

- *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.'

In addition to the above, it is worth noting that the proposed Schedule 78 to the Design and Development Overlay includes Built Form Outcomes that seek to prevent overshadowing beyond the street wall to the southern footpath of Macaulay Road between 11am and 2pm on the Equinox.

The shadow diagrams submitted as part of the application indicate that, although the footpath on the southern side of Macaulay Road would be subject to some additional overshadowing on the Equinox, it would not extend beyond the respective Title Boundaries.



Figure 34 - Shadow analysis showing proposed shadows at 11am (left) and 2pm (right). From Drawings TP08.06 & TP08.07

Given the above, it is therefore considered that the proposal is consistent with the Objectives and policy direction of Clause 15.01-1L-03.

8.3. Clause 55 & 58

Due to the proposed construction of both a four storey building (Building 1) and eight storey buildings (Buildings 2 – 5), the proposal has been assessed against Clause 55 (Two or More Dwellings on a Lot) and Clause 58 (Apartment Developments).

The following Objectives of Clauses 55 and 58 relate to the development's response to its context and other built form considerations:

Clause 55

- 55.01-2 – Design Response
- 55.02-5 – Integration With The Street Objective
- 55.03-1 – Street Setback Objective
- 55.03-2 – Building Height Objective

- 55.03-3 – Site Coverage Objective
- 55.03-4 – Permeability Objective
- 55.03-9 – Access Objective
- 55.03-10 – Parking Location Objective
- 55.06-1 – Detail Design Objective
- 55.06-2 – Front Fences Objective
- 55.06-3 – Common Property Objectives
- 55.06-4 – Site Services Objectives
- 55.07-4 – Deep Soil Areas And Canopy Trees Objective
- 55.07-5 – Integrated Water And Stormwater Management Objectives
- 55.07-8 – Building Entry And Circulation Objectives
- 55.07-11 – Waste And Recycling Objective

Clause 58

- 58.02-1 – Urban Context Objectives
- 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

An assessment against Clauses 55 & 58 confirms that the proposed development meets all Standards and Objectives identified above, other than:

- Clause 55.03-1 – Street Setback Objective
- Clause 55.03-3 – Site Coverage Objective
- Clause 55.03-4 – Permeability Objective
- Clause 58.03-5 - Landscaping Objective

These variations are discussed below.

Street Setback Objective

Clause 55.03-1 (Street Setback Objective) seeks:

- *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

Based on the requirements at Table B1, Standard B6 requires Building 1 to be setback six metres from its Macaulay Road frontage and two metres from Barnett Street.

The building is fully built to both street frontages and does not meet the requirements of Standard B6.

Standard B6 is most relevant to typical apartment developments in residential settings, and conflicts with the street wall and setback provisions at DDO63, which encourages development to be built to the street frontage.

The proposal is built to its street frontages in accordance with DDO63, which reflects the preferred neighbourhood character of the local areas and is therefore considered to be an appropriate outcome.

Site Coverage Objective

Clause 55.03-3 (Site Coverage Objective) seeks:

- *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*

The corresponding Standard B8 sets a preferred maximum site coverage of 60 per cent.

Building 1 has an approximate site coverage of 90.2 per cent, with the northern side setback to Council Laneway 167 representing the only portion of the site not built over. This is well above the preferred 60 per cent maximum.

Standard B8 is most relevant to typical apartment developments in residential settings, and conflicts with the street wall and setback provisions at DDO63, which encourages development to be built to street frontages. Furthermore, the site is located in a mixed precinct, with a large number of residential and non-residential buildings with a high site coverage.

The proposed site coverage is therefore considered to be acceptable.

Permeability Objective

Clause 55.03-4 (Permeability Objective) seeks:

- *To reduce the impact of increased stormwater run-off on the drainage system.*
- *To facilitate on-site stormwater infiltration.*
- *To encourage stormwater management that maximises the retention and reuse of stormwater.*

Building 1 has an approximate pervious surface area extent of 2.5 per cent which is well below the 20 per cent preferred minimum.

The proposal includes a number of Water Sensitive Urban Design (WSUD) treatments, including a 140,000 L rainwater tank to reduce stormwater runoff. The WSUD treatments are supported by Council's ESD Officer subject to conditions.

It is therefore considered that Building 1 meets the Objective of Clause 55.03-4.

Landscaping Objective

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 90 m² of deep

soil OR two medium trees per 90 m² of deep soil. The site (on which Buildings 2-5 are proposed) has an area of 7,417 m² which requires the provision of 1,112.6 m² of deep soil and either 12 large trees or 24 medium trees.

The proposal nominates five areas of deep soil planting across the site, varying from 40 to 350 m² in area, totalling 650 m² or 8.8 per cent of the site. This represents a shortfall of 462.6 m² / 6.2%. 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.
- Extensive planting above the basement, vertical planting and planter beds on balconies and landscaped roof terraces increase the amount of green space within the development.
- The landscape drawing package submitted as part of the application includes several plant species that would reach upwards of 12 metres at maturity, including eucalypts, cedars and ferns. Although specific locations for each tree have not been nominated at this stage, the plans do indicate sufficient opportunities for the minimum number of large and / or medium trees to be provided.

Further to the above, it is important to note that the development has been designed to allow for future basement access via a new road along the eastern site boundary, which is identified in the 2021 Macaulay Structure Plan and would be provided as part of the redevelopment of the site at 352 Macaulay Road. Ministerial Planning Application PA2201709 has been lodged for a large mixed use development comprising apartments and retail premises in an eight storey building. The accompanying plans show such a road along the boundary, and such an outcome is therefore a distinct possibility.

Council Officers raised concerns in relation to the potential location of the driveway, and driveway crossover adjacent to a future road during the application process for this application. As a result of these discussions, the permit applicant submitted a without prejudice discussion drawing on 12 September 2022, showing how the driveway could be converted into landscaped open space should the road be constructed along the eastern boundary. This would increase the extent of deep soil planting from 650 to 730 m² (9.8%), improve pedestrian safety, connectivity through the site and the development's interface to Macaulay Road. An extract from that plan is reproduced at Figure 35.

The permit applicant indicated that they would accept a permit condition requiring any future permit holder to enter into a Section 173 Agreement for the land to be redeveloped in accordance with the discussion drawing, should the road on the adjacent property be constructed.

Given the above, and in particular the potential for increased deep soil planting if / when the neighbouring site redevelops with a driveway along the common boundary; it is considered that the proposal allows for an appropriate landscape design outcome.

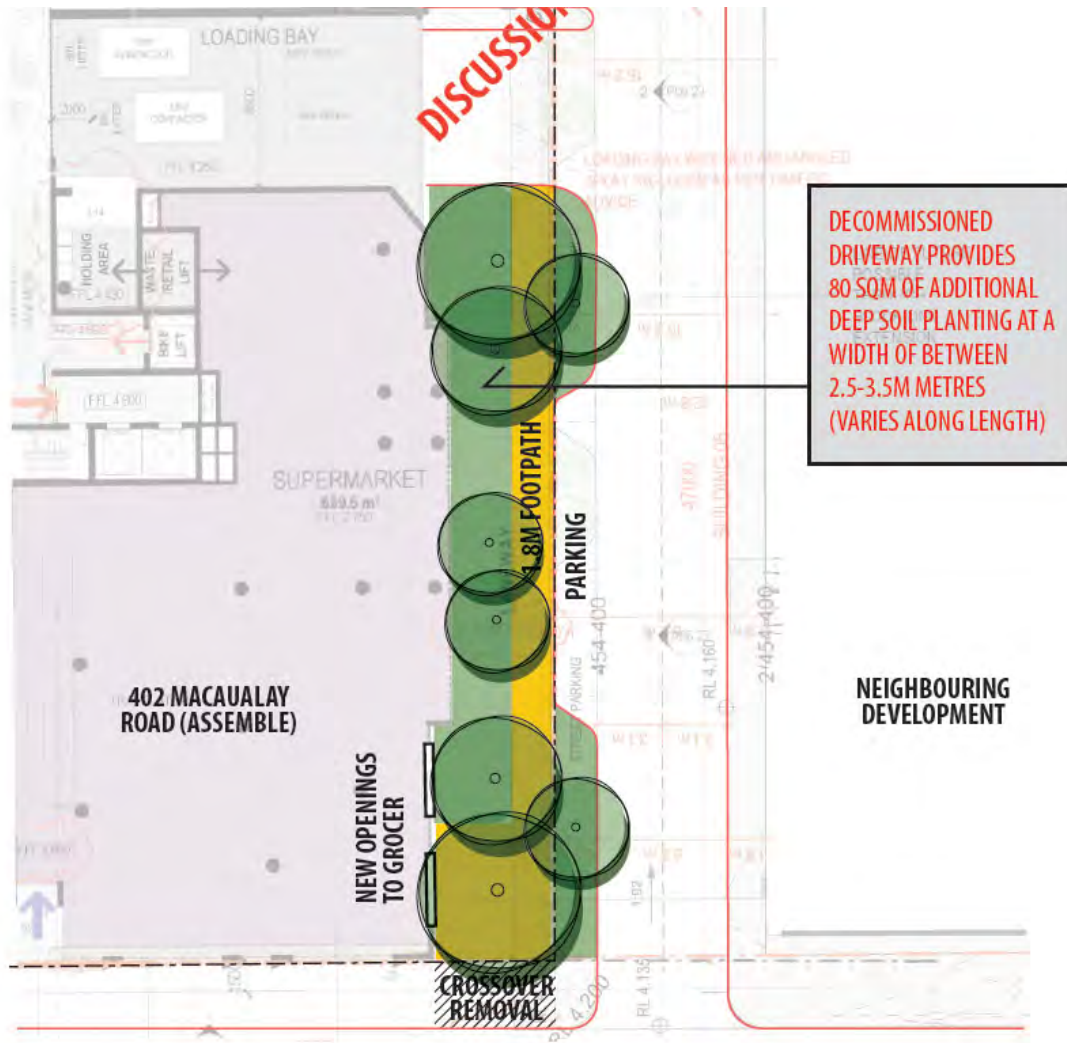


Figure 35 - Extract of the Discussion Drawing dated 9 September 2022 showing potential future conversion of the driveway

8.4. Amenity Impacts

8.4.1. Clauses 55 & 58

The following Objectives of Clause 55 (Two or More Dwellings on a Lot) and Clause 58 (Apartment Developments) relate to the potential amenity impacts resulting from a proposed development.

Clause 55

- 55.04-1 – Side And Rear Setbacks Objective
- 55.04-2 – Walls On Boundaries Objective
- 55.04-3 – Daylight To Existing Windows Objective
- 55.04-4 – North-Facing Windows Objective
- 55.04-5 – Overshadowing Open Space Objective
- 55.04-6 – Overlooking Objective

Clause 58

- 58.04-1 – Building Setback Objective
- 58.04-3 – Noise Impacts Objective

- 58.06-3 – Waste And Recycling Objective

An assessment against Clauses 55 & 58 confirms that the proposed development meets all Standards and Objectives identified above, other than:

- 55.04-1 – Side And Rear Setbacks Objective

Side and Rear Setbacks

Clause 55.04-1 provides the following objective, which Building 1 must meet:

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The corresponding Standard B17 states that:

A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:

- *At least the distance specified in a schedule to the zone, or*
- *If no distance is specified in a schedule to the zone, 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 extent of non-compliance with the setback requirements of Standard B1 are set out at section 8.2.1 of this report and graphically at Figure 25. The reasons for accepting the variation are also set out at Section 8.2.1 and have not been reproduced in the interest of brevity.

Overshadowing

The subject site benefits from road and laneway frontages to the south, west and partially to the north, 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 result in no additional overshadowing to the secluded private open space of residential properties facing Barnett Street on the Equinox beyond that of the existing conditions associated with the existing double storey building (which is built along the boundary) and existing boundary fences.

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.



Figure 36 - Shadow Diagram extract, showing that the rear yard of 87 Barnett Street is already completely overshadowed at 9am on the Equinox. From Drawing TP08.05



Figure 37 - Shadow Diagram extract, showing the shadow cast by the new buildings falling within existing shadows at 10am on the Equinox. From Drawing TP08.05

Overlooking

Clause 55.04-6 (Overlooking Objective) seeks:

To limit views into existing secluded private open space and habitable room windows.

The corresponding Standard B22 sets out a number of measures which can be adopted to suitably minimise views where areas of secluded private open space and / or habitable rooms are located within 9 metres of a building or balcony.

The nearest sensitive interfaces are the dwellings located opposite Council Laneway 167 to the north and west of the subject site.

The west facing apartments of Building 3 are set back at least 11.2 metres from the rear boundaries of the dwellings fronting Barnett Street, suitably minimising the impact of direct views.

Building 1 is, however, built closer to the dwelling at 97 Barnett Street and therefore requires a considered assessment of potential overlooking impacts.

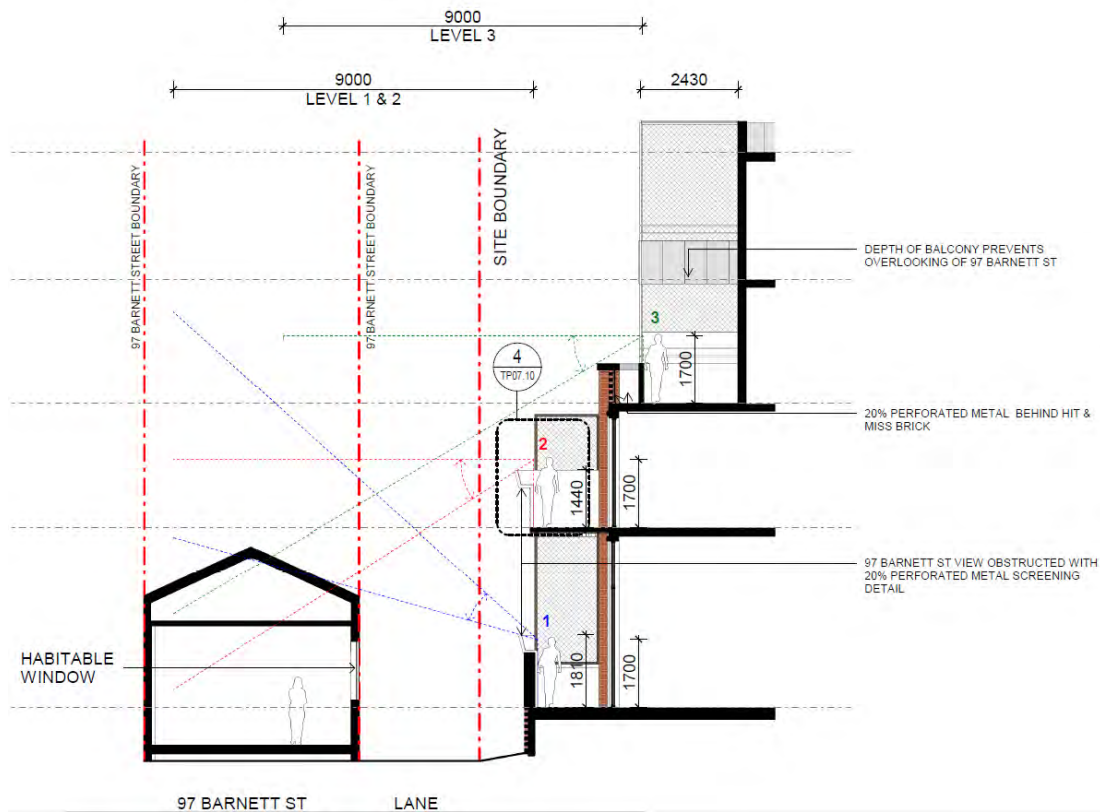


Figure 39 - Overlooking Section 2 depicting proposed overlooking mitigation measures. From Drawing TP07.10

8.4.2. Wind

The submitted desktop Wind Impact Assessment prepared by VIPAC dated 23 March 2022 adopts the wind criteria at Clause 58.04-4 (Wind Impacts Objective) and finds that:

- *Conditions in the ground level footpath areas would be expected to be within the walking comfort criterion.*
- *Wind conditions in main building entrances and retail entrances would be expected to be within the standing comfort criterion.*
- *Wind conditions in the communal terrace area would be expected to be within the walking to standing comfort criterion.*

Importantly, the above findings are not based on any wind mitigation measures and no design changes are recommended. Although the report is a desktop, rather than wind tunnel study, it is considered that this is acceptable for a development of this scale where no wind mitigation measures have been proposed.

8.5. Onsite & Internal Amenity

8.5.1. Clauses 55 & 58

The following Objectives of Clause 55 (Two or More Dwellings on a Lot) and Clause 58 (Apartment Developments) relate to a development's onsite and internal amenity:

- 55.05-3 – Daylight To New Windows Objective
- 55.05-5 – Solar Access To Open Space Objective
- 55.07-2 / 58.03-2 – Communal Open Space Objective
- 55.07-3 / 58.03-3 – Solar Access to Communal Open Space Objective

- 55.03-7 / 58.03-4 – Safety Objective
- 55.03-10 / 58.03-7 – Parking Location Objective
- 55.04-7 / 58.04-2 – Internal Views Objective
- 55.07-7 / 58.05-1 – Accessibility Objective
- 55.07-16 / 58.05-2 – Building Entry and Circulation Objectives
- 55.07-9 / 58.05-3 – Private Open Space Objective
- 55.07-10 / 58.05-4 – Storage Objective
- 55.06-3 / 58.06-1 – Common Property Objectives
- 55.07-12 / 58.07-1 – Functional Layout Objective
- 55.07-13 / 58.07-2 – Room Depth Objective
- 55.07-14 / 58.07-3 – Windows Objective
- 55.07-15 / 58.07-4 – Natural Ventilation Objective

The assessment against Clauses 55 and 58 confirms that the proposed development is able to meet all Standards identified above other than:

- 55.05-3 – Daylight To New Windows Objective
- 55.05-5 – Solar Access To Open Space Objective
- 58.05-3 – Private Open Space Objective

Daylight to New Windows Objective

Clause 55.05-3 provides the following objective, which Building 1 must meet:

To allow adequate daylight into new habitable room windows.

The corresponding Standard B27 states that:

A window in a habitable room should be located to face:

- *An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or*
- *A verandah provided it is open for at least one third of its perimeter, or*
- *A carport provided it has two or more open sides and is open for at least one third of its perimeter.*

15 of the 48 bedrooms of Building 1 comply with the requirements of Standard B27.

The bedrooms that do not comply with the Standard are located on the southern side of the corridor. Twelve of those face a lightcourt with a minimum depth of 450 mm, which is less than the 1 metre requirement. A further three (one per level) do not face a lightcourt.

As noted in the BESS Daylight Assessment that is appended to the Sustainability Management Plan prepared by Frater, dated 25 March 2022, the 12 bedrooms facing a lightcourt receive an 'auto-pass' based on lightcourt dimensions.

With respect to the remaining three bedrooms which directly face the corridor rather than a lightcourt, these do not meet the minimum daylight criteria. That represents a 'pass rate' of approximately 93 per cent, which is in excess of the 80% BESS minimum and is considered acceptable for a development of this type. This has also been accepted as a reasonable outcome by Council's ESD Officer.

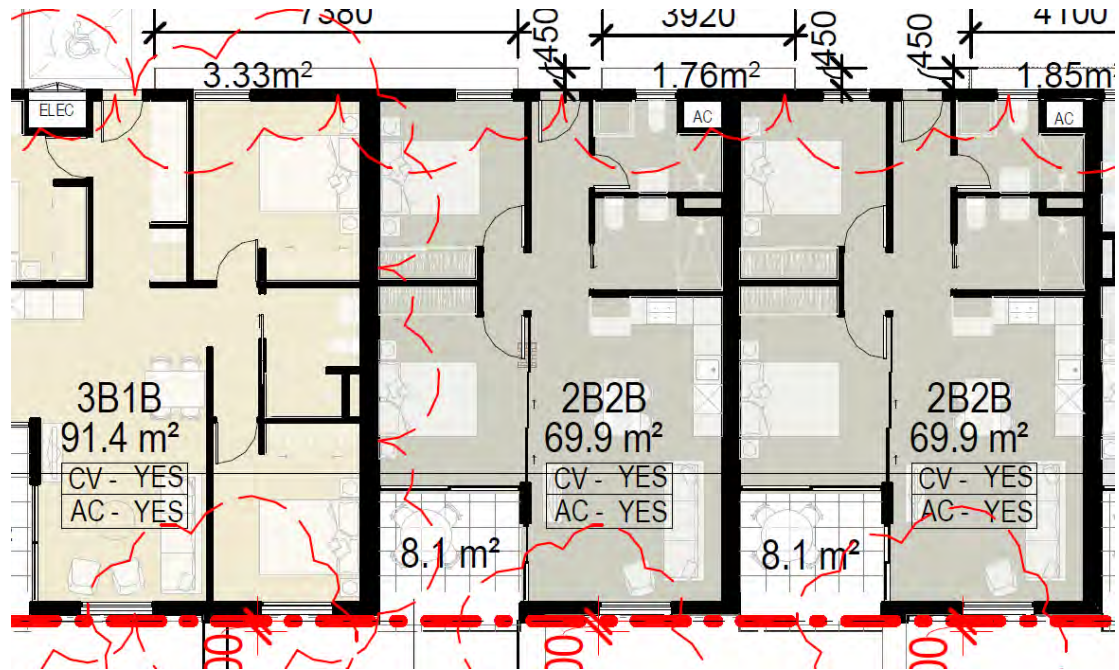


Figure 40 - Level 1 Plan extract showing apartments in Building 1 where windows to bedrooms face either a narrow light court or corridor

Solar Access to Open Space Objective

Clause 55.05-5 provides the following objective, which Building 1 must meet:

To allow solar access into the secluded private open space of new dwellings and residential buildings.

The corresponding Standard B29 states that:

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

The balconies of Dwellings facing Macaulay Road are on the southern side of Building 1 and are approximately 1.8 metres in depth. This is well below the minimum requirement, though it is difficult to comply with for any apartment development with south-facing balconies.

It is considered that the south-facing balconies receive an adequate level of sunlight for a development of this type.

Private Open Space Objective

Clause 58.05-3 provides the following objective which Buildings 2-5 must meet:

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

The corresponding Standard D19 sets out minimum dimensions for courtyards, balconies and roof terraces for dwellings.

Each dwelling within Buildings 2-5 is provided with a balcony or courtyard area with convenient access from a living room, which range in size from 8.1 m² to 39.2 m². All areas of private open space comply with the requirements of Standard D19 except for:

- The eight east-facing apartments at ground level of Building 3, which have courtyards of between 17.1 and 23.1 m².
- The four west-facing apartments at ground level of Building 4, which have courtyards of between 16.6 and 24.9 m².
- The 35 west-facing studio apartments on levels 1-7 of Building 4 which, although at least 8 m² in area, fall short of the 1.8 metre minimum depth by approximately 100 mm.
- One north-facing Studio on level 1 of Building 2, which has a 7.2 m² balcony.
- Five of the three-bedroom apartments within Building 5 which have balconies of 11.5 m², which are 0.5 m² below the 12 m² minimum.

In the main, the variations to Standard D19 are very minor, especially for the Studio apartments, where there is a 100 mm shortfall in the minimum depth. The greatest variations are for the ground level apartments, where 12 of the courtyards fall short of the 25 m² minimum. If these dwellings were raised above ground level, the 17.1 m²+ terraces would comfortably satisfy the minimum requirements.

Given the nature of the variations and substantial amount of communal open space, these variations are considered to be acceptable.

8.6. Sustainability

8.6.1. Energy, Water and Waste Efficiency

Policy at Clause 15.01-2L-01 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.*

As noted at Section 7.3 of this report, Council's ESD Officer has reviewed the proposal, including the Sustainable Management Plan (SMP) V1 prepared by Frater Consulting, March 2022 and found it to be in accordance with Clause 22.19 (now Clause 15.01-2L-01 - Energy and resource efficiency).

They did however, request further details of how the development would achieve the proposed 5 Star Green Star equivalent benchmark.

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.

With respect to waste management matters, Council's Engineering Services Department has found the proposal to be acceptable, subject to a permit condition requiring a 9 m³ rather than 12 m³ compactor to reduce the amount of waste collected by Council.

8.6.2. Stormwater Management (Water Sensitive Urban Design)

The objectives of Clause 19.03-3L include:

- *To achieve the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as 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.*

- *To mitigate the detrimental effect of development on downstream waterways.*
- *To minimise peak stormwater flows and stormwater pollutants for the improved health of water bodies, including creeks, rivers and bays.*

Clause 19.03-3L 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 has been reviewed by Council's ESD Officer and is considered to comply with performance measures set out in Clause 19.03-3L.

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.

8.7. 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 provide 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.

8.7.1. Pedestrian Links

As discussed in detail at Section 8.2.1 of this Report, the proposal includes several pedestrian links which would be open to the public 24 hours a day.

It is considered that the pedestrian links are well-designed and represent a genuine public benefit.

8.7.2. Affordable Housing

The proposal involves the provision of 20 per cent social housing through a build-to-rent housing model through a joint venture arrangement between Assemble and Housing Choices Australia (HCA).

The permit application states that to be eligible for social housing tenants, applicants are required to meet the following criteria:

- Meet the social housing eligibility criteria as determined by the Department of Health and Human Services (DHHS) on their website; and
- Meet the minimum income threshold as defined below:

The sum of the following must be at least equal to 70% of Market Rent (as defined in the Rent Setting Policy):

- *30% of gross household income.*
- *15% of Family Tax Benefit A & B.*
- *15% of Child Support / maintenance.*
- *100% of Commonwealth Rent Assistance entitlement.*
- *0% of any income received by people living in the household aged under 18 years*

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

- Unencumbered ownership of 6% of the total number of dwellings (rounded to the nearest whole number) to be sold to the registered housing agency for a

percentage of market value that will deliver an equivalent economic outcome to clause b) below; or

- Unencumbered ownership of 2% of the total number of dwellings (rounded to the nearest whole number) to be transferred to the registered housing agency for nil consideration; or
- Management of 20% 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 for no less than 13 years from the date of the building's occupancy.

This offer is considered to be an excellent outcome for the site, noting that the proposed Special Use Zone – Schedule 8, which would apply to the site under Amendment C417, mandates an affordable housing contribution of 3.8 per cent across all land uses

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

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 east of the site; noting the following:

- The proposed development does not rely on borrowed outlook over any neighbouring property.
- The proposed buildings will be set back at least 4.9 metres from the northern boundary; which if replicated, would allow an adequate building separation of 9.8 metres.
- The buildings, other than the ground level supermarket, would be set back at least 5 metres from the eastern boundary; which if replicated, would allow an adequate building separation of 10 metres.
- The east-west link along the northern boundary also means that there are no areas of secluded private open space along this interface.

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 Macaulay Road which will offer full turning movements. The existing two vehicle crossovers to Macaulay Road and the one crossover to Barnett Street would be removed and reinstated with kerb and channel to the satisfaction of Council.

Although the turning circles of waste collection vehicles entering the site would necessitate the removal of a street tree, Council's Urban Forester is satisfied that one or more replacement trees could be planted elsewhere within the adjoining streetscape.

This anticipated use of the basement ramp would also not unreasonably impede on pedestrians using the Macaulay Road footpath. The preparation and submission of a Road Safety Audit will nevertheless be recommended to ensure pedestrian safety throughout the development.

As noted in Section 7.2 of this report, Council's Traffic Engineer accepts the traffic assumptions of the submitted Transport Assessment prepared by Traffix Group,

dated August 2021, 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 479 car spaces, comprising

- 33 supermarket spaces
- 17 retail spaces
- 12 office spaces
- 110 dwelling spaces.

The development includes 161 spaces across a single basement level, which is well below the minimum required. As noted by Council's Traffic Engineer:

'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.'

Further to the above, it is pertinent to note that Amendment C417 proposes the 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. The maximum car parking rates of the proposed PO16 are substantially lower than minimum rates at Clause 52.06 and are as follows:

Use	Rate	Measure
Dwelling	0.3 spaces	To each 1 bedroom dwelling
	0.45 spaces	To each 2 bedroom dwelling
	0.6 spaces	To each 3 or more bedroom dwelling
All other uses (Other than Consolidated Car Park)	0.5 spaces	To each 100 m ² of net floor area

The car parking shortfall is therefore supported subject to the following conditions, as recommended by Council's Traffic Engineer:

- All parking spaces must be shared between all uses, including resident, office and retail uses. This would 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.
- At least 10 motorcycle spaces must be provided on site.

8.9.3. Bicycle Parking

Pursuant to Clause 52.34 (Bicycle Facilities), the proposal would need to provide a total of 112 bicycle parking spaces, including 72 resident spaces, 36 visitor spaces, 2 employee supermarket and 2 employee restaurant spaces.

The development would provide a total of 338 within a secure space within the basement level. This is well in excess of the minimum requirements and is an appropriate outcome given the strategic location of the site and substantial car parking reduction.

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 for 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. 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 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.

As a number of industry uses occur on and adjoining the site, and having regard to the provisions of Planning Practice Note 30 - Potentially Contaminated Land it is considered that the site is likely to be contaminated. For that reason, appropriate conditions requiring either an environmental audit statement or certificate of environmental audit will therefore be recommended.

8.10.3. Flooding

The site is partially affected by the proposed Schedule 3 to the Special Building Overlay (SBO3) that forms part of proposed Amendment C384. If / when gazetted, this Overlay will require an internal referral to Council's Infrastructure and Assets team for consideration.

Given the potential flooding issues, and although there is not a trigger for the application to be formally referred to Melbourne Water, the permit applicant discussed the application with Melbourne Water during the assessment process.

Following a review of the application, Melbourne Water advised the permit applicant on 7 September 2022 that they had no outstanding concerns with the proposal.

8.10.4. Projections

As noted by Council's Land Surveyor, the proposal includes multiple projections over the front Title Boundary, including canopies / awnings and balconies.

The proposed metal canopies over the adjoining footpaths extend up to two metres beyond the Title Boundary, and have minimum clearance heights of approximately 2.6 metres. Pursuant to section 10 of the *Road Encroachment Guidelines*, awnings are exempt from requiring a Section 173 Agreement. The 2.6 metre clearance height is, however, below the 3 metre minimum and a condition on any permit issued should require these to be raised accordingly.

Several balconies also encroach up to 300 mm over the Title Boundary. Pursuant to section 10 of the *Road Encroachment Guidelines*, projections with a width of 300 mm or less are exempt from requiring a Section 173 Agreement.

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 does not object to the proposal subject to the following conditions:

Amended plans before endorsement

1. Prior to the commencement of the use and development (excluding any demolition or bulk excavation), or as may otherwise be agreed with the Responsible Authority, an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Hayball and KTA Architects Pty Ltd dated 16 May 2022 (Drawings TP00.00 – TP10.17) but amended to show:
 - a) Apartment 4-G05 and those directly above be setback a minimum six metres from the site's northern boundary.
 - b) The northern end of the pedestrian arcade connecting Macaulay Road to Council Laneway 167 widened to facilitate views to the communal courtyard and landscape beyond. The widened section should involve a splay from the street frontage to the first structural within the arcade.
 - c) The southern end of the pedestrian arcade connecting Macaulay Road to Council Laneway 167 widened to enhance views and legibility from the streetscape to the landscape and widened laneway beyond. The widened

section should involve a splay from the communal terrace frontage to the first structural within the arcade.

- d) Refinement to the western façade of Building 3 at Level 5 and 6 as shown in the Hayball City Design Referral Advice Response dated June 2022, with further vertical depth and rhythm provided by, but not limited to, lightweight metal balustrades, external shading, expression of vertical joints within the concrete façade and vertical planting on private balconies.
- e) A separate deep soil plan which also includes the area adjacent to Building 1, and removal of hatching depicting deep soil planting from the Ground Level Plan (Drawing TP01.02).
- f) Mailboxes within a convenient location for each building.
- g) Details of windows to habitable rooms facing communal areas, demonstrating how views into habitable rooms from communal areas will be suitably mitigated.
- h) All awnings across the road reserve amended to maintain a three metre clearance above the footpath.
- i) All instances of metal overlooking screens on Building 1 revised to a more suitable material such as metal fins or timber battens to mitigate overlooking in accordance with Standard B22 at Clause 55.04-6.
- j) At least 10 car share spaces allocated within the basement.
- k) Electric vehicle charging infrastructure must be provided in the car park to enable charging within each space in the future.
- l) At least 10 motorcycle spaces provided within the basement.
- m) Any changes as required by the Façade Strategy at Condition 8.
- n) Any changes as required by the Waste Management Plan at Condition 12.
- o) Any changes as required by the Sustainability Management Plan at Condition 15, including but not limited to:
 - i. All operable openings on north facades to Buildings 1 & 2.
 - ii. External fixed, operable devices or fixed projections (i.e. balconies, canopies) shown to all north, east and west facades to habitable spaces.
 - iii. Demonstration via drawing and / or notation that passive laundry facilities will be provided for.
 - iv. Indication that at least 8 showers and associated lockers are provided for end of trip facilities.
 - v. Material specifications on roof plans and site plans that ensure roof and unshaded hard-scaping elements achieve adequate Solar Reflective Index values.
- p) All relevant recommendations of the Acoustic Report, including glazing and wall specifications, at Condition 23 shown on plans.
- q) All changes as required by the Traffic Engineering Conditions 34 & 35.

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

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Use of Retail Tenancies

3. 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.

Completion of Development

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

Glare

5. 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.
6. 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

7. Except with the written consent of the Responsible Authority, Hayball and KTA 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

8. Prior to the commencement of the development, excluding any site remediation, demolition or bulk excavation, 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) Refinement to the Building 3 west façade at Level 5 and 6 as shown in the Hayball City Design Referral Advice Response (June 2022) with further vertical depth and rhythm provided by, but not limited to, lightweight metal balustrades, external shading, expression of vertical joints within the concrete façade and vertical planting on private balconies to the satisfaction of the Responsible Authority.'
 - b) Provision of external shading and or deeper window reveals to the western elevation of Building 3 between Level 01 and 04 to enhance façade depth to the satisfaction of the Responsible Authority.
 - c) Provision of elevation drawings, coloured perspectives and supporting material palette to describe the materiality and finishes to the eastern façade of Building 4 and 5 as generally shown in the Hayball City Design Referral Advice Response (June 2022).
 - d) Provision of greater differentiation in material, colour / tones, and textures between the massing expressions of the three vertical volumes to the eastern façade of Building 4 and 5 as generally shown in the Hayball City Design Referral Advice Response (June 2022) .
 - e) Further amendments to the eastern facade of Building 4 and 5 as generally shown in the Hayball City Design Referral Advice Response (June 2022), with refinement to balustrades, window frames and soffits including the

provision of warmer colour / tones and clear glazing to the satisfaction of the Responsible Authority.

Land survey

9. Prior to the commencement of the use / occupation of the development, the land titles must be consolidated, to the satisfaction of the Responsible Authority.
10. 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.
11. Any proposed road name must comply with the Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.

Waste Management

12. Prior to the commencement of the development, excluding any site remediation, demolition or bulk excavation, the submission of a Waste Management Plan to the satisfaction of the City of Melbourne, generally in accordance with that prepared by WSP dated 25 March 2022, but amended to:
 - a) Refer to the provision of a 9 m³ chamfered garbage compactor to manage residential garbage. A 9 m³ compactor aligns with the development's weekly entitlement and will be collected once per week by Council's waste contractor.
13. 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.
14. 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.

Sustainable Management Plan

15. Before development commences, excluding any site remediation, demolition or bulk excavation, an amended Sustainable Management Plan (SMP) report to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by Frater Consulting (March 2022), but modified to include or show:
 - a) A 5 star rating Green Star Design and As Built V1.3 – Provide a buffer for credits that will be lost through the development process of 10% (65 points total).
 - b) Provide a copy of the project-specific Climate Adaptation Plan (CAP). Highlight at least two risk items identified in the risk assessment component of the CAP and demonstrate how they are integrated into the building design.
 - c) Detail external fixed, external projections (i.e. balcony, canopy) or adjustable shading devices to all north, east and west facades.

- d) A typical sample of Sole Occupancy Units (SOU) should be rated with NatHERS to demonstrate compliance with Green Star credit 15B Prescriptive pathway. A reasonable sample would be 40-50% of total dwellings rated and ensure all thermally unique dwellings are assessed. Cooling loads must be below 30mj/m² as per Clause 58.
 - e) Provide calculations that the design will achieve at least 75% of the total project site area comprises of building or landscaping elements that reduce the impact of the heat island effect.
 - f) Provide bicycle parking infrastructure for at least 7.5% of regular occupants and 5% of peak visitors.
 - g) Provide a signed contract for maintenance of the SPEL proprietary device for at least a 10 year period.
16. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP 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.

Landscape Architecture

17. Prior to the commencement of the development excluding any site remediation, demolition and bulk excavation, a detailed set of landscape plans prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must be generally in accordance with the Landscape Architecture Town Planning Package, prepared by SBLA and must be updated to include:
- a) 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.
 - b) Quantity of proposed plant types to be updated in the schedule provided.
 - c) Areas and quantity of specified green infrastructure elements that are provided as inputs into the Green Factor tool also be shown on a separate drawing (plan view with supporting tables if required).
 - d) 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.

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

18. Prior to the commencement of the use / occupation of the development, excluding bulk excavation and site remediation, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must be registered on the title to the land and provide for the following:

- a) Prior to the issue of the Statement of Occupancy for the development, the owner and Assemble will enter into a binding agreement with a registered housing agency to the satisfaction of the Melbourne City Council, requiring:
 - i. Unencumbered ownership of 6% of the total number of dwellings (rounded to the nearest whole number) to be sold to the registered housing agency for a percentage of market value that will deliver an equivalent economic outcome to clause b) below; or
 - ii. Unencumbered ownership of 2% 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 20% 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 for no less than 13 years from the date of the building's occupancy.
- b) The dwellings referred to in clause a) above must include:
 - i. a diversity of housing stock including a mix of studio, one bedroom and two bedroom dwellings representative of the approved dwelling mix to the satisfaction of the Melbourne City Council.
 - ii. be functionally and physically indistinguishable from conventional dwellings within the development;
 - iii. include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
 - iv. allocate one or more bicycle parking spaces per dwelling for the life of the affordable housing;unless otherwise agreed in writing by the Melbourne City Council.
- c) Provide that if the affordable housing is delivered under Condition 18(a)(ii), the agreement must contain a mechanism for review of the market rent from time to time to ensure the housing continues to meet the definition of 'affordable housing' as set out in the Act.

For the purposes of the agreement 'affordable housing' is to have the same meaning as the definition under the Planning and Environment Act 1987.

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.

Pedestrian Links

19. 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:
 - a) Give rights of public access to the central north-south link, east-west link along the northern boundary and the pedestrian arcade between Macaulay Road and Council Laneway 167, 24 hours per day, 7 days per week.

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.

Driveway Redevelopment

20. 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:

- a) Should a new carriageway be constructed at 352 Macaulay Road, Kensington which would allow for direct access to the loading bay and basement ramp on the subject site; the land along the eastern boundary of the site must be redeveloped within two years of the road completion generally in accordance with the drawing titled 'Future Driveway Interface Condition' dated 12 September 2022. The required works include, but are not limited to:
 - i. The removal of the driveway crossover to Macaulay Road and reinstatement of a footpath, kerb and channel to the satisfaction of the Melbourne City Council.
 - ii. Removal of the driveway south of the loading bay and north of the basement ramp.
 - iii. Construction of a 1.8 metre wide footpath along the eastern site boundary.
 - iv. Provision of a small plaza at the south-eastern corner of the site.
 - v. Provision of landscaped open space with canopy tree planting within remaining areas, replacing areas where the driveway has been removed to the satisfaction of the Melbourne City Council.

Prior to the commencement of works specified above, a set of landscape drawings and a planting schedule depicting the design of the new landscaped open space must be submitted to, and approved by Melbourne City Council.

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

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

- a) 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
- b) 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. \$18,403 per dwelling

- ii. \$208 per square metre of new gross office floor area
 - iii. \$174 per square metre of new 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 July 2022 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.
22. 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.

Noise Attenuation

23. Prior to commencement of the use, the recommendations contained within the Acoustic Report prepared by Acoustic Logic, dated 23 March 2022, must be implemented at no cost to the Responsible Authority and be to the satisfaction of the Responsible Authority.

Construction Management Plan

24. 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

25. Prior to the commencement of any works, including demolition and bulk excavation and following clarification of site access requirements for works, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (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 any finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - e) Full specifications of any pruning required to public trees with reference to marked images.
 - f) Any special arrangements required to allow ongoing maintenance of public 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 Removal / Pruning

26. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne. Should the removal of public trees be approved, the permit holder must submit detailed plans showing the design and location of replacement tree plots to the satisfaction of the City of Melbourne.

Public Tree Protection

27. 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 Responsible Authority.
28. Following the approval of a Tree Protection Plan (TPP) a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be

adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Traffic Engineering

29. Prior to the commencement of the development, excluding demolition and bulk excavation, a detailed Car Parking Management plan must be prepared to the satisfaction of the City of Melbourne; allocating the provided car parking spaces and management of these; specifying that all parking spaces must remain in common ownership, with a maximum of one car space allocated per dwelling and no more than 13 spaces for commercial tenancies, or as otherwise agreed by the City of Melbourne.
30. Prior to the commencement of the development, excluding demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority / Melbourne City Council. The Road Safety Audit must address the following matters:
 - a) Vehicular / bicycle / pedestrian access arrangements
 - b) Loading arrangements
 - c) Internal circulation / layout and
 - d) All works within the public.

When provided to the satisfaction of the Responsible Authority / Melbourne City Council the Road Safety Audit will be endorsed to form part of this permit.

31. Prior to the commencement of works, excluding demolition and bulk excavation, a comprehensive Loading Management Plan (LMP) must be prepared to the satisfaction of the City of Melbourne, specifying how the access / egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed.
32. A Dock Manager must be employed, responsible for controlling the operation of the loading bay and unloading of goods.
33. A signalling system may be required to alert other road users when loading vehicles are entering / egressing the loading bay. Any reversing manoeuvres either into / from the site should only be made with the assistance of the Dock Manager, to act as a 'spotter' and stop pedestrians while vehicles are manoeuvring. Appropriate signage / warning lights are also required to warn pedestrians when a vehicle is manoeuvring.
34. The internal layout of the car park including all ramp grades / widths / transitions, dimensions of car spaces, aisle widths, height clearances, etc. must generally comply with the Melbourne Planning Scheme or the relevant Australian Standards.
35. The design and dimensions of the bicycle parking must comply with the relevant Australian Standards / Bicycle Network guidelines.

Civil Design

Drainage of projections

36. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Drainage system upgrade

37. Prior to the commencement of the development, excluding any site remediation, demolition or bulk excavation, a stormwater drainage analysis and design with flood modelling, according to Macaulay Integrated Water Management Strategy, must be submitted to and approved by the Responsible Authority – City Infrastructure. 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 – City Infrastructure.

Groundwater management

38. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

Demolish and construct access

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

Roads

40. The Council Lane CL167 from Barnett Street to the extent of the developments property's northern title boundary must be upgraded in Sawn Bluestone Pitchers with associated works including the modification of services and provision for drainage to the Council's existing underground drainage system as necessary at the cost of the developer, in accordance with Council's Operation Procedure; Bluestone in Melbourne's Streets and Laneways, plans and specifications first approved by the Responsible Authority – City Infrastructure.

Road Design

41. Prior to commencement of works, excluding preliminary site works and bulk excavation, road Civil Engineering plans must be provided to the satisfaction of the City of Melbourne – Engineering Services, that the final floor and ground levels along the eastern boundary can accommodate, and suitably integrate with, a road along the western boundary of the adjacent site to the east, at 352 Macaulay Road, Kensington, including a 1.8 metre wide footpath along the eastern boundary of the subject land.

Sawn bluestone footpath

42. The footpath adjoining the site along Macaulay Road must be upgraded in sawn bluestone together with associated works including the upgrade of kerb and channel, provision of 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 – City Infrastructure.

Street levels not to be altered

43. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.

Existing street lighting not altered without approval

44. 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. Interim lighting arrangements must be provided until the reinstatement / upgrade of public lighting is completed. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – City Infrastructure

Public lighting

45. 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 the provision of public lighting in the adjacent streets. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Building Appurtenances, Services and External Lighting

46. 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.
47. 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.
48. 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.
49. 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.

Contaminated land

50. Prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 to the satisfaction of the Responsible

Authority. The EAS must respond to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 and must either:

- a) state the site is suitable for the use and development allowed by this permit;
or
- b) state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

51. All the recommendations of the EAS referred to in Condition 50 of this Permit must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

52. If any of the conditions of the EAS referred to in Condition 50 of this Permit require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

3D digital model

53. Prior to the commencement of the development, excluding bulk excavation, 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.

Use and development time limit

54. This permit will expire if one or more of the following circumstances apply:

- 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 is not started within five years of the date of this permit.

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

NOTES

Urban Forestry

- A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date)
 4. Executed (i.e. signed and dated with the bank stamp)
- If the bond is to be lodged as an EFT, Council's bank details will be provided on request.
 - An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
 - Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.
 - On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.
 - 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 to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
 - All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees 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 removes the subject trees.

Traffic

- 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.

Civil Design

- The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure.