

**Report to the Future Melbourne (Planning) Committee**

Agenda item 6.1

**Ministerial Referral: TPM-2014-22  
185 Rosslyn Street, West Melbourne**

**19 April 2016**

**Presenter:** Kate Yuncken, Acting Planning Coordinator

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial referral of a Planning Application at 177-231 Rosslyn Street, West Melbourne (refer to Attachment 2 – Locality Plan). The application seeks to demolish the existing buildings on site and construct five buildings of varying heights to be used as dwellings, accommodation (serviced apartments), retail premises including a supermarket, and a reduction in the car parking requirements. The application has been referred to Melbourne City Council for comment. The applicant is Urbis Pty. Ltd, the owner of the land is Trenerry Property Group and the architects are ARM Architects.
2. The site has frontages to Rosslyn Street (140.31 metres), Dudley Street (141.09 metres) and Adderley Street (56m) and a total site area of approximately 9200 metres square. The site is currently occupied with a part two-three storey warehouse previously used by Australia Post as their Data Faculty. There is an open lot carpark located on the western portion of the site.
3. The subject site is a strategic re-development site which has the capacity to accommodate a mixed used development that provides benefits to the wider community through the provision of facilities and public open space.
4. The site is located in the Mixed Use Zone and is affected by the Design and Development Overlay Schedule 29 (four storeys) and the Environmental Audit Overlay.
5. The proposed development will have a total Gross Floor Area of 80,262 metres square and includes a total of 442 dwellings, 87 serviced apartments, 1488 metres square of supermarket, 2386 metres square of retail spaces, a north-south pedestrian link and 567 metres square of open space.
6. The three buildings proposed on the Rosslyn Street frontage will have a height of 24.91 metres (8 storeys), 27.85 metres (9 storeys) and 27.59m (13 storeys) respectively. The other two buildings fronting Dudley Street will have a height of 39.74 (13 storeys) and 40 metres (13 storeys).

**Key issues**

7. Key issues to consider in the assessment of the application relates to the built form, design detail, open space and pedestrian links, shadows, active uses, amenity, environmentally sustainable design, wind and weather protection, contamination, parking, traffic and waste.
8. The current development does not provide an acceptable net community benefit that justifies the scale and density sought. The proposal is a significant departure from the built form outcomes sought in DDO29 as it presents as a monolithic singular built form and provides no visual interest to the skyline.
9. The proposal fails to provide a public open space that meets the criteria of Clause 22.26 (Public Open Space Contributions) and Melbourne Open Space Strategy.

**Recommendation from management**

10. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council objects to the proposal on the grounds set out in the Delegate Report (Attachment 4).

**Attachments**

1. Supporting Attachment (Page 2 of 37)
2. Locality Plan (Page 3 of 37)
3. Selected Plans (Page 4 of 37)
4. Delegate Report (Page 18 of 37)

**Supporting Attachment**

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**Legal**

1. The Minister for Planning is the Responsible Authority for determining this application.

**Finance**

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

**Conflict of interest**

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

**Stakeholder consultation**

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

**Relation to Council policy**

5. Relevant Council policies are discussed in the attached Delegate Report (refer to Attachment 4).

**Environmental sustainability**

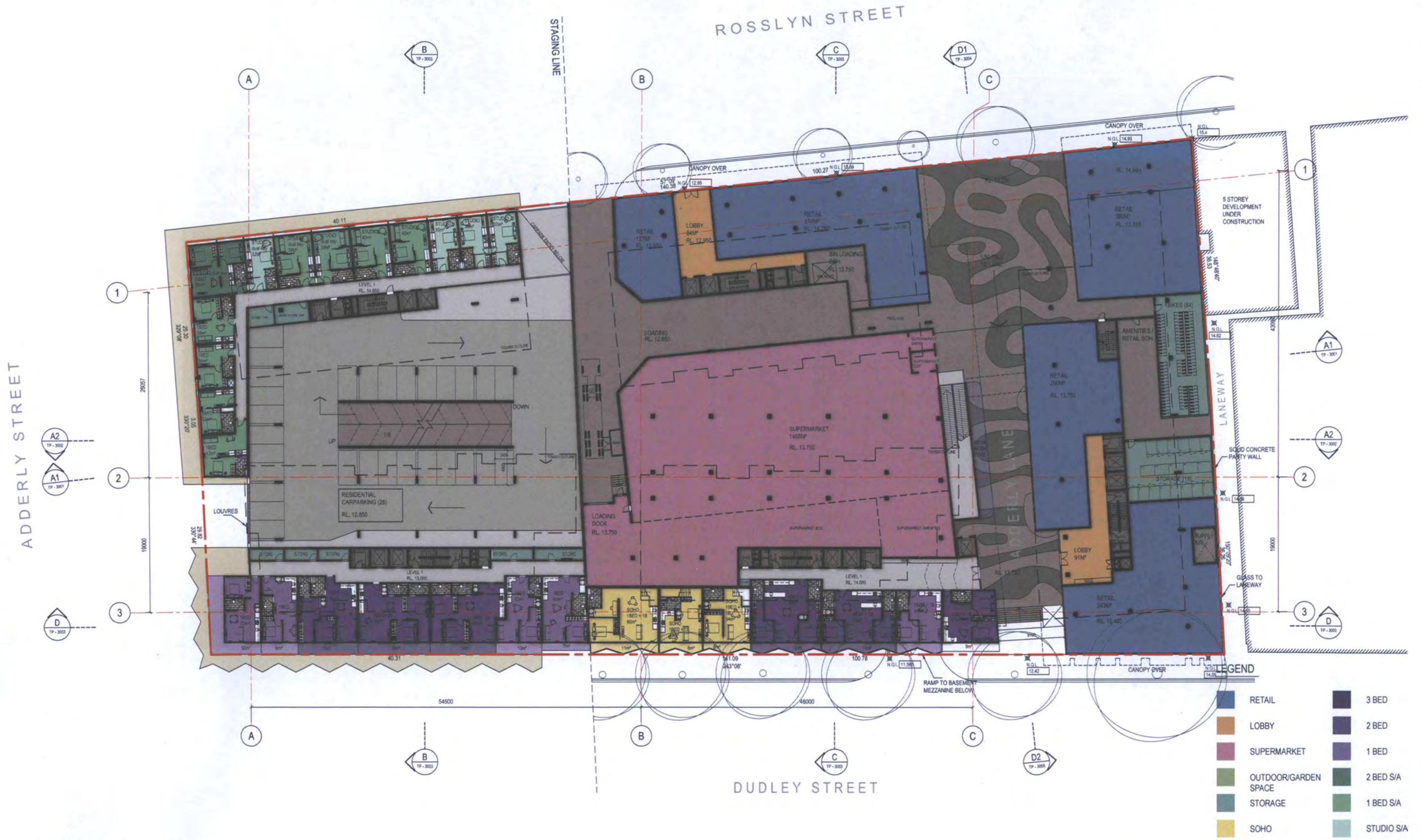
6. Pursuant to Clauses 22.19 and 22.23 of the Melbourne Planning Scheme, an environmentally sustainable design statement was submitted with the application confirming that the development has the preliminary design potential to achieve a Five Star Green Star Rating and to comply with the Stormwater Management Policy.

# Locality Plan

## 185 Rosslyn Street West Melbourne







**LEGEND**

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<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> LOBBY	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> 2 BED
<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> SUPERMARKET	<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> 1 BED
<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span> OUTDOOR/GARDEN SPACE	<span style="display:inline-block; width:15px; height:15px; background-color:darkgreen; border:1px solid black;"></span> 2 BED S/A
<span style="display:inline-block; width:15px; height:15px; background-color:teal; border:1px solid black;"></span> STORAGE	<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> 1 BED S/A
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> SOHO	<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> STUDIO S/A

**TOWN PLANNING**  
**LEVEL 1 + UPPER GROUND (L1) - RL. 13.750**  
**ROSSLYN ST DEVELOPMENT**  
 WEST MELBOURNE / TRENERRY / 0990  
 1:250 @ A1/ 13/11/15  
 TP- 1013 [08]





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**TOWN PLANNING**

**LEVEL 5  
ROSSLYN ST DEVELOPMENT**  
WEST MELBOURNE / TRENERRY / 0990  
1:250 @ A1/ 12/11/15  
TP- 1017 [08]



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**TOWN PLANNING**



MATERIAL LEGEND

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-  CONCRETE FINISH - TIMBER BOARD FORMLINER - INTEGRAL COLOUR: BLACK
-  CONCRETE FINISH - INTEGRAL COLOUR: MID GREY - PANEL DEPTHS VARY
-  CONCRETE FINISH - INTEGRAL COLOUR: BLUESTONE - PANEL DEPTHS VARY
-  CONCRETE FINISH - INTEGRAL COLOUR: WHITE - PANEL DEPTHS VARY
-  CONCRETE FINISH - INTEGRAL COLOUR: LIGHT GREY - PANEL DEPTHS VARY
-  TEXTURED CONCRETE PANEL - STAIN FINISH - COLOUR: ORANGE
-  TEXTURED CONCRETE PANEL - STAIN FINISH - COLOUR: BLACK
-  TEXTURED CONCRETE PANEL - STAIN FINISH - COLOUR: YELLOWGOLD - 3 HUES
-  GLAZING - CLEAR
-  GLAZING - BLACK TINT
-  GLAZING - BLUE TINT
-  GLAZING - SPANDREL DIGI PRINT GLASS - COLOUR: WHITE
-  GLAZING - SPANDREL DIGI PRINT GLASS - COLOUR: BLACK
-  GLAZING - TRANSLUCENT DIGI PRINT GLASS - COLOUR: WHITE
-  GLAZING - TRANSLUCENT DIGI PRINT GLASS - COLOUR: COPPER
-  METAL CLADDING - COLOUR: BLACK
-  METAL CLADDING - COLOUR: WHITE
-  METAL CLADDING - COLOUR: BRONZE
-  METAL CLADDING - COLOUR: GOLD - 3 HUES
-  METAL CLADDING - COLOUR: 7 COLOURS AS SHOWN
-  METAL CLADDING - PERFORATED - COLOUR: GOLD
-  PERFORATED METAL SCREEN TO PLANT COLOUR: BLACK
-  TIMBER CLADDING / FNS - CLEAR FINISH
-  TIMBER CLADDING / FNS - BLACK STAIN FINISH



**MATERIAL LEGEND**

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|  | TEXTURED CONCRETE PANEL - STAIN FINISH - COLOUR: BLACK                     |  | METAL CLADDING - COLOUR: GOLD - 3 HUES                  |
|  | TEXTURED CONCRETE PANEL - STAIN FINISH - COLOUR: YELLOWGOLD - 3 HUES       |  | METAL CLADDING - COLOUR: 7 COLOURS AS SHOWN             |
|  | GLAZING - CLEAR                                                            |  | METAL CLADDING - PERFORATED - COLOUR: GOLD              |
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|  | GLAZING - BLUE TINT                                                        |  | TIMBER CLADDING / FINIS - CLEAR FINISH                  |
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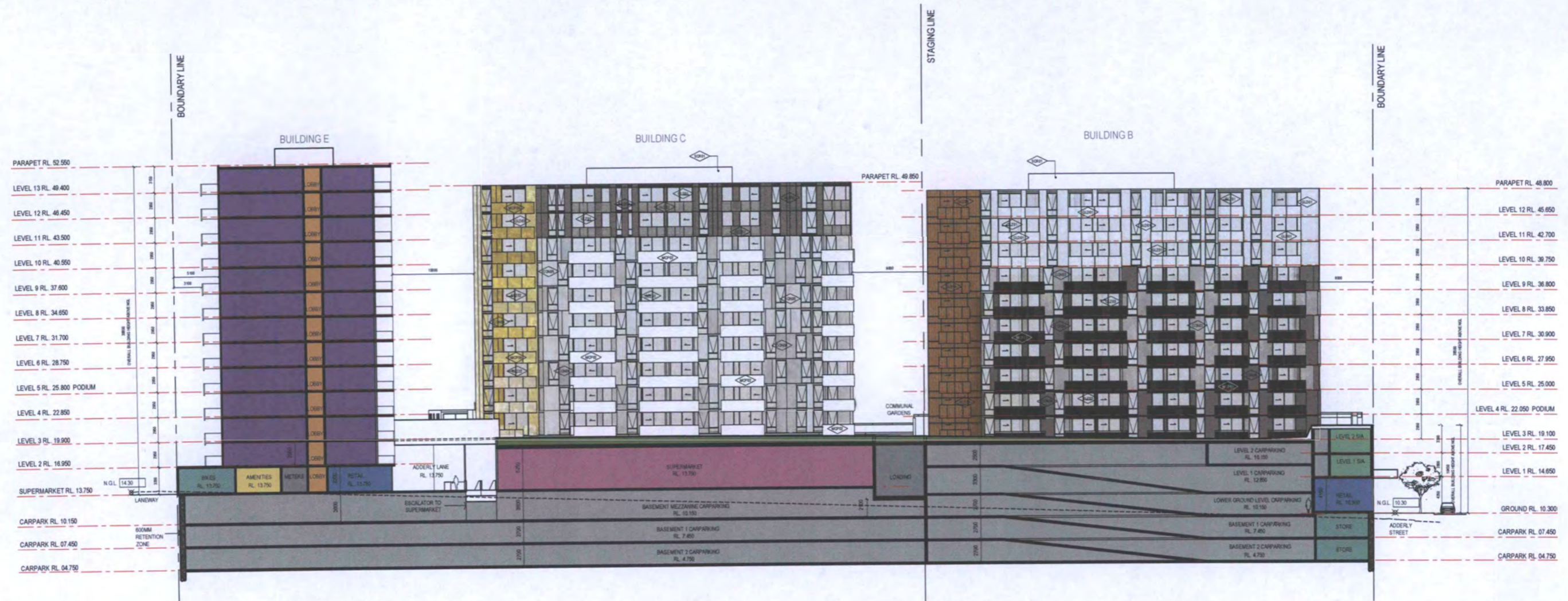
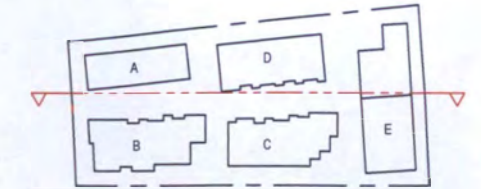
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- METAL CLADDING - COLOUR: GOLD - 3 HUES
- METAL CLADDING - COLOUR: 7 COLOURS AS SHOWN
- METAL CLADDING - PERFORATED - COLOUR: GOLD
- PERFORATED METAL SCREEN TO PLANT COLOUR: BLACK
- TIMBER CLADDING / FINS - CLEAR FINISH
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MATERIAL LEGEND

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**MATERIAL LEGEND**

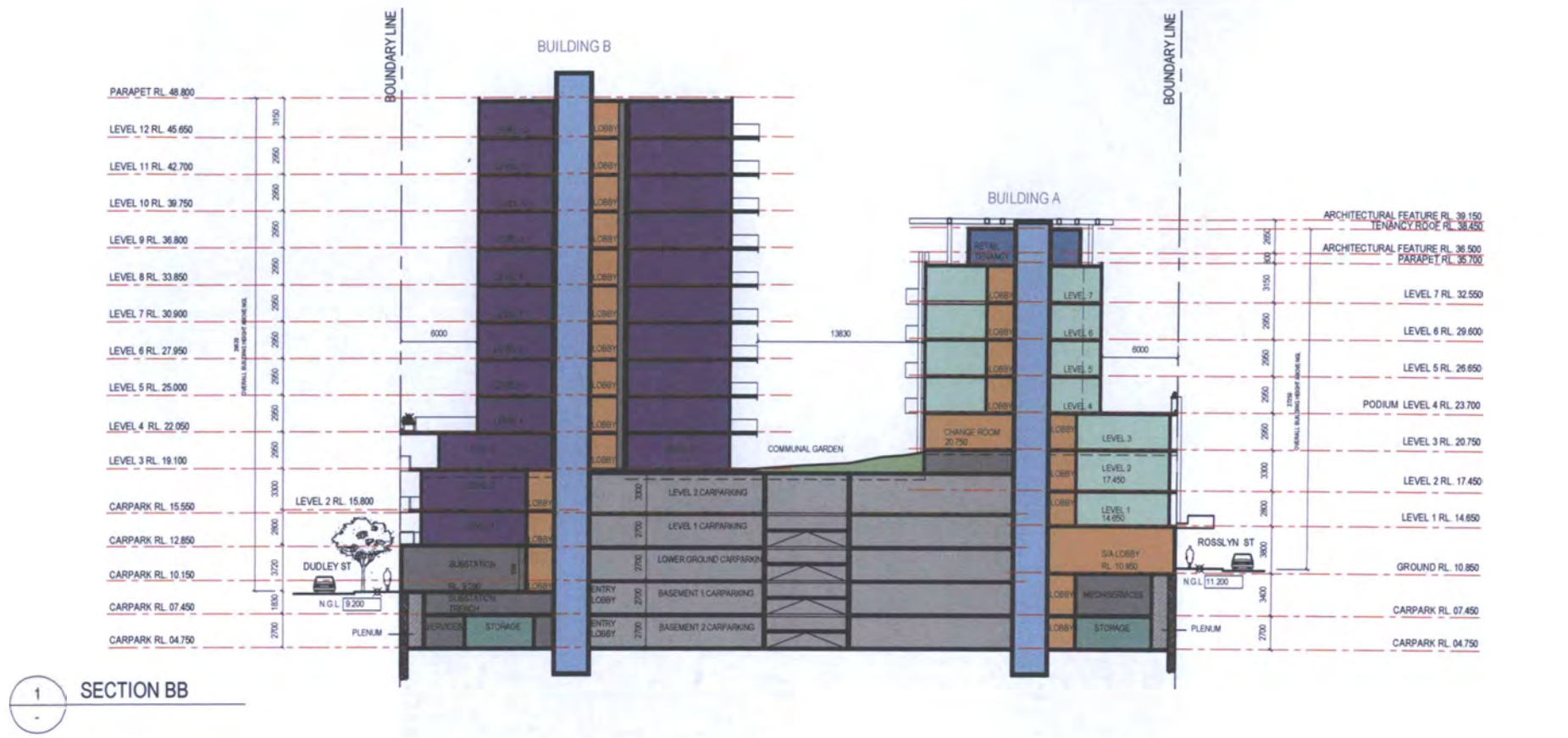
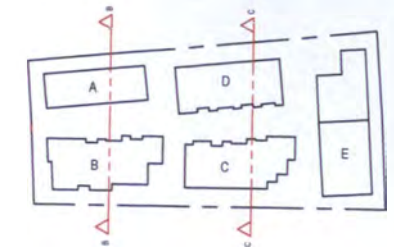
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- METAL CLADDING - COLOUR BRONZE
- METAL CLADDING - COLOUR GOLD - 3 HUES
- METAL CLADDING - COLOUR 7 COLOURS AS BROWN
- METAL CLADDING - PERFORATED - COLOUR GOLD
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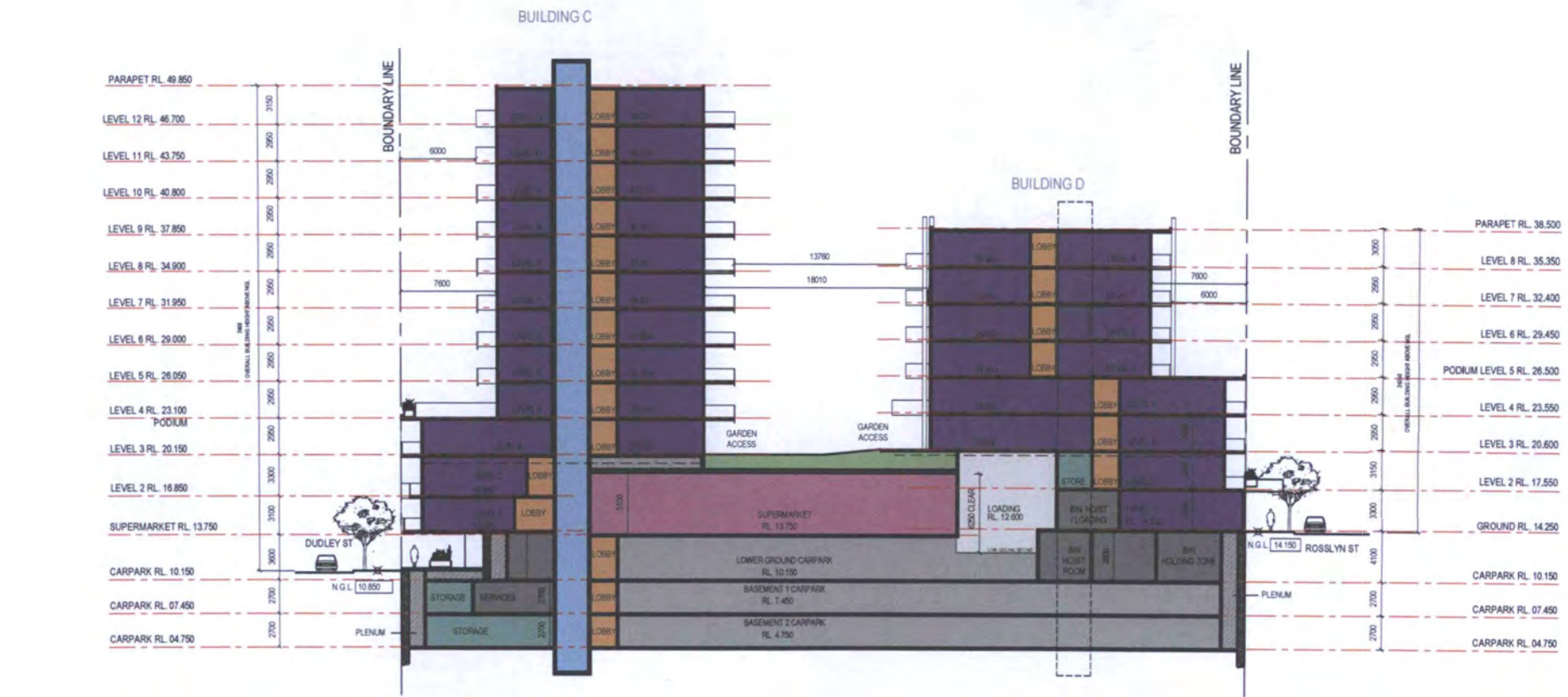
- RETAIL
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- OUTDOOR/GARDEN SPACE
- STORAGE
- SOHO
- 3 BED
- 2 BED
- 1 BED
- 2 BED S/A
- 1 BED S/A
- STUDIO S/A

**TOWN PLANNING**

**SECTION A2**  
**ROSSLYN ST DEVELOPMENT**  
 WEST MELBOURNE / TRENERRY / 0990  
 1:250 @ A1/ 13/11/15  
 TP- 3002 [08]



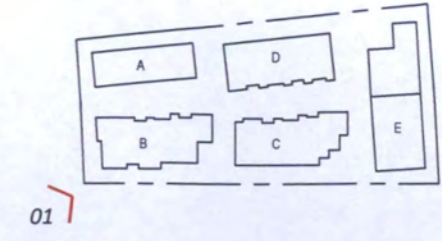
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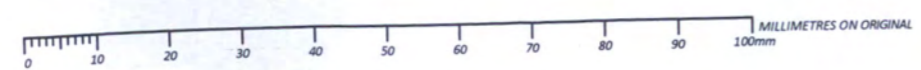
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01. VIEW TO DUDLEY ST. & ADDERLEY ST. CORNER

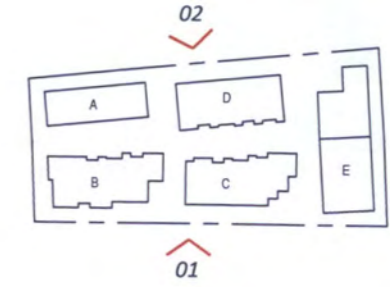
**ARM**  
ARCHITECTURE  
LEVEL 11/ 825 FRANKS LANE MELBOURNE VICTORIA 3000 A/C  
T: 03 9633 2888 F: 03 9633 2889  
E: mail@armarchitecture.com.au W: armarchitecture.com.au  
ABN 52 478 947 208

**urban** **TRENERRY**  
PROPERTY



**TOWN PLANNING**  
**PERSPECTIVES PAGE 1**  
**ROSSLYN ST DEVELOPMENT**  
WEST MELBOURNE/TRENNERY/0990  
NTS @ A3 13/11/15  
TP- 6000 [08]

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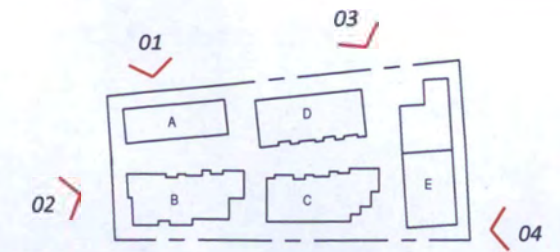


01. DUDLEY ST. ELEVATIONAL VIEW



02. ROSSLYN ST. ELEVATIONAL VIEW





01. BUILDING A ROSSLYN ST. VIEW



02. ADDERLEY ST. ELEVATIONAL VIEW



03. VIEW TO ADDERLEY SQUARE & LANE



04. VIEW FROM SPENCER ST. TO BUILDING E

## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2014-22</b>
<b>DTPLI Application number:</b>	2014/002550
<b>Applicant / Owner / Architect:</b>	Urbis Pty. Ltd/ Trenerry Property Group / ARM Architects
<b>Address:</b>	177-231 Rosslyn Street, WEST MELBOURNE VIC 3003
<b>Proposal:</b>	Construction of five multi level buildings to be used as dwellings, accomodation (serviced apartments), retail premises including a supermarket, and a reduction in car parking requirements
<b>Cost of works:</b>	\$50,000,001
<b>Date received by City of Melbourne:</b>	4 July 2014
<b>Responsible officer:</b>	Esha Rahman
<b>Report Date:</b>	29 March 2016
<b>(DM# 9769545)</b>	

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The subject site is a large rectangular site with frontages to Dudley Street (south) Adderley Street (west) and Rosslyn Street (north) in West Melbourne.

The site has frontages to Rosslyn Street of approximately 140.31 metres, Dudley Street of approximately 141.09 metres, and Adderley Street of approximately 56.45 metres and a total site area of approximately 9,200 m<sup>2</sup>.

The depth of the site varies from 58.17m minimum to 72.79m maximum. The site slopes approximately 6m from the north-east to the south-west. The title identifies a number of easements on the site which are for the purposes of an indoor substation, carriageway and underground powerlines.

The site is currently developed with a part two – three storey brick warehouse which was used by the Australia Post as their National Data Faculty. There is an open at-grade car park sited on the western portion of the site. Vehicular access is currently provided via existing crossovers from Rosslyn and Dudley Streets.



Figure 1: Map and aerial map of subject site shown in red.



Figure 2: Aerial map looking to the east of the subject site (shown in red) from Adderley Street.



Figure 3: View of subject site along Rosslyn Street.



Figure 4: View of subject site at intersection of Rosslyn and Adderley Streets.

## 1.2. Surrounds

The surrounding area includes a range of residential, commercial and light industrial activates. The subject site has the following key interfaces:

### 1.2.1 North

Land uses directly on the north side of Rosslyn Street consist of single and double storey warehouses, two storey industrial premises and a two storey commercial building. Residential developments ranging from six to eight storeys in heights have been approved on the sites further to the east of Rosslyn Street.

### 1.2.2 South

Directly opposite the subject site on the southern side of Dudley Street is a part two-three storey warehouse occupied by the Australian Red Cross Blood. Similar to the subject site this is also a large rectangular site which has a site area of approximately 8761 m<sup>2</sup>.

To the south-east of the subject site are properties where recent planning permits have been issued for the construction of 50m high residential developments with retail and office uses on ground level.

**1.2.3 East**

A laneway abuts the eastern side of the subject site which provides access to a car park associated with the four storey pub/hotel known as ‘Hotel Spencer’ located on the south-west corner of Rosslyn and Spencer Streets. Adjoining this pub to the south are a row of single and double storey warehouses used for commercial purposes.

Across this lane to the east at 171-175 Rosslyn Street is a six storey residential development.

**1.2.4 West**

Directly across Adderley Street to the west and north-west of the subject site are two storey office buildings. The site to the north-west at 137 – 157 Adderley Street has a current planning application to construct an eight storey residential building. This application is currently under assessment.

**2. THE PROPOSAL**

The amended plans referred to the Melbourne City Council for comment pursuant to Section 52 of the Act were received by Council on 10 December 2015.

The application proposes the following uses:

<b>Dwelling</b>	Total number of dwellings: 442 One bedroom dwellings/apartments: 194 Two bedroom dwellings/apartments: 196 Three bedroom dwellings/apartments: 52
<b>Serviced Apartments</b>	87 in total
<b>Home offices</b>	3 in total
<b>Supermarket</b>	1,488 m2 proposed on upper ground level.
<b>Retail:</b>	2,386 m2 of leasable floor area. Retail uses proposed on level 1.

The specific details of the proposal are as follows:

<b>Total number of buildings and height</b>	5 buildings are proposed across the site. The three buildings fronting Rosslyn Street will have a height of: <ul style="list-style-type: none"> <li>- 24.91 metres ( 8 storeys),</li> <li>- 27.85 metres (9 storeys) and</li> <li>- 27.59m (13 storeys).</li> </ul> The two buildings fronting Dudley Street will have a height of <ul style="list-style-type: none"> <li>- 39.74 (13 storeys) and</li> </ul>
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	- 40 metres (13 storeys)
<b>Podium height</b>	4 storeys
<b>Building separation</b>	9m minimum to 14m maximum
<b>Front, side and rear setbacks</b>	North (Rosslyn Street)- 6m South (Dudley Street) – 6m East(side boundary)- 3m minimum to 5m maximum West (Adderley Street)- 6m
<b>Gross floor area (GFA)</b>	80.262m <sup>2</sup>
<b>Communal space</b>	2,125m <sup>2</sup> of outdoor recreational space will be provided on level 3 for residents.
<b>Car parking spaces</b>	Total 584 car parking spaces proposed across two basement levels, lower and upper ground levels
<b>Bicycle facilities and spaces</b>	A total of 172 bicycle spaces across the lower ground and basement levels.
<b>Loading/unloading</b>	513m <sup>2</sup> of loading area proposed on the upper ground level. The loading area will have a height clearance of 4.5 metres.
<b>Vehicle access</b>	New vehicle crossovers proposed on Rosslyn and Dudley Street providing access to the loading area and car parking levels.
<b>Pedestrian access</b>	Pedestrian access will be provided from Rosslyn, Dudley and Adderley Streets.  A new north-south pedestrian link which connects from Dudley Street through to Rosslyn Street frontage of the site is proposed. This link will connect to a 567m <sup>2</sup> of open space proposed on the Rosslyn Street frontage of the site.
<b>Staging</b>	The development is to occur in two stages.  The buildings on the corner of Dudley and Adderley Streets, and Rosslyn and Adderley Streets will be constructed in Stage 1.  The other three buildings will be constructed in Stage 2. The supermarket will be constructed in Stage 2.

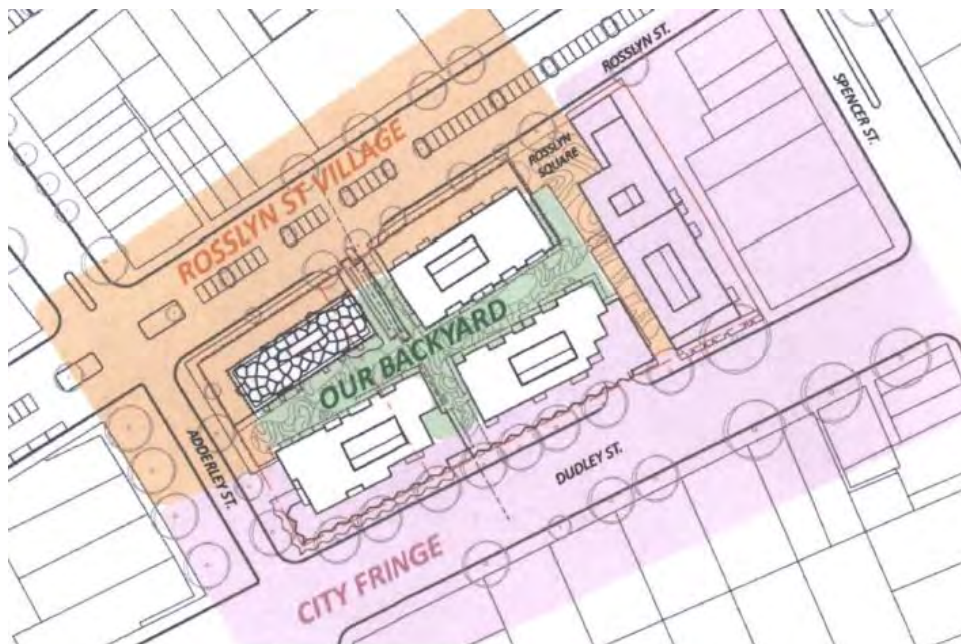


Figure 5: Proposed design response. Figure 5: Architects 3D impression of proposed development as viewed from Rosslyn Street.



Figure 6: Architects 3D impression of proposed development as viewed from Rosslyn Street.



Figure 7: Architects 3D impression of proposed development as viewed from Dudley Street.

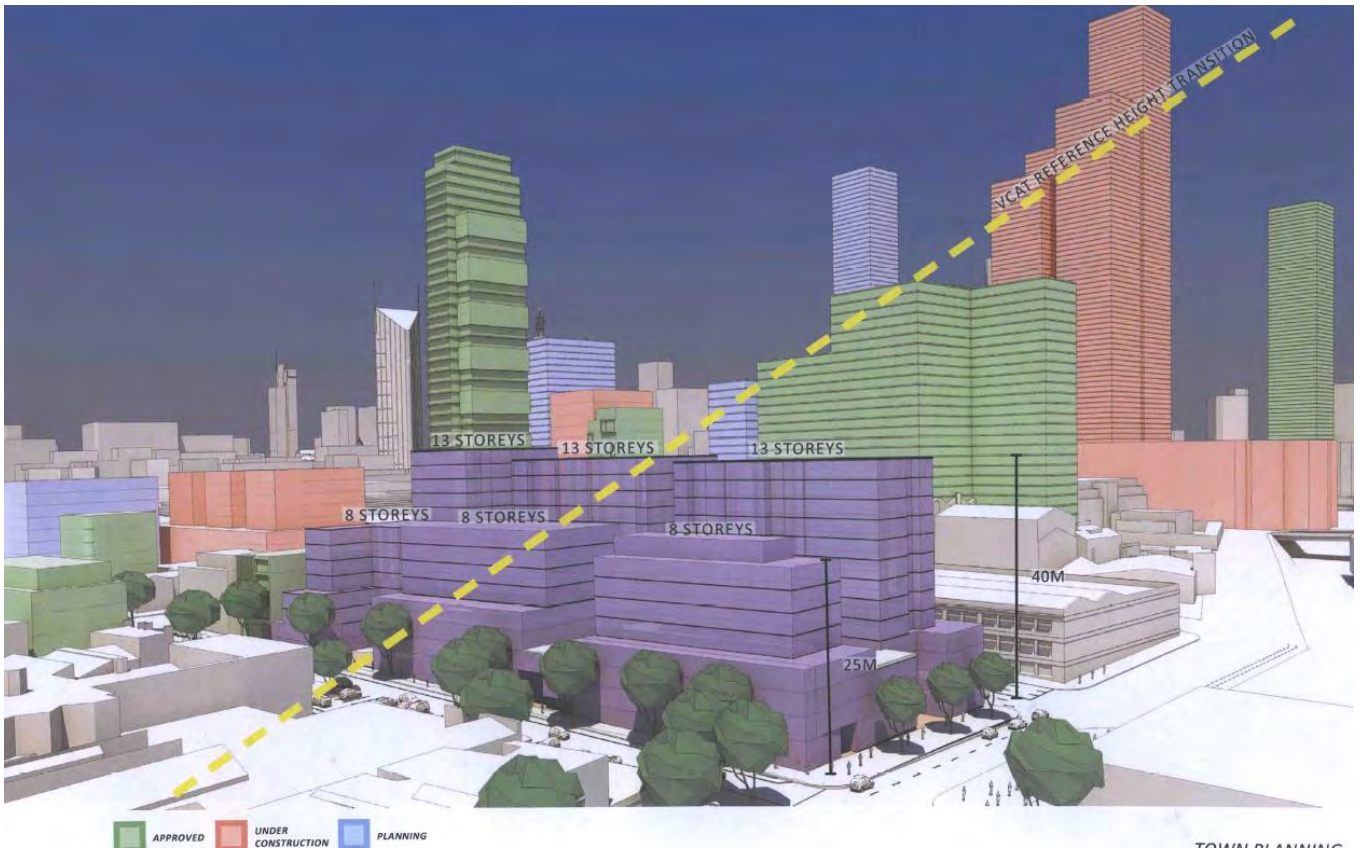


Figure 8: Architects impression showing the height transition from DDO33 (40m height control) which affects the southern side of Dudley Street to the subject site affected by DDO29 (4 storey height control)

### 3. BACKGROUND

#### 3.1. Pre-application discussions

A pre-application meeting was held with DELWP and Melbourne City Council officers prior to the lodging of the subject planning application.

#### 3.2. Site history

There is no directly relevant history or background for this application

#### 3.3. Amendments during the process

The application was received at MCC on 14 July 2014. Concerns were raised by both DELWP and MCC officers in relation to the height, scale, design, bulk and massing of the proposed development. In response to these concerns, the applicant formally submitted amended plans pursuant to Section 50 of the Act on 30 August 2015.

DELWP requested further information in relation to the amended plans on 16 September 2015. The applicant provided a response to this further information request including submitting further set of amended plans on 27 November 2015.

These amended plans were referred by DELWP to MCC under Section 52 of the Act on 7 December 2015 and received at Melbourne City Council on 10 December 2015.

The amended plans resulted in a reduction in the total number of residential apartments, increase in retail area, inclusion of a supermarket and increase in building separation and setbacks.

These amended plans are the current plans forming part of this application and supersede the previous plans initially submitted with the application.

### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	Clause 11.02-3 – Structure Planning Clause 13.04-1 – Noise Abatement Clause 15.01-1 – Urban Design Clause 15.02 – Sustainable Development Clause 16.01 – Residential Development Clause 16.01-3 – Strategic Redevelopment Sites Clause 16.01-4 – Housing Diversity Clause 17.01 – Commercial Clause 18.02-2 – Cycling
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	Clause 18.02-5 – Car Parking
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.11 – Local Areas</p> <p>Clause 21.16-5- West Melbourne</p>
Local Planning Policies	<p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.17 Urban Design Outside the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p> <p>Clause 22.26- Public Open Space Contributions</p>

Statutory Controls	
Clause 32.04, Mixed Use Zone	<p>Pursuant to Clause 32.04-2, a permit is not required to use the subject site for the purposes of a dwelling, food and drink premises provided the leasable floor area does not exceed 150 m2 and office provided the leasable floor area does not exceed 250 m2.</p> <p>Pursuant to Clause 32.04-2, a permit is required to use the site for accommodation (serviced apartments) and retail premises (supermarket).</p> <p>Pursuant to Clause 32.04-6, a planning permit is required to construct a residential building.</p> <p>Pursuant To Clause 32.04-11, a permit is required to construct a building or construct or carry out works associated with a permit required use.</p>
Clause 43.02, Design and Development Overlay – Schedule 29 (CBD Fringe)	<p>Clause – 43.02. Pursuant to Clause 43.02-2 a permit is required for buildings and works unless exempted by the schedule.</p> <p>Schedule 29:</p> <p>Does not exempt the buildings and works from requiring a permit.</p> <p>Outlines a maximum building height of 4 storeys using the following floor to floor dimensions:</p> <ul style="list-style-type: none"> <li>• 3.5m for residential use.</li> <li>• 4 metres for non-residential use</li> </ul> <p>Outlines the following relevant built form outcome:</p> <ul style="list-style-type: none"> <li>- Higher buildings and a new built form character,</li> <li>- Development reflects the higher building forms in the area.</li> <li>- Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.</li> </ul>

<p>Clause 45.03 Environmental Audit Overlay</p>	<p>Pursuant to Clause 45.03-1, before a sensitive use (residential use) commences or before the construction of carrying out of buildings and works in association with a sensitive use commences, either:</p> <ul style="list-style-type: none"> <li>• A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>• 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.</li> </ul>
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Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-2 a new use must not commence until the required car spaces have been provided on the land.</p> <p>Pursuant to Clause 52.06-3 a permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under the clause.</p> <p>The table at Clause 52.06-5 outlines the following provisions:</p> <ul style="list-style-type: none"> <li>• 1 space per one or two bedroom dwelling.</li> <li>• 2 spaces per three bedroom dwelling.</li> <li>• 1 visitor space per 5 dwellings.</li> <li>• 4 spaces for each 100 sqm of shop/retail.</li> <li>• 5 spaces for each 100 sqm of supermarket use.</li> <li>• Car parking spaces for the services apartment component to provided to the satisfaction of the Responsible Authority.</li> </ul> <p>Pursuant to the table, the proposal has a requirement to provide a total of 735 spaces. The proposal provides for 584 car spaces. Therefore pursuant to Clause 52.06-5, a permit is required for the reduction in the statutory requirement.</p>
<p>Clause 52.07 Loading/Unloading</p>	<p>Pursuant to Clause 52.07, no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading of vehicles requiring the provision of 45.4 m2 of loading area.</p> <p>The proposal provides an on-site loading with a total area of 531 m2 and a height clearance of 4.5m.</p>
<p>Clause 52.34 Bicycle Parking</p>	<p>Pursuant to Clause 52.34-1 a new a new use must not commence until the required bicycle facilities have been provided on the land. The Clause states that a permit may be granted to reduce, vary or waive the number of bicycle spaces required by the table.</p> <p>Clause 52.34-3 outlines the following number of bicycle spaces to be provided for dwellings:</p> <ul style="list-style-type: none"> <li>• Resident: In developments of four or more storeys, 1 space to each 5 dwellings.</li> <li>• Visitors to dwellings: In developments of four or more storeys, 1</li> </ul>

	<p>space to each 10 dwellings.</p> <ul style="list-style-type: none"> <li>• Serviced apartments residents: 1 space to each 10 lodging rooms.</li> <li>• Serviced apartment visitors: 1 space to each 10 lodging rooms.</li> <li>• Retail staff: 1 space for each 300 sqm</li> <li>• Retail customers: 1 space for each 500 m2</li> </ul> <p>Pursuant to the above, the proposal has a requirement to provide a total of 169 bicycle spaces comprising 108 for employees/resident and 61 for visitors/customer spaces.</p> <p>The proposal seeks to provide a total of 172 spaces across the site which exceeds the statutory requirements.</p>
Clause 52.29 Land adjacent to a Road Zone, Category 1	<p>Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone Category 1.</p> <p>Dudley Street is located in a Road Zone and therefore, a permit is required under this provision.</p>
Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys	<p>Pursuant to Clause 52.35-01, an application for a residential development of five or more storeys in any zone must be accompanied by an urban context report and a design response.</p> <p>An urban context report and a design response was submitted with the application thus, satisfying the requirement.</p>
Clause 52.36, Integrated Public Transport Planning	<p>Pursuant to Clause 52.36-1, an application for an excess of 60 dwellings, 60 or more lodging rooms, a new retail premises of 4000 or more m2 of leasable floor area must be referred to PTV for comment.</p>

<b>General Provisions</b>	<p>Clause 61.01 – The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000m<sup>2</sup>.</p> <p>Clause 65 – Approval of an application or plan.</p> <p>Clause 66- Referral and Notice Provisions</p>
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## 5. PUBLIC NOTIFICATION

In accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*, DWELP has given notice of the application to the MCC.

## 6. REFERRALS

The application was referred to the following internal departments who provided the following comments (summarised):

### 6.1 Urban Design

Melbourne City Council's Urban Design Department raised significant concerns with the proposal as initially submitted particularly in relation to the height, scale, bulk,

density and the design response. The Urban Designer did not support a podium-tower approach and outlined that net-community benefit must be demonstrated to justify scale over projection above DDO29.

The Urban Design Department continued to raise similar concerns with respect to the amended plans. The following recommendations were provided:

- 'Demonstrate a legitimate net community benefit to justify the scale and density sought, with regard to current and future local population needs.
- Reduce the building heights to a primary 8 level datum along Dudley Street and 6 level datum along Rosslyn Street (with subtle variation for diversity) with no shadow cast to the south side of Dudley Street during key usage periods in the early afternoon, and reduced shadow to the elevation communal open space spine.
- Increase balcony setbacks at the upper levels of the eastern building form to achieve a setback of at least 6m from the centre of the lane, with intelligent apartment module orientation to reduce direct outlook towards the rear of development sites oriented to Spencer Street.
- Explore further vertical division in elevations and the notion of multiple authorship to reduce the perception of a singular development, in favour of a more diverse and granular urban precinct.
- Refine the Landscape Architectural resolution of the public forecourt to the south through level management, as well as the Rosslyn Street forecourt including depiction of outdoor seating zones and resolution / programming of undercroft spaces.
- Enhance the eastern laneway presentation through incorporation of direct bicycle parking access and a glazed response to this edge to provide surveillance and visual interest.
- Reduce the convenience of vehicular access to the supermarket through a reconfigured basement escalator exit point or significant reduction in provision of retail parking, with resultant increases emphasis on pedestrian and bicycle access.
- Explore further opportunities for precinct wide benefits including sustainable energy and water initiatives and consolidation (minimisation) of basement access points.'
- Incorporate a permit condition which requires the active utilisation of unbuilt portions of the site during the staged development process.

## **6.2 Engineering Department**

### **6.2.1 Traffic Engineering**

The applicant submitted a Traffic Impact Assessment prepared by GTA dated 7 August 2015. Melbourne City Council's Traffic Engineering Department was generally satisfied with the assessment including the rates that were used to calculate the peak traffic demand from the proposal.

Council's Traffic Engineering Department did not raise concerns with the number of car parking provided on site. They calculated that for the retail component, the proposal has a peak demand for 142 spaces. Given the proposal seeks to allocate 97 on-site spaces to customers/visitors, a surplus demand of up to 45 spaces is required to be accommodated by the surrounding on-street supply. Traffic Engineering considered that given the credit/reliance associated with the existing use and reasonable accessibility to alternative transport modes, the reliance of up to 45 on-street spaces associated with the visitors/ customers of the proposal is acceptable and will not have a significant impact on the availability of on-street parking spaces in the area.

Traffic Engineering Department raised minor concerns relating to the car parking access and layout. Should a permit be issued, this could be addressed via conditions.

In relation to bicycle parking, confirmation was required as to how these spaces will be accessed within each stage.

Minor concerns were also raised in relation to accessing the loading dock which could be imposed as conditions should a permit be issued.

Council's Traffic Engineering Department considered the proposal to have minimal impacts on the operation of Dudley Street subject to restricting the access to the site being left in/ left out only. This requirement could be addressed by conditions being imposed should a permit be issued.

### **6.2.2 Waste**

A Waste Management Plan (WMP) prepared by Leigh Design dated 5 August 2015 was submitted with the application. Melbourne City Council's Waste Engineering Department was not satisfied with the WMP and recommended that 'the development must use waste and recycling compactor for the collection of waste in this sized development'.

### **6.2.3 Civil**

Melbourne City Council's Civil Engineering Department had no objections to the proposed development subject to standard conditions being imposed including a condition requiring the Applicant / owner to enter into S173 Agreement requiring the pedestrian link to be open 24/7 and that it be maintained to Council's standards

## **6.3 Strategic Planning**

The following comments were provided by Melbourne City Council's Strategic Planning Department:

'The subject site is located in the West Melbourne Structure Plan Study Area. The West Melbourne Plan Structure Plan is a priority Council Action for 2015/2016 which is currently at the Community Engagement Phase.

The subject site is considered to be a key strategic site within the West Melbourne Structure Plan study area due to its central location in the area and its size.

[The City of Melbourne Open Space Strategy – endorsed by Council 31 July 2012](#) (based on the [Open Space Strategy Technical Report June 2012](#)) identifies West Melbourne as currently having minimal provision of open space and in need of more open space.

The subject site certainly has the capacity and strategic location to deliver a significant, quality, useable public green open space (0.26 to 0.9 hectares in size as assessed in Open Space Strategy) to benefit the existing and future community.

Given the significant size of this site, there should be a new pedestrian link on the east boundary of the site that connects the existing laneway (CL1225) to Rosslyn Street (which then links to McKendrick Lane to the north) and another pedestrian link/laneway that connects Rosslyn to Dudley Street approximately through the centre of the site.

#### **6.4 Urban Landscapes**

As the proposal involves the provision of open space and a pedestrian link, the proposal was referred to Melbourne City Council's Urban Landscape team for comments. They outlined concerns with regards to the location of the open space which will restrict the ability for Council to expand into road space should it be required. They also raised concerns with the proposed buildings surrounding the open space commenting that this configuration could lead to a risk of the open space feeling private rather than public.

They raised concerns with the proposed buildings overshadowing this open space. They recommended that the applicant will need to demonstrate compliance with the policy for new public open space as outlined in Clause 22.26 of the Melbourne Planning Scheme.

#### **6.5 Urban Forest**

Melbourne City Council's Urban Forest team did not support the proposal particularly the construction of canopies around the building edges as it would impact on street trees in the following ways:

- Require heavy pruning to existing street trees will be required to accommodate new canopies.
- The proposed awnings will reduce the space for existing and future street trees and shade out the footpath reducing rain water runoff to the permeable tree plots surfaces.

#### **6.6 Urban Sustainability**

An Environmentally Sustainable Design Statement prepared by Ark Resources dated 27 November 2015 was submitted with the application. This was referred to Melbourne City Council's Sustainability Department who required additional details and further demonstration on how the proposal will achieve the Green Star rating.

### **7. ASSESSMENT**

The key issues in the consideration of this application are:

- Built form: height, setbacks and building separation
- Design detail
- Active uses
- Shadowing

- Open space and pedestrian links
- Amenity; internal and external
- Environmentally Sustainable Design
- Wind and Weather protection
- Contamination
- Parking, traffic and waste

## **7.1 Built form**

### **7.1.1 Building Height**

The subject site is affected by the Design and Development Overlay Schedule 29 which outlines a maximum building height of 4 storeys using the following floor to floor dimensions:

- 3.5 metres for residential use (14 metres in height)
- 4 metres for non-residential use (12 metres in height)

The DDO29 outlines the following relevant built form outcomes:

- ‘Development reflects the higher building forms in the area.
- Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.’

The development proposes a podium tower form consisting of a four storey podium to all five buildings with the upper levels setback 6m from the frontage.

The proposal does not comply with the specified height in DDO29. The applicant in their planning submission justifies the proposed height by stating that it ‘provides a suitable transition between the taller buildings at the CBD Fringe and the lower scale height of West Melbourne).

#### Dudley Street

The two buildings fronting Dudley Street will have a height of 39.74 (13 storeys) and 40 metres (13 storeys). The southern section of Dudley Street across the subject is affected by DDO33 which allows a maximum building height of 40 metres.

Developments approved in this part of Dudley Street ranges in height between 40 to 50 metres. To the south-east of the subject site at 420 Spencer Street, located on the south-east corner of Spencer and Dudley Street, is a Ministerial approval to construct a 106m high tower. Further to the east of Dudley Street at 130 – 144 Dudley is a Ministerial Permit to construct three residential building ranging in height between seven to nine storeys.

The subject site is located directly opposite this context. In addition, the site is considered to be one of the largest sized sites found in West Melbourne. As a result there is justification to allow an increase in height along the Dudley Street frontage of the site (above 4 storeys) to allow for a suitable transition between the taller height controls and the lower scale height of West Melbourne.

The proposed developments being 13 storeys in height seeks to triple the maximum building height of 4 storeys as stipulated by DDO29. This 13 storey height is applied uniformly across Dudley Street. In this instance, the proposed 13 storey height are not supported for the reason that the development appears as a monolithic ‘singular’ form which provides no visual interest to the skyline and results in an overdevelopment of the site. Melbourne City Council’s may support an 8 storey height to Dudley Street if this built form is varied.

## Rossllyn Street

The three buildings proposed on the Rossllyn Street frontage will have a height of 24.91 metres ( 8 storeys), 27.85 metres (9 storeys) and 27.59m (13 storeys) respectively.

Compared to the Dudley Street context, Rossllyn Street streetscape is of a lower scale where a built form closer to the requirements of DDO29 have been preserved.

Developments approved in this area contain a six storey wall height with an additional two levels setback to achieve full concealment from Rossllyn Street. Therefore a six storey building on the Rossllyn Street frontage is supported subject to any additional levels being setback to achieve full concealment from Rossllyn and Adderley Streets. As with Dudley Street the built form of the proposal needs to be reduced in height and broken up so that it does not appear as a monolithic mass.

### **7.1.2 Setbacks**

As outlined above, all buildings are proposed to be setback 6m above the podium from Dudley, Rossllyn and Adderley Street. For reasons mentioned above, a tower podium approach is not preferred for this site.

Concerns are raised in relation to the setbacks proposed on the eastern boundary. The building is proposed to be setback 5m from this boundary and has balconies that projecting 2 metres resulting in a setback of 3m. While these setbacks could be supported for a lower scale building i.e. up to 4 to 6 storeys in height, this is not supported for a 13 storey building as it does not allow adequate separation and equitable development opportunities.

### **7.1.3 Building separations**

The building separation which is proposed to be between 9 and 14 metres with respect to outlook, privacy and amenity is supported and is discussed in Section 7.6 of the report. There are no concerns raised in relation to the proposed building separations rather the key concerns relates to the height, bulk and massing of the buildings which is not supported for the reasons outlined above.

## **7.2 Design Detail**

In relation to developing large and prominent sites, the urban design policies at Clause 22.17 encourages new developments to use building design, including the design of certain building elements as well as other techniques of perceived scale and contrast to acknowledge this prominence.

The proposed buildings provide little contrast nor design details reduce the perceived building bulk and mass.

## **7.3 Active uses**

The development seeks to provide a supermarket and retail uses fronting Dudley and Rossllyn Streets and the proposed pedestrian link on upper ground level. All these uses particularly, the supermarket are supported as it encourages activation and provide some community benefits.

The building contains apartments with balconies fronting the streets. There are a few 'SOHO' style apartments proposed with direct access from Dudley Street. All these contribute to activation and passive surveillance opportunities for the surrounding streets.

It is noted that part of the Dudley Street frontage of the site to a length of 26.99m contains substations and building services. While the complexity of relocating substations and services on basement level is acknowledged, it is recommended



that the extent ground level service be reduced where possible to improve street activation and the experience for pedestrians.

#### **7.4 Shadowing**

Concerns have been raised by both DELWP and MCC in relation to the extent of shadows casts on the communal and public open spaces proposed on the upper ground level and on level 3.

The proposed shadow diagrams submitted shows that between 10am and 3pm on 22 September, the proposed buildings fronting Rosslyn Street will cast shadows on the communal open space provided on level 3, and on the north facing apartments of the proposed buildings fronting Dudley Street. Due to the orientation of the site it is inevitable that shadows will be cast on the communal open space. The concern relates to the shadowing to the north-facing apartment balconies which are the only private open spaces. A reduction in height to the buildings fronting Rosslyn Street will assist in minimising the shadowing impacts.

The submitted shadow diagrams highlight that between 10am and 12pm the proposed building (13 storeys in height) to the east of the site will overshadow the proposed public open space fronting Rosslyn Street. This does not comply with the criteria for designing new public open spaces outlined at Clause 22.26 of Melbourne Planning Scheme which requires the open space area to receive at least 5 hours of direct sunlight between 9am and 3pm on 22 September.

#### **7.5 Open space and pedestrian links**

Clause 22.26 and 52.01 of the Melbourne Planning Scheme identifies the subject site as being in a precinct where 5 percent land contribution is preferred. In deciding whether the land proposed to be developed is appropriate for use as public open space, the Clause outlines a criterion which the responsible authority is required to have regards to.

The 567m<sup>2</sup> public open space proposed on the Rosslyn Street frontage of the site is above the required minimum of 460.5m<sup>2</sup> (5 percent of land). While its location on the northern side of the site is supported, concerns are raised in relation to the configuration of this open space.

The buildings of the proposed development will surround the open space on three sides. Part of the buildings will encroach over this space. This results in the open space to feel private rather than public. There is no outdoor seating or furniture shown on the plans, and no clear explanation has been provided as to how much of this space will be available to the public for the utilisation for passive recreation activities.

Furthermore, the open space will have basement beneath which impacts the potential for deep root planting. Council will not take responsibility of an open space with basement beneath.

As mentioned above, the submitted proposed shadow diagrams highlights that between 10am and 12pm, the proposed building to the east of the site will cast shadows into this open space. This does not comply with the criteria which requires the open space area to receive at least 5 hours of direct sunlight between 9am and 3pm on 22 September

This proposed open space in its current configuration do not meet the following criteria of Clause 22.26-5:

- The land is not capable of supporting a large mature canopy tree,
- No indication is provided as to whether the space can accommodate a range of recreational uses.

- The space is located directly adjacent to 8 and 13 storey buildings with no setbacks provided. Therefore, there is no visual relief.
- The space does not contribute to the character and attractiveness of the neighbourhood.
- The open space is not capable of being transferred or managed by Council and rezoned for public open space.

While the provision of a north-south pedestrian link is supported concerns are raised with the abrupt termination of the link at the Dudley Street frontage. This presents a barrier to the through-block link and is a poor urban design outcome. Council's Urban Designer recommends the deletion of the platform lift and use of a more subtle ramp and step configuration to improve this connection.

## **7.6 Amenity; internal and external**

### **7.6.1 Internal amenity**

The proposed development provides a variety of dwellings ranging from one to three bedroom apartments and 'SOHO' style apartments. One of the buildings (on the corner of Rosslyn and Adderley Streets) will accommodate serviced apartments.

The dwellings are of reasonable sizes, have open plan living and private open spaces in the form of balconies and terraces fronting the streets or the proposed lane. The building separations are adequate and ensure that the views from the proposed apartments are maximised and there is no unreasonable overlooking. Where the buildings have minimum separation of approximately 9m, the outlook from the apartments have been oriented away from each other.

The provision of a communal open space above the podium is positive. However, concerns are raised in relation to the extent of shadows cast on this space and the north facing apartment balconies of the proposed buildings fronting Dudley Street. Reducing the height of the buildings on the Rosslyn Street will assist in reducing the amount shadows.

### **7.6.2 External amenity**

The only sensitive interface abutting the subject is the six storey residential building located to the immediate east of the subject site at 171-175 Rosslyn Street.

None of the apartments on these neighbouring building have a direct outlook towards the site. The primary outlooks from these apartments are on Rosslyn Street or to the rear of the site facing the Council Lane.

## **7.7 Environmentally Sustainable Design**

The Environmental Sustainable Design Statement prepared by Ark Resources dated 27 November 2015 outlines that the proposed development meets the sustainable design objectives of Clause 22.19 and 22.23 of the Planning Scheme.

The Statement states the following in particular:

- 'The development meets a Best Practice environmental design standard.
- The development also meets the Best Practice standard for Urban Stormwater Quality.'

The Environmental Sustainable Design Statement has been reviewed by Melbourne City Council's Urban Sustainability Officer who required additional details and further demonstration on how the proposal will achieve the Green Star rating. This has been passed onto the applicants for their consideration.

## **7.8 Wind and Weather protection**

A wind tunnel testing report prepared Vipac Engineering and Scientists dated 27 November 2015 was submitted with the amended application.

The report recommends that the building entrances should meet the standing criterion and walking criterion on the proposed public open space and the through-block link. It recommends walking criteria for the communal open space above the podium with the exception of the pool area where standing criterion is recommended.

It is considered that the public open space and communal open space should achieve a standing criterion to maximise the use of these spaces and improve the outdoor area experience for the residents and public.

The wind report recommends the construction of a canopy on the entrance of the building proposed on the corner of Adderley and Dudley Streets and wind screens on the terraces located to the south side fronting Dudley Street. On the podium level, the wind report relies on landscaping to mitigate wind impacts. This is not acceptable. The design of the building should be modified to achieve acceptable level of wind conditions.

The proposal provides for canopies around the building edges and in the through-block link thus providing weather protection. The proposed design of the canopies around the building edges are not supported in their current form as heavy pruning of existing street trees will be required which will impact on their health.

## **7.9 Contamination**

The subject site is affected by an Environmental Audit Overlay which at Clause 45.03 requires the carrying out of an environmental audit. Should a permit be issued, this could be addressed via a condition.

## **7.10 Parking, traffic and waste**

Melbourne City Council's Traffic Engineering Department did not raise concerns with the number of car parking spaces proposed on site. They raised minor concerns relating to the car parking access, layout and the loading dock proposed on site. These could be addressed via conditions should a permit be issued.

They were generally satisfied with the number of bicycle spaces provided on site and required confirmation on how these spaces will be accessed within each stage.

In summary, Traffic Engineering considered the proposal to have minimal impacts on the operation of Dudley Street subject to restricting the access to the site being left in/ left out only. This can be addressed by condition a permit be issued,

With respect to waste, Engineering Department was not satisfied with the waste management plan and required the submission of a revised WMP addressing their concerns.

## **8. CONCLUSION**

The concept of developing the site with a mixed use development that provides benefits to the wider community through the provision of community facilities and useable, functional public open space is encouraged and supported by the

Melbourne Planning Scheme. The subject site which is one of the largest sites in West Melbourne is clearly capable of accommodating a mixed use development.

The proposal fails to provide an appropriate response to the relevant provisions of the Melbourne Planning Scheme, including Clause 22.11 (MSS), Clause 22.17 Urban Design Outside the Capital City Zone and Clause 22.26 Public Open Space Contributions and fails to provide a built form outcome sought at Clause 43.02 - Design and Development Overlay Schedule 29.

The applicant has been informed of MCC's concerns with the proposal since the pre-application stage. While the amended plans addressed some areas of concerns, they do not address the significant concerns with built form and quality of open space.

As such, it is recommended that the Melbourne City Council objects to the application.

## **9. OFFICER RECOMMENDATION**

That Department of Environment, Land, Water and Planning be advised that the Melbourne City Council objects to the proposal on the following grounds:

- The proposal fails to provide an appropriate response to the relevant provisions of the Melbourne Planning Scheme, including Clause 22.11 (MSS), Clause 22.17 Urban Design Outside the Capital City Zone and Clause 22.26 Public Open Space Contributions.
- The design and external appearance of the proposed buildings, particularly the scale, bulk, mass, height and design response fails to meet the objectives and policy set out at Clause 22.17 and is detrimental to the outlook and visual amenity of the surrounding area.
- The proposed uniformed height and massing of the buildings is excessive having regard to the maximum building height set out in the Design and Development Overlay - Schedule 29.
- The proposal fails to meet the objectives and built form outcomes of Design and Development Overlay – Schedule 29 and does not provide an appropriate transition from the between the taller buildings and the lower scale height of West Melbourne.
- The proposal as a result of its inadequate setback fails to consider the potential development opportunity of the adjoining sites and therefore does not allow for equitable development.
- The proposal fails to provide an acceptable level of wind criterion on the communal and public open spaces.
- The proposal fails to provide an unencumbered, functional and useable public open space and do not satisfy the criterion outlined at Clause 22.26-5 of the Melbourne Planning Scheme.
- The proposal will impact on existing street trees and will result in loss of future planting opportunities in this location.
- The proposal is contrary to the proper and orderly planning of the area.

