

Assessment Officer Report

PA2403110 – 101 Cremorne
Street, Cremorne



Officer Assessment Report
Development Approvals & Design

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Executive Summary



Key Information	Details		
Application No:	PA2403110		
Received:	9 August 2024		
Statutory Days:	35		
Applicant:	101CSC Pty Ltd c/- Planning Property Partners		
Planning Scheme:	Yarra		
Land Address:	101 Cremorne Street Cremorne		
Proposal:	Development of a multi-storey building comprising office, use of ground floor as shop, and a reduction of car parking requirements		
Development Value:	\$ 56.6 million		
Why is the Minister responsible?	In accordance with Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the responsible authority for use and development to which clause 53.22 applies.		
DFP eligibility criteria in accordance with 53.22	Category	1	
	Sector	Office	
	Land use	Office <i>The combined gross floor area of all buildings associated with the proposed use or development must be at least 10,000 square metres if any part of the land is in metropolitan Melbourne</i>	
	Location	Metropolitan Melbourne	
	Alignment with the DFP threshold/criteria	Yes – the combined GFA is greater than 10,000 square metres	
	OVGA	Yes	
	Invest Victoria	Yes	
	Quantity Surveyor Report	Yes	
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 34.02	Commercial 2 Zone (C2Z)	Use the land for shop Construct a building or construct or carry out works
Overlays:	Clause 45.06	Development Contributions Overlay Schedule 1	N/A
Particular Provisions:	Clause 52.06	Car Parking	Reduction to the car parking requirements
Cultural Heritage:	The site is not in an area of cultural heritage sensitivity.		
Total Site Area:	1729 m ²		
Gross Floor Area:	17832 m ²		
Height:	12	Storeys excluding plant	
	49.5	Metres excluding plant	



	53.7	Metres including plant		
Land Uses:	Dwellings	Office	Retail	Other
	N/a	10917 m ² (includes 512.8 m ² clubhouse)	569 m ² (ground floor shops comprising 4 tenancies)	N/a
Parking:	Cars	Motorcycles	Bicycles	
	94	0	136	
Referral Authorities:	Head, Transport for Victoria			
Advice sought:	Yarra City Council (s52 – notice)			
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Department of Transport and Planning under delegation to the Minister for Planning: 10 objections have been received as of 18 December 2024 .			
Delegates List:	Approval to determine under delegation received on 16 December 2024			



Application Process

1. The application has gone through the Clause 53.22 (Significant Economic Development) Development Facilitation Program process, involving substantial pre-application review including consultation with Yarra City Council (**the Council**) and OVGA.
2. The key milestones in the pre-application and application processes were as follows:

Development Facilitation Program: Pre-application		
Enquiry lodgement	25 October 2023	
	Details of pre-application advice	
Informal advice	Head, TfV	No submission
	Council	<p>Council provided the following pre-application comments dated 18 March 2024 (summarised):</p> <ul style="list-style-type: none"> • The proposal is an inappropriate scale with regard to the overall height and upper level massing. • The proposal does not demonstrate adequate building separation and may not provide equitable development. • A greater public realm contribution should be made. • Greater visibility to building and tenancy entries is encouraged. • A wind tunnel study should be undertaken. • Daylight modelling requires review regarding future equitable development conditions and not including the whole area of the office floors. <p>In response, the applicant provided a wind assessment prepared by ViPac, and a Sustainable Management Plan prepared by Ark Resources that includes daylight modelling.</p> <p>Post lodgement, the application was referred to Council in accordance with Section 52(1)(b) of the Act.</p>
	Office of the Victorian Government Architect (OVGA)	<p>OVGA provided the following comments dated 23 November 2023 (summarised):</p> <ul style="list-style-type: none"> • Proposal is not a good neighbourhood fit - confusing and unconvincing in the streetscape. • Ground plane has limited street interest, impact and activity. • The proposal contributes little public benefit and has no generosity at the ground plane. • The ambitious increase in height beyond existing controls is not supported. • Scale of the podium is appropriate and Level 3 terrace has a good relationship with the street. • Bicycle facilities location and access is unsatisfactory. • Specific concerns with the proposals response to the surrounding context including side setbacks, building height and scale. • Brick façade is appropriate. • Upper level materials generic and could be improved. • Confirmation of servicing to landscaping is critical. • Street landscaping should be improved. <p>In response to the advice, the permit applicant amended the plans. DTP officers recommended further changes in the form of:</p> <ul style="list-style-type: none"> • Zero ground level front setback to Cremorne Street maintained as per



the original proposal (noting the Revised Cremorne Urban Design Framework (**the UDF**) recommends a 1.5m setback)

- Upper levels setback in accordance with the UDF to enable appropriate separation and equitable development on adjoining sites.

The UDF has been endorsed by Council but not yet implemented via a planning scheme amendment and is discussed later in this report.

Invest Victoria	Yes, proposal is eligible for Clause 53.22 pathway 17 July 2024
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Milestone	Date
Application lodgement	9 August 2024
Further information requested	No
Further plans submitted informally	14 November 2024 Architectural plans prepared by CHT Architects titled '101 Cremorne Street, Cremorne' Rev D dated 10 October 2024 (discussion plans), which show the following amendments to the plans: <ul style="list-style-type: none"> • Corner splay added to the northwest corner of building at ground level. • Planter boxes removed and increase in ground level setback to Kelso Street.
Decision Plans	Plans prepared by CHT Architects titled '101 Cremorne Street, Cremorne' Rev C dated 25 June 2024.
Other Assessment Documents	Town Planning Report prepared by Planning and Property Partners dated August 2024; Traffic Engineering Assessment prepared by Traffix Group and dated July 2024; Waste Management Plan prepared by Traffix Group and dated July 2024; Sustainable Management Plan prepared by Ark Resources and dated 30 July 2024; Green Travel Plan prepared by Traffix Group and dated August 2024; Landscape Plans prepared by Jack Merlo Design and Landscape and dated 19 July 2024; Wind Impact Assessment Prepared by ViPac and dated 5 July 2024.

3. The subject of this report is the decision plans (as described above) and the informal discussion plans are also assessed.

Proposal Summary

4. The application proposes construction of a 12 storey office building, including a 2 level basement carpark and 4 shop tenancies at ground level. Vehicle access will be via the eastern side of the frontage to Kelso Street.
5. The building typology is a 3 storey podium, with a recessed 8 storey tower above. The top 3 levels will feature an 'eroded' floorplate, with significantly increased setbacks to the south and west boundaries.



Figure 1: Concept image of the proposed building viewed from the northwest (Source: Application)

6. The existing 3 storey commercial building will be demolished.
7. Key features of the proposal are:
 - Primary pedestrian entrance to Cremorne Street and a secondary entrance to Kelso Street. Both entries lead to a central lobby area.
 - Entry to end of trip bicycle facilities is proposed via a separate entrance to Cremorne Street, at the southern end of the building.
 - A 'club house' at Level 9 for building occupants, with outdoor areas including a cinema.
 - External materials and finishes of the development include:
 - Brick pier format at first and second floor levels, continuing at ground level to frame building entries and shop windows.
 - Glazed curtain wall for the tower form.
 - Perforated metal fin / sunshade 'grid' to the tower with a depth of 600mm.
8. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Development of a multi-storey building comprising office, use of ground floor as shop, and a reduction of car parking requirements
Gross Floor Area:	17,832 m ²



Height:	49.5 metres excluding plant / 53.7 metres including plant
Podium Setbacks:	North: 0.9 metres (ground) and zero (upper) to the Kelso Street frontage South: Zero metres (built to boundary) East: Zero metres (built to boundary) West: Zero metres to the Cremorne Street frontage
Tower Setbacks:	North: 3 metres South: 3 – 10.6 metres East: 3 metres West: 3 – 14.8 metres
Car Parking Spaces:	94
Bicycle Parking Spaces:	136
Loading and Waste arrangements:	A waste collection room and loading zone is proposed at ground level accessed via the driveway from Kelso Street.

9. The applicant has provided the following concept image/s of the proposal:





Figure 2: Artist impressions clockwise from top-left: Cremorne Street elevation; View from northwest to corner of Kelso Street and Cremorne Street; View from southwest along Cremorne Street (Source: Application).

10. The applicant has also submitted discussion plans with changes in response to concerns raised by the council and objectors, which will be discussed later in the report.

Subject Site and Surrounds



Site Description

11. 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 has a 40.7 metre frontage to Cremorne Street, and a 43.2 metre frontage to Kelso Street, with an overall land area of approximately 1,729 square metres.
12. The site is currently occupied by a three storey commercial building, which is currently leased for the use as an office. The building occupies most of the site and addresses Cremorne Street as its primary frontage. Two double width crossovers to Kelso Street provide vehicle access to the site and a gated car parking area, located to the rear.



Figure 3: Subject site from northwest (Source: Application).

13. The site is formally described as comprising the following land parcels:
 - Lot 1 on Title Plan 243830M.
 - Lot 1 on Title Plan 371486J.
 - Lot 1 on Title Plan 833550E.
 - Lot 1 on Title Plan 864823U.



Figure 4: Land parcels comprising the subject site highlighted in yellow.

14. 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 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.

Site Surrounds



Figure 5: Locality map (Source: Application).

15. The site is located within a commercial and industrial precinct, with a partial residential interface to the west, as well as a row of three storey dwellings to the east.
16. The site is approximately 450m walking distance from Richmond Station and 400m from the Swan Street Major Activity Centre. Nearby tram routes run along Swan Street, as well as Church Street approximately 900m to the east. A bus route also runs along Punt Road, with stops approximately 600m from the site. The site is also accessible to major off-road shared paths along the Yarra River, as well as other on-road bike lanes.

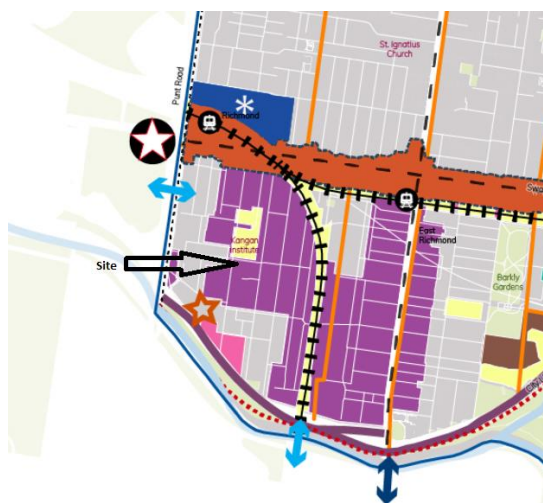


Figure 6: Strategic Framework Plan in Yarra Planning Scheme, showing the Cremorne Major Employment Precinct in purple and Swan Street Major Activity Centre in red.



17. Development surrounding the site is as follows:

- To the **north** of the site: To the immediate north of the subject site, is Kelso Street. Further north is the Kangan Institute Cremorne Campus. The campus occupies the entire frontage of Kelso Street, between Cremorne Street and Dover Street. The campus' main entrances are located along Cremorne Street further to the north of the subject site. A two storey brick building is built to the southern boundary, holding this Kelso Street frontage.
- To the **south** of the site: To the south of the site: 115 Cremorne Street is a two storey brick building used for commercial purposes, located immediately south of the site and built entirely to the common boundary. 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.
- To the **east** of the site:
 - 98 Dover Street: This building comprises 11 attached dwellings. Each dwelling fronts Kelso Street for a combined length of 42 metres. The westernmost dwelling is built to the boundary and immediately abuts the site for a length of 13 metres. The building is primarily 3 storeys in scale; however, a fourth level exists above the westernmost dwelling. 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 2 storey building comprises a mix of office suites and dwellings fronting Dover Street to the east. The building is set back by approximately 1.5 metres from the site, to allow for a small open air courtyard and western facing windows.
 - 102 Dover Street: This building is constructed to all boundaries, except for a small courtyard at the rear. The building fronts Dover Street and is 2 storeys in height. The building comprises several commercial and office tenancies.



Figure 7: 98-102 Dover Street interface with site, viewed from Kelso Street.

- To the **west** of the site:
 - 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 and backyards/parking at the rear of each dwelling.



- 104 Cremorne Street remains in its original form, as a single storey brick dwelling. Each of the seven dwellings locate their primary open space area at the rear, away from Cremorne Street.
 - 114-116 Cremorne Street is currently under construction for a nine storey commercial building approved by the council under Planning Permit PLN22/0454.
18. The surrounding commercial area is undergoing a transition from its traditional manufacturing and industry to higher density commercial developments.
19. A site inspection of the subject site and surrounds was undertaken in August 2024. Images of the site and surrounds are included in this report.



Municipal Planning Strategy

20. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-3	Amenity, Safety, Noise
02.03-4	Built environment and heritage
02.03-6	Economic development
02.03-7	Transport

Planning Policy Framework

21. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of urban land
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
13.07-1S	Land use compatibility
13.07-1L-01	Interfaces and amenity
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L	Urban design
15.01-2S	Building design
15.01-2L	Building design
15.01-2L-01	Environmentally sustainable development
15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods – Metropolitan Melbourne
15.01-5S	Neighbourhood character
Clause 17	Economic Development
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Metropolitan Melbourne
17.01-1R	Diversified economy – Metropolitan Melbourne – Inner Metro Region
17.01-1L	Employment
17.02-1S	Business



17.02-1L	Retail
Clause 18	Transport
18.01-1S	Land use and transport integration
18.02-3S	Public transport
18.01-3L	Sustainable and safe transport – Metropolitan Melbourne
18.02-1S	Walking
18.02-1L	Walking
18.02-2S	Cycling
18.02-2R	Cycling – Metropolitan Melbourne
18.02-2L	Cycling
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
18.02-4L	Road system
18.02-4L-01	Car parking
Clause 19	Infrastructure
19.03-1S	Development and infrastructure contributions plans
19.03-3S	Integrated water management
19.03-3L	Water sensitive urban design
19.03-5S	Waste and resource recovery
19.03-5L	Waste

22. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Zoning and Overlays

Applicable Zone/s

Commercial 2 Zone

23. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 34.02-4. The purpose of the Commercial 2 Zone is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
 - To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.
24. A planning permit is also required to use land for a shop in accordance with Clause 34.02-1. A permit is not required to use land for an office in the Commercial 2 Zone.



Applicable Overlay/s

Development Contributions Overlay – Schedule 1 – Yarra Development Contributions Plan

25. Pursuant to Clause 45.06-1 a permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

26. The Yarra Development Contributions Plan (DCP) applies to any proposal for increased commercial and retail floor area. A Development Infrastructure Levy is required under the DCP and is to be required as a condition of permit.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Car parking

27. A planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

28. Clause 52.06-5 sets out the statutory requirements for carparking provision, displayed in the table below:

Use	Rate	Amount Required	Amount Provided
Office	3 spaces per 100m ² of net floor area	327	94
Shop	3.5 spaces per 100m ² of net floor area	20	0
Total		347	94

29. The proposal seeks a reduction of 253 spaces.

Bicycle facilities

30. Clause 52.34-1 requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Shop	Employee	1 space / 600m ² of LFRA if the LFA exceeds 1000m ²	2	
	Customer	1 space / 500m ² of LFRA if the LFA exceeds 1000m ²	1	
Office	Employee	1 to each 300m ² of net floor area, if the net floor area exceeds 1000m ²	36	
	Visitor	1 to each 1000m ² of net floor area, if the net floor area exceeds 1000m ²	11	
Total			50	136

31. The proposal includes a surplus of 86 bicycle spaces and includes end of trip facilities.



General Requirements and Performance Standards

32. Clause 53.18 applies to this application for buildings and works. The clause includes standards and objectives relating to stormwater.
33. Clause 53.22 Significant Economic Development is relevant as the application seeks approval under this provision. The proposal falls under Category 1 for uses in Table 2 (Office) where the combined gross floor is at least 10,000 square metres in metropolitan Melbourne.

Relevant Strategic Plans / Background Documents

Plan Melbourne

34. Plan Melbourne is the metropolitan planning strategy and is a background document in the scheme. It provides high level strategic directions relevant to the proposal, including:
 - Direction 1.1 - 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.
 - Direction 1.2 Improve access to jobs across Melbourne and closer to where people live.
 - Direction 1.3 Create development opportunities at urban renewal precincts across Melbourne.
 - Direction 4.3 Achieve and promote design excellence.

Yarra Spatial Economic and Employment Strategy (SEES) – August 2018

35. This strategy has been adopted by Council in September 2018 and is a background document in the planning scheme. The Cremorne Major Employment Precinct, generally defined as land within the Commercial 2 Zone in Cremorne, is nominated as a major employment precinct. The strategy includes six strategic directions, which include:
 - Support employment growth in Yarra's Activity Centres;
 - Retain and grow Yarra's major employment precincts;
36. The strategy also notes:

'The Cremorne/Church Street South and Gipps Street precincts have been identified as having significant floor space capacity if existing lower scale development is replaced by multi-storey development.'

'The Cremorne precinct is...strategically located with respect to public transport, the arterial road network and CBD.'

'The precinct is estimated to have a total floor space capacity of around 440,000 square metres of which approximately 180,000 square metres is currently utilised. Demand for floor space will grow to 2031 although there is likely to be capacity for further growth beyond the medium term.'

'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.'

Cremorne Place Implementation Plan – December 2020

37. The Cremorne Place Implementation Plan (CPIP) was developed by the Victorian Planning Authority and Yarra City Council, in consultation with a number of State Government agencies. A direction of the CPIP was to develop an urban design framework for the area.



Planning Scheme Amendments

Draft Amendments C138yara and C317yara – Revised Cremorne Urban Design Framework 2023

38. Draft Amendment C318yara proposes to implement the Revised Cremorne Urban Design Framework (UDF) by applying a Design and Development Overlay (DDO) to Commercial 2 Zone areas of the Cremorne Major Employment Precinct and makes other consequential changes to the Yarra Planning Scheme.
39. Draft Amendment C317yara proposes to apply the DDO on an interim basis to the precinct while permanent controls are progressed.
40. The council's request for consent to publicly exhibit draft Amendment C318yara and C317yara is under consideration. If council's request for consent is granted, it will carry out consultation on draft Amendment C318yara.
41. The UDF and proposed controls are discussed in the Assessment section of this report.



Referrals

42. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	No objection – 17 September 2024

Municipal Council Comments

43. The Yarra City Council (the council) considered the application at their committee meeting on 22 October 2024.

44. The council determined that the proposal is **not supported** due to:

- Inappropriate scale - excessive height and massing.
- Lack of building separation.
- Poor public realm outcomes.

45. Council also provided a list of recommended permit conditions should one be granted.

Advice sought from other agencies

46. The application was also referred internally to DTP's 3D and Visualisation team, who generated shadow diagrams showing the same overshadowing extent as the shadow diagrams in the application material.

Notice

47. The applicant was directed to give notice in accordance with s52 of the *Planning and Environment Act 1987*, by way of erecting signs on the site and notifying adjoining owners and occupiers.

48. 10 objections were received, raising the following issues:

- Excessive building height, size, scale, bulk and density.
- Insufficient setbacks
- Amenity impacts, including:
 - Overshadowing
 - Overlooking and loss of privacy.
 - Loss of light.
 - Noise, particularly after work hours.
 - Lighting impacts.
- Excessive traffic generated by the proposal, including suitability of Kelso Street for vehicle access.
- Insufficient car parking and loss of onstreet parking spaces in Kelso Street.
- Narrowness of the Kelso Street footpath and lack of compliance with DDA.
- Lack of community benefit – insufficient improvement to streetscape.
- Sustainability impacts of loss of existing building.



- Impacts during construction.
- Loss of view to city skyline
- Oversupply of commercial space in Cremorne;
- Impact on resale values
- Limited notification and lack of consultation.



Applicant response

50. The applicant submitted discussion plans in response to concerns raised. If accepted, the changes would be required to be made by permit condition. The changes include:

- Ground level street setback to Kelso Street increased to 1.1 metres.
- Chamfered corner indent at ground level on the northwest corner of the building.
- Planter box on the east side of the building at level 3, to avoid overlooking.



Key Considerations

52. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Strategic Direction and Land Use
- Height and setbacks
- Design detail
- Interface with the public realm
- Amenity Impacts
- Car and Bicycle Parking, Loading and Waste
- Sustainability
- OVGA concerns
- Council concerns
- Concerns raised in objections

53. The plans submitted by the applicant following notice are referred to as the **discussion plans** in the following assessment.

Strategic Direction and Land Use

Municipal Planning Strategy

54. The particular MPS policies that apply are assessed as follows:

- The proposal is consistent with the Vision of the Yarra Planning Scheme, which seeks to facilitate a local economy that includes businesses and creative industries seeking to locate in popular employment precincts.
- The proposal is a satisfactory response to Strategic Directions (Clause 02.03) including:
 - Directing mid-rise buildings to appropriate locations within employment areas and creating people-oriented places with high standards of amenity (Clause 02.03-4).
 - Growing the Yarra's major employment precincts (MEC) by supporting the economic primacy of MECs, including Cremorne (Clause 02.03-3, 02.03-6).
 - Using sustainable environmental practices in the building design (Clause 02.03-3).
 - Creating compact, walkable, pedestrian-oriented, mixed use communities proximate to train stations (Clause 02.03-7).
 - Providing reduced carparking and increased bicycle facilities (Clause 02.03-3, 02.03-7).
- The proposal will create additional supply of office floorspace in an area identified for future strategic growth, and a premier destination for creative design in tech and digital technologies, supporting Cremorne's role as an enterprise precinct. The proposal is consistent with the role of the precinct where large global companies can sit 'side by side' with smaller firms, start-ups and co-working spaces (Clause 02.01, 02.03-6 and 02.04).

Planning Policy Framework

55. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on commercial and retail provision, and integrates transport and infrastructure planning.



56. The proposal is consistent with the strategic directions for the growth and intensification of the Cremorne major employment precinct, and will support its function as a key part of the metropolitan economy (Clause 17.01-1R and 17.01-1L). It is noted that no tenant has been identified – the proposal will, however, provide the opportunity for a creative or digital enterprise(s) to establish in the building. The substantial floor area is of a scale that would allow for a significant business, similar to others such as Seek and Adidas that have established in buildings in the surrounding area.
57. The proposal is also consistent with strategies to create 20 minute neighbourhoods, including at Clause 15.01-4R, by facilitating the creation of jobs close to where people live or can access via public or active transport.
58. The proposal is also consistent with other strategies encouraging improvements to pedestrian environments and prioritising walking, cycling and public transport over car reliance (Clause 17.01-1L).
59. Furthermore, the proposal is consistent with land use compatibility strategies (Clauses 13.07-1S and 13.07-1L-01) as the proposed uses are compatible with other employment and supporting retail uses that are establishing in the immediate area. Further details are provided in the following assessment.

Land use

60. A permit is not required for use of the land for office.
61. The provision of retail at ground floor level is consistent with the purpose of the Commercial 2 Zone and policies encouraging the provision of services for workers in employment areas (Clause 17.01-1L).

Buildings and Works

62. The zoning provisions have been considered in the application.
63. The purpose and decision guidelines of the zoning, as well as current and proposed planning policy provisions, have been considered in the following assessment of the proposal.
64. The proposal is regarded as a satisfactory response to the Commercial 2 Zone and Development Contributions Plan Overlay, and to the objectives of current and proposed planning policy for the Cremorne major employment precinct.

Height and Setbacks

65. No maximum building height is specified in the Commercial 2 Zone. As noted earlier, the Municipal Planning Strategy directs mid-rise buildings to employment areas such as Cremorne. The Planning Policy Framework provides relevant considerations, including:
 - Ensuring the form, scale and appearance of development enhances the function and amenity of the public realm and protects valued landmarks, views and vistas (Clause 15.01-2S).
 - Supporting high quality mid-rise built form that demonstrates architectural excellence, provides a transitional scale to buildings in adjoining low-rise neighbourhoods and contributes to an improved public realm (Clause 15.01-2L).
66. Setbacks should reflect the general pattern of front, side and rear setbacks in the streetscape and limit excessively tiered profiles on street and laneway frontages, as well as encourage contextual materials and finishes to upper levels (Clause 15.01-2L).
67. Other built form strategies (Clause 15.01-2L) include:
 - Ensure walls on boundaries minimise adverse impacts on the amenity of adjoining development through unreasonable overshadowing of private open space, visual bulk, overlooking, noise or loss of daylight to habitable room windows.
 - Ensuring development supports public realm amenity, including minimising wind impacts (Clause 15.01-1S)



68. The OVGA, council and objectors raised concerns with the building scale, height, massing, side setbacks and relationship with adjacent buildings. OVGA and council both considered the proposal should comply with the maximum building heights and setbacks in the Design and Development Overlay (DDO51) proposed to be applied under draft planning scheme amendment C317yara.
69. The OVGA did, however, consider the podium to 'sit appropriately' within the streetscape.
70. The weight C317yara can be given to decision-making is limited, as it has not received approval and has not undergone consultation or a potential planning panels process. Council's request to the Minister for Planning for approval is currently under consideration and so is not in the current planning scheme. As it has been used as benchmark by OVGA and council, the table below shows how the proposed building height and setbacks would perform against the proposed Design and Development Overlay (DDO51).
71. It is noted the discussion plans have the same podium and tower heights and setbacks as the decision plans, except for ground level setbacks.

Built form	Proposed Cremorne West Precinct (DDO51)	Decision Plans	Does the proposal meet the proposed DDO51 requirement?
Maximum building height	32 metres	53.7m	No
Minimum street wall setback	1.5m ground floor setback to Cremorne Street. No setback to Kelso Street specified.	Cremorne Street: <ul style="list-style-type: none"> • Ground level: 0m • Levels 1 and 2: 880mm Kelso Street: <ul style="list-style-type: none"> • Ground: 0.935m • Levels 1 and 2: 0m 	Cremorne Street: No Kelso Street: Not applicable – no setback specified.
Maximum street wall height	16 metres	13.8m (including brick pillars and fencing)	Yes
Minimum upper level (street) setback	5 metres	Cremorne Street: <ul style="list-style-type: none"> • Levels 3 – 8: 3m • Levels 9, 10 and 11: 8.2 – 22.3m Kelso Street: 3m	No. Only Levels 9, 10 and 11 meet the required setback to Cremorne Street.
Building separation	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: <ul style="list-style-type: none"> • 3m at 1-3 levels above boundary wall height • 4.5m at 4 or more levels above boundary wall height * Where a site adjoins an existing blank boundary wall, development may be constructed on that boundary to the height of that existing wall.	East: <ul style="list-style-type: none"> • Ground, levels 1 and 2: 0m • Levels 3 – 11: 3m – 3.1m South: <ul style="list-style-type: none"> • Ground, levels 1 and 2: 0m – adjoins 2 storey wall on the adjoining lot. • Levels 3 – 8: 3m • Levels 9, 10 and 11: 9.5 – 10.5m. 	East: No. There is a 2 – 3 storey wall on the boundary, therefore Levels 3 and 4 partly meet the 3m setback, while Levels above do not. South: No. There is a 2 storey wall on the boundary – therefore Levels 2, 3 and 4 meet the standard, while levels above do not.
Maximum boundary wall height	24 metres	14.1m	Yes



72. The design objectives of the proposed DDO51 include supporting ‘a new mid rise built form character with taller built form on the Cremorne Street activity spine’ and ‘a lower mid rise form at the interfaces with adjoining low rise residential areas’.
73. The objectives also include reinforcing the industrial character of the area through innovative architecture that reinforces a human scale, fine grain character and does not overwhelm narrow streets.
74. Sunlight access to Cremorne Street and setbacks at ground level are also sought in the objectives. These are reflected in the following requirements in the DDO51:
- Overshadowing
 - No additional overshadowing of the opposite (west) footpath of Cremorne Street for 3 hours between 10am and 2pm on the 22 September.
 - No additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.
 - Equitable access to an outlook, daylight, sunlight and views to the sky above the street wall.
 - Protection of views to landmarks
75. There is no particular strategic direction in the proposed DDO51 for how the proposal should address the adjoining and opposite dwellings, other than protection of the dwellings on the west side of Cremorne Street that are located within a General Residential Zone from additional overshadowing. The proposed DDO includes standards for sites that have a direct abuttal or a laneway interface with a residential area – the subject site is separated by Cremorne Street from the dwellings on the opposite (west) side.
76. The land east of the site is in the Commercial 2 Zone, in which dwellings are a prohibited use – therefore the dwellings adjoining to the east are a ‘non conforming’ use, with less strategic priority than commercial use and development in the zone.

Overshadowing and daylight access

77. The proposal will meet the proposed DDO51 footpath overshadowing control, as the western footpath of Cremorne Street will be generally clear of overshadowing from 11am on 22 September.
78. The proposal will overshadow the east facing balconies/facades of 1-2 dwellings on the opposite side of Cremorne Street, but there will be no overshadowing from 10.45am onwards. There will be no overshadowing to the primary rear balconies. The council was satisfied the overshadowing of these dwellings was at a reasonable level. It is further noted that some of the shadow will be from the proposal’s glass curtain façade feature, which will be a ‘lighter’ shadow.

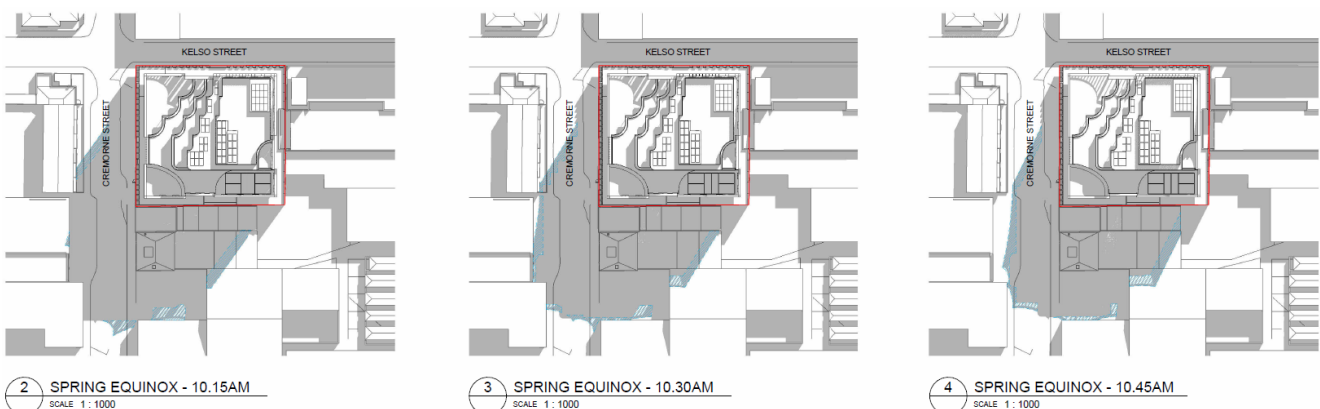


Figure 9 – Shadow diagrams showing extent of overshadowing at the September equinox between 10.15am and 10.45am (Source: Discussion plans).

79. Courtyards of dwellings east of the site, at 98 Dover Street, will receive additional overshadowing in the afternoon. These dwellings, however, also have large north facing windows and balconies, which will continue to receive sunlight. Also as discussed earlier, these dwellings are 'non-conforming' uses and there is less amenity expectation in commercial zones for such residential uses. Notably, the council also was satisfied with the level of overshadowing of these dwellings.



Figure 10 - Dwellings at 98 Dover Street fronting Kelso Street, with north-facing windows and balconies.

80. Similarly, the proposed setback and afternoon overshadowing to the courtyard and windows of the mixed use building to the east, at 100-102 Dover Street, is regarded as acceptable. Notably the proposed podium, which is less than the street wall height proposed in the proposed DDO51, would overshadow this area, regardless of the levels above.
81. The proposal has further responded to the courtyard and windows by providing a 1.6m recess to the east boundary at Levels 1 and 2, as well as a 3.1m setback at upper levels. This will provide a minimum light court of approximately 3.2m at the lower levels and 4.2m at upper levels. While not applicable to the subject application, the light court would exceed the 3sq m with minimum 1m dimension that would be required for a development on the site under Clause 55 (Rescode). The council also considered the light court acceptable.



Figure 11 (Left to right) – Courtyard and windows facing the subject site of 100-102 Kelso Street; Level 4 floor plan showing light court and upper storey setbacks to the courtyard at 100-102 Kelso Street

Ground level setbacks

- 82. The Revised Cremorne Urban Design Framework shows the following indicative future layouts of Cremorne and Kelso Streets – noting Kelso Street is proposed to become one-way to vehicular traffic. Changes are shown in the images on the following page.
- 83. These layouts show the existing road reserve to be modified, with widened footpaths and bike lanes achieved through removal of onstreet parking and/or conversion to one-way single lane vehicular traffic. These outcomes do not appear to rely on adjoining land contributing to the widened footpaths.



Figure 12: Cremorne Street and Kelso Street medium-term intersection concept design. Kelso Street future layout will be one-way westward, and Cremorne Street is one way south with a two way bike lane (Source: Revised Cremorne Urban Design Framework 2023)

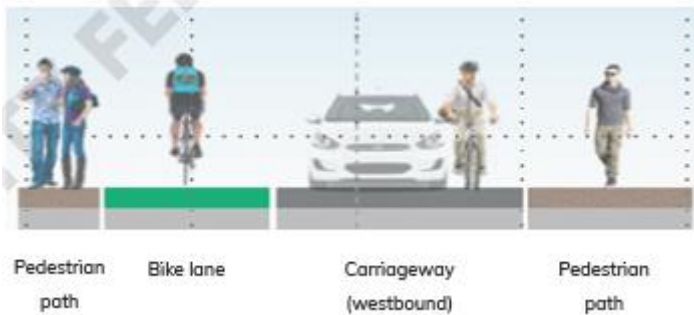


Figure 13: Kelso Street – future cross section (Source: Revised Cremorne Urban Design Framework 2023)

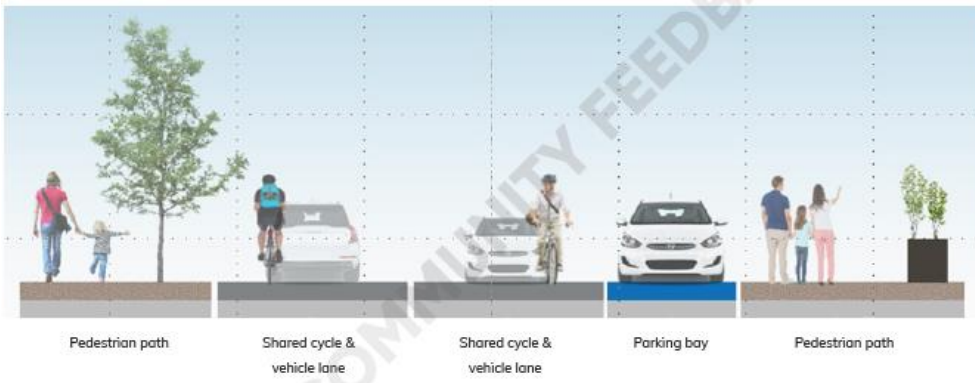


Figure 14: Cremorne Street – future medium term cross section (Source: Revised Cremorne Urban Design Framework 2023)

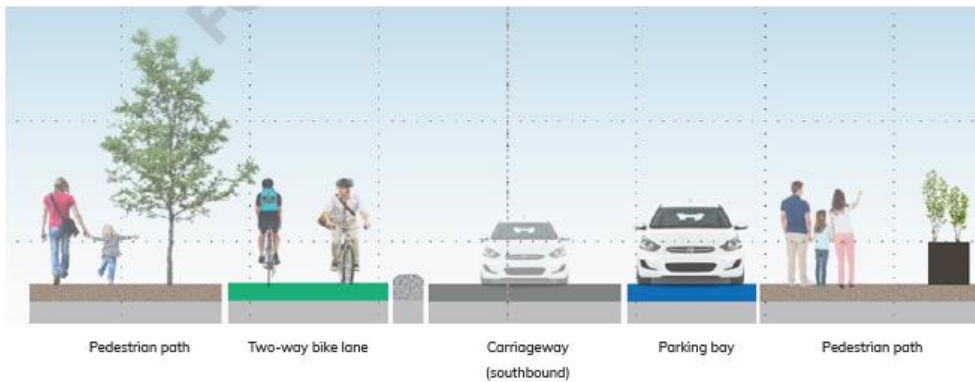


Figure 15: Cremorne Street – future long term cross section (Source: Revised Cremorne Urban Design Framework 2023)

84. The discussion plans on the following page show a modified street setback to Kelso Street of 1.1m, clear of planter boxes that encroached into this space in the decision plans. The north-west corner of the building has also been chamfered in the discussion plans to provide more public realm.



Figure 16: Discussion plans showing increased setbacks and chamfered corner at ground level.

85. The existing building on the site is currently built to the boundaries of both Kelso Street and Cremorne Street. The buildings on the adjoining lots, at 98 Dover Street and 115 Cremorne Street, are also built to the street edge. 119 Cremorne Street, which is subject to a site-specific Heritage Overlay (HO247) for the former Yarra Hotel, also is built close to the street edge, with a low stone wall and hedge forming a soft edge.
86. The proposal will therefore improve the current streetscape, in Kelso Street, particularly through the increased setback and chamfered corner in the discussion plans, which can be required as a condition of permit. Notably the proposed DDO51 does not specify a setback requirement in Kelso Street – therefore the proposal goes ‘above and beyond’ what is required. It will deliver a positive planning outcome, which will immediately benefit the street given the narrowness of the existing footpath.
87. The proposal to build to the boundary with Cremorne Street is acceptable given the circumstances of the site - particularly the minimal setback of the heritage building to the south. It is acknowledged the proposed DDO51 seeks a 1.5m setback in Cremorne Street, which the UDF states is to provide ‘transitional space’ between the buildings and footpath. The proposal will achieve this in Kelso Street – where there is a greater need for a setback. Transitional space will also be partly achieved through the main entry to Cremorne Street being inset, as well as the brick pillar format, which leaves the main building façade recessed slightly into the site. Furthermore, there are examples in the Cremorne area of active street frontages and uses where there is no transitional space – for example the café in the image below.



Figure 17: Café in Cremorne precinct, built to boundary with outdoor seating.

Protection of views

88. The proposal will not interrupt the significant views identified in the proposed DDO51 to the Nylex Sign from the Morell Bridge or to the Slade Knitwear sign. The proposal would also maintain views to the sky, noting the adjoining 98 Dover Street and the heritage hotel to the south are unlikely to be redeveloped. In any event, the upper level setbacks of at least 3m will maintain views to the sky.

Building separation – side and rear upper level setbacks

89. The proposed upper level setbacks to side and rear boundaries are regarded as a satisfactory response to the immediate context of the site, as well as the surrounding area. Notably, the taller elements of the building – Levels 9, 10 and 11 – will be setback 9.5 – 10.5m from the Cremorne Street frontage and 8.2 – 22.3m from the Kelso Street frontage. These levels are also ‘stepped’ away from the dwellings and footpath in the General Residential Zone on the opposite side of Cremorne Street, which minimises the overshadowing impact to a reasonable level, as discussed earlier.
90. The proposed building is an appropriate contextual response to the emerging built form scale and character in the surrounding area. This context includes substantial buildings, often with minimal side setbacks and ‘side by side’ with interspersed low scale existing dwellings and commercial premises. Key examples are shown in the images on the following pages.



Address

Site photos

65-81 Dover Street

8 storeys, constructed





Address

Site photos

70-74 Cubitt Street
8 storeys, under construction



134 Cubitt St - centre of image
6 storeys



84 Cubitt Street
7 storeys, constructed

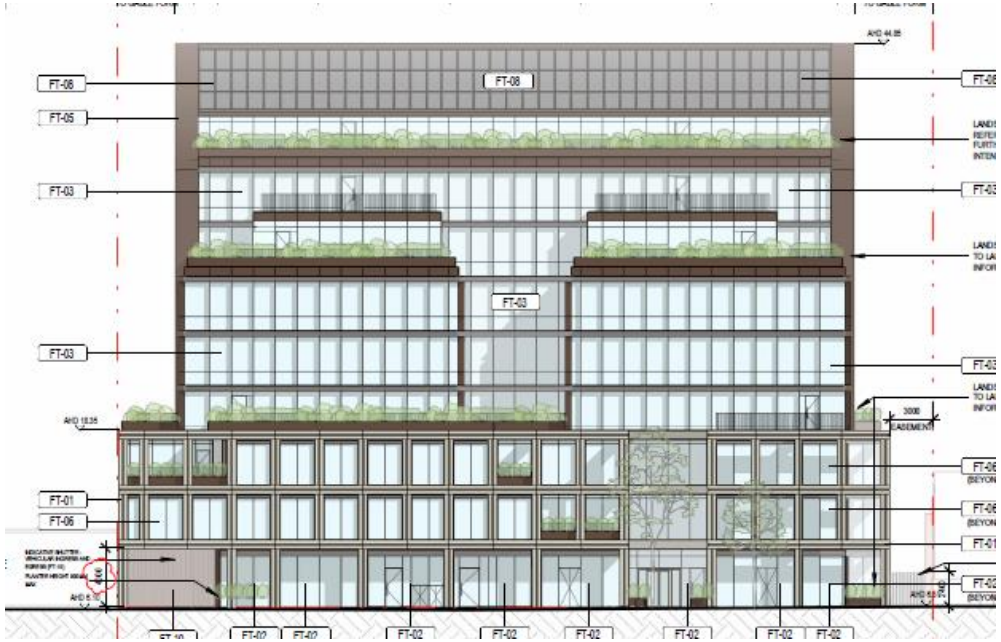




Address **Site photos**

116 Cremorne Street

**9 storeys,
planning permit
issued**



91. Other examples of upper storey setbacks of recent development in the area are shown below:



Figure 18: 100 Cubitt Street (left of image), 34 Cubitt Street (left of image), 9-11 Cremorne Street (left of image).

- 92. It is also considered the proposed 3m upper level setbacks would not impose an unreasonable constraint on the redevelopment of adjoining lots. The site is in a Commercial 2 Zone, where the use and development of new dwellings is prohibited. Importantly, avoidance of overlooking of future buildings on adjoining lots is not as high an imperative in a commercial environment.
- 93. Upper level side and rear setbacks are required to enable access to daylight, as well as to achieve the urban design objectives discussed earlier. The amenity expectations, however, are not the same as in a residential zone.



94. The potential impacts of the upper storey setbacks on the redevelopment potential of adjoining land to the east and south is discussed as follows:
- 98 Dover Street is a relatively recent development that has been subdivided into a number of lots. It is therefore unlikely to be redeveloped to a similar scale as the subject site.
 - In the event 100-102 Dover Street was to be redeveloped, the 3m upper level setback proposed should be sufficient. No concerns have been raised over how the proposal would affect the redevelopment potential of this site. It is further noted that if this lot were to be redeveloped, it would likely have daylight access to the north over 98 Dover Street, as well as to the east to Dover Street.
 - The adjoining lot to the south is unlikely to be developed to a similar scale as the subject site, given it is comparatively narrow and is bordered by the 2 storey significant heritage hotel building to the south. No objection was received from the owners of this site, and it was not raised as a concern by the council.
95. It is acknowledged the proposed podium will create a wall immediately adjacent to the opening of a balcony of 98 Dover Street on the common boundary with the subject site. As the proposed podium height is regarded as appropriate under current and proposed future planning controls, it is not considered necessary to require the proposal to be modified to address this interface, noting the balcony will maintain a secondary view through an opening facing Kelso Street, visible in Figure 10.

Building scale and massing

96. The proposed building will be one of the larger buildings in the area, but as discussed earlier, it is an appropriate response to the emerging built form context in the surrounding area, as well as existing and proposed strategic planning land use and density directions. There are a number of buildings in the area of a comparable scale and height, including those described earlier, that have been either constructed or are currently in planning.
97. The street walls and fine grain detail will maintain a human scale and relationship with the street, as well as adjoining buildings. The upper levels are setback further into the site and there is a clear demarcation with the podium through an indented Level 3, which provides a break in the built form. The eroded façade and upper level terraces, architectural curtain wall and planting will also create visual interest and help 'break up' the built form, particularly when viewed from the public realm. While the upper levels are relatively high, it is not considered the building will result in excessive visual bulk.

Design Detail

98. The proposal includes a range of façade materials to provide for depth to the street wall and upper levels. The materials include
- a brick pier finish to the podium walls fronting Cremorne and Kelso Streets, framing recessed windows and Cremorne Street entrance at ground level.
99. It is considered the discussion plans have generally responded to the preapplication public benefit comments by the OVGA, through the provision of a corner chamfer and increasing the ground floor setback to Kelso Street. It's also noted that the OVGA was generally supportive of the podium design and use of brickwork as the dominant façade material.
100. The removal of the ground level planters proposed in the discussion plans have, however, resulted in a reduction of vertical elements, materiality and legibility to the Kelso Street building entry. A condition of permit will require an improved façade expression which could include recessed planters, similar to what is proposed on the Cremorne Street façade.
101. The council was also generally supportive of the façade materials and the clear differentiation between lower and upper levels of the building, and requested a façade strategy be included as a condition of permit.



102. The concerns raised by OVGA regarding the choice of materials on the upper level, the architectural form and ground floor tenancies are acknowledged however, the proposal is regarded as a satisfactory response to the existing Planning Policy Framework, the Commercial 2 Zone and the emerging context.

Amenity and Microclimate

Overlooking

103. East-facing windows, which face the dwellings adjoining to the east, will have obscure glazing at the podium level. The discussion plans also propose a fixed planter at the Level 3 terrace to further avoid overlooking of the adjoining dwellings at 98 Dover Street. As noted earlier, these dwellings are in the Commercial 2 Zone and therefore a lower standard of residential amenity is to be expected and the proposed mitigating measures are considered acceptable.
104. The building will be separated from the habitable room windows and balconies of dwellings on the opposite side of Cremorne Street by over 9 metres and therefore there will be no unreasonable overlooking.

Noise


105. The proposal includes potential noise-generating activities from the outdoor cinema and rooftop plant. The council has recommended an acoustic assessment be undertaken, as well as a condition for compliance with the relevant Environment Protection Regulations. It is considered these recommended conditions should form part of the permit.
106. The council has also requested additional conditions restricting the hours of operation for the shops be limited to between 8am and 6pm Monday to Saturday and 9am to 5pm Sunday. This is considered unnecessary, as shop uses are reasonably expected in a commercial zone and a Major Employment Precinct, including after hours.
107. The council has also requested delivery hours be limited to between 9am and 5pm Monday to Saturday, although has not specified hours for waste collection, which are proposed to be in accordance with the EPA Noise Control Guidelines Publication 1254.2 - 7 am – 10 pm Monday to Saturday and 9 am – 10 pm Sundays and public holidays.
108. Given the loading and waste collection bay is within the building and accessed via Kelso Street, away from the dwellings within the residential zone in Cremorne Street, it is considered the hours of the EPA Noise Control Guideines are appropriate. A condition of permit will require all loading and unloading be carried out in the designated internal loading bay.
109. General amenity conditions will also be included on any permit issued, which will require the shop uses to avoid unreasonable noise impacts on the dwellings in Cremorne Street.
110. Subject to these conditions and having regard to the requirements of the EPA Noise Control Guidelines, the proposal is considered to address Clause 13.05-1S.

Wind

111. The application is supported by a Wind Impact Assessment prepared by ViPac and dated July 2024. The report concluded the tower setbacks and landscaping will effectively mitigate adverse wind impacts. The report also recommended a wind tunnel test or computational study be conducted at the detail design stage, to determine necessary wind control measures. The expected outcome of this is to meet safety and comfort criterions at all levels. The further wind testing should be included as a condition on permit.

Lighting

112. The proposal includes lighting to frame the building corners. Council has requested a permit condition for a public lighting plan demonstrating compliance with the relevant Australian Standards, which the applicant has also



recommended to manage and avoid unreasonable offsite amenity impacts. The lighting plan should be included as a condition on permit.

Public Realm

Ground Level Activation and Public interfaces

113. As noted earlier, Cremorne Street and Kelso Street are proposed to be significantly altered in the Revised Cremorne Urban Design Framework (2023). This will result in wider footpaths in both Cremorne Street and Kelso Street. The proposed ground level setback to Kelso Street will add to this wider footpath, and the chamfered corner will improve the pedestrian environment at street level.
114. The proposed shops at ground level will provide opportunities to activate the streetscape. The lobby has been recessed to provide these retail frontages. Windows on the podium address the street and the terrace at Level 3 will enhance the visual connection with the street.
115. The council sought the substation to be moved to basement level. The applicant has advised this is not something they are able to do. It is not regarded as necessary, as there is already adequate activation to the Cremorne Street and most of the Kelso Street frontages. Also, the substation is existing and has the benefit of an easement on title.

Landscaping

116. The proposed street landscaping includes a canopy tree and groundcovers in the Cremorne Street kerb outstand. It also includes planting in planter boxes to the Cremorne Street building entry, however the discussion plans show the planter boxes removed at the Kelso Street building entry to avoid encroaching into the ground level setback to Kelso Street. The planter boxes provide the opportunity for vertical greening and a condition should be included in the permit to require planter boxes to the Kelso Street building entry that are recessed into the facade. In addition, the landscape plans should be revised to include the landscape design and dimensions of the chamfered corner setback area.
117. Council has requested further planting of an additional 2 street trees, 2 planter beds and public seats, which can be included as permit conditions and will enhance the contribution of the building to the streetscape.
118. Council has also requested the bluestone paving be applied only in Cremorne Street, which will also be included in the permit conditions. Council has requested kerb and channel in Cremorne Street also be reconstructed in bluestone, which is regarded as reasonable to match the proposed footpath paving.

Landscaping above Ground Level

119. In addition to the ground level landscaping, the landscape plans show:
 - Level 3: terrace gardens on the north and east sides of the building with open seating areas;
 - Level 9: 'clubhouse' level with sport zone, outdoor cinema and larger open seating areas, also with terrace garden landscaping including trees, primarily on the west and south sides of building;
 - Level 10: terrace gardens with outdoor seating on the west and south sides of building; and
 - Level 11: open seating areas with planters on the west side of building.

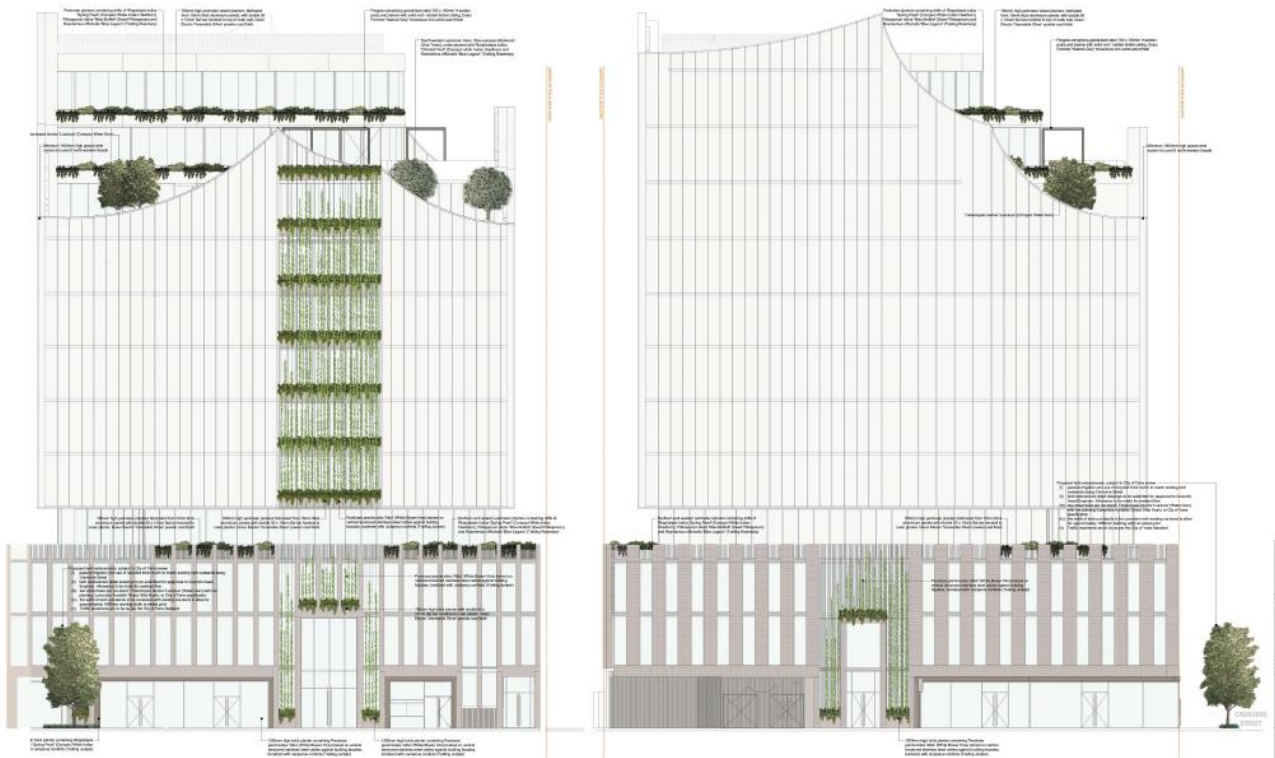


Figure 19: Landscape plan showing vines planted on (left to right) west and north building elevations (Source: Application)

120. The council have reviewed the plans and did not request any changes to landscaping within the site, other than removal of the ground level planter boxes in Cremorne Street, as discussed earlier.
121. Conditions will be included in the permit to ensure the landscaping concepts are delivered, including the vertical landscaping that provides a 'green' feature to the north and west facades.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

122. The proposal provides 94 parking spaces, including 2 DDA spaces. A reduction of 253 spaces is proposed, based on the statutory parking rate of Clause 52.06. An additional onstreet space on Cremorne Street will also be created through the removal of the existing vehicle crossing.
123. Reduced carparking is encouraged in the Yarra Planning Scheme in Clauses 02.03-7 and 18.02-4L-01, where a site is well located for public and active transport. Increased bicycle parking and ridesharing is also encouraged. Clause 52.06-7 includes similar guidance.
124. The traffic engineering assessment by Traffix, dated July 2024 assessed the carparking provision as satisfactory, given the support in local policy, as well as the high level of accessibility of the site to public transport, including Richmond railway station and trams along Swan Street and Church Street. The site has a high level of walkability and good access to active transport links, including the Capital City bike trail and other on-road bike lanes. There are also share-cars available in the area.
125. The traffic report also noted there are only 3 unrestricted on-street parking spaces within close proximity to the site, and therefore it will not be possible for staff without an allocated car space to park in the area. This will encourage the use of the alternative modes of transport, which is consistent with planning policy.
126. The Green Travel Plan, also prepared by Traffix dated August 2024, recommends a target of 80% commuter trips to be sustainable modes of transport.



127. The council did not raise any concerns regarding parking, noting the Parking Overlay proposed in C318yara seeks to reduce car parking demand, and sets maximum carparking rates and would only require a planning permit if the amount of carparking exceeds the maximum number of spaces. A permit would not be required to reduce the amount of parking provided, including to zero.
128. The rates under the overlay are 1 to each 100 sq m of net floor area for office uses and 1 to each 100sq m of leasable floor area for retail, resulting in a requirement for 115 spaces. Under this overlay, the proposal would not exceed the maximum number of car spaces and would therefore not require a permit.
129. The council has also requested additional details, relating to sustainable transport information, goals, bicycle facilities and electric vehicle readiness, be included in the Green Travel Plan as a permit condition.

Design Standards for Car Parking

130. The traffic engineering report has assessed the proposal as compliant with Clause 52.06-9, except for 3 spaces, two of which have been designated as small car spaces and another with a slightly reduced side clearance. A number of tandem spaces are also shown. These variations are regarded as satisfactory as the parking will be for users of the building and not for visitors.
131. The council raised no concerns regarding onsite parking and requested a small number of dimensions be shown on the plans which will be required as a condition on permit.

Access, Traffic Movement and Circulation

132. The traffic generated by the proposal is considered to be low in the traffic engineering report, due to the reduced rate of parking, and can be accommodated by the existing and proposed future road network.
133. Swept path diagrams have been provided showing vehicles will be able to access and exit the site in a forward direction. Aisle widths within the carpark are generally compliant with the dimensions specified in Clause 52.06-9. Similarly sufficient space is provided for the vehicle crossing and ramp for vehicles to pass each other.

Loading / Unloading

134. A loading bay is provided at ground level, accessible via the access/egress from Kelso Street. The loading zone would provide for 6.4m long trucks, including waste collection. Swept path diagrams are shown in the traffic engineering report demonstrating that delivery and waste trucks will be capable of entering and exiting the site in a forwards direction. The council has not raised any concerns with the proposed arrangement.

Waste

135. Clause 19.03-5L include directions for waste and recycling to be provided for in new development and to ensure the size and design of waste and recycling facilities can be accommodated.
136. A waste management plan has been provided. The waste storage area is at ground level, adjacent to the loading zone. The location within the building meets the strategy in Clause 19.03-5L to be discreet.
137. The different waste streams would be collected by a private operator twice weekly during hours compliant with EPA Noise Control Guidelines (Publication 1254).
138. The council has stated the waste storage area is not large enough, needs to be increased significantly, and has requested a condition requiring the waste management plan to be amended. This is considered appropriate and will be included on any permit issued, noting that this will result in other amendments to the ground floor layout.

Bicycle Facilities

139. The proposal includes a total of 136 bicycle spaces, which exceeds the requirement for 50 spaces. As such, no permit is required under Clause 52.34.



140. The application also provides separate male and female change rooms, with 5 female showers and 5 male showers, as well as a separate DDA changeroom facility. This complies with Clause 52.34-5.
141. The bicycle spaces and end of trip facilities will be provided at the Ground Level, with access via Cremorne Street.
142. Although the overall provision of bicycle parking spaces exceeds that required under this provision, the council has recommended a permit condition requiring that visitor bicycle spaces be shown located at the building frontage, although not in Cremorne Street. This is considered reasonable, although allowance should also be made for locating them within the building in a common area at ground level, and a condition should be included on any permit to issue for the 12 visitor spaces. The setback provided in the Kelso Street frontage could be used for this purpose.
143. It is considered that the proposal is acceptable and appropriately responds to Clause 52.34.

Sustainability

Environmentally Sustainable Design (ESD)

144. The application is supported by a Sustainability Management Plan (SMP) prepared by Ark Resources and dated 30 July 2024 in response to Clause 15.01-2L-01 of the planning scheme. The report states that the proposal has the potential to achieve a certified 5-star Green Star Building rating.
145. The council has assessed the proposal and notes that it meets all ESD requirements in the planning scheme and exceeds in a number of areas, including daylight to office areas. As discussed earlier, it is expected that the setbacks provided and the site-specific context will provide ongoing daylight access into the future.
146. A condition has been recommended by the council that evidence be submitted prior to the occupation of the building to ensure that all ESD commitments have been implemented. This is considered reasonable and will be included on any permit to issue.

Water Sensitive Urban Design (WSUD)

147. The application is supported by stormwater modelling in the SMP and includes 50kL of onsite storage in rainwater tanks, as well as filtration, treatment, and re-use. The council has assessed these measures to exceed the planning scheme requirements, including Clauses 19.03-3L and 53.18, as well as council's ESD requirements. Council has also recommended WSUD be included in the proposed civil and drainage works in the road frontages adjacent to the site, which will be required in a permit condition. This is considered reasonable and will be included in any permit issued.

Response to Objections

148. Concerns relating to notification of the application, built form, amenity, traffic and parking and streetscapes have been assessed earlier in this report. Other issues raised include sustainability impacts from the loss of the existing building onsite, construction impacts, loss of views, oversupply of commercial space and impact on property values.
149. In relation to the sustainability impact of demolishing the existing building, a planning permit is not required to demolish the building. The ambit of discretion is therefore limited to what does require a permit – the buildings and works to construct the new building. As noted earlier, the proposal exceeds the sustainability provisions of the planning scheme.
150. In relation to impacts during construction, the council has recommended a construction management plan be required as a permit condition. This is considered reasonable and will be included on any permit issued.
151. In relation to loss of views, including the city skyline – these are not protected under the planning scheme. There is no legal right to a view. Furthermore, given the strategic policy directions for the Cremorne Major Employment



Precinct for the development of mid-rise built form, protection of existing city views in this area would be contrary to achieving this objective.

152. In relation to oversupply of office space, this assertion is not reflected in current or future planning policy. It is further noted the *Yarra Spatial Economic and Employment Strategy (SEES) – August 2018* predicts demand for commercial floorspace will continue to grow in the Cremorne precinct.
153. In relation to impact on property values, this is not a planning matter.

Clause 53.22 Pathway

154. Amendment C242 introduced Clause 53.22 (Significant Economic Development) into all planning schemes to facilitate an assessment process for significant development. Specifically, the purpose of this clause is:
 - 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.
155. This application is within Category 1, noting that it is an office use with a gross floor area more than 10,000sq m in metropolitan Melbourne.
156. The clause enables the Minister for Planning to waive or vary any building height or setback requirement – this is not required for the proposal under the current planning scheme controls.
157. A quantity surveyor report was received with an estimated cost of development and written advice was received from the CEO of Invest Victoria confirming the proposals feasibility.
158. The views of the OVGA have been considered in the assessment. While the OVGA had concerns with the proposal, a site visit to the Cremorne precinct has indicated that the proposal is contextually appropriate to the new and emerging density and character of the precinct. Furthermore, as noted earlier, the proposed planning controls in draft Amendments C317yara and C318yara, which the OVGA referenced in its review, cannot be given statutory weight given they have not undergone consultation or a potential planning panels process.
159. The OVGA was satisfied with the podium scale and the brick façade. The discussion plans include an improved ground level interface, particularly with Kelso Street. The council has also requested permit conditions requiring the planting of street trees and public seating in Cremorne Street in front of the site. This will further improve the streetscape and will be included in any permit issued.
160. The landscape plan will be required to be updated to include a maintenance plan, including ongoing access and maintenance, which will address the OVGA's concern regarding servicing of the landscaping.
161. Furthermore, off-site amenity impacts have been adequately addressed.
162. The proposal has strong planning policy support and will provide a significant employment generating use within the precinct.



163. The proposal is generally consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of a contemporary office use in the Cremorne Major Employment Precinct with a built form response appropriate to the site's commercial zoning and emerging context.
164. In particular, the proposal is of a design, scale and massing that responds appropriately to its context and the strategic planning directions for the area, with a sympathetic podium design and height, appropriate upper level setbacks and improved activation along Cremorne Street and Kelso Street, subject to the changes shown on the discussion plans.
165. The proposal is supported, subject to conditions, including most of those recommended by the council, with the exception of some requiring reduction of building height and increased setbacks, as well as relocation of the substation.
166. It is recommended that Planning Permit No. PA2403110 for the Development of a multi-storey building comprising office, use of ground floor as shop, and a reduction of car parking requirements at 101 Cremorne Street, Cremorne be issued subject to conditions.
167. It is recommended that the applicant, objectors and the council be notified of the above in writing.

