

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

**Planning Permit Application: TP-2018-493
84-88 Leveson Street, North Melbourne**

4 December 2018

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for demolition of the existing building and structures, construction of a four storey building comprising 15 townhouses, provision of more than one car space per dwelling and removal of the party wall easement from the plan of subdivision at 84-88 Leveson Street, North Melbourne (refer Attachment 2 - Locality Plan).
2. The applicant is Geographe Property Pty Ltd c/- Contour Consultants Australia Pty Ltd, the owner is Emerson Patrick Holdings Pty Ltd and the architect is Genton.
3. The land is located within the Mixed Use Zone (MUZ) and is affected by Heritage Overlay (HO3), Design and Development Overlay Schedules 32, 65 and 66 (DDO32, DDO65, DDO66) and Parking Overlay Schedule 12 (PO12).
4. Public notice was undertaken and a total of 47 objections have been received.

Key issues

5. Key issues for consideration are demolition of the existing building and structures; the height, scale and design of the replacement building; ResCode and amenity impacts; parking and waste; environmentally sustainable design; potentially contaminated land; and removal of the party wall easement.
6. The existing building and immediate streetscape are not graded in the Heritage Places Inventory and Amendment C258 does not propose a grading. As such, demolition of the existing building is supported.
7. The development complies with the maximum building height, except for the 1.7m high privacy screens which are not considered to be architectural features or building services. A condition is recommended to lower the building by 0.5m or delete the 1.7m high privacy screens between the rooftop terraces.
8. The four-storey development sits comfortably between the adjoining four storey buildings. The side setbacks provide a visual break between the buildings. The recycled brick is in keeping with the red brick commonly found in the surrounding area.
9. The development achieves the objectives of ResCode (Clause 55) and will not unreasonably impact on the amenity of the adjoining dwellings by way of loss of light or outlook. The applicant met with the objectors from the north, south and east separately and negotiated privacy screening exceeding the requirements of Clause 55.
10. Two car spaces per dwelling are acceptable in this instance having regard to the townhouse typologies with three and four bedrooms. A condition is recommended to ensure that the spaces are not rented out and are restricted to use by owners/occupiers and visitors to the townhouses.
11. Removal of the party wall easement from the plan of subdivision is required to provide for the equitable development of the subject site.

Recommendation from management

12. 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 44)
2. Locality Plan (Page 3 of 44)
3. Plans (Page 4 of 44)
4. Delegate Report (Page 20 of 44)

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. The planning permit will require a Construction and Traffic Management Plan. The purpose of this Plan is to ensure the health and safety of those working, residing and travelling within proximity of the location during construction.
6. Matters including waste, noise and land contamination that could impact on health and safety have been considered and managed within the planning permit application process where applicable.

Stakeholder consultation

7. Public notice of the application has been undertaken pursuant to Section 52 of the Act.

Relation to Council policy

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

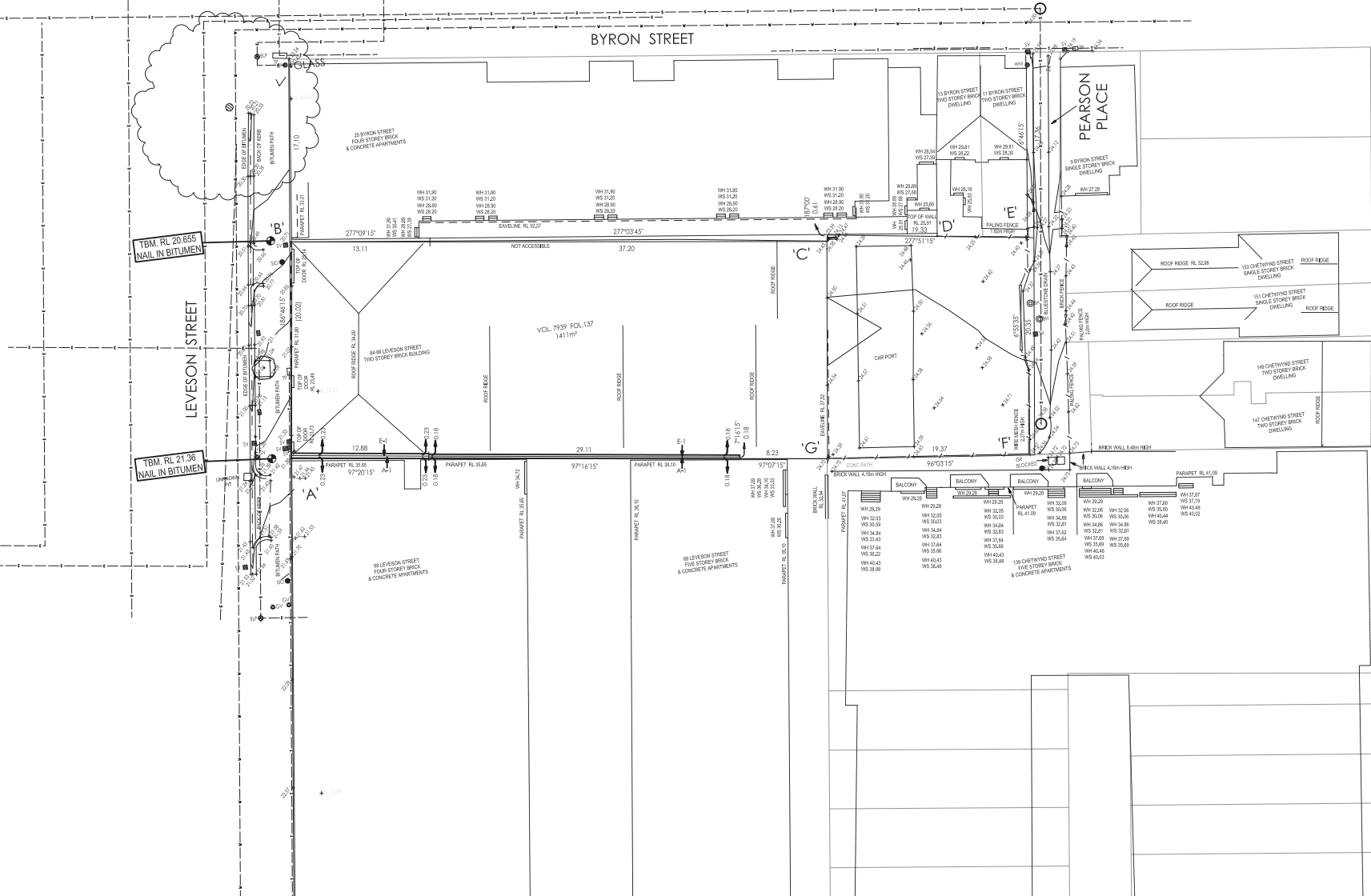
Environmental sustainability

9. The Environmentally Sustainable Design (ESD) Report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
10. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

84-88 Leveson Street, North Melbourne

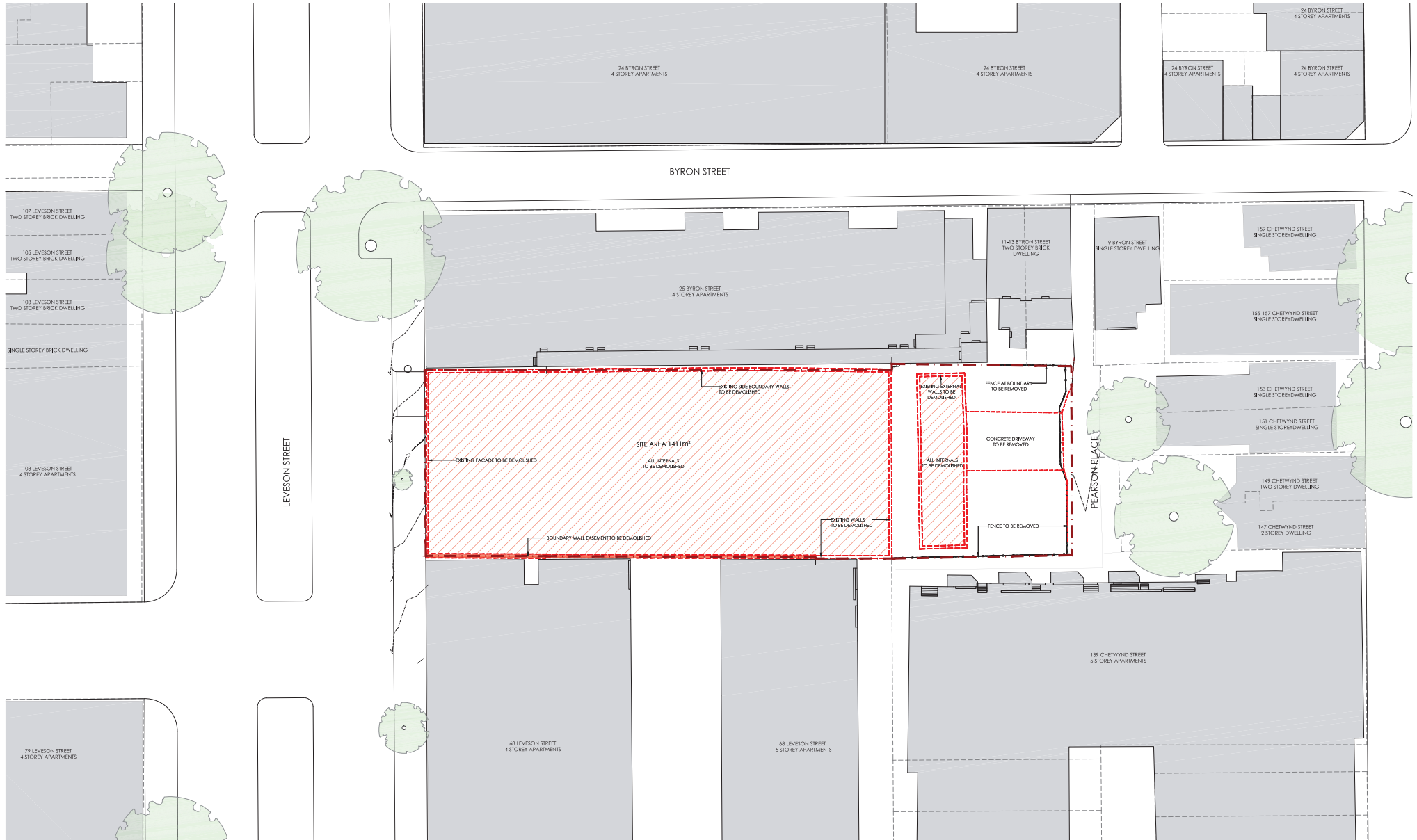




SURVEY AS PROVIDED BY BPD
ON 30.11.2017

No.	Revision Date	Description
1	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE	SURVEY PLAN BY BPD	SCALE	1:200 @ A1 1:400 @ A3	JOB NO.	1728
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE	DATE	18/05/2018	DRAWING NO.	TP002 A



1 DEMOLITION PLAN
1:200

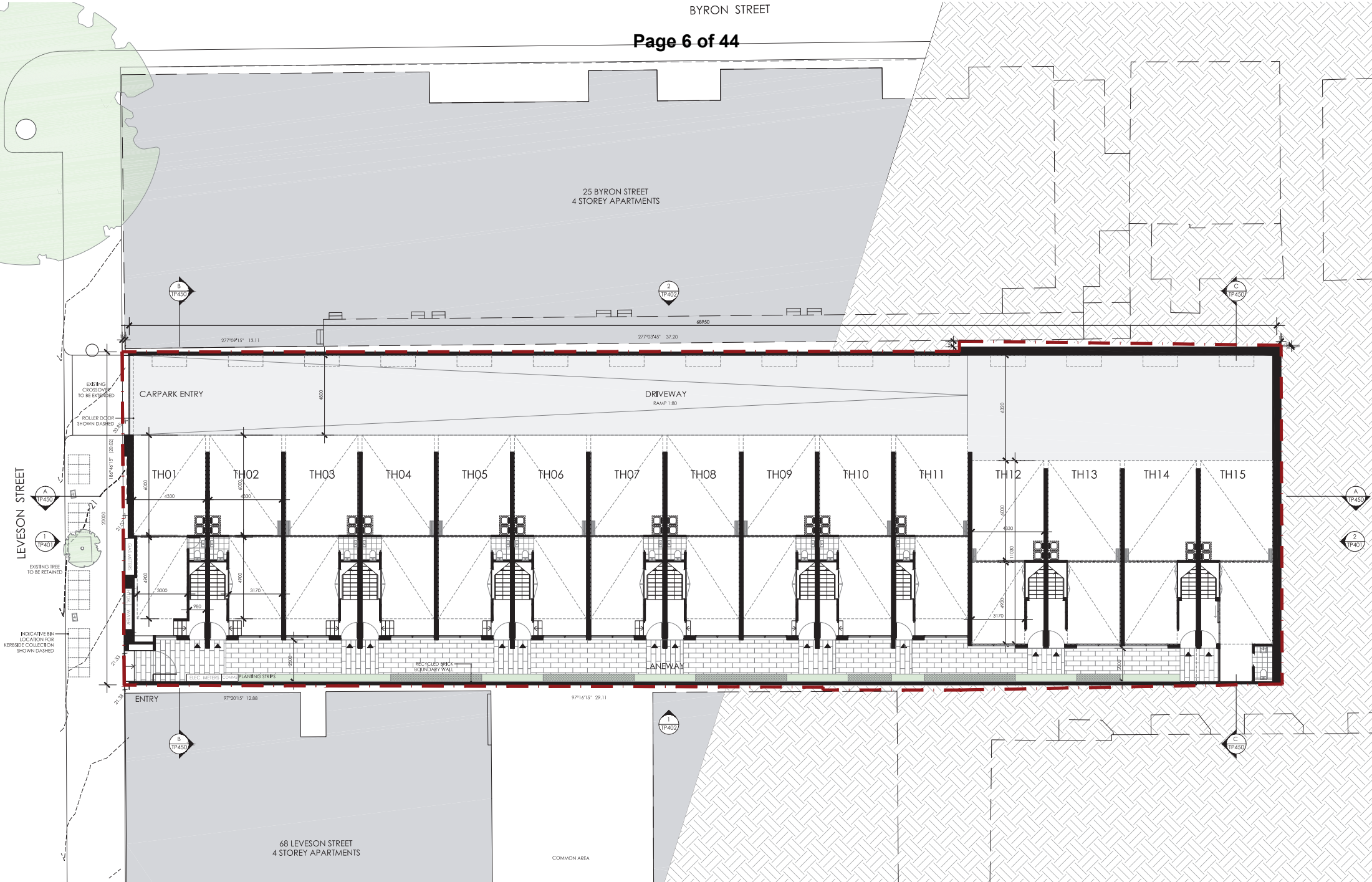
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A.	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE	DEMOLITION PLAN
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE



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JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP020 A

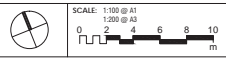


1 GROUND FLOOR PLAN
1:100



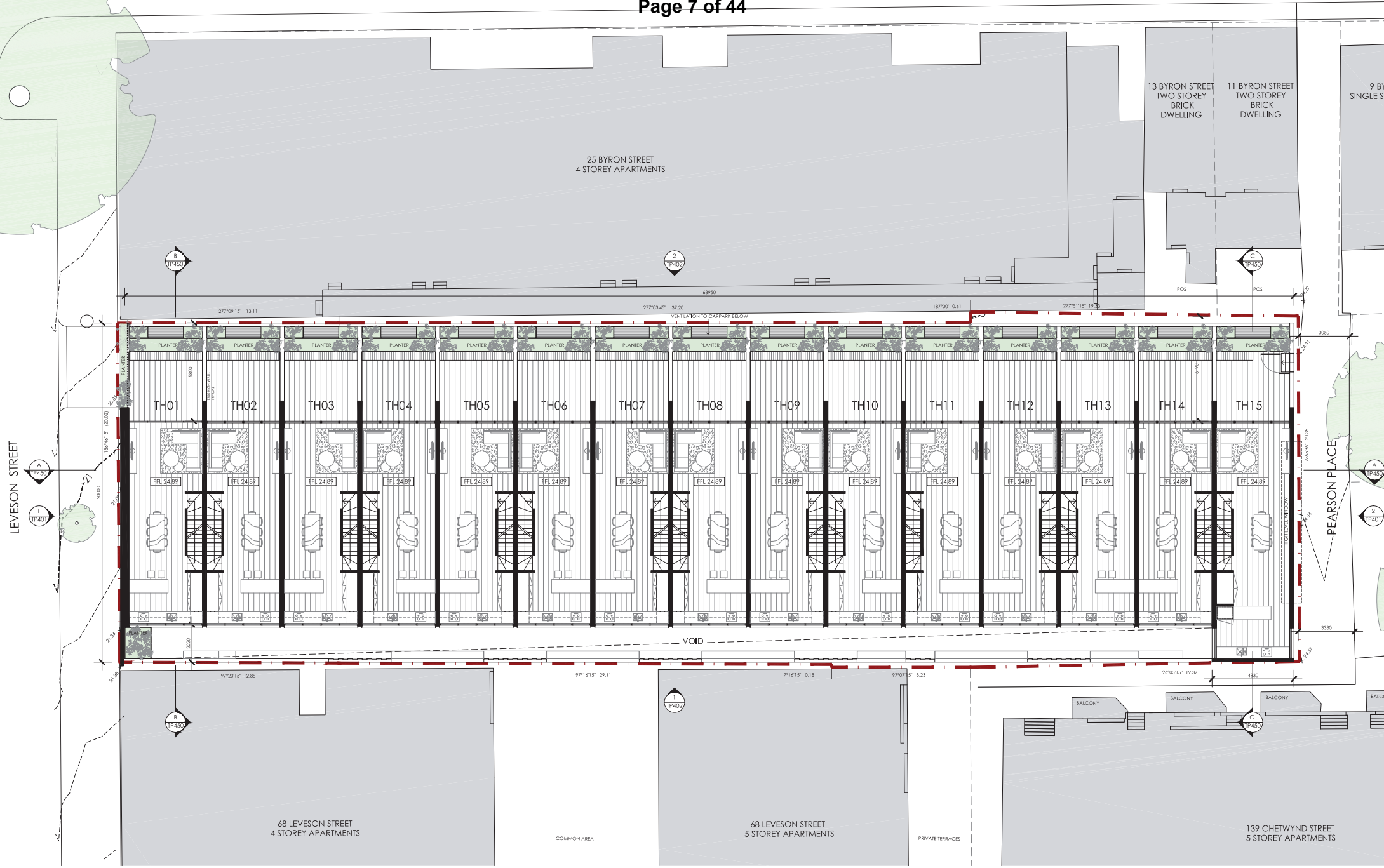
No.	Revision Date	Description
A.	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE: GENERAL PLANS - GROUND LEVEL
PROJECT: 84-88 LEVESON ST, NORTH MELBOURNE



JOB NO. 1728
DATE: 18/05/2018
DRAWING NO. TP100 A

DISCLAIMER: Drawing for information purposes only



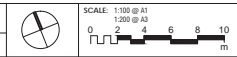
1 LEVEL 1 PLAN
1:100



Head Office: Level 1, 120 Chetwynd Street, North Melbourne, VIC 3048
 Sydney: Level C, 71 York Street, North Sydney, NSW 1585
 Melbourne: Level 1, 120 Chetwynd Street, North Melbourne, VIC 3048
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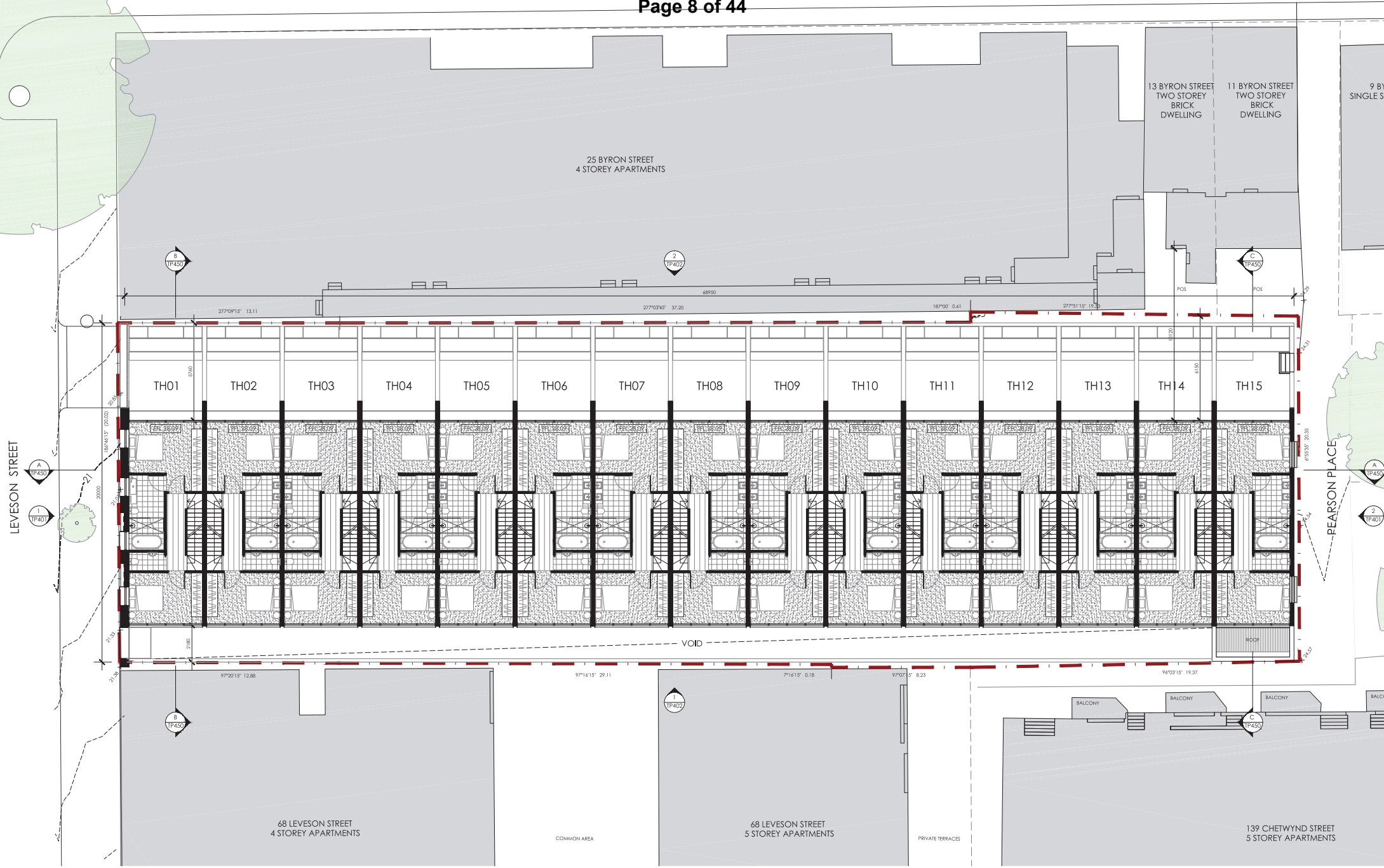
No.	Revision Date	Description
A	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE: GENERAL PLANS - LEVEL 1
 PROJECT: 84-88 LEVESON ST, NORTH MELBOURNE



SCALE: 1:100 (B1)
1:200 (B3)
DATE: 18/05/2018
DRAWING NO: TP101 A
JOB NO: 1728

DISCLAIMER: Drawing for information purposes only



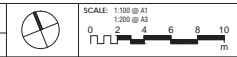
1 LEVEL 2 PLAN
1:100



Head Office Level 2, 128 Chesham Lane VIC 3000
 Sydney Level C, 77 York Street NSW 2000
 Melbourne Level 10, 100 Collins Street VIC 3000
 Perth Level 10, 100 St Georges Terrace WA 6000
 Brisbane Level 10, 100 Queen Street QLD 4000
 Adelaide Level 10, 100 Rundle Street SA 5000
 Perth Level 10, 100 St Georges Terrace WA 6000
 Sydney Level C, 77 York Street NSW 2000
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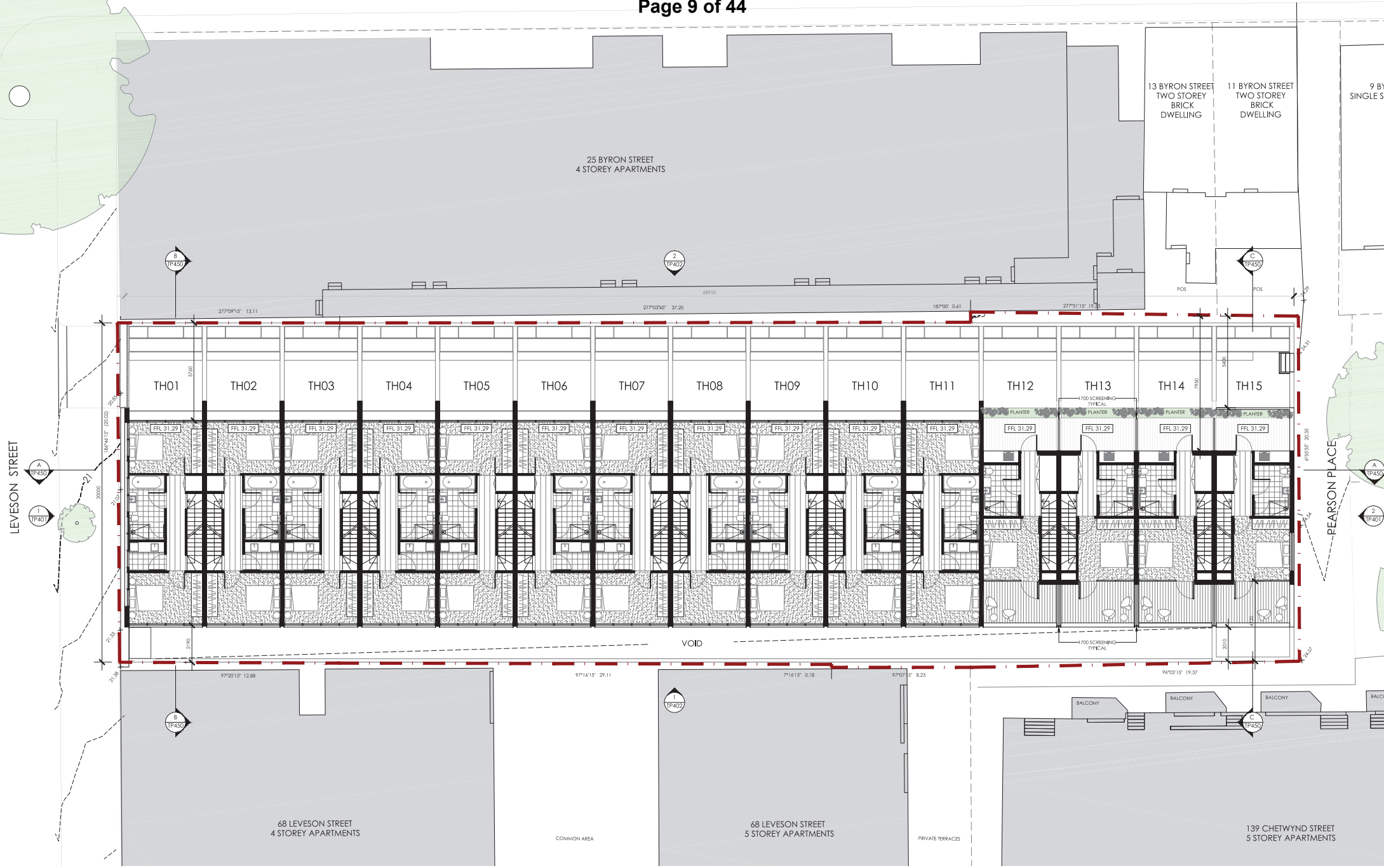
No.	Revision Date	Description
A.	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE: GENERAL PLANS - LEVEL 2
 PROJECT: 84-88 LEVESON ST, NORTH MELBOURNE



JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP102 A

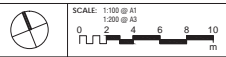
DISCLAIMER: Drawing for information purposes only



1 LEVEL 3 PLAN
1:100

No.	Revision Date	Description
A.	16/05/2018	ISSUE FOR TOWN PLANNING

TITLE	GENERAL PLANS - LEVEL 3
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE



SCALE	1:100 (B1) 1:200 (B3)	JOB NO.	1728
DATE	18/05/2018	DRAWING NO.	TP103 A



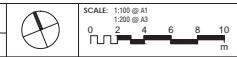
1 LEVEL 4 PLAN
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 Tel: +61 3 9476 5000
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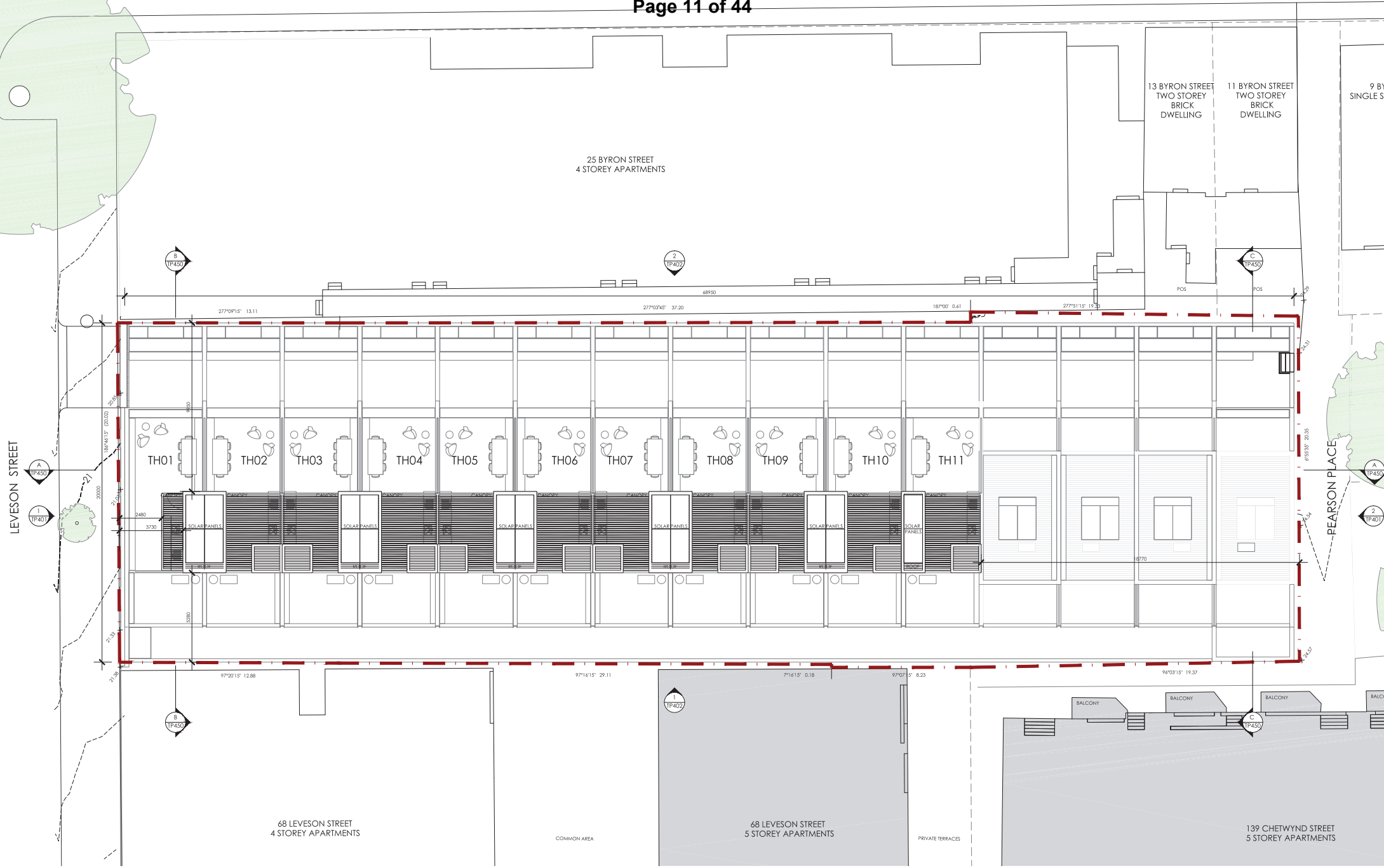
No.	Revision Date	Description
A.	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE: GENERAL PLANS - LEVEL 4
 PROJECT: 84-88 LEVESON ST, NORTH MELBOURNE



SCALE: 1:100 (B1)	JOB NO. 1728
1:200 (B3)	DATE 18/05/2018
DATE	DRAWING NO. TP104 A

DISCLAIMER: Drawing for information purposes only

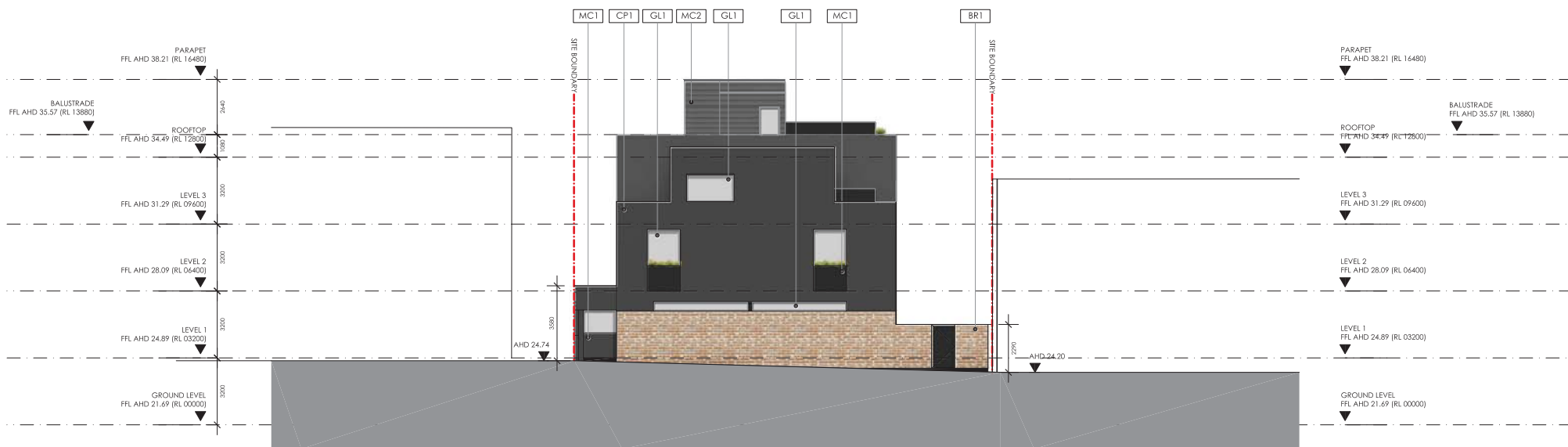


1 ROOF PLAN
1:100

No.	Revision Date	Description
A.	18/05/2018	ISSUE FOR TOWN PLANNING



1 PROPOSED LEVESON STREET ELEVATION
1:100



2 PROPOSED PEARSON PLACE ELEVATION
1:100

No.	Revision Date	Description
1	16/05/2016	ISSUE FOR TOWN PLANNING

TITLE	ELEVATIONS
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE

SCALE	1:100 @ A1 1:200 @ A3

JOB NO.	1728
DATE	16/05/2016
DRAWING NO.	TP401 A



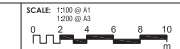
1 SOUTH ELEVATION
1:100



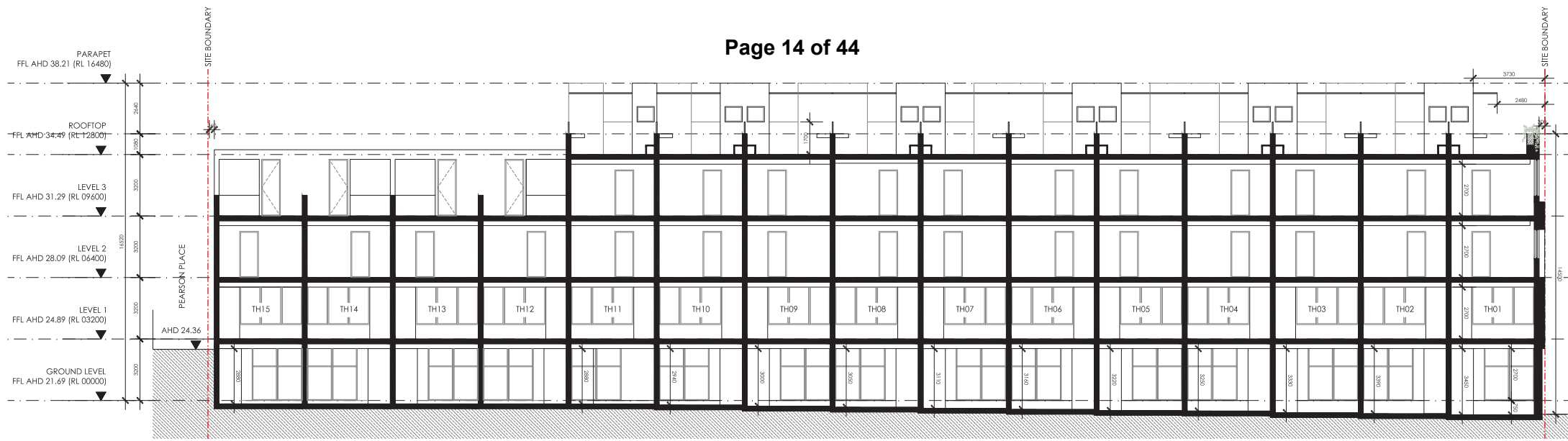
2 NORTH ELEVATION
1:100

No.	Revision Date	Description
1	18/05/2018	ISSUE FOR TOWN PLANNING

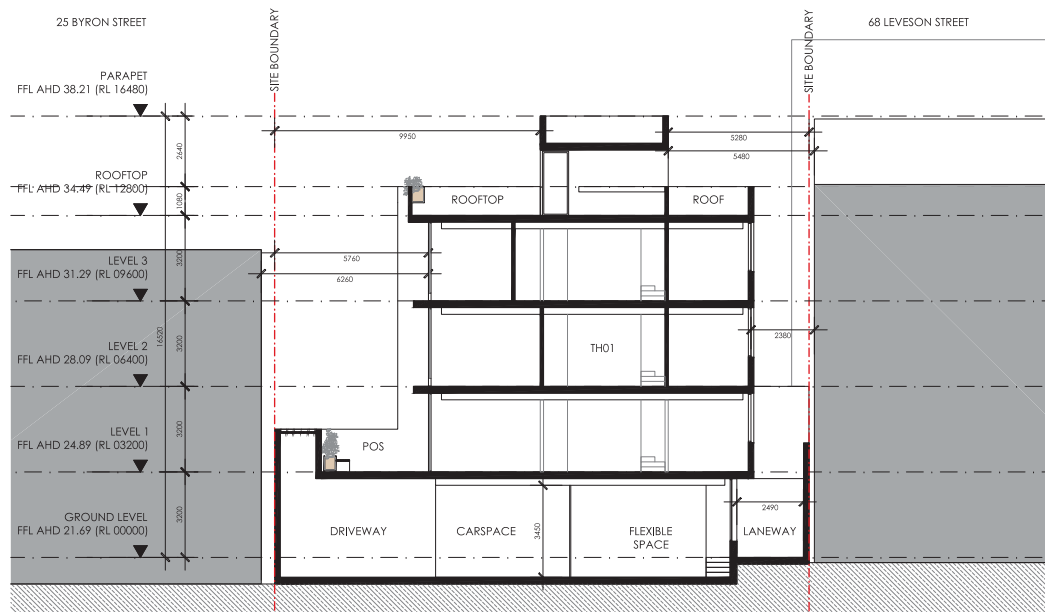
TITLE:	ELEVATIONS
PROJECT:	84-88 LEVESON ST, NORTH MELBOURNE



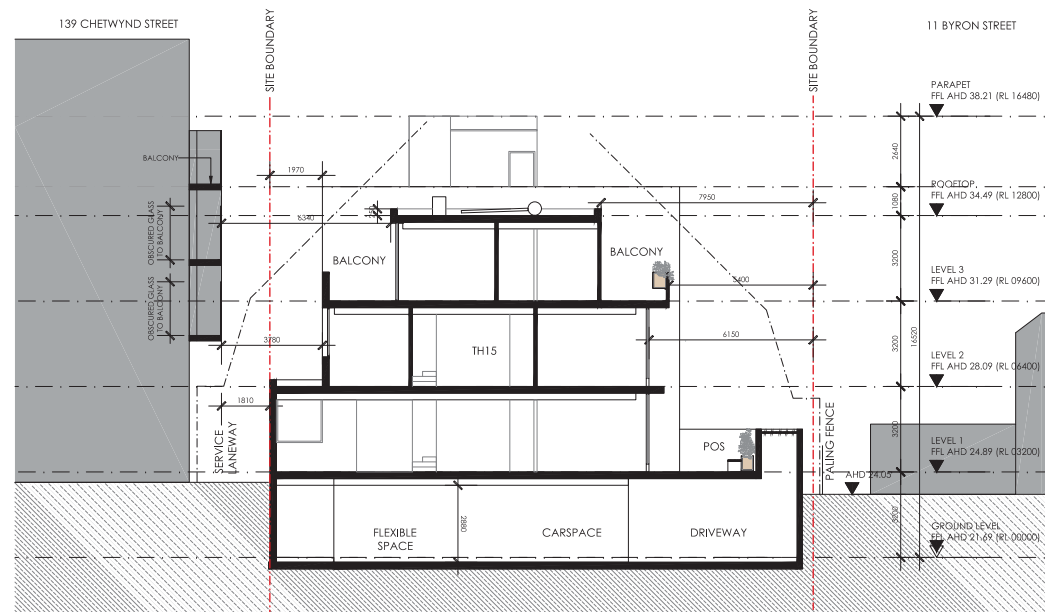
JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP402 A



1 SITE SECTION A
1:100



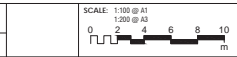
2 SECTION B
1:100



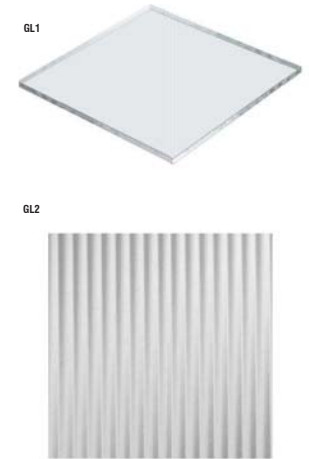
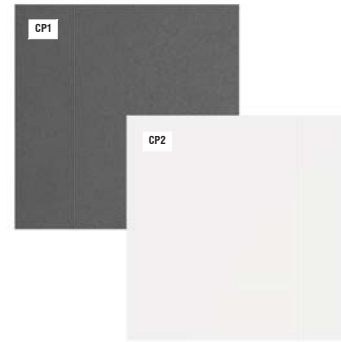
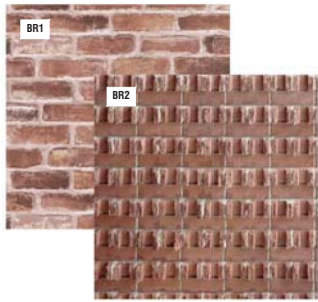
3 SECTION C
1:100

No.	Revision Date	Description
A.	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE	SECTIONS
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE



JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP450 A



LEGEND	MATERIAL
BR1	RECYCLED BRICK
BR2	RECYCLED BRICK - TEXTURIZED
MC1	METAL CLAD - BLACK
MC2	METAL CLAD - DARK GREY
MC3	METAL MESH FLOOR
CP1	RENDER PANEL - DARK GREY
CP2	RENDER PANEL - WHITE
GL1	CLEAR GLASS
GL2	OPACURE GLASS - REEDED

No.	Revision Date	Description
A	18/05/2018	ISSUE FOR TOWN PLANNING



① LEVESON STREET ARTIST IMPRESSION

No.	Revision Date	Description
A	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE	ARTIST IMPRESSION 01
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE

SCALE: 80% TO SCALE
 1:100 @ A3

JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP950 A



1 PEARSON PLACE ARTIST IMPRESSION

GENTON

Melbourne Level 2, 120 Chablin Lane VIC 3000
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 Perth Level 5, 100 St Georges Terrace WA 6000

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No.	Revision Date	Description
A.	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE	ARTIST IMPRESSION 02
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE

SCALE: 800 TO BELL
 1:100 @ A3

JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP951 A

DISCLAIMER: Drawing for information purposes only



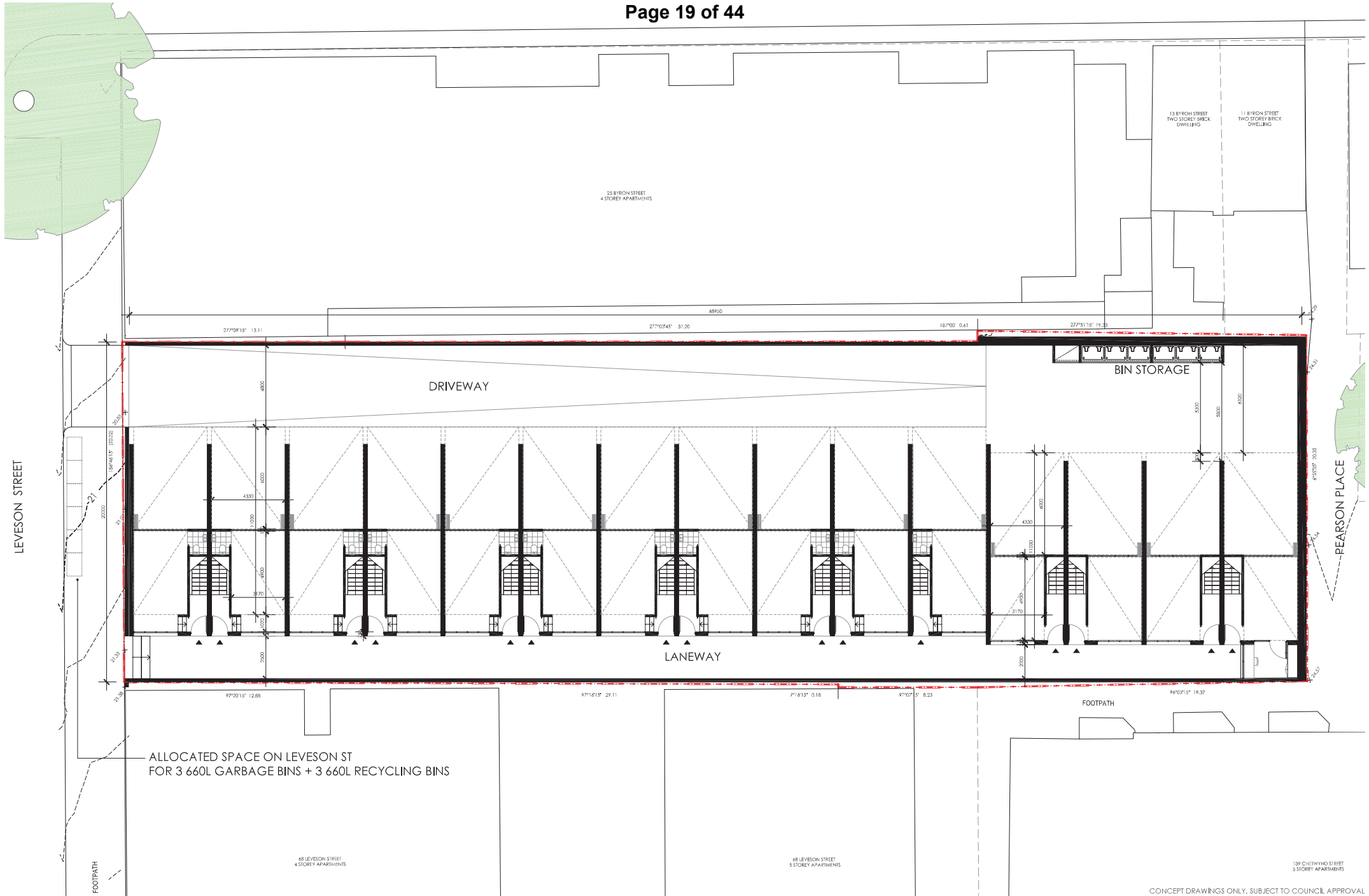
1 PRIVATE OPEN SPACE ARTIST IMPRESSION

No.	Revision Date	Description
A	18/05/2018	ISSUE FOR TOWN PLANNING

TITLE	ARTIST IMPRESSION 03
PROJECT	84-88 LEVESON ST, NORTH MELBOURNE

SCALE	AS SHOWN 1:100 @ A3
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JOB NO.	1728
DATE	18/05/2018
DRAWING NO.	TP952 A



ALLOCATED SPACE ON LEVESON ST
FOR 3 660L GARBAGE BINS + 3 660L RECYCLING BINS

GROUND LEVEL | OPTION A (3+3 660L BINS)
LEVESON STREET, NORTH MELBOURNE

CONCEPT DRAWINGS ONLY, SUBJECT TO COUNCIL APPROVAL

SCALE 1:200
DATE 16/03/2018
DWG NO. 2

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PLANNING PERMIT APPLICATION

DELEGATE REPORT

Application number:	TP-2018-493
Applicant / Owner / Architect:	Geographe Property Pty Ltd c/- Contour Consultants Australia Pty Ltd / Emerson Patrick Holdings Pty Ltd / Genton
Address:	84-88 Leveson Street, North Melbourne
Proposal:	Demolition of the existing building and structures, construction of a four storey building comprising 15 townhouses, provision of more than one car space per dwelling and removal of the party wall easement from the plan of subdivision
Cost of works:	\$7.5 million
Date of original submission:	18 June 2018
Responsible officer:	Ashley Treloar

1 SUBJECT SITE AND SURROUNDS

1.1 Site

The subject site is located on the east side of Leveson Street between Arden Street to the north and Queensberry Street to the south. The rear of the site adjoins Pearson Place.

The site has a rectangular shape with a 20m frontage to Leveson Street, a depth of 69m and a total area of approximately 1,411 square metres.

The land falls approximately 3.7m from east to west and 600mm from south to north at the street frontage.

The site is developed with a two storey painted brick warehouse built to the front and side boundaries.

Vehicle access is provided via a single width crossover on Leveson Street and Pearson Place.

The existing building and immediate streetscape (62-82 to 98-104 Leveson Street, inclusive) have not been afforded a grading in the Heritage Places Inventory (March 2018). Amendment C258 does not propose a grading.

The site is formally described as Lot 1 on Plan of Subdivision 026052. Volume 07939 Folio 137.

The site is not affected by any restrictive covenants. A 20.5m long party wall easement adjoins the south boundary at the front of the site.

1.2 Adjoining properties

North

15-33 Byron Street is developed with a four storey mixed use building with office on the ground floor facing Leveson Street and dwellings on the upper floors facing Byron Street and Leveson Street. The corridor adjoins the subject site.

13 Byron Street is developed with two storey Victorian terrace. This property has an irregular shape with a 1m wide accessway to Pearson Place at the rear of 11 Byron Street.

11 Byron Street is developed with a two storey Victorian terrace with a two storey rear extension and first floor balcony.

South

62-82 Leveson Street is developed with two apartment buildings, four and five storeys high. The central courtyard is 9.0m to 10.9m wide. The front building has a lightwell adjoining the subject site that serves the corridor and two perpendicular bedrooms. The rear building has a solid boundary wall to the subject site.

139-145 Chetwynd Street is developed with a five storey residential building with serviced apartments on the ground and first floors and dwellings on the upper floors. The building is setback 3.0m to 3.4 from the shared boundary, excluding balconies. The balconies have 1.7m high obscure glazed privacy screens.

East

Over Pearson Place, 147-149 Chetwynd Street is developed with a two storey Victorian terrace.

151 and 153 Chetwynd Street are both developed with single storey Victorian terraces.

1.3 Surrounds

The site is located within an established neighbourhood characterised by a mix of single dwellings and apartment buildings in the order of one to four storeys, including heritage cottages, converted warehouses and modern apartments.

The site is well served by public transport and is located in proximity to Errol Street shops, Queen Victoria Market and the Central Business District.

Leveson Street has a 30.5m wide road reserve with a vehicle and bicycle lane in each direction, and median and kerbside parking.

Pearson Place has a 3m wide road reserve.

Aerial Photograph (Source: Council's GIS 23 August 2018)



2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

A pre-application meeting was held prior to lodgement.

2.2 Background to the application

A revised Waste Management Plan by Leigh Design Pty Ltd dated 21 September 2018 was received 23 September 2018, which included a communal bin store in response to Engineering Services' referral comments.

The applicant met with the objectors from 11 Byron Street (north), 62-82 Leveson Street (south) and 147-149 Chetwynd Street (east) separately and negotiated changes to the advertised drawings as set out in section 6 of this report. The changes include:

- Additional screening.
- Delete the second and third floor windows on the east elevation.
- Rebuild the section of wall on the south boundary between the adjoining apartment buildings at 62-82 Leveson Street with recycled brick to match the existing height and profile.

2.3 Planning application history

The following applications are relevant to the subject site and surrounds.

Address	Reference	Description	Decision
84-88 Leveson St, North Melbourne (subject site)	TP-2003-1271	Demolition of the existing buildings and construction of a five storey residential building for 31 dwellings, reduction of the car parking requirement and waiver of the visitor bicycle parking requirement	Permit 2/3/2005
15-33 Byron St, North Melbourne	TP-2008-948	Demolition of the existing building and construction of a four storey mixed use building including a shop and 34 dwellings and reduction of the car parking requirement	Permit 4/5/2009
11 Byron St, North Melbourne	TP-2016-285	Part demolition and construction of alterations and additions	Permit 18/7/2016

62-82 Leveson St, North Melbourne	TP-2011-927/B	Demolition of the existing building and construction of a four storey residential building and a five storey residential building	Amended Permit 30/5/2014
139-145 Chetwynd St, North Melbourne	TP-2010-1026/E	Demolition of the existing building and construction of a five storey residential building (serviced apartments on the ground and first floors), provision of car parking in excess of Clause 45.09 and one business identification sign	Amended Permit 8/8/2013

3 PROPOSAL

The application seeks planning permission for demolition of the existing building and structures, construction of a four storey building comprising 15 townhouses, provision of more than one car space per dwelling and removal of the party wall easement from the plan of subdivision.

The plans that have been considered in this assessment are the advertised drawings by Genton, Revision A dated 18 May 2018.

Details of the proposal can be summarised as follows:

Building height	12.8m excluding architectural features and building services
Number of storeys	Four storeys
Upper level setbacks	<p>North boundary</p> <ul style="list-style-type: none"> • Ground floor: no setback • Level 1: 5.8m to 6.2m excluding fin walls • Level 2: 5.8m to 6.2m excluding fin walls • Level 3: 5.8m and 8.0m excluding fin walls <p>South boundary</p> <ul style="list-style-type: none"> • Ground floor: 2.2m, no setback in SE corner • Level 1: 2.2m, no setback in SE corner • Level 2: 2.2m • Level 3: 2.2m and 4.7m <p>East boundary</p> <ul style="list-style-type: none"> • No setback
Dwelling mix	<p>1 bedroom: 0</p> <p>2 bedroom: 0</p> <p>3 bedroom: 4 (27%)</p> <p>4 bedroom: 11 (73%)</p> <p>Total: 15</p>
Car parking	30
Bicycle parking	30

Vehicle access/egress	4.8m wide crossover on Leveson Street
Loading/unloading	None

- The development features a communal pedestrian access on the south side of the building that is 2.5m to 2m wide and open to the sky.
- Vehicle access is provided via a 4.8m wide crossover on Leveson Street and a shared driveway on the north side of the building.
- Each townhouse has two car spaces on the ground floor; kitchen, dining, living and a north facing balcony on the first floor; and bedrooms on the second and third floors. The four bedroom townhouses at the front of the site have rooftop terraces. The three bedroom townhouses at the rear of the site have north and south facing balconies on Level 3, in addition to the north facing balconies on Level 1.
- While the drawings show two car spaces per dwelling in tandem with a bi-fold door in between the spaces, they do not meet the minimum dimensions in Clause 52.06 (3.5m wide x 6.5m long) and it is considered that the southern space (3m or 3.2m wide x 4.9m long) is more likely to be used for parking motorcycles and/or bicycles or for storage, home office etc.
- The development presents contemporary architecture and respectful materials and finishes, including recycled brick, black and dark grey metal cladding and white and dark grey render.

Proposed Render – Leveson Street (advertised render)



Proposed Render – Pearson Place (advertised render)



Proposed Render – internal view (advertised render)



4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

<p>Planning Policy Framework</p>	<p>Clause 11 – Settlement Clause 13 – Environmental Risks and Amenity Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 18 – Transport Clause 19 – Infrastructure</p>
<p>Municipal Strategic Statement</p>	<p>Clause 21.04 – Settlement 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 22.05 – Heritage Places Outside the Capital City Zone</p> <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 Mixed Use Zone</p>	<p>A permit is required to construct two or more dwellings on a lot and residential buildings.</p> <p>An apartment development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.</p>																		
<p>Clause 43.01 Heritage Overlay Schedule 3</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> Demolish or remove a building. Construct a building or construct or carry out works. 																		
<p>Clause 43.02 Design and Development Overlay Schedule 32</p>	<p>A permit is required to construct a building or construct or carry out works.</p> <p>A permit cannot be granted to vary the 14m maximum building height. Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.</p>																		
<p>Clause 43.02 Design and Development Overlay Schedules 65 and 66</p>	<p>A permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the specified referral heights.</p> <p>DDO65</p> <table border="1"> <thead> <tr> <th>Helicopter landing site</th> <th>Helipad height (AHD)</th> <th>Referral height (AHD)</th> </tr> </thead> <tbody> <tr> <td>Royal Children's Hospital</td> <td>62.4m</td> <td>62.4m</td> </tr> <tr> <td>Royal Melbourne Hospital</td> <td>67.3m</td> <td>67.3m</td> </tr> </tbody> </table> <p>DDO66</p> <table border="1"> <thead> <tr> <th>Helicopter landing site</th> <th>Helipad height (AHD)</th> <th>Referral height (AHD)</th> </tr> </thead> <tbody> <tr> <td>Royal Children's Hospital</td> <td>62.4m</td> <td>72.4m</td> </tr> <tr> <td>Royal Melbourne Hospital</td> <td>67.3m</td> <td>77.3m</td> </tr> </tbody> </table> <p>The site is located in proximity to the Royal Children's Hospital and</p>	Helicopter landing site	Helipad height (AHD)	Referral height (AHD)	Royal Children's Hospital	62.4m	62.4m	Royal Melbourne Hospital	67.3m	67.3m	Helicopter landing site	Helipad height (AHD)	Referral height (AHD)	Royal Children's Hospital	62.4m	72.4m	Royal Melbourne Hospital	67.3m	77.3m
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	the Royal Melbourne Hospital. The building height is 38.21m AHD and the applicant has advised that the construction equipment will not exceed the referrals height; as such no permit is required under these schedules.
Clause 45.09 Parking Overlay Schedule 12	A permit is required to provide car parking in excess of one space to each dwelling. The development provides two spaces per dwelling, one regular space and one smaller space, as such a permit is required under this overlay.
Particular Provisions	
Clause 52.02 Easements, Restrictions and Reserves	A permit is required before a person proceeds: <ul style="list-style-type: none"> Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the interests of affected people.
Clause 52.06 Car Parking	Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.
Clause 52.34 Bicycle Facilities	The bicycle parking rate for a development of four or more storeys is: <ul style="list-style-type: none"> 1 resident space to each 5 dwellings 1 visitor space to each 10 dwellings The development provides fifteen townhouses, which generates a bicycle parking requirement of three spaces for residents and two spaces for visitors. The layout of the development provides at least two spaces per dwelling, which could also be used by visitors.
Clause 55 Two or more dwellings on a lot and residential buildings	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.

5 PUBLIC NOTIFICATION

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

6 OBJECTIONS

A total of 47 objections were received, which raised the following concerns (summarised).

- Insufficient information to determine the impact on the adjoining properties.
- The development should retain and reuse the existing building.
- The setbacks do not comply with Standard B17.
- Overlooking, overshadowing, visual bulk and a sense of enclosure.
- Inadequate vehicle access and turning circles, which will result in increased demand for on-street parking.
- Lack of visitor parking.
- Damage to the adjoining properties during construction.
- Objection to removal of the party wall easement. The existing party wall provides a water tight seal and the red brick adds to the visual amenity of the adjoining properties.
- Noise from the mechanical equipment.
- Noise and water leaking from any potential water features.

The applicant met with objectors and negotiated the following changes to the advertised drawings, some of which were shown on revised plans:

- An 800mm high privacy screen on top of the planter to the first floor balcony to Townhouse 15.
- Deletion of the second and third floor habitable room windows on the east elevation as shown on TP102 Revision C and TP103 Revision C both dated 14 September 2018.
- 1.7m high privacy screens on the east side of the third floor balconies to Townhouse 15 as shown on TP-103 Revision C dated 14 September 2018.
- The second and third floor habitable room windows on the south elevation of Townhouses 5, 6 and 7 to have fixed obscure glazing to 1.7m high as shown on TP102 Revision C and TP103 Revision C both dated 14 September 2018.
- 1.7m high privacy screens to the second floor north facing habitable room windows to Townhouses 13, 14 and 15.
- Visual screens on the south side of the roof mounted AC and HW units to Townhouses 1 to 11. The screens must not exceed the height of the building services by more than 100mm.
- The section of wall on the south boundary between the adjoining apartment buildings at 62-82 Leveson Street reconstructed to match the height and profile of the existing boundary wall with recycled brick.

These changes are acceptable from amenity and neighbourhood character perspectives. Condition 1 amended plans are recommended accordingly.

7 INTERNAL REFERRALS

The application was not referred to Council's Heritage Advisor as there is adequate direction set out in the local policies.

7.1 Urban Design

The application was discussed with Council's Urban Design Team who advised that:

- Townhouse 1 should have a front door and window on Leveson Street to provide an active ground floor street frontage.

7.2 Traffic

- PO12 specifies a maximum of 1 car space per dwelling.
- The provision of 2 car spaces per dwelling is unacceptable as the owners/occupiers are likely to rent out unused spaces, resulting in higher traffic generation during peak times.
- A note should be included on any permit advising that residents will not be eligible for parking permits and will not be exempt from parking restrictions.
- Further, the applicant should be advised that Council will not alter existing on-street parking to cater for the development's parking or loading needs.
- Pedestrian sightlines should be provided in accordance with the Clause 52.06.

7.3 Waste

- The revised Waste Management Plan by Leigh Design dated 21 September 2018 is acceptable.

7.4 Civil

- No objection, subject to standard conditions.

8 EXTERNAL REFERRALS

No external referrals were required.

9 ASSESSMENT

The key issues in the assessment of the application are:

- Demolition of the existing building and structures.
- The height, scale and design of the replacement building.
- Clause 55 and perceived amenity impacts.
- Parking and waste.
- Environmentally sustainable design.
- Potentially contaminated land.
- Demolition of the party wall and removal of the party wall easement from the plan of subdivision.

9.1 Demolition of the existing building and structures

The site is located within HO3 (North and West Melbourne).

The existing building has not been afforded a grading in the Heritage Places Inventory (March 2018) and Amendment C258 does not propose a grading.

Clause 22.05 encourages the retention of A and B graded buildings and the front part of C and many D graded buildings. It does not require the retention of non-graded buildings. As such, demolition of the existing building and structures is supported.

9.2 Height, scale and design of the replacement building

9.2.1 Height

The site is located within DDO32 (North Melbourne Peripheral), which has a maximum allowable building height of 14m.

The building is 12.8m high to the rooftop, except for the following projections on the 11, four bedroom townhouses at the front of the site:

- 1.1m high parapet/ balustrades (13.9m high).
- 1.7m high privacy screens between the rooftop terraces and to the south of the enclosed stair (14.5m high).
- 3.7m high enclosed stair, canopy structure and solar panels (16.5m high).

These items are considered to be architectural features and/or building services, permissible above the maximum building height, except for the 1.7m high privacy screens.

A condition is recommended to lower the building so that the 1.7m high privacy screens on the rooftop terraces to Townhouses 1 to 11 do not exceed 14m high as measured from the footpath or natural surface level at the centre of the site frontage or delete the privacy screens between the rooftop terraces and redesign the privacy screens on the south side of the rooftop terraces so that they comply with the mandatory height control and limit views into the adjoining property.

Internal views between the rooftop terraces are not considered unreasonable in a medium density community environment.

Subject to the above condition, the development will not exceed the maximum building height and will achieve the design objectives and built form outcomes in DDO32. More specifically, the development will:

- Sit comfortably between the adjoining four storey buildings and maintain the low scale nature of the area.
- Maintain the pedestrian friendly scale of Leveson Street and access to sunlight and sky views.
- It will not impact on views to the Meat Market and the North Melbourne Town Hall.
- It will not impact on the character of Peel Street or the setting of the Queen Victoria Market.

9.2.2 Scale and design

Clause 22.05 (Heritage Places Outside the Capital City Zone) requires that the height of a new building respect the scale and character of adjoining buildings and streetscapes. The materials should be respectful and the details should be interpretive.

Clause 22.17 (Urban Design Outside the Capital City Zone) encourages site responsive development, acknowledging that any development is part of a larger setting. In areas where a desire for built form change has been identified, the scale of development is encouraged to respond to the preferred built form. Building forms and surface treatments should be appropriately articulated to moderate apparent bulk and mass and avoid blank walls. Elements/ services above the roof should be absorbed within the overall building or included in the roof design.

The development responds to the features of the site and surrounds, and contributes to the preferred character identified in DDO32 and Clause 21.16.

The four storey building sits comfortably between the adjoining four storey buildings.

The 3.7m fall from east to west ensures that the development is only three storeys at the rear.

The building services, enclosed stairs, canopy structures and solar panels have been considered as part of the overall design and provide an attractive roofscape.

The side setbacks provide a visual break between the buildings and allow sunlight to penetrate Leveson Street.

The recycled brick on the ground and first floor is in keeping with the red brick in the streetscape. The upper levels are visually recessive and have dark materials that contrast the recycled brick.

The development is appropriately articulated by doors, windows and balconies on all elevations.

The planter boxes on the balconies and rooftop terraces provide landscaping opportunities to soften the appearance of the development.

Separate access is provided for pedestrians and vehicles off Leveson Street.

The slope of the land allows Townhouse 15 to have a pedestrian entrance on Pearson Place (200mm step-up into the townhouses).

9.3 Clause 55 and perceived amenity impacts

The townhouses are dual aspect with good access to light, outlook and natural ventilation. The townhouses range in size from 129.6 square metres to 162.8 square metres (excluding garages and POS) and have flexible and functional layouts. The townhouses have large north facing balconies off the kitchen/ dining/ living and additional balconies or rooftop terraces.

The development meets the objectives of Clause 55. Variations to the standards, which are not uncommon in inner city areas, are discussed below.

9.3.1 Standard B3 – Dwelling diversity

Standard B3 requires development of 10 or more dwellings to provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, toilet and basin at ground level.

The development provides 11, four bedroom townhouses and four, three bedroom townhouses. However, it does not provide a dwelling with a kitchen and bathroom at ground level. A variation of this aspect of Standard B3 is acceptable because the layouts could be reconfigured to include a lift for people with limited mobility.

9.3.2 Standard B5 – Integration with the street

Standard B5 requires development to be oriented to existing and proposed streets, amongst other things.

Townhouse 1 adjoining Leveson Street is oriented to the internal accessway at ground level.

A front door to Townhouse 1 on Leveson Street is not practical having regard to the levels and the building services provided along the street frontage. Highlight windows are provided above the building services and the windows, balcony and rooftop terrace above provide an active frontage.

9.3.3 Standard B8 – Site coverage

Standard B8 requires no more than 60% site coverage.

The development has 98% site coverage; a narrow planting strip is provided along the south boundary.

A variation of Standard B8 is acceptable having regard to the neighbourhood character, which includes high site coverage.

9.3.4 Standard B9 – Permeability

Standard B9 requires no less than 20% permeable surfaces.

The development provides 2% permeable surfaces.

The impervious surface is offset by the stormwater management initiatives set out in the Environmentally Sustainable Design Statement by JBA Consulting Engineers Pty Ltd dated 8 June 2018.

9.3.5 Standard B17 – Side and rear setbacks

Standard B17 requires a new building not on or within 200mm of a boundary to be setback from the side and rear boundaries:

- 1m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.

The site has different levels and the development has different heights and setbacks. An assessment of the highest walls and the narrowest setbacks is provided below.

North boundary

Townhouses 1 to 11 at the front		Townhouses 12 to 15 at the rear	
Proposed height:	13.9m	Proposed height:	7.7m
Proposed setback:	5.76m	Proposed setback:	5.40m
Required setback:	8.99m	Required setback:	2.79m
Variation:	3.23m	Complies	
		Proposed height:	10.7m
		Proposed setback:	7.95m
		Required setback:	5.79m
		Complies	

A variation for the setbacks to Townhouses 1 to 11 is acceptable given the adjoining apartments are oriented to Leveson Street and Byron Street and the corridor adjoins the subject site.

The setbacks at the rear of the site comply with Standard B17.

South boundary

Townhouses 1 to 11 at the front		Townhouses 12 to 15 at the rear	
Proposed height:	13.5m	Proposed height:	7.2m
Proposed setback:	2.07m	Proposed setback:	2.01m
Required setback:	8.59m	Required setback:	2.29m
Variation:	6.52m	Variation:	0.28m
		Proposed height:	10.2m
		Proposed setback:	4.72m
		Required setback:	5.29m
		Variation:	0.57m

A variation for the setbacks to Townhouses 1 to 11 is acceptable because:

- The adjoining apartments face east-west.
- The setback maintains adequate light to the adjoining lightwell that serves a corridor and two perpendicular bedrooms.
- The development does not unreasonably overshadow the adjoining open space having regard to the orientation, inner city context and shadow cast by the existing built form.
- The development will not unreasonably affect the amenity of the adjoining apartments by way of visual bulk or a sense of enclosure given the existing built form and the siting and massing of the townhouses.

A variation for the setbacks to Townhouses 12 to 15 is acceptable because:

- The adjoining building is setback 3.0m to 3.4m (excluding balconies) and the windows and balconies have 1.7m high obscure glazing.
- The adjoining building has serviced apartments on the ground and first floors and dwellings on the upper levels.
- The townhouses are two storeys lower than the adjoining building.
- The 0.28m variation for the 7.2m high wall and a 0.57m variation for the 10.2m high wall are relatively minor.

9.3.6 Standard B21 – Overshadowing

Standard B21 requires that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75% or 40 square metres with minimum dimension of 3m, whichever is the lesser area, should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

The development will increase overshadowing to the secluded private open space at 62-68 Leveson Street and 139-145 Chetwynd Street, which are predominately balconies, as well as the backyard at 147-149 Chetwynd Street.

A variation of Standard B21 is acceptable having regard to the inner urban location, the character of the surrounding area and the shadow cast by the existing and preferred built form. Reducing the height and/or increasing the setback would have a negligible impact on reducing the overshadowing having regard to the orientation of the lots.

9.3.7 Standard B22 – Overlooking

Standard B22 requires habitable room windows, balconies, terraces etc. to be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a 9m distance and 45 degree angle.

As discussed in section 6 of this report, the applicant met with the objectors from the north, south and east and negotiated additional screening that exceeds the requirements of Standard B22 and provides for all adjoining dwellings. Condition 1 amended plans are recommended accordingly.

9.3.8 Standard B25 - Accessibility

Standard B25 requires the entries of dwellings and residential buildings to be accessible or able to be made accessible to people with limited mobility.

The land falls approximately 3.7m from east to west and 600mm from south to north at the street frontage. Townhouses 1 to 10 have a step or steps inside their front door. A variation of Standard B25 is acceptable given the site's complex levels and that the internal layouts could be reconfigured to provide ramped access and lifts for people with limited mobility.

9.3.9 Standard B29 – Solar access to open space

Standard B29 requires private open space to be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of the secluded private open space should be setback from any wall to the north at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Each townhouse has a north facing balcony off the kitchen, dining and living on Level 1. The adjoining development at 15-33 Byron Street has different heights and setbacks. A variation for the townhouses at the front of the site is acceptable given the variation is relatively minor and the townhouses have rooftop terraces with uninterrupted solar access.

9.4 Parking and waste

9.4.1 Car parking provision

PO12 specifies a maximum of one car space per dwelling.

The development proposes two car spaces per dwelling in tandem with a bi-fold door in between the spaces. Two spaces per dwelling are acceptable having regard to the townhouse typologies with three and four bedrooms.

Having said that, the spaces do not meet the minimum dimensions in Clause 52.06 (3.5m wide x 12.5m long) and it is considered that the southern space (3m or 3.2m wide x 4.9m long) is more likely to be used for parking motorcycles and/or bicycles or for storage, home office etc.

While Engineering Services objected to the provision of two car spaces per dwelling on the grounds that the owners/ occupiers are likely to rent out unused spaces, resulting in higher traffic generation during peak times, the development is acceptable as proposed because:

- Renting out unused spaces is highly unlikely considering the tandem arrangement, as either residents or leasers would be 'blocked in'.
- Parking utilisation will depend on car ownership and resident demand.
- The area has been designed with a bi-fold door and external window so that it could be used as a multi-purpose space.
- Preventing owners/ occupiers from renting out unused spaces can be controlled by a condition on the permit.

9.4.2 Bicycle parking provision

The development generates a statutory requirement of three spaces for residents and two spaces for visitors.

The layout of the townhouses provides at least two spaces per dwelling, which could also be used by visitors.

9.4.3 Waste storage and collection

A revised Waste Management Plan (WMP) by Leigh Design Pty Ltd was received 23 September 2018, which included a communal bin store in response to Engineering Services referral comments.

Engineering Services has advised that the revised WMP is acceptable.

A condition is recommended requiring updated swept path diagrams to ensure that vehicles can enter and exit the site in a forward direction with the new communal bin store.

9.4.4 Access and layout

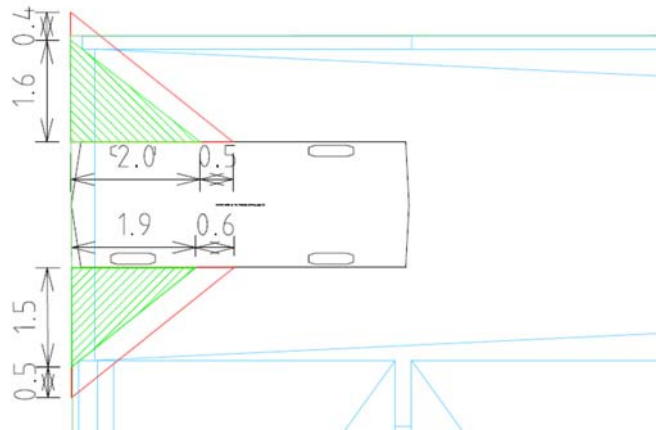
Engineering Services requested that pedestrian sightlines be provided in accordance with the Melbourne Planning Scheme.

Clause 52.06 requires accessways to have a corner splay or area at least 50% clear of visual obstructions extending at least 2m along the road frontage and 2.5m along the exit lane to provide a clear view of pedestrians.

The sightline diagram demonstrates that more than 50% of the pedestrian sightlines will be clear of visual obstructions; as such the design standard is met.

In addition, the roller door opening will alert pedestrians to vehicles.

Sightline diagram



9.5 Environmentally sustainable design

Clause 22.19 requires that applications for buildings over 2,000 square metres 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 up to 5,000 square metres 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.

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

The Environmentally Sustainable Design Statement by JBA Consulting Engineers Pty Ltd dated 8 June 2018 demonstrates that the townhouses have the preliminary design potential to achieve:

- 1 point for Wat-1 credit under Green Star – Multi Unit Residential rating tool.
- A NatHERS energy rating of at least 6 stars.
- 100% STORM.

Conditions are recommended to ensure that the sustainability initiatives are achieved in the completed development.

9.6 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. Permit conditions are recommended accordingly.

9.7 Removal of the party wall easement from the plan of subdivision

The application includes demolition of the party wall and removal of the party wall easement from the plan of subdivision.

Clause 52.02 requires a permit for the removal of an easement. The decision guidelines include the consideration of the interests of affected people.

Some objections raised concern regarding demolition of the party wall and removal of easement because it provides a water tight seal and the red brick adds to the visual amenity of the adjoining properties.

Demolition of the existing building, including the party wall is acceptable for the reasons set out in section 9.1 of this report.

Removal of the party wall easement from the plan of subdivision is required to provide for the equitable development of the subject site.

In relation to the objectors' concerns, the water tight seal between the properties is a building matter, and the development includes a recycled brick boundary wall which is an acceptable boundary treatment.

For these reasons, removal of the party wall easement is supported.

9.8 Any other issues raised by the objectors

Some objections raised concern regarding a lack of visitor parking; there is no statutory requirement to provide visitor parking.

Damage to the adjoining properties during construction is not a relevant planning consideration; it is a building matter.

The mechanical equipment has been appropriately sited away for the adjoining properties and is required to comply with the EPA's regulations for residential noise.

A permit is not required for water features and the Responsible Authority cannot impose restrictions.

9.9 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.

10 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, including demolition and bulk excavation, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the drawings by Genton Revision A dated 18 May 2018, but amended to show:
 - a) A communal bin store as shown on the revised Waste Management Plan by Leigh Design Pty Ltd dated 21 September 2018.
 - b) Updated swept path diagrams to demonstrate that vehicles can enter and exit the site in a forward direction.
 - c) The building height lowered so that the 1.7m high privacy screens on the rooftop terraces to Townhouses 1 to 11 do not exceed 14m high as measured from the footpath or natural surface level at the centre of the site frontage or delete the privacy screens between the rooftop terraces and redesign the privacy screens on the south side of the rooftop terraces so that they comply with the mandatory height control and limit views into the adjoining property.
 - d) An 800mm high privacy screen on top of the planter to the first floor balcony to Townhouse 15.
 - e) Deletion of the second and third floor habitable room windows on the east elevation as shown on TP102 Revision C and TP103 Revision C both dated 14 September 2018.
 - f) 1.7m high privacy screens on the east side of the third floor balconies to Townhouse 15 as shown on TP-103 Revision C dated 14 September 2018.
 - g) The second and third floor habitable room windows on the south elevation of Townhouses 5, 6 and 7 to have fixed obscure glazing to 1.7m high as shown on TP102 Revision C and TP103 Revision C both dated 14 September 2018.
 - h) 1.7m high privacy screens to the second floor north facing habitable room windows to Townhouses 13, 14 and 15.
 - i) Visual screens on the south side of the roof mounted AC and HW units to Townhouses 1 to 11. The screens must not exceed the height of the building services by more than 100mm.
 - j) The section of wall on the south boundary between the adjoining apartment buildings at 62-82 Leveson Street reconstructed to match the height and profile of the existing boundary wall with recycled brick.
 - k) 1:20 drawings of the fenestration and façade details at key junctions.
 - l) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.

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, including demolition and bulk excavation, 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.

Construction management plan

6. Prior to the commencement of the development, including demolition and bulk excavation, a detailed demolition and construction management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. This demolition and 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

7. 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.
8. 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.
9. The road adjoining the site along Pearson Place must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
10. The footpath adjoining the site along Leveson Street must be reconstructed together with associated works including the reconstruction of kerb and channel

and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

11. Existing street levels in Leveson Street and Pearson Place 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.

Environmentally sustainable design

12. The performance outcomes specified in the Environmentally Sustainable Design Statement by JBA Consulting Engineers Pty Ltd dated 8 June 2018 must be achieved in the completed development.
13. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
14. 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 ESD Statement.

Waste management

15. The waste storage and collection arrangements must be in accordance with the Waste Management Plan prepared by Leigh Design dated 21 September 2018.
The Waste Management Plan must not be altered without prior consent of the City of Melbourne – Engineering Services.
16. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

3D model

17. Prior to the commencement of the development, excluding demolition and bulk excavation, 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

18. 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.
19. The screening of the windows, balconies and terraces shown on the endorsed plans must be installed prior to occupation of the building and must be maintained to the satisfaction of the Responsible Authority.

Street trees

20. Prior to the commencement of the development, including demolition and bulk excavation, 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 and Traffic 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.
21. 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.
22. 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.
23. 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.

24. All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

Potentially contaminated land and remediation

25. 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.

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).

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.

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).

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.

Car parking

- 26. The areas set aside for car parking must only be used for the parking of vehicles by the owners and occupiers of, or bona fide visitors to residential lots in the building and must not operate as a public car parking facility.

Development time limit

- 27. 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.

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.

Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. However, new parking restrictions may be introduced in the surrounding area if considered appropriate by Council.

As per Council's policy, new developments in this area that have been reconstructed to increase residential density, are not entitled to resident parking permits. Therefore, the residents/visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

Vehicles may not be able to access their garages in a single movement and may need to make corrective manoeuvres in order to do so. It is therefore recommended that residents park their cars in the garages, prior to making a decision to purchase the dwelling. Council will not accept responsibility for any damage incurred, to either

cars to this/other properties, either within the garages or while entering/exiting the garages.