



Agenda

Planning Decisions Committee

7.30pm, Tuesday 22 October 2024

Richmond Town Hall

The Planning Decisions Committee

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

Participating in the Meeting

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

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

Before each item is considered, the meeting chair will ask people who have registered to address the Committee to come forward to the lectern, 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.

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

- Kathryn Pound Manager Statutory Planning
- Laura Condon Senior Statutory Planner
- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- 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 27 August 2024 be confirmed.

6. Committee business reports

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6.1 101 Cremorne Street, Cremorne

Report Summary

Purpose

1. This report provides Council with an assessment of the application submitted to the Minister for Planning (the Minister) through the Department of Transport and Planning (the DTP) under Clause 53.22 (Significant Economic Development). Council has received notice of the application under section 52(1) of the Planning and Environment Act 1987.
2. Council has submitted two requests to the Minister to:
 - (a) Approve interim built form provisions by way of a Ministerial amendment via Amendment C317yara; and
 - (b) Provide consent to formally exhibit permanent planning provisions via Amendment C318yara.
3. These amendments would implement the Revised Cremorne Urban Design Framework (UDF), 2023 by way of:
 - (a) Introducing new built form controls in the form of Design and Development Overlays (DDO) to manage the scale and design of new commercial development. The new DDO51 (Cremorne West) would apply to the subject site;
 - (b) Introducing the Parking Overlay (PO2) to the commercial areas of Cremorne to promote more sustainable modes of transport by limiting the amount of car parking needed in new development; and
 - (c) Inserting a new policy under Clause 11.03 Planning for places: Clause 11.03-6L Cremorne Precinct that supports Cremorne as a vibrant, diverse, accessible and high amenity enterprise precinct. This will include specific policy on land use, built form, access and movement, open space and the public realm.
4. This report provides the DTP with Council's recommendations.

Key Planning Considerations

5. Key planning considerations include:
 - (a) Clause 11.02 - Managing growth;
 - (b) Clause 15.01 – Built Environment;
 - (c) Clause 17.01 – Employment;
 - (d) Clause 17.02 – Commercial; and
 - (e) Clause 52.06 – Car Parking.

Key Issues

6. The key issues for Council in considering the proposal relate to:
 - (a) The Planning Policy Framework (PPF); and
 - (b) Proposed Amendments C317yara and C318yara.

Submissions Received

7. The Department of Transport and Planning have advised Council that five submissions were received to the application, which raise the following key issues:
 - (a) design (height, scale, bulk, lack of setbacks, lack of response to dwellings to the east);

- (b) amenity (including impacts to the dwellings to the east: overshadowing, overlooking, visual bulk, noise/ amenity impacts after business hours);
- (c) traffic and car parking issues (including car parking reduction, traffic issues on Kelso Street and lack of pedestrian considerations and narrow footpaths);
- (d) oversupply of commercial space in Cremorne;
- (e) misleading context comparisons; and
- (f) limited notification and lack of consultation.

Conclusion

- 8. Based on the following report, the proposal does not comply with the Draft Amendment C318yara and Amendment C317yara and is not supported due to the inappropriate scale (excessive height and massing), lack of building separation and poor public realm outcomes.
- 9. Notwithstanding this, a list of recommended conditions will be provided that can be included on any planning permit should the DTP be of a mind to grant the permit, with key conditions requiring:
 - (a) The building height reduced to a maximum of 32m;
 - (b) The ground floor setback increased to 1.5m on the Cremorne Street frontage;
 - (c) A chamfer at the ground floor corner at the intersection of Cremorne and Kelso Streets is provided;
 - (d) The proposed ground floor setback on Kelso Street increased to 0.95 to 1.5 metres across the building frontage;
 - (e) The upper levels (above the podium) setback 5m from Cremorne Street and Kelso Street;
 - (f) The upper levels (above the podium) on the southern and eastern elevations setback 4.5m from the boundaries; and
 - (g) Provision of a public realm plan.

CONTACT OFFICER: Kathryn Pound
TITLE: Manager Statutory Planning
TEL: (03) 9205 5087

6.1 101 Cremorne Street, Cremorne

| | |
|-------------------|--|
| Reference | D24/359840 |
| Author | Kathryn Pound - Manager Statutory Planning |
| Authoriser | Manager 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 |
| Proposal: | Development of a multi-storey building comprising office, use of ground floor as shop, and a reduction of car parking requirements. |
| Existing use: | Three storey commercial building and at grade car parking. |
| Applicant: | 101CSC Pty Ltd c/- Planning & Property Partners Pty Ltd |
| Zoning / Overlays: | Commercial 2 Zone (C2Z) Development Contributions Plan Overlay – Schedule 1 (DCPO1) |
| Date of Application: | 14/08/2024 |
| Application Number: | PA2403110 (DTP reference) PPE24/0515 (Council reference) |

Relevant Planning History

1. The Department of Transport and Planning invited Council to submit comments on the pre-application review of the proposed development on 26 February 2024. Council Officers undertook a high level review of the proposal and provided preliminary advice on 18 March 2024 that the height scale and massing was inappropriate, there was inadequate building separation, there were public realm issues and that wind and ESD matters needed to be dealt with. It appears that the application now under consideration is the same as the application referred back in February (i.e. no amendments were made in response to Council's preliminary advice).

Background

Planning Scheme Amendments

Amendment C318yara and Amendment C317yara

2. Council has prepared Draft Amendment C318yara which will apply permanent planning provisions to the Cremorne Precinct. Relevant to this application, the Draft Amendment C318yara proposes to implement the Revised Cremorne Urban Design Framework (UDF), 2023 and:
 - (a) Introduce new built form controls in the form of Design and Development Overlays (DDO) to manage the scale and design of new commercial development. The new DDO51 (Cremorne West) would apply to the subject site;
 - (b) Introduce the Parking Overlay (PO2) to the commercial areas of Cremorne to promote more sustainable modes of transport by limiting the amount of car parking needed in new development;
 - (c) Insert a new policy under Clause 11.03 Planning for places: 11.03-6L Cremorne Precinct that supports Cremorne as a vibrant, diverse, accessible and high amenity enterprise precinct. This will include specific policy on land use, built form, access and movement, open space and the public realm; and

- (d) Introduce the background documents that informed the proposed planning controls at Schedule to Clause 72.08.
- 3. Council has requested the Minister for Planning approve interim built form provisions by way of a Ministerial amendment via Amendment C317yara and requested consent to formally exhibit permanent planning provisions via Amendment C318yara.

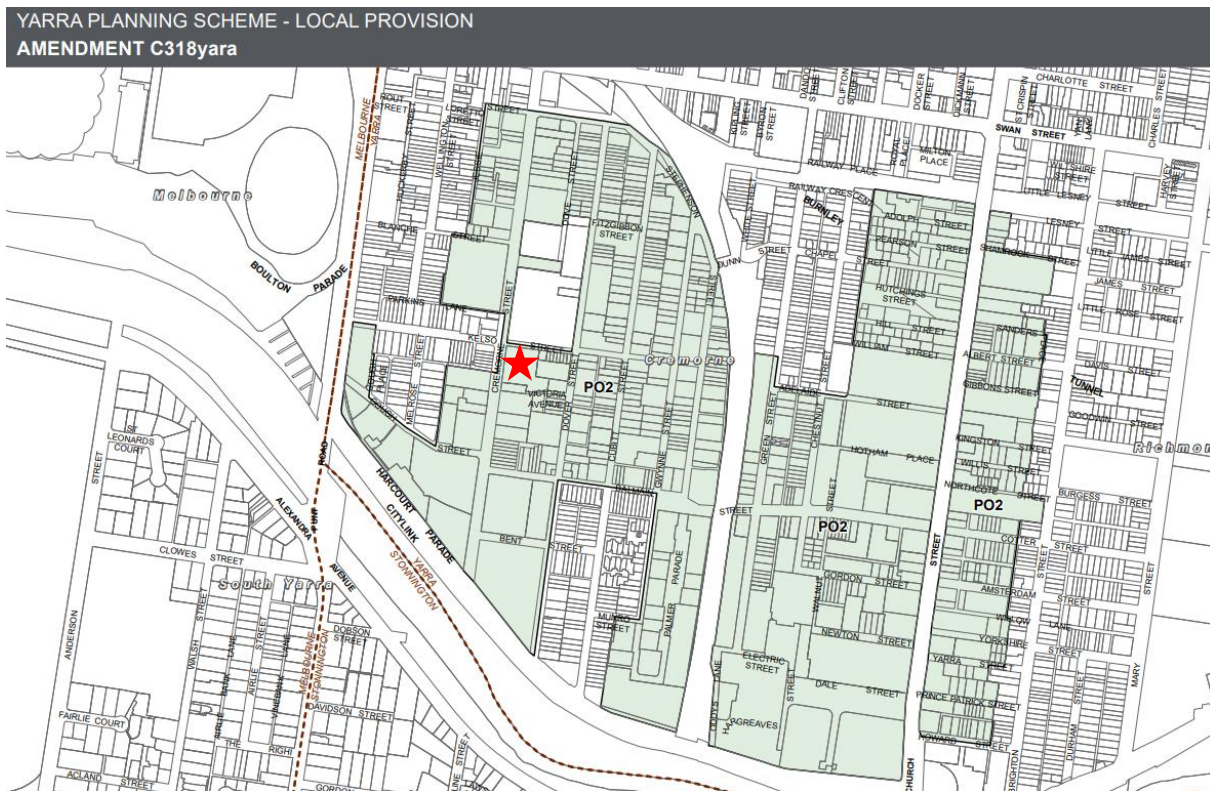
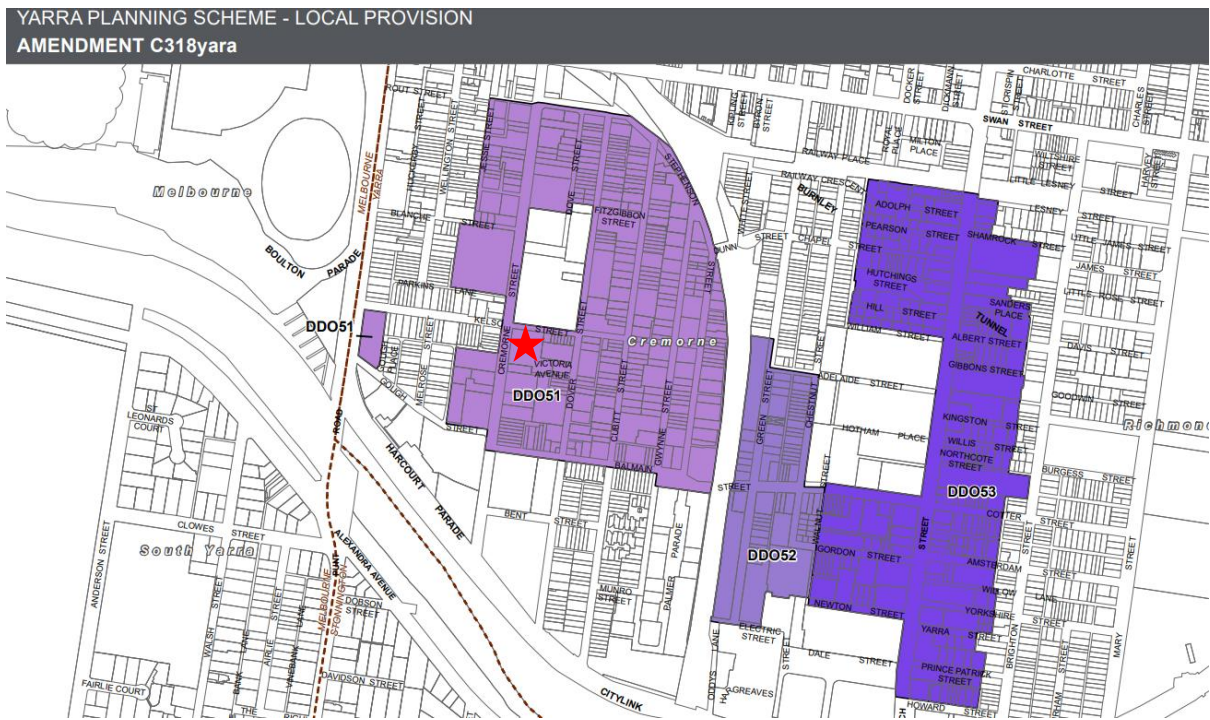


Figure 1: Maps showing proposed controls under C318 (Subject site identified by red star), source: <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/standing-advisory-committee/amendment-c318yara-cremorne-precinct-planning-provisions>

Amendment C309yara

4. Council is also pursuing a joint Planning Scheme Amendment together with 24 other Victorian Council to introduce new elevated environmentally sustainable development (ESD) standards in the planning scheme. The Elevating ESD Targets project is led by the Council Alliance for Sustainable Built Environment (CASBE). The amendment builds on existing ESD standards in the scheme and will encourage a move towards net zero carbon developments. The amendment is currently at the first stage of the process (i.e.: Authorisation).

[Aboriginal Cultural Heritage Significance](#)

5. N/A.

The Proposal

6. The application proposes the development of a multi-storey building comprising office, use of ground floor as shop, and a reduction of car parking requirements. More particularly, it comprises:
- (a) The construction of a building with 11 levels of office space with varying floor areas including shared communal amenities at level 9;
 - (b) Ground floor shop tenancies;
 - (c) Podium form from ground to level 2 (three storeys);
 - (d) Recessed upper levels 3-11 above podium;
 - (e) External terrace areas at Levels 3, 9, 10 and 11;
 - (f) 136 bicycle spaces with end-of-trip facilities at ground level; and
 - (g) 94 car parking spaces across two levels of basement.





Figure 2: Extracts of Artist Impression Images, source: application material

7. A copy of the Plans and Town Planning report submitted are attached to this report.

Existing Conditions

Subject Site

8. The subject site is located at 101 Cremorne Street, Cremorne. It is located on the south-east corner of the intersection of Cremorne Street and Kelso Street.
9. It is regular in shape and it has a 40.7 metre frontage to Cremorne Street, a 43.25 metre frontage to Kelso Street, with an overall area of approximately 1,729 square metres.



Figure 1 – Subject Site – Aerial Image.

Source: NearMap (July 2023)



Figure 2 – Subject Site – existing under developed condition.
(December, 2019).

Source: Google Streetview

Figure3: Images of site, source: applicant's town planning report

Title

10. The Site comprises four parcels of land:
 - (a) Lot 1 on Title Plan 243830M;
 - (b) Lot 1 on Title Plan 371486J;
 - (c) Lot 1 on Title Plan 833550E; and
 - (d) Lot 1 on Title Plan 864823U.
11. Lot 1 on Title Plan 833550E is affected by an encumbrance relating to overhanging spouting benefiting the land to its north, which also comprises part of the subject site. Lot 1 on Title Plan 864823U is affected by a caveat lodged by CitiPower Pty for the purposes of a substation lease. The proposed development will not prejudice the above restrictions.

Surrounding Land

12. The prevailing character of Cremorne consists of industrial buildings and warehouses, commercial offices and Victorian era workers' cottages. The area surrounding the site has a diverse built form character. It is an evolving area and is undergoing significant change. Relevantly, a number of multi-storey developments have been approved in the vicinity of the subject site. It is envisaged that the area will undergo further intensification and experience development pressure in the future.

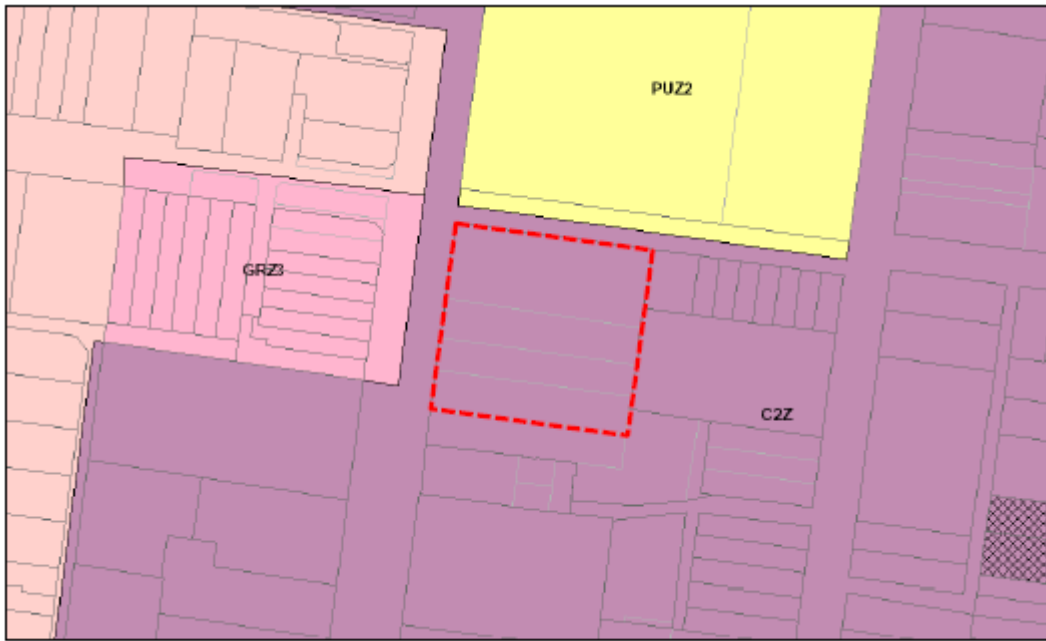


Figure 6 – Site and Surrounds – Zoning Controls.

Source: DELWP.

Figure 4: Zoning map, source: applicant's town planning report

13. The subject site is surrounded by land in the Commercial 2 Zone (C2Z). On the opposite side of Kelso Street, to the north, the Kangan Institute Cremorne Campus occupies and in the Public Use Zone (Schedule 2) (PUZ2). On the opposite side of Cremorne Street, to the west, is land in the General Residential Zone (Schedule 3) (GRZ3).

14. The adjoining land is described as follows:

East

- (a) 98 Dover Street contains a four storey building used for residential purposes. It has a three storey wall built to the boundary with a balcony abutting the subject site;
- (b) 100 Dover Street contains a two storey building used for a mix of offices and dwellings. It is mostly built to the boundaries except for small areas abutting the subject site which are setback approximately 1.5 metres and used as small open air courtyard;
- (c) 102 Dover Street contains a two storey building used for commercial and office purposes. It is mostly built to the boundaries except for an area in the south-west corner abutting the subject site which is used as a courtyard;
- (d) 115 Cremorne Street has a short abuttal along the eastern boundary. It is described below;

South

- (e) 115 Cremorne Street contains a two storey building used for commercial purposes and offices. It is built entirely to the boundaries and abuts the subject site to the south and part of the eastern boundary;
- (f) The land located one property to the south is 119 Cremorne Street, which contains a two storey building that is affected by the Heritage Overlay (HO247). It is identified as the former 'Yarra Hotel';

West

- (g) 104-112 Cremorne Street comprises seven properties in the GRZ. 104 Cremorne Street (on the corner of Kelso Street) comprises a single storey brick dwelling in its original form. 106-112 Cremorne Street are occupied by three-storey townhouses with balconies facing Cremorne Street. Private open space areas are located to the rear of the dwellings;

- (h) 116-130 Cremorne Street is currently under construction for a nine storey building approved under Planning Permit PLN22/0454; and

North

- (i) The Kangan Institute Cremorne Campus occupies the entire frontage of Kelso Street, between Cremorne Street and Dover Street and extends further to the north, to Fitzgibbon Street on land in the PUZ2. The two-storey brick building on the southern boundary is the former 'Melbourne Wire Works Factory and Head Office' and is affected by the Heritage Overlay (HO518).
15. The surrounding commercial area is undergoing a transition from its traditional manufacturing and industry to higher density commercial developments.
16. The following approvals have been issued in the surrounds:
- (a) 1/22-26 Gordon Street – 9 storeys (PLN19/0527);
 - (b) 116-130 Cremorne Street – 9 storeys (PLN22/0454);
 - (c) 1-3 Harcourt Parade – 10 storeys (PLN18/0002);
 - (d) 4-6 Cubitt Street – 13 storeys (PLN19/0657); and
 - (e) 2 Gough Street – 14 storeys (PLN15/0355).

Planning Scheme Provisions

Zoning

17. The subject site is zoned Commercial 2 Zone (C2Z).
18. The following Purpose of the C2Z is relevant:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
 - (b) *To encourage commercial areas for offices, appropriate manufacturing industries, bulky goods retailing, other retail uses, and associated business and commercial services; and*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
19. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the land for Office. A planning permit is required to use the land for Shop.
20. Pursuant to Clause 34.02-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
21. The decision guidelines are set out at Clause 34.02-7.

Overlays

22. The subject site is affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1). The Yarra Development Contributions Plan applies to any proposal for increased commercial and retail floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths. A condition should be included on any permit that may be issued to require the contribution to be paid by the permit holder

Particular Provisions

Clause 52.06- Car parking

23. 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.
24. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.

25. 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 the Column B parking rates apply.
26. Under the provisions of Clause 52.06-5, the development's parking requirements are 347 car spaces for the proposed shop and office uses.
27. The proposal includes a total of 94 car spaces, across two levels of basement. Accordingly, the proposal requires a planning permit for a reduction in the statutory car parking rate.

Clause 52.34 - Bicycle facilities

28. Pursuant to Clause 52.34-1, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.
29. The development generates a statutory bicycle parking requirement of 50 spaces for the proposed shop and office uses. The development proposal includes a total of 136 bicycle spaces, which exceeds the provision requirements of Clause 52.34.
30. Pursuant to Clause 52.34-3 end of trip facilities (showers and changerooms) are to be provided if 5 or more employee bicycle spaces are required, 1 shower for the first employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. The development provides the requisite shower and changeroom facilities.
31. Clause 52.34-4 of the Scheme provides design standard for bicycle spaces and signage.

Clause 53.18 – Stormwater Management in Urban Development

32. 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 53.22 – Significant Economic Development

33. The application has been made under Clause 53.22. Pursuant to Clause 72.01-1, the Minister for Planning is the responsible authority.

General Provisions

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

Planning Policy Framework (PPF)

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

Clause 11.01-1S – Settlement

36. The objective of this clause is to:
 - (a) To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
37. Relevant strategies include the following:
 - (a) Promote and capitalise on opportunities for urban renewal and infill redevelopment; and

- (b) Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Clause 11.01-1R – Settlement – Metropolitan Melbourne

38. The relevant strategy of this clause is to:

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

Clause 11.02-1S – Supply of urban land

39. The objective of this clause is:

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

40. The relevant strategy of this clause is to:

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

Clause 11.02-2S – Structure planning

41. The objective of this clause is:

- (a) To facilitate the fair, orderly, economic and sustainable use and development of urban areas.

42. The relevant strategy of this clause is to:

- (a) Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Clause 11.03-1S – Activity centres

43. The objective of this clause is:

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

44. Relevant strategies include the following:

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

Clause 11.03-1R – Activity centres – Metropolitan Melbourne

45. Relevant strategies include the following:

- (a) Support the development and growth of Metropolitan Activity Centres by ensuring they:
 - (i) Are able to accommodate significant growth for a broad range of land uses;

- (ii) Are supported with appropriate infrastructure;
- (iii) Are hubs for public transport services;
- (iv) Offer good connectivity for a regional catchment; and
- (v) Provide high levels of amenity.

Clause 11.03-1L – Activity centres

46. The objective of this clause is:

- (a) To manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction.

47. Relevant strategies include the following:

- (a) Encourage uses and development in activity centres that support employment areas, health and education precincts shown in Clause 02.04 (Strategic Framework Plan);
- (b) Support development that improves the built form character of activity centres, while conserving heritage places, streetscapes and views to identified landmarks;
- (c) Support use and development which contributes to the night-time economies of activity centres, while limiting adverse amenity impacts within the centres and surrounding residential neighbourhoods;
- (d) Support development that sensitively transitions to interfaces with low-rise residential neighbourhoods;
- (e) Promote use and development that support street level activation and passive surveillance of the public realm;
- (f) Support development that improves the public realm and positively contributes to the streetscape environment within activity centres; and
- (g) Promote the metropolitan and local retail and commercial roles of each activity centre.

48. Cremorne is not identified as an activity centre in this clause.

Clause 13.07-1S – Land use compatibility

49. The objective of this clause is:

- (a) To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

50. Relevant strategies include the following:

- (a) Ensure that use or development of land is compatible with adjoining and nearby land uses;
- (b) Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses;
- (c) Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures; and
- (d) Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 13.07-1L-01 – Interfaces and amenity

51. The objective of this clause is:

- (a) To protect the operation of business and industrial activities from new residential use and development;

- (b) To provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones; and
- (c) To support the growth and operation of surrounding non-residential development and uses.

52. Relevant strategies include the following:

- (a) Locate noise generating uses, including plant and equipment, away from noise-sensitive habitable rooms (in particular, bedrooms) and private open space and where appropriate incorporate acoustic attenuation measures;
- (b) Locate fume and air emission generating uses (including plant and equipment) away from residential uses or, where appropriate, provide a reasonable buffer;
- (c) Ensure that use and development with potential air quality impacts, including odours and emissions, do not adversely affect the amenity of the surrounding area;
- (d) Support use and development that resolves legacy issues of odour and emissions and their impacts on residential amenity;
- (e) Conceal commercial or industrial storage, waste or other processing activities from residential properties and locate them away from primary street frontages;
- (f) Minimise odour and noise disruption to nearby residential properties from commercial or industrial waste (solid, gas and liquid) management practices and storage;
- (g) Minimise light spill (from both fixed and vehicular lights) beyond the perimeter of the site and onto habitable room windows of nearby residential properties through appropriate design, location and management practices; and
- (h) 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.

Clause 15.01-1S – Urban design

53. The objective is:

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

Clause 15.01-1R – Urban design - Metropolitan Melbourne

54. The objective is:

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

Clause 15.01-1L – Urban design

55. Relevant strategies include:

- (a) Public realm: Support development that creates new public spaces to serve the needs of residents, workers, traders and visitors;
- (b) Wind: 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; and
- (c) Weather protection: Support development that provides weather protection of the public realm (including footpaths and plazas).

Clause 15.01-2S – Building design

56. The objective is:

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

57. Relevant strategies include:

- (a) Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development;
- (b) Ensure development responds and contributes to the strategic and cultural context of its location;
- (c) Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment;
- (d) Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- (e) Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm;
- (f) Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security; and
- (g) Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

58. This clause also states that planning must consider as relevant:

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

Clause 15.01-4S – Healthy neighbourhoods

59. The objective of this clause is:

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

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

60. The strategy is:

- (a) Create a city of 20-minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home.

Clause 15.01-5S – Neighbourhood character

61. The objective of this clause is:

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

Clause 17.01-1S – Diversified economy

62. The objective of this clause is:

- (a) To strengthen and diversify the economy.

63. The relevant strategies of this clause are:

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

Clause 17.01-1R – Diversified economy - Metropolitan Melbourne

64. Relevant strategies include:

- (a) Support diverse employment generating uses, including offices, innovation and creative industries in identified areas within regionally significant industrial precincts, where compatible with adjacent uses and well connected to transport networks.

Clause 17.01-1R – Diversified economy - Metropolitan Melbourne – Inner Metro Region

65. This clause states:

- (a) Retain and encourage the development of areas in and around Collingwood, Cremorne and South Melbourne for creative industries.

Clause 17.01-1L – Employment

66. The strategies include:

- (a) Support development that provides high quality amenity for workers;
- (b) Support development that provides affordable workspaces and co-working spaces to facilitate a diverse range of enterprises, including small businesses, artists and creative industries;
- (c) Recognise that commercial and industrial land can support employment uses during the day while also supporting activities that contribute to the night-time economy; and
- (d) Support uses that provide services for workers in employment areas which are ancillary to their employment function.

67. In specific reference to Cremorne and Gipps Street major employment precincts, the objective is:

- (a) To maintain and grow employment in the Cremorne and Gipps Street major employment precincts, as identified in Clause 02.04 (Strategic Framework Plan).

68. Relevant strategies include:

- (a) Manage the redevelopment of sites within Yarra’s major employment precincts to provide uses that support their intended economic function;
- (b) Encourage the intensification of employment land in Yarra’s major employment precincts;
- (c) Support development that provides high-quality built form within Yarra’s major employment precincts;
- (d) Support development that improves the public realm of major employment precincts, including the provision of or access to public open space;
- (e) Support improvements to pedestrian environments in major employment precincts including:
 - (i) Wider and continuous footpaths;
 - (ii) Links through sites;
 - (iii) Links to public transport; and
 - (iv) Improved lighting and legibility to improve safety and security; and
- (f) Manage transport within, to and from the major employment precincts by:
 - (i) Prioritising walking, cycling and public transport over car reliance;
 - (ii) Discouraging additional vehicle crossovers on major roads; and
 - (iii) Locating loading and waste collection facilities away from pedestrian environments.

Clause 17.02-1S – Business

69. The relevant objective of this clause is:

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

70. Relevant strategies include:

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

Clause 17.02-1L – Retail

71. Relevant strategies include:

- (a) Support retail uses which enhance the sustainability and vitality of activity centres, including niche retailers that attract shoppers from the broader metropolitan area.

Clause 18.01-1S – Land use and transport integration

72. The objective of this clause is:

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

Clause 18.01-3L – Sustainable transport

73. The objective of this clause is:

74. To support a sustainable transport system that reduces the impact of private motor vehicle traffic and on-street parking.

75. Relevant strategies include:

- (a) Encourage development to prioritise transport modes in order of the following transport hierarchy:
 - (a) Walking;
 - (b) Cycling;
 - (c) Public transport;
 - (d) Commercial vehicles serving businesses and institutions;
 - (e) Subscription based vehicles such as car shares; and
 - (f) Private motor vehicles;
- (b) Support development which reduces reliance on private cars;
- (c) Encourage lower amounts of car parking within developments; and
- (d) Encourage increased infrastructure for active transport in developments (such as high levels of bicycle parking and end of trip facilities).

Clause 18.02-1S – Walking

76. The objective of this clause is:

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

Clause 18.02-1L – Walking

77. The objective of this clause is:

- (a) To improve the walking network and create high-quality pedestrian environments.

Clause 18.02-2S – Cycling

78. The objective of this clause is:

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

Clause 18.02-2R – Cycling – Metropolitan Melbourne

79. The strategy of this clause is to:

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

Clause 18.02-2L – Cycling

80. The objective of this clause is:

- (a) To improve cycling infrastructure and encourage cycling as an alternative mode of transport for people of all ages and abilities.

Clause 18.02-3S – Public Transport

81. The objective of this clause is:

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

Clause 18.02-3R – Principal Public Transport Network

82. Relevant strategy includes the following:

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

Clause 19.03-1S – Development and infrastructure contributions plans

83. The relevant objective of this clause is:

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

Clause 19.03-3S – Integrated water management

84. The relevant objective of this clause is:

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

Clause 19.03-3L – Water sensitive urban design

85. The relevant objectives of this clause are:

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

86. The relevant strategies of this clause are:

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

Clause 19.03-5L – Waste

87. The relevant strategies of this clause are:

- (a) Make provision for waste and recycling in new development, including separation, storage and collection facilities and facilities for composting;

- (b) Ensure that the size and design of waste and recycling facilities can accommodate the waste and recycling likely to be generated by the development;
- (c) Ensure that waste and recycling facilities are located to enable ease of use by occupants and access for transport; and
- (d) Where possible, encourage waste and recycling facilities to be sensitively and discreetly located

[Other Relevant Documents](#)

Urban Design Guidelines for Victoria

88. 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

89. Plan Melbourne outlines a vision of Melbourne as a 'global city of opportunity and choice'. This vision is guided by seven key outcomes, each supported by directions and policies towards their implementation. Outcomes relevant to the land-use and built-form changes sought by this proposal include the following:

- (a) Outcome 1: Melbourne is a productive city that attracts investment, supports innovation and creates jobs;
- (b) Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity; and
- (c) Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods:
 - (i) Direction 1.1 seeks to create a city structure that strengthens Melbourne's competitive for jobs and investment, particularly regarding supporting the central city to become Australia's largest commercial and residential centre by 2050.

90. Policy 1.1.1 & 1.1.2 encourages new development opportunities to create grow office floor space amongst residential space is to deliver co-benefits of employment, reduced commuting and transport costs for workers and residents. Urban renewal precincts in and around the central city is acknowledged here to play major role in delivering high-quality, distinct and diverse neighbourhoods that offer a mix of uses.

91. Policy 4.3.1 seeks to integrate place-making practices into road-space management to ensure the design of streets encourages the use of active transport and facilitates a greater degree of and encounter and interaction between people and places.

92. Direction 5.1 outlines the ambition of creating a city of 20-minute neighbourhoods by encouraging the development of vibrant, mixed-use neighbourhoods linked by a network of activity centres. 'Walkability', 'housing diversity', 'ability to age in place' are identified here as key characteristics of 20-minute neighbourhoods.

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

93. The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to effectively plan for future employment and industry needs, and better inform future strategic directions. Map 4 within the document shows the industrial land within the inner metro region, identifying the site and those within the C2Z as existing regionally significant industrial land.

Yarra Spatial Economic and Employment Strategy

94. 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.
95. Relevant strategies for this land include:
 - (a) Strategy 1 – Support employment growth in Yarra's Activity Centres;
 - (b) Strategy 2 – Retain and grow Yarra's major employment precincts; and
 - (c) Strategy 6 – Retain Yarra's existing industrial precincts for manufacturing and urban services.
96. 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.
97. The Cremorne Major Employment Precinct (defined roughly by the C2Z land within Cremorne) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street South, Gipps Street (Collingwood) and Victoria Parade.

Cremorne Place Implementation Plan

98. The Victorian Planning Authority (VPA), Yarra City Council (YCC) and State Government agencies worked together to prepare a plan for the future of Cremorne. The final Place Implementation Plan provides:
 - (a) a high-level vision for the future of Cremorne that reflects input from the communities that live, work and invest there; and
 - (b) a prioritised set of projects that will progress delivery of that vision.
99. The goal of the plan is to mobilise State government and Council resources around the priority projects and ensure that these reflect the priorities of the community.
100. The VPA and YCC prepared an Issues and Opportunities Paper (November 2019) that outlined some key considerations planning in this area is required to address. These include the following (amongst others):
 - (a) competing demands on public space;
 - (b) desired building character; and
 - (c) providing diverse and affordable working spaces.

Revised Cremorne Urban Design Framework (Cremorne UDF)

101. On 25 October 2022, Council resolved to endorse the Draft Cremorne Urban Design Framework for consultation and adopt the proposed community engagement program to seek community feedback on the Draft UDF. Additionally, Council resolved to make some changes to the Draft UDF in relation to bicycle and walking connection policy, building setbacks and overshadowing.
102. Consultation on the Draft UDF was carried out between 7 November 2022 and 12 December 2022. The feedback was reviewed and the findings and final Draft UDF were presented to Council on 12 September 2023. Councillors resolved to request the Minister for Planning to approve interim built form provisions via a Ministerial amendment and requested consent to formally exhibit permanent planning provisions.
103. As shown in Figure 5 below, the subject site is located in the 'Cremorne West' Precinct. Relevantly, the subject site is not identified as a Strategic Redevelopment Site.
104. Built form controls have been developed for the subject site (draft DDO51) as follows:
 - (a) Preferred maximum height of 8 storeys (32 metres);
 - (b) Preferred maximum street wall height of 4 storeys (16 metres);

- (c) Preferred minimum upper-level setback of 5 metres (subject to solar);
- (d) On the eastern side of Cremorne Street, between Swan Street and Balmain Street, apply a mandatory minimum 1.5 metre ground floor setback (ground floor of building to be set back); and
- (e) Ensure no additional overshadowing of the eastern/western footpath of Cremorne Street and Church Street between 10am and 2pm at the spring equinox (September 22) for a minimum of 3 hours.

105. A number of design objectives have been included in the UDF for the subject site and are discussed within the assessment section of this report.

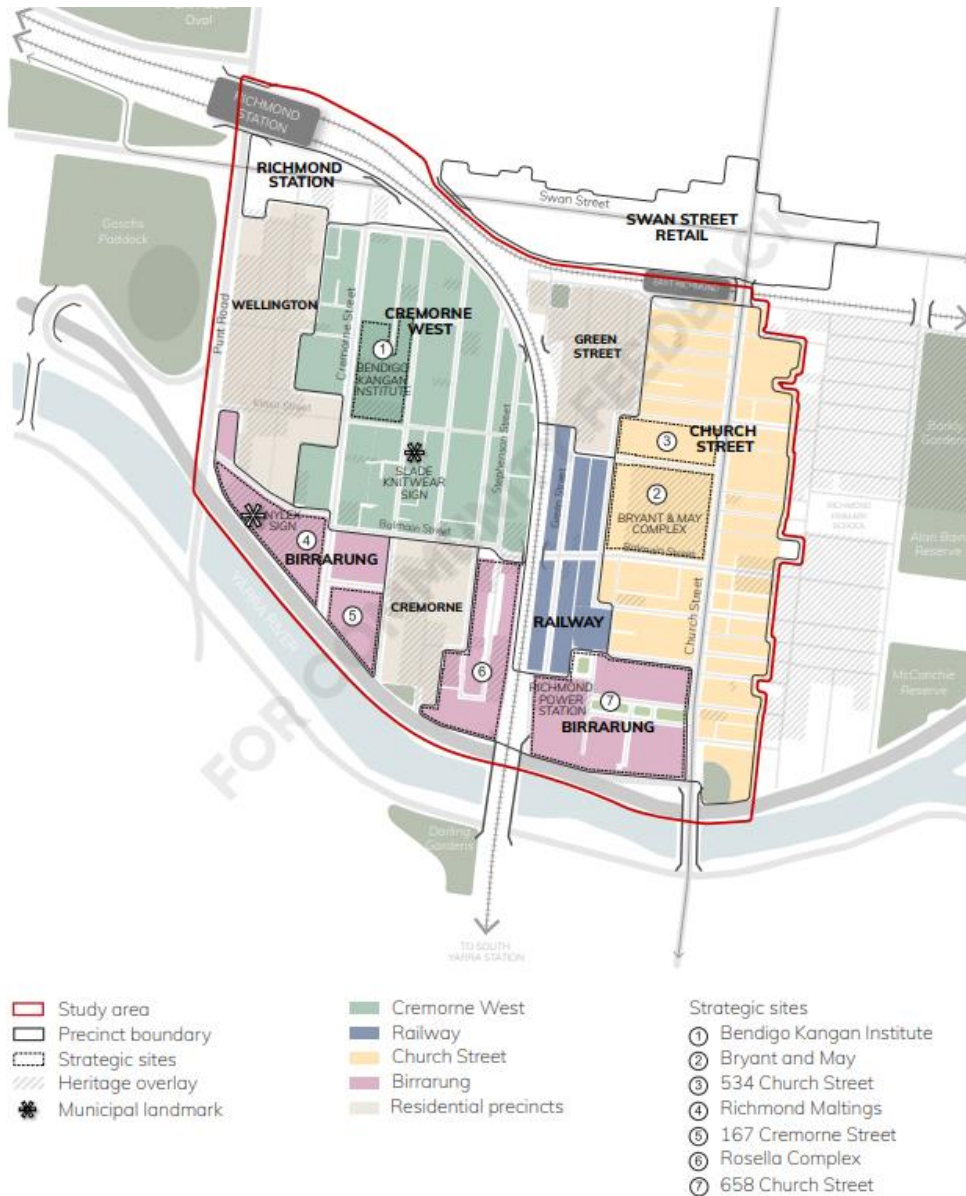
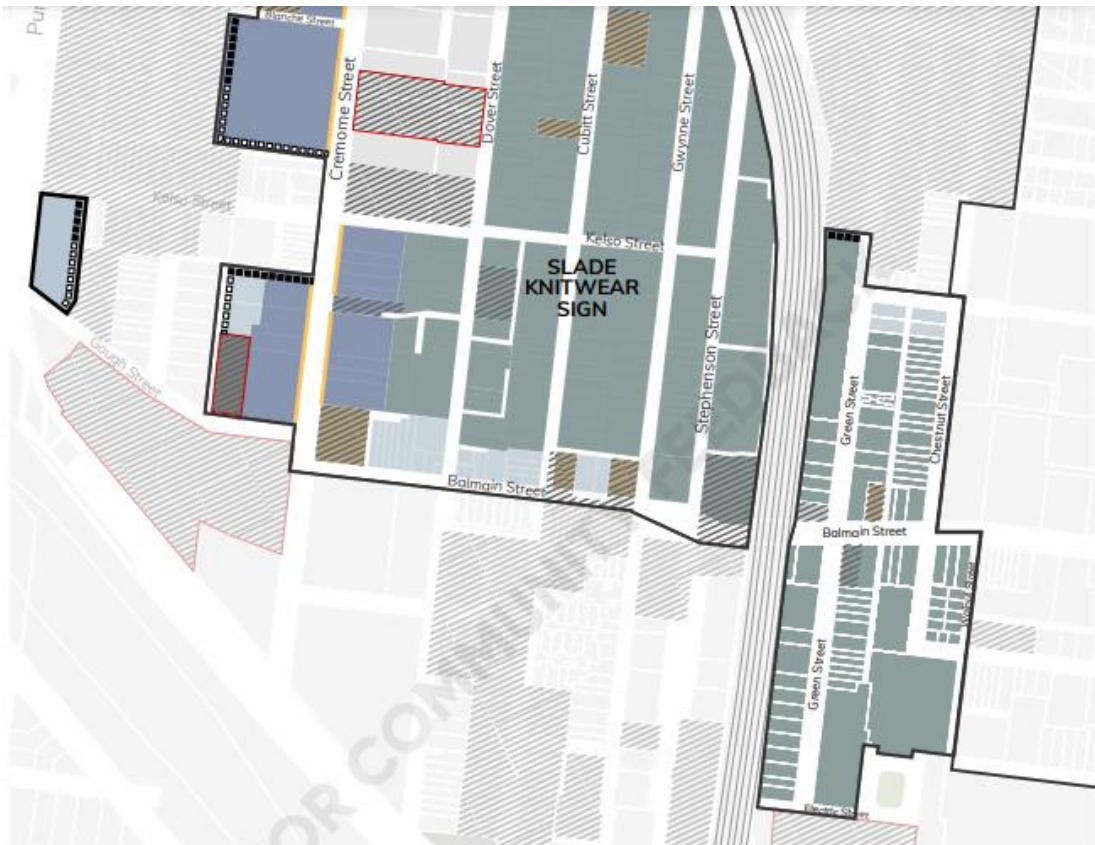


Figure 3 - Precincts



| | Maximum building height | Maximum street wall height | Minimum upper level setback |
|--|-------------------------|----------------------------|---|
| | 36m (9 storeys) | 16m (4 storeys) | 3m |
| | 32m (8 storeys) | 16m (4 storeys) | 5m (subject to solar) |
| | 28m (7 storeys) | 12m (3 storeys) | 3m 11m (112 Stephenson St (Cherry Tree Hotel), 105-129 Dover St* and 49-51 Balmain St**) |
| | 20m (5 storeys) | 12m (3 storeys) | 3m 5m (Balmain Street / Jessie Street) |
| | 12m (3 storeys) | --- | --- |

- Precinct boundary
 - Strategic sites
 - Heritage Overlay
 - Victorian Heritage Register
 - Residential laneway interface
 - Residential direct interface
 - Slade Knitwear Sign (HO343)
 - Primary view location
 - Limited development opportunity
 - Street setback
- For sites within the Heritage Overlay or adjacent to a site in the HO, refer to Objective 5.4.

*to ensure there is no additional overshadowing of the north side of Balmain Plaza
 ** to ensure blue sky behind the Slade Knitwear Sign is retained

Figure 5: Excerpts from Revised Cremorne UDF (September 2023)

Advertising

106. The Minister for Planning is the responsible authority and direction to give notice to Council under section 52(1) of the Planning and Environment Act 1987. The Department of Transport and Planning has undertaken the process of giving notice of the application
107. The Department of Transport and Planning have advised Council that five submissions have been received to the application, which raise the following key issues:
 - (a) design (height, scale, bulk, lack of setbacks, lack of response to dwellings to the east);
 - (b) amenity (including impacts to the dwellings to the east: overshadowing, overlooking, visual bulk, noise/ amenity impacts after business hours);
 - (c) traffic and car parking issues (including car parking reduction, traffic issues on Kelso Street and lack of pedestrian considerations and narrow footpaths);
 - (d) Oversupply of commercial space in Cremorne;

- (e) Misleading context comparisons; and
- (f) Limited notification and lack of consultation.

Referrals

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

- (a) Strategic Planning;
- (b) Urban Design;
- (c) Development Engineering Services; and
- (d) Environmental Sustainable Development Advisor (ESD).

109. The application was referred to the following external consultants:

- (a) Urban Design (Hodyl & Co.).

110. At the time of finalising this report the Waste Management referral had not been received, however referral advice will be provided direct to the DTP when available and a recommended condition has been included to accommodate any changes required.

111. Referral comments have been included as an attachment to this report and are discussed as relevant in the assessment and/ or conditions.

OFFICER ASSESSMENT

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

- (a) policy and strategic support;
- (b) draft Amendment C318yara (and Amended C317yara);
- (c) urban design;
- (d) off-site amenity;
- (e) environmental sustainability;
- (f) car parking / traffic;
- (g) bicycle facilities; and
- (h) waste management.

Policy and Strategic Support

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

114. The subject site is within a 'Major Employment Precinct' on the corner of Cremorne Street and Kelso Street, as recognised by Council's Strategic Framework Plan (at Clause 02.04) and is in close proximity (approximately 350m) to the Swan Street Major Activity Centre (MAC), which provides a wide range of retailing, services and food and drinks premises with good public transport links. Additionally, the site is located on Cremorne Street which is a primary access and pedestrian thoroughfare/ spine in an emerging office precinct with numerous retail offerings. The site's location is well serviced by local infrastructure and commercial activity.

115. Clause 11.03-1L (Activity centres) calls for commercial uses to be focused within Activity Centres (AC). The site is located within an employment precinct which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other ACs, residential areas and public transport. While the subject site does not directly form part of an AC, it is proximate to Swan Street MAC and Church Street which is also a Major Employment Precinct that is well-established, making it an appropriate location for the proposal.
116. The subject site area supports a growing employment base, consistent with the proposed office and shop uses. Clause 11.02-1S (Supply of urban land) highlights that planning should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas. The redevelopment of the subject site fulfills this aim.
117. More intensive development of the site is further supported at State level, with Clause 17.02-1S (Business), seeking adequate supply of commercial land in appropriate locations and to locate commercial facilities in existing or planned activity centres. The subject site provides the opportunity for these objectives to be achieved but the development should also have regard to the Revised Cremorne UDF (September 2023) in terms of the future planning of this precinct.
118. Objective 1 of the Council's Municipal Strategic Statement (MSS) seeks to increase the number and diversity of local employment opportunities, and strategies seeking to support increased commercial and office uses in industrial areas. The subject site is not identified as a 'Strategic Redevelopment Site' and is not a site that is earmarked for more intense development.
119. The Revised Cremorne UDF identifies seven strategic sites within the whole precinct. The subject site is in the Cremorne West precinct. The vision for the Cremorne West precinct as outlined within the Revised Cremorne UDF is to support diverse local and global creative and innovative businesses to create a vibrant and busy commercial precinct, with activity spilling out onto its streets. The Cremorne Implementation Plan (VPA, 2020) identifies Cremorne as a global innovation precinct with a vibrant village feel, new sustainable development, quality public spaces and active transport options. It follows that the proposed uses align with planning policy and achieve the vision for Cremorne as set out in the Revised Cremorne UDF and other relevant strategic documents.
120. The subject site is located within the Commercial 2 Zone (C2Z), a key purpose of which is to encourage commercial areas for offices (among other uses) and associated business and commercial services. The proposed office use is a Section 1 use (no permit required). The proposed shop at ground floor does not meet the section 1 conditions and is a Section 2 – permit required use under the C2Z. Regardless, both uses will provide an appropriate level of streetscape activation at ground floor level, as anticipated for the precinct.
121. The site has excellent access to shops, restaurants and community facilities, ensuring that the proposal will result in efficient use of existing infrastructure. This is consistent with the vision of Plan Melbourne which seeks to create 20-minute neighbourhoods where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport.
122. The proposal seeks to increase the commercial and retail offerings within the area. This is consistent with Clause 17.01.1L (Employment) which highlights that commercial and industrial sectors underpin a sustainable economy and provide employment, and further states that Yarra plans to foster a diverse and viable economic base.
123. The proposed uses will support economic opportunities in a highly accessible, service-rich area. The uses proposed will increase employment opportunities and are considered complementary to the surrounding area. Potential off-site amenity impacts will be discussed in detail later in the report.

124. Further, overarching State policy at Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This is reinforced at Clause 15.01-2S (Building design) which encourages... 'building design outcomes that contribute positively to the local context and enhance the public realm'. These elements will be discussed in detail throughout this report.
125. The Planning Policy Framework seeks to promote the use of sustainable personal transport and increased development close to high-quality transport routes (Clauses 18.01-3L, 18.02-1L, 18.02-2L and 18.02-4L). With regard to car parking, Clause 18.02-4L-01 supports the reduction in car parking where alternative modes of transport is available. This is consistent with the proposed Draft Amendment C318yara, which seeks to apply the PO2 to the precinct to support sustainable modes of transport and limit the amount of car parking needed in new development. The site is well connected to public transport opportunities, with tram services along Church Street (550m east) and Swan Street (350m north), as well bus routes along Hoddle Street (235m west), and the proximity of Richmond and East Richmond Railway Stations (500m north-west and 590m north-east, respectively). The site's proximity to high capacity public transport encourages the use of alternative transport modes to and from the site, which is encouraged by Clause 02.03 (Strategic direction) and Clause 18 (Transport).
126. The site is well-positioned to accommodate development, with excellent accessibility to jobs, services and good access to public transport, but this must be balanced against respecting the built form outcomes sought for the site. While the outcomes sought by the Revised Cremorne UDF (Draft Amendment C318yara) have not yet been incorporated into the scheme, a significant amount of strategic work has taken place to date. Clause 11.02-2S (Structure planning) supports the preparation of relevant plans to ensure effective and efficient management of land use and development of an area. Clause 15.01-1L (Urban design) and Clause 15.01-2L (Building design) seek to address built form considerations. 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.
127. Built form controls have been developed for the site as part of the Revised Cremorne UDF and is documented in Draft Amendment C318yara. This includes the proposed changes to Clause 11.03 (Planning for places) to insert a new policy Clause 11.03-6L (Cremorne Precinct) that supports Cremorne as a vibrant, diverse, accessible and high amenity enterprise precinct. This will include specific policy on land use, built form, access and movement, open space and the public realm.
128. Notwithstanding that a commercial development has strategic support in this location, it still needs to respond to the context and built form controls, which are discussed further below.

[Draft Amendment C318yara](#)

129. Draft Amendment C318yara is integral to the Council's consideration of this application, particularly in terms of strategic planning and urban design considerations. As noted above, even though this has not yet been incorporated into the scheme, the strategic work that has been undertaken is relevant in terms of its assessment of this application.
130. The Cremorne UDF recommends a planning scheme amendment to manage growth in Cremorne. Council has requested consent from the Minister for Planning to exhibit the Draft Amendment C318yara. Council has also requested the Minister for Planning approve interim built form controls by way of a Ministerial amendment via Amendment C317yara.
131. The amendment includes a new planning policy Clause 11.03-6L (Cremorne Precinct), new built form controls in the form of Design and Development Overlays (DDO), in particular DDO51 (Cremorne West) would apply to the site and a new Schedule 2 to the Parking Overlay (PO2) which would apply to the subject site.

DDO51

132. The proposed DDO51 specifically applies to the Cremorne Enterprise Precinct – Cremorne West'. It has following Design objectives:

- (a) *To create a thriving enterprise precinct that delivers high quality, innovative and environmentally sustainable development to support a wide range of commercial and employment opportunities;*
- (b) *To support a new mid-rise built form character with taller built form on the Cremorne Street activity spine and the northern portion of Stephenson Street, lower built form on narrow streets and a lower mid-rise form at the interfaces with adjoining low rise residential areas;*
- (c) *To reinforce Cremorne West's industrial character through a mix of innovative architecture and heritage places and identified character buildings that reinforce a human scale, reflect the fine grain character and do not overwhelm narrow streets;*
- (d) *To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level; and*
- (e) *To ensure development responds to interfaces with residential precincts by providing a suitable transition in scale and form that minimises amenity impacts through visual bulk, overlooking and overshadowing.*

2.6 Cremorne West Precinct Heights, Setbacks and Interface Plan

Plan 1: Building Height, Setbacks and Interface Plan - Cremorne West Precinct

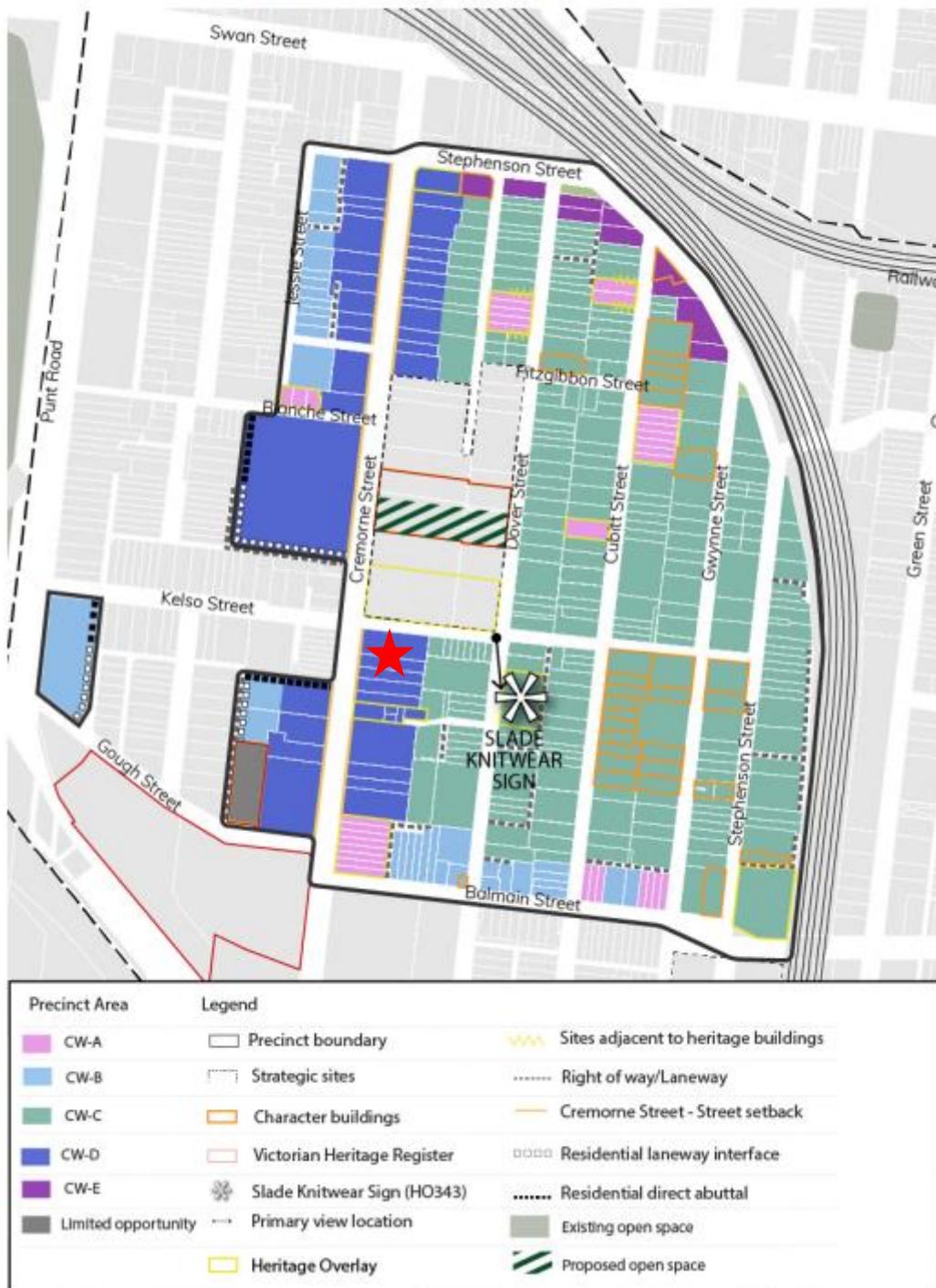


Figure 6: Excerpt from draft DDO51, subject site identified by red star

- 133. The subject site is in Precinct 'CW-D' in the Plan 1 Building height, Setbacks and Interface Plan.
- 134. Pursuant to the Draft DDO51, a permit is required to construct a building or construct or carry out works (there are some exemptions that are not relevant to this application).
- 135. The DDO51 has mandatory requirements and discretionary requirements.

Clause 2.3 Building height requirements

136. At Clause 2.3 of the schedule under 'Building height requirements' it states: *A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in Plan 1 and Table 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:*

- (a) *the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule;*
- (b) *the proposal will achieve design excellence through each of the following:*
 - (i) *greater building separation than the minimum requirement in this schedule;*
 - (ii) *provide a safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bike parking;*
 - (iii) *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;*
 - (iv) *no additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;*
 - (v) *where a site contains a character building it is retained and incorporated within the design of a future building; and*
 - (vi) *provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34; and*
- (c) *Architectural features and service equipment and/or structures (as specified) may exceed the preferred height.*

137. Table 1 Height and Setbacks provides the following:

| Built Form | Preferred Requirement | Mandatory Requirement |
|---|--|--|
| Area CW-D | | |
| Maximum building height | 32m | None specified |
| Minimum street wall setback | 9-11 Cremorne Street - 0m 119 Cremorne Street - 0m | Western side of Cremorne Street - 3m whole building setback Eastern side of Cremorne Street - 1.5m ground floor setback |
| Maximum street wall height | 9-11 Cremorne Street - Retain heritage street wall 119 Cremorne Street - Retain existing heritage street wall Elsewhere - 16m | None specified |
| Minimum upper level setback (measured from the property boundary) | 119 Cremorne Street – 12m with the two uppermost levels setback a further 3m to retain the entire heritage building including all chimneys and roof form Elsewhere - 5m | None specified |
| Maximum boundary wall height | 24m | None specified |

138. The following response table as provided by Council's external Urban Design referral response:

| Design Guidelines | Amendment C317YARA Cremorne Precinct Interim Planning (DDO051) | Permit Application |
|--------------------------------|---|---|
| Building height | A preferred maximum building height of 32m | Proposed building height of 53.7m |
| Ground level building setbacks | A mandatory 1.5m building setback to the eastern side of Cremorne Street. | Proposed 0.935m setback to the west end of Kenso Street. No setbacks to Cremorne Street. |
| Boundary wall heights | A preferred maximum boundary wall height of 24m | Proposed boundary wall height of approximately 13.7m |
| Upper-level setbacks | A preferred minimum upper-level setback of 5m | Proposed upper-level setback of 3m |

139. The proposed building height is 49.5m at the rear and 36.9m at Cremorne Street, both of which exceed the preferred maximum height of 32m for the site under proposed DDO51. Whilst this is a 'preferred' maximum building height rather than a 'mandatory' maximum building height, the proposal does not demonstrate compliance with all of the considerations (as required) under which a permit could be granted for a building that exceeds the preferred building height.
140. DDO51 supports taller built form on Cremorne Street and the northern portion of Stephenson Street (located approximately 300 metres north of the site), not at the location of the review site.
141. Heights of 8 storeys / 32m are proposed for Cremorne Street. Approved and constructed developments along Cremorne Street are generally 8-9 storeys in height (the exception being the approval at 31-53 Cremorne Street at 13 storeys). Lower building heights of 7 storeys / 28m are applied in narrower streets such as Kelso Street.
142. A key concern is the scale of the development on Kelso Street and that the height of the development is substantially higher at the rear (south-east corner), rather than on Cremorne Street. In particular, the proposed building height is 49.5m at the rear, as compared to a proposed height of 36.9m at Cremorne Street. Both of which exceed the preferred maximum building height of 32m under the DDO51.
143. A height of 49.5m on the Kelso Street frontage will overwhelm the street, especially when considering the minimal street setback and a 3m upper level setback.
144. The proposed height in combination with a lack of adequate upper level setbacks and street wall setbacks visually dominates the streetscape.
145. In addition, this site is at the edge of the activity centre, immediately adjacent to small residential lots outside the AC which will never develop to a scale. The design, with its excessive height, does not provide an appropriate transition.
146. Strategic planning unit and external referral response do not support the height proposed in the application. This, in combination with other issues in this report do not warrant a height in excess of the preferred 32m. The overall building height should be lowered to align with the Design Objectives in DDO51, including '*To ensure development responds to interfaces with residential precincts by providing a suitable transition in scale and form that minimised amenity impacts through visual bulk, overlooking and overshadowing*'.

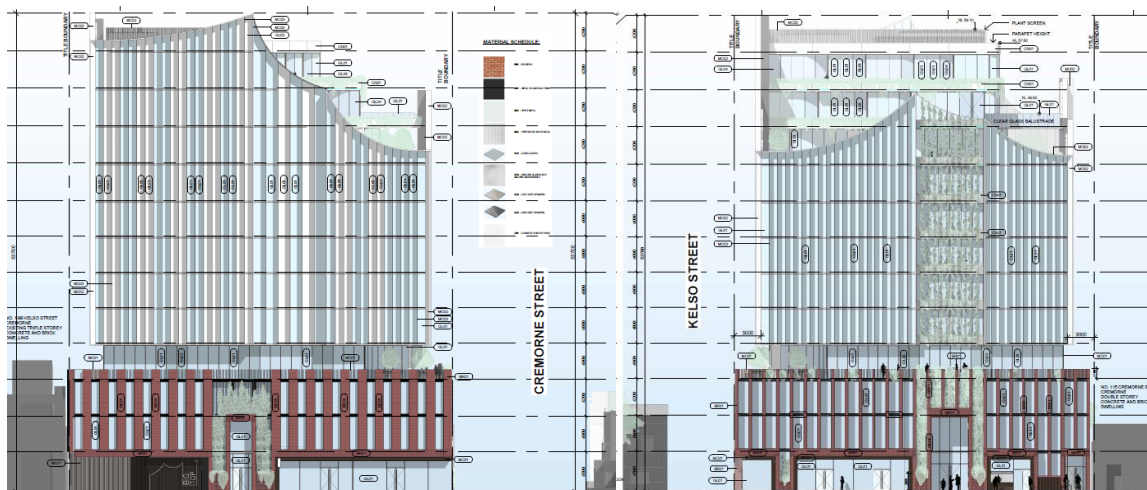


Figure 7: Kelso Street north elevation (left), Cremorne Street west elevation (right), source: applicant materials

Figure 1: Proposed building height with approximate preferred maximum building height shown as red line.

Figure 2: Artists impression - Taller built form to the rear of the site on Kelso Street

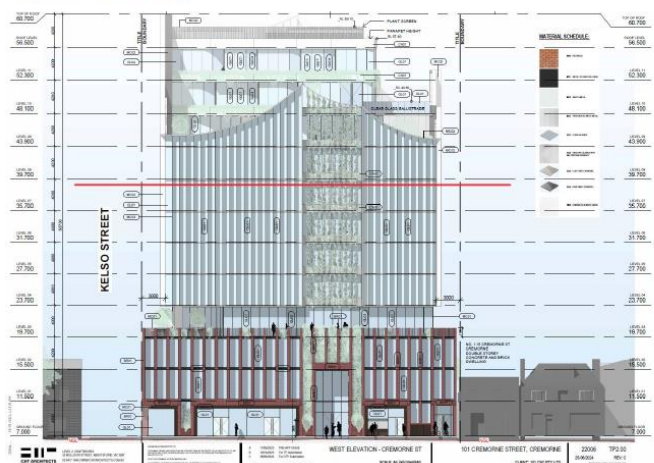


Figure 8: Proposed building height with approximate preferred maximum building height shown as red line (left) and Artiste impression showing taller built form to the rear of the site on Kelso Street (right), source: applicant materials

Clause 2.4 Street Wall Height and Setback Requirements

147. The Table1 sets out mandatory street wall requirements for the subject site, stating a 1.5m ground floor setback applies to the Eastern side of Cremorne Street. This is a mandatory requirement which cannot be varied by a permit. The proposal does not include a 1.5m setback along Cremorne Street.
148. While it is not included in the DDO51, the Revised Cremorne Urban Design Framework does identify that on larger sites, a greater front setback (whole of building) is expected. The Strategic Planning unit recommends whole of building setbacks are applied to the street walls on Cremorne and Kelso Streets given the size of the site and scale of development.
149. Council's Strategic Planning unit and Council's referral to external consultant agrees with advice from Councils' Urban Design unit that a setback should also be provided to Kelso Street. This is necessary to create a usable width along the Kelso Street frontage. The proposed setback along Kelso Street should be consistent across the frontage (i.e. the proposed planter boxes to be relocated to sit within the setback).
150. In addition to the above mentioned street setback, the external Urban Desing referral consultant recommends the Kelso Street entrance should be set back to enhance pedestrian access and movement.

151. The following stated outcomes apply:

- (a) *Street walls should:*
 - (i) *be designed to reinforce a pedestrian scale along streets and laneways; and*
 - (ii) *include architectural detailing such as high quality tactile materials and depth and articulation to ensure an engaging pedestrian experience;*
- (b) *Development should:*
 - (i) *provide chamfered building corners at intersections (where appropriate) to create additional public space at points of pedestrian congestion; and*
 - (ii) *expand the public realm through inset building entrances and integrated seating with foot clearance (where appropriate); and*
- (c) *Where heritage is not a constraint, sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping that respond to the circumstances of the street.*

152. The Table1 sets out the preferred maximum street wall height is recommended to be 16m.

153. The proposed street wall height is 13.8m (three storeys), which satisfies this requirement.

154. While it is not addressed under the headings, the Table 1 sets out a preferred maximum boundary wall height of 24m. The proposed street wall height (podium height) of 13.8m applies to the boundaries, which satisfies this requirement.

Clause 2.5 Upper Level Setback Requirements

155. The Table1 sets out a preferred minimum upper level setback (measured from the property boundary) of 5m. The proposed upper level setbacks are 3m to Cremorne Street and Kelso Street, which does not meet the requirements of proposed DDO51. There are no specifically listed considerations under which a variation can be considered. The following stated outcomes apply:

- (a) *Development should:*
 - (i) *provide upper level setbacks above the street wall to reduce the visual impact of buildings experienced from the street;*
 - (ii) *incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall;*
 - (iii) *contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form;*
 - (iv) *be setback from heritage buildings to ensure they do not detract from their visual prominence when viewed directly or obliquely along the street; and*
 - (v) *be set back to ensure architectural features of heritage buildings remain visible.*

156. Proposed DDO51 recommends a preferred 5m upper level street setback to both Cremorne Street and Kelso Street frontages in order to manage the visual impact of buildings when experienced from the street.

157. While the design of the building demonstrates a differentiation between the podium and tower in terms of materials, the proposed 3m upper level setback is insufficient and in particular, would result in the tower element visually dominating and overwhelming the narrow Kelso Street streetscape.

158. The Cremorne Street frontage is more robust however, Cremorne Street is wider, however, it is identified as an activity spine where 'human scale' development is sought.

Clause 2.7 Building Separation Requirements

159. Table 2 provides building separations distances, the following are relevant to the subject site:

| Overall height of the building | Minimum setback from common property boundary or laneway centreline |
|---|---|
| 1-3 levels above boundary wall height | 3m |
| 4 or more levels above boundary wall height | 4.5m |

160. The proposed upper level setbacks to the boundary interfaces are varied. A minimum setback of 3m is generally proposed to levels 4 – 11 (eastern boundary) and levels 4- 9 (southern boundary). Given the overall height of the building is 4 or more levels above the proposed boundary wall height, the 4.5m setback should apply. Even if the maximum building height of 32m was adopted for the proposal, it would still present as 5 levels above the proposed boundary wall height.
161. It may be argued that proposed DDO51 allows a 24m boundary wall height ,whereas a 13.8m boundary wall height is proposed (3 storeys). A boundary wall of 24m would not be recommended for this site having regard to its boundary interfaces.
162. The intent of the building separation requirement is to ensure buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.
163. Building separation is also important to ensure the development of one site does not prevent the development of a well-designed building on the adjacent site (sometimes referred to as 'development equity'). Strategic Planning is concerned about the impacts that a 3m upper level setback will impact on the amenity of future development on neighbouring sites to the south and east.
164. The following stated outcomes apply:
- (a) *Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight, sunlight penetration and views to the sky above the street wall;*
 - (b) *For sites with a frontage of 20m or more, upper level development at common side and rear property boundaries should be set back above the boundary wall height as shown in Table 2;*
 - (c) *Where a site adjoins an existing blank boundary wall, development may be constructed on that boundary to the height of that existing wall;*
 - (d) *Where development is proposed on the boundary above the boundary wall height, it should:*
 - (i) *Be well articulated if visible from the street;*
 - (ii) *Not run the full length of the boundary; and*
 - (iii) *Not result in a continuous wall of buildings when viewed from the street; and*
 - (e) *Development with multiple buildings on a site should be setback at upper levels above the boundary wall height as shown in Table 2.*

Clause 2.8 Overshadowing Requirements

165. A permit must not be granted to construct a building or construct or carry out works that: *would cast any additional overshadowing of the following space between 10am and 2pm at 22nd September for a minimum of 3 hours:*

- (a) *Any part of the opposite footpath of Cremorne Street, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).*

166. The plans indicate overshadowing occurs on the western footpath of Cremorne Street between 10am and 11am. No overshadowing of the footpath after 11am. The application meets the overshadowing requirements.

Referral comments:

167. Council's Strategic Planning and Urban Design units and external Urban Design consultant have provided referral comments in relation to the application, particularly having regard to the DDO51.

168. In terms of the external Urban Design consultant, it recommends the following changes:

- (a) Lower the building height to align with the Design Objectives in DDO51, including 'To ensure development responds to interfaces with residential precincts by providing a suitable transition in scale and form that minimised amenity impacts through visual bulk, overlooking and overshadowing';
- (b) Introduce a 1.5 metre ground-level setback on Cremorne Street to prioritise pedestrian access and safety, and to create a high-quality public realm that accommodates street trees and public seating;
- (c) Provide a minimum 5m upper-level setback to Cremorne Street to preserve view-lines, reduce visual bulk, and minimise overshadowing; and
- (d) Provide an additional ground level setback to Kenso Street (as outlined in the Public Realm section of this report).

169. In addition, it recommends:

- (a) The vehicle service bay on Cremorne Street should be relocated to facilitate a high-quality landscape incorporating street trees, public seating, and on-street bike parking. If relocation is not feasible, consider shifting it as far south as possible to allow for the inclusion of street trees, greening, seating, and bike parking closer to the Kelso Street intersection; and
- (b) Establishing a consistent kerb line along Cremorne Street with evenly spaced street trees. Additional greening or seating opportunities should be integrated into the building design or positioned between street trees in alignment with the kerb.

170. In terms of the Urban Design unit, the proposal not supported in principle in its current form, stating that: *The proposal fails to respond to the streetscape and public realm objectives of the Cremorne Urban Design Framework and associated Design and Development Overlay (DDO51).* More specifically:

- (a) The Cremorne UDF provides for a minimum 1.5 metre ground level setback to the East side of Cremorne Street and a full-building setback for larger sites;
- (b) Considering the large size of this site a full building setback of at least 1.5 metres is required. The built-to-boundary condition proposed along Cremorne Street is not supported. An increased setback of at least 1.5 metres must be provided along the whole site boundary to Cremorne Street;
- (c) Corner chamfers are required under the Cremorne UDF at busy intersections. The intersection of Cremorne and Kelso Streets is currently very busy and pedestrian volumes will increase considerably with this development. Considering the space constraints where pedestrians wait at crossing points, extra space provided by a chamfered corner at this point will substantially improve pedestrian amenity;
- (d) A central commercial entrance is proposed along Cremorne Street, with the generous lobby space recessed centrally within the building. This space could contribute to a more active public realm interface if located closer to the street edge on Cremorne Street;

- (e) Urban design supports the provision of a ground floor setback to Kelso Street as this is necessary to create a usable footpath width along the Kelso Street frontage. Planter boxes should be integrated into the building line, as the design of planter boxes in this setback compromises its usefulness as pedestrian movement space;
 - (f) The ground floor at Kelso Street features a substation at the public realm interface, considering the scale of the development and size of the substation it would be preferable for this to be located underground so that a larger area of active public realm can be provided at ground level. However, it is also noted that there is an existing substation easement in this location that apply to the site;
 - (g) The following streetscape enhancements are recommended within Cremorne Street:
 - (i) 3 street trees;
 - (ii) 3 planter beds; and
 - (iii) 2 public seats (minimum);
 - (h) Streetscape enhancements in form of street trees and landscaping must be detailed on a Public Realm and Streetscape Plan and this is recommended as a condition should a permit issue. A Public Realm and Streetscape Plan must be provided to the satisfaction of Urban Design;
 - (i) The bluestone paving is supported along Cremorne Street frontage but should not extend down Kelso Street. The footpath at Kelso Street to be asphalt surface;
 - (j) No visitor bike parking is provided at the building frontage. Statutory bike parking must not be provided in the public realm and should be shown within the site boundary. Bicycle parking must not obstruct pedestrian movements within ground level setbacks particularly those required for minimum pedestrian clear width of 1.5 metres (Cremorne Street); and
 - (k) The removal of the existing vehicular crossover to the southern end of the Cremorne Street frontage provides an opportunity for additional on street parking. The southern section of the Cremorne Street frontage should accommodate a DDA parking bay.
171. A similar position was taken by the Strategic Planning unit in terms of the assessment against the provisions of the proposed DDO51, stating that: *The application does not comply with a number of provisions within proposed DDO51 Cremorne West Precinct. If an application was assessed against DDO51, a permit should not be granted in its current form. There are numerous changes required to the design to achieve the built form outcome envisioned in the DDO51 - notably, building height, street wall setbacks, upper level setbacks and building separation.*
172. The following amendments to the application are required to comply with proposed DDO51:
- (a) The building height reduced to match the preferred height of 32m;
 - (b) The ground floor setback increased to 1.5m on the Cremorne Street and Kelso Street frontages and given the size of the site and the scale of the development the setbacks should be considered for the whole of building setback to these frontages;
 - (c) The upper levels setback of 5m from Cremorne Street and Kelso Street; and
 - (d) The upper levels on the southern and eastern elevations setback 4.5m from the boundaries.
173. The application in its current form does not meet key elements of the following design objectives under proposed DDO51, namely:
- (a) *To support a new mid-rise built form character with taller built form on the Cremorne Street activity spine and the northern portion of Stephenson Street, lower built form on narrow streets and a lower mid-rise form at the interfaces with adjoining low rise residential areas;*

- (b) *To reinforce Cremorne West's industrial character through a mix of innovative architecture and heritage places and identified character buildings that reinforce a human scale, reflect the fine grain character and do not overwhelm narrow streets; and*
- (c) *To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.*

174. Cremorne Street is identified in the Revised Cremorne UDF as the heart of the Cremorne Enterprise Precinct. The intention is Cremorne Street will become a leafy pedestrian and cycle friendly spine. The proposal to build to the boundary (with some small insets) along Cremorne Street is not supported.

Urban Design

175. The principal urban design matters have been considered under the DDO51 assessment above, particularly in terms of public realm considerations, building heights and setbacks. Clause 15.01-1L (Urban design) and Clause 15.01-2L (Building design) seek to address built form considerations. The following relevant matters are addressed:

Wind

176. The application relies on the Wind Impact Assessment (Vipac, Rev 4, dated 4 July 2024).

Materials

177. The choice of materials and the clear differentiation between the lower and upper levels of the building is supported. The use of brick for the lower floors and lighter detailing for the upper levels is a positive aspect of the building design.

Off-site amenity

178. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 11.03, 13.07 and 15.01 as well as the decision guidelines of the Commercial 2 Zone at Clause 34.02-7. The decision guidelines of the Commercial 2 Zone and local policy call for new development to consider overlooking impacts to nearby land in residential zones.

179. Situated within the Commercial 2 Zone, the subject site has an immediate interface with dwellings in a residential zone to the west on the opposite side of Cremorne Street. It also has an immediate interface to buildings with residential components to the east, although these are zoned Commercial 2 where dwellings are prohibited. Therefore those dwellings have a significantly lower amenity expectation compared to those in residential areas (even if some of them benefit from existing use rights).

180. Key off-site amenity considerations are as follows.

Overshadowing

181. The proposal would not cause any unreasonable overshadowing to the nearby residentially zoned dwellings to the west, with only the front yards overshadowed in the morning at the September equinox. The balcony and courtyards abutting the site to the east would already be overshadowed to some extent by existing buildings, and any additional overshadowing is acceptable within the Commercial 2 Zone.

Overlooking

182. In respect of potential overlooking, although there is no technical standard, 9m is generally a guide in respect of dwellings in a residential zone. The dwellings to the west are located just beyond 9m from the new building. Therefore it is accepted that there would be no unreasonable overlooking to them.

183. The most potential for direct views to the balcony and courtyards to the east would be from the first and second floor east facing windows (views from upper levels would be at more oblique angles). While these dwellings are not protected from all overlooking because they are in the Commercial 2 Zone, obscure glazing to 25% transparency is proposed to those windows which would limit overlooking from those vantages.

Daylight to windows

184. There would be no unreasonable impact on Daylight to windows of the dwellings to the west, given the building separation of over 9 m.
185. There appear to be habitable room windows to the east. The development has incorporated a setback in the podium from the east boundary to match the dimensions of the courtyard to the immediate east. This will ensure some access to daylight to the windows which face onto it, which is generally acceptable.

Visual bulk

186. Visual bulk impacts are of concern, given the failure to achieve the height and setback requirements of the DDO and the lack of street setbacks and poor streetscape interface which would all exacerbate potential visual bulk to both the residentially zoned properties and other adjoining properties and public realm interfaces.

Noise impacts

187. Noise impacts are relevant particularly in respect of the proposed Shops, which require a permit in the commercial 2 zone, and that three of the shops would directly face the residentially zoned area. To ensure no unreasonable impacts from them conditions to restrict hours of operation and other standard matters including the preparation of an Acoustic report are recommended for inclusion in the event any permit should issue.

Equitable Development

188. Allowing for equitable development of adjoining properties is a significant concern, given the failure to provide building separation as specified by the DDO. This is specifically from the east and south boundaries to which the site has direct abutments with a number of properties that have the potential to develop in the future. This fails to respond appropriately to surrounding properties, and as advised in the Strategic Planning referral:

*The application **does not comply** with the building separation requirements of the DDO51. The DDO allows for development to be built on the boundary up to 24m, excluding interfaces where street wall height controls apply. A 4.5m building separation setback to upper levels is required above 24m for these interfaces.*

The intent of this requirement is to ensure buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

The eastern and southern boundary wall is 13.8m high, lower than the maximum provided for in DDO51. However, the upper level setbacks do not meet the 4.5m requirement.

Technically this requirement would apply to Level 6 and above, however a setback of 4.5m should apply to the whole frontage rather than stepped approach of 3m for Levels 3 to 5 and 4.5m for higher levels.

Building separation is also important to provide development equity and ensure the development of one site does not prevent the development of a well-designed building on the adjacent site. Strategic Planning has concerns about the impacts that a 3m upper level setback will impact on the amenity of future development on neighbouring sites to the south and east.

Environmental sustainability

189. Based on the referral advice of Council’s ESD Advisor, the proposal is considered to exceed Council’s ESD standards. While the Daylight modelling is based on existing conditions rather than an equitable development scenario and in some instances the whole area of the office floors has been excluded, based on the performance it appears it would still meet required standards anyway.

Car parking / traffic

190. The application relies on the Traffic Engineering Assessment (Traffix Group, Rev F, dated 30 July 2024) to address car parking and traffic considerations. As set out in this report, under the provisions of Clause 52.06-5, the proposal’s statutory parking requirements are:

| Use | Size / No. | Statutory Parking Rate (Column B) | Parking Requirement ⁽¹⁾ | Parking Provision | Shortfall / Surplus |
|--------------|----------------------|---|------------------------------------|-------------------|---------------------|
| Office | 10,917m ² | 3.0 spaces per 100m ² of NFA | 327 | 94 | -233 |
| Shop | 596m ² | 3.5 spaces per 100m ² of LFA | 20 | 0 | -20 |
| TOTAL | | | 347 | 94 | -253 |

Notes:
 1. Clause 52.06-5 specifies that where a car parking calculation results in a requirement that is not a whole number, then number of spaces should be rounded down to the nearest whole number.

191. Based on the table above, a total of 347 car spaces are required under Clause 52.06-5, including 327 office spaces and 20 shop tenancy spaces.

192. The provision of 94 car spaces on-site results in a statutory shortfall of 253 car spaces, comprising 233 office and 20 shop spaces.

193. Accordingly, a Car Parking Reduction is required under Clause 52.06-7.

194. Under Amendment C318yara the proposed PO2 would apply the following car parking requirements:

- (a) A permit is not required under Clause 52.06-3 to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 for any use specified in the Table to this schedule; and
- (b) A permit is required to provide more than the maximum parking provision specified for a use in the Table to this schedule.

Table: Car parking spaces

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

For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B of Table 1 in Clause 52.06-5 applies.

195. Under this provision, the proposal would generate a statutory requirement for a total of 115 car parking spaces and 94 car parking spaces is proposed. A permit would not be required under Clause 52.06-3 to reduce the number of spaces and given the proposal does not exceed the maximum number of car parking spaces in the Table, a permit is not required under the PO2.

196. On this basis the proposed number of car parking spaces is supported. Conditions are recommended should any permit issue, to address layout requirements in accordance with Council’s Development Engineering referral advice.

Bicycle facilities

197. The application relies on the Traffic Engineering Assessment (Traffix Group, Rev F, dated 30 July 2024) to address bicycle facility considerations. As set out in this report, under the provisions of Clause 52.34, the proposal’s statutory bicycle parking requirements are:

| Use | Size/No. | Statutory Bicycle Parking Requirement | | No. Bicycle spaces required |
|-----------------------------|----------------------|--|---|-----------------------------|
| | | Employee | Visitor/Customer | |
| Office | 10,917m ² | 1 to each 300m ² of net floor area if the net floor area exceeds 1000m ² | 1 to each 1000m ² of net floor area if the net floor area exceeds 1000m ² | 36 employee 11 visitor |
| Shop (other than specified) | 596m ² | 1 to each 300m ² of leasable floor area | 1 to each 500m ² of leasable floor area | 2 staff 1 customer |
| TOTAL | | | | 50 spaces |

198. Based on the provision of 136 bicycle spaces, no permit is triggered for bicycle parking under Clause 52.34.
199. Council’s Urban Design unit considers the visitor bicycle parking should be provided at the building frontage. Bicycle parking required by the statutory rate must not be provided in the public realm and should be located within the site boundary. Bicycle parking must not obstruct pedestrian movements within ground level setbacks particularly those required for minimum pedestrian clear width of 1.5 metres (Cremorne Street).
200. Clause 52.34 also requires consideration of end-of-trip facilities and the design of the bicycle parking spaces. The table below reviews the design and provision of these facilities.

| Requirement | Assessment | Design Response |
|--|------------|---|
| <i>End of Trip Facilities - Table 2 & 3 of Clause 52.34-5</i> | | |
| If 5 or more employee bicycle spaces are required, 1 one shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. | ✓ | 11 showers is required for 136 employee bicycle spaces and 11 shower/change rooms are proposed. |
| 1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room. | ✓ | The changeroom is combined with the shower. |
| <i>Design of Bicycle Parking</i> | | |
| Does the design comply with the design requirements of Clause 52.34-6? | ✓ | All bicycle spaces are designed in accordance with the bicycle parking specifications. |
| Does the design comply with the requirements of AS2890.3-2015? | ✓ | |

201. Based on the above, no permit is triggered for end of trip facilities under Clause 52.34.

Waste management

202. A Waste Management Plan (WMP) prepared by Traffix Group, Rev E, dated 3 July 2024 has been submitted by the applicant. Collection is proposed from the on-site loading bay area, accessed via Kelso Street. The WMP specifies that a private contractor will manage the collection and disposal of all waste within the development, with a dedicated bin storage room adjacent to the loading bay.

Other matters: key issues raised in submissions

203. A response will be made to the key issues raised in the submissions:

- (a) design (height, scale, bulk, lack of setbacks, lack of response to dwellings);

Refer assessment above.

- (b) amenity (including impacts to the dwellings to the east: overshadowing, overlooking, visual bulk, noise/ amenity impacts after business hours);

As outlined in the assessment above, it is considered that there would be no unreasonable overshadowing or overlooking to the adjoining dwellings, however there is potential for visual bulk to those dwellings and from within the public realm. Potential noise impacts would be addressed through recommended conditions, should a permit issue.

- (c) traffic and car parking issues (including car parking reduction, traffic issues on Kelso Street and lack of pedestrian considerations and narrow footpaths);

Refer assessment above. The proposal has failed to provide a positive public realm and pedestrian experience. Car parking provision is considered to be acceptable for the reasons discussed in the assessment.

- (d) oversupply of commercial space in Cremorne;

Cremorne is an identified major employment precinct, that is zoned Commercial 2, and is therefore suitable for commercial development.

- (e) misleading context comparisons; and

Council officers have scrutinised all application material as part of undertaking this detailed assessment.

- (f) limited notification and lack of consultation.

Council officers provided the DTP with a list of properties that it considered should be notified based on the scale of this development to fulfil the obligations of s 52 of the *Planning and Environment Act 1987*, however we understand that a lesser number of properties were notified.

Conclusion

204. The proposal does not comply with the Draft Amendment C318yara and Amendment C317yara and is not supported due to the inappropriate scale (excessive height and massing), lack of building separation and poor public realm outcomes.

205. Notwithstanding this, it is recommended that if the Minister for Planning is of the mind to issue a planning permit, it should subject to the following key recommendations (addressed through the draft conditions):

- (a) The building height reduced to a maximum of 32m;

- (b) The ground floor setback increased to 1.5m on the Cremorne Street frontage;

- (c) A chamfer at the ground floor corner at the intersection of Cremorne and Kelso Streets is provided;

- (d) The proposed ground floor setback on Kelso Street increased to 0.95 to 1.5 metres across the building frontage;

- (e) The upper levels (above the podium) setback 5m from Cremorne Street and Kelso Street;
- (f) The upper levels (above the podium) on the southern and eastern elevations setback 4.5m from the boundaries; and
- (g) Provision of a public realm plan.

RECOMMENDATION

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported due to the inappropriate scale (excessive height and massing), lack of building separation and poor public realm outcomes. Notwithstanding this, the following list of recommended conditions will be provided that can be included on any planning permit should the Department of Transport and Planning be of a mind to grant the permit:

Recommended conditions:

Amended Detailed Development Plans

1. Before the development starts, excluding demolition, excavation, piling, site preparation works, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Minister for Planning (Minister). The plans must be generally in accordance with the submitted architectural plans prepared by CHT Architects, Revision C, dated 25 June 2024, but modified to include or show/address:
 - (a) A maximum building height of 32m;
 - (b) The ground floor of the building setback 1.5m on the Cremorne Street frontage;
 - (c) A chamfer at the ground floor corner at the intersection of Cremorne and Kelso Streets;
 - (d) The ground floor of the building setback a minimum of 1.5 m from Kelso Street for the length of the building comprising the two tenancies, and a minimum of 0.935 m from Kelso Street for the remaining length of the building (and clear of all structures attached to the building, including planter boxes);
 - (e) The upper levels (above the podium) setback 5m from Cremorne Street and Kelso Street;
 - (f) The upper levels (above the podium) on the southern and eastern elevations setback 4.5m from the boundaries;
 - (g) Substation relocated into the basement;
 - (h) Visitor bicycle parking within the site boundary and outside the 1.5m setback to Cremorne Street;
 - (i) Dimension the width of the development's car park entrance;
 - (j) Dimension the width of the internal vehicle accessway;
 - (k) A vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's Vehicle Crossing Information Sheet;
 - (l) Dimension the length of each ramp section for the ramp between basement 1 and 2;
 - (m) Dimension the headroom clearance at the car park entrance;

- (n) Dimension the width and depth of the loading bay;
- (o) Delete the proposed pavement for the vehicle crossing and replace with a material as per Council's Infrastructure – Road Materials Policy 2018;
- (p) Any requirement of the endorsed Landscape Plan (condition 6) (where relevant to show on plans);
- (q) Any requirement of the endorsed Wind Report (condition 9) (where relevant to show on plans);
- (r) Any requirement of the endorsed Public Realm Plan (condition 11) (where relevant to show on plans); and
- (s) Any requirements of the endorsed Acoustic report (condition 16) where relevant to show on plans).

Secondary Consent

- 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.

Sustainable Management Plan

- 3. The Sustainable Management Plan prepared by Ark Resources, Rev F, dated 30 July 2024 will be endorsed to form part of this permit. All provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 4. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable design assessment report, 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 confirmation that the 5 Star Green Star certification and NABERS Energy rating have been achieved).

Waste Management Plan

- 5. The Waste Management Plan prepared by Traffix Group, Rev E, dated 3 July 2024 must be modified to meet any requirements of the Yarra City Council (if necessary), and will be endorsed to form part of this permit. It must be implemented and complied with to the satisfaction of the Yarra City Council.

Landscape Plan (internal to subject site)

- 6. 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 Jack Merlo Desing & Landscape (Drawings TP01 to TP07, Rev E, dated 21 April 2023), but modified to include (or show):
 - (a) Setback to the planter box as required under condition 1 d),
to the satisfaction of the Responsible Authority.
- 7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,
all to the satisfaction of the Responsible Authority.

Street Trees Plantings

- 8. Before the development commences, the permit holder must provide an Asset Protection Bond to the value agreed by Yarra City Council. The security bond:
 - (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) must be in accordance with the requirements of this permit.

Wind Modelling Report

- 9. Before the development commences, a Wind Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Modelling Report will be endorsed and will form part of this permit. The Wind Modelling Report must be generally in accordance with the Wind Impact Statement prepared by Vipac, Rev 4, dated 4 July 2024, but modified to include (or show):
 - (a) Any changes as a result of condition 1.
- 10. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan

- 11. Before the development commences, or by such later date as approved in writing by the Yarra City Council, a Public Realm Plan to the satisfaction of Yarra City Council must be submitted to and approved by the Yarra City Council. The Public Realm Plan must be generally in accordance with the public realm details shown on Landscape Plan drawings prepared by Jack Merlo Desing & Landscape (Drawings TP01 to TP07, Rev E, dated 21 April 2023), but modified to include the following:
 - (a) Any changes as a result of condition 1;
 - (b) The following streetscape enhancements as recommended within Cremorne Street:
 - (i) 3 street trees;
 - (ii) 3 planter beds (passively irrigated gardens beds not rain gardens);
 - (iii) 2 public seats (minimum);
 - (c) The bluestone paving to extend along Cremorne Street frontage but should not extend down Kelso Street. The footpath at Kelso Street to be asphalt surface;
 - (d) Bluestone paving provided as per Yarra Public Domain Manual Technical Notes 4.1.3;
 - (e) Bluestone paving on Cremorne Street to be continuous through the public realm and into an increased ground floor setback but the site boundary must be indicated by a steel edge detail;
 - (f) Kerb edges to be reconstructed on Cremorne Street as new sawn bluestone kerb and channel to satisfaction of Urban Design;
 - (g) Kerb edges at corner must provide drop kerbs at pedestrian crossing points orientated to crossing point; and
 - (h) Passively-irrigated garden bed outstands, kerbs, drainage, soils and mulch,

All to the satisfaction of the Yarra City Council.

12. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm must be fully constructed and completed to the satisfaction of the Yarra City Council's Civil Engineering Department and at no cost to the Responsible Authority.
13. All street tree planting, understorey 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 Yarra City Council).

Detailed Civil and Drainage Design Plan

14. Before the development commences, a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Yarra City Council must be submitted to and approved by the Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Detailed Civil and Drainage Design Plan must provide:
 - (a) provisions for all civil and drainage works that are required to the abutting road frontages, as part of the development;
 - (b) Surface material finishes shown and specified;
 - (c) With regard to the proposed reconfiguration and extension of the WSUD outstand treatments along Cremorne Street;
 - (i) Show detail of extended WSUD treatments and associated drainage (agricultural pipes, overflow pits etc.) and specify the filter medium and planting; and
 - (ii) Specify the backfill materials and pavement make up for sections of existing WSUD outstand treatments proposed for removal; and
 - (d) design in accordance with Council's engineering standards and requirements.
15. Before the development is completed or at a later date as agreed in writing by the Yarra City Council, all associated works shown on the endorsed Detailed Civil and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

Acoustic requirements

16. Before the use and/or development commences, 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) Potential noise impacts to nearby residentially zoned properties and any treatment measures required to mitigate those, including from the proposed commercial uses, mechanical plant and vehicle access onto the site; and
 - (b) Any treatments required to ensure no unreasonable noise within the development.
17. The acoustic report must make recommendations to limit the noise impacts in accordance with the 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.
18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

19. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
 - (a) at no cost to the Yarra City Council (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required); and
 - (b) to the satisfaction of the Yarra City Council.
20. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, the kerbs and channels along the development site's Cremorne Street and Kelso Street frontages are to be reconstructed:
 - (a) at no cost to the Yarra City Council; and
 - (b) to the satisfaction of the Yarra City Council.
21. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated:
 - (a) at no cost to the Yarra City Council; and
 - (b) to the satisfaction of the Yarra City Council.

Car Parking

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,all to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

24. Before the development is occupied, a Green Travel Plan generally in accordance with the Green Travel Plan prepared by Traffix Group, Rev D, dated 1 August 2023 must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) the provision of real time passenger information displays for nearby stops within each lobby;
 - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;

- (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) details of bicycle parking and bicycle routes;
 - (g) details of GTP funding and management responsibilities;
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
25. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Lighting Plan (internal to subject site)

26. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the development site's frontage to Cremorne Street and Kelso Street. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public area (i.e. the ground floor setback areas along Cremorne and Kelso Street) within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1 and AS4282 as relevant;
 - (b) The locations of any new light poles so as not to obstruct access into private garages/off and on-street parking places; and
 - (c) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

Shop use

28. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 8 am and 6 pm Monday to Saturday and 9 am and 5pm Sunday.
29. The amenity of the area must not be detrimentally affected by the use, 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.

30. Delivery and collection of goods to and from the land may only occur between 9am and 5pm Monday to Saturday.

General

31. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
32. As part of the ongoing consultant team, CHT 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.
33. 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, treatments proposed to the roof and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) demonstrate how the materials proposed for the plant area / plant structure will integrate with the architecture of the overall development;
 - (d) confirmation that an anti-graffiti treatment will be applied to the entirety of the ground floor building façade;
 - (e) information about how the façade will be maintained, including any vegetation; and
 - (f) a materials schedule complete with coloured drawings outlining colours, materials and finishes.
34. The amenity of the area must not be detrimentally affected by the construction, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin.
35. 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.
36. 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.

37. Before the building is occupied, any podium wall facing Cremorne Street or Kelso Street must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
38. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
39. 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

Development Contributions

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

Construction Management

41. Before the development commences, a Construction Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the Yarra City Council. 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
 - (vi) any site-specific requirements;

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) 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;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
42. Except with the prior written consent of the Yarra City Council, demolition or construction works must not be carried out:
- (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

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

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

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

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

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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

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

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. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Attachments

- 1 [↓](#) Attachment 1 - 101 Cremorne Street Cremorne - Architectural Plans & Urban Context Report
- 2 [↓](#) Attachment 2 - 101 Cremorne Street Cremorne - Town Planning Report
- 3 [↓](#) Attachment 3 - 101 Cremorne Street - Referral Advice

101 CREMORNE STREET | CREMORNE

Town Planning Application | JULY 2024

Project No 22006 | Revision A



CHT ARCHITECTS

Craftworks
Level 2, 20-30 Mollison st
Abbotsford VIC 3067

T 03 9417 1944
F 03 9415 1847
E info@chtarchitects.com.au
W chtarchitects.com.au

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4.0. FEATURE SURVEY

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01.00 Introduction

DEVELOPMENT INFO

Development Mixed Use Development
Location 101 Cremorne Street, Cremorne, Victoria

DEVELOPMENT SUMMARY

Site Area 1748.9 m²
Total NLA 11513.4 m²
Car Spaces 94
Bike Parks 136
Development Mixed Use Development
Location 101 Cremorne Street, Cremorne Victoria

PROJECT TEAM

Client 101 CSC Pty Ltd
Project Management Case Mealin
Architect CHT Architects
Town Planner Planning & Property Partners Pty Ltd
Traffic Consultant Traffix Group
Esd Consultant Ark Resources
Waste Management Traffix Group
Structure Consultant O'Neill Group Pty Ltd
Landscape Consultant Jack Merlo



TOWN PLANNING REPORT

CLIENT

101 CSC Pty Ltd

SUBJECT SITE

101 Cremorne Street
Cremorne Victoria

DATE

JULY 2024



1.0 THE SITE

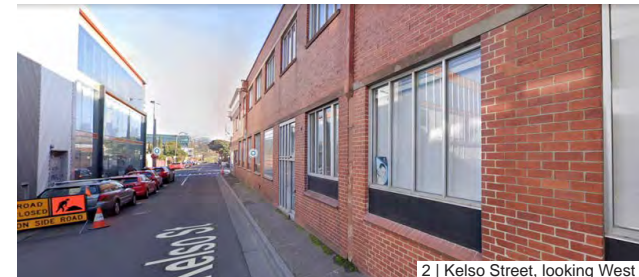
Site Location



Neighbouring Context Photographs



1 | Cremorne Street - looking North West



2 | Kelso Street, looking West



3 | Kelso Street, looking South East



4 | Cremorne Street, looking North East

Streetscape Images

KELSO STREET LOOKING EAST



KELSO STREET LOOKING WEST



Streetscape Images

CREMORNE STREET LOOKING EAST



CREMORNE STREET LOOKING EAST

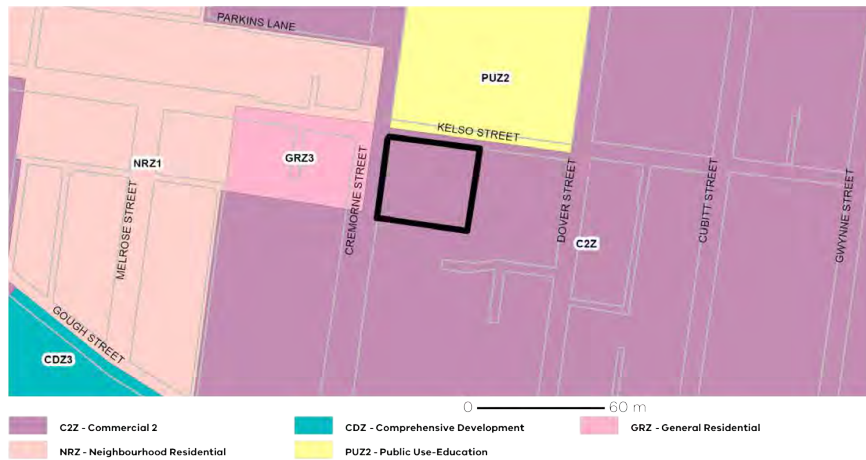


Planning Overlay

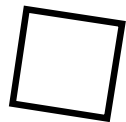
ZONING OVERLAY

THE SITE IS LOCATED IN A C2Z COMMERCIAL 2 ZONE

COMMERCIAL 2 ZONE (C2Z)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend



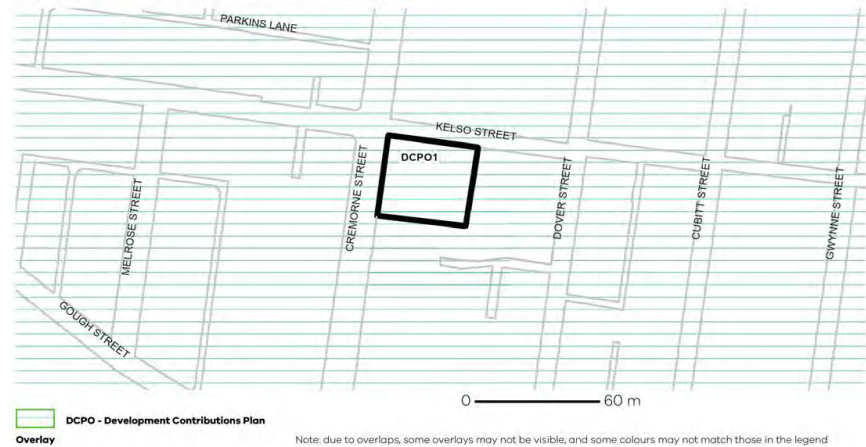
DEVELOPMENT SITE BOUNDARY

DCPO - DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

DEVELOPMENT CONTRIBUTIONS PLAN APPLIES TO THE SITE

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



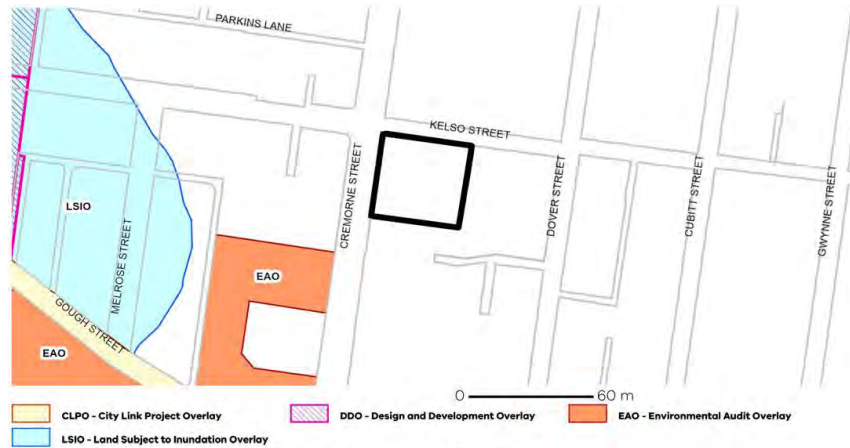
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend



Planning Overlay

DDO, EAO, CLPO, LSIO

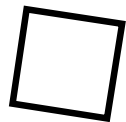
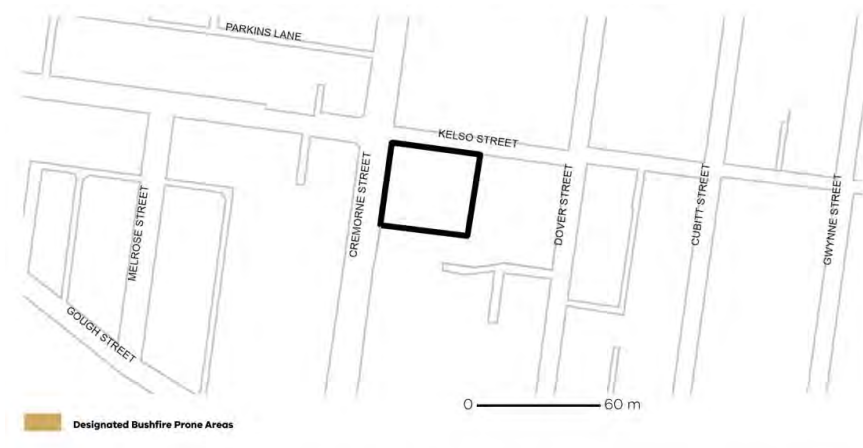
* NO OTHER OVERLAYS APPLY TO THE SITE OR SURROUNDING LAND



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

DESIGNATED BUSHFIRE PRONE AREA

* NO OTHER OVERLAYS APPLY TO THE SITE OR SURROUNDING LAND



DEVELOPMENT SITE BOUNDARY



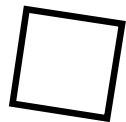
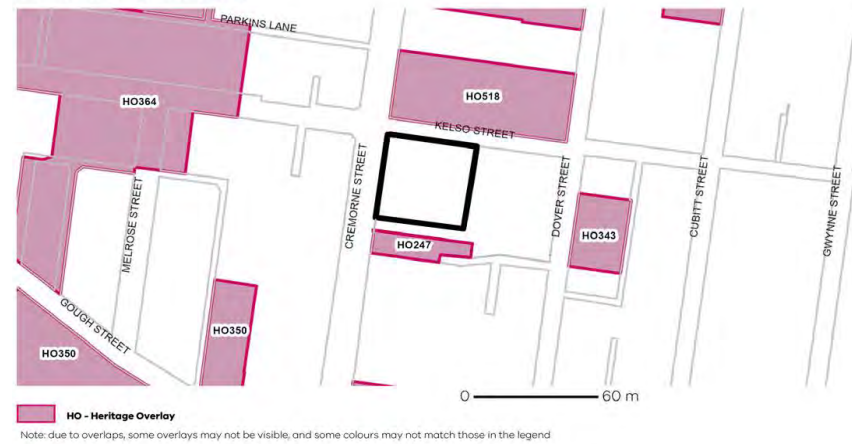
Planning Overlay

HERITAGE OVERLAY (HO)

* NO OTHER OVERLAYS OVERLAY APPLY TO SITE

HERITAGE OVERLAY (HO)

HERITAGE OVERLAY - SCHEDULE (HO247)



DEVELOPMENT SITE BOUNDARY



Future & Existing
Development



- Subject Site
- Existing Building
- Planning Assessment
- Approved Development



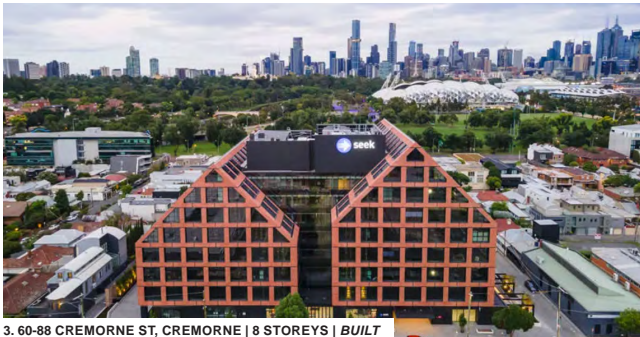
Future & Existing Development



1. 14-18 CREMORNE ST, CREMORNE | 12 STOREYS | COUNCIL ASSESSMENT IN PROGRESS



2. 9-11 CREMORNE ST, CREMORNE | 8 STOREYS | BUILT



3. 60-88 CREMORNE ST, CREMORNE | 8 STOREYS | BUILT



4. 116 CREMORNE ST, CREMORNE | 9 STOREYS | PLANNING APPROVED



5. 155 CREMORNE ST, CREMORNE | 11 STOREYS | BUILT



6. 168 CREMORNE ST, CREMORNE | 9 STOREYS | BUILT

Future & Existing Development



Attachment 1 - 101 Cremorne Street Cremorne - Architectural Plans & Urban Context Report

The preparation of this contextual analysis has been prepared with the benefit of assessment of the Yarra Planning Permit Register and provides a guide to the emerging form of the locality. Whilst every effort has been made to ensure the profiles and status of approvals has been taken, the represented form is not based upon endorsed plans and should be considered to be representative of the emerging context.

Emerging Context Model



Permitted Development ●
 Lodged Application ●

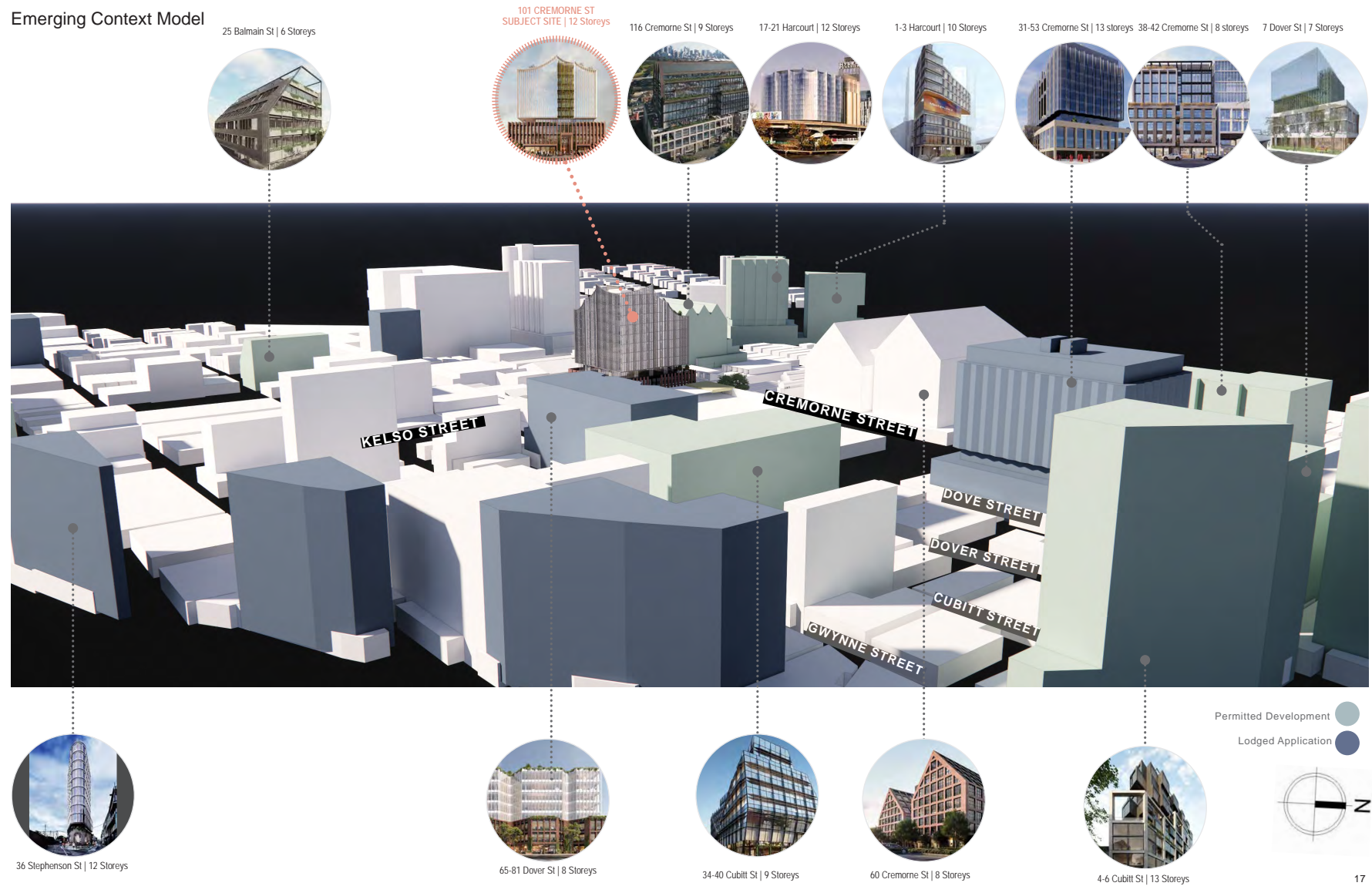


22006 | 101 CREMORNE STREET CREMORNE

Attachment 1 Attachment 1 - 101 Cremorne Street Cremorne - Architectural Plans & Urban Context Report

The preparation of this contextual analysis has been prepared with the benefit of assessment of the Yarra Planning Permit Register and provides a guide to the emerging form of the locality. Whilst every effort has been made to ensure the profiles and status of approvals has been taken, the represented form is not based upon endorsed plans and should be considered to be representative of the emerging context.

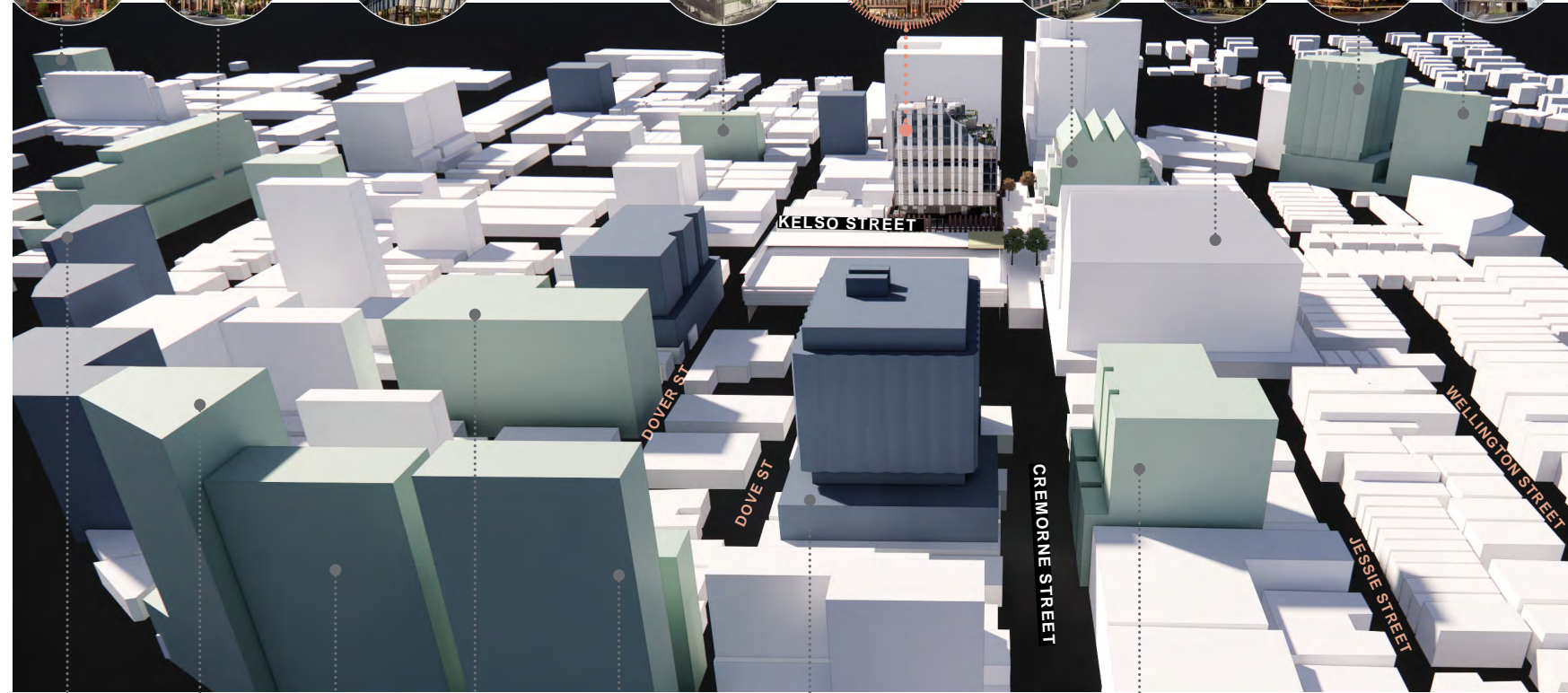
Emerging Context Model



Attachment 1 Attachment 1 - 101 Cremorne Street Cremorne - Architectural Plans & Urban Context Report

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Emerging Context Model



22006 | 101 CREMORNE STREET CREMORNE

Transport Links



View Corridors



Site Analysis

Environmental Exposure

SUN PATH ANALYSIS

Highly exposed north, east, and west facades, which require high-performance facade design with a focus on passive design principles.



PREVAILING WIND ANALYSIS

Consideration should be given to prevailing winds, particularly for open rooftop amenities.



2.0 DESIGN APPROACH

Creating A Narrative

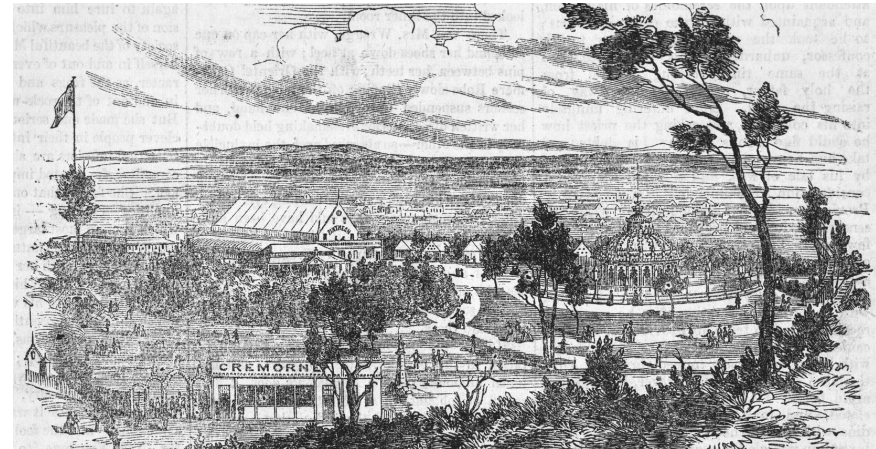
“As ‘The Cremorne’ was so frequently the theme of everybody’s discourse, I naturally made it my business to pay a visit ... the glitter of lamps gleamed through the gentle waving branches of trees, the sweet strains of music as they rose and fell, groups of well-dressed persons gliding to and fro, the distant sheen of the lake, and the subdued hum of voices, made a very pleasurable complement of the vanities of this wicked world.

Dancing was carried on with great vigor at the Rotunda ... the refreshment room was one blaze of subdued light, illuminated flags made of coloured glass graced the different avenues with elegant effect ...

About midnight the train whistles up, Cremorne is deserted, and the Melbourne 'Arabian Night's Entertainment' vanishes into thin air....."

Written by journalist William Anderson Cawthorne in 1861, following a visit to the Cremorne Pleasure Gardens

Lithograph of 'Cremorne Gardens', 1857

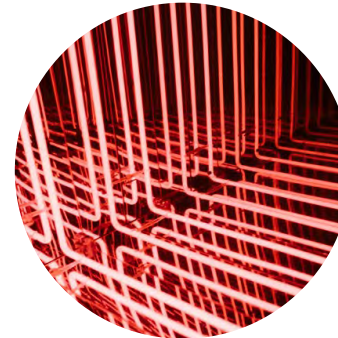


The Rotunda, Cremorne Gardens, VIC (top)
Cremorne Gardens, London (below)



Cremorne Gardens Maypole

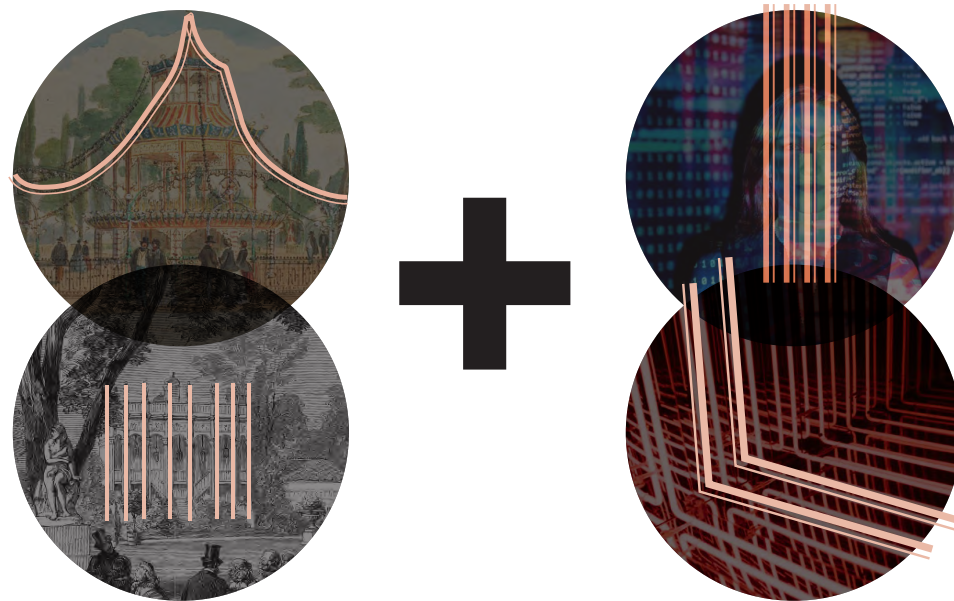
Creating A Narrative



With a vibrant and colourful backstory, Cremorne was setting new trends right from the beginning. Once home to Australia's first pleasure gardens, replicating the success of it's namesake – 'Cremorne Pleasure Gardens' in Chelsea, London. Cremorne has always been a true destination precinct.

Today, Cremorne has evolved to become a cutting-edge new commercial hub, attractive to innovative tech companies, global enterprise businesses and the most innovative, forward-thinking start-ups and makers.

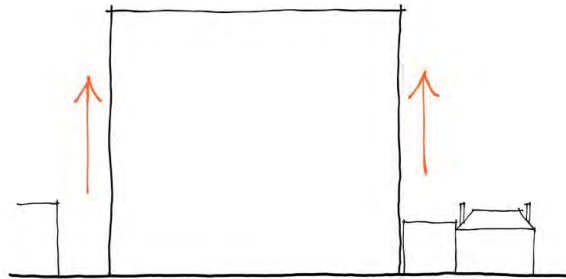
Creating A Narrative



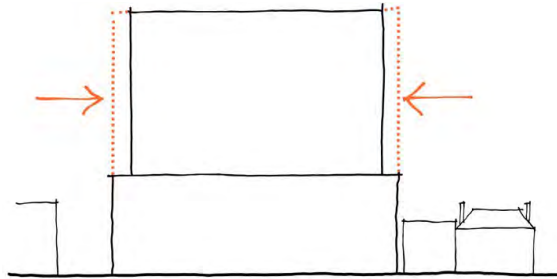
DESIGN VISION

101 Cremorne will be a pioneering PCA A-Grade office building that will re-imagine Cremorne as Melbourne's tech hub. It will set new design standards, incorporate smart technologies, and foster a collaborative community. The building will engage with the precinct, tell a strong design narrative, and support adaptable work-styles. It will be future-proofed and environmentally responsible. Above all, it will create a dynamic and exciting workplace, making 101 Cremorne the epicenter of innovation and a landmark destination. This instantly recognizable building will blend history with cutting-edge design, embodying Cremorne's vibrant past and promising future.

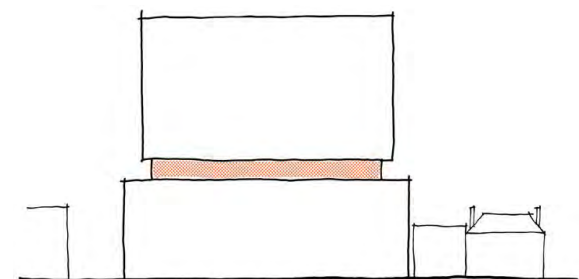
Design Strategies | Massing Diagrams



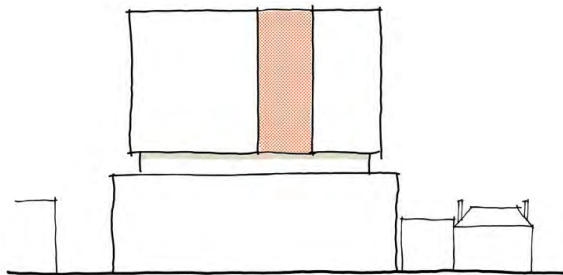
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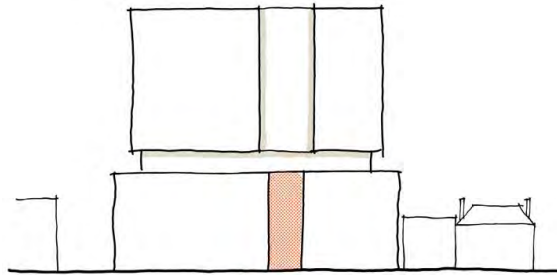
02 | TOWER SETBACKS (3M)



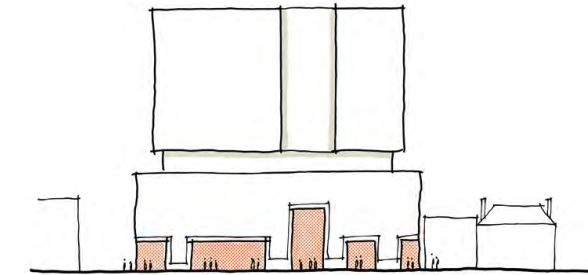
03 | PODIUM / TOWER SEPARATION



04 | TOWER BREAKUP

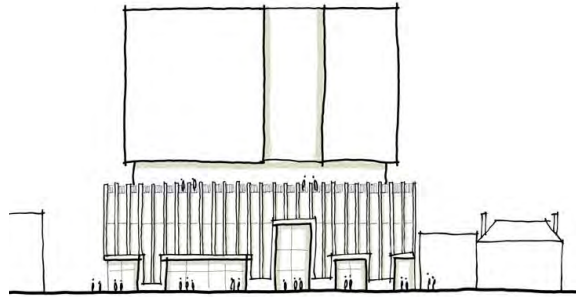


05 | PODIUM BREAKUP

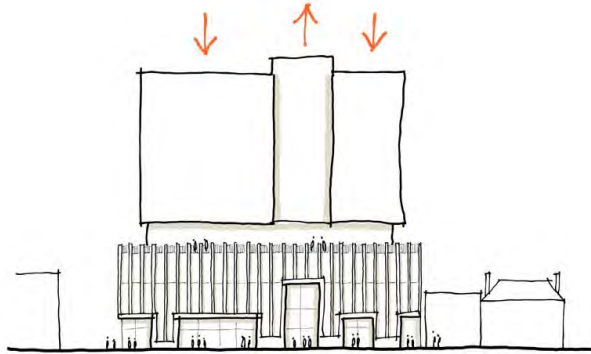


06 | GROUND LEVEL ACTIVATION

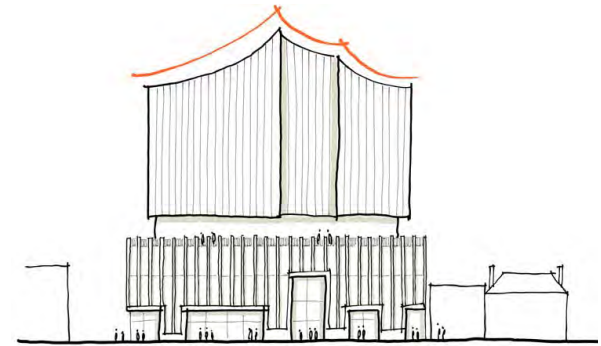
Design Strategies | Concept Integration



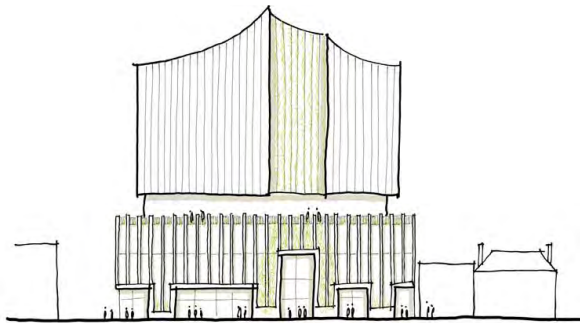
07 | FINE GRAIN



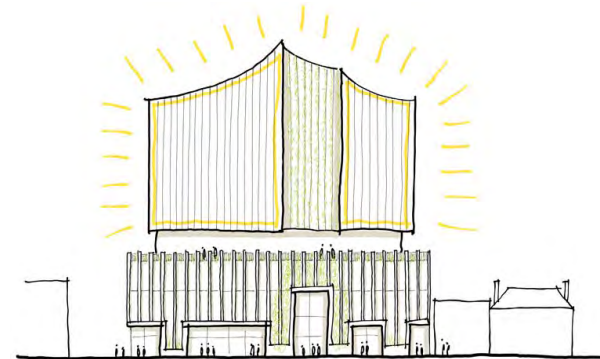
08 | VARIED SKYLINE



09 | STRENGTHENING THE NARRATIVE



10 | CONNECTION TO LANDSCAPE



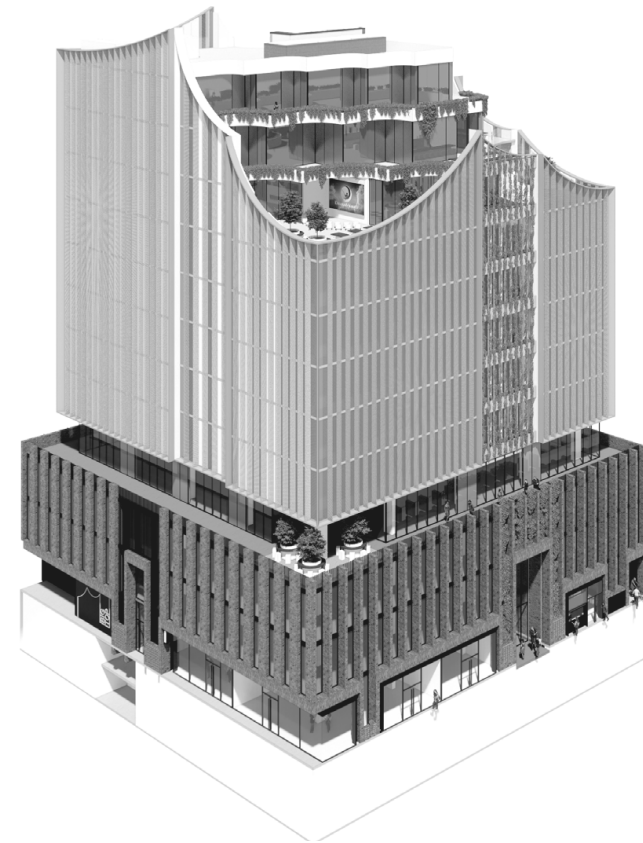
11 | ILLUMINATING ICON

Artist Impression
Cremorne Street Elevation



Facade Design Strategies

The facade design of 101 Cremorne is based on **passive design principles**, which allow in maximum **daylight** and city **views**, whilst **preventing overheating** from too much solar gain and providing **wind shelter** to **outdoor** spaces.



Facade Design Strategies



TOWER TOP

Curvilinear forms to provide shelter from the wind for outdoor rooftop amenities.



PERFORATED METAL FINS & SPANDRELS

Vertical perforated fins allow for passive shading while retaining views, whilst spandrels provide an appropriate solid-to-glazed ratio for solar control to the north.



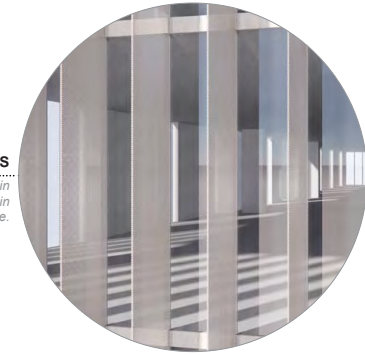
WIDEN BRICK PIERS

Wider brick piers on the north facade provide an appropriate solid-to-glazed ratio for solar control to the north, whilst still allowing views across Kelso Street.



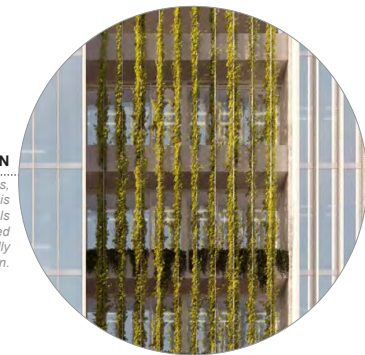
PERFORATED METAL FINS & SPANDRELS

Vertical perforated fins allow for passive shading yet retain views, allowing for large extents of clear glazing to retain key views back to the city skyline.



VEGETATION

Adopting biophilic principles, access to landscaping is afforded to users of all levels of the building. Planting is fed by planters that are internally accessible and easy to maintain.

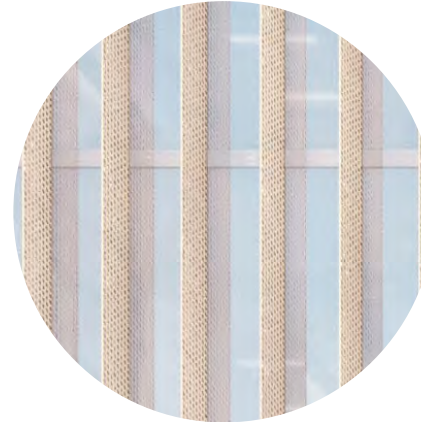


SLENDER BRICK PIERS

Slender and deep brick piers on the west facade allow for maximum view lines from inside, whilst providing passive shading to the building envelope.



Facade Design | Tower Details



1 | PERFORATED METAL VERTICAL
FINS

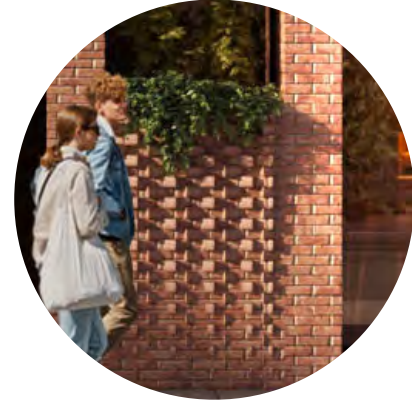


2 | VERTICAL PLANTING

Facade Design | Podium Details



1 | FEATURE BRICK PORTALS FOR WAYFINDING



3 | TACTILE BRICK FEATURES AT PEDESTRIAN LEVEL

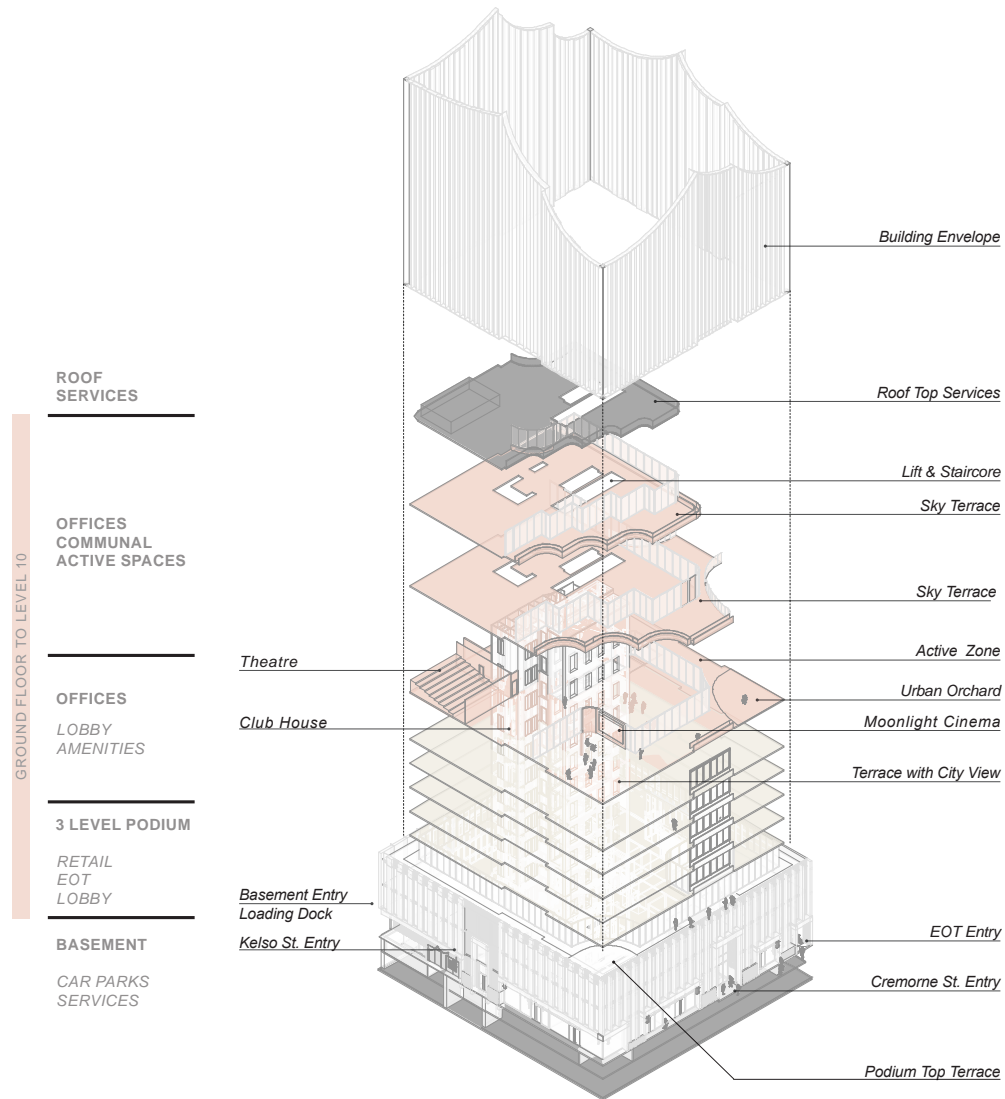


2 | FEATURE FINS WITH BRICK FINISH

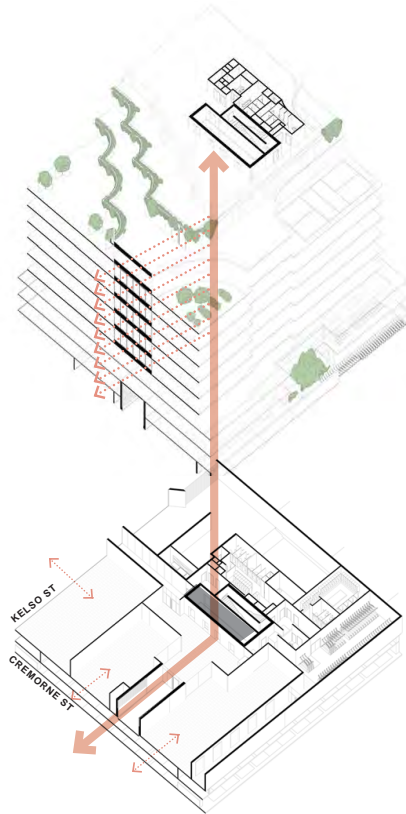


DESIGN BENCHMARK
Constructed example of brickwork
"Craftworks"
20-30 Mollison St Abbotsford

Programmatic Axonometrics

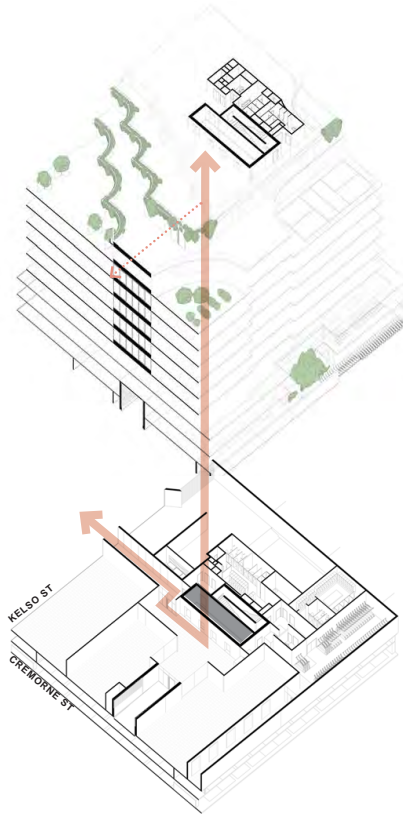


Design Circulation Diagrams



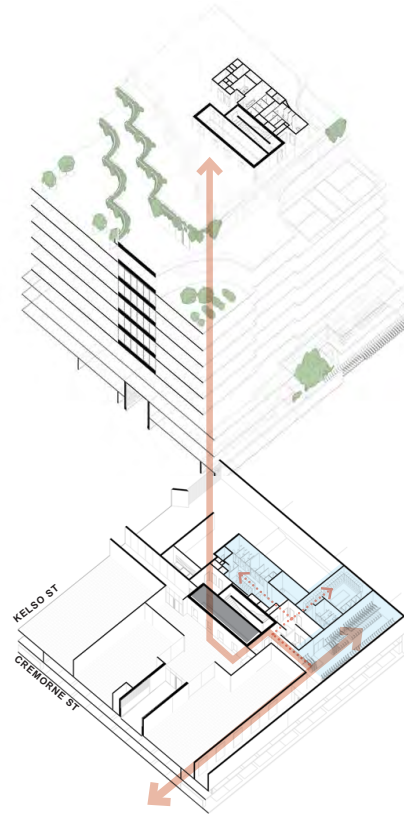
DAY MODE

Typical circulation to the office is via the Cremorne Street entrance, with direct access to ground floor tenancies



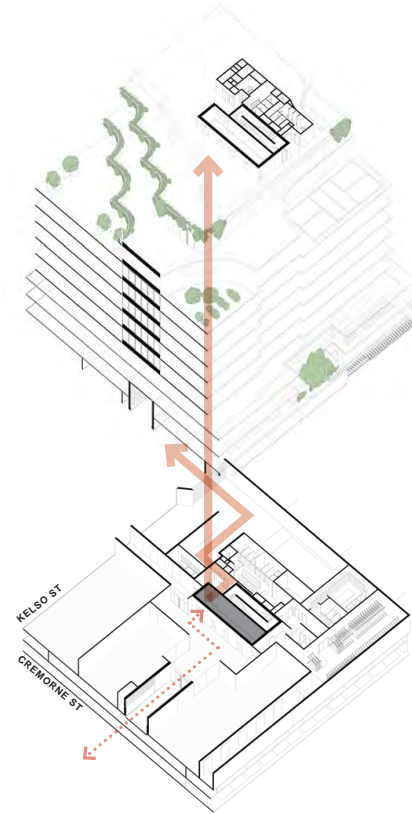
COMMUNAL ACCESS

Secondary access flexibility, with a direct link to clubhouse levels or rooftop amenities, provides the ability for events to occur with minimal disruption to general office use.



END OF TRIP

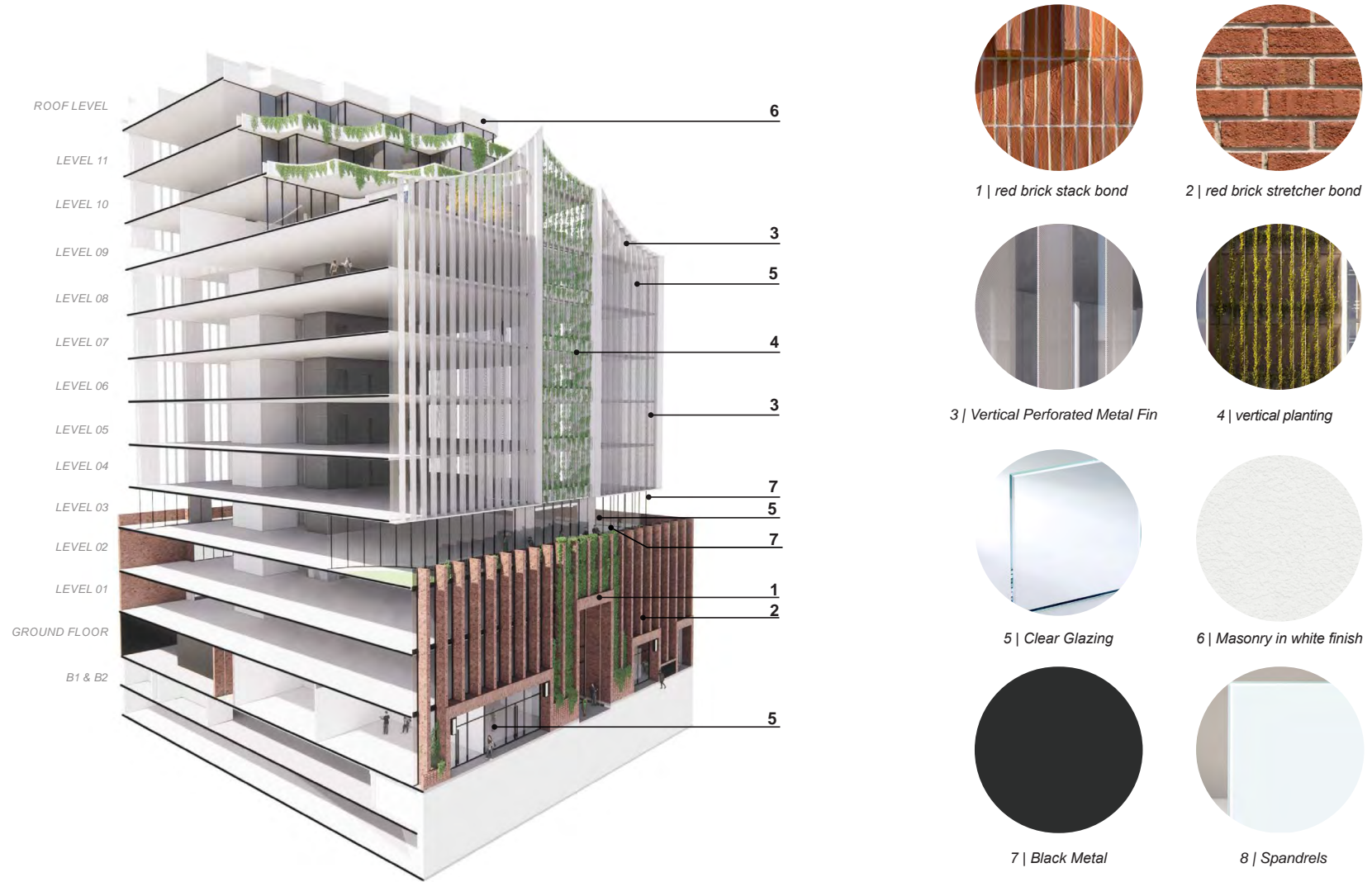
Dedicated EOT access internal laneway provides access for bike users, separate from general foot traffic and the main lobby.



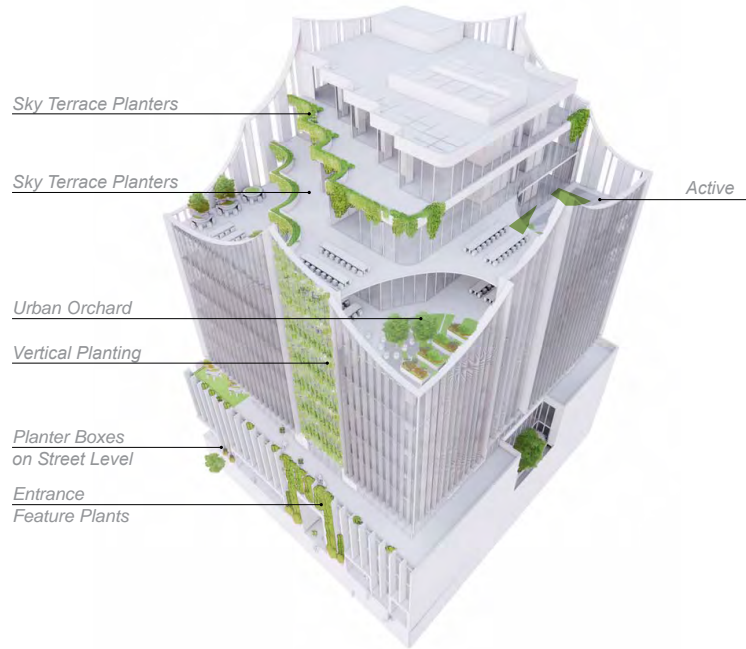
DELIVERY & BOH ACCESS TO SERVICE LIFT

Side entry and loading dock connectivity (via through lifts) allow works to occur with minimal disruption to office users.

Sectional Diagram & Material Palette

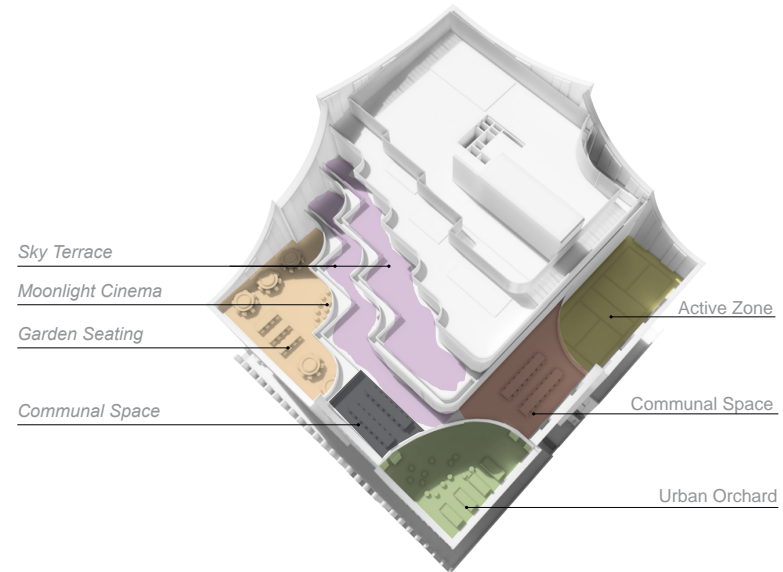


Design ESD Strategies / Responses



VEGETATION INTEGRATION

Vegetation integrated with the architecture, providing a visual connection to landscape at all levels, for all building users.



WELL-BEING SPACES

Providing pockets of activity spaces to encourage social and communal interaction; creating breathing spaces for individuals

3.0 ARTIST IMPRESSIONS

Artist Impression

Cremorne Street Elevation



Ground Floor Activation



GROUND LEVEL ACTIVATION | CREMORNE STREET MAIN ENTRANCE

Ground Floor Activation



GROUND FLOOR ACTIVATION | STREET LEVEL TENANCIES

Ground Floor Activation



GROUND FLOOR ACTIVATION | EOT ACCESS

Ground Floor Activation



CORNER OF CREMORNE STREET AND KELSO STREET

Artist Impression

Cremorne Street Elevation



Artist Impression

Cremorne Street & Kelso Street Corner





Artist Impression

Cremorne Street & Kelso Street Corner





Artist Impression

Cremorne Street Entrance



Artist Impression

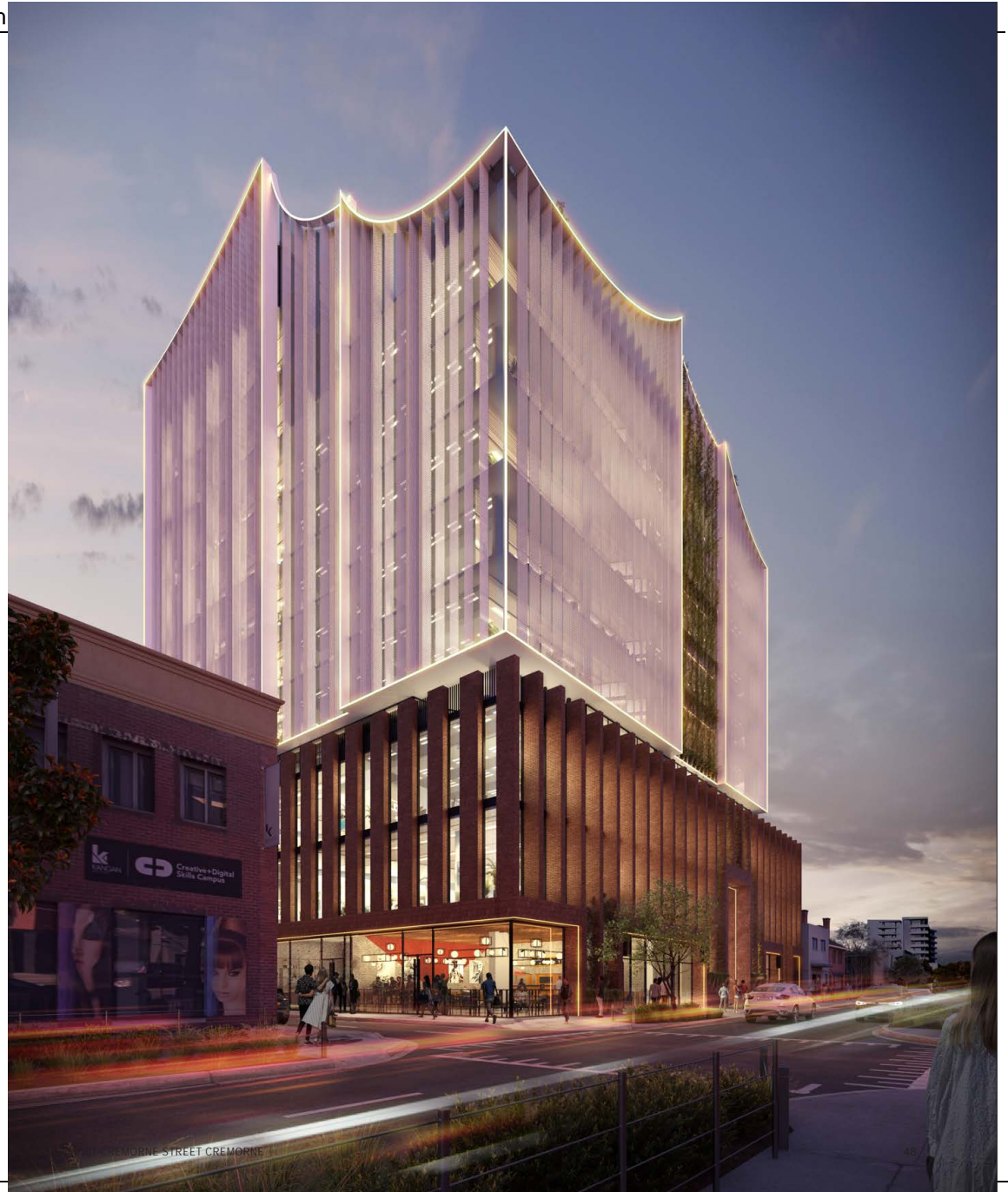
Kelso Street



22006 | 101 CREMORNE STREET CREMORNE

Artist Impression

Cremorne Street & Kelso Street



Artist Impression

Cremorne Street Elevation

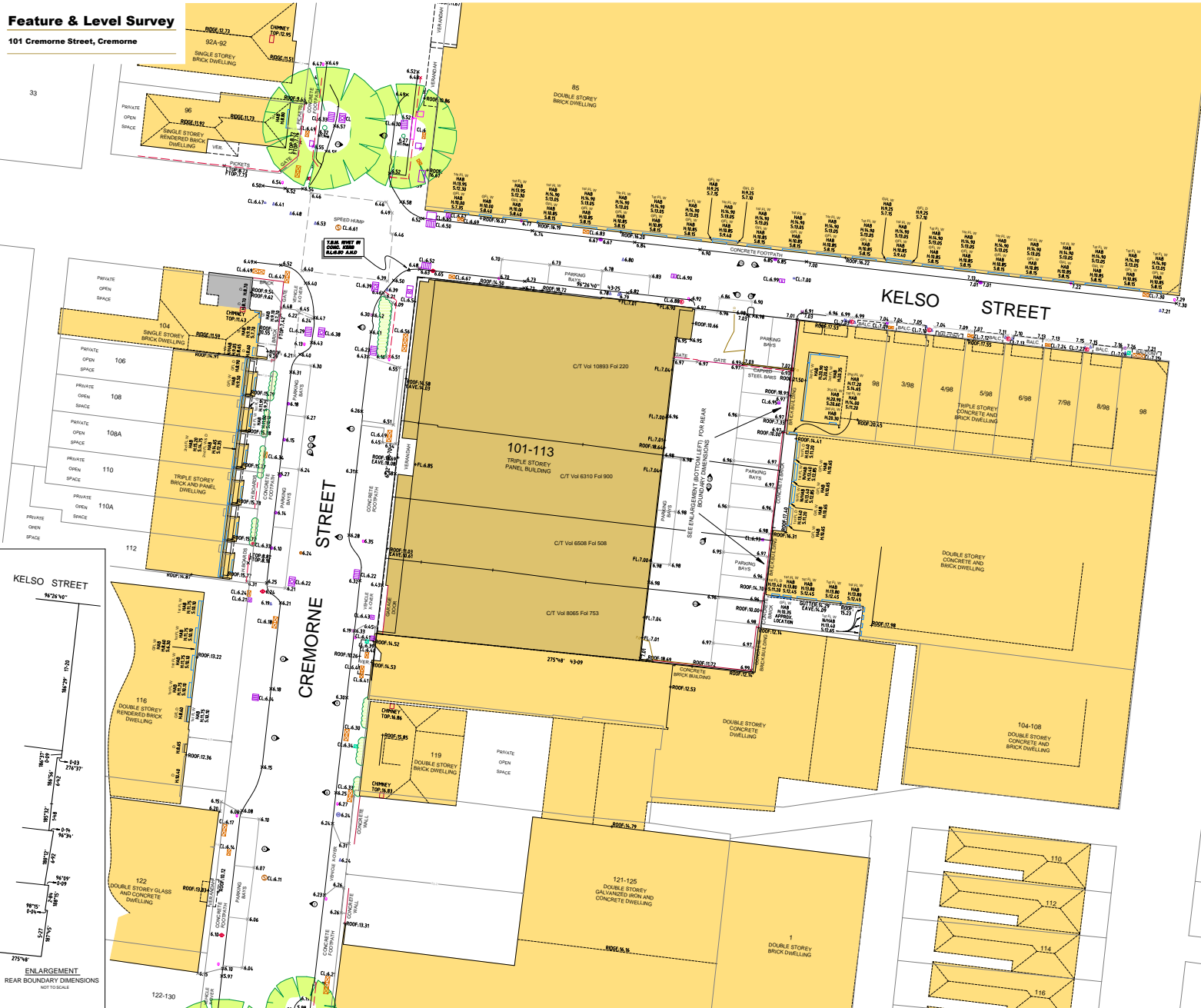


4.0 FEATURE SURVEY

Attachment 1 Attachment 1 - 101 Cremorne Street Cremorne - Architectural Plans & Urban Context Report

Feature & Level Survey

101 Cremorne Street, Cremorne



N
MGA2020 Z55

Legend

- 104 Existing Surface
- + 107 Floor Level
- 108 Roof Level
- 109 Single Tree
- 110 Group of Trees / Shrubs
- 111 Side Entry Drainage Pit
- 112 Gated Drainage Pit
- 113 Junction Drainage Pit
- 114 Kerb Outlet
- 115 Edge of Blumens
- 116 Invert of Kerb Channel
- 117 Back of Kerb / Channel
- 118 Top of Kerb / Channel
- 119 Car Park Bays - General
- 120 Edge of Concrete
- 121 Street Home
- 122 Sign
- 123 Letter Box / Post Box
- 124 Rubbish Bin
- 125 Street Bench
- 126 House
- 127 Garage / Shed
- 128 Motor Building
- 129 Verandah
- 130 Window
- 131 Door
- 132 Wall
- 133 Chimney
- 134 Raising Wall / Rock
- 135 Eave
- 136 Ridge
- 137 Gutter
- 138 Electricity Pole only
- 139 Electricity Pole with Light
- 140 Electricity Pylon
- 141 Telecommunications Pit
- 142 Telecommunications Pole
- 143 Gas Unclassified
- 144 Sewerage Pit
- 145 Vent Pipe
- 146 Sign Valve
- 147 Fire Hydrant
- 148 Water - Unclassified
- 149 Unclassified Pit
- 150 Fence - General
- 151 Gate
- 152 Top of Fence
- 153 Boundary
- 154 Customised Note

Notations

Date of Survey 24 March 2023

Land Subject to Easements
Please refer to Title Re-establishment Plan 23128R for easement locations and details.

Director of Photography shown that:
Refer to drawing 23128R for photos

Levels shown thus ∇ are to Australian Height Datum
via Melbourne North PM15 with a stated value of RL 2114
Tree heights shown thus HT(B) are approximate only
Contour Interval 0.2 metres

Property Information shown thus --- or --- is not based on Survey and has been obtained from the Digital Cadastral Map Base.

Location of buildings beyond site fences and shown as dashed lines are indicative only

* Windows noted HAB NHAB UNCL (landclassified) have been determined by external visual appearance at the time of survey. Land Dimensions Pty Ltd can accept no responsibility for any person or corporation who may rely on this for any purpose. All window types should be verified on site by a designer or planning consultant.

Services shown hereon have been located by field survey. Other hidden underground services may exist and prior to any demolition, excavation or construction on the site, the relevant authority or third before you Dig should be contacted for possible location of further underground services.

This plan has been prepared for Bayley Sturt Capital Pty and is not to be reproduced for use by any other person or corporation without the prior written consent of Land Dimensions Pty Ltd.

Confirms by licensed surveyor:
I, Jay Bartlett of Land Dimensions Pty Ltd certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 and completed on 24/3/2023, that this plan is accurate and correctly represents the adopted boundaries and the survey accuracy records with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.

Date: _____
Licensed Surveyor
Surveying Act 2004

For Title Re-establishment Survey showing relationship between fences and Title Boundaries refer to survey drawing No. xxxxxxR

| Date | Version | Amendment |
|------|---------|-----------|
| | | |

Job Reference No. 23128

Scale 1:200 Lengths are in metres

0 1 2 3 4 5 6 7 8 9 10

| Drawn | Checked | JB | Date |
|-------|---------|----|-----------|
| AK | | | 30/3/2023 |

| Drawing number | Version |
|----------------|---------|
| 23128FL | |

| Original sheet size | Sheet |
|---------------------|--------|
| A1 | 1 of 1 |

Client Bayley Sturt Capital Pty

LAND DIMENSIONS

A.C.N. 129 548 054
PO Box 1244
Waverley Gardens VIC 3170
Level 1 Suite 2, 327 Police Road
Melbourne VIC 3120
T: (03) 9790 0399
landdimensions.net.au

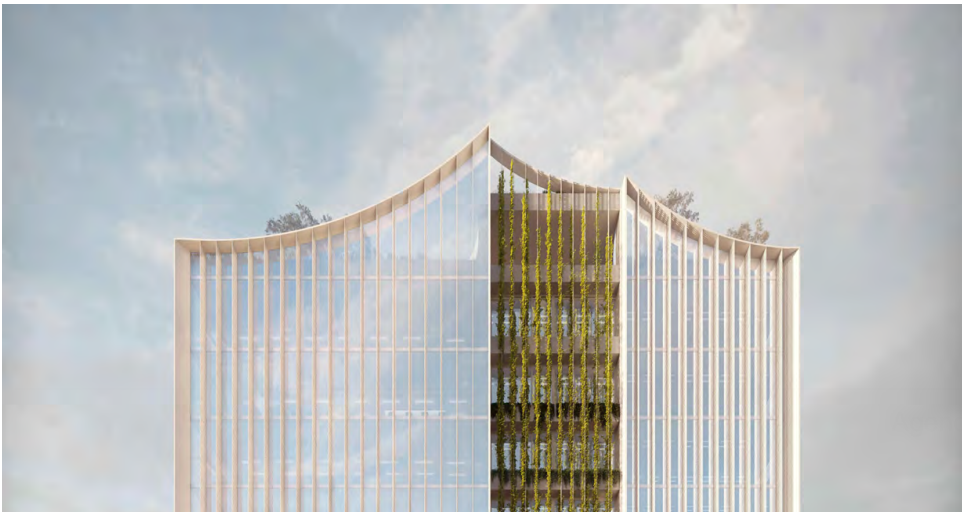
5.0 ARCHITECTURAL DRAWINGS

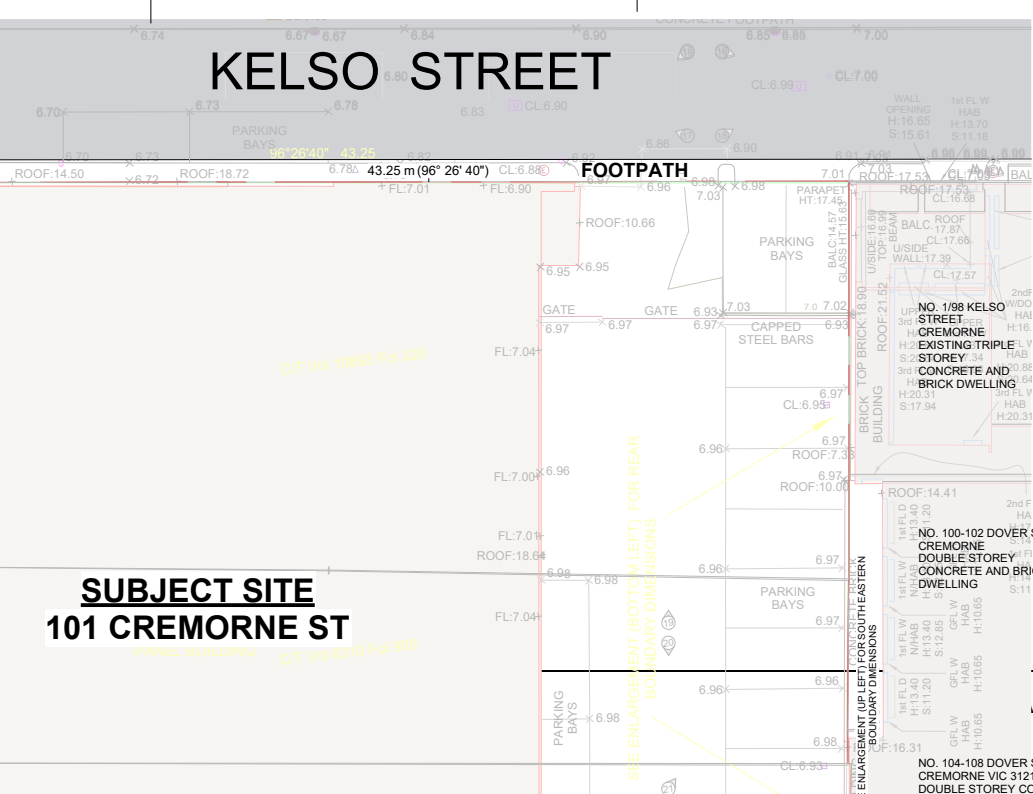


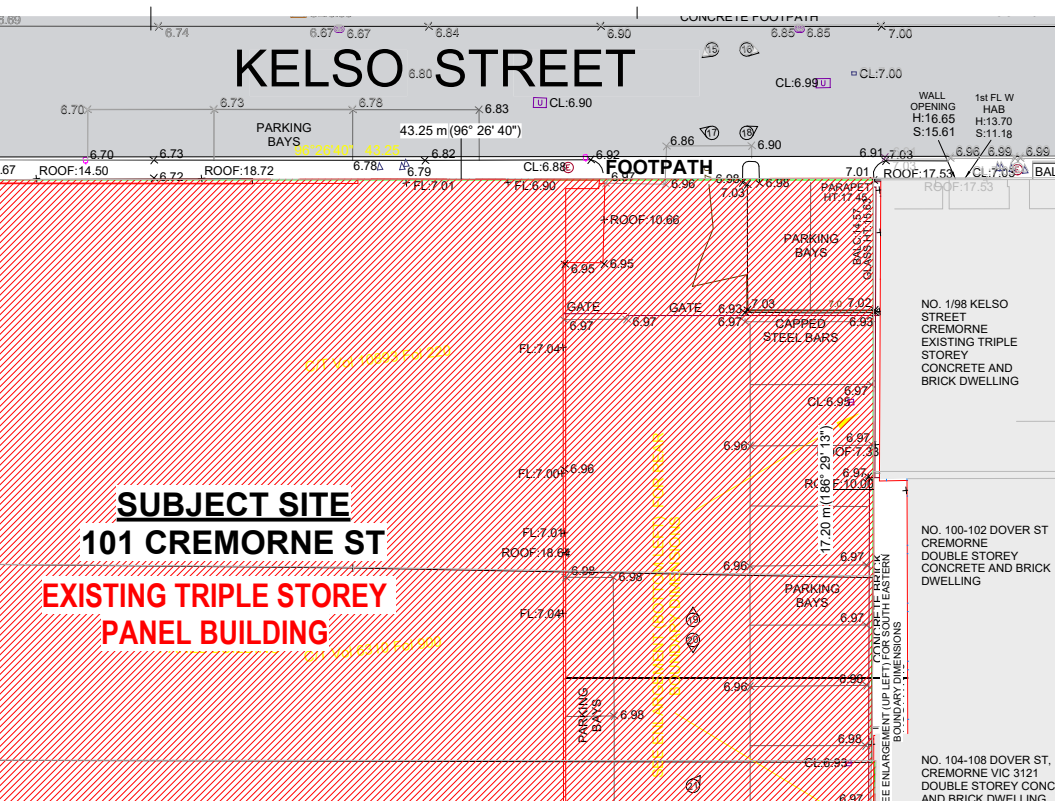
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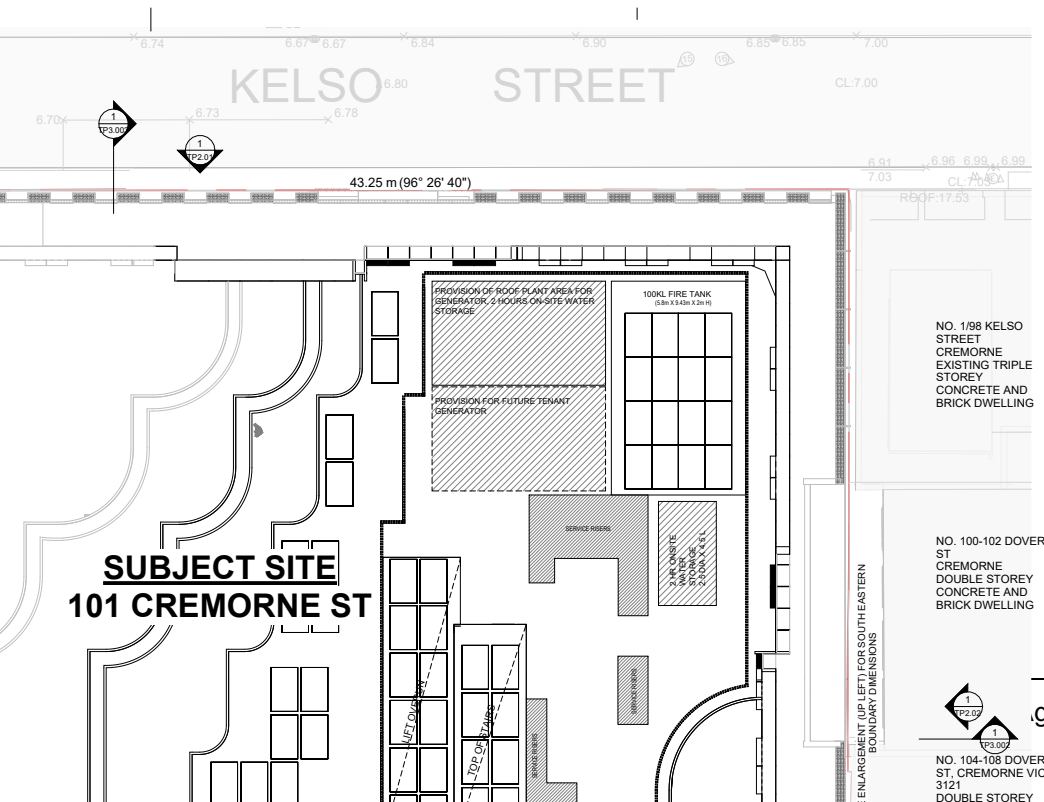
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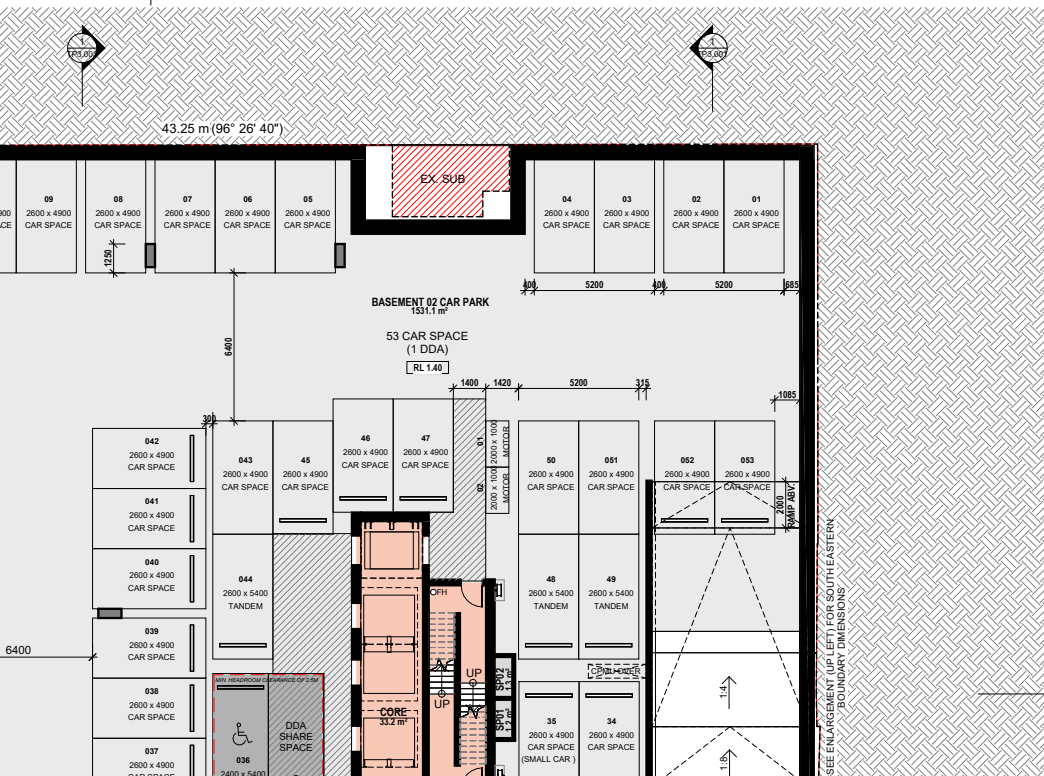
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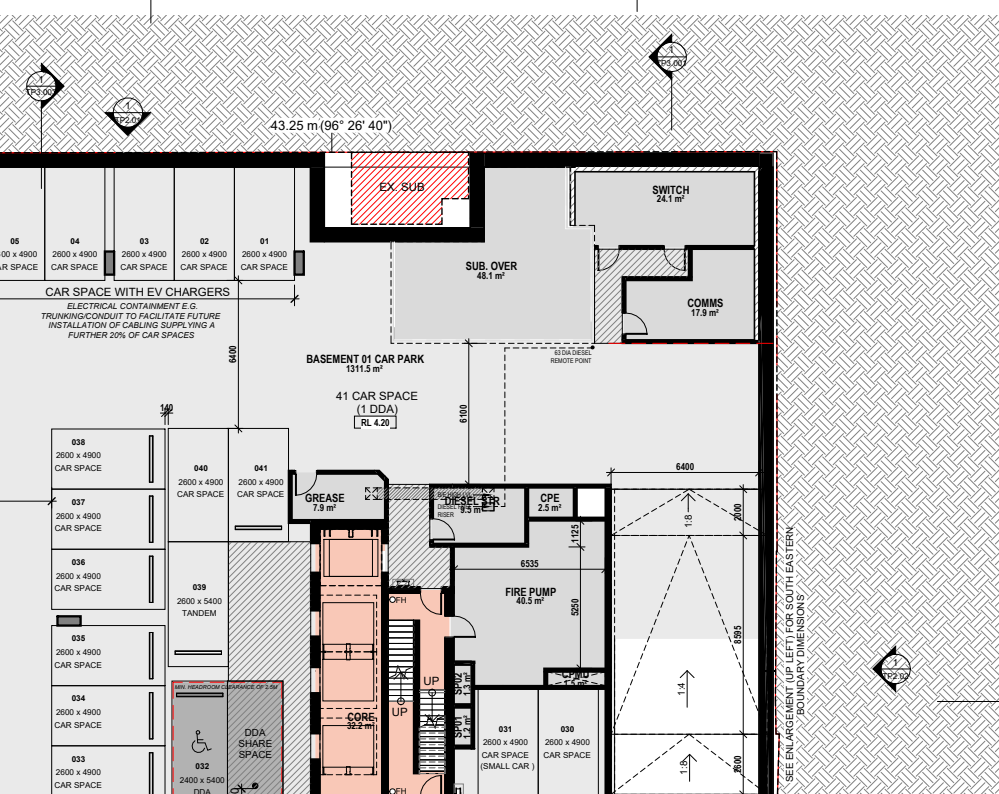


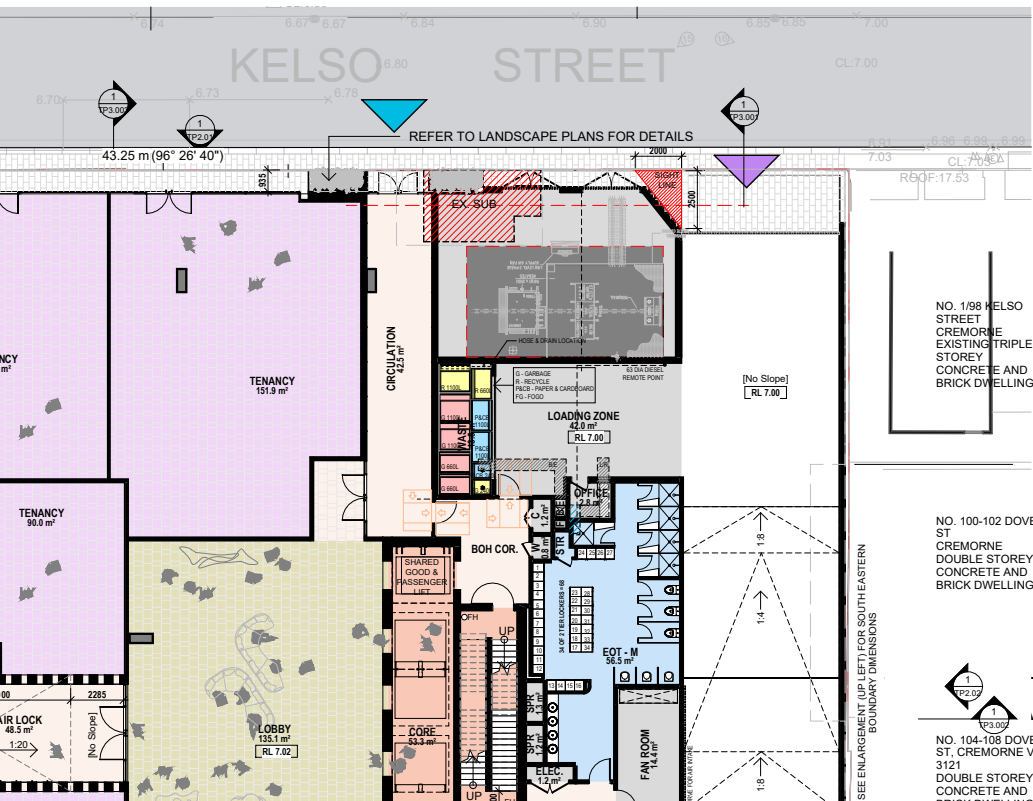


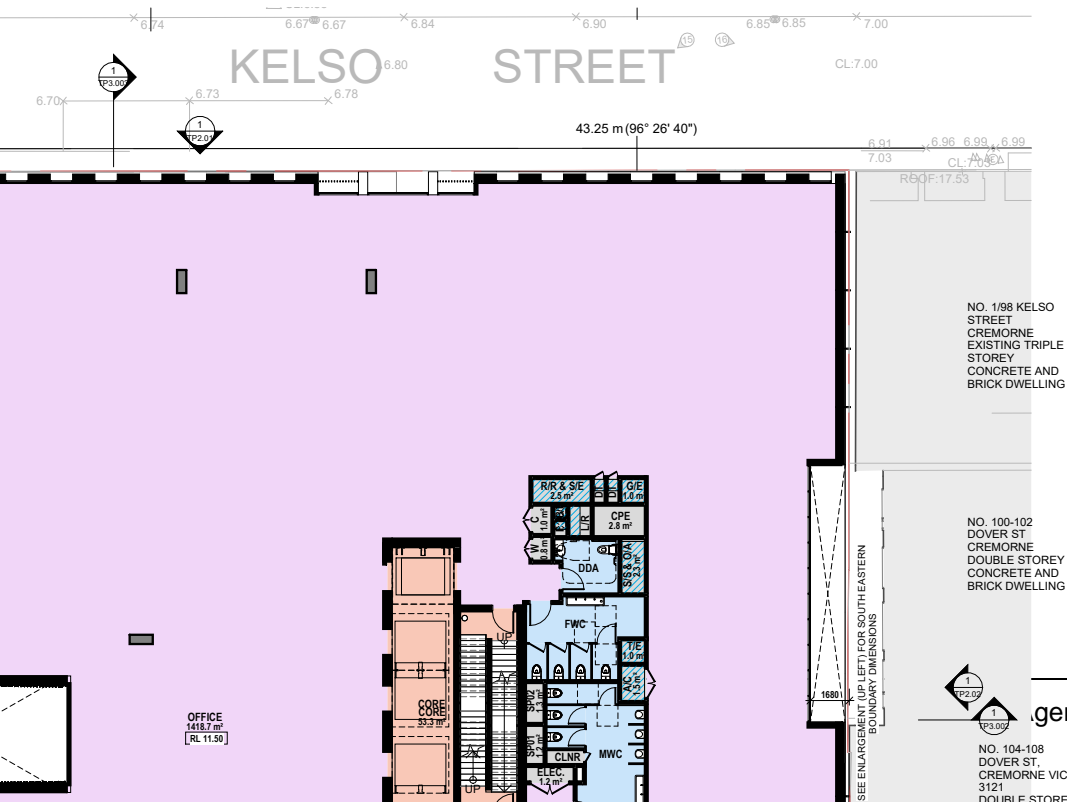


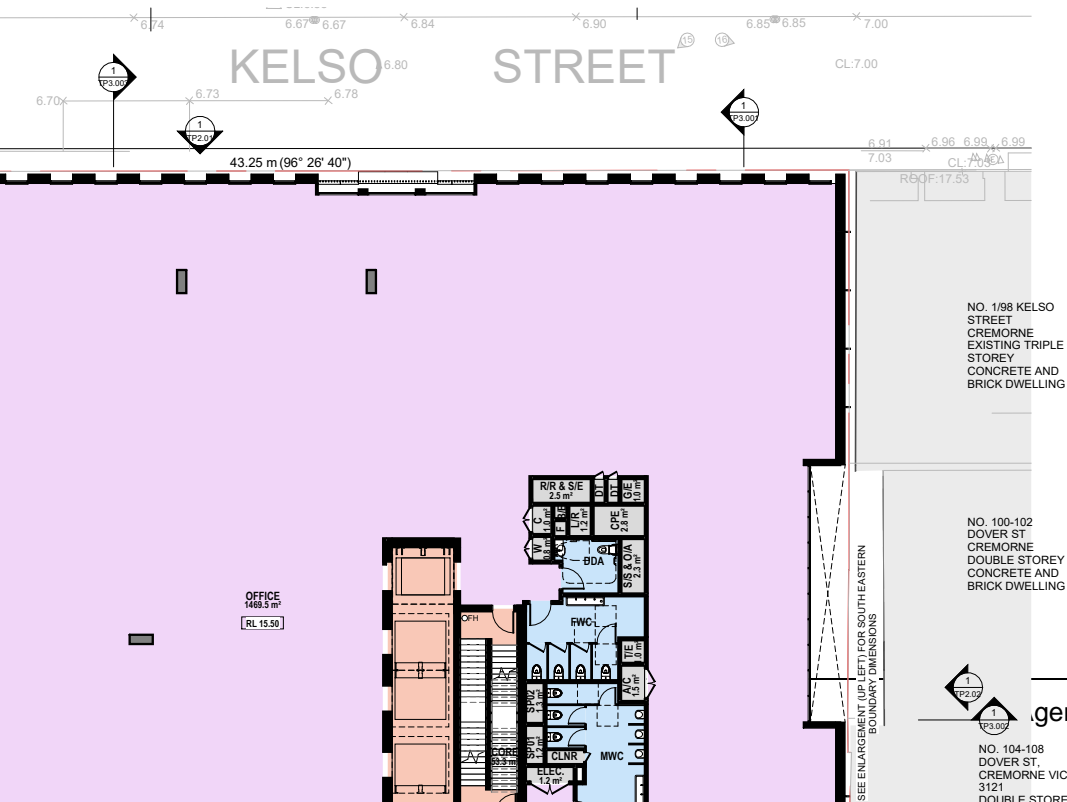


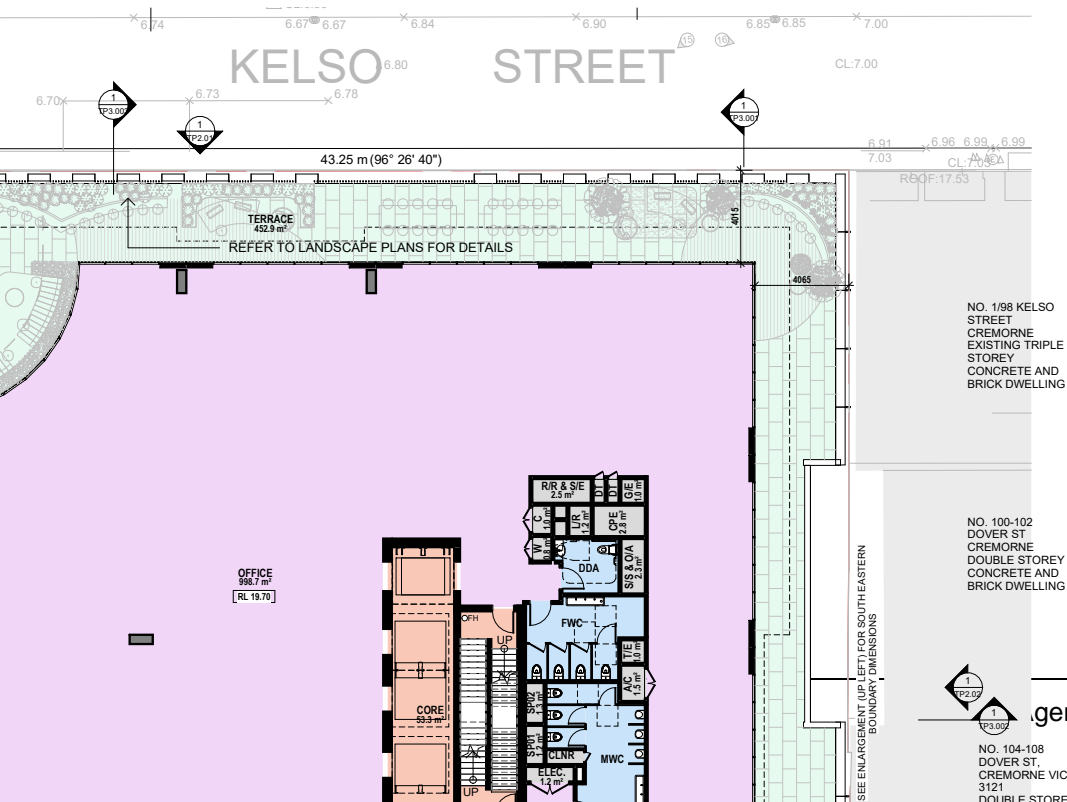


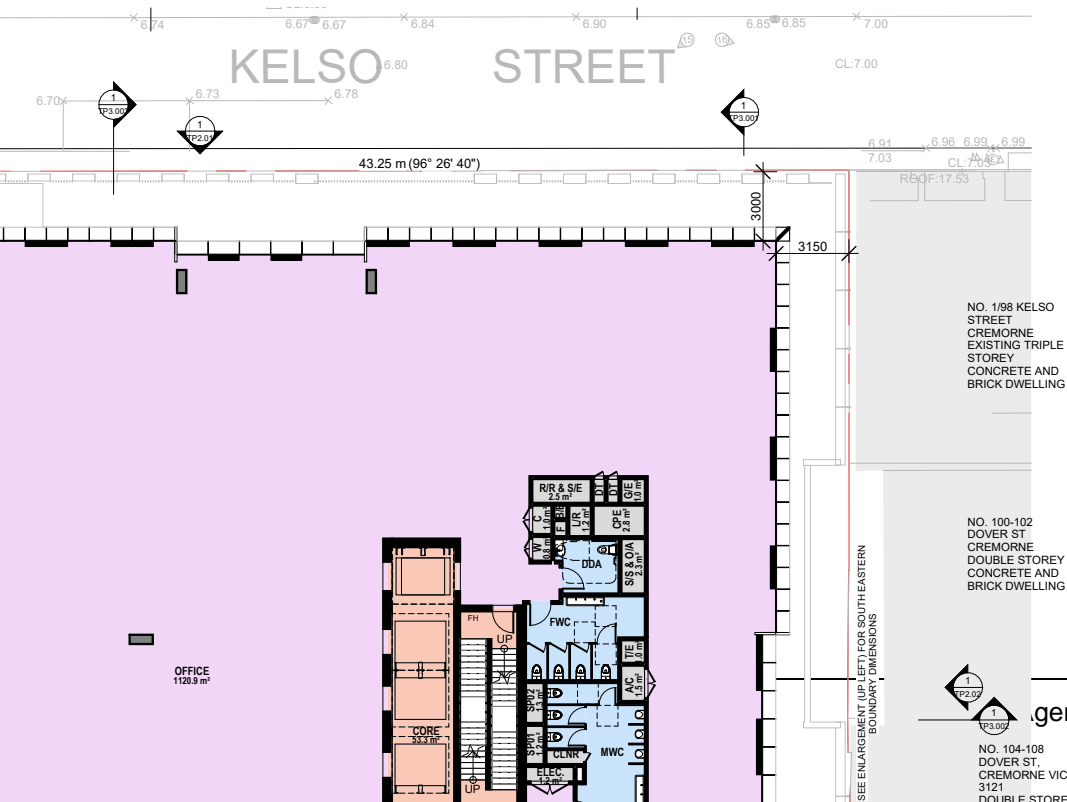






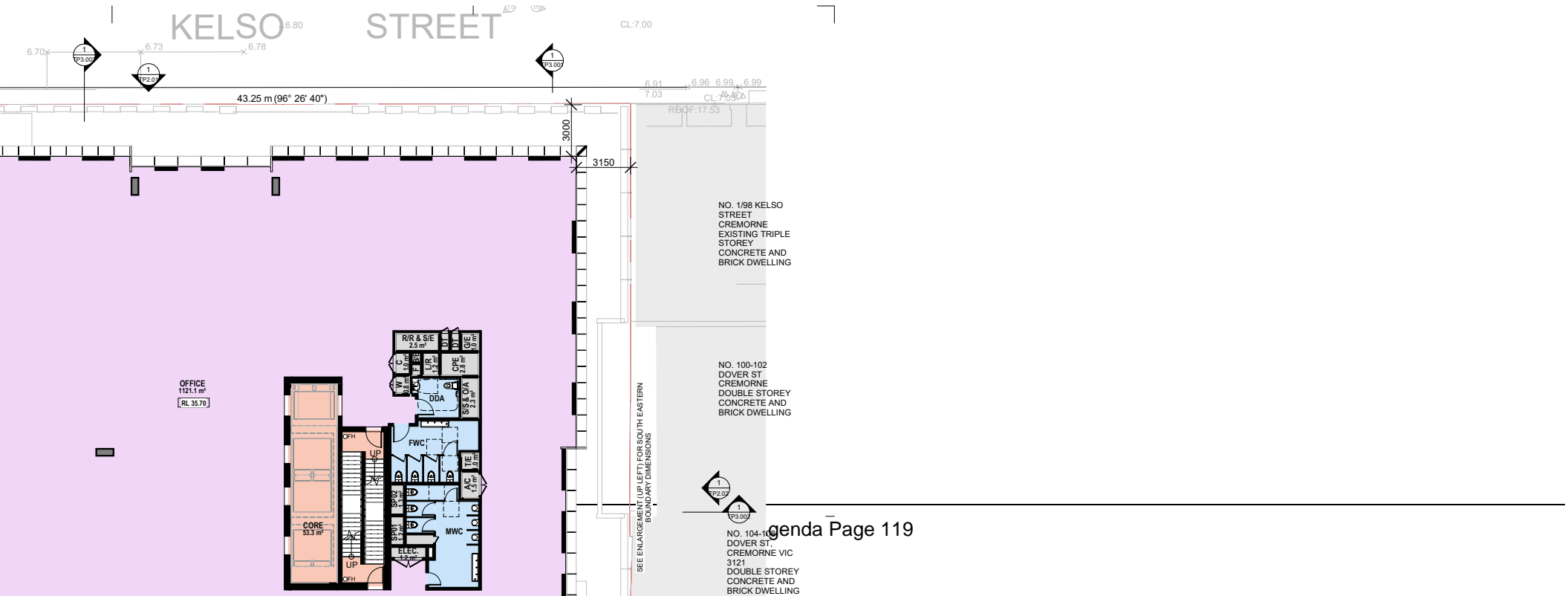


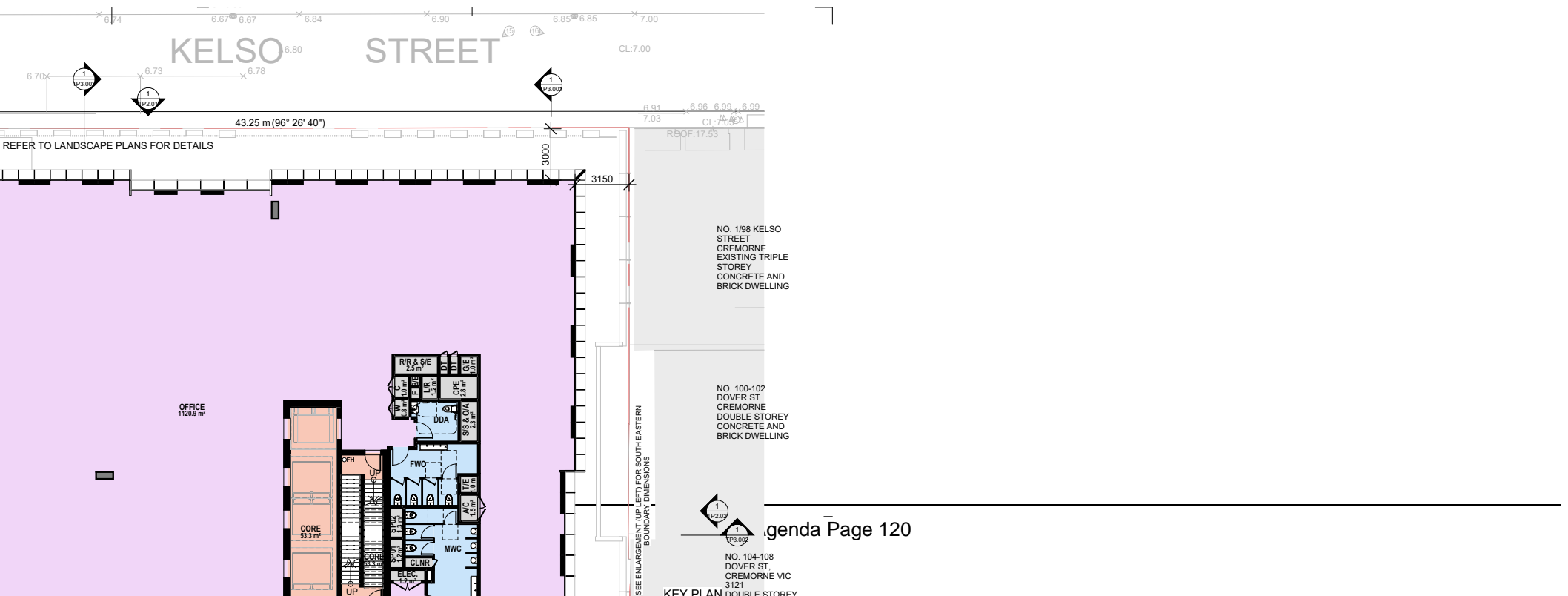


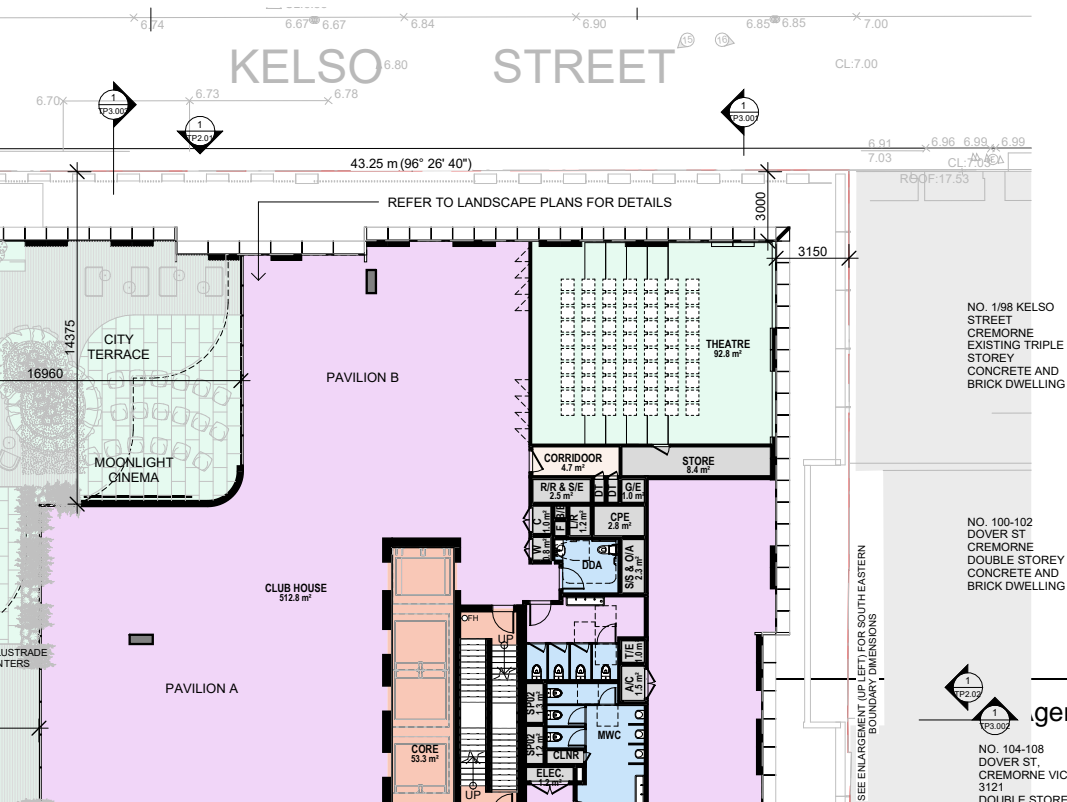


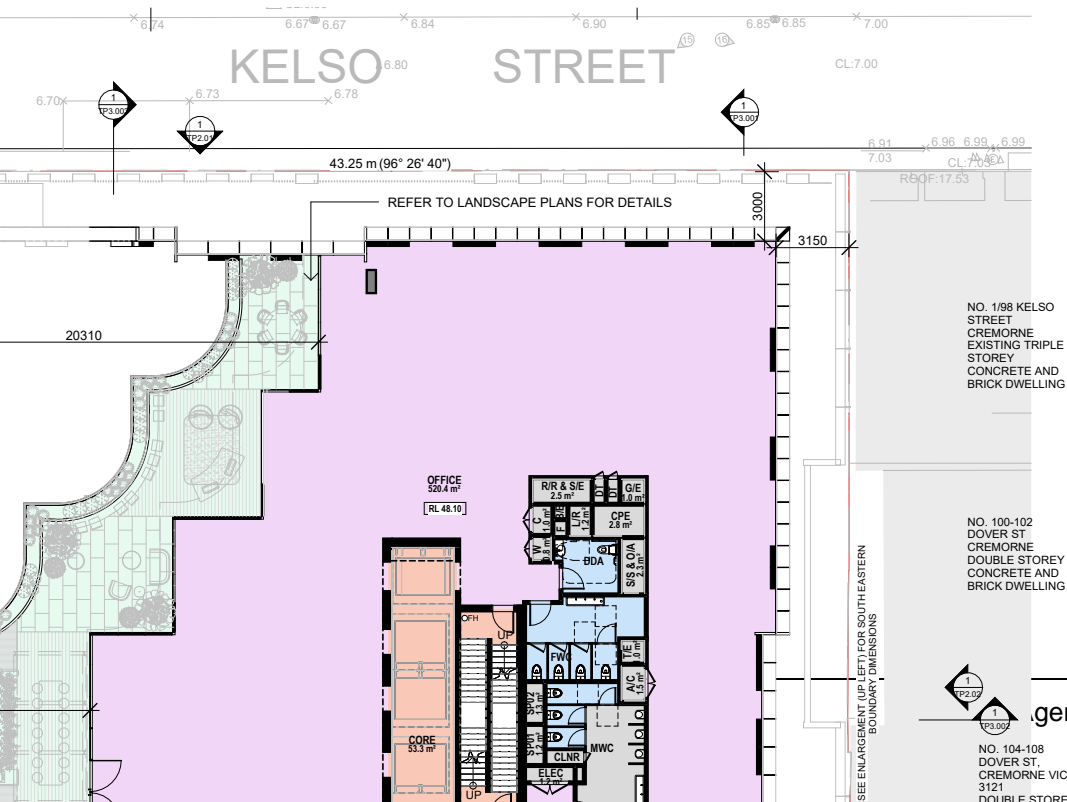


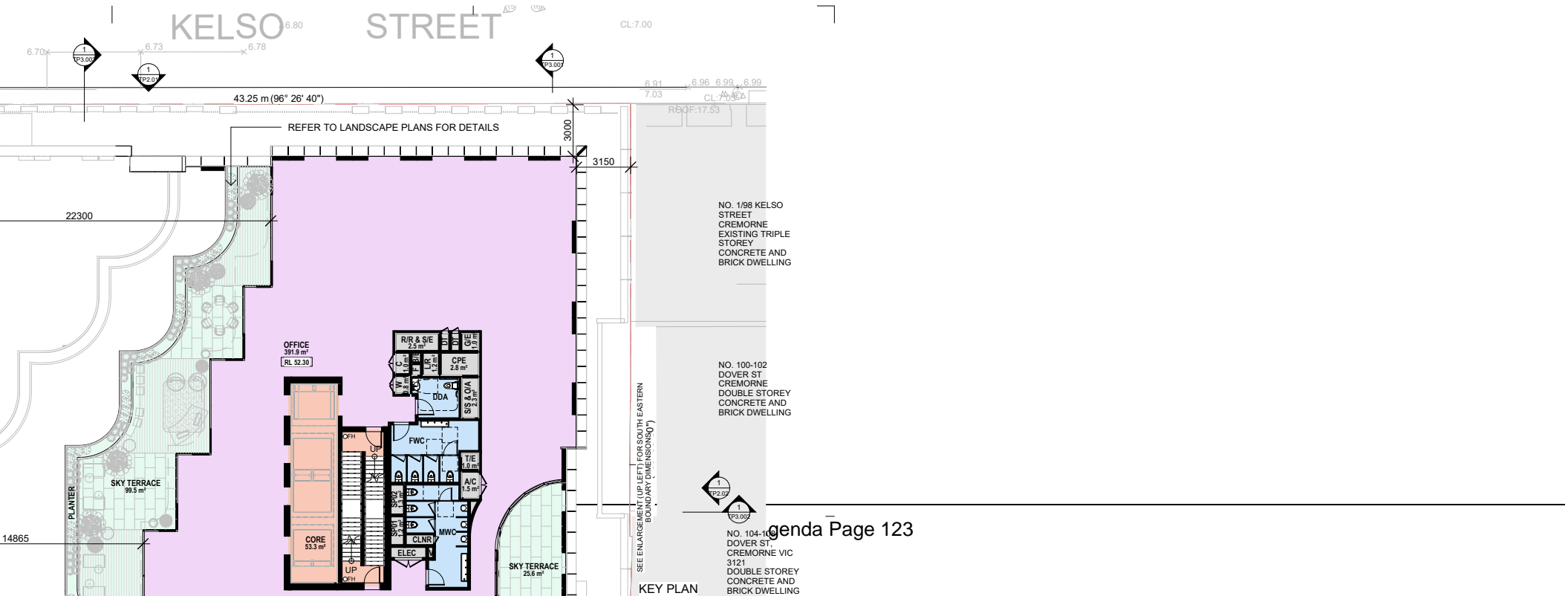


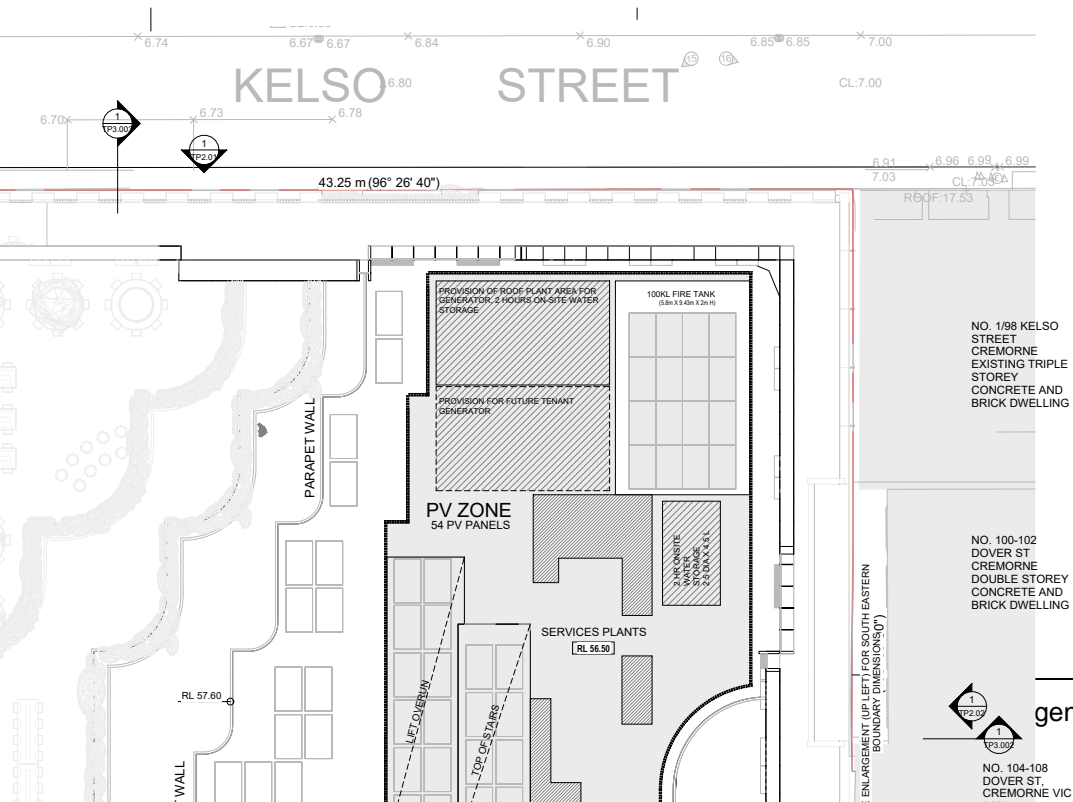


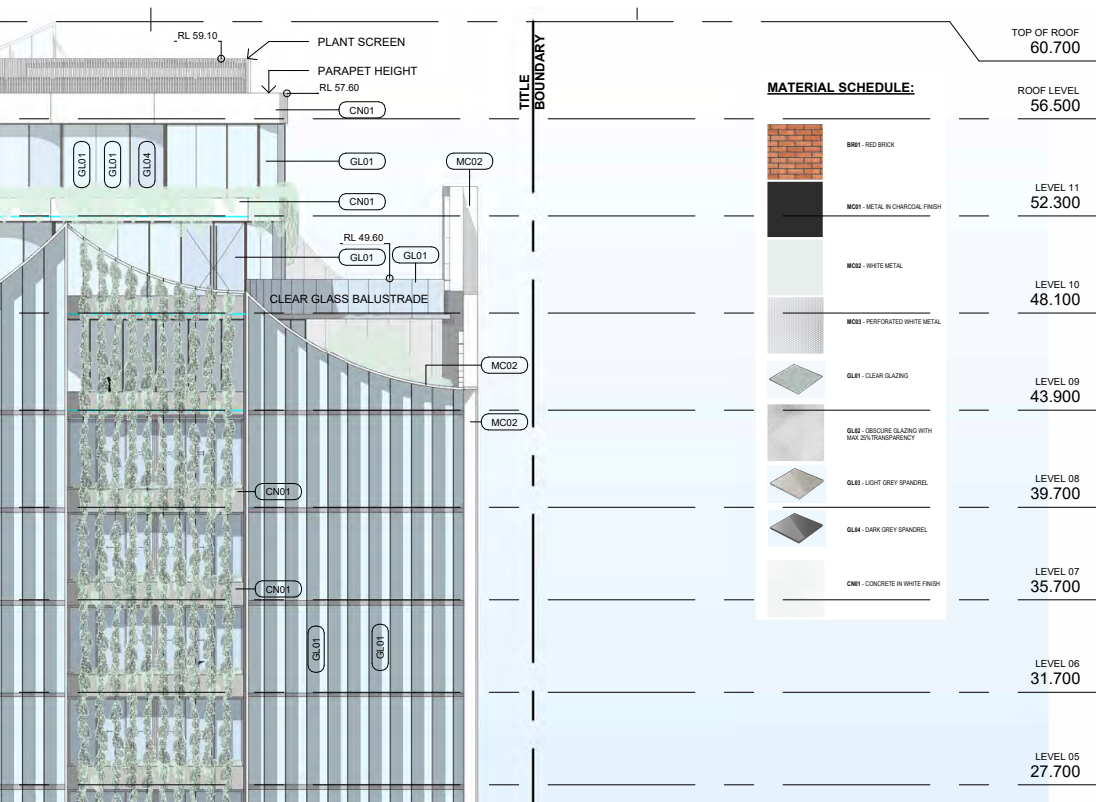


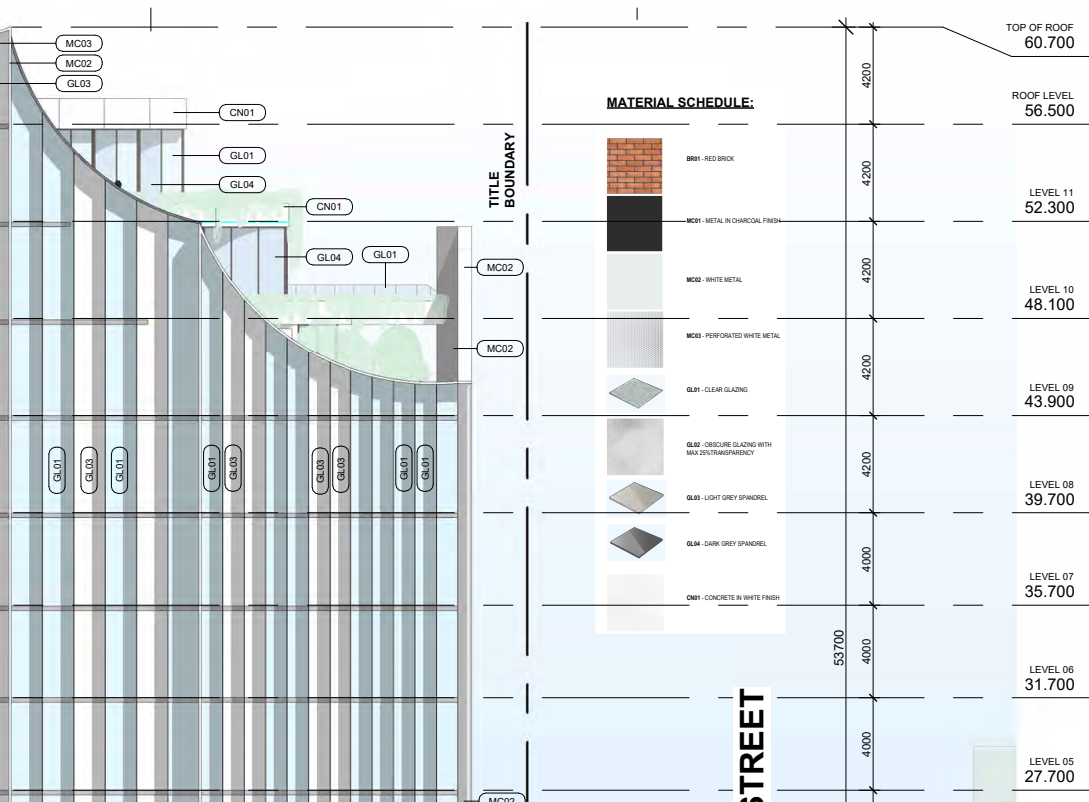


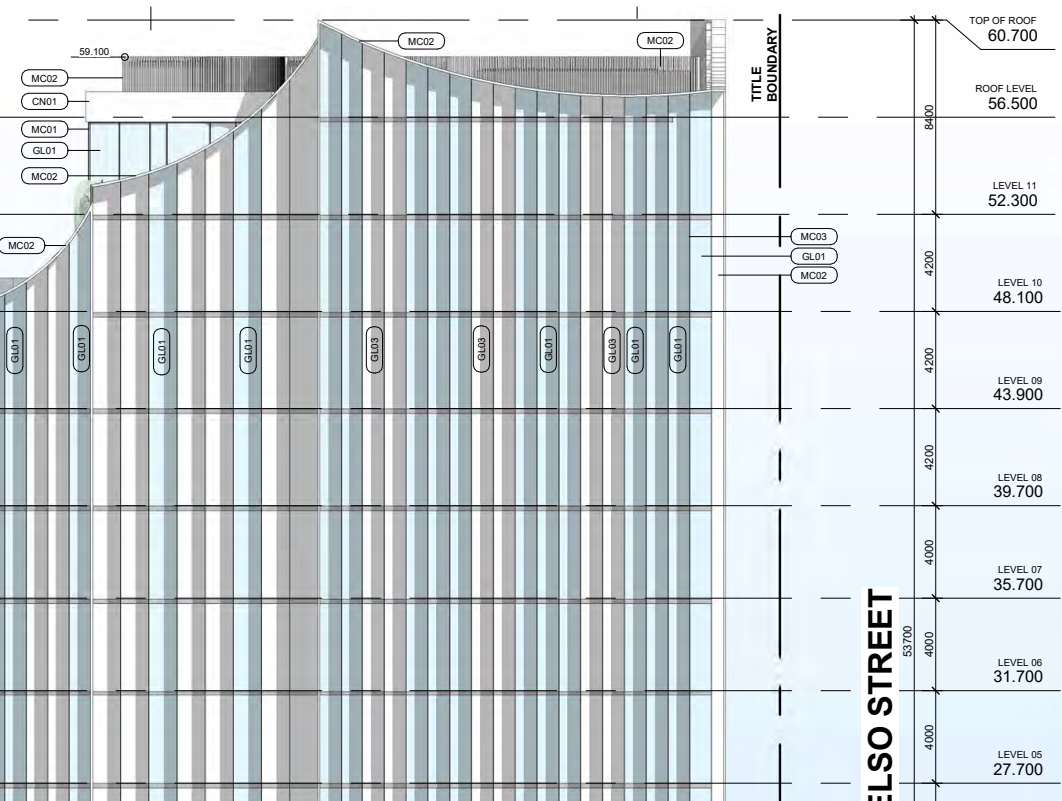


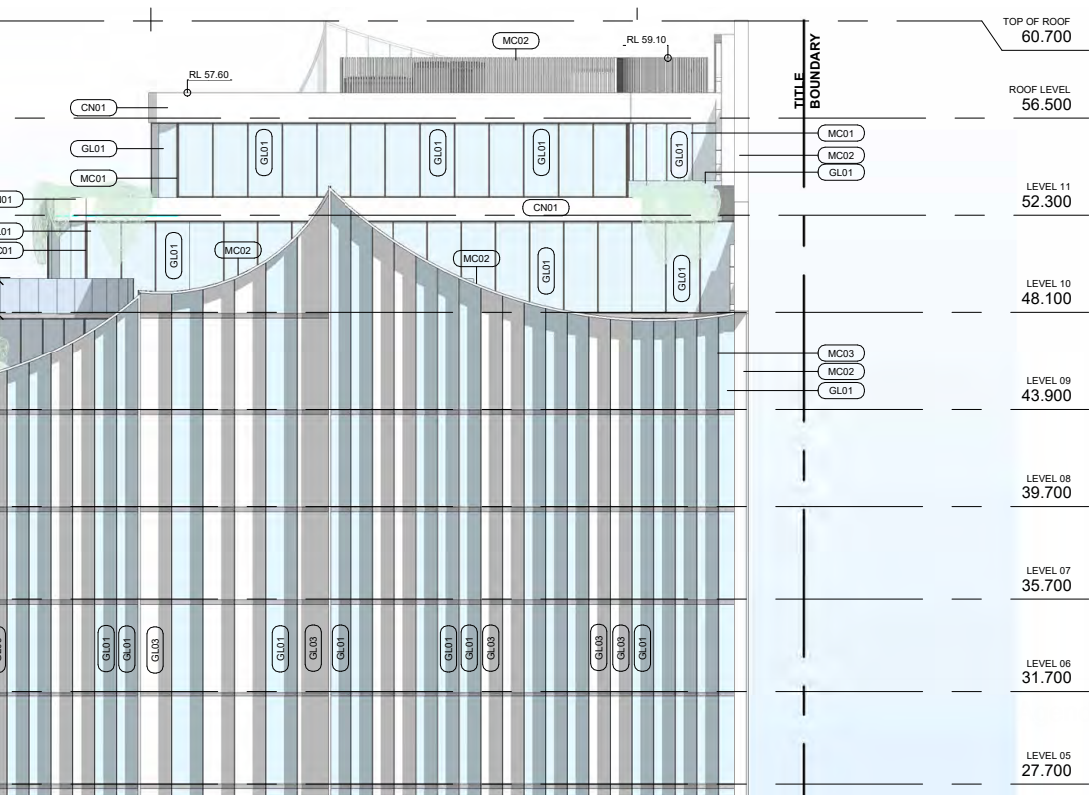


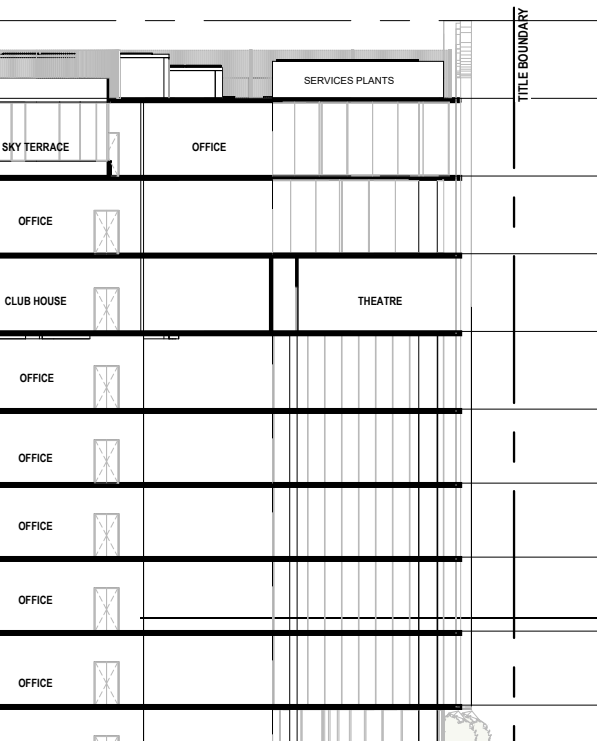


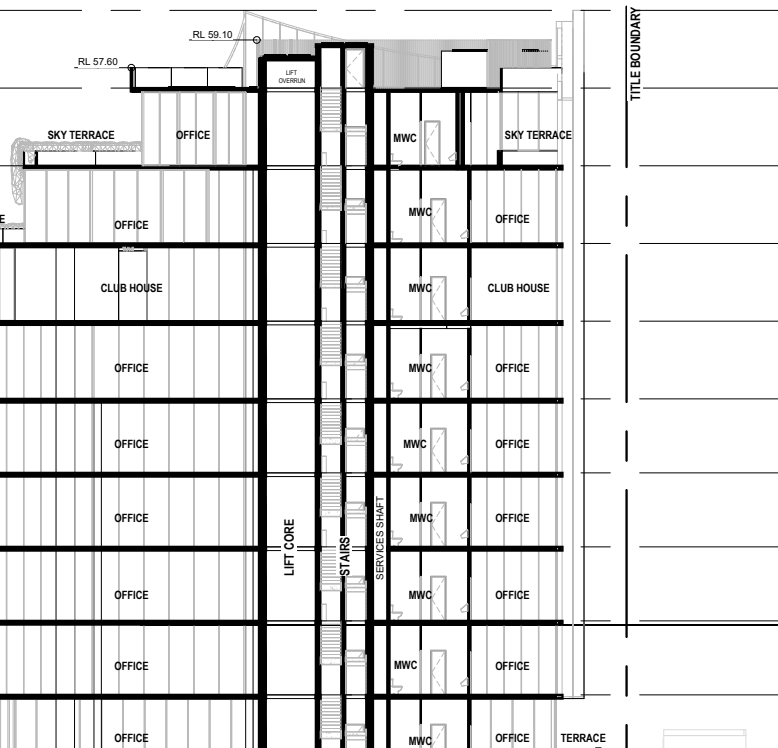




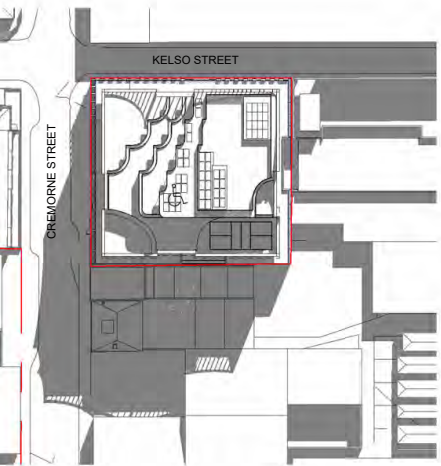












01 SPRING EQUINOX - 11AM
SCALE 1 : 1000

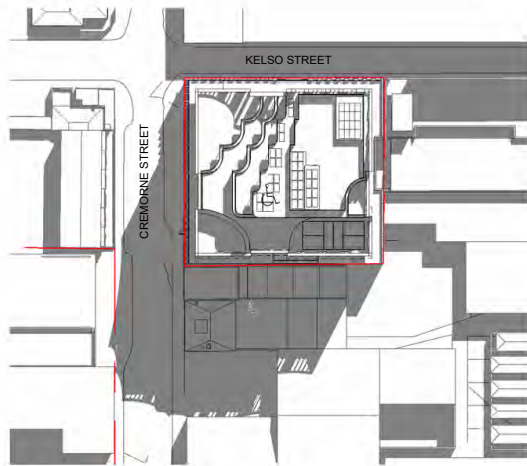


02 SPRING EQUINOX - 12PM
SCALE 1 : 1000





EQUINOX - 10.30AM



4 SPRING EQUINOX - 10.45AM
SCALE 1 : 1000



PLANNING &
PROPERTY | **PARTNERS**

TOWN PLANNING REPORT

101 Cremorne Street, Cremorne

Prepared on behalf of 101CSC Pty Ltd
August 2024

Level 13, 1 Collins Street, Melbourne VIC 3000 | +61 3 8626 9000 | admin@pppartners.com.au | www.pppartners.com.au

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Appendix A – Copies of Title

Appendix B – Planning Property Report (DTP)

1 Introduction

1.1 Project Overview

This report accompanies a planning permit application to the State Government's Development Facilitation Program ('DFP') for the use and development of the land located at 101 Cremorne Street, Cremorne (the 'Site') for the purposes of a multi-storey commercial building comprising office and shop, and a waiver of standard car parking requirements. Planning & Property Partners Pty Ltd are engaged as town planning consultants on behalf of 101CSC Pty Ltd.

The Site is located on the southeastern corner of the Cremorne Street and Kelso Street intersection and is currently occupied by a three-storey commercial building. The Site is strategically located within a 'Major Employment Precinct' with close proximity to the Swan Street Major Activity Centre as identified by the Yarra Planning Scheme (the 'Planning Scheme') and has excellent public transport accessibility.

The application seeks planning approval for the use and construction of a 12-storey building, in accordance with the application plans prepared by *CHT Architects* ('Proposal'). The Proposal seeks to provide 10,917 square metres of net lettable office area and an associated 596 square metres of net lettable shop area which is expected to contribute to both streetscape activation and economic stimulus in the area, providing a desirable asset to the Municipality.

The proposed design response will result in a highly resolved architectural and urban design outcome which is befitting of the Site's existing and future urban context. The Site is presently underutilised, with existing development falling short of the highest and best use of the land. The development of the Site for a commercial building, encompassing both office and shop uses builds upon the identified amenity values of the locality while providing a community benefit by activating the public realm and delivering a new and contemporary urban renewal outcome in line with the emerging built form character of the precinct which is arguably the most dynamic and evolving commercial development hub in the broader Melbourne Metropolitan area.

1.2 Planning Context

The Site is situated in the Commercial 2 Zone ('C2Z') and is affected by the Development Contributions Plan Overlay – Schedule 1 ('DCPO1') pursuant to the provisions of the Planning Scheme. It is recognised that planning permission is required for the use and development of the land as proposed and a car parking dispensation, as discussed in-depth at Section 4 of this report.

The Municipal Planning Strategy ('MPS') and Planning Policy Framework ('PPF') set out strategic directions relevant to the Site. The relevant policy provisions of the Planning Scheme are discussed in further detail at Section 5 of this report.

The proposal responds to the State-wide objectives for urban consolidation proximate to existing public transport infrastructure and activity centres as detailed within Plan Melbourne: Metropolitan Planning Strategy and aligns with the requirements and policy direction of the Planning Scheme in respect to development of the Site.

The proposal responds to the purpose of the zone and offers a highly resolved architectural outcome in its commercial and former industrial setting. The physical characteristics of the Site and its locational circumstances on a prominent street corner within an emerging area of Cremorne lend itself to high order commercial office development proximate to the Swan Street MAC and the Melbourne CBD as well as existing public transport and infrastructure.

1.3 Statutory Approval Process

This project is sought to be approved and implemented through the Clause 53.22 provisions of the Planning Scheme, which apply to *Significant Economic Development*. The Clause 53.22 provisions were introduced via VC242 in September 2023 to facilitate planning approvals which will provide a significant community and economic benefit. Clause 53.22 has as its purpose:

To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.

To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

The Proposal qualifies under the Clause 53.22 pathway pursuant to the Category 1 conditions listed at the table to Clause 53.22-1, which require an office development to include at least 10,000 square metres of gross floor area if located in Metropolitan Melbourne. Also required is written advice from the Chief Executive Officer, Invest Victoria, and a quantity surveyor report, which are both submitted alongside the application material.

The Clause 53.22 provisions have been selected as the most appropriate means of facilitating planning approval for the Proposal, noting the positive engagement with State Government that has occurred to date, including a pre-application meeting with DFP officers on 3 November 2023. Moreover, the proposal represents a significant and funded investment opportunity in the commercial office market of our growing City and should be supported on account of the specific need for this form of development to support the commercial aspirations of the city.

It is important to note under the Clause 53.22 application pathway the following key aspects apply:

- Pursuant to Clause 72.01-1, the Minister for Planning becomes the responsible authority;
- Pursuant to Clause 53.22-2:
 - The responsible authority may waive or vary any building height or setback requirement.
 - An application is exempt from an application requirement in this planning scheme if in the opinion of the responsible authority the information is not relevant to the assessment of the application.
- Pursuant to Clause 53.22-4, *an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.*

1.4 Accompanying Documents

The Proposal has been designed and is supported by the input of a highly respected project team, including:

- Architectural plans prepared by *CHT Architects*;
- Urban Context Report prepared by *CHT Architects*;
- Landscape Plan prepared by *Jack Merlo Design and Landscape*;
- Sustainable Management Plan prepared by *Ark Resources Pty Ltd*;
- Traffic Engineering Assessment prepared by *Traffix Group Pty Ltd*;
- Waste Management Plan prepared by *Traffix Group Pty Ltd*;
- Green Travel Plan prepared by *Traffix Group Pty Ltd*; and,
- Wind Impact Assessment Prepared by *Vipac Engineers and Scientists Limited*.

Collectively these reports confirm the suitability of the use and development of the Site from a social, economic, built form, environmental and amenity perspective.

The suite of application plans and informing consultant reports detail a carefully considered and well resolved proposal that will deliver meaningfully in relation to the environmental performance of the building through construction and operation. In addition, the accommodation for the emerging office workers and businesses that will support the economy is of a very high level with street activation and communal spaces that are befitting of the future employment community who will benefit from the high level of amenity proposed to be offered.

2 Site Analysis

2.1 Site Description

The Site comprises the following four parcels of land:

- Lot 1 on Title Plan 243830M.
- Lot 1 on Title Plan 371486J.
- Lot 1 on Title Plan 833550E.
- Lot 1 on Title Plan 864823U.

Lot 1 on Title Plan 833550E is affected by an encumbrance relating to overhanging spouting benefiting the land to its north, which also comprises part of the Site. This proposed development will not be constrained or impacted in any way by this encumbrance. Additionally, Lot 1 on Title Plan 864823U is affected by a caveat lodged by Citipower Pty for the purposes of a substation lease. The existing substation is proposed to be retained in full and will not prejudice the proposed development.

Copies of the above Certificate of Titles are provided at **Appendix A** of this report.

The Site is almost square in shape and is located on the eastern side of Cremorne Street, maintaining a corner location at the intersection of Cremorne Street and Kelso Street. The Site maintains a 40.7 metre wide frontage to Cremorne Street, and a 43.25 metre wide frontage to Kelso Street, with an overall land area of approximately 1,729 square metres.



Figure 1 – Subject Site – Aerial Image.

Source: NearMap (July 2023)

The Site is currently occupied by a three-storey commercial building, which is currently leased out for use as an office. The building occupies the majority of the Site and addresses Cremorne Street as its primary frontage. The building is built to the north, south and west boundary and incorporates an uncovered car parking area at its rear, which runs the length of the eastern boundary. Two double width crossovers to Kelso Street provide vehicle access to the Site and the gated car parking area.



Figure 2 – Subject Site – existing under developed condition.
(December, 2019).

Source: Google Streetview

2.2 Site Interfaces

The Site features two street interfaces and a several abutments to properties east and south of the Site. The Existing Site Plan, drawing no. TP0.01 prepared by *CHT Architects* provides a visual representation of the immediate surrounding context.

The Site is located within a major employment precinct and shares a direct interface with land in the C2Z to the east and south. Land to the north of the Site is dedicated to the Kangan Institute and is accordingly Public Use Zone ('PUZ') land. On the opposing side of Cremorne Street, further to the Site's west, there is a small pocket of General Residential Zone ('GRZ') land which is an aberration to the established zoning framework of the locality.

Surrounding land use and development beyond the Site's immediate interfaces are described as follows:

North

Beyond Kelso Street to the north is the Kangan Institute Cremorne Campus, a Victorian TAFE provider, which offers apprenticeship and traineeship training. The land is accordingly zoned PUZ for the purpose of education.

The campus occupies the entire frontage of Kelso Street, between Cremorne Street and Dover Street and extends further to the north, as far as Fitzgibbon Street. The campus' main entrances are taken from Cremorne Street further to the north.

A two-storey brick building is built to the southern boundary, holding this Kelso Street frontage, as can be seen in Figure 2 above. This building is the site of the former Melbourne Wire Works Factory and Head Office and is subject to Heritage Overlay – Schedule 518.

East

To the east, several buildings immediately abut the Site, which are described as follows.

98 Dover Street

This building comprises 11 dwellings, which have been converted from what previously was a warehouse. Each dwelling fronts Kelso Street for a combined length of 42 metres. The westernmost apartment is built to boundary and immediately abuts the Site for a length of 13 metres. The building is primarily three storeys in scale, however, a fourth level exists above the westernmost apartment. The building presents to the Site largely as a blank brick wall and has a balcony on the third storey, oriented north.

100 Dover Street

This building comprises a mix of office suites and dwellings. Fronting Dover Street to the east of the Site, this building maintains a consistent two storey height. The building is set back by approximately 1.5 metres from its western boundary, to allow for a small open-air courtyard and western facing windows. The balance of the form is otherwise built to all boundaries; north, east and south.

102 Dover Street

Similar in proportion to 100 Dover Street, this building is constructed to all boundaries, with the exception of a small courtyard at the rear. The building fronts Dover Street and is two storeys in height. The building comprises several commercial and office tenancies. In terms of its relationship to the Site, this building presents entirely with a blank wall treatment, save for a small section of single storey wall, adjacent to the aforementioned courtyard.



Figure 3 – 98-102 Dover Street interfaces to Site.

Source: Google Streetview (December, 2019).

South

115 Cremorne Street is a two-storey brick building, located immediately south of the Site and built entirely to the common boundary. The building is used for commercial purposes and comprises approximately 500 square metres of office space, across two levels.

The land located further to the south at 119 Cremorne Street is occupied by the former 'Yarra Hotel' which is identified as an individually significant heritage building within the precinct and affected by Heritage Overlay – Schedule 247. This property has a site area of approximately 362 square metres and is occupied by the former hotel building and associated outbuildings which have access to the rear of the land via Victoria Avenue.



Figure 4 – Foreground: Former Yarra Hotel. Site in rear.

Source: Google Streetview (December, 2021).

West

Beyond Cremorne Street to the west is a small pocket of GRZ land, which comprises seven narrow residential lots with primary frontage to Cremorne Street. Of these, the six lots between 106-112 Cremorne Street are occupied by three-storey townhouse buildings, with balconies facing Cremorne Street and the Site. 104 Cremorne Street remains in its original form, as a single storey brick dwelling. Each of the seven aforementioned dwellings locate their primary open space area at the rear, away from Cremorne Street.

Just south of the townhouses, 116-130 Cremorne Street occupies a larger landholding consisting of existing two-storey commercial buildings and an at-grade car parking area. It should be noted that this land currently benefits from Planning Permit PLN22/0454, with an approved building envelope of nine storeys.



Figure 5 – Render of proposed development at 116-130 Cremorne Street, with existing residential lots (104-112 Cremorne Street) in foreground.

Source: Yarra Planning Decisions Committee Agenda (20 December 2022)

2.3 Surrounding Context

The Site is located in the western part of Cremorne bounded by the Yarra River to the South, railway lines to the east, Punt Road to the west and Swan Street to the north. This area, as well as land east of the railway corridor is generally identified as a 'Major Employment Precinct' as recognised by Council's Strategic Framework Plan at Clause 2.04 of the Planning Scheme.

Within this area, the Site is located toward the western edge of the commercial precinct of Cremorne. The Site's C2Z is consistent with properties to the east and south of the Site, with GRZ land to the west, and a pocket of PUZ land to the north. The mix of zoning is shown in Figure 6 below.

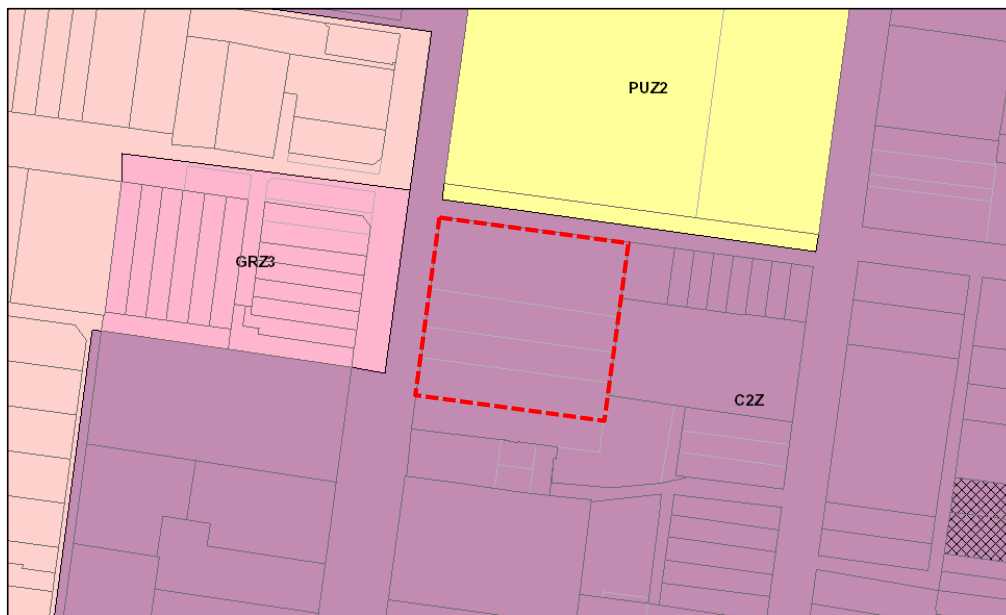


Figure 6 – Site and Surrounds – Zoning Controls.

Source: DELWP.

Land uses and built form within the broader Cremorne area is best described as mixed, comprising fine-grain low-rise residential, low-rise warehouse and industrial buildings, as well as taller mixed-use apartment and commercial buildings. Generally speaking, the built form is hard-edged, with on boundary construction and with minimal front setbacks on a variety of lots sizes.

It is evident that the surrounding commercial area is experiencing a transition from traditional manufacturing and industry to service and knowledge-based industries. The transition in commercial uses is reflected in the emerging built form, with more recent development comprising office and mixed-use buildings between 9 and 15 storeys in scale. This is evidenced by the following approvals:

- 1/22-26 Gordon Street – 9 storeys (PLN19/0527)
- 116-130 Cremorne Street – 9 storeys (PLN22/0454)
- 1-3 Harcourt Parade – 10 storeys (PLN18/0002)
- 4-6 Cubitt Street – 13 storeys (PLN19/0657)
- 2 Gough Street – 14 storeys (PLN15/0355)

While the Planning Scheme provides limited guidance for built form outcomes in this precinct, the approvals listed above demonstrate that a relatively coherent new built form character of increased height is being

established along Cremorne Street and its peripheries. It is an area evolving significantly with mixed-use redevelopment but predominantly commercial in nature. This precinct is envisaged to undergo significant change and intensification as development pressure for new commercial floor space continues in this highly accessible location.

The surrounding area contains a number of key destinations and services which are highly accessible from Site by walking, cycling or public transport:

- Swan Street and Church Street shopping strips;
- Melbourne Cricket Ground and AAMI Park;
- Yarra Park and the Punt Road Oval;
- The Yarra River;
- Barkley Gardens;
- Goschs Paddock;
- Royal Botanic Gardens;
- Richmond Library; and
- Melbourne CBD.

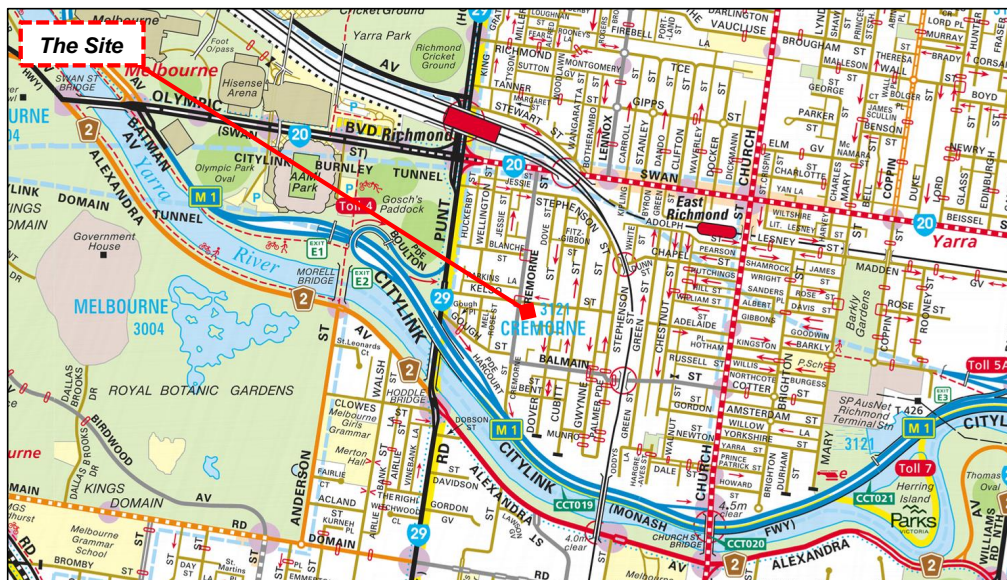


Figure 7 – Site Context

Source: <https://online.melway.com.au/melway/>

The Site is located within a Principal Public Transport Network Area and is easily accessible via various modes of public transport, including:

- Fixed train line services operating from Richmond and East Richmond Stations approximately 450 metres and 550 metres away respectively;
- Tram routes 70 along Swan Street and 78 along Church Street located to the north and east the Site respectively; and
- Bus route 246 along Punt Road and 605 along Alexandra Avenue to the west and south of the Site respectively.

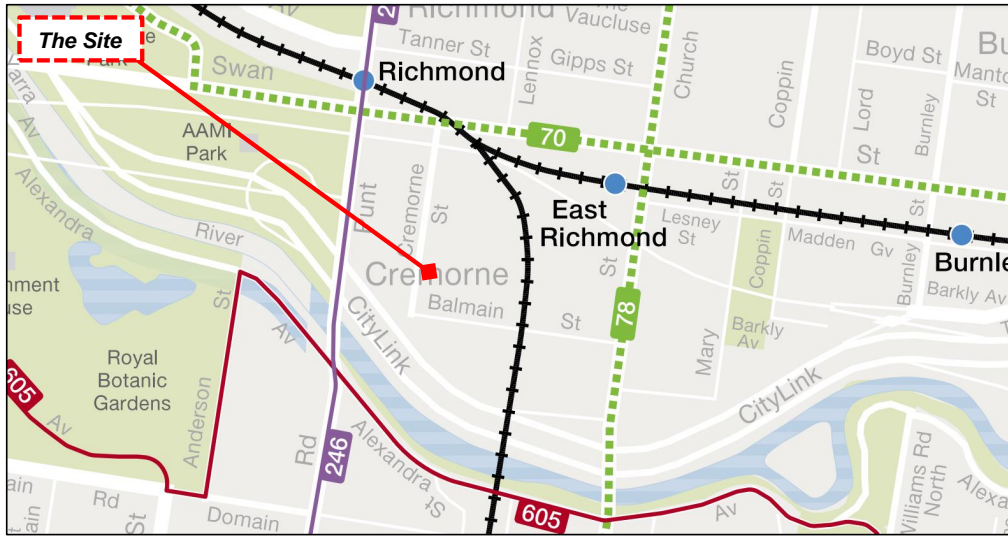


Figure 8 – Public Transport Connection Source: www.ptv.gov.au

The location of the Site with excellent proximity to the aforementioned facilities is considered appropriate for encouraging a commercial mixed-use building. This approach is consistent with the existing and evolving character of the area and policy support for development within commercial centres that are proximate to existing infrastructure and amenities.

3 Proposal

3.1 Proposal Overview

The Proposal seeks to provide an outcome responding to both the Site's physical and policy context. It seeks to provide a commercial building with ground floor shop tenancies that will increase the activation and connectivity of the public realm within a high quality, sustainable architectural built form that will provide a significant improvement for the Site and surrounds.

The Proposal is illustrated within the drawings prepared by *CHT Architects* and the consultant material submitted with the application.

Broadly, the application proposes the following:

- The construction of a site-responsive building with 11 levels of office space with varying floor areas including shared communal amenities at level 9.
- Ground floor shop tenancies activating the public realm.
- Podium form from ground to level 2 (three storeys).
- Recessive upper levels 3-11 above podium.
- External terrace areas at Levels 3, 9, 10 and 11
- 136 bicycle spaces with extensive end-of-trip facilities at ground level.
- 94 car parking spaces across two levels of basement.

The development is of a high-quality architectural design that presents a tactile articulated street wall with robust material use and distinct upper-level elements beyond. The siting and massing of the building responds to the Site context and applicable planning framework.

Through the pre-application process with the DFP, an earlier revision of the proposed plans was circulated to the Office of the Victorian Government Architect ('OVGA') for initial comment. Consultation was undertaken with DFP officers and the OVGA on matters of context and urban design, architectural design and amenity. The application plans seek to respond to this feedback, as detailed in both the plans that accompany the current application and the detailed commentary offered within this report.

Please refer to the architectural package by *CHT Architects* for further details.

3.2 Detailed Description of the Layout

A detailed description of the development floor plans for the Proposal is outlined below and should be read in conjunction with the submitted application plans prepared by *CHT Architects* as outlined below:

| Drawing | Description |
|--|--|
| TP1.01 – Level B2 <i>Proposed Basement 02 Floor Plan</i> | <ul style="list-style-type: none"> • 53 car parking spaces • Lift core, stairwell and services • Two 25KL rainwater tanks (50KL total capacity). • Existing substation |
| TP1.02 – Level B1 <i>Proposed Basement 01 Floor Plan</i> | <ul style="list-style-type: none"> • 41 car parking spaces • Lift core, stairwell and services • Fire pump, MDF and various service rooms |

| | |
|--|--|
| | <ul style="list-style-type: none"> Existing substation |
| <p>TP1.03 – Level 00 <i>Proposed Ground Floor Plan</i></p> | <ul style="list-style-type: none"> Four shop tenancies (total 596 square metres total NLA) Lobby, circulation and air lock spaces Main Cremorne Street pedestrian entry and secondary entry from Kelso Street Vehicle entry from Kelso Street Separate end of trip entry with afterhours security gates 136 bicycle spaces End of trip facilities Lift core, stairwell and services Waste room Loading zone Existing substation |
| <p>TP1.04 – Level 01 <i>Proposed Level 1 Floor Plan</i></p> | <ul style="list-style-type: none"> Open plan office space (1,418.7 square metres NLA) Staff amenities inclusive of DDA cubicle Lift core, stairwell and services Void above main Cremorne Street entrance |
| <p>TP1.05 – Level 02 <i>Proposed Level 2 Floor Plan</i></p> | <ul style="list-style-type: none"> Open plan office space (1,469.5 square metres NLA) Staff amenities inclusive of DDA cubicle Lift core, stairwell and services |
| <p>TP1.06 – Level 03 <i>Proposed Level 3 Floor Plan</i></p> | <ul style="list-style-type: none"> Open plan office space (998.7 square metres NLA) Expansive wrap-around terrace area (452.9 square metres) Staff amenities inclusive of DDA cubicle Lift core, stairwell and services |
| <p>TP1.07 – Level 04 <i>Proposed Level 4 Floor Plan</i></p> | <ul style="list-style-type: none"> Open plan office space (1,120.9 square metres NLA) West-facing operable window to planter Staff amenities inclusive of DDA cubicle Lift core, stairwell and services |
| <p>TP1.08 – Level 05 <i>Proposed Level 5 Floor Plan</i></p> | <ul style="list-style-type: none"> Open plan office space (1,121.1 square metres NLA) West-facing operable window to planter Staff amenities inclusive of DDA cubicle Lift core, stairwell and services |
| <p>TP1.09 – Level 06 <i>Proposed Level 6 Floor Plan</i></p> | <ul style="list-style-type: none"> Open plan office space (1,121.1 square metres NLA) West-facing operable window to vertical landscaping Staff amenities inclusive of DDA cubicle |

| | |
|---|--|
| | <ul style="list-style-type: none"> • Lift core, stairwell and services |
| <p>TP1.10 – Level 07 <i>Proposed Level 7 Floor Plan</i></p> | <ul style="list-style-type: none"> • Open plan office space (1,121.1 square metres NLA) • West-facing operable window to vertical landscaping • Staff amenities inclusive of DDA cubicle • Lift core, stairwell and services |
| <p>TP1.11 – Level 08 <i>Proposed Level 8 Floor Plan</i></p> | <ul style="list-style-type: none"> • Open plan office space (1,120.9 square metres NLA) • West-facing operable window to vertical landscaping • Staff amenities inclusive of DDA cubicle • Lift core, stairwell and services |
| <p>TP1.12 – Level 09 <i>Proposed Level 9 Floor Plan</i></p> | <ul style="list-style-type: none"> • Club house and lounge space (512.8 square metres NLA) • Theatre (92.8 square metres) • Communal outdoor space (504 square metres) • Staff amenities inclusive of DDA cubicle • Lift core, stairwell and services |
| <p>TP1.13 – Level 10 <i>Proposed Level 10 Floor Plan</i></p> | <ul style="list-style-type: none"> • Open plan office space (520.4 square metres NLA) • Upper terrace area (202.8 square metres) • Staff amenities inclusive of DDA cubicle • Lift core, stairwell and services |
| <p>TP1.14 – Level 11 <i>Proposed Level 11 Floor Plan</i></p> | <ul style="list-style-type: none"> • Open plan office space (391.9 square metres NLA) • Sky terrace area (total 125.1 square metres) • Staff amenities inclusive of DDA cubicle • Lift core, stairwell and services |
| <p>TP1.15 – Roof Level <i>Proposed Roof Plan</i></p> | <ul style="list-style-type: none"> • Plant area • 100KL Fire tank and water storage • 54-panel solar system. |

3.3 Planning Permit Requirements

The Site is located within the C2Z and is affected by DCPO1 pursuant to the Planning Scheme.

A planning permit is required pursuant to the following provisions of the Scheme:

- Clause 34.02-1 (C2Z) use of part of the building as 'shop'.
- Clause 34.02-4 (C2Z) to construct a building or construct or carry out works.
- Clause 52.06-3 (Car Parking) to reduce the standard car parking requirement to serve the development.

The relevant planning permit triggers are discussed further in the following section. A copy of the Planning Property Report is included at **Appendix B** to this report.

4 Town Planning Context

4.1 Municipal Planning Strategy

The MPS details the overarching strategic policy directions for the municipality and supports the PPF.

The following polices are of relevance to the application:

- **Clause 2.01 Context**
- **Clause 2.02 Vision**
- **Clause 2.03 Strategic Directions**
 - 2.03-1 Settlement
 - 2.03-3 Environmental risks and amenity
 - 2.03-4 Built environment and heritage
 - 2.03-6 Economic development
 - 2.03-7 Transport
- **Clause 2.04 Strategic Framework Plan**

4.2 Planning Policy Framework

The PPF is an integrated policy source that provides both overarching and specific principles for land use and development across the state of Victoria. Included in the PPF is State, regional and local planning policy content, denoted by the 'S', 'R' or 'L' in the clause title. The following clauses are relevant to the Proposal:

- **Clause 11 – Settlement**
 - Clause 11.01 – Settlement
 - › Clause 11.01-1S – Settlement
 - › Clause 11.01-1R – Settlement – Metropolitan Melbourne
 - Clause 11.02 – Managing Growth
 - › Clause 11.02-1S – Supply of urban land
 - Clause 11.03 – Planning for Places
 - › Clause 11.03-1S – Activity centres
 - › Clause 11.03-1R – Activity centres – Metropolitan Melbourne
 - › Clause 11.03-1L – Activity centres
- **Clause 13 – Environmental Risks and Amenity**
 - Clause 13.05 – Noise
 - › Clause 13.05-1S – Noise management
 - Clause 13.06 – Air Quality
 - › Clause 13.06-1S – Air quality management
 - Clause 13.07 – Amenity, Human Health and Safety

- › Clause 13.07-1S – Land use compatibility
- › Clause 13.07-1L-01 – Interfaces and amenity
- **Clause 15 – Built Environment and Heritage**
 - Clause 15.01 – Built Environment
 - › Clause 15.01-1S – Urban design
 - › Clause 15.01-1R – Urban design – Metropolitan Melbourne
 - › Clause 15.01-1L – Urban design
 - › Clause 15.01-2S – Building design
 - › Clause 15.01-2L – Building design
 - › Clause 15.01-2L-01 – Environmentally sustainable development
 - › Clause 15.01-2L-02 - Landmarks
 - › Clause 15.01-4S – Healthy neighbourhoods
 - › Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne
 - › Clause 15.01-5S – Neighbourhood character
- **Clause 17 – Economic Development**
 - Clause 17.01 – Employment
 - › Clause 17.01-1S – Diversified economy
 - › Clause 17.01-1R – Diversified economy – Metropolitan Melbourne
 - › Clause 17.01-1R – Diversified economy – Metropolitan Melbourne – Inner Metro Region
 - › Clause 17.01-1L – Employment
 - Clause 17.02 – Commercial
 - › Clause 17.02-1S – Business
 - › Clause 17.02-1L - Retail
- **Clause 18 – Transport**
 - Clause 18.01 – Land Use and Transport
 - › Clause 18.01-1S – Land use and transport Integration
 - › Clause 18.01-3S – Sustainable and safe transport
 - › Clause 18.01-3S – Sustainable and safe transport – Metropolitan Melbourne
 - › Clause 18.01-3L – Sustainable transport
 - Clause 18.02 – Movement Networks
 - › Clause 18.02-1S – Walking
 - › Clause 18.02-1L – Walking
 - › Clause 18.02-2S – Cycling
 - › Clause 18.02-2R – Cycling – Metropolitan Melbourne
 - › Clause 18.02-2L – Cycling

- › Clause 18.02-3S – Public transport
- › Clause 18.02-3R – Principal Public Transport Network
- › Clause 18.02-4S – Roads
- › Clause 18.02-4L – Road system
- › Clause 18.02-4L-01 – Car parking

4.3 Commercial 2 Zone

The subject land is situated within the C2Z pursuant to Clause 34.02 of the Planning Scheme. The purpose of C2Z is as follows:

To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

Although the office use of the land is 'as of right' under the C2Z, a planning permit is required for use of part of the ground floor of the building for 'shop' pursuant to Clause 34.02-1. Furthermore, a permit is required to 'construct a building or construct or carry out works', pursuant to Clause 34.02-4 of the Planning Scheme.

The decision guidelines requirements at Clause 34.02-7 of the Planning Scheme for 'Use' and 'Building and works' respectively, are as follows:

Use

The effect that existing uses may have on the proposed use.

The drainage of the land.

The availability of and connection to services.

The effect of traffic to be generated on roads.

The interim use of those parts of the land not required for the proposed use.

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

Building and works

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

The provision of car parking.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

The availability of and connection to services.

Any natural or cultural values on or nearby the land.

Outdoor storage, lighting, and storm water discharge.

The design of buildings to provide for solar access.

4.4 Development Contributions Plan Overlay – Schedule 1

The purpose of the Development Contributions Plan Overlay is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

The DCPO1 applies the 'Yarra Development Contributions Plan' which outlines a series of financial contributions applicable to the establishment of commercial and retail development (on a per square metres of floor area basis).

4.5 Particular Provisions

4.5.1 Clause 52.02 – Easements, Restrictions and Reserves

It is noted that the allotment referred to as Lot 1 on Title Plan 833550E is affected by an encumbrance relating to overhanging spouting benefiting the land to its north, which also comprises part of the Site. This encumbrance will not constrain or impact the future development of the Site and can be suitably resolved at a future point in time.

4.5.2 Clause 52.06 – Car Parking

Under the standard provisions of Clause 52.06-5, the development generates a statutory car parking requirement of 347 car spaces for the proposed shop and office uses. The development proposal includes a total of 94 car spaces, provided across two levels of basement.

Accordingly, the application seeks permission to reduce the required number of car parking spaces associated with the office and shop uses.

With regard the extent of the car parking reduction being sought, we refer to the accompanying Traffic Engineering Assessment provided by *Traffix Group Pty Ltd*.

4.5.3 Clause 52.34 – Bicycle Facilities

Clause 52.34 requires the provision of bicycle facilities before any new use can commence. The development generates a statutory bicycle parking requirement of 50 spaces for the proposed shop and office uses. The development proposal includes a total of 136 bicycle spaces, exceeding the provision requirements of Clause 52.34.

Under Clause 52.34-3 end of trip facilities (showers and changerooms) are to be provided if 5 or more employee bicycle spaces are required, 1 shower for the first employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. The development provides the requisite quantum of facilities.

With regard the provision of bicycle and end-of-trip facilities we rely on the accompanying Traffic Engineering Assessment prepared by *Traffix Group Pty Ltd*.

4.5.4 Clause 53.22 – Significant Economic Development

Clause 53.22 was recently introduced to the Planning Scheme via Amendment VC242 on 20 September 2023. This clause seeks:

To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.

To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

The Proposal qualifies under the Clause 53.22 pathway pursuant to the Category 1 conditions listed at the table to Clause 53.22-1, which require an office development to include at least 10,000 square metres of gross floor area if located in Metropolitan Melbourne. Also required is written advice from the Chief Executive Officer, Invest Victoria, and a quantity surveyor report, which are both submitted alongside the application material.

Important to note under the Clause 53.22 pathway is the following:

- Pursuant to Clause 72.01-1, the Minister for Planning becomes the responsible authority;
- Pursuant to Clause 53.22-2:
 - The responsible authority may waive or vary any building height or setback requirement.
 - An application is exempt from an application requirement in this planning scheme if in the opinion of the responsible authority the information is not relevant to the assessment of the application.
- Pursuant to Clause 53.22-4, *an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.*

4.6 Clause 65

Clause 65 sets out Decision Guidelines and Clause 65.01 sets out issues that the Responsible Authority must consider when making a decision. Those relevant to this application include:

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

The requirements of Clause 65 have been covered throughout this report and further analysis of key considerations is detailed in the following sections.

4.7 Other Strategic Documents

4.7.1 Swan Street Structure Plan (SSSP)

The SSSP is a 2014 document, which aims to manage this growth within the Swan Street MAC and the surrounding area through built form guidelines, which are applied on a precinct basis. The document has been adopted by Council, however, has yet to progress to the formal amendment stage and has limited statutory weight if any noting its age and relevance.

The SSSP identifies the Site within Precinct 6 – Cremorne mixed commercial precinct, informing a preferred maximum height of 4 storeys (13-16 metres).

4.7.2 Yarra Spatial Economic and Employment Strategy (SEES)

The Yarra Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Planning Scheme. Those strategies are to (*our emphasis underlined*):

1. *Support employment growth in Activity Centres.*
2. *Retain and grow Yarra's Major Employment Precincts (Cremorne / Church St and Gipps St Major Employment Precincts).*
3. *Identify preferred locations for housing growth to reduce pressures or conversion of employment land for housing.*
4. *Support the expansion of Yarra's health related employment and services in Yarra's health precincts.*
5. *Retain other C2 zoned land to support the diversity of business and employment opportunities.*
6. *Plan for the transition of Yarra's remaining industrial areas (longer term these areas will need investigating for their future development, land use and economic opportunities).*

The strategic direction contained in the SEES, supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.

The SEES considers the Cremorne Precinct, of which the Site forms a part, as a 'major employment precinct.' The SEES considers that '*With a unique and diverse employment base and a national reputation as a base for tech and creative sector firms, Cremorne is well placed to attract future employment growth*'.

The SEES also identifies '*Significant demand for institutional floor space is forecast which suggests pressure for growth in Yarra's health and education precincts. Conversely, demand for land for industrial activities is forecast to decrease further*'.

The location of the precinct proximate to services and existing infrastructure propels it as a desirable location for employment. Assuming the retention of the precinct for employment uses, the SEES identifies capacity of up to 440,000 square metres of floor space. The precinct therefore finds its standing as a major employment area.

4.7.3 Cremorne Place Implementation Plan

In 2018, the Victorian Government recognised Cremorne as an 'enterprise precinct' - a hub for innovation, economic growth and prosperity.

To realise this vision, in partnership with the Victorian Planning Authority and the State government, Council prepared the Cremorne Place Implementation Plan ('CPIP') in 2020 which provides a:

'... roadmap to support appropriate ongoing development of Cremorne, building on its unique attributes and location. It presents a vision for the future precinct and strategic directions and targeted actions for delivery by state agencies and council to guide future investment'.

The CPIP provides a vision for the future of Cremorne and includes an action plan. The CPIP does not include built form guidance, however under Direction 4.5 'Buildings and development' a key action was to develop a draft Urban Design Framework for the area.

4.7.4 Cremorne Draft Urban Design Framework

Council recently commissioned the preparation of a built form review conducted by *Hodyl & Co* (May 2022) and has prepared the subsequent Cremorne Draft Urban Design Framework ('UDF'), which is currently being reviewed by Council to confirm what if any formal process may occur.

The Cremorne draft UDF identifies the Site within the Cremorne West sub-precinct, which is separated from the edge of the Wellington Precinct by the Cremorne Street arterial. The Cremorne draft UDF provides the following general built form guidance, specific to the Site:

- Preferred maximum height of 8 storeys (32 metres).
- Preferred maximum street wall height of 4 storeys (16 metres).
- Preferred minimum upper-level setback of 5 metres (subject to solar).
- On the eastern side of Cremorne Street, between Swan Street and Balmain Street, apply a mandatory minimum 1.5 metre ground floor setback (ground floor of building to be set back).
- Ensure no additional overshadowing of the eastern/western footpath of Cremorne Street and Church Street between 10am and 2pm at the spring equinox (September 22) for a minimum of 3 hours.

5 Key Considerations

It is considered the key questions and considerations for this application are:

1. Approach to planning policy.
2. Built form: Urban design and architecture.
3. Internal amenity provided.
4. Equitable development and neighbouring amenity.
5. Car parking and bicycle facilities.
6. Environmentally Sustainable Design.

Each is in turn addressed below.

5.1 Approach to Planning Policy

5.1.1 Is the Proposal Supported by Strategic Policy Directives?

The PPF continues to generally support the key strategic policies formerly established in Plan Melbourne 2050 with encouraging economic development in appropriate areas. Commercial zones proximate to MACs are encouraged to accommodate a greater density and higher built form, subject to the physical constraints of the Site.

The proposal demonstrates close alignment with the relevant State and local level planning policy, in particular we note the below:

- The Site is extremely well located within a 'Major Employment Precinct' on the corner of Cremorne Street and Kelso Street, within close proximity of the Swan Street MAC, as recognised by Council's Strategic Framework Plan at Clause 2.04 of the Planning Scheme. It is noted also that Cremorne Street is one of the higher order north-south connections in this precinct.
- The proposal of a well-located office building with significant floor area will deliver a net community benefit in relation to accessibility and efficient infrastructure use as sought by Clause 17.01-1L and will continue to support redevelopment of well-located commercial land in and around activity centres to meet the community need for jobs closer to existing residential neighbourhoods and existing transport.
- The creation of employment opportunities and contribution as a key project for development of other sites along Cremorne Street and within the surrounding major employment precinct ensures the proposal is consistent with Clause 17.02-1S. The employment opportunities also have a direct relationship with flow on synergies, such as retail viability, expenditure in services and broader investment within Yarra.
- The Proposal is within close proximity to excellent public transport and provision of car and bicycle parking promotes the use of sustainable transport modes and relies upon existing infrastructure servicing Cremorne (Clause 11.02-2S and Clause 18).
- The genesis of the proposal has stemmed from the historic, and emerging context of Cremorne, as described within the accompanying Urban Context Report prepared by *CHT Architects*. The corner location of the site adds to its ability to accommodate a greater scale of development, ultimately providing an appropriate neighbourhood fit (Clause 15).
- The proposed massing and scale responds in line with the emergence of taller built form in the Cremorne major employment precinct. As discussed within the Urban Context Report prepared by *CHT Architects* and the Town planning Report prepared by *Planning & Property Partners Pty Ltd*,

this context has been informed by a number of recent approvals in the surrounding area (Clause 15).

- The Proposal has been thoughtfully designed to ensure an appropriate built form response to the emerging interfaces to the Site and will make a positive architectural and urban design contribution to the emerging streetscape, recognising that Cremorne's character is evolving through the recent approvals and completion of development (Clause 15).
- The Proposal will provide for improved passive surveillance and activation opportunities through the introduction of shop premises at ground floor and added façade depth, which will create an engaging relationship with the street. These aspects of the design will have a net overall benefit to the Site and surrounds and have noticeable improvements to the public realm (Clause 15 and Clause 17.02-1L).
- It is submitted that in consciously not providing off-street carparking to the extent prescribed by the standard, the development is actively encouraging public transport usage. It supports alternative modes of transport other than the private car by providing future occupants of the building in-house end of trip and bicycle parking facilities which will influence the way in which they travel, further encouraged by the proximity to public transport (Clause 18). Further, the Site has excellent transport linkages to surrounding public transport including Richmond and East Richmond Station, various local tram and bus services and major arterial roads including Punt Road and Citylink, emphasising its suitability for significant redevelopment.
- The Proposal is capable of achieving the best practice ESD requirements as detailed within the SMP prepared by *Ark Resources Pty Ltd* (Clause 15.01-2L-01).

It is demonstrated that the Proposal is closely aligned with the PPF and provides a strong strategic policy response befitting of its location and immediately abutting interfaces.

5.1.2 Consistency with the C2Z

The proposed use and development is entirely consistent with the purposes of the C2Z, aided by its location in a key commercial area, surrounded by a mix of offices, manufacturing, industry, retail and residential uses. This is achieved through the significant provision of 10,917 square metres of net lettable office area and an associated 596 square metres of net lettable shop area which will enhance streetscape activation and provide cross pollination for businesses in the area, along with potentially further amenity and services to permanent residents and workers within the precinct.

Whilst there are some residential uses adjacent the Site and fronting Cremorne Street, these are relatively limited. Dwellings to the east of the Site are located within the C2Z are non-conforming uses, which is relevant to note in the context of reasonable amenity expectations which must be tempered by the C2Z where office and associated business are encouraged

Clause 34.02-7 contains the decision guidelines for buildings and works including:

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*

- *Any natural or cultural values on or nearby the land.*
- *Outdoor storage, lighting, and storm water discharge.*
- *The design of buildings to provide for solar access.*

The Proposal appropriately addresses the decision guidelines of the C2Z as follows:

- The consultant reports submitted with this application have considered car parking and traffic matters, bicycle spaces and waste removal.
- The movement of pedestrians and other users in close proximity to the Site will be improved through the proposal via the rationalisation of car parking and access on and to the Site. Vehicle movements to and from the Site are limited to the Kelso Street crossover, with the balance of the ground floor designed to accommodate efficient and safe pedestrian movements.
- The ground floor plane draws on Cremorne's eclectic and vibrant character through an engaging façade design, which uses vertical columns to create texture, depth and visual interest in the streetscape. Through a combination of active shop frontages, inviting building entranceways and accompanying landscaping, the proposed development will provide an improved outcome at a human scale.
- Passive surveillance of the public realm will be enhanced by an activated street frontage and glazing on facades at ground and above, both to the north and west.
- The Site is located within an established area of Cremorne, and it is not expected that there would be any issues with connection to services.

In summary, the proposal provides a positive response to the decision guidelines within the C2Z.

5.2 Built Form: Urban Design and Architecture

The built form has been designed to improve upon the surrounding existing commercial and industrial buildings and respond to the thrust of design direction from within the Planning Scheme which in some respects is relatively limited. The Site provides an opportunity to expand the commercial offerings in the precinct by virtue of its locational context and its excellent amenity attributes including its location adjacent to key commercial precincts including Cremorne Street and Swan Street further to the north.

The design response prepared by *CHT Architects* that accompanies this report, demonstrates that the proposed built form is of a high quality architectural and urban design merit, providing an appropriate form that is considerate of the individual constraints and opportunities of the Site.



Figure 9 – Cremorne Street perspective of proposed building.

Source: CHT Architects, Urban Context Report.

The proposed design response positively responds to the relevant built form objectives and standards identified within the State and Local level planning policy as set out below:

- The Site benefits from its strategic locational context within a major employment precinct, and has the added benefit of its corner location, on the southeast of the intersection of Cremorne Street and Kelso Street, which respectively are two of the highest order north-south and east-west arterials in Cremorne. The corner positioning and northerly aspect lends itself to favourable development opportunities, along with the significant Site area, which allows for the higher form/scale as proposed.
- The scale of the proposed development is further informed by Cremorne's emerging built form character which includes buildings between 5 and 15 storeys located along Cremorne Street and the surrounding precinct. One of several more comprehensive built form approvals within the precinct evidencing the area's transition and the Site's suitability for commercial redevelopment is the recent approval of PLN22/0454, a 9-storey building at 116-130 Cremorne Street, located immediately to the west of the Site, on the opposing side of Cremorne Street. The urban design referral comments prepared by *Hansen Partnership Pty Ltd*, for the recently approved application at 116-130 Cremorne Street, identify the following:

"We are satisfied that the proposed development at 10 storeys will sit within the prevailing and emerging heights of development in the area. While the subject site does not benefit from a corner location, we acknowledge the large site area and the relatively broad width of Cremorne Street which is able to accommodate a form that projects slightly above the emerging datum of recent development."

The associated delegate report also stated that 'Council officers agree with the findings of the external Urban Designer in regard to the height.'

- The three-storey scale of the proposed street wall and podium form adds a sense of 'eyes on the street' and has taken design cues from the existing townhouses to the east of the Site, the approval granted at 116-130 Cremorne Street to the west of the Site and recent developments throughout Cremorne Street. As referenced above, the urban design referral comments prepared by *Hansen Partnership Pty Ltd*, for the recently approved application at 116-130 Cremorne Street, identify that:

"We are supportive of the 3-storey street wall height presenting to Cremorne Street, and believe it appropriately responds to the emerging street wall heights of similar developments nearby. These include up to 4 storey street walls at 30-32 Cremorne St & 23 Jessie Street."

- Above the podium, level 3 creates a 'negative level' to provide visual relief and enhance the delineation between the podium and tower forms. This level is setback from all Site boundaries more significantly than both the levels above and below, creating the effect of a floating tower form as viewed from the human scale.
- Above the negative level, the tower form of the development recesses from each boundary, between level 4 and level 8, for a consistently setback 5-storey form. The approximate ~3m setbacks from southern and eastern interfaces above the podium will allow for ~6 metre building separation in the event of the development of either interface, which is appropriate given the context.
- Levels 9, 10 and 11 above have a significantly reduced footprint, incorporating greater setbacks from the south and west, as the building erodes toward the north-east corner, achieving a cascade-style effect which provides ample opportunities for external amenity areas and functionality in terms of shelter from prevailing winds, whilst opening the upper levels to expansive view lines.
- The building is sufficiently recessed from all Site boundaries above the three-storey podium, providing appropriate spacing between neighbouring properties to the south and east, and providing visual relief to the Cremorne and Kelso streetscapes. At the upper levels, the building has been purposefully massed toward the east, away from the sensitive GRZ land to the west of the Site.
- Perforated metal fins and spandrels are the primary material used in the tower form. This arrangement allows for passive shading while retaining views, and an appropriate solid to glazed ratio for solar control.
- Verticality is provided at the podium level through the implementation of brick columns, which offer depth within the façade to Cremorne Street and Kelso Street. This podium fenestration includes a more solid treatment to northern facade and more open to west to achieve a favourable ESD ratio.
- A combination of glazing lines both recessed and flush with the primary columns will allow the podium to provide appropriate street definition as well as visual relief to the existing hard edge of the street. The streetscape render image (Figure 10) demonstrates how the ground floor plane will be further improved and activated by the incorporated shop tenancies, which are orientated toward both Cremorne Street and Kelso Street. The double height design of the main pedestrian entrance from Cremorne Street will also create a clear sense of address and an inviting place of entry and increase daylight penetration into the depth of the floorplate.



Figure 10 – Streetscape render (Cremorne Street perspective).

Source: CHT Architects, Urban Context Report.

- As demonstrated in Figure 10, the development has sought to deliberately adopt a contemporary design response to its architectural expression whilst reflecting the materiality of its commercial and industrial setting. This is emphasised through the robust use of brick at lower levels and more lightweight concrete and metal framing elements at levels above, ensuring the building will age gracefully.
- Detailed podium design techniques along the Cremorne Street frontage include feature brick portals for wayfinding and tactile brick finishes at pedestrian level. These design techniques will enhance the level of activity and engagement with the street.
- Through pre-application consultation with DFP officers and the OVGA, the ground floor plane has been revised to improve the relationship of the ground floor tenancies to both Cremorne Street and Kelso Street, as alluded to above. Ground floor tenancies will hold the Cremorne Street boundary whilst an approximate ~1m setback from Kelso Street will widen this thoroughfare, improving the walkability and public utility of this interface and thus inviting greater interest along these shopfronts.
- As part of this revision, a better sense of ‘publicness’ will be achieved for building tenants. The ground floor lobby has increased to 135sqm and now takes a logical square shape between the airlock and lift entrance.
- With regard to landscaping, Cremorne Street and Kelso Street do not have a strong or established landscape character and landscaping is not overly expected within a commercial setting. Notwithstanding, there is an existing landscaping bed near the intersection which will be retained and improved through the planting of a Water Gum which grows to a maintained height of 15 metres. Further, the proposal includes comprehensive landscaping schemes at terrace levels and a green façade to Cremorne Street with vines trained on vertical tensioned wires. We refer Council to the accompanying landscape plan prepared by *Jack Merlo Design & Landscape*.
- It is not anticipated that the proposed development will have an adverse impact upon key view lines or vistas within the immediate vicinity of the Site given its positioning alongside other commercial

development that is emerging in the area which is of a similar built form and density. In the context of the proposal, Clause 15.01-2L-02 seeks most relevantly to maintain the prominence of the Slade Knitwear sign, which is identified as a landmark with primary views from the north-west corner of the intersection of Kelso Street and Dover Street. It is noted however, that the sign was disassembled and permanently removed in 2023, in response to public safety concerns (Figure 11).



Figure 11 – Location of old Slade Knitwear sign.

Source: Planning & Property Partners Pty Ltd, 2023.

The design response has been formed in light of the requirements of Clause 15 of the Planning Scheme and the existing and emerging character of Cremorne, particularly that of the Site's adjoining interfaces.

The Proposal is responsive to the relevant objectives of the Planning Scheme, and it is considered the Proposal will be a comfortable fit within the emerging streetscape and acceptable response for this Site.

The architectural design of the proposed development is explored in greater detail in the enclosed Urban Context Report prepared by *CHT Architects*, which speaks to the strategic massing of the building and the detailed design elements that contribute to the proposal's design excellence.

5.3 Internal Amenity

Internal amenity is comprehensively addressed in the accompanying application material. Broadly, the building design provides an exceptional level of user amenity, particularly at ground and upper levels, through the provision of communal spaces and modern design techniques. Floorplates are functional and accessible with generous space, storage, light, outlook, fresh air and comfort.

Future occupants of the proposed development will enjoy high levels of internal amenity, with key features of the proposal including:

- An attractive built form with northerly aspects;
- Generous bicycle parking with appropriately sized and located end-of-trip facilities;
- EV chargers and infrastructure;

- Relatively unencumbered floor plates, providing the ability for future tenants to fit-out floorplates as per business needs;
- Terrace areas of varying sizes and orientation at levels 3, 9, 10 and 11, providing convenient access to open space;
- Pavilion / Club House level.
- Various ESD measures to create a comfortable internal environment including, among others:
 - High performance glazing to provide comfortable indoor spaces.
 - High level of daylight access/penetration to internal office spaces.

The characteristics of the Site lend itself to a high-level of internal amenity and daylight noting the corner allotment and northern orientation. This combined with the terraces provided throughout the upper levels and end of trip facilities attributes to the high level of internal amenity for future work environments. Further, the location of the development close to activity centres offers desirable amenities close to the Site and occupants the opportunity to make use of a variety of modes of transport including substantial cycling facilities, car parking or nearby train, bus and tram facilities.

5.4 Neighbouring Amenity and Equitable Development

The Site interfaces and surrounding context can generally be described as follows:

- The immediate surrounding context of the Site is generally commercial and residential in nature. The nearest residentially zoned land is located on the western side of Cremorne Street, approximately 15 metres from the Site's title boundary. This pocket of GRZ land which fronts Cremorne Street comprises seven narrow residential, each of which locate their primary open space area at the rear, away from Cremorne Street.
- Dwellings to the east of the Site are located within the C2Z and are non-conforming uses. Whilst it is acknowledged that the amenity of more sensitive land uses should not be substantially compromised, it should also be acknowledged that the expected levels of amenity in the C2Z are different than those within a residential zone.

The proposed development responds positively to objectives and guidelines of Clause 13.07-1L-01 (Interfaces and amenity) and Clause 15.01-2L (Building design) through the following design elements:

- The development is sufficiently setback and designed from these residential properties so as not to present opportunities for any unreasonable overlooking.
- The shadow analysis prepared by *CHT Architects* (refer TP4.00 and TP4.01) demonstrates that shadow cast by the development would be limited to the less sensitive commercially zoned land to the east and south of the Site between the hours of 11am and 2pm. The proposed development will result in a very minor shadow to some of the sensitive residentially zoned land to the west, at 10am only and this is shown to clear at 10:15am.
- Between 10am and 11am the development will cast an additional shadow over the public road and footpath of Cremorne Street, however, the extent of overshadowing is not considered to be unreasonable noting that there is already a degree of overshadowing from the existing building across Cremorne Street.
- Further, it is to be considered that any significant increase in built form on the Site, as encouraged by various policy direction of the Planning Scheme, would result in an increase in shadow projection, beyond the existing building.
- The three-storey podium built to the east and south boundaries will not compromise the equitable development potential of these neighbouring properties. With regard to the southern interface, 115 Cremorne Street is located adjacent to the heritage protected former Yarra Hotel meaning any

future development would likely not exceed any substantive height. Accordingly, the provision of a "blank wall" treatment to the south, with an appropriate tower setback above will protect its reasonable equitable development potential.

- The potential for reciprocal setbacks is also provided to the east, in the case of future redevelopment. The proposed upper-level setback will ensure the continuation of adequate building separation, as is a common outcome in pockets of higher density development within the municipality.
- It is not anticipated that the proposed development will have any adverse impact upon key view lines or vistas within the immediate vicinity of the Site given its positioning in a rapidly evolving area of Cremorne, with examples of other commercial development in the precinct, which is of a similar built form and density.

Accordingly, no unreasonable off-site amenity impacts are anticipated to arise a result of the proposed development.

5.5 Car Parking and Bicycle Facilities

As previously discussed, a Traffic Engineering Assessment has been provided by *Traffix Group Pty Ltd*, outlining the appropriateness of the proposed car parking arrangement and traffic impacts.

The use of the Site for the purpose of office and shop premises attracts a car parking rate of 3 and 3.5 car parking spaces per 100 square metres of NFA and LFA, respectively. In total, the proposed use of the land attracts a statutory car parking requirement of 347 car parking spaces.

It is proposed to provide 94 car parking spaces across two levels of basement. Accordingly, a reduction of 253 car parking spaces is sought as part of this application.

Pursuant to Clause 52.34 of the Planning Scheme, a total of 50 bicycle parking spaces are required. The proposed design response of 136 bicycle parking spaces far exceeds that required by Clause 52.34 of the Planning Scheme and together with the provision of end of trip facilities, supports the use of sustainable transport modes.

In respect to car parking and bicycle facilities, it is submitted that the provision is reasonable having regard to the overall Site context and the applicable planning policy framework. In this regard, the Applicant relies on the accompanying Traffic Engineering Assessment prepared by *Traffix Group Pty Ltd*.

5.6 Environmentally Sustainable Design

The proposal has been developed to respond to the prevailing wind direction and sun path, as set out in the Urban Context Report prepared by *CHT Architects*. The application is further accompanied by a Wind Impact Assessment Prepared by *Vipac Engineers and Scientists Limited* and a SMP prepared by *Ark Resources Pty Ltd*. These documents provide support for the development in terms of its environmental impacts including sustainable design and wind.

In respect to ESD considerations, the Applicant relies on the SMP prepared by *Ark Resources Pty Ltd* which demonstrates that the proposed development will achieve best practice with regard to the 5.0 Green Star rating and commitment to 5.5 star NABERS rating. The proposal holds a strong commitment to providing an ESD conscious development, which is reflected through the multitude of ESD criteria in which the proposal achieves best practice and notably, the proposal's commitment to 100% green power.

An assessment against the relevant provisions of the Planning Scheme is included within the SMP, as is noted in the introduction on page 3 of the document:

'The proposed commercial development at 101 Cremorne Street, Cremorne has been to meet Clauses 15.01-2S & 15.01-2L (Building Design), 15.01-2L-01 (Environmentally Sustainable

Development) and 53.18 (Stormwater Management) of the City of Yarra Planning Scheme. This report demonstrates how the development meets the policy objectives of these Clauses.'

The accompanying SMP outlines the following energy efficient design features which will be incorporated into the proposed development, among others:

- The appropriate provision of bicycle spaces and end of trip facilities, which will promote sustainable transport modes such as walking and cycling. The Site's proximity to public transport nodes and active street networks will further assist future occupants of the development in choosing active transport modes.
- Car use will be discouraged through the proposed reduction to the statutory car parking requirements.
- Rainwater harvesting system for re-use within the development for toilet flushing, which will reduce the reliance on mains water.
- 23.7kWp Solar array, inclusive of 54 PV modules at the roof level.

Combined, the above-mentioned design features will result in a building which demonstrates an excellent level of ESD performance which is intended to enhance occupant comfort levels and reduce operational costs over the lifetime of the building.

6 Conclusion

Having regard to the relevant planning policies and controls, the urban context, and the analysis within the architectural package and the supporting consultant material, it is submitted the proposal provides a positive contemporary design response within the Site's commercial precinct context and particularly to the Site's immediate interfaces as sought by the Yarra Planning Scheme.

The location of the Site within the Cremorne major employment precinct, just south of the Swan Street MAC, and its proximity to established services and facilities, presents as an appropriate opportunity for a well-designed commercial building of substantial scale.

The use of the Site for the purposes of a commercial development is strongly supported by Local policy and the PPF and will create valuable job opportunities in an established urban area with excellent proximity to public transport. The provision of 10,917 square metres of net lettable office area and an associated 596 square metres of net lettable shop area will contribute to both streetscape activation and economic stimulus in the area, providing a desirable asset to the Cremorne major economic precinct and the Municipality more broadly.

The proposal presents a resolved architectural outcome responsive to the Site's immediate and broader context, incorporating a contemporary design form which will activate the public realm through an engaging ground floor use and design. It is considered that the proposal appropriately responds to the future anticipated and existing context of the Site. The development responds to the Site's relationship with adjoining properties and will not impose any unreasonable amenity impact upon adjoining properties.

This report and the accompanying technical assessments have identified the issues relevant to considering and approving the proposed commercial development and have logically addressed the requirements of the Planning Scheme.

The application material has also addressed the key issues that affect the commercial development and has demonstrated the positive contribution that it will have on the immediate and broader area.

On this basis we respectfully request that the DFP recommend this application for approval.

Appendix A

Copies of Title

Attachment 2 Attachment 2 - 101 Cremorne Street Cremorne - Town Planning Report

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LAND DESCRIPTION

Lot 1 on Title Plan 864823U.
PARENT TITLE Volume 10251 Folio 666
Created by Application No. 124037H 29/06/2005

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
101 CSC PTY LTD of SUITE 1 LEVEL 4 1 GORDON STREET CREMORNE VIC 3121
AV657133L 23/05/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AV657134J 23/05/2022
NATIONAL AUSTRALIA BANK LTD

CAVEAT as to part X143773C 09/11/2000

Caveator
CITIPOWER PTY
Grounds of Claim
LEASE WITH THE FOLLOWING PARTIES AND DATE.
Parties
ANNEL PTY LTD
Date
25/01/1972
Estate or Interest
LEASEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
CITIPOWER PTY
Notices to
CITIPOWER PTY of LEVEL 15 624 BOURKE STREET MELBOURNE 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP864823U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

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| | | | |
|--|----------------------------|-----------------------|---|
| TITLE PLAN | | EDITION 1 | TP864823U |
| Location of Land | | Notations | |
| Parish: Jika Jika Crown Portion: 2 (pt) LTO Base Record: PARISH 5 (2796) Title References: Vol.10251 Fol.666 Depth Limitation: Nil | | | |
| Easement Information | | | |
| Easement Reference | Purpose / Authority | Width (Metres) | Origin |
| | | | |
| | | | |
| | | | THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by <i>[Signature]</i> Date <i>12/08/2005</i> Assistant Registrar of Titles |
| | | | |
| LENGTHS ARE IN METRES | SCALE | SHEET SIZE | FILE NO: AP124037H Sec 26P |
| | | A3 | |
| LAND VICTORIA 570 Bourke Street Melbourne | Drawn By: | DEALING CODE: | Sheet 1 of 1 |

Attachment 2 Attachment 2 - 101 Cremorne Street Cremorne - Town Planning Report

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 06310 FOLIO 900

Security no : 124117296254A
Produced 09/08/2024 09:44 AM

LAND DESCRIPTION

Lot 1 on Title Plan 833550E.
PARENT TITLE Volume 06154 Folio 605
Created by instrument 1739047 24/07/1939

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
101 CSC PTY LTD of SUITE 1 LEVEL 4 1 GORDON STREET CREMORNE VIC 3121
AV657133L 23/05/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AV657134J 23/05/2022
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP833550E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

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| TITLE PLAN | EDITION 1 | TP 833550E | | | | | | |
|--|---|---|-----------------------------|--|--|--|-------------------|--|
| Location of Land Parish : JIKA JIKA Township : - Section : - Crown Allotment : - Crown Portion : 2 (PT) Last Plan Reference : - Derived From : VOL. 6310 FOL. 900 Depth Limitation : NIL | Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN | | | | | | | |
| Description of Land/ Easement Information ENCUMBRANCES As to the land colored blue --- <u>THE RIGHT</u> (if any) of the owner for the time being of the land abutting on the north thereof to have and maintain overhanging spouting attached to the building erected on the said abutting land - - - | | THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPILED: Date 19/04/06 VERIFIED: A. DALLAS Assistant Registrar of Titles COLOUR CODE BL=BLUE G=GREEN BR=BROWN P=PURPLE Y=YELLOW R=RED | | | | | | |
| | | | | | | | | |
| <table border="1" style="margin: auto;"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="text-align: center;">LOT 1 = CP 2 (PT)</td> </tr> </tbody> </table> | | | TABLE OF PARCEL IDENTIFIERS | | WARNING: Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 | | LOT 1 = CP 2 (PT) | |
| TABLE OF PARCEL IDENTIFIERS | | | | | | | | |
| WARNING: Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 | | | | | | | | |
| LOT 1 = CP 2 (PT) | | | | | | | | |
| LENGTHS ARE IN FEET AND INCHES | Metres = 0.3048 x Feet Metres = 0.201168 x Links | Sheet 1 of 1 Sheets | | | | | | |

Attachment 2 Attachment 2 - 101 Cremorne Street Cremorne - Town Planning Report

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 06508 FOLIO 508

Security no : 124117296295F
Produced 09/08/2024 09:45 AM

LAND DESCRIPTION

Lot 1 on Title Plan 371486J.
Created by Application No. 050330 03/08/1942

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
101 CSC PTY LTD OF SUITE 1 LEVEL 4 1 GORDON STREET CREMORNE VIC 3121
AV657133L 23/05/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AV657134J 23/05/2022
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP371486J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD
Effective from 31/05/2022

DOCUMENT END

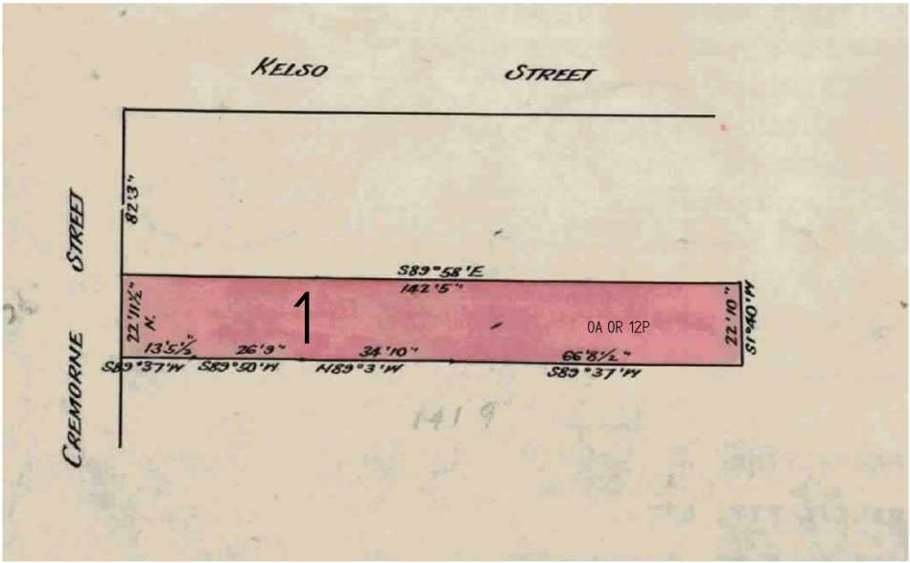
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| TITLE PLAN | EDITION 1 | TP 371486J | | | | | | |
|--|---|---|-----------------------------|--|---|--|----------------------|--|
| Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 2 (PT) | | Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN | | | | | | |
| Last Plan Reference: Derived From: VOL 6508 FOL 508 Depth Limitation: NIL | | THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 28/03/2000 VERIFIED: EWA | | | | | | |
| Description of Land / Easement Information | | | | | | | | |
|  | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CP 2 (PT)</td> </tr> </tbody> </table> | | | TABLE OF PARCEL IDENTIFIERS | | WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 | | PARCEL 1 = CP 2 (PT) | |
| TABLE OF PARCEL IDENTIFIERS | | | | | | | | |
| WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 | | | | | | | | |
| PARCEL 1 = CP 2 (PT) | | | | | | | | |
| LENGTHS ARE IN FEET & INCHES | Metres = 0.3048 x Feet Metres = 0.201168 x Links | Sheet 1 of 1 sheets | | | | | | |

Attachment 2 Attachment 2 - 101 Cremorne Street Cremorne - Town Planning Report

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08065 FOLIO 753

Security no : 124117296349W
Produced 09/08/2024 09:47 AM

LAND DESCRIPTION

Lot 1 on Title Plan 243830M.
PARENT TITLE Volume 03307 Folio 263
Created by instrument 2683711 20/10/1954

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
101 CSC PTY LTD of SUITE 1 LEVEL 4 1 GORDON STREET CREMORNE VIC 3121
AV657133L 23/05/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AV657134J 23/05/2022
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP243830M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

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Effective from 31/05/2022

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| TITLE PLAN | EDITION 2 | TP 243830M | | |
|--|--|--|-----------------------------|---|
| Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 2(PT) Last Plan Reference: Derived From: VOL 8065 FOL 753 Depth Limitation: NIL | | Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN | | |
| Description of Land / Easement Information | | THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 10-12-1999 VERIFIED: AD | | |
| | | | | |
| COLOUR CODE BL = BLUE | <table border="1" style="width: 100%;"> <tr> <th style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="font-size: small;"> WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 PARCEL 1 = CP 2 (PT) </td> </tr> </table> | | TABLE OF PARCEL IDENTIFIERS | WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 PARCEL 1 = CP 2 (PT) |
| TABLE OF PARCEL IDENTIFIERS | | | | |
| WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 PARCEL 1 = CP 2 (PT) | | | | |
| LENGTHS ARE IN FEET & INCHES | Metres = 0.3048 x Feet Metres = 0.201168 x Links | Sheet 1 of 1 sheets | | |

| MODIFICATION TABLE | | PLAN NUMBER | | | | | |
|---|--------------------------------|---------------------|---------------------|--------|------|----------------|-------------------------------|
| RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN | | TP243830M | | | | | |
| WARNING: THE IMAGE OF THIS PLAN/DOCUMENT HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN/DOCUMENT. | | | | | | | |
| AFFECTED LAND/PARCEL | LAND/PARCEL IDENTIFIER CREATED | MODIFICATION | DEALING NUMBER | DATE | TIME | EDITION NUMBER | ASSISTANT REGISTRAR OF TITLES |
| LAND IN THIS PLAN | NIL | REMOVAL OF EASEMENT | AP123243K SEC 73 | 7/5/04 | | 2 | DEM |
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Appendix B

Planning Property Report

PLANNING PROPERTY REPORT



From www.planning.vic.gov.au at 09 August 2024 09:28 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP864823**
 Address: **115 CREMORNE STREET CREMORNE 3121**
 Standard Parcel Identifier (SPI): **1\TP864823**
 Local Government Area (Council): **YARRA** www.yarracity.vic.gov.au
 Council Property Number: **337200 (Part)**
 Planning Scheme: **Yarra** [Planning Scheme - Yarra](#)
 Directory Reference: **Melway 2G G11**

This parcel is one of 7 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **Greater Western Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **CITIPOWER**

STATE ELECTORATES

Legislative Council: **NORTHERN METROPOLITAN**
 Legislative Assembly: **RICHMOND**

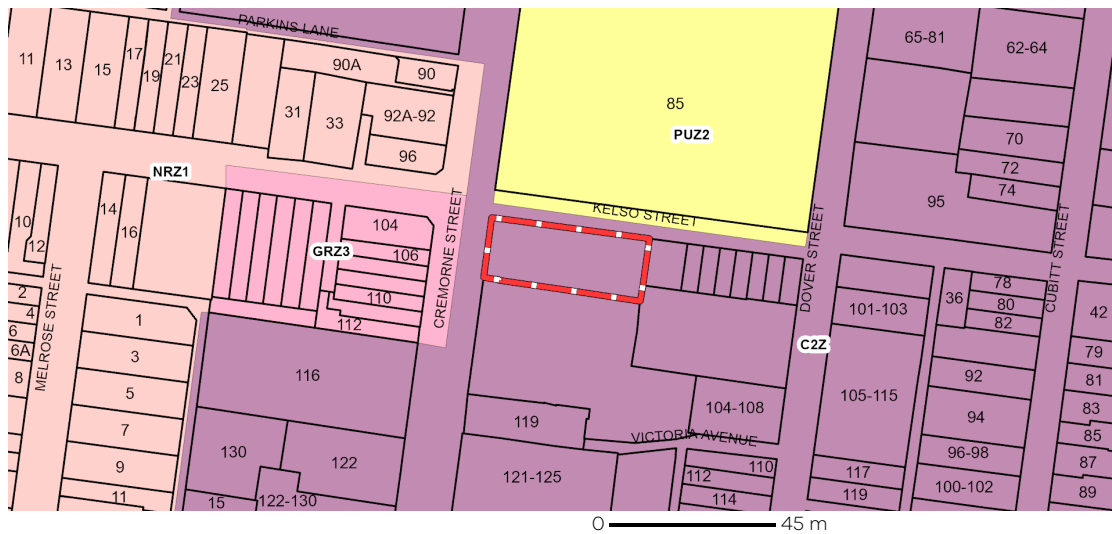
OTHER

Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

COMMERCIAL 2 ZONE (C2Z)



C2Z - Commercial 2 **GRZ - General Residential** **NRZ - Neighbourhood Residential**
PUZ2 - Public Use-Education

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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PLANNING PROPERTY REPORT: Lot 1 TP864823

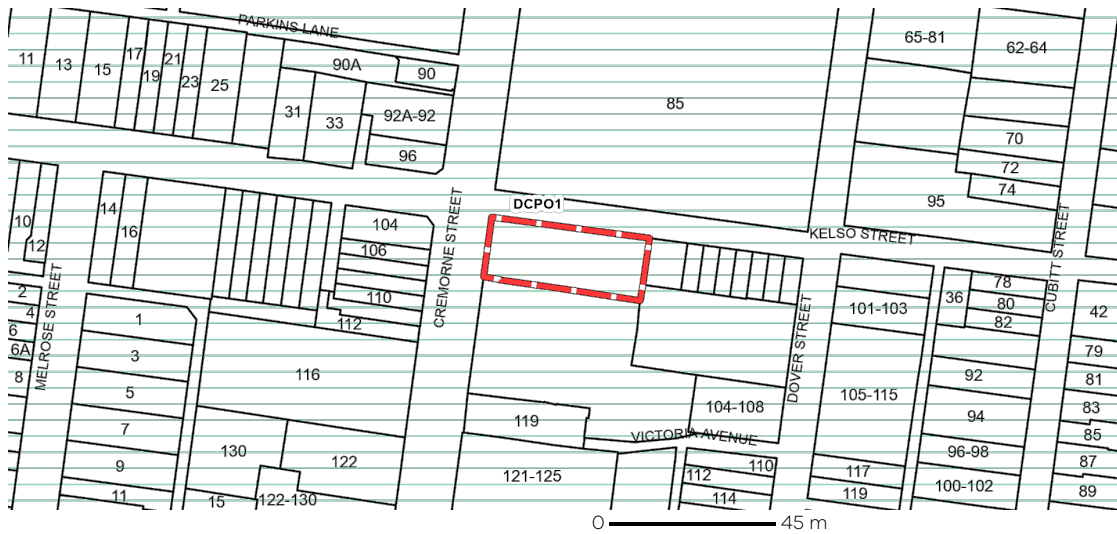
Page 1 of 4

PLANNING PROPERTY REPORT



Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



DCPO - Development Contributions Plan Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL AUDIT OVERLAY (EAO)
HERITAGE OVERLAY (HO)
LAND SUBJECT TO INUNDATION OVERLAY (LSIO)



EAO - Environmental Audit Overlay HO - Heritage Overlay LSIO - Land Subject to Inundation Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Further Planning Information

Planning scheme data last updated on 7 August 2024.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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PLANNING PROPERTY REPORT: Lot 1 TP864823

Page 3 of 4

PLANNING PROPERTY REPORT



Designated Bushfire Prone Areas

This parcel is not in a designated bushfire prone area.

No special bushfire construction requirements apply. Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

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PLANNING PROPERTY REPORT



From www.planning.vic.gov.au at 09 August 2024 09:29 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP833550**
 Address: **115 CREMORNE STREET CREMORNE 3121**
 Standard Parcel Identifier (SPI): **1\TP833550**
 Local Government Area (Council): **YARRA** www.yarracity.vic.gov.au
 Council Property Number: **337200 (Part)**
 Planning Scheme: **Yarra** [Planning Scheme - Yarra](#)
 Directory Reference: **Melway 2G G11**

This parcel is one of 7 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **Greater Western Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **CITIPOWER**

STATE ELECTORATES

Legislative Council: **NORTHERN METROPOLITAN**
 Legislative Assembly: **RICHMOND**

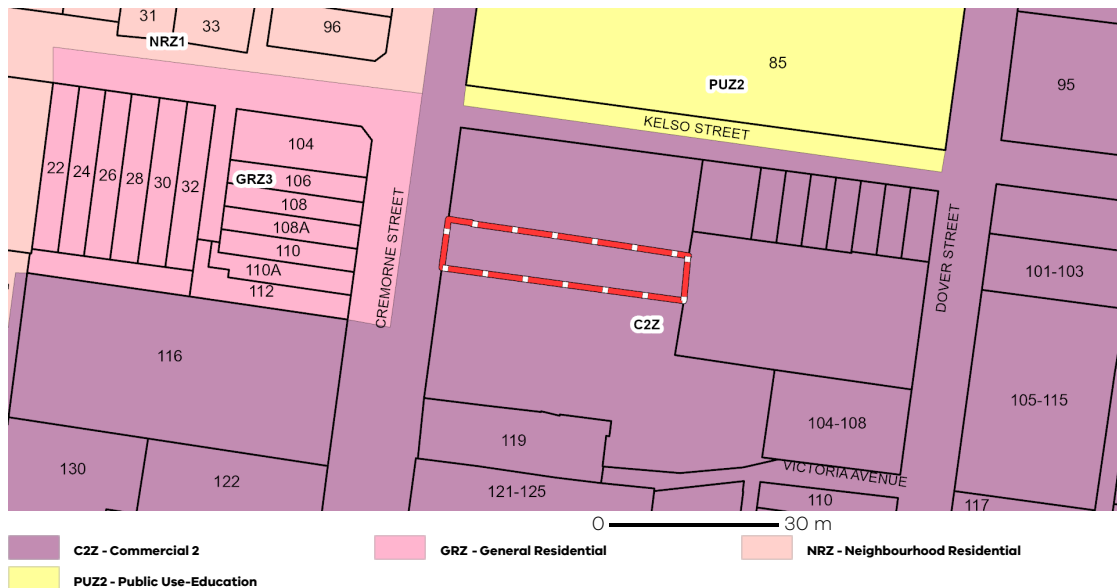
OTHER

Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[COMMERCIAL 2 ZONE \(C2Z\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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PLANNING PROPERTY REPORT: Lot 1 TP833550

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PLANNING PROPERTY REPORT



Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



DCPO - Development Contributions Plan Overlay

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OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL AUDIT OVERLAY (EAO)
HERITAGE OVERLAY (HO)



EAO - Environmental Audit Overlay

HO - Heritage Overlay

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PLANNING PROPERTY REPORT: Lot 1 TP833550

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PLANNING PROPERTY REPORT



Environment,
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Further Planning Information

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PLANNING PROPERTY REPORT: Lot 1 TP833550

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PLANNING PROPERTY REPORT



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PLANNING PROPERTY REPORT: Lot 1 TP833550

Page 4 of 4

PLANNING PROPERTY REPORT



From www.planning.vic.gov.au at 09 August 2024 09:29 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP371486**
 Address: **115 CREMORNE STREET CREMORNE 3121**
 Standard Parcel Identifier (SPI): **1\TP371486**
 Local Government Area (Council): **YARRA** www.yarracity.vic.gov.au
 Council Property Number: **337200 (Part)**
 Planning Scheme: **Yarra** [Planning Scheme - Yarra](#)
 Directory Reference: **Melway 2G G11**

This parcel is one of 7 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **Greater Western Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **CITIPOWER**

STATE ELECTORATES

Legislative Council: **NORTHERN METROPOLITAN**
 Legislative Assembly: **RICHMOND**

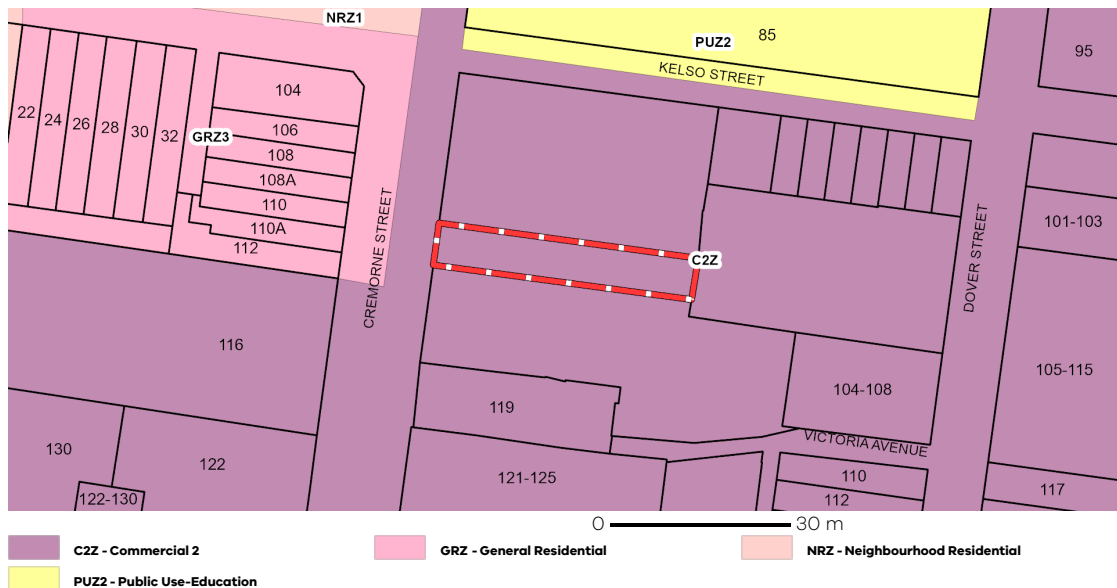
OTHER

Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation**

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PLANNING PROPERTY REPORT: Lot 1 TP371486

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PLANNING PROPERTY REPORT



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PLANNING PROPERTY REPORT



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PLANNING PROPERTY REPORT: Lot 1 TP371486

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PLANNING PROPERTY REPORT



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PLANNING PROPERTY REPORT



From www.planning.vic.gov.au at 09 August 2024 09:29 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP243830**
 Address: **115 CREMORNE STREET CREMORNE 3121**
 Standard Parcel Identifier (SPI): **1\TP243830**
 Local Government Area (Council): **YARRA** www.yarracity.vic.gov.au
 Council Property Number: **337200 (Part)**
 Planning Scheme: **Yarra** [Planning Scheme - Yarra](#)
 Directory Reference: **Melway 2G G11**

This parcel is one of 7 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

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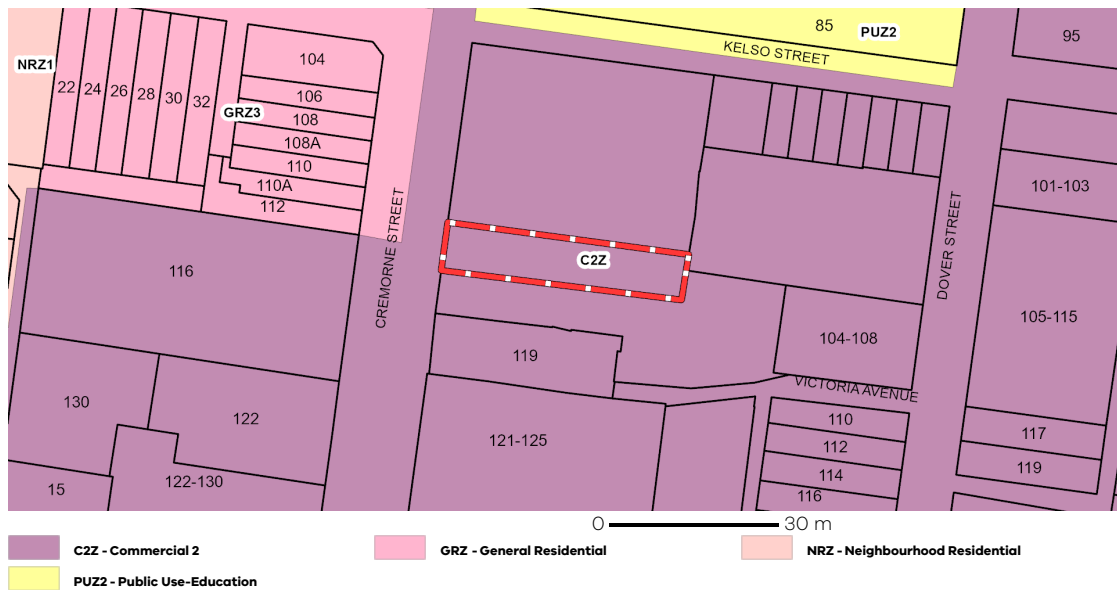
OTHER

Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation**

[View location in VicPlan](#)

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PLANNING PROPERTY REPORT: Lot 1 TP243830

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PLANNING PROPERTY REPORT



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 Local Government Area (Council): **YARRA** www.yarracity.vic.gov.au
 Council Property Number: **337200 (Part)**
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PLANNING PROPERTY REPORT: Lot 1 TP449280

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PLANNING PROPERTY REPORT



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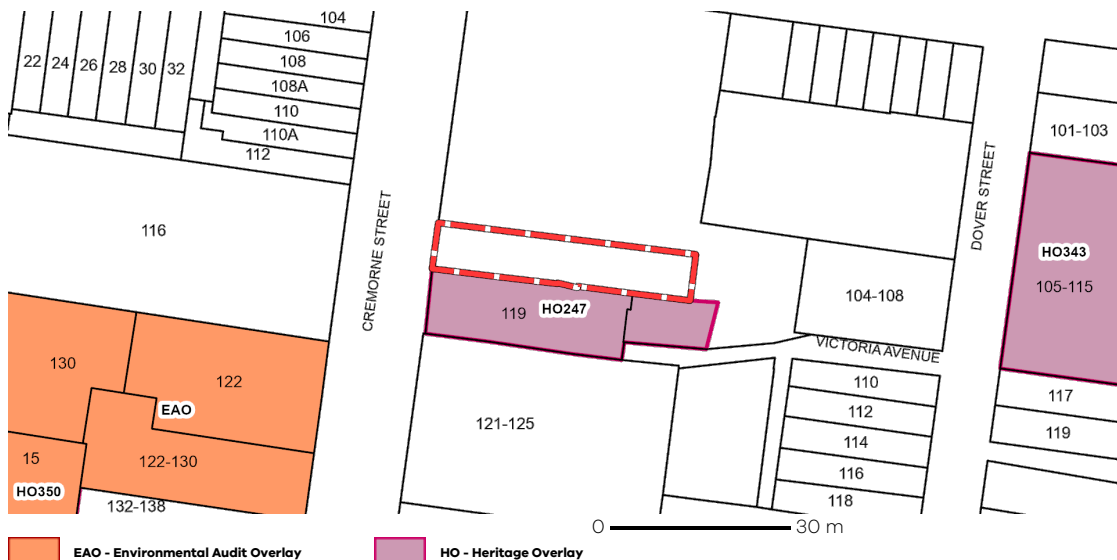
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PLANNING PROPERTY REPORT



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Hodyl & Co

12/2 Collins Street
Melbourne VIC 3000
info@hodylandco.com

URBAN DESIGN REVIEW – 101 CREMORNE STREET, CREMORNE

Submitted to David Witty, City of Yarra

20 September 2024

Thank you for the opportunity to prepare a design review of the proposed development. This opinion has been prepared following a review of the documents within the brief that are relevant to urban design considerations. The following advice is based on the merits of the current application with consideration of Amendment C317YARA Cremorne Precinct Interim Planning Provisions (DDO51).

This design review focuses on several key aspects of the proposed development. These include:

- The overall building scale and its relationship to the existing context and future development character
- The relationship of the building to the public realm
- Amenity impacts on the public realm and adjacent private uses
- Architectural design response and materiality

PROPOSAL

The permit application proposes the construction of an 11-storey office building with two levels of basement car parking. The main building entrance is located on Cremorne Street and a secondary entrance and car park access is located on Kelso Street. The majority of the building area is dedicated to office uses, with a club house and theatre space proposed on level 9, and four retail tenancies provided at ground level along Cremorne Street and the western end of Kelso Street.

The lower levels of the building are characterised by brick clad columns with recessed glazing that extends from ground level to level 2, reaching an approximate height of 13.7m. The upper levels are recessed by 3m and extend above the podium to an overall height of 53.7m.

CONTEXT

The site is situated in the Commercial 2 Zone and is almost square in shape, featuring a 40.7-meter-wide frontage along Cremorne Street and a 43.25-meter-wide frontage along Kelso Street, with a total land area of approximately 1,729 square metres.

The site is located to the south-east corner of the Cremorne Street and Kelso Street intersection and is currently occupied by a three-storey commercial building. To the north of the site is the Kangan Institute, which provides a complementary land use focussing on education in creative and digital skills. To the west, the area features a cluster of low-rise residences, including 2-3 storey terraces and single-storey houses. To the south there are several large warehouses and light industrial or commercial properties. There is a heritage-protected residence at 119 Cremorne Street and a row of Victorian-era terrace houses on Dover Street to the south-east of the site.

1ABN: 85 613 469 917



Hodyl & Co

12/2 Collins Street
Melbourne VIC 3000
info@hodylandco.com

PLANNING CONTEXT

Amendment C317YARA Cremorne Precinct Interim Planning Provisions introduces interim built form provisions to provide guidance for development in the Cremorne Precinct. The amendment is underpinned by the revised Cremorne Urban Design Framework (UDF), which provides a strategic framework for Cremorne, and five background reports.

101 Cremorne Street is in the Cremorne West precinct where DDO51 provides a range of interim planning provisions. The following table lists the interim planning provisions that apply to this site and compares them to the permit application.

| Design Guidelines | Amendment C317YARA Cremorne Precinct Interim Planning (DDO051) | Permit Application |
|--------------------------------|---|---|
| Building height | A preferred maximum building height of 32m | Proposed building height of 53.7m |
| Ground level building setbacks | A mandatory 1.5m building setback to the eastern side of Cremorne Street. | Proposed 0.935m setback to the west end of Kenso Street. No setbacks to Cremorne Street. |
| Boundary wall heights | A preferred maximum boundary wall height of 24m | Proposed boundary wall height of approximately 13.7m |
| Upper-level setbacks | A preferred minimum upper-level setback of 5m | Proposed upper-level setback of 3m |

Discussion about the merits of this application in relation to Amendment C317YARA can be found in the Site Layout – Building Scale and Context section of this report.

DESIGN REVIEW

The following design review will discuss the application in relation of its scale and massing to the context, public realm integration, amenity and architectural response. In particular, this review will look at how the proposal achieves the following:

- Creating active, safe and inviting street edges with adequate space for street activity, street trees and pedestrian movement.
- Minimising amenity impacts to neighbouring sites by considering the visual bulk, overlooking and overshadowing implications of the proposal.
- Consideration of Amendment C317YARA and how the proposal meets the vision for this precinct.

SITE LAYOUT – BUILDING SCALE AND CONTEXT

The proposal suggests a development that aligns in height and scale with other local projects. However, upon closer examination, several factors indicate that the site may be overdeveloped. The following urban design observations and recommendations are provided in response to this application:

- Although the building height in terms of floor levels is comparable to nearby developments, the larger 4-meter floor-to-floor heights would result in a significantly taller overall building envelope.
- The 3m upper-level setbacks are deemed inadequate compared to other local developments and are not compliant with Amendment C317YARA.
- The insufficient ground-level setbacks raise concerns regarding access, safety, and amenity, especially along Kelso Street. Additionally, a loading bay at the Cremorne Street entrance is not advisable due to the



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limited space for safe pedestrian and vehicle movements. Further details on the ground floor interface can be found in the Public Realm section of this report.

Based on the observations above, I recommend the following design adjustments concerning the building scale:

1. Lower the building height to align with the Design Objectives in DDO51, including 'To ensure development responds to interfaces with residential precincts by providing a suitable transition in scale and form that minimised amenity impacts through visual bulk, overlooking and overshadowing'.
2. Introduce a 1.5 metre ground-level setback on Cremorne Street to prioritise pedestrian access and safety, and to create a high-quality public realm that accommodates street trees and public seating.
3. Provide a minimum 5m upper-level setback to Cremorne Street to preserve view-lines, reduce visual bulk, and minimise overshadowing.
4. Provide an additional ground level setback to Kenso Street (as outlined in the Public Realm section of this report).

PUBLIC REALM

The application needs to place greater emphasis on pedestrian access, movement, and safety, as well as on enhancing the overall quality of the public realm. This can be achieved through strategic ground-level setbacks, repositioning of the loading zone on Cremorne Street, and a more thoughtful and integrated public realm design.

The following urban design observations and recommendations are offered regarding the public realm:

1. Implement a ground-level setback for the retail tenancies on Kelso Street to provide sufficient space for pedestrian movement and to create a sunny, north-facing public area that encourages street activity. Additionally, the Kelso Street entrance should be set back to enhance pedestrian access and movement. Please refer to the diagrams on page 4.
2. The vehicle service bay on Cremorne Street should be relocated to facilitate a high-quality landscape incorporating street trees, public seating, and on-street bike parking. If relocation is not feasible, consider shifting it as far south as possible to allow for the inclusion of street trees, greening, seating, and bike parking closer to the Kelso Street intersection.
3. Establishing a consistent kerb line along Cremorne Street with evenly spaced street trees. Additional greening or seating opportunities should be integrated into the building design or positioned between street trees in alignment with the kerb.

BUILDING MATERIALITY

I support the choice of materials and the clear differentiation between the lower and upper levels of the building. The use of brick for the lower floors and lighter detailing for the upper levels is a positive aspect of the building design. While the scalloped roof design offers a distinctive roofline, I would also be amenable to a more simplified building form.

At the ground level, incorporating integrated seating elements is recommended, potentially as part of the planter boxes, and increasing greening within the streetscape.

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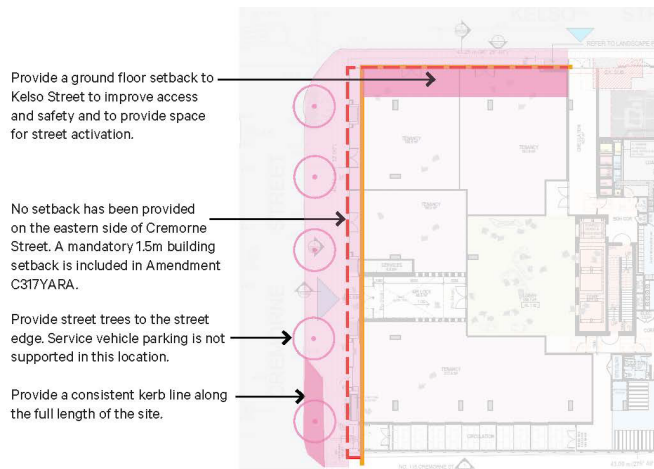
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Melbourne VIC 3000
info@hodylandco.com

The recommendations above are summarised in the following diagrams.

Amendment C317YARA (yellow), the permit application (red) and the public realm opportunities (pink).



- LEGEND**
- Town Planning Application 2024
 - Amendment C317YARA Cremorne Precinct Interim Planning Provisions
 - Urban design opportunity



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CONCLUSION

The proposed development presents several positive urban design elements; however, it falls short in the following areas:

- There is insufficient space for pedestrian movement, particularly along Kelso Street.
- The streetscape design does not adequately provide for street trees, seating, or bike parking.
- The building's height and visual bulk requires refinement.
- The placement of a vehicle service area adjacent to the main entrance on Cremorne Street is not supported.

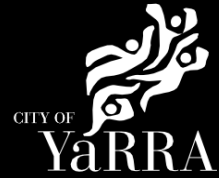
Please do not hesitate to contact me if you would like to discuss further.
Kind regards,



Leanne Hodyl
Managing Director



ESD Formal Referral Response



Application Information:

| | |
|---------------------------|--|
| Referral Officer: | Euan Williamson |
| Officer: | David Witty |
| Council Reference: | PPE24/0515 |
| Address: | 101 Cremorne St, Cremorne VIC 3121 |
| Proposal: | DTP Referral |
| Comments Sought: | Click here to view referral memo: Record D24/352366: IREF24/01561 - Internal Referral Request |
| Disclaimer: | Council's ESD Officer provides the following information which is based on the information provided in the referral request memo referenced above. |
| Prev. Responses: | |

ESD comments were requested on the following:

- DTP referral - response to previous comments

In assessing this application, the following documents were reviewed:

- SMP prepared by Ark Resources dated 30.7.2024
- Architectural drawings prepared by CHT dated 25.6.2024

Comments

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

The proposed development includes a number of ESD features and an overall design response and meets all ESD requirements in the planning scheme and exceeds in the following areas:

- 5 Star Green Star certified rating.
- 5.5 Star NABERS Energy rating estimated performance target.
- Stormwater management pollution reduction performance with an 88.2% reduction in total nitrogen, exceeding the 45% reduction in the planning scheme.
- 50,000 litres of rainwater storage for flushing of all toilets
- Daylight to office areas exceeds best practice with 69% of office area meeting the Green Star daylight target.
- Extensive green infrastructure landscaping and vegetation.
- Pale materials to upper levels, vegetation landscaping minimum urban heat
- Bicycle parking requirements exceeding 'best practice' standards.

Recommendations

There are no outstanding information omissions or deficiencies with the proposal.

However, DTP is encouraged to consider the following:

- Endorse the SMP and reference the report in conditions on the Planning Permit to ensure it's a legally binding component of the planning permit.
- Request from the application post completion, written documentation confirming the 5 Star Green Star certification, and NABERS Energy rating, have been achieved.

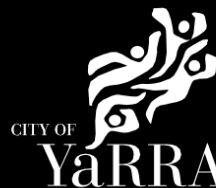
If you or DTP would like to discuss this further, please contact me.

Euan.

ESD Advisor: Euan Williamson

Date: 09 September 2024

Strategic Planning Formal Referral Response



Application Information:

Referral Officer: Leonie Kirkwood

Officer: David Witty

Council Reference: PPE24/0515

Address: 101 Cremorne St, Cremorne VIC 3121

Proposal: DTP Referral

Comments Sought: Click here to view referral memo:
[D24/352592 - IREF24/01564 - Referral Request](#)

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

The Strategic Planning comments in this assessment focus on compliance with the following clauses in the Yarra Planning Scheme:

Proposed/Draft Schedule 51 – Cremorne West to the Design and Development Overlay (DDO51) applies to the site.

They do not provide commentary on other sections of the Planning Scheme or fully assess the internal amenity of the application.

Prev. Responses: N/A

Development Details:

Relevant amendment and status:

Amendment C317yara – Interim planning controls.
Amendment C318yara – Permanent planning controls.

Council resolved at its meeting on 12 September 2023 to request the Minister for Planning:

| | |
|--|--|
| <p>Existing and proposed controls:</p> <p>Subject Site Plan:</p> | <ul style="list-style-type: none"> • Provide consent to prepare and exhibit amendment C318yara. • To prepare and approve amendment C317yara to the Yarra Planning Scheme. <p>More information on these amendments can be found: Amendment C318yara Cremorne Precinct Planning Provisions Yarra City Council</p> <p>No existing controls. Proposed DDO51 – Cremorne West</p> <p>101 Cremorne Street - 01 Architectural Plans & Urban Context Report</p> |
|--|--|

Summary of Strategic Planning comments and recommendations:

The application **does not comply** with a number of provisions within proposed DDO51 Cremorne West Precinct.

If an application was assessed against DDO51, a permit should not be granted in its current form. There are numerous changes required to the design to achieve the built form outcome envisioned in the DDO51 - notably, building height, street wall setbacks, upper level setbacks and building separation. Recommended amendments to the application to comply with the DDO51 are noted in the assessment table below.

Assessment of compliance with built form requirements:

| Built Form Requirements | Proposed DDO51 | Proposal | Compliance with proposed DDO51 and recommendations |
|-------------------------|--|--|---|
| Building height | Maximum 32m (preferred) 3.6m for services | 49.5m to roof level (53.7m to top of roof inclusive of services) | <p>The application exceeds the preferred height set out in <i>2.6 Cremorne West precinct heights, setbacks and interface plan</i>. It does not comply with the requirements within Section 2.3 building height requirements to exceed the preferred height.</p> <p>Recommendation</p> <p><u>For the application to comply with DDO51, it is recommended the building height matches the preferred height of 32m.</u></p> |

| Built Form Requirements | Proposed DDO51 | Proposal | Compliance with proposed DDO51 and recommendations |
|--------------------------------|--|--|---|
| Street wall height and setback | <p>Street wall height: Maximum 16m (preferred)</p> <p>Street wall setback: 1.5m ground floor setback on eastern side of Cremorne Street (mandatory)</p> <p><i>Note: The Cremorne Urban Design Framework recommends whole building setbacks for larger sites.</i></p> | <p>Street wall height: 13.8m on Cremorne and Kelso Streets (to top of the balustrade)</p> <p>Street wall setback: 0m on Cremorne Street 0.9m on Kelso Street</p> | <p>The application complies with the preferred street wall height set out in <i>2.6 Cremorne West precinct heights, setbacks and interface plan</i>.</p> <p>The application does not comply with the street wall setback requirements of the DDO51.</p> <p>Recommendation <u>For the application to comply with the DDO51, it is recommended the street wall setback is increased to 1.5m on Cremorne Street to align with DDO51. The setback along Kelso Street should extend along the length of the site.</u></p> |
| Upper-level setback | Minimum 5m (preferred) | <p>Cremorne Street: 3m</p> <p>Kelso Street: 3m</p> | <p>The application does not meet the minimum upper level setback requirements set out in <i>2.6 Cremorne West precinct heights, setbacks and interface plan</i>. It does not meet the requirements in <i>Section 2.5 upper level setback requirements</i>.</p> <p>Recommendation <u>For the application to comply with DDO51, it is recommended that the building height matches the preferred upper level setback of 5m.</u></p> |
| Maximum boundary wall height | Maximum 24m (preferred) | <p>13.8m (east)</p> <p>13.8m (south)</p> | <p>The application meets the maximum boundary wall height set out in <i>2.6 Cremorne West precinct heights, setbacks and interface plan</i> on the southern and eastern boundary walls.</p> |
| Building separation | Refer to DDO51 | <p>Eastern boundary: Level 3 - 3.4m Levels 4-11 - 3.1m</p> <p>Southern boundary:</p> | <p>The application does not meet the preferred minimum building separation requirement set out in <i>Table 2 – building separation distances</i>.</p> <p>Recommendation</p> |

| Built Form Requirements | Proposed DDO51 | Proposal | Compliance with proposed DDO51 and recommendations |
|---|---|---|---|
| | | Level 3 - 4.1m Levels 4-9 - 3m Level 10 – Varies Level 11 – 10.6m | <u>For the application to comply with the DDO51 it is recommended that the upper levels on the southern and eastern frontages achieve the preferred setback of 4.5m within the DDO51.</u> |
| Overshadowing | The casting of any additional overshadowing on the opposite footpath of Cremorne Street, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting), between 10am and 2pm on 22 September for a minimum of 3 hours (mandatory). | Overshadowing on the western footpath of Cremorne Street between 10am and 11am. No overshadowing of the footpath after 11am. | The application meets the overshadowing requirements set out in 2.9 Overshadowing Requirements. |
| Interface to properties in the NRZ or GRZ | N/A | | N/A <i>Property does not adjoin a residentially zoned property.</i> |
| Character buildings | N/A | | N/A <i>Property is not identified as a character building in the DDO51.</i> |
| Building design | See DDO51 for building design provisions. | | The application generally meets the development requirements of 2.11 Building Design Requirements. Recommendation <u>For the application to comply with DDO51, it is recommended that the key built form requirements including building height, street wall setbacks, upper level setbacks and building separation are met.</u> |
| Views to landmarks | N/A | | N/A |

| Built Form Requirements | Proposed DDO51 | Proposal | Compliance with proposed DDO51 and recommendations |
|---|--|----------|--|
| | | | <i>The proposal will not impact views to the Nylex Sign and the Slade Knitwear Sign.</i> |
| Vehicle access and laneway requirements | See DDO51 for vehicle access and laneway requirements. | | The application meets the vehicle access and laneway requirements of the DDO51. |
| Pedestrian and bicycle design | See DDO51 for vehicle access and laneway requirements. | | The application meets the pedestrian and bicycle design requirements of the DDO51. |

Strategic Planning full comments:

Building Height Requirements

The proposed height of the development **does not comply** with the provisions and exceeds the height set out in DDO51 Cremorne West Precinct.

The proposed development substantially exceeds the preferred building height in DDO51 of 32m (see Figure 1).

The application does not meet all the relevant criteria to grant a permit to construct a building that exceeds the preferred height in particular the building separation and provision of safe and generous ground levels setbacks and publicly accessible spaces.

The application in its current form does not meet key elements of the following design objectives:

- *To support a new mid-rise built form character with taller built form on the Cremorne Street activity spine and the northern portion of Stephenson Street, lower built form on narrow streets and a lower mid-rise form at the interfaces with adjoining low rise residential areas.*
- *To reinforce Cremorne West's industrial character through a mix of innovative architecture and heritage places and identified character buildings that reinforce a human scale, reflect the fine grain character and do not overwhelm narrow streets.*
- *To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.*

DDO51 supports taller built form on Cremorne Street and the northern portion of Stephenson Street.

Heights of 8 storeys / 32m are proposed for Cremorne Street. Approved and constructed developments along Cremorne Street are generally 8-9 storeys in height (the exception being the approval at 31-53 Cremorne Street at 13 storeys). Lower building heights of 7 storeys / 28m are applied in narrower streets such as Kelso Street.

A key concern is the scale of the development on Kelso Street. The development is substantially higher in the rear than on Cremorne Street - 49.5m at the rear compared with a height of 36.9m at Cremorne Street (see Figure 2).

A height of 49.5m on the Kelso Street frontage will overwhelm the street, especially when considering the minimal street setback and 3m upper level setbacks.

The proposed height in combination with a lack of adequate upper level setbacks and street wall setbacks visually dominates the streetscape.

Strategic planning does not support the height proposed in the application. This, in combination with other issues in this report do not warrant a height in excess of the preferred 32m.

For the application to comply with DDO51, it is recommended the building height matches the 32m preferred height.

Figure 1: Proposed building height with approximate preferred maximum building height shown as red line.

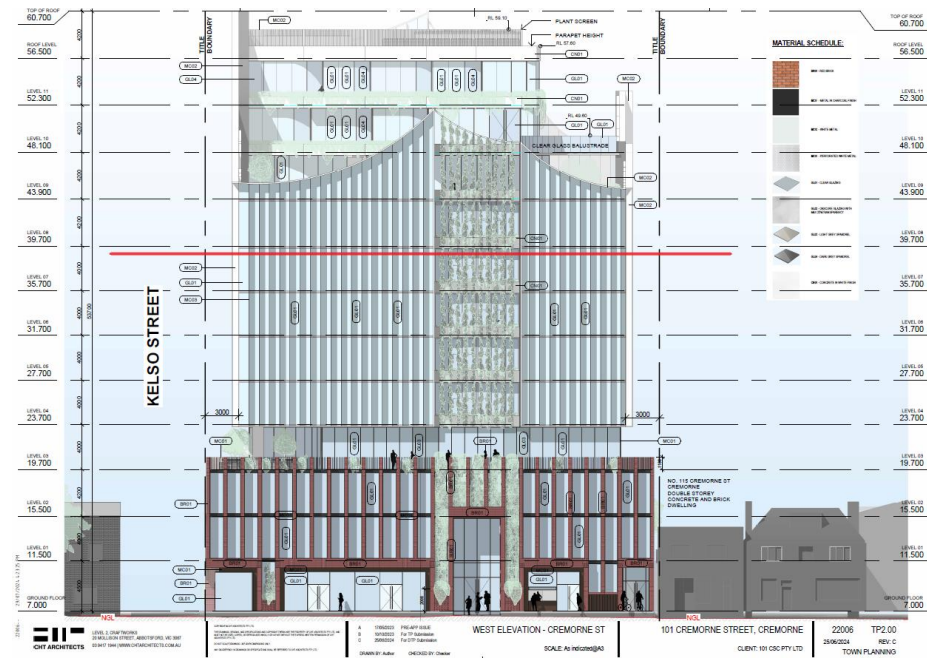


Figure 2: Artists impression - Taller built form to the rear of the site on Kelso Street



Street wall height and setback requirements

The application **complies** with the street wall height requirements of the DDO51. However, the proposed street wall setback **does not comply** with the provisions set out in the DDO51. The DDO also includes provision of safe and generous ground level setbacks to enhance the public realm as a criteria for increased building heights.

DDO51 includes a mandatory 1.5m ground level setback to Cremorne Street. This has not been provided.

Additionally, 2.4 Street Wall Height and Setback Requirements includes a general requirement:

Where heritage is not a constraint, sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping that respond to the circumstances of the street.

Cremorne Street is identified in the Revised Cremorne UDF as the heart of the Cremorne Enterprise Precinct. The intention is Cremorne Street will become a leafy pedestrian and cycle friendly spine.

The proposal to build to the boundary (with some small insets) along Cremorne Street is not supported.

To comply with DDO51, a minimum ground floor setback of 1.5m must be provided along Cremorne Street. The increased setback could be used for outdoor dining, integrated seating as well as allowing for visitor bike parking within the site boundary. Additional space could be provided at the entrance to the building.

Strategic Planning agrees with advice from Urban Design that a consistent setback should also be provided to Kelso Street. This is necessary to create a usable width along the Kelso Street frontage (see Figure 3).

While DDO51 specifies ground floor setbacks for Cremorne Street, the Revised Cremorne Urban Design Framework does identify that on larger sites, a greater front setback (whole of building) is expected. Strategic Planning would strongly recommend whole of building setbacks on Cremorne and Kelso Streets given the size of the site and scale of development.

For the application to comply with DDO51, it is recommended a minimum ground floor street wall setback of 1.5m is provided to the Cremorne Street and Kelso Street frontages. Given the size of the site and scale of development, whole of building setbacks should be considered.

Figure 3: Artists impression - Kelso Street looking west



Upper-level setback Requirements

The application **does not comply** with the upper level setback requirements of the DDO51 (see Table 1 in DDO51).

A 5m street setback is required in DDO51 on both the Cremorne and Kelso Street frontages to reduce the visual impact of buildings experienced from the street.

A 5m upper level setbacks are required where taller building heights are permitted with 3m upper level setbacks proposed to apply in areas where lower building heights are proposed.

While the design of the building demonstrates a differentiation between the podium and tower in terms of materials, the 3m upper level setbacks mean the tower element of the development would overwhelm narrow Kelso Street.

The Cremorne Street frontage is more robust however, Cremorne Street is wider however it is identified as an activity spine where human scale development is sought.

Considering the application proposes a height exceeding the preferred limit and does not provide sufficient ground floor setbacks, upper levels should match or exceed those outlined in DDO51.

For the application to comply with the DDO51, the upper levels should be set back to 5m in accordance with DDO51.

Figure 4: Proposed upper level setbacks to Kelso Street
(Red line show upper level setback in DDO51)

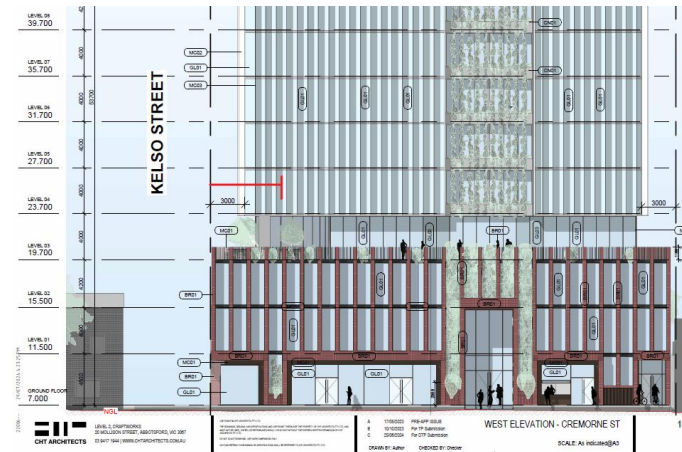


Figure 5: Proposed upper level setbacks to Cremorne Street
(Red line show upper level setback in DDO51)



Building separation

The application **does not comply** with the building separation requirements of the DDO51.

The DDO allows for development to be built on the boundary up to 24m, excluding interfaces where street wall height controls apply. A 4.5m building separation setback to upper levels is required above 24m for these interfaces.

The intent of this requirement is to ensure buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

The eastern and southern boundary wall is 13.8m high, lower than the maximum provided for in DDO51. However, the upper level setbacks do not meet the 4.5m requirement.

Technically this requirement would apply to Level 6 and above, however a setback of 4.5m should apply to the whole frontage rather than stepped approach of 3m for Levels 3 to 5 and 4.5m for higher levels.

Building separation is also important to provide development equity and ensure the development of one site does not prevent the development of a well-designed building on the adjacent site. Strategic Planning has concerns about the impacts that a 3m upper level setback will impact on the amenity of future development on neighbouring sites to the south and east.

For the application to comply with the DDO51, it is recommended that upper levels on the southern and eastern boundaries should be set back 4.5m.

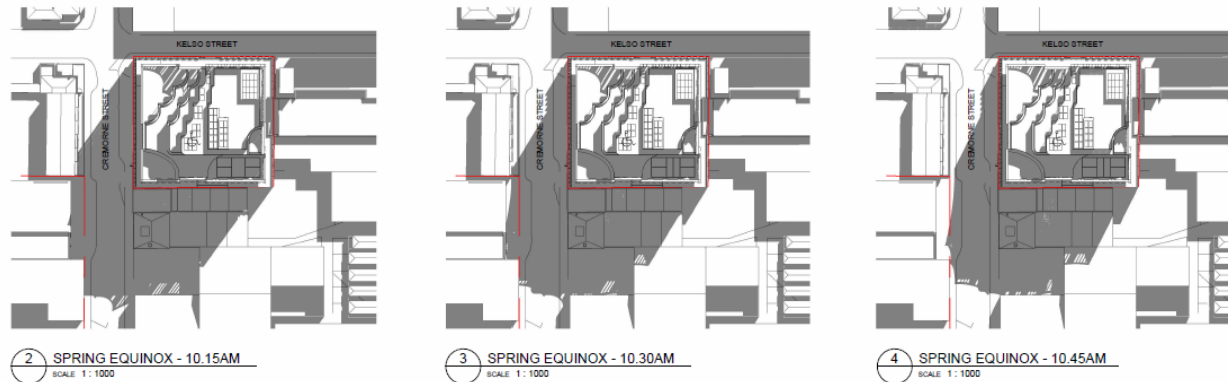
Overshadowing

The application **complies** with the overshadowing requirements of DDO51.

A mandatory overshadowing control is proposed to apply in DDO51. It requires the development does not cast any additional overshadowing of any part of the opposite footpath of Cremorne Street, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting) between 10am and 2pm at 22nd September for a minimum of 3 hours.

The shadow diagrams show the development can achieve this. Overshadowing of the opposite footpath only occurs between 10am and 11am (see Figure 6).

Figure 6: Extent of overshadowing between 10am and 11am



Interface to properties in the NRZ and GRZ

Not applicable as the site does not adjoin a property in the NRZ or GRZ.

Character Buildings

The property is not identified as a character building in the DDO51 and these requirements do not apply.

Building Design

The application **generally complies** with the building design requirements of the DDO51:

- Floor to floor heights are 4.5m on the ground floor with 4.0m for levels above.
- Street activation is achieved at the ground level with four tenancies and commercial lobby that will create a pedestrian-oriented environment and enhance passive surveillance of the public realm
- Provides a high level of amenity for building occupants through terraces and communal open space at the upper levels
- Street level façade is broken up and well-articulated
- A high level of design detail is demonstrated
- The development features greening on the façade and rooftop levels

The ground floor at Kelso Street features a substation at the public realm interface, considering the scale of the development and size of the substation it would be preferable for this to be located underground so that a larger area of active public realm can be provided at ground level. Compliance with the upper level setbacks and building separation requirements will also help to reduce the bulk of the upper levels.

Views to Landmarks

The proposal does not impact views to the Nylex Sign and the Slade Knitwear Sign, these requirements do not apply.

Vehicle access and laneway requirements

The application **complies** with the design requirements of 2.13 of DDO51.

It provides:

- A clearance of over 4m between the ground and first levels
- Access to parking is from Kelso Street – ie from a side street
- The provision of basement parking.

No recommendations made from Strategic Planning in relation to this provision.

Pedestrian and Bicycle access Requirements

The application **complies** with the design requirements of 2.14 of DDO51:

- Bike parking is located on the ground floor and is accessed off Cremorne Street via a separate entrance to cars.
- End of trip facilities have been provided.
- It is unclear if space is provided for larger bikes such as cargo bikes or whether charging stations are provided.

No recommendations made from Strategic Planning in relation to this provision.

Strategic Planner: Leonie Kirkwood
Date: 19 September 2024

Urban Design Formal Referral Response



Application Information:

| | |
|---------------------------|---|
| Referral Officer: | Ben Thorp |
| Officer: | David Witty |
| Council Reference: | PPE24/0515 |
| Address: | 101 Cremorne St, Cremorne VIC 3121 |
| Proposal: | DTP Referral |
| Comments Sought: | Click here to view referral memo: Record D24/352562: IREF24/01566 - 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: | Not applicable |

Recommendation

- The proposal **not supported** in principle in its current form. The proposal fails to respond to the streetscape and public realm objectives of the Cremorne Urban Design Framework and associated Design and Development Overlay (DDO51).

Comment Summary

- The current design does not take the generous approach to public realm space provision and amenity enhancement that is required by planning scheme policy.
- This is at odds with approaches taken along Cremorne Street that feature wide building setbacks, street tree planting and additional street furniture.
- It is recommended that the applicant thoroughly reconsider the ground plane and streetscape based on the recommendations below.
- The proposal should be referred back to Urban Design with a **Public Realm and Streetscape Plan** provided for endorsement.

Background

Site Context

- The subject site is located on the south eastern corner of Cremorne Street and Kelso Street. An amalgamation of four parcels, equating to a total area of 1,729sqm, the subject site has substantive frontages of 40.7m to Cremorne Street (west) and 43.25m to Kelso Street (north).

- Cremorne is a rapidly developing area featuring many sites that are transitioning from a low scale commercial or warehouse building type to much larger scale commercial offices.
- Cremorne Street is a medium (approx. 15 m) main street with significant pedestrian traffic and existing street trees. Kelso Street is a narrow (approx. 12m) street with narrow footpaths. The Cremorne Street frontage features an existing outstand (with non standard/compliant kerb and channel) along a large portion of the frontage, with existing vehicular access at the southern end.

Urban Design Framework

- The Cremorne Urban Design Framework (UDF) sets the future vision for this area. Objective 4.3 outlines that *'over time the redesign of streetscapes in Cremorne will create people-oriented streets that:*
 - *are safe and easy to get around on foot or on a bike*
 - *enhance shade trees and greenery*
 - *create welcoming places for people to meet, rest and play*'.
- The Urban Design Framework provides clear guidance for building setbacks:
 - *'Apply a mandatory minimum 1.5m ground floor setback (ground floor of building to be set back). On larger sites, a greater front setback (whole of building) is expected*'.
 - *'Provide chamfered building corners at intersections (where appropriate) to create additional public space at points of pedestrian congestion*'.
- Proposed interim DDO51 Cremorne West (CW-D) seeks to *ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.* On the eastern side of Cremorne Street 1.5m ground floor setback applies.

Urban Design Response

Public Realm Interface

Cremorne Street

- The proposal features a high level of activation at ground level with 4 tenancies (totalling 596.3sqm) interfacing with both Cremorne Street and Kelso Street.
- A central commercial entrance is proposed along Cremorne Street, with the generous lobby space recessed centrally within the building. This space could contribute to a more active public realm interface if programmed closer to the street edge on Cremorne Street (refer Figure 1).
- Vehicular access is relocated to Kelso Street from Cremorne Street which will be a positive from an urban design perspective.
- Current setbacks designed in the proposal are much less generous than provided in similar scale proposals elsewhere in Cremorne. The Cremorne UDF provides for a minimum 1.5 metre ground level setback to the East side of Cremorne Street and a full-building setback for larger sites.
- Considering the large size of this site a full building setback of at least 1.5 metres is expected. The built to boundary condition proposed along Cremorne Street is not

supported. An increased setback must be provided along the whole site boundary to Cremorne Street. This should be at least 1.5 metres but can be extended further to provide additional publicly accessible space particularly at the building entrance and this space can connect through to a repositioned lobby area.

- Increased setback area can be utilised for outdoor dining, bespoke integrated seating as well as allowing provision of visitor bike parking within the site boundary.
- Corner chamfers are required under the Cremorne UDF at busy intersections. The intersection of Cremorne and Kelso Streets is currently very busy and pedestrian volumes will increase considerably with this development. Considering the space constraints here where pedestrians wait at crossing points, extra space provided by a chamfered corner at this point will substantially improve pedestrian amenity.

Kelso Street

- Urban design are supportive of the provision of a ground floor setback to Kelso Street, as this is necessary to create a usable footpath width along the Kelso Street frontage. These should be integrated into the building line, as the design of planter boxes in this setback compromises its usefulness as pedestrian movement space.
- The ground floor at Kelso Street features a substation at the public realm interface, considering the scale of the development and size of the substation it would be preferable for this to be located underground so that a larger area of active public realm can be provided at ground level.

Streetscape and Capital Works

- The Urban Design Framework sets a clear expectation of improved streetscapes to support significant change within the area that will include increased usage of the street by pedestrians in much larger numbers.
- The proposal provides no contribution to the Cremorne Street frontage in the form of street trees and landscaping and other streetscape amenities such as bicycle parking and seating.
- It is expected that significant contribution is made to enhance the public realm immediately adjacent to the site. Refer to the public realm contributions of recently constructed and approved development under construction such as:
 - 60-88 Cremorne Street (constructed) PLN17/0626
 - 31-53 Cremorne Street (under construction) PLN22/0172
 - 116-130 Cremorne Street (under construction) PLN22/0454
- The following streetscape enhancements are recommended. Refer to indicative layout at Figure 1.
 - 3 street trees
 - 3 planter beds
 - 2 public seats (minimum)

Indicative Public Realm and Streetscape Plan

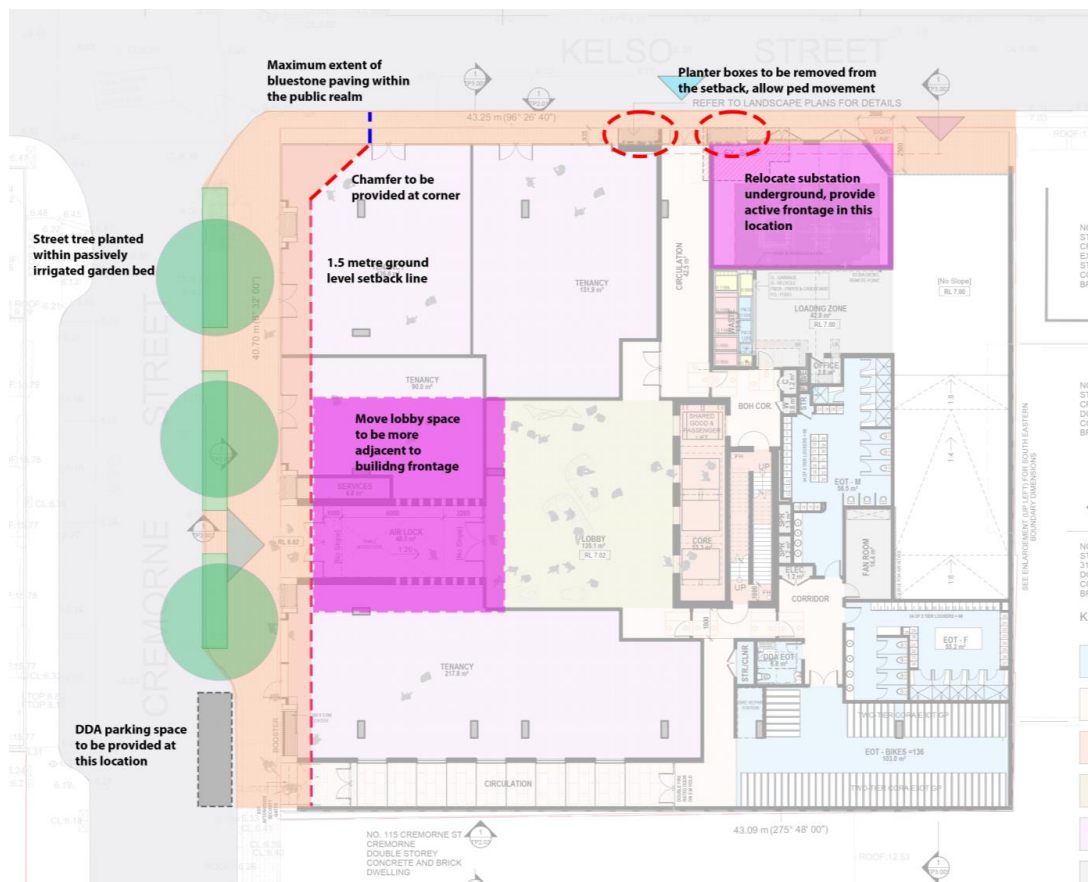


Figure 1: Indicative Public Realm and Streetscape Layout (subject to further investigations)

Paving, Edges and Surfaces

- The current design features bluestone paving along both the Cremorne Street and Kelso Street frontage. Bluestone paving is only supported at Cremorne Street. Paving should only extend down Kelso Street until indicated on the UD mark up (figure 1 above). Kelso Street frontage should otherwise be asphalt footpath within the public realm.
- Bluestone paving must be provided as per Yarra Public Domain Manual Technical Notes 4.1.3.
- Bluestone paving on Cremorne Street can be continuous through the public realm and into an increased ground floor setback but the site boundary must be indicated by a steel edge detail.
- Kerb edges to be reconstructed on Cremorne Street as new sawn bluestone kerb and channel to satisfaction of Urban Design.
- Kerb edges at corner must provide drop kerbs at pedestrian crossing points orientated to crossing point.
- Footpath at Kelso Street to be asphalt surface.

Bicycle Parking

- The design does not include visitor bike parking provided at the building frontage. As this will be required it must be shown on plans. Statutory bike parking must not be provided in the public realm and should be shown within the site boundary. Bike parking must not obstruct pedestrian movements within ground level setbacks particularly those required for minimum pedestrian clear width of 1.5 metres (Kelso Street).

DDA Parking Bay

- The removal of the existing vehicular crossover to the southern end of the Cremorne Street frontage provides an opportunity for addition of street parking.
- Southern section of Cremorne Street frontage should accommodate a DDA parking bay.

Street Tree and Planting

- 3 passively irrigated garden beds (not rain gardens) to be provided along Cremorne Street following designs at 60-88 Cremorne Street (SEEK).
 - Service pit hatches should preferably not be located in these garden beds.
 - These must be detailed so that when kerbs are reconstructed there are minimal level changes and trip hazards, removing the need for the existing bollards.
- Plans should indicate the location of three (3) additional trees along Cremorne 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 3 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 \$6,099 with a breakdown provided below:

- Road – 3 large tree @ Cremorne Street; \$2,033 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.

The following improvements are recommended:

Given the highly constrained conditions of the immediate streetscapes and surrounds the following is expected from a public realm perspective:

- Whole building setback of 1.5m (minimum) to Cremorne Street
- Corner chamfer to Cremorne Street and Kelso Street
- Clear ground floor building setback to Kelso Street with no extrusions/obstructions
- Relocation of the sub-station underground

- Redesign of the commercial lobby space to the Cremorne Street frontage to enhance visibility

Streetscape enhancements in form of street trees and landscaping must be detailed on a **Public Realm and Streetscape Plan** (refer to indicative layout at Figure 1).

A Public Realm and Streetscape Plan must be provided to the satisfaction of Urban Design. The Public Realm Plan must include, but not limited to:

- Property boundary clearly defined.
- Layout plan indicating all existing and proposed features and surface levels.
- Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs.
- Proposed bicycle spaces along site frontage, which bicycle image superimposed upon the proposed.
- Clear dimensions of existing and proposed footpath widths, bicycles hoops setback width (preventing effects on pedestrian access along footpath) and offset from face of kerb to the satisfaction of the Council or responsible authority.
- Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements.
- Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor level.
- Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements.
- Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades.

These comments exclude comments from the following teams, and they will be providing separate referral comments:

- Development Engineering
- Strategic Planning
- ESD

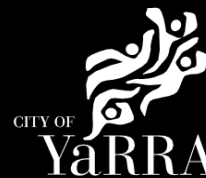
Capital Works:

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

Urban Designer: Ben Thorp

Date: 12 September 2024

Development Engineering Formal Referral Response



| Application Information | |
|-------------------------|--|
| Referral Officer | Artemis Bacani |
| Officer | David Witty |
| Council Reference | PPE24/0515 |
| Address | 101 Cremorne Street, Cremorne |
| Application No. | IREF24/01567 |
| Proposal | 12 storey office development with smaller GF tenancies |
| Comments Sought | Parking arrangements and proposed crossover |
| 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.

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 |
|----------------|---------------------------------------|----------|--------------|
| CHT Architects | TP1.01 <i>Level B2</i> | C | 25 June 2024 |
| | TP1.02 <i>Level B1</i> | C | 25 June 2024 |
| | TP1.03 <i>Level 00</i> | C | 25 June 2024 |
| Traffix Group | <i>Traffic Engineering Assessment</i> | F | 30 July 2024 |

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.

Should any engineering comments / direction not be adopted, the relevant planner is REQUIRED to refer back to the Civil Engineering team for further discussion / comments / conditions prior to finalising reports.

Table 2 - Engineering requirements for applicant

| Item | Engineering requirement | Action for applicant |
|------|---|--|
| 1 | Dimension the width of the development's car park entrance. | Update the relevant drawings accordingly |
| 2 | Dimension the width of the internal vehicle accessway. | Update the relevant drawings accordingly |
| 3 | Dimension the width of the vehicle crossing and show the location on the drawings. | Update the relevant drawings accordingly |
| 4 | Dimension the headroom clearance at the car park entrance. | Update the relevant drawings accordingly |
| 5 | Dimension the length of each ramp section for the ramp between basement 1 and 2. | Update the relevant drawings accordingly |
| 6 | Dimension the width and depth of the loading bay. | Update the relevant drawings accordingly |
| 7 | Delete the proposed pavement for the vehicle crossing. | Update the relevant drawings accordingly |
| 8 | Delete the proposed pavement for the footpath in front of the development. | Update the relevant drawings accordingly |
| 9 | Provide a notation on the drawings to confirm the utility cabinet door along the Cremorne Street frontage can open at 180-degrees and be latched. | Update the relevant drawings accordingly |
| 10 | Provide a 1 in 20 scale vehicle crossing ground clearance assessment. | Submit ground clearance assessment |

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

| Condition related to... | Engineering condition |
|---|--|
| VC: <i>Design</i> | <p><u>Concurrent with the submission of Condition 1 plans</u> or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval.</p> <p>The submitted design must demonstrate compliance with City of Yarra's, <i>Vehicle Crossing Information Sheet</i>.</p> |
| VC: <i>Construction</i> | <p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority. |
| VC: <i>Reinstatement</i> | <p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority. |
| Condition related to... | Engineering condition |
| Public Realm: <i>Footpath specific</i> | <p><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 Cremorne Street and Kelso Street frontages must be reconstructed in asphalt:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority(s). |
| Public Realm: | <p><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</p> |

| Condition related to... | Engineering condition |
|---|--|
| <i>Kerb & channel specific</i> | channel along the property's Cremorne Street and Kelso Street frontages must be reconstructed: <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority(s). |
| Public Realm: <i>Functional layout plan [High level details]</i> | <p><u>Concurrent with the submission of Condition 1 plans</u>, 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.</p> <p>The Public Realm Plan must show, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) footpath reconstruction; (b) kerb and channel reconstruction; (c) at the permit holder's cost; <i>and</i> (d) to the satisfaction of the Responsible Authority. |
| Public Realm: <i>Detailed design plans</i> | <p><u>Before the development commences (excluding site preparations, demolition and bulk excavation)</u>, or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition XX) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.</p> |
| Public Realm: Construction & handover | <p>Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition XX) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.</p> |
| Condition related to... | Engineering condition |
| Reinstatement of damages caused during development works | <p>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> <ul style="list-style-type: none"> (a) In accordance with Yarra Standard Drawings Yarra City Council (b) at the permit holder's cost; <i>and</i> (c) To the satisfaction of the Responsible Authority. |

Table 4 - Notes to be included in the Planning Permit

| Note related to... | Engineering note |
|---|--|
| 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. | 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. |
| 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. |

SECTION 3: Engineering detailed assessment

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

| Item | Assessment |
|--|---|
| Access Arrangements | |
| Width of Car Park Entrance | The width of the development's car park entrance is not dimensioned on the drawings. |
| Width of Internal Vehicle Accessway | The width of the internal vehicle accessway is not dimensioned on the drawings. |
| Width of Vehicle Crossing | The width and position of the vehicle crossing are not shown on the drawings. |
| Visibility | Visibility triangles measuring 2 metres by 2.5 metres is provided at the exit lane to satisfy <i>Design standard 1 – Accessway</i> . |
| Headroom Clearances – Car Park Entrance | The headroom clearance at the car park entrance is not dimensioned on the drawings. |
| Car Parking Modules | |
| Car Spaces | The width and depth of the car spaces of 2.6 metres and 4.9 metres satisfy <i>Design standard 2 – Car parking spaces</i> . |
| Accessible Car Space and Shared Area | The width and depth of the accessible car space and shared area of 2.4 metres and 5.4 metres satisfy <i>AS/NZS 2890.6:2009</i> . |
| Aisle | An aisle width of the 6.4 metres is provided to satisfy <i>Design standard 2 – Car parking spaces</i> . |
| Column Depths and Setbacks | The column depths and setbacks satisfy Figure 5.2 of <i>AS/NZS 2890.1:2004</i> . |
| Clearances to Walls | Car spaces adjacent to a wall are 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 grade for the first 5 metres inside the property is no greater than 1 in 10 to satisfy <i>Design standard 3 – Gradients</i> . |
| Ramp Grades and Changes of Grade | The length of each ramp section for the ramp between basement 1 and 2 is not dimensioned on the drawings. |
| Swept Path Diagrams | |
| Swept Path Assessment – File Name: G32978-01D, Sheet No.01 | The swept path assessment for the 6.4 metre long Small Rigid Vehicle demonstrates adequate entry and exit movements into and out of the loading bay via Kelso Street. |
| Swept Path Assessment – File Name: G32978-01D, Sheet No.02 | The swept path assessment for the 6.4 metre long Waste Truck demonstrates adequate entry and exit movements into and out of the loading bay via Kelso Street. |


| Item | Assessment |
|---|---|
| Swept Path Assessment – File Name: G32978-01D, Sheet No.03 | The swept path assessment for a B99 design vehicle entering and exiting the car park simultaneously via Kelso Street demonstrates adequate clearances and turning movements. |
| Swept Path Assessment – File Name: G32978-01D, Sheet No.04 | The swept path assessment for a B85 design vehicle and an on-coming B99 design vehicle demonstrates adequate circulation movements on the basement levels. |
| Swept Path Assessment – File Name: G32978-01D, Sheet No.04, 05, 06, and 07 | The swept path assessment for a B85 design vehicle demonstrates adequate entry and exit movements into and out of the car spaces. |
| Other Items | |
| Loading Bay | The width and depth of the loading bay are not dimensioned on the drawings. |
| Flood Mapping Information | Council's flood mapping indicates the section of Cremorne Street and Kelso Street, in front of the site, is not subject to flooding during a severe storm event. |
| Vehicle Crossing Pavement Material | <p>The architectural drawings show the vehicle crossing is paved in a material not consistent with Council's <i>Infrastructure – Road Materials Policy 2018</i>.</p> <p>The proposed material for the vehicle crossing to be deleted from the drawings.</p> |
| Footpath Pavement Material | <p>The architectural drawings show the footpath in front of the development will be paved in a material which is inconsistent with the surrounding footpaths.</p> <p>The footpath must be constructed with a material as per Council's <i>Infrastructure – Road Materials Policy 2018</i>.</p> <p>The proposed pavement material of the footpath to be deleted from the drawings.</p> |
| Utility Cabinet Doors – Cremorne Street Frontage | A utility cabinet door along the Cremorne Street frontage opens out onto a Public Highway. |
| Vehicle Crossing Ground Clearance Assessment | A vehicle ground clearance assessment 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 ' <i>Engineering Advice for Design Items to be Addressed by the Applicant</i> ' section). |

Engineering Advice for Design Items to be Addressed by the Applicant

| Item | Details |
|--|---|
| Width of Car Park Entrance | The applicant to dimension on the drawings the width of the development's car park entrance. |
| Width of Internal Vehicle Accessway | The applicant to dimension on the drawings the width of the internal vehicle accessway. |
| Width of Vehicle Crossing | The applicant to dimension on the drawings the width of the vehicle crossing and location. |
| Headroom Clearances – Car Park Entrance | The applicant to dimension on the drawings the headroom clearance at the car park entrance. |
| Ramp Grades and Changes of Grade | The applicant to dimension on the drawings the length of each ramp section between basement 1 and 2. |
| Loading Bay | The applicant to dimension on the drawings the width and depth of the loading bay. |
| Vehicle Crossing Pavement Material | The applicant to delete the proposed pavement for the vehicle crossing and replace with a material as per Council's <i>Infrastructure – Road Materials Policy 2018</i> |
| Footpath Pavement Material | The applicant to delete the proposed pavement for the footpath in front of the development and replace with a material as per Council's <i>Infrastructure – Road Materials Policy 2018</i> |
| Utility Cabinet Doors – Cremorne Street Frontage | The applicant to provide a notation on the drawings to confirm the utility cabinet door along the Cremorne Street frontage can open at 180-degrees and be latched onto the building wall. |
| Vehicle Crossing Ground Clearance Assessment | <p>To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo.</p> <p>To ensure that vehicles do not scrape or bottom-out when entering or exiting the garage, a vehicle crossing vertical ground clearance assessment for the B99 design vehicle template is required.</p> <p>The applicant is required to obtain a number of existing and proposed spot levels which include:</p> <ul style="list-style-type: none"> • the reduced level 2.0 metres inside the property; • the level at the property boundary; • the level at the invert of the southern kerb; • the level at the edge of the southern channel; and • a few levels on the road pavement – in this case, Kelso Street. <p>These levels are to be shown on a 1 in 20 scale cross-sectional drawing with dimensions. The assessment is to be taken along the centre of the vehicle crossing.</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> |

SECTION 4: Acknowledgement

Engineer: Artemis Bacani

Signature: 

Date: 12 September 2024

