Ministerial Planning Referral: TPM-2014-6
605-613 Lonsdale Street, Melbourne

1 July 2014

Presenter: Karen Snyders, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the future Melbourne Committee of a Ministerial Planning Application (reference 2014/000409) at 605-613 Lonsdale Street, Melbourne. The planning application was referred by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 10 February 2014. Amended plans in response to a DTPLI request for further information were received on 9 May 2014 (refer Attachment 2 – Locality plan).

2. The applicant is Fulcrum Urban Planning, the owner is UWS 5 P/L and the architect is Cottee Parker.

3. The application seeks approval for the development of a residential tower over a podium (402 apartments in total), eight levels of car parking (two basements and six levels within the podium) and five retail tenancies at ground floor level to Lonsdale Street and Rose Lane. Access to the car park is from Lonsdale Street and access to the apartments is from a foyer off Rose Lane. The podium height is 22.85 metres and the overall building height to the top of plant and lift overrun levels is 158.96 metres (refer Attachment 3 – Proposed plans).

4. The total gross floor area is 46,895 square metres.

Key issues

5. Key considerations with respect to this proposal are design and built form, including height and setbacks.

6. The application site and surrounding area are not subject to height controls. Planning permits have been issued for a number of high rise apartment buildings in the immediate area including four towers with heights of between 30 and 54 storeys on the Upper West Side site, immediately to the west. The area is undergoing transformation into one dominated by high rise buildings. In this context, the proposed height is acceptable.

7. The proposed building has a podium and tower configuration. This is consistent with Melbourne Planning Scheme provisions and with the development approved for the Upper West Side site. The proposed tower setback from Lonsdale Street of between 6000 mm and 6735 mm, together with a relatively low podium height will result in a building which will not overwhelm the pedestrian. It will not be unreasonably intrusive or dominant over the public realm. The tower setback from the west boundary provides a minimum separation of 9.5 to 10 metres been the proposed tower and that approved for the site immediately to the west. Tower setbacks of five metres from the south and east boundaries show that the development potential of adjoining sites has been considered and will allow for adequate separation between the proposed tower and possible future developments.

8. Changes to the detailed design are recommended to provide improved internal amenity to apartments, improved ESD outcomes and improved public realm. These matters can be dealt with by the imposition of conditions on any planning permit to issue.

Recommendation from management

9. That the Future Melbourne Committee resolves that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the Melbourne City Council supports the application subject to the conditions set out in the attached delegate report.
Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

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

Stakeholder consultation

4. Council officers have not advertised the application or referred it to any referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

Relation to Council policy

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

Environmental sustainability

6. A Sustainability Management Plan forms part of the application submission. This includes a statement that the development may achieve a 4.5 star Green Star rating. This is below the standard required by Clause 22.19 of the Melbourne Planning Scheme which specifies a 5 Star Green Star Rating.
VIEW FROM LONSDALE ST LOOKING WEST
VIEW FROM LONSDALE ST LOOKING EAST
VIEW FROM LONSDALE ST LOOKING SOUTH WEST

Schematic

Client: FAR EAST CONSORTIUM
Project Name and Location: MW SW605 - 613 LONSDALE STREET, MELBOURNE

Scale: 1:2.46 @ A1

Drawing Title: VIEW FROM LONSDALE ST LOOKING SOUTH WEST

Drawing no.: SD 0206

Revision: In Issue

Amendments

Date

Checked

Approved
VIEW FROM LONSDALE ST TOWARDS ROSE LANE
1. SUBJECT SITE AND SURROUNDS

1.1. The site

An inspection of the site and surrounding area was undertaken on 30 May 2014.

The subject site is located on the southern side of Lonsdale Streets mid-block between King Street to the east and Spencer Street to the west. The site is irregular in shape and has an angled southern (rear) boundary. The site has a frontage to Lonsdale Street with two lanes servicing the site, Rose Lane to the west which runs from Lonsdale Street through to Little Bourke Street and Pender Alley which runs from Little Bourke Street to the rear of the site.

The site has a total area of 1,491m² including 133m² below Rose Lane. It also extends part way over Rose Lane above ground floor level. The site is currently used as a two storey construction site office and access for the development occurring at 617-649 Lonsdale Street and 204-240 Spencer Street. Previously the property was owned by Citywide who provide civil infrastructure, open space and environmental services to the City of Melbourne.

The site is not affected by any easements or restrictive covenants, other than an easement over a private lane to the south (this lane runs off Pender Alley). This easement provides the subject site with a right of carriageway over the private lane.
1.2. Surrounds

The main characteristics observed in the area include:

**North**

Opposite the site is 612-622 Lonsdale Street with 593-597 Little Lonsdale Street. The buildings on these sites are currently being demolished. The Minister for Planning issued two planning permits (2009/01142 and 2009/01139) allowing for a staged development of the land with co-joined podium levels of eight storeys and two towers, 46 levels for the south tower (Lonsdale Street) and 36 levels for the north tower (Little Lonsdale Street) and a total of 1,310 apartments.

North-west of the subject site is 244-276 Spencer Street. The site was formerly occupied by The Age and the building is currently being demolished. The Minister for Planning issued Planning Permit 2011/013730 on 24 January 2013. In summary the development will comprise 2,994 apartments, 1,807 car parking spaces and approximately 2,260 square metres of retail floor space located in four towers. The individual buildings are between 39 and 63 storeys in height.

**South**

To the rear of the site are two properties known as 600 and 602 Little Bourke Street, separated by Pender Alley. Pender Alley is a service lane with a width of approximately 4.1m running in a north south direction from Little Bourke Street. The lane terminates at the rear of the site where a private lane continues to the south east corner of the site. 600 Little Bourke Street is developed with an 11 storey hotel building, which has numerous north facing windows facing the subject site. 602 Little Bourke Street is a 6 storey building owned and occupied by the City of Melbourne. It has no north facing windows.

**East**

601 Lonsdale Street is a two storey rendered brick building occupied by an adult entertainment venue. The building is constructed along the boundary.

**West**

Across Rose Lane is the Upper West Side development site, located on the south-east side of the intersection of Spencer Street and Lonsdale Streets with frontages to Lonsdale Street, Spencer Street and Little Bourke Street with a total site area of approximately 9,300m².

The Minister for Planning issued Planning Permit 2009/003366 for four residential towers of various heights between 31 and 53 storeys,
Tower one, at the corner of Spencer Street and Little Bourke Street, is completed. It is a 45-storey residential tower with 700 residential units.

Tower two fronts Lonsdale Street and is to the north-east of Tower One. It is a 48-storey residential tower. This building is currently under construction, nearing completion.

Tower 3, will be a 54-storey residential tower at the corner of Lonsdale Street and Rose Lane. This is immediately west of the subject site, across Rose Lane. The podium levels of Tower 3 facing the subject site are occupied by retail tenancies with car parking above up to level 6, occupying most of the Rose Lane frontage. Each of levels 1-6 also has a single apartment on the corner of Rose Lane and Lonsdale Street, approximately 4 metres from the proposed development. At tower levels apartments within Tower 3 and the subject site are a minimum of 9.5 to 10 metres apart.

The fourth tower of the development is located on the corner of Little Bourke Street and Rose Lane and will comprise a 30-storey residential tower with 282 residential apartments. This building is currently under construction.

When completed, the development will have a total of 2,600 apartments and a number of retail outlets. The developers and architects are the same for the Upper West Side site, the Age Sites and this proposal, namely Far East Consortium (Australia). The architects are Cottee Parker.

2. THE PROPOSAL

The application was referred to the City of Melbourne for comment on 20 February 2014. On 24 February 2014, DTPLI sent a request for further information to the applicant. This letter also raised a number of preliminary comments, including:

- Podium apartments appear to have views directly into podium apartments of development on west side of Rose Lane at a distance of approximately 4 metres. This should be reviewed.
- Part of podium to Lonsdale Street is dominated by service levels, making this part of podium inactive. This should be reviewed.
- Corner adjacent to Lonsdale Street vehicle entry should be activated by relocation of fire booster cupboard.
- One or two apartments per floor rely on borrowed light to second bedrooms and this is not considered appropriate.
- Wind tunnel testing indicates a need for screens in Rose Lane to ensure stationary comfort. The screens are not shown on plans and may be intrusive given their siting and location.

On 9 May 2014, amended plans were received in response to the letter from DTPLI. These plans form the subject of the following assessment.

It is proposed to construct a 51-storey residential tower (including ground and mezzanine levels) occupied by 402 apartments and 298 m² of retail at ground floor level. The development includes 2 basement levels, seven levels of podium, with a tower form above. Details of the application are as follows:

The application proposes the following uses:
| **Dwelling** | Total number of apartments: 402  
One bedroom apartments: 84  
Two bedroom apartments: 276  
Three bedroom apartments: 42 |
| **Retail (ground level)** | Five tenancies with a total floor area of 298 m² |
| **Level 6** | Includes a communal area |

The specific details of the proposal are as follows:

| **Basement** | 2 levels extending under Rose Lane comprising vehicle parking and storage. |
| **Ground floor** | Includes vehicle access from Lonsdale Street to 2 car lifts for residential parking, bicycle parking and loading area off Pender Alley.  
Pender Alley will provide vehicle access for loading unloading, waste collection and storage.  
Along the western side of the site facing Rose Lane are retail tenancies and the entry foyer for the apartments. The retail tenancies occupy approximately half of the site frontage to Lonsdale Street. They also turn the corner, into Rose Lane. |
| **Building height** | 51 Levels (including ground and mezzanine floors) with a height of 158.96m to the top of plant and lift overrun levels |
| **Podium height** | 6 Levels above ground floor level with a height of 22.85m to Lonsdale Street occupied by car parking and dwellings up to level 5.  
Level 6 is occupied by car parking and facilities for residents, including pool, gymnasium and terrace. |
| **Tower** | Will commence at level 7, which is occupied by apartments and void spaces over residents facilities below. |
| **Levels 8 - 49** | Comprise a mixture of one, two and three bedroom apartments |
| **Above level 49** | Two levels of enclosed and screened plant and lift overrun |
| **Front, side and rear setbacks** | To level 6, the building is largely constructed to the property boundaries.  
The tower is setback:  
North (Lonsdale Street) – 6m min  
South (rear) – 5m minimum  
East – 5m minimum  
West – 2m min at the closest point |
Gross floor area (GFA) | 46,895m²
---|---
Car parking spaces | 206 car spaces within two basement levels and 6 podium levels accessed via two car lifts from Lonsdale Street.
Bicycle facilities and spaces | 122 bicycle spaces
Materials | The proposal has adopted a contemporary design with an articulated façade with metal clad framing punctured by glass balustrades (bronze tint). The eastern boundary wall features pre cast pigmented concrete panels.

3. BACKGROUND

3.1. Pre-application discussions

There were no pre-application discussions held with Council officers.

A meeting was held on 2 May 2014, attended by a number of Council officers and several representatives of the applicant. At this meeting the applicant presented and explained plans setting out their vision for Rose Lane. It is proposed as a pedestrian-friendly link between Lonsdale and Little Bourke Streets.

3.2. Site history

Planning Permit 138253 was issued by the Minister on 7 October 1994 for the subject site and allows alterations and additions, partial demolition and use of the land as a cleansing depot. It is understood that the most recent use of the site was for this purpose.

The following planning permits issued for the surrounding sites are considered relevant to this application:

<table>
<thead>
<tr>
<th>TP number</th>
<th>Description of Proposal</th>
<th>Decision &amp; Date of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>617-649 Lonsdale Street and 204-240 Spencer Street, MELBOURNE VIC 3000</td>
<td>Partial demolition of existing buildings on the site and construction of four (4) towers between 31 and 53 storeys above a podium and a reduction in the associated bicycle facilities requirements.</td>
<td>Permit</td>
</tr>
<tr>
<td>TPM-2009-47 (2009/003366)</td>
<td>Partial demolition of existing buildings on the site and construction of four (4) towers between 31 and 53 storeys above a podium and a reduction in the associated bicycle facilities requirements.</td>
<td>Permit</td>
</tr>
<tr>
<td>612-622 Lonsdale Street and 593-597 Little Lonsdale</td>
<td>Development of the land with co-joined podium levels of eight storeys and two towers, 46 levels for the south tower (Lonsdale Street) and 36 levels for the north tower (Little Lonsdale Street) and a total of 1,310 apartments.</td>
<td>Permit</td>
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</tbody>
</table>

As shown above there are numerous significant redevelopments underway/approved within close proximity to the subject site. That of most relevance to the current application is 2009/003366 at 617-649 Lonsdale Street.
# 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

<table>
<thead>
<tr>
<th>State Planning Policies</th>
<th>Clause 11.01 - Activity Centres</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Clause 15.01 - Urban Design</td>
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<td></td>
<td>Clause 15.02 - Sustainable Development</td>
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<td>Clause 16 - Housing</td>
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<td>Clause 17 - Business</td>
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<td>Clause 18.02 - Movement Networks</td>
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<tr>
<td>Municipal Strategic Statement</td>
<td>Clause 21.02 - Municipal Profile</td>
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<td></td>
<td>Clause 21.03 - Vision and Approach</td>
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<td>Clause 21.04 - Settlement</td>
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<td></td>
<td>Clause 21.06 - Built Environment and Heritage</td>
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<td>Clause 21.08 - Economic development</td>
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<td></td>
<td>Clause 21.07 - Housing</td>
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<td>Clause 21.12 - Hoddle Grid</td>
</tr>
<tr>
<td>Local Planning Policies</td>
<td>Clause 22.01 - Urban design within the Capital City Zone</td>
</tr>
<tr>
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<td>Clause 22.02 - Sunlight to Public Space</td>
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<td>Clause 22.19 - Energy Waste and Water Efficiency</td>
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<td></td>
<td>Clause 22.20 CBD Lanes</td>
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<td>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</td>
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</tbody>
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### Statutory Controls

**Clause 37.04-1 (Capital City Zone 1)**

Pursuant to this Clause a permit is required to carry out demolition and to construct a building or construct or carry out works.

Pursuant to this Clause a planning permit is not required to use the land for accommodation (other than Corrective institution) and a Retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern).

**Clause 43.02 Design and Development Overlay Schedule 12 (Noise Attenuation)**

Pursuant to Clause 43.02 a permit is required to carry out buildings and works.

Specifies that any new or refurbished development that will accommodate new residential uses must be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable room windows with windows closed when must is emitted from the Major Sports and recreation Facility in the Melbourne Docklands Area.

**Parking Overlay 1**

Pursuant to Schedule 1 a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.
A permit is required to provide parking in excess of a rate of:
- Residential = Max 1 car space per dwelling
- Retail = (Max 5 x net floor area of buildings on the site in m²)/1000m²

A maximum provision of 402 applies. The proposal includes 206 car spaces.

<table>
<thead>
<tr>
<th>Particular Provisions</th>
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<tbody>
<tr>
<td>Clause 52.06, Car Parking</td>
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<tr>
<td>Clause 52.07, Loading and Unloading of Vehicles</td>
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<tr>
<td>Clause 52.34, Bicycle Facilities</td>
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<tr>
<td>Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys</td>
</tr>
<tr>
<td>Clause 52.36, Integrated Public Transport Planning</td>
</tr>
</tbody>
</table>
General Provisions

<table>
<thead>
<tr>
<th>Clause 61.01 – Administration and enforcement of this scheme</th>
<th>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 65 Approval of an application or plan</td>
<td>Before deciding on an application or approval of a plan, the responsible authority must consider the decision guidelines of Clause 65.</td>
</tr>
</tbody>
</table>

5. **PUBLIC NOTIFICATION**

The application has been referred to the City of Melbourne for comment. Pursuant to Clauses 37.04 (Schedule 1), 43.02 (Schedule 12) and 45.09 (Schedule 1), this application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

6. **REFERRALS**

The application was referred to the following internal departments which comments summarised:

6.1. **URBAN DESIGN**

The application was first referred to Urban Design on 26 February 2014. Comments were received in response on 14 March 2014. A number of concerns were raised. These comments were passed on to DTPLI and the applicant. The plans received on 9 May 2014 address some of the concerns raised by Urban Design. Urban Design comments received on 23 May 2014 are a combination of the initial comments, updated to address the current plans. Main points raised in the comments are summarised/set out below.

- Existing site plan must clearly show existing kerbs and footpaths of adjoining lanes – sustained
- Full contextual representation of proposal in relation to other approved applications and existing buildings should be provided in order to assess proposal in its future context. Sustained – 3D perspectives provided focus only on proposed building and immediate neighbour, not street block context.
- Double width driveway off Lonsdale Street is a major source of pedestrian /vehicle conflict. This could be avoided by using either Rose Lane or Pender Alley instead. Sustained.
- Booster room off Lonsdale Street would be better located elsewhere.
- No footpath is provided on development side of Rose Lane. Footpath to Rose Lane is within the development as private not public space. The consequence of this is that pedestrians are forced to walk in carriageway, in potential conflict with vehicles. Note there is no public space provided on west side of Rose Lane, despite the being publicly accessible private space along this side.
- Bollards to Rose Lane not supported as permanent installation. Any bollard would be at discretion and responsibility of City of Melbourne.
• Some corner apartments only, have natural cross-flow ventilation.
• Not all units have access to northern light.
• Two bedrooms (to units 703 and 704) are set back too far from natural light source and the space between the bedroom and windows is unusable.
• At level 8 and above there are bedrooms which are too far from the external window.
• Setback of tower behind podium creates apologetic frontage to Lonsdale Street that denies the building’s responsibility to make a positive urban contribution to the street. Support a building built to the street boundary throughout its street elevation alignment.
• Treatment of south podium creates an inactive frontage which reduces the safety and security of Pender Alley. This is a critical elevation as it is seen from Little Bourke Street. The frontage should be predominantly active.
• West podium elevation louvre treatment will create an inactive frontage for pedestrians and future occupiers of the building opposite.
6.2. ENGINEERING

Traffic

Comments on the application as originally submitted were received on 20 March 2014. A number of concerns were raised in these comments. These comments were passed on to DTPLI and the permit applicant. The applicant’s traffic engineer corresponded with Council’s traffic engineer in April 2014 and successfully addressed most of the matters raised. Council’s traffic engineer then reviewed the submission received on 9 May 2014. Main points raised are summarised/set out below.

Comments of 20 March 2014 and responses

- ESG queried whether site has legal right of access to Pender Alley. Subsequently accepted accepts applicant’s advice that it is appropriate to access the site from Pender Alley. Site has legal right of access.

- Re car lifts off Lonsdale Street - as there could be considerable delays in peak periods, particularly if a lift breaks down/needs servicing, a third vehicle lift is recommended, requiring a redesign of ground floor access area. The applicant responded to this commenting that a third lift is considered excessive and with advice relating to lift maintenance. ESG accepted this.

- Further analysis of lift operation is required. Morning peak will result in vehicles waiting on different levels, causing significant delays for residents. The applicant provided a detailed response to this with information including details of how long each function of the lifting operation takes. ESG accepted this analysis, on the condition that a car lift with a lift speed of 1.0m/s be provided and recommended that this be addressed by condition.

- While basement levels extend beneath Rose Lane, it is unclear whether this is acceptable. In response, the applicant has advised that the developer owns the land 1.6 m below Rose lane. ESG accepts this advice.

- ESG raised a concern regarding the provision of small car spaces and advised that they must be removed. The applicant responded to this with advice including that small car spaces will be sold as such and that purchasers will be made aware of the restrictions. ESG accepts this response, subject to the planning permit including a condition that future residents be advised of the small car spaces.

- Left-turn only and No Right Turn signs should be installed for both entering and exiting traffic as appropriate. Applicant accepts this as a permit condition.

- Proposed crossover appears to be next to an existing bus bay. Any change to the location of the bus bay requires approval of PTV and Engineering Services. Applicant accepts this as a permit condition.

- Clarification is requested as to whether vehicles will use Rose Lane. Any proposal to close Rose Lane to traffic will require a comprehensive legal process under the Local Government Act. Design of the connection between the pavement of Rose Lane, its footpath and building foyer should be clarified. Applicant has advised that it is proposed to close Rose Lane to
vehicular traffic. Removable bollards are proposed, to allow for emergency vehicles access only.

- Concerns are raised regarding the location of visitor bicycle spaces, the type of storage proposed and the need for a more direct route to the bicycle store. ESG has reviewed the applicant’s written response to these concerns as well as the amended plans and are now satisfied that these issues have been addressed.

- Concerns are raised regarding loading and waste management. Council’s Team Leader Waste Services subsequently provided three conditions which together, address all matters relating to waste.

- ESG raised concerns relating to traffic generation and impact, concluding that queuing for the vehicle lift may result in one vehicle protruding into the footpath, which is unacceptable. The applicant has provided advice in response to this, concluding that queuing vehicles will not protrude into the footpath. ESG accepts this advice.

- Detailed design changes are required, to comply with relevant standards.

Comments of 28 May 2014

These include those set out below.

- Two motorcycle spaces are proposed. More should be provided, if possible.

- Car lift access control point must be relocated to a point at least 6 m south of the building line to ensure vehicles stop at the boom gate (or other control device) clear of the footpath.

- While Engineering Services has no objection in principle to possible intermittent closure of Rose Lane to vehicular traffic, a condition should be placed on the permit requiring the developer to fund all costs incurred as part of this process. An alternative to the closure process would be laneway discontinuance, which could also be considered.

- Clear swept path diagrams should be provided, showing the 8.8 m loading vehicle both entering and exiting Pender Alley in a forward direction.

Waste

The Team Leader Waste Services has reviewed the application and advises that the submitted waste management plan does not meet Council requirements. A number of specific area areas of non-compliance/need for clarification are set out.

One of the matters identified is that part 3.5 of the traffic report states that service will approach the site in a forward direction, manoeuvre on-site and egress in a forward direction to Pender Alley while another part of the report states that garbage truck will reverse into the loading area. Council’s preference is that all trucks enter facing into the building, turn within the site boundary and leave facing forward.

Three conditions have been provided to address the concerns outlined.
Infrastructure

Main points raised are summarised/set out below.

- Support widening of Rose Lane on the east side and vested in Council.
- Structures under Rose Lane will require Section 173 agreement. Any structures must be at least 1.5 m below pavement level.
- Support declaration of private portion of Pender Alley a public highway subject to reconstruction of this portion (including provision of drainage, public lighting etc.) in accordance with plans and specifications first approved by Engineering Services, prior to occupation of development.
- Object to proposed paving treatment of Rose Lane with standard large and small bluestone paving. No objection to use of bluestone paving in general which can withstand highway class loading.
- Installation of removable bollards in Rose Lane must have consent of Traffic Engineering.
- Object to outward opening doors to Lonsdale Street and Rose Lane. Doors should not project at any time.
- Recommend that all projections comply with Building Regulations 2006.
- Maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 m. Note – proposed crossover is 7 m wide.

In addition to the above, a range of detailed matters are raised, to be addressed by conditions and notes, if a permit is issued.

6.3. LAND SURVEY

Recommend that Rose Lane be widened so the alignment is straight and that any doors opening out onto Rose Lane be of a different type. The wording of a condition requiring this has been provided.

That part of development adjacent to Rose Lane (including the widening) must comply with the Road Encroachment Guidelines for clearance heights and setbacks behind kerbs.

This matter was subsequently reviewed and current advice from Land Survey is that this change to the Rose Lane alignment is no longer required.

Car parking under Rose Lane is within developer’s land. Structure under Rose Lane will require a Section 173 agreement for the support of the road and other items as deemed necessary by Engineering. It is also noted that the proposed development is slightly under the development on the west side of Rose Lane.

Two draft conditions are provided to address these matters.

The rear entry to the development is from Pender Alley. The width of this entrance is wider than Pender Alley and partly over a portion of Private lane, which subject site has easement rights over. The only concern is the maintenance of the Private Lane, which is not under Council’s care and management.
The plans show what appears to be a cavity in the south-west corner of the development, abutting the Council owned building at 602 Little Bourke Street. This presents issues relating to maintenance and vermin and it would be better if the building design was squared up.

This advice was subsequently discussed with land Survey. It was concluded that this matter will not be addressed as part of the current application process.

Permit should include a condition that use of car spaces and storage lots may only be used in conjunction with the use of the building and not as a public car park.

Plans show storage space behind some car spaces. These need to be shown as being linked and part of the car space in front. They must not be separately titled as access is not possible.

Applicant should be made aware that a Rose Lane address will be allotted at the time of subdivision, for all the apartments.

6.4. BUILDING

A number of matters relating to the Building Code of Australia are raised. The Building Control Officer advises that these are matters to be addressed by the Relevant Building Surveyor.

Other comments include:

- Construction Management Plan will be required.
- Report and Consent will be required.
- Projections on the west side of the development do not comply with Regulation 505 or 506. Therefore, Report and Consent may not be provided.
- Booster cabinet and fire hose reel/hydrant doors appear to project more than 600 mm beyond street alignment. Report and Consent may not be provided.
- Verandah must be set back at least 750 mm from Rose Lane kerb.
- Appears that basement extends into Rose Lane. This is not covered under Part 5 legislation and is likely to be a civil matter.

6.5. URBAN LANDSCAPES

- Proposal will prevent future tree planting.
- To accommodate future tree planting, canopy/awnings/projections, unless retractable should not extend to within 2 m of back of kerb.
- Awnings should not be installed above ground floor height in order to prevent conflicts with future tree canopy.

A note on the ground floor plan states that the awning height will be at least 3 m. The west elevation shows that canopy has a height of approximately 5 m. Advice from Urban Landscapes in response to this is that a height of up to about 3.8 m is best for achieving full canopy above awning height.

6.6. GIS- 3D ANALYST

The application submission includes shadow diagrams for the hours of 11 am to 2 pm on 22 September. Council’s 3D Analyst has also prepared shadow diagrams and has advised that those submitted by the applicant are similar to his.
7. ASSESSMENT

The key issues in the consideration of this application are:

- Design and Built Form, including height and setbacks
- Amenity Impacts (internal and external)
- Parking, Traffic and Waste
- Overshadowing
- Wind impact on the public realm
- Energy, Waste and Water Efficiency
- Noise Attenuation

7.1. Design and Built Form

Setbacks

The Local Policy for Urban Design in the Capital City Zone (Clause 22.01) recommends that towers be set back at least 10 metres from street frontages and that they be spaced to ensure equitable access to daylight and sunlight. Towers should be 24 metres from a similar tower-podium development. Separation may be reduced where it can be demonstrated that towers are offset, habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining sites.

The proposed front setbacks of the tower are 6000 mm and 6735 mm. This is well under the 10 metre standard set out in Clause 22.01. The 10 metre standard has not been rigidly applied in the past and each development is considered on its merits. Prior to allowing a setback of less than 10 metres, relevant Planning Scheme objectives must be considered. Among the most important of these is the objective of Clause 22.01 which seeks to improve the pedestrian experience. The proposed setback is substantial. This setback, together with a relatively low podium height of approximately 23 metres will result in a building which will not overwhelm the pedestrian. It will not be unreasonably intrusive or dominant over the public realm.

The tower setback from the west boundary provides a minimum separation of 9.5 to 10 metres between the proposed tower and that approved for the site to the west. This separation, together with the fact that main habitable rooms within the two towers generally do not directly face one another at 9.5 to 10 metres will ensure that the apartments in each tower do not unreasonably impact on the amenity of their neighbours. The distance between the southern half of the proposed tower and the approved tower to the west is well over 10 metres.
Tower 4, on the corner of Little Bourke Street and Rose Lane is approximately 10 metres from tower level apartments within the subject site. In addition, tower apartments at the subject site are not directly opposite those at Tower 4. The proposed development will not have any unreasonable impact on the amenity of tower 4 apartments.

Tower setbacks of 5 metres from south (rear) boundary show that the development potential of the adjoining sites has been considered and will allow for adequate separation between the proposed tower and possible future tower developments on the sites to the south. Pender Alley and the private lane running off Pender Alley serve to increase the likely distance between the tower apartments in the south-east corner of the subject site and any future tower which may be built at 600 Little Bourke Street.

The proposed tower is also set back 5 metres from the east boundary. The proposed 5 metre setback from the east will not provide adequate outlook for occupants of the three central apartments on each floor should the adjoining property to the east be developed. The only outlook these apartments will have is to the east. This could be improved by the central apartments having windows angled so as to provide some outlook to the north-east and south-east. This would also provide the west facade with a more interesting, textured appearance than the current relatively flat facade shown on the submitted plans.

Policy set out under Clause 22.20 (CBD Lanes) includes the maintenance and enhancement of the intimate environment of lanes by setting back higher tower form to ensure a sense of openness that reinforces the human scale. The tower setbacks from Rose Lane and Pender Alley are consistent with this policy.

**Height**

The building is 158.96 metres in height to the top of plant and lift overrun levels. The approved building at 617 Lonsdale Street is approximately 167 metres to its highest point. As outlined above, the surrounding context is that of a precinct undergoing change. Major developments have been approved and will transform the area into one dominated by high rise apartment buildings. In this context and given the fact that the site is not subject to any height control, the proposed height is acceptable.

**Crossover**

Generally, it is preferable to have car park access off a lane rather than a main street. Urban Design advice includes the recommendation that car park access be from Rose Lane, rather than Lonsdale Street.

In this case, the applicant proposes that Rose Lane become an attractive and highly pedestrianised lane between Lonsdale and Little Bourke Streets. From a pedestrian amenity point of view, this link would not be of the same quality if it also provided car park access.
It is also relevant to note that a window to a retail tenancy faces the west side of the crossover. This will provide an active elevation to the car park entry. The appearance of the entry could be further improved by the east wall beside the car park entry being articulated so as to provide visual interest.

In light of the above, the crossover from Lonsdale Street while not an ideal outcome, is acceptable.

Elevations

The elevations are generally well designed and articulated. All elevations of the tower feature glazing, balconies and a variety of materials which will serve to create a visually interesting facade. Plant and lift motor rooms are fully screened. The tower will be a worthy addition to the city skyline.

At ground floor level to Lonsdale Street, the building presents a largely active frontage which includes glass shopfronts, as well as the car park entry referred to above. It also includes a fire booster cupboard. Advice has been requested from the applicant as to whether this can be moved from the Lonsdale Street to another location. In response the applicant has advised that the MFB are adamant that the cabinet must be on Lonsdale Street. The applicant also points out that the current plans show a shorter cabinet that the plans originally submitted.

The upper levels of the podium to Lonsdale Street are predominantly occupied by glazing and balconies to apartments.

Ground floor level to Rose Lane is almost entirely occupied by glass shopfronts to retail tenancies, as well as the entry to the apartments. Above ground floor level, the west elevation at podium level has apartments facing Rose Lane, adjacent to Lonsdale Street. Further south along Rose Lane, the podium is dominated by louvres to the car park levels. This is not an ideal outcome, but it is consistent with the plans endorsed for 617 Lonsdale Street which also includes above ground car parking facing Rose Lane. However, the car park screen at 617 Lonsdale Street appears to have a more creative finish than louvres. If the application is supported, permit conditions should include a requirement for more attractive/innovative solution to the need for car park screening.

At podium level, the east elevation features a variety of articulated concrete finishes so as not to provide a blank wall above the two storey building at 601 Lonsdale Street. This is a finish typically used in such situations and is acceptable.

The podium levels of the south elevation are finished in a combination of concrete and louvres to the car park levels. This southern podium will be largely concealed from Little Bourke Street by existing buildings at 600 and 602 Little Bourke Street. For this reason, the appearance of this elevation is broadly acceptable. It could be improved by the use of more creative screening to the car park levels.

7.2 Amenity Impacts
Podium level apartments facing Rose lane are approximately 4 metres from podium level apartments approved for the site to the west, at 617 Lonsdale Street. A detailed plan submitted by the applicant shows that habitable room windows to the 617 Lonsdale Street apartments are primarily oriented to the north and south and that one narrow, opaque window per apartment faces the subject site. This being the case, the privacy of podium apartments within both buildings is adequately protected.

The outlook from one apartment at each of levels 1-5 is to a wall/car park screen at 617 Lonsdale Street, at a distance of approximately 4 metres. This represents a very small proportion of the apartments within this development. On a positive note, these apartments have larger balconies than most, with areas of 17m².

South of the subject site is a tourist hotel, at 600 Little Bourke Street. This is a 10 storey building with windows facing the subject site. A number of these windows will lose their outlook to the north and will be overshadowed by the proposed development. As this building is used for temporary accommodation, this impact is acceptable.

All apartments have balconies and all habitable rooms have windows.

At level 7, and above, a number of apartments have bedrooms some 4 metres from windows. This will not provide a good level of natural lighting to these rooms. This should be addressed by a re-design of these apartments, if the application is approved.

7.3 Parking, Traffic and Waste

As set out above, comments regarding parking, traffic and waste have raised a number of areas of concern. These are matters which will need to be addressed by way of conditions, if the application is approved.

7.4 Overshadowing

General policy under Clause 22.02 (Sunlight to Public Spaces) states that development should not cast additional shadows on public spaces including major pedestrian routes between 11 am and 2 pm on 22 September. Shadow diagrams submitted with the application show that from 11 am to 2 pm the proposed building will overshadow public space including Little Bourke Street. However this overshadowing will be largely within areas overshadowed by existing buildings. The shadow cast by the proposed building will not reach King Street until 2 pm. The proposed building will not result in additional overshadowing which unreasonably impacts on the amenity of either Little Bourke or Kings Streets.

7.5 Wind impacts

A wind report by Mel Consultants forms part of the application documentation. It includes the following advice:

- Wind conditions along Lonsdale Street and Rose Lane were shown to be either within or on the criterion for walking comfort for all wind directions.
• With local screening wind conditions in Rose Lane could be improved so as to be within the criterion for long term stationary activities. A diagram is provided showing a suggested location for this screen.

• Wind conditions on Rose Lane which will exist after completion of Towers 1-4 will not be altered by current proposal.

• No trees were used in wind tunnel testing and all measured wind conditions were not dependent on trees.

The diagram showing test locations appears to show a more extensive canopy to the Lonsdale Street elevation of Tower 3 than is shown on the endorsed plans for that development. This should be clarified.

Diagrams have not been provided for all tested locations and no information has been provided regarding wind impacts within Pender Alley. These matters should be addressed by conditions, if the application is supported.

7.6 Energy, Waste and Water Efficiency and Water Sensitive Urban Design

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

• A Waste Management Plan.

• An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 2,000 square metres in gross floor area the Sustainable Design Statement must include a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant Performance Measures set out in Clause 22.19-5. These include a 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent for residential development with a gross floor area of more than 5,000 m².

A Sustainability Management Plan forms part of the application submission. It includes the advice set out below.

• Apartments will be fitted with water efficient fixtures and fittings. All residential fixture selections will target the achievement of 1 point for the WAT-1 credit under the current version of the Green Building Council of Australia’s Green Star – Multi-Unit Residential rating tool.

• Project is currently proposing to target a design which exceeds the minimum requirements for a 4 Star Green Star Multi-Unit Residential V1 Design.

• The development may achieve a 4.5 Star Green Star rating.

The report does not adequately address all requirements of Clause 22.19. This can be addressed by condition, if a permit is issued. A further waste management plan will also be required as the submitted plan does not meet Council requirements.

After the application was originally lodged (but prior to the response to the request for further information), Clause 22.23 Stormwater Management, Water Sensitive Urban Design) was added to the Scheme. This policy applies to a number of different types of applications, including applications for new buildings. Objectives of the policy include promoting the use of water sensitive urban design. Pursuant to Clause 22.23-4, applications must be accompanied by a Water Sensitive Urban Design Response. No such response has been received as part of the current application. This can be required by condition, if a permit is issued.

7.7 Noise Attenuation
The subject site is within the area covered by Design and Development Overlay 12 (Noise Attenuation Area).

Part 2.0 of DDO 12 specifies that any new or refurbished development that will accommodate new residential uses must be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable room windows with windows closed when music is emitted from the Major Sports and recreation Facility in the Melbourne Docklands Area.

It also states that such development must have external glazing and doors, air conditioning or ventilation systems designed by a recognised acoustic consultant.

An extensive acoustic report has been submitted as part of the application documentation. However, it does not appear to state that maximum noise levels in habitable rooms will be 45 dB with windows closed when music is emitted from the Docklands stadium. This can be addressed by condition, if a permit is issued.

7.8 Conclusion

The proposed development is appropriate, subject to conditions to address the areas of concern identified above.

8. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne offers in principle support for the proposal subject to the following conditions:

1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans submitted in response to the further information request but amended to show:

   a) Windows to the three central apartments within the tower angled so as to provide some outlook to the north-east and south-east, while maintaining a minimum tower setback of 5 metres from the east boundary.

   b) The floor plans of apartments 703, 704 and apartments 04, 05 and 08 within the tower redesigned so as to provide improved natural light to the second bedrooms.

   c) The east wall beside the car park entry articulated so as to provide visual interest.

   d) A more creative/attractive car park screening method than louvres to the south and west elevations.

   e) Any changes required by further wind testing referred to in condition 25.

   f) Any modifications required to the floor areas, loading dock and access to the site by the Waste Management Plan required by condition 24.

   g) The doors to the booster cabinet to Lonsdale Street not to project more than 600 mm beyond the street alignment when fully open.

   h) The Lonsdale Street canopy set back at least 750 mm from Rose Lane.

   i) The Lonsdale Street canopy not to extend to within 2 metres of the back of the kerb and to be at a height of not less than 3 metres and not more than 4 metres above footpath level.

   j) Structures under Rose Lane to be not less than 1500 mm below pavement levels.

   k) Any changes required by the Water Sensitive Urban Design Response referred to in condition 12.

   l) Left-turn only and No Right Turn signs installed for both entering and exiting traffic as appropriate.
m) The car lift access control point relocated to a point at least 6 metres south of the building line.

n) Clear swept path diagrams showing an 8.8 metre vehicle both entering and exiting Pender Alley in a forward direction.

o) The entry to the apartments relocated in accordance with condition 9, if necessary.

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

2. Prior to the commencement of the development a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plan /elevation must be submitted to, and approved by the Responsible Authority.

3. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

4. Prior to the commencement of the development, including demolition, a detailed construction and demolition management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

   a) public safety, amenity and site security.
   b) operating hours, noise and vibration controls.
   c) air and dust management.
   d) stormwater and sediment control.
   e) waste and materials reuse.
   f) traffic management.

5. Prior to demolition, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.

6. Prior to the commencement of development all of the land for the proposed development must be consolidated onto the one title.

7. Prior to the commencement of development on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 in relation to the structure under Rose Lane. The agreement must provide the following:

   a) The support of the road and maintenance of any support structures. This agreement is to indemnify the City of Melbourne against any claims on the matter. The agreement must also contain such other conditions as may be required by the City of Melbourne’s Manager Engineering Services and Chief Legal Counsel.

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.
8. Prior to the commencement of development, that part of Pender Alley which is a Private Lane, south of the subject site must be declared a Public Highway. This portion of Pender Alley must be reconstructed (including provision of drainage, public lighting etc.) in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.

9. Prior to the commencement of development, the legal process for the closure of Rose Lane to vehicular traffic must be completed. Alternatively, if Rose Lane is not to be closed to vehicular traffic the entry to the apartments must be relocated from Rose Lane to Lonsdale Street.

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

11. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lanes. The approved works must not result in structures that encroach onto any Council lane.

12. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.

13. Prior to the commencement of development a Water Sensitive Urban Design Response in accordance with Clause 22.23-4 of the Melbourne Planning Scheme must be submitted to and approved by the Responsible Authority.

14. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the City of Melbourne - Engineering Services.

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

16. All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Rose Lane must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.

17. Pender Alley must be reconstructed together with associated works including the extension of the existing drainage and the reconstruction or relocation of services as necessary at the cost of the developer in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.

18. The footpath adjoining the site along Lonsdale Street must be reconstructed in sawn bluestone together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne - Engineering Services.

19. Existing street levels in Lonsdale Street, Rose Lane and Pender Alley must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne - Engineering Services.

20. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne - Engineering Services.

21. Removable bollards must not be installed in Rose Lane without prior approval from the City of Melbourne – Engineering Services.
22. The vehicle lifts must operate at a speed of 1.0m/s unless with the written consent of the Responsible Authority.

23. Car spaces and storage lots may only be used by occupiers of the subject site.

24. All bicycle spaces must be designed in accordance with the relevant Australian Standards/Bicycle Network requirements to the satisfaction of the Responsible Authority.

25. Prior to the commencement of the development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

26. Prior to the commencement of the development, wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees. The report should be in the form of an addendum to the report by Mel Consultants dated April 2014 and should address the following matters:

- Wind impacts within Pender Alley.
- Provision of diagrams for all tested locations.
- Confirm that the extent of the canopy to 617 Lonsdale Street shown on page 15 of the report by Mel Consultants matches that shown on the endorsed plans for the building.

27. Prior to the commencement of the development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses. This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. The assessment must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development (excluding demolition). The CEA must include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

Prior to the occupation of the building, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or

b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

28. Noise attenuation measures designed by a recognised acoustic consultant must be included in the building to ensure that the maximum noise level does not exceed 45dB in habitable rooms with windows closed when music noise is emitted from the stadium in the Docklands Area, to the satisfaction of the Responsible Authority. The recommendations contained in the acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s).

29. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:

a) A 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.

b) 5 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Retail Centre rating tool or equivalent.

c) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Multi Unit Residential rating tool or equivalent.
30. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared in response to condition 28 for the development must be implemented prior to occupancy at no cost to the Responsible Authority and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

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

32. No architectural features, plant and equipment or services (including air conditioning condensers) other than those shown on the endorsed plans are permitted, unless with the prior written consent of the Responsible Authority.

33. Any satellite dishes, antennae or similar structures must be designed and located at a single point to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.

34. Mailboxes and newspaper receptacles must be provided prior to the occupation of the building, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.

35. All service pipes, apart from roof downpipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

36. This permit will expire if one of the following circumstances applies:

   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

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

**NOTES**

The City of Melbourne will not change on-street parking restrictions to accommodate the needs of this development. Developments in this area are not entitled to resident parking permits. Therefore residents/occupants of this building will not be eligible to receive parking permits and will not be exempt from on-street parking restrictions.

Prospective purchasers of apartments which have been allocated small car spaces must be advised that the car spaces are small, prior to purchase.

The proposed crossover is located close to an existing bus bay. Any change to the location of the bus bay requires the approval of Public Transport Victoria and the City of Melbourne – Engineering Services.
The developer must fund all costs incurred as part of the process to close Rose Lane to vehicular traffic. An alternative to the closure process is laneway discontinuance. The City of Melbourne has not made a decision as to whether it will support either of these options.

Any requirement to temporarily relocate and/or remove street furniture must first be approved by the City of Melbourne – Engineering Services.

All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne – Engineering Services.

All necessary approvals and permits for works beyond the boundaries of the subject site are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the City of Melbourne- Engineering Services.

Any future plan of subdivision must show storage spaces behind car spaces as being linked to the car space.

At the time of subdivision a Rose Lane address will be allotted to all apartments.

Note: The permitted development has not been assessed against the Building Regulations 2006, Part 5, Division 2 – Projections. It is the responsibility of the Relevant Building Surveyor to make such an assessment prior to issuing a Building Permit. Matters that do not meet the requirements of the Regulations require the Report and Consent of Council prior to a building permit being issued.

Signature:      Date:
Stephen Vecris
Senior Planning Officer