



Figure 12 - Ground Level Plan. From Drawings TP01.02 & TP01.03

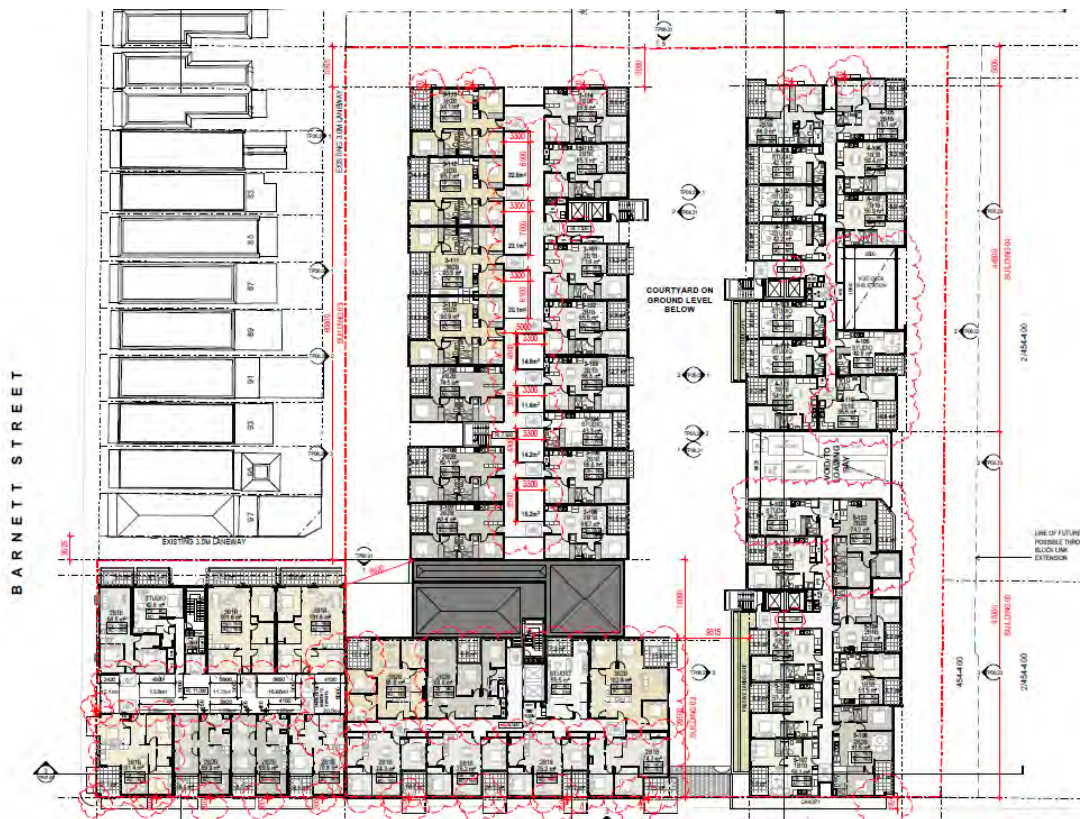


Figure 13 - Level 1 Plan. From Drawings TP01.02 & TP01.03



Figure 14 - North Elevation. From Drawing TP06.01



Figure 15 - South Elevation. From Drawing TP06.01



Figure 16 - East Elevation. From Drawing TP06.02



Figure 17 - West Elevation. From Drawing TP06.02

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

- Clause 2.02: Vision
- Clause 2.03: Strategic Directions
- Clause 2.04-7: Arden and Macaulay Plan
- Clause 11.03-6L-08: Flemington and Kensington
- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 15.01-1L-03: Sunlight to Public Spaces
- Clause: 15.01-1L-05: Urban Design outside the Capital City Zone
- Clause 15.01-2L-01: Energy and resource efficiency
- Clause 19.03-3L: Stormwater management (Water sensitive urban design)
- Clause 16: Housing
- Clause 19: Infrastructure

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 150 m².</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 up to four storeys, excluding a basement, must meet the requirements of Clause 55.</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 - A1 & 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"> ▪ 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. <p>It is recommended that a condition on any permit issued requires the permit holder to enter an agreement under Section 173 of the</p>

	Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of the development.
Clause 45.03 Environmental Audit Overlay	<p>Before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:</p> <ul style="list-style-type: none"> ▪ A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or ▪ An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or ▪ A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or ▪ A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

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"> ▪ 5 spaces to each 100 m² of leasable floor area for Supermarkets. ▪ 3.5 spaces to each 100 m² of leasable floor area for Retail Premises. ▪ 3 spaces to each 100 m² of leasable floor area for Offices. ▪ 1 space to each one or two bedroom dwelling. ▪ 2 spaces to each three or more bedroom dwelling. ▪ 0 visitor spaces. <p>The development proposes:</p> <ul style="list-style-type: none"> ▪ A 660 m² supermarket ▪ 489 m² of retail premises floor area ▪ 412 m² of office floor area ▪ 307 one and two-bedroom dwellings ▪ 55 three-bedroom dwellings <p>The development generates a car parking requirement of 479 spaces as follows:</p> <ul style="list-style-type: none"> ▪ 33 supermarket spaces ▪ 17 retail spaces ▪ 12 office spaces ▪ 110 dwelling spaces. <p>The development provides 161 spaces which is below the minimum requirements, and a permit is therefore required.</p>							
Clause 52.34 Bicycle Facilities	<p>The applicable bicycle parking rates for the proposal are as follows:</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Employee / Resident</th> <th>Visitor / Shopper</th> </tr> </thead> <tbody> <tr> <td>Supermarket and Retail Premises:</td> <td>1 to each 600 m² of leasable floor area if the leasable floor area exceeds 1000 m²</td> <td>1 to each 500 m² of leasable floor area if the leasable floor area exceeds 1000 m²</td> </tr> </tbody> </table>		Use	Employee / Resident	Visitor / Shopper	Supermarket and Retail Premises:	1 to each 600 m ² of leasable floor area if the leasable floor area exceeds 1000 m ²	1 to each 500 m ² of leasable floor area if the leasable floor area exceeds 1000 m ²
Use	Employee / Resident	Visitor / Shopper						
Supermarket and Retail Premises:	1 to each 600 m ² of leasable floor area if the leasable floor area exceeds 1000 m ²	1 to each 500 m ² of leasable floor area if the leasable floor area exceeds 1000 m ²						

	Restaurant	1 to each 100 m ² of floor area available to the public	2 plus 1 to each 200 m ² of floor area available to the public if the floor area available to the public exceeds 400 m ²
	Office	1 to each 300 m ² of net floor area if the net floor area exceeds 1000 m ²	1 to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ²
	Dwellings	1 space to each 5 dwellings	1 space to each 10 dwellings
	<p>The development generates a bicycle parking requirement of 112 spaces as follows:</p> <ul style="list-style-type: none"> ▪ 2 employee supermarket spaces ▪ 2 employee restaurant spaces ▪ 72 resident and 36 visitor dwelling spaces. <p>The development provides 338 spaces within the basement level, which significantly exceeds the minimum requirement.</p>		
Clause 55 Two or More Dwellings on a Lot	<p>Building 1 is four storeys in height, and must meet all of the objectives and should meet all of the standards of this clause that apply to the application.</p> <p>As the application was lodged with DELWP on 30 August 2021, the proposal benefits from Transitional Provisions at Clause 32.04-6, and the version of Clause 55, prior to the gazettal of Amendment VC174 applies.</p>		
Clause 58 Apartment Developments	<p>The remaining buildings (2-5) exceed four storeys and therefore must meet all of the objectives and should meet all of the standards of this clause that apply to the application.</p> <p>As the application was lodged with DELWP on 30 August 2021, the proposal benefits from Transitional Provisions at Clause 32.04-6, and the version of Clause 55, prior to the gazettal of Amendment VC174 applies.</p>		

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 25,000 m².</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	<p>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>.</p>
Clause 66.02 Use and Development Referrals	<p>The Minister for Planning is responsible for referrals of the kind listed in Clause 66.02-11 (Integrated Public Transport Planning).</p>

5. STRATEGIC DOCUMENTS AND AMENDMENTS

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.
- 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.

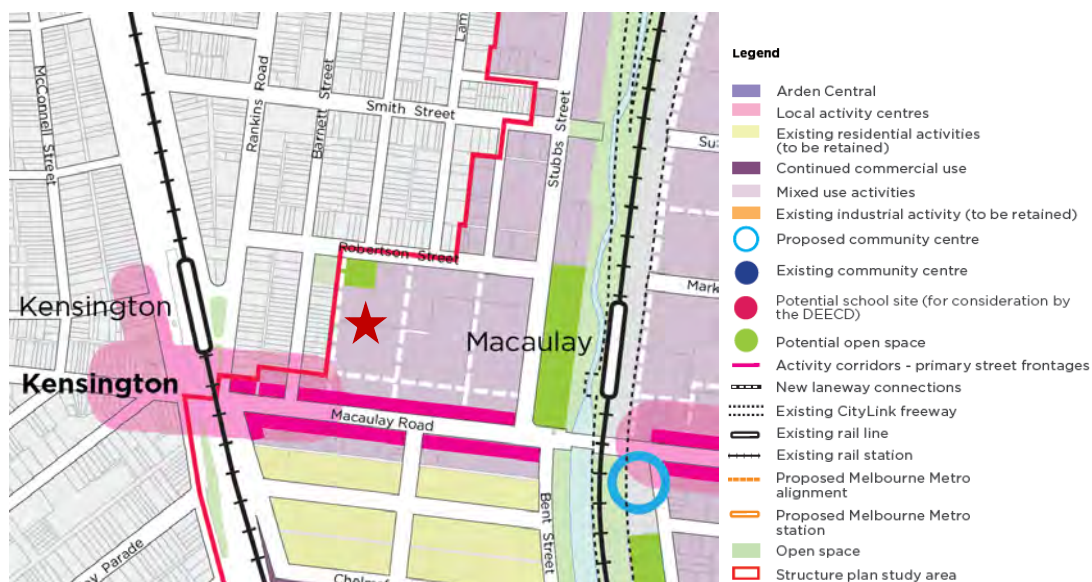


Figure 18 - 2012 Structure Plan extract highlighting the subject site

5.2. Macaulay Structure Plan 2021 & Amendment C417

A revised Macaulay Structure Plan 2021 was endorsed by Council on 9 November 2021. The updated Structure Plan, together with a new DDO72 that would apply to the subject site forms part of Amendment C417. This Amendment has been submitted to the Minister for Planning for authorisation to prepare and exhibit the Amendment.

Key elements of C417 that relate to the subject site include:

- Application of a new Schedule 8 to the Special Use Zone (SUZ8) that encourages 20 per cent of development to be employment or other non-residential uses, mandates a contribution to affordable housing across all land uses and manages land uses vulnerable to flooding.
- Application of a new Schedule 16 to the Parking Overlay (PO16) to support modal shifts by requiring consideration of all forms of parking including car parking, bicycle parking and end-of-trip facilities, electric vehicle ready spaces, and car-share and accessible spaces.

- Application of a new Schedule 78 to the Design and Development Overlay (DDO78 – Stubbs Precinct), which replaces the current DDO63 and includes a range of revised built form controls. Key new / varied controls include:
 - A mandatory Floor Area Ratio (FAR) of 3.5:1 for the parcel of land at 402-432 Macaulay Road and 3:1 for the parcel of land at 434-444 Macaulay Road.
 - Preferred maximum building heights of between 4 storeys (434-444 Macaulay Road), 6 storeys (along street frontages) and 8 storeys (the remainder of the land).
 - Preferred maximum street wall heights of:
 - 5 storeys along Macaulay Road adjacent to 402-432 Macaulay Road.
 - 4 storeys along Macaulay Road adjacent to 434-444 Macaulay Road.
 - 3-4 storeys along Barnett Street.
 - 3 storeys along Council laneway 167 and the eastern boundary.
 - 2 storeys along internal pedestrian links.
- A preferred minimum setback above the street wall of 5 metres.
- A preferred minimum 7.5 metre setback from side and rear boundaries for habitable rooms.
- Provision of a six metre wide pedestrian laneway along the northern boundary and between Macaulay Road and Council Laneway 167.
- A mandatory overshadowing control, which requires that any future development does not increase overshadowing of the footpath on the southern side of Macaulay Road between 10am and 3pm on the winter solstice.
- Mandatory wind requirements for buildings over 20 metres in height.
- Minimum floor-to-floor and floor-to-ceiling heights for residential and non-residential levels and car parks.
- A range of built form controls and guidelines relating to streetscape interfaces, appearance, materiality and car parking.



Figure 19 - Preferred Maximum Building Height (left) and Street Wall Height (right) maps from the proposed DDO78

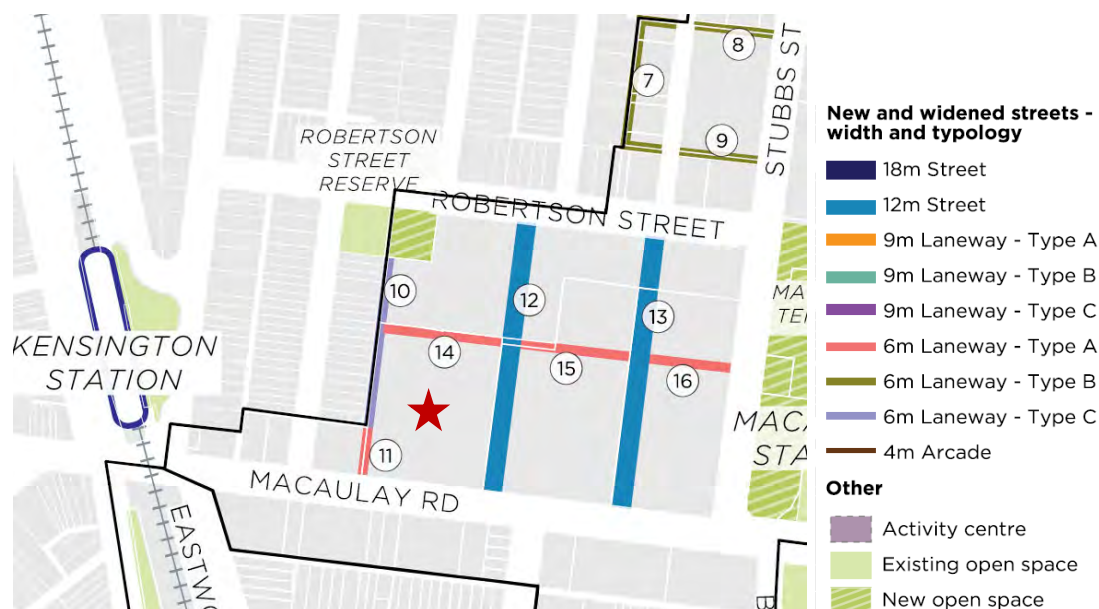


Figure 20 - Macaulay - Stubbs and Boundary Precincts Map of New and Widened Streets – Alignment and Width Typology extract

5.3. Amendment C409

Amendment C409 was gazetted on 21 September 2022 and replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Melbourne Planning Scheme with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected local schedules to overlays, particular provisions, general provisions and operational provisions, consistent with:

- The Victoria Planning Provisions as a result of Amendment VC148; and
- The Ministerial Direction on the Form and Content of Planning Schemes.

Key changes that form part of Amendment V409 include:

- Relocation of content at Clauses 21 and 22 of the Melbourne Scheme to the appropriate theme-based clauses in the PPF, MPS and relevant local schedules, with the intended effect of the original clauses remaining unchanged.
- Clarifies and improves the style, format, language or grammatical form of content in accordance with the *Practitioner's Guide to Victorian Planning Schemes*, with the intended effect of the original clauses remaining unchanged.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions (VPP).
- Removes repetitive content.
- Removes or updates outdated content.

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.

It is understood that DELWP received a total of six objections. Issues raised by objectors included overlooking, overshadowing, height and scale of the development, insufficient setbacks, visual bulk and amenity, impact on the Heritage Overlay housing in Barnett Street, inadequate resident parking, as well as construction impacts.

7. REFERRALS

7.1. City Design

The application was referred to City Design who provided feedback on multiple occasions in response to amended drawings and discussion drawings submitted to address specific concerns. Initial comments prepared on 26 November 2021 were generally positive, stating that:

'We commend the proponent team on the ambition to deliver demonstrable community benefits within a significant urban renewal precinct including the provision for a 20% social housing mix.'

We broadly support the considered and integrated approach to the distribution of building mass and height, diversity of architectural expressions, and mix of communal amenity to complement the open spaces. Subject to further information and detail, we believe the overall design language and material response to be consistent with the desired precinct character for Macaulay and befitting of the built form quality expected in a significant urban renewal area.'

Noting the above, we have questions regarding the overall urban structure and precinct integration. It is not yet clear how the proposed development establishes a clear hierarchy of pedestrian connections and how these align with the precinct vision as outlined in the Macaulay Structure Plan.'

The delivery of direct, safe, and futureproofed pedestrian connections are a critical component of the proposal, and a key criteria for assessing the proposed community benefits as outlined in DDO63 to support additional height above the preferred maximum of 6 storeys.'

The majority of their concerns were addressed in the revised plans prepared in response to DELWP's Request for Further Information (RFI), dated 24 March 2022. In addition to comments regarding pedestrian connection widths, Council's City Design team expressed continued concern regarding the 'dominant' and 'bulky' presentation of buildings 3, 4 and 5 to the east and west.

This led to the preparation of several discussion drawings submitted to DELWP and Council on a without prejudice basis. The following final comments were received in response to the discussion drawings dated 22 June 2022:

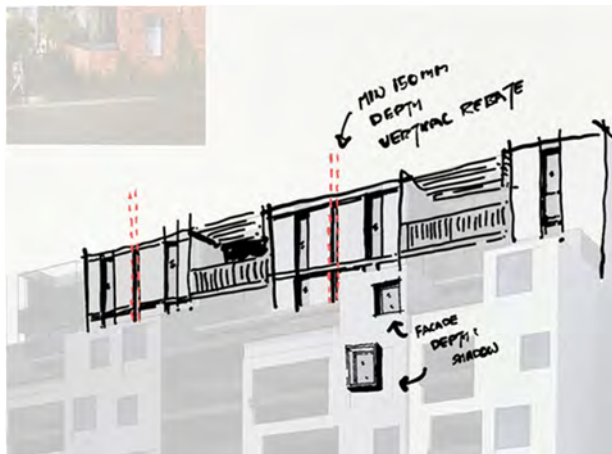
Pedestrian Connections

- *We broadly support the provision to provide an **east-west connection** at the northern boundary of the site. However we require the **width of this connection and building setback** from the boundary to be **consistent across the length** of the connection to ensure a high degree of public legibility through site. We recommend a S72 agreement to ensure that this **remains publicly accessible at all times**.*

- While we acknowledge that a new street along the eastern boundary has the potential to act as the primary north-south through-block connection, it is critical to **secure at least one direct and open-to-sky north-south connection** on site. We require the **mid-block connection** through the communal courtyard to retain its **directness** and **public legibility**. Further assessment of this connection should have regard to clear sight lines, footpath width, materiality, landscaping, and other adjacent community uses.
- We recommend Permit Conditions to ensure a high degree of **public legibility of the arcade connection** to CL167 (laneway to the rear of Barnett Street) from Macaulay Road. Conditions should require the submission of an eye-level perspective / render at the entry of the arcade from Macaulay Road – demonstrating locations of skylights and sightlines through the adjacent tenancy glazing.

Building 3 - West Elevation

- We welcome the incorporation of lightweight balcony balustrades and trellis structures to **reduce the visual bulk of the upper setback form**. We encourage the use of climbing plants to the balcony structures to soften the building presentation.
- We also recommend minor design refinement of the upper levels to **break the horizontal massing bulk of the concrete volumes**. This may include vertical rebates within the wider concrete expressions (between the mirrored bedrooms) and horizontal expressions of the parapets and slab.
- We also recommend that the **street wall** adopts further **façade depth at window openings** to avoid a 'flat' presentation. This could also include consideration of operable external shading devices to also improve thermal performance of dwellings.



Building 4&5 - East Elevation

- We broadly support the proposed changes along this elevation, including variations to windows and concrete tone, to provide greater diversity within this long elevation. We **require updated a material schedule and perspectives** that capture these proposed changes.
- In addition to the precast concrete texture and tone, we encourage further clarification of window expression and balconies, ensuring suitable depth and material quality is to frames, balustrades, and soffits. We encourage the adoption of warm and tactile materials where suitable such as timber.



In response to the above outstanding concerns, the permit applicant provided a set of recommended conditions. These conditions have been reviewed by City Design and found to be suitable in addressing the last remaining issues. The suggested conditions, together with a Façade Strategy condition, will therefore be recommended to DELWP for inclusion on any permit issued.

7.2. City Strategy

Given the changes contemplated in the proposed Amendment C417, and in particular the new DDO78, the application was forwarded to Council's City Strategy department.

They provided comprehensive advice on 25 August 2022, relating primarily to the proposal's response to the 2021 Macaulay Structure Plan and proposed Amendment C417 documents. Key recommendations include:

Existing 3 m Laneway – running N-S (up to Robertson Street reserve), parallel to Barnett Street

- *Widen the existing 3 m public laneway by 3 m and vest this land to Council, to enable creation of a public 6 m Laneway –Type C typology. The 3 m widening must be unencumbered both above and below ground to allow for large canopy tree planting and water sensitive urban design features.*
- *It is noted that the currently proposed development proposes a deep soil planting zone in this location, which would be able to be split between public and private ownership to enable the 6 m public laneway to be created.*

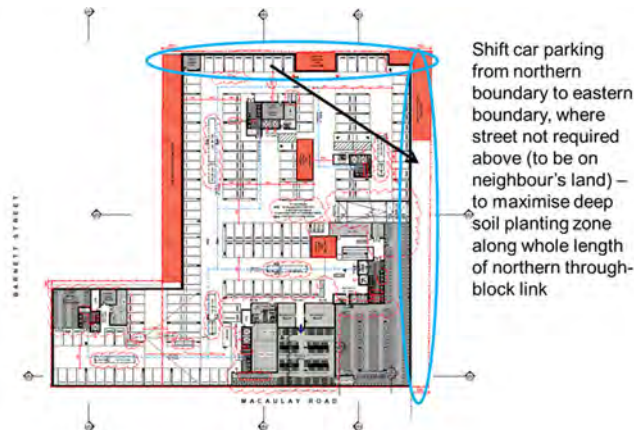
Proposed new arcade – running N-S from Macaulay Road to existing 3 m Laneway

- *The proposed development shows a double height arcade as providing a pedestrian link through the site. This arcade should be:

 - *widened to be a least 4 m minimum in clear width along its full length. This is in accordance with the minimum width required by the proposed mandatory controls for arcades elsewhere in Macaulay.*
 - *accessible and open to the public for through movement 24/7, with this public access formalised in an agreement.**
- *The north and south facades of the building should clearly articulate and express the entrances to the arcade so that they are obvious / legible, publicly accessible and welcoming.*

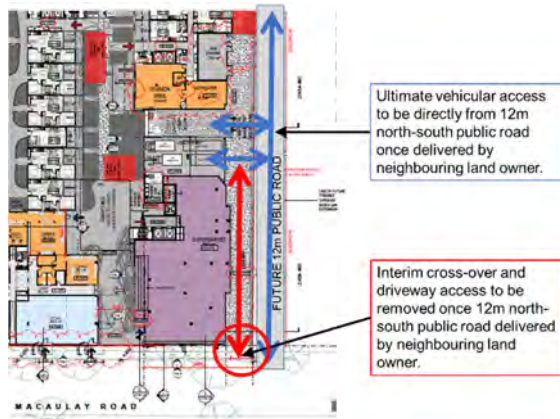
Proposed new open through-block link – running E-W along northern property boundary

- *The through-block link should:*
 - *be widened to be a least a 5 m minimum clear width, ideally 6 m, along its full length.*
 - *be accessible and open to the public for through movement 24/7, with this public access formalised in an agreement. Ideally would be vested to Council (if no car parking below).*
 - *maximise opportunities for canopy tree planting by increasing the area of the deep soil planting zones along the through-block link, by relocating car parking from along the northern boundary to the eastern boundary, where the proposed north-south street is required to be delivered on the neighbouring 352 Macaulay Road property and not the 402-432 Macaulay Road property. If this is not feasible, the soil beds for planting (above car parking) should be deepened to maximise the opportunity for canopy tree growth.*



Proposed new discontinuous laneway – running N-S for three-quarters the length of the eastern property boundary

- *The developer of 402-432 Macaulay Road liaise directly with the land owner / developer of 352 Macaulay Road in regard to delivery and timing of the new 12 m public street.*
- *The development be designed and plan for ultimate future driveway access to be directly from the new 12 m public north-south street, that is to be delivered along the western boundary of the neighbouring 352 Macaulay Road site.*
- *The cross-over and vehicular driveway access from Macaulay Road be interim, until such time that the 12 m public north-south street is delivered at 352 Macaulay Road. At such time, the Macaulay Road public footpath cross-over and direct driveway access to Macaulay Road should be removed, with vehicular access to be directly from the new 12 m north-south street.*
- *The developer consider how the area of land for an interim driveway may transition in the future to be of a use other than a vehicular driveway, and how that use may interface with and activate the future 12 m north-south street, including through the addition of built form, noting its key activity centre location.*



The above comments are addressed in detail in Section 8.2.1 of this report.

7.3. ESD

Council's ESD Officer advised on 28 September 2022 that the Sustainable Management Plan (SMP) V1 prepared by Frater Consulting, March 2022:

[Is] generally in accordance with Clause 22.19 Energy, Water and Waste however the following further information should be addressed prior to endorsement of the SMP. The copying and pasting of Green Star requirements in the report indicates a poor level of consideration for most credits that are being sought. The SMP should provide clarity on how the proposed design will meet the requirements.

Recommended conditions have been provided which would resolve the outstanding detailed matters. These conditions should be included on any permit issued to ensure an acceptable ESD outcome.

7.4. Green Infrastructure

Council's Green Infrastructure Officer advised on 28 September 2022 that:

Ecological Value

The landscape response, whilst a very high quality response, is not compliant with the deep soil provision requirements (15% or 1,259.1 sqm required) under Clause 58. The current proposal details 650 sqm of deep soil and total volume of soil is 964 sqm which includes deep soil+ green infrastructure planted structures.

Assessment of the landscape design via the Green Factor tool has been received (thank you) and indicates the site has the potential to achieve 0.8 which is well above our minimum expectation of 0.55 which is great start. We do however need to verify the inputs to the tool and advise on completing the existing landscape documentation with the following:

- *Evidence of vertical greening areas which could be demonstrated with elevations and sections and a supporting plant schedule which details the quantity and mature plant sizes.*
- *Quantity of proposed plant types to be updated in the schedule provided.*
- *Areas and quantity of specified green infrastructure elements that are provided as inputs into the Green Factor tool should also be shown on a separate drawing (plan view with supporting tables if required).*

Updated landscape package and a Green Factor scorecard in PDF version and a .GFT file and an update of the assessment in the Green Factor tool is to be re-submitted.

If a Green Factor score of 0.8 can be verified as per the above then officers will consider the submission favourably against the developments failure to meet the requirements of CI 58.03.

Heat Island Effect

Further detail is needed to indicate the development is meeting this credit, this includes calculations of site and roof finishes that demonstrate at least 75% of the site provides materials that reduce the urban heat island effect, which will involve confirming material specification on the planning drawings in addition to suggesting there will be a light coloured roof which complies with the NCC but does not necessarily comply with credit requirements.

Recommended conditions have been provided which would resolve the outstanding detailed matters. These conditions should be included on any permit issued to ensure an acceptable Landscape Design outcome.

7.5. Urban Forestry

Final comments and conditions were received from Council's Urban Forester on 15 September 2022. Their comments are as follows:

Based on plans within the Tree Impact Assessment provided, the impacted tree cannot be retained due to the proximity of the proposed crossover to the trunk of the tree. The crossover is within 1 m of the trunk and will be inside the SRZ of the tree. It is likely significant roots would be required to be severed that would detrimentally impact on the stability and health of the tree.

There are also safety issues associated with traffic visibility due to the crossover in relation to the tree as well.

If the crossover cannot be located anywhere else for this development, the impacted tree will need to be removed.

It is understood that significant pruning to the existing trees canopy would need to be actioned to allow for vehicles to access the proposed crossover.

After assessing the feature survey within the TIA, it is understood that replacement tree plots can be constructed to offset the proposed removal of the existing tree at back of kerb. The location of these plots should be finalised and approved with CoM in a Landscape plan before any tree removal is actioned.

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.

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

7.6. Homes Melbourne

Given the proposed Affordable Housing component, the application, including the Condition suggested by the Applicant was forwarded to Council's Housing Advisor for review and comment. Particular feedback was sought in relation to the 13 year timeframe for the provision of the Affordable Housing. They advised on 31 August 2022 that:

Our preference is for the units to be leased as affordable housing in perpetuity, but at this stage we don't have adopted policy to justify an extension beyond the proposed timeframe.

The application is offering 20% of the units as social housing, which is well in excess of the 3 to 6% outlined in the new Macaulay Structure Plan. The increased volume here is an acceptable trade-off for the proposed timeframe.

The Affordable Housing provision is discussed further at Section 8.7.2 of this Report.

7.7. Traffic Engineering

Council's Traffic Engineer provided the following comments, indicating general support for the application on 11 April 2022:

Car parking and access

The Melbourne Planning Scheme (MPS) requires a total of 478 spaces, resulting in a shortfall of 319 spaces. Such a large shortfall would reduce the availability of unrestricted parking in the local areas. If necessary, the City of Melbourne may tighten the existing parking restrictions (e.g. from 2P residents excepted to 1P residents excepted) and new restrictions may be introduced in the vicinity of residential properties.

The greatest impact would be on the existing local workers, who currently drive to work and would be unable to find convenient parking in the surrounding area. As it would not be possible to accommodate the shortfall in the surrounding areas, drivers who cannot find parking nearby would have to park further away, in the other neighbouring areas. As parking occupancies in these areas are already high, the existing parking restrictions would need to be further tightened and new restrictions introduced in order to preserve the amenity of the existing residents/businesses. The on-street parking in the surrounding areas would therefore be unable to accommodate the future demand by the local workers. This would leave the workers with no other option but to utilise sustainable transport modes including walking/cycling/motorcycling or public transport, as currently occurs in the CBD and surrounding areas such as Southbank/Docklands.

If the Arden-Macaulay structure plan is to succeed with its vision of reducing car dependency, the developments with reduced car parking provision should be encouraged. This will inevitably result in the complete saturation of all available unrestricted on-street parking, and local workers having to rely on sustainable transport modes. As more developments are built, CoM will need to convert the unrestricted parking to short-medium term parking to accommodate visitors/shoppers/deliveries/etc., as the unrestricted parking would be fully occupied throughout the day, with no opportunities to park for short

periods. It is therefore likely that all existing unrestricted parking within structure plan area will ultimately be converted to short-medium term parking. This would result in the local workers using sustainable transport modes, as currently occurs in/around CBD.

*Given the above considerations, we have no in principle objection to the proposed parking provision subject to the following conditions, which will aim to ensure that the impact on the surrounding area is minimised**:*

- *A significant proportion of parking spaces must be shared between all uses, including resident, office and retail uses, to enable office workers and retail staff/customers to use some of the parking during the day when residents are at work and for residents to use the spaces after hours.*
- *A detailed Car Parking Management plan must be prepared, specifying how this arrangement would operate.*
- *At least 10 car share and electric charging spaces must be provided on site.*

A note should be placed on the planning permit, stating: “The City of Melbourne (CoM) will not change the on-street parking restrictions to accommodate the servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. However, new parking restrictions may be introduced in the surrounding streets at the discretion of the CoM. As per Council’s policy, new developments in this area that increase the density of residential development on the site are not entitled to resident parking permits. Therefore, the residents of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.”

*The internal layout of the car park including all ramp grades / widths / transitions, dimensions of car spaces, aisle widths, height clearances, etc should generally comply with the MPS or the relevant Australian Standards**.*

Loading

A comprehensive Loading Management Plan (LMP) is required, specifying how the access/egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed.

Bicycle parking

A proposed bicycle parking provisions are supported. The design / dimensions of the bicycle parking must comply with the relevant Australian Standards / Bicycle Network guidelines.

Road Safety Audit

*Formal Road Safety Audit should be undertaken, including the proposed access arrangements, internal layout and vehicular circulation within the subject site and the operation of the loading bay. The findings of the Audit must be incorporated into the design at the developer’s expense**.*

The recommended conditions are discussed at Section 8.9 of this report, and will form part of the recommended permit conditions.

7.8. Civil Design

The following revised comments were received from Council's Infrastructure Engineer on 15 September 2022:

Tenure Issues

Council seeks to resolve a precinct delivery model that achieves the best outcome for future residents of the development. Studies strongly recommend the implementation of an Integrated Infrastructure Delivery Plan to achieve a sustainable development outcome. Currently, Macaulay Structure Plan offers no clear strategy for infrastructure identification, land ownership, staging, funding and delivery.

Infrastructure Development recommends resolving infrastructure funding and delivery methods prior to a planning permit decision.

The development plans shall be designed with compatible floor levels, setbacks and Engineering considerations to align / accommodate the future road along the property's eastern title boundary.

East-West Through-Block Route – road no. 2 in appendix A

We object to the construction of basements under any proposed laneways, which will be vested in Council. i.e. laneway (east-west through-block route) along the property's northern title boundary. The east-west through-block route might be developed in private ownership subject to 173 agreement relating to public access. If this is the case, this land may be developed with a basement.

Drainage of existing Council laneway CL167 running north-south

Prior to the commencement of the use / occupation of the development underground drainage must connect the north-south laneway CL167 to a Council drainage connection. The stormwater connection to existing Council drainage infrastructure is problematic due to lack of drainage infrastructure at this location. These drainage works must be designed and constructed in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Comments

All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

The proposed development is located within the Council's proposed inundation overlay SBO3. The applicant must confirm that there is no adverse impact from the proposed development with flood mapping. Floor levels must be determined based on the flood mapping results.

The conditions including in the final advice will form part of the recommended permit conditions.

7.9. Waste Engineering

Council's Waste Officer provided advice in relation to several iterations of a Waste Management Plan (WMP) for the proposed development.

Following a review of the final WMP, prepared by WSP dated 25 March 2022, and subsequent correspondence from the permit applicant, together with revised swept path diagrams, Council's Waste Officer advised that the only outstanding concern was:

The use of a 9 m³ garbage compactor is still required for reasons outlined in previous waste comments.

The above relates to the proposed use of a 12 m³ garbage compactor, which would substantially exceed the waste allocation for the development, and is therefore not supported. A condition on any permit issued should therefore require the above change to the WMP and Architectural Drawings.

7.10. Land Survey

The following revised comments were received from Council's Land Surveyor on 1 March 2022:

Projections

The proposed projection's over Macaulay Road must comply with Council's Projections Guidelines and referred to Infrastructure and Assets for comment.

Should the proposed projection be supported, Council's standard S173 Agreement Condition may be required to be placed on the permit to require the owner of the property to enter into an agreement with Council (prior to occupation) with regards to liability, indemnity, maintenance, license and disclaimer for adverse possession.

Canopies

Any canopy proposed at the main entrance of the development site which projects more than 1 m over a ROAD must comply with Council's Road Encroachment Guidelines and may require a S173 Agreement to indemnify Council of any Claim.

Naming of Internal Access ways and Corporation Lane CL167

All internal laneways and Corporation Lane CL167 must be named prior to occupation to provide for appropriate addressing of the ground floor uses, dwellings and tenancies within the development. This will require a condition along the following lines to be included on the permit:

- *Prior to occupation, all internal laneways and Corporation Lane CL167 must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for all ground floor uses, dwellings and tenancies within the development.*
- *Any proposed road name must comply with the Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.*

The Land Survey comments are discussed at Section 8.10.4 of this report.

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:

- A 660 m² Supermarket
- A 412 m² Office
- 293 m² of Retail floor space
- 196 m² Food and Drink premises.

These non-residential elements of the proposal must therefore be considered against the purpose of the Mixed Use Zone and relevant sections of the Planning Policy Framework.

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 a range of appropriate commercial uses.

It is considered that the proposed range of non-residential uses are appropriate based on the following.

- 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 site is identified as forming part of a proposed local activity centre and to be rezoned to a ‘Tailored Land Use Zone with a retail focus for local centre’ in the 2021 Macaulay Structure Plan as part of Amendment C417. To that end, Objective 7 of the 2021 Macaulay Structure Plan specifically notes that this centre could accommodate a supermarket, stating that:

‘Consolidating the local centre to Macaulay Road close to Kensington Station will strengthen the connection with the existing centre and expand and complement the role of the centre in providing a retail and services offering. The presence of larger sites in this area (or in the Central Macaulay Activity Centre) provides the opportunity for a potential additional supermarket’



Figure 21 - Proposed land use zoning in Macaulay Map extract from the 2021 Macaulay Structure Plan identifying the subject site

- 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 response

8.2.1. Design and Development Overlay – Schedule 63 (Areas 1 & 4)

The majority of the site (402-432 Macaulay Road) is within Area 4 of Schedule 63 to the Design and Development Overlay (DDO63) with the remaining parcel of land (434-44 Macaulay Road) being within Area 1.

Design objectives which are relevant to the proposed development are as follows:

- 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
1	3 Storeys	4 Storeys	<ul style="list-style-type: none"> ▪ Deliver a scale of development that complements the established low-scale residential area. ▪ Protect the amenity of existing residential areas by avoiding overlooking and overshadowing of private open space and minimising the visual impact of upper levels.
4	6 Storeys	8 Storeys	<ul style="list-style-type: none"> ▪ Deliver a scale of development that provides street definition and a pedestrian friendly scale. ▪ Deliver a scale of development that provides appropriate access to sunlight and daylight. ▪ 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. ▪ Solar access is maintained to ground floors on western side of Thompson Street and southern side of Scarborough Place. ▪ Deliver the reintegration of Office of Housing estates into the surrounding urban fabric.
All areas			<ul style="list-style-type: none"> ▪ Ensure laneways have appropriate levels of access to daylight and sunlight. ▪ Deliver developments that maximise surveillance of public and communal areas and nearby creek environs. ▪ 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. ▪ 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.

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 includes 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 proposal comprises a four storey building on the land within Area 1 (Building 1) and four separate eight storey buildings on the land within Area 4 (Buildings 2-5), above a single basement 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 three storeys in Area 1 and six storeys in Area 4; and must therefore meet all built form outcomes, in addition to a 'demonstrable benefit to the broader community'. It is considered that the heights of the proposal are acceptable due to the following:

- It comprises a site responsive, mid-rise, higher density residential development on a large corner site.
- The buildings maintain appropriate setbacks to the residential buildings fronting Barnett Street, and the form and appearance of the buildings will not unduly impact on the amenity enjoyed by those residents.
- The development would sit comfortably in the context of the existing, approved and proposed built form within this portion of Macaulay Road, which comprises multiple approvals for eight storey buildings.
- The scale, form and function of the separate buildings, together with the inclusion of a range of non-residential uses fronting both streets and awnings over the footpaths would provide a high 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.

Notably, the rear yards of the dwellings fronting Barnett Street would not receive any additional shadows after 11am on the Equinox.

- The layout of the development maximises opportunities for passive surveillance and interaction with the street.

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
Macaulay Road 20 and 30 metre wide renewal street	Development at the frontage must not exceed a height of 6 storeys.	Development should be set back 1 metre for every metre of height above 20 metres.
Set back from boundary with low scale residential development		
Council Laneway 167 ResCode Applies	A new building not on or within 200 mm of a boundary should be set back from the boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.	

The section of Macaulay Road in front of 402-432 Macaulay Road is identified as '20 and 30 metre wide renewal streets' and Buildings 2 and 5 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.

Council Laneway 167 is identified as a carriageway where ResCode applies, and Buildings 1 and 3 should therefore be set back from the laneway consistent with the requirements of Standard B17.

An assessment of the proposal against the above requirements follows.

Buildings 2 & 5

Buildings 2 and 5 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 between 4.3 and 4.55 metres above level 5 (approximately 20 metres above street level). Given the height, at street level, of up to 26.2 metres, the uppermost parts of the buildings would need to be set back up to 6.2 metres from Macaulay Road.

The extent of non-compliance with the preferred setback is illustrated in the sections at Figure 22.

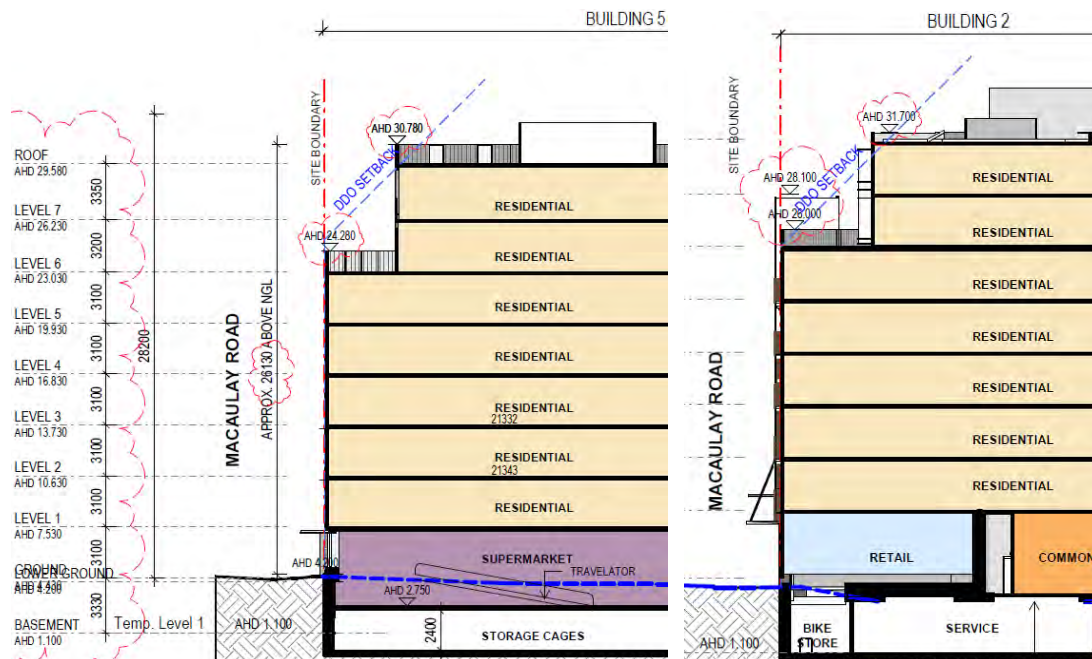


Figure 22 - DDO63 Setback line depicted on Buildings A, C & D. From Drawing TP07.01.

Despite the reduced upper level setbacks, the proposal is considered to respond appropriately to the streetscape based on the following:

- The proposed 4.3 m+ setbacks at levels 6 and 7 create a clear break in the buildings, 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.
- Strict compliance with the requirement could result in a 'wedding cake' appearance which can be a poor built form outcome.
- The setback of Building 2 is measured to a series of protruding windows which form part of the façade line. The 'main' façade is set back 5.25 metres, which, while not compliant, represents the main bulk of the uppermost levels.
- As illustrated in Figure 23, levels 6 and 7 of Buildings 2 and 5 adopt a different design treatment, and are finished in varied materials and colours. This enhances the recessive appearance of these levels.



Figure 23 - 3D renders highlighting the design treatment of the recessive upper levels

Buildings 1 & 3

Building 1 is set back between 3.1 (stairwell / balconies) and 6.7 metres (façade line) from the Council Laneway above ground level.

Building 3 is set back at least 8.2 metres from the Council Laneway at the first five levels, with the setback (to the façade) increasing to 13 metres on levels 5-6 and 25.3 metres on level 7.

As depicted in Figures 24 & 25 (by a blue dashed line), the proposal would generally comply with the setback requirements if measured from the opposite side of the laneway. The permit applicant has argued that measuring the setback in such a manner is accepted practice at VCAT. Although this is adopted as a reasonable approach to consider the merits of a side or rear boundary setback, it is not consistent with the requirements of Standard B17 at Clause 55.

With a building height (to the parapet) of 15.7 metres, when measured from the laneway, the top part of **Building 1** should be set back 10.79 metres. In terms of **Building 3**, the building height (at level 6) of 21.6 metres would require a setback of 16.7 metres at such point. With setbacks of 6.7 and 13 metres respectively, neither building complies with the preferred setback requirement. The actual extent of non-compliance is depicted as a dashed *red* line at Figures 24 & 25.

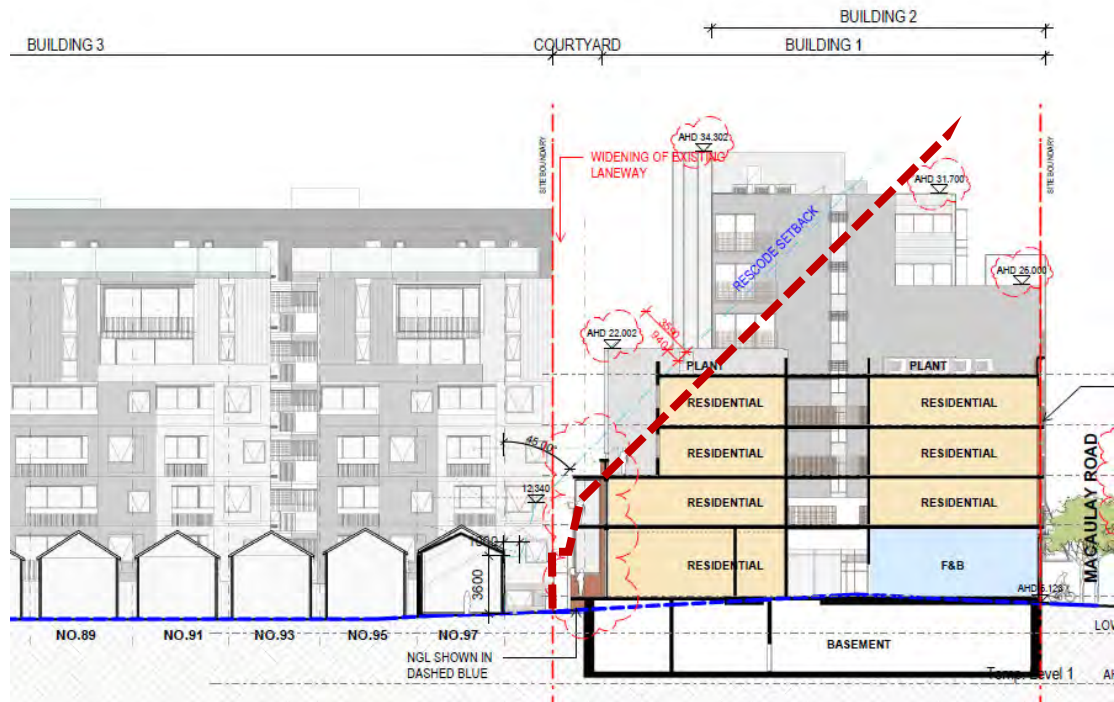


Figure 24 - Marked up Section 5 depicting setback of Building 1 from the Council Laneway

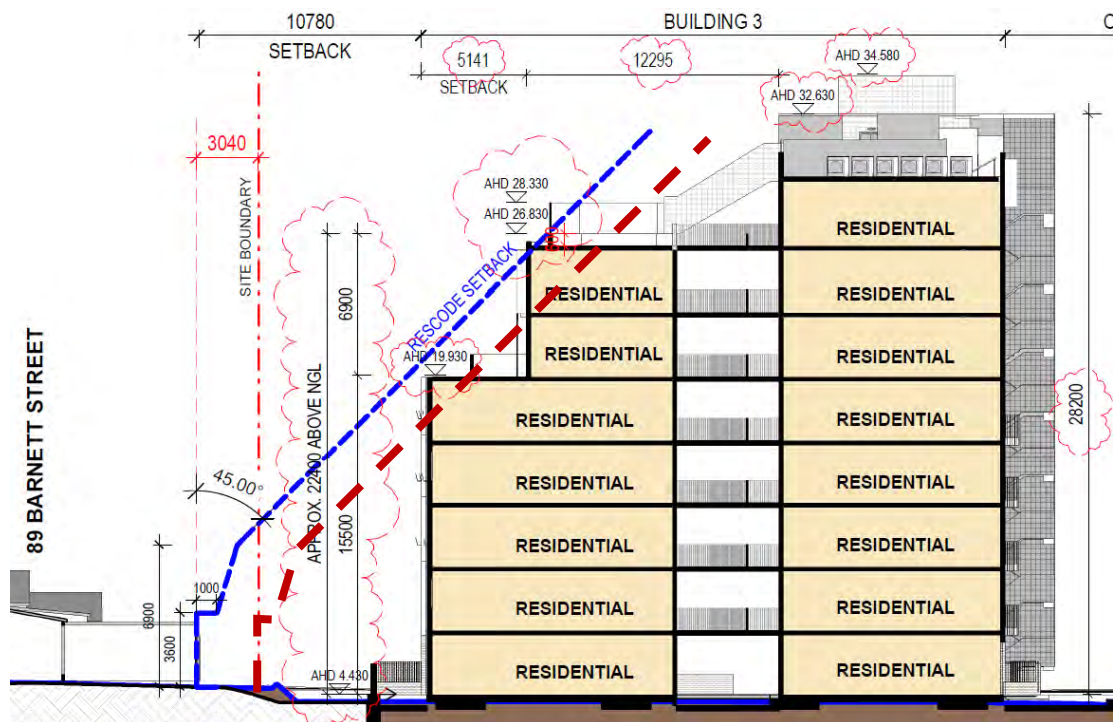


Figure 25 - Marked up Section 4 depicting setback of Building 3 from the Council Laneway

Despite the reduced setback to Council Laneway 167, it is considered that it will not unreasonably impact the amenity enjoyed by the neighbouring residents based on the following:

- Due to three metre width of the laneway, Building 1 would be set back 9.7 metres from the dwelling at 97 Barnett Street, and the upper levels of Building 3 would be set back at least 13 metres from the private open space to the rear of the row of dwellings fronting Barnett Street.

- The Decision Guidelines at clause 55.04-1 (Side and rear setbacks objective) specifically contemplate *'whether the wall abuts a side or rear lane'*.
- The overall form of the buildings with a frontage to Council Laneway 167 is generally consistent with the emerging character of the surrounding area, and in particular with the side and rear boundary setbacks approved within close proximity of the site.
- As noted later within this report, the extent of overshadowing and other amenity impacts to the dwellings fronting Barnett Street is not unreasonable in this context.
- Council Officers have spent considerable time negotiating an acceptable design outcome for the uppermost levels of Building 3 so as to suitably mitigate the appearance of bulk from the public realm.
- The lower levels of Building 3 are set back well in excess of minimum requirements, which allows for a generous and open landscaped setback to the Council Laneway.

Design Detail

Policy at DDO63 encourages buildings along Macaulay Road to:

- *Present an attractive pedestrian oriented frontage with commercial uses where practical.*
- *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 mix of commercial tenancies, including a supermarket, along Macaulay Road with a series of metal canopies along both Macaulay Road and Barnett Street frontages. The canopies would be positioned at least 2.6 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*. This can readily be addressed via an appropriately worded permit condition.

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.

Connectivity and laneways

Policy at DDO63 states that:

- *Development should provide for a fine-grained system of laneways and pedestrian connections that are:*
 - *Safe, direct and attractive.*
 - *Publicly accessible.*
 - *Aligned with other lanes or pedestrian connections to provide direct through routes.*

- *Development along new and existing laneways and pedestrian connections must comply with the laneway controls in Table 3.*

Relevantly, the 2012 Arden-Macaulay Structure Plan (which remains the applicable reference document at DDO63) includes several maps showing new pedestrian 'laneway connections' through the block containing the subject site. Specifically, the site would accommodate two north-south and one east-west link. The 2012 Structure Plan recommends a laneway width of six metres to accommodate shared access which prioritises pedestrians and cyclists

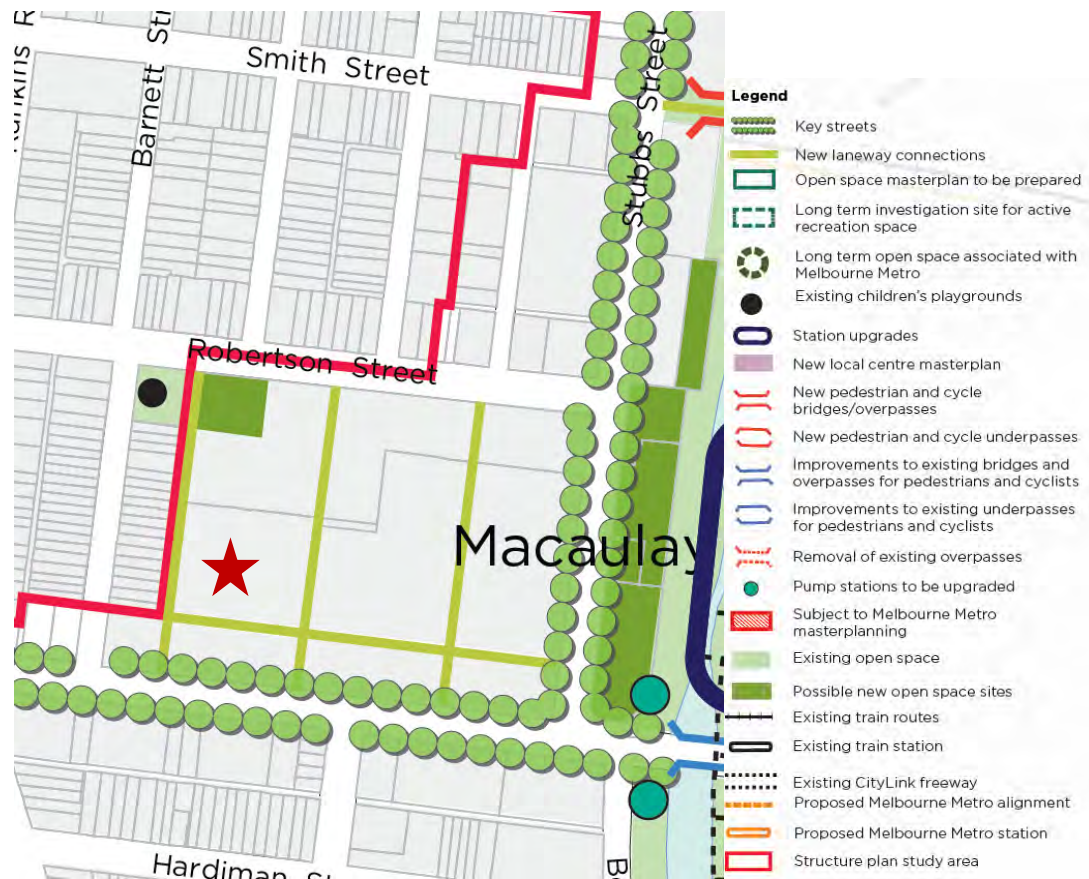


Figure 26 – Open Space Proposal map from the 2012 Arden-Macaulay Structure Plan showing preferred pedestrian connections

The location of the proposed pedestrian laneways, as well as their dimensions has been revised in the 2021 Macaulay Structure Plan, and the *Macaulay - Stubbs and Boundary Precincts New and Widened Streets and Laneways Alignments and Cross-Sections, June 2022 Incorporated Document*. As illustrated in Figure 27, the site would accommodate a:

- A six-metre-wide, north-south, laneway between the two parcels of land forming the subject site.
- A six-metre-wide, east-west, laneway along the site's northern boundary.
- A nine-metre-wide north-south laneway along Council Laneway 167. In this instance, the nine metres would incorporate the existing three-metre-wide laneway.



Figure 27 - Extract from the Macaulay - Stubbs and Boundary Precincts New and Widened Streets and Laneways Alignments and Cross-Sections, June 2022

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:

- A minimum 8.2 metre wide north-south pedestrian link and courtyard from the Site's Macaulay Road frontage through to its northern boundary. The link would have a pathway with a minimum width of 2.5 metres with landscaped open space and communal areas on either side.
- A minimum 3.6 metre wide east-west connection along the northern boundary of the Site. The proposed path would be approximately 1.9 metres wide with landscaped open space. It would also be largely free of level changes.
- A minimum 3 metre wide, partially covered, north-south pedestrian arcade from Macaulay Road through to Council Laneway 167.
- A 5.5 metre wide landscaped space along the western boundary (adjacent to Building 3), which would accommodate a high level of canopy tree planting as it is not located above a basement.

The two north-south links, as well as the east-west links would remain in private ownership, with 24 hour public access secured via a Section 173 Agreement on Title.

Although the location of the links is consistent with the 2021 Macaulay Structure Plan, the width of the laneways falls short of the preferred minimum.



Figure 28 - Ground Level Landscape Plan extract. From SBLA Drawing P3



Figure 29 – 3D Render of the north-south pedestrian arcade.



Figure 30 - 3D Render of the landscaped interface to Council Laneway 167

As noted at Section 7.2 of this report, the narrow width of laneways was raised as a key concern by City Strategy. Their concerns can be summarised as follows:

- The first three metres of the setback to the Council Laneway should be vested in Council to allow for large canopy tree planting and water sensitive urban design features.
- The pedestrian arcade should be widened to four metres.
- The east-west link along the northern boundary should be widened to at least five metres; preferably six.

Further to the above, Council's City Design team also recommended the central north-south link be designed to accommodate a minimum 2.5 metre wide pedestrian pathway.

The design of the laneways was the subject of discussion with the permit applicant, who agreed to:

- Redesign of the north-eastern corner of the building such that it is setback a minimum six metres from the site's northern boundary to provide an expanded aperture to the five metre wide east-west link where it will ultimately connect with a six metre wide laneway on the adjoining site to the east.
- Widening of the northern end of the pedestrian arcade to facilitate views to the communal courtyard and landscape beyond.
- Widening to the southern end of the pedestrian arcade to enhance views and legibility from the streetscape to the landscape and widened laneway beyond.

The widening of the eastern end of the pedestrian link along the northern boundary from 3.6 to 6 metres is considered to be an appropriate outcome, which will result in a legible and functional link through the city block.

Widening of the pedestrian arcade to four metres was investigated with the permit applicant and project architect to enable more expansive views through to the Council Laneway and landscaped setback. Given the location of proposed structure, the height of the arcade and design objectives, it was considered that localised widening at either end would achieve an appropriate visual connection through to the Council Laneway.

An exact width was not agreed upon to retain a degree of flexibility, though a condition will be recommended that the widened sections would extend from the building line to the first column, as depicted in the mark-up at Figure 31.

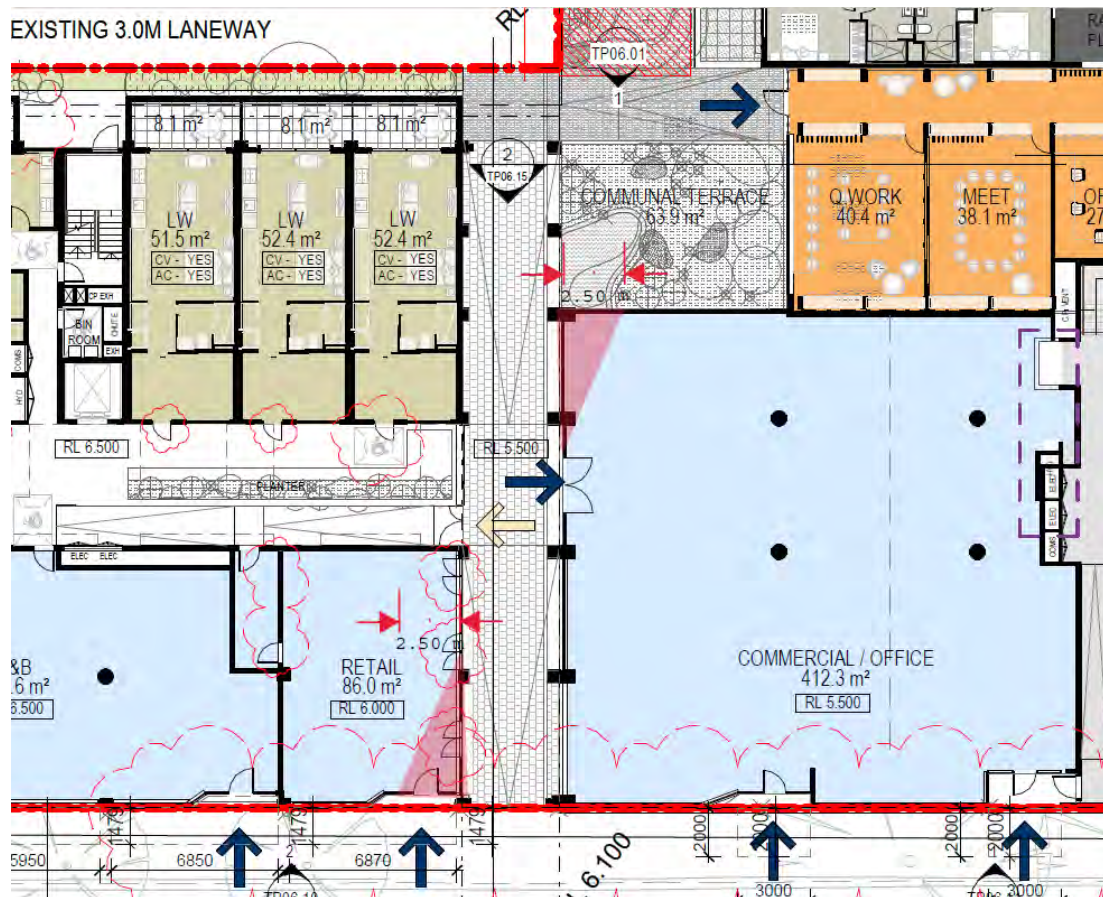


Figure 31 - Marked up Ground Level Plan showing potential localised widening of the pedestrian arcade

With respect to the vesting of the landscaped open space along Council Laneway 167, this was discussed with Civil Design, who were not supportive of assuming ownership due to ongoing maintenance issues. Furthermore, the final design of the landscaped setback is subject to Council approval, and a condition will be included requiring an ongoing maintenance period following establishment.

Given the above, and subject to appropriate conditions (design changes and Section 173 Agreements), it is considered that the pedestrian links are well-designed and represent a genuine public benefit.

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) states that a building accommodating a noise-sensitive use must:

- *Be designed and constructed to include noise attenuation measures. These noise attenuation measures must achieve a maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms, with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed.*
- *Be fitted with suitable air conditioning and / or mechanical ventilation system to the satisfaction of the responsible authority unless the maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms can be achieved with all the windows half open and the doors closed.*
- *Have walls, roof, windows, doors and external glazing and the air conditioning or ventilation system designed by a qualified acoustical consultant who must certify that the incorporation of the design features recommended by the consultant will achieve a maximum noise level in unfurnished and uncarpeted habitable rooms of 35dB(A)Leq, based on the external noise levels measured by the consultant as part of a noise level assessment conducted to the satisfaction of the responsible authority.*

The Acoustic Logic report dated 23 March 2022 includes recommendations for minimum glazing performance and wall treatments to achieve the required acoustic environment. Conditions requiring these recommendations to be shown on Architectural Drawings will be recommended for inclusion on any permit issued.

8.2.3. Local Planning Policy

Urban Design

Clause 15.01-1L-05 (Urban Design outside the Capital City Zone) 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 adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design that reflects the importance of their location and extent of their visibility.*
- *To ensure that building design at the ground floor frontages creates and improves pedestrian interest and engagement.*
- *To prioritise pedestrian movement and amenity and strengthen networks of pedestrian pathways.*
- *To minimise the adverse impacts of wind in surrounding public spaces and provide weather protection.*

As identified in Section 7.1 of this report, Council's City Designer is generally supportive of the design of the proposal, subject to the resolution of the east and west elevations of the development being addressed via permit conditions which refer to the set of Discussion Drawings dated 22 June 2022.

For reference, relevant extracts of the Discussion Drawings, which require some refinement, are provided at Figures 32 & 33.



Existing Lodged



Without Prejudice

Figure 32 - June 2022 Discussion Drawings extract showing potential design treatments to the west elevation of Building 3



Without Prejudice

Figure 33 - June 2022 Discussion Drawings extract showing potential design treatments to the east elevation of Buildings 4 & 5

Sunlight to Public Spaces

Clause 15.01-1L-03 (Sunlight to Public Spaces) seeks:

- *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 ensure that overshadowing from development does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*