

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Planning Permit Application: TP-2017-395
137-157 Adderley Street, West Melbourne**

16 October 2018

Presenter: Evan Counsel, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning application seeking approval for buildings and works for a seven storey residential building plus two basement levels and rooftop terrace at 137-157 Adderley Street, West Melbourne (refer Attachment 2, Locality Plan).
2. The applicant is Aust Landing Group Pty Ltd c/o Urbis Pty Ltd, the owner is Aust Landing Group Pty Ltd and the architect is The Buchan Group Melbourne Pty Ltd.
3. The land is located within the Mixed Use Zone (MUZ) and is affected by the Design and Development Overlay Schedule 29 (DDO29). DDO29 outlines a discretionary maximum building height of four storeys.
4. The site is also affected by proposed Melbourne Planning Scheme Amendment C309 - West Melbourne Structure Plan which seeks to rezone the site from Mixed Use Zone to Special Use Zone and outlines site specific built form controls. The amendment is currently with the Minister for Planning seeking authorisation to exhibit.
5. Public notice of the original application and the Section 57A amended application was undertaken and a total of 65 objections have been received.

Key issues

6. Key issues for consideration are height, scale and design; amenity impacts and equitable development; Clause 58 (Better Apartments Design Standards - BADS); parking, loading, traffic and waste; and environmentally sustainable design.
7. While the development exceeds the preferred maximum building height in DDO29, it responds to the site and its context and achieves the design objectives and built form outcomes of DDO29.
8. The development will not unreasonably impact the amenity or equitable development of the adjoining property, subject to conditions to limit overlooking.
9. The development generally complies with the objectives and standards of Clause 58. Conditions are recommended to delete dwelling nos. 17, 115, 215 and 315 and consolidate the communal open space on the upper ground floor adjoining the southwest boundary. This change will remove the compromised dwellings with no visual connection to the external environment, improve the light and outlook of the single-aspect southwest-facing dwellings, and improve the practicality and attractiveness of the communal open space on the upper ground floor.
10. The development satisfies car and bicycle parking requirements. Engineering Services has no objection to the access and layout of the parking and loading facilities and the traffic impacts.

Recommendation from management

11. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to the conditions set out in the Delegate Report (refer Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 56)
2. Locality Plan (Page 3 of 56)
3. Plans (Page 4 of 56)
4. Delegate Report (Page 28 of 56)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987 (Act)* sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

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

Conflict of interest

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

Occupational Health and Safety

5. In assessing this application, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

6. Public notice of both the original submission and the Section 57A amended application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act 1987.

Relation to Council policy

7. Relevant Council policies are discussed in the Delegate Report (refer Attachment 4).

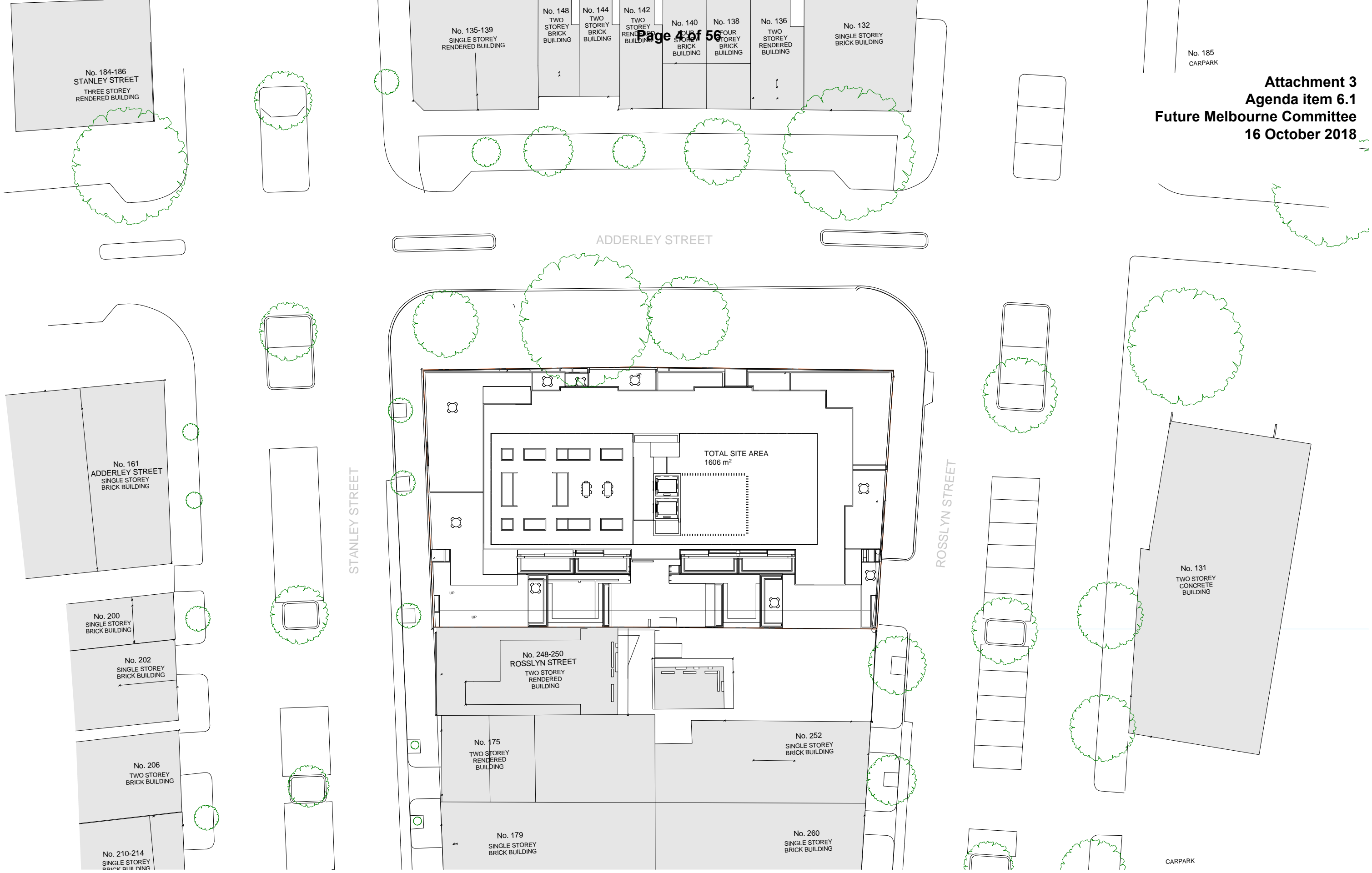
Environmental sustainability

8. Conditions requiring implementation of the sustainability management plan and water sensitive urban design response are recommended, in accordance with Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).

Locality Plan

137-157 Adderley Street, West Melbourne





ADDERLEY STREET APARTMENTS

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SITE PLAN

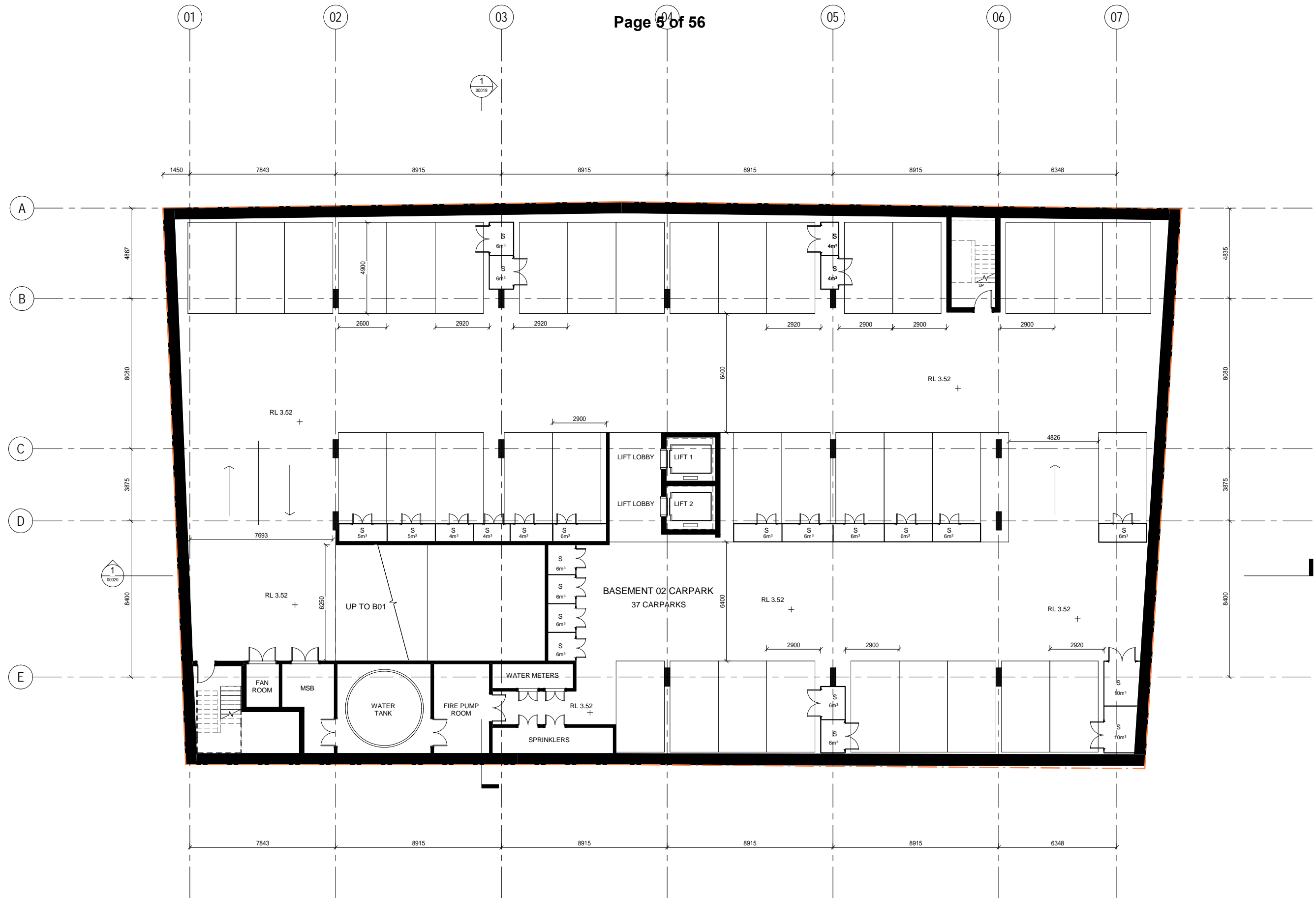
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NOTE: ALL PARKING SPACES ARE 2.6M WIDE X 4.9M LONG AND MINIMUM 300MM FROM ADJACENT WALLS

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BASEMENT 02

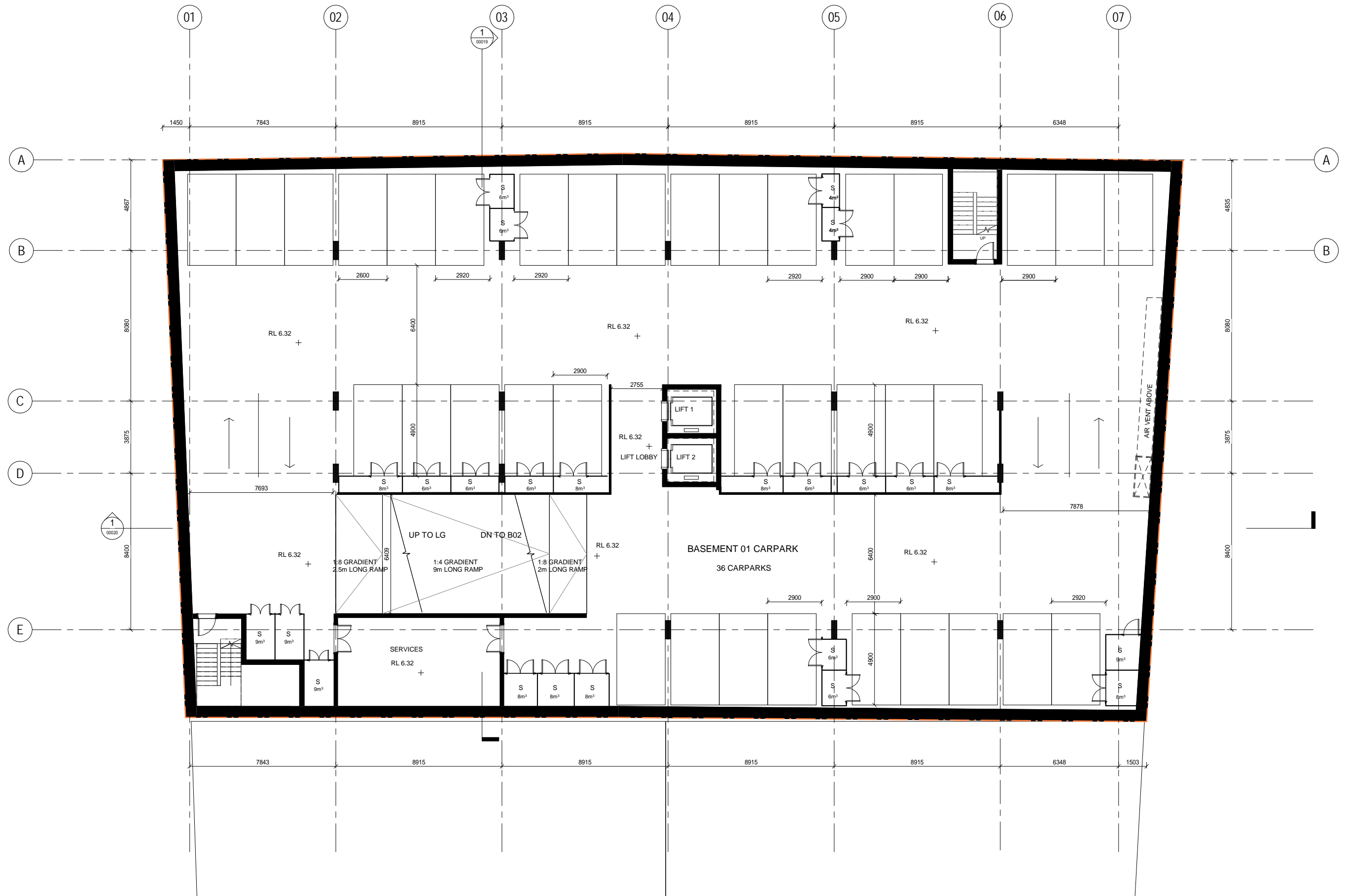
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BASEMENT 01

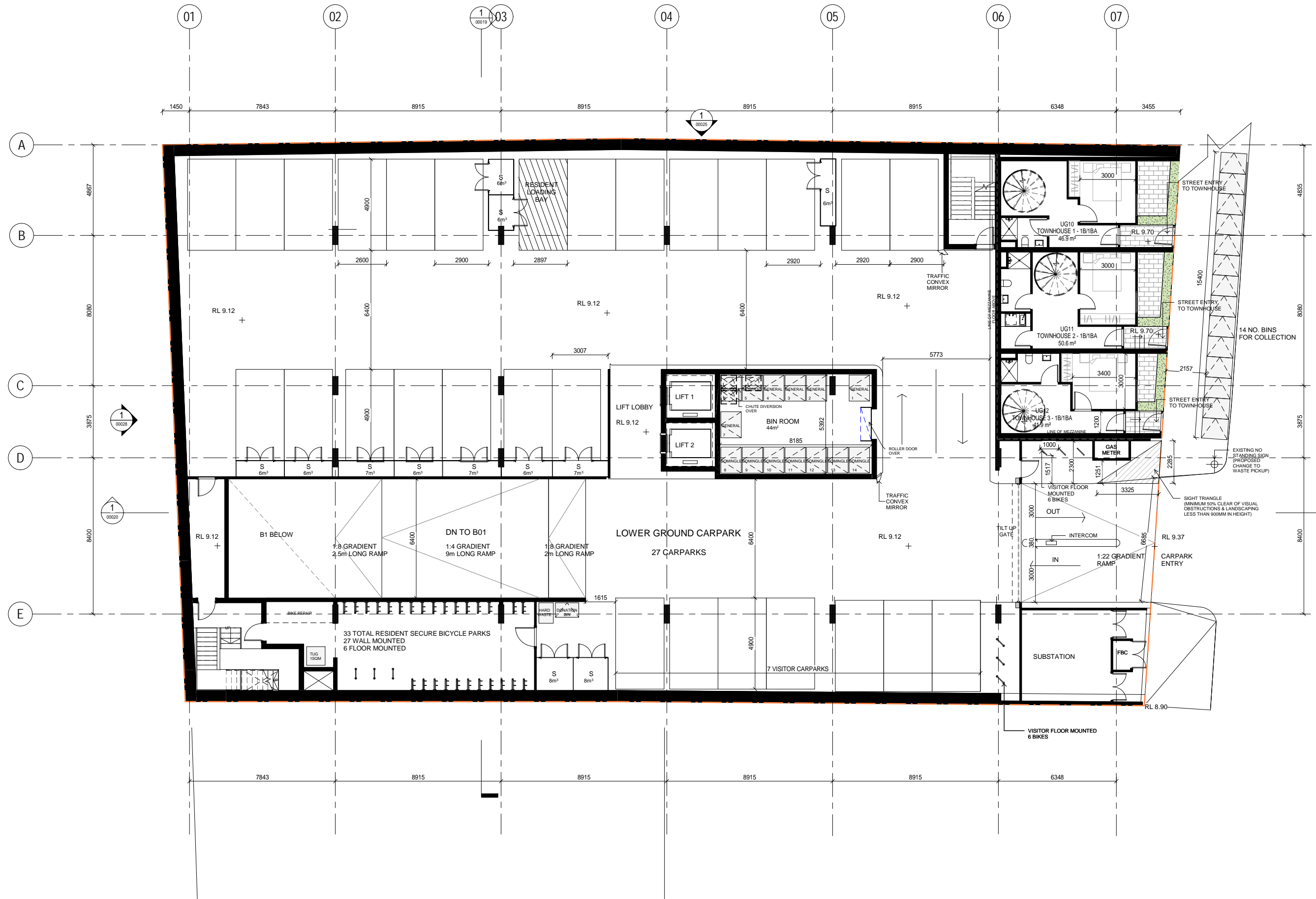
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LOWER GROUND & MEZZANINE

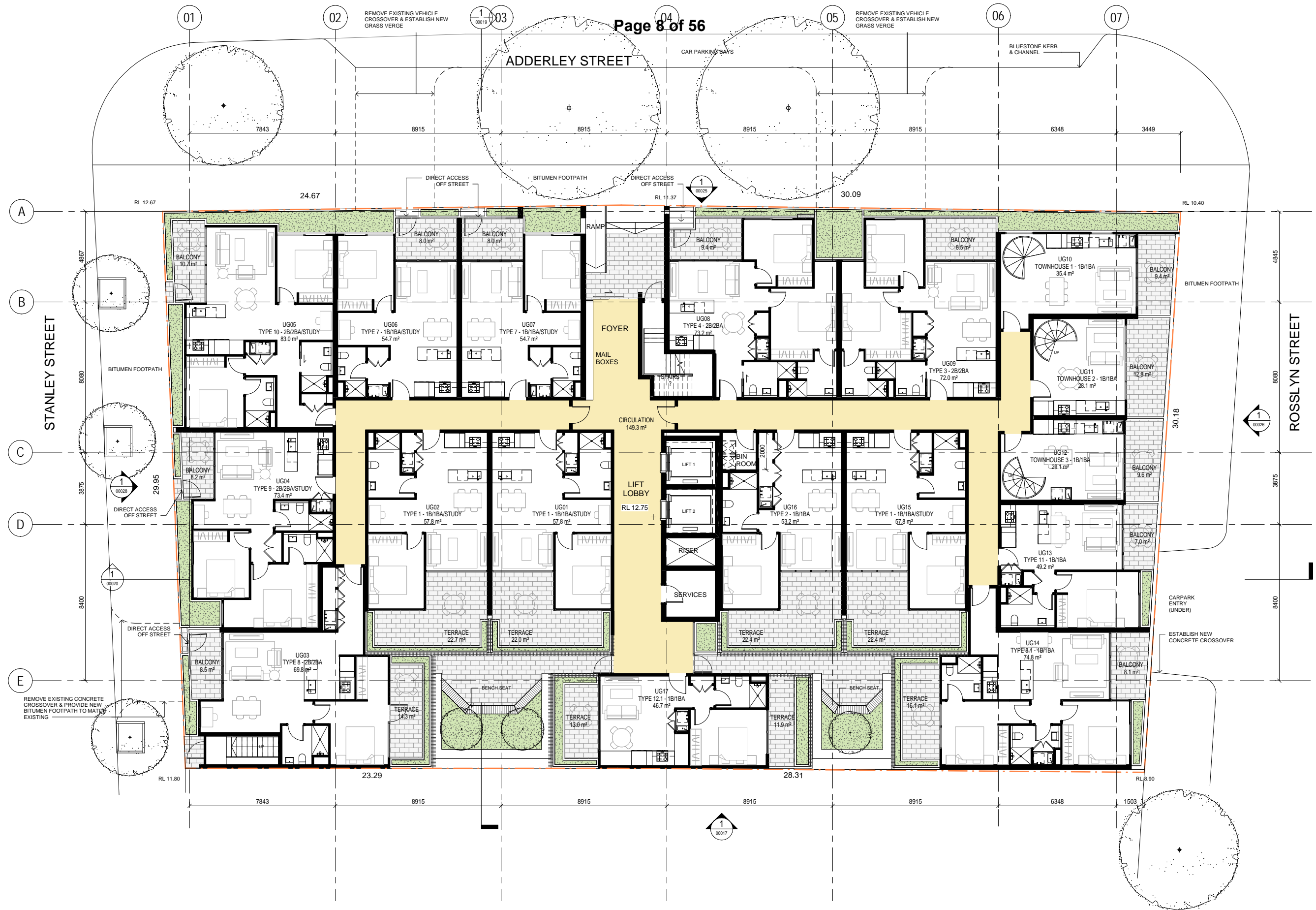
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UPPER GROUND FLOOR

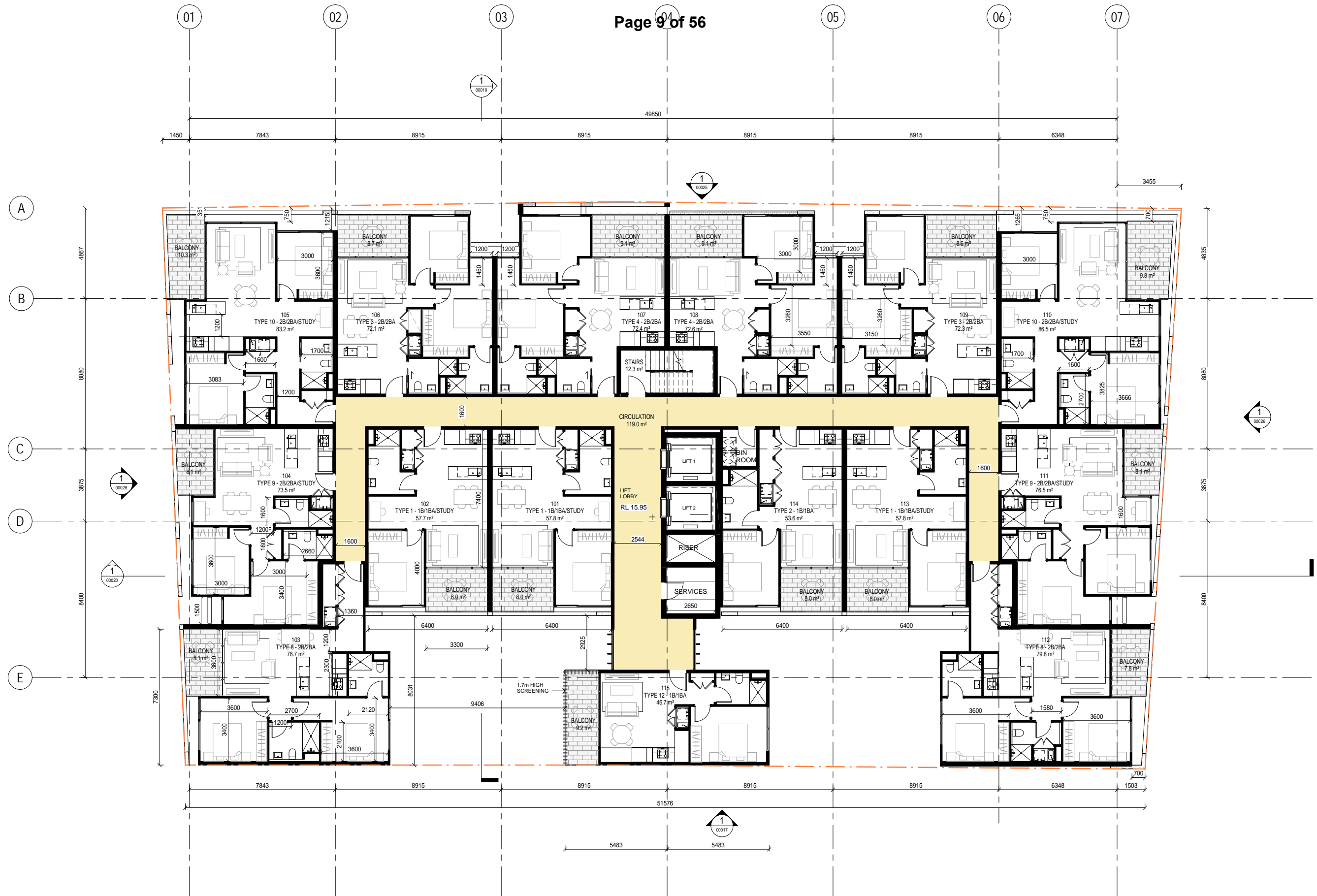
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LEVEL 01

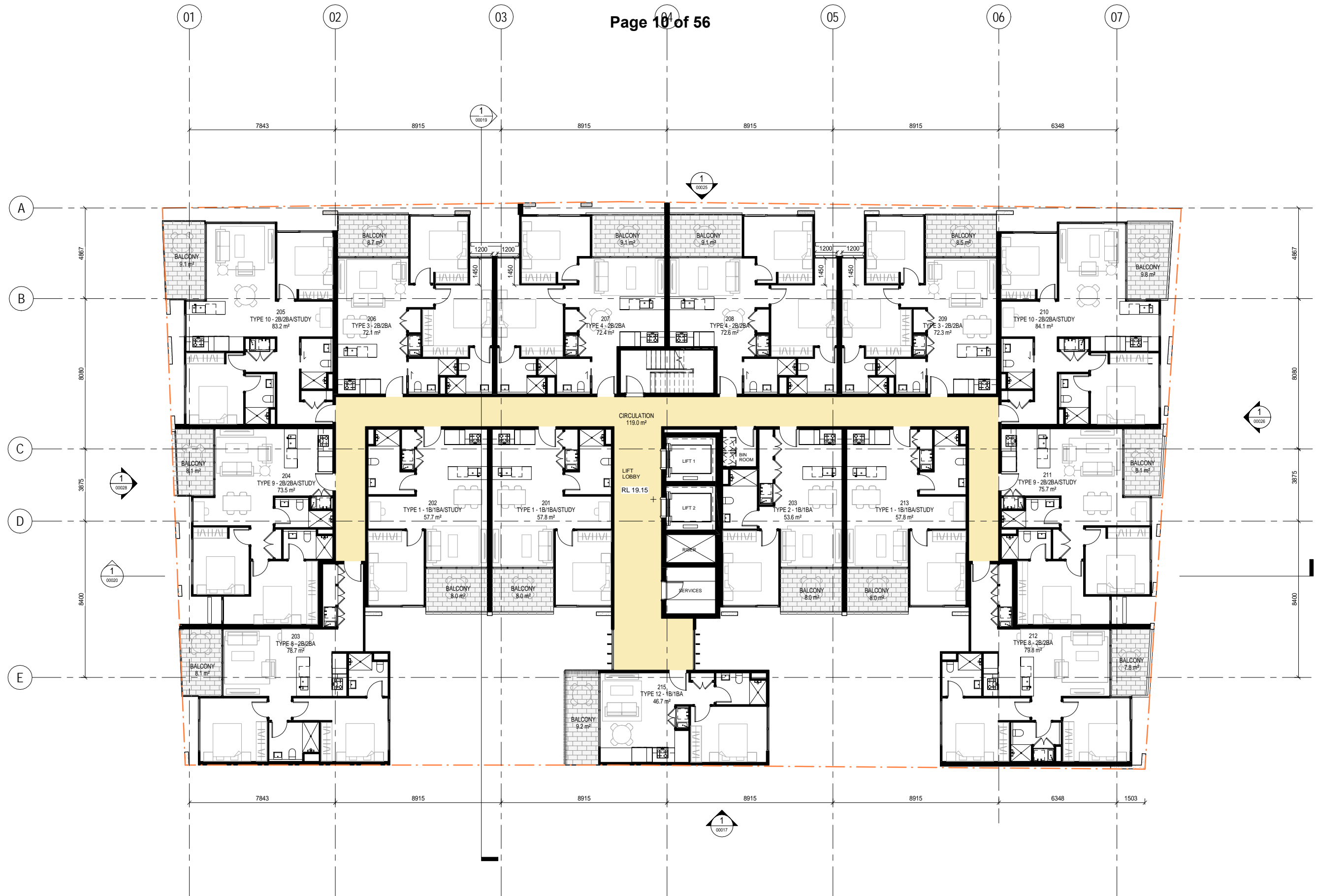
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LEVEL 02

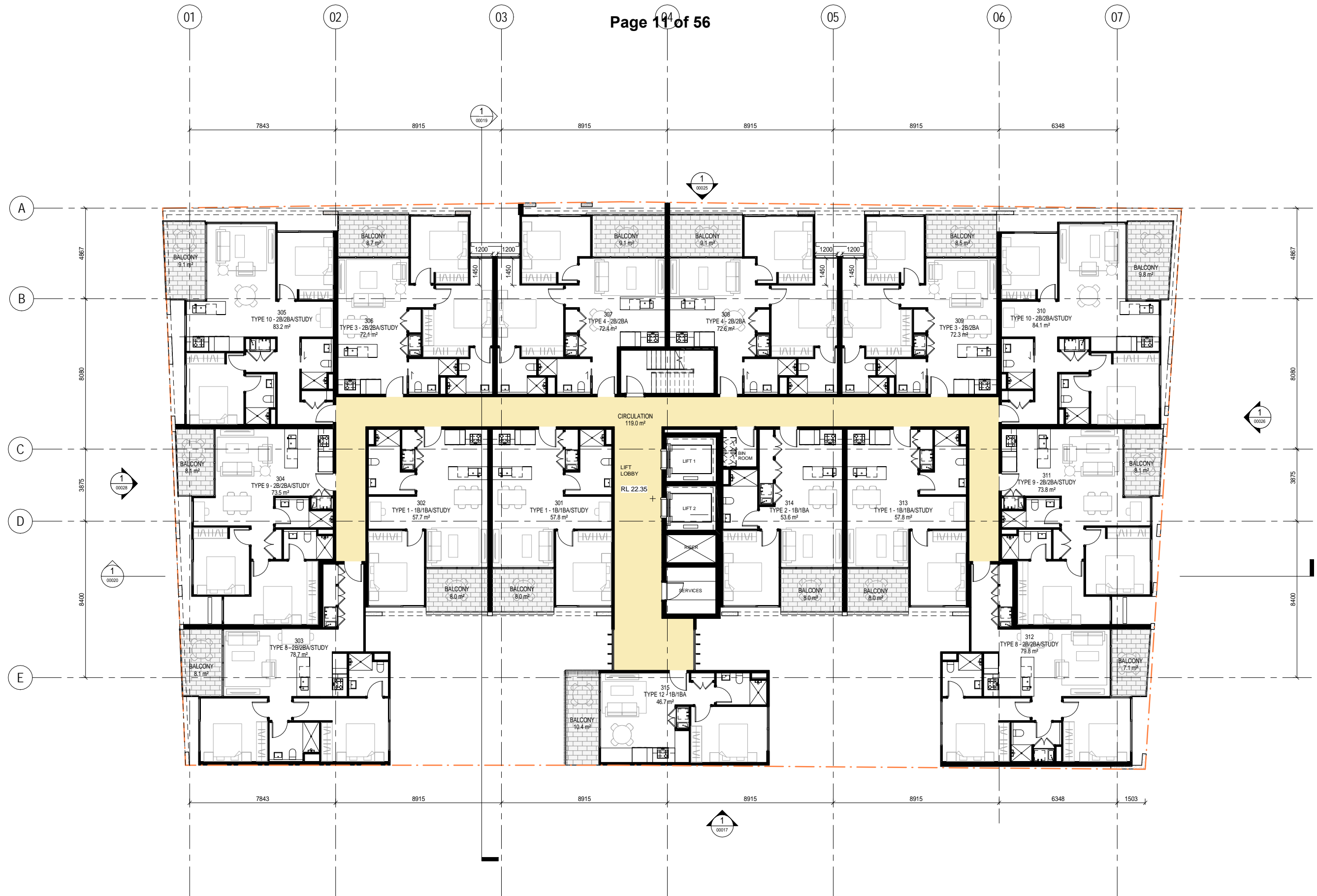
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LEVEL 03

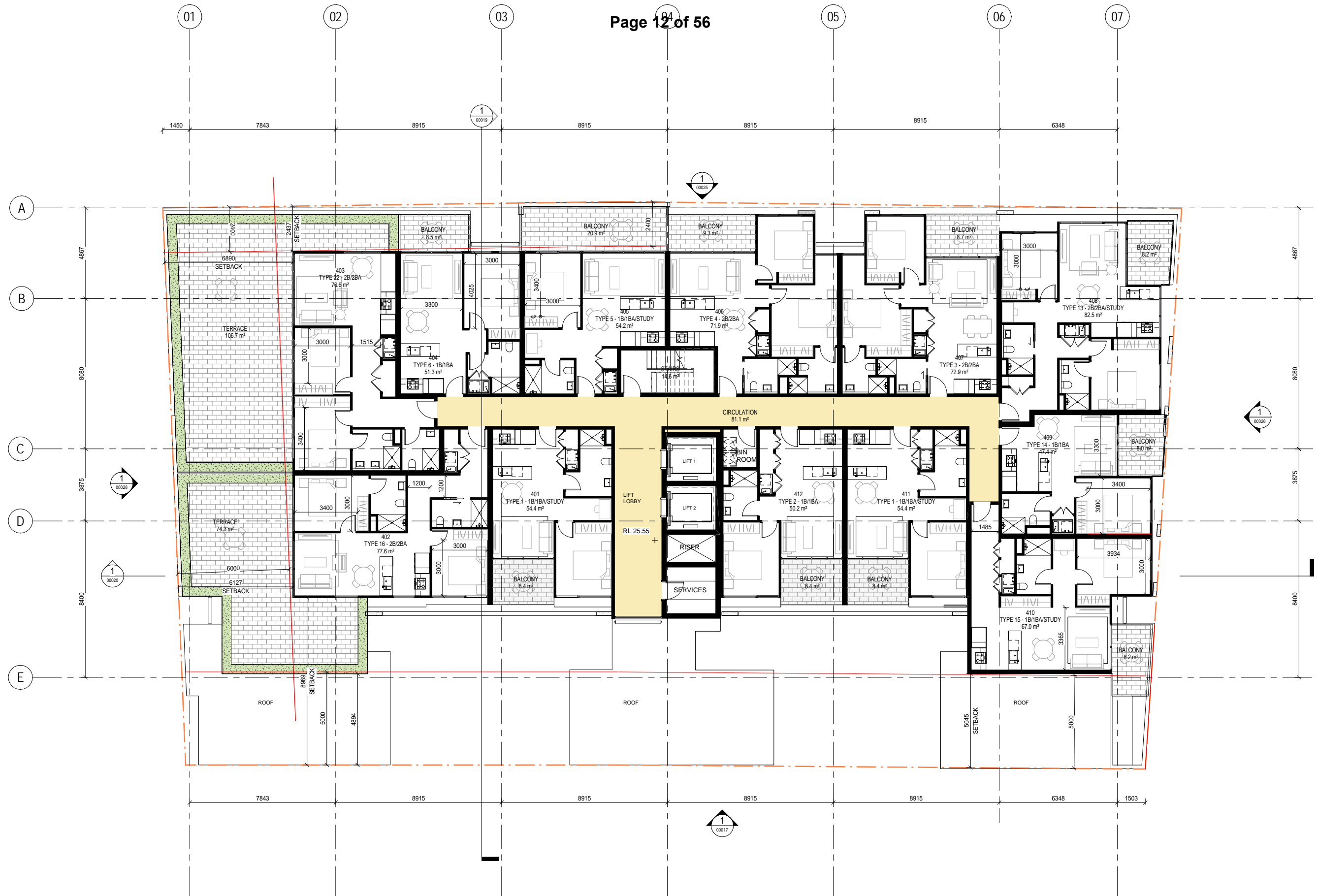
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LEVEL 04

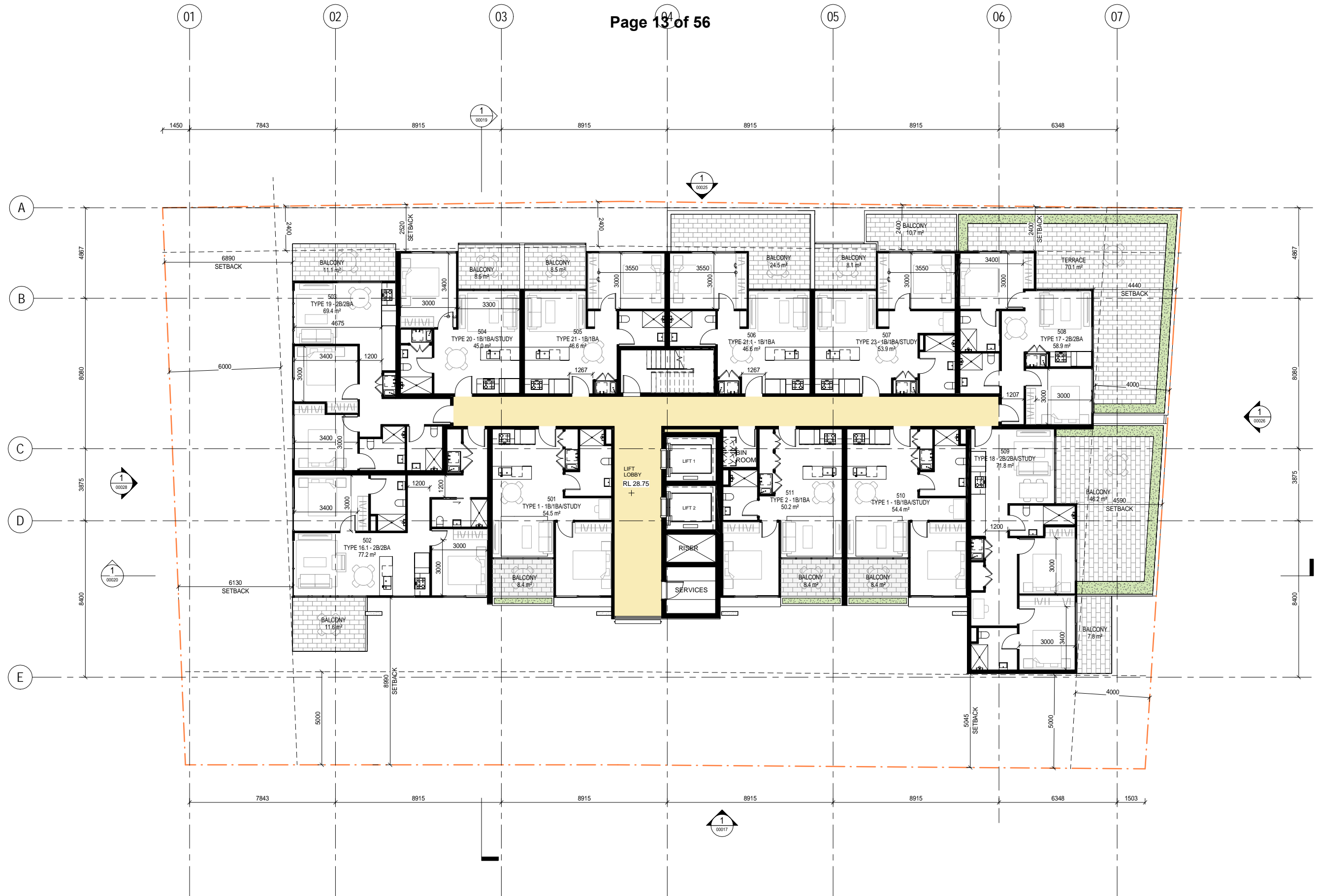
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LEVEL 05

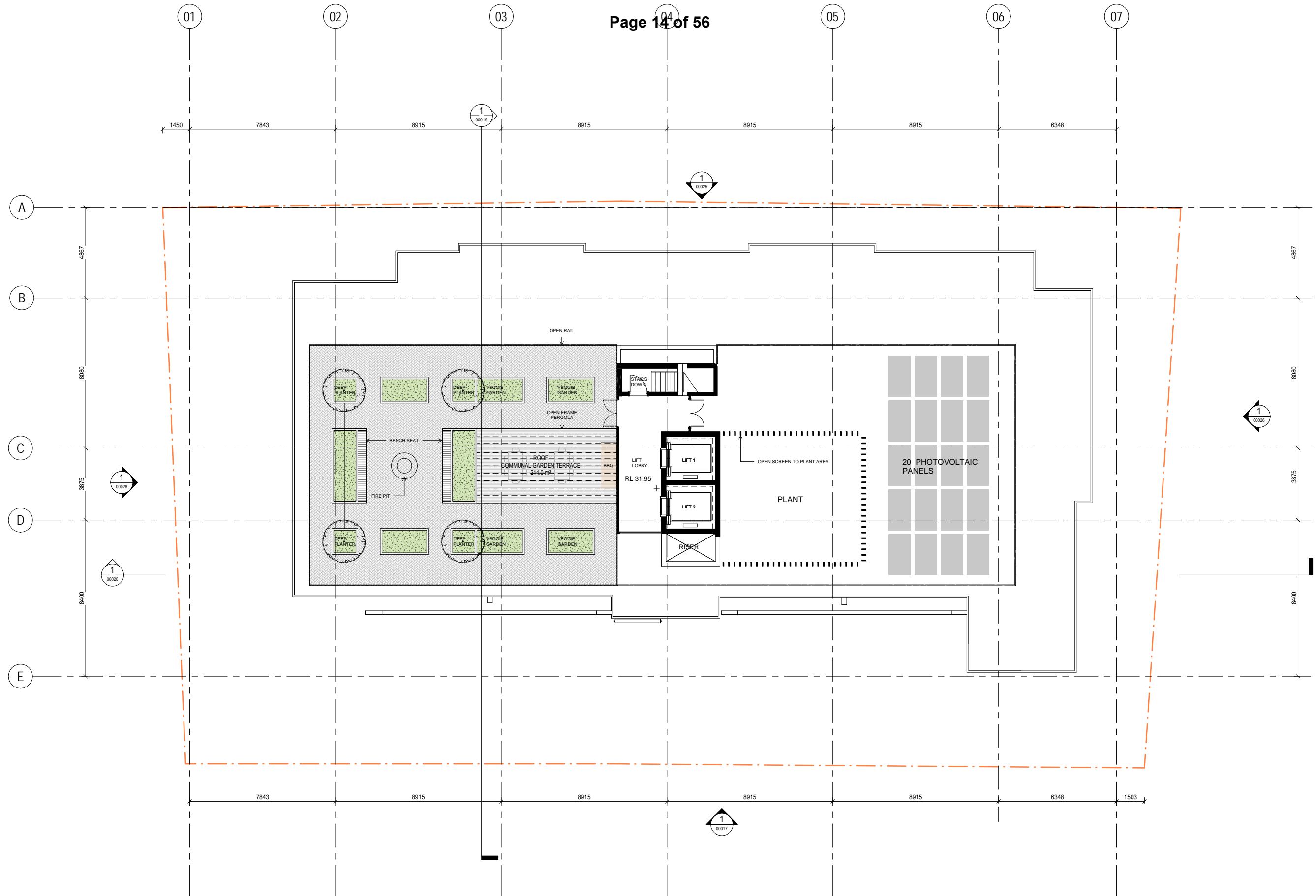
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ROOF PLAN

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ATP-00011

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MATERIALS LEGEND - REFER ATP 00060 FOR PHOTOS

- PC01 Natural Precast Concrete
- PC02 White Painted Precast Concrete
- REN01 Bluestone Look Textured Render
- BR01 Common Red Brick
- BR02 Thin Slate Grey Brick
- BR03 Feature 3D Pattern Brick
- BR04 Brown Brick
- GL01 Clear Window Glazing & Glass Balustrade
- GL02 Tinted Grey Reflective Window Glazing
- LV01 Tinted Glass Shading Louvres
- MET01 Wrought Iron Metal Balustrade



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ADDERLEY ST ELEVATION

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MATERIALS LEGEND - REFER ATP 00060 FOR PHOTOS

- PC01 Natural Precast Concrete
- PC02 White Painted Precast Concrete
- REN01 Bluestone Look Textured Render
- BR01 Common Red Brick
- BR02 Thin Slate Grey Brick
- BR03 Feature 3D Pattern Brick
- BR04 Brown Brick
- GL01 Clear Window Glazing & Glass Balustrade
- GL02 Tinted Grey Reflective Window Glazing
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ROSSLYN ST ELEVATION

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ATP-00016

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MATERIALS LEGEND - REFER ATP 00060 FOR PHOTOS

- (PC01) Natural Precast Concrete
- (PC02) White Painted Precast Concrete
- (REN01) Bluestone Look Textured Render
- (BR01) Common Red Brick
- (BR02) Thin Slate Grey Brick
- (BR03) Feature 3D Pattern Brick
- (BR04) Brown Brick
- (GL01) Clear Window Glazing & Glass Balustrade
- (GL02) Tinted Grey Reflective Window Glazing
- (LV01) Tinted Glass Shading Louvres
- (MET01) Wrought Iron Metal Balustrade



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BOUNDARY ELEVATION

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MATERIALS LEGEND - REFER ATP 00060 FOR PHOTOS

- PC01 Natural Precast Concrete
- PC02 White Painted Precast Concrete
- REN01 Bluestone Look Textured Render
- BR01 Common Red Brick
- BR02 Thin Slate Grey Brick
- BR03 Feature 3D Pattern Brick
- BR04 Brown Brick
- GL01 Clear Window Glazing & Glass Balustrade
- GL02 Tinted Grey Reflective Window Glazing
- LV01 Tinted Glass Shading Louvres
- MET01 Wrought Iron Metal Balustrade



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STANLEY ST ELEVATION

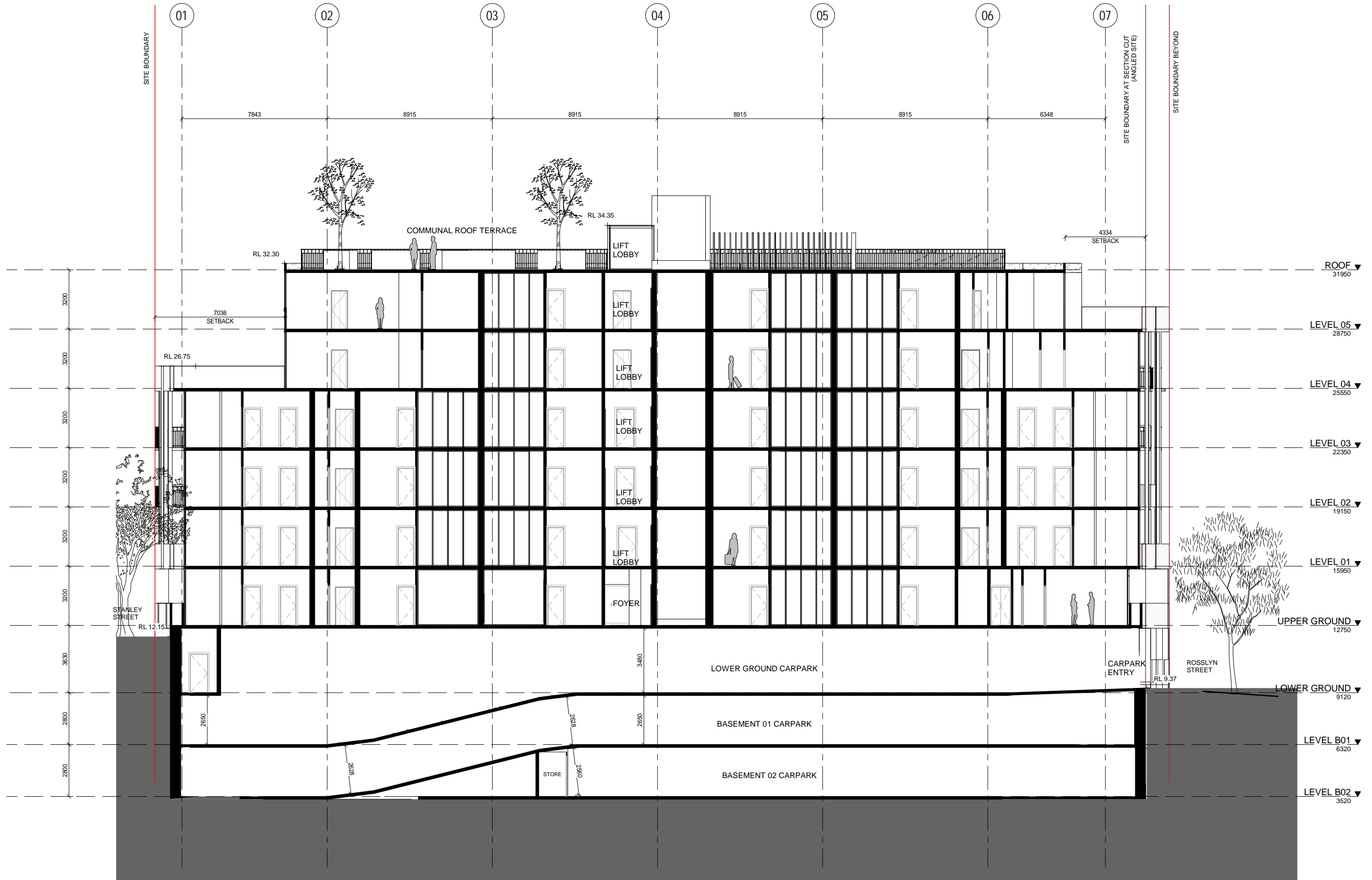
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SECTION BB

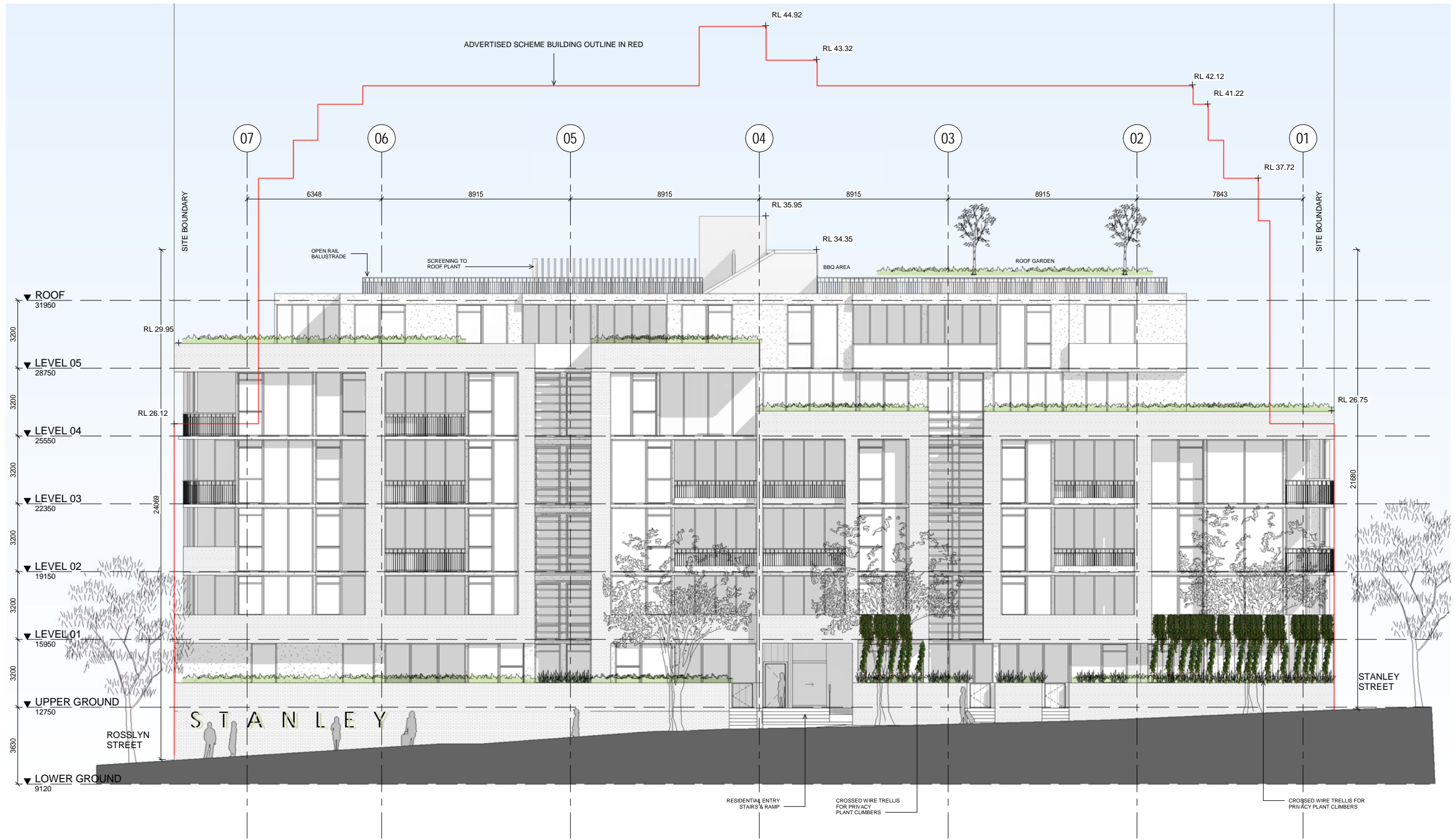
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1 ADDERLEY ST ELEVATION - SUBMITTED BUILDING COMPARISON
00004 SCALE 1 : 100

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ADDERLEY ST ELEVATION - SUBMITTED BUILDING COMPARISON

ATP-00025

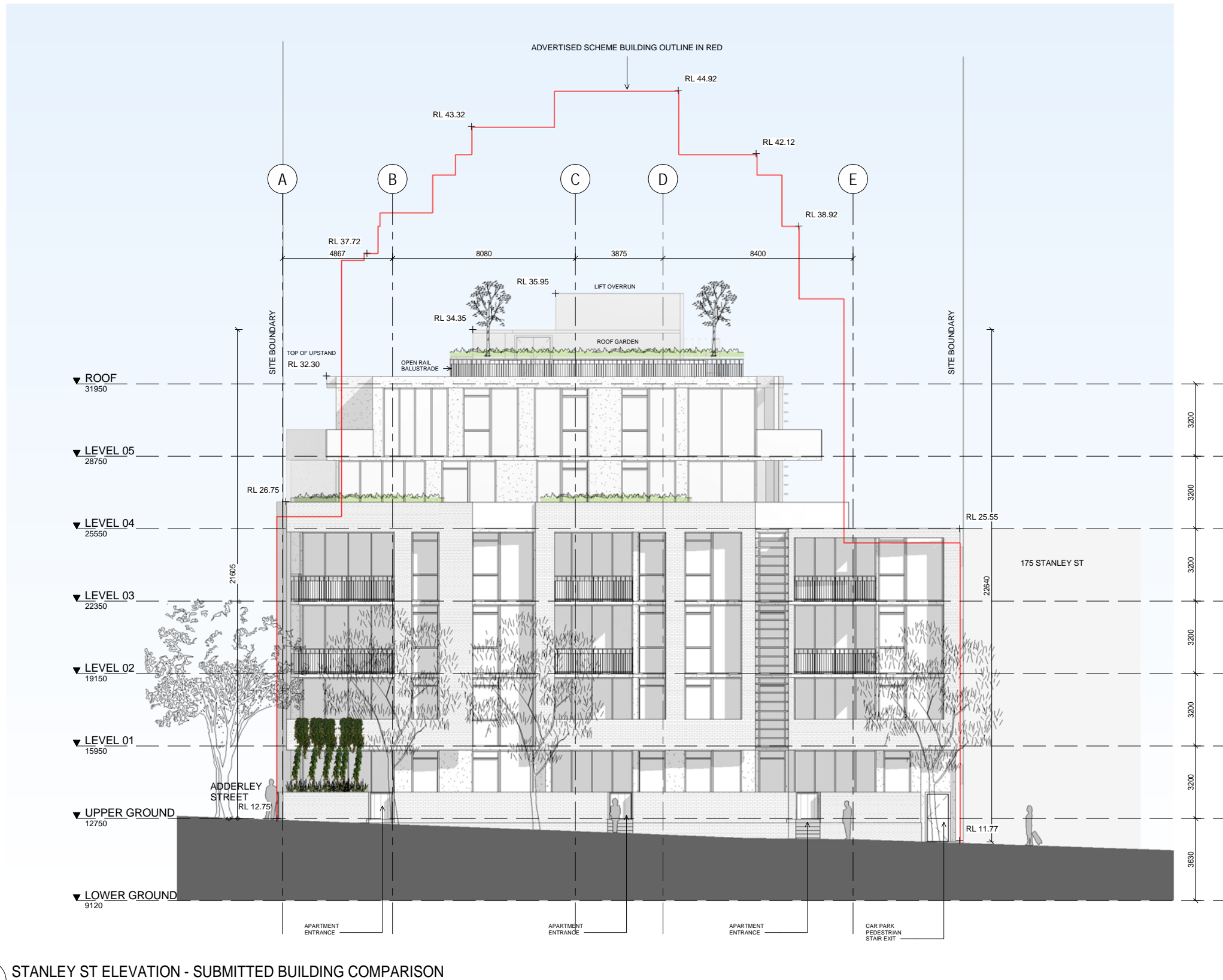
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1 ROSSLYN ST ELEVATION - SUBMITTED BUILDING COMPARISON
00005 SCALE 1:100





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STANLEY ST ELEVATION - SUBMITTED BUILDING COMPARISON

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REN01 - Bluestone Look Textured Render

MET01 - Wrought Iron Balustrade



BR01 - Brick - Red Brick



BR02 - Brick - Thin Slate Grey Brick

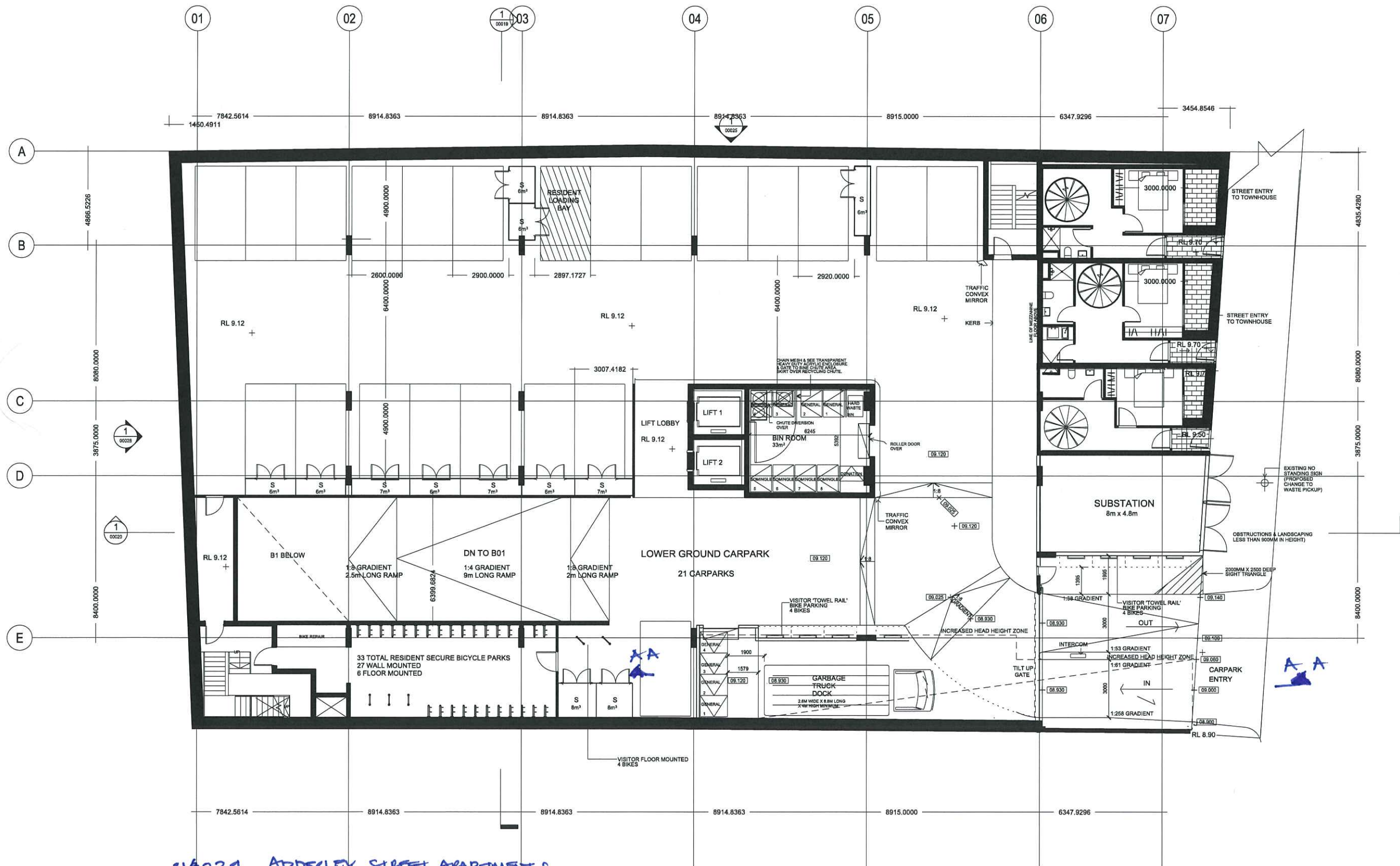


BR04 - Brick - Muted Brown Brick

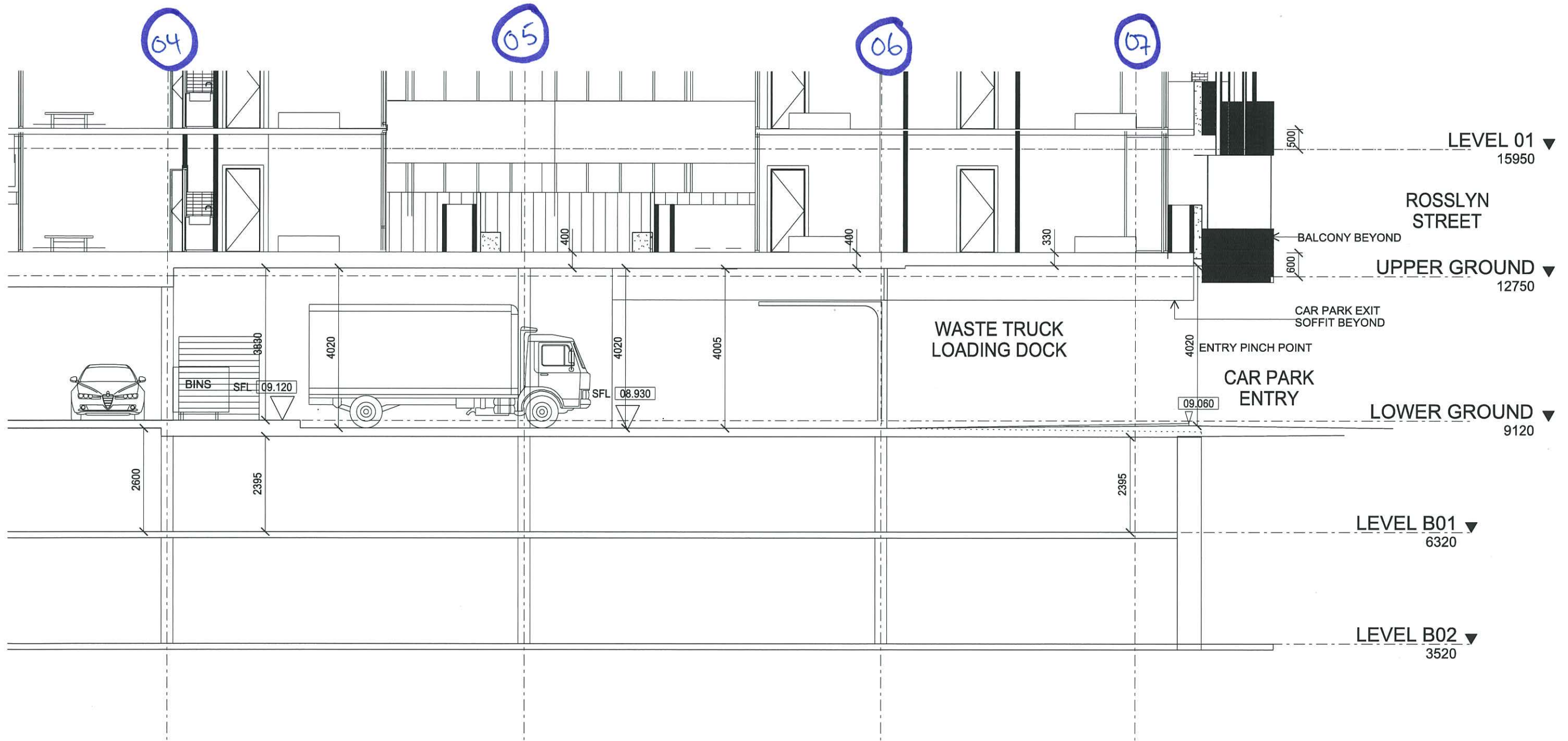


BR03 - Feature 3D Projecting Pattern Brickwork





316031 ADDERLEY STREET APARTMENTS,
LOWER AND GROUND MEZZ PLAN
PROPOSED WASTE TRUCK LOCATION.
TB4 02/10/18
1:200@A3



316039 ADDERLEY ST APARTMENTS

SECTION A-A

PROPOSED WASTE TRUCK LOCATION

TB4 02/10/18

1:100 @ A3

DELEGATE REPORT

Application number:	TP-2017-395
Applicant / Owner / Architect:	Aust Landing Group Pty Ltd c/o Urbis Pty Ltd / Aust Landing Group Pty Ltd / The Buchan Group Melbourne Pty Ltd
Address:	137-157 Adderley Street, West Melbourne
Proposal:	Buildings and works for a seven storey residential building plus two basement levels and rooftop terrace
Cost of works:	\$25 million
Date of original submission:	26 May 2017
Date of amended application:	4 June 2018
Responsible officer:	Ashley Treloar

1 SUBJECT SITE AND SURROUNDS**1.1 Site**

The subject site has a rectangular shape with a 54.76m frontage to Adderley Street, a 29.95m frontage to Stanley Street and a 30.18m frontage to Rosslyn Street. The site has a total area of approximately 1,606m² and a fall of approximately 3m from northeast to southwest.

The site is developed with one and two storey buildings previously used for commercial and light industrial purposes. Vehicle access is provided via existing crossovers on all street frontages. Car parking is provided at-grade in the southwest corner of the site and in the basement.

The site is formally described as:

- Lot 1 on Title Plan 756749H. Volume 08326 Folio 990.
- Lots 1 and 2 on Title Plan 760456A. Volume 03526 Folio 076.
- Crown Allotment 3 Section 96 at West Melbourne City of Melbourne Parish of Melbourne North. Volume 09691 Folio 415.

The site is not affected by any easements or restrictive covenants.

1.2 Adjoining properties

To the southwest, 248-250 Rosslyn Street is developed with a three storey building that contains warehouses and a dwelling. The building fronts Stanley Street and has parking and loading off Rosslyn Street.

1.3 Surrounds

The surrounding area comprises a mix of residential, commercial and industrial uses.

The built form includes terraces, townhouses, apartment developments and commercial buildings of different styles and eras, ranging from one to six storeys.

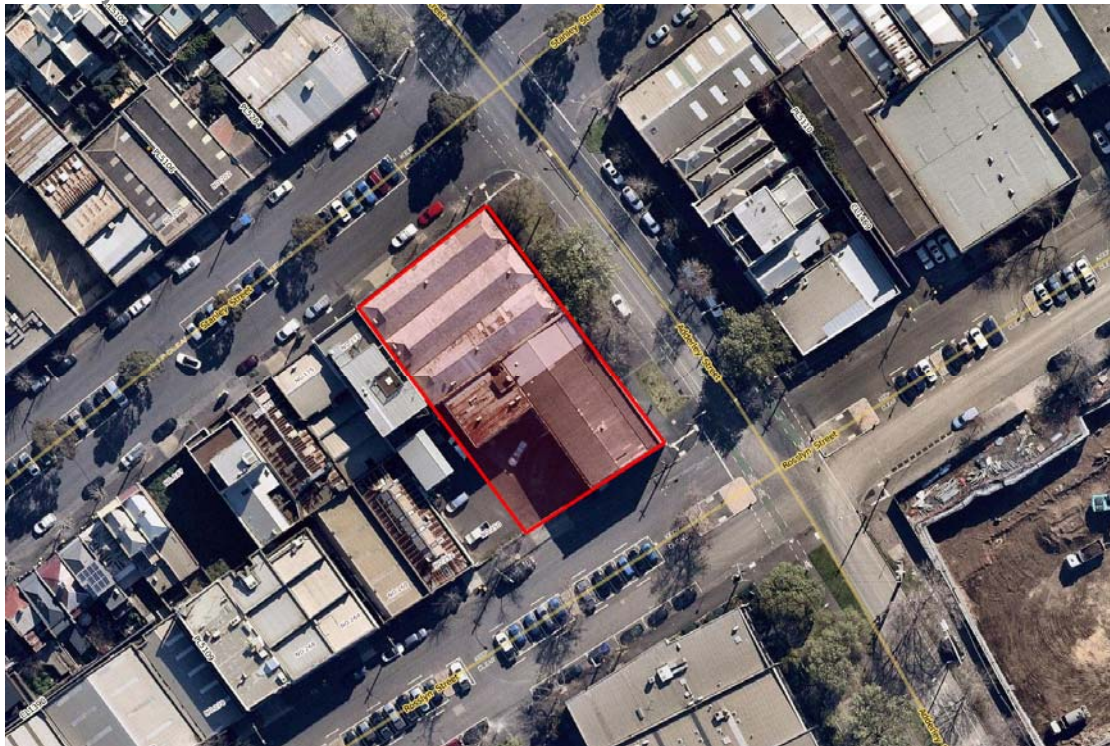
The former Australia Post site at 185 Rosslyn Street is located to the southeast and is currently being developed with five multi-storey mixed-use buildings, including dwellings, residential hotel, shops (including supermarket), medical centre and food and drink premises (excluding tavern) (Ministerial Permit No. 2014002550).

The surrounding streets feature public trees and grassed medians and nature strips.

Adderley Street has a 30m wide road reserve with one lane of traffic in each direction, dedicated bicycle lanes and kerbside parking subject to restrictions.

Stanley Street and Rosslyn Street have 30m wide road reserves with one lane of traffic in each direction, kerbside and centre median parking subject to restrictions.

Locality Plan



(Council's GIS, aerial photograph dated 23 August 2018)

2 BACKGROUND AND HISTORY

2.1 Planning application history

The following planning application history is relevant to the subject site.

Application	Description	Decision & Date
TP-2014-1093	Construction of an eight-storey residential building and a reduction of car parking	Refused 6/5/2016
TP-2002-229	Construction of an eight-storey residential building and a reduction of car parking	Refused 28/11/2002 VCAT Ref. P1653/2002

2.2 Planning application background

The application was formally amended on the 4 June 2018 in response to concerns raised by the objectors and Council's urban planners.

The key changes between the original submission and amended application are:

	Original submission	Amended application
GFA	15,554.9m ²	12,699.4m ²
Building height	29.43m above natural ground level as measured from the centre of the Adderley Street frontage, excluding architectural features and building services	20.51m above natural ground level as measured from the centre of the Adderley Street frontage, excluding architectural features and building services
Number of storeys	10 storeys plus three basement levels and rooftop terrace	Seven storeys plus two basement levels and rooftop terrace
Stanley Street wall height	13.37m at Adderley St corner; 13.15m at northwest corner	14m at Adderley Street corner; 13.78m at northwest corner
Stanley Street upper level setbacks	3.35m to 3.77m	6.13m to 6.89m
Adderley Street wall height	13.37m at Stanley St corner; 15.89m at Rosslyn St corner	14.08m at Stanley St corner; 19.67m at Rosslyn St corner
Adderley Street upper level setbacks	2.95m to 3.81m	2.40m to 2.52m
Rosslyn Street wall height	15.89m at Adderley St corner; 16.02m at southwest corner	19.72m at Adderley St corner; 17.63m at southwest corner
Rosslyn Street upper level setbacks	3.52m to 3.80m	4.00m to 4.59m
Southwest boundary wall	13.15m at Stanley St corner; 16.02m at Rosslyn St corner	13.78m at Stanley St corner; 17.63m at Rosslyn St corner
Southwest upper level setbacks	5.06m to 8.99m	5.00m to 8.99m
Dwelling mix	One-bedroom: 57 (51%) Two-bedroom: 55 (49%) Total: 112	One-bedroom: 41 (48%) Two-bedroom: 44 (52%) Total: 85
Rooftop terrace	223m ²	214m ²
Car parking	Resident: 92 Visitor: 10 Total: 102	Resident: 93 Visitor: 7 Total: 100
Bicycle parking	Resident: 28 Visitor: 12 40	Resident: 33 Visitor: 12 Total: 45
Storage cages	67	50

A **without prejudice** [EC1] Waste Management Plan by RB Waste Consulting Services dated 26 September 2018 was received 27 September 2018 and a without prejudice lower ground floor plan and section AA were received 3 October 2018.

The changes include:

- Relocation of the substation and vehicle access/egress on Rosslyn Street.

- Provision of a 2.6m wide x 8.8m long x 4m high loading bay for on-site garbage collection by Council MRV in the southwest corner of the site.
- The number of car parking spaces on the lower ground floor reduced from 27 to 21 (100 to 94 in total).

3 PROPOSAL

Details of the proposed development as shown on the amended plans received 4 June 2018 by The Buchan Group Melbourne Pty Ltd can be summarised as follows.

GFA	12,699.4m ²
Building height	20.51m above natural ground level as measured from the centre of the Adderley Street frontage, excluding architectural features and building services
Number of storeys	Seven-storeys plus two basement levels and rooftop terrace
Dwelling mix	One-bedroom: 41 (48%) Two-bedroom: 44 (52%) Total: 85
Rooftop terrace	214m ²
Car parking	100
Bicycle parking	45
Storage cages	50
Vehicle access/egress	Via a double width crossover on Rosslyn St
Loading/unloading	2.9m x 4.9m resident loading bay on lower ground

- Stanley Street has a four storey street wall.
- Adderley Street has a four storey street wall to the corner of Stanley Street and a six storey street wall to the corner of Rosslyn Street.
- Rosslyn Street has a six storey street wall to the corner of Adderley Street and a five-storey street wall adjoining 248-250 Rosslyn Street.
- The southwest boundary wall is four to five storeys and is punctuated by two lightwells.
- The upper level(s) are setback from all boundaries and are visually recessive.
- Vehicle access/egress is via a new crossover on Rosslyn Street. The existing crossovers will be closed and the kerb and channel made good.
- A substation is located in the southwest corner of the site adjoining the vehicle access/egress.
- The car park on the lower ground and basement levels accommodates various services and facilities, including car parking, bicycle parking, external storage, bin room and water tank.
- The apartments and townhouses on the ground floor have individual entrances from the street. A communal entrance is provided on Adderley Street.
- The building is served by a central lift core and stairwell.

- The development comprises 19 one-bedroom dwellings (22%), 22 one-bedroom plus study dwellings (26%) and 44 two-bedroom dwellings (52%). Each dwelling has a balcony or terrace with convenient access off the living room.
- Communal open space is provided on the rooftop terrace.
- The development is articulated by different setbacks, door and window openings, balconies and rooftop terraces and a complementary palette of external materials, including grey and brown brickwork, natural precast concrete, bluestone coloured render, clear and grey tinted glazing and wrought iron metal balustrades.

Adderley Street elevation



Southwest elevation



Stanley Street elevation



Rosslyn Street elevation



4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 13 – Environmental Risks and Amenity</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 16 – Housing</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.16 – Other Local Areas (North and West Melbourne)</p>
Local Planning Policies	<p>Clause 22.17 – Urban Design Outside the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management</p>

Statutory Controls	
<p>Clause 32.04</p> <p>Mixed Use Zone</p>	<p>Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot and residential buildings.</p> <p>An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay Schedule 29</p> <p>West Melbourne</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Buildings or works should not exceed a maximum building height of four-storeys.</p> <p>An application to exceed the maximum building height must demonstrate how the development will continue to achieve the design objectives and built form outcomes of this schedule and any local planning policy requirements.</p>

Particular Provisions	
<p>Clause 52.06</p> <p>Car Parking</p>	<p>Pursuant to Clause 52.06-5, the car parking rate for developments of five or more dwellings located within the Principal Public Transport Network is:</p> <ul style="list-style-type: none"> • 1 space to each 1 or 2 bedroom dwelling, plus • 2 spaces to each 3 or more bedroom dwelling <p>The development contains 85 one and two bedroom dwellings and provides 100 car parking spaces (an oversupply of 15), as such no permit is required under this clause.</p>
<p>Clause 52.34</p>	<p>Pursuant to Clause 52.34-5, the bicycle parking rate for developments of four or more storeys is:</p>

Bicycle Facilities	<ul style="list-style-type: none"> • 1 space to each 5 dwellings • 1 visitor space to each 10 dwellings <p>The development contains 85 dwellings and provides 45 bicycle parking spaces (an oversupply of 19), as such no permit is required under this clause.</p>
Clause 58 Apartment Developments	A development must meet all of the objectives and should meet all of the standards of this clause that apply to the application.

General Provisions	
Clause 65 Decision Guidelines	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.
Clause 66 Referral and Notice Provisions	Pursuant to Clause 66.02-11, an application to construct a building or construct or carry out works for a residential development comprising 60 or more dwellings must be referred to Transport for Victoria (determining authority).

4.1 Planning Scheme Amendments

C309 West Melbourne Structure Plan

The site is affected by Amendment C309 West Melbourne Structure Plan.

FMC endorsed the West Melbourne Structure Plan on the 6 February 2018 and authorised exhibition of Amendment C309 on the 17 April 2018.

The amendment is currently with the Minister for Planning for authorisation to exhibit.

In relation to the subject site, the amendment proposes:

- Special Use Zone 6
- Environmental Audit Overlay
- A new Design and Development Overlay Schedule 29
- Parking Overlay Schedule 14

The following aspects of the proposed amendment as it relates to this site are noted:

- 3:1 floor area ratio (mandatory)
- 6 storey maximum building height (preferred)
- Maximum 0.3 car parking spaces per dwelling

5 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the original submission and amended application was given by ordinary mail to the owners and occupiers of the surrounding properties and by erecting three notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

No objections were withdrawn in response to the amended application.

6 OBJECTIONS

A total of 65 objections were received, many of which were pro-forma.

The objections raised the following concerns (summarised):

- Overdevelopment and overintensification of the site.
- The height and scale of development dominates the surrounding streetscapes and fails to provide an appropriate graduation to the surrounding heritage buildings.
- The height and scale of development does not comply with Design and Development Overlay Schedule 29 (DDO29) and Amendment C309 West Melbourne Structure Plan.
- Poor activation at street level.
- The development will adversely affect the amenity of the surrounding dwellings by way of loss of light, outlook and privacy.
- The development does not provide for the equitable development of the adjoining property.
- Insufficient car parking.
- Substandard internal amenity.
- The development does not provide a mix of dwellings.
- The development will set an undesirable precedent for the local area.
- Noise from the rooftop terrace.
- Noise and general disruption during construction.

7 REFERRALS

7.1 Internal

7.1.1 Urban Design

The amended application was referred to Urban Design who advised that:

- The amended application has significantly improved from the excessive scale of the original submission and has engaged more successfully with the character of West Melbourne and the ambition of the Structure Plan.
- The built form is six storeys plus rooftop terrace for the most part with the upper levels setback from the street frontages.
- The project is supported subject to the following conditions:
 - At least one non-residential use (approx. 100 sqm) is introduced at the corner of Adderley Street and Rosslyn Street to respond to the Mixed Use context and the future urban village at West End.
 - Conversion of the lower ground floor bedrooms to Rosslyn Street into adaptable SOHOs to contribute to the economy of West Melbourne.
 - Deletion of the apartments 'suspended' within the courtyards with screened outlook. This change will remove the compromised apartments and open-up the courtyards.
 - Refine the roofscape to reduce the prominence of the lift projection and services.

- Resolve the recessed parking / service area with a flush treatment to Rosslyn Street.
- Provide 1:50 drawings and 1:20 sections of key moments along each street frontage with sufficient detail to describe the ground level interfaces.

7.1.2 Traffic

The amended application was referred to Traffic who advised that:

- Car and bicycle parking provision exceeds Clause 52.06 and Clause 52.34, post amendment VC148 gazetted 31 July 2018.
- The existing crossover on Rosslyn Street appears to serve the adjoining property (248-250 Rosslyn Street), however there is no easement on the title.
- Removal of the existing crossovers on Adderley Street and Stanley Street will result in approximately five additional on-street parking spaces.
- It is unclear how visitors are to gain access to the visitor spaces. The location of any intercom or access control should be noted on the plans.
- While there is no requirement to provide on-site loading, a 'resident loading bay' is provided on lower ground level. While the bay is unlikely to be of sufficient size to accommodate moving trucks, there is likely to be some demand for this facility.
- Traffic levels are unlikely to have any material impact on the operation of Rosslyn Street, Adderley Street or the wider road network.
- A note should be included on any permit advising that residents will not be eligible for parking permits.

The without prejudice lower ground floor plan and section AA received 3 October 2018 were referred to Traffic who advised that:

- Traffic has no objection to the access and layout of the loading bay for on-site waste collection subject to the following conditions:
 - The layout of the car park, including all spaces, accessways, ramps, grades, transitions, head clearances etc. should be designed in accordance with the relevant requirements of the MPS, AS/NZS 2890.1:2004 & AS2890.2-2002;
 - All doors should open inwards (not over the footpath); and
 - At least one car share space should be provided on site.

7.1.3 Waste

The without prejudice WMP and revised plans, received 27 September and 3 October 2018, were referred to Waste who advised that:

- The revised documents are acceptable subject to swept path diagrams to show that the truck can safely enter and exit the site.

7.1.4 Civil Design

The amended application was referred to Civil Design who advised that:

- Vehicle crossings must be constructed in asphalt to Council standards.
- The surrounding footpaths have significant longitudinal falls. This must be considered when fixing the finished floor levels at new entrances and vehicle crossings.
- No localised ramps are allowed on the footpath at new entrances and vehicle crossings.

- Stairs and ramps should be sufficiently setback to enable tactile ground surface indicators to be installed within the property curtilage.
- The following conditions were recommended:
 - Drainage system provision (DET.10)
 - Demolish and construct access (AC.02)
 - Roads
 - Footpaths
 - Street levels not to be altered (AC.11)
 - Street lighting not to be altered (AC.12)
 - Public lighting review

7.1.5 Urban Forest

The amended application was referred to Urban Forest who advised that:

- There are mature public trees on Adderley Street (assets 1059089, 1014308 and 1014307) and juvenile public trees on Stanley Street and Rosslyn Street (assets 1070129, 1070130 and 1070131). The trees on Adderley Street provide significant amenity and environmental value.
- The plans do not show that the trees will be affected by the development. It is considered that roots from the trees on Adderley Street are unlikely to have developed beyond the boundary and as such, the basement will not be detrimental to their health or structural integrity.
- Impacts on all trees are likely to occur at construction stage when pruning is required to accommodate scaffolding, public protection gantries etc. Applications for the removal of trees to allow for loading, crane points etc. are a possibility, but the extent of pruning or impacts from construction will not be known until the submission of a construction management plan.
- The following conditions were recommended:
 - Tree protection plan
 - Replacement tree plots
 - Bank guarantee for public trees
 - Tree protection zones

7.1.6 Land Survey

The original submission was referred to Land Survey who recommended a condition requiring the land to be consolidated.

7.2 External

7.2.1 Transport for Victoria

Transport for Victoria did not object to the grant of a permit subject to the following conditions:

- Before the plans are endorsed, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must prescribe the form of acoustic treatment to:
 - a) Protect all dwelling occupants from external noise sources associated with the nearby rail system to achieve noise levels no greater than 35dB(A) for

bedrooms, assessed as an LAeq,8h from 10pm to 6am and not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

- The recommendations contained in the acoustic report, once approved, must be implemented and completed and, where they are recommendations of an ongoing nature, must be implemented and maintained all to the satisfaction of the Responsible Authority.

8 ASSESSMENT

The key issues in the consideration of the assessment are:

- Height, scale and design
- Amenity impacts and equitable development
- Clause 58 and internal amenity
- Parking, loading, traffic and waste
- Environmentally sustainable design
- Potentially contaminated land
- Any other issues raised by the consultees and objectors

8.1 Height, scale and design

DDO29 has a discretionary four storey maximum building height.

Applications that exceed the maximum building height must demonstrate how the development will continue to achieve the design objectives and built form outcomes.

DDO29 design objectives are:

- To acknowledge the transitional nature of the area.
- To encourage a new built form character and retain the mixed use nature.
- To acknowledge the potential for higher density development near North Melbourne Railway Station.

DDO29 built form outcomes are:

- Higher buildings and a new built form character.
- Development that reflects higher buildings in the area.
- Development that respects the scale of and provides a transition to adjoining lower scale heritage buildings.

Amendment C309 proposes a discretionary six storey maximum building height.

The subject site has a fall of approximately 3m and the proposed development is six to seven storeys. The development has a four storey street wall to Stanley Street and a six storey street wall to Rosslyn Street, the step in the street wall occurs in the middle of the Adderley Street frontage. The upper level(s) are setback in the order of 6-7m from Stanley Street, 2.5m from Adderley Street, 4-4.5m from Rosslyn Street and 5-9m from the southwest boundary.

The maximum heights and minimum setbacks are acceptable because:

- The site benefits from three street frontages with 30m wide road reserves and median breaks and/or street trees.
- The site has a rectangular shape and is relatively large, with a total area of approximately 1,606m².

- The site has a fall of approximately 3m from northeast to southwest.
- The site is located outside of the Heritage Overlay (see map below). The nearest graded buildings identified in Amendment C258 are:
 - 136 Adderley Street, two-storey terrace (significant)
 - 200 Stanley Street, single-storey terrace (contributory)
 - 191 Stanley Street, two-storey terrace (significant)
 - 300 Dudley Street, Festival Hall (significant)

Heritage Overlay



- While there are some graded buildings dotted around the site, it is predominately surrounded by ungraded buildings, including ungraded buildings within the Heritage Overlay at 163 Adderley Street, 202 Stanley Street, 206 Stanley Street and 187 Stanley Street.
- The site is located within an area identified for built form change and higher density development in DDO29 and Amendment C309.
- The Australia Post site is located to the southeast and is currently being developed with five multi-storey mixed-use buildings.
- These characteristics contribute to the potential for additional height.
- The proposed development responds to the site and its context, and achieves the design objectives and built form outcomes of DDO29. It provides a higher density development that acknowledges that transitional nature of the area while respecting nearby heritage buildings.
- The development has a four storey street wall to Stanley Street where the land is highest and four to six storey built form is envisaged to the north along Adderley Street.
- It has a six storey street wall to Roslyn Street where the land is lowest and higher density development is under construction at the Australia Post site and is envisaged at 111-133 Adderley Street.

- The step in the street wall occurs in the middle of the Adderley Street frontage, which helps to break-up the perceived bulk and mass of the 55m wide frontage.
- The upper level(s) are appropriately setback from all boundaries and are visually recessive.
- The rooftop terrace and building services have been considered as part of the overall design and are appropriately sited and screened.
- The development provides an appropriate graduation in height to the three storey building at 248-250 Rosslyn Street and the one to four storey buildings on the opposite sides of Stanley, Adderley and Rosslyn Streets given the proposed heights and setbacks and the separation provided by the 30m wide road reserves.
- The development is appropriately articulated on all elevations to break-up the overall volume into a number of sub-volumes, create contrast between recessive and projective elements and respect the grain of the terraces and townhouses along Stanley Street and on the opposite side of Adderley Street.
- The development appropriately manages the site's complex levels; finished floor level has been lowered and entrances have been provided where practicable.
- The development presents high quality architecture, materials and details, except for the 26.2m long x 2.6-3.6m high wall on Adderley Street and the 'Stanley' sign. The wall is a poor interface and the 'Stanley' sign on the Adderley Street frontage is confusing and inappropriate in terms of its size and location. Building identification signage should be limited to above the communal entry. Condition 1 amended plans are recommended to:
 - Delete the nib wall on the upper ground floor to Dwelling 10 (Townhouse 1) and extend the balcony to the Adderley Street frontage.
 - Break-up the 26.2m long x 2.6-3.6m high wall on Adderley Street by providing wrought iron metal balustrades to the balconies on upper ground level to Dwellings 8, 9 and 10 (Townhouse 1).
 - Delete the 'Stanley' sign on the Adderley Street frontage.

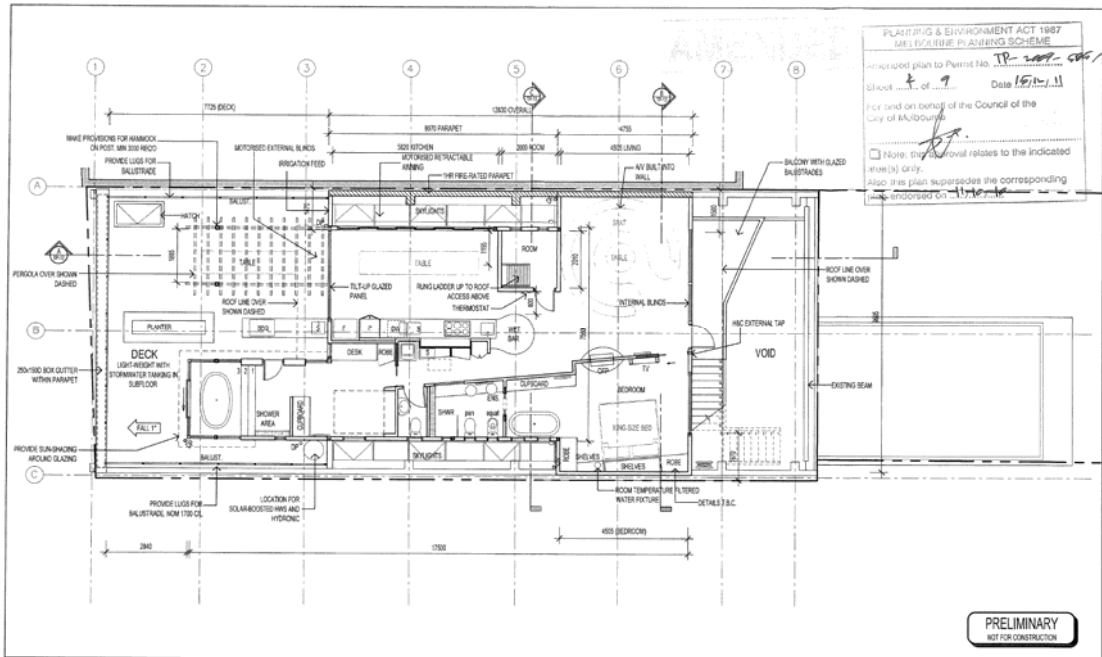
8.2 Amenity impacts and equitable development

The development will not adversely affect the amenity or equitable development of the adjoining property at 248-250 Rosslyn Street.

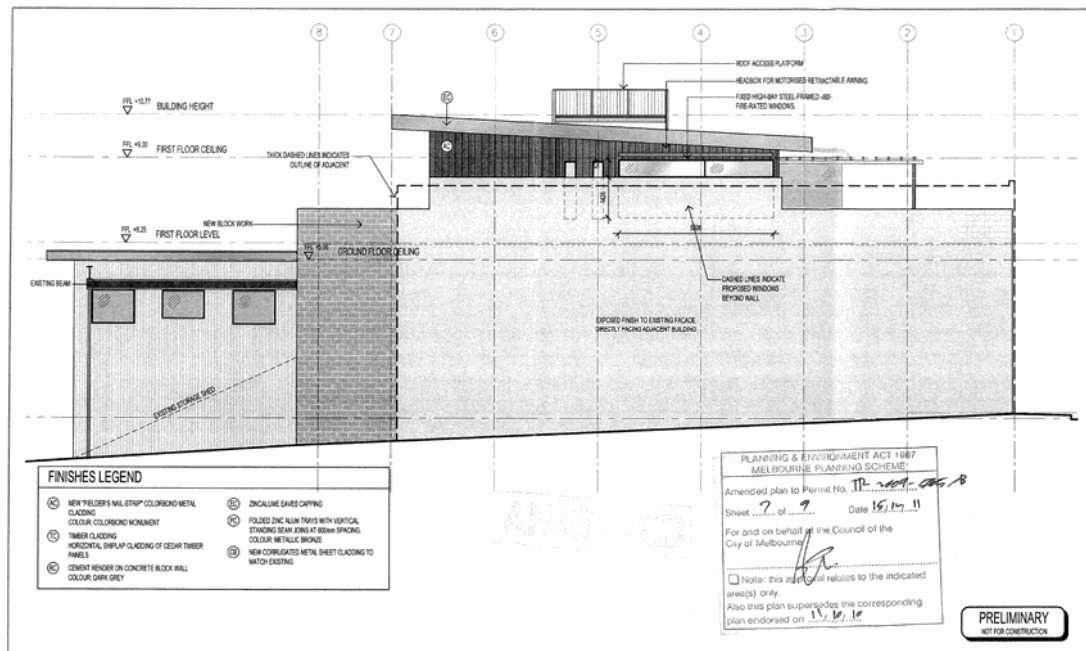
248-250 Rosslyn Street is developed with a three storey building that contains warehouses and a dwelling. The building fronts Stanley Street and has parking and loading off Rosslyn Street.

The endorsed plans for planning permit TP-2009-595/B show a warehouse on the ground floor and mezzanine, and a dwelling on the first floor with a balcony fronting Stanley Street and a rooftop terrace. The dwelling does not have any habitable room windows opposite the subject site, other than the kitchen and dining room windows behind the boundary wall, which are a secondary source of light.

248-250 Rosslyn Street, first floor plan



248-250 Rosslyn Street, northeast elevation



The proposed development has a four to five storey southwest boundary wall punctuated by two lightwells. The lightwells provide two distinct vertical breaks and measure approximately 9.4m wide x 7.3m deep (68.6m² in area) from upper ground level to level 3 (see southwest elevation in section 3 of this report).

Inside the boundary wall, the development contains a dwelling fronting Stanley Street, a dwelling fronting Rosslyn Street and a central dual-aspect dwelling.

Above the boundary wall, levels 4 and 5 are setback 5m to 9m (see typical floor plans below).

The layout of the development, including the size of the lightwells, the orientation of the dwellings and the upper level setbacks ensure that the development does not rely on borrowed amenity or unreasonably impact the equitable development of the adjoining property.

Typical Floor Plan (upper ground to level 3)



Typical Floor Plan (levels 4 and 5)



8.3 Clause 58 and internal amenity

The development generally complies with the objectives and standards of Clause 58. Variation and areas of non-compliance are discussed below.

Standard D3 – Dwelling diversity

Standard D3 requires that developments of ten or more dwellings provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

The development comprises 19 one-bedroom dwellings (22%), 22 one-bedroom plus study dwellings (26%) and 44 two-bedroom dwellings (52%). It does not provide any three or more bedroom dwellings.

A variation of Standard D3 is acceptable having regard to the single dwellings in West Melbourne; the apartment development will contribute to the overall dwelling diversity in the local area.

Standard D10 – Landscaping

Table D2 to Standard D10 requires that the development provide 160.6m² deep soil areas with a minimum dimension of 6m and three medium trees or one large tree.

Standard D10 states that if the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

The development provides landscaping opportunities within the front setbacks, the internal courtyards on the upper ground floor, the private balconies, the communal rooftop terrace and the green walls on the southwest elevation.

A condition requiring a landscape plan is recommended for the communal areas and green walls.

Standard D14 – Building setback

Standard D14 requires that development be setback from side and rear boundaries to avoid direct views into habitable room windows and private open space, and provide outlook from dwellings that creates a reasonable visual connection to the external environment.

The central dual-aspect dwellings do not have a visual connection with the external environment and require screening to limit internal and external views. These dwellings will feel dark and enclosed given their orientation and the surrounding built form. A condition is recommended requiring the deletion of dwellings 17, 115, 215 and 315 (4 one-bedroom dwellings).

This change will in turn improve the light and outlook to the single-aspect southwest-facing dwellings and increase the practicality and attractiveness of the communal space on the upper ground level.

A condition is also recommended requiring all windows, balconies and terraces within 9m of habitable room windows and private open space at 248-250 Rosslyn Street be screened.

Standard D15 – Internal views

Standard D15 requires that windows and balconies be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling.

Deletion of dwellings 17, 115, 215 and 315 will reduce overlooking within the development.

Standard D16 – Noise impact

Standard D16 requires that development within 135m of railway servicing freight in Metropolitan Melbourne be designed and constructed to achieve:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Transport for Victoria provided conditions to this effect.

Standard D19 – Private open space

Standard D19 requires that one and two bedroom dwellings have an 8m² balcony with a minimum dimension of 1.8m or 2m (depending on the number of bedrooms) and convenient access from a living room. If a heating or cooling unit is located on a balcony, an additional 1.5m² should be provided.

The development complies with this standard, except for:

- Dwelling 13 – 7m² balcony
- Dwelling 112 – 7.8m² balcony
- Dwelling 212 – 7.8m² balcony
- Dwelling 312 – 7.1m² balcony

A variation of Standard D19 is acceptable given the number of dwellings to which it applies (4 out of 85 dwellings) and the minor variation (0.2m² to 1m²).

A condition is recommended that heating or cooling units are not located on balconies less than 9.5m² in area.

Standard D21 – Common property

Standard D21 requires that communal open space, car parking, access areas and site facilities are functional, attractive and easily maintained.

The communal courtyards on the upper ground floor adjoining the southwest boundary are relatively small and enclosed, and could be mistaken for private areas given their size, access and location surrounded by private balconies.

Deletion of dwellings 17, 115, 215 and 315 will increase the practicality and attractiveness of this common property.

Standard D24 – Functional layout

Standard D24 requires that bedrooms (excluding wardrobes) and living areas (excluding kitchen and dining) meet the following minimum dimensions and areas.

Bedroom type	Minimum width	Minimum depth
Main bedroom	3m	3.4m
All other bedrooms	3m	3m

Dwelling type	Minimum width	Minimum depth
Studio and 1-bedroom	3.3m	10sqm
2 or more bedroom	3.6m	12sqm

78 of the 85 apartments meet the minimum dimensions and areas for bedrooms and living areas.

A variation of Standard D24 is acceptable having regard to the small number of dwellings to which it applies (8%) and the functional layouts and total floor areas of the dwellings.

Standard D27 – Natural ventilation

Standard D27 requires that at least 40% of dwellings provide cross ventilation that has:

- A maximum breeze path through the dwelling of 18m.
- A minimum breeze path through the dwelling of 5m.
- Ventilation openings with approximately the same area.

32% of the dwellings provide cross ventilation in accordance with the Standard D27. A variation of 8% is acceptable having regard to the dimensions of the site and the extent to which the layout of the development maximises opportunities for cross ventilation.

8.4 Parking, Loading and Waste

8.4.1 Car parking

The development comprises 85 one and two bedroom dwellings, which generates a car parking requirement of 85 spaces under Clause 52.06. The development provides 100 spaces, an oversupply of 15.

The without prejudice revised plans received 3 October 2018 reduce the number of car parking spaces from 100 to 94 to accommodate the 2.6m wide x 8.8m long loading bay. This change equates to an oversupply of nine spaces.

Further, removal of the existing crossovers on Adderley Street and Stanley Street will result in approximately five additional on-street parking spaces.

Engineering Services has no objection to the traffic generated by the development and the access and layout of the parking facilities subject to conditions.

8.4.2 Bicycle parking

The development generates a bicycle parking requirement of 26 spaces, including 17 resident spaces and nine visitor spaces under Clause 52.34.

The development provides 45 spaces (an oversupply of 19), including 33 resident spaces and 12 visitor spaces.

Engineering Services has no objection to location and design of the bicycle facilities.

8.4.3 Loading

While there is no requirement to provide on-site loading, a 'resident loading bay' is provided and the without prejudice revised plans received 3 October 2018 include a 2.6m wide x 8.8m long x 4m high loading bay for on-site garbage collection.

Engineering Services has no objection to the loading bays subject to conditions.

8.4.4 Waste

The without prejudice WMP by RB Waste Consulting Services dated 26 September 2018 received 27 September 2018 together with the without prejudice revised plans received 3 October 2018 are acceptable subject to the conditions set out in sections 7.12 and 7.1.3 of this report.

8.5 Environmentally Sustainable Design

Clause 22.19 requires that applications for buildings over 2,000m² GFA demonstrate that the building has the preliminary design potential to achieve the relevant performance measures set out in Clause 22.19-5.

Clause 22.19-5 requires that residential developments over 5,000m² GFA achieve:

- 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.
- 5 star rating under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.

Clause 22.23-4 requires that applications be accompanied by a water sensitive urban design response.

The Sustainability Management Plan by Sustainable Development Consultants dated July 2018 demonstrates that the amended application has the preliminary design potential to achieve a 5 Star rating in Green Star Design & As Built v1.1 and 100% STORM. Conditions are recommended to ensure that the sustainability initiatives are achieved into the completed development.

8.6 Potentially Contaminated Land

Clause 13.04-1 requires that applicants provide adequate information on the potential for contamination to have adverse effects on future uses if the site is known to have been used for industry, mining or the storage of chemicals, waste, gas or liquid fuel.

The site was previously used for commercial and light industrial purposes. No information has been provided regarding the potential for contamination. Conditions are recommended accordingly.

8.7 Other issues raised by the consultees and objectors

Urban Design recommended at least one non-residential use at the corner of Adderley Street and Rosslyn Street, and conversion of the lower ground floor bedrooms to Rosslyn Street into adaptable SOHOs. While planning officers encouraged this, the applicant ultimately decided not to do so. On balance, it is considered that the design and layout of the development as proposed, provides active frontages with multiple entrances and opportunities for passive surveillance.

Some objectors raised concern regarding noise from the rooftop terrace. A planning permit is not required to use the land for dwellings and as such the responsible authority cannot control the use of the rooftop terrace. Noise is not expected to exceed what would be typical and expected within a residential area, which is entirely acceptable within a Mixed Use Zone. Excessive noise and antisocial behaviour are controlled by other legislation and should be reported to Victoria Police.

Some objectors raised concern regarding overshadowing and overlooking to the dwellings on the opposite side of Stanley Street and Adderley Street. The 30m wide road reserves acceptably mitigate the amenity impacts to these properties.

Some objectors raised concern from noise and general disruption during construction. A condition requiring a construction management plan is recommended should a permit issue.

8.8 Conclusion

The proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit is issued subject to the following conditions.

9 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

Amended plans

1. Prior to the commencement of the development, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the amended plans by The Buchan Group Melbourne Pty Ltd received 4 June 2018, but amended to show:
 - a) Relocation of the substation and vehicle access/egress on Rosslyn Street and provision of a 2.6m wide x 8.8m long x 4m high loading bay for on-site garbage collection as shown on the without prejudice revised plans received 3 October 2018. These changes must not increase the height of the building at any point or result in the loss of more than 6 car parking spaces.
 - b) The location of any intercom or access control for visitors to gain access to the car park.
 - c) At least one car-share space provided on-site.
 - d) Deletion of the nib-wall on the upper ground floor to Dwelling 10 (Townhouse 1) and extension of the balcony to the Adderley Street frontage.
 - e) Wrought iron metal balustrades to the balconies on upper ground level to Dwellings 8, 9 and 10 (Townhouse 1).
 - f) Deletion of the 'Stanley' sign on the Adderley Street frontage.
 - g) Deletion of dwelling nos. 17, 115, 215 and 315 and consolidation of the communal open space on the upper ground floor adjoining the southwest boundary.
 - h) All habitable room windows, balconies and terraces with direct views (within a 9m distance and 45 degree arch) into the habitable room windows and private open space at 248-250 Rosslyn Street screened to a height of 1.7m above floor level.
 - i) 1:20 drawings of the fenestration and façade details at key junctions.
 - j) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.
 - k) Any changes as required by the revised Waste Management Plan in condition 19.

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

Endorsed plans

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Materials and finishes

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

Non-reflective glazing

5. 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.

Transport for Victoria conditions

6. Before the plans are endorsed, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must prescribe the form of acoustic treatment to:
 - a) Protect all dwelling occupants from external noise sources associated with the nearby rail system to achieve noise levels no greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am and not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
7. The recommendations contained in the acoustic report, once approved, must be implemented and completed and where they are recommendations of an ongoing nature, must be implemented and maintained all to the satisfaction of the Responsible Authority.

Construction management plan

8. Prior to the commencement of the development, a detailed construction management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. The construction management plan must be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and is to consider the following:
 - a) Staging of construction.
 - b) Management of public access and linkages around the site during construction.
 - c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - d) Any works within the adjoining street network road reserves.
 - e) Sediment control and site drainage.
 - f) Hours of construction.
 - g) Control of noise, dust and soiling of roadways.
 - h) Discharge of polluted waters.
 - 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.

Civil design

9. 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 Responsible Authority – 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.

10. Prior to 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 – Engineering Services.
11. All portions of roads affected by the construction activities of the subject land must be reconstructed together with associated works, including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
12. The footpaths adjoining the site along Adderley Street, Rosslyn Street and Stanley Street must be reconstructed 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 Responsible Authority – Engineering Services.
13. Existing street levels in Adderley Street, Rosslyn Street and Stanley Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
14. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
15. Prior to the commencement of the development, a review of current lighting levels adjacent to the subject must be submitted to and approved by the Responsible Authority – Engineering Services. If the report finds lighting levels adjacent to the subject land are inadequate, the report must include additional street lighting to be installed at the cost of developer. Lighting design must meet AS1158 category P3 requirements as a minimum. CitiPower approved LED luminaries and poles must be incorporated in the lighting design.

Environmentally sustainable design

16. The performance outcomes specified in the Sustainability Management Plan (SMP) by Sustainable Development Consultants dated July 2018 must be achieved in the completed development.
17. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed SMP, must be documented by the author of the endorsed SMP in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
18. Within six months of occupation of the development, a report must be provided to the satisfaction of the Responsible Authority, which details the designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed SMP.

Waste management

19. Prior to the commencement of the development, a revised Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority – Engineering Services. The revised WMP must be generally in accordance with the without prejudice WMP by RB Waste Consulting Services dated 26 September 2018, but amended to address the following items:

- a) Swept path diagrams to demonstrate that trucks can safely enter and exit the site.

Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council - Engineering Services.

Loading

20. The loading and unloading area shown on the endorsed plans must be kept available for that use at all times and accessways must not be obstructed or otherwise rendered inaccessible.

Landscaping

21. Prior to commencement of development, a scheme for landscaping and planting in connection with the proposed development must be submitted to and approved by the Responsible Authority.
22. Except with the prior written consent of the Responsible Authority, the approved landscaping must be implemented prior to occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.
23. Prior to commencement of development, a landscape management plan detailing the ownership, maintenance regime and management responsibilities of the 'Green Wall' must be submitted to and approved by the Responsible Authority.
24. If the 'Green Wall' fails, details of an alternative treatment must be submitted to and approved by the Responsible Authority. The alternative treatment must be implemented within three months of approval at no cost to Council and to the satisfaction of the Responsible Authority.

3D model

25. Prior to the commencement of the development, a 3D digital model of the approved development must be submitted to and must be to the satisfaction of the Responsible Authority. The model should be prepared having regard to the Advisory Note - 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City 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 be to the satisfaction of the Responsible Authority.

Building appurtenances and services

26. All building plant and equipment on the roofs, balconies and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant and equipment, including but not limited to air-conditioning units, ducts, flues and exhausts, including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
27. 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.
28. 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.
29. Heating and cooling units must not be located on balconies less than 9.5m².

Street trees

30. Prior to the commencement of the development and together with the construction management plan required by condition 8, a Tree Protection Plan (TPP) for any public trees that may be affected by the development must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the finalised Construction Management Plan, including any public protection gantries.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e) Full specifications of any pruning required to publicly owned trees.
 - f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).
 - h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.
31. Following the approval of a Tree Protection Plan (TPP) a bank guarantee 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 demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
32. In the event that a construction management plan or traffic management plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
33. In the event that public trees are proposed for removal at any stage of the development, the applicant must submit plans for the approval of Melbourne City Council that show replacement and or additional tree plots of a larger size and increased soil volume than currently exists in the street frontages adjacent to the development.

34. All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees asset 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.

Consolidation prior to development

35. Prior to the commencement of the development, the land titles must be consolidated to the satisfaction of the Responsible Authority.

Potentially contaminated land and remediation

36. Prior to the commencement of the development, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
 - b) A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
 - c) Identification of the likelihood of the site being potentially contaminated.
37. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development (excluding demolition and any works necessary to undertake the assessment) the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

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. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- a) 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.
- b) 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.
- c) 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.
- d) An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- e) Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
- f) Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement

of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).

38. The recommendations of the CEA 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 hereby approved, and must be fully satisfied prior to the occupation of the development.

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

39. Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary then prior to the commencement of the development (excluding demolition and any works necessary to undertake the assessment) 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).

40. Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied 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 regarding the verification of remedial works.

If there are conditions on the Statement that the Responsible Authority considers a requirement of 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.

Development time limit

41. 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:

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

All necessary approvals and permits are to be first obtained from Melbourne City Council and the works performed to the satisfaction of Melbourne City Council – Manager Engineering Services.

In accordance with the City of Melbourne Tree Retention and Removal Policy 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).

Please note that insurance bonds are not accepted by the City of Melbourne. 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.

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy, 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 tree to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before Council remove the subject trees.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree 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.

Under the Resident Priority Parking Permit scheme, occupiers of the development approved by this permit are not eligible to obtain resident priority parking permits or visitor vouchers.