

## Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

### Ministerial Planning Referral: TPM-2019-30 346-350 Macaulay Road, Kensington

5 May 2020

**Presenter:** Jane Birmingham, Practice Leader Land Use and Development

#### **Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application PA1700727 for land located at 346-350 Macaulay Road, Kensington (refer Attachment 2 – Locality Plan).
2. The applicant is UAG Macaulay Development Pty Ltd, the owner of the land is Vision Australia Foundation, and Hayball are the project architects.
3. The land is located within the Mixed Use Zone (MUZ) and is affected by Design and Development Overlay Schedule 26 (DDO12 - North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Area) and Schedule 63 (DDO63 - Macaulay Urban Renewal Area, Kensington and North Melbourne, Area 4), an Environmental Audit Overlay (EAO) and Development Contributions Plan Overlay Schedule 2 (DCPO2 - Macaulay Urban Renewal Area Development Contributions Plan).
4. This application seeks planning approval for the use and development of the land for an eight storey mixed use development, including a shop greater than 150m<sup>2</sup> in area.
5. The development comprises six buildings in a courtyard arrangement, above two-and-a-half basement levels. Each of the buildings adopts a distinct design language, appearance and materiality, with individual lobbies and pedestrian access points. A total of 426 apartments are proposed in a mix of one, two and three bedroom typologies, with a row of six retail tenancies along the Macaulay Road frontage.
6. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has given notice of the application to the City of Melbourne.

#### **Key issues**

7. The key issues relate to the use of the land for shops, the built form response (including height and setbacks), public realm impacts (including overshadowing), internal amenity, public benefits and equitable development.
8. The use of the land, proposed height, setbacks, public realm impacts, internal amenity, public benefits and equitable development outcomes of the proposal are consistent with relevant provisions of the Melbourne Planning Scheme and will make a positive contribution to the local area and wider Macaulay precinct.
9. Permit conditions are recommended to ensure that the proposal complies with the mandatory height requirement, delivers a high quality architectural and landscape design response and the broader community benefits are secured.

#### **Recommendation from management**

9. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to the conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

#### **Attachments:**

1. Supporting Attachment (Page 2 of 81)
2. Locality Plan (Page 3 of 81)
3. Selected Plans (Page 4 of 81)
4. Delegate Report (Page 34 of 81)

## Supporting Attachment

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### Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister has given notice of the application to Council pursuant to Section 52(1)(b) of the *Planning and Environment Act 1987*.

### Finance

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

### Conflict of interest

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

### Health and Safety

5. Relevant planning considerations such as potential amenity impacts that could impact on health and safety have been considered within the amended development and the assessment process.

### Stakeholder consultation

6. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of DELWP acting on behalf of the Minister for Planning.

### Relation to Council policy

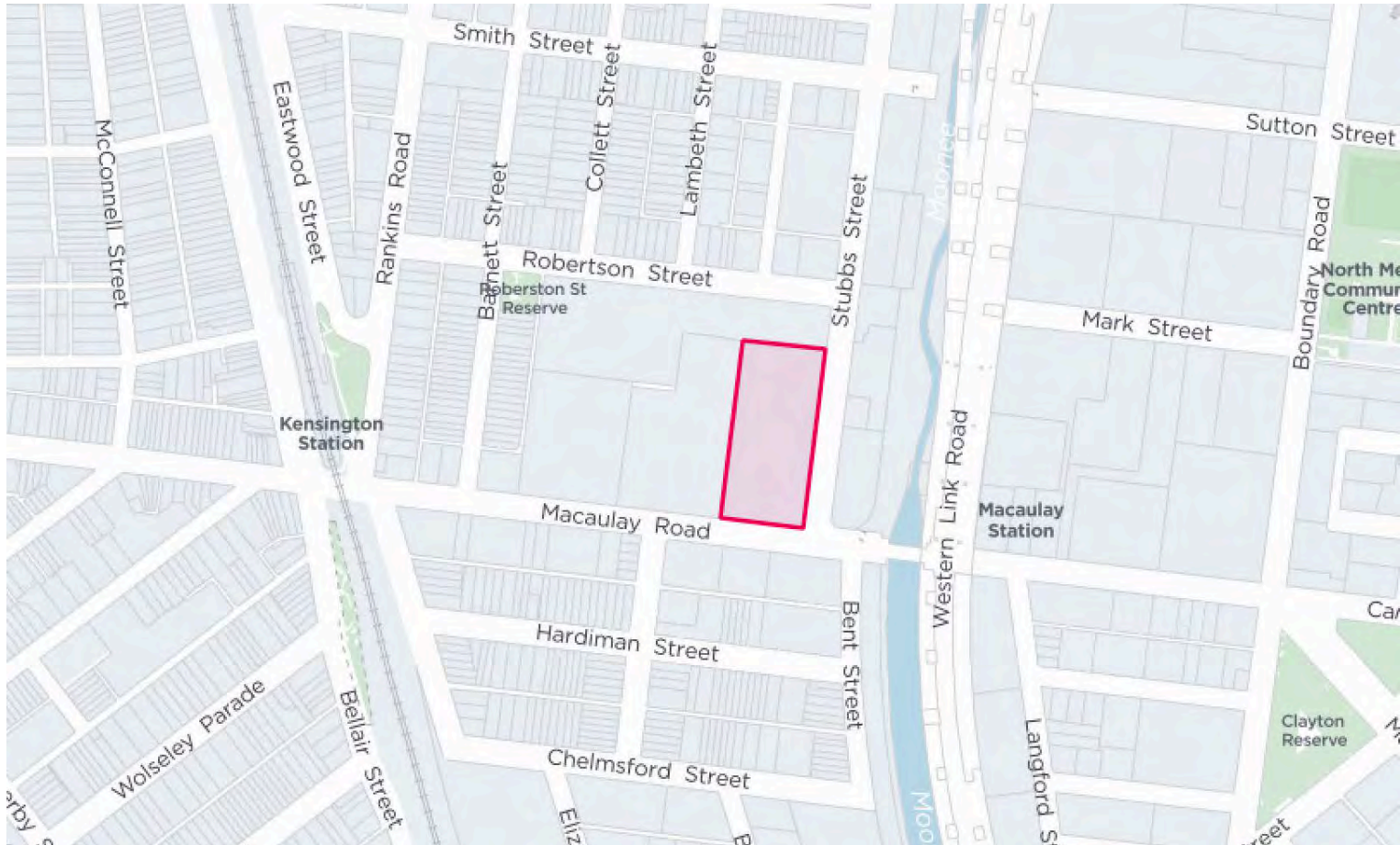
7. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

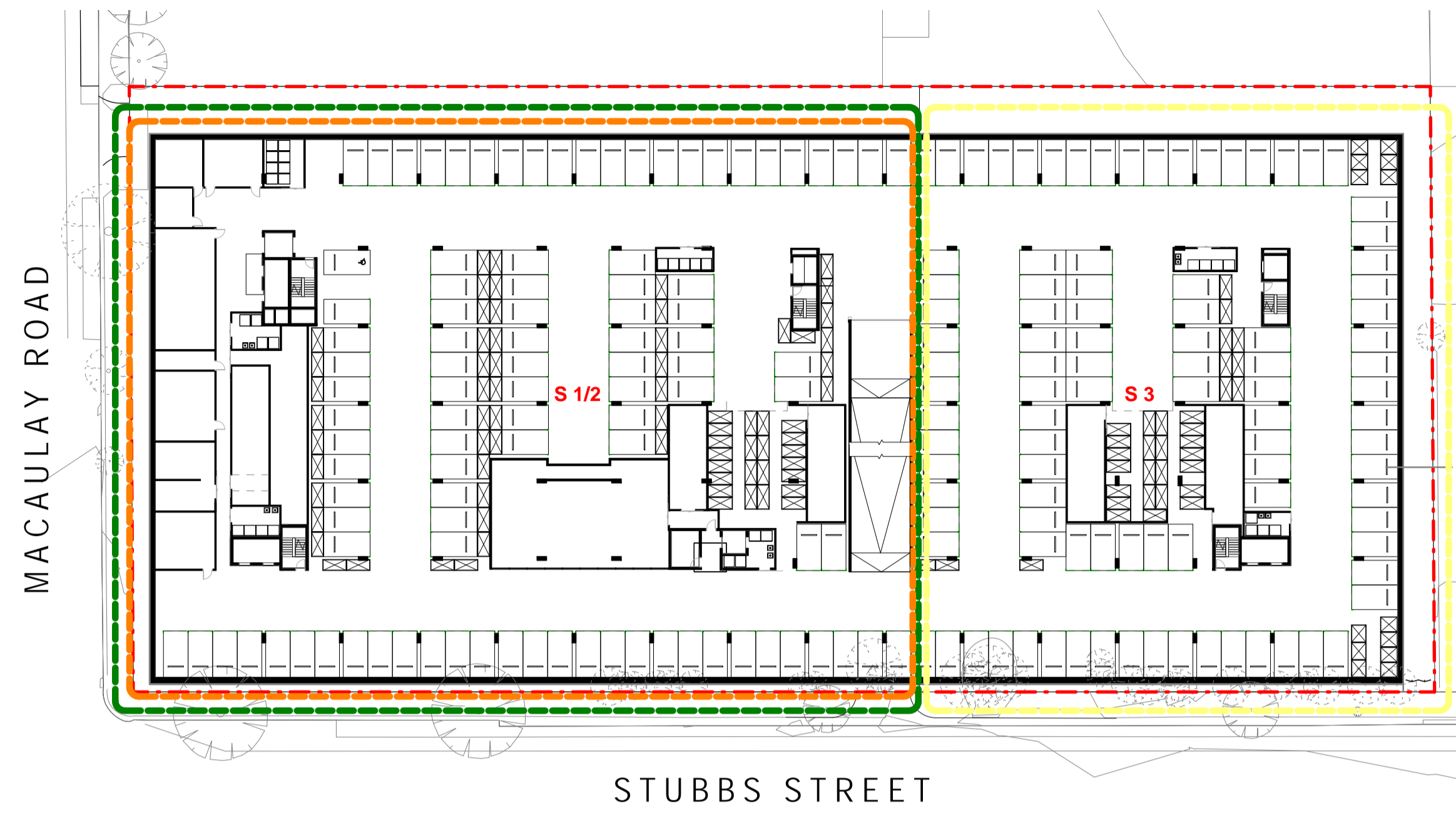
### Environmental sustainability

8. The Environmentally Sustainable Design (ESD) report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
9. Recommended conditions require the development to be carried out in accordance with a submitted ESD Report.

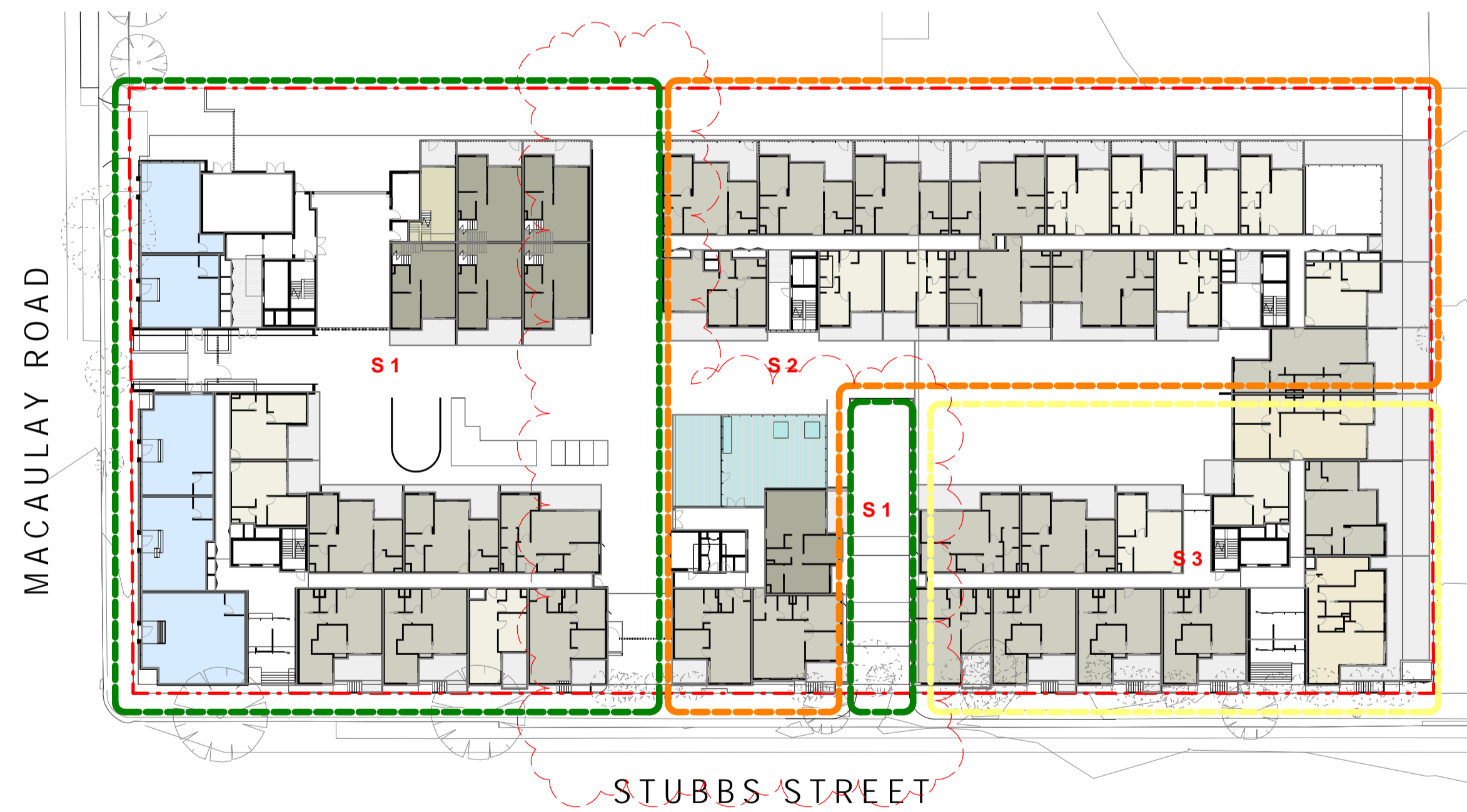
# Locality Plan

## 346-350 Macaulay Road, Kensington

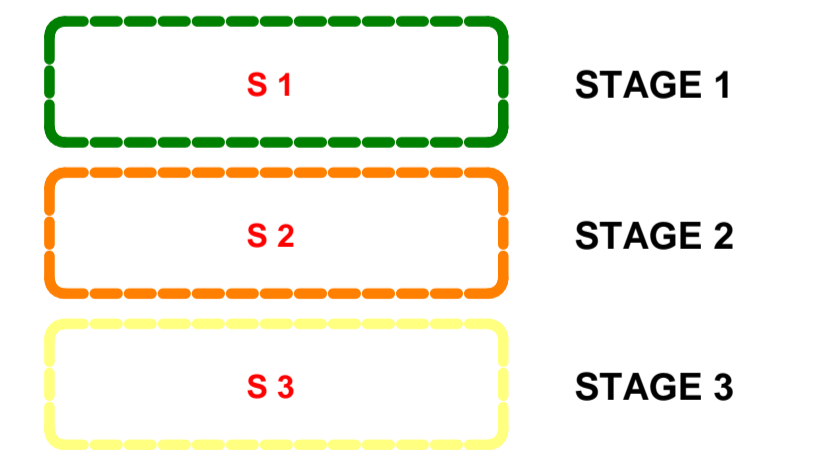




STAGING DIAGRAM - BASEMENTS



STAGING DIAGRAM - GROUND



DEVELOPMENT STAGING LEGEND

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
DEVELOPMENT STAGING  
DIAGRAMS  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP00.02  
Revision  
3

Melbourne : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644  
Sydney : GroundFloor11-1 Buckingham Street, Surry Hills, NSW 2010T +61 2 9660 9329  
Brisbane : Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821  
ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,  
Richard Leonard 7522, David Tordoff 8028



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Rev	Date	Description
1	08.04.19	STAGING PLAN FOR COMMENT
2	18.09.19	COUNCIL RFTS
3	07.11.19	COUNCIL RFTS





EXISTING SITE PLAN

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
EXISTING SITE PLAN  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP00.03  
Revision  
1

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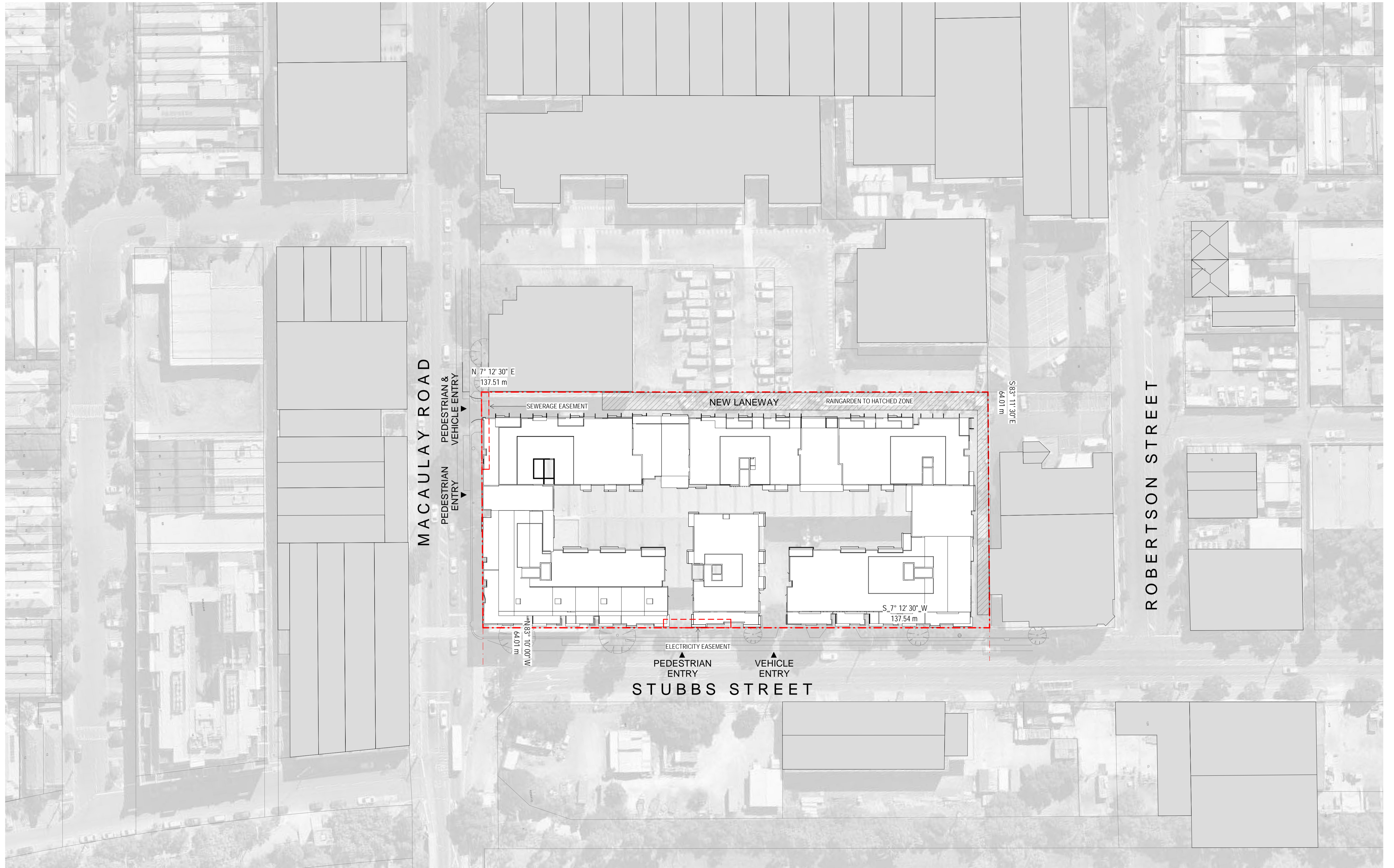


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1	18.09.19	COUNCIL RFTS





Project Title

2339

346-350 MACAULAY RD, KENSINGTON

Drawing Title

SITE PLAN

Status

TOWN PLANNING

Project No

2339

Drawing No

TP01.00

Revision

12

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10	16.04.19	WORK IN PROGRESS - CLIENT REVIEW
11	18.09.19	COUNCIL RFTS
12	30.10.19	RAINGARDEN REVISION





NOTE: THE BUILDING SHALL ADOPT ALL RECOMMENDATIONS OF THE ACOUSTIC ASSESSMENT, PREPARED BY ACOUSTIC LOGIC, DATED 28 JUNE 2019 (OR AS REVISED)

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346-350 MACAULAY RD, KENSINGTON

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**Revision** 15

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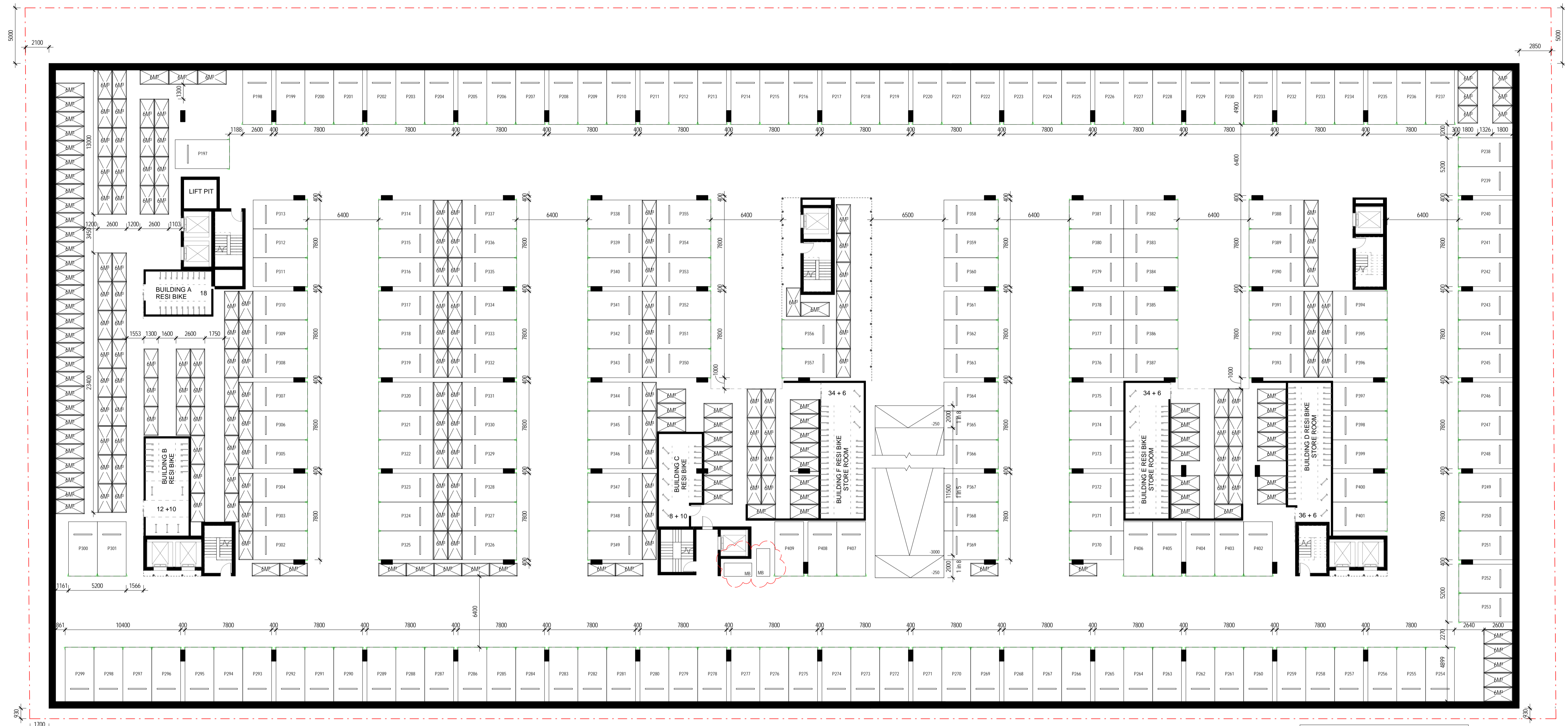


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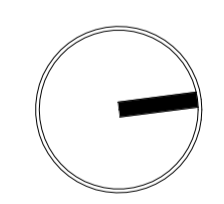
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13	21.06.19	FINAL TP CONSULTANT SET
14	18.08.19	COUNCIL RFP'S
15	07.11.19	COUNCIL RFP'S





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BASEMENT 02	213
BASEMENT 01	196
<b>total:</b>	<b>545</b>



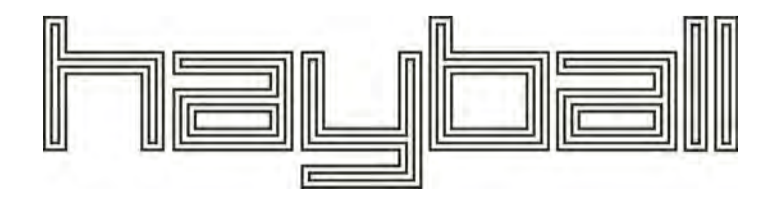
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346-350 MACAULAY RD, KENSINGTON

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**Revision** 15

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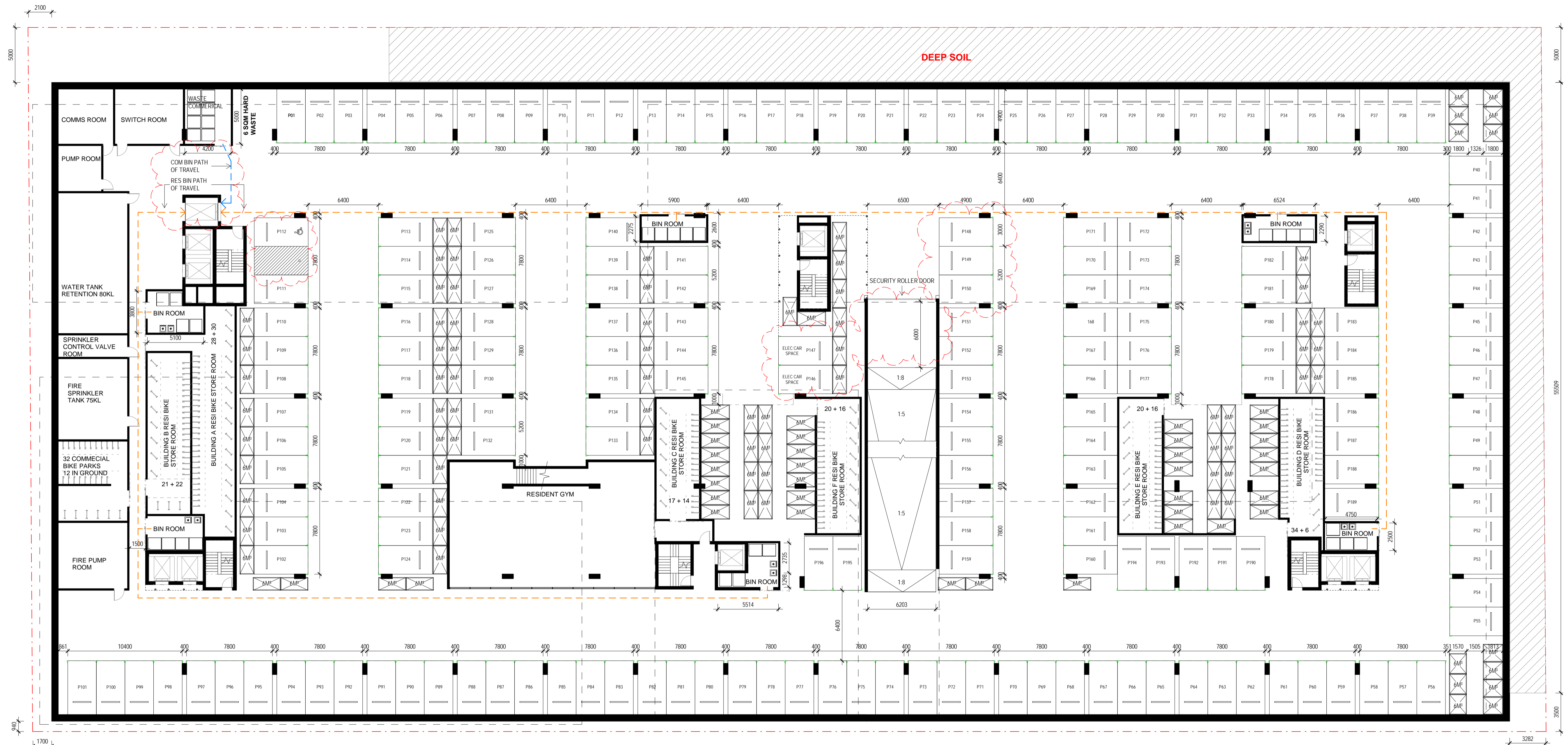
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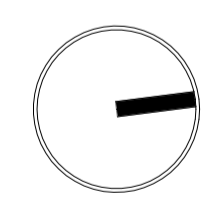
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BASEMENT 01	RESI	52
BASEMENT 01	RETAIL	6
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BASEMENT 01	RETAIL	20
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STORAGE CAGE ALL 6M3	
BASEMENT 03	98
BASEMENT 02	223
BASEMENT 01	118
Grand total: 439	

PARKING SCHEDULE	
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BASEMENT 02	213
BASEMENT 01	196
total: 545	

MOTORCYCLES : 11



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Drawing Title  
BASEMENT 1  
Status  
TOWN PLANNING

Project No  
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Drawing No  
TP01.03  
Revision  
15

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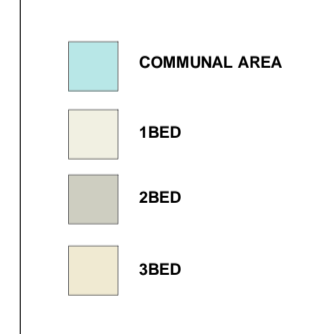


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15	07.11.19	COUNCIL RFI'S





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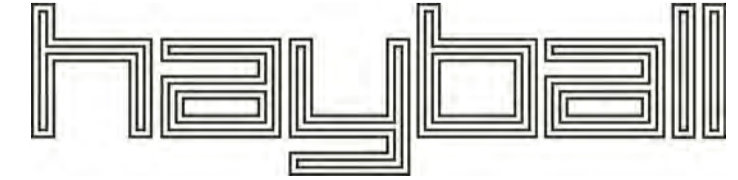
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346-350 MACAULAY RD, KENSINGTON

Drawing Title  
GROUND FLOOR  
Status  
TOWN PLANNING

Project No  
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Drawing No  
TP01.04  
Revision  
18

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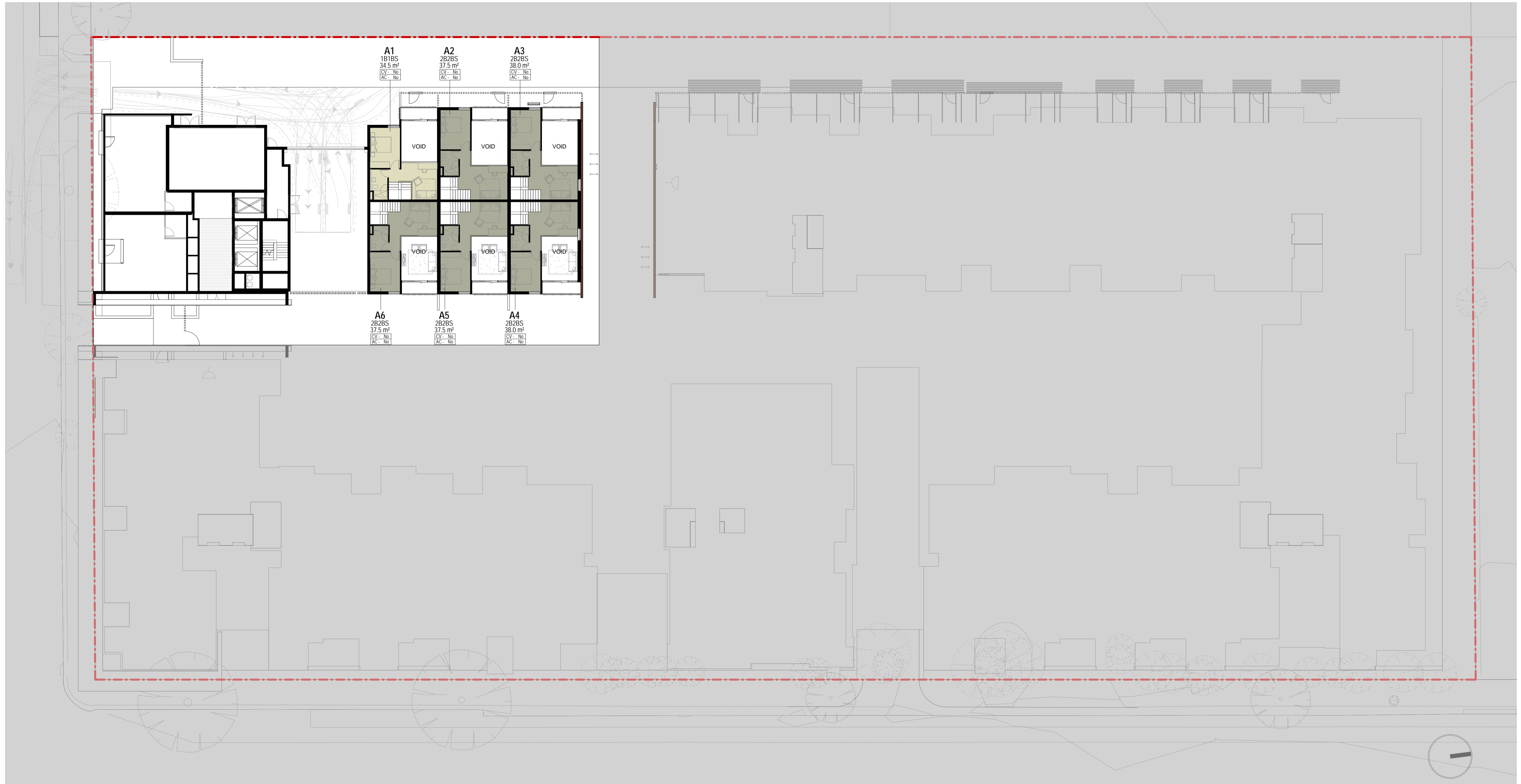


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17	18.08.19	COUNCIL RFP'S
18	07.11.19	COUNCIL RFP'S





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Project Title

2339

346-350 MACAULAY RD, KENSINGTON

Drawing Title

MEZZANINE

Status

TOWN PLANNING

Project No

2339

Drawing No

TP01.05

Revision

3

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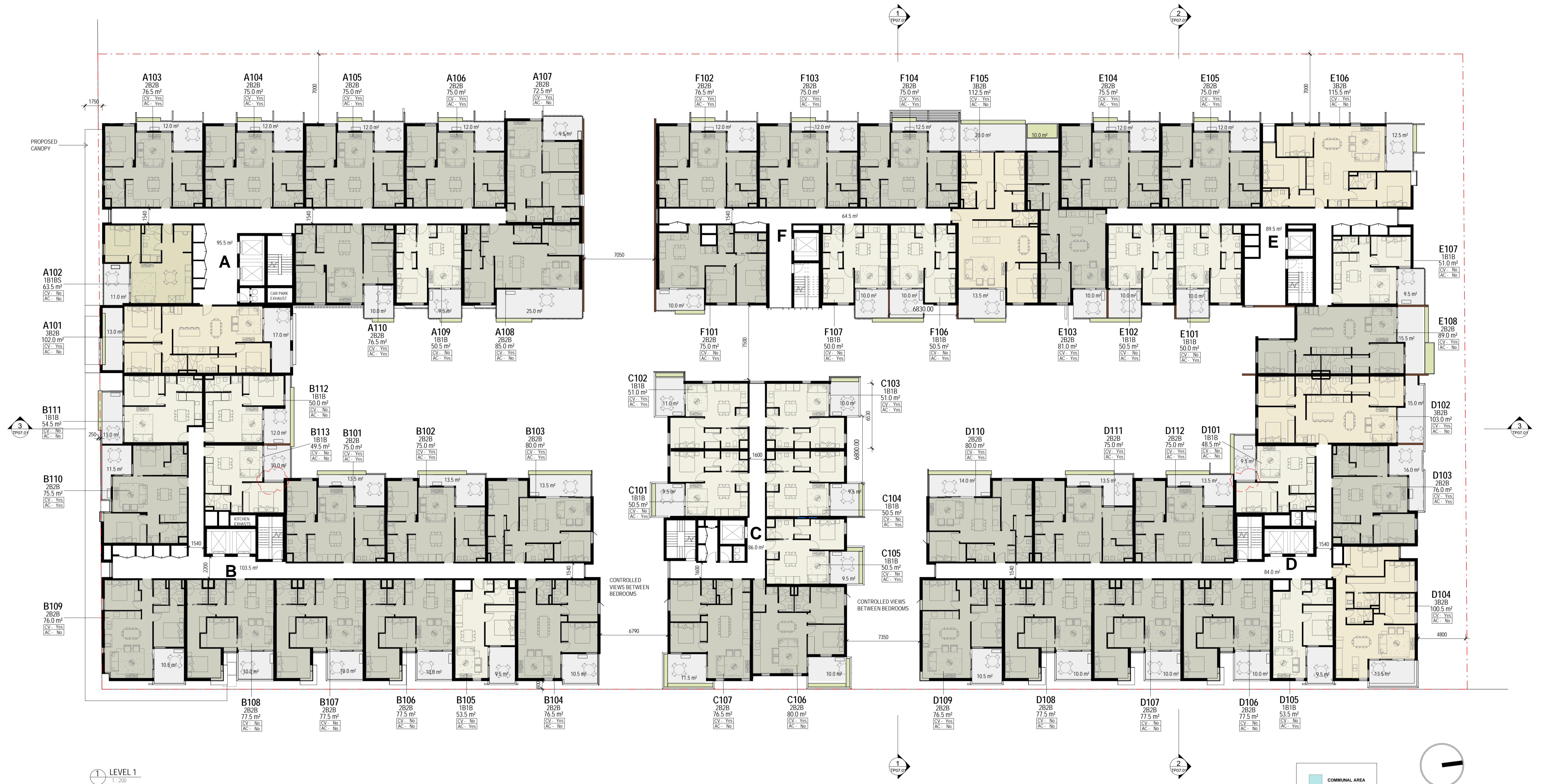
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1 23.05.19 CONSULTANT SET

2 21.06.19 FINAL TP CONSULTANT SET

3 18.09.19 COUNCIL RFTS





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COMMUNAL AREA  
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2BED  
3BED

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<b>Status</b>	TOWN PLANNING			

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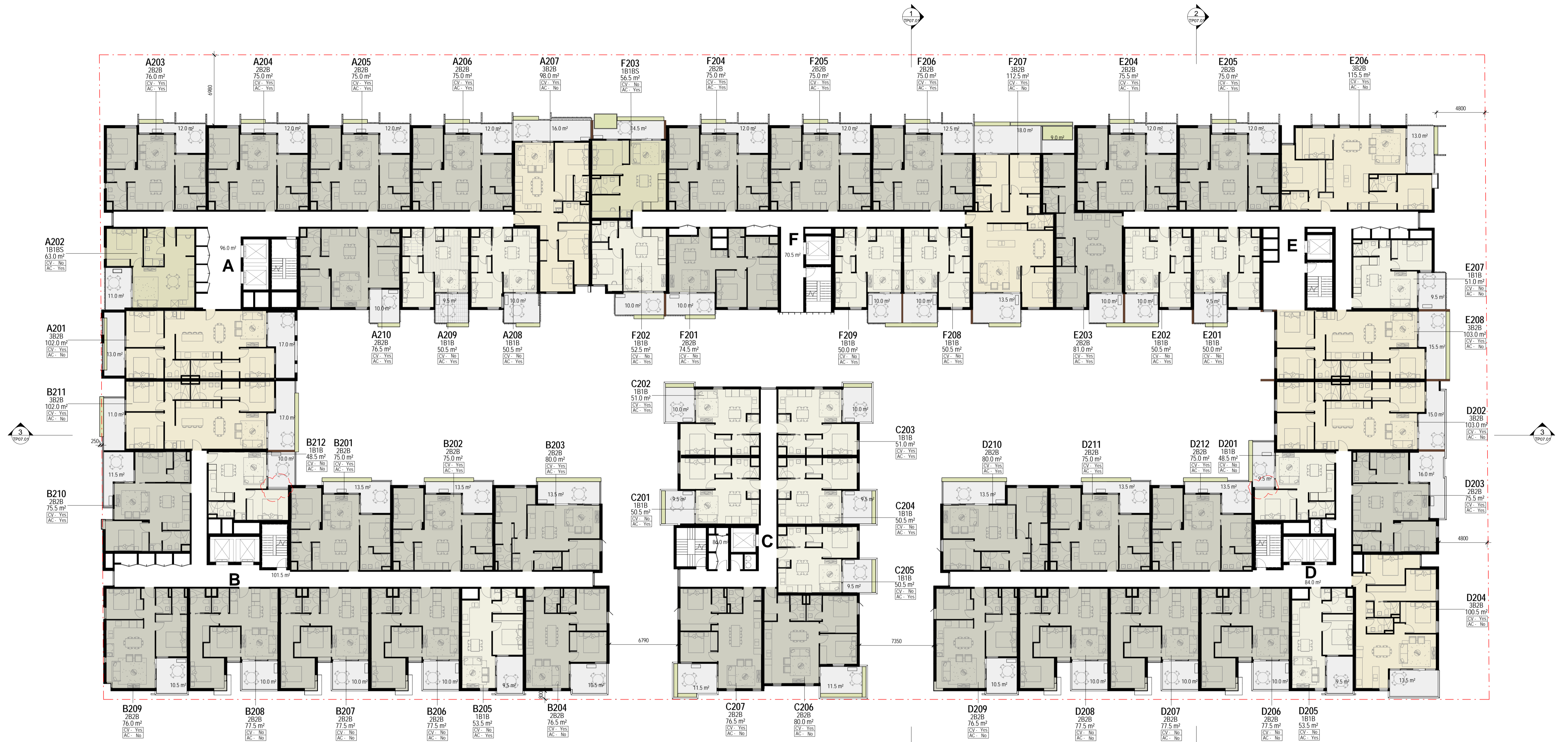


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11	23.05.19	CONSULTANT SET
12	21.06.19	FINAL TP CONSULTANT SET
13	18.09.19	COUNCIL RFTS
14	07.11.19	COUNCIL RFTS





1 LEVEL 2  
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COMMUNAL AREA

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2BED

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346-350 MACAULAY RD, KENSINGTON

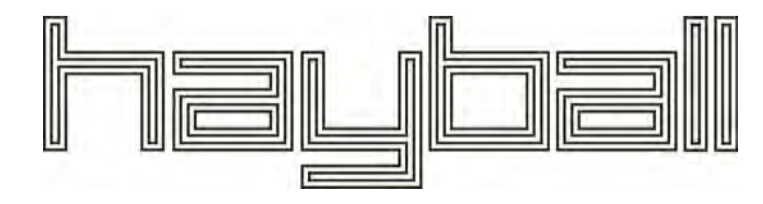
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LEVEL 2-3  
Status  
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Project No  
2339

Drawing No  
TP01.07

Revision  
14

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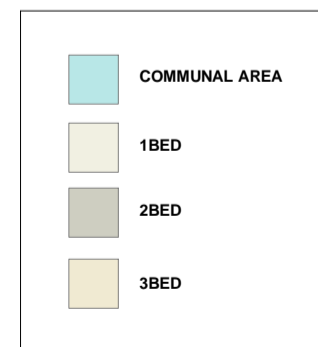
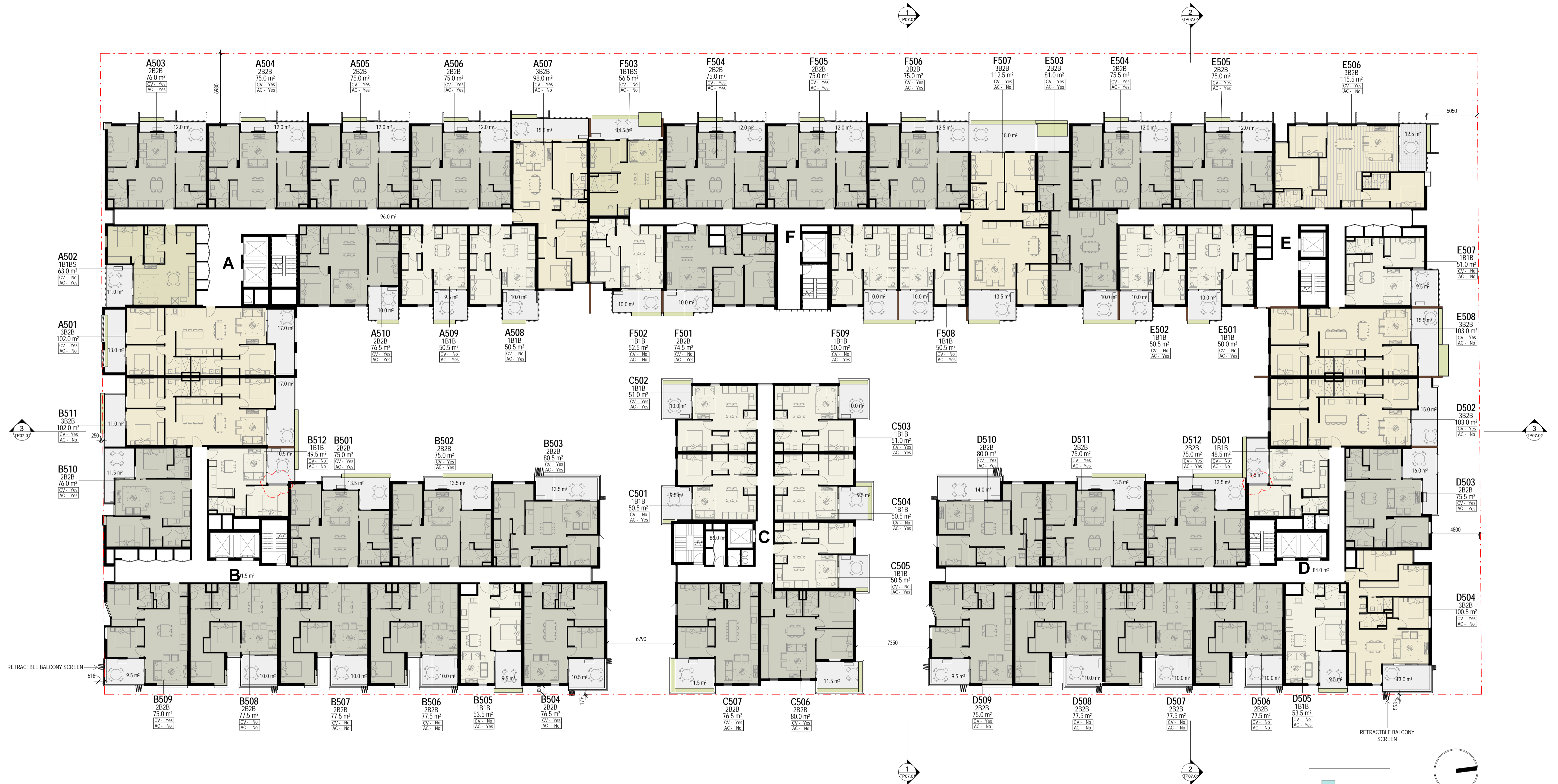


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13	18.09.19	COUNCIL RFTS
14	07.11.19	COUNCIL RFTS





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Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
LEVEL 4-5  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP01.08  
Revision  
14

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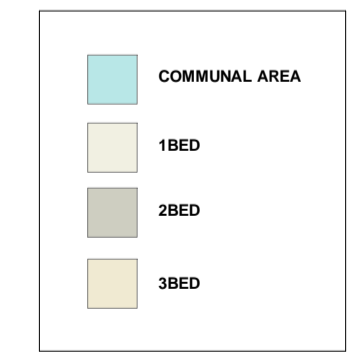


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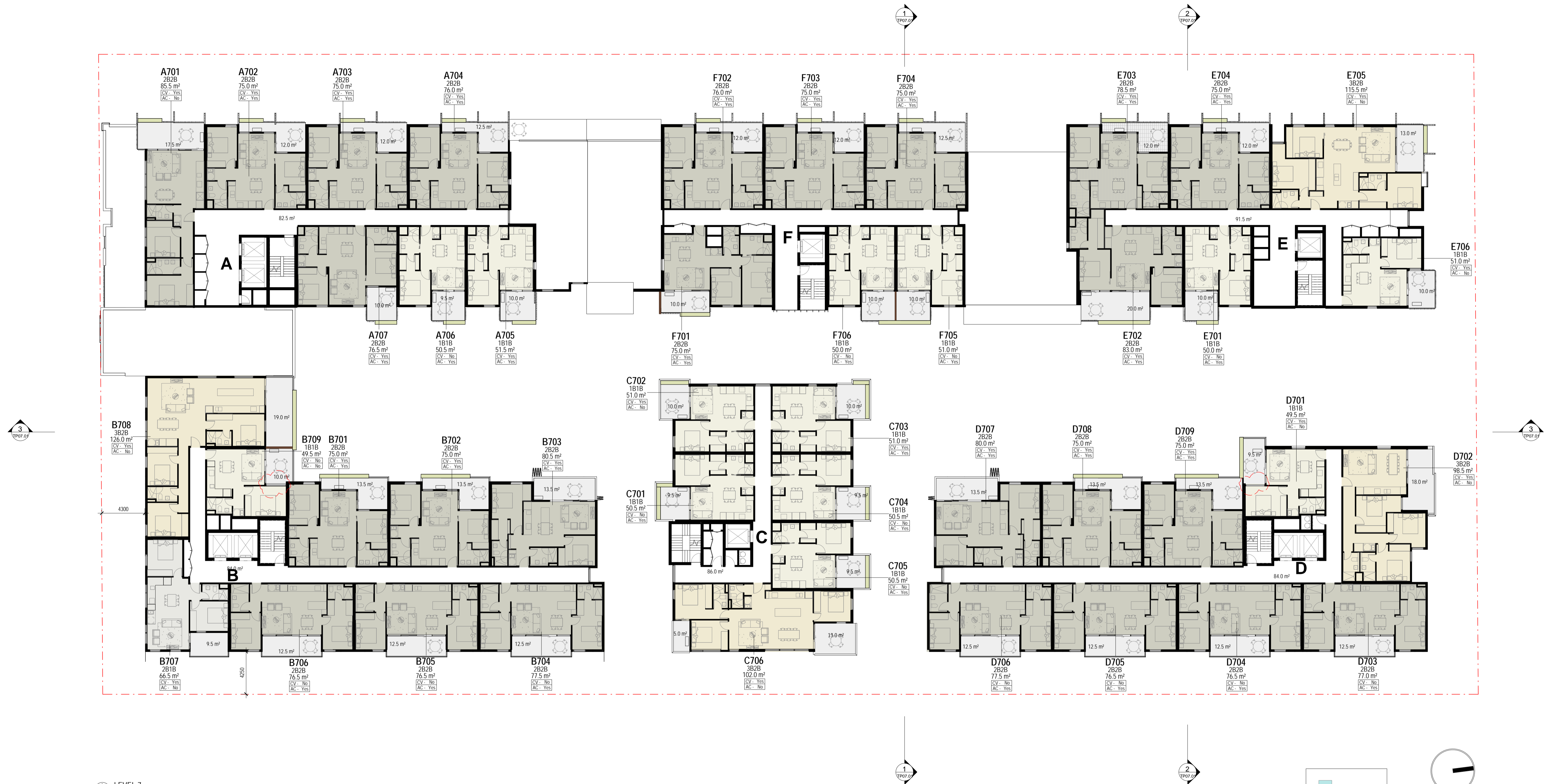




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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted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



1 LEVEL 7  
1:200

COMMUNAL AREA

1BED

2BED

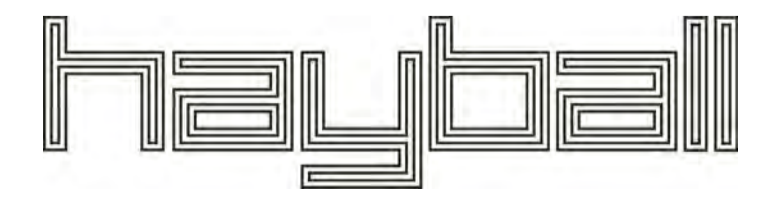
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**Scale**

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Rev	Date	Description
10	16.04.19	WORK IN PROGRESS - CLIENT REVIEW
11	23.05.19	CONSULTANT SET
12	21.06.19	FINAL TP CONSULTANT SET
13	18.09.19	COUNCIL RFTS
14	07.11.19	COUNCIL RFTS







NOTE: THE BUILDING SHALL ADOPT ALL RECOMMENDATIONS OF THE ACOUSTIC ASSESSMENT, PREPARED BY ACOUSTIC LOGIC, DATED 28 JUNE 2019 (OR AS REVISED)

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
ROOF PLAN  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP01.11  
Revision  
12

Melbourne : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644  
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ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,  
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Rev	Date	Description
9	16.04.19	WORK IN PROGRESS - CLIENT REVIEW
10	23.05.19	CONSULTANT SET
11	18.08.19	COUNCIL RFTS
12	07.11.19	COUNCIL RFTS





**Project Title**  
 2339  
 346-350 MACAULAY RD, KENSINGTON

**Drawing Title**  
 SEP 22 SUN STUDY  
 Status  
 TOWN PLANNING

**Project No**  
 2339  
**Drawing No**  
 TP02.01  
**Revision**  
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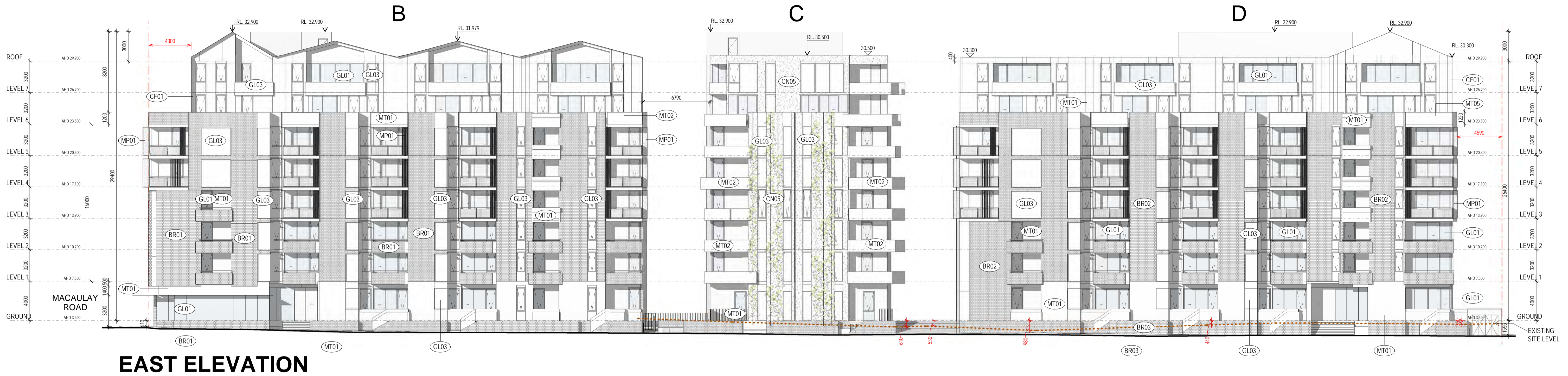
Rev	Date	Description
1	25.03.19	SHADOWS TO LANDSCAPE COUNCIL RFTS
2	18.09.19	



Multi-Category Material Takeoff	
Material : Mark	Material: Name
BR01	_BRK_BRICK SNAP_1
BR02	_BRK_BRICK SNAP_2
BR03	_BRK_BRICK_3
CF01	_PT_CFC PANEL_GREY
CN01	_CN01_PRECAST_BRIGHTONLITE
CN02	_CN02_PRECAST_CHARCOAL
CN03	_CN03_PRECAST_GREY_HORIZONTAL AL RIBS

Multi-Category Material Takeoff	
Material : Mark	Material: Name
CN04	_CN04_PRECAST_GREY_VERTICAL RIBS
CN05	_CN05_PRECAST_BOARD FORMED
GL01	_GL01_GL_GLASS_CLEAR
GL02	_GL02_GLASS_LIGHT GREY
GL03	_GL03_GLASS_GREY
MP01	_MT_METAL PANEL_PERFORATED_NATURAL
MP02	_MT_METAL PANEL_PERFORATED_CHAMPAGNE

Multi-Category Material Takeoff	
Material : Mark	Material: Name
MP03	_MT_METAL PANEL_PERFORATED MONUMENT
MT01	_MT_METAL PANEL_MONUMENT
MT02	_MT_METAL PANEL_BLACK
MT03	_MT_METAL ROOF_MONUMENT STANDING SEAM METAL PANEL
PC01	_MT_WINDOW FRAME_CHARCOAL
TM01	_TM_TIMBER
TM02	_TM_TIMBER FENCE



**EAST ELEVATION**

**WEST ELEVATION**

NOTE: THE BUILDING SHALL ADOPT ALL RECOMMENDATIONS OF THE ACOUSTIC ASSESSMENT, PREPARED BY ACOUSTIC LOGIC, DATED 28 JUNE 2019 (OR AS REVISED)

<b>Project Title</b> 2339 346-350 MACAULAY RD, KENSINGTON	<b>Drawing Title</b> EAST & WEST ELEVATIONS  Status TOWN PLANNING	<b>Project No</b> 2339	<b>Drawing No</b> TP06.01	<b>Revision</b> 5	<b>Melbourne</b> : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644 <b>Sydney</b> : GroundFloor11-1 Buckingham Street, Surry Hills, NSW 2010T +61 2 9660 9329 <b>Brisbane</b> : Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821  ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028	<b>hayball</b>	<b>Drawn By</b> <b>Checked By</b> <b>Date Printed</b> <b>Scale</b>	<b>Author</b> Checker 27-Nov-19 10:30:05 AM 1 : 200 @ A1	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr><td>1</td><td>13.02.19</td><td>FOR PLANNING MEETING</td></tr> <tr><td>2</td><td>20.03.19</td><td>WIP BASEMENTS</td></tr> <tr><td>3</td><td>21.03.19</td><td>TO WASTE ENG</td></tr> <tr><td>4</td><td>23.05.19</td><td>CONSULTANT SET</td></tr> <tr><td>5</td><td>18.08.19</td><td>COUNCIL RFIS</td></tr> </tbody> </table>	Rev	Date	Description	1	13.02.19	FOR PLANNING MEETING	2	20.03.19	WIP BASEMENTS	3	21.03.19	TO WASTE ENG	4	23.05.19	CONSULTANT SET	5	18.08.19	COUNCIL RFIS	  BATTERSBY CHOW STUDIO
Rev	Date	Description																										
1	13.02.19	FOR PLANNING MEETING																										
2	20.03.19	WIP BASEMENTS																										
3	21.03.19	TO WASTE ENG																										
4	23.05.19	CONSULTANT SET																										
5	18.08.19	COUNCIL RFIS																										

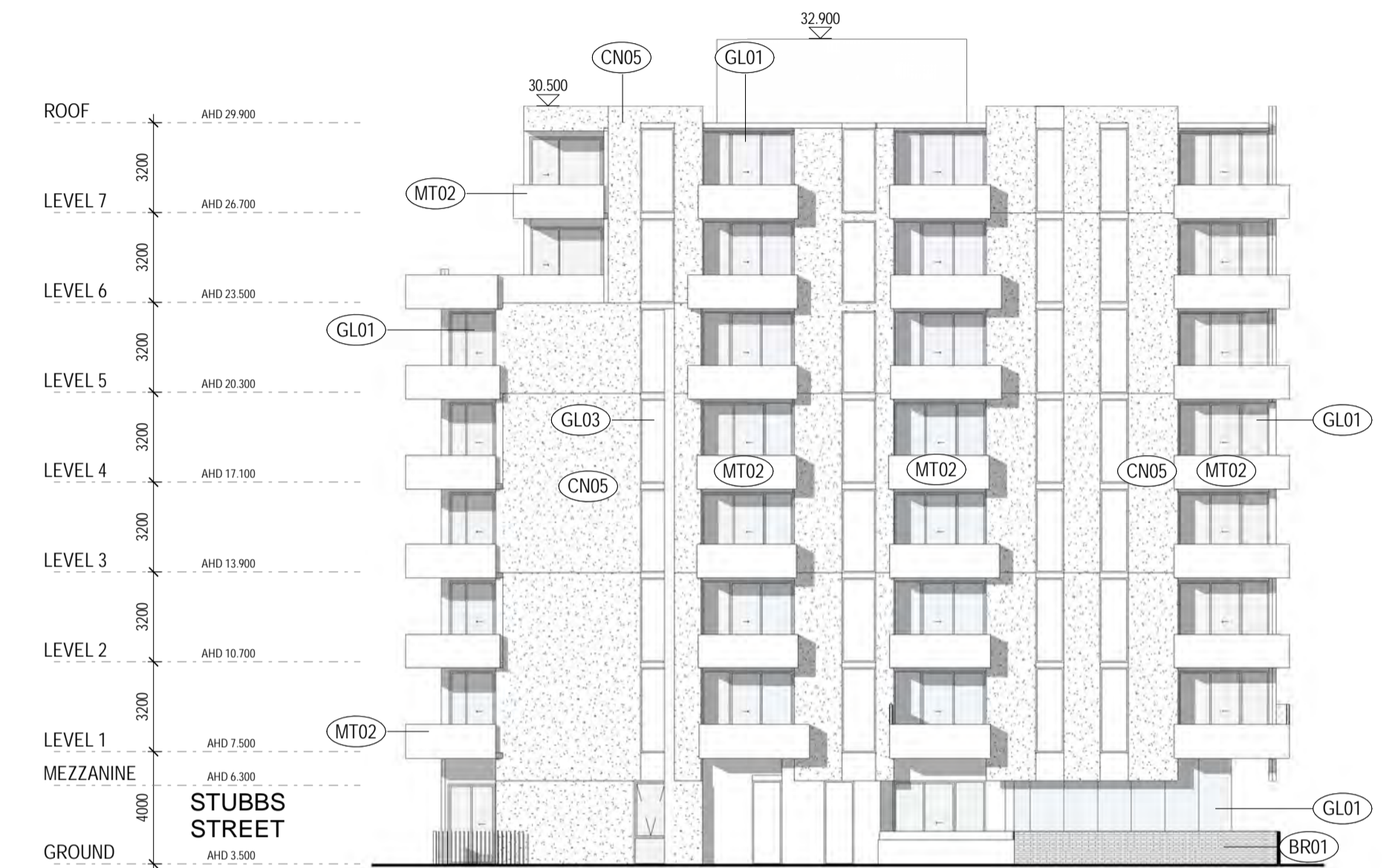
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BR02	_BRK_BRICK SNAP_2
BR03	_BRK_BRICK_3
CF01	_PT_CFC_PANEL_GREY
CN01	_CN01_PRECAST_BRIGHTONLITE
CN02	_CN02_PRECAST_CHARCOAL
CN03	_CN03_PRECAST_GREY_HORIZONT AL RIBS

Multi-Category Material Takeoff	
Material : Mark	Material: Name
CN04	_CN04_PRECAST_GREY_VERTICAL RIBS
CN05	_CN05_PRECAST_BOARD FORMED
GL01	_GL01_GL_GLASS_CLEAR
GL02	_GL02_GLASS_LIGHT GREY
GL03	_GL03_GLASS_GREY
MP01	_MT_METAL PANEL_PERFORATED_NATURAL
MP02	_MT_METAL PANEL_PERFORATED_CHAMPAGNE

Multi-Category Material Takeoff	
Material : Mark	Material: Name
MP03	_MT_METAL PANEL_PERFORATED MONUMENT
MT01	_MT_METAL PANEL_MONUMENT
MT02	_MT_METAL PANEL_BLACK
MT03	_MT_METAL ROOF_MONUMENT STANDING SEAM METAL PANEL
PC01	_MT_WINDOW FRAME_CHARCOAL
TM01	_TM_TIMBER
TM02	_TM_TIMBER FENCE



**NORTH ELEVATION**



**NORTH ELEVATION - BUILDING C**



**SOUTH ELEVATION**



**SOUTH ELEVATION - BUILDING C**

NOTE: THE BUILDING SHALL ADOPT ALL RECOMMENDATIONS OF THE ACOUSTIC ASSESSMENT, PREPARED BY ACOUSTIC LOGIC, DATED 28 JUNE 2019 (OR AS REVISED)

Project Title

2339

346-350 MACAULAY RD, KENSINGTON

Drawing Title

NORTH & SOUTH ELEVATIONS

Status

TOWN PLANNING

Project No

2339

Drawing No

TP06.02

Revision

5

Melbourne : 4/135 Sturt Street Southbank,VIC 3006 T +61 3 9699 3644  
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 ABN: 84006394261 NSW Nominated Architects:Tom Jordan 7521,  
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Date

Description

1

13.02.19

FOR PLANNING MEETING

2

20.03.19

WIP BASEMENTS

3

21.03.19

TO WASTE ENG

4

23.05.19

CONSULTANT SET

5

18.08.19

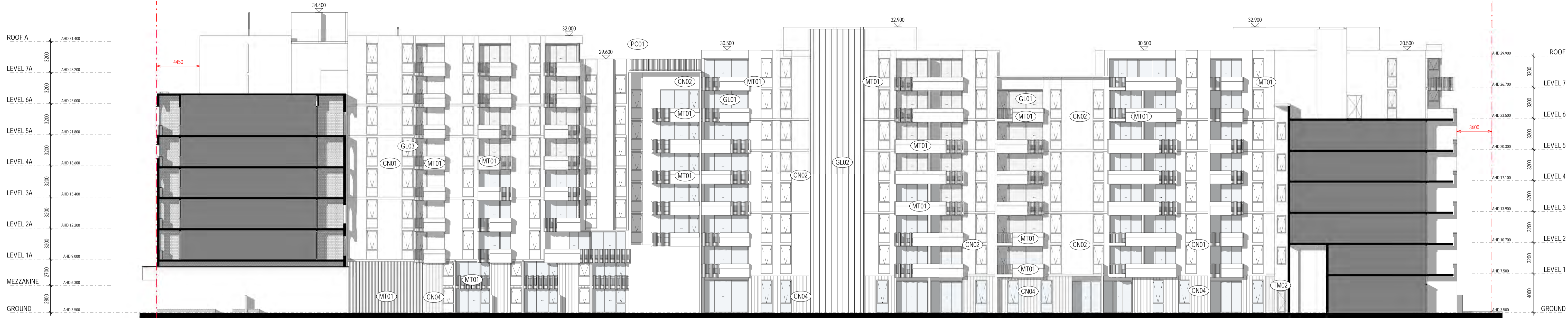
COUNCIL RFIS



Multi-Category Material Takeoff	
Material : Mark	Material: Name
BR01	_BRK_BRICK SNAP_1
BR02	_BRK_BRICK SNAP_2
BR03	_BRK_BRICK_3
CF01	_PT_CFC PANEL_GREY
CN01	_CN01_PRECAST_BRIGHTONLITE
CN02	_CN02_PRECAST_CHARCOAL
CN03	_CN03_PRECAST_GREY_HORIZONT AL RIBS

Multi-Category Material Takeoff	
Material : Mark	Material: Name
CN04	_CN04_PRECAST_GREY_VERTICAL RIBS
CN05	_CN05_PRECAST_BOARD FORMED
GL01	_GL01_GL_GLASS_CLEAR
GL02	_GL02_GLASS_LIGHT GREY
GL03	_GL03_GLASS_GREY
MP01	_MT_METAL PANEL_PERFORATED_NATURAL
MP02	_MT_METAL PANEL_PERFORATED_CHAMPAGNE

Multi-Category Material Takeoff	
Material : Mark	Material: Name
MP03	_MT_METAL PANEL_PERFORATED MONUMENT
MT01	_MT_METAL PANEL_MONUMENT
MT02	_MT_METAL PANEL_BLACK
MT03	_MT_METAL ROOF_MONUMENT STANDING SEAM METAL PANEL
PC01	_MT_WINDOW FRAME_CHARCOAL
TM01	_TM_TIMBER
TM02	_TM_TIMBER FENCE



## EAST ELEVATION



## WEST ELEVATION

NOTE: THE BUILDING SHALL ADOPT ALL RECOMMENDATIONS OF THE ACOUSTIC ASSESSMENT, PREPARED BY ACOUSTIC LOGIC, DATED 28 JUNE 2019 (OR AS REVISED)

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
EAST & WEST ELEVATIONS - COURTYARD  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP06.03  
Revision  
5

Melbourne : 4/135 Sturt Street Southbank,VIC 3006 T +61 3 9699 3644  
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ABN: 84006394261 NSW Nominated Architects:Tom Jordan 7521,  
Richard Leonard 7522, David Tordoff 8028

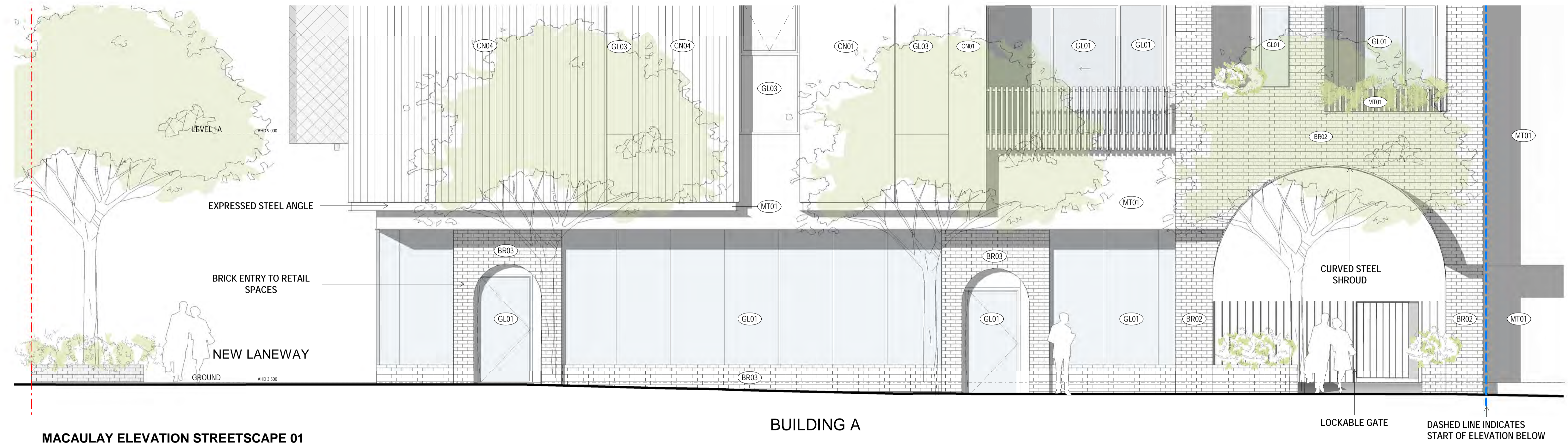


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2	20.03.19	WIP BASEMENTS
3	21.03.19	TO WASTE ENG
4	23.05.19	CONSULTANT SET
5	18.08.19	COUNCIL RFIS



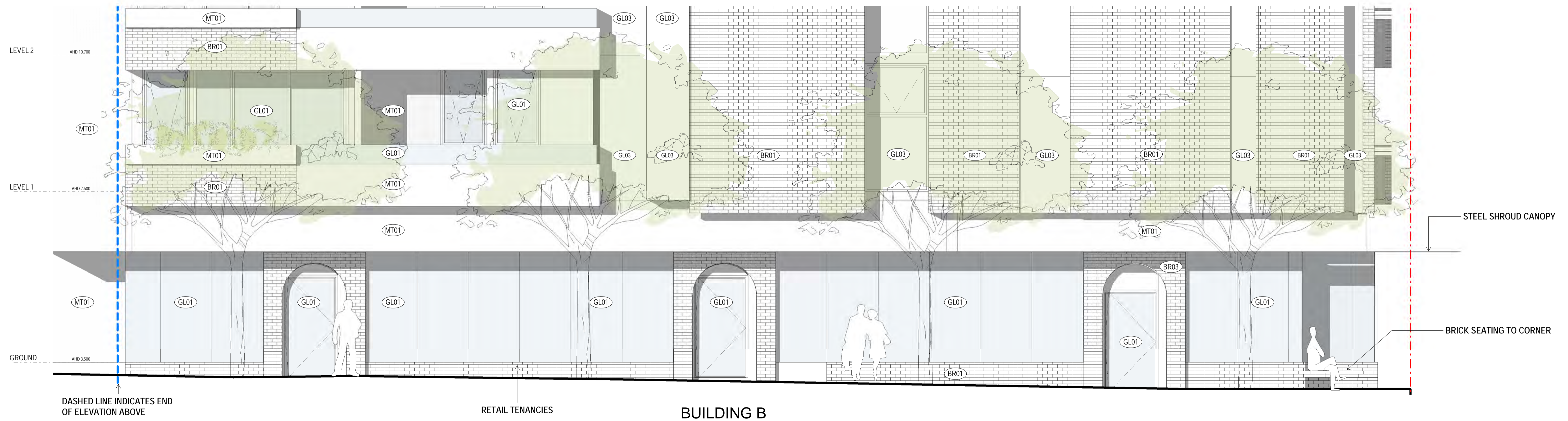


MACAULAY ELEVATION STREETScape 01

BUILDING A

LOCKABLE GATE

DASHED LINE INDICATES START OF ELEVATION BELOW



MACAULAY ELEVATION STREETScape 02

BUILDING B

RETAIL TENANCIES

STEEL SHROUD CANOPY

BRICK SEATING TO CORNER

DASHED LINE INDICATES END OF ELEVATION ABOVE

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
STREETSCAPE ELEVATIONS  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP06.04  
Revision  
1

Melbourne : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644  
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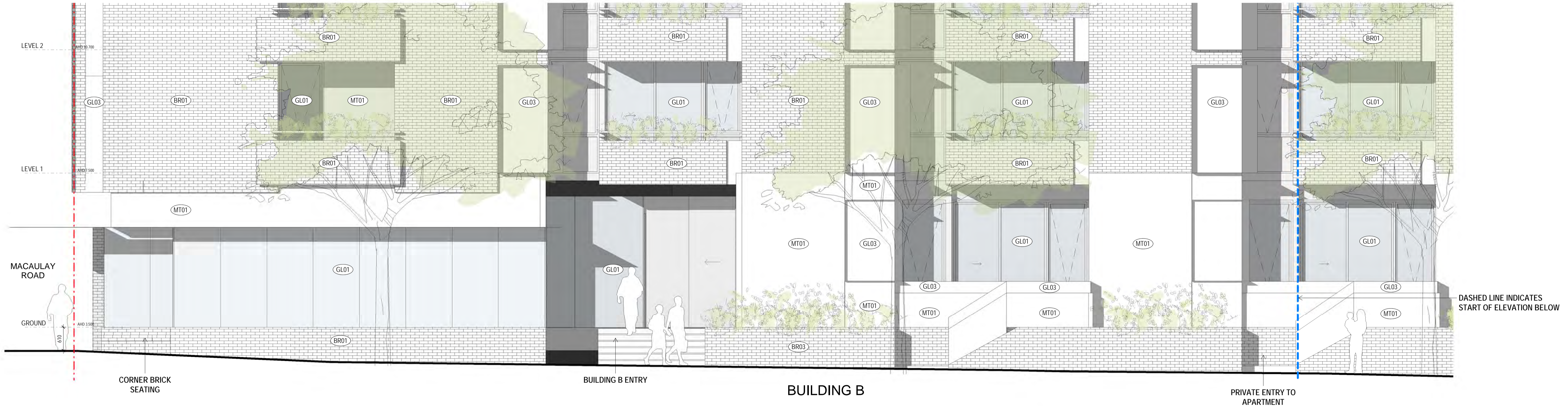


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Rev	Date	Description
1	18.09.19	COUNCIL RFTS





STUBBS ELEVATION STREETSCAPE 01



STUBBS ELEVATION STREETSCAPE 02

<b>Project Title</b>	<b>Drawing Title</b>	<b>Project No</b>	<b>Drawing No</b>	<b>Revision</b>	<b>Melbourne :</b> 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644 <b>Sydney :</b> GroundFloor11-1 Buckingham Street, Surry Hills, NSW 2010T +61 2 9660 9329 <b>Brisbane :</b> Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821  ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028	<b>Drawn By</b> <b>Checked By</b> <b>Date Printed</b> <b>Scale</b>	<b>Author</b> <b>Checker</b> 27-Nov-19 12:02:10 PM 1 : 50@ A1	<b>Rev</b> <b>Date</b> <b>Description</b> 1   18.09.19   COUNCIL RFTS 2   07.11.19   COUNCIL RFTS	<b>uag</b> UNITED ASIA GROUP <b>BCS</b> BATTERSBY CHOW STUDIO
2339	STREETSCAPE ELEVATIONS	2339	TP06.05	2					
346-350 MACAULAY RD, KENSINGTON	TOWN PLANNING								



STUBBS ELEVATION STREETScape 03

Project Title  
 2339  
 346-350 MACAULAY RD, KENSINGTON

Drawing Title  
 STREETScape ELEVATIONS  
 Status  
 TOWN PLANNING

Project No  
 2339  
 Drawing No  
 TP06.06  
 Revision  
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Melbourne : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644  
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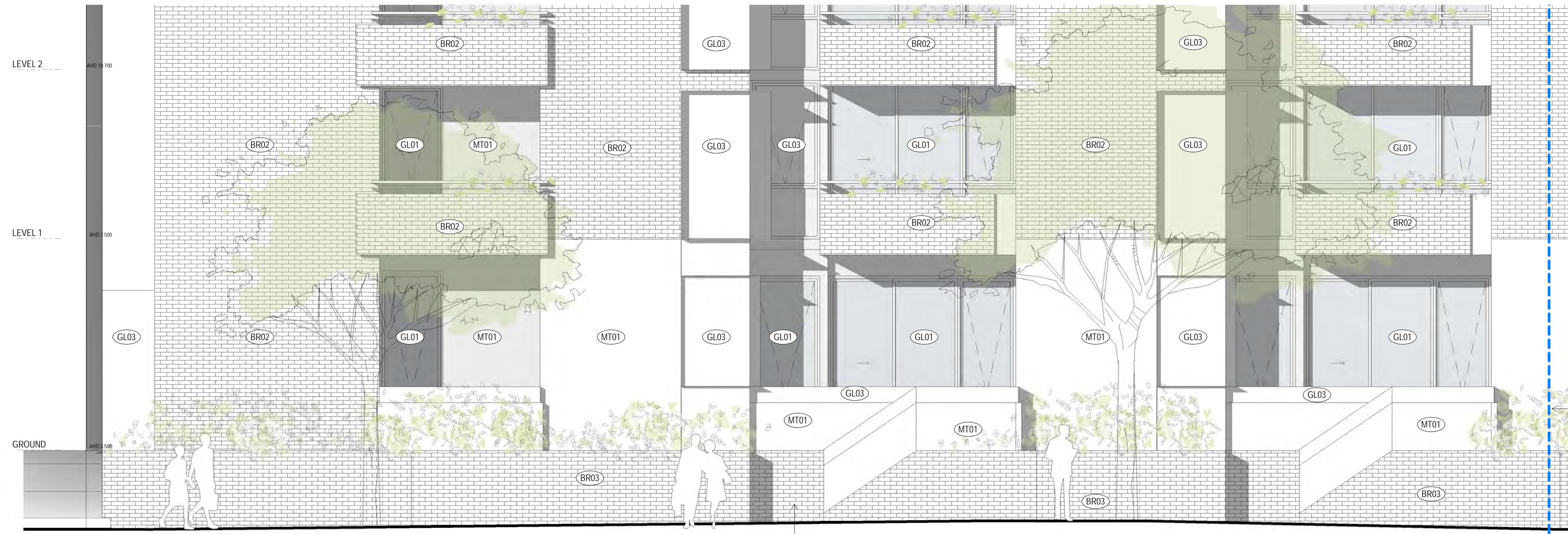
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Rev	Date	Description
1	18.09.19	COUNCIL RFTS







DASHED LINE INDICATES START OF ELEVATION BELOW

PRIVATE ENTRY TO APARTMENT BUILDING D

STUBBS ELEVATION STREETScape 04



DEEP SOIL PLANTING BEYOND

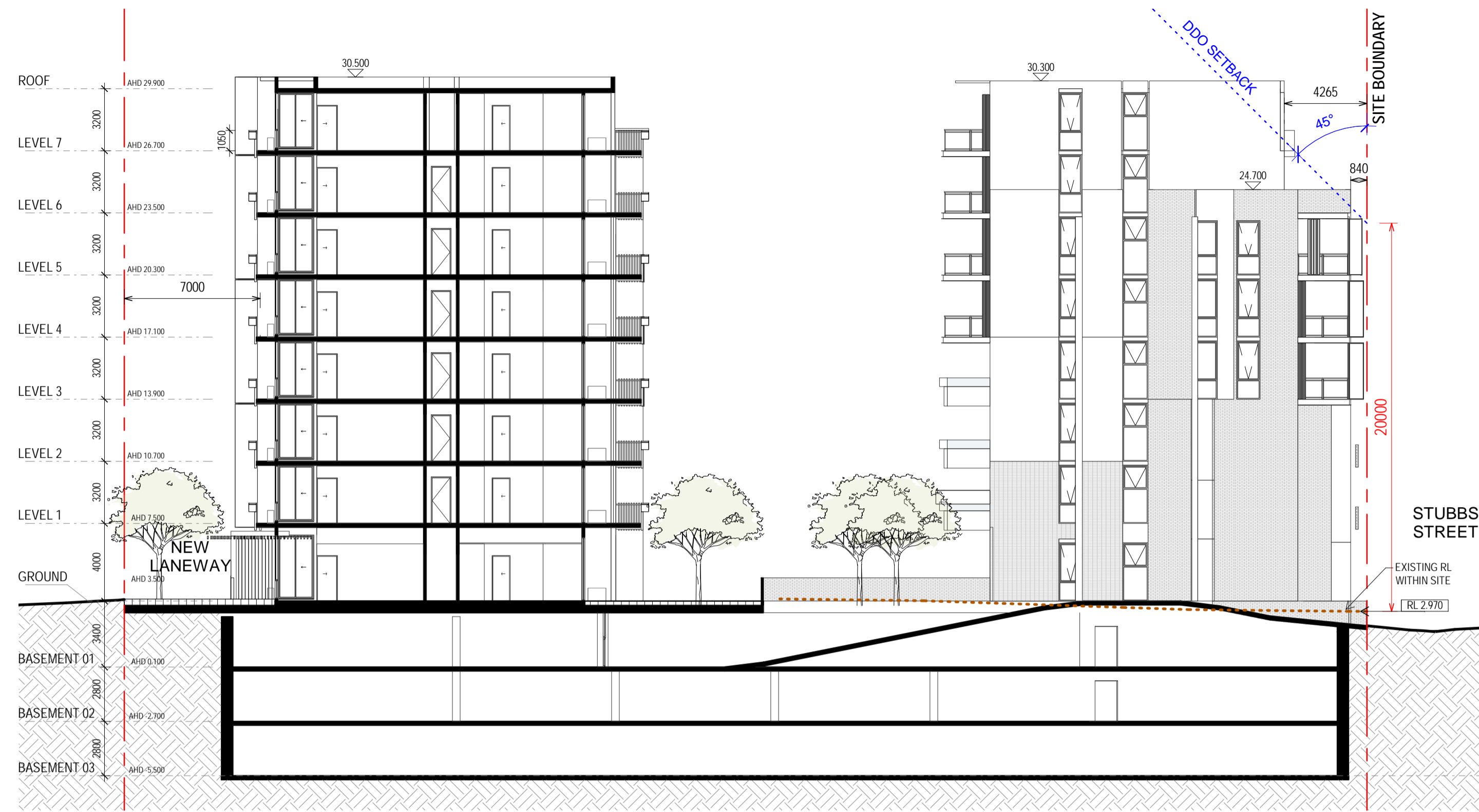
DASHED LINE INDICATES END OF ELEVATION ABOVE

PRIVATE ENTRY TO APARTMENT BUILDING D ENTRY BUILDING D

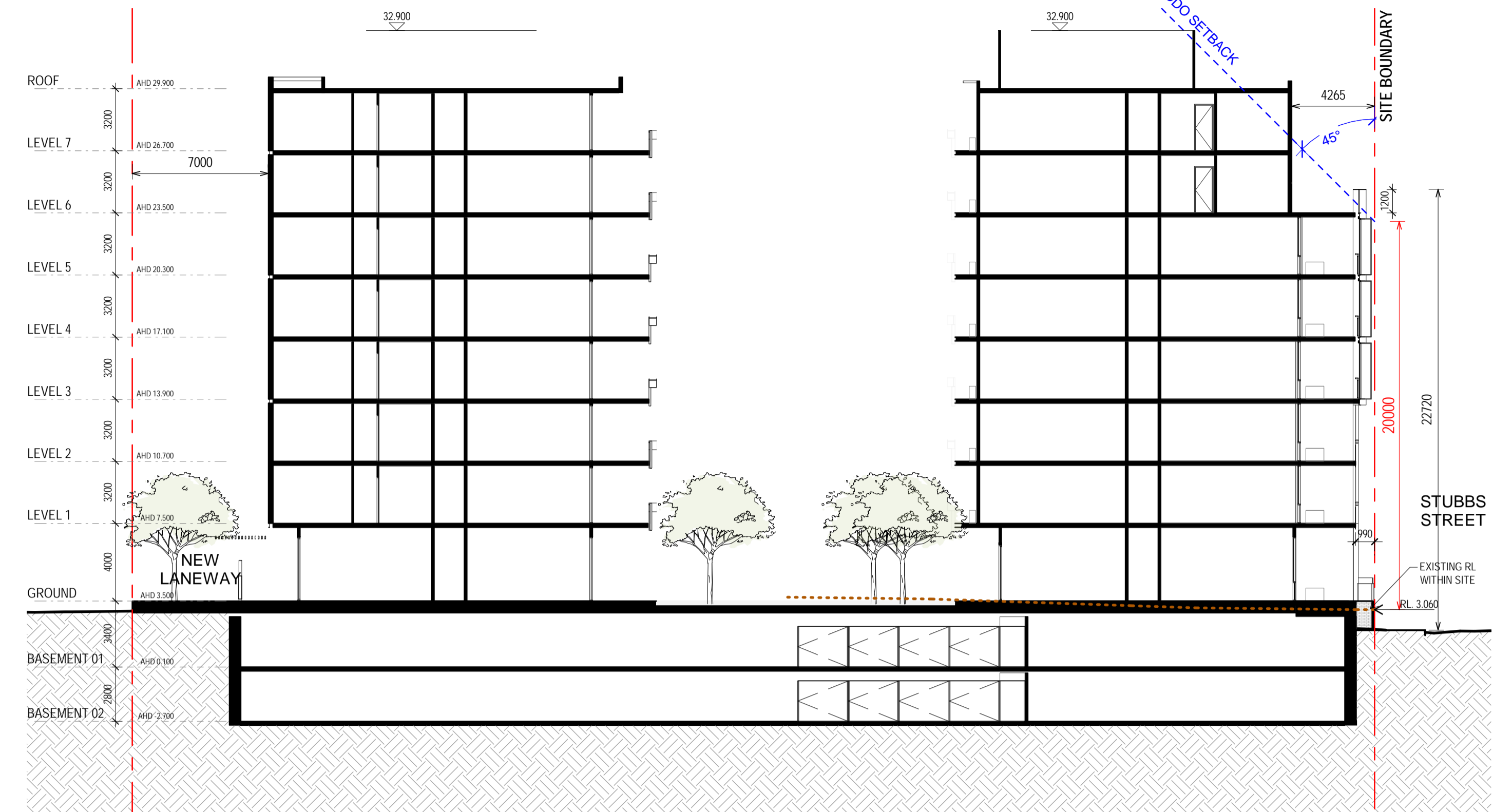
STUBBS ELEVATION STREETScape 05

<p><b>Project Title</b> 2339 346-350 MACAULAY RD, KENSINGTON</p>	<p><b>Drawing Title</b> STREETSCAPE ELEVATIONS  <b>Status</b> TOWN PLANNING</p>	<p><b>Project No</b> 2339  <b>Drawing No</b> TP06.07  <b>Revision</b> 1</p>	<p><b>Melbourne</b> : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644 <b>Sydney</b> : GroundFloor11-1 Buckingham Street, Surry Hills, NSW 2010T +61 2 9660 9329 <b>Brisbane</b> : Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821  ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028</p>		<p><b>Drawn By</b> <b>Checked By</b> <b>Date Printed</b> <b>Scale</b></p> <p>Author Checker 27-Nov-19 10:33:18 AM 1 : 50 @ A1</p>	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>18.09.19</td> <td>COUNCIL RFTS</td> </tr> </tbody> </table>	Rev	Date	Description	1	18.09.19	COUNCIL RFTS	
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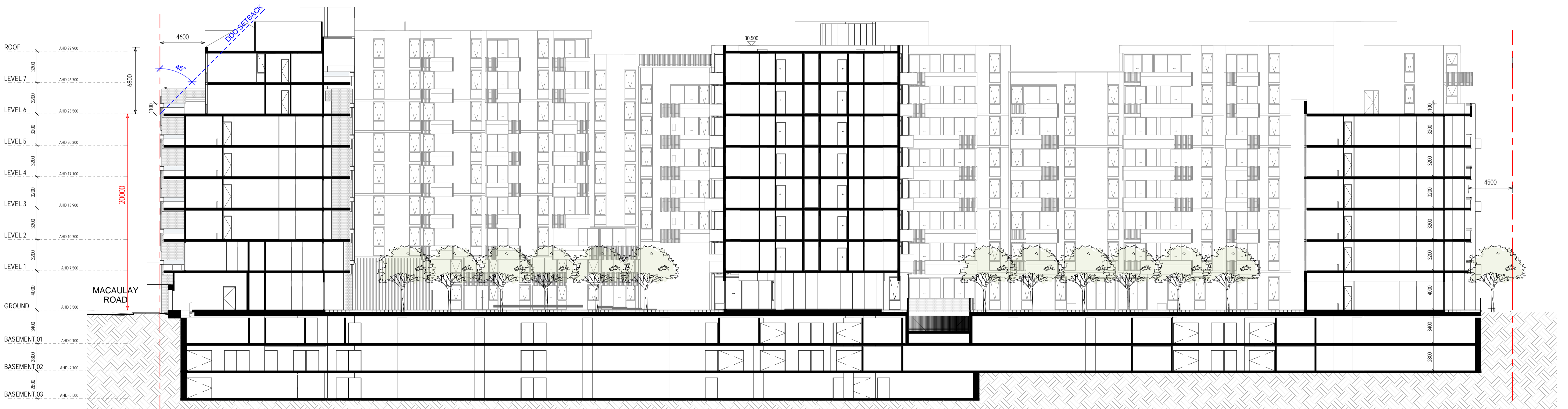
Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved



SECTION 1



SECTION 2



SECTION 3

Project Title  
 2339  
 346-350 MACAULAY RD, KENSINGTON

Drawing Title  
 SECTIONS  
 Status  
 TOWN PLANNING

Project No  
 2339  
 Drawing No  
 TP07.01  
 Revision  
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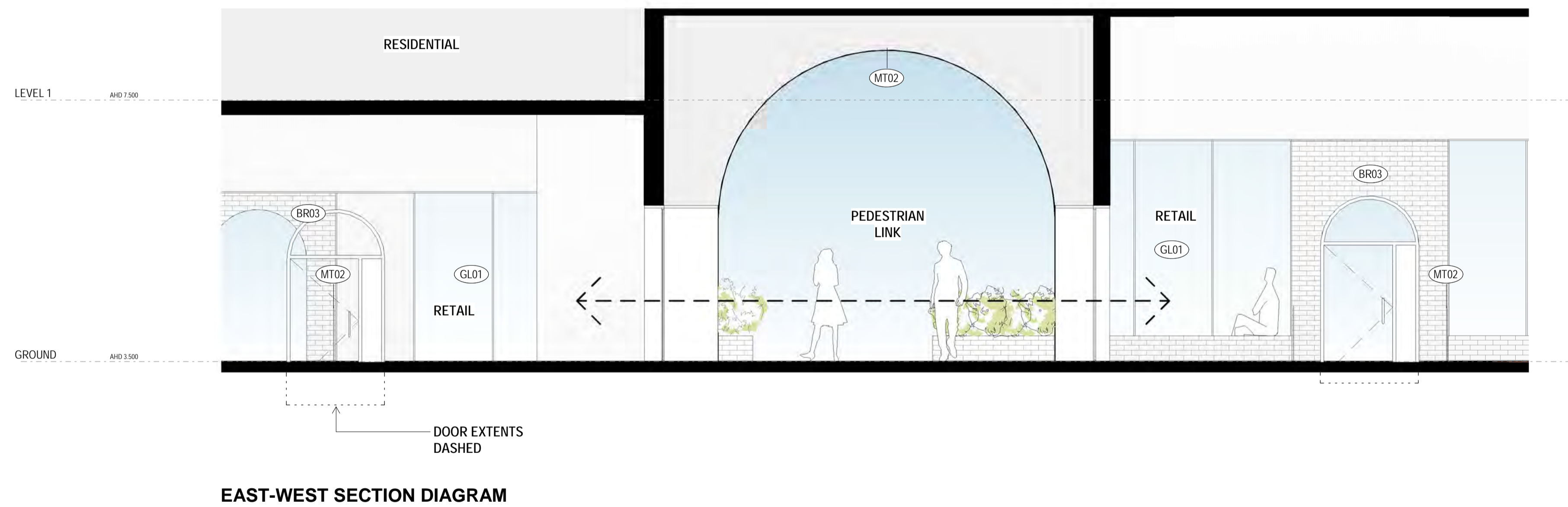


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Rev	Date	Description
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2	20.03.19	WIP BASEMENTS
3	21.03.19	TO WASTE ENG
4	23.05.19	CONSULTANT SET
5	18.08.19	COUNCIL RFIS





**Project Title**  
 2339  
 346-350 MACAULAY RD, KENSINGTON

**Drawing Title**  
 EAST-WEST SECTION DIAGRAM  
**Status**  
 TOWN PLANNING

**Project No**  
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**Drawing No**  
 TP07.02  
**Revision**  
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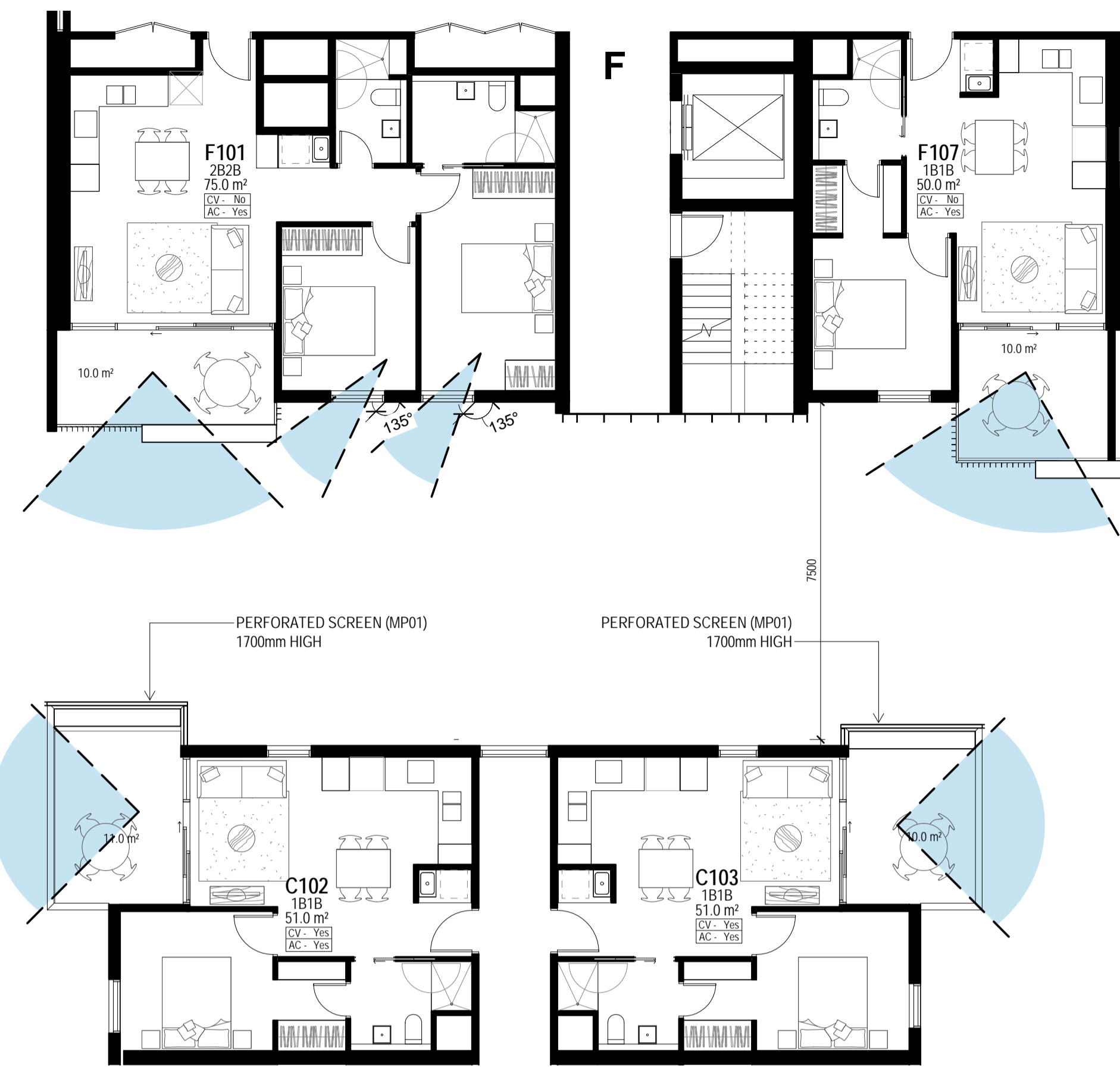


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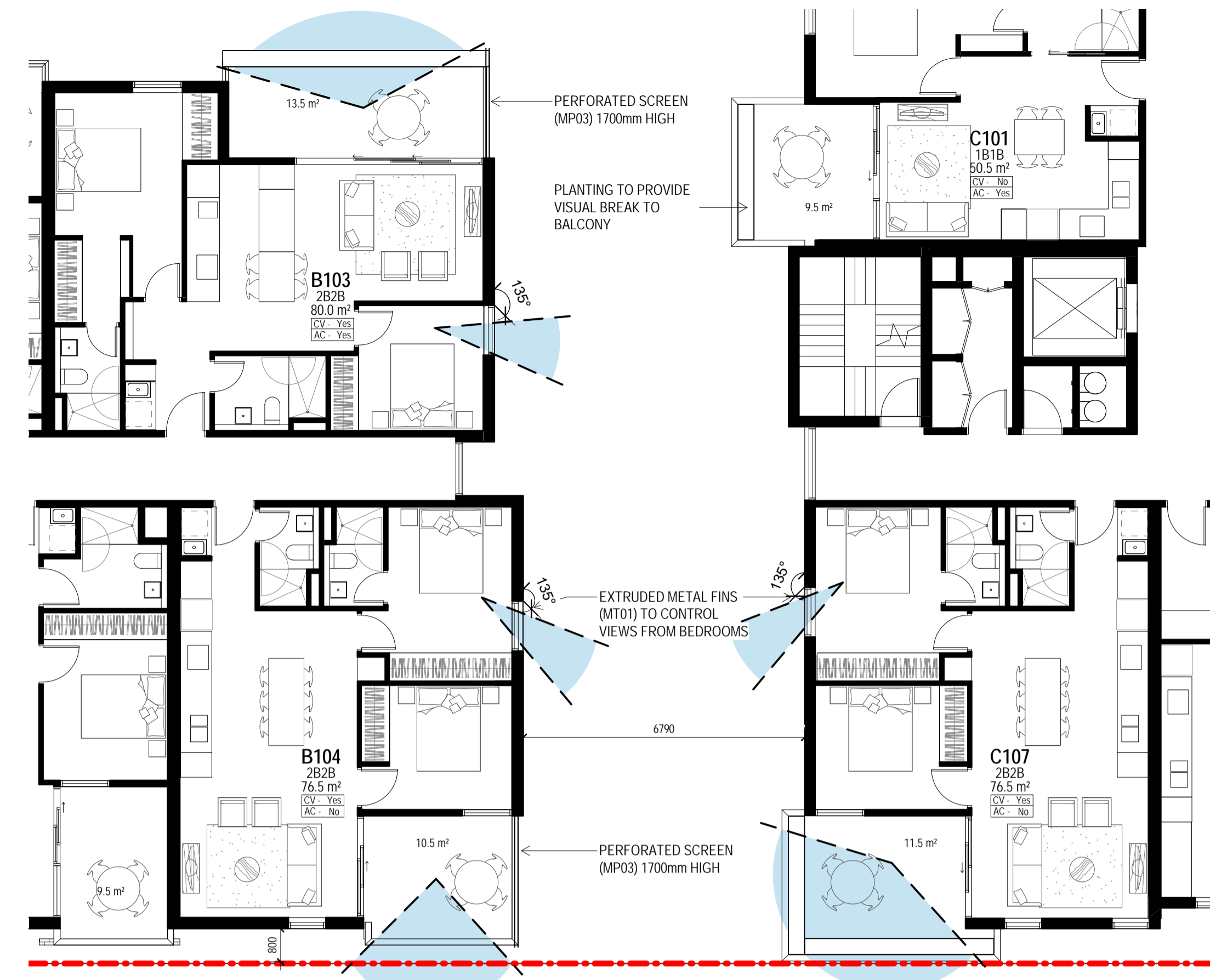
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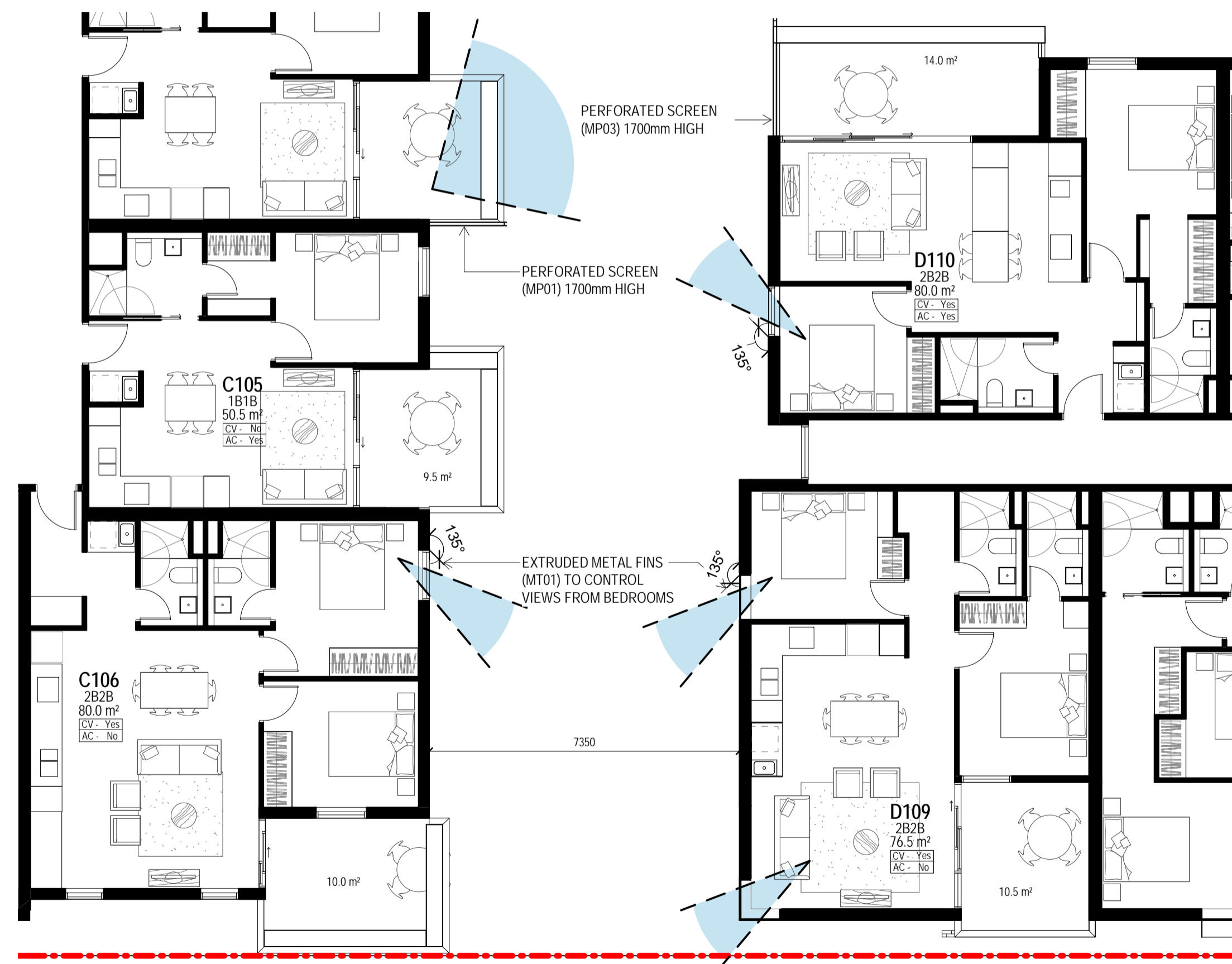




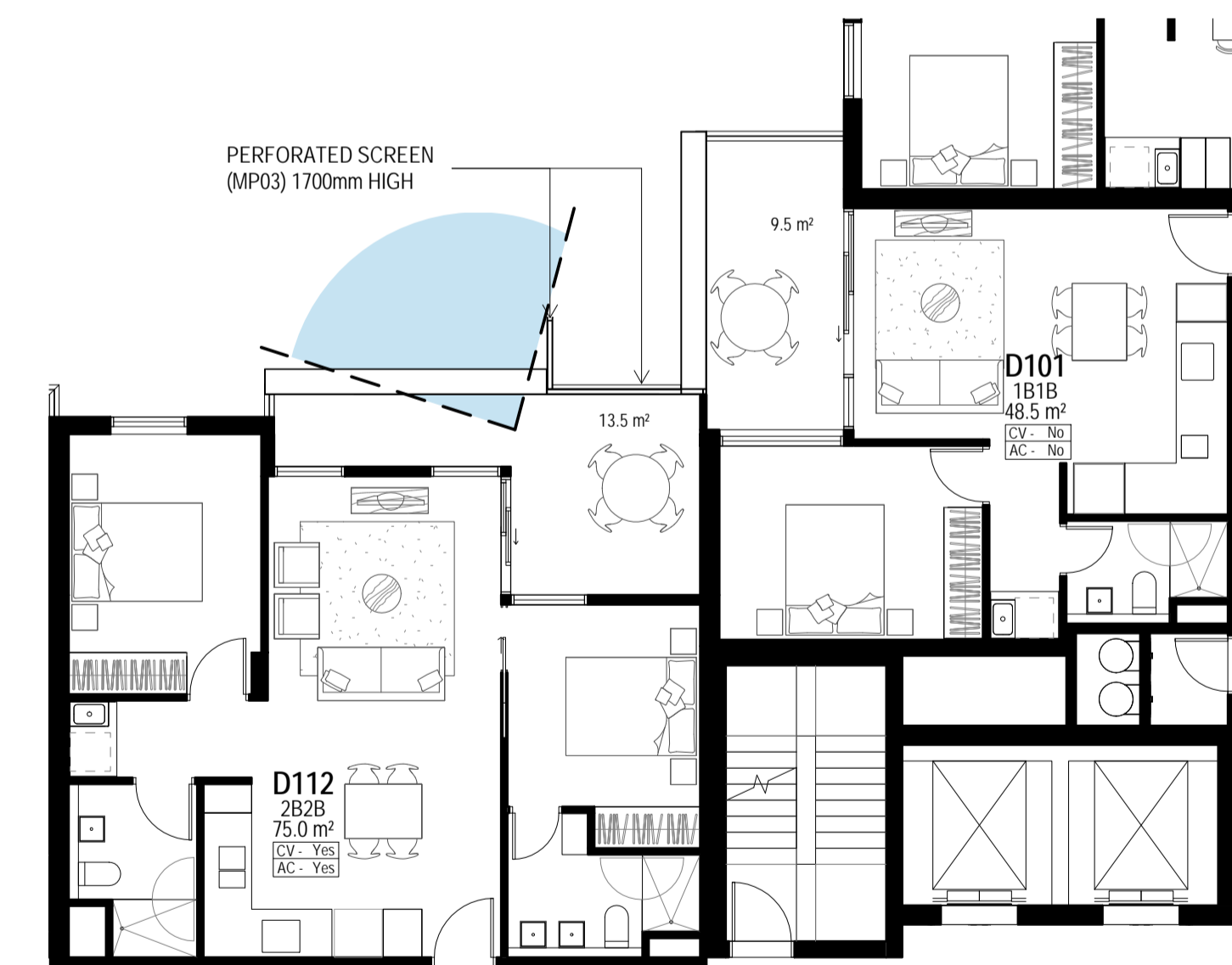
INTERNAL OVERLOOKING BUILDING C - F



INTERNAL OVERLOOKING BUILDING B - C



INTERNAL OVERLOOKING BUILDING C - D



INTERNAL OVERLOOKING D112 - D101

NOTE: INTERNAL OVERLOOKING APPROACH SHOWN IS TYPICAL DESIGN RESPONSE. SIMILAR ZONES IN DESIGN TO ADOPT PRINCIPLES

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
INTERNAL OVERLOOKING ANALYSIS  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP08.01  
Revision  
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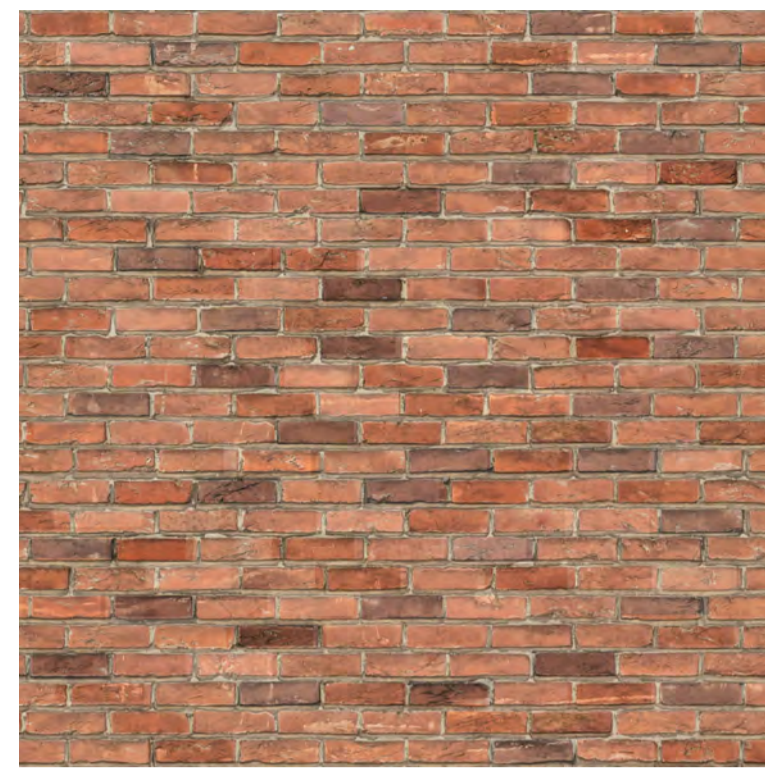


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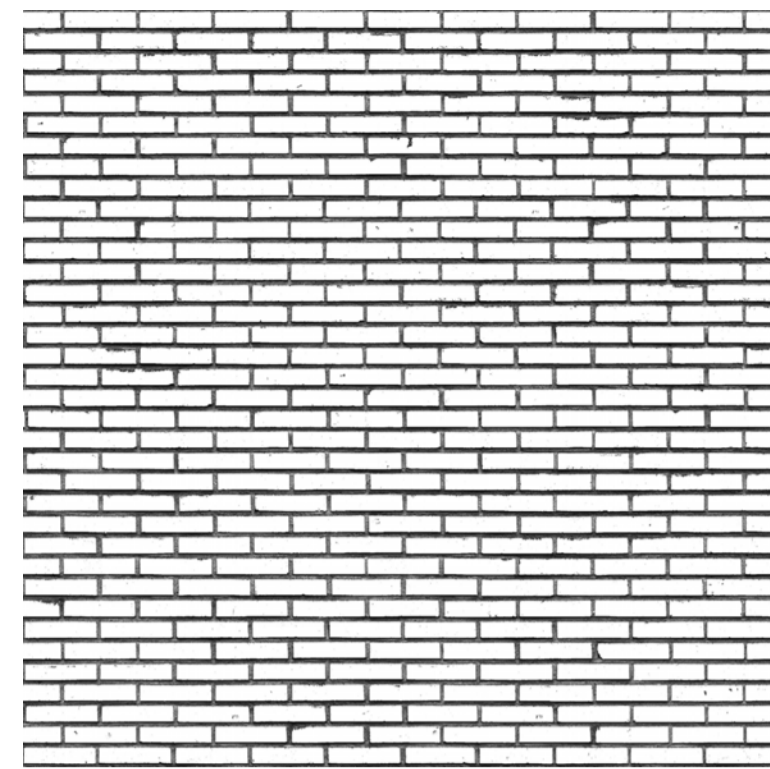
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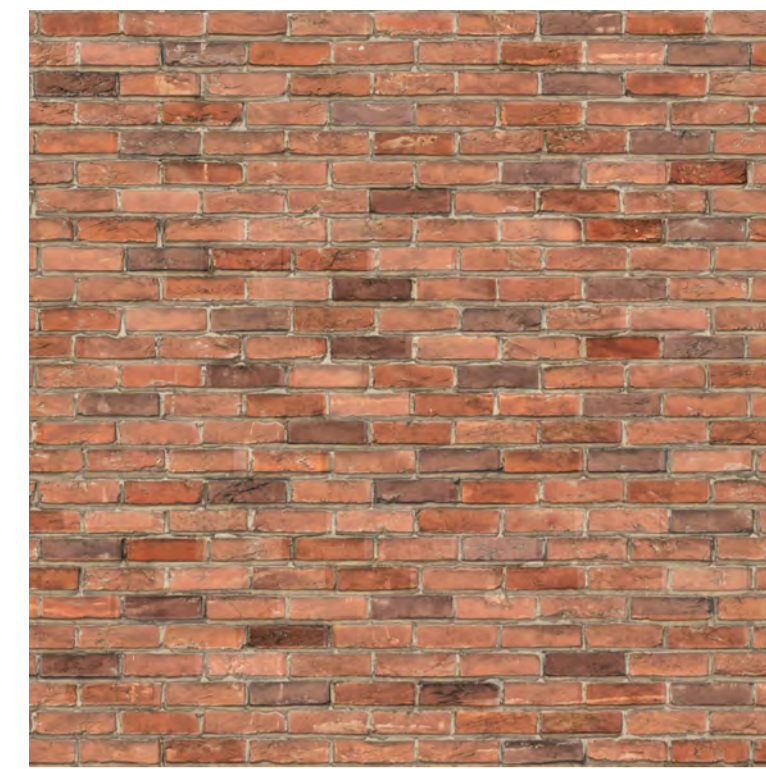




BR01 - RED BRICK SNAP



BR02 - WHITE BRICK SNAP



BR03 - RED BRICK



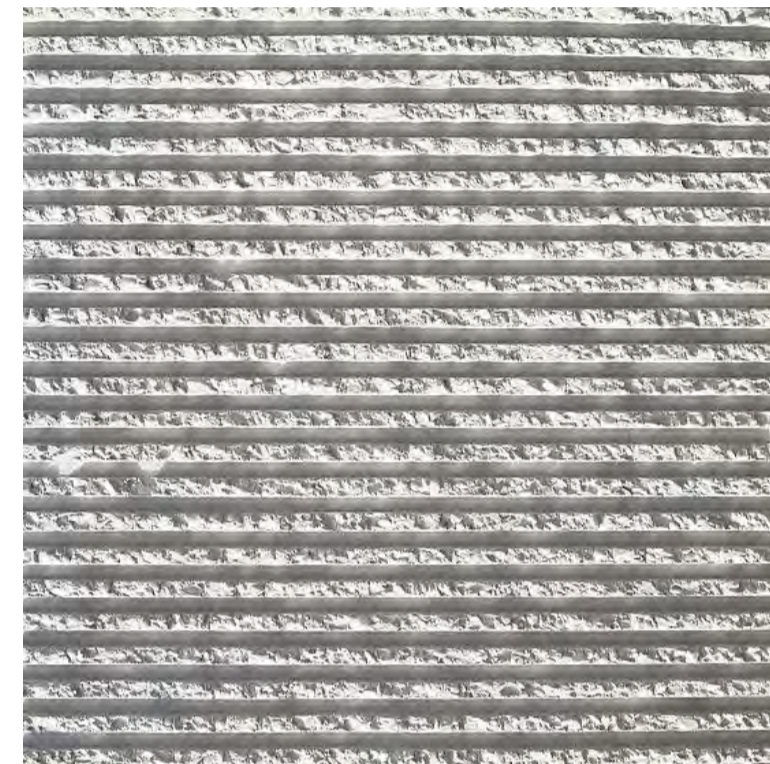
CF01 - DARK GREY  
EQUITONE PANEL



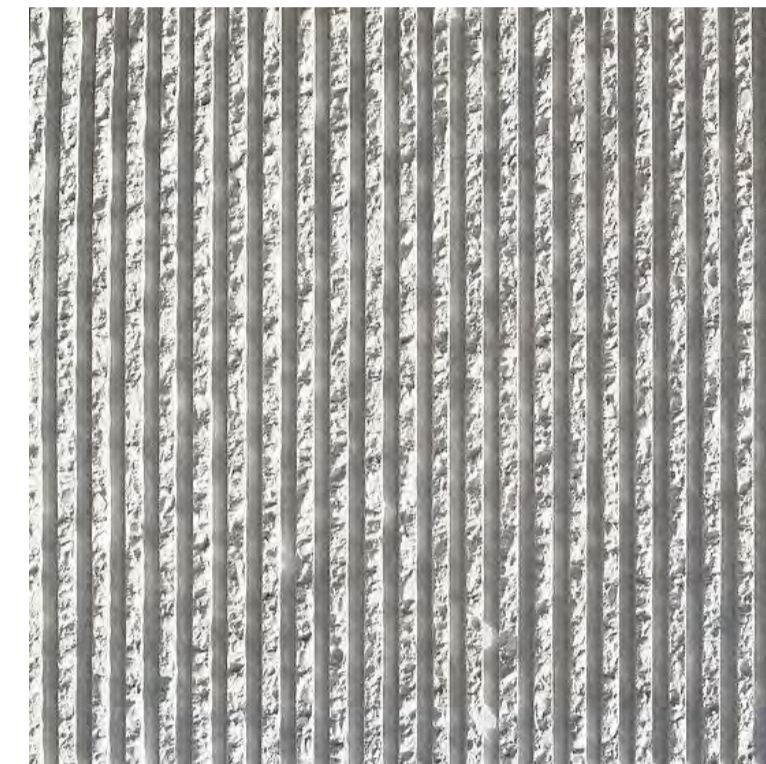
CN01 - 100% BRIGHTONLITE  
PRECAST CONCRETE



CN02 - CHARCOAL PRECAST  
CONCRETE



CN03 - HORIZONTAL RIBBED  
PRECAST CONCRETE



CN04 - VERTICAL RIBBED  
PRECAST CONCRETE



CN05 - BOARD FORMED  
PRECAST CONCRETE



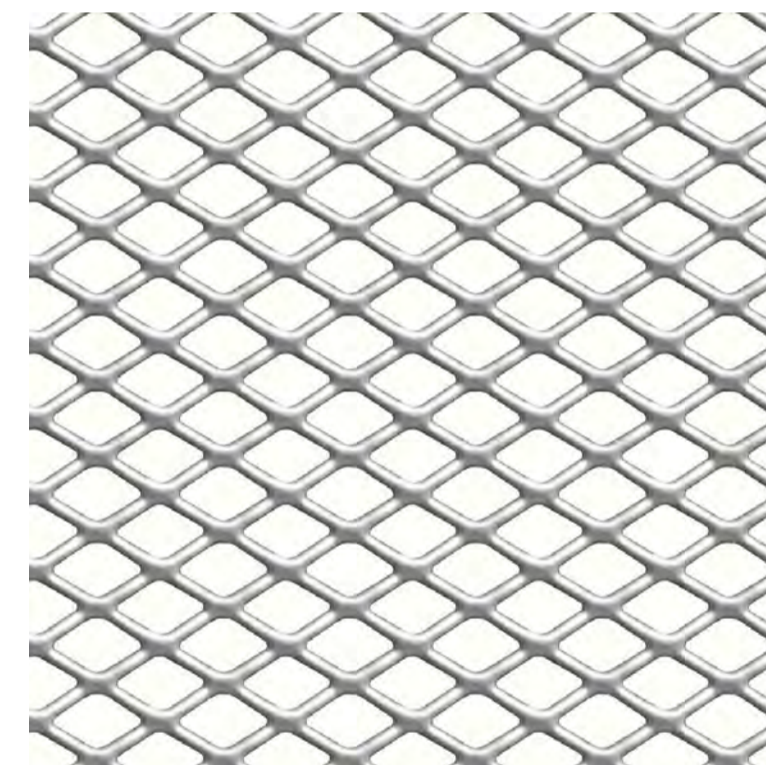
GL01 - CLEAR GLASS



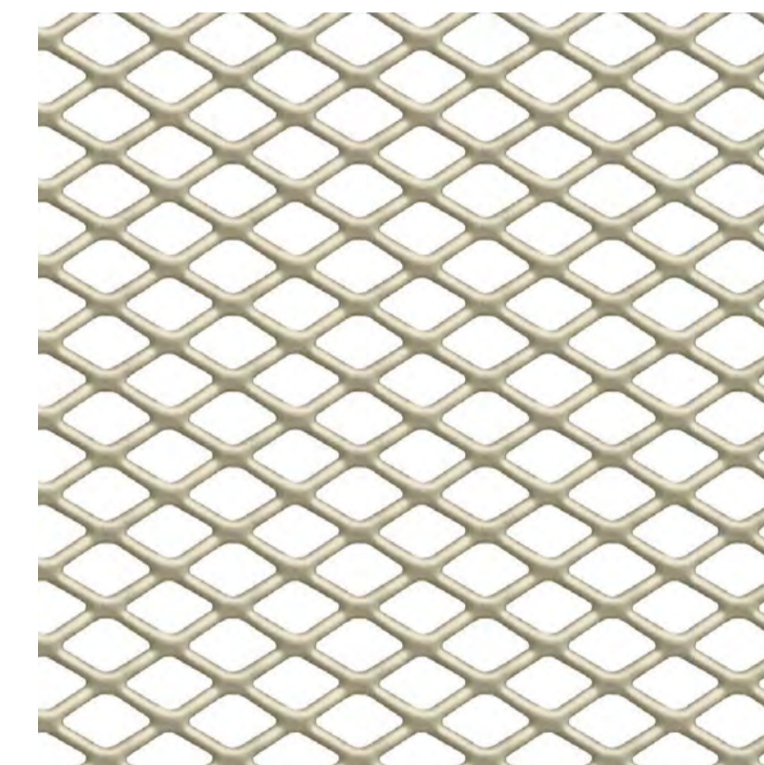
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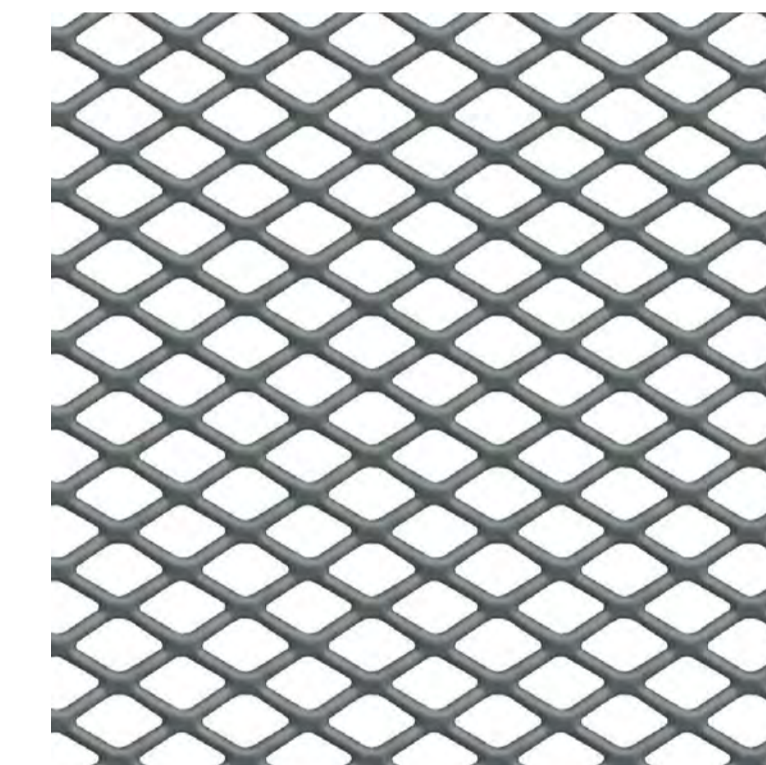
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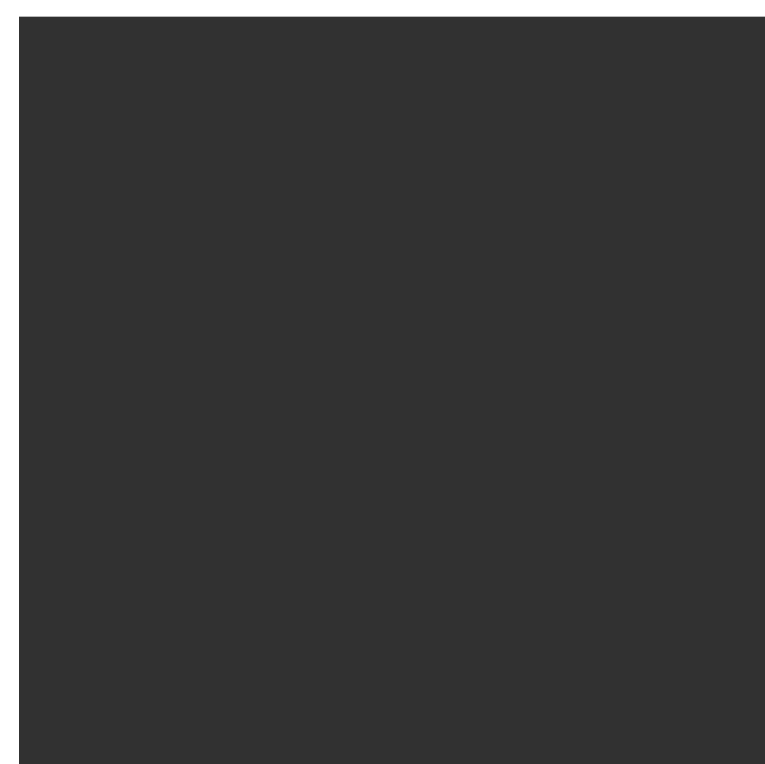
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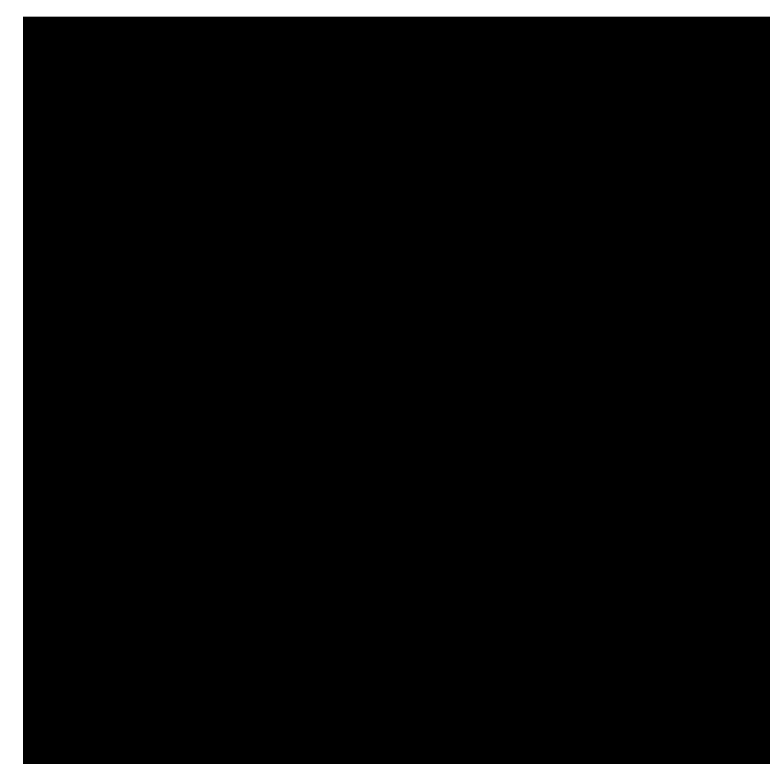
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MP03 - EXPANDED METAL  
MESH - MONUMENT



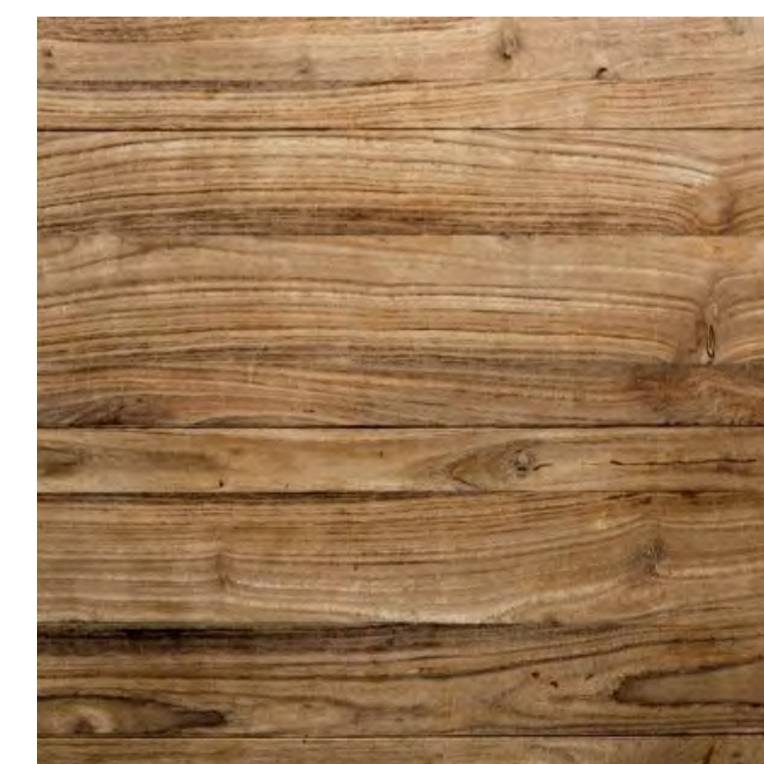
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MONUMENT



MT02 - METAL PANEL - BLACK



MT03 - METAL PANEL -  
MONUMENT STANDING SEAM



TM01 - TIMBER

Project Title  
2339  
346-350 MACAULAY RD, KENSINGTON

Drawing Title  
MATERIAL SCHEDULE  
Status  
TOWN PLANNING

Project No  
2339  
Drawing No  
TP09.01  
Revision  
1

Melbourne : 4/135 Sturt Street Southbank,VIC 3006 T +61 3 9699 3644  
Sydney : GroundFloor11-1 Buckingham Street,Surry Hills, NSW 2010T +61 2 9660 9329  
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ABN: 84006394261 NSW Nominated Architects:Tom Jordan 7521,  
Richard Leonard 7522, David Tordoff 8028



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## DELEGATE REPORT

### MINISTERIAL PLANNING REFERRAL

<b>City of Melbourne application number:</b>	<b>TPM-2019-30</b>
<b>DELWP application number:</b>	PA1900727
<b>Applicant:</b>	UAG Macaulay Development Pty Ltd
<b>Owner:</b>	Vision Australia Foundation
<b>Architect:</b>	Hayball
<b>Address:</b>	346-350 Macaulay Road, Kensington
<b>Proposal summary:</b>	Use and development of the land for an eight storey mixed use development, including a shop greater than 150m <sup>2</sup>
<b>Cost of works:</b>	\$70 million
<b>Date received by City of Melbourne:</b>	20 November 2019
<b>Responsible officer:</b>	Markus Tschech

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The Site

The subject site is located on the north-western corner of the Macaulay Road and Stubbs Street intersection. It comprises eight separate titles, as listed below:

- Lot 1 on Plan of Subdivision 348433B. Volume 10283 Folio 836.
- Lot 2 on Plan of Subdivision 348433B. Volume 10283 Folio 837.
- Lot 3 on Plan of Subdivision 348433B. Volume 10283 Folio 839.
- Lot 4 on Plan of Subdivision 348433B. Volume 10283 Folio 839.
- Lot 5 on Plan of Subdivision 139456. Volume 10283 Folio 840.
- Lot 6 on Plan of Subdivision 348433B. Volume 10283 Folio 841.
- Lot 7 on Plan of Subdivision 349823G. Volume 10283 Folio 853.
- Lot 8 on Plan of Subdivision 349823G. Volume 10283 Folio 854.

The site has a rectangular shape with a 43.04 metre frontage to Macaulay Road, a 137.54 metre frontage to Stubbs Street and a total area of 8,803m<sup>2</sup>.

Two buildings occupy the site, with a three storey commercial building on the southern portion of the site, and a large warehouse on the remainder of the site. A loading dock and 49 car spaces are accessed via crossovers to both Macaulay Road and Stubbs Street.

The entire site is within an area of Aboriginal cultural heritage significance and an eastern portion is subject to flooding.

The site is burdened by the following easements:

- A two metre-wide electricity easement along a portion of the Macaulay Road frontage.
- A 2.29 metre-wide sewerage easement along a portion of the Stubbs Street frontage.

An inspection of the site and surrounding area was undertaken on 9 April 2020.

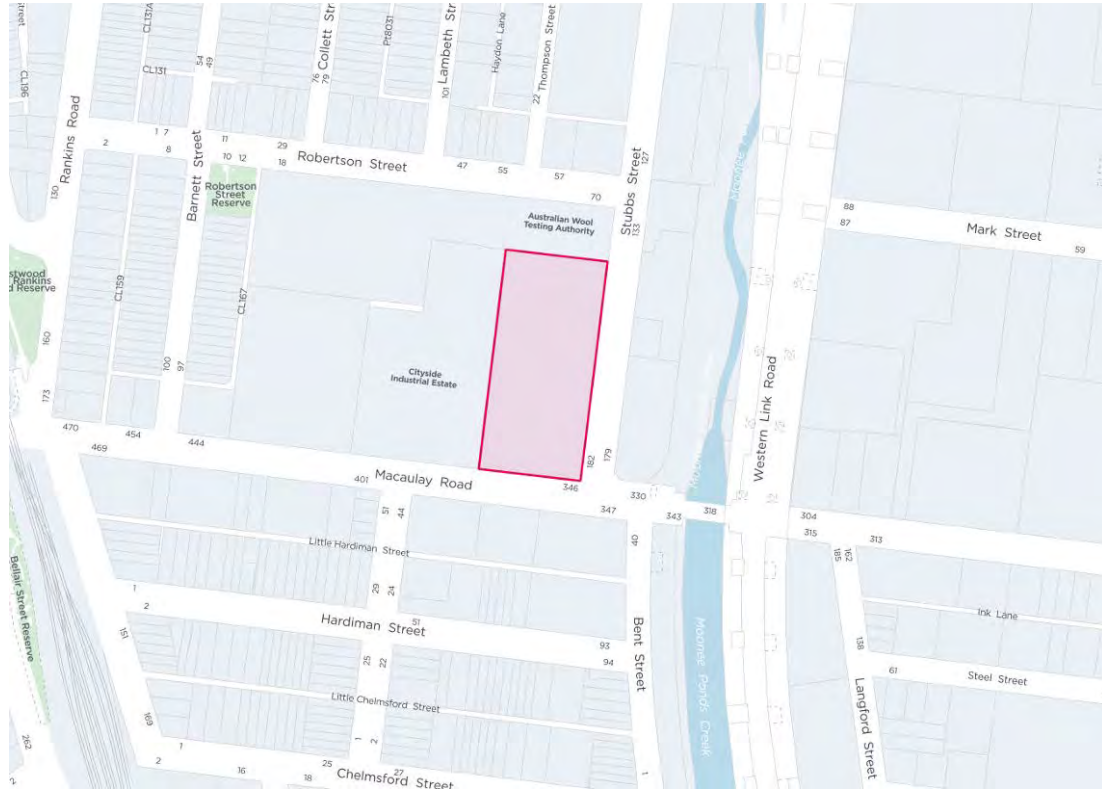


Figure 1 - Site Context Map



Figure 2 - View of site from the corner of Macaulay Road and Stubbs Street



Figure 3 - View of site from the Macaulay Road frontage



Figure 4 - View of site from the Stubbs Street frontage

## 1.2. Surrounds

The subject site is located within the Arden-Macaulay Urban Renewal Area, which is primarily characterised by low-density manufacturing, wholesale and storage activities. It straddles the north-western edge of the Central City area and while there are several large underutilised industrial sites, the renewal area is recognised as being in transition; undergoing extensive redevelopment that will transform former industrial sites either side of the Moonee Ponds Creek.

The city block bound by Macaulay Road, Stubbs Street, Robertson Street and Barnett Street comprises five large parcels of land used for light industry, with a total of 18 residential properties and the Robertson Street Reserve fronting Barnett Street.

The site is well served by public transport, including Macaulay Train Station 200 metres east, Kensington Train Station 270 metres west and Bus Route #402 that stops in front of the site and connects Footscray Train Station and East Melbourne.

In terms of direct abuttals:

- Adjoining the site to the **north**, at 18-76 Robertson Street, is a double storey commercial building. A driveway with a cantilevered first level above is located along the common boundary.
- Directly to the **south** of the site is Macaulay Road, which is a dual carriageway road, with bicycle lanes and on-street parking available on both sides.

Across Macaulay Road to the south are two large warehouse buildings built to the street frontage. The site at 347-367 Macaulay Road has an existing approval (TP-2017-709) for a six storey apartment building.

The site at 369 Macaulay Road has an existing approval (TP-2018-360/A) for an eight storey mixed use building.

- Directly to the **east** of the site is Stubbs Street, which is a dual carriageway road, with bicycle lanes and on-street parking available on both sides.

Across Stubbs Street to the east at 161-179 Stubbs Street is a warehouse and depot which adjoins the Merri Ponds Creek along its eastern boundary.

- Adjoining the site to the **west**, at 352 Macaulay Road, is a large warehouse complex consisting of six double storey concrete units. An at-grade carpark and vehicle circulation area characterises the majority of the common boundary, with a double storey building on the site's south-eastern corner.



Figure 5 - Nearmap Aerial image, captured on 17 February 2020, highlighting the subject site

## **2. BACKGROUND AND HISTORY**

### **2.1. Pre-application discussions (PA-2019-56)**

The permit applicant met with Council Officers on several occasions in early-to-mid 2019 to discuss the proposal.

These meetings led to several design iterations to address Council's initial concerns, including built form layout, landscape treatments, materiality and architectural diversity across the site.

### **2.2. Background to the application**

Planning permit application no. TP-2019-526 was submitted to Council on 5 July 2019. A Request for Further Information (RFI) was issued to the permit applicant on 2 August 2019, requesting inter alia, confirmation of the proposed Gross Floor Area (GFA).

Shortly after notice of the application was given to the public, it was established that, due to the GFA exceeding 25,000m<sup>2</sup>, the application was incorrectly made to the City of Melbourne pursuant to the Schedule to Clause 72.01.

The application was therefore withdrawn and lodged with the Minister for Planning. Notice of the application was subsequently given to the City of Melbourne.

### **2.3. Planning application history**

There is no relevant planning application history for the subject site.

## **3. THE PROPOSAL**

The application seeks planning permission for the use and development of the land for an eight storey mixed use development, including a shop greater than 150 m<sup>2</sup>.

The development comprises six buildings in a courtyard arrangement, above two-and-a-half basement levels. Each of the buildings adopts a distinct design language, appearance and materiality, with individual lobbies and pedestrian access points.

A total of 426 apartments are proposed in a mix of one, two and three bedroom typologies, with a row of six retail tenancies along the Macaulay Road frontage.

The basement is proposed to be accessed via a crossover to Stubbs Street; while a separate loading / unloading area for waste management, residents and the commercial tenancies is located at the south-western corner of the site.

In addition to a large central courtyard, the project incorporates both a north-south and east-west pedestrian link which would be open to the public during the day and assist in creating a high level of permeability and pedestrian amenity within this large block. The plans that have been considered in this assessment are those prepared by Hayball dated 7 November 2019 (Drawings TP00.02 – TP09.01 & MK10.01 – MK10.67).

Details of the proposal can be summarised as follows:

<b>GFA</b>	37,500m <sup>2</sup>
<b>Building height</b>	Building A: 8 storeys / 30.08 metres Building B: 8 storeys / 30.01 metres Building C: 8 storeys / 29.93 metres Building D: 8 storeys / 30.02 metres Building E: 8 storeys / 30.2 metres Building F: 8 storeys / 29.4 metres
<b>Setbacks</b>	<p><b>North (side boundary)</b></p> <p><i>Building D</i></p> <ul style="list-style-type: none"> <li>▪ Ground: 4.8 metres</li> <li>▪ Levels 1-5: 4.8 metres</li> <li>▪ Levels 6-7: 5.06 metres</li> </ul> <p><i>Building E</i></p> <ul style="list-style-type: none"> <li>▪ Ground: 4.93 metres</li> <li>▪ Levels 1-3: 4.8 metres</li> <li>▪ Levels 4-7: 5.05 metres</li> </ul> <p><b>South (Macaulay Road)</b></p> <p><i>Building A</i></p> <ul style="list-style-type: none"> <li>▪ Ground: 0.88 metres</li> <li>▪ Levels 1-5: 0 metres</li> <li>▪ Levels 3-5: 0.34 metres</li> <li>▪ Levels 6-7: 4.3 metres</li> </ul> <p><i>Building B</i></p> <ul style="list-style-type: none"> <li>▪ Ground: 0.45 metres</li> <li>▪ Levels 1-5: 0 metres (with cantilevered balconies on 4 &amp; 5)</li> <li>▪ Levels 6-7: 4.3 metres</li> </ul> <p><b>East (Stubbs Street)</b></p> <p><i>Buildings B, C &amp; D</i></p> <ul style="list-style-type: none"> <li>▪ Ground: 0.6 metres</li> <li>▪ Levels 1-5: 0.8 metres (with balconies built closer to the boundary)</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Levels 6 &amp; 7: 4.25 metres</li> </ul> <p><b>West (side boundary)</b></p> <p><i>Building A</i></p> <ul style="list-style-type: none"> <li>▪ Ground: 7 metres</li> <li>▪ Level 1: 6.5 metres</li> <li>▪ Level 2-7: 6.98 metres</li> </ul> <p><i>Building E</i></p> <ul style="list-style-type: none"> <li>▪ Ground- Level 7: 7 metres</li> </ul> <p><i>Building F</i></p> <ul style="list-style-type: none"> <li>▪ Ground- Level 7: 7 metres</li> </ul>
<b>Dwelling mix</b>	<p>One-bedroom: 140 (33%)</p> <p>Two-bedroom: 238 (56%)</p> <p>Three-bedroom: 49 (11%)</p> <p>Total: 426</p>
<b>Affordable Housing</b>	<p>An affordable housing offer of either:</p> <ul style="list-style-type: none"> <li>▪ Unencumbered ownership of 4% of the total number of dwellings to be sold to the registered housing agency for not more than 70% of their market value on the day of sale; or</li> <li>▪ Unencumbered ownership of 1% of the total number of dwellings to be transferred to the registered housing agency for nil consideration; or</li> <li>▪ Management of 4% of the total number of dwellings to be assumed by the registered housing agency, for leasing as affordable housing.</li> </ul>
<b>Communal areas</b>	<p>Central Courtyard: 1,250m<sup>2</sup></p> <p>Roof Terraces: 715m<sup>2</sup></p> <p>Gym: 240m<sup>2</sup></p>
<b>Pedestrian links</b>	<p>North-south along the western boundary.</p> <p>East-west towards the centre of the site.</p>
<b>Commercial floor space</b>	<p>Six retail tenancies along Macaulay Road with a combined area of 370m<sup>2</sup></p>
<b>Stages</b>	<p><b>Stage 1:</b> Two thirds of the basement (including ramp) and Buildings A &amp; B</p> <p><b>Stage 2:</b> Buildings C, E &amp; F</p> <p><b>Stage 3:</b> The remainder of the development.</p>
<b>Site Coverage</b>	64%
<b>Deep Soil</b>	685m <sup>2</sup> (7.8%)
<b>Permeability</b>	9%
<b>Car parking</b>	545
<b>Motorcycle spaces</b>	11
<b>Bicycle parking</b>	476
<b>Storage cages</b>	439
<b>Vehicle access/egress</b>	<p>Vehicle access / egress via a crossover on Macaulay Road adjoining the western boundary</p>
<b>Loading / unloading</b>	<p>A loading / unloading &amp; waste collection area is located beneath Building A, towards the south-western corner of the site.</p>

Relevant extracts of the approved and proposed development are provided below and on the following pages.





Figure 6 - Render of proposal from the corner of Macaulay Road and Stubbs Street



Figure 7 - Render of north-south pedestrian link



Figure 8 - Render of internal courtyard

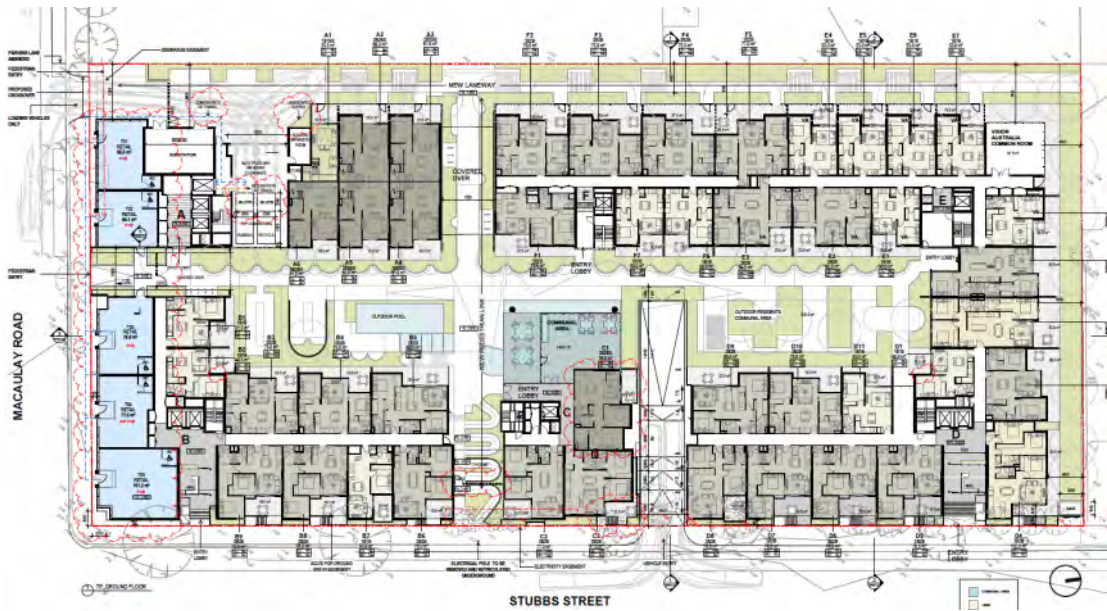


Figure 9 - Proposed Ground Floor. From Drawing TP01.04



Figure 10 - Proposed Level 4-5 Plan. From Drawing TP01.08

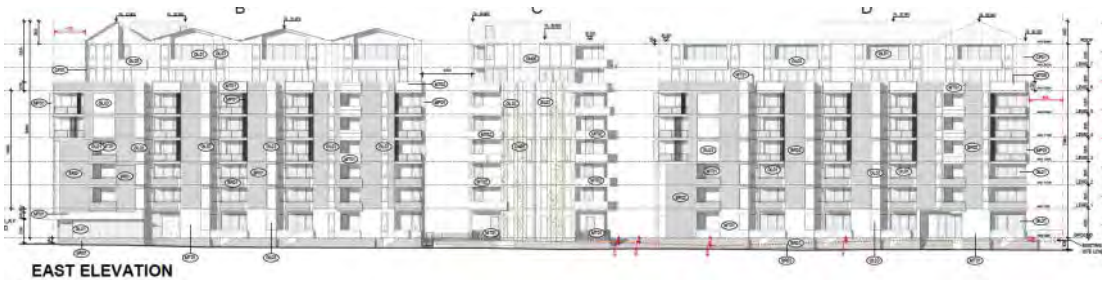


Figure 11 - Proposed East (Stubbs Street) Elevation. From Drawing TP06.01

#### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> <li>Clause 10: Planning Policy Framework</li> <li>Clause 11: Settlement</li> <li>Clause 15: Built Environment and Heritage</li> <li>Clause 16: Housing</li> <li>Clause 18: Transport</li> <li>Clause 19: Infrastructure</li> </ul>
Municipal Strategic Statement	<ul style="list-style-type: none"> <li>Clause 21.04: Settlement</li> <li>Clause 21.06: Built Environment and Heritage</li> <li>Clause 21.07: Housing</li> <li>Clause 21.08: Economic Development</li> <li>Clause 21.09: Transport</li> <li>Clause 21.10: Infrastructure</li> <li>Clause 21.14: Proposed Urban Renewal Areas (Arden-Macaulay)</li> </ul>
Local Planning Policies	<ul style="list-style-type: none"> <li>Clause 22.02: Sunlight to Public Spaces</li> <li>Clause 22.17: Urban Design Outside the Capital City Zone</li> <li>Clause 22.19: Energy, Water and Waste Efficiency</li> <li>Clause 22.23: Stormwater Management (Water Sensitive Urban Design)</li> </ul>

Statutory Controls	
Clause 32.04 Mixed Use Zone	<p>A permit is required to use the land for a shop (other than adult sex product shop) with a leasable floor area greater than 150m<sup>2</sup>.</p> <p>A permit is required to construct two or more dwellings on a lot and residential buildings.</p> <p>A permit is required to construct a building or construct or carry out works for a Section 2 use.</p> <p>An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</p>
Clause 43.02 Design and Development Overlay Schedule 26	<p>A permit is required for buildings and works associated with new, refurbished or converted developments for noise sensitive uses.</p> <p>The provisions of this schedule relate to building design and pre-construction noise measurement, and verification testing.</p>
Clause 43.02 Design and Development Overlay Schedule 63-A4	<p>A permit is required to construct a building or construct or carry out works.</p> <p>The provisions of this schedule relate to building height, street wall height, upper level setbacks, active street frontages, weather protection and façade treatment, connectivity and laneways, and heritage.</p>
Clause 45.06 Development Contributions Plan Overlay Schedule 2	<p>A permit may be granted to construct a building or construct and carry out works before a development contributions plan has been prepared to the satisfaction of the Responsible Authority if any of the following apply:</p> <ul style="list-style-type: none"> <li>▪ An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the Responsible Authority that makes provision for development contributions.</li> </ul> <p>It is recommended that a condition on any permit issued requires the permit holder to enter an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of the development.</p>
Clause 45.03 Environmental Audit Overlay	<p>Before a sensitive use (residential, childcare centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:</p> <ul style="list-style-type: none"> <li>▪ A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>▪ An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.</li> </ul>

Particular Provisions	
Clause 52.06 Car Parking	<p>The car parking rate for a shop and a developments of five or more dwellings located within the Principal Public Transport Network is:</p> <ul style="list-style-type: none"> <li>▪ 3.5 spaces to each 100m<sup>2</sup> of leasable floor area.</li> <li>▪ 1 space to each one or two bedroom dwelling.</li> <li>▪ 2 spaces to each three or more bedroom dwelling.</li> <li>▪ 0 visitor spaces.</li> </ul> <p>The development proposes:</p>

	<ul style="list-style-type: none"> <li>▪ 370m<sup>2</sup> of leasable floor area</li> <li>▪ 278 one and two-bedroom dwellings</li> <li>▪ 49 three-bedroom dwellings</li> </ul> <p>The development generates a car parking requirement of 488 spaces, including 12 for the shop and 476 for the dwellings.</p> <p>The development provides 545 spaces which is in excess of the minimum requirements.</p>
Clause 52.34 Bicycle Facilities	<p>The bicycle parking rate for a shop and a development of four or more storeys is:</p> <ul style="list-style-type: none"> <li>▪ 1 employee space for each 600m<sup>2</sup> of leasable floor area if the leasable floor area exceeds 1,000m<sup>2</sup></li> <li>▪ 1 shopper space to each 500m<sup>2</sup> of leasable floor area if the leasable floor area exceeds 1,000m<sup>2</sup></li> <li>▪ 1 resident space to each 5 dwellings</li> <li>▪ 1 visitor space to each 10 dwellings</li> </ul> <p>The development generates a bicycle parking requirement of 143 spaces, including 95 resident spaces and 48 visitor spaces.</p> <p>The development provides 476 spaces which significantly exceeds the minimum requirement.</p>
Clause 58 Apartment Developments	A development must meet all of the objectives and should meet all of the standards of this clause that apply to the application.

General Provisions	
Clause 72.01 Responsible Authority for this Planning Scheme	<p>The Minister for Planning is the responsible authority for this application as the gross floor area (GFA) of the development exceeds 25,000m<sup>2</sup>.</p> <p>The Minister for Planning has informally referred the application to Melbourne City Council as an interested party, seeking Council's recommendation on the application, including recommended permit conditions.</p>
Clause 65 Approval of an application or plan	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66.02 Use and Development Referrals	The Minister for Planning is responsible for referrals of the kind listed in Clause 66.02-11 (Integrated Public Transport Planning).

## 5. STRATEGIC DOCUMENTS

### 5.1. Arden-Macaulay Structure Plan (2012)

The 2012 Arden-Macaulay Structure Plan (the 2012 Structure Plan) is a reference document in DDO63. The five Key Directions of the 2012 Structure Plan are as follows:

- *Develop Arden Central as a new extension of Melbourne's Central City*
- *Develop three new local centres within a mixed use neighbourhood*
- *Develop three new local centres within a mixed use neighbourhood*
- *Upgrade the Moonee Ponds Creek parkland corridor and establish five new parks*

- *Make Arden-Macaulay energy, water and waste efficient*

As illustrated in the *Long-term land use strategy* map on page 35 of the document (refer extract below), the subject site is within an area designated for 'Mixed-use activities'. The 2012 Structure Plan also nominates this section of Macaulay Road as an 'Activity Corridor – primary street frontage' and promotes both north-south and east-west pedestrian links through the subject site.

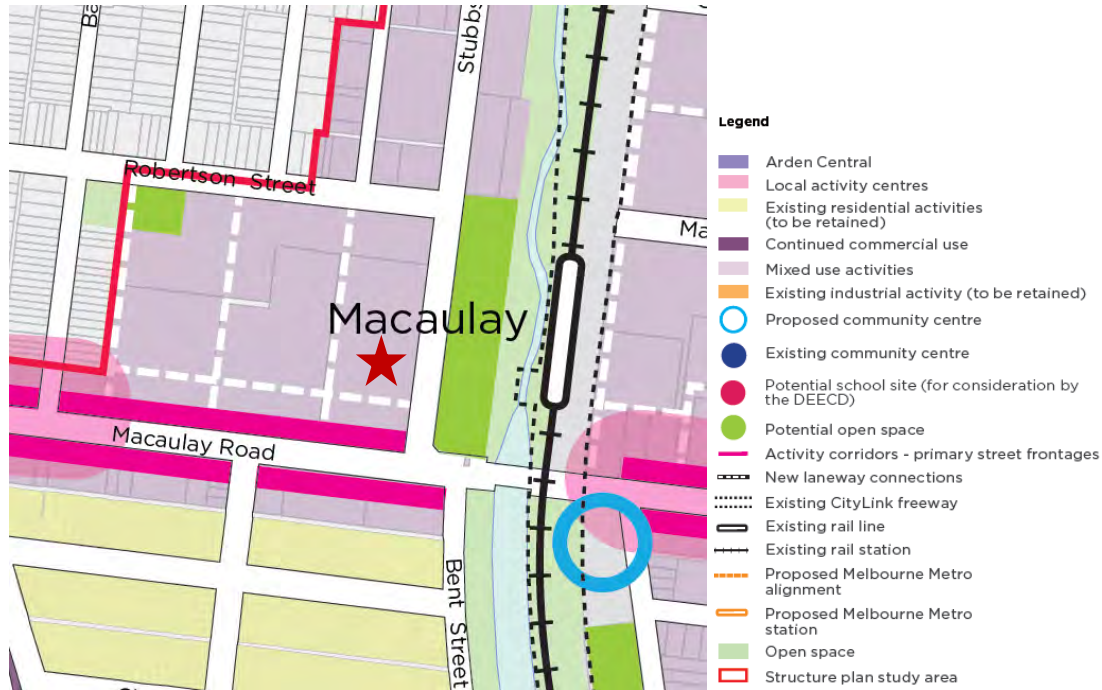


Figure 12 - 2012 Structure Plan extract highlighting the subject site

## 5.2. Macaulay Structure Plan Refresh

The City of Melbourne is refreshing the 2012 Structure Plan as it applies to the Macaulay Precinct, with a Discussion Paper released for public comment in November 2019.

The future Macaulay Structure Plan will identify and utilise:

- An opportunity to review and improve built form controls
- Separate planning processes for Arden and Macaulay
- Metro Tunnel considerations
- Revised population forecasts
- New approaches to flood mitigation
- Revised Development contributions.

Relevantly for the current application, the future Macaulay Structure Plan will:

- Assess the current target for affordable housing in Macaulay and include mechanisms in the refreshed structure plan to deliver affordable housing.
- Introduce a Floor Area Ratio control and consider introducing a Floor Area Uplift.
- Update the built form policy.
- Encourage an integrated approach to water management to mitigate flooding.

Public engagement on a Draft Macaulay Structure Plan is likely to commence in the second half of 2020.

## 6. PUBLIC NOTIFICATION

The application is not 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. It is the responsibility of the Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister for Planning to administer public notice where required.

The Minister for Planning has given notice of the application to Melbourne City Council pursuant to Clause 52(1)(b) of the Act.

Further to the above, it is pertinent to note that the incorrectly submitted application, (No. TP-2019-526) was publicly advertised. One letter of support was received from a nearby resident during the notification period.

No objections were received during the notification period, and one nearby resident made a submission after the application had been formally withdrawn and lodged with DELWP, noting a concern about a lack of recreational and community facilities (such as a vegetable garden) and an adverse impact on resident amenity.

## 7. INTERNAL REFERRALS

### 7.1. Urban Design

The application was referred to Urban Design who had provided feedback on earlier iterations of the proposal. Final comments, received on 19 December 2019 are reproduced below:

*We continue to broadly support the overall ambitions of the project, including the inclusion of publicly accessible pedestrian links, open space, and adoption of diverse architectural identities within both street elevations.*

*Notwithstanding these positive aspects, we note that a number of our previously raised concerns remain unaddressed. We recommend the following provisions to be incorporated within permit conditions to ensure that the high-quality design intent is secured through delivery, noting this is a critical test to exceed the preferred height control within DDO63:*

#### **Discussion**

##### **Urban Structure**

###### *Stubbs Street entry / east-west link*

- *We note the east-west link is to be secured during non-daylight hours. We query whether planning could incorporate a permit condition to enable these hours to be revisited when the adjacent property to the west is redeveloped. We also note this neighbouring application has now come in at a pre-application stage.*
- *We reiterate our strong preferences for a more 'public-feeling' gate to the Stubbs Street east-west link entry. We note that the narrow width of the gate, in conjunction with the high fence adjacent, reinforces the sense of a private entry. We recommend a permit condition that ensures the provision of a double width gate entry that corresponds with the width of the path and folds away to be carefully concealed within the landscape treatment when in the open position. Further, the adjacent fencing should not be a visual barrier but rather a more open and lower height element.*

###### *Northeast corner*

- *We note the role of the landscaping along the northern boundary is intended for Private Open Space for the ground floor dwellings, as opposed to communal or publicly accessible space. We are comfortable with this outcome.*
- *We require a permit condition to ensure better integration of the gas-meter at northeast corner along Stubbs Street to reduce the visual impact of a 3m high service installation which blocks views through to landscape beyond, as well as ensure a high quality material finish which is complementary to the landscape treatment.*

### **Building Mass**

#### *Macaulay Road interface*

- *We reiterate our concerns regarding the defensive, 'side' presentation of the southwest corner interface on Macaulay Road. This is a critical matter, noting the importance of Macaulay Road as one of two principle activity streets, connecting Macaulay with Kensington. We recommend a condition to require a greater proportion of openings to front this strategically important frontage including balconies. This condition could be left vague or alternatively specify the suggested incorporation the option to flip Apartments 102 and 103 as highlighted in the previous advice.*
- *We recommend incorporation of a condition to ensure a stronger vertical connection between the upper level façade and shop front definition at the Macaulay Road frontage. This could be achieved by the design team in a range of ways so we don't want to specify a solution.*

### **Building Program**

- *We note and support the consolidation of retail spaces fronting Macaulay Road, which improves efficiency and floodplain management.*
- *The separation between the apartments on block C and its adjacent blocks remains tight and under the expected minimum of 9m. There are approximately 25 apartments in block B, C, and D between levels 1 and 5 that have bedrooms that require screens to manage privacy. We note that these elements are not shown in the elevation drawings. We recommend a condition to ensure that its material treatment and integration do not unreasonably obstruct views from within the apartments.*

#### *Public Interface*

- *We note the setback zone adjacent to the loading bay remains unaddressed, and should be addressed via condition.*

### **Design Detail**

*We reiterate our previous comments regarding façade strategy and materiality:*

- *A façade strategy condition will be critical to ensuring the design quality intended in the planning package can be delivered in detail. This is particularly crucial for the shop fronts, residential entries, arched form, brick tiles and finely detailed roof profile.*
- *Learning from a wide range of recent examples of brick tiles in Melbourne we strongly encourage careful attention to sample selection, using a mixed batch or greater tonal variation to provide richness and tactility and avoid a 2 dimensional appearance. Hand laid bricks should be employed at least at ground floor throughout.*



A revised set of discussion drawings, prepared by Hayball, dated 3 February 2020 were prepared by the project Architect and submitted to Council to address the outstanding matters raised by Council's Urban Designer. Reference will be made to the updated drawings where relevant, noting that they have not formally been substituted.

## 7.2. Traffic Engineering

After initial comments were forwarded to the permit applicant, the following final comments were received from Council's Traffic Engineer on 27 December 2019:

*'We have no objections to the revised application, subject to the following measures being undertaken to the satisfaction of Infrastructure & Assets branch:*

- *All spaces, ramps, grades, transitions, accessways & height clearances being generally designed in accordance with MPS or AS/NZS 2890.1:2004*
- *Electronic signalling system being provided to alert pedestrians of exiting vehicles & vice-versa, as well as other safety measures to further enhance the safety of pedestrians*
- *To ensure entering/exiting vehicles give way to bicycles, a standard green bicycle treatment must be installed within the bicycle lane in Stubbs St in the vicinity of the access point, at the developer's expense*
- *A Loading Management Plan being prepared, specifying how the access/egress of loading vehicles is to be managed*
- *Formal independent desktop Road Safety Audit of the proposed development being undertaken prior to construction at the developer's expense, to include vehicle/bicycle/pedestrian access arrangements, loading arrangements & internal circulation/layout. The findings of the Audit to be incorporated into the detailed design, at the developer's expense.'*

The above comments will form part of the recommended permit conditions.

## 7.3. Civil Design

The following comments were received from Council's Infrastructure Engineer on 20 December 2019:

*'The Infrastructure team has reviewed the response from SJB planning dated 5 December 2019 and we would like to provide the following comments:*

- *The drawings show a 2.0x2.0m corner splay at the south-east corner of the building.*
- *The current building design does not provide continuous building line along Macaulay Road and Stubbs Street. It is considered that the Ground Floor should be redesigned with continuous building line along the street.*
- *The architectural drawings show references to a laneway along the western boundary of the subject land. The internal roads and pedestrian links should remain the responsibility of the land owner(s) in perpetuity. The 'Laneway' reference should be amended to a 'Common property'. The rights of public access can be secured via a section 173 agreement. However, if the laneway forms part of the Macaulay Structure Plan and it shall be vested in Council as a road, the applicant should develop a set*

*of detailed landscape and engineering drawings to the satisfaction of the City of Melbourne, prior to the commencement of the development.*

- *We have recently reviewed our internal policies and observed that the footpaths along Macaulay Road and Stubbs Street shall be reconstructed in sawn bluestone in accordance with the City of Melbourne's 'Operating procedure: bluestone in Melbourne's streets and lanes' (page 18).*
- *The bluestone footpath shall be provided in principal streets, such as Macaulay Road and activity centres in urban renewal areas. The Macaulay Structure Plan is currently under review but it is considered that Stubbs Street will form part of activity centres in this urban renewal area.*

*We request for the amendment of our previous comments for the reconstruction of footpaths as follows:*

#### **Footpaths**

- *The footpaths adjoining the site along Macaulay Road and Stubbs Street must be reconstructed in sawn bluestone together with associated works including the construction of 300mm wide sawn bluestone kerb, reconstruction of channel, provision of street plots, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.*

The above comments, together with the conditions included in the initial response of 9 August 2019 will form part of the recommended permit conditions.

#### **7.4. Waste Engineering**

Waste management matters were the subject of lengthy negotiation between the permit applicant and Council's Waste Engineer.

Ultimately, all design matters were resolved by way of an updated WMP prepared by Leigh Design dated 19 February 2020. Council's Waste Engineer has, however, identified a deficiency in some details and has recommended a further revised WMP be provided.

A condition requiring the submission of an amended WMP will therefore form part of the recommended permit conditions.

#### **7.5. Green Infrastructure**

After providing initial feedback noting some concerns with the submitted ESD Report, Council's Green Infrastructure & ESD Officer advised that the revised report represented a:

*'Great response from Umow Lai, very happy to see the changes they have incorporated based on my feedback. They should be commended for responding so openly and enthusiastically adopting higher standards.'*

The conditions included in the initial response of 22 August 2019 will form part of the recommended permit conditions.

#### **7.6. Urban Forestry**

Final comments and conditions were received from Council's Urban Forester on 23 December 2019. Their comments are as follows:

*The applicant has not demonstrated that the removal of tree 6 (public tree*

*asset 1290408), is absolutely necessary and as such, its retention is supported by the Policy.*

*The feasibility of retention of this tree should be determined prior to commencement and if removal is necessary due to construction or sight line impacts, a replacement tree plot that meets council specifications, adjacent to the property boundary on Stubbs Street, must be identified. Where necessary, the location of a replacement tree plot must be supported by details that show no services will restrict construction to council's specification.*

*Should a permit be issued the following conditions and advice notes should be included*

The conditions included in this response will form part of the recommended permit conditions.

## **8. ASSESSMENT**

The key issues in the assessment of the application are:

- Land use
- Built form response
- Community benefit
- Amenity impacts
- Internal amenity
- Sustainability
- Equitable development
- Traffic
- Other matters.

### **8.1. Land Use**

The proposal seeks planning permission for the use of the land for shops in excess of 150m<sup>2</sup>, and must therefore be considered against the purpose of the Mixed Use Zone and relevant State and Local Planning Policy.

The Mixed Use Zone seeks to *“provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.”*

Although the MUZ allows for a range of smaller scale non-residential uses as-of-right, it remains a residential zone and ultimately an appropriate balance must be struck between sufficiently protecting existing residential uses and encouraging an appropriate range of appropriate commercial uses.

Relevantly, Macaulay Road is identified as one of only two ‘primary streets’ within the area covered by DDO63. Policy at DDO63 encourages buildings: *‘...with ground-level frontage to a street identified on Map 2 should present an attractive pedestrian oriented frontage with commercial uses where practical.’*

The proposed shops are all located along the Macaulay Road frontage, away from any sensitive interfaces, consistent with the objective of the MUZ and DDO63.

Loading and waste management matters have been considered by Council's Engineering Services department and found to be acceptable (subject to conditions).

## 8.2. Built Form

### 8.2.1. Design and Development Overlay – Schedule 63 (Area 4)

Schedule 63 to the Design and Development Overlay (DDO63-A4) provides the following design objectives, which are relevant to the proposed development:

- *To create a compact, high density, predominantly mid-rise, 6 – 12 storey walkable neighbourhood that steps down at the interface with the low scale surrounding established residential neighbourhoods.*
- *To provide for higher development that delivers identified demonstrable benefits on large sites that do not interface with the low scale surrounding established residential neighbourhoods.*
- *To create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels.*
- *To ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.*
- *To encourage the ground floor of buildings to be designed so that they can be used for a variety of uses over time.*

The development's response to the built form controls of this DDO are divided into building height, setbacks and design detail.

#### Building height

Tables 1 and 2 to DDO63 provide the following height controls and built form outcomes, which the proposed development should / must achieve:

Area	Preferred Max Height	Absolute Max Height	Built Form Outcomes
4	6 Storeys	8 Storeys	<ul style="list-style-type: none"> <li>▪ Deliver a scale of development that provides street definition and a pedestrian friendly scale.</li> <li>▪ Deliver a scale of development that provides appropriate access to sunlight and daylight.</li> <li>▪ Deliver a scale of development at the interface with established low-scale residential development that provides an appropriate transition in height and minimises the visual impact of upper levels.</li> <li>▪ Solar access is maintained to ground floors on western side of Thompson Street and southern side of Scarborough Place.</li> <li>▪ Deliver the reintegration of Office of Housing estates into the surrounding urban fabric.</li> </ul>
All areas			<ul style="list-style-type: none"> <li>▪ Ensure laneways have appropriate levels of access to daylight and sunlight.</li> <li>▪ Deliver developments that maximise surveillance of public and communal areas and nearby creek environs.</li> <li>▪ Deliver a scale of development setbacks from the Moonee Ponds Creek environs which respond appropriately to creek / public space conditions and provision of public thoroughfares in the public and private domain adjacent to the creek, as appropriate.</li> </ul>

			<ul style="list-style-type: none"> <li>Where development respond to flood risk by providing ramp structures or other measures flood mitigation measure, high quality urban design outcomes must be provided at the building and public interfaces.</li> </ul>
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Further, all developments that exceed the Preferred maximum height in Table 1 must demonstrate each of the following:

- A demonstrable benefit to the broader community that include among others:
  - Exceptional quality of design.
  - A positive contribution to the quality of the public realm.
  - High quality pedestrian links where needed.
  - Good solar access to the public realm.

The application proposes eight storeys, above a basements plus rooftop plant. Although rooftop services are not specifically exempted by the DDO, they are not included in the definition of ‘Storey’ at Clause 73.01. The proposal therefore exceeds the preferred height of six storeys and must meet all built form outcomes, in addition to a ‘demonstrable benefit to the broader community’.

It is considered that the height of the proposal is acceptable due to the following:

- It provides a mid-rise, higher density residential development on a large corner site that does not directly interface with low-scale residential neighbourhoods (as identified on Map 1 of DDO63).
- It sits comfortably in the context of the existing, approved and proposed built form within this city block, which comprises multiple approvals for eight storey buildings.
- The scale, form and function of the separate buildings would provide a reasonable level of pedestrian amenity.
- Macaulay Road is located directly to the south, and the submitted shadow analysis indicates that the shadows cast by the proposal would only impact neighbouring properties to the east and west for short periods of the day.
- The development has been designed to mitigate flood risk without compromising the streetscape interface.
- The layout of the development maximises opportunities for passive surveillance and interaction with the street.

Notwithstanding the above, the proposal does include six dwellings (A1 to A6) which incorporate a mezzanine level. This mezzanine level contributes an additional storey to the development – thereby breaching the eight storey mandatory height limit. This matter was discussed with the permit applicant who stated that they would accept a condition requiring the removal of the mezzanine level (rather than the removal of any dwellings on the top level).

The proposal’s pedestrian link and affordable housing offer (which constitute its primary public benefits) are discussed at Section 8.3 of this report.

**Building setbacks**

Table 3 to DDO63 provides the following preferred street wall heights and setbacks:

Interface Type	Street Wall Height	Setback of buildings above street wall
20 and 30	Development at the	Development should be set back 1 metre for

metre wide renewal street	frontage must not exceed a height of 6 storeys.	every metre of height above 20 metres.
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Both Macaulay Road and Stubbs Street are identified as '20 and 30 metre wide renewal streets' and the buildings fronting these streets (A, B, C & D) must therefore have street wall heights of no more than six storeys, and should be set back one metre for every metre of height over 20 metres.

Buildings A, B, C & D all have street wall heights of six storeys and comply with the street wall height requirement.

In terms of the upper level setbacks, the abovementioned buildings are set back at least 4.25 metres above level 6 (approximately 20 metres above street level). Given the height, at street level, of up to 30 metres, the uppermost parts of the buildings would need to be set back up to 10 metres.

The extent of non-compliance with the preferred setback is illustrated in the sections on the following page.



Figure 13 - DDO63 Setback line depicted on Buildings A, C & D. From Drawing TP07.01.

The proposed upper level setbacks are nevertheless considered to be acceptable based on the following:

- The proposed 4.25m+ setbacks at levels 6 and 7 create a clear break in the building, with those levels reading as recessive elements behind the street wall when viewed from the street.
- Increasing the setbacks to the sixth and seventh floors would likely have a negligible impact on the perceived scale.
- As illustrated in Figure 14 below, levels 6 and 7 of Buildings B and D adopt a different design treatment, and are finished in darker materials and colours. This enhances the recessive appearance of these levels.



Figure 14 - 3D renders highlighting the design treatment of the recessive upper levels

### Design Detail

Policy at DDO63 encourages buildings along Macaulay Road to:

- *Provide a veranda for weather protection over the footpath unless this would cause detriment to the integrity of a heritage building or streetscape.*

Further:

- *The articulation of a building facade should express a fine grain variety and modulation that assists in reducing the visual dominance of buildings, particularly a wide street frontage. Expressing the vertical elements is encouraged to further minimise the dominance of wide building frontages.*

The proposal includes a steel shroud canopy along the entire Macaulay Road frontage, and a small portion of the Stubbs Street frontage. It would be positioned at least 2.85 metres above the footpath and provide suitable weather protection. These awnings should, however, have a clearance of at least three metres in accordance with Council's *Road Encroachment Guidelines*.

With respect to the street interface, each of the buildings within the proposal exhibits a varied architectural expression with a high level of articulation and distinction in colours and materials, creating visual interest and minimising any appreciation of bulk.

### 8.2.2. Design and Development Overlay – Schedule 26

Schedule 26 to the Design and Development Overlay (North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Area) seeks:

- *To ensure that new, refurbished or converted developments for new residential and other noise sensitive uses constructed in the vicinity of the Laurens Street, North Melbourne Industrial Area and in the vicinity of industrial operations in Arden-Macaulay include appropriate acoustical measures to attenuate noise levels within the building.*
- *To ensure that land use and development in the vicinity of the Laurens Street, North Melbourne Industrial Area and in the vicinity of industrial operations in Arden-Macaulay does not adversely affect the viability of industry within these areas.*

This DDO includes a number of requirements relating to noise attenuation that must be met by any new residential or noise-sensitive development / use.

An Acoustic Assessment, prepared by prepared by Acoustic Logic, dated 22 August 2019 includes specific recommendations for glazing and mechanical plant in order to meet the requirements of DDO26.

A condition requiring compliance with the recommendations of this report will form part of the recommended permit conditions.

### 8.2.3. Local Planning Policy

#### Urban Design

The subject site is located within the Arden-Macaulay Proposed Urban Renewal Area of Clause 21.14, which is recognised as an area in transition. Figure 11 at Clause 21.14-2 highlights the site's close proximity to both the Macaulay and Kensington Train Stations.

Clause 22.17 (Urban Design Outside the Capital City Zone) also provides guidance on the design of new buildings in areas such as Macaulay. Key Objectives that relate to the proposal seek:

- *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*
- *To reduce unacceptable bulk in new development.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility.*
- *To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.*
- *To ensure that development includes architecturally integrated building tops.*
- *To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.*
- *To ensure that development avoids ambiguity and conflict in the design of fronts and backs of buildings.*
- *To ensure that development contributes to a pedestrian and vehicular network which ensures pedestrian movement and amenity is a priority and strengthens networks of pedestrian pathways through an area.*
- *To ensure that development maintains and enhances traditional street patterns of projecting cornices, and allows projecting balconies and canopies where they follow an existing pattern and / or contribute positively to the public realm.*
- *To ensure that development promotes building forms that will minimise the adverse impacts of wind in surrounding public spaces and provide weather protection where appropriate.*
- *To ensure that development creates and maintains a high quality landscape setting.*

As identified in Section 7.1 of this report, Council's Urban Designer is generally supportive of the design of the proposal, subject to a number of matters which could be addressed via permit conditions.

The discussion drawings prepared by the Project Architect, dated 13 February 2020 seek to address the last remaining matters. Having regard to the abovementioned comments, the amended discussion drawings incorporate the following changes:

- The Stubbs Street pedestrian entry has been redesigned to be more prominent and visually inviting. Extracts from the decision and discussion plans below highlight the extent of change.





**Figure 15 - Streetscape elevations depicting the pedestrian link entry of the decision plans (left) and discussion plans (right). From Drawing TP06.05**

The revised gate is more distinguishable, matches the width of the path, and folds away entirely. It is considered that this concern has therefore been suitably addressed.

- Inclusion of a notation confirming the height of the gas meter at the north-eastern corner of the site. This does not address the concern relating to the integration and design of this cabinet. A condition will be recommended which would require the service installation to be of a high quality material finish which is complementary to the landscape treatment.
- A 'flipping' of the layout of the apartment on the south-western corner of the site (A103, A203, A303, A403 & A503) so that a balcony, rather than blank wall, characterises this corner. This is consistent with the recommendation of Council's Urban Designer and is a positive outcome.
- Further refinement of screens around Building C (As depicted on TP08.01 Rev 2). The amended screens allow for improved outlook from apartments within Building C which is an acceptable outcome.

The amended plans do not, however, address the Urban Designer's concerns relating to the location of the doors to the substation. The permit applicant noted that this could not be changed, as the setback of the substation is necessitated by swept paths and access arrangements required for an 8.03 metre long Council hook truck for waste collection. These swept paths are shown on the ground floor plan and are visible in the extract at Figure 16.

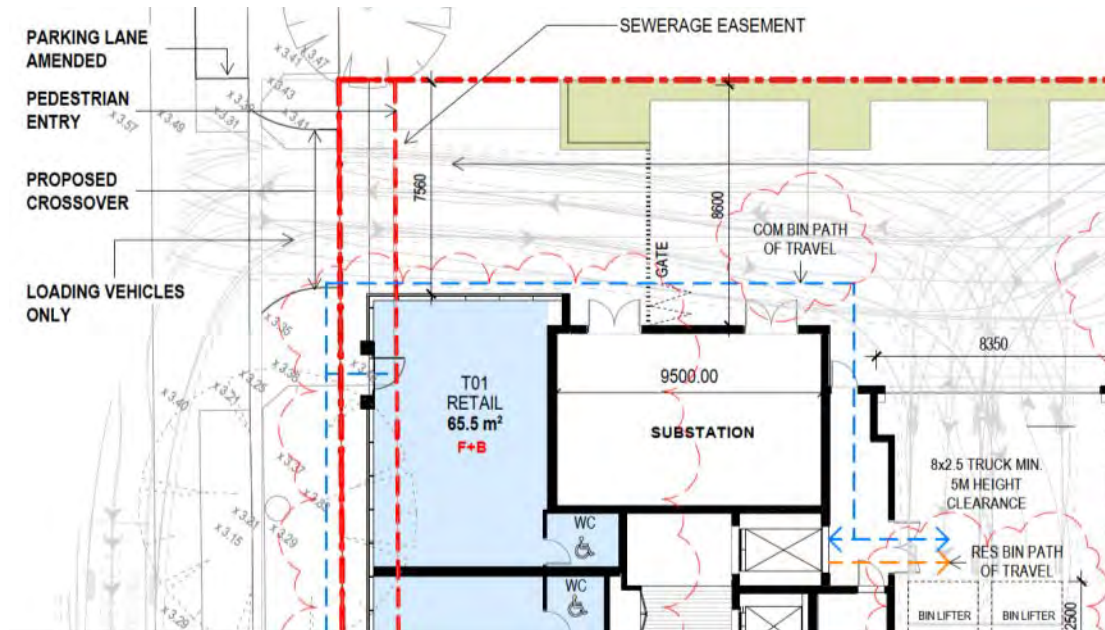


Figure 16 - Ground Floor Plan extract showing swept paths adjacent to the substation entry

As such, the proposal, subject to conditions, is considered to comply with Local Planning Policy Clause 22.01 (Urban Design Within the Capital City Zone).

### Sunlight to Public Spaces

Clause 22.02 (Sunlight to Public Spaces) seeks:

- *To achieve a comfortable and enjoyable public realm.*
- *To ensure new buildings and works allow good sunlight access to public spaces.*
- *To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*
- *To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.*
- *To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.*

The proposal is not located within a reasonable distance of any of the listed 'Key public spaces' and must therefore only meet the following policy direction:

*'Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.'*

The subject site is within close proximity of the Moonee Ponds Creek Trail on the opposite side of the Moonee Ponds Creek. Furthermore, the land opposite the subject site, which is currently within an Industry 1 Zone; is identified as a future Public Open Space in the 2012 Structure Plan and the Macaulay Structure Plan Discussion Paper.

The shadow diagrams submitted as part of the application indicate that the Moonee Ponds Creek would not be affected by shadows cast by the development at any time on the equinox, and the land on the opposite side of Stubbs Street would receive some additional overshadowing only after 2pm (refer to Figure 17). The proposal's

impact on important areas within the public realm is therefore considered to be minimal.



Figure 17 - Shadow analysis showing proposed shadows at 2pm & 3pm. From Drawing TP02.01

Given the above, it is therefore considered that the proposal is consistent with the Objectives and policy direction of Clause 22.02.

### 8.3. Clause 58 (Apartment Developments)

The following Objectives of Clause 58 (Apartment Developments) relate to the development's response to its context and other built form considerations:

- 58.02-1 – Urban Context Objectives
- 58.02-2 – Residential Policy Objective
- 58.02-3 – Dwelling Diversity Objective
- 58.02-4 – Infrastructure Objective
- 58.02-5 – Integration with the Street Objective
- 58.03-1 – Energy Efficiency Objectives
- 58.03-5 – Landscaping Objectives
- 58.03-6 – Access Objective
- 58.03-8 – Integrated Water and Stormwater Management Objectives

The proposed development meets all Standards and Objectives identified above other than Clause 58.03-5 (Landscaping Objectives) as discussed below.

#### 8.3.1. Landscaping Objectives

Clause 58.03-5 provides the following objectives, which the proposed development must meet:

- *To encourage development that respects the landscape character of the neighbourhood.*
- *To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.*
- *To provide appropriate landscaping.*
- *To encourage the retention of mature vegetation on the site.*
- *To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.*

In this instance, the corresponding Standard D10 requires the provision of deep soil areas comprising at least 15% of the site area and one large tree per 90m<sup>2</sup> of deep soil OR two medium trees per 90m<sup>2</sup> of deep soil. The site has an area of 8,803m<sup>2</sup> which requires the provision of 1,320.45m<sup>2</sup> of deep soil and either 14 large trees or 28 medium trees.

The proposed development has a deep soil area of 685m<sup>2</sup> (7.8%) and 16 medium sized trees. It therefore falls short of meeting both requirements.

It is considered that the proposal *generally* meets the Objectives at Clause 58.03-5 based on the following:

- The local area does not have an established landscape character. The neighbourhood character is one of large-format warehouse buildings and there is no identifiable landscape character.
- The proposal includes a high quality landscape design response comprising both hard and soft elements throughout the communal areas and pedestrian links.
- An arbour across the vehicle entry, as well as vertical planting and planter beds on balconies and landscaped roof terraces increase the amount of green space within the development.
- Although not forming part of the application, the permit applicant intends to work with Council to rejuvenate the adjoining streetscapes with a large amount of additional street trees.

Notwithstanding the above, the site does contain a number of large trees along the eastern boundary of the site which are all proposed to be removed, and would not be compensated for through the provision of any large trees within the development.

The basement plans show that a five metre wide strip of deep soil is provided along the majority of the western boundary. Given the use of this space, availability of deep soil and building setbacks, it is considered that a small number of large trees could replace the proposed medium trees within this space. The inclusion of these trees would assist in offsetting the removal of existing large trees, improve the amenity of the north-south link, support thermal comfort and reduce the urban heat island effect.

Given the above, a permit condition requiring the submission of detailed landscape plans, showing at least four large trees (of at least 12 metres) along the north-south link will be recommended.

#### **8.4. Community Benefit**

As noted at Section 8.2.1 of this report, all developments that exceed the preferred maximum height in Table 1 of DDO63 must demonstrate a demonstrable benefit to the broader community.

The two main aspects of the proposal which seek to address this requirement are discussed in detail below.

##### **8.4.1. Pedestrian Links**

As illustrated in the landscape plan extract on the following page, the proposal includes several at-grade landscaped areas for pedestrian circulation and communal open space. Importantly, the proposal incorporates both a north-south and east-west link that will be open to the public throughout the day, and will form part of a future pedestrian network through this city block.

The **north-south link** is 5.5 metres wide, provides planting on either side of a central footpath, is fully open and is not impeded by any level changes. Although the

Macaulay Road entry to the link is shared with the loading area, the space would be infrequently used by vehicles. Loading and unloading by residents would generally only occur when moving in / out, and waste collection would be in the order of 3-4 times *per week*.

The alignment of the north-south link follows that recommended by the 2012 Structure Plan; and will provide a valuable mid-block pedestrian connection through to Robertson Street once the land to the north is redeveloped.



Figure 18 - Ground Level Landscape Plan. From Drawing TP01-02.



Figure 19 – 3D Render of the north-south link.

The **east-west link** is of a similar width, predominantly open to the sky, and would offer a high degree of pedestrian amenity despite the 1.4 metre level change from Stubbs Street to the centre of the site.

This link is slightly further north than the recommended pedestrian link indicated in the 2012 Structure Plan. Given the depth of the block, it is considered that the proposed alignment provides greater utility, and is therefore a more positive outcome.

In terms of security, the permit applicant states that:

*'It is intended the site will be secured during "non-daylight" hours to safeguard the security of residents but also ensure appropriate control over the maintenance of communal landscaped spaces and associated infrastructure.*

*Until such time as the adjacent property to the west is developed and access arrangements are firmly understood, the proposal to restrict pedestrian access to "non-daylight hours" is considered responsible. Importantly, restricting access will ensure the privacy and security of future residents and ensure the amenity of landscaped assets and communal spaces is preserved.'*

The proposed pedestrian links are considered to deliver a tangible community benefit, and should be secured via a Section 173 Agreement with Council ensuring that they are both open during daylight hours (at a minimum).

#### **8.4.2. Affordable Housing**

At time of writing, the permit applicant remains in negotiations with Vision Australia (the owner of the land) to reach an agreement that provides housing and facilities for the vision impaired.

In order to retain a degree of flexibility, they have agreed to offer either:

- Unencumbered ownership of 4% of the total number of dwellings to be sold to the registered housing agency for not more than 70% of their market value on the day of sale; or
- Unencumbered ownership of 1% of the total number of dwellings to be transferred to the registered housing agency for nil consideration; or
- Management of 4% of the total number of dwellings to be assumed by the registered housing agency, for leasing as affordable housing.

This offer is considered to be reasonable for a development of this scale and is consistent with Strategy 5 of the 2012 Structure Plan, which encourages the provision of affordable, accessible and diverse housing.

Furthermore, a 'Vision Australia Common Room' is proposed at the north-western corner of the site, which would be exclusively used by Vision Australia. Although this is commendable, negotiations with Vision Australia remain ongoing, and this element is not considered as part of the proposal's public benefit.

The proposed delivery of affordable housing, secured via a Section 173 Agreement is considered to be a tangible, and appropriate, community benefit.

#### **8.5. Amenity Impacts**

##### **8.5.1. Clause 58 (Apartment Developments)**

The following Objectives of Clause 58 (Apartment Developments) relate to the potential amenity impacts resulting from a proposed development:

- 58.04-1 – Building Setback Objective
- 58.04-3 – Noise Impacts Objective
- 58.06-3 – Waste And Recycling Objective

An assessment against Clause 58 confirms that the proposed development meets all Standards and Objectives identified above. There will be no unreasonable impacts on the amenity of adjoining or nearby properties.

### 8.5.2. Overshadowing

The subject site benefits from road frontages to the south and west, thereby reducing the amount of private land which would be adversely affected by any shadows cast by the proposal.

As depicted in the submitted shadow analysis, the proposal would:

- Only cast a 140m<sup>2</sup> shadow across the land immediately to the west at 11am, and no shadow at all from midday onwards. Owing to the large size (9.591m<sup>2</sup>) of this property, this represents only 0.7 percent of the total parcel of land and is therefore considered to be a negligible impact.
- Not cast a shadow over any of the land on the opposite side of Macaulay Road to the south.
- Not cast a shadow over the land on the opposite side of Stubbs Street until after 2pm.

Given the short duration of the impact, small extent of additional overshadowing, site context, and built form encouraged by Schedule 63 to the Design and Development Overlay, it is considered that this extent of additional overshadowing is acceptable.

Furthermore, as noted at Section 8.2.3 of this report, shadows cast by the proposed development would not impact any parks, public open spaces or key pedestrian routes.

### 8.5.3. Overlooking

There are no existing residential uses within close proximity of the subject site.

Given the zoning of the surrounding land, it is appropriate to consider future overlooking impacts from an equitable development perspective.

Balconies and habitable room windows facing **west** are set back at least 6.8 metres from the western boundary. If this setback was replicated on the land opposite, a separation of 13.6 metres would result, and is considered appropriate to allow for adequate privacy.

The minimum setback of balconies and habitable facing **north** across 18-76 Robertson Street is 4.2 metres, which would require habitable rooms and SPOS to the north to be set back at least 4.8 metres to achieve an acceptable privacy outcome. It is considered that this would not unreasonably impact on the equitable development of the property at 18-76 Robertson Street, and is therefore acceptable.

## 8.6. Onsite & Internal Amenity

### 8.6.1. Clause 58 (Apartment Developments)

The following Objectives of Clause 58 (Apartment Developments) relate to a development's onsite and internal amenity:

- 58.03-2 – Communal Open Space Objective
- 58.03-3 – Solar Access to Communal Open Space Objective
- 58.03-4 – Safety Objective
- 58.03-7 – Parking Location Objective
- 58.04-2 – Internal Views Objective
- 58.05-1 – Accessibility Objective
- 58.05-2 – Building Entry and Circulation Objectives

- 58.05-3 – Private Open Space Objective
- 58.05-4 – Storage Objective
- 58.06-1 – Common Property Objectives
- 58.06-2 – Site Services Objectives
- 58.07-1 – Functional Layout Objective
- 58.07-2 – Room Depth Objective
- 58.07-3 – Windows Objective
- 58.07-4 – Natural Ventilation Objective

The assessment against Clause 58 confirms that the proposed development is able to meet all Standards and Objectives identified above other than 58.03-3 (Solar Access to Communal Open Space), 58.03-7 (Parking Location), 58.05-3 (Private Open Space), 58.06-2 (Site Services) and 58.07-1 (Functional Layout Objective) as discussed below.

### **8.6.2. Solar Access to Communal Open Space**

Clause 58.03-5 provides the following objective, which the proposed development must meet:

- *To allow solar access into communal outdoor open space.*

The corresponding Standard D10 requires a minimum 125m<sup>2</sup> portion of the communal open space to receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. The proposal adopts a courtyard-style layout with the primary area of secluded private open space located centrally. Despite the benefits of the proposed layout, it results in overshadowing of this space in excess of the standard.

It is nevertheless considered that the proposed communal outdoor open space receives adequate solar access based on the following:

- Occupants of Building B would have access to a 242m<sup>2</sup> roof terrace which remains unencumbered by shadows throughout the day.
- Occupants of Buildings E & D would have access to a 235m<sup>2</sup> communal terrace on level 6 which is located towards the northern boundary and would not be overshadowed for most of the day.
- The north-south pedestrian link would not be overshadowed throughout the afternoon period.

### **8.6.3. Parking Location**

Clause 58.03-7 provides the following objectives, which the proposed development must meet:

- *To provide convenient parking for resident and visitor vehicles.*
- *To protect residents from vehicular noise within developments.*

The corresponding Standard D12 requires, inter alia, habitable room windows to set back at least 1.5 metres from a shared accessway. This can be reduced to one metre where there is a fence between the ramp and window, or the sill height exceeds 1.5 metres.

Buildings C and D are located on either side of the basement ramp, and include multiple dwellings with an outlook over this shared accessway.



As illustrated in the extract at Figure 14, a total of five habitable room windows are located within one metre of the accessway, and do not meet the (modified) requirement at Standard D12.

In order to address this requirement, the submitted landscape plans, and detailed elevations, show a landscaped arbour over the basement ramp, which would partially conceal the ramp from the abovementioned windows.

This solution is considered to be acceptable for those windows set back at least 850mm from the driveway, and also the corner window of D8 (which also has an outlook to the street).

Of great concern, however, is the south facing bedroom window of Dwelling D8, which would have no outlook and limited access to daylight. This matter was discussed with the permit applicant and project architect, who advised that the window in question could be relocated to the western wall. This solution is considered to be acceptable for this second bedroom, and will be included as a recommended condition on permit.

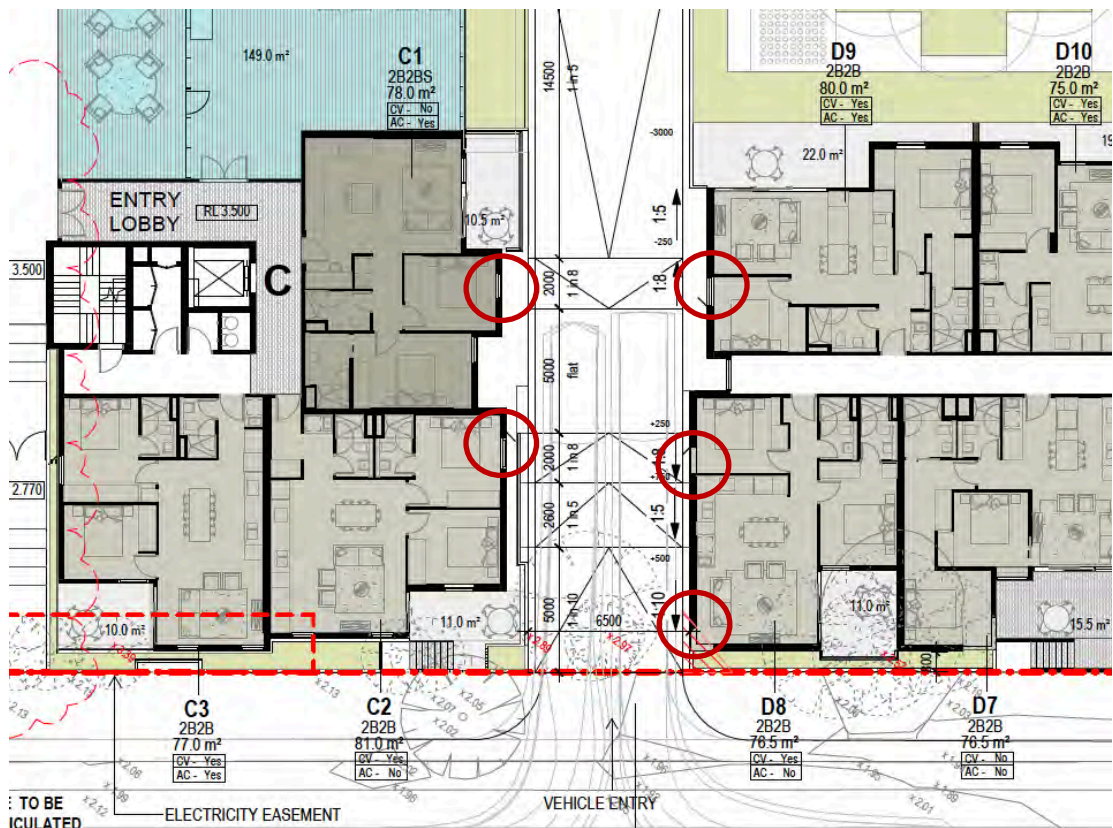


Figure 20 - Ground Level Plan extract highlighting windows within 1 metre of the basement ramp. From Drawing TP01.04



Figure 21 – Basement ramp elevation extract. From Drawing TP06.06

#### 8.6.4. Private Open Space

Clause 58.05-3 provides the following objective, which the proposed development must meet:

- *To provide adequate private open space for the reasonable recreation and service needs of residents.*

The corresponding Standard D19 sets out minimum balcony dimensions and areas for apartments. The minimum balcony dimension for a three bedroom apartment is 2.4 metres. The following apartment types do not comply with the requirements of the Standard:

- 'Type 1' three bedroom apartments have two balconies with a combined area of 30m<sup>2</sup> and minimum dimensions of 1.7 and 1.9 metres respectively. Although these balconies do not meet the minimum dimension requirements, they are nearly three times the minimum area requirement of 12m<sup>2</sup>.
- 'Type 2' three bedroom apartments have one 15.7m<sup>2</sup> balcony with a minimum dimension of 2.25 metres.

The layout of these areas of secluded private open space are considered to be acceptable and would provide a functional area of private open space in accordance with the Objective at Clause 58.05-3.

#### 8.6.5. Site services

Clause 58.06-2 provides the following objective, which the proposed development must meet:

- *To ensure that site services can be installed and easily maintained.*
- *To ensure that site facilities are accessible, adequate and attractive.*

Standard D22 requires, inter alia, the provision of mailboxes. Buildings A, B & D all have mailrooms within their lobbies.

The remaining buildings (C, E & F) do not provide any mailboxes for residents; though do have sufficient space within their lobbies to provide such. A condition requiring their provision will therefore be recommended.

### 8.6.6. Functional Layout

Clause 58.07-1 provides the following objective, which the proposed development must meet:

- *To ensure dwellings provide functional areas that meet the needs of residents.*

The corresponding Standard D24 sets out minimum dimensions for main and secondary bedrooms and living areas.

All bedrooms within the proposal meet the minimum internal dimensions specified. Further, each living room is provided with the minimum area required for the corresponding type of dwelling.

Not all living areas, however, meet the minimum width, being 3.3 metres for a studio or one-bedroom dwelling and 3.6 metres for a two or more bedroom dwelling. The greatest level of variation is for the 'Type 10' two bedroom apartment - which has a minimum dimension of 2.9 metres, rather than 3.6 metres. This layout is reproduced below, and, due to the overall layout of the apartment, is considered to nevertheless offer a reasonable level of amenity.

As all apartments meet the minimum area requirements, and all but one apartment type (of which there are eight in total across the entire development) has a minimum dimension of three metres, they are considered to meet the needs of future occupants.

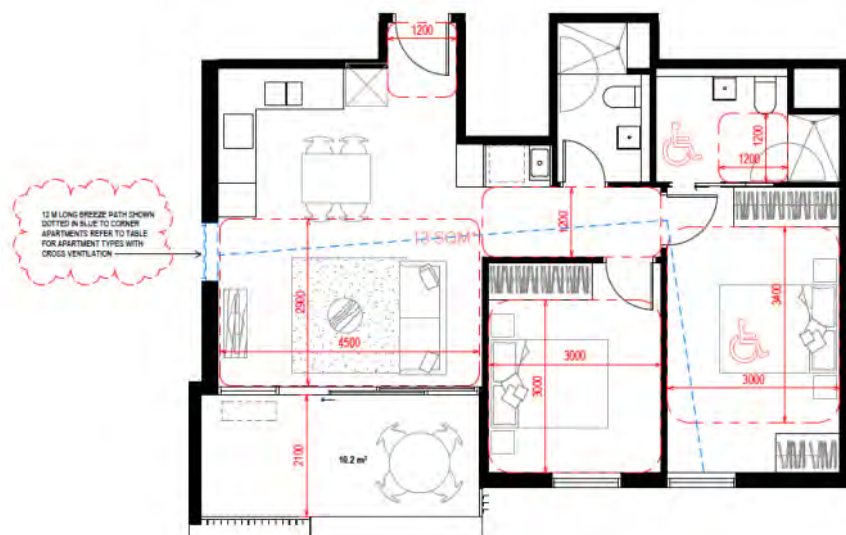


Figure 22 - 'Type 10' 2 Bedroom Apartment layout. From Drawing 2B2B\_Type 10

## 8.7. Sustainability

### 8.7.1. Energy, Water and Waste Efficiency

Policy at Clause 22.19 encourages buildings that:

- *Minimise greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.*
- *Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.*

The proposed development is considered to comply with performance measures set out in Clause 22.19-5 for development, noting the following:

- The submitted SMP prepared by Umow Lai, dated 30 October 2019, confirms that the overall proposal has the ability to achieve a 5 Star Green Star Rating (as built) which represents 'Australian Excellence'.
- The proposal also achieves 1 point in the Green Star Multi Residential Wat-1 credit.

With respect to waste management matters, Council's Engineering Services Department has identified a number of issues with the WMP which can be resolved via a permit condition.

### **8.7.2. Stormwater Management (Water Sensitive Urban Design)**

The objectives of this policy include:

- *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.23 provides that it is policy that development applications relating to new buildings incorporate water sensitive urban design that achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Guidelines, CSIRO 1999 (or as amended).

The proposed development is considered to comply with performance measures set out in Clause 22.23; noting the following:

- The efficacy of the project stormwater treatment measures demonstrate compliance with the current best practice performance.

Conditions (Civil Engineering) have also been recommended by Council's Principal Engineer (Infrastructure), to ensure that the development complies with Local Planning Policy Clause 22.23.

### **8.8. Equitable Development**

It is considered that the layout of the proposed development would allow for the equitable development of the properties to the north and west of the site; noting the following:

- The proposed development does not rely on borrowed outlook over any neighbouring property.
- The proposed buildings are set back at least 6.5 metres from the western boundary; which if replicated, would allow a building separation of 13 metres.
- A 5.5 metre wide north-south link is provided along the western boundary. This negates the need for a similar link on the eastern portion of the neighbouring site.
- The north-south link along the western boundary also means that there are no areas of secluded private open space along this interface.
- A three metre wide landscape buffer adjoins the northern boundary, and as a result, this interface is not characterised by any secluded private open space.

## **8.9. Traffic**

### **8.9.1. Traffic Impacts**

The primary vehicle access to the site is proposed via a new crossover to the site frontage along Stubbs Street which will offer full turning movements. The existing two vehicle crossovers to Stubbs Street will be removed and reinstated with kerb and channel to the satisfaction of Council.

Traffic movements have been estimated as 64 vehicles per hour (VPH) during the morning peak period, and 85 VPH in the afternoon peak period. This equates to approximately 1–1.4 vehicle movements per minute during the peak hours utilising the basement ramp, which is not expected to result in any significant queuing or delays for movements in / out of the site and not anticipated to have any significant impact to through traffic movement on Stubbs Street.

This anticipated use of the basement ramp would also not unreasonably impede on pedestrians using the Stubbs Street footpath.

As noted in Section 7.2 of this report, Council's Traffic Engineer accepts the traffic assumptions of the submitted Traffic Impact Assessment prepared by GTA Consultants, dated 28 June, and offers no objection to the proposal in relation to traffic generation.

### **8.9.2. Car Parking**

Pursuant to Clause 52.06 (Car Parking), the proposal would need to provide a total of 488 car spaces, including 12 for the shop and 476 for the dwellings.

The development includes 545 spaces across two-and-a-half basement levels, which exceeds the minimum requirement, provided that spaces are allocated in accordance with Clause 52.06. A condition requiring the spaces to be allocated in accordance with Clause 52.06 will therefore be recommended.

The subject site is located within the Principal Public Transport Network (PPTN), is within walking distance of two train stations as well as cycling routes. As such, a reduction in car parking spaces would theoretically be supported by Council.

As the site is not within a Parking Overlay, there is no clear policy direction for the provision of fewer car spaces, and the proposed provision of car parking is considered to be an acceptable outcome.

### **8.9.3. Bicycle Parking**

Pursuant to Clause 52.34 (Bicycle Facilities), the proposal would need to provide a total of 143 bicycle parking spaces, including 95 resident spaces and 48 visitor spaces.

The development would provide a total of 476 bicycle spaces at ground level and basement levels 1 and 2. This is well in excess of the minimum requirements and is commendable.

Further, the bicycle spaces would consist of a combination of 154 horizontal spaces and 302 hanging racks, which is also a positive outcome.

## **8.10. Other Matters**

### **8.10.1. Development Contributions**

Schedule 2 to the Development Contributions Overlay (DCPO2) requires a permit holder to enter into a legal agreement with the City of Melbourne to make development contributions.

The interim DCPO will allow for the collection of development contributions to contribute to the funding of new infrastructure until a permanent DCPO or ICP is established.

A condition the permit holder to enter a Section 173 Agreement with Council to enable payment of applicable Development Contributions will therefore be recommended.

#### **8.10.2. Aboriginal Cultural Heritage**

The land is within or affected by an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2007*.

The advice from Andrew Long & Associates dated 16 May 2019 concludes that the activity area as a whole has been subject to significant ground disturbance and does not require the applicant to lodge a Cultural Heritage Management Plan.

#### **8.10.3. Contaminated land**

The subject site is covered by an Environmental Audit Overlay, which has the following purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

The EAO stipulates that, before the construction or carrying out of works in association with a sensitive use must provide either:

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

Given the substantial amount of work required to prepare an Environmental Audit; a permit condition requiring the preparation of such will be recommended.

#### **8.10.4. Impact on street trees**

Eight Council street trees are located within the road reserve along the Macaulay Road and Stubbs Street frontages of the site.

According to a report prepared by Galbraith & Associates, dated 25 October 2019, the proposal will (potentially):

- Require the removal of three of the trees.
- Allow for the retention of four of the trees.

A further tree has been identified as a traffic hazard and is recommended for removal.

Council's Urban Forester has reviewed the above submission and states that the removal of Tree 6 (a medium-sized Chinaberry tree) has not been suitably justified. A condition requiring further investigation of this matter will therefore be recommended.

### **8.10.5. Flooding**

Although identified by Council as an area subject to flooding from the Moonee Ponds Creek, the subject site is not covered by a Special Building or Land Subject to Inundation Overlay. As such, there is not trigger for the application to be formally referred to Melbourne Water.

Given the above, the permit applicant discussed the application with Melbourne Water prior to lodgement.

Based on feedback received from Melbourne Water, the development has been designed with a flood level of 3.5 metres AHD, which has resulted in habitable areas raised above the street level by up to 1.7 metres (approximately).

### **8.10.6. Easements**

The subject site is covered by both an Electricity and Stormwater easement.

A letter from ADP Consulting Engineering, dated 3 September 2019 states that:

*'We are in discussion with Citipower and City West Water for removal of these easements.*

*The CWW asset is a sewer main that extends and services our site only – this will be removed and the associated easement removed. We are in discussions with CWW regarding the removal of this asset.*

*The Citipower asset relates to an existing electrical infrastructure asset and will be relocated. We are in discussion with Citipower for the removal of this item.'*

As the proposal is reliant on these assets being relocated, a condition will be recommended that all easements affecting the subject site be removed prior to the commencement of works.

## **9. CONCLUSION**

The proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme.

## **10. OFFICER RECOMMENDATION**

That a letter be sent to DELWP advising that the City of Melbourne supports the proposal subject to the following conditions:

### **Architecture**

#### *Amended Plans*

1. Prior to the commencement of works, excluding site remediation, an electronic set of plans drawn to scale, must be submitted to and approved by the Responsible Authority, in consultation with Melbourne City Council, generally in accordance with the plans prepared by Hayball dated 7 November 2019 (Drawings TP00.02 – TP09.01 & MK10.01 – MK10.67)., but amended to show:
  - a) Deletion of the mezzanine level from Apartments A1 – A6 to ensure that the development comprises no more than eight storeys at any point.
  - b) The gas meter at the north-eastern corner of the site amended to be of a high quality material finish which is complementary to the landscape treatment.
  - c) The provision of mailboxes within the lobby of all buildings.

- d) Fences shown and labelled for all ground level dwellings of Buildings D & F.
- e) Elevations of all buildings, including a south elevation of Building D.
- f) Labels on all elevations indicating the building (i.e. A, B, C etc.).
- g) The south-facing window for the second bedroom of Dwelling D8 relocated so that it does not have a direct aspect across the basement ramp.
- h) All awnings across the road reserve amended to maintain a three metre clearance above the footpath.
- i) The creation of a continuous building line along the ground level for the purpose of orientation in the public realm by visually impaired persons.
- j) Allocation of all car spaces in accordance with the minimum requirements at Table 1 at Clause 52.06-5.
- k) All changes shown on the Hayball Drawings dated 13 February 2020:
  - i. Revised east-west pedestrian link entry, including the revised footpath, gate location and design.
  - ii. Revised layouts for Dwellings A103, A203 & A503 with a balcony on the south-western corner.
  - iii. Screens to Building C to improve outlook from the dwellings.

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

#### *Endorsed Plans*

- 2. The development and land uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

#### *Completion of Development*

- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### *Glare*

- 4. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
- 5. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

#### *Retention of Architect*

- 6. Except with the written consent of the Responsible Authority, Hayball must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

#### *Façade strategy*

- 7. Prior to the commencement of the development, including site remediation, a Façade Strategy must be submitted to and approved by the Responsible



Authority. Unless otherwise approved by the Responsible Authority, the facade strategy must be generally in accordance with the endorsed plans and must show:

- a) A stronger vertical integration between upper level façade and shop front definition at the Macaulay Road elevation.
- b) Elevation details at a scale of 1:50 illustrating ground floor details for all buildings, including entries, arched ways, brick tiles, and shopfront design. The drawings must demonstrate:
  - i. Integration of hand-laid bricks for at least the ground floor interface of all buildings where brick is proposed.
  - ii. Adoption of mixed-batch brick or tonal variation to achieve richness and tactility.
  - iii. Further evolution and detail of façade design to ensure delivery of high quality, textured and modulated form.
  - iv. Detailed design information regarding external materials, colours and finishes, glazing, and services.

### **Land survey**

8. Prior to the commencement of the development, including site remediation, all easements affecting the land must be removed from the Title/s.

### **Use of Retail Tenancies**

9. The Retail tenancies are not to be used for Adult sex product shop, Hotel or Tavern, except with a further permit from the Responsible Authority.

### **Landscape plans**

10. Prior to the commencement of works, excluding site remediation, detailed landscape plans, generally in accordance with the Landscape Report for Town Planning, prepared by Openwork, dated 22 August 2019, as well as a landscape maintenance plan and irrigation performance specification must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The documents must include:
  - c) A revised landscape plan showing the provision of four large trees (minimum 12 metres in height) trees along the north-south pedestrian link.
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e) Detailed planter sections, including soil volumes and schedules of species with consideration given to soil volume requirements and growing medium proposed, and indicative irrigation and drainage layouts.
  - f) Details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion
  - g) Landscape Irrigation Performance Specification

Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

## Section 173 Agreements

### *Affordable Housing*

11. Prior to the commencement of works, excluding demolition, bulk excavation, piling, site preparation works, and remediation works, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Melbourne City Council for the following:
- h) Prior to the issue of a statement of compliance for the last stage of subdivision of the land, the owner will enter into a binding agreement with a registered housing agency to the satisfaction of the responsible authority, requiring:
    - i. Unencumbered ownership of 4% of the total number of dwellings (rounded to the nearest whole number) to be sold to the registered housing agency for not more than 70% of their market value on the day of sale; or
    - ii. Unencumbered ownership of 1% of the total number of dwellings (rounded to the nearest whole number) to be transferred to the registered housing agency for nil consideration; or
    - iii. Management of 4% of the total number of dwellings (rounded to the nearest whole number) to be assumed by the registered housing agency, for leasing as affordable housing.
  - i) If the affordable housing dwellings are not purchased at a discounted price, transferred for nil consideration or assumed for management by a registered housing agency within 12 months of the date of the binding agreement referred to in clause a) above, the owner must pay to the registered housing agency within 60 days after this sunset date, a sum of money equal to the cumulative market value of 1% of the total number of dwellings.
  - j) The dwellings referred to in clause a) above must include a diversity of housing stock that is representative of the total number of dwellings to the satisfaction of the responsible authority.

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

### *Pedestrian Links*

12. Prior to the commencement of the development, excluding site remediation, the owner of the land must enter into a legal agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Melbourne City Council. The agreement must provide the following:
- k) Give rights of public access to both the north-south and east-west pedestrian links located within the subject land between 7am and 7pm, 7 days a week; but to remain at all times in private ownership as part of the subject land.

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

### *Developer Contributions*

13. Before the commencement of development or works, excluding site remediation, the applicant must:

- l) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority; Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and
- m) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a) The developer to pay a development contribution of:
  - i. \$16,127.58 per dwelling
  - ii. \$180.58 per sqm of gross commercial floor area
  - iii. \$150.15 per sqm of gross retail floor area.or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
- b) Require that development contributions are to be indexed quarterly from 1 January 2018 to the Price Index of the Output of the Construction Industries (Vic.) published by the Australian Bureau of Statistics (ABS).
  - i. Require registration of the Agreement on the titles to the affected lands as applicable.
- c) Confirm that contributions will be payable to the City of Melbourne.
- d) Require that where the Planning Permit authorises building and works and a subdivision of the Subject Land, full payment of the development contribution must be paid before the issue of a Statement of Compliance in respect of that subdivision or where the Planning Permit authorises buildings and works but not subdivision, the development contribution must be paid before the issue of either the certificate of occupancy (in the case of a building) or a certificate of completion (in the case of works).
- e) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- f) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

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

#### **Construction management plan**

- 14. Prior to the commencement of the development, excluding site remediation, a detailed Construction Management Plan (CMP) must be submitted to and approved by Melbourne City Council – Construction Management Group.

The CMP must be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and is to consider the following:

- a) Management of public access and linkages around the site during construction.
- b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
- c) Any works within the adjoining street network road reserves.
- d) Sediment control and site drainage.
- e) Discharge of polluted waters.
- f) Public safety and site security.
- g) Hours of construction.
- h) Control of noise, dust and soiling of roadways.
- i) Collection and disposal of building and construction waste.
- j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

## **Urban Forestry**

### *Tree Protection Plan*

15. Prior to the commencement of any works including demolition and bulk excavation, a Tree Protection Plan (TPP) must be submitted to and approved by the City of Melbourne - Urban Forestry & Ecology. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
  - a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries or scaffolding.
  - c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
  - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned trees. These must be provided for any utility connections or civil engineering works.
  - e) Full specifications of any pruning required to publicly owned trees with reference to marked images.
  - f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
  - g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

### *Public Tree Protection*

16. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the City of Melbourne - Urban Forestry & Ecology.
17. Prior to the commencement of any works (including demolition) a bond in the form of a bank guarantee, equivalent to the combined environmental and

amenity values of public trees affected by the works, must be provided to the City Of Melbourne. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should the tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

#### *Public Tree Removal*

18. Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
19. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of tree(s) to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.

#### *Public Realm Civil Works (Tree Plots)*

20. Prior to the commencement of any works (including demolition) and subject to meeting the requirements of the Tree Retention and Removal Policy in relation to tree removal, Engineering Plans that show the location and specification of a new tree plot on Stubbs Street must be provided to the satisfaction of the City Of Melbourne.
21. Prior the occupation of the development, Engineering Works, as shown on the endorsed Public Realm Civil Works (Tree Plots) Plans must be completed to the satisfaction of the City Of Melbourne.

### **ESD**

#### *Implementation of Environmentally Sustainable Design (ESD)*

22. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.

### **Traffic Engineering**

23. All spaces, ramps, grades, transitions, accessways and height clearances within the development must be generally designed in accordance with MPS or AS/NZS 2890.1:2004
24. Prior to occupation of the development, an electronic signalling system must be provided to alert pedestrians of exiting vehicles & vice-versa, as well as other safety measures to further enhance the safety of pedestrians.

25. Prior to occupation of the development, to ensure entering / exiting vehicles give way to bicycles, a standard green bicycle treatment must be installed within the bicycle lane in Stubbs Street in the vicinity of the access point, at the developer's expense.
26. Prior to commencement of works, excluding site remediation, a Loading Management Plan must be submitted and approved by the City of Melbourne – Engineering Services, specifying how the access / egress of loading vehicles is to be managed.
27. Unless with the prior written consent of the Responsible Authority, the loading and unloading of vehicles and delivery of goods to and from the site must at all times take place within the boundaries of the site to the satisfaction of the Responsible Authority.
28. Prior to commencement of works, excluding site remediation, a formal independent desktop Road Safety Audit of the proposed development, at the developer's expense must be undertaken and include vehicle / bicycle / pedestrian access arrangements, loading arrangements & internal circulation / layout.  
  
The findings of the Audit must be incorporated into the detailed design to the satisfaction of the City of Melbourne – Engineering Services.

### **Civil Engineering**

#### 29. Drainage of projections

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

#### 30. Drainage system upgrade

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

#### 31. Demolish and construct access

Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.

#### 32. Corner Splay

Prior to the commencement of the development, excluding demolition works on site, the Ground Floor Level of the building shall be redesigned with a minimum of 2.0 x 2.0 metres corner splay at the south-east corner of the site.

#### 33. DDA compliant footpaths

Prior to the commencement of the development, excluding demolition works on site, the detailed engineering plans showing the provision of footpaths compliant with the Disability Discrimination Act 1992 requirements must be submitted to and approved by the City of Melbourne.

34. Footpaths

The footpaths adjoining the site along Macaulay Road and Stubbs Street must be reconstructed in sawn bluestone together with associated works including the construction of 300mm wide sawn bluestone kerb, reconstruction of channel, provision of street plots, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – Infrastructure and Assets.

35. Street levels not to be altered

Existing street levels in Macaulay Road and Stubbs Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – Engineering Services.

36. Existing street lighting not altered without approval

All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne – Engineering Services.

37. Public lighting

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include review of street lighting levels in Macaulay Road and Stubbs Street. The required improvements to public lighting must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.

**Waste Management**

38. Prior to the commencement of the development, excluding site remediation, the submission of a Waste Management Plan to the satisfaction of the City of Melbourne, generally in accordance with that prepared by WMP by Leigh Design dated 19<sup>th</sup> February 2020, but amended to:

- a) Refer to bi-weekly collections from 7m<sup>3</sup> compactors.
- b) Note that residential hard waste is to be presented in the loading area by Building Management in co-ordination with the Council waste collection vehicle.
- c) Specify that the relocation of bin-lifters in preparation for compactor collections is to be co-ordinated by Building Management.
- d) Note that Building E is residential, not commercial.
- e) Append all relevant drawings, including swept path diagrams.
- f) Include provision for the separation of and collection of food waste and the potential for on-site composting.

39. Waste storage and collection arrangements as shown in the endorsed WMP must not be altered without the prior consent of the City of Melbourne - Engineering Services.

40. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage

storage area as soon as practical after garbage collection, to the satisfaction of the City of Melbourne - Engineering Services.

### **Noise Attenuation**

41. Prior to commencement of the use the recommendations contained within the Acoustic Report prepared by Acoustic Logic, dated 22 August 2019, must be implemented at no cost to the Responsible Authority and be to the satisfaction of the Responsible Authority.

### **Contaminated land**

42. Prior to the commencement of the development, excluding site remediation, the owner of the site must provide either:
  - a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
  - b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must specifically state that the site is suitable for the intended use(s) hereby permitted.
43. Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority, prior to the commencement of the use of the site. Written confirmation of compliance must be provided by an environmental auditor. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.
44. If there are conditions on a Statement of Environmental Audit that the Responsible Authority consider require significant ongoing maintenance and / or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987. The agreement must be executed on title prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the agreement, including those incurred by the Responsible Authority.

### **Building Appurtenances, Services and External Lighting**

45. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
46. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
47. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.
48. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.



### **3D digital model**

49. Prior to the commencement of the development, excluding site remediation, a 3D digital model of the development must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

The model should be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. Digital Models provided to Council and other government organisations for planning purposes. The Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and approved by the Responsible Authority.

### **Permit expiry**

50. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three years of the date of this permit.
  - b) The development is not completed within five years of the date of this permit.
  - c) The use has not commenced within one year of the completion of the development.

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