



**6.1** **21 & 23 WILLIAM STREET, BALACLAVA**  
**LOCATION/ADDRESS:** **21 & 23 WILLIAM STREET, BALACLAVA**  
**EXECUTIVE MEMBER:** **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**  
**PREPARED BY:** **KATHRYN POUND, MAJOR PROJECTS AND APPEALS ADVISOR**

## 1. PURPOSE

- 1.1 To determine Council's position on the upcoming Victorian Civil and Administrative Tribunal (VCAT) hearing for Planning Permit Application P413/2019 for construction of an eight storey building; use of land for the purposes of industry (microbrewery) and office; reduction in car parking requirements at 21 and 23 William Street, Balaclava.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Canal
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 15 objections
<b>APPLICATION NO:</b>	P413/2019
<b>APPLICANT:</b>	Keen Planning
<b>EXISTING USE:</b>	Industry
<b>ABUTTING USES:</b>	Industry/ Commercial/ Train
<b>ZONING:</b>	Industry 3 Zone
<b>OVERLAYS:</b>	Special Building Overlay (Schedule 1)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 The application proposes construction of an eight storey building; use of land for the purposes of industry (microbrewery) and office; reduction in car parking requirements at 21 and 23 William Street, Balaclava.
- 2.2 The planning permit application was lodged on 24 June 2019 for a ten storey building. The application was amended prior to public notification, to make various changes to the design including a reduction in height by two storeys.
- 2.3 The application has received 23 objections and 8 submissions in support. The objections raise concerns primarily in relation to height, car parking and off-site amenity impacts.
- 2.4 A consultation meeting was held on 16 December 2019 and was attended by Canal Ward Councillors, the permit applicant, Planning Officers and objectors.



- 2.5 The permit applicant lodged an appeal with VCAT on 23 December 2019 against Council's failure to make a decision in the statutory time period. Six objectors have joined as parties to the appeal and another three have lodged Statements of Grounds.
- 2.6 A Compulsory Conference is listed for 1 April 2020 and a Full hearing is listed for 4 days commencing 1 June 2020.
- 2.7 The site is located in the Carlisle Street Major Activity Centre and adjacent to the Balaclava Train Station, and is suitable for a higher density development having regard to relevant State and Local Planning Policy. The provision of office space and microbrewery in this location would accord with various state and local planning objectives which seek employment generating uses in this precinct.
- 2.8 The Carlisle Street Activity Centre Urban Design Framework (UDF) sets out various built form guidance for this site, including a recommended (discretionary) height of five storeys. The building would achieve the relevant built form design objectives set out in the planning scheme and UDF, despite exceeding the preferred maximum height of five storeys and subject to a condition requiring an additional setback from Stuart Street above the streetwall.
- 2.9 The proposal would result in a high-quality architectural response that incorporates a podium/tower typology that together with the setbacks to William and Stuart Street above the street wall, would largely ameliorate visual bulk and result in the building having a slim, vertical reading.
- 2.10 The design would result in significant improvements to the public realm and would not cause any unreasonable off-site impacts such as overshadowing. Importantly, a taller building can be accommodated on this consolidated site, which is uniquely located with interfaces to the station and three streets and is one of the largest within this precinct.
- 2.11 The provision of 72 car parking spaces for businesses of the building is acceptable, and the reduction in car parking is supportable for a number of reasons, notably the location of the site within a Major Activity Centre directly adjacent to Balaclava train station and provision of alternate transport options.
- 2.12 Overall, the proposal is appropriate and should be supported, subject to conditions. It is recommended that the Council position for the upcoming appeal be to support the proposal, subject to conditions.



### 3. RECOMMENDATION

3.1 That the Planning Committee adopt Recommendation “Part A” and “Part B”, that:

- A. Council advises VCAT and all parties to the appeal and all objectors, that it supports the application with conditions and if VCAT determines to grant a permit for the application, any permit should incorporate the conditions below.
- B. Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council’s Solicitors on the VCAT application for review.

#### RECOMMENDATION “PART A”

3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, notifies VCAT, all parties to the appeal and all objectors that had it made a decision on this application, that it would have supported the proposal, for construction of an eight storey building; use of land for the purposes of industry (microbrewery) and office; reduction in car parking requirements at 21 & 23 William Street, Balaclava subject to the following conditions:

##### 1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the advertised plans received by Council on 3 October 2019 but modified to show:

- a) The building setback a minimum of 5 metres from Stuart Street, above the street wall.
- b) The fencing and walls of the building core (all on the roof) finished in the same, high-quality perforated metal/mesh material.
- c) The minimum clearance to the underside of any projections (including the canopies) over the footway surfaces being a minimum of 2.7 metres.
- d) Removal of works outside the title boundaries, excluding the canopies to Stuart Street and William Street.
- e) Deletion of any doors that open out beyond the west property boundary (unless consent is obtained from the relevant land manager/s).
- f) Relocation of the solar panels from the northern side of the roof terrace to the western side of the roof terrace (unless consent is otherwise obtained from VicTrack).
- g) The western edge of the Level 2 terrace to be non-trafficable (unless consent is otherwise obtained from VicTrack).
- h) Screening around the services zone/ roof plant.
- i) A detailed layout plan of the microbrewery.
- j) Specification that the external finishes are of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the surface.



- k) The use of clear glazing to the windows on the west elevation at the ground and first floor of the building (or equivalent material that allows for passive surveillance of Balaclava Walk).
- l) Any changes required in accordance with the amended Sustainable Management Plan required by condition 5.
- m) Any changes required in accordance with the Wind Assessment requirement by condition 9.
- n) The location of the urban art required by condition 10.
- o) A landscaping plan in accordance with condition 14.
- p) Any changes required to comply with Melbourne Water's conditions (condition 37) and all changes shown on TP100 Rev C (being the change to the design and layout of the ramp and entry in the north west corner of the site).
- q) Any changes required to comply with the EPA's conditions (condition 38).

**2. No Alterations (Development)**

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

**3. Layout Not to be Altered (Use)**

The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority unless the Port Phillip Planning Scheme exempts the new use from requiring a permit.

**4. Microbrewery Management Plan**

Concurrently with the submission of plans for endorsement under condition 1 of this permit a Microbrewery Management Plan must be submitted to, be to the satisfaction of and approved by the Responsible Authority. It must address the following:

- a) The hours of operation.
- b) The number of staff.
- c) Measures to manage noise, odour and other emissions from the site, to accord with the relevant EPA SEPP requirements.
- d) Times and location of deliveries.

When approved, the Plan will be endorsed and will then form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

**5. Sustainable Management Plan**

Concurrently with the submission of plans for endorsement under condition 1 of this permit, an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design measures must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by GIW Environmental Solutions dated 26 September 2019 but amended to address the following:

- a) Include the Climate Adaption Plan report referred to.



- b) Bicycle parking details consistent with the plans.
- c) Clarification where WELS rating requirements are below the current green star requirements.
- d) Updated to reflect the latest NCC 2019 Section J requirements for the Comparison to a Reference Building Pathway.

Where alternative ESD measures are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When approved, the Assessment will be endorsed and will then form part of this permit and the project must incorporate the sustainable design measures listed.

#### **6. Incorporation of Sustainable Design initiatives**

Prior to the occupation of any building approved under this permit, the provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **7. Implementation of Sustainable Design Measures**

Prior to the occupation of any dwelling/building approved under this permit, a report (or reports) from the author of the Sustainability Management Plan (SMP), approved under this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority and must confirm all measures specified in the approved SMP and WSUD report have been implemented in accordance with the approved plans.

Further the project is to be benchmarked /certified against the Green Building Council of Australia's Green Star 'Design and As-built' rating tool to a 5 star standard. The report is to include:

- an itemised summary of the credits that were achieved for the project and a point tally evidencing that the points required for the nominated star rating were met or exceeded
- an itemised list of the initiatives involved in each credit and the evidence provided as required by the relevant Green Star Submission Guidelines.
- a statement by the report's author that the credits nominated were achieved to the scope and standard set in the Green Star Submission Guidelines

#### **8. Construction Management Water Sensitive Urban Design**

The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;



- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

**9. Wind Assessment**

Concurrently with the submission of plans for endorsement under condition 1 of this permit, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report to the satisfaction of the Responsible Authority must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority

**10. Urban Art Plan**

Concurrently with the submission of plans for endorsement under condition 1 of this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

**11. Rooftop Management Plan**

Concurrently with the submission of plans for endorsement under conditions 1 and 11 of this permit, a detailed Rooftop Management Plan is to be prepared and approved to the satisfaction of the Responsible Authority. It must describe how the rooftop garden/ recreation space will be managed, used and maintained, and by who. When approved, the Rooftop Management Plan will be endorsed and will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

**12. Ongoing Involvement of the Architect**

The applicant must retain WMK Architecture to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction, except with the prior written approval of the Responsible Authority.

**13. Public Realm Plan for Balaclava Walk and Interface with Stuart Street**

Prior to the completion of the development, a Public Realm Plan detailing works on Balaclava Walk and the interface with Stuart Street is to be prepared and approved to the satisfaction of the Responsible Authority and VicTrack. When approved, the Public Realm Plan will be endorsed and will form part of this permit. The Public Realm works are to be designed in conjunction with VicTrack and Council and are to be generally in accordance with the City of Port Phillip's Design and Technical Standards and associated guidelines and any VicTrack requirements and should include, but not be limited to:





- a) Any seating area on Balaclava Walk, including landscaping treatments, lighting and furniture;
- b) The provision of pedestrian access from Stuart Street to Balaclava Walk, either through the subject site and/ or through the removal of high fencing between Stuart Street and Balaclava Walk (where public access is proposed through the site, it must be clear whether this will be available 24 hours a day or whether it will be blocked off when the microbrewery is closed);
- c) Any fencing required to demarcate the thoroughfare from any seating/ landscaped area (i.e. and having regard to the changes in site levels);
- d) Urban design elements including, but not limited to, paving, lighting, bicycle parking, seating and public art; and
- e) Landscaping information including a planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.

All works shown in the approved Public Realm Plan must be completed within one month of the date of completion of the development, unless with the agreement of the relevant land manager/s.

Should the relevant land manager/s not consent to works on their land, written evidence of this must be provided to the Responsible Authority in lieu of a public realm plan, and any subsequent changes required to the endorsed plans (for instance, to remove pedestrian access to Balaclava Walk) must be undertaken by the proponent through an amendment to the plans (and permit if relevant), prior to the occupation of the development.

#### **14. Landscape Plan**

Concurrently with the submission of plans for endorsement under condition 1 of this permit, a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained and/or removed;
- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- f) Landscaping and planting within the site, in the locations generally shown in the advertised plans, including around the perimeter of the building, the terrace/s and roof top garden; and
- g) Water sensitive urban design.

#### **15. Completion of Landscaping**



The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

**16. Landscaping Maintenance**

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

**17. Walls on or facing the boundary**

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

**18. No equipment or services**

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

**19. Car Parking Allocation**

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

- a) Not less than 62 spaces for the offices;
- b) Not less than 10 spaces for the microbrewery;

All to the satisfaction of the Responsible Authority.

**20. Car and Bicycle Parking Layout**

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:

- a) Constructed;
- b) Properly formed to such levels that may be used in accordance with the plans;
- c) Surfaced with an all weather surface or seal coat (as appropriate);
- d) Drained and maintained;
- e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
- f) Clearly marked to show the direction of traffic along access land and driveways.

**21. Parking and Loading Areas Must Be Available**

Two of the electronic car parking bays must be set aside for loading outside of 9am and 5pm. Car and bicycle parking and loading areas and access lanes must be developed and





kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

**22. Lighting**

All lighting including of the areas set aside for car parking, access lanes and driveways, must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties to the satisfaction of the Responsible Authority.

**23. Direction Sign**

Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking and loading. The sign must be located and maintained to the satisfaction of the Responsible Authority.

**24. Green Transport Plan**

The green transport plan endorsed under this permit must be implemented to the satisfaction of the Responsible Authority, unless with the further written consent of the Responsible Authority.

**25. Provision of car share spaces**

Prior to the occupation of the development, the proponent must, subject to the agreement of the public land manager and car share provider, implement two car share spaces outside the site to the satisfaction of the Responsible Authority. Should it not be possible to implement the two car share spaces, the Green Transport Plan endorsed under condition 24 of this permit must be amended by the proponent to incorporate an equivalent alternative sustainable travel mechanism, to the satisfaction of the Responsible Authority.

**26. Vehicle Crossings**

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**27. Applicant to Pay for Reinstatement**

Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

**28. Public Services**

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not



restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

**29. Amenity (General)**

The amenity of the area must not be detrimentally affected by the development through the:

- a) Transport of materials, goods or commodities to or from the land
- b) Appearance of any building, works or materials, or
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**30. Mechanical Exhaust**

Before the use starts any required mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority.

**31. Treatment of Fumes**

Fumes from the premises must be treated within the mechanical exhaust system to ensure that any discharge does not create a nuisance (as defined under the Public Health and Wellbeing Act 2008). Options available include carbon filters, ultra violet ozone producing lamps, electrostatic precipitation, odour neutralising system or other suitable method. The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.

**32. SEPP N1**

The uses hereby approved must operate in accordance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.

**33. Storage of Goods**

Without the further written consent of the Responsible Authority no goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

**34. Preliminary Environmental Assessment**

Before the development commences, excluding demolition and excluding remediation works necessary to facilitate the testing, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. The PEA must be undertaken by a suitably qualified professional. This PEA must be submitted to the Responsible Authority prior to the commencement of the development. The PEA should include:

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses, including the filling of the site. This should include details of how long the uses occupied the site.
- b) A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.



- c) A recommendation as to whether any further investigative or remedial work is required to accommodate the intended uses.

Any recommendations of the PEA must be implemented to the satisfaction of the Responsible Authority, before the commencement of the development (unless otherwise specified in the PEA).

If the PEA recommends that a Certificate or Statement of Environmental Audit is required:

- i. An appointed auditor must be engaged pursuant to Section 53U of the Environment Protection Act 1970 to perform an environmental audit of the land.
- ii. An environmental audit report must be produced in accordance with Section 53X of the Environment Protection Act 1970 must be provided to the Responsible Authority and
- iii. A Certificate or Statement of Environmental Audit must be provided to the Responsible Authority.

### **35. Compliance with Statement of Environmental Audit**

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1971 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

### **36. Melbourne Water Conditions**

- a. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - i. The bridge structure set no lower than 500mm above the existing ground level.
  - ii. An annotation indicating that the bridge is to be a suspended structure with no foundations extending to the ground, to allow for the passage of overland flows through this area.



- b. The building must be constructed with finished floor levels set no lower than 7.35 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 7.05m to AHD.
- c. The entry / exit driveway of the basement carpark must incorporate a flood proof apex constructed to no lower than 7.35 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 7.05m to AHD.
- d. The existing setback along the western property boundary between the buildings and the railway embankment must be maintained at existing surface levels to allow for the passage of overland flows.
- e. The alfresco must be set at the existing surface levels to allow for the passage of overland flows.
- f. The bridge must be constructed no lower than 500mm above the existing ground level, designed as a suspended structure with no foundations extending to the ground, to allow for the passage of overland flows.

**37. Environment Protection Authority conditions**

- a. There must be no emissions of noise and/ or vibrations from the premises which are detrimental to either of the following:
  - i. the environment in the area around the premises; and
  - ii. the wellbeing of persons and/ or their property in the area around the premises.
- b. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard.

**38. VicTrack conditions**

- a. No drainage, effluent, waste or soil may enter or be directed to the railway land and no waste soil or other materials be stored or deposited on railway land.
- b. Walls of the development within 1m of the rail corridor boundary must be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned / removed as soon as practicable at no cost to VicTrack or the Rail Operator.
- c. Unless otherwise agreed in writing VicTrack, prior to the commencement of works, the permit holder must prepare a report, to the satisfaction of the Responsible Authority in consultation with VicTrack, by a suitably qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
- d. Prior to the commencement of the development, detailed construction / engineering plans computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Vic Track and the Rail Operator (RO). The plans must detail all excavation design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:
  - i. building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) regulations;



- ii. design loadings for the building from the nearest rail track is in compliance with AS5100.2-2017 Design Loads and Part 4 AS1170.4 Earthquake action Australia; and
- iii. working adjacent to overhead power to the satisfaction of the RO.
- e. The permit holder must ensure that and lights affixed to the development are baffled and/or directed away from the rail corridor to ensure no disruption to the operation of trains and visibility of train drivers.
- f. Unless otherwise agreed in writing with VicTrack, windows, doors and balconies must not be placed on the title boundary with railway land and no windows or doors are permitted to open beyond the railway land title boundary.
- g. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
- h. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into a construction control and indemnity agreement as required by PTV, VicTrack and the Rail Operator to ensure that the disruption to train operation within the railway corridor is kept to a minimum during construction and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
- i. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.

The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

#### **39. EPA conditions**

- a. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
  - i. The environment in the area around the premises; and
  - ii. The wellbeing of persons and/or their property in the area around the premises
- b. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard.

#### **40. Time for Starting and Completion**

This permit will expire if one of the following circumstances applies:

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within five (5) years of the date of this permit.
- c) The use is not commenced within five (5) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and



- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

#### **Permit notes**

- **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

- **Building Works to Accord with Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

- **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

- **Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- **Environmental Health**

The premises must comply with the Food Act 1984 and the Food Standards Code and must be registered with Council's Health Services Unit before the use starts.

- **Due Care**

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any adjoining building and property.

- **Asset Protection**

Before the development starts (including demolition) an Asset Protection Permit must be obtained from Council's City Permits Unit.

- **Construction Management**

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

- **Days and Hours of Construction Works**

#### **Developers**

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-





- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

- **Vehicle Crossing Permit Required**

A vehicle crossing permit must be obtained from Council’s City Permits Unit prior to the carrying out of any vehicle crossing works.

- **Permit Required for Signs**

This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

- **Laneways to be Kept Clear**

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council’s City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013. For further information, contact Council’s City Permits unit on Ph: (03) 9209 6216.

- **Licence for Projection over Crown Land**

Building projections over Crown Land may require licensing or a tenure/authorisation, pursuant to the Land Act from the Department of Sustainability and Environment.

- **Further Consent for Projections**

The permitted development has not been assessed against the Building Regulations 2006 Part 5, Division 2 – Projections. It is the responsibility of the Relevant Building Surveyor to make such an assessment prior to issuing a Building Permit. Matters that do not meet the requirements of the Regulations require the Report and Consent of Council prior to a building permit being issued.

**RECOMMENDATION “PART B”**

- 3.3 Authorise the Manager City Development to instruct Council’s Statutory Planners and/ or Council’s Solicitors on the VCAT application for review.

**4. RELEVANT BACKGROUND**

4.1 The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
P237/2018	Buildings and works including construction of an additional three levels above the existing two storey building, use of the land	Approved under delegation	7 August 2018



	for offices and reduction in the number of required car parking spaces <i>(note: two objections received; relates to 21 William Street only)</i>		
P123/2003	Film production and editing office (in portion of building), and continuation of props and wardrobe storage <i>(note: relates to 21 William Street only)</i>	Approved under delegation	11 March 2003

## 5. PROPOSAL

- 5.1 The application proposes construction of an eight storey building; use of land for the purposes of industry (microbrewery) and office; reduction in car parking requirements at 21 and 23 William Street, Balaclava.
- 5.2 The plans which are the subject of this report are the advertised plans prepared by WMK Architecture received by Council on 3 October 2019. The plans form **Attachment 1**.
- 5.3 Specific details of the proposal are as follows:
- **Basements** – three basement levels built to the north, east and south boundaries and setback slightly from the west boundary. The basements would contain 72 car parking spaces (including two all access spaces and six electric vehicle charging bays), three motorcycle parking spaces, 84 bicycle parking spaces, end of trip facilities (10 showers, two toilets and 108 lockers), waste storage and service areas. Sixty-two car parking spaces would be allocated to the office and 10 to the microbrewery.
  - **Ground floor** – built to the site boundaries (aside from minor setbacks from parts of the south and east boundaries) comprising a central lobby from William Street providing access to a central lift/ stair core, 692 sqm microbrewery in the north part of the site, a 129 sqm communal break out area and 110 sqm auditorium area in the south part of the site and substation. Vehicle access would be via a crossover from William Place to the south, and existing crossovers to Stuart Street and William Street would be removed. A pedestrian ramp is proposed in the north-east corner of the site to provide access from Stuart Street to the existing path along the west boundary. An alfresco dining area associated with the microbrewery is shown adjacent to this, however as this is outside of the title boundaries it does not form part of this application and if a permit is to issue, a condition of permit would require that this be removed from the plans.
  - **First floor** – built to the site boundaries (aside from minor setbacks from parts of the south and east boundaries). It would comprise 1081 sqm of offices.
  - **Second floor** - setback 6.12 m from William Street, 2.5 – 2.8 m from William Place and 7.89 m from the remainder of the south boundary, 3.2 – 3.5 m from the west boundary and 6.57 m from the north boundary. A terrace would project into these setbacks so as to abut William Street and parts of the south and west boundary, and be setback 1.9 - 2.5 m and 4.08 m from Stuart Street. It would comprise 624 sqm of offices.



- **Third to sixth floors** – setback 5 m from William Street, 0 m from William Place and 5.60 m from the remainder of the south boundary, 1.7 – 2.2 m from the east boundary and 0.28 – 0.96 m from Stuart Street. Each floor would comprise four offices with areas between 228 sqm – 260 sqm.
- **Seventh floor** – setback as per third to sixth floors, but comprising one office of 981 sqm.
- **Roof** – to comprise basketball court, garden space, 75 solar panels and services zone.
- **Height** – to be 32.5 m to the top of the roof parapet, and 35.8 m to the top of the lift core.
- **Building Design** – to be contemporary and incorporate part of the existing building, specifically the saw tooth roof form of the existing building at 21 William Street and reuse of bricks. The ground and first floor would be constructed of red brick (apart from parts of the south and west elevations, which would be constructed of grey concrete) and the levels above of grey tinted glass (some with spandrel backing) with black aluminium framing structure. A copper finish is proposed for the main entry door on William Street. A box-parapet type structure is proposed over the pedestrian paths in the north-west corner of the site.
- **Offices** – the net leasable office area would total 6585 sqm, comprising 3906 sqm of traditional office space and 2679 sqm of co-share office space. This does not include the ground level communal breakout/ auditorium areas which have a combined area of 239 sqm, and which would be used in conjunction with the offices. The applicant has submitted an Economic Assessment prepared by Deep End Services dated 23 August 2019, which estimates that 330 ongoing jobs (full time equivalent) would be accommodated within the offices.
- **Microbrewery** – some details of the brewery operation have been outlined in a Brewery Management Plan submitted as part of the application. This indicates that it is likely that the microbrewery would operate along with a hospitality venue providing beers brewed onsite and food. However, this application does not include the use of this land for a 'food and drink premises' such as a 'bar', 'restaurant' or for a 'function centre' (which all require approval under the Industrial 3 Zone). Further, no approval has been sought by this application to sell and consume liquor. Typically, for a microbrewery a 'producer's licence' would be sought from the VCGLR and this does not require a planning permit (being a licence to manufacture liquor). As the use for a microbrewery has been applied for as an 'industry' only, this assessment will consider the use as being for the manufacture of beer, without a consideration of any component of the use that would attract patrons or customers to the site. While some sort of use for a 'food and drink premises' or 'function centre' may be applied for in the future, it would require a separate assessment under that planning permit application.
- **Rooftop** – to be used as a garden and recreation area in conjunction with the offices. It includes a basketball court and garden space, as well as planters around the perimeter. Provision has also been made for 75 solar panels and a services zone/ roof plant area.



6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Existing building & site conditions	<p>The subject site is an amalgamation of two existing sites and is irregular in shape with a total site area of approximately 1,442 sqm. It has a frontage to William Street of approximately 33 m along the east boundary, side frontage to Stuart Street of approximately 42 m along the north boundary, side frontage to William Place of approximately 23.5 m to the south and rear (west) boundary of approximately 39 m to Balaclava Walk East.</p> <p>The northern part of the site comprises double storey brick factory/ office buildings built to the site boundaries, with sawtooth roof and maximum height of 9.19 m (in the north west corner). It has an undercroft car parking area which accommodates approximately four cars, accessed from William Street. The applicant has indicated these buildings are used for a range of purposes, including warehouse and offices.</p> <p>The south west part of the site comprises two single storey brick factory/ office buildings built to the rear and south boundaries with a maximum height of 7.92 m (at the top of the roof on the west boundary). This premises is currently occupied by 'Rishon foods', a supermarket.</p> <p>The south east corner of the site comprises a concrete car park accommodating approximately 14 cars, accessed via William Street. It is surrounded by high chain and barbed wire fencing and gate along William Street and William Place.</p> <p>Overall, there are three vehicle crossovers to Stuart Street which provide for loading within the buildings, and two vehicle crossovers to William Street.</p> <p>The site is relatively flat and contains some vegetation, including a tree in the south east corner and a garden bed along one side of the car park.</p>
Surrounds/ neighbourhood character	<p>The site is located in the William Street precinct of the Carlisle Street Activity Centre. The surrounding area is mixed in terms of use and built form. Carlisle Street is located approximately 120 m to the north.</p> <p>Properties on this section of William Street between Carlisle and Nightingale Street are zoned Industrial 3 and developed with a mix of one to three storey warehouse type buildings with limited setbacks and visible loading and parking areas. They are used for various commercial purposes including offices motor repairs and gyms.</p> <p>To the immediate north is Stuart Street, a dead end street which has limited parking and a loading zone adjacent to the subject site. It provides vehicle access to 21 and 1-3/19 William Street. Opposite that at 1-3/19 William Street is a relatively recent three storey office building.</p> <p>To the immediate west of the site is the Balaclava train station and Balaclava Walk East. The Walk provides pedestrian access from Nightingale Street to Carlisle Street and the train station. It is raised approximately 0.5 m above a strip of land that abuts the subject site (both areas form part of the railway corridor owned by VicTrack). There is currently no direct access from Stuart Street to the walk, due to a retaining wall and high fencing. The platform at the train station is</p>

	<p>raised approximately 6.2 m above the level of the Walk and is separated from it by a steeply sloped, landscaped embankment.</p> <p>The site is largely an 'island' site with one direct abuttal to privately own land to the south at 3-3A William Place, which is occupied by a double storey warehouse/ office building built to the subject site. This is occupied by 'William Street Automotive'. Also to the south is William Place, a short dead end street that provides vehicle access to 3-3A William Place and 25 William Street. 25 William Street is occupied by a double storey commercial building with under croft parking from William Street.</p> <p>Opposite the site to the east on the other side of William Street are single and double storey brick commercial buildings at 28-30, 32-32A and 1/34 William Street.</p> <p>The nearest residentially zoned properties are located approximately 30 m to the west on the opposite side of the train station, 50 m to the east on Westbury Close and 50 m to the south on William Street (south of Nightingale Street).</p>
--	--

## 7. PERMIT TRIGGERS

7.1 The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
Industrial 3 Zone	<p>Clause 33.03-1 – a permit is required to use the land for an office and microbrewery (industry).</p> <p>Clause 33.03-4 – a permit is required to construct a building or construct or carry out works.</p>
Special Building Overlay – Schedule 1	<p>Clause 44.05-2 – a permit is required to construct a building or construct or carry out works.</p>
Car parking	<p>Clause 52.06-3 – a permit is required to reduce the standard car parking spaces required under Clause 52.06-5.</p> <p>Pursuant to Table 1 at Clause 52.06-5, a rate of 3 spaces must be provided to each 100 sqm of net floor area of an office and 1 space to each 100 sqm of net floor area of an industry (for the microbrewery).</p> <p>Based on an area of 6,824 sqm for the offices (including ground level spaces) the offices require 204 car spaces. Based on an area of 692 sqm, the microbrewery requires 6 car spaces. Therefore a total of 210 car spaces are specified.</p> <p>The proposal is for 72 car spaces: 62 car parking spaces would be allocated to the office and 10 to the microbrewery.</p> <p>Accordingly, a permit is required to reduce the number of car parking spaces for the office from 210 to 62 (a reduction of 148 spaces).</p>
Clause 52.34 Bicycle facilities	<p>Pursuant to Clause 52.34 a permit is required to vary, reduce or waive any bicycle facilities requirements of Clauses 52.34-5. As these requirements would be exceeded, a permit <u>is not</u> required under this clause.</p>

## 8. PLANNING SCHEME PROVISIONS

### Planning Policy Framework (PPF)



8.1 The following State Planning Policies are relevant to this application:

Clause 11: Settlement including:

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity including:

Clause 13.03 Floodplains

Clause 13.03-1S Floodplain management

Clause 13.04 Soil Degradation

Clause 13.04-1S Contaminated and potentially contaminated land

Clause 15: Built Environment and Heritage including:

Clause 15.01-1: Built Environment

Clause 15.01-1S: Urban Design

Clause 15.01-1R: Urban design - Metropolitan Melbourne

Clause 15.01-2S: Building Design

Clause 15.01-5S: Neighbourhood character

Clause 15.02-1: Sustainable development

Clause 17: Economic Development including:

Clause 17.01 Employment

Clause 17.01-1S Diversified Economy

Clause 17.01-1R Diversified Economy – Metropolitan Melbourne

Clause 17.02: Commercial

Clause 17.02-1S: Business

Clause 17.03 Industry

Clause 17.03-2S Industrial Development Siting

Clause 18: Transport including:

Clause 18.01: Integrated Transport

Clause 18.01-1S: Land use and transport planning

Clause 18.02: Movement Networks

Clause 18.02-1S: Sustainable personal transport

Clause 18.02-1R: Sustainable personal transport – Metropolitan Melbourne

Clause 18.02-4S: Car parking

Clause 19: Development Infrastructure including:

Clause 19.03 Development Infrastructure





### **Local Policies**

8.2 The following provisions of the Municipal Strategic Statement (MSS) are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
  - Clause 21.03-1 Environmentally Sustainable Land Use and Development
  - Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including
  - Clause 21.04-2 Activity Centres
  - Clause 21.04-3 Office and Mixed Activity Areas
  - Clause 21.04-4 Industry
- Clause 21.05 Built Form, including
  - Clause 21.05-2 Urban Structure and Character
  - Clause 21.05-3 Urban Design and the Public Realm
  - Clause 21.05-4 Physical Infrastructure
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-1 East St Kilda and Balaclava
- Clause 21.07 Incorporated Documents including the following Reference documents:

- Sustainable Transport Framework (2004)
- Sustainable Transport Policy and Parking rates (Ratio, 2007)
- Port Philip Design Manual (2000)
- Carlisle Street Activity Centre Structure Plan (2009)
- Carlisle Street Urban Design Framework (2009)

8.3 The following local planning policies are relevant to this application:

- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
- Clause 22.11 Carlisle Street Major Activity Centre Policy
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development

### **Other relevant provisions**

8.4 The following general and particular provisions are relevant to this application:

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.10 Uses with Adverse Amenity Potential
- Clause 65 Decision Guidelines



## 9. REFERRALS

### Internal referrals

9.1 The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

#### Urban Design Officer

9.2 Council's Urban Design Officer provided comments on the originally lodged plans. Revised comments were subsequently provided in relation to the advertised plans as follows:

*Urban Design did not previously support the proposed ten-storey scheme. This was considered to be inconsistent with the strategic directions identified in the Carlisle St Activity Centre Structure Plan, and the Urban Design guidelines outlined in Carlisle St Activity Centre Urban Design Framework. There were concerns regarding the overall scale and height of the development, and the potential impacts on the public realm. The key recommendations made were to:*

- *Reduce the overall building height down to seven-storeys (to align closer with the UDF, whilst considering the unique attributes of the site, the quality of the architectural response and proposed contributions to public realm improvements)*
- *Increase the above street-wall setback along Williams St*
- *Address the overshadowing impacts to the street*

#### **Assessment of Amended proposal:**

##### **Height & Setback**

*Though the reduction of height down to eight-storeys remains above that previously recommended, Urban Design notes that the provision of a significant William St setback from 0m to 5m above the street wall contributes immensely to the amelioration of visual bulk along the principle frontage.*

*The introduced setback is considered to also adequately address the overshadowing impact on the William Street to provide for additional daylight to the footpath during the day. The overshadowing diagrams also illustrate that the reduction of height to eight storeys has significantly reduced the extent of overshadowing to the residential properties west of the elevated rail, which are now considered to be negligible, therefore reasonable.*

*Conversely, the decrease in setback above the street wall to the north along Stuart Street is not supported. As the development has already recognised, Stuart Street will play an important role in the future fine-grain pedestrian network of the area as a connector to Balaclava Walk and Station. Though there are no negative impacts by overshadowing to speak of, a zero setback along this frontage is inconsistent with the objective to achieve a human scale experience of the streets and public places. As with the William Street frontage, an above street wall setback is required to respond to the existing built form and adjacent facades (of two to three-storey street walls), to reinforce a sense of address and cohesiveness for the street.*

*As referred to previously, consideration was given to the island site condition which could reasonably accommodate a small increase in overall height. It is therefore unreasonable that this be exploited by proposing a zero setback along Stuart Street, which is also a key public realm interface (commercial activity and pedestrian*

connection). It is therefore recommended that the setback of 5m above the street wall be reintroduced.

### **Built-Form**

The decreased above street wall setback along Stuart Street is also considered to have compromised the distinction between the street wall and the tower above, where the mass appears to read as a simple extrusion of base volume (brick warehouse). An increase in setback along the northern boundary will reinstate the compositional balance of the tower reading on the 'podium' warehouse. The tower would take on a more slim, vertical reading, detached from the horizontal street wall below and appear more consistent with the evocative concept sketches provided within the application, where it is symmetrically aligned with the commercial entry.

The removal of the small corner balconies is supported, as it will not have a detrimental impact on the overall built-form reading.

The building core and basketball court to the roof is centrally located, reasonably offset from the building edges to minimise visual impact from the street, though still highly visible from long-distance views. It is recommended that the fencing and walls of the building core be finished in the same, high-quality perforated metal/mesh material.

### **Rooftop Garden**

The inclusion of a communally accessible rooftop space, to include an urban farming is supported. Whilst access only by certain members of the public (community and school groups for learning) is indicated, it is encouraged that the urban farm also be also widely accessible by the general public (either as a visitor, or registered individuals for use).

The provision of the urban farm and associated rooftop garden will support biodiversity and encourage habitat opportunities for fauna. A landscaping strategy should be provided which demonstrates the integration of a performative green roof for storm water retention delay and collection, as well as building resilience to climate change.

It is noted that there is the absence of any sun-shading devices or trees to the rooftop spaces. This should be considered to bolster the amenity of the outdoor area given that it will be highly exposed.

### **Canopy and Public Realm**

The illuminated urban artwork canopy to the corner of Stuart Street and Balaclava walk is supported, as it will contribute to the quality, safety and activation of the public realm. The design of the canopy is well integrated with the industrial character of the development. The projection of the canopy over the boundary in the public realm is generally supported considering the proposed enhancement of the public realm, though the design and height of the canopy should be carefully considered as not to pose as a public risk, ensuring that it cannot be easily accessed or climbed.

### **RECOMMENDATION**

In assessing the proposed changes, Urban Design acknowledges the efforts of the applicant and design team to date to respond to the concerns raised by the council officers. Urban Design also recognises the high-quality architectural response, and the proposed development's contributions to generating employment for the precinct and the significant enhancements to the public realm.



*On the balance, based on the uniqueness of the site and the merits of the proposed development, and together with the proposed changes, the additional height to eight storeys sought could be supported by Urban Design if a 5m above street wall setback along Stuart St is provided. In addition, a detailed landscaping strategy should be provided for the proposed rooftop garden as it forms a key component of the development proposal and considerations above.*

Planner's comments:

- 9.3 This advice has been considered in the assessment of the application. Recommended conditions would require the inclusion of a 5 m setback from Stuart Street (above the street wall), the use of high quality material to the roof, the canopies having a minimum clearance of 2.7 m above the footpath in accordance with Council's standard requirements and the submission of a full landscape plan (**refer recommended conditions 1a), b), c) and 14).**

Strategic Planning Unit

- 9.4 Council's Strategic Planning Unit provided comments on the originally lodged plans. Revised comments were subsequently provided in relation to the advertised plans as follows:

**Site location and strategic work**

*The subject site, 21-23 William Street, is located within the Carlisle Street Activity Centre and is included in the "William Street Industrial Precinct" in the Carlisle Street Structure Plan (2009) and Urban Design Framework (2009). The precinct was flagged in the Structure Plan for significant change over the medium to longer term, while retaining industrial and commercial uses. The precinct directions seek to improve the built form and public realm quality through urban renewal.*

*It is considered that the revised plans for 21-23 William Street support the precinct's strategic directions, allowing for the intensification of commercial uses and the operation of a microbrewery, while making a significant contribution to the quality of the built form and the public realm by activation at the ground level. The proposal is considered to make a positive contribution to the surrounding area as it would complement the range of prospective land use opportunities and be a catalyst for wider renewal of the precinct.*

*The subject site is well located and highly accessible due to its close proximity to the Balaclava Station, Carlisle Street trams and retail strip. At its west, it abuts the Balaclava Walk which runs along the Sandringham rail-line, providing convenient walking access to Balaclava Station. It is also one of only a few larger redevelopment sites in the area and therefore, intensified development can be deemed appropriate. It can be understood as an "island site", in the sense that it is surrounded by commercial uses and directly adjoins the rail corridor with an elevated train line which thereby reduces the impact on the properties to the west.*

**Contribution to the public realm, accessibility and pedestrian safety**

*It is considered that the revised plans reflect a well-considered design which offers significant public realm improvements to the immediate area.*

*As it has been designed in the round, there are improvements at each interface. In particular, the proposal would have a significant impact on the safety and the quality of the public realm along the Balaclava Walk – creating an active edge and "eyes on the*



*street” through the microbrewery and outdoor seating area with direct access to Balaclava Walk.*

*Accessibility and connectivity would also be enhanced through the proposed provision of an east-west pedestrian link between William Street and Balaclava Walk along Stuart Street. The closure of several large crossovers on Williams Street and Stuart Street would enhance the pedestrian experience and safety on these streets. The pedestrian experience and safety along William Street would also be enhanced by the proposed active frontage which includes large windows and extensive face brickwork reflecting the industrial history of the site and the William Street precinct. The proposed building design is considered to reflect the existing and preferred character of the area through its saw tooth profile and extensive face brickwork.*

### **Height and setbacks**

*While the proposed 8 storeys exceeds our previous recommendation on 28 June 2019 for a maximum of 6/7 storeys (with an upper setback for the 6th/7th level), 8 storeys could be considered appropriate if a 5m setback were provided on the northern edge along Stuart Street, as recommended in the recent Urban Design Referral. From a strategic planning perspective, given the overall high quality building design, the size of the site (unique within this context), the mix of proposed uses (and their potentially positive impact on the wider Activity Centre), and the proposal’s considered response to both the site’s immediate neighbours and its existing wider context, the proposed scale is considered appropriate.*

### **Sensitive nearby uses**

*With regard to sensitive nearby land uses, the potential impact on the residential area to the west is considered to be acceptable. The elevated train line and accompanying vegetation would permit a considerable visual break when viewing the proposal from western side of the train tracks.*

### **Summary and recommendation**

*As the subject site is a strategic site supporting the Carlisle Street Activity Centre, it is considered that the proposal would make a positive contribution to the range of prospective land use opportunities in the area and be a catalyst for wider urban renewal of the precinct. As one of the larger sites in the precinct, intensified development can be deemed appropriate. The additional height of 8 storeys could be considered appropriate if a 5m setback were provided on the northern edge along Stuart Street. The revised plans are considered to reflect a well considered design which offer significant public realm, accessibility and pedestrian safety improvements to the immediate area.*

### **Planner’s comments:**

- 9.5 This advice has been considered as part of the assessment. The recommendation to provide a 5 m setback from Stuart Street (above the street wall) could be achieved by a recommended condition (**refer recommended condition 1a**).

### **Traffic Engineer**

- 9.6 Council’s Traffic Engineer provided the following advice in relation to the advertised plans:





**Car Park Layout:**

**Access ways:**

- *Vehicle access is proposed via a modified crossover to William Place. Access way dimensions are in accordance with Clause 52.06 of the planning Scheme.*
- *Pedestrian sight triangles are not required at the proposed site access point as there is no pedestrian path across the ramp.*

**Car parking spaces:**

- *Plans provided by the applicant indicate car parking spaces have been provided with dimensions of 3.0m width x 4.9m length, accessed from an aisle width of at least 6.0m. This exceeds the planning scheme requirements and is considered acceptable.*
- *The proposed DDA spaces, and adjacent shared area, have been provided in accordance with the Australian standards and is considered acceptable.*
- *Additional clearance has been provided adjacent walls/columns, in accordance with the planning scheme.*
- *The traffic report has provided a swept path assessment showing a B85 design vehicle is able to enter/exit all critical parking spaces with suitable clearance and number of corrective manoeuvres, this is considered acceptable.*
- *The traffic report has provided a swept path assessment showing that a B85 and B99 design vehicles are able to enter the site and circulate the car park simultaneously with suitable clearance, this is considered acceptable.*
- *The proposed car parking layout is considered acceptable.*

**Headroom and gradient of ramps:**

- *Plans provided by the applicant indicate that the minimum headroom provided within the car park, and along the access ramps, exceeds the planning scheme requirements and is considered acceptable.*
- *Plans provided by the applicant indicate that ramp grades have been provided in accordance with the planning scheme, and are considered acceptable.*

**Bicycles:**

- *Clause 52.34 of the planning scheme requires 32 off-street bicycle parking spaces to be provided for the proposed land uses, comprising:*
  - o *24 employee spaces*
  - o *8 customer/visitor spaces*
- *The applicant proposes to provide 84 bicycle spaces on site, this exceeds the planning scheme requirement and is considered acceptable.*
- *Clause 52.34 of the planning scheme requires two (2) formal shower/change rooms are required for the 24 employee bicycle spaces.*
- *The applicant proposes 10 shower facilities, with associated change rooms, this exceeds then planning scheme requirement and is considered acceptable.*



- *The traffic report indicates that 22 of the 84 bicycles spaces proposed on-site will be provided via 'Flat Top' horizontal rails, this exceeds the minimum 20% of bicycle spaces that need to be provided at ground level. This is considered acceptable.*

**Loading and Waste Collection:**

- *A Loading Zone is not required in the planning Scheme, noting there is an existing on-street loading zone along the sites frontage to Stuart Street which can be utilized should any loading be required.*
- *The traffic report indicates that two (2) electric charging car spaces will be utilized for a turn-around area for waste collection. These spaces will be sign posted as a Loading Zone outside of 9am-5pm.*
- *The traffic report has provided a swept path assessment indicating that a 6.35m waste wise vehicle is able to utilize these parking bays to enter / exit the site in a forward's direction, with suitable clearance.*
- *The traffic report has indicated that waste collection will occur outside of peak hours.*
- *Based on the above, the proposed loading area is considered acceptable.*
- *Waste Management plan to be referred to Council's Waste Management department for assessment.*

**Traffic Generation and Impact:**

- *The traffic report has suggested a residential peak traffic generation rate of 0.49 vehicle movements per 100sqm of land use. The following AM and PM peak hour traffic distribution splits have been assumed in the traffic report, 90/10 during the AM peak and 20/80 during the PM peak. Based on the additional information provided, the proposed traffic generation rates are considered acceptable, this is considered acceptable.*
- *Based on the above, traffic generation assumptions of 32 inbound and 4 outbound movements during the AM peak and 7 inbound and 29 outbound movements during the PM peak. This has been assessed and is considered acceptable.*
- *The traffic report has undertaken a SIDRA intersection analysis of the nearby critical intersection, which indicates that the intersection will operate in a satisfactory manner (with minimal delays and queues) post development of the site, this is considered acceptable.*

**On Street Parking:**

- *The existing on-street parking is a mixture of 1/2P, 1P, 2P and unrestricted parking restrictions, Parking surveys undertaken in the traffic report indicate that during typical business hours parking occupancy is high with an average occupancy rate over 80% between 9am-5pm.*
- *The parking survey identified a total of 180 unrestricted parking spaces nearby, with surveys indicating occupancy rates of between 82% to 92% during typical business hours.*



- *Based on the parking survey data provided, and the proposed dispensations being sought for long-term office/staff parking spaces, there is very limited available long term on-street parking spaces in the area to cater for any demand generated by this development.*
- *Staff/visitors of the development will not be eligible for parking permits and will need to abide by on-street parking restrictions.*
- *It is proposed to modify the existing crossover to William Place and reinstate redundant crossovers in Stuart Street and William Street. This will result in an increase to the number of on-street parking spaces and is considered acceptable.*

**Parking overlay and parking provisions:**

- *Clause 52.06 of the planning scheme requires 221 off street parking spaces to be provided for the proposed land uses, comprising:*
  - o *197 office spaces*
  - o *24 Micro-Brewery spaces (Tavern)*
- *The applicant is seeking a significant waiver in car parking provisions and proposes to provide 72 off street car parking spaces, comprising:*
  - o *62 office spaces (0.94 spaces per 100sqm)*
  - o *10 Micro-Brewery spaces (1.45 spaces per 100sqm)*
- *Given the above, the proposed development results in a shortfall of 149 car parking spaces, comprising:*
  - o *135 office spaces*
  - o *14 Micro-brewery spaces*
- *Council's Sustainable Parking Policy states that for a reduced rate less than 3.0 spaces per 100sqm for office land uses, the mandatory conditions are:*
  - o *within an Activity Centre (defined by business zoning) **(Meets condition)***
  - o *no more than 200 metres to fixed rail public transport **(Meets condition)***
  - o *strict control of on-street parking in surrounding streets **(Meets condition)***
  - o *provision of motor scooter / motorbike parking on site **(No, it is recommend(ed) providing some motor scooter / motorbike parking)***
  - o *provide the full bicycle and amenities provision as required under Clause 52.34. **(Yes, exceeds planning scheme requirement).***
- *In addition to the above, the following additional requirements are:*
  - o *total supply of car parking is pooled or shared (section 173 agreement) **(Yes, office parking is all shared)***
  - o *subsidised public transport*
  - o *exceed bicycle and amenities provision as required under Clause 52.34 **(Yes, exceeds planning scheme requirement).***



- o upgrade bus/tram/train stops/approaches or other works to facilitate public transport usage directly applicable to the site (**Not required as Train and Tram stops nearby have already been upgraded**)
- o participation in car share scheme or other similar initiatives (**No, it is recommended referring planning application to Sustainable Transport team for comments regarding car share scheme and the process required to provide car share spaces on-site**)
- o other initiatives to reduce usage of motor vehicles.
- Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.

**Other:**

- All redundant crossovers must be reinstated to Council satisfaction.
- All proposed crossovers must be installed to Council satisfaction.
- The Applicant is responsible for all costs, including those incurred by Council for associated on-street parking signage and line-marking changes.

Planner's comments:

- 9.7 This advice has been considered as part of the assessment below. Standard conditions could address Council's crossover requirements **Refer recommended condition 26**. Three motorcycle parking spaces have been provided on the site. It was not considered necessary to refer the application to the Sustainable transport team for feedback on car share schemes.

Sustainable Design Advisor

- 9.8 Council's Sustainable Design Advisor reviewed the proposal and has advised that:

*The project meets LPP22.12 objectives. For LPP22.13 once the few issues listed below for both the report and the drawings are addressed, the project can be considered to meet an acceptable level of 'best practice'.*

*Please address the following queries regarding credits claimed within the green star assessment:*

- 3.1 Implementation of a Climate Adaptation Plan - Please include in the SMP the CAP report that has been developed for review.
- 17B.4 Active Transport Facilities - Bike spaces indicated on plans are less than what is proposed in report. Also please provide further detail on how secure bicycle parking has been designed in accordance with AS 2890.3.
- 18B.1 Sanitary Fixture Efficiency - Some WELS rating requirement of fittings are below the current green star requirements for this credit (i.e. Urinals, Toilets & Dishwashers), please clarify/amend.
- 15E.1 Comparison to a Reference Building Pathway – Energy modelling indicates that the proposed building fabric is only achieving a 1% improvement on NCC requirements, for a development of this size, we



*expect at least a 10% on the latest NCC Section J building fabric requirements. The reference building in the energy modelling provided appears to be based on old NCC 2016 Section J requirements. The reference building needs to be updated to reflect the latest NCC 2019 Section J requirements. We are unable to determine if points claimed in this category are valid. Please provide amended documentation for review.*

Planner's comments

- 9.9 The outstanding issues identified by the Sustainable Design Advisor are recommended to be addressed through conditions which require the submission of an amended Sustainable Management Plan. **Refer recommended conditions 5, 6 and 7.**

Waste Officer

- 9.10 Council's Waste Officer reviewed the Waste Management Plan and advised that it was acceptable. They recommended that space be provided for E-waste.

Planner's comments:

- 9.11 The Waste Management Plan would be endorsed to form part of any permit that issues. It is not considered necessary to require a space be provided for E-waste on the basis that should the occupants choose to implement E-waste collection in the future, there would be room to provide for it within the basements.

Economic Development

- 9.12 10.12 Council's Economic Development team have reviewed the proposal and are generally comfortable with the project noting:

*I think the argument for commercial re-use of industrially zoned land near transit, services, retail and workforce is generally sound from an economic welfare and sustainability perspective. Ground floor hospitality could improve street level activation (passive surveillance / night time safety etc), depending of course to some degree on how the venue is managed. An increase in the locally captured demand from bringing additional worker population into the area would have some flow on effects for Carlisle St, possibly helping the section past the railway bridge to evolve it's offer.*

*The creation of jobs matched to the local labour force profile is a good thing. The mix of uses entertained for this development in particular (if realised as anticipated – see p7 "Proposed Uses") would appear to be a significantly improved use of employment land.*

*The catalytic effect mentioned on page 2 is hard to anticipate with precision (relies on actions of other independent actors as well as a range of other external factors) but it is entirely possible successful delivery of the project could have localised knock on effects in other developments. Provided it doesn't get fundamentally altered through the value engineering process, having a well-designed, high spec project delivered may contribute to value uplift (to some extent) which would in turn have some impact on the type of investment that is likely to follow.*

*A couple of the statements are a bit vague such as " Greater acknowledgement of the amenity improvements that can be enjoyed in a suburban location" (p12). This is generally fine but could be expressed a bit more clearly. Similarly the comment about a wider range of service offering a few dot points isn't all that*



*clear. Broadly though, the argument seems pretty sensible and the benefits of growing employment close to where people live are significant.*

*Indirect jobs should always be treated with a degree of caution as the methods used to calculate these can often significantly overstate benefits (one of the reasons why those figures are so popular with industry lobby groups, project proponents etc).*

Planner's comments:

10.13 Council's Economic Development officers position on the benefits of the proposal are supported by officers.

**External referrals**

Referral Authority	Response	Conditions
Melbourne Water – Determining referral authority	No objection subject to conditions (refer advice dated 25 November 2019).	Refer <b>recommended condition 36</b> . Melbourne Water's advice relates to TP100 Rev C, which is a later version of the plan than that which forms part of this assessment (which is TP100 Rev B). Rev C shows relatively minor alterations to the layout and design of the ramp and entry in the north east corner of the site. These changes would be required to be shown on the plans submitted for endorsement ( <b>refer recommended condition 1p</b> ). It appears that the plans under assessment generally comply with Melbourne Water's requirements and would not have any significant implications to the overall design and layout.
Environment Protection Authority Victoria – Determining referral authority	No objection subject to conditions (refer advice dated 28 January 2020).	Refer <b>recommended condition 38</b> .

**10. PUBLIC NOTIFICATION/OBJECTIONS**

10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting five notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received 23 objections and 8 submissions in support.

10.3 The key concerns raised in the objections are summarised below (officer comment follows in italics where the concern is not addressed in the assessment at Section 11):

- Excessive height and scale – scale and massing not in keeping with area; unarticulated; would be an eyesore; maximum of five storeys allowed on west side of William Street under the Carlisle Street Urban Framework; would set a precedent; building would be exposed

*Refer comments of Council's Urban Designer and to the built form assessment at Section 11 below.*





- Impacts on nearby heritage precincts – including scale and dominance; unsympathetic design and materials

*The proposal would not have any unreasonable impact on the significance of any nearby heritage precincts.*

*The subject site does not directly abut any heritage properties, although there are heritage precincts located at the nearby residential precincts to the east, south and west. The site is sufficiently separated from these precincts by physical barriers including the train station, roads and other commercial/ industrial buildings, to preclude any direct impacts to their heritage significance.*

*The visibility of the building from within nearby heritage precincts does not in itself mean there would be a heritage impact. More relevant is a consideration of the design merits of the building having regard to the site and surrounds and the precinct guidelines, as per section 11 of this report.*

- Overshadowing and loss of light to dwellings on Penny Lane

*Properties abutting Penny Lane are industrially zoned, and therefore if they are being used as dwellings and the use is unlikely to be lawful (unless they have existing use rights). Either way, residential amenity of industrially zoned land is not protected under the planning scheme.*

*There would be no unreasonable impacts to existing habitable rooms and private open space of residentially zoned properties further afield (including the dwellings that back on to Penny Lane but front Westbury Street). Specifically, the shadow diagrams submitted demonstrate that the dwellings at 57 Rosamond Street and 58 Nightingale Street would be affected by additional shadow at 9 am at the equinox, but that would cease before 9:30 am.*

- Overlooking

*The proposed building would be located a minimum of 30 m from the nearest dwelling and any potential overlooking from within the building would be well beyond the 9 m distance typically applied, and would therefore not be unreasonable.*

- Loss of outlook from nearby dwellings

*Outlook and views from nearby dwellings in this area are not specifically protected in the planning scheme, although visual bulk is a relevant consideration. However there would be no unreasonable visual bulk caused by this development to any nearby dwellings, despite its scale, due to the separation of at least 30 m.*

- Car parking reduction – parking capacity already overloaded; will worsen car parking on surrounding residential streets

*Refer car parking assessment at Section 11 below.*

- Traffic impacts on surrounding streets, including - William Street is too narrow to accommodate large trucks; street closures; proximity to playground and school (unsafe for children walking)

*Refer traffic assessment at Section 11 below. It is acknowledged that William Street is a narrow street, which is partly why this site is more suitable for an office*





*rather than an industrial use and this development incorporates a limited industrial component only.*

*Any street closures required to facilitate construction would be subject to separate approvals under Council's Local Laws (if a permit issues).*

*This proposal would increase pedestrian safety in the area by reinstating numerous crossovers and thereby increasing footpaths and by providing activation of and links to Balaclava Walk.*

*Overall, the proposal would not cause any unreasonable traffic issues.*

- Potential odours and emissions from microbrewery and office

*As discussed in section 11 below, **recommended conditions 29-32** would ensure that standard EPA noise, odour and emission requirements would be met.*

- Another licensed venue is not needed in this area; proximity of microbrewery to social housing

*A liquor licence has not been sought as part of this planning permit application. Should this permit issue and the development proceed, any proposal for sale and consumption of liquor would require separate approval and would be subject to a full assessment of cumulative impacts under Clause 52.27 Licensed Premises.*

- Noise and antisocial behaviour from microbrewery – including from music and patrons and outdoor area associated with microbrewery

*This application has been made for industry (microbrewery), not for a 'food and drink premises' such as a 'bar', 'restaurant' or for a 'function centre' (which all require approval under the Industrial 3 Zone). Further, this application has not been made to sell and consume liquor. While this sort of use may be applied for in the future, it would require separate assessment under any future planning permit application. Therefore impacts from patrons and music is not relevant to this assessment.*

- Noise from services (including air-conditioning units) on roof

*To limit excessive noise from externally located services and plant, **recommended condition 18** would require that the services zone on the roof be screened.*

- Light spill at night time

*It is not considered likely that the development would cause any unreasonable light spill at night time, particularly noting that the nearest residentially zoned properties are located approximately 30 m to the west on the opposite side of the train station – where the train station is likely to cause more impacts from light spill. Notwithstanding this, **recommended condition 22** would require that all lighting be baffled to prevent any nuisance to nearby residential properties.*

- Reflection from glass

*To ensure there would be no unreasonable glare impacts, a standard condition used for similar developments is recommended to ensure that external materials do not reflect more than 15% of visible light (**refer recommended condition 1j**).*

- Lack of landscaping



*Landscaping is not a feature of this area, being an industrial precinct in the middle of an activity centre. Notwithstanding this, the proposal would include some landscaping which is an appropriate outcome.*

- Proximity of building to telecommunications tower – impacts on emission levels

*This is not a relevant consideration under the planning scheme. Council Officers are not aware of any evidence that suggests that building near a telecommunications tower would worsen emissions generated by the tower.*

- Insufficient notice given - nearby residents, including from Westbury Close and Rosamond Avenue were not informed

*Sufficient notice of the application was given in accordance with the requirements of s 52 of the Planning and Environment Act 1987. Specifically, letters were sent to the nearest properties and five notices were placed on site.*

- Impacts on rail corridor (VicTrack's objection)

*One of the objections was from VicTrack, who own the rail corridor land which abuts the site. They advised that they were 'generally satisfied with the building treatment to the rail side'. However they recommended a series of conditions for inclusion on any permit that issues, to protect the rail corridor and rail services. This includes conditions requiring the deletion of any doors opening onto the west property boundary, deletion of outdoor seating and paving beyond the west boundary, relocation of solar panels from the northern side of the roof to the western side and western edge of level 2 terrace to be non-trafficable.*

*It is acknowledged that works such as landscaping, openings and seating (for employees and workers) onto Balaclava Walk (west boundary) would be a positive outcome from a public realm perspective. This is because it would add activation and passive surveillance to what is a relatively 'dead' area, providing safety benefits. Similarly, providing a direct pedestrian link from Stuart Street to Balaclava Walk would also provide a public realm benefit, as there is currently no direct link. However, since land owner consent would be required to achieve both of these things, without VicTrack's consent they cannot occur, although this does not mean that this could not be resolved between the proponent, Council and VicTrack in the future.*

*It is also acknowledged that making the western edge of the level 2 terrace non-trafficable would decrease activation of that interface, however this would be offset by the significant amount of glazed treatments of the building.*

*In response to VicTrack's objection, the applicant has advised that they do not generally oppose VicTrack's recommended conditions, and that if a permit is issued, they still intend to have discussions with all relevant parties to obtain approvals for dining/ seating outside the site. Since there is no food and drink land use component proposed as part of the microbrewery, it is not necessary to resolve the matter of the seating and dining area at this time.*

*VicTrack's recommended conditions should be incorporated into any permit that issues for the site. **Refer recommended conditions 1f and g and 37.***

- 10.4 A consultation meeting was held on 16 December 2019. The meeting was attended by Ward Councillors, applicants, objectors and Planning Officers. The meeting did not



result in any changes to the proposal. However the applicant subsequently prepared some photomontages which were circulated to objectors and form **attachment 3**.

10.5 It is considered that the objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

## 11. OFFICER'S ASSESSMENT

### State Policy Framework

11.1 The proposed development would be generally consistent with the thrust of the key state policy framework, including at Clauses 11 - Settlement, including 11.03-1R Activity centres – Metropolitan Melbourne, 15 – Built environment and heritage and 17 – Economic development.

11.2 This includes Clause 11.03-1R Activity Centres – Metropolitan Melbourne which has a strategy to:

*Support the development and growth of Metropolitan Activity Centres by ensuring they:*

- *Are able to accommodate significant growth for a broad range of land uses.*

11.3 Clause 17 seeks to promote Economic Development with a view to providing a strong innovative economy where all sectors are critical to economic prosperity. Clause 17.01-1S seeks to strengthen and diversify the economy through, amongst other strategies:

*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.*

11.4 In addition to this, Clause 17.02-1S (Business) has the objective to encourage development that meets the community needs for retail, entertainment, office and other commercial services. Strategies identified to achieve this objective include the location of commercial facilities in existing or planned activity centres.

11.5 The proposal would provide for a substantial employment generating development comprising offices and microbrewery. The site is in a suitable location for an increased density commercial development, being within the Carlisle Street major activity centre, directly adjacent to the Balaclava train station and in an industrial precinct which is currently undergoing change.

11.6 Despite comprising limited industrial uses, the proposed development would provide appropriate uses for this location, being compatible with surrounding uses and contributing to the employment objectives of the relevant policies.

11.7 Further, as discussed in greater detail below, the design is generally responsive to the surrounding built form and land use context which includes commercial and railway corridor interfaces, generally according with the urban design objectives and neighbourhood character objectives set out within Clause 15 including at 15.01-1S Urban design and 15.01-5S Neighbourhood character. It would also achieve the sustainable development objectives of Clause 15.02 Sustainable development.

11.8 Under Clause 13.04-1S Contaminated and potentially contaminated land, potentially contaminated land must be suitable for its intended future use and development. According to historic business listings, 21 William Street was used for 'knitted goods – manufacturers' (Crestees P/L) in 1974 and 23 William Street for 'confectioners –



manufacturing and wholesale' (Kol Food Co.) in 1974. Applying the Potentially Contaminated Land practice note (2005), 'textile operations' have a high potential for contamination and in order to ensure that the site is suitable for the proposed office use, a preliminary site assessment should be provided to assess the suitability of the site and need for any remediation or other works. A recommended condition would therefore require that the site assessment be undertaken prior to any works, with following on requirements for environmental audit or certificate, if necessary (**refer recommended conditions 34 and 35**).

### Local Policy Framework

- 11.9 The proposed development would be generally consistent with the relevant local planning scheme provisions of the Municipal Strategic Statement (MSS) and local policies.
- 11.10 Under the MSS at Clause 21.04-2 Activity centres, the site is in a Major Activity Centre (MAC). Under Table 2, it has the following strategic role and functions – future direction: Speciality retail goods/ services (regional catchment); Daily/ weekly retail goods and services (local catchment); Local entertainment (includes restaurants and cafes); Increased residential use (subject to heritage/ amenity considerations, or as guided by Structure Plans); and, Focus for community services/ facilities. This proposal would respect the William Street streetscape and would complement, not detract from, the commercial core of the centre on Carlisle Street and the uses sought under the strategic role of the MAC.
- 11.11 Under the MSS at Clause 21.04-4 Industry, the site is in the William Street Industrial Area which, at Table 3, has two designated strategic roles and functions – future direction: Light industrial/ services businesses/ warehouse role; and, office/ commercial role. This proposal supports these future directions by providing substantial office floor space with a complementary industry/ food and drink premises.
- 11.12 Various local provisions relate to built form outcomes, including Clauses 21.05-2 Urban Structure and Character, 21.05-3 Urban Design and the Public Realm, 21.06-1 East St Kilda and Balaclava, 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development, Clause 22.11 Carlisle Street Major Activity Centre, Clause 22.12 Storm water Management (Water Sensitive Urban Design) and Clause 22.13 Environmentally Sustainable Development. These are assessed in detail below, as most relevant to this proposal. A detailed assessment against Clauses 21.05-2 and 21.05-3 has not been undertaken below, given the more detailed precinct specific guidance provided under Clauses 21.06-1 and 22.11 and related reference documents.
- 11.13 Managing amenity impacts to adjacent residential areas is a common theme throughout the MSS and local policy. As discussed in further detail below, there would be no unreasonable off-site impacts to nearby dwellings (subject to some conditions).

### Industrial 3 Zone

- 11.14 The purpose of the Industrial 3 Zone includes to:

*To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*



*To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*

*To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*

*To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

- 11.15 The use of the land for both office and microbrewery (industry) require a permit under the Industrial 3 Zone (IN3Z). The proposed development would generally accord with the purpose of the IN3Z, providing for an industry with an office development that would be compatible with surrounding land uses while not causing any unreasonable impacts to nearby sensitive (residential) land.
- 11.16 The application responds favourably to the decision guidelines at Clause 33.03-2 for use applications in the Industrial 3 Zone and generally responds favourable as outlined in the following assessment:

*The Municipal Planning Strategy and the Planning Policy Framework.*

Refer discussion elsewhere in this assessment.

*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.*

The EPA have advised that it consents to the issue of a planning permit subject to conditions to ensure no emissions of noise and/or vibrations from the premises which are detrimental to either the environment around the premises or wellbeing of persons and/or their property in the area around the premises. Further the EPA have required that a secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard (**refer recommended condition 38**).

**Recommended conditions 4 and 29-32** would require detailed layout plans and a Management plan for the microbrewery, as well as ensure that standard SEPP requirements for noise, odour and emissions be met.

*The effect that nearby industries may have on the proposed use.*

Existing businesses in this precinct are generally of a small scale with limited industrial components, with a mix of uses present including retail, offices, motor mechanics, warehouses, etc. Noise throughout the day and some trucks making deliveries, as well as people coming and going is typical within the precinct. There would be no unreasonable effects from these sorts of impacts on the proposed office and microbrewery, neither of which are sensitive uses and which would operate primarily during business hours.

*The drainage of the land.*

This proposal is unlikely to have significant drainage implications.

*The availability of and connection to services.*

The site is connected to services and any upgrades to services required to facilitate this development would be undertaken by and/ or at the expense of the proponent.





*The effect of traffic to be generated on roads.*

There would be no unreasonable effect of traffic generation from this proposal, as discussed in detail in the traffic assessment below.

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

The whole of the land would be required for the proposed uses.

*The effect on nearby industries.*

The proposed uses would not have any adverse effects on nearby industries, in particular noting that the existing businesses in this precinct are generally of a small scale with limited industrial components and that the proposed uses are not sensitive.

11.17 In addition, the application responds favourably to the decision guidelines at Clause 33.03-4 for buildings and works applications in the Industrial 3 Zone. The decision guidelines overlap with the considerations discussed elsewhere in this assessment and so are not addressed in detail here.

### **Carlisle Street Major Activity Centre – strategies and guidelines**

#### Clause 22.11 Carlisle Street Major Activity Centre Policy

11.18 Clause 22.11 Carlisle Street Major Activity Centre Policy contains a range of objectives, general policies, precinct policies and decision guidelines. Of particular relevance are the following objectives at Clause 22.11-2:

- *To provide for a diverse activity and business mix which responds to local community needs and supports a viable, vibrant activity centre.*
- *To reinforce convenience retailing as the centre's primary role, augmented by specialty retailing, and personal and business services.*
- *To strengthen the centre's unique identity and sense of place reflected through its activity mix, built form and public realm.*
- *To reinstate and reinforce the centre's traditional urban form of streets and laneways, to maximise legibility, permeability and connections between activities.*
- *To maintain the diversity of built form characters between individual precincts within the activity centre.*
- *To ensure the design of new development contributes to an activity centres that is safe, attractive, functional and sustainable.*
- *To create public spaces which are safe, accessible and well-designed.*

11.19 Also of particular relevance to this application are the precinct policies for Precinct 4 – William Street Precinct which relate to the subject site:

- *Support the retention of existing business operations, and on-going industrial / service industrial, warehouse and specialist business uses, in the short term. Specialist business uses are those which are would not be appropriate for location within the retail precinct.*
- *Discourage pure office uses which are not in association with an industrial, warehouse or specialist business activity.*





- *Ensure new use and development contributes to the creation of new pedestrian links along Stuart and Charles Streets, to connect William Street to Balaclava Station.*

11.20 The proposal would accord with these precinct policies for the reasons previously discussed. While one policy specifically discourages pure office uses which are not in association with an industrial, warehouse or specialist activity, it is important to note that this is not entirely consistent with other relevant policy objectives for this precinct, which acknowledge that this precinct will transition over time (refer the policies at Clause 21.06-1 discussed below). It is also relevant that this precinct is not suitable for intensive industrial uses, particularly given the proximity of residentially zoned land and the limited width of the road which can only be accessed via either a residential area or the main street of the activity centre – Carlisle Street (making it unsuitable for large trucks).

11.21 Importantly, office uses are encouraged under various policies; and the proposed uses would be compatible with existing industrial and commercial uses and the development would not preclude new light industry from setting up here. Further, while the proposed offices would not be in association with the proposed industry (microbrewery), this development does incorporate that industrial component.

11.22 This development provides an opportunity to provide a link from William Street to Balaclava Walk and the station via Stuart Street. Therefore a condition of any permit should require that this opportunity be explored through a public realm plan prepared by the proponent in consultation with Council and VicTrack (**refer recommended condition 13**).

#### Clause 21.06-1 Neighbourhoods – East St Kilda and Balaclava

11.23 Clause 21.06-1 Neighbourhoods – East St Kilda and Balaclava includes the following relevant local strategies:

#### Carlisle Street Major Activity Centre - General

*6.1.5 Enhance the Carlisle Street Major Activity Centre as a focus for the local community, offering a diverse mix of shopping, business and community services, leisure and living opportunities*

*6.1.6 Reinforce convenience retailing (daily and weekly shopping) as the centres primary role, augmented by speciality retailing, and personal and business services.*

*6.1.7 Facilitate the centre to retain its metropolitan role in the provision of specialist continental and kosher goods.*

*6.1.8 Reinforce the role of the activity centre as a sustainable transport hub focused on Balaclava Station, and supported by safe, convenient and connected pedestrian environment.*

*6.1.9 Encourage land uses which reinforce the civic and community services role, of the centre, particularly west of Chapel Street.*

*6.1.10 Encourage residential growth within the activity centre to take advantage of the proximity to public transport and other goods and services through:*

- *Providing significant new residential development opportunities at increased densities within Mixed Use Zones and as part of large scale mixed use developments.*



- *Encouraging moderate intensification of housing within the Business 1 zone, subject to heritage and amenity considerations.*

6.1.11 *Ensure entertainment uses and eating premises (restaurants, bars and taverns):*

- *Supplement but do not undermine the primary retail role of the centre.*
- *Are of a smaller scale and limited concentration to adequately cater for local needs whilst discouraging the centres development as a regional entertainment destination.*

6.1.12 *Facilitate land use change and new development within Alfred and Marlborough Streets which improves the interface of the activity centre with adjacent residential areas.*

6.1.13 *Ensure that new development respects the urban design principles and objectives for the activity centre, and the preferred character and objectives for individual precincts, as set out in the Carlisle Street Activity Centre Structure Plan, 2009 and the Carlisle Street Urban Design Framework, 2009.*

6.1.14 *Encourage new development to respond to the following specific character elements of the centre:*

- *The predominant 2 storey heritage streetscape, human scale, and fine grain streetscape pattern of Carlisle Street.*
- *The zero frontage setbacks of buildings.*
- *The civic precinct west of Chapel Street, characterised by public buildings in a landscape setting including the Town Hall, library and state school which define the eastern end of the activity centre.*
- *The established network of streets and lanes.*
- *New development will be encouraged to enhance, and where necessary reinstate, laneways to improve connections between activities and activate street edges throughout the centre.*

William Street Industrial Precinct (within the CSMAC)

6.1.25 *Retain the William Street industrial precinct as a vibrant industrial / service industrial and specialist business cluster in the short term (1 – 5 years).*

6.1.26 *Review land use options for the William Street industrial precinct in the medium term (5 plus years) in accordance with the Carlisle Street Activity Centre Structure Plan, 2009; including on-going industrial use; providing for a broader industrial / commercial business mix; or comprehensive renewal to a mixed residential / commercial precinct.*

6.1.27 *Discourage caretakers' houses unless it can be demonstrated that they are required to support the primary industrial / commercial use on the site.*

11.24 The proposal would be generally consistent with these strategies, particularly with respect for the vision of the William Street Industrial precinct for it to undergo change to transform to a broader mix of uses, including commercial uses. Refer to further assessments against Clause 22.06, the Carlisle Street Urban Design Framework (2009) and Carlisle Street Activity Centre Structure Plan (2009) (SP) below.



Carlisle Street Urban Design Framework (2009) and Carlisle Street Activity Centre Structure Plan (2009)

- 11.25 The Carlisle Street Urban Design Framework (2009) (UDF) and Carlisle Street Activity Centre Structure Plan (2009) (SP) are both reference documents under the planning scheme.
- 11.26 The Structure Plan sets out a description for this precinct at 4.4.1, and future land use options at 4.4.2, strategic directions at 4.4.3 and precinct opportunities at 4.4.4 (pp 68-72). This provides a relevant discussion of potential uses which is beneficial to the consideration of this application. In particular, it reflects the desire to retain existing businesses while preserving a range of future land use opportunities, including industrial, commercial and 'mixed' residential/ business.
- 11.27 The proposed use for offices and microbrewery realises this potential and, as acknowledged by Council's Strategic Planning Unit, '*would complement the range of prospective land use opportunities and be a catalyst for wider renewal of the precinct.*'
- 11.28 The Design and Development Overlay – Schedule 21 has been applied to most of the precincts within the Carlisle Street Activity Centre, but not to the William Street Precinct. This is because the Structure Plan identified the need to review zoning, before applying built form controls. Under 'Precinct opportunities' for the William Street Precinct, it states:
- Prepare and incorporate a Design and Development Overlay (DDO) into the Port Phillip Planning Scheme to establish clear parameters for new development within the precinct, following a decision on the long term land use future for this precinct.*
- 11.29 The Urban Design Framework sets out the existing urban character for William Street Industrial Precinct, a preferred character statement and both general and specific design objectives (the precinct is specifically discussed at section 4.7 (pp 58-61). The preferred character statement is:
- This precinct will be characterised by:*
- *High quality light industrial, warehousing and commercial buildings.*
  - *High quality, safe pedestrian environments along William Street and Balaclava Walk East.*
- 11.30 The Urban Design Framework goes on to set out general design objectives applying to all precincts and the following specific design objectives for this precinct (which set out the kind of built form guidance that would otherwise be in a DDO), which have been considered in turn:
- To promote high quality design and opportunities for additional development that supports a range of light industrial and commercial uses.*
- Achieved** – Council's Urban Designer has acknowledged that this is a high quality design, and the proposed uses either fall within or would complement the ambit of light industrial and commercial uses.
- To create overall visual consistency and a greater sense of streetscape enclosure.*
- Achieved, subject to condition** – while this would be the first larger scale building (above three storeys) in this precinct, the design – subject to the *additional* 5 m setback above street wall from Stuart Street – would fit comfortably in this context and contribute to overall visual consistency and a sense of streetscape enclosure. This



would be achieved particularly through the podium/ tower typology and height of the streetwall which transitions between that of adjoining buildings.

*To ensure that development retains the sense of openness to the sky.*

**Achieved, subject to condition** – subject to the additional 5 m setback above street wall from Stuart Street, the development would retain the sense of openness to the sky by virtue of the tower setbacks.

*To realise the development potential of larger sites, particularly those adjacent to Balaclava Station on the western side of William Street.*

**Achieved** – this development would realise the potential of the land by consolidating two sites, resulting in one of the largest sites on William Street.

*To ensure development on the eastern side of William Street maintains the privacy and amenity of adjoining residential properties.*

**Not applicable.**

*To ensure development facilitates safe and convenient pedestrian movement through the precinct, including through the minimisation of vehicle crossovers.*

*Achieved* - this proposal would result in the removal of two crossovers from William Street and three crossovers from Stuart Street, improving pedestrian movement on both streets. It also proposes to provide pedestrian access directly to Balaclava Walk East, which is not currently available.

11.31 The Design requirements for this precinct are as follows, and have been considered in turn:

*Buildings may have a zero setback to the street frontage or be stepped back up to 5 metres provided that the resultant space is used for active pedestrian uses.*

*Achieved* – this proposal includes zero setbacks to Stuart Street, William Street and most of William Place.

*The streetwall must be no more than 7 metres in height; this will allow two storeys of development.*

**Not Achieved, but design objectives would be met, subject to condition** – the streetwall would be 9.03-9.1 m in height, however this incorporates the existing building at 21 William Street on Stuart Street. It would be lower than the streetwall height of the recent neighbouring building at 19 William Street, and would provide for a transition from that down to the lower streetwall at 25 William Street. Further it is noted that a height of approximately 9 metres is generally consistent with two storey development elsewhere in the municipality.

*Buildings on the eastern side of William Street must not exceed a maximum height of 13 metres (4 storeys).*

**Not applicable.**

*Buildings on the western side of William Street should not exceed a maximum height of 16 metres (5 storeys).*

**Not Achieved, but design objectives would be met, subject to condition** – with a proposed height of 8 storeys (32.5 m to the top of the roof parapet, and 35.8 m to the top of the lift core), the preferred maximum height would be exceeded. Notwithstanding



this, the building is considered acceptable at the proposed height (subject to the setback condition from Stuart Street).

The subject site constitutes one of the largest along this strip of Industrially zoned land. As previously discussed, strategic imperatives exist to realise the development potential of larger sites in this area, particularly those adjacent to Balaclava Station on the western side of William Street, both of which the subject site achieve. Further the subject site is uniquely located with interfaces to the station and three streets and is a consolidated site that is one of the largest within this precinct. It follows that the subject site is one in which a taller development above the preferred maximum height can be entertained.

The proposed building represents a 'high-quality architectural response' that incorporates a podium/ tower typology that, with the setbacks to William and Stuart Street above the street wall, would largely ameliorate visual bulk and result in the building having a 'slim, vertical reading'.

The design and orientation of the building would not result in any unreasonable off-site impacts such as overshadowing of nearby dwellings and public space.

It is noted that Council's Urban Design team have suggested the building height and massing for the proposal are appropriate subject to conditions.

*Above the streetwall one additional storey may be visible from the street provided that it is set back at least 3 metres so as to ensure the visual predominance of the streetwall.*

**Not Achieved, but design objectives would be met, subject to condition** – subject to the recommended condition requiring a setback above the streetwall to Stuart Street, the streetwalls to both William and Stuart Street would be visually predominant noting the setbacks of 5 metres from each street is in excess of the 3 metres suggested.

*One further storey may be built on the eastern side of William Street and a further two storeys on the western side, provided they are set back so as not to be visible when viewed from standing eye level (1.6m) at the street frontage directly across the street.*

**Not Achieved, but design objectives would be met, subject to condition** – as previously discussed.

*The above setback also applies to the side street boundary on Nightingale Street.*

**Not applicable.**

*Vehicular access should not dominate the street frontage and must be integrated with the design of the facade.*

**Achieved** – all vehicle access would be via William Place, setback from William Street, and integrated with the overall building design.

*Buildings should respond to the existing industrial character of the precinct by using materials characteristic of the precinct on the streetwall with minimal detail.*

**Achieved** – a streamlined design is proposed that incorporates two main materials, with the red brick at the podium level reflecting common materials of the area (and incorporating partial retention of the existing building at 21 William Street). Council's Urban Designer has advised that with the podium/ tower typology (and subject to the condition requiring a setback from Stuart Street above the street wall), of the building





would have a 'compositional balance' and the tower would 'take on a more slim, vertical reading'.

*Side and rear setbacks at boundaries with properties zoned Residential 1 should comply with the objectives of Clause 55.04-1 (side and rear setbacks objective) of the City of Port Phillip Planning Scheme.*

**Not applicable.**

*Development above 9 metres in height must be set back so that it is not visible from standing eye level (1.6m above ground level) at the rear building line of any adjoining residential property.*

**Not applicable** - there is no adjoining residential property.

*Development at boundaries with properties zoned Residential 1 should comply with the objectives of Clause 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.*

**Not applicable.**

#### **Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development**

11.32 Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development sets out policy outcomes for a number of relevant elements, which have been considered in turn as follows:

- **Public realm** – the building incorporates a setback above the streetwall from William Street and a condition will require the same from Stuart Street, which would generally accord with Performance Measure 1. There would be no adverse overshadowing of the public realm. In this location, wind impacts are not likely to be excessive, however requiring a wind assessment will ensure that any modifications to ensure pedestrian amenity around the building would be captured in the final design (**refer recommended condition 9**).
- **Street level frontages** – the building would provide for active frontages to both William and Stuart Streets with numerous windows and few blank walls. Roller doors to Stuart Street would be in keeping with the industrial surrounds. Canopies would be limited to over the main entries. Glazed windows would be introduced facing Balaclava Walk, which is a positive outcome that would improve safety through passive surveillance of the walkway. **Recommended condition 1k** requires that these windows be treated with clear glazing.
- Landmarks, **Views and Vistas** - the building would not disrupt any notable landmarks, views or vistas.
- **Large Sites** – the site is not large enough to warrant public pedestrian access through the building, particularly given that it is proposed to provide direct access to Balaclava Walk East from Stuart Street as part of this redevelopment.
- **Energy and Resource Efficiency** – these outcomes would generally be achieved, as set out in the SMP.
- Building **Design** – the building design would generally achieve the policy objectives, noting that this is a well resolved, high quality building as previously discussed. External lighting would be required to Balaclava Walk and all lighting would be required to be baffled (**refer recommended condition 22**).





- **Urban Art - Recommended condition 10** requires an urban art contribution in accordance with the policy.
- **Landscape** – there is no significant vegetation on the site and landscaping is not a feature of this industrial precinct. The proposal would incorporate some landscaping and conditions would require detailed landscape plans and ongoing maintenance (**refer recommended conditions 14-16**).
- **Public Open Spaces** - the site abuts the Balaclava Walk East and has sought to improve the public realm through a number of measures including the provision of pedestrian access from Stuart Street to Balaclava Walk (although this will be subject to further approvals from VicTrack). The proposal would not result in any unreasonable overshadowing to key public areas, noting that the existing buildings on the site already overshadow Balaclava Walk for much of the day.
- **Private and Communal Open Space** –communal roof top space and a terrace at the second floor are proposed to provide for occupants of the building. They would generally receive good solar access and facilitate both passive and active recreation. They would not project outside of the site boundaries.
- **Fences** – none proposed.
- **Residential Amenity** – the roof top communal open space would receive ample sunlight (noting it would be associated with non-residential uses).

There would be no unreasonable impacts to existing habitable rooms and private open space of neighbouring residential properties. Specifically, the shadow diagrams submitted demonstrate that the dwellings at 57 Rosamond Street and 58 Nightingale Street would be affected by additional shadow at 9 am at the equinox, but that would cease before 9:30 am.

To limit excessive noise from externally located services and plant, **recommended condition 29** would require that the services zone on the roof be screened.
- **Car Parking and Pedestrian Access** – one vehicle access point is proposed, which is a positive outcome noting that five other crossovers would be reinstated resulting in the creation of additional on-street parking spaces. Pedestrian access would be via a canopied central entry on William Street or Stuart Street, which would be convenient and practical.
- **Loading Facilities** – it is proposed to dedicate two of the electronic car parking bays to loading outside of 9am and 5pm. This will enable small trucks making deliveries to the microbrewery and offices and collecting waste to load and unload on site. **Recommended condition 21** will require that the loading bay is provided outside of 9am and 5pm, as proposed. In addition, there is a dedicated loading bay on Stuart Street outside the site, which larger vehicles could use.
- **Site Facilities** – appropriate provision has been made for waste storage and collection. There is ample room for mailboxes to be installed in the lobby.

### **Car Parking, Access, Traffic Impacts and Bicycle Facilities**

#### Car parking provision

11.33 Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.



11.34 Pursuant to Table 1 at Clause 52.06-5, a rate of 3 spaces must be provided to each 100 sqm of net floor area of an office and 1 space to each 100 sqm of net floor area of an industry (for the microbrewery). Based on an area of 6,824 sqm for the offices (including ground level spaces) the offices require 204 car spaces. Based on an area of 692 sqm, the microbrewery requires 6 car spaces. Therefore a total of 210 car spaces are specified. The proposal would provide for 72 car spaces: 62 car parking spaces would be allocated to the office and 10 to the microbrewery. Accordingly, a permit is required to reduce the number of car parking spaces for the office from 210 to 62 (a reduction of 148 spaces).

11.35A Traffic Engineer Assessment prepared by Traffix Group dated September 2019 has been submitted in support of the application. This sets out the following key justification (summarised) for the proposed car parking reduction:

- The site is extremely well served by public transport, including the Balaclava train station, 3/3a and 16 trams on Carlisle Street, 78 tram on Church Street, 67 tram on Brighton Road and 623, 216, 219, 606, 600, 922 and 923 bus routes in the wider area.
- Access to bicycle network including informal bike routes on Marlborough Street and on-road bike lane on Carlisle Street.
- The likelihood that some trips will be accommodated on foot.
- A rate of approximately 0.94 car space per 100sqm of office area is proposed. Lower rates of parking demand can be expected for an office in an activity centre such as this; with examples of lower statutory rates of 1 to 2 spaces per 100 sqm of office in other locations.
- Less demand is anticipated from the co-share spaces which comprise approximately 40% of the office area.
- Car parking surveys were undertaken of the area which indicated high occupancy rates of between 82% and 92% during week day office hours. As there is only limited unrestricted on-street parking within the area (which is in high demand), and future occupants would not be eligible for any parking permits, there will be less incentive for employees to drive.
- Access to local car share vehicles in area, and implementation of two car share spaces in front of the site (funded by the proponents).
- A Green Travel Plan has been prepared to support the development and sets out various initiatives to promote alternative transport options.

11.36 This is generally agreed with by officers and Councils Traffic Engineers. In addition, the following is also considered relevant to the car parking assessment:

- The reinstatement of five vehicle crossovers would result in around four additional on-street parking spaces being created.
- Three motorcycle spaces would be provided within the basements.
- 84 bicycle parking spaces and end of trip facilities would be provided for employees.



- Two car share spaces are proposed to be funded by the proponent on William Street. Clause 5.1.1 of Council's Car Share policy states that 'research shows that one car share vehicle replaces an average of 10 privately owned vehicles'.

11.37 Further, Council's Sustainable Transport Policy and Parking Rates stipulates that a lower rate of parking (of 2-3 unshared spaces or 2-2.8 shared spaces per 100 sqm of office) can be considered for offices where various characteristics are met, as outlined below. It is noted that this policy was introduced when the car parking rates for offices within the principal public transport network (PPTN) was 3.5 spaces per 100 sqm under Clause 52.06. Subsequently Clause 52.06 was amended so that a rate of 3 spaces per 100 sqm applies to this site, being within the PPTN.

Requirements to obtain upper limit of sustainable rate:

- Within an activity centre – **achieved**
- No more than 200 m from fixed rail public transport – **achieved**
- Strict control of on-street parking in surrounding streets – **achieved**
- Provision of motor scooter/ motorbike parking on site – **achieved**
- Provision of full bicycle parking and amenities required under Clause 52.34 – **achieved**

Requirements to obtain lower limit of sustainable rate:

- Total supply of parking is pooled or shared – **not achieved**
- Subsidised public transport – **not achieved**
- Exceed bicycle provisions of Clause 52.34 – **achieved**
- Upgrade public transport facilities in area – **not required**
- Participation in car share scheme or other similar initiatives – **achieved**
- Other initiatives to reduce usage of motor vehicles – **achieved (for instance, refer initiatives outlined in green travel plan)**

11.38 All of the mandatory requirements would be met and if the parking requirement were to be reduced to the lower sustainable parking limit of 2 spaces per 100sqm of office, 136 car spaces would be required for the office.

11.39 Notwithstanding this and on balance for the reasons outlined above, the reduction of car parking is acceptable and the proposed provision of 62 spaces for the office and 10 for the microbrewery is supported on the basis that it would accommodate the likely demand having regard to the site's location in an activity centre and adjacent to a train station. Recommended conditions would require the implementation of the Green Travel Plan (**refer recommended condition 24**).

11.40 The implementation of the car share spaces on William Street would require agreement from Council as land manager as well as a local car share provider, before they could be implemented. Providing them in front of the site would make them accessible to the general public (as opposed to providing them within the basement where they would likely only be accessible to employees and office workers). **Recommended condition 25** would specifically require the implementation of the car share spaces, or provision of an alternative equivalent sustainable travel option (in the event that agreement from Council as land manager and/ or a car share provider is not forthcoming). While this is not Council's standard condition for implementation of car share schemes – which

requires a s 173 Agreement - such a condition is not appropriate in this case because the car share spaces are proposed on public land.

#### Car parking layout and access

11.41 The car parking layout and access ways have been reviewed by Council's Traffic Engineer who has not raised any issues with the proposal, having particular regard to the design requirements of Clause 52.06 Car parking. Refer referral advice at Section 9 of this report.

#### Traffic impacts

11.42 The Traffic impact assessment submitted with the application submits that traffic generation from the offices is likely to be 36 vehicle trips per hour. This generation was in put to SIDRA analysis based on traffic counts undertaken at the intersections of Carlisle Street/ William Street and William Street/ William Place. It concludes that the traffic generated by this development would not have any major impact on either of these intersections.

11.43 Council's Traffic Engineer has reviewed the proposal and Traffic impact assessment and has not raised any concerns in relation to traffic generation or impacts on the wider area. Refer referral advice at Section 9 of this report.

#### Loading

11.44 There is no prescriptive requirement to provide an on-site loading bay. The proposal would dedicate two of the electronic car parking bays to loading outside of 9am and 5pm. This would enable on-site collection of waste by a private contractor as well as enable small trucks to make deliveries to the microbrewery and offices.

**Recommended condition 21** will require that the loading bay is provided outside of 9am and 5pm, as proposed.

11.45 Other deliveries would be via the street, likely the loading bay on Stuart Street abutting the site to the north. This is an acceptable outcome, particularly given that the office component is unlikely to generate significant loading requirements, and the on-street loading bay would enable convenient and direct access for deliveries to the microbrewery. In some instances, reliance on an on-street loading bay is not appropriate, however another relevant factor here is that the this proposal would remove a number of crossovers providing for additional on-street parking and enabling an additional public loading bay, if required in the future.

#### Bicycle Facilities

11.46 Pursuant to Clause 52.34 Bicycle facilities a permit is required to vary, reduce or waive any bicycle facilities requirements of Clauses 52.34-5. Table 1 to Clause 52.34-5 specifies a rate of 1 bicycle space to each 300 sqm of net floor area for employees and 1 space to each 1000 sqm of net floor area for visitors for offices. No rate is listed for industry. This equates to a requirement of 23 spaces for employees and 9 spaces for visitors (31 spaces in total). Further, pursuant to Clause 52.34-5, three showers are required and three change rooms are required, for employees.

11.47 As 84 bicycle parking spaces and end of trip facilities comprising 10 combined shower/ changerooms, two toilets and 108 lockers are proposed, these requirements would be exceeded. No permits are required under Clause 52.34.

11.48 Overall, the provision of this many bicycle parking spaces and associated end-of-trip facilities is a positive outcome, and would serve the needs of future employees.



### **Sustainable Design and Water Sensitive Urban Design**

11.49A Sustainable Management Plan has been submitted in support of the application.

These describe various initiatives that have been incorporated into the proposal including 25,000 L rainwater tank, 25 kW solar photovoltaic system on the roof, six electric vehicle charging stations, high performance glazing and energy efficiency building services, appliances and fixtures and environmentally preferable internal finishes.

11.50 Council's Sustainable Design Advisor has reviewed the proposal and confirmed that the proposal would meet Council's standard SD and WSUD requirements, subject to conditions. Refer discussion at section 9 of this report and **recommended conditions 5, 6, 7 and 8.**

## **12. COVENANTS**

12.1 The subject site comprises the following parcels of land:

- 21 William Street – Lot 1 on Title Plan 650334E (Volume 100005 Folio 994).
- 23 William Street – Land in Plan of Consolidation 108381 (Volume 09331 Folio 124).

12.2 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site.

## **13. OFFICER DIRECT OR INDIRECT INTEREST**

13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## **14. OPTIONS**

14.1 Support as recommended.

14.2 Support with changed or additional conditions.

14.3 Oppose on key issues.

## **15. CONCLUSION**

15.1 The site is located in the Carlisle Street Major Activity Centre and adjacent to the Balaclava Train Station, and is suitable for a more intensive commercial development having regard to relevant State and Local Planning Policy. The provision of office space and microbrewery in this location would achieve with various state and local planning objectives which seek employment generating uses in this precinct.

15.2 The Carlisle St Activity Centre Urban Design Framework (UDF) sets out various built form guidance for this site, including a recommended height of five storeys. The building would achieve the relevant built form design objectives set out in the planning scheme and UDF, despite exceeding the preferred maximum height of five storeys and subject to a condition requiring an additional setback from Stuart Street above the streetwall.

15.3 This is because it is a 'high-quality architectural response' that incorporates a podium/tower typology that, with the setbacks to William and Stuart Street above the street wall, would largely ameliorate visual bulk and have a 'slim, vertical reading'. The design would result in 'significant improvements to the public realm' and would not cause any unreasonable off-site impacts such as overshadowing. Importantly, a taller building can



be accommodated on this site, which is uniquely located with interfaces to the station and three streets and is a consolidated site that is one of the largest within this precinct.

15.4 The provision of 72 car parking spaces for businesses of the building is acceptable, and the reduction in car parking is supportable for a number of reasons, notably the location of the site within a Major Activity Centre directly adjacent to Balaclava train station and provision of alternate transport options.

15.5 Overall, the proposal is appropriate and should be supported, subject to conditions. It is recommended that the Council position for the upcoming appeal be to support the proposal, subject to conditions.

1.

<b>TRIM FILE NO:</b>	<b>PF19/19699</b>
<b>ATTACHMENTS</b>	<b>1. Advertised Plans</b>
	<b>2. Objector Map</b>
	<b>3. Photomontages</b>