

APPLICATION FOR PLANNING PERMIT : TP-2012-617
261-275 ABBOTSFORD STREET AND 135-139 ARDEN STREET, NORTH
MELBOURNE

2 July 2013

Presenter: Martin Williams, Executive Officer Planning

Purpose and background

1. This application is presented to the Future Melbourne Committee at the request of Councillor Wood.
2. The purpose of this report is to advise the Committee of an application to demolish existing buildings and construct two four-storey residential buildings at 261-275 Abbotsford Street and 135-139 Arden Street, North Melbourne (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed Plans). The proposal contains 57 dwellings, a small shop/office and 60 car parking spaces.
3. The subject site is located on the south western corner of Abbotsford and Arden streets. It is approximately 2014 square metres in area.
4. The site is located in a Mixed Use Zone (MUZ) and is affected by Heritage Overlay (HO3 – North and West Melbourne Precinct, Design and Development Overlay 32 (DDO32) – 14 mandatory height control and DDO26 – Noise Attenuation.
5. Public notification of the application was sent to the owners and occupiers of surrounding properties on 18 September 2012. Four public notices were also placed on site from 8 October 2012 for 14 days.
6. Six objections were received in response to the notification. The primary concerns of objectors relate to the scale and design detailing of the building, demolition of a D graded heritage building, and the proposal's impact on the amenity of an adjoining dwelling.
7. Following receipt of these objections the applicant amended the proposal by reducing the height and increasing setbacks from the adjoining dwelling, and also altering the design detail in response to objector concerns, as well as comments from the City of Melbourne's Heritage Advisor and Urban Designer. These plans did not result in any increase in detriment and so were not readvertised but were discussed with the immediately adjoining neighbour.

Key issues

8. The key issues for consideration are overlooking of the only immediately adjoining dwelling and overshadowing of solar features on the roof of this same dwelling.
9. The amended plans seek to prevent all overlooking and give unimpeded solar access to the neighbour's rooftop solar features between 9am and 3pm on the equinox (22 September).

Recommendation from management

10. That the Future Melbourne Committee issue a Notice of Decision to Grant a Permit subject to the conditions included in the delegate's report (refer Attachment 4 - Delegate's Report).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate's Report

SUPPORTING ATTACHMENT

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the Responsible Authority must give the applicant and each objector a notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The Responsible Authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the Tribunal for a review of the decision or, if an application for review is made, until the application is determined by the Tribunal or withdrawn.
3. In making its decision, section 60(1)(c) of the Act requires the Responsible Authority to consider, amongst other things, all objections and other submissions which it has received.

Finance

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

Conflict of interest

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

Stakeholder consultation

6. Formal notification (advertising of the planning application) was carried out for the application. In response to objections the applicant formally amended the application plans.

Relation to Council policy

7. Relevant Council policies are discussed in the attached officer report (refer Attachment 4).

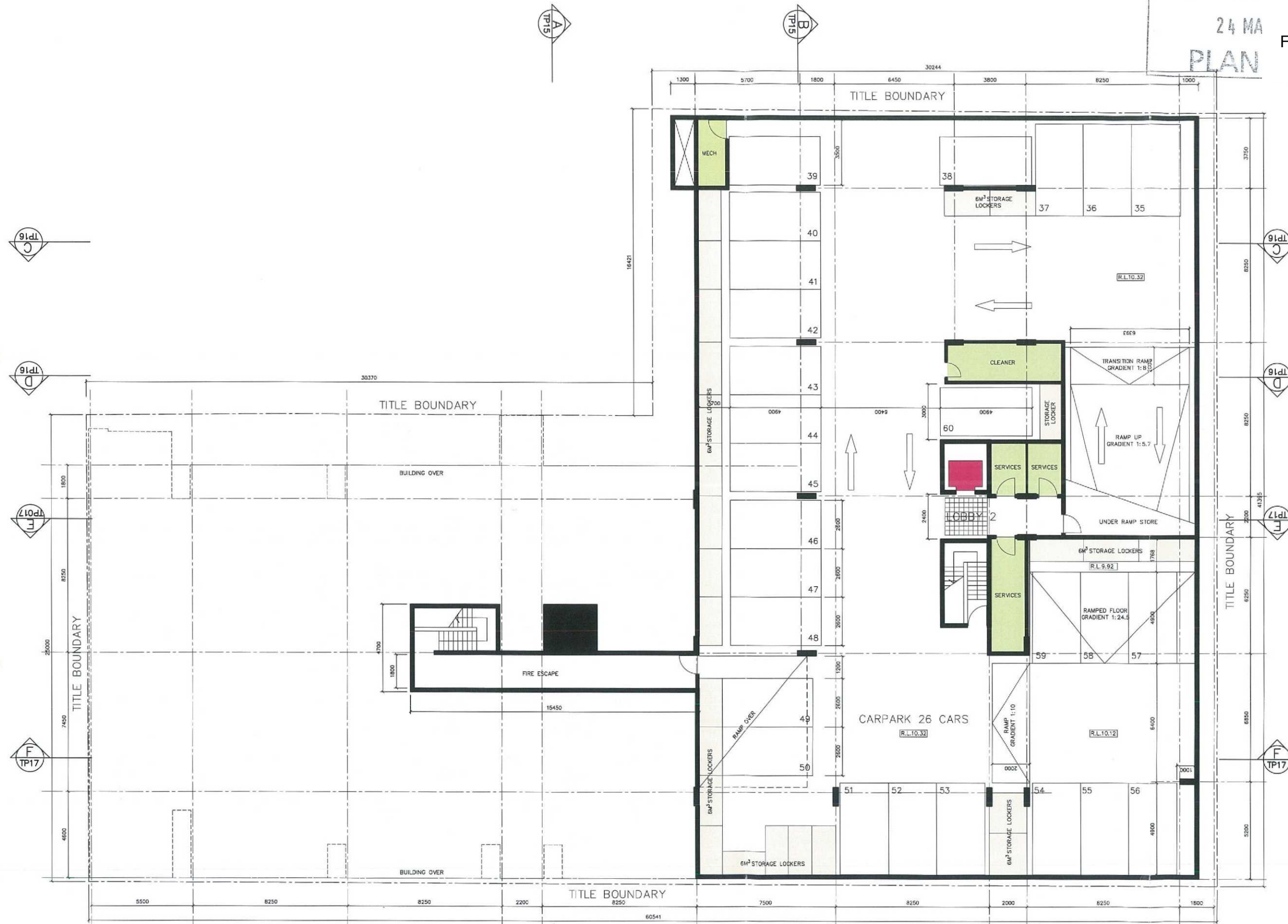
Environmental sustainability

8. Environmental sustainability is discussed in the attached officer report (refer Attachment 4).

Page 3 of 37
Locality Plan:

261-275 Abbotsford Street and 135-139 Arden Street, North Melbourne





The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

AREA SUMMARY

LEVEL DESCRIPTION	NO.	NETT SQM	TOT SQM	TOTAL SQM
BASEMENT 2 CARPARK				
0.02 CAR SPACES	26	813.7		330.0
MOTORBIKE SPACES	-			
BICYCLE LOCKERS	-			
STORAGE @ 87APT	25			88.0
SERVICES/LIFT CORE				81.0
CIRCULATION				855.0
TOTAL				1,382.0
FULLY ENC COVERED AREA				1,382.0

LEGEND

- LANDSCAPE
- SERVICE AREA
- APARTMENT AREA

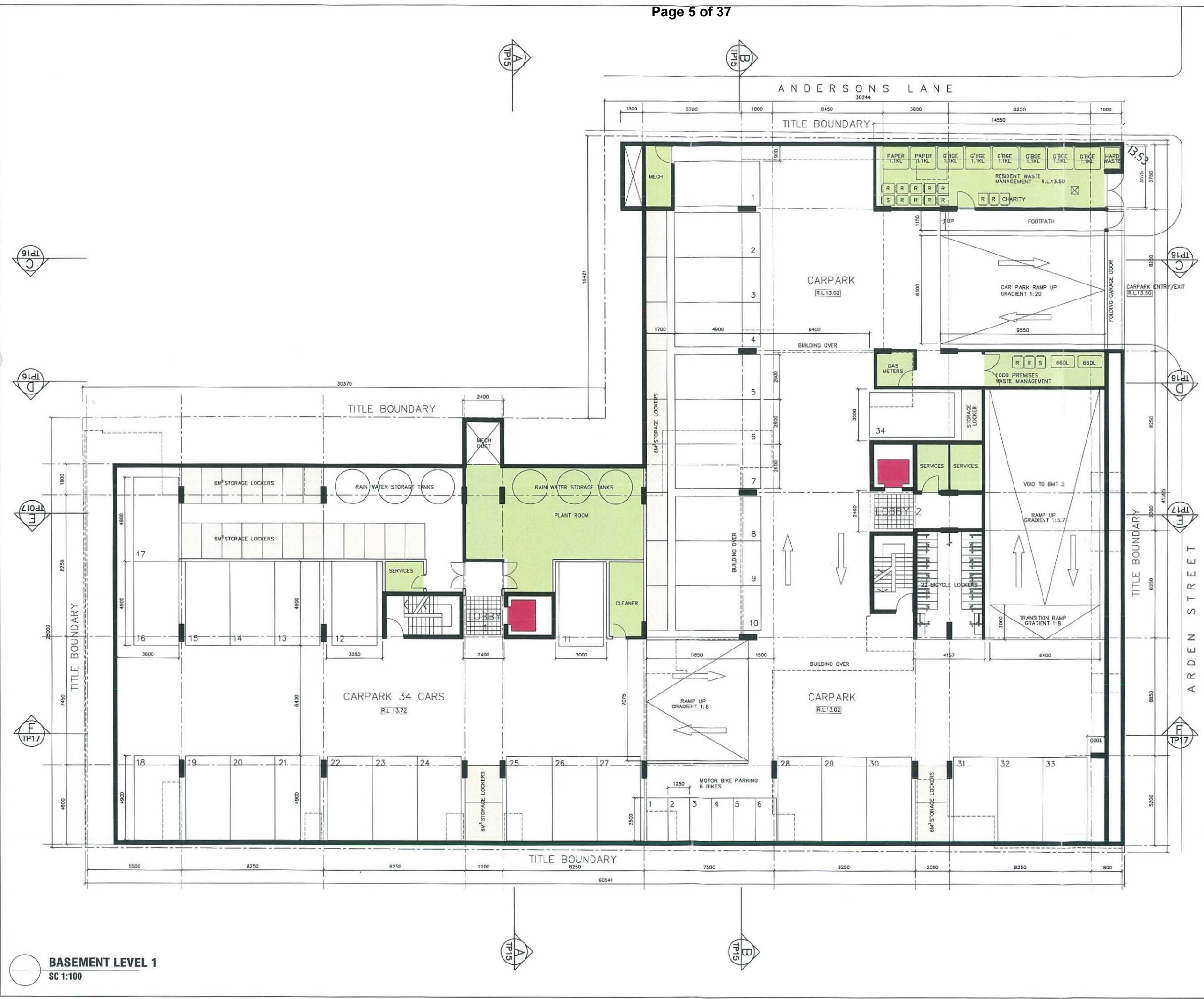
Project
PROPOSED APARTMENT DEVELOPMENT
 261-275 ABBOTSFORD &
 135-139 ARDEN STREETS
 NORTH MELBOURNE

Title
BASEMENT LEVEL 2 PLAN

Drawn by WG
 Approved by
 Date 14 02 2012
 Scale 1:100
 Project number 06 12 08
 Drawing number

TP06

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Amendments

Revisions	Date	Description	Drawn	Approved
A -		BICYCLE LOCKERS REVISED -		04/13

The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

AREA SUMMARY

LEVEL DESCRIPTION	NO.	NETT SQ.M	G.CE SQ.M	TOTAL SQ.M
BASEMENT 1 CARPARK				
B.02 CAR SPACES	34	612.7		612.0
MOTORBIKE SPACES	6	63.1		18.0
BICYCLE LOCKERS	22	25.0		25.0
STORAGE @ 67APT	33			98.0
SERVICES/LIFT CORE				158.0
CIRCULATION				1,820.0
TOTAL				1,830.0
FULLY ENC COVERED AREA				1,830.0

LEGEND

	LANDSCAPE
	SERVICE AREA
	APARTMENT AREA

DEVELOPMENT
 24 MAY 2013
PLANNING

Project
PROPOSED APARTMENT DEVELOPMENT
 261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

Title
BASEMENT LEVEL 1 PLAN

Drawn by WC
 Approved by
 Date 14 02 2012
 Scale 1:100
 Project number 05 12 08
 Drawing number

TP07-A

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BASEMENT LEVEL 1
 SC 1:100



Amendments

Revisions	Date	Description	Drawn	Approved
A	-	EXTERIOR FINISHES, ADDITIONAL LANDSCAPING & TENANCY REVISED	-	04/13

The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

AREA SUMMARY

LEVEL	DESCRIPTION	NETT SQM	GRC SQM	TOTAL SQM
GROUND FLOOR				
G.01	SHOP/OFFICE TENANCY	82.0	10.0	92.0
G.02	2 BED APARTMENT A	69.0	4.4	73.4
G.03	2 BED APARTMENT C	69.0	20.2	89.2
G.04	2 BED APARTMENT D	74.4	27.4	101.8
G.05	2 BED APARTMENT E	74.5	7.3	81.8
G.06	2 BED APARTMENT A	69.0	15.0	84.0
G.07	2 BED APARTMENT A	69.0	6.8	75.8
G.08	2 BED APARTMENT A	69.0	6.8	75.8
G.09	1 BED APARTMENT B	47.0	7.8	54.8
G.10	1 BED APARTMENT B	47.0	7.8	54.8
G.11	1 BED APARTMENT B	47.0	7.8	54.8
G.12	2 BED APARTMENT A	69.0	17.8	86.8
G.13	2 BED APARTMENT D	58.5	21.0	79.5
G.14	2 BED APARTMENT E	58.5	21.0	79.5
G.15	1 BED APARTMENT A	50.0	13.7	63.7
	SM TOTALS	881.6	161.9	1,043.5
	PLANT/STAIR CORE			84.7
	ORIGINATION			182.8
	TOTAL			1,309.0
	LANDSCAPED AREA			216.2
	FULLY ENC COVERED AREA			1,092.8

LEGEND

- LANDSCAPE
- SERVICE AREA
- APARTMENT AREA

DEVELOPMENT

24 MAY 2013

PLANNING

Project
PROPOSED APARTMENT DEVELOPMENT
 261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

Title
GROUND FLOOR PLAN

Drawn by: WG
 Approved by:
 Date: 14 02 2012
 Scale: 1:100
 Project number: 10 12 15
 Drawing number:
TP08-A

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GROUND FLOOR
 SC 1:100



Amendments

Revisions	Date	Description	Drawn	Approved

The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

LA RCE AN S U M M A R Y

LEVEL	DESCRIPTION	NETT SQM	GCE SQM	TOTAL SQM
FIRST FLOOR				
1.01	2 BED APARTMENT G	76.3	13.0	89.3
1.02	2 BED APARTMENT A	69.1	6.8	75.9
1.03	2 BED APARTMENT A	69.6	6.8	76.4
1.04	2 BED APARTMENT A	69.6	6.8	76.4
1.05	1 BED APARTMENT D	63.8	6.7	70.5
1.06	2 BED APARTMENT A	69.6	6.8	76.4
1.07	2 BED APARTMENT F	69.6	7.2	76.8
1.08	2 BED APARTMENT A	69.6	10.4	80.0
1.09	2 BED APARTMENT A	69.1	6.8	75.9
1.10	2 BED APARTMENT A	69.6	6.8	76.4
1.11	1 BED APARTMENT B	47.0	7.8	54.8
1.12	1 BED APARTMENT A	50.0	7.8	57.8
1.13	2 BED APARTMENT A	69.6	6.8	76.4
1.14	2 BED APARTMENT C	63.6	6.8	70.4
1.15	2 BED APARTMENT C	63.6	6.8	70.4
1.16	1 BED APARTMENT C	50.0	10.2	60.2
SUB TOTALS		1,039.7	126.1	1,165.8
PLANT/LIFT CORE				54.0
CIRCULATION				133.0
TOTAL				1,352.8
FULLY ENC COVERED AREA				1,377.6

LEGEND

- LANDSCAPE
- SERVICE AREA
- APARTMENT AREA

DEVELOPMENT

24 MAY 2013

PLANNING

Project
PROPOSED APARTMENT DEVELOPMENT
 261-275 ABBOTSFORD &
 135-139 ARDEN STREETS
 NORTH MELBOURNE

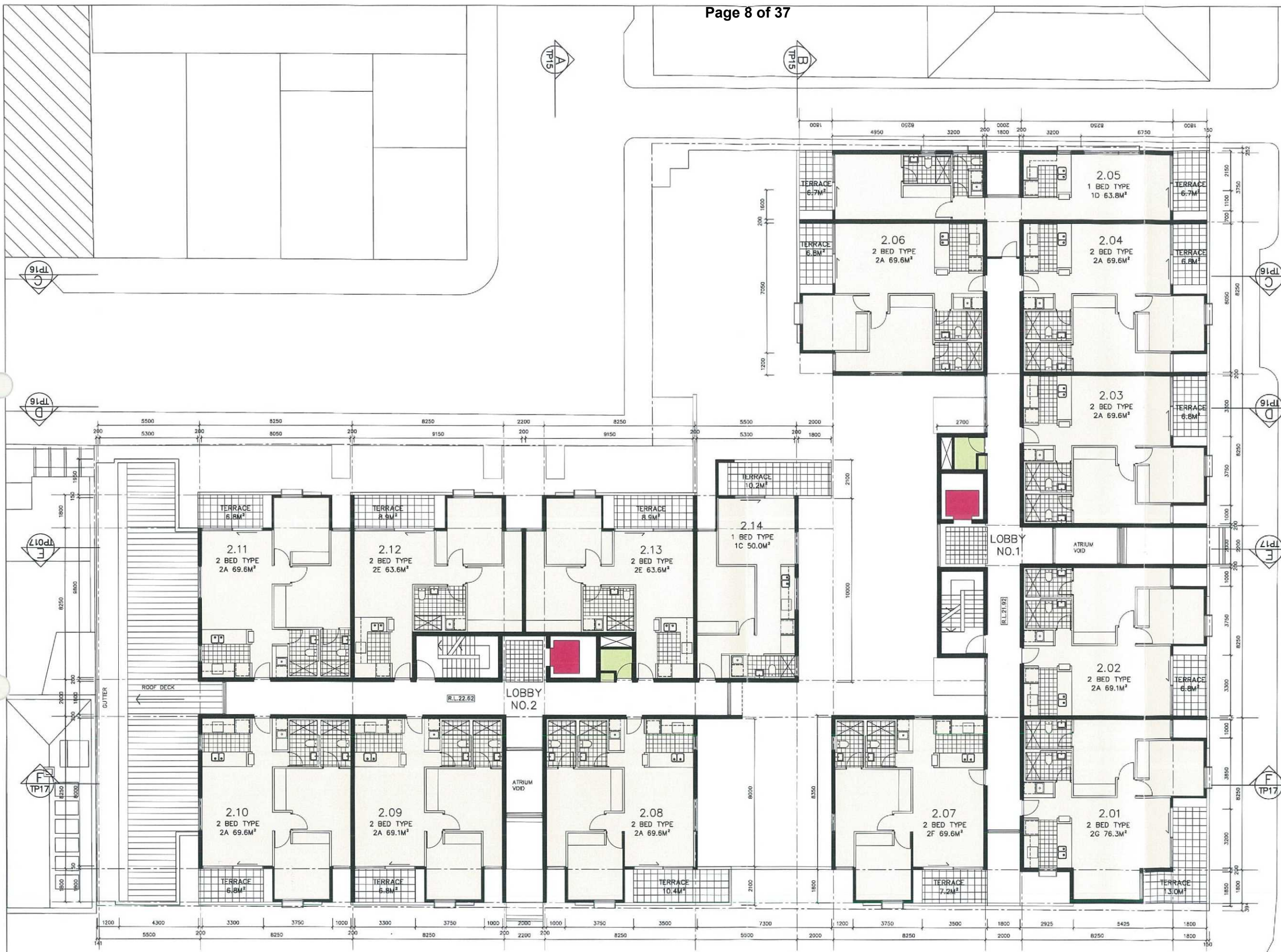
Title
FIRST FLOOR PLAN

Drawn by WC
 Approved by
 Date 14 02 2012
 Scale 1:100
 Project number 06 12 08

Drawing number
TP09

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FIRST FLOOR PLAN
 SC 1:100



Amendments

Revisions	Date	Description	Drawn	Approved
A		ROOF PLAN REVISED		04/13

The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

AREA SUMMARY

LEVEL	DESCRIPTION	NETT SQM	TOT SQM	TOTAL SQM
SECOND FLOOR				
2.01	2 BED APARTMENT G	76.3	13.0	89.3
2.02	2 BED APARTMENT A	69.1	6.8	75.9
2.03	2 BED APARTMENT A	69.6	6.8	76.4
2.04	2 BED APARTMENT A	69.6	6.8	76.4
2.05	1 BED APARTMENT D	63.8	6.7	70.5
2.06	2 BED APARTMENT A	69.6	6.8	76.4
2.07	2 BED APARTMENT F	69.6	7.2	76.8
2.08	2 BED APARTMENT A	69.6	10.4	80.0
2.09	2 BED APARTMENT A	69.1	6.8	75.9
2.10	2 BED APARTMENT A	69.6	6.8	76.4
2.11	2 BED APARTMENT A	69.6	6.8	76.4
2.12	2 BED APARTMENT E	63.6	6.8	70.4
2.13	2 BED APARTMENT E	63.6	6.8	70.4
2.14	1 BED APARTMENT C	50.0	10.2	60.2
SUB TOTALS		842.7	112.8	1,055.5
PLANT/STAIR CORE				54.9
CIRCULATION				128.9
TOTAL				1,239.3
FULLY ENCL. COVERED AREA				1,232.5

LEGEND

- LANDSCAPE
- SERVICE AREA
- APARTMENT AREA

DEVELOPMENT
24 MAY 2013
PLANNING

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

Title
SECOND FLOOR PLAN

Drawn by: WG
Approved by:
Date: 14 02 2012
Scale: 1:100
Project number: 05 12 08
Drawing number:

TP10-A

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SECOND FLOOR PLAN
SC 1:100



Amendments

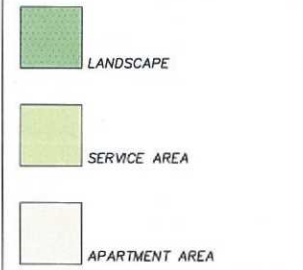
Revisors	Date	Description	Drawn	Approved
A	-	APTS 3.09 & 3.10 & ROOF REVISED	-	04/13

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AREA SUMMARY

LEVEL	DESCRIPTION	NETT SQM	TOT SQM	TOTAL SQM
THIRD FLOOR				
3.01	2 BED APARTMENT G	76.3	13.0	89.3
3.02	2 BED APARTMENT A	69.1	6.8	75.9
3.03	2 BED APARTMENT A	69.6	6.8	76.4
3.04	3 BED APARTMENT A	82.8	30.0	112.8
3.05	3 BED APARTMENT A	82.8	30.0	112.8
3.06	2 BED APARTMENT F	69.6	7.2	76.8
3.07	2 BED APARTMENT A	69.6	10.4	80.0
3.08	2 BED APARTMENT A	69.6	6.8	76.4
3.09	1 BED APARTMENT E	53.8	21.7	75.5
3.10	1 BED APARTMENT E	53.8	21.7	75.5
3.11	2 BED APARTMENT C	63.6	6.8	70.4
3.12	2 BED APARTMENT E	63.6	6.8	70.4
3.13	1 BED APARTMENT C	50.0	10.0	60.0
SUB TOTALS		874.4	184.4	1,058.8
PLANT/LET CORE				54
CIRCULATION				132.0
TOTAL				1,244.8
FULLY ENC COVERED AREA				1,188.2

LEGEND



DEVELOPMENT
24 MAY 2013
PLANNING

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

Title
THIRD FLOOR PLAN

Drawn by WC
Approved by
Date 14 02 2012
Scale 1:100
Project number 06 12 08
Drawing number

TP11-A

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THIRD FLOOR PLAN
SC 1:100



Amendments

Revisions	Date	Description	Drawn	Approved
A	-	SOUTH ROOF PLAN	REVISED	-
				04/13

The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

AREA SUMMARY

LEVEL	DESCRIPTION	NETT SQM	TOT SQM	TOTAL SQM
ROOF	SERVICES/LIFT CORE	38.0	-	37.0
	CIRCULATION	18.0	-	
LMR/2	SERVICES/LIFT CORE	38.0	-	37.0
	CIRCULATION	18.0	-	
	SUB TOTALS	92.0		114.0
	GROSS AREA			114.0
	FULLY ENCL COVERED AREA			114.0

LEGEND

- LANDSCAPE
- SERVICE AREA
- APARTMENT AREA

DEVELOPMENT
24 MAY 2013
PLANNING



Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

Title
ROOF PLANT ROOM PLAN

Drawn by WG
Approved by
Date 14 02 2012
Scale 1:100
Project number 06 12 08
Drawing number

TP12-A

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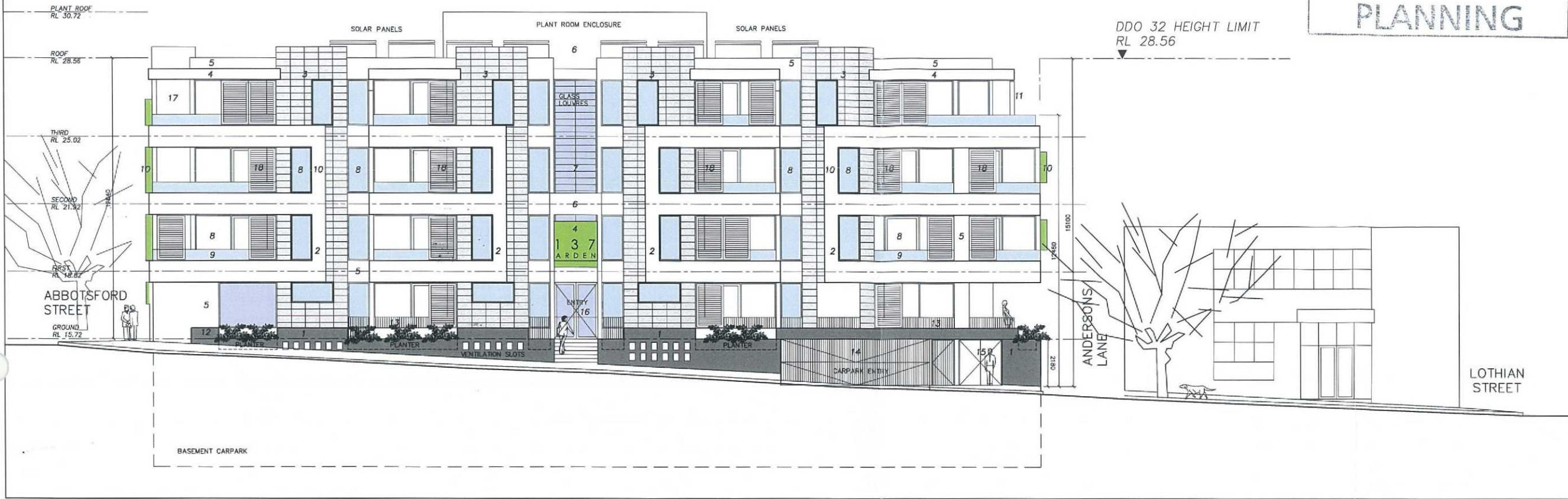
ROOF PLANT ROOM PLAN
SC 1:100

DEVELOPMENT
24 MAY 2013
PLANNING

Amendments		
Revisions	Date	Description
A	-	EXTERIOR FINISHES REVISED -
B	-	FACADE & FINISHES REVISED -

The contractor shall check all dimensions on site and refer any discrepancies to the architect for a decision prior to the commencement of work. Do not scale drawings. This drawing is protected by copyright.

- LEGEND**
- 1 GLAZED MANGANESE BRICK VENEER CLADDING
 - 2 TEXTURED PROFILED, OFF-WHITE PRE CAST CONCRETE
 - 3 BLUESTONE PANEL CLADDING NATURAL FINISH
 - 4 NATURAL ALUMINIUM COMPOSITE PANEL FASCIA
 - 5 OFF-WHITE ACRATEX RENDER TO PRECAST CONCRETE PANELS
 - 6 TEXTURED PROFILED, CHARCOAL PRE CAST CONCRETE
 - 7 PATTERNED GREEN GLASS ADJUSTABLE LOUVRES
 - 8 GREEN LOW E INSULATED GLASS WITH CHARCOAL ALUM. FRAMES
 - 9 GREEN GLASS BALUSTRADE
 - 10 PROTRUDING ALUMINIUM SUNSHADES
 - 11 VERTICAL NATURAL ALUM. SUNSHADE LOUVRES
 - 12 CLEAR GLASS SHOPFRONT
 - 13 CHARCOAL METAL BALUSTRADE
 - 14 CHARCOAL METAL FOLD UP CARPARK GARAGE DOOR
 - 15 CHARCOAL METAL CLAD SERVICE ROOM DOORS
 - 16 CLEAR GLASS ENTRY DOORS CHARCOAL ALUM FRAMES
 - 17 TERRA COTTA PANEL CLADDING NATURAL FINISH
 - 18 SLIDING TIMBER SUNSCREENS NATURAL FINISH



NORTH ELEVATION
SC 1:100



EAST ELEVATION
SC 1:100

APARTMENT AREA

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ARCHITECTS

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS
NORTH MELBOURNE

Title
ELEVATIONS

Drawn by WC Checked by

Approved by

Date 14 02 2012

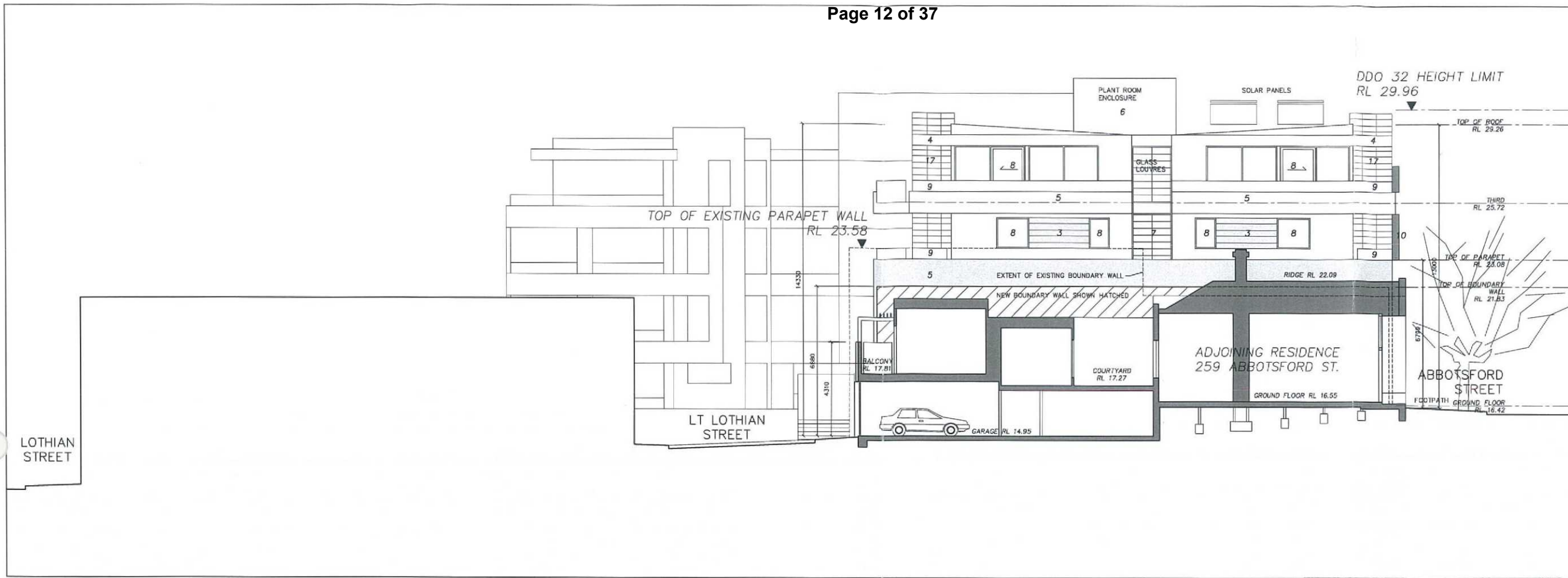
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Project number 06 12 08

Drawing number

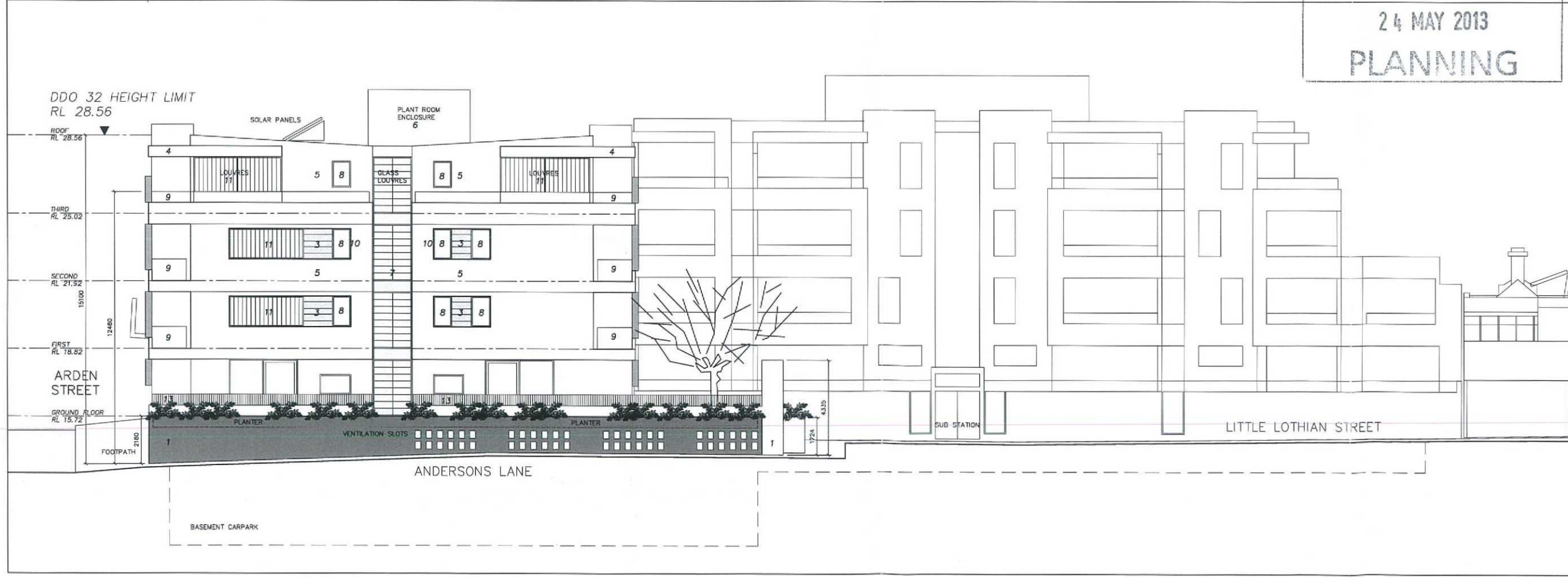
TP14-B

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SOUTH ELEVATION
SC 1:100

DEVELOPMENT
24 MAY 2013
PLANNING



WEST ELEVATION
SC 1:100

Revisions	Date	Description	Drawn	Approved
A	06/12	EXTERIOR FINISHES REVISED		
B	11/12	ADJOINING PROPERTY UPDATED		
C	04/13	ELEVATIONS AMENDED, PODIUM HEIGHT & TREATMENT REVISED		

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- LEGEND**
- GLAZED MANGANESE BRICK VENEER CLADDING
 - TEXTURED PROFILED, OFF-WHITE PRE CAST CONCRETE
 - BLUESTONE PANEL CLADDING NATURAL FINISH
 - NATURAL ALUMINIUM COMPOSITE PANEL FASCIA
 - OFF-WHITE ACRATEX RENDER TO PRECAST CONCRETE PANELS
 - TEXTURED PROFILED, CHARCOAL PRE CAST CONCRETE
 - PATTERNED GREEN GLASS ADJUSTABLE LOUVRES
 - GREEN LOW E INSULATED GLASS WITH CHARCOAL ALUM. FRAMES
 - GREEN GLASS BALUSTRADE
 - PROTRUDING ALUMINIUM SUNSHADES
 - VERTICAL NATURAL ALUM. SUNSHADE LOUVRES
 - CLEAR GLASS SHOPFRONT
 - CHARCOAL METAL BALUSTRADE
 - CHARCOAL METAL FOLD UP CARPARK GARAGE DOOR
 - CHARCOAL METAL CLAD SERVICE ROOM DOORS
 - CLEAR GLASS ENTRY DOORS CHARCOAL ALUM FRAMES
 - TERRA COTTA PANEL CLADDING NATURAL FINISH
 - SLIDING TIMBER SUNSCREENS NATURAL FINISH

APARTMENT AREA

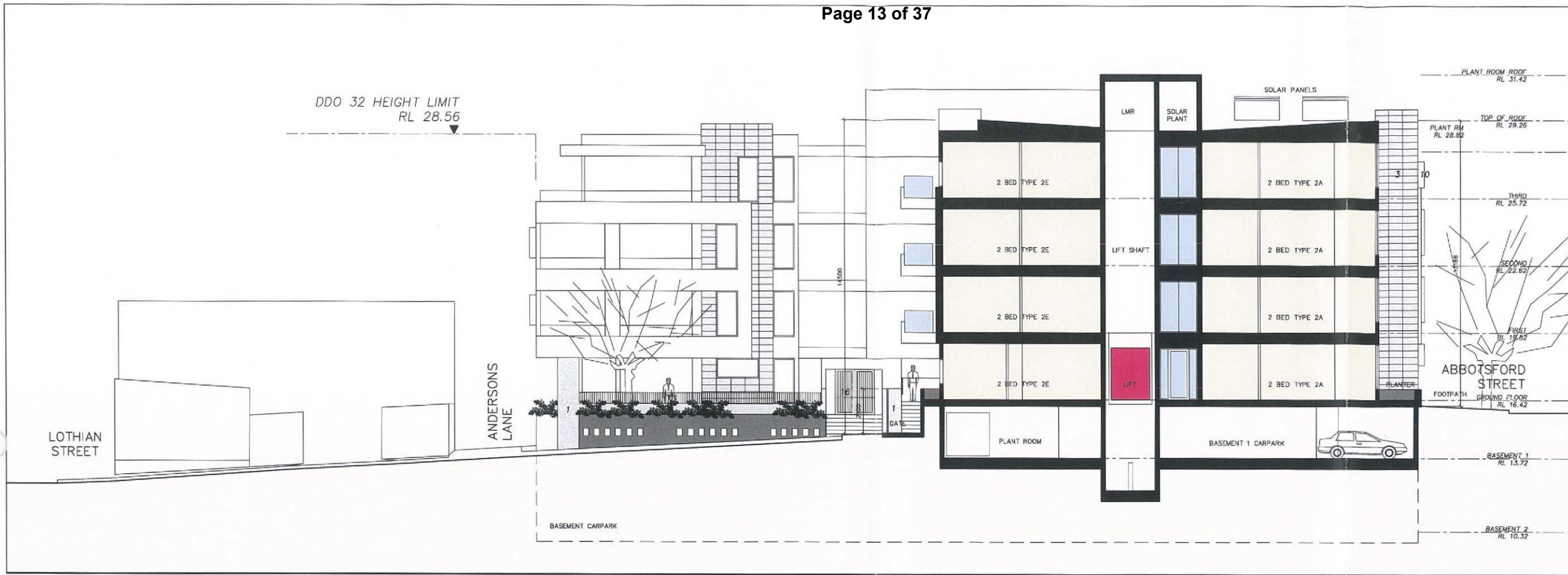
CURNOW FREYVERTS GLOVER
ARCHITECTS

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

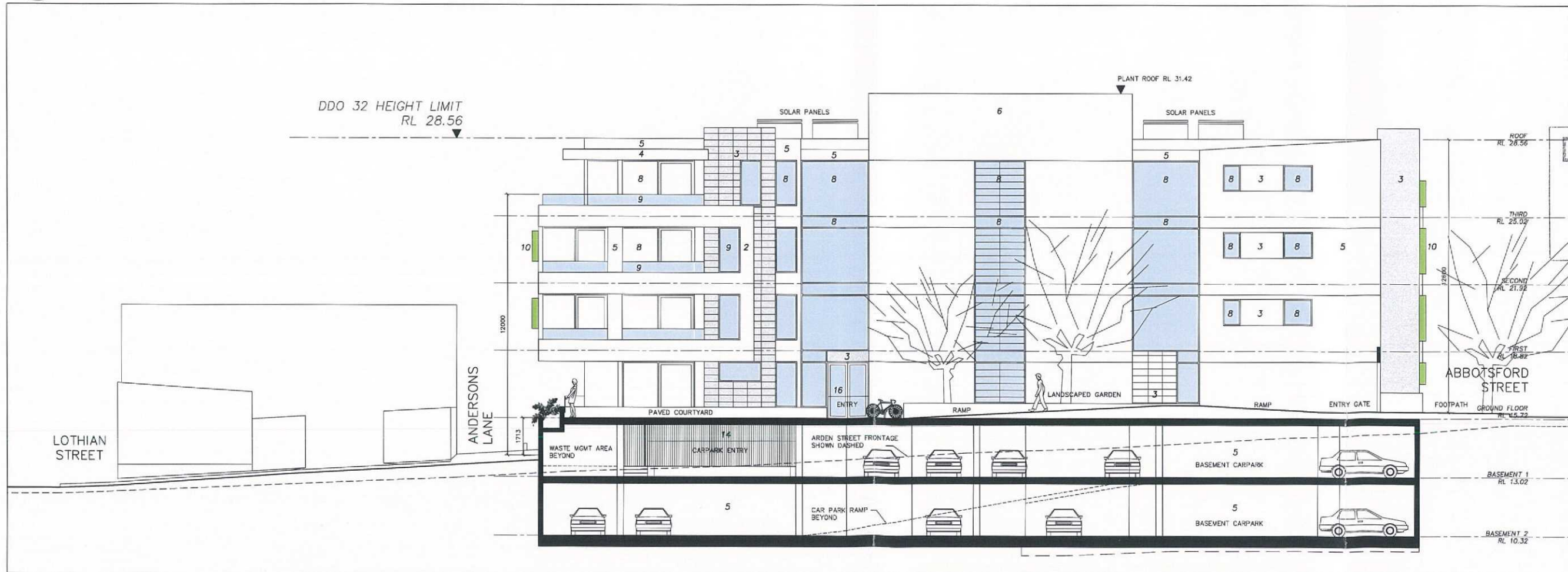
Title
ELEVATIONS

Drawn by **WG** Checked by
Approved by
Date **14 02 2012**
Scale **1:100**
Project number **06 12 08**

Drawing number
TP15-C
CURNOW FREYVERTS GLOVER PTY. LTD. ARCHITECTS
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SECTION A-A
SC 1:100



SECTION B-B
SC 1:100

Revisions	Date	Description	Drawn	Approved
A	08/12	EXTERIOR FINISHES REVISED		
B	04/13	ELEVATIONS REVISED		

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- LEGEND**
- GLAZED MANGANESE BRICK VENEER CLADDING
 - TEXTURED PROFILED, OFF-WHITE PRE CAST CONCRETE
 - BLUESTONE PANEL CLADDING NATURAL FINISH
 - NATURAL ALUMINIUM COMPOSITE PANEL FASCIA
 - OFF-WHITE ACRATEX RENDER TO PRECAST CONCRETE PANELS
 - TEXTURED PROFILED, CHARCOAL PRE CAST CONCRETE
 - PATTERNED GREEN GLASS ADJUSTABLE LOUVRES
 - GREEN LOW E INSULATED GLASS WITH CHARCOAL ALUM. FRAMES
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 - TERRA COTTA PANEL CLADDING NATURAL FINISH
 - SLIDING TIMBER SUNSCREENS NATURAL FINISH

DEVELOPMENT
24 MAY 2013
PLANNING
CURNOW FREYVERTS GLOVER ARCHITECTS

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

Title
SECTIONS
Drawn by WG Checked by
Approved by
Date 14 02 2012
Scale 1:100
Project number 06 12 08
Drawing number

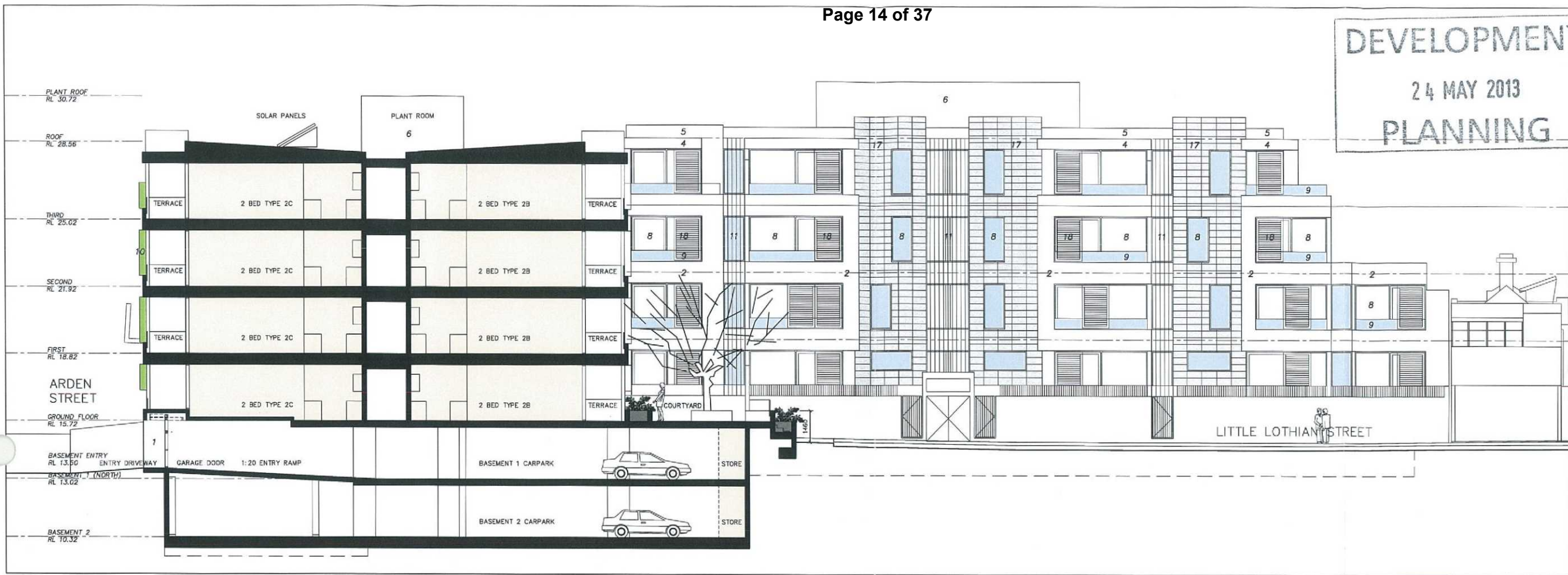
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DEVELOPMENT
24 MAY 2013
PLANNING

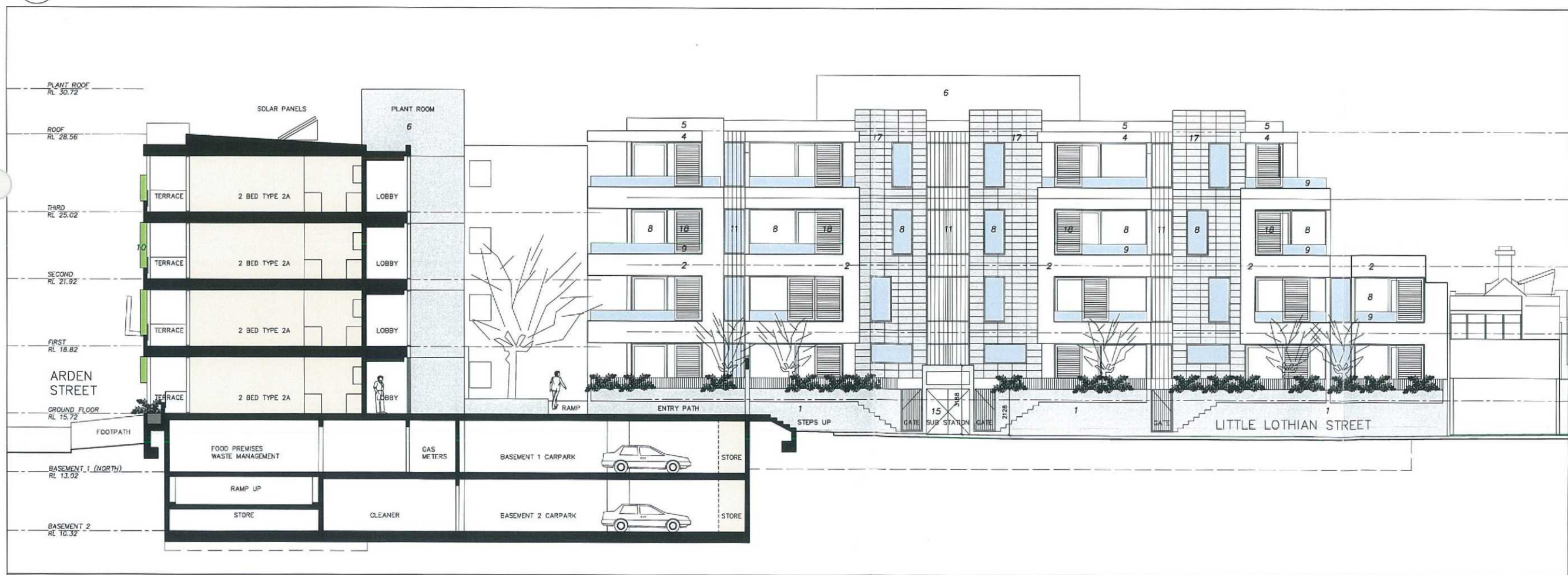
Revisions	Date	Description	Drawn	Approved
A	08/12	EXTERIOR FINISHES REVISED		
B	04/13	ELEVATIONS REVISED		

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- LEGEND**
- GLAZED MANGANESE BRICK VENEER CLADDING
 - TEXTURED PROFILED, OFF-WHITE PRE CAST CONCRETE
 - BLUESTONE PANEL CLADDING NATURAL FINISH
 - NATURAL ALUMINIUM COMPOSITE PANEL FASCIA
 - OFF-WHITE ACRATEX RENDER TO PRECAST CONCRETE PANELS
 - TEXTURED PROFILED, CHARCOAL PRE CAST CONCRETE
 - PATTERNED GREEN GLASS ADJUSTABLE LOUVRES
 - GREEN LOW E INSULATED GLASS WITH CHARCOAL ALUM. FRAMES
 - GREEN GLASS BALUSTRADE
 - PROTRUDING ALUMINIUM SUNSHADES
 - VERTICAL NATURAL ALUM. SUNSHADE LOUVRES
 - CLEAR GLASS SHOPFRONT
 - CHARCOAL METAL BALUSTRADE
 - CHARCOAL METAL FOLD UP CARPARK GARAGE DOOR
 - CHARCOAL METAL CLAD SERVICE ROOM DOORS
 - CLEAR GLASS ENTRY DOORS CHARCOAL ALUM. FRAMES
 - TERRA COTTA PANEL CLADDING NATURAL FINISH
 - SLIDING TIMBER SUNSCREENS NATURAL FINISH



SECTION C-C
SC 1:100



SECTION D-D
SC 1:100

APARTMENT AREA

CURNOW FREYVERTS GLOVER
ARCHITECTS

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS
NORTH MELBOURNE

Title
SECTIONS

Drawn by WG Checked by
Approved by
Date 14 02 2012
Scale 1:100
Project number 06 12 08
Drawing number

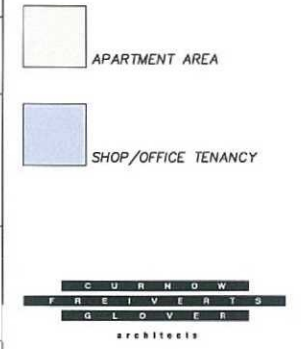
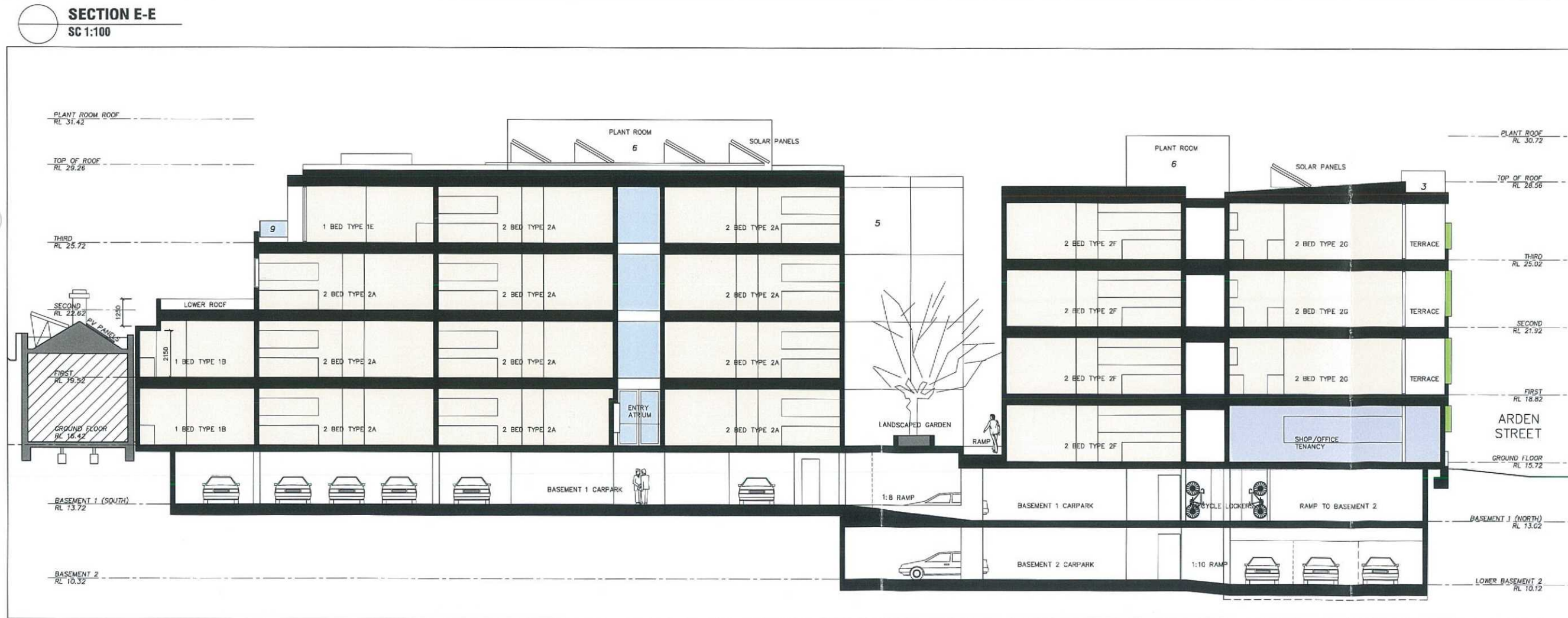
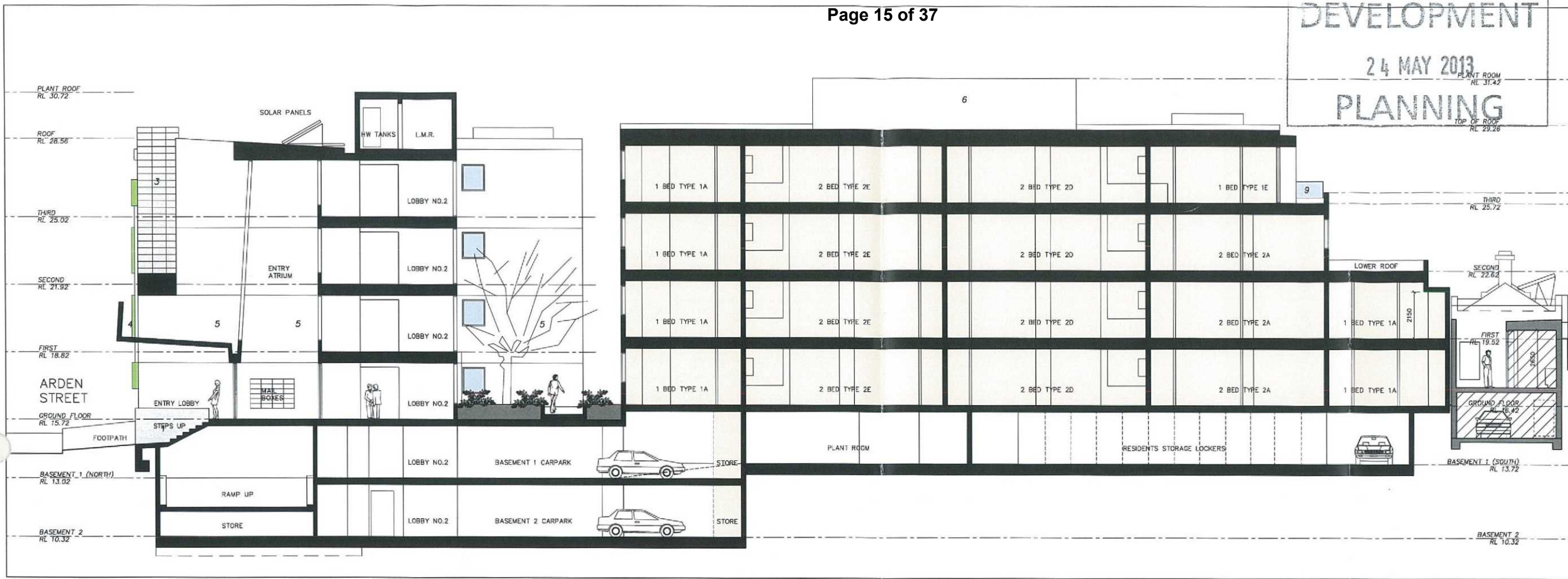
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DEVELOPMENT
24 MAY 2013
PLANNING

Revisions	Date	Description	Drawn	Approved
A	-	EXTERIOR FINISHES REVISED	-	08/12
B	-	SOUTH BUILDING SETBACK REVISED	-	04/13

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- LEGEND**
- 1 GLAZED MANGANESE BRICK VENEER CLADDING
 - 2 TEXTURED PROFILED, OFF-WHITE PRE CAST CONCRETE
 - 3 BLUESTONE PANEL CLADDING NATURAL FINISH
 - 4 NATURAL ALUMINIUM COMPOSITE PANEL FASCIA
 - 5 OFF-WHITE ACRATEX RENDER TO PRECAST CONCRETE PANELS
 - 6 TEXTURED PROFILED, CHARCOAL PRE CAST CONCRETE
 - 7 PATTERNED GREEN GLASS ADJUSTABLE LOUVRES
 - 8 GREEN LOW E INSULATED GLASS WITH CHARCOAL ALUM. FRAMES
 - 9 GREEN GLASS BALUSTRADE
 - 10 PROTRUDING ALUMINIUM SUNSHADES
 - 11 VERTICAL NATURAL ALUM. SUNSHADE LOUVRES
 - 12 CLEAR GLASS SHOPFRONT
 - 13 CHARCOAL METAL BALUSTRADE
 - 14 CHARCOAL METAL FOLD UP CARPARK GARAGE DOOR
 - 15 CHARCOAL METAL CLAD SERVICE ROOM DOORS
 - 16 CLEAR GLASS ENTRY DOORS CHARCOAL ALUM FRAMES
 - 17 TERRA COTTA PANEL CLADDING NATURAL FINISH
 - 18 SLIDING TIMBER SUNSCREENS NATURAL FINISH

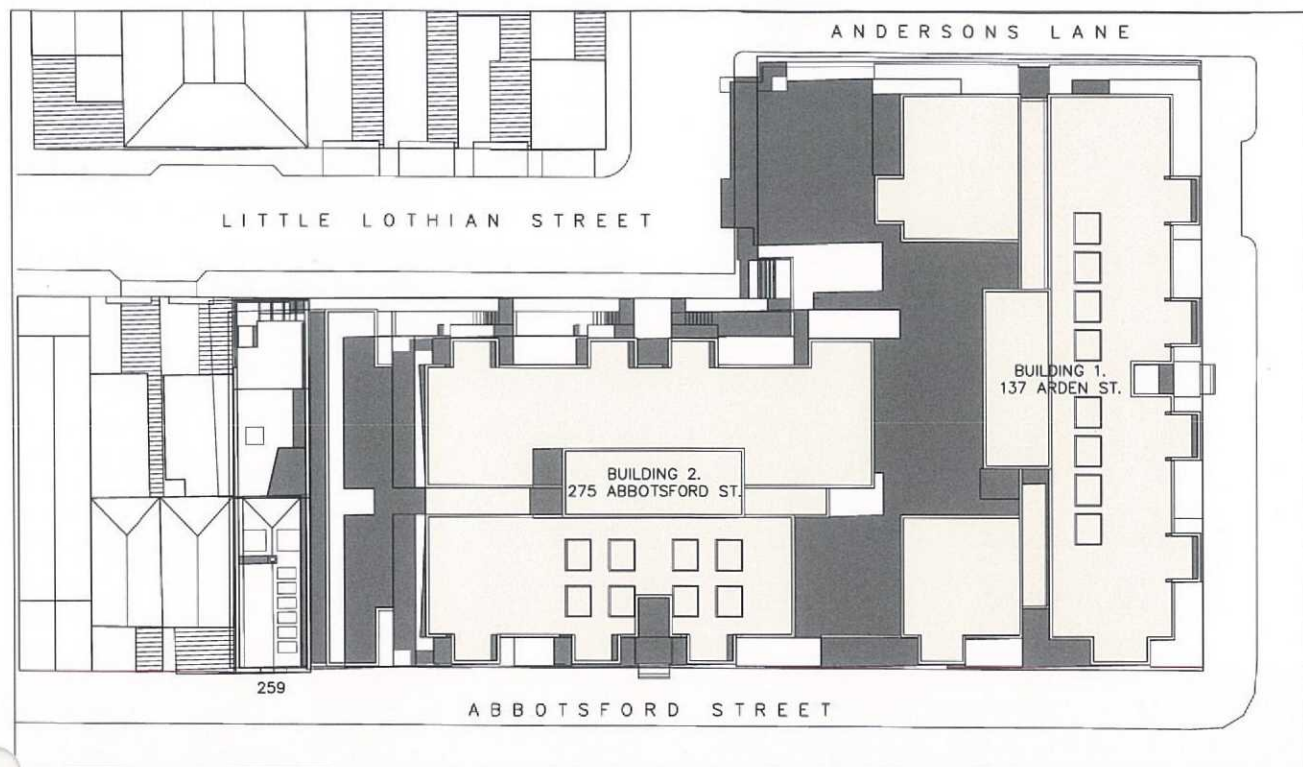


Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS NORTH MELBOURNE

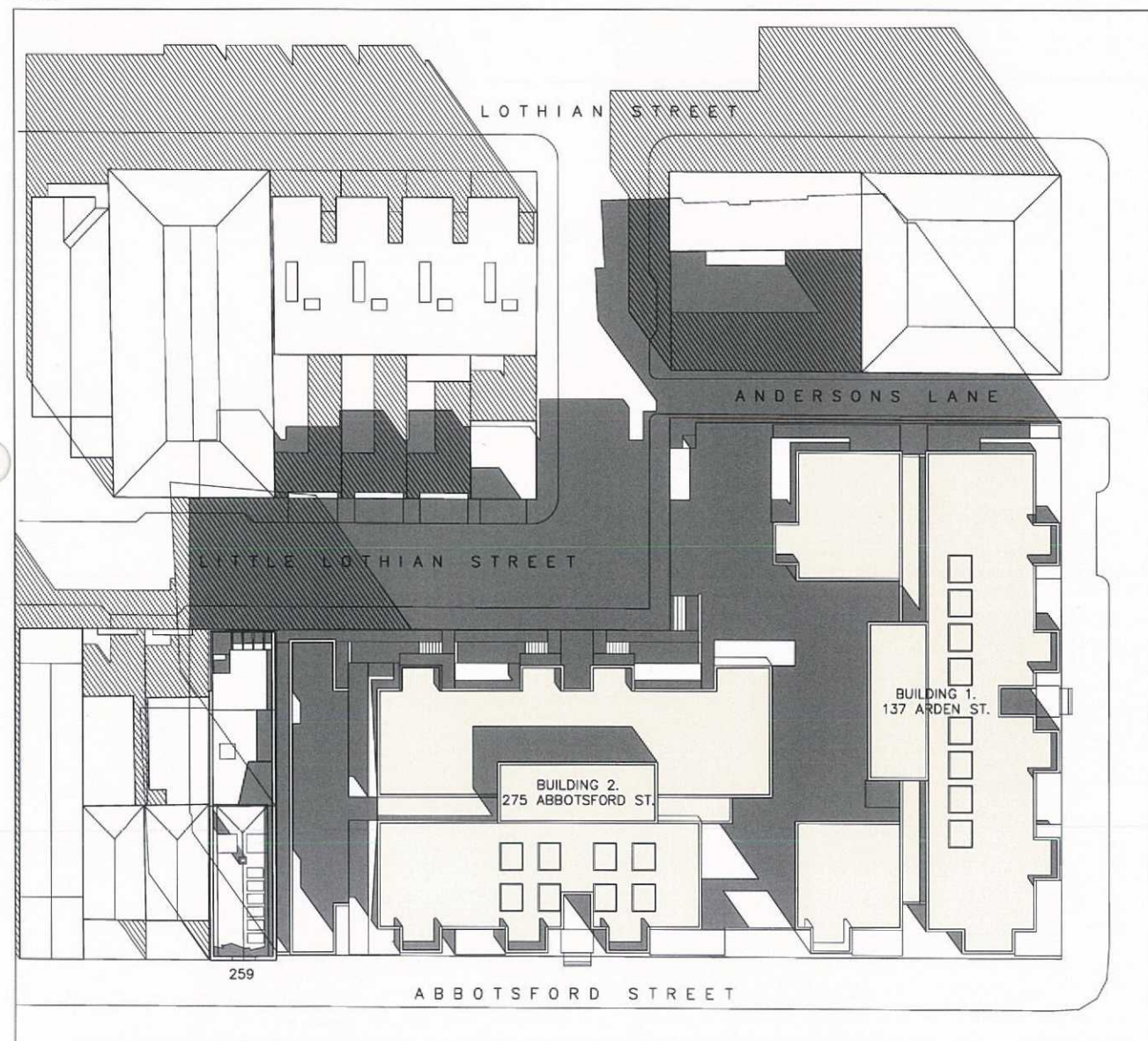
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SECTIONS

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Approved by
Date 14 02 2012
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Drawing number

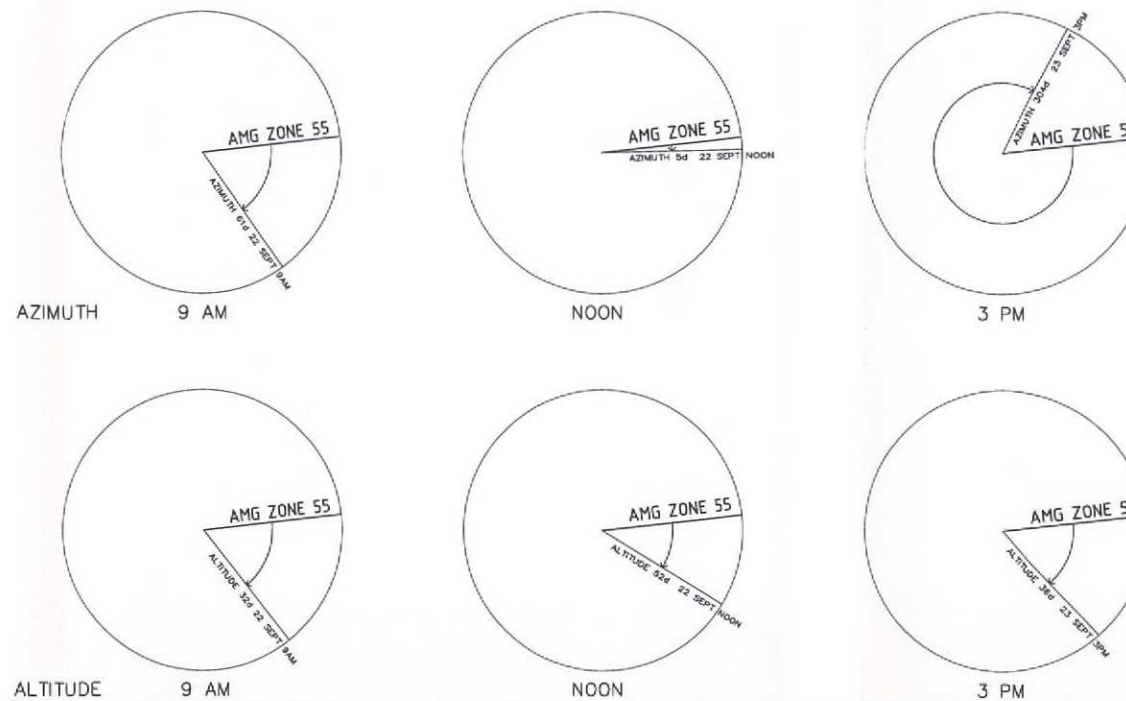
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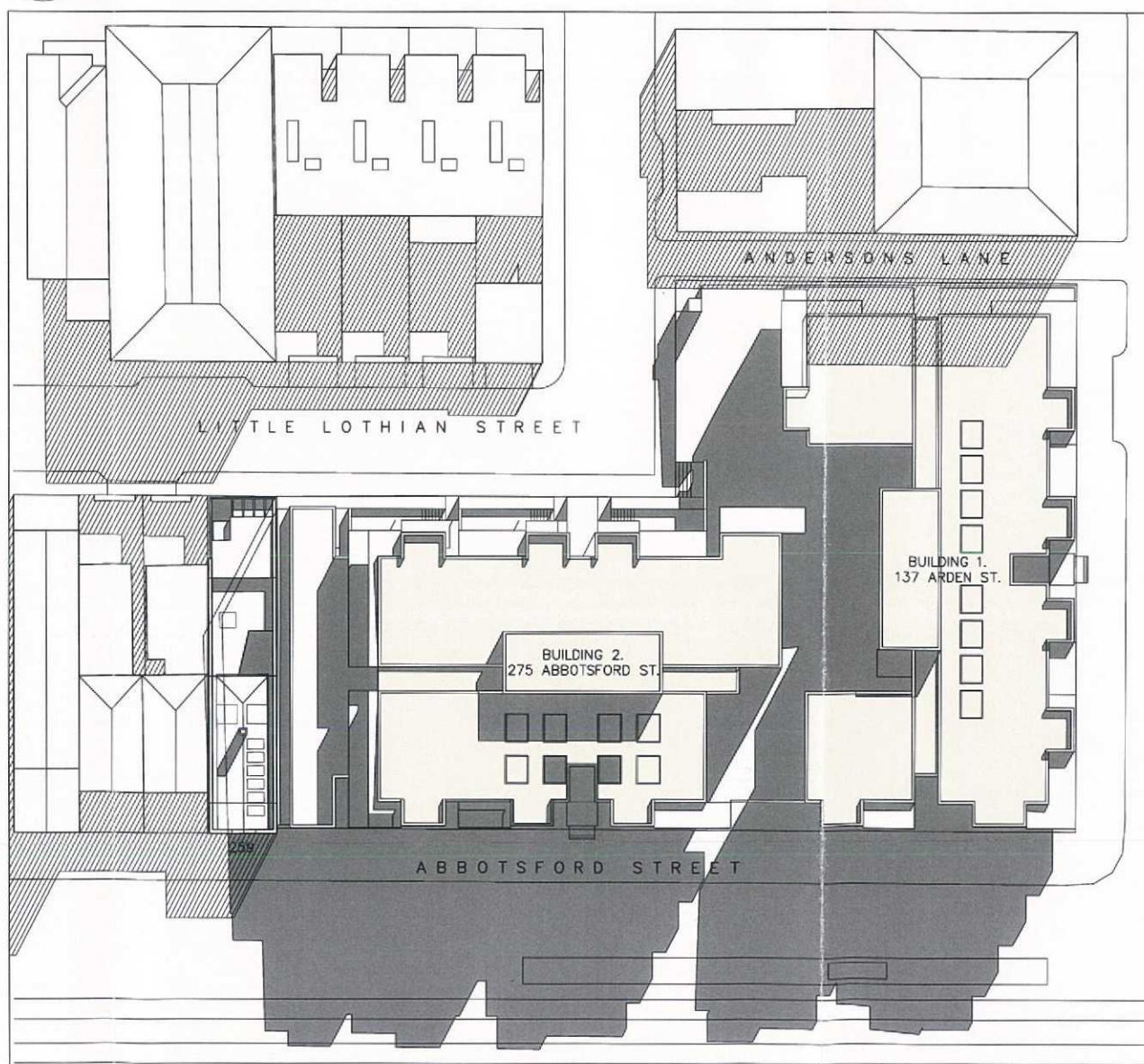
SEPT 22 NOON



SEPT 22 9.00 AM



SEPT 22 SUN ANGLES



SEPT 22 3.00 PM

Amendments		
Revisions	Date	Description
A	11/12	ADJOINING BUILDING UPDATED-
	11/12	SOUTH WALL - REVISED SETBACK
B	04/13	SOUTH ELEVATION REVISED-

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LEGEND

- APARTMENT AREAS
- SHADOW FROM PROPOSED BUILDING
- SHADOW FROM EXISTING STRUCTURES

DEVELOPMENT
24 MAY 2013
PLANNING

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GLOVER
ARCHITECTS

Project
PROPOSED APARTMENT DEVELOPMENT
261-275 ABBOTSFORD & 135-139 ARDEN STREETS
NORTH MELBOURNE

Title
SHADOW DIAGRAMS

Drawn by WG
Approved by
Date 14 02 2012
Scale 1:250
Project number 06 12 08
Drawing number

TP05-B
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DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2012-617
Applicant:	Matrix Planning
Address:	261-275 Abbotsford and 135-139 Arden Streets, North Melbourne
Proposal:	Demolition of the existing buildings on site and the construction of two four-storey buildings with basement comprising of 57 dwellings, the use of part of the ground floor for a shop/office, a reduction in the car parking provision and waive loading for shop/office
Date of application:	28 August 2012
Responsible officer:	Karen Bayly

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

The subject site comprises four lots on the south west corner of Arden and Abbotsford Streets. The sites are detailed as follows:

- 261-263 Abbotsford Street contains an existing ungraded office building comprising 100% site coverage. The building is single storey on the front half of the block adjoining Abbotsford Street, and two-storey at the rear adjoining Little Lothian Street.
- 265-267 Abbotsford Street contains an existing 'D' graded single storey building previous used for steel fabrication. The north western corner of this lot is vacant.
- 269-275 Abbotsford Street contains an existing two storey commercial building currently used as an artists studio/office space. This building covers most of the site excluding two car parking spaces to the rear accessed from Little Lothian Street North.
- 135-139 Arden Street was previously used as a petrol station. The ungraded buildings remain on site.

The subject site contains a downward slope of 2.07 metres from east to west and a 0.73 metre downward slope from south to north. It has a total area of approximately 2014 square metres. There is a high chance of contamination to the site given the previous petrol station on site.

For the purposes of this report, the subject site will relate to the entire site comprising all four blocks.

1.2 Surrounds

To the north of the site is Arden Street, a 30 metre wide road reserve and level three streetscape in the Heritage Places Inventory 2008 (the 'Inventory').

Across Arden Street on the block bounded by Arden, Abbotsford, O'Shanassy and Lothian Streets is a public housing estate comprising several three storey red brick residential buildings. The buildings are ungraded according to the Inventory.

To the north west of the subject site on the block bounded by Dryburgh, Arden, Lothian and O'Shanassy Streets is a four storey office building and two-four storey residential development known as 'The Mills'.

To the north east of the site on the corner of Arden and Abbotsford Streets is a two storey office building previously known as 'The British' hotel. This building is ungraded according to the Inventory.

To the east of the site is Abbotsford Street, a 30m wide road reserve and level three streetscape in the Inventory.

The eastern side of Abbotsford Street opposite the subject site includes the following:

- Part two storey part one storey 'D' graded building on the south east corner of Arden and Abbotsford Streets.
- A two storey modern (ungraded) townhouse at 6 Mawby Lane.
- Three storey ungraded residential building on the corner of Abbotsford and Baillie Streets.

To the south of the site are a row of 'D' graded single storey dwellings (and shops) fronting Abbotsford Street, with secluded private open space and car parking to the rear of the site accessed from Little Lothian Street North.

The dwelling directly to the south of the site at 259 Abbotsford Street has recently been renovated to comprise a two-storey extension to the rear of the existing dwelling. The maximum height of the dwelling remains unchanged given the slope of the land. The extension includes a centrally located courtyard at first floor level on the northern (common) boundary, and a balcony along the rear (western) boundary. The approved roof plan shows future PV cells to be located on the northern slope of the existing (eastern) half of the dwelling.

Four lots to the south of the subject site at 253 Abbotsford Street a three storey extension has been constructed to the rear of the existing single storey dwelling.

To the west of the subject site the site is bounded by Little Lothian Street North and Andersons Lane. Little Lothian Street North is a 10 metre wide road reserve providing access to the rear of properties fronting Abbotsford and Lothian Streets. The street runs north-south with a dogleg at each end connecting the street to Lothian Street (to the east). Andersons Lane is a 3 metre wide road reserve linking Little Lothian Street North with Arden Street. Both streets are level three streetscapes in the Inventory.

Across Little Lothian Street North to the west are four, two-storey single fronted modern terraces (ungraded) fronting Lothian Street (84-90 Lothian Street). These dwelling comprise secluded private open space/parking (accessed of Little Lothian Street North) to the rear of the sites. The northern most of these dwelling (90 Lothian Street) includes a single storey enclosed garage on the corner of Little Lothian Street North.

Across Andersons Lane to the west is a two storey yellow brick building bounded by Arden Street, Andersons Lane, Little Lothian Street North and Lothian Street. This building is ungraded in the Inventory. The rear of the property comprises a fenced in car park.

Locality Plan



2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

The applicant had a pre-application meeting with a senior planning officer in 2010. Site opportunities and constraints were discussed however concept plans had not been prepared. The applicant was advised that demolition of the existing 'D' graded building could be considered given it is stand alone, however further assessment and justification would be required.

2.2 Planning Application History

The site is a deceased estate. There has been no relevant planning activity occurring on the subject site or surrounds, other than the recently constructed extension on the site to the south, which is detailed above.

2.3 Amendments during process

On 24 May 2013 the applicant submitted amended plans pursuant to Section 57A of the *Planning and Environment Act 1987*. These plans detailed specific design changes intended to address the concerns raised by the neighbouring objector at 259 Abbotsford Street and by the City of Melbourne Heritage Advisor and Urban

Designer. It is plans date stamped 24 May 2013 that have been considered in this assessment.

3 PROPOSAL

It is proposed to demolish the existing buildings on site and construct a two new four storey residential buildings with two levels of basement car parking.

The overall development comprises 12 x one bedrooms apartments, 43 x two bedroom apartments and two x three bedroom apartments (total 57 apartments), one shop/office tenancy (92 square metres), 60 car parking spaces, six motorbike/scooter parking spaces, 22 bicycle parking spaces and 58 storage lockers.

A breakdown of each floor follows:

- Basement level two is to be constructed on the northern half of the site only, and includes 26 car parking spaces, 6m³ storage lockers and cleaners/services rooms.
- Basement level one is spread across the majority of the site, and is accessed of Arden Street at the western end of the site. This level comprises 34 car parking spaces, 6 motorbike/scooter parking spaces, 22 bicycle lockers, 6m³ storage cages, separate residential and commercial waste storage rooms, rain water storage tanks, plant room, cleaners' room and services.
- The ground floor is to comprise three x one bedroom apartments, eleven x two bedrooms apartments, and a shop/office tenancy at the north east corner of the site. The apartments fronting Abbotsford Street and Little Lothian Street include independent entrances and varying setbacks to the street. Given the slope of the land, the apartments fronting Arden Street are accessed by a rear hallway. Two visitor bicycle parking spaces are proposed within the Abbotsford Street setback. Common landscaped spaces exist both centrally to the site and in the south west corner. An additional four bicycle parking spaces are within the common area. Pedestrian access to the site is also available from Little Lothian Street. The ground floor is proposed to be constructed to the southern boundary adjoining 259 Abbotsford Street, with varying setbacks to all other property boundaries. Landscaping is proposed to varying degrees to all street frontages.
- There are two stair/lift cores within the floor plate to the north and south of the site. The second, third and fourth floors form two envelopes, to the north and south of the site, with an opening of varying width in-between.
- The first floor comprises four x one bedroom apartments and 12 x two bedroom apartments. The building is to be constructed to the southern boundary adjoining 259 Abbotsford Street and the western (Andersons Lane) boundary. The building is setback between 0m and 2m from the eastern and northern boundaries, between 0.7m and 4.2 metres from the western (Little Lothian Street North) boundary and 7.8 metres from the southern (Little Lothian Street North) boundary.
- The second floor comprises two x one bedroom apartments and 12 x two bedroom apartments. The setbacks are identical to the floor below with the exception of the southern boundary adjoining 259 Abbotsford Street, which has a setback of 5.5 metres from the common boundary.
- The third floor comprises three x one bedroom apartment, seven x two bedroom apartments and three x three bedroom apartments. The setbacks are identical to the second floor with the exception of the western (Andersons Lane) façade which is setback 2.2 metres from the title boundary with a terrace located within the setback.

- The rooftop comprises lift overrun, and enclosed stair access and plant room. Solar panels are proposed on the rooftop.

Materials and finishes include charcoal panel cladding, glazed bricks, off-white precast concrete, natural aluminium panel, off-white Acratext precast concrete and patterned green glass adjustable louvres.

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 32.04 Mixed Use Zone	Pursuant to Clause 32.04-1 a permit is required to use the site for an office or shop. Pursuant to Clause 32.04-5 a permit is required to construct two or more dwellings on a lot.
Clause 43.01 Heritage Overlay	Pursuant to Clause 43.01-1 a permit is required to demolish or remove a building and to construct a building or construct of carry out works.
Clause 43.02 Design and Development Overlay	Pursuant to Clause 43.02-2 A permit is require to construct a building or construct or carry out works. Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay.
Clause 52.06 Car Parking	Pursuant to Clause 52.06-3 unless a schedule to the Parking Overlay or the schedule to Clause 52.06 specifies otherwise, a permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
Clause 52.07 Loading and Unloading of Vehicles	Pursuant to Clause 52.07 no building or works may be constructed for the manufacturing, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the table. A permit may be grated to reduce or waive these requirements.

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 11.02, Urban Growth, to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 11.04, Metropolitan Melbourne, which seeks to facilitate the development of a multi-centred metropolitan structure.
- Clause 15.01-2, Urban design principles, which seeks to achieve outcomes that 'contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'. It includes relevant design principles for development proposals for non-residential and residential development not covered by Clauses 54 to 56 and references the Design Guidelines for Higher Density Residential Development.
- Clause 16.01, Residential Development, which seeks among other things to promote a housing/market that meets community needs; to locate new housing in

or close; to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport; to provide for a range of housing types, to meet increasingly diverse needs and to deliver more affordable housing closer to; jobs, transport and services.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

Clause 21.08 outlines a vision for North and West Melbourne with the relevant sections below:

‘North and West Melbourne provide a balance of residential and commercial uses, and which maintain an emphasis on local community and liveability, and which have a clear distinction in scale from the Central City.

Higher scales of development are located at the Central City Fringe, around the North Melbourne Railway Station and along Flemington Road; however these forms maintain solar access to the public domain, important view corridors and protect the heritage values of the area. In all other areas, a lower scale of development has been maintained.

An ongoing aim is to reflect North and West Melbourne’s history as a residential and mixed use area by protecting heritage places and precincts and encourage the reuse of former warehouses, manufacturing and historic business buildings.’

Amendment C162 has been adopted by Council and is currently with the Minister for approval. This amendment relates to the MSS, and is of relevance to this application, the amendment identifies the site as being within the ‘North and West Melbourne’ Local Area. The above quote from the existing MSS remains largely unchanged in the new MSS.

5.2.2 Local Policies

Clause 22.05, Heritage Outside the Capital City Zone. Relevant objectives are:

‘To conserve all parts of buildings of historic, social or architectural; interest which contribute to the significance, character and appearance of the building, streetscape or area.

To ensure new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful; to the architectural, social or historic character and appearance of the streetscape and the area.’

The policy defines a contributory building as:

‘C’ grade building anywhere in the municipality, or a ‘D’ grade building in a Level 1 or Level 2 streetscape’

‘Facade Height and Setback (New Buildings)

The facade height and position should not dominate an adjoining outstanding building in any streetscape, or an adjoining contributory building in a Level 1 or 2 streetscape.

Generally, this means that the building should neither exceed in height, nor be positioned forward of, the specified adjoining building. Conversely, the height of the facade should not be significantly lower than typical heights in the streetscape. The facade should also not be set back significantly behind typical building lines in the streetscape.’

Clause 22.17, Urban Design Outside the Capital City Zone, which provides relevant urban design policy including building design and facades for sites outside the Capital City Zone. Relevant objectives include:

‘To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.

To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.

To reduce unacceptable bulk in new development.’

‘To ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility.’

Clause 22.19, Energy Water and Waste Efficiency, which encourages buildings to minimise energy and water use and waste going to landfill.

6 ZONE

The subject site is located within the Mixed Use Zone which seeks:

‘To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To encourage residential development that respects the neighbourhood character.’

7 OVERLAYS

The subject site is affected by the Heritage Overlay (HO3 – North and West Melbourne Precinct) which seeks:

‘To conserve and enhance heritage places of natural or cultural significance.

To ensure development does not adversely affect the significance of heritage places.’

The subject site is affected by the Design & Development Overlay (DDO) Schedule 26 - Noise Attenuation - North and West Melbourne which seeks:

‘To ensure that new, refurbished or converted developments for new residential and other noise sensitive uses constructed in the vicinity of the Laurens Street, North Melbourne Industrial Area include appropriate acoustical measures to attenuate noise levels within the building.

To ensure that land use and development in the vicinity of the Laurens Street, North Melbourne Industrial Area does not adversely affect the viability of industry within the Area.’

The site is also affected by DDO32 Building Height/Setback Controls which specifies a 14 metre mandatory height control. The following objectives relate to this Schedule:

‘To maintain the predominant low scale nature of the area.

To ensure that development retains views to significant landmarks.

To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.’

8 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06, Car Parking
- Clause 52.07, Loading and Unloading of Vehicles
- Clause 52.34, Bicycle Facilities
- Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys

9 GENERAL PROVISIONS

The following general provision applies to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

10 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting four notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

11 OBJECTIONS

The application received six objections raising the following concerns (summarised):

- Four storeys and limited setbacks results in an overdevelopment of the site;
- Out of keeping with neighbourhood character;
- Residential land use on contaminated site;
- Increased strain on community services and facilities;
- Demolition of the D graded building;
- Reduction in parking and loading bay requirements will impact pedestrian/traffic safety;
- Loss of views;
- Privacy to the eastern side of Abbotsford Street;
- Loss of light to the eastern side of Abbotsford Street and Mawby Lane;
- Noise impacts (reflection of traffic noise and noise from increased density);
- Overlooking to 259 Abbotsford Street;
- Overshadowing 259 Abbotsford Street including solar panels and solar hot water; and
- Structural concerns/construction management.

12 CONSULTATION

Given the receipt of the above objections, further consultation was undertaken to individuals over the telephone. The applicant met with the most directly affected objector of 259 Abbotsford Street and amended plans have been submitted to substantially address the objector's concerns.

13 REFERRALS

13.1 Internal

The original application plans were referred internally to Heritage, Urban Design, Land Survey, and Engineering Services. Their comments have been summarised below.

13.1.1 Heritage

With regards to demolition of the 'D' graded building, the following comments were received (*inter alia*):

'The proposal to demolish the building would remove one of the dwindling number of industrial buildings from the nineteenth and early twentieth centuries. These are an important component of the significance of the heritage place. The proposed demolition of the 'D' graded building is not supported.'

With regards to the proposed building, the following points were made (summarised):

The proposed development is substantially too tall, does not break up the bulk into elements which respond to the rhythm within the Abbotsford Street streetscape, and would dominate the heritage place.

The following recommendations were made (summarised):

- Retain the building at 265-267 Abbotsford Street.
- Redesign the infill development at 261-263 Abbotsford Street to be within the volume of the existing building.
- Provide façade divisions which respond to the rhythm of existing graded buildings in this block of Abbotsford Street.

13.1.2 Urban Design

The Urban Design team provided the following recommendations (summarised):

- The building height should not exceed the mandatory height limit of 14 metres.
- The inclusion of the undercroft/forecourt in association with the corner/retail tenancy is not endorsed. On this corner, the building should present up to the property line.
- The articulation of the façade and materials proposed do not fit the finer detailed urban fabric next to and surrounding the subject site.
- A greater mix of land uses is desirable.
- Revise the Arden Street design to provide for a more pedestrian scales and engaging interface.
- Incorporate materials that have traditionally been used in the local area (eg timber and masonry).
- Amend the plant enclosure to reduce visibility and improve integration with the building.
- There is an opportunity to improve diversity in the apartment types proposed to ensure the development's flexibility and resilience to a variety of markets.
- Reconsider the common landscaped space to improve solar access and orientate dwellings onto the open space to improve interaction and useability.

- Any open space on the street should present a strongly defined but visually permeable landscape edge. A condition of permit should require the submission of a landscape plan.
- A public through-block link to the Abbotsford Street tram stop is encouraged.
- It is recommended that the roof is utilised for environmental functions such as landscaping (e.g. stormwater collection, insulation, habitat, open spaces for tenants).
- Further details are required with regards to external lighting.

13.1.3 Land Survey

Land Survey recommended a condition be placed on any permit issued with regards to works abutting Council Lanes. They also advised that any projections must not encroach more than 300mm over the title boundary.

13.1.4 Engineering Services

Civil Engineering recommended a number of conditions should a permit be issued.

The following comments were received with relation to traffic and parking:

- The development proposes an allocation of 59 car spaces for residents and one space for the commercial tenancy.
- A reduction of 2 car spaces is sought for the commercial tenancy.
- The proposed parking provision is considered acceptable based on the parking analysis provided.
- The bicycle provision is considered acceptable by Engineering Services.
- AS/NZS2890.1 specifies a 1 metre dead end aisle extension be provided to assist in manoeuvring and access to spaces. Space 1 has been provided with an additional 900mm to the end of the dead end aisle to assist with access to the space. This is sufficient space to allow access to the space given that the space is 2.6m wide, which is over and above the minimum width of 2.4m required by Australian Standards.
- The height clearances and access widths are acceptable.
- The wall of the development is hard up against the lot boundary to Arden Street where it is anticipated that there may be a conflict between vehicles leaving the car park and other users on Arden Street. It is therefore recommended that either an appropriate sight triangle or a warning signal be installed to warn pedestrians when vehicles are leaving the subject car park.
- 'Ned Kelly' style bicycle racks are recommended for basement bicycle parking. It is requested that further information be provided, specifically the proposed bicycle product to be utilised and exact spacing or a permit condition to this effect.
- The distance between the ground floor 'arc de triomphe' bicycle parking rails does not meet the specifications within AS2890.3:1993.
- If waste is to be collected within Andersons Lane, it is suggested that further information be provided regarding the size of the private contractor waste vehicle and its suitability within the laneway with swept paths.
- Prior to the approval of the development, the submitted Waste Management Plan must comply with Council's Waste Guidelines 2010 and be to the satisfaction of the Group Manager - Engineering Services, City of Melbourne.

- When considering the available access routes, it is not expected that the proposal will significantly impact on the operation of the surrounding intersections during the peak hours. Engineering Services agree with TraffixGroup's conclusion that this traffic volume is low and will have no impact on the operation of the surrounding road network.

13.2 External

The application was not required to be externally referred.

14 ASSESSMENT

The application seeks to demolish the existing buildings on site and construct two new four- storey buildings with two levels of basement car parking to be used as 57 dwellings and a shop/office.

The application achieves a high level of compliance with policies and controls of the scheme and achieves the outcome envisaged for this site and this area. The scheme provides for development of up to four- storeys in height and it is on large disused commercial sites such as this one where development at that height would be expected to be achieved.

Part of the site is a former service station and the applicant is aware of that by way of permit condition, remediation works will be required to make the land fit for purpose. Preliminary environmental assessment indicates that this is possible. Likewise the applicant is aware that noise attenuation measures will be required to comply with the North Melbourne Industrial Area Noise Attenuation Overlay.

Key considerations for this application are as follows:

- Heritage and Built Form
- Amenity Impacts
- Parking and Loading
- Energy Waste and Water Efficiency

14.1 Heritage and Built Form

Whilst the City of Melbourne's Heritage Advisor does not support the demolition of the D graded industrial building, one of a dwindling number of industrial buildings from the nineteenth and early twentieth centuries, the planning scheme does not consider this building warrants retention.

D graded buildings in level 3 streetscapes are neither significant nor contributory and the heritage local policy supports the demolition of such buildings, subject to an acceptable replacement.

Whilst the demolition of any heritage building is regrettable, decision making is guided by the planning scheme which concurs with the heritage report submitted with the application which states:

'The demolition of 265-267 Abbotsford Street will not result in the loss of an element that is contributory to the significance of the overall precinct.'

The key heritage consideration, arising from the Heritage Overlay and heritage local policy is the design and the appropriateness of the new building within the heritage precinct. I concur with the Applicant's Conservation Architect, who in turning his mind to the policy guidance on designing new buildings, states:

'Given the nearby buildings on the opposite sides of Abbotsford Street and Arden Street are predominantly modern multi-storey residential structures,

the purely contemporary presentation of the proposed building is considered appropriate.'

The City of Melbourne's Heritage Advisor identifies that the design would be more responsive to its context if façade divisions responded to the rhythm of existing graded buildings in this block of Abbotsford Street. The applicant has addressed this in the amended plans. Likewise, design changes suggested by the City of Melbourne's Urban Designer to ensure a better inter-relationship between the buildings and the street have been accommodated.

Further, the Heritage Outside the Capital City Zone local policy encourages new buildings not to dominate heritage buildings by mirroring heights and setbacks. The amended plans are considered to be an appropriate response to this policy objective.

14.2 Potential Amenity Impacts

A key issue for consideration is the overlooking and overshadowing impacts of the proposal on the immediately adjoining property to the south at 259 Abbotsford Street, including overshadowing of solar panels, solar heating and solar hot water.

In designing the proposal the planning consultant and architect did not have adequate regard to the neighbouring dwelling to the south which had a rear addition under construction, with windows and solar features facing the subject site. This addition has now been completed.

The applicant has submitted detailed design study and has amended the application to prevent overlooking into the neighbour's large kitchen window and limit unreasonable overshadowing impact on solar features. This has been achieved by a reduction in height on the common boundary and additional setbacks of the upper three levels of the four-storey development.

It is understood from discussions with the objector that she does not consider the amended plans adequately address her concerns.

In terms of overlooking the proposal has been designed so that there are no direct views into the kitchen at first floor level facing the application site. At worst there are some minor glimpses of the very top of the windows on the objectors site up near ceiling level, but no views into the room.

In terms of overshadowing, the applicant has submitted amended plans which redesign the proposal so it has no impact on the objector's solar features between 9am and 3pm at the equinox (22 September).

The objector's dwelling has PV panels for electricity generation, a solar hot water system and two panels for solar air heating mounted on the roof. The objector's biggest concern is the impact of the development upon the solar air heating system in winter.

Whilst the planning scheme seeks to minimise the impact of new buildings on active solar collecting devices and ensure that buildings are designed so that energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced, there is no guidance on what degree of impact is 'reasonable'.

A VCAT Red Dot decision from October 2010 (Renyuan Chen V Melbourne CC) discussed the concept of 'reasonableness' as it relates to overshadowing a neighbour's solar panels. In that case VCAT considered that some impact at the equinox was reasonable, but the degree of impact at the equinox in that particular circumstance was not acceptable.

In this application there is in no impact at the equinox. The proposed building does not overshadow any of the objector's solar devices between 9am and 3pm at the equinox (22 September).

The objector remains concerned about the impact on the solar air heating system during winter. The system in question is called 'Sola Mate' and on their website the manufacturer advises

'the usage of a conventional heater can be dramatically reduced' however 'you will need a small amount of additional heating for very cold and heavily overcast days or evenings.'

It is understood that the heating system in question does not 'store' heat and is not designed to be the sole source of heating to a home.

Using VCAT's Red Dot decision for guidance, if the equinox is a 'reasonable' time of year to measure overshadowing impact on solar panels on neighbouring land, in this instance, as there is NO impact at the equinox, one could only deduce that the impact is acceptable.

Also of interest is the VCAT case, Australian Conservation Foundation Inc. and Surrowee Pty Ltd v Melbourne CC January 2002, relating to development adjacent to of the landmark sustainable 60L building at 60 Leicester Street, Carlton. In this case VCAT stated

'one of the consequences of an inner urban location is a much higher intensity of land use and development and, in our view, a successful demonstration of ESD principles in building design in an inner urban location must respond to the locational context and not seek to be protected from it. A development proposal that has properly undertaken its site analysis and developed a responsive design will be cognisant of the special considerations (if any) of an adjoining property. That is not an unusual approach. A new building must respond to its setting and be designed to accommodate the "constraint" presented.'

In this case VCAT also held

'property owners are entitled to a reasonable expectation in regard to solar access ... based on the proposed height limit for an area.'

In this case the "constraint" is that to the north of the objector's site are vacant commercial properties, representing a large development site within an area where the planning scheme allows for buildings of up to 14 metres (four-storeys) in height. In locating solar technology on a roof of a 2 storey building in such circumstances the reasonable expectation is that the adjoining land could be redeveloped with a building of up to four-storeys in height and this would have an impact upon access to northern sunlight. It is noted that whilst 'future PV solar panels' were indicated on the endorsed plans for the objector's rear addition (TP-2008-422/A), the heating panels were not indicated on the plans. As these panels are not visible from the street they do not require a planning permit. In the covering letter accompanying the application for the objector's rear addition, the applicant states

'This site has been assessed as being extremely difficult to achieve the minimum (energy) star rating due to the site proportions and very limited solar access from the north.'

It is also highlighted that the Neighbourhood Character and Design Response for TP-2008-422, a three storey proposal on the objector's site which was scaled back to two storeys by the objector, states

‘the house’s orientation (east-west) limits the potential to control and harness sunlight.’

It is always unfortunate when a building which has sought to excel in its use of solar energy has its devices overshadowed by neighbouring development. But the reality is that the objector has placed extensive solar devices on a two storey building to the south of a substantial development site in an area where four-storey development is permitted whilst at the same time acknowledging that their property has limited potential to control access to sun light. In choosing to place solar devices in this location the objectors have not had sufficient regard to their locational context. Had these devices required a planning permit a relevant consideration could have been the likely development potential of the neighbouring site but as a planning permit was not required it was for the objector to undertake their own due diligence in this regard.

It is considered fortunate that the applicant is willing to modify their development in order to provide unfettered access to sunlight to objector’s solar features between 9am and 3pm at the equinox (22 September) when clearly this goes further than guidance from VCAT on what might be ‘reasonable’ in the circumstances.

It is noted that the neighbour’s private open space is already shadowed by the existing high brick wall on the boundary and the neighbour’s open space will not be overlooked by the proposal.

Another objector raised concerns regarding privacy, light and noise impacts on dwellings on the opposite side of Abbotsford Street. Abbotsford Street is 30 metres wide, with a carriageway width of 20 metres with a tram line running down the centre. At this distance the objector’s site to be too distant from the application site to be unreasonably impacted.

14.3 Parking and Loading

As stated by the applicant,

‘The subject site is located in an area which is the subject of a parking precinct plan. The parking precinct plan sets out particular parking requirements for residential uses in various parts of the City of Melbourne. The parking precinct plan takes precedence over the parent provisions of Clause 52.06. The parking precinct plan specifies a discretionary maximum of one car space/dwelling. Some 59 of the total of 60 car spaces are proposed to be allocated to the 57 units. Two 3-bedroom units are proposed and it is envisaged that they will both be allocated 2 car parking spaces. All other units will be allocated one car space.’

The proposed shop/office requires four car parking spaces and one is to be provided. The application therefore seeks to reduce the requirement by three car parking spaces. This is supported by the applicant’s Traffic Report and City of Melbourne Engineers.

The application also seeks to waive loading requirements for the commercial tenancy. At 92 sqm, this is a small tenancy. Its purpose is to activate the street corner which is desirable from an urban design perspective. The application states that deliveries will be undertaken from on-street as normally occurs in and around small stand-alone inner urban shops. This is considered reasonable.

14.4 Energy Water and Waste Efficiency

The planning scheme has recently been amended to introduce a new local policy regarding energy, water and waste efficiency of a number of building types, including accommodation. As the policy was not in place at the time the application was lodged

the policy requirements have not directly been addressed, however the proposal achieves a high degree of compliance with the policy requirements through inclusion of the following features;

Orientation:

- Massing of building footprints maximises the apartments exposure to the sun.

Ventilation:

- Natural ventilation to upper basement carpark.
- Naturally ventilated public spaces, lobbies and corridors of both buildings.
- Apartment planning maximises cross ventilation potential.
- All apartments have natural light and ventilation to all habitable rooms, no borrowed light.

Construction:

- Use of low embedded energy materials and products where possible.
- Use plantation timber for framing and cladding. Composite joists for suspended floors.
- Thermal insulation to B.C.A. requirements.
- Windows and sliding doors to be double glazed Low E green glass with eave and balcony shading.
- Double glazing to provide sound insulation to windows.
- All windows proposed are openable to provide cross ventilation.
- Use of low Volatile Organic Compound (VOC) surface paints and carpets within apartments.

Lighting:

- Low energy compact fluorescent fixtures and LED downlights proposed to apartment interiors, public corridors, car park and external landscaped courtyards.

Heating/Cooling:

- Inverter driven split system air conditioning system proposed with remote condensers located in dedicated balcony enclosures.
- Heat output: 9.4 KW — 6 star
- Cooling output: 8.0 KW — 5.5 star
- Noise level: 48 dB

Water harvesting:

- 10,000 L water tanks for storage and reticulation of storm water to apartments for toilet flushing.
- Rain water to supply connected to garden drip irrigation system.

Hot water system:

- Solar evacuated tube arrays on each roof connected to storage manifold in roof plant rooms.
- Natural gas boosted H.W.S. supplementary heater in roof plant rooms.

Fittings fixtures and equipment:

- MA rated shower heads and tap fittings throughout.
- Dual flush toilets.
- AAA rated dishwashers supplied to all apartments.

Landscaping:

- Use of local indigenous planting within the developments landscaped podium.
- Reticulation of rainwater harvested from building development.

The inclusion of solar hot water, rain water tanks and water efficient toilets, showerheads and dishwashers in particular will ensure a high degree of compliance with the policy.

The gross floor area of the proposed development is 8,328 sqm. The policy requires that multi-unit developments of more than 5,000 sqm gross floor area have the design potential to achieve a 5 star Green Star rating. This can be included by way of permit condition.

14.5 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued.

15 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Prior to the commencement of the use and development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 24 May 2012 but amended to show:
 - Details of Reduced Levels above the Australian Height Datum or a Temporary Benchmark, which relate to the existing conditions of the site for all finished floor levels, the top of all walls, plant and equipment or roof features to confirm compliance with the 14 metre mandatory height limit.
 - No lift access to the roof.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.
2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
4. Prior to the commencement of the use and development, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development.

The PEA should include:

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

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the use and development, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses.

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development.

The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended uses.

Prior to the occupation of the building, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or

A Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental

professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

5. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve a 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.
6. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

7. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council public lane. The approved works must not result in structures that encroach onto any Council lane.
8. No projections may encroach more than 300mm over the abutting public roads.
9. Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plan /elevation must be submitted to, and approved by the Responsible Authority.
10. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
 - public safety, amenity and site security.
 - operating hours, noise and vibration controls.
 - air and dust management.
 - stormwater and sediment control.
 - waste and materials reuse.
 - traffic management.

- structural stability of the adjoining building at 259 Abbotsford Street.
11. Prior to the commencement of the development the land titles must be consolidated, to the satisfaction of the Responsible Authority.
 12. Prior to commencement of development, a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The scheme must incorporate water sensitive urban design features to the satisfaction of the Responsible Authority. 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.
 13. Prior to the commencement of the development, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on external noise levels measured as part of a noise level assessment representative of the noise from industrial operations which occur in the vicinity of the Laurens Street, North Melbourne Industrial Area. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwellings.
 14. Prior to the occupation of the dwellings, acoustic testing must be conducted by a qualified acoustic consultant. The test must verify that the maximum noise level specified in condition 10 above is achieved, to the satisfaction of the Responsible Authority. A report containing the results of the testing must be submitted to the Responsible Authority prior to the occupation of the dwellings.
 15. A warning device/sign should be installed at the car park entry alerting pedestrians when vehicles are exiting the building, to the satisfaction of the Responsible Authority.
 16. Where parking spaces are in tandem, they must be assigned to a single unit or tenancy within the development.
 17. All mechanical exhaust systems for the car park must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
 18. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Manager Engineering Services Branch.
 19. The owner of the subject land must construct a drainage system, incorporating water sensitive urban design, within the development and make provision to connect this system to the City of Melbourne’s stormwater drainage system in accordance with plans and specifications first approved by the Responsible Authority – Manager Engineering Services Branch.
 20. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Manager Engineering Services Branch.

21. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for access and mobility and should be fitted with ground surface tactile indicators TGSI's. The design of TGSI's must be approved by the City of Melbourne - Manager Engineering Services Branch prior to installation.
22. All necessary vehicle crossings adjacent to the subject land must be constructed and all unnecessary vehicle crossings demolished in accordance with plans and specifications first approved by the Responsible Authority – Manager Engineering Services Branch.
23. The existing footpath/road levels in Arden Street, Abbotsford Street, Little Lothian Street North and Andersons Lane must not be altered for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the Responsible Authority – Manager Engineering Services Branch.
24. The asphalt footways in Arden Street, Abbotsford Street and Little Lothian Street North which are adjacent to the subject land must be reconstructed in asphalt together with associated works including renewal of kerb access ramps and relocation of all service pits and covers as necessary at the cost of owner/developer in accordance with plans and specifications first approved by the Responsible Authority – Manager Engineering Services Branch.
25. Andersons Lane must be reconstructed with existing bluestone pitches at the cost of owner/developer in accordance with plans and specifications first approved by the Responsible Authority – Manager Engineering Services Branch.
26. Prior to the commencement of the use and/or development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
27. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.
28. No garbage bin or waste materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority - Engineering Services.
29. The area shown on the endorsed plans as garbage storage area must contain a floor waste tap and the area must only be used for garbage storage, to the satisfaction of the Responsible Authority - Engineering Services.
30. All building plant and equipment on the roofs, balcony areas, common areas and public thoroughfares must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the Responsible Authority.
31. This permit will expire if one or more of the following circumstances apply:
 - a) The development is not started within two years of the date of this permit.

- b) The development is not completed within four years of the date of this permit.
- c) The use is not commenced within four years of the date of this permit.

The Responsible Authority may extend the date upon which the permit expires a request for an extension of time must be in writing and be received before the permit expires, or within three months afterwards.

NOTES

Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Manager Engineering Services Branch.

All street lighting temporarily relocated must be reinstated to the satisfaction of the City of Melbourne - Manager Engineering Services Branch.

Any requirement to temporarily relocate and/or remove street furniture must be first approved by the City of Melbourne – Manager Engineering Services Branch.

All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne – Manager Engineering Services Branch.

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.

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

Under the Resident Priority Parking Permit scheme, occupiers of the development approved by this permit are not eligible to obtain resident priority parking permits or visitor vouchers.

16 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 21 June 2013.

The signature and date below confirms that the Lord Mayor, Deputy Lord Mayor and Councillors affirmed this recommendation as the Council's decision.

Signature:

Karen Bayly

Planning Project Coordinator

Date affirmed: