

**Planning Permit Application: TP- 2016-483**  
**488 – 494 La Trobe Street, West Melbourne**

**20 September 2016**

**Presenter:** Evan Counsel, Practice Leader Statutory Planning

### **Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of an application for a planning permit seeking to construct a multi-storey building to be used as dwellings, ground floor retail premises (excluding hotel, tavern, adult sex bookshop, department store, supermarket and gambling premises) and an associated reduction in the car parking requirements.
2. The applicant is Tract Consultants, the architect is Hayball and the owner of the property is Spacious Property Development Group.
3. On 7 November 2014 a previous application was lodged for the subject site to construct a 98m high building to be used for dwellings. This application was refused by Council and appealed to the VCAT. On 23 November 2015 VCAT affirmed the decision of Council. VCAT considered that the building with its proposed height and minimal setbacks was too intense for the site, when considered in context of its physical and policy setting.
4. The site is located in the Mixed Use Zone and is affected by the Design and Overlay Schedules 12 (Noise Attenuation) and 33 which outline a discretionary maximum building height of 40 metres; podium height of 16 metres; and setbacks above podium of 6 metres from all front, side and rear boundaries.
5. The subject site is affected by Melbourne Planning Scheme Amendment C272 which seeks to introduce site specific and precinct Heritage Overlay controls over the site. However there is currently no heritage overlay or interim heritage controls over the site. This amendment is yet to be exhibited and is not currently 'seriously entertained' and although lodged shortly after Council resolved to seek authorisation to prepare and exhibit Amendment C272, the proposal was well progressed having been subject to a recently unsuccessful permit application and subsequent pre-application meetings. As such it is not appropriate to apply the proposed heritage controls to this application.
6. The proposed development will have a gross floor area of 12,364 square metres and includes a total of 118 dwellings and two retail tenancies with a combined leasable floor area of 219 square metres. The proposed development will have an overall height of 64.9m with a 30m high podium to La Trobe Street.
7. Public notice of the application was undertaken and a total of 34 objections have been received, primarily relating to height, potential visual bulk and amenity impacts.

### **Key issues**

8. Key issues to consider include the built form, design detail, internal and external amenity impacts to adjoining properties, active uses, wind impacts, environmentally sustainable design, parking, traffic and waste.
9. The proposed development, subject to a reduction in the overall building height to 55m, is an appropriate design response when considered in the context of its physical and policy setting.
10. The reduction in the overall height successfully addresses Council's Urban Design Branch's concerns in adopting a taller, more robust podium form on the site while seeking a more recessive upper level form when viewed from the street. In addition, a condition has been imposed requiring that a lighter weight architectural treatment be applied to the upper levels which would further assist in achieving visually recessive and diminutive upper levels.
11. The proposed development provides adequate setbacks, good internal amenity and will not have unreasonable impacts on the amenity of the adjoining residential properties or on the equitable development opportunities of the adjoining sites.

### **Recommendation from management**

12. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to the conditions set out in the delegate report (refer to Attachment 4).

#### **Attachments:**

1. Supporting Attachment (page 2 of 38)
2. Locality Plan (page 3 of 38)
3. Selected Plans (page 4 of 38)
4. Delegate Report (page 17 of 38)

## Supporting Attachment

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (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 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 VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

### Finance

3. There are no direct financial implications arising from the recommendations contained within this report.

### Conflict of interest

4. 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

5. Formal notification of the application was carried out in July 2016 by mailing notices to the owners and occupiers of adjoining land and by posting one sign on the site's frontage.

### Relation to Council policy

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

### Environmental sustainability

7. An Environmentally Sustainable Design (ESD) statement was provided along with a Waste Management Plan indicating that the proposal will achieve the requirements set out in Clause 22.19 and 22.23 of the Melbourne Planning Scheme. Further details of ESD measures are set out in the attached delegate report (refer Attachment 4).











# Locality Plan

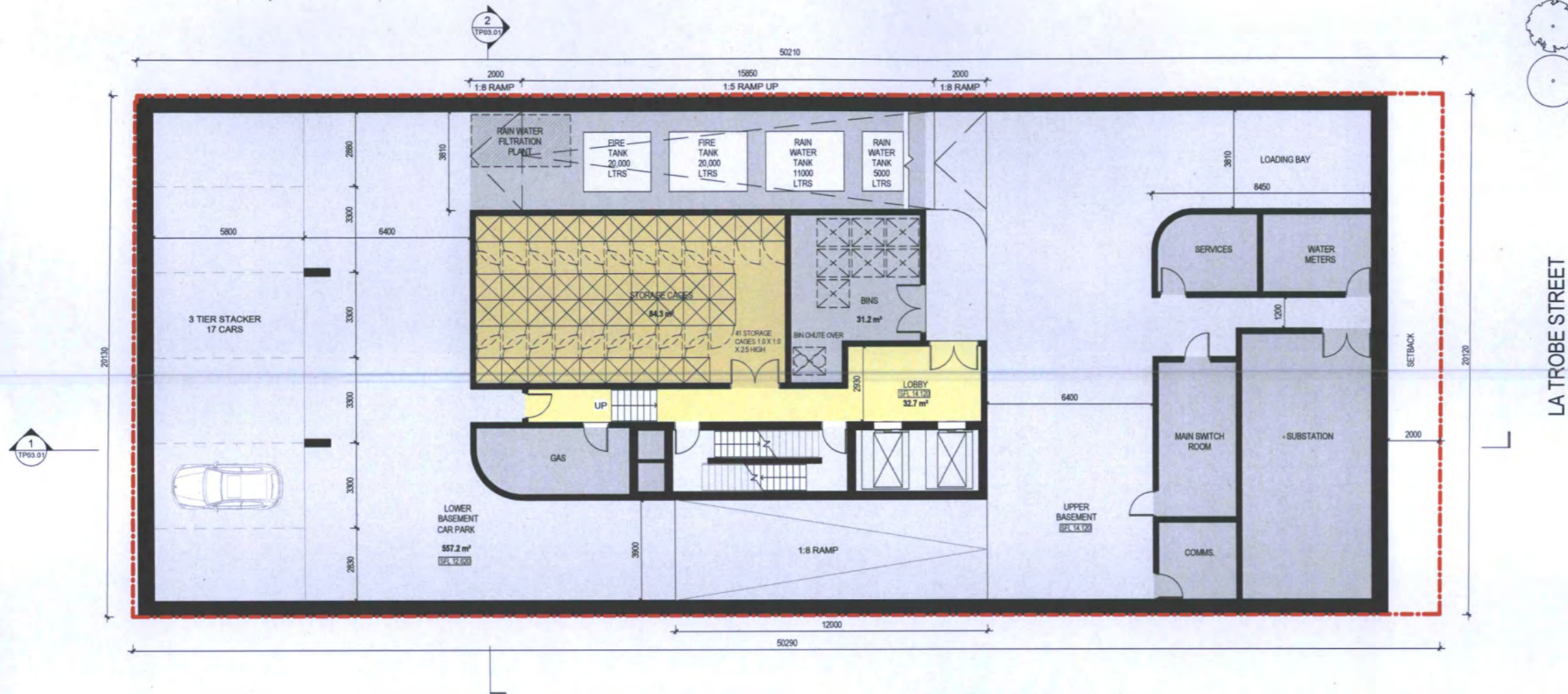
Attachment 2  
Agenda item 6.3  
Future Melbourne Committee  
20 September 2016

## 488 La Trobe Street, West Melbourne



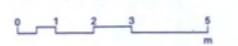
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-  FLOOR MOUNTED BIKE RACK
-  LEVEL FROM SURVEY
-  LEVEL EXTRAPOLATED FROM ADJACENT SURVEY LEVELS
-  STAIR PRESSURISATION
-  MECHANICAL RISER
-  HYDRAULIC RISER
-  SPRINKLER RISER
-  SERVICE RISER
-  EXISTING TREE
-  PROPOSED TREE



PROJECT NAME  
**RESIDENTIAL DEVELOPMENT**  
PROJECT ADDRESS  
**488 LA TROBE STREET,  
WEST MELBOURNE**

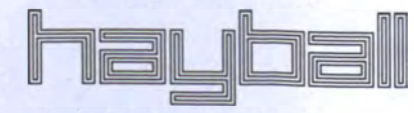
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PROJECT NO  
**2059**  
STATUS  
**PRELIMINARY**

DWG NO  
**TP01.02**  
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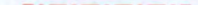



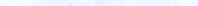
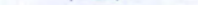




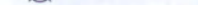




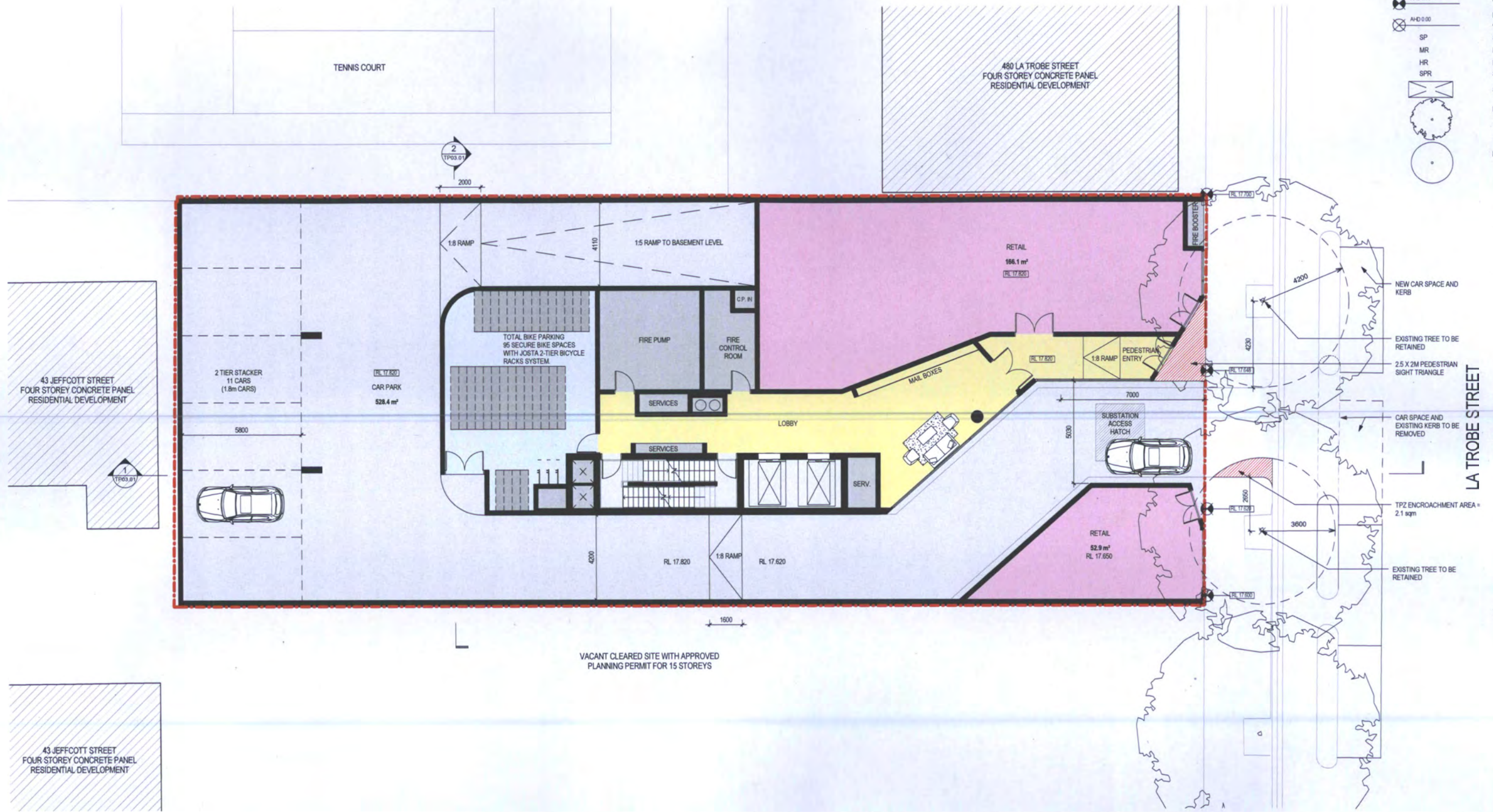
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NSW Nominated Architects:  
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Richard Leonard 7522,  
Robert Stern 7523,  
Geoffrey Hammer 5147  
ABN 84 006 394 261

Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved

GENERAL NOTES

-  PROPERTY BOUNDARY LINE
-  OVERHEAD BUILDING LINE
-  WALL MOUNTED BIKE RACK
-  FLOOR MOUNTED BIKE RACK
-  LEVEL FROM SURVEY
-  LEVEL EXTRAPOLATED FROM ADJACENT SURVEY LEVELS
-  STAIR PRESSURISATION
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PROJECT NAME  
**RESIDENTIAL DEVELOPMENT**

PROJECT ADDRESS  
**488 LA TROBE STREET,  
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DRAWING TITLE  
**FLOOR PLAN - GROUND**

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**TP01.03**

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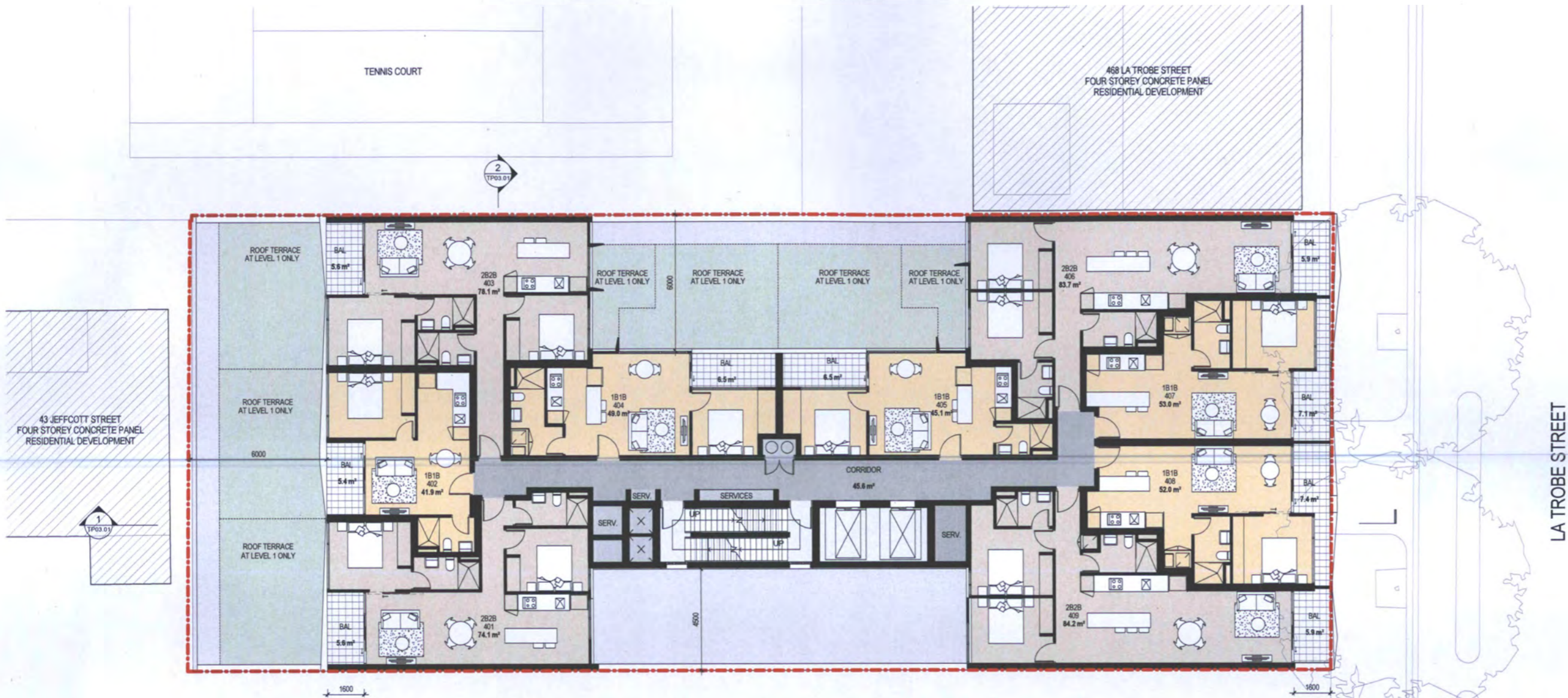
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VACANT CLEARED SITE WITH APPROVED PLANNING PERMIT FOR 15 STOREYS

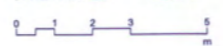
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**FLOOR PLAN - LEVELS 5-6**

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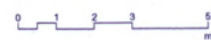
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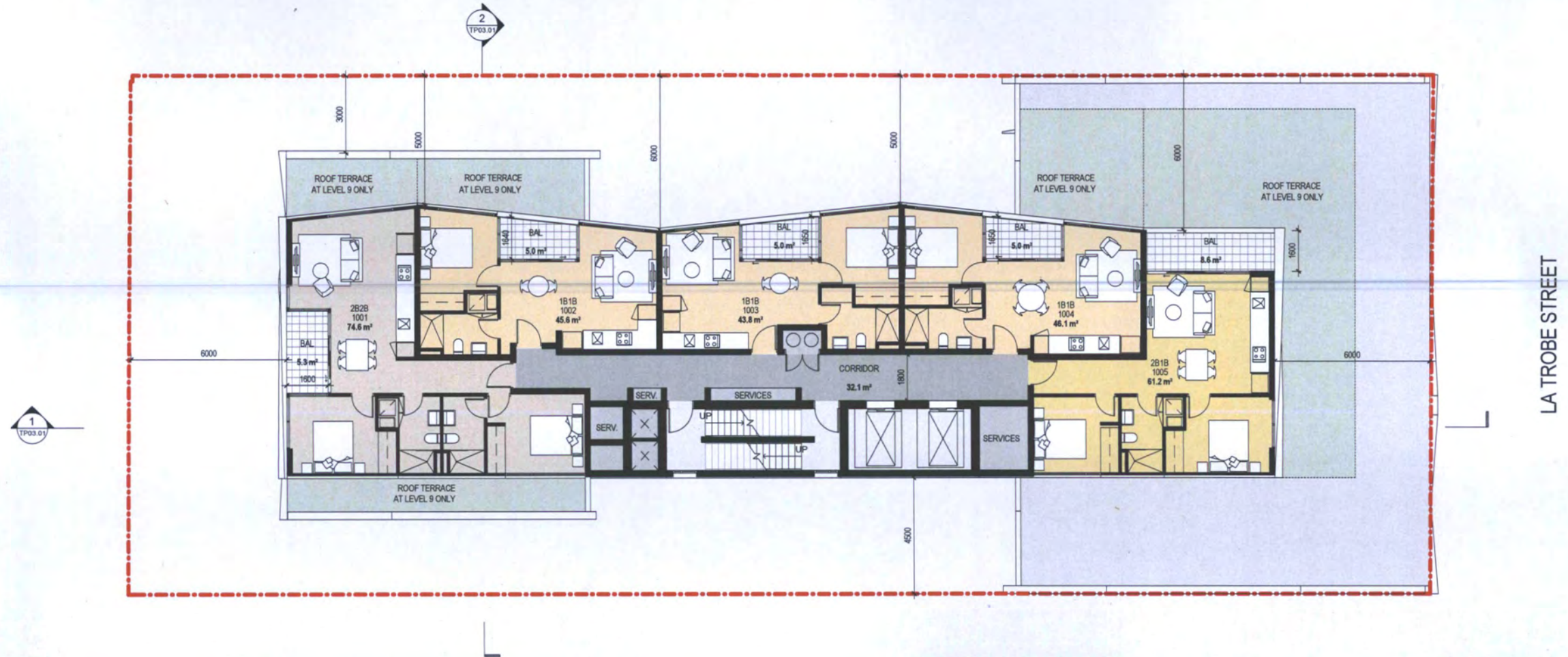
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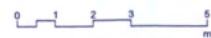




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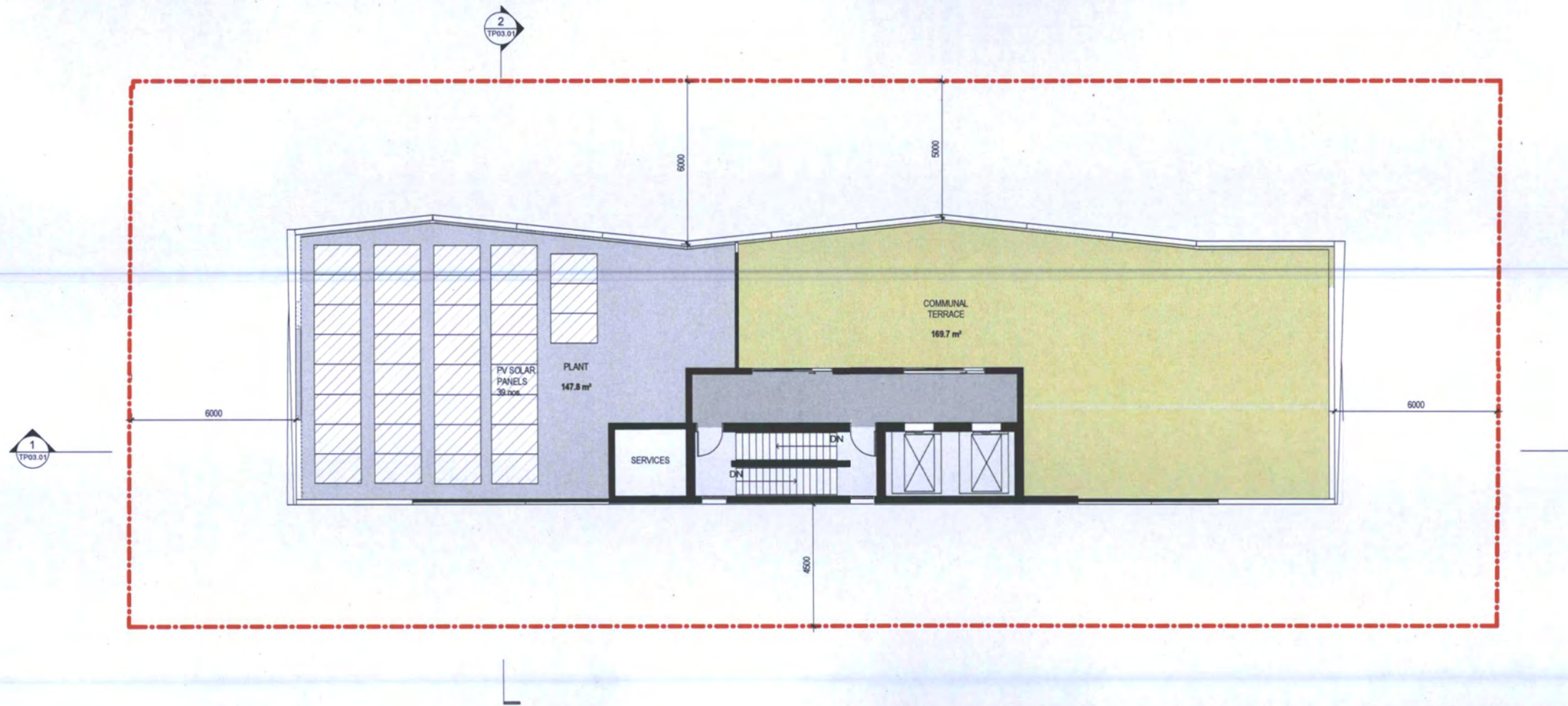
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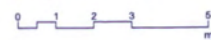
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**ROOF PLAN**

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**TP01.08**  
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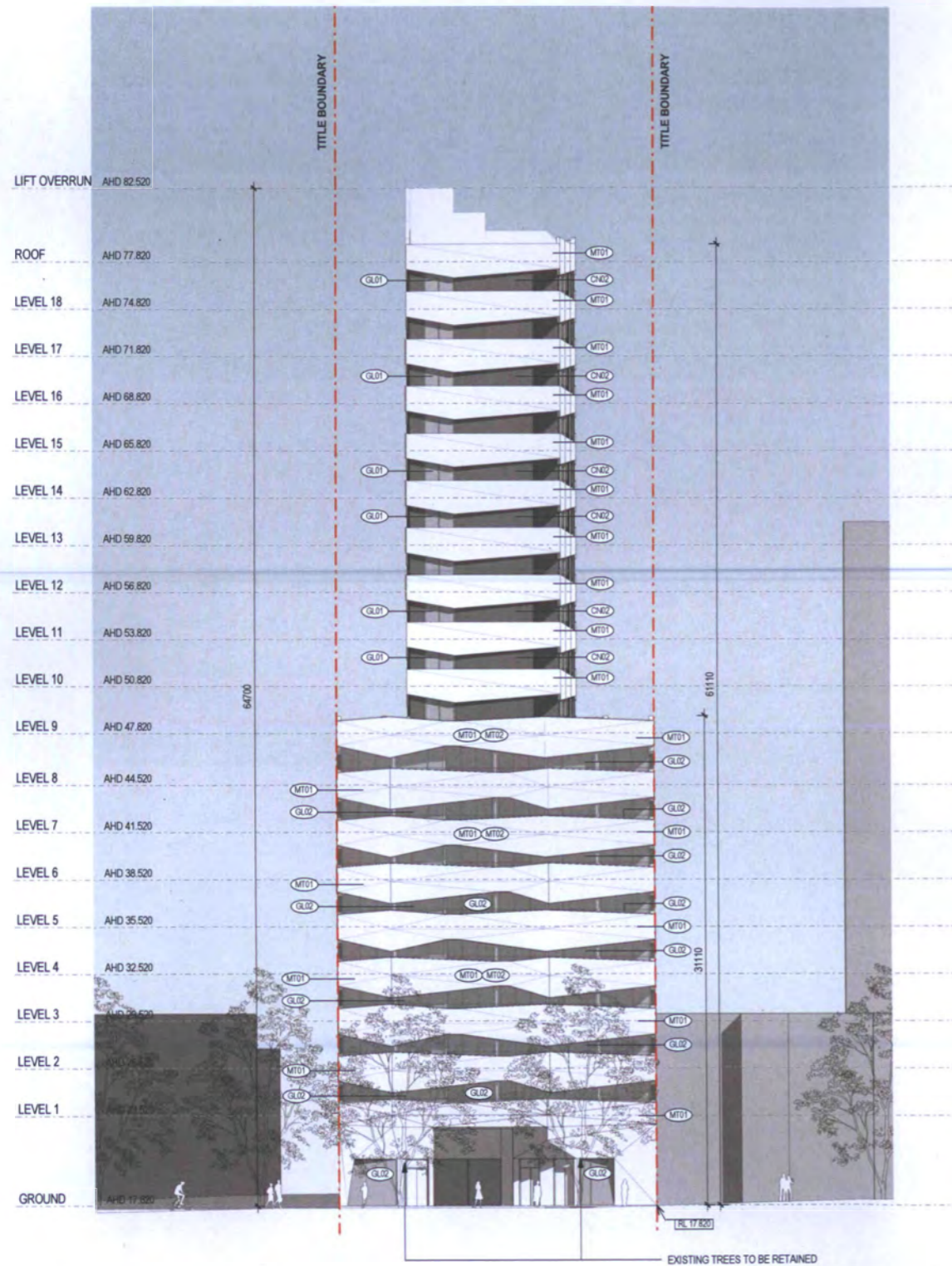
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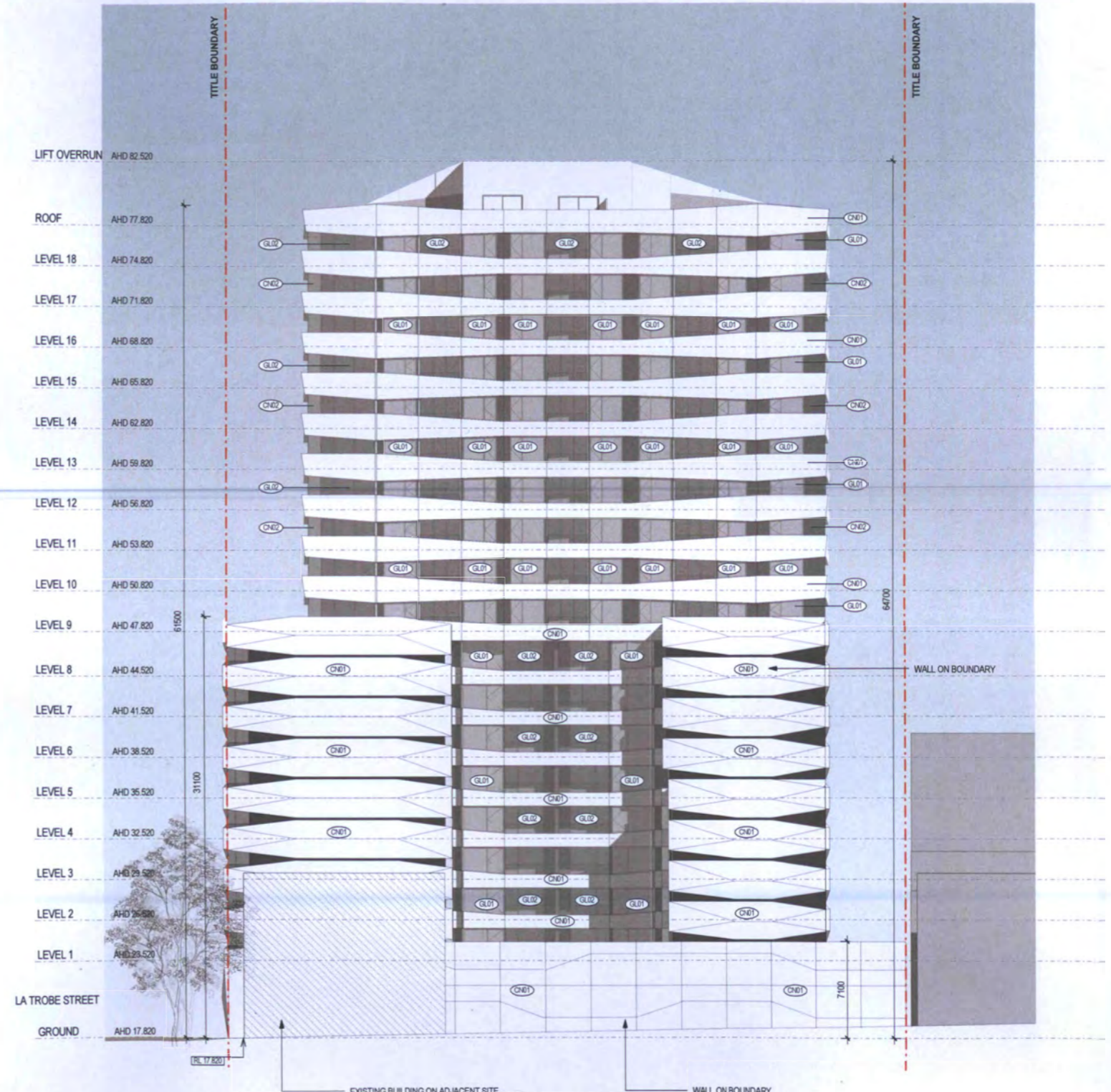
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MATERIALS LEGEND	
GLD1	TYPICAL FACADE GLAZING - DARK TINT
GLD2	TYPICAL FACADE GLAZING - CLEAR
MTD1	METAL FACADE PANEL - CHAMPAGNE COLOUR
MTD2	PERFORATED METAL - CHAMPAGNE COLOUR
CHD1	PRECAST CONCRETE PANEL - OFF WHITE COLOUR
CHD2	PRECAST CONCRETE PANEL - DARK COLOUR



SOUTH ELEVATION

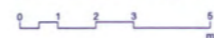


EAST ELEVATION

PROJECT NAME  
**RESIDENTIAL DEVELOPMENT**  
 PROJECT ADDRESS  
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DRAWING TITLE  
**ELEVATIONS - SOUTH & EAST**

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PROJECT NO  
**2059**  
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**TOWN PLANNING**

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**TP02.01**  
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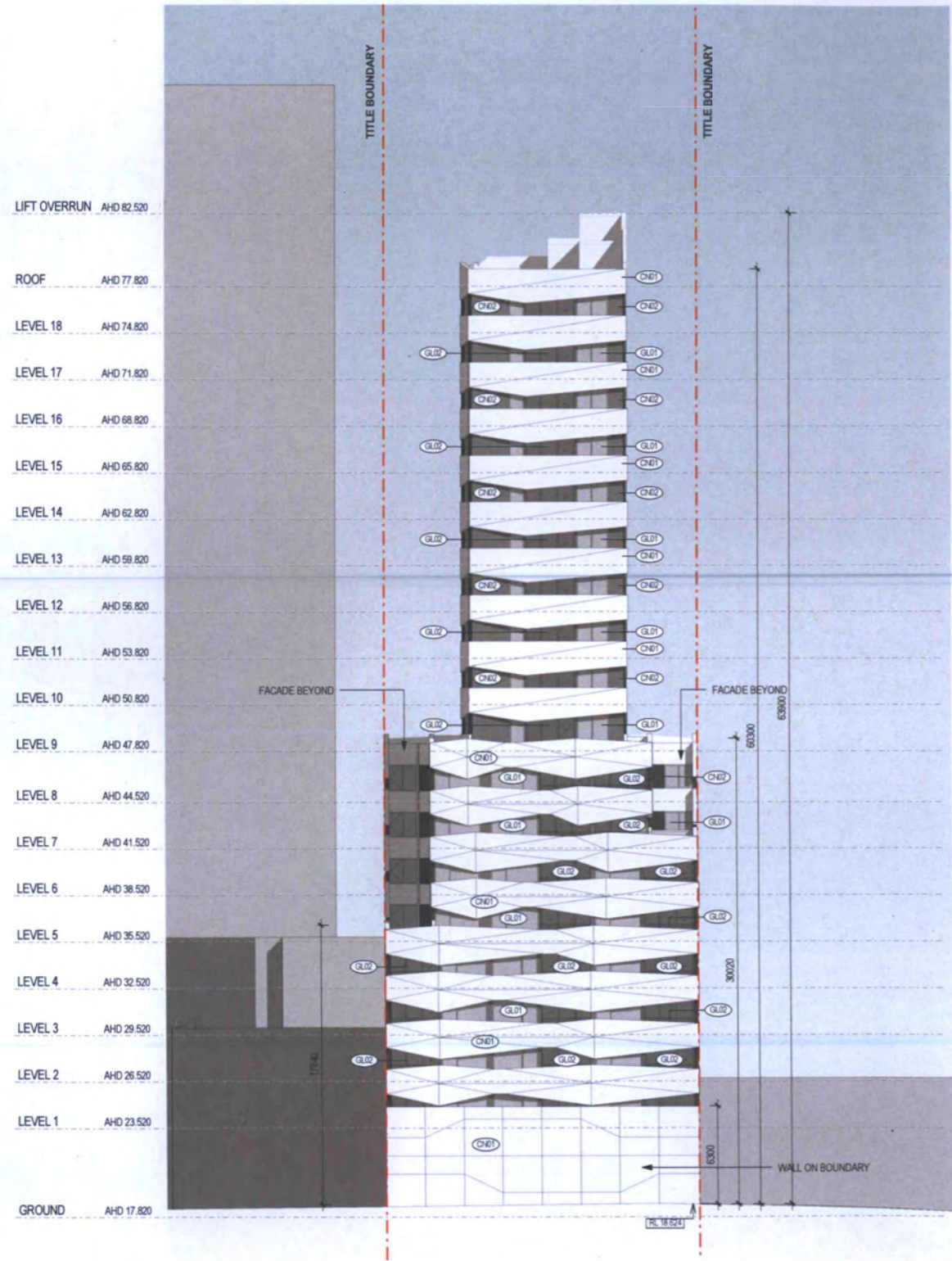
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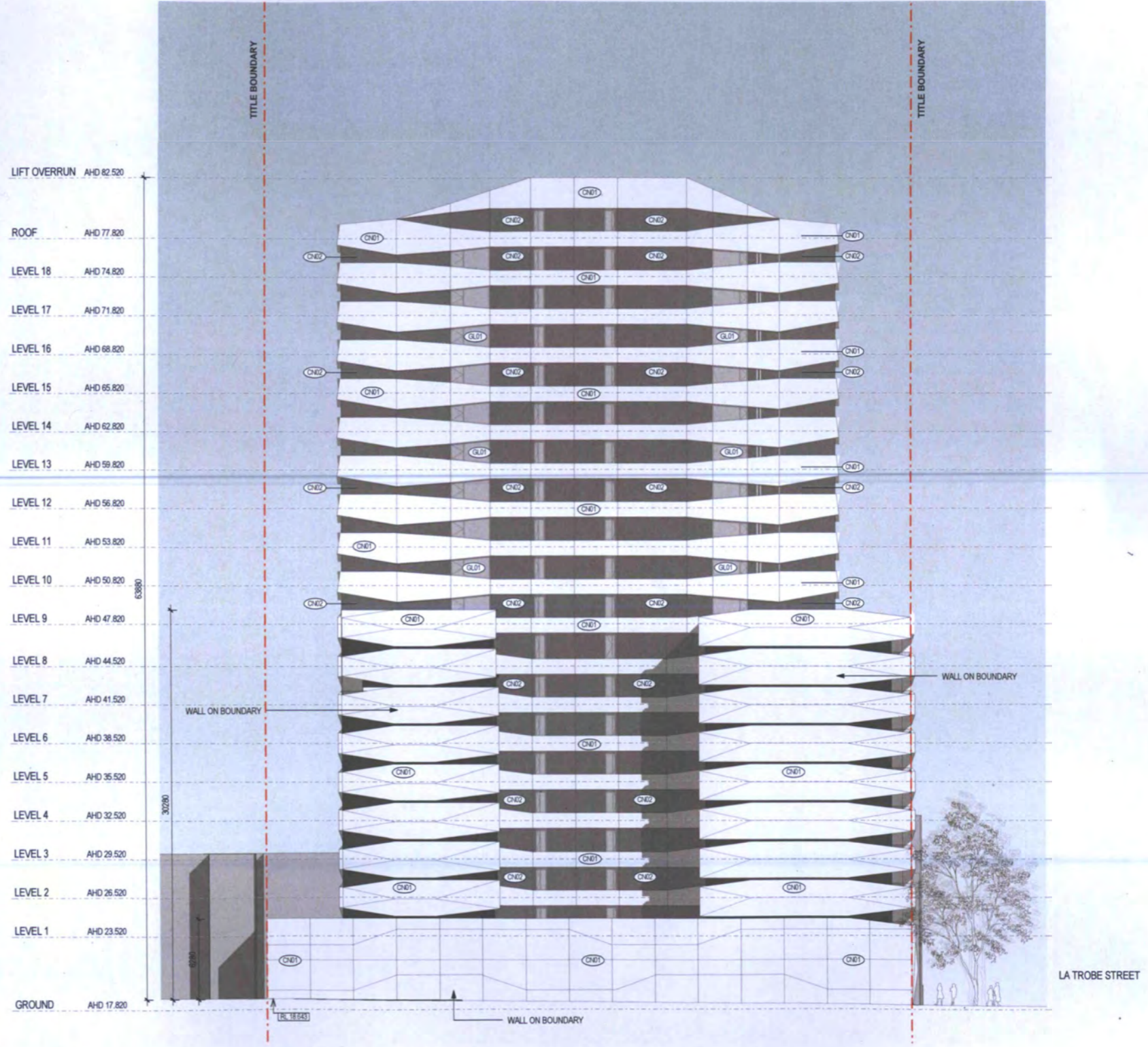
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**MATERIALS LEGEND**

- GLD1 TYPICAL FACADE GLAZING - DARK TINT
- GLD2 TYPICAL FACADE GLAZING - CLEAR
- MTD1 METAL FACADE PANEL - CHAMPAGNE COLOUR
- MTD2 PERFORATED METAL - CHAMPAGNE COLOUR
- CHD1 PRECAST CONCRETE PANEL - OFF WHITE COLOUR
- CHD2 PRECAST CONCRETE PANEL - DARK COLOUR



**NORTH ELEVATION**



**WEST ELEVATION**

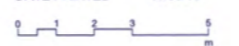
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**RESIDENTIAL DEVELOPMENT**  
PROJECT ADDRESS  
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WEST MELBOURNE**

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**ELEVATIONS - NORTH & WEST**

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**2059**  
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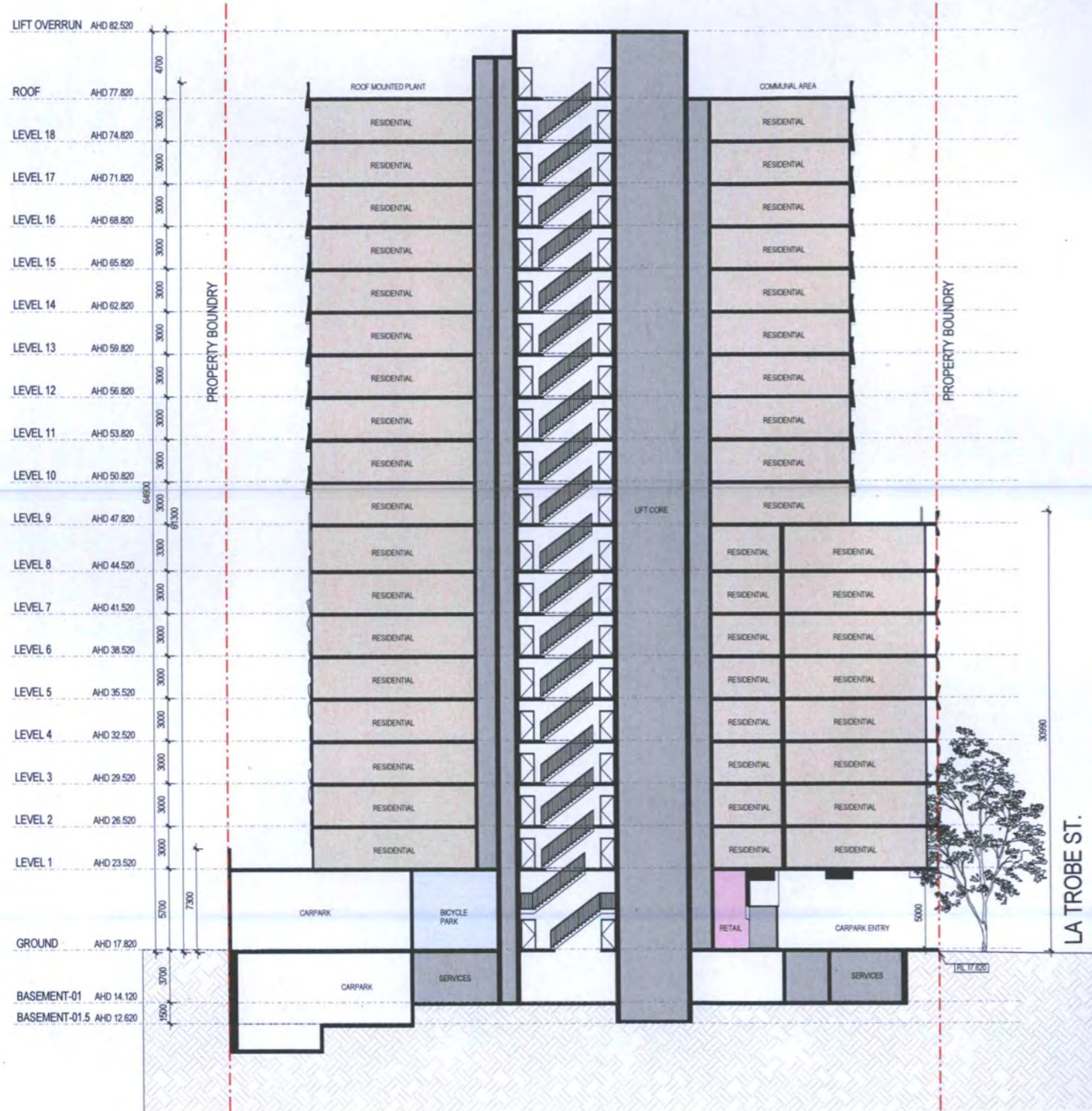
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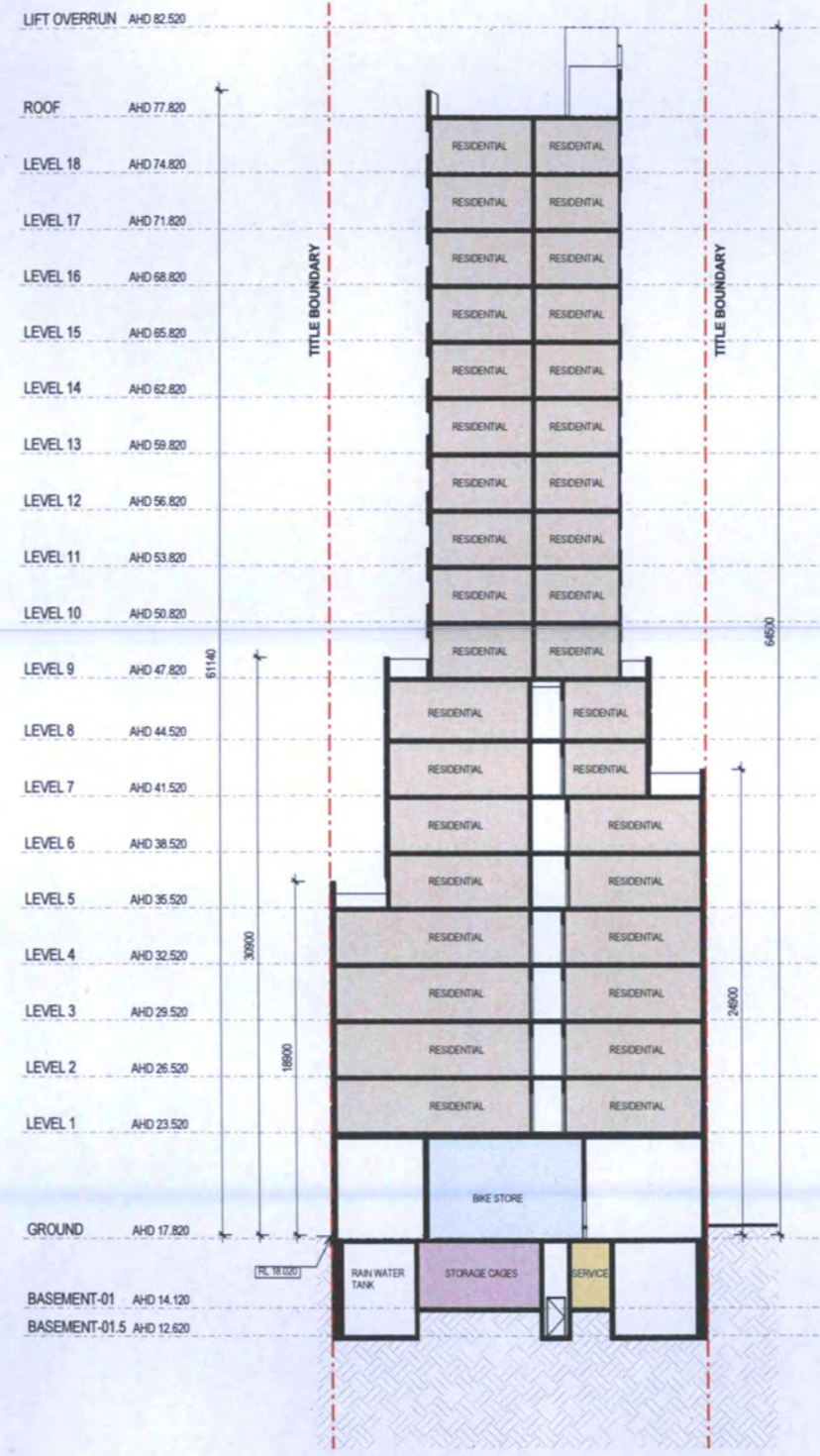
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1 SECTION AA  
TP01.02 1:200



2 SECTION BB  
TP01.02 1:200

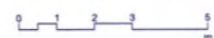
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**RESIDENTIAL DEVELOPMENT**  
PROJECT ADDRESS  
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**SECTIONS**

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**TOWN PLANNING**

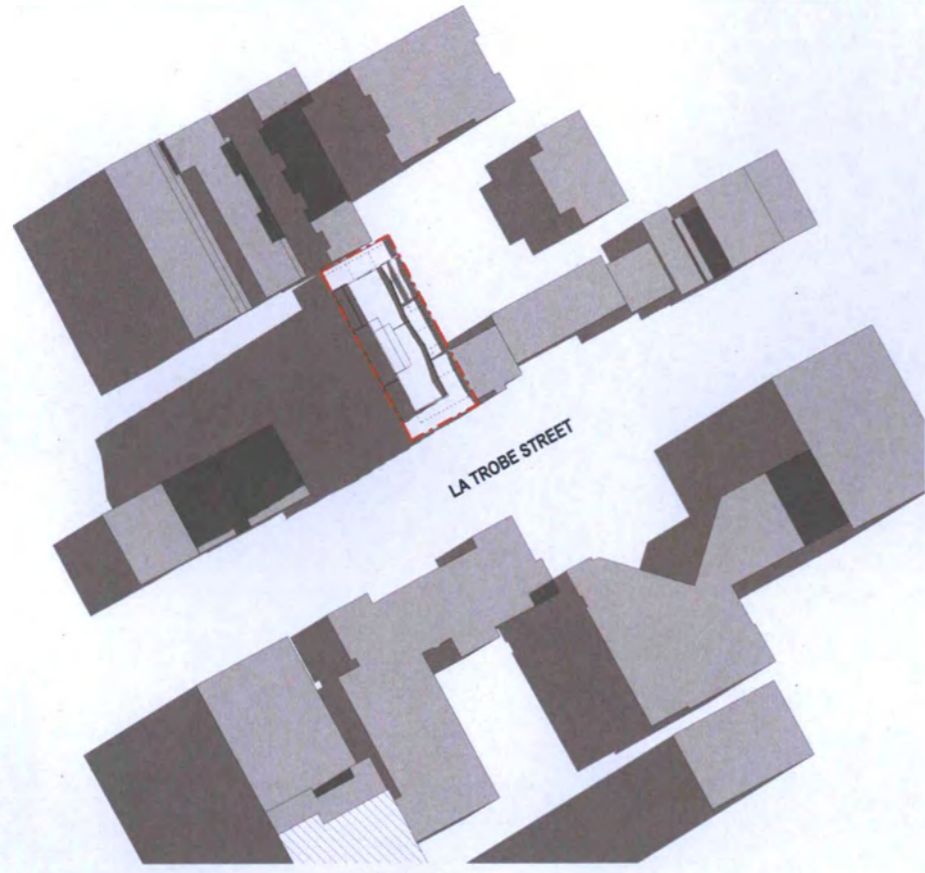
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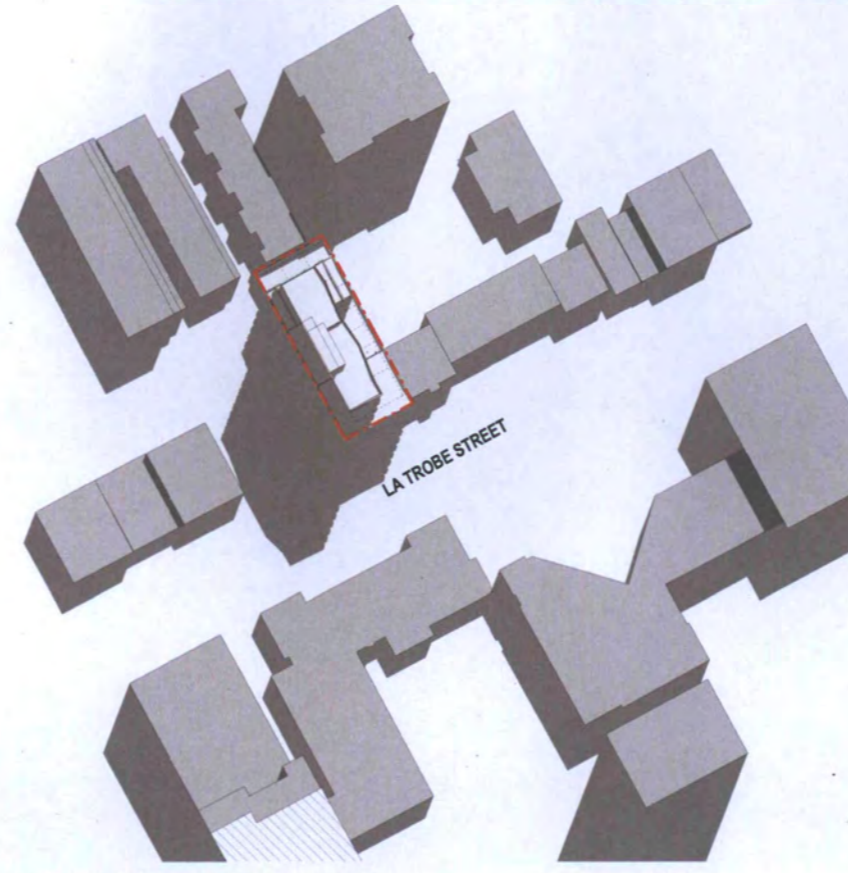
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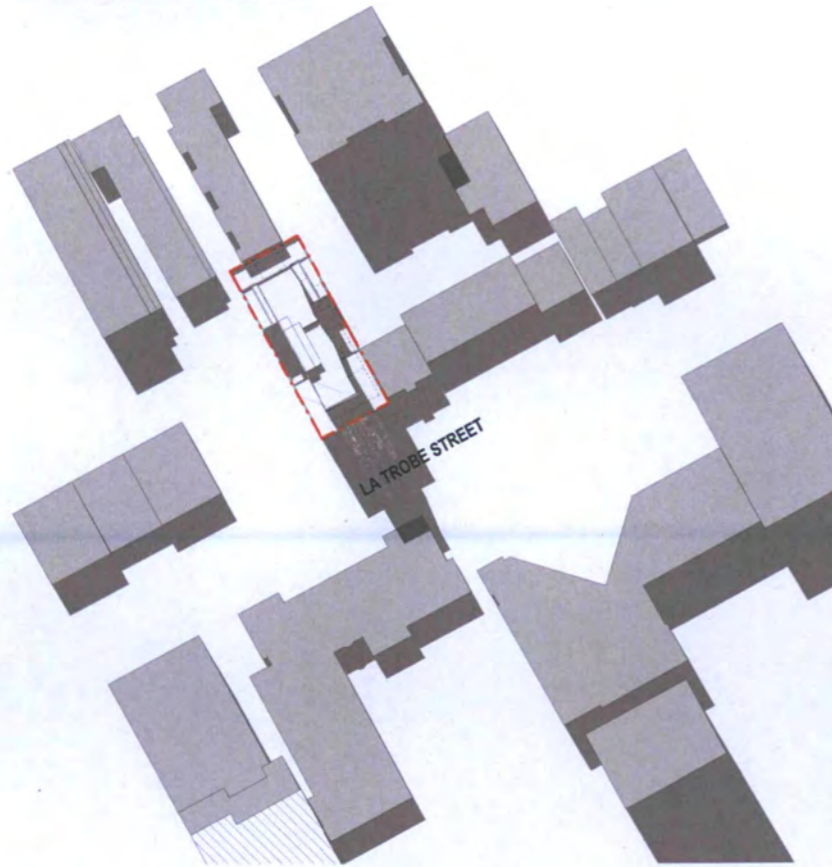
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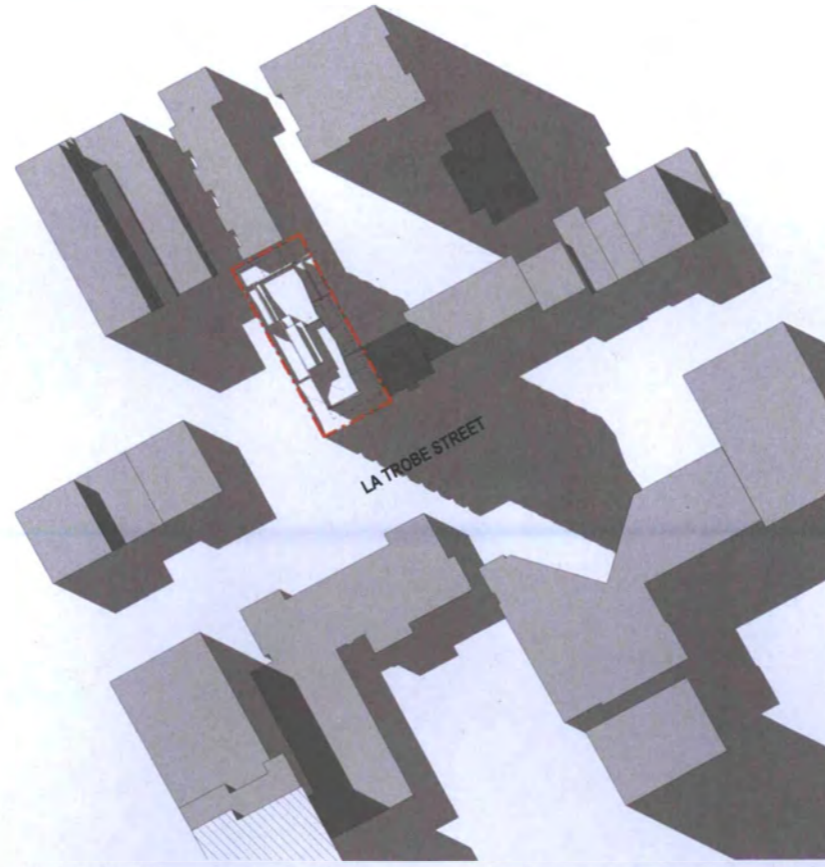
SHADOW DIAGRAM AT 9AM SEPT 22nd



SHADOW DIAGRAM AT 11AM SEPT 22nd



SHADOW DIAGRAM AT 1PM SEPT 22nd

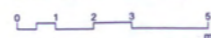


SHADOW DIAGRAM AT 3PM SEPT 22nd

PROJECT NAME  
**RESIDENTIAL DEVELOPMENT**  
 PROJECT ADDRESS  
**488 LA TROBE STREET,  
 WEST MELBOURNE**

DRAWING TITLE  
**SHADOW DIAGRAM**

DRAWN BY MS  
 CHECKED VM  
 SCALE 1 : 1000@ A1  
 DATE PRINTED 16/06/16



PROJECT NO  
**2059**  
 STATUS

TOWN PLANNING

DWG NO  
**TP04.01**  
 REV  
**A**



REV	DATE	DESCRIPTION
A	16/06/16	ISSUE FOR TP APPROVAL



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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved



VIEW TOWARDS SITE FROM LA TROBE STREET LOOKING WEST

488 La Trobe Street, West Melbourne

**DELEGATED PLANNING APPLICATION REPORT**

<b>Application number:</b>	<b>TP-2016-483</b>
<b>Applicant:</b>	<b>Spacious Property Development Group</b>
<b>Address:</b>	488-494 La Trobe Street, WEST MELBOURNE VIC 3003
<b>Proposal:</b>	Construction of a multi-storey building, ground floor retail premises (excluding hotel, tavern, adult sex bookshop, department store, supermarket and gambling premises), reduction in the car parking requirements
<b>Date of application:</b>	20 June 2016
<b>Responsible officer:</b>	Esha Rahman

**1 SUBJECT SITE AND SURROUNDS**

The subject site is located to the north side of La Trobe Street between King and Spencer Streets, West Melbourne. The site is rectangular with a frontage of approximately 20.11m, a depth of 50.29m resulting in an overall site area of approximately 1011 square metres.

The site is occupied by a two storey building built to all boundaries, with two existing street trees located along the site's frontage.

The surrounding area comprises of a mixture of residential, commercial and educational land uses. The subject site has the following interfaces:

- The land to the immediate north at 43-51 Jeffcott Street is developed with a three to four storey residential development which has a frontage to Jeffcott Street. The development is separated by a central communal open space. The apartments are generally oriented east to west, and has a three to four storey boundary wall constructed on the common boundary. Immediately to the west of this building is a seven storey residential building also with a frontage to Jeffcott Street.
- To the east, 33 Jeffcott Street is developed with a part four and part 13 storey development. The 13 storey building is located at the northern end of the site with a frontage to Jeffcott Street.

The four storey building is located at the southern end of site with a frontage to La Trobe Street. A tennis court and communal garden space is located centrally to the development with the tennis court situated immediately adjacent to the subject site's eastern boundary.

- The land to the west at 500 La Trobe Street is currently vacant. This site had a planning permit to construct a part 5 and part 12 storey building. The 5 storey section of the development which fronts onto Jeffcott Street has been constructed. The 12 storey section of the development was proposed on the La Trobe Street frontage and has not been constructed. This permit has now lapsed.



- The land to the south, opposite La Trobe Street at 513-577 La Trobe Street is occupied with the William Angliss Institute Building, a part 2 and part 4 storey building.

### Aerial Photo / Locality Plan



Figure 1: Aerial map of subject site



Figure 2: Photo of existing building on the subject site which is proposed to be demolished.

## 2 BACKGROUND AND HISTORY

### 2.1 Pre-application discussions

On 7 November 2014 a previous application was lodged for the subject site to construct a 98m high building to be used for dwellings. This application was refused

by Council and appealed to the VCAT. On 23 November 2015 VCAT affirmed the decision of Council. VCAT considered that the building with its proposed height and minimal setbacks was too intense for the site, when considered in context of its physical and policy setting.

Following this, two pre-application meetings were held with Council's Planning Officer and Urban Designer in February and April 2016. At the initial meeting, concerns were raised in relation to the height and setbacks of the proposed development. Subsequently, amended plans were presented at the second meeting where Council's officers expressed in principle support for the proposed setbacks but raised concerns with the overall height of the tower.

## 2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites:

TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
TP-2014-988	Demolition of existing building and buildings and works to construct a multi storey residential development containing 247 dwellings and a reduction in the car parking and bicycle facilities requirements	<b>Refusal 29/1/2016.</b>	Council issued a refusal which was upheld at VCAT.  In forming its decision, VCAT considered that the proposed tower at 98m in height was too intense when considered in context of its physical and policy setting.

## 3 PROPOSAL

The proposal, as shown on plans date stamped 20 June 2016, proposed the following uses:

<b>Dwelling</b>	Total number of dwellings: 118 One bedroom apartments: 64 Two bedroom apartments with one bathroom: 14 Two bedroom apartment with two bathrooms: 40
<b>Retail</b>	Two tenancies with a combined leasable floor area of 219 square metres provided on ground level.

The specific details of the proposal, as shown on plans date stamped 20 June 2016 are as follows:

<b>Building height</b>	64.9m (including plant and equipment) (19 storeys).
<b>Podium height</b>	30.9m (9 storeys)
<b>Front, side and rear setbacks</b>	North (rear):6m on all levels. South (front): 6m from level 10 and above. East (side): <ul style="list-style-type: none"> <li>• Part of the development on levels 1 to 4 setback 6m.</li> <li>• On levels 5 to 9 between 3 and 6m.</li> </ul>

	<ul style="list-style-type: none"> <li>On level 10 and above between 5 and 6m.</li> </ul> <p>West (side):</p> <ul style="list-style-type: none"> <li>Part of the development on levels 1 to 6 setback 4.5m.</li> <li>On levels 7 and 8 between 3 and 4.5m.</li> <li>On level 9 and above 4.5m.</li> </ul>
<b>Gross floor area (GFA)</b>	12,364 sqm
<b>Car parking spaces</b>	28 spaces provided on ground and basement levels.
<b>Bicycle spaces</b>	95
<b>Pedestrian access</b>	Pedestrian access proposed from La Trobe Street,
<b>Vehicle access</b>	A new vehicle crossover proposed centrally to the site. The existing crossover located to the east side of the site's frontage is proposed to be removed.
<b>Loading/unloading</b>	Loading bay proposed at basement level.



Figure 3: Architects Impression of the proposed development as viewed from La Trobe Street.

#### 4 STATUTORY CONTROLS

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

Clause	Permit Trigger
--------	----------------

<p>Clause 32.04, Mixed Use Zone</p>	<p>Pursuant to Clause 32.04.2, permit is required to use the site for retail premises (other than food and drink premises and shop).</p> <p>Pursuant to Clause 32.04-6, permit is required to construct two or more dwellings on a lot.</p>
<p>Clause 43.02, Design and Development Overlay – Schedule 33 (CBD Fringe)</p> <p>Schedule 12 (Noise Attenuation)</p>	<p>Clause – 43.02. Pursuant to Clause 43.02-2 a permit is required for buildings and works unless exempted by the schedule.</p> <p>Schedule 32:</p> <ul style="list-style-type: none"> <li>• Does not exempt the buildings and works from requiring a permit.</li> <li>• Outlines a maximum height limit of 40m (discretionary) with the following podium height and setback: <ul style="list-style-type: none"> <li>- Podium height: 16m or an appropriate lesser height where the site is adjacent to a heritage building.</li> <li>- Setbacks above podium: 6m from all front, side and rear boundaries.</li> </ul> </li> <li>• Outlines the following relevant built form outcome: <ul style="list-style-type: none"> <li>- Built form which provides a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne.</li> <li>- Development provides a transition to adjoining lower scale heritage buildings by the use of podiums and upper level setbacks.</li> <li>- Development that does not overshadow Flagstaff Gardens between 11am and 2 pm on 22 September and 22 June.</li> <li>- Building setbacks that strengthen the pedestrian scale and focus of the area and maintain a sense of open outlook from the Flagstaff Gardens.</li> </ul> </li> </ul> <p>Schedule 12:</p> <ul style="list-style-type: none"> <li>• Does not exempt the proposed buildings and works from requiring a permit.</li> <li>• Outlines that any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must: <ul style="list-style-type: none"> <li>- Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area.</li> <li>- Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility.</li> <li>- Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.</li> </ul> </li> </ul>
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-2 a new use must not commence until the required car spaces have been provided on the land.</p> <p>Pursuant to Clause 52.06-3 a permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under the clause.</p> <p>The table at Clause 52.06-5 outlines the following:</p> <ul style="list-style-type: none"> <li>- 1 space per one or two bedroom dwelling.</li> <li>- 2 spaces per three bedroom dwelling.</li> <li>- 1 visitor space per 5 dwellings.</li> </ul>

	<p>- 4 to each 100sqm of leasable floor area for shop (retail)</p> <p>This equates to a total of 149 car parking spaces being provided on site, The proposal seeks to provide a total of 28 car parking for residents and therefore requires a permit for the reduction in the statutory requirement.</p>
Clause 52.07 Loading and Unloading requirements	<p>Pursuant to Clause 52.07, no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the table below.</p> <p>The clause states that a permit may be granted to reduce or waive these requirements if either:</p> <ul style="list-style-type: none"> <li>- The land area is insufficient.</li> <li>- Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.</li> </ul> <p>The clause outlines the following minimum loading bay dimensions:</p> <ul style="list-style-type: none"> <li>- Area: 27.4 sqm</li> <li>- Length: 7.6m</li> <li>- Width: 3.6m</li> <li>- Height clearance: 4m</li> </ul> <p>The proposal provides a loading bay which is 8.45m in length and 3.81m in width and has a total area of 32 sqm. This exceeds the requirements.</p>
Clause 52.34 Bicycle Parking	<p>Pursuant to Clause 52.34-1 a new a new use must not commence until the required bicycle facilities have been provided on the land. The Clause states that a permit may be granted to reduce, vary or waive the number of bicycle spaces required by the table.</p> <p>Clause 52.34-3 outlines the following number of bicycle spaces to be provided for dwellings:</p> <ul style="list-style-type: none"> <li>• Resident: In developments of four or more storeys, 1 to each 5 dwellings.</li> <li>• Visitors: In developments of four or more storeys, 1 to each 10 dwellings.</li> </ul> <p>Pursuant to the above, the proposal is therefore required to provide 36 bicycle spaces; comprising of 24 spaces for residents and 12 for visitors.</p> <p>The proposal seeks to provide for 95 bicycle spaces which exceeds the requirements.</p>
Clause 52.35	<p>Pursuant to Clause an application for a residential development of five or more storeys must be accompanied by an urban context report and a design response.</p> <p>An urban context report and a design response was submitted with the application, which was received on 20 June 2016 and was considered satisfactory.</p>

## 5 STRATEGIC FRAMEWORK

### 5.1 State Planning Policy Framework (SPPF)

The following provisions of the SPPF applies:

- Clause 9, Plan Melbourne
- Clause 15.01-2, Urban design principles
- Clause 15.02-1, Energy and resource efficiency

- Clause 18.02-1, Sustainable personal transport
- Clause 18.02-2, Cycling
- Clause 18.02-5, Car parking

## **5.2 Local Planning Policy Framework (LPPF)**

### **5.2.1 Municipal Strategic Statement (MSS)**

The relevant provisions of the MSS are summarised as follows:

- Clause 21,16-5 identifies West Melbourne as having a strong residential base. It states that 'many of the area's streetscapes and buildings have been recognised for their heritage significance'.

In relation to future uses and development, the Clause outlines the following:

- North and West Melbourne should provide a balance of residential and commercial uses that maintains an emphasis on local community and liveability

The clause outlines the following policies of relevance:

- Support residential development in the Hoddle Grid fringe. In this area, increased residential densities should be balanced with the strategic role of this area in providing for small to medium enterprises that support the Hoddle Grid and Docklands.
- Ensure the area bounded by Latrobe Street, south west of the Flagstaff Gardens provides a contrast in scale between the lower built form of West Melbourne and the higher scale of the Hoddle Grid.
- Support higher building forms in West Melbourne in the area adjacent to the Hoddle Grid.

### **5.2.2 Local Policies**

The following local policies apply:

- Clause 22.02, Sunlight to Public Spaces.
- Clause 22.17, Urban Design outside the Capital City Zone
- Clause 22.19, Energy, Water and Waste Efficiency
- Clause 22.23, Stormwater Management (Water Sensitive Urban Design)

## **6 PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

- Clause 52.06, Car Parking
- Clause 52.07, Loading and Unloading of Vehicles
- Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys
- Clause 52.36, Integrated Public Transport Planning

## **7 GENERAL PROVISIONS**

The following general provision(s) apply to the application:

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

- Clause 66, Referral and Notice Provisions

## **8 PLANNING SCHEME AMENDMENTS C272 AND C273**

Melbourne Planning Scheme Amendment C272 implements the recommendations of the West Melbourne Heritage Review (Graeme Butler & Associates, 2016).

In May 2016, the Future Melbourne Committee (FMC) resolved to request the Minister to prepare and approve Amendment C273 under Section 20(4) of the Planning and Environment Act 1987 (the Act) to introduce interim heritage controls and to seek authorisation from the Minister to prepare and exhibit Amendment C272, which seeks to introduce permanent heritage controls.

On 16 June 2016, authorisation for Amendment C272 was received. Exhibition was planned to commence on 1 September and run until mid-October, 2016. Management has not yet received a formal response about Amendment C273 (the request for interim heritage controls).

Amendments C272 and C273 propose to introduce a new Heritage Overlay for this property and has been identified as having a potential C grading.

At the time of writing this report there is no heritage overlay or interim heritage controls over the site; amendment C272 is yet to be exhibited and is not currently 'seriously entertained'. Although this application was lodged shortly after Council resolved to request the Minister prepare and approve Amendment C273 and sought authorisation to prepare and exhibit amendment C272, this proposal was well progressed having been subject to a recently unsuccessful permit application and subsequent pre-application meetings.

## **9 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 one notice on the La Trobe Street frontage of the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

## **10 OBJECTIONS**

A total of 34 objections were received raising the following concerns with the proposal:

- Excessive height.
- Visual bulk.
- The existing building is heritage listed and therefore its demolition should not be supported.
- Does not comply with the height and built form requirements outlined in DDO33.
- Not in keeping with neighbourhood character.
- Overdevelopment of the site.
- Overshadowing of neighbouring private open spaces particularly the communal tennis court of the adjoining property to the immediate east.
- Overlooking.
- Loss of amenity of the adjoining residents.

- Proposed development does not provide an active street frontage.
- Concerns about the construction of the proposed building.
- Not enough infrastructure has been provided to cater for the increased density.
- Wind impacts.
- Noise from air conditioners and plant equipment. .
- Poor internal amenity.
- Proposed development sets an undesirable precedent for the area.
- Will degrade the value of adjoining properties.
- Noise impacts from construction.

The applicant was provided with a copy of all of the objections. The applicant's response to the objections was received by Melbourne City Council on 5 September 2016.

## **11 CONSULTATION**

No further consultation was arranged as it was considered that the issues/concerns raised could not be resolved.

## **12 REFERRALS**

### **12.1 Internal**

The application was referred internally to Council's Urban Design, Urban Forest and Engineering Departments. The following comments were provided (summarised):

#### **12.1.1 Urban Design**

As outlined above, two pre-application meetings were held with Council's Planning and Urban Design officers prior to this planning application being lodged. The following urban design comments were provided at the pre-application stage:

- The site is not appropriate for a podium-tower typology building, given the West Melbourne context outside of the Hoddle Grid
- When compared to the corner allotment, multiple street frontages or large land holding of taller approvals within West Melbourne, the subject site represents a lower order development proposition, with private realm interfaces on 3 sides, and one narrow street frontage.
- Recommendation to explore a taller podium and visually recessive upper levels
- Clear fronts and backs, with outlook minimised to any side boundaries
- Potential central (side) courtyard or large rebate along the east elevation to mitigate bulk from the neighbouring communal space
- Reconfigured vehicle access to the side of the frontage, with a revised, more dominant central pedestrian address.
- Increased area of commercial tenancies at the ground level, through greater efficiency of vehicle access internal to the floorplate.

In response to the current proposal, the Urban Designer was supportive of the following aspects:



- 1:1 approach to the podium.
- The 6m setback provided from the eastern boundary which has adequately responded to the neighbouring conditions and does not rely excessively on borrowing of direct outlook from the neighbouring property.
- The 4.5m setback from the western boundary which provides for equitable development opportunities and a proportioned lightwell for secondary outlook.
- The H plan layout of the tower which results in high amenity apartments.

Council's Urban Designer raised concerns in relation the following:

- Overall height of 64m.
- Functional planning / design resolution of vehicle access and resultant activation / bike and pedestrian safety as well as provision of contributory employment uses within a Mixed Use Zone
- Architectural language and materiality (solidity and relationship of material strategy to massing)

### **12.1.2 Urban Forest**

Council's Urban Forest noted that the proposed driveway which is centrally to the site is in close proximity to the structural root zone of one of the trees and (given the limited soil volume of the planting pit) it is expected that the roots have grown along the back of the kerb. It was therefore considered that a cut at this point may have a substantial impact. Therefore, Council's Urban Forest Department required the following additional information to be supplied:

- A non-destructive (e.g. hydro excavation) root investigation to be undertaken by the applicant to determine exact location of roots.

Urban Forest required this assessment to be undertaken by the project arborist and required a representative from Council's Urban Forest Department to be present prior to works commencing. Urban Forest recommended that all roots greater than 300mm in diameter must be retained.

A Tree Protection Management Plan was also recommended to be supplied that includes details (photographs) of this investigation, construction methodology and site requirements such as gantry, scaffold and loading zone requirements and the viability of tree retention.

Urban Forest commented that pruning for loading zones is likely to be limited for these trees, which is expected to have a bearing on the ability to retain them.

### **12.1.3 Engineering**

Council's Traffic Department raised no concerns with the new access arrangements subject to formal approval being obtained for the detailed designs of this treatment and associated parking changes.

The Traffic Department was satisfied with the proposed car parking provisions. They required the internal layout of the carpark to comply with Clause 52.06 of the Melbourne Planning Scheme and/or the relevant Australian Standards (AS).

In order to minimise vehicle and pedestrian conflict, Engineering recommended the following:

- The entry door to the car park be setback 5-6m from the site boundary.
- Alternatively, the door at the site boundary could be left open during peak periods & closed off-peak
- Another option is for a 2-door arrangement to be provided, avoiding the creation of an alcove, which could generally operate as follows:
  - During peak periods, the *outer* door would be left open to allow motorists at least 1 car space to stop within the site boundary while the *inner* door is operating; and
  - During off peak periods, the *outer* door would be closed and the *inner* door left open.

Traffic Department also recommended that vehicles entering and exiting the site should be restricted to a left in/left out arrangement.

Traffic Department also required the following to be submitted:

- A swept path assessment of B99 vehicle turning left into the site passing exiting vehicle & the plans should be modified to accommodate this if necessary.
- Clarification as to how conflict between the entering/exiting resident/loading vehicles is to be managed

Traffic Department was satisfied with the number of bicycle spaces being provided.

With regards to the loading bay, it was recommended that the size needs to be modified to cater for 6.4m rigid vehicle (SRV) which in turn will require changes to the ramp grades.

Council's Waste and Civil department raised no concerns with the proposal. Council's Civil Department recommended that the standard civil conditions be imposed should a permit be issued.

## 12.2 External

The application was referred externally to Public Transport Victoria who had no objections to the proposal subject to the conditions outlined in their letter dated 28 July 2016 being imposed on any permit to issue.

## 13 ASSESSMENT

The application, as shown on plans date stamped 20 June 2016, seeks approval for the construction of a multi-storey building, ground floor retail premises (excluding hotel, tavern, adult sex bookshop, department store, supermarket and gambling premises), and a reduction of the standard car parking and loading and unloading requirements.

The key issues in the consideration of this application are:

- Built form: Height and setbacks.
- Architectural detail and design.
- Active street frontages.
- Internal amenity.
- External amenity impacts to adjoining land.
- Wind Impacts.

- Environmentally Sustainable Design.
- Parking, Traffic and Waste.

### **13.1 Built form: Height and setbacks**

#### **13.1.1 Height and setbacks**

The subject site is affected by Schedule 33 of the Design and Development Overlay which outlines a discretionary maximum building height of 40 metres; podium height of 16 metres; with setbacks above podium of 6m from all front, side and rear boundaries.

Section 2.0 of the Schedule outlines the following built form outcomes of relevance:

- 'Built form which provides a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne.
- Building setbacks that strengthen the pedestrian scale and focus of the area and maintain a sense of open outlook from the Flagstaff Gardens.'

North of La Trobe Street where the subject site is located is currently surrounded by four to five storey developments. The neighbouring property to the immediate west is currently vacant. To the rear of the subject site properties fronting Jeffcott Street are developed with building ranging between three storeys to 13 storeys in height. Further to the west of La Trobe Street development ranges from 2 to 10 storeys, and further to the east towards the city past King Street, are higher density tower developments.

The north side of Dudley Street is affected by DD029 which provides for a preferred maximum building height of 4 storeys. This establishes the 'lower' building height of West Melbourne. The 40m height control stipulated by DD033 sets an appropriate transitional height for this central city fringe area.

The proposal comprises of a 61m high (excluding the rooftop plant and equipment) building with a 30.9m high podium to La Trobe Street. . As depicted in the sectional diagrams (Section AA on drawing no. TP03.01 A), the 0.9m relates to the height of the balustrade on the roof terrace which is proposed above the podium on level 9. As such, the height of the street wall of the podium to La Trobe Street is 30m.

The proposed building and podium height exceeds the DDO33 height requirements.

Council's Urban Design Department supports the podium height for the following reasons:

- It provides a taller, more robust podium form that enables the upper levels to present as secondary to a more robust street-oriented plinth.
- 30m high street wall to La Trobe Street in response to the 30m street width provides for a 1:1 approach which is preferred for the area.
- Addresses the desire for mid-rise built form within West Melbourne, comprising infill forms with dominant street walls, and more recessive upper levels (as distinct from typical Podium-Tower).

When viewed within the existing context, the 30m high street wall will be the first of its kind in the streetscape. Whilst Council's Urban Design Department is supportive of the podium height, it is considered that the proposed 30m height appears out of proportion when viewed within the existing context particularly, adjacent to a four storey building to the immediate east. Further, the 30m is almost double the 16m height as depicted in DDO33 which establishes the current preferred future built form outcome for this location.

It is therefore recommended that the height of the podium be reduced by one level resulting in a 27m high podium. While this still exceeds the 16m podium height by an extra 11m, this is considered an appropriate contextual response in relation to building proportions and the visual bulk perceived from the streetscape and central city interface. This also addresses Council's Urban Design concerns in seeking a taller, more robust podium form on the site.

Further, La Trobe Street is a 30m wide street and therefore can accommodate a podium greater than the 16m height as required by DDO33. In addition, the south side of La Trobe Street is in the Central City where sites are affected by Design and Development Overlay Schedule 10 which requires podiums of a minimum 20m and maximum 40m in height. Therefore, a 27m podium height will sit comfortably within the existing and future context of La Trobe Street whilst also balancing an acceptable outcome to adjoining sites.

It is noted that the podium is confined to the frontage of the site and is setback to the rear to minimise the amenity impacts on the existing residential properties to the north and east of the site. Therefore, the key issue in considering the appropriateness of the podium height is considering the streetscape impacts. For the reasons outlined above, the proposed podium subject to a reduction by one level is considered an appropriate design response for the site.

Reducing the podium height by one level will result in the overall height of the development to be reduced to 58m (excluding lift overrun/building services).

In relation to overall building height, DDO33 requires built form to provide a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne. Clause 21.16-5 of the Melbourne Planning Scheme seeks to support higher building forms in West Melbourne in the area adjacent to the Hoddle Grid.

In considering an appropriate building height for the site, the previous VCAT decision (reference no: P1250/2015) in paragraph 30 outlined the following:

'...that the outcomes sought by DDO33 cannot be dismissed or comprehensively exceeded on the basis that they are too old or out of date. As performance based provisions each proposal needs to be addressed on its merits in context of relevant policy and the DDO objectives.'

There have been a number of planning approvals by Council in the DDO33 area between La Trobe and Dudley Street that are around the 50m mark, in addition to a number of considerably taller Ministerial approvals.

The tower proposed is an elongated, narrow slab form above a dominant robust podium. The height proposed is at 64.9m. The following setbacks are proposed:

- North (rear): 6m on all levels.
- South (front): 6m from level 10 and above.
- East (side):
  - Part of the development on levels 1 to 4 setback 6m.
  - On levels 5 to 9 between 3 and 6m.
  - On level 10 and above between 5 and 6m.
- West (side):
  - Part of the development on levels 1 to 6 setback 4.5m.
  - On levels 7 and 8 between 3 and 4.5m.

- On level 9 and above 4.5m.

The proposed setbacks are considered adequate as they:

- Appropriately respond to existing development on adjoining and adjacent sites;
- Reasonably consider and protect the future development potential of adjoining and adjacent sites; and
- Create perceived tower separation from La Trobe Street of between 9m and 12m.

As such the issues in relation to the proposed built form can be confined to the overall building height.

The subject site being located directly opposite the Hoddle Grid, in principle benefits from the policy direction which seeks to provide a 'transition' in height. Paragraph 35 of the previous VCAT decision acknowledged that the subject site is in an area where 'a sense of transition needs to occur'. However this needs to be balanced with the interface to adjoining sites, particularly the residential development to the east. This is also acknowledged in paragraph 38 of the VCAT decision which outlines that some elements of taller form exceeding the DDO33 height requirements can be considered 'while still meeting other objectives of local policy and the DDO design outcomes for creating an area that maintains a clear distinction to the CBD, providing a transition to the lower form of North Melbourne, and addressing local site context. We therefore share Council's view that to exceed the preferred height limit on any particular site we need to consider the immediate site context, in the round...'

In considering the site context and policy setting, a further reduction in the overall building height is warranted in addition to maintaining the proposed proportions of the podium to the tower. This can be achieved by reducing the height of the tower by one level in addition to a one level reduction in podium height as discussed above. This will result in the overall building height to be reduced to 55m.

One of the key considerations for VCAT in refusing the previous proposal (a 98m high tower) was that the height and reduced setbacks of the tower which were significantly more intense than what might be reasonably expected given DDO33 and the policy context (paragraph 48).

In this instance, a 55m tall building on the site in its current form and with the setbacks outlined above is considered to respond adequately to the site context and the DDO requirements. The reduction will also assist in improving the visual bulk perceived from the streetscape and neighbouring properties, and will also retain a strong building composition allowing tall, slim recessive upper levels over a robust street-defining podium.

Should a permit be issued, conditions will be imposed requiring a reduction in the overall building height by two levels, being one podium level and one tower level.

### **13.2 Architectural detail and design.**

Council's Urban Designer has raised concerns with the same architectural treatment proposed on the podium and upper levels above, and has outlined that this architectural uniformity does not help the proportional relationship or sense of bulk. The Urban Designer has recommended that 'a more robust street-defining podium with a light weight upper level of slightly reduced scale would greatly aid this relationship within the context'.

This has been discussed with the applicant who has agreed that should a permit be issued a condition be imposed requiring a light-weight treatment to the upper levels of the façade.

This together with the reduction in overall height will result in a development that is in keeping with Council's Urban Design comments while being consistent with the objectives and built form outcomes outlined in DDO33.

### **13.3 Active street frontages**

The proposal seeks to provide two retail tenancies on ground level. Furthermore, the apartments on podium and upper levels will have balconies fronting La Trobe Street. This is supported and complies with Clause 22.01 which requires developments to provide active use and passive surveillance to streets and laneways.

One of the key issues raised by Council's Urban Design relates to the construction of the vehicle access centrally to the site's frontage. This has been discussed with the applicant who has submitted sketch plans (identified as 'Option 2' dated 30 August 2016) showing the retention of the existing vehicle access but widening it to accommodate vehicle ingress / egress. As a result one larger retail tenancy would be achieved at ground level. The existing vehicle cross over is located adjacent to the crossover of the neighbouring building to the east. Widening the site's crossover will therefore result in a total 7.8m length of crossover over the two sites resulting in an unattractive frontage.

In addition, adopting this approach will result in the removal of an existing mature street tree which is unlikely to be supported by Council's Urban Forest and Ecology Department.

It is considered that the vehicle access centrally located to the site's frontage will result in a more desirable street frontage allowing the preservation of street trees, a finer grain retail offering and less extensive length of uninterrupted crossover to La Trobe Street.

### **13.4 Internal amenity**

The proposed development provides for appropriate internal amenity for future occupants. Specifically, the proposal provides the following:

- One and two bedroom apartments that are reasonable in size; one bedrooms ranging in area between 43 square metres to 53 square metres, and two bedrooms ranging in area between 57 square metres to 84 square metres.
- All apartments have been adequately setback and have living rooms and bedrooms with windows that allow for adequate daylight, outlook and ventilation. Further on the upper levels the narrow slab forms maximises oblique outlook with its 5-6m setback profile along the eastern boundary.
- All apartments have reasonable sized balconies that are accessed from the main living room.
- There is a large communal roof top open space area (169.7 sqm) provided which is accessible from the central lift core.
- The corridors will have natural light through the windows proposed on the western elevation.
- There are no unreasonable opportunities for internal views within apartments.
- Adequate sized storage cages are provided for the apartments within the basement level.

## **13.5 External amenity impacts**

The most sensitive interfaces with respect to potential amenity impacts are to the north and the communal open space of the residential property to the east. Many of the residents of these adjoining properties have raised a number of issues about potential visual bulk, overshadowing and overlooking.

### **13.5.1 Potential visual bulk**

To the northern (rear) boundary the development adopts a 6m setback which is consistent with the setbacks sought in DDO33. This setbacks also ensures that the proposal does not have unreasonable impact on the amenity of the adjoining residents to the north by way of visual bulk.

To the east (side) boundary, the proposal adopts a setback of between 3m and 6m. The 6m setback is provided to the central portion of the development above ground level while the 3m is provided up to levels 9 which then increase to 5m.

The 3m setback is supported as it is not considered to result in unreasonable amenity impacts on the neighbouring communal open space as a result of visual bulk or overshadowing (this is discussed in greater detail below). The communal space while secluded is not a private open space and therefore should be afforded different amenity expectations than that of a fully private space. This was also agreed by VCAT in their previous decision at paragraph 62.

In addition, this 3m is provided up to a height of 9 storeys which increases to 5m for this section of the upper tower levels. The proposed setback arrangement on the eastern boundary is considered to be an appropriate site response.

### **13.5.2 Overshadowing**

The site benefits from its orientation so that most shadowing extends south over La Trobe Street. The submitted shadow diagrams highlight that at 3pm, the proposed development will cast shadows into the communal open space of the residential property to the east. However, this is not considered unreasonable having regard to the site context and built form envisaged under the DDO33. Further, the communal open space will continue to receive sunlight for a period of four hours between 9am to 1pm. When considered against the policy which requires private open space to receive a minimum of five hours of sunlight between the hours of 9am and 3pm, this is not considered unreasonable. Also, as outlined above, the open space is communal and shared and therefore amenity expectations should be considered differently to that of a fully private space.

### **13.5.3 Overlooking**

The proposed development will not result in unreasonable overlooking to the north and east as windows and balconies will face the communal open spaces of the neighbouring properties.

## **13.6 Wind Impacts.**

A Desktop Environmental Wind Assessment prepared by Mel Consultants dated 17 June 2016 was submitted with the application. This assessment was based on the town planning drawings and wind tunnel study that was previously undertaken for the site. The assessment outlined the following:

- The wind conditions on the footpath would be expected to be well within the criterion for walking comfort, with many wind directions achieving the stationary activities criteria.
- The construction hoarding erected along the street boundary of the vacant site to the west would assist with deflecting the wind flow induced towards La

Trobe Street above pedestrian level on the footpath adjacent to the development. The wind conditions at the south-west corner would be expected to be within the criterion for walking comfort and improve to achieve the short term stationary criteria adjacent to the building entrance and at the south-east corner.

- It would be expected that little significant additional wind flow would be induced towards La Trobe Street by the east face of the development. Wind conditions for these wind directions would be within the criterion for walking comfort.

The desktop wind assessment did not include an assessment of the wind conditions on the balconies and the communal open space proposed on the roof as it was difficult to assess conclusively in a desktop study. As such, it is recommended that a wind tunnel testing of the development be undertaken which seeks to achieve acceptable level of wind criterion in balconies, communal open space (subject site and adjoining) and around the building entrance.

A concern raised by the objector relates to the wind impacts from this proposal to the communal open space of the residential development located directly to the east of the subject site. It is noted that the wind tunnel testing that was undertaken for the previous proposal which sought approval for a 98m high tower concluded that the tower will not unreasonably add to wind in this communal open space. It is considered that this current proposal which is a significantly reduced form from the previous proposal and subject to a further reduction in height should reduce any adverse wind impact to this communal area. However, should a permit be issued the condition requiring a wind tunnel testing will have to consider the winds impacts on this adjoining communal open space.

### **13.7 Environmentally Sustainable Design.**

An Environmentally Sustainable Design Statement prepared by ADP Consulting: Engineering dated 17 June 2016 was submitted with the application which highlights that the proposal will demonstrate compliance with the requirements of Clause 22.19 and 22.23 of the Melbourne Planning Scheme.

### **13.8 Parking, Traffic and Waste.**

It is proposed to provide a total of 28 car parking spaces and 95 bicycle spaces on ground and basement levels. Vehicle access is proposed centrally to the site.

In accordance with Clause 52.06 of the Planning Scheme, the development has a statutory requirement to provide a total of 149 car parking spaces. Therefore, a planning permit is required for the reduction.

City of Melbourne's Traffic Engineering Department is supportive of this reduction given the site's location in close proximity to Schedule 1 of the Parking Overlay where a maximum car parking rate for residential development applies, and its excellent accessibility to public transport. In addition, the number of bicycle parking provided exceeds the statutory requirement as outlined in Clause 52.34.

In relation to the car parking access and layout, Engineering Department is generally satisfied with this subject to further information/ clarification being provided and minor design modifications being made. Should a permit be issued this can be imposed as conditions.

Council's Waste Department finds the Waste Management Plan prepared by Leigh Design dated 20 June 2016 acceptable.



### 13.9 Objectors concerns not yet addressed:

The objector's have also raised concerns in relation to the following:

- The existing building is heritage listed and therefore its demolition should not be supported.
- Concerns about the construction of the proposed building.
- Noise from air conditioners and plant equipment.
- Will degrade the value of adjoining properties.

A response is provided to each of them in turn:

- There is currently no heritage overlay affecting the subject site. However, the site is affected by Amendment C272 which seeks to introduce site specific and precinct Heritage Overlay controls over the site. Refer to details outlined in Section 8 of the report. There are currently no interim heritage controls over the site.
- Should a permit be issued, a standard condition requiring the submission of a Construction Management Plan will be imposed which will address construction related matters.
- There are EPA guidelines which set out requirements relating to noise from air conditioning units which approved developments are required to adhere to. Nevertheless, the building services are proposed to be located on the rooftop adjacent to the western boundary and will be at a distance of between approximately 12m to 17m from the residential properties.
- The issue of property values is not a valid planning consideration.

### 13.10 Conclusion

It is considered that the proposal generally satisfies the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

## 14 RECOMMENDATION

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

1. Prior to the commencement of the development (excluding demolition and bulk excavation) 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 20 June 2016 but amended to show:
  - a) An overall reduction in building height by two levels (to a maximum of 71.82 AHD excluding building services and lift overrun), by deletion of one podium level and one tower level.
  - b) Light weight architectural treatment to the upper levels above the podium.
  - c) The door to the car park entry set back a minimum of 5 metres from the site boundary or alternatively a 2 door arrangement to be provided at the car park entry.
  - d) Vehicle access to and from the site to be restricted to a left in/left out arrangement.
  - e) Traffic controlling/signalling system to be installed to mitigate conflict between vehicles entering and exiting the site.

- f) Modifications to the on-site loading bay to cater for 6.4m small rigid vehicle (SRV).
- g) Any changes as required by the recommendations of the Tree Protection Management Plan required by Condition 4.
- h) Any changes recommended as a result of wind testing as required by Condition 7.

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. Prior to the commencement of the development (excluding demolition) 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.
- 4. Prior to the commencement of development (including any demolition, bulk excavation, construction or carrying out of works), a Tree Protection Management Plan (TPMP) with respect to the existing street trees on La Trobe Street must be submitted which should include (but not limited to) the following:
  - a. Details (including photographs) of the non-destructive (e.g. hydro-excavation) root investigation. This assessment must be undertaken by the project arborist and a representative from Council's Urban Forest and Ecology must be present prior to works commencing.
  - b. Details on construction methodology and site requirements such as gantry, scaffold and loading zone requirements and the viability of tree retention. .

The TPMP must be to the satisfaction of the City of Melbourne- Urban Forest and Ecology Department.

- 5. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the Responsible Authority.
- 6. Noise attenuation measures designed by a recognised acoustic consultant must be included in any new, refurbished or converted building or part of a building used for residential use to ensure that the maximum noise level does not exceed 45dB in habitable rooms with windows closed when music noise is emitted from the stadium in the Docklands Area, to the satisfaction of the Responsible Authority. If the development is within 400 metres of the centre point of the stadium, the building must be fitted with ducted air-conditioning. The recommendations contained in the acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s).
- 7. Prior to the commencement of the development (excluding any demolition, bulk excavation) wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in balconies, areas used by pedestrians and communal open space on the subject site and the adjoining property to the east at 480 La Trobe Street to the satisfaction of the Responsible Authority.

The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

8. Prior to the commencement of the development, the applicant must carry out or have carried out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the 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.

- 8(a). Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s). 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 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 investigation and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

- 8(b). 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).
- 8(c). 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.
- 8(d). 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.
9. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by ADP Consulting: Engineering dated 17 June 2016 must be achieved in the completed development.
- Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
10. Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement must be provided to the satisfaction of the Responsible Authority, which details designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.
11. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
12. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
13. The waste storage and collection arrangements must be carried out in accordance with the Waste Management Plan prepared by Leigh Design dated 20 June 2016. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
14. 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 City of Melbourne – 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:

- 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 materials reuse.
  - f. traffic management.
15. The car parking layout including access arrangements, aisle widths, ramp gradients, headroom clearances, location of columns and car parking spaces throughout the car park must be generally in accordance with the relevant Australian Standards or meet the Planning Scheme requirements to the satisfaction of the City of Melbourne- Engineering Services.
  16. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans.
  17. The area set aside for the parking of vehicles and access-ways as shown on the endorsed plans must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the City of Melbourne- Engineering Services and such works must be completed prior to the commencement of the use or development allowed by this permit.
  18. The areas set aside for parking on the endorsed plans must not be operated as a public car parking facility and must be restricted to the parking of vehicles by owners and occupiers of, or visitors, to the building.
  19. The bicycle spaces as shown on the endorsed plans must be in accordance with the relevant Australian Standards or meet the Planning Scheme requirements to the satisfaction of the City of Melbourne- Engineering Services.
  20. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
  21. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
  22. Prior to the occupation of the development all altered portions of the road adjoining the subject land along La Trobe Street must be reconstructed in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
  23. The footpath adjoining the site along La Trobe Street must be reconstructed in sawn bluestone together with associated works including the renewal or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

24. Existing street levels in La Trobe Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services
25. This permit will expire if one of the following circumstances applies:
  - 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.

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

#### NOTES

- 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.
- Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per Council's policy, the developments in this area are not entitled to resident parking permits. Therefore, the residents/staff/occupants of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions
- All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb
- Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Manager Engineering Services Branch.
- This permit does not authorize the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.