

Report to the Future Melbourne Committee**Agenda item 6.4****Ministerial Planning Referral: TPM-2022-20
559-577 King Street, West Melbourne****24 October 2023****Presenter:** Nick McLennan, Acting Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for the development of land at 559-577 King Street, West Melbourne. The application also includes proposed works over a Council laneway, Corporation Lane 1091 (CL1091) (refer Attachment 2 – Locality Plan).
2. The application proposes the use and development of land for three multi-storey buildings ranging in height from six to ten storeys to be used for dwellings, food and drink premises and office (refer Attachment 3 – Selected Plans).
3. The applicant is 577 King Street Developments Pty Ltd (c/- Tract Consultants Pty Ltd); the owners are Zagame King Street Pty Ltd; and DKO Architecture (Vic.) Pty Ltd have designed the buildings.
4. The site is located in Special Use Zone – Schedule 6 (SUZ6), Design and Development Overlay – Schedule 72 (DDO72), Environmental Audit Overlay (EAO) and Parking Overlay – Schedule 14 (PO14). King Street also forms part of a Transport Zone, Category 2 Road.
5. The Department of Transport and Planning (DTP), on behalf of the Minister, has given formal notice of the application to Council and requested comment and advice.

Key issues

6. The key issues in the consideration of this application are the design and detail of the three buildings having regard to surrounding built form, scale, amenity impacts on adjoining properties and compliance with the objectives of the West Melbourne Spencer Street precinct (SUZ6 and DDO72).
7. The layout and design of the three buildings sit comfortably within the broader West Melbourne Spencer Street Precinct. All three buildings have been designed in a way so they are architecturally independent and generally aligned with the preferred built form outcomes including street wall heights and upper level setbacks detailed in the DDO72.
8. The application includes a pedestrian through link that will connect Roden Street to Stanley Street that will be open to the public, the provision of six per cent of dwellings as affordable housing, 10.30 per cent deep soil planting provided across the site and is committed to providing a 5 Star Green Star Building rating.
9. A positive mix of uses is proposed onsite, including lower level office and food and drink premises. All car parking is underground with access via one crossover to Stanley Street only. No street trees are proposed to be removed.
10. The proposal will not result in unacceptable amenity impacts to adjoining properties and will not overshadow Eades Park between 11am and 2pm on 22 September.
11. Conditions are recommended for inclusion on the permit to ensure sufficient detail is provided for a high quality façade and to confirm the landscape outcomes including details of the provision of deep soil planting.

Recommendation from management

12. That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to the application subject to the conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 97)
2. Locality Plan (Page 3 of 97)
3. Selected Plans (Page 4 of 97)
4. Delegate Report (Page 36 of 97)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority (RA) for planning permit applications located within the City of Melbourne where the development exceeds a gross floor area of 25,000m²; and is therefore the RA for this application.
2. The application is not exempt from the notice requirements of sections 52(1)(a), (b) and (d), the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987* (the Act). Council therefore has formal status under the Act and has both notice and appeal rights in relation to the application.
3. This application is not exempt from public notice and in accordance with section 52(1)(b) of the Act, DTP have given formal notice of the application to Council.

Finance

4. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

6. Relevant planning considerations such as traffic and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process. No other health and safety issues or opportunities have been identified.

Stakeholder consultation

7. DTP, on behalf of the Minister for Planning, has given formal notice of the application to Council and requested comment and advice to support DTP in completing an assessment and the Minister in making a decision.
8. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of the DTP acting on behalf of the Minister for Planning.
9. DTP have advised that they have received five objections.

Relation to Council policy

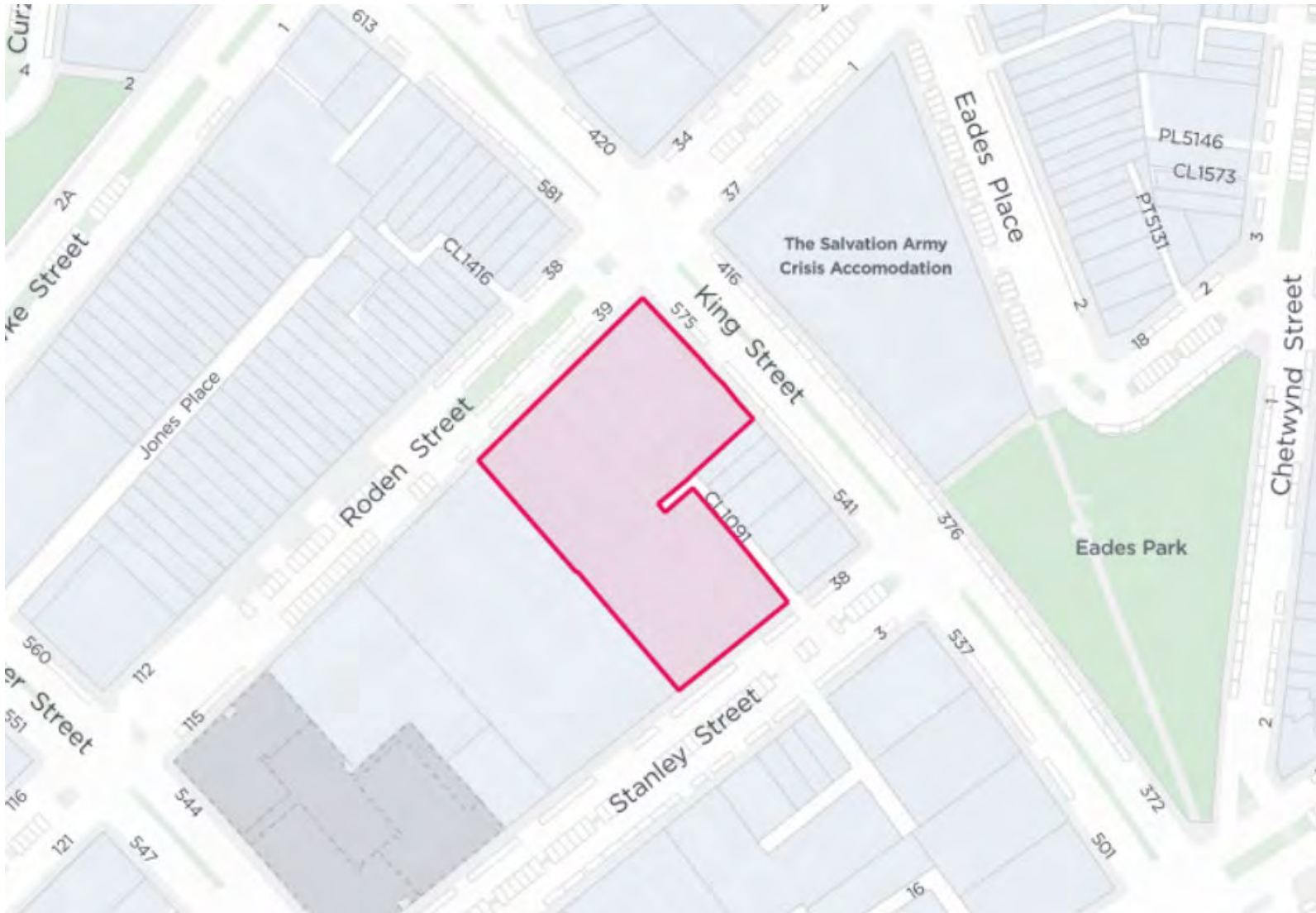
10. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

11. The Sustainable Management Design (SMP) report submitted with the application confirms the proposed development will generally achieve the relevant performance measures set out in Clauses 15.01-2L-01 (Energy, Water and Waste Efficiency) and 19.03-3L (Stormwater management (water sensitive urban design)) of the Melbourne Planning Scheme.
12. Permit conditions requiring implementation of the SMP initiatives are recommended.

Locality Plan

559-577 King Street, West Melbourne



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ANY EASEMENTS SHOWN SHOULD BE READ IN CONJUNCTION WITH THE RELEVANT TITLE.

- LAND UNDER SURVEY
- E-1 DRAINAGE EASEMENT
- E-2 PARTY WALL EASEMENT

ABBREVIATIONS:

- BK BRICK
- CB CENTRE OF BITUMEN (ROAD)
- CL PIT COVER LEVEL
- DP DRAINAGE DOWN PIPE
- F FENCE
- FL FLOOR LEVEL
- H HABITABLE WINDOW
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- THL THRESHOLD LEVEL
- LG LOWER GROUND
- GF GROUND FLOOR
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LINESTYLES / SYMBOLS:

- BUILDING (MASONRY)
- BUILDING (OTHER)
- FENCE
- INVERT OF CHANNEL
- OVERHEAD CABLE
- ROOFLINE
- TOE OF BANK
- TOP OF BANK

SYMBOLS:

- BOLLARD
- DOWN PIPE
- DRAINAGE COVER
- GRATED PIT
- SIDE ENTRY PIT
- GAS METER
- GAS VALVE
- PETROL VALVE
- ELECTRICITY PIT
- ELEC LIGHT POLE
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- FIRE PLUG
- FIRE HYDRANT
- SPRINKLER
- STOP VALVE
- WATER TAP
- WATER METER
- TREE MEASURED
- TREE (APPROX)

CERTIFICATION BY SURVEYOR

I ROBIN McDOWELL of 6/440 Elizabeth St Melbourne certify that this plan has been prepared from a survey made under my direction and supervision, in accordance with the Surveying Act 2004 and completed on 28/03/2022, that this plan is accurate and correctly represents the adopted boundaries and the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.

RMCD Licenced Surveyor (Surveying Act 2004)

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LINE STYLES:

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- U/G SEWER SERVICE
- U/G TELECOM SERVICE
- U/G WATER SERVICE

REVISIONS

Rev	Description	By	Date
Ref: 24032	Drawn: CD	Sheet: 1 of 3	
Rev: A	Date: 06/04/2022	Checked: MS	

PLAN OF RELOCATION FEATURES AND LEVELS
559-577 KING STREET
WEST MELBOURNE, VIC 3003

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survey@reedsconsulting.com.au

Client Details
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E #Client E-mail

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ABN: 61443783636

Project Name: 577 King Street
Project Number: 12796
Project Address: 577 King Street, West Melbourne, VIC 3003

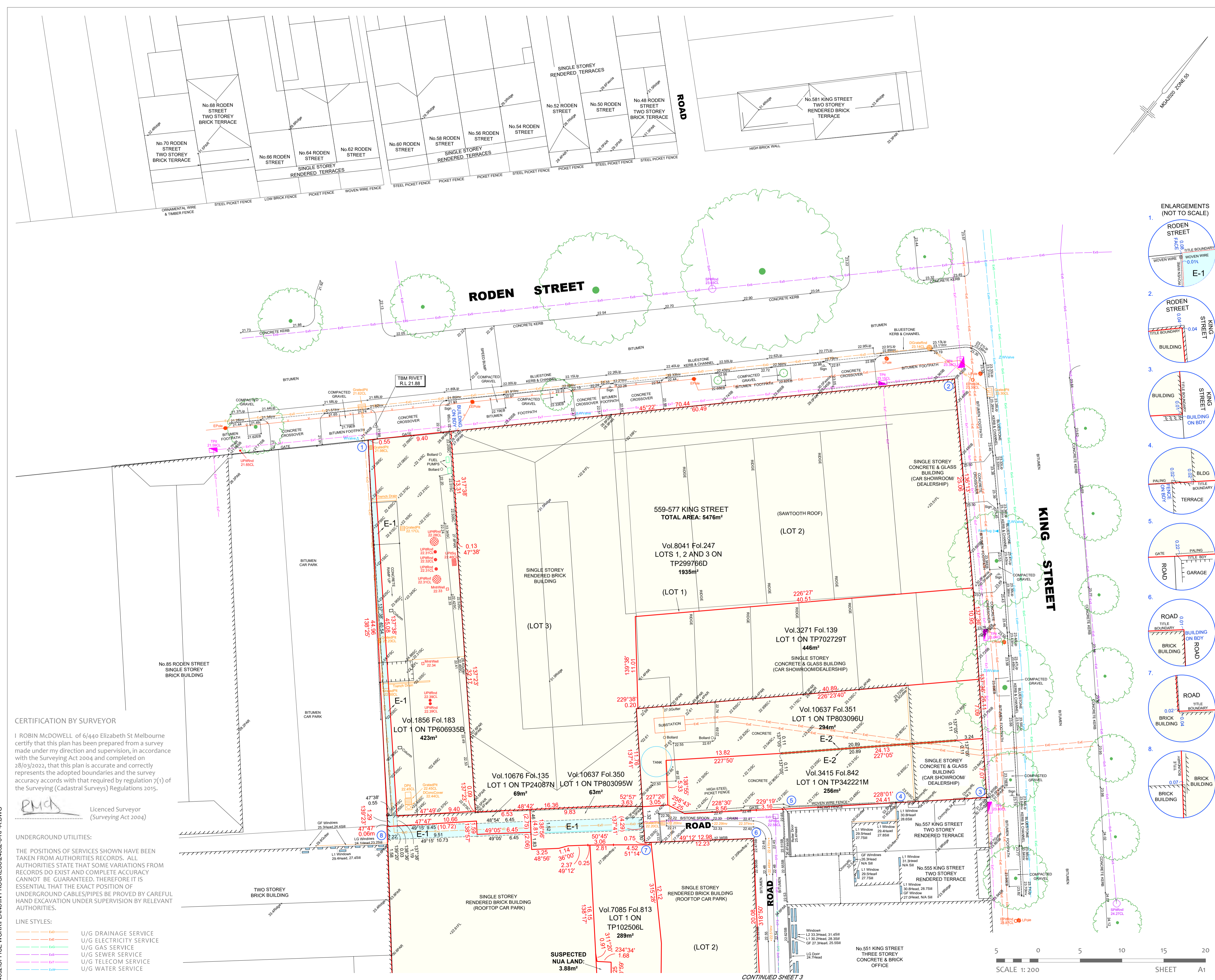
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Revision: **C**

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ENLARGEMENTS (NOT TO SCALE)

- 1. RODEN STREET
2. RODEN STREET
3. BUILDING
4. BUILDING
5. ROAD
6. ROAD
7. ROAD
8. BRICK BUILDING

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Rob McDowell Licenced Surveyor (Surveying Act 2004)

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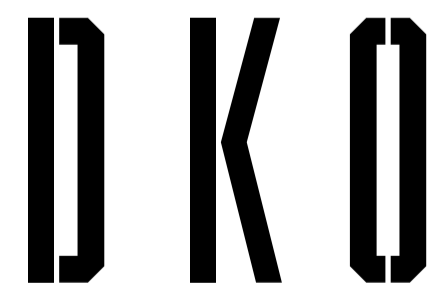


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Rev: A Date: 05/04/2022 Checked: MS
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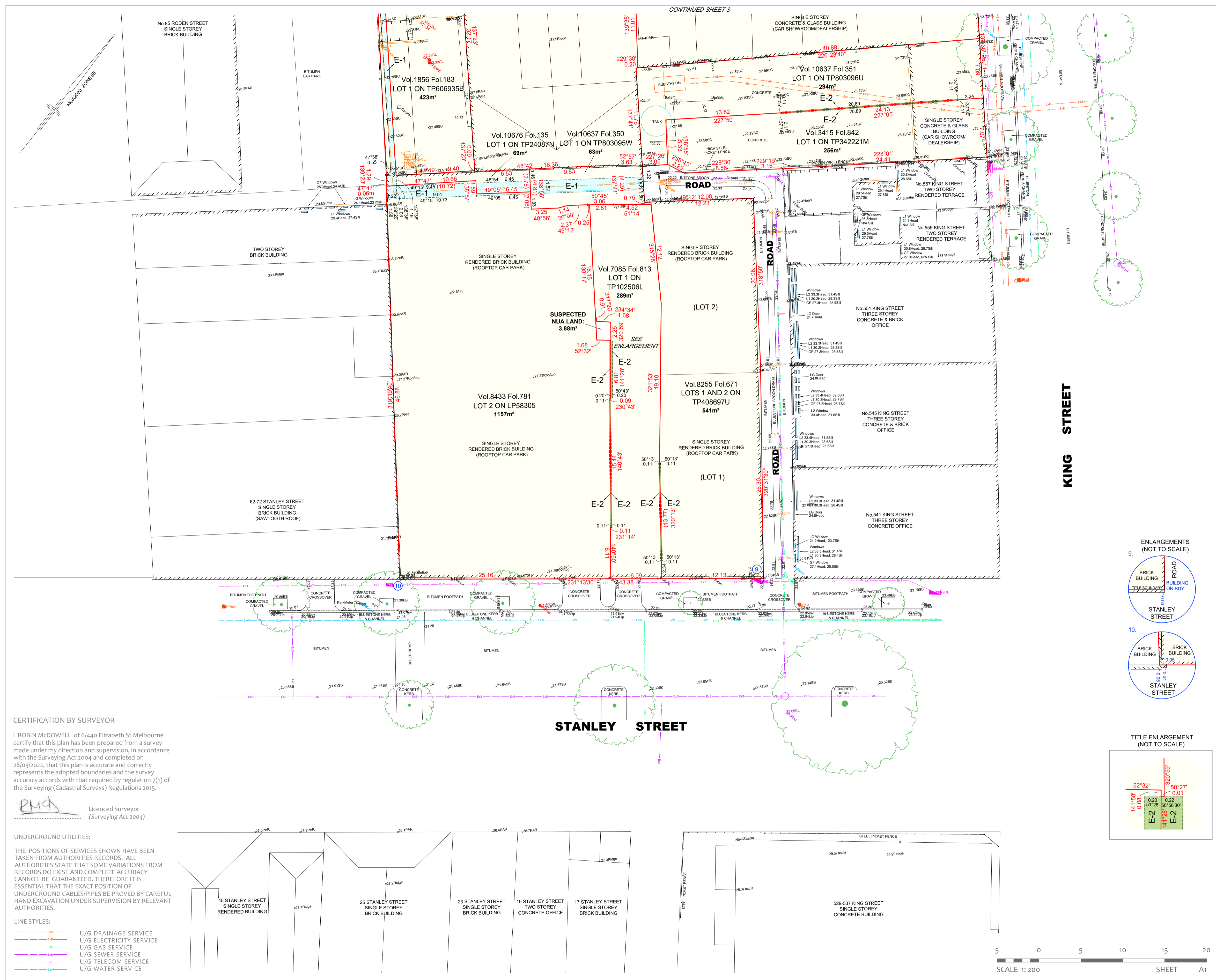
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Project Name: 577 King Street
Project Number: 12796
Project Address: 577 King Street, West Melbourne, VIC 3003
Drawn By:
Checked By:
Date:
Scale: 9/08/2023

Drawing Series: Site Series
Drawing Name: Survey Plan

Drawing Number: TP101
Revision: C



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Rev. Date By Ckd Description

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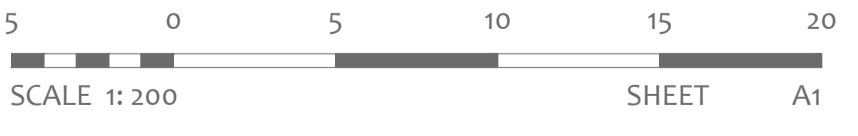
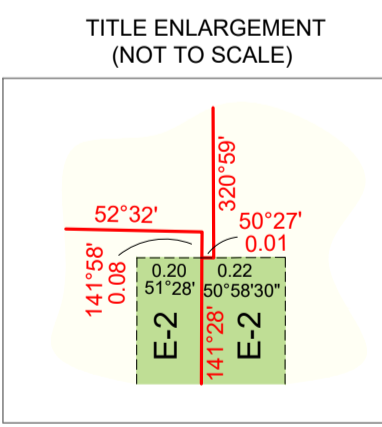
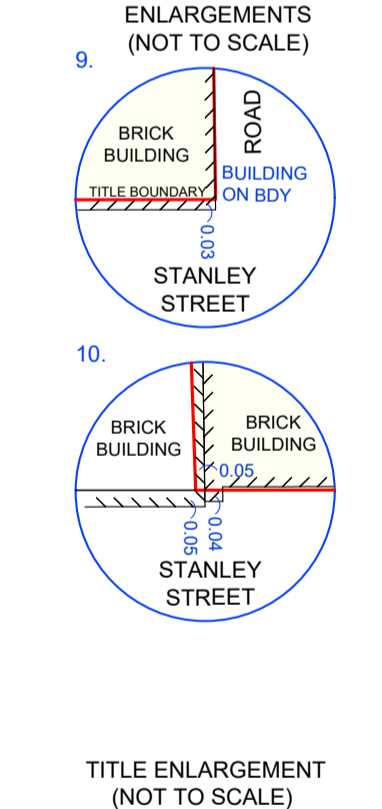
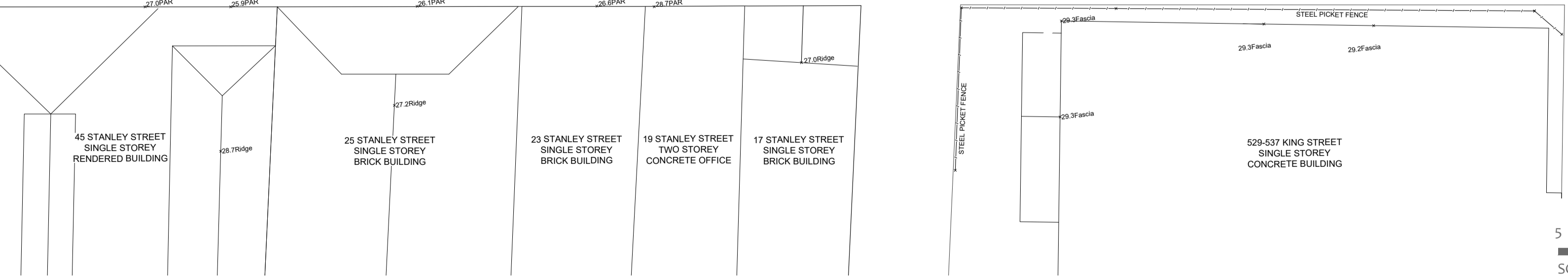
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(Surveying Act 2004)

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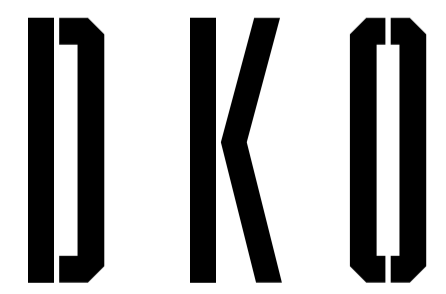
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 ABN: 6143783666

Project Name: 577 King Street
 Project Number: 12796
 Project Address: 577 King Street, West Melbourne, VIC 3003

Drawn By: [Name]
 Checked By: [Name]
 Date: 9/08/2023
 Scale: [Scale]

Drawing Series: [Name]
 Drawing Name: [Name]

Site Series: [Name]
 Survey Plan: [Name]

Drawing Number: **TP102**
 Revision: **C**

RODEN STREET



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 All shop drawings shall be submitted to the Architect/Consultant, and manufacturer shall not commence prior to return of inspected shop drawings by the Architect/Consultant

Note:
 All car space 4.9m x 2.6 (L x W), unless otherwise specified.

4.bi

Rev.	Date	By	Ckd	Description

Client Details	T #Client Phone Number
PDG	E #Client E-mail
PDG	

Consultants

DKO

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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	1:200 @A1

Drawing Series	Plans
Drawing Name	Basement Plan

Drawing Number	TP200
Revision	C

RODEN STREET

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KING STREET

Rev.	Date	By	Ckd	Description

Client Details	T #Client Phone Number
PDG	E #Client E-mail
PDG	

Consultants	
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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	1:200 @A1

Drawing Series	Plans
Drawing Name	Level 2 Plan

Drawing Number **TP203**
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RODEN STREET

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KING STREET

Bitumen Car Park

Street Building

2 Storey Brick Building

62-72 Stanley Street
1 Storey Brick Building

557 King Street
2 Storey Rendered Terrace

555 King Street
2 Storey Rendered Terrace

551 King Street
3 Storey Concrete & Brick Office

545 King Street
3 Storey Concrete & Brick Office

541 King Street
3 Storey Concrete & Brick Office

STANLEY STREET

Rev.	Date	By	Ckd	Description

Client Details	T #Client Phone Number
PDG	E #Client E-mail
PDG	

Consultants



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Drawn By	
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Drawing Series	Plans
Drawing Name	Level 3 Plan

Drawing Number **TP204**
 Revision **C**

RODEN STREET

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KING STREET

STANLEY STREET

Rev.	Date	By	Ckd	Description

Client Details	T #Client Phone Number
PDG	E #Client E-mail
PDG	

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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	1:200 @A1

Drawing Series	Plans
Drawing Name	Level 4 Plan

Drawing Number **TP205**
 Revision **C**

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 PDG

T #Client Phone Number
 E #Client E-mail

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Project Name
 Project Number
 Project Address

577 King Street
 12796
 577 King Street,
 West Melbourne, VIC 3003

Drawn By
 Checked By
 Date
 Scale

9/08/2023
 1:200 @A1

Drawing Series
 Drawing Name

Plans
 Level 5 Plan

Drawing Number
 Revision

TP206
 C

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PDG

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Project Name: 577 King Street
Project Number: 12796
Project Address: 577 King Street, West Melbourne, VIC 3003

Drawn By:
Checked By:
Date: 9/08/2023
Scale: 1:200 @A1

Drawing Series: Plans
Drawing Name: Level 7 Plan

Drawing Number: **TP208**
Revision: **C**

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Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street, West Melbourne, VIC 3003

Drawn By
 Checked By
 Date 9/08/2023
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Drawing Series Plans
 Drawing Name Level 8 Plan

Drawing Number **TP209**
 Revision **C**

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 T #Client Phone Number
 E #Client E-mail

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Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street, West Melbourne, VIC 3003

Drawn By
 Checked By
 Date 9/08/2023
 Scale 1:200 @A1

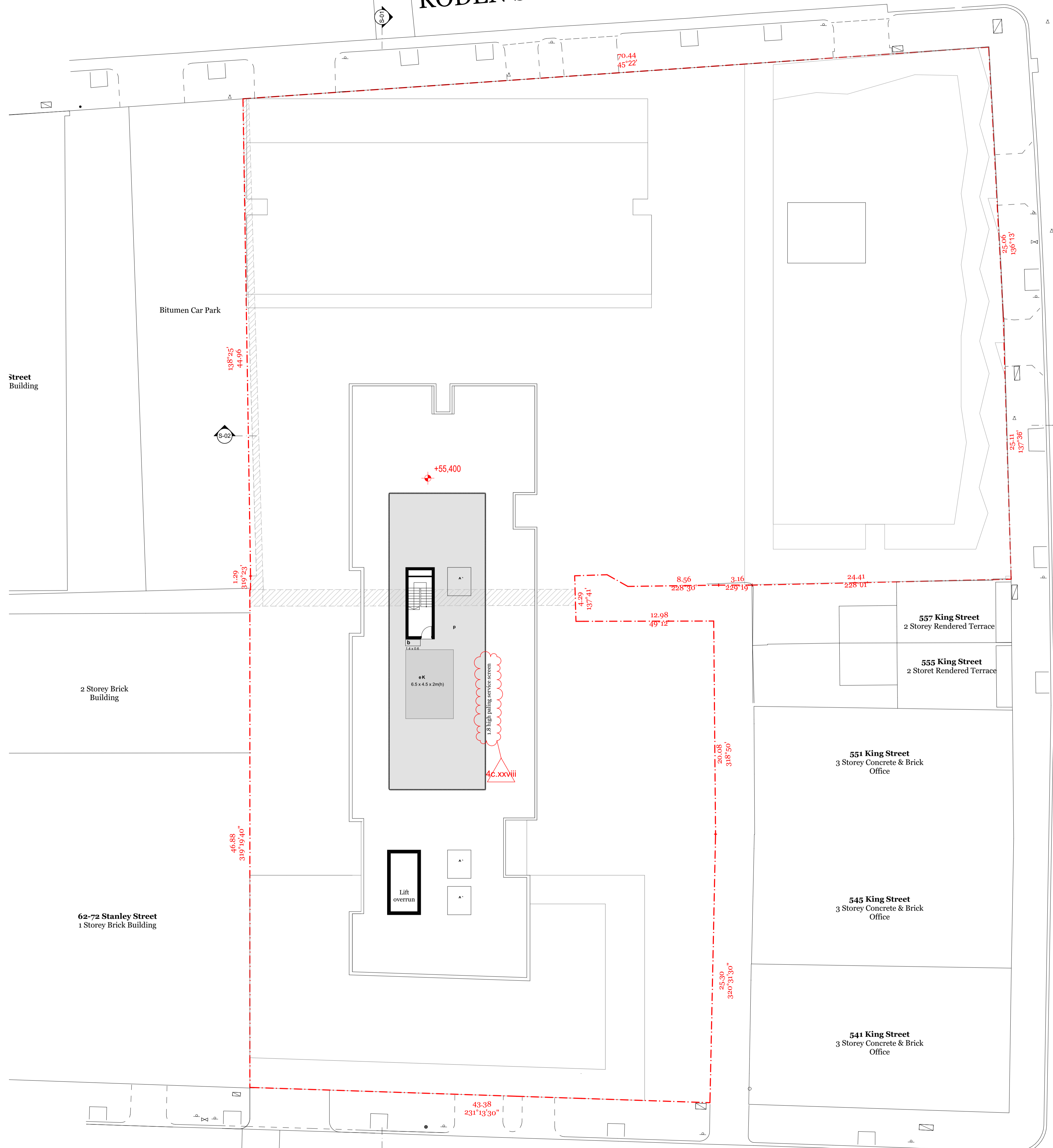
Drawing Series Plans
 Drawing Name Level 9 Plan

Drawing Number **TP210**
 Revision **C**

RODEN STREET

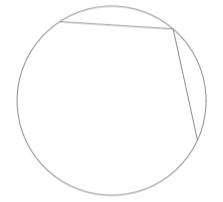
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STANLEY STREET



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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	1:200 @A1

Drawing Series	Plans
Drawing Name	Roof Plan

Drawing Number **TP211**
 Revision **C**



North West Elevation
1:200



North East Elevation
1:200

- EF01 Standing Seam - Dark
- EF02 Render - Dark
- EF03 Glass - Clear
- EF04 Glass - Grey
- EF05 Powdercoat - Dark
- EF06 Powdercoat - Bronze
- EF07 Powdercoat - Grey
- EF08 Red Brick
- EF09 Light-coloured cladding
- EF10 Brown Brick
- EF11 Concrete - Grey
- EF12 Concrete - Light Grey
- EF13 Render - Grey
- EF14 Concrete - Textured

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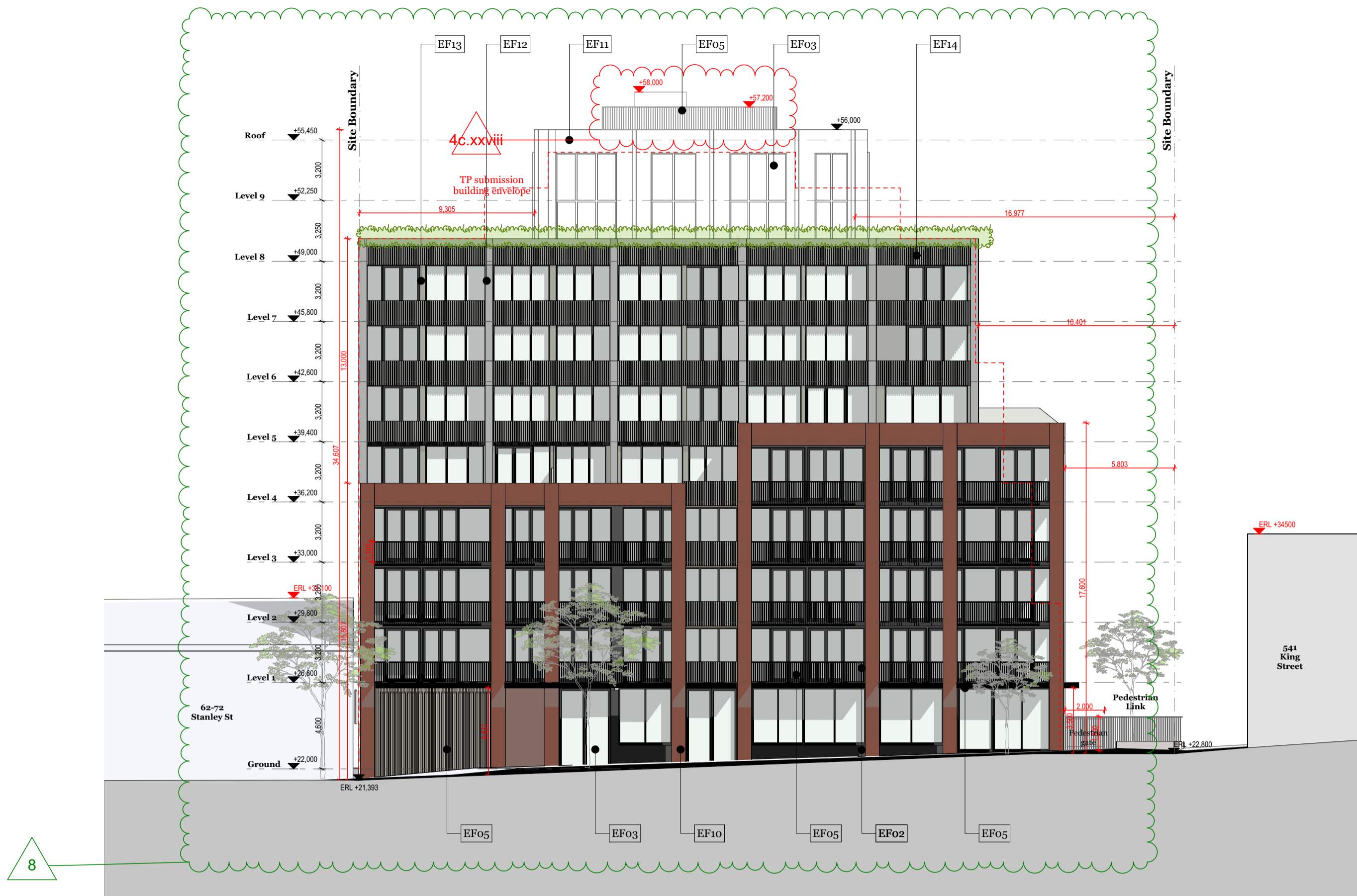
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Project Name 577 King Street
Project Number 12796
Project Address 577 King Street,
West Melbourne, VIC 3003

Drawn By
Checked By
Date 9/08/2023
Scale 1:200

Drawing Series Elevations & Sections
Drawing Name North West and North East
Elevations

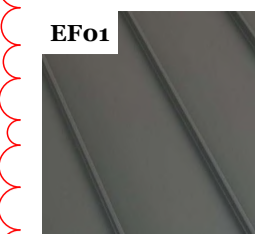
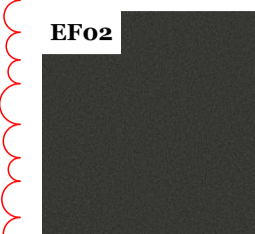

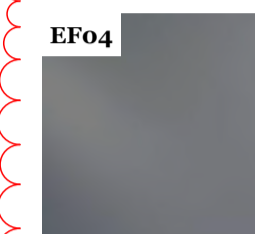
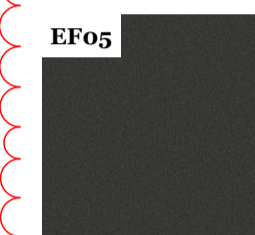
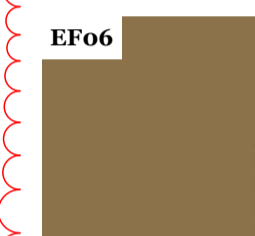
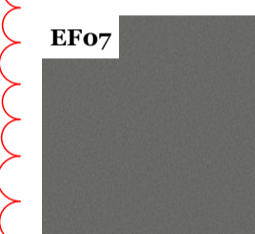

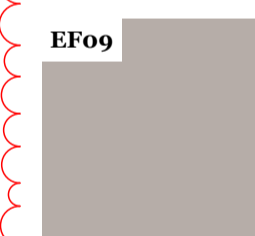
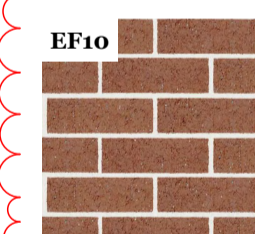
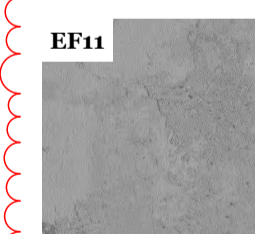
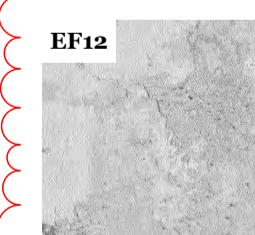
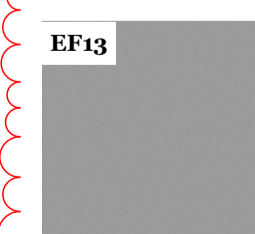
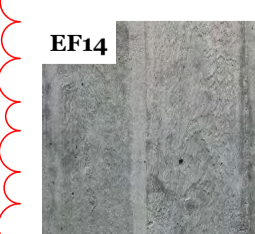
Drawing Number **TP300**
Revision **C**



South East Elevation
1:200



South West Elevation
1:200

- EF01  Standing Seam - Dark
- EF02  Render - Dark
- EF03  Glass - Clear
- EF04  Glass - Grey
- EF05  Powdercoat - Dark
- EF06  Powdercoat - Bronze
- EF07  Powdercoat - Grey
- EF08  Red Brick
- EF09  Light-coloured cladding
- EF10  Brown Brick
- EF11  Concrete - Grey
- EF12  Concrete - Light Grey
- EF13  Render - Grey
- EF14  Concrete - Textured

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Rev. Date By Ckd Description

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E #Client E-mail

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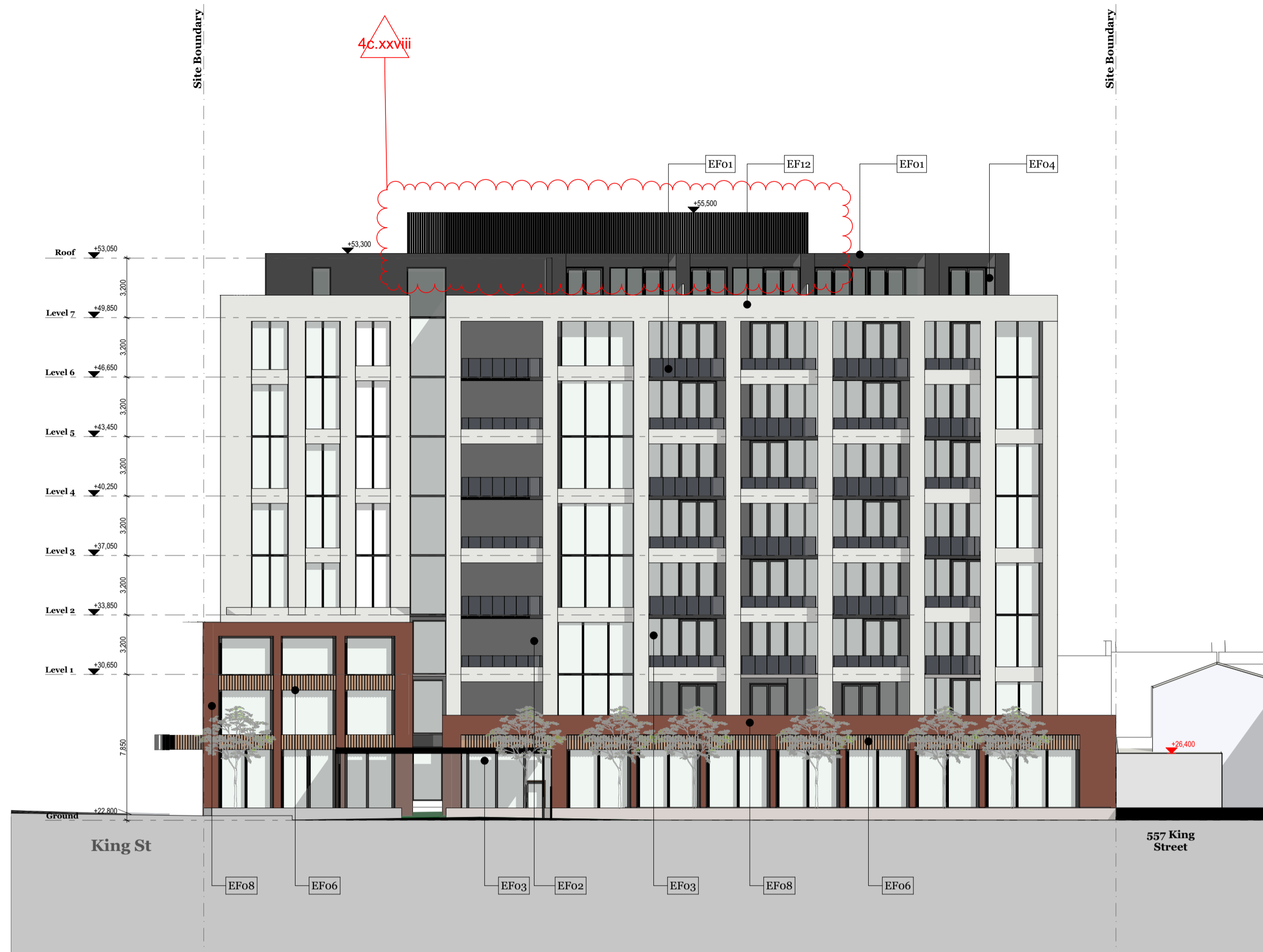
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Project Name 577 King Street
Project Number 12796
Project Address 577 King Street,
West Melbourne, VIC 3003

Drawn By
Checked By
Date 9/08/2023
Scale 1:200

Drawing Series Elevations & Sections
Drawing Name South East and South West
Elevations

Drawing Number TP301
Revision C




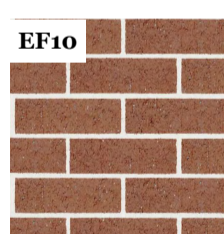
Building A South West Elevation
1:200



Building B South East Elevation
1:200



Building B and C North East Elevation
1:200

- EF01  Standing Seam - Dark
- EF02  Render - Dark
- EF03  Glass - Clear
- EF04  Glass - Grey
- EF05  Powdercoat - Dark
- EF06  Powdercoat - Bronze
- EF07  Powdercoat - Grey
- EF08  Red Brick
- EF09  Light-coloured cladding
- EF10  Brown Brick
- EF11  Concrete - Grey
- EF12  Concrete - Light Grey
- EF13  Render - Grey
- EF14  Concrete - Textured

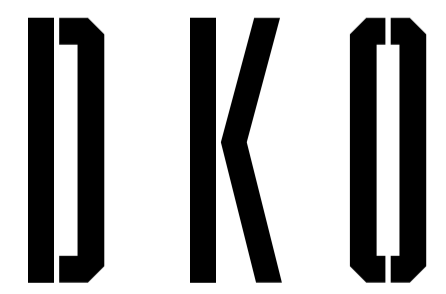
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T #Client Phone Number
E #Client E-mail

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Project Number 12796
Project Address 577 King Street, West Melbourne, VIC 3003

Drawn By
Checked By
Date 9/08/2023
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Drawing Series Elevations & Sections
Drawing Name Internal Elevations

Drawing Number **TP302**
Revision **C**



Building C North West Elevation
1:200



Building A South East Elevation
1:200



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T #Client Phone Number
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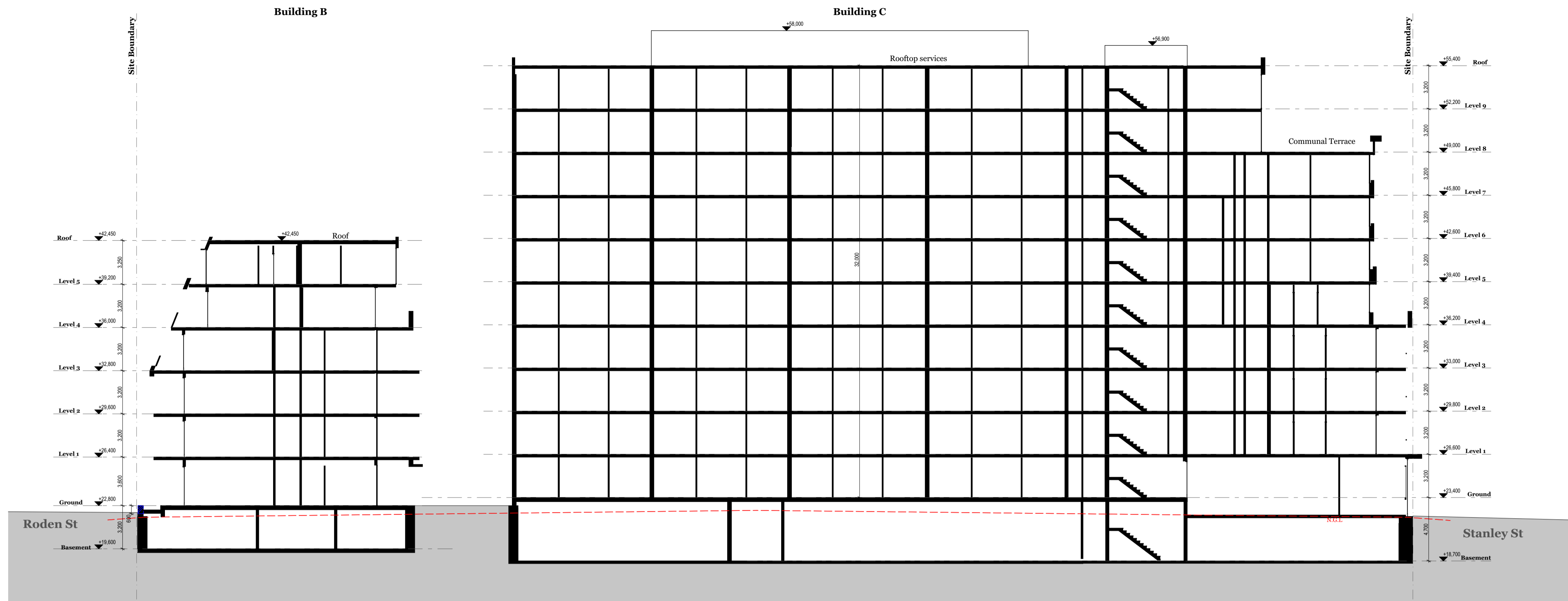
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Project Number 12796
Project Address 577 King Street,
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Drawn By
Checked By
Date 9/08/2023
Scale 1:200

Drawing Series Elevations & Sections
Drawing Name Internal Elevations

Drawing Number TP302a
Revision C

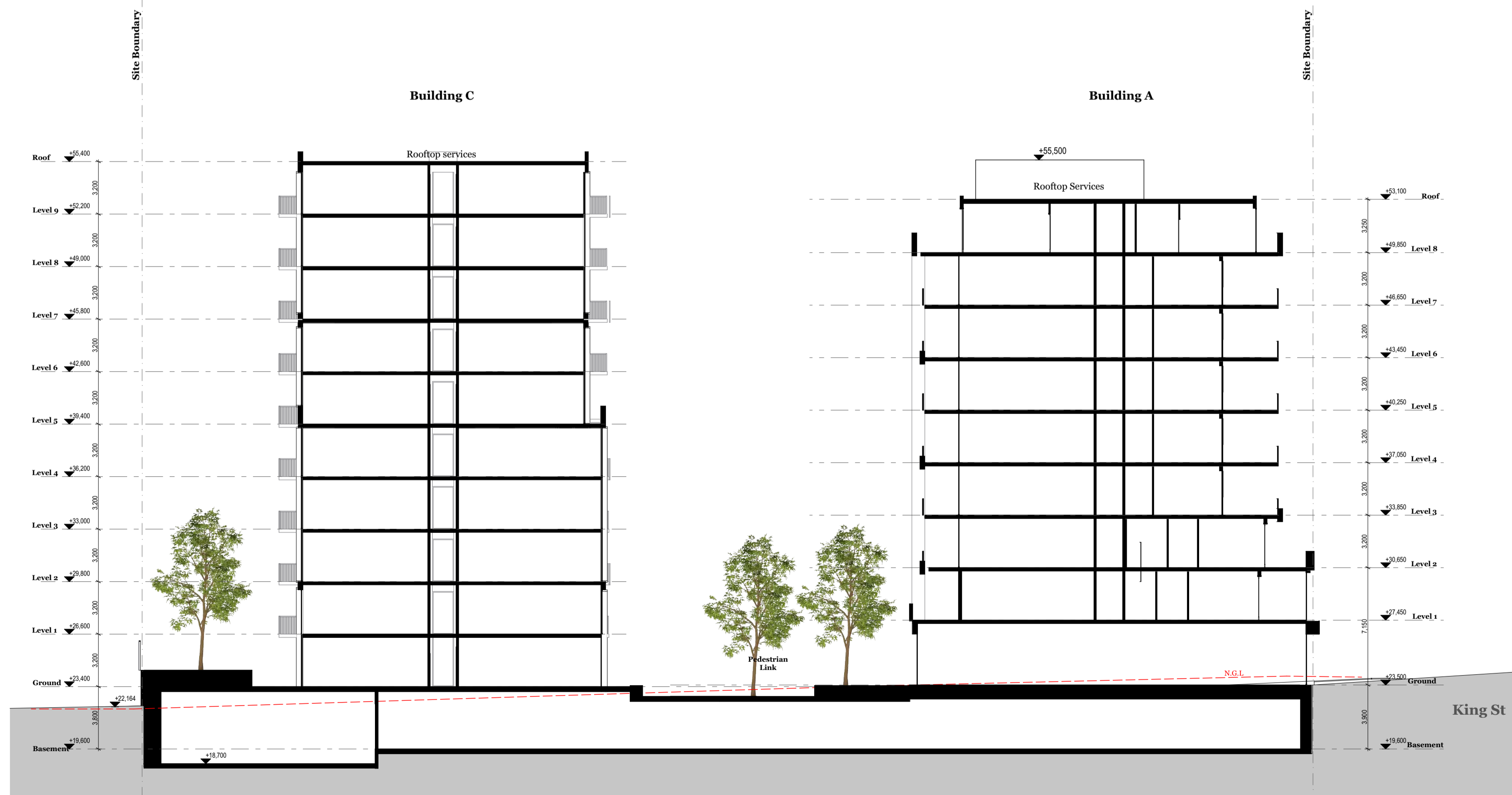


S-01 N-S Section
 1:200

Note:
 2.7m high ceiling to all living areas.

4.d

Rev. Date By Ckd Description



S-02 E-W Section
 1:200

Client Details
 PDG
 PDG
 T #Client Phone Number
 E #Client E-mail

Consultants

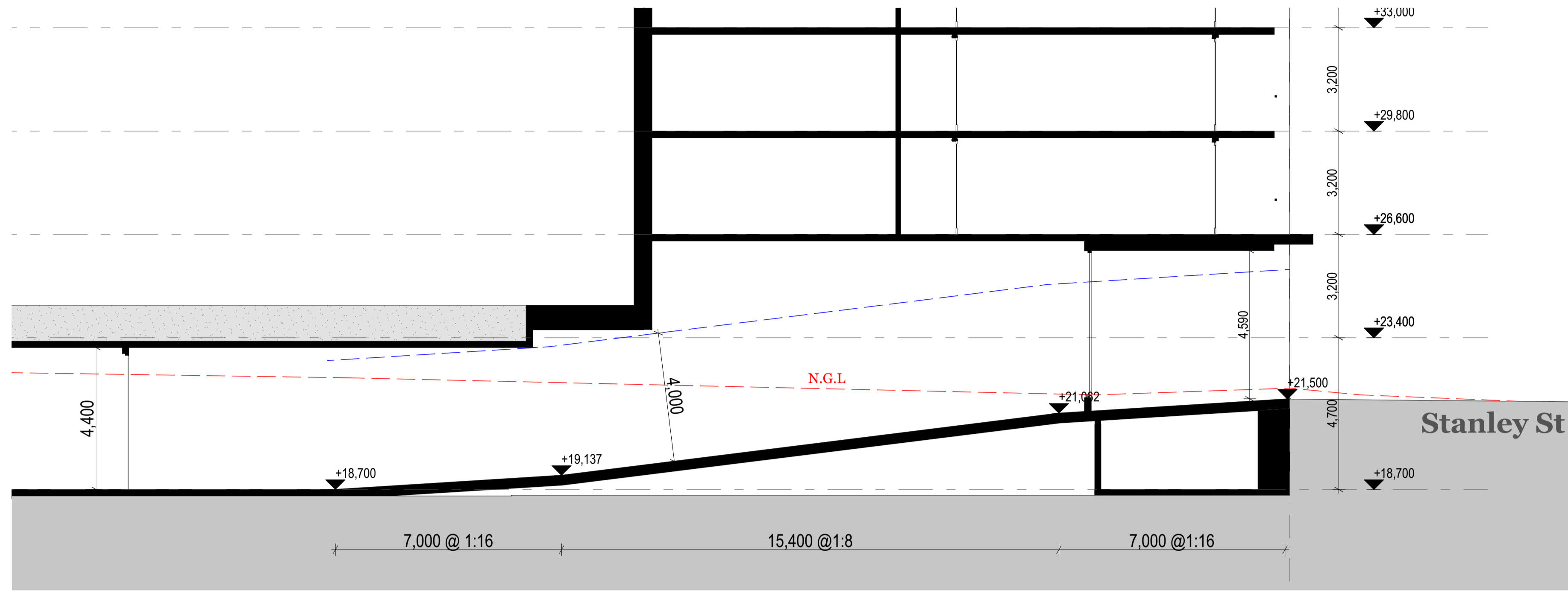
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Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street,
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 Drawn By
 Checked By
 Date 9/08/2023
 Scale 1:200 @A1

Drawing Series Elevations & Sections
 Drawing Name Sections

Drawing Number **TP303**
 Revision **C**



Section through car park ramp
 1:100

4.dxi

Rev.	Date	By	Ckd	Description
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PDG	

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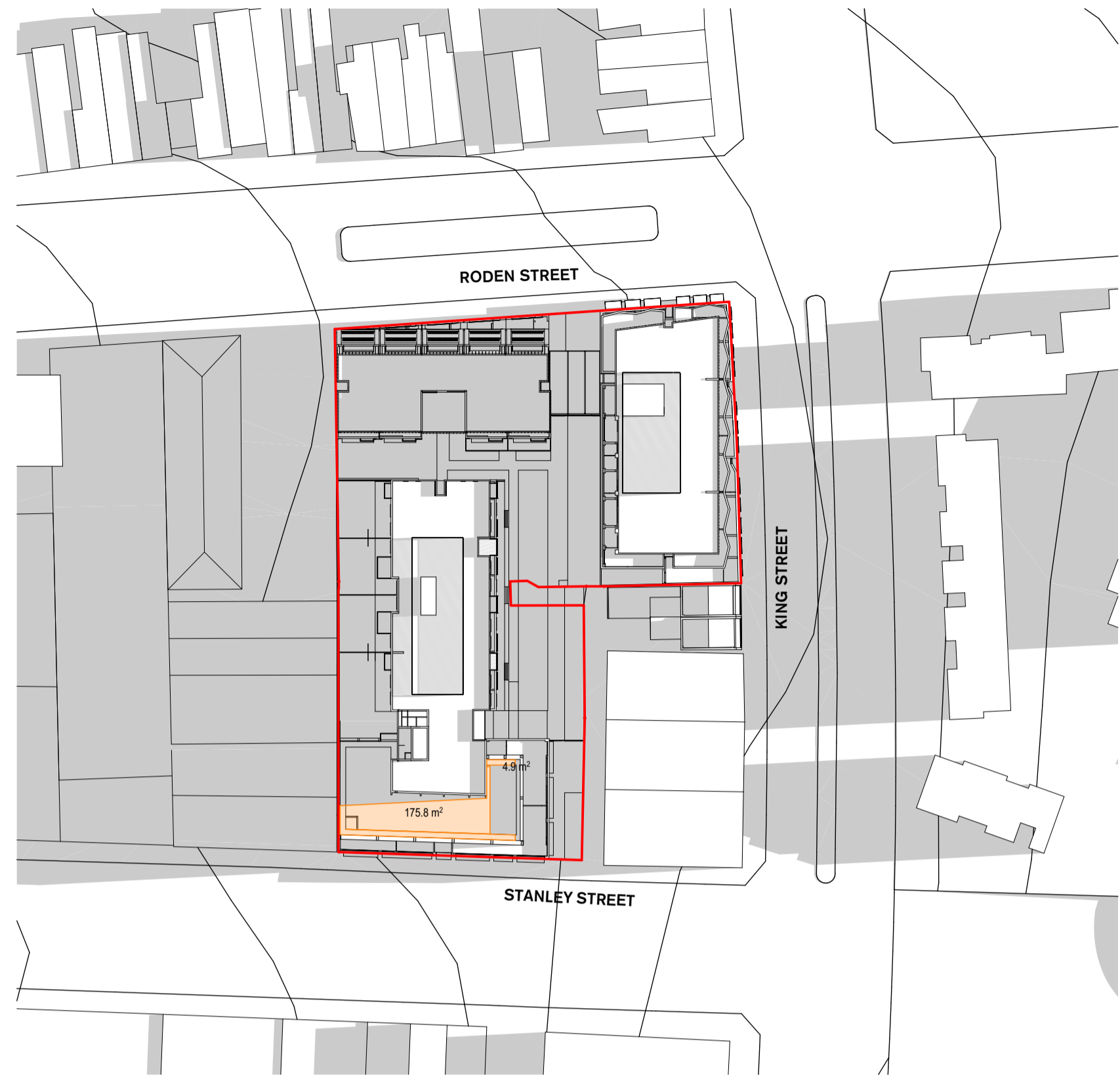
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 ABN: 6443783636

Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

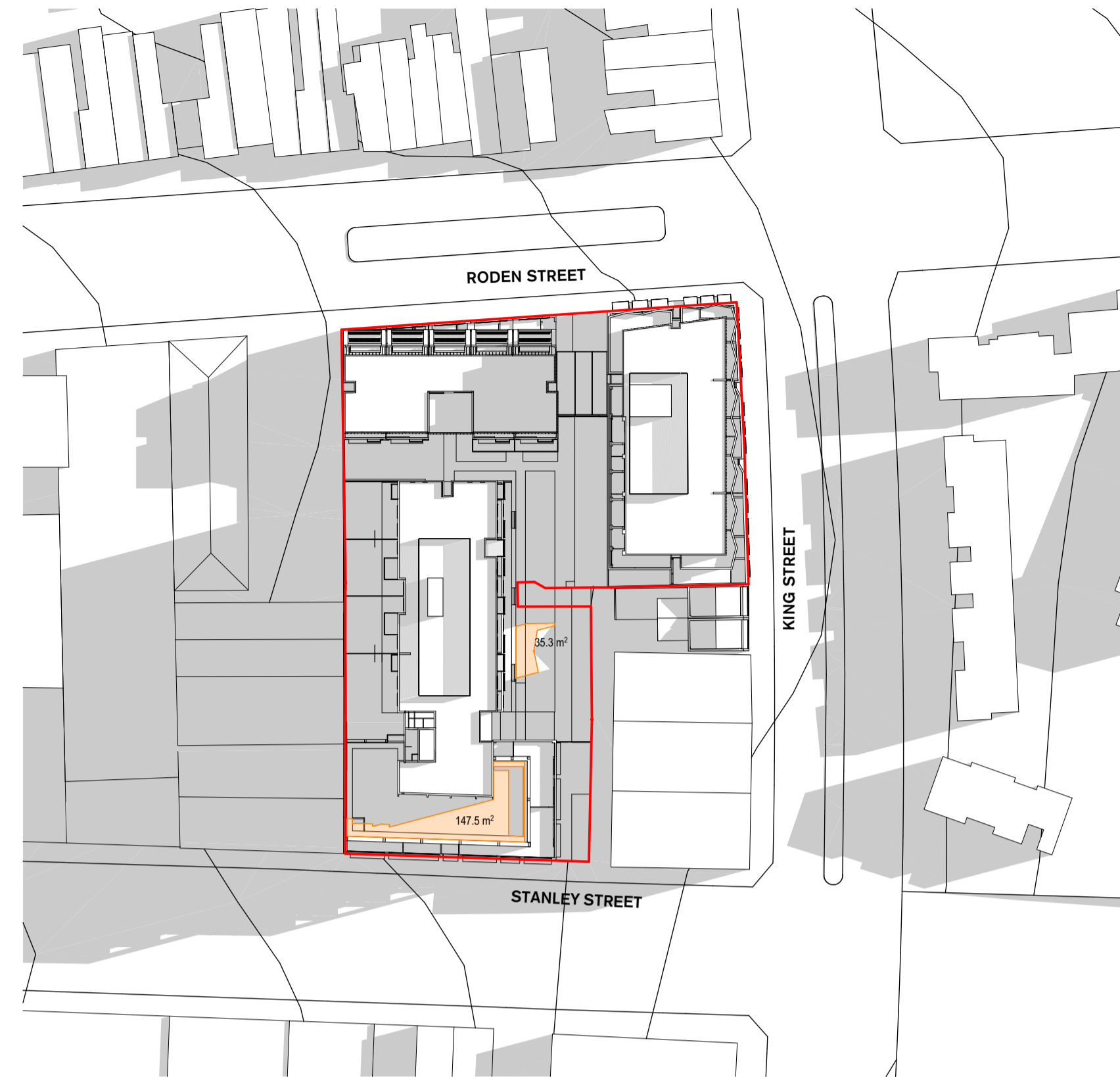
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Checked By	
Date	9/08/2023
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Drawing Series	Elevations & Sections
Drawing Name	Sections

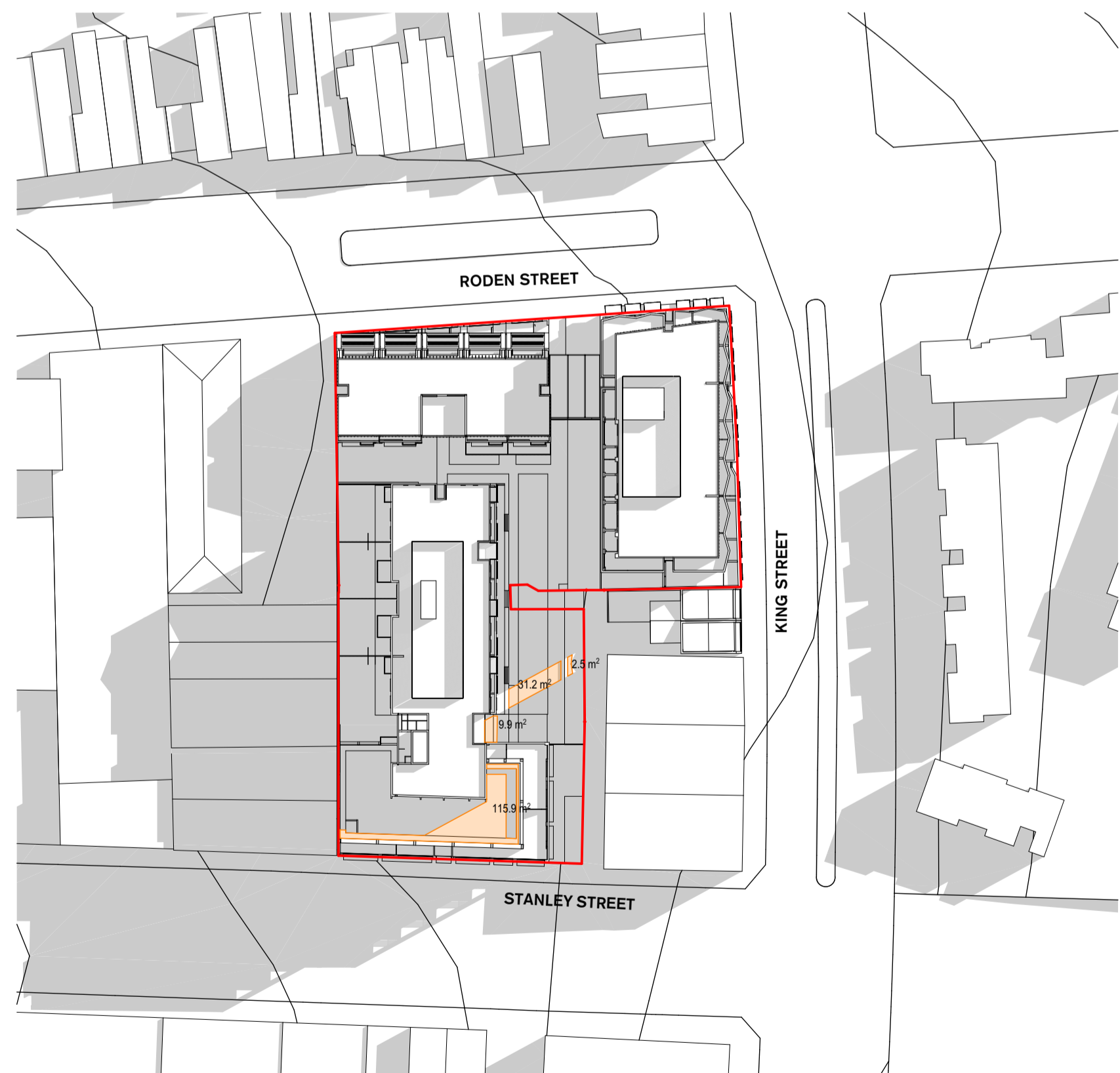
Drawing Number **TP304**
 Revision **C**



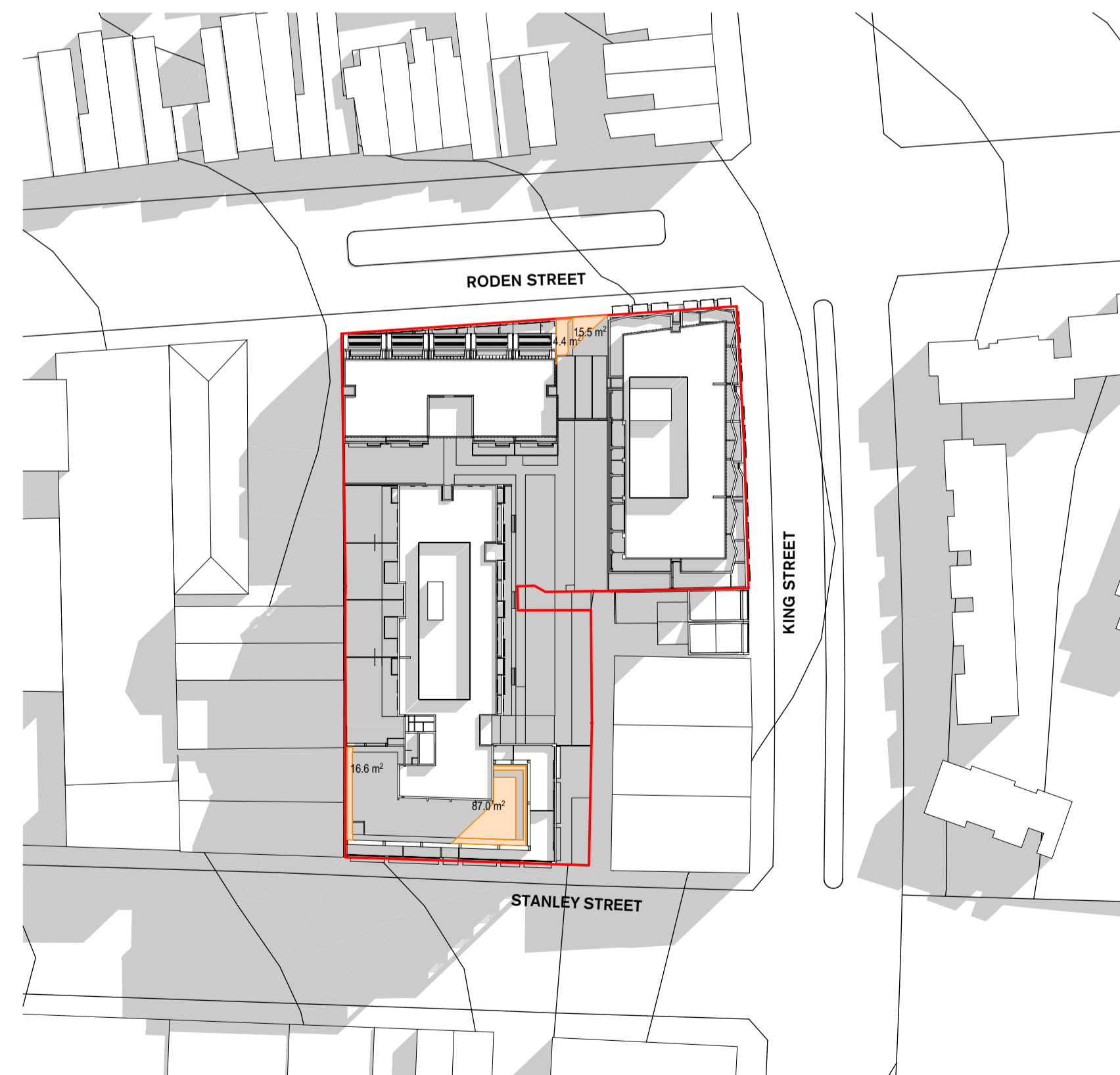
June 21
09:00 am



June 21
10:00 am



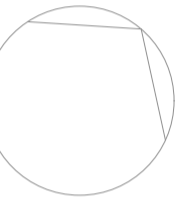
June 21
11:00 am



June 21
12:00 pm

Summary

Time	Area (m ²)	Percentage (%)
9:00am	180	10.0
10:00am	182	10.1
11:00am	159	8.8
12:00pm	123	6.8
1:00pm	184	10.2
2:00pm	331	18.3
3:00pm	764	42.2



Rev. Date By Ckd Description

Client Details PDG PDG T #Client Phone Number E #Client E-mail

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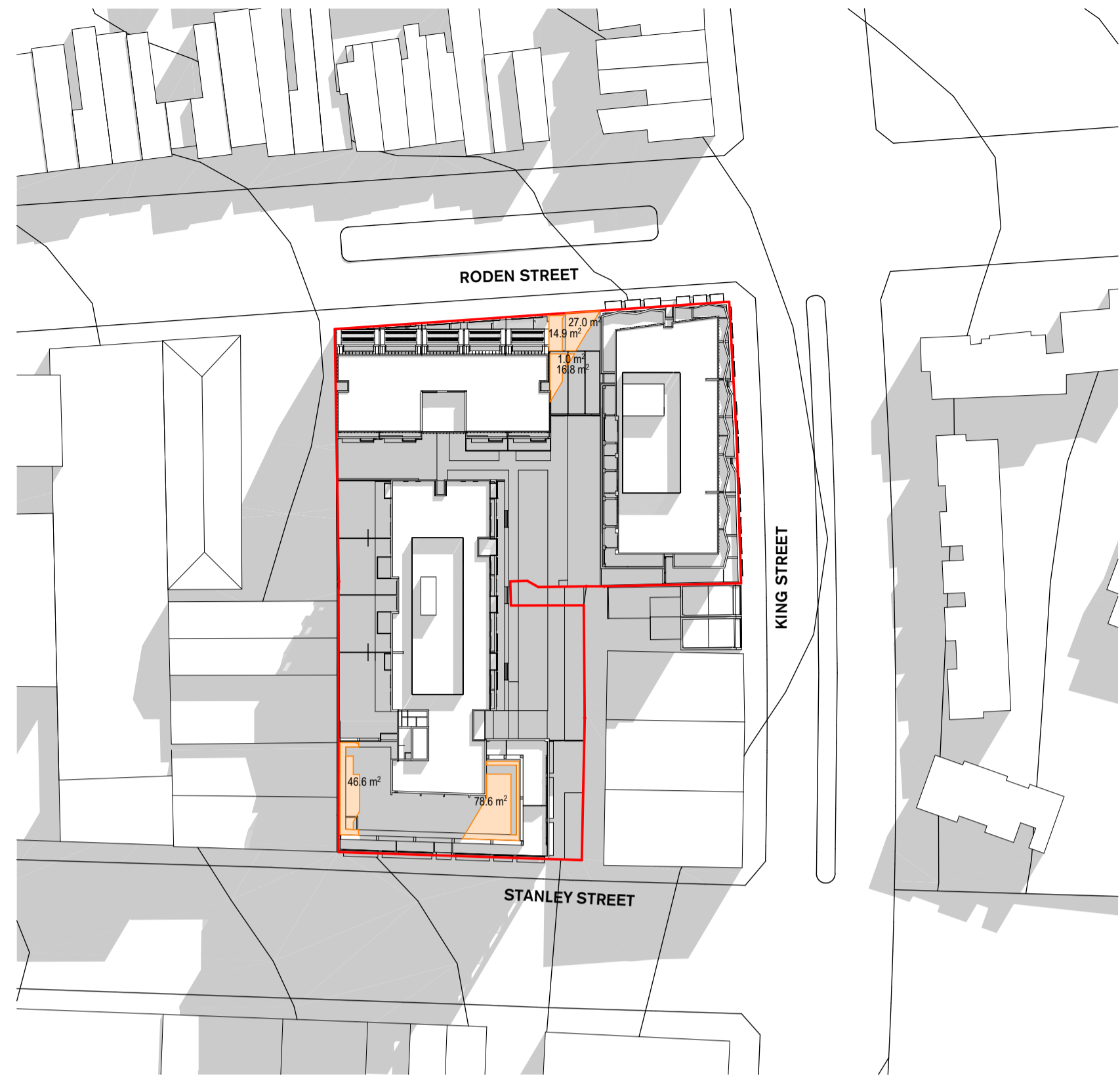
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Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street, West Melbourne, VIC 3003
 Drawn By
 Checked By
 Date 9/08/2023
 Scale

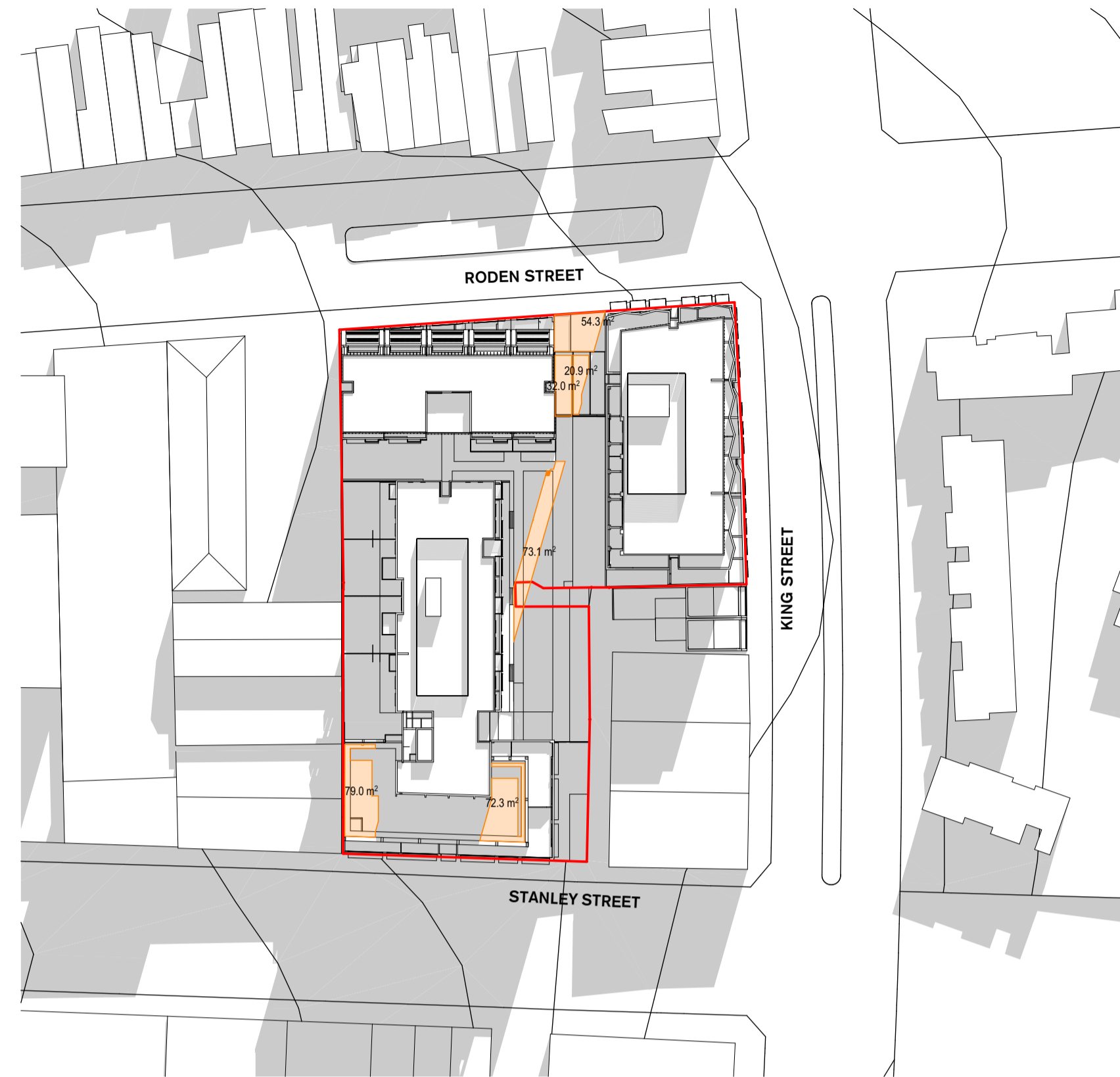
Drawing Series Supporting Drawings
 Drawing Name 21 June Shadows

Drawing Number **TP400**
 Revision **C**

Note:
 Communal open space area includes raised planters



June 21
01:00 pm



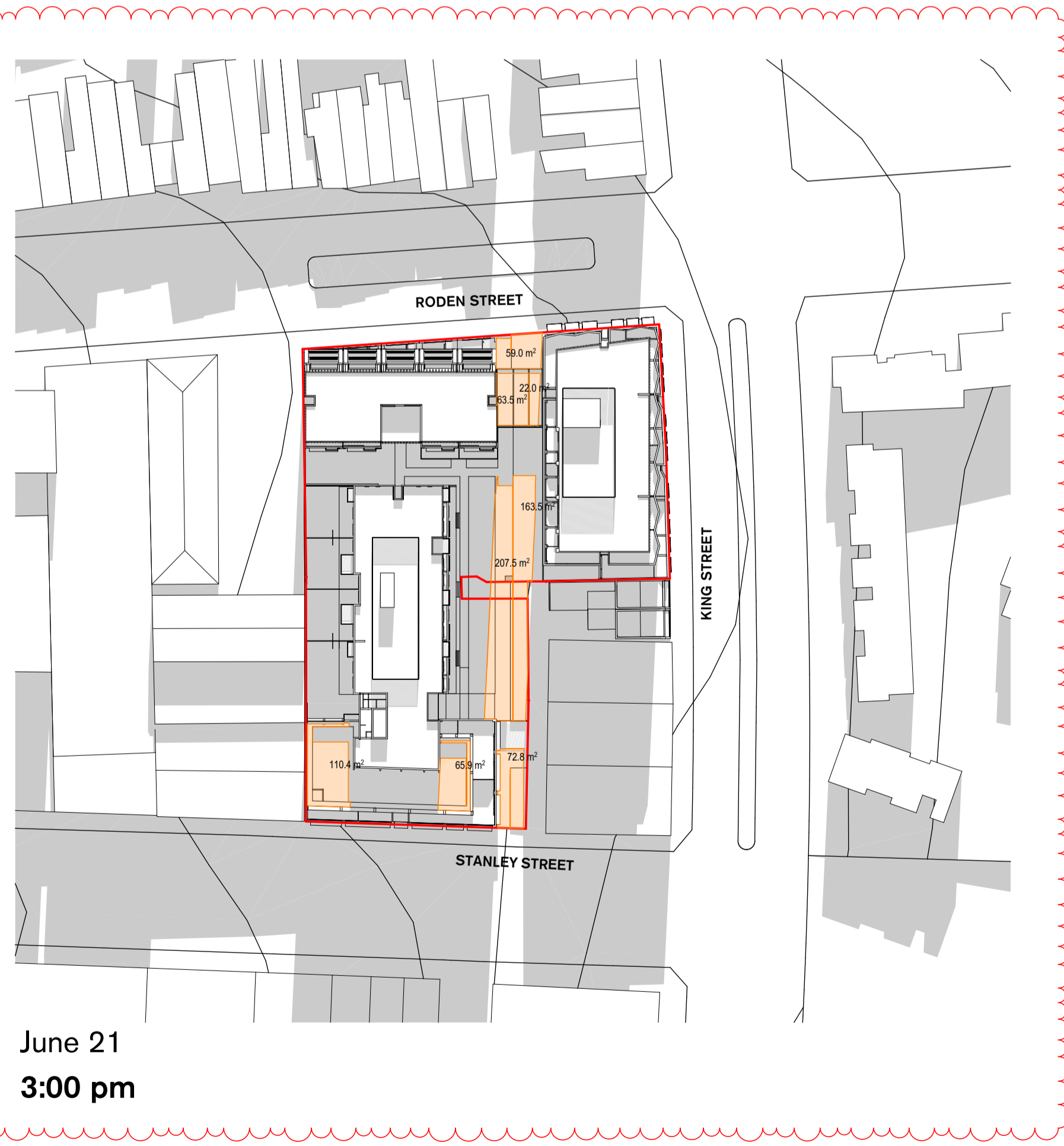
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Summary

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10:00am	182	10.1
11:00am	159	8.8
12:00pm	123	6.8
1:00pm	184	10.2
2:00pm	331	18.3
3:00pm	764	42.2

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4.eiii



June 21
3:00 pm

4.eiii

Note:
Communal open space area includes raised planters

Rev.	Date	By	Ckd	Description

Client Details
 PDG
 PDG
 T #Client Phone Number
 E #Client E-mail

Consultants

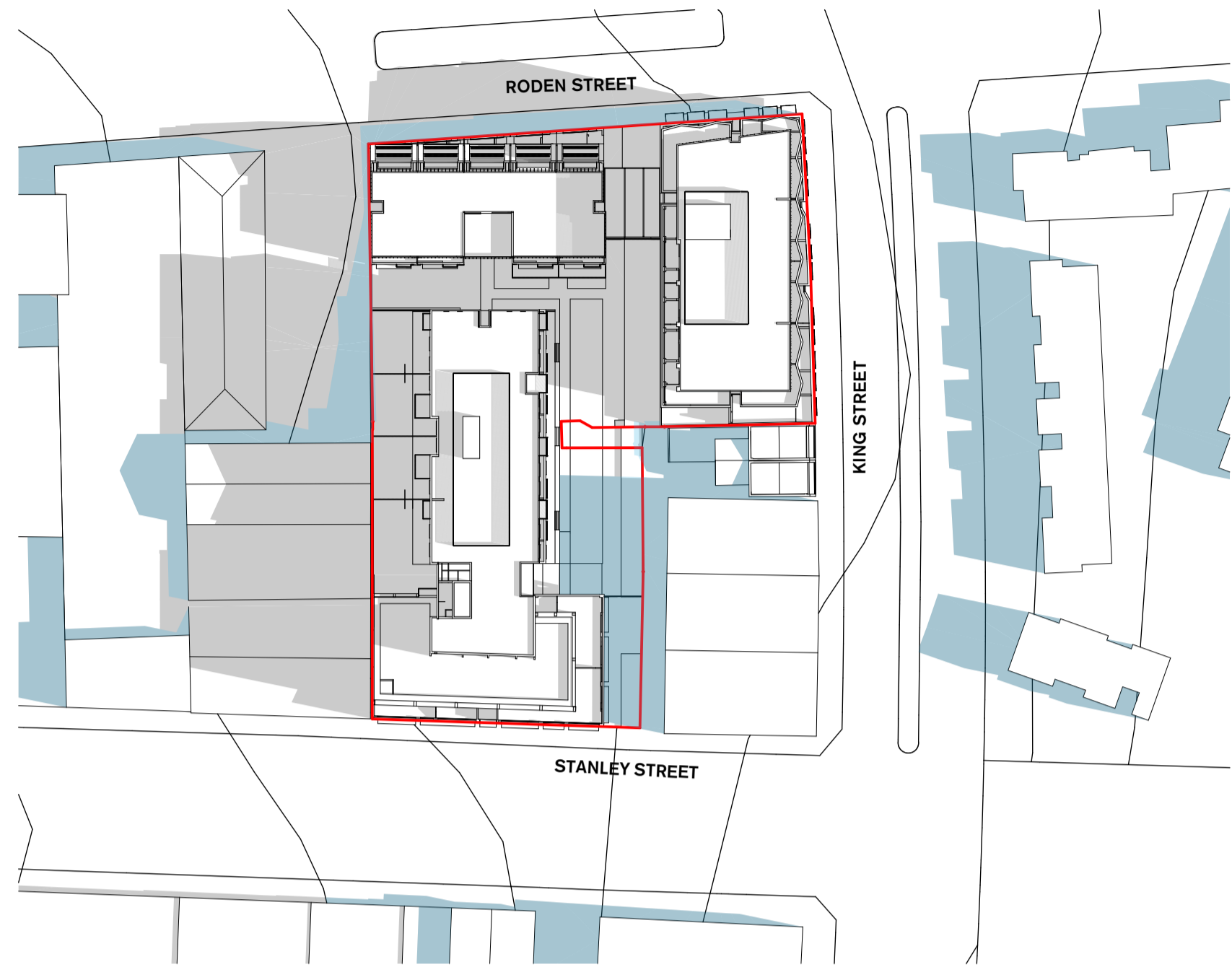
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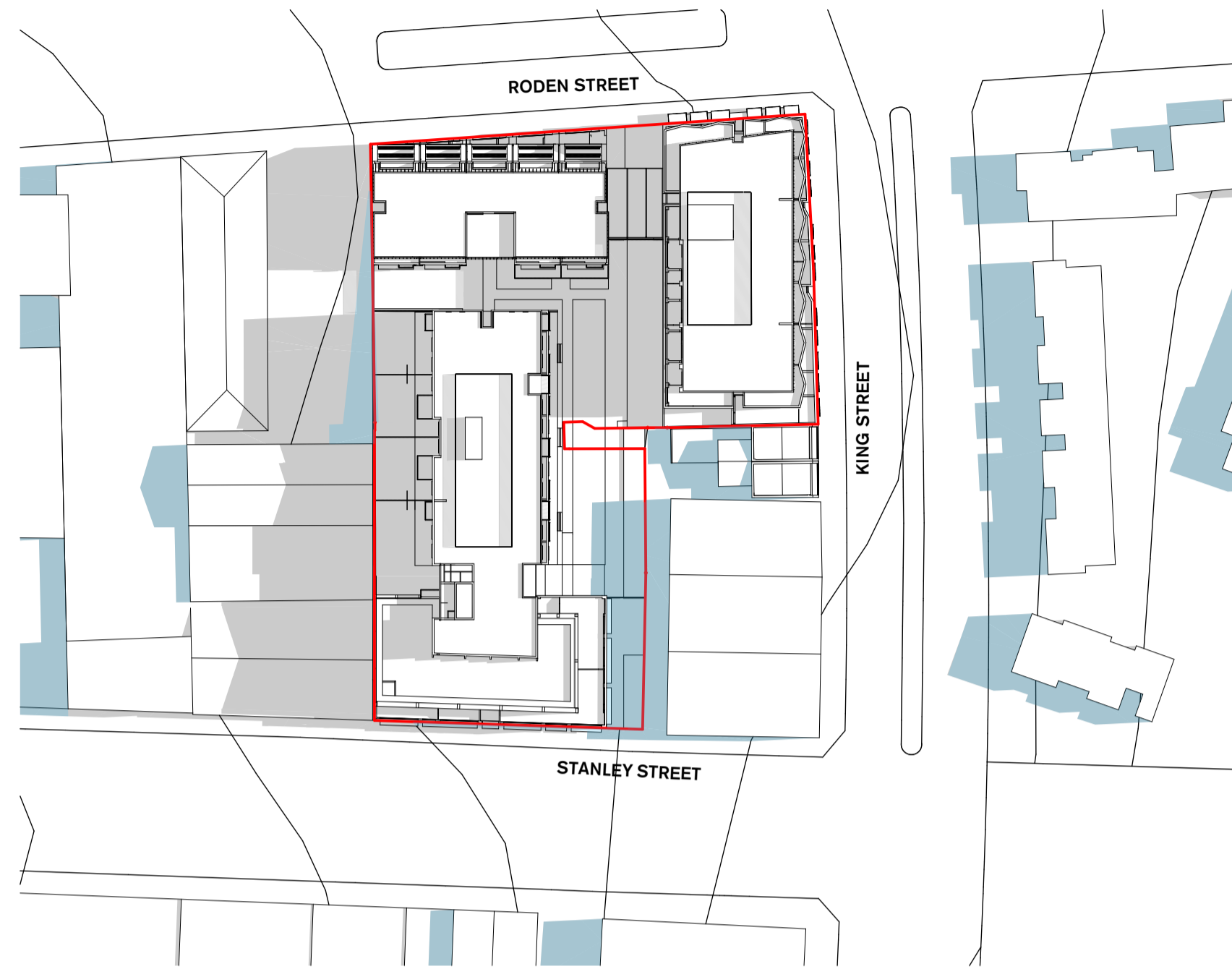
Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street, West Melbourne, VIC 3003
 Drawn By
 Checked By
 Date 9/08/2023
 Scale

Drawing Series Supporting Drawings
 Drawing Name 21 June Shadows

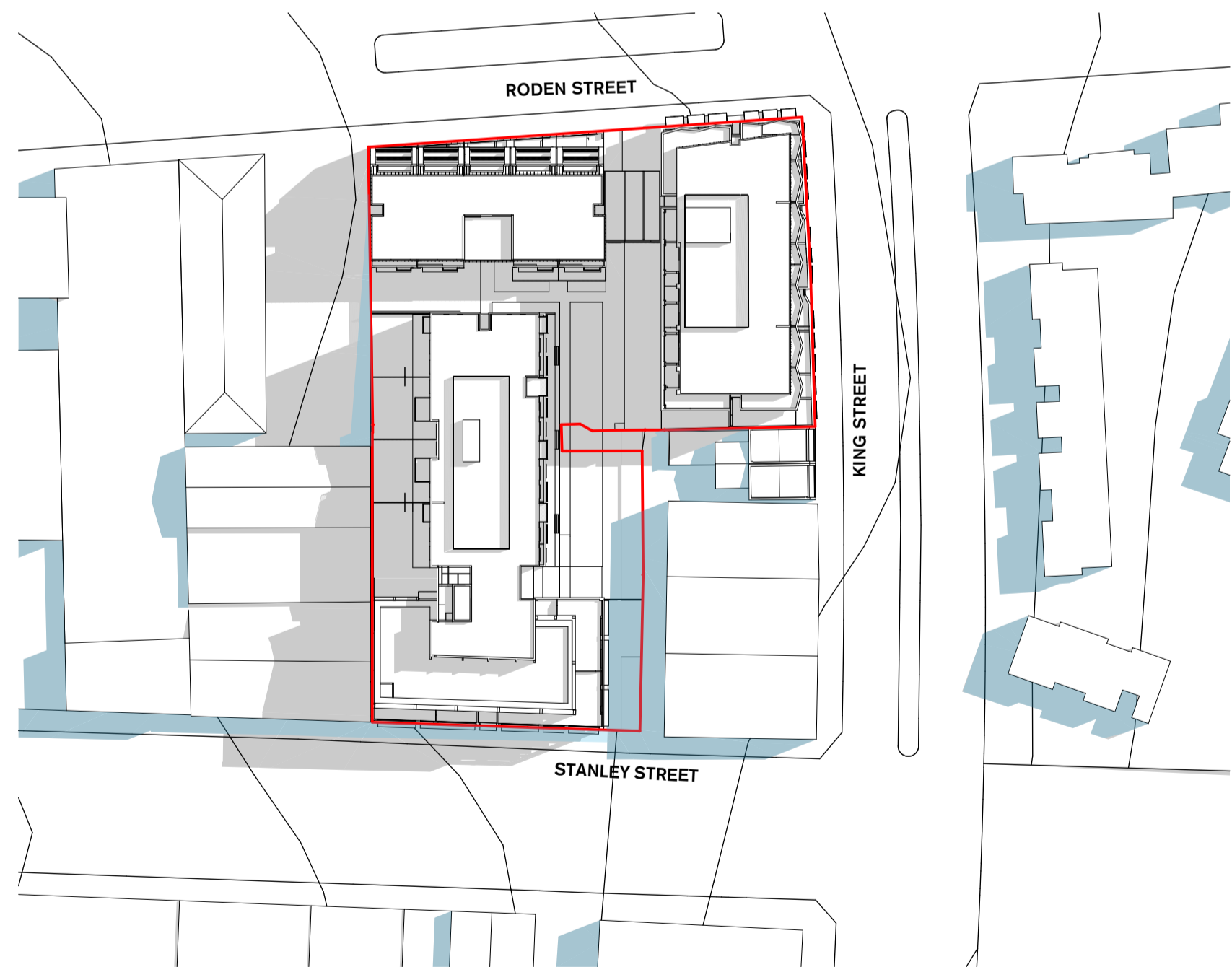
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 Revision **C**



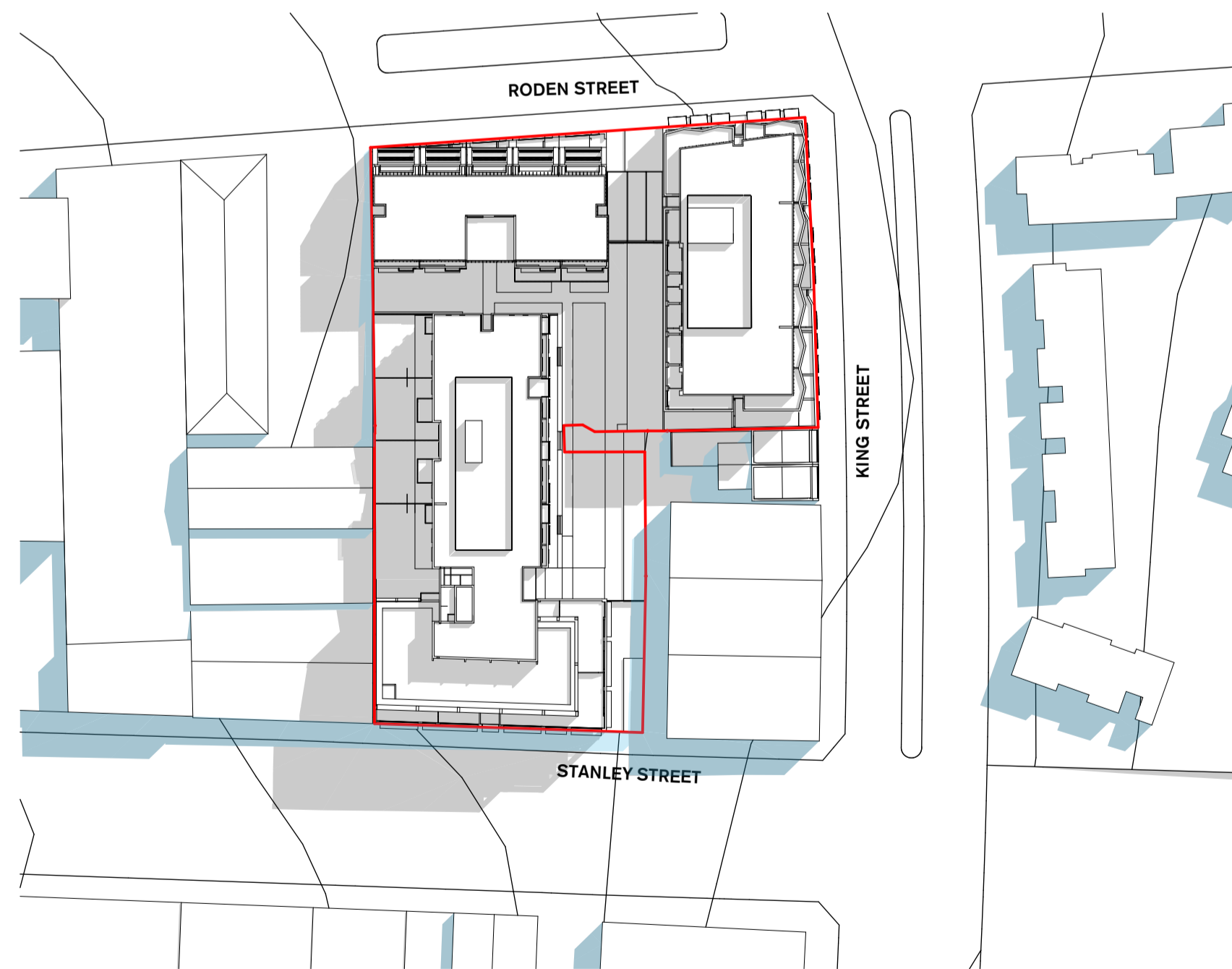
September 22
 09:00 am



September 22
 10:00 am



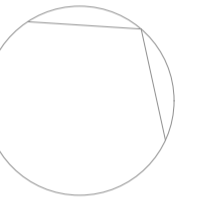
September 22
 11:00 am



September 22
 12:00 pm

Legend

- Existing shadows
- Proposed shadows



Rev.	Date	By	Ckd	Description
------	------	----	-----	-------------

Client Details	T #Client Phone Number
PDG	E #Client E-mail
PDG	

Consultants

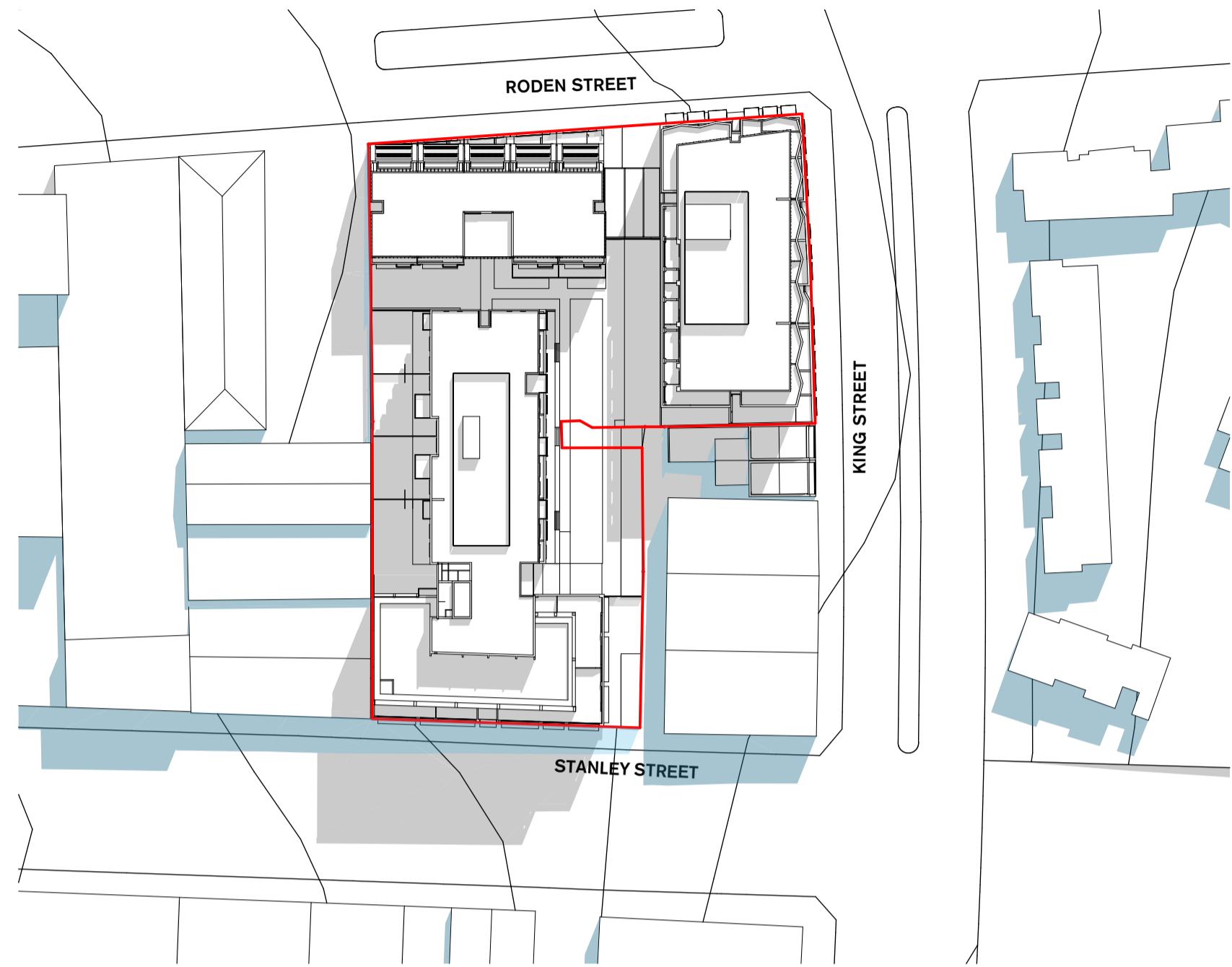


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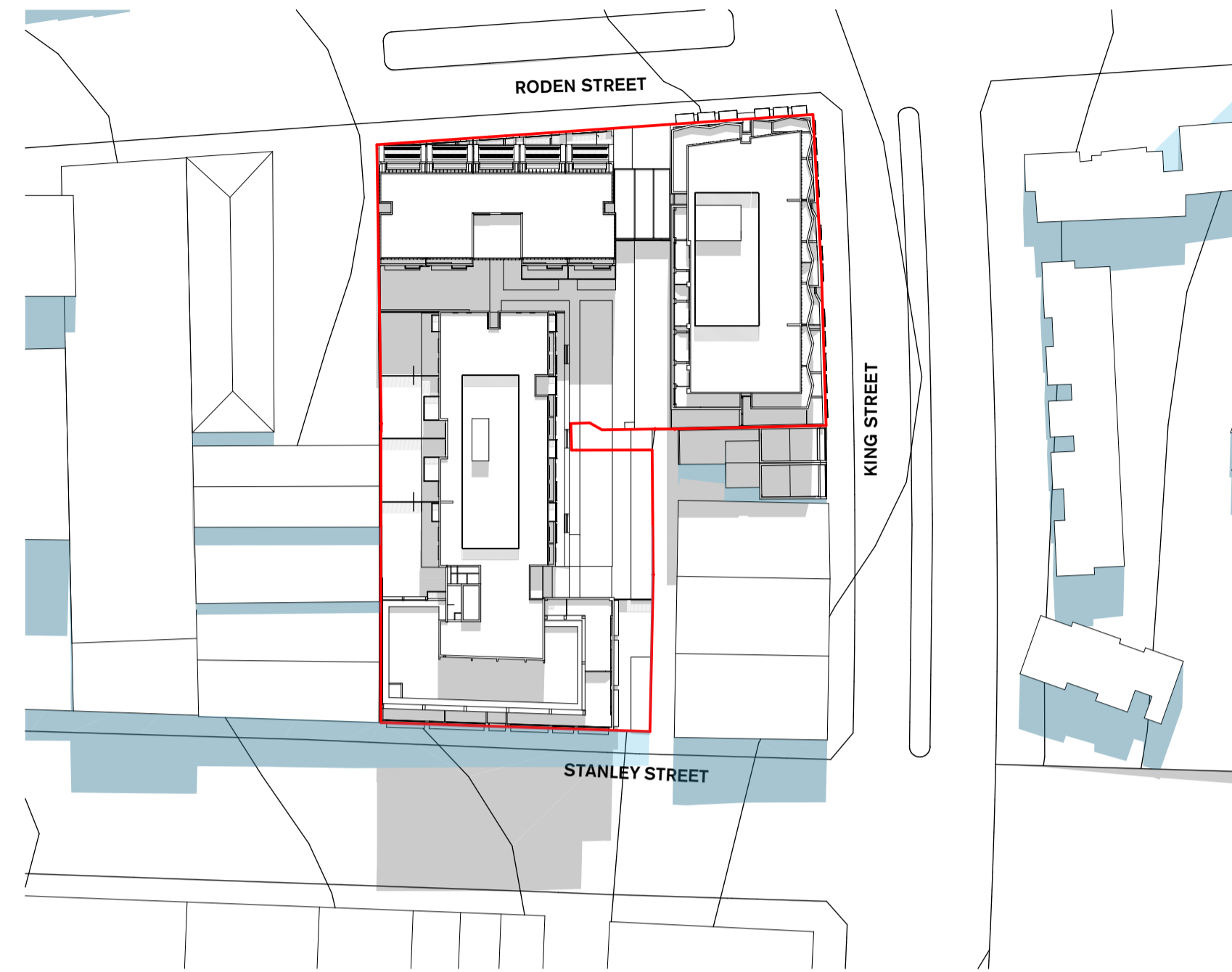
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Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003
Drawn By	
Checked By	
Date	9/08/2023
Scale	

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Drawing Name	22 September Shadows

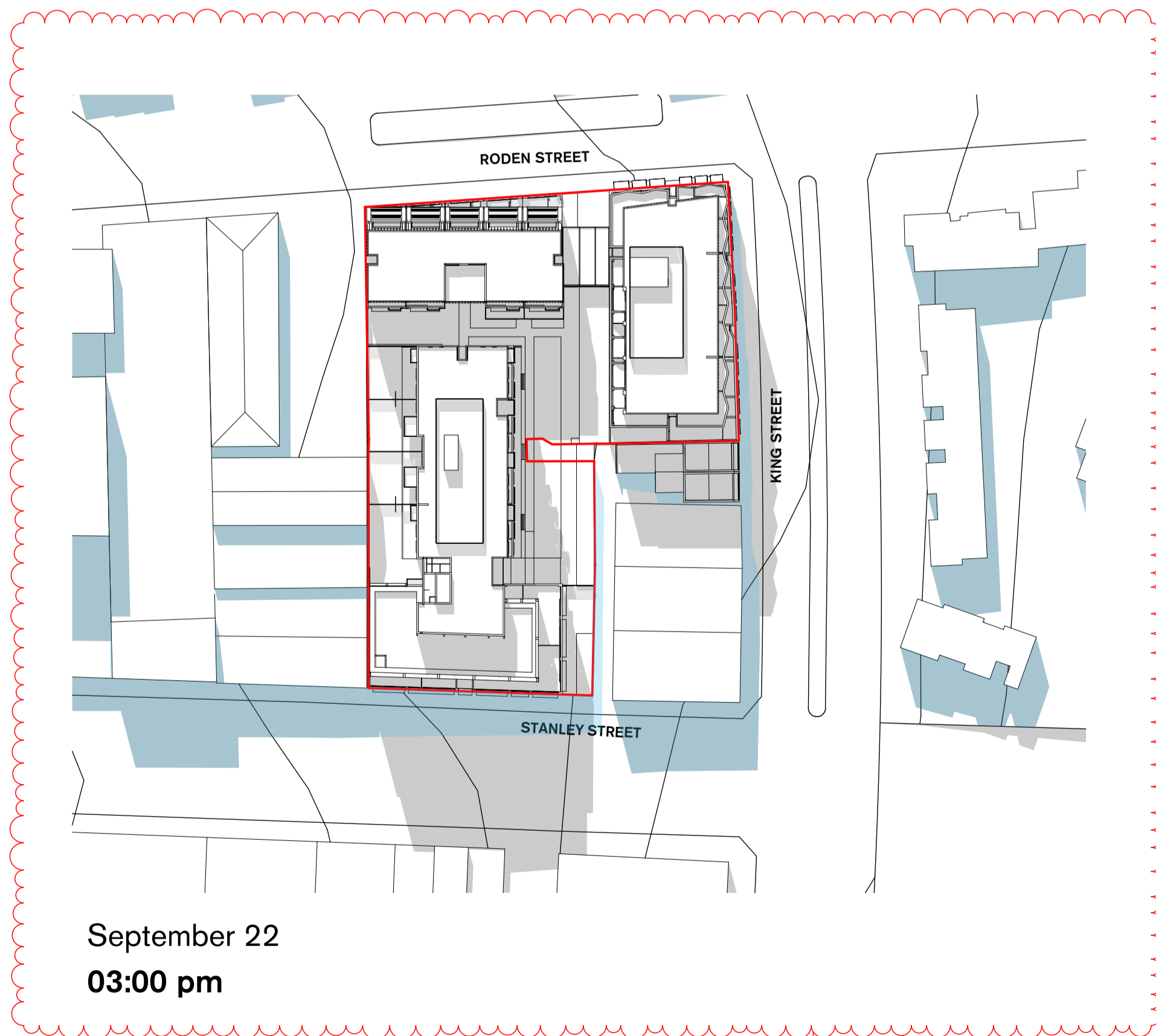
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 Revision **C**



September 22
 01:00 pm



September 22
 02:00 pm

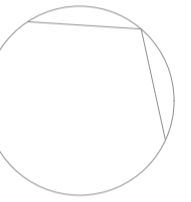


September 22
 03:00 pm

Legend

Existing shadows

Proposed shadows



Rev. Date By Ckd Description

Client Details PDG PDG T #Client Phone Number E #Client E-mail

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Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street, West Melbourne, VIC 3003

Drawn By
 Checked By
 Date 9/08/2023
 Scale

Drawing Series Supporting Drawings
 Drawing Name 22 September Shadows

Drawing Number **TP401a**
 Revision **C**



Rev. Date By Ckd Description

Client Details PDG PDG T #Client Phone Number E #Client E-mail

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Project Name 577 King Street
Project Number 12796
Project Address 577 King Street,
West Melbourne, VIC 3003

Drawn By
Checked By
Date 9/08/2023
Scale

Drawing Series Supporting Drawings
Drawing Name Artists Impression

Drawing Number **TP413**
Revision **C**



Rev.	Date	By	Ckd	Description
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Client Details	T #Client Phone Number
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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	

Drawing Series	Supporting Drawings
Drawing Name	Artists Impression

Drawing Number **TP414**
Revision **C**



Rev.	Date	By	Ckd	Description
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Client Details	T # Client Phone Number
PDG	E # Client E-mail
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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	

Drawing Series	Supporting Drawings
Drawing Name	Artists Impression

Drawing Number **TP415**
Revision **C**



Rev.	Date	By	Ckd	Description
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Client Details	T #Client Phone Number
PDG	E #Client E-mail
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Project Name	577 King Street
Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003

Drawn By	
Checked By	
Date	9/08/2023
Scale	

Drawing Series	Supporting Drawings
Drawing Name	Artists Impression

Drawing Number **TP415a**
Revision **C**

2

577 KING ST WEST MELBOURNE
 DEVELOPMENT SUMMARY

Site Area (m²) 5525 (including area after site boundary adjustments at internal laneway, subject to planning, adjustment of site boundary)
 Maximum FAR 5 :1
 Max permissible GFA (above ground) (m²) 27625

LEVEL	Commercial	Co-working	Communal		Apartments						Parking	GFA (FAR) m ²			
	NLA (m ²)	NLA (m ²)	Indoor (m ²)	Outdoor (m ²)	Studio	1 Bed	2B 1b	2 Bed	2 Bed Loft	3 Bed	Total		NSA (m ²)	Cars	Bikes
Basement															
Ground	1088	318		1407	0	15	0	4	0	0	19	1073			
Level 1					7	24	1	8	0	1	41	2358			
Level 2					5	23	1	8	0	2	39	2328			
Level 3					5	25	1	8	0	1	40	2304			
Level 4					5	16	1	8	9	1	40	2187			
Level 5					5	10	1	12	0	0	28	2134			
Level 6					5	10	1	12	0	0	28	1702			
Level 7					5	10	1	12	0	0	28	1702			
Level 8			155	392	0	2	0	13	0	1	16	1190			
Level 9			153	10	0	0	0	8	0	0	8	592			
Level 10															
Roof															
Total	1088	318	308	1809	37	135	7	93	9	6	287	17570	100	156	27380
	4.0%	1.2%	1.1%	6.6%	12.9%	47.0%		38.0%		2.1%					

FAR	0.25	0.06	4.96
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Rev. Date By Ckd Description

Client Details PDG PDG T #Client Phone Number E #Client E-mail

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Notes/Assumptions:
 All areas measurements to PCA method of measurement (residential)
 GFA/FAR measured to WM Structure Plan definition (includes covered balconies)
 GFA does not include projecting Architecture elements
 Basement carpark GFA excluded from FAR calculation
 Balcony/Terraces area does not include planters and intertenancy screens/walls
 Cars include 5 car share space.

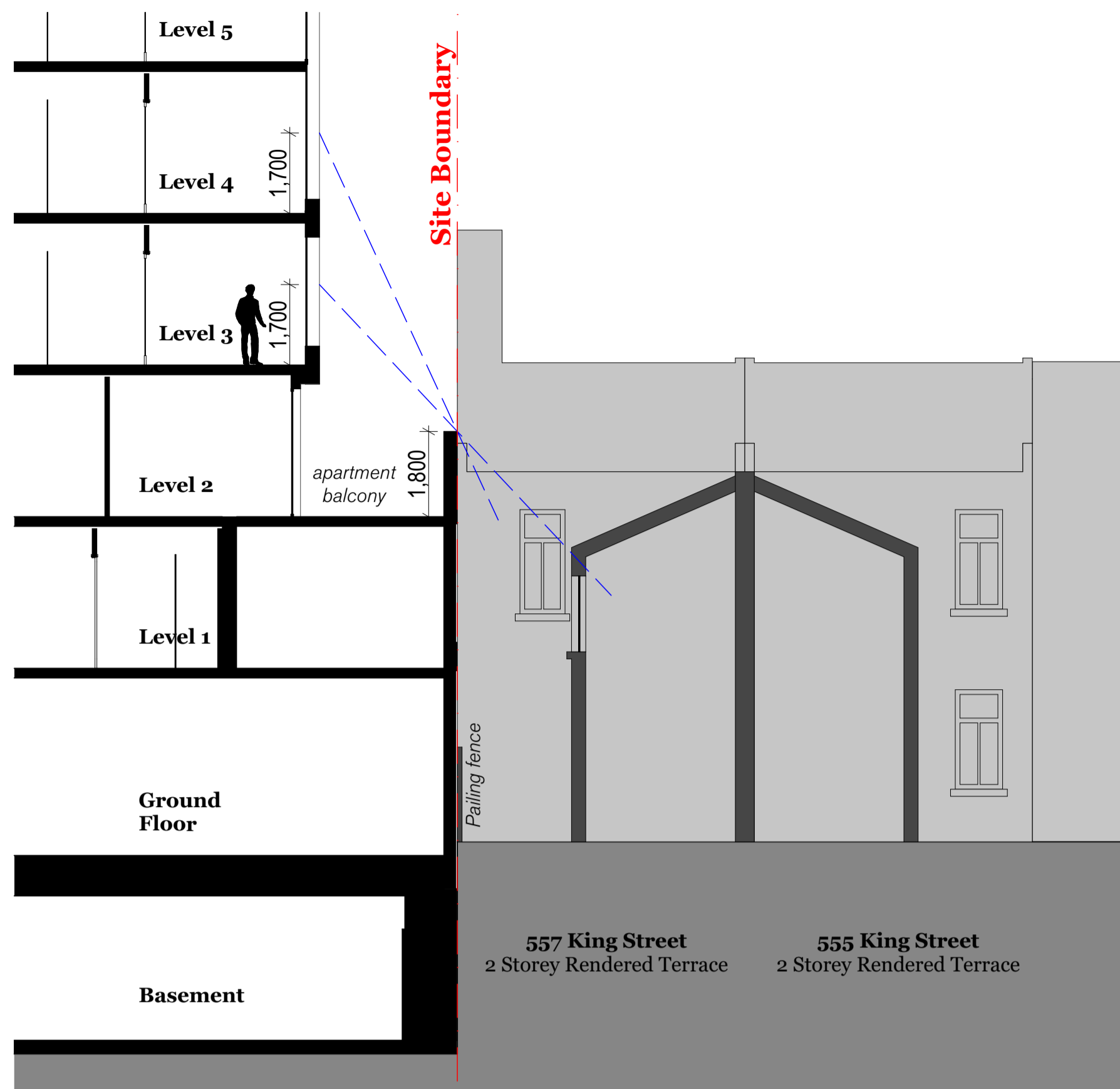


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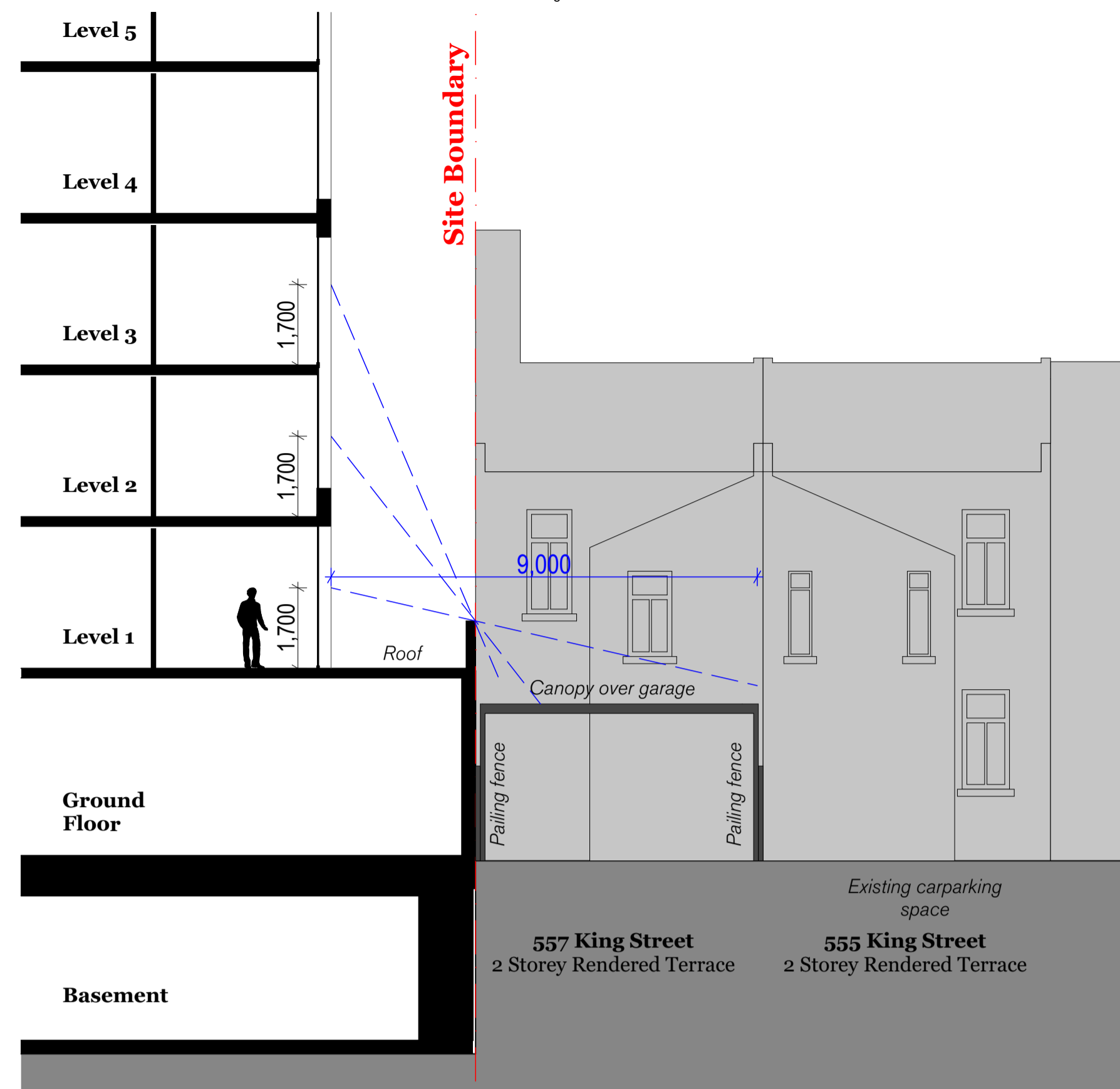
Project Name 577 King Street
 Project Number 12796
 Project Address 577 King Street, West Melbourne, VIC 3003
 Drawn By
 Checked By
 Date 9/08/2023
 Scale

Drawing Series Supporting Drawings
 Drawing Name Development Summary

Drawing Number **TP416**
 Revision **C**



Section AA
1:100



Section BB
1:100



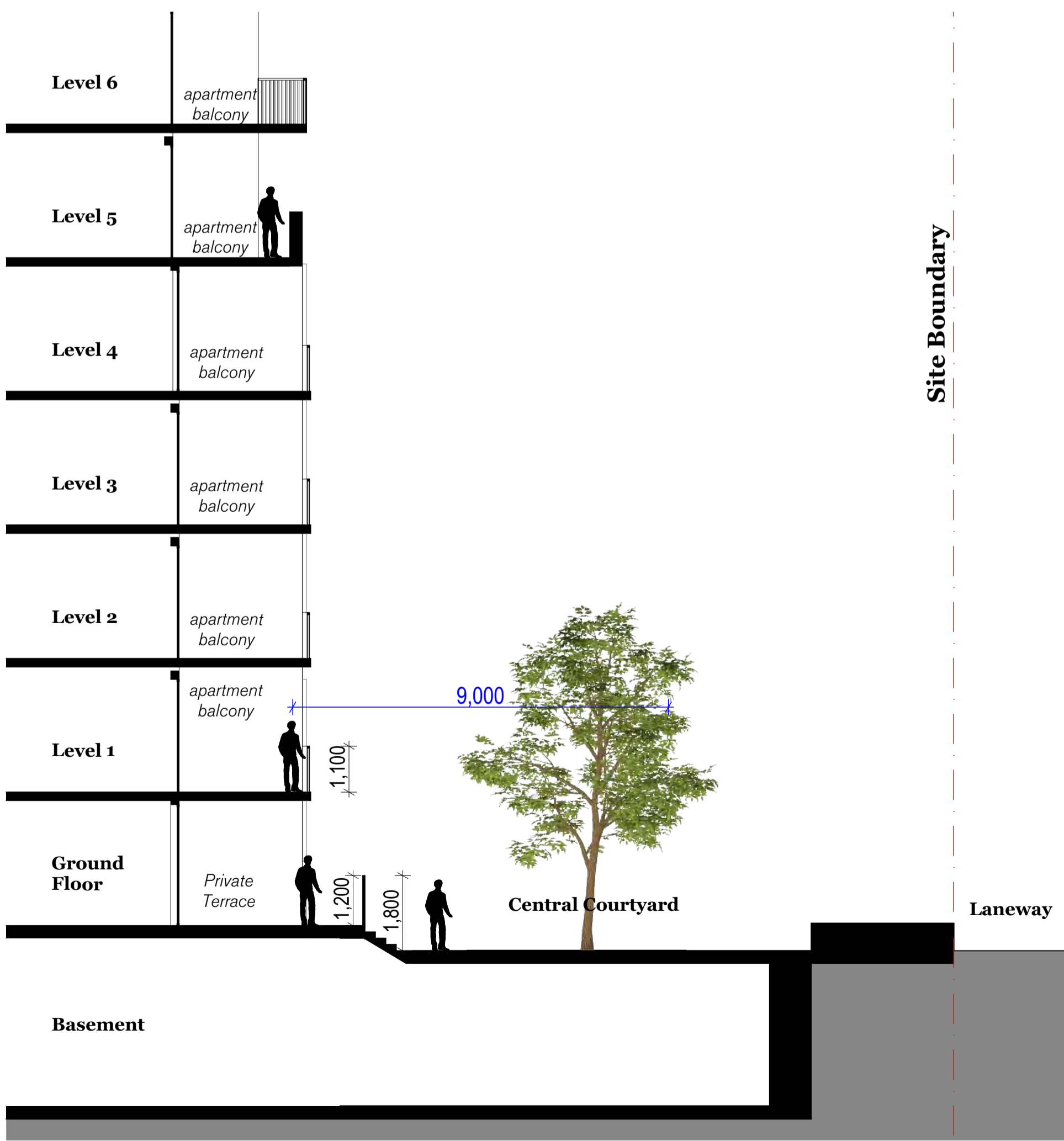
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Builder/Contractor shall verify job dimensions before any job commences. Figure dimensions take precedence over drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant, and manufacture shall not commence prior to return of inspected shop drawings by the Architect/Consultant.

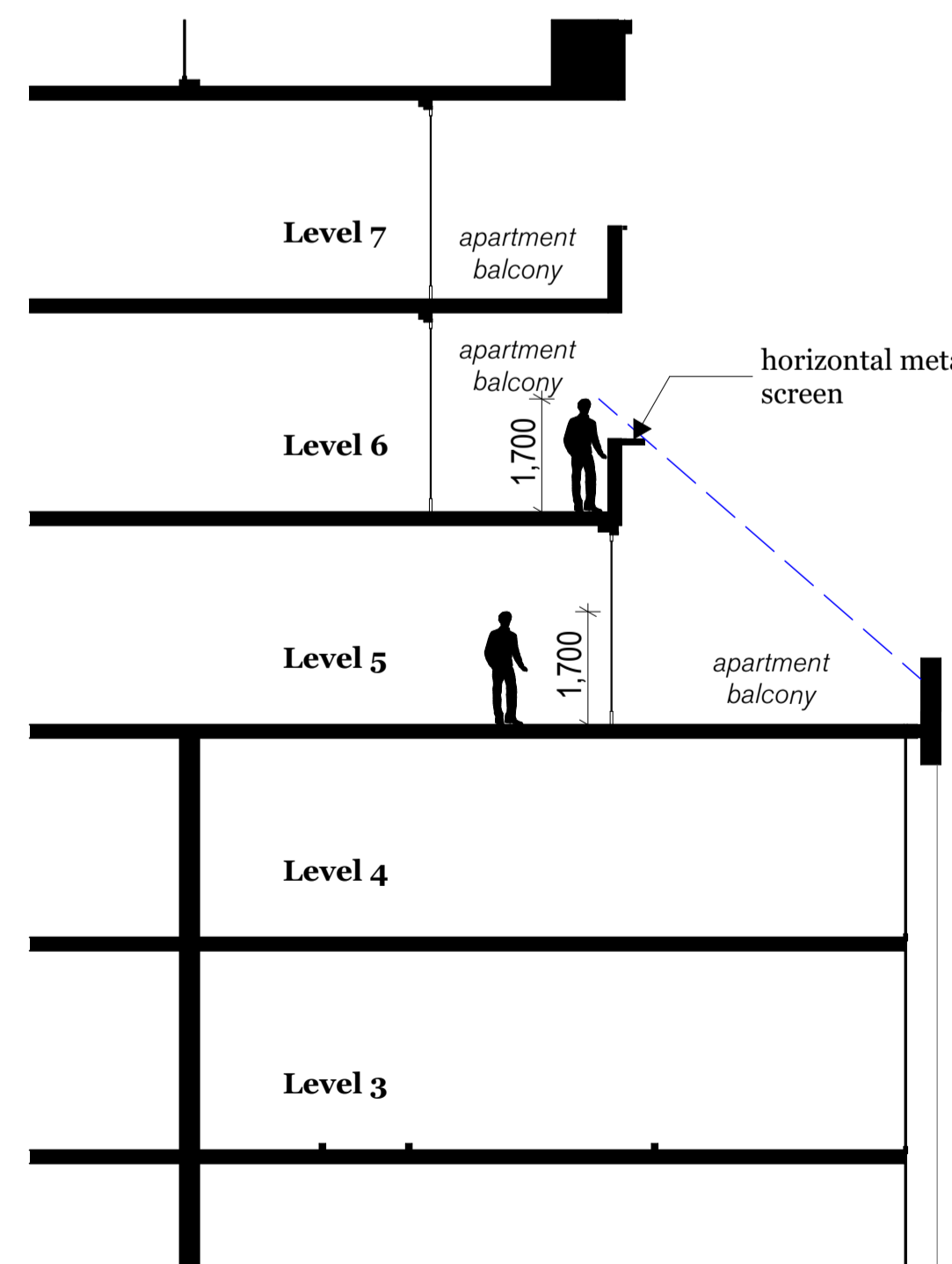
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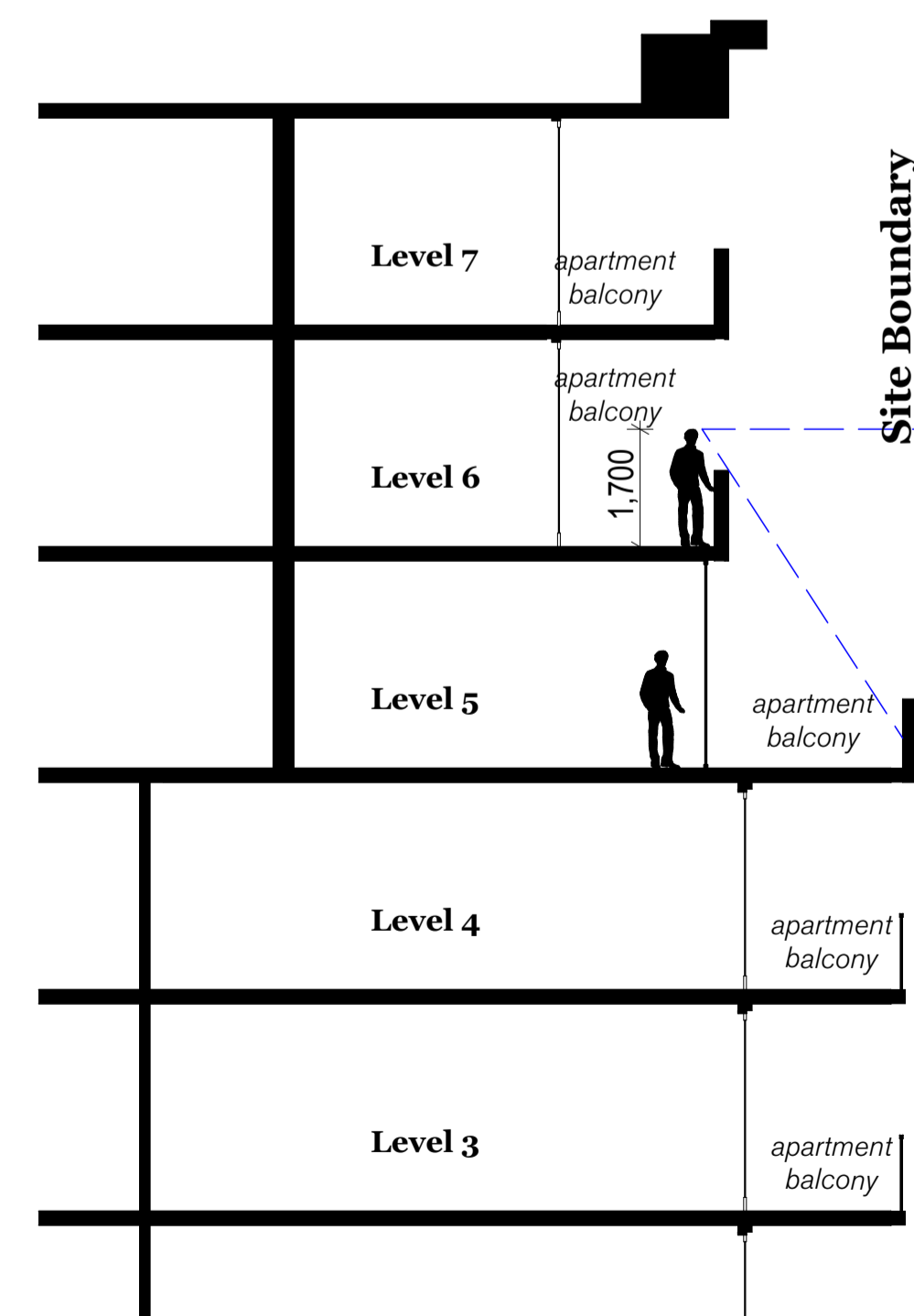
Rev.	Date	By	Ckd	Description



Section CC
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Section DD
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Section EE
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Client Details	T #Client Phone Number
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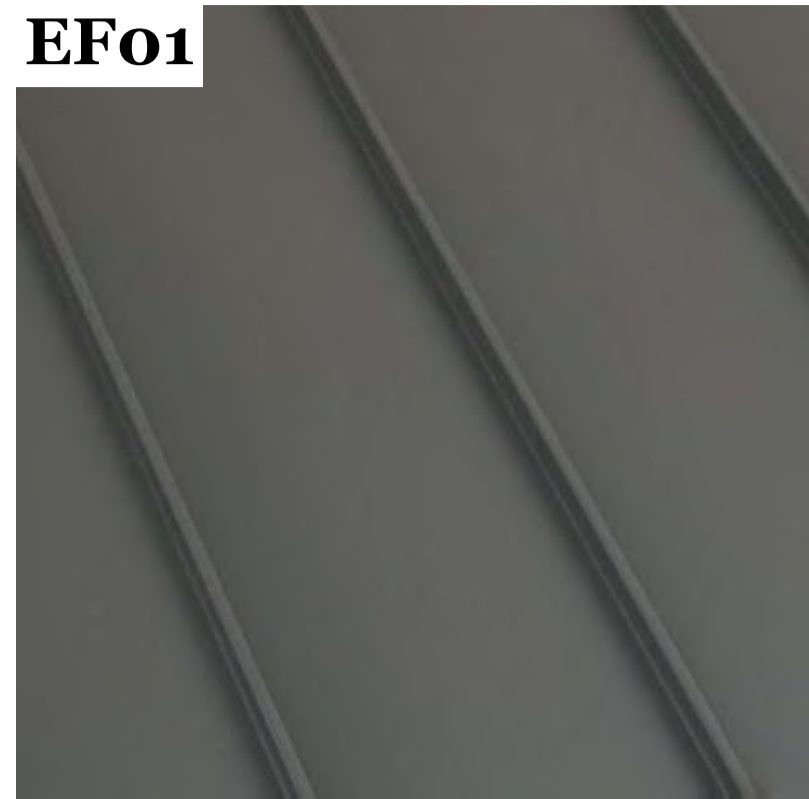
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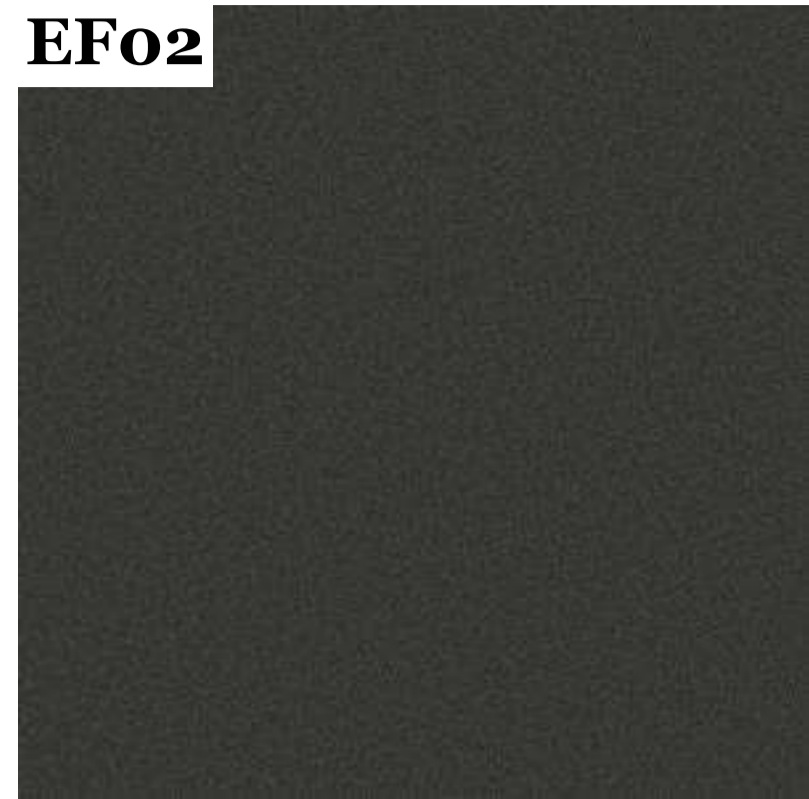
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Project Number	12796
Project Address	577 King Street, West Melbourne, VIC 3003
Drawn By	
Checked By	
Date	9/08/2023
Scale	1:100, 1:750 @A1

Drawing Series	Supporting Drawings
Drawing Name	Overlooking Sections

Drawing Number **TP417**
Revision **C**



EF01
Standing Seam - Dark



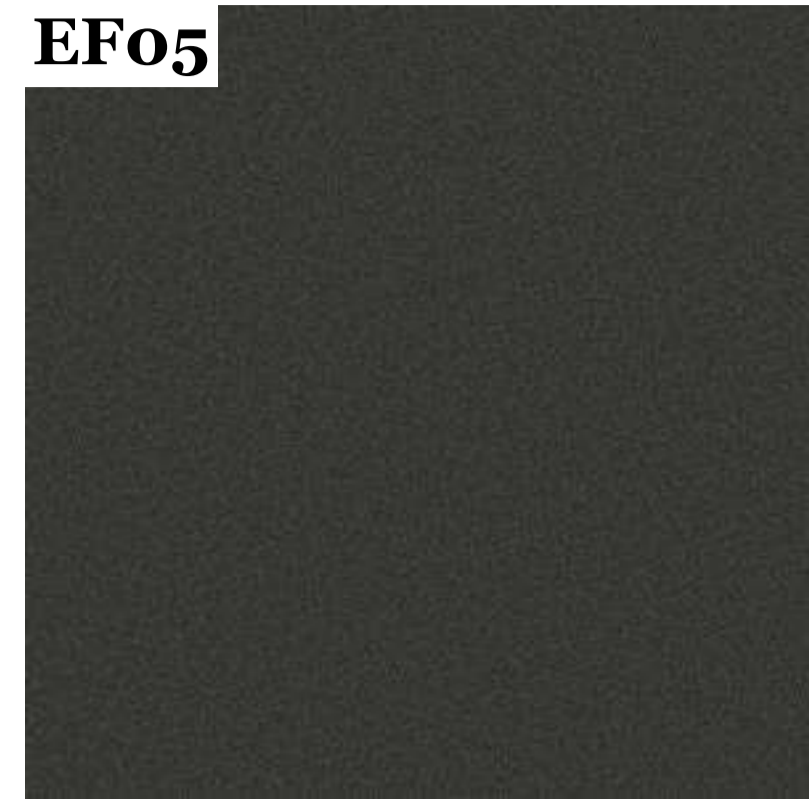
EF02
Render - Dark



EF03
Glass - Clear



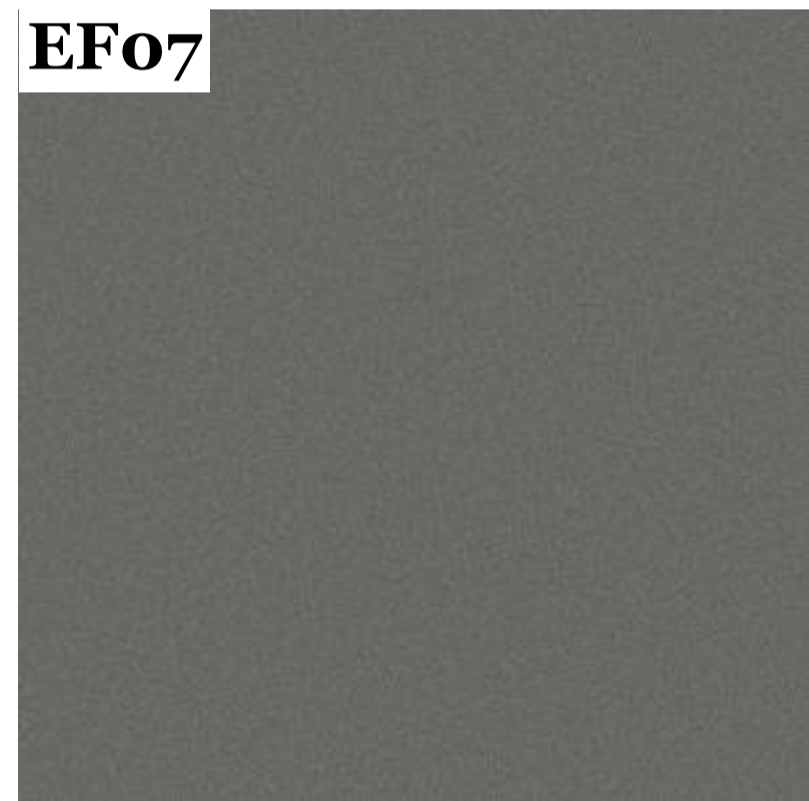
EF04
Glass - Grey



EF05
Powdercoat - Dark



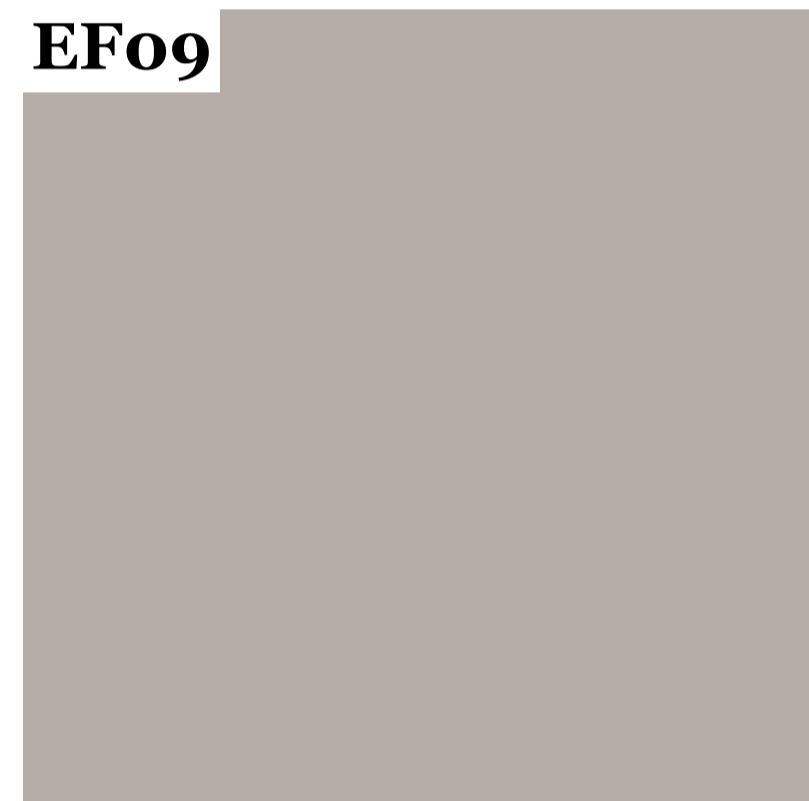
EF06
Powdercoat - Bronze



EF07
Powdercoat - Grey



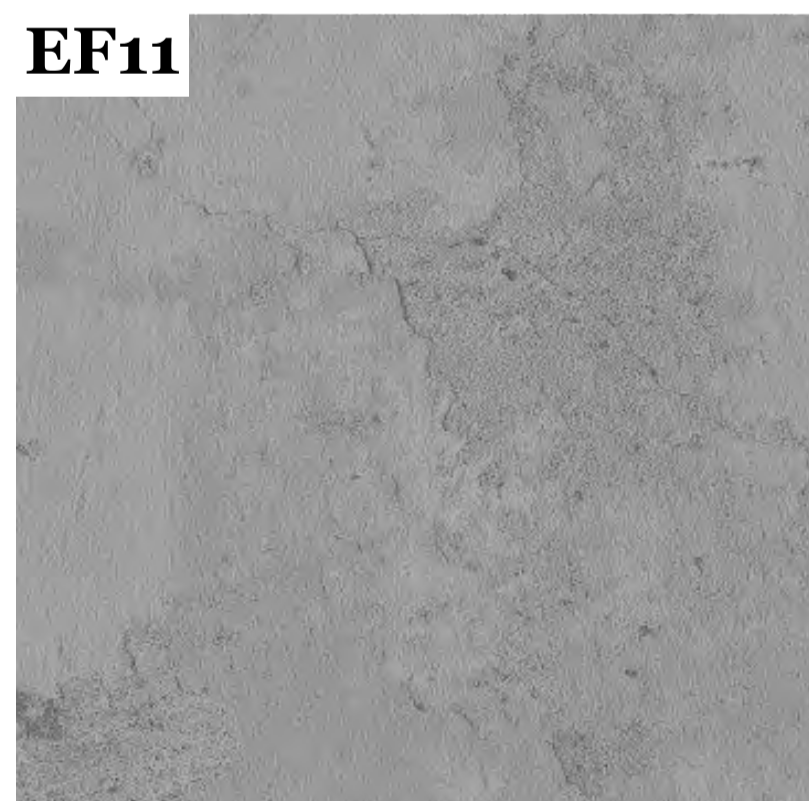
EF08
Red Brick



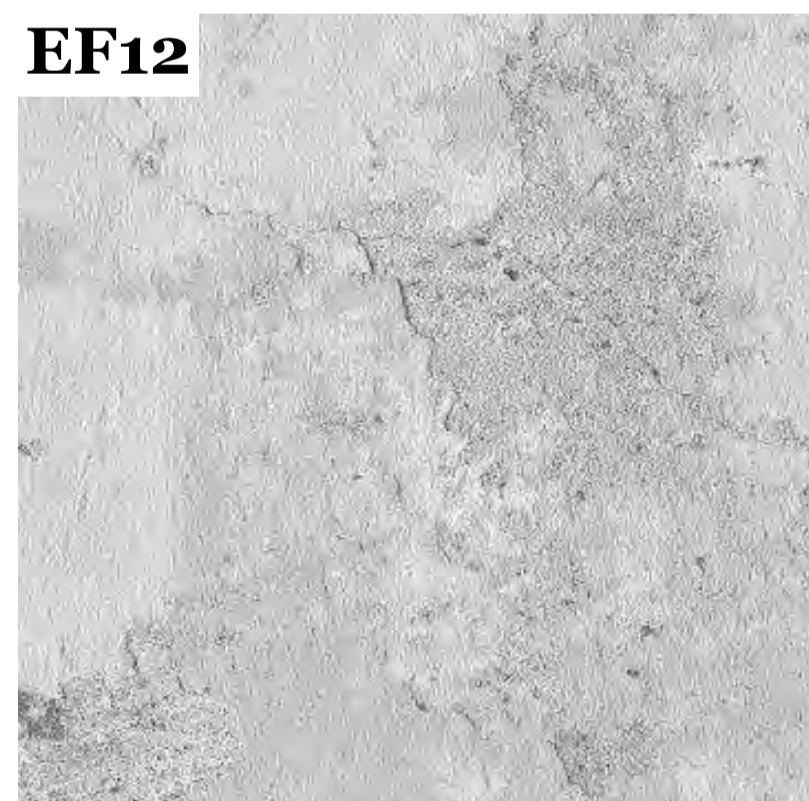
EF09
Light-coloured cladding



EF10
Brown Brick



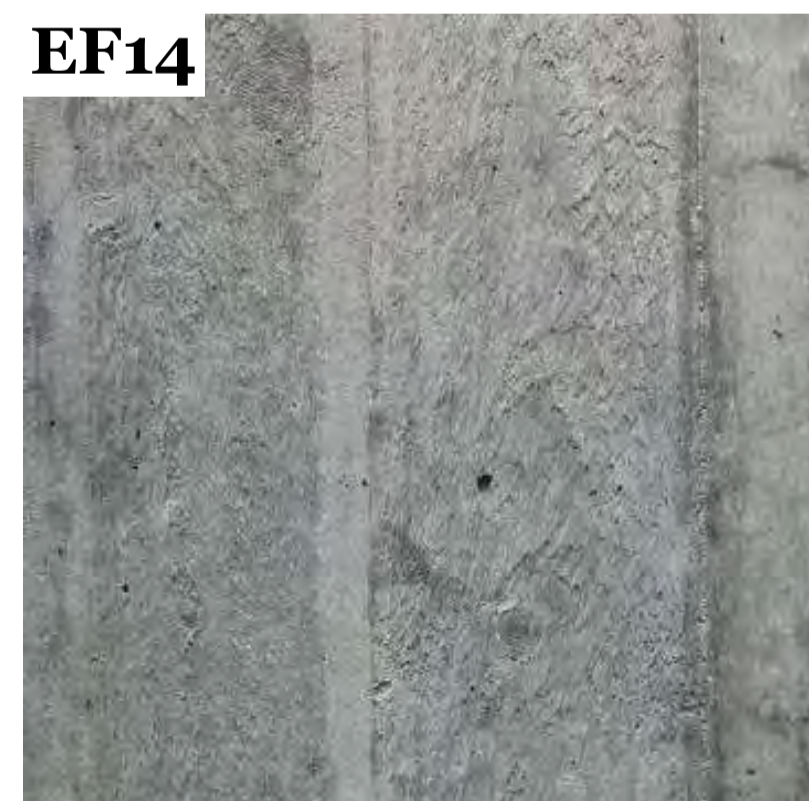
EF11
Concrete - Grey



EF12
Concrete - Light Grey



EF13
Render - Grey



EF14
Concrete - Textured

Rev.	Date	By	Ckd	Description
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Client Details	T #Client Phone Number
PDG	E #Client E-mail
PDG	

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Drawn By	
Checked By	
Date	9/08/2023
Scale	

Drawing Series	Supporting Drawings
Drawing Name	External Finishes

Drawing Number **TP418**
 Revision **C**

PLANNING APPLICATION REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2022-20
Applicant:	577 King Street Developments Pty Ltd c/o Tract Consultants Pty Ltd
Owner:	Zagame King Street Pty Ltd
Architect:	DKO Architecture (Vic.) Pty Ltd
Address:	559-577 King Street, WEST MELBOURNE
Proposal:	Use and development of land for three multi-storey buildings comprising dwellings, food and drink premises and office land uses over one basement level and alterations to access to a Transport Zone 2 road
Cost of works:	\$80 million
Date of Application:	21 October 2022
Responsible officer:	Kimberly Martin, Principal Urban Planner

1. SUBJECT SITE AND SURROUNDS

1.1 Subject Site

This planning permit application (application) relates to the land at 559 – 577 King Street, West Melbourne (subject site) and is located on the south western side of King Street with frontages to both Stanley Street and Roden Street. The site also has a frontage to Corporation Lane 1091 (CL1091), a Council owned laneway, accessed via Stanley Street. The sites comprises 13 separate titles, as listed below:

- Lot 1 on Title Plan 024087N,
- Lots 1, 2 and 3 on Title Plan 299766D;
- Lot 2 on Subdivision Plan 058305;
- Lots 1 and 2 on Title Plan 408697U;
- Lot 1 on Title Plan 342221M;
- Lot 1 on Title Plan 606935B;
- Lot 1 on Title Plan 702729T;
- Lot 1 on Title Plan 803095W;
- Lot 1 on Title Plan 803096U; and
- Lot 1 on Title Plan 102506L

The subject site is not affected by any covenants or agreements; however, the subject site is encumbered by a drainage easement adjoining the northern half of the westernmost site boundary and then connecting to the end of the laneway toward the centre of the subject site. In addition to this, four (4) of the lots are encumbered by party wall easements. Each of these easements manages party walls between the lots. The party wall easements are not located on any boundaries of the subject site.

The subject site has three (3) street frontages with the principal frontage to King Street (to the north–east of the site) measuring 50.17 metres, Roden Street (along the north–west) of 70.44 metres and Stanley Street (to the south) of 43.38 metres. The site shares a boundary along the south–west with 62 – 72 Stanley Street (the site connects through to a bitumen car park to Roden Street) of 93.13 metres.

The site resembles an ‘L’ shape and yields an area of approximately 5,490 square metres. The site topography falls approximately 2 metres from the north-east (King Street and Roden Street) to the south-west (westernmost portion of the Stanley Street frontage).

The subject site is currently occupied by a motor vehicle sales for ‘Audi’, showroom, motor vehicle service centre and commercial premises. The subject site currently has vehicle access points only to Stanley Street and Roden Street and is located within the Principal Public Transport area (PPTN).

Three (3) London Plane ‘*Platanus acerifolia*’ trees (Asset ID: 1014378, 1059068 and 1014379) are located directly along the King Street frontage, three (3) Coastal Banksia ‘*Banksia integrifolia*’ trees (Asset ID: 1850261, 1744761 and 1744762) along with one (1) Kanooka ‘*Tristaniopsis laurina*’ (Asset ID: 1070592) are located along the Roden Street frontage. Street trees along the Stanley Street frontage include two (2) Freeman Maples ‘*Acer unknown X fremanii Jeffersred autumn blaze*’ (Asset ID: 1584341 and 1070172). Relevantly, no street trees are proposed to be removed to facilitate this development.

An inspection of the subject site and surrounding area was undertaken on 2 October 2023. Refer to images below.



Figure 1 - King Street frontage (Source: Council Officer)



Figure 2 - Existing building on King Street and Roden Street corner (Source: Council Officer)



Figure 3 - Roden Street frontage (Council Officers)



Figure 4 - Stanley Street frontage (Council Officer)

1.2 Surrounding Context

The surrounding neighbourhood is characterised by a mix of building styles and heights, consistent with the emerging growth context of West Melbourne. Similarly, the surrounding context features a range of residential and commercial uses.

The West Melbourne Structure Plan 2018 (WMSP) identifies the subject site as being within the 'Spencer' Precinct. The WMSP envisages this precinct as being a *'vibrant, inner-city mid-rise area with a mix of retail, commercial, residential, community and creative uses spilling out onto its streets'*.

The subject site is located approximately 800 metres north west of the Melbourne CBD, 610 metres east of North Melbourne train station and 600 metres west of the Queen Victoria Market. There are two (2) large public open spaces being Eades Park to the immediate south east of the subject site and Flagstaff Garden further in the same direction.

In terms of direct abutments:

- To the **north-east** of subject site is King Street, a four-lane arterial road. Beyond King Street is a two storey The Salvation Army Flagstaff 'Crisis Accommodation' buildings. As noted, the subject site also shares direct abuttal to CL1091, a Council laneway to the north – east of the southernmost portion of the subject site.
- To the **north-west** is Roden Street. Directly in front of the site it is a two-lane local street with a substantial traffic island incorporating canopy trees separating the two lanes. The road then converts into a one-lane road as it progresses west towards Spencer Street. Roden Street is generally characterised by one and two storey terrace dwellings affected by Heritage Overlay – Schedule 3 (North and West Melbourne Precinct).
- To the **south-east** of the subject site, directly south of the Crisis Accommodation is Eades Park, a public reserve. The subject site also abuts the following properties:

555 King Street and 557 King Street (dwellings) known as the 'Mair row houses'

- Both are located within the Heritage Overlay - Schedule 774 (555-557 King Street, West Melbourne) and are graded 'Significant'. These two 'row houses' were built by Stephen Mair in 1875. The Mair row houses are significant for the historical association with Stephen Mair before he joined the veritable Samuel Amess firm, one of the builder-developers typical of West Melbourne, and representative of a major growth period in West Melbourne. In addition, these are well-preserved early row house designs with rare cast-iron detailing.

541 – 543 King Street, 545 – 547 King Street and 549 - 553 King Street (office / parking)

- Several three storey office buildings with basement car parking all built circa 1990s. The buildings are occupied by a variety of commercial land uses.
- To the **south-west** of the subject site is Stanley Street, a two-lane local street with a central lane of perpendicular parking spaces. Land on the south-eastern side of Stanley Street is predominantly occupied by one to two storey commercial and industrial land uses. The adjoining site at 62 – 80 Stanley Street and 85 Roden Street is occupied by an at-grade car park (accessed via Roden Street), a two storey heritage building in the centre of the site, affected by Heritage Overlay – Schedule 1199 (Alfred Hasker, later Barrett Bros and Burston and Company Pty. Ltd. maltsters) and a single level industrial building built to the common boundary using a boundary wall arrangement (fronting Stanley Street).



Figure 5 - Corporation Lane CL1091 to the east of the site (Source: Council Officer)



Figure 6 - Eades Park to the east of King Street



Figure 7 - Stanley Street viewed towards the west (Source: Council Officer)



Figure 8 - View of King Street directly in front of the site (Source: Council Officer)



Figure 9 - Roden Street viewed to the west (Source: Council Officer)

1.4 Maps and Aerials

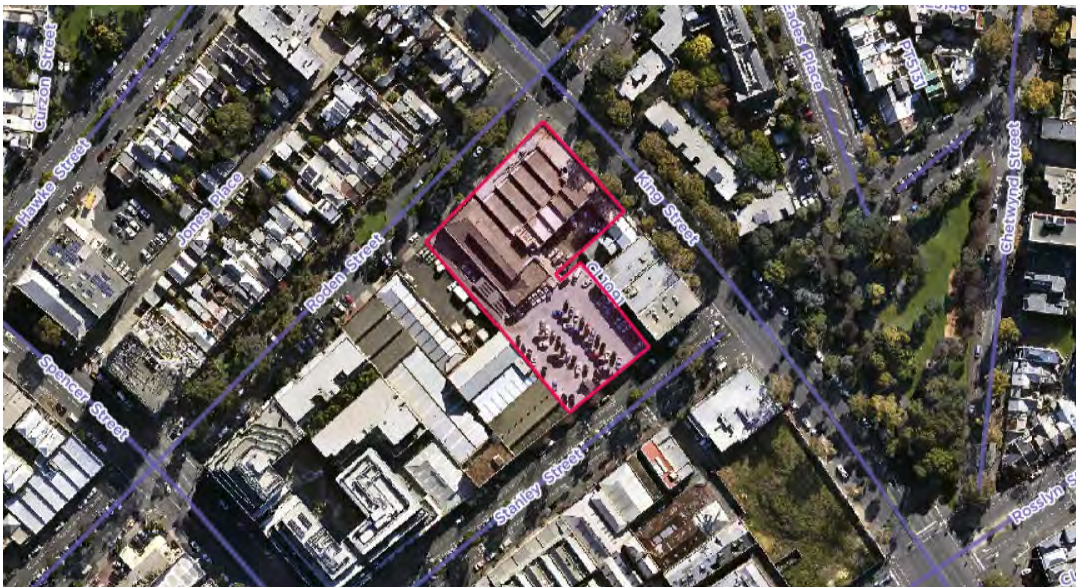


Figure 10 - Aerial view of the subject site and surrounds (Source: CoMPass)



Figure 11 - The subject site and surrounds (Source: CoMPass)



Figure 12 - Extract from the West Melbourne Plan clause 11.03-6L-1S

2. BACKGROUND AND HISTORY

2.1 Archaeology and Heritage Inventory

The subject site is not included in the [Victorian Heritage Inventory](#).

2.2 Aboriginal Cultural Heritage

The land is not included in an area of Aboriginal Cultural Heritage Sensitivity, as defined by the *Aboriginal Heritage Regulations 2018*.

2.3 Pre-application Discussions

The Applicant engaged in early pre-application discussions with the City of Melbourne (CoM) in March 2022. Following this, in August 2022 the Applicant met with representatives of the Department of Transport and Planning (DTP) and CoM to discuss the proposed built form response.

2.4 Application Lodgement

The application was referred to Council on 21 October 2022. The proposal sought approval for the *'use and development of land for three buildings including accommodation, retail premises and office land uses'*. Figure 13, Figure 14 and Figure 15 show the renders of the original proposed development as lodged in October 2022.



Figure 11 - Building A (King Street) - Initial Lodgement Plans



Figure 12 - Building B (Roden Street) - Initial Lodgement Plans



Figure 13 - Building C (Stanley Street) - Initial Lodgement Plans

2.5 Response to Further Information (Section 55) and Preliminary Issues

In May 2023 the Applicant provided a response to the Section 55 request for further information and preliminary issues raised by DTP and CoM by way of reduction in building heights, massing changes, increase in deep soil planting from 1 per cent to 5 per cent and provision of a pedestrian link. The application was also amended to correctly apply for the alteration (removal) of access to a Transport 2 Zone road.

2.6 Negotiations prior to Section 57A Amendment

Prior to the formal lodgement of the Section 57A Amendment, the Applicant met with both DTP and CoM to discuss outstanding issues relating to built form (heights and massing), response to surrounding character, overshadowing and deep soil planting.

The proposal was amended to reduce the building heights and massing, update the King Street ground plane, redefine the pedestrian link and increase the deep soil planting.

2.7 Section 57A Amendment (August 2023)

A formal request to amend the planning permit application under Section 57A of the *Planning and Environment Act 1987* was lodged on 14 August 2023 with DTP. The application was amended to include an increase in deep soil planting from 5 per cent to 10.30 per cent, decrease the number of car parking spaces from 106 to 100, modifications to the substation, division of commercial tenancies and inclusion of wayfinding signage for the pedestrian link.

3. PROPOSAL

The proposed development is broken down into three (3) buildings. As shown in Figure 16, these being:

- Building 'A' – King Street
- Building 'B' – Roden Street
- Building 'C' – Stanley Street

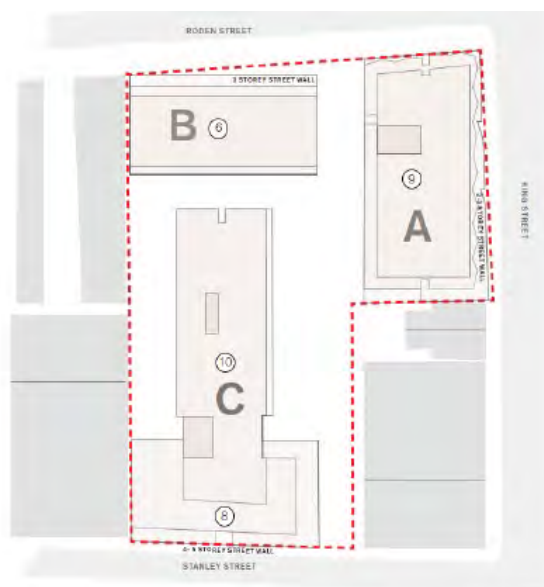


Figure 146 - Building Layout (Source: Application material)

3.1 Documents considered in assessment

The documents which have been considered in this assessment are identified in Table 1 below:

Documents considered in assessment

Table 1: Documents Considered in Assessment		
Document	Author	Date
Town Planning Report	Tract Consultants	24 May 2023
Urban Context Report	DKO Architecture	September 2022
Architectural Plans + Survey Plan	DKO Architecture	Rev 'C' - 9 August 2023
Landscape Plan	Arcadia	May 2023
Traffic Impact Assessment	One Mile Grid	19 May 2023
Waste Management Plan	One Mile Grid	23 May 2023
Affordable Housing Report	UrbanXchange	January 2023
Desktop Wind Study	Windtech	22 May 2023
Sustainability Management Plan	ADP	5 October 2023

The area ultimately affected by the acquisition is shown below in Figure 19.



Figure 19 - Area proposed to be acquired over CL1091

Details of the proposal can be summarised, as per Table 2, as follows:

Table 2: Proposal Summary	
Gross Floor Area (GFA)	32,329 square metres total GFA. 27,380 square metres GFA excluding the basement.
Floor Area Ratio	4.96:1
Building Height	Building A (King Street): 9 storeys / 29.9 metres Building B (Roden Street): 6 storeys / 20.72 metres Building C (Stanley Street): 10 storeys / 34.6 metres
Street Wall Heights	<p>Building A (King Street)</p> <ul style="list-style-type: none"> • Presents as an 8 storey street wall to Roden Street and King Street <p>Building B (Roden Street)</p> <ul style="list-style-type: none"> • Presents a 3 storey street wall <p>Building C (Stanley Street)</p> <ul style="list-style-type: none"> • Presents as a stepped street wall of 3 to 5 storeys
Setbacks	<p>Building A (King Street)</p> <ul style="list-style-type: none"> • Setback to King Street – minimum. ranging on boundary to 0.72 metres • Setback to 557 King Street – minimum. 2.74 metres • Setback to Building B – minimum. 9.12 metres <p>Building B (Roden Street)</p> <ul style="list-style-type: none"> • Setback to Roden Street – minimum. ranging on boundary to 2.57 metres • Setback to Roden Street (west boundary) – on boundary

	<ul style="list-style-type: none"> Setback to Building C – minimum 7.35 metres Building C (Stanley Street) <ul style="list-style-type: none"> Setback to 62 – 72 Stanley Street – minimum. 9.35 metres Setback to CL1091 – minimum. 6.55 metres Setback to 541 and 545 King Street – minimum. 10.19 metres Setback to 555 and 557 King Street – minimum. 19.4 metres
Dwellings	<p>A total of 287 dwellings are proposed comprising:</p> <ul style="list-style-type: none"> Studio: 37 dwellings One-bedroom: 135 dwellings Two-bedroom: 109 dwellings Three-bedroom: 6 dwellings
Communal Areas	<p>Internal communal area: 155.4 square metres (Level 8) Outdoor communal area: 392 square metres (Level 8) Internal communal area: 153.2 square metres (Level 9) Co-working area: 318 square metres Additional landscaped / open areas at ground floor including seating areas adjacent to pedestrian link</p>
Affordable Housing	6 percent
Deep Soil Planting	10.30 percent or 569.2 square metres
Landscaping	Provided in the form of garden beds and planters, deep soil zones, private courtyards and canopy creepers
Waste	<p>Residential waste – Council collection Commercial waste – Private collection (conditioned)</p>
Materials	Brick, cladding, render and powdercoated metal
Storage Cages	Storage cages provided across various levels of the development.
'Commercial' floor space	<p>Office: 645.3 square metres (larger tenancy to King Street) Food and Drink: 127 square metres (entry off Roden Street) Food and Drink: 315.8 square metres (entry off King Street)</p>
Pedestrian link	A north-east to south-west pedestrian link that connects Roden Street with Stanley Street. The hours it is open to the public include 7am to sunset but not earlier than 6pm
Car parking	100
Motorcycle spaces	Zero
Bicycle parking	156
Vehicle access / egress	<p>Vehicle access / egress via a crossover on Stanley Street. Deletion of the five crossovers to Roden Street and Stanley Street.</p>
Loading / unloading	Loading / unloading and waste collection areas accessed via basement from Stanley Street.

Development renders of the proposal are included in Figure 20 to 23 below.



Figure 20 - Building A (King Street) as viewed from the corner of King and Roden Street



Figure 15 - Building A (King Street) as viewed from King Street



Figure 22 - Building B (Roden Street) as viewed on Roden Street



Figure 23 - Building C (Stanley Street) as viewed from Stanley Street

4. STRATEGIC FRAMEWORK AND STATUTORY CONTROLS

Policy Framework

Table 3 identifies the following provisions of the Melbourne Planning Scheme that apply:

Table 3: Strategic Framework	
Section	Policy
Municipal Planning Strategy	Clause 02.01 – Context Clause 02.02 – Vision Clause 02.03 Strategic Directions, including: <ul style="list-style-type: none"> Clause 02.03-1 – Settlement

	<ul style="list-style-type: none"> • Clause 02.03-3 – Environmental Risks and Amenity • Clause 02.03-4 – Built Environment and Heritage • Clause 02.03-6 – Economic Development <p>Clause 02.04 – Strategic Framework Plans</p>
<p>Planning Policy Framework</p>	<p>Clause 11 – Settlement</p> <p>Clause 11.01 – Victoria, including:</p> <ul style="list-style-type: none"> • Clause 11.01-1S – Settlement • Clause 11.01-1R – Settlement – Metropolitan Melbourne <p>Clause 11.02 – Managing Growth, including:</p> <ul style="list-style-type: none"> • Clause 11.02-1S – Supply of Urban Land <p>Clause 11.03 – Planning for Places, including:</p> <ul style="list-style-type: none"> • Clause 11.03-6L-15 – West Melbourne <p>Clause 13 – Environmental Risks and Amenity</p> <p>Clause 13.07 – Amenity, Human Health and Safety, including:</p> <ul style="list-style-type: none"> • Clause 13.07-1S – Land Use Compatibility • Clause 13.07-1L-03 – Land Use Compatibility <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 15.01 – Built Environment, including:</p> <ul style="list-style-type: none"> • Clause 15.01-1S – Urban Design • Clause 15.01-1R – Urban Design – Metropolitan Melbourne • Clause 15.01-1L-03 – Sunlight to Public Spaces • Clause 15.01-1L-04 – Urban Design • Clause 15.01-1L-05 – Urban Design outside the Capital City Zone • Clause 15.01-2S – Building Design • Clause 15.01-2L-01 – Energy and Resource Efficiency • Clause 15.01-5S – Neighbourhood Character <p>Clause 15.02 Sustainable Development</p> <p>Clause 16 – Housing</p> <p>Clause 16.01 Residential Development</p> <p>Clause 17 – Economic Development</p> <p>Clause 17.01 – Employment, including:</p> <ul style="list-style-type: none"> • Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne <p>Clause 17.02 – Commercial, including:</p> <ul style="list-style-type: none"> • Clause 17.02-1S – Business

	<p>Clause 18 – Transport</p> <p>Clause 18.01-1S Land Use and Transport Integration</p> <p>Clause 18.01-1L Land Use and Transport Planning</p> <p>Clause 19 – Infrastructure</p> <p>Clause 19.03 – Development Infrastructure, including:</p> <ul style="list-style-type: none"> • Clause 19.03-3L – Stormwater Management (Water Sensitive Urban Design)
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Statutory Controls

Table 4 summarises the planning controls and requirements of the Melbourne Planning Scheme applying to the subject site and proposed development:

Table 4: Planning Controls	
Clause	Permit Trigger
<p>Clause 37.01 Special Use Zone – Schedule 6 <i>West Melbourne</i> (SUZ6)</p>	<p>Land Use (Dwellings) – Permit Required Pursuant to Schedule 6 of Clause 37.01, a permit is required for the:</p> <ul style="list-style-type: none"> • Use of the land as a ‘dwellings’ as the total number of dwellings exceeds nine (9). <p>Land Use (Food and Drink) – Permit Required Pursuant to Schedule 6 of Clause 37.01, a permit is required for the use of the land for a food and drink premises where the leasable floor area exceeds 150 square metres.</p> <p>Land Use (Co-Working) – Permit not required A permit is not required to use the land for ‘co-working’ space associated with dwellings and is considered part of the communal space.</p> <p>Land Use (Food and Drink) – Permit not required Pursuant to Schedule 6 of Clause 37.01, a permit is not required for the use of the land for a food and drink premises where the leasable floor area is 150 square metres or less.</p> <p>Buildings and Works – Permit Required Pursuant to Schedule 6 of Clause 37.01, a permit is required:</p> <ul style="list-style-type: none"> • To construct a building or construct or carry out works. <p>Motorcycle Parking All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p>
<p>Clause 43.02 Design and Development Overlay – Schedule 72 <i>West Melbourne</i> <i>Spencer Precinct</i> (DDO72)</p>	<p>Buildings and Works – Permit Required Pursuant to Schedule 72 of Clause 43.02, a permit is required to construct a building or carry out works.</p> <p>Floor Area Ratio An application to construct a building or carry out works must not exceed a Floor Area Ratio of 4:1 except for properties with a direct frontage to Spencer Street or King Street which must not exceed a floor area ratio of 5:1. This does not include Bonus Floor Area.</p>

	Where the site includes contiguous titles in the same ownership, a section 173 agreement must be entered into and registered on each title which records the amount of Floor Area Ratio developed across the entire site, and the amount (if any) of remaining Floor Area Ratio able to be developed on each title should it be individually redeveloped in future.
Clause 45.09 Parking Overlay – Schedule 14 <i>West Melbourne</i> (PO14)	<p>Car Parking - Permit not required</p> <p>Pursuant to Schedule 14 to Clause 45.09, a permit is not required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in the Table to this schedule. A permit is required to provide car parking spaces in excess of the car parking ratios at clause 3.0 of this schedule.</p> <p>The application proposes 100 spaces with a generation rate of 108 spaces across all uses. The application therefore provides car parking compliant with the Parking Overlay requirements.</p>
Clause 45.03 Environmental Audit Overlay (EAO)	<p>Permit not required</p> <p>Clause 45.03-1 specifies that before a sensitive use commences:</p> <ul style="list-style-type: none"> • A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must be issued stating that an environmental audit is not required for the use or the proposed use; or • An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use; or • A certificate of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i>; or • A statement of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i> stating that the environmental conditions of the land are suitable for the use or proposed use. <p>Conditions could be included on any permit being granted to ensure these requirements are satisfied prior to the commencement of the development.</p>

Particular Provisions

Table 5 summarises the particular provisions of the Melbourne Planning Scheme applying to the subject site and proposed development:

Table 5: Particular Provisions	
Clause 52.06 Car Parking	<p>Permit not required</p> <p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay. Car parking should be designed in accordance with the design standards within Clause 52.06.</p>
Clause 52.34 Bicycle Facilities	<p>Permit not required</p> <p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage have been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.</p>

	<p>Pursuant to Clause 52.34 (Bicycle Facilities), the proposal would need to provide a total of 89 bicycle parking spaces, including 57 dwelling spaces, 29 dwelling visitor spaces, 1 food and drink premises employee space and 2 office employee spaces. This does not trigger the requirements for end of trip facilities.</p> <p>A total of 156 bicycle spaces are proposed, as such a permit is not required.</p>
<p>Clause 52.29 Land Adjacent to the Principal Road Network</p>	<p>Permit Required</p> <p>Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Transport Zone 2 (King Street).</p> <p>Referral to Department of Transport and Planning is the responsibility of the Minister for Planning.</p>

General Provisions

Table 6 summarises the general provisions of the Melbourne Planning Scheme applying to the subject site and proposed development.

Table 6: General Provisions	
<p>Clause 66.02-11 Use and Development Referrals</p>	<p>Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works for an office development of 10,000 or more square metres of leasable floor area must be referred to Head, Transport for Victoria as a determining referral authority.</p> <p>Referral to Head, Transport for Victoria is the responsibility of the Minister for Planning.</p>
<p>Clause 66.03 Referral of Permit Applications Under Other State Standard Provisions</p>	<p>Pursuant to Clause 66.03, an application to create or alter access to, Roads Corporation or to subdivide land adjacent to, a road declared as a freeway or an arterial road Clause 52.29 under the <i>Road Management Act 2004</i>, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause must be referred to Roads Corporation (Department of Transport and Planning) as a determining referral authority.</p> <p>Referral to Department of Transport and Planning is the responsibility of the Minister for Planning.</p>

5. ZONE

The subject site is located within the Special Use Zone – Schedule 6 (SUZ6). The purpose of the SUZ6 is:

To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial, education and residential uses and affordable housing.

To retain and increase employment and facilitate an increase in jobs in West Melbourne.

To encourage a less car dependent transport system by facilitating the adoption of sustainable transport alternatives, and ensuring that opportunities to adapt and repurpose car parks are protected.

To encourage the provision of new public open spaces throughout West Melbourne to meet the different needs of the growing community.

To develop Spencer Street (between Dudley and Hawke Streets) as a local activity centre with a mix of commercial, retail, residential and community uses.'

6. OVERLAYS

6.1 Design and Development Overlay

The subject site is affected by the Design and Development Overlay – Schedule 72 (DDO72) which applies to the West Melbourne – Spencer Precinct. The design objectives of DDO72 include:

'To create a mid-rise precinct generally between three and eight storeys with variable building heights, including taller built form fronting Spencer Street, King Street and Dudley Street, lower built form on Laneways and other Streets and building typologies that respond to the characteristics of individual sites, that is in contrast to the tower and podium built form character of the central city.

To improve the amenity of Dudley Street and King Street as important boulevards into the City and to Docklands, and to support active uses and public realm improvements within the Spencer Street Activity Centre, and the development of the Activity Centre, as a vibrant local area serving West Melbourne, where commercial and retail activity is concentrated.

To reference the industrial history of the precinct by supporting the adaptive reuse of Special Character Buildings and encourage contemporary use of common industrial materials.

To increase permeability and connectivity for pedestrians and cyclists, and ensure that development supports the provision of Laneways and frames them as positive additions to the public realm.

To ensure that development responds to the characteristic hierarchy of Main Streets, Streets and Laneways through the arrangement of fronts and backs.'

Requirements

An application to construct a building or carry out works:

- must meet the Design Objectives specified in this schedule.
- must achieve the Built Form Outcomes specified in this schedule.
- should meet the Built Form Requirements in this schedule.

An application which does not meet the Built Form Requirements must demonstrate how the development will meet the Design Objectives, and achieve the Built Form Outcomes.

6.2 Parking Overlay

The Site is affected by the Parking Overlay – Schedule 14 (PO14). The parking objectives to be achieved under PO14 include:

'To support long term sustainable transport patterns and minimise road congestion in West Melbourne.

To identify appropriate car parking rates within the West Melbourne Structure Plan 2018 area.

To ensure parking facilities are provided efficiently and flexibly to meet changing community needs.

To minimise the negative impacts of parking facilities on the public realm and transport networks.

To provide for the future adaptation of car parking to other uses and innovations in transport technology.'

6.3 Environmental Audit Overlay

The Site is also affected by the Environmental Audit Overlay (EAO).

Pursuant to Clause 45.03, before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or proposed use; or
- An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Given the application seeks approval for a residential use, a condition will be required to be placed on any permit to issue. The condition will require that a Preliminary Risk Screen Assessment (PRSA) statement stating whether or not an audit is required. Should an Audit be required, an environmental audit statement stating that the land is suitable for the proposed use is required. If the audit requires ongoing maintenance, a Section 173 Agreement will need to be entered into for any future land owner's awareness.

7. STRATEGIC DOCUMENTS AND AMENDMENTS

7.1 West Melbourne Structure Plan 2018

The West Melbourne Structure Plan is listed as a background document under Clause 72.08 of the Scheme. The objectives of the West Melbourne Structure Plan are:

- *To establish a shared vision and framework for the long term future growth, development and character of West Melbourne.*
- *To ensure that community and creative infrastructure, open space and transport provision better match the needs of a growing population.*
- *To deliver current City of Melbourne strategies and policies related to West Melbourne.*
- *To identify a set of actions to deliver the vision and framework for the future development of West Melbourne. These include planning scheme amendments and street and open space improvements (capital works proposals).*

The subject site is within the Spencer Precinct. The West Melbourne Structure Plan identifies Spencer as having a mixed commercial character with a varied built form, including industrial brick buildings, smaller warehouses and Victorian terraces.

The West Melbourne Structure Plan provides the following vision for Spencer:

'Spencer will be a vibrant, inner-city mid-rise area with a mix of retail, commercial, residential, community and creative uses spilling out onto its streets. Anchored by the Spencer Street high street, this neighbourhood will be distinct from the central city and North Melbourne with its mix of converted warehouses, contemporary developments, heritage corner pubs and Victorian shop fronts.'

In regards to built form, the West Melbourne Structure Plan envisages Spencer as a mid-rise area with new buildings having a preferred maximum height of eight storeys along Spencer Street and King Street and seven storeys to other streets.

In regards to activities and uses, it seeks to reinforce the role of Spencer Street as the local high street of West Melbourne.

7.2 Amendment C415melb – Sunlight to Public Open Spaces

Planning Scheme Amendment C415melb Sunlight to Public Open Spaces is a seriously entertained planning scheme amendment, relevant to the proposed development.

Amendment C415melb introduces new planning scheme controls into the Scheme to protect winter sunlight access to public parks. Specifically, this amendment proposes to introduce Design and Development Overlay – Schedule 8 (DDO8) to the subject site.

Eades Park is a 'Park Type 1' for the purpose of applying the proposed building controls under DDO8 to the Site. Pursuant to the proposed DDO8, a permit cannot be granted for buildings and works which would cast additional shadow onto the park between 10am and 3pm on June 21 beyond the existing shadow.

7.3 Amendment VC242 (Significant Economic Development)

Amendment VC242 was gazetted on 20 September 2023 introducing, amongst other changes, a new provision at Clause 53.22 (Significant Residential Development with Affordable Housing). This is a voluntary pathway that an applicant can elect to utilise.

The application would have potentially been an eligible project under the criteria set out at Clause 53.23-1 as it involves accommodation with an estimated cost of development exceeding \$50,000,000. However, one of the conditional requirement is that at least 10 percent of the total number of dwellings in the development must be affordable housing (6 percent is proposed).

In addition, the following transitional provision is also included at Clause 53.23-7:

Clause 53.23 does not apply to:

- *An application for a permit lodged before the approval date of Amendment VC242.*
- *An application for an amendment of a permit under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC242.*

The application was originally lodged on 12 October 2022 and amended under Section 57A on 14 August 2023, both prior to the approval date of Amendment VC242 (20 September 2023). Therefore, due to the transitional provision underlined above, the application is not affected by VC242 and Clause 53.23.

8. PUBLIC NOTIFICATION

The Minister for Planning is the Responsible Authority for development applications that exceed 25,000 m² in gross floor area. The Department of Transport and Planning (DTP) has referred the application to the City of Melbourne for comment and advice.

This application was not exempt from public notice and in accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*, DTP have given notice of the application to the City of Melbourne.

DTP have advised that they have received five (5) objections.

9. REFERRALS

The application was referred to the following internal departments whose comments are summarised:

9.1 City Design

Council's City Design team were integral in the design evolution of the proposal and provided feedback on multiple occasions in response to the amended drawings submitted to address specific concerns including the below comments which were provided prior to the Section 57a Amendment. Importantly, City Design are generally supportive and noted the following:

- *Each building (A, B, C) adopts a distinct architectural identity. This variety gives the development an interesting presentation, and avoids visual monotony. We support the overall design concept.*
- *We are supportive of the reconfigured ground plane. The direct sight line between Roden and Stanley streets has improved pedestrian legibility and wayfinding. The landscaped edges with integrated seating provide ample pedestrian amenity without compromising the legibility of the linkage.*

Building A:

- *The street wall rhythm positively relates to the neighbouring residential buildings, and proposed materials are contextual, with an appropriate proportion of glazing to masonry.*
- *The upper form is visually interesting and materials are highly textured and robust.*
- *The deep balconies at the King Street interface, and the breaking up of mass at the Roden Street interface effectively reduce visual bulk and result in a visually interesting building presentation.*

Building B:

- *We support the design concept of Building B. The depth, slanted upper form, and vertical break down of mass effectively reduces the perception of visual bulk, and positively relates to the low-rise residential interface opposite.*
- *The industrial character of West Melbourne should be reflected through the selection of robust, contextual and visually interesting materials.*
- *In the original application, the primary material of Building B (EF09) was Tan Brick. In the revised drawings, it has changed to an unspecified 'Light-coloured cladding'. We request clarification on the material and finish of 'EF09' to ensure*

that all facades incorporate highly robust and textured materials that are contextual.

- *We note inconsistencies between the North West Elevation and the render of Building B. The low fence at the Building frontage is labelled 'light coloured cladding' on the elevation, but appears to be tan brick on the renders. We request clarification on this detail.*

Building C:

- *We are supportive of the overall design of building C, which has a visually interesting and elegant presentation.*
- *The street wall provides a human scaled pedestrian experience, and incorporates contextual materials with an appropriate proportion of solidity to transparency.*
- *Materials to the upper levels are highly robust and textured, and the deep balconies enhance the prominence of the solid, contextual materials.*

Planner response

In response to the above outstanding concerns regarding the materiality, the Applicant corrected the detail provided in the renders to ensure consistency with the material schedules. Officers consider that clarity around the proposed 'light coloured cladding' can be provided as a condition which could be recommended to DTP for inclusion on any permit issued, refer to Condition 1g) and Condition 1h).

The modifications have resulted in three distinct building forms all with differing architecture. As a result the development has been significantly improved from that originally lodged which is commended.

9.2 Traffic Engineering

Council's Traffic Engineers reviewed the proposed development and Traffic Impact Assessment (TIA) and made the following observations:

- *The TIA must be amended to confirm that all spaces, ramps, grades, transitions, access ways and height clearances are designed generally in accordance with the Melbourne Planning Scheme (MPS) or AS/NZS 2890.1:2004.*
- *In addition to the proposed mirror, a flashing light/device must be installed at the vehicular exit to warn pedestrians/motorists of exiting vehicles and vice-versa. A narrow road hump must also be installed close to the exit, to slow both entering/exiting vehicles.*
- *Motorcycle parking spaces to be provided on site.*

Planner response

It is considered that the above can be provided by way of conditions and can form part of the recommended conditions for inclusion, refer to Conditions 38 to 44.

9.3 Civil Design

Council's Civil Design team were generally supportive of the proposed development subject to the provision of conditions. The key conditions are noted:

- *The proposed development has impact on wall-mounted street lights attached to the existing building in Corporation Laneway CL1091.*

- *The design of the building shall be redesigned to allow installation of power conduits and street lights on the external walls of the building. The power conduits for the wall mounted lights shall be designed perpendicular to the surface pavement. The building should provide a minimum vertical clearance of 6.0 metres above and 2.0 metres below the surface pavement to allow installation of electrical conduits and wall-mounted lights.*
- *The proposed buildings including a basement lie over Council drains. The Council drain must be relocated.*
- *The laneway known as CL1091 must be reconstructed to Council standards prior to occupation of the buildings. We have experienced that laneways similar to CL1091 are immensely affected by building construction of this nature and reconstruction is justified.*
- *The road adjoining the site along Corporation Laneway CL1091 must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure .*
- *All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne’s Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb.*

Planner response

The referral comments are incorporated at conditions 46 to 60 in the recommendation. Importantly, it is relevant to include that the condition as it relates to CL1091 must be reconstructed in a manner to the satisfaction of City of Melbourne so that the Corporation Lane remains in good standing.

9.4 Waste Engineering

Council’s Waste Engineering team reviewed the Waste Management Plan (WMP) and identified the following items to be addressed:

Table 8 of the WMP:

- *Building B: an 1100L bin collected 3 x per week for garbage and recycling significantly exceeds the entitlement for residents in that building. Can a 660L bin be used with the chute equipment?*
- *Building C: as above, the volume provided for garbage and recycling is well in excess of the residential entitlement. Can 1 x 1100L and 1 x 660L bins be used?*
- *Office: commercial waste will be collected by a private contractor for the time being. There is plenty of space in commercial bin store – please reduce collection frequency to once per week. (e.g., use 660L bins).*
- *Building C: figures for total waste/week – please ensure figures are accurately transferred from table 7*

Plan drawings (Figure 3):

- *Please ensure bin sizes are the same as those shown in Table 8.*
- *Please show hard waste storage for commercial tenants in addition to the 4m² for residents.*
- *Sections 3.2 and 5.5 state that chute outlets will be enclosed, “likely in a wire cage”, to ensure the safety of residents. Please show these in plan drawings. (NB: can be seen in main plan drawings but not in those provided in the WMP)*

- *Section 3.2 and 5.2 mention a “potential” bin feeder system for building C. References is made to specifications in the Appendices, but are not provided.*
- *If a bin feeder system is still being proposed, specifications need to be provided and the equipment needs to be shown to scale in the bin store, with appropriate clearances.*
- *Show safe transfer pathways from each building’s lift well to the relevant bin store, for both residents and for commercial tenants.*
- *Show safe transfer pathway for residents to dispose of hard waste, e-waste and charity goods. The current location shown for people to drop off hard waste, e-waste and charity goods is not safe.*
- *Please clarify the nature of the lift that provides access to the basement loading bay and temporary bin storage area. (Is this a passenger lift?)*
- *Please provide (as part of the WMP) an elevation drawing for loading bay showing height clearance.*
- *Please provide (as part of the WMP) a typical floor plan showing residential chute rooms.*

Planner response

These conditions have been included in the recommendation which require the above changes to the WMP and Architectural Drawings, refer to Conditions 11 to 15.

9.5 Land Survey

The application was referred to Land Survey who had no objections to the application, however, recommended that the following conditions be included on any permit issued:

- *Prior to the commencement of the development, the portion of CL1091 which is proposed to be built on must be formally discontinued, purchased and consolidated with the subject land.*
- *Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority. All easements which are proposed to be built on and do not merge upon registration of the Plan of Consolidation must be removed prior to the commencement of works.*

Planner response

These conditions have been included in the recommendation at Conditions 9 to 10.

9.6 Homes Melbourne

Given the proposed Affordable Housing component, the application was forwarded to Council’s Housing Advisor for review and comment. In particular, feedback was sought in relation to the 15 year timeframe for the provision of the Affordable Housing.

The application is offering 6% of the units as affordable housing, which is in line with Objective 7 of the West Melbourne Structure Plan which recommends a minimum 6% of gross residential floor space as Affordable Housing and rent will not exceed 75% of market rate and will not be more than 30% of household income. Importantly, the provision of affordable housing should be provided in perpetuity.

Planner response

Council's Housing Advisor has provided conditions to secure the above and these are in the recommendations at Conditions 21 to 23 including the requirement to provide the affordable housing in perpetuity.

9.7 Environmentally Sustainability Design

Council's ESD Officer notes that the development commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 Energy and resource efficiency and Clause 19.03-3L Stormwater management (Water sensitive urban design) of the Melbourne Planning Scheme; however, they have recommended some changes be made by way of an amended Sustainable Management Plan (SMP) be provided prior to the commencement of development and a report confirming the implementation of the SMP prior to the occupation of any building.

Planner response

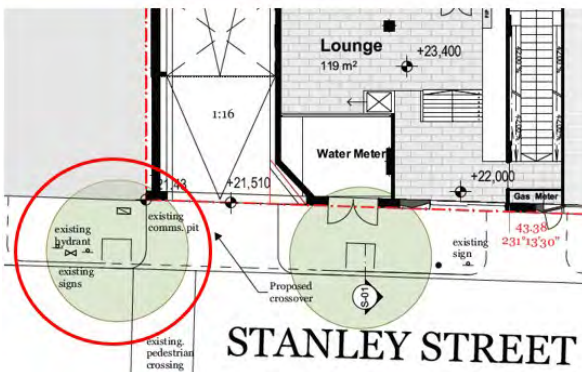
These conditions have been included in the recommendation at Conditions 16 to 18.

9.8 Urban Forest and Ecology

Council's Urban Forester reviewed and provided recommended conditions relating the public tree assets. They noted:

The plans show a potential conflict with public tree asset 1070167 on Stanley Street where the proposed access will impact the Tree Protection Zone (refer to images below).

- *It is noted that additional tree planting is proposed within the public realm, which would mitigate the loss of asset 1070167 if this is required. While proposed tree planting is identified, below ground service locations may impact tree plot construction. Applicants should always provide service proofing to demonstrate that new tree plot construction is possible.*
- *The proposal identifies that existing public trees will be retained but most impacts to trees resulting in removal pressure occur at demolition and construction stages. It is possible that tree removal will be required to facilitate these stages.*
- *Urban Forest and Ecology has no objection to the application but recommends the inclusion of conditions.*



Planner response

These conditions have been included in the recommendation at Conditions 31 to 37.

10. ASSESSMENT

The key issues for consideration in the assessment of this application include:

- The proposed land uses within the Special Use Zone
- Response to the West Melbourne Spencer Precinct (DDO72)
- Amenity impact on adjoining properties and internal amenity
- The community benefit of the proposal
- Traffic and parking
- ESD response.

10.1 Land Use

The proposed development seeks to use the land for the purposes of dwellings, food and drink premises and offices.

A planning permit is required to use the land for dwellings as there are more than nine proposed dwellings and a planning permit is required to use the land as a food and drink premises as one of the premises is over 150 square metres.

The SUZ6 seeks to “...support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial, education and residential uses and affordable housing.”

The proposed use of the land for the purposes of dwellings and food and drink addresses the purpose sought for West Melbourne and is supported by both the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) by virtue of the following:

- The application proposes a mix of dwelling typologies, food and beverage and office uses which will support delivering the envisaged mix of land uses in West Melbourne.
- The MPS and PPF also support mixed use developments in West Melbourne which facilitate a range of businesses and employment opportunities.
- The West Melbourne Structure Plan identifies Spencer Street as the new local activity centre. While not located on Spencer Street, the mix of uses is considered appropriate in this location noting the development will be located on a large site, on a prominent corner on King Street and near to a public park.
- There will be activation to all street frontages, particularly Roden Street and Stanley Street.
- The mix of dwelling typologies across the entirety of the development will also assist in creating homes for a variety of different demographics be it single person, pairs, groups and families.
- The incorporation of 6 per cent affordable housing assists in supporting a positive development outcome for the area. An increase in affordable housing stock of high quality is an outcome encouraged by the Scheme, specifically the DDO72, City of Melbourne and the Victorian State Government. This fosters a good social outcome for West Melbourne and supports a range of demographics.

It is considered relevant to include a recommended condition for the Food and Drink to be open for the use between 7am – 10pm having regard to potential amenity issues given there is a permit trigger for the proposed use.

The proposed use of the land for dwellings is considered to be a positive response to the general purpose and outcomes sought for the West Melbourne precinct and warrants support.

10.2 Built Form Response

Design and Development Overlay – Schedule 72 (West Melbourne – Spencer Precinct)

DDO72 - West Melbourne – Spencer Precinct sets the expectations for future built form in the 'Spencer Precinct' area. The design objectives for this Precinct are noted in Section 6.1 of this report and assessed in Table 7.

Broadly, if development satisfies the built form requirements, built form outcomes and design objectives of DDO72, it is considered that the development will also address relevant policy settings for urban design and built form in the Planning Policy Framework.

Floor Area Ratio

DDO72 states that an application to construct a building or carry out works must not exceed a Floor Area Ratio of 5:1 where a property has a direct frontage to King Street. A permit cannot be granted or amended to vary this requirement. Floor Area Ratio means the gross floor area above ground of all buildings on a site, divided by the area of the site.

With a gross floor area above ground of 27,380 square metres, the proposed development results in a floor area ratio of 4.98:1, thereby complying with the DDO72 floor area ratio requirements.

Built Form

The development's response to the built form controls of this DDO are divided into building heights, street wall heights, amenity, adaptable buildings, Eades Park, active streets and laneways and laneways, pedestrian and cycling connections.

A comprehensive assessment of the proposed development against the built form requirements and built form outcomes of DDO72 (with reference to the design objectives) has been undertaken below in Table 7.

Table 7 – DDO72 Built Form Assessment	
Design objectives	
To create a mid-rise precinct generally between three and eight storeys with variable building heights, including taller built form fronting Spencer Street, King Street and Dudley Street, lower built form on Laneways and other Streets and building typologies that respond to the characteristics of individual sites, that is in contrast to the tower and podium built form character of the central city.	The building form exceeds the recommended height (discussed further in this table), with the highest built form located within the central portions of the site well recessed from adjoining streets. The buildings provide for suitable transitions to neighbouring forms by way of setbacks and street wall heights that complement the surrounds and help to ensure the objective of creating a midrise precinct is realised.
To improve the amenity of Dudley Street and King Street as important boulevards into the City and to Docklands, and to support active uses and public realm improvements within the Spencer Street Activity Centre, and the development of the Activity Centre, as a vibrant local area serving West Melbourne, where commercial and retail activity is concentrated.	The proposed development improves the integration with King Street through the provision of a food and drink premise and an office, allowing additional passive surveillance and by virtue, general street / pedestrian integration thus supporting the development of a vibrant local area.
To reference the industrial history of the precinct by supporting the adaptive reuse of Special Character Buildings and encourage contemporary use of common industrial materials.	The proposed built form response pays homage to the industrial history of the West Melbourne area by providing built form that appropriately responds to its surrounds via the deployment of respectful materials, building proportions and general character. This is evidenced in the isolated built form character of all three buildings as they front onto their respective interfaces.
To increase permeability and connectivity for pedestrians and cyclists, and ensure that development supports the provision of Laneways and frames them as positive additions to the public realm.	The proposed development has included a centralised pedestrian laneway, affording connection between two east west connector streets between King Street and Spencer Street, generally improving the public realm.
To ensure that development responds to the characteristic hierarchy of Main Streets, Streets and Laneways through the arrangement of fronts and backs.	The proposal has been designed so that the forms respond appropriately to their respective characteristic interfaces of Main Streets (King Street) and Streets (Roden Street and Stanley Street) through the provision of fronts and backs in development forms.
Building heights, street wall heights and amenity	
Built Form Outcomes	Built Form Requirements

<p>A mix of building typologies and variable building heights, including street wall heights that make a positive contribution to the specific character of the precinct.</p> <p>Taller buildings on large sites, main streets and prominent street corners, and lower built form on smaller sites, mid-block sites and laneways.</p> <p>Buildings within larger sites that are broken up into a series of smaller building forms where appropriate and with variable heights to ensure they relate and contribute positively to their context and their historic urban grain.</p> <p>Development respects the scale of adjoining residential development and heritage buildings.</p> <p>Development that appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.</p> <p>Development that is set back from side and rear boundaries to ensure internal spaces receive adequate levels of daylight and privacy.</p> <p>Equitable development with primary outlook to the street or within development sites.</p>	<p>Preferred maximum building height of 7 storeys unless:</p> <ul style="list-style-type: none"> • fronting Dudley Street where the preferred maximum building height is 10 storeys. • fronting Spencer Street or King Street where the preferred maximum building height is 8 storeys. <p>Street wall heights between 3 and 6 storeys unless:</p> <ul style="list-style-type: none"> • fronting Spencer Street or King Street where the street wall height range is between 3 and 8 storeys. • fronting Dudley Street, where the street wall height range is a maximum of 10 storeys. • fronting Roden Street where the preferred maximum street wall height is 4 storeys.
<p>Assessment against ‘Building heights, street wall heights and amenity’</p> <p>DDO72 specifies a preferred maximum building height of eight storeys for the subject site, with a street wall height between three and eight storeys.</p> <p>The proposed development is split into three buildings all with a varied built form preferential. These are assessed individually, per below:</p> <p>Building A: King Street</p> <p><i>Building height</i></p> <p>The preferred maximum building height is 8 storeys with the proposed built form sitting at an overall 9 storey height (refer to extract below).</p> <p>The 9th storey in this case has been setback to allow the building to read as a predominant 8 storey form. While the building can be read as a 9 storey building from certain vantage points, the bulk of the building at the immediate pedestrian level will be that of an 8 storey form.</p> <p>Despite the one storey increase from the preferred building height, the setback to the upper level is sufficient to mitigate any bulk issues. In addition, the setbacks to 555 and 557 King Street, as shown further below, aid in the balance of the additional form.</p>	



Roden Street view of Building A



King Street view of Building A

Street wall height

The preferred street wall height for buildings to King Street is 3 to 8 storeys. The proposal presents a street wall height of 3 storeys to the Roden Street aspect and the corner of Roden Street and King

Street. The form then reduces to a 2 storey street wall as the building recedes south east near to 555 and 557 King Street, all within the preferred street wall heights.

Building B: Roden Street

Building height

The preferred maximum building height is 7 storeys with the built form proposition being that of a 6 storey building. The built form outcome is highly responsive to the primarily residential character of Roden Street.

Street wall height

The preferred street wall height to Roden Street is 4 storeys. The application proposes a street wall height of 3 storeys, compliant with the DDO.

Building C: Stanley Street

Building height

The preferred maximum building height is 7 storeys. While the proposal presents as an overall 10 storey building, the majority of the form to Stanley Street reads as an 8 storey building.

The setback between the 8th and 10th storey from Stanley Street is 10.19 metres, as shown below.

While the height exceeds the preferred building height by 3 storeys, in this instance it is considered acceptable having regard to the large site allowing the two uppermost storeys as they are well setback, circa 10 metres and that the presentation to Stanley Street is primarily 8 storeys, one storey above the preferred height.

Given the size of the site it is considered that the land can 'absorb' the additional height due to the centralised siting of the form ensuring the built form outcomes are comfortably achieved.



Westernmost interface view of Building C

Street wall height

The preferred street wall height is between 3 and 6 storeys for buildings to Stanley Street. The proposed street wall height is 4 storeys, which complies with the preferred street wall height.

The proposal meets the built form outcomes noting:

- It comprises a site responsive, mid-rise, mixed use development on a large site on a prominent street corner.

<ul style="list-style-type: none"> • The proposed design of the buildings incorporate visual breaks and setbacks, softening the development's visual impact. Further, the proposed design incorporates a diversity of forms and architectural language which will assist in breaking up the façade and providing visual interest. • The proposal has been sited to reduce the impact on the neighbouring residential properties on Roden Street and the expected lower level character of Stanley Street. • The scale and form of the buildings, and the inclusion of active uses fronting all streets would provide a high level of pedestrian amenity. • The development includes facilitation of a pedestrian link within the site to provide improved permeability through the precinct by linking Roden Street with Stanley Street. The provision of this pedestrian link will also ensure the development relates to the fine grain urban context of the surrounding area. • The layout of the development maximises opportunities for passive surveillance and interaction with the street. • It is considered that the layout of the proposed development would allow for the equitable development of the properties surrounding the site. 	
Adaptable Buildings	
Built Form Outcomes	Built Form Requirements
Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses.	<p>Minimum floor-to-ceiling heights of:</p> <ul style="list-style-type: none"> • 4 metres for the ground floor. • 3.3 metres for all non-residential uses on other floors.
Assessment against 'Adaptable Buildings'	
<p>The proposal includes floor-to-ceiling heights at a minimum of 3.1 metres and upwards of 4.6 metres across the ground floors, due to the slope in the land. It is considered that the floor to ceiling heights provided allow for all buildings to be used for a variety of different uses and therefore aligns with the built form requirements and outcomes.</p>	
Eades Park	
Built Form Outcomes	Built Form Requirements
Development positively frames the open space in Eades Park.	Provide active frontages on streets interfacing with Eades Park, particularly along King Street.
Assessment against 'Eades Park'	
<p>The proposal provides active frontages to King Street and Eades Park, meeting the built form outcomes and requirements.</p>	
Active Streets and Laneways	
Built Form Outcomes	Built Form Requirements
<p>Reinforce the role of Spencer Street (between Dudley Street and Hawke Street) as the active, safe and well-designed local activity centre of West Melbourne.</p> <p>Development that maximises the quality and activation of main streets, streets and laneways and other public realm areas.</p> <p>Development that minimises the impact of building services on the public realm.</p>	<p>Provide active frontages at the ground floor where appropriate, particularly within the Spencer Street Activity Centre.</p> <p>In development with more than one Street frontage, vehicle access and loading bays:</p> <ul style="list-style-type: none"> • Should be located on the Street or Laneway that is lower in the street hierarchy. • Where possible, should not be located on Laneways that demonstrate all of the following characteristics:

	<ul style="list-style-type: none"> - a connection through a street block. - active frontages. - an architectural character that provides aesthetic and spatial interest to the public realm. • Should minimise impacts on the pedestrian network. • Service and back of house areas should be located away from Main Streets, Streets and public spaces within basements or upper levels. • Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.
<p>Assessment against ‘Active Streets and Laneways’</p> <p>Service and back of house areas are located in the basements or central to the buildings on site.</p> <p>Vehicle access, including loading and waste areas are accessed via one central access point off Stanley Street, rather than King Street. Importantly, the proposal provides active frontages to all Street interfaces.</p> <p>Substation access is located off the street, internal to the development but still maintains convenient access.</p> <p>Pedestrian access around the site’s various frontages is improved via the removal of redundant vehicle crossovers.</p>	
<p>Laneways, pedestrian and cycling connections</p>	
<p>Built Form Outcomes</p>	<p>Built Form Requirements</p>
<p>Safe, direct, attractive and convenient pedestrian and cycling connections that are appropriately spaced and aligned with other laneways or pedestrian and cycling connections through West Melbourne.</p> <p>New laneways are provided through large sites where appropriate.</p>	<p>Provide at least one new pedestrian connection through street blocks exceeding 100 metres.</p> <p>Provide at least two pedestrian connections through street blocks exceeding 200 metres.</p> <p>Locate pedestrian connections centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.</p> <p>Ensure new Laneways, pedestrian and cycling connections are:</p> <ul style="list-style-type: none"> • Well-lit and provide a line of sight from one end of the connection to the other. • Publicly accessible and appropriately secured with a legal agreement. • At least 6 metres wide. • Open to the sky. • Lined by active frontages where appropriate.
<p>Assessment against ‘Laneways, pedestrian and cycling connections’</p> <p>A through-block connection has been provided at ground level, linking Roden Street to Stanley Street, thereby improving the quality of the pedestrian connections along King Street and improving the walkability of the urban block.</p>	

The link provides for a direct linear sightline between the two Streets aided by wayfinding signage. The through-block link will be publicly accessible during daylight hours and be lined with active frontages and areas of landscaping. In addition, the pathway itself is 3 metres in width with an additional 5.77 metre alignment of landscaping providing for an open and inviting connection.

Urban Design

Clause 15.01-1L-05 (Urban Design outside the Capital City Zone) provides guidance on the design of new buildings in areas such as West Melbourne. Key Objectives that relate to the proposal seek:

- *To ensure that the scale, siting, massing and bulk of development complements the adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design that reflects the importance of their location and extent of their visibility.*
- *To ensure that building design at the ground floor frontages creates and improves pedestrian interest and engagement.*
- *To prioritise pedestrian movement and amenity and strengthen networks of pedestrian pathways.*
- *To minimise the adverse impacts of wind in surrounding public spaces and provide weather protection.*

As identified in Section 9.1 of this report, Council's City Design team are supportive of the design of the proposal. There has been significant work undertaken in response to the comments provided by Council's City Design team which has resulted in a reduction of the building height and massing associated with Building A and Building C, the tempering of the form has resulting in positive improvements to the overall development in line with the design objectives for the area. As such, subject to the resolution of the proposed materiality which has been requested via suggested permit conditions, the proposal is supported.

Sunlight to public places

Clause 15.01-1L-03 (Sunlight to Public Spaces) seeks:

- *'To protect, and where possible, increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.*
- *To ensure that overshadowing from development does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*
- *To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.'*

The proposal is not located within a reasonable distance of any of the listed 'Key public spaces' and must therefore only meet the following policy direction:

'Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.'

In addition to the above, it is worth noting that DDO72 specifies that the responsible authority must consider whether the development enables sunlight to reach into parks, streets and lower levels of buildings.

Lastly, pursuant to the proposed DDO8, a permit cannot be granted for buildings and works which would cast additional shadow onto the park between 10am and 3pm on 21 June beyond the existing shadow.

The shadow diagrams submitted as part of the application indicate that the proposed development will not result in any overshadowing of Eades Park between 11am and 2pm on 22 September.

Given the increased built form proposed on the subject site, there will be additional shadow cast by the development throughout the day, including along both King Street and Stanley Street and residential properties near to the subject site, noting the controls on the Site and envisaged built form under the DDO72 and Structure Plan, some overshadowing is to be expected. Despite the increase in shadowing to existing conditions, the shadow impact is anticipated by the maximum height limit in DDO72 and will not unreasonably reduce the amenity of the public spaces surrounding the subject site.

Having regard to the above and despite the proposal exceeding the preferred height as detailed in DDO72, there is no shadowing cast to Eades Park and any additional shadowing is considered acceptable and the proposal would not be prohibited under the proposed DDO8.

Clause 58 (Apartment Developments)

This application has been assessed against Clause 58. The following Objectives of Clauses 58 relate to the development's response to its context and other built form considerations:

- Clause 58.02-1 – Urban Context Objectives
- Clause 58.02-4 – Infrastructure Objective
- Clause 58.02-5 – Integration with the Street Objective
- Clause 58.03-1 – Energy Efficiency Objectives
- Clause 58.03-5 – Landscaping Objectives
- Clause 58.03-6 – Access Objective
- Clause 58.06-4 – External Walls and Materials Objective
- Clause 58.03-8 – Integrated Water and Stormwater Management Objectives

The assessment against Clauses 58 confirms that the proposed development is able to meet all Standards identified above other than:

- Clause 58.03-5 – Landscaping Objectives

This variation is discussed below.

Landscaping

Clause 58.03-5 provides the following objectives, which the proposed development must meet:

“To encourage development that respects the landscape character of the neighbourhood.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.”

In this instance, the corresponding Standard D10 requires the provision of deep soil areas comprising at least 15% of the site area. The site has an area of 5525 square metres which requires the provision of 828.75 square metres of deep soil.

The proposal nominates two large areas of deep soil planting across the site, varying from 253.70 square metres to 315.5 square metres in area, totalling 569.2 square metres or, 10.30 per cent of the site. This represents a shortfall of 259.55 square metres / 4.7 per cent. It is considered that the proposal generally meets the Objectives at Clause 58.03-5 based on the following:

The local area does not have an established landscape character and is one where large-format warehouse buildings are prevalent and there is generally no identifiable landscape character.

The proposal includes a high quality landscape design response comprising both hard and soft elements throughout the communal areas and pedestrian links. Extensive planting above the basement, vertical planting and planter beds increase the amount of green space within the development.

The landscape drawing package submitted as part of the application includes several plant species (Type A and Type B trees) that would reach upwards of 8 and 10 metres at maturity, including *Hymenosporum fl avium*, *Waterhousia fl oribunda* ‘S1Whisper’ and *Eucalyptus scoparia*. Although specific locations for each tree have not been confirmed at this stage (as the landscape plan requires some amendments due to the changes in deep soil areas), the plans do indicate sufficient opportunities for the minimum number of large and / or medium trees to be provided.

As noted earlier in the report, the application was lodged with a provision of 1 per cent deep soil planting that was then increased to 5 per cent and ultimately 10.30 per cent.

For the reasons detailed above, it is considered that the proposal allows for an appropriate landscape design outcome and provides for an overall increase in the landscaping area from that of the existing conditions.

10.3 Amenity Impacts

The following Objectives of Clause 58 (Apartment Developments) that relate to the potential amenity impacts resulting from a proposed development:

- Clause 58.04-1 – Building Setback Objective
- Clause 58.04-3 – Noise Impacts Objective
- Clause 58.06-3 – Waste and Recycling Objective

The assessment against Clauses 58 confirms that the proposed development is able to meet all Standards identified. Having said this, the following Standard is worthy of discussion - Clause 58.04-1 – Building Setback Objective. An assessment of this is provided below:

Building Setback

Clause 58.04-1 (Building Setback Objective) seeks:

“To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings.

To provide a reasonable outlook from new dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.”

The nearest dwellings that may be impacted as a result of this development are 555 King Street and 557 King Street which have private open space and windows along the neighbouring aspect to Building A (King Street). Importantly, Building C (Stanley Street) is setback circa 19 metres from these dwellings. Having regard to setback distances – this assessment will be focussed on 557 King Street, which is within 9 metres of the site. The rear yard of 557 King Street is covered by a pergola structure which houses a car parking space.

The southernmost facing windows and balconies to the following apartments require review:

- Apartment 2.1A – windows to bedrooms
- Apartment 3E – southern and westernmost balcony balustrade
- Apartment 1B.1 – living area window
- Apartment 3B - southern balcony balustrade
- Apartment 2A.2 - southern balcony balustrade

As these two buildings are heritage buildings graded as ‘Significant’, it is not anticipated that they will be significantly redeveloped and as such, consideration must be afforded.

While the windows are not screened, the Applicant has provided section diagrams to identify that screening is not required. Refer to Figures 24 and Figure 25.

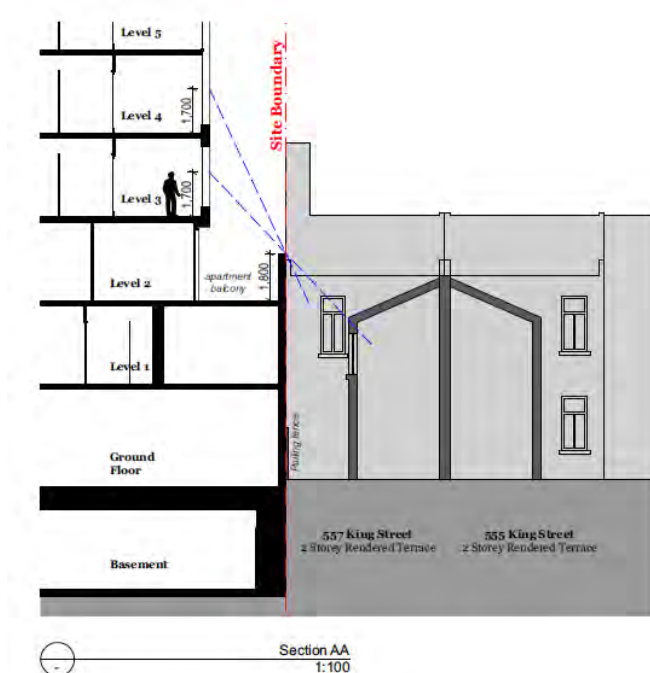


Figure 164 - Section AA

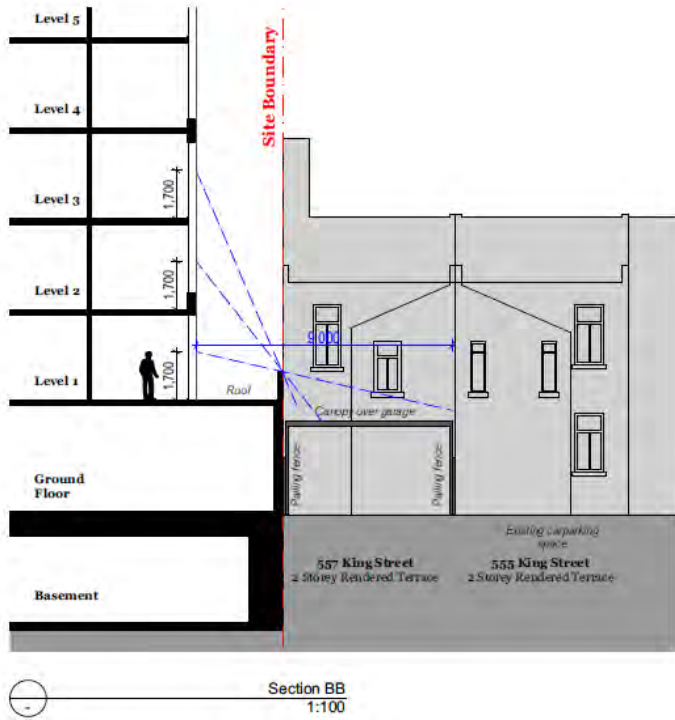


Figure 25 - Section BB

Section AA shows that from Level 3 above, no overlooking would be achieved due to an apartment balcony associated with Level 2. A review of the floor plans show that there are no balconies associated with southernmost Level 2 – Dwelling 2.1A. There are balconies to southernmost Level 2 – Dwelling 3E, refer to Figure 26.

There is no certainty that there will be no overlooking impact to 557 King Street, particularly to the window as shown in Figure 27. In particular, the application does not confirm if this window is habitable and therefore consider it reasonable to protect.

The concern relates to potential view lines from Level 4 to Level 8. In addition, there are balconies to Level 8 associated with southernmost Dwelling 3B and Dwelling 2A.2 of which require clarity. It is considered that a condition could be imposed to provide clarity and address this concern.

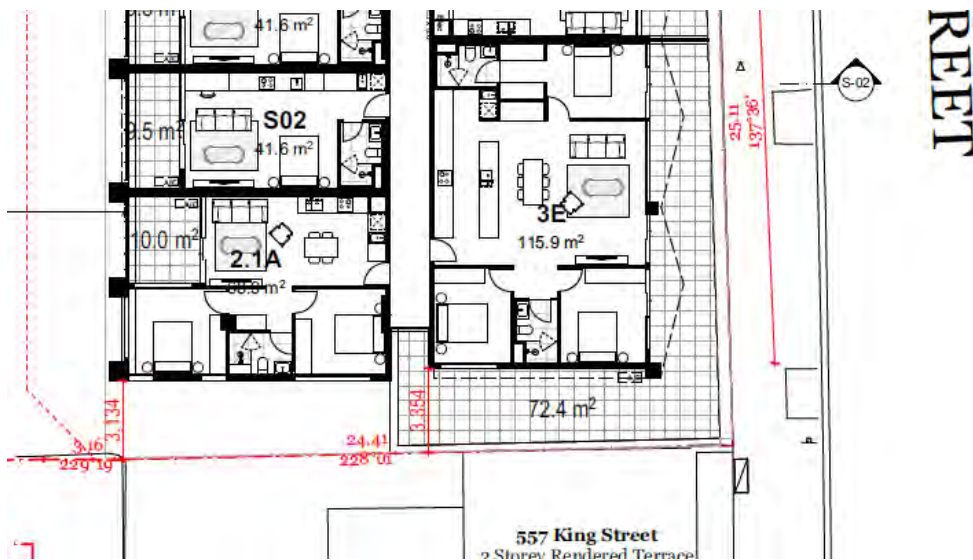


Figure 176 - Level 2, Apartment 2.1A

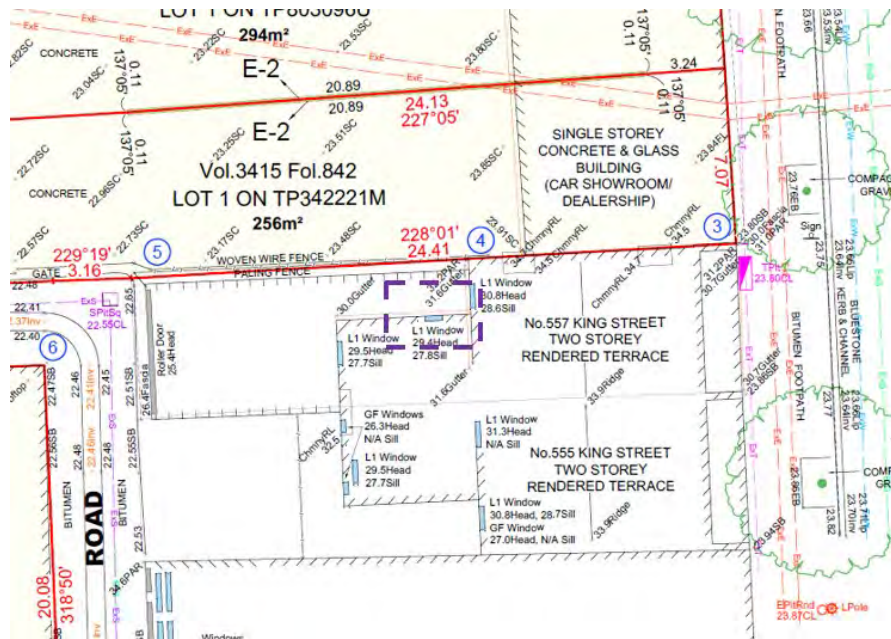


Figure 27 - Potentially impacted window to 557 King Street

10.4 Onsite and Internal Amenity

The following Objectives of Clause 58 (Apartment Developments) relate to a development's onsite and internal amenity:

- Clause 58.03-2 – Communal Open Space Objective
- Clause 58.03-3 – Solar Access to Communal Open Space Objective
- Clause 58.03-4 – Safety Objective
- Clause 58.03-7 – Parking Location Objective
- Clause 58.04-2 – Internal Views Objective
- Clause 58.05-1 – Accessibility Objective
- Clause 58.05-2 – Building Entry and Circulation Objectives
- Clause 58.05-3 – Private Open Space Objective
- Clause 58.05-4 – Storage Objective
- Clause 58.06-1 – Common Property Objectives
- Clause 58.06-02 – Site Services Objective
- Clause 58.07-1 – Functional Layout Objective
- Clause 58.07-2 – Room Depth Objective
- Clause 58.07-4 – Natural Ventilation Objective

The assessment against Clause 58 confirms that the proposed development is able to meet all Standards identified above other than:

- Clause 58.03-3 – Solar Access to Communal Open Space Objective
- Clause 58.05-2 – Building Entry and Circulation Objectives
- Clause 58.05-3 – Private Open Space Objective
- Clause 58.05-4 – Storage Objective
- Clause 58.06-02 – Site Services Objective

These variations are discussed below.

Solar Access to Communal Open Space

One of the objectives states *“The communal outdoor open space should be located on the north side of a building, if appropriate”*.

The primary outdoor communal open space for all buildings is on the southern side of the rooftop of Building C and provides for:

- 175.8 square metres of solar access at 9am (21 June)
- 147.5 square metres of solar access at 10am (21 June)
- 115.9 square metres of solar access at 11am (21 June)
- 103.6 square metres of solar access at 12pm (21 June)
- 125.2 square metres of solar access at 1pm (21 June)
- 151.3 square metres of solar access at 2pm (21 June)
- 176.3 square metres of solar access at 3pm (21 June)

Despite being located on the southern side of the building, consistent sunlight access provides a highly usable and amenable open space for all residents.

Building Entry and Circulation

One of the objectives of Clause 58.05-2 seeks to:

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

It appears that where possible, Building B and Building C have shown daylight to common hallways however they are not noted as operable. Building A has not shown windows to common hallways. A condition will be recommended to ensure windows and operability of windows.

Private Open Space

Clause 58.05-3 provides the following objective which Buildings 2-5 must meet:

To provide adequate private open space for the reasonable recreation and service needs of residents.

The corresponding Standard D19 sets out minimum dimensions for courtyards, balconies and roof terraces for dwellings.

It noted that the balcony areas of apartment types S02.1, 1C, 1J, 1L.2, 2F and 3A do not meet the minimum width requirement across portions of the calculated area due to the design response resulting in balcony areas which are perfectly not square.

Notwithstanding the above, the balconies of the affected apartments are considered to comply with the objective of the Clause given:

- The balconies provide a usable area which exceeds with the minimum area requirement.
- The balconies will offer a high level of amenity and will be generally sheltered from prevailing winds.
- The development provides communal open space which exceeds the requirements of Clause 58.03-2.

Given the nature of the variations and substantial amount of communal open space, these variations are considered acceptable.

Storage

Storage has been provided in accordance with Clause 58.05-4; however, a recommended condition of permit will require storage areas to be clearly noted with dwelling allocations.

Site Services

One of the Standards for the site services objective is for:

Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.

Given the scale of the development, it is reasonable to require that these features be clearly shown on the plans. As such, a recommended condition will be provided that requires these to be articulated on the plans.

10.5 Community Benefit

Affordable Housing

The proposal involves the provision of 6 per cent affordable housing via a build-to-rent housing model. The application proposes a fifteen year tenure of the affordable housing provision under the following condition:

- Rents set at no more than 30 per cent of income for low to moderate income earners or 75 per cent of market rent.

Subject to conditions as identified in Section 9.6 of this report, that ultimately seek to secure the affordable housing mechanism, the offer of 6 per cent is considered acceptable and in line with the policy at Clause 11.03-6L-15 (West Melbourne) that seeks for developments of 10 or more dwellings to provide for 6 per cent as affordable housing.

The proposed delivery of affordable housing, secured via a Section 173 Agreement is considered to be a tangible, and an appropriate, general community benefit.

Pedestrian Link

As discussed in Section 3.1 of this report, the proposal includes a pedestrian link that connects Roden Street to Stanley Street, through the proposed development.

The link is proposed to be open to the public between 'daylight' hours or, 7am and closing no earlier than 6pm.

It is considered that the pedestrian link is well-designed and represents a genuine public benefit.

10.6 Traffic

Traffic impacts

The vehicle access to the basement is proposed via a new two-way crossover to the Stanley Street frontage.

The existing and redundant crossovers to the site are to be removed and reinstated as kerb and channel, with on-street parking also reinstated to the satisfaction of Council.

This anticipated use of the basement ramp would also not unreasonably impede on pedestrians using the Stanley Street footpath. The preparation and submission of a Road Safety Audit will nevertheless be recommended to ensure pedestrian safety throughout the development.

As noted in Section 9.2 of this report, conditions are proposed to effectively manage the safe exiting of vehicles from the basement.

Car parking

The subject site is affected by a Parking Overlay (Schedule 14 to Clause 45.09 of the Melbourne Planning Scheme).

Pursuant to this Clause, the proposal would need to provide for a maximum of 108 car spaces (as no planning permit is required to reduce the number of spaces required), comprising:

- 5 x total office and food and beverage spaces, comprised of 127 square metres + 645.3 square metres + 315.8 square metres = 1088.1 square metres at a rate of 0.5 spaces per 100 square metres.
- 103 dwelling spaces comprised of 51 spaces for the studio / one-bedrooms, 49 spaces for the two-bedrooms and 3 spaces for the three-bedroom dwellings.

The development includes 100 spaces across a single basement level including three (3) accessible spaces and five (5) car share spaces, compliant with the Parking Overlay. In addition, two (2) move-in and move-out bays and two (2) car wash bays are also provided.

Bicycle parking

Pursuant to Clause 52.34 (Bicycle Facilities), the proposal would need to provide a total of 89 bicycle parking spaces, including 57 dwelling spaces, 29 dwelling visitor spaces, 1 food and drink premises employee space and 2 office employee spaces.

The proposed development seeks to provide a total of 156 bicycle spaces provided within a secured space within the basement level. This is well in excess of the minimum requirements and is an appropriate outcome given the strategic location of the site.

Motorcycle parking

The SUZ6 requires *“All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.”*

As noted in Section 9.2 of this report, Council’s Traffic Engineer recommended motorcycle spaces be included in the proposed development. As such, a recommended condition will include the provision of at least one (1) motorcycle parking space be provided in the basement of the proposed development.

10.7 Sustainability

Energy, Water and Waste Efficiency

Policy at Clause 15.01-2L-01 encourages buildings that:

- *Minimise greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.*

- *Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.*

As noted at Section 9.7 of this report, Council's ESD Officer has reviewed the proposal, including the Sustainable Management Plan (SMP) and found it to be generally in accordance with Clause 15.01-2L-01 - Energy and resource efficiency).

Conditions have been imposed which would resolve the outstanding detailed matters to ensure an acceptable ESD outcome.

With respect to waste management matters, Council's Waste Engineering Services Department has found the proposal to be acceptable, subject to planning permit conditions.

Stormwater Management (Water Sensitive Urban Design)

The objectives of Clause 19.03-3L include:

"To achieve the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).

To promote the use of water sensitive urban design.

To mitigate the detrimental effect of development on downstream waterways.

To minimise peak stormwater flows and stormwater pollutants for the improved health of water bodies, including creeks, rivers and bays."

Clause 19.03-3L provides that it is policy that development applications relating to new buildings incorporate water sensitive urban design that achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Guidelines, CSIRO 1999* (or as amended).

The proposed development has been reviewed by Council's ESD Officer and is considered to generally comply with performance measures set out in Clause 19.03-3L or be addressed by conditions.

10.8 Other matters for consideration

Equitable Development

It is considered that the layout of the proposed development would allow for the equitable development of the properties to the west to Roden Street and Stanley Street and south east to King Street; noting the following:

- The proposed development does not rely on borrowed outlook over any neighbouring property.
- Setbacks to the westernmost side of the site are generous and where there are no setbacks, it is wall on boundary (no windows).

Projections

The proposal includes projections over the front of Roden Street, King Street and Stanley Street title boundaries.

The canopies over the adjoining footpaths extend up to 1.45 metres beyond the title boundaries, and have clearance heights starting at approximately 3 metres. Pursuant to section 10 of the *Road Encroachment Guidelines*, projections beyond 300 mm require a Section 173 Agreement. Conditions should be included on any planning permit that ensures these projections are clearly dimensioned.

Works over Corporation Lane 1091 (CL1091)

The application proposes works over CL1091 as shown in Figure 17 and Figure 18. Specifically, the works include the pedestrian link, landscaping and a pergola structure. It is understood that the Applicant has lodged a road discontinuance to facilitate the sale of the affected portion of land subject to this application, as confirmed by way of a formal Memo provided by Reeds Consulting dated 28 April 2023.

Conditions are recommended for inclusion on any planning permit to issues that require the land to be consolidated into the subject land prior to the commencement of the development will mitigate any issues.

11. CONCLUSION

The proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme.

12. OFFICER RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, it is recommended that the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to the proposal subject to the following conditions:

Amended Plans

1. Prior to the commencement of the use and development (excluding any demolition or bulk excavation), an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by DKO Architecture, Revision C dated 9 August 2023 (Drawings TP000 – TP418) but amended to show:
 - a) The ground floor uses of Building A as an office and two food and drink premises.
 - b) Mailboxes within a convenient location for each building.
 - c) At least one (1) motorcycle space provided within the basement.
 - d) All canopies that extend beyond the title boundaries dimensioned to provide their width and height above ground level to the underside of the canopy.
 - e) Screening measures in accordance with Clause 58.04-1 (Building Setback Objective) including:
 - i. Details to confirm if the northwest facing first floor window of 557 King Street, West Melbourne is habitable or non-habitable.
 - ii. In the event that the window cited at Condition 1 e) i) above is habitable, the habitable room windows to the southwest side of Building A shown as screened.

- iii. All proposed overlooking screening devices and balcony fins designed to prevent overlooking clearly noted on all floor plans and elevation plans.
- f) Refinement to the schedule of colours, materials and finishes that includes the specific colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose.
- g) Further detail of the proposed 'EF09 – Light-coloured cladding'.
- h) Compliance with Standard D19 associated with Clause 58.05-2 of the Melbourne Planning Scheme to allow for natural light and ventilation to corridors for Buildings A, B and C.
- i) Nomination of storage areas for each dwelling in accordance with Standard D21 associated with Clause 58.05-4 of the Melbourne Planning Scheme.
- j) Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this permit.

These amended plans and updated development summary must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Layout Not Altered

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Use

3. The commercial tenancies are not to be used for Adult sex product shop, Hotel or Tavern, except with a further permit from the Responsible Authority.
4. Except with the prior written consent of the Responsible Authority, the Food and Drink Premises must only be open for the use between 7am – 10pm.

Completion of Development

5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Glare

6. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
7. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Retention of Architect

8. Except with the written consent of the Responsible Authority, DKO Architecture must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

Land Survey

9. Prior to the commencement of the development, the portion of Corporation Lane 1091 which is proposed to be built on must be formally discontinued, purchased and consolidated with the subject land.
10. Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority. All easements which are proposed to be built on and do not merge upon registration of the Plan of Consolidation must be removed prior to the commencement of works.

Waste Management

11. Concurrent with the endorsement of plans under Condition 1, an amended WMP must be approved and endorsed by the Responsible Authority – Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by OneMileGrid dated 23 May 2023, but amended to include or show:
 - a) Private collection for all commercial operations (office and food and drink premises).
 - b) Hard waste storage for commercial operations in addition to the area shown for residents on both floor plans and in the WMP.
 - c) The garbage and recycling reduced for Building B and Building C, including reduced collection provided in line with residential entitlements.
 - d) Revision of Building C total waste calculations amended to accurately reflect collection with figures accurately transferred from Table 7 of the WMP.
 - e) Architectural floor plans amended to show the correct size of bins as those in Table 8 of the WMP.
 - f) Further details of proposed bin feeder system proposed for Building C including specifications and scaled diagrams provided on the architectural floor plans with appropriate clearances.
 - g) The chute outlets as enclosed on both the architectural plans and the WMP.
 - h) Safe transfer pathways from each building's lift well to the relevant bin store for both residents and commercial tenants.
 - i) A safer transfer pathway for residents to dispose of hard waste, e-waste and charity goods.
 - j) Clarification of the nature of the lift that provides access to the basement loading bay and temporary bin storage area.
 - k) An elevation plan for loading bay showing height clearance for garbage collection.
 - l) Architectural floor plans showing residential chute rooms.
12. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage

NB: while 240 L is currently the maximum recommended size for organics bins, bins of up to 660 L can be used for glass – this may reduce the number of transfers required, and free up space in the bin stores for accessible storage of other wastes.

storage area as soon as practical after garbage collection, to the satisfaction of the City of Melbourne – Waste and Recycling.

13. Once approved, the WMP will be endorsed and will form part of this permit. At all times waste management and collection must be carried out in accordance with the requirements of the approved and endorsed WMP to the satisfaction of the City of Melbourne – Waste and Recycling.
14. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the City of Melbourne – Waste and Recycling.
15. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

Sustainable Management Plan

16. Concurrent with the endorsement of plans pursuant to Condition 1, an amended Sustainable Management Plan (SMP) report to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP report will be endorsed and form party of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by ADP dated 5 October 2022, but modified to include or show:
 - a) Any changes as required by Condition 1 of this permit.
 - b) Provide evidence of Green Star Buildings registration.
 - c) Provide evidence of a NABERS commitment agreement for office component.
 - d) Daylight modelling to demonstrate Credit 11 Light Quality can be achieved.
 - e) A site plan showing materials that reduce urban heat and demonstrate how Credit 19 Heat Resilience can be achieved.
 - f) A Zero Carbon Action Plan.
 - g) Indicate tank size and usage on the plans.
 - h) Update SMP to include commitment to onsite renewable energy.

The Responsible Authority may consent in writing to vary any of these requirements.

17. Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. The SMP must not be altered or amended without the written consent of the Responsible Authority.

Implementation of Sustainable Management Plan Report

18. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the

approved ESD report have been implemented in accordance with the relevant approved plans.

Landscape Architecture

19. Concurrent with the endorsement of plans pursuant to Condition 1, an amended landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must be generally in accordance with the plans prepared by Arcadia dated May 2023 and must be updated to include:
 - a) Any changes as required by Condition 1 of this permit.
 - b) Further detail of the proposed over canopy planting.
 - c) Quantity of proposed plant types to be updated in the schedule provided.
 - d) Areas and quantity of specified green infrastructure elements that are provided as inputs into the Green Factor tool also be shown on a separate drawing (plan view with supporting tables if required).
 - e) A Green Factor scorecard in PDF version and a .GFT file and an update of the assessment in the Green Factor tool is to be re-submitted.
20. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped areas must be maintained to the satisfaction of the Responsible Authority.

Section 173 Agreements

Affordable Housing

21. Before the development starts (excluding any demolition), the landowner must enter into an agreement with the Responsible Authority / City of Melbourne specified as parties to the agreement, under section 173 of the *Planning and Environment Act 1987*, to the satisfaction of both parties, for the delivery of affordable housing (as defined in the Act).
22. The agreement must be registered on title to the Land and the landowner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority / City of Melbourne reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).
23. The agreement must be in a form to the satisfaction of all parties and include covenants that run with the Land to:
 - a) Provide for the delivery of at least 6% of the total number of apartments for affordable housing as defined by Section 3AA of the Act before the development is occupied. The rent associated with the affordable housing must:
 - i. not exceed 75% of market rate
 - ii. not be more than 30% of household income
 - iii. be provided in perpetuity.
 - b) Unless otherwise agreed in writing by the Responsible Authority / City of Melbourne, the affordable housing delivered under condition 23(a) must:
 - i. be delivered within the development approved by this planning permit;

- ii. take the form of one or two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise agreed;
 - iii. be functionally and physically indistinguishable from conventional dwellings within the development;
 - iv. include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
 - v. allocate one or more bicycle parking space per dwelling for the life of the affordable housing.
- c) The agreement must include terms which provide for the manner in which the Affordable Housing is to be made, including the timing for and how the contribution is to be delivered and maintained.
- d) For the purposes of the agreement 'affordable housing' is to have the same meaning as the definition under the *Planning and Environment Act 1987*.

Pedestrian Links

24. Prior to the commencement of the development (excluding any demolition), the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority / City of Melbourne. The agreement must provide the following:

- a) Give rights of public access to the pedestrian link through the site that connects Roden Street to Stanley Street between daylight hours, that being 7am and closing no earlier than 6pm.

The owner of the land must pay all of the Responsible Authority / City of Melbourne reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Projections

25. Prior to the commencement of the development (excluding any demolition), on the land, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority / City of Melbourne. The agreement must provide the following:

- a) Liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and management of Council ('Projections').
- b) Payment of a lump sum license premium (payable at the outset rather than an annual fee) in respect to the Projections.
- c) A disclaimer of any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land occupied by the Projections.

The owner of the land must pay all of the Responsible Authority / City of Melbourne reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Noise Attenuation

26. Concurrent with the endorsement of plans under Condition 1, the Acoustic Report prepared by ADP dated 24 May 2023 must amended to reflect the changes as required by Condition 1. Once amended the report will be approved and endorsed

by the Responsible Authority. The report must identify all potential noise sources and sound attenuation work required to ensure that the noise levels generated by any mechanical plant and equipment do not exceed the levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021 (or other equivalent policy to the satisfaction of the Responsible Authority), and must demonstrate compliance with the Standard D16 of Clause 58.04-3 of the Melbourne Planning Scheme.

27. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.

Wind Report

28. Concurrent with the endorsement of plans under Condition 1, the Wind Assessment prepared by Windtech dated 22 May 2023 must be amended to reflect the changes as required by Condition 1. Once approved and endorsed by the Responsible Authority. The report must outline the wind tests carried out by a suitably qualified expert on the approved development to ensure compliance with Standard D17 of Clause 58.04-4 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.
29. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.

Construction Management Plan

30. Prior to the commencement of the development, excluding site remediation, a detailed Construction Management Plan (CMP) must be submitted to and approved by Melbourne City Council – Construction Management Group.

The CMP must be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and is to consider the following:

- a) Management of public access and linkages around the site during construction.
- b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
- c) Any works within the adjoining street network road reserves.
- d) Sediment control and site drainage.
- e) Discharge of polluted waters.
- f) Public safety and site security.
- g) Hours of construction.
- h) Control of noise, dust and soiling of roadways.
- i) Collection and disposal of building and construction waste.
- j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Urban Forestry

Tree Protection Plan

31. Prior to the commencement of any works, including demolition and bulk excavation and following clarification of site access requirements for works, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority / Melbourne City Council (City of Melbourne Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the any finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - e) Full specifications of any pruning required to public trees with reference to marked images.
 - f) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

Public Tree Removal / Pruning

32. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne. Should the removal of public trees be approved, the permit holder must submit detailed plans showing the design and location of replacement tree plots to the satisfaction of the City of Melbourne.
33. Approval for any tree removal is subject to the Tree Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
34. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees to be removed, must be met by the applicant / developer /owner of the site. Costs will be provided and must be agreed to before council will remove the subject trees.

Public Tree Protection

35. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
36. Following the approval of a Tree Protection Plan (TPP) a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted

on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

New / Replacement Tree Plots

37. All new or replacement tree plots must utilise structural soils to increase soil volume and rooting area.

Traffic Engineering

Car Parking Management Plan

38. Concurrent with the endorsement of plans pursuant to Condition 1, a detailed Car Parking Management Plan must be prepared to the satisfaction of the Responsible Authority / City of Melbourne; allocating the provided car parking spaces amongst the dwellings, office and food and drink premises and management of these. The plan must specify that all parking spaces are to remain in common ownership, with a minimum of five (5) car share spaces and three (3) accessible spaces available at all times, or as otherwise agreed by the Responsible Authority / City of Melbourne.

Road Safety Audit

39. Prior to the commencement of the development, excluding demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority / Melbourne City Council. The Road Safety Audit must address the following matters:

- a) Vehicular / bicycle / pedestrian access arrangements
- b) Loading arrangements
- c) Internal circulation / layout and
- d) All works within the public.

When provided to the satisfaction of the Responsible Authority / Melbourne City Council the Road Safety Audit will be endorsed to form part of this permit.

Loading Management Plan

40. Prior to the commencement of works, excluding demolition and bulk excavation, a comprehensive Loading Management Plan (LMP) must be prepared to the satisfaction of the City of Melbourne, specifying how the access / egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed.

Plan Details

41. A signalling system is required to alert other road users when loading vehicles are entering / egressing the basement. Any reversing manoeuvres either into / from the site should only be made with the assistance of a 'spotter' and stop pedestrians while vehicles are manoeuvring. Appropriate signage / warning lights are also required to warn pedestrians when a vehicle is manoeuvring.
42. The internal layout of the car park including all ramp grades / widths / transitions, dimensions of car spaces, aisle widths, height clearances, etc. must generally

comply with the Melbourne Planning Scheme or the relevant Australian Standards (AS/NZS 2890.1:2004).

43. A narrow road hump must also be installed close to the exit, to slow both entering / exiting vehicles.
44. The design and dimensions of the bicycle parking must comply with the relevant Australian Standards / Bicycle Network guidelines.

Green Travel Plan

45. Prior to the commencement of the occupation of the development, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. The GTP must:
 - a) Describe the location in the context of alternative modes of transport and objectives for the GTP.
 - b) Outline GTP measures for the building including:
 - i. employee welcome packs to include public transport information
 - ii. other incentives for employees (i.e. provision of public transport discounts if available)
 - iii. cycle parking and facilities available
 - iv. GTP management
 - v. monitoring and review.

Once approved, the GTP will form part of the planning permit or any on-going management plan for the site to ensure the GTP continues to be implemented by the owners / management of the development site to the satisfaction of the Responsible Authority.

Civil Design

Drainage of projections

46. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Diversion of Council drain

47. Council drain that exists within the subject land must be relocated to the satisfaction of Council. The relocated drain must be constructed along the laneway CL1091 and Stanley Street and connected to the existing Council pit at the intersection of Stanley Street and Spencer Street at the cost of the developer, in accordance with plans, calculations and specifications first approved by the Responsible Authority – City Infrastructure.

Works abutting CoM laneway

48. The title boundaries for the property may not exactly agree with the road alignments of the abutting City of Melbourne's laneway. The approved works must not result in structures that encroach onto the City of Melbourne's laneways.

Drainage connection underground

49. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. This system

must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

Construct and maintain access

50. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority – City Infrastructure.

Demolish and construct access

51. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Roads

52. All portions of roads and laneways, affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.
53. The Corporation Laneway CL1091 must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Foothpaths

54. The footpath adjoining the site along King Street, Roden Street and Stanley Street must be reconstructed together with associated works including the renewal of existing kerb with 300 mm sawn bluestone kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Street levels not to be altered

55. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.

Groundwater management

56. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

Existing street lighting not altered without approval

57. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Interim lighting arrangements must be provided until the reinstatement/upgrade of public lighting is completed. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – City Infrastructure.

Public lighting

58. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City

of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in King Street, Roden Street, Corporation Lane 1091 and Stanley Street. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure.

59. The lighting plan must also provide for a minimum vertical clearance of 6 metres above and 2 metres below the surface pavement to allow installation of electrical conduits and wall-mounted lights.

Existing street furniture

60. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – City Infrastructure.

Street furniture

61. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – City Infrastructure.

Environmental Audit

62. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The PRSA must respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017.
63. If the PRSA referred to in Condition 45 of this Permit requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority. The EAS must respond to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* and must either:
- a) state the site is suitable for the use and development allowed by this permit;
 - b) state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
64. All the recommendations of the EAS referred to in Condition 46 of this Permit must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
65. If any of the conditions of the EAS referred to in Condition 46 of this Permit require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the *Subdivision Act 1988*

the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Building appurtenances and services

66. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority or as otherwise exempt under the Melbourne Planning Scheme.
67. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
68. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
69. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate (or similar management authority) if and when the development is subdivided or privately managed, to the satisfaction of the Responsible Authority.
70. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.
71. Prior to the occupation of the development, any privacy screening shown on the endorsed plans must be installed and must then be maintained to the satisfaction of the Responsible Authority.
72. Prior to the occupation of the development, 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.

3D digital model

73. Prior to the commencement of the development, excluding bulk excavation, a 3D digital model of the development must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

The model should be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. Digital Models provided to Council and other government organisations for planning purposes. The Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made

to the building envelope, a revised 3D digital model must be submitted to and approved by the Responsible Authority.

Use and development time limit

74. This permit will expire if one or more of the following circumstances apply:

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

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Urban Forestry

- A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:
 1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date)
 4. Executed (i.e. signed and dated with the bank stamp)
- If the bond is to be lodged as an EFT, Council's bank details will be provided on request.
- An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.
- On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.

Traffic

Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery or parking needs of this development as the restrictions are designed to cater for a number of other competing demands and access requirements in the area. As this development increases the residential density of the property / sites, the residents who will occupy this development will not be eligible to receive 'Area 6 resident parking permits' and will not be exempt from any on-street parking restrictions.

Civil Design

The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure.

All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

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 Registered Building Surveyor.

Other Approvals May be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council 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.

Parking Permits

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.