

PLANNING REPORT

MINISTERIAL PLANNING REFERRAL

Application number:	TPM-2014-24/B
DELWP Application number:	2014/002657-1
Applicant / Owner / Architect:	Gurner TM
Address:	334-344 City Road, SOUTH BANK
Proposal:	Amend Planning Permit 2014002657-1 to replace serviced apartments with dwellings, use of the land for a restricted recreation facility (gym) and increase in overall building height
Cost of works:	\$97,000,000
Date received by City of Melbourne:	17 September 2021
Responsible officer:	Xavier LIVY
Report Date:	7 December 2021

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site is located on the north-west side of City Road, south-west of Clarendon Street and north of the West Gate Freeway. The site comprises two adjoining allotments. The site is currently occupied by a 6-storey accommodation building with a basement, and a car park to the West which consists of temporary landscaping, with paths and small vegetation.



Figure 1: Subject site (Source: Compass, Council)

The two sites which comprise the subject land have an area of approximately 1,600 m², with frontages of 31 m to City Road to the southeast, 50 m to Blakeney Place to the northwest, 36 m to laneway SM0199 to the northeast and 45 m to the at grade car park and West Gate Freeway overpass to the southwest. The existing at grade car park is accessed via a boom gate to Blakeney Place and contains approximately 23 car parking spaces.

Figure 2: Aerial of subject site (Source: Compass, Council)

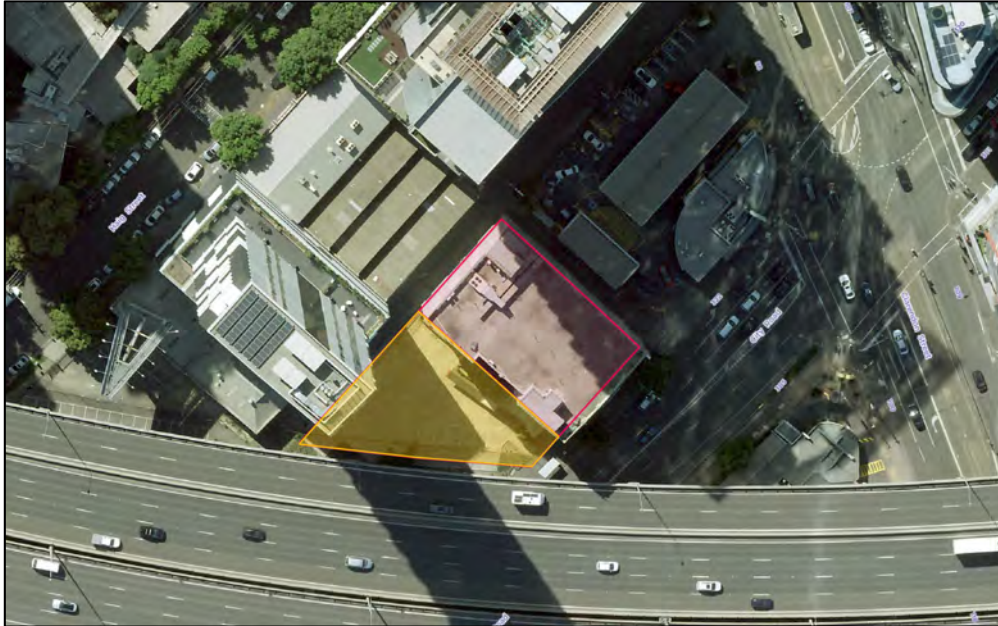


Figure 3: View of subject site from City Road (Source: Google Street View)



1.2. Surrounds

Contextually the subject site is located on the southern edge of the municipal boundary. The surrounding neighbourhood varies in character and built form and is expected to experience significant change in the future driven by higher density mixed use development.

The surrounding buildings vary in height from low rise retail / commercial to high rise multi-residential hotels and apartment towers. The West Gate Freeway, elevated at approximately 10 m above ground level, passes south of the site and is a significant piece of road infrastructure with five lanes travelling in each direction.

The main characteristics observed in the area include:

- **North East**

Directly to the northeast is Laneway (SM0199). The laneway is approximately 4.1 metres wide however it provides for two-way traffic movements and is subject to parking restrictions along its entire length. Directly east of the laneway is a BP service station and Wild Bean Café which occupies the corner of City Road and Clarendon Street. The service station has multiple entries and exits onto City Road, Clarendon Street and Blakeney Place. Directly abutting the Laneway is a drive through car wash and some limited landscaping.

- **North West**

Adjoining the site to the northwest is Blakeney Place, which extends southwest of Clarendon Street. Adjacent to the site, Blakeney Place is constructed with bluestone pavement and has a trafficable width of approximately 5.8 metres. This section of Blakeney Place is predominantly utilised by vehicles accessing the existing car park associated with the subject site.

On the opposite side of Blakeney Place are warehouse buildings fronting Haig Street. Planning permits have recently being issued for the sites at 57-59 Haig Street and 61-63 Haig Street to allow for the development of two multi storey residential towers.

The development at 57-59 Haig Street allows for a 39 level (132.8 m) building which is to be used as a residential hotel. The development comprises a 9 level podium and a 30 storey tower which is setback approximately 2.0 metres from Blakeney Place. Loading and vehicular access for 173 car spaces is provided off the rear laneway to Blakeney Place.

The approval for 61-63 Haig Street allows for a 38 level (125.4 m) development comprising 465 hotel rooms. The development will comprise an 8 level podium and a 30 storey tower which is setback approximately 2.0 metres from Blakeney Place. Loading and vehicular access for 104 car spaces is also provided off the rear laneway to Blakeney Place.

- **South East**

Directly adjacent to the subject site, City Road provides two lanes of through traffic for southwest bound traffic, and a single lane of through traffic and a shared traffic / parking lane for northeast bound traffic. On the opposite side of City Road is a McDonald's Restaurant with associated car parking and drive-through facilities. The West Gate Freeway flyover is suspended over the majority of the site.

- **South West**

Directly to the south west is an at-grade car park operated by Carepark and above this, the elevated West Gate Freeway, which also forms the boundary between City of Melbourne and City of Port Phillip. The Freeway is elevated approximately 10 m above ground level and the area beyond the freeway is part

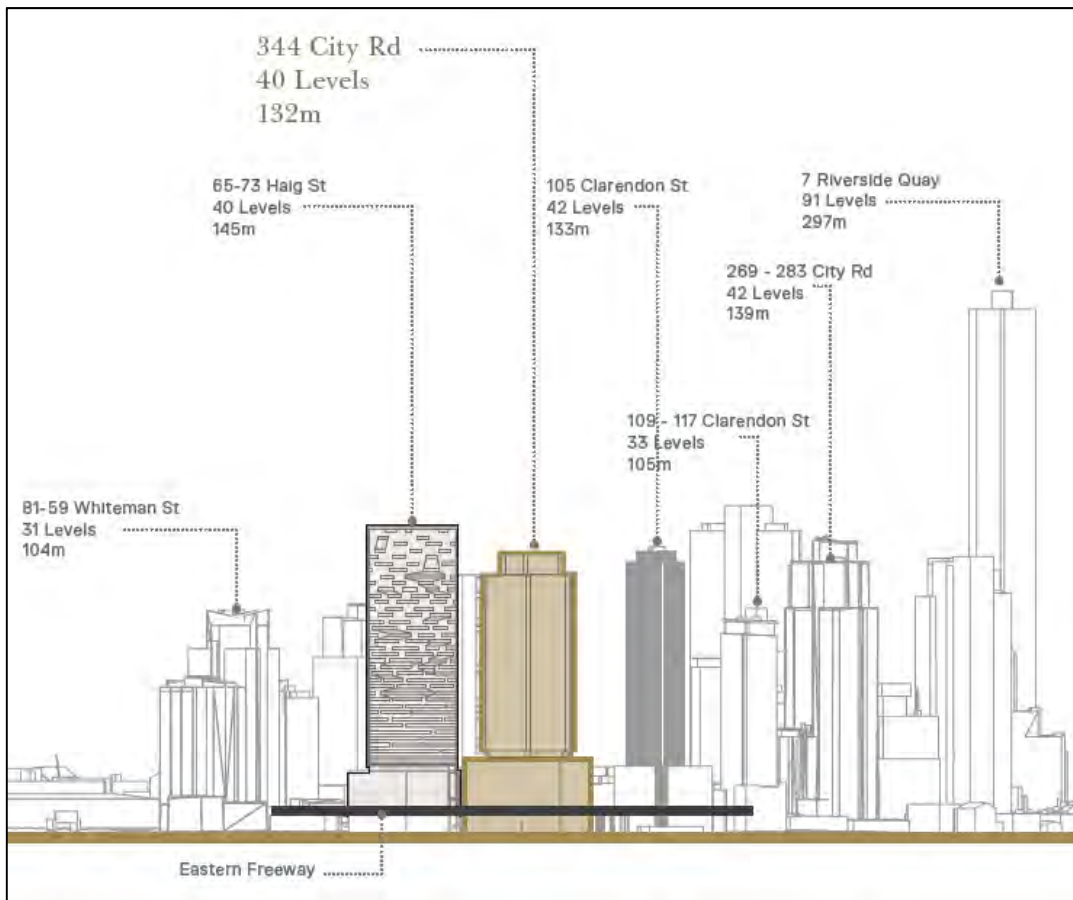
of the Fisherman's Bend Montague Precinct and comprises light industrial, commercial and residential uses.

The site has good public transport access. It is located within 50 metres of tram route 12, which operates along Clarendon Street, and is within easy walking distance of tram routes 55, 96 and 109. It is also located adjacent to bus routes 234 and 236, which operate along City Road - which is also a primary Arterial Road.

The West Gate Freeway, City Road and Clarendon Street are all classified Road Zone Category 1, meaning they are under direct control of VicRoads.

Figure 4: 63 Haig Street and Blakeney Place rear of the site (Source: Applicant)



Figure 5: Surrounding built form context (Source: Applicant)

2. BACKGROUND AND HISTORY

2.1. Planning Application History

Planning application 2014/002657 (TPM-2014-24) for the subject site has previously been considered by Council. The Planning Report dated 29 August 2014 outlines the Officer recommendation that Council should not support the proposal on the following grounds:

1. The development by virtue of its height, limited setbacks and subsequent bulky building form is considered to overwhelm and dominate the City Road environs and fails to satisfy Clause 22.17 of the Melbourne Planning Scheme and the built form outcomes of Clause 43.02 - Schedule 60.
2. The height of the podium fails to respond to adjoining nearby buildings and the preferred future character of the area as set out by Clause 43.02 - Schedule 60 (DDO60).
3. The lack of variation in the built form and architectural expression (including the lack of variation in tower shape) contributes to the visual and physical impact of the building and results in a visually dominant element within the City Road environs, contrary to Clause 43.02 - Schedule 60 (DDO60).
4. The proposal will adversely impact on the safety and operational capacity of City Road and Clarendon Street, in the vicinity of the site, contrary to Clause 18.02-3 and 21.09-5 of the Melbourne Planning Scheme.

5. The proposal fails to achieve short term stationary wind conditions along City Road and fails to satisfy the requirements of Clause 43.02 - Schedule 1 (DDO1).

These grounds were confirmed at the City of Melbourne’s Future Melbourne Committee on 3 February 2015. A letter was sent to the Department of Environment, Land, Water and Planning (DELWP) on 09 February 2015 confirming this recommendation.

Following Council making its position, the proposal underwent further amendments prior to a decision being made by DELWP. The City of Melbourne considered the amended plans which made the following changes:

- Reduction in height from 57 levels / 192 m to 38 levels / 130 m.
- Reduction from 532 apartments 312 apartments.
- Gross Floor Area (GFA) reduced from 60,038 m² to 42,882 m².
- Same elliptical tower form and minor increase in tower setbacks.

The City of Melbourne maintained its position of not supporting the proposal despite the significant reduction in height, however, the Minister of Planning issued a permit on 19 June 2016 for the currently approved development subject to conditions.

The existing permit was extended under Section 69 of the *Planning and Environment Act 1987*. Planning Permit No. 2014002657 will now expire if the development has not commenced by 19 June 2022 and is not completed by 19 June 2024.

3. THE PROPOSAL

The amended plans referred to the City of Melbourne for comment were received on 21 October 2021.

The proposed amendments to the approved development include:

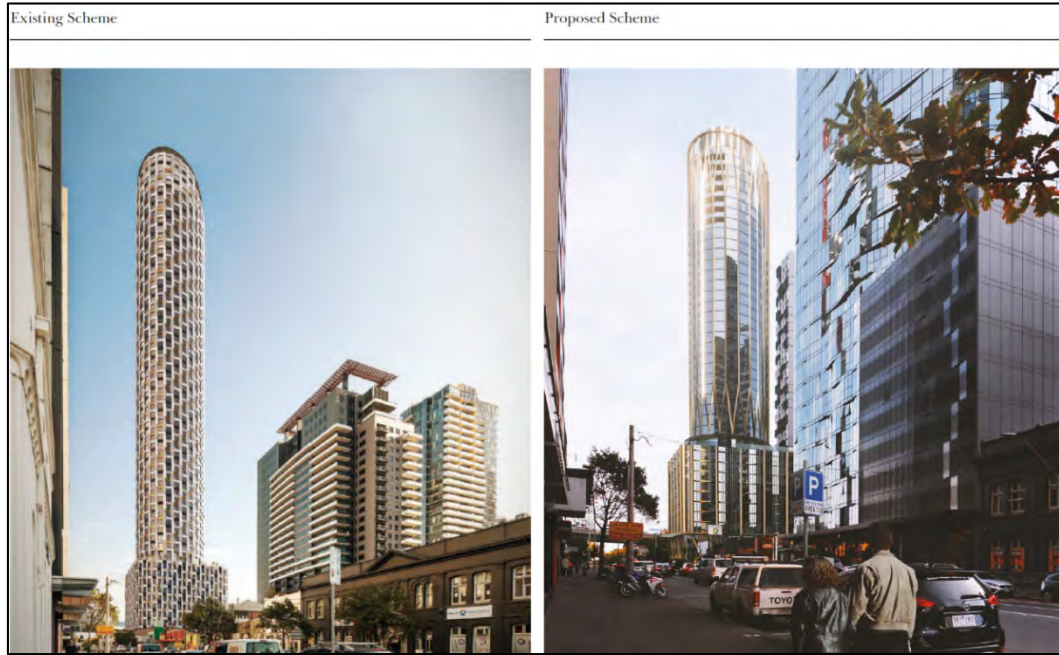
- Changes to the built form of the tower and podium.
- A modified façade strategy and building operations and revised layouts.
- Seeks to remove the serviced apartments from the development and replace it with build-to-rent apartments.
- Ground floor has changed from the previous approval and now includes a gymnasium (restricted recreation facility).
- Food and drink premises and additional residential amenities on the rooftop.
- Access to parking via Blakeney Place to the north-west.
- Vehicles using access off Blakeney Place will move upwards to the podium levels.
- Waste and loading access for the site have been located on the northern side of the site with access also via Blakeney Place.

The below table and images provide some further context of the changes from the previous approval:

	Approved	Proposed
Site area	1,625 m ²	1,625 m ²
Building Height	130 metres	130.9 metres (135.9 metres inclusive of plant setback 3 metres from the building façade)

	Approved	Proposed
Street Wall Height	33.0 metres	28.7 metres
Setbacks	<ul style="list-style-type: none"> • South-west (West Gate Freeway) – 2.0 m • North-west (Blakeney Place) – 3.90 m to Site Boundary and 6.579 m to centreline of Blakeney Place • North-east (Blakeney Place) – 4.10 m to Site Boundary and 5.935 m to Blakeney Place • - South-east (City Road) – 5.0 m 	<ul style="list-style-type: none"> • South-west (West Gate Freeway) – 3.0 m • North-west (Blakeney Place) – 2.32 m to Site Boundary and 5.0 m to centreline of Blakeney Place • North-east (Blakeney Place) – 3.165 m to Site Boundary and 5.0 m to Blakeney Place • South-east (City Road) – 5.0 m
GFA	41,101 m ²	43,247 m ²
Above ground GFA	40,235 m ²	40,223 m ²
Floor Area Ratio	24.76:1	24.75:1
Land uses	Dwellings; Serviced Apartments; Retail.	Dwellings; Retail; Restricted Recreation Facility (Gym).
Parking	117 Car Spaces 401 Bicycle Spaces	131 Car Spaces 445 Bicycle Spaces
Street Front Activation	Ground: 45 m (59%) Mezzanine: 0 m (0%) Total Podium: 293 m (35%)	Ground: 56 m (74%) Mezzanine: 72 m (100%) Total Podium: 518 m (62%)

**Figure 6: Comparison of approved and amended building view from City Road
(Source: Applicant)**



**Figure 7: Comparison of approved and amended building view from City Road
(Source: Applicant)**

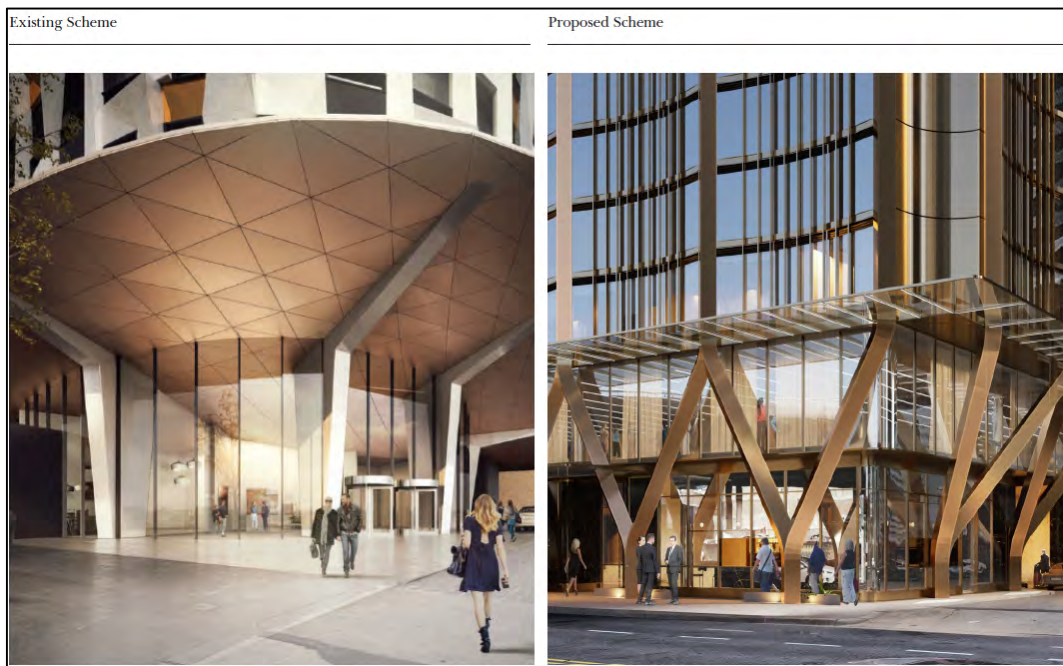


Figure 8: Amended proposal view from City Road (Source: Applicant)

4. BACKGROUND

4.1. Pre-application discussions

The applicant attended a pre-application meeting with representatives of the City of Melbourne and the Department of Environment, Land, Water and Planning prior to lodging the Section 72 application on 7 April 2021.

The plans presented at the pre-application meeting are generally consistent with the plans currently under consideration.

The key matters raised at the pre-application meeting were:

- The broader architectural expression of the building was an improvement from the current approval.
- Proposal appeared to demonstrate general compliance with DDO10.
- Questions around the proposed compliance with Amendment C308 and the expectation would be for the proposal to meet full compliance with this.
- Concern about the internal amenity within some of the dwellings and its reliance on studios and 1-bed dwellings.

4.2. 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-2014-602	Proposed erection of a high wall sign	Refused 22 October 2014

TP-2007-927	Painting of facade	Permit 2/11/2007
TP-2007-361	Use of part of the land for a restricted recreation facility (abseiling)	Permit 11/5/2007
TP-2005-379	Additions and alterations to the existing building to be used as a residential hotel and associated tavern including the sale and supply of liquor under the provision of a general licence and a waiver of car parking requirements	Completed 7/2/2006 Permit 16/11/2005
TP-2004-294	Use part of the existing basement as a residential hotel with the supply of liquor	Permit 7/7/2004
TP-2004-293	Alterations to the existing building for use as a residential hotel combined with a food & liquor store, shops and food and drink premises and a bar at basement level	Amend Permit 17/6/2004 Permit 17/6/2004
TP-2000-1193	Construct 3 storey rooftop extension and use for 115 bedroom hotel with 23 residential units at levels 6-8 & 4 level carpark for 61 spaces	Permit 28/3/2001 Notice of Decision to Grant Permit 23/2/200
TP-1999-1241	Alterations and additions to the existing building including a nine storey rooftop addition and a five level, plus basement extension on the west side of the building for use as dwellings, shops and associated car parking	Permit 6/6/2000 Notice of Decision to Grant Permit 3/5/2000
Surrounding sites		
TP-2019-411/A	Demolition of the existing building and construction of a multi-storey building for use as a Residential Hotel and a reduction in the bicycle parking requirements	Amended permit 6 March 2016 Relates to site to the rear at 65-71 Haig Street, Southbank. Construction complete.
2012/010161A (TPM-2013-2/B)	Demolition of the existing building and construction of a multi-storey building comprising residential apartments and commercial tenancies	Amended Permit 21 December 2015 Relates to site at 57-59 Haig Street, Southbank. Construction not yet occurred.

5. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

Planning Policy Framework	<ul style="list-style-type: none"> ▪ Clause 11 – Settlement ▪ Clause 13 – Environmental Risks and Amenity ▪ Clause 15 – Built Environment and Heritage
---------------------------	---

	<ul style="list-style-type: none"> ▪ Clause 16 - Housing ▪ Clause 17 – Economic Development ▪ Clause 18 – Transport ▪ Clause 19 - Infrastructure
Municipal Strategic Statement	<ul style="list-style-type: none"> ▪ Clause 22.02 – Municipal Profile ▪ Clause 21.03 – Vision ▪ Clause 21.04 – Settlement ▪ Clause 21.06 – Built Environment and Heritage ▪ Clause 21.07 - Housing ▪ Clause 21.08 – Economic Development ▪ Clause 21.09 – Transport ▪ Clause 21.10 – Infrastructure ▪ Clause 21.08-3 - 'Southbank'
Local Planning Policies	<ul style="list-style-type: none"> ▪ Clause 22.02 – Sunlight to Public Spaces ▪ Clause 22.04 – Heritage Places within the Capital City Zone ▪ Clause 22.19 – Energy, Water and Waste Efficiency ▪ Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

Statutory Controls	
Capital City Zone Schedule 3	<p>This clause states that a permit is required to demolish or remove a building and to construct a building and construct or carry out works.</p> <p>The existing permit provides permission for the demolition. The amendment does not seek to increase or modify the extent of demolition under the permit.</p> <p>The existing permit provides permission to construct a building and construct or carry out works associated with a multi-storey building. The amendment seeks permission to increase the scale of these works as outlined above.</p> <p>For land that is affected by DDO10, the schedule to the zone specifies that a permit must not be granted for a building with a floor area ratio greater than 18:1 unless a public benefit is secured.</p> <p>A planning permit is required under Clause 37.04-1 for the proposed restricted recreation facility (gym). The food and drink (retail) premises are as of right in this zone.</p>
Environmental Audit Overlay	<p>Clause 45.03-1 states that before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:</p> <ul style="list-style-type: none"> • A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must

	<p>be issued stating that an environmental audit is not required for the use or the proposed use; or</p> <ul style="list-style-type: none"> • An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use.
Design and Development Overlay Schedule 1 – Urban Design in Central Melbourne	<p>A permit is required to construct a building or construct or carry out works. Any permit granted:</p> <ul style="list-style-type: none"> • Must meet the Design objectives specified in this schedule. • Must satisfy the Design outcomes specified for each relevant Design element. <p>It is noted that DDO1 is the new urban design policy, and specifies that a permit cannot be amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet a Design requirement expressed with the term ‘must’.</p>
Design and Development Overlay Schedule 10 – General Development Area - Built Form	<p>A permit is required to construct a building or construct or carry out works, and any permit granted:</p> <ul style="list-style-type: none"> • Must meet the Design Objectives specified in this schedule. • Must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 3 to this schedule. • Should meet the Preferred Requirement specified for each relevant Design Element in Table 3 to this Schedule. • Must meet the Modified Requirement specified for each relevant Design Element in Table 3 to this Schedule. <p>A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to the schedule.</p>
Parking Overlay Schedule 1 – Outside the Retail Core	<p>Pursuant to Clause 45.09-3, a permit is required to provide parking in excess of a rate as follows:</p> <p>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"> • for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. • 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: <p>Maximum spaces =</p> <ul style="list-style-type: none"> • 5 x net floor area of buildings on that part of the site in m² / 1000 m²; or • 12 x that part of the site area in m² / 1000 m². The development has a statutory maximum of 403 car spaces, inclusive of 394 residential spaces, 7 gymnasium spaces and 2 spaces associated with the food and drink premises use.

	<p>The proposal includes 131 car parking spaces allocated to the dwellings. The proposal therefore does not exceed the maximum provisions under Schedule 1 to the Parking Overlay.</p> <p>In addition, the proposal includes 14 motorcycle spaces and therefore meets the relevant motorcycle parking requirements.</p>
--	---

Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p> <p>As the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.</p> <p>Design standards for car parking, as outlined at Clause 52.06-9, are of relevance.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive the bicycle parking requirements of Clause 52.34-5.</p> <p>Clause 52.34-5 requirements are as follows:</p> <ul style="list-style-type: none"> • Dwellings – 1 to each 5 dwellings for residents and 1 to each 10 dwellings for visitors. • Gymnasium - 1 space to each 4 employees for staff, 1 space to each 200 m² for visitors. • Retail premises - 1 to each 300 m² of leasable floor area for employees and 1 to each 500 m² of leasable floor area for shoppers. <p>The development is required to provide 132 bicycle spaces, comprising 79 resident spaces, 6 staff spaces and 47 visitor spaces.</p> <p>A total of 445 bicycle parking spaces are proposed on-site, exceeding the minimum requirements under Clause 52.34 and above the approved provisions.</p>

General Provisions	
<p>Clause 72.01-1 – Minister is responsible authority</p>	<p>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 m².</p>
<p>Clause 65.01 – Approval of an application or plan</p>	<p>Outlines the matters which must be considered prior to deciding on an application or approval of a plan.</p> <p>It should be noted that the original application was assessed against the requirements at Clause 52.07 (Loading and unloading of vehicles). Amendment VC142, gazetted on 16 January 2018 deleted Clause 52.07 and introduced new Decision Guidelines at Clause 65 in relation to the loading and unloading of vehicles.</p>

6. RELEVANT PLANNING SCHEME AMENDMENTS

6.1 Planning Scheme Amendment C376: Sustainable Building Design

Planning Scheme Amendment C376 aims to introduce new best-practice ESD Standards into the planning scheme to ensure that new buildings in the municipality respond to climate change. Amendment C376 also implements the Green Factor tool, which is an online green infrastructure assessment tool designed by City of Melbourne, and was developed to help with optimising the design of green infrastructure and external landscapes on buildings.

The Standards will apply to new buildings in the City of Melbourne as well as alterations and additions that meet a certain size threshold and will mean that new developments in the city need to achieve specific environmental targets. This includes solar panels, green roofs and walls, better insulation, using water more wisely and bike racks to encourage cycling.

Amendment C376 and the Green Factor Tool were endorsed by Council on 15 September 2020.

6.2 Planning Scheme Amendment VC148: Reforms to Victoria Planning Provisions

Amendment VC148 was gazetted on 31 July 2018 and implemented changes to the Victoria Planning Provisions (VPP) and planning schemes. The amendment sought to add clarity to schemes by simplifying and improving their structure, function and operation. It is not considered that this amendment has any substantial impact on the amended proposal.

6.3 Planning Scheme Amendment C308: Urban Design in Central Melbourne

As set out at Section 4.1.2, Amendment C308 (gazetted on 30 September 2021) deleted Clause 22.01 (Urban Design within the Capital City Zone) in part to strengthen the urban design requirements of the amended DDO1.

6.4 Planning Scheme Amendment C262 and C270: Schedule 10 to the Design and Development Overlay

The original application was assessed against the provisions of Schedule 60 to the Design and Development Overlay (DDO60) that applied to the site prior to the gazettal of (interim) Planning Scheme Amendment C262 on 1 September 2015.

Amendment C262 applied the new Schedule 10 to the Design and Development Overlay (DDO10) to the site, replacing DDO60 in that instance.

DDO10 was updated as part of Amendment C270 and again as part of Amendment C311. The current application does not benefit from the Transitional Provisions at Section 7.0 of the Schedule, and the requirements of DDO10 therefore apply.

The following aspects of DDO10 now apply and are of particular relevance:

- Removal of the discretionary overall maximum building height of 100 metres in Area 3 – Southbank Central Interface.
- Maximum podium height varied from a discretionary 30 metres to a mandatory 40 / 80 metres depending on certain criteria being met.
- Reduction of the minimum front, side and rear boundary setback (above the street wall / podium) from a discretionary ten to:
 - A discretionary ten / mandatory five metres for towers up to 80 metres in height.

- A discretionary ten / mandatory five metres street setback; discretionary side / rear setbacks equivalent to six percent of the total height and mandatory five metre side / rear setbacks with no increase in floorplate area.
- Introduction of the following wind requirements:
 - A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas adjoining the site.
 - A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas adjoining the site.
- Introduction of the following overshadowing requirements:
 - A permit must not be granted for buildings and works which would cast any unreasonable additional shadow across specified public and private spaces, including Sturt Street Reserve and any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately owned public spaces accessible to the public.

7. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment.

Public notice is the responsibility of the Minister for Planning as the Responsible Authority.

8. REFERRALS

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

8.1 Urban Design

It was acknowledged that from a design perspective the amended proposal has improved from the existing approval.

A number of urban design concerns have also been addressed throughout the application process such as the sleeving of car parking within the podium and amending the Y-columns to reduce potential entrapment spaces.

Concerns were raised about the floor to ceiling space associated with the car parking in the podium. It was recommended these spaces have a minimum of 3.2 m floor to ceiling to enable them to be adapted in future. Whilst this is preferred it is still considered the proposed 2.9 metre floor to ceiling height is adaptable for other uses such as the 'studio' apartments.

Further detail is needed to demonstrate material and the public interface quality.

There were concerns relating to the following:

- More robust, tactile materials on the lower levels that relate to human scale.
- Tower crown expression and reflectivity. There needs to be a more balanced approach to resident amenity (vistas) and crown expression.

Where required, the above items can be addressed through new conditions on an amended permit and addressed in the façade strategy which is an existing permit condition.

8.2 Infrastructure and Assets

No objection subject to standard conditions as well as resolution of the following:

- Proposed canopies to all comply with Council's Road Encroachment Operational Guidelines.
- A lighting plan should be prepared generally consistent with Council's Lighting Strategy, and include the provision of public lighting in Blakeney Place adjacent to the development. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

It is noted that throughout the assessment of the amendment application concerns were raised with the basement levels of the proposal conflicting with Council's Road Encroachment Operational Guidelines. To address this, it is recommended existing Condition 3 relating to the preparation of a Section 173 Agreement be updated to reflect future ownership and maintenance of the widening of the north-south laneway SM0199.

This is discussed further under Section 8.6.

8.3 Traffic Engineering

The following advice and matters were raised by Council's Traffic Engineering team. These matters can be addressed via existing or new conditions.

- As the Melbourne Planning Scheme (MPS) specifies a maximum car parking provision of 403 spaces, we have no objection to the proposed provision.
- A note should be placed on the planning permit, stating: *"Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery & parking needs of this development, as the restrictions are designed to cater for other competing demands & access requirements. As this development increases residential density, the residents / visitors occupying this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions"*.
- The internal layout, car lifts, car parking spaces, ramps / grades / transitions and height clearances must be generally designed in accordance with the MPS or AS/NZS 2890.1:2004.
- The increased traffic using both the north-south laneway (SM0199) and Blakeney Place as a result of this and other approved developments will greatly increase the volume of right turn movements, at the intersections of these laneways with both Clarendon Street and City Road. The right turns both into and out of these multi-lane Arterial Roads would result in significant safety concerns, as well as delays to both tram and bus movements.

Accordingly, the movements both into / from City Road at SM0199, and both into / from Clarendon St at Blakeney Place, should be restricted to a left in / left out arrangement, subject to approval from the Department of Transport (VicRoads), at the developer's expense. This may include No Right Turn signs facing both entering / exiting traffic, as well as a traffic island in City Road.

- As the proposed bicycle parking provision exceeds the MPS requirement for 132 spaces, we have no objections to the proposed provision. The design /

dimensions of bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines. The bike racks within the indented area close to City Road should be angled, to ensure the bikes don't protrude onto the footpath. The proposed motorcycle parking provision is supported.

- A formal independent Road Safety Audit must be undertaken prior to construction of the development, including assessment of internal layout, access arrangements, loading arrangements, pedestrian / bicycle access / movements within the site and in the public realm including along the widened laneway, and assessment of potential conflicts between vehicles / pedestrians / cyclists, to assess the road safety issues affecting all road users. The findings of the Audit should be incorporated into the design at the developer's expense.
- In 2015, Council approved a new car share policy with a target of 2,000 on-street and off-street car share spaces by 2021. Such an ambitious target was approved because car share programs help reduce the number of privately owned cars on the road and in car parks. Research suggests each car share vehicle reduces the number of resident-owned cars by 9. At least two car share and electric charging spaces should be provided on-site to meet the likely demand.
- A Loading Management Plan must be prepared, fully detailing the loading arrangements.

8.5 Waste

The Waste Management Plan (WMP) for this development is currently considered unacceptable. A condition on any amended permit should require a Waste Management Plan which addresses the following:

- Please provide a diagram of the compactors, showing that openings for the bins are accessible from the front of the compactors.
- Please provide a typical residential floor plan showing location of / access to waste management services.
- Please clarify why L1 residents may not have access to chutes on their level.
- Please provide a plan drawing for the rooftop café, showing location of bins and pathway to lift.
- Please update plan drawings to show the locked mesh fence around the compactors.
- Please provide elevation drawings to ensure there is 4.5 m height clearance at the loading dock entrance.
- Please provide swept path diagrams from nearest main street (i.e. Clarendon Street), illustrating access to and from Blakeney Place.
- It is unclear how residents can safely access the residential bin store (to place large items, FOGO, charity and hard waste) without crossing the loading dock. Point 2.1 says residents can access the bin store, but also says that due to loading dock hazards, the operator must manage resident and commercial access to the loading dock. This needs clarification and safe access pathways shown. More detail is needed about how this risk will be managed.
- The volume of residential hard waste has not been specified – 4 cubic metres twice monthly will be collected by Council – please update Table 2.
- Area of a 12 m³ compactor (5.5 m x 2.1 m) = 11.55 m². Table 2 states a net area of 26 m² per compactor. This is possibly an error and should be reviewed.

- Provision for organic waste is below 2021 guidelines for both residential and commercial waste streams. The applicant should consider increasing provision for organic waste:
 - From 7200Lpw to 8990Lpw for residential.
 - From 720L pw to 1023L pw for commercial.

8.6 Land Surveying

The application was referred to Council's Land Surveying team who identified the following matters which can be resolved via conditions or notes on any amended permit issued.

Proposed Widening of SM0199

The proposed development plans shows a widening of a Council Lane known as SM0199. The applicant now seeks to provide Public Access as opposed to vesting. Therefore existing Condition 3 would need to be amended as follows:

Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the owner of the land must enter into an agreement with the City of Melbourne, pursuant to Section 173 of the Planning and Environment Act 1987. 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. The agreement must provide for the following:

- a) *The public road known by Melbourne City Council as SM0199 must be widened to at least 6 metres but the widening must remain private at all times.*
- b) *The widened section is to remain unobstructed to an Australian Height Datum point at least 5 metres above the road level.*
- c) *The owner must maintain 24 hour / 7 day unobstructed public access over the widened section of road at the owner's cost.*
- d) *The owner must at its own cost, construct and maintain the widening of the public road SM0199 to the same standards as is reasonably required by Council for the adjoining road (SM0199).*
- e) *Acknowledge that the owner and Council agree that:*
 - *The widening shall at all times remain in private ownership as part of the land for the development.*
 - *It is not the owner's intention to dedicate the widening as a public highway.*
 - *The agreement shall not vest or allow the widening to be vested in Council.*
- f) *Owner to maintain and keep in good repair the structure below the widened section of road at its cost and to the satisfaction of the City of Melbourne whether or not the need for maintenance or repair of the structures arose from the act, neglect or default of the owner and provide inspection rights to the City of Melbourne of the supporting structure.*
- g) *The agreement must be to the satisfaction of Director – City Infrastructure and the City of Melbourne's Chief Legal Counsel.*

The need for this condition to be updated is required because the proposed basement would be within and would conflict with the 1.5 metre area below Australian Height Datum and therefore would not be in accordance with Council's Road Encroachment Guidelines. However, the agreement still seeks to ensure the area is designed, upgraded and publicly available at all times.

Council Lane SM0199

The proposed plans incorrectly refer to Council Lane SM0199 as Blakeney Place.

Reference to Blakeney Place will need to be deleted from the plans for this portion of the lane.

SM0199 is currently an Unnamed Lane. Should the main access to the development be off an unnamed Council Lane, for street addressing purposes, prior to occupation of development the Council Lane known as SM0199 must be named. This will require a condition along the following lines to be included on any amended permit:

- Prior to occupation, Council Lane Known as SM0199 must be named in accordance with *the Geographic Place Names Act 1998* to provide appropriate street addressing for the Development.
- Any proposed road name must comply with the Guidelines for Geographic Names 2010, and *the Geographic Place Names Act 1998*.

Canopies

The proposed canopies along SM0199, Blakeney Place and City Road must comply with Council's Road Encroachment Guidelines.

The proposed canopy over the abutting Reserve (freeway) must be deleted or written consent must be obtained from Department of Transport for the canopies.

Windows along the Road Reserve (Freeway)

The subject land does not benefit from a light and air right over the abutting Reserve. Any proposed entrances, openings and windows along the Road Reserve will require VicRoads / DoT consent and appropriate easements should be created over the Road Reserve in favour of the subject land to protect rights of entry, access, light and ventilation.

Basement 2 - Storage Cage Allocation

Storage cages in the south eastern corner must be allocated to the abutting car parking spaces or car parking spaces must be deleted to provide for appropriate access.

Basement

Car parking space B1.31 must be deleted to provide for appropriate access into the area shown as Services.

No Legal access off 65 - 73 Haig Street

The subject land does not benefit from Carriageway rights or Light and Air Rights over the rear of the property known as 65 - 73 Haig Street. All windows, and entry point along this boundary must be deleted or a legal right must be obtained prior to the commencement of any works.

Access into Service Areas - Podium Levels 2-3

Car parking spaces 1.10, 4.10 & 5.10 must be deleted to provide for appropriate access into the services areas on each of the Podium Levels.

8.6 ESD

Council's Sustainability team have reviewed the relevant Environmentally Sustainable Design initiatives associated with the development and recommended the following conditions:

Amended Sustainability Management Plan

Before development commences, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by ADP Consulting (on 20 October 2021), but modified to include or show:

- a) Amend plans to include annotation regarding reuse connection (for toilet flushing and irrigation).
- b) Provide energy modelling to demonstrate achievement of: an average NatHERS rating of 6.5-stars (and no individual apartment less than 5.5-stars), and cooling loads <30MJ/m² as per clause 58.03.
- c) Provide daylight modelling to support achievement of 1 point targeted under Credit 12.1.
- d) Clarify GS credits targeted and amend pathway accordingly (i.e. GS credit 9.2 has a single point targeted but commentary stating that it will not be targeted 'due to cost implications' – and GS credit 15B2.3 claims two credits but states it is 'unachievable').
- e) Amend plans to indicate location of electric vehicle charging to support GS credit 17B.3, with a preference for pre-installation of charging cabling to all car parks.
- f) Provide further information and evidence of net zero carbon certification scheme to support innovation claim.

Implementation of Environmentally Sustainable Design (ESD)

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

Landscape Package

Prior to commencement of development, a complete Landscape package, Landscape Maintenance Plan and a Landscape Irrigation Performance Specification in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty-two-week period following Practical Completion. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

9. ASSESSMENT

The key issues in the consideration of this application are:

- Amended Proposal
- Provisions of the DDO1 (Urban Design in Central Melbourne)
- Provisions of the CCZ1 and DDO10
- Public benefit provision
- Waste, traffic, parking and loading
- ESD
- Modifications to the planning permit

9.1. Amended Proposal

9.1.1. Dwellings

It is worth noting that Amendment VC136 was gazetted on 13 April 2017 and replaced Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) with a new Clause 58 (Apartment Developments). Pursuant to Clause 37.04-4 of the Capital City Zone, an apartment development must meet the requirements of Clause 58. This does not apply to an application for an amendment of a permit under Section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136. The original application was lodged in 2014, and therefore is exempt from these requirements.

In addition to the above accommodation (dwellings) is an as of right use within the Capital City Zone Schedule 3 and these changes to the dwelling mix is considered appropriate for the following reasons:

- The amended proposal provides a quantity of dwellings within Southbank that are consistent with achieving the purposes of Schedule 3 to the Capital City Zone.
- The amended proposal is comprised primarily of dwellings. The subject site is appropriately located for use by long-term residents. The site has access to a broad range and large number of professional jobs and services within the central city.

- The subject site is located in an area with a strong established pattern of residential development. Residential development within Southbank is particularly prominent except for the banks of the Yarra itself, and the immediate surrounds of the subject sites include a large number of existing apartment buildings as well as approvals for further buildings.
- The use is located near a range of institutional uses which offer a selection of cultural and social events, and retail facilities in nearby South Melbourne.
- The dwellings are serviced with access to communal facilities within the building.
- The amended proposal will provide a total of 394 build-to-rent apartments and associated enhanced communal facilities.
- The revised building is made up of 56 (14%) studio apartments, 128 (32%) one-bedroom apartments, 198 (50%) two bedroom apartments and 12 (3%) three-bedroom apartments.

9.1.2. Dwellings Amenity

The proposed dwellings are considered to be an improvement when compared against the previously approved scheme. The revised apartment layouts and their internal amenity has been considered acceptable particularly given the context of the site.

The proposed dwellings will have access to a range of communal spaces. These communal spaces come with a variety of uses including the rooftop terraces, and the broad range of Level 9 amenities including kids play areas, dining spaces, lounge and wellness areas comprising a total of 1,745 m² of communal spaces across Level 9 and the rooftop, of which 1,075 m² would be open space, greater than the maximum requirement of 250 m² required by Standard D7 of Clause 58.

The internal living areas and bedroom sizes are greater than what is required by Standard 24 of Clause 58. Within the tower levels, 80 dwellings (25%) have balconies and within the whole building, this portion is increased to 156 dwellings (40%). Whilst not all dwellings have balconies any area that would have been provided for balconies has been incorporated into the living and bedroom areas. The location of the site adjacent to the West Gate Freeway means that balconies will likely to be both windy and noisy spaces. It is considered that the residents will be better served by internalising these spaces to improve their amenity. This outcome, coupled with the generous provision of communal open space, is on balance considered acceptable in light of its context and the transitional provisions afforded to the application.

The proposed development will provide residents with dwellings which offer a good standard of amenity in a development that is responsive to the site and surrounds.

9.1.3. Retail Premises and Restricted Retail Premise (Gym)

The proposed amendments to the ground floor uses will facilitate the residential use described above whilst also providing a range of uses which will serve to activate the public realm.

The proposed café (food and drink premises) on the ground floor will activate the building and will complement the hours of activity of the gym use. The café use will ensure the area is active through a variety of times and will support the potential for

activating the surrounding area by supporting a wide range of complementary uses such as nearby office uses which would benefit from the café during working hours as well as the local community.

The amended proposal also includes a rooftop food and drink premises. Whilst these food and drink premises are as of right under the CCZ3 no detail has been provided in relation to their operations. Therefore it is recommended additional information be provided to clarify that no further planning permission is required. If, for example, they seek the sale and consumption of liquor, additional planning permission may be required due to potential amenity impacts.

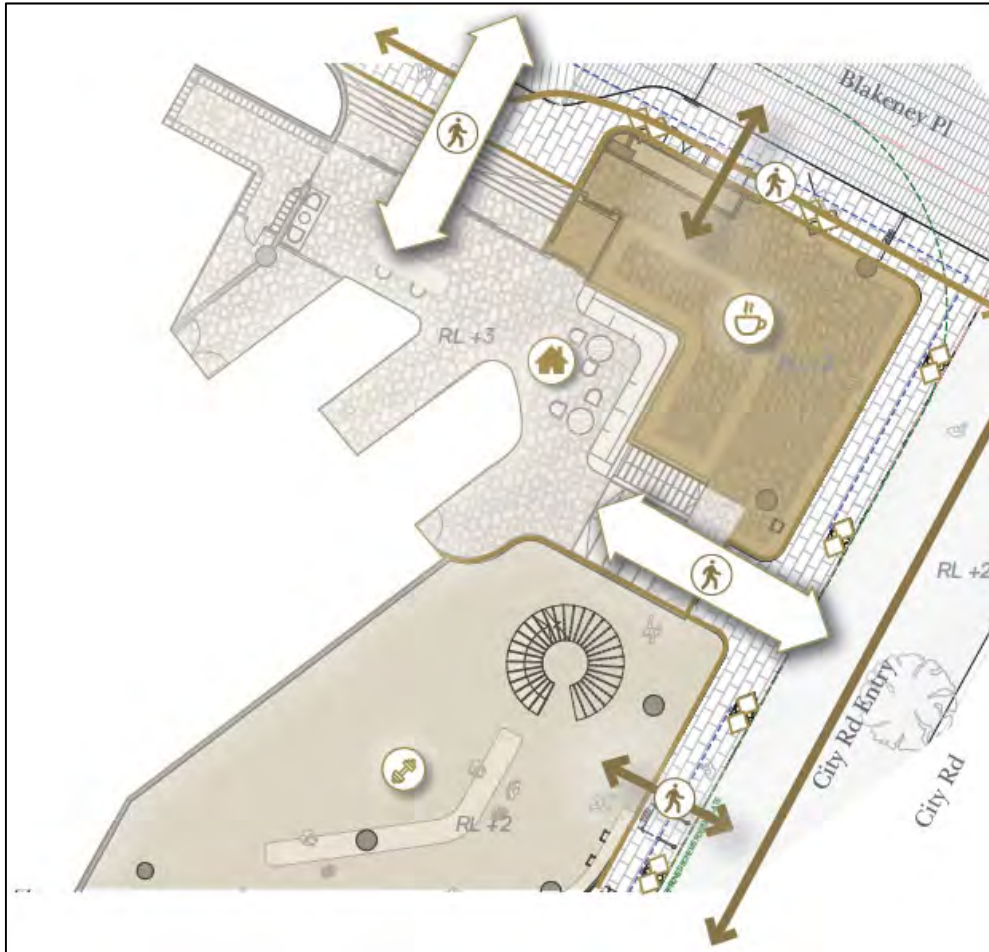


Figure 9: Ground floor activation associated with food and drink premises and gym (Source: Applicant)

The gym on the ground and first floor provides for a range of activities, including the reception, gym juice bar and exercise equipment. The use will support the activation of the freeway underpass which it is partly oriented towards, whilst also facing and supporting activation of City Road itself.

The gym's location on the ground floor is considered appropriate for the following reasons:

- The gym is intended to be for the use of residents of the building and will serve as a highly convenient and easily accessible service.
- A gym in this location is considered to be a valued use, providing residents with a convenient place to exercise and undertake other health and well-being activities.
- The gym is located on a main road, internal to the site and will not have any amenity impact on surrounding uses.

Notwithstanding the above it is recommended that further information be provided in relation to hours of operation, patron numbers and any acoustic measures to manage potential amenity concerns on surrounding land uses. Subject to a review of this additional information specific conditions could be included on any amended permit to limit the patron numbers and hours of operation.

9.1.4. Increased building height

The total building height has been increased to allow an additional level for the rooftop food and drink premises. With regard to setbacks, the controls stipulated under Section 2.3 of Schedule 10 of the Design and Development Overlay that a permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for building and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule.

As discussed under Section 6.4 whilst the original planning permit was issued on 19 June 2016 it was lodged before the gazettal date of Planning Scheme Amendment C262 on 4 September 2015 and was able to take advantage of transitional provisions. Amendment C262 introduced Schedule 10 to the Design and Development Overlay which replaced Schedule 60 (Southbank Central Interface – Area 3). Therefore the proposal was never formally assessed against DDO10.

The additional building height sought (0.9 m) does not increase the extent of non-compliance with Table 3 of DDO10 for the following reasons:

- Table 3 setback controls include a methodology of calculating setbacks in the Preferred Requirement column that uses height as a basis for calculating setbacks (being 6% of the overall height), and therefore the proposed increase to the height of the development may increase the setback requirements under the Preferred Requirement. However, the setbacks are being proposed under the Modified Requirement which admits a minimum 5 m setback when the adjusted Floorplate requirement is met. Therefore the proposal will not introduce any further non-compliance with the Modified Requirement.
- DDO10 states that tower floorplates above the street wall for towers above 80 m in height may be adjusted in terms of location and / or shape, but must not result in an increase in the floorplate area. The endorsed tower floorplate

area is 900 m² and the proposed floorplate does not increase this area and therefore does not introduce any further non-compliances.

- The plot ratio is not increased.
- The setbacks of the tower with the adjusted floorplate comply with DDO10. The tower floorplate area has not increased from the original approval.
- Height is not regulated under the DDO10 controls.

In light of the above it is considered that an amended permit could be issued and the additional 0.9 metres of height to accommodate the food and drink premises is reasonable.

It's important to note that due to the design of the parapet and services area of the proposed development it is not incorporated into the overall building height as defined within the schedule. The original building has a parapet which exceeds 3 metres. Therefore the parapet needed to be included as part of the total building height (132AHD / 130 m).

Figure 10: Comparison of approved against amended proposal (Source: Applicant)



9.2. Provisions of the DDO1 (Urban Design in Central Melbourne)

Section 2.3 associated with Schedule 1 to the Design and Development Overlay stipulates that a permit cannot be amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet a

Design requirement expressed with the term 'must'. Therefore an assessment of this amended proposal must be undertaken against DDO1 and ensure that there are no further non compliances against the existing approval.

Schedule 1 to the Design and Development Overlay set out requirements relating to urban design for applications proposing buildings and works within the Central City. The following assessment against the design objectives, outcomes and elements of Schedule 1 demonstrates that the proposed development is consistent.

9.3. Provisions of the CCZ1 and DDO10

Schedule 10 to the Design and Development Overlay (DDO10) sets out built form requirements broadly relating to the following key areas that are of relevance:

- Street wall height
- Building setbacks above the street wall
- Building setbacks from side / rear boundaries
- Tower floorplate
- Wind effects
- Overshadowing.

The amendment is considered to demonstrate compliance against the relevant provisions of the DDO10 as follows:

9.3.1 Street wall height

Table: Assessment of proposed development against DDO10 Street Wall Height requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Street wall height	Up to 20 metres	<p>The street wall height must be no greater than:</p> <ul style="list-style-type: none"> ▪ 40 metres; or ▪ 80 metres where it: <ul style="list-style-type: none"> ▪ Defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and / or ▪ Fronts a public space including any road reserve wider than 80 metres. 	<p>Street wall height is scaled to ensure:</p> <ul style="list-style-type: none"> ▪ A human scale. ▪ An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. ▪ Consistency with the prevalent parapet height of adjoining buildings. ▪ Height that respects the

			<p>scale of adjoining heritage places.</p> <ul style="list-style-type: none"> ▪ Adequate opportunity for daylight, sunlight and sky views in the street. ▪ Definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces. ▪ Maintenance of the prevailing street wall height and vertical rhythm on the street.
<p><i>Assessment:</i></p> <p>The podium and street wall have been reduced by 4.3 metres to RL 30.7 (28.7 metres). This reduction in height complies with the modified requirements of DDO10.</p> <p>The street wall will continue to sit comfortably within the surrounding environment and will generally match the developing character of the area.</p>			

9.3.2 Building setbacks above the street wall

Table: Assessment of proposed development against DDO10 Building setbacks from side / rear boundaries requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setback(s) above the street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	<p>Tower and additions are setback to ensure:</p> <ul style="list-style-type: none"> ▪ large buildings do not visually dominate the street or public space. ▪ the prevalent street wall scale is maintained.

			<ul style="list-style-type: none"> ▪ overshadowing and wind impacts are mitigated. ▪ the tower or addition includes a distinctly different form or architectural expression.
<p><i>Assessment:</i></p> <p><u>City Road:</u></p> <p>The proposed setback above the street wall to the south is 5 metres. This is consistent with the approved scheme and the minimum setback allowed under DDO10.</p> <p><u>West Gate Freeway:</u></p> <p>The approved scheme relies on a 2 metre setback above the street wall which can be seen in Figure 13 in the below table in the green outline. The proposal seeks to increase this 2 metre setback to 3 metres from the West Gate Freeway. Whilst the proposed 3 metres does not meet the Modified Requirement of 5 metres above the street wall it can still be considered as it does not increase the extent of non-compliance when compared against the existing approved scheme. Therefore on balance the outcome is considered acceptable as it improves on the existing 2 metre setback as it is increased by 1 metre.</p>			

9.3.3 Building setbacks from side / rear boundaries

Table: Assessment of proposed development against DDO10 Building setbacks from side / rear boundaries requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway)	Above the street wall or 40 metres, whichever is the lesser, towers and additions should be setback a minimum of 5 metres or 6% of the total building height, whichever is greater	<p>Towers exceeding 80 metres in total height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate.</p>	<p>Tower and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> ▪ Sun penetration and mitigation of wind impacts at street level. ▪ Provision of reasonable sunlight, daylight, privacy and outlook from

			<p>habitable rooms, for both existing and potential development on adjoining sites.</p> <ul style="list-style-type: none"> ▪ Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.
--	--	--	--

Assessment:

To the north and east, the site adjoins a laneway. The proposed setbacks from the centreline of this laneway are 5.00 metres, compliant with the Modified setback requirements of DDO10, provided the tower floorplate requirement is met (see below).

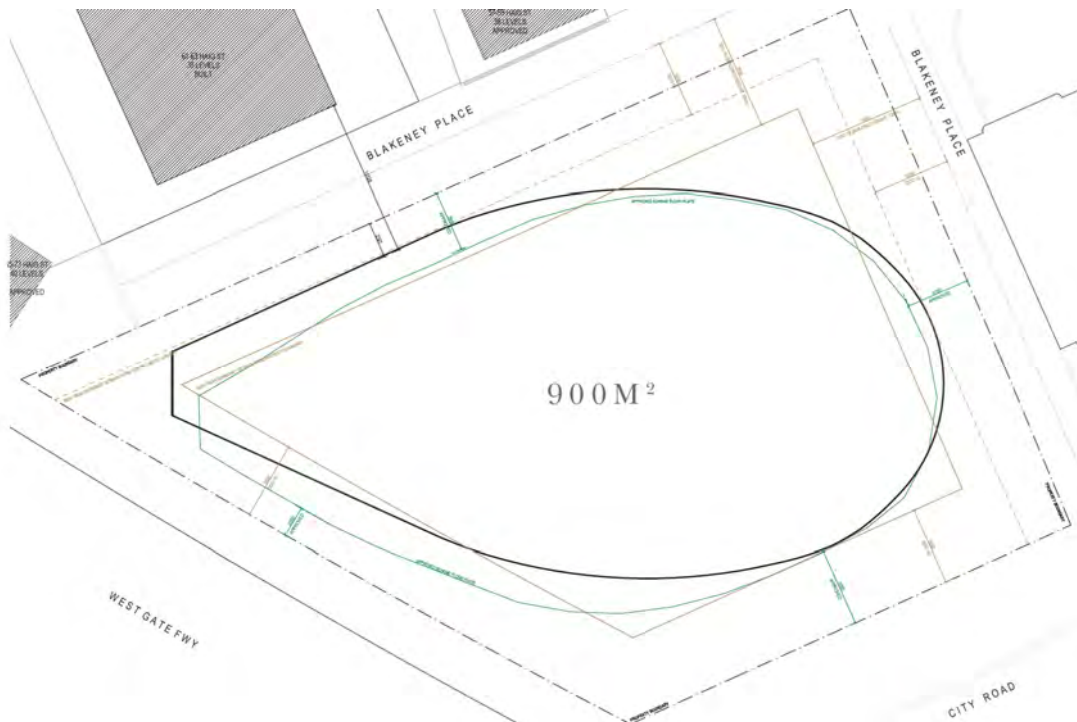


Figure 13: Approved and amended tower envelope with associated setbacks (Source: Applicant)

9.3.4 Tower floorplate

Table: Assessment of proposed development against DDO10 Tower floorplate requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Tower floorplate	The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.	The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not: <ul style="list-style-type: none"> ▪ Result in an increase in the floorplate area; ▪ be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway); ▪ be less than 5 metres to a street boundary; ▪ be less than 10 metres to an adjoining tower on the site. 	The adjusted floorplate is designed and spaced to: <ul style="list-style-type: none"> ▪ reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access. ▪ minimise visual bulk. ▪ reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance. ▪ buildings do not visually dominate heritage places and streetscapes, nor significant view lines. ▪ buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.
<p><i>Assessment:</i></p> <p>The endorsed tower floorplate area is 900 m². As can be seen in the Figure 13 above, this is greater than the tower floorplate area allowed under DDO10, which would be in</p>			

the order of 876 m². The proposed tower floorplate area retains the same area as the approved, thereby not increasing the extent of non-compliance with this control.

9.3.5 Wind effects

The decision guidelines of Clause 37.04 of the Melbourne Planning Scheme require a consideration of the potential for increased ground-level wind speeds and the effect on pedestrian comfort and the amenity of public places. Clause 22.01 (Urban Design in the CCZ) also identifies that towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level.

The design's wind performance has been assessed in a Pedestrian Wind Environment Study. In addition to recommending a small number of design changes, which have been adopted in the submitted plans, the study also comes to the following general conclusions:

- *The results of the study indicate that wind conditions for most of the ground trafficable outdoor locations within and around the development will be suitable for their intended uses.*
- *Wind conditions around the pool area was tested with and without the effect of impermeable screens. Other areas on the podium were tested with and without the effect of either porous or impermeable screens. Based on the results of the tests, a modified screen layout was formulated. This layout of screens is expected to provide adequate protection to the respective uses of the areas intended for standing / short duration seating by creating stagnation zones as well as for the circulation areas.*
- *Areas on the roof terrace were tested with and without the effect of impermeable screens. Based on the results of the tests, a modified screen layout was formulated and is presented in Figure 7c. The wind tunnel results indicate that the proposed 2m parapet assists in mitigating the prevailing northerly and southerly winds impacting the tower roof area and are recommended to be retained in the design as proposed. However, wind conditions for the northern and western areas at the tower roof will exceed the comfort and/or safety criteria... With the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.*

The proposal is considered to suitably address the wind comfort levels required to achieve optimal outcomes for users. Based on the information provided above, and subject to the measures outlined in the submitted reports from Windtech Consultants being implemented in the development, it is considered that the requirements for wind effects in DDO10 will be met. An appropriate amended condition will be included in Council's recommendation to reference the updated report.

9.3.6 Overshadowing

Table 1 and Table 2 of Clause 2.3 of DDO10 set out a series of defined spaces, which are broadly designated as being protected from additional shadow cast by development within specified hours and dates.

The proposal is not within proximity to the designated areas identified in Table 1 and Table 2. The amended proposal is also generally consistent in its built form scale and therefore is considered to meet the requirements of DDO10 and will not unreasonably impact any public space.

9.3.7 Capital City Zone 3

The development meets the requirements of the CCZ3 outlined in the decision guidelines at Clause 3.0 of Schedule 3 by virtue of:

- Its compliance with relevant policy contained in the PPF and MSS in relation to housing, heritage and economic development.
- It meets all relevant policy within the LPPF.
- It meets the design objectives, outcomes and elements of Schedule 1 of the Design and Development Overlay.
- It meets the required built form outcomes of Schedule 10 of the Design and Development Overlay outlined above.
- The development will provide a commensurate public benefit based on the proposed Floor Area Ratio.

9.4. Public benefit provision

Section 3.0 of the CCZ3 makes the following requirement:

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- *a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and*
- *the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.*

For the purpose of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

As the proposal does not increase the extent of non-compliance (that is, no increase in FAR above the approved permit) a new public benefit is not required. However, it is worth noting the public benefit associated with this application.

The application proposes to provide a public benefit in the form of publicly accessible open area on the site, created through the widening of SM0199 from 4.1 m to 6 m.

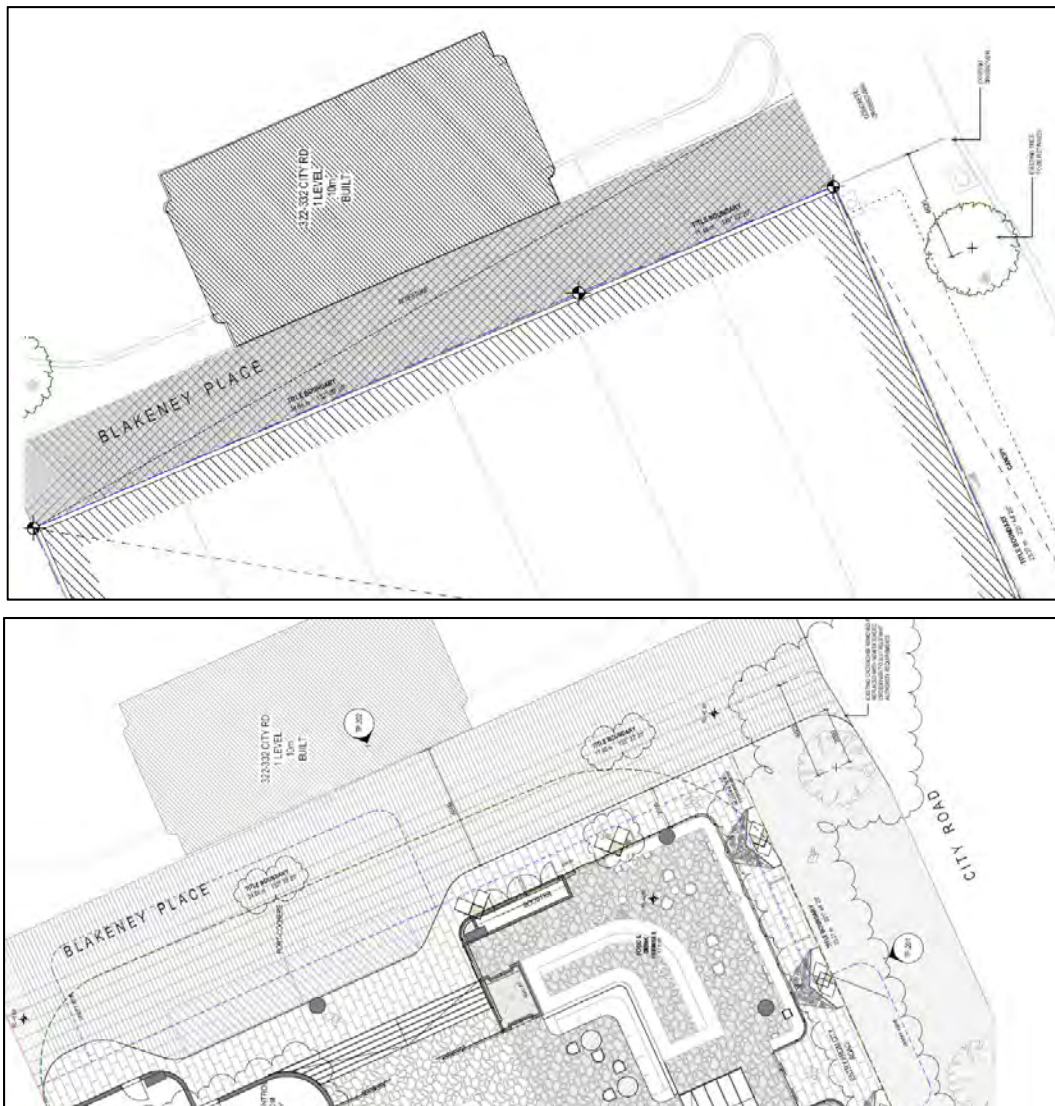


Figure 14: Existing and proposed arrangement for SM0199 (Source: Applicant)

It is noted that, whilst support for the widening of SM0199 Lane has been provided by Council Infrastructure and Assets, the widened portion of the laneway will remain the Responsibility of the land owner in perpetuity. This arrangement will be secured by a condition requiring a Section 173 Agreement.

9.5. Waste, traffic, parking and loading

9.5.1 Waste

Loading and waste collection for the development is proposed via a formal loading dock at ground level managed to allow shared use by residents, retail and waste. The loading dock will be provided with a turntable to facilitate turning of service vehicles.

The access has been designed to accommodate vehicles up to 9.2 metres which is based on a compactor vehicle for waste (which is an 8.9 metre truck). Delivery

vehicles will be restricted to 8.8 metres maximum length (MRV). There is also opportunity for the use of new indented parking for loading at the site frontage.

Council's Waste Planning officer has reviewed the submitted Waste Management Plan (WMP) and have raised items which must be addressed prior to its endorsement as discussed in section 8.5 of this report.

9.5.2 Traffic, parking and loading

The applicant has confirmed that all parking spaces meet the requirements of Clause 52.06-9, or the relevant Australian Standard. However, Council's Traffic Engineers have advised that internal layout, car lifts, car parking spaces, ramps / grades / transitions and height clearances must be generally designed in accordance with Clause 52.06 or AS/NZS 2890.1:2004. A condition on any amended permit issued can require further confirmation on this.

Council's Traffic Engineers have advised that there will be increased traffic using both the north-south laneway (SM0199) and Blakeney Place as a result of this and other approved developments within the area. This is anticipated to increase the volume of right turn movements, at the intersections of these laneways with both Clarendon Street and City Road.

The right turns both into and out of these multi-lane Arterial Roads would result in significant safety concerns, as well as delays to both tram and bus movements. Accordingly, the movements both into / from City Road at SM0199, and both into / from Clarendon Street at Blakeney Place, should be restricted to a left in / left out arrangement, subject to approval from the Department of Transport (VicRoads), at the developer's expense. This may include No Right Turn signs facing both entering / exiting traffic, as well as a traffic island in City Road. It is considered that existing conditions on the permit (Conditions 19 and 20) go towards addressing this concern and DELWP acting as the Responsible Authority will be required to confirm this through formal referrals with VicRoads.

The application proposes bicycle parking and facilities in excess of the number required at Clause 52.34, as outlined above. Council's Traffic Engineers have identified that the design / dimensions of bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines. The bike racks within the indented area close to City Road should be angled, to ensure the bikes don't protrude onto the footpath. This can be addressed via a condition on any amended permit.

Council's Traffic Engineers also made the follow recommendations which can be addressed via condition:

- At least two car share and electric charging spaces should be provided on-site to meet the likely demand from this development.
- A Loading Management Plan to be prepared to clarify how loading arrangements will occur.

9.6. Environmentally Sustainable Development

Council's ESD officer have reviewed the submitted Sustainability Management Plan. Some of these measures have been considered acceptable from an ESD perspective, however, further amended to the plan are required which has been outlined in section 8.6 above.

Subject to this additional information being included in an amended Sustainability Management Plan, it is considered the development will meet the relevant ESD requirements, including those at Clause 22.19 Energy, Water and Waste Efficiency, Clause 22.23 Stormwater Management and Clause 53.18 Stormwater Management. It is considered appropriate to confirm the provision of cabling infrastructure to allow future charging points for electric vehicles to all parking spaces.

9.7. Modifications to the planning permit

The permit preamble will need to be updated to remove reference to 'serviced apartments' and include reference to the restricted recreation facility (gym).

The following additional or modified permit conditions are recommended:

- Condition 1 amended to incorporate the recommendations from Urban Design, Traffic and Land Surveying as well as reference to most recent plans.
- Condition 3 amended to include updated Section 173 Agreement requirements relating to access, maintenance and ownership of SM0199.
- Condition 7 amended to reflect latest requirements associated with the Environment Protection Act 2017.
- New Condition 8 associated with Condition 7 requirements.
- Condition 12 (formerly 11) amended to remove reference to previously considered façade strategy plans and include Urban Design items.
- New Condition 14 relating to a landscape plan.
- New Condition 15 relating to a Landscape Maintenance Plan and a Landscape Irrigation Performance Specification.
- Condition 16 (previously 14) amended to reference updated consultant report.
- Condition 18 (previously 16) amended to reflect updated ESD requirements.
- Condition 20 (previously 18) amended to include updated traffic requirements.
- New Condition 23 requiring a Road Safety Audit.
- Condition 27 (previously 24) amended to include updated WMP requirements.
- New Condition 41 on ongoing maintenance of electric vehicle infrastructure.
- New Conditions 42-45 to manage the restricted recreation facility (gym) use.
- Condition 45 (previously 38) amended to include an expiry for the permitted use.
- Additional permit notes included.

10. Conclusion

The proposed development demonstrates a compliance with relevant planning policy and will make a positive contribution to the Central City, particularly in terms of its contribution to the public realm through the widening of SM0199.

The development appropriately responds to the surrounds, improving the pedestrian experience and providing a street wall height and overall building height consistent with more recent development in the area.

11. OFFICER RECOMMENDATION

That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposed Amendment and issue of a Permit subject to the following:

- Amend the permit preamble as follows:

Demolition of the existing building and construction of a multi-storey mixed-use building, comprising dwellings, ~~serviced apartments~~, ground floor and rooftop retail premises (other than Adult sex bookshop, Department Store, Hotel and Tavern) ~~and use of the ground floor and first floor as a restricted recreational facility (gym)~~ and alteration of access to a Road Zone Category 1 in accordance with the endorsed plans.

- Amended permit conditions as shown below:

Amended Plans

1. Before the development starts, ~~excluding including~~ demolition, bulk excavation and site preparation works, amended plans must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans submitted by ~~Warren and Mahoney Architects Australia Pty Ltd dated 18 October 2021 Hayball dated 4 November 2015 and informal concept plans submitted by Hayball, dated 10 February 2016~~, but modified to show the following:
 - a) Detailed plans at a scale of 1:50 or 1:100 to demonstrate the podium details including design details utilised to define the building entry and corner, ~~details of the green wall to screen the parking levels~~, details of the canopy and the extent of its projection and any other wind mitigation measures.
 - b) Detailed plans at a scale of 1:50 or 1:100 to demonstrate the detailed design and material treatments (including lighting) at the freeway undercroft façade.
 - c) Details of wind and weather protection measures to City Road and the communal amenities area.
 - ~~d) Internal dimensions of all 'saddle-bag' window corridors leading to bedrooms increased to achieve a minimum depth-to-width ratio of 2:1, taking into account the outer edge of any roof structure if the window is to a covered balcony.~~
 - e) Removal of any 'saddle-bag' bedrooms which are located within the podium levels of buildings or any associated with 1 bedroom dwellings.
 - f) Reduce the extent of the projection to the laneway so it is fully within the title boundary.
 - g) Bicycle spaces for the retail premises employee and customers in accordance with Clause 52.34.
 - ~~h) Each balcony should have a minimum dimension of 2 metres and where possible achieve a size of 8m².~~
 - ~~i) Minimum size of 1 bedroom apartments to be at least 50m².~~

- j) Any amendments required to ensure light reflectivity from external materials and finish do not reflect more than 15% of specular visible light, to the satisfaction of the Responsible Authority;
- k) Electric vehicle charging infrastructure must be provided in the car park to the satisfaction of the Responsible Authority.
- l) Laneway SM0199 to be correctly referenced in lieu of Blakeney Place on all plans;
- m) Amendments to the canopies to ensure all comply with Council's Road Encroachment Operational Guidelines to the satisfaction of the Responsible Authority and VicRoads/ Department of Transport.
- n) Storage cages in the south eastern corner of basement 2 must be allocated to the abutting car parking spaces or a car parking spaces must be deleted or modified to provide for appropriate access;
- o) Car parking space B1.31 must be deleted or modified to provide for appropriate access into the service area associated with the basement;
- p) Car parking spaces 1.10, 4.10 and 5.10 must be deleted or modified to provide for appropriate access into the services areas on each of the podium levels;
- q) Any windows or entry points along the north western boundary of Blakeney Place (area to the rear of 65-73, Haig Street, Southbank) to be removed or amended unless legal access is obtained to the satisfaction of the Responsible Authority;
- r) Any requirement of the endorsed Sustainability Management Plan report (Condition 18) where relevant to show on plans.
- s) Any modifications to the plans as required by the amended Wind Tunnel Assessment in the corresponding condition below.
- t) Any modifications to the plans as required by the amended Traffic Report and associated 'Pre-development Traffic Impact Report' and the Probability of conflict Assessment' in the corresponding conditions below.
- u) Any modifications to the plans as required by the updated Waste Management Plan in the corresponding condition below.

Layout Not Altered

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Legal Agreement

3. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the owner of the land must enter into an agreement with the City of Melbourne, pursuant to Section 173 of the Planning and Environment Act 1987. 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. The agreement must provide for the following:

- a) The public road known by Melbourne City Council as SM0199 must be widened to at least 6 metres but the widening must remain private at all times.
- b) The widened section is to remain unobstructed to an Australian Height Datum point at least 5 metres above the road level.
- c) The owner must maintain 24 hour / 7 day unobstructed public access over the widened section of road at the owner's cost.
- d) The owner must at its own cost, construct and maintain the widening of the public road SM099 to the same standards as is reasonably required by Council for the adjoining road (SM099).
- e) Acknowledge that the owner and Council agree that:
 - The widening shall at all times remain in private ownership as part of the land for the development.
 - It is not the owner's intention to dedicate the widening as a public highway.
 - The agreement shall not vest or allow the widening to be vested in Council.
- f) Owner to maintain and keep in good repair the structure below the widened section of road at its cost and to the satisfaction of the City of Melbourne whether or not the need for maintenance or repair of the structures arose from the act, neglect or default of the owner and provide inspection rights to the City of Melbourne of the supporting structure.
- g) The agreement must be to the satisfaction of Director – City Infrastructure and the City of Melbourne's Chief Legal Counsel.

Demolition

4. Before the development starts (excluding the removal of temporary structures) the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Melbourne City Council. The agreement must provide the following:
 - a) if the land remains vacant for 6 months after completion of the demolition;
 - b) demolition or construction activity ceases for a period of 6 months; or
 - c) construction activity ceases for an aggregate of 6 months after commencement of the construction; and
 - d) the owner must construct temporary works on the land to the satisfaction of the City of Melbourne to ensure that an active street frontage and / or landscaping is provided at the main site frontages.
5. Before the construction of and temporary works start (as per above), details of the works must be submitted to and be to the satisfaction of Melbourne City Council. Temporary works may include:
 - a) The construction of temporary buildings for short-term community or commercial use. Such structures shall include the provision of an active street frontage; or

- b) Landscaping of the site or buildings and works for the purpose of public recreation and open space.

The owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses related to this agreement, including preparation, execution and registration on title.

Construction and Demolition Management Plan

- 6. Before the demolition starts, a detailed Demolition and Construction Management Plan must be submitted to and approved by Melbourne City Council (Construction Management Group). This Demolition and Construction Management Plan may be staged and is to be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
 - a) public safety, amenity and site security
 - b) operating hours, noise and vibration controls
 - c) air and dust management
 - d) stormwater and sediment control
 - e) waste and material reuse
 - f) traffic management.

Preliminary Environmental Assessment

- 7. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.

If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:

- o State the site is suitable for the use and development allowed by this permit; or
- o State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

8. All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works remaining on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Street Trees

9. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of Melbourne City Council.
10. Before the development starts, a Tree Protection Plan must be prepared by a suitably qualified and experienced Arborist and submitted to Melbourne City Council (Urban Landscapes). The Tree Protection Plan must include recommendations to ensure the viability of the street trees adjacent to the proposed development, during and after construction to the satisfaction of Melbourne City Council (Urban Landscapes).

3D Model

11. Before the development starts, ~~excluding~~ ~~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 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, before these modifications are approved.

Façade Strategy

12. ~~Concurrently with the endorsement of plans pursuant to Condition 1~~, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must ~~be generally in accordance with plans prepared by Hayball dated 6 November 2015 and informal concept plans prepared by Hayball, dated 10 February 2016 and~~ detail:

- a) A concise description by the architect of the building design concept and how the facade works to achieve this.
- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
- c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail (including the positioning of the angular concrete to ensure daylight penetration), and any special features which are important to the building's presentation.
- d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
- e) Information about how the facade will be accessed and maintained and cleaned, including planting where proposed.
- f) Example prototypes and / or precedents that demonstrate the intended design outcome indicated on the plans and perspective images to produce a high quality built outcome in accordance with the design concept.
- g) More robust, tactile materials on the lower levels to relate to human scale to the satisfaction of the Responsible Authority.
- h) Any amendments required to ensure external building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

13. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Landscaping

14. Before the development starts, excluding demolition, bulk excavation and site preparation, an amended landscape plan must be prepared and submitted to and be to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the Landscape Concept Report prepared by Tract Consultants dated 15 October 2021, but modified in accordance with the changes required under Condition 1 of this permit.

15. Prior to commencement of development, excluding demolition, bulk excavation and site preparation, a complete Landscape package, Landscape Maintenance Plan and a Landscape Irrigation Performance Specification in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty-two-week period following Practical Completion. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Wind Assessment

16. Before the development starts, ~~excluding~~ ~~including~~ demolition, bulk excavation and site preparation, an amended comprehensive wind tunnel testing and environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken which considers the implications any changes under Condition 1 of this permit and how the wind exposure on the podium roof top could be improved / mitigated. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by ~~Windtech Consultants, dated 10 August 2021~~ ~~Mel Consultants, dated October 2015~~. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on street trees to the satisfaction of the Responsible Authority.
17. The recommendations and requirements of the endorsed Wind Assessment Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development (ESD)

18. Before development commences, excluding demolition, bulk excavation and site preparation works an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and form party of this permit. The amended SMP must be generally in accordance with the SMP prepared by ADP Consulting on 20 October 2021, but modified to include or show:
 - a) Amend plans to include annotation regarding reuse connection (for toilet flushing and irrigation).

- b) Provide energy modelling to demonstrate achievement of: an average NatHERS rating of 6.5-stars (and no individual apartment less than 5.5-stars), and cooling loads <30MJ/m² as per clause 58.03.
 - c) Provide daylight modelling to support achievement of 1 point targeted under Credit 12.1.
 - d) Clarify GS credits targeted and amend pathway accordingly (i.e. GS credit 9.2 has a single point targeted but commentary stating that it will not be targeted 'due to cost implications' – and GS credit 15B2.3 claims two credits but states it is 'unachievable').
 - e) Amend plans to indicate location of electric vehicle charging to support GS credit 17B.3.
 - f) Provide further information and evidence of net zero carbon certification scheme to support innovation claim.
19. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited ESD professional. The revised statement must be endorsed by the Responsible Authority before the development starts.

Car Parking, Loading/ Unloading & Bicycle Facilities

20. Before the development starts, ~~excluding~~ ~~including~~ demolition and bulk excavation, the applicant must submit a revised traffic management report to Melbourne City Council (Engineering Services). The report must be generally in accordance with the report submitted with the planning permit application by ~~Traffic Group dated October 2021 Cardno-Victoria Pty Ltd, 21 October 2014~~, and to the satisfaction of Melbourne City Council. The revised traffic management report and plans should address:
- a) The proposed grading of the car park levels around the lift core in accordance with the requirements of Clause 52.06 of the Melbourne Planning Scheme.
 - b) ~~The internal layout, car lifts, car parking spaces, ramps / grades / transitions and height clearances must be generally designed in accordance with the Melbourne Planning Scheme and AS/NZS 2890.1:2004.~~
 - c) ~~Movements both into / from City Road at SM0199, and both into/from Clarendon Street at Blakeney Place, should be restricted to a left in / left out arrangement, subject to approval from the Department of Transport (VicRoads) and details of the associated roadworks and signage which are to be implemented at the cost of the owner.~~
 - d) ~~Loading Management Plan detailing loading arrangements.~~

21. Before the development starts, ~~excluding~~ ~~including~~ demolition and bulk excavation, the applicant must submit a Pre-development Traffic Impact Report analysing the operation of the Clarendon Street / City Road intersection and City Road / Laneway (SM0199) intersection for the post development conditions, taking into account traffic generated by nearby developments, with any mitigating measure, i.e. turn prohibitions, to be agreed to by the relevant authorities, i.e. **Department of Transport / VicRoads** and Melbourne City Council, and to be implemented at no cost to the road authorities.
22. Before the development starts, including demolition and bulk excavation, the applicant must submit a 'Probability of conflict Assessment' for the operation of Laneway (SM0199) to ensure that forecast traffic volumes taking into account traffic generated by nearby developments are adequately provided for, with any mitigating measure, to be agreed to by the relevant authorities, i.e. VicRoads and Melbourne City Council, and to be implemented at no cost to the road authorities.
23. **A formal independent Road Safety Audit must be undertaken prior to construction of the development, including assessment of internal layout, access arrangements, loading arrangements, pedestrian / bicycle access / movements within the site and in the public realm including along the widened laneway, and assessment of potential conflicts between vehicles / pedestrians / cyclists, to assess the road safety issues affecting all road users. The findings of the Audit should be incorporated into the design at the developer's expense to the satisfaction of the Responsible Authority – City Infrastructure.**
24. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.
25. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of Melbourne City Council.
26. Bicycle parking must be provided, located and appropriately signed generally in accordance with Clause 52.34 of the Melbourne Planning Scheme to the satisfaction of Melbourne City Council.

Waste Management

27. Before the development starts, ~~excluding~~ ~~including~~ demolition, bulk excavation and site preparation works, an updated Waste Management Plan must be prepared and submitted to the Responsible Authority – Waste and Recycling. **The WMP must be generally in accordance with that prepared by Leigh Design dated 18 October 2021 but modified to show / detail:**
 - a) **A diagram of the compactors, showing that openings for the bins are accessible from the front of the compactors.**
 - b) **A typical residential floor plan showing location of / access to waste management services.**

- c) Clarification as to why L1 residents may not have access to chutes on their level.
- d) A plan drawing for the rooftop café, showing location of bins and pathway to lift.
- e) Updated plan drawings to show the locked mesh fence around the compactors.
- f) Elevation drawings to ensure there is 4.5m height clearance at the loading dock entrance.
- g) Swept path diagrams from nearest main street (i.e. Clarendon Street), illustrating access to and from Blakeney Place.
- h) Further detail on how residents can safely access the residential bin store (to place large items, FOGO, charity and hard waste) without crossing the loading dock and any amendments required to this to the satisfaction of the Responsible Authority.
- i) Details on the volume of residential hard waste.
- j) Clarification and or correction to Table 2.
- k) Increase provision for organic waste:
 - a. From 7200Lpw to 8990Lpw for residential.
 - b. From 720L pw to 1023L pw for commercial.

Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Waste and Recycling.

28. All deliveries / servicing, waste storage, collection and loading and unloading of vehicles must at all times take place within the boundaries of the site. Scaled swept paths for the large waste collection vehicles must be clearly shown on plans from the entry road/laneway.

Drainage

29. Before the development starts, excluding demolition, bulk excavation and site preparation, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to, and approved, by Melbourne City Council (Engineering Services). This system must be constructed prior to the occupation of the development and provision made to connect this system to Melbourne City Council's underground stormwater drainage system.

Advertising

30. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

Building Appurtenances

31. All building plant and equipment on roofs and public thoroughfares must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.

32. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single, unobtrusive area on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.

Crossovers, Footpaths and Access

33. Before the occupation of the development starts 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 Melbourne City Council (Engineering Services).
34. Before the occupation of the development starts, the footpath adjoining the site along City Road must be reconstructed in sawn bluestone together with the associated works including the reconstruction of the kerb with 300 mm sawn bluestone and channel with 2500 mm sawn bluestone gutterstone and / or services as necessary, at the cost of the owner in accordance with plans and specifications approved by Melbourne City Council (Engineering Services).
35. Existing street levels in public roads abutting the subject site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council (Engineering Services).
36. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
37. All new portions of road known by the City of Melbourne as SM0199 must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).
38. Before the occupation of the development starts, the road adjoining the site along Blakeney Place and road known by Melbourne City Council as SM0199 must be reconstructed in sawn bluestone pitches together with the associated works including the provision of drainage, public lighting, signage and the relocation of all service pits and covers as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).

Projections

39. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).

Noise Attenuation

40. Before the development starts, excluding demolition, bulk excavation and site preparation works, an amended report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority certifying that the development has been designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority.

Electric vehicle charging infrastructure to be maintained

41. Electric vehicle charging infrastructure must be made available in accordance with the endorsed plans under Condition 1 of this permit, and be managed and maintained to the satisfaction of the Responsible Authority.

Restricted Recreation Facility (Gym)

42. The restricted recreation facility (gym) must not detrimentally affect the amenity of the area or the amenity of persons living in proximity of the site by reason of the emission of noise. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.
43. The noise generated by the restricted recreation facility (gym) must at all times comply with the requirements of the EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.
44. The activity on the site must not adversely affect the amenity of the locality by the appearance of any building, works or materials, emissions from the premises or in any other way.
45. No loudspeaker, amplifier, relay or other audio equipment must be installed or used outside the building to the satisfaction of the Responsible Authority.

Expiry of the Permit

46. This permit will expire if one of the following circumstance apply:
 - a) the development is not started within three (3) years of the date of this permit; or

- b) the development is not completed within five (5) years of the date of this permit and/or
- c) **The use is not commenced within five (5) years of the date of this permit.**

Pursuant to Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

Additional notes to be included on any amended permit

- **Prior to occupation, Council Lane Known as SM0199 must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the Development.**
- **Any proposed road name must comply with the Guidelines for Geographic Names 2010, and the Geographic Place Names Act 1998.**
- **The subject land does not currently benefit from a light and air right over the abutting West Gate Freeway Reserve. Any proposed entrances, openings and windows along the Road Reserve may require VicRoads/ Department of Transport consent and or appropriate easements may need to be created over the Road Reserve in favour of the subject land to protect rights of entry, access, light and ventilation.**
- **Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands & access requirements. As this development increases residential density, the residents/visitors occupying this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions.**
- **Melbourne Planning Scheme Amendment C384 has been prepared and authorised. The Amendment applies the updated Land Subject to Inundation Overlay (LSIO3) to the subject site. It is recommended you consult with Melbourne Water to ensure Building Permit requirements / potential future planning permit requirements (i.e. finished floor levels) are considered prior to the commencement of any demolition or works.**