

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

**Agenda item 6.1**

**Planning Scheme Amendment C309 West Melbourne Structure Plan**

**7 May 2019**

**Presenter:** Emma Appleton, Manager Urban Strategy

**Purpose and background**

1. The purpose of this report is to present the outcomes of the exhibition of Melbourne Planning Scheme Amendment C309 (Amendment), which implements the land use and built form components of the West Melbourne Structure Plan 2018, and to recommend that the Future Melbourne Committee (FMC) requests that the Minister for Planning (Minister) appoint an independent Panel to consider the submissions to the Amendment.
2. The Amendment is a significant step towards improving the management of growth and development in West Melbourne so that the future of the area, as envisaged in the West Melbourne Structure Plan, is implemented through a suite of changes to the built form and land use provisions in the Melbourne Planning Scheme.
3. On 6 February 2018, following extensive community consultation, the FMC endorsed the West Melbourne Structure Plan, 2018. On 17 April 2018, FMC resolved to request authorisation from the Minister to prepare and exhibit the Amendment.
4. The Amendment was exhibited from 22 November 2018 to 4 February 2019. Fifty three submissions were received; their detail and quality reflecting the extensive consultation program undertaken during preparation of the Structure Plan and formal exhibition process. A summary of submissions and management's response to each submission is in Attachment 2, with a detailed response to key issues in Attachment 3.

**Key issues**

5. Over half of the submissions supported the Amendment in full or in part, with the West Melbourne community in particular supporting the provisions which provide increased certainty of development outcomes such as the mandatory floor area ratios and the preferred building heights. Some community submitters considered that the affordable housing percentage was not high enough and most were generally supportive of the provisions which enabled continuing mixed use in the area.
6. Those submitters with concerns questioned the requirement for affordable housing in the Special Use Zone (Schedule 6) (SUZ6) and the mandatory requirement that a minimum proportion of uses within a development not comprise accommodation and must be employment generating. Some submitters did not support mandatory floor area ratios; suggested the preferred building heights were too high or too low; had concerns with the designation of 'special character buildings' in the Design and Development Overlays (DDOs); believed the car parking requirements were too restrictive; and thought the application of the Environmental Audit Overlay (EAO) was too extensive. Some of these issues were raised also by industry peak bodies including the UDIA and Property Council of Australia.
7. Under the Planning Scheme the EAO should be applied to any land which is potentially contaminated to ensure any development of a sensitive use, such as a residential building, requires land is checked for contamination and if necessary remediated. Historically, many industrial uses have located in West Melbourne. The Amendment applies the EAO to the whole structure plan area.
8. In response to submissions regarding the application of the EAO, a Land Contamination Assessment has been undertaken by consultants to provide an expert opinion regarding where the EAO should be applied. Based on this work it is recommended that sites that are not potentially contaminated be removed from the proposed Environmental Audit Overlay. See Attachment 5 for the recommended changes to the EAO map and Attachment 6 for the consultant report.
9. All of the issues raised in submissions have been carefully considered. In most cases the original position of Council has been reaffirmed, supported by the extensive evidence that underpins the Structure Plan.

**Recommendation from management**

10. That the Future Melbourne Committee:
  - 10.1. Notes management's assessment of the submissions as set out in Attachments 2 and 3.
  - 10.2. Requests the Minister for Planning appoint an Independent Panel to consider submissions to Melbourne Planning Scheme C309.
  - 10.3. Refers all submissions to the Independent Panel.
  - 10.4. Notes that the preferred form of the Amendment to be presented to the Independent Panel as part of the City of Melbourne Part A submission will be in accordance with Attachment 5.
  - 10.5. Notes that the final version of the preferred Amendment, which will be presented to the Independent Panel in response to expert evidence and submissions made during the Panel process, may suggest further changes to the Amendment, so long as any further changes are generally in accordance with the West Melbourne Structure Plan.
  - 10.6. Authorises the Director City Strategy and Place to make any further minor editorial changes to the documents if required.

**Attachments:**

1. Supporting Attachment (Page 3 of 243)
2. Summary of submissions and management response (Page 5 of 243)
3. Management response to main issues (Page 95 of 243)
4. Summary of recommended changes to Amendment C309 in response to submissions (Page 120 of 243)
5. Amendment C309 provisions updated with recommended changes in response to submissions (Page 122 of 243)
6. Preliminary Land Contamination Assessment, Golder Associated Pty Ltd, 2019 (Page 182 of 243)

## Supporting Attachment

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### Legal

1. Part 3 of the *Planning and Environment Act 1987* (the Act) deals with the amendment of planning schemes with Division 1 of that Part, setting out the requirements for exhibitions and giving notice to proposed planning scheme amendment and Division 2 of the Part outlining the public submissions process. Notably Section 23(1) of the Act provides that:

After considering a submission which requests a change to the amendment, the planning authority must:

- (a) change the amendment in the manner requested; or
  - (b) refer the submission to a panel appointed under Part 8; or
  - (c) abandon the amendment or part of the amendment.
2. The recommendation made in the report to refer all submissions to an Independent Panel is therefore consistent with the Act.

### Finance

3. The costs associated with the recommendation to progress to an Independent Panel has been provided for in the City of Melbourne 2018–19 budget and 2019–20 budget.

### 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.

### Health and Safety

5. In developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.
6. The Amendment will enhance West Melbourne by making streets more walkable and attractive, ensuring employment opportunities, providing homes for those in need and ensuring development is appropriate to its setting.

### Stakeholder consultation

7. The development of the West Melbourne Structure Plan was undertaken in consultation with the community.
8. The draft West Melbourne Structure Plan (the draft plan) was endorsed for community and stakeholder consultation at the FMC on 4 July 2017. The draft plan was informed by two previous phases of engagement and a range of supporting background studies.
9. Consultation on the draft plan was from 5 July to 20 August 2017. It included an information session for key businesses, landowners, industry professionals and government stakeholders, two community workshops, pop-up sessions on the streets of West Melbourne and an interactive Participate Melbourne page.
10. The Amendment was prepared to implement the land use and built form directions of the Structure Plan.

11. The Amendment was exhibited in accordance with the Act. The Amendment was placed on exhibition between 22 November 2018 and 4 February 2019.
12. Public notices were placed in The Age on 21 November 2018 and the Government Gazette on 22 November 2018. The Amendment and supporting information was available at the Town Hall at the City of Melbourne, on the Participate Melbourne webpage and on the DEWLP website.
13. A letter and copy of the statutory notice was sent to all owners and occupiers in West Melbourne and key stakeholders including developers and planning consultants, resident and business groups and appropriate Ministers.
14. Two public information sessions were held at Melbourne Town Hall on Monday 3 December 2018, 6pm to 7.30pm; and Saturday 8 December 2018, 11am to 12.30pm.
15. A developer and professional stakeholder information session was also held.
16. All submissions received in response to the exhibition of the Amendment will be provided to an Independent Planning Panel. Submitters will have the opportunity to address the planning panel.

### **Relation to Council policy**

17. The following Council plans and policies are relevant:
  - Council Plan 2017-21 Goal 8 – A City Planning for Growth specifically; Champions high quality design in buildings, street and public spaces, as the basis of a healthy, safe and people-friendly environment.
  - The plan helps to achieve Annual Plan Initiative 8.10 is to ‘Deliver the West Melbourne structure plan in collaboration with the Victorian Government and the community’.
  - Melbourne Planning Scheme’s Municipal Strategic Statement (MSS), specifically:
    - Clause 21.06-1 Urban design: Objective 1: To reinforce the City’s overall urban structure.
    - Clause 21.07-1 Housing: Objective 4: To support a range of housing tenures, types and options to meet the diverse housing needs.
    - Clause 21.08-1 Retail: Objective 1: To support the Central City and local retail uses.
    - Clause 21.08-2 Business: Objective 2: To encourage employment opportunities for local residents.
    - Clause 21.09-5 Private Motor Transport: Objective 1: To encourage more efficient use of private motor vehicles

### **Environmental sustainability**

18. The Amendment will have positive environmental effects by encouraging high quality design that can individually and cumulatively contribute to the public realm. Proposed density and updated built form controls will help to provide more certainty and support for rooftop solar and other sustainable infrastructure. The Amendment encourages the retention of existing character building which will reduce waste reduce building material waste through replacement.

**PLANNING SCHEME AMENDMENT C309****WEST MELBOURNE STRUCTURE PLAN****Summary of Submissions**

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## WEST MELBOURNE STRUCTURE PLAN

### 1. Kieran Nelson

<b>Subject land</b>	General
<b>Main Issues</b>	<p>3. Requirement for minimum proportion of uses not comprising accommodation</p> <p>4. Requirement for affordable housing</p> <p>7. Requirement for a floor area ratio</p>
<b>Other Issues</b>	<p>Inadequate assessment and analysis of land use and capacity</p> <p>Supports the Spencer Street spine as a focus of new retail and commercial uses</p>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The economic, business and employment assessments were highly weighted towards the subject area and should be based on the catchment of the area instead.</li> <li>• Neighbouring suburbs, which have seen significant increases in employment, have not been included in the planning considerations.</li> <li>• Mandating ground floor employment and floor to ceiling heights to accommodate office on all floors is unnecessary, counter-productive and will reduce housing affordability and choice.</li> <li>• If there is sufficient demand for ground floor services they will appear. However, if too much commercial floorspace is required through the planning scheme, it may spread out the leased spaces causing dead zones in existing areas.</li> <li>• The density allowed does not support this scale of non-residential use and it appears that a retail and commercial floor space assessment has been undertaken after the ratios were decided.</li> <li>• The Spencer Street spine should be the focus of new retail and commercial uses.</li> <li>• West Melbourne is perfectly located to host mainly residential development.</li> <li>• The proposed density is much lower than the holding capacity of the land, in relation to public transport and community infrastructure. It will force people to live further out in other council areas, pushing the problem into suburbs that have less available infrastructure.</li> <li>• There seems to be no assessment on the carrying capacity of the precinct and the structure plan instead has assessed the wishes of the local population.</li> </ul>
<b>Management Response and Recommendation</b>	<p>In response to the concerns raised about the capacity and projections assessments involved in the West Melbourne Structure Plan, it is noted that thorough and rigorous assessments were conducted to inform the West Melbourne Structure Plan, in particular the 'City of Melbourne Employment Forecast 2036', the 'West Melbourne Economic and Employment Study Stage 1' and the 'West Melbourne Economic and Employment Study Stage 2'. All of</p>

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these documents are available from the Amendment C309 Participate Webpage at:

[www.participate.melbourne.vic.gov.au/amendmentC309](http://www.participate.melbourne.vic.gov.au/amendmentC309)

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 2. Dave Collins

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<b>Subject land</b>	N/A
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<b>Main Issues</b>	-
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<b>Summary of submission</b>	N/A
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<b>Management Response and Recommendation</b>	A holding submission was received during exhibition. The submitter stated that they were going to submit before the end of the exhibition period. Officers followed up with the submitter and have not received a further response.
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### 3. Vincent Cattermole

<b>Subject land</b>	General
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>10. Car parking</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• Acknowledges the importance and value of Amendment C309.</li> <li>• 0.3 car spaces per dwelling does not represent the reality that people own cars, especially people who can afford to live close to the City Of Melbourne i.e. 0.3 spaces suggests that 70 per cent of dwellings will not have a vehicle.</li> <li>• The submitter believes that the maximum rate should be removed and reconsidered based on realism rather than idealism.</li> </ul>
<b>Management Response and Recommendation</b>	<p>A key message from the first phase of community engagement on the Structure Plan was that people are concerned about car parking and increased traffic in West Melbourne.</p> <p>The City of Melbourne commissioned the 'West Melbourne Parking Analysis Study' to investigate this issue. The study found that off-street car parking in West Melbourne is increasing significantly as a result of the current minimum parking requirements and that supply is far outstripping demand and that this increase in off-street parking is having multiple detrimental impacts on the area.</p> <p>The maximum car parking rates proposed in Amendment C309 are informed by the West Melbourne Parking Analysis Study which is available online at the Amendment C309 Participate Webpage.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 4. Andrew Kovacs

<b>Subject land</b>	General
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Summary of submission</b>	<p>The submitter supports:</p> <ul style="list-style-type: none"> <li>• Mandatory maximum floor area ratio values.</li> <li>• Maximum building heights.</li> <li>• Increases public space.</li> <li>• Increased green space.</li> <li>• Reduction in car parks.</li> <li>• Improved cycling and pedestrian connectivity.</li> <li>• Increased Water Sensitive Urban Design in removed on-street car spaces.</li> <li>• Rewarding green roof / solar on all new developments.</li> <li>• 0.3 car spaces per dwelling ratio for developments. We don't need more car parks. Cycling, public transport and ride sharing is the future.</li> </ul> <p>The submitter does not support:</p> <ul style="list-style-type: none"> <li>• Any increase in floor area ratio from that proposed. The submitter believes we need certainty and we need limits as stated.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management acknowledges the submitters support for the West Melbourne Structure Plan and Amendment.</p> <p>In response to this submission no change to Amendment C309 is recommended.</p>

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### 5. Christopher Lee

<b>Subject land</b>	Flagstaff Precinct
<b>Main Issues</b>	6. Preferred building heights and height controls 11. Overshadowing of parks and open space
<b>Other Issues</b>	Mandatory height controls are necessary to protect St James Cathedral Protecting future open space in Batman Street
<b>Summary of submission</b>	<p>The submitter believes there should be stronger mandatory height controls for the area and in particular to the north of St James Cathedral to ensure that this heritage landmark is not dominated by newer developments and to prevent overshadowing.</p> <p>Development north of Batman Street should also include mandatory height controls to prevent overshadowing as the street is identified for future open space.</p>
<b>Management Response and Recommendation</b>	<p>Design and Development Overlay (Schedule 33)(DDO33) addresses the heritage landmark value of St James Cathedral and overshadowing of the proposed park through the following Built Form Outcomes which must be achieved:</p> <ul style="list-style-type: none"> <li>- <i>“Development respects and does not dominate St James Old Cathedral, allowing the Cathedral to continue to be a landmark and focus in the skyline, particularly when viewed from Flagstaff Gardens and from Batman Street and King Street.</i></li> <li>- <i>Development on the north side of Batman Street allows for solar access to new open spaces”.</i></li> </ul> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 6. Richard Hamilton

<b>Subject land</b>	Spencer Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>6. Preferred building heights and height controls</li> <li>11. Overshadowing of parks and open space</li> </ol>
<b>Other Issues</b>	The potential overshadowing of Eades Park
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter is generally supportive of the Amendment and believes the floor area ratios balance the needs of the community with the needs of developers to achieve a predictable level of density.</li> <li>• The submitter is concerned with some of the preferred maximum building heights, particularly in relation to the parcel along King Street in the Spencer Precinct.</li> <li>• The preferred maximum height of 8 floors along the western edge of King Street could potentially imbalance the Historic Hilltop area and result in overshadowing Eades Park. Overshadowing this park in the afternoon would decrease the amenity of the park significantly and lower the liveability of the area.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management acknowledges the submitters support for the West Melbourne Structure Plan and Amendment C309.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 7. Shana Besanko

<b>Subject land</b>	General
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter believes that the process has been very thorough with a high level of community consultation and engagement.</li> </ul> <p>The submitter supports the following items:</p> <ul style="list-style-type: none"> <li>Mandatory maximum floor area ratio values.</li> <li>Increased public space.</li> <li>Increased green space.</li> <li>Reduction in car parks.</li> <li>Improved cycling and pedestrian connectivity.</li> <li>Increased Water Sensitive Urban Design in removed on-street car spaces.</li> <li>0.3 car spaces per dwelling ratio for developments.</li> <li>The submitter agrees that the use of floor area ratio values will lead to a much better outcome for the urban landscape as opposed to using set height limits.</li> <li>The submitter would not support any increase to the floor area ratio values above those stated in the amendment and would strongly oppose any move to remove the wording 'mandatory'.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management acknowledges the submitters support for the West Melbourne Structure Plan and Amendment.</p> <p>In response to this submission no change to Amendment C309 is recommended.</p>

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### 8. Paul Mcleod

<b>Subject land</b>	Adderley Precinct
<b>Main Issues</b>	10. Car parking
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• Does not support the proposed mandatory maximum car parking rates.</li> <li>• Continuing to reduce the number of carparks will have flow-on effects.</li> <li>• Many homes in the Adderley Precinct do not have off-street parking. Many new developments (i.e. development on the corner of Abbotsford and Adderley and Adderley Streets and Hawke Streets) are likely to follow this trend.</li> <li>• The submitter acknowledges that the nearby train station will encourage foot traffic however believes that more consideration for the existing residents is needed.</li> </ul>
<b>Management Response and Recommendation</b>	<p>A key message from the first phase of community engagement on the Structure Plan was that people are concerned about car parking and increased traffic in West Melbourne.</p> <p>The City of Melbourne commissioned the 'West Melbourne Parking Analysis Study' to investigate this issue. The study found that off-street car parking supply in West Melbourne is increasing significantly as a result of the current minimum parking requirements, that supply is far outstripping demand and that this increase in off-street parking is having detrimental impacts on the area.</p> <p>The maximum car parking rates proposed in Amendment C309 are informed by the West Melbourne Parking Analysis Study which is available online at the Amendment C309 Participate Webpage.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 9. Michelle Fischetto – The Roman Catholic Trusts Corporation

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<b>Subject land</b>	369 William Street, West Melbourne
<b>Main Issues</b>	-
<b>Summary of submission</b>	The Roman Catholic Trusts Corporation owns the site at 369 William Street, West Melbourne and wishes to be kept apprised of any proposed impacts to the site due to the implementation of Amendment C309.
<b>Management Response and Recommendation</b>	Noted.

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### 10. Daniel Huynh

<b>Subject land</b>	Docklands
<b>Main Issues</b>	-
<b>Other Issues</b>	Connection to Docklands
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• West Melbourne needs to connect to the CBD and Docklands.</li> <li>• Greater street activation is required to make people aware that there are roads and bridges that connect the CBD and Docklands.</li> <li>• Docklands has a waterfront position and land (i.e. Central Pier) to be the place for a true Melbourne icon.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>Improving the connection to the Docklands was a matter raised during consultation on the Structure Plan, and certain objectives are contained both within in the Structure Plan and in Amendment C309 to address this. Objective 9 of the Structure Plan is to, “Improve walking safety, access and amenity” and Actions 18, 19, 20 and 21 of the Structure Plan seek to improve pedestrian amenity and connections both within West Melbourne and to destinations outside West Melbourne.</p> <p>Some of these actions are to be implemented by working with stakeholders and groups such as Department of Transport, VicRoads and Public Transport Victoria to deliver improvements such as upgrading the area around North Melbourne (future West Melbourne) station including Railway Place. There are multiple provisions and objectives proposed in Amendment C309 to increase permeability and connectivity for pedestrians and cyclists.</p>

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### 11. Ray Cowling

<b>Subject land</b>	Historic Hilltop
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Other Issues</b>	Advocates rezoning some properties from Mixed Use to a Residential Zone
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter commends the City of Melbourne on incorporating many factors that affect quality of life and for proposing mandatory height controls which provide developers with certainty and quicker approvals and therefore cheaper build costs.</li> </ul> <p>The submitter has the following recommendations:</p> <ul style="list-style-type: none"> <li>Extend the Residential Zone in Capel Street to numbers 2 to 12 in Capel Street and those Peel Street properties which back onto these six. They were sold by Council to the Ministry of Housing on condition that they were all made residential.</li> <li>The submitter believes this section of Peel Street is not appropriate for mixed use due to the lack of passing pedestrian trade. This is due to the 60 kph speed limit, limited opportunity for on-street parking because vehicles enter from the roundabout with restricted vision and the repeated failure of businesses on this side of Peel Street because it is separated from the market.</li> <li>The submitter would like the block bounded by Dudley, Milton, Walsh and William Streets to be zoned Residential rather than Mixed Use for the following reasons: <ul style="list-style-type: none"> <li>The building structures in the block do not lend themselves to mixed use as they do not have an active street frontage.</li> <li>The buildings have been built of concrete for permanence as residences.</li> <li>The site contains a protected garden environment in its centre which makes it one of the few residential areas in the precinct suited for children and families which is valuable to retain.</li> <li>The residents have had problems from nearby brothels using a unit within this complex as a residence.</li> </ul> </li> <li>The submitter applauds the encouragement of active street frontages and incorporating a percentage of non-residential uses as a general principle but for larger sites only.</li> <li>The submitter believes the issue of what is an acceptable occupation adjacent to a residence is out of date. It is no longer just the type of occupation, but the hours which are kept which affects residential amenity. The mechanisms for controlling noise after 10pm are not adequate.</li> </ul>

<b>Management Response &amp;</b>	Regarding the submission to rezone land from the Mixed Use Zone to a Residential Zone, the Structure Plan recommended that this area remain in
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**Recommendations** the Mixed Use Zone. This area was considered as part of the 'Historic Hilltop' precinct. This is a distinct precinct based on its high value heritage, small allotment sizes, predominantly residential character, topography and relationship to North Melbourne. The existing and proposed land use for this precinct has been analysed in the Structure Plan process (see page 125 of the West Melbourne Structure Plan). As a result, it is proposed that all land in the Historic Hilltop retains its current zoning which supports and delivers the vision for the precinct.

In regards to the land that fronts Peel Street, it is appropriate that this land remain in the Mixed Use Zone so that Peel Street continues to provide active uses and frontages to interface with and connect to the Queen Victoria Market and to North Melbourne.

In regards to the concern about nearby brothels using a unit within the block bounded by Dudley, Milton, Walsh and William Streets, brothels are a prohibited use both under the Mixed Use and the General Residential Zone, therefore rezoning to the General Residential Zone would not change the status of this land use.

In response to this submission no change to Amendment C309 is recommended.

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### 12. Margaret Jean Ely

<b>Subject land</b>	Historic Hilltop
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Other Issues</b>	Advocates rezoning some properties from Mixed Use to Residential Zones
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter recommends that the Residential Zone in Capel Street be extended to include numbers 2 to 12 in Capel Street and those Peel Street properties which back onto these six. They were sold by Council to the Ministry of Housing on condition that they were all made residential.</li> <li>• These properties are obliged by their titles to remain as a residential use.</li> <li>• The submitter believes this section of Peel Street is not appropriate for mixed use due to the lack of passing pedestrian trade. This is due to the 60 kph speed limit, limited opportunity for on-street parking because vehicles enter from the roundabout with restricted vision and the repeated failure of businesses on this side of Peel Street because it is separated from the market.</li> <li>• The Residential Zone restricts some uses such as brothels while still allowing uses such as home office/occupation.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>Regarding the submission to rezone land from the Mixed Use Zone to a Residential Zone, the Structure Plan recommended that this area remain in the Mixed Use Zone. This area was considered as part of the 'Historic Hilltop' precinct. This is a distinct precinct based on its high value heritage, small allotment sizes, predominantly residential character, topography and relationship to North Melbourne. The existing and proposed land use for this precinct has been analysed in the Structure Plan process (see page 125 of the West Melbourne Structure Plan). As a result, it is proposed that all land in the Historic Hilltop retains its current zoning which supports and delivers the vision for the precinct.</p> <p>In regards to the land that fronts Peel Street, it is appropriate that this land remain in the Mixed Use Zone so that Peel Street continues to provide active uses and frontages to interface with and connect to the Queen Victoria Market and to North Melbourne.</p> <p>In regards to the concern about brothels in the area, brothels are a prohibited use both under the Mixed Use and the General Residential Zone, therefore rezoning to the General Residential Zone would not change the status of this land use.</p> <p>In response to this submission no change to Amendment C309 is recommended.</p>

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### 13. Michael Tandora

<b>Subject land</b>	Station Precinct
<b>Main Issues</b>	6. Preferred building heights and height controls
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter believes that the preferred maximum building height of 8 storeys for the very small triangular block bounded by Abbotsford Street, Adderley Street and Railway Place is excessive.</li> <li>Buildings of that height in that location would significantly reduce the amenity of the eastern face of the recently completed 9 Dryburgh Street and that part of the proposed Gadsden development that is to face Adderley Street.</li> <li>A mandatory building height of only 3 storeys is proposed for the adjacent block bounded by Abbotsford Street, Adderley Street, Hawke Street and Railway Place. There is already a building of 4 storeys on the block. The preferred maximum building height should be consistent with the adjacent block and the existing building</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>The West Melbourne Structure Plan undertook a rigorous design-led, place based approach to identifying the precincts and built form controls that apply to each precinct.</p> <p>This analysis found that the built form controls in the Station Precinct respond well to the context and characteristics of this part of West Melbourne. The combination of a mandatory floor area ratio and a preferred building height mean that the subject site could not be built to 8 stories over the entire site.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 14. Bella Freeman

<b>Subject land</b>	General
<b>Main Issues</b>	<p>6. Preferred building heights and height controls</p> <p>7. Requirement for a floor area ratio</p>
<b>Other Issues</b>	<p>Supports the ambition to adapt to climate change issues.</p> <p>New buildings should be incentivised to include green spaces, roofs and public thoroughfares</p> <p>Impact on property value</p>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter applauds the council's ambition to respond and adapt to climate change issues believing that it is vital that the council is providing more green spaces and incentivising the production of green spaces.</li> <li>• The submitter believes that Melbourne will need more centrally located housing at a variety of price points, and West Melbourne is the obvious choice for larger complexes that can offer this.</li> <li>• The submitter is aware that current research has demonstrated embedded energy costs of high-rise developments can exceed those of detached homes. However, this is an issue that can be solved with judicious implementation of electronic controls and more sustainable energy resources.</li> <li>• The submitter understands that the residents of West Melbourne have concerns about buildings being excessively large for the streetscape. However, the solution to this is not necessarily to limit development to low building heights, but rather to require developers design buildings which result in coherent and appealing streetscapes. The submitter believes that new buildings should be encouraged and incentivised to include green spaces and roofs in their buildings, and in some cases to provide thoroughfare through their sites which can be accessed by the public.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>The intensity of development in West Melbourne is to be managed through floor area ratio controls and not height. The proposed floor area ratio controls in Amendment C309 are more progressive and flexible than height controls in that they encourage a development to better respond to the varying characteristics of specific locations in West Melbourne. See pages 38-40 of the West Melbourne Structure Plan for further discussion about floor area ratios.</p> <p>In regards to incentivising green spaces in new developments, Action 5 of the Structure Plan is to 'identify opportunities for new and existing buildings to increase greening, including green roofs and vertical greening in West Melbourne in line with the 'Green our City Strategic Action Plan'. The City of Melbourne is currently further developing this plan and the best way to implement it.</p> <p>A further response and recommendation relating to the main issues raised in</p>

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this submission can be found at Attachment 3.

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### 15. Henry Wood from SJB Planning on behalf of UGA West Melbourne Pty Ltd

<b>Subject land</b>	45-55 Dudley Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>2. Application of the Special Use Zone (Schedule 6) (SUZ6)</li> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> <li>8. Concerns regarding the absence of transitional arrangements</li> </ol>
<b>Summary of submission</b>	<p>The subject site is located in the Flagstaff Precinct and has been issued a planning permit from the Victorian Civil and Administrative Tribunal (VCAT) for a 25-storey mixed use building which provides for residential apartments (144 in total with a mix of 1, 2, and 3 bedrooms), a residential hotel (212 rooms) and offices (combined floor area of 990sqm). The approved development has a floor area ratio of 12.7:1 and provides non-accommodation floor space of 5.9 per cent.</p> <p>The submitter is concerned with the following:</p> <p>Floor area ratio, building height and built form outcomes for Flagstaff Precinct</p> <ul style="list-style-type: none"> <li>• The preferred maximum building height of 16 storeys and the mandatory floor area ratio of 6:1 (or in the case of an amendment to the permit, the extent of non-compliance must not be increased) is unreasonable, does not appropriately take into account the context of the subject site and the wider Flagstaff Precinct, the opportunity for urban consolidation and the opportunity for architectural excellence to be achieved with taller and more intensive built form.</li> <li>• Design and Development Overlay (Schedule 33) (DDO33) calls for buildings to be within the range of six and sixteen storeys in height should be made more flexible, as not every site within the Design and Development Overlay (Schedule 33) will be capable of achieving the 16 storey preferred height, and not every site should be limited to this height. For the subject site the VCAT found that a 25 storey building would provide an appropriate visual transition between the taller buildings in the CBD and the lower scale buildings in West Melbourne.</li> </ul> <p>Affordable housing</p> <ul style="list-style-type: none"> <li>• The aspiration for dwelling diversity is supported. The requirement to 'gift' 6 per cent of all dwellings to a Housing Provider or have them held in an Affordable Housing Trust is not supported, particularly when there are no 'floor area uplift' and 'public benefit' provisions proposed (i.e. akin to the new Fishermans Bend controls). Whilst this is a discretionary requirement, we expect that the Council would implement such a control as if it were mandatory.</li> </ul>



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- Furthermore, we note that the *Planning and Environment Act 1987* (the Act) was recently amended to include the objective “to facilitate the provision of affordable housing in Victoria”, and to clarify that Responsible Authorities can enter into a Section 173 agreement with landowners and others for the provision of affordable housing as part of a development.
- The proposed controls should provide greater flexibility in relation to the precise mechanisms for securing affordable housing (for example, the offering of units to a Housing Provider at a per cent discount below market value), or alternatively remain silent on the matter altogether.

### Zoning and non-residential use requirement

- Clause 21.16 refers to the Flagstaff Precinct being a diverse area of mostly residential and commercial buildings. Planning Practice Note 3: Applying the Special Use Zone states that the Special Use Zone can be considered when an appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements. It is unclear why the outcomes sought by Amendment C309 could not be achieved through the Mixed Use Zone (or alternatively the Commercial 1 Zone) and a revised Design and Development Overlay (Schedule33) (DDO33), and this should be reconsidered.
- In so far as uses other than accommodation are concerned, the mandatory requirement to allocate 16.6 per cent of the gross floor area (GFA) of a development to a use other than Accommodation is onerous and fails to have regard to the various other mechanisms in which a development can contribute to employment generation.
- All provisions of the Planning Scheme that are amended by Amendment C309 should include a transitional provision to the effect that the amended clauses do not apply to:
  - An application for a planning permit lodged before the approval date of Amendment C309; and
  - An application for an amendment of a permit under Section 72 of the Act, if the original permit application was lodged before the approval date of Amendment C309.

### Management Response and Recommendation

The West Melbourne Structure Plan undertook a rigorous design-led, place based approach to identifying the Precincts and built form controls that apply to each precinct. The analysis found that the built form controls proposed for the Flagstaff Precinct respond well to the context and characteristics of this part of West Melbourne.

The employment floor space requirement for the Flagstaff Precinct was tailored for land in that precinct. The percentage on non-accommodation use was tested and concluded to be financially feasible.

Management would also like to note that the VCAT approved development referred to by the submitter was not supported by Council as it generally did not comply with

A further response and recommendation relating to the main issues raised in this

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submission can be found at Attachment 3.

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### 16. Environmental Protection Authority Victoria (EPA)

<b>Subject land</b>	General
<b>Main Issues</b>	9. Application of the Environmental Audit Overlay (EAO)
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The EPA submits that they do not support the blanket application of the Environmental Audit Overlay (EAO) to the entire precinct without sufficient justification that it is appropriate to do so.</li> <li>• In response, the City of Melbourne has engaged with the EPA to resolve these concerns to ensure the Environmental Audit Overlay is applied appropriately. EPA notes this is an ongoing piece of work, with completion times extending beyond the deadline for submissions about the Amendment.</li> <li>• On the basis that the EPA continues to engage with Melbourne City Council on appropriately applying the Environmental Audit Overlay and developing appropriate tools to manage residual contamination, the EPA is generally supportive of Amendment C309.</li> </ul>
<b>Management Response and Recommendation</b>	<p>In response to this issue raised by the EPA, the City of Melbourne has engaged consultants to undertake a land contamination assessment (Attachment 6) to more accurately determine which land in West Melbourne should be in the Environmental Audit Overlay. See Attachment 3 for the detailed discussion about this issue.</p> <p>Some changes to the extent of the application of the Environmental Audit Overlay are recommended.</p>

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### 17. Dr Peter Gerrand, honorary Chairman of Owners Corporation for 'Flagstaff Views'

<b>Subject land</b>	321 William Street, West Melbourne Historic Hilltop
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Other Issues</b>	Request to rezone from Mixed Use to Residential
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter canvassed the views of members of the Owners Corporations.</li> <li>Twenty two of the forty four apartments in this building are owner occupied.</li> <li>The submitter thanks Council for maintaining the current height control of 14 metres for new buildings, and continuing the 'greening' of our streets.</li> <li>The submitter recommends that the block bounded by Dudley, Milton, Walsh and William Streets be zoned Residential instead of Mixed Use as the submitter would be unhappy if the residential character of the Historic Hilltop precinct were changed by any further introduction of retail stores.</li> <li>The Owners' Corporation property (dated from 1995), occupies approximately 80 per cent of this block, with the remainder being eight townhouses on Walsh Street. The submitter notes that a large section of nearby Capel Street has been zoned as Residential.</li> <li>The Owners Corporation cannot veto the use of any of the ground floor apartments as a retail business. While they have the ability to object and that objection would hopefully be sufficient, it is not certain. Having the whole block rezoned to Residential would avoid having to go through the appeal process.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>Management acknowledges the submitters support for the height controls proposed in the West Melbourne Structure Plan and Amendment C309.</p> <p>Management does not support the rezoning of this block to Residential.</p> <p>The land referred to in this submission is in the 'Historic Hilltop' precinct identified in the Structure Plan as a distinct area based on its high value heritage, small allotment sizes, predominantly residential character, topography and relationship to North Melbourne.</p> <p>The existing and proposed land use for this area have been analysed in the Structure Plan process (see page 125 of Structure Plan). As the Structure Plan finds that current zoning adequately supports the vision for the precinct it is not proposed that land in the Historic Hilltop is rezoned.</p> <p>In response to this submission no change to Amendment C309 is recommended.</p>

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### 18. Jess Pomeroy from the Community Housing Industry Association Victoria (CHIA Vic)

Subject land	General
Main Issues	4. Requirement for affordable housing
Summary of submission	<p>Victoria's affordable housing system is in crisis as a result of decades of underinvestment and a squeezed private rental sector. A tight private rental market drives low-income Victorians away from centres of employment and contributes to increasing levels of housing stress in our community.</p> <p>CHIA Vic is highly supportive of the minimum percentage of affordable housing in the Special Use Zone (Schedule 6) to be gifted to a Registered Housing Agency. CHIA Vic and the community housing sector look forward to partnering with the City of Melbourne and the development sector to deliver and manage affordable housing units in the West Melbourne precinct.</p> <p>The submitter makes the following suggestions:</p> <ul style="list-style-type: none"> <li>• Since <i>Housing Providers</i> have a specific definition under the Housing Act, and using this term could be interpreted to exclude Housing Associations, CHIA Vic would recommend that the terminology in the Amendment regarding eligible recipients of the affordable housing units be changed to <i>Registered Housing Agencies</i>.</li> <li>• The Amendment is silent on the possibility of co-contributions by community housing agencies to deliver even higher numbers of affordable housing units and CHIA Vic would recommend that the Amendment allow for flexibility in the gifting requirement in instances where a higher percentage of affordable housing is being proposed. This will allow for co-investment by Registered Housing Agencies, who may be able to leverage a 6 per cent gift into a higher percentage of affordable housing units.</li> <li>• CHIA Vic would also recommend that Council consider allowing developers to 'cash out' their affordable housing contribution in those instances where a Registered Housing Agency has determined that the units or development would not be either appropriate or viable to operate as affordable housing, even with gifted units.</li> <li>• This could be in buildings where a very high owners corporation fee is likely, which – depending on the size of the unit and the level of rent possible – can severely limit the ability of housing agencies to cover costs. Expensive building amenities can also contribute to high maintenance costs and owners' corporation levies over the long term which may affect the viability of the unit.</li> <li>• Council would be well served by developing a position on this possibility, and outlining preferred alternatives. These could include a cash contribution by the developer to purchase affordable housing in another development within the West Melbourne precinct, or a contribution to a Registered Housing Agency for the purposes of developing affordable housing in the precinct. It could also be used to fund the development of affordable housing on council-owned land or put into a Housing Trust.</li> </ul>

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### Management Response and Recommendation

It is proposed to change the term 'Housing Providers' to 'affordable housing providers, including Registered Housing Agencies' so to specifically include Registered Housing Agencies (the intended recipients of the affordable housing) while also being open to other potential providers of affordable housing through any future state or federal affordable policies or programs.

Given the type of development that is occurring in West Melbourne the issue of Owners Corporation fees is unlikely to be a problem.

However this is also a reason that gifting of the unit to affordable housing providers is important. This allows the costs to be accommodated by the housing provider in their decisions regarding the mix of affordable housing for a development i.e. if the owners corporation fees were a bit higher, they might let the units out as affordable housing with a rent reduction (perhaps 70 per cent of the market rent) rather than as social housing (usually capped at 30 per cent of a households income). Some fees are also to be charged to the tenants.

West Melbourne's proximity to universities, the medical precinct, markets, retail and entertainment centres, tourism and arts and cultural activities make it an ideal location for people who work in these industries on low to moderate incomes to live. Affordable housing is an important component to support these types of jobs.

As well as West Melbourne's location, its established community services, access to transport and existing job opportunities make it an ideal location for affordable housing.

It is one of the objectives of the West Melbourne Structure Plan to deliver affordable housing within the West Melbourne Structure Plan area.

The voluntary affordable housing requirement specifically contemplates a voluntary contribution of an affordable housing dwelling as part of a residential development built in West Melbourne to achieve this. A monetary contribution would not ensure that any resultant affordable housing would be delivered within the Structure Plan area, and it is not the objective of the West Melbourne Structure Plan to deliver affordable housing anywhere in Victoria.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 19. Robert Puksand from Gray Puksand

<b>Subject land</b>	363 King Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	<p>2. Application of the Special Use Zone (Schedule 6)</p> <p>3. Requirement for minimum proportion of uses not comprising accommodation</p> <p>7. Requirement for a floor area ratio</p> <p>10. Car parking</p>
<b>Summary of submission</b>	<p>This submission is written on behalf of the owners of 363 King Street, West Melbourne who are preparing to lodge a planning application which would seek to partially retain the existing three storey building on-site and construct a mid-rise building form above, likely to be used for commercial office.</p> <p>The submitter states that the proposed controls:</p> <ul style="list-style-type: none"> <li>• are overly prescriptive for land use and built form;</li> <li>• lack strategic justification;</li> <li>• will be cumbersome to implement; and</li> <li>• will stifle innovated and responsive design outcomes.</li> </ul> <p>Discretionary Height and setbacks</p> <p>The diversity of possible outcomes that the controls seek to achieve and the discretionary nature of the controls are supported.</p> <p>Mandatory floor area ratio of 6:1</p> <p>The 6:1 floor area ratio is too low and prohibitive for this area, preventing reasonable, feasible development for smaller sites, such as the subject site, and will result in an underutilisation of land.</p> <p>The submitter suggests that the floor area ratio is removed or becomes a discretionary control on the basis that development must meet the Built Form Outcomes for the following reasons:</p> <ul style="list-style-type: none"> <li>• There is a major disconnect between the preferred maximum height of 16 storeys and the mandatory allowable height under the floor area ratio control. The subject site for example could have a 6 story building or a 12 storey building with 50 per cent of the site undevelopable. Decreasing density according to the area of a site will have a significant impact on the development potential of smaller sites.</li> <li>• The location of the subject site avoids shadow impacts to Flagstaff Gardens or impediments to views to the St James Old Cathedral. Therefore, a taller building can reasonably meet the objectives and vision for the precinct without impacting on these important sites.</li> <li>• There is inadequate justification provided in the amendment for mandatory controls in such a diverse and vibrant precinct.</li> </ul>

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- The limited case studies undertaken in the built form testing in the West Melbourne Structure Plan do not consider sites such as the subject site and fail to provide adequate justification for such a stringent control.
- The mandatory floor area ratio is not necessary to achieve the vision for the precinct. The other discretionary controls proposed, specifically height and setbacks, are adequate to ensure the vision and objectives for the Flagstaff Precinct are achieved. It will create sites that are unfeasible to develop, inhibiting the ability to increase local employment and increase jobs in the area.
- A building with a greater floor area ratio (or at least discretionary floor area ratio) will allow the heritage building on the site to be retained, which is a better outcome from a heritage perspective.
- There is no uplift available for the retention of the existing heritage building on site, which seems counterintuitive and does not provide developers an incentive to try and retain existing buildings. This may result in the existing character of West Melbourne being degraded to ensure developments are commercially viable.
- The existing controls are discretionary and have led to appropriate mixed height outcomes for the precinct, without competing with the CBD.
- The Flagstaff Precinct is closest to the CBD and therefore should have the least stringent controls.

### Special Use Zone 6 (Schedule 6)

The use of the Special Use Zone is inconsistent with the VPP principles

Proposed Clause 21.16 encourages *a diverse area of mostly residential and commercial buildings that is well connected to the Flagstaff Gardens and a variety of shops and services on Spencer, King and La Trobe Streets*. However, proposed Schedule 6 does not reflect this, instead applying a blanket table of uses to all precincts.

The submitter suggests that to achieve the outcomes sought for the Flagstaff Precinct:

- Office – the 250sqm condition in Section 1 not apply in the Flagstaff Precinct to help achieve the commercial floor space sought for the area.
- Dwellings – The permit trigger restriction of 9 dwellings be removed in the Flagstaff Precinct.

The submitter considers that the non-residential requirement for Accommodation uses (minimum of 16.6 per cent of gross floor area), may result in a raft of unoccupied retail / office tenancies scattered throughout West Melbourne, if tenants cannot be found.

### Parking Overlay (Schedule 14)

- A rate of 0.005 applies '*per net sqm floor area of building*'. This should be re-worded to "*per net sqm floor area*", removing the words, 'of building' to avoid confusion with the definition of Net Floor Area in Clause 73.01 of the planning scheme which is defined as the "*The total floor area of all floors of*



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*all building on a site”.*

- The submitter questions the appropriateness of the design standard requiring car parking areas to be designed to enable future adaption to a public car park, when the proposed zone requires a use permit for a public car park.
  - This submitter questions how this design standard will achieve more sustainable modes of transport or reduce vehicle, traffic congestions in the Central City.
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### Management Response & Recommendations

In relation to the trigger for permit trigger for Dwellings, Management would like to highlight that the Objective 7 ‘Help deliver affordable housing in West Melbourne’ of the West Melbourne Structure Plan identifies that 6 per cent of the residential component of new development can be delivered as affordable housing in Flagstaff, Spencer and the Station Precinct.

The threshold at which the voluntary affordable housing requirement in the Special Use Zone Schedule 6 is introduced (where a development exceeds nine dwellings), was determined by calculating the point at which 6 per cent of the net floor area of a residential development containing dwellings constituted a sufficient floor area to accommodate one viable affordable housing dwelling. 6 per cent of the total net floor area of ten standard sized dwellings will be sufficient to accommodate one affordable housing dwelling

It is appropriate that this permit requirement be included in the Special Use Zone Schedule 6 to ensure that the affordable housing objective of the West Melbourne Structure Plan is delivered.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 20. Danni Hunter from Urban Development Institute of Australia (UDIA)

<b>Subject land</b>	General
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>2. Application of the Special Use Zone (Schedule 6)</li> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>7. Requirement for a floor area ratio</li> <li>10. Car parking</li> </ol>
<b>Summary of submission</b>	<p>UDIA considers West Melbourne as a critical piece in the urban renewal pipeline for Melbourne and supports the vision as set out in the Structure Plan.</p> <ul style="list-style-type: none"> <li>• UDIA Victoria considers the SGS feasibility testing of the controls fundamentally flawed in its approach and rejects the use of its findings as a reliable indicator for the commercial viability of the proposed controls.</li> <li>• UDIA acknowledges that the uncertainty created by the current built form controls (as evidenced by the high number of applications reviewed at VCAT) is an inefficient planning outcome.</li> <li>• UDIA believes the number of overlapping, commercially significant mandatory controls in Amendment C309 goes too far the other way.</li> </ul> <p>The UDIA request the following changes to Amendment C309:</p> <ul style="list-style-type: none"> <li>• Reconsider the application of the Special Use Zone, which does not comply with Planning Practice Note 03, in favour of the Activity Centre Zone or Capital City Zone.</li> <li>• Delete the mandatory floor area ratios in favour of discretionary controls or retain and include uplift provisions to help meet the objectives for non-residential uses and affordable housing.</li> <li>• Delete the mandatory minimum floor areas for non-residential uses which are broad brush and disregard the commercial reality of preferred tenancy locations for various commercial uses in favour of clear local policy guidance for employment uses. UDIA request the introduction of discretion with respect to assessment of non-residential floor area requirements and to exempt non-dwelling accommodation uses from this requirement.</li> <li>• Delete the affordable housing targets from the zone in favour of a local policy with clear targets and flexibility as to how the targets may be met.</li> <li>• Amend the Design Standards for car parking to be discretionary rather than mandatory.</li> </ul> <p>Feasibility Testing, Stage 2 Report, SGS Economics and Planning</p> <ul style="list-style-type: none"> <li>• The report does not contain sufficient information to be used as a reliable indicator of the combined impact of the Amendment on development feasibility. The calculation methodology and critical assumptions are not</li> </ul>

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stipulated in the report and it is crucial that industry has an opportunity to transparently review this testing.

- The land use and revenue assumption set out in the report are flawed and critical assumptions underpinning the residual land value calculations, and the calculation methodology itself is absent from the report.
- The feasibility testing is based on an assessment of *average* 2017 land value and any increase in expectations based on uplift as a result of the Amendment is ignored and the difference in expected rates per square metre for small vs large sites is also ignored.

### Mandatory floor area ratios

- In the absence of a floor area uplift provision (where a clear basis is required from which to measure uplift) mandatory floor area ratios are overly prescriptive.
- There is no flexibility even for marginal increase to the floor area ratio which may increase the commercial viability of a development to enable the provision of affordable housing targets or non-residential uses.
- There is the potential to inhibit minor changes to existing buildings where works may exceed the proposed floor area ratio, restricting retrofitting and repurposing older building stock.

### Use for Accommodation and mandatory minimum non-residential floor area requirements

- These mandatory controls are a blunt and overly simplistic approach to achieving diversity in the precincts. There are many sites that are located with poor exposure and amenity and it would be unviable to achieve the required quantum of non-residential use across the ground plan of the site.
- It is noted that the approach of using floor area ratio as a mean to control land use was rejected by the Fishermans Bend Panel.
- As drafted this provision makes any Accommodation use prohibited unless it is in conjunction with a use other than accommodation at the specified rate.
- The combined impact of these provisions are likely to render form of Accommodation such as aged care and group accommodation as not commercially viable, creating the perverse effect of limiting housing choice.

### Car parking provisions

- The submitter is concerned with the mandatory requirement for car parking to be retained as common property upon subdivision and the nature of design standards for facilities of 50 or more spaces.
- There is no discretion for the Responsible Authority to agree that a car park be held in private ownership should the situation be appropriate.

### Affordable Housing Provisions

- The gifting of 6 per cent of dwellings without any corresponding uplift requirements is not in accordance with the focus on voluntary agreements in the Act.

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- The submitter is concerned that the requirements for gifting (\$0 consideration) does not accord with the intent of Section 3AA(3) of the Act, under which a Minister cannot include price ranges for the purchase or rent of affordable housing
- The preferred provision method is limiting and ignores potential private solutions or innovative models which may provide stronger outcomes for affordable housing while also being viable.
- Requiring commercial feasibility assessment for those applications not proposing to provide 6 per cent of affordable housing, raises issues with regard to implementation of decision making and timeframe. Further there are costs associated with preparing the report and no clear guidance as to what constitutes “economically non-viable” (i.e. what is an acceptable profit margin) and as such there would be no certainty as to how the discretion would be applied.
- In the event that a permit is not granted on this basis, it is not clear how VCAT may assess these applications when VCAT do not consider commercial matters.
- A quantity surveyor is not the appropriate qualification for such a report

### Management Response and Recommendation

The City of Melbourne welcomes the UDIA’s support for the vision for West Melbourne as set out in the structure plan. It should be noted and clarified, however, that West Melbourne is not a designated urban renewal area either in the Melbourne Planning Scheme or Plan Melbourne. There are, therefore, no ‘urban renewal objectives in West Melbourne’ as referred to at the end of the submission.

The proposed planning controls in West Melbourne are based on a solid and sound understanding and testing of development economics and feasibility in West Melbourne. The feasibility testing used the residual land value methodology to determine the underlying land value once the costs of the development (including developer’s profit) are deducted from the gross development value. Three different land use mixes were considered, along with different floor area ratio before finalising proposals that are feasible and would enable development. The conclusion from the sensitivity testing was that the modest changes to the findings suggest that the findings of the base feasibility analysis are relatively robust. The introduction of floor area ratios, height controls and other planning policies is likely to increase certainty in the market concerning development potential, the anticipated built form outcomes, and the resulting underlying land values.

It is considered that mandatory floor area ratio’s coupled with discretionary built form controls is the right balance for West Melbourne to provide certainty while also offering for flexibility and innovation on a site by site basis.

Given the importance of the mix of uses in West Melbourne to both the economy and community and Plan Melbourne’s policy direction for mixed use neighbourhoods, retaining a mix of uses for the future was seen as an important priority for the area. It is therefore considered necessary to mandate the

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minimum employment floor area requirements given that the current mixed use zoning and development trends in the area is seeing predominantly residential development, with minimal other uses. Based on current development trends, the existing zoning would only deliver around 600 new jobs in the area by 2036. The minimum employment requirement was tested throughout the feasibility testing and is considered to be feasible.

It is considered that the affordable housing requirement for West Melbourne is consistent with current practice and the guidance set out by the Victorian Government. It encourages the provision of affordable housing and will facilitate, as appropriate, the imposition of a conditions requiring entry into section 173 agreements securing provision of affordable housing. It is not a mandatory requirement in line with the *Planning and Environment Act 1987*.

It is recognised and fully appreciated that developers will be seeking a competitive return in order to proceed with a scheme and to secure finance where required. The appropriate level of profit is considered to be site/scheme specific; if an application does not achieve at least 6 per cent affordable housing, the accompanying report should justify proposed rates of profit taking account of the individual characteristics of the scheme, the risks related to the scheme, and comparable schemes.

Management notes that the maximum car parking rate in proposed Schedule 14 to the Parking Overlay are not mandatory requirements, and can be varied with a permit.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 21. Nicola Foxworthy from the Affordable Housing Industry Advisory Group (AHIAG)

Subject land	General
Main Issues	4. Requirement for affordable housing
Summary of submission	<p>The Advisory Group recommend that reference to a 'Housing Provider' is amended to read "a registered agency", under the Housing Act 1983 which means a registered housing association or a registered housing provider.</p> <p>The Advisory Group:</p> <ul style="list-style-type: none"> <li>• Supports an evidence-based approach to developing policy that takes into consideration development economics when considering the inclusion of affordable housing within a planning framework which reflects the State Government guidance in relation to voluntary planning agreements.</li> <li>• Agrees there is a significant demand for affordable housing across greater Melbourne but emphasises that the level of affordable housing need does not automatically equate to a percentage of housing that may be reasonably and viably delivered through the planning system.</li> <li>• Emphasises that Commonwealth and State Government investment is critical if the expected level of need is to be adequately addressed.</li> <li>• Has not assessed whether a 6 per cent affordable housing inclusion (or any other percentage) will be feasible in the identified precincts or reviewed in detail the assumptions and modelling set out in the SGS Economics and Planning Economic and Employment Study Part 2 (2017).</li> <li>• Emphasises that the delivery of affordable housing will only occur if it is economically viable for the land owner and for a Registered Housing Agency to meet operating costs. It is critical that there is clarity as to how the inclusion is to be funded and certainty that these costs are not passed on to other purchasers during the development phase and that other costs such as body corporate fees are considered.</li> <li>• Recommend the 6 per cent requirement is further assessed in light of other requirements proposed for the precincts, in particular the requirement for a mandatory commercial or retail floor space component.</li> <li>• Recommends caution in mandating requirements that are predominantly market-led, and the consequences on development progressing.</li> <li>• Recommends that further details on the feasibility underpinning the SGS economic and planning assumptions is made available for land owners and the development industry to consider and assess.</li> <li>• Is highly supportive that agreed and viable Affordable Housing outcomes are gifted to a Registered Housing Agency and recommends the process provides for early engagement with Registered Housing Agencies to support determination of the dwelling profile (bedroom mix), location within the building, and to ensure the gifting will be viable from a long-term operational and maintenance perspective. This allocation will provide the required comfort that the dwelling will be appropriately managed and</li> </ul>

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allocated to households in need of affordable housing without the need for the Council to set allocation requirements or impose ongoing restrictions on title through a Section 173 Agreement.

- Recommends that a Section 173 agreement between the land owner and the responsible authority in relation to the development of an agreed percentage of affordable housing sunsets once the transfer of a dwelling to a registered housing agency occurs. The purpose and regulation of this sector ensures the intended affordable housing outcomes are appropriately managed over time. If the Council seeks a Section 173 agreement to remain on title it is important it is not overly constrictive as to limit the capacity of the registered housing agency to manage the dwelling over time. Any conditions relating to the use of the property as affordable housing should have a term such as 'life of the building' and/or provide for the ability for the housing provider to seek the City's support for the dwelling to be sold if required, for example due to high operating or replacement costs or a change in affordable housing need.
- Note that as drafted it is not a mandatory requirement and the proposed feasibility testing relates to any proposal that delivers under 6 per cent (the onus of which sits with the land owner/developer to prove why it cannot deliver the outcome).
- Seek clarification as to what test or process will be followed if the land owner proposes to deliver exactly 6 per cent, or the words 'at least' removed to avoid uncertainty.

The AHAG has highlighted potential implementation challenges in testing development feasibility if a land owner does not put forward 'at least' 6 per cent affordable housing on a gifting basis. Of note:

- There are a multitude of considerations as to what will constitute an acceptable cost and revenue assumptions and developer returns. For example, development margins vary considerably depending on a land owner's risk profile and their investor requirements, the latter subject to volatile market conditions;
- No current land owner will have factored in a 6 per cent gifting requirement which is not insignificant in cost. For these land owners, the cost of the Affordable Housing requirement could be transferred to the cost of other dwellings – pushing the cost of the balance of the stock up and thus potentially leading to perverse outcomes for the Affordable Housing objective, or the development will not proceed if market values can not be achieved.
- Land owners or developers will have invested significantly in gathering evidence and data to support their assumptions in preparing their planning application which will be based on multiple market factors, financier requirements and their risk / return profile.
- The Council or its advisers would not be privy to the commercial structures and financier requirements that drive the land owner or developer's hurdle rates.
- A review could be a very costly and timely exercise if not carefully

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managed and may not lead to any shared agreement on assumptions and therefore agreement to viability or otherwise of the Affordable Housing requirement.

- It is not clear what will occur if the Council did not accept the land owner's viability argument and whether the expectation is that the developer then needs to provide 6 per cent affordable housing as gifted stock or they will not achieve permit approval. Further, should a review of any such decision be sought by an applicant, how a review of commercial matters could be undertaken by the VCAT, where it is established that VCAT does not consider commercial considerations in their reviews. The need for a timely negotiation and determination will be critical to ensuring further costs are not incurred as a result of the requirement.

The Advisory Group note that the achievement of a 6 per cent affordable housing component may depend on availability of other funding mechanisms such as Federal or State Government grants and so allowance for non-gifting models may be required and should be allowed for in any negotiation.

- The Advisory Group recommends that should the requirement for an applicant to prove why 6 per cent gifting (or a lower rate) arrangement is not feasible be retained within the Schedule, the City of Melbourne develop and publish a clear set of guidelines and process by which the feasibility testing will occur. This is recommended to include consideration and guidance on:
  - Level of feasibility detail required in a feasibility report;
  - Generally accepted assumption parameters;
  - Dispensations that the Council may allow to achieve the Affordable Housing objective and ensure the costs are not passed on;
  - The timeframe by which the City will test and determine the validity or otherwise of the proposition;
  - Parameters of the costs that may be reasonably incurred to review the developer feasibility noting the Council costs are proposed to be met by the land owner and could be significant if not managed;
  - Guidance on the selection of the reviewer and the rights of the developer in informing the selection;
  - Details on the process of assumption testing, for example, what setting a scope of works for any independent assessor so that all parties understand the approach to the review;
  - A process of mediation should there not be agreement to assumptions within a defined time frame

As part of setting out this guidance it is recommended the Council consider publishing in advance the benchmark assumptions that it will accept and not require further validation. These should be based on robust market evidence and support from more than one independent adviser. If this occurred, then assumptions put forward by the land owner that are within agreed benchmarks would be expected to be accepted without question. Where a land owner



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proposes an alternative assumption, the land owner could then be required to provide the evidence that informs that assumption.

- It will be critical that there is a clear process and timeframe for a resolution should the Council advice and the land owner's position not be resolved. This could include appointment of an independent arbitrator.
- The Group also questions whether it is reasonable to expect the land owner/developer to be required to also meet the costs of any feasibility review undertaken by Council in a voluntary planning negotiation that is challenged by the Council.
- The Group recommends the City of Melbourne also consider how it may support the attraction of State Government funds to meet any gap between a percentage of Affordable Housing the developer may be viably able to provide and the Council's 6 per cent aspiration

### Management Response and Recommendation

Management agree that the development of a state wide affordable housing planning provision is a critical step in addressing the issue of affordable housing in Melbourne.

It is proposed to change the term 'Housing Providers' to 'affordable housing providers, including Registered Housing Agencies' so to specifically include Registered Housing Agencies (the intended recipients of the affordable housing) while also being open to other potential providers of affordable housing through any future state or federal affordable policies or programs.

Given the type of development that is occurring in West Melbourne the issue of Owners Corporation fees is unlikely to be a problem.

However this is also a reason that gifting of the unit to affordable housing providers is important. This allows the costs to be accommodated by the housing provider in their decisions regarding the mix of affordable housing for a development i.e. if the owners corporation fees were a bit higher, they might let the units out as affordable housing with a rent reduction (perhaps 70 per cent of the market rent) rather than as social housing (usually capped at 30 per cent of a households income). Some fees are also to be charged to the tenants.

The voluntary affordable housing requirement specifically contemplates a voluntary contribution of an affordable housing dwelling as part of a residential development built in West Melbourne to achieve this. A monetary contribution would not ensure that any resultant affordable housing would be delivered within the Structure Plan area, and it is not the objective of the West Melbourne Structure Plan to deliver affordable housing anywhere in Victoria.

Management agree and strongly recommend that developers engage early in the development process (and by pre-application discussions) with Registered Housing Agencies to ensure the successful transition of affordable housing to the provider. This occurs in other areas, such as in London, where affordable housing providers are seen as an integral part of a successful project team.

It is considered that the affordable housing requirement for West Melbourne is consistent with current practice and the guidance set out by the Victorian Government. It encourages the provision of affordable housing and will facilitate, as appropriate, the imposition of a conditions requiring entry into

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section 173 agreements securing provision of affordable housing. It is not a mandatory requirement in line with the *Planning and Environment Act 1987*.

In relation to being able to transparently review the testing behind the Structure Plan and Amendment C309, all background reports to Amendment C309 and the Structure Plan are available from the Amendment C309 Participate Webpage at:

[www.participate.melbourne.vic.gov.au/amendmentC309](http://www.participate.melbourne.vic.gov.au/amendmentC309)

The proposed 6 per cent affordable housing in West Melbourne is based on a solid understanding and testing of development economics and feasibility in West Melbourne.

The affordable housing requirement was assessed iteratively and in combination of other requirements, including the mandatory floor area ratios which included the non-residential floor space requirement within the floor area ratios. As such, no change is proposed to the 6 per cent requirement.

A proposal of exactly 6 per cent would constitute 'at least 6 per cent' and as such would not require the submission of a detailed report prepared by a Quantity Surveyor or other suitability qualified professional. The words 'at least' support higher levels of affordable housing being provided above 6 per cent in the future depending on other policy changes or opportunities.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 22. Helen Sweeting and Gerard Rodgers

<b>Subject land</b>	Adderley Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>6. Preferred building heights and height controls</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The West Melbourne Structure Plan provides the clarity and vision needed for development in this area.</li> <li>• The submitter welcomes the use of floor area ratios and supports the mandatory maximum floor area ratio of 3:1 in the Adderley Precinct, the discretionary maximum building height of 4 storeys and the minimum floor to floor heights as set out in Design and Development Overlay (Schedule 29) (DDO29). The submitter supports the vision for the Adderley Precinct, in particular the references to its heritage value, wide streets, reduced through traffic and dwelling height ranging from two to four storeys.</li> <li>• The submitter prefers definite rather than discretionary height limits.</li> <li>• The submitter notes that developments to date in the area have been inappropriately excessive despite Design and Development Overlays in place, and have involved considerable community efforts to prevent inappropriate development.</li> <li>• The maximum floor area ratio and building height will reduce the impact of any proposed built form on the surrounding neighbourhood, many of which are one and two storey dwellings.</li> <li>• The submitter supports the requirements that there is ground floor uses along Spencer Street to help deliver the new activity centre. This streetscape is dominated by the presence of vehicles, is devoid of any meaningful community activity and tends to be avoided by pedestrians.</li> <li>• The submitter supports the diversification of the area to return to a more mixed use area which would result in increased human activity and vitality.</li> <li>• The submitter also supports the actions in the Structure Plan to provide a green spine in Hawke Street to connect North and West Melbourne to Docklands and congratulates Council on recent changes to the area including the redevelopment of the pocket park in Hawke Street, which is now a hub for a broad range of people within the community.</li> <li>• The Amendment presents exciting change for the area which has come under pressure from developers in recent years.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management acknowledges the submitters support for the preferred height controls and floor area ratio in the Adderley Precinct and would like to highlight that the Structure Plan undertook a rigorous design-led, place based approach in identifying the Precincts and the built form controls that apply to the character of each Precinct.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 23. Liam Riodan from Tract on behalf of Ray Livori and R & M Holdings Pty Ltd

<b>Subject land</b>	135 Batman Street and 60-80 Adderley Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>2. Application of the Special Use Zone (Schedule 6)</li> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>7. Requirement for a floor area ratio</li> <li>9. Application of the Environmental Audit Overlay (EAO)</li> <li>10. Car parking</li> </ol>
<b>Other Issues</b>	<ul style="list-style-type: none"> <li>• Laneway setbacks</li> </ul>
<b>Summary of submission</b>	<p>The submitter does not support Amendment C309.</p> <p>The submitter states that the Amendment includes some positive elements such as the proposed design objectives of Design and Development Overlay (Schedule 33) (DDO33) and the introduction of the Parking Overlay (Schedule 14) (PO14).</p> <p>Design and Development Overlay (Schedule 33) Flagstaff Precinct</p> <ul style="list-style-type: none"> <li>• The submitter believes that the floor area ratio in Design and Development Overlay (Schedule 33) is unnecessarily restrictive and not sufficiently justified. The design objectives, requirements and outcomes of proposed Design and Development Overlay (Schedule 33) can be achieved without the imposition of a mandatory floor area ratio.</li> <li>• The mandatory floor area ratio should be removed and a larger discretionary floor area ratio with bonus density provision for proposals that allow for employment opportunities could be drafted to replace it.</li> <li>• The 6 metre setback to a laneway is unreasonable and need to be revised. Design and Development Overlay (Schedule 61) (DDO61) for City North allows a 4 metre setback to a laneway and the same should be applied in the Flagstaff Precinct given the similarities between the areas.</li> </ul> <p>Special Use Zone (Schedule 6) (SUZ6)</p> <ul style="list-style-type: none"> <li>• The broad application of the Special Use Zone (Schedule 6) is inappropriate having regard to Planning Practice Note 3: Applying the Special Use Zone and it is recommended that a new schedule to the Capital City Zone (CCZ), which has been tailored for use in other urban renewal areas, should be used instead.</li> <li>• The removal of third party notice and review could be tailored within the schedule. The Capital City Zone (Schedule 5) (CCZ5) for the City North Urban Renewal Area provided this exemption and there is no good planning rationale for treating this area of West Melbourne any differently.</li> </ul>

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- The maximum number of dwellings provision, the requirement for affordable housing and mandatory 16.6 per cent of gross floor area (GFA) for uses other than accommodation in the schedule for a Section 1 Use are not appropriately justified, unnecessarily restrictive and should be removed.

### Parking Overlay (Schedule 14) (PO14)

- The submitter broadly supports improvement to walking and cycling network outlined in the structure plan and the application of a Parking Overlay with a maximum rate.
- The maximum rate of 0.3 spaces per dwelling should be increase to 1 space per dwelling. Parking Overlay (Schedule 12) (PO12), which applies to City North and Parking Overlay (Schedule 1) (PO1) which applies to large areas of the Capital City Zone both provide for a rate of 1 space per dwelling.

### Other Comments

- Applying the Environmental Audit Overlay over the entire Amendment area is an inappropriate use of the control in the absence of detailed contamination assessments for the precinct. The submitter recommends removing the Environmental Audit Overlay.
- The submitter supports the provision of more open space which is discussed in the Structure Plan, and recommends that the Structure Plan include additional language to:
  - acknowledge the development potential of sites on Adderley Street to ensure that potential overshadowing of open space would not compromise the development potential of these sites; and
  - ensure any future Adderley Street or Batman Street open space would not preclude vehicle access/egress to adjoining sites.

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### Management Response & Recommendations

The discretionary 6 metre minimum setback above the podium from all laneways is the minimum setback that will provide outlook, privacy daylight and sunlight.

Management would like to highlight that West Melbourne is not a designated urban renewal area either in the Melbourne Planning Scheme or Plan Melbourne.

It is outside the scope of Amendment C309 to amend the wording of the Structure Plan which is a Council endorsed document.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 24. June Senyard

<b>Subject land</b>	Flagstaff Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>7. Requirement for a floor area ratio</li> <li>10. Car parking</li> </ol>
<b>Other Issues</b>	<p>Lack of open space requirements</p> <p>Lack of on-street parking</p>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter has made written submissions to several planning applications and the City of Melbourne Transport Strategy and states that the views of residents appear to be subservient to those of development.</li> <li>• In relation to Flagstaff gardens, surrounding developments have claimed the gardens as available green space, yet the gardens are a finite area and there is never any requirement that developments include green space.</li> <li>• The submitter questions whether the floor area ratio for the Flagstaff Precinct will be controlled or over-ridden as in the past.</li> <li>• The submitter questions why there is no dedicated resident parking on Jeffcott Street when there is Haileybury School, the Islamic Council of Victoria and also the close proximity of Marvel Stadium</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>The matter of dedicated resident parking is not within the scope of Amendment C309.</p> <p>In relation to developments including green space, Council's Local Policy at Clause 22.26 Public Open Space Contribution, sets out that land contributions for public open space are required in West Melbourne and Clause 53.01 the percentage of the land or the land value. Based on these provisions, at the time of a development application Council assesses each application on its merits. Where it is not feasible for a park in accordance with the requirements of Clause 22.26 a monetary contribution is collected.</p> <p>The floor area ratios are a mandatory control and therefore once in place cannot be over-ridden.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 25. Paul Little from Planning Property Partners for Spencer Street West Melbourne Pty Ltd

<b>Subject land</b>	512-544 Spencer Street, West Melbourne Spencer Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>2. Application of the Special Use Zone (Schedule 6) (SUZ6)</li> <li>5. Concerns regarding the special character building uplift mechanism</li> <li>7. Requirement for a floor area ratio</li> <li>8. Concerns regarding the absence of transitional arrangements</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter objects to Amendment C309.</li> <li>• The application of the Special Use Zone (SUZ) is inappropriate and contrary to the Ministerial Practice Note 3 – Applying the Special Use Zone which sets out the basis for applying the Special Use Zone.</li> <li>• The submitter believes that a different zone could more effectively deliver the vision for the urban renewal of the area and provide a performance based approach to the use and development of land.</li> <li>• The submitter believes that Part 2.0 of the proposed Schedule will prejudice the development expectations.</li> <li>• The submitter objects to the proposed Design and Development Overlay (Schedule 72) (DDO72) as the provisions are unreasonable and would apply limitations on the accrued rights afforded to land owners under the existing planning permit which includes removal of all buildings on the land and comprehensive redevelopment.</li> <li>• The combination of floor area ratios combined with mandatory built form provisions is at odds with the underlying development potential of the land.</li> <li>• The Special Use Zone combined with the proposed Design and Development Overlay (Schedule 72) would isolate West Melbourne as the only established suburb on the periphery of Melbourne affected by special requirements, disadvantaging appropriate re-development opportunities.</li> <li>• The subject land has the potential to help accommodate Melbourne's growing population and maximise existing infrastructure on the doorstep of the CBD.</li> <li>• Given the approved planning permit for the site, the identification of the buildings as a 'special character building' is inappropriate.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>Management disagrees that identifying the site as a special character building is inappropriate and would like to reiterate that just because a planning permit has been granted to remove a special character building identified in a proposed Design and Development Overlay under Amendment C309, does not guarantee that the permit will be acted on and the special character building will be removed.</p> <p>Also, there are no provisions in Amendment C309 requiring a permit for the</p>

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demolition of character buildings.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 26. Nupur Nag

<b>Subject land</b>	General
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Other Issues</b>	<p>Suggests that greening and sustainability in West Melbourne is improved</p> <p>Requests that heritage buildings are preserved</p> <p>Suggests that more community facilities and basic services should be built to accommodate increased number of residents</p>
<b>Summary of submission</b>	<p>The submitter:</p> <ul style="list-style-type: none"> <li>• Thanks Council for the information sessions and is delighted to hear of the social and environmentally friendly changes for West Melbourne.</li> <li>• Loves living in West Melbourne and hopes that the suburb retains its inner suburb feeling rather than continue to develop into high rises, and that the sense of community increases as the population ages.</li> <li>• Supports the idea for more restaurants and shops along Spencer Street, which will increase the number of jobs and assist in building a community</li> <li>• Asks that Council consider no apartments being built along Spencer Street so that the street preserves a shopping precinct feel with heritage buildings and low rise shop fronts</li> <li>• Supports the idea of a tram line continuing along Spencer Street.</li> <li>• Suggests that a minimum proportion of floor area needs to be used as green space and makes various other suggestions to improve the greening and sustainability in West Melbourne.</li> <li>• Asks Council to consider preserving heritage buildings and to restrict building height to 5 like most residential buildings in this area and emphasises that the charm of West Melbourne is the low rise buildings.</li> <li>• Believes there is insufficient infrastructure to accommodate an increased number of residents and asks Council to consider building more community facilities and basic services.</li> <li>• Asks Council to consider restrictions on nightclubs in the area to prevent noise pollution.</li> <li>• The submitter makes various suggestions to improve personal safety and environmental pollution in West Melbourne.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>Management acknowledges the submitters support for many aspects of the West Melbourne Structure Plan and Amendment C309.</p> <p>Council's Local Policy at Clause 22.26 Public Open Space Contribution, sets out that land contributions for public open space are required in West Melbourne and Clause 53.01 the percentage of the land or the land value.</p> <p>Based on these provisions, at the time of a development application Council</p>

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assesses each application on its merits. Where it is not feasible for a park in accordance with the requirements of Clause 22.26 a monetary contribution is collected.

The City of Melbourne has recently undertaken Amendment C258 which included a review of the heritage buildings in West Melbourne.

A Nightclub is a Section 2 – Permit required use, so any application for a Nightclub would be assessed by Council Officers and affected parties notified.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 27. Catalina Zylberberg

<b>Subject land</b>	General
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>4. Requirement for affordable housing</li> <li>11. Overshadowing of parks and open space</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter supports the rezoning to encourage multipurpose commercial and residential use, which has been shown to produce healthier, more walkable neighbourhoods and is a factor that the submitter valued highly when choosing where to live.</li> <li>• The submitter worries that 6 per cent affordable housing may not be enough and believes the amount of affordable housing should reflect the percentage of people working in the area that are low income. It's important for a sense of community that people working in the area are able to live there as well.</li> <li>• Maximum building height is important for sun access for nearby homes which when lost can dramatically reduce the comfort and health of people living nearby. Overshadowing should be avoided.</li> </ul>
<b>Management Response and Recommendation</b>	<p>In relation to the submitter's concerns regarding overshadowing, there is a provision in the Amendment regarding sunlight access. The following consideration is included as a Decision Guideline in each Design and Development Overlays (DDO), "Whether the development enables sunlight to reach into parks, streets and lower levels of buildings". Before deciding on an application for development Council will consider whether the development impedes sunlight access to parks, streets and lower levels of buildings.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 28. Brett Ulman from Echo Links Holdings Pty Ltd

<b>Subject land</b>	55 Walsh Street, West Melbourne Historic Hilltop Precinct
<b>Main Issues</b>	6. Preferred building heights and height controls
<b>Other Issues</b>	The Historic Hilltop has been overlooked
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter is concerned that their site has been overlooked as there are no changes to the planning controls for the site or surrounding area, and believes there are strong opportunities to revisit the height controls in Design and Development Overlay (Schedule 32) (DDO32) which have been in place since 2002.</li> <li>Design and Development Overlay (Schedule 32) has a mandatory maximum height of 14 metres and while the submitter is broadly supportive of the vision for the Precinct, believes the vision for the area can still be achieved by relaxing the height control for the subject site and surrounds.</li> <li>The submitter believes the mandatory height control for the site should be increased from 14 metres and be discretionary.</li> <li>The submitter includes information from the Panel Report for Amendment C20, being the Amendment that introduced Design and Development Overlay (Schedule 32), and concludes that the Panel were quite critical of the Amendment and the mandatory nature of some controls.</li> <li>The submitter includes information from Planning Practice Note 59, as it relates to the role of mandatory provisions in planning schemes and considers that the criteria to assess whether mandatory controls should apply, have not been met.</li> <li>The submitter states that there is no sound strategic basis outlined in the Panel report for Amendment C20 and they are not aware of any strategic work since this time to justify the mandatory height control.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>The West Melbourne Structure Plan undertook a rigorous design-led, place based approach to identifying the Precincts and built form controls that apply to each precinct and the subject site was included along with the surrounding area.</p> <p>The analysis found that the built form controls in the Historic Hilltop, through Design and Development Overlay (Schedule 32) (with a mandatory maximum building height of 14 m), respond well to the context and characteristics of this part of West Melbourne, particularly considering its high heritage value and as such are not proposed to change. There was therefore no reason to change this provision.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 29. Spiro Vallos from Fort Knox Self Storage

<b>Subject land</b>	474-486 Spencer Street, West Melbourne. Spencer Precinct
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> <li>10. Car parking</li> </ul>
<b>Other Issues</b>	The number of dwellings triggering a permit in the Special Use Zone (Schedule 6) should be increased from 9 dwellings
<b>Summary of submission</b>	<p>The submitter is broadly supportive of the overarching vision of the West Melbourne Structure Plan and the focus on the Spencer Street Precinct.</p> <p>The submitter believes Amendment C309 requires modification and considers the following:</p> <ul style="list-style-type: none"> <li>• The mandatory floor area ratio for the site is too prohibitive and will result in the underutilisation of land and should be discretionary.</li> <li>• Discretionary building heights should be applied consistently across the site.</li> <li>• Incentives in the form of floor area ratio uplifts and greater building heights should be offered for providing commercial and employment generating uses above the minimum requirements.</li> </ul> <p>Special Use Zone (Schedule 6)</p> <ul style="list-style-type: none"> <li>• The submitter understands the intention behind the provision to create a true mixed use area.</li> <li>• The submitter is concerned that the number of dwellings which trigger the need for a permit is too low.</li> <li>• The submitter believes that the mandatory nature of the requirement for a minimum of 25 per cent gross floor area (GFA) for non-residential uses will be a disincentive for developers and will not encourage the revitalisation of underutilised land. The amount of non-residential floor space may not be viable on certain sites and that flexibility is required.</li> <li>• There is no incentive in the form of an uplift provision, to provide non-residential uses over and above the minimum 25 per cent gross floor area and questions the ability for the controls to provide for employment uses above the minimum (i.e. entire commercial buildings).</li> <li>• The submitter notes that the Fishermans Bend Panel was critical of mandatory floor area ratios to limit residential density and increase mix of uses on a site and believes the same criticisms apply to Amendment C309.</li> </ul> <p>Design and Development Overlay (Schedule 72)</p> <ul style="list-style-type: none"> <li>• The submitter believes that their corner site could easily accommodate a</li> </ul>

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## WEST MELBOURNE STRUCTURE PLAN

building in excess of the floor area ratio and building height limits while still achieving the overall vision for the Precinct and facilitating the appropriate transition from the CBD.

- The difference between the built form achievable by the floor area ratios and building heights is too great i.e. for the subject site the floor area ratio of 4:1 could potentially result in a building height half that nominated by the height controls.
- The lack of uplifts available is contrary to the desires to achieve a range of different building typologies.

### Building and Street Wall Heights

- The building heights for the site vary between 8 and 6 storeys and the submitter considers that a consistent 8 storeys should apply instead.
- No justification has been provided as to why the heights vary, other than the sites location on a corner with a higher order street frontage.
- The subject site is approximately 82 metres in length and is therefore not required to be broken up into smaller allotments or provide new laneways or pedestrian links, so a consistent building height in this location would be appropriate.
- A further implication of multiple building heights applying to the site is that multiple building cores may be required which can significantly increase the cost.

### Parking Overlay (Schedule 14)

- Section 2 of the proposed Parking Overlay specifies that a permit is not required to reduce the car parking rates but also does not require a permit to exceed the rates (which is clearly the intention of the overlay).
- It is also unclear why there is a reference to Clause 52.06-5 in the proposed controls when all uses are mentioned in the table within the Parking Overlay.
- For all other uses not listed in the table to the Parking Overlay, the proposed controls specify a rate of 0.005 'per net sqm floor area of building'. The submitter considers this should be re-worded to avoid confusion with the definition of Net Floor Area in Clause 73.01 of the planning scheme and suggests 0.005 spaces "per Net Floor Area of each other use".
- The design standards require car parking areas to be designed to enable future adaption to a public car park.
- The submitter questions the necessity of this requirement that car parking areas to be designed to enable future adaption to a public car park, when the proposed Special Use Zone requires a use permit for a public car park. Further, designing to these requirements is likely to result in significant increased development costs. As such we consider that this requirement be removed from the proposed controls.

### Management Response & Recommendations

The mandatory floor area ratios enable flexibility for a developer to choose how they organise their building layout and form on their site within a preferred built form envelope. The floor area ratios are based on analysis and modelling to

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

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ensure that they deliver the desired character for the precinct.

In relation to the trigger for permit trigger for Dwellings, Management would like to highlight that the Objective 7 'Help deliver affordable housing in West Melbourne' of the West Melbourne Structure Plan identifies that 6 per cent of the residential component of new development can be delivered as affordable housing in Flagstaff, Spencer and the Station Precinct.

The threshold at which the voluntary affordable housing requirement in the Special Use Zone (Schedule 6) is introduced (where a development exceeds nine dwellings), was determined by calculating the point at which 6 per cent of the net floor area of a residential development containing dwellings constituted a sufficient floor area to accommodate one viable affordable housing dwelling. Six per cent of the total net floor area of ten standard sized dwellings will be sufficient to accommodate one affordable housing dwelling

It is appropriate that this permit requirement be included in the Special Use Zone (Schedule 6) to ensure that the affordable housing objective of the West Melbourne Structure Plan is delivered.

The table of uses in the Special Use Zone (Schedule 6) is modelled closely on the Mixed Use Zone where offices, with a leasable floor area of more than 250 square metres, require a permit.

The vision for West Melbourne is not to treat it as a transitional zone between the central city and other areas but to recognise that West Melbourne as an evolving and distinct neighbourhood, different to the central city.

The proposed built form and density controls for the Spencer Precinct were developed to respond positively to important interfaces in the area, including taller built form along Spencer Street to help define the street.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 30. Anthony McKee

<b>Subject land</b>	Adderley Precinct
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>As a resident in the Adderley Precinct the submitter has been concerned by the numerous four storey or more developments most of which are full of apartments that will never create a sense of home to their occupants let alone foster any sense of long term community.</li> <li>The submitter believes that West Melbourne might be next door to the CBD but that doesn't mean the character and liveability of the suburb should be bulldozed to help a few developers make a fast dollar.</li> <li>The submitter asks that West Melbourne and its old charm be preserved before it is lost forever.</li> </ul>
<b>Management Response &amp; Recommendations</b>	<p>Management acknowledges the submitters concerns and would like to reiterate that Amendment C309 proposes a preferred maximum height of 4 stories to achieve generally low to mid rise buildings throughout the precinct.</p> <p>Furthermore, in relation to the concern that developments are full of apartments, Amendment C309 requires that 16.6 per cent of the gross floor area (GFA) of a development in the Adderley Precinct is allocated to a non-accommodation use.</p> <p>In relation to preserving the charm of West Melbourne, Amendment C309 has also identified Special Character Buildings in each precinct, and proposes a bonus to the floor area ratio where these buildings are successfully retained.</p>



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## WEST MELBOURNE STRUCTURE PLAN

### 31. Bridget Macwhirter from the North West Patch Inc – Community Gardens

<b>Subject land</b>	General
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Other Issues</b>	Community garden in West Melbourne
<b>Summary of submission</b>	<ul style="list-style-type: none"><li>The submitter would like to engage with Council about the allocation of land in West Melbourne for a community garden for the residents as part of the structure plan.</li></ul>
<b>Management Response and Recommendation</b>	Management notes the submitter's general support for the Amendment and has forwarded this submission to the relevant department at Council to discuss a community garden in West Melbourne.

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 32. Peter and Helen Wilson

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<b>Subject land</b>	General
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<b>Main Issues</b>	1. Generally supportive of Amendment C309
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• The submitter strongly supports the Amendment and believes the most important component is ensuring the new floor area ratio of 3:1 in the Adderley Precinct is implemented.</li><li>• The current planning rules are arbitrary at best and subject to abuse and poor decisions that forever impact the amenity of this little pocket of inner Melbourne.</li><li>• The Don Kyatt building decision, overruled by VCAT is one example.</li><li>• The new floor area ratio still allows developers flexibility but balances the long term impact of the area and needs of existing residents.</li></ul>
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<b>Management Response and Recommendation</b>	Management acknowledge the submitters support for the floor area ratios in the Adderley Precinct.
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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 33. Daniel Soussan from Tract for Spacious Property Development Group Pty Ltd

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<b>Subject land</b>	488-494 La Trobe Street, Melbourne Flagstaff Precinct
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<b>Main Issues</b>	5. Concerns regarding the special character building uplift mechanism 8. Concerns regarding the absence of transitional arrangements
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• 488-494 La Trobe Street is identified in Design and Development Overlay (Schedule 33) (DDO33) as a Special Character Building.</li><li>• A planning permit has been issued for the site for a multi-storey building including ground floor retail and the current building on site has been demolished.</li><li>• It is submitted that the reference to 488-494 La Trobe Street be removed from the Special Character Buildings definition in Design and Development Overlay (Schedule 33).</li></ul>
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<b>Management Response and Recommendation</b>	Management agrees with the submitter that as 488-494 La Trobe Street, Melbourne has been demolished, the reference to the site as a Special Character Building should be removed from Design and Development Overlay (Schedule 33).  Please refer to Attachments 4 and 5 for the updated Amendment documents.
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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 34. Annie and Paul Moloney

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<b>Subject land</b>	General
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<b>Main Issues</b>	1. Generally supportive of Amendment C309
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• The submitter has been a resident in West Melbourne for more than 30 years and strongly supports the Amendment.</li><li>• The submitter comments that finally there is a strong plan for West Melbourne.</li></ul>
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<b>Management Response and Recommendation</b>	Management acknowledges the submitters support for the West Melbourne Structure Plan and Amendment.
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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 35. Richard Cottrill

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<b>Subject land</b>	Adderley Precinct
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<b>Main Issues</b>	1. Generally supportive of Amendment C309
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• Design and Development Overlay (Schedule 29) (DDO29) includes the street facing the submitters home.</li><li>• It is submitted that the 3:1 floor area ratio in the Adderley Precinct is a very welcome change to the prevailing planning conditions and the submitter would prefer that the 3:1 floor area ratio were adopted more broadly in West Melbourne, to keep the scale of development consistent and more or less in line with the current form.</li></ul>
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<b>Management Response and Recommendation</b>	Management acknowledges the submitters support for the floor area ratio in the Adderley Precinct and would like to highlight that the Structure Plan undertook a rigorous design-led, place based approach to identifying the Precincts and the built form controls that apply to the character of each Precinct.
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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 36. Antony Duffill from Echelon Planning for Miami Hotel Group

<b>Subject land</b>	13-25 Hawke Street (containing the existing hotel), 605-609 King Street (containing the disused mechanics workshop) and the rear of 599-601 King Street (containing part of the heritage terrace dwellings)  Historic Hilltop
<b>Main Issues</b>	6. Preferred building heights and height controls
<b>Other Issues</b>	Built Form Controls must address the strategic importance of larger sites  The current General Residential Zone (GRZ)
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter provided a submission to the draft West Melbourne Structure Plan, which emphasised that the built form controls must acknowledge and address the strategic importance of larger sites while maintaining the balance between improving amenity and development opportunities.</li> <li>• The landowner wishes to rebuild a new hotel on site, with related employment opportunities, shared community spaces including meeting facilities, wellness centre and cyclist oriented café that will activate Hawke Street.</li> <li>• Amendment C309 will not allow this redevelopment to occur and the submitter requests that the proposed new zoning and built form controls be extended to include the subject site.</li> <li>• The subject site includes parcels with frontages to both Hawke and King Street, the consolidation of which creates a site of approximately 2,400sqm as well as access from both existing laneways and easements.</li> <li>• It is submitted that not differentiating the subject site from the typical low rise heritage sites that make up most of the Historic Hilltop places unreasonable burden on development potential and is inappropriate given the sites size, characteristics and strategic context and value to the area.</li> <li>• The proposed redevelopment of the site to include a mix of uses will supports Council’s objective to activate a pedestrian spine from Docklands and North Melbourne Station through the Spencer Street activity centre and north along Hawke Street.</li> <li>• Retaining the subject site in the General Residential Zone (GRZ), with an 11 metre mandatory height and 35 per cent garden area requirement, has the effect of not allowing future redevelopment to even achieve the same development scale and yield as the existing building.</li> <li>• The zone does not actively promote or allow a wide range of uses at street level which is a lost opportunity for a large strategic site in Hawke Street, being close to the North Melbourne train station, the Errol and Victoria Street shopping strips, Victoria Markets and the Melbourne CBD.</li> <li>• It is strongly submitted that the subject sites as well as the corner site (in separate ownership to the subject sites) should be included in the Special</li> </ul>

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## WEST MELBOURNE STRUCTURE PLAN

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Use Zone (Schedule 6) (SUZ6).

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**Management  
Response &  
Recommendations**

Management does not support rezoning the subject site to the Special Use Zone (Schedule 6) (SUZ6).

The West Melbourne Structure Plan undertook a rigorous design-led, place based approach to identifying the Precincts and built form controls that apply to each precinct.

This analysis found that the built form controls in the Historic Hilltop respond well to the context and characteristics of this part of West Melbourne, particularly considering its high heritage value and that these sites should be developed in a manner that is consistent with this character.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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## WEST MELBOURNE STRUCTURE PLAN

### 37. Alice Maloney from Ratio on behalf of Budokai and Kenshikan Dojo

<b>Subject land</b>	93-99 Rosslyn Street, West, Melbourne Spencer Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>5. Concerns regarding the special character building uplift mechanism</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• While acknowledging that the affordable housing requirement is not mandatory, the submitter considers that it should enable developers to achieve a higher floor area ratio as specified under Design and Development Overlay (Schedule 72) (DDO72). It is noted that Council has elsewhere treated the provision of affordable housing as a public benefit whereby an increase in building height may be contemplated i.e. Design and Development Overlay (Schedule 63) (DDO63) and Clause 22.03 Floor Area Uplift and Delivery of Public Benefits.</li> <li>• Requiring a minimum 25 per cent of the gross floor area (GFA) to comprise a use other than 'accommodation' is unreasonable. For example, a stand-alone residential hotel provides employment benefits, but could not be contemplated unless there was a restaurant or other similar use provided which was a minimum 25 per cent of the gross floor area. This would be a significant proportion of the gross floor area, which would mean a use such as 'residential hotel' may not be feasible.</li> <li>• The submitter notes that the subject site does not have a heritage listing and the Structure Plan comments on the relatively limited heritage significance of the Spencer Precinct. The submitter highlights that the front portion of the building is a recent 1990s addition and the rear 'special character' building with industrial features and a sawtooth roof, is not visible from Rosslyn Street.</li> <li>• While there may be the desire to retain the industrial fabric, this has not been demonstrated by a heritage study. While no permit is required to demolish a special character building it is unclear whether Council would be supportive of demolition or whether the characterisation would be viewed as a quasi-heritage overlay.</li> <li>• The submitter would like the 'special character building' component to be deleted as it seems to be an underhanded way of applying heritage status.</li> <li>• The height controls and floor area ratio would result in an underdevelopment of the site and counter to capitalising on the site's opportunities and an inefficient use of the land.</li> <li>• The submitter includes a table of the recent planning approvals and existing developments within the locality showing greater heights than proposed by</li> </ul>



# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

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the Amendment.

- The submitter believes the preferred building height should be increased to eight storeys.
  - The submitter believes the floor area ratio should allow for a public benefit uplift and queries whether a floor area ratio control will stymie redevelopment of the precinct.
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### Management Response and Recommendation

Management would like to reiterate that there are no provisions in the Amendment that require a permit for the demolition of a special character building.

It is considered that the floor area ratio would result in an appropriate level of development not an underdevelopment.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 38. Damian Loughnan from G2 Urban Planning

<b>Subject land</b>	328-348 Spencer Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>2. Application of the Special Use Zone (Schedule 6)</li> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>7. Requirement for a floor area ratio</li> <li>9. Application of the Environmental Audit Overlay (EAO)</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The subject site has an area of 1834m<sup>2</sup> and is occupied by a four storey office building making it one of the larger sites in the precinct.</li> <li>• The Flagstaff Precinct has similar characteristics to the Capital City Zone (CCZ) and including the precinct in the Capital City Zone would strengthen the connections to Docklands residential area. The Capital City Zone has the flexibility to incorporate many of the directions set out in the Structure Plan and a differentiation to the Hoddle Grid can be achieved with an appropriate Design and Development Overlay.</li> <li>• Within the precinct the northern side of Spencer Street has traditionally been associated with taller buildings, some of which are of equivalent scale and proportion to buildings on the edge of the Hoddle Grid.</li> <li>• There appears no valid reason to seek to wind back development in an area where for more than two decades, numerous developments have been approved which have entrenched the area as a logical extension of the Hoddle Grid. Council should reconsider its position on the Flagstaff Precinct as it is an area where capital city style development ought to take place.</li> <li>• The submitter notes that requiring a use permit for a medical centre exceeding 250sqm is onerous having regard to the objectives of increasing employment and diversity of land use and large scale medical facilities are becoming a common feature and should be encouraged to locate in emerging centres of population.</li> <li>• The submitter believes the requirement for at least 6 per cent affordable housing is onerous and arbitrary.</li> <li>• Though not a mandatory requirement it would have been more appropriate for Council to have exhibited a Developer Contributions Plan Overlay (DCPO) and supporting information justifying the requirement in a more transparent way.</li> <li>• A Developer Contributions Plan Overlay could have applied a more modest levy, similar to an open space contribution, and the funds collected could then be directed to affordable housing providers.</li> <li>• Furthermore in the absence of enabling legislation for affordable housing, the requirement will give rise to numerous disputes at VCAT.</li> </ul>

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

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- The requirement for more than one sixth of the development area to be non-residential is unreasonable and arbitrary. Not all sites are suitable for a mix of commercial and residential development.
- The objective of achieving a land use mix throughout the precinct does not have to be achieved on each individual site.
- It is not the role of planning to prescribe the conditions to achieve a land use mix and the success or otherwise of a precinct to attract employment uses is a function of the wider economy.
- Failing to achieve the requirement should not fail the application and in some instances the requirements can be exceeded on one site and not on the other.
- There are numerous buildings in the precinct that have exceeded the preferred heights and introducing a mandatory 6:1 floor area ratio creates a medium rise backdrop for much higher buildings approved in the last 20 years and is a regressive planning instrument that seeks to 'wind back the clock' and stifle any meaningful redevelopment of larger sites.
- The floor area ratio would only permit an additional two levels over the entire site.
- The submitter believes that the amendment goes too far in restricting development and does not strike a balance between community expectations and the development potential of the precinct.
- The submitter is supportive of removing the requirement for a planning permit to reduce car parking to zero and overall supports the maximum car parking rate.
- In the absence of any evidence as to the land being potentially contaminated, there is no strategic justification for the application for the Environmental Audit Overlay over the land

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### Management Response and Recommendation

The vision for West Melbourne is not to treat the area as a transitional zone between the central city and other areas but to recognise West Melbourne as a place of value with its own character as an evolving and distinct neighbourhood.

Improving the connection to the Docklands is addressed in the Structure Plan.

Amendment C309 was not exhibited in order to wind back development; it seeks to ensure development occurs in a manner that enhances West Melbourne.

In relation to the issue that a medical centre exceeding 250sqm will require a permit, the table of uses in the Special Use Zone (Schedule 6) is modelled closely on the Mixed Use Zone.

In response to the idea that the 6 per cent affordable housing requirement is onerous and arbitrary, the 6 per cent will help to maintain (rather than increase) the level of social housing in inner Melbourne (currently around 6 per cent of dwellings) and is consistent with other affordable housing requirements in the Planning Scheme, such as those in Fishermans Bend.

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The affordable housing requirement for West Melbourne is consistent with current practice and the guidance set out by the Victorian Government. It encourages the provision of affordable housing and is not a mandatory requirement.

Locating the affordable housing provisions in the Special Use Zone (Schedule 6) ensures a clear and transparent requirement.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 39. Janet Graham

<b>Subject land</b>	General
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>6. Preferred building heights and height controls</li> <li>9. Application of the Environmental Audit Overlay (EAO)</li> </ol>
<b>Other Issues</b>	Open Space
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter generally supports the Structure Plan, which maps out a vision for West Melbourne as a “distinct inner urban neighbourhood and a counterpoint to the central city”.</li> <li>• The City of Melbourne has demonstrated enthusiasm and commitment, has genuinely engaged with the community and has put enormous effort into producing this structure plan. For this the submitter thanks the councillors and especially the staff members involved.</li> <li>• The submitter feels that the draft amendment has been compromised by allowing greater height limits than originally proposed and too much discretion.</li> <li>• The submitter believes that 6 per cent affordable housing is too small and the target should be 20 or 30 per cent and that some real public housing should be established to support the most vulnerable in our society.</li> <li>• The submitter commends active frontages along Spencer Street in conjunction with the suggested tram extension.</li> <li>• The Public Park and Recreation Zone (PPRZ) is welcomed to protect the public open spaces.</li> <li>• The submitter queries whether open space resulting from commensurate building height increases would belong to the development and not be open to the public.</li> <li>• The Design and Development Overlays (DDOs) should stipulate mandatory height limits.</li> <li>• The submitter asks whether the Environmental Audit Overlay will stipulate who is responsible for remediating the contaminated land.</li> <li>• The submitter includes suggestions for upgrading the public realm in the Station and Adderley Precincts as well as advocating other community facilities.</li> <li>• If the Special Use Zone (Schedule 6) (SUZ6) delivers a true mix of uses, it is supported.</li> <li>• West Melbourne is unique for its mix of heritage factories, workplaces and businesses and examples of Victorian and Edwardian terraces.</li> </ul>
<b>Management</b>	Management acknowledges the submitter’s support for the Structure Plan and

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## WEST MELBOURNE STRUCTURE PLAN

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<b>Response &amp; Recommendations</b>	<p>community engagement process and agrees that the requirement for 6 per cent affordable housing will only help to maintain (rather than increase) the level of social housing in inner Melbourne (currently around 6 per cent of dwellings).</p> <p>There is no uplift mechanism included in the Amendment for open space. Council's Local Policy at Clause 22.26 Public Open Space Contribution, sets out that land contributions for public open space are required. Clause 53.01 sets out the contribution rate.</p> <p>Management believe that the discretionary height controls in combination with the proposed mandatory floor area ratio controls are appropriate. These provisions help to ensure that the vision for the area can be realised, while providing opportunities for innovation and great design on a site-by-site basis.</p> <p>Management confirms that before a sensitive use is allowed to commence, it is the responsibility of the land owner to remediate sites found to be contaminated.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>
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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 40. Derek Scott, CEO / Principal of Haileybury

<b>Subject land</b>	28 Batman Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> </ol>
<b>Other Issues</b>	The policy aspirations for Education Centres contained in the Structure Plan should be reflected in the planning controls
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The subject site is currently occupied by an at-grade car park and a single storey building to the rear.</li> <li>• Haileybury notes that the West Melbourne Structure Plan promotes educational land uses establishing within West Melbourne and specifically the Flagstaff Precinct. To support this, the submitter includes statements from Section 2.2 of the Structure Plan and also the vision for 'Activities Uses and Infrastructure' for the Flagstaff Precinct.</li> <li>• Haileybury is strongly supportive of these policy aspirations given they will facilitate the establishment of educational facilities to support the increase in population and provide employment opportunities.</li> <li>• The submitter believes that the planning controls should be reflective of these policy aspirations and that Clause 21.16-6 in the Municipal Strategic Statement (MSS) should include a policy reference that promotes educational land uses establishing in West Melbourne and Flagstaff.</li> <li>• The purpose of the Special Use Zone (Schedule 6) (SUZ6) should refer to Education Centre as a promoted use and the first paragraph should read, "To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant mixed use inner city neighbourhood with a genuine mix of retail, commercial, <i>educational</i> and residential uses and affordable housing".</li> <li>• Education Centre should be listed as a Section 1 Permit not required use.</li> <li>• Haileybury also objects to proposed 6:1 floor area ratio as being overly restrictive and lacking strategic justification and fails to consider alterations to existing buildings that would currently be non-compliant.</li> <li>• The mandatory nature of the floor area ratio is inconsistent with Planning Practice Note 59 'The role of Mandatory Provisions in Planning Schemes' and should be discretionary instead.</li> <li>• The proposed built form controls are overly restrictive having regard to the design objectives of Design and Development Overlay (Schedule 33) (DDO33) and the type of development that has recently been supported by Council i.e. 415 King Street, West Melbourne.</li> </ul>

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### Management Response & Recommendations

Management agree that including the support of educational uses in the Purpose for the Special Use Zone (Schedule 6) (SUZ6), will more accurately reflect the intention of the West Melbourne Structure Plan in relation to education uses.

In addition, management believe 21.16-6 in the Municipal Strategic Statement should also be modified to reflect this change, and that a policy statement regarding education should be included in the Municipal Strategic Statement.

Management does not support changing Education Centre from a Section 2 Permit Required Use, to a Section 1 Permit Not Required Use. The Special Use Zone (Schedule 6) is modelled on the Mixed Use Zone (MUZ) and management believes that Education as a Section 2 use is appropriate.

The mandatory floor area ratios offer significantly greater design flexibility and freedom to respond to each site and are consistent with Planning Practice Note 59, 'The role of mandatory provisions in planning schemes'.

Please refer to Attachments 4 and 5 for proposed changes and updated Amendment documents.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 41. Richard Wittmack, Executive Director of Assets, Infrastructure and Major Projects

<b>Subject land</b>	Melbourne Assessment Prison (MAP) at 317-353 Spencer Street and Judy Lazarus Transition Centre (JLTC) at 44-58 Jeffcott Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	1. Generally supportive of Amendment C309 10. Car parking
<b>Other Issues</b>	Zoning of the Judy Lazarus Transition Centre
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The department is generally supportive of the proposed planning policies and proposes the following changes to allow for the continued safety, security and effective management of justice facilities.</li> <li>• The Department is supportive of the proposed built form controls and proposes that the wording in Section 2.0 of the Design and Development Overlay (Schedule 33) (DDO33) be strengthened to include the italics wording as follows, "Development adjacent to, <i>or within potential line of sight into</i>, the Melbourne Assessment Prison <i>or other justice facilities</i> must consider any potential lines of sight, privacy, operational and security issues for justice facilities".</li> <li>• The Department suggests a decision guideline also be inserted which includes the view of the Department for any development in proximity to the MAP and JLTC.</li> <li>• The Department supports the reduction of car parking in CBD areas to increase the use of sustainable transport however many MAP and JLTC staff drive to and from work for safety and efficiency reasons. The proposed changes could impact the competition for spaces currently utilised by staff and visitors and the department would like to continue working with the City of Melbourne throughout the implementation of the controls to address any issues.</li> <li>• The Department proposes that the JLTC should be included in the Public Use Zone (Schedule 3) (PUZ3), alongside the MAP which is already zoned Public Use Zone (Schedule 3) in order to identify this land from the surrounding privately held land and ensure that this important function can continue without unnecessary planning constraints.</li> <li>• The Structure Plan is proposed to be included as a Reference Document in the Planning Scheme and the department would like to be included as a key stakeholder to any land use changes proposed in the Structure Plan, such as road closures and additional public open space proposals, which could impact upon prisoner transportation, security and operational requirements.</li> </ul>
<b>Management Response and Recommendation</b>	Management agrees with strengthening the Built Form Requirements to recognise the sensitivity of the outdoor recreational areas of the MAP and the JLTC and that an amended Built Form Requirement is enough to protect the

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privacy of both facilities. Management does not agree that a further Decision Guideline is necessary.

Management agrees that the Public Use Zone (Schedule 3) is the most appropriate zone for the JLTC. The Public Use Zone (Schedule 3) is used for Health and Community facilities on public land. The MAP is already zoned Public Use Zone (Schedule 3).

It should also be noted that there is an existing Incorporated Document in the Melbourne Planning Scheme that relates to the JLTC to guide the use and development of this land.

Please refer to Attachments 4 and 5 for proposed changes and updated Amendment documents.

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### 42. Angelo Basile from King Street Investments Pty Ltd

<b>Subject land</b>	346-352 King Street West Melbourne Historic Hilltop
<b>Main Issues</b>	6. Preferred building heights and height controls
<b>Other Issues</b>	The Historic Hilltop has been overlooked
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter is concerned that their site has been overlooked as there are no changes to the planning controls for the site or surrounding area, and believes there are strong opportunities to revisit the height controls in Design and Development Overlay (Schedule 32) (DDO32) which have been in place since 2002.</li> <li>Design and Development Overlay (Schedule 32) has a mandatory maximum height of 14 metres and while the submitter is broadly supportive of the vision for the Precinct, believes the vision for the area can still be achieved by relaxing the height control for the subject site and surrounds.</li> <li>The submitter believes the mandatory height control for the site should be increased from 14 metres and be discretionary.</li> <li>The submitter includes information from the Panel Report for Amendment C20, being the Amendment that introduced Design and Development Overlay (Schedule 32), and concludes that the Panel were quite critical of the Amendment and the mandatory nature of some controls.</li> <li>The submitter includes information from Planning Practice Note 59, as it relates to the role of mandatory provisions in planning schemes and considers that the criteria to assess whether mandatory controls should apply have not been met.</li> <li>The submitter states that there is no sound strategic basis outlined in the Panel report for Amendment C20 and they are not aware of any strategic work since this time to justify the mandatory height control.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management does not agree that the subject site has been overlooked. The West Melbourne Structure Plan undertook a rigorous design-led, place based approach to identifying the Precincts and built form controls that apply to each precinct.</p> <p>This analysis found that the built form controls in the Historic Hilltop, through Design and Development Overlay (Schedule 32) (with a mandatory maximum building height of 14 metres), respond well to the context and characteristics of this part of West Melbourne, particularly considering its high heritage value and as such are not proposed to change.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

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### 43. Tim Watts

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<b>Subject land</b>	General
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<b>Main Issues</b>	1. Generally supportive of Amendment C309
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• The submitter is a resident of West Melbourne and supportive of the West Melbourne Structure Plan.</li><li>• The submitter believes the Amendment is in the best interests of the area and will help to develop the community in the right direction.</li><li>• The submitter is particularly supportive of the floor area ratio controls rather than strict height limits as the flexibility they provide will generate a variety of design outcomes.</li><li>• The submitter firmly believes that the floor area ratio controls must be implemented as a mandatory requirement as optional guidelines do not deter proposals from being well outside expectations, as has been seen in this area.</li><li>• The submitter urges council to support the Amendment.</li></ul>
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<b>Management Response and Recommendation</b>	Management acknowledges the submitter's support for the floor area ratios as a mandatory requirement.
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### 44. Emily Grinton

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<b>Subject land</b>	General
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<b>Main Issues</b>	1. Generally supportive of Amendment C309
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• The submitter is a resident of West Melbourne and supportive of the West Melbourne Structure Plan.</li><li>• The submitter believes it is in the best interest of the area and will help develop the community in the right direction.</li><li>• The submitter is particularly supportive of the floor area ratio controls rather than strict height limits as the flexibility they provide will generate a variety of design outcomes.</li><li>• The submitter firmly believes that the floor area ratio controls must be implemented as a mandatory requirement as optional guidelines do not deter proposals from being well outside expectations, as has been seen in this area.</li><li>• The submitter urges council to support the Amendment.</li></ul>
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<b>Management Response and Recommendation</b>	Management acknowledges the submitter's support of the floor area ratios as a mandatory requirement.
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### 45. Chunjiang Wu, Chief Operating Officer for Holder East

<b>Subject land</b>	500 La Trobe Street and 501-525 King Street, West Melbourne
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> <li>8. Concerns regarding the absence of transitional arrangements</li> </ol>
<b>Other Issues</b>	Providing office buildings without a residential component
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter agrees that now is the best time to review West Melbourne and that the context has changed, including changes to the CBD built form, proximity to Arden Macaulay and the loss of employment uses in West Melbourne to residential uses.</li> <li>• The submitter is proposing a commercial building of around 16 storeys (13:1 floor area ratio) for one site and has submitted a permit application for an 8 storey commercial mixed use building with an floor area ratio of 5.2:1.</li> <li>• As both sites are planned for non-residential uses, the submitter has a keen interest in the long term development of the West Melbourne area.</li> </ul> <p>The submitter has the following concerns:</p> <ul style="list-style-type: none"> <li>• There is a mismatch between preferred building heights and mandatory floor area ratios, which was similarly identified in the Fishermans Bend Panel Hearing and the floor area ratios have since been deleted.</li> <li>• The mandatory floor area ratios do not seem to be underpinned by a thorough economic analysis of impacts and land values. Opposite the subject site at 500 La Trobe Street, is the Capital City Zone (CCZ) which allows an 18:1 floor area ratio with a public benefit uplift and the submitter considers the current mandatory floor area ratio approach is a significant underutilisation of this land.</li> <li>• The drafting of the Special Use Zone (Schedule 6) (SUZ6) where a large number of uses are permit required including office and education uses.</li> <li>• Built form outcomes which seek mixed use, tall slender towers, is one acceptable built form outcomes but there are others that must be acceptable, particular in relation to non-residential land uses which require greater functionality.</li> <li>• The mandatory requirement for affordable housing, which is contrary to the framework established in the <i>Planning and Environment Act 1987</i> for voluntary affordable housing agreement and that the 'gifting' is burdensome for the land owner.</li> </ul> <p>The submitter would like to see the following modifications:</p>

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## WEST MELBOURNE STRUCTURE PLAN

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- To protect the opportunity to deliver a diverse range of land uses, including fully commercial development, the submitter requests the mandatory floor area ratio approach is abandoned, an uplift mechanism applied or the floor area ratio increased to align with the built form expectations for the precincts.
- The Special Use Zone (Schedule 6) is revised to include commercial office and educational use 'as of right' along key road routes, including La Trobe Street and King Street, which is a major arterial spine with established educational uses.
- Incentivise rather than mandate the requirement for affordable housing through floor area ratio uplift, in the same way as the Central City. Rather than gifting, supported approaches can include a discounted market rate where a number of units are available for purchase by a housing association (i.e. 25 per cent discount or construction costs).

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### Management Response & Recommendation

Management does not believe there is a mismatch between the preferred building heights and mandatory floor area ratios and that a variety of built form outcomes are possible with the flexibility of the floor area ratio. Breathe Architecture were engaged by the City of Melbourne to independently test the experience of working with the proposed built form controls and determine potential outcomes. The building forms and heights are seen as appropriate.

Management would like to reiterate that consistent with the *Planning and Environment Act 1987* the affordable housing requirement is not a mandatory provision.

In response to the concern raised about the economic analysis involved in the West Melbourne Structure Plan, it is noted that thorough and rigorous assessments were conducted to inform the West Melbourne Structure Plan, in particular the 'City of Melbourne Employment Forecast 2036', the 'West Melbourne Economic and Employment Study Stage 1', the 'West Melbourne Economic and Employment Study Stage 2'. All of these documents are available from the Amendment C309 Participate Webpage at:

[www.participate.melbourne.vic.gov.au/amendmentC309](http://www.participate.melbourne.vic.gov.au/amendmentC309)

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 46. Simon Mitchell-Wong, Chairperson of Royal Flagstaff Apartments

Subject land	33 Jeffcott Street and 4768-486 La Trobe Street, West Melbourne Flagstaff Precinct
Main Issues	1. Generally supportive of Amendment C309
Summary of submission	<ul style="list-style-type: none"> <li>• The submitter congratulates Council for the extensive work undertaken in developing the Structure Plan, and comments that the process has been consultative, well researched and in line with the vision and objectives of Planning in Victoria, successfully balancing conflicting perspectives from residents, developers and land owners.</li> <li>• The submitter supports the mandatory floor area ratios as they allow flexibility for developers, provide a framework for equitable development within each precincts capacity to support density, while preventing the turmoil of an overly discretionary planning scheme.</li> <li>• The floor area ratio for the Flagstaff Precinct allows more economic returns than would be reasonably expected from the existing planning scheme and more returns than most approved developments, though less than some of the most extreme ministerial and Victorian Civil and Administrative Tribunal (VCAT) approvals.</li> <li>• Discretion leads to intense lobbying, legal expenditure, disproportionate planning resources, and discretion being sought by default where developers are able to “out-gun” less resourced councils and VCAT objectors, skewing decisions.</li> <li>• The submitter would like to make the following highlighted changes to Clause 2 of Design and Development Overlay (Schedule 33) (DDO33):             <ul style="list-style-type: none"> <li>• “An application to construct a building or carry out works must not exceed a floor area ratio of 6:1. The calculation of the floor area ratio excludes any <i>special character</i> bonus floor area the development qualifies for, where the special character building has been successfully retained. A permit cannot be granted or amended to vary this requirement, <del>unless the amendment does not increase the extent of non-compliance.</del>”</li> </ul> </li> <li>• The submitter believes these changes remove ambiguity should “bonus floor area” be used elsewhere in the planning scheme and the second edit is to prevent past errors from being carried forward, through the perpetual renewals of non-compliant permits that expire.</li> </ul>
Management Response and Recommendation	<p>Management notes the submitters support for the mandatory floor area ratios and the work that Council has undertaken to date.</p> <p>In relation to the suggested wording change to Design and Development Overlay (Schedule 33), use of the expression, ‘unless the amendment does not increase the extent of non-compliance’ in relation to the operation of a</p>



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mandatory requirement was carefully crafted to ensure that reasonable flexibility is provided to existing development.

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### 47. Marshall Waters

<b>Subject land</b>	General
<b>Main Issues</b>	1. Generally supportive of Amendment C309
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The submitter highlights that there has been an exhaustive drafting and consultation process to reach a very reasonable balance between existing residents' concerns and development opportunities to increase housing density.</li> <li>The introduction of floor area ratios is the first time there has been a mandatory, rather than "Recommended" control on built form.</li> <li>For the submitter, the retention of the proposed floor area ratios is the most significant element of this Amendment. At the community consultations, the detailed explanation of this method of regulation was enough to convince the existing residents that this could work for everyone.</li> <li>The submitter believes it cannot be overstated how significant this "ratio" is to the integrity of life style in West Melbourne and any softening of the proposed ratios in response to developers submissions must be resisted. The compromises have already been made and the proposed "ratios" in the current document should be locked in for the life of this Planning Scheme.</li> <li>There are many other elements to this advertised Amendment that will add significantly to the development of the area but for the submitter the floor area ratios are the single most important element.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management acknowledges the submitters support for the West Melbourne Structure Plan and Amendment.</p> <p>Management notes the submitter's emphasis on maintaining the mandatory floor area ratio controls that are set out in the Structure Plan and that received strong community support.</p>

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### 48. Eddie Kutner, Executive Chairman of Central Equity Limited

Subject land	Flagstaff Precinct
Main Issues	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>3. Requirement for minimum proportion of uses not comprising accommodation</li> <li>4. Requirement for affordable housing</li> <li>7. Requirement for a floor area ratio</li> <li>10. Car Parking</li> </ol>
Summary of submission	<ul style="list-style-type: none"> <li>• The submitter supports the need for new controls in West Melbourne and commend Council's work to date</li> </ul> <p>Special Use Zone Schedule 6 (SUZ6)</p> <ul style="list-style-type: none"> <li>• The submitter questions the rationale for requiring a use permit for more than 9 dwellings given the proximity to the Central City and vision for increased housing.</li> <li>• The submitter believes an incentive, rather than a mandatory control, would better encourage mixed use development such as a floor area uplift should employment generating uses be proposed.</li> <li>• In relation to the affordable housing requirement, the submitter believes the inclusion of a mandatory requirement in policy does not accord with the <i>Planning and Environment Act 1987</i>.</li> <li>• There is ambiguity in the delivery and allocation of affordable housing and definition such as 'affordable housing dwelling' enhances uncertainty for developers.</li> <li>• The requirement for gifting affordable housing is troublesome and the submitter believes the building's owners' corporation, provided with clear guidelines, should manage the allocation of dwellings for rental rather than an external Housing Provider. This would avoid potential future conflicts between a building's owners' corporation, affordable housing tenants and non-affordable housing tenants.</li> <li>• An alternative mechanism may be the requirement for a financial contribution towards the provision of housing in another location, similar to the mechanism for the provision of public open space contributions.</li> <li>• In relation to retaining car spaces in common ownership, the submitter believes that the leasing of spaces is complicated and adds a level of uncertainty and administrative cost and possible leasing disputes.</li> <li>• The submitter notes that there is no discretion in this requirement and considers that discretion should be built in to enable Council to assess this on a case by case basis i.e. there are limited alternative uses that could be accommodated in a basement car park</li> </ul>

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### Design and Development Overlay Schedule 33 (DDO33)

- The submitter supports the built form outcomes and the discretionary nature of these controls.
- The submitters considers a mandatory Floor Area Ratio is too prohibitive and there are numerous developments in Flagstaff that sit comfortably in the backdrop of larger CBD buildings and their scale is appropriate in context.
- The mandatory floor area ratio will prohibit minor alterations with no amenity impacts, such as internal alterations that increase the gross floor area (GFA). The submitter suggests that the wording be amended to exempt minor changes that would not alter the approved building envelope.
- The submitter considers that the potential for uplift should be included in the controls.

### Parking Overlay Schedule 14

- Section 2 states that a permit is required to reduce the car parking rates but does not require a permit to exceed the rates which is generally the intention of the Overlay.
- It is unclear why there is reference to Clause 52.06-5 when all uses are covered by the table within the Overlay.
- With regard to the rate for all other uses, a rate of 0.005 applies per net sqm floor area of building, and the submitter assumes that this relates to the floor area of use not the entirety of the building should the development be mixed use, however this is ambiguous.
- The submitter questions the appropriateness of requiring car parking areas to be designed to enable future adaption to a public car park, when the proposed Zone requires a use permit for a public car park. The submitter is concerned with the increased cost of designing to these standards, and the subsequent costs then passed on to buyers to maintain the carpark, including residents that do not have a car.

### Management Response and Recommendation

A permit is required for use of land for more than 9 dwellings to facilitate the delivery of affordable housing.

The in accordance with the *Planning and Environment Act 1987*, the affordable housing requirement is not a mandatory provision. The definition 'affordable housing dwelling' has intentionally been used because it is a broad term than can include social housing.

With regard to the gifting of housing stock to the housing provider it is considered that social housing (that is housing owned, managed or controlled by a community housing provider) is of the highest priority to ensure affordable housing, in perpetuity, for those in need. This provision is consistent with is consistent with the social housing requirement in Fishermans Bend, and other urban renewal areas in Australia.

The vision for West Melbourne is not to treat the area as a transitional zone between the central city and other areas but to recognise West Melbourne as a

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place of value with its own character.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 49. Christopher Wren, Director of Stadiums Pty Ltd (Floton Pty Ltd)

<b>Subject land</b>	272-306 Dudley Street and Unit 3, Adderley Street, West Melbourne Spencer Precinct
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>4. Requirement for affordable housing</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> <li>10. Car parking</li> </ul>
<b>Other Issues</b>	The location of the subject site in the Spencer Precinct
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter objects to the sites' inclusion in the Spencer Precinct and submits that it should be located within the Flagstaff Precinct.</li> <li>• The sites are unique in that they are very large land holdings strategically located with no sensitive interfaces, benefiting from three street frontages, a busy main road address, no consistent streetscape character and a location on the edge of Docklands and the expanded central city.</li> <li>• The sites are capable of accommodating more intense built form and higher densities whilst creating an appropriate transition to the lower scale built form to the north.</li> <li>• If Council does not intend to realign the boundaries then the submitter requests that the sites are nominated as Strategic Redevelopment Sites which would allow for greater development intensity than currently proposed in the Spencer Precinct.</li> </ul> <p>Special Use Zone (Schedule 6) (SUZ6)</p> <ul style="list-style-type: none"> <li>• The requirement for the provision of affordable housing, particularly gifting to a housing provider should not be prescribed and is contrary to the framework recently established in the <i>Planning and Environment Act 1987</i> which seeks voluntary affordable housing agreements.</li> <li>• The submitter considers that it is better to incentivise developers and improve the viability of affordable housing as a public benefit uplift to allow for variations to the mandatory plot ratio.</li> <li>• The submitter objects to the mandatory requirement for a minimum 25 per cent of the gross floor area (GFA) of a development to be allocated to a use other than accommodation as the quantum and type of land uses should not be dictated in a way that does not allow flexibility in the land use mix.</li> <li>• The submitter is concerned with the requirement for car parking to be retained as common property, as leasing of car spaces to occupiers is complicated and adds a level of uncertainty and administrative cost to the owners' corporation and could lead to leasing disputes.</li> <li>• There is no discretion in this requirement that a car park stay in common</li> </ul>

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ownership.

### Design and Development Overlay (Schedule 72) (DDO72)

- The proposed floor area ratio is too onerous and will result in the underutilisation of this large parcel of land and a plot ratio of 6:1, as per the Flagstaff Precinct, would be more appropriate.
- The provision of affordable housing, commercial uses, high quality public open space or retention of heritage fabric should be considered as public benefits which could warrant a floor area uplift.
- Having a mandatory floor area ratio is a very blunt tool to control density that may prohibit minor alterations with no amenity impacts, such as internal alterations that increase the floor area ratio but have no impact on the building envelope. This could restrict environmentally sustainable outcomes such as retrofitting older building stock.
- The submitter objects to the 10-storey height controls as they relate to the Dudley Street Frontage, believing that the preferred maximum for this site should be 16 storeys to reflect the height limit allowed directly across Dudley Street. The submitter agrees the control should be discretionary given the varied context of Dudley Street.

### Parking Overlay (Schedule 14) (PO14)

- The submitter questions the interpretation and wording of the maximum car parking requirement for 'all other uses'. The reading of this provision appears that the rate should be based on the entire building, which may also include residential use, and clearer wording is recommended.
- The submitter objects to the very low car parking rates which will put further pressure on on-street parking and disincentivise quality commercial tenants from moving their business to the area.

### Management Response and Recommendation

Management does not agree that the subject site should be included in the Flagstaff Precinct. The West Melbourne Structure Plan undertook a rigorous design-led, place based approach to identifying the precincts and built form controls that apply to each precinct.

This analysis identified the Spencer Precinct as a distinct area based on its industrial character, generally large allotment sizes, and relatively limited heritage and identified significant change into the future.

Management does not agree that the site should be identified as a Strategic Redevelopment Site as the proposed floor area ratio allows for adequate development on the site.

In accordance with the *Planning and Environment Act 1987* the affordable housing requirement is not a mandatory provision.

The current Mixed Use Zone (MUZ) is failing to deliver a mix of uses, as the main as-of-right use in the zone is Dwelling. The requirement for a minimum proportion of uses not comprising accommodation will help retain and attract a mix of different business and employment opportunities in West Melbourne.

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This is consistent with Plan Melbourne's policy direction for mixed use neighbourhoods and there is strong strategic and community support for West Melbourne to continue to maintain a mix of uses.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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### 50. Dominic Scally, Principle at Best Hooper Lawyers for 355 Spencer Street Pty Ltd

<b>Subject land</b>	102-108 Jeffcott Street, 355-369 & 371-383 Spencer Street, West Melbourne Flagstaff Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>2. Application of the Special Use Zone (Schedule 6) (SUZ6)</li> <li>4. Requirement for affordable housing</li> <li>5. Concerns regarding the special character building uplift mechanism</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> <li>8. Concerns regarding the absence of transitional arrangements</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• An application for a planning permit on the subject site was lodged with the Department of Land Water and Planning (DELWP) on 19 December 2018 and includes partial demolition of the heritage buildings and a residential hotel (22 storeys) with ground floor retail on one of the sites.</li> <li>• It is submitted that the use of the Special Use Zone (Schedule 6) is inappropriate, and the provisions in the Special Use Zone (Schedule 6) could be implemented through a combination of a customary planning zone and local planning policy.</li> <li>• It is submitted that the requirement to provide affordable housing should be replaced with an incentive provision such as the “bonus floor area” proposed for “special character buildings”.</li> <li>• The mandatory floor area ratio is not supported and is inconsistent with Planning Practice Note 59, ‘The role of mandatory provisions in planning schemes’ and a discretionary floor area ratio is more appropriate.</li> <li>• The overlapping controls in Design and Development Overlay (Schedule 33) (DDO33) have the potential to render appropriate opportunities unrealistic for the precinct.</li> <li>• The preferred height and setback controls are considered too conservative having regard to those controls for land within the Hoddle Grid. The notion of achieving a lower scale of development from land within the Hoddle Grid is supported, but a design objective to achieve a transition in height is more appropriate than the proposal to create a “clear differentiation”.</li> <li>• The provision relating to “bonus floor area” to encourage the retention of “special character buildings” is supported and it is submitted should extend to A grade heritage buildings.</li> <li>• The submitter supports the consideration of “any potential lines of sight, privacy and security issues” for development adjacent to the Melbourne Assessment Prison on the basis that this not compromise development aspirations of the Amendment and in particular, a Planning Permit application for the subject sight can deal with this by permit condition.</li> </ul>

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

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**Management  
Response and  
Recommendation**

The proposed approach of mandatory floor area ratio controls, along with accompanying largely discretionary built form provisions will respond to the spatial characteristics of West Melbourne and is consistent with Planning Practice Note 59, 'The role of mandatory provisions in planning schemes'. Floor area ratios enable flexibility for a developer to choose how they organise their building layout and form on their site within a preferred built form envelope and to also respond to the provisions in the Special Use Zone (Schedule 6).

The vision for West Melbourne is not to treat the area as a transitional zone between the central city and other areas but to place a greater recognition of West Melbourne as a place of value with its own character and as an evolving and distinct neighbourhood.

A grade heritage buildings are covered by the Heritage Overlay (HO) which is a separate control. Full or partial demolition of an A grade heritage property (or Significant graded place) would not normally be supported.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 51. Paul Vella

<b>Subject land</b>	Adderley Precinct
<b>Main Issues</b>	<ol style="list-style-type: none"> <li>1. Generally supportive of Amendment C309</li> <li>6. Preferred building heights and height controls</li> <li>7. Requirement for a floor area ratio</li> <li>10. Car parking</li> </ol>
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The submitter principally supports the vision for West Melbourne, but has some specific concerns.</li> <li>• The submitter supports the change to floor area ratio where the floor area ratio is the gross floor area (GFA) above ground of all buildings.</li> <li>• The submitter believes a mandated 0.5:1 ratio of non-dwelling floor area is unrealistic in combination with the preferred maximum height of 4 storeys, considering development occurring in the area is predominantly 5 storey apartment buildings.</li> <li>• The submitter believes the preferred maximum height should be increased to 6 storeys to support mixed use development outcomes or there should be an exclusion for the non-dwelling component of the floor area ratio if a townhouse development is proposed.</li> <li>• Imposing a mandatory maximum car parking ratio of 0.3:1 will inhibit the development of new dwellings in the Adderley Precinct and prevent the larger more family friendly dwellings which should be encouraged.</li> <li>• The proposed parking overlay requirements are too restrictive and the planning scheme should contemplate a rate for the provision of dwellings that varies according to the size of the dwellings i.e. one space per three bedrooms.</li> </ul>
<b>Management Response and Recommendation</b>	<p>Management notes the submitter is generally supportive of the vision for the area.</p> <p>The employment floor space requirement for the Adderley Precinct was tested to ensure it is financially feasible.</p> <p>Management notes that the maximum car parking rates in the Parking Overlay (Schedule 14) are not mandatory requirements, and can be varied with a permit.</p> <p>A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.</p>

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 52. Cressida Wall, Executive Director of the Property Council of Australia

<b>Subject land</b>	General
<b>Main Issues</b>	<p>3. Requirement for minimum proportion of uses not comprising accommodation</p> <p>4. Requirement for affordable housing</p>
<b>Other Issues</b>	Overarching Economic Strategy
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>The Property Council does not support Amendment C309 and believe it should be delayed until there is an overarching Economic Strategy for Melbourne CBD and immediate surrounds. It is not clear to the submitter what consideration has been given to this fundamental policy requirement.</li> </ul> <p>Affordable Housing</p> <ul style="list-style-type: none"> <li>The Property Council believes any aspect of inclusionary zoning as it relates to private land should be removed until a state-wide inclusionary zoning strategy is established.</li> <li>Using the word 'should' instead of 'must' does not mask the lack of flexibility in the controls which are nothing more than a tax on current land owners.</li> <li>The Property Council believe it will devalue sites currently held, sites may not be sold or developed, the costs of providing 'below-market' price dwellings in already active projects will mean the additional cost is borne by all other purchases and there is no clearly defined implementation mechanism. The Property Council believe the 6 per cent has the potential to affect housing affordability in West Melbourne.</li> <li>The Property Council is concerned that the onus of funding and delivering a financial feasibility study lies with an application which is yet another imposte on the industry and places further delays on an already exhaustive permit process.</li> <li>The evidence upon which the Amendment has been built, SGS Economics &amp; Planning's West Melbourne Structure Plan – Stage 2 Report includes a number of flawed assumptions. The tools applied within the feasibility analysis are entirely reliant upon an increase of 25 per cent on existing site values with little to no material supporting this rationale.</li> </ul> <p>Non-accommodation uses</p> <ul style="list-style-type: none"> <li>The conditions for non-accommodation uses and affordable housing requirements place considerable constraints on the scope for design and innovation in new developments.</li> <li>In their submission the Property Council provides information on the Office Market Report for Melbourne CBD precincts and is concerned that overlaying rigid prescriptive controls for non-accommodation development in Flagstaff and neighbouring areas could produce unintended consequences.</li> <li>The Property Council caution that handcuffing development proposals to a</li> </ul>

# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

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percentage of non-accommodation uses risks the creation of surplus commercial space in an otherwise maturing West Melbourne area.

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### Management Response and Recommendation

The City of Melbourne Employment Forecast 2036 prepared employment projections across the municipality and outlines the employment context in the City of Melbourne. This document was used to inform the West Melbourne Structure Plan. The work is informed by the ABS Labour Force Survey (LFS), the Small Area Lane Use Projections (SALUP) prepared by the Victorian State Government and the Census of Land Use and Employment (CLUE) conducted by the City of Melbourne.

Management agree that the development of a state wide affordable housing planning provision is a critical step in addressing the issue of affordable housing in Melbourne. Management would like to reiterate that in accordance with the *Planning and Environment Act 1987* the affordable housing requirement is not a mandatory provision.

Management believes the requirement for 6 per cent affordable housing within the Special Use Zone provides a clear and transparent requirement. The 6 per cent affordable housing will help to maintain (rather than increase) the level of social housing in inner Melbourne (currently around 6 per cent of dwellings).

The proposed floor area ratios are the maximum that is considered to be appropriate to help ensure that development makes the best use of sites within West Melbourne, any uplift would undermine the built form outcomes.

In response to issue raised that the requirement will constrain the scope for design and innovation, management are not aware of any evidence of how requirements for commercial space and affordable housing would place considerable constraints on the scope for design and innovation in new developments.

In relation to concerns about a surplus of commercial space, the provisions are based on the lower level of the forecast need for jobs.

A further response and recommendation relating to the main issues raised in this submission can be found at Attachment 3.

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# PLANNING SCHEME AMENDMENT C309

## WEST MELBOURNE STRUCTURE PLAN

### 53. Stephen Farrell & Anthula Ralph

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<b>Subject land</b>	General
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<b>Main Issues</b>	1. Supportive of Amendment C309
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<b>Summary of submission</b>	<ul style="list-style-type: none"><li>• The submitter has been a resident in West Melbourne for 26 years and strongly supports the Amendment, particularly the mandatory floor area ratios and provisions that encourage the retention of special character buildings.</li><li>• The submitter has pursued a number of objections to developments that were inappropriate and inconsistent with the planning scheme and the historic and character considerations for the area, and sees Amendment C309 as a very positive step forward.</li></ul>
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<b>Management Response and Recommendation</b>	Management acknowledges the submitter's support for the West Melbourne Structure Plan and Amendment.
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## Management response to issues

1.	Generally supportive of Amendment C309.....	2
2.	Application of the Special Use Zone (Schedule 6) (SUZ6) .....	3
3.	Requirement for minimum proportion of uses not comprising accommodation .....	5
4.	Requirement for affordable housing .....	8
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**1. Generally supportive of Amendment C309**

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<b>Submission Number</b>	3, 4, 6, 7, 11, 12, 17, 20, 22, 24, 26, 27, 30, 31, 32, 34, 35, 39, 40, 41, 43, 44, 46, 47, 48, 51, 53
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<b>Issue in brief</b>	<p>These submissions were generally supportive of Amendment C309. They considered Amendment C309 as a positive step for improving the way future development occurs in West Melbourne.</p> <p>Many of these supportive submissions were complimentary of the effort and work invested in the West Melbourne Structure Plan and Amendment C309.</p>
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<b>Management Response</b>	The City of Melbourne notes and thanks the submitters for their submissions.
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<b>Management Recommendation</b>	No changes are recommended to Amendment C309 in response to the submissions.
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## 2. Application of the Special Use Zone (Schedule 6) (SUZ6)

<b>Submission Number</b>	15, 19, 20, 23, 25, 38, 50
<b>Issue in brief</b>	<p>These submissions raised issues relating to the application of the Special Use Zone (Schedule 6) (SUZ) which can be found at Attachment 5.</p> <p>Submitters claimed that the application of the Special Use Zone (Schedule 6) is inappropriate and contrary to the Mini serial Practice Note 3 – Applying the Special Use Zone which sets out the basis for applying the Special Use Zone.</p> <p>Some submissions suggested that a n appropriate combination of the othe r available zones, overlays and local policies could give effect to the desired objectives and requirements.</p> <p>Specifically some submissions suggested that the Mixed Use Zone (MUZ) or alternatively the Commercial 1 Zone (C 1Z) could achieve the same outcomes and that particularly for the Flagstaff Precinct that the Capital City Zone (CCZ) would be the most appropriate zone.</p>
<b>Management Response</b>	<p>Following analysis Council found that there is no existing zone or appropriate combination of other currently available planning zones, overlays and local policies to give effect to the desired objectives for West Melbourne.</p> <p>The designation of zones for the Structure Plan area was selected in order to achieve the desired land use character and the vision for each precinct within the West Melbourne Structure Plan.</p> <p>The Mixed Use Zone, which currently applies to a significant part of West Melbourne, is in the residential suite of zones where the main as-of-right use is dwelling. Because of thi s, the Mixed Use Z one has largely accommodated residential development and is failing to deliver a mix of uses.</p> <p>The purpose of the Commercial 1 Zone is to cre ate vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. Whereas the aim of the West Melbourne Structure Plan is not for West Melbourne to be a comme rcial centre but to support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial and residential uses and affordable housing.</p> <p>The Schedule to the Capital City Zone can b e tailored to includ e such provisions, however under the Structure Plan, West Melbourne is distinct from the central city and does not have a Capital City function. There is a clear distinction between the role of West Melbourne and areas in the municipality zoned Capital City Zone.</p> <p>Special Use Zone (Schedule 6) is modelled closely on the Mixed Use Zone with the predominant difference being the i ntroduction of the minimum floor a rea requirement for use other than accommodation and th e requirement for affordable housing.</p>

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The Special Use Zone (Schedule 6) will help ensure that businesses appropriate to West Melbourne are retained and attracted thus supporting the delivery of the projected new jobs and employment floor space, and ensuring that West Melbourne remains as a true mixed-use neighbourhood.

The Special Use Zone (Schedule 6) will also support the delivery of the proposed Spencer Street High Street activity area by encouraging active uses on the ground floor of buildings. In this regard, Special Use Zone (Schedule 6) contains similar requirements to the Commercial 1 Zone, and will assist in creating a vibrant mixed use centre.

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<b>Management Recommendation</b>	No changes are recommended to Amendment C309 in response to the concerns raised in these submissions regarding the application of the Special Use Zone (Schedule 6).
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### 3. Requirement for minimum proportion of uses not comprising accommodation

<b>Submission Number</b>	1, 15, 19, 20, 23, 29, 37, 38, 45, 48, 52
<b>Issue in brief</b>	<p>These submissions raised issues relating to the requirement for minimum proportion of uses not comprising accommodation. This requirement is located in Special Use Zone (Schedule 6) (SUZ 6) which can be found at Attachment 5.</p> <p>The main concern was that this requirement was too onerous and fails to have regard to the various other mechanisms in which a development can contribute to employment generation. Some submitters believed that the requirement for a non-residential component should be in response to an uplift provision.</p> <p>Some submissions suggested that this provision should be deleted, or discretion introduced, as it is too broad brush and disregards the commercial reality of preferred tenancy locations. It was noted that there are many sites that are located with poor exposure and amenity and that it would be unviable to achieve the required quantum of non-residential use.</p> <p>Some submissions suggested that if too much commercial floorspace is required, it may spread out the leased spaces causing 'dead zones' in existing areas and that the density allowed under the Amendment does not support this scale of non-residential use.</p> <p>Some submissions are of the view that commercial office uses should be allowed without a permit.</p> <p>Specifically some submissions suggested that the assessment and analysis of land use and capacity was inadequate.</p> <p>Other submissions highlighted that as drafted this provision makes any Accommodation use prohibited unless it is in conjunction with a use other than accommodation at the specified rate and also noted that the approach of using floor area ratio (FAR) as a means to control land use was rejected by the Fishermans Bend Panel.</p>
<b>Management Response</b>	<p>It is an objective of the Structure Plan (pgs 50-57) to:</p> <p>“...support mixed use development to facilitate a range of business and employment opportunities and propose planning controls that will help retain and attract a mix of different business and employment opportunities in West Melbourne to complement residential development and create a vibrant and resilient neighbourhood...”</p> <p>The Structure Plan identifies that, “the mix of employment and residential activity contributes to the innate environmental quality of West Melbourne and there is strong support in the community for West Melbourne to continue to support a mix of uses....The availability of affordable and flexible floorspace, in proximity to universities, cultural infrastructure and the central city, supports the</p>

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productivity and creativity of businesses in West Melbourne. It also helps to deliver a more resilient economy, providing for a range of different types and sizes of businesses and employment opportunities....

...West Melbourne can also continue to support the growth of small and new businesses, including start-ups, creative enterprises and small scale manufacturing as well as providing a 'back of house' supporting role for the businesses in the central city..."

This objective of the Structure Plan is consistent with Plan Melbourne's policy direction for mixed use neighbourhoods and there is strong strategic and community support for West Melbourne to continue to maintain a mix of uses.

The proposed controls in Amendment C309 will help "retain and attract the types of businesses appropriate to West Melbourne, supporting the delivery of projected new jobs and employment floor space and ensuring that it remains as a true mixed-use neighbourhood..."

The table of uses in the Special Use Zone (Schedule 6) is modelled closely on the Mixed Use Zone where offices, with a leasable floor area of more than 250 square metres, require a permit.

As the current Mixed Use Zone (MUZ) in West Melbourne is seen as predominantly residential development, it is considered necessary to mandate a minimum employment floor area requirement.

The employment floor space requirements are tailored to each precinct. They were tested and found to be financially feasible.

For West Melbourne the projected amount of non-employment floor space from the minimum employment floor space requirement has been quantified at about 4000 jobs and about 100,000 square metres of floor space (taking an average of 24 square metres per worker). Based on current development trends, the existing zoning would only deliver around 600 new jobs in the area by 2036.

The City of Melbourne Employment Forecast 2036, SGS Economics and Planning, 2016, indicates that there will be a future need of between 4500 and 7000 new jobs in West Melbourne by 2036 (depending on the employment type) which would require between around 100,000 square metres and 200,000 square metres of employment floor space. The Structure Plan aims to deliver at the lower end of forecast requirement.

With regard to Fishermans Bend, a minimum employment floor area ratio requirement for employment uses was introduced as part of the amendment that implemented the Fishermans Bend Framework. It is acknowledged that this was introduced as a discretionary requirement in the local policy. The circumstances in West Melbourne are different it is widely recognised that the challenges faced by developers in Fishermans Bend were unique.

Providing a development bonus in response to the provision of a non-residential component was not considered appropriate given the need to respond to the existing character and heritage value of West Melbourne (unlike in some urban renewal areas). An uplift would also add a significant element of uncertainty and

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undermine the objectives of successfully planning for a growing population (Objective 1), providing certainty (Objective 2) and providing a clear, simple and consistent measure for decision making (Objective 6).

In response to the submission that the requirement will constrain the scope for design and innovation, management is not aware of any evidence of how requirement for commercial space would place considerable constraints on the scope for design and innovation in new developments.

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**Management  
Recommendation**

No changes are recommended to Amendment C309 in response to the concerns raised in these submissions the requirement for minimum proportion of uses not comprising accommodation.

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**4. Requirement for affordable housing**

<b>Submission Number</b>	1, 15, 18, 20, 21, 23, 37, 38, 45, 48, 49, 50, 52
<b>Issue in brief</b>	<p>These submissions raised issues relating to the affordable housing requirement in the Special Use Zone (Schedule 6) (S UZ6) which can be found at Attachment 5.</p> <p>The main concern was that the gifting of 6 per cent of dwellings as affordable housing without any corresponding uplift requirements is not in accordance with the focus on voluntary agreements in the Act.</p> <p>Some submissions queried the threshold at which the requirement applies (nine dwellings), and suggested that this provision should be deleted from the zone in favour of a local policy with clear targets and flexibility as to how the targets may be met.</p> <p>Some submissions suggested that the preferred provision method is limiting and ignores monetary contributions, potential private solutions or innovative models which may provide stronger outcomes for affordable housing while also being viable.</p> <p>Specifically some submissions made suggestions around the terminology used and raised concerns regarding the potential impost of high owners' corporation fees and expensive building amenities.</p> <p>Another concern related to the requirement for commercial feasibility assessment for those applications not proposing to provide 6 per cent of affordable housing and the issues with regard to planning permit decision making and timeframes as submitters state there would be no certainty as to how the discretion would be applied and how VCAT may assess these applications.</p> <p>Several submissions believed that the 6 per cent affordable housing was too small of a target.</p>
<b>Management Response</b>	<p>Affordable housing is recognised as essential infrastructure that supports the functionality, social inclusion and the economic prosperity of the city. This has been reflected by Infrastructure Victoria, which named investment in affordable housing as one of its top three recommendations for the State's 30-year Infrastructure Strategy.</p> <p>Homes for Victorians: Affordability, access and choice (March 2017) and Plan Melbourne 2017-2050 (March 2017) recognise the critical need to increase the supply of affordable housing. Policy 2.3.3 in Plan Melbourne strives to strengthen the role of planning to facilitate and deliver the supply of social and affordable housing.</p> <p>Housing is becoming increasingly unaffordable in the City of Melbourne. In 2014, only 5 per cent of available housing in the municipality was affordable to</p>

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the lowest 25 per cent of earners. More than one third of renters are in housing stress, with approximately 35 per cent of all renters in the City of Melbourne paying more than 30 per cent of their income on rent in 2016, an increase of 12.5 per cent from 2011 (Research by the City of Melbourne, 2017).

In response to issues raised around the terminology used and that Housing Providers have a specific definition under the Housing Act, it is proposed to change the term 'Housing Providers' to 'affordable housing providers, including Registered Housing Agencies' so as to not to exclude Registered Housing Agencies (the intended recipients of the affordable housing) while also being open to other potential providers of affordable housing through any future state or federal affordable policies or programs.

The issue of owners' corporation fees is less likely to be a problem in West Melbourne given the type of development that is occurring. However it is also the reason that gifting the unit is important. This allows these costs to be accommodated by the housing association which is then free to decide on the mix of affordable housing for a development i.e. if the owners corporation fees were a bit higher, they might let the units out as affordable housing with a rent reduction (perhaps 70 per cent of the market rent) rather than as social housing (usually capped at 30 per cent of a household's income). Some fees are also charged to the tenants.

The 6 per cent affordable housing provision within the Special Use Zone (Schedule 6) provides a clear and transparent requirement for the development industry to factor into their costings. It is considered that the affordable housing requirement for West Melbourne is consistent with current practice and the guidance set out by the Victorian Government. It encourages the provision of affordable housing and is not a mandatory requirement.

It is acknowledged that the requirement for 6 per cent affordable housing does not equate to the total demand for affordable housing in West Melbourne. It does, however, at least help to maintain (rather than increase) the level of social housing in inner Melbourne (currently around 6 per cent of dwellings) and is consistent with other affordable housing requirements in the Planning Scheme, such as those in Fishermans Bend. It is also based on a solid understanding and testing of development economics and feasibility in West Melbourne. That testing found that delivering 6 per cent affordable housing in the areas of Flagstaff, Spencer and Station Precinct within West Melbourne was viable.

The threshold at which the affordable housing requirement in the Special Use Zone (Schedule 6) is introduced (where a development exceeds nine dwellings), was determined by calculating the point at which 6 per cent of the net floor area of a residential development containing dwellings constituted a sufficient floor area to accommodate one viable affordable housing dwelling. Six per cent of the total net floor area of ten standard sized dwellings will be sufficient to accommodate one affordable housing dwelling.

The gifting of housing stock at nil cost to the housing provider is consistent with the social housing requirement in Fishermans Bend, and other urban renewal

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areas in Australia such as Green Square in Sydney. It is considered that social housing (that is housing owned, managed or controlled by an affordable housing provider) is of the highest priority to ensure affordable housing, in perpetuity, for those in need.

Monetary contributions are not being sought; as the requirement seeks to deliver affordable housing in West Melbourne. A monetary contribution would not ensure that any resultant affordable housing would be delivered within the Structure Plan area. It is recognised that developers will be seeking a competitive return in order to proceed with a development. The requirement for a report detailing how the proposal contributes to delivering 6 per cent of housing as affordable housing or demonstrating how it cannot be delivered enables the responsible authority to make an informed decision. Providing a development bonus in response to the provision of affordable housing was not considered appropriate given that the Amendment provisions have been drafted to positively respond to the character and heritage value of West Melbourne (unlike in some urban renewal areas). An uplift can change this and also add a significant element of uncertainty and thereby not respond well to the objectives of successfully planning for a growing population (Objective 1), providing certainty (Objective 2) and providing a clear, simple and consistent measure for decision making (Objective 6).

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**Management  
Recommendation**

It is recommended that the reference to a "Housing Providers" in the Special Use Zone (Schedule 6) is changed to "an affordable housing provider, including Registered Housing Agencies",

No other changes are recommended to Amendment C309 in response to the concerns raised in these submissions regarding the requirement for affordable housing.

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## 5. Concerns regarding the special character building uplift mechanism

<b>Submission Number</b>	25, 33, 37, 50
<b>Issue in brief</b>	<p>Submitters have the following concerns regarding the special character building uplift mechanism included in the proposed new Design and Development Overlays (DDOs) which can be found at Attachment 5:</p> <ul style="list-style-type: none"><li>• The special character building uplift mechanism represents a quasi-heritage overlay and underhanded way of applying heritage status to a site, which will result in Council not supporting demolition of these buildings.</li><li>• The uplift mechanism included in the proposed new Design and Development Overlays is too narrow, and should be broadened to include additional incentives, in particular affordable housing.</li><li>• A permit has been granted to remove an identified special character building, it is therefore inappropriate for this building to be specifically identified in a planning control.</li></ul>
<b>Management Response</b>	<p>Each of the above concerns has been responded to below.</p> <p><i>The special character building uplift mechanism represents a quasi-heritage overlay and underhanded way of applying heritage status to a site, which will result in Council not supporting demolition of these buildings.</i></p> <p>There are no provisions in Amendment C309 requiring a permit for the demolition of character buildings.</p> <p>The intention, as set out in the <i>West Melbourne Structure Plan 2018</i>, is to introduce a mechanism that incentivises the retention of identified special character buildings through increasing the allowable floor area ratio (FAR) within the proposed Design and Development Overlays.</p> <p>Special character buildings will remain as they are now, capable of being demolished as-of-right and without the need for planning permission.</p> <p><i>The uplift mechanism included in the proposed new Design and Development Overlays is too narrow, and should be broadened to include additional incentives, in particular affordable housing.</i></p> <p>Because retention of Special Character Building could affect the amount of floorspace that can be delivered, it is appropriate that the uplift mechanism provides extra floorspace to incentivise retention.</p> <p><i>A permit has been granted to remove the identified special character buildings, and it is therefore inappropriate for these buildings to be specifically identified in a planning control.</i></p>

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Just because a planning permit has been granted to remove a special character building identified in a proposed Design and Development Overlay under Amendment C309, does not guarantee that the permit will be acted on and the special character building will be removed.

Planning permits regularly expire without being acted on.

Until such time as the building has been removed from the land, or is in the process of being removed from the land, it would be premature to make changes to the proposed Design and Development Overlays.

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**Management  
Recommendation**

Submission number 33 has brought to Management's attention that 488-494 La Trobe Street, Melbourne has been demolished. Management therefore agrees that the reference to the site as a Special Character Building should be removed from Design and Development Overlay (Schedule 33).

No other changes are recommended to Amendment C309 in response to the concerns raised in these submissions regarding the special character building uplift mechanism.

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**6. Preferred building heights and height controls**

<b>Submission Number</b>	5, 6, 13, 14, 15, 22, 28, 29, 36, 37, 29, 40, 42, 45, 49, 50, 51
<b>Issue in brief</b>	<p>These submissions raised issues relating to the preferred building heights and height controls in the Design and Development Overlays (DDOs) which can be found at Attachment 5.</p> <p>The main concern was that the preferred maximum building heights seemed arbitrary and do not take into account the context of individual sites and the opportunity for architectural excellence with a taller built form.</p> <p>Other submitters queried why the heights vary within a particular precinct or over a particular site and many suggested that consistent building heights should apply.</p> <p>Some submissions suggested that the difference between the built form achievable by the floor area ratios (FARs) and building heights is too great.</p> <p>Some submitters believed that the preferred maximum building heights in some precincts are excessive and allow too much discretion.</p> <p>Some submitters believed that the height control for the Historic Hilltop had been overlooked and should be further reviewed.</p> <p>Some submissions in relation to the Flagstaff Precinct believed the preferred height should be more flexible, as a higher built form would provide a n appropriate visual transition between the taller buildings in the CBD and the lower scale buildings in West Melbourne.</p>
<b>Management Response</b>	<p>The proposed built form controls, including the height controls, have been developed through a comprehensive design process and tested by independent experts.</p> <p>The vision for West Melbourne is to place recognition of West Melbourne as an evolving and distinct neighbourhood, distinct from the central city. It is not a transitional zone between the central city and other areas but a place with a distinct identity.</p> <p>This means valuing and enhancing West Melbourne’s distinct characteristics. The proposed heights support growth that positively responds to West Melbourne’s valued characteristics, diversity, heritage and mix of uses.</p> <p>The urban design analysis of West Melbourne found that there were several distinct areas within the neighbourhood that had their own character and that parts of West Melbourne were very different to each other. Building upon the overall vision for West Melbourne, each of the five identified places has its own vision, density and height controls and public realm proposals based around each area’s inherent values, character and point of difference.</p> <p>Working alongside the proposed mandatory floor area ratio density controls, the</p>

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discretionary height controls help ensure the overall character desired for an area can be achieved and ensure that the vision can be realised, while providing opportunities for innovation and great design on a site-by-site basis.

The proposed height controls were devised from a design-led, process with independent expert review and testing that considered the existing and preferred character for Spencer, Flagstaff, Adderley and Station Precinct.

Site by site testing and modelling formed the basis for developing the building heights in each of the four areas. Building heights, street wall heights and setbacks were modelled to respond to the spatial characteristics of West Melbourne, where the subdivision pattern is not uniform and site attributes vary significantly throughout the neighbourhood and from site to site.

The testing of the proposed provisions identified that the proposed floor area ratio controls, accompanied by the built form provisions and design recommendations, help to achieve commercially deliverable, well-designed buildings that achieve the proposed design objectives.

It is considered that the current zoning and built form controls in the Historic Hilltop, through Design and Development Overlay (Schedule 32) (with a mandatory maximum building height of 14 m), respond well to the context and characteristics of this part of West Melbourne, particularly considering its high heritage value.

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**Management  
Recommendation**

No changes are recommended to Amendment C309 in response to the concerns raised in these submissions regarding the preferred building heights and height controls.

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**7. Requirement for a floor area ratio**

<b>Submission Number</b>	1, 14, 15, 19, 20, 23, 24, 29, 37, 38, 40, 45, 48, 49, 50, 51
<b>Issue</b>	<p>These submissions raised issues relating to the mandatory floor area ratio requirement in the Design and Development Overlays (DDOs) which can be found at Attachment 5.</p> <p>The main concern was that the proposed floor area ratio controls were overly prescriptive in the absence of an uplift provision, and were generally too low and prohibitive for the area.</p> <p>Some submitters argued that the lack of flexibility in the floor area ratios could prevent reasonable and feasible development, resulting in an underutilisation of the land.</p> <p>Some submissions raised concerns that there is the potential to inhibit minor changes to existing buildings where works may exceed the proposed floor area ratio, restricting retrofitting and repurposing older building stock.</p> <p>Some submissions suggested that the floor area ratio be removed altogether, in favour of discretionary controls or retained with an uplift provision to help meet the objectives for non-residential uses and affordable housing.</p> <p>Submissions relating to the Flagstaff Precinct, argued that this Precinct should have the least stringent floor area ratio, being the closest to the central city and also that the Built Form Controls must address the strategic importance of larger sites.</p> <p>Specifically some submissions believed that the floor area ratio was not necessary to achieve the vision for each precinct.</p> <p>Some submissions believed that the assessment and analysis of land use and capacity was inadequate and that the proposed density is much lower than the holding capacity of the land in relation to public transport and community infrastructure.</p>
<b>Management Response</b>	<p>Combining density controls and built form controls together is common practice in cities across the world, such as Sydney, London, Vancouver and New York. This approach is used to manage population densities and the provision of supporting infrastructure and ensures that the overall character desired and high levels of public amenity can be achieved.</p> <p>The aim of Amendment C309 is to support well-designed growth that makes the best use of inner city land for new residential and commercial development, while responding positively to West Melbourne’s valued characteristics.</p> <p>The proposed approach of mandatory floor area ratio control, along with discretionary built form provisions will facilitate positive responses to the spatial characteristics of West Melbourne, where the subdivision pattern is not uniform and site attributes vary significantly throughout the neighbourhood and from site</p>

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to site.

Floor area ratios enable flexibility for a developer to choose how they organise their building layout and form on their site within a preferred built form envelope. They are key to delivering a range of building typologies, which not only offers choice to the community, but also provides visual interest.

The floor area ratio controls were devised from a design-led, process with independent expert review and testing that considered the existing character and preferred future character of the different areas of West Melbourne. The modelling resulted in a range of floor area ratios being subject to feasibility testing by SGS Economics & Planning. The proposed floor area ratios range from 3:1 to 6:1. This range will allow a range of building typologies to be delivered, including mid-rise, perimeter and courtyard buildings and towers in appropriate locations.

The proposed floor area ratio of 6:1 for Flagstaff is comparable to the highest floor area ratio of Green Square (6:55:1) urban renewal project in Sydney (acknowledging that West Melbourne is not an identified urban renewal area, rather it is an area of incremental growth).

Breathe Architecture were engaged to independently test the experience of working with the proposed built form controls for designers and developers, and to determine potential outcomes on actual sites in West Melbourne.

The built form control testing identified that the proposed floor area ratio controls, accompanied by the built form controls and design recommendations, help to achieve commercially deliverable, well-designed buildings that achieve the proposed design recommendations.

During the design review of the draft structure plan by the Office of the Victorian Government Architect (OVGA), the OVGA panel stated that 'As part of a suite of controls we consider that the floor area ratios are robust and we support their use'.

We consider the proposed mandatory floor area ratio controls to be justified for a number of reasons, including:

- West Melbourne is an area of high heritage value, as shown in the recent West Melbourne heritage review.
- There is clear, real evidence of development exceeding the current built form controls and the proposed controls.
- If the majority of development did not accord with the requirement there could continue to be unacceptable planning outcomes in terms of the existing and future character of West Melbourne as well as in the provision of infrastructure.
- Throughout the development of the structure plan, the community requested greater certainty in the new planning controls.
- The requirement will help deliver efficient outcomes and reduce costs imposed on applicants, the City of Melbourne and the community

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compared to if the requirement was discretionary and able to be reviewed in VCAT.

- Floor area ratio and other density controls are used in a range of cities all over the world; we are not aware of any evidence to suggest that using floor area ratio will limit the opportunity for architectural excellence.
- The Amendment has been supported by comprehensive strategic work and built form modelling, and is consistent with Planning Practice Note 59, The Role of Mandatory Provisions in Planning Schemes.

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**Management  
Recommendation**

No changes are recommended to Amendment C309 in response to the concerns raised in these submissions regarding the requirement for a floor area ratio.

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## 8. Concerns regarding the absence of transitional arrangements

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<b>Submission Number</b>	15, 25, 33, 45, 50
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<b>Issue in brief</b>	<p>Submitters have raised concerns regarding the absence of clearly articulated transitional arrangements, and the limitations this will impose on:</p> <ul style="list-style-type: none"><li>• Any accrued rights afforded to a permit holder under an existing planning permit issued prior to the approval date of the amendment;</li><li>• Any application for a planning permit, or application to amend a planning permit, made prior to the approval date of the amendment.</li></ul>
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<b>Management Response</b>	<p>Land use and development lawfully established prior to the gazettal of Planning Scheme Amendment C309, will not be impacted by the new requirements provided by the proposed Special Use Zone (Schedule 6).</p> <p>The Tribunal has held on many occasions<sup>1</sup> that a planning permit under the <i>Planning and Environment Act 1987</i> is a valuable right attached to land, and that the effect of Section 28(2)(e) of the <i>Interpretation of Legislation Act 1984</i> is that a permit is a right accrued under a planning scheme that is not affected by the planning scheme's subsequent amendment or repeal (unless the contrary intention is expressly stated).</p> <p>As exhibited, Amendment C309 does not include any provisions that could be interpreted as undermining the above rights.</p> <p>An application for a planning permit or to amend a planning permit must be assessed against the requirements of the planning scheme in place at the time a decision is made.</p> <p>Transitional arrangements are not required for Amendment C309 as the market will have had ample time between development of the West Melbourne Structure Plan and exhibition and approval of the Amendment to adjust.</p>
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<b>Management Recommendation</b>	No changes are proposed to Amendment C309 in response to the concerns raised in these submissions.
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<sup>1</sup> [Jezmac Pty Ltd v Glen Eira CC \[2018\] VCAT 2053](#)



## 9. Application of the Environmental Audit Overlay (EAO)

<b>Submission Number</b>	16, 23, 38, 39
<b>Issue</b>	Submitters have concerns with the application of the Environmental Audit Overlay (EAO) over the entire West Melbourne Structure Plan area in the absence of any assessment of the potential contamination of this land.
<b>Management Response</b>	<p>Under General Planning Practice Note No.30, the Environmental Audit Overlay is a mechanism that a planning authority (in this case the City of Melbourne) should apply to any land which it has identified as potentially contaminated to ensure that before development associated with a sensitive use, such as a residential building, commences the land is checked for contamination and if necessary remediated.</p> <p>Conversely, the General Planning Practice Note No.30 also provides that it is appropriate to remove the Environmental Audit Overlay from a site where the planning authority has determined that the land is not potentially contaminated, or the site has been given a Certificate of Environmental Audit.</p> <p>Council initially applied the Environmental Audit Overlay to the whole Structure Plan area as due to its industrial history it was considered to be potentially contaminated. The Environment Protection Authority (EPA) then advised that they did not support this blanket approach and that the application of the Environmental Audit Overlay should be refined based on a contamination assessment by a suitably qualified professional.</p> <p>City of Melbourne engaged Golder Associates Pty Ltd to undertake this preliminary land contamination assessment.</p> <p>The purpose of Golder's work was to identify the risk of each site within the Structure Plan area being potentially contaminated, and based on that risk, determine whether application of the Environmental Audit Overlay was strategically justified.</p> <p>The consultant has:</p> <ul style="list-style-type: none"><li>• Visually inspected each property within the Structure Plan area to determine the current property use, identify visual signs that could indicate the presence of an underground storage tank, and locate any other evidence of potentially polluting activities;</li><li>• Undertaken a screening contamination assessment using a broad range of data sources relating to the history of the use of a site, and any EPA Audits that have been undertaken;</li></ul> <p>Based on the results of the above determined the potential for contamination for each site within the Structure Plan area, and made recommendations regarding the application of the Environmental Audit Overlay on a site by site basis.</p>
<b>Management Recommendation</b>	It is proposed to change Amendment C309 in response to the concerns raised in these submissions by:

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- revising the extent of the proposed Environmental Audit Overlay so that it includes only those sites identified in the consultant report as being potentially contaminated. (Attachment 6 to management's report to the Future Melbourne Committee).
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## 10. Car parking

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<b>Submission Number</b>	3, 8, 19, 20, 23, 29, 41, 48, 49, 51
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<b>Issue</b>	<p>Submitters have raised the following concerns regarding the car parking requirements in the proposed Special Use Zone (Schedule 6) (SUZ6) and Parking Overlay (Schedule 14) (PO14) which can be found at Attachment 5:</p> <ul style="list-style-type: none"><li>• The requirement that a car parking rate of 0.005 applies 'per net sqm floor area of building', should be re-worded to, 'per Net Floor Area of each other use', to clarify that the rate is not to be calculated on the basis of the entire building (which may include dwellings) but only on the basis of the relevant floor area corresponding to each use.</li><li>• The wording of Section 2.0 and Section 3.0 of the Parking Overlay (Schedule 14) is not clear as to whether a permit is required to exceed the maximum car parking rates.</li><li>• The apparent contradiction between implementing design standards for car parking areas with 50 car parking spaces or more that require future adaptation to a public car park in the Parking Overlay (Schedule 14), and seeking to make Car Park a 'Section 2 – Permit required' land use under the Special Use Zone (Schedule 6).</li><li>• The maximum car parking rates should be increased to ensure:<ul style="list-style-type: none"><li>○ the viability of residential development (particularly larger, multiple bedroom, dwellings marketed toward families that should be encouraged);</li><li>○ Quality commercial tenants are not dis-incentivised from locating in West Melbourne; and</li><li>○ the Amendment does not contribute to further pressure on on-street parking.</li></ul></li><li>• The design standards for car parking which require car parking areas to be designed to enable future adaptation to a public car park will significantly increase development costs.</li><li>• The mandatory requirement for car parking to be retained as common property upon subdivision under the Special Use Zone (Schedule 6), which should be a discretionary requirement instead.</li><li>• The mandatory nature of the Design standards for car parking in the Parking Overlay (Schedule 14), which should be discretionary instead.</li><li>• Melbourne Assessment Prison and Judy Lazarus Transition Centre should be given special consideration given the particular and unique occupational requirements of employees (which include the need for large numbers of staff 24 hours per day).</li></ul>
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<b>Management</b>	The above concerns raised by submitters, regarding the potential limitation imposed by the absence of transitional arrangements, have been separately
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Response

addressed below.

*The requirement that a car parking rate of 0.005 applies 'per net sqm floor area of building', should be re-worded to, 'per Net Floor Area of each other use', to clarify that the rate is not to be calculated on the basis of the entire building (which may include dwellings) but only on the basis of the relevant floor area corresponding to each use.*

The suggested change to the Measure specified in the Table of Schedule 14 to the Parking Overlay, to delete reference to the net sqm floor area 'of building' is sensible, and should be incorporated into PO14. It is clear that the Measure is to be used for 'All other uses', so the further text suggested by the submitter is not considered necessary.

*The wording of Section 2.0 and Section 3.0 of Schedule 14 to the Parking Overlay is not clear as to whether a permit is required to exceed the maximum car parking rates.*

Schedule 14 to the Parking Overlay has been drafted in consultation with the Department of Environment, Land, Water and Planning and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

Schedule 14 to the Parking Overlay must be read in conjunction with both the head provision of *Clause 45.09 Parking Overlay*, and *Clause 52.06 Car Parking*.

Clause 52.06-3 (Permit requirement) provides:

*A permit is required to:*

- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.*

The Ministerial Direction on the Form and Content of Planning Schemes does not allow this expression to be duplicated in a Schedule to the Parking Overlay, which this is why the proposed Parking Overlay (Schedule 14) does not include these words.

*The apparent contradiction between implementing design standards for car parking areas with 50 car parking spaces or more that require future adaptation to a public car park in the Parking Overlay (Schedule 14), and seeking to make Car Park a 'Section 2 – Permit required' land use under the Special Use Zone (Schedule 6).*

The introduction of proposed Parking Overlay (Schedule 14) within the West Melbourne Structure Plan area will serve to facilitate new development with no on-site car parking, and discourage new development from providing on-site car parking in excess of the maximum car parking rates.

This framework, which seeks to limit provision of car parking and introduce appropriate regulations where it is provided, is consistent with the introduction of Car Park as a 'Section 2 – permit required' land use in the proposed Special Use Zone (Schedule 6).

*The maximum car parking rates should be increased to ensure:*

- *the viability of residential development (particularly larger, multiple bedroom, dwellings marketed toward families that should be encouraged);*
- *quality commercial tenants are not dis-incentivised from locating in West Melbourne; and*
- *the Amendment does not contribute to further pressure on on-street parking.*

The West Melbourne Structure Plan identifies that off-street car parking supply is increasing significantly as a result of the current minimum parking requirements that apply, and that supply is far outstripping demand.

Together with cost implications, the unrestricted growth of off-street car parking supply in private residential buildings and commercial buildings can have multiple impacts on the area, which are documented in the West Melbourne Structure Plan as follows:

- Increased private car ownership and local traffic congestion due to very high supply;
- Poor building design outcomes;
- Poor public realm outcomes due to multiple crossovers and vehicle movements;
- Larger and / or taller buildings (than a building of equivalent floor area without car parking); and
- Inefficient allocation of floor space – a privately owned parking space in a commercial building is typically vacant 75 per cent of the week.

The maximum car parking rates specified in the proposed Parking Overlay (Schedule 14) have been carefully selected to avoid the impacts outlined above.

It is noted that the maximum car parking rates in proposed Parking Overlay (Schedule 14) are not mandatory requirements, and can be varied with a permit.

*The design standards for car parking which require car parking areas to be designed to enable future adaptation to a public car park will significantly increase development costs.*

It is envisioned that the extent of any modifications necessary to adapt privately owned car park facilities to publicly accessible facilities will be minor, and are therefore not expected to significantly increase development costs.

*The mandatory requirement for car parking to be retained as common property upon subdivision under the Special Use Zone (Schedule 6), which should be a discretionary requirement instead.*

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*The mandatory nature of the Design standards for car parking in the Parking Overlay (Schedule 14), which should be discretionary instead.*

The restriction on subdivision of new car parking spaces, and the requirement that where car parking is provided it be capable of adaptation for public use, is essential to delivering on Objective 13 of the West Melbourne Structure Plan, to; 'Update off-street private car parking requirements to support a less car dependent transport system'. Use of a mandatory mechanism to achieve these outcomes is therefore considered appropriate.

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**Management  
Recommendation**

The following changes are proposed to Amendment C309 in response to the concerns raised by submitters:

- Rewording the Measure; 'Per net sqm floor area of building', in the Table of proposed Schedule 14 to the Parking Overlay to; 'Per net sqm floor area'.
-

**11. Overshadowing of parks and open space**

<b>Submission Number</b>	5, 6, 23
<b>Issue in brief</b>	<p>These submissions raised the concern that the proposed new height controls in Amendment C309 may result in the overshadowing of open space/parks in West Melbourne, particularly Eades Park. One submission suggested that additional wording should be included in the Structure Plan to ensure that potential overshadowing of open space would not compromise the development potential of sites on Adderley Street.</p>
<b>Management Response</b>	<p>It is an objective of the Structure Plan to ensure that development does not prevent sunlight access to parks. Accordingly, the following provisions are included in Amendment C309:</p> <p>Municipal Strategic Statement (MSS) : “Ensure new development enables sunlight and daylight to reach into the parks, streets and lower levels of buildings.”</p> <p>Design and Development Overlays (DDOs) 28, 29 and 33 – Decision Guideline:              - “Whether the development enables sunlight to reach into the parks, streets and lower levels of buildings.”</p> <p>It is noted that in Design and Development Overlay (Schedule 72), the Decision guideline has inadvertently left out the word ‘parks’ and it is recommended that this error be rectified and the that this decision guideline be updated to read:              “Whether the development enables sunlight to reach into the <u>parks</u>, streets and lower levels of buildings.”</p> <p>In relation to concerns that parks will be overshadowed, no changes are proposed to the building heights in the Historic Hilltop precinct, controls in this precinct will not cause additional overshadowing of parks.</p> <p>In the other precincts (Station, Spencer, Adderley and Flagstaff), Amendment C309 does propose some increases in the preferred maximum building height, however as the proposed new built form controls are floor area ratios (FARs) controls; as there are appropriate decision guidelines in the relevant DDO’s, the taller built form on a site will need to be positioned to not overshadow parks.</p> <p>The City of Melbourne has received authorisation to prepare Melbourne Planning Scheme Amendment C278 Sunlight to Parks. Amendment C278 is expected to go on public exhibition later this year and proposes new planning provisions to protect sunlight access to parks across the whole municipality, including parks in West Melbourne.</p>
<b>Management Recommendation</b>	<p>It is recommended that the decision guideline in Design and Development Overlay (Schedule 72) is corrected to read as follows:              “Whether the development enables sunlight to reach into the <u>parks</u>, streets and lower levels of buildings.”</p>

## **Summary of recommended changes to Amendment C309 in response to submissions**

### **Environmental Audit Overlay (EAO) Map**

The extent of the proposed Environmental Audit Overlay should be amended so that it includes only those sites identified in the consultant report prepared by Golder Associates Pty Ltd as being potentially contaminated (Attachment 6 to management's report to the Future Melbourne Committee).

### **Clause 21.16-6 - MSS**

Clause 21.16-6 in the Municipal Strategic Statement should be amended to include Education Facilities.

### **Special Use Zone (Schedule 6) (SUZ6)**

The Purpose of the Special Use Zone (Schedule 6) should be amended to include Educational Uses, to more accurately reflect the intention of the West Melbourne Structure Plan in relation to education uses.

The Section 2 Permit required table entry for Accommodation should be amended to correctly identify that this entry does not apply to use of land for Dwelling (which is separately included in the Section 1 Permit required table).

References to "Housing Provider" in the Use of land requirement for affordable housing and in the Use of land decision guidelines should be amended to provide clarity that this label also includes Registered Housing Agencies.

The Judy Lazarus Transition Centre should be rezoned to the Public Use Zone (Schedule 3) (PUZ3) instead of the Special Use Zone (Schedule 6). This is consistent with the current zoning of the Melbourne Assessment Prison.

### **Design and Development Overlay (Schedule 33) (DDO33)**

The Built Form Requirements in the Design and Development Overlay (Schedule 33) should be amended to recognise the sensitivity of the recreational yards at the Melbourne Assessment Prison and the Judy Lazarus Transition Centre.

The listing of 488-494 La Trobe Street, Melbourne in Design and Development Overlay (Schedule 33) as a Special Character Building should be deleted in recognition that the building has been demolished.

### **Design and Development Overlay (Schedule 72) (DDO72)**

The Decision Guidelines in Design and Development Overlay (Schedule 72) should be amended to include the word 'parks'.

The footer of Design and Development Overlay (Schedule 72) should be amended to correct a clerical error, so that the footer correctly identifies the document as 'Design and Development Overlay - Schedule 72'.



**Parking Overlay (Schedule 14) (PO14)**

The Measure; 'Per net sqm floor area of building', in the Table of proposed Parking Overlay (Schedule 14) should be amended to; 'Per net sqm floor area', to clarify that it is the area of the use that is to be calculated (not the entirety of the building).

A deletion map for Parking Overlay (Schedule 12) (PO12) should be provided for two sites in West Melbourne, where Parking Overlay (Schedule 14) appeared to overlap the existing Parking Overlay (Schedule 12), to clarify that it is the intention that only Parking Overlay (Schedule 14) apply to these sites.

## 21.16 OTHER LOCAL AREAS

05/10/2018  
GC81

The following local area plans provide spatial and built form directions for the remaining neighbourhoods of the municipality.

### 21.16–1 St Kilda Road and South Yarra

29/01/2015  
C225

St Kilda Road remains a premier boulevard containing high density office and residential development. The continued development of the area has necessitated the introduction of a wide range of uses and services to support residents, workers and businesses in the area.

In St Kilda Road and South Yarra, the educational, institutional and research facilities continue to be supported. As South Yarra is an area of stability with minimal potential for new development, residential amenity has been maintained and the area's historic character and features have been preserved.

#### Housing

- Support residential development on St Kilda Road within its context as a premier office and residential boulevard.

#### Economic development

- Support street level convenience retailing and food and drink premises on St Kilda Road to provide for the needs of workers and residents.
- Ensure that the mix of uses does not prejudice the established character of St Kilda Road as a premier office and residential boulevard.
- Ensure Domain Road shopping area maintains its role for convenience shopping, neighbourhood facilities and as a neighbourhood focus.
- Support the ongoing operation and establishment of offices and related commercial developments along St Kilda Road to support its strategic role as a premier office district.

#### Built Environment and Heritage

- Ensure development in South Yarra is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.
- Ensure future development in St Kilda Road respects and maintains the prominence of the landscaped boulevard character which includes generous landscaped front setbacks, the appearance of "buildings in grounds" and established street trees.
- Ensure that building design along St Kilda Road maintains the prominence of views to the Arts Centre Spire and Shrine of Remembrance.
- Ensure that the scale of buildings along St Kilda Road maintain the silhouette of the Shrine of Remembrance.
- Encourage high rise residential and office developments along St Kilda Road.
- Encourage low rise sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the residential areas in South Yarra.
- Protect the Royal Botanic Gardens by limiting the height of developments around the Gardens.
- Ensure that development around Fawkner Park protects the visual amenity of the park and avoids overshadowing.

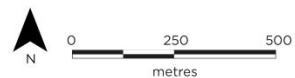
**Infrastructure**

- Support medical research and associated medical uses in South Yarra in a cluster near the Alfred Hospital in the Public Use Zone.
- Support the on-going operation of the State significant Alfred Hospital (including direct 24 hour emergency helicopter access) and other institutions on St Kilda Road.
- Support the functioning and growth of education uses in St Kilda Road and South Yarra, consistent with the local amenity at the interface of Residential and Mixed Use zones.
- Preserve and enhance the landscape qualities and recreational role of Fawkner Park.

Figure 16: St Kilda Road and South Yarra



- Local Area Boundary
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Freeway
- Freeway Tunnel
- Public Open Space
- Boulevards
- Waterways
- Key Views



- Precincts**
- 1 St Kilda Road Area
  - 2 Stable residential area
  - 3 Alfred Hospital and Research Precinct

**21.16–2 East Melbourne and Jolimont**29/01/2015  
C225

The East Melbourne and Jolimont area will continue to accommodate Government facilities, institutions and businesses in the Treasury and Parliament precinct. It has an important role in providing hospital and medical services and supporting Central City edge business uses while maintaining residential amenity through limited development of residential areas.

**Housing**

- Ensure development in the residential areas of East Melbourne and Jolimont is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.
- Support a mix of residential and office development in Commercial Zones in Jolimont.

**Economic Development**

- Support the continued operation of existing businesses in East Melbourne between Victoria Parade and Albert Street (west of Powlett Street), Wellington Parade and in the Jolimont commercial area.
- Support the government function of the Treasury and Parliament Reserves.
- Discourage medical centres and other commercial uses in the Residential Zones of East Melbourne where they do not serve a local community function or cause adverse impacts on residential amenity.
- Encourage the role of Wellington Parade shopping area for convenience shopping, neighbourhood facilities and a neighbourhood focus.

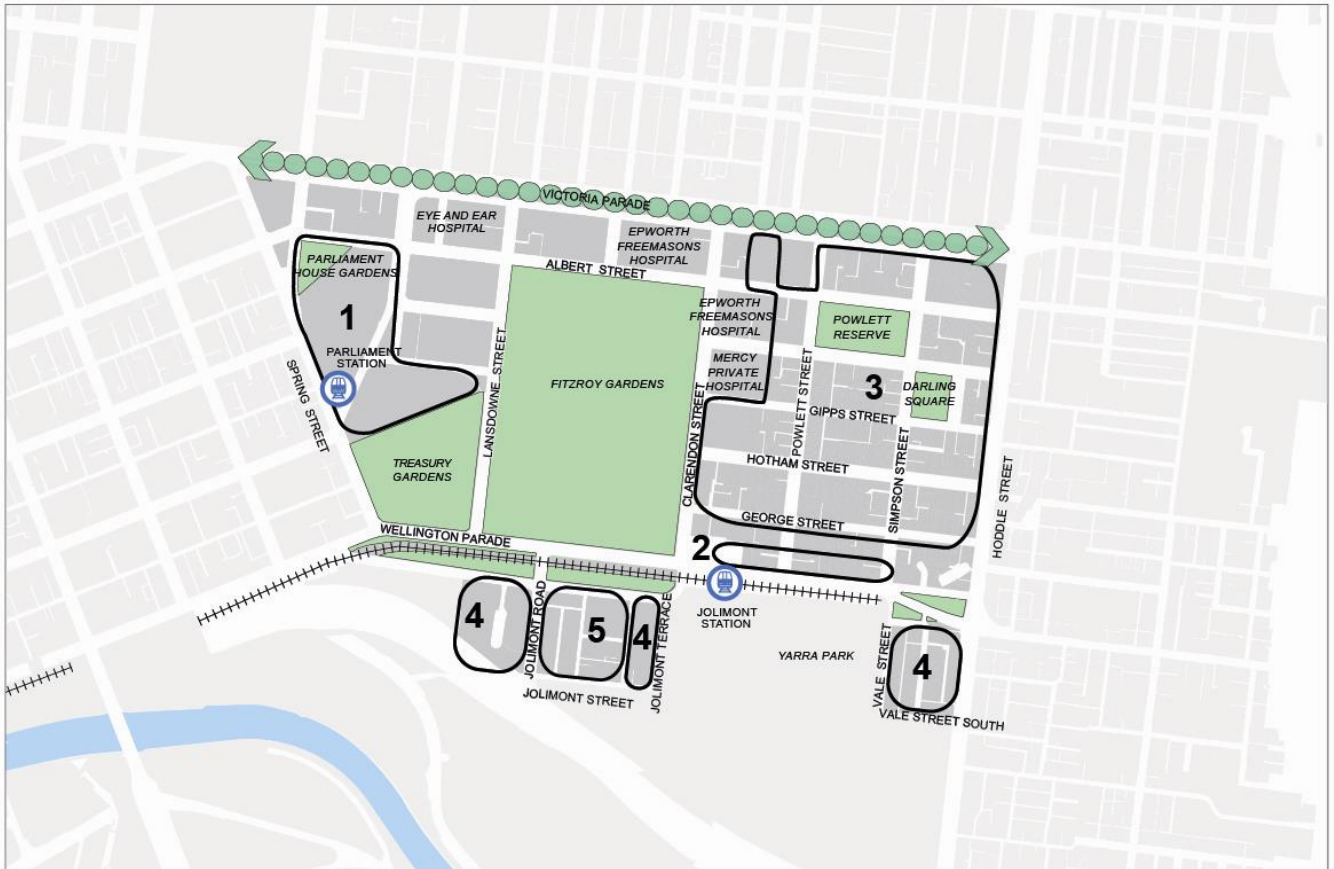
**Built Environment and Heritage**

- Ensure any redevelopment of the sites respects the scale of the surrounding residential area, heritage buildings and Fitzroy Gardens.
- Ensure views to the World Heritage Listed Royal Exhibition Building drum, dome, lantern and flagpole from Spring and Nicholson Streets are protected.
- Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas in the low rise areas of East Melbourne and Jolimont.
- Ensure development in the Commercial Zone along Albert Street and Victoria Parade is consistent with the existing scale and character of the area.
- Maintain and enhance the landscape qualities of Victoria Parade boulevard and ensure that buildings along Victoria Parade are designed to enhance its appearance as a major boulevard.
- Ensure that development along Wellington Parade and Albert Street enhances these roads as key entrances to the Hoddle Grid.
- Ensure that development does not adversely affect Fitzroy Gardens, Treasury Gardens or Yarra Park by minimising the visual impact of buildings and overshadowing of the parks.

**Infrastructure**

- Support hospital, medical and medical research uses in East Melbourne in the Commercial and Public Use Zones.

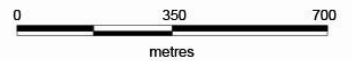
Figure 17: East Melbourne and Jolimont



- Local Area Boundary
- Public Open Space
- Waterways
- Train Stations
- Boulevard

**Precincts**

- 1 Treasury and Parliament Precinct
- 2 Wellington Parade Local Centre
- 3 East Melbourne Residential Area
- 4 Jolimont Residential Area
- 5 Jolimont Residential and Commercial Area



**21.06-3****Carlton**29/01/2015  
C225

Carlton is a dynamic and diverse local area. It accommodates a range of uses including housing, retailing, entertainment, leisure and cultural activities. Lygon /Elgin Street is an important local shopping centre that also has a regional tourist role based on the popularity of its restaurants. The tourism functions, needs of local residents and the retailing needs of the Commercial Zone in Lygon and Elgin Streets need to be balanced.

Carlton provides for a range of housing needs including a significant amount of public housing and student accommodation.

Carlton will continue to accommodate a mix of retail, commercial, educational, institutional and residential uses of different scales. In the established residential areas it is important that new development maintains the neighbourhood's amenity and complements the highly valued heritage buildings and streetscapes.

The scale and form of development in Carlton is determined by reference to the cultural heritage significance and preferred built form character of the locality in which the development has established.

**Housing**

- Support limited residential development which maintains the low scale nature of heritage streetscapes and buildings north of Grattan Street.
- Support further residential development (including student accommodation) along Swanston Street (between Elgin and Victoria Streets). This area will continue to accommodate a mix of land uses including education, commercial, medical and research and development uses. It will develop a new built form character over time.
- Support the on-going use of College Square on Swanston Street and Lygon Street as high density student housing accommodation.
- Support shop-top housing in the Lygon Street shopping strip, ensuring that such uses do not affect the viability of commercial activities operating in the shopping centre.
- Ensure existing levels of social housing are retained in the redeveloped Rathdowne and Nicholson Street Public Housing Estates.
- Support redevelopment of the Queen Elizabeth Hospital site for medium density housing (including a component of social housing).

**Economic development**

- Support the ongoing tourism, cultural and entertainment role of Lygon Street (south of Grattan Street), Melbourne Museum and the Royal Exhibition Building.
- Support the ongoing regional role of Lygon Street (south of Grattan Street) as a retail, restaurant and entertainment precinct.
- Ensure Lygon Street (north of Grattan Street) continues to provide for the convenience retail needs of the local residents and working community while discouraging the encroachment of restaurants and entertainment uses.
- Encourage a mix of retail, tourist and commercial uses around Argyle Square, compatible with the amenity of existing residences.
- Support the ongoing operation and establishment of small scale office and commercial uses (including start-up businesses, consultancies, creative enterprises) in South Carlton, consistent with the local amenity.
- Support the continued operation of service business activity in the Commercial and Mixed Use Zones.

- Encourage small scale office and commercial activities locate along Elgin Street in the existing Commercial Zone.
- Encourage home offices and small scale ground floor office and commercial activities along the Pelham Street axis to promote active street frontages.

### **Built Environment and Heritage**

- Ensure development north of Grattan Street is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.
- Support infill residential development in south of Grattan Street where it maintains the predominant low scale nature of these areas and respects the area's heritage context.
- Maintain a strong contrast in scale between the built form and character of the Hoddle Grid and Carlton at the Victoria Street interface.
- Ensure the scale of development in Victoria Street, west of Carlton Gardens reinforces the distinct contrast between medium rise development in North Melbourne and Carlton, and higher rise development in the Hoddle Grid.
- Ensure that development in the block bounded by Victoria Parade, Drummond Street, Queensberry Street and Lygon Street respects the heritage values of Trades Hall and other significant streetscapes in the area.
- Maintain the predominantly low scale and ensure sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas around Carlton Gardens, Lygon Street and residential areas included in the heritage overlay area.
- Ensure any redevelopment of the College Square on Swanston Street creates an environment of high pedestrian amenity along Swanston Street, and respects the scale and form of heritage buildings on Faraday and Cardigan Streets.
- Ensure that the height and mass of new development in proximity to Carlton Gardens and the World Heritage Listed Royal Exhibition Building maintains views of this World Heritage Listed site and does not adversely impact on this significance.
- Ensure development fronting Swanston Street (corner of Victoria Street) positively contribute to the built form character.
- Ensure that development is sympathetic to the heritage values of adjacent heritage areas and places.

### **Infrastructure**

#### **Open Space**

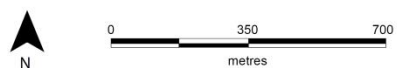
- Ensure the retention of all parkland and protect Carlton Gardens, and the Carlton squares (Macarthur, Murchison and Argyle) from uses that would reduce their landscape character and recreational role.
- Ensure any buildings or structures in parks and gardens in Carlton are sensitively designed and located to minimise impacts on the landscape character and recreational role.



Figure 18: Carlton



- Local Area Boundary
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Public Open Space
- Boulevard
- Lygon Street Shopping Centre



**Precincts**

- College Square
- Queen Elizabeth Hospital development site
- Nicholson Street Housing Estate
- Rathdowne Street Housing Estate
- Trades Hall
- Lygon Street Local Centre
- Elgin Street Shopping Strip
- Exhibition Building and Carlton Gardens World Heritage Environs Area

**Landmarks**

- Melbourne Museum
- Royal Exhibition Building

**21.16–4 Parkville**29/01/2015  
C225

The extensive parklands of Royal Park and Princes Park dominate the land use of this area and provide both local and regional open space.

Parkville has small established residential neighbourhoods, defined by their park context and the high integrity of the heritage buildings.

These will remain residential areas where preservation of heritage and parkland values and maintenance of residential amenity are key priorities. Residential development will be mainly confined to infill development. More intensive residential development will continue in the Parkville Gardens Estate.

**Housing**

- Support new residential development in Parkville Gardens, West Parkville.
- Support residential buildings associated with the institutions in the Commercial Zone land along Royal Parade.
- Discourage medical centres and other commercial uses in the residential zones, the stable residential areas of Parkville, except where they serve a local community function and do not cause adverse impacts on residential amenity.

**Built Environment and Heritage**

- Ensure that the Residential zoned areas of South Parkville, West Parkville and North Parkville maintain their residential character, predominantly low scale nature and heritage context
- Ensure that Royal Park remains the defining feature of Parkville by protecting the landscape character of the Park, preserving the recreational role of the Park and maintaining the open skyline from inside the Park.
- Reinforce Royal Parade and Flemington Road as major tree-lined boulevards.
- Ensure future development along Royal Parade and Flemington Road respects and maintains the prominence of the landscaped boulevard character which includes heritage buildings, landscaped front setbacks and established street trees.
- Ensure the scale of development respects the heritage and parkland values of the area and does not dominate or visually intrude upon parkland, streetscapes or lane-scapes.
- Ensure that new development in North Parkville maintains the existing built form character of buildings in a landscaped setting with generous setbacks from the street and between buildings. At the same time, promote quality building design and a consistent building scale.
- Ensure that development around the perimeter of the Royal Park does not significantly intrude into close range views from Royal Park.

**Infrastructure**

- Support State significant hospitals (including direct 24 hour emergency helicopter access) and research uses in the public use zoned land along Flemington Road from Elizabeth Street to the Royal Childrens' Hospital consistent with the local amenity of residential and mixed use zones.
- Support industrial research and development at the Commonwealth Serum Laboratory Limited site to the north of Royal Park, consistent with the local amenity at the interface of residential and mixed use zones.

- Support research and education uses in the Commercial zoned land along Royal Parade in North Parkville, consistent with the local amenity in the Residential and Mixed use Zones.
- Discourage the encroachment of institutional uses into parkland and residential areas.
- Ensure the retention of all parkland and protect Royal Park and Princes Park from uses that would reduce its landscape character and recreational role.
- Ensure that buildings and other structures (e.g. communications infrastructure) in Royal Park and Princes Park are sensitively designed and located to minimise its impacts on the Park's landscape character.
- Support the on-going operation of the Royal Melbourne Zoological Gardens, while ensuring that the landscape character of Royal Park is maintained.
- Encourage the retention and re-growth of predominantly indigenous vegetation in Royal Park.

Figure 19: Parkville



- Local Area Boundary
- Rail Station
- Rail Network
- Freeway
- Public Open Space
- Boulevards



- Precincts**
- 1 Parkville Gardens Estate
  - 2 CSL
  - 3 Royal Melbourne Hospital - Royal Park Campus
  - 4 Parkville Youth Centre
  - 5 Royal Melbourne Zoological Gardens
  - 6 State Netball and Hockey Centre
  - 7 Royal Childrens Hospital
  - 8 North Parkville
  - 9 South Parkville
  - 10 West Parkville
  - 11 Royal Park
  - 12 Visy Park
  - 13 Princes Park
  - 14 Melbourne General Cemetery
  - 15 University Colleges

**21.16–5 North and West Melbourne**29/01/2015  
C225  
Proposed C309

North ~~and West~~ Melbourne has a strong residential base as well as commercial and industrial uses. Many of the area's streetscapes and buildings have been recognised for their heritage significance. Flemington Road is a key tree-lined boulevard entry into the City.

North ~~and West~~ Melbourne should provide a balance of residential and commercial uses that maintains an emphasis on local community and liveability. There should be a clear distinction in scale from the Central City with higher scales of development expected ~~located at the Central City fringe, around the North Melbourne railway station and~~ along Flemington Road. In all other areas, a lower scale of development should be maintained.

The role and character of the Errol Street and Victoria Street shopping area should be strengthened, as local community centres.

**Housing**

- 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.
- Promote the retention and refurbishment of existing public housing estates.
- Support limited residential development that maintains the low scale nature of heritage buildings and streetscapes in the Residential Zone (stable residential areas).

**Economic Development**

- Support a mix of uses with retail and small scale business uses and some light industrial uses in the Mixed Use Zone in North Melbourne.
- ~~Support a mix of uses including retail, small scale business uses with some light industrial uses and small to medium enterprises in West Melbourne south of Hawke and Roden Streets, given the proximity to Docklands and the Hoddle Grid.~~
- Support commercial development in the Hoddle Grid fringe.
- Strengthen the role of the Errol and Victoria Streets shopping area for convenience shopping, neighbourhood facilities and as a neighbourhood focus.
- Support the ongoing operation and establishment of small to medium enterprises and businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zone of North ~~and West~~ Melbourne adjacent to the Hoddle Grid.
- Support home business, small to medium offices and other commercial developments in the Mixed Use Zone of North ~~and West~~ Melbourne.
- Support light and service industry in the Mixed Use Zone in North ~~and West~~ Melbourne.

**Built Environment and Heritage**

- ~~Maintain the predominantly low scale of the Mixed Use Zone in West Melbourne, south of Hawke and Roden Streets.~~
- Maintain the predominantly low scale of residential areas and the Mixed Use Zone in North Melbourne.
- Maintain lower scale streetscapes in other parts of ~~West Melbourne and~~ North Melbourne. Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas.

- ~~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.~~
- Encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.
- Ensure infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay.
- ~~Support higher building forms in West Melbourne in the area adjacent to the Hoddle Grid.~~
- Maintain the existing two storey scale in the Errol and Victoria Street shopping precinct consistent with the area's heritage buildings.
- Reinforce Flemington Road as a key tree lined boulevard entry to the Central City.

### Transport

- ~~Strengthen pedestrian and cycle connections between Docklands and West Melbourne.~~
- Strengthen public open space and pedestrian and cycle connections in ~~the North and West Melbourne area~~, across the Moonee Ponds Creek and with the Capital City trails.
- Strengthen pedestrian, cycle and visual connections to Royal Park.
- Encourage better links between existing transport modes in North ~~and West~~ Melbourne and between key precincts, e.g. Errol Street shopping precinct.

### Infrastructure

- Support the role of the North Melbourne Town Hall arts precinct, including the Metropolitan Meat Market.
- Support the provision of open space and recreational facilities for the local resident and working community.
- Facilitate opportunities for the creation of new open space in North ~~and West~~ Melbourne.

**Figure 20: North and West Melbourne**



- |  |  |                  |   |
|--|--|------------------|---|
|  | Local Area Boundary                    |                  | Errol and Victoria Street Shopping Centre |
|  | Rail Station                           |                  | Public Housing Estate                     |
|  | Rail Network                           |                  |   |
|  | Proposed Melbourne Metro Rail Stations | <b>Precincts</b> |   |
|  | Proposed Melbourne Metro Alignment     |                  | 1 Errol Street Shopping Strip             |
|  | Freeway                                |                  | 2 Victoria Street Shopping Strip          |
|  | Public Open Space                      | <b>Landmarks</b> |   |
|  | Boulevards                             |                  | 01 North Melbourne Town Hall              |
|  | Waterways                              |                  | 02 Metropolitan Meat Market               |

**21.16-6 West Melbourne**Proposed  
C309

West Melbourne accommodates a mix of residential, commercial and industrial uses, along with the major regional open space of Flagstaff Gardens and North Melbourne (future West Melbourne) Station - a major interchange station connecting six train lines to the north-west of Melbourne.

The area now known as West Melbourne has been the country of the Wurundjeri (Woiwurrung) and Boon wurrung (Bunurong) people of the Kulin nation for tens of thousands of years. The hill now occupied by Flagstaff Gardens was a meeting place for local clans, with expansive views across the salt lakes, flats and lagoons to the You Yangs in the west. The hills of West Melbourne were once covered in grasslands and eucalypt woodland leading down to salt marshes, billabongs and floodplains to the west

West Melbourne's distinctive variety of uses and rich cultural and architectural heritage has long been shaped by its adjacency to the central city, nearby industrial areas, proximity to the port and good road and rail connections. Many of the area's streetscapes and buildings have been recognised for their heritage significance.

The projected population of West Melbourne is between 8000-9000 residents by 2037. It is predicted that there will be the need for between around 4500 to 7000 new jobs in West Melbourne by 2036, requiring approximately 100,000m<sup>2</sup> to 200,000m<sup>2</sup> of employment floor space.

West Melbourne will retain its unique identity, varied areas of character and mix of uses as it evolves into one of Melbourne's distinct inner urban neighbourhoods and a counterpoint to the central city. Its heritage and other characterful buildings will provide opportunity for a diverse range of uses. New mixed use development of the highest design quality will bring high amenity for residents, workers and visitors. Its wide green streets will provide excellent connections and a network of local spaces to rest and play. The establishment of Spencer Street as a vibrant local high street will create an economic centre for West Melbourne.

West Melbourne is made up of five distinct places (see Figure 21), each with its own character and qualities and each with its own vision, as set out in the *West Melbourne Structure Plan 2018*.

**Housing**

- Encourage the provision of affordable housing in the Flagstaff, Spencer, and Station precincts.
- Provide for residential development in appropriate locations in order to support West Melbourne as a mixed use area, through the application of the Special Use Zone.
- Deliver approximately 5500 additional dwellings to meet the projected population growth.

**Economic Development**

- Retain and provide opportunities for the creation of employment through the application of the Special Use Zone.
- Support the development of Spencer Street into an economically thriving local activity centre through the application of the Special Use Zone and Design and Development Overlay.
- Support mixed use development to facilitate a range of business and employment opportunities throughout West Melbourne.
- Support the delivery of the projected 10,000 jobs.
- Enhance North Melbourne (future West Melbourne) Railway Station with active uses to reinforce this area as key gateway into West Melbourne.



### Built Environment and Heritage

- Ensure that built form positively responds to a site, its context and the public realm, through the application of Design and Development Overlays for each precinct.
- Ensure all new development responds sympathetically to, and enhances the valued heritage character of West Melbourne.
- Support the development of West Melbourne as a mid-rise, human scaled neighbourhood with a diverse range of building types and some higher built form in specified locations.
- Ensure that new development is of the highest design quality, and is responsive to the local context, varied subdivision patterns and site sizes West Melbourne.
- Provide for a highly walkable neighbourhood with increased permeability and laneways through blocks.
- Ensure new development enables sunlight and daylight to reach into the parks, streets and lower levels of buildings.
- Encourage the retention and adaptive re-use of existing buildings
- Support equitable development by ensuring primary outlook is secured to the street or within development sites.
- Provide for fine grain adaptable tenancies within the lower levels of buildings.
- Deliver a lower scale of development along the laneways and the activation of the laneway interface.
- In the Spencer Precinct, encourage:
  - a vibrant, inner-city area with a mix of retail, commercial, residential, community and creative uses.
  - this neighbourhood to be distinct from the central city and North Melbourne
  - a mix of converted warehouses, contemporary developments, heritage corner pubs and Victorian shop fronts.
  - the incorporation of older buildings into new developments, Tree planting throughout to be well established and consistent, and to include large canopy trees in all streets.
  - the retention and enhancement of views towards Eades Park and St Mary's Cathedral.
- In the Flagstaff Precinct encourage:
  - a diverse area of mostly residential and commercial buildings that is well connected to the Flagstaff Gardens.
  - the area to be distinct from the central city, characterized by large historic brick buildings, contemporary developments and warehouse restorations
  - local streets to be home to small parks, recreation spaces and broad canopy trees
  - a variety of shops and services on Spencer, King and La Trobe Streets.
  - streets to be sheltered and green at pedestrian level due to the avenues of canopy trees.
- In the Adderley Precinct, encourage:
  - an eclectic mix of uses, tucked away from busy thoroughfares of West Melbourne but with great views of the city and Docklands
  - the retention of a mix of heritage cottages and terraces, contemporary buildings and restored warehouses and factories
  - the retention an renovation of buildings from all eras, including workers' cottages and Victorian terraces, together with more recent apartment buildings
  - the existing leafy streets to connect to the Hawke Street green spine
  - a new pedestrian and cycle route over to Docklands and excellent walking and cycling access to surrounding areas

- In the Historic Hilltop Precinct, retain and enhance:
  - the valued heritage character, clustered around the shopping strips on Errol, Victoria and Peel Streets.
  - the fine grained residential area with intact rows of workers' cottages, two storey terraces and Federation homes, and the retrofitted warehouses and larger institutional buildings
  - the wide green streets and open spaces
  - the Hawke and King intersection, Hawke Street linear park and regular avenues of street trees that reinforce the visual links to Flagstaff Gardens.
  - views to the central city and access to Flagstaff Gardens and Queen Victoria Market
- In the Station Precinct, encourage:
  - a thriving area of converted warehouse apartments and new mid-rise residential buildings
  - North Melbourne Station (future West Melbourne) to become the focal point of the precinct by green avenues that extend to the north and east of the Station and new pedestrian and cycling bridges to link the south and west to E-Gate and Docklands.
  - A mix of retail, commercial and residential buildings to encourage people to linger in the precinct rather than just pass through.

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### Transport

- Expand and upgrade the cycling network in West Melbourne.
- Upgrade the area around North Melbourne (future West Melbourne) Railway Station including Railway Place.
- Support a less car dependent transport system through the application of the Parking Overlay.
- Develop high quality and feasible options to connect West Melbourne with Docklands via pedestrian and cycling bridges.
- Strengthen public open space and pedestrian and cycle connections in the North and West Melbourne area, across the Moonee Ponds Creek and with the Capital City trails.
- Strengthen pedestrian, cycle and visual connections to Royal Park.

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### Infrastructure

- Ensure good access to community and creative infrastructure within and around West Melbourne.
- Support the provision of recreational facilities for the local resident and working community.
- Support the functioning and growth of education uses in West Melbourne, in particular Primary Schools.

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### Open Space

- Support the creation of linear open spaces through West Melbourne to enhance pedestrian connectivity with surrounding areas.
- Improve the function, usability, safety and access of existing open spaces.
- Deliver new open spaces in Flagstaff, Spencer and Adderley to meet the needs of the growing community.
- Create high quality green streets.

**Sustainability**

- Incorporate Integrated Water Management (IWM) into West Melbourne to support a resilient and liveable neighbourhood.

**Figure 21: West Melbourne Structure Plan area and precincts**



**21.16-76 Fishermans Bend Employment Precinct**05/10/2018  
GC84  
Proposed C309

The Fishermans Bend Employment Precinct is one of Victoria's National Employment and Innovation Clusters (NEIC). It is located west of the city adjacent to the Port of Melbourne. The Port of Melbourne is covered by a separate planning scheme administered by the Minister for Planning. While not the responsible authority for the Port, the City of Melbourne must ensure an appropriate interface and access to the Port as Australia's largest container and general cargo port.

The continued protection of industry and the Port from encroachment by residential and other sensitive uses will be important.

**Economic Development**

- Support the development of limited convenience retail and professional services in the area to support the area's growing workforce.
- Support advanced manufacturing and associated research and development organisations especially within the aerospace and automotive sectors to locate in the area, to provide mutual benefit through proximity to existing businesses and activities.
- Support development of the area as a National Employment and Innovation Cluster to attract new manufacturing business and corporate headquarters, focused on research and technology.
- Support the development of the precinct as a transitional area separating the larger manufacturing industries to the west from more intensive industrial businesses to the north east and encourage a variety of business and industrial uses and business incubators.
- Discourage small scale industrial and commercial development and subdivision in the precinct that is not related to advanced manufacturing and research and development uses.
- Manage the interface between the future residents of nearby areas by encouraging emission free or office based manufacturing uses and development.
- Encourage larger manufacturing businesses to locate in the western portion of precinct to minimise conflict with future residents of nearby areas.
- Discourage the location of sensitive activities in the precinct that are not compatible with the operations of the Port of Melbourne or other industrial activities.

**Built Environment and Heritage**

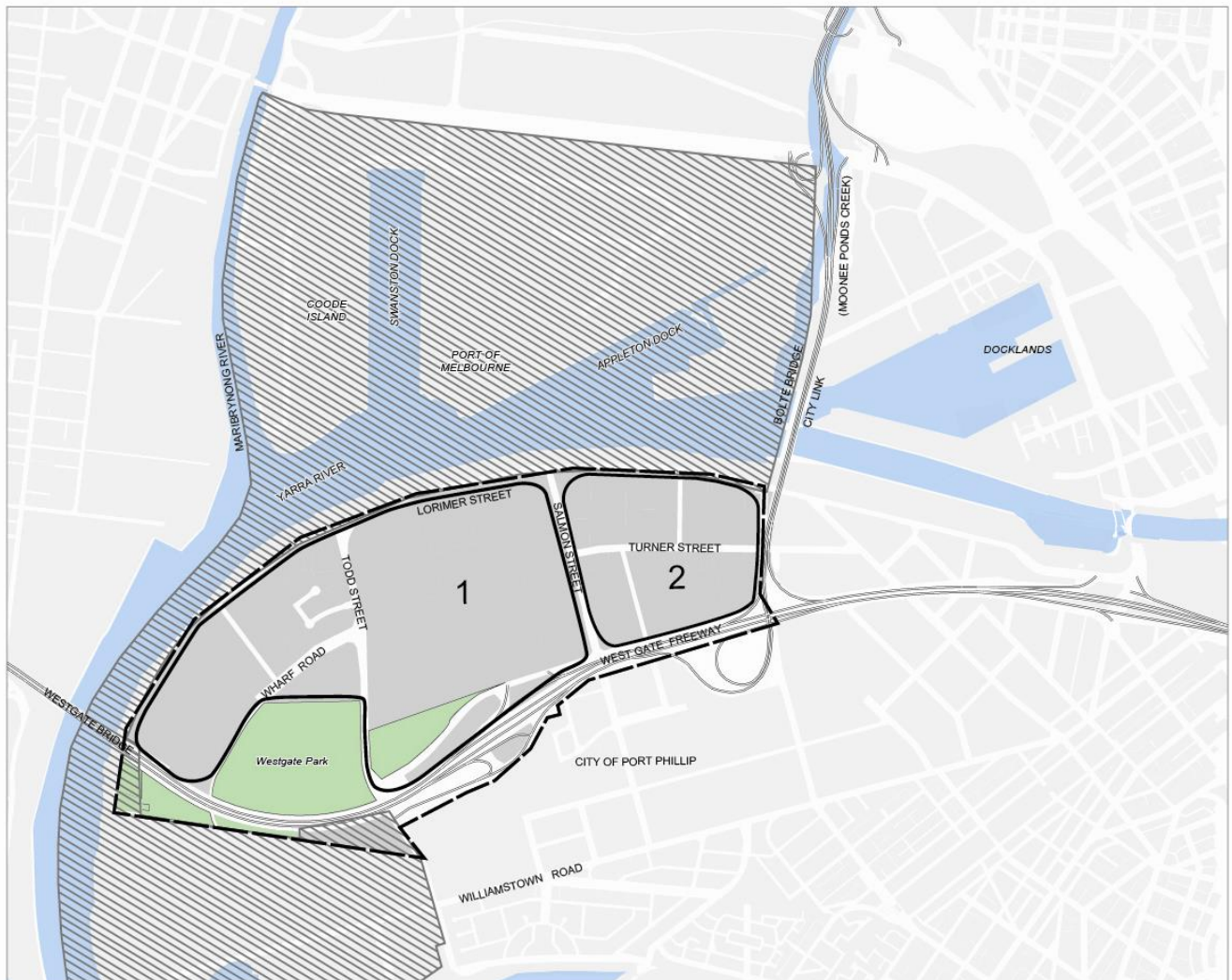
- Strengthen pedestrian and cycle connections and support provision of open space and links through the area between the Port Melbourne foreshore, the Hoddle Grid and Westgate Park.
- Ensure that development in the precinct visible from Docklands does not detract from the appearance or visual amenity of the Docklands area.
- Support improvements to the physical infrastructure, urban design and amenity of the precinct to make the area a high quality urban environment and more attractive for business.
- Encourage a high standard of visual amenity along Lorimer Street to reinforce the image of Fishermans Bend and to strengthen main vistas and views.
- Encourage large front landscaped setbacks on larger industrial sites in the precinct.
- Discourage the location of car parking along Lorimer Street where it is visible from the street.

- Discourage high wire mesh fencing at street frontages particularly along Lorimer Street.
- Enhance the environmental and open space values of Westgate Park.
- Enhance open space in the precinct to provide for the needs of the working population.

**Transport**

- Support the extension of bus, fixed and light rail services to the precinct.
- Support the development of transport infrastructure required for the Port of Melbourne in the precinct including planning for future rail links to Webb Dock to the south, heavy vehicles and freight and protecting shipping lanes.
- Support the extension of heavy rail to Webb Dock.

**Figure 21: Fishermans Bend Employment Precinct**



- Local Area Boundary
- Public Open Space
- Freeways
- Port of Melbourne
- Precincts**
- Corporate
- Small Medium Enterprise



**21.17 REFERENCE DOCUMENTS**

05/10/2018

GC84

[Proposed C309](#)**General**

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Fishermans Bend Urban Design Strategy, 2017  
Fishermans Bend Public Space Strategy, 2017  
Fishermans Bend Integrated Transport Plan, 2017  
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## SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE

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Proposed  
C309

Shown on the planning scheme map as **SUZ6**.

### WEST MELBOURNE

#### Purpose

To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial, education and residential uses and affordable housing.

To retain and increase local employment and facilitate an increase in jobs in West Melbourne.

To support a less car dependent transport system by ensuring that opportunities to adapt and repurpose car parks are protected, and to facilitate the adoption of sustainable transport alternatives.

To encourage provision of new public open spaces throughout West Melbourne to meet the different needs of the growing community.

To develop the Spencer Street Village as a local activity centre with a mix of commercial, retail, residential and community uses to complement its activity centre function.

#### 1.0

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Proposed  
C309

#### Table of uses

##### Section 1 - Permit not required

Use	Condition
<b>Animal Keeping (other than animal boarding)</b>	Must be no more than 2 animals
<b>Bed and Breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot
<b>Dwelling (other than Bed and breakfast)</b>	The total number of dwellings must not exceed 9  Must not have a ground floor frontage to Spencer Street between Hawke Street and Dudley Street (this does not include a shared residential entry providing access to a dwelling)
<b>Food and drink premises</b>	Except for properties fronting Spencer Street between Hawke Street and Dudley Street, the leasable floor area must not exceed 150 square metres
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area must not exceed 250 square metres
<b>Office (other than Medical centre)</b>	Except for properties fronting Spencer Street between Hawke Street and Dudley Street, the leasable floor area must not exceed 250 square metres



**Place of worship** The gross floor area must not exceed 250 square metres

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**Railway**

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**Residential aged care facility** For properties fronting Spencer Street, between Hawke Street and Dudley Street must not be located at the ground floor

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**Shop (other than Adult sex bookshop)** Except for properties fronting Spencer Street between Hawke Street and Dudley Street, the leasable floor area must not exceed 150 square metres

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**Tramway**

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**Any use listed in Clause 62.01** Must meet the requirements of Clause 62.01

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**Section 2 - Permit required**

Use	Condition
<b>Accommodation (other than Dependent person's unit, Dwelling, and Residential aged care facility)</b>	Must not have a ground floor frontage to Spencer Street between Hawke Street and Dudley Street (this does not include a shared residential entry)
<b>Agriculture (other than Animal keeping and Apiculture)</b>	
<b>Animal boarding</b>	
<b>Animal keeping (other than Animal boarding) – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Car Park</b>	Must be located on land occupied by a residential or commercial (other than Car Park) land use (i.e. the land must not be solely used for a Car Park)
<b>Industry (other than Materials recycling and Transfer station)</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Leisure and recreation (other than Informal outdoor recreation)</b>	
<b>Place of assembly (other than Carnival, Circus and Place of worship)</b>	
<b>Retail premises (other than Food and drink premises and Shop)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Warehouse</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

#### Use

Adult sex bookshop

Brothel

Materials recycling

Transfer station

Stone extraction

## 2.0

Proposed  
C309

### Use of land

#### Use for Dwellings – Affordable Housing

For land located in the Flagstaff, Spencer and Station Precincts, as shown on Figure 1, where a permit is required to use land for Dwellings, one in sixteen dwellings within the development (at least 6%) should be an affordable housing dwelling unless otherwise agreed to by the Responsible Authority.

This should be provided to an affordable housing provider, including Registered Housing Agencies, Housing Provider at no cost or to be held in an affordable housing Trust and managed for the sole purpose of affordable housing, unless otherwise agreed to by the Responsible Authority.

If in calculating the affordable housing requirement the result is not a whole number, the affordable housing requirement is to be rounded up to the nearest whole number.

#### Use for Accommodation – Minimum Floor Area Requirement for Use Other than Accommodation

A permit cannot be granted to use land for Accommodation unless:

For land located in the **Spencer Precinct** as shown on Figure 1:

- A minimum of 25 per cent of the gross floor area of a development is allocated to a use other than Accommodation (excluding carparking, bicycle and loading and unloading facilities, and any bonus floor area under an applicable Design and Development Overlay).

For land located in the **Flagstaff and Adderley Precincts** as shown on Figure 1:

- A minimum of 16.6 per cent of the gross floor area of a development is allocated to a use other than Accommodation (excluding carparking, bicycle and loading and unloading facilities, and any bonus floor area under an applicable Design and Development Overlay).

For land located in the **Station Precinct** as shown on Figure 1:

- A minimum of 20 per cent of the gross floor area of a development is allocated to a use other than Accommodation (excluding carparking, bicycle and loading and unloading facilities, and any bonus floor area under an applicable Design and Development Overlay).

The above requirement does not apply to:

- An application that seeks to increase the gross floor area of an existing development that is to be allocated to a use other than Accommodation, which does not increase the gross floor area of any existing Accommodation land use (excluding carparking, bicycle and loading and unloading facilities).

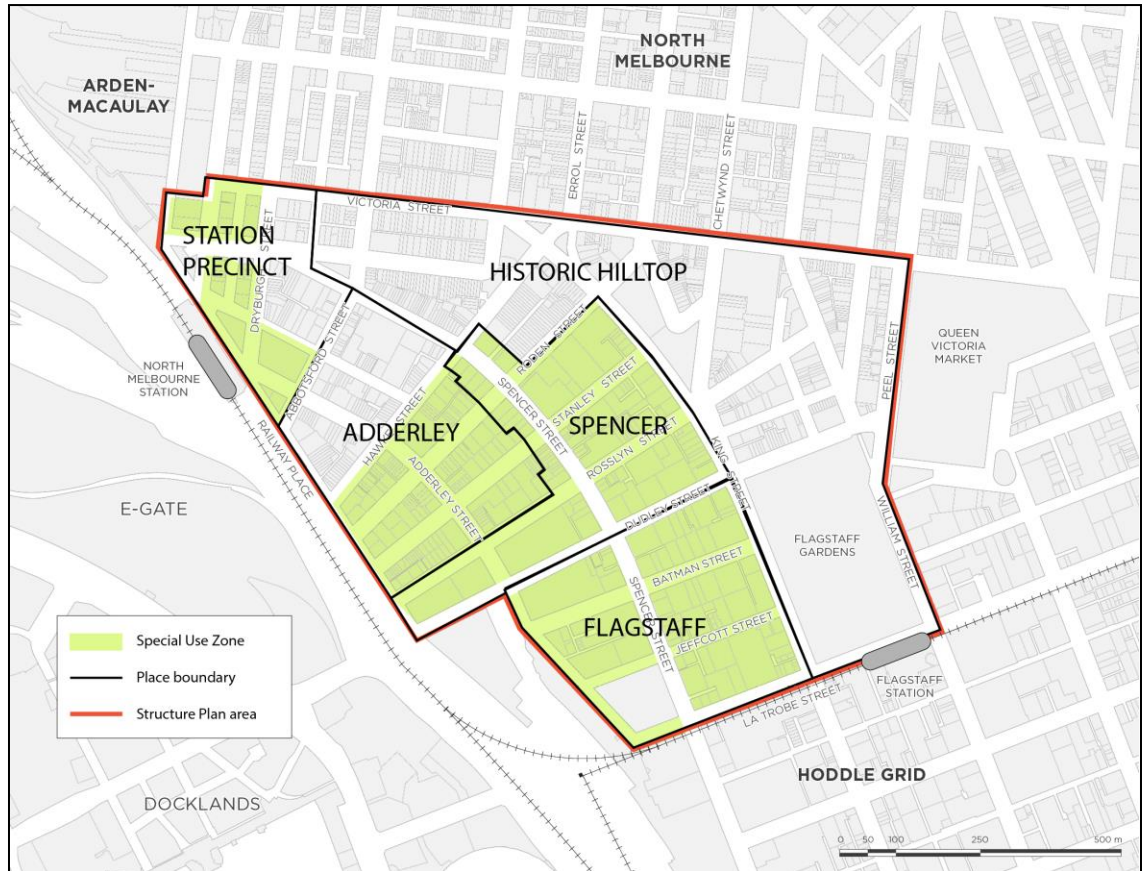


Figure 1 - Special Use Zone Schedule 6 and West Melbourne Structure Plan 2018 Precincts

**Use for industry, service station and warehouse - Amenity of the neighbourhood**

The use of land for an industry, services station or warehouse must not adversely affect the amenity of the

neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

**Application Requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

**Use for Dwellings**

- An application to use land for Dwellings must be accompanied by a report which addresses how the proposal contributes to the goal of delivering 6% of housing as affordable housing in West Melbourne.
- An application to use land for a Dwelling that does not achieve at least 6% affordable housing, must be accompanied by a detailed report prepared by a Quantity Surveyor or other suitably qualified professional to the satisfaction of the Responsible Authority. The report must set out indicative profit margins for the project, and substantiated findings demonstrating why the proposed number of affordable housing dwellings within the development, to satisfy the applicable requirement, cannot be delivered without rendering the project economically non-viable. The Responsible Authority may

require this report to be analysed by a suitably qualified independent third party at the applicant's cost.

#### Use for industry, service station or warehouse

- An application to use land for an industry, service station or warehouse must be accompanied by the following information:
  - The purpose of the use and the types of activities to be carried out.
  - The type and quantity of materials and goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
  - How land not required for immediate use is to be maintained.
  - The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

#### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

#### Use for Dwellings

- The extent to which the proposal provides floor space for uses other than dwellings.
- Whether the proposal delivers an activated ground floor along Spencer Street between Hawke Street and Dudley Street.
- The extent to which the proposal contributes to the provision of at least 6% affordable housing in West Melbourne.
- The views of the relevant affordable housing provider, which includes Registered Housing Agencies.

#### Use for industry, service station or warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

### 3.0

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Proposed  
C309

#### Subdivision

An application to subdivide land, whether or not in accordance with an approved development, must ensure that all car parking spaces are retained as common property. This requirement does not apply to an enclosed garage forming part of a townhouse.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2

### Application Requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which addresses whether the subdivision provides for the transition of car parks and car spaces on common property to alternative uses over time.

### Exemption from notice and review

An application for subdivision of the land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.
- The contribution the proposed subdivision makes to a fine grain precinct, and pedestrian and bicycle permeability
- Whether the proposed car parking area is designed for future adaptation or repurposing as an alternative use.

## 4.0

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Proposed  
C309

### Buildings and works

#### Construction and extension of one dwelling on a lot

No permit is required to construct or carry out works for the following:

- Construct or extend one dwelling on a lot of greater than 300 square metres.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

The following requirements apply to the construction and extension of one dwelling on a lot:

- A development must meet the requirements of Clause 54.

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

No permit is required to construct or carry out works for the following:

- To construct one dependent person's unit on a lot.

The following requirements apply to the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings:

- A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.
- An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

**Motorcycle parking**

The following requirements apply to construct a building or construct or carry out works:

- All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

**Buildings on lots that abut another residential zone**

The following requirements apply to construct a building or construct or carry out works on a lot that abuts another residential zone:

- Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

**Application Requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
- The location of easements and services.

**Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**Construction and extension of one dwelling on a lot**

- The objectives, standards and decision guidelines of Clause 54.

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

**5.0**

**Signs**

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Proposed  
C309

Sign requirements are at Clause 52.05. All land located within SUZ6 is in Category 3.

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Proposed  
C309

## **SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO28**

### **WEST MELBOURNE - STATION PRECINCT**

**1.0**  
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Proposed  
C309

#### **Design Objectives**

- To create a medium density precinct (generally between four and eight storeys).
- To generate activity and to create a welcoming arrival point around North Melbourne (future West Melbourne) Station, with passive surveillance maximised around North Melbourne (future West Melbourne) Station and Railway and Miller Reserves.
- To ensure new development is adaptable and can accommodate different uses over time.
- To reference the industrial history of the precinct by supporting the adaptive reuse of special character buildings and encourage contemporary use of common industrial materials.
- To increase permeability and connectivity for pedestrians and cyclists, including links to Arden, North Melbourne, Docklands, E-Gate, and ensure development supports the provision of laneways and frames them as positive additions to the public realm.

**2.0**  
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Proposed  
C309

#### **Buildings and works**

A permit is not required to construct a building or carry out work at ground level to provide access for persons with disabilities that comply with all legislative requirements.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- An application to construct a building or carry out works must not exceed a floor area ratio of 5:1. The calculation of the floor area ratio excludes any bonus floor area the development qualifies for, where the special character building has been successfully retained. A permit cannot be granted or amended to vary this requirement, unless the amendment does not increase the extent of non-compliance.
- An application to construct a building or carry out works must meet the Design Objectives specified in this schedule.
- An application to construct a building or carry out works must achieve the Built Form Outcomes in Table 1 to this schedule.
- An application to construct a building or carry out works should meet the Built Form Requirements specified in Table 1 to this schedule.
- An application which does not meet the Built Form Requirements specified in Table 1 to this schedule must demonstrate how the development will meet the relevant Design Objectives, and achieve the relevant Built Form Outcomes.



Table 1

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Building/Street Wall Height</b></p> <p>Building heights, including street wall heights are variable to ensure a positive contribution to the specific character of the street.</p> <p>Larger sites are broken up into a series of smaller building forms to ensure they relate and contribute positively to their context and their historic urban grain.</p> <p>Taller built form is located immediately adjacent to the station, stepping down to the 14m (DDO32) height control area, and to interfaces with lower scale and heritage buildings, particularly those to the south of Abbotsford Street.</p> <p>Ensure the Station remains a focal point.</p> <p>Development respects the scale of adjoining residential and heritage buildings.</p> <p>Development does not unreasonably reduce solar access to adjacent solar panels.</p>	<p>Preferred maximum building height of 8 storeys.</p> <p>Street wall heights between 4 and 8 storeys.</p>
<p><b>Floor to Ceiling Heights</b></p> <p>Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses.</p> <p>Fine grain adaptable tenancies within the lower levels of buildings.</p>	<p>Minimum floor-to-ceiling heights:</p> <ul style="list-style-type: none"> <li>▪ 4 metres for the ground floor.</li> <li>▪ 3.3 metres for all non-residential uses on other floors.</li> </ul>
<p><b>Active Street/Laneway Frontages</b></p> <p>Maximise activation of the public realm within main streets, streets and laneways.</p> <p>Development to positively frame the open space outside the station.</p> <p>Minimise the impact of building services on the public realm.</p>	<p>Provide active frontages on streets leading to the station, particularly along Dryburgh Street and Adderley Street.</p> <p>Development along Anderson Street to address the interface with Railway Place and Miller Street Reserve with active frontages.</p> <p>Development with more than one street frontage positions entries, circulation and services to respond to the function of adjoining main streets, streets and laneways.</p> <p>Locate service areas away from main streets, local streets and public spaces, or within basement or upper levels.</p> <p>Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.</p>

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Laneways, pedestrian and cycling connections</b></p> <p>Development to provide new, direct and convenient pedestrian and cycling connections where appropriate, that are aligned with other lanes or pedestrian and cycling connections on nearby sites.</p> <p>New laneways are provided through large sites where appropriate.</p>	<p>Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail station where more frequent connections are desirable to manage high pedestrian volumes.</p> <p>For street blocks exceeding 200 metres in length, at least two pedestrian connections are provided.</p> <p>Pedestrian connections are located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.</p> <p>New laneways, pedestrian and cycling connections are:</p> <ul style="list-style-type: none"> <li>▪ Safe, direct, attractive, well-lit and provide a line of sight from one end of the connection to the other.</li> <li>▪ Publicly accessible and appropriately secured with a legal agreement.</li> <li>▪ At least six metres wide.</li> <li>▪ Open to the sky.</li> <li>▪ Lined by active frontages.</li> </ul>

- **Special character building** means any of the buildings listed below (and identified in the *West Melbourne Structure Plan 2018*):
  - 47 Dryburgh Street, West Melbourne (two-storey brick building).
- **Successfully retained** means that the three-dimensional form and details of a special character building, as viewed from the street, have been preserved and incorporated into the development, and the existing interior finished floor and ceiling levels have been adopted to maintain the functional appearance of the building.
- **Bonus floor area** means 50% of the gross floor area of a special character building, where the special character building has been successfully retained.
- **Floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, minus any bonus floor area the development qualifies for, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

**3.0**  
 -/-/-  
 Proposed  
 C309

**Subdivision**  
 None specified.

**4.0**  
 -/-/-  
 Proposed  
 C309

**Advertising signs**  
 None specified

**5.0**--/--  
Proposed  
C309**Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban context report documenting the key contextual influences on the development and how the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- Diagrammatic demonstration of how the development addresses the Design Objectives, Built Form Requirements and Built Form Outcomes of this Schedule.
- Photographic and or diagrammatic study of prevailing materiality and architectural elements in the surrounding streetscape including any heritage elements.
- Photomontage studies of the proposal within its streetscape context from pedestrian eye level from street level. (Including relevant proposals and approvals for development).
- Analysis of the relationship between the proposal and adjacent buildings (including likely adjacent development envelopes) and open space in order to maximise the amenity of the public and private realm.
- Street elevations of the block showing how the development proposal sits and contributes to its context.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement, showing and describing the design of the lower levels of the building including entries, shop front design, service areas, weather protection canopies and integrated signage elements.
- Where a special character building is proposed to be successfully retained, a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished as part of a development. Diagrams, photomontages or three-dimensional renders should be used to demonstrate that any element of the development visible from a height of 1.7 metres above street level (including the roof) measured within a 45° viewing angle of the plane of the street alignment will be preserved.
- Where buildings and works above 20 metres in height are proposed, a three-dimensional model of the proposed development in accordance with relevant City of Melbourne guidelines.
- Where publicly accessible podium and rooftop spaces are proposed, landscape plans detailing hard and soft landscape elements and detail of any deep soil planting areas.
- Where on-site car parking is proposed plans and section drawings demonstrating the capacity to adapt to alternate uses.
- Where student housing, hotel or serviced apartments are proposed, layout plans demonstrating the potential for conversion to alternative uses with an acceptable level of amenity.

**6.0**--/--  
Proposed  
C309**Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- The effect of the development on solar access to existing solar panels on other sites.
- Whether the development enables sunlight to reach into the parks, streets and lower levels of buildings.

- Whether the development is responsive to the local context, street hierarchy, varied subdivision patterns and site sizes and other characteristics of the Station precinct.
- Whether the development supports a high quality of pedestrian amenity in the public realm.
- Whether the development allows for the adaptive re-use of existing buildings.

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Proposed  
C309

## **SCHEDULE 29 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO29**

### **WEST MELBOURNE – ADDERLEY PRECINCT**

#### **1.0**

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Proposed  
C309

#### **Design Objectives**

- To create a low to mid-scale precinct (generally between two and six storeys) with the taller development fronting Adderley Street between Hawke Street and Dudley Street.
- To reinforce the role of Railway Place as an important pedestrian link between North Melbourne Station and Docklands, and Arden and the City.
- To ensure new development is adaptable and can accommodate different uses over time.
- To reference the industrial history of the precinct by supporting the adaptive reuse of special character buildings and encourage contemporary use of common industrial materials.
- To increase permeability and connectivity for pedestrians and cyclists ,and ensuring that development supports the provision of laneways and frames them as positive additions to the public realm.

#### **2.0**

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Proposed  
C309

#### **Buildings and works**

A permit is not required to construct a building or carry out work at ground level to provide access for persons with disabilities that comply with all legislative requirements.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- An application to construct a building or carry out works must not exceed a floor area ratio of 3:1. The calculation of the floor area ratio excludes any bonus floor area the development qualifies for, where the special character building has been successfully retained. A permit cannot be granted or amended to vary this requirement, unless the amendment does not increase the extent of non-compliance.
- An application to construct a building or carry out works must meet the Design Objectives specified in this schedule.
- An application to construct a building or carry out works must achieve the Built Form Outcomes in Table 1 to this schedule.
- An application to construct a building or carry out works should meet the Built Form Requirements specified in Table 1 to this schedule.
- An application which does not meet the Built Form Requirements specified in Table 1 to this schedule must demonstrate how the development will meet the relevant Design Objectives, and achieve the relevant Built Form Outcomes.

Table 1

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Building/Street Wall Height</b></p> <p>Generally low to mid-rise buildings with taller built form along Adderley Street that will contribute to defining the street interface.</p> <p>Development stepping down from Adderley Street, to the lower rise heritage buildings along Hawke Street (west of Spencer Street).</p> <p>Building heights, including street wall heights, are variable to ensure a positive contribution to the specific character of the street.</p> <p>Larger sites are broken up into a series of smaller building forms to ensure they relate and contribute positively to their context and their historic urban grain.</p> <p>Development respects the scale of adjoining residential and heritage buildings.</p> <p>Lower scale of development to a laneway interface.</p> <p>Development does not unreasonably reduce solar access to adjacent solar panels.</p>	<p>Preferred maximum building height of 4 storeys, unless fronting Adderley Street between Hawke Street and Dudley Street where the preferred maximum building height is 6 storeys.</p>
<p><b>Floor to Ceiling Heights</b></p> <p>Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses.</p> <p>Fine grain adaptable tenancies within the lower levels of buildings.</p>	<p>Minimum floor-to-ceiling heights:</p> <ul style="list-style-type: none"> <li>▪ 4 metres for the ground floor.</li> <li>▪ 3.3 metres for all non-residential uses on other floors.</li> </ul>
<p><b>Active Street/Laneway Frontages</b></p> <p>Maximise activation of the public realm within main streets, streets and laneways.</p> <p>Minimise the impact of building services on the public realm.</p>	<p>Provide active frontages at the ground floor, particularly:</p> <ul style="list-style-type: none"> <li>▪ along a laneway interface;</li> <li>▪ along the interface with the proposed linear park on Hawke Street; and</li> <li>▪ along Adderley Street.</li> </ul> <p>Development with more than one street frontage positions entries, circulation and services to respond to the function of adjoining main streets, streets and laneways.</p> <p>Locate service areas away from main streets, local streets and public spaces, or within basement or upper levels.</p> <p>Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.</p>

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Laneways, pedestrian and cycling connections</b></p> <p>Development to provide new, direct and convenient pedestrian and cycling connections where appropriate, that are aligned with other lanes or pedestrian and cycling connections on nearby sites.</p> <p>New laneways are provided through large sites where appropriate.</p>	<p>Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail station where more frequent connections are desirable to manage high pedestrian volumes.</p> <p>For street blocks exceeding 200 metres in length, at least two pedestrian connections are provided.</p> <p>Pedestrian connections are located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.</p> <p>New laneways, pedestrian and cycling connections are:</p> <ul style="list-style-type: none"> <li>▪ Safe, direct, attractive, well-lit and provide a line of sight from one end of the connection to the other.</li> <li>▪ Publicly accessible and appropriately secured with a legal agreement.</li> <li>▪ At least six metres wide.</li> <li>▪ Open to the sky.</li> <li>▪ Lined by active frontages.</li> </ul>

- **Special character building** means any of the buildings listed below (and identified in the *West Melbourne Structure Plan 2018*):
  - 280 Rosslyn Street, West Melbourne (single-storey brick building).
  - 278 Rosslyn Street, West Melbourne (single-storey brick building).
  - 260 Rosslyn Street, West Melbourne (single-storey brick building).
  - 252 Rosslyn Street, West Melbourne (single-storey brick building).
  - 179 Stanley Street, West Melbourne (single-storey brick building).
  - 127-153 Stanley Street, West Melbourne (Cnr Adderley Street) (single-storey rendered brick building).
  - 210-224 Rosslyn Street, West Melbourne (two-storey brick building with a tiled/rendered front facade).
  - 154-160 Stanley Street, West Melbourne (single-storey brick building).
  - 124-128 Stanley Street, West Melbourne (single-storey brick building with a rendered front façade).
- **Successfully retained** means that the three dimensional form and details of a special character building, as viewed from the street, have been preserved and incorporated into the development, and the existing interior finished floor and ceiling levels have been adopted to maintain the functional appearance of the building.
- **Bonus floor area** means 50% of the gross floor area of a special character building, where the special character building has been successfully retained.

- **Floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, minus any bonus floor area the development qualifies for, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

**3.0**

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Proposed  
C309

**Subdivision**

None specified.

**4.0**

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Proposed  
C309

**Advertising signs**

None specified

**5.0**

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Proposed  
C309

**Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban context report documenting the key contextual influences on the development and how the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- Diagrammatic demonstration of how the development addresses the Design Objectives, Built Form Requirements and Built Form Outcomes of this Schedule.
- Photographic and or diagrammatic study of prevailing materiality and architectural elements in the surrounding streetscape including any heritage elements.
- Photomontage studies of the proposal within its streetscape context from pedestrian eye level from street level. (Including relevant proposals and approvals for development).
- Analysis of the relationship between the proposal and adjacent buildings (including likely adjacent development envelopes) and open space in order to maximise the amenity of the public and private realm.
- Street elevations of the block showing how the development proposal sits and contributes to its context.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement, showing and describing, the design of the lower levels of the building including entries, shop front design, service areas, weather protection canopies and integrated signage elements.
- Where a special character building is proposed to be successfully retained, a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished as part of a development. Diagrams, photomontages or three-dimensional renders should be used to demonstrate that any element of the development visible from a height of 1.7 metres above street level (including the roof) measured within a 45° viewing angle of the plane of the street alignment will be preserved.
- Where buildings and works above 20 metres in height are proposed, a three-dimensional model of the proposed development in accordance with relevant City of Melbourne guidelines.
- Where publicly accessible podium and rooftop spaces are proposed, landscape plans detailing hard and soft landscape elements and detail of any deep soil planting areas.
- Where on-site car parking is proposed plans and section drawings demonstrating the capacity to adapt to alternate uses.



- Where student housing, hotel or serviced apartments are proposed, layout plans demonstrating the potential for conversion to alternative uses with an acceptable level of amenity.

**6.0**

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Proposed  
C309

**Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- The effect of the development on solar access to existing solar panels on other sites.
- Whether the development enables sunlight to reach into parks, streets and lower levels of buildings.
- Whether the development is responsive to the local context, varied subdivision patterns and site sizes and other characteristics of the Adderley precinct.
- Whether the development supports a high quality of pedestrian amenity in the public realm.
- Whether the development allows for the adaptive re-use of existing buildings.

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Proposed  
C309

## **SCHEDULE 33 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO33**

### **WEST MELBOURNE – FLAGSTAFF PRECINCT**

#### **1.0**

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Proposed  
C309

#### **Design Objectives**

- To create a precinct with variable building heights (generally between six and sixteen storeys), with a lower scale of development to laneways and activated laneway interfaces, and a clear differentiation from the Hoddle Grid.
- To ensure development does not impact on the amenity of, and outlook from, Flagstaff Gardens and St James Old Cathedral.
- To ensure new development is adaptable and can accommodate different uses over time.
- To reference the industrial history of the precinct by supporting the adaptive reuse of special character buildings and encourage contemporary use of common industrial materials.
- To increase permeability and connectivity for pedestrians and cyclists, , and ensuring that development supports the provision of laneways and frames them as positive additions to the public realm.

#### **2.0**

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Proposed  
C309

#### **Buildings and works**

A permit is not required to construct a building or carry out work at ground level to provide access for persons with disabilities that comply with all legislative requirements.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- An application to construct a building or carry out works must not exceed a floor area ratio of 6:1. The calculation of the floor area ratio excludes any bonus floor area the development qualifies for, where the special character building has been successfully retained. A permit cannot be granted or amended to vary this requirement, unless the amendment does not increase the extent of non-compliance.
- An application to construct a building or carry out works must meet the Design Objectives specified in this schedule.
- An application to construct a building or carry out works must achieve the Built Form Outcomes in Table 1 to this schedule.
- An application to construct a building or carry out works should meet the Built Form Requirements specified in Table 1 to this schedule.
- An application which does not meet the Built Form Requirements specified in Table 1 to this schedule must demonstrate how the development will meet the relevant Design Objectives, and achieve the relevant Built Form Outcomes.

Table 1

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Building/Street Wall Height &amp; Setbacks</b></p> <p>A mix of building typologies and building heights, including street wall heights are variable to ensure a positive contribution to the specific character of the street.</p> <p>The tallest buildings will be around 16 storeys with smaller sites and mid-block sites accommodating a lower built form, to ensure that the Flagstaff precinct remains part of West Melbourne and distinct from the central city.</p> <p>Development respects and does not dominate St James Old Cathedral, allowing the Cathedral to continue to be a landmark and focus in the skyline, particularly when viewed from Flagstaff Gardens and from Batman Street and King Street.</p> <p>Development respects the scale of adjoining residential and heritage buildings.</p> <p>Development does not unreasonably reduce solar access to adjacent solar panels.</p>	<p>Preferred maximum building height of 16 storeys.</p> <p>Street wall heights between 3 and 10 storeys.</p> <p>Minimum setback above the podium from all laneways and all side and rear boundaries 6 metres.</p> <p>Minimum setback above the podium from the front title boundary 3 metres</p>
<p><b>Floor to Ceiling Heights</b></p> <p>Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses.</p> <p>Fine grain adaptable tenancies within the lower levels of buildings.</p>	<p>Minimum floor-to-ceiling heights:</p> <ul style="list-style-type: none"> <li>▪ 4 metres for the ground floor.</li> <li>▪ 3.3 metres for all non-residential uses on other floors.</li> </ul>
<p><b>Melbourne Assessment Prison</b></p> <p>Development to recognise the sensitivity of the Melbourne Assessment Prison.</p>	<p>Development adjacent to, <u>or with potential lines of sight into the recreation yards of,</u> the Melbourne Assessment Prison <u>and Judy Lazerus Transition Centre,</u> must consider any <del>potential lines of sight,</del> <u>privacy, operational</u> and security issues <u>of justice facilities.</u></p>
<p><b>Flagstaff Gardens and Open Space</b></p> <p>Development is designed to limit overshadowing over Flagstaff Gardens.</p> <p>Ensure an open, broad outlook to the open sky is retained from Flagstaff Gardens, particularly from the eastern edge.</p> <p>The historic vista from Flagstaff Gardens to the west towards Swanston Dock is retained.</p> <p>Development positively frames the open space and significant views and vistas in the precinct.</p> <p>Development on the north side of Batman Street allows for solar access to new open spaces</p>	<p>Development does not overshadow Flagstaff Gardens between 11am and 2pm on 22 September and 22 June.</p>

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Active Street/Laneway Frontages</b></p> <p>Maximise activation of the public realm within main streets, streets and laneways.</p> <p>Minimise the impact of building services on the public realm.</p>	<p>Development should incorporate active frontages at the ground floor particularly along Spencer, King, Dudley and La Trobe Streets.</p> <p>Development with more than one street frontage positions entries, circulation and services to respond to the function of adjoining main streets, streets and laneways.</p> <p>Locate service areas away from main streets, local streets and public spaces, or within basement or upper levels.</p> <p>Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.</p>
<p><b>Laneways, pedestrian and cycling connections</b></p> <p>Development to provide new, direct and convenient pedestrian and cycling connections where appropriate, that are aligned with other lanes or pedestrian and cycling connections on nearby sites.</p> <p>New laneways are provided through large sites where appropriate.</p>	<p>Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail station where more frequent connections are desirable to manage high pedestrian volumes.</p> <p>For street blocks exceeding 200 metres in length, at least two pedestrian connections are provided.</p> <p>Pedestrian connections are located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.</p> <p>New laneways, pedestrian and cycling connections are:</p> <ul style="list-style-type: none"> <li>▪ Safe, direct, attractive, well-lit and provide a line of sight from one end of the connection to the other.</li> <li>▪ Publicly accessible and appropriately secured with a legal agreement.</li> <li>▪ At least six metres wide.</li> <li>▪ Open to the sky.</li> <li>▪ Lined by active frontages.</li> </ul>

- **Special character building** means any of the buildings listed below (and identified in the *West Melbourne Structure Plan 2018*):
  - 97-99 Dudley Street, West Melbourne (single storey brick building)
  - 91-95 Dudley Street, West Melbourne (single-storey brick building)
  - 419-421 Spencer Street, West Melbourne (single-storey brick building)

- 405-407 Spencer Street, West Melbourne (single-storey brick buildings)
  - 60 Batman Street, West Melbourne (three-storey brick building)
  - 50 Batman Street, West Melbourne (single-storey brick building)
  - 42-48 Batman Street, West Melbourne (two-storey brick building)
  - 2-24 Batman Street, West Melbourne (three-storey concrete building)
  - 66-68 Jeffcott Street, West Melbourne (three-storey brick building)
  - 510-516 La Trobe Street, West Melbourne (two-storey brick building)
  - ~~○ 488-494 La Trobe Street, West Melbourne (two-storey rendered brick building)~~
  - 460-462 La Trobe Street, West Melbourne (two-storey rendered brick building)
  - 456 La Trobe Street, West Melbourne (two-storey bluestone building)
  - 33-35 Dudley Street, West Melbourne (single & two-storey brick building)
- **Successfully retained** means that the three dimensional form and details of a special character building, as viewed from the street, have been preserved and incorporated into the development, and the existing interior finished floor and ceiling levels have been adopted to maintain the functional appearance of the building.
  - **Bonus floor area** means 50% of the gross floor area of a special character building, where the special character building has been successfully retained.
  - **Floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, minus any bonus floor area the development qualifies for, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

**3.0**

---/---  
Proposed  
C309

**Subdivision**

None specified.

**4.0**

---/---  
Proposed  
C309

**Advertising signs**

None specified

**5.0**

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Proposed  
C309

**Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban context report documenting the key contextual influences on the development and how the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- Diagrammatic demonstration of how the development addresses the Design Objectives, Built Form Requirements and Built Form Outcomes of this Schedule.
- Photographic and or diagrammatic study of prevailing materiality and architectural elements in the surrounding streetscape including any heritage elements.
- Photomontage studies of the proposal within its streetscape context from pedestrian eye level from street level. (Including relevant proposals and approvals for development).

- Analysis of the relationship between the proposal and adjacent buildings (including likely adjacent development envelopes) and open space in order to maximise the amenity of the public and private realm.
- Street elevations of the block showing how the development proposal sits and contributes to its context.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement, showing and describing, the design of the lower levels of the building including entries, shop front design, service areas, weather protection canopies and integrated signage elements.
- Where a special character building is proposed to be successfully retained, a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished as part of a development. Diagrams, photomontages or three-dimensional renders should be used to demonstrate that any element of the development visible from a height of 1.7 metres above street level (including the roof) measured within a 45° viewing angle of the plane of the street alignment will be preserved.
- Where buildings and works above 20 metres in height are proposed, a three-dimensional model of the proposed development in accordance with relevant City of Melbourne guidelines.
- Where publicly accessible podium and rooftop spaces are proposed, landscape plans detailing hard and soft landscape elements and detail of any deep soil planting areas.
- Where on-site car parking is proposed plans and section drawings demonstrating the capacity to adapt to alternate uses.
- Where student housing, hotel or serviced apartments are proposed, layout plans demonstrating the potential for conversion to alternative uses with an acceptable level of amenity.

## 6.0

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Proposed  
C309

### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- The effect of the development on solar access to existing solar panels on other sites.
- Whether the development enables sunlight to reach into parks, streets and lower levels of buildings.
- Whether the development is responsive to the local context, varied subdivision patterns and site sizes and other characteristics of the Flagstaff precinct.
- Whether the development supports a high quality of pedestrian amenity in the public realm
- Whether the development allows for the adaptive re-use of existing buildings.

--/20--  
C309

## **SCHEDULE 72 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO72**

### **WEST MELBOURNE – SPENCER PRECINCT**

#### **1.0 Design Objectives**

--/20--  
C309

- To create a mid-rise precinct (generally between three and eight storeys) with taller built form fronting Spencer Street, King Street and Dudley Street and with building typologies that respond to the characteristics of individual sites that is in contrast to the tower and podium built form character of the central city.
- To emphasise the character of Dudley and King Street as important boulevards into the City and to create an active interface along Dudley Street and improve its amenity and connections with Docklands.
- To ensure new development is adaptable and can accommodate different uses over time.
- To reference the industrial history of the precinct by supporting the adaptive reuse of special character buildings and encourage contemporary use of common industrial materials.
- To increase permeability and connectivity for pedestrians and cyclists, ensuring that development supports the provision of laneways and frames them as positive additions to the public realm.

#### **2.0 Buildings and works**

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C309

A permit is not required to construct a building or carry out work at ground level to provide access for persons with disabilities that comply with all legislative requirements.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- An application to construct a building or carry out works must not exceed a floor area ratio of 4:1. The calculation of the floor area ratio excludes any bonus floor area the development qualifies for, where the special character building has been successfully retained. A permit cannot be granted or amended to vary this requirement, unless the amendment does not increase the extent of non-compliance.
- An application to construct a building or carry out works must meet the Design Objectives specified in this schedule.
- An application to construct a building or carry out works must achieve the Built Form Outcomes in Table 1 to this schedule.
- An application to construct a building or carry out works should meet the Built Form Requirements specified in Table 1 to this schedule.
- An application which does not meet the Built Form Requirements specified in Table 1 to this schedule must demonstrate how the development will meet the relevant Design Objectives, and achieve the relevant Built Form Outcomes.

Table 1

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Building/Street Wall Height</b></p> <p>Building heights, including street wall heights, are variable to ensure a positive contribution to the specific character of the street.</p> <p>Larger sites are broken up into a series of smaller building forms to ensure they relate and contribute positively to their context and their historic urban grain.</p> <p>Development respects the scale of adjoining residential and heritage buildings.</p> <p>Development does not unreasonably reduce solar access to adjacent solar panels.</p>	<p>Preferred maximum building height of 6 storeys, unless:</p> <ul style="list-style-type: none"> <li>▪ fronting Dudley Street where the preferred maximum building height is 10 storeys</li> <li>▪ fronting Spencer Street or King Street where the preferred maximum building height is 8 storeys.</li> </ul> <p>Street wall heights between 3 and 6 storeys unless:</p> <ul style="list-style-type: none"> <li>▪ fronting Spencer Street or King Street where the street wall height range is between 3 and 8 storeys.</li> </ul>
<p><b>Floor to Ceiling Heights</b></p> <p>Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses.</p> <p>Fine grain adaptable tenancies within the lower levels of buildings.</p>	<p>Minimum floor-to-ceiling heights:</p> <ul style="list-style-type: none"> <li>▪ 4 metres for the ground floor.</li> <li>▪ 3.3 metres for all non-residential uses on other floors.</li> </ul>
<p><b>Eades Park</b></p> <p>Development positively frames the open space in Eades Park.</p>	<p>Provide active frontages on streets interfacing with Eades Park, particularly along King Street.</p>
<p><b>Active Street/Laneway Frontages</b></p> <p>Reinforce the role of Spencer Street as the active, safe and well-designed local high street of West Melbourne.</p> <p>Maximise activation of the public realm within main streets, streets and laneways.</p> <p>Minimise the impact of building services on the public realm.</p>	<p>Development that maximises opportunities for active frontages.</p> <p>Development with more than one street frontage positions entries, circulation and services to respond to the function of adjoining main streets, streets and laneways.</p> <p>Locate service areas away from main streets, local streets and public spaces, or within basement or upper levels.</p> <p>Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.</p>



BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p><b>Laneways, pedestrian and cycling connections</b></p> <p>Development to provide new, direct and convenient pedestrian and cycling connections where appropriate, that are aligned with other lanes or pedestrian and cycling connections on nearby sites.</p> <p>New laneways are provided through large sites where appropriate.</p>	<p>Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail station where more frequent connections are desirable to manage high pedestrian volumes.</p> <p>For street blocks exceeding 200 metres in length, at least two pedestrian connections are provided.</p> <p>Pedestrian connections are located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.</p> <p>New laneways, pedestrian and cycling connections are:</p> <ul style="list-style-type: none"> <li>▪ Safe, direct, attractive, well-lit and provide a line of sight from one end of the connection to the other.</li> <li>▪ Publicly accessible and appropriately secured with a legal agreement.</li> <li>▪ At least six metres wide.</li> <li>▪ Open to the sky.</li> <li>▪ Lined by active frontages.</li> </ul>

- **Special character building** means any of the buildings listed below (and identified in the West Melbourne Structure Plan 2018):
  - 512-542 Spencer Street, West Melbourne (two-storey brick building)
  - 82-86 Stanley Street, West Melbourne (single-storey brick building)
  - 67-85 Roden Street, West Melbourne (single-storey brick building)
  - 506 Spencer Street, West Melbourne (two-storey brick building)
  - Mansion House Lane, rear 67-69 Stanley Street, West Melbourne (single-storey brick building)
  - Mansion House Lane, 126 Rosslyn Street, West Melbourne (two-storey brick building)
  - 17 Stanley Street, West Melbourne (single-storey brick building)
  - Laneway off Stanley Street, rear 31-47 Stanley Street, West Melbourne (single-storey brick building).
  - 116-118 Rosslyn Street, West Melbourne (single-storey brick building)
  - 112 Rosslyn Street, West Melbourne (two-storey brick building)
  - 96-110 Rosslyn Street, West Melbourne (single-storey brick building)
  - The Kenshikan, 93-99 Rosslyn Street, West Melbourne (single-storey brick building)
- **Successfully retained** means that the three dimensional form and details of a special character building, as viewed from the street, have been preserved and incorporated into the development, and the existing interior finished floor and ceiling levels have been adopted to maintain the functional appearance of the building.

- **Bonus floor area** means 50% of the gross floor area of a special character building, where the special character building has been successfully retained.
- **Floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, minus any bonus floor area the development qualifies for, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

**3.0**--/20--  
C309**Subdivision**

None specified.

**4.0**--/20--  
C309**Advertising signs**

None specified

**5.0**--/20--  
C309**Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban context report documenting the key contextual influences on the development and how the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- Diagrammatic demonstration of how the development addresses the Design Objectives, Built Form Requirements and Built Form Outcomes of this Schedule.
- Photographic and or diagrammatic study of prevailing materiality and architectural elements in the surrounding streetscape including any heritage elements.
- Photomontage studies of the proposal within its streetscape context from pedestrian eye level from street level. (Including relevant proposals and approvals for development).
- Analysis of the relationship between the proposal and adjacent buildings (including likely adjacent development envelopes) and open space in order to maximise the amenity of the public and private realm.
- Street elevations of the block showing how the development proposal sits and contributes to its context.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement, showing and describing the design of the lower levels of the building including entries, shop front design, service areas, weather protection canopies and integrated signage elements.
- Where a special character building is proposed to be successfully retained, a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished as part of a development. Diagrams, photomontages or three-dimensional renders should be used to demonstrate that any element of the development visible from a height of 1.7 metres above street level (including the roof) measured within a 45° viewing angle of the plane of the street alignment will be preserved.
- Where buildings and works above 20 metres in height are proposed, a three-dimensional model of the proposed development in accordance with relevant City of Melbourne guidelines.
- Where publicly accessible podium and rooftop spaces are proposed, landscape plans detailing hard and soft landscape elements and detail of any deep soil planting areas.
- Where on-site car parking is proposed plans and section drawings demonstrating the capacity to adapt to alternate uses.

- Where student housing, hotel or serviced apartments are proposed layout plans demonstrating the potential for conversion to alternative uses with an acceptable level of amenity.

## 6.0

--1-20--  
C309

### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- The effect of the development on solar access to existing solar panels on other sites.
- Whether the development enables sunlight to reach into **the parks**, streets and lower levels of buildings.
- Whether the development is responsive to the local context, street hierarchy, varied subdivision patterns and site sizes and other characteristics of the Spencer precinct.
- Whether the development supports a high quality of pedestrian amenity in the public realm.
- Whether the development allows for the adaptive re-use of existing buildings.

**SCHEDULE 14 TO CLAUSE 45.09 PARKING OVERLAY**--/---  
Proposed  
C309Shown on the planning scheme map as **PO14**.**WEST MELBOURNE****1.0 Parking objectives to be achieved**--/---  
Proposed  
C309

To support long term sustainable transport patterns and minimise road congestion in West Melbourne.

To identify appropriate car parking rates within the *West Melbourne Structure Plan 2018* area.

To ensure parking facilities are provided efficiently and flexibly to meet changing community needs.

To minimise the negative impacts of parking facilities on the public realm and transport networks.

To provide for the future adaptation of car parking to other uses and innovations in transport technology.

**2.0 Permit requirement**--/---  
Proposed  
C309

A permit is not required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in the Table to this schedule.

**3.0 Number of car parking spaces required**--/---  
Proposed  
C309

If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the *Rate* specified for the use by the accompanying *Measure*.

**Table: Car parking spaces**

Use	Rate	Measure
Dwelling	0.3	Per dwelling
All other uses	0.005	Per net sqm floor area of building

**4.0 Application requirements and decision guidelines for permit applications**--/---  
Proposed  
C309

The following application requirements apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A car parking demand assessment, which investigates the current usage patterns, of all parking facilities within a 400m radius of the site, including daytime, evening and nighttime occupancy rates.

The following decision guidelines apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides parking facilities for bicycles and motorcycles.
- Whether the development provides infrastructure or programs to incentivise the use of transport modes other than private cars within the development.
- The extent to which the development provides for a car parking arrangement on site which could be adapted to allow for other uses of car parking areas in future.

**5.0 Financial contribution requirement**

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Proposed  
C309

None specified.

**6.0 Requirements for a car parking plan**

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Proposed  
C309

In addition to the requirements of Clause 52.06-8, a car parking plan must contain the following:

- An indicative car park management framework detailing how communal car parking facilities will operate to facilitate shared use arrangements.

**7.0 Design standards for car parking**

---  
Proposed  
C309

In addition to the Design Standards of Clause 52.06-9, car parking facilities must be designed in accordance with the following Design Standards:

- Car parking spaces designated for disabled permit holders, delivery vehicles and car share vehicles must be provided in the most convenient location for each user group
- Security systems must be designed to cater to 24-hour access to the car park by off-site users for a mixed use development and in the event that a car park within a residential development is made publicly accessible in future, without compromising the security of the main building.
- Any facility proposed with fewer than 50 car parking spaces must prioritise provision of spaces for disabled parking, car share scheme vehicles, motorcycles and bicycle facilities designed in accordance with the requirements of Clause 52.34.
- Where a facility is proposed with 50 car parking spaces or more, the design, layout (including secure areas) and marking must allow for:
  - At least 5% of the total number of car parking spaces must be set aside for use by irregular visitors to the building including service and delivery vehicles;
  - At least 5% of the total number of car parking spaces must be set aside for use by people with a disability.
  - At least 5% of the total number of car parking spaces must be set aside for the storage of car share scheme vehicles.
  - The remaining 85% of spaces must be capable of being converted to publicly accessible car parking spaces in the event that they are not required by residents/users of the development, and separate permission is obtained under the zone (if required) to use the land for a Car Park.

**8.0 Decision guidelines for car parking plans**

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Proposed  
C309

The following decision guidelines apply to car parking plans under Clause 45.09, in addition to those specified in Clause 45.09, and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The safety and convenience of pedestrians moving to, from and within the car parking facility, including lighting levels, surveillance systems, signage, ease of orientation and visibility.
- Whether any new vehicular access points are limited to the minimum size necessary to facilitate the safe access requirements of the development.
- Any impacts posed by the number, width, location and design of new vehicular access points on the safety and quality of the pedestrian environment, pedestrian amenity and kerbside space for outdoor seating areas.

- Any impacts posed by the number, width, location and design of new vehicular access points on the cycling, public transport networks and traffic movement. This includes the impact of car park access points on existing bicycle infrastructure, public transport infrastructure, on-street parking and loading and unloading facilities.
- The extent to which the proposed access points would conflict with any proposal to limit or prohibit traffic in certain roads.

**9.0 Reference document**

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Proposed  
C309

- *West Melbourne Car Parking Plan February 2018*

18/10/2018  
C346melb  
Proposed  
C309

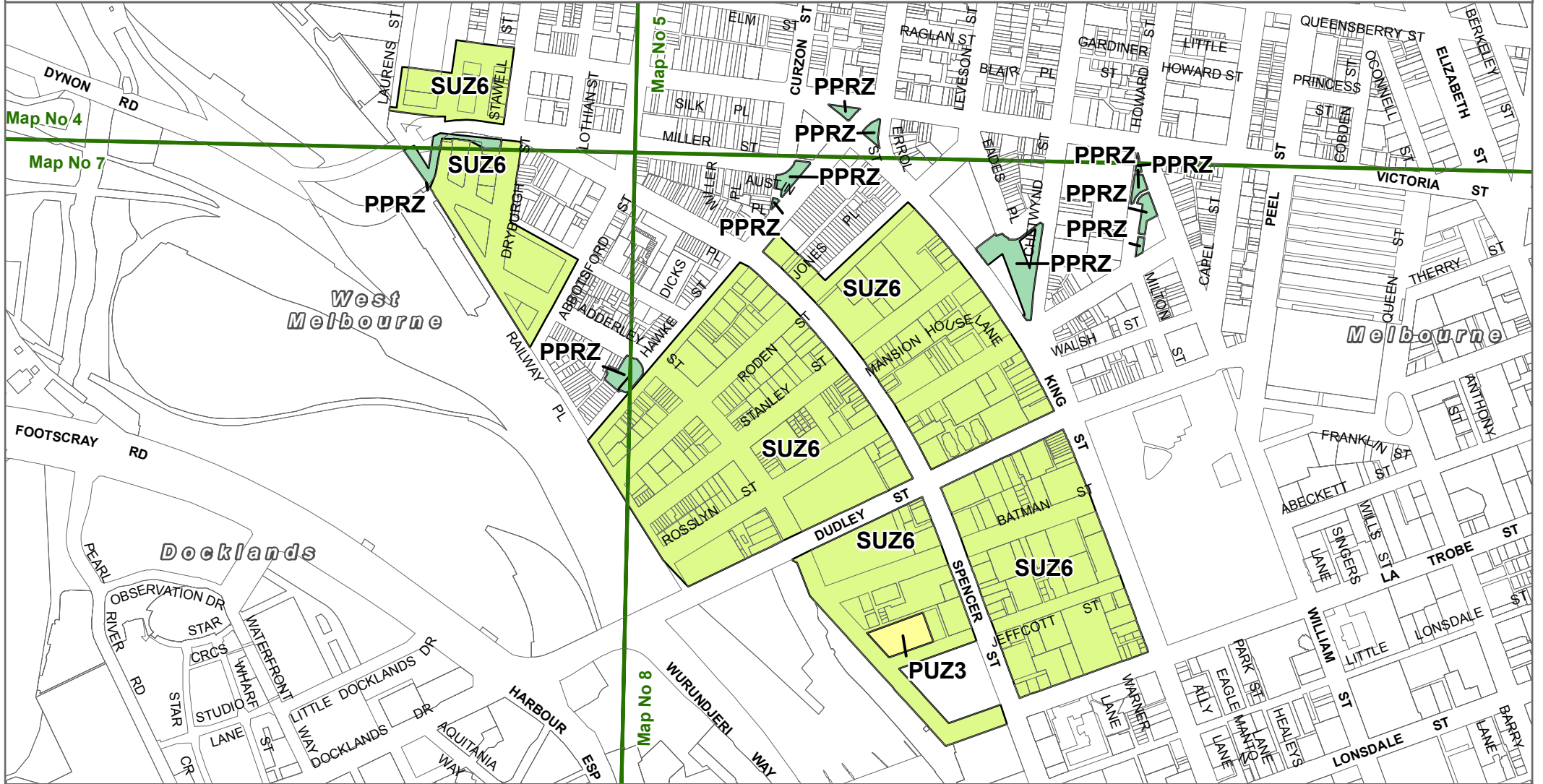
## SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

### 1.0

#### Maps comprising part of this planning scheme:

18/10/2018  
C346melb  
proposed  
C309

- 1, 1HO, 1SBO, 1PO.
- 2, 2CLPO, 2DDOPT3, 2 ESO, 2HO, 2SBO, 2PAO.
- 3, 3HO, 3LSIO, 3PAO, 3PO.
- 4, 4CLPO, 4DCPO, 4DDOPT1, 4DDOPT3, 4DPO, 4EAO, 4ESO, 4HO, 4IPO, 4LSIO, 4PAO, 4SBO, 4PO.
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- 6, 6ESO, 6LSIO.
- 7, 7CLPO, 7DDOPT1, 7DDOPT3, 7DPO, 7EAO, 7ESO, 7HO, 7ICO, 7LSIO, 7PAO, 7SBO, 7PO.
- 8, 8CLPO, 8DDO1, 8DDO2\_14\_62, 8DDO3, 8DDO4, 8DDO5, 8DDO6, 8DDOPT1, 8DDOPT2, 8DDOPT3, 8DDOPT7, 8DDOPT8, 8DDO10, 8DPO, 8EAO, 8ESO, 8HO, 8HO1, 8HO2, 8IPO, 8LSIO, 8PAO, 8RXO, 8SBO, 8PO.
- 9, 9CLPO, 9DDOPT1, 9ESO, 9HO, 9LSIO, 9PAO, 9SBO, 9PO.
- 10, 10ESO.
- 11, 11DDOPT1, 11DDOPT2, 11DDOPT3, 11DDOPT7, 11EAO, 11ESO, 11HO, 11LSIO, 11RXO, 11PO.

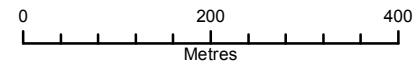


- LEGEND**
- PPRZ - Public Park and Recreation Zone
  - PUZ3 - Public Use Zone-Health & Community
  - SUZ - Special Use Zone
  - Local Government Area

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Environment,  
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 and Planning

Part of Planning Scheme Maps 4, 5, 7 & 8









MELBOURNE PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C309**



**LEGEND**

-  D-PO - Area to be deleted from a Parking Overlay
-  Local Government Area

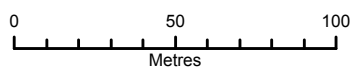


Part of Planning Scheme Map 4PO

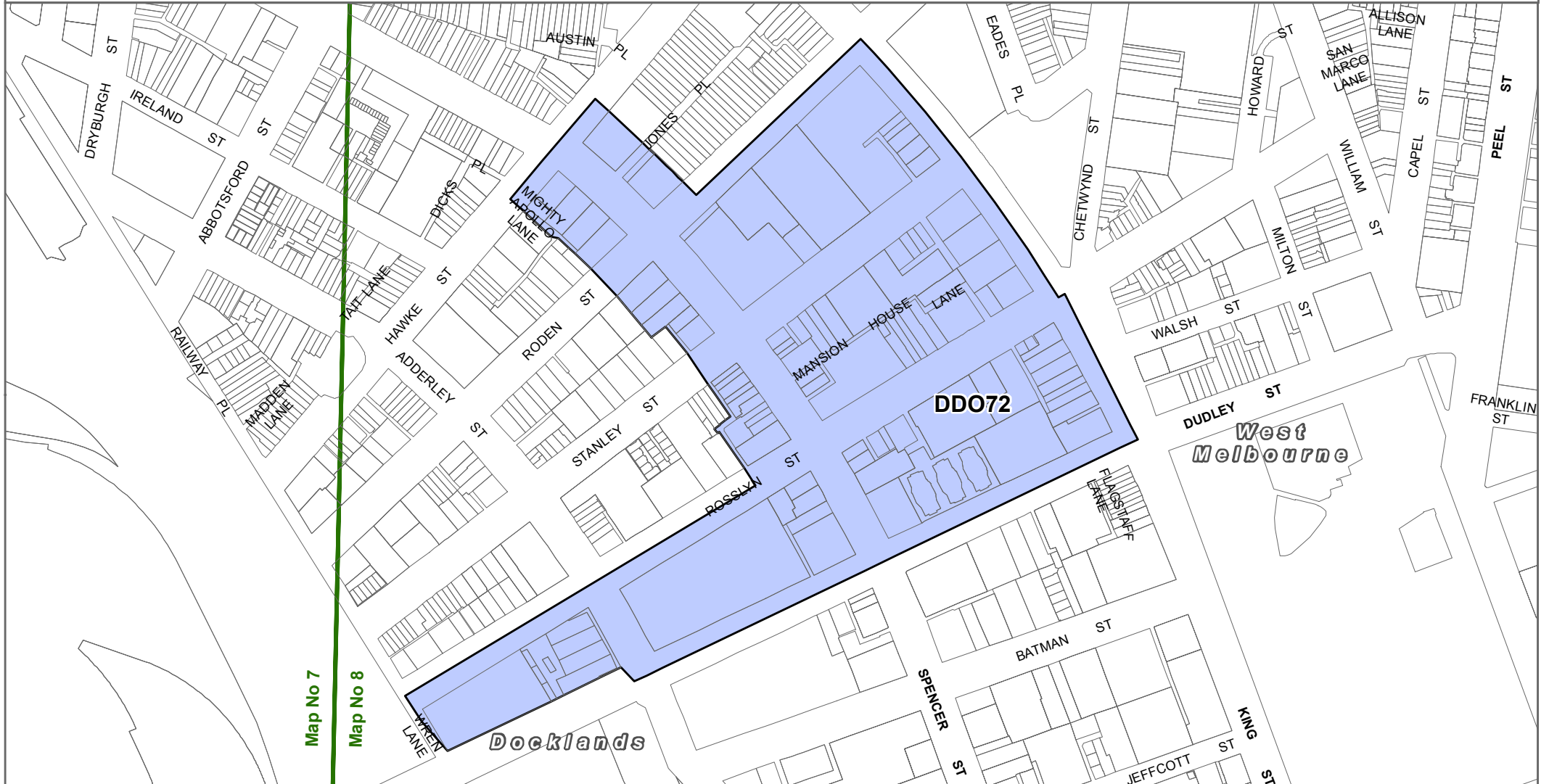
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**LEGEND**

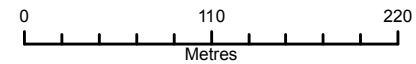
- DDO72 - Design and Development Overlay - Schedule 72
- Local Government Area

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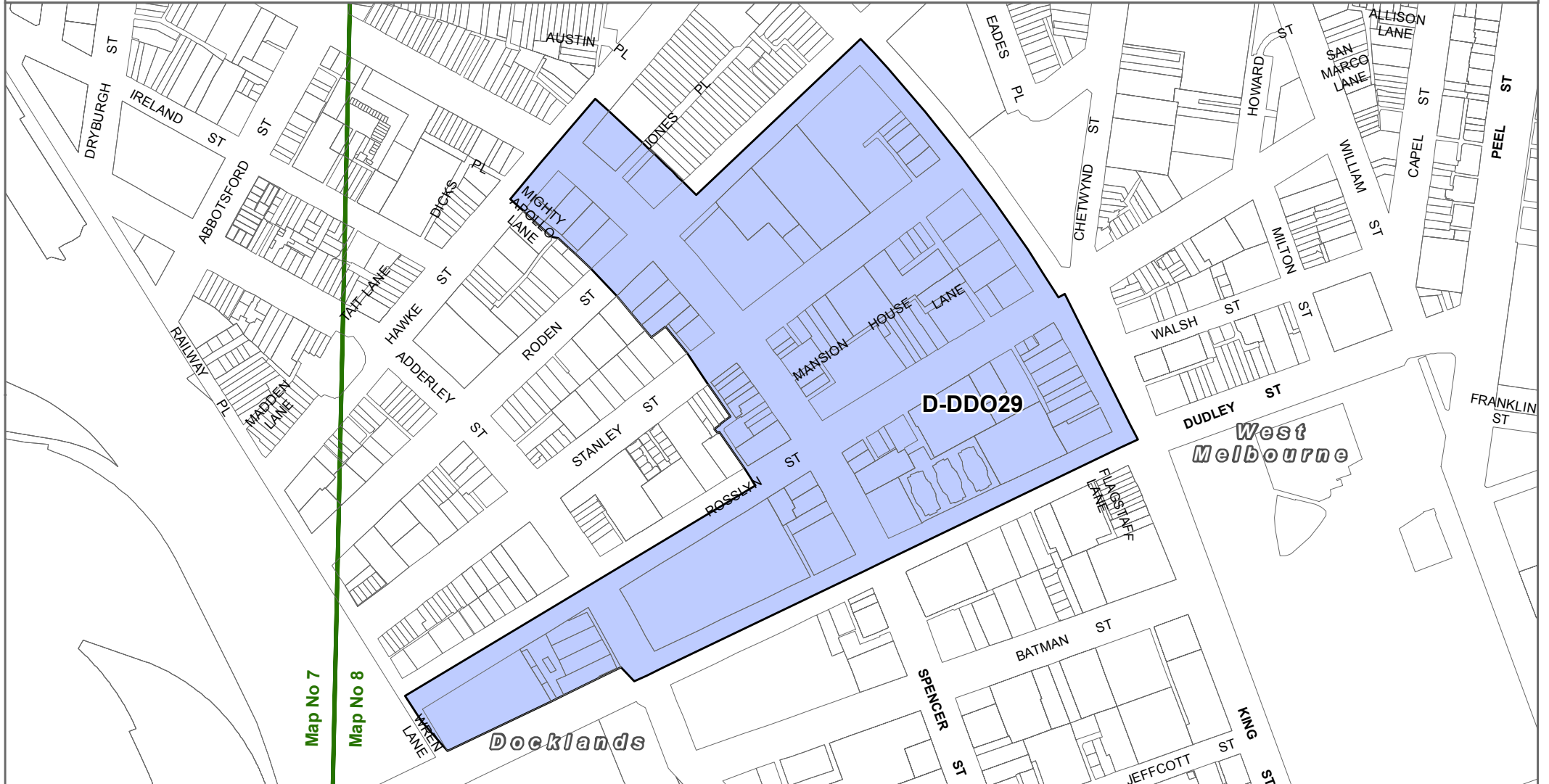
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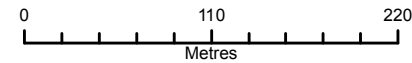
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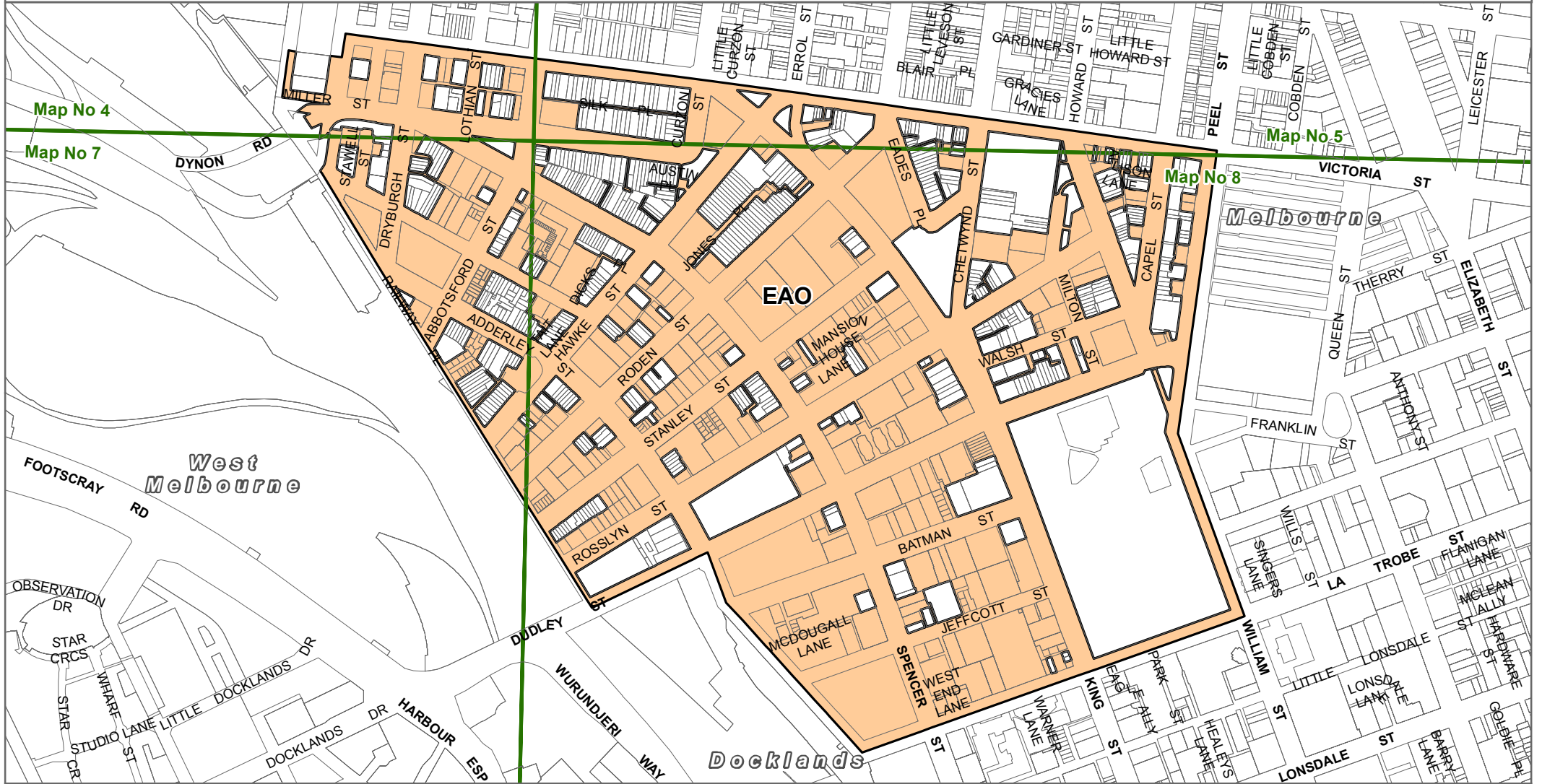
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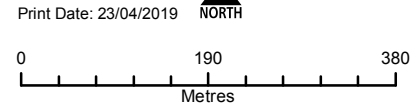


- LEGEND**
-  EAO - Environmental Audit Overlay
  -  Local Government Area

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Planning Group Part of Planning Scheme Maps 4EAO, 5EAO, 7EAO & 8EAO  
 Print Date: 23/04/2019



REPORT

# Amendment C309 - West Melbourne Structure Plan

## Preliminary Land Contamination Assessment

Submitted to:



Submitted by:

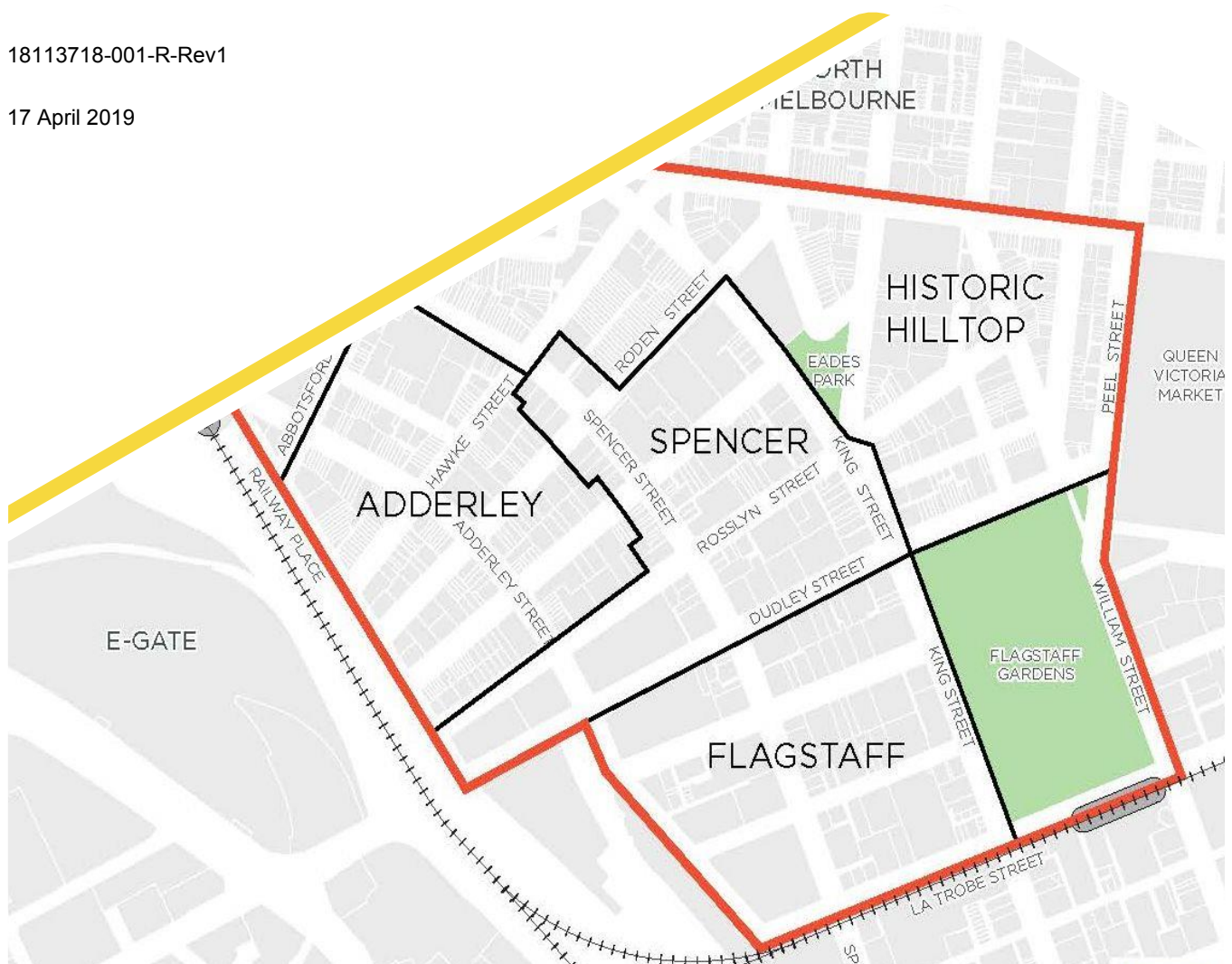
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## 1.0 INTRODUCTION

City of Melbourne (Council) engaged Golder Associates Pty Ltd (Golder) to undertake a preliminary land contamination assessment of the area forming Amendment C309 – West Melbourne Structure Plan. The works have involved the assessment for potential contamination of approximately 955 properties within the West Melbourne Structure Plan (the study area) (Figure 1).

## 2.0 BACKGROUND

The West Melbourne Structure Plan 2018 was endorsed by the Future Melbourne Committee on 6 February 2018. Planning Scheme Amendment C309 (West Melbourne Structure Plan) is proposed to make changes to the Melbourne Planning Scheme in accordance with the Structure Plan including the rezoning of many sites within the study area.

Due to study area's industrial past and in some cases its current industrial use, as part of Planning Scheme Amendment C309, Council seeks to apply an Environmental Audit Overlay (EAO) to the entire Structure Plan area to satisfy itself that the existing contamination status of all land within the Structure Plan area is suitable for the sensitive land uses which are allowed under the rezoning.

Council (8 October 2018) subsequently sought advice from Environment Protection Authority (EPA) regarding the proposed approach to application of the EAO over the entire Structure Plan area. The EPA provided advice to Council on 19<sup>th</sup> October 2018 which is included as Appendix A. Among other things the EPA letter states:

- *“By proposing the application of the EAO, it should be assumed that the planning authority has made an assessment that the land is potentially contaminated, and is unlikely to be suitable for a sensitive use without more detailed assessment and remediation works or management.”*
- *“EPA does not support the blanket placement of an EAO on a broad area, particularly with established sensitive-use land without sufficient justification.”*
- *“The EAO should not be applied to land which has already been subject to an environmental audit, where a Certificate of Environmental Audit is issued or if a Statement of Environmental Audit is issued and the conditions contain minimal restrictions or the conditions have been complied with.”*
- *“Prior to approval of the amendment, EPA considers it appropriate that some form of assessment to determine the risk of contamination on a site by site basis to determine if the EAO is appropriate for that site. “*
- *“EPA acknowledges whilst there may be precinct wide contamination issues, there must be an assessment process to justify the application of the EAO.”*

Given the EPA advice, Council decided to proceed with public exhibition of Amendment C309 (commenced on Thursday 22 November 2018) with the proposed application of an EAO over the entire Structure Plan area but to procure the additional advice recommended by EPA regarding an assessment of the potential contamination status of the land within the Structure Plan (this report). This additional advice would then be used to inform Council's response to any submissions received during the public exhibition of Planning Scheme Amendment C309 and to assess whether any properties should be removed from the Environmental Audit Overlay as exhibited. The public exhibition closed on 5<sup>th</sup> February 2019.

### 3.0 PROJECT OBJECTIVE

The primary purpose of this project is to undertake an assessment of each property within the West Melbourne Structure Plan area to identify the risk of the site being potentially contaminated and based on that risk to make a recommendation whether the site should have an EAO applied.

### 4.0 APPROACH

#### 4.1 Overall Approach

We understand that Council's approach to Amendment C309 and the proposed application of the EAO can be summarised as follows:

- a) Council seeks to apply the EAO to the entire structure plan area, not just the land that is proposed to be rezoned SUZ6;
- b) In respect of the decision to apply the EAO, we understand that Council is motivated by the industrial legacy of the precinct and the absence of appropriate planning tools that recognise this, and the population growth and intensification of sensitive uses contemplated by the Structure Plan.

The application of the EAO is one of the key considerations associated with the rezoning of industrial precincts. Council needs to carefully consider its obligations under Ministerial Direction No. 1 whilst balancing the interests of development of the City to aid the social and economic prosperity of its community.

Under the requirements of Ministerial Direction No.1 - Potentially Contaminated Land (amended 2001) , *"in preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use."*

Ministerial Direction No.1 - Potentially Contaminated Land defines *"potentially contaminated land"* as *"land used or known to have been used for:*

- c) *industry,*
- d) *mining, or*
- e) *the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land)."*

The definition in Ministerial Direction No.1 - Potentially Contaminated Land is confined to an assessment of the use of the site itself.

A broader definition is provided in the Potentially Contaminated Land Practice Note (DSE 2005) which uses the Ministerial Direction No. 1 – Potentially Contaminated Land definition but also *"deals with land that may have been contaminated by other means such as by ancillary activities, contamination from surrounding land, fill using contaminated soil or agricultural uses."* This requires an assessment of subsoil or groundwater contamination transport from adjoining properties on to a site which could impact on the site contamination status and potentially impact upon the suitability of the site for a sensitive use.

In line with the definition of potentially contaminated land in Ministerial Direction No.1 - Potentially Contaminated Land, the screening assessment sought to use available historical information and a site inspection to establish where past industrial use had taken place and in particular the industrial uses set out in the Potentially Contaminated Land Practice Note (DSE 2005) indicating a "High potential for contamination" (refer Table 1,DSE 2005). Sites where there has been no history of industrial use, especially those that can

be shown to have a documented long history of residential use, are considered to represent a low risk of contamination.

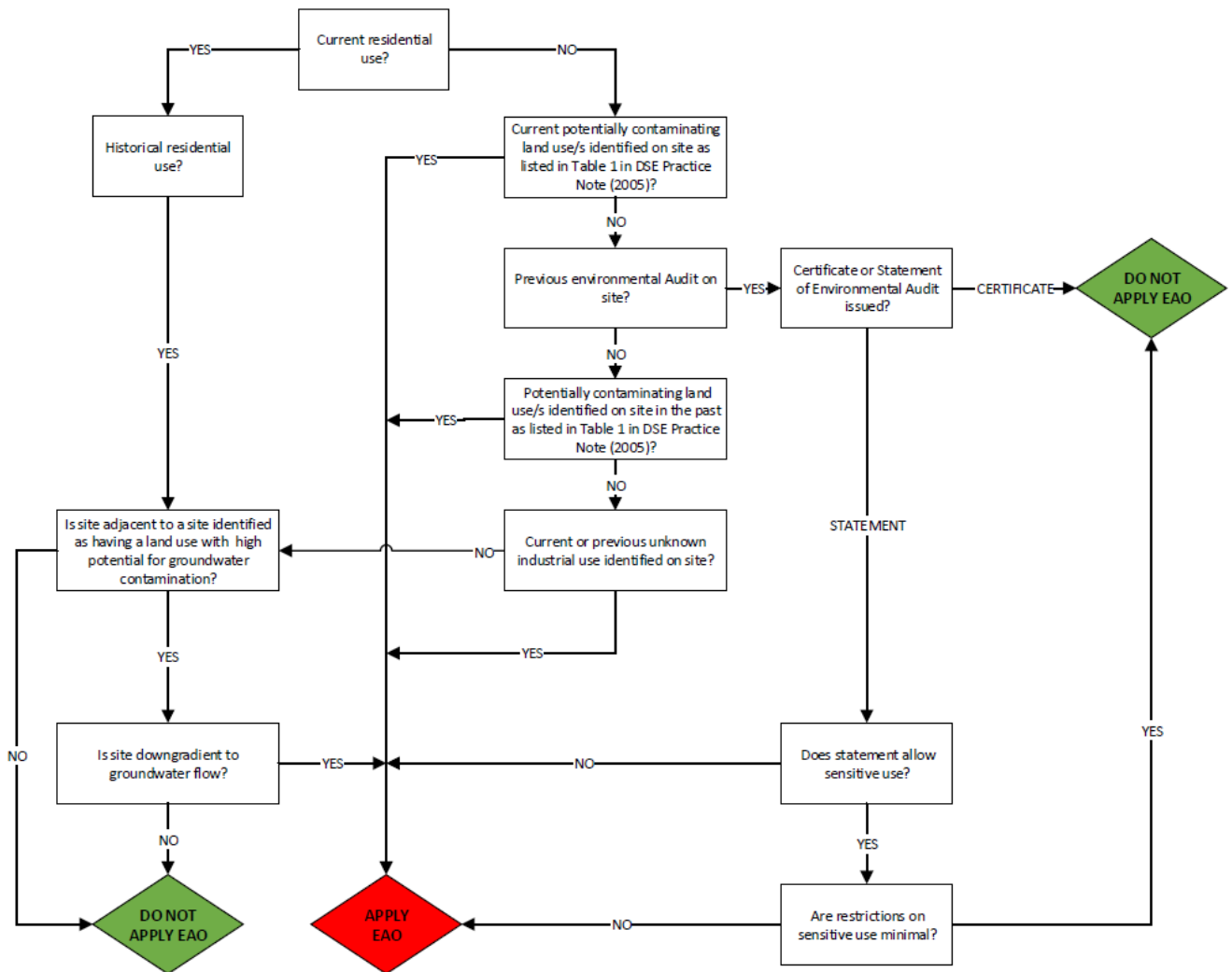
In considering the potential for contamination at a site, the methodology adopted was a screening assessment whereby a review of information was undertaken only to the point where the potential for contamination to exist was established or not. The methodology did not seek to prove whether or not contamination existed but only to establish whether or not there was the potential for contamination. In accordance with the Potentially Contaminated Land Practice Note (DSE 2005), a full contamination site assessment is not required to be undertaken by Council to assess the application of an EAO. The approach adopted was that where there was some evidence to indicate that the site could have been used for industrial purposes and be potentially contaminated, a conservative position regarding the application of the EAO was taken.

In undertaking this approach, the burden of proof for confirming whether or not the site is contaminated lies with the landowner and not with Council. It is Council's obligation as the Responsible Planning Authority to satisfy itself regarding the suitability of the contamination status of the site should the site be redeveloped for a sensitive use but it is the landowner's responsibility to provide the information for Council to make that assessment.

The sites were also assessed in context of their surrounds to evaluate the risk that adjacent potentially contaminated sites could impact upon the contamination risks of an otherwise low contamination risk site which is consistent with the Potentially Contaminated Land Practice Note (DSE 2005). Such risks posed by adjacent potentially contaminated sites include migration of contamination via groundwater or vapour.

Those sites within the precinct which have already been subject to an Environmental Audit were also assessed to confirm whether residual contamination remains at the site warranting the need for further management or action should the site be used for a sensitive use.

The decision process used is shown in Figure A below.



**Figure A: Contamination Risk Screening and EAO Decision Process**

Each of the sites was assessed using this methodology. There were only two recommendations considered:

- a) application of an EAO for the sites where there is potential for contamination on site or evidence for potential contamination from an adjacent site; or
- b) no application of an EAO for the remaining sites.

A recommendation was made for each site.

The methodology and scope used to implement the decision process shown in Figure A can be summarised generally as follows:

- Step 1 – Visual Inspection of each property
- Step 2 – Research Historic Land Use including review of Environmental Audits
- Step 3 – Assessment of Contamination Risk
- Step 4 – Consider the potential for groundwater contaminants to migrate from adjoining properties and create a high risk of contamination impact upon the property.

These steps are further described below in Section 5.0.

## 4.2 Review of Approach with regard to Environment Protection Amendment Act 2018

It is understood that the *Environment Protection Amendment Act 2018* (the EP Amendment Act), intended to take effect from 1 July 2020 will introduce some changes to the way Environmental Auditors can consider potentially contaminated land prior to redevelopment to sensitive uses. It is understood by Golder that the EP Amendment Act will continue to include provisions for statutory Environmental Audits. The issues that need to be considered regarding the impacts of contamination on future land uses is not likely to be significantly changed as a result of the EP Amendment Act. Therefore the methodology adopted for this report is considered likely to remain relevant beyond July 2020 in undertaking an initial assessment of the potential for contamination.

Additional mechanisms will be introduced for the assessment of potentially contaminated land under the EP Amendment Act with the introduction of the Preliminary Risk Screen Assessment (PRSA) process. The PRSA is intended to be a decision making tool to enable an Environmental Auditor to assess the likelihood that land is contaminated and determine if it is necessary to proceed to a statutory Environmental Audit. At this stage supporting information on the PRSA process is not generally available.

It is unclear how the PRSA will be integrated into the Victorian Planning Provisions and specifically the EAO. Currently there is no alternative to conducting an Environmental Audit on land subject to an EAO. We do not know if it is intended to modify the EAO provisions to reference the PRSA tool. Similarly it is unclear if any modifications to Ministerial Direction No. 1 or the associated Practice Note are proposed in response to the provisions of the EP Amendment Act.

## 5.0 ASSESSMENT

### 5.1 Site Inspection

Golder undertook a street walk-by inspection of each of the 955 properties. None of the properties were entered as part of the inspection. At each site, Golder recorded details including:

- Current property use;
- Visual signs of a breather pipe which could indicate the potential presence of an Underground Storage Tank;
- Any other evidence of potentially polluting activities.

In addition, Golder took a photo of each site to help confirm the site being assessed. This information where relevant has been included on the property sheets provided in Appendix D.

### 5.2 Information Review

#### 5.2.1 Data Sources

To assess the potential for contamination on each property, Golder undertook a screening contamination assessment using the data sources outlined in Table 1.

**Table 1: Data Sources used for EAO screening assessment**

Source	Type of Information Assessed
Current Aerial Photographs	Current aerial photographs (May 2018) were sourced from Nearmap Pty Ltd. The current aerial photographs were used in conjunction with visual observations of the property from a site walkover to assess the current land use of each property.
Historical Aerial Photographs	Historic aerial photographs were sourced from DELWP for 1968/69 and 1987 to assist in identifying industrial type buildings on sites and to confirm areas which remained residential.
Mahlstedt fire insurance maps (CBD 1923-25)	Mahlstedt fire insurance maps (CBD 1923-25) provide additional information on some of the earlier uses of the property
MMBW historic maps	MMBW Maps (1895) were sourced from the State Library of Victoria. The maps were used to assess the presence of early residential use as well as early industrial use on each property.
West Melbourne Heritage Review Appendix 2 (May 2016)	This heritage review has important information regarding the history of some of the sites.
Sands & McDougall business directories	Historic property information was sourced from the 1929, 1935, 1942, 1960 Sands and MacDougall street directories. It is noted that there is inherent uncertainty with this information as over time property numbers have changed and the direction of property number has also varied.
City of Melbourne Interactive Map (2019)	Information on properties including: Property identification number, and construction and refurbishment information.
Publicly available Melbourne Street Directories	Yellow Pages (1990) and Urban Business Directories 1975/6 and 1984) provide additional information on earlier uses of the property.
Internet searches	Internet searches, such as Google Maps and real estate listings, were conducted to assess the current or recent use of each property.
EPA Audits (Section 53X statements/certificates and Section 53V audits <sup>1</sup> )	EPA Audits provide useful background data regarding the contamination status of surrounding sites. A review of EPA Audit reports within the precinct was undertaken to provide additional supporting information for this assessment as well as information on the Audited site itself.
EPA Groundwater Quality Restricted Use Zones	A GQRUZ is an area of restricted groundwater use usually declared by EPA following completion of a Section 53X Audit of a site. The GQRUZ indicates an area of groundwater contamination from the audited site which is polluted and hence potentially restricts the ability of owners within the GQRUZ to use groundwater.

1 – Golder notes that only recent s53V audits are publicly available.

## 5.2.2 Assessment of Property Contamination Risk

Using the site inspection information and the information summarised above, each property was assessed using the decision framework shown in Section 4.1. The information used for each property and details of that information and the assessment made for each property in according with the decision framework are provided in the Property Sheets that have been provided for each property in Appendix D.

When assessing the current and past industrial uses of a site, the uses were initially assessed against those indicated in the DSE Practice Note (2005) with a High potential for contamination as reproduced in Table 2.

**Table 2: Land Uses with high potential for Contamination (DSE 2005)**

Land Uses with High Potential for Contamination		
Abattoir	Dry Cleaning	Pest control depots
Abrasive blasting	Electrical/electrical components manufacture	Printing shops
Airport	Electricity generation/power	Pulp or paper works
Asbestos production/disposal	Station Electroplating	Railway yards
Asphalt Manufacturing	Explosives Industry	Shooting or gun clubs
Automotive repair/engine works	Fibreglass reinforced plastic manufacture	Scrap metal recovery
Battery manufacturing/recycling	Foundry	Service station/fuel storage
Bitumen Manufacturing	Fuel storage depot	Sewerage Treatment Plant
Boat building/maintenance	Gasworks	Ship building/breaking yards
Breweries/distilleries	Glass Manufacture	Shipping facilities - Bulk
Brickworks	Iron and steel works	Stock dipping sites
Chemical Manufacturing/storage/blending	Landfill sites/waste depots	Spray painting
Cement Manufacture	Lime works	Tannery (and associated trades)
Ceramic Works	Metal Coating	Textile operations
Coke Works	Metal finishing and treatments	Timber preserving/treatment
Compost Manufacturing	Metal smelting/refining/finishing	Tyre manufacturing
Concrete Batching	Mining and extractive industries	Underground storage tanks
Council Work Depot	Oil or gas production/refining	Utility depots
Defence Works		Waste treatment/incineration/disposal
Drum Re-conditioning Facility		Wool scouring

Where the types of uses outlined in Table 2 were identified currently or in the past, then these properties were screened for application of an EAO in line with the Practice Note (DSE 2005). For properties where historical aerial photographs, current building types or other information such as the names of industries which have been present on site indicated the past industrial use is likely to have occurred but the activities as part of that use were uncertain, these too were screened for application of an EAO in line with Ministerial Direction No. 1 due to past Industrial Use.

Sites that were confirmed through site inspection and reference to the 1895 MMBW historic maps and other historic information as always having been used for residential were also identified as well as other sites where no industrial use could be identified either currently or in the past. These two categories of property initially screened as not requiring an EAO subject to a review of the potential for contamination from an adjacent site. The remaining category of properties comprising sites that have been subject to an Environmental Audit were also subject to further review as set out in the decision framework (Figure A).

Table 3 below summarises the number of properties in each of the initial screening categories.



**Table 3: Summary of the Number of Properties in Each Decision Category**

Screening Criterion Category	No. of Properties in Category	Screening Outcome
Properties identified with a current industrial use as listed in Table 1 of the Potentially Contaminated Land Practice Note (DSE, 2005)	39	Apply EAO
Properties identified with a previous industrial use as listed in Table 1 of the Potentially Contaminated Land Practice Note (DSE, 2005) (excluding those which have been subject to Audit)	89	Apply EAO
Properties identified with a previous industrial use of unknown type	124	Apply EAO
Properties identified with a Section 53X Environmental Audit already completed.	23*	Further Assess Audit Outcome
Properties identified as being used for residential use over their entire period of development	496	Do Not Apply EAO subject to review of adjacent site risk
Remaining Properties where no current or previous industrial use has been identified	173	Do Not Apply EAO subject to review of adjacent site risk
<b>Total Number of Properties</b>	<b>944</b>	

\*Note that there have been 21 Section 53X Environmental Audits completed within the study area on 23 properties but two of the audits are for multiple properties and one property has been reaudited.

As indicated in Table 3, further review of the Environmental Audit outcomes and the risk of adjacent site contamination on those properties where a current or past industrial use has not been identified was required to finalise the recommendation of whether to apply an EAO in accordance with the decision framework (Figure A). These further reviews are summarised below.

## 5.3 Review of Sites with Environmental Audits

### 5.3.1 Overall Review

As indicated in Table 2, 21 Environmental Audits were identified within the Structure Plan area for which a Certificate of Environmental Audit or Statement of Environmental Audit has been issued in accordance with Section 53X of the Environment Protection Act 1970. The 20 Environmental audits covered 23 sites with the study area as two of the Audits were for multiple sites as shown in Table 4.

**Table 4: Environmental Audits covering Multiple Properties**

Environmental Audit EPA CARMS Number*	Date Audit Issued	City of Melbourne Property Number**	Address
52659-2	27-Jun-07	623961	48 Jeffcott Street
		623962	4 Boughton Place
		623963	6 Boughton Place
32617-1	27-Oct-97	108133	90-98 Railway Place
		111367	243 Adderley Street

**Notes:**

\*The EPA CARMS number is the number used by EPA to identify Environmental Audits. It has been used here to maintain consistency in identification of the Environmental Audits being referred to.

\*\* The City of Melbourne Property Number is the number provided by the City of Melbourne to describe each property assessed as part of this study.

In addition, Property Number 7808 at 220 Dudley St was issued with a Statement of Environmental Audit for commercial use in August 1998 (EPA CARMS 135724-1). The property was subsequently reaudited under the address of 185 Rosslyn St and issued with a Statement of Environmental Audit for high density residential use in March 2018 (EPA CARMS 173804-1). The latter Audit has been used in this assessment as the earlier Audit has been superseded.

A review of the 20 Environmental Audits showed that all 20 resulted in the issue of a Statement of Environmental Audit for restricted sensitive uses limited to either medium or high density residential use. In issuing a Statement of Environmental Audit rather than Certificate of Environmental Audit, the Environmental Auditor has assessed that there is residual contamination at the site which may restrict the site's use for any beneficial use and hence for any sensitive use such as unrestricted residential use (ie residential use with no management requirements).

EPA in its letter to Council (Appendix A) indicates that:

*“The EAO should not be applied to land which has already been subject to an environmental audit, where a Certificate of Environmental Audit is issued or if a Statement of Environmental Audit is issued and the conditions contain minimal restrictions or the conditions have been complied with.”*

These considerations have been further assessed in the sections below.

### 5.3.2 Review of Statement Conditions on Use

Each of the 20 Statements of Environmental audit were reviewed including the supporting reports as required. Table 5 summarises each Audit, the most sensitive allowable uses and the conditions on that use.

Table 5: Summary of Sites with Environmental Audits

GIS ID Number	CARMS Number	Date Issued	Address	Land Use with the Potential for Contamination	Statement or Certificate	Most sensitive allowable land use	Statement Conditions
8312	27071-1	19-Sep-95	33 Jeffcott Street	Foundry	Statement	Medium density residential	Site is suitable for the proposed development, but residual contamination remains.
5299	30816-1	22-Jan-97	449-455 King St	Service station/fuel storage	Statement	Medium density residential	Separation layer of concrete or clean soil with excavation below 1 m to be controlled by a management plan
7732	31390-1	02-Jun-97	9 Roden Street	Underground storage tanks	Statement	Medium density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan
9175	41367-1	23-Mar-00	10-22 Laurens Street	Medium - other industrial - biscuit factory	Statement	Medium density residential	Separation layer of concrete with excavation below the separation layers to be controlled by a management plan
8307	62990-1	29-Oct-08	50-64 Jeffcott Street	Old car park	Statement	High density residential	Groundwater must not be extracted for the beneficial uses of stock watering and primary contact recreation
6572	63014-1	02-Apr-08	212 Roden Street	Iron and steel works	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan
8541	63015-1	31-Mar-08	86-90 Ireland Street	Tannery (and associated trades)	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan
6571	63691-1	16-Sep-08	220 Roden Street	Storage and distribution	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan
7039	44867-2	05-Dec-01	37-49 Rosslyn Street	Printing Shops	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan
7749	46022-1	20-Jul-01	61-63 Stanley Street	lighting supplier / wholesale furniture	Statement	High density residential	Separation layer of concrete with excavation below the separation layer to be controlled by a management plan
9176	46312-1	03-Aug-01	3-5 Anderson Street	Medium - other industrial - biscuit factory	Statement	High density residential	Separation layer of concrete with excavation below the separation layer to be controlled by a management plan
13290, 13292 and	52659-2	27-Jun-07	48 Jeffcott Street, 4 Boughton Place	Underground storage tanks	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan

GIS ID Number	CARMS Number	Date Issued	Address	Land Use with the Potential for Contamination	Statement or Certificate	Most sensitive allowable land use	Statement Conditions
13291			and 6 Boughton Place				
6693	66412-2	30-Aug-13	621-643 King Street	Service station/fuel storage	Statement	Unrestricted residential	Separation layer of 1 m of clean soil in garden areas to be managed.
6695	68546-1	21-Dec-12	141-149 Roden Street	Service station/fuel storage	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan
7771	69010-2	04-Sep-13	479-485 Spencer St	Service station/fuel storage	Statement	High density residential	Groundwater contamination requires monitoring and management according to a management plan
7493	58989-1	22-Dec-16	404-418 Spencer St	Dry Cleaning	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan. Installation of a vapour mitigation system and management via a management plan
6560 and 8280	32617-1	27-Oct-97	90-98 Railway Place and 243 Adderley Street	Service station/fuel storage	Statement	Medium density residential	Separation layer of concrete and 0.5 m of clean soil or 1 m of clean soil with excavation below the separation layers to be controlled by a management plan
8308	21866-1	11-Mar-94	16-30 Jeffcott Street	Service station/fuel storage	Statement	High density residential	Separation layer of 0.5 m clean soil over remaining contamination.
7446	43144-1	24-Nov-00	71-75 Capel Street	Filling (imported soil)	Statement	High density residential	Separation layer of concrete with excavation below the separation layer to be controlled by a management plan. All fill to be removed in landscape areas.
7808	73804-01 (replaced 35724-1)	28-Mar-18	185 Rosslyn St	Service station/fuel storage	Statement	High density residential	Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan. Management of vapour and groundwater ingress into potential basements is required.

The outlined conditions can be classed into 6 general categories as shown in Table 6 below.

**Table 6: Assessment of Environmental Audits covering Multiple Properties**

Most Onerous Environmental Audit Condition Type	No. of Audits in this Category	GIS ID Numbers in this Category	Assessment of Degree of Restriction on Use due to Conditions	Screening Outcome
Groundwater must not be extracted for the beneficial uses of stock watering and primary contact recreation	1	8307	Minimal condition as the use of the land is unrestricted.	Do Not Apply EAO
Site is suitable for the proposed development but residual contamination remains	1	8312	This is an early (1995) audit which restricts the suitability of the site to the specific development proposed at the time and does not allow other forms of sensitive use.	Apply EAO
Separation layer of concrete or clean soil of specified depth with excavation below the separation layers to be controlled by a management plan	15 (19 Properties)	5299, 7732, 9175, 6572, 8541, 6571, 7039, 7749, 9176, 13290, 13292, 13291, 6693, 6695, 6560, 8280, 8308, 7446, 7808	This is the most common condition within the study area put in place to manage residual contamination below the surface of the site. The condition requires ongoing management and hence creates a restriction	Apply EAO
Groundwater contamination requires monitoring and management according to a management plan	1	7771	The condition places a groundwater monitoring obligation on the owner.	Apply EAO
Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan. Installation of a vapour mitigation system and management via a management plan	1	7493	These conditions restrict the type of sensitive use that can be built due to residual contamination.	Apply EAO
Separation layer of concrete or 0.5 m of clean soil with excavation below the separation layers to be controlled by a management plan. Management of vapour and groundwater ingress into potential basements is required.	1	7808	These conditions restrict the type of sensitive use that can be built due to residual contamination	Apply EAO

As shown in Table 6, Golder has assessed that only one of the Environmental Audits has resulted in restrictions on the site's use for sensitive uses as "minimal" in line with EPA's advice (Appendix A). This is for Property 8307 at 50-64 Jeffcott Street where the only condition is on the use of groundwater which does not affect the use of the land itself.

The conditions on the remaining 19 Statements affecting 22 properties are considered to restrict the use of the land for sensitive uses by generally requiring ongoing maintenance of a separation layer of concrete or soil to

restrict contact between site users and the remaining underlying contamination or more onerous conditions such as groundwater monitoring or implementation of vapour management. This illustrates that contamination remains on site requiring management for the site to be suitable for sensitive uses. As such, an EAO is appropriate for these sites because a more sensitive use such as unrestricted residential use would require further assessment, remediation or management actions at the site.

## 5.4 Assessment of Potential Impact from offsite Sources

### 5.4.1 Approach

Sites where there has been no history of industrial use identified, especially those that can be shown to have a documented long history of residential use, generally represent a low risk of contamination and as such an EAO should not be applied. However, prior to finalising the recommendation of no EAO, these properties have been further assessed in context of their surrounds to consider whether an adjacent potentially contaminated site could impact upon the low risk property and impact on the assessed low risk of contamination. Such a consideration is consistent with the intent of the Potentially Contaminated Land Practice Note (DSE 2005) which considers Potentially Contaminated land as “..land that may have been contaminated by other means such as .... contamination from surrounding land.” It is noted that the Practice Note (DSE 2005) gives no guidance as to how assessment of impacts from surrounding land should be undertaken.

For the purposes of this assessment, Golder has considered that the risk of contamination posed by adjacent potentially contaminated sites would not be associated with soil contamination and would only be associated with migration of contamination via groundwater or potentially vapour but via a groundwater pathway. This is considered reasonable as soil impact would generally be contained to the impacted site unless there was significant erosion of soil from one site to another, slope failure and slumping on to the adjacent site or excavation and disposal of contaminated soil or waste on to an adjacent site. These mechanisms are possible but the extent to which they may have occurred in the past resulting in a change in the contamination risk profile of an adjacent low risk site is considered similar to the risk of a low risk site containing contaminated imported fill. Small amounts of contaminated fill are common on all inner urban sites in Melbourne due to its long industrial history. Hence, an increased risk of soil contamination from an adjacent site is not considered at this screening level of assessment to trigger the need for an Environmental Audit.

In undertaking this assessment, we note the recommendations of the recent *Panel Report for Moreland Planning Scheme Amendment C164, Brunswick Activity Centre former industrial land* dated 7 August 2018 where Golder proposed a similar methodology to assessing the risk posed by adjacent offsite potentially contaminated land on properties that otherwise represent a low risk. The Panel essentially concluded among other things that the otherwise low risk property:

- 1) does not meet the definition of potentially contaminated land under the provisions of Ministerial Direction No. 1 as it only applies to land that has been "used for industry, mining or for the storage of chemicals, gas, waste or liquid fuel";
- 2) is unlikely to be considered as potentially contaminated land under the Practice Note (DSE 2005) as the adjacent contaminated site was not known to be contaminated and the direction of groundwater flow has not been confirmed under the land;
- 3) has no history of the land ever being used for anything other than low risk uses;
- 4) could be required by Council to provide an environmental site assessment if development is proposed.

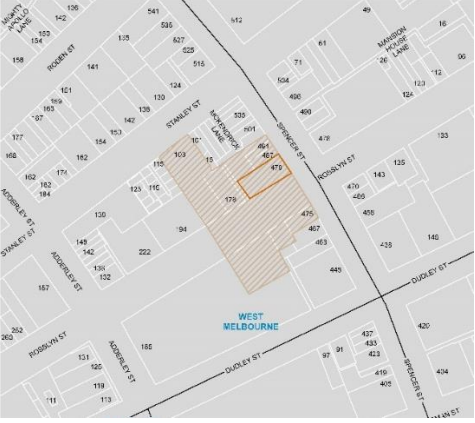

On the basis of the above conclusions, the process of assessment adopted in this review of an adjacent high contamination site impacting an otherwise low risk site and that site triggering the need for an EAO may not


be accepted by the Panel at a hearing should it be challenged. However, in our opinion, the Panel for Moreland Planning Scheme Amendment C164 relied on a narrow interpretation of the definition of 'potentially contaminated' provided in Ministerial Direction No.1 to exclude land from the EAO. The methodology adopted in this review is in our opinion reasonable for determining whether sites are 'potentially contaminated' in accordance with our understanding of the intent of the Practice Note (DSE 2005) in relation to adjacent contaminating sites.

### 5.4.2 Review of GQRUZs

In assessing the potential risk of contaminated groundwater associated with an adjacent use migrating offsite and impacting the contamination risk of a low risk site, in the first instance a review was undertaken of areas where EPA has declared a Groundwater Quality Restricted Use Zone (GQRUZ) resulting from an Environmental Audit. The GQRUZ indicates an area of groundwater contamination from the audited site which is polluted and hence potentially restricts the ability of owners within the GQRUZ to use groundwater. Three GQRUZs which have been declared within the study area are shown in Table 7.

**Table 7: Summary of Sites with Environmental GQRUZ**

Property Number CARMS Number Address	Map of Groundwater Quality Restricted Use Zone (Source: EPA Interactive Portal)
<p>7771 69010-2 479-485 Spencer St</p> <p><b>Legend:</b> Highlighted Area: Audit Site Shaded Area: GQRUZ</p>	
<p>7493 58989-1 404-418 Spencer St</p> <p><b>Legend:</b> Highlighted Area: Audit Site Shaded Area: GQRUZ</p>	

Property Number CARMS Number Address	Map of Groundwater Quality Restricted Use Zone (Source: EPA Interactive Portal)
7808 73804-01 185 Rosslyn St  <b>Legend:</b> Highlighted Area: Audit Site Shaded Area: GQRUZ	

It is noted that all three GQRUZs have an offsite component meaning the polluted groundwater from the site has migrated offsite. However, the EPA indicates on the GQRUZ declaration that the zone has been cleaned up to the relevant environmental standards as set out in the Environmental Audit but is still subject to restricted groundwater uses. As the EPA has declared that only the uses of groundwater are restricted within the zone, the impact on the use of adjacent land for sensitive uses is considered to be limited to the potential extraction and use of groundwater which is unlikely to occur to any significant extent in this area of urban Melbourne due to the availability of reticulated water. Given this, it is not considered that the existence of the three GQRUZs changes the contamination risk assessment of any of the adjacent sites overlying the GQRUZs.

### 5.4.3 Review of Other Potential Groundwater Polluting Sites

In further assessing the potential risk of contaminated groundwater impacting the contamination risk of an adjacent low risk site the following factors were considered in screening the remainder of the study area:

- The type of adjacent use and the likelihood of the presence of sufficient volumes of chemicals that could migrate via groundwater pathways and creating a potential vapour risk at the adjacent site or creating limitations around construction intersecting groundwater. In line with the descriptions provided in Table 2, such uses are considered to be:
  - Automotive repair/engine works
  - Bitumen Manufacturing
  - Chemical Manufacturing/storage/blending
  - Council Work Depot
  - Dry Cleaning
  - Electrical/electrical components manufacturer
  - Electroplating
  - Fuel storage depot
  - Gasworks



- Service station/fuel storage
- Tannery (and associated trades)
- Underground storage tanks

There are other sites on the list that could have groundwater contamination but in our experience these would typically be the main sources with more significant potential groundwater issues.

- The proximity of the potentially polluting site to the site being considered. Generally, only sites directly adjacent to the potential source site were considered to be potentially affected based on the likelihood of attenuation of the contamination as it moves away from the source;
- The likely direction of migration represented by the groundwater flow direction. Groundwater flow direction was estimated from surrounding information contained within the Environmental Audit reports.
- The age of the source. Uses that occurred early in the development of the area are less likely to be still be causing a potential impact to an offsite property compared to more recent sites.

Figure B1 in Appendix B illustrates the above review with the potential groundwater polluting sites highlighted as well as the potentially impacted sites being the immediately adjacent sites which would otherwise screen as low risk and No EAO would be applied. Also shown are the audit sites in the study area (CARMS No. shown) where groundwater depth and flow direction have been assessed.

Table B1 in Appendix B lists all of the potentially affected properties as shown in Figure B1 and provides an assessment of the risk of offsite impact from an adjacent source and the associated assessment of whether to apply an EAO to address this risk.

In summary of the 110 potentially affected properties adjacent to possible groundwater sources as listed in Table B1, seven have been assessed as being at potential risk from an adjacent offsite groundwater source and hence have been considered to require application of an EAO. These 7 are listed below in Table 8.

As outlined in Section 5.4.1, the methodology adopted for this adjacent site risk assessment has been developed by Golder for this review. Whilst the Practice Note (DSE 2005) notes that such a consideration should be made when considering whether to apply an EAO, no methodology or guidance is provided. In our opinion, the methodology adopted in this review is reasonable for determining whether sites are 'potentially contaminated' in accordance with our understanding of the intent of the Practice Note (DSE 2005) in relation to adjacent contaminating sites.

**Table 8: Summary of Properties Assessed as Having an Being Potentially Contaminated due to an Adjacent Contaminated Site**

Property Number	Address	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of property from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (CARMS)	Assessment of Risk	Screening Outcome
8784	117 Abbotsford Street	451-455 Victoria Street	Automotive repair/engine works	S	SW	63015-1	Site is located downgradient of potentially contaminating site	Apply EAO
7744	19 Stanley Street	17 Stanley Street	Automotive repair/engine works	SW	SW	46022-1	Site is located downgradient of potentially contaminating site	Apply EAO
6622	200 Stanley Street	161-167 Adderley Street	Automotive repair/engine works	SW	SW	63014-1	Site is located downgradient of potentially contaminating site	Apply EAO
8502	457-459 Victoria Street	451-455 Victoria Street	Automotive repair/engine works	SW	SW	63015-1	Site is located downgradient of potentially contaminating site	Apply EAO
6660	171 Roden Street	167-169 Roden Street	Automotive repair/engine works	SW	SW	63014-1	Site is located downgradient of potentially contaminating site	Apply EAO
7748	49-59 Stanley Street	31-47 Stanley Street	Automotive repair/engine works	SW	SW	46022-1	Site is located downgradient of potentially contaminating site	Apply EAO
7756	496-500 Spencer Street	67-69 Stanley Street	Automotive repair/engine works	SW	SW	46022-1	Site is located downgradient of potentially contaminating site	Apply EAO

## 6.0 RESULTS OF ASSESSMENT

A summary property sheet for each nominated property is provided in Appendix D. A summary of the property recommendations for application of an EAO is provided in Table 9 and shown in Figure 2. The summary has been divided into those properties currently used for sensitive and non-sensitive uses.

**Table 9: Summary of EAO Recommendations**

Type	Recommendation to Apply EAO	No Recommendation to Apply EAO	Total Number of Properties Reviewed
Properties currently used for Sensitive Uses	96	501	595
Properties currently used for Non-Sensitive Uses	196	151	349
<b>Total No. of Properties</b>	<b>292</b>	<b>652</b>	<b>944</b>

The Properties currently used for Sensitive Uses for which a recommendation to apply an EAO has been discussed with Council as part of this report preparation as it was recognised that if this recommendation is adopted, all building and works undertaken on these properties will require an Environmental Audit. Council has confirmed that it supports the application of an EAO on these sites in accordance with the methodology set out in this report because in the event that these sites are aggregated or redeveloped in future to allow a sensitive use to commence, in the absence of an Environmental Audit Overlay applying to the property, there would be no statutory mechanism in place to identify the status of this land as potentially contaminated.

These properties are specifically listed in Figure C1 in Appendix C and tabulated in Table C1 in Appendix C with the reason why the recommendation to Apply EAO has been made.

## 7.0 RECOMMENDATION

It is recommended that in line with the EPA recommendations set out in their letter in Appendix A that this report be used as a basis for reviewing the proposed approach by Council of applying an EAO over the entire West Melbourne Structure Plan study area as part of Amendment C309.

## 8.0 IMPORTANT INFORMATION

Your attention is drawn to the document titled - "Important Information Relating to this Report", which is included in Appendix E of this report. The statements presented in that document are intended to inform a reader of the report about its proper use. There are important limitations as to who can use the report and how it can be used. It is important that a reader of the report understands and has realistic expectations about those matters. The Important Information document does not alter the obligations Golder Associates has under the contract between it and its client.

## Signature Page

**Golder Associates Pty Ltd**

A handwritten signature in black ink, appearing to read "Ian Kluckow". The signature is fluid and cursive, with the first name "Ian" and last name "Kluckow" clearly distinguishable.

Ian Kluckow  
*Principal*

Golder and the G logo are trademarks of Golder Associates Corporation

Figures



LEGEND  
Study Area



NOTE(S)  
PROJECTION: GDA 1994 MGA ZONE 55

REFERENCE(S)  
1. AERIAL IMAGERY SOURCED FROM CITY OF MELBOURNE 2018 10CM ORTHOPHOTO.  
2. ROADS SOURCED FROM VICMAP.

CLIENT  
CITY OF MELBOURNE

PROJECT  
AMENDMENT C309 - WEST MELBOURNE STRUCTURE PLAN,  
PRELIMINARY LAND CONTAMINATION ASSESSMENT

TITLE  
WEST MELBOURNE STRUCTURE PLAN STUDY AREA

CONSULTANT	YYYY-MM-DD	2019-02-19
	DESIGNED	TPC
	PREPARED	TPC
	REVIEWED	JPH
	APPROVED	IMK

PROJECT NO.	CONTROL	REV.	FIGURE
17113718	001-R	1	1

PATH: B:\City of Melbourne\West Melbourne Precinct08 - PROJECTS\17113718 - West MEL EAO Study\17113718-001-R102\_PROD\PRODUCTION\01\17113718-001-R102-REV01-RevA.mxd PRINTED ON: 2019-02-19 AT 5:04:32 PM

THIS MEASUREMENT DOES NOT TAKE WHAT IS SHOWN ON THE SHEET INTO ACCOUNT. THIS SHEET HAS BEEN REPRODUCED FROM SOURCE. 25mm



**LEGEND**

**Environmental Audit Overlay (EAO) Recommendation**

- Apply EAO
- Do Not Apply

**Study Area**

- 



**NOTE(S)**  
 PROJECTION: GDA 1994 MGA ZONE 55

**REFERENCE(S)**  
 1. AERIAL IMAGERY SOURCED FROM CITY OF MELBOURNE 2018 10CM ORTHOPHOTO.  
 2. ROADS SOURCED FROM VICMAP.

**CLIENT**  
 CITY OF MELBOURNE

**PROJECT**  
 AMENDMENT C309 - WEST MELBOURNE STRUCTURE PLAN,  
 PRELIMINARY LAND CONTAMINATION ASSESSMENT

**TITLE**  
 PLAN OF EAO RECOMMENDATIONS

<b>CONSULTANT</b>	YYYY-MM-DD	2019-04-17
	DESIGNED	TPC
	PREPARED	TPC
	REVIEWED	JPH
	APPROVED	IMK

PROJECT NO. 17113718 CONTROL 001-R REV. 1 FIGURE 2

PATH: B:\City of Melbourne\West Melbourne Precinct08 - PROJECTS\17113718 - West MEL EAO Study\17113718-001-R\02\_PROD\PRODUCTION\01\17113718-001-R\F02-RevA.mxd PRINTED ON: 2019-04-17 AT: 10:19:50 AM

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**APPENDIX A**

**EPA Letter (19 October 2018)**



19/10/2018

EPA Reference: 5008941

Ms. Debbie Payne  
Strategic Planner  
MELBOURNE CITY COUNCIL  
90-130 SWANSTON ST  
MELBOURNE VIC 3000

Dear Ms. Payne,

**RE: AMENDMENT C309 WEST MELBOURNE STRUCTURE PLAN**

Thank you for your e-mail in relation to the above planning scheme amendment, received by EPA on 08/10/2018. Council's request seeks advice on the application of the Environmental Audit Overlay (EAO), which is proposed as part of Planning Scheme Amendment C309.

EPA understands that this amendment seeks to apply an EAO to the Structure Plan Area to ensure that potentially contaminated land use suitable for a sensitive use, amongst other changes. Whilst EPA supports the application of the EAO as the primary mechanism for ensuring risks of potentially contaminated land are appropriately addressed, EPA has concerns with its broad application to the entire precinct.

The application of the EAO should be undertaken in accordance with *Ministerial Direction No. 1 – Potentially Contaminated Land* (Ministerial Direction No. 1), which requires that in preparing a planning scheme amendment that would have the effect of allowing "potentially contaminated land" <sup>1</sup> agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of the land are or will be suitable for that use. The Explanatory Report doesn't currently reference *Ministerial Direction No. 1*, nor does Councils report reference the *Department of Sustainability and Environment (DSE), General Practice Note: Potentially Contaminated Land, June 2005 (PCL Practice Note)*.

By proposing the application of the EAO, it should be assumed that the planning authority has made an assessment that the land is potentially contaminated, and is unlikely to be suitable for a sensitive use without more detailed assessment and remediation works or management. The planning authority is also determining that the requirements of *Ministerial Direction No. 1* may be deferred. EPA is not in receipt of any supporting environmental assessment to justify the application of the EAO to the entire precinct, as what is supporting the Arden Precinct Structure Plan process. The EAO is not simply a means of identifying land that is or might be contaminated and should not be used for that purpose.

EPA does not support the blanket placement of an EAO on a broad area, particularly with established sensitive-use land without sufficient justification. The *PCL Practice Note* states that planning authorities should exercise caution when applying the EAO, as all building and works associated with a sensitive use (irrespective of how minor) will trigger the need to undertake an environmental audit.

The application of an EAO can lead to significant practical problems and cost consequences for owners of land affected by the EAO (particularly where an EAO applied to existing residential land and only minor works are proposed, such as a roller door or changing fence height). For example, *Architype Australia Pty Ltd v Yarra CC (Red Dot) [2010] VCAT 497* found that, where a multi storey dwelling is located on land affected by an EAO, then on a strict view even upper level works completely removed from the ground level soil would require the preparation of a statutory environmental audit to achieve compliance with the EAO. This interpretation may apply to existing developments within the amendment area, where a permit is sought in future.

Additionally, the EAO should not be applied to land which has already been subject to an environmental audit, where a Certificate of Environmental Audit is issued or if a Statement of Environmental Audit is issued and the conditions contain minimal restrictions or the conditions have been complied with. The map below displays environmental audits that have been completed in the amendment area. Careful consideration is required in determining the appropriateness of applying the EAO to sites which have already undergone a statutory audit.



**X** – Indicates the completion of an environmental audit in accordance with section 53X of the *Environment Protection Act 1970*. Refer to table for further detail.

Prior to approval of the amendment, EPA considers it appropriate that some form of assessment to determine the risk of contamination on a site by site basis to determine if the EAO is appropriate for that site. EPA acknowledges that this is a resource consuming process, however is a necessary one. EPA is able and willing to assist Council with this process where possible.

As Council has acknowledged, the Arden Precinct is currently undergoing the development of a structure plan, which incorporates the assessment of potentially contaminated land to determine appropriate planning controls. As part of this process, a consultant has been engaged to undertake an assessment of the precinct to evaluate the potential for contamination to be present for each parcel of land, and provide an assessment of the relative risk posed by contamination to land use development. The relative risk rankings have been derived in a manner consistent with the *PCL Practice Note* process for identifying potentially contaminated land. These risk ranking will be used to inform the appropriate further assessment required which may include a Phase II environmental site assessment, or statutory environmental audit (likely deferred via applying the EAO). Such assessment would allow Council to apply the EAO in a more site specific way, rather than as a blanket requirement across the whole

precinct – unless the outcome of the assessment is that it should be applied precinct wide. If there is no evidence of potentially contaminating land uses it may not be appropriate to apply the EAO to a sites.

EPA has the following information to assist in the identification of potentially contaminated land:

<b>53X Environmental Audits</b>		
<b>Premises</b>	<b>EPA Reference (CARMS)</b>	<b>Outcome</b>
86-90 Ireland St West Melbourne	63015-1	Statement of Environmental Audit
621-643 King Street, West Melbourne	66412-2	Statement of Environmental Audit
Roden Street, West Melbourne	31390-1	Statement of Environmental Audit
71-75 Capel St, North Melbourne	43144-1	Statement of Environmental Audit
37-49 Rossllyn St, West Melbourne	44867-1	Statement of Environmental Audit
61-63 Stanley St, West Melbourne	46022-1	Statement of Environmental Audit
141-149 Roden St, West Melbourne	68546-1	Statement of Environmental Audit
243 Adderley St & 90-98 Railway Pl, West Melbourne	32617-1	Statement of Environmental Audit
212 Roden St, West Melbourne	63014-1	Statement of Environmental Audit
220 Roden St, West Melbourne	63691-1	Statement of Environmental Audit
220 Dudley St, West Melbourne	35724-1, 2 & 3	Statement of Environmental Audit
479-485 Spencer St, West Melbourne	69010-2	Statement of Environmental Audit
SW Corner King Street & Dudley St, West Melbourne	30816-1	Statement of Environmental Audit
Corner Spencer and Batman St, West Melbourne	58989-1	Statement of Environmental Audit
16-30 Jeffcott St, West Melbourne	21866-1	Statement of Environmental Audit
33 Jeffcott St, West Melbourne	27071-1	Statement of Environmental Audit
48 Jeffcott St, West Melbourne	52659-2	Statement of Environmental Audit
50-64 Jeffcott St, West Melbourne	62990-1	Statement of Environmental Audit

The above EPA refence number can be used to search for the statutory documentation on EPA’s online database. A Statement of Environmental Audit indicates that the auditor is of the opinion that there is, or may be, some restriction on use of the site due to its environmental condition. A Statement may include conditions that require remediation works to be undertaken or places ongoing requirements on the site. A Statement might also indicate that a site is not suitable for any use.

EPA acknowledges whilst there many be precinct wide contamination issues, there must be an assessment process to justify the application of the EAO. Considering the above comments, EPA suggests that it may be appropriate to meet to discuss the amendment and determine the most appropriate way forward.

If you need additional information or would like to discuss this matter, please contact our Assessing Officer, Nicholas Kennedy on 1300 EPA VIC (1300 372 842).

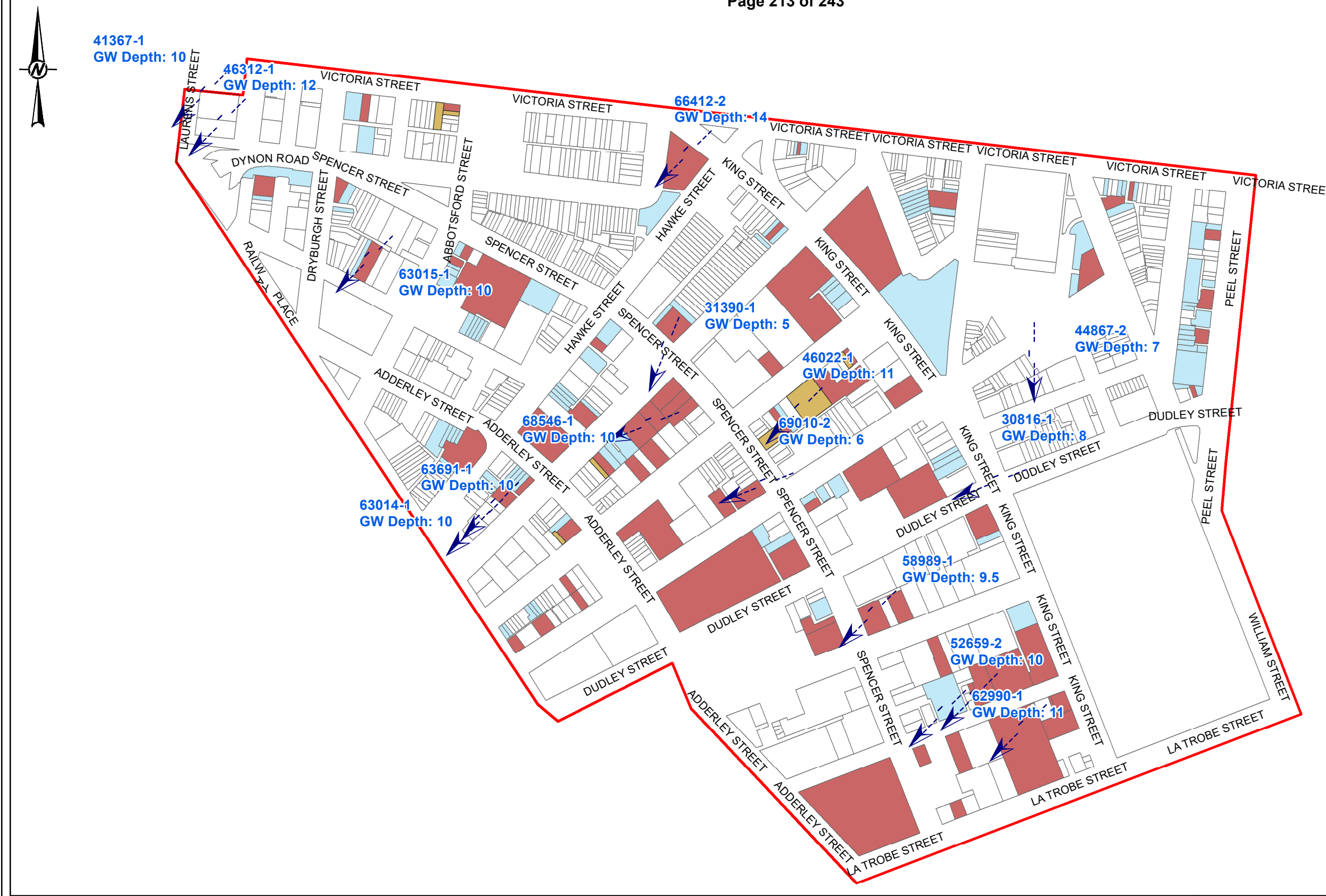
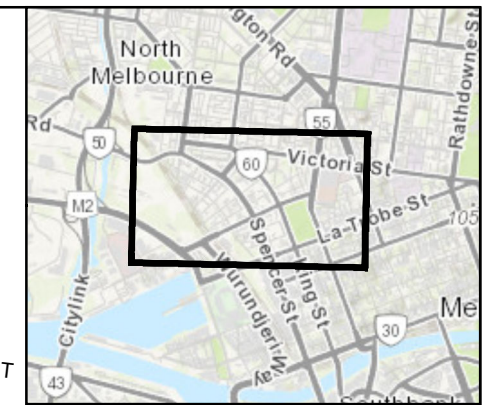
Yours sincerely,



Daniel Hunt  
Metropolitan Regional Manager  
EPA Victoria

**APPENDIX B**

**Properties Assessed for Adjacent  
Site Contamination Risk**



41367-1  
GW Depth: 10

46312-1  
GW Depth: 12

66412-2  
GW Depth: 14

63015-1  
GW Depth: 10

31390-1  
GW Depth: 5

44867-2  
GW Depth: 7

68546-1  
GW Depth: 10

69010-2  
GW Depth: 6

30816-1  
GW Depth: 8

63014-1  
GW Depth: 10

63691-1  
GW Depth: 10

58989-1  
GW Depth: 9.5

52659-2  
GW Depth: 10

62990-1  
GW Depth: 11

- LEGEND**
- AREA BOUNDARY
  - PROPERTY BOUNDARIES
  - PROPERTY ASSESSED DUE TO ADJACENT POTENTIALLY CONTAMINATED SITE
  - POTENTIALLY CONTAMINATED SITE (GROUNDWATER RISK)
  - PROPERTY WHERE EAO APPLICATION IS DRIVEN BY ADJACENT POTENTIALLY CONTAMINATED SITE

**AUDIT SITES USED FOR GROUNDWATER INFORMATION**  
 ESTIMATED GROUNDWATER FLOW DIRECTION  
**55989-2 CARMS NUMBER**



**NOTE(S)**  
 PROJECTION: GDA 1994 MGA ZONE 55

**REFERENCE(S)**  
 1. ROAD, PROPERTY, BUILDING DATA SOURCED FROM VICMAP.  
 2. LOCATION MAP SOURCED FROM ESRI ONLINE BASEMAP

<b>CLIENT</b> CITY OF MELBOURNE	
<b>CONSULTANT</b>	YYYY-MM-DD 2019-02-27
	DESIGNED CJD
	PREPARED SDH
	REVIEWED IMK
	APPROVED IMK

**PROJECT**  
 AMENDMENT C309 - WEST MELBOURNE STRUCTURE PLAN,  
 PRELIMINARY LAND CONTAMINATION ASSESSMENT

**TITLE**  
**PROPERTIES ASSESSED FOR ADJACENT SITE CONTAMINATION RISK**

PROJECT NO. 18113718	CONTROL 001-R	REV. 1	FIGURE B1
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**Table B1: Summary of Assessment of Adjacent Site Contamination Risk**

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
109002	49-59 Stanley Street	Commercial	31-47 Stanley Street	Automotive repair/engine works	SW	SW	46022-1	Adjacent site is not for sensitive use	Do Not Apply
107474	33-37 Peel Street	Commercial	39-47 Peel Street	Service Station	S	S	44867-2	Adjacent service stations are from 1935, low risk	Do Not Apply
			25-31 Peel Street	Service Station	N				
110119	482 William Street	Residential	484-490 William Street	Service Station	SE	S	44867-2	Site has been developed, likely USTs removed	Do Not Apply
108850	423-435 Spencer Street	Residential	419-421 Spencer Street	Electrical/electrical components manufacture	N	SW	58989-1	Upgradient	Do Not Apply
108885	655-657 Spencer Street	Commercial	651-653 Spencer St	Automotive repair/engine works	NW	SW	63015-1	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
			70-72 Abbotsford Street	Service Station Automotive repair/engine works	NE				
103031	Eades Park 372-376 King Street	Public land (schools, hospitals, parks)	1-37 Roden Street	Underground Storage Tank (Medium)	SE	SW	46022-1	Upgradient	Do Not Apply
107478	49-51 Peel Street	Commercial	39-47 Peel Street	Service Station	N	S	44867-2	Upgradient	Do Not Apply
109691	209 Victoria Street	Commercial	211 Victoria Street	Dry Cleaners	E	S	44867-2	Upgradient	Do Not Apply
105100	34 Ireland Street	Residential	617-643 Spencer Street	Underground Storage Tank (Medium)	S	SW	63015-1	Site has been developed, likely USTs removed	Do Not Apply
105346	557 King Street	Residential	559-577 King Street	Underground Fuel Storage	E	SW	66412-2	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
101575	18 Capel Street	Residential	25-31 Peel Street	Service Station	SW	S	44867-2	Adjacent service station is from 1935, low risk	Do Not Apply
110138	383-389 William Street	Public Reserve	369-381 William Street	Underground Storage Tank (Medium)	N	S	44867-2	Upgradient	Do Not Apply
100204	195 Adderley Street	Residential	172-184 Roden Street	Automotive repair/engine works	NE	SW	63014-1	Upgradient	Do Not Apply
100213	225-227 Adderley Street	Residential	92-108 Hawke Street	Automotive repair/engine works	NW	SW	63014-1	Upgradient	Do Not Apply
108943	468-470 Spencer Street	Commercial	464-466 Spencer Street	Dry Cleaning	NW	SW	69010-2	Upgradient	Do Not Apply
104731	129 Hawke Street	Residential	158-162 Roden Street	Automotive repair/engine works	NW	SW	68546-1	Upgradient	Do Not Apply
109033	221 Stanley Street	Residential	298-302 Rosslyn Street	Chemical Manufacturing	NW	SW	63691-1	Upgradient	Do Not Apply



CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
107484	77-79 Peel Street	Residential	73-75 Peel Street	Automotive repair/engine works	N	S	44867-2	Upgradient	Do Not Apply
108378	96 Roden Street	Residential	550-558 Spencer Street	Service Station	NE	SW	31390-1	Upgradient	Do Not Apply
108413	145-147 Rosslyn Street	Vacant Block	464-466 Spencer Street	Dry Cleaning	NE	SW	69012-2	Upgradient	Do Not Apply
103020	24 Eades Place	Residential	15-19 Chetwynd Street	Automotive repair/engine works	W	SW	66412-2	Upgradient	Do Not Apply
100144	56-62 Abbotsford Street	Residential	617-643 Spencer Street	Underground Storage Tank (medium)	W	SW	63015-1	Upgradient	Do Not Apply
105470	456-458 La Trobe Street	Commercial	8 Phoenix Lane	Tannery	SE	SW	27071-1	Upgradient	Do Not Apply
104734	173-175 Hawke Street	Residential	198-206 Roden Street	Underground Storage Tank (Medium)	NW	SW	63014-1	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
101566	40-60 Capel Street	Residential	39-47 Peel Street	Service Station/ Fuel Storage	NW	S	44867-2	Upgradient	Do Not Apply
100438	12 Anderson Street	Residential	14-20 Anderson Street	Dry Cleaning	S	SW	46312-1	Upgradient	Do Not Apply
				Automotive repair/engine works					
109026	203 Stanley Street	Residential	280-286 Rosslyn Street	Automotive repair/engine works	NW	SW	63691-1	Upgradient	Do Not Apply
101574	20 Capel Street	Residential	25-31 Peel Street	Service Station/ Fuel Storage	W	SW	44867-2	Upgradient	Do Not Apply
108370	156 Roden Street	Residential	158-162 Roden Street	Automotive repair/engine works	NE	SW	68546-1	Upgradient	Do Not Apply
104735	177 Hawke Street	Residential	198-206 Roden Street	Underground Storage Tank (Medium)	NW	SW	63014-1	Upgradient	Do Not Apply
105333	477 King Street	Commercial	104-128 Dudley Street	Service Station/ Fuel Storage	NE	SW	30816-1	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
100205	197 Adderley Street	Residential	198-206 Roden Street	Underground storage tank (Medium Potential)	NE	SW	63014-1	Upgradient	Do Not Apply
108854	463-465 Spencer Street	Commercial	445-457 Spencer Street	Automotive repair/engine works	NW	SW	69010-2	Upgradient	Do Not Apply
100209	217 Adderley Street	Residential	92-108 Hawke Street	Automotive repair/engine works	NW	SW	63014-1	Upgradient	Do Not Apply
101563	66-78 Capel Street	Residential	73-75 Peel Street	Automotive repair/engine works	W	S	44867-2	Upgradient	Do Not Apply
104732	131 Hawke Street	Residential	158-162 Roden Street	Automotive repair/engine works	NW	WSW	68546-1	Upgradient	Do Not Apply
105327	407-415 King Street	Public land (schools, hospitals, parks)	385-405 King Street	Service station/fuel storage	NNW	SW	52659-2	Upgradient	Do Not Apply
108346	151-157 Roden Street	Commercial	141-149 Roden Street	Service station/fuel storage	SW	WSW	68546-1	Adjacent site has been audited	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
579421	117 Abbotsford Street	Residential	451-455 Victoria Street	Automotive repair/engine works	SW	SW	63015-1	Site is likely subject to potential offsite contamination	Apply
103023	18 Eades Place	Residential	15-19 Chetwynd Street	Automotive repair/engine works	WSW	SW	66412-2	Upgradient	Do Not Apply
105111	Cityside 50-64 Jeffcott Street	Residential	49-53 Batman Street	Tannery (and associated trades)	S	SW	62990-1	Upgradient	Do Not Apply
101918	21 Chetwynd Street	Residential	15-19 Chetwynd Street	Automotive repair/engine works	N	SW	66412-2	Upgradient	Do Not Apply
109693	213 Victoria Street	Commercial	211 Victoria Street	Dry Cleaning	W	S	44867-2	Upgradient	Do Not Apply
			484-490 William Street	Service station/fuel storage	N				
107472	21-23 Peel Street	Commercial	25-31 Peel Street	Service station/fuel storage	S	S	44867-2	Adjacent service station is from 1935, low risk	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
105345	555 King Street	Residential	559-577 King Street	Automotive repair/engine works	SE	SW	46022-1	Upgradient	Do Not Apply
				Underground storage tanks					
109718	355 Victoria Street	Commercial	353 Victoria Street	Dry Cleaning	W	SW	66412-2	Upgradient	Do Not Apply
109032	219 Stanley Street	Residential	298-302 Rosslyn Street	Chemical Manufacturing/storage/blending	NW	SW	63691-1	Upgradient	Do Not Apply
101568	38 Capel Street	Residential	39-47 Peel Street	Service station/fuel storage	W	S	44867-2	Adjacent service station is from 1935, low risk	Do Not Apply
101916	9 Chetwynd Street	Residential	15-19 Chetwynd Street	Automotive repair/engine works	S	SW	66412-2	Site has been developed, likely USTs removed	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
100197	169-171 Adderley Street	Residential	161-167 Adderley Street	Automotive repair/engine works	NW	SW	63014-1	Upgradient	Do Not Apply
104727	101-107 Hawke Street	Residential	95-99 Hawke Street	Chemical Manufacturing/storage/ blending	SW	WSW	31390-1	Site is not immediately adjacent to potentially contaminating s	Do Not Apply
108940	496-500 Spencer Street	Commercial	67-69 Stanley Street	Automotive repair/engine works	SW	SW	46022-1	Adjacent site is not for sensitive use	Do Not Apply
104752	110 Hawke Street	Residential	92-108 Hawke Street	Automotive repair/engine works	SW	SW	63014-1	Site has been developed, likely contamination removed	Do Not Apply
106596	120-128 Miller Street	Commercial	487-491 Victoria Street	Automotive repair/engine works	S	SW	46312-1	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
110906	Hawke & Curzon Street Reserve 4A Hawke Street	Public land (schools, hospitals, parks)	18-30B Curzon Street	Service station/fuel storage	SW	SW	66412-2	Adjacent site has been audited	Do Not Apply
105099	36 Ireland Street	Residential	617-643 Spencer Street	Underground storage tank (Medium Potential)	SW	SW	63015-1	Site has been developed, likely USTs removed	Do Not Apply
105343	545-547 King Street	Commercial	559-577 King Street	Automotive repair/engine works, Underground storage tanks	SE	SW	46022-1	Upgradient	Do Not Apply
105332	473-475 King Street	Commercial	104-128 Dudley Street	Service station/fuel storage	NE	WSW	30816-1	Upgradient	Do Not Apply
103021	22 Eadesre Place	Residential	15-19 Chetwynd Street	Automotive repair/engine works	W	SW	66412-2	Upgradient	Do Not Apply
528898	171-175 Rosslyn Street	Residential	177-231 Rosslyn Street	Service station/fuel storage	NE	WSW	69010-2	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
108897	705-707 Spencer Street	Residential	709-713 Spencer Street	Automotive repair/engine works	E	SW	63015-1	Upgradient	Do Not Apply
101576	16 Capel Street	Residential	25-31 Peel Street	Service station/fuel storage	SW	S	44867-2	Adjacent service station is from 1935, low risk	Do Not Apply
102978	2 Dudley Street	Residential	4 Dudley Street	Chemical Manufacturing/storage/blending	E	S	44867-2	Upgradient	Do Not Apply
100211	221 Adderley Street	Residential	92-108 Hawke Street	Automotive repair/engine works	NW	SW	63014-1	Upgradient	Do Not Apply
108998	19 Stanley Street	Commercial	17 Stanley Street	Automotive repair/engine works	SW	SW	46022-1	Site is likely subject to potential offsite contamination	Apply
103019	26 Eades Place	Residential	15-19 Chetwynd Street	Automotive repair/engine works	W	SW	66412-2	Upgradient	Do Not Apply



CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
108348	163-165 Roden Street	Residential	167-169 Roden Street	Automotive repair/engine works	NE	WSW	68546-1	Upgradient	Do Not Apply
105331	469-471 King Street	Commercial	104-128 Dudley Street	Service station/fuel storage	NE	WSW	30816-1	Upgradient	Do Not Apply
105329	441-443 King Street	Commercial	445-459 King Street	Service station/fuel storage	SSE	WSW	30816-1	Upgradient	Do Not Apply
109716	349-351 Victoria Street	Commercial	353 Victoria Street	Dry Cleaning	E	SW	66412-2	Upgradient	Do Not Apply
105348	581 King Street	Residential	583 King Street	Dry Cleaning	SE	SW	66412-2	Upgradient	Do Not Apply
105091	92 Ireland Street	Residential	86-90 Ireland Street	Tannery (and associated trades)	NW	SW	63015-1	Upgradient	Do Not Apply
105344	549-553 King Street	Commercial	559-577 King Street	Automotive repair/engine works, Underground storage tanks	SE	SW	46022-1	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
104730	127 Hawke Street	Residential	158-162 Roden Street	Automotive repair/engine works	NW	WSW	68546-1	Upgradient	Do Not Apply
101569	36 Capel Street	Residential	39-47 Peel Street	Service station/fuel storage	SW	S	44867-2	Adjacent service station is from 1935, low risk	Do Not Apply
108412	135-141 Rosslyn Street	Other (unsure)	109-133 Rosslyn Street	Automotive repair/engine works Chemical Manufacturing/storage/blending	WSW	WSW	69010-2	Site is not immediately adjacent to potentially contaminating site	Do Not Apply
109038	200 Stanley Street	Residential	161-167 Adderley Street	Automotive repair/engine works	SW	SW	63014-1	Site is likely subject to potential offsite contamination	Apply
100210	219 Adderley Street	Residential	92-108 Hawke Street	Automotive repair/engine works	NW	SW	63014-1	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
109694	215 Victoria Street	Commercial	484-490 William Street	Service station/fuel storage	N	S	44867-2	Upgradient	Do Not Apply
109024	199 Stanley Street	Residential	280-286 Rosslyn Street	Automotive repair/engine works	NW	SW	63691-1	Upgradient	Do Not Apply
100203	193 Adderley Street	Residential	198-206 Roden Street	Underground storage tank (Medium Potential)	NE	SW	63014-1	Upgradient	Do Not Apply
101573	22 Capel Street	Residential	25-31 Peel Street	Service station/fuel storage	W	S	44867-2	Upgradient	Do Not Apply
104736	179 Hawke Street	Residential	198-206 Roden Street	Underground storage tank (Medium Potential)	NW	SW	63014-1	Upgradient	Do Not Apply
108933	560 Spencer Street	Other (unsure)	550-558 Spencer Street	Service station/fuel storage	NW	SSW	31390-1	Upgradient	Do Not Apply
106593	Stawell Street Park 26-32 Stawell Street	Public land (schools, hospitals, parks)	14-20 Anderson Street	Dry Cleaning	N	SW	46312-1	Upgradient	Do Not Apply
				Automotive repair/engine works					

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
105098	38 Ireland Street	Residential	617-643 Spencer Street	Underground storage tank (Medium Potential)	SW	SW	63015-1	Site has been developed, likely USTs removed	Do Not Apply
109697	223 Victoria Street	Commercial	484-490 William Street	Service station/fuel storage	N	S	44867-2	Upgradient	Do Not Apply
110137	426 William Street	Commercial	4 Dudley Street	Chemical Manufacturing/storage/blending	E	S	44867-2	Upgradient	Do Not Apply
100142	68 Abbotsford Street	Residential	70-72 Abbotsford Street	Service station/fuel storage Automotive repair/engine works	SW	SW	63015-1	Adjacent site site is small and unlikely producing sufficient contaminants	Do Not Apply
105350	585 King Street	Residential	583 King Street	Dry Cleaning	NW	SW	66412-2	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
105096	42-44 Ireland Street	Residential	46-56 Ireland Street, 617-643 Spencer Street	Underground storage tank (Medium Potential)	SW	SW	63015-1	Site has been developed, likely USTs removed	Do Not Apply
108403	48 Roden Street	Residential	583 King Street	Dry Cleaning	SW	SW	66412-2	Adjacent dry cleaner is from 1935, low risk	Do Not Apply
109747	457-459 Victoria Street	Residential	451-455 Victoria Street	Automotive repair/engine works	SW	SW	63015-1	Site is likely subject to potential offsite contamination	Apply
108876	McMahon's Hotel 573-579 Spencer Street	Commercial	95-99 Hawke Street	Chemical Manufacturing/storage/blending	NE	WSW	31390-1	Upgradient	Do Not Apply
101572	24 Capel Street	Residential	25-31 Peel Street	Service station/fuel storage	W	S	44867-2	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
100143	64-66 Abbotsford Street	Residential	617-643 Spencer Street	Underground storage tank (Medium Potential)	NW	SW	63015-1	Upgradient	Do Not Apply
104733	133 Hawke Street	Residential	158-162 Roden Street	Automotive repair/engine works	NW	WSW	68546-1	Upgradient	Do Not Apply
109756	Silk Apartments 493-499 Victoria Street	Residential	487-491 Victoria Street	Automotive repair/engine works	W	SW	46312-1	Upgradient	Do Not Apply
109004	65 Stanley Street	Residential	67-69 Stanley Street	Automotive repair/engine works	NE	SW	46022-1	Upgradient	Do Not Apply
100202	191 Adderley Street	Residential	187-189 Adderley Street	Automotive repair/engine works	W	SW	63014-1	Upgradient	Do Not Apply
			198-206 Roden Street	Underground storage tank (Medium Potential)	NE				
103022	20 Eades Place	Residential	15-19 Chetwynd Street	Automotive repair/engine works	W	SW	66412-2	Upgradient	Do Not Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
109025	201 Stanley Street	Residential	280-286 Rosslyn Street	Automotive repair/engine works	NW	SW	63691-1	Upgradient	Do Not Apply
108881	599-615 Spencer Street	Residential	617-643 Spencer Street	Underground storage tank (Medium Potential)	E	SSW	31390-1	Upgradient	Do Not Apply
105097	40 Ireland Street	Residential	617-643 Spencer Street	Underground storage tank (Medium Potential)	SW	SW	63015-1	Site has been developed, likely USTs removed	Do Not Apply
100212	223 Adderley Street	Residential	92-108 Hawke Street	Automotive repair/engine works	NW	SW	63014-1	Upgradient	Do Not Apply
103018	28 Eades Place	Residential	15-19 Chetwynd Street	Automotive repair/engine works	W	SW	66412-2	Upgradient	Do Not Apply
102935	50 Dryburgh Street	Residential	709-713 Spencer Street	Automotive repair/engine works	S	SW	63015-1	Upgradient	Do Not Apply
108350	171 Roden Street	Residential	167-169 Roden Street	Automotive repair/engine works	SW	WSW	68546-1	Site is likely subject to	Apply

CoM ID	Address	Current Land Use	Adjacent Site with Potential Contaminating Use	Former Use of Adjacent Site	Approximate direction of site from adjacent potentially contaminated site	Expected Groundwater flow direction	Source of Groundwater information (Address, CARMS)	Assessment	EAO Recommendation
								potential offsite contamination	
108347	159-161 Roden Street	Residential	154-160 Stanley Street	Automotive repair/engine works	NW	WSW	68546-1	Upgradient	Do Not Apply
107471	5-19 Peel Street	Residential	4 Dudley Street	Chemical Manufacturing/storage/ blending	N	S	44867-2	Upgradient	Do Not Apply





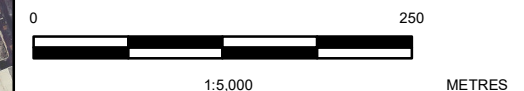
**APPENDIX C**

**Current Sensitive Use Sites**



**LEGEND**

- Sites applied with an EAO which are being used for Sensitive Use
- Property Boundaries
- Study Area



**NOTE(S)**  
PROJECTION: GDA 1994 MGA ZONE 55

**REFERENCE(S)**  
1. AERIAL IMAGERY SOURCED FROM CITY OF MELBOURNE 2018 10CM ORTHOPHOTO.  
2. ROADS SOURCED FROM VICMAP.

**CLIENT**  
CITY OF MELBOURNE

**PROJECT**  
AMENDMENT C309 - WEST MELBOURNE STRUCTURE PLAN,  
PRELIMINARY LAND CONTAMINATION ASSESSMENT

**TITLE**  
**PROPERTIES ALREADY BEING USED FOR A SENSITIVE USE  
FOR WHICH AN EAO HAS BEEN RECOMMENDED**

CONSULTANT	YYYY-MM-DD	2019-04-17
<b>GOLDER</b>	DESIGNED	TPC
	PREPARED	TPC
	REVIEWED	JPH
	APPROVED	IMK

PATH: B:\City of Melbourne\West Melbourne Precinct\08 - West MEL EAO Study\16113718-001-R02\_PROD\PRODUCTION\K0116113718-001-R-FW001-RevA.mxd PRINTED ON: 2019-04-17 AT: 12:27:38 PM

THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN ON THE SHEET. SUBJECTS BEEN MODIFIED FROM SOURCE 25mm

**Table C1: Summary of Properties already being used for a Sensitive Use for which and EAO has been recommended**

Address	Current Land Use	Reason for Recommendation for Application of an EAO
38 Jeffcott Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Oil or gas production/refining.
187-189 Adderley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Automotive repair/engine works.
37-49 Milton Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Breweries/distilleries.
34-40 Batman Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Breweries/distilleries.
22-28 Franklin Place WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Printing shops.
227-235 Roden Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Other industrial activities (Medium Potential).
55-67 Batman Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Pulp or paper works.
14-20 Anderson Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Dry Cleaning.
240-250 Stanley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Printing shops.
130-154 Dudley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
162-170 Stanley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
4-6 Phoenix Lane WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Textile operations.
43-53 Jeffcott Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
104-128 Dudley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Service station/fuel storage.
583 King Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Dry Cleaning.
8 Phoenix Lane WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Textile operations.
230-238 Roden Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Wool scouring.
19-27 Ireland Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Textile operations.

Address	Current Land Use	Reason for Recommendation for Application of an EAO
199-213 Hawke Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Wool scouring.
10-24 Ireland Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
70-72 Abbotsford Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Service station/fuel storage.
83 Capel Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
49-53 Batman Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Tannery (and associated trades).
135-137 Roden Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Automotive repair/engine works.
150-154 Dudley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
140-142 Dudley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
130-132 Dudley Street WEST MELBOURNE VIC 3003	Residential	Site has been identified as being potentially contaminated in accordance with the Potentially Contaminated Land General Practice Note (DSE, 2005) - Iron and steel works.
123-125 Stanley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
38 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
461-467 King Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
1 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
Unit 1 23 Franklin Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
180 Stanley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
15-31 Batman Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
115-121 Stanley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
184-186 Stanley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
13 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
26-32 Ireland Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
218A Adderley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
15 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
61 Jones Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.

Address	Current Land Use	Reason for Recommendation for Application of an EAO
12 Prout Lane WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
256-260 Adderley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
Unit 4 23 Franklin Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
16-26 Mansion House Lane WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
87-101 Roden Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
82-84 Ireland Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
460-462 La Trobe Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
51-57 Abbotsford Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
183-185 Stanley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
14-34 Dudley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
158 Adderley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
160 Adderley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
5 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
Unit 3 23 Franklin Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
7 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
19 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
252-258 Rosslyn Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
59 Jones Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
1-13 Abbotsford Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
53-57 Jones Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
1-9 Dryburgh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
17 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
11 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
182 Stanley Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
57-63 Ireland Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
9 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
444-448 King Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.

Address	Current Land Use	Reason for Recommendation for Application of an EAO
74-80 Ireland Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
Unit 2 23 Franklin Place WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
3 Walsh Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
33-43 Batman Street WEST MELBOURNE VIC 3003	Residential	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
63-65 Abbotsford Street, West Melbourne	Mixed use	Historical industrial/commercial building with documented or likely past industrial use with possible high potential for contamination.
16-32 Jeffcott Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
19-41 Jeffcott Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
445-459 King Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
88-104 Railway Place WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
241-249 Adderley Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
7-21 Anderson Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
37-47 Rosslyn Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
61-63 Stanley Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
3-5 Anderson Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
6 Boughton Place WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
4 Boughton Place WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
46-48 Jeffcott Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
212-218 Roden Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
86-90 Ireland Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
220-228 Roden Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
18-30B Curzon Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
141-149 Roden Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
162-174 Rosslyn Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
177-231 Rosslyn Street WEST MELBOURNE VIC 3003	Residential	Environmental Audit has resulted in restricted sensitive use
117 Abbotsford Street WEST MELBOURNE VIC 3003	Residential	Site is subject to potential contamination from an offsite source.
200 Stanley Street WEST MELBOURNE VIC 3003	Residential	Site is subject to potential contamination from an offsite source.
457-459 Victoria Street WEST MELBOURNE VIC 3003	Residential	Site is subject to potential contamination from an offsite source.
171 Roden Street WEST MELBOURNE VIC 3003	Residential	Site is subject to potential contamination from an offsite source.

**APPENDIX D**

**Property Data Sheets**



**APPENDIX E**

**Important Information**

The document ("Report") to which this page is attached and which this page forms a part of, has been issued by Golder Associates Pty Ltd ("Golder") subject to the important limitations and other qualifications set out below.

This Report constitutes or is part of services ("Services") provided by Golder to its client ("Client") under and subject to a contract between Golder and its Client ("Contract"). The contents of this page are not intended to and do not alter Golder's obligations (including any limits on those obligations) to its Client under the Contract.

This Report is provided for use solely by Golder's Client and persons acting on the Client's behalf, such as its professional advisers. Golder is responsible only to its Client for this Report. Golder has no responsibility to any other person who relies or makes decisions based upon this Report or who makes any other use of this Report. Golder accepts no responsibility for any loss or damage suffered by any person other than its Client as a result of any reliance upon any part of this Report, decisions made based upon this Report or any other use of it.

This Report has been prepared in the context of the circumstances and purposes referred to in, or derived from, the Contract and Golder accepts no responsibility for use of the Report, in whole or in part, in any other context or circumstance or for any other purpose.

The scope of Golder's Services and the period of time they relate to are determined by the Contract and are subject to restrictions and limitations set out in the Contract. If a service or other work is not expressly referred to in this Report, do not assume that it has been provided or performed. If a matter is not addressed in this Report, do not assume that any determination has been made by Golder in regards to it.

At any location relevant to the Services conditions may exist which were not detected by Golder, in particular due to the specific scope of the investigation Golder has been engaged to undertake. Conditions can only be verified at the exact location of any tests undertaken. Variations in conditions may occur between tested locations and there may be conditions which have not been revealed by the investigation and which have not therefore been taken into account in this Report.

Golder accepts no responsibility for and makes no representation as to the accuracy or completeness of the information provided to it by or on behalf of the Client or sourced from any third party. Golder has assumed that such information is correct unless otherwise stated and no responsibility is accepted by Golder for incomplete or inaccurate data supplied by its Client or any other person for whom Golder is not responsible. Golder has not taken account of matters that may have existed when the Report was prepared but which were only later disclosed to Golder.

Having regard to the matters referred to in the previous paragraphs on this page in particular, carrying out the Services has allowed Golder to form no more than an opinion as to the actual conditions at any relevant location. That opinion is necessarily constrained by the extent of the information collected by Golder or otherwise made available to Golder. Further, the passage of time may affect the accuracy, applicability or usefulness of the opinions, assessments or other information in this Report. This Report is based upon the information and other circumstances that existed and were known to Golder when the Services were performed and this Report was prepared. Golder has not considered the effect of any possible future developments including physical changes to any relevant location or changes to any laws or regulations relevant to such location.

Where permitted by the Contract, Golder may have retained subconsultants affiliated with Golder to provide some or all of the Services. However, it is Golder which remains solely responsible for the Services and there is no legal recourse against any of Golder's affiliated companies or the employees, officers or directors of any of them.

By date, or revision, the Report supersedes any prior report or other document issued by Golder dealing with any matter that is addressed in the Report.

**Any uncertainty as to the extent to which this Report can be used or relied upon in any respect should be referred to Golder for clarification**



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