

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

**Agenda item 6.2**

**Ministerial Referral: TPMR-2016-22  
42-44 Moray Street and 11-13 Hancock Street Southbank**

**21 March 2017**

**Presenter:** Jane Birmingham, Practice Leader Statutory Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Permit Application for the development of a 51 level mixed use development of residential apartments and offices. The building will have a maximum height of approximately 178m and a gross floor area of 27,894m<sup>2</sup>.
2. The application was referred by the Department of Environment, Land, Water and Planning (DELWP) for comment on 6 September 2016. Following discussions with DELWP and Council officers, the applicant provided revised plans that were formally referred to Council on 9 February 2017.
3. The site is in the Capital City Zone Schedule 3 and is affected by Design and Development Overlay, Schedule 5 (DDO5) (Bridge Protection Area), Design and Development Overlay Schedule 10, Land Subject to Inundation Overlay and Parking Overlay Schedule 1. The application was lodged prior to the introduction of Amendment C270 and as such the requirements of Amendment C262 are applicable.

**Key issues**

4. Key issues to consider in the assessment of the application are the appropriateness of the built form, architectural quality and internal and external amenity.
5. The proposed height and setbacks of the development are acceptable and comply with the built form requirements and plot ratio of DDO10. With a proposed height of 175m and setbacks that comply with the requirements of DDO10, the development will not overwhelm or dominate the public realm or adjoining buildings. As the revised development does not exceed the maximum plot ratio of 24:1, the applicant is not required to demonstrate a public benefit contribution.
6. The development provides good ground level activation, subject to changes to the internal layout to attract residents and visitors to use the space. A revised wind report will be required to ensure that the proposed wind conditions are consistent with the requirements of the Melbourne Planning Scheme.
7. The internal layout of apartments is generally compliant with the proposed Better Apartment Design Standards. As a result of amendments to the application, the layout of the apartments has improved and all habitable rooms have direct access to daylight and communal spaces are well planned.

**Recommendation from management**

8. That the Future Melbourne Committee resolves that a letter be sent to the Department of Environment, Land, Water and Planning advising that the Melbourne City Council supports the proposal subject to the conditions outlined in the delegate's report (Attachment 4).

**Attachments:**

1. Supporting Attachment (page 2 of 48)
2. Locality Plan (page 3 of 48)
3. Selected Plans (page 4 of 48)
4. Delegate Report (page 21 of 48)

**Supporting Attachment**

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**Legal**

1. As the proposal exceeds 25,000 sqm in gross floor area, the Minister for Planning is the Responsible Authority for determining the 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 original design. It is recommended that if a permit is to issue that an updated ESD report should be submitted.

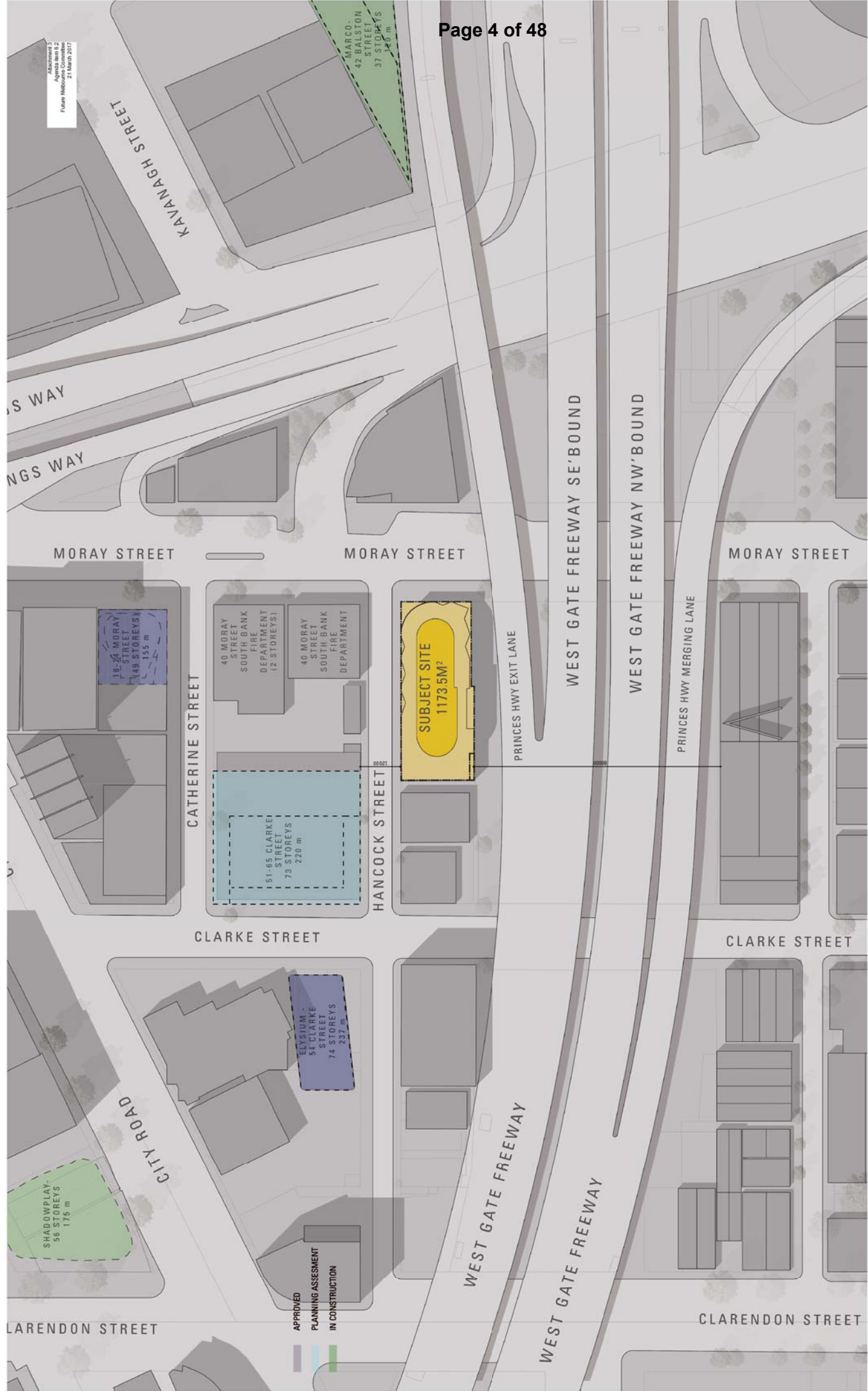
# Locality Plan

Attachment 2  
Agenda item 6.2  
Future Melbourne Committee  
21 March 2017

## 42-44 Moray Street and 11-13 Hancock Street Southbank



Attachment 3  
 Application for Planning  
 Future Melbourne Committee  
 21 March 2017



DRAWING NO:  
**TP-005**

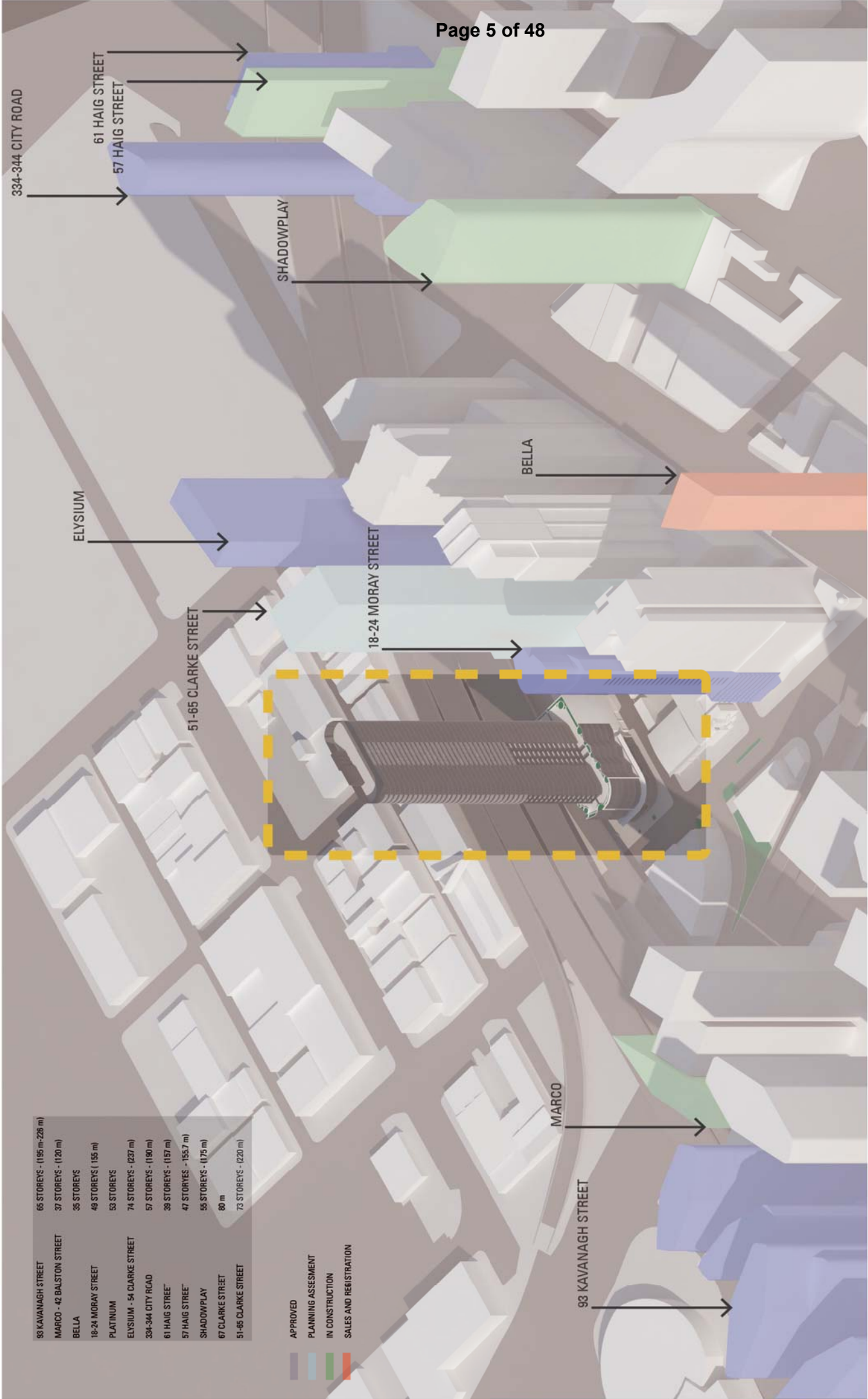
**A. PROJECT CONTEXT**  
 SITE PLAN  
 REVISION: 6  
 DATE: JANUARY '17  
 SCALE: 1:500 @ A1

**42 MORAY STREET & 11-13 HANCOCK STREET,  
 SOUTHBANK - MIXED USE DEVELOPMENT**  
 PROJECT NO: 35-0048  
 REASON FOR ISSUE: TOWN PLANNING

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 Australia

**PEDDLE THORP**



83 KAVANAGH STREET	65 STOREYS - (195 m - 226 m)
MARCO - 42 BALSTON STREET	37 STOREYS - (120 m)
BELLA	38 STOREYS
18-24 MORAY STREET	49 STOREYS (155 m)
PLATINUM	53 STOREYS
ELYSIUM - 54 CLARKE STREET	74 STOREYS - (237 m)
334-344 CITY ROAD	57 STOREYS - (190 m)
61 HAIG STREET	38 STOREYS - (157 m)
57 HAIG STREET	47 STOREYS - (155.7 m)
SHADOWPLAY	55 STOREYS - (175 m)
67 CLARKE STREET	80 m
51-65 CLARKE STREET	73 STOREYS - (220 m)

- APPROVED
- PLANNING ASSESSMENT
- IN CONSTRUCTION
- SALES AND REGISTRATION

MORAY STREET

- GARAGE/CAR STACKER
- BUSINESS/SERVICES LOBBY
- RESIDENTIAL LOBBY
- SERVICES
- CORE
- DRIVEWAY
- CIRCULATION

HANCOCK STREET



GALVANIZED IRON SHEET  
SPROUTING 4.86

PARAPET 4.32  
PARAPET 4.85

No. 15  
JUBILEE STOREY CONCRETE  
BUILDING AND CARPARK

DRAWING NO.  
**TP-200**

**C. DESIGN PROPOSAL**  
GROUND FLOOR PLAN

REVISION: 6  
DATE: JANUARY '17  
SCALE: 1:100 @ A1

**42 MORAY STREET & 11-13 HANCOCK STREET,**  
**SOUTHBANK - MIXED USE DEVELOPMENT**

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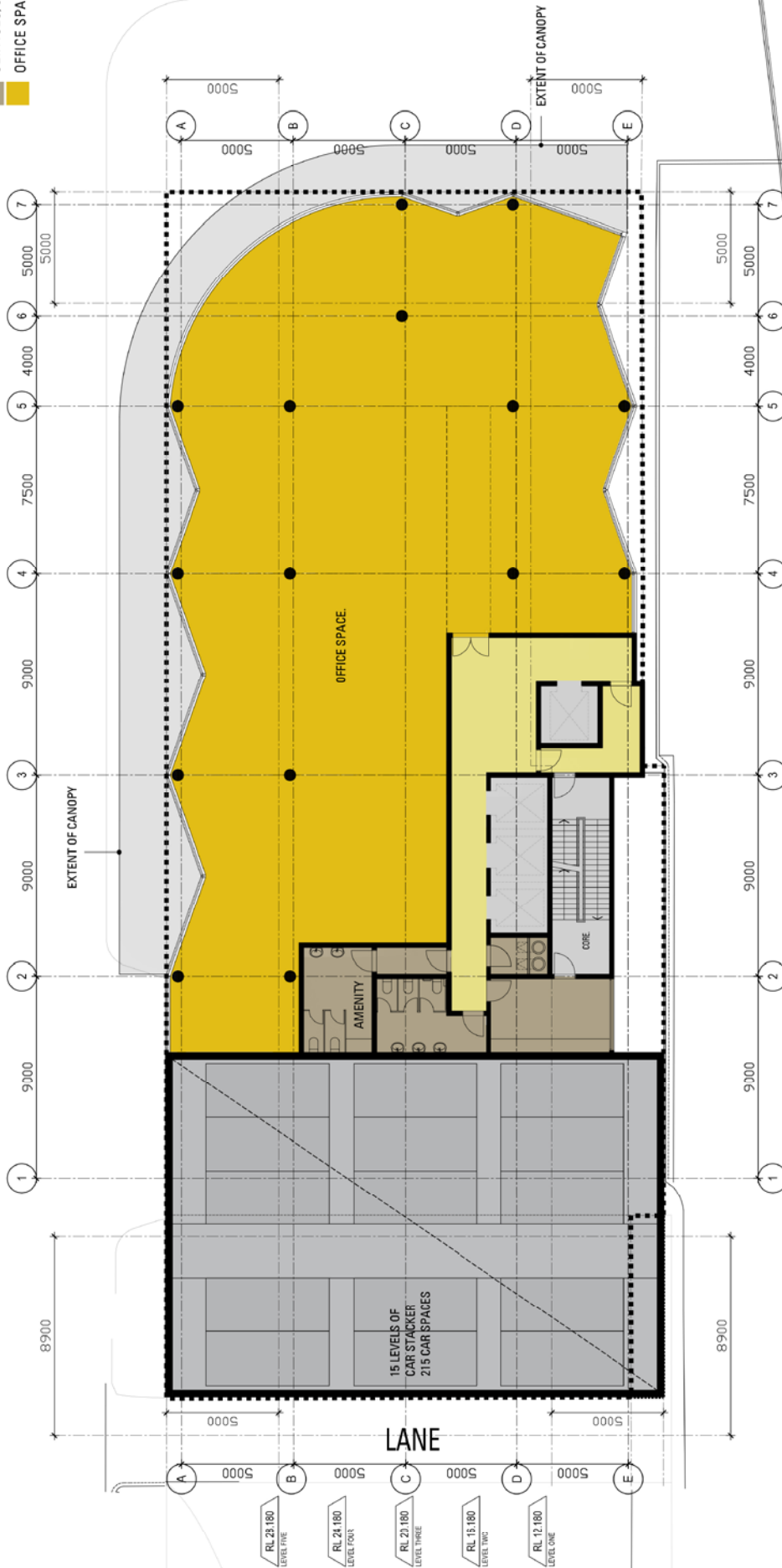
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MORAY STREET

- GARAGE/CAR STACKER
- CORRIDOR
- CORE
- SERVICES/STORAGE
- OFFICE SPACE

HANCOCK STREET



DRAWING NO: **TP-201**

**C. DESIGN PROPOSAL**  
PODIUM TYPICAL FLOOR PLAN

REVISION: 6  
DATE: JANUARY '17  
SCALE: 1:100 @ A1

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**SOUTHBANK - MIXED USE DEVELOPMENT**

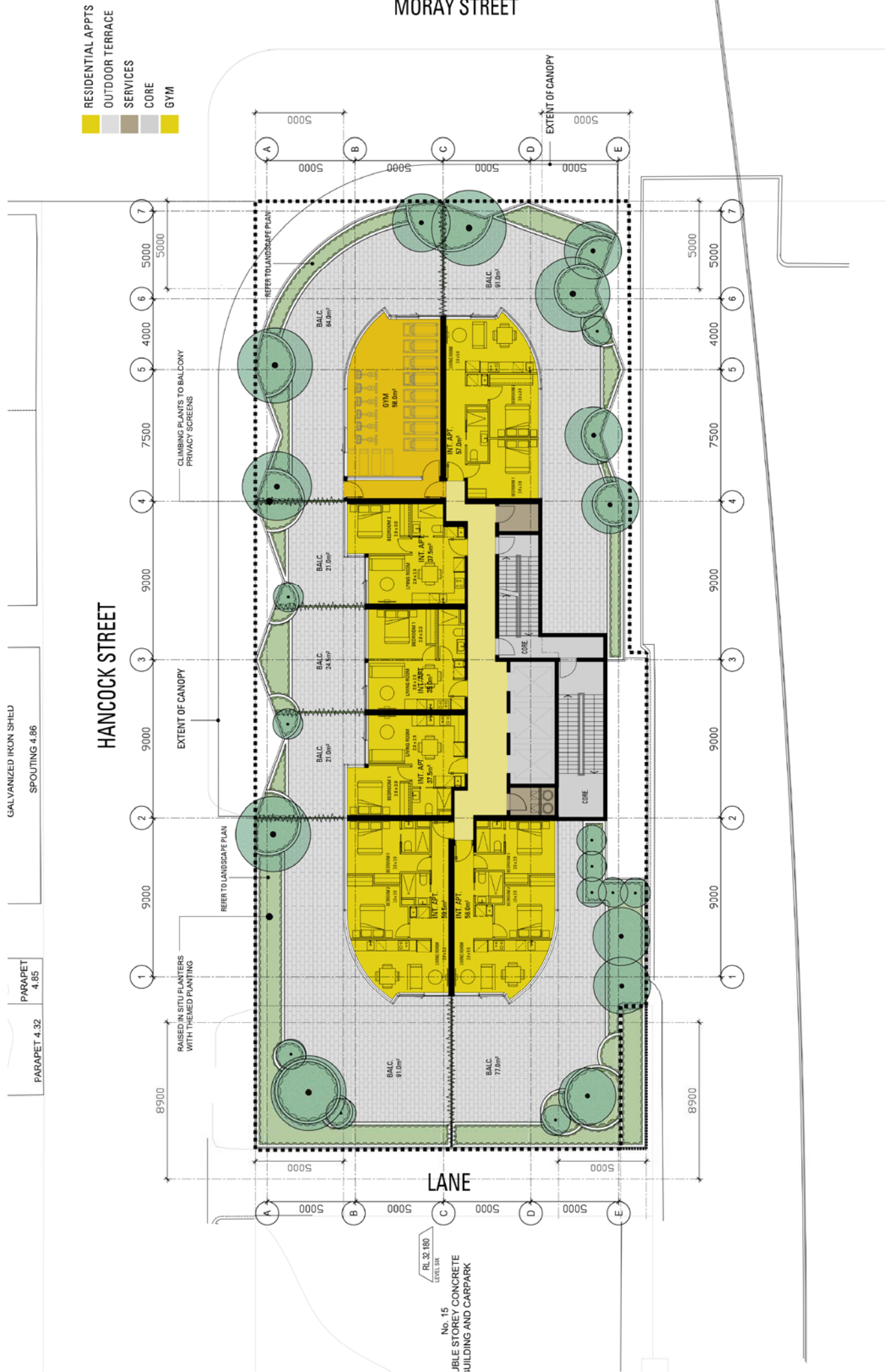
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MORAY STREET



GALVANIZED IRON SHEL  
SPOUTING 4.86

PARAPET 4.32  
PARAPET 4.85

No. 15  
JUBLE STOREY CONCRETE  
BUILDING AND CARPARK

DRAWING NO.  
**TP-206**

**C. DESIGN PROPOSAL**  
TYPICAL TOP OF PODIUM (LEVEL 6)

REVISION: 6  
DATE: JANUARY '17  
SCALE: 1:100 @ A1

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SOUTHBANK - MIXED USE DEVELOPMENT**

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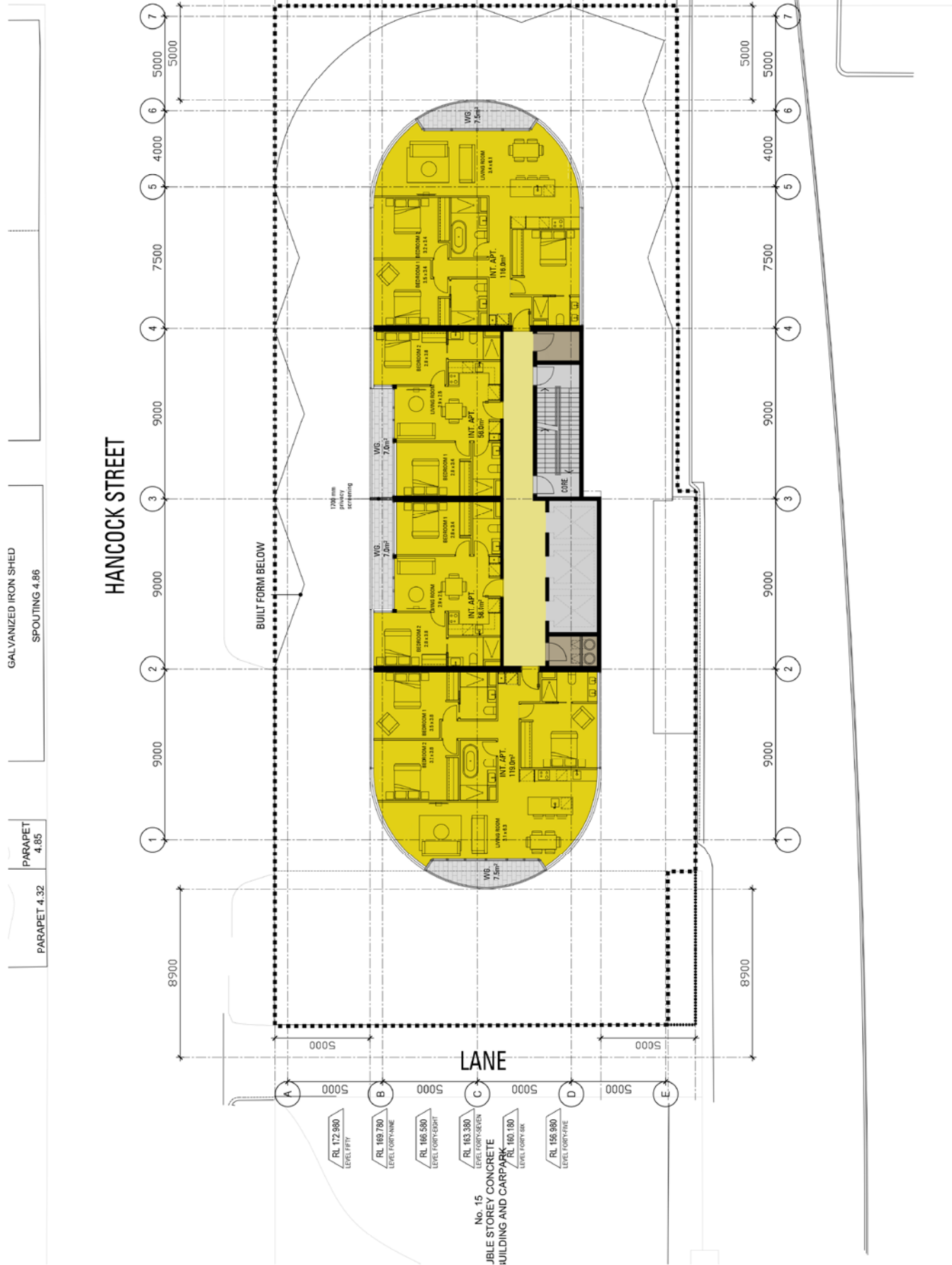
**PEDDLE THORP**



MORAY STREET

- RESIDENTIAL APPTS
- WINTER GARDEN
- SERVICES
- CORE

HANCOCK STREET



GALVANIZED IRON SHED  
SPOUTING 4.86

PARAPET 4.85  
PARAPET 4.32

No. 15  
JUBILE STOREY CONCRETE  
BUILDING AND CARPARK

DRAWING NO.  
**TP-245**

**C. DESIGN PROPOSAL**  
TYPICAL UPPER TOWER FLOORPLAN (LEVELS 45-50)

REVISION: 6  
DATE: JANUARY '17  
SCALE: 1:100 @ A1

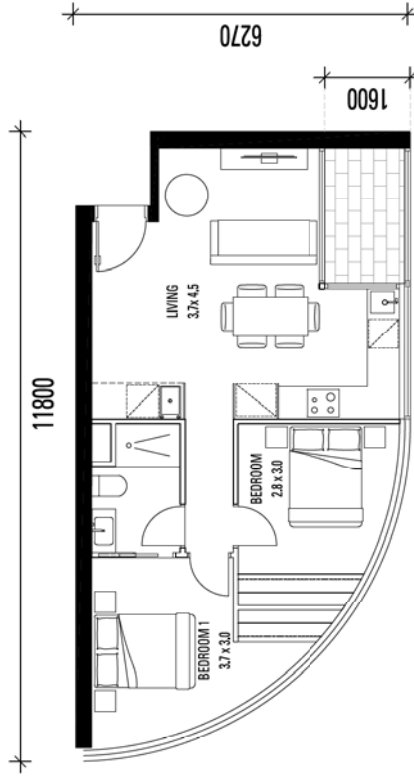
**42 MORAY STREET & 11-13 HANCOCK STREET,  
SOUTHBANK - MIXED USE DEVELOPMENT**

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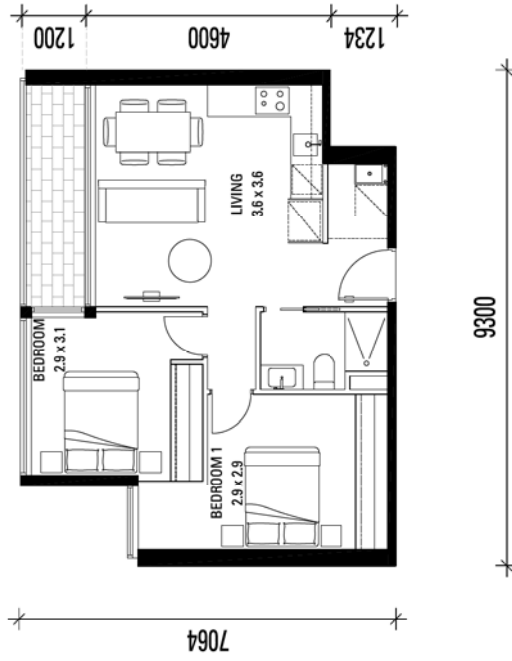
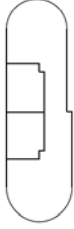
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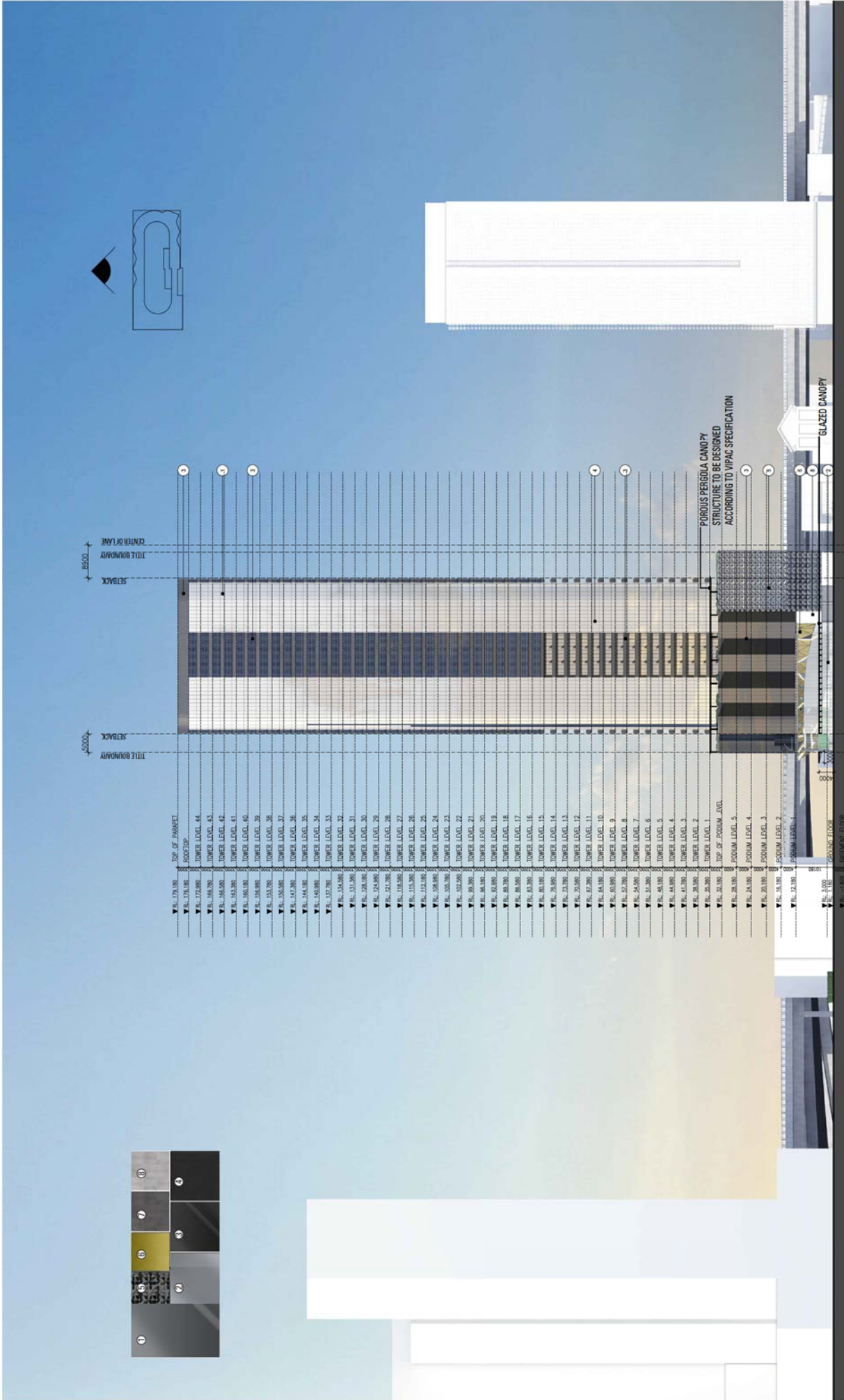


**TYPICAL 2 BEDROOM APARTMENT**  
**TYPE THREE - ALTERNATE**  
 REVISION: 07      DATE: FEBRUARY '17      SCALE: 1:50 @ A1

**42 MORAY STREET, SOUTHBANK**  
**MIXED USED DEVELOPMENT**  
 PROJECT NO: 35-0048      REASON FOR ISSUE: TOWN PLANNING

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DRAWING NO:  
**TP-300**

**C. DESIGN PROPOSAL**  
NORTH ELEVATION

REVISION: 6  
DATE: JANUARY '17  
SCALE: 1:200 @ A1

**42 MORAY STREET & 11-13 HANCOCK STREET,**  
**SOUTHBANK - MIXED USE DEVELOPMENT**

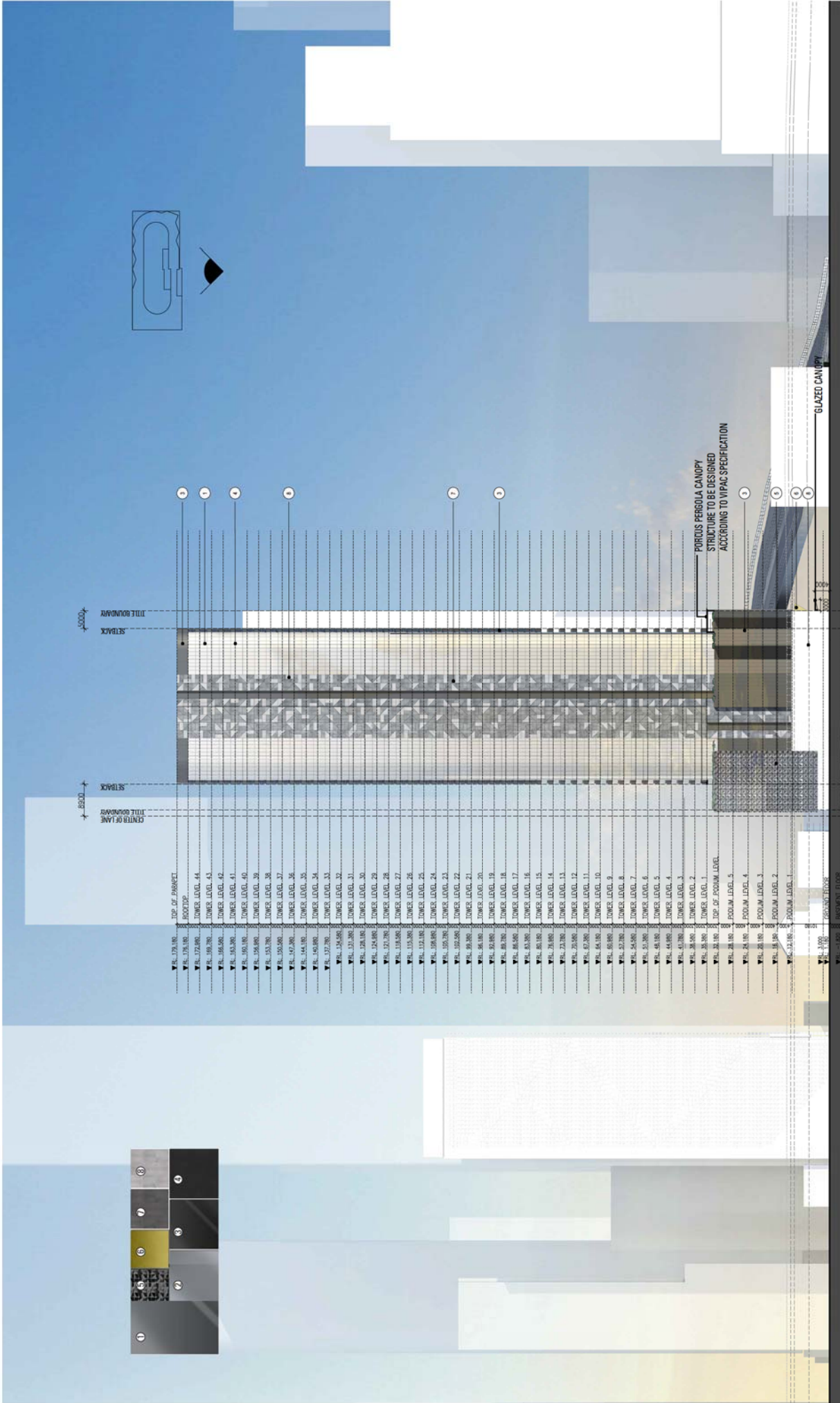
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REASON FOR ISSUE: TOWN PLANNING

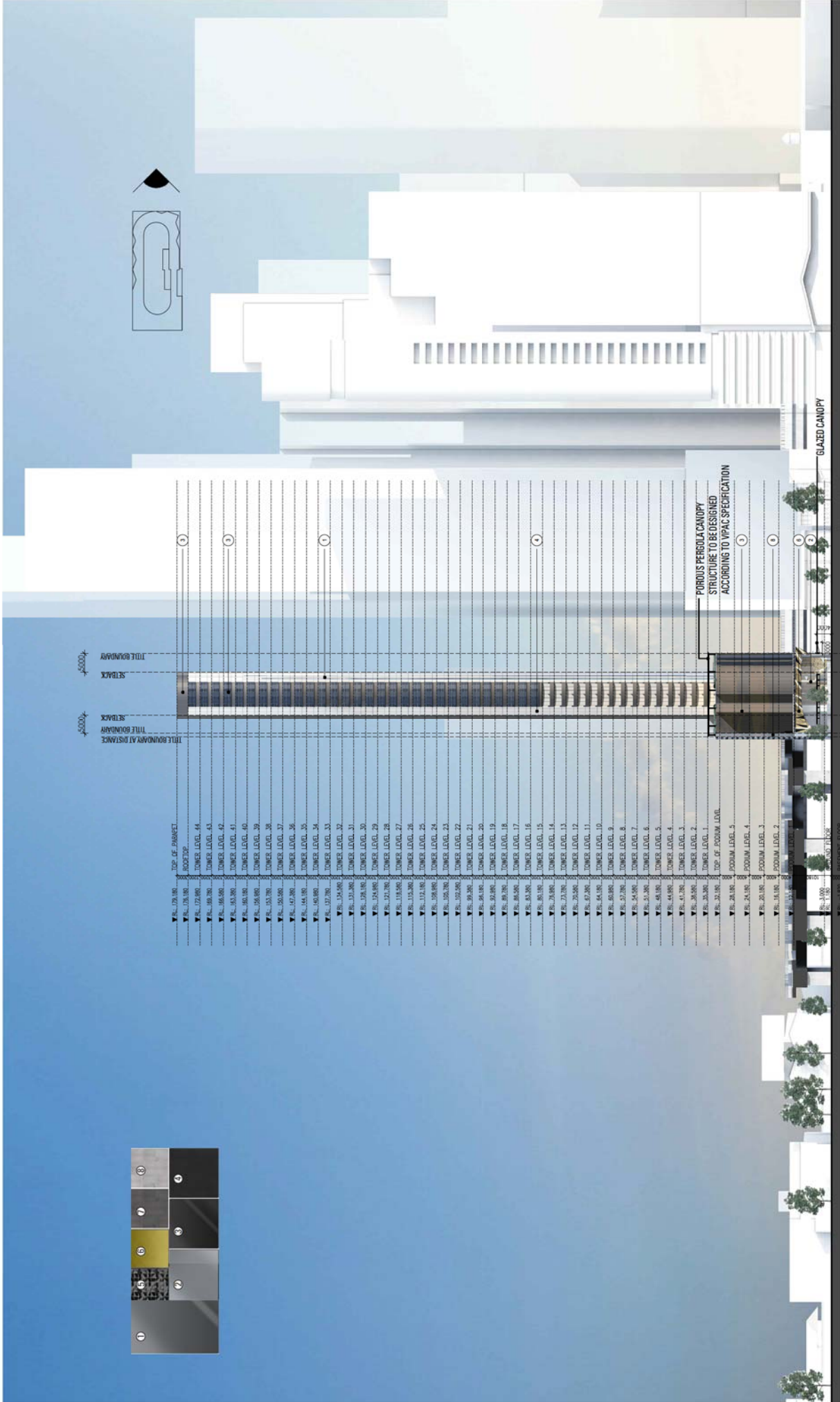
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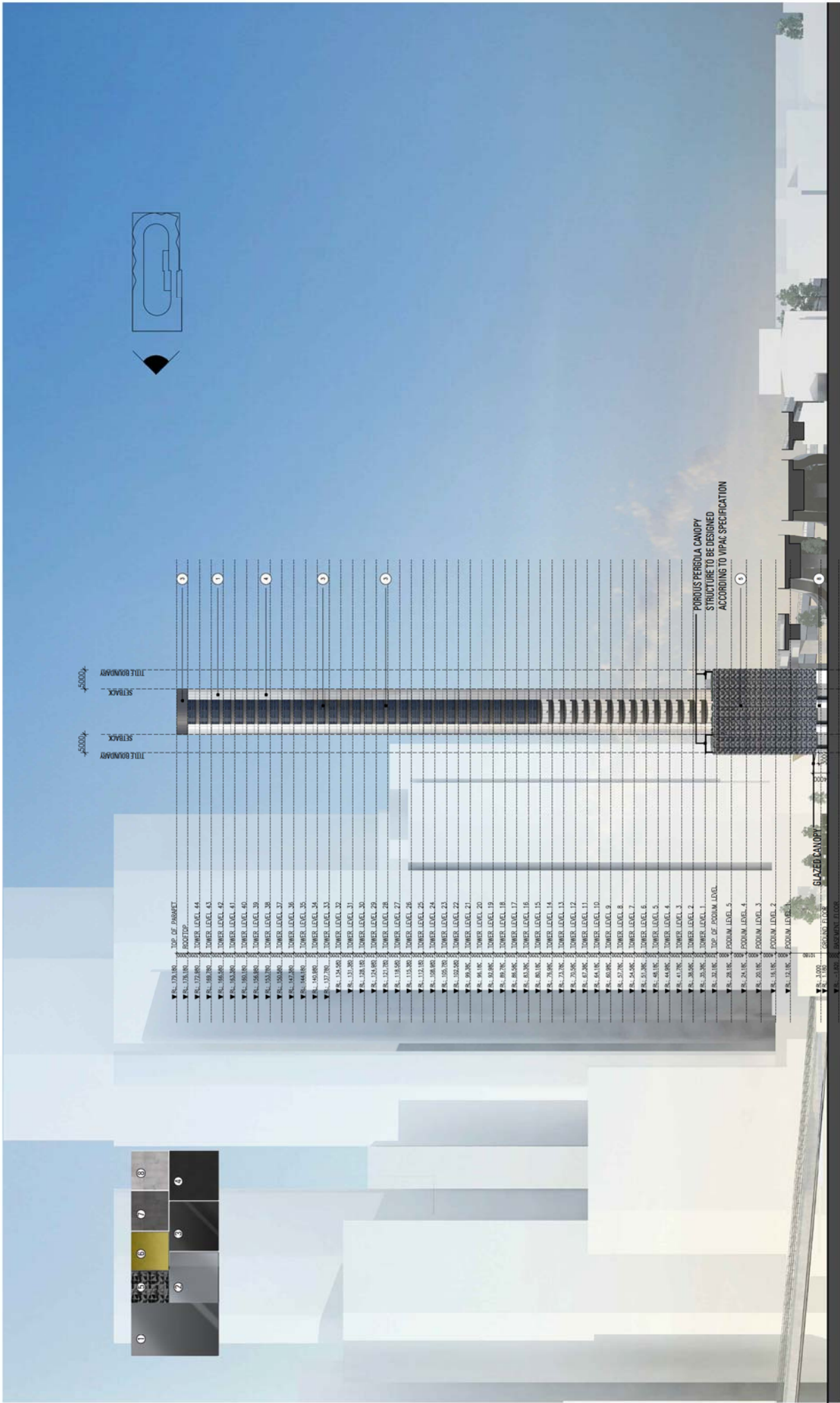
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Australia

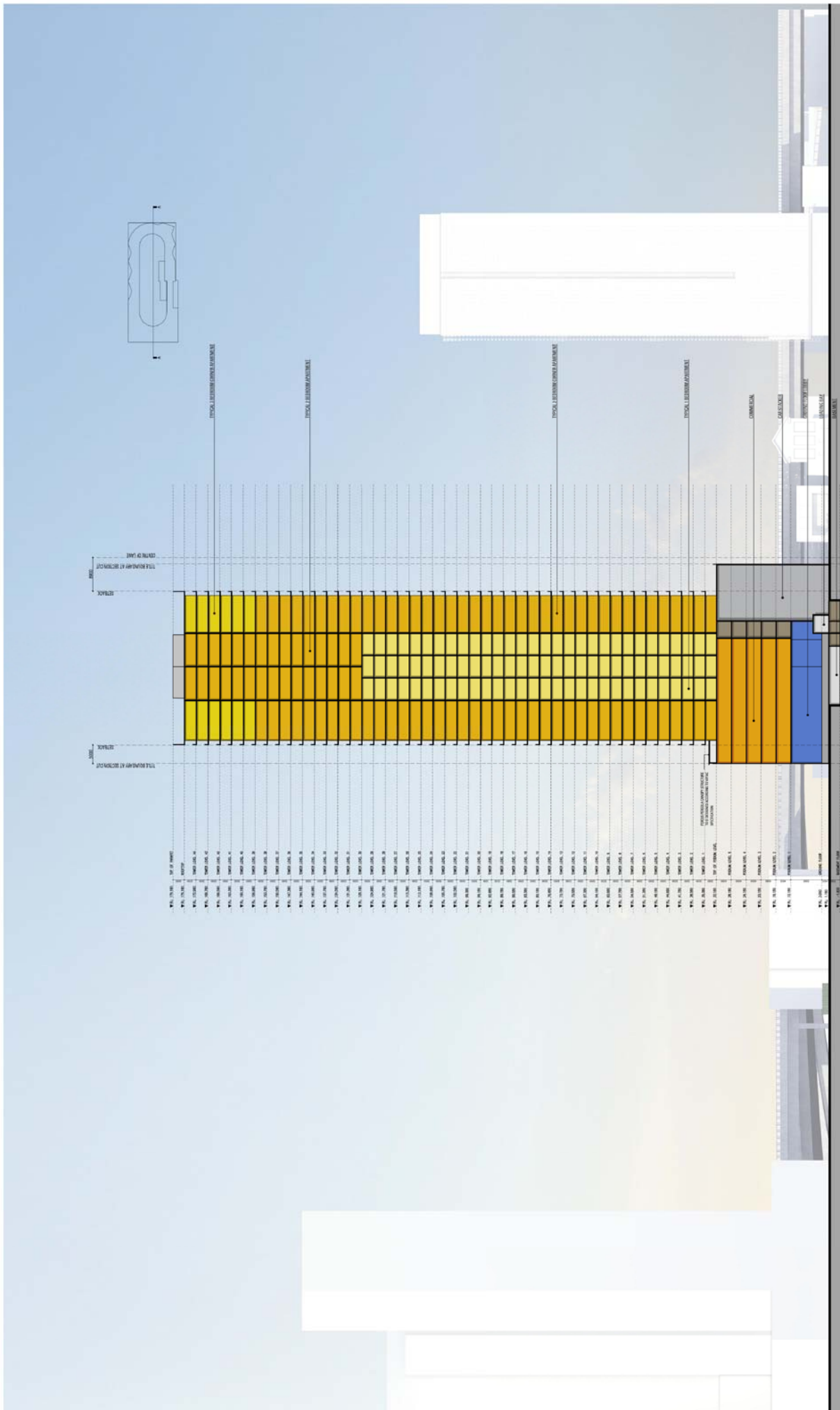
**PEDDLE THORP**

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DRAWING NO:  
**TP-400**

**C. DESIGN PROPOSAL**  
SECTION AA

SCALE:  
1:200 @ A1

DATE:  
JANUARY '17

REVISION:  
6

**42 MORAY STREET & 11-13 HANCOCK STREET,  
SOUTHBANK - MIXED USE DEVELOPMENT**

REASON FOR ISSUE:  
TOWN PLANNING

PROJECT NO:  
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PROJECT NO:  
35-0048

REASON FOR ISSUE:  
TOWN PLANNING

**C. DESIGN PROPOSAL  
RENDER 1**

REVISION:  
6

DATE:  
JANUARY '17

DRAWING NO:  
**TP-601**

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**42 MORAY STREET & 11-13 HANCOCK STREET,  
SOUTHBANK - MIXED USE DEVELOPMENT**

PROJECT NO:  
35-0048

REASON FOR ISSUE:  
TOWN PLANNING

**C. DESIGN PROPOSAL  
RENDER 2**

REVISION:  
6

DATE:  
JANUARY '17

DRAWING NO:  
**TP-602**

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**42 MORAY STREET & 11-13 HANCOCK STREET,  
SOUTHBANK - MIXED USE DEVELOPMENT**

PROJECT NO:  
**35-0048**

REASON FOR ISSUE:  
**TOWN PLANNING**

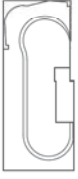
**C. DESIGN PROPOSAL  
RENDER 3**

REVISION:  
**6**

DATE:  
**JANUARY '17**

DRAWING NO:  
**TP-603**

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PROJECT NO:  
35-0048  
REASON FOR ISSUE:  
TOWN PLANNING

**C. DESIGN PROPOSAL  
RENDER 4**  
REVISION:  
6  
DATE:  
JANUARY '17

DRAWING NO:  
**TP-604**

**PEDDLE THORP**

## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPMR-2016-22</b>
<b>DELWP Application number:</b>	PA1600136
<b>Applicant:</b>	Capital Eight Pty Ltd
<b>Address:</b>	42-44 Moray Street, SOUTHBANK VIC 3006, 11-13 Hancock Street, SOUTHBANK VIC 3006
<b>Proposal:</b>	Demolition of existing buildings, construction of a mixed use tower and removal of easement
<b>Cost of works:</b>	\$225,000,000
<b>Date received by City of Melbourne:</b>	6 September 2016
<b>Responsible officer:</b>	Kate Yuncken
<b>Report Date:</b>	27 February 2017
<b>DM#10693497</b>	

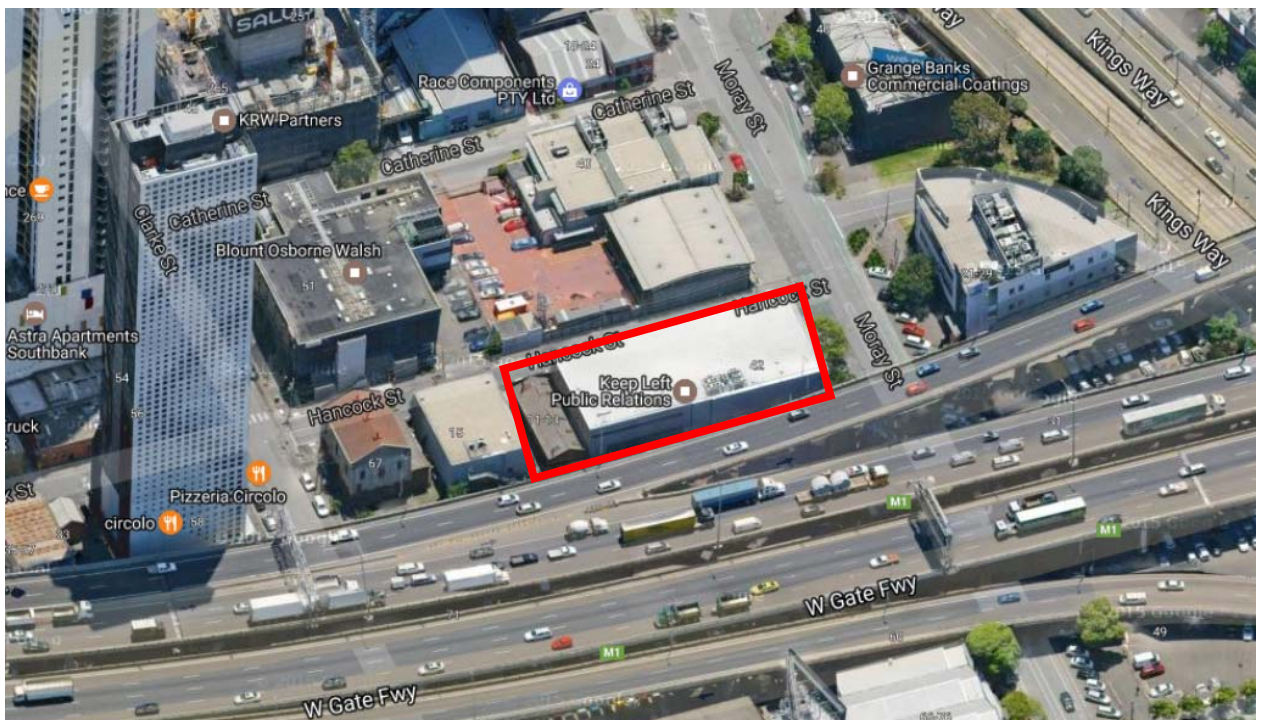
## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The subject site is located on the south-east corner of the intersection of Moray Street and Hancock Street and adjoins the laneway known as Sm0549 to the west and the elevated West Gate Freeway to the south. It comprises two lots together forming a generally rectangular-shaped site with a frontage to Hancock Street of approximately 54 metres and a frontage to Moray Street of approximately 21.5 metres. The total site area is approximately 1158 square metres.

The subject site is developed with a two-storey office building (42-48 Moray Street) and a one-storey former workshop (11-13 Hancock Street).

Aerial Photo / Locality Plan



**1.2. Surrounds**

The surrounds are characterised by a range of buildings styles and heights. The immediately adjoining sites are as follows

- North – over Hancock Street is the two-storey Metropolitan Fire Brigade Station at 26-40 Moray Street
- East – over Moray Street is a three-storey office building at 21-29 Moray Street
- South – the elevated West Gate Freeway

- West – over laneway Sm0549 is a three-storey office building at 15-17 Hancock Street and a two-storey substation at 67-69 Clarke Street

Beyond these immediately adjoining sites are many examples of new higher-density development as Southbank is experiencing significant change. For example, there is an application with Department of Environment Land Water and Planning at 51-65 Clarke Street for a 69 level mixed use building (refer Section 3).

Moray Street has a traffic lane, bicycle lane and car parking on either side whereas Hancock Street is narrower with only parallel parking permitted on the south side.

## 2. THE PROPOSAL

The application seeks approval for the demolition of existing buildings, construction of a mixed use tower and removal of an easement.

The initial plans and application documents were referred by DELWP to the City of Melbourne for comment on 6 September 2016. In response to requests for further information, the applicant submitted revised plans and application documents to DELWP on 21 December 2016 and 30 January 2017. These were referred to the City of Melbourne for comment on 12 January 2017 and 9 February 2017.

The following description and assessment is based on the revised plans dated January 2017.

The application proposes the following uses:

<b>Dwellings</b>	287 dwellings with 90 one-bedroom, 185 two-bedroom and 12 three-bedroom  Ancillary communal residential facilities including gymnasium and balcony at level 6
<b>Retail</b>	33 square metres at ground level in the residential lobby
<b>Office</b>	2825 square metres across levels 1 to 5

The specific details of the proposal are as follows:

<b>Building height</b>	51 levels with an building height excluding the rooftop of approximately 175 metres and an overall building height of approximately 178 metres
<b>Floor area ratio</b>	Slightly less than 24:1
<b>Podium height</b>	Approximately 31 metres
<b>Tower setbacks</b>	East (Moray Street) – minimum 5 metres North (Hancock Street) – minimum 5 metres South – minimum 5 metres with the tower stepped to reflect the title boundary West (laneway Sm0549) – minimum 8.9 metres to the centre of the laneway Sm0549
<b>Gross floor area (GFA)</b>	27,894 square metres
<b>Car parking</b>	215 spaces accessed via three lifts from Hancock Street and exited via laneway Sm0549
<b>Bicycle facilities and spaces</b>	186 spaces at the basement level
<b>Loading/unloading</b>	A loading bay at ground floor accessed via Hancock Street

### 3. BACKGROUND

#### 3.1. Site history

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TP-2013-424	Construction of a multi storey residential building and associated car parking (33 levels)	Permit issued 20 November 2013 in accordance with VCAT order P727/2014  Extension of time approved 8 November 2016.
TPM-2016-4 (DELWP ref. PA1500053)  (51-65 Clarke Street)	Demolition of the existing building, construction of a multi-level mixed used development and reduction of loading requirements (69 levels proposed)	Future Melbourne Committee resolved to offer in principle support for the proposal subject to conditions outlined in delegate report – 16 February 2017

### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> <li>• Clause 9, Plan Melbourne</li> <li>• Clause 11.02, Urban Growth</li> <li>• Clause 13.03-1, Use of contaminated and potentially contaminated land</li> <li>• Clause 15.01-2, Urban design principles (includes reference to the <i>Design Guidelines for Higher Density Residential Development</i>)</li> <li>• Clause 15.02-1, Energy and resource efficiency</li> <li>• Clause 16.01-2, Location of residential development</li> <li>• Clause 17.01, Commercial</li> <li>• Clause 18.02-1, Sustainable personal transport</li> <li>• Clause 18.02-2, Cycling</li> <li>• Clause 18.02-5, Car parking</li> </ul>
Municipal Strategic Statement	<ul style="list-style-type: none"> <li>• Clause 21.03, Vision for Melbourne</li> <li>• Clause 21.04-1.2, Urban Renewal Areas references the <i>Southbank Structure Plan</i> (2010)</li> </ul>



	<ul style="list-style-type: none"> <li>• Clause 21.06, Built Form and Heritage</li> <li>• Clause 21.07, Housing</li> <li>• Clause 21.13-1, Southbank</li> </ul>
Local Planning Policies	<ul style="list-style-type: none"> <li>• Clause 22.01, Urban Design within the Capital City Zone</li> <li>• Clause 22.02, Sunlight to Public Spaces</li> <li>• Clause 22.03, Floor Area Uplift and Delivery of Public Benefits</li> <li>• Clause 22.19, Energy, Water and Waste Efficiency</li> <li>• Clause 22.23, Stormwater Management (Water Sensitive Urban Design)</li> </ul>

Statutory Controls	
<p>Clause 37.04 Capital City Zone, Schedule 3 (Southbank) (CCZ3)</p>	<p>Pursuant to Clause 37.04-1 and 1.0 of CCZ3, a planning permit is not required to use the land for accommodation, office or retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern).</p> <p>Clause 6.0 of CCZ3, Transitional Arrangements, states that the requirements of this schedule do not apply to:</p> <ul style="list-style-type: none"> <li>• ‘an application (including an application to amend the permit) made after the commencement of Amendment C262 but before the commencement of Amendment C270 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C270, continue to apply.</li> </ul> <p>Planning Scheme Amendment C262 was gazetted on 4 September 2015 and Planning Scheme Amendment C270 was gazetted on 23 November 2016. The application was lodged 16 August 2016 therefore, the requirements of C262 DDO10 apply. The requirements of Planning Scheme Amendment C262 version of CCZ3 are as follows:</p> <p>Pursuant to Clause 37.04-4 and 3.0 of CCZ3, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 37.04-4 and 4.0 of CCZ3, a permit is required to construct a building or construct or carry out works, and to demolish or remove a building or works.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 5 (DDO5) (Bridge Protection Area)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>2.0, Requirements, of DDO5 states that a permit is required for a building or works to be demolished, removed or altered externally by structural or other similar works.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 10 (DDO10) (Built</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Clause 7.0 of DDO10, Transitional Arrangements, states that the requirements of this schedule do not apply to:</p> <ul style="list-style-type: none"> <li>• ‘an application (including an application to amend the permit)</li> </ul>

<p>Form Controls)</p>	<p>made after the commencement of Amendment C262 but before the commencement of Amendment C270 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C270, continue to apply.'</p> <p>Planning Scheme Amendment C262 was gazetted on 4 September 2015 and Planning Scheme Amendment C270 was gazetted on 23 November 2016. The application was lodged 16 August 2016 therefore, the requirements of C262 DDO10 apply. The requirements of Planning Scheme Amendment C262 version of DDO10 are as follows:</p> <p>Clause 2.0, Buildings and Works, of Schedule 10 states that:</p> <p>'A permit cannot be granted for buildings and works which exceed the requirements specified in Table 1 to this schedule, with the exception of:</p> <ul style="list-style-type: none"> <li>• Architectural features, building services and landscaping.</li> </ul> <p>A permit cannot be granted for buildings or works which exceed the site plot ratio specified in Table 2 to this schedule unless it can be demonstrated that the buildings and works will achieve the Design Objectives and Built Form Outcomes of this schedule, any local planning policy requirements, and at least one of the following requirements is met:</p> <ul style="list-style-type: none"> <li>• The development or proposed development is declared to be of State or regional significance under section 201F of the Planning and Environment Act 1987,</li> <li>• The applicant demonstrates a commitment and ability to deliver public amenity improvements as agreed to by the Responsible Authority and performance of which can be appropriately secured to the satisfaction of the Responsible Authority.' <p>Table 1 includes the following mandatory built form requirements:</p> <ul style="list-style-type: none"> <li>• Podium height – Up to 40 metres</li> <li>• Street setbacks (where a street is defined as a road reserve of 9 metres or greater in width) – Above the podium height, towers are setback a minimum of 5 metres to the street</li> <li>• Tower setbacks to all boundaries excluding street(s) (where a street is defined as a road reserve of 9 metres or greater in width and a laneway is defined as a road reserve of less than 9 metres in width) – For buildings exceeding 100 metres in height, a minimum tower setback from all boundaries and from the centre of the laneway above the podium height of 5% of the overall building height</li> </ul> <p>The relevant built form outcomes for each requirement are as follows:</p> <p>Podium height</p> <p>'Building podiums which have:</p> <ul style="list-style-type: none"> <li>• a human scale.</li> <li>• provide an appropriate level of street enclosure having regard to the width of the street.</li> <li>• are consistent with the dominant parapet height of adjoining sites.</li> <li>• have a height and setback that respects the scale of an adjoining heritage building(s).</li> </ul> <p>Street setbacks</p> <p>'Towers are setback to ensure:</p> </li></ul>
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	<ul style="list-style-type: none"> <li>• large buildings do not dominate the built form at ground level.</li> <li>• the dominant podium or streetscape scale is maintained.'</li> </ul> <p>Tower setbacks</p> <p>'Towers are designed and spaced to ensure:</p> <ul style="list-style-type: none"> <li>• sun penetration and mitigation of wind impacts at street level.</li> <li>• sunlight, daylight, privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</li> <li>• buildings do not appear as a continuous wall at street level or from nearby vantage points.'</li> </ul> <p>Table 2 sets out a site plot ratio of 24:1. The relevant built form outcome is:</p> <ul style="list-style-type: none"> <li>• 'To ensure individual sites do not produce development outcomes which are inequitable and/or would represent a quantum of development that compromises the function, form and capacity of footpaths, roads, public transport and services.'</li> </ul>
<p>Clause 44.04 Land Subject to Inundation Overlay, Schedule 1 (LSIO1)</p>	<p>Pursuant to Clause 44.04-1, a permit is required to construct a building or to construct or carry out works.</p> <p>In accordance with Clause 44.04-5, an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.</p>
<p>Clause 45.09 Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core)</p>	<p>Pursuant to Clause 52.06-2, 'before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority'.</p> <p>Clause 2.0, Permit requirements, of PO1 states that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0.</p> <p>Clause 3.0, Number of car spaces required, of PO1 states that, 'Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> <li>• for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> <li>• for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul> <p style="text-align: center;">5 x net floor area of buildings on that part of the site in sqm / 1000sqm</p> <p style="text-align: center;">Or 12 x that part of the site in sqm / 1000 sqm</p> <p>The proposal seeks 215 spaces, which is less than the calculated maximum of 302 spaces. Therefore, no planning permit is required pursuant to PO1.</p>

Particular Provisions	
Clause 52.06 Car parking	Refer to PO1 regarding car parking rates. Clause 52.06-8 provides design standards for car parking.
Clause 52.07	Pursuant to Clause 52.07, no building or works may be constructed for

<p>Loading and unloading of vehicles</p>	<p>the manufacture, servicing, storage or sale of goods or materials unless:          ‘Space is provided on the land for loading and unloading vehicles as specified in the table below.</p> <p>The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.</p> <p>The road that provides access to the loading bay is at least 3.6 metres wide.’</p> <p>A permit may be granted to reduce or waive these requirements if either:</p> <ul style="list-style-type: none"> <li>• The land area is insufficient.</li> <li>• Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.’</li> </ul> <p>For a floor area of 2600 square metres or less in a single occupation, the minimum loading bay dimensions are:</p> <ul style="list-style-type: none"> <li>• Area 27.4 square metres</li> <li>• Length 7.6 metres</li> <li>• Width 3.6 metres</li> <li>• Height clearance 4.0 metres</li> </ul> <p>The proposal includes a retail premises which triggers a requirement for the minimum loading bay dimensions. It does include a loading bay accessed via Hancock Street.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Table 1 of Clause 52.34-3 specifies the following relevant rates:</p> <ul style="list-style-type: none"> <li>• Dwelling (in developments of 4 or more storeys) - 1 resident space to each 5 dwellings and 1 visitor space to each 10 dwellings</li> <li>• Retail premises – 1 employee space to each 300 square metres of leasable floor area and 1 visitor spaces to each 500 square metres of leasable floor area</li> <li>• Office – 1 employee space to each 300 square metres of net floor area if the net floor area exceeds 1000 square metres and 1 visitor spaces to each 1000 square metres of net floor area if the net floor area exceeds 1000 square metres</li> </ul> <p>Table 2 of Clause 52.34-3 states:</p> <ul style="list-style-type: none"> <li>• ‘If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.’</li> </ul> <p>Table 3 of Clause 52.34-3 states:</p> <ul style="list-style-type: none"> <li>• ‘1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.’</li> </ul> <p>The proposal includes 186 spaces, which is greater than the calculated minimum number of spaces based on the above rates. However, no showers or change rooms are shown on the plans. If the application is supported, this issue could be addressed via a permit condition.</p>
<p>Clause 52.35 Urban Context Report and</p>	<p>An application for a residential development of five or more storeys within the Capital City Zone must be accompanied by:</p> <ul style="list-style-type: none"> <li>• An urban context report.</li> </ul>

Design Response for Residential Development of Four or More Storeys	<ul style="list-style-type: none"> <li>• A design response.</li> </ul>
Clause 52.36 Integrated Public Transport Planning	An application for an excess of 60 dwellings must be referred to PTV for comment.

General Provisions	
Clause 61.01 Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres / the site is listed in the schedule to Clause 61.01 of the Melbourne Planning Scheme (which specifies the Minister for Planning as the responsible authority for administering and enforcing the Scheme).

## 5. REFERRALS

The application was referred to the following internal departments:

- Urban Design
- Engineering
- Land Survey
- Urban Sustainability
- Open Space
- Strategic Planning

The comments received are summarised below. Refer to Appendix 1 for a complete copy of the referral comments.

### 5.1. Urban Design

The revised plans dated January 2017 were referred to Council’s Urban Design Team. In comments dated 21 February 2017, Urban Design stated that the ‘proposal adheres to the transitional Amendment C262 envelope requirements and achieves a Plot Ratio of 24:1 which does not trigger the requirement for a public benefit beyond the typical requirements of the Planning Scheme’. On this basis, the following detailed comments were provided:

- ‘It is positive to note the curved envelope adopts the principles of footprint flexibility enshrined within C270 despite the transitional provisions, whilst remaining within the C262 envelope requirements.
- The use of office in the podium, with ground level entry and sense of address is positive and supported.
- The arrangement of the vehicle stacker above the ground in the rear quadrant of the building is appropriate in this instance, and provides an intelligent interface to the freeway at the upper podium levels.
- Given the future role of the freeway underpass adjacent to the subject site, there is further thought required as to the presentation of the lower levels, particularly within the office and ground floor levels. Consistent with other

projects with this interface condition such as 334 City Road, we expect further exploration of this interface in terms of windows, public artwork and other visual treatment. These could be secured through a S173 Agreement. The ground floor and first floor uses could readily accommodate this into the existing design.

- The challenging flood management results in a disconnect between the used spaces of the ground floor and the public realm. Whilst 'glazed' at the perimeter, this does not achieve activation which contributes to the safety and vitality of the public realm. We encourage further development of the ground floor in order to better programme the usable areas, through 'promontories' of active uses projected to the glazing line, as well as set down niches or seating areas nearer to the façade at the lower level. This could be integrated into the undulating stepped treatment without too much difficulty. A similar effect has been pursued in the Elenberg Fraser scheme at Clarke Street with the same flood constraint and perimeter of steps.
- We remain concerned with the design quality of the proposal more broadly which appears to have been 'coarsely' considered without a strong overarching architectural concept. This is particularly acute in the design of the podium and relationship between the base and tower form. We strongly encourage further development of a sense of 'mass' in the building base through concrete, masonry, tiling or some other treatment with depth in openings, as a counterpoint to the glazed tower treatment. This will provide for visual interest, tactility and a sense of human scale to the building. This should also encompass the design of shop fronts, with integrates benches and other treatment to improve the public realm.
- We have some concerns regarding the treatment of the carpark entry and services on the side street and rear lane. We encourage the provision of 1:50 drawings for the building perimeter at the ground level to show material treatments and the design of any services, loading bay doors and vehicle entry points.
- The design of the canopy presently appears incongruous with the remainder of the treatment, and drawings appear to show two canopies in conflict with one another (at the first and second floor). We encourage a more integrated approach to weather protection as part of the redesign of the podium toward a heavier treatment.
- We remain concerned with the uncharacteristically small apartment sizes and configuration, and are concerned with the level of amenity afforded to occupants, in the absence of any generous communal offering in a building of this scale. Apartments of 58sqm with 2 bedrooms compromise the utility of living areas, and should be reduced to a single bathroom, with an improved proportional relationship of living area to bedroom. We encourage the reduction of the second bedroom to a single bedroom or study in order to improve the usability of the living area.
- The proposed 37.5sqm single bedrooms appear rigid in their planning for such a notably small module. We recommend the reconfiguration of these apartments into legitimate adaptable studios, with clever integrated joinery and partitions to maximise usability of the space. Whilst there are no minimum apartment sizes presently in play in Melbourne, it is imperative that atypically small modules demonstrate high standard of functionality, and this is not presently achieved.
- The design treatment of the core where exposed to the freeway requires further development to contribute to what is a significant public vantage point on arrival to the central city. Whilst the triangular treatment acknowledges

this visual prominence, we encourage the engagement of a public artist as part of a broader art strategy for the podium carpark screening, ground level services and core wall to achieve a cohesive, high quality outcome from blind surfaces.

- Whilst the tower envelope achieves strict compliance with the controls, it lacks visual interest or dynamism relative to its extreme scale and slenderness ratio. We encourage further development of the curtain wall strategy to achieve variation over the surface of the tower, commensurate with the building's visual prominence and anticipated long term exposure.
- Given the extremely high slenderness ratio, we require the submission of evidence from a suitably qualified structural engineer as to the integrity of the structural design and viability of tower height. This question originates from the Celtic Club approval at Queen / La Trobe intersection which following approval was proven to be structurally inadequate, requiring significant redesign.'

## 5.2. Engineering

The revised plans dated January 2017 were referred to Council's Engineering Services Group (ESG), which provided the following key relevant comments on 6 March 2017 (traffic), 5 October 2016 (civil design) and 6 March 2017 (waste):

### Traffic

#### Car Parking & Access

Access to the site is proposed via Hancock St & egress is to be via an adjacent laneway (Sm0549). A total of 215sp are proposed in a car stacker system, accessed via 3 car lifts (all allocated to residents).

It is understood that the Melbourne Planning Scheme (MPS) requires maximum provision of 302sp. Therefore, ES has no objection to the provision of 215 car spaces (sp) to be allocated to residents

A note should be placed on the planning permit, stating "Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development.....".

The car lift dimensions/operation, all grades & head clearances must be designed in accordance with the Melbourne Planning Scheme (MPS) and/or AS/NZS 2890.1:2004 (AS). Pedestrian sight triangles (2x2.5m) should be provided at the exits from the car lifts into the laneway, as required by AS. A condition of permit should require the automatic parking system to provide  $\geq 25\%$  of car spaces at 1.8m in height (as per Clause 52.06-8) with the remainder  $\geq 1.6\text{m}$  in height.

If the application is supported, it is considered that these comments could be addressed via permit conditions.

#### Lane Sm0549

While this 3.8m wide laneway is publicly owned, there is a gate across it at Hancock St. The installation of this gate has not been authorised by Council. Given that the development will result in a significant increase in traffic volume in the laneway, the gate would block egress into Hancock St & could cause detrimental flow-on effects, congesting the traffic exiting from the lift system. Accordingly, the gate must be removed as a condition of permit.

As the development will result in a significant increase in traffic flow via laneway, pedestrian sight triangles (2x2.5m) should be provided at the exit from the laneway into Hancock St, as required by AS. If it is not possible to provide a splay in the

building structure, a signalling system should be provided\*\*, designed to alert pedestrians of the vehicles exiting the laneway.

The potential for conflict between the vehicles exiting the site & the vehicles using the laneway must be fully analysed\*\*, particularly during the AM peak. The existing use of the laneway should be clarified & peak period directional traffic volume counts provided to Engineering Service. A comprehensive signalling system may be required\*\*, to address any potential conflicts.

Loading

The provision of a loading bay (4.9 x 7.6m with 4.0m clearance) to accommodate the trucks servicing residents moving in/out of properties & deliveries to the offices is supported. The loading bay (including dimensions, grades & height clearances, etc) should be designed in accordance with AS2890.2-2002. A swept path assessment of the design vehicles entering/exiting the bay should be provided, showing the required clearances from all obstructions, street furniture, parked cars, etc.

Bicycle Parking

The MPS requires the provision of 99 bicycle spaces & 186 spaces are proposed. The provision of the bicycle parking at almost double the rate required by the MPS is supported, given the site's location, as it is likely to meet the demand generated by the development. The design/dimensions of the bicycle parking provisions should comply with the relevant Australian Standards and/or Bicycle Network guidelines. A condition of permit should require 2 common showers/change rooms & require 20% of bicycle spaces to be horizontal to comply with AS2890.3-2015.

Motorcycle Parking

ES is requesting the provision of motorcycle parking in excess of the MPS requirements. Our motorcycle parking requirements are for 1 motorcycle space per 50 car parking spaces, with the car parking spaces calculated as the greater of the number of:

- Car parking spaces required (or permitted in the case of a maximum rate) by the MPS; or
- Car parking spaces proposed.

Considering the MPS maximum limitation of 302 car parking spaces, at least 6 motorcycle spaces are required by ES\*\*. It is noted that 22 motorcycle spaces were previously proposed, well in excess of the MPS requirement. This generous provision was strongly supported by ES, as it encouraged this sustainable transport mode. However, the current proposal not to provide any motorcycle parking is unacceptable.

Traffic Generation & Impact

The traffic generation of the developments is shown below.

Development	AM Peak		PM Peak	
	In	Out	In	Out
215 residential spaces (0.15veh/sp in AM/PM, generate 215 x 0.15 = 32veh/hr)	6	26	22	10

The queuing analysis has been taken in the PM peak, using the methodology outlined in the Austroads Guide to Traffic Management Part 2: Traffic Theory are as follows:

- Given the service time of 180 sec, the outbound 10 veh will take up 1,800 sec;



- As per Equation 4.5, the queue length is determined by finding the smallest value of N for which n (number of vehicles in the queue for 98% queue), satisfies that  $\Pr(n > N) = r^{N+1} \leq 0.02$ ;
- $r$  (utilisation factor) =  $r$  (arrival rate=22veh/hr) /  $s$  (service rate,  $\{3,600 \times 3-1,800\} / 180 = 50 \text{veh/hr}\} = 22/50 = 0.44$ ;
- If  $N=0$ ,  $\Pr(n > 0) = (0.44)^1 = 0.440$ ;
- If  $N=1$ ,  $\Pr(n > 1) = (0.44)^2 = 0.194$ ;
- If  $N=2$ ,  $\Pr(n > 2) = (0.44)^3 = 0.085$ ;
- If  $N=3$ ,  $\Pr(n > 3) = (0.44)^4 = 0.037$ ;
- If  $N=4$ ,  $\Pr(n > 4) = (0.44)^5 = 0.016$ ;
- If  $N=5$ ,  $\Pr(n > 5) = (0.44)^6 = 0.007$ ;
- The smallest value of N for which n (number of vehicles in the queue) satisfies that  $\Pr(n > N) \leq 0.02$ , is a queue length of 4 veh; and
- As 3 veh can be stored within the lifts, the 98% queue of 1 veh can be accommodated on site.

There is a likelihood that the vehicles waiting to enter the lift system (particularly the northern lift) would stop partly across the footpath, while waiting for a lift to become available. This would obstruct pedestrian access & is unacceptable. A signalling system is required\*\*, which would require the vehicle to proceed to the south of the site boundary in order for the lifts to open. Appropriate line marking/signage should be provided, to clearly designate where the vehicles should wait (i.e. loops/sensors should ensure that unless a vehicle stops in the waiting bay, the lift would not operate).

In order to ensure that vehicles do not stop across the footpath, it is recommended that the northern lift should only operate for outbound movements at all times, subject to further analysis of the lift operation/queuing\*\*. The middle & southern lifts should be given priority for inbound vehicles over outbound vehicles, particularly between 4-7pm Mon-Fri.

In order to ensure that vehicles entering the site do not stop in the street & obstruct pedestrians/traffic while waiting for the entry door to open, the door should be left open during peak periods\*\*.

#### Previously Proposed Works in Hancock St & Moray St

The previous TEA/plans indicate that the following works were proposed:

- Indented parking in Hancock St;
- Kerb outstands at the intersection of Moray/Hancock St;
- Median in Moray St; and
- Works within the public realm to the north of the Kings Way exit lane into Moray St.

Engineering Services has previously indicated that the indented parking in Hancock St was not supported, as this would result in a reduction in the public footpath space available to pedestrians & a misalignment of the westbound traffic lane. While there is no mention of the above works in the current TEA, confirmation is requested as to whether these works are still being considered. As the area to the north of the Kings Way exit is under the care/management of VicRoads, comments should be sought from VicRoads regarding the proposed works in this area.

#### Road Safety Audit

A formal Road Safety Audit (RSA) must be undertaken as part of the detailed design process prior to occupation, which should include the access arrangements into/from the site & the loading bay. The findings of the RSA must be incorporated into the detailed design\*\* at the developer's expense.

### Civil design

- The proposed development includes construction over a portion of road abutting the subject land to the south and known by the City of Melbourne as Sm0549. Prior to commencement of any works on site the portion of road to be built on should be formally discontinued and purchased by the developer. The discontinued portion of road should be consolidated with the subject land.
- All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. The City of Melbourne's Road Encroachment Operational Guidelines address projections impacting on street trees and clearances from face/back of kerb.
- The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres should include pedestrian refuges a minimum of 2.0 metres in length at 7.6 metre maximum clear spacing.
- Existing concrete vehicle crossing at the intersection of Hancock Street and Laneway Sm0549 must be reconstructed in asphalt to Council standards.
- The comments also include permit conditions relating to stairs to drainage, access, street works, street levels, street lighting and furniture.

If the application is supported, it is considered that these comments could be addressed via permit conditions.

### Waste

- ESG reviewed the submitted *Waste Management Plan (WMP)* prepared by Leigh Design and dated December 2016 and stated and found it to be unacceptable.

The following items will need to be addressed for the waste management arrangements to be supported:

- Highly suggest the investigation into a 10m<sup>3</sup> transportable compactor for this development to reduce collection to once a week for each stream.
- Collection frequency for a bin based collection is maximum 3 times a week. This will mean either 8 bins per collection or a chute compactor could be proposed to reduce the number of bins for storage/collection.
- Hard Waste storage not shown on the scaled drawing. This is required.

### 5.3. Land Survey

The revised plans dated January 2017 were referred to Council's Land Survey Team, which provided the following comments dated 23 January 2017:

- Should the proposed projection over Hancock Street and SM0549 be supported, a standard S173 agreement permit condition will be required with regards to liability, indemnity, maintenance, license and disclaimer for adverse possession.

- Any canopy proposed at the main entrance of the development site which projects more than 1m over a road must comply with Council's Road Encroachment Guidelines and may require a S173 Agreement to indemnify Council of any Claim.
- The outward opening doors projecting into Handcock Street must be deleted or redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
- Prior to the commencement of the development (excluding any demolition), the portion of road abutting the southern boundary of the subject land, known as SM0549, which is to be built on must be formally discontinued, purchased and consolidated with the subject land.

If the application is supported, it is considered these comments could be addressed via permit conditions.

#### **5.4. Urban Sustainability**

The revised plans dated January 2017 were referred to Council's Urban Sustainability Team, which provided the following comments dated 3 March 2017

- The application report seems to make no reference to the public trees located on Hancock Street or Moray Street and no Arboricultural Impact Assessment is included.
- There are 5x early mature and juvenile *Brachychiton populneus* in individual planter pits on Hancock Street and 2x mature trees on (1x *Brachychiton discolour* and 1x *Lophostemon confertus*) on Moray Street. All these public trees are located immediately adjacent to the application site.
- Drawing TP01-P1 (Ground floor Landscape Plan) by CDA, shows only two public trees on Moray Street and none on Hancock Street.
- Given the width of Hancock Street and the proposed canopy on the northern aspect of the proposed building it is probable there will be little scope for the retention of the existing trees or future planting unless design modifications are made.
- It is also highly probable that removal of the public trees, especially on Hancock Street, will be required to enable demolition and construction.
- Considering this assessment the proposal does not comply with section 4c of the Tree Retention and Removal Policy. Further information should be provided or the following conditions included on any permit.

If the application is supported, it is considered that these comments could be addressed via permit conditions.

### **6. ASSESSMENT**

The application seeks approval for the demolition of existing buildings, construction of a mixed use tower and removal of easement.

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

- Built form
- External amenity
- Internal amenity
- Engineering
- Street trees

- Environmentally sustainable design
- Stormwater management

### 6.1. Built Form

With regard to built form, the Planning Scheme Amendment C262 version of Design and Development Overlay, Schedule 10 (C262 DDO10) and Clause 22.01, Urban Design within the Capital City Zone, are relevant to the proposal and include policy relating to podium height, setbacks, facades and public areas.

The design objectives of C262 DDO10 seek to ensure a high quality of pedestrian amenity, respectful built form scale and urban structure, equitable development opportunities and a high level of internal amenity. These design objectives are also reflected in local policy at Clause 22.01.

The mandatory built form requirements in terms of podium height, tower setbacks and site plot ratio and the related built form outcomes of C262 DDO10 are set out above at Section 4. An assessment against the built form requirements is as follows:

- The proposed maximum podium height of approximately 31 metres is less than the requirement of up to 40 metres.
- The proposed minimum street setbacks of the tower from Moray Street and Hancock Street of 5 metres complies with the street setback requirement.
- The proposed minimum tower setback of approximately 8.9 metres from the centre of laneway Sm0549 to the west complies with the requirement of 5 per cent of the overall building height of 8.9 metres (for an overall height of approximately 178 metres).
- Considering the proposed removal of a portion of road abutting the southern boundary of the subject land, known as Sm0549, the proposed minimum tower setback from the south boundary of 5 metres complies with the setback from the elevated West Gate Freeway.
- The site plot ratio of slightly less than 24:1 is equal to the maximum requirement of 24:1.

In addition, it is considered that the development complies with the relevant built form outcomes of C262 DDO10 as follows:

- The proposed podium with a maximum height of 31 metres provides an appropriate street edge height to both streets given the variety of existing and proposed built form in the surrounding area. In particular, it complies with the built form requirement of 40 metres and the *Southbank Structure Plan 2010* which indicates a preference for 40 metres podium heights in this area.
- The proposed street setbacks of 5 metres from Moray Street, Hancock Street and the West Gate Freeway comply with the built form outcomes and will ensure that the tower does not dominant the built form at ground level.
- The minimum tower setback from the centre of the retained laneway Sm0549 to the west also complies with the built form requirements. In relation to the future development potential of 15-17 Hancock Street to the west, the proposed minimum setback of 8.9 metres from the centre of the laneway Sm0549 will result in a combined tower separation of at least 13.9 metres for a development of up to 100 metres with a 5 metres setback from the centre of the laneway. In addition, this separation will ensure that the developments do not appear as a 'continuous wall at street level or from nearby vantage points'. The built form outcomes relating to external and internal amenity impacts such as access to sunlight and privacy are addressed below in Sections 7.2 and 7.3.

- The proposed site plot ratio of slightly less than 24:1 complies with the built form requirement and, as such, it is not considered that the development would compromise the 'function, form and capacity of footpaths, roads, public transport and services'.

Given the above consistency with C262 DDO10, the comments from Council's Urban Design Team (refer Section 6.1), concentrate on design details including active frontages, design relationship between the podium and tower, canopy design, apartment layout, treatment of the visible core from the West Gate Freeway and structural integrity.

The applicant provided a detailed response to these comments in an email dated 1 March 2017. It is considered that this response, including the suggested permit conditions, adequately addresses the majority of comments from Council's Urban Design Team (refer below to a discussion of active frontages, Section 7.2 regarding canopies and Section 7.3 regarding internal amenity). The key remaining issues relating to a 'sense of 'mass' in the building base' and the treatment of the carpark entry and services can be resolved via permit conditions.

In terms of active frontages, Clause 22.01 includes relevant policy relating to facades and public spaces such as:

- 'Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.
- Encourage detail that engages the eye of the pedestrian.
- Encourage the use of high quality building material and details.
- Encourage the provision of high quality new public spaces.
- Encourage new public spaces to cater for the needs of the City's diverse communities.'

It is acknowledged that the active frontage to Moray Street and Hancock Street is affected by flood management required by the LSIO. However, the proposed facades, together with the suggested permit condition relating to bench seating in the email from the applicant dated 1 March 2017, is considered to provide an acceptable balance between flood management and activity and detail that engages the eye of the pedestrian. With regard to active frontages to the proposed open space for the West Gate Freeway undercroft area in the the *Southbank Structure Plan 2010*, the suggested permit condition relating to crime prevention through environmental design (CPTED) mechanisms is supported.

## 6.2. External amenity

With regard to external amenity, Clause 22.01, Urban Design within the Capital City Zone, Clause 22.02, Sunlight to Public Spaces, the decision guidelines of the Planning Scheme Amendment C262 version of CCZ3 (C262 CCZ3) and the *Design Guidelines for Higher Density Residential Development* are relevant. In addition, as referenced above in Section 7.1, external amenity considerations are included in C262 DDO10.

Clause 22.01 comprises design standards for weather and wind protection including, 'towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level'.

The application requirements for C262 CCZ3 states that areas outside the DDO1, 'should be designed to be generally acceptable for short term wind exposure'. However, the application requirements also state+ that where the street frontage is only likely to be used as a thoroughfare for the life of the development, 'the building interface should be designed to be generally acceptable for walking'.

The submitted *Pedestrian Level Wind Tunnel Test* report prepared by Vipac and dated 16 December 2016 recommends wind controls measures including a setback entrance to Moray Street, porous car park and a pergola. Based on these measures, the report concludes that the development:

- 'Would not generate wind conditions exceeding the recommended criterion for safety.
- The wind conditions at all of the footpath areas adjacent to the proposed development will satisfy the recommended criterion for walking.
- The wind conditions at all building entrances will satisfy the criterion for standing.
- The wind conditions at the communal podium rooftop areas will satisfy the criterion for walking.'

These findings do not comply with the abovementioned application requirements for short term wind exposure for areas outside the DDO1. However, it is considered that the street frontages are 'likely to be used as a thoroughfare for the life of the development'. As such, in accordance with the application requirements for C262 CCZ3, it is appropriate that 'the building interface should be designed to be generally acceptable for walking'. The recommended wind control measures in the submitted *Pedestrian Level Wind Tunnel Test* report prepared by Vipac and dated 16 December 2016 can be confirmed via a permit condition. This would allow a review of the design impacts of the recommendations as they are not identified on the revised plans dated January 2017.

In relation to weather protection, the subject site is not affected by Schedule 4 to the Design and Development Overlay (DDO4) (Weather Protection – Capital City Zone) however, the proposal includes two canopies over the footpath at ground floor and first floor. Council's Urban Design Team raised concerns regarding this design (refer Section 6.1). The applicant responded to these concerns in the email dated 1 March 2017 and stated that the 'canopy arrangement has been made in direct response to concerns from DELWP's urban designer and planner' with the upper canopy as the primary canopy for visual interest and that the lower canopy is lightweight and glazed for weather protection. The resulting impact on existing street tree canopies including comments from Council's Urban Sustainability Team is addressed below in Section 7.5.

Clause 22.02 states that development, 'should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September'.

The surrounding public spaces are streets including Moray Street, Hancock Street, the elevated West Gate Freeway and its undercroft area. The submitted shadow diagrams indicate that the development will result in some additional overshadowing of Clarke Street and the West Gate Freeway. However, this level of overshadowing is not considered to be unacceptable given the existing level of overshadowing and that the spaces affected are not considered to be "major pedestrian routes" as referenced in the policy. In addition, it is noted that the West Gate Freeway undercroft area is already affected by shadow.

In relation to external private amenity, the decision guidelines of C262 CCZ3 include the impact on the 'amenity of existing and future development in the locality' and the design objectives of C262 DDO10 refer to 'sunlight, daylight, privacy and an outlook from habitable rooms for both existing and proposed development'. In addition, the *Design Guidelines for Higher Density Residential Development* include objectives

relating to equitable access to outlook and sunlight (Objective 2.6) and overlooking (Objective 2.9).

Given the site location with Hancock Street to the north, Moray Street to the east and the elevated West Gate Freeway to the south, the key interface in terms of external private amenity impact is the potential future development of 11-13 Hancock Street. The subject site is adequately separated from other surrounding future development sites by Hancock Street, Moray Street and the elevated West Gate Freeway. On the basis of this context, the development is considered to be acceptable with regard to external private amenity for the following reasons:

- The proposed tower provides a minimum setback of 8.9 metres from the centre of the retained laneway Sm0549 to the west. This would result in a minimum separation of at least 13.9 metres for a development of up to 100 metres at 15-17 Hancock Street with a 5 metres setback from the centre of the laneway. It is considered that this separation is acceptable as it allows for equitable opportunity for sunlight, daylight, privacy and an outlook. In addition, it is noted that the resulting interface is an improvement compared with TP-2013-424 for 11-13 Hancock Street which allowed 33 storeys with no setback.
- Given the orientation of the subject site, the submitted shadow diagrams indicate that the development will create additional overshadowing of 15-17 Hancock Street in the morning. The level of overshadowing is not considered to be unreasonable within the CCZ3 where a podium / tower configuration is encouraged.
- The proposal includes windows and balconies facing west towards 15-17 Hancock Street. However, as identified above, the minimum separation is likely to be more than the 9 metres required by Standard B22 at Clause 55.05-6.

### 6.3. Internal amenity

The *Design Guidelines for Higher Density Residential Development* also include relevant objectives relating to internal amenity including diversity (Objective 5.1), layout (Objective 5.3), natural light and ventilation (Objective 5.4), storage (Objective 5.5) and private and communal open space (Objectives 6.1 to 6.4). An assessment against the key objectives concerning internal amenity is as follows:

- Dwellings are a mixture of one-bedroom (90), two-bedroom (185) and three-bedroom (12) with areas ranging from 37 to 119 square metres. In response to concerns raised by Council's Urban Design Team about internal areas (refer Section 6.1), the applicant provided suggested permit conditions and revised internal layouts (TP-503A and TP-505A) in the email dated 1 March 2017. It is considered that these alterations including a sliding door for the one-bedroom dwellings and the revised internal layout of east, west and north facing two-bedroom dwellings is an improvement in terms of living space versus bedroom and bathroom space. If the application is supported, these revised layouts can be ensured via the suggested permit conditions. The issue of 'snorkel' bedrooms shown in TP-505A is addressed below.
- All dwellings have access to natural ventilation and daylight with no bedrooms relying on borrowed light. There are some minor 'snorkel' bedrooms in the revised TP-505A. If the application is supported, it is considered that the minimum area can be confirmed to be at least 1.2 metres in width and 1.5 metres in length as referenced in the Victorian Government's *Better Apartments Design Standards* December 2016 via a permit condition.
- All dwellings have open-plan kitchen, living and dining areas.

- Bicycle parking is provided for the dwellings at the basement. However, there are no storage areas. If the application is supported, it would be appropriate to require storage areas via a permit condition to ensure consistency with the Victorian Government's *Better Apartments Design Standards* December 2016.
- All dwellings have access to balconies. The areas of the majority of the balconies are less than the 8 square metres specified at Standard B22 at Clause 55.04-6 and the areas specified in the Victorian Government's *Better Apartments Design Standards* December 2016. However, if the application was supported, these spaces would be considered acceptable given that they are equivalent to other apartment buildings in Southbank.
- Due to the orientation of the site, it is not possible for all private balconies to have access to northern light.
- Communal facilities are proposed at level 6 in the form of a gymnasium and outdoor balcony (64 square metres) and a ground floor lobby with small café. However, the quantity of outdoor open space does not comply with the Victorian Government's *Better Apartments Design Standards* December 2016 for developments with 40 or more apartments. If the application is supported, the quantities of communal outdoor open space could be increased in accordance with these design standards.

Whilst not explicit in the *Design Guidelines for Higher Density Residential Development*, internal noise is also an important consideration. Decision guidelines of the C262 CCZ3 specify that 'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with the relevant Australian Standards for acoustic control'. In addition, internal noise is also referenced in the Victorian Government's *Better Apartments Design Standards* December 2016. The submitted acoustic report prepared by Vipac and dated 15 December 2016 found the façade glazing is 'designed to meet the internal noise limits based on the environmental noise measurements around the development'.

#### **6.4. Engineering**

Council's Traffic and Waste Engineers require further assessment and changes to the traffic and waste arrangements for the proposal not to have adverse impacts on network. These requirements have been included as suggested conditions.

#### **6.5. Street trees**

Council's Urban Forest and Ecology department found the proposal would likely require the removal of a number of Council street trees, particularly on Hancock Street to enable demolition and construction. The proposal at present does not comply with Tree Retention and Removal Policy. A number of permit conditions are required should the application be supported.

#### **6.6. Environmentally sustainable design**

Clause 22.19, Energy, Water and Waste, includes relevant policy objectives at Clause 22.19-2 and policy requirements at Clause 22.19-3. In addition, Clause 22.19-4 requires all applications to include a Waste Management Plan (WMP) and an Environmentally Sustainable Design (ESD) Statement. In terms of the ESD Statement, Clause 22.19-4 states that:

- 'Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the



building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.'

The relevant Performance Measures are:

- For accommodation over 5000 square metres gross floor area - 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent plus a 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.
- For office more than 2000 square metres gross floor area - NABERS Office - Energy 5 Stars or equivalent, 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent.
- For retail premises up to 2000 square metres gross floor area – 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent.

The application includes a *Waste Management Plan* (WMP) prepared by Leigh Design and dated December 2016. As stated at Section 13.1.2, ESG reviewed the WMP and stated has found the plan to be unacceptable.

The submitted *Sustainable Management Plan* prepared by Cundall and dated December 2016 demonstrates that the proposal has a 'preliminary design potential to achieve a 5-Star Green Star rating (non-certified) standard under the Green Star – Design and As Built environmental rating tool, as a response to the City of Melbourne's Planning Scheme Clause 22.19 Energy, Water and Waste Efficiency'. However, this document does not reference the abovementioned performance measures for office or retail. If the application is supported, this matter could be addressed via a permit condition for a revised ESD Statement.

## **6.7. Stormwater management**

Clause 22.23, Stormwater Management (Water Sensitive Urban Design), is relevant and requires that applications include a Water Sensitive Urban Design (WSUD) Response addressing the details set out in Clause 22.23-4.

The submitted *Water Sensitive Urban Design Response* prepared by Cundall and dated December 2016 references Clause 22.23 including the requirements set out at 22.23-4. If the application was supported, compliance with this WSUD Response could be ensured via a permit condition.

## **6.8. Conclusion**

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a letter be sent to DELWP advising that the City of Melbourne supports the proposal subject to the following conditions.

## **7. OFFICER RECOMMENDATION**

That DELWP be advised that the Melbourne City Council supports the proposal and requests the following conditions be included on any permit that may issue:

### **Amended Plans**

1. Prior to the commencement of the development, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the revised plans dated January 2017 but amended to show:

- a) All two bedroom apartments within the extreme east and west of the proposed upper form at Levels 6 to 44 (TP-206 to TP-236 and TP-502 and TP-503) to be amended to be generally in accordance with the indicative floorplan concept prepared by Peddle Thorp Architects dated February 2017 (TP-503A). All elevation plans must also be updated to reflect the amended changes
- b) All north-facing two bedroom apartments between Levels 36 – 50 (TP-236 to TP-245 and TP-504 and TP-505) to be amended generally in accordance with the indicative floorplan concept prepared by Peddle Thorp Architects dated February 2017 (TP-505A). All elevation plans must also be updated to reflect the amended changes
- c) The inclusion of sliding bedroom doors to all north-facing one bedroom apartments between Levels 6 and 35 (TP-206 to TP-221 and TP-500)
- d) The inclusion of CPTED design mechanisms and increased visual interest to all areas of the podium's southern façade demarcated at 'natural concrete finish' to the satisfaction of the Responsible Authority
- e) Refinements to the ground floor layout to attract residents and visitors to use the space.
- f) Amendments to the external material treatment to create a 'sense of 'mass' in the building base' in accordance with comments from City of Melbourne's Urban Design Team dated 21 February 2017.
- g) Details of the external material treatment of the carpark entry and services.
- h) Amendments to the internal layout in terms of window area for 'snorkel' bedrooms indicated on the indicative floorplan concept prepared by Peddle Thorp Architects dated February 2017 (TP-505A), storage and communal outdoor space in accordance with the Victorian Government's *Better Apartments Design Standards* December 2016.
- i) The recommended wind control measures in the submitted *Pedestrian Level Wind Tunnel Test* report prepared by Vipac and dated 16 December 2016
- j) An amended Waste Management Plan (WMP) required by
- k) The outward opening doors projecting into Handcock Street must be deleted or redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed
- l) Crossings wider than 7.6 metres should include pedestrian refuges a minimum of 2.0 metres in length at 7.6 metre maximum clear spacing.
- m) Bicycle facilities including showers and change rooms in accordance with Clause 52.34.
- n) Street tree conditions.
- o) Changes as a result of comments from City of Melbourne's Engineering Services Traffic Team dated 6 March 2017 and subsequent amended Traffic Engineering Assessment

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

### Street Trees

2. Prior to the commencement of any works (including demolition) revised plans must be submitted to the City of Melbourne that show design modifications that allow for replacement planting pits on Hancock Street and a street canopy design that will permit tree sustainable tree growth.

3. Prior to the commencement of any works (including demolition) a Tree Protection Plan (TPP) must be submitted to and approved by City of Melbourne. The TPP must 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) Site specific details of the temporary tree protection fencing to be used to isolate publically owned trees from the demolition and construction activities.
  - c) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publically owned tree.
  - d) Full specification of any pruning required to publically owned trees.
  - e) Any special arrangements required to allow ongoing maintenance of publically owned trees for the duration of the development.
  - f) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to City of Melbourne's via email to [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au)
4. Following the approval of a Tree Protection Plan (TPP) a bank guarantee 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 City of Melbourne 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. At the time of lodgement of the bond the name and contact details of the Project Arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition) must be provided.
5. All costs in connection with the removal and replacement of the trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before City of Melbourne remove the subject trees.

### **3D digital model**

6. Before the development starts, including demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and the City of Melbourne and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority and the City of Melbourne, before these modifications are approved.

### **Road discontinuance**

7. Prior to the commencement of the development (excluding any demolition), the portion of road abutting the southern boundary of the subject land, known as SM0549, which is to be built on must be formally discontinued, purchased and consolidated with the subject land.

#### **Landscape plan and management**

8. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority in conjunction with the City of Melbourne must be submitted to, and be approved in writing by the Responsible Authority. The plan must be drawn to scale with dimensions and three (3) copies provided. The landscape plan must show:
  - a) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant.
  - b) Details of the proposed maintenance schedule including irrigation.

When approved, the Landscape Plan will be endorsed and will then form part of the permit.

9. Before the development is occupied, landscaping as shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority.
10. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

#### **Waste Management**

11. Concurrent with the submission of plans for endorsement under Condition 1, an amended Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The amended WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan respond to the following matters raised by Urban Services:
  - Investigate a 10m<sup>3</sup> transportable compactor for this development.
  - Collection frequency for a bin based collection is maximum 3 times a week. This will mean either 8 bins per collection or a chute compactor could be proposed to reduce the number of bins for storage / collection.
  - Hard Waste storage must be provided within the building and shown on the scaled drawing.
12. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

#### **Vehicle Management**

13. Prior to the commencement of development a revised traffic engineering assessment responding to the City of Melbourne's Traffic Engineering comments dated 6 March 2017 and including functional layout plans and other supporting information as appropriate be prepared to the satisfaction of the City of Melbourne (Engineering Services).

14. A formal Road Safety Audit (RSA) must be undertaken as part of the detailed design process prior to occupation, which should include the access arrangements into/from the site & the loading bay and must be to the satisfaction of the City of Melbourne (Engineering Services). The findings of the RSA must be incorporated into the detailed design at the developer's expense.
15. Prior to the commencement of the development (excluding demolition), the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
  - Liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and management of City of Melbourne ('Projections').
  - Payment of a lump sum license premium (payable at the outset rather than an annual fee) in respect to the Projections.
  - 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 City of Melbourne's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

#### **Water Sensitive Urban Design**

16. The performance outcomes specified in the Water Sensitive Urban Design Response prepared by Cundall and dated December 2016 must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

#### **Demolition Management Plan**

17. Prior to the commencement of the development, including demolition or bulk excavation, a detailed Demolition Management Plan must be submitted to and be approved by the City of Melbourne. This demolition management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
  - a) public safety, amenity and site security
  - b) operating hours, noise and vibration control
  - c) air and dust management
  - d) stormwater and sediment control
  - e) waste and materials reuse
  - f) traffic management

#### **Construction Management Plan**

18. Prior to the commencement of the development, excluding demolition and bulk excavation, a detailed Construction Management Plan must be submitted to and be approved by the City of Melbourne. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
  - g) public safety, amenity and site security
  - h) operating hours, noise and vibration control
  - i) air and dust management

- j) stormwater and sediment control
- k) waste and materials reuse
- l) traffic management

**Standard engineering conditions**

19. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane. The approved works must not result in structures that encroach onto any Council lane.
20. 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 City of Melbourne - Engineering Services.
21. 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 City of Melbourne - Engineering Services. 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.
22. 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 City of Melbourne - Engineering Services.
23. All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in (specify street) must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.
24. Prior to the commencement of the use/occupation of the development, the existing concrete vehicle crossing at the intersection of Hancock Street and Laneway Sm0549 must be reconstructed in asphalt, in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.
25. The road adjoining the site along the laneway Sm0549 must be reconstructed together with associated works including unmetered public lighting and the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.
26. The footpaths adjoining the site along Moray Street and Hancock Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel and relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.
27. Existing street levels in Moray Street, Hancock Street and laneway Sm0549 must not be altered for the purpose of constructing new vehicle crossings or

pedestrian entrances without first obtaining approval from the City of Melbourne - Engineering Services.

28. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne - Engineering Services.
29. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Moray Street and Hancock Street footpaths outside the proposed building to plans and specifications first approved by the City of Melbourne - Engineering Services.

Notes:

All necessary approvals and permits are to be first obtained from the City of Melbourne - Engineering Services and VicRoads and the works performed to the satisfaction of the City of Melbourne - Engineering Services.

All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference may 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.

Approval for any tree removal is subject to the Tree Retention and Removal 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 significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

In accordance with the Tree Retention and Removal Policy 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)

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from either Council's Urban Forest and Ecology or Site Services.

Where approval for tree removal is given and prior to the removal being undertaken by council, the costs of the works must be agreed to by the applicant/developer/owner of the site. An invoice for the works will be provided but requires creditors to be registered with council. Where necessary a credit application form will be provided.

Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per Council's policy, developments in this area for which a certificate of occupancy was issued after 25 March 2010 are not entitled to resident parking permits. Therefore, the residents/occupants/visitors/staff of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions. The City of Melbourne cannot guarantee that egress from the site will be possible via the laneway, as vehicles stopping in the laneway, either legally or illegally, may block egress. The City of Melbourne will not get involved in resolving any access difficulties/disputes that may occur as a result of vehicles stopping in the laneway”.