meet the decision guidelines of Clause 15.01-2L (relating to mid-rise development) by demonstrating architectural design excellence and providing for active frontages and a contribution to an improved public realm.
168. With regards to the pavilion, the 4 storey (16.64 metres) height is supported in a strategic sense given that the UDF calls for a height of 5 storeys (and 20 metres) in this location. Moreover, the child-care centre to the north-east is 3 to 4 storeys in height (approximately 15 metres as approved by VCAT) despite being located within the GRZ.

169. Nevertheless, unlike the main building form, the pavilion is immediately abutted by a number of sensitive interfaces and fails to meet one of the guidelines of Clause 15.01-2L for mid-rise development *to provide a transitional scale to the buildings in adjoining low-rise neighbourhoods to protect amenity and discourage visual bulk*. As such, the pavilion will be reduced in height by one level, reducing it to 3 storeys (12.89 metres) as illustrated in the sketch plans submitted 23 December 2023. The reasons for this change will be elaborated on in the *Off-site amenity* section of this report, however, subject to this condition, the height is considered notably modest in the context of a Commercial 2 Zone and is therefore supported from a building height perspective.

Setbacks and walls on boundaries

Street walls and setbacks

170. With regards to the building interfaces to Church Street and Sanders Place, the Draft Cremorne UDF recommends the following:

- (a) A street wall a maximum of 16 metres (4 storeys), to step down to 12 metres (3 storeys) to the east along Sanders Place;
- (b) A 5 metre upper level setback (subject to solar) on Church Street: and
- (c) A 3 metre upper level setback on Sanders Place.

171. The Church Street street wall is a maximum height of 18.61 metres on the northern podium but steps down to 10.26 metres in height at the corner to Sanders Place. Although slightly exceeding the preferred height to the north, this response is considered appropriate for the following reasons:

- (a) The street wall steps to match the street wall height of No. 459 – 471 Church Street whilst appropriately responding to the lower 2 storey building form across Sanders Place;
- (b) The stepping to create three forms provides visual interest and reflects the existing pattern of finer grain subdivision on the site;
- (c) The lower street wall on the corner to Sanders Place creates a more inviting, human scale form; and
- (d) Hansen Urban Design Consultants were supportive of the design response.

172. The upper levels are set back 5 metres behind the street wall, meeting this aspect of the framework.

173. The southern street wall to Sanders Place is 11.19 metres in height on the corner of Church Street, stepping up to a maximum height of 14.81 metres to the east. This response is not consistent with the framework that encourages the street wall to step down in height as it approaches the east, however, is accepted for the following reasons:

- (a) As discussed, the Draft Cremorne UDF can only be given limited weight and extensive strategic work has not yet been done to determine the development potential of Sanders Place;
- (b) No. 5 Sanders Place to the east, as well as the properties along the southern aspect of Sanders Place are in the Commercial 2 Zone and thus have a good potential for future development. A three-storey street wall would not be out of keeping with the likely scale of any future development of these sites; and
- (c) Given Sanders Place is 'L-shaped' and does not continue through to Brighton Street, the streetscape implications of a marginally higher street wall are limited.

174. The upper levels are set back 2.89 metres above the street wall, generally in keeping with the directives of the framework for a 3 metre set back to Sanders Place.

175. Finally, Clause 15.01-2L encourages that *buildings should align with the street at ground level unless for the provision of public open space or landscaping.*
176. Along the Church Street frontage a 3.36 metre setback is proposed at ground floor in front of the Food and drink premises to the north, as well as a 7.81 metre recessed entrance to the main building lobby.
177. A 3 metre setback is also being incorporated along Sanders Place to allow for a widening of the street and the provision of a footpath.
178. These ground floor setbacks are considered a positive contribution to the public realm through prioritising pedestrian movement and allowing for landscaping opportunities.
179. Council's Internal UD are generally supportive of this but recommended a continuous setback of 3.3 metres along Church Street, requiring that the Restricted retail premises, which is currently constructed to the Church Street title boundary, be set back.
180. In juxtaposition, Hansen Urban Design consultants consider that the Church Street setbacks are well placed to acknowledge the likely flow of pedestrian movement from the north (i.e. East Richmond Station). Further, they consider that the 0 metre setback of the Restricted retail premises *creates a strong corner element to the Sanders Place corner with glazed activation wrapping the southern interface and also bleeding into the central access lobby.*
181. Hansen also acknowledge that the central position of the forecourt provides for appropriate circulation and opportunities for passive interactions but finds the entrance to be lacking in scale when having regard to the overall size of the building. They therefore recommend an enlarged vertical recess (three storeys in height) which they state would also likely increase available daylight to the central building floorplate.

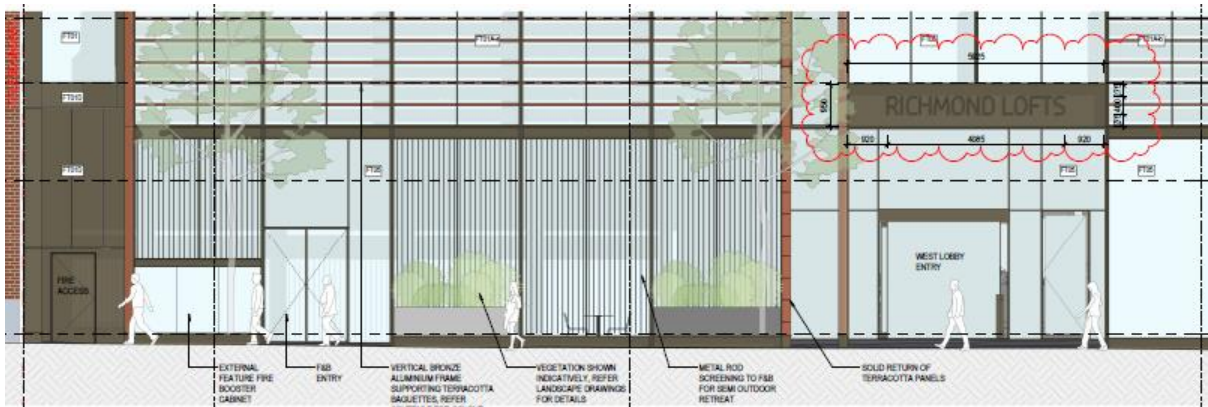


Image 27: Church Street interface showing the Food and drinks premises (left) and main building entry (Decision Plans)

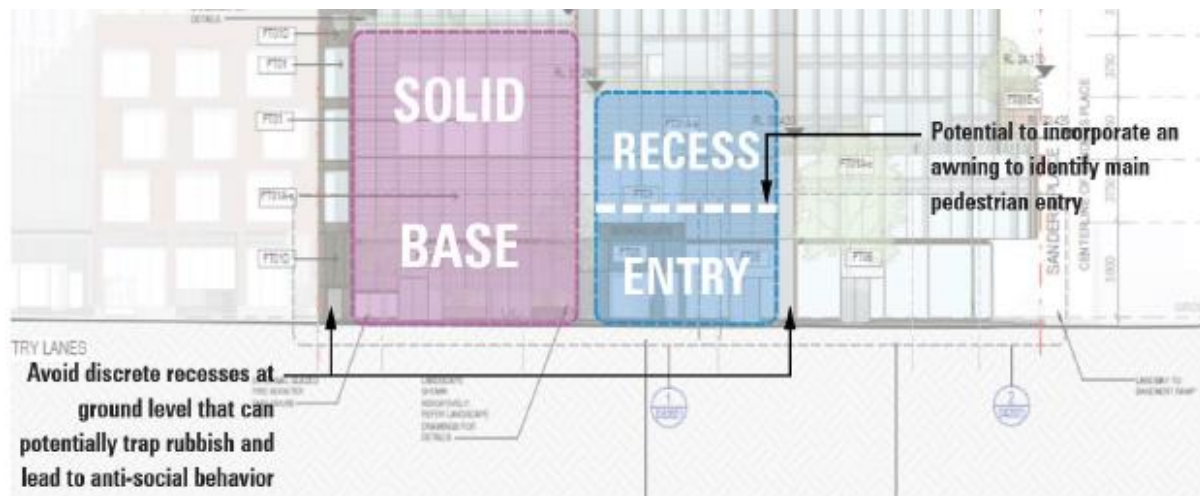


Image 28: Recommendations from Hansen to increase the recessed entry (page 11 of formal referral comments)

182. Council Officers, however, do not consider it appropriate to increase the street setback or enlarge the recess vertically for the following reasons:
- (a) The Draft Cremorne UDF identifies streets which would benefit from continuous footpath widening (i.e. Cremorne Street), however, Church Street is not one, as it is already provided a wide footpath under existing conditions;
 - (b) The proposal meets the recommendation of the UDF for sites with a frontage larger than 30 metres *to provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining (page 86)*. The intent of this recommendation is considered to be met by the generous recessed entry at ground floor and outdoor dining area provided for the Food and drinks premises;
 - (c) There is no policy direction in either the Scheme or UDF for double height building entries. It is considered that the size of the proposed entry (with a clearance of over 5 metres) is appropriate to the human-scale;
 - (d) The proposed three storey recess as encouraged by Hansen consultants would result in the deletion of the middle street wall element entirely and could take away from the appearance of the building as three stepping forms; and
 - (e) The development at No. 459 – 471 Church Street is constructed to the street boundary, so there is no opportunity to provide for a meaningful, continuously widened footpath for this section of Church Street.

Rear setbacks and pavilion

183. With regards to rear setbacks, the main building is generally set back 5 metres from irregular title boundary and although the tapered form is somewhat abrupt, it is well buffered by the site context. The interfaces to this elevation from neighbouring sites include a blank boundary wall of No. 1 / 7 Sanders Place, the private driveway of 7 Sanders Place and the commercial building at No. 5 Sanders Place beyond. The rear transition is generally accepted by Hansen consultants for this reason.
184. The exception to this is the 4 storey podium on the north-east corner of the building which is almost 1 metre from the boundary with No. 1 / 7 Sanders Place. Although visibility to built form should be expected where residential properties are designed to have an outlook to the C2Z, the proximity of this built form to the dwelling's second floor terrace and HRW would be particularly imposing from oblique views.

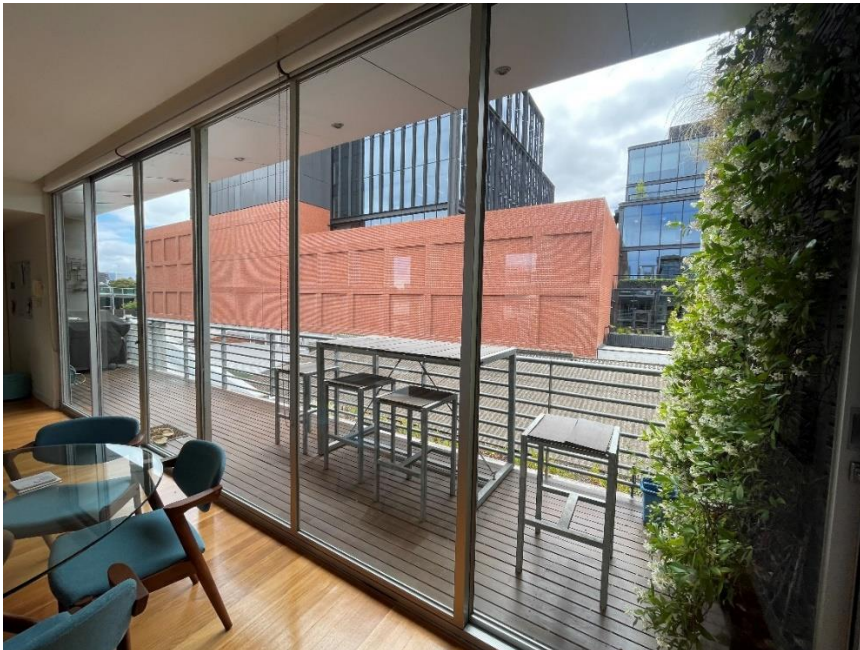


Image 29: North-west outlook from No. 1 / 7 Sanders Place's second floor open living and terrace (Officer site visit, November 2023)

185. Noting this concern, Hansen consultants recommend that the podium be set back a minimum of 5 metres from the second floor terrace of No. 1 / 7 Sanders Place for Levels 2, 3 and 4. This will be adopted and form a condition of the Officer's recommendation.

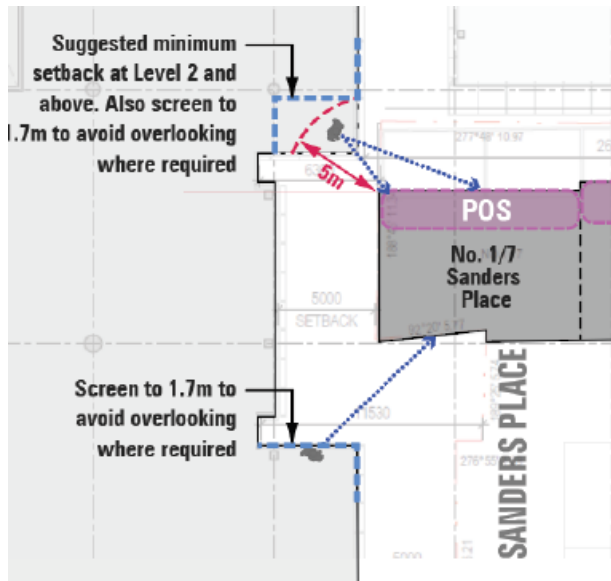


Image 30: Recommendation from Hansen consultants to increase the setback of built form next to the second floor terrace of No. 1 / 7 Sanders Place (page 9 of the formal referral comments)

186. Moreover, the proposed pavilion will be located to be immediately to the north of Nos. 1 – 4 / 7 Sanders Place (where the tiled roof is in Image 29), posing a high amenity risk to the various POS areas and windows facing towards it from neighbouring residential properties.
187. The Draft Cremorne UDF provides the following direction for commercial development adjacent to residential properties. It is applicable to both the southern interface to No. 7 Sanders Place, as well as the eastern interface to Nos. 28 and 30 Brighton Street.

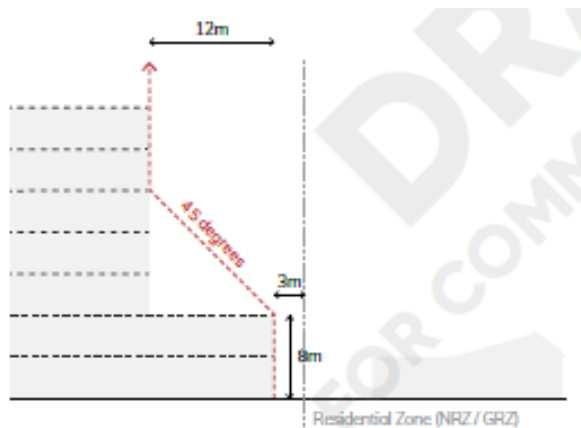


Image 31: Residential interface guideline from the Draft Cremorne UDF (page 93)

188. The pavilion proposes the following interfaces (as per Decision Plans)
- Constructed to the southern boundary at GF to a height of 6.84 metres, then tapered back to a maximum set back of 10.04 metres from southern boundary; and
 - Set back 500mm from the east boundary to a height of 6.84 metres, then set back 2 metres from the boundary for all levels above.
189. The pavilion therefore does not meet the recommended setbacks for either interface and would cause an unreasonable visual bulk impact to the neighbouring properties. As such, the applicant submitted sketch plans on 23 December 2023 that show:
- Deletion of Level 2 from the pavilion, reducing the overall maximum height from 16.64 metres to 12.89 metres; and

- (b) A 3 metre setback at ground floor from the southern boundary, and associated increased setback of the angled form above.

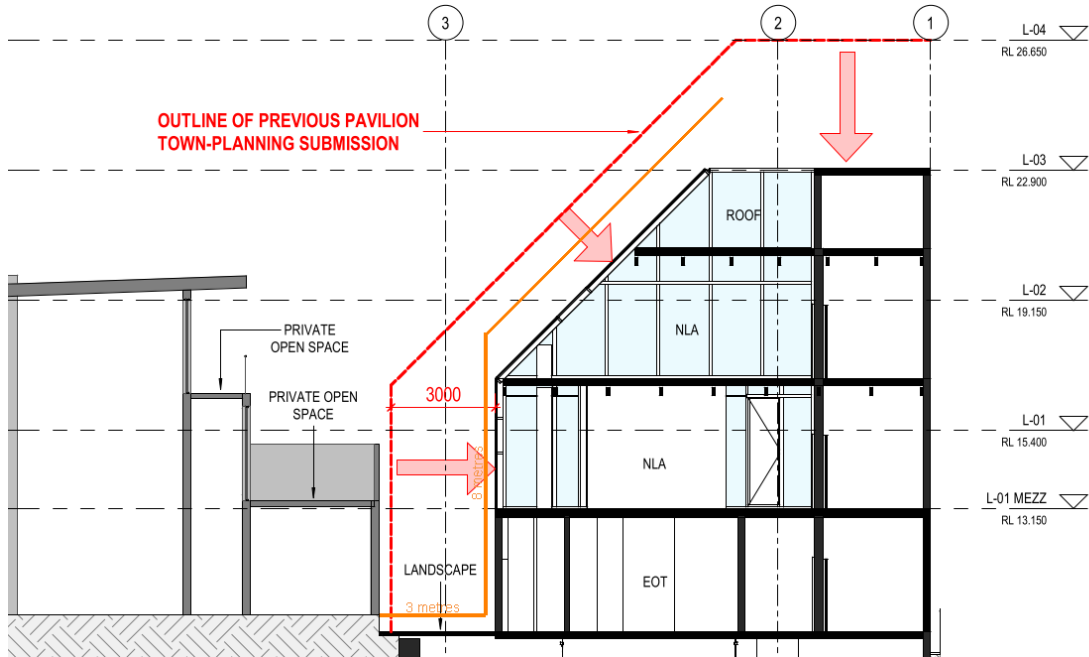


Image 32: Residential interface guideline from the Draft Cremorne UDF overlaid in orange by Council Officer (original source: sketch plans)

190. The pavilion, subject to these changes, will exceed the setback recommendations outlined in the UDF with regards to the southern interface to 7 Sanders Place. The following renders were provided to assist in understanding the change.



Image 33: Artistic impression of pavilion as per decision plans (source: sketch plan package)



Image 34: Artistic impression of pavilion as per sketch plans with the existing boundary wall to Nos. 28 – 30 Brighton Street removed for clarity (source: sketch plan package)

191. With regard to the eastern interface to No. 28 and No. 30 Brighton Street, the pavilion will exceed the recommendations of the UDF, as shown below.

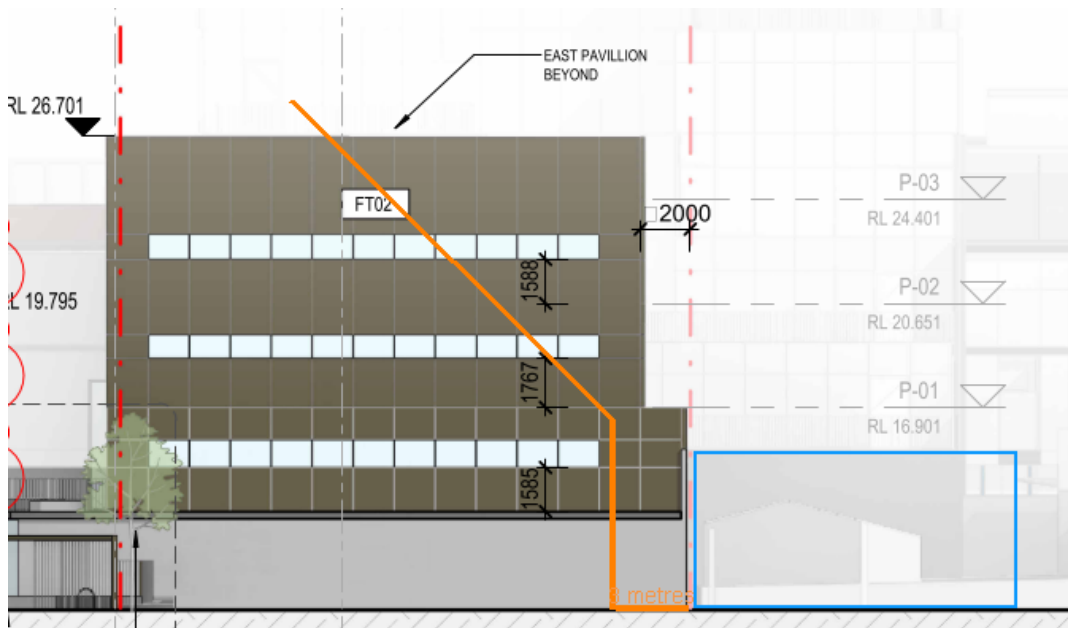


Image 35: Residential interface guideline from the Draft Cremorne UDF overlaid in orange by Council Officer, SPOS of No. 28 and No. 30 Brighton indicated in blue.

192. The eastern ground and first floor walls are set off the boundary by 500mm, short of the recommended 3 metres. This is acceptable, however, given that there is a currently high boundary wall of between 5 – 6 metres along the shared boundary, which is to be retained.

193. Council Officers note that the east elevation of Level 1, which is set back just 500mm from the boundary with No. 28 and 30 Brighton Street, has highlight windows that will likely be visible above the retained boundary wall (as can be seen circled in red in Image 33). The location of these windows so near to a boundary could result in unreasonable light spill to the dwellings as discouraged by Clause 13.07-1L-01 (Interfaces and amenity). A condition is therefore recommended for the glazing on the east elevation of Level 1 of the pavilion be deleted and replaced with terracotta cladding, similar to the boundary wall finish on the northern boundary. The terracotta will soften the appearance of this wall, if visible from the neighbouring property above the existing brick boundary wall. The windows could be replaced with skylights within the setback of the second floor to allow for daylight to first floor plan if required.



Image 36: The high brick and ivy boundary wall along the shared boundary of the subject site and No. 28 Brighton Street (Officer site visit, January 2024)

194. The upper levels of the pavilion are not setback from the eastern boundary in accordance with directions of the Draft Cremorne UDF which requires a 3 metre setback to a height of 8 metres, and a 45 degree setback beyond, as illustrated in Image 31. Though limited weight can be given to the Draft UDF, the proximity of the pavilion to the SPOS of No. 28 Brighton Street may result in unreasonable visual bulk impacts to the dwelling within a residential zone. It is noted that the SPOS of No. 30 Brighton Street is well buffered from the pavilion by the large shed along the rear boundary. The shadow impacts to these SPOS areas are limited to the late afternoon and as such, the key concern relates to the potential visual bulk impacts of the four storey form.
195. As previously discussed, a 3 metre setback of the pavilion at ground and first floor will not be adopted on the east interface as there is a high wall on the shared boundary under existing conditions. However, it is considered that the proposed 2 metre setback of the upper levels does not come far enough to meet the objective of the UDF to limit the visibility and associated visual bulk to neighbouring dwellings. In this instance, the 45 degree line, as encouraged by the draft UDF, provides clear direction for the visibility of built form, to assist in limiting any visual bulk impacts to the adjacent residential property. The 45 degree view line has been overlayed in Image 37 to demonstrate built form that may be visible from the neighbouring SPOS above the retained boundary wall (noting the image has also been altered to reduce the height to RL 22.90 as per the sketch plans). This indicates that elements of the new Level 3 and roof plant may be highly visible and imposing from the neighbouring property. It will therefore be recommended that Level 2 and the roof plant be set back to be sited within the 45 degree angle above the boundary wall. As illustrated in Image 37 this will require Level 2 to be set back approximately 3 metres and the roof plant nearer to 6.8 metres from the eastern title boundary.

196. It is noted that these setbacks will also assist in meeting the minimum 3 metre setback required to meet the building separation requirements outlined at page 89 of the Draft Cremorne UDF and will assist in limiting direct light spill from the east-facing windows to the neighbouring dwellings.

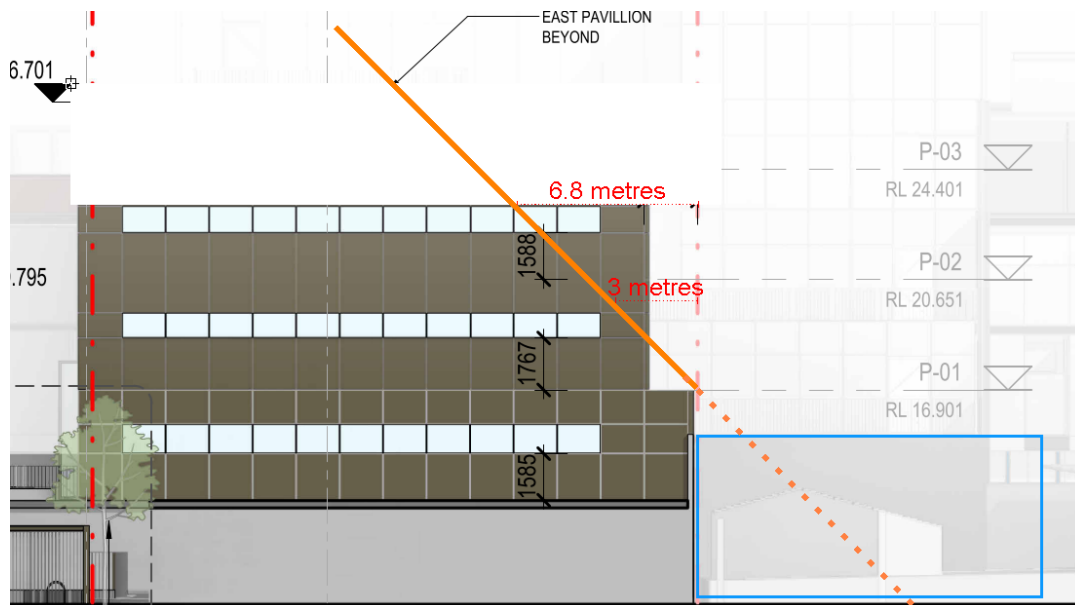


Image 37: A 45 degree view line overlayed in orange by Council Officer, SPOS of No. 28 and No. 30 Brighton indicated in blue, adapted to show the height of the pavilion as per sketch plans dated 12 December 2023 using Trapeze software

197. For clarity, sectional diagrams of the pavilion will be required via condition to show details of the mezzanine and entry, separation from the main building, and the interfaces to each property boundary. The plans should also identify the angle of the south elevation for consistency.
198. The off-site amenity implications of the built form, with regard to overlooking and overshadowing, will be discussed later in this report. However, on balance, the proposal subject to the recommended conditions provide a reasonable interface to the residential properties and benefit from a high level of support from policy within the Scheme.

Boundary walls

199. Boundary walls are proposed along the shared boundary with No. 459 – 471 Church Street to the north. The boundary wall and core of the main building are generally located to abut the boundary walls of the adjacent development and are thus supported.
200. The boundary wall of the pavilion is generally adjacent to roof space, however, will be visible from the office building opposite. This is considered an acceptable outcome given that the height of the wall is being reduced by condition.
201. However, there are windows proposed on the northern boundary to No. 459 – 471 Church Street which will rely entirely on the amenity of the neighbouring property for daylight and outlook. This is an unacceptable orderly planning outcome and can result in inequitable development opportunities for neighbouring sites. As such, the windows on the northern boundary will be required to be deleted.

Site coverage

202. Clause 15.01-2L encourage[s] site coverage of new development that does not exceed a maximum site coverage of 80% of the site area, unless:
- (a) The pattern of site coverage in the immediate area is higher than 80%.
203. The proposed site coverage is higher than 80%, however, is considered acceptable for the following reasons:

- (a) Commercial and mixed-use buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Cremorne and on neighbouring developed sites.

Internal amenity

204. Clause 15.01-2L encourages that development *provide a high-quality environment for building occupants, including internal spaces, access to private open space, daylight and ventilation.*
205. The offices are generally provided appropriate facilities including bathrooms at every level. Landscaped terraces at Levels 2, 3 and 4 provide for ventilation and outdoor amenities. The submitted Wind Report demonstrates that these areas will meet the relevant wind criteria to ensure they are usable and enjoyable spaces.
206. With regards to daylight, Hansen consultants raised concern to the depth of the floorplans and recommended that the façade “knuckles” (the recesses between the façade breaks) be increased in depth. However, Council’s ESD advisor has not raised concern to daylight access for the office floorplans so this recommendation will not be adopted.

Impact of development on adjoining properties

207. These policy objectives will be discussed under the *Off-site amenity* section of this report.

Materials

208. Materials and finishes include glazed curtain wall, aluminium horizontal fins and louvres, solid panels, textured concrete, steel mullions with a mix of terracotta and bronze finishes.
209. The materials and façade system is considered to be of high architectural quality which will contribute to the Church Street Precinct. Hansen consultants supported the materials and architectural expression noting that *the proposal provides a contemporary and distinctive architectural form*, however noted that:
- (a) *The podium form does however lack distinction when comparing to the rising form with the base, comprising a glass curtain wall and thin louvres / framing elements, lacking solidity. While we consider the ‘finer’ detailing appropriate towards the south of the site. The element adjacent to 459 Church Street would benefit from additional ‘solid’ elements. Therefore, we recommend wrapping the edges of the northern most podium form with panelling used on side profiles or the addition of solid (concrete or brick face) to provide a more considered transition from no. 459 and contribute to a more contextually robust composition.*
210. Council Officers consider that the façade system will have greater solidity when viewed from below (i.e. the street level) or from oblique views, due to the depth and curvature of the proposed terracotta baguettes. This perspective is more attuned with the human experience of the building. Further, the side elevation of each façade system is solid terracotta cladding providing further solidity from oblique views. For this reason, Council Officers consider the façade system acceptable.
211. Hansen consultants also raised concern to the potential for excessive solar gain from glazing. Although, the proposal is considered to largely meet relevant ESD requirements (as will be discussed), there is a high risk for excessive glare / reflectivity from the tapered glazed walls.
212. The Applicant has submitted an External Reflected Glare Assessment (prepared by wrap consulting engineering and dated 7 December 2023) for discussion.
213. The Assessment was reviewed by Council’s ESD advisor who accepted the assessment provided but requested that a Visible Light Reflectance (VLR) of 15% be demonstrated in-line with emerging best practice. This will likely be met through the glazing specification to be determined at the design detail phase and should not require substantial design changes.

214. The Assessment determined that due to the angles of the glazed façade, the glare impacts will be largely directed to the upper levels of adjacent buildings (i.e. No. 459 – 471 Church Street and No. 510 Church Street), rather than down to street level or to the rail corridor. This assumption should extend to the lower residential area to the east; however, the glare assessment will be required to give consideration to the residential area for certainty.
215. A formalised Glare Assessment will be required via a condition in the recommendation, requiring a maximum VLR of 15% and to demonstrate no impact to the residential area to the east, to the satisfaction of the Responsible Authority.
216. Finally, Hansen raised concern to the cleaning and maintenance of the tapered glazing and curtain wall.
217. As such, it is recommended that a condition be included on any permit issued requiring a Façade Strategy and Materials and Finishes Plan be submitted to detail the following:
- (a) elevations at a scale of 1:20 or 1:50 illustrating typical podium details, entries and doors, and tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; and
 - (c) information about how the façade will be maintained.

Landscaping

218. Landscaping is not a typical feature of commercial buildings along Church Street, however, it is an emerging feature which is promoted by both Clause 15.01-2L and the Draft Cremorne UDF.
219. Clause 15.01-2L *encourage[s] trees and vegetation planting to increase their canopies and coverage to contribute to an urban forest*. This is further reiterated by the Draft Cremorne UDF which includes an objective to create an urban forest and green buildings to mitigate the urban heat island effect.
220. With regard to green buildings, a Landscape Plan (prepared by Site Image and dated 29 August 2023) was submitted with the application and shows various landscaping on upper level terraces (Levels 2 – 4), within the GF setbacks to Church Street, Sanders Place and the rear boundary.
221. The Landscape plan was referred to Council's City Strategy (Open Space Team) who considered the plans to be acceptable, subject to the following:
- (a) Details for raised planters including Planter materials and dimensions, mulch layer and depth, growing media type and depths, filter material and waterproofing, and irrigation and drainage notes; and
 - (b) Notes on the maintenance schedule, tasks and duration.
222. These will be required via condition in the recommendation.
223. There are three (3) street trees along the Church Street frontage, the middle of which is proposed to be removed and replaced (as indicated in Landscape Plans). Council's Open Space Unit (City Strategy) did not object to the removal of the tree but stated that the applicant should contribute to the cost (\$1,504) for two (2) new street trees to be planted by the responsible authority.
224. However, Council's internal Urban Design Unit does not support the removal of any street trees, but also recommend that an addition street tree be planted.

225. The Applicant has indicated that the removal of the street tree is sought to provide clearer view lines to the building entry. Council Officers do not consider, however, that the location of the street tree in front of the proposed entry will detract from the building or its sense of address. As such, a condition will require that reference to the removal of the street tree be deleted from the Landscape Plan. Given that all street trees are now being retained and additional landscaping (such as planters) are proposed in front of the site at street level, additional street trees are not considered warranted in this instance and the recommendations requiring the planting of additional street trees will not be adopted.
226. There are a number of trees within properties adjacent to the site, including the trees within the SPOS of No. 28 Brighton Street and along the private driveway of No. 7 Sanders Place. An Arboricultural Report was submitted with the application and reviewed by Council's Open Space Unit (City works) who considered that further information was required to understand their value. The application does not propose to remove these trees, with the proposed built form being reasonably separated from the trees. Nevertheless, a revised Arboricultural Report will be required, in conjunction with a Tree Management Plan to ensure that the trees will be protected during the construction process and that their health will not be impacted long-term. A condition will be included in the recommendation accordingly.

Pedestrian access and frontages

227. The proposal is considered to meet the applicable design objectives of Clause 15.01-2L as follows:
- (a) Separate vehicular and pedestrian access is clearly provided to avoid modal conflicts;
 - (b) The pedestrian entries are identifiable with a sense of address;
 - (c) A condition will require sensor lighting be included at the Sanders Place entry to increase the safety for after-hours users;
 - (d) Entries are generally offered good weather protection from the cantilevered upper floors;
 - (e) Both street frontages are well activated with glazing associated with commercial use; and
 - (f) Subject to the following condition recommended by Council's Internal Urban Design Team:
 - (i) The discrepancies between landscape and architecture plans be revised (such as the recess to the Shop along Sanders Place).
228. The Urban Design Team also included recommendations relating the Streetscape Plan and DDA requirements, however, this will be addressed later in this report.
229. Council's internal Urban Design Team raised concern to the gates and screening enclosing the outdoor Food and drink premises seating and the rear courtyard off Sanders Place. They recommend that these be removed to allow for public access through the site and provide a greater contribution to the public realm. However, it is considered that providing public access through the building and rear courtyard would not be a significant public contribution. Sanders Place is already being widened to provide for a footpath where there are no pedestrian links under current conditions. Moreover, given that there are no key destinations (i.e. public park, public transport or commercial offerings) to the east of Sanders Place, a link from Church Street to Sanders Place, through the site, offers no meaningful contribution in this instance. However, a condition will require that the proposed gate on Sanders Place (providing access to the rear courtyard) be open during typical office hours (i.e. 7am to 6pm Monday to Friday) to ensure that the visitor bicycle hoops are made appropriately available.

230. Further, the team recommended that the fire booster on Church Street be relocated to a less prominent location or be redesigned to achieve better integration with the built form. However, the location of these services require extensive consultation with the relevant authorities and are generally required to be in accessible locations on principal street frontages. As such, the location of the first booster is supported, however, a condition can require the fire booster cupboards be installed with cladding that will provide for a high quality finish and good integration with the façade.
231. Council’s Urban Design team raised concern to the area of concealment created by the fire booster and emergency exit to its north (as highlighted in Image 38 below). However, Council Officers consider that reasonable view lines would be provided through the outdoor dining area to ensure a reasonable level of safety. Regardless, a redesign of this area would not be practical given the fire safety regulations which require the area to be recessed so that the door can open outwards, and movement be unimpeded by a gate or similar). This arrangement is therefore accepted.

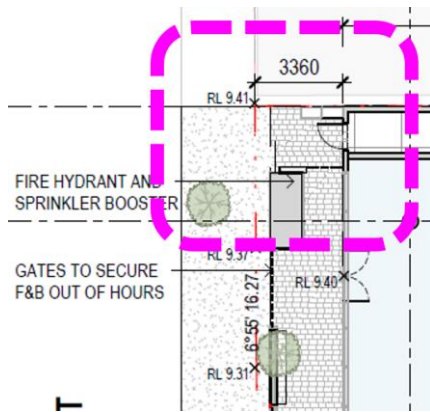


Image 38: excerpt from Council’s UD advice indicating the concealment of the fire emergency exit on Church Street frontage

232. Similar concerns were raised to the recession in the ground floor façade of the Restricted retail premises (as shown in Image 39 below). Council’s Urban Design team considered that this recess area could encourage loitering or the collection of litter. The recess appears to serve an aesthetic purpose only, and as such, a condition will be included in the recommendation to remove it.

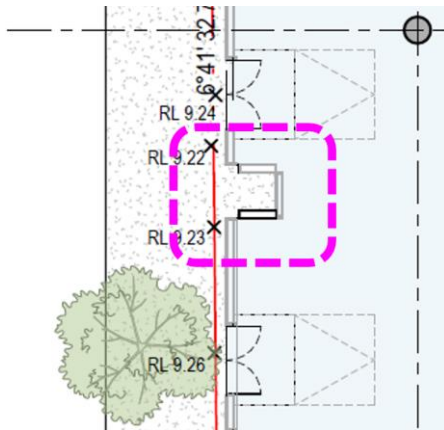


Image 39: excerpt from Council’s UD advice indicating the recessed façade associated with the Restricted retail premises

233. With regards to additional planting opportunities Council’s UD team recommend that additional tree planting be explored outside of the fence line on Sanders Place (Image 40) or be interspersed between the visitor bicycle parking (Image 41). However, trees in these locations (either within gate or on footpath) could conflict with bicycle users or vehicles entering No. 7 Sanders Place’s private driveway. This recommendation therefore will not be adopted.

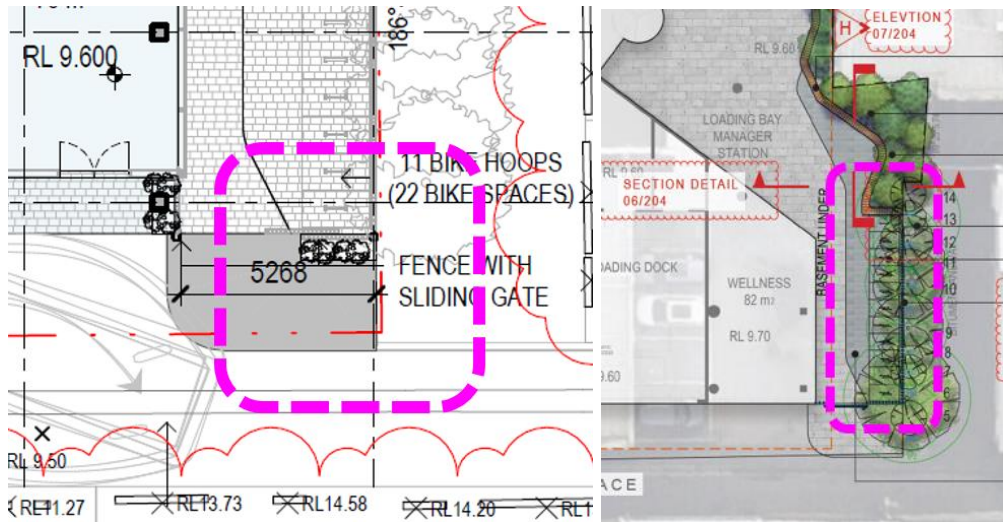


Image 40 (left) and Image 41 (right): excerpts from Council's UD advice indicating the areas for potential tree planting.

234. Finally, Hansen Urban Design consultants raised concern to a potential conflict created by the proximity of the southern entry of the Restricted retail premises and the retained street tree on Church Street (Image 42). They therefore recommend that the entry be relocated further south. This will form a condition in the recommendation accordingly.

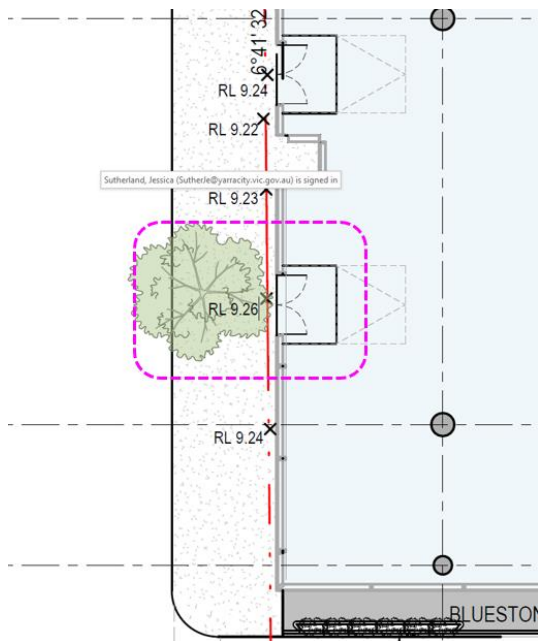


Image 42: excerpt from Decision Plans indicated the entry and street tree referenced in Hansen consultant's advice

Car parking, loading facilities and service equipment

235. The proposal is considered to meet the applicable design objectives of Clause 15.01-2L as follows:

- The entry to the car park is provided off Sanders Place in an area of generally lower pedestrian activity;
- The car parking and loading access is located adjacent to each other to avoid dominating the Sanders Place frontage;
- Blank walls associated with car parking and loading have been appropriately avoided; and

- (d) The service infrastructure has been appropriately incorporated into the design to limit the visibility from the public realm.

236. It is noted that by integrating plant equipment into the tapered design, additional height is added to the building. However, through the deletion of Level 5, or an alternative level to Council's satisfaction, the building will not unreasonably overshadow public realm, as encouraged by Clause 15.01-2L which states the following:

- (a) *Unless specified elsewhere in this scheme, ensure development allows direct sunlight between 10am and 2pm on 22 September to any part of the:*
- (i) *Footpath on the southern side of streets orientated east-west in activity centres as defined in clause 11.03-1L; and*
 - (ii) *Opposite footpath on streets orientated north-south in activity centres as defined in clause 11.03-1L.*

237. Church Street is not specifically referenced as an activity centre by the Scheme, rather it is a designated as a Major Employment Precinct. However, the overshadowing requirements are still able to be reasonably applied noting the similar contexts.

238. The submitted shadow diagrams demonstrate that the building as proposed will cast a shadow on the footpath on the western side of Church Street until just before 10.30am on the Equinox. However, the condition to delete Level 5 will further reduce the shadow impacts so that the footpath should have unimpeded sunlight from 10am onwards.

Urban design and public realm

239. Clause 15.01-1S (Urban design) includes the objective *to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*. The interface of the building with the public realm has been discussed within the *Building Design* section of this report. However, Clause 15.01-1S also requires consideration be given to wind, weather protection and development adjoining land in a Heritage Overlay.

Wind

240. An Environmental Wind Speed Measurements report (prepared by MEL Consultants and dated January 2023) was submitted with the application and was referred to external wind consultants (Vipac) for review.

241. Vipac was satisfied with the test results and reliance on assessment criteria from Clause 58.04-14 (relevant to apartment buildings), considering the results presented in the report to be conservative.

242. Vipac generally agreed with MEL consultants that the relevant target criteria was met for all terraces, entrances and street interfaces, with the following exception:

- (a) *However, Location 10 is located near the SW corner building is an entrance. It should be noted that this location exceeded the standing comfort criterion (from Table 1 in the report). Therefore, MEL Consultant should provide some wind mitigation for the southwest entrance or clarify the disagreement presented.*

243. A condition will be included in the recommendation to update the report accordingly.

Weather protection and projections over a public realm

244. Clause 15.01-1S supports development that provides weather protection of the public realm (including footpaths and plazas).

245. The proposed Sanders Place is provided weather protection from the cantilevered street wall.

246. Although no awning is proposed over the Church Street public footpath, this is consistent with the pattern of development along the east side of Church Street and is therefore accepted.

Development adjoining land in a Heritage Overlay



Image 43: Map of Heritage Overlay proximate to subject site (source: page 19 Urban Context Report)

247. As indicated in the above map, No. 28 and No. 30 Brighton Street are the only adjoining properties within the Heritage Overlay. They are graded Contributory and Individually Significant, respectively.

248. The response to, and relationship with, these properties is supported for the following reasons:

- (a) The properties do not share a street frontage; therefore the key concern would be for the development to be overly dominant or imposing as it is seen from Brighton Street. The development provides an appropriate transition to the adjoining buildings so that any visibility of the built form from Brighton Street will be recessive;
- (b) The rear elevation of the development is simply designed to avoid detracting from the contributory fabric and fine-grain details of the dwellings fronting Brighton Street; and
- (c) Visibility to contemporary form beyond the heritage dwellings of Brighton Street is an existing condition (refer to Image 44 and 45) and is to be expected where a low rise residential area has an immediate interface with a commercial growth area.



Image 44 (left): No. 28 and 30 Brighton Street with the child care centre to the right and No. 510 Church Street visible in the background, and Image 45 (right): visibility of commercial built form behind Brighton Street dwellings, located south of the subject site (Officer site visit, February 2024)

Off-site amenity impacts

249. The assessment will be guided by the Decision Guidelines of Clause 15.01-2L (Building design), 13.05-1S (Noise), 13.07-1L-01 (Interfaces and amenity) and the Commercial 2 Zone.
250. Clause 15.01-2L *discourage[s] impacts on existing adjoining development through:*
- (a) *Unreasonable overshadowing of secluded open space and loss of daylight to habitable room windows;*
 - (b) *Visual bulk;*
 - (c) *Overlooking and excessive screening;*
 - (d) *Noise from building plant and equipment; and*
 - (e) *Loss of on-street car parking from excessive crossovers.*
251. It is noted that the clause requires consideration only be given to adjoining development, that being, No. 1 – 4 / 7 Sanders Place, No. 28 Brighton Street and No. 30 Brighton Street.
252. No. 459 – 471 Church Street is also adjoining, but as it is a robust commercial development to the site's north, no unreasonable off-site amenity impacts to this property are expected.
253. With regards to overshadowing and daylight, the main building form and the pavilion will result in additional shadows and daylight restriction to 1 – 4 / 7 Sanders Place throughout the day and No. 30 Brighton Street at 2pm only. It is noted that no additional shadows are cast to No. 28 Brighton Street than is already cast by the development at No. 459 – 471 Church Street and its own high boundary wall.
254. With regards to No. 30 Brighton Street, shadows are cast on and near to the shed at the rear of the property at 2pm, noting the SPOS is already completely in shadow at 3pm. The shadow impacts to No. 30 Brighton Street are also resulting from the pavilion, so it is likely that any additional impact at 2pm would be removed by the condition to reduce its scale.
255. Perspective shadow diagrams were submitted to show the first and second floors at 7 Sanders Place, noting that the ground floor courtyards would already be cast in shadow by the high retaining wall on their northern boundaries. The perspective diagrams and shadow plans show that the pavilion results in additional shadows to the first-floor terraces throughout the day but has not impact on the solar access to the second floor terraces.
256. It is expected that the conditions to reduce the scale of the pavilion would notably improve the solar access to the first-floor terraces and improve daylight to the ground floor habitable windows throughout the day.
257. Further, the perspective diagrams note that the main building form begins to overshadow the properties, including the second floor terraces at 2pm, increasing so that Units 1, 2 and 3 are completely cast in shadow by 3pm.
258. However, subject to the conditions to reduce the height of the main building to 10 storeys and to increase the setbacks of the pavilion from both the south and east residential interfaces, the proposal demonstrates almost full compliance with the massing requirements of the Draft UDF. As such, any remaining shadow impacts align with the expectations on amenity envisioned with the Draft UDF.
259. With regards to the shadows and daylight restriction from the main building form to 1 – 4 / 7 Sanders Place, the following excerpt from *Salta Properties Pty Ltd v Yarra CC [2019] VCAT 718* is relevant:
- [80] Shadow analysis indicates that the additional shadow to living areas of 1/7 Sanders Place arises after 1.30pm at the equinox. Given the site context we consider this too is acceptable. It will lead to some loss of daylight to lower levels. We also note that, as set out in the Council officer report, any additional building on the directly adjoining site at 475 Church Street is likely have a similar impact and the amenity expectations of these landowners must necessarily be tempered by their location.*
-

260. This decision directs that not only are additional shadows to the properties at Sanders Place acceptable, but they are expected by the development of the subject site. In this instance, the dwellings at 7 Sanders Place are located centrally to the block and are enveloped to the north and west by large lots within the Commercial 2 Zone. The dwellings have been orientated to the northern boundary, relying on the small 3 – 4 metre northern setback for daylight and solar access to all of their living spaces. This puts an unreasonable onus on any development of the subject site to protect the amenity of these dwellings, despite the zoning and policies within the scheme directing for more robust redevelopment.
261. To avoid shadowing these properties in the afternoon, the height of the subject building would have to be substantially reduced, well below heights supported by the Draft Cremorne UDF or by the strategic policy of the Scheme. As recognised by the VCAT, this is an unreasonable expectation for development in this context.
262. Finally, the main building form will result in:
- (a) Shadows cast to solar panels on the roof of No. 4 / 7 Sanders Place (a dwelling) at 3pm on the Equinox;
 - (b) Shadows cast to solar panels on the roof of 11 – 15 Albert Place (offices) at 2pm and 3pm on the Equinox; and
 - (c) Additional shadows to the SPOS areas of Nos 38 – 48 Brighton Street at 3pm on the Equinox.
263. It is noted that for the proposed development in the Commercial 2 Zone, the only relevant policy guidelines relating to shadow impacts are at Clause 15.01-2L (Building design) which “discourages impacts on existing adjoining development through unreasonable overshadowing of secluded private open space and loss of daylight to habitable room windows”. It does not provide protection to the solar panels, or properties not adjoining the site. However, the Draft UDF does provide a broad design objective “to protect the amenity of properties in adjoining residential zones in terms of overshadowing or private open space and overlooking”.
264. Regardless, the shadow impacts on the solar panels and areas of SPOS along Brighton Street, the impacts are restricted to the afternoon hours at the Equinox, ensuring that the solar access panels and SPOS are unimpeded for the remainder of the day. Further, the condition to delete a level reducing the height of the building to 10 storeys may assist in reducing the shadow impacts to the Brighton Street SPOS areas at 3pm on the Equinox.
265. For these reasons, the proposal subject to conditions is considered to result in a balanced approach that will not unreasonably impact the amenity of the adjoining dwellings having regard to their design, context and to the broader state policy directives encouraging increased density and more robust development along commercial spines.

Noise

266. Clause 13.05-1S (Noise management) includes the objective *to assist the management of noise effects on sensitive land uses*. Similarly, Clause 13.07-1L-01 (Interfaces and amenity) which applies to applications for non-residential use and development includes the following relevant objective:
- (a) *Locate noise generating uses, including plant and equipment, away from noise-sensitive habitable rooms (in particular, bedrooms) and private open space and where appropriate incorporate acoustic attenuation measures.*
267. The use of the site for an office use is as-of-right, and as such the noise from the use cannot be considered. Further, as previously discussed, the siting of the Food and drink premises is appropriately located to ensure they will not impact the residential area to the east.
268. With specific regard to the noise sources relating to the proposed development, the services/plant equipment is screened within the building. An Acoustic Report (prepared by DDEG Acoustics and dated 28 April 2023) was submitted with the application to assess the mechanical plant on the roof.

269. The Acoustic Report was reviewed by SLR acoustic engineers who were satisfied with the report, but considered that a review of the mechanical equipment should be carried out at the design detail stage and that “noise limits for the evening and night periods will need to be determined if the equipment operates beyond the daytime”. Given the equipment on the pavilion roof is near to residential properties, a post construction review of the mechanical equipment will be required via a condition in the recommendation.
270. Council’s standard conditions will be included in the recommendation requiring the noise and emissions from plant and mechanical equipment comply at all times with the relevant EPA noise requirements.
271. With regards to noise from traffic and trucks along Sanders Place, it is anticipated that an office use would not require a large number of deliveries to the site and a condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council’s Local Law. The provision of a loading area recessed into the building will also assist in minimising noise disruption to the surrounds.
272. Some noise from vehicles in Sanders Place is to be expected and is largely unavoidable when providing for on-site vehicle parking in the inner-city. Nevertheless, the site is reasonably buffered from the quieter residential streets to the east given that Sanders Place does not continue through to Brighton Street.
273. Finally, SLR raised concern to the potential night-time use of the Level 4 terrace associated with offices, however, as discussed, the use of the land as an office is as-of-right and as such, Council cannot restrict the use of the terrace.

Fumes and air emissions

274. The development of the land for the use as an office and retail is not expected to generate fumes or air emissions that may detrimentally impact the amenity of the area.
275. Although the proposed Food and drink premises may release fumes in association with cooking, this is not an unreasonable outcome in a commercial zone. Further, as discussed, the premises will be buffered from the residential properties to the east to ensure any cooking fumes will not unreasonably impact the residential amenity.

Storage and waste

276. Council’s City Works (Waste) advisor consider the Waste Management Plan submitted with the application (prepared by HIP V. HYPE Sustainability and dated 22 September 2023) to be satisfactory, subject to the following being required:
- (a) *The details for management including temporary storage of hard waste has been updated however the management of e-waste including how it will be separated, stored and disposed of must also be defined, it is illegal for e-waste to enter landfill in Victoria and cannot be disposed of in waste bins.*
277. A condition will be included accordingly.
278. A condition will also be included requiring that the provisions, recommendations and requirements of the Waste Management Plan be implemented and complied with on an on-going basis and that deliveries and waste collection be undertaken in accordance with the times prescribed by Council’s Local Law.

Light spill

279. Extensive east-facing glazing is proposed for the main building and as such, it is likely that there will be lighting on in association with the office that will be visible from the neighbouring residential area.
280. In discussing light spill from the Offices at Industry lanes to the north, the VCAT member for *Salta Properties Pty Ltd v Yarra CC* relevantly stated the following:

[82] *This is a mixed use precinct of Richmond where office and commercial development is encouraged. It is inevitable that there will be additional night lighting in the area. It is not a matter that we consider should lead to refusal of the proposal.*

281. The VCAT member provided further justification, summarised as follows:

- (a) Sensitive interfaces, such as bedrooms, are generally below the commercial floors to avoid direct light sources;
- (b) The use of the office is as-of-right. The policy discourages “light spill” such as direct light glare into an adjoining property, not that a building cannot have lights on after dark; and
- (c) External lighting must also comply with the State Environment Protection standards.

282. However, as discussed in the VCAT decision, there is a need to differentiate between direct light glare and lights being on after dark. Although the main building is considered to be well buffered from sensitive interfaces (in that no dwellings have an immediate outlook to the building), the pavilion has various windows that have an immediate interface with residential properties and thus may result in direct light glare. For this reason, a condition will be included in the recommendation to require the pavilion have timed sensor lights, ensuring the lights do not remain on after office hours and throughout the night.

Overlooking and unsightly views

283. Clause 15.01-2L (Building design) discourages impacts on existing adjoining development through overlooking and excessive screening.

284. Moreover, Clause 13.07-1L-01 encourages that new non-residential development:

- (a) *Minimise unsightly views of business or industrial activity from adjoining residential properties; and*
- (b) *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through appropriate siting, setbacks and screening.*

285. With regards to overlooking, neither policy provides a measure that should be met by non-residential development, rather, they encourage that overlooking impacts be reasonably mitigated. Nevertheless, the accepted principle for the Overlooking Standard relevant to residential development is that overlooking to habitable room windows (HRW) and areas of secluded private open space (SPOS) within a 9 metre radius of the source should be reasonably limited.

286. In this instance, the following HRWs and areas of SPOS are located within 9 metres of the proposed development:

- (a) The SPOS and HRWs of No. 1/7 Sanders Place is within 9 metres of the east-facing windows and Level 4 terrace of the main building;
- (b) The SPOS and HRWs of 1 – 6 / 7 Sanders Place are within 9 metres of the pavilion; and
- (c) The SPOS of No. 28 and No. 30 Brighton Street are within 9 metres of the pavilion.

287. The pavilion has windows on the east and south elevations, facing residential properties.

288. The East Elevation of the pavilion is glazed at Level 2, 3 and 4 (roof plant) with the highlight windows of Level 1 being deleted via condition, as discussed. However, obscure glazed windows to a height of 1.7 metres are indicated on plans for every floor level (as shown and notated on DA2011). This will appropriately limit views down to the SPOS of No. 28 and 30 Brighton Street and would meet the residential overlooking standards. A condition will also require however, that the obscure glazing be nominated as fixed.

289. With regards to the south elevation, a row of highlight windows are proposed on levels 1, 2 and 3, with a sill height of 1.59 metres, 1.77 metres and 1.59 metres respectively. Residential overlooking requirements prescribe that sill heights should be a minimum of 1.7 metres above floor level, and a condition will therefore require this accordingly.
290. Finally, as shown in Image 46 below, No. 1 / 7 Sanders Place the north-facing HRWs and SPOS is within 9 metres of the main building and the four storey podium on the north-east corner. The dwelling also has one south-facing window at second floor, however, that windows is further than 9 metres from the proposed building.
291. No. 2 / 7 Sanders Place also has SPOS and HRWs within 9 metres of the podium, though the condition to set the podium away from the title boundary of No. 1 / 7 Sanders Place by a minimum of 5 metres will also result in a greater separation from No. 2 / 7 Sanders Place.

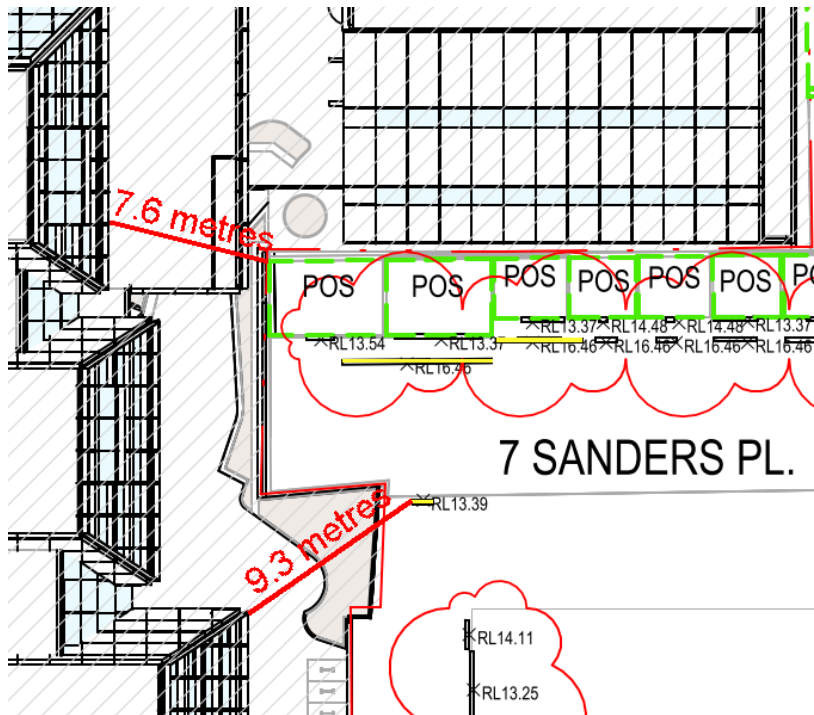


Image 46: scaled measurements of the setback of the building façade from the HRWs and SPOS of No. 1 / 7 Sanders Place using Trapeze software.

292. The Decision Plans do not show any screening measures to limit views to the SPOS or HRWs of 1 & 2 / 7 Sanders Place. As such, a condition will require that overlooking diagrams be submitted to demonstrate that the windows or terraces within 9 metres of the HRWs and SPOS of 7 Sanders Place have been designed to reasonably limit overlooking impacts, and any additional screening required to demonstrate this be committed to on the plans. Further, a condition will require an additional East Elevation to be submitted, omitting the pavilion, for clarity.
293. Finally, with regard to “unsightly views” and outlook from neighbouring properties, it is considered that views to a contemporary commercial building is acceptable in the context of development in a commercial precinct ear-marked for growth. Mechanical equipment has been screened, with the screening well integrated to design of the building, to ensure that dwellings do not have an outlook to unsightly service areas. Moreover, the building design and materiality is of a high architectural quality, limiting unarticulated blank walls to the boundary only. Tactile materials within the façade system, including terracotta baguettes and cladding, coupled with landscaping on the mezzanine and Level 4 will assist in softening the appearance of the commercial building and provide for a reasonable outlook.
294. In responding to concerns relating to the loss of views and outlook from the residential area, the VCAT member for *Salta Properties Pty Ltd v Yarra CC* provided the following comments:

[36] *We consider that the loss of view is a loss of part of the character and amenity currently enjoyed by residents, but is not a loss that weighs against the proposed building heights in the adjoining commercially zoned land. We also note that these views would be lost if a five to six storey building were built.*

295. Which further reiterated at paragraph 87 which states:

The broader strategic goals of the planning scheme are to accommodate ongoing population and economic growth of the city in a way that creates more sustainable urban form that relies more on accessible employment opportunities rather than ever expanding the metropolitan boundaries. These goals are important to achieving a net community benefit for all of Victoria and outweigh a change in outlook from individual streets.

296. The decision therefore provides strong justification for more robust development of the site, requiring a distinction be made between visibility of built form and “unsightly” views, and requiring that the expectations of nearby residents to have unmitigated outlook to the sky, city, or similar must be tempered.

Environmentally Sustainable Design

297. Policy at clauses 15.01-2L-01 and 53.18 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

298. The proposal includes a number of ESD commitments outlined with the Sustainable Management Plan (SMP), as prepared by HIP V. HYPE Sustainability and dated 21 March 2023, and incorporated into the design. These include the following:

- (a) Commitment to a certified Four Star Green Star accredited building;
- (b) Roof top solar array of minimum 70kW in capacity;
- (c) Mechanical ventilation will deliver fresh air rates at least 50% higher than the minimum AS1668 rates;
- (d) Good levels of daylight with at least 40% of principle floor area meets high daylight levels, with no floor/tenancy less than 20%;
- (e) At least 95% of paints, adhesives, sealants, carpets, and engineered timber to be low-VOC;
- (f) Enhanced thermal comfort through various elements including exterior shading system, protecting glass curtain wall;
- (g) NCC energy efficiency standards will be exceeded by 10%;
- (h) 45% reduction in potable water consumption through various measures;
- (i) A 102% STORM report relying on 1,594 m² of rooftop draining to 20kL of rainwater storage connected to toilets servicing 100 occupants, and 717m² of angled façade draining to 15kL of rainwater storage connected to toilets servicing 100 occupants;
- (j) 156 bicycle spaces for staff, plus 22 visitor spaces on ground floor outlooked of trip facilities on ground floor. Including 222 lockers, 13 showers, e-bike and bike repair area;
- (k) 36 EV charge car parks across two levels of basement. EV infrastructure to 25% of spaces for future charge facilities;
- (l) At least 80% of construction and demolition waste will be recycled and diverted from landfill;
- (m) Waste management streams provided for general waste, recycling, paper/cardboard, organics and e-waste;
- (n) At least 75% of site area will meet Green Star Urban Heat Reduction criteria;
- (o) Building services commissioned and tuned for a minimum of 12 months;

- (p) Building Users Guide will be produced for building users;
- (q) Environmental Management Plan (construction & demolition) will be produced by head contractor;
- (r) The daylight report confirms that the access to daylight claimed in the SMP is a minimum 2% daylight factor, with no single level or tenancy under 20%;
- (s) Target potable water improvement target (minimum 40% reduction) will be met;
- (t) The use of recycled materials in building materials such as insulation;
- (u) Commitment to the recycled content in concrete mixes; and
- (v) PVC will be avoided throughout the development, or sourcing from third party certified sustainable supply chains.

299. The SMP was referred to Council's ESD advisor who did not consider there to be any deficiencies, but required the following outstanding information to be provided (review dated 16 November 2023):

- (a) Provide a Zero Carbon Action Plan to commit to a date by which point the operating GHG emissions are net zero;
- (b) Clarify if gas will be connected to the building;
- (c) Provide an energy modelling (JV3 or similar) report to demonstrate the energy efficiency standard will be met, and include HVAC, carpark ventilation system and hot water system specification within the energy efficiency (JV3) report;
- (d) Update the Traffic Management report to align with the number of bicycle spaces required via condition; and
- (e) Provide a copy of the Sustainable Transport Plan prior to commencement of works.

300. The above will be required via condition.

301. Council's ESD advisor also included the following improvement opportunities (that are encouraged but go beyond best practice):

- (a) Recommend no gas connection to the building;
- (b) Recommend procuring 100% renewable energy retail contract for the building;
- (c) Recommend all timber onsite is certified sustainable by FSC;
- (d) Recommend a simple materials pallet designed for future disassembly;
- (e) Recommend the construction head contractor hold valid ISO14001 Accreditation; and
- (f) Recommend further increases to the landscaping and ecological value of the site. Consider using the Green Factor Tool for benchmarking and increasing size of planter boxes and other features.

302. It is noted that these recommendations go beyond best practice, and although ideal, are not required to demonstrate an acceptable sustainable development outcome. It is also noted that opportunities identified earlier in the planning process by Council's ESD advisor (such as potable water targets and the implementation of recycled materials) have been committed to in the SMP, exceeding best practice requirements. The Applicant has indicated that the remaining recommendations would require further investigation at the detailed design phase and as such these opportunities will not be required via condition.

Car parking and traffic

303. Pursuant to Clause 52.06-5 of the Scheme, the proposal generates a statutory requirement of 568 spaces. Given there are 152 spaces provided on-site, a reduction of 416 car parking spaces is being sought.

Parking availability/demand and traffic

304. The proposed office use would be provided 0.84 spaces per 100sqm of floor area. The conditions to delete Level 5, or an alternative level to the satisfaction of the responsible authority, and to reduce the scale of the pavilion, would reduce the overall office floor area by approximately 2,000sqm, increasing the number of car spaces to 0.94 per 100sqm.
305. This rate is considered to be reasonable for the inner- context, with a number of office-based developments having been approved with similar or lesser rates in the area, as shown in the following table:

Development Site	Approved Office Parking Rate
510 Church Street Richmond	0.76 spaces per 100 m ²
459 – 471 Church Street Richmond	1.08 spaces per 100 m ²
609 – 615 Church Street Richmond (permit issued at the direction of the VCAT)	0.67 spaces per 100 m ²
462 Swan Street Richmond	0.69 spaces per 100 m ²
441 – 443 Church Street Richmond	0.75 spaces per 100 m ²

306. The applicant submitted a Traffic and Transport Assessment (prepared by Impact and dated 11 April 2023). The assessment gives consideration to the site context, case study data of other similar developments in the precinct, the availability of car parking locally, the existing traffic volumes for Sanders Place, and the convenience of pedestrian and cyclist access.
307. The Traffic and Transport Assessment was referred to Council’s Development Engineering Services who considered the reduction to car parking requirements appropriate in the context of the development in the surrounding area and proximity to public transport and sustainable transport options.
308. Although it is anticipated that the proposed office will not generate an unreasonable on-street car parking demand, it is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure a holistic planning approach to commercial precincts.
309. A VCAT decision *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017] VCAT 753* regarding an office development at No. 2 – 16 Northumberland Street, Collingwood, discussed this matter with a regard to supporting a significant reduction in car parking (383 car parking spaces) with the following assessment made:

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

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

This includes policies aimed at fostering economic development, employment and environmental sustainability.

310. Further to the above decision, and noting the substantial on-site car parking provided for development and capacity of local road networks, the VCAT Red Dot Decision *Ronge v Moreland CC [2017] VCAT 550* provides the following pertinent statements:

Oversupplying parking, whether or not to comply with Clause 52.06, has the potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.

One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movement on the road network.

Based upon the findings within this recent decision, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

311. Having regard to these decisions and the relevant policy within the Yarra Planning Scheme, the reduction of car parking spaces being sought is supported by the following:

- (a) The site has excellent access to the public transport network, bicycle and walking routes and as such, Clause 18.02-4L-01 (Car Parking) supports a reduction to the number of car parking spaces provided;
- (b) The Traffic and Transport Assessment accredited the site as having a Walk Score of 99/100 (walkers paradise). The site is also well connected to bicycle networks including the Yarra Main Trail 650 metres south of the site. The proposal provides for 178 bicycle spaces (with additional spaces to be required via condition) and end of trip facilities to cater for cyclists. Moreover, the location of the office building in an inner-city area with higher rates of density for residential purposes would increase the likelihood of workers living locally and commuting to the site through passive transport modes;
- (c) Office land uses are particularly conducive to alternative transport modes given that trips typically occur within peak hour when public transport services are most frequent, with peak hour traffic delays also acting as a disincentive to drive. The regularity and familiarity of the journey is also a factor that encourages alternative travel modes;
- (d) There is limited unrestricted on-street parking in the Richmond area during the day, which will act as a disincentive for employees to travel to work by car. Employee or visitor parking permits will not be issued for the development. Council's Standard note relating to ineligibility for parking permits will be included on a permit if it is to issue;
- (e) A Green Travel Plan is included at page 79 of the Traffic and Transport assessment which ensures that the permit holder will implement management practices to further encourage use of public transport and cycling as a means of transport for employees and visitors. The Green Travel Plan will be endorsed to form part of a permit should it issue, with a condition requiring its on-going implementation;
- (f) A reduced reliance on vehicles not only eases pressure on local road systems but also assists to improve air quality as encouraged by Clause 13.06-1S (Air quality management);
- (g) Council's Traffic Engineers supported the reduction sought; and
- (h) A similar reduction was sought and approved through VCAT for Industry Lanes, where the VCAT member relevantly stated the following:

[106] *We reiterate that in this location a key issue is to shift the mode of transport from private vehicles by making non-vehicle transport more attractive and private cars a less attractive option. The proposal does this through limited on-site carparking, good cycling facilities and improving pedestrian access around the site to nearby public transport options.*

312. With regards to traffic generated by 152 on-site car parking spaces; this is not expected to put an unreasonable burden on the inner-city area. Impact consultants submit that the new development would result in an expected 76 movements per hour in peak morning times and 53 movements in evening peak hours. It is noted that these traffic movements would be contained to Sanders Place, with vehicles most likely to turn to and from Church Street, rather than via the narrow dog leg of Sanders Place which terminates to Albert Street to the south.
313. As will be discussed, the width of Sanders Place is being increased to provide two-way traffic where adjacent to the site, to ensure that the increased traffic during the peak hours is well managed and will not cause conflict with other users of the road. This is similar to the arrangement implemented for Industry Lanes from Shamrock Street, as depicted in Image 47 below.
314. It is noted that the increased traffic in Sanders Place during peak traffic hours could put pressure on the intersection to Church Street, affecting traffic flow. However, the Traffic and Transport Assessment provided an intersection analysis which confirms that the intersection performance for Sanders Place will still be comfortably within appropriate parameters when exiting back out onto Church Street.
315. This was reviewed by both Council's Traffic Engineers, as well as the head, Transport for Victoria (as a determining authority for an office building greater than 10,000sqm in area) who were comfortable with the access arrangement and the expected traffic volumes.

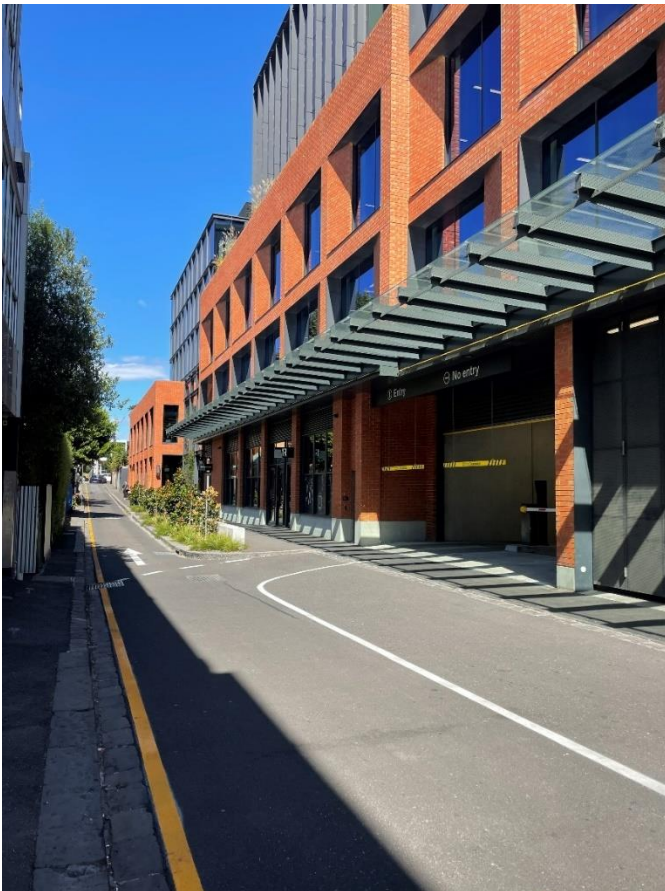


Image 47: the office building vehicle entry for Industry lanes, which widened Shamrock Street where adjacent to the site to allow for two lanes (Officer site visit, February 2024)

Vehicle access and design

316. Vehicle access to two basement levels, as well as one on-site loading, is to be gained from Sanders Place. Council's Traffic Engineers reviewed the proposed layout of the on-site vehicle entry, loading space and basement car parking layouts and considered the design to be satisfactory, subject to the following:
- (a) The headroom clearance for basement parking levels be dimensioned in all Sectional drawings consistently;
 - (b) The car parking spaces adjacent to non-compliant columns (identified in Appendix A to the Traffic and Transport Assessment) designated as Small Car Spaces;
 - (c) The ramp grade lengths and the loading bay space dimensioned in accordance with those shown at Appendix A to the Traffic and Transport Assessment;
 - (d) The dimensions and line markings shown the site layout plan are to be provided on the architectural drawings; and
 - (e) With the proposed widening of Sanders Place, a ground clearance check using the B99 design vehicle must be provided for the vehicular entrance as the engineering design for infrastructure/public realm works is being prepared.
317. The above will be required via condition.
318. A Streetscape plan was provided for the proposed widening of Sanders Place and was reviewed by Council's Traffic Engineers and Civil Engineers, who require the Streetscape Plan to be updated as follows:
- (a) *The existing vehicle crossing (connecting Sanders Place to Church Street) shall be reconstructed in accordance with Council's standard;*
 - (b) *Any redundant vehicle crossing is to be demolished and reinstated with paving, kerb and channel to the satisfaction of the Council;*
 - (c) *The Sanders Place pavement must be reconstructed in accordance with the Council's standards, across the full width (along the property's southern boundary), together with any pedestrian enhancement improvements and adequate road drainage;*
 - (d) *The access point levels, interface and boundary conditions at the southern boundary of the laneway must be maintained and shall not be altered;*
 - (e) *The crossfall (towards the laneway invert) shall satisfy the Accessibility (DDA) Guidelines (i.e. - no steeper than 1:33 for asphalt finish);*
 - (f) *The finished (proposed) footpath and building access points shall also satisfy the Accessibility (DDA) Guidelines;*
 - (g) *The junction of Sanders Place and the existing north-south aligned laneway shall be reconstructed and smoothly finished;*
 - (h) *An offset of the laneway channel (at the point of pavement widening) will be required. This will allow a more centralised drainage channel on the reconstructed pavement;*
 - (i) *The proposed levels and inverts shall allow for a smooth tie-in at the offset, and ensure smooth grade is achieved for effective stormwater capture and flow;*
 - (j) *The constructed footpaths, pavement and channel shall smoothly tie into the existing (no level changes, dips/lifting at the interphases are approved);*
 - (k) *A flood analysis is required to determine the peak flood level at specific locations of the reconstructed laneway:*
 - (i) *Provide the marked-out contributing catchment area;*
 - (ii) *Provide sectional drawings at different points (Please refer to the figure below) on the laneway showing:*

- *The peak water level (1%, 20% AEP);*
- *Existing and design ground level;*
- *The gradient across these sections;*
- *The apex and building access points;*
- (iii) *Provide the (road) channel capacity;*
- (iv) *Indicate the recommended finished floor level;*
- (l) *The existing pit at the western end of the Sanders Place (circled red) shall be relocated slightly further east along the laneway channel (creating a new low point);*
- (m) *Investigate the feasibility of relocating the existing downstream pit (circled blue) further south; and*
- (n) *The southern wall of the basement relocated (moved north) to the back of the proposed footpath, to allow setback and minimise additional loading on the basement retaining structures and capping beam.*

319. The above will be required via condition.

320. Council's Engineering Unit also recommended conditions be included for the Church Street frontage, relating to the removal of the redundant crossover over and reconstruction of the footpath and channel to the satisfaction of the responsible authority. These have been included in the recommendation accordingly.

321. Finally, due to the location of the building over the Burnley Tunnel, the application was reviewed by the Head, Transport for Victoria, in consultation with CityLink, who did not object to the application, however, require the following conditions and notes:

1. *Prior to the endorsements of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including but not limited to, demonstrating:*
 - (a) *That the development will not compromise the structural integrity of CityLink assets and infrastructure;*
 - (b) *The load and ground stress effected by the development;*
 - (c) *That the development will not result in temporary or permanent drawdown of the regional groundwater table; and*
 - (d) *Any holding points requiring Head, Transport for Victoria inspection and approval prior to releasing the hold points.*
2. *In addition to Condition 1 above, Head, Transport for Victoria and CityLink must be informed of the following:*
 - (a) *Initial ground water level;*
 - (b) *The reduced level temporary dewatering during basement excavation is intended to lower the water table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;*
 - (c) *If the completed basement is tanked or drained; and*
 - (d) *If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.*

3. *Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.*
4. *Notwithstanding any other condition, the development's proposed basements and any subterranean support structures and any excavation required during construction cannot be any deeper than RL -5.0 AHD.*

CityLink Design Development Overlay, Schedule 5 conditions

5. *Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersion study to satisfy the Head, Transport for Victoria, CityLink and the responsible authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:*
 - (a) *the development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and*
 - (b) *the development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.*

The developer must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

Head Transport for Victoria Road and Transport conditions

6. *Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing:*
 - (a) *The provision of signage, line-marking including painted arrows to indicate two way traffic flow within Sanders Place to the satisfaction of and at no cost to the Responsible Authority in consultation with Head, Transport for Victoria;*
 - (b) *No buildings or works including subterranean support structures and any excavation exceeding an RL-5.0AHD to be shown as a note and dimension on the relevant elevation plan/s;*
 - (c) *The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior; and*
 - (d) *The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.*

Notes CityLink Development and Design Overlay Schedule 5

7. *As the planning application relates to a site that is within approximately 500 meters of the Burnley Tunnel exhaust stack, it may impact on, or be impacted by, the exhaust stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere, and is licensed by the Environment Protection Authority.*

8. *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 Burnley Tunnel exhaust stack 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 Design and Development Overlay, Schedule 5 and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.*

Notes Head, Transport for Victoria

- (a) *Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Church Street) under the Road Management Act 2004;*
- (b) *All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria; and*
- (c) *One car space along Church Street to the immediate north of the intersection with Sanders Place and one car space to the immediate south of Sanders Place should be removed (subject to Council approval) to improve visual sightlines and swept path movements.*

322. Of note, the conditions require that the basement have a depth, or require excavation to a depth, of no greater than RL-5.0 AHD. The sectional plans show the floor of the basement to be RL 3.35 AHD, allowing for a clearance of approximately 8.35 metres from maximum depth permitted by the Head, Transport for Victoria. As such, it is considered the conditions imposed can be readily met. All conditions and notes are included in the recommendation of this report.
323. It is noted that the Notes CityLink DDO5 outlined above indicate that consultation will need to be carried out between the developer and the EPA. The EPA was provided the opportunity to comment on this proposal as a body to be notified pursuant to Clause 7.0 of Schedule 5 to the DDO. Council is required to allow 14 days for any comment on an application. Notice of the application was sent to the EPA on 19 October 2023. Council has therefore fulfilled the notice and referral requirements of the Scheme, nevertheless, the note reminding the developer of these consultation requirements will be included in the recommendation.

Bicycle provision and facilities

324. The building is provided 156 bicycle spaces for employees to be located at the ground floor of the pavilion. This exceeds the statutory requirement by 93 employee spaces. Moreover, 22 visitor spaces are provided within the ground floor courtyard entry from Sanders Place, exceeding the statutory requirement by 1 space.
325. However, the provision of bicycle spaces was reviewed by Council's Strategic Transport Unit who considered both provisions to be inadequate, noting that it does not meet Council Alliance for a Sustainable Built Environment (CASBE) requirements. They therefore recommend that an additional 15 visitor spaces and 30 employee spaces be provided, in accordance with the determined CASBE rates of:
- (a) 1 visitor space per 500sqm of net office area; and
 - (b) 10% of building occupants (assuming 1 employee per 10sqm of gross floor area) for employee spaces.
326. In response to this, the Applicant submitted that the employee spaces could increase by 10 and the visitor spaces could increase by 2, noting that the allocated areas are at capacity, and will be reduced in floor area due to the conditions to increase the setbacks of the pavilion.

327. Council Officer acknowledge that the floor area of the office is decreasing (by approximately 2,000 as a result of recommended conditions), this would require that a total of 32 visitor spaces and 160 employee spaces be provided to meet CASBE requirements. This is considered a reasonable increase, requiring only 4 more employee spaces and 5 more visitor hoops be provided. These hoops could be located within the front setback, or in the entry of the lobby if unable to be provided for in the rear courtyard. This will therefore be required via condition, with the condition requiring that visitor hoops be provided in a publicly accessible area (i.e. not in the gated rear courtyard) for the Food and drink premises.
328. Council's Strategic Transport Unit also recommend that an additional 3 showers be provided. This will be included in the recommendation.
329. The Unit reviewed the layout of the bicycle spaces and end of trip facilities, noting that the location of spaces are easily accessible and designed in accordance with Australian Standards, subject to a condition requiring confirmation of a locking mechanism for the bike room to ensure the spaces are being provided for in a lockable compound. This will be required via a condition in the recommendation of this report. In reviewing the bicycle layout, Council Officers noted that the visitor spaces need to be nominated and that directional signage needs to be provided in accordance with Clause 52.34-7 (Bicycle facilities). This will also be required via condition in the recommendation.

Objector concerns

Overdevelopment (height, scale, bulk)

330. This concern was discussed at paragraphs 130 – 139 and 157 - 202 of this report, and the proposed building subject to the recommendation to delete Level 5 of the main building and reduced scale of the pavilion, is considered to be an appropriate response to the site context and strategic policy.

Off-site amenity (overlooking, reduced daylight, overshadowing, visual bulk impacts)

331. These concerns were discussed at paragraphs 249 – 265 of this report, with visual bulk impacts discussed at depth at paragraphs 190 - 197. Subject to conditions relating to the height and setbacks of the building, and provisions to mitigate overlooking, the building is considered to provide a reasonable response to the residential interface to ensure that it does not have an adverse impact on amenity.

Poor response to residential properties and character of Brighton Street

332. The character of Brighton Street is not relevant due to site separation, and location of the site in the Commercial 2 Zone and Major Employment Precinct. Though consideration has been given to views from Brighton Street and residential interfaces and the associated heritage implications at paragraphs 247 - 248, the policies of the scheme do not call for the development of the site to specifically respond to the low scale residential character of Brighton Street.

Increased traffic and oversupply of car parking on-site

333. This has been discussed at paragraphs 312- 315 of this report, with traffic implications deemed to be reasonable.
334. Council must consider the application before it and does not have provisions within the Scheme to reduce the car parking rate lower than what is proposed, though it would be supported in principle by the policy intent.

Impact on car parking availability

335. This concern has been discussed in paragraph 311 of this report. The provision of car parking is considered to meet the relevant policy of the Yarra Scheme and to address the broader objectives of Plan Melbourne 2020.

Light reflection / glare from glazing

336. Glare has been discussed at 213 - 216 and subject to condition for an External Reflective Glare Assessment to be provided is considered reasonable.

Poor public realm contribution

337. Though provisions of public open-space are not applicable to the site or the proposed development, the proposal provides for positive public realm contributions including the redesign of Sanders Place to provide for a footpath.

Noise impacts (pedestrian, vehicular, mechanical equipment)

338. Noise from the proposed use and development was discussed at paragraphs 266 - 273 of this report and subject to a post-construction review of the mechanical equipment is considered reasonable.
339. Noise from pedestrian movement to and from the site is a reasonable expectation for development in a Major Employment Precinct.

Light pollution

340. Light spill has been discussed at paragraph 279 - 282 and is considered to be reasonable, subject to a condition requiring timed sensor lighting be introduced to the pavilion building.

Wind impacts

341. Wind impacts have been discussed at paragraphs 240 - 243 and, subject to condition, meets the relevant target criteria for commercial development.

Road safety

342. The traffic movement and proposed Sanders Place Streetscape Plan has been reviewed by Council's Traffic Engineers who did not consider the proposal to pose a risk to road safety. The proposed streetscape works provide for a footpath along Sanders Place where there is not currently one, improving the pedestrian and cyclist safety in this instance.
343. The proposed streetscape works are discussed at depth at paragraphs 316 - 319.

Impact on trees and neighbouring vegetation

344. This has been discussed at paragraph 227 and a condition will require an amended Arboricultural Report and a Tree Management Plan be submitted to ensure the trees health are protected.

Impact on Burnley Tunnel

345. The application has been reviewed by the Head, Transport for Victoria, in conjunction with CityLink. Various conditions and notes have been included in the recommendation accordingly, however, the design is not expected to impact the Burnley Tunnel.

Urban heat island effect

346. The Urban Heat Island Effect is a consideration of Environmentally Sustainable Development policy. Councils ESD advisor did not raise concern to solar glare that could have implications on heat.

Loss of city views

347. This has been discussed at paragraphs 293 – 296 and is considered an acceptable outcome.

Viability of office use

348. The Office is an as-of-right use and is consistent with the purpose of the Commercial 2 Zone and policy directives for the Major Employment Precinct.

349. Regardless, the viability of a business or commercial venture is not a planning consideration.

Lack of details in plans

350. Council Officers are satisfied that the information provided is accurate and a detailed assessment has been able to be carried out based on the various plans and reports submitted.

Construction matters (removal of asbestos, noise, access, dust and pollution) – request that CMP not be left to permit condition

351. A Construction Management Plan will be required via condition, with matters specifically relating to construction dealt with at the building permit stage.

352. The level of detail provided at the Building Stage is not relevant or needed for the purposes of a planning assessment.

Conclusion

353. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.

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

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN23/0316 for the construction of a multi-storey, mixed use building, use of land for a Shop and Food and drink premises, and a reduction in the car parking requirements, at No. 475 - 481 Church Street Richmond, subject to the following conditions:

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Architectus, Plan DA0001 (B), DA0098 (B), DA0099 (A), DA1001 (B), DA1002 (B), DA1003 (B), DA1004 (B), DA1005 (B), DA1006 (B), DA1007 (B), DA1008 (B), DA1008 (B), DA1009 (B), DA1010 (B), DA1011 (B), DA1012 (B), DA1013 (B), DA2001 (2), DA2002 (2), DA2010 (A), DA2011 (B), DA2012 (C), DA2013 (B), DA2021 (A), DA2501 (A), DA2502 (A), DA2503 (B), DA2504 (B), DA1014 (A), DA2505 (A), DA2506 and dated 3 August 2023 but modified to show:
 - (a) The changes to the pavilion shown in sketch plans A1000, DA1001, DA1002 and DA1003 and dated 12 December 2023 (which are summarised as follows):
 - (i) the deletion of Level 2 from the pavilion on the north-east corner of the site, reducing the maximum height to 12.89 metres above NGL (RL 22.90); and
 - (ii) The increased setback of the pavilion from the southern boundary shared with 7 Sanders Place, that being a minimum setback of 3 metres at ground and first floor;

But further modified to show:

- (b) The deletion of Level 5 from the main building or an alternative level above the podium to the satisfaction of the Responsible Authority;
- (c) Level 2 and 3 (roof plant) of the pavilion set back from the east boundary to be sited within a 45 degree angle from the retained boundary wall with No. 28 and 30 Brighton Street;

- (d) The materiality of the south elevation of the pavilion;
- (e) An East Elevation of the main building omitting the pavilion;
- (f) The podium and associated Level 4 terrace on the north-east corner of the main building with a minimum setback of 5 metres from the edge of the second floor terrace of No. 1/7 Sanders Place;
- (g) The Level 1 east facing high windows of the pavilion deleted and replaced with terracotta cladding;
- (h) The south-facing windows of the pavilion with a minimum sill height of 1.7 metres above floor level;
- (i) The pavilion windows on the northern title boundary deleted;
- (j) Obscure glazing to be nominated as fixed;
- (k) Sectional diagrams of the pavilion and mezzanine to show the relationship with the building and interfaces at boundaries;
- (l) Sensor lighting to the pedestrian/cyclist entry from Sanders Place;
- (m) Timed sensor lighting installed and implemented for the Pavilion building;
- (n) Remove the glazed recess between the entries of the Restricted retail premises along Church Street;
- (o) Relocate the secondary entry of the Restricted retail premises further south along the Church Street frontage to avoid pedestrian conflict with the retained street tree;
- (p) Details of the fire booster cupboards to have a high quality material and finish, integrating with the overall development;
- (q) Overlooking diagrams from the main building to demonstrate that views from the windows or terraces within 9 metres of the habitable room windows and secluded private open space of 7 Sanders Place are sufficiently limited (i.e. screened with a maximum 25% openings up to 1.7m above the respective finished floor level) with any additional screening required to demonstrate this, be shown on the plans;
- (r) A minimum of 32 visitor bicycle spaces, 160 employee bicycle spaces, and 3 additional showers provided, with all visitor spaces nominated;
- (s) Visitor bicycle spaces associated with the Food and drink premises located in accessible area within the front setback of the Church Street frontage;
- (t) Directional bicycle signage in accordance with the requirements of Clause 52.34-7.
- (u) The dimensions of ramp grade lengths and the loading bay space in accordance with Appendix A of the Traffic and Transport Assessment (prepared by Impact and dated 11 April 2023);
- (v) The headroom clearance for basement parking levels be dimensioned in all Sectional drawings consistently;
- (w) The car parking spaces adjacent to non-compliant columns designated as Small Car Spaces;
- (x) A ground clearance check using the B99 design vehicle for the vehicular entrance, in accordance with the levels committed to in the public realm plan required by Condition 42;
- (y) Any changes required to comply with Condition 20 (Façade strategy);
- (z) Any changes required to comply with Condition 22 (Landscape Plan);
- (aa) Any changes required to comply with Condition 24 (Arboricultural Report);
- (bb) Any changes required to comply with Condition 27 (Wind Assessment);

- (cc) Any changes required to comply with Condition 29 (Waste Management Plan);
 - (dd) Any changes required to comply with Condition 33 (Sustainable Management Plan);
 - (ee) Any changes required to comply with Condition 39 (External Reflected Glare Assessment);
 - (ff) Any changes required to comply with Condition 42 (Public Realm Plan); and
 - (gg) Any changes required to comply with the Head, Transport for Victoria conditions (Condition 55 – 60).
2. The development and use 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. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
 4. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 5. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Use conditions

6. Except with the prior written consent of the Responsible Authority, the Shop use authorised by this permit may only operate between the hours of 7am to 10pm, seven days a week.
7. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the hours of 6am to 1am (the following day), seven days a week.
8. No more than 200 patrons are permitted on the land associated with the food and drink premises use at any one time.
9. Except with the prior written consent of the Responsible Authority, the gates to the rear courtyard, from Sanders Place, to remain open between 7am and 6pm, Monday to Friday.

General development conditions

10. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
11. As part of the ongoing consultant team, Architectus Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;

- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, and building entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
14. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
15. Before the buildings are 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.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. 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.
18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

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

Façade Strategy

20. 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) Perspectives of the development as viewed at street level from Church Street;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a sample board or coloured drawings outlining colours, materials and finishes.

21. The provisions, recommendations and requirements of the endorsed Façade Strategy and Materials and Finishes Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Landscaping Plan

22. 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 Site Image and dated 29 August 2023, but modified to include (or show):
- (a) Consistency with the architectural plans in accordance with the requirements of Condition 1;
 - (b) Details of planter including planter materials and dimensions, mulch layer and depth, growing medium type and depths, filter material and waterproofing, and irrigation notes; and
 - (c) Notes on the maintenance schedule, tasks and duration.
23. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Arboricultural Report

24. Before the development commences, an amended Arboricultural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Report will be endorsed and will form part of this permit. The amended Arboricultural Report must be generally in accordance with the Landscape Plan prepared by Veris and dated 28 November 2022, but modified to include (or show):
- (a) A unique ID/Tree number;
 - (b) An image of the tree;
 - (c) Botanic and common name;
 - (d) Tree dimensions (height x width), diameter at breast height- 1.4m above ground level (DBH) and diameter at base;
 - (e) Health, structure and retention value;
 - (f) Tree Protection Zone (TPZ) and Structural Root Zone (SRZ);
 - (g) Impact of the proposed works on the trees. The impact assessment to reference and be consistent with the Australian Standard for Protection of Trees on Development Sites (AS 4970-2009); and
 - (h) Recommendations to safeguard retained trees during the construction works.

Tree Management Plan Required

25. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of the retained street trees on Church Street, the trees along the shared boundary of No. 7 Sanders Place's driveway and the trees with the secluded private open space of No. 28 Brighton Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
26. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Wind Assessment

27. 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 Assessment Report prepared by MEL Consultants and dated January 2023, but modified to include (or show):
- (a) Wind mitigation for the southwest entrance (Location 10) to demonstrate standing comfort criteria or clarify the disagreement presented to the satisfaction of the Responsible Authority.
28. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

29. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by HIP V. HYPE Sustainability and dated 22 September 2023, but modified to include:
- (a) The details for management of e-waste including how it will be separated, stored and disposed of; and
 - (b) The size of the bin room shown consistently with the architectural drawings.
30. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

31. 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 11 April 2023, but modified to include or show:
 - (a) Any changes to comply with Condition 1.
32. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

33. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by HIP V. HYPE Sustainability and dated 21 March 2023, but modified to include or show:
 - (a) Any changes required by Condition 1;
 - (b) A Zero Carbon Action Plan to commit to a date by which point the operating GHG emissions are net zero;
 - (c) Clarify the gas connection to the building;
 - (d) An energy modelling (JV3 or similar) report to demonstrate the energy efficiency standard will be met. Include HVAC, carpark ventilation system and hot water system specification within the energy efficiency (JV3) report;
 - (e) The Traffic Management Report updated to include the number of bicycles spaces required by Condition 1(r); and
 - (f) A Sustainable Transport Plan.
34. 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.
35. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

36. Within 3 months of the completion of the development, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) The mechanical and plant equipment, and must assess the compliance and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

37. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
38. The use and 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.

External Reflected Glare Assessment

39. Before the development commences, an External Reflected Glare Assessment to the satisfaction of the Responsible Authority must be prepared by a suitably qualified professional and must be submitted to and approved by the Responsible Authority. When approved the External Reflected Glare Assessment will be endorsed and will form part of this permit. The External Reflected Glare Assessment must:
 - (a) Generally in accordance with the External Reflected Glare Assessment (prepared by wrap consulting and engineering and dated 7 December 2023) as submitted to Council for discussion;
 - (b) Commit to a maximum Visible Light Reflectance (VLR) of 15%;
 - (c) Give consideration to the residential area to the east of the building and make recommendations if required to mitigate impact to the amenity of this area; and
 - (d) Any changes required to comply with Condition 1.
40. The provisions, recommendations and requirements of the endorsed External Reflected Glare Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Streetscape and public realm conditions

41. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. Prior to the endorsement of the Condition 1 plans, a Public Realm Plan (Church Street and Sanders Place) must be prepared to the satisfaction of the Responsible Authority (Council). The Public Realm Plan must be submitted for approval by the Responsible Authority (Council), and must include, but not limited to:
 - (a) Layout plan indicating all existing and proposed features and surface levels; and
 - (b) Existing and proposed infrastructure within the public space.
43. Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), Detailed Design Plans (Civil and Landscape) associated with the development must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
 - (a) Detailed layout plan indicating all existing and proposed features and surface levels.
 - (b) Sanders Place:
 - (i) Road cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundaries, existing and design building lines, lip of kerb, back of kerb and invert of the channel;
 - (iii) All surfaces designed in accordance with DDA requirements; and

- (iv) Existing and proposed service pits within the road pavement adjusted to match the reconstructed footpath grades;
 - (c) Church Street Frontage:
 - (i) Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Church Street pavement level;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Distinct delineation between public and private land along all interfaces;
 - (v) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details;
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (f) Public lighting plan, including proposals for any temporary lighting;
 - (g) Signage & line marking plans indicating the existing and proposed changes;
 - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
 - (i) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (j) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
44. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 43) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
45. Within 2 months of the completion of the development, 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.
46. 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.
47. Any affected road marking adjacent to the development site as a result of the construction works must be reinstated to Council's satisfaction and at the developer's expense.

Car Park Management Plan

48. Before the development commences (excluding demotion, bulk excavation and site preparation work), 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 allocated to each tenancy;

- (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) the allocation of visitor parking spaces, and if provided, the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) The number and allocation of storage spaces;
 - (g) policing arrangements and formal agreements;
 - (h) 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;
 - (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 27; and
 - (j) details regarding the management of loading and unloading of goods and materials.
49. 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.
50. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
51. Before the buildings are 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.

Construction Management Plan

52. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;

- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

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

53. During the construction:

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

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

Head, Transport for Victoria conditions (Condition 55 – 60)

55. Prior to the endorsements of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including but not limited to, demonstrating:
- (a) That the development will not compromise the structural integrity of CityLink assets and infrastructure;
 - (b) The load and ground stress effected by the development;
 - (c) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
 - (d) Any holding points requiring Head, Transport for Victoria inspection and approval prior to releasing the hold points.
56. In addition to Condition 55 above, Head, Transport for Victoria and CityLink must be informed of the following:
- (a) Initial ground water level;
 - (b) The reduced level temporary dewatering during basement excavation is intended to lower the water table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
 - (c) If the completed basement is tanked or drained; and
 - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.
57. Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.
58. Notwithstanding any other condition, the development's proposed basements and any subterranean support structures and any excavation required during construction cannot be any deeper than RL -5.0 AHD.
59. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersion study to satisfy the Head, Transport for Victoria, CityLink and the responsible authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:
- (a) the development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
 - (b) the development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.
- The developer must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.
60. Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing:

- (a) The provision of signage, line-marking including painted arrows to indicate two way traffic flow within Sanders Place to the satisfaction of and at no cost to the Responsible Authority in consultation with Head, Transport for Victoria;
- (b) No buildings or works including subterranean support structures and any excavation exceeding an RL-5.0AHD to be shown as a note and dimension on the relevant elevation plan/s;
- (c) The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior; and
- (d) The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Time expiry

61. 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.
- (c) the use is not commenced within five years from the date of this permit; or
- (d) The use is discontinued for a period of two years.

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

Notes

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.

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

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

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

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

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

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

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

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.

No parking restriction signs, or line-marked on-street, parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from the relevant Road authority.

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage area within the property must be provided for and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

The applicant will be required to prepare a Bearing Pressure Report to be submitted to the Department of Transport for assessment and approval. The purpose of the report is to confirm that the new development's foundations will not impact on the Burnley Tunnel, which is located underneath the development.

Notes CityLink Development and Design Overlay Schedule 5

As the planning application relates to a site that is within approximately 500 meters of the Burnley Tunnel exhaust stack, it may impact on, or be impacted by, the exhaust 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 Burnley Tunnel exhaust stack 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 Design and Development Overlay, Schedule 5 and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

Notes Head, Transport for Victoria

Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Church Street) under the Road Management Act 2004.

All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

One car space along Church Street to the immediate north of the intersection with Sanders Place and one car space to the immediate south of Sanders Place should be removed (subject to Council approval) to improve visual sightlines and swept path movements.

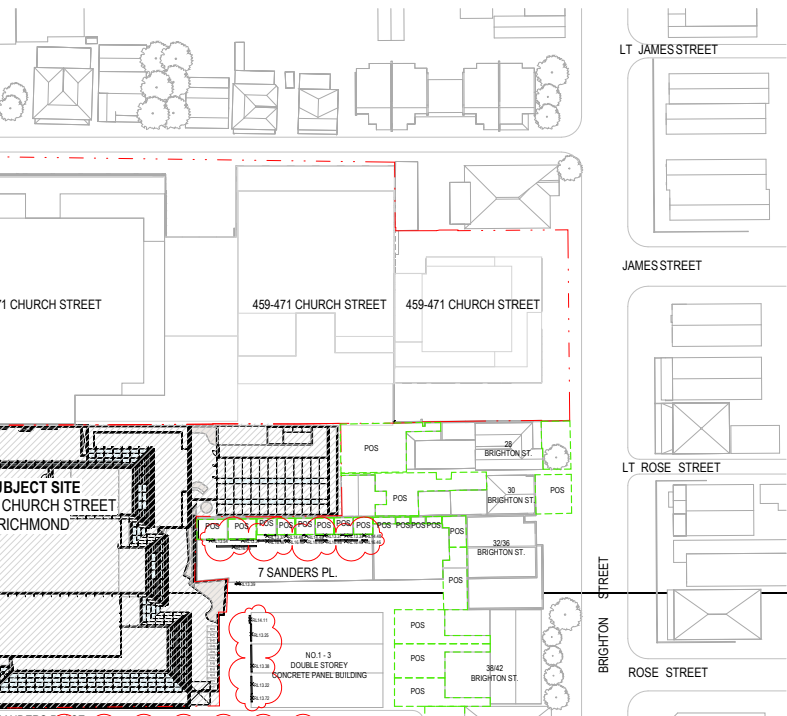
Attachments

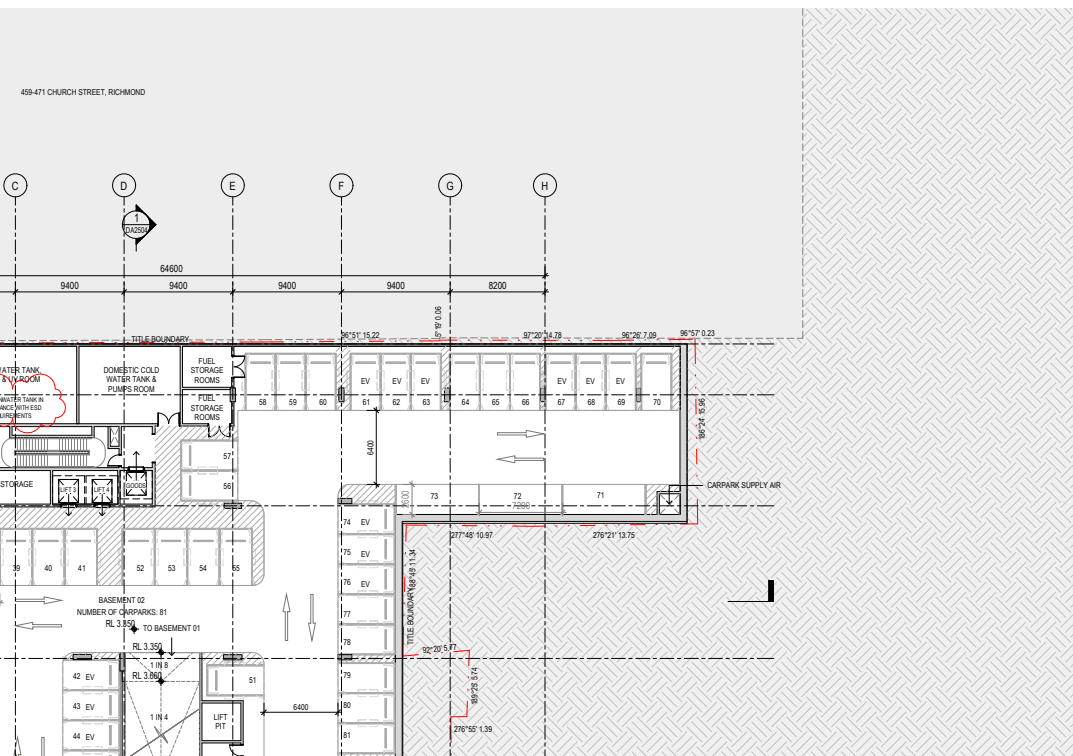
- 1** [↓](#) Attachment 1 - PLN23/0316 - 475 - 481 Church Street Richmond - Site Map
- 2** [↓](#) Attachment 2 - PLN23/0316 - 475 - 481 Church Street Richmond - Architectural Plans
- 3** [↓](#) Attachment 3 - PLN23/0316 - 475 - 481 Church Street Richmond - Without Prejudice Package (Dec 2023)
- 4** [↓](#) Attachment 4 - PLN23/0316 - 475 - 481 Church Street Richmond - Without Prejudice Building height study (Jan 2024)
- 5** [↓](#) Attachment 5 - PLN23/0316 - 475 - 481 Church Street Richmond - Without Prejudice Glare Assessment
- 6** [↓](#) Attachment 6 - PLN23/0316 - 475 - 481 Church Street Richmond - Referrals

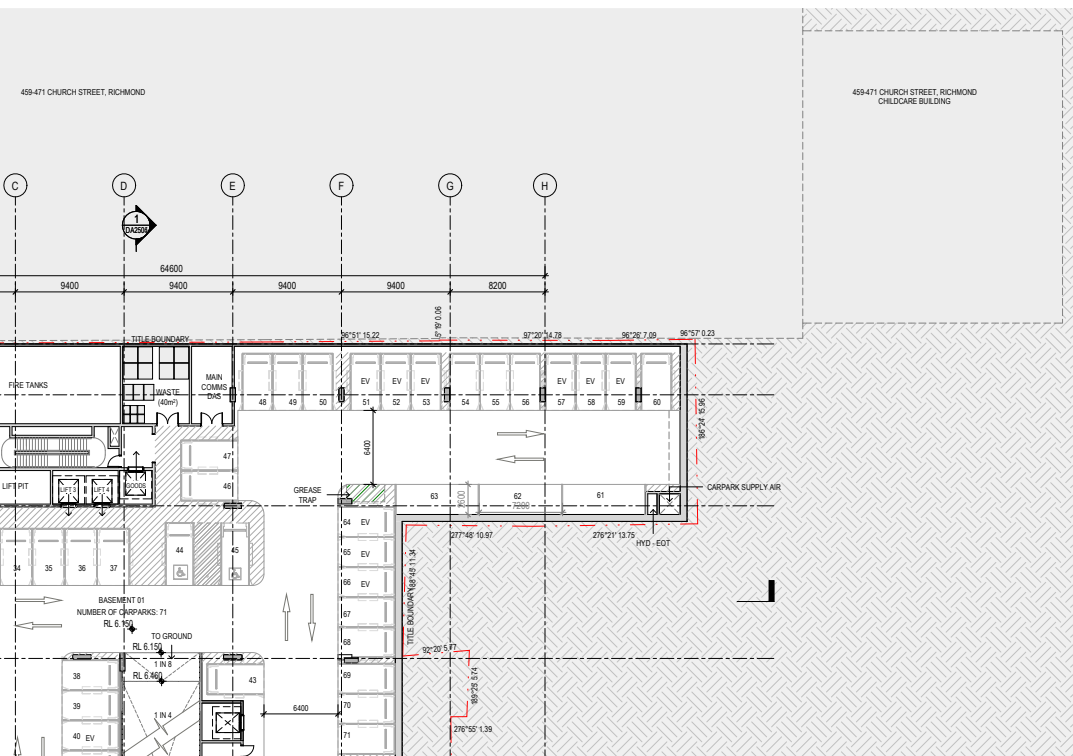
SUBJECT LAND: 475 – 481 Church Street Richmond

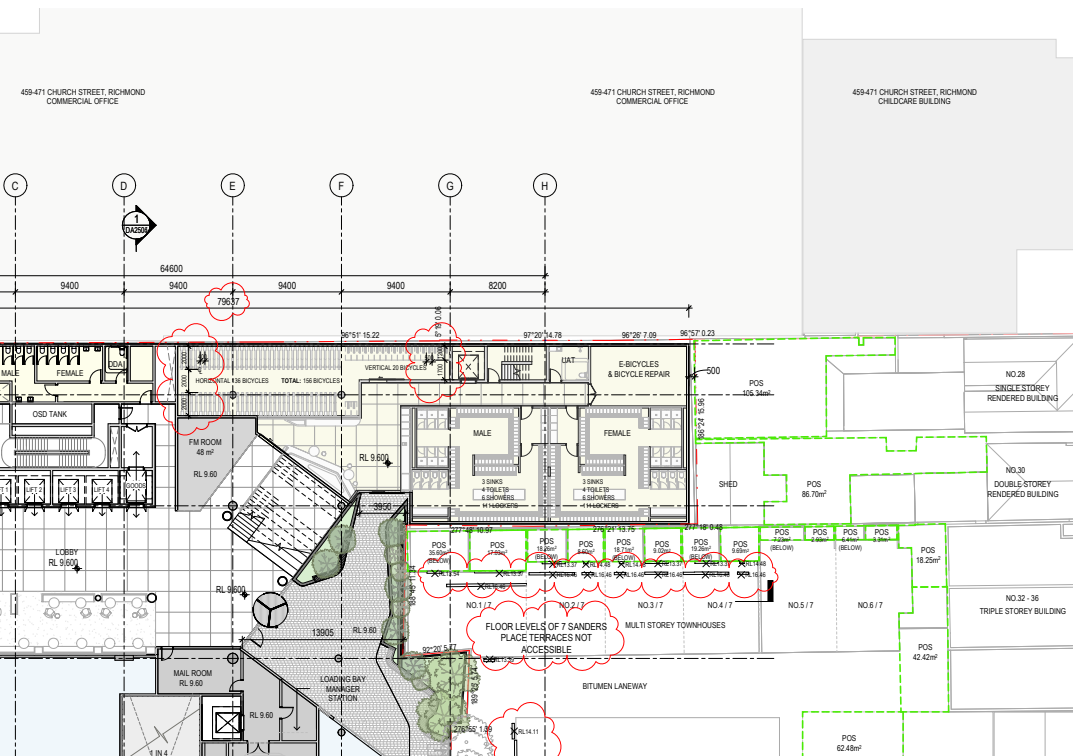


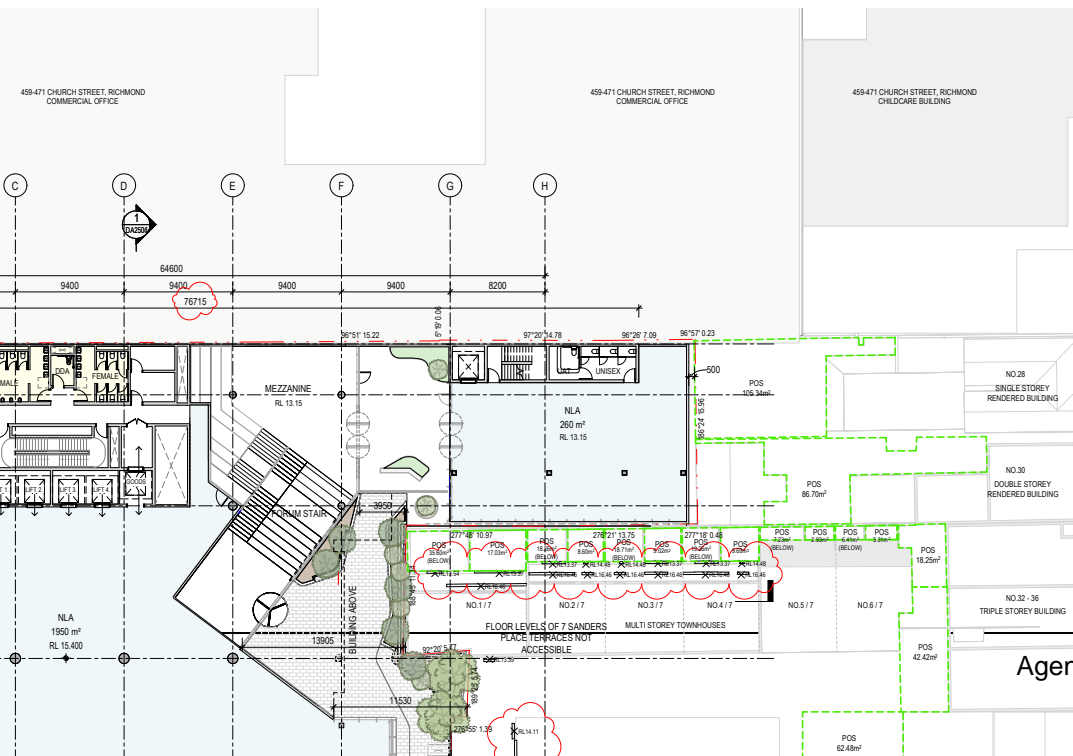
↑ North

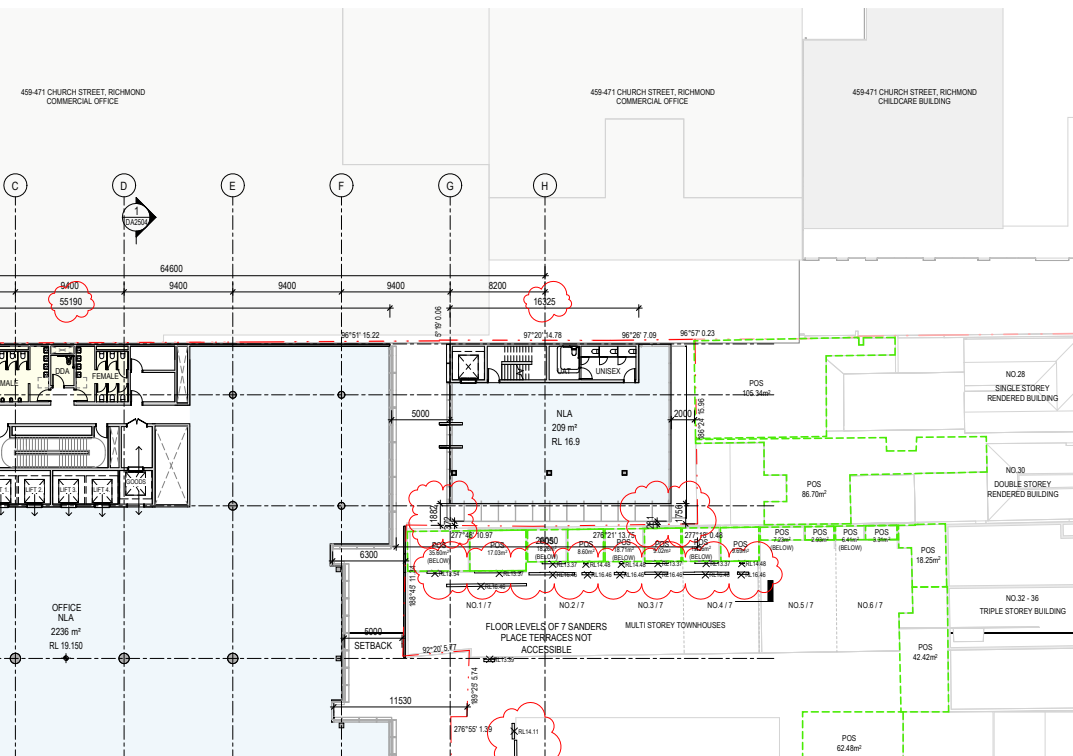


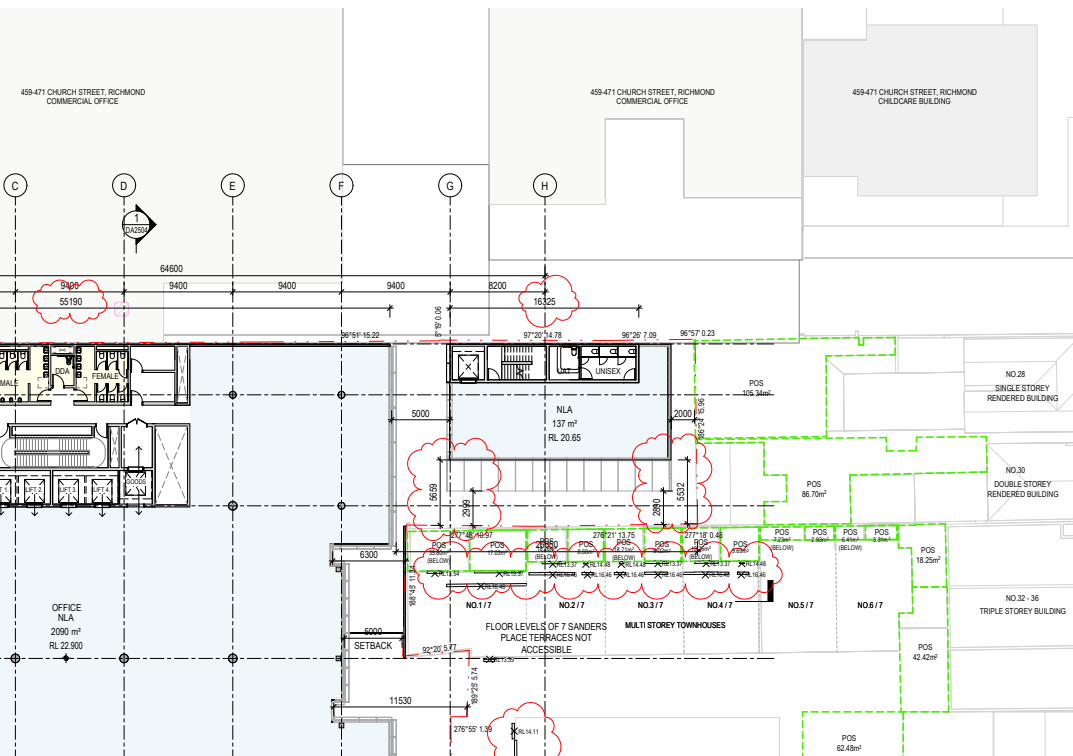


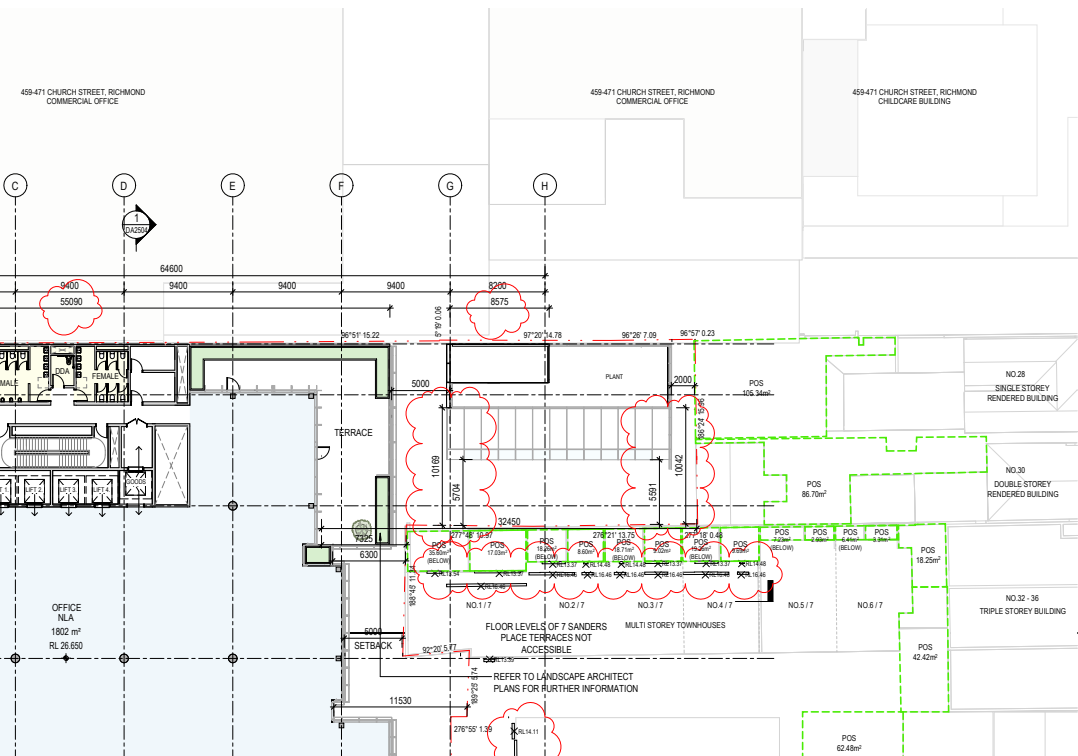


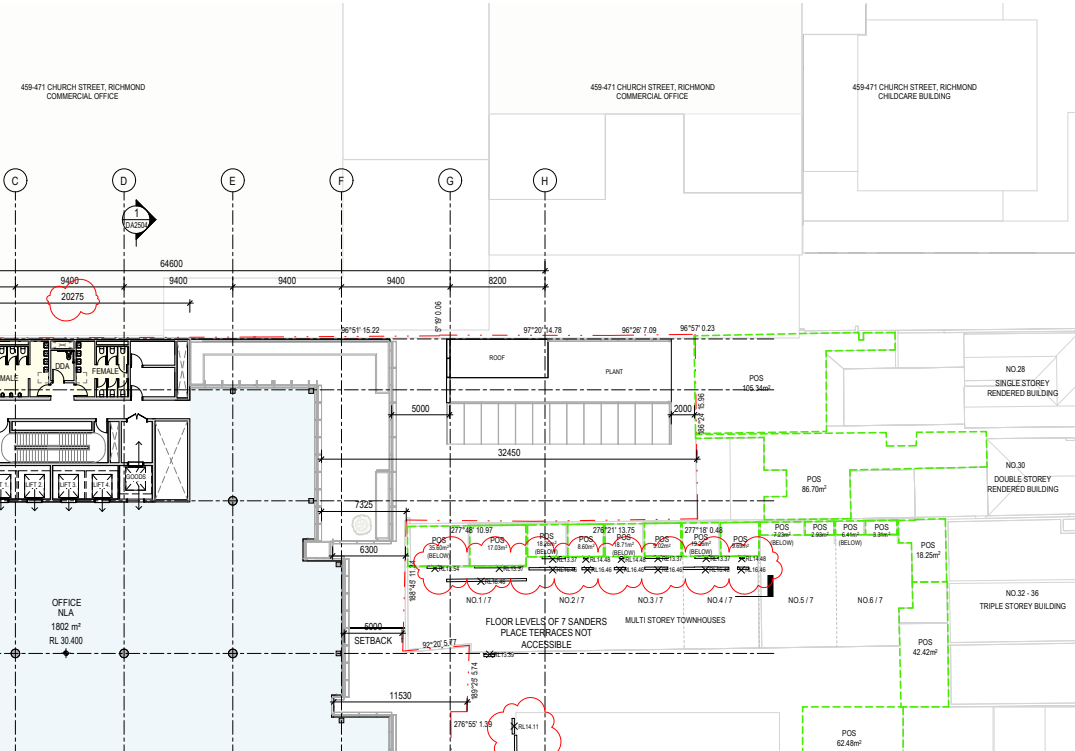


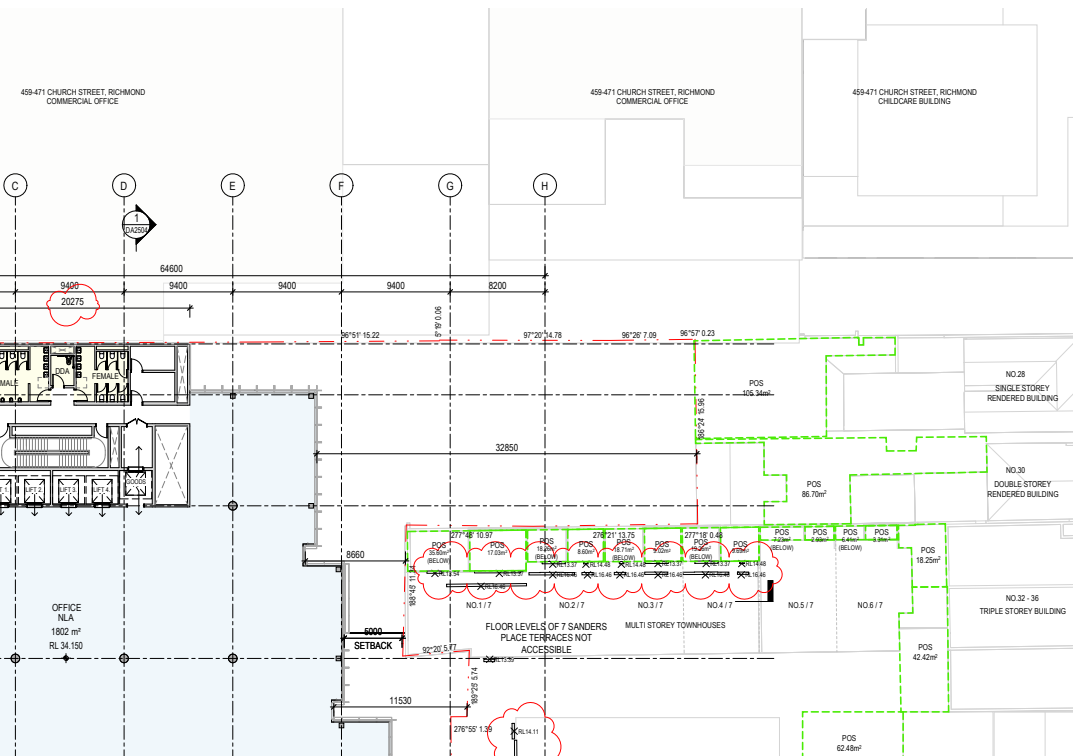


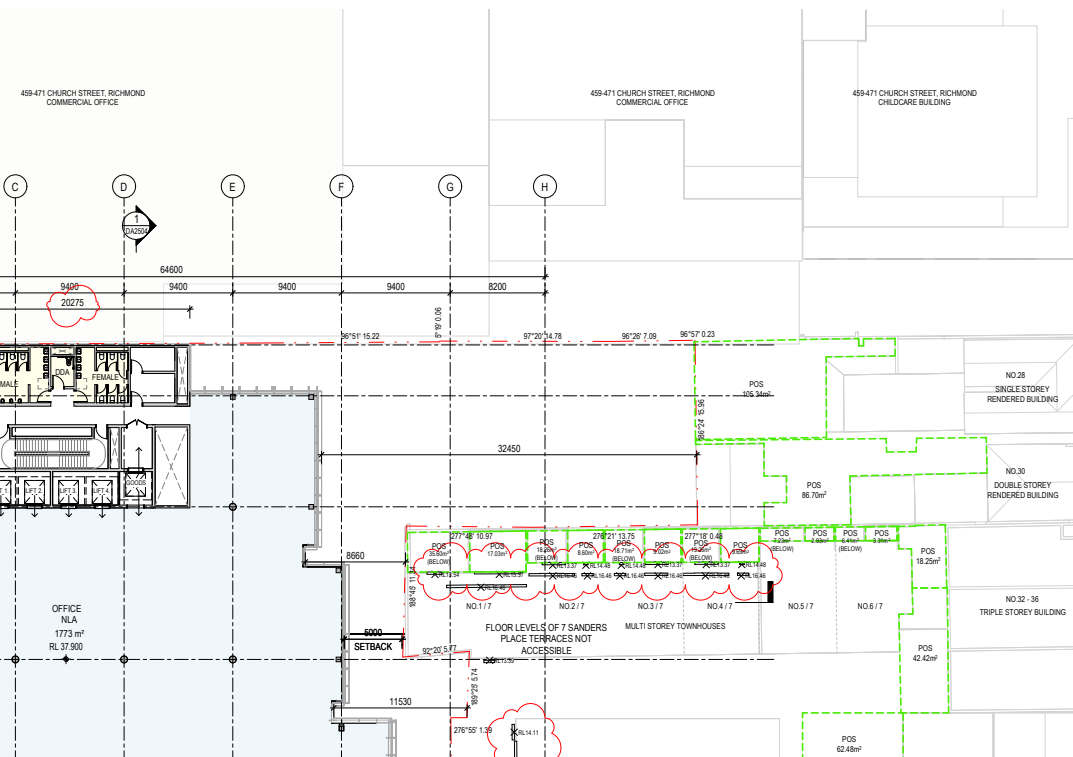


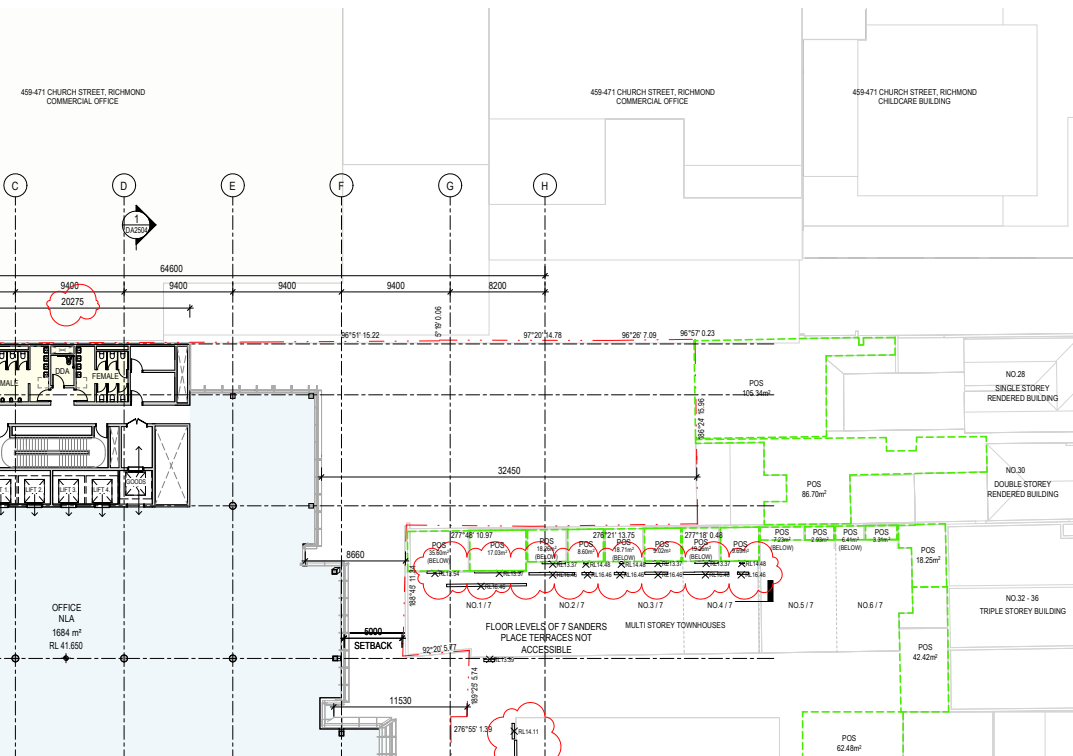


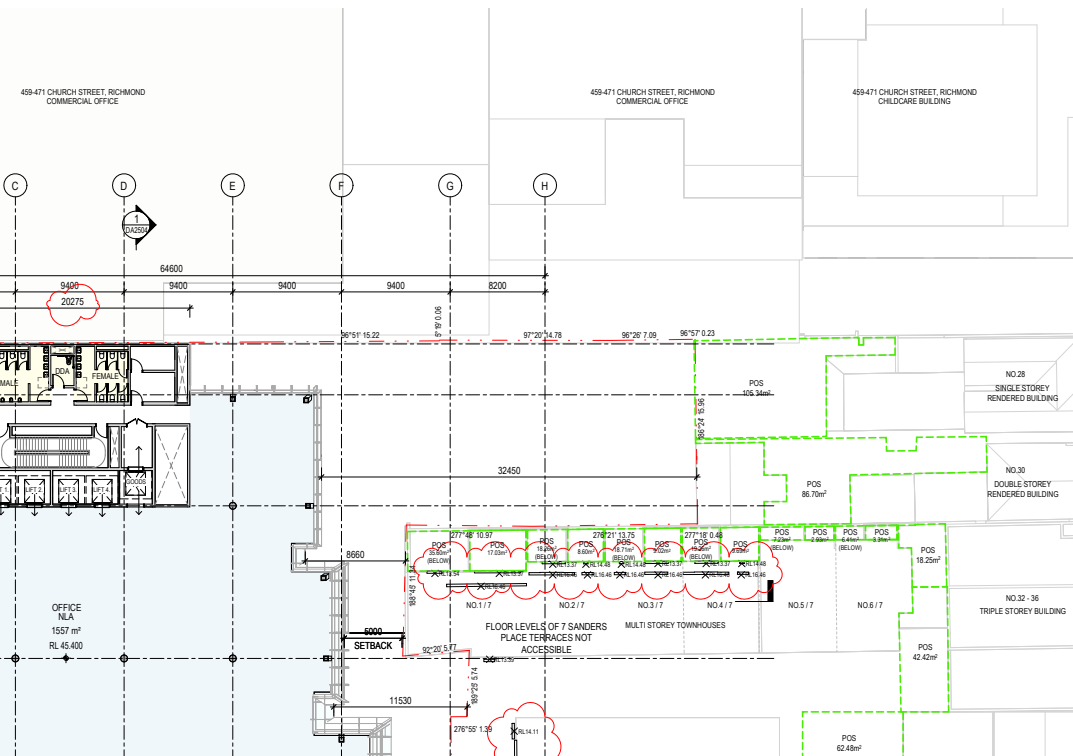


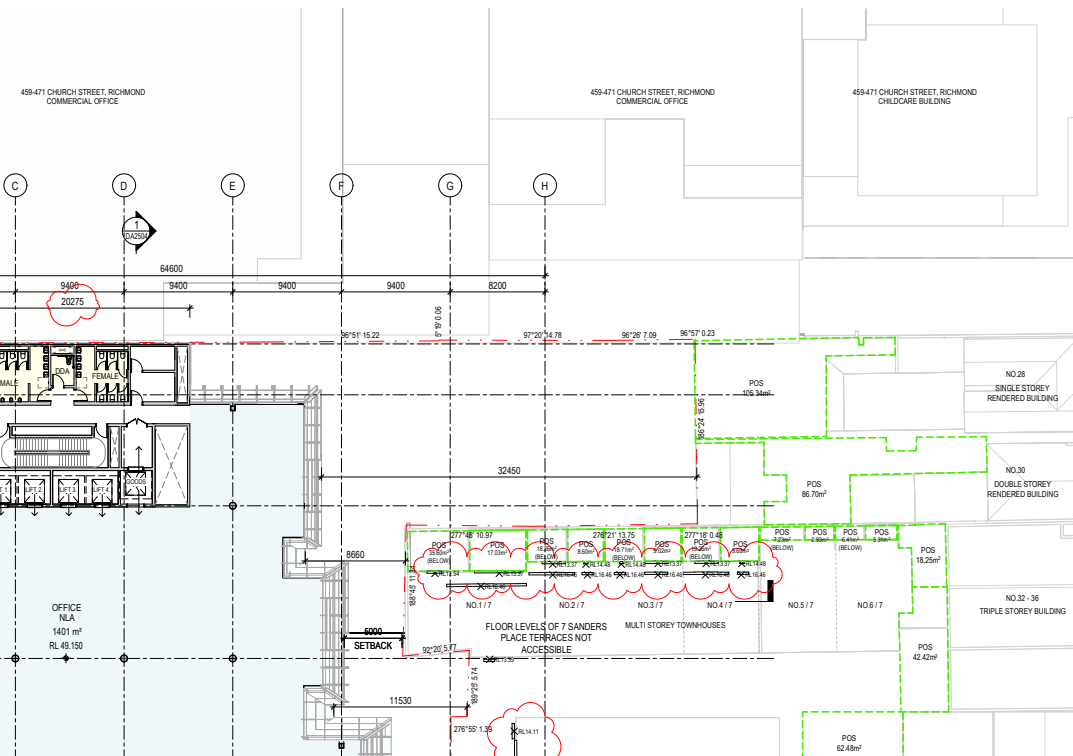




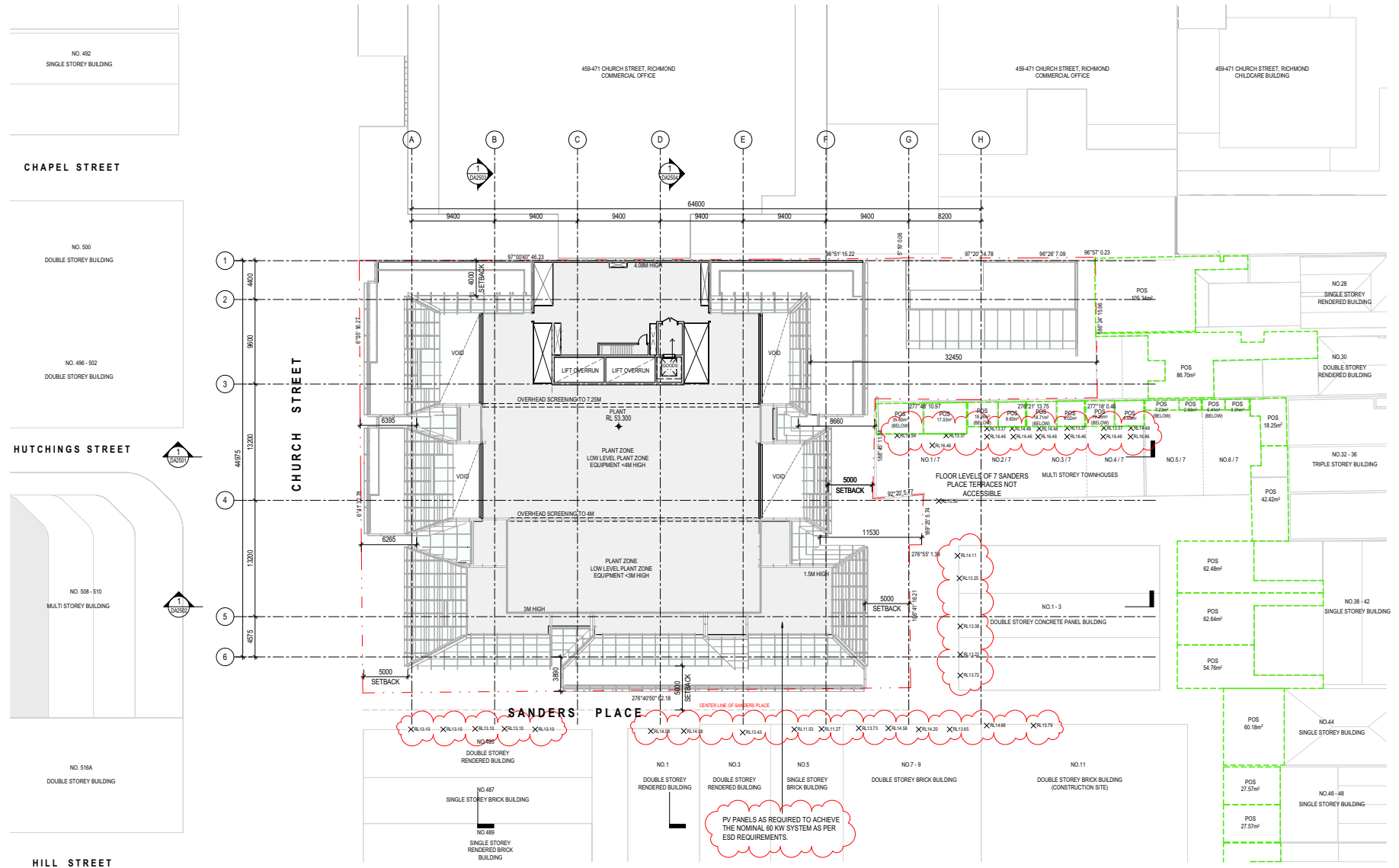








Attachment 2 Attachment 2 - PLN23/0316 - 475 - 481 Church Street Richmond - Architectural Plans



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 Nominated Architect:
 Ray Brown, NSWARB 6359
 Do not scale drawings. Verify all dimensions on site

issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23



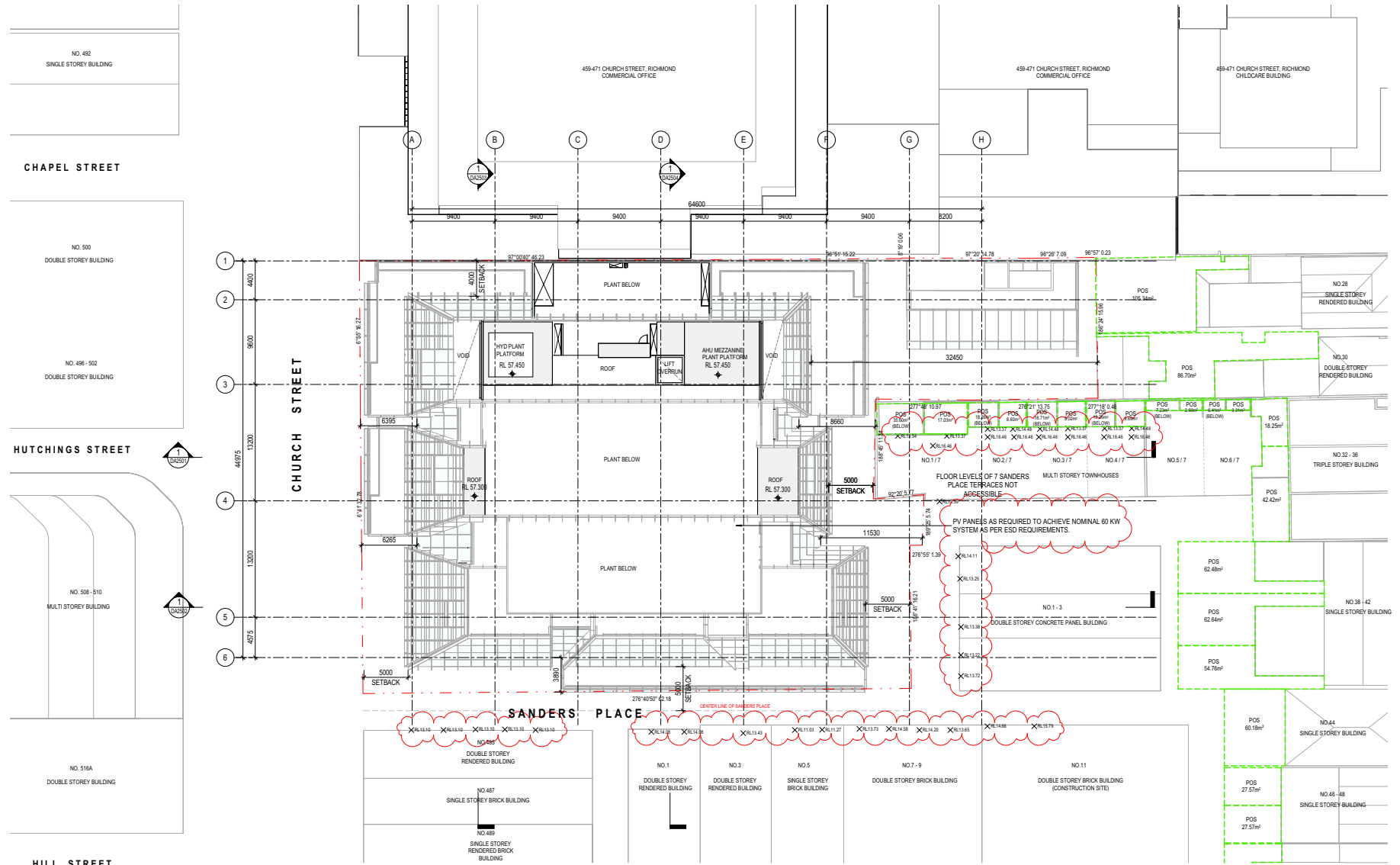
architectus

Architectus Melbourne
 Level 25, 385 Bourke Street
 Melbourne VIC 3000
 T 61 31 8429 6733
 F 61 31 8429 6662
 melbourne@architectus.com.au
 ABN 99 131 246 684

project	475 Church Street, Richmond, 3121
drawing	PLANT
project No.	220323
scale	1 : 200@A1
drawing No.	DA1011
issue	B

checked AH drawn AA

Attachment 2 Attachment 2 - PLN23/0316 - 475 - 481 Church Street Richmond - Architectural Plans



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 Nominated Architect
 Ray Brown, NSWARB 6359
 Do not scale drawings. Verify all dimensions on site

issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23

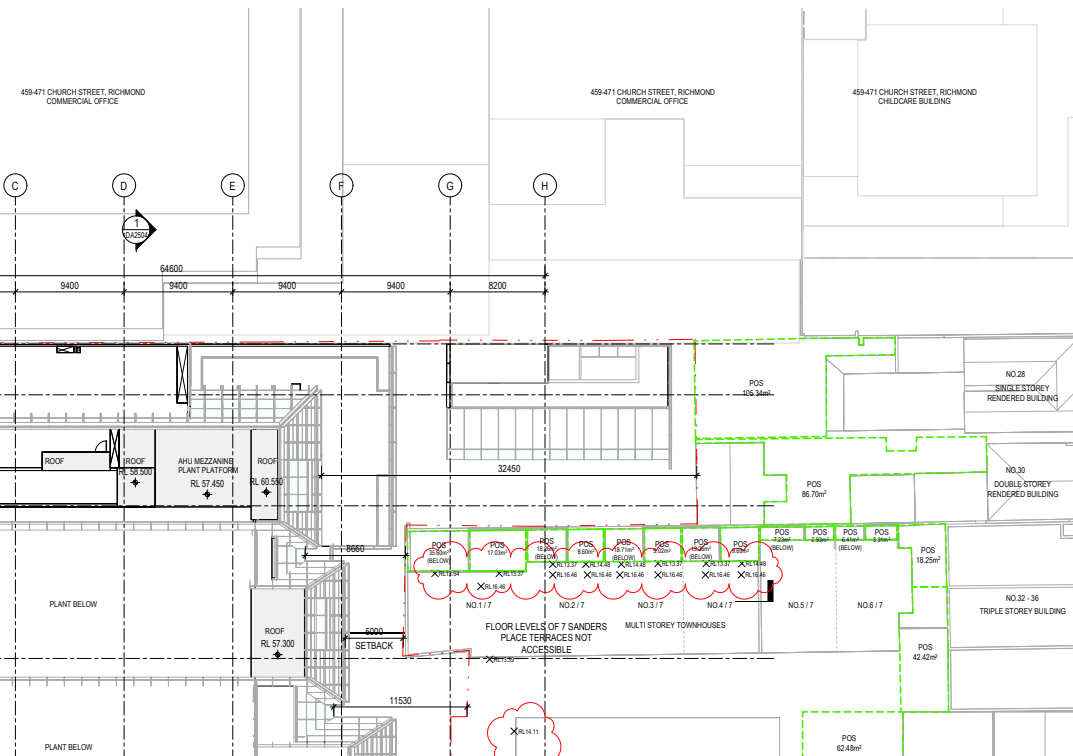


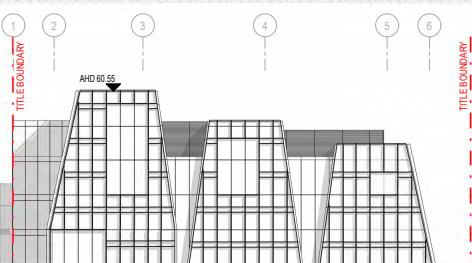
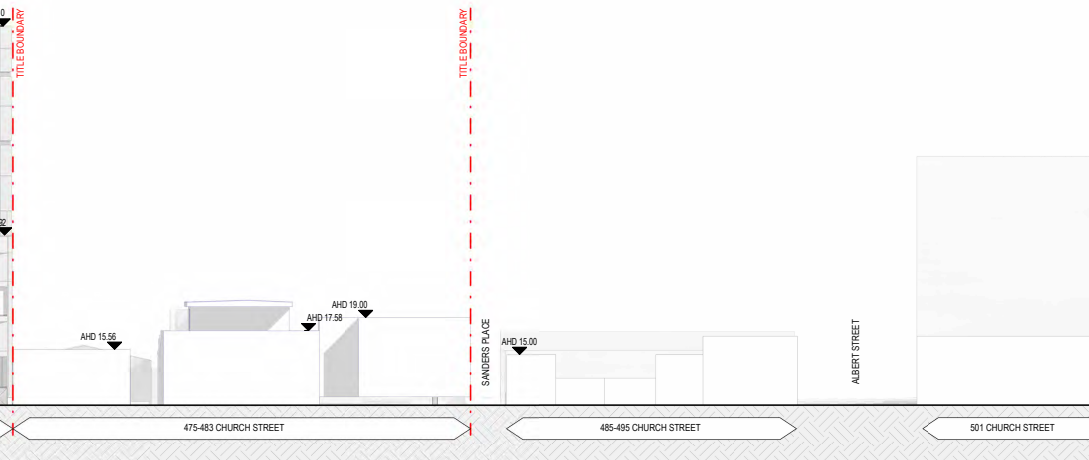
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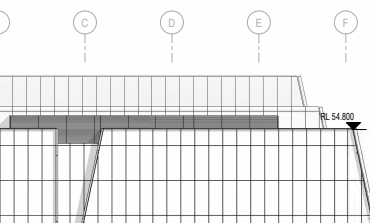
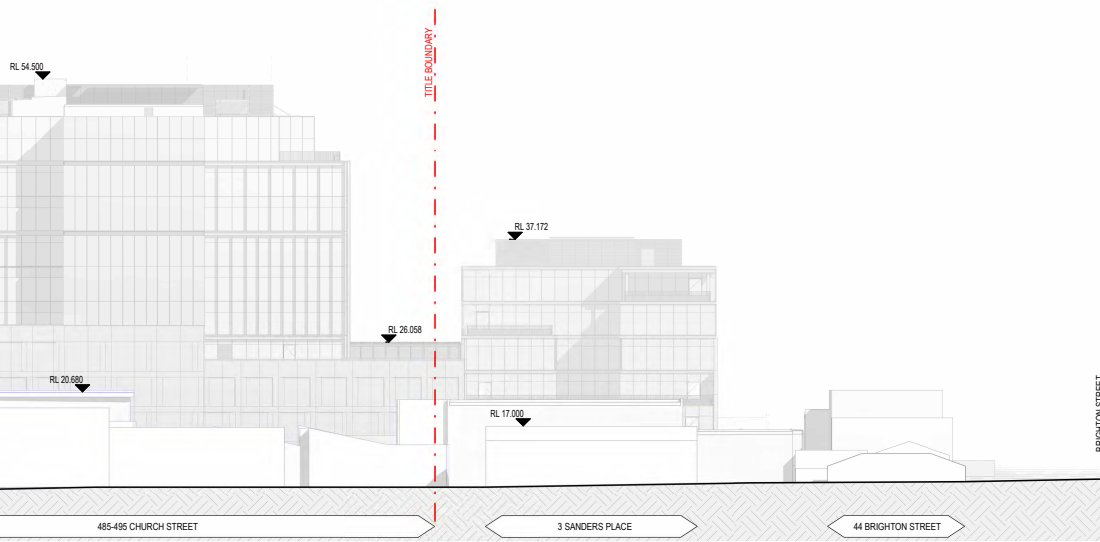
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drawing	PLANT MEZZANINE	
project No.	220323	scale 1 : 200@A1
drawing No.	DA1012	issue B

checked AH drawn AA

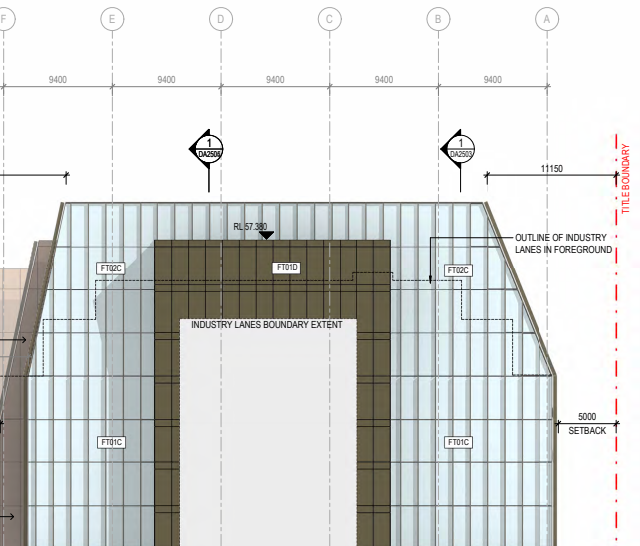




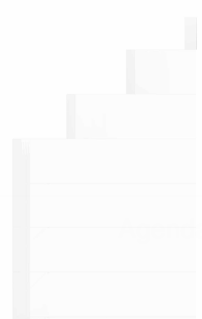
- TOP OF PARAPET ▾
RL 60.550
- L-12 PLANT MEZZANINE ▾
RL 57.050
- L-11 - PLANT ▾
RL 53.300
- L-10 ▾
RL 49.150
- L-09 ▾
RL 45.600
- L-08 ▾

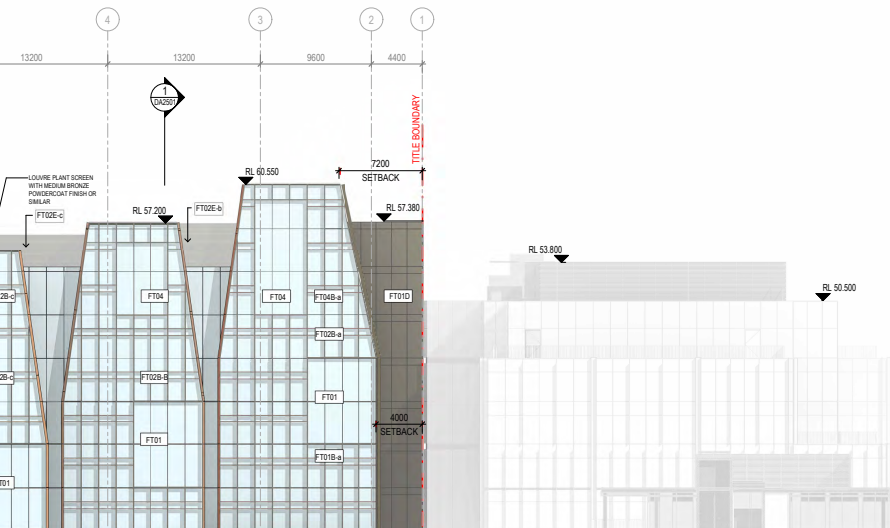


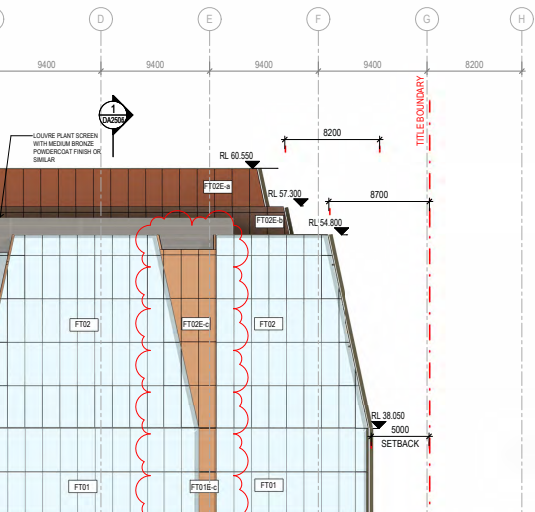
---	TOP OF PARAPET	▽	RL 60.550
---	L-12 PLANT MEZZANINE	▽	RL 57.050
---	L-11 - PLANT	▽	RL 53.300
---	L-10	▽	RL 49.150
---	L-09	▽	RL 17.000

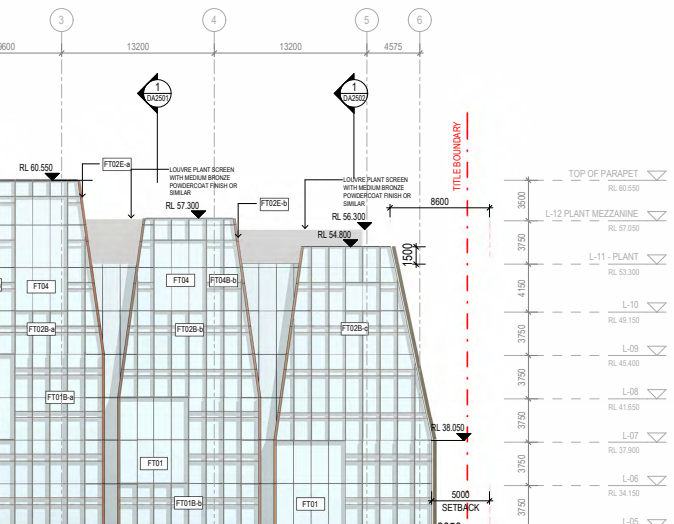


3800	TOP OF PARAPET	RL 60.550
3750	L-12 PLANT MEZZANINE	RL 57.050
4150	L-11 - PLANT	RL 53.300
3750	L-10	RL 49.150
3750	L-09	RL 45.400
3750	L-08	RL 41.650
3750	L-07	RL 37.900
3750	L-06	RL 34.150
3750	L-05	











FACADE TAG CONFIGURATION

EG. 'FT01A-a'

FACADE TYPES 'FT#'

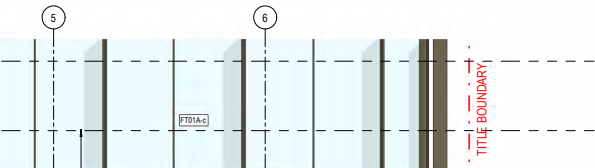
FACADE TYPE 01	VERTICAL UNIFIED CURTAIN WALL SYSTEM. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 02	INCLINED UNIFIED CURTAIN WALL SYSTEM. INCLINES @ 8, 12 & 22 DEGREES. DEPENDING ON LOCATION. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 03	TEXTURED PRECAST CONCRETE PANELS.
FACADE TYPE 04	DOUBLE AND TRIPLE HEIGHT CURTAIN WALL. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 05	GROUND FLOOR STRUCTURALLY GLAZED SHOPFRONT SYSTEM.

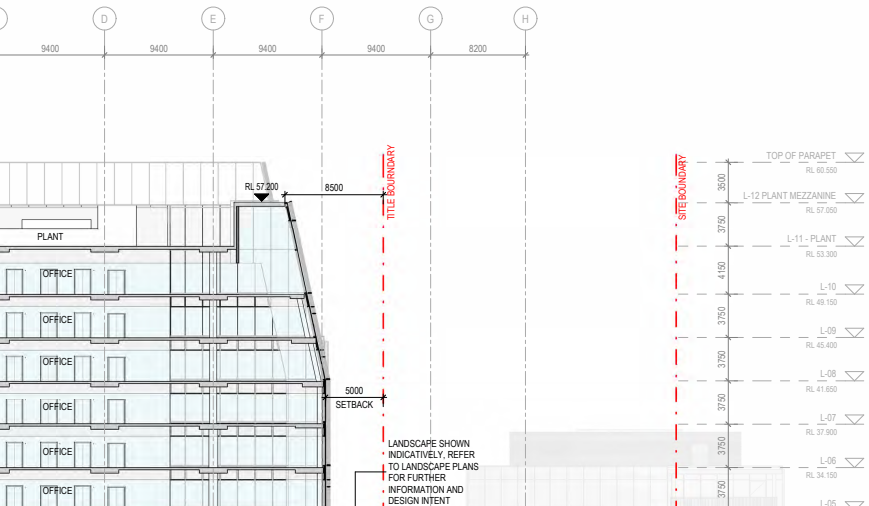
FACADE FEATURES 'X'

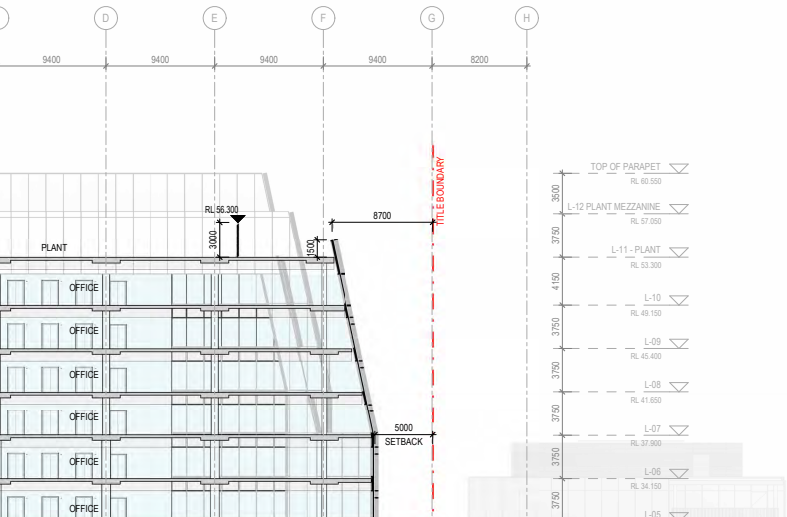
FEATURE A	30MM TERRACOTTA BAGUETTE @ 600 CTS IN FRONT OF CURTAIN WALL SYSTEM. BRACKETED TO MALLION WITH VERTICAL ALUMINIUM FEATURES AND PREFABRICATED MOLLIES. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FEATURE B	30MM TERRACOTTA BAGUETTE @ 1200 & 1700 HORIZONTAL CENTRES IN FRONT OF CURTAIN WALL SYSTEM. BRACKETED TO MALLION WITH VERTICAL ALUMINIUM FEATURES.
FEATURE C	ALUMINIUM VERTICAL FINIS BRACKETED BACK TO MALLION.
FEATURE D	ALUMINIUM CLADDING WITH POWDERCOATED FINISH.
FEATURE E	FLAT TERRACOTTA TILE CLADDING TO FACE OF CONCRETE WALL OR CURTAIN WALL WITH FULLY INSULATED AND SEALED SPANDREL BEHIND.

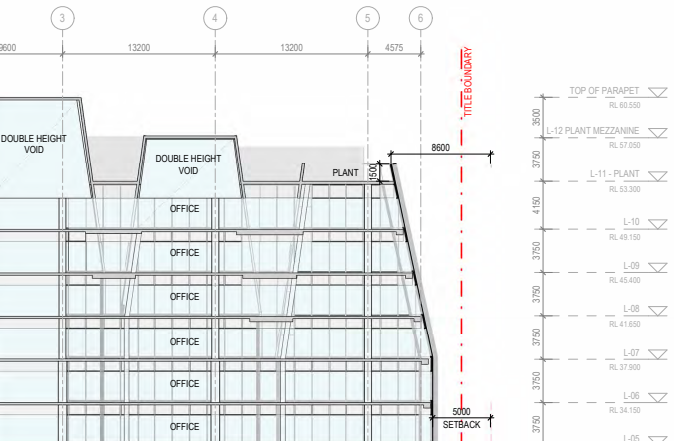
TERRACOTTA FINISHES 'x'

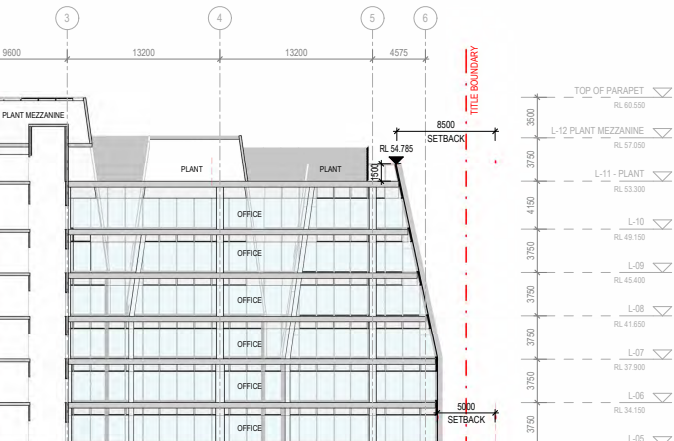
TERRACOTTA - a	TEMPO NATURAL COLOUR RANGE R00 R05-25 TERRACOTTA OR SIMILAR.	
TERRACOTTA - b	TEMPO NATURAL COLOUR RANGE R00 R05-05 TERRACOTTA OR SIMILAR.	
TERRACOTTA - c	TEMPO NATURAL COLOUR RANGE NARRAIA N00-15 TERRACOTTA OR SIMILAR.	

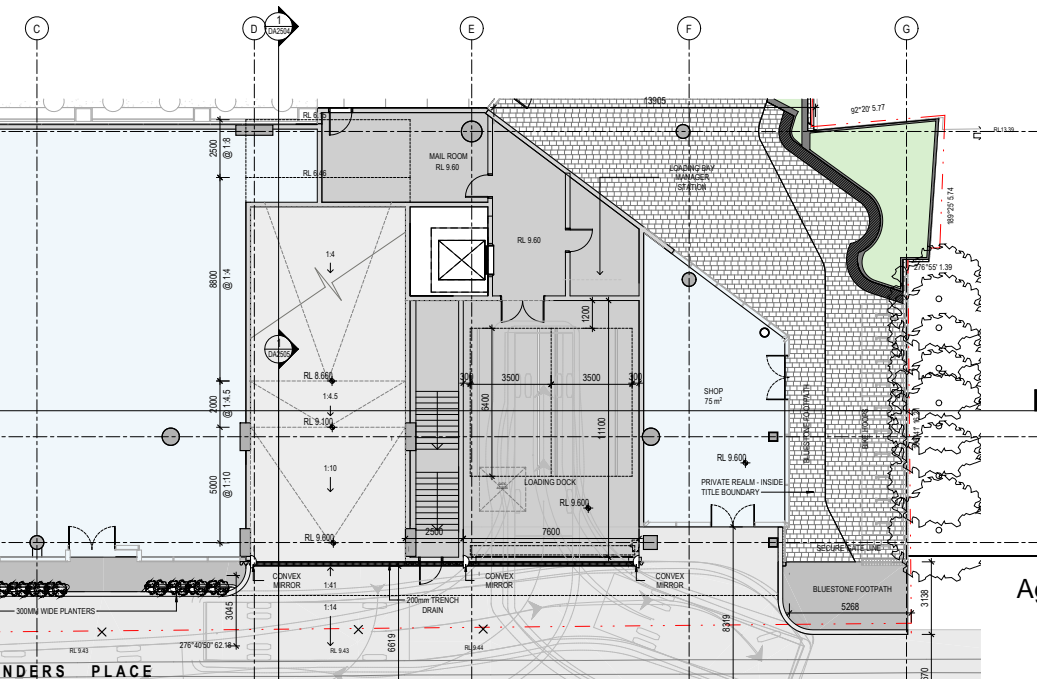


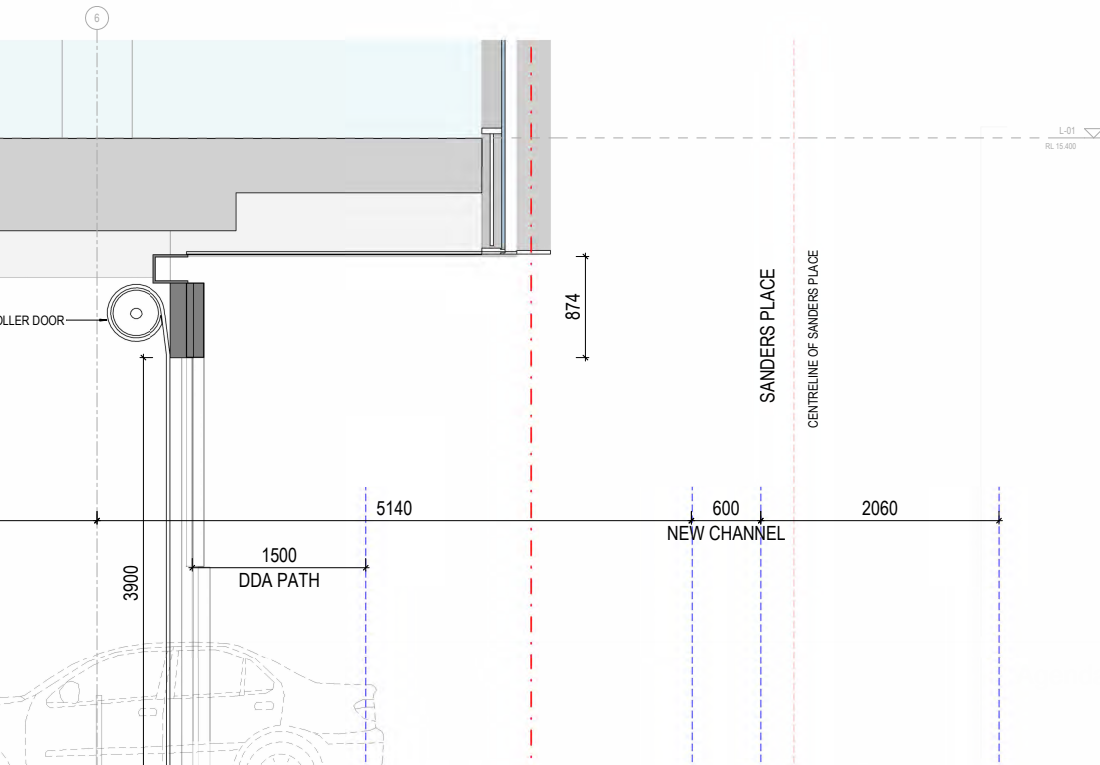


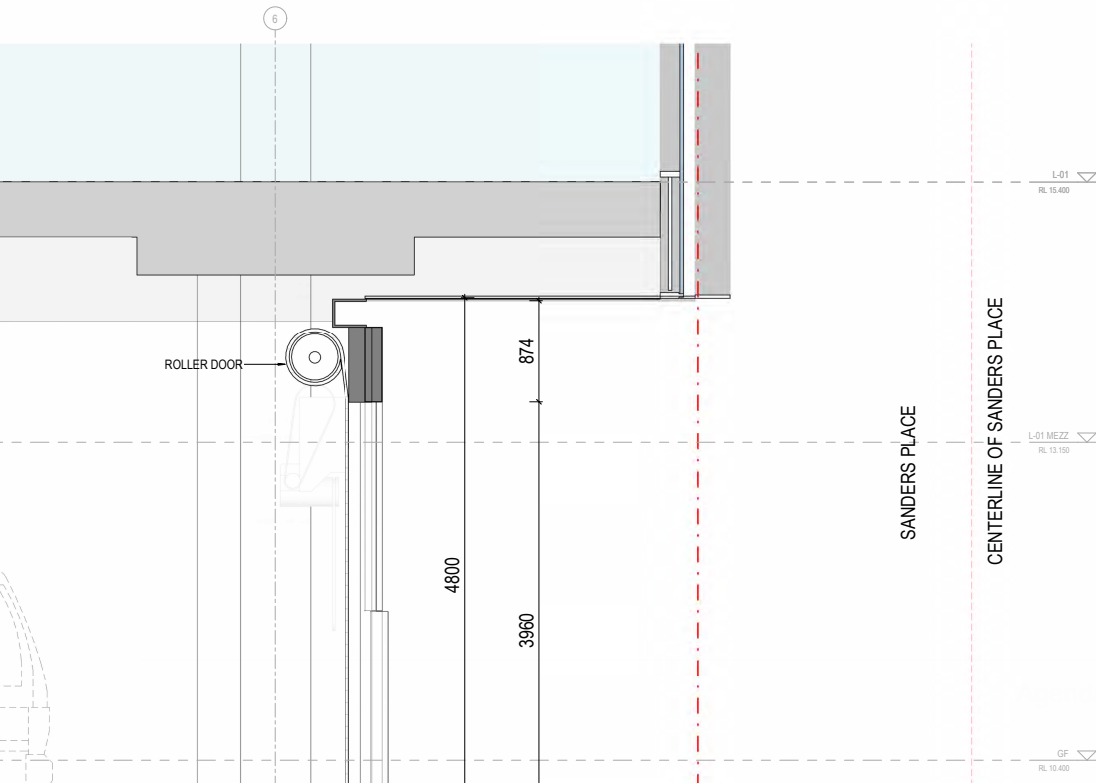


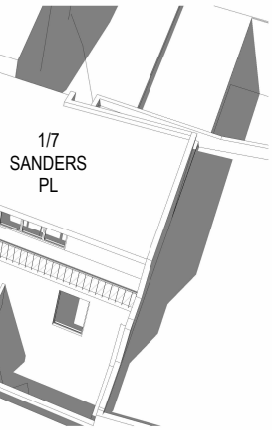




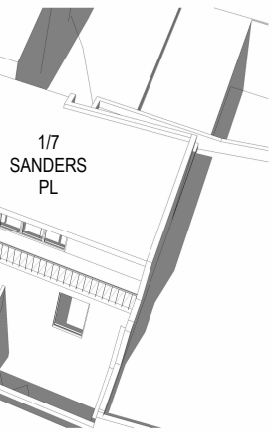




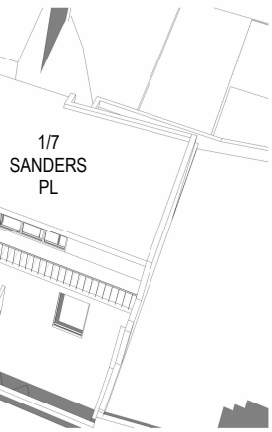




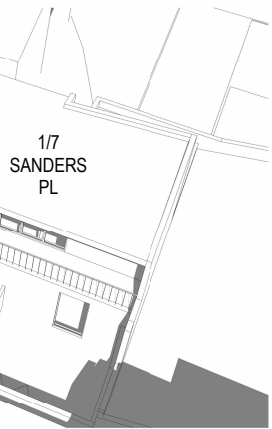
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change



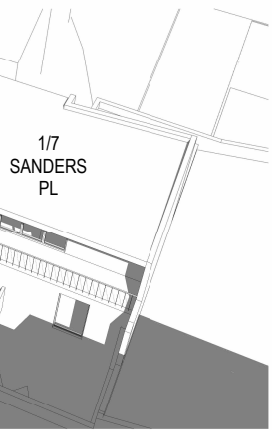
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change



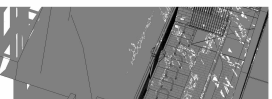
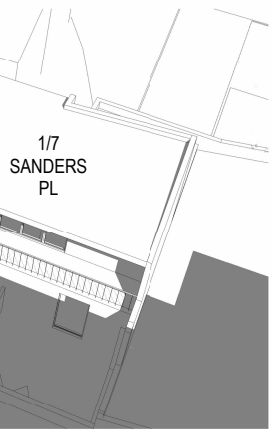
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change



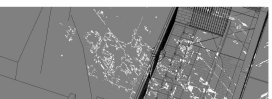
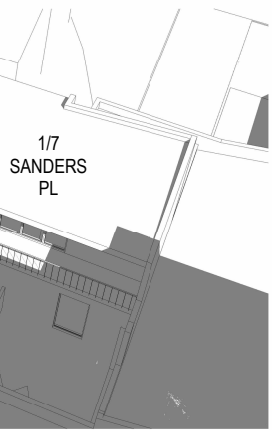
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change



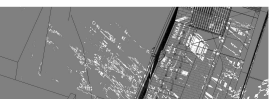
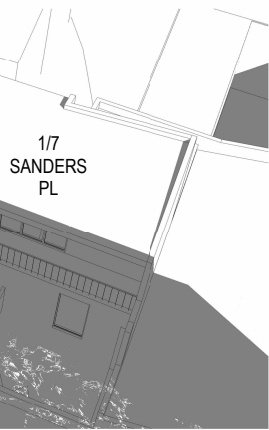
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change



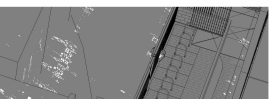
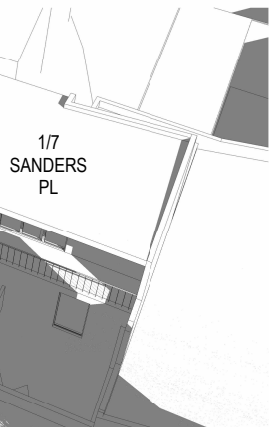
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change



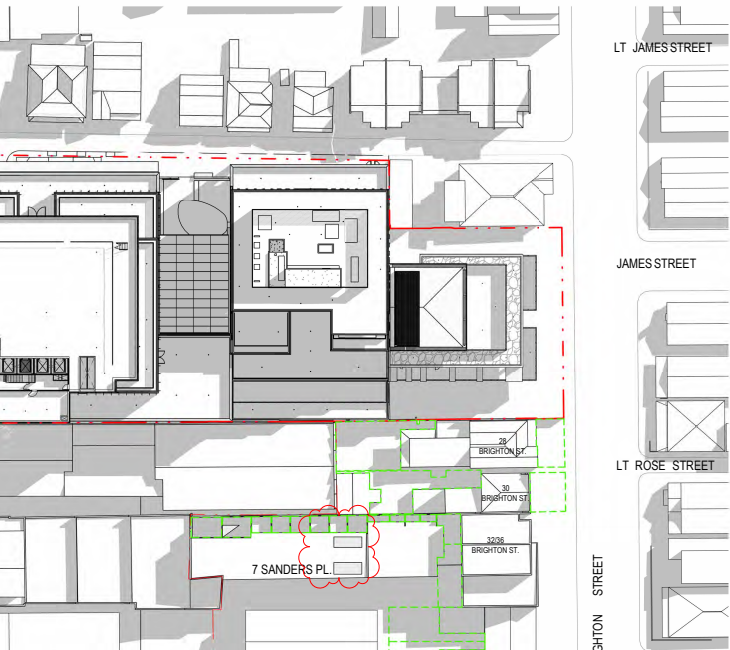
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change

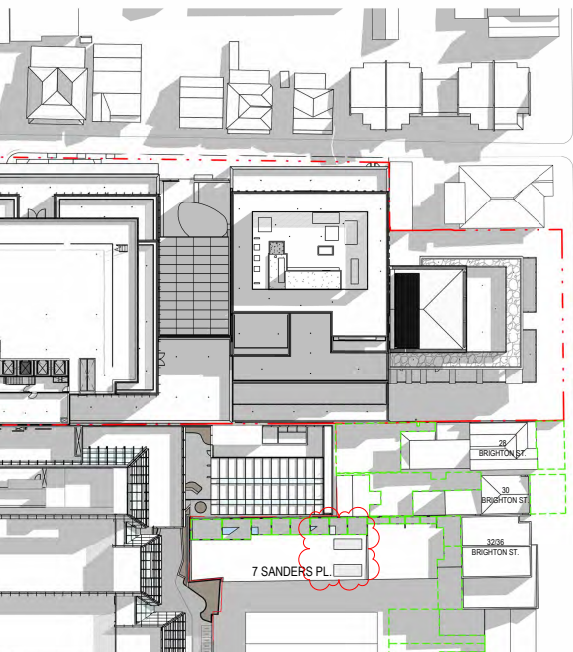


Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change

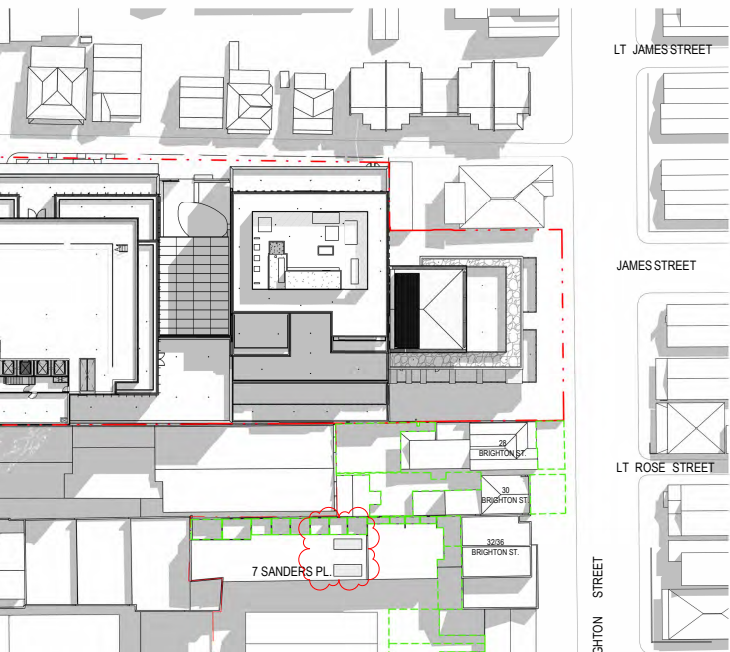


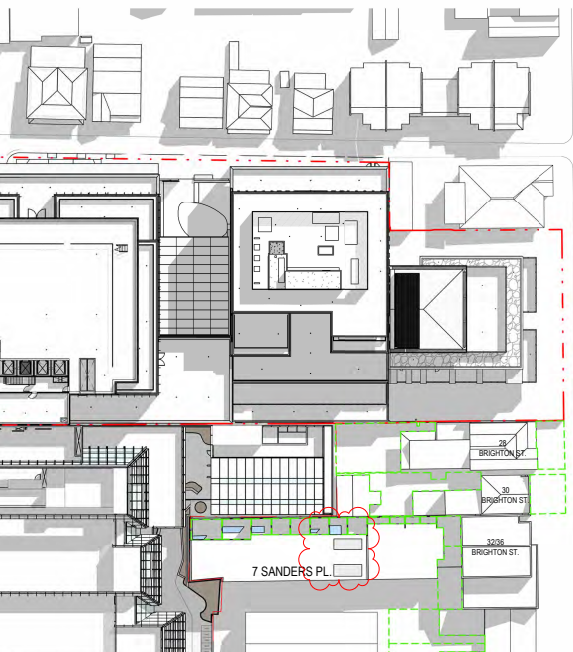
Sanders Place Shadows				
Private Open Space	Existing Shadow	Additional Shadow	Remaining	Additional Shadow Change





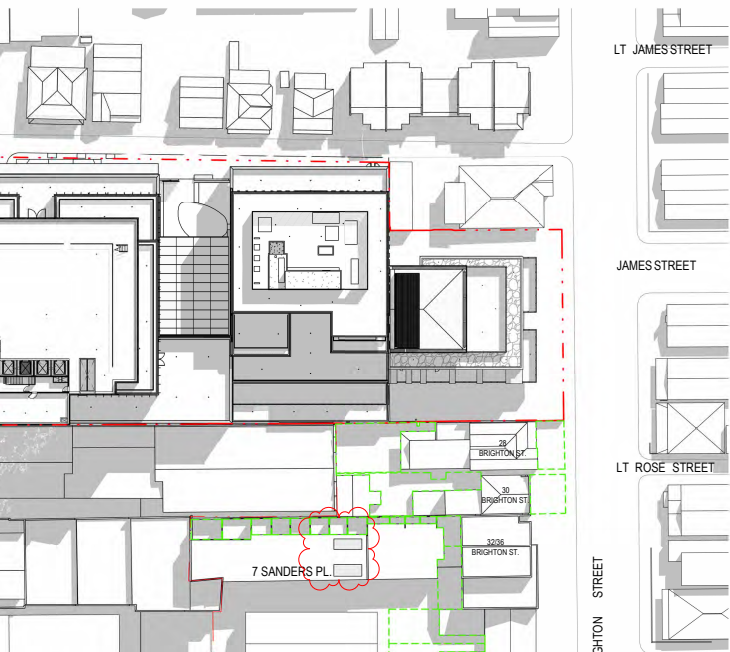
SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	49.76	2.36	0.515	4.48
2/7 Sanders Place	26.86	24.5	2.36	0	8.79
3/7 Sanders Place	27.73	27.28	0.451	0	1.63
4/7 Sanders Place	28.95	27.49	0	1.46	0
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.70	0	0	0

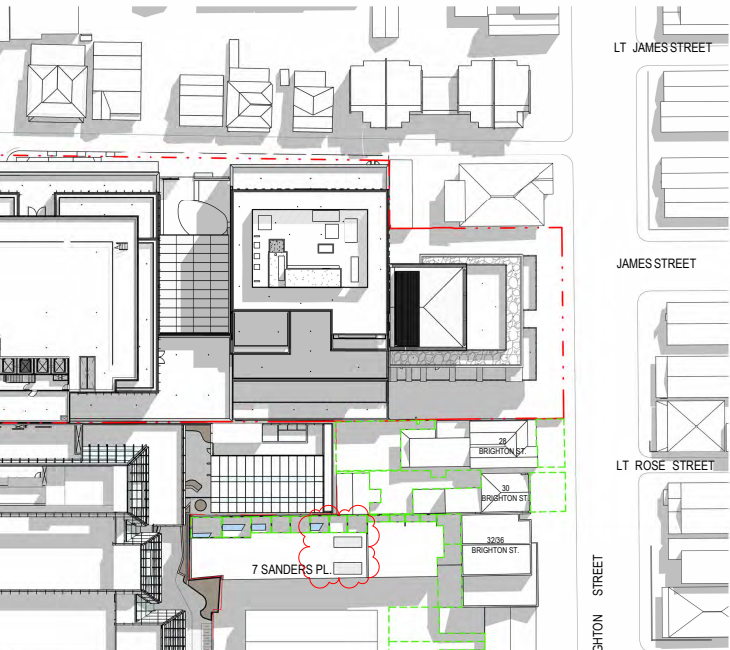


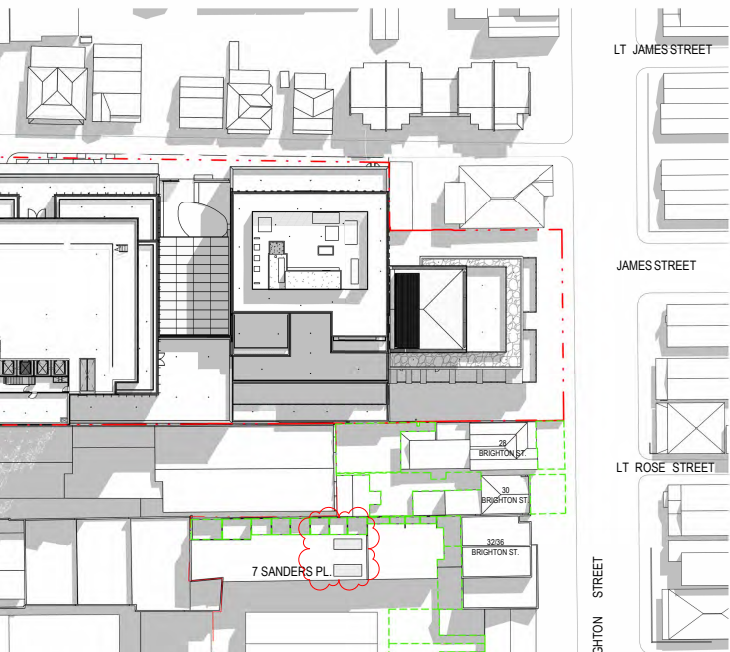


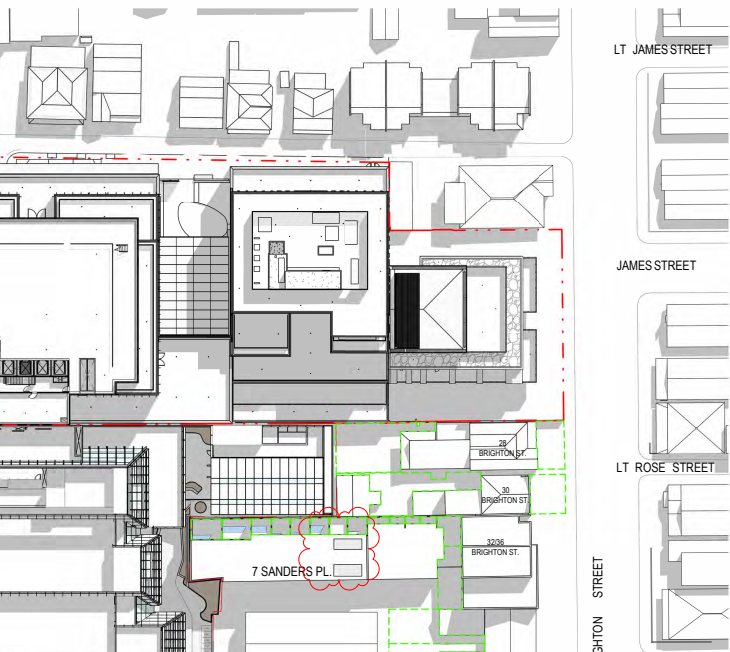
SHADOW STUDIES COMPARISON

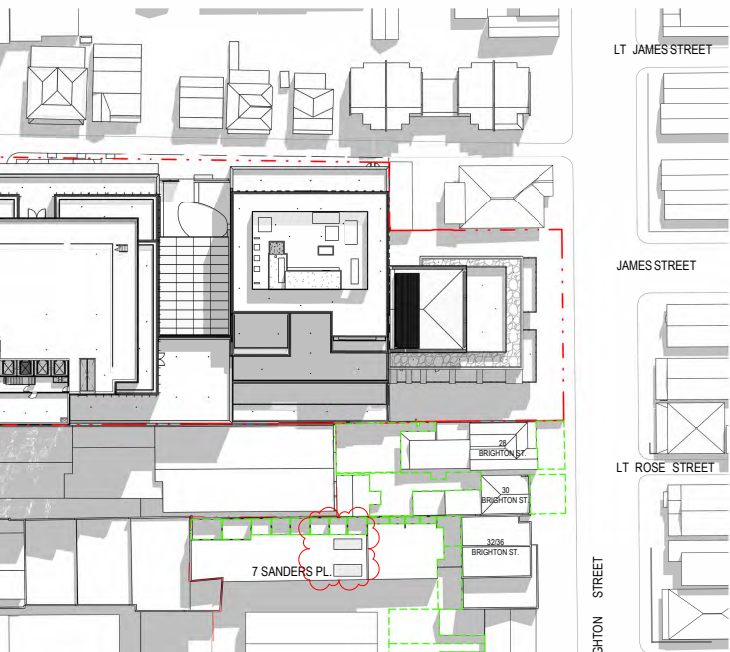
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	45.14	4.80	2.69	9.12
2/7 Sanders Place	26.86	23.75	2.35	0.76	8.75
3/7 Sanders Place	27.73	26.66	8.11	0.26	2.92
4/7 Sanders Place	28.95	25.60	3.03	0.33	10.46
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.70	0	0	0

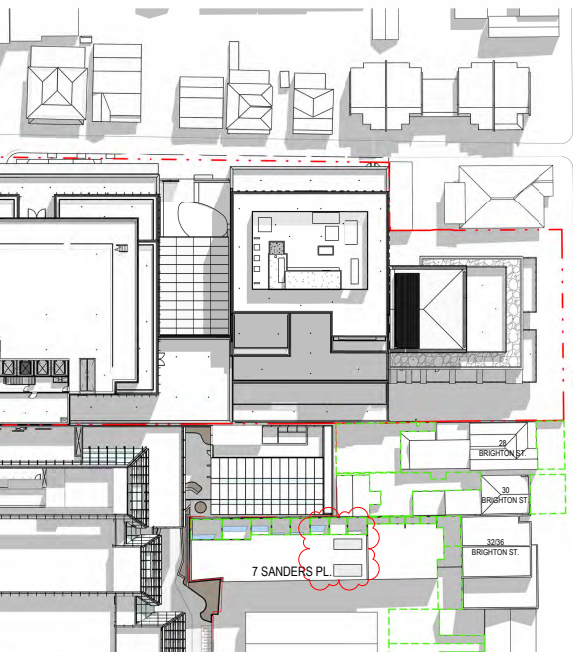




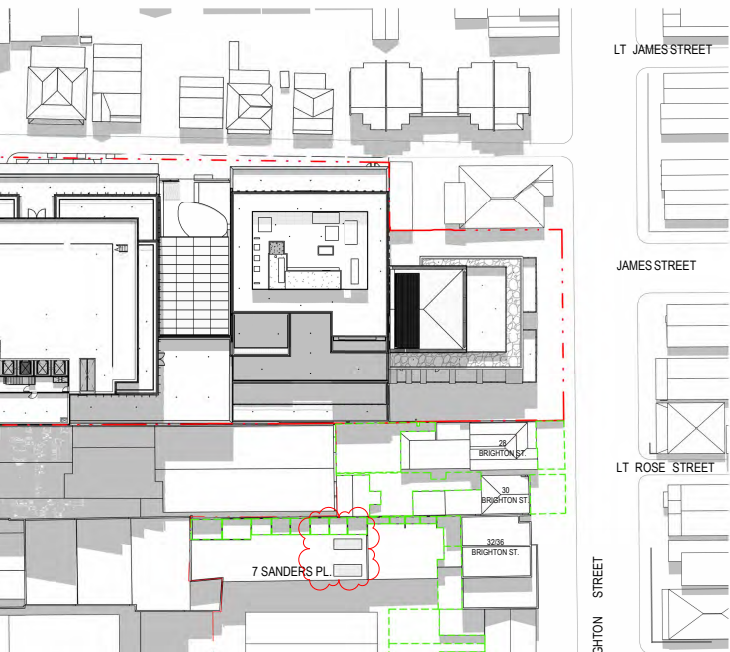


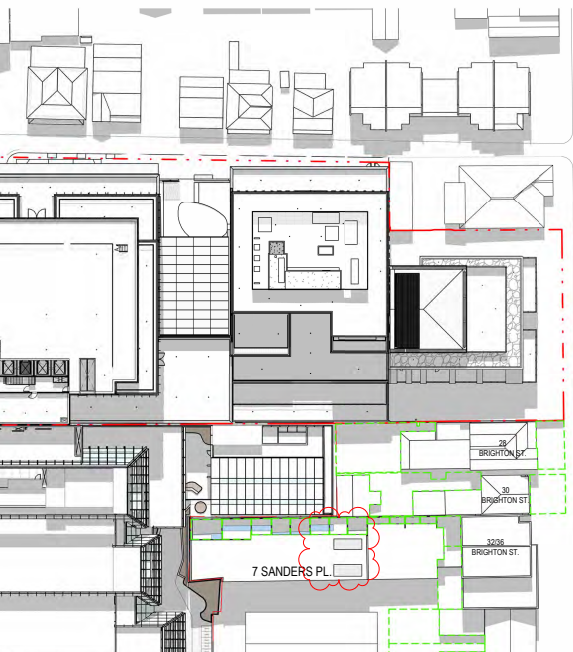




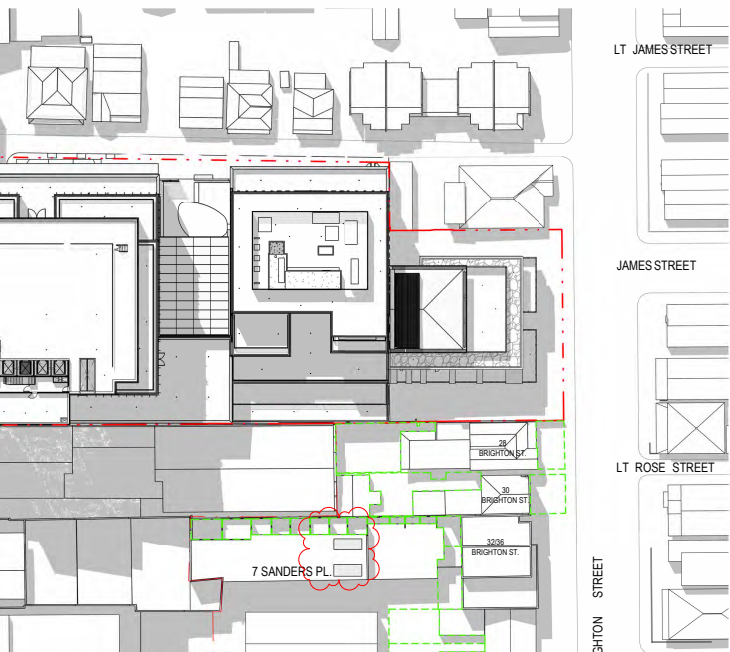


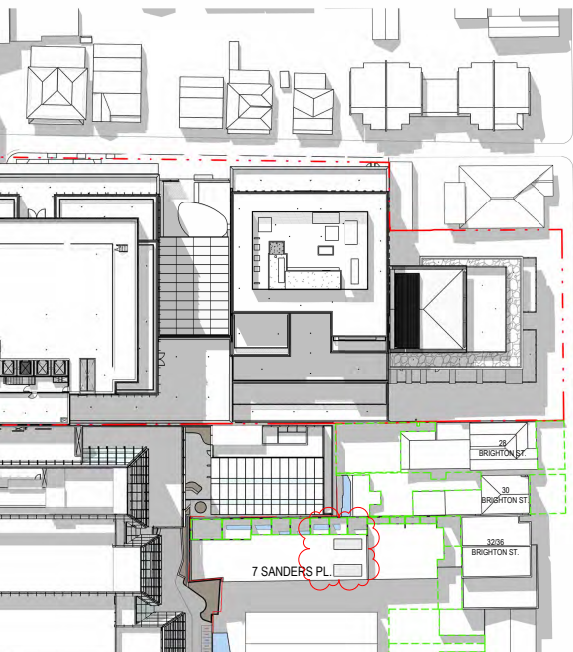
SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	40.82	6.79	5.02	12.89
2/7 Sanders Place	26.86	22.0	3.38	1.49	12.57
3/7 Sanders Place	27.73	23.19	3.50	1.04	12.63
4/7 Sanders Place	28.95	27.57	0.23	1.15	0.79
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.70	0	0	0





SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
LT JAMES STREET					
1/7 Sanders Place	52.63	36.67	6.30	9.66	11.96
2/7 Sanders Place	26.86	20.36	4.31	2.19	16.04
3/7 Sanders Place	27.73	20.88	4.86	1.98	17.54
4/7 Sanders Place	28.95	21.29	0.92	6.74	3.19
JAMES STREET					
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.70	0	0	0
LT ROSE STREET					
BRIGHTON STREET					
7 SANDERS PL.					





SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	42.59	3.21	6.84	6.09
2/7 Sanders Place	26.86	21.89	3.09	1.87	11.53
3/7 Sanders Place	27.73	22.04	3.62	2.07	13.06
4/7 Sanders Place	28.95	19.64	4.84	4.47	16.72
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.52	0	0.19	0





SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	52.63	0	0	0
2/7 Sanders Place	26.86	26.86	0	0	0
3/7 Sanders Place	27.73	24.07	1.78	1.88	6.42
4/7 Sanders Place	28.95	26.31	2	0.64	6.91
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.47	0	0.23	0
28 Brighton Street	146.23	85.75	4.28	56.20	0
30 Brighton Street	128.73	56.04	0	63.93	0



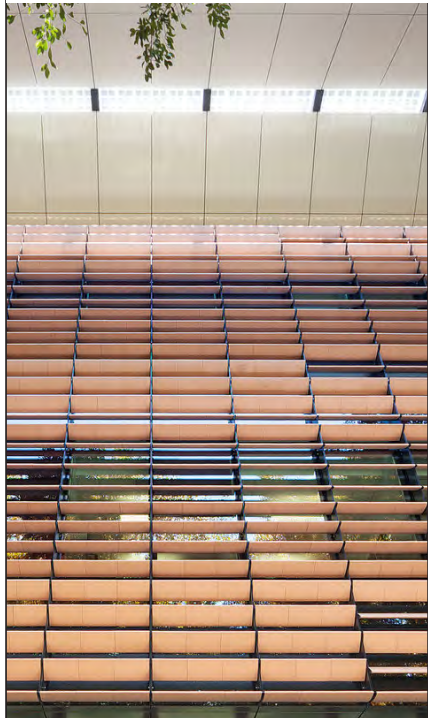


SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	52.63	0	0	0
2/7 Sanders Place	26.86	26.86	0	0	0
3/7 Sanders Place	27.73	27.73	0	0	0
4/7 Sanders Place	28.95	28.95	0	0	0
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.53	0	0.18	0
38/42 Brighton Street	179.87	91.23	86.58	1.99	48.14
44 Brighton Street	60.18	5.92	54.10	0.16	89.90
46/48 Brighton Street	55.14	36.87	17.48	0.79	31.71
50 Brighton Street	40.3	34.35	4.50	1.45	11.18

Material Selection

Fin Strategy

Terracotta Baguettes



UNSW - Tyree Energy Technologies Building

Terracotta oval profile baguette



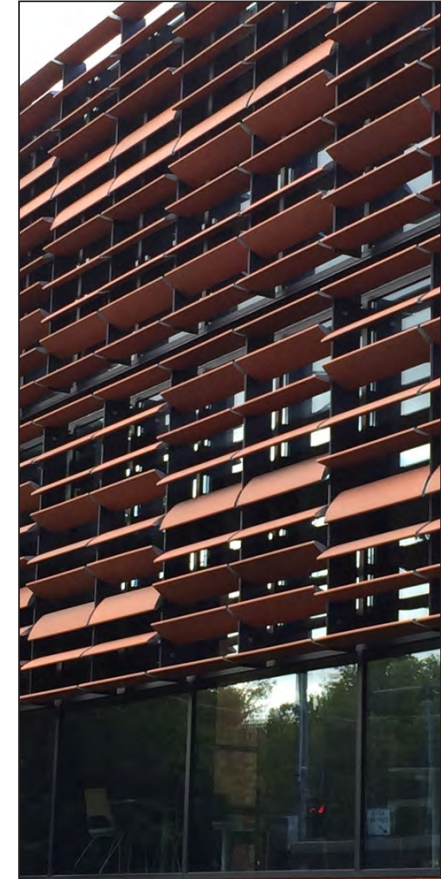
UNSW - Tyree Energy Technologies Building

Terracotta oval profile baguette



Melbourne Arts Centre, Melbourne

Tempio Terracotta oval profile baguette



Melbourne Arts Centre, Melbourne

Tempio Terracotta oval profile baguette

Facade Design

Podium Facade

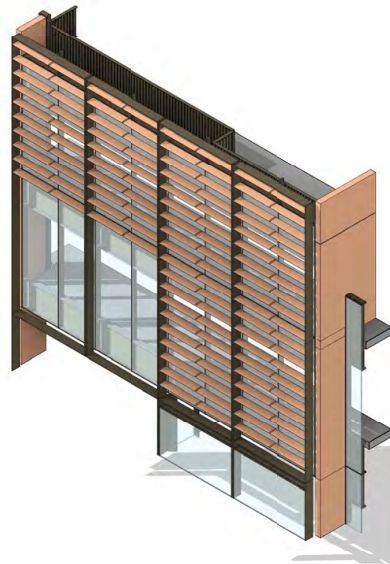
Typical Podium Facade

The podium facade re-imagines the use of clay and masonry facade elements, shifting from the traditional brick masonry walls of Richmond to a contemporary extruded terracotta panel and baguette system.

This allows the masonry material to be employed as an environmentally responsive shading system which reduces heat load on the curtain wall, while expressing a readable masonry mass to the podium which is then dispersed as it moves up the tower.

The baguettes are framed in an industrial looking dark bronze metal frame which allows for the insertion and deletion of the framing to express the building's program. The ends of each 'loft' form are articulated with solid materiality to make each volume solid and distinct.

Facade Type 01



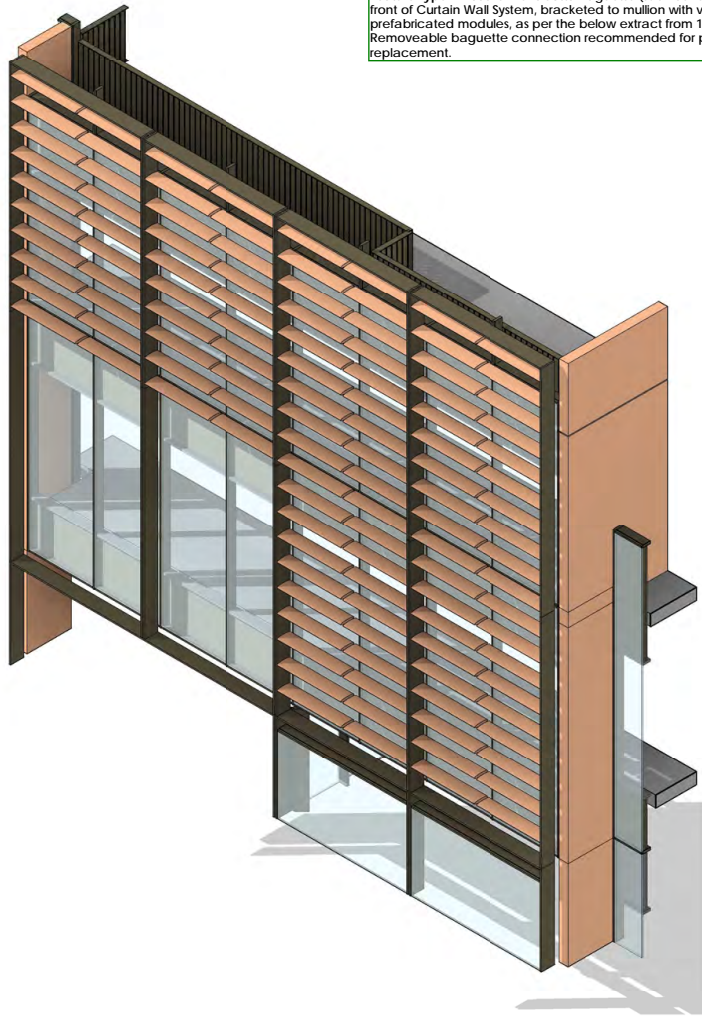
ISOMETRIC



Facade Design

Podium Facade

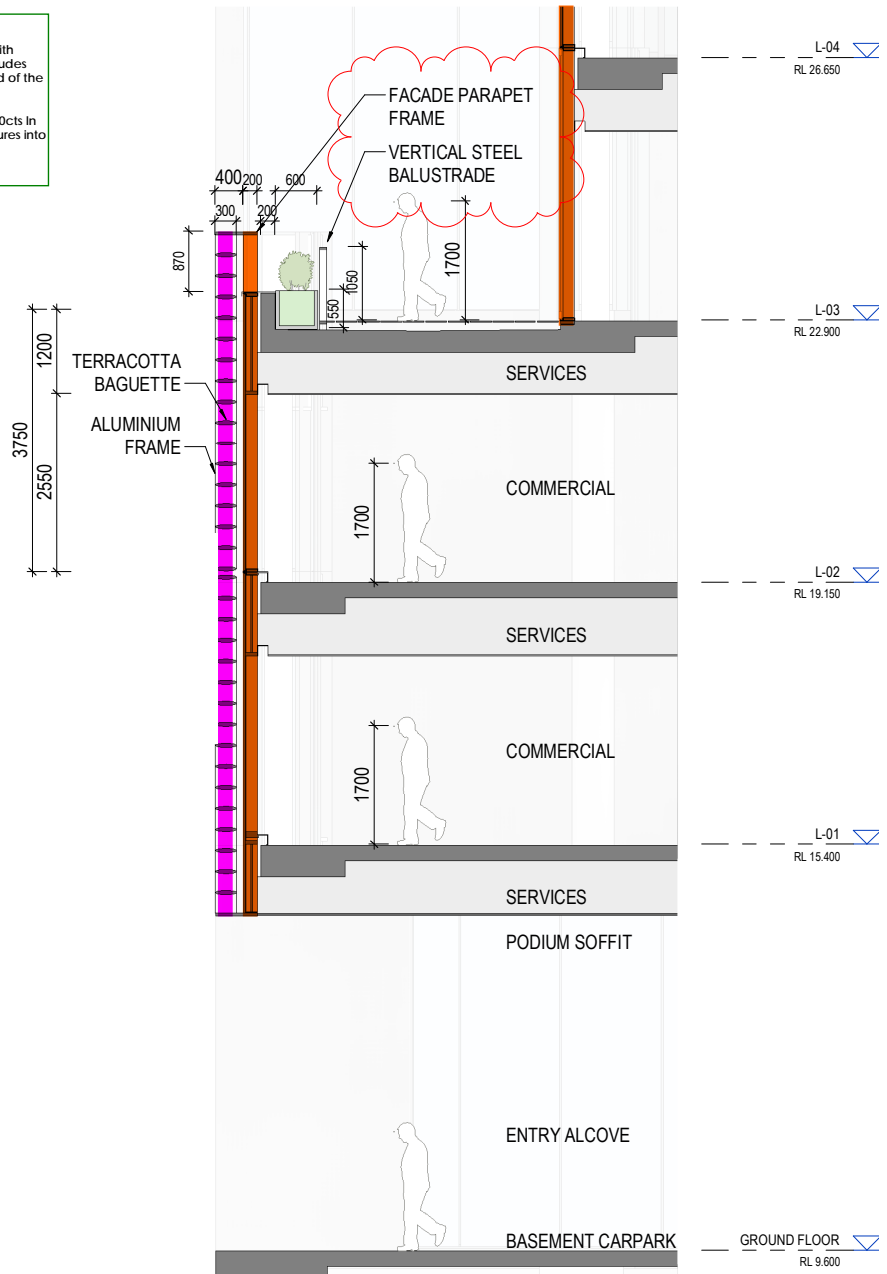
- **Facade System 1 - Vertical Unitised Curtain Wall System**
 Factory prefabricated and structurally glazed aluminium curtain wall system with thermally enhanced/broken beads, and double silver low-e coated DGU. Includes insulated spandrels with finished backpan, including internal insulation in board of the facade as required to meet preliminary R-value targets from ESD.
- **Feature Type A - 300x62 Terracotta Baguette (such as Tempio 80300x62) @ 300cts In front of Curtain Wall System, bracketed to mullion with vertical aluminium features into prefabricated modules, as per the below extract from 17086-SKT-FC0001100]. Removeable baguette connection recommended for potential future glass replacement.**



ISOMETRIC

Richmond Lofts - 475 Church Street, Richmond

Salta and Zagame



Facade Design

Typical Tower Facade

Typical Tower Facade

The tower facade frames the contextual extruded terracotta material as an environmentally responsive horizontal sun shading baguette. This is placed at heights in relation to internal views which maximises shading on the glazing.

The facade is designed and engineered to roll the same metal and terracotta expression across vertical and inclined faces, with visible articulated breakout spaces shown in the expression.

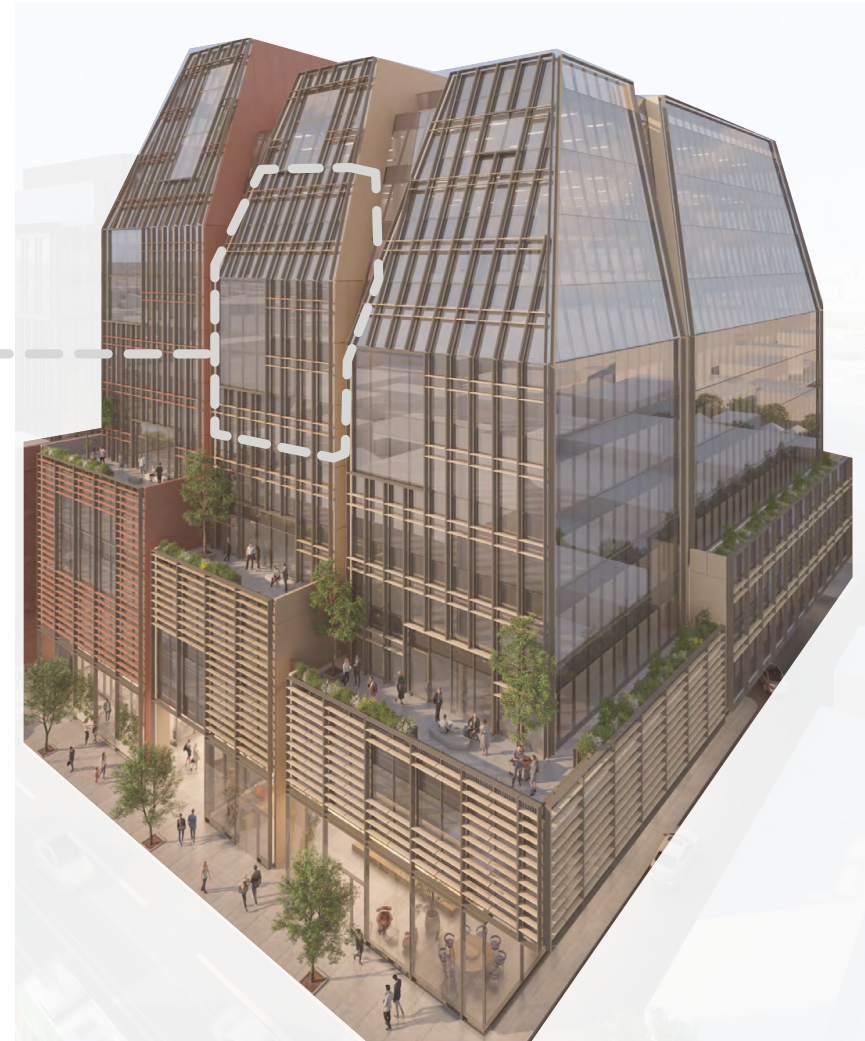
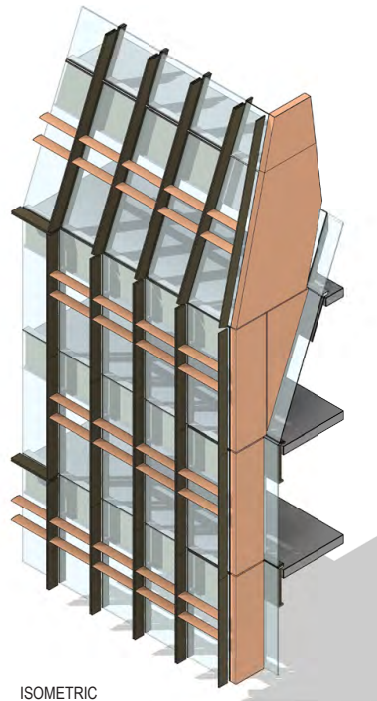
The internal sides of each 'loft' form are clad in solid materiality to which emphasises the distinction between the forms and their solidity in the skyline.

Tower Facade - South (Facing Page)

The south tower facade uses the same proportion and basic materiality as the typical tower facade system, but pares back the articulation to a simplified clean curtain wall system with solid material reveals and a metal frame.

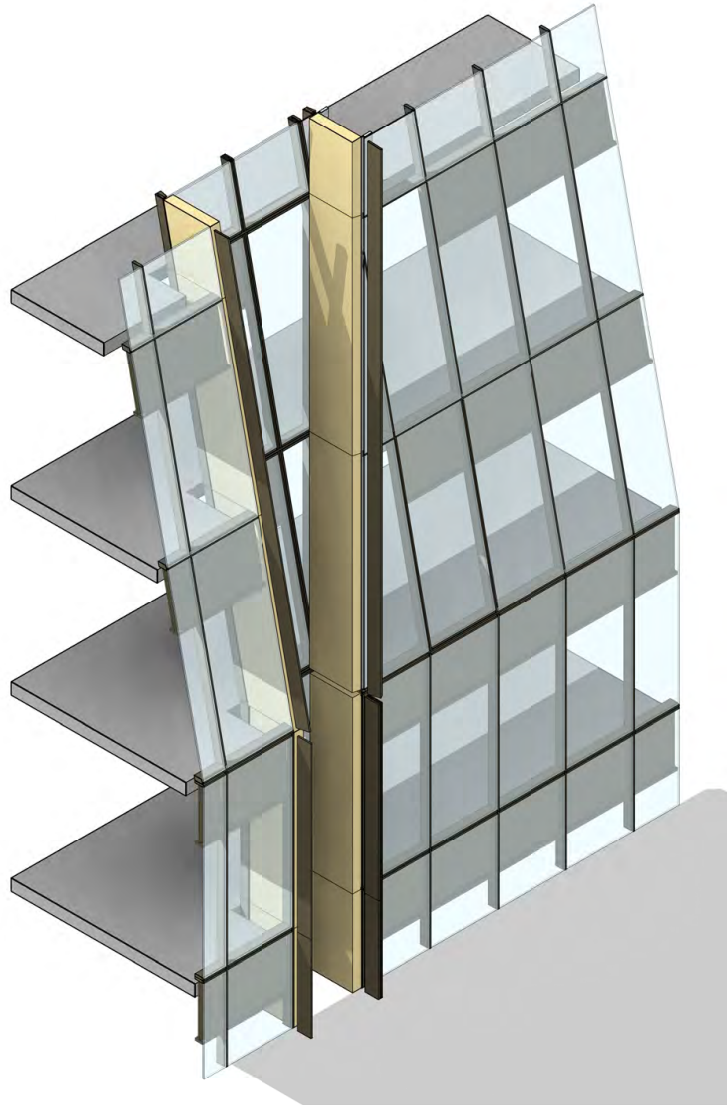
This allows for an elegant and clean tower silhouette to the southern aspect and is responsive to the environmental performance of the building.

Facade Type 02



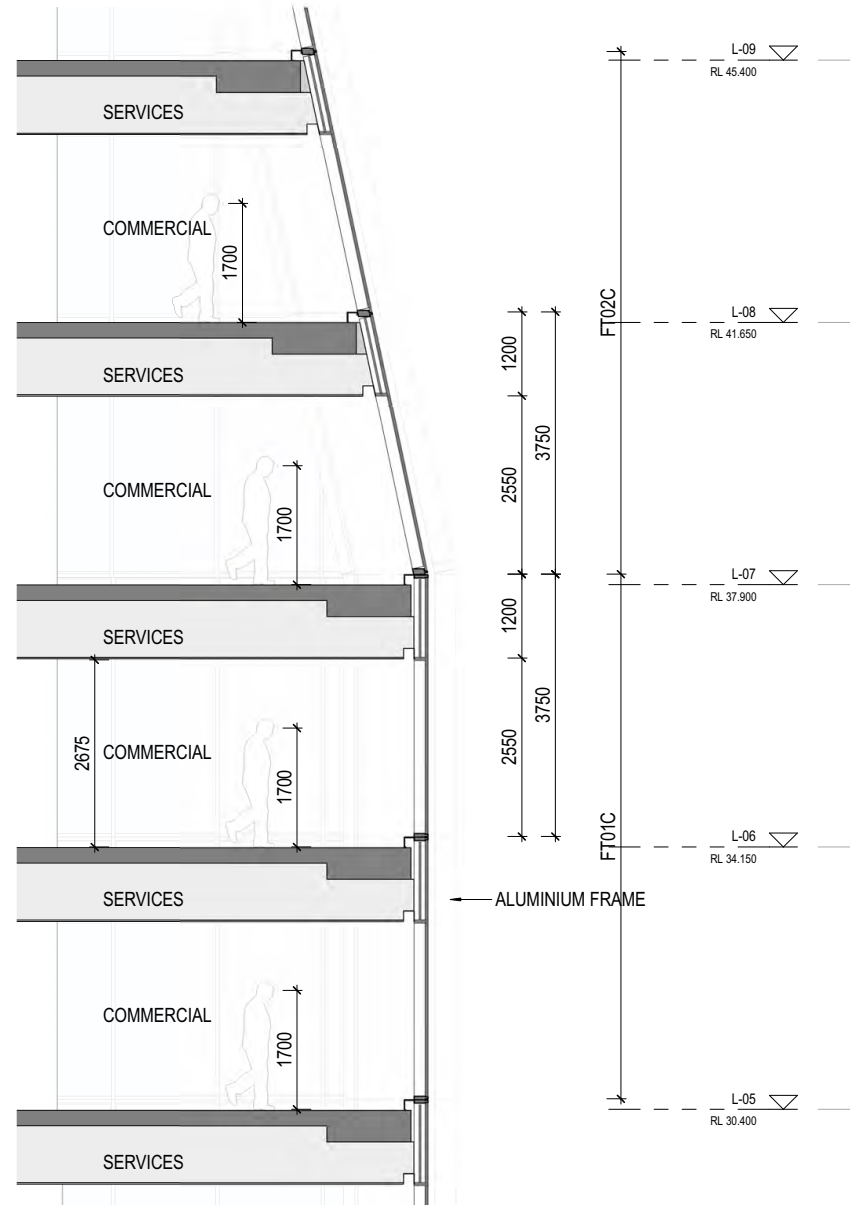
Facade Design

Tower Facade - South



Richmond Lofts - 475 Church Street, Richmond

Salta and Zagame



TOWER WALL SECTION 1:50

Facade Design

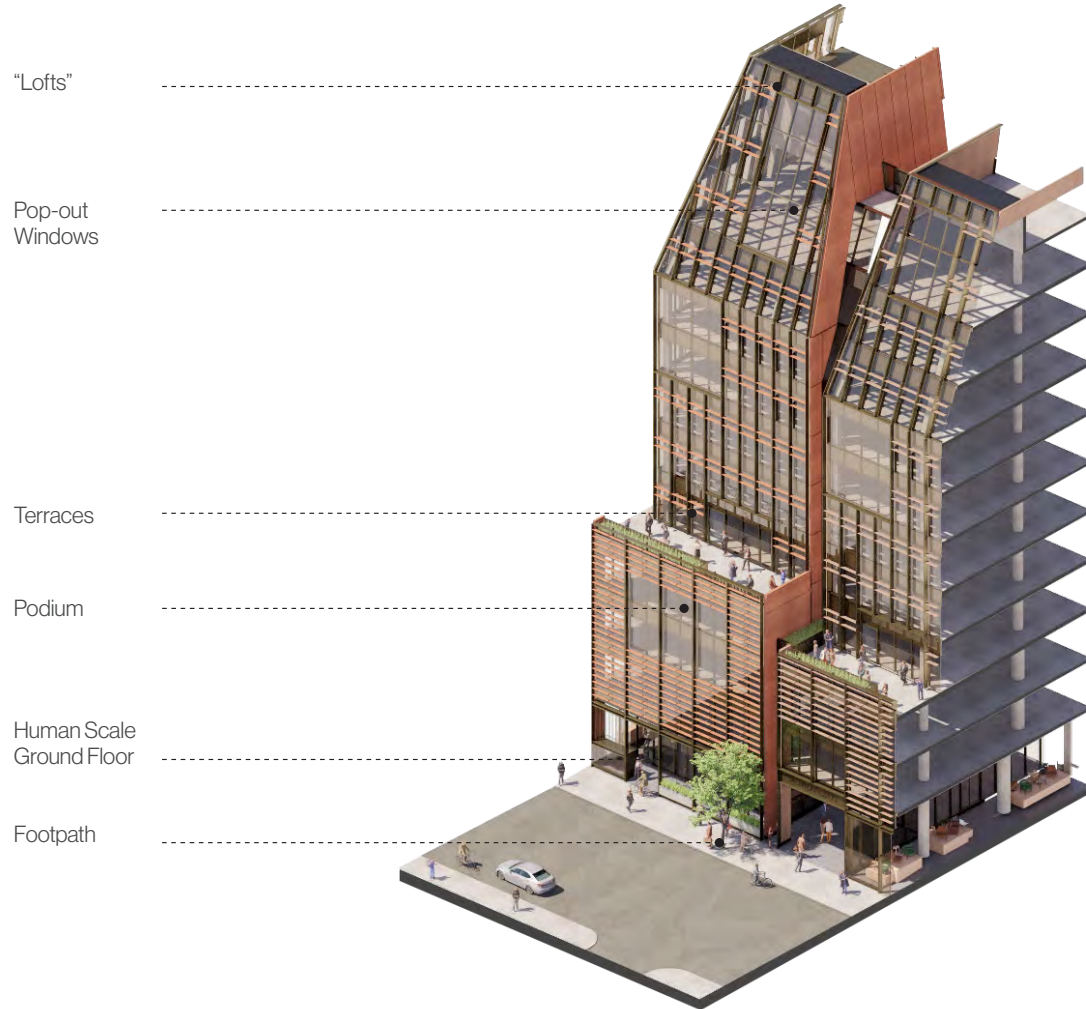
Response to Context

Building Facade

A design which integrates a consistent facade outcome for both the tower and the podium.

The form seeks to break the 'brick podium and glass tower' dialect that has emerged within the City of Melbourne and the urban fringe.

This form has an integrated design methodology that emphasises the strength and rigour of a kit of parts and the flexibility that occurs from such a simple collection of facade elements.



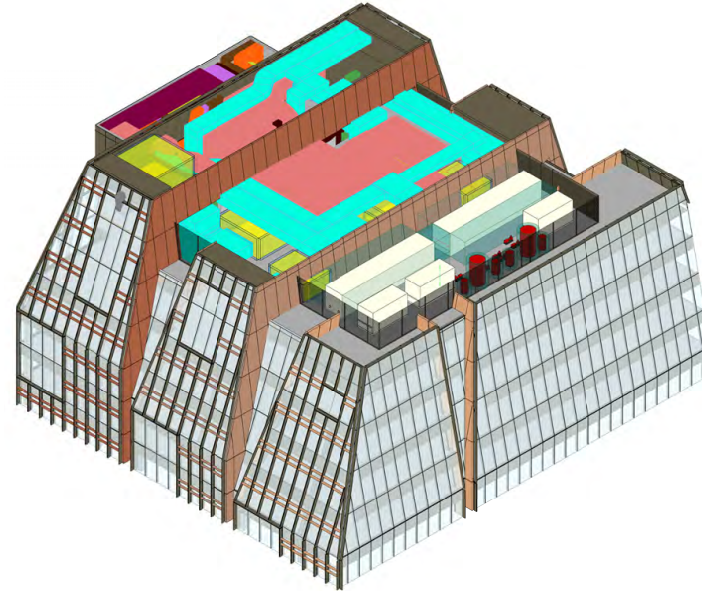
Facade Design

Integrated Plant Screening

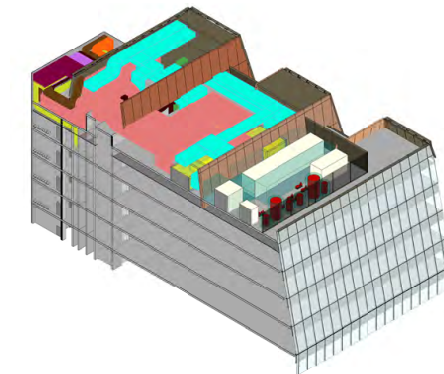
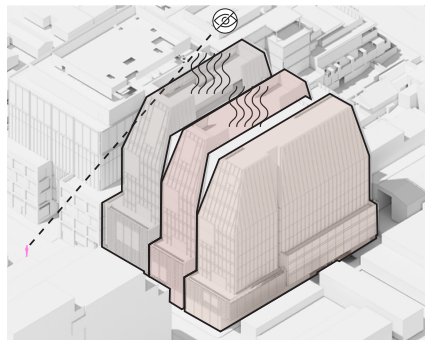
Integrated Plant Screening

With an sculpted integrated facade that is considered and runs continuously as an extension of the building's form, screening the plant with an additional level of facade becomes a simple and effective outcome.

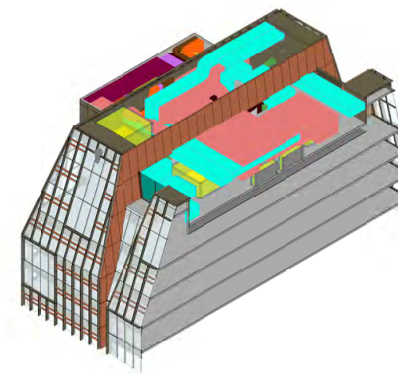
We have undertaken extensive coordination work with our services engineers to ensure that the rollover of the building services plant is fully concealed and integrated within the project's unique tiered 'loft' roof-line. This unifies the building's formal and technical aspects.



Overall Isometric View of Roof Plant



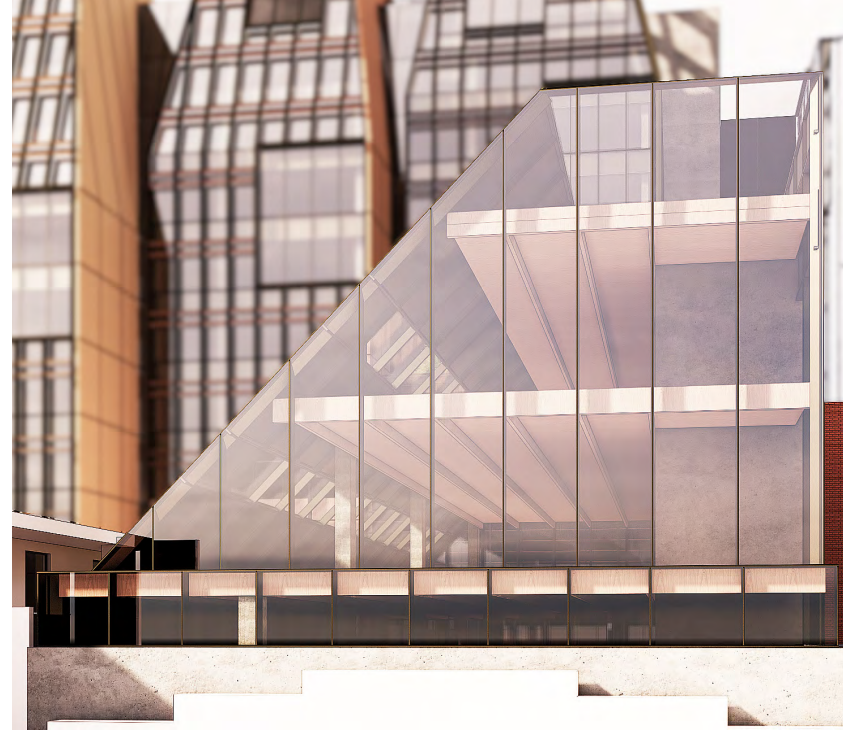
North-South Section - showing services rolling over core



East-West Section - showing double height facade volumes concealing plant

Facade Design

The Loft Pavilion



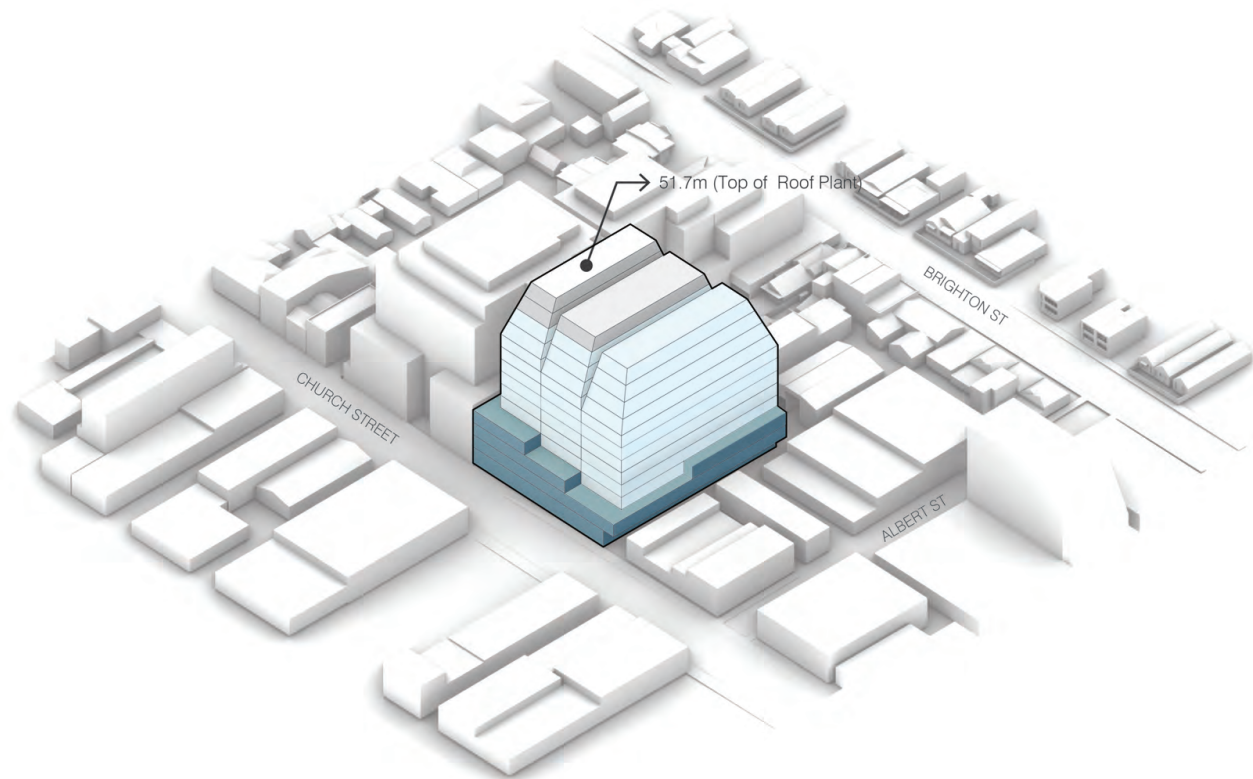
Richmond Loft Pavilion

The Richmond Lofts Pavilion activates the rear of the site, drawing users and the community through the ground plane as a visible indoor/outdoor offering. The building is crafted to a sloping warehouse scale, interfacing with the finer grain context to the rear of the site and the larger scale context of Church Street. The pavilion acts as an event space at the top of the lobby stairs with an outdoor terrace space, providing a boutique workplace opportunity.

The facade is articulated as a simple glass curtain wall with a consistent framing module through its west elevation. The glass transparency allows for visible timber and lightweight construction elements. The south interface has windows placed at high level within the sloping facade in order to allow for sensitive overlooking treatment to neighbouring properties.

Development Summary

Site Area	3,356 m ²
Levels	GF + 10
Podium NLA	6,882 m ²
Tower NLA	11,820 m ²
Terrace Area	1,075 m ²
Lobby Area	715 m ²
Total GFA	27,892 m ²
Total NLA (Office)	18,702 m ²
Total NLA (GLAR)	1,005 m ²
Total NLA + GLAR	19,707 m ²
Typical Tower NLA	1,802 m ²

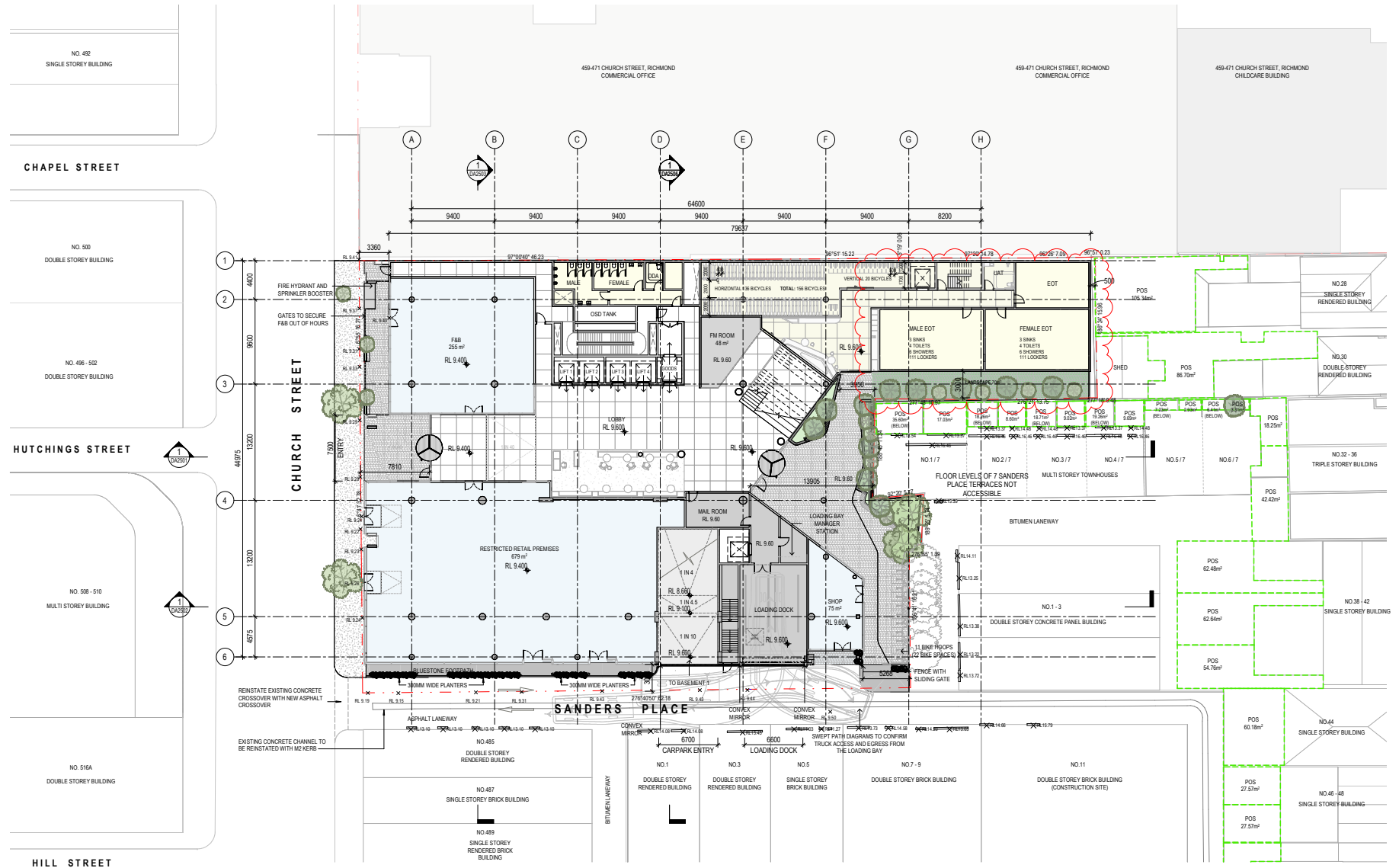




Working design model

Richmond Lofts - 475 Church Street, Richmond

Salta and Zagame



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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RTI Response	03/08/23
C	TP Response	12/12/23



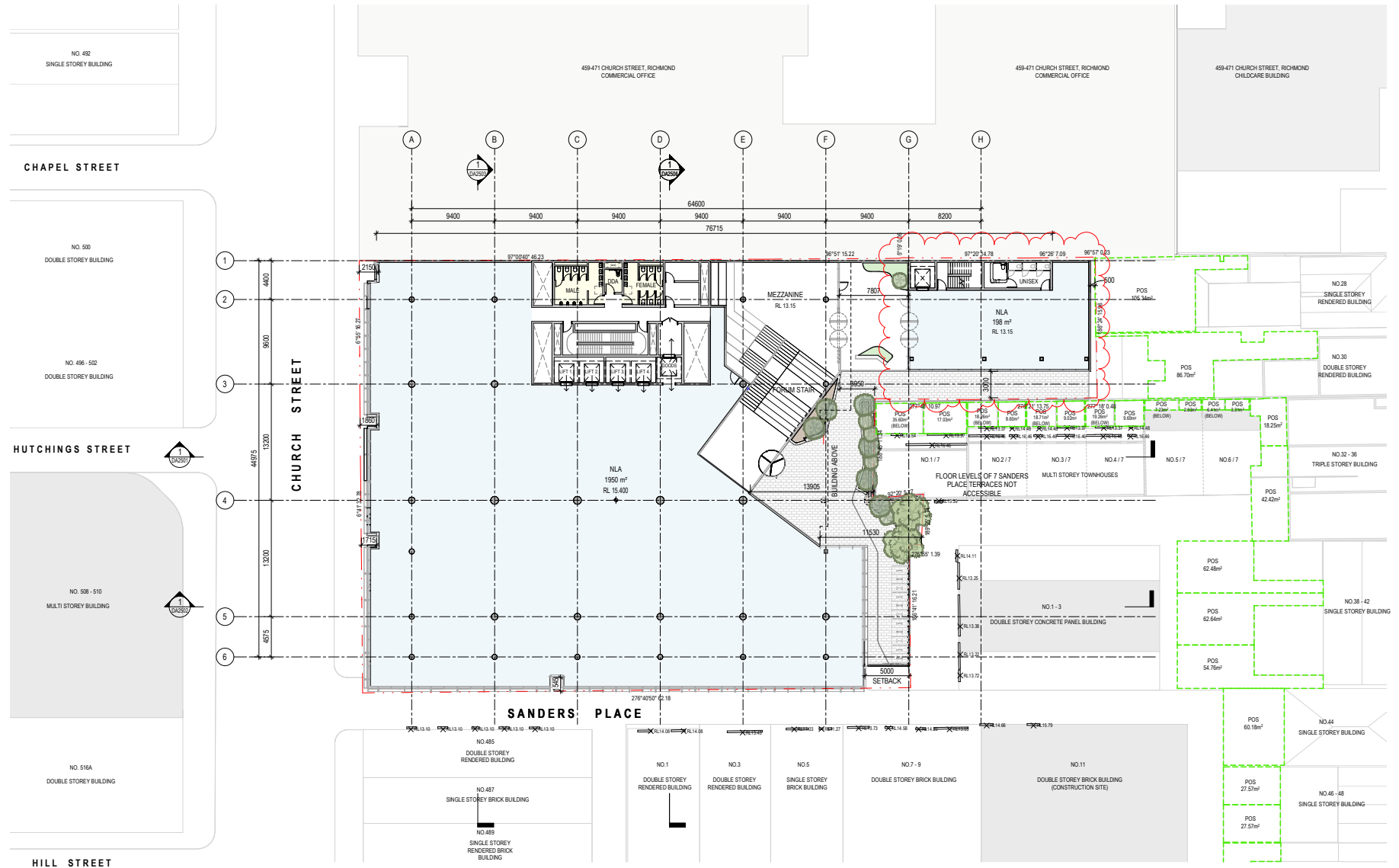
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 AIN 99 131 245 864

project	475 Church Street, Richmond, 3121	18/12/2023 2:19:22 PM
drawing	GROUND FLOOR	
project No.	220323	scale 1 : 200@A1
drawing No.	DA1000	issue C

checked AH drawn AA

Attachment 3 Attachment 3 - PLN23/0316 - 475 - 481 Church Street Richmond - Without Prejudice Package (Dec 2023)



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issue	amendment	date
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B	R1 Response	03/08/23
C	TP Response	12/12/23

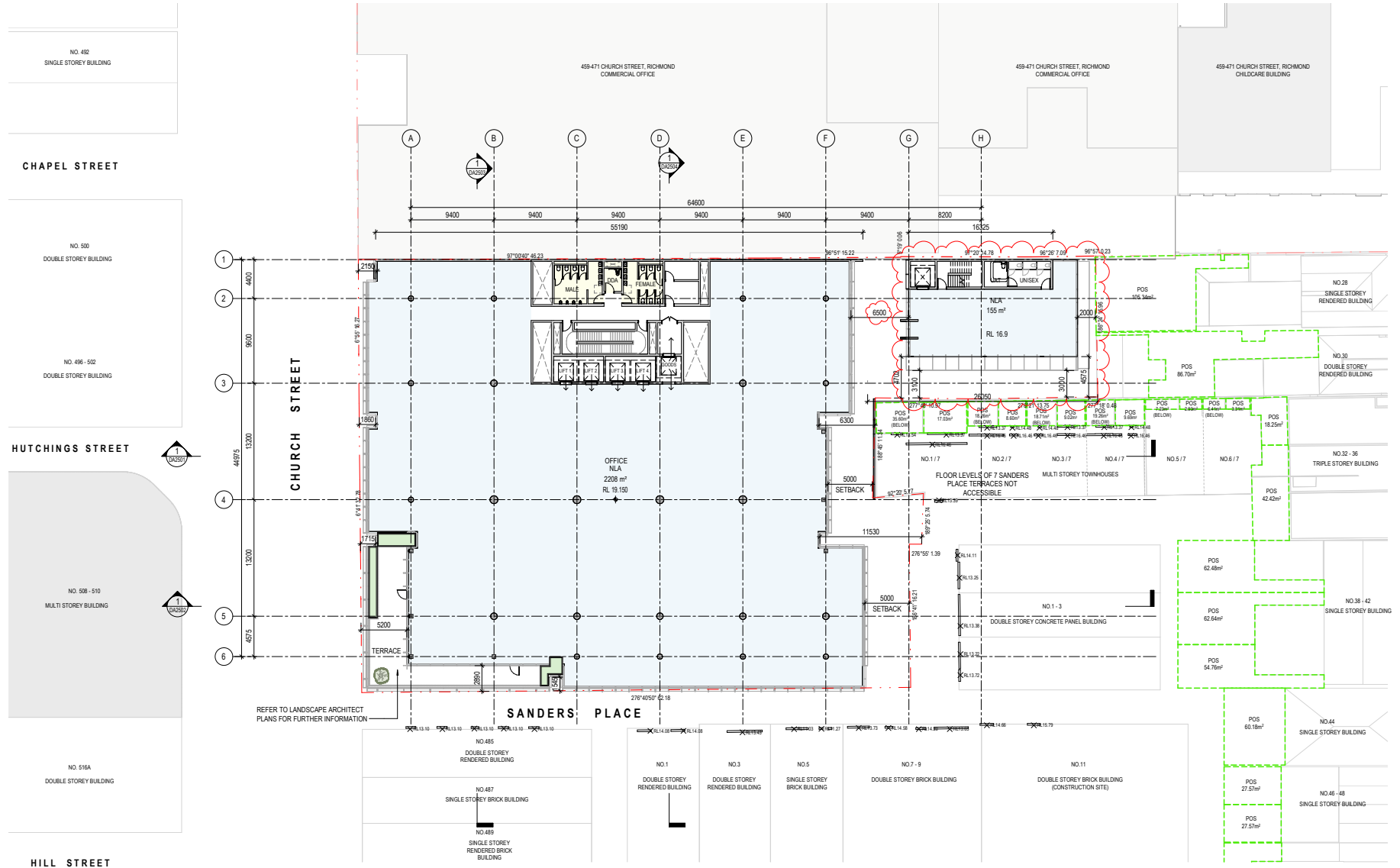


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 ABN 99 131 245 664

project	475 Church Street, Richmond, 3121	13/12/2023 10:24:03 AM
drawing	LEVEL 01	
project No.	220323	scale 1 : 200@A1
drawing No.	DA1001	issue C

checked AH drawn AA



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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RTI Response	03/08/23
C	TP Response	12/12/23

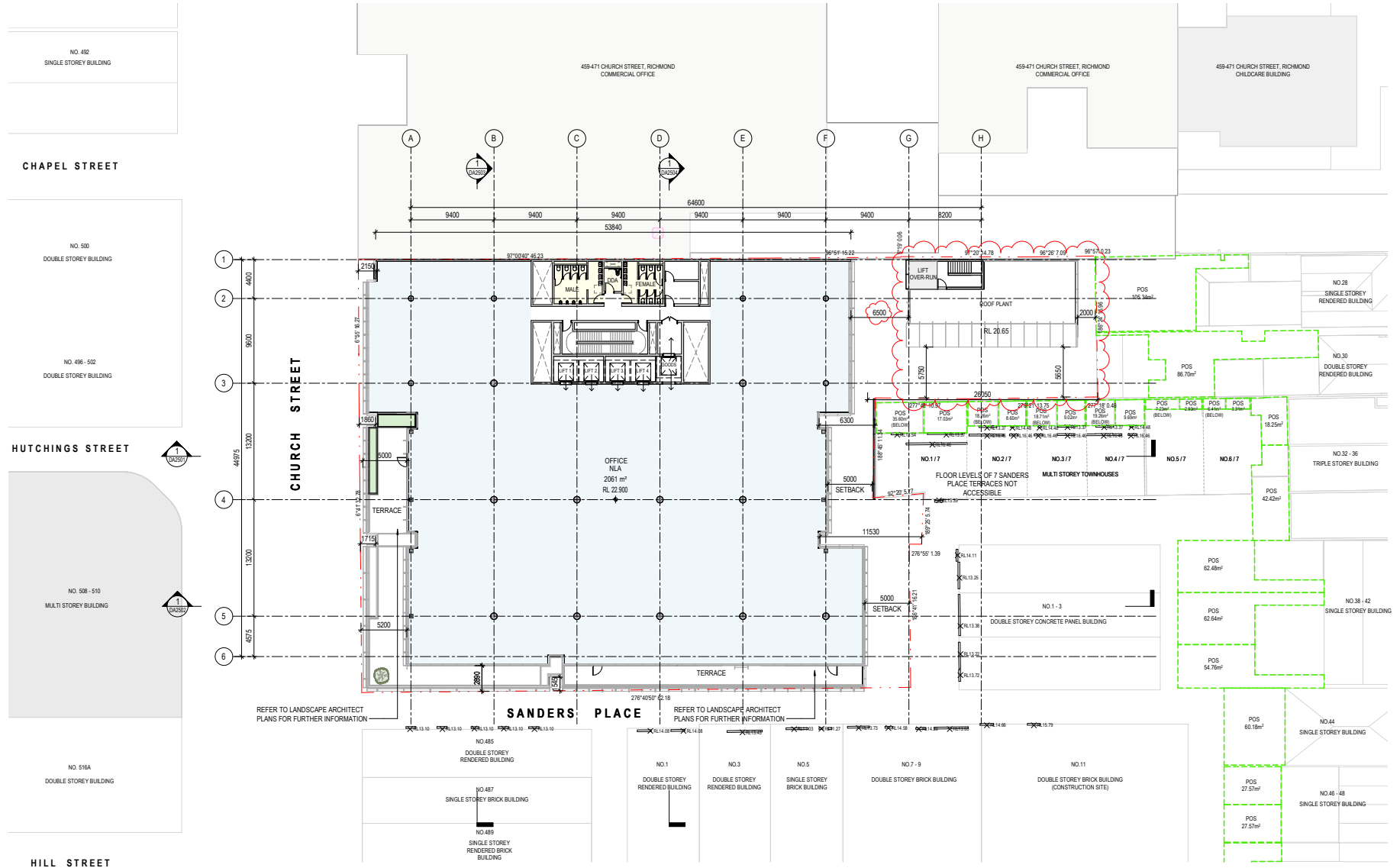


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drawing	LEVEL 02	
project No.	220323	scale 1 : 200@A1
drawing No.	DA1002	issue C

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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RTI Response	03/08/23
C	TP Response	12/12/23



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project	475 Church Street, Richmond, 3121	13/12/2023 10:24:33 AM
drawing	LEVEL 03	
project No.	220323	scale 1 : 200@A1
drawing No.	DA1003	issue C

checked AH drawn AA

475-481 Church Street, Richmond - TP Changes

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AREA SCHEDULE Rev E 6/12/2023 Author: Anton Hicks Project Status: Stage 03 Doc Status: DA

TOTAL SITE AREA ⁰ (m²):	3,356
GFA ABOVE GROUND (m²):	27,892
FLOOR AREA RATIO:	8.31

	LEVELS (No.)	HEIGHT ⁷ (m)	GFA ² (m²)	GLAR ³ (m²) Retail	NLA ⁴ (m²) Office	Lobby (m²)	EFFICIENCY (%)	CIRCULATION (m²)	CORE/BOH (m²)	EOT ⁸ (m²)	TERRACES (m²) Terraces, GF Open Area	CAR BAYS ¹ (No.)
Basement - Carpark												
Basement 02 ⁶	1	3.00	3,055	-	-	-	-	-	-	-	-	81
Basement 01	1	3.50	3,055	-	-	-	-	-	-	-	-	71
Total	2	6.50	6,110	-	-	-	-	-	-	-	-	152
Podium - Lobby / Retail / Commercial												
Ground Floor	1	5.80	2,720	1,005	-	564	-	-	747	365	400	-
Level 01	1	3.75	2,834	-	2,148	151	76%	-	336	-	111	-
Level 02	1	3.75	2,932	-	2,363	-	81%	-	336	-	125	-
Level 03	1	3.75	2,736	-	2,064	-	75%	-	336	-	149	-
Total	4	17.05	11,222	1,005	6,575	715	-	-	1,755	365	785	-
Tower												
Level 04	1	3.75	2,392	-	1,802	-	75%	-	282	-	290	-
Level 05	1	3.75	2,097	-	1,802	-	86%	-	282	-	-	-
Level 06	1	3.75	2,097	-	1,802	-	86%	-	282	-	-	-
Level 07	1	3.75	2,070	-	1,773	-	86%	-	282	-	-	-
Level 08	1	3.75	1,981	-	1,684	-	85%	-	282	-	-	-
Level 09	1	3.75	1,855	-	1,556	-	84%	-	282	-	-	-
Level 10	1	4.15	1,699	-	1,401	-	82%	-	282	-	-	-
Level 11 - Plant	1	3.75	1,347	-	-	-	-	-	1347	-	-	-
Plant Mezzanine		4.65	1,132	-	-	-	-	-	1132	-	-	-
Total	8	35.05	16,670	-	11,820	-	-	-	3,321	-	290	-
GRAND TOTAL⁵	12	52.10	27,892	1,005	18,395	715	-	-	5,076	365	1,075	152

Notes

- All figures have been based on preliminary information and are subject to further verification

¹ Car Park numbers are based on preliminary services and BOH layout assumptions, and are subject to change

² Gross Floor Area = FECA + UCA, calculated in accordance with the Australian Institute of Quantity Surveyors Book of Areas

³ Gross Leasable Area Retail is calculated in accordance with Property Council of Australia guidelines

⁴ Net Lettable Area is calculated in accordance with Property Council of Australia guidelines

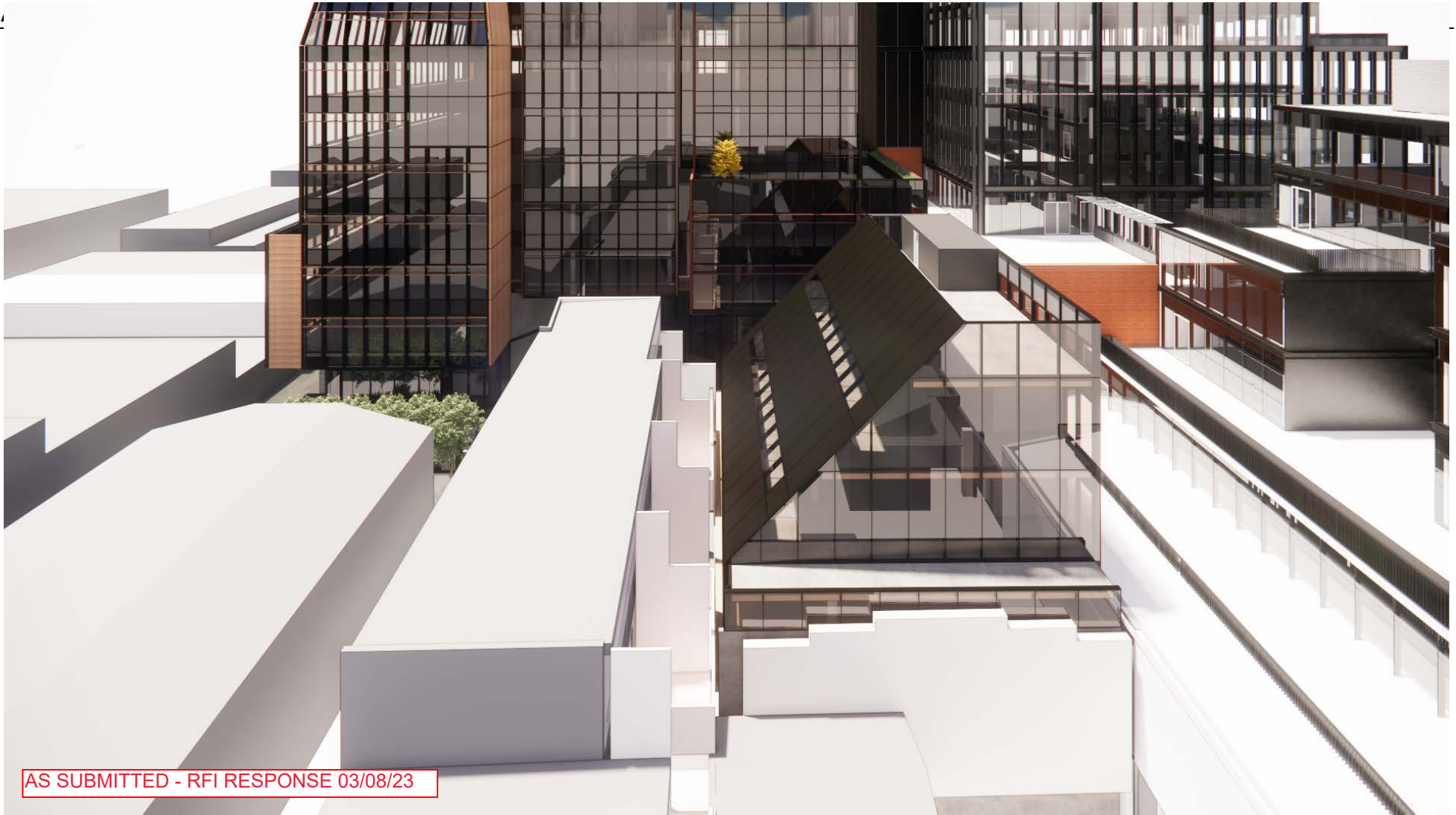
⁵ Gross Floor Area Grand total excludes basement GFA

⁶ Basement 2 - Feasibility of excavation for basement 2 to be established, based on detailed study of proximity of Burnley Tunnel, As reference in Planning Brief - 475 - 481 Church Street Richmond (Page 4)

⁷ Basement floor-to-floors are nominal only, to be confirmed with detailed services and structure design

⁸ End Of Trip Location shown in plan is nominal only, size and location to be determined through detailed design

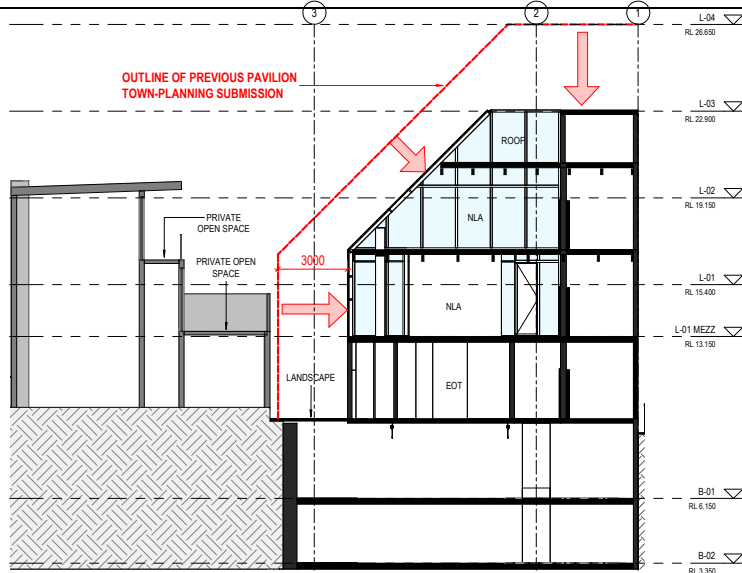
⁹ Site area is subject to feature and title re-establishment survey



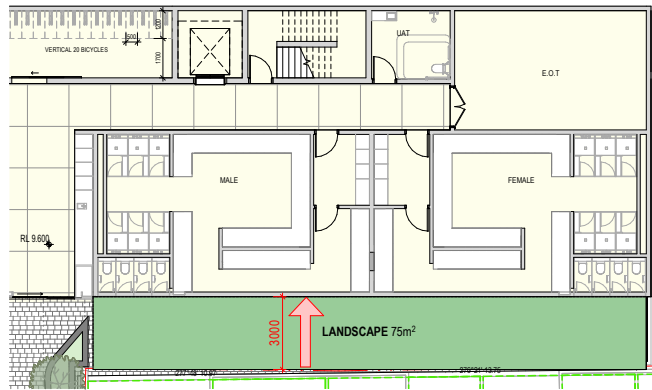
AS SUBMITTED - RFI RESPONSE 03/08/23



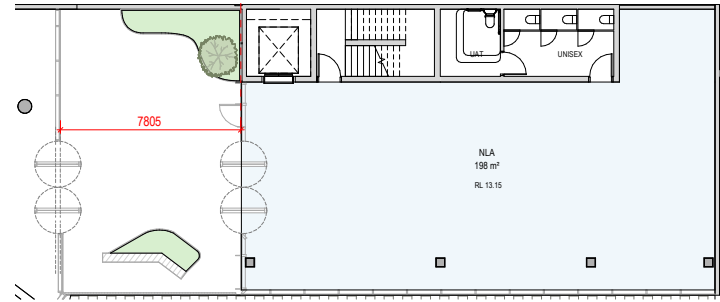
CURRENT PROPOSAL - AMENDED PAVILION - 13/12/23



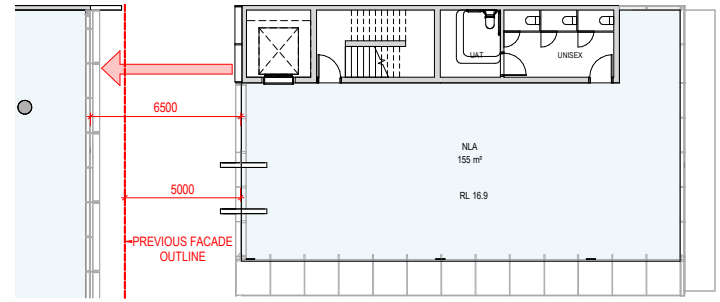
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DA1001 SCALE: 1:100



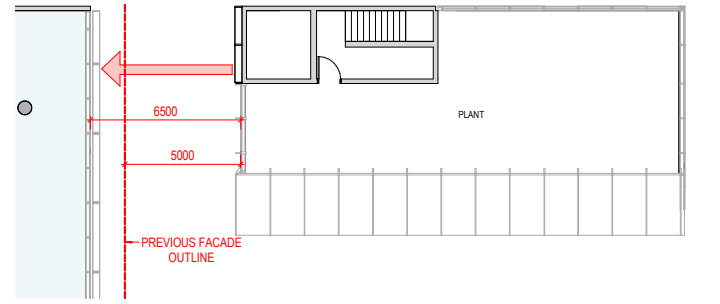
2 GF - RFI
DA2001 SCALE: 1:100



3 L-01 - RFI
DA2001 SCALE: 1:100



4 L-02 - RFI
DA2001 SCALE: 1:100



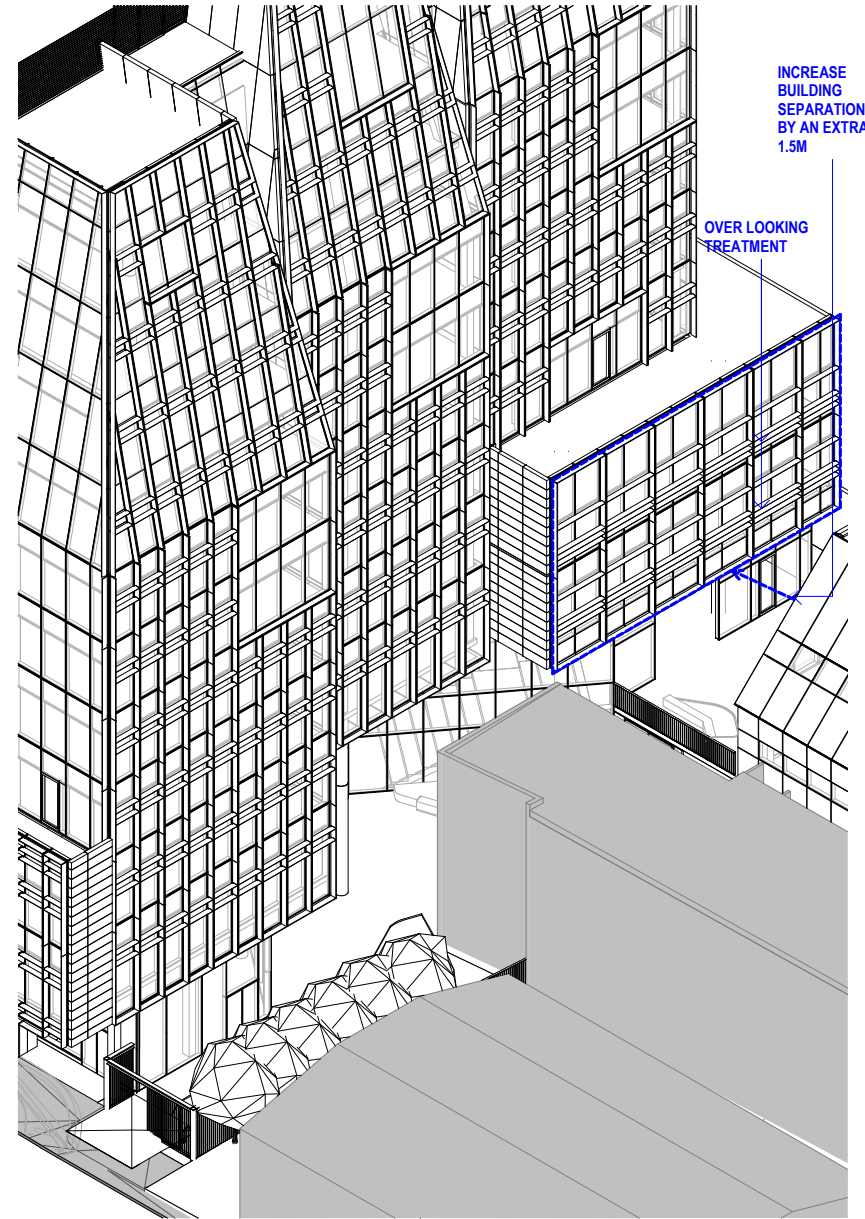
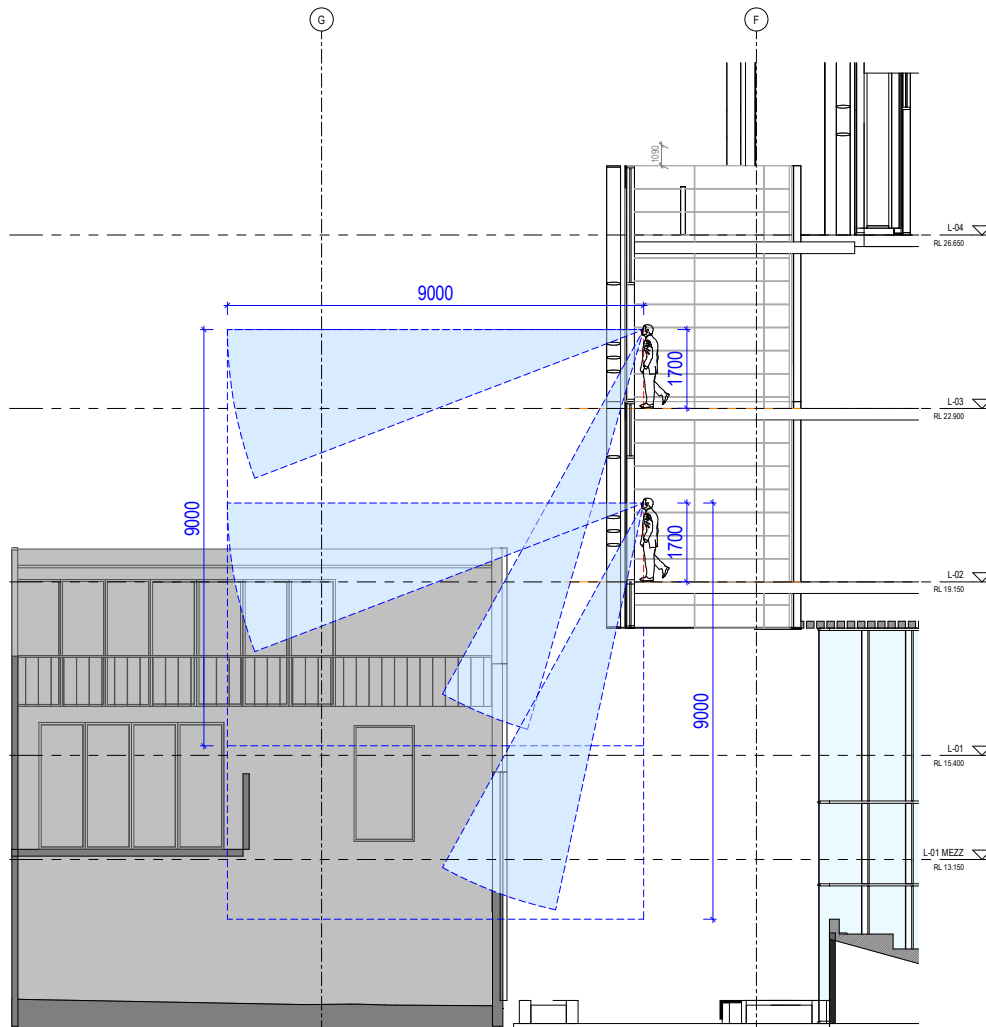
5 L-03 - RFI
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475 Church Street, Richmond,
3121

Drawing: Pavilion Drawings
Drawing no: A.SK0022
Issue: As indicated
Scale @ A1: 11/29/23
Date:

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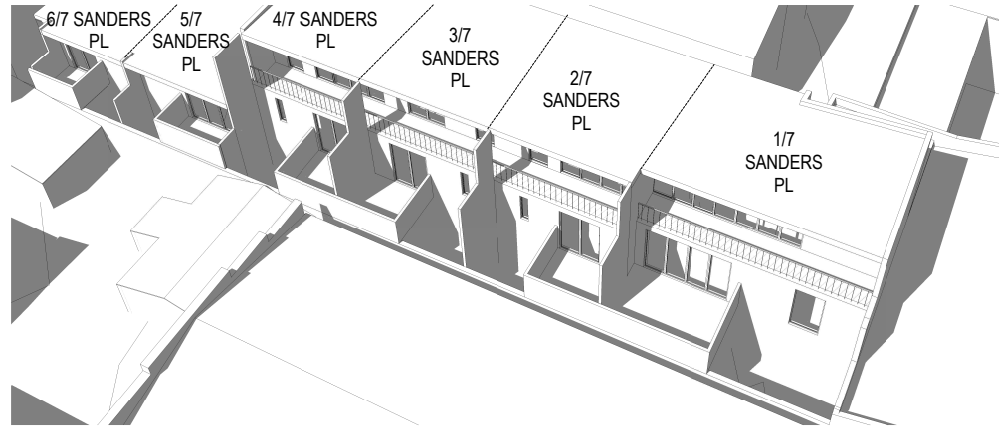
475 Church Street, Richmond,
3121

Drawing: Private Open Space - Overlooking
 Drawing no: A.SK0021
 Issue:
 Scale @ A1: 1 : 50
 Date: 11/28/23

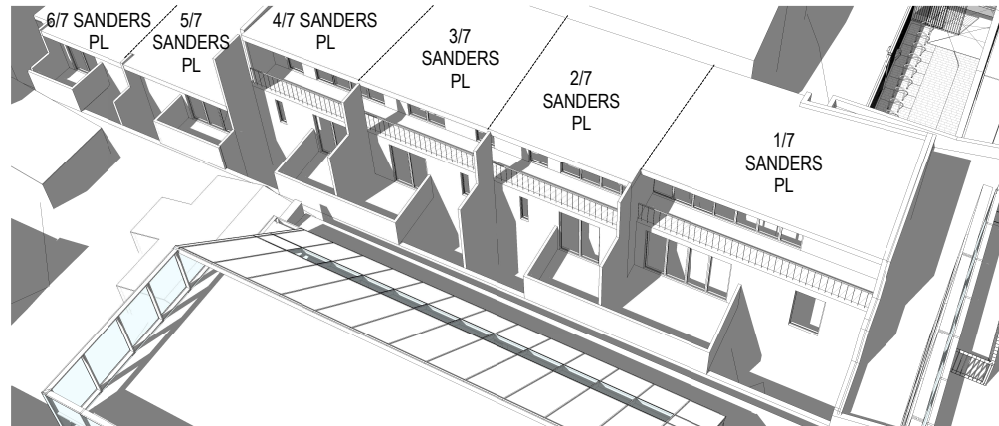
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23RD SEPTEMBER 1100



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	133.4	13.9	8.7	8.90

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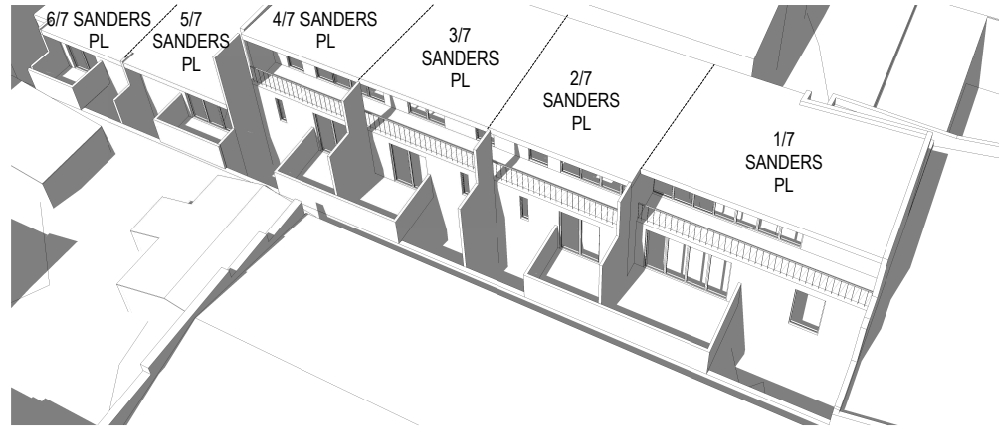
issue	amendment	date

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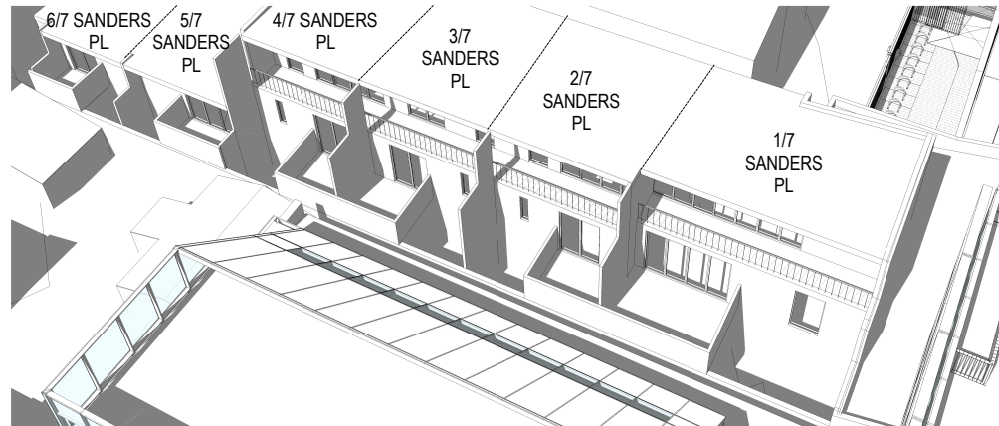
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 AIN 99 131 245 684
 checked Checker drawn Author

12/12/2023 5:15:59 PM
 project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1100 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. **SK1000** issue

23RD SEPTEMBER 1130



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	124.3	14	17.7	8.95

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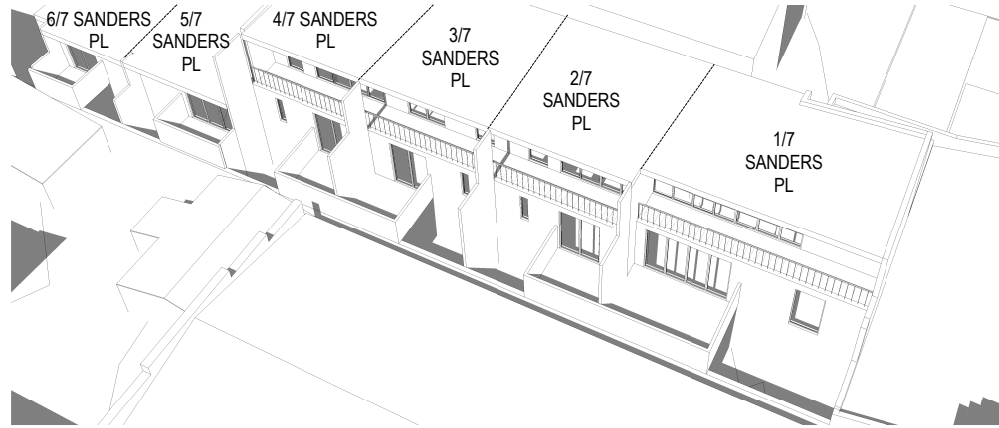
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checked Checker drawn Author

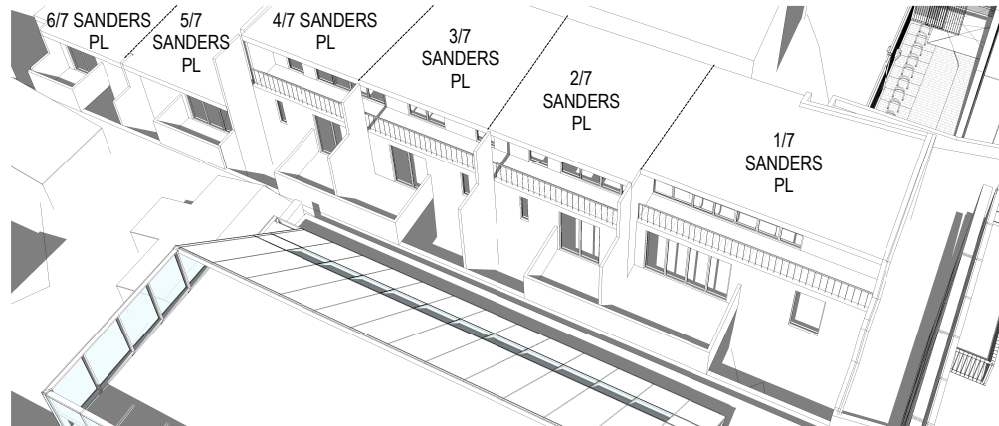
12/12/2023 5:17:50 PM

project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1130 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. **SK1001** issue

23RD SEPTEMBER 1200



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	119	16.4	20.6	10.50

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issue	amendment	date

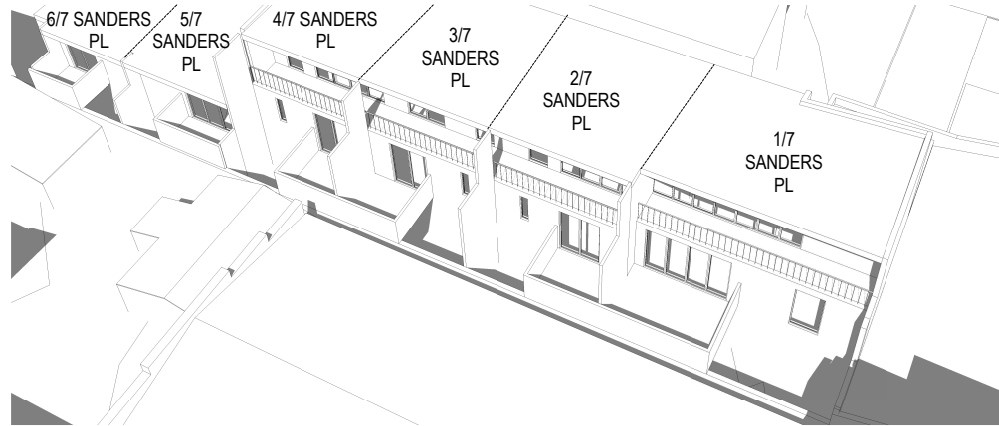
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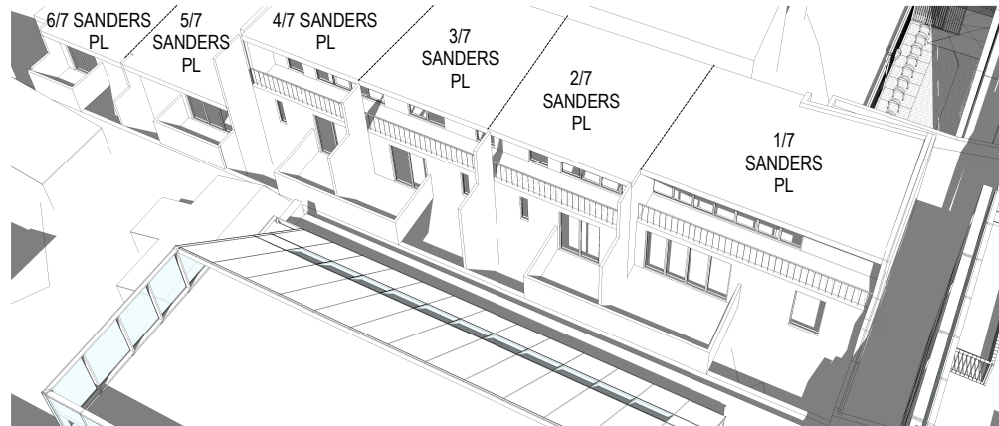
checked Checker drawn Author

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 project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1200 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. **SK1002** issue

23RD SEPTEMBER 1230



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	123.2	13.7	19.1	8.77

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issue	amendment	date

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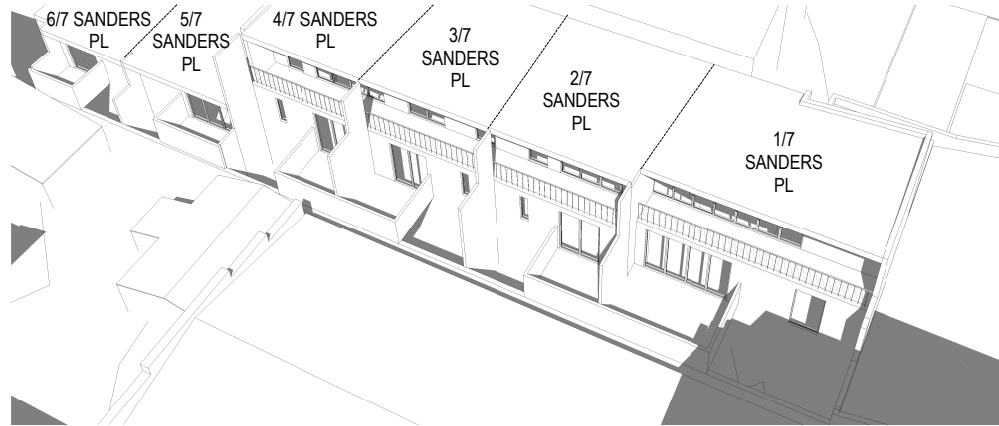
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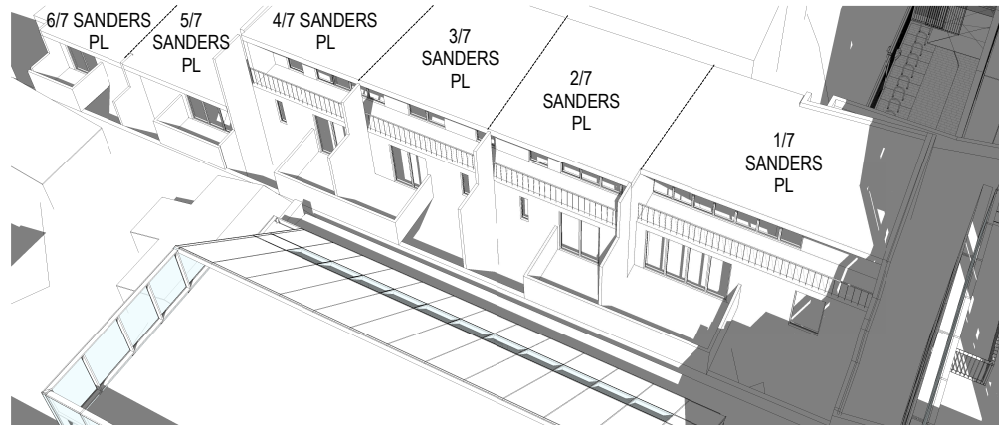
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project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1230 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. SK1003 issue

23RD SEPTEMBER 1300



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	125.8	14.8	15.4	9.46

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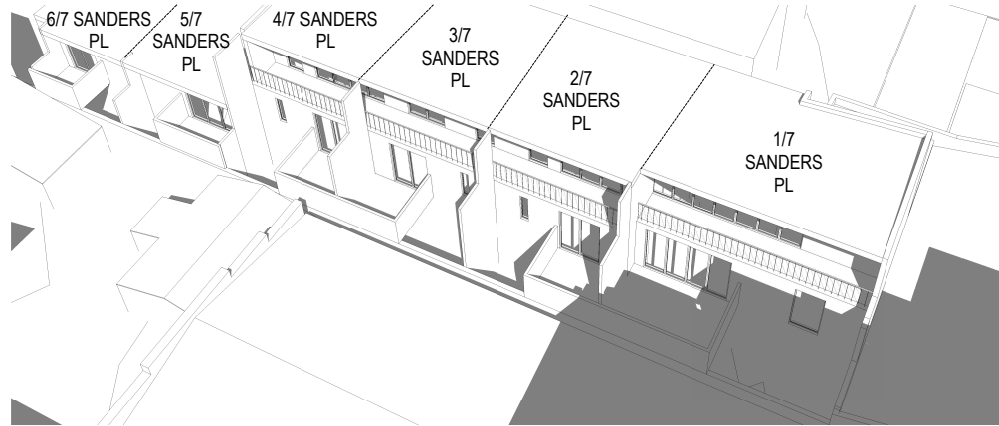
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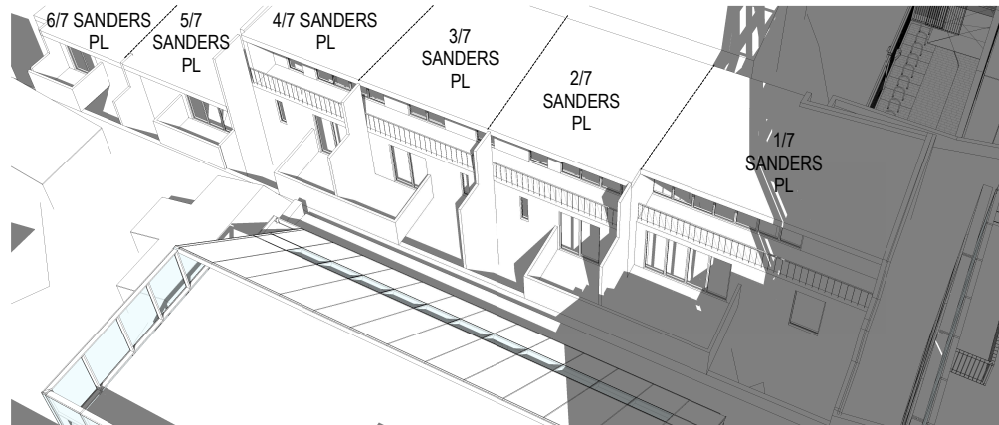
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project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1300 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. **SK1004** issue

23RD SEPTEMBER 1330



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	141	6.4	8.6	4.13

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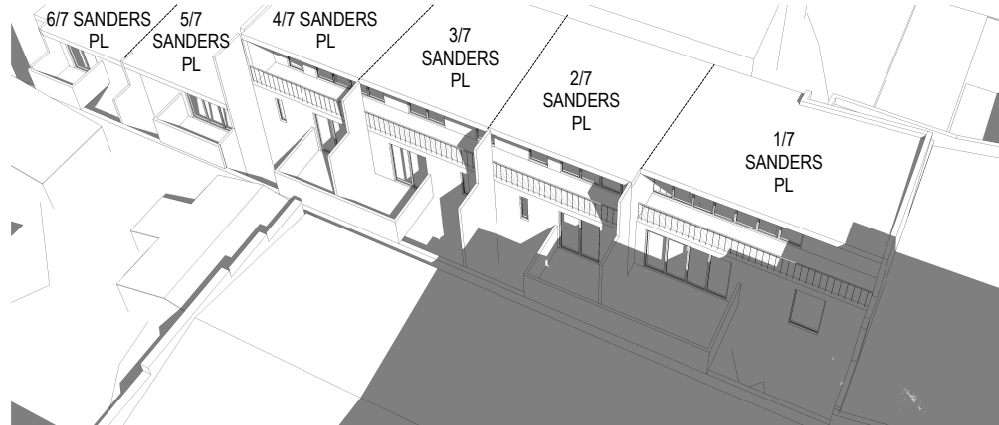
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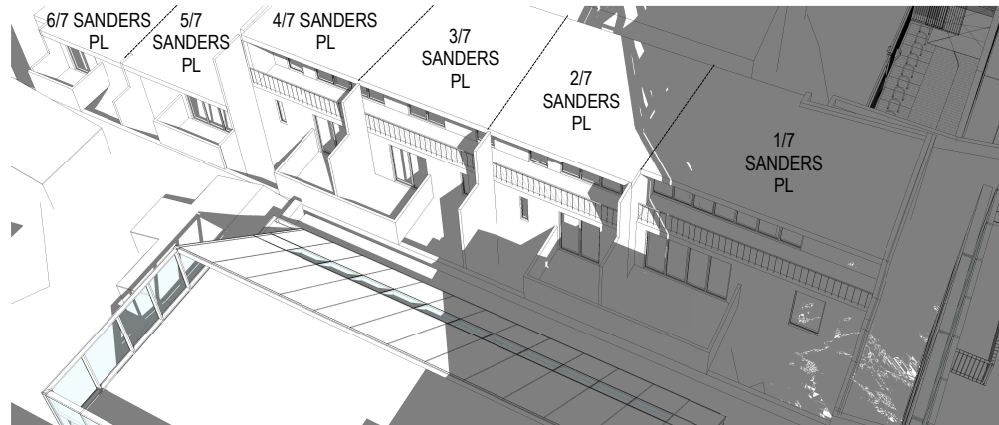
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project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1330 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. **SK1005** issue

23RD SEPTEMBER 1400



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	149.5	3.8	2.8	2.42

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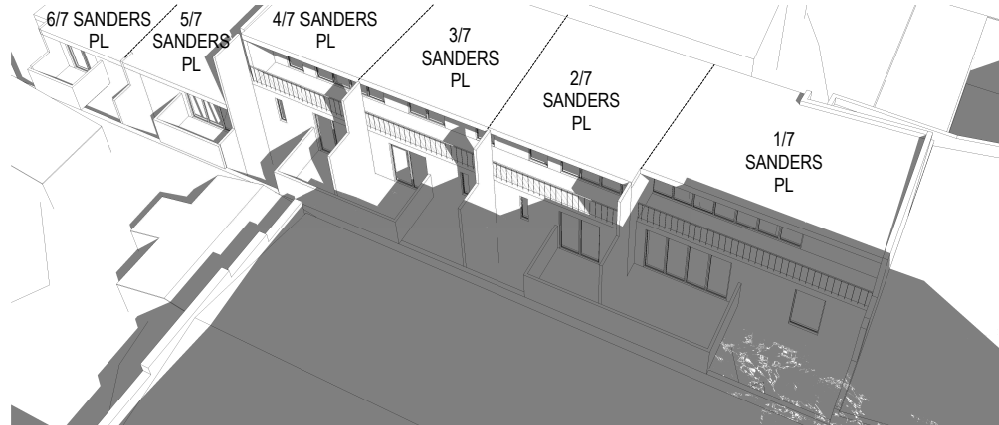
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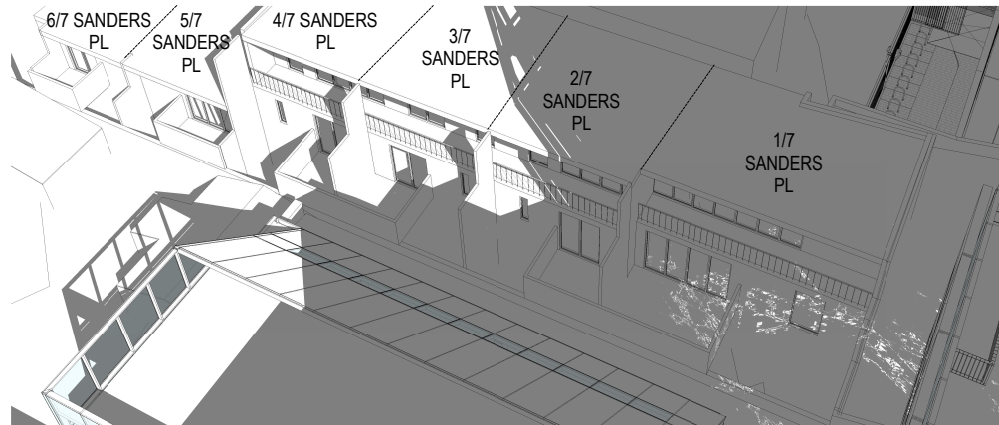
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project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1400 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. SK1006 issue

23RD SEPTEMBER 1430



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	152.3	1.7	1.9	1.09

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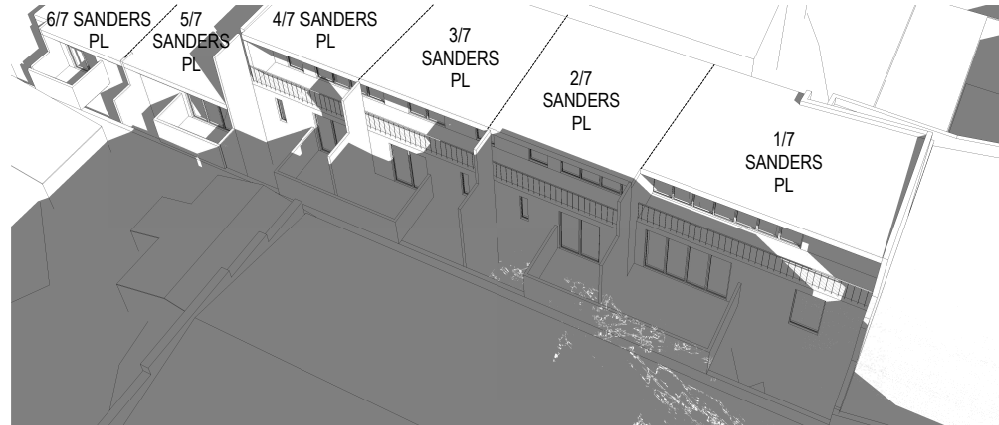
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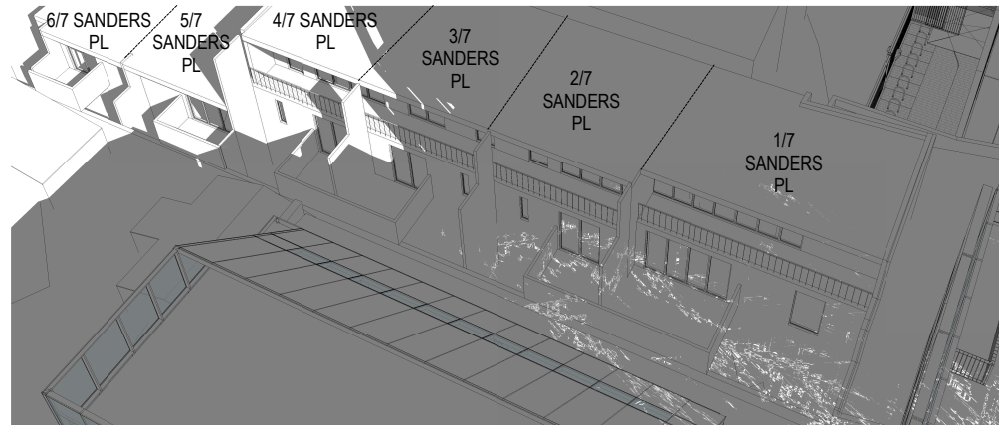
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project 475 Church Street, Richmond, 3121
 drawing 23 SEPT 1430 - SHADOW STUDY
 project No. 220323 scale @A1
 drawing No. **SK1007** issue

23RD SEPTEMBER 1500



EXISTING



PROPOSED

Sanders Place Shadows				
Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Additional Shadow Change (%)
156	155.8	0	0.18	0

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project	475 Church Street, Richmond, 3121
drawing	23 SEPT 1500 - SHADOW STUDY
project No.	220323
drawing No.	SK1008
scale	@A1
issue	

BUILDING HEIGHT STUDIES

475 CHURCH
STREET

1. PERSPECTIVE COMPARISONS

475 CHURCH
STREET

South West Aerial Level 5 Removed



South West Aerial Level 10 Removed



2. ELEVATIONAL COMPARISONS

475 CHURCH
STREET

West Elevation Level 5 Removed

FAÇADE TAG CONFIGURATION

EG. 'FT01A-a'

FAÇADE TYPES 'FT#'

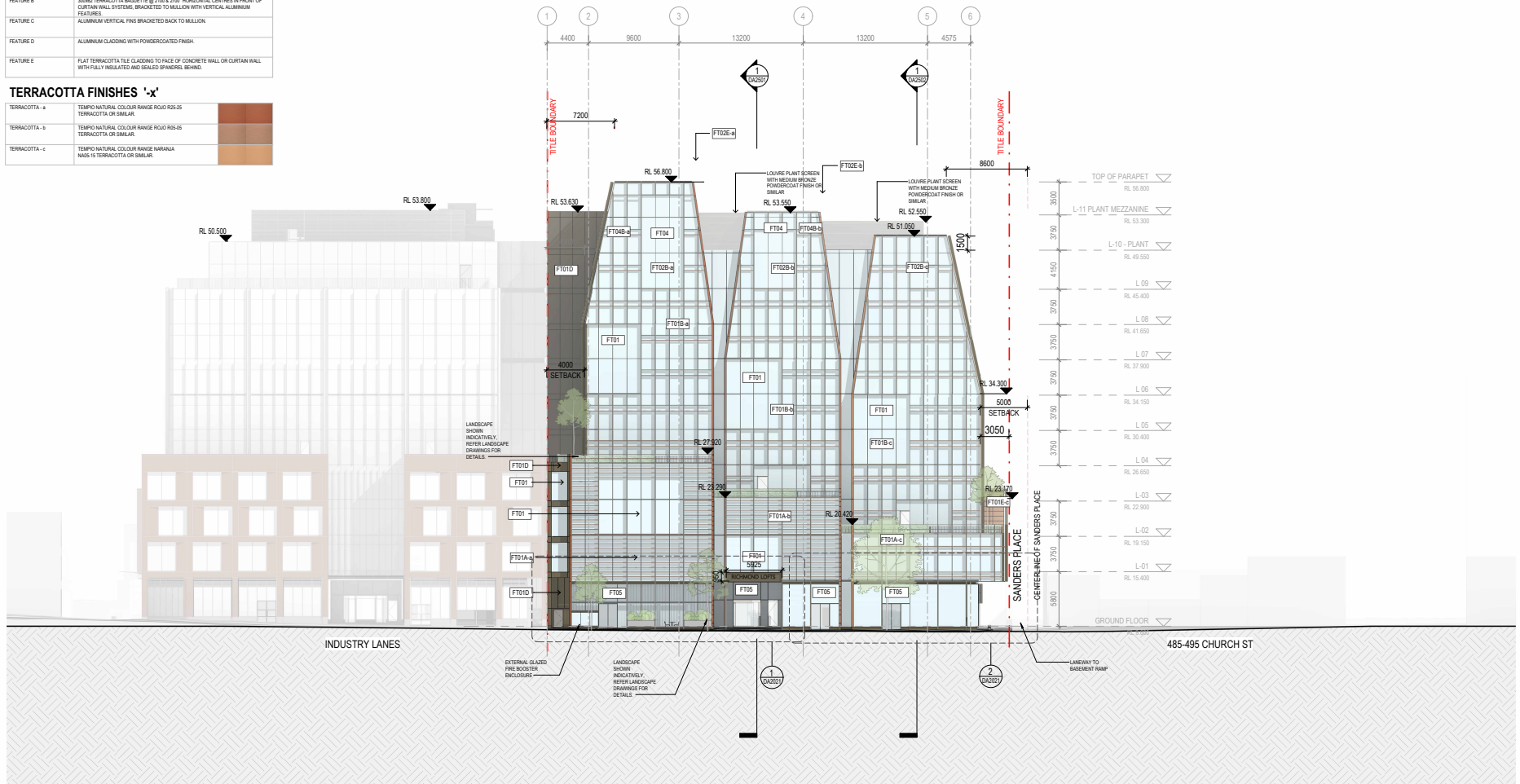
FAÇADE TYPE 01	VERTICAL UNFINISHED CURTAIN WALL SYSTEM REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FAÇADE TYPE 02	INCLINED UNFINISHED CURTAIN WALL SYSTEM INCLINES @ 1, 12 & 22 DEGREES DEPENDING ON LOCATION REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FAÇADE TYPE 03	TEXTURED PRECAST CONCRETE PANELS
FAÇADE TYPE 04	DOUBLE AND TRIPLE HEIGHT CURTAIN WALL REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FAÇADE TYPE 05	GROUND FLOOR STRUCTURALLY GLAZED SHOPFRONT SYSTEM

FAÇADE FEATURES 'X'

FEATURE A	30x42 TERRACOTTA BAGUETTE @ 600 CTS IN FRONT OF CURTAIN WALL SYSTEM BRACKETED TO MULLION WITH VERTICAL ALUMINIUM FEATURES INTO PREFABRICATED MODULES. REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FEATURE B	30x42 TERRACOTTA BAGUETTE @ 375x375 HORIZONTAL CENTRES IN FRONT OF CURTAIN WALL SYSTEMS, BRACKETED TO MULLION WITH VERTICAL ALUMINIUM FEATURES
FEATURE C	ALUMINIUM VERTICAL FINIS BRACKETED BACK TO MULLION
FEATURE D	ALUMINIUM CLADDING WITH POWDERCOATED FINISH
FEATURE E	FLAT TERRACOTTA TILE CLADDING TO FACE OF CONCRETE WALL OR CURTAIN WALL WITH FULLY INSULATED AND SEALED SPANREL BEHIND

TERRACOTTA FINISHES '-x'

TERRACOTTA - a	TEMPO NATURAL COLOUR RANGE R00 R52S TERRACOTTA OR SIMILAR	
TERRACOTTA - b	TEMPO NATURAL COLOUR RANGE R00 R50S TERRACOTTA OR SIMILAR	
TERRACOTTA - c	TEMPO NATURAL COLOUR RANGE NARANJA WMS-15 TERRACOTTA OR SIMILAR	



West Elevation Level 10 Removed

FAÇADE TAG CONFIGURATION

EG. 'FT01A-a'

FAÇADE TYPES 'FT#'

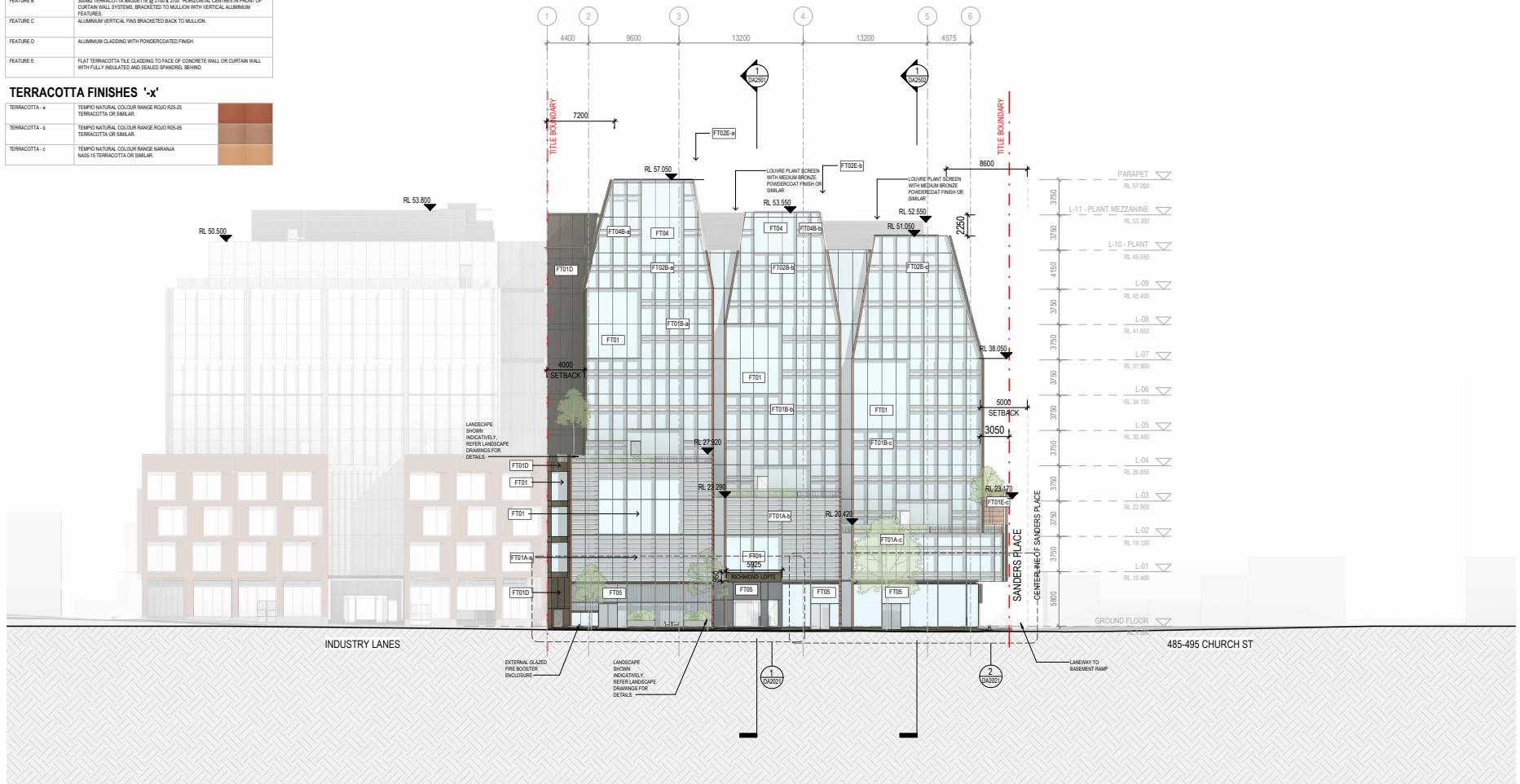
FAÇADE TYPE 01	VERTICAL UNFINISHED CURTAIN WALL SYSTEM REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FAÇADE TYPE 02	INCLINED UNFINISHED CURTAIN WALL SYSTEM INCLINES @ 4, 12 & 22 DEGREES DEPENDING ON LOCATION REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FAÇADE TYPE 03	TEXTURED PRECAST CONCRETE PANELS
FAÇADE TYPE 04	DOUBLE AND TRIPLE HEIGHT CURTAIN WALL REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FAÇADE TYPE 05	GROUND FLOOR STRUCTURALLY GLAZED SHOPFRONT SYSTEM

FAÇADE FEATURES 'X'

FEATURE A	30x42 TERRACOTTA BAGUETTE @ 600 CTS IN FRONT OF CURTAIN WALL SYSTEM BRACKETED TO MULLION WITH VERTICAL ALUMINUM FEATURES INTO PREFABRICATED MODULES. REFER FAÇADE CONSULTANT DRAWINGS FOR DETAILS
FEATURE B	30x42 TERRACOTTA BAGUETTE @ 370x 370 HORIZONTAL CENTERS IN FRONT OF CURTAIN WALL SYSTEMS, BRACKETED TO MULLION WITH VERTICAL ALUMINUM FEATURES
FEATURE C	ALUMINUM VERTICAL FINIS BRACKETED BACK TO MULLION
FEATURE D	ALUMINUM CLADDING WITH POWDERCOATED FINISH
FEATURE E	FLAT TERRACOTTA TILE CLADDING TO FACE OF CONCRETE WALL OR CURTAIN WALL WITH FULLY INSULATED AND SEALED SPANREL BEHIND

TERRACOTTA FINISHES '-x'

TERRACOTTA - a	TEMPO NATURAL COLOUR RANGE R00 R52S TERRACOTTA OR SIMILAR	
TERRACOTTA - b	TEMPO NATURAL COLOUR RANGE R00 R50S TERRACOTTA OR SIMILAR	
TERRACOTTA - c	TEMPO NATURAL COLOUR RANGE NARANJA W65-15 TERRACOTTA OR SIMILAR	



South Elevation Level 5 Removed

FACADE TAG CONFIGURATION

EG. 'FT01A-a'



FACADE TYPES 'FT#'

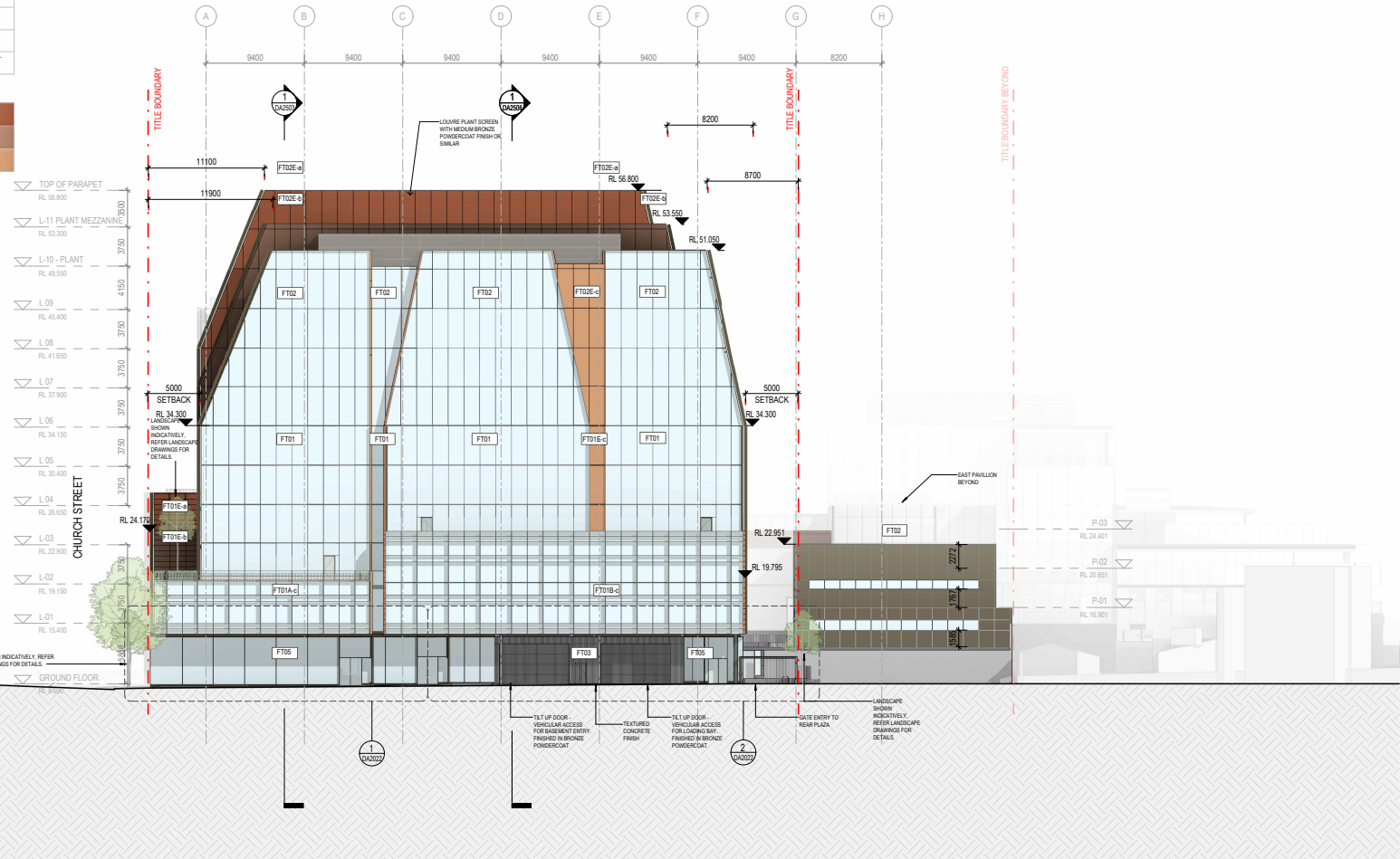
FACADE TYPE 01	VERTICAL UNFINISHED CURTAIN WALL SYSTEM. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 02	INCLINED UNFINISHED CURTAIN WALL SYSTEM. INCLINES @ 4, 12 & 22 DEGREES. DEPENDING ON LOCATION. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 03	TEXTURED PRECAST CONCRETE PANELS.
FACADE TYPE 04	DOUBLE AND TRIPLE HEIGHT CURTAIN WALL. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 05	GROUND FLOOR STRUCTURALLY GLAZED SHOPFRONT SYSTEM.

FACADE FEATURES 'X'

FEATURE A	30MM2 TERRACOTTA BAGUETTE @ 600 CTS IN FRONT OF CURTAIN WALL SYSTEM. BRACKETED TO MULLION WITH VERTICAL ALUMINUM FEATURES INTO PREFABRICATED MODULES. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FEATURE B	30MM2 TERRACOTTA BAGUETTE @ 300x300 HORIZONTAL CENTRES IN FRONT OF CURTAIN WALL SYSTEMS. BRACKETED TO MULLION WITH VERTICAL ALUMINUM FEATURES.
FEATURE C	ALUMINUM VERTICAL FINIS BRACKETED BACK TO MULLION.
FEATURE D	ALUMINUM CLADDING WITH POWDERCOATED FINISH.
FEATURE E	FLAT TERRACOTTA TILE CLADDING TO FACE OF CONCRETE WALL OR CURTAIN WALL WITH FULLY INSULATED AND SEALED SPANREL BEHIND.

TERRACOTTA FINISHES '-x'

TERRACOTTA - a	TEMPO NATURAL COLOUR RANGE R00 R25 R25 TERRACOTTA OR SIMILAR.	
TERRACOTTA - b	TEMPO NATURAL COLOUR RANGE R00 R50 R50 TERRACOTTA OR SIMILAR.	
TERRACOTTA - c	TEMPO NATURAL COLOUR RANGE NARANJA WMS-15 TERRACOTTA OR SIMILAR.	



South Elevation Level 10 Removed

FACADE TAG CONFIGURATION

EG. 'FT01A-a'

FACADE TYPES 'FT#'

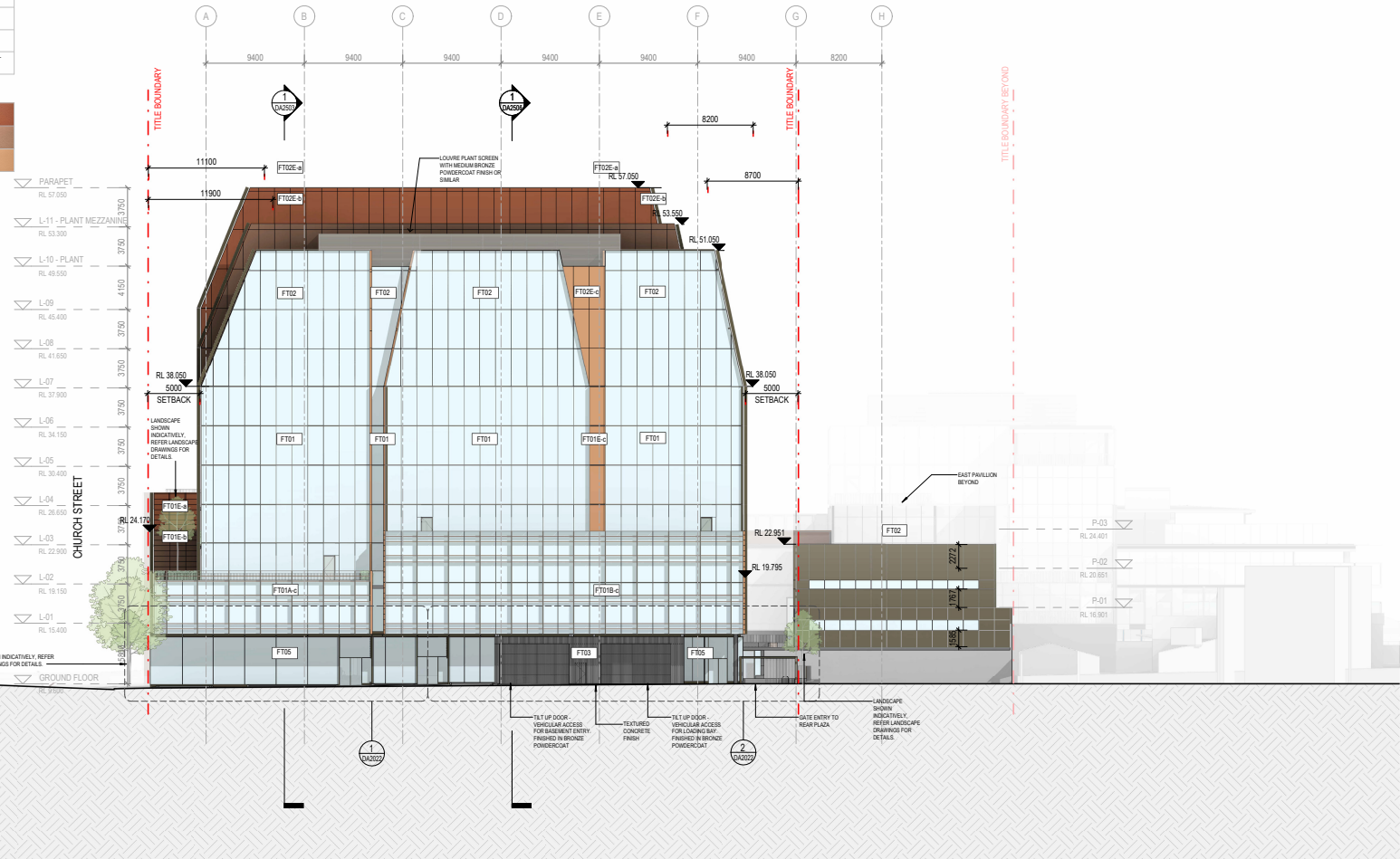
FACADE TYPE 01	VERTICAL UNFINISHED CURTAIN WALL SYSTEM. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 02	INCLINED UNFINISHED CURTAIN WALL SYSTEM. INCLINES @ 4, 12 & 22 DEGREES. DEPENDING ON LOCATION. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 03	TEXTURED PRECAST CONCRETE PANELS.
FACADE TYPE 04	DOUBLE AND TRIPLE HEIGHT CURTAIN WALL. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FACADE TYPE 05	GROUND FLOOR STRUCTURALLY GLAZED SHOPFRONT SYSTEM.

FACADE FEATURES 'X'

FEATURE A	30MM2 TERRACOTTA BAGUETTE @ 600 CTS IN FRONT OF CURTAIN WALL SYSTEM. BRACKETED TO MULLION WITH VERTICAL ALUMINUM FEATURES INTO PREFABRICATED MODULES. REFER FACADE CONSULTANT DRAWINGS FOR DETAILS.
FEATURE B	30MM2 TERRACOTTA BAGUETTE @ 300x300 HORIZONTAL CENTRES IN FRONT OF CURTAIN WALL SYSTEMS. BRACKETED TO MULLION WITH VERTICAL ALUMINUM FEATURES.
FEATURE C	ALUMINUM VERTICAL FINIS BRACKETED BACK TO MULLION.
FEATURE D	ALUMINUM CLADDING WITH POWDERCOATED FINISH.
FEATURE E	FLAT TERRACOTTA TILE CLADDING TO FACE OF CONCRETE WALL OR CURTAIN WALL WITH FULLY INSULATED AND SEALED SPANREL BEHIND.

TERRACOTTA FINISHES '-x'

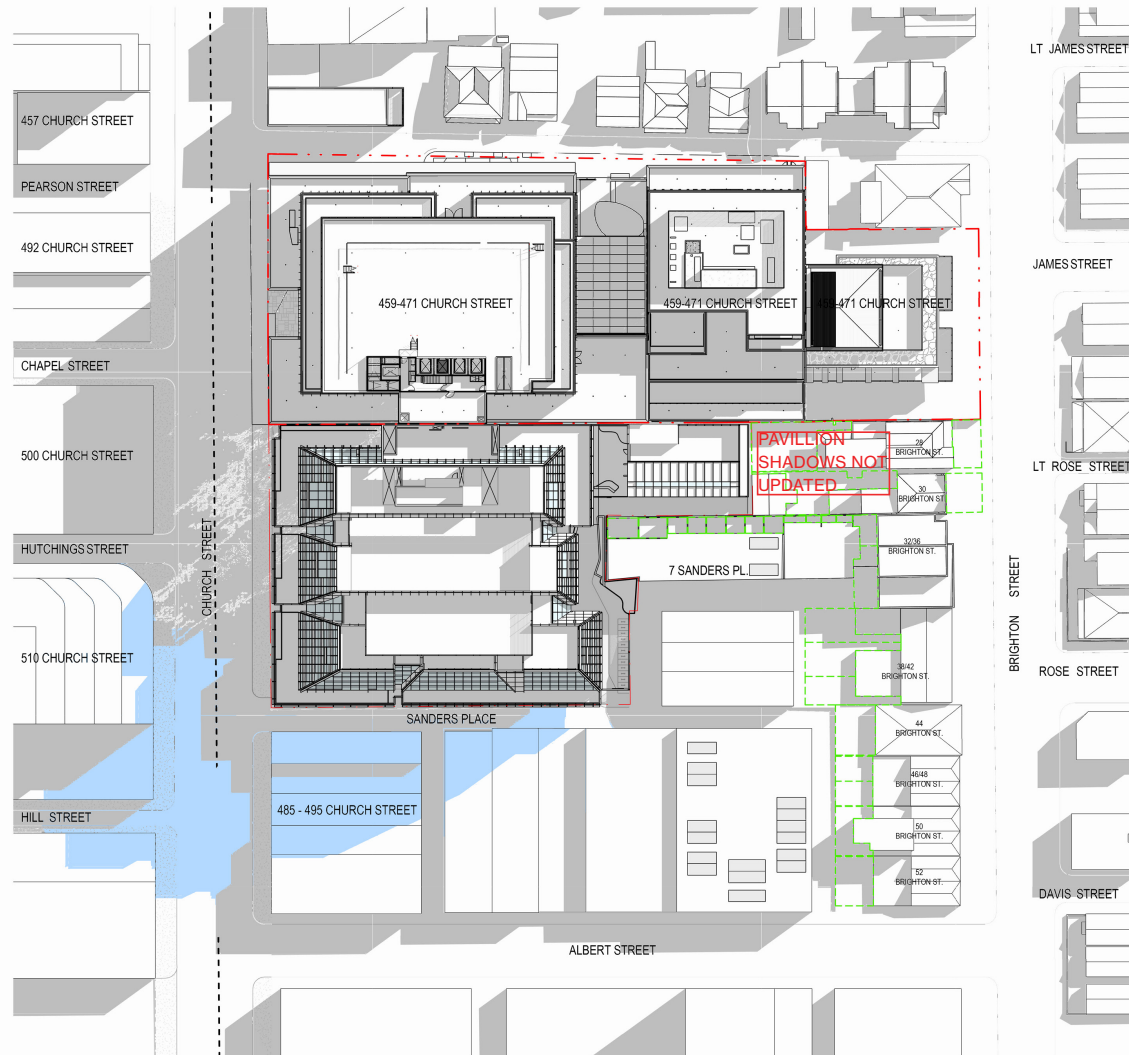
TERRACOTTA - a	TEMPIO NATURAL COLOUR RANGE R00 R2525 TERRACOTTA OR SIMILAR.	
TERRACOTTA - b	TEMPIO NATURAL COLOUR RANGE R00 R505 TERRACOTTA OR SIMILAR.	
TERRACOTTA - c	TEMPIO NATURAL COLOUR RANGE NARANJA NMS-15 TERRACOTTA OR SIMILAR.	



3. SHADOW STUDIES

475 CHURCH
STREET

Shadow Study level 5 Removed



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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23
C	TP Response	12/12/23



SHADOW LEGEND

- NEW ADDITIONAL SHADOWS
- RESIDENTIAL PRIVATE OPEN SPACE

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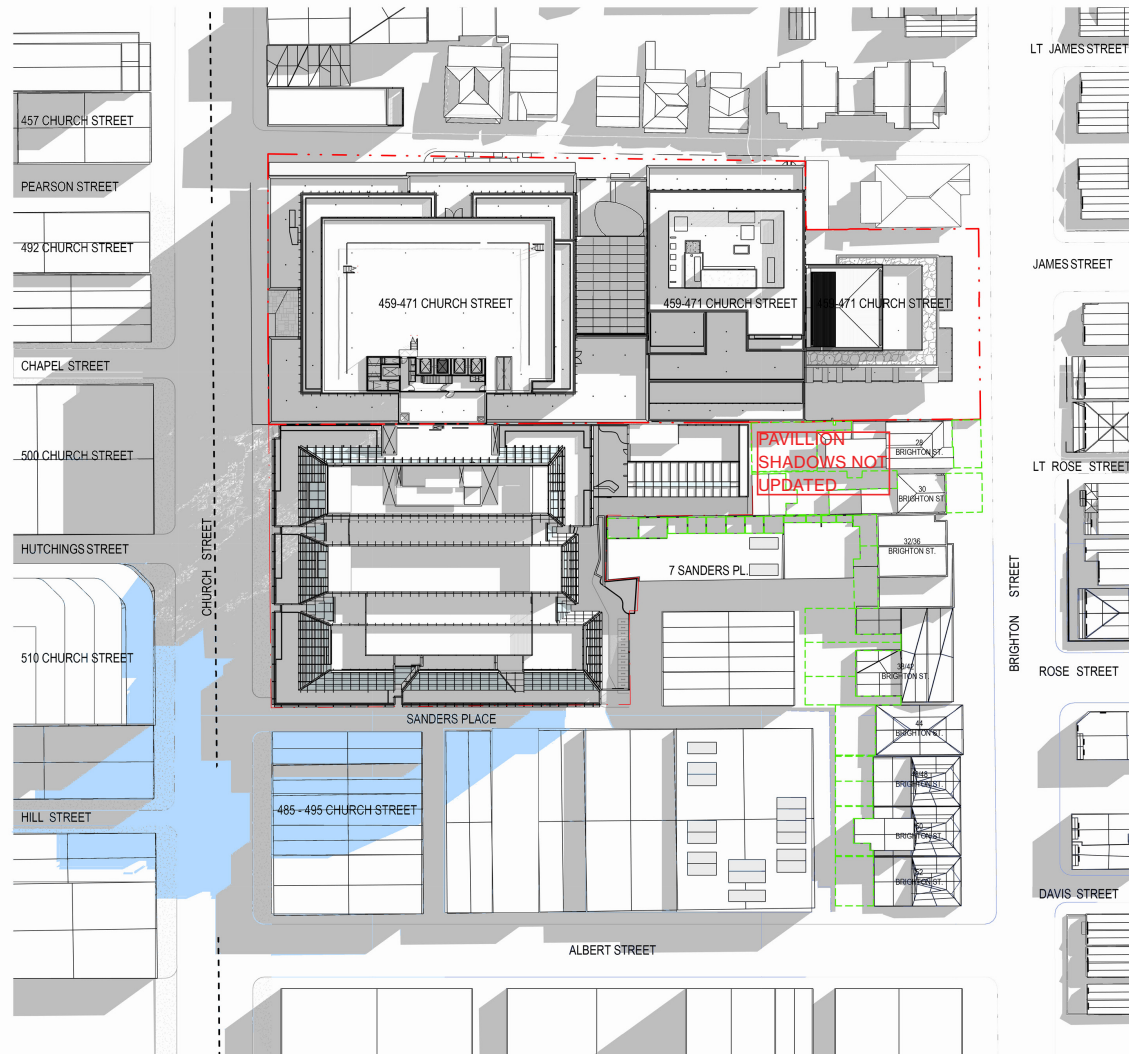
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drawing	23-SEP-0900-PROPOSED
project No.	220323
drawing No.	DA9002
scale	1 : 400@A1
issue	C

Shadow Study

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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23
C	TP Response	12/12/23



SHADOW LEGEND
 ■ NEW ADDITIONAL SHADOWS
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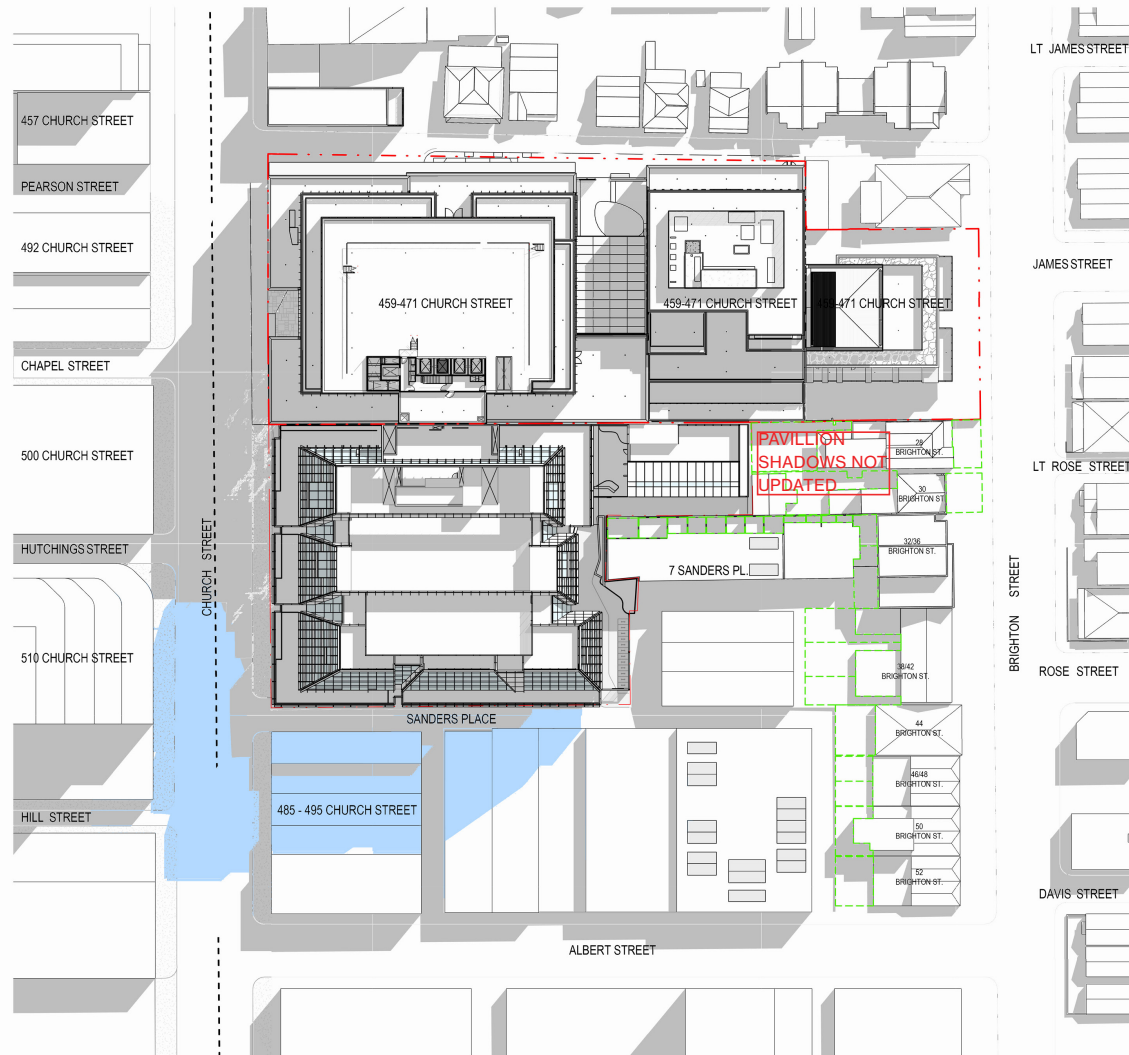
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project	475 Church Street, Richmond, 3121
drawing	23-SEP-0900-PROPOSED
project No.	220323
drawing No.	DA9002
scale	1 : 400@A1
issue	C

Shadow Study level 5 Removed



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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23
C	TP Response	12/12/23



SHADOW LEGEND
 ■ NEW ADDITIONAL SHADOWS
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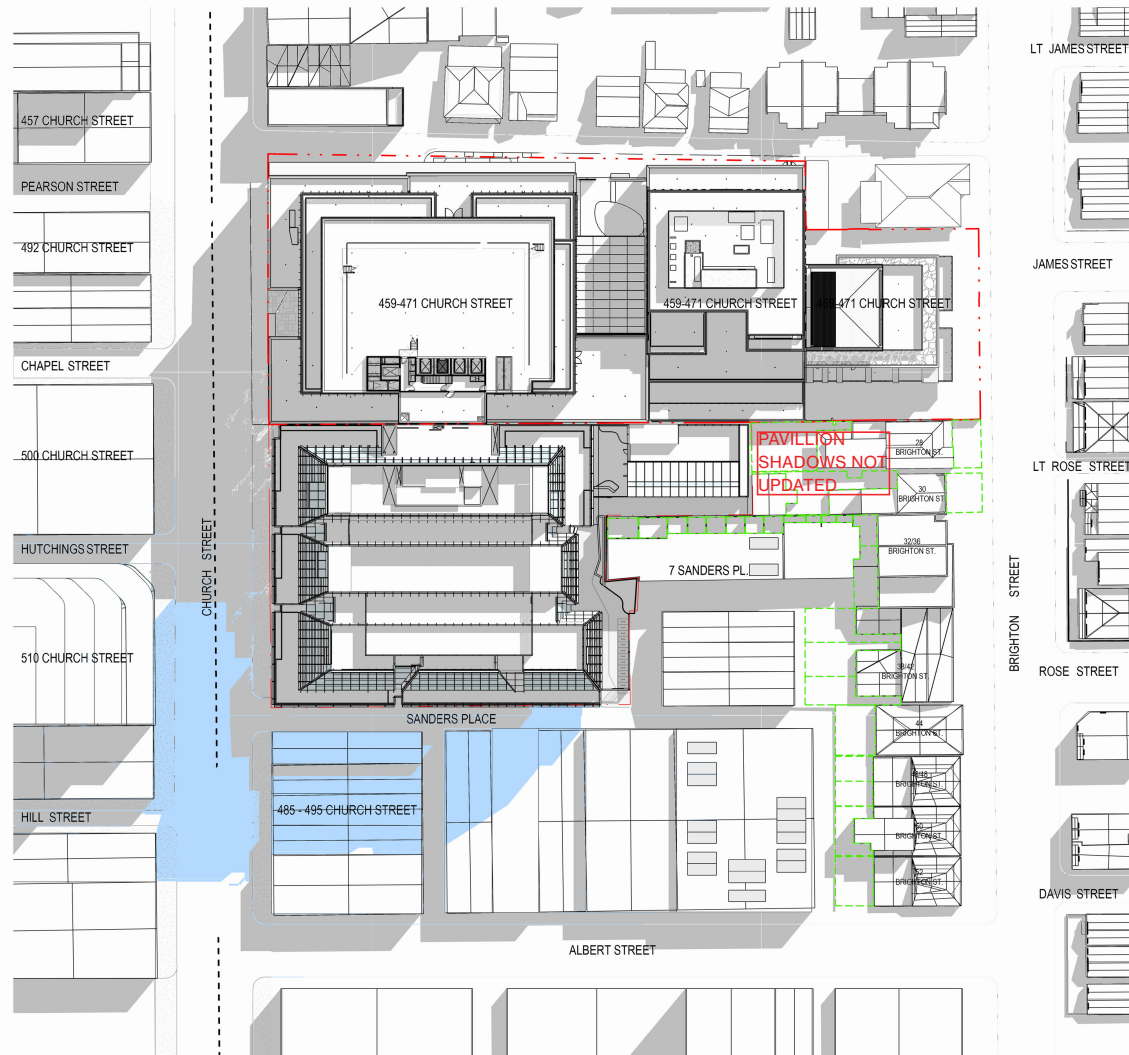
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project	475 Church Street, Richmond, 3121
drawing	23-SEP-1000-PROPOSED
project No.	220323
drawing No.	DA9004
scale	1 : 400 @ A1
issue	C

Shadow Study

level 10 Removed



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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23
C	TP Response	12/12/23



SHADOW LEGEND
 ■ NEW ADDITIONAL SHADOWS
 □ RESIDENTIAL PRIVATE OPEN SPACE

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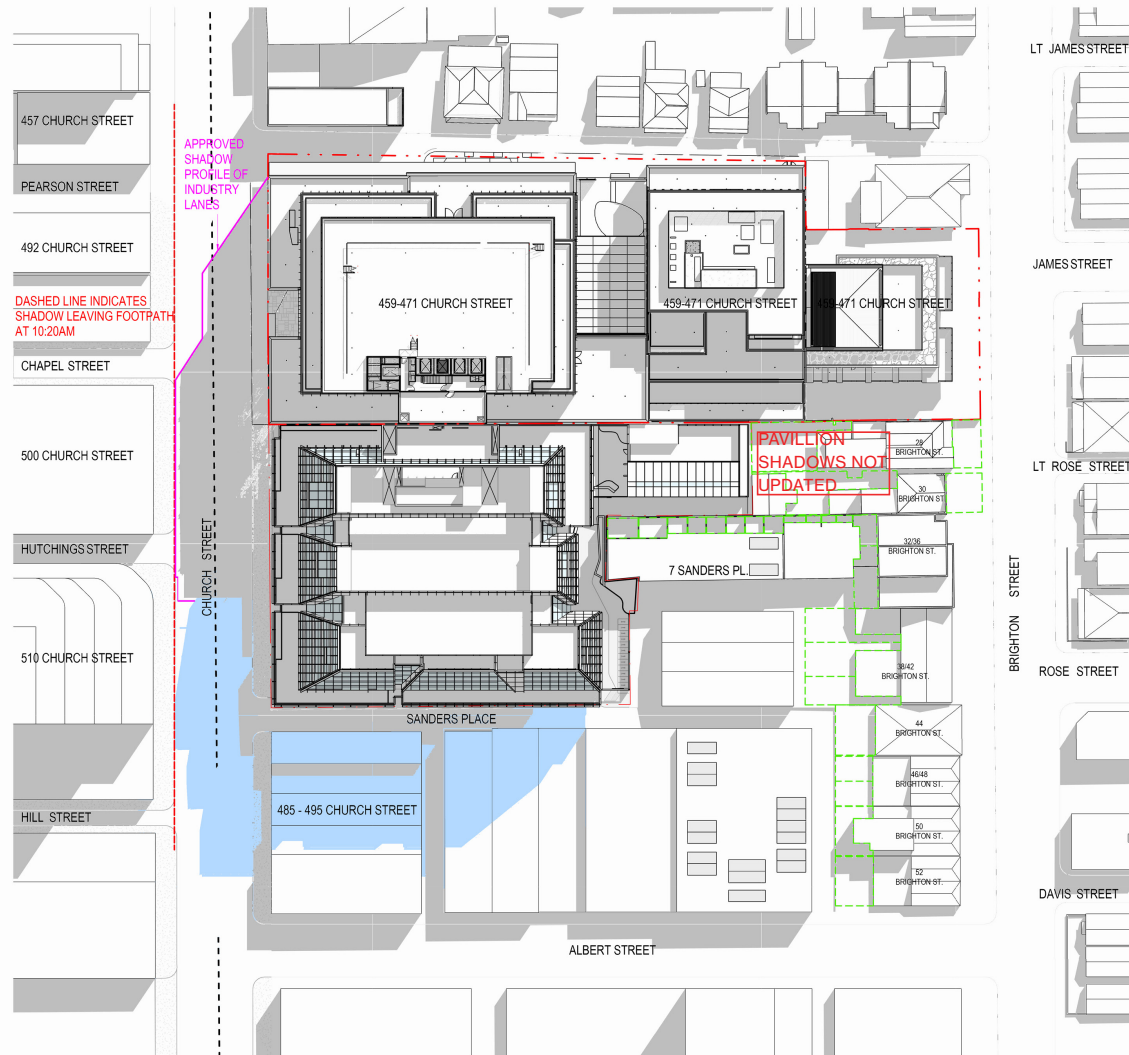
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project	475 Church Street, Richmond, 3121
drawing	23-SEP-1000-PROPOSED
project No.	220323
drawing No.	DA9004
scale	1 : 400@A1
issue	C

Shadow Study level 5 Removed



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issue	amendment	date
A	Town Planning Issue	05/05/23
B	RFI Response	03/08/23
C	TP Response	12/12/23



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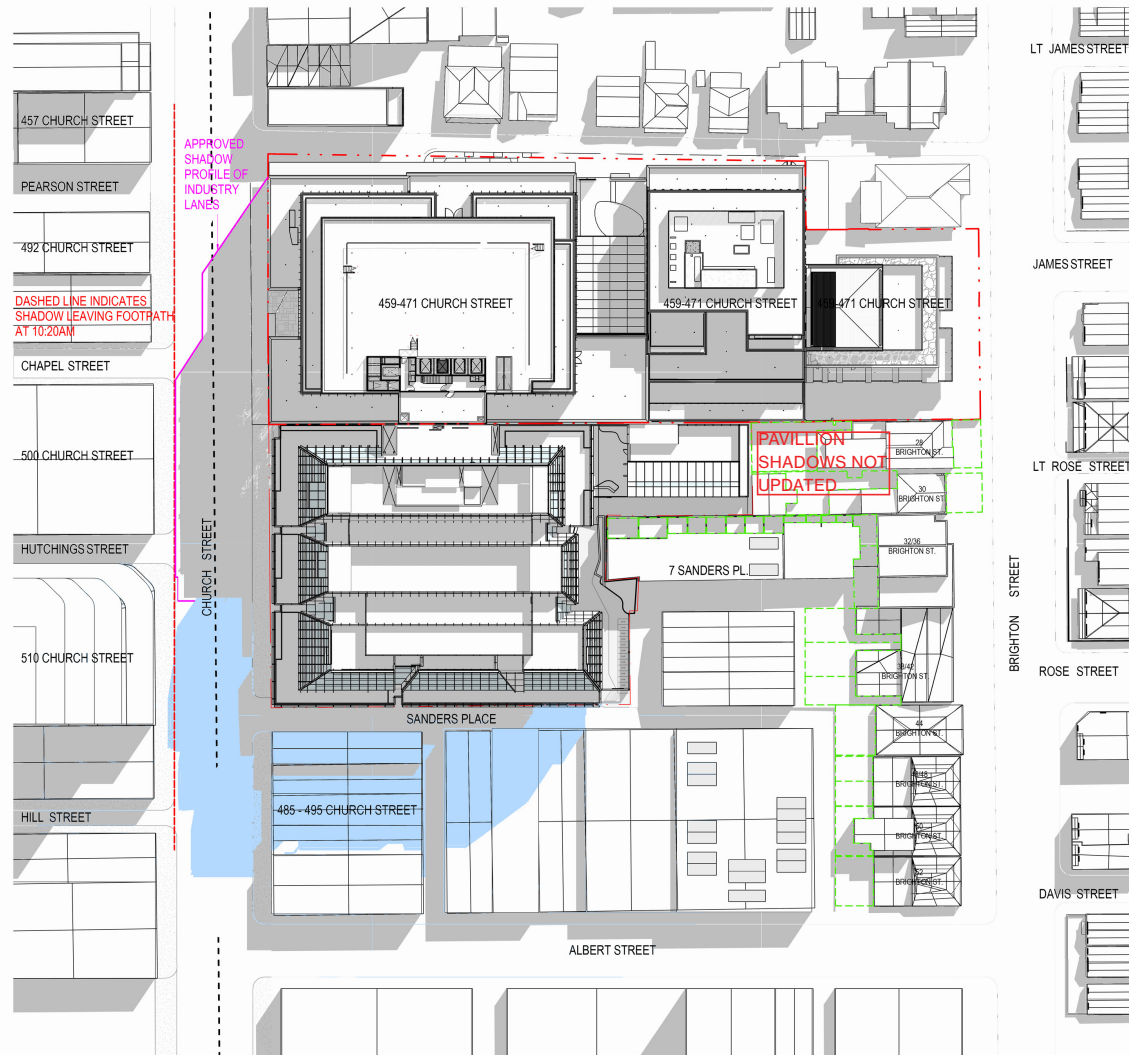
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project	475 Church Street, Richmond, 3121
drawing	23-SEP-1020 - PROPOSED
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issue	C

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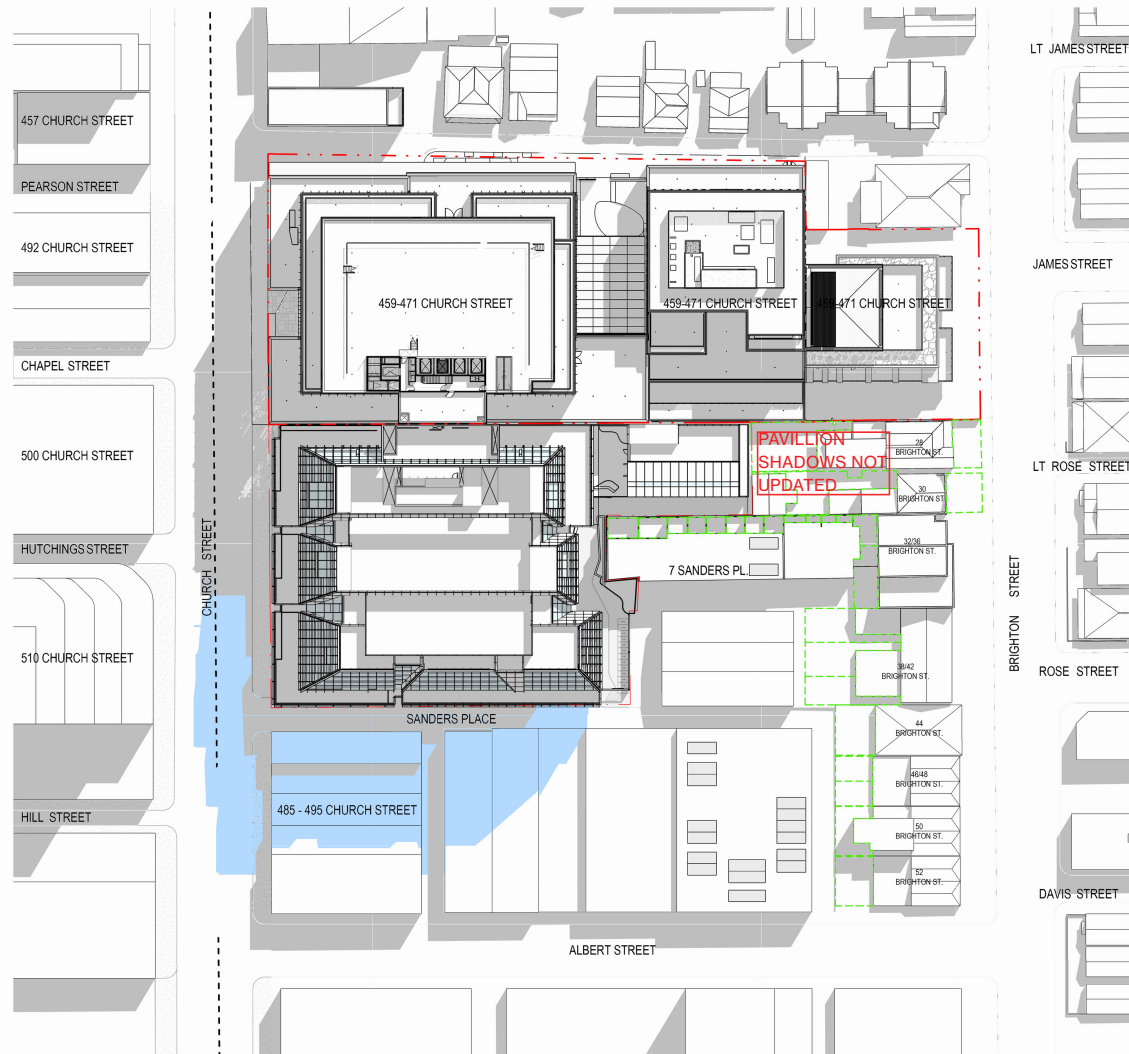
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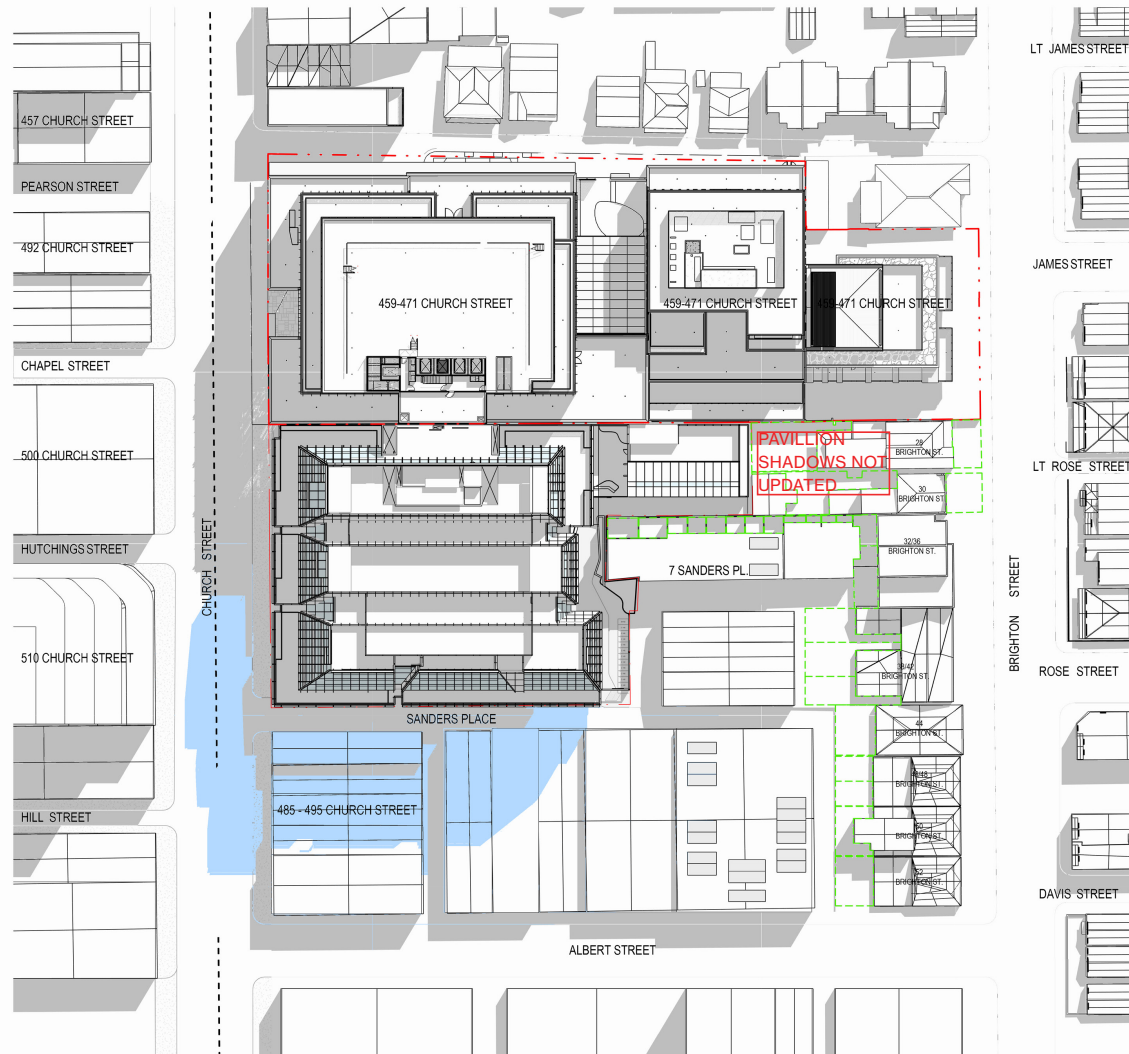
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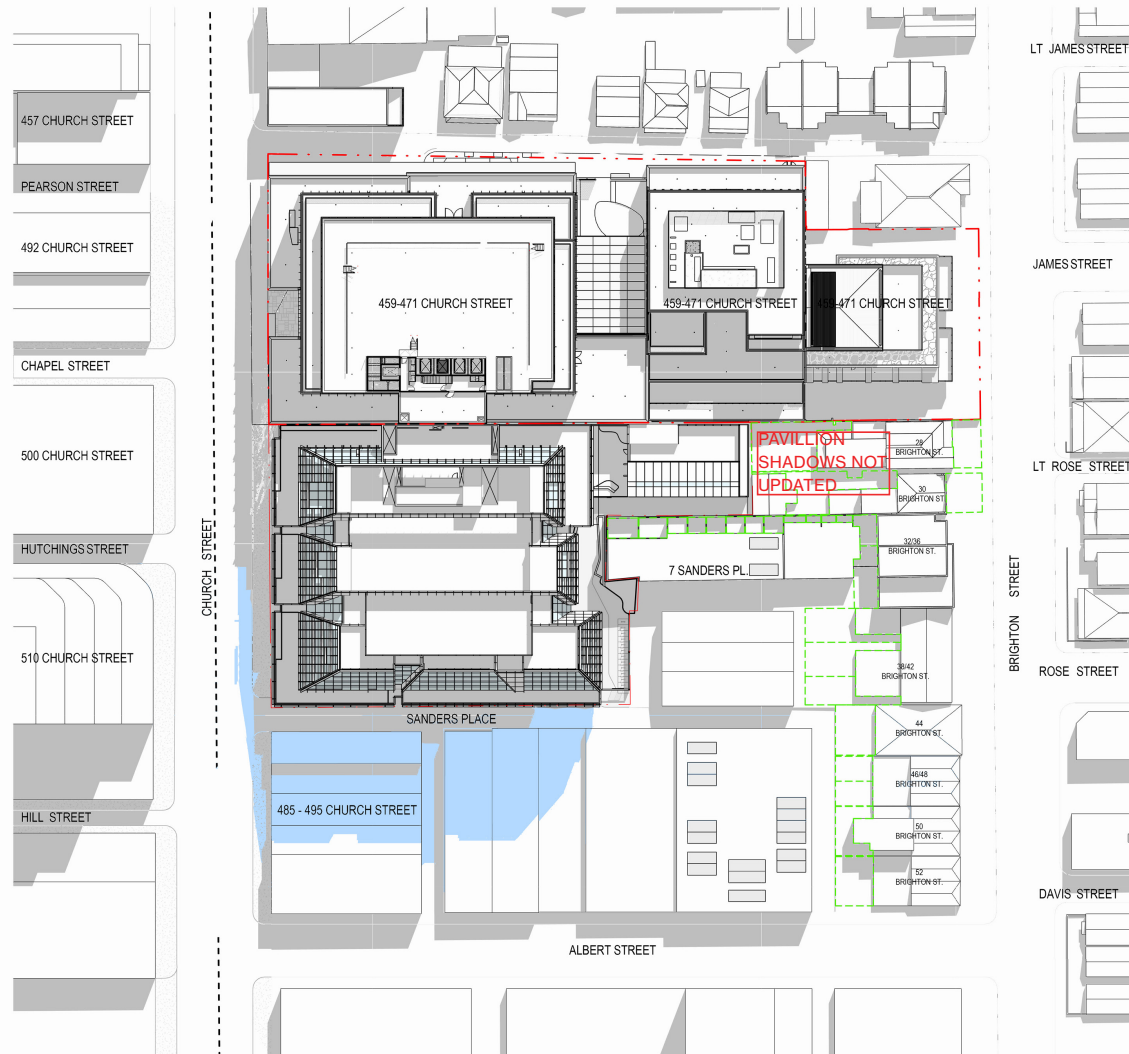
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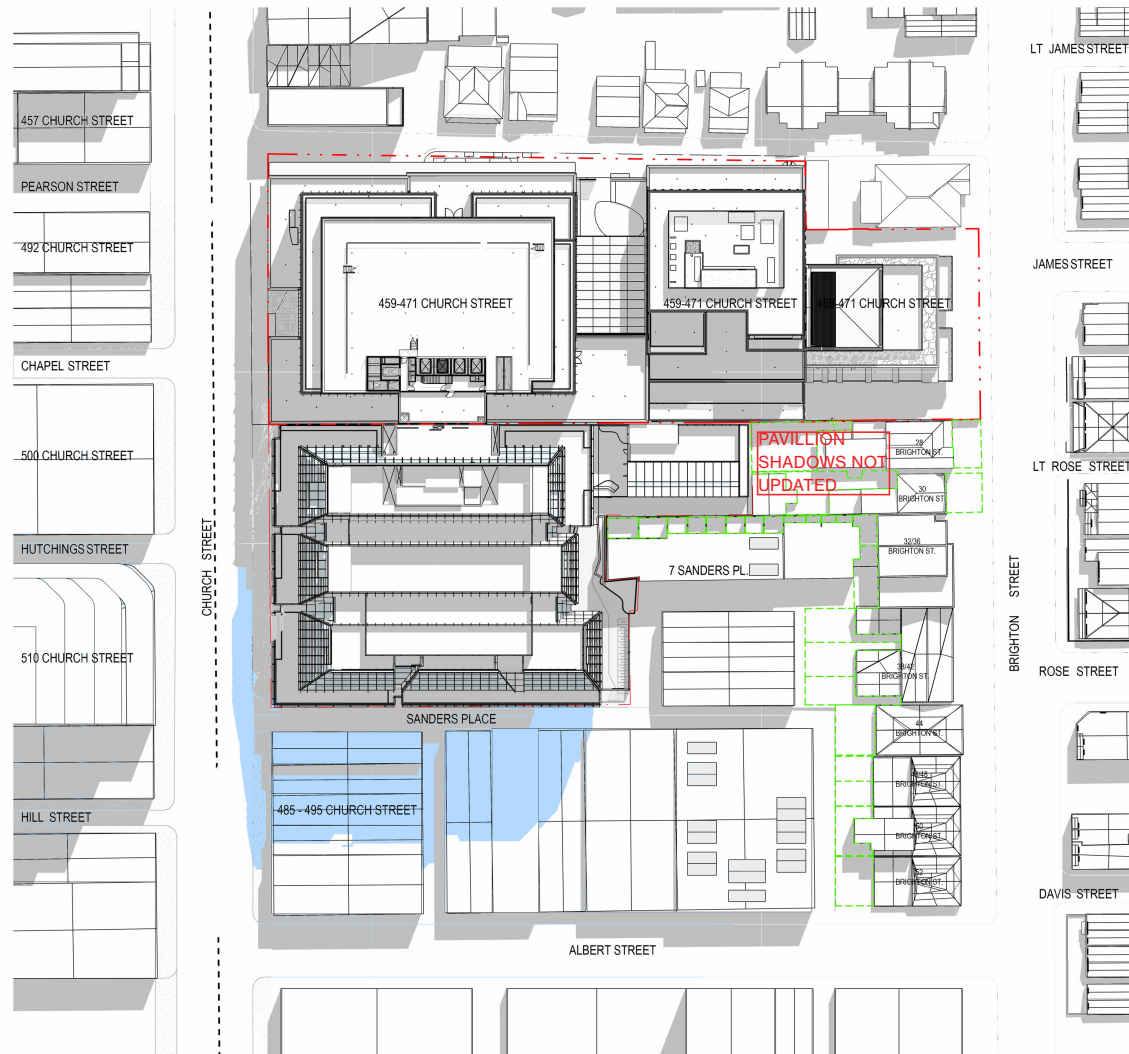
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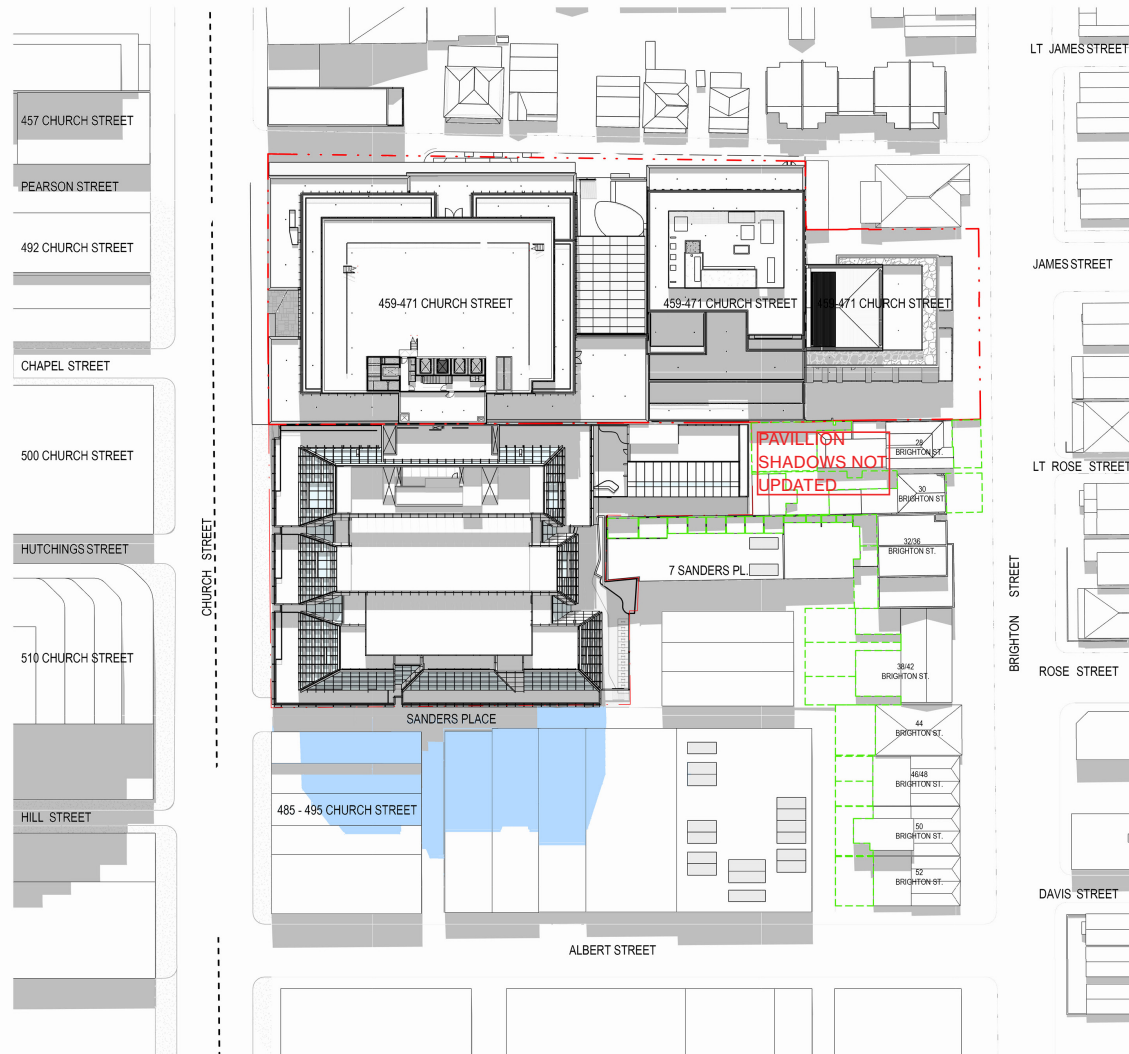
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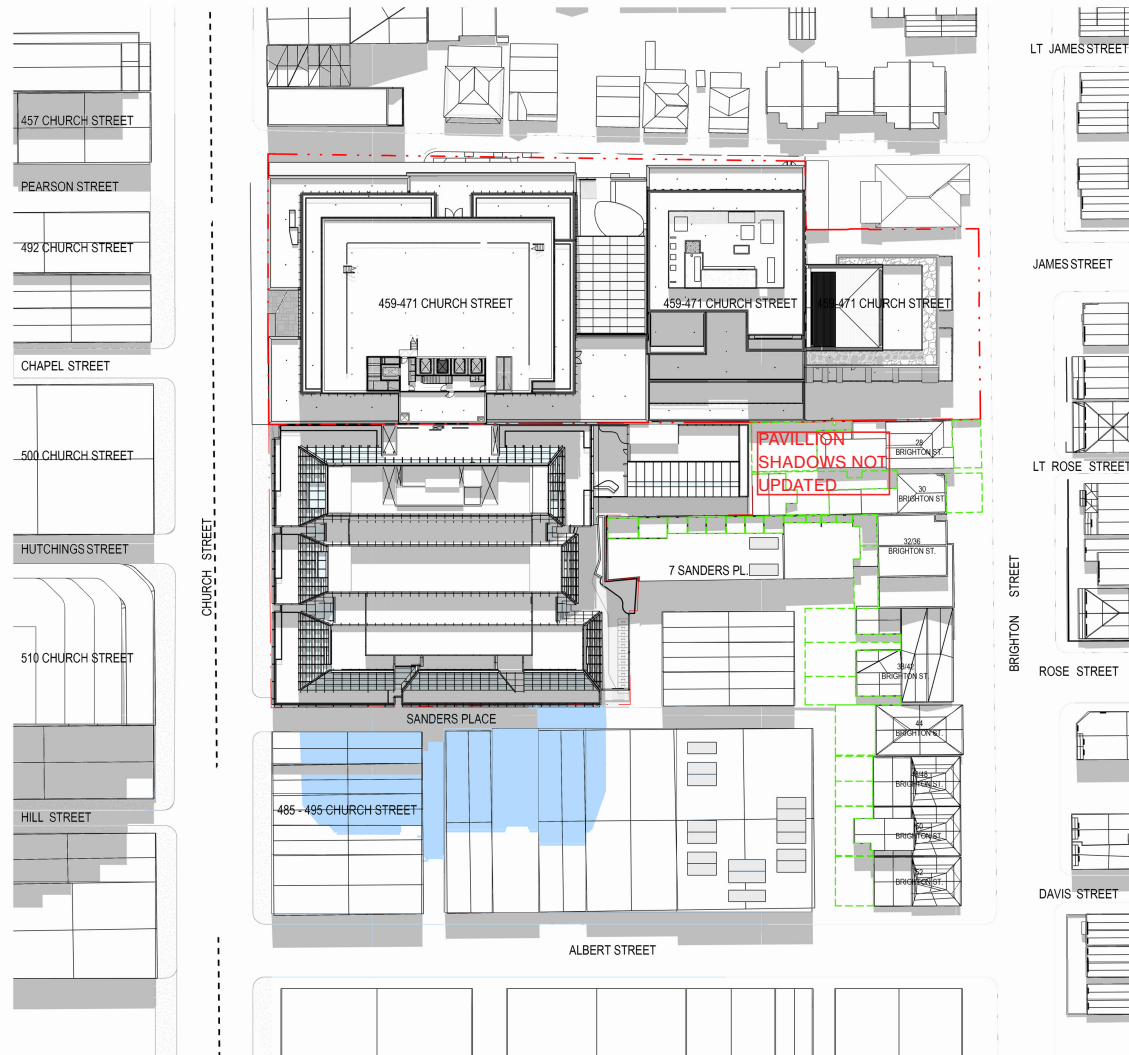
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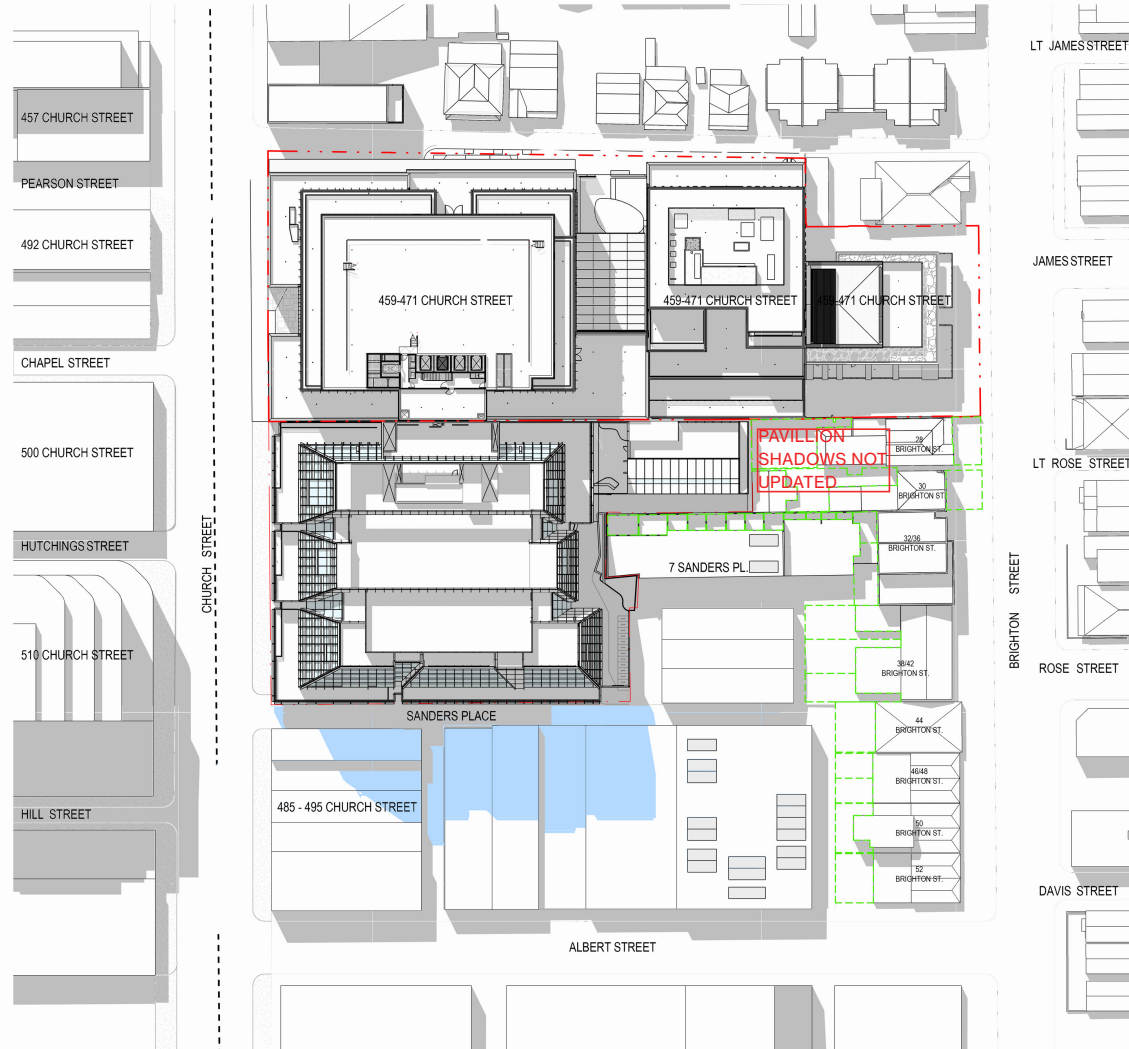
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project No.	220323
drawing No.	DA9014
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SHADOW STUDIES COMPARISON					
Address	Private Open Space (sqm)	Existing Shadow (sqm)	Additional Shadow (sqm)	Remaining Sunlight (sqm)	Remaining Sun Change (%)
1/7 Sanders Place	52.63	42.59	3.21	6.84	6.09
2/7 Sanders Place	26.86	21.89	3.09	1.87	11.53
3/7 Sanders Place	27.73	22.04	3.62	2.07	13.06
4/7 Sanders Place	28.95	19.64	4.84	4.47	16.72
5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.52	0	0.19	0

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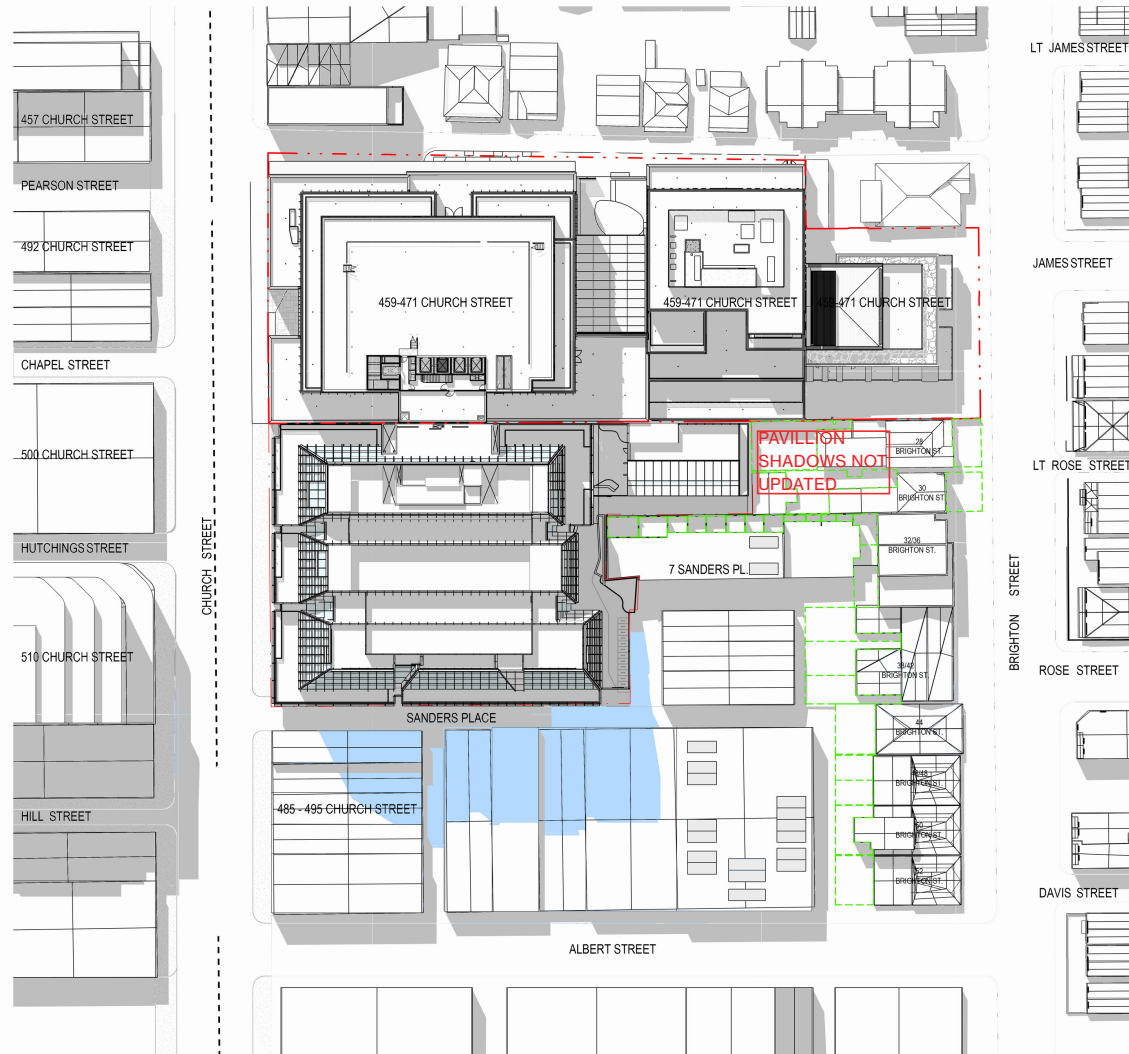
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project No.	220323 scale 1 : 400@A1
drawing No.	DA9018 issue C

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SHADOW STUDIES COMPARISON					
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1/7 Sanders Place	52.63	42.59	3.21	6.84	6.09
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5/7 Sanders Place	10.13	10.13	0	0	0
6/7 Sanders Place	9.70	9.52	0	0.19	0

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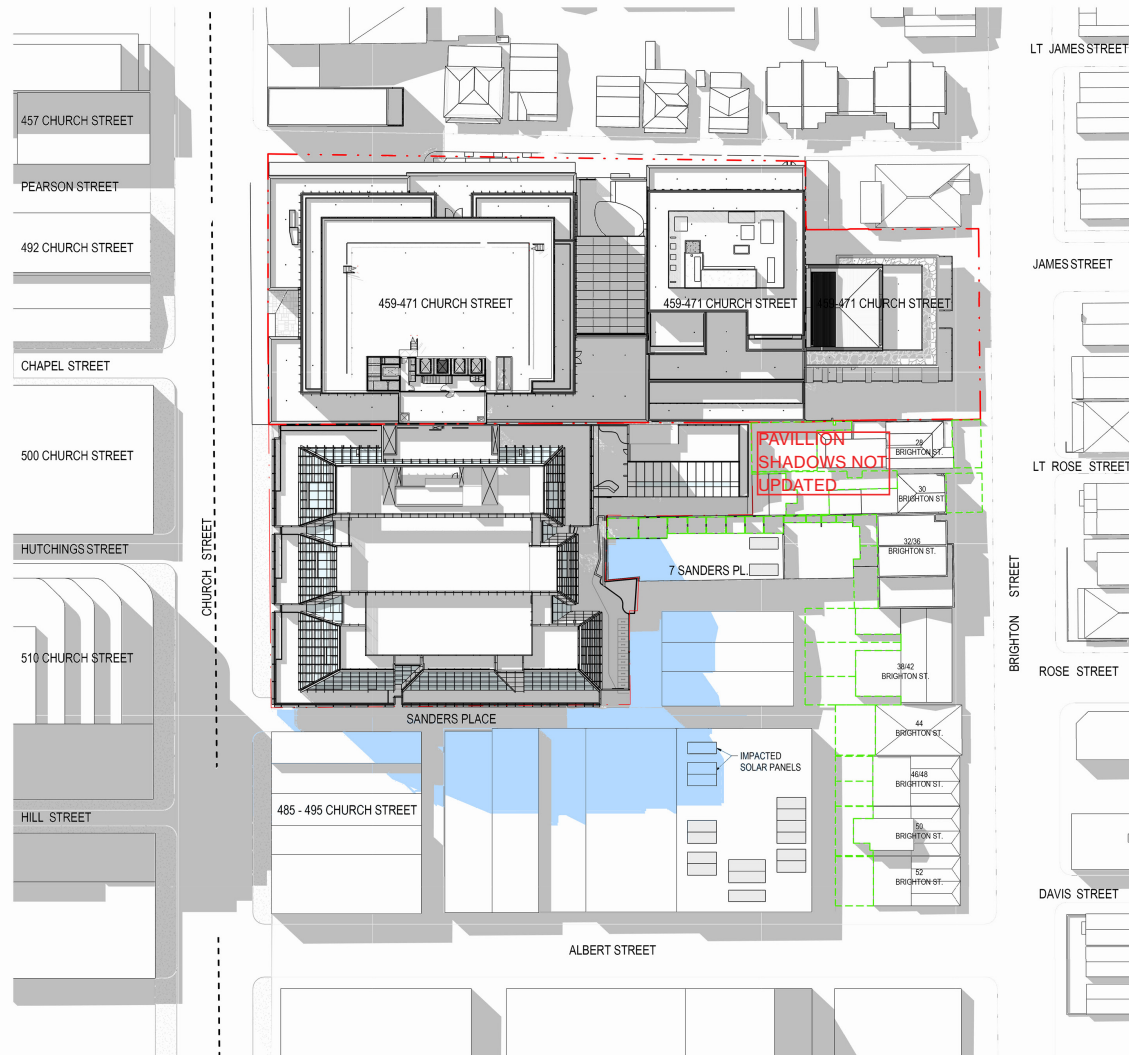
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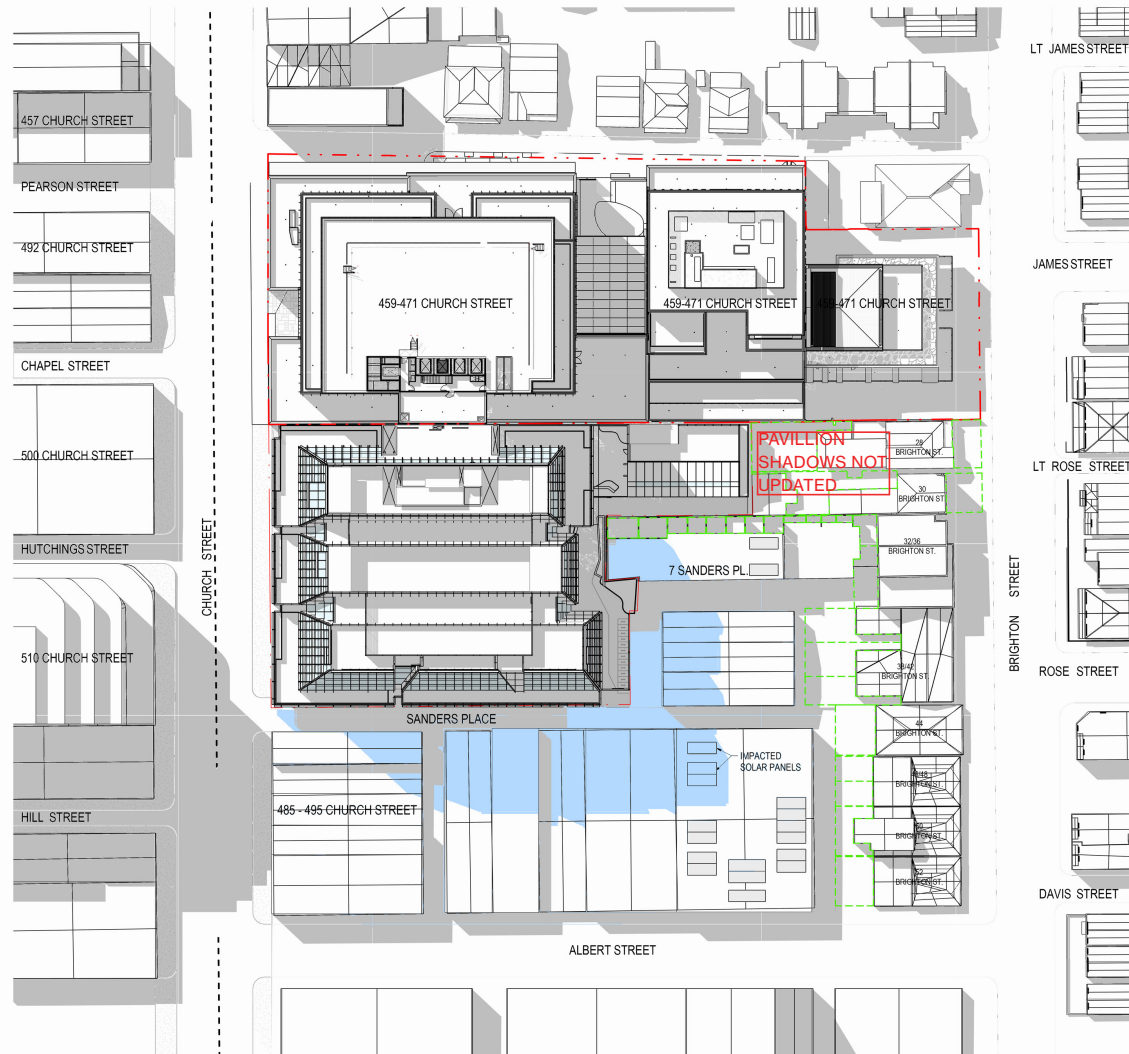
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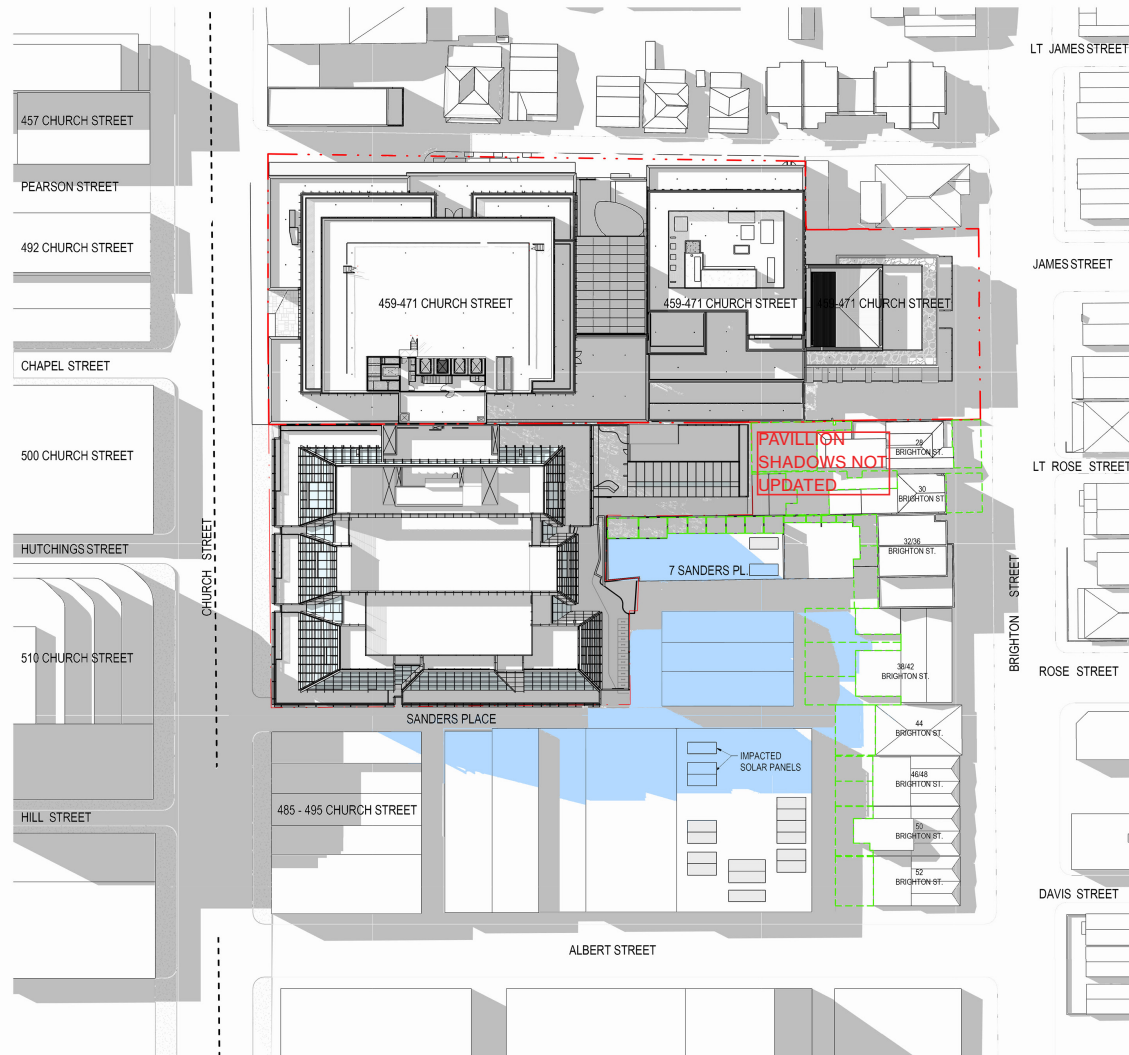
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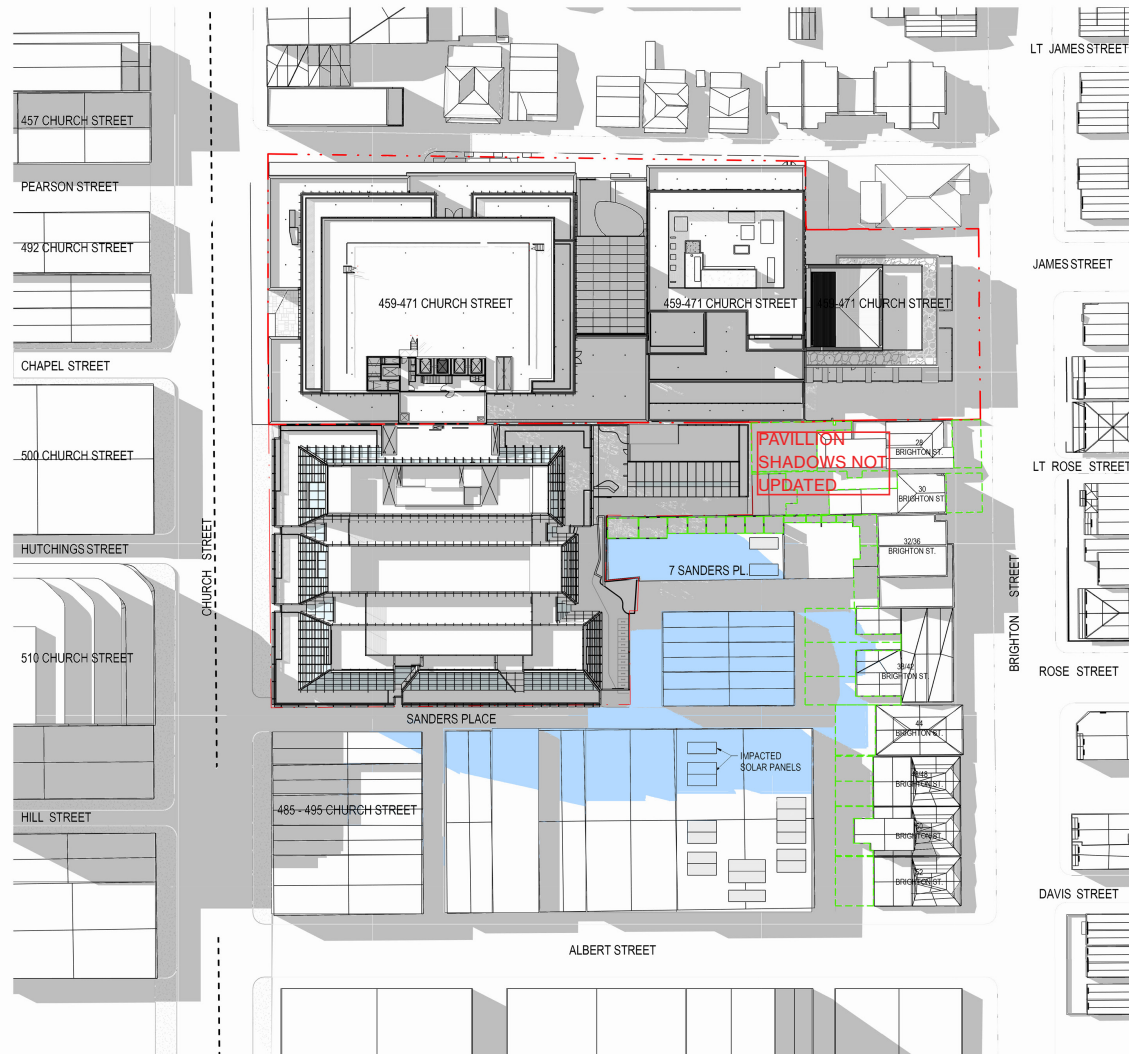
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475 Church Street, Cremorne

EXTERNAL REFLECTED GLARE ASSESSMENT

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E: info@wrapengineering.com.au
www.wrapengineering.com.au

Date: 7 December 2023
Project Number: 24123
Revision: 01

DOCUMENT PROPERTIES

DOCUMENT FOR: Human Habitats
Attn: Keely Jennings

DOCUMENT BY: WRAP Engineering Pty Ltd
132 Chestnut Street
Cremorne, Victoria 3121

DATE: 07 December 2023

DESCRIPTION: External Reflected Glare Assessment

PROJECT NAME: 475 Church Street, Richmond

PROJECT NUMBER: 24123

DOCUMENT AMENDMENTS

REVISION	DETAILS	AUTHOR/S	DATE	ISSUED BY
01	Issue for TP	GG	07/12/2023	AH

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1 INTRODUCTION

The proposed development at 475 Church Street, Richmond comprises a mixed-use building with retail and office spaces over 10 levels.

WRAP Engineering has been commissioned to prepare this report in response to the City of Yarra RFI for the development’s planning application (PLN23/0316, dated 15 June 2023). Specifically, this report addresses RFI 5, namely “there is a potential for the development to result in glare to sensitive interfaces”.

1.1 SITE DESCRIPTION

The site at 475 Church Street, Cremorne has an area of approximately 2,540 m² and is currently occupied by single-storey commercial buildings which will be demolished prior to the construction of the project.

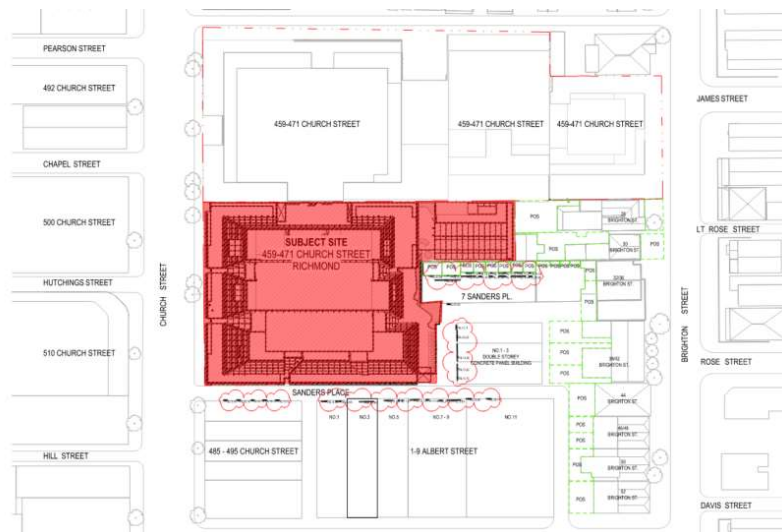


Figure 1: Aerial view of the site (Source: Architectus)

1.2 DEVELOPMENT SUMMARY

The proposed development will consist of the following:

- Basement levels 1-2: Car parking area, circulation and services zone.
- Ground: Retail, loading dock, lobby, end-of-trip (EOT) facilities.
- Level 1-10: Office and amenities.
- Roof: plant

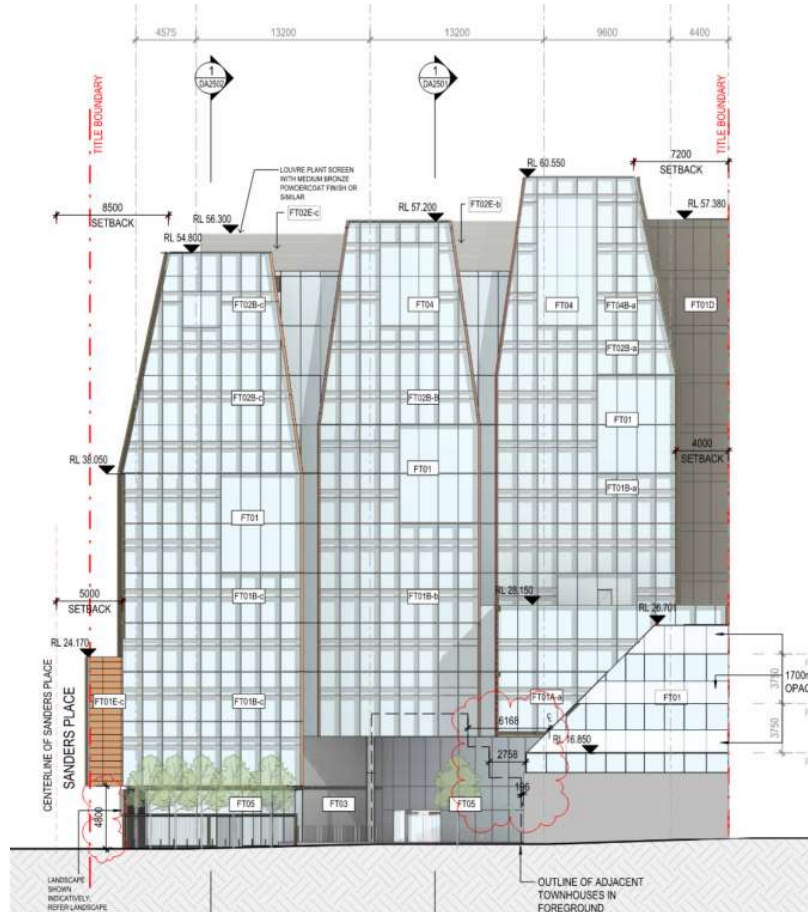


Figure 2 Proposed facade design-east elevation (source: Architectus)

1.3 REFERENCE DOCUMENTATION

This assessment has been based on the architectural drawings developed by Architectus for town planning RFI (19 October 2023).

1.4 SURROUNDING CONTEXT

The site is surrounded by low to medium rise developments with East Richmond railway station to the north-east. The site is adjacent to Church Street, Chapel Street and Hutchings Street.



Figure 3 Site location and context (Source: Google earth)

1.5 LIMITATIONS

The simulation conducted in this study relies on the methodology and assumptions outlined in the report, utilizing project-specific material performance values. In cases where precise material performance values are unavailable, standard industry values have been adopted as defaults.

Building performance simulations offer simplified depictions of real buildings and may not capture all the complexities inherent in the constructed structure. Consequently, the results of the simulation should be regarded as an interpretation of the building's performance rather than a definitive representation. It is important to note that simulation results alone do not provide a guarantee or warranty of the building's actual performance.

While the developed methodology for identifying and analysing glare sources is generally considered robust, the complexity of the study introduces inherent limitations. The geometry utilized in this model is believed to be precise for the assessment's purposes, but the exclusion of certain geometries, measurement errors, or changes in the surrounding area (such as new constructions) may influence how the sun interacts with the façade and its environment. Although the material assumptions provide a reasonable representation of the situation, it's important to note that a building's façade comprises various materials with a wide range of reflectance. Additionally, the computational model of the façade may not perfectly replicate the as-built façade due to manufacturing tolerances, potentially leading to discrepancies with the modelled geometry.

As mentioned, this report examines scenarios that involve multiple dynamic variables, including the movement of people in the surrounding environment and the sun. The study specifically emphasizes the impact of intense sunlight brightness and altitude on a clear day. The focus is on glare resulting from reflections off the façade rather than direct sunlight. The selection of analysis locations was based on a quantitative assessment of the surrounding environment, identifying key areas where reflected glare could pose issues. It's important to note that there are countless variations in the positioning of individuals in the surrounding environment and the sun's position, which means there could be additional periods of glare that have not been identified. Glare occurrences can also be fleeting and limited to several days of the year. It is not feasible to analyse every possible variation. Therefore, the study aims to identify and examine critical and extreme examples to provide valuable insights.

Given that the perception of glare is a subjective sensation, individuals may experience glare differently from one another. Factors such as age and eye colour can influence the perceived sensation, as can the ambient light level. The analysis employs the Daylight Glare Probability, which is based on clinical tests used to measure glare sensitivity and is a recognized tool for assessing glare. However, there are numerous unmeasurable phenomena that can redirect or scatter light, such as scratched surfaces or improperly installed glazing systems. These effects are unpredictable and are not considered in the study.

Furthermore, the study does not consider the dynamic nature of glare or the observer's ability to adapt to changing light levels over time.

2 GLARE

The presence of modern high-performance coatings on reflective glazed façades will inevitably result in some level of reflected glare affecting the surroundings. Similarly, non-matte surfaces like shiny cladding can also contribute to reflected glare. The solar reflections emanating from a building's façade can give rise to various visual and thermal problems.

Apart from inconveniencing pedestrians or occupants of nearby buildings, visual glare can pose a safety risk to motorists, railway drivers and individuals whose responsibilities prevent them from merely averting their gaze.

Additionally, glare has the potential to generate unwelcome light patterns within the urban setting. The thermal effects stemming from reflections off a building's façade can elevate building heat loads, cause discomfort to individuals, and even pose safety risks to both humans and materials if heat becomes concentrated in a specific area, especially with the presence of parabolic or curved reflecting surfaces. It is important to note that this study exclusively evaluates radiation within the visible light range and does not account for thermal radiation. To accurately assess the influence of solar reflections from the development, the following factors need to be taken into consideration:

- Frequency
- Duration
- Intensity
- Receiving location

2.1 PERFORMANCE CRITERIA

Since the impact of glare is subjective and influenced by the duration of exposure, planning requirements do not specify a precise performance criterion. This study establishes specific criteria (as presented in Table 3 based on the research of (Hassall, 1991) and (Ho, 2011).

Table 1 Acceptable glare limits

RECEIVER GROUP	PERFORMANCE CRITERIA	DESCRIPTION
Transport (Road, Tram and Rail Drivers)	< 500 Cd/m ²	< Safety Limit
General Public	< 887 Cd/m ²	< Comfort Limit
Neighbouring Buildings	< 1267 Cd/m ²	< Comfort Limit

Please take note that if the reflected glare surpasses the defined performance criteria, but there is also direct glare from the sun within the observer's field of view, the reflected glare is deemed acceptable because the direct glare becomes the primary source of visual discomfort.

Glare probability is made using image-based assessment, which quantifies glare based on the Daylight Glare Probability (DGP) scale (Wienold, 2006). The study establishes the criteria presented in Table 2. Since the Frankston City Council does not specify a performance criterion for glare, DGP values of 0.40 for drivers and 0.45 for the general public were adopted. These DGP limits indicate the threshold at which discomfort and disability glare may occur, making them suitable criteria for this study.

Table 2 Summary of performance criteria adopted – Image-based verification.

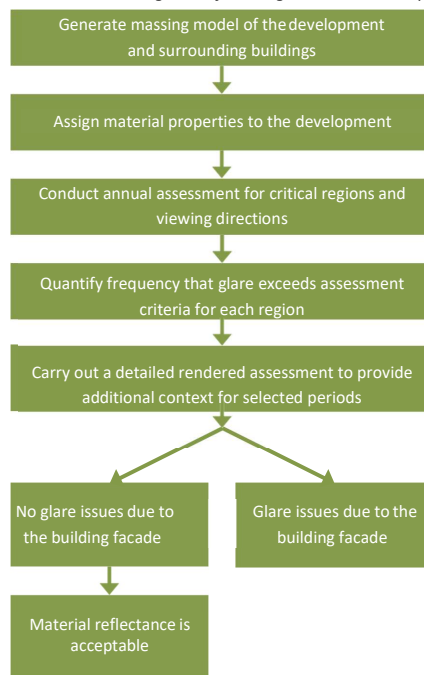
RECEIVER GROUP	PERFORMANCE CRITERIA	DESCRIPTION
Transport (Road, Tram and Rail Drivers)	< 0.40 DGP	< Discomfort Glare
General Public	< 0.45 DGP	< Disability Glare
Neighbouring Buildings	< 0.45 DGP	< Disability Glare

In order to evaluate the potential glare impact on neighbouring buildings and people, the comfort limit specified in the work of Ho et al. (2011) has been adjusted to account for the presence of glazing between the glare source and the building occupants. This additional glazing serves to diminish the intensity of reflected glare. Since the material characteristics of the surrounding buildings are not known, a conservative assumption of a 30% reflectance has been made.

3 METHODOLOGY

3.1 PROCESS

Figure 4 Flowchart showing the reflected glare assessment process



3.2 TOOLS AND SOFTWARE

The proposed development and the surrounding buildings were modelled in IES-VE and then multiple simulations were performed to assess the external glare from the buildings through Daylight Glare Probability (DGP) using the Radiance module.

3.3 SPECTRAL AND DIFFUSE REFLECTION

Reflected glare, as defined by the McGraw-Hill Dictionary of Architecture and Construction (2003), refers to the glare caused by the specular reflection of intense brightness on polished or glossy surfaces within the field of view. Hence, when assessing the effects of reflected glare, the crucial material properties to consider are the combination of reflectance and specularity.

In the context of this assessment, reflectance pertains to the measurement of visible light that gets reflected from a surface when it is illuminated by a light source, such as the sun.

Specularity can be defined as the level of smoothness exhibited by a surface at a microscopic scale. A surface with high specularity appears more mirror-like or shiny, while a surface with low specularity reflects light diffusely, scattering it in various directions. Specular reflection occurs when a surface reflects all light from a particular direction at an opposite angle. In contrast, surfaces with low specularity result in diffuse reflection, where light is reflected in a wide range of directions.

It is crucial to acknowledge that a material characterized by high reflectance and low specularity carries a lower risk of causing reflected glare compared to a material with high reflectance and high specularity. The reduced specularity leads to a decreased impact of specular reflection, which is a primary driver of glare.

For the purposes of this assessment, non-matte metallic façade elements have been classified as having high specularity, taking a conservative approach.

3.4 DIRECT GLARE AND REFLECTED GLARE

During instances when the observer has a direct line of sight to the unobstructed sun, any glare originating from the building's façade and identified as reflected glare is not considered in the results. This exclusion is justified by the fact that direct glare from the sun consistently outweighs any glare resulting from reflection. In this assessment, the observer's field of view is constrained to a 60° range from the observer's visual axis or bearing, following the guidelines set by Hassall (1991).

4 MODELLING PARAMETERS

4.1 ANNUAL SUN PATH

The assessment has utilized the azimuth and altitude coordinates of the sun's position in the sky obtained from the following coordinates:

- Latitude: -37.8
- Longitude: 145.0

4.2 SKY CONDITIONS

This analysis assumes sunny clear sky conditions based on the Melbourne Airport IWEC weather file. It is important to note that in the case of an overcast or polluted sky, the intensity of solar reflections will be reduced, thereby lowering the risk of glare. However, on a partly cloudy day, a small gap in clouds can produce pronounced glare against the otherwise dull ambient light.

4.3 TEST POINTS

To focus the assessment, we have determined the following locations surrounding the building where glare would have the most impact.

- Railway corridor
- Church Street southbound traffic
- Two surrounding buildings

Four points have been selected as shown in Figure 5.

These areas were selected based on their proximity to the site and the likely impact on occupants for glare. Other areas were considered but excluded, such as Rose Street (because it is a one-way street) and Barkley Gardens to the east (onsite inspections showed the trees will shield occupants from reflected glare).



Figure 5 Location of test points

For each location, the time of day and year when glare is most likely to occur was determined geometrically based on the observer locations selected for the study and annual solar paths.

4.4 MODEL GEOMETRY

The glare assessment model's geometry was derived from architectural plan drawings provided Architectus.

To ensure contextual accuracy and account for solar obstructions, the massing geometry of neighbouring buildings, including the proposed buildings, was incorporated into the model. However, trees and greenery were excluded from the model due to their uncertain permanence and varying coverage throughout the year. Please note that surrounding buildings were not modelled in detail and without glazing. An overall reflectance was assumed for their envelopes.

A visual representation of the 3D model geometry can be observed in Figure 6 below.

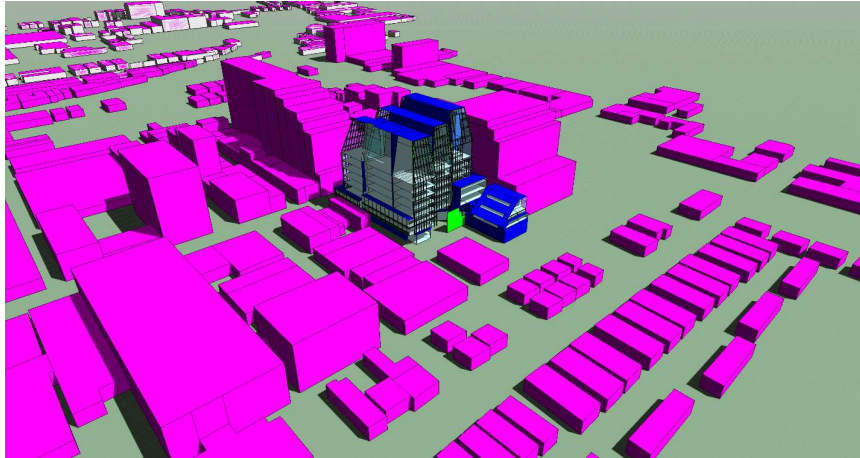


Figure 6 South-East view of the proposed building

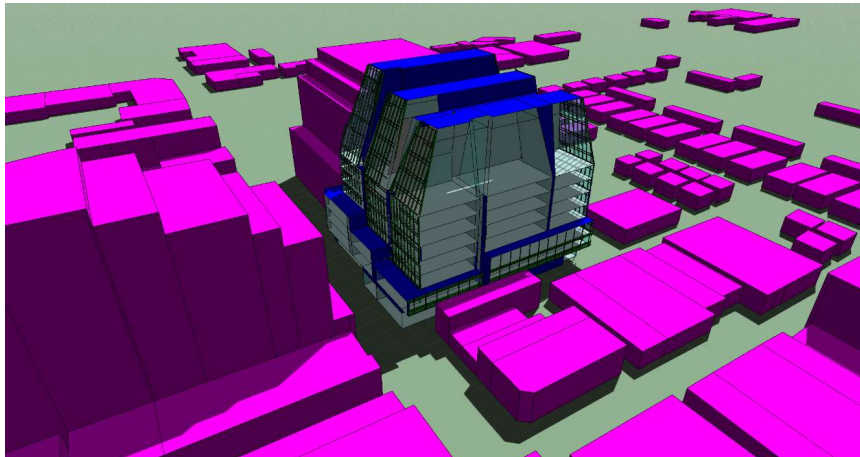


Figure 7 South-West view of the proposed building

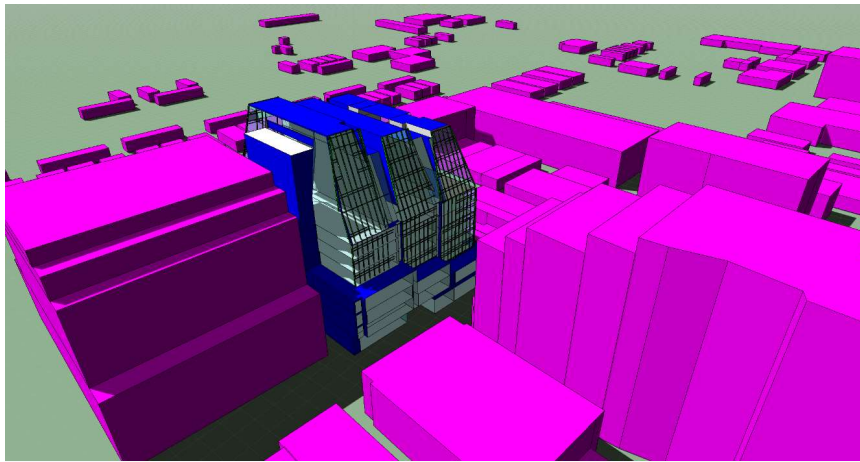


Figure 8 North-West view of the proposed building

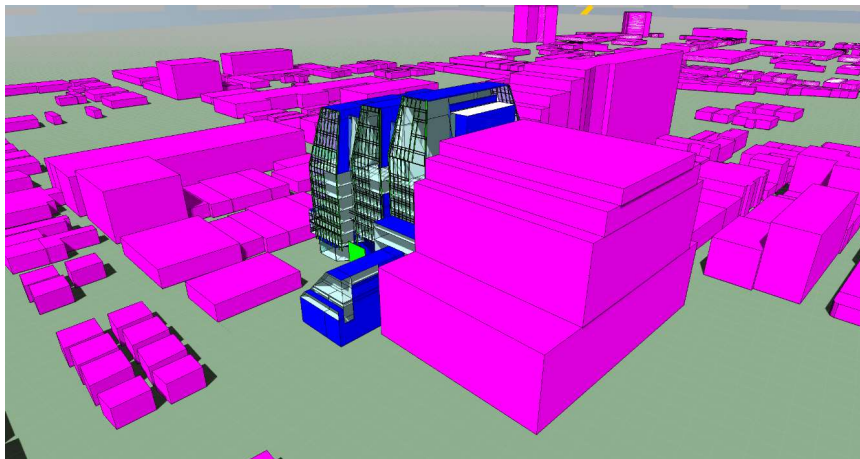


Figure 9 North-East view of the proposed building

4.5 MATERIAL PROPERTIES

ELEMENT	REFLECTANCE	ROUGHNESS	SPECULARITY
Walls with black aluminium cladding	0.3	0.005	0.3
Other external walls, including surrounding buildings	0.3	0.005	0
Interior walls	0.7	0.005	0
Ceilings and Floors	0.9	0.005	0
Roofs	0.25	0.005	0
Glazing	0.16	N/A	

5 RESULTS

5.1 DAYLIGHT GLARE PROBABILITY (DGP) FOR STUDIED AND SURROUNDING BUILDINGS

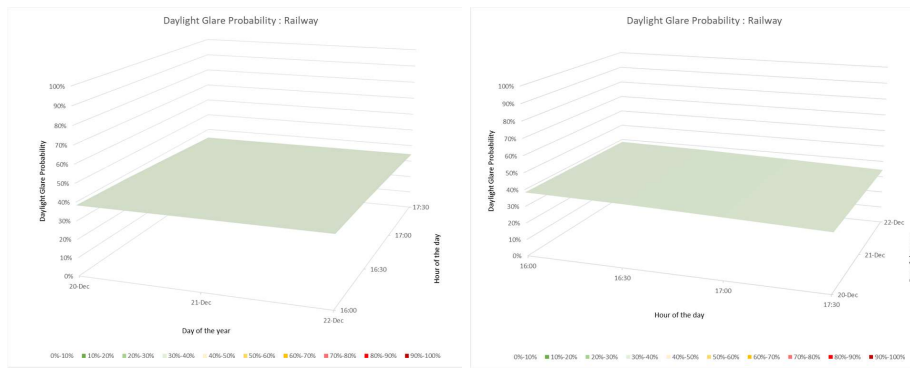
The following sections outline the simulated DGP values for the test points. To better understand the impact of the proposed building, studies of the resultant DGP without the studied building provided. Finally, for each observer location, we include pictures of the viewpoint of a representative observer and the outputs of the luminance at the specified time.

5.2 RAILWAY

5.2.1 RESULTS OF SIMULATION INCLUDING THE STUDIED BUILDING AND SURROUNDING ENVIRONMENT

Geometrical and sun path analysis determined that glare is most likely to occur on the outbound rail line around the summer solstice in late afternoon.

Figure 10 : Daylight Glare Probability 3D charts - Railway



The charts above show that there is no glare probability at the critical time studied (DGP < 40%).

Table 3 DGP results - Railway

Railway				
Day/Time	16:00	16:30	17:00	17:30
20-Dec	38.3%	37.5%	36.0%	34.4%
21-Dec	38.3%	37.5%	36.1%	34.4%
22-Dec	38.3%	37.5%	36.1%	34.5%

Legend : DGP below 40%

5.2.2 DETAILED RESULTS OF LUMINANCE ANALYSIS

The table below gives the DGP value for the two analysed pictures presented in this section.

REGION	TIME ASSESSED	PERFORMANCE CRITERIA	MODELLED RESULT (DGP)	COMMENTS
Railway	Dec 21, 4:30 pm	< Discomfort Glare (40% DGP)	37.5%	DGP acceptable (Imperceptible Glare)
	Dec 21, 5:30 pm	< Discomfort Glare (40% DGP)	34.5%	DGP acceptable (Imperceptible Glare)

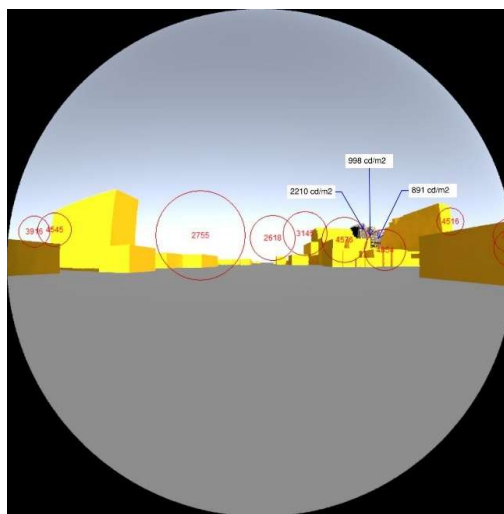


Figure 11 On December the 21st at 4:30 pm, luminance of the studied building does not exceed luminance of the surrounding buildings - Railway

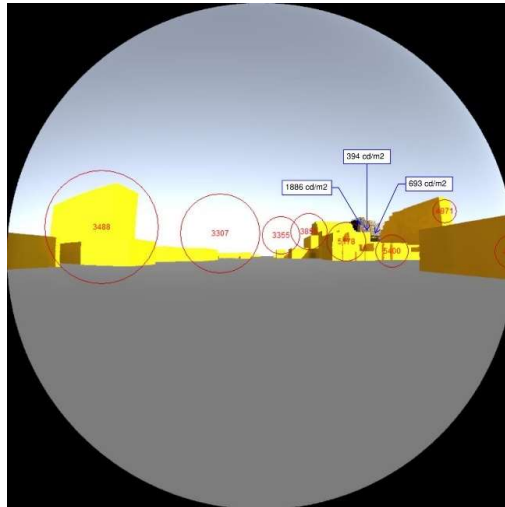


Figure 12 On December the 22nd at 5:30 pm, the luminance of the studied building does not exceed luminance of the surrounding buildings – Railway

5.2.3 CONCLUSION

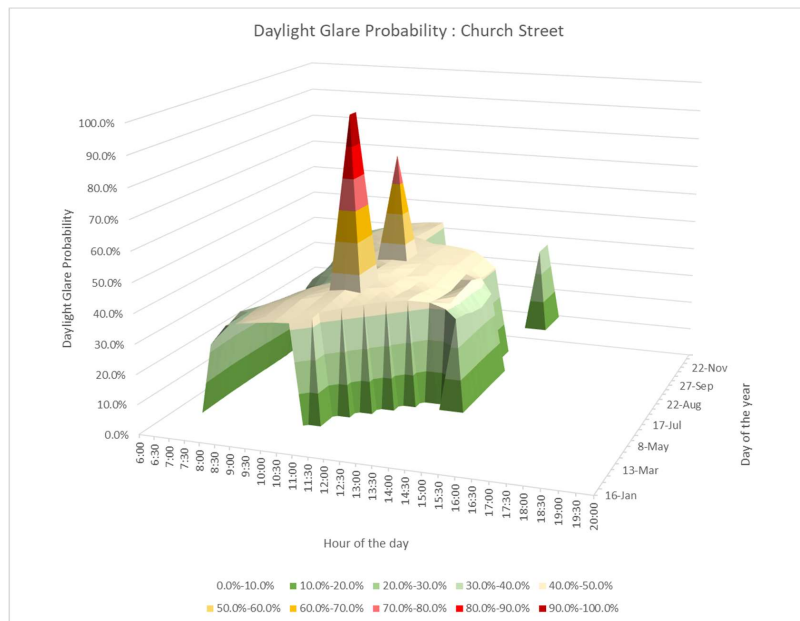
The above analysis shows that the proposed development is unlikely to cause problematic glare along the rail corridor.

5.3 CHURCH STREET TRAFFIC

5.3.1 RESULTS OF SIMULATION INCLUDING THE STUDIED BUILDING AND SURROUNDING ENVIRONMENT

Geometrical and sun path analysis determined that glare is most likely to be experienced by south-bound traffic around the middle of the day.

Figure 13 shows generally low glare probability (DGP between 40% and 45%) throughout the year, with higher glare probability (DGP between 80% and 100%) during a short period (April 24th, May 8th and August 21st at 11:30 am).



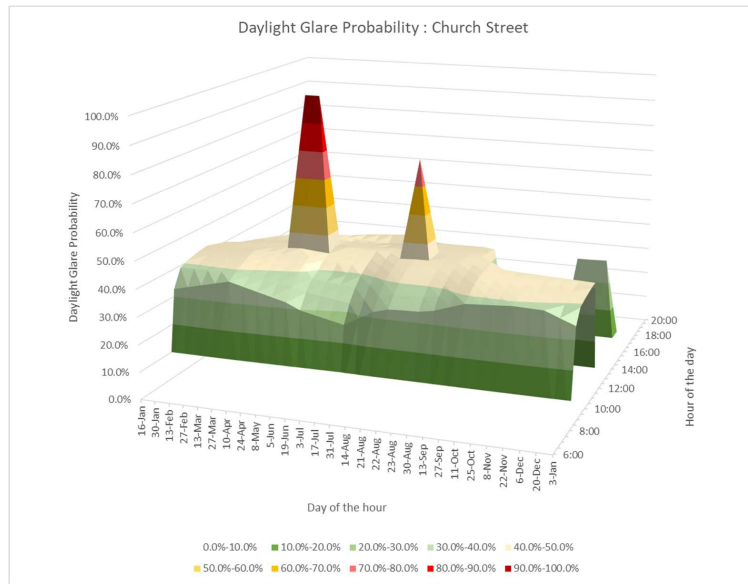


Figure 13 : Daylight Glare Probability 3D charts – Church Street

Table 4 DGP results - Church Street

Church Street	6:00	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00	17:30	18:00	18:30	19:00	19:30	20:00	
16-Jan	32.7%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
30-Jan	33.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
13-Feb	35.1%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
27-Feb	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
7-Mar	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
21-Mar	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
4-Apr	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
18-Apr	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
2-May	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
12-May	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
26-May	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
9-Jun	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
23-Jun	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
7-Jul	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
21-Jul	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
4-Aug	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
18-Aug	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
31-Aug	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
14-Sep	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
28-Sep	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
12-Oct	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
26-Oct	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
9-Nov	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
23-Nov	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
7-Dec	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
21-Dec	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%
4-Jan	35.5%	39.3%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%	46.8%	47.3%	47.8%	48.3%	48.8%	49.3%	49.8%	50.3%	50.8%	51.3%	51.8%	52.3%	52.8%	53.3%	53.8%

Legend :
 DGP below 40%
 DGP equal or above 40%
 No simulation

Day/Time	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00
16-Jan	32.7%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%
30-Jan	33.5%	39.3%	40.5%	41.0%	41.8%	42.3%	42.8%	43.3%	43.8%	44.3%	44.8%	45.3%	45.8%	46.3%
13-Feb	35.1%	39.3%	40.7%	41.9%	42.7%	42.9%	43.2%	43.6%	43.9%	44.1%	44.3%	43.9%	43.8%	43.8%
27-Feb	35.5%	39.3%	41.0%	42.3%	43.1%	43.2%	43.6%	43.9%	44.0%	44.1%	44.3%	43.9%	43.8%	43.8%
7-Mar	35.5%	39.3%	40.7%	42.6%	43.4%	43.9%	44.4%	44.1%	44.3%	43.9%	43.8%	43.8%	43.8%	43.8%
27-Mar	36.2%	38.6%	40.7%	42.1%	43.4%	43.9%	44.4%	44.1%	44.3%	43.9%	43.8%	43.8%	43.8%	43.8%
10-Apr	34.8%	37.9%	40.3%	42.1%	43.3%	44.2%	44.9%	44.3%	44.6%	44.0%	43.1%	43.0%	42.9%	42.9%
24-Apr	33.5%	37.1%	39.8%	41.9%	43.1%	44.5%	44.0%	44.6%	44.0%	44.0%	43.1%	43.0%	42.9%	42.9%
8-May	32.1%	34.8%	37.9%	41.9%	43.1%	44.5%	44.0%	44.6%	44.0%	44.0%	43.1%	43.0%	42.9%	42.9%
19-Jun	29.6%	34.1%	37.7%	39.1%	42.6%	43.6%	44.6%	44.3%	44.3%	43.8%	42.5%	42.3%	42.3%	42.3%
3-Jun	27.7%	32.5%	36.6%	39.6%	41.6%	43.6%	44.6%	44.3%	44.3%	43.8%	42.5%	42.3%	42.3%	42.3%
17-Jul	26.2%	32.5%	36.6%	39.6%	41.6%	43.6%	44.6%	44.3%	44.3%	43.8%	42.5%	42.3%	42.3%	42.3%
31-Jul	25.1%	34.4%	38.0%	40.6%	42.3%	43.5%	44.5%	44.5%	44.5%	43.9%	43.3%	42.9%	42.9%	42.9%
14-Aug	23.0%	36.3%	39.4%	41.6%	43.1%	44.1%	44.5%	44.5%	44.5%	43.9%	43.3%	42.9%	42.9%	42.9%
21-Aug	33.5%	37.3%	40.1%	42.1%	43.5%	44.4%	44.7%	44.5%	44.5%	43.9%	43.3%	42.9%	42.9%	42.9%
22-Aug	33.7%	37.4%	40.2%	42.2%	43.6%	44.4%	44.5%	44.6%	44.5%	43.9%	43.3%	42.9%	42.9%	42.9%
23-Aug	33.8%	37.5%	40.2%	42.2%	43.6%	44.4%	44.5%	44.6%	44.5%	43.9%	43.3%	42.9%	42.9%	42.9%
30-Aug	34.7%	38.3%	40.6%	42.4%	43.7%	44.6%	44.9%	44.7%	44.5%	43.9%	43.3%	42.9%	42.9%	42.9%
13-Sep	36.5%	39.8%	41.4%	42.9%	43.									

5.3.2 RESULTS OF SIMULATION WITH SURROUNDING BUILDINGS ONLY

To better understand the impact of the proposed building, as compared with existing glare conditions, the simulation was repeated without the proposed building as shown in Table 5.

Table 5 : Comparison between DGP of the studied building including its environment and DGP of the surrounding buildings only – Church Street

Church Street		
Day and time	With studied building and its environment	With surrounding buildings only
13/03 at 10:00 am	42.6%	42.8%
27/03 at 01:00 pm	43.9%	43.9%
08/05 at 11:30 am	100.0%	44.2%
17/07 at 12:30 am	43.4%	43.5%
21/08 at 11:30 am	79.6%	44.7%
27/09 at 10:00 am	43.3%	43.5%

Legend :

	DGP below 40%
	DGP equal or above 40%

On the table above, the difference between the DGP with and without the studied building occurs only for the critical points found in the previous simulations (May the 8th and August the 21st at 11:30 am). For the other points simulated, no additional glare is caused by the studied project. The DGP of surrounding buildings is also above the tolerated level.

5.3.3 DETAILED RESULTS

The table below gives the DGP value for the two analysed pictures presented in this section.

REGION	TIME ASSESSED	PERFORMANCE CRITERIA	MODELLED RESULT (DGP)	COMMENTS
Church Street	Apr 24, 11:30 am	< Discomfort Glare (40% DGP)	100%	DGP above the tolerated limit – the luminance of the building exceeds the luminance on surroundings buildings
	Aug 23, 12:30 pm	< Discomfort Glare (40% DGP)	44.5%	DGP above the tolerated limit – the luminance of the building doesn't exceed the luminance on surroundings buildings

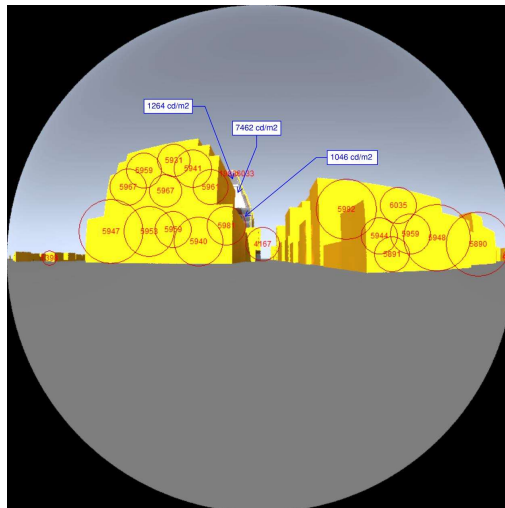


Figure 14 On April the 24th at 11:30 am, luminance of the studied building exceeds the luminance of the surrounding buildings (7500 cd/m2 on the studied building against 6000 cd/m2 on surrounding buildings) – Church Street

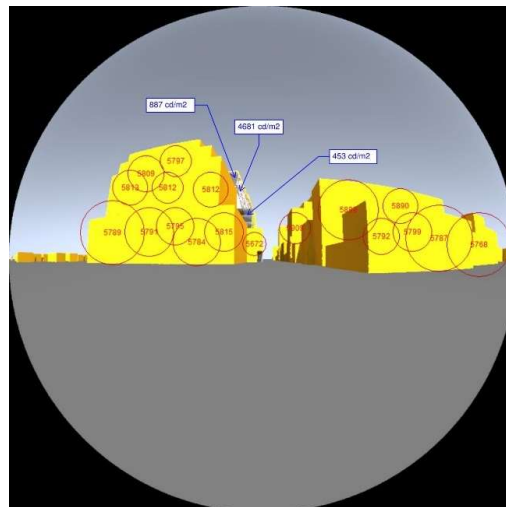


Figure 15 On August 23rd at 12:30 PM, the luminance of the studied building doesn't exceed the luminance of the surrounding buildings (4700 cd/m² on the studied building against 5900 cd/m² on surrounding buildings) – Church Street

5.3.4 CONCLUSION

The analysis suggests that the northwest corner of the building may cause brief moments of glare several times per year. However, this is against an already uncomfortable level of ambient glare cause by existing buildings.

5.4 459 CHURCH STREET

Geometrical and sun path analysis determined that glare is most likely to be experienced at the neighbouring building throughout the morning. The assessment was completed at the highest level of occupancy of 459 Church St as a worst case scenario.

5.4.1 RESULTS OF SIMULATION INCLUDING THE STUDIED BUILDING AND SURROUNDING ENVIRONMENT

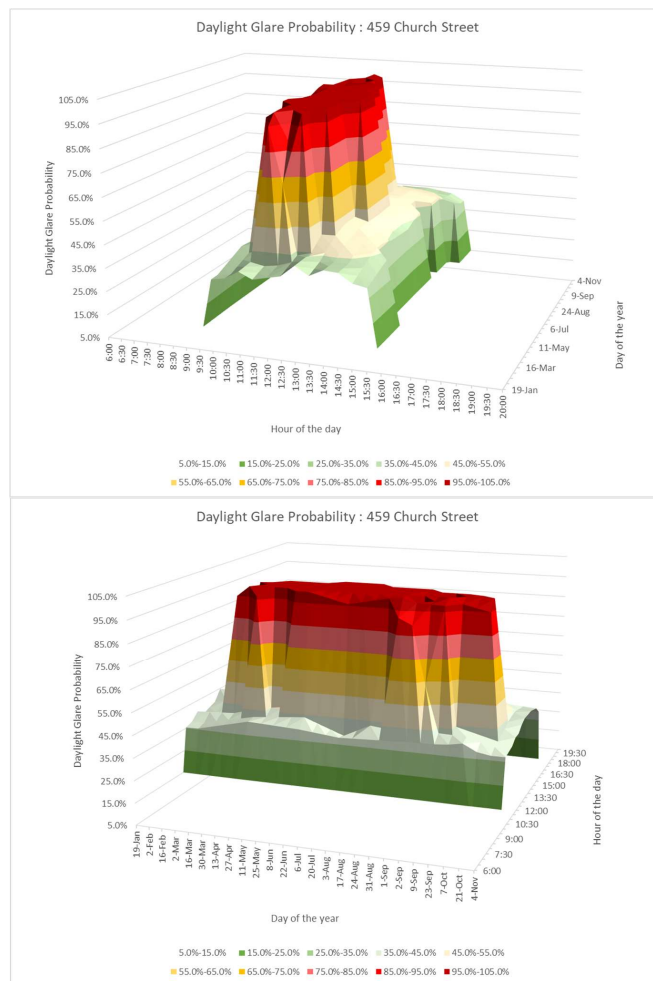


Figure 16 : Daylight Glare Probability 3D charts – 459 Church Street

Figure 16 shows a glare probability (DGP between 45% and 100%):

- For half a year (from 43% to 60% of the year) from 11:00 am to 2:30 pm
- For a minor part of the year (from 2% to 18% of the year) at 10:30 pm and at 3:00 pm.

The high glare probability is mainly due to the short distance between the observer and the studied building. Also, the angle of the field of vision is perpendicular to the façade which is the worst-case scenario.

Please note that the simulations are completed for an external observer (i.e. one outside the neighbouring building) and therefore doesn't consider the mitigating impacts of the building's own glazing or internal blinds.

5.4.2 RESULTS OF SIMULATION WITH SURROUNDING BUILDINGS ONLY

To better understand the impact of the proposed building, as compared with existing glare conditions, the simulation was repeated without the proposed building (Table 7).

Table 7 : Comparison between DGP of the studied building including its environment and DGP of the surrounding buildings only – 459 Church Street

459 Church Street		
Day and time	With studied building and its environment	With surrounding buildings only
16/03 at 12:00 pm	89.0%	52.3%
13/04 at 01:00 pm	100.0%	50.2%
13/04 at 02:30 pm	48.3%	45.9%
03/08 at 01:30 pm	52.7%	47.0%
17/08 at 03:00 pm	46.1%	41.7%
01/09 at 11:30 am	98.2%	51.8%

Legend :

	DGP below 45%
	DGP equal or above 45%

This study demonstrates an already uncomfortable level of glare from surrounding buildings, indicating that occupants would likely be using internal blinds already. While the proposed building is likely to produce a higher level of glare, this is unlikely to significantly impact occupants.

5.4.3 DETAILED RESULTS OF LUMINANCE ANALYSIS

The table below gives the DGP value for the 2 analysed pictures presented in this section. There are also comments depending on the DGP value and the luminance analysis.

REGION	TIME ASSESSED	PERFORMANCE CRITERIA	MODELLED RESULT (DGP)	COMMENTS
459 Church Street	Sep 01, 12:00 pm	< Discomfort Glare (45% DGP)	99.1%	DGP above the tolerated limit – the luminance of the building exceeds the luminance on surroundings buildings
	Sep 02, 1:00 pm	< Discomfort Glare (45% DGP)	50.9%	DGP above the tolerated limit - the luminance of the building exceeds the luminance on surroundings buildings

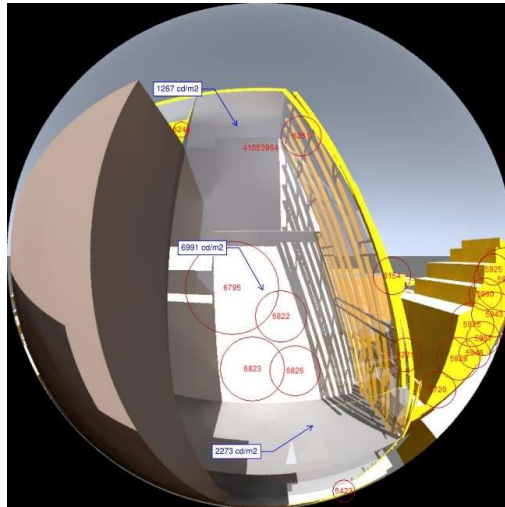


Figure 17 On September 01 at 12:00 pm, the luminance of the studied building exceeds the luminance of the surrounding buildings (7000 cd/m² on the studied building against 6000 cd/m² on surrounding buildings) – 459 Church Street

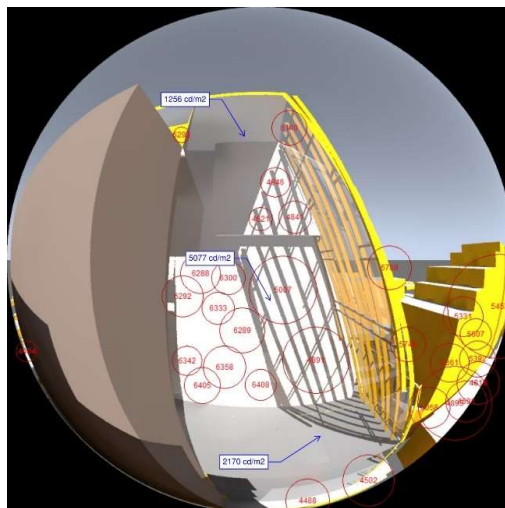


Figure 18 On September the 02nd at 1:00 pm, the luminance of the studied building exceeds the luminance of the surrounding buildings (6400 cd/m² on the studied building against 5600 cd/m² on surrounding buildings) – 459 Church Street

5.4.4 CONCLUSION

The analysis suggests that the northwest corner of the building will contribute to glare on the top level of 459 Church St throughout the morning. However, this is against an already uncomfortable level of ambient glare cause by existing buildings which would already be mitigated by the use of internal blinds.

5.5 506 CHURCH STREET

5.5.1 RESULTS OF SIMULATION INCLUDING THE STUDIED BUILDING AND SURROUNDING ENVIRONMENT

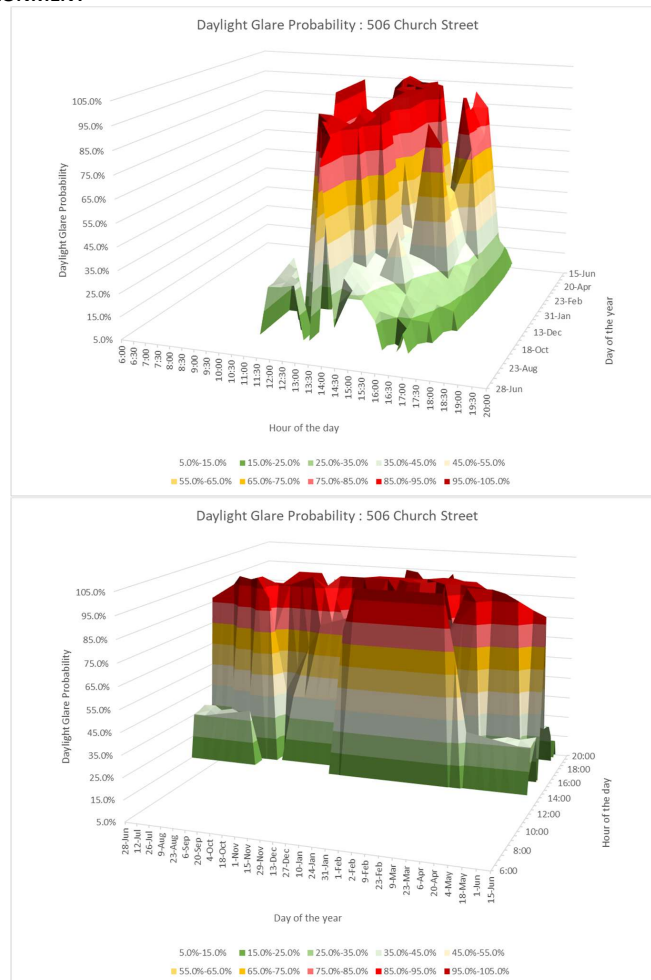


Figure 19 Daylight Glare Probability 3D charts – 506 Church Street

Figure 19 shows a glare probability (DGP between 45% and 100%):

- For all the year (92% of the year) at 2:00 pm
- For a major part of the year (77% of the year) at 1:30 pm
- For half a year (from 47% to 58% of the year) from 2:30pm to 3:00 pm

- For a minor part of the year (from 12% to 35% of the year) at 1:00 pm, at 3:30 pm and from 4:30 pm to 5:00 pm.

The high glare probability is mainly due to the short distance between the observer and the studied building. Also, the angle of the field of vision is perpendicular to the façade that is the worst-case scenario.

Please note that the simulations are completed for an external observer (i.e. one outside the neighbouring building) and therefore doesn't consider the mitigating impacts of the building's own glazing or internal blinds.

Attachment 5 Attachment 5 - PLN23/0316 - 475 - 481 Church Street Richmond - Without Prejudice Glare Assessment

24123 Glare Assessment – 475 Church Street, Cremorne



Table 8 DGP results – 506 Church Street

Day/Time	6:00	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00	17:30	18:00	
506 Church Street																										
12-Jul	35.3%	36.3%	37.2%	37.9%	38.5%	39.0%	39.4%	39.7%	40.0%	40.2%	40.4%	40.5%	40.6%	40.7%	40.8%	40.9%	41.0%	41.1%	41.2%	41.3%	41.4%	41.5%	41.6%	41.7%	41.8%	41.9%
26-Jul	36.3%	37.3%	38.2%	38.9%	39.5%	40.0%	40.4%	40.7%	41.0%	41.2%	41.4%	41.5%	41.6%	41.7%	41.8%	41.9%	42.0%	42.1%	42.2%	42.3%	42.4%	42.5%	42.6%	42.7%	42.8%	42.9%
23-Aug	38.5%	39.5%	40.4%	41.1%	41.7%	42.2%	42.6%	42.9%	43.2%	43.4%	43.6%	43.7%	43.8%	43.9%	44.0%	44.1%	44.2%	44.3%	44.4%	44.5%	44.6%	44.7%	44.8%	44.9%	45.0%	45.1%
6-Sep	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
18-Oct	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
4-Oct	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
15-Nov	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
28-Nov	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
21-Dec	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
10-Jan	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
1-Feb	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
23-Feb	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
8-Mar	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
6-Apr	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
23-Apr	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
6-May	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
18-May	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
30-May	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1-Jun	35.4%	36.3%	37.2%	37.9%	38.5%	39.0%	39.4%	39.7%	40.0%	40.2%	40.4%	40.5%	40.6%	40.7%	40.8%	40.9%	41.0%	41.1%	41.2%	41.3%	41.4%	41.5%	41.6%	41.7%	41.8%	41.9%
15-Jun	35.4%	36.3%	37.2%	37.9%	38.5%	39.0%	39.4%	39.7%	40.0%	40.2%	40.4%	40.5%	40.6%	40.7%	40.8%	40.9%	41.0%	41.1%	41.2%	41.3%	41.4%	41.5%	41.6%	41.7%	41.8%	41.9%

Legend:
 DGP below 45%
 DGP equal or above 45%
 No simulation

Legend:
 DGP below 45%
 DGP equal or above 45%
 No simulation

5.5.2 RESULTS OF SIMULATION WITH SURROUNDING BUILDINGS ONLY

To better understand the impact of the proposed building, as compared with existing glare conditions, the simulation was repeated without the proposed building (Table 9).

Table 9 : Comparison between DGP of the studied building including its environment and DGP of the surrounding buildings only – 506 Church Street

506 Church Street		
Day and time	With studied building and its environment	With surrounding buildings only
23/08 at 01:30 pm	98.1%	0.0%
27/12 at 02:30 pm	100.0%	46.5%
24/01 at 05:00 pm	100.0%	42.5%
02/02 at 03:30 pm	46.2%	0.0%
09/03 at 02 pm	71.1%	47.0%
06/04 at 01:00 pm	95.1%	0.0%

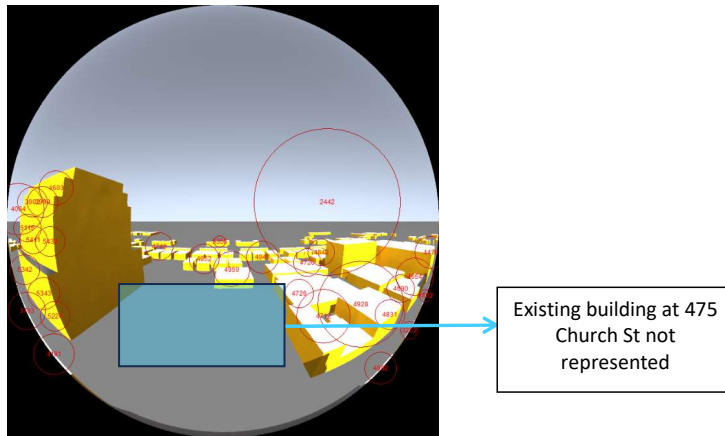
Legend :

	DGP below 45%
	DGP equal or above 45%

This study demonstrates an already uncomfortable level of glare from surrounding buildings at times, indicating that occupants would likely be using internal blinds already. The proposed building is likely to produce a higher level of glare which will result in an increased use of internal blinds.

Note that on the simulation with surrounding buildings only, the existing building at 475 Church Street are not simulated. This building has a large roof area which would currently contribute to glare. Therefore, this study underestimates the existing levels of glare.

Figure 20 : Picture of glare calculation without studied building - 506 Church Street



5.5.3 DETAILED RESULTS OF LUMINANCE ANALYSIS

REGION	TIME ASSESSED	PERFORMANCE CRITERIA	MODELLED RESULT (DGP)	COMMENTS
506 Church Street	Feb 01, 2:30 pm	< Discomfort Glare (45% DGP)	100%	DGP above the tolerated limit – the luminance of the building approximately the same than the luminance on surroundings buildings
	Feb 02, 3:30 pm	< Discomfort Glare (45% DGP)	46.2%	DGP above the tolerated limit – the luminance of the building doesn't exceed the luminance on surroundings buildings

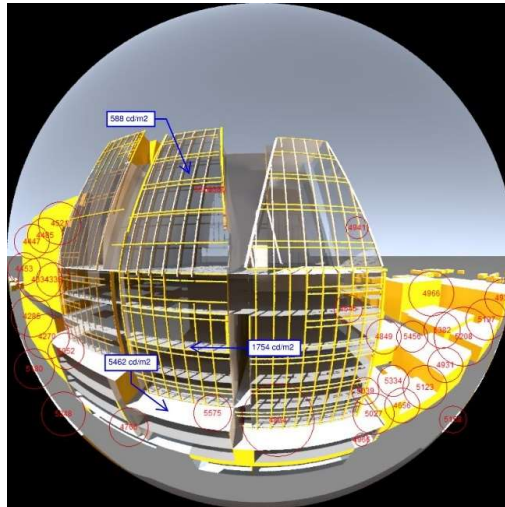


Figure 21 On February 01 at 2:30 pm, the luminance of the studied building is approximately the same than the luminance of the surrounding buildings (5500 cd/m² on the studied building against 5500 cd/m² on surrounding buildings) – 506 Church Street

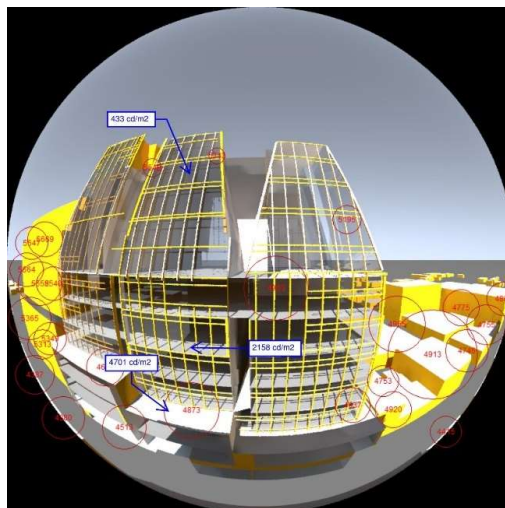


Figure 22 On February the 02nd at 3:30 pm, the luminance of the studied building doesn't exceed the luminance of the surrounding buildings (4900 cd/m² on the studied building against 5700 cd/m² on surrounding buildings) – 506 Church Street

5.5.4 CONCLUSION

The analysis suggests that the proposed terrace will contribute to glare on to the building opposite at 506 Church St. However, this is against an already uncomfortable level of ambient glare cause by existing buildings which would already be mitigated by the use of internal blinds. This effect can be mitigated through the use of a darker-coloured roof terrace.

6 ENVIRONMENTAL RISK ASSESSMENT

The quantification of risk involves assessing the probability of an event happening and evaluating the impact it would have. In the context of this external reflected glare assessment, the descriptors outlined in *Table 10* were used to define the levels of frequencies and consequences.

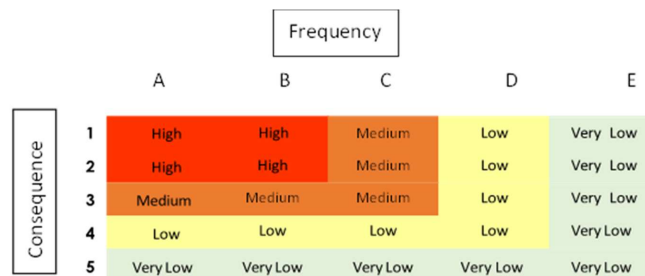
Table 10 Risk assessment

Frequency	Description
A	Constantly
B	Almost always
C	Often
D	Rare
E	Never

Consequence	Description
1	Railway incident resulting in significant property damage, personal injury and/ or death.
2	Road incident resulting in property damage, personal injury and/ or death.
3	Visual disability of pedestrians indirectly resulting in non- permanent personal injury.
4	Visual disability of general public in open spaces or building occupants resulting in temporary visual impairment and inability to carry out non-critical tasks.
5	Visual discomfort of general public in open spaces or building occupants resulting in annoyance however does not prevent task from being carried out.

The risk levels associated with probable and potential impacts were determined using the risk matrix shown in Figure 23 provided below:

Figure 23 Risk Matrix



The risk levels for each of the regions analysed in this assessment have been determined using the above definitions. Likelihood and consequence have been categorized according to receiver type, glare intensity, and annual frequency. It is important to acknowledge that the simulated presence of glare does not guarantee the occurrence of an event, but it does enhance the likelihood of its occurrence. Due to the challenge of precisely quantifying this relationship, our assumptions in this assessment are

considered to be cautious. As indicated in Table 11 provided below, the risk levels for the regions range from 'Low' to 'Medium'. Note that as we saw on the previous section, the glare probability on Church Street is mainly due to surrounding buildings.

Table 11 Risk analysis

Region	Receiver Type	Frequency	Risk	Risk Level
Railway	Railway Driver	E	1	Very Low
Church street	Motorist/Pedestrian	D	2	Low
459 Church Street	General Public	D	4	Low
506 Church Street	General Public	D	4	Low

7 DISCUSSION

According to the findings of this study, it has been concluded that there are instances throughout the year where glare surpasses the performance criteria both along Church Street and for surrounding buildings. The surrounding buildings are likely to experience reflected glare due to their proximity to the proposed development, however this can be managed using internal blinds. Also, the simulations have not considered glazing between the observers and the studied building. Furthermore, the environmental risk assessment concludes that the risk in building is very low or low depending on the type of activity and the frequency,.

Being a road corridor, glare along Church Street has the potential for greater impact. Further assessment was undertaken to understand the effect of the proposed development in the context of the existing streetscape. It was found that the proposed development only marginally increases the incidence and extent of glare to drivers and pedestrians.

8 CONCLUSION

The conclusions that can be made with the different simulations analyses viewed in this section are:

- **Railway observer:** No glare probability due to the studied building. A low DGP was obtained for all the simulations.
- **Church Street observer:** Glare probability is mainly due to the surroundings buildings. The glare probability is higher with the studied building for very brief moments on a couple of days per year. Due to a very low frequency, the glare probability is acceptable.
- **459 and 506 Church Street observer:** The proposed building increases the level and incidence of glare for neighbouring buildings. This is largely due to the proximity between the studied building and the observer. The perpendicular angle between the point of view and the studied façade is the worst-case scenario. Also, the simulation does not consider glazing or blinds between the observer and the studied building that could decrease significantly the glare probability.

A study on external reflected glare was conducted for the proposed development located at 475 Church Street, Richmond. The study adhered to the modelling requirements which aim to identify and address potential adverse glare conditions. The assessment concluded that the proposed building façade does not generate unacceptable levels of reflected glare.

9 REFERENCES

1. Hassall, David N. H. (1991). Reflectivity: Dealing with rogue solar reflections / written and illustrated by David N. H. Hassall, Newport, N.S.W.
2. Ho, C. K., Ghanbari, C. M., and Diver, R. B. (August 5, 2011). "Methodology to Assess Potential Glint and Glare Hazards From Concentrating Solar Power Plants: Analytical Models and Experimental Validation." ASME. J. Sol. Energy Eng. August 2011; 133(3): 031021.
3. Wienold, Jan & Christoffersen, Jens. (2006). Evaluation methods and development of a new glare prediction model for daylight environments with the use of CCD cameras. Energy and Buildings. 38. 743-757. 10.1016/j.enbuild.2006.03.017



Urban Design Memo

To:	Jessica Sutherland	Date:	01/08/2023
Company:	City of Yarra	From:	Hansen Urban Design Team
Re:	475-481 Church Street, Richmond		

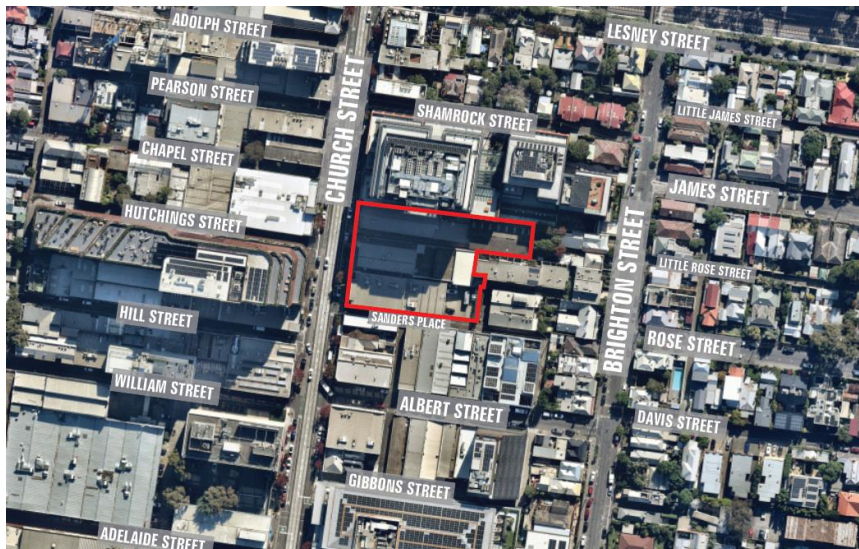
Thank you for the opportunity to review the application package for the proposed 11-storey mixed use office and commercial development at **475-481 Church Street, Richmond**. Following a recent site inspection, we have reviewed the relevant application material, including the architectural plans prepared by Architectus (dated 5th May 2023) and assessed them against relevant planning policy, the principles of good design and on our own intimate knowledge of the Richmond and Cremorne area.

Site and context

The subject site is bound by Church Street to the west and Sanders Place (laneway) to the south. Its northern interface directly abuts 459 Church Street and to the east are properties fronting Brighton Street and other 'internal' allotments gaining access from Sanders Place.

The subject site consists of three mostly rectangular allotments (no's 475, 477 and 481) with a combined frontage of 49.1m to Church Street and a depth of 83.6m (no. 475) and 62.2m (no. 481) with a 'stepped' boundary between (no. 477) resulting in a total lot size of approximately 3,347m².

The existing site comprises 1 and 2 storey commercial buildings and showrooms currently occupied by 'Sovereign Interiors', 'Voyager Interiors', 'Calligaris Store' and 'Sofacraft' and is contained within the Church Street precinct (9) of the Swan Street Structure Plan. Built form is constructed to each boundary, with recessed entry points, an access lane between no. 475 and 477, surface level parking to the rear of no. 481 and pedestrian access provided from Church Street. The area is well supported by public transport with the East Richmond Train Station located 120m from the site's primary frontage. The closest tram stop (Route 78) is located approximately 100m south of the subject site.



Aerial of site and site context, Nearmap

The site has the following interfaces:

- To the immediate **west** is Church Street, a 20m wide road reserve (Road Zone 1) accommodating two-way traffic movements, bicycle lanes and footpaths on either side. It also comprises a central tram track alignment (route 78) with its closest stop 100m south of the subject site. Opposite, is a 2-storey homewares store (Coco Republic) and a recently developed 10 storey office building and upgraded Hutchings Street laneway. North and south of these buildings are 1-2 storey forms with recently developed mid-rise office buildings fronting Church Street and along streets feeding from Cremorne to the west.
- To the **south** the site has an immediate abuttal with Sanders Place, a 3.8m wide 'L' shaped, laneway which connects to Albert Street (south) further east. South of Sanders Place are several 1-2 storey homewares shops and showrooms fronting Church Street with secondary access via a rear lane. Further south, Albert Street is a 12m road reserve accommodating a 2-way carriageway, narrow pedestrian paths and parallel parking on both sides. Further to the south are more homewares and commercial tenancies and the 5-storey REA Group building occupying a large site (511 Church Street).
- To the immediate **north** the subject site abuts 459 Church Street, which comprises a recently completed 10-storey commercial development (Industry Lane) with brick face podium and dark framed/glazed curtain wall upper levels. 'Industry Lane' fronts onto Shamrock Street with 1-2 storey dwellings on its north side. Further north is Lesney Street which lies adjacent to a 30m wide rail reserve comprising the City (Flinders Street) - Lilydale train line providing direct access to the Melbourne CBD. 2-4 storey commercial forms line this section of the Church Street.
- To the immediate **east** are a mix of commercial and residential properties accessed via Sanders Place and residential dwellings fronting Brighton Street. Brighton Street is a 14.5m wide road reserve with a 2-way carriageway, on-road bike lanes, parallel parking and pedestrian paths on both sides. Dwellings are predominantly within the NRZ and subject to H0308 (Barkly Garden Precinct) with an individually listed 2-storey property at 30 Brighton Street (H0231) backing onto the subject site. Further east are 1-3 storey residential dwellings with Barkly Gardens approximately 220m to the east.
- In the surrounding context, the site is located south of the Swan Street Activity Centre, with Yarra's strategic framework plan identifying the land as suitable for Commercial and Industrial development. This part of Richmond is diverse, with food and beverage offerings to the north, an emerging commercial/office developments mixing with the established warehouse and showroom businesses dotting this part of Church Street. Allotments increase in size as land leading south (towards the Yarra River) on Church Street comprises larger warehouses and showrooms supporting industrial and commercial activity.



Subject site – 475-481 Church Street, Richmond.



Church Street – looking north



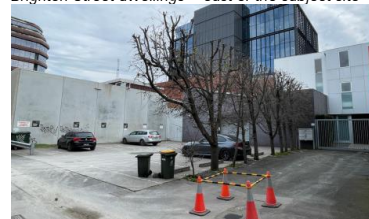
Sanders Place – looking east



459 Church Street – north of the subject site



Brighton Street dwellings – east of the subject site



Sanders Place and car park – looking north-west

Planning Context

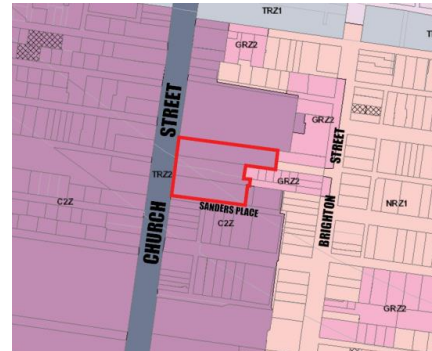
The site is in a **Commercial 2 Zone (C2Z)**.

The purpose of the C2Z is:

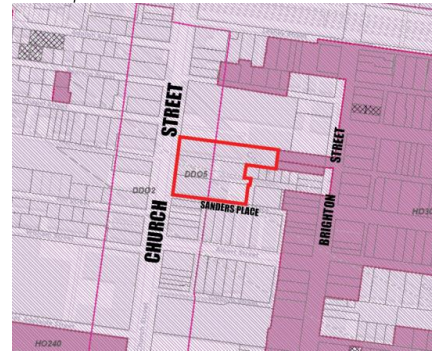
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

The site is affected by **Development Plan Overlay – Schedule 2 (DDO2)**. DDO2 purposes are:

- To recognise the importance of main roads to the image of the City.
- To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.
- To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
- To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
- To encourage high quality contemporary architecture.
- To encourage urban design that provides for a high level of community safety and comfort.
- To limit visual clutter.
- To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.



Zone Map – Site within C2Z



Overlay Map – Site within DDO and Heritage

The subject site is also affected by the **Design and Development Overlay – Schedule 5 (DDO5-City Link Exhaust Stack Environs)**, **City Link Project Overlay (CLPO)** and the **Development Contributions Plan Overlay – DCP01**.

The following State and Local planning policies are considered relevant to an urban design appraisal:

- Clause 11 – Settlement;
- Clause 15 – Built Environment and Heritage;
- Clause 21.03 – Vision;
- Clause 21.04 – Land Use;
- Clause 21.05 – Built Form;
- Clause 21.08 – Neighbourhoods;
- Clause 22.07 – Development Abutting Laneways; and
- Clause 22.10 – Built Form and Design Policy.

Other relevant documents:

- City of Yarra Urban Design Strategy (2011);
- Swan Street Structure Plan (2014);
- Urban Design Guidelines for Victoria (2017); and
- Victorian Urban Design Charter (2010).



Yarra Strategic Framework Plan –Commercial and Industrial Area (Clause 21.03 – Vision)

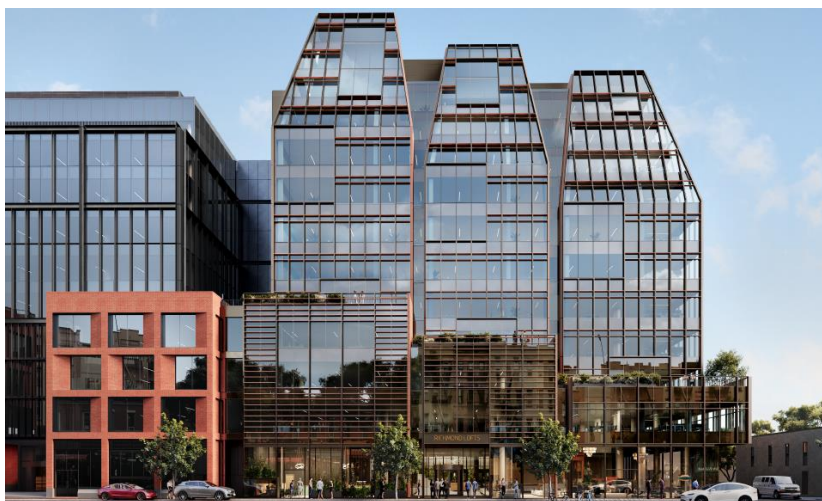
Hansen Partnership Pty Ltd

3

The Proposal

The proposal comprises the demolition of the existing buildings and construction of an 11 storey + plant and atriums (50.95m) office building with a proposed food & beverage (F&B) and retail premises, community forum space and lounge on the Ground Floor. Specifically, the proposal comprises:

- An overall building height of 50.95m.
- Two basement levels comprising 152 car parking spaces including EV parking (36), tandem spaces (2) and disabled parking (3), common room (21m²), waste room (40m²) and service rooms.
- A Ground Floor comprising an entrance lobbies accessible via semi-public forecourts from Church Street and another from Sanders Place, a loading dock with small shop (75m²) adjacent and access via Sanders Place.
- F & B (255m²) and retail premises (679m²) fronting Church Street, bicycle storage and EoT facilities.
- Levels 1-10 comprising office spaces on each level totalling 18,702m² in floor space.
- The buildings main expression is through three primary forms that step from north to south, down from 4, 3 and 2 levels at the Church Street boundary.
- Rising forms setback 5m from street wall and taper towards the top, with taller elements (north) incorporating atriums and additional plant / screening, stepping down to the south. A similar profile to the eastern elevation with slightly steeper tapering to the taller elements.
- A Ground Floor is setback 3m from Sanders Place to allow for vehicle movements, with Levels 1-2 built to boundary, Levels 2-8 setback 2.9m and a tapering form up to 6m to levels above.
- A secondary 4-storey form occupies the north-east corner of the site and contains office and communal spaces and a raking profile leading to abutting properties to the south.
- A 3.4m setback at Ground Floor to the northern extent of Church Street offers additional public space and a courtyard and entry from Sanders Place includes edge planting. Edge terraces are provided at Levels 2, 3 and 4, wrapping the south, west and north interfaces.
- Materials and finishes include glazed curtain wall, aluminium horizontal fins and louvres, solid panels, textured concrete, steel mullions with a mix of terracotta and bronze finishes.



Artists impression of the proposal – Church Street frontage (extract from Urban Context Report prepared by Architectus)
Hansen Partnership Pty Ltd

Urban Design Assessment

Strategic Settings

At a strategic level, the Yarra Planning Scheme seeks to maintain the City’s urban character as a ‘low-rise urban form with pockets of higher development’. Clause 21.05 – 2 states that low-rise building heights within the municipality predominantly vary between 1-2 storeys, with instances of 3-4 storey buildings. Pockets for higher development are Strategic Redevelopment Sites or within Activity Centres and should generally be no more than 5-6 storeys unless specific benefits can be achieved.

While the site sits outside an Activity Centre and has not been identified as a Strategic Redevelopment Site, there has already been incremental change of the predominantly low-rise homeware retailers and showroom forms with medium-rise and higher infill development emerging within the precinct.

Clause 21.05 objectives and strategies for urban design seek ‘to reinforce the existing urban framework of Yarra’ and ‘to retain Yarra’s identity as a low-rise urban form with pockets of higher development’. This is reinforced by Strategy 17.2, which seeks to ‘Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits’. The strategy calls for ‘Significant upper level setbacks’ and for a ‘Positive contribution to the enhancement of the public realm’.

It is noted that the emerging height of buildings along this section of Church Street and within Cremorne (west) include buildings and approvals well above the recommended 5-6 storeys. Built schemes of 10-storeys (506-510 Church Street) and 10-storeys (459-471 Church Street) and an approval of 12-storeys (587-593 Church Street) speak to the emerging potential heights within the current or previous industrial fabric of Richmond and Cremorne. These heights and massing arrangements do of course seek to maintain a sense of the lower 5-6 storeys at street level and sensitive interfaces.

Clause 21.05 sets out strategies to ‘ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs’. Therefore, the development must employ massing strategies that respect the existing urban context, including recently established ‘benchmarks’ of acceptable forms.



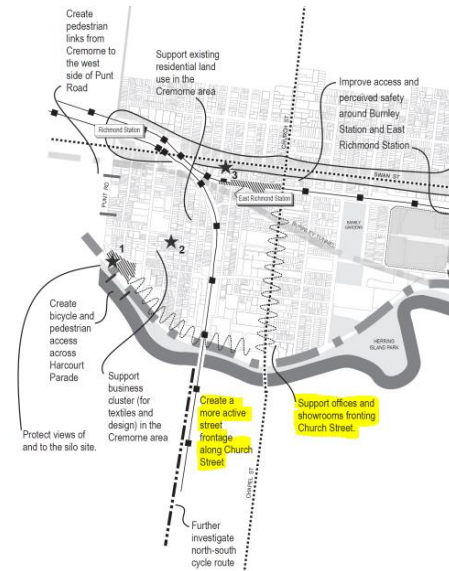
The Framework Plan, Swan Street Structure Plan – 2014.

Hansen Partnership Pty Ltd

Clause 21.05 sets out strategies to 'require new development to consider the opportunity to create public spaces as part of new development', to 'retain, enhance and extend Yarra's fine grain street pattern' and to 'require new development to integrate with the public street system'. The ground plane should therefore integrate with the public realm by providing a public space which clearly signals the use, structure and hierarchy of spaces within the building.

Clause 21.08 Neighbourhoods sets out the locally specific objectives for the different neighbourhoods throughout the municipality. The site is located within the 'Burnley, Cremorne, South Richmond' precinct, Figure 7 identifies a relevant ambition which seeks to 'support offices and showrooms fronting Church Street' and 'create a more active street frontage along Church Street'.

The subject site is located on a key transport corridor, namely Church Street (TRZ2) and within a short walk to East Richmond Station (north) and the rail corridor with access to the Melbourne CBD, Lilydale, Belgrave, Alamein and Glen Waverley lines. Other nearby public transport routes include the No. 78 Tram (along Church Street) and the No. 70 Tram (along Swan Street). On-road bike lanes flank both sides of Church Street and connect to the Main Yarra Trail on both sides of the Yarra River. This path connects to the CBD, along the Yarra River and Gardiners Creek to the east.



Neighbourhood map: Burnley, Cremorne, South Richmond (crop)

To the north on the parcel adjacent (no. 459) and to the west on the other side of Church Street (no. 510) are recently completed buildings with 3 and 4 storey street wall profiles, 4 and 5 rising forms setback from the street wall and recessive levels above. Both are deep lots however taller forms at podium and upper levels are more readily absorbed into the composition of larger sites.

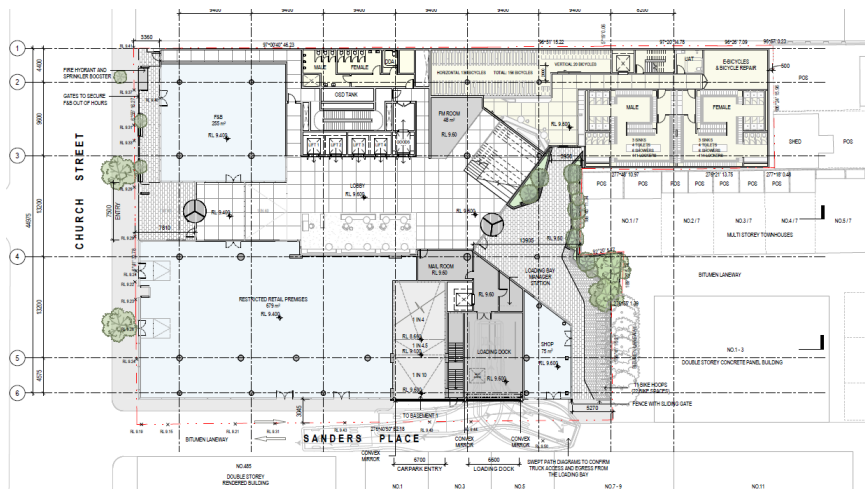
In the absence of specific height controls, a taller development will need to be assessed against urban design tests to determine a site-specific rationale for the acceptable maximum height. To the west the site interfaces Church Street where the emerging pattern of 'to boundary' podium and recessive upper levels is well established. To the south is a narrow lane with relatively small and fragmented commercial allotments and 1-2 storey forms. To the east are 1-3 storey townhouses and commercial forms, mixed residential forms with Heritage Overlay H0308 and heritage listed dwelling 30 Brighton Street. To the north is a recently constructed 10-storey building with direct abutment to podium levels and service core.

A critical test is outlined in objectives of C2Z which seeks 'To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses'. The primary 11-storey form and secondary 4-storey form (with raking roof form) indicates overshadowing to the neighbouring GRZ2 zoned secluded private open spaces. The overshadowing diagrams need to demonstrate how the proposal allows for sunlight to the principle private open spaces between 9:00am and 3:00pm on 22 September (the equinox) in line with ResCode B21 (Overshadowing open space) requirements. The current plans do not sufficiently document the existing configuration of private open space/s within the 3-storey townhouses (7 Sanders Place), which contain Ground Floor courtyards, First Floor balconies and Second Floor terraces off their main living areas.

Site Planning

The site layout at Ground Level is generally well conceived, taking advantage of the sites' existing interfaces and adapting to the 'stepped' shape of the combined allotments. The centrally located entry off Church Street activates the public realm while the area of widened path acknowledges the primary access is likely to be from East Richmond Station to the north. This additional 'public' space can be used for outdoor dining adjacent to the F & B tenancy while the showroom creates a strong corner element to the Sanders Place corner with glazed activation wrapping the southern interface and also bleeding into the central access lobby. The basement parking access and loading dock are combined to confine the extent of vehicle movements deep within the widened laneway while the small shop (75m²) provides some activation to the hidden corner of the site. Nonetheless, the location of bike parking and EoT trip facilities to the east of the site further activates the rear courtyard and removes potential modal conflicts within the lobby space. The lift and services core are well located with abutment to the neighbouring (no. 459) services core and adjacent to a generous lobby/lounge and stepped community forum space.

While we are generally supportive of the layout, its elements and interfaces, we do recognise some areas for potential refinement. The southern most entry along Church Street is currently located adjacent to an existing street tree. To avoid a potential conflict between those entering/existing the shop and pedestrians at this point, **we recommend relocating this entry further south**. The swept path diagrams within Sanders Place illustrate a very tight movements within the space provided. While we defer to traffic advice on how much space here is 'acceptable' we believe there is an opportunity to broaden the laneway width in this location and perhaps incorporate splays to ensure adequate room is provided for vehicle movements and potential conflict between vehicles and pedestrians minimised. Potentially, the loading dock doorway could be slightly recessed.

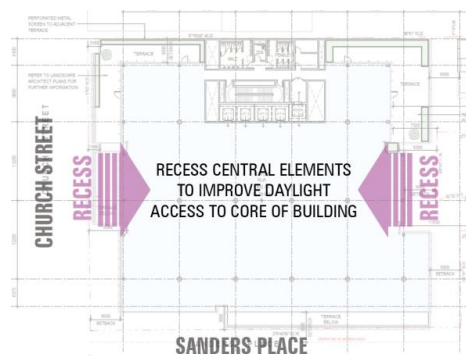


Extract from Ground Floor plan DA1000 (Architectus)

Built Form and Massing

The proposal comprises two distinct buildings, with the primary form fronting Church Street and southern interface to Sanders Place with an almost square floorplate. The form is 11 storeys and 59.95m in overall height, 5 storeys greater than the discretionary height and 1-storey (approximately 7m) taller than the neighbouring form at no. 459 Church Street. The primary form is defined by a recessive orthogonal 'core' with protruding 'knuckles' to the Church Street and eastern interfaces including 3-tapering forms progressively stepping down towards the south. The form incorporates tapered upper levels and single vertical break to the south elevation towards the Church Street frontage.

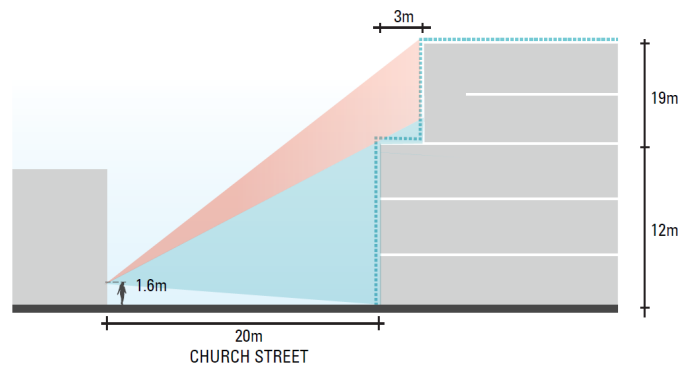
The office/commercial space provided above Ground Floor occupies a large footprint with up to 47m between glazing from east to west and 35m from the lift/services core to the glazed southern façade. While we acknowledge that daylight will need to be calculated as part of a separate ESD assessment our sense is that the floorplate (particularly at lower levels) is too broad for daylight to penetrate into central spaces. Therefore, **we recommend that the central form (knuckle), east and/or west be further recessed to allow more daylight provision into the core of the primary building.**



Extract from Level 04 plan DA1004 (Architectus)

The overall height of the proposal, while only 1-storey taller than the recently built form to the north (no. 459), appears much taller. This is in part due to the screening of plant by the 'knuckle' forms and the 1-2 storey atrium provided above Level 10. From the opposite side of Church Street the additional height exceeds the principle of a 1/3 to 2/3 view ratio illustrated in the Structure Plan.

More importantly however the proposed core which abuts the core at 459 Church Street is over 1.5 levels or approximately 6.9m taller and broader. While we accept the breadth of the core is necessary given the subject site is large and must accommodate lifts / services for a greater floor area, the additional height is not considered acceptable.



Extract showing Visually Recessive Upper Levels from Swan Street Structure Plan - 2014

Therefore, we recommend removing 1 level (Level 5) from the proposal to reduce the height disparity between the existing and proposed forms and to create a more harmonious transition between the two abutting forms. We believe this reduction in height is necessary to bring the scale of the building more in line with emerging forms and to ensure a consistent proportion between the street wall and rising form.

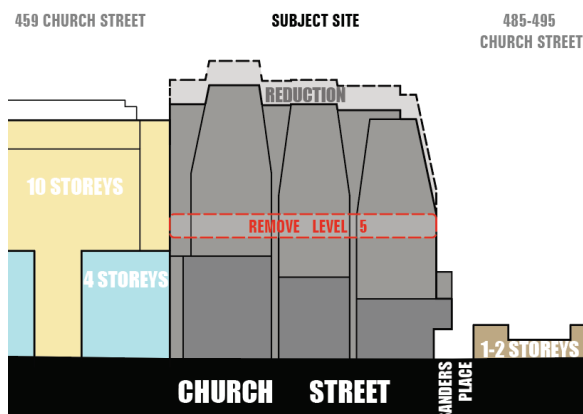


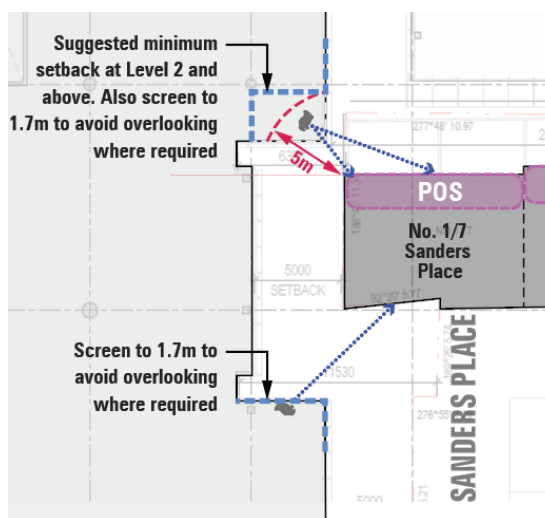
Diagram showing extent of height reduction.

The secondary building is connected to the primary form via the eastern extent of the longest parcel (no. 475) and is characterised by the distinctive raked roof form sloping down towards neighbouring parcels to the south. While the 4-storey form appears small by comparison to the larger, 11-storey form adjacent and 6-10 storey forms to the north, the impacts on neighbouring interfaces should not be understated. Potential issues have been outlined in the following section.

Interface and Amenity Impacts

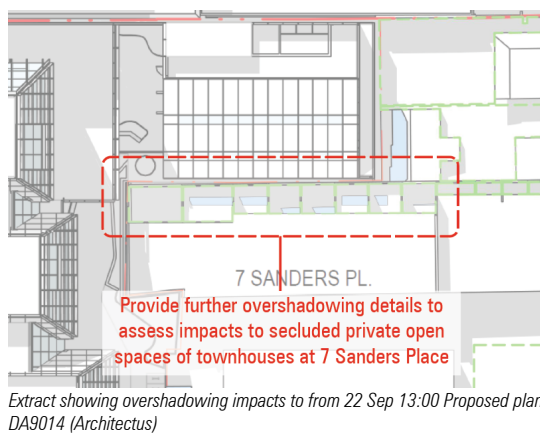
The proposal appears to respond to the neighbouring townhouses at 7 Sanders Place by setting back the northern portion of the primary form thereby reducing overshadowing impacts during the morning. The secondary form also incorporates a tapered roof form and highlight windows to reduce overshadowing and potential for overlooking impacts. The proposals' proximity to these residentially zoned townhouses however creates a number of amenity impacts that must be addressed.

Of particular concern is the primary forms' proximity to No. 1/7 Sanders Place (TH1). At Level 2 the proposal is no less than 1.1m from TH1 (No. 1/7). Additionally, glazing adjacent to TH1 (and glazing at levels above) is not screened or obscured to mitigate overlooking into the SPOS at Level 2 (north) or into upper-level windows on the southern façade. While screening and/or opaque glazing should be provided in compliance with ResCode B22 (Overlooking) requirements, we also recommend appropriate spatial separation of no less than 5m (Level 2 and above) be provided between the two forms.



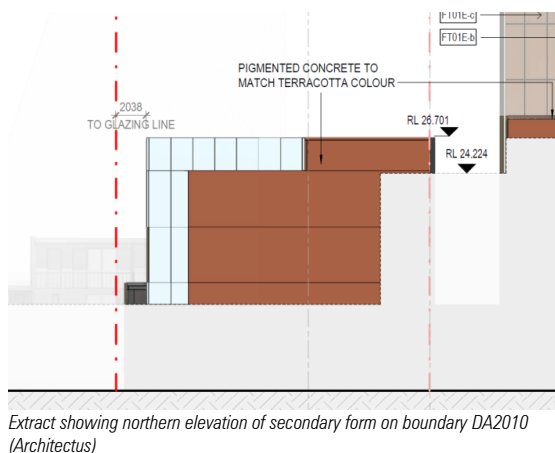
Extract showing proximity and overlooking issues from Level 02 plan DA1002 (Architectus)

The architectural package (DA9001 to DA9018) demonstrates how surrounding areas are impacted by overshadowing by the proposal between 9am and 3pm at the equinox with 'new additional shadows' represented in blue. Standard B21 of ResCode (Overshadowing open space) seeks 'To ensure buildings do not significantly overshadow existing secluded private open space'. In the case of townhouses at 7 Sanders Place, the overshadow diagrams appear to show additional overshadowing of the ground level courtyard of these dwellings.



After viewing floor plans of these dwellings (realestate.com.au) it appears that the principle secluded private open space (adjacent to living room) is located on Level 2. Therefore, **we recommend overshadowing impacts relate to appropriate secluded private open spaces for townhouses at 7 Sanders Place and that further detail be provided to confirm additional overshadowing impacts comply with Standard B21 of ResCode.**

The raked roof pitch of the secondary form appears to have been conceived to minimise overshadowing impacts to neighbours to the south. While this strategy may be successfully to mitigate such effects, the 'flip-side' of this response is a tall, blank wall facing north. The north elevation will present between an 11-12m high blank wall on the boundary (mixed material finished acknowledged). While we acknowledge this wall is relatively well concealed from the public realm view we find the outlook from commercial tenancies adjacent to the north will be unreasonably adversely affected.



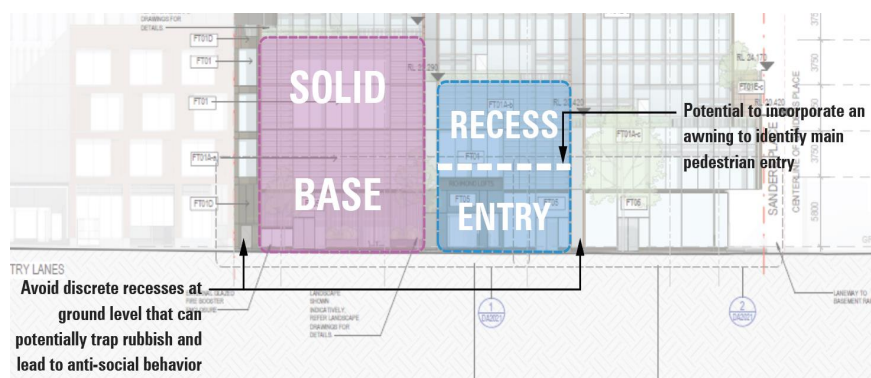
Therefore, **we recommend the removal of 1 level from the proposal to reduce the height extent of blank wall presentation to the north. Alternatively, a second pitch down to the north elevation could be provided equivalent to a reduction of on-boundary wall (north) equivalent to 1 level.**

Architectural Expression

The streetscape presentation of the proposal provides a contemporary and distinctive architectural form and provides a stepped profile contributing to the grain of the existing subdivision pattern. The street wall provides a human scale when viewed from Church Street with the recessed rising form above tapering towards the top. The gradual reduction in street wall height is reflected in the existing neighbouring forms with 4-storeys to the north and 2-storeys to the south. The podium form does however lack distinction when comparing to the rising form with the base, comprising a glass curtain wall and thin louvres / framing elements, lacking solidity. While we consider the 'finer' detailing appropriate towards the south of the site. The element adjacent to 459 Church Street would benefit from additional 'solid' elements.

Therefore, **we recommend wrapping the edges of the northern most podium form with panelling used on side profiles or the addition of solid (concrete or brick face) to provide a more considered transition from no. 459 and contribute to a more contextually robust composition.**

The main entry from Church Street is well located in a central position with a generous forecourt providing space for circulation and lingering. For a building of this size however, we find the expression of the entry to be lacking in scale. Further, we find the vertical recess which separates the central and southern podium element creates a space (at street level) liable to trap rubbish and encourage anti-social behaviour. While we encourage the 'definition' between the three podium forms the central form should have a greater presence within the streetscape. Therefore, **we recommend recessing the central podium form back an additional 5m in line with the rising form. This could be combined with an awning or shading element to signal the main pedestrian entry.** We also acknowledge this enlarged recess may go some way to increasing available daylight into the central portion of the floorplate and remove unnecessary recesses at Ground Level.



Extract showing refinements to Church Street interface from West Elevation DA2013 (Architectus)

As previously outlined, we consider the form to be a unique contribution to the emerging character and streetscape within this part of Richmond and Cremorne. We are however cognisant of the unique challenges relating the tapered glazed walls and atriums to the south, east and west. A few potential issues are outlined below:

- Excessive solar gain from glazing and the potential need for alternative material or screening solutions;
- Curtain wall cleaning and maintenance. Customised navigation systems may be required to belay down the tapered portion of the wall resulting in excessive plant and/or craning equipment; and
- Usable internal spaces. Circulation will be limited to an area offset from the tapered wall and protruding structure.

Landscape and Outdoor Amenity

The proposal provides a variety of outdoor spaces within the front setback, above the street wall and within the rear entry court. We are supportive of these interventions at key locations as they provide welcome relief from the highly urban context. Given the size of the site and proposal we see there are opportunities for further embellishment or spaces to enhance.

The main pedestrian entry from Church Street includes a recessed entry court however as noted in previous sections this space does adequately signal the hierarchy/importance of the entry along the Church Street interface. A more recessive podium would allow increased planting to the edges of the entry court and provide improved outlook for tenancies either side of the entry. not provide adequate where they are Lacklustre entry.

The community forum and adjacent rear courtyard are a welcome addition to the suite of public access space and contribute to the mix of uses on offer. We note however that there is no outdoor space set aside for private functions which, given the size of the proposed development seems like a missed opportunity.

Conclusion

In summary, we are not supportive of the proposal in its current form. We acknowledge that the site comprises several consolidated parcels allowing for a larger footprint and potentially mitigating height impacts across the breadth of the site. The proposal is also flanked (north and west) by recently completed 10-storey forms. The proposed form, which we broadly support, expresses its full height to all interfaces creating abrupt changes in levels (north), excessive proportions (street wall to rising form ratios to the west and jarring juxtaposition to GRZ/NRZ and heritage properties to the east) and potential issues regarding transitions to lower forms (potentially fragmented development to parcels south).

Therefore, we consider that the proposed built form requires a reduction in overall height to create an acceptable outcome within the emerging Church Street skyline. We also note some other adjustments and refinements to the proposal.

Our recommendations are as follows:

- **Recess the central element (of the primary form) to the east and/or west be to allow more daylight into the core of the floorplate;**
- **Reduce the overall height by removing 1 level (Level 5) from the proposal to reduce height disparity between existing and proposed forms and to improve proportions of street wall to rising form;**
- **Provide appropriate spatial and visual separation between 1/7 Sanders Place and proposed form incorporating Level 2 (and above);**
- **Provide additional detail and confirm ResCode compliance regarding overshadowing impacts to secluded private open space of townhouses at 7 Sanders Place;**
- **Remove 1 level from the height of the proposed secondary built form located to the north-east of the site;**
- **Provide a stronger / more solid material finish to the northern most podium element along Church Street; and**
- **Recess the central podium form 5m to provide a better sense of arrival.**

Yours faithfully,

Urban design team

Hansen Partnership Pty Ltd

Hansen Partnership Pty Ltd

12

SLR Consulting Australia Pty Ltd

Level 11, 176 Wellington Parade, East Melbourne, VIC, Australia, 3002



July 31, 2023

Attention: Jessica Sutherland
City of Yarra
PO Box 168
Richmond, VIC 3121

SLR Project No.: 640.v10090.00020 – L01-v1

**RE: Development Application – Review of Acoustic Report
475 Church Street, Richmond**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the planning application at 475 Church Street, Richmond.

Details of the report are as follows:

- Title: 475-481 Church Street, Richmond – Town Planning Acoustic Report
- Date: 28/04/2023 (Revision 1)
- Prepared for: Salta Properties
- Prepared by: DDEG Acoustics

The report has been prepared as part of the planning application for a new multi-storey mixed-use building.

1.0 Proposal and site context

Summary of the Application

Based on the floorplans dated 05/05/2023, the proposed building includes:

- Two levels of basement carparks
- A retail tenancy, food & beverage tenancy, loading dock and end-of-trip facility on the ground floor
- Offices on levels 1-10
- Mechanical plant on the roof



The nearest noise sensitive receivers are identified in the table and figure shown below (extracted from the acoustic report).

NSA Ref.	Address	No. Storeys	NSA Type
1	20-26 Brighton Street, Richmond	3	Childcare Centre
2	28 and 30 Brighton Street, Richmond	1 and 2	Single Dwellings
3	32, 34 and 36 Brighton Street, Richmond	3 and 2	Single Dwellings
4	38, 40 and 42 Brighton Street, Richmond	1	Single Dwellings
5	Units 1 to 6, 7 Sanders Place, Richmond	3	Attached Townhouses



SLR Comments

The site location, nearby sensitive receivers and proposed development have been identified. It appears that the building to the west at 510 Church Street doesn't include residential uses.



2.0 Background noise levels

Summary of the Acoustic Report (Section 5.3)

Attended background noise monitoring was conducted at the following locations:

- The corner of Brighton Street and Shamrock Street ("Location 2") at around 10 am on Tuesday 6th December 2022
- The corner of Brighton Street and Albert Street ("Location 3") at around midday on Tuesday 13th December 2022

A background noise level of 47 dBA during the day period has been used for the assessment.

SLR Comments

The background noise levels appear reasonable. The consultant has provided additional information that the individual measured noise levels were 46 dBA at Location 2 and 47 dBA at Location 3, resulting in the average noise level of 47 dBA used for the assessment.

3.0 EPA Publication 1826 Part I noise limits

Summary of the Acoustic Report (Section 8.1)

EPA Protocol Part I noise limits for the nearest noise sensitive receiver have been calculated based on the measured background noise levels and the planning zones. The calculated noise limit for the day period is 58 dBA Leq (based on a 'neutral background' classification).

SLR Comments

The presented noise limits seem to be correct, based on the background noise levels shown in the report.

4.0 Mechanical plant and substation

Summary of the Acoustic Report (Section 8)

At this stage, only preliminary information is available regarding the proposed mechanical plant and the substation (the latter is located in the basement). The report states that an acoustic review should be conducted once layouts and equipment selections have been developed.

SLR Comments

The future review of mechanical plant noise should be conducted by a suitably qualified acoustic consultant. Noise limits for the evening and night periods will need to be determined if the equipment operates beyond the daytime hours.

5.0 Other issues

SLR Comments

Retail and 'f&b' (food & beverage) tenancies are proposed on the Church Street façade at ground level. Details of the proposed usage of these tenancies are currently unknown. Noise from these tenancies is not expected to be an issue, given the location distance to the nearest sensitive receivers.

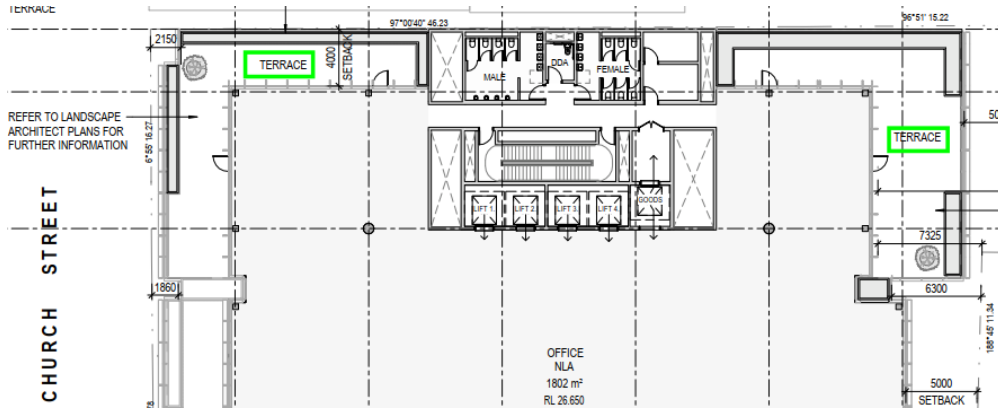


City of Yarra
475 Church Street, Richmond

July 31, 2023
SLR Project No.: 640.v10090.00020 – L01-v1

A loading dock and a carpark gate are proposed for the southern façade on Sanders Place. Noise from these sources is not expected to be an issue, given the location distance to the nearest sensitive receivers.

Several office floors include outdoor terraces, such as the examples highlighted in green below. The eastern terrace for Level 4 shown below is located approx. 4 metres horizontally from the three-storey townhouse at 1/7 Sanders Place. If this terrace is used during the night period, a sleep disturbance assessment should be conducted.



6.0 Recommendations

A review of the acoustic report prepared for the proposed mixed-use building at 475 Church Street, Richmond has been completed. In summary, our recommendations are:

1. The future review of mechanical plant noise should be conducted by a suitably qualified acoustic consultant. Noise limits for the evening and night periods will need to be determined if the equipment operates beyond the daytime hours.
2. If the eastern terrace on level 4 is used during the night period, a sleep disturbance assessment should be conducted.

Both of these items could be addressed via permit conditions if needed.

Regards,

SLR Consulting Australia Pty Ltd

SDL

Simon de Lisle
Associate- Acoustics

Checked/
Authorised by: DW





Vipac Engineers and Scientists Ltd
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w. www.vipac.com.au | A.B.N. 33 005 453 627 | A.C.N. 005 453 627

City of Yarra
PO Box 168 Richmond, VIC 3121

16 November 2023
Ref: 30N-23-0478-GCO-70357-0

Dear Jessica Sutherland,

PLN23-0316 - 475 Church St, Richmond

This peer review of MEL Consultants "Environmental Wind Assessment" (Report: 179-22-WT-ENV-00) is based on Vipac's experience as a wind engineering consultancy. No wind tunnel studies have been undertaken to support this review.

Vipac has reviewed the assessment report (see Reference attached) and have the following comments:

- i. The MEL Consultants Environmental Wind Speed Measurements report has been prepared based on 1:400 scaled model wind tunnel test to the 9th December 2022 Drawings by Architectus.
 - a. It should be noted that drawings supplied to Vipac by Council for this review were dated 5 May 2023. While we believe the MEL Consultant assessment conclusions are valid for the updated drawings; MEL should provide formal confirmation.
- ii. The report includes the following sections: Executive Summary, Introduction, Environmental Wind Criteria, Model and Experimental Techniques, Discussion of Results, and Conclusions. Detailed test results were presented in Table 1 to 9 and from Figure 6 to Figure 10.
- iii. The report has used the assessment criteria from Clause 58.04-4 (Standard D32) or BADS; Vipac has no issues with this assessment criteria.
- iv. In the Model and Experimental Technique section, a 300m minimum radius proximity model was used and is consistent with guidelines. The Terrain Category (TC) 3 exposure was used in the wind tunnel testing, and this was an appropriate category for the assessment. Natural vegetation and trees were not included in the analysis, as their effectiveness is dependent on wind speeds. Results presented in the report are conservative.
- v. The testing methodologies are described clearly in the report, including the measurement of 16 wind direction intervals (22.5°); the use of hot-wire sensors to measure the wind speeds; measurement location distribution and data acquisition are also deemed appropriate for this study.






- vi. In the Discussion of Results section, the report clearly addressed the wind conditions results street by street and around the project site. Furthermore, the MEL Consultants also assessed the terraces (Level 2, 3 and 4) of the proposed development. In the findings:
 - a. The wind conditions around the proposed development would be either on or within the criterion for walking for all wind directions.
 - b. The main entrance along Church Street would be within the recommended standing comfort criterion. Vipac has no issue with this.
 - i. However, Location 10 is located near the SW corner building is an entrance. It should be noted that this location exceeded the standing comfort criterion (from Table 1 in the report). Therefore, MEL Consultant should provide some wind mitigation for the southwest entrance or clarify the disagreement presented.
 - c. All elevated terraces (Level 2, 3 & 4) are classified between sitting and standing ratings with walking criterion around the southwest corner of the Level 2 terrace. The results indicated that the recommended wind comfort and safety criteria were fulfilled at all locations.

In conclusion, the MEL Consultants Wind Assessment has used the appropriate model for the analysis, experimental and analysis methodology to assess the wind effects on the pedestrian level spaces around the proposed development in detail. No wind mitigation strategies have been recommended in the report by the MEL Consultants.

MEL Consultant should provide some wind mitigation for the southwest corner building entrance or clarify the disagreement presented.

Yours sincerely,

Vipac Engineers & Scientists Ltd

Author:	Mohamed Zaid		Wind Consultant
Reviewer:	Eric Yuen		Wind Team Leader
Issued By:	Eric Yuen		Wind Team Leader

16/11/2023

30N-23-0478-GCO-70357-0

Commercial-In-Confidence

Page 2 of 3



City of Yarra
PLN23-0316 - 475 Church St, Richmond
Peer Review

Attachments

1. E Chong, J Kostas, Mel Consultants, Environmental Wind Measurement on a Wind Tunnel Model of the 475 Church Street Development, Richmond (Report 179-22-WT-ENV-00), Jan 2023.
2. Architectus (May 2023), 475 Church Street, Richmond, 3121, (Architectural Plans 2023 Drawings).



Department of Transport
and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Ref: PPR 44481/23

21 November 2023

Jessica Sutherland
Yarra City Council
PO BOX 168
RICHMOND VIC 3121

Dear Jessica,

PLANNING APPLICATION No.: PLN23/0316
DEPARTMENT REFERENCE NO: PPR 44481/23
PROPERTY ADDRESS: 475 CHURCH STREET, RICHMOND VIC 3121

Section 55 – No objection subject to conditions

Thank you for referring the above application to the Head, Transport for Victoria under Sections 52 and 55 of the *Planning and Environment Act 1987*.

The Head, Transport for Victoria in consultation with CityLink has considered this application and does not object if the permit is subject to the following conditions and notes:

CityLink City Link Project Overlay conditions

1. *Prior to the endorsements of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including but not limited to, demonstrating:*
 - a. *That the development will not compromise the structural integrity of CityLink assets and infrastructure;*
 - b. *The load and ground stress effected by the development;*
 - c. *That the development will not result in temporary or permanent drawdown of the regional groundwater table.*
 - d. *Any holding points requiring Head, Transport for Victoria inspection and approval prior to releasing the hold points.*
2. *In addition to Condition 1 above, Head, Transport for Victoria and CityLink must be informed of the following:*



- a. *Initial ground water level;*
 - b. *The reduced level temporary dewatering during basement excavation is intended to lower the water table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;*
 - c. *If the completed basement is tanked or drained;*
 - d. *If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.*
3. *Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.*
 4. *Notwithstanding any other condition, the development's proposed basements and any subterranean support structures and any excavation required during construction cannot be any deeper than RL -5.0 AHD.*

CityLink Design Development Overlay, Schedule 5 conditions

5. *Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersion study to satisfy the Head, Transport for Victoria, CityLink and the responsible authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:*
 - a. *the development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack;*
 - b. *the development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack;*

The developer must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

Head Transport for Victoria Road and Transport conditions

6. *Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing:*
 - a) *The provision of signage, line-marking including painted arrows to indicate two way traffic flow within Sanders Place to the satisfaction of and at no cost to the Responsible Authority in consultation with Head, Transport for Victoria.*
 - b) *No buildings or works including subterranean support structures and any excavation exceeding an RL-5.0AHD to be shown as a note and dimension on the relevant elevation plan/s.*
 - c) *The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.*

- d) *The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.*

Notes CityLink Development and Design Overlay Schedule 5

As the planning application relates to a site that is within approximately 500 meters of the Burnley Tunnel exhaust stack, it may impact on, or be impacted by, the exhaust 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 Burnley Tunnel exhaust stack 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 Design and Development Overlay, Schedule 5 and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

Notes Head, Transport for Victoria

- a) *Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Church Street) under the Road Management Act 2004.*
- b) *All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.*
- c) *One car space along Church Street to the immediate north of the intersection with Sanders Place and one car space to the immediate south of Sanders Place should be removed (subject to Council approval) to improve visual sightlines and swept path movements.*

End of permit conditions

Please forward a copy of any decision to this office as required under the *Planning and Environment Act 1987*.

Should you have any enquiries regarding this matter, please contact Gillian Menegas on 9313-1148 or Gillian.Menegas@roads.vic.gov.au.

Yours sincerely

Gillian Menegas

Gillian Menegas
Principal Planner – Inner Metropolitan Region
Under delegation from the Head, Transport for Victoria
21/11/2023

INTERNAL REFERRAL MEMOS – PLN23/0316 – 475 – 481
 CHURCH STREET RICHMOND:

Urban Design comments and recommendations:

The proposal is not supported in its current form. The redevelopment of this site presents an opportunity to enhance the subject site streetscape interface along Church Street and Sanders Place, the public realm interface could be improved through design refinements.

- Refer previous Urban Design comments dated 20 July 2023 included in *Italics* and additional comments and notes based on assessment of the updated proposal in relation to previous comments.
 - Previous comments included are deemed to be outstanding and requiring further design modifications and refinements.
 - Comments have been numbered for future reference.
- The application should be referred back to Urban Design before a decision is made.

Item	Urban Design comments dated 27 December 2023	Applicant response
1.	<p><i>A more detailed streetscape improvements plan must be provided to Councils satisfaction.</i></p> <ul style="list-style-type: none"> i. Streetscape plan is provided within the architectural package. It is requested that the plan is updated to show the subject site full streetscape interfaces, ie section of Church Street not included. 	

2. *The proposal lacks any significant contribution to the public real in terms of providing additional public realm or streetscape amenity improvements.*
- A continuous public ground floor setback should be provided along the Church Street to widen the footpath and improve pedestrian amenity through the provision of public seating and landscaping.*
- Most of the current proposed setback along Church Street is gated, privatised food and beverage area, servicing the ground floor tenancy. This is considered a private space that is locked off overnight and offers limited public realm benefit. The extensive screening and gating that is currently indicated between the Church Street title boundary and ground floor tenancy privatises this setback and will create CPTED issues at night if left open. Gating should be removed, and screening should be reduced or removed to create a more generous, inviting, and permeable interface with Church Street.*

A continuous ground floor setback along Church Street will enhance the public realm by improving the functionality, accessibility, and safety of pedestrian environment along Church Street.

Considering the scale of the proposal and potential population of the building, the current setback should be deep enough to accommodate a high volume of use and be of sufficient area to include seating, visitor bike parking as well as extensive landscaping. The 3.3m setback at the north end of the Church Street frontage is an appropriate setback to allow outdoor dining and other uses and should be retained and extended further along the frontage.

- i. It is requested that meaningful modifications and public realm contributions are created along the streetscape interfaces in the form of a continuous ground floor setback along Church Street of 3.3m.

Refer comment 8 regarding pedestrian access path along Sanders Place.

- 3. *The removal of existing street trees on Church Street is not supported and two (2) additional street trees should be planted by Council with developer contribution to cover the cost.*

The removal of existing tree (no. 3) not supported.

- i. All existing street trees along Church Street are to be protected and retained.
- ii. A second new street tree is to be integrated along the Church Street frontage (refer comment 10).

- 4. Architectural and landscape layout does not correlate, discrepancies noted including but not limited to highlighted area in plan snips below



Plan snips; landscape and architectural plans

Church Street Frontage

5. *The fire booster on Church Street should be relocated to a less prominent location or redesigned to achieve better integration with the built form.*

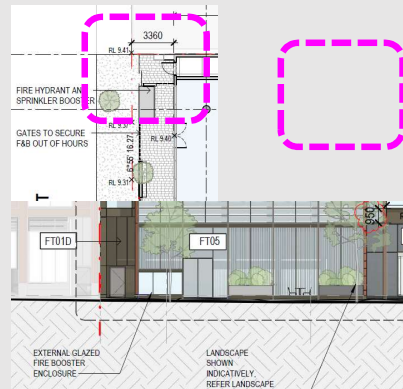
Furthermore, noting comment below.



Plan snips; fire booster enclosure

6. Egress setback

The setback space created by the location of the fire booster and gated off F&B space will most likely attract loitering and anti-social behaviour and is not supported and must re-designed.



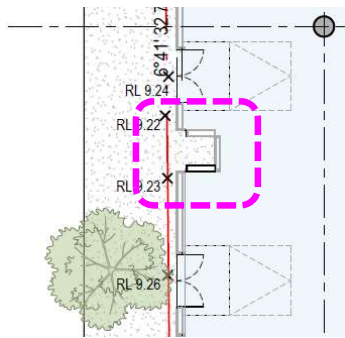
Plan snips; egress setback space

7. Façade setback space

The small setback assumed created as part of the architectural façade articulation, is not supported design modifications requested.

Concern that the space will result in a litter trap and result in anti-social behaviour.

- i. Noting a different surface material to abutting footpath and delineation along the subject site boundary must be included, not clear from review of plans.
- ii. Removing setback space at ground level, creating a continuous building shoreline is of preference.



Plan snips; façade setback space

Sanders Place Laneway

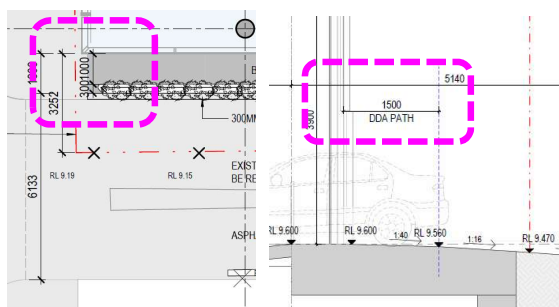
8. *Further detail must be provided on the design for Sanders place including any proposed changes to surface finishes and drainage.*

Inclusion of treatments that emphasise pedestrian priority at vehicle crossovers will be highly regarded as will the use of greening elements to provide separation of pedestrian and vehicle movements.

The proposed pedestrian connection along the laneway should be enhanced. Opportunities to include greening along this laneway should also be explored.

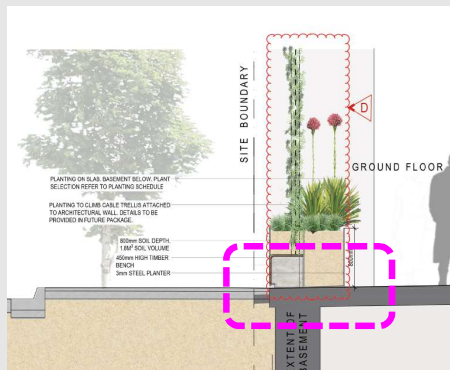
DDA compliant pedestrian access path

- The functional layout is not supported from a pedestrian accessibility perspective.
- The proposed width of the pedestrian path of 1000mm is not supported.
- A minimum 1500mm safe clear pedestrian path of travel should be provided.
- Section noting 1500mm DDA path is misleading given the path shown on plans are noted as 1000mm.



Plan snips; Sanders Place, pedestrian path width

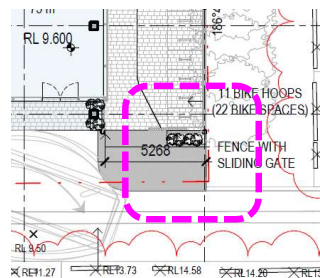
9. Proposed planters
 - i. Any proposed ground floor planters must have irrigation and drainage integrated into built form/pavement below, ie no drainage run-off on to footpath pavement that may cause slip risk or unsightly residue on surface pavements or any exposed pipe work.
 - ii. Also recommended to consider width of planters (Sandres Place) ensuring planter can accommodate double row or the like of plants, if plant failure; reduced risk for visible gap in planting.



Plan snips; Ground floor planters must have integrated drainage and irrigation system

10. Deep soil planting opportunity southeast corner

Opportunity to integrate suitable tree(s) and planting in deep soil / natural ground in the area just outside the fence / within subject site boundary, highlighted in snip below.



Plan snip; opportunity for planting in deep soil / natural ground

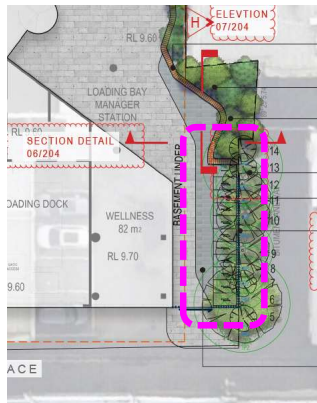
Ground Level Courtyard

11. Additional tree plantings in natural ground

Given that the area in the courtyard is located on natural ground there is an opportunity to relocate the bike parking (or some of it) and integrate more greenery and tree planting.

Reliance on greenery from adjacent property is not supported.

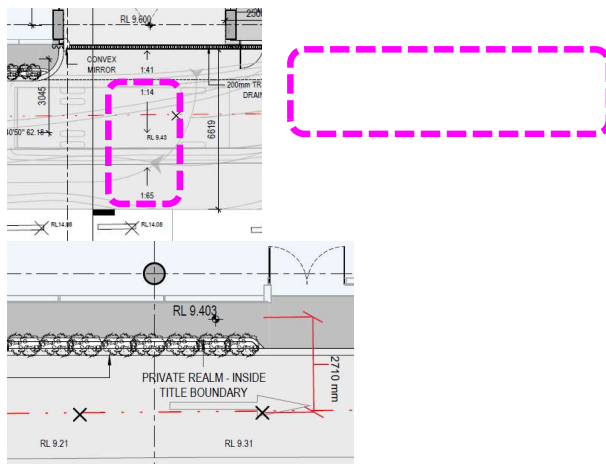
- i. Tree planting intersperse with the bike parking should be considered.
- ii. Trees planted in structural cells to maximise soil volume and tree growth should be considered.



Levels and drainage

12. Sanders Place

- i. Step surface grade must be reviewed noting that this space is also proposed to function as a key pedestrian link.
- ii. Confirmed DDA surface grade compliance is requested.



Plan snips; surface grade and missing information

Streetscape and Capital Works

13. Paving and surfaces

A public realm plan detailing all proposed streetscape upgrades must be submitted for Council approval. Plans should include all existing and proposed streetscape elements including trees, kerbs, poles, signage, street furniture, service pits and underground services.

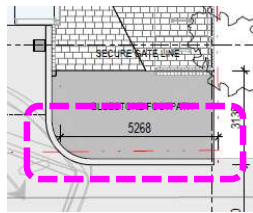
All streetscape upgrades are to be undertaken by the developer, with hold points for council approval. Upgrades include:

Asphalt footpath and concrete kerb and channel reinstatement along Church Street.

All street pavements are to be reinstated as asphalt footpaths with concrete kerb and channels as per YSD301 – Concrete Kerb & Channel Sections.

Review section of bluestone in Sanders Place, outside of subject site boundary, including highlighted section below.

Consider comment 10 regarding opportunity for additional tree plantings and garden bed in this area.



Plan snip; paving material outside title

14. *Plans should indicate the location of two (2) additional footpath trees along Church Street to be planted by Council with developer contribution.*

All street tree planting is to be undertaken by Council's tree planting contractor. The applicant is requested to contribute to the cost of planting two (2) new street trees, which would cover the cost of tree sourcing, planting and 24 months of establishment maintenance.

An estimate of the total cost for the trees and planting is \$1,504 with a breakdown provided below:

Footpath – 2 x Church Street; \$752 per tree

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 construction. 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.

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: 27 December 2023

ESD comments and recommendations:

In assessing this application, the following documents were reviewed:

- Plans prepared by Architectus dated 13/9/23
- SMP prepared by Hip v Hype dated 22/9/23
- Daylight Report prepared by Hip v Hype dated 19/9/23
- Waste Management Plan prepared by Hip v Hype dated 22/9/23
- Traffic and Transport Assessment prepared by Impact dated 11/4/23
- Landscaping Plan prepared by Site Image dated August 2023

Comments

The standard of the submitted ESD largely meets Council's Environmentally Sustainable Design (ESD) standards. The additional information in the updated SMP and Daylight report satisfies some, but not all, of my previous comments and recommendations.

The items addressed in the amended SMP that have been addressed satisfactorily are as follows:

- The landscape plan has included increased vegetated landscaping to the design including vertical climbers on wires to the Church St ground floor area.
- The Daylight report confirms that the access to daylight claimed in the SMP, a minimum 2% df to at least 40% of the NLA and with no single level or tenancy under 20%. This satisfies this item.
- Additional detail regarding the efficiency of water fixtures, which confirms that the target potable water improvement target (minimum 40% reduction) will be met.
- The capacity of the solar array on the plans is now consistent with the SMP (60kW)
- The waste management room size (40m²) is now consistent across both the plans and the Waste Management report.
- The use of recycled materials in buildings materials such as insulation has been confirmed.
- Recycled content in concrete mixes has been confirmed.
- PVC will be avoided throughout the development, or sourcing from third party certified sustainable supply chains.

Outstanding Information

The following items raised previously that are still outstanding are listed here below. If a permit is issued, recommend that the following items are conditioned to be included in an amended SMP:

- Four Star Green Star requires a Zero Carbon Action Plan to commit to a date by which point the operating GHG emissions are net zero.
 - Provide a copy of the Zero Carbon Action Plan prior to commencement of works.
- The SMP states no gas will be connected to the building, but the Green Star table (item 22) refers to providing gas cooking equipment. Recommend not connecting gas to the building.
 - Clarify if gas will be connected to the building.
- Prior to commencement of works please provide energy modelling (JV3 or similar) report to demonstrate the energy efficiency standard will be met. Include HVAC, carpark ventilation system and hot water system specification within the energy efficiency (JV3) report prior to the commencement of works. Consider a VRV/VFV HVAC system.
- Traffic Management report states 152 bicycle spaces, plans state 156.
 - Update Traffic Management report with figures consistent with the architectural drawings.
- Provide a copy of the Sustainable Transport Plan prior to commencement of works.

Recommendations

The applicant is encouraged to consider the following:

- Recommend further increases to the landscaping and ecological value of the site. Consider using the Green Factor tool for benchmarking and increasing size of planter boxes or other features.
- Recommend no gas connection to the building.
- Recommend procuring 100% renewable energy retail contract for the building.
- Recommend all timber onsite is certified sustainable by FSC.
- Recommend a simple materials pallet designed for future disassembly.
- Recommend the construction head contractor hold valid ISO14001 Accreditation

ESD Advisor: Euan Williamson

Date: 16 November 2023

Advice Provided at Meeting held 7 February 2024

The following elements of the proposal are supported and generally comply with policy:

1. The External Reflected Glare Assessment (prepared by wrap consulting engineering and dated 7 December 2023) has been reviewed.
2. The Assessment should commit to a maximum VLR of 15% with the glazing specifications committed to and a notation included on plans.
3. The assessment should include a review of any impact to the residential area to the east and address unreasonable glare accordingly.
4. These can be required via condition.

Development Engineering comments and recommendations:

SECTION 1: Engineering Requirements – Issue to the Applicant

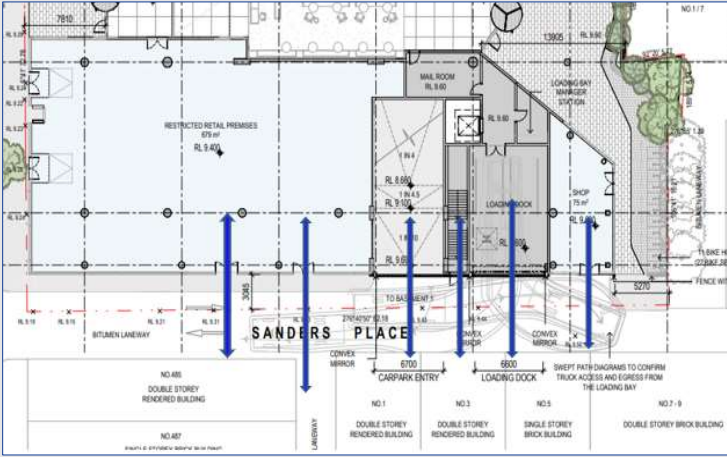
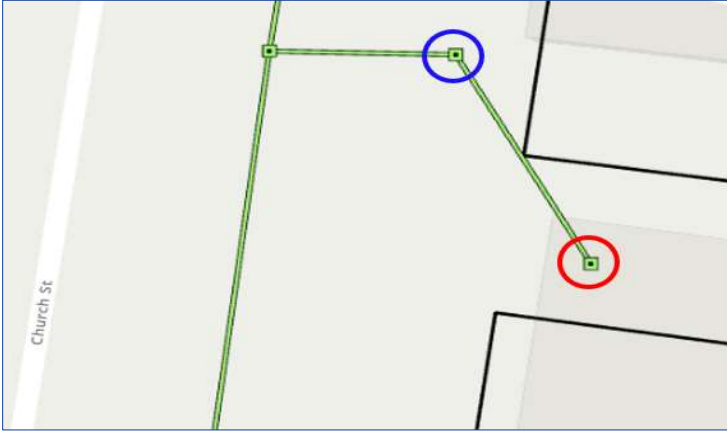
The applicant must satisfy the engineering items outlined in **Table 2** below. A written response must be provided for each requirement, and the action is to be completed prior to resubmission.

Any amendments to plans/drawings or updates to reports/documents must be highlighted using a **red cloud** around the relevant section. In the written response, indicate the relevant sheet/pages of each document which have been amended.


Table 1 - Engineering Requirements for Applicant

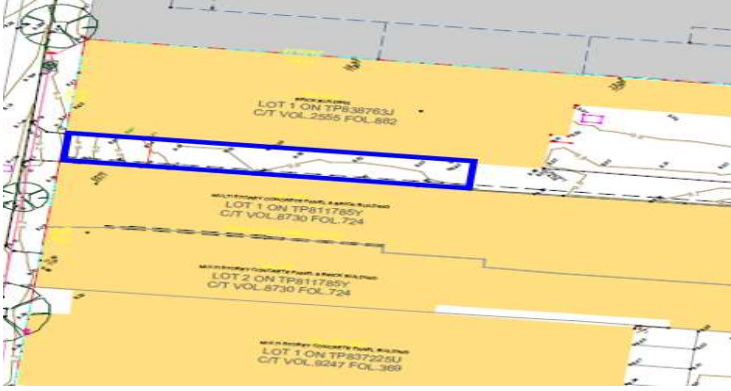
Item	Engineering Requirement	Action for Applicant
1	Sander’s Place (existing laneway) Frontage Items 1a – 1h below relate to works within and around Sanders Place.	
	<p>Vehicle Crossing servicing Sanders Place:</p> <p>The existing vehicle crossing (connecting Sanders Place to Church Street) shall be reconstructed in accordance with Council’s standard (Please refer to Yarra Standard Drawing: YSD 601).</p> <p>Please Note:</p> <p>1a) <ul style="list-style-type: none"> • Edge of crossing splay should be 1.0 metre clear of structures (e.g., power pole). • The required vehicle ground clearance is to be achieved. Checks required. • The levels shall be slightly raised to allow consistency with the existing footpath and surrounds, while achieving the required vehicle clearance. </p>	Update the relevant drawings accordingly and indicate the relevant YSD on the plans.
	<p>1b) Any redundant vehicle crossing is to be demolished and reinstated with paving, kerb and channel to the satisfaction of the Council.</p>	Update the relevant drawings accordingly
1c)	<p>Laneway Reconstruction (pavement, levels):</p> <p>i) The Sanders Place pavement must be reconstructed in accordance with the Council’s standards, across the full width (along the property’s southern boundary), together with any pedestrian enhancement improvements and adequate road drainage.</p>	Update the relevant drawings and associated documents accordingly

Item	Engineering Requirement	Action for Applicant
	<p>ii) <i>Laneway Southern Boundary:</i></p> <p>The access point levels, interface and boundary conditions at the southern boundary of the laneway must be maintained and shall not be altered.</p> <p>iii) The crossfall (towards the laneway invert) shall satisfy the Accessibility (DDA) Guidelines (i.e. - no steeper than 1:33 for asphalt finish).</p> <p>iv) The finished (proposed) footpath and building access points shall also satisfy the Accessibility (DDA) Guidelines.</p> <p>v) The junction of Sanders Place and the existing north-south aligned laneway shall be reconstructed and smoothly finished.</p> <p>(Note: The north-south aligned laneway is located west of 1 Albert Street).</p>	
1d)	<p><i>Laneway Reconstruction (Drainage):</i></p> <p>An offset of the laneway channel (at the point of pavement widening) will be required. This will allow a more centralised drainage channel on the reconstructed pavement.</p> <p>The proposed levels and inverts shall allow for a smooth tie-in at the offset, and ensure smooth grade is achieved for effective stormwater capture and flow.</p>	Update the relevant drawings accordingly
1e)	The constructed footpaths, pavement and channel shall smoothly tie into the existing (no level changes, dips/lifting at the interphases are approved).	Update the relevant drawings accordingly
1f)	<p><i>Catchment analysis:</i></p> <p>A flood analysis is required to determine the peak flood level at specific locations of the reconstructed laneway.</p> <p>i) Provide the marked-out contributing catchment area.</p> <p>ii) Provide sectional drawings at different points (Please refer to the figure below) on the laneway showing:</p> <ul style="list-style-type: none"> • The peak water level (1%, 20% AEP) • Existing and design ground level • The gradient across these sections • The apex and building access points <p>iii) Provide the (road) channel capacity.</p> <p>iv) Indicate the recommended finished floor level.</p>	Provide the required computation and update the relevant drawings accordingly

Item	Engineering Requirement	Action for Applicant
		
1g)	<p>Existing stormwater pits:</p> <ul style="list-style-type: none"> i) The existing pit at the western end of the Sanders Place (circled red) shall be relocated slightly further east along the laneway channel (creating a new low point). ii) Investigate the feasibility of relocating the existing downstream pit (circled blue) further south. 	Update the relevant drawings accordingly
1h)	<p>Basement setback:</p> <p>The southern wall of the basement shall be relocated (moved north) to the back of the proposed footpath, to allow setback and minimise additional loading on the basement retaining structures and capping beam.</p>	Update the relevant drawings accordingly

Item	Engineering Requirement	Action for Applicant
	If the above is not achievable, noting that basement retaining structures are generally not designed to support the weight and dynamic loading from vehicles, a structural analysis from a qualified professional is required to check the loading effects on the basement structure and confirm the integrity of the structure will not be compromised over time.	
2	Church Street Frontage	
	Items 2a – 2h below relate to works within and around Church Street	
2a)	Footpath, Kerb, Channel:	Update the relevant drawings accordingly and indicate the relevant engineering standard(s) on the plans.
	a) The existing footpath, kerb and channel fronting the site shall be reconstructed in accordance with the Department of Transport’s requirements and shall meet the Council’s engineering standards.	
	b) Indicate the width at different points of the reconstructed footpath on the plans. Minimum width 1.8 metres.	
	c) The alignment and level of the existing footpath, kerb and channel shall not be altered unless agreed upon with Council.	
	d) The reconstructed footpaths must satisfy the Accessibility (DDA) Guidelines and shall have a cross-fall of no steeper than 1 in 33 or unless otherwise specified by Council.	
	e) The longitudinal grade of the footpath abutting the property and, on the approaches, must not be altered unless agreed upon with Council.	
2b)	The reconstructed footpaths, kerb and channel along the property frontage shall smoothly tie into the existing (no level changes, dips/lifting at the interfaces are approved).	Update the relevant drawings accordingly
2c)	All redundant vehicle crossings are to be demolished and reinstated with paving, kerb and channel to the satisfaction of the Council.	Update the relevant drawings accordingly
2d)	A detailed line-marking plan is to be provided, showing the existing and proposed line-marking, including the removal of the yellow marks highlighted below.	Update the relevant drawings accordingly

Item	Engineering Requirement	Action for Applicant
		
2e)	<p>Indicate all existing infrastructure (within the public realm) on the proposed plans. All service pit lids are to be flush with the pavement level.</p>	<p>Update the relevant drawings accordingly.</p>
2f)	<p>Surface materials within title boundaries (in this case along the Church Street frontage) are to be visually distinguishable from the surface materials used outside the title boundaries (public realm). The proposed landscape plan shall align with the architectural plan to that effect.</p>	<p>Update the relevant drawings accordingly</p>
2g)	<p>Conduct an analysis to determine the peak flood level within the site and provide the recommended finished floor level based on the results.</p>	<p>Provide the requested information and update the relevant drawings accordingly</p>
2h)	<ul style="list-style-type: none"> i) The Council's Geographical Information System (GIS) indicates existing stormwater drainage assets (pipes, pits) in the location highlighted blue below. Confirm the ownership of and proposal for these assets. ii) Confirm if this portion of land provides access and other rights for the adjacent property. 	<p>Update the relevant drawings accordingly</p>

Item	Engineering Requirement	Action for Applicant
		
3	<p>Shared Zone – Sanders Place</p> <p>A Shared Zone is to be installed in Sanders Place, between Church Street and the eastern boundary of the site. The Shared must satisfy the department of Transport’s guidelines for Shared Zone installation. Minor traffic calming (such as road humps) and upgrade lighting must also be included.</p>	<p>A Shared Zone Plan is to be submitted to Council for assessment/revi ew.</p>

SECTION 2: Engineering Conditions – Planning Permit

The conditions outlined in **Table 3** below must be included in the Planning Permit to ensure the specific engineering requirements are complied with.

Note: further conditions may be required if any of the items in Table 2 are not fulfilled prior to the issuing of the Planning Permit.

Table 2 - Engineering conditions to be included in the Planning Permit

	Engineering Conditions
Condition	<p>Public Realm</p> <p>Prior to the endorsement of the Condition 1 plans, a Public Realm Plan (<i>Church Street and Sanders Place</i>) must be prepared to the satisfaction of the Responsible Authority (Council). The Public Realm Plan must be submitted for approval by the Responsible Authority (Council), and must include, but not limited to:</p> <ul style="list-style-type: none"> • Layout plan indicating all existing and proposed features and surface levels • Existing and proposed infrastructure within the public space
Condition	<p>Detailed Design (<i>Church Street and Sanders Place</i>)</p> <p>Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), Detailed Design Plans (<i>Civil and Landscape</i>) associated with the development must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Detailed layout plan indicating all existing and proposed features and surface levels. • Sanders Place: <ul style="list-style-type: none"> ➢ Road cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade. ➢ Longitudinal sections along the property boundaries, existing and design building lines, lip of kerb, back of kerb and invert of the channel. ➢ All surfaces must be designed in accordance with DDA requirements. ➢ Existing and proposed service pits within the road pavement must be adjusted to match the reconstructed footpath grades. • Church Street Frontage: <ul style="list-style-type: none"> ➢ Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade.

Engineering Conditions	
	<ul style="list-style-type: none"> ➤ Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Church Street pavement level. ➤ All surfaces must be designed in accordance with DDA requirements. ➤ Distinct delineation between public and private land along all interfaces. ➤ Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades. <ul style="list-style-type: none"> • Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details. • Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type. • Public lighting plan, including proposals for any temporary lighting. • Signage & line marking plans indicating the existing and proposed changes. • All streetscape details in accordance with the Urban Design and Open Space departments within Council. • All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve. • Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
Condition	All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council’s satisfaction and at the Permit Holder’s cost.
Condition	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.
Condition	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.
Condition	Any affected road marking adjacent to the development site as a result of the construction works must be reinstated to Council’s satisfaction and at the developer’s expense.
Condition	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.
Condition	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.

Engineering Conditions	
Condition	No parking restriction signs, or line-marked on-street, parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from the relevant Road authority.
Condition	All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
Advice note	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 area within the property must be provided for 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.
Advice Note	The applicant will be required to prepare a Bearing Pressure Report to be submitted to the Department of Transport for assessment and approval. The purpose of the report is to confirm that the new development's foundations will not impact on the Burnley Tunnel, which is located underneath the development.

SECTION 3: Engineering Detailed Assessment

CAR PARKING PROVISION

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	18,097 m ²	3.0 spaces per 100 m ² of net floor area	542	Not provided
Restricted Retail	679 m ²	2.5 spaces per 100 m ² of leasable floor area	16	Not provided
Retail	75 m ²	3.5 spaces per 100 m ² of leasable floor area	2	Not provided
Food and Drink	255 m ²	3.5 spaces per 100 m ² of leasable floor area	8	Not provided
Total			568 spaces	152 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.

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
<p><i>Parking Demand for Office Use</i></p>	<p>The applicant has not provided any information on parking allocations for the proposed uses. For purpose of assessing the likely parking demand for the office, an on-site car parking provision of 142 spaces could be adopted, which equates to an on-site car parking rate of 0.78 spaces per 100 square metres of floor area.</p> <p>Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include:</p> <ul style="list-style-type: none"> ▪ 60-88 Cremorne Street, Cremorne – 0.72 spaces/100 m² ▪ 51 Langridge Street, Collingwood – 0.54 spaces/100m² ▪ 33 Balmain Street, Cremorne – 0.78 spaces/100m² <p>The adopted office parking rate of 0.78 spaces per 100 square metres of floor area is fairly consistent with the rates listed above and is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.</p>
<p><i>Parking Demand for the Restricted Retail, Retail and Food and Drink Uses</i></p>	<p>For the restricted retail, retail and food and drink uses, a staff parking demand rate of 1.0 spaces per 100 square metres of floor area could be adopted. This would equate to seven spaces for the restricted retail use, one space for the retail use and three spaces for the food and drink use. All customer parking associated with these uses would be generated off-site.</p>
<p><i>Availability of Public Transport in the Locality of the Land</i></p>	<p>The following public transport services can be accessed to and from the site by foot:</p> <ul style="list-style-type: none"> ▪ Church Street trams – 70 metre walk ▪ Swan Street trams – 300 metre walk ▪ East Richmond railway station – 250 metre walk

Parking Demand Consideration	Details
<i>Multi-purpose Trips within the Area</i>	Customers and clients to the development could combine their visit by engaging in other activities or 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, businesses 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>	The level of on-street parking in this part of Richmond is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions. The high parking demand in the surrounding streets would be a disincentive for employees to drive.
<i>Relevant Local Policy or Incorporated Document</i>	The proposed development is considered to be in line with the objectives contained in Council's <i>Strategic Transport Statement</i> . 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 waiver of car parking associated with the various commercial uses is considered appropriate in the context of the development and the surrounding area. However, the applicant must provide specific on-site parking allocations for each use.

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 IMPACT

Trip Generation

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

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	AM Peak Hour	PM Peak Hour
Commercial (152 spaces)	0.5 trips per space in the AM peak hour 0.35 trips per space in the PM peak hour	Not provided	76 trips	53 trips

Commercial Traffic Directional Split and Distribution

The proposed peak hour directional split for commercial traffic is as follows:

- AM Peak Hour: 90% IN (68 trips) and 10% OUT (8 trips)
- PM Peak Hour: 90% OUT (48 trips) and 10% IN (5 trips)

The traffic distribution assumptions made by Impact Traffic Engineering in section 6.2 of their report are considered reasonable.

Traffic Impact – Intersection Analysis

Impact Traffic Engineering has assessed the traffic impact of the following key intersection:

- Sanders Place/Church Street (unsignalised)

The traffic impact of this intersection was assessed by Impact Traffic Engineering using the SIDRA program, which measures intersection performance. SIDRA modelling works well under free flowing traffic conditions and may have limitations, such as queuing of downstream traffic. The intersection analysis was done for the base or existing traffic conditions and for post development conditions.

The results of the intersection modelling suggest that the intersections will continue to work well under post development conditions, with the degree of saturation* and the 95th percentile queue lengths** marginally increasing (by very small amounts).

* Degree of Saturation – The ratio of the number of vehicles entering an intersection to the number of vehicle which could enter the intersection at full capacity.

** 95th Percentile Queue Length – the queue length that has a 5% probability of being exceeded.

DEVELOPMENT LAYOUT DESIGN

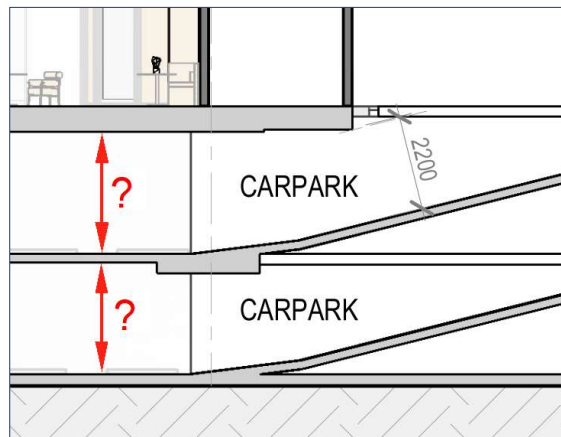
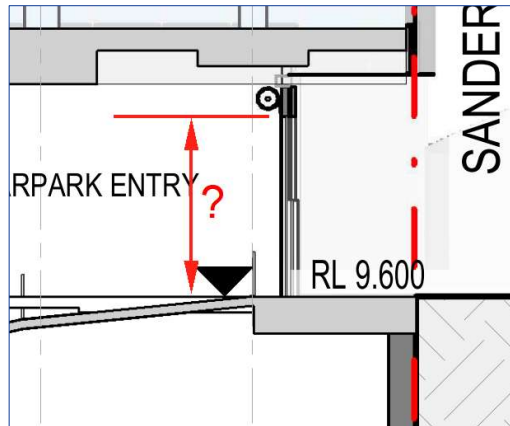
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Sanders Place	The proposed 6.7 metre wide entrance satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	The exist lane of the development entrance has not been provided with a pedestrian sight triangle. The provision of a

Item	Assessment
	convex mirror to assist exiting motorists view traffic conditions along Sanders Place is considered satisfactory.

Headroom Clearance

The headroom clearance of the development entrance's doorway and within the basement parking levels have not been dimensioned.



The 2.2 metre headroom clearances along the ramped accessways satisfy AS/NZS 2890.1:2004.

Internal Ramped Accessways	The 6.5 metres widths of the internal ramped accessways satisfy AS/NZS 2890.1:2004.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the parking spaces (2.6 to 2.8 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> of Clause 52.06-9.

Item	Assessment
Accessible Parking Space	The dimensions of the accessible parking space and shared area (each 2.4 metres by 5.4 metres) satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Parallel Parking Spaces	The dimensions of the parallel parking spaces (2.6 metres by 7.2 metres) satisfy <i>Design standard 2</i> .
Aisles	The aisle widths range from 5.8 metres to 6.4 metres which satisfy <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9.
Column Depths and Setbacks	A number of columns throughout Basement 01 and Basement 02 are located within the parking space clearance envelopes and do not satisfy <i>Diagram 1 Clearance to car parking spaces</i> of Clause 52.06-9. Impact traffic Engineering has identified the non-compliant columns in Appendix A of the traffic report. The Spaces adjacent to these columns are to be designated as Small Car Spaces.
Clearances to Walls	Spaces adjacent to walls have been provided with clearances of no less than 300 mm, which satisfy <i>Design standard 2</i> .
Gradients	
Ramp Grade for the first 5.0 metres inside the Property	Excluding the setback area abutting the north side of Sanders Place, the first 5.0 metres inside the property has a grade of 1 in 10, which satisfies <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.
Swept Path Assessment and Site Layout Plans	
Site Layout Plan Ground Floor IMP2211058 - DRG-01-01* Rev C	There is no objection to the Site Layout Plan for the Ground Floor as prepared by Impact Traffic Engineering. The applicant is to dimension the ramp grade lengths and the loading bay space dimensions as per the Site Layout Plan.
Vehicle Turning Movements Via Church Street and Sanders Place IMP2211058 - DRG-01-02 Rev C	The swept path diagrams for a B99 design vehicle and an oncoming B85 design vehicle turning into and out of Sanders Place via Church Street and into and out of the development entrance via Sanders Pace are considered satisfactory.
Medium Rigid Vehicle Turning Movements IMP2211058 - DRG-01-03 Rev C	The swept path diagrams for an 8.8 metre long medium rigid vehicle entering and exiting Sanders Place via Church Street are considered satisfactory. The swept path movements of a medium rigid vehicle manoeuvring into and out of the on-site loading dock are also considered satisfactory.
Waste Collection Vehicle Turning Movements Loading Dock via Sanders Place IMP2211058 - DRG-01-04 Rev C	The swept path diagrams for a waste collection vehicle (length: 6.4 metres) manoeuvring into and out of the two spaces within the loading dock are considered satisfactory.

Item	Assessment
Site Layout Plan Basement 01 IMP2211058 - DRG-01-01 Rev C	The site layout plan prepared for Basement 01 by Traffic Impact Engineering is considered satisfactory. The dimensions and line markings shown the site layout plan are to be provided on the architectural drawings.
Waste Collection Vehicle Movements Basement 01 IMP2211058 - DRG-01-02 Rev C IMP2211058 - DRG-01-03 Rev C	The swept path diagrams of a waste collection vehicle negotiating the internal ramp, undertaking a turn-around movement to access the bin storage area and exit in a forward direction, are considered satisfactory.
Vehicle Movements Basement 01 IMP2211058 - DRG-01-04 Rev C	The swept path diagrams for a B85 design vehicle and a B99 design vehicle negotiating the internal ramps and aisles are considered satisfactory.
Vehicle Turning Movements Basement 01 IMP2211058 - DRG-01-05 Rev C IMP2211058 - DRG-01-06 Rev C IMP2211058 - DRG-01-07 Rev C	The swept path diagrams of a B85 design vehicle entering and exiting the end spaces and parallel parking spaces are considered satisfactory.
Site Layout Plan Basement 02 IMP2211058 - DRG-01-01 Rev C	The site layout plan prepared for Basement 02 by Traffic Impact Engineering is considered satisfactory. The dimensions and line markings shown the site layout plan are to be provided on the architectural drawings.
Vehicle Turning Movements Basement 02 IMP2211058 - DRG-01-02 Rev C IMP2211058 - DRG-01-03 Rev C IMP2211058 - DRG-01-04 Rev C IMP2211058 - DRG-01-05 Rev C	The swept path diagrams of a B85 design vehicle entering and exiting the end spaces and parallel parking spaces are considered satisfactory.
Other Items	
Loading Arrangements	The on-site area set aside for loading activities (7.6 metres by 11.1 metres) is considered adequate for accommodating two small rigid vehicles or one medium rigid vehicles.
Ground Clearance Check – Vehicular Entrance off Sanders Place	With the proposed widening of Sanders Place, a ground clearance check using the B99 design vehicle must be provided for the vehicular entrance as the engineering design for infrastructure/public realm works is being prepared.

* Impact Traffic Engineering swept path/site layout plan drawing number.

SECTION 4: Acknowledgement

Engineer: Mark Pisani

Signature: 

Date: 9 August 2023

Strategic Transport comments and recommendations:

Access and Safety

- No issues

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:

- 64 employee spaces
- 21 visitor spaces

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	18,097 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	60 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	18 visitor spaces.	
Food and Drink premises (other than specified in this table)	255 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee space	
		1 visitor space to each 500 sqm of leasable floor area	1 visitor space	
Retail (other than specified in this table)	75 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	1 visitor spaces.	
Shop (restricted retail)	679 sqm	1 employee space to each 300 sqm of leasable floor area	2 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	1 visitor spaces.	
Bicycle Parking Spaces Total			64 employee spaces	156 employee spaces

		21 visitor spaces	22 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	6 showers / change rooms	13 showers / change rooms

The development provides a total of 92 additional resident/employee spaces and 1 additional visitor spaces above the requirements of the Scheme.

Adequacy of visitor spaces

22 spaces are noted as visitor bicycle parking spaces (as shown in the updated development plans). The spaces are provided at ground level courtyard entry from Sanders Place in the form of 11 Bike hoops. The provision of visitor spaces is **inadequate** for the following reasons:

- Whilst supply exceeds the statutory requirement of 21 spaces,
- Supply does not match or exceeds Council Alliance for a Sustainable Built Environment (CASBE) requirements, which require the provision of 1 visitor space per 500 sqm net lettable area for offices, equating to 37 spaces.
- Therefore, we recommend the applicant to explore opportunities to provide 37 visitor spaces (15 additional spaces).
- All visitor bicycle parking spaces are provided at grade (horizontal). The location of the spaces is easily accessible by visitors. Access aligns with Yarra City Council Public Domain Manual Technical Notes.

Adequacy of employee spaces

Number of spaces

156 spaces are noted as employee bicycle parking spaces (as shown in the updated development plans). The spaces are provided at ground level and within the bike room. The provision of visitor spaces is **inadequate** for the following reasons:

- Whilst supply exceeds the statutory requirement of 63 employee spaces,
- The subject site is located in an inner-urban area with already high cycling-to-work demand, and trends indicate demand will continue to increase. Both local and state planning policies include objectives to promote sustainable transport modes, including cycling.
- Supply does not meet or exceed CASBE requirements, which require the provision of employee spaces for 10% of building occupants, using an estimation of 1 employee per 10 sqm of gross floor area gives 1858 employees and resultantly equates to 186 employee spaces.
- Therefore, it is recommended that the applicant explore opportunities to provide 186 employees spaces (30 additional spaces).

Additionally, it is noted that the applicant has sought a 73% reduction in car parking and provide 152 car parking spaces on the premise (a reduction of 420 spaces from the statutory requirement).

Design and location of employee spaces and facilities

Employee spaces are **inadequately** located and designed for the following reasons:

- All employee spaces are provided within the bike room at ground level which is easily accessible via the courtyard entrance without the need to enter via the building.
- 136 Employee spaces are provided as tiered horizontal spaces.
- 20 Employee spaces are provided as vertical space.
- Therefore, 44% of employee spaces are provided as ground level, horizontal spaces, satisfying AS2890.3, which requires a minimum rate of 20% ground level (horizontal) bicycle parking devices is required at any parking facilities.
- Space and design specifications are adequate and in accordance with AS2890.3.
- Additionally, whilst the bike room is self-contained, there is no mention of a secured feature to restrict access to authorised personnel only.
- Pursuant to Clause 52.34-3 & Australian Standard AS2890.3 bicycle spaces for employees must be provided in a bicycle locker, or a lockable compound.
- Therefore, we recommend the applicant to confirm that a locking mechanism will be provided to the bike room to limit access to authorised personnel only.

13 showers and 222 lockers are provided at this development. The provision of end-of-trip facilities is **inadequate** for the following reasons:

- Showers/changeroom (**inadequate**)
 - Whilst supply exceeds statutory requirement of 6 showers.
 - CASBE requires one shower for every 10 employee spaces provided. Which equates to 16 showers for 156 employee space.
 - Therefore, we recommend the applicant supply 16 showers (3 additional showers).
- Lockers (**adequate**)
 - Exceeds CASBE requirements, which requires 1 secure locker to be provided for each employee bicycle parking space. This equates to 156 lockers.

[Electric vehicles / share cars / other relevant topics?](#)

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Provision of EV charging points is shown on plans as being included in each basement.

[Green Travel Plan](#)

A Green Travel Plan has been prepared and is attached to the Traffic and Transport Assessment. Green Travel Plan contains actionable transport goals which can be measured and is considered satisfactory.

[Yarra's key bicycle corridors](#)

The site located adjacent to Church St is a Main route (C2) for bicycle movements within the Strategic Cycling Corridor.

[Yarra's Bicycle Lanes](#)

From aerial imagery review, it was identified that bike stencils/markers are present on Church St. No bike parking facilities were identified within the vicinity of the site.

[Recommendations](#)

The following should be shown on the plans before endorsement:

1. Supply a minimum of 37 visitor spaces (15 additional spaces).

2. Supply a minimum of 186 employee spaces (30 additional spaces).
3. Supply a minimum of 16 showers (3 additional showers).
4. Provide a locking mechanism to the bike room to limit access to authorised personnel only.

Sustainable Transport Planner (Strategic Transport Unit): Philip Mallis

Date: 27 November 2023

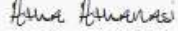
City Works - Waste comments and recommendations:

The waste management plan for 475 Church Street Richmond authored by HIP V. HYPE Sustainability and dated 22/9/23 is not satisfactory from a City Works Branch's perspective.

Issues to be resolved include, but may not be limited to the following:

1. The details for management including temporary storage of hard waste has been updated however the management of e-waste including how it will be separated, stored and disposed of must also be defined, it is illegal for e-waste to enter landfill in Victoria and cannot be disposed of in waste bins.

Waste Management Officer: Atha Athanasi

Signature: 

Date: 30/11/2023

City Strategy – Open Space Services comments and recommendations:

The comments below relate to the plans provided for the commercial development at 475-481 Church Street, Richmond –

Landscape Design plans by Site Image (Revision G & H – 29/08/2023)

Architectural plans by Architectus (Revision B – 03/08/2023)

General Comments

The cover sheet refers to a sheet not yet included in the Landscape Package – LP204.

Typical Planning permit conditions

Landscape plans to the satisfaction of the planning authority must be submitted and include the following information:

- a) An existing conditions plan showing existing trees on the site to be retained or removed, as well as those trees external to the site but close to the boundary, to be removed, retained or protected during construction.
This information has been included and is adequate. Where Council street trees are proposed to be planted Council would ask for a financial contribution and carry out these works through their own contractor following construction.
- b) A plant schedule and planting plan that shows the botanical and common plant names, size at planting, typical mature size, plant numbers, planting density (where relevant) and plant locations.
A plant schedule and planting plans have been included containing the required information. The proposed plant species are acceptable.
- c) A plan legend containing key landscape features and surface materials;
The materials palette sheet shows the proposed surface and furniture materials.
- d) Section drawings showing east/ west and north/south slices through the development, and the different levels of planting.
The section drawing sheets are included.
- e) Details for raised planters including –
 - i. Planter materials and dimensions
 - ii. Mulch layer and depth
 - iii. Growing media type and depths
 - iv. Filter material and waterproofing
 - v. Irrigation and drainage notes
Details for the raised planters have not been included. Information on soil depth has been provided.
- f) Notes on the maintenance schedule, tasks and duration;
Notes on maintenance and irrigation have not been included.

City Works

NA

Open Space Designer: Kevin Ayrey

Date: 17 November 2023

City Works – Open Space Services comments and recommendations:

Local Laws, Overlays, Policies, Plans and Standards Used in Assessment

- City of Yarra General Local Law (consolidated) 2016
- AS 4970–2009 *Protection of trees on development sites*
- AS 4373–2007 *Pruning of amenity trees*
- AS 2303:2018 *Tree stock for landscape use*

Application Documents Used in Assessment

- Plan showing tree data – Urban Forestry Victoria, undated
- Set of Plans – Architectus, 05/09/2023
- Landscape Plans – Site Image, 29/08/2023

Arborist report

The applicant submitted a plan showing the tree data only. No arborist report was submitted, which was requested by Council in the RFI letter. While a Tree Management Plan can be conditioned, we cannot assess the proposal without an Arboricultural Impact Assessment (as outlined in AS 4970–2009 *Protection of trees of development sites*). Submitting a plan showing a tree data table only is insufficient for a planning assessment.

There is also insufficient information on the architectural and landscape plans regarding the proposed works within the TPZs of the retained trees. The arborist must demonstrate how these trees would remain viable (see AS 4970–2009 *Protection of trees of development sites*).

Recommendation to Statutory Planning

I recommend as follows (*tick all that apply*);

- A Permit could be granted with No Conditions suggested. No further comments required.
- A Permit could be granted with Conditions suggested – *see below*.
- Further Information Required – *see below*.
- I have Preliminary Concerns and the application must be amended – *and a commentary provided below*.

Request for Further Information

Provide an Arboricultural Impact Assessment of all trees listed in the current tree data table in accordance with AS 4970–2009, which includes the following for each tree:

- A unique ID/Tree number
- An image of the tree
- Botanic and common name
- Tree dimensions (height x width)
- Diameter at breast height- 1.4m above ground level (DBH)
- Diameter at base
- Health
- Structure
- Retention value
- Comments
- Tree Protection Zone (TPZ) and Structural Root Zone (SRZ)

- Impact of the proposed works on the tree. The impact assessment should reference and be consistent with the Australian Standard for Protection of Trees on Development Sites (AS 4970-2009)
- Provide recommendations to safeguard retained trees during the construction works

Strategic Planning comments and recommendations:

The proposed development at 475 - 481 Church St, Richmond

Objective 5.1: Active Street Frontages

The proposed design **generally aligns with the recommendations** set out in *Objective 5.1: Active Street Frontages* the draft UDF, though improvements could be made.

It is recommended that the design enhance the public realm and accommodate greater amounts of space for outdoor dining, additional landscaping, and bicycle parking along Church Street entrance especially in the south corner.

Objective 5.1: Building Setbacks

The proposal **generally meets recommendations** set out in Objective 5.1: Building Setbacks of the draft UDF, though improvements could be made.

Recommendations to provide a further ground level setback in the south corner of Church Street to Sanders Place, adjacent the retail/showroom/gallery, to accommodate spaces for outdoor dining, landscaping, and bike parking. This will achieve a consistent approach along street frontages.

Objective 5.2: Sustainable Buildings

The proposal **does not align** with the recommendations set out in *Objective 5.2: Sustainable Buildings*

For the development to align with *objective 5.2: Sustainable Buildings*, the proposal would need to achieve net zero carbon emissions.

Objective 5.2: Adaptive Buildings

The proposal **partially aligns with the recommendations** set out in *Objective 5.2: Adaptable Buildings*.

The floor to ceiling heights throughout the building is generally 3.75m floor levels for levels above the ground floor. This is considered low for a commercial building. Cremorne as an industrial area of Regional Significance to Melbourne as identified in the [Planning Scheme](#) and the [Melbourne Industrial and Commercial Land Use Plan](#). Recommendation to increase floor to ceiling heights to 4 meters.

Objective 5.2: Building Separation

The proposal **partially complies with the recommendations** set out in *Objective 5.2: Building Separation*.

It is recommended the lift core match the neighbouring height but not exceed it.

Objective 5.3: Overall Building Height

The proposed Building Heights **does not align** with the draft UDF recommendations for in *Objective 5.3 Supporting mid-rise building heights*.

To align with the above vision, it is recommended that the building adjacent Church Street to reduce heights by at least 19.95 meters to meet the 40 meters / 10 Storey limit.

Additionally, a transitional approach should be taken from Church Street to the rear of the building. The building should step the proposed 44 meter / 11 storeys down to 28 meters / 7

storey in the rear of the building in accordance with the height map (see Figures 6). There is a portion of the site adjacent to General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) that is under the 5 storeys height limit (see Figure 6). The massing of this portion of the site would need to comply with this height along with the residential interface requirements, discussed below.

Objective 5.3 Street Wall Heights

The proposed street wall heights **marginally exceed** recommended *Objective 5.3 Heights of buildings at the street edge*

For the application to comply with the recommendations of the UDF the street wall to the North of Church Street would need to be lowered by 2.32 meters from 18.32 to 16 meters and the street wall height in along Sanders Place should be lowered by 2.57 meters from 14.57 to 12 meters

Objective 5.3 Upper-Level Setbacks

The proposed upper-level setback **partially aligns with the recommendations** in Objective 5.3 Upper-Level Setback. Figure 45 – Church Street Precinct – building heights, street wall heights and upper-level setback as below.

The application does not align with the upper-level setback on the southwest corner of Sanders Place where a 5m setback should be applied as it turns the corner. Considering the scale of the current proposal on that corner the upper-level setback of 5m is warranted.

Objective 5.3: Interface to properties in Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ)

The proposal **does not align** with the recommendations Objective 5.3 Interface to properties in Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ)

For the proposal to align with the draft UDF it would need to apply:

- Ground level setback of 3m shown in figure 13 and 14.
- A 2 storey (8m) maximum interface wall height as per figure 12.
- An upper-level setback of 45 degrees (up to a minimum distance of 12m) at the rear of the building, adjacent General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) and a maximum of two steps in building form to avoid overly stepped outcomes.

Assessment of compliance with built form metrics outlined in the draft Cremorne Urban Design Framework:

Built Form Requirements	Draft Cremorne UDF	PLN23/0316	Compliance with Proposed UDF
Building Height	Maximum of 40m / 10 Storey along Church Street and reducing along narrow streets and laneways to the east of Church Street to a maximum of 28m / 7 (Preferred)	59.95m / 11 storeys (60.55 m inclusive of services).	The application does not align with the preferred height set out in Objective 5.3: Building Heights.

Street wall setbacks	Frontage of 30 metres or greater should provide ground level setbacks (preferred)	The site is 44.97m wide along Church Street and 58.93m wide along Sanders Place (as per figure 1). The application has provided a ground level setback from the property boundary on Church Street of 3.36m to 7.81m through the use of inset building entrance and 3.04m setback on Sanders Place	The proposal generally meets recommendations set out in <i>Objective 5.1: Building Setbacks</i>
Street wall height	16m / 4 storeys (Preferred) along Church Street and 12m in the rear of the building along Sanders	Street wall height transitions down from 18.32m on the north of the site to 10.82 meters along Church Street and street wall height along Sander's place transitions from 10.82 meters to 14.57 meters.	The proposed street wall height is marginally exceeding the preferred height of 16m/4 storeys with a height of 18.32 meters and 14.57 meters along Sanders Lane.
Upper-level setback	The minimum upper-level setback for the 10-storey portion of the site is 5m along Church Street and Sanders Place (Preferred)	The applications proposed 5m upper-level set back along Church Street and 3.5m along Sander's place.	upper-level setback partially aligns with the recommendation in <i>Objective 5.3 Upper-Level Setback</i> of the minimum upper-level setback of 5m for buildings of 40 meter (10 storeys)
Overshadowing	Mandatory standards to ensure no additional overshadowing of the eastern/western footpath of Cremorne Street and Church Street between 10am and 2pm at the spring equinox (September	The proposal indicates no over shadowing is present on the western footpath of Church from 10.20 for a period of 3 hours and 40 minutes, which aligns with recommendations	The proposal complies with the proposed mandatory provision in the recommendations set out in <i>objective 5.1 Solar Access / Overshadowing</i>

	22) for a minimum of 3 hours	set in the Draft Cremorne UDF.	
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Strategic Planning full comments:

Objective 3.4: Reduce off streetcar parking requirements to promote more sustainable modes of transport

The draft UDF proposes to introduce a new schedule to the Parking Overlay with the following car parking maximum rates

Use	Rate	Measure	PLN23/0316	Maximum amount
Office	1	To each 100 sq m of net floor area	18,702 sqm	187 car spaces
Retail	1	To each 100 sq m of leasable floor area	1005 sqm	10 car spaces

This would mean a development should provide no more than 197 car spaces. Currently the application proposes an amount of 152 spaces. Therefore, the proposal **aligns with the recommendations** set out in *Objective 3.4: Reduce off streetcar parking requirements to promote more sustainable modes of transport*.

Objective 5.1 Create a comfortable and engaging public realm

Design Objectives

The draft UDF outlines the following design objectives that seek to create a comfortable and engaging public realm (Page 86):

- To provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.
- To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets.
- To retain solar access to the footpaths along Church Street, Cremorne Street and Balmain Street.
- To prevent overshadowing of existing public open space.
- To minimise the negative impacts of servicing and car parking on the public realm.
- To minimise adverse wind effects caused by buildings in the public realm

The application **generally complies** with these design objectives besides a few improvements mentioned below

Active Street Frontages

The proposed design **generally aligns with the recommendations** set out in *Objective 5.1: Active Street Frontages* the draft UDF, though improvements could be made.

The proposal provides a high level of design detail at the ground floor and lower levels of buildings and well-designed entrance spaces to buildings that create a transition between the public and private realm and encourage activity to occur at the street interface.

The site is 44.97m wide along Church Street and approximately 60m wide along Sanders Place, the draft UDF flags as a site with an opportunity to set back at the ground level under *Objective 5.1 Building Setbacks*. This is discussed in more detail below under *Building Setbacks*. The draft UDF supports the activation proposed along Church Street through the proposed café/bar, retail/showroom/gallery, the lobby lounge entrance. However, the design of the ground setback to the restaurant/café does not properly provide a transition between the private and public realms. It acts as a physical barrier; this could be improved.

The proposal uses windows to the café/restaurant along Sanders Place with minimal utilitarian frontages to activate this space. The proposal allows for a ground floor setback on the northern half of the site along Church Street for dining purposes.

It is recommended that the design enhance the public realm and accommodate greater amounts of space for outdoor dining, additional landscaping, and bicycle parking along Church Street entrance especially in the south corner.

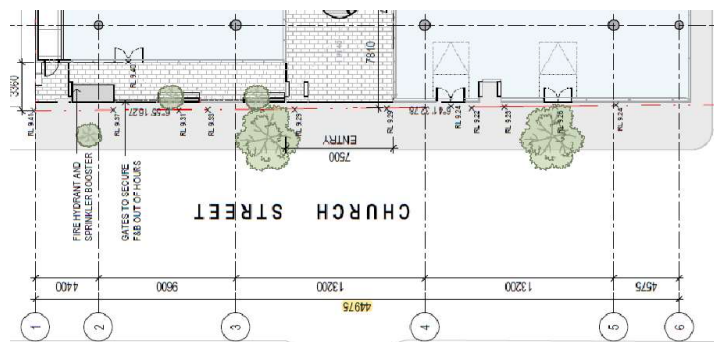
Further recommendations are made below regarding building setback to achieve better outcomes for active street frontages

Building Setbacks

The proposal **generally meets recommendations** set out in *Objective 5.1: Building Setbacks* of the draft UDF, though improvements could be made.

The draft UDF proposes buildings with a frontage of 30 metres or greater should provide ground level setbacks. The site is 44.97m wide along Church Street and 58.93m wide along Sanders Place (as per figure 1). The application has provided a ground level setback from the property boundary on Church Street with a setback of 3.36m to 7.81m through the use of inset building entrance and 3.04m setback on Sanders Place.

Figure 1: proposes frontage of 44.97m wide frontage along Church Street with a set back of 3.36m and 7.81m along church street



Recommendations to provide a further ground level setback in the south corner of Church Street to Sanders Place, adjacent the retail/showroom/gallery, to accommodate spaces for outdoor dining, landscaping, and bike parking. This will achieve a consistent approach along street frontages.

The additional ground level setback along a street frontage will also enhance the public realm by improving the functionality, accessibility, and safety of pedestrian environment along Cremorne Street. This is to support Church Street as a key activity corridor *Objective*

4.4 Enhance Cremorne Street and Church Street as key activity corridors in Cremorne.
(Page 76, Draft UDF)

Solar Access

The proposal **complies with the mandatory provision** set out in *objective 5.1 Solar Access / Overshadowing*.

The draft UDF recommends future planning controls apply a mandatory provision of no additional overshadowing of the eastern/western footpath of Church Street between 10am and 2pm at the spring equinox (September 22) for a minimum of 3 hours. The proposal indicates no over shadowing is present on the western footpath of Church from 10.20 for a period of 3 hours and 40 minutes, which aligns with recommendations set in the Draft Cremorne UDF.

Wind Impacts

The proposal **aligns with the recommendations** set out in *Objective 5.1: Wind Impacts* of the Draft UDF.

The draft UDF recommends new developments need to deliver comfortable wind conditions in the public realm. In accordance with environmental wind speed measurement testing undertaken by Mel consultants for the 475 Church Street developments, the testings have shown to generally satisfy the comfort criterion and pass the Standard D32 safety criterion.

Access Parking and Loading

The proposal **aligns with the recommendations** set out in *Objective 5.1: Access Parking and Loading*.

Access is provided at the rear lane and car parking is in basement levels.

Building Services

The proposal **generally aligns with the recommendations** set out in *Objective 5.1: Building Services*.

The draft UDF seeks to promote building services should not be visible on primary building facades. Where this is not possible, services should be integrated into the overall design of the building.

The proposed design indicates service entry from Sander's place and switch rooms located in Basement 1 and 2 which meets the recommendations.

However, Although the fire hydrant and sprinkler booster are integrated into the overall design of the building well, it is recommended that the fire hydrant and sprinkler booster along Church Street, be relocated on Sanders Place, if possible.

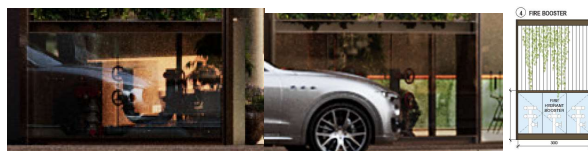


Figure 2,3 and 4 showing location of the fire hydrant and sprinkler booster primary building facades

Laneways

The proposal **aligns with the recommendations** set out in *Objective 5.1: Laneways*.

Objective 5.2 Deliver high-quality sustainable buildings.

Design Objectives

The draft UDF outlines the following design objectives that seek to deliver high quality sustainable buildings (Page 88):

- To ensure buildings are well spaced and sited to provide equitable access to an outlook and good daylight.
- To avoid sheer unarticulated pre-cast walls.
- To develop buildings which are flexible and adaptable.
- To achieve optimal thermal comfort, including through natural ventilation, high performance insulation and the integration of green infrastructure.
- To encourage active transport through the provision of facilities for bike riders and pedestrians.

The current proposal does not align with the design objectives outlined in Objective 5.2 (underlined).

Further discussion is had below.

Sustainable Buildings

The proposal **does not align** with the recommendations set out in *Objective 5.2:*

Sustainable Buildings

The ESD referral demonstrate that the development does not achieve a net zero carbon emissions, however, have developed a net zero carbon Action Plan. For the development to align with objective 5.2: Sustainable Buildings, the proposal would need to achieve net zero carbon emissions.

Adaptable Buildings

The proposal **partially aligns with the recommendations** set out in *Objective 5.2:*

Adaptable Buildings.

The floor to ceiling heights throughout the building is generally 3.75m floor levels for levels above the ground floor. This is lower than the 4m assumption for a commercial building used in the preparation of the draft UDF. Cremorne as an industrial area of Regional Significance to Melbourne as identified in the [Planning Scheme](#) and the [Melbourne Industrial and Commercial Land Use Plan](#). These policies acknowledge the importance of Cremorne as an employment precinct. The floor level heights should be increased to ensure adaptability of the building in the future. Recommendation to increase floor to ceiling heights to 4 meters.

Building Separation

The proposal **partially complies with the recommendations** set out in *Objective 5.2:*

Building Separation.

The draft UDF recommends that sites greater than 20m are setback above the boundary wall height at side and rear boundaries. The site is approximately 45 meters wide along Church Street. The site can be built on side and rear title boundaries to a height of 22m (shown in figure 5 below). As the proposal is greater than four storeys above the boundary wall height, the UDF recommends side and rear setbacks of 4.5m.

On the northern boundary from Church Street a 4-meter setback is provided at Level 4 to Level 8. This then increases to 7.2 meter from Level 9 to the roof. The lift core on the north does not comply with building separation requirements. It is built to the boundary to the height of approximately 47.4m and exceeds the neighbouring lift core by approximately 8m. It is recommended the lift core match the neighbouring height but not exceed it.

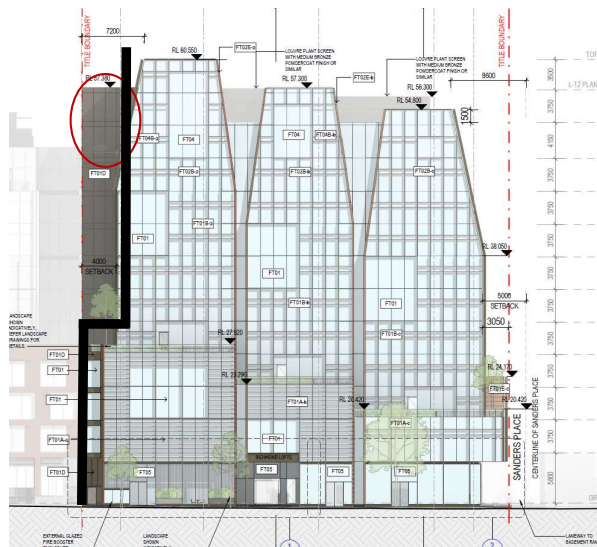


Figure 5: red oval indicated the lift core height is exceeding neighbouring height

Pedestrian Entrances and Bike Parking

The proposal **aligns with the recommendations** set out in *Objective 5.2: Pedestrian Entrances and Bike Parking*, though improvements could be made.

The proposed development plans show 174 bicycle parking spaces on-site (including 22 visitor bicycle spaces), 13 showers and 222 lockers. Hence bicycle parking provided as part of this development satisfies the purpose of Clause 52.34. Recommendation for an additional publicly accessible visitor bicycle parking.

Objective 5.3 Ensure the scale and form of buildings respond to their context.

Design Objectives

The draft UDF outlines the following design objectives that seek to ensure the scale and form of buildings responds to their context (Page 91):

- To design buildings that respond to the form of neighbouring buildings.
- To ensure that overall heights are responsive to the width and character of the street.
- To minimise visual bulk at street level by providing street walls and overall heights that are responsive to the width and character of the street.
- To provide upper-level setbacks above the street wall that allow for a clear delineation between the street wall and the upper levels.
- To protect the amenity of properties in adjoining residential zones in terms of overshadowing of private open space and overlooking.
- To support development that contributes positively to the urban and heritage warehouse character of Cremorne.
- To avoid expansive building forms and excessive visual bulk.

The current proposal does not align with the design objectives outlined in Objective 5.2 (underlined).

Further discussion is had below.

Overall Building Heights

The proposed building heights **does not align** with the draft UDF recommendations for in *Objective 5.3 Supporting mid-rise building heights*

The draft UDF sets out the following precinct height vision for the Church Street Precinct in objective 5.3 Overall building heights

Church Street Precinct – Proposed building heights are between 5 and 10 storeys (20m and 40m) with the highest heights along Church Street and reducing along narrow streets and laneways to the east and west. Heights also reduce close to sensitive low-scale areas to the east and north-west

The proposed building height of 59.95m / 11 storeys (60.55 m inclusive of rooftop and services) does not align with the building height recommendations. The site spans over three height limits of a maximum 40m / 10 Storeys, 28m/ 7 storeys, and 20m / 5 storeys.

To align with the above vision, it is recommended that the building adjacent Church Street to reduce heights by at least 19.95 meters to meet the 40 meters / 10 Storey limit.

Additionally, a transitional approach should be taken from Church Street to the rear of the building. The building should step the proposed 44 meter / 11 storeys down to 28 meters / 7 storey in the rear of the building in accordance with the height map (see Figures 6). There is a portion of the site adjacent to General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) that is under the 5-storey height limit (see Figure 6). The massing of this portion of the site would need to comply with this height along with the residential interface requirements, discussed below.

This is to meet the vision for the Church Street Precinct and objectives 5.3 Overall building heights of reduce close to sensitive low-scale areas.

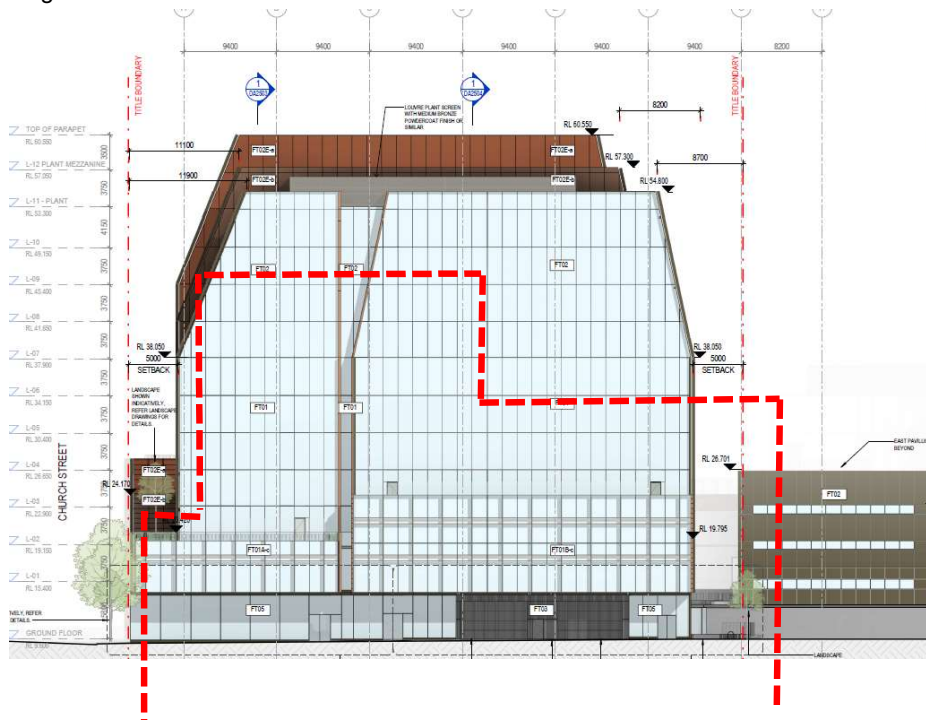


Figure 6: red dashed line showing desired building height and transitional approach to reduce building

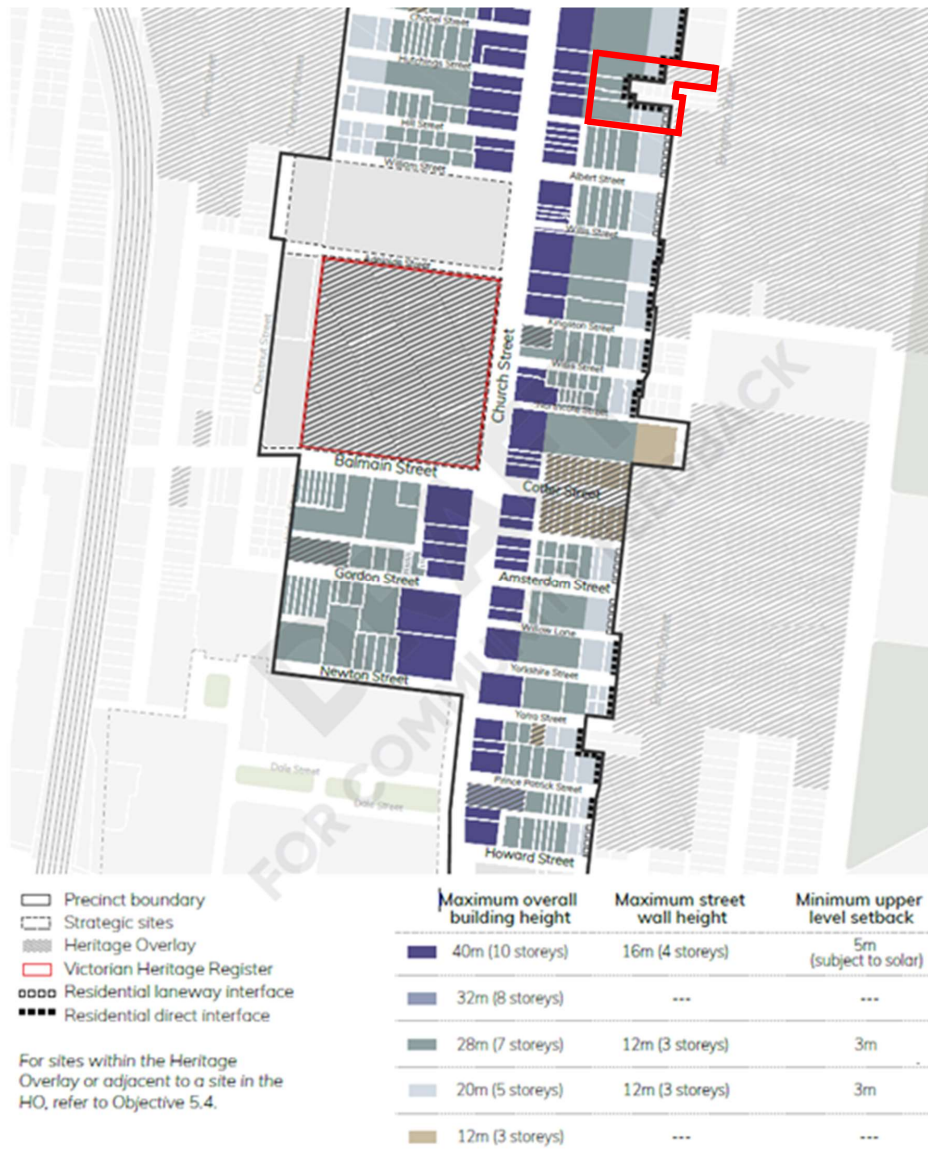
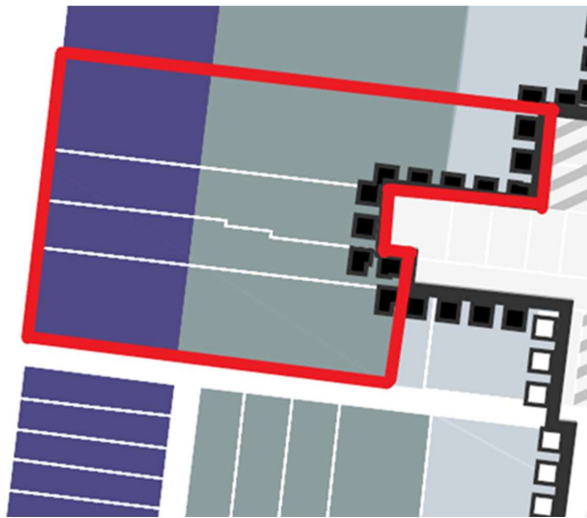


Figure 7: Church Street Precinct – building heights, street wall heights and upper-level setback (Page 95, Draft Cremorne UDF)

Figure 7.5: Building heights, street wall heights and upper-level setback for 475 Church Street



Street Wall Heights

The proposed street wall heights **marginally exceed** recommended *Objective 5.3 Heights of buildings at the street edge*

The proposed Street wall height transitions down from 18.32m on the north of the site to 10.82 meters along Church Street corner. The taller street wall exceeds the recommended street wall height of 16 meters by 2.32 meters, as per figure 8.



Figure 8: red dashed – preferred street wall height; solid line - proposed street wall height (Church Street)

The proposed street wall height along Sander’s place transitions from 10.82 meters to 14.57 meters which exceeds the street wall height of 12 meters in the east section of the church street precinct and hence, exceeds the preferred street wall height by 3.57m, as per figure 9.

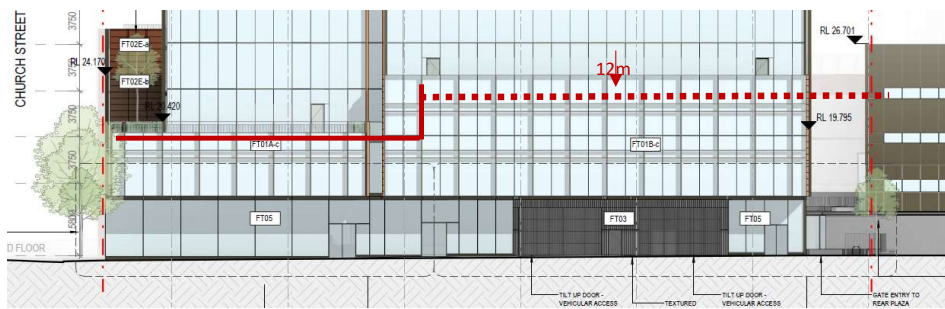


Figure 9: red dashed – preferred street wall height; solid line –proposed street wall height (Sanders Place)

For the application to comply with the recommendations in the UDF, the street wall to the North of Church Street would need to be lowered by 2.32 meters from 18.32 to 16 meters and the street wall height in along Sanders Place should be lowered by 2.57 meters from 14.57 to 12 meters

Upper-Level Setbacks

The proposed upper-level setback **partially aligns with the recommendations** in *Objective 5.3 Upper-Level Setback. Figure 45 – Church Street Precinct – building heights, street wall heights and upper-level setback as below*

The minimum upper-level setback for the 10-storey portion of the site is 5m along Church Street and Sanders Place; the minimum upper-level setback along Sanders Place is 3m where the 7-storey height applies.

The application proposes the following setbacks:

- 5m along Church Street
- 3.5m along Sander’s place.

The applications align with the upper-level setback along Church Street and the eastern portion of Sanders Place where the 7-storey height limit applies.

The application does not align with the upper-level setback on the southwest corner of Sanders Place where a 5m setback should be applied as it turns the corner. Considering the scale of the current proposal on that corner the upper-level setback of 5m is warranted.

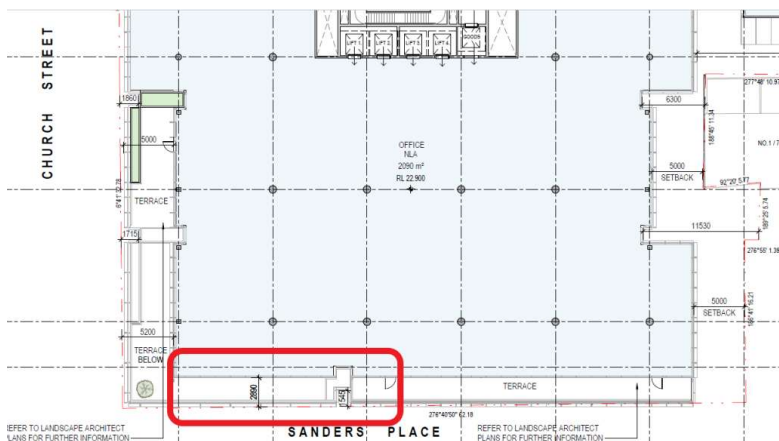


Figure 10: Red box – southwest corner of site that does not align with upper-level setback of 5m

Interface to properties in Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ)

The proposal **does not align** with the recommendations Objective 5.3 Interface to properties in Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ)

The site is located adjacent to General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) and present significant overshadowing of private open space amenity.

The proposed application does not align with the propose residential interface ground set back, interface wall height and upper-level setback (see figures 11,12,13, 14 and 15).

The proposal does not protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space and overlooking.

For the proposal to align with the draft UDF it would need to apply:

- Ground level setback of 3m shown in figure 13 and 14.
- A 2 storey (8m) maximum interface wall height as per figure 12.
- An upper-level setback of 45 degrees (up to a minimum distance of 12m) at the rear of the building, adjacent General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) and a maximum of two steps in building form to avoid overly stepped outcomes shown in figure 12.

Figure 11: preferred direct residential interface (Figure 42, Draft Cremorne UDF)

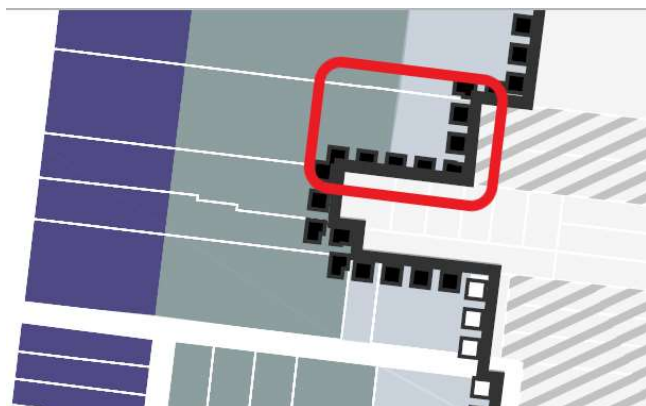


Figure 12: preferred direct residential interface
(Figure 42, Draft Cremorne UDF)

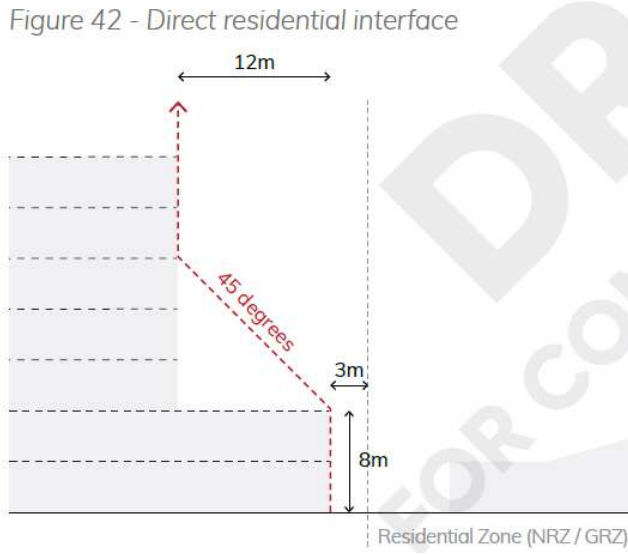
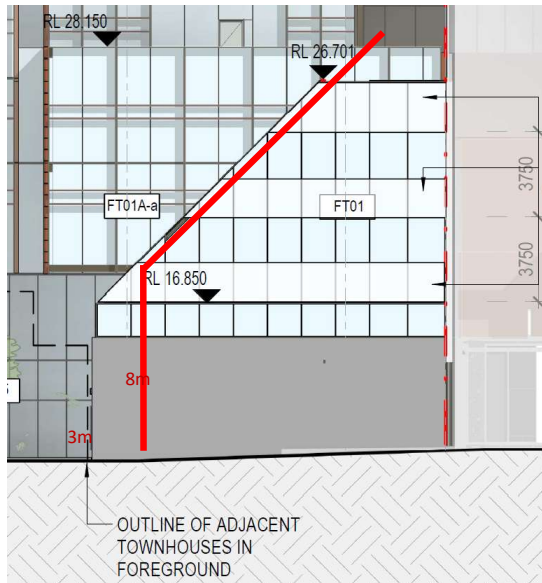


Figure 13: Solid red line indicates preferred ground level set back, interface wall height and upper-level setback at rear of the main building



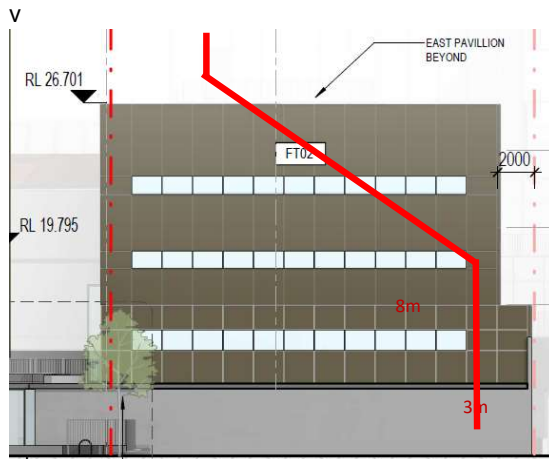


Figure 14: Solid red line indicates preferred ground level set back, interface wall height and upper-level setback at rear of the east pavilion

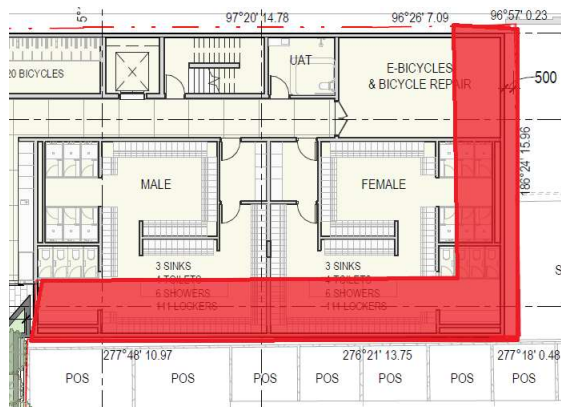


Figure 15: Area in red indicates preferred ground level setback recommended in Figure 42 in the draft Cremorne UDF

Character Buildings

The application **aligns with the recommendations** set out in *Objective 5.3: Character Buildings* considering the previous building is not a character building or meet the criteria for character building of architecturally distinctive and does not demonstrate a link to the industrial history of the area

Building Design

The proposed design **aligns with the recommendations** set out in *Objective 5.3: Building Design*. The draft UDF seeks to *avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest* (Page 93, Draft Cremorne UDF).

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