

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

**Planning Permit Application: TP-2018-722
671-701 Flinders Street, Docklands**

7 May 2019

Presenter: Evan Counsel, Acting Manager Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application for planning permit to allow for partial demolition and the use and development of the top level of an existing building for an innominate use that includes a working farm, nursery, farmgate shop, cafe, event space (with live music and entertainment) and an education space at 671-701 Flinders Street, Docklands (refer Attachment 2 - Locality Plan).
2. The applicant is Biofilta Pty Ltd c/- Ethos Urban; the owner is Development Victoria and the architect is RD Architecture.
3. The land is located with the Capital City Zone Schedule 1 (CCZ1) and is affected by the Design and Development Overlay Schedule 10 (DDO10) and the Parking Overlay Schedule 1 (PO1).
4. The application has received a total of 30 objections and one letter of support.

Key issues

5. The key issue for consideration is the shadowing impact from the proposal on the proposed public park at Seafarer's Rest, and potential noise impacts arising from the proposed use and provision of live music.
6. The proposal would result in an additional overshadowing of Seafarer's Rest between 11:00am to 12:00 noon on the 22 June, and a small degree of overshadowing at 11:00am on 22 September. A permit condition is recommended to ensure the built form be amended so that there be no additional overshadowing to the proposed park during these times.
7. The application has demonstrated compliance with the relevant noise standards, and that the provision of amplified live music and entertainment in the event space only, would not have an unreasonable noise impact on surrounding residential properties.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 73)
2. Locality Plan (Page 3 of 73)
3. Application documentation (Page 4 of 73)
4. Delegate Report (Page 46 of 73)

Supporting Attachment

Legal

1. As objections have been received, sections 64 and 65 of the *Planning and Environment Act 1987* 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

2. There are no financial implications arising from the recommendation from management.

Conflict of interest

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

Health and Safety

4. The application has a requirement that a Venue Management Plan be endorsed to form part of the permit. The endorsed plan outlines measures put in place for the venue to address health and safety matters.
5. Potential noise impacts arising from the proposal that could impact on health and safety are also dealt with in the planning permit process.

Stakeholder consultation

6. Public notice of the application has been undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.

Relation to Council policy

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

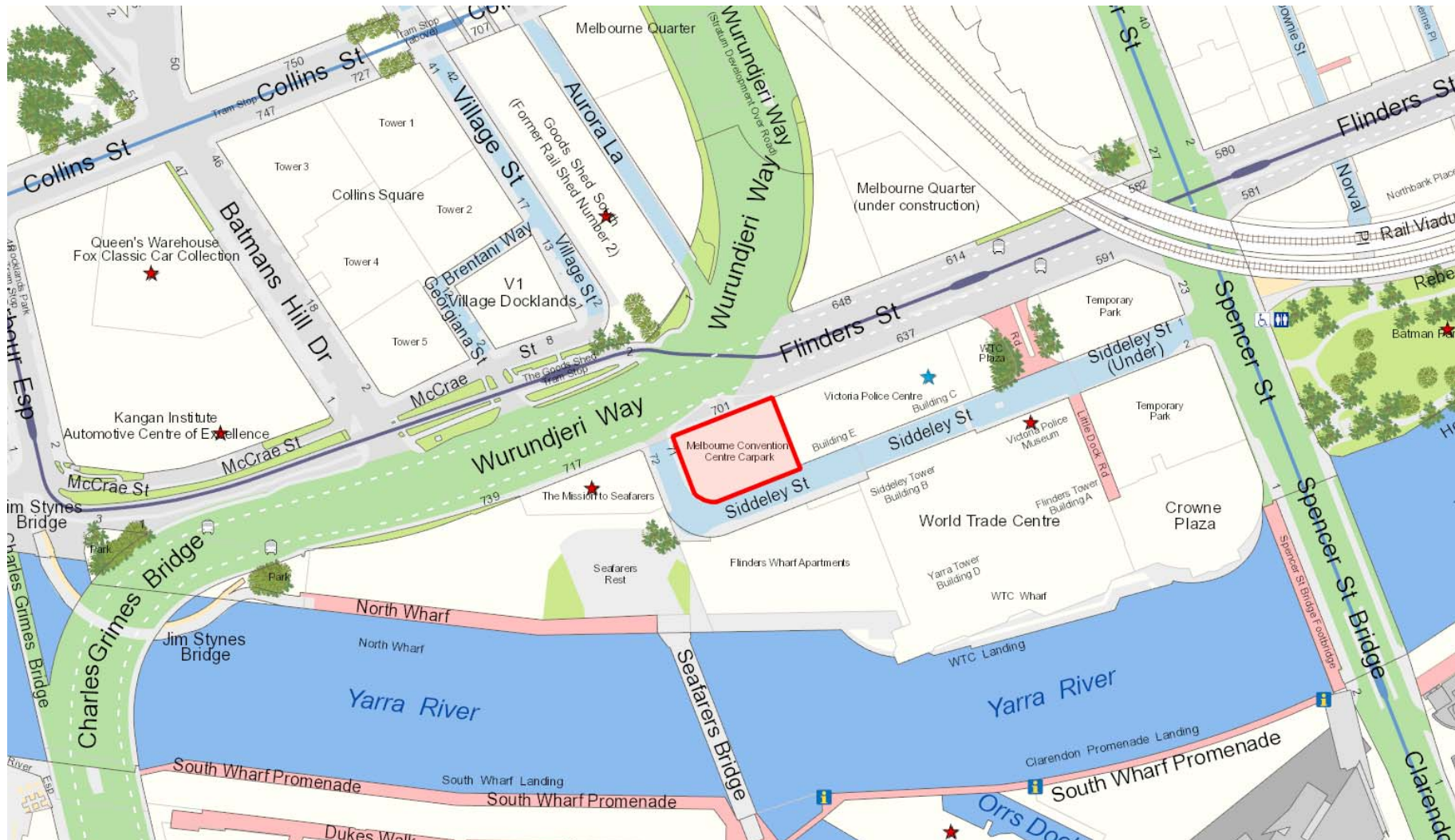
Environmental sustainability

8. The proposal includes many ESD features such as urban farming, stormwater capture and reuse, solar panels and green roofs that would contribute to reducing the urban heat island affect, contribute to local food production and support biodiversity and healthy eco-systems.

Locality Plan

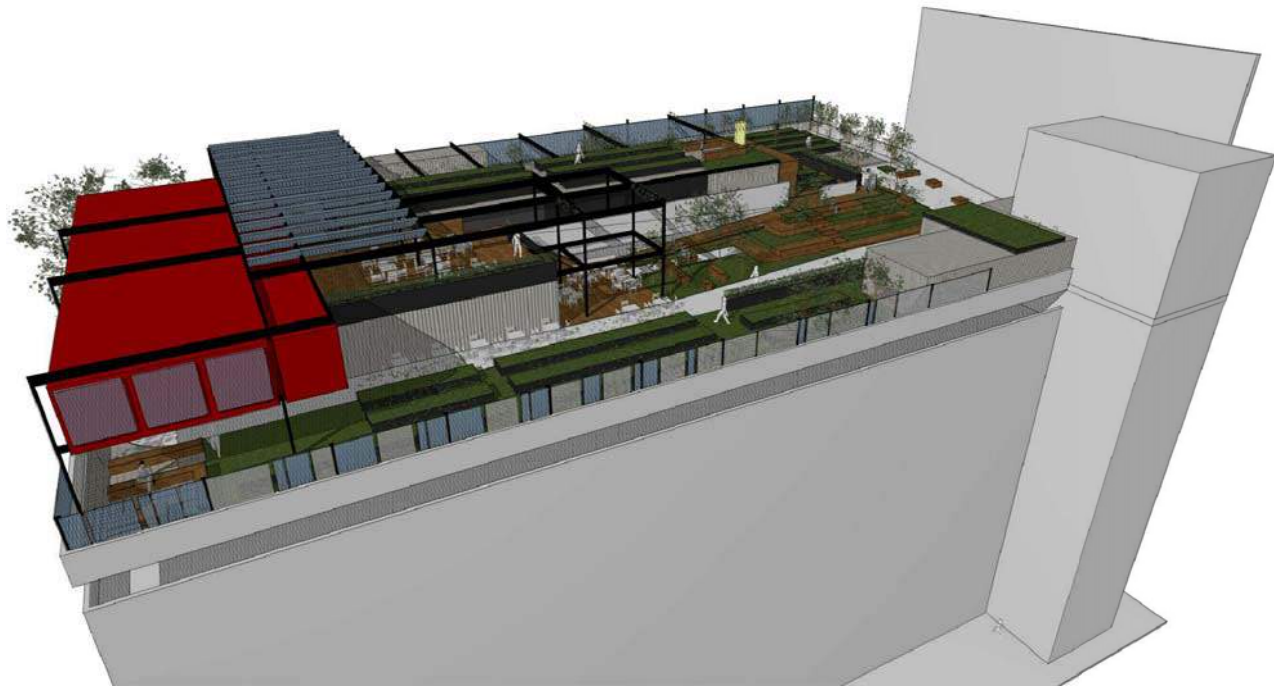
Attachment 2
Agenda item 6.2
Future Melbourne Committee
7 May 2019

671-701 Flinders Street, Docklands

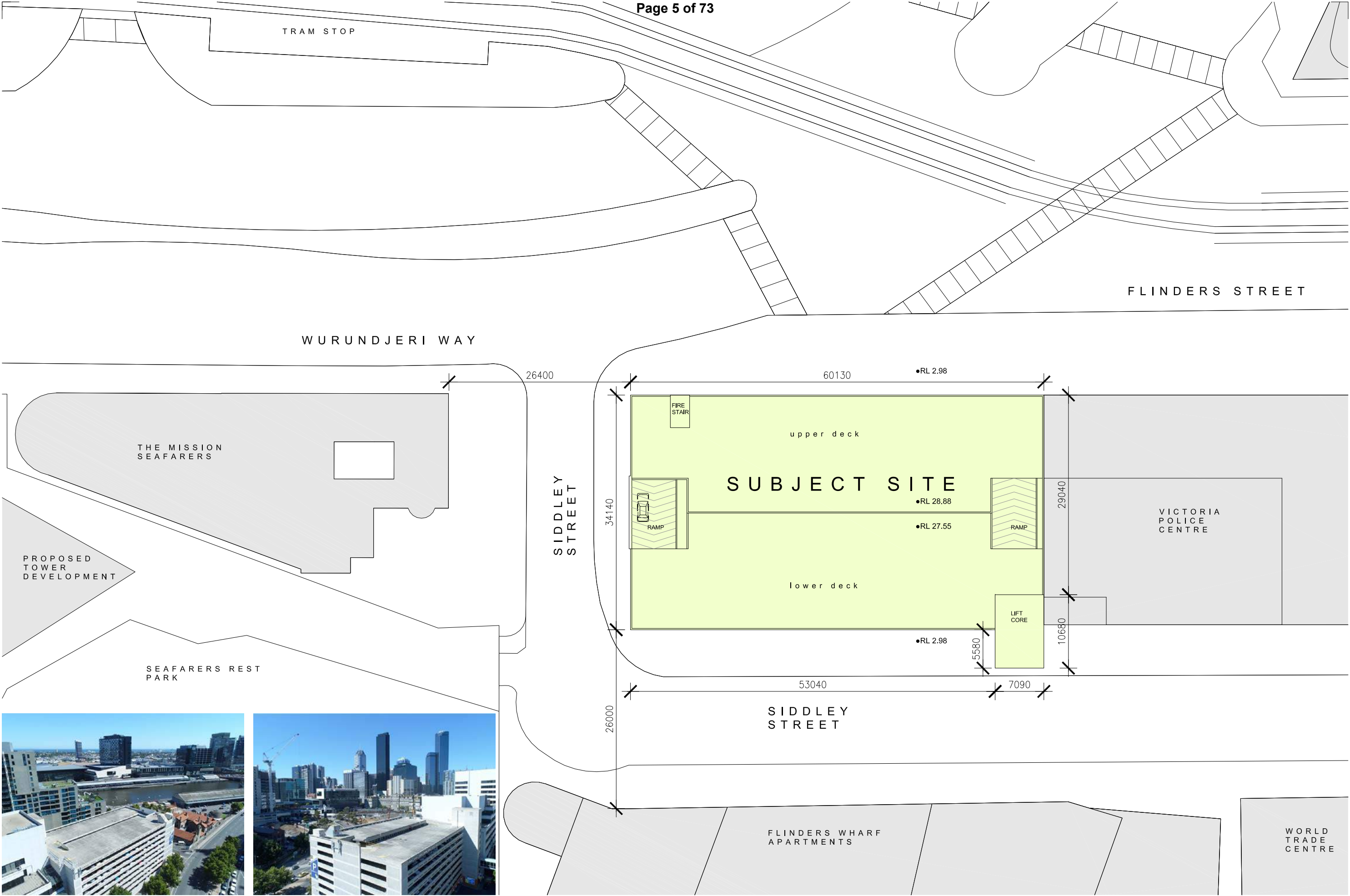


DRAWING LIST:

TP.01	EXISTING SITE PLAN - 1:500
TP.02	EXISTING AND DEMOLITION PLAN - 1:200
TP.03	PROPOSED SITE PLAN - 1:500
TP.04	PROPOSED LOWER LEVEL PLAN - 1:200
TP.05	PROPOSED UPPER LEVEL PLAN - 1:200
TP.06	PROPOSED ROOF PLAN - 1:200
TP.07	PROPOSED SECTION A - 1:100
TP.08	PROPOSED SECTION B - 1:100
TP.09	PROPOSED SECTION C - 1:100
TP.10	PROPOSED SECTION D - 1:100
TP.11	PROPOSED NORTH ELEVATION - 1:100
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TP.14	JUNE 22 SHADOW DIAGRAMS - 1:1000
TP.15	SEPTEMBER 22 SHADOW DIAGRAMS - 1:1000
TP.16	EXTERNAL FINISHES
TP.17	GENERAL SERVICES PLAN - 1:200



T O W N P L A N N I N G D R A W I N G S

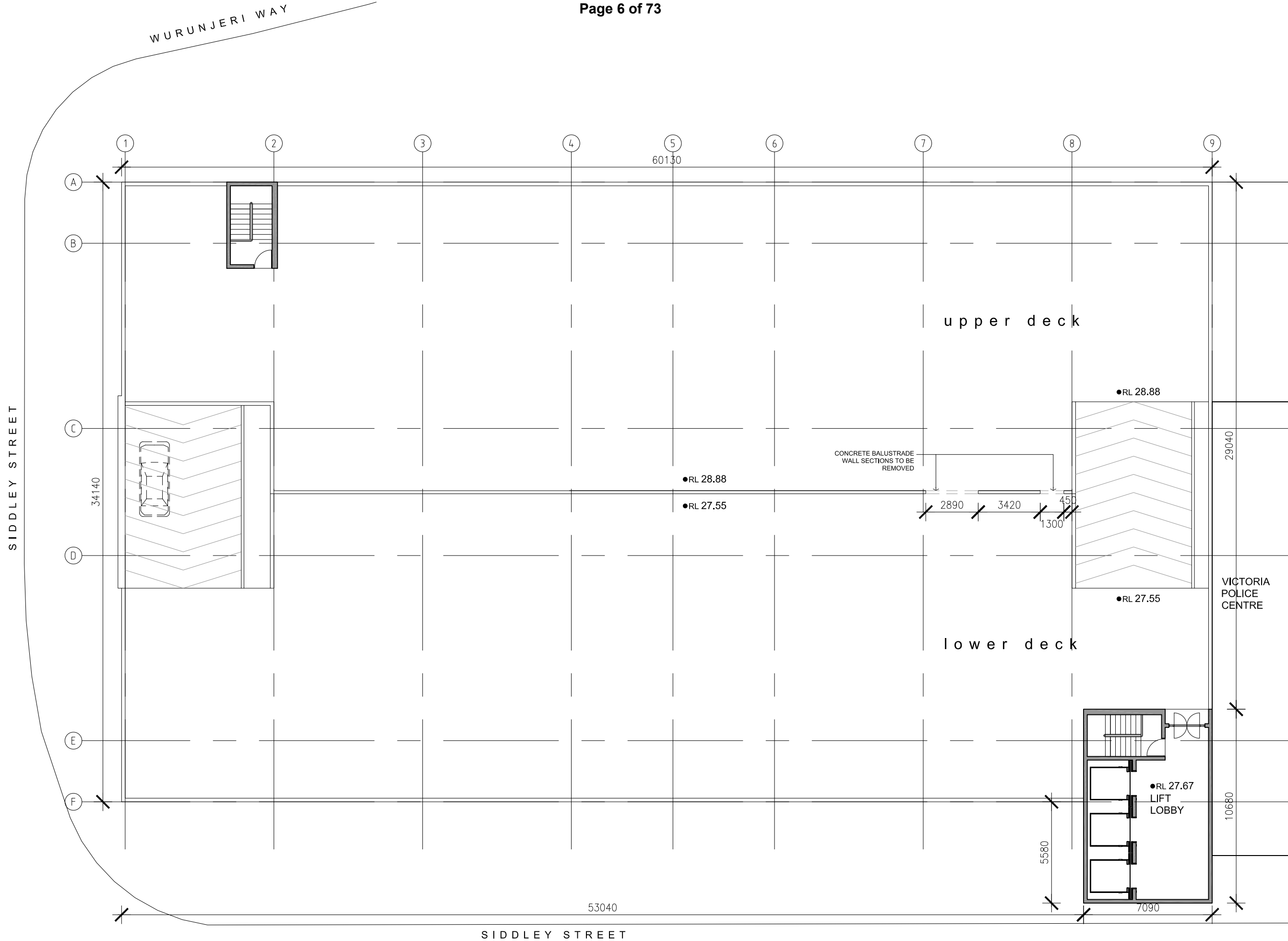


PROJECT	MELBOURNE SKYFARM
DRAWING	EXISTING SITE PLAN

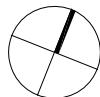


DWG NO.	TP.01	rev.1
DATE	01.11.2018	
SCALE	1:500@A3	
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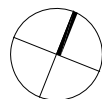
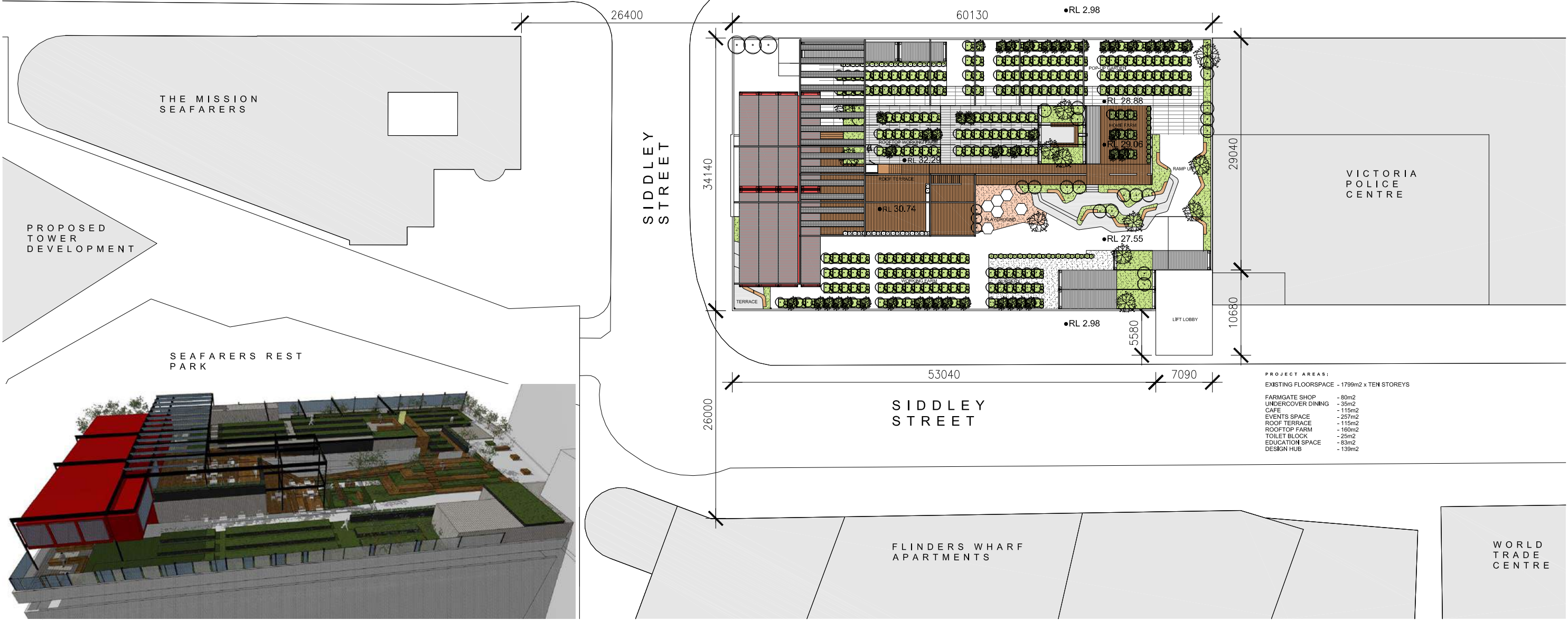
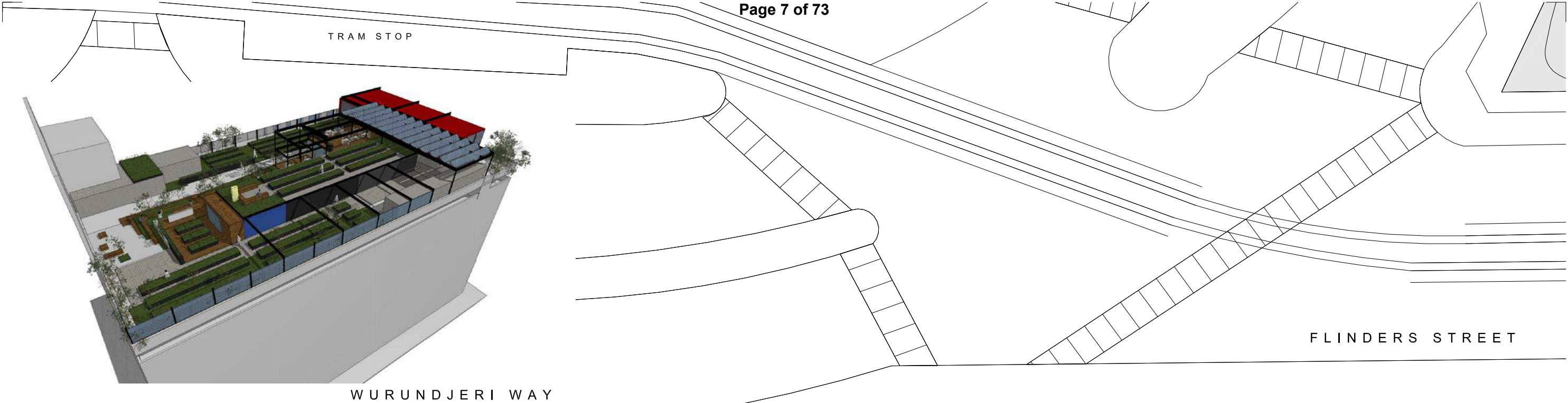


PROJECT	MELBOURNE SKYFARM
DRAWING	EXISTING AND DEMOLITION PLAN

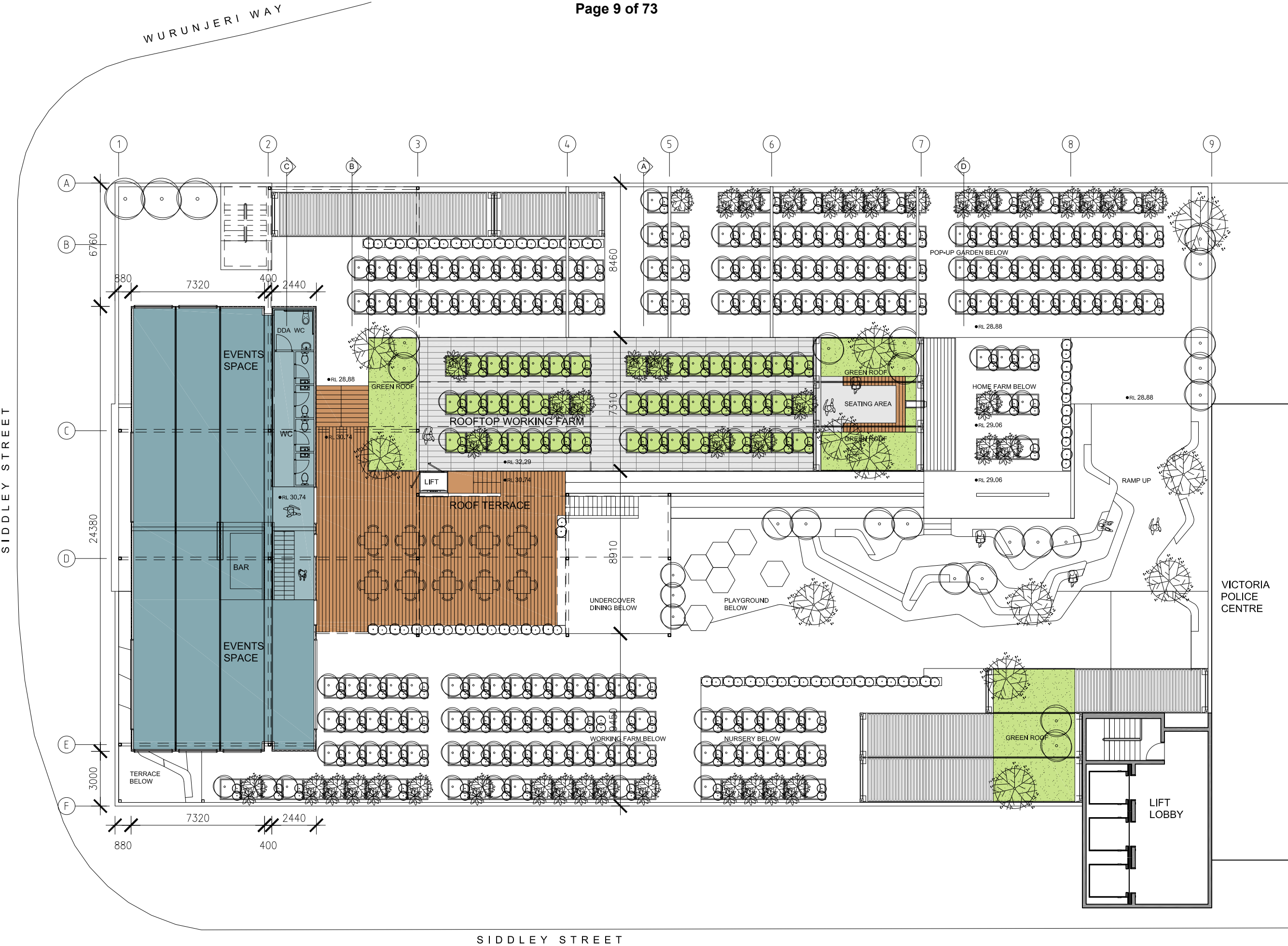


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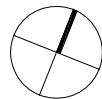






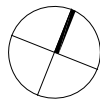
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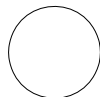
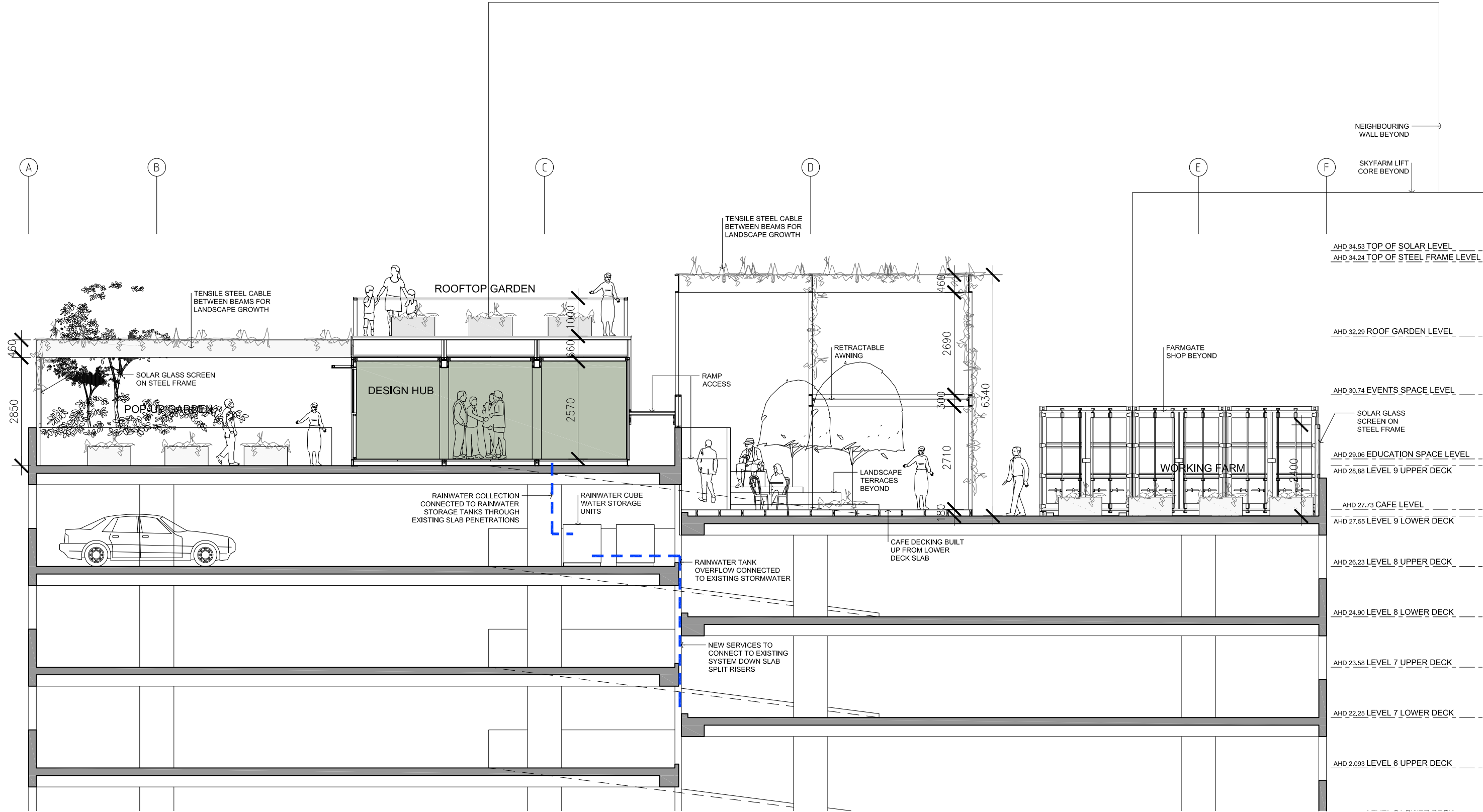
PROJECT	MELBOURNE SKYFARM
DRAWING	PROPOSED UPPER LEVEL PLAN

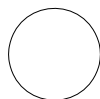
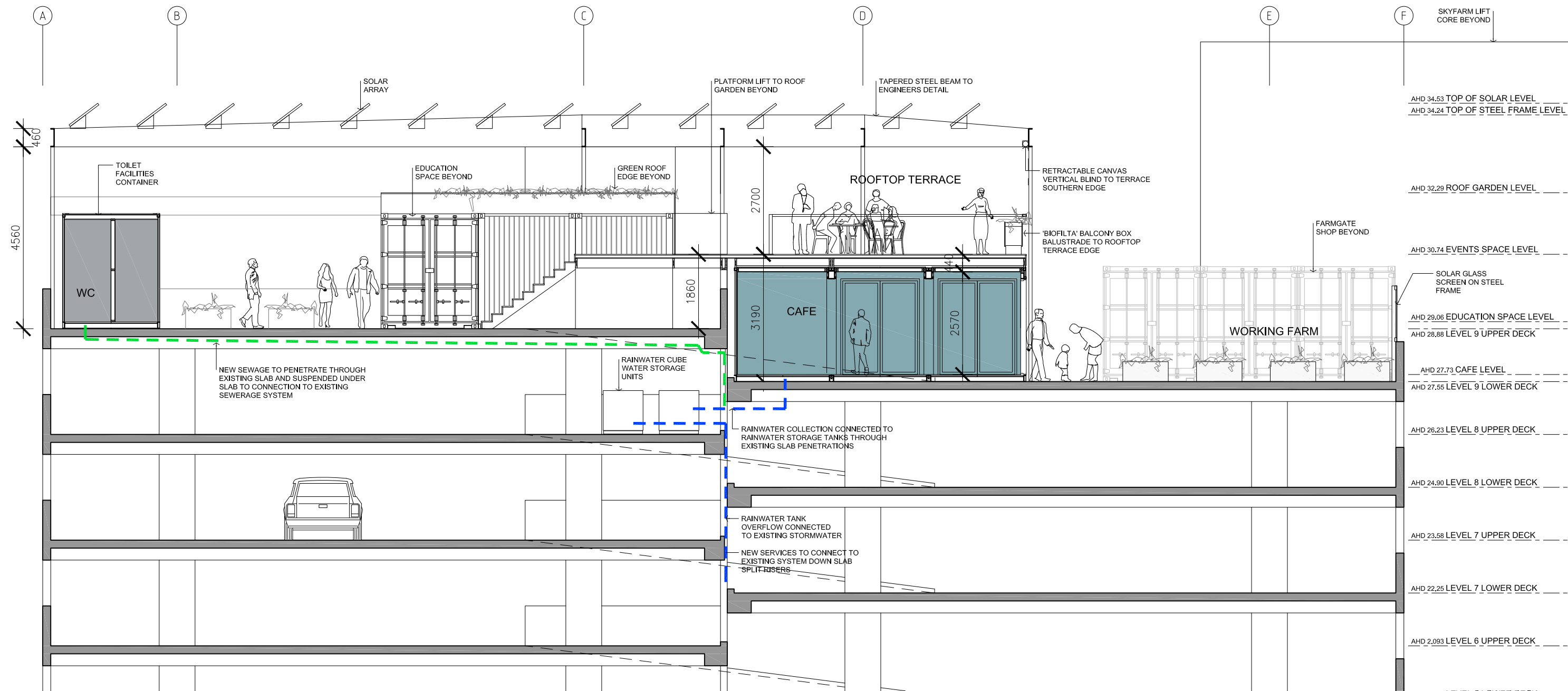


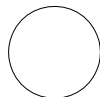
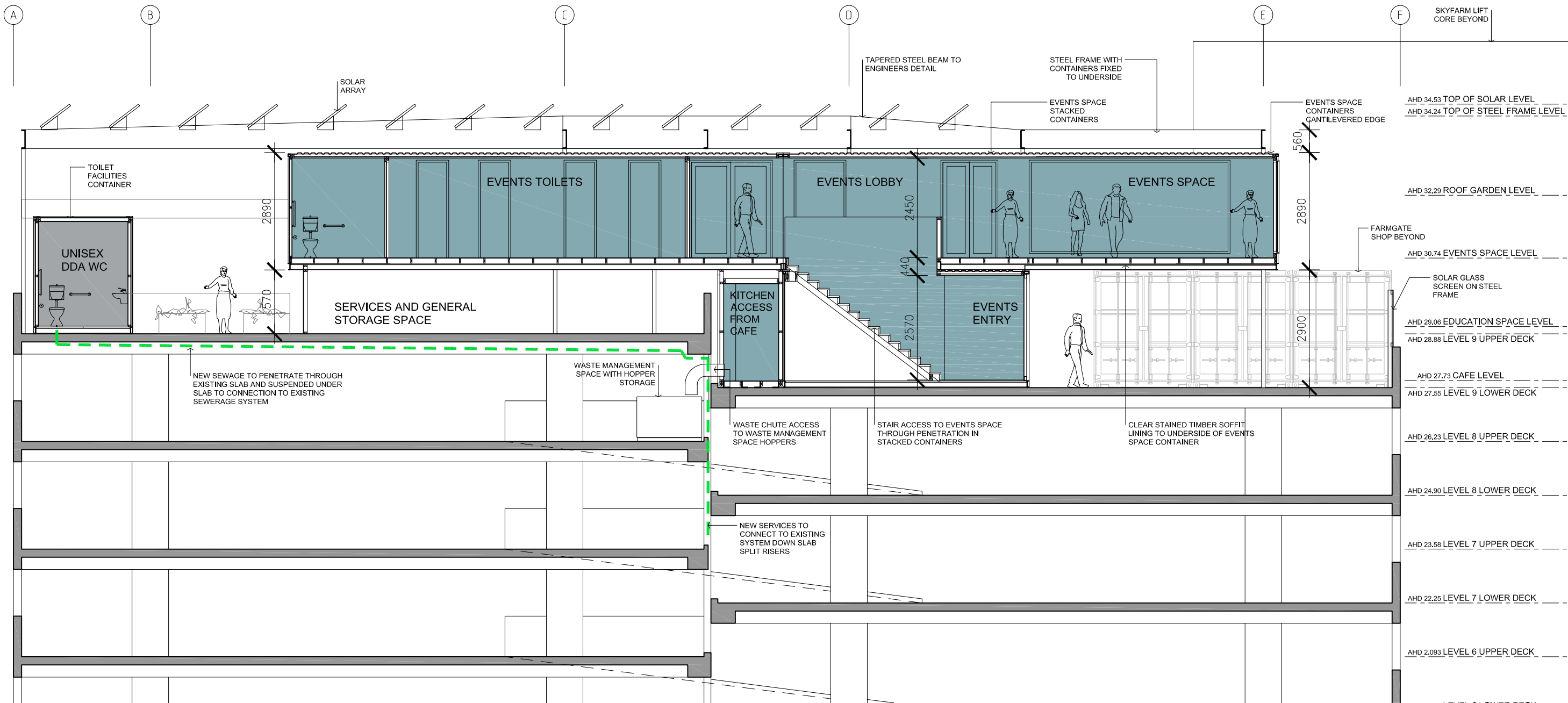
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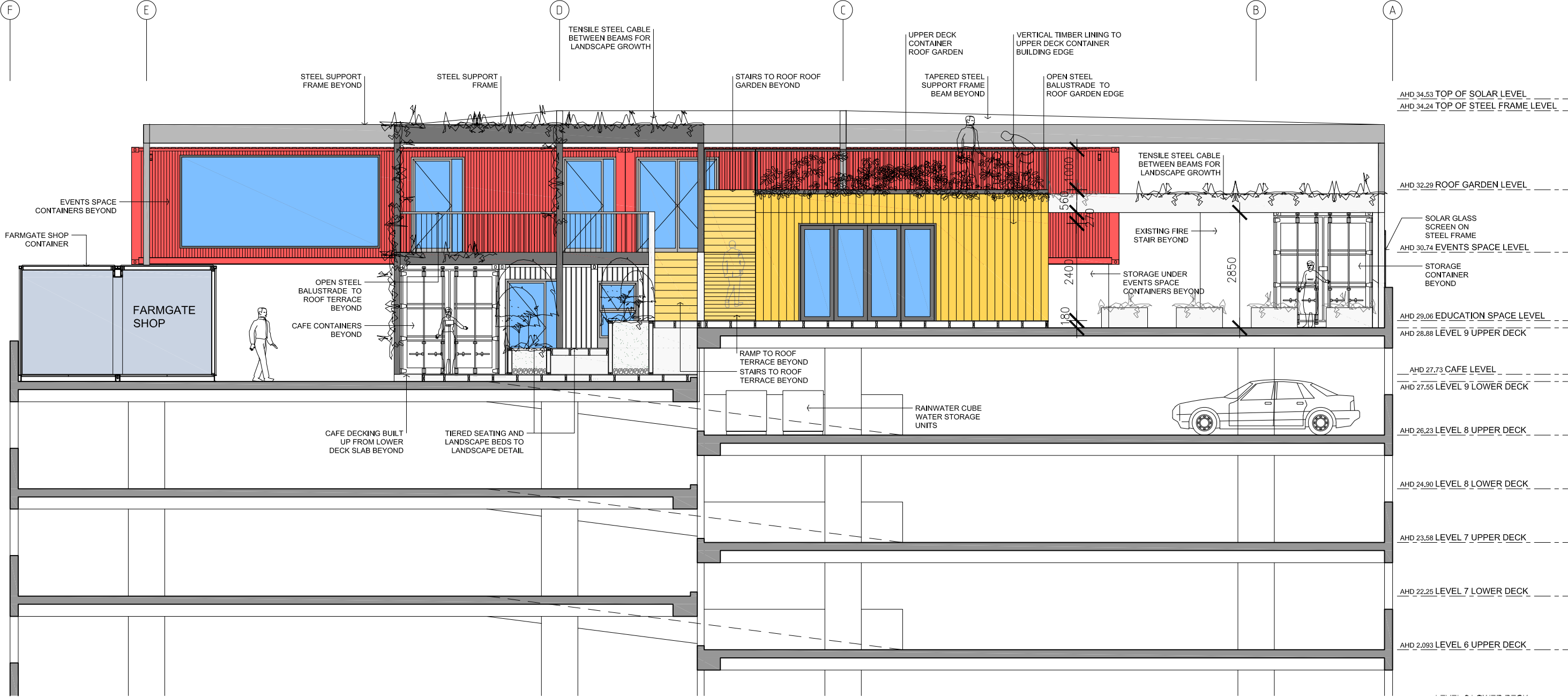
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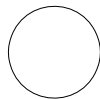






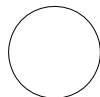
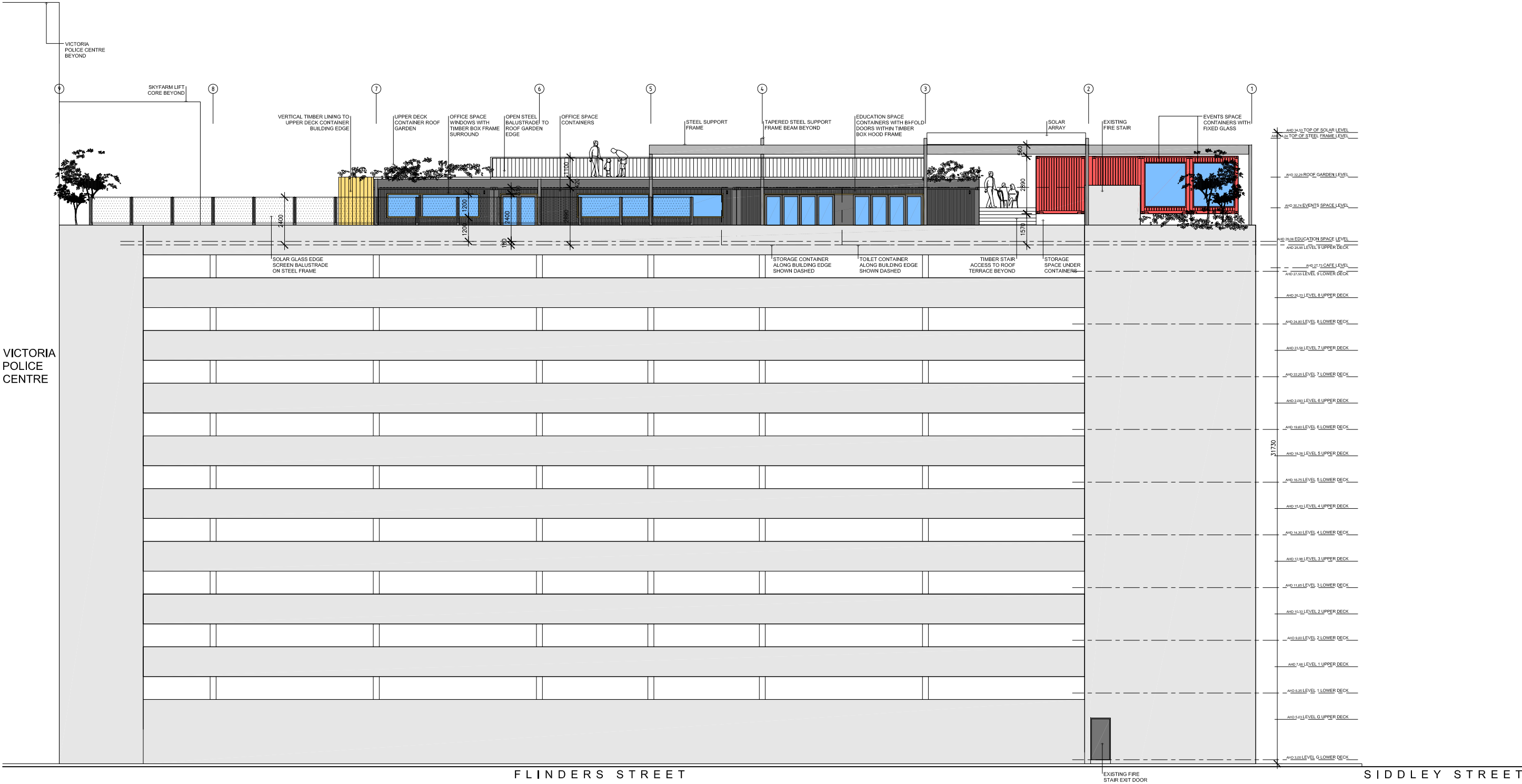
PROJECT **MELBOURNE SKYFARM**

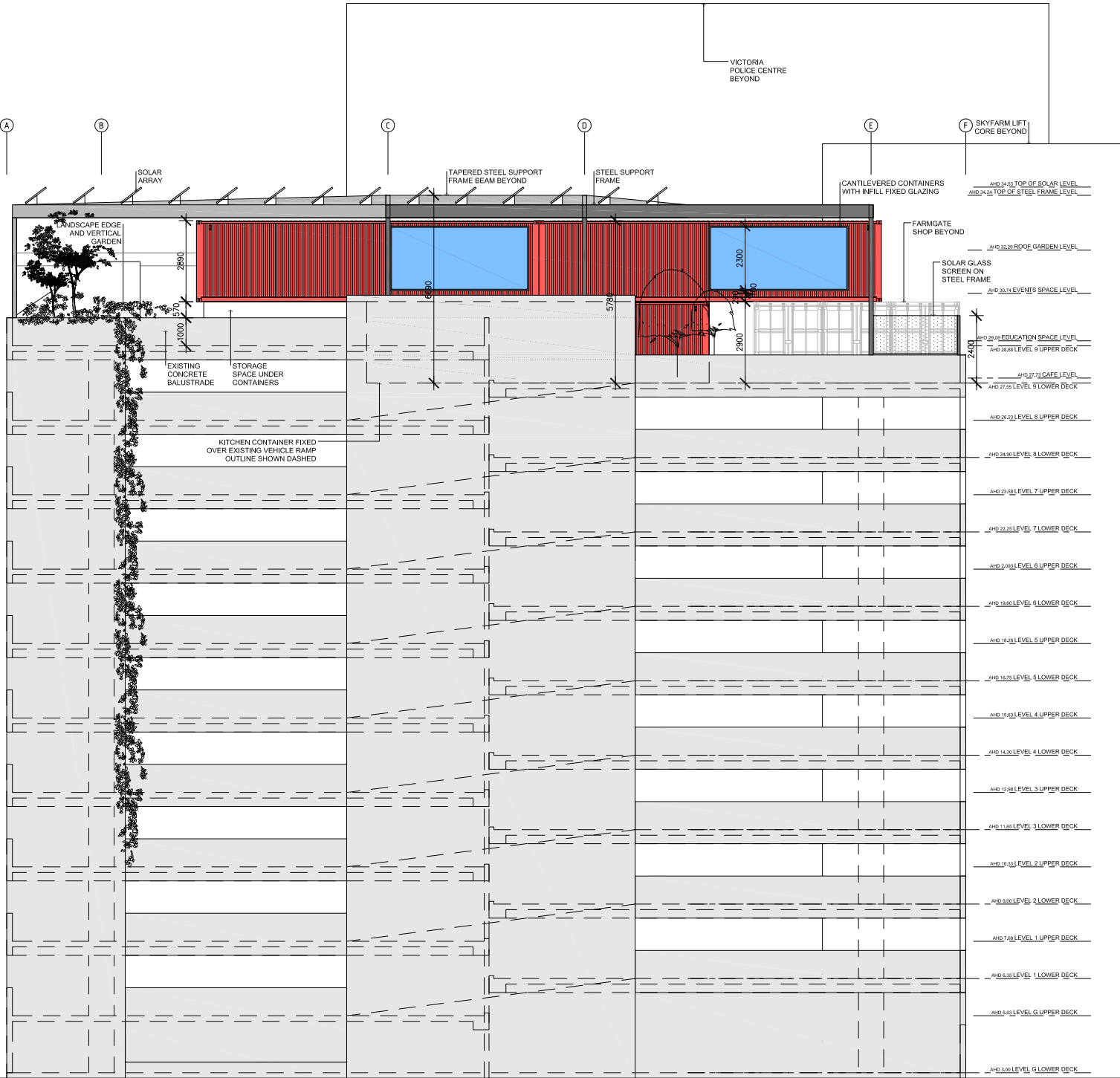
DRAWING **PROPOSED SECTION D + EAST ELEVATION**



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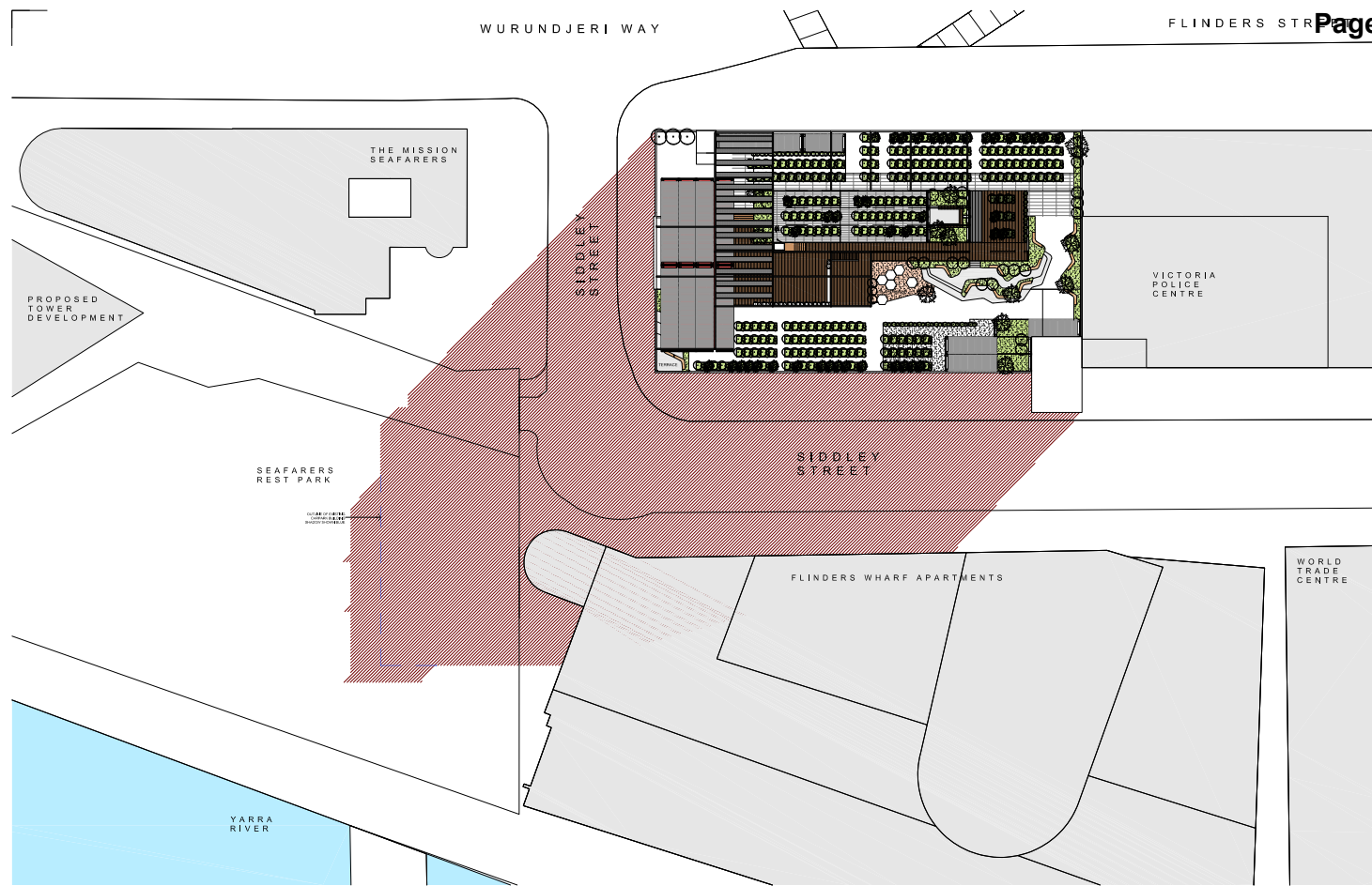
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PROJECT	MELBOURNE SKYFARM
DRAWING	PROPOSED WEST ELEVATION

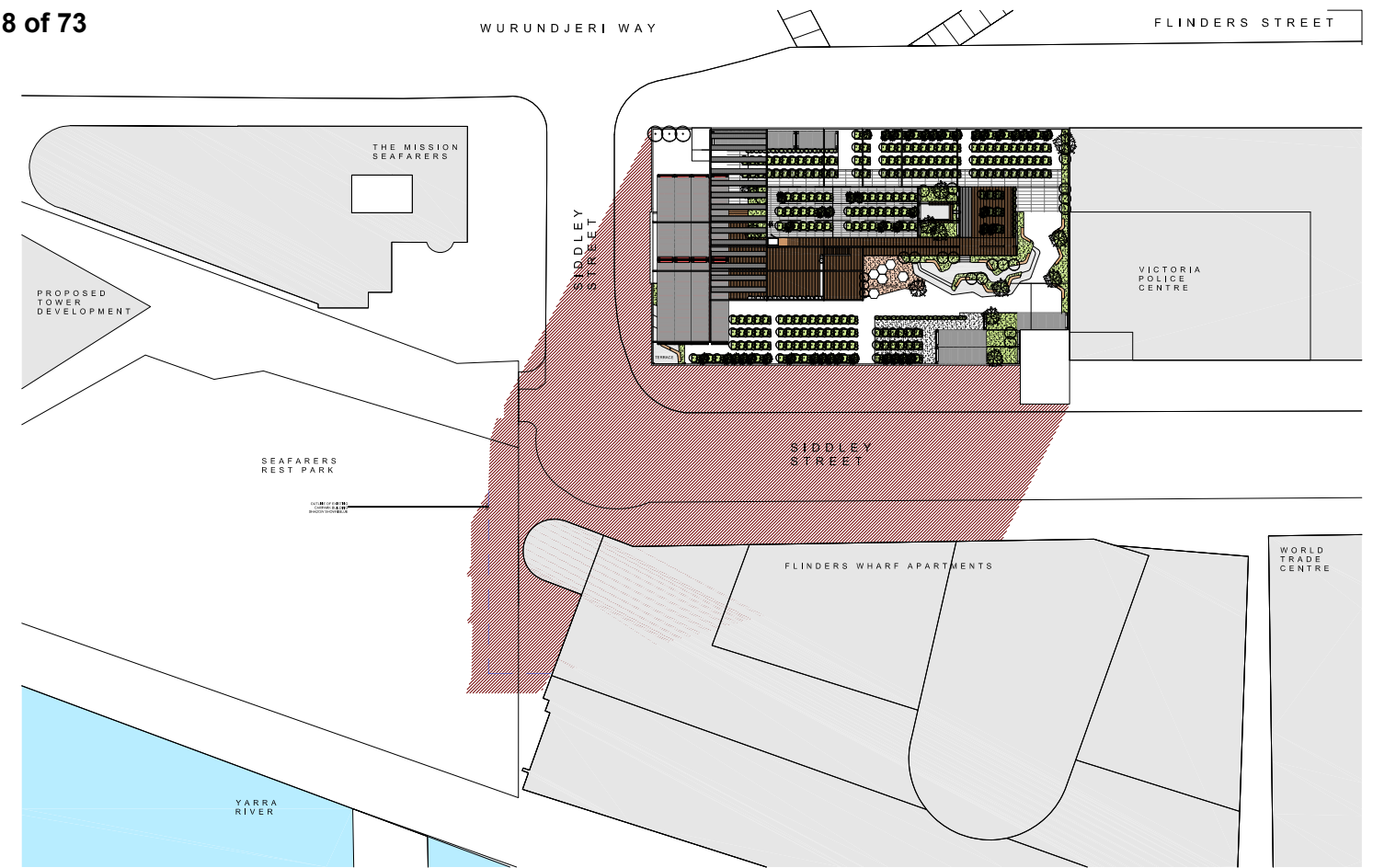


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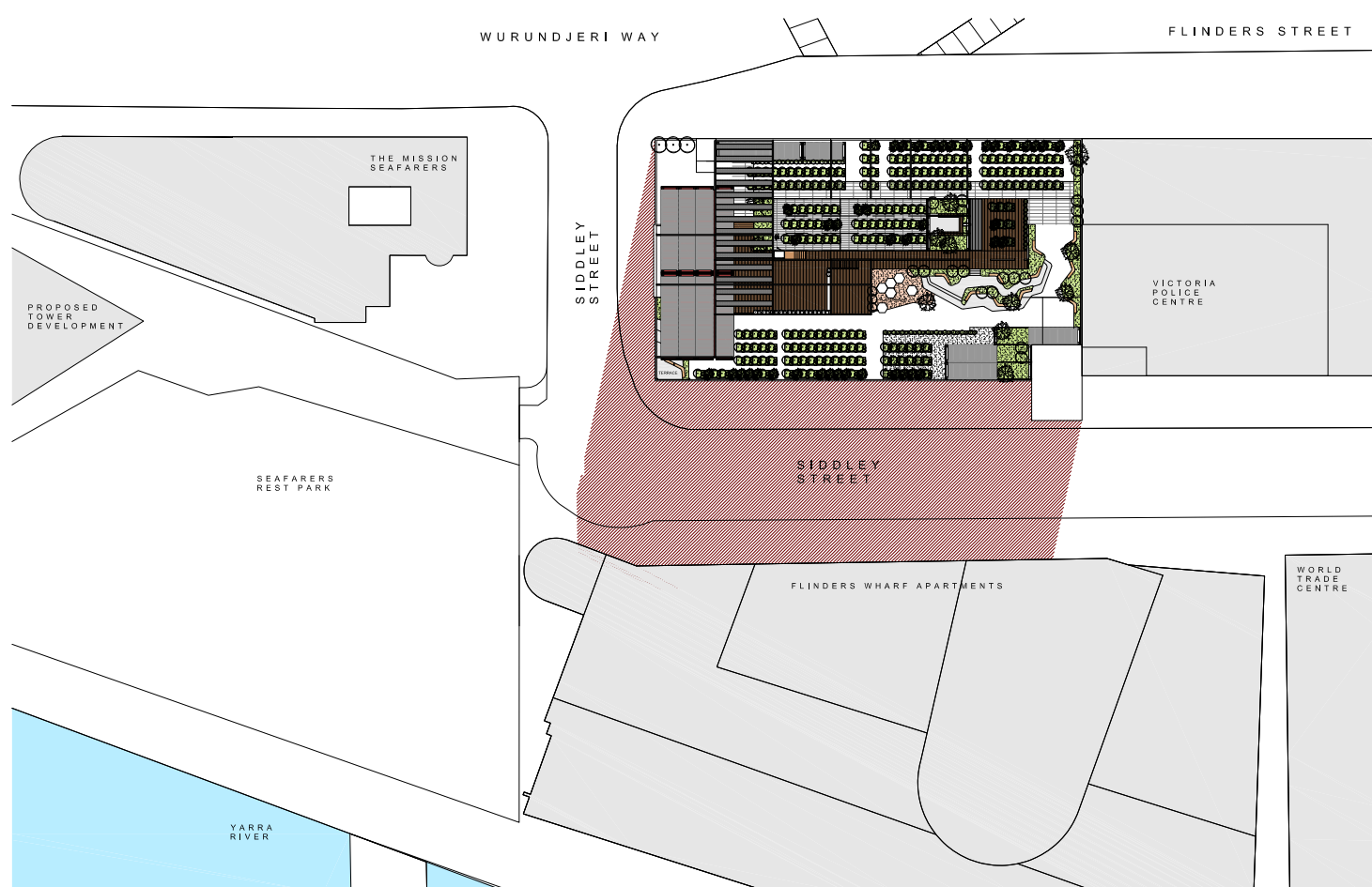
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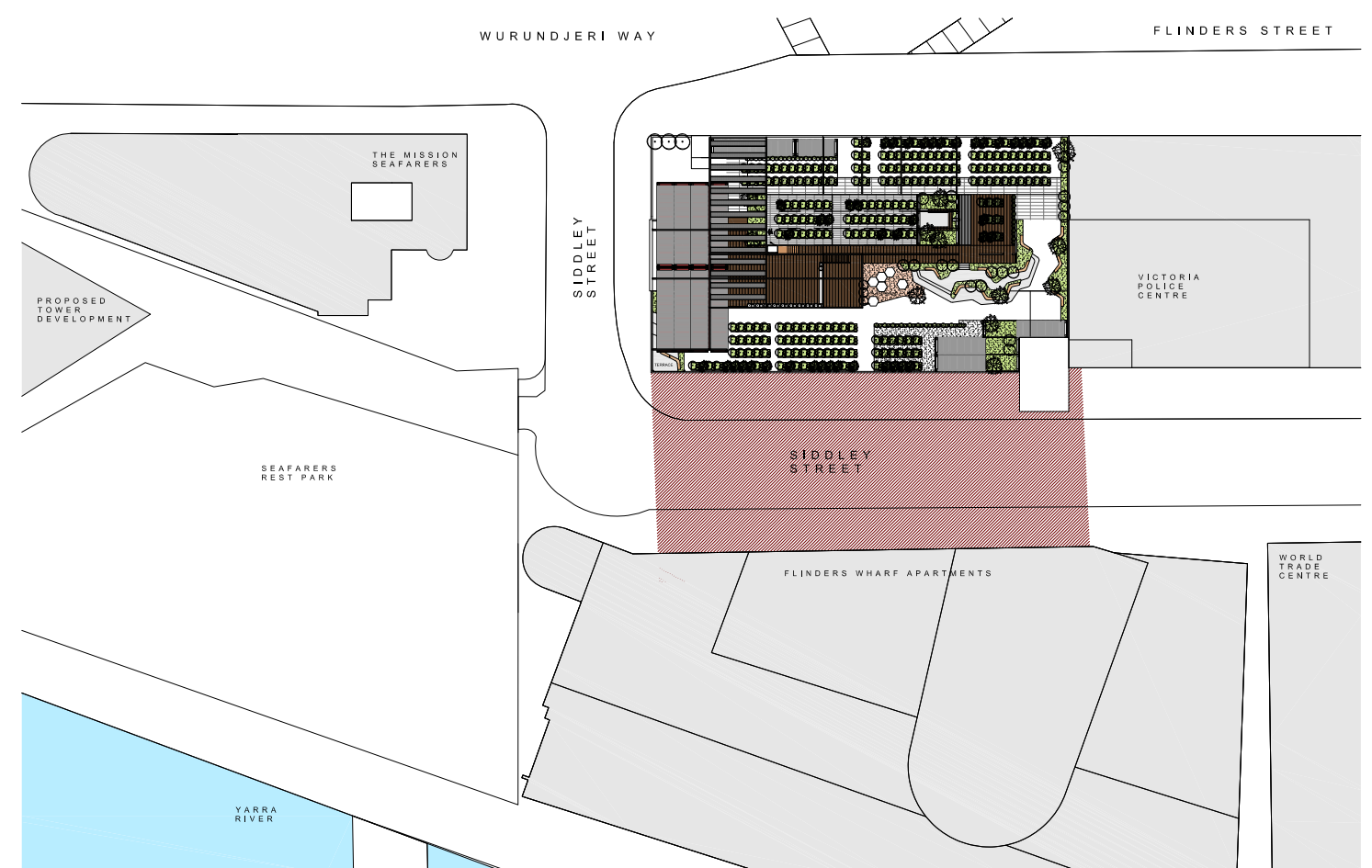
june 22 - 1100 SHADOW DIAGRAM



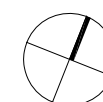
june 22 - 1200 SHADOW DIAGRAM

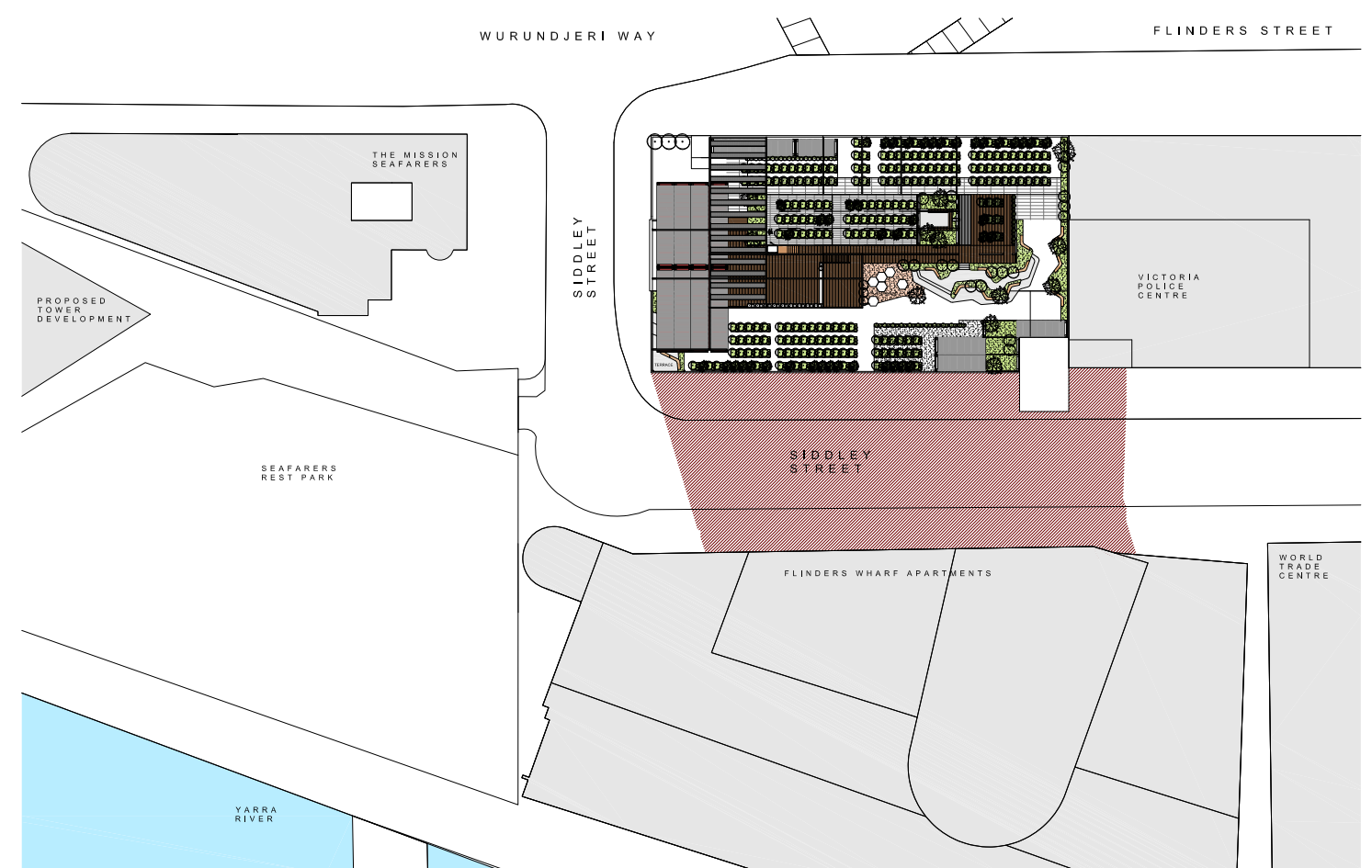
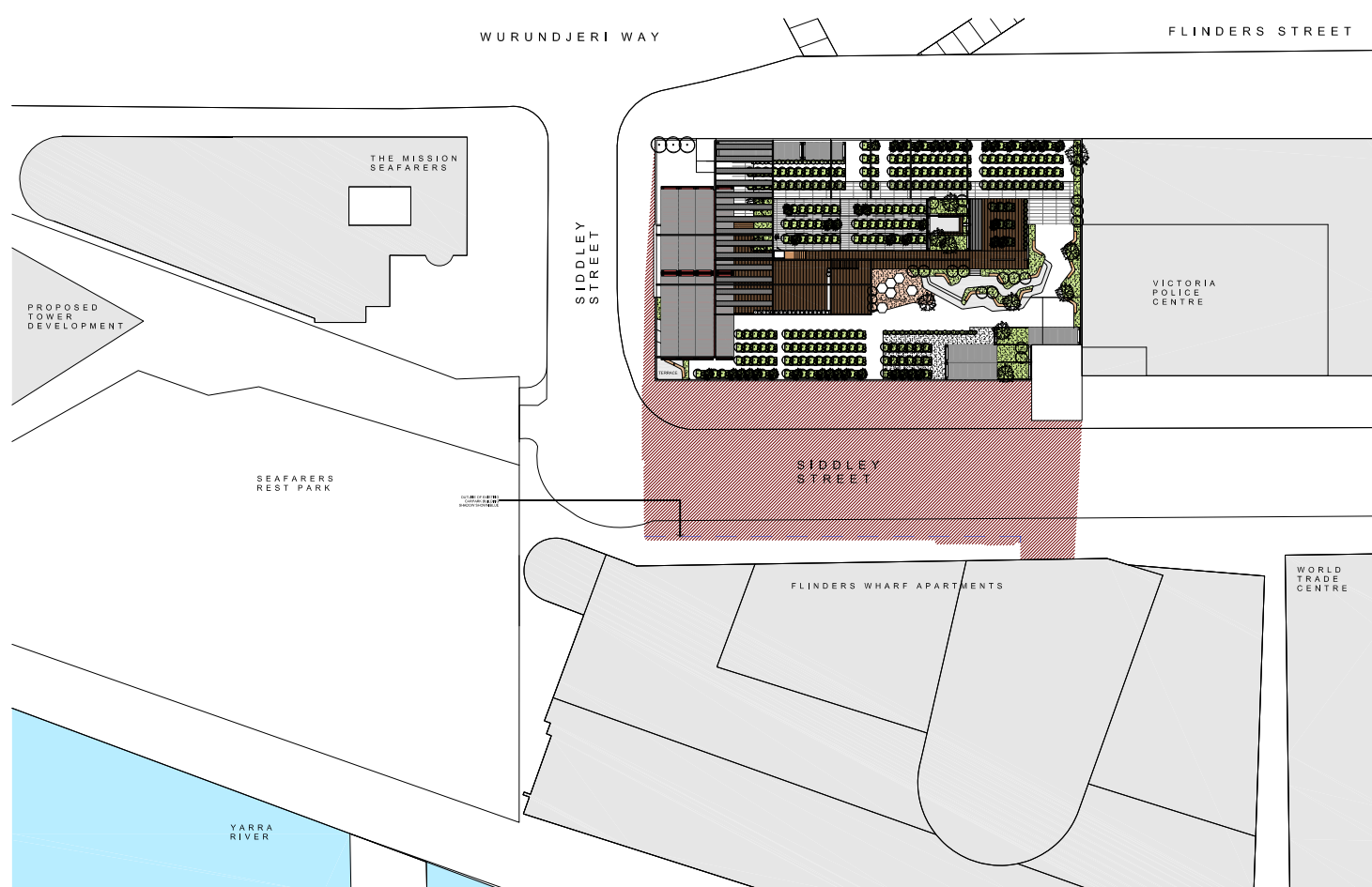
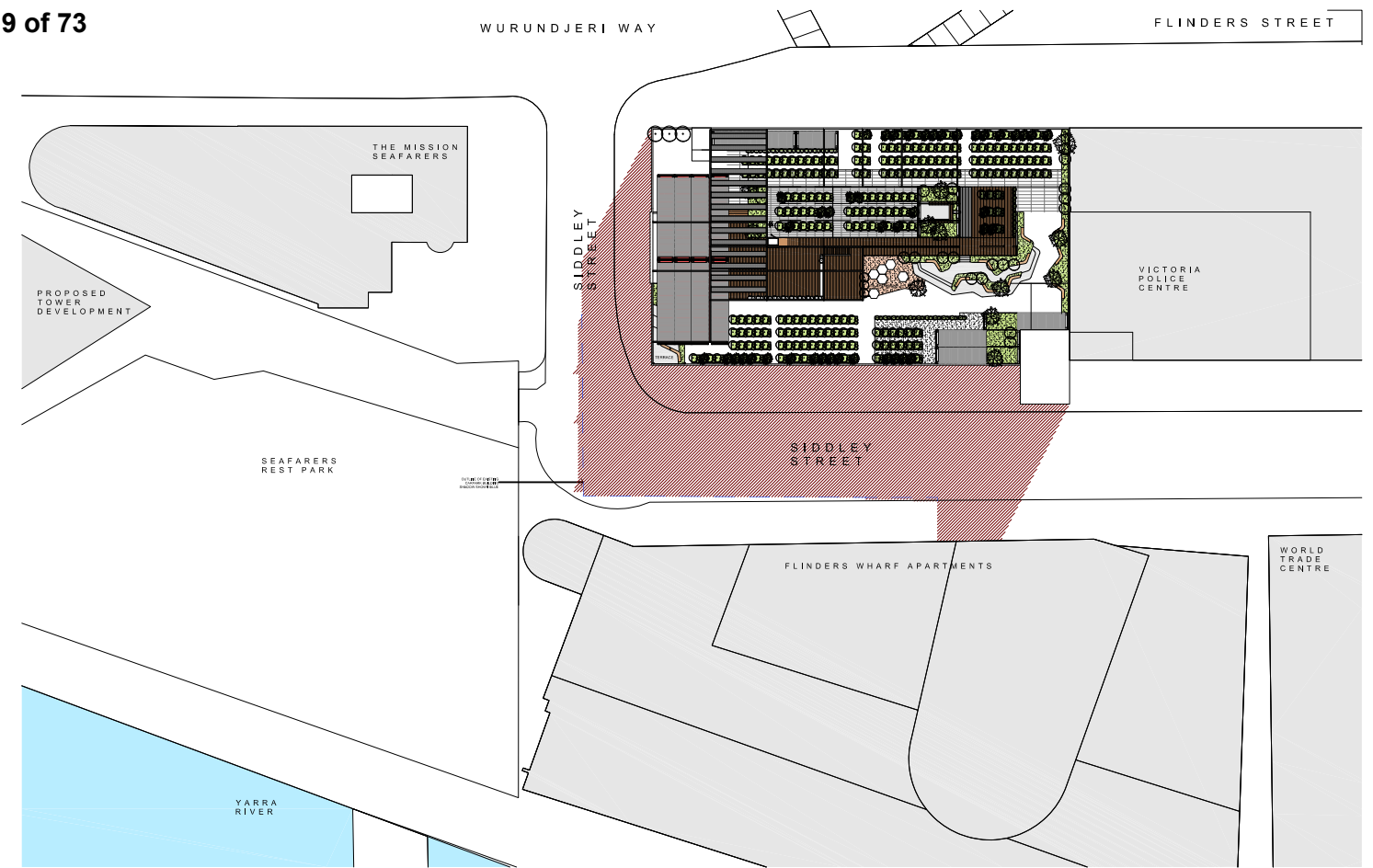
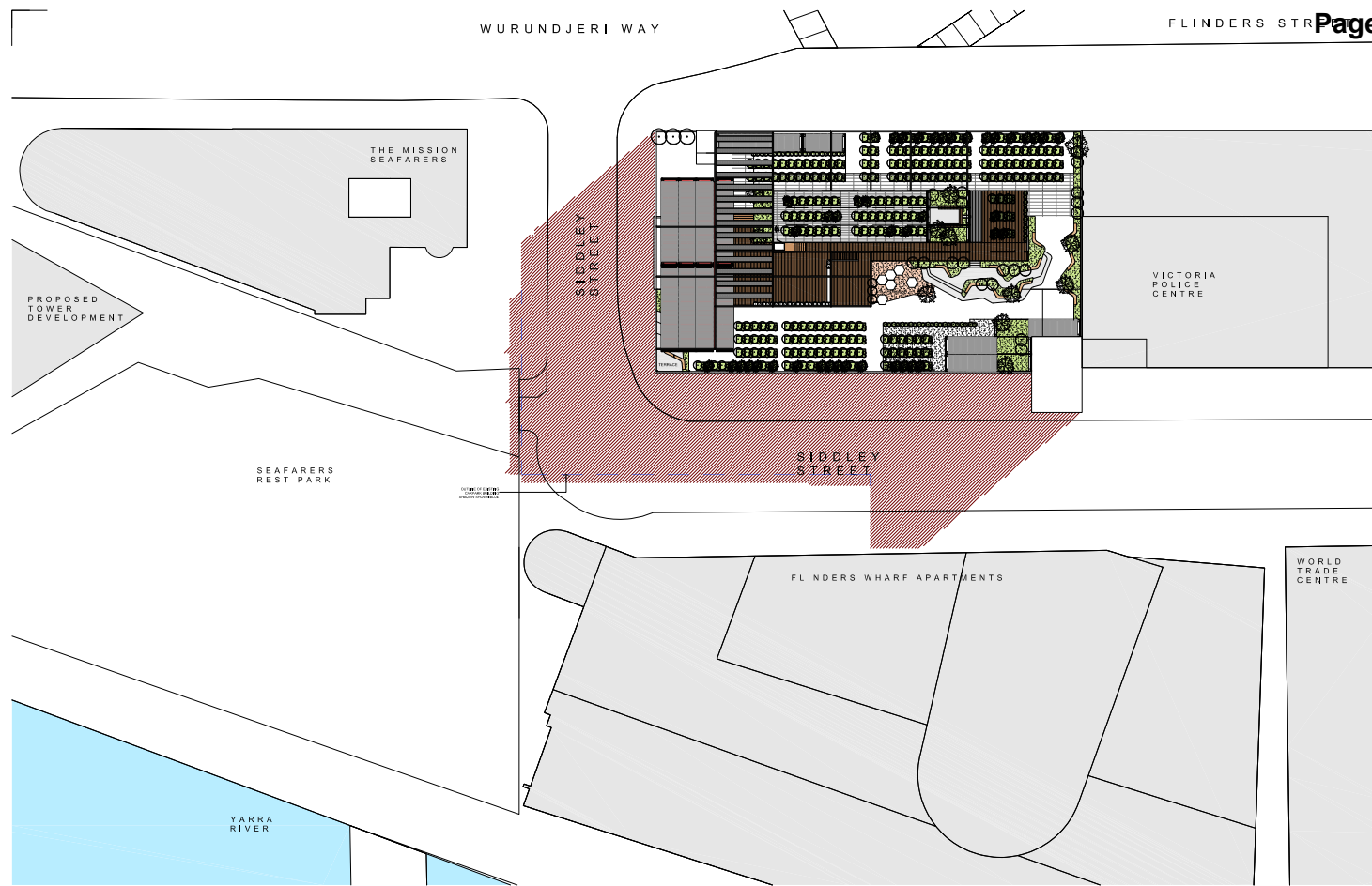


june 22 - 1300 SHADOW DIAGRAM



june 22 - 1400 SHADOW DIAGRAM







PRODUCT:
‘MONUMENT’ PAINTED HI-CUBE SHIPPING CONTAINERS
LOCATION:
CAFE, EDUCATION SPACE AND DESIGN HUB CONTAINERS



PRODUCT:
WHITE PAINTED HI-CUBE SHIPPING CONTAINERS
LOCATION:
FARMGATE SHOP, STORAGE CONTAINER AND TOILET CONTAINER



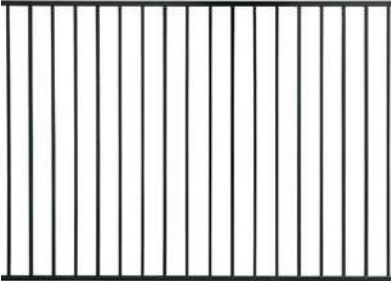
PRODUCT:
RED PAINTED HI-CUBE SHIPPING CONTAINERS
LOCATION:
LOWER LEVEL AND UPPER LEVEL EVENTS SPACE CONTAINERS



PRODUCT:
BLACK ALUMINIUM FRAMED DOUBLE GLAZING
LOCATION:
WINDOWS AND DOORS THROUGHOUT PROJECT



PRODUCT:
‘MONUMENT’ PAINTED STEEL FRAME WITH UNIVERSAL BEAMS AND
SQUARE HOLLOW SECTION COLUMNS
LOCATION:
SUPPORTING CONTAINERS, PV’S AND OUTDOOR DINING CANOPIES



PRODUCT:
1m HIGH ‘MONUMENT’ PAINTED STEEL BALUSTRADE.
LOCATION:
STAIRS, ROOFTOP GARDEN AND ROOF TERRACE.



PRODUCT:
CLEAR STAINED VERTICAL HARDWOOD LINING BOARD CLADDING.
LOCATION:
DESIGN HUB EASTERN EDGE FACADES



PRODUCT:
RECYCLED TIMBER HARDWOOD DECKING
LOCATION:
CAFE DINING, RAMP, HOME FARM AND
ROOF TERRACE



PRODUCT:
‘BIOFILTA’ MODULATED GARDEN BEDS
LOCATION:
WORKING FARM, NURSERY, POP-UP PARK,
HOME FARM AND ROOFTOP GARDEN



PRODUCT:
GREEN ROOF
LOCATION:
ZONES TO TOP OF EDUCATION SPACE, DESIGN
HUB AND FARMGATE SHOP CONTAINERS



PRODUCT:
VERTICAL CREEPER PLANTING
LOCATION:
OVER EXPOSED STEEL FRAME AND CARPARK
WESTERN FACADE



PRODUCT:
30 No. 1m3RAINWATER CUBES
LOCATION:
LEVEL 8 UPPER DECK CARPARK



PRODUCT:
20KW GRID CONNECTED SOLAR PANELS
LOCATION:
OVER STEEL FRAME



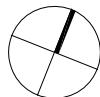
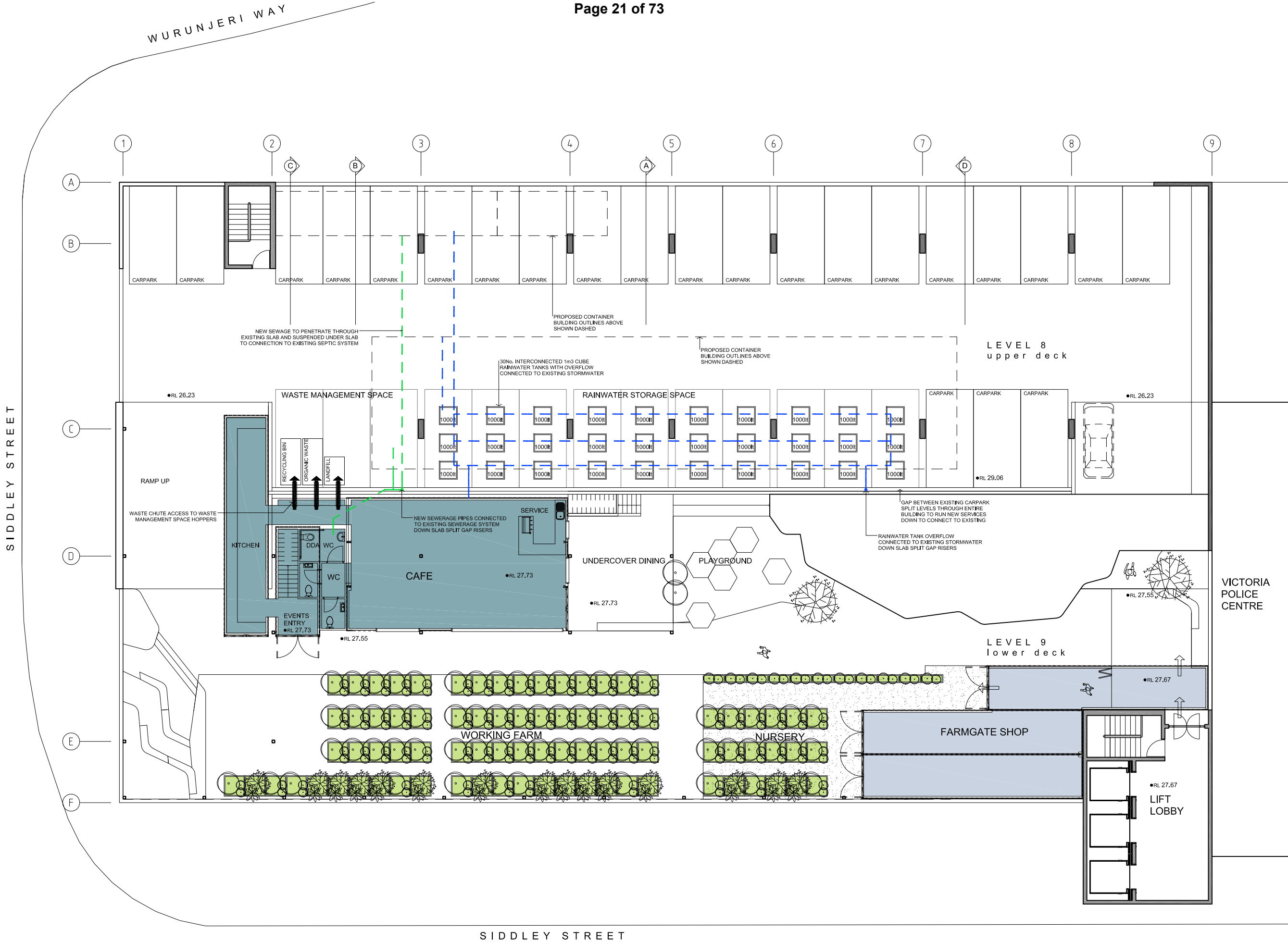
CONTAINERS

DETAIL

EDGES

SERVICES





MELBOURNE SKYFARM

LANDSCAPE CONCEPT PACKAGE

DRAWING REGISTER

NO.	TITLE
L000	COVER SHEET
L001	LANDSCAPE CONCEPT STATEMENT
L100	LOWER LEVEL LANDSCAPE PLAN
L101	UPPER LEVEL LANDSCAPE PLAN
L200	LOWER LEVEL LANDSCAPE LIGHTING PLAN
L201	UPPER LEVEL LANDSCAPE LIGHTING PLAN
L202	LANDSCAPE LIGHTING CONCEPT IMAGES
L203	LANDSCAPE LIGHTING ADDITIONAL CONCEPT: STARPATh
L300	LOWER LEVEL LANDSCAPE PLANTING PLAN
L301	UPPER LEVEL LANDSCAPE PLANTING PLAN
L302	LOWER LEVEL LANDSCAPE TREE PLAN
L303	UPPER LEVEL LANDSCAPE TREE PLAN
L304	LANDSCAPE PLANT IMAGES
L305	LANDSCAPE PLANT IMAGES
L306	LANDSCAPE PLANT IMAGES
L307	LANDSCAPE PLANT IMAGES
L308	LANDSCAPE PLANT SCHEDULE
L309	LANDSCAPE PLANT SCHEDULE
L310	LANDSCAPE PLANT SCHEDULE
L400	PLAYGROUND PLAN
L401	PLAYGROUND EAST ELEVATION
L402	PLAYGROUND SOUTH ELEVATION
L403	PLAYGROUND ISOMETRIC
L404	PLAYGROUND 3D VIEWS



DRAWING TITLE
L000 COVER SHEET

PROJECT
MELBOURNE SKYFARM

DATE
07.11.18

SCALE
N/A



CONCEPT STATEMENT

As the world’s population becomes increasingly urban, finding ways to produce food in cities has been acknowledged as an important project for our century.

City of Melbourne’s Urban Forest Strategy outlines five core aims: to adapt our city to climate change, to mitigate urban heat island effect, to create healthier ecosystems, to become a water-sensitive city and to engage and involve the community. Melbourne Skyfarm is driven by these ambitions and proposes a hopeful vision for Melbourne’s future through a productive urban rooftop farm integrated with strong social and community ties.

With education being a central ambition of the Melbourne Skyfarm project, the site is woven with environmentally-conscious learning opportunities, ranging from native food gardens to solar energy, and bee-keeping to biodiversity and composting. A playful bee-hive playground engages the younger generation, while the working farm, masterclasses, events and exhibitions will appeal to a broad range of demographics throughout the year.

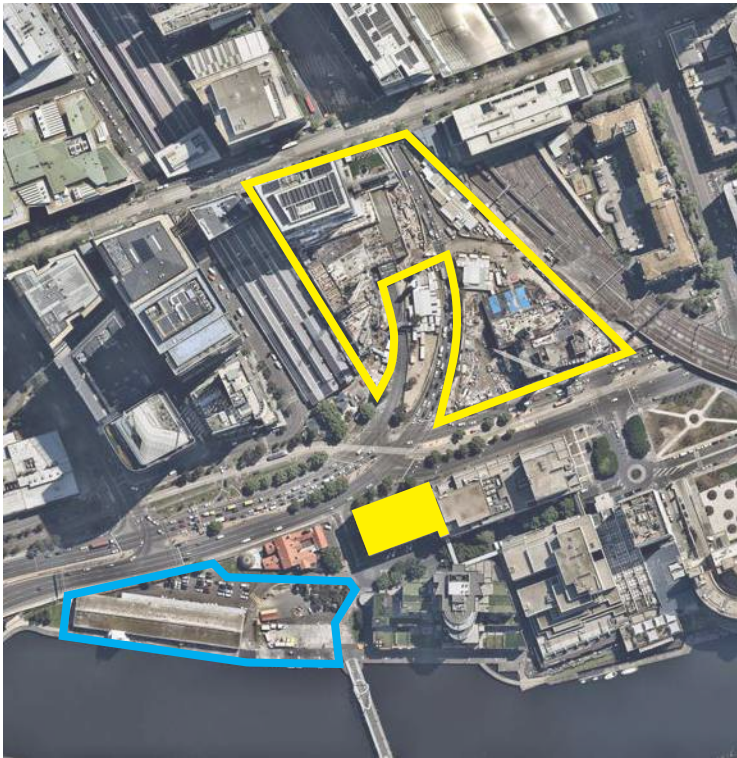
Organisations calling Melbourne Skyfarm home have been hand-picked for their community engagement capacity and social

and environmental conscience. For example, Odonata is a not-for-profit with a focus on fostering Australian biodiversity, while Biofilta is a leading urban stormwater and urban farming company. These businesses will ensure that Melbourne Skyfarm has strong ongoing community engagement and will broaden the site’s capacity to inspire and educate.

Serving as a hub of knowledge, Melbourne Skyfarm has a dual purpose to act as a test site, with the space and freedom to try new things and work out what is and is not successful in a Melbourne rooftop context. Issues such as urban heat island effect & outdoor microclimate, urban biodiversity and urban agriculture have all been considered in the design of Melbourne Skyfarm and our understanding of these elements of the site will continue to evolve over time. This will provide valuable insight for similar projects and will help contribute to the future success of Melbourne’s Urban Forest Strategy.

Nestled among key areas of development for Melbourne, such as Melbourne Quarter and the Northbank Goods Shed, Melbourne Skyfarm is ideally placed to become an iconic and inspiring riverside destination for locals and visitors alike.

MELBOURNE QUARTER MASTERPLAN



- NORTHBANK GOODS SHED
- MELBOURNE QUARTER
- SKYFARM

INSPIRING PROJECTS



Native wildflowers growing on top of Melbourne’s Pixel Building were established to test the seed dispersal capacity of wildflowers on rooftops, as well as the extend to which urban buildings could act as refuges for threatened species in order to increase urban biodiversity.



Brooklyn Grange is an urban rooftop farm in New York, with the mission statement to “farm rooftops, build green spaces, and promote sustainable living and local ecology through food, education and events.”



LEGEND

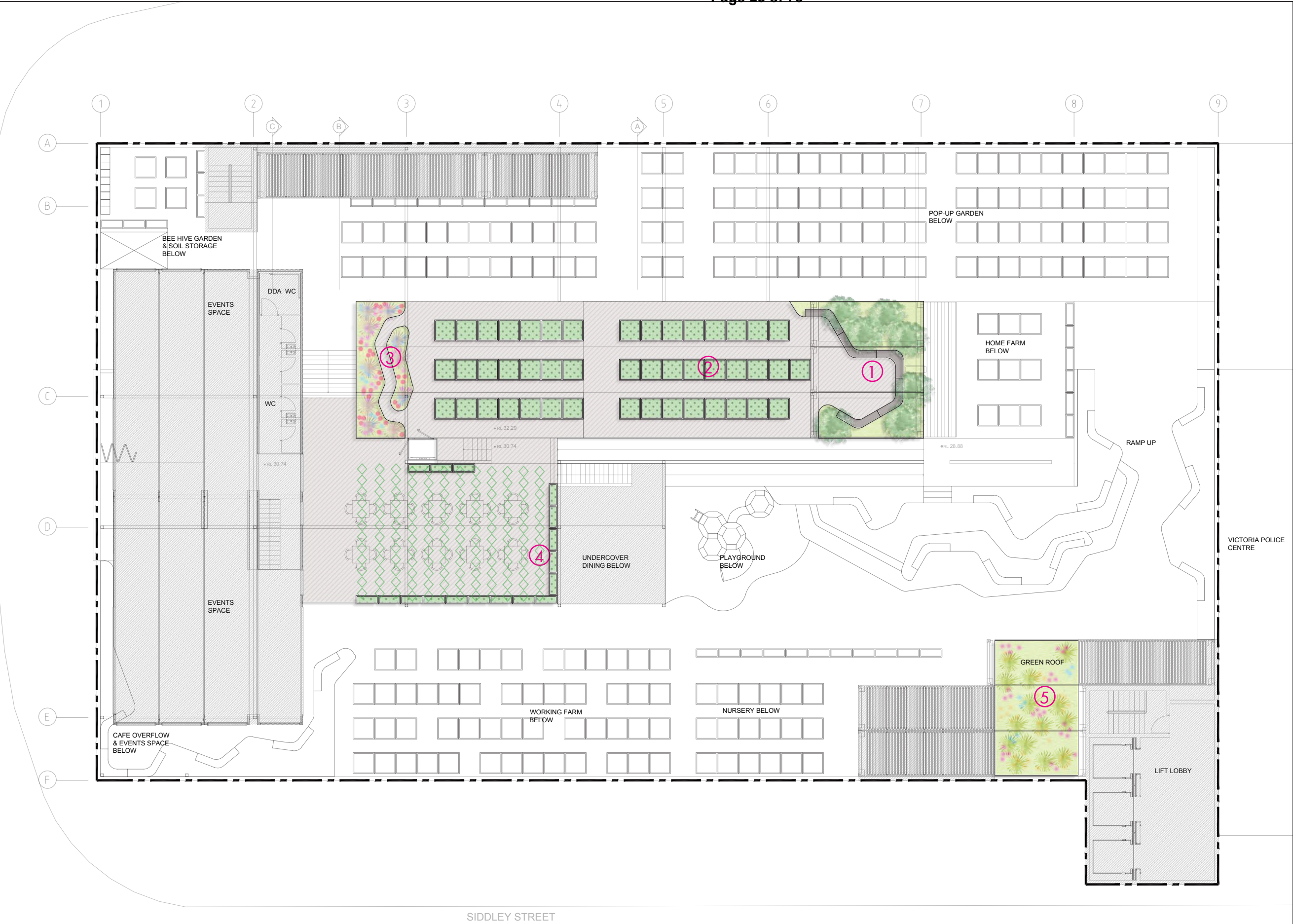
--- Extent of works

NOTES

1. Building information is shown for context only. Refer architect's drawings for detailed building information & internal layouts and programming.

LANDSCAPE

- 1 Bee hive garden & soil storage
- 2 Working farm & pop-up exhibition space
- 3 Home farm display
- 4 Climate cool zone, seating and forest plantings
- 5 Climate cool zone, seating and forest plantings
- 6 Climate cool zone fernery
- 7 Beehive playground
- 8 Fernery planting around cafe overflow



LEGEND

--- Extent of works

NOTES

1. Building information is shown for context only. Refer architect's drawings for detailed building information & internal layouts and programming.

LANDSCAPE

- 1 Seating area & green roof
- 2 Rooftop working farm
- 3 Native wildflower walk
- 4 Hanging grape garden terrace
- 5 Biodiversity green roof

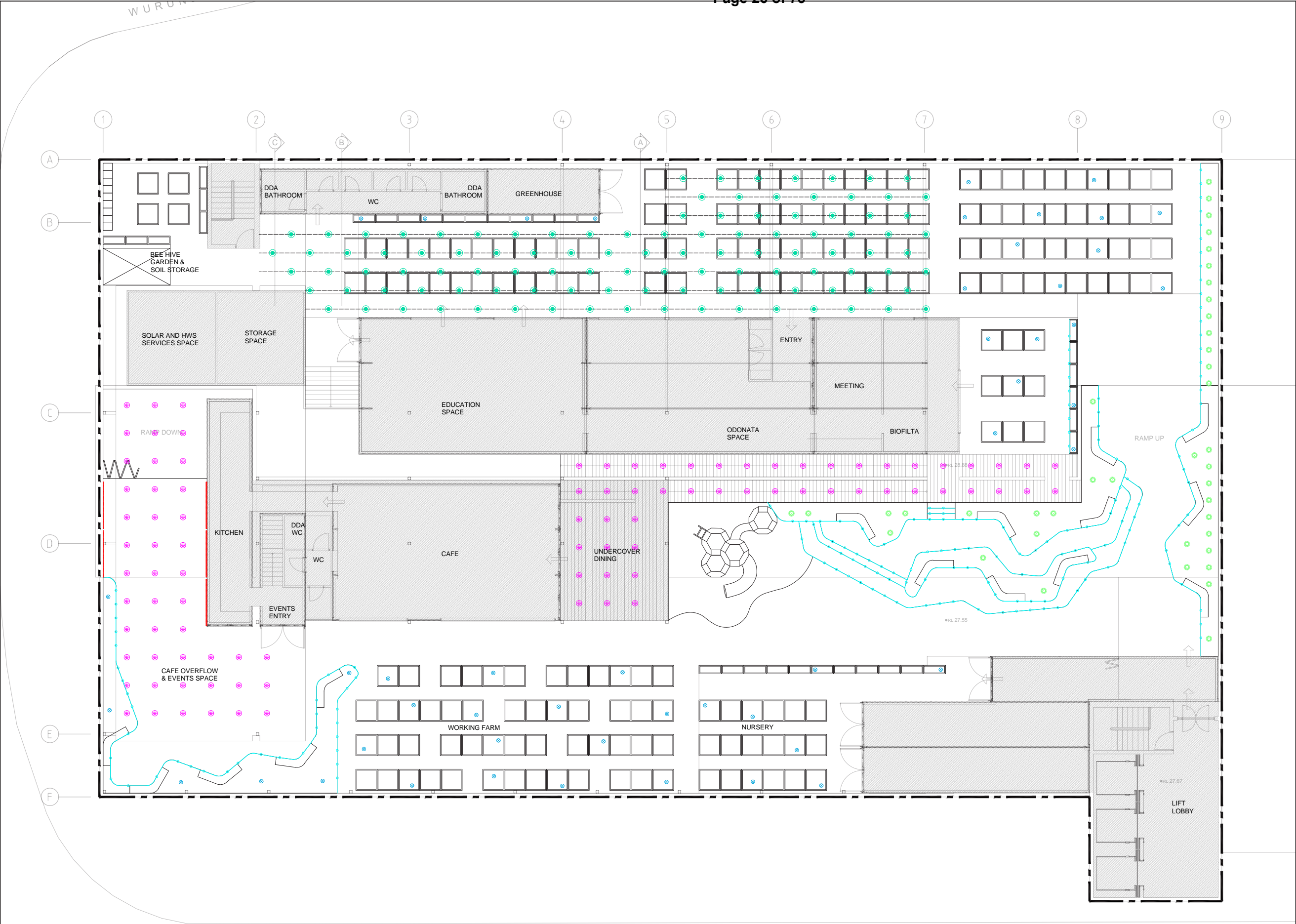
DRAWING TITLE
L101 UPPER LEVEL LANDSCAPE PLAN

PROJECT
MELBOURNE SKYFARM

DATE
07.11.18

SCALE
1:200
@A3





LEGEND

--- Extent of works

NOTES

1. Recommended LED light colour temperature is 2700 - 3500K warm white.
2. Refer to lighting concept images for indicative lighting types.

LIGHTING

- Embedded strip lighting
- Embedded ceiling down lighting
- Garden bed uplighting
- Backlit custom feature screening
- Overhead string lighting
- Solar garden bed light

SIDDELEY STREET

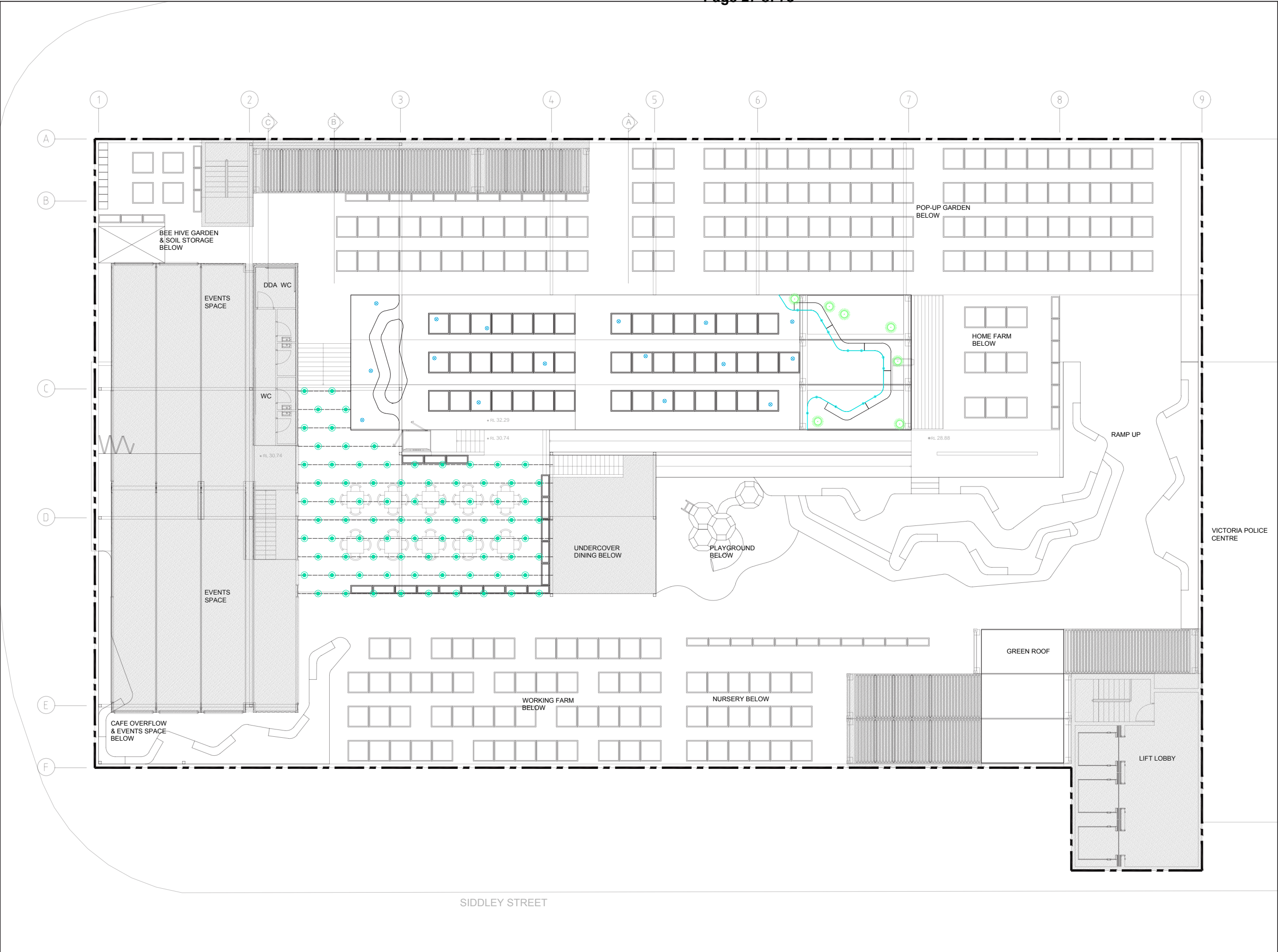
DRAWING TITLE
L200 LOWER LEVEL LIGHTING PLAN

PROJECT
MELBOURNE SKYFARM

DATE
07.11.18

SCALE
1:200
@A3





LEGEND

--- Extent of works

NOTES

- 1. Recommended LED light colour temperature is 2700 - 3500K warm white.
- 2. Refer to lighting concept images for indicative lighting types.

LIGHTING

- Embedded strip lighting
- Garden bed uplighting
- Overhead string lighting
- Solar garden bed light

DRAWING TITLE
L201 UPPER LEVEL LIGHTING PLAN

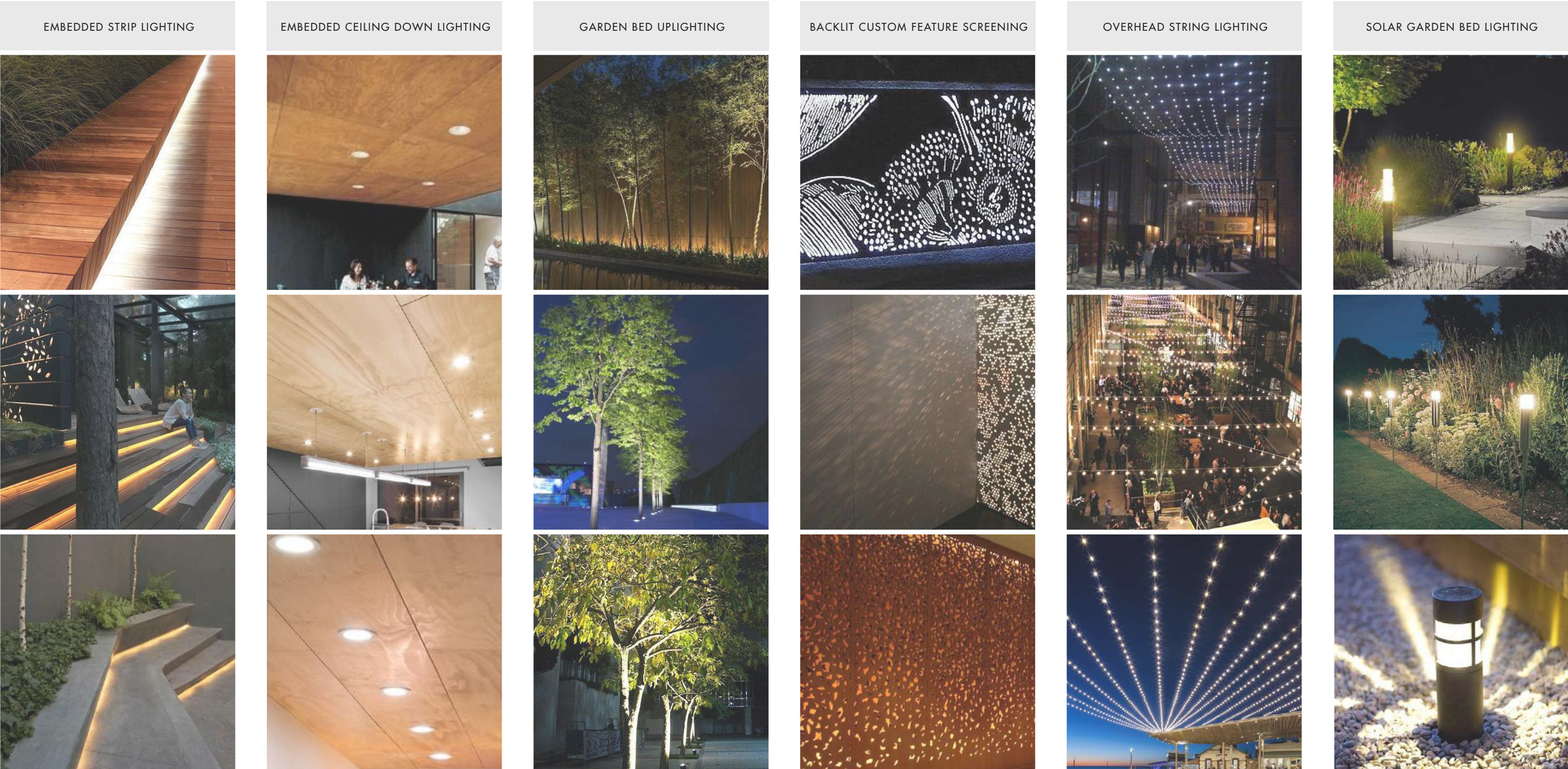
PROJECT
MELBOURNE SKYFARM

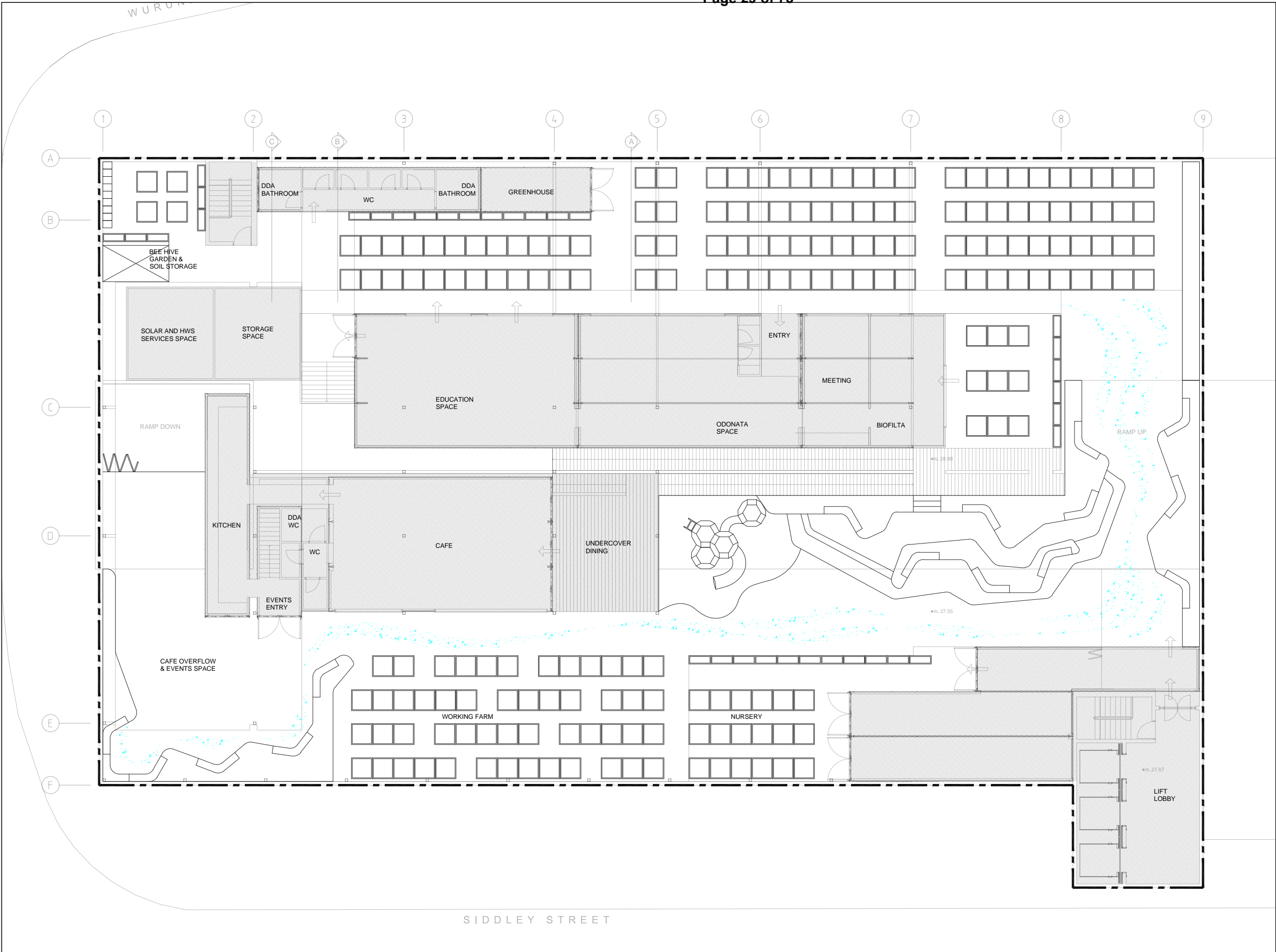
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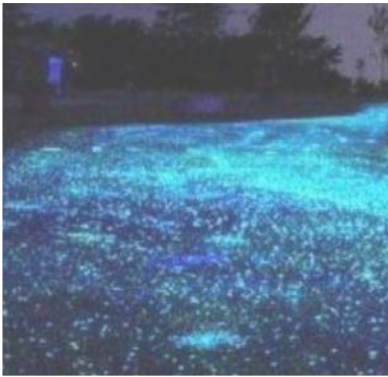


LIGHTING CONCEPT IMAGES





As starpaths have been used in European cities to counter the effects of light pollution on the environment, a similar display could be used at Melbourne Skyfarm to increase awareness of anthropogenic light & point to an alternative.





LEGEND

--- Extent of works

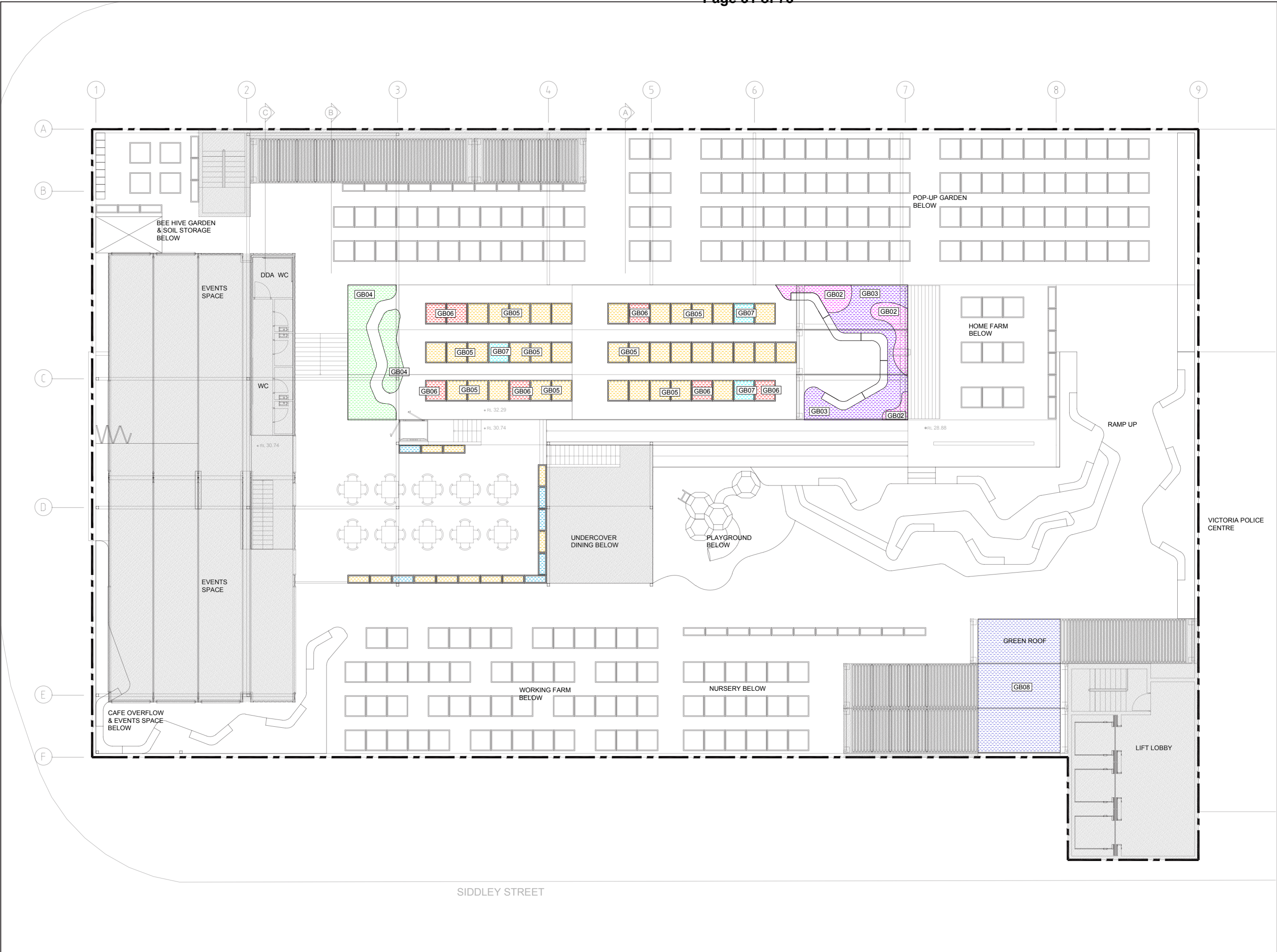
NOTES

1. Working farm plantings are to be determined in accordance with seasonal requirements and species are not listed individually.

PLANTING

- GB01 Garden bed type 01: 'Rain' native food garden
GB05 Garden bed type 05: Working farm: vegetables & herbs
GB06 Garden bed type 06: Working farm: fruit trees - refer tree plan
GB07 Garden bed type 07: Bee garden
GB09 Garden bed type 09: Fernery plantings





LEGEND

--- Extent of works

NOTES

1. Working farm plantings are to be determined in accordance with seasonal requirements and species are not listed individually.

PLANTING

- GB02 Garden bed type 02: 'Dry' native food garden
- GB03 Garden bed type 03: 'Salt' native food garden
- GB04 Garden bed type 04: Native wild flower garden
- GB05 Garden bed type 05: Working farm: vegetables & herbs
- GB06 Garden bed type 06: Working farm: fruit trees - refer tree plan
- GB07 Garden bed type 07: Bee garden
- GB08 Garden bed type 08: Green roof
- GB10 Garden bed type 10: Deciduous edible vines

DRAWING TITLE
L301 UPPER LEVEL PLANTING PLAN

PROJECT
MELBOURNE SKYFARM

DATE
07.11.18

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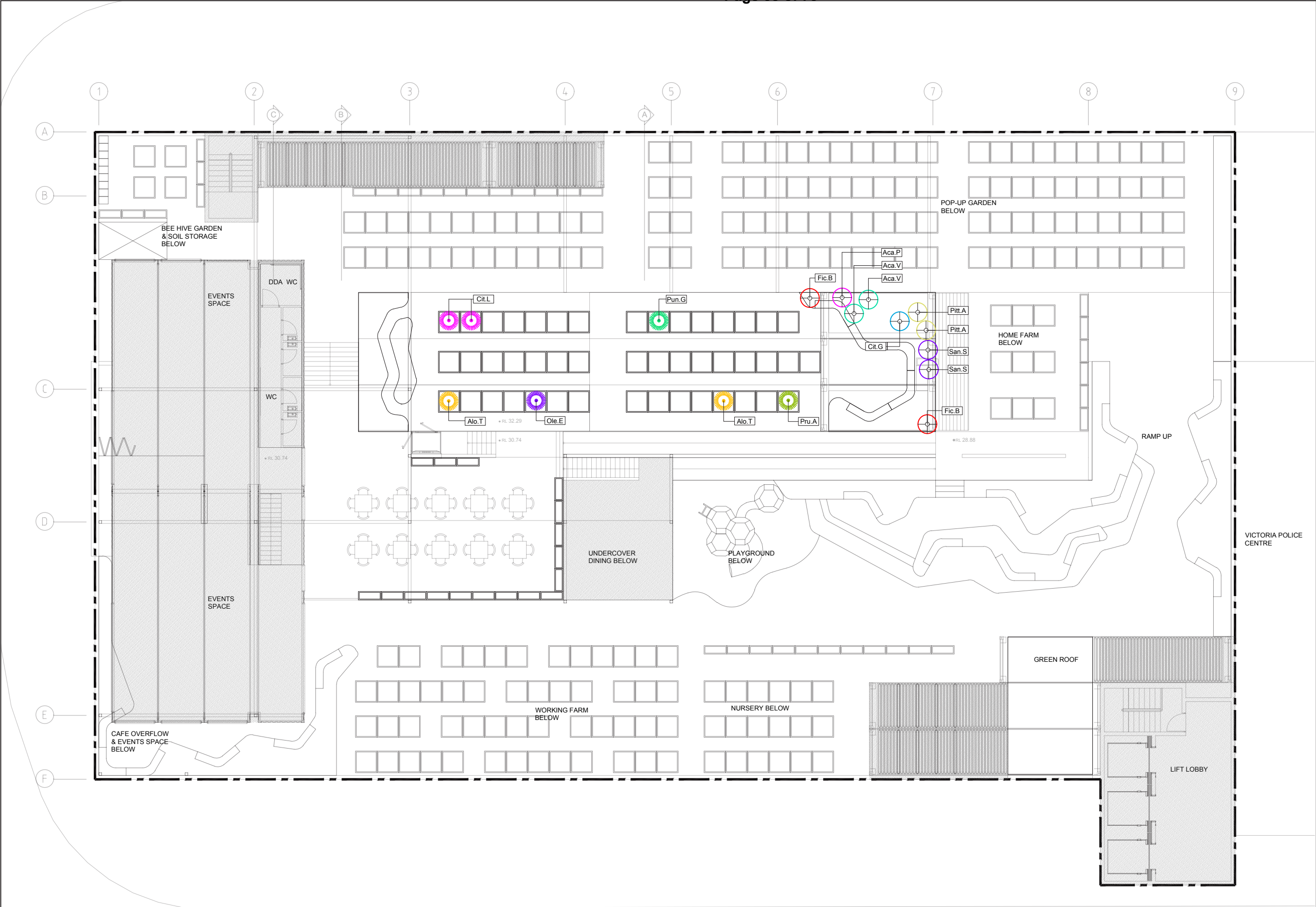
'RAIN' PLANTING TREES

- | | | |
|---|--------------|---|
|  | Acr.A | Acronychia acidula:
Lemon Aspen |
|  | Bac.C | Bachkousia citriflora:
Lemon Myrtle |
|  | Dav.P | Davidsonia puriens:
Davidson's Plum |
|  | Eup.L | Eupomatia laurina:
Native Guava |
|  | Exo.C | Exocarpos cupressiformis:
Cherry Ballart |
|  | Mac.T | Macadamia tetraphylla:
Macadamia Nut |
|  | Mic.A | Microcitrus australasica:
Finger Lime |
|  | San.A | Santalum acuminatum:
Quandong |
|  | Syz.L | Syzygium luehmannii:
Riberry |
|  | Syz.S | Syzygium smithii:
Lilly Pilly |

ORCHARD TREES

- | | | |
|---|--------------|---|
|  | Alo.T | <i>Aloysia triphylla</i> :
Lemon-scented Verbena |
|  | Cit.A | <i>Citrus aurantifolia</i> :
Tahitian Lime |
|  | Cit.C | <i>Citrus sinensis</i> : Orange |
|  | Cit.H | <i>Citrus hystrix</i> : Kaffir Lime |
|  | Cit.L | <i>Citrus x limon</i> : Lemon |
|  | Cit.R | <i>Citrus reticulata</i> :
Mandarin |
|  | Cyd.O | <i>Cydonia oblonga</i> :
Quince |
|  | Dio.K | <i>Diospyros kaki</i> :
Persimmon |
|  | Fic.C | <i>Ficus carica</i> : Common
Fig |
|  | Lau.N | <i>Laurus nobilis</i> : Bay
Laurel |
|  | Mal.P | <i>Malus pumila</i> : Apple |
|  | Ole.E | <i>Olea europaea</i> subsp.
<i>europaea</i> : European Olive |
|  | Pru.A | <i>Prunus armeniaca</i> :
Apricot |
|  | Pru.P | <i>Prunus persica</i> : Peach |
|  | Pru.S | <i>Prunus salicina</i> : Plum |
|  | Pun.G | <i>Punica granatum</i> :
Pomegranate |
|  | Pyr.C | <i>Pyrus communis</i> :
Common Pear |





LEGEND

Extent of works

'DRY' PLANTING TREES

-  **Aca.P** Acacia provincialis: Winkida
-  **Aca.V** Acacia victoriae: Wattlesseed
-  **Cit.G** Citrus glauca: Desert Lime
-  **Fic.B** Ficus brachypoda: Rock Fig
-  **Pitt.A** Pittosporum angustifolium: Gummi Gummi
-  **San.S** Santalum spicatum: Sandalwood Nut

ORCHARD TREES

-  **Alo.T** Aloysia triphylla: Lemon-scented Verbena
-  **Cit.A** Citrus aurantifolia: Tahitian Lime
-  **Cit.C** Citrus sinensis: Orange
-  **Cit.H** Citrus hystrix: Kaffir Lime
-  **Cit.L** Citrus x limon: Lemon
-  **Cit.R** Citrus reticulata: Mandarin
-  **Cyd.O** Cydonia oblonga: Quince
-  **Dio.K** Diospyros kaki: Persimmon
-  **Fic.C** Ficus carica: Common Fig
-  **Lau.N** Laurus nobilis: Bay Laurel
-  **Mal.P** Malus pumila: Apple
-  **Ole.E** Olea europaea subsp. europaea: European Olive
-  **Pru.A** Prunus armeniaca: Apricot
-  **Pru.P** Prunus persica: Peach
-  **Pru.S** Prunus salicina: Plum
-  **Pun.G** Punica granatum: Pomegranate
-  **Pyr.C** Pyrus communis: Common Pear

DRAWING TITLE
L303 UPPER LEVEL TREE PLAN

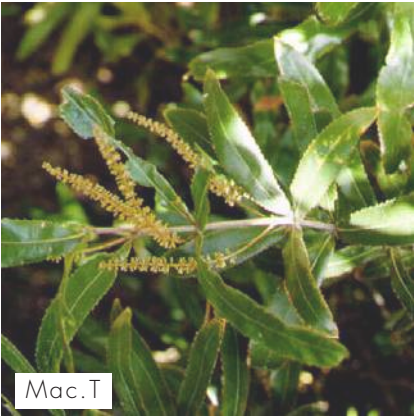
PROJECT
MELBOURNE SKYFARM

DATE
07.11.18

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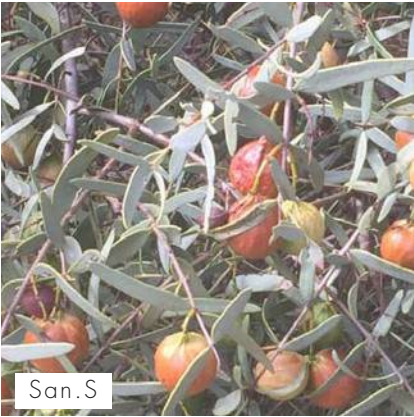
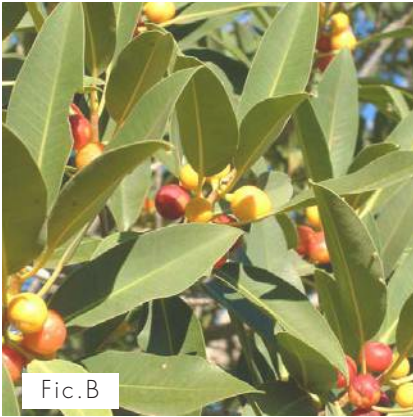
'RAIN' NATIVE FOOD GARDEN: TREES



'RAIN' NATIVE FOOD GARDEN: SHRUBS & HERBS



'DRY' NATIVE FOOD GARDEN: TREES



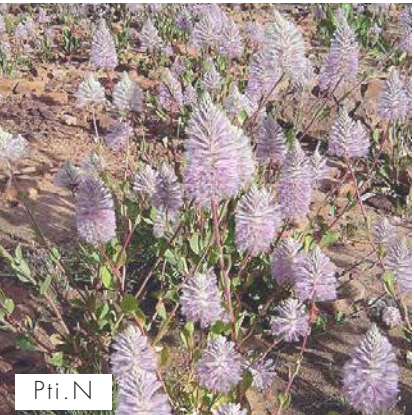
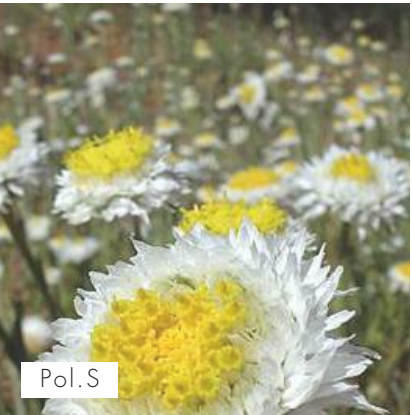
'DRY' NATIVE FOOD GARDEN: SHRUBS & HERBS



‘SALT’ NATIVE FOOD GARDEN: SHRUBS & HERBS



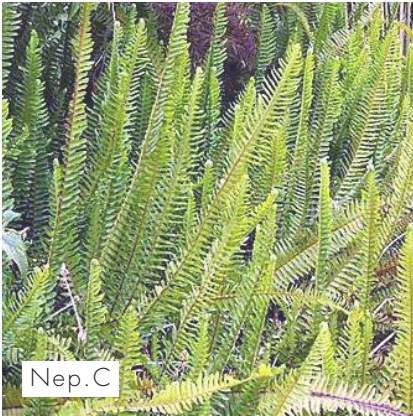
WILDFLOWER NATIVE GARDEN



GREEN ROOF HARDY NATIVE PLANTS



FERNERY NATIVE GARDEN

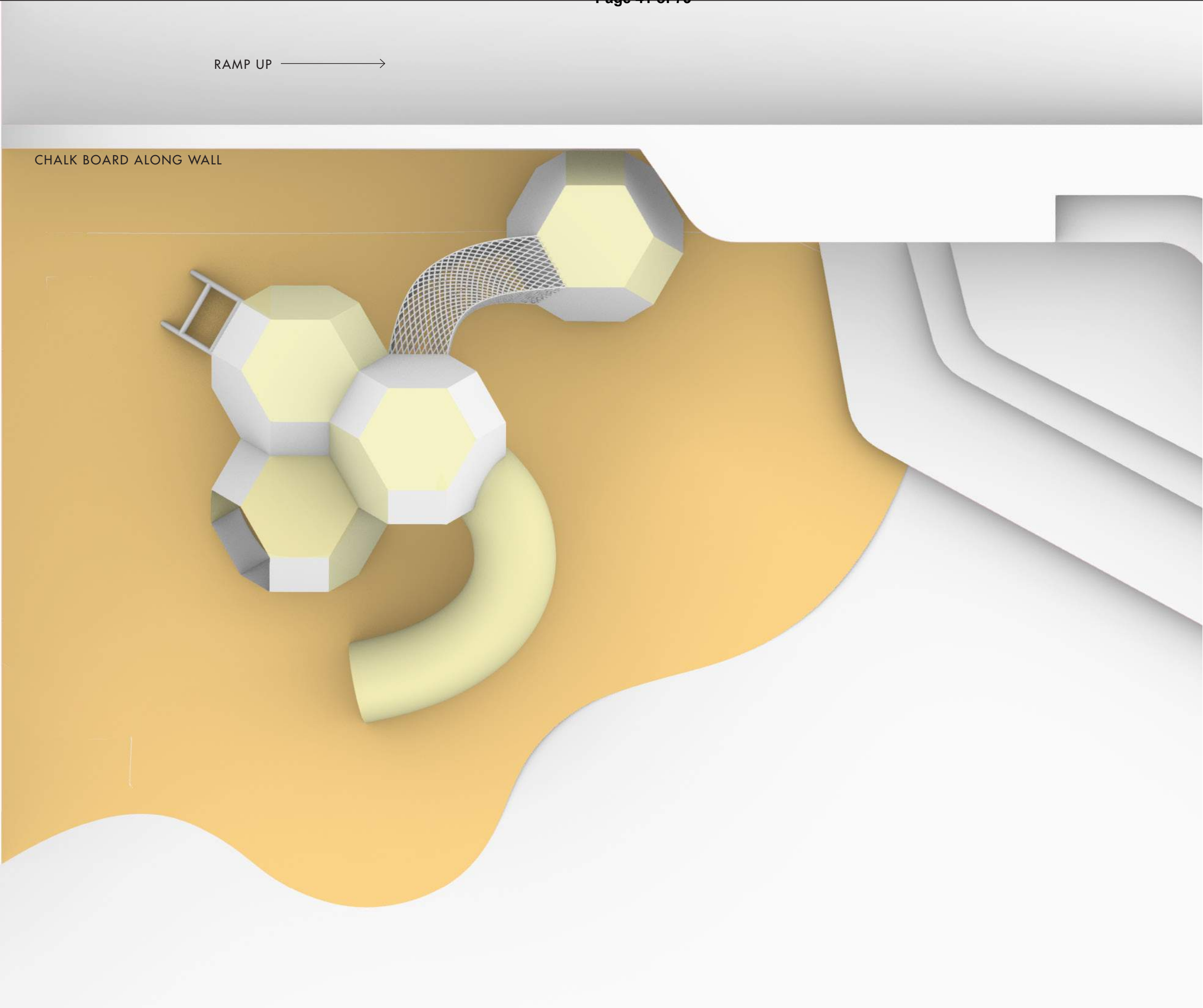


MELBOURNE SKYFARM PLANT SCHEDULE

ITEM	CODE	BOTANICAL NAME	COMMON NAME	MAX HEIGHT (m) TREES
'RAIN' native food garden: Trees				
a	Acr.A	<i>Acronychia acidula</i>	Lemon Aspen	12m mature, can be pruned
b	Bac.C	<i>Backhousia citriodora</i>	Lemon Myrtle	1.5m at 5 years (20m mature)
c	Dav.P	<i>Davidsonia pruriens</i>	Davidson's Plum	2-3m at 5 years (4-18m mature)
d	Eup.L	<i>Eupomatia laurina</i>	Native Guava	1.5m at 5 years (4-10m mature)
e	Exo.C	<i>Exocarpos cupressiformis</i>	Cherry Ballart	1.5m at 5 years (4-8m mature)
f	Mac.T	<i>Macadamia tetraphylla</i>	Macadamia Nut	2m at 5 years (18m mature)
g	Mic.A	<i>Microcitrus australasica</i>	Finger Lime	1.5m at 5 years (2.5-6m mature)
h	San.A	<i>Santalum acuminatum</i>	Quandong	1.5m at 5 years (4-6m mature)
i	Syz.L	<i>Syzygium luehmannii</i>	Riberry	2m at 5 years (8-15m mature)
j	Syz.S	<i>Syzygium smithii</i>	Lilly Pilly	1.5m at 5 years, can be pruned
'RAIN' native food garden: Shrubs & herbs				
a	Aci.G	<i>Aciphylla glacialis</i>	Mountain Celery	
b	Alp.C	<i>Alpinia caerulea</i>	Native Ginger	
c	Aus.D	<i>Austromyrtus dulcis</i>	Midyim Berry	
d	Hib.H	<i>Hibiscus heterophyllus</i>	Native Rosella	
e	Hib.S	<i>Hibiscus sabdariffa</i>	Rosella	
f	Men.A	<i>Mentha australis</i>	River Mint	
g	Por.O	<i>Portulaca oleracea</i>	Munyeroo/ Purslane	
h	Pro.R	<i>Prostranthera rotundifolia</i>	Native Thyme	
i	Sol.A	<i>Solanum aviculare</i>	Kangaroo Apple	
j	Tas.L	<i>Tasmannia lanceolata</i>	Mountain Pepper	
k	Tas.X	<i>Tasmannia xerophila subsp. xerophila</i>	Alpine Pepperbush	
'DRY' native food garden: Trees				
a	Aca.P	<i>Acacia provincialis</i>	Wirilda	2.5m at 5 years (6m mature)
b	Aca.V	<i>Acacia victoriae</i>	Wattleseed	5 - 6m mature
c	Cit.G	<i>Citrus glauca</i>	Desert Lime	3 - 7m mature
d	Fic.B	<i>Ficus brachypoda</i>	Rock Fig	1m at 5 years (2-8m mature)
e	Pitt.A	<i>Pittosporum angustifolium</i>	Gumbi Gumbi	6m mature
f	San.S	<i>Santalum spicatum</i>	Sandalwood Nut	3 - 5m mature
'DRY' native food garden: Shrubs & herbs				
a	Acr.D	<i>Acrotriche depressa</i>	Native Currant	
b	Art.S	<i>Arthropodium strictum</i>	Chocolate Lily	
c	Atr.N	<i>Atriplex nummularia</i>	Saltbush	
d	Cym.A	<i>Cymbopogon ambiguus</i>	Native Lemongrass	
e	Per.P	<i>Persoonia pinifolia</i>	Pine-leaved Geebung	
f	Sol.Ce	<i>Solanum centrale</i>	Kutjera	
g	Sol.C	<i>Solanum cleistogamum</i>	Passionberry	
h	Wah.G	<i>Wahlenbergia gloriosa</i>	Royal Bluebell	
'SALT' native food garden: Shrubs & herbs				
a	Api.P	<i>Apium prostratum</i>	Sea Parsley	
b	Atr.C	<i>Atriplex cinerea</i>	Coast Saltbush	
c	Car.R	<i>Carpobrutus rossii</i>	Karkalla	
d	Enc.T	<i>Enchylaena tomentosa</i>	Ruby Saltbush	
e	Kun.P	<i>Kunzea pomifera</i>	Muntry	


f	Leu.P	<i>Leucopogon parviflorus</i>	Coast Beard-heath	
g	Mes.C	<i>Mesembryanthemum crystallinum</i>	Ice Plant	
h	Sal.E	<i>Salicornia europaea</i>	Samphire	
i	Sua.A	<i>Suaeda australis</i>	Seablite	
j	Tet.I	<i>Tetragonia implexicoma</i>	Bower Spinach	
k	Tet.T	<i>Tetragonia tetragonioides</i>	Warrigal Greens	
WILDFLOWER native garden				
a	Art.S	<i>Arthropodium strictum</i>	Chocolate Lily	
b	Ani.C	<i>Anigozanthos cultivars</i>	Kangaroo Paw	
c	Bra.M	<i>Brachyscome multifida</i>	Cut-Leaf Daisy	
d	Cal.C	<i>Calocephalus citreus</i>	Lemon Beautyheads	
e	Chr.A	<i>Chrysocephalum apiculatum</i>	Common Everlasting	
f	Con.C	<i>Conostylis candicans</i>	Grey Cottonheads	
g	Cra.P	<i>Craspedia paludicola</i>	Swamp Billy Buttons	
h	Wah.G	<i>Wahlenbergia gloriosa</i>	Royal Bluebell	
i	Min.L	<i>Minuria leptophylla</i>	Minnie Daisy	
j	Pel.A	<i>Pelargonium australe</i>	Austral Storksbill	
k	Pol.S	<i>Polycalymma stuartii</i>	Poached-egg Daisy	
l	Pti.N	<i>Ptilotus nobilis</i>	Yellow Tails	
m	Pti.M	<i>Ptilotus macrocephalus</i>	Featherheads	
n	Pyc.C	<i>Pycnosorus chrysanthos</i>	Golden Billy Buttons	
ORCHARD Fruit Trees				
a	Alo.T	<i>Aloysia triphylla</i>	Lemon-scented Verbena	
b	Cit.A	<i>Citrus aurantifolia</i>	Tahitian Lime	
c	Cit.C	<i>Citrus sinensis</i>	Orange	
d	Cit.H	<i>Citrus hystrix</i>	Kaffir Lime	
e	Cit.L	<i>Citrus x limon</i>	Lemon	
f	Cit.R	<i>Citrus reticulata</i>	Mandarin	
g	Cyd.O	<i>Cydonia oblonga</i>	Quince	
h	Dio.K	<i>Diospyros kaki</i>	Persimmon	
i	Fic.C	<i>Ficus carica</i>	Common Fig	
j	Lau.N	<i>Laurus nobilis</i>	Bay Laurel	
k	Mal.P	<i>Malus pumila</i>	Apple	
l	Ole.E	<i>Olea europaea subsp. europaea</i>	European Olive	
m	Pru.A	<i>Prunus armeniaca</i>	Apricot	
n	Pru.P	<i>Prunus persica</i>	Peach	
o	Pru.S	<i>Prunus salicina</i>	Plum	
p	Pun.G	<i>Punica granatum</i>	Pomegranate	
q	Pyr.C	<i>Pyrus communis</i>	Common Pear	
BEE GARDEN Shrubs & herbs				
a	lav	<i>Lavandula</i>	Lavender	
b	Ori.V	<i>Origanum vulgare</i>	Oregano	
c	Ros.O	<i>Rosmarinus officinalis</i>	Rosemary	
d	Sal.O	<i>Salvia officinalis</i>	Sage	
e	Thy.V	<i>Thymus vulgaris</i>	Thyme	
GREEN ROOF Hardy native plants				
a	Ade.C	<i>Adenanthos cuneatus</i>	Coastal Jugflower	
b	Chr.A	<i>Chrysocephalum apiculatum</i>	Common Everlasting	

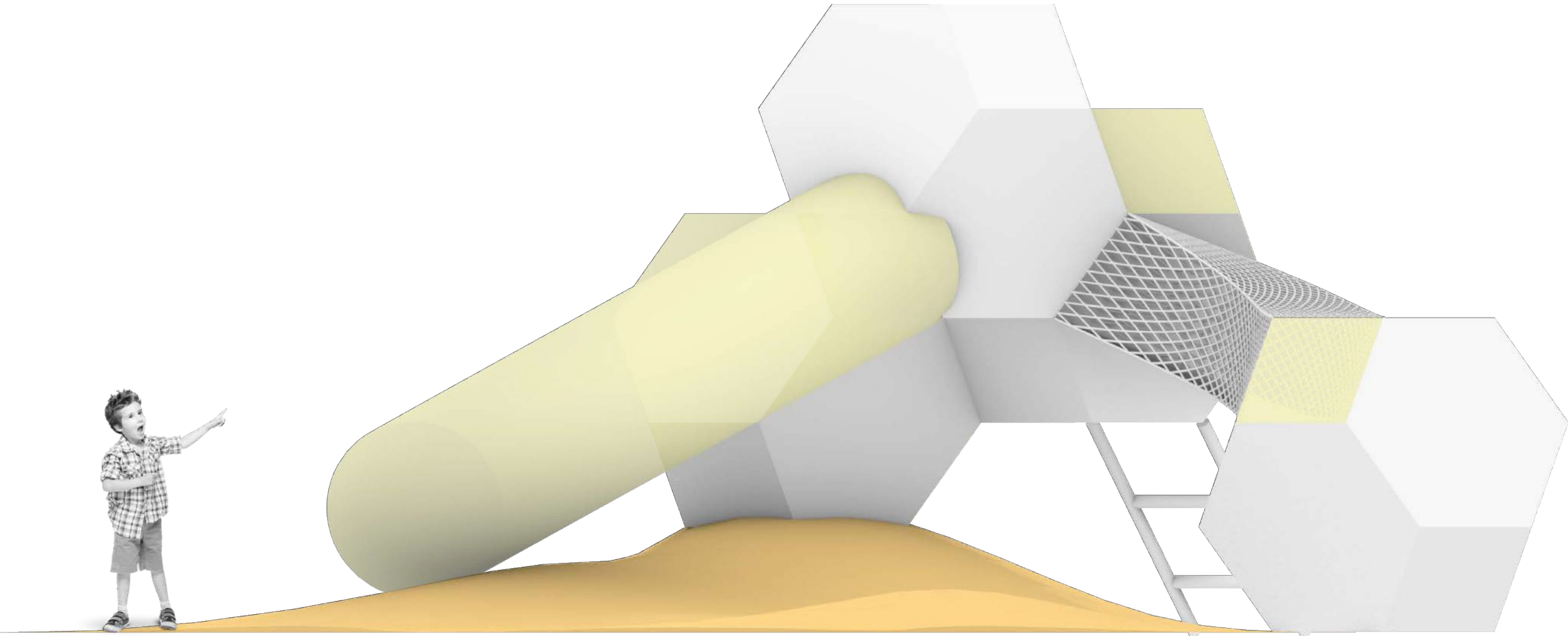
c	Con.C	<i>Conostylis candicans</i>	Grey Cottonheads	
d	Ein.N	<i>Einadia nutans subsp. nutans</i>	Climbing Saltbush	
e	Enc.T	<i>Enchylaena tomentosa</i>	Ruby Saltbush	
f	Sar.P	<i>Sarcozona praecox</i>	No common name	
g	Tec.H	<i>Tecticornia halocnemoides</i>	Grey Samphire	
h	Zyg.G	<i>Zygophyllum glaucum</i>	Pale Twinleaf	
FERNERY Plantings				
a	Adi.A	<i>Adiantum aethiopicum</i>	Maidenhair Fern	
b	Ble.P	<i>Blechnum penna-marina subsp. Alpina</i>	Alpine water-fern	
c	Ble.W	<i>Blechnum wattsii</i>	Hard Water Fern	
d	Che.A	<i>Cheilanthes austrotenuifolia</i>	Rock Fern	
e	Hup.S	<i>Hyperzia squarrosa</i>	Rock Tassel Fern	
f	Mic.P	<i>Microsorium pustulatum</i>	Kangaroo Fern	
g	Nep.C	<i>Nephrolepis cordifolia</i>	Fishbone Fern	
h	Pel.F	<i>Pellaea falcata</i>	Sickle Fern	
i	Pol.P	<i>Polystichum proliferum</i>	Mother Shield Fern	
TERRACE Climbers				
a	Vit.V	<i>Vitis vinifera</i>	Grape	

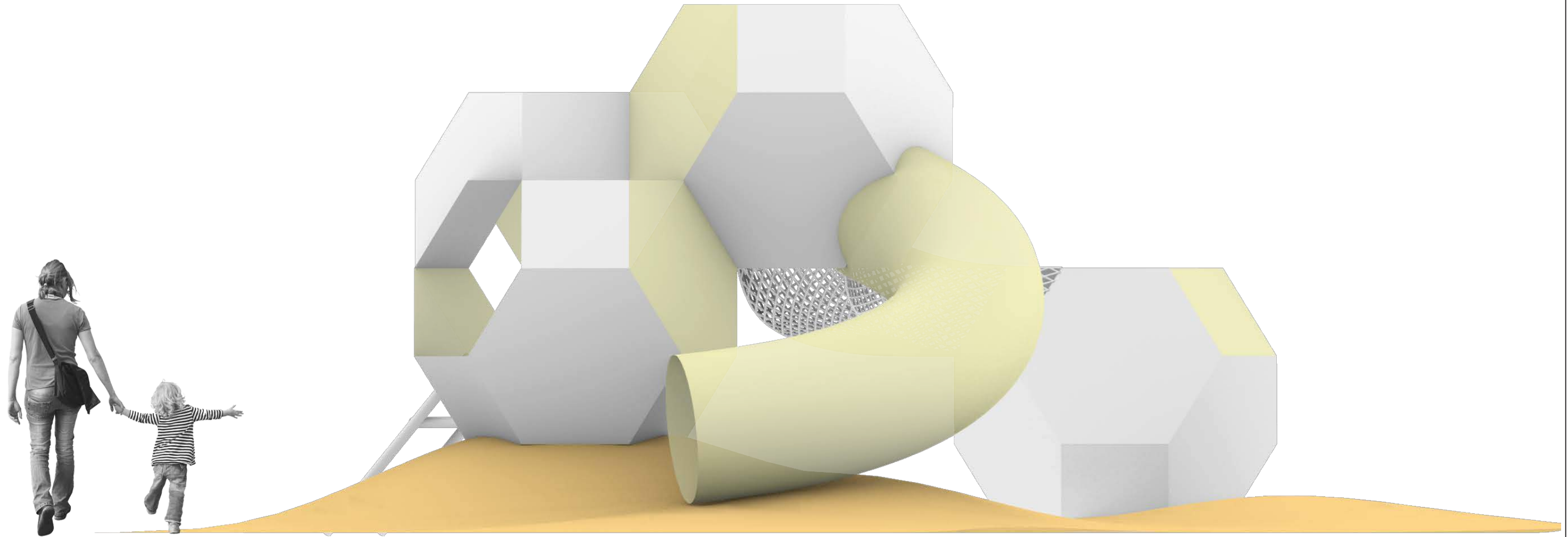


The playground is themed around a busy beehive and sits atop an oozing puddle of honey (rubber softfall). Yellow detailing on the structure denotes transparent panels - for visibility both out and in.



	<div>DRAWING TITLE</div> <div>L400 PLAYGROUND PLAN</div>	<div>PROJECT</div> <div>MELBOURNE SKYFARM</div>	<div>DATE</div> <div>07.11.18</div>	<div>SCALE</div> <div>NOT TO SCALE</div>	
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DRAWING TITLE

L402 PLAYGROUND SOUTH ELEVATION

PROJECT

MELBOURNE SKYFARM

DATE

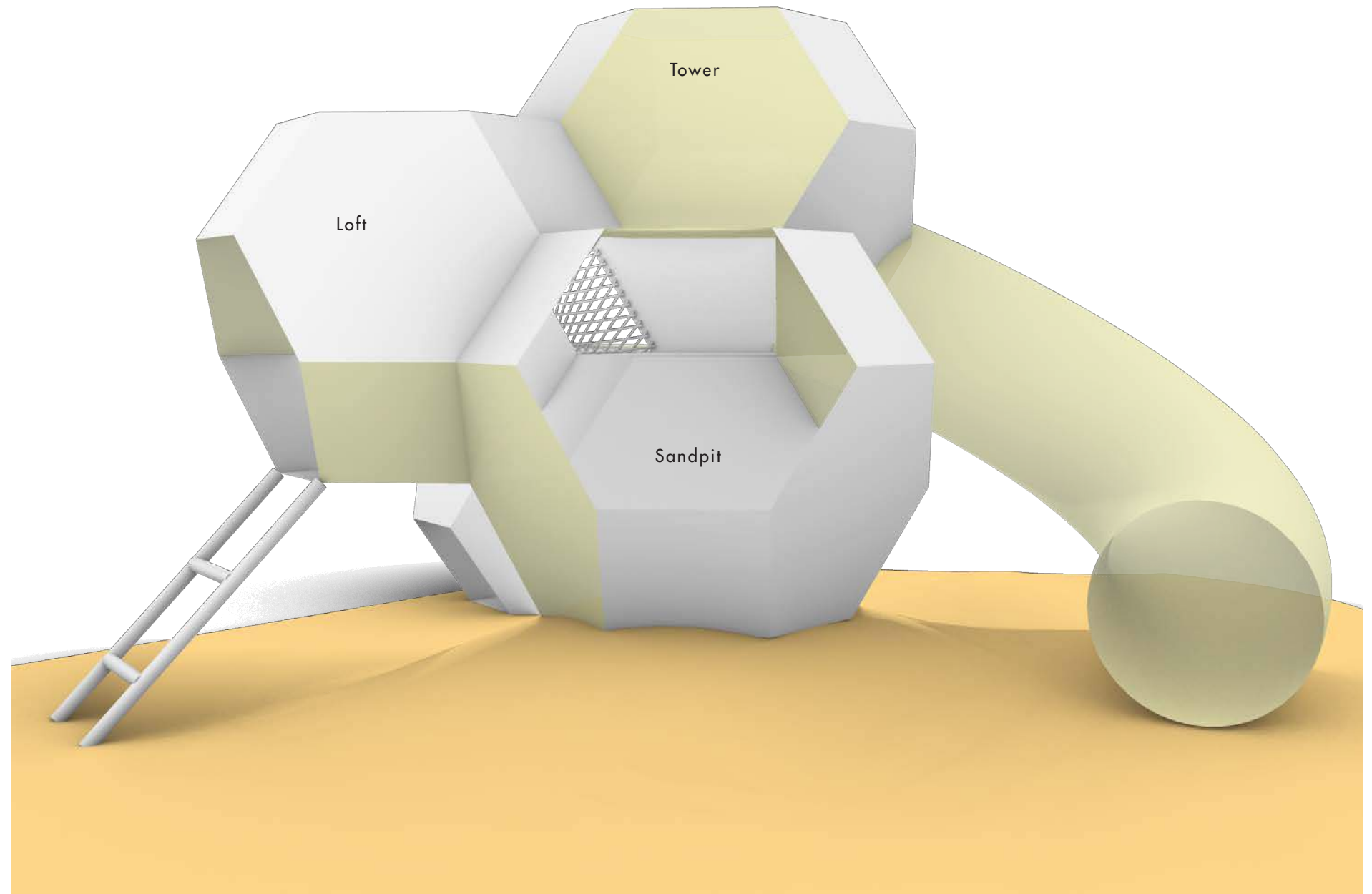
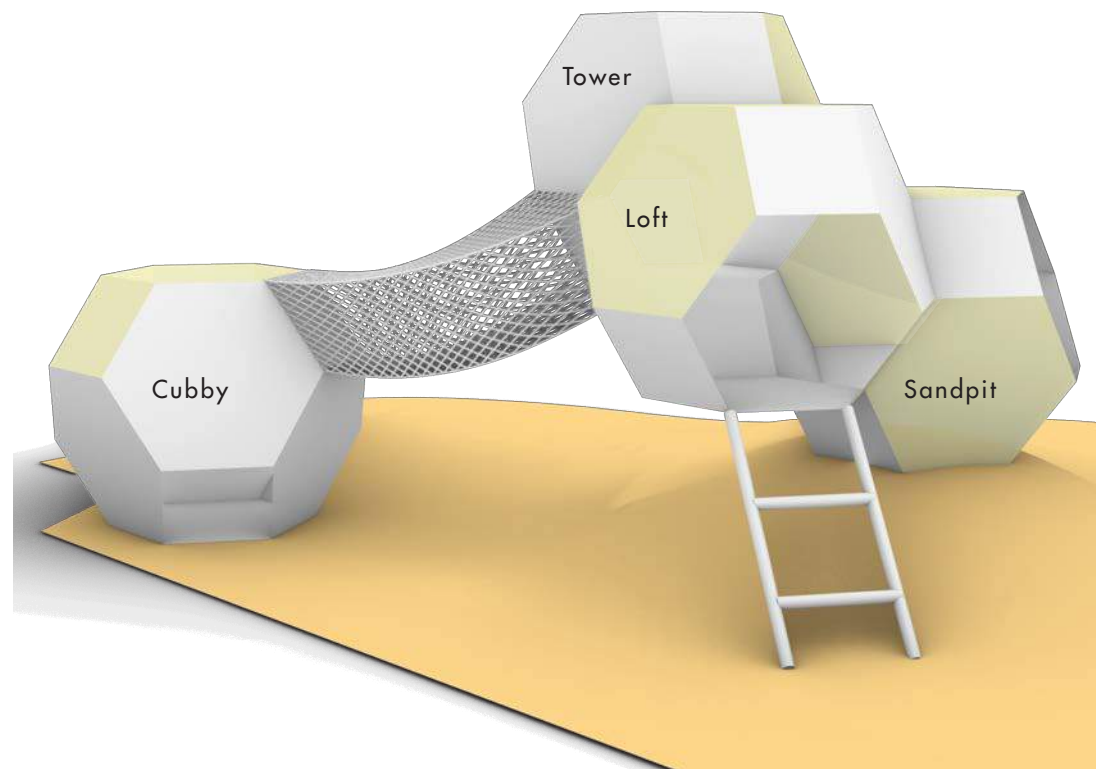
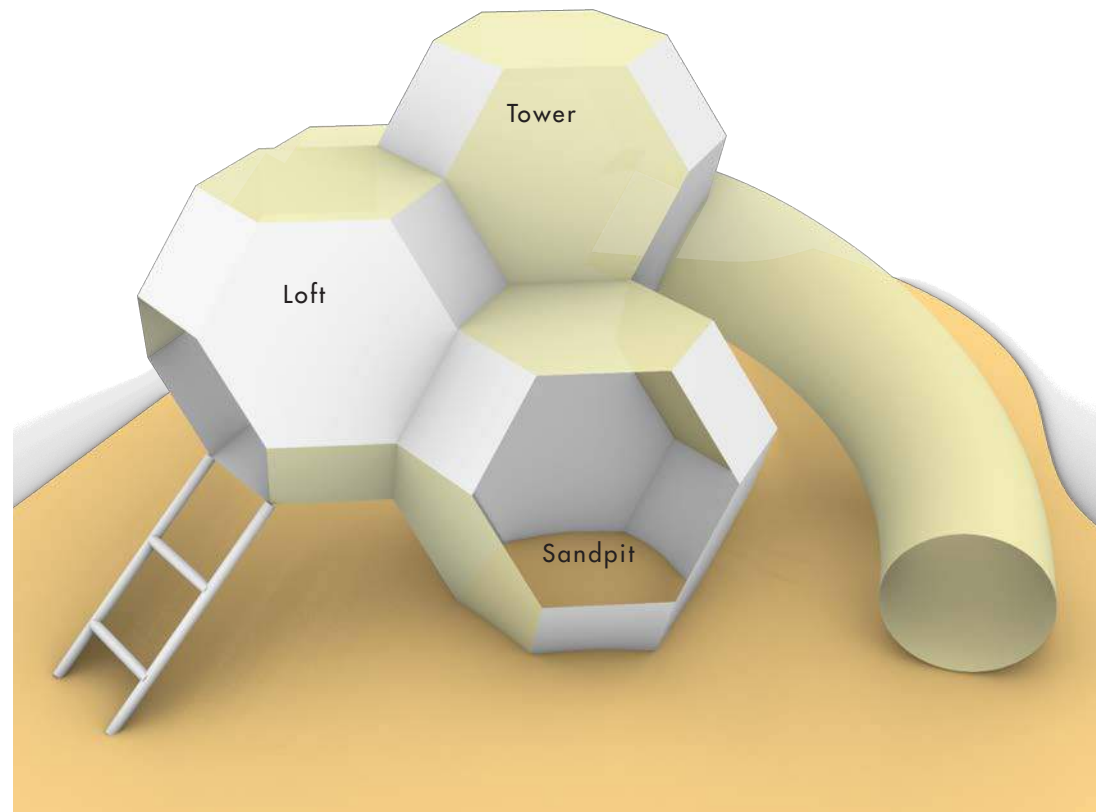
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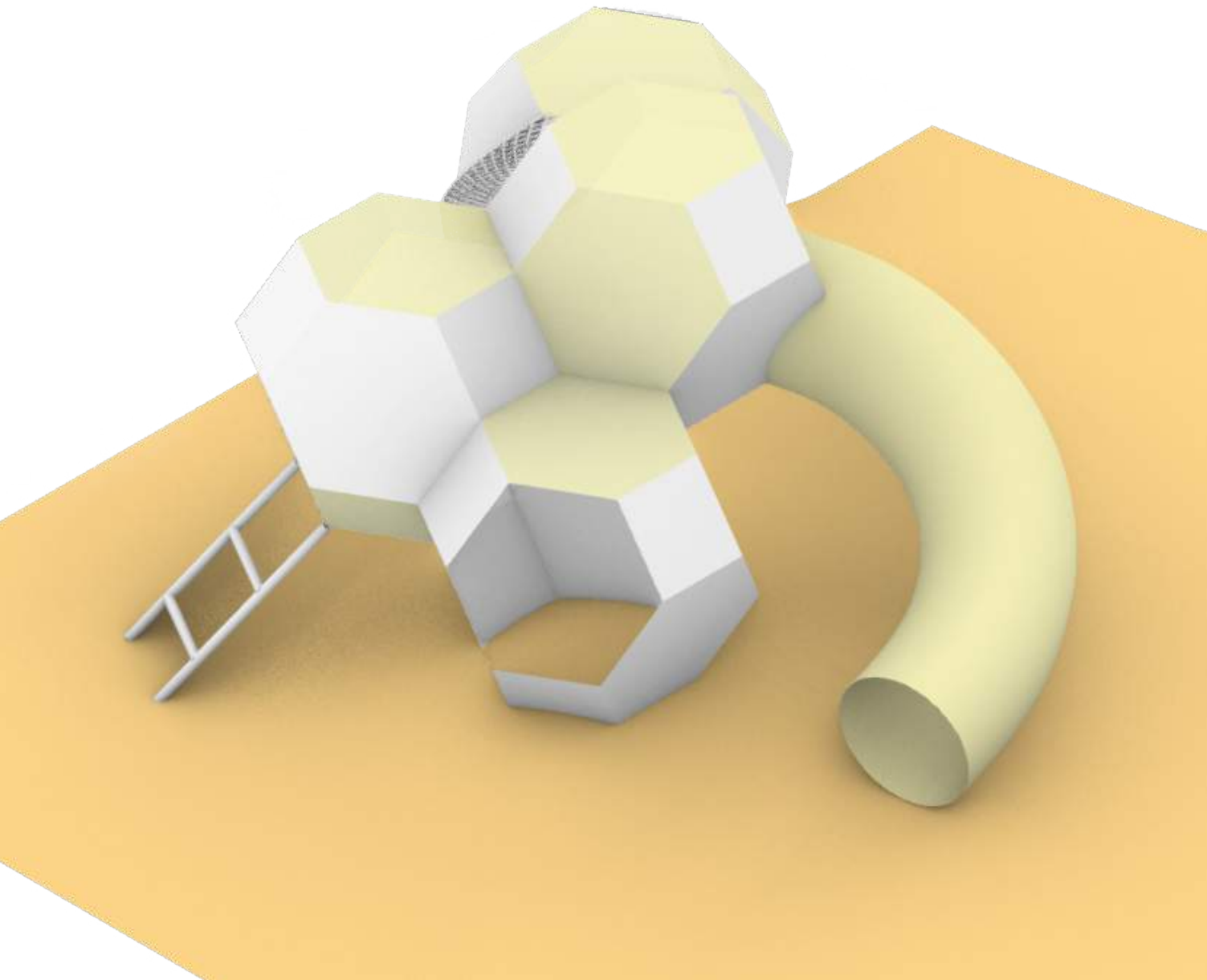
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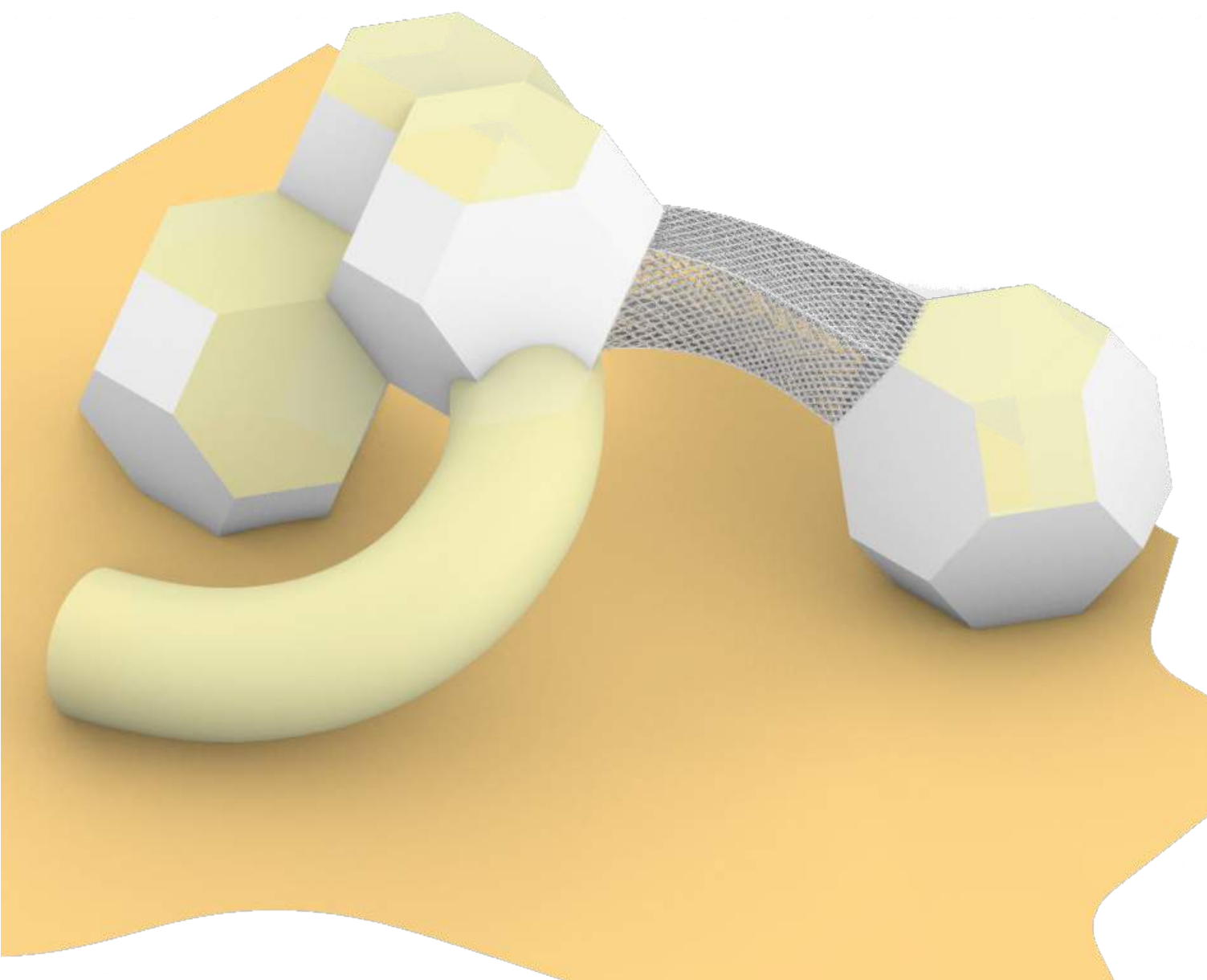
Cutomised bee-shaped climbing holds on the interior steep faces of the structure will assist children in moving between levels while completing the bee hive narrative. An enclosed sandpit will protect sand from wind and prevent spreading through the site. Structure openings are oriented towards the cafe for parental surveillance.



SOUTH WEST ISOMETRIC



SOUTH EAST ISOMETRIC



PLANNING PERMIT APPLICATION

DELEGATE REPORT

Application number:	TP-2018-722
Applicant / Owner / Architect:	Biofilta Pty Ltd c/- Ethos Urban / Development Victoria / RD Architecture
Address:	671-701 Flinders Street, DOCKLANDS
Proposal:	Partial demolition and the use and development of top level of existing building for an innominate use that includes a working farm, nursery, farmgate shop, cafe, event space (with live music and entertainment) and an education space
Cost of works:	\$950,000
Date of application:	24 August 2018
Responsible officer:	Adam Birch

1 SUBJECT SITE AND SURROUNDS

An inspection of the site and surrounding area was undertaken on 8 April 2019.

The site is located on the south side of Flinders Street and Wurundjeri Way and is bound by Siddeley Street to the west and south (see Figure 1 and 2)

The site is rectangular in shape with an area of approximately 2,550 square metres. The site contains a multi-storey commercial car park containing 690 car parking spaces.

The surrounding sites include:

To the north, across Wurundjeri Way and Flinders Street is:

- V1 Village Docks at 8-18 McCrae Street, that contains a 21-storey building used for apartment dwellings.
- The Goods Shed South that contains a child care centre at its southern end.
- At 697 Collins Street is the 26-storey building under construction and a 646-666 Flinders Street is a 40-storey building under construction that forms part of the Melbourne Quarter development.

To the west, across Siddeley Street is:

- The Mission to Seafarers at 705-729 Flinders Street. The site contains a chapel, meeting rooms, gymnasium and residential accommodation. The building is listed on the Victorian Heritage Register; and
- Existing public open space is located at 'Seafarers Rest' that is proposed for renewal. A 17-storey building is proposed to the west of the park.

To the east, abutting the site is the Victorian Police Centre, which is Tower 1 of the World Trade Centre at 639-669 Flinders Street. The building is used as an office

building. The World Trade Centre is a complex of five concrete office buildings ranging from eight to fourteen storeys. A land bridge over Siddeley connects the car park with the office complex to the east.

To the south is the Flinders Wharf Apartments at 40-66 Siddeley Street. The site contains a 19-storey building with 297 residential properties.

The site is located approximately 80 metres from the Yarra River.

Figure 1: Subject site and surrounds (source: ComPass)



Figure 2: Flyover image of subject site showing site highlighted 11 January 2019 (Source: NearMap)



2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Pre-application discussions were undertaken prior to the application being made.

2.2 Planning Application History

There is no directly relevant history or background for this application.

3 PROPOSAL

The plans which have been considered in this planning assessment are the plans prepared by RD Architecture dated 1 November 2018. In support of the application, the following information has been provided:

- A Planning Report by Ethos Urban dated October 2018
- A Landscape Concept Package dated 7 November 2018
- A Venue Management Plan
- A Noise Assessment prepared by Marshall Day Acoustics dated 7 November 2018
- A Waste Management Plan

The application seeks approval for partial demolition and the use and development of the top level of the existing building for an innominate use that includes a working farm, nursery, farmgate shop, cafe, event space (with live music and entertainment) and education space.

The various aspects of the proposal fall under the Planning Scheme definitions as follows:

Applicant land use description	Planning Scheme Term	Definition
Working farm	Agriculture (other than animal keeping, animal production, animal training, horse stables)	Land used to: a) propagate, cultivate or harvest Aquaculture, plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables; b) keep, breed, board, or train animals, including livestock, and birds; or c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.
Nursey	Plant nursery (nested under Retail Premises)	Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.
Farmgate shop	Shop	Land used to sell goods or services, or to hire goods. It includes the selling of bread, pastries, cakes or other products baked on the premises. It does not include food and drink premises, gambling premises, landscape gardening supplies, manufacturing sales, market, motor vehicle, boat, or caravan sales, postal agency, primary produce sales, or trade supplies.
Café	Food and drink premises (other than hotel or tavern)	Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.
Event Space	Place of assembly (other than Amusement parlour and Nightclub)	Land where people congregate for religious or cultural activities, entertainment, or meetings.
Education Space	Education centre	Land used for education.

Access to the site is via the existing lift and stairs on the south-eastern corner of the building.

The working farm area is proposed to be used between 7:00am to 6:00pm, seven days a week.

The applicant has revised the Venue Management Plan that proposed that the event Space would trade between 7:00am and 1:00am the following morning.

The Venue Management Plan advised that inside the event Space, the patron number will be limited to 400, and up to 15 staff proposed. The plan also advised that all external doors and windows to be closed after 10:00pm.

The applicant has advised that the maximum number of patrons for the rooftop would be 500 people at any one time.

Live music and entertainment is proposed for the internal areas of the event space only. The Noise Assessment submitted with the application makes recommended noise levels, sound insulation and '300 people could be accommodated outdoors during the day and evening and 50-100 patrons could be accommodated at night without significantly impacting on the existing noise environment.'

Building and works

The proposed buildings and works comprise partial demolition of the concrete balustrade wall sections, and the installation of repurposed shipping containers, with aluminium framed glazing, steel framing and balustrades, timber decking and screening, rainwater tanks and solar panels.

The event space is proposed to be setback 880 millimetres from the western edge of the building and 3 metres from the southern edge of the building. The WC and storage container is proposed to be constructed on the northern boundary. The farmgate shop is proposed to be constructed on the southern edge of the building, and the entry is proposed to be constructed on the eastern boundary.

The proposed addition seeks to increase the height of the building by a maximum of 6.69 metres, extending the total height of the building to 31.73 metres as measured from Siddeley Street.

The proposal includes external lighting that has been detailed as part of the application.

Figure 3: 3D Render of the proposal (from the south) (Source: applicant)



Figure 4: 3D Render of the proposal (from the north) (Source: applicant)



Landscaping

A detailed concept landscape plan has been provided with the application. The land plan includes the following:

- A beehive garden and soil storage
- Working farm and pop-up exhibition space
- Home farm display
- Climate cool zone, seating and forest planting
- Ferneries
- A playground
- A greenhouse
- A nursery
- A green roof
- A native wildflower walk
- A hanging grape garden terrace
- A biodiversity green roof
- A plant schedule has been provided that detail a diverse mix of native edible and non-edible plants, trees, shrubs, herbs, wildflowers, and climbers.

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
<p>Capital City Zone Schedule 1 (CCZ1) Outside the Retail Core</p>	<p>Land Use</p> <p>Pursuant to Clause 37.04-1, a permit is not required for any use in Section 1 of the schedule to this zone, and is required for any use in Section 2 of the schedule to this zone.</p> <p>The following land use do not require a planning permit under CCZ1:</p> <p>Apiculture, on the condition that the use must meet the requirements of the Apiary Code of Practice, May 1997.</p> <p>Education Centre</p> <p>Place of assembly (other than Amusement parlour and Nightclub)</p> <p>Retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern)</p> <p>Under Section 2, a permit is required for Agriculture and 'Any other use not in Section 1 or 3' such as an Innominate Use.</p> <p>Demolition</p> <p>Pursuant to Clause 37.04-4m a permit is required to demolish or remove a building or works if specified in the schedule to this zone.</p> <p>Under Schedule 1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>Building and works</p> <p>Pursuant to Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. Any requirement in the schedule to this zone must be met. A permit granted must include any condition required by the schedule to this zone.</p> <p>Under Schedule 1, a permit is required to construct a building or construct or carry out works.</p>
<p>Design and Development Overlay Schedule 10 (General Development Area – Built Form) DDO10</p>	<p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.</p> <p>The proposed works do not meet the permit exemptions under Schedule 10, therefore a permit is required.</p> <p>Under Schedule 10 Buildings and works:</p> <p>Must meet the Design Objectives specified in this schedule;</p> <p>Must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 3 to this schedule; and</p> <p>Should meet the Preferred Requirement specified for each relevant Design Element in Table 3 to this Schedule</p>

	A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule.
Parking Overlay Schedule 1 (PO1) Capital City Zone – Outside the Retail Core.	Under Schedule a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. As the proposal involves the removal of car parking spaces, a permit is not triggered under the overlay.
Live Music and Entertainment Noise (Clause 53.05)	This particular provision applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated a live music entertainment venue. Pursuant to Clause 53.06-3, a permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.
Bicycle Facilities (Clause 52.34)	Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Clause 52.34-5 specifies the bicycle parking rates required for individual uses. Given the proposal is an innominate use, no requirement for bicycle parking facilities technically applies.

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

The following policies of the Planning Policy Framework include:

- **Clause 11 (Settlement)** which states that “Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure”.
- **Clause 11.01-1S (Settlement)** which seeks to “To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements”.
- **Clause 11.01-1R (Settlement – Metropolitan Melbourne)** which seeks to focus investment and growth in the Metropolitan Melbourne Central City which is recognised as being of state significance.
- **Clause 11.03-1S (Activity Centres)** which seeks to “To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community”.
- **Clause 11.03-1R (Activity Centres – Metropolitan Melbourne)** which seeks to “Support the development and growth of Metropolitan Activity Centres”.
- **Clause 12.03-1R Yarra River Protection** which seeks “to maintain and enhance the natural landscape character of the Yarra River corridor.” And which include the strategy of “Retain and enhance people’s enjoyment of the river and its environment by... Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round.”
- **Clause 13-05-1A Noise Abatement** which seeks ‘To assist the control of noise effects on sensitive land use’.

- **Clause 14 Natural Resource Management** which states that ‘Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.
- **Clause 14.01-2S Sustainable agricultural land use** which seeks ‘To encourage sustainable agricultural land use.’
- **Clause 15 (Built Environment & Heritage)** which states that “Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods”.
- **Clause 15.01-1S (Urban Design)** which seeks to “create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”.
- **Clause 15.01-1R (Urban Design – Metropolitan Melbourne)** which seeks to “create a distinctive and liveable city with quality design and amenity”.
- **Clause 15.01-2S (Building Design)** which seeks to “achieve building design outcomes that contribute positively to the local context and enhance the public realm”.
- **Clause 15.01-4S (Healthy Neighbourhoods)** which seeks to “achieve neighbourhoods that foster healthy and active living and community wellbeing.”
- **Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne)** which seeks to “Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.”
- **Clause 15.01-5S (Neighbourhood Character)** which seeks to “recognise, support and protect neighbourhood character, cultural identity, and sense of place”.
- **Clause 15.02-1S (Energy and Resource Efficiency)** which seeks to “encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.”
- **Clause 17 (Economic Development)** seeks to provide for a strong and innovative economy and support and foster economic growth.
- **Clause 18 (Transport)** which states that “Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe”.
- **Clause 18.01-1S (Land Use and Transport Planning)** which seeks to “create a safe and sustainable transport system by integrated land use and transport”.
- **Clause 18.02-1S (Sustainable Personal Transport)** which seeks to “promote the use of sustainable personal transport”.
- **Clause 18.02-1R (Sustainable Personal Transport – Metropolitan Melbourne)** which seeks to “Improve local travel options for walking and cycling to support 20 minute neighbourhoods”.
- **Clause 18.02-2S (Public Transport)** which seeks to “Improve local travel options for walking and cycling to support 20 minute neighbourhoods”.

- **Clause 18.02-2R (Principal Public Transport Network)** which seeks to “Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect”.

5.1 Local Planning Policy Framework (LPPF)

5.1.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS include:

- **Clause 21.03 Vision** The plan’s vision for the municipality is of a bold, inspirational and sustainable city.
- **Clause 21.04-1 (Growth Area Framework)** The site is located in the area of Docklands which is identified for urban renewal and growth.
- **Clause 21.05 Environment and Landscape Values** which includes strategy 1.2 ‘Encourage the use of indigenous vegetation in open spaces and roof top greening’ under Clause 21.05-2.
- **Clause 21.06-1 (Urban Design)** aims to “ensure that the height and scale of development is appropriate to the identified preferred built form character of an area”
- **Clause 21.06-3 (Sustainable development)** encourages “environmentally sustainable building design innovation”
- **Clause 21.08 (Economic Development)** aims “to support the Central City and local retail uses”.
- **Clause 21.09 (Transport)** seeks “to integrate transport and urban growth” and “to maximise the use of public transport through efficient urban structure”.
- **Clause 21.10-2 Open Space** that includes Strategy 1.5 ‘Ensure that development in and surrounding the City’s parks and gardens does not adversely impact on the solar access, recreational, cultural heritage, environmental and aesthetic values, or amenity, of the open space.’
- **Clause 21.13-2 Docklands** which sets out further policies for the local area.

5.1.2 Local Policies

The relevant local policies are summarised as follows:

- **Clause 22.01 Urban Design within the Capital City Zone** that sets out design objectives and policies for planning application related to proposed development in the Capital City Zone.
- **Clause 22.02 (Sunlight to Public Spaces)** aims to “ensure new buildings and works allow good sun penetration to public spaces” and “ensure that overshadowing from new building or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians”
- **Clause 22.22 Policy for Licence Premises That Require a Planning Permit.** The policy applies where a permit is triggered under Clause 52.27 of the Melbourne Planning Scheme or where a permit for a tavern, hotel or nightclub in the Capital City Zone and Docklands Zone is required.
- **Clause 22.23 (Stormwater Management (Water Sensitive Urban Design))** aims to “achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines” and “promote the use of water sensitive urban design, including stormwater re-use”.

6 ZONE

The subject site is located within the Capital City Zone 1. The Site is located within Schedule 1 to the Capital City Zone (CCZ1). The Purpose of Clause 37.04 (Capital City Zone) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To enhance the role of Melbourne's central city as the capital of Victoria and as an area of national and international importance.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.
- To create through good urban design an attractive, pleasurable, safe and stimulating environment.

The purpose of Schedule 1 is 'To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.'

7 OVERLAYS

The subject site is affected by the Design and Development Overlay Schedule 10 and the Parking Overlay Schedule 1.

7.1 Design and Development Overlay Schedule 10

The Design Objectives of DDO10 are:

- To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.
- To ensure that development respects and responds to the built form outcomes sought for the Central City.
- To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.
- To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.
- To provide a high level of internal amenity for building occupants.
- To ensure the design of public spaces and buildings is of a high quality.
- To encourage intensive developments in the Central City to adopt a podium and tower format

7.2 Parking Overlay Schedule 1

A permit is not triggered by the Parking Overlay Schedule 1.

8 PARTICULAR PROVISIONS

Clause 53.06 Live Music and Entertainment Noise, which has the purpose of:

- To recognise that live music is an important part of the State's culture and economy.
- To protect live music entertainment venues from the encroachment of noise sensitive residential uses.

- To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
- To ensure that the primary responsibility for noise attenuation rests with the agent of change.

9 GENERAL PROVISIONS

Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

10 PUBLIC NOTIFICATION

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

Pursuant to Clause 43.02-3 (Design and Development Overlay), an application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

11 OBJECTIONS

A total of 30 objections were received. One letter of support was received. The objections received raised the following concerns with the proposal

- Amenity related concerns from the use including: noise, patron numbers and management, trading hours, waste management, odours, light spill and security.
- Building form related matters including the visual impact, overshadowing and overlooking.
- Access related issues including loss of car parking, traffic impact, pedestrian access and dispersal, potential queuing and lack of bicycle facilities.
- Building related matters including construction management and the load bearing of the building.
- Environmental impacts and concerns about potential animal keeping

One letter of support for the application was received for the proposal for supporting sustainable development goals and enhancing the liveability of the city.

12 CONSULTATION

In response to the objections received, the applicant has revised the trading hours which were proposed to cease at 3:00am to 1:00am.

The applicant has further clarified that the proposal does not involve keeping any animals on site with the exception of beekeeping (Apiculture).

The applicant has also updated the Venue Management Plan.

13 REFERRALS

13.1 Internal

The application was referred internally to Urban Sustainability and to Engineering Services.

13.1.1 Engineering Services

Engineering Services provides traffic and waste comments.

Traffic

No objections were made to the proposed change of use and the reduction of the car parking space from the commercial car park.

It was advised that Engineering Services will not alter the on street parking facilities to cater for deficiencies in the provision of an onsite loading dock.

Waste Management

The Waste Management Plan (WMP) provided by the applicant was considered to be unacceptable and the following items were requested to be addressed:

- The waste collection contractor has been nominated as the City of Melbourne on the first page and a private contractor on the second page. Reference to the City of Melbourne as the collection contractor needs to be removed.
- The table showing bin numbers and sizes has been filled in incorrectly. If there are 4 x 660L garbage bins collected twice a week, the second line of the table should be filled out under the garbage section. If 4 x 1100L recycling bins are to be collected weekly, the recycling section has been mostly filled out correctly, but the weekly volume should read '4400L'.
- Scaled waste management drawings should be attached to the WMP showing the bin store room and proposed collection location.

An updated WMP has not been provided by the applicant, and this can be addressed through a condition on permit, should one be issued.

13.1.2 Urban Sustainability

Preliminary comments were provided to the applicant from the Green Infrastructure Coordinator before a request for further information was made. The application was re-referred to Urban Sustainability who advised that 'The Melbourne Skyfarm was a successful applicant in the first round of Urban Forest Fund grants, endorsed by Council on 12 December, 2017. The funding agreement stipulates that a planning permit is required prior to any grant milestone payments'.

Open Space Planning advised that they are not supportive of any additional overshadowing of the proposed park at Seafarer's Rest as it will have an adverse impact on the usability of the park.

13.2 External

No external referrals were required by the Melbourne Planning Scheme.

14 ASSESSMENT

The key issues for consideration in the assessment of this application are:

- Sustainable Development
- Built form
- Overshadowing
- Potential amenity impacts on the surrounding area
- Parking, loading, traffic and waste management
- Other matters raised in objections

14.1 Sustainable Development

The proposal includes many ESD features such as urban farming, stormwater capture and reuse, solar panels and green roofs that would contribute to reducing the urban heat island effect, contribute to local food production and support biodiversity and healthy eco-systems.

The proposal as a whole is considered to positively contribute to the energy and resource efficiency of the city and responding to climate change impacts. The proposal in this respect is consistent with the purpose, objectives and strategies of the Melbourne Planning Scheme under Clause 21.06-3 (Sustainable Development).

14.2 Built form

Design and Development Overlay Schedule 10 sets out design objectives, requirements, design elements and built form outcomes for development with the Central City of Melbourne.

The key design elements that require consideration are 'Building setback(s) above street wall' and 'Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site'.

Building setback(s) above street wall

Under DDO10,

- *Addition* 'means a building that exceeds the street wall and which is less than 40 metres in height'
- *Street wall* 'means any part of the building constructed within 0.3 metres of a lot boundary fronting the street'.
- *Total building height* means 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 non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.

The existing building has a street wall to its north and west boundary. The southern façade of the building does not technically qualify as a street wall as the building appears to be setback over 6 metres from the southern boundary.

The proposed building and works qualify as an *addition* to the building as the *total building height* is 31.73 metres.

Under Table 3 of DDO10, the following information is relevant:

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
Building setback(s) above street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary	<p>Towers and additions are setback to ensure:</p> <ul style="list-style-type: none"> • large buildings do not visually dominate the street or public space. • The prevalent street wall scale

			is maintained. <ul style="list-style-type: none"> • Overshadowing and wind impacts are mitigated. • The tower or addition includes a distinctly different form or architectural expression.
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Under DDO10, the additions should meet the Preferred Requirement for a 10 metre setback from the title boundary. The Modified Requirement for a 5 metre setback only applies to towers. The proposal must meet the built form outcomes.

The proposed addition includes the following setbacks from the façade:

Street	Setback(s)
North (Flinders Street / Wurundjeri Way)	0 to 8.42m
West (Siddeley Street)	0.88m
South (Siddeley Street)	0-3m
East (side) Victorian Police Centre	0m

Therefore, the proposed addition does not meet the Preferred Requirement for Building setback(s) above the street wall and the Modified Requirements do not apply.

Variation from the Preferred Requirement is considered acceptable, as the proposal meets the Built Form Outcomes of DDO10. The proposal is considered to not visually dominate the surrounding streets and the park at Seafarers Rest, and the addition is low in scale and includes a distinctly different form and architectural expression.

In relation to setback requirements from the side or rear boundaries, under DDO10 it is preferred for an addition to be set back 5 metres from a side boundary or an addition may be constructed to one side boundary if it abuts an existing boundary wall (see Table below).

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site	Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater.	Towers and additions up to 80 metres in height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres. Towers and additions of no more than 80	Towers and additions are designed and spaced to ensure: <ul style="list-style-type: none"> • sun penetration and mitigation of wind impacts at street level. • provision of reasonable sunlight, daylight, privacy and outlook from

		<p>metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries and the centre line of any adjoining laneway.</p> <p>Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height.</p>	<p>habitable rooms, for both existing and potential</p> <ul style="list-style-type: none"> • developments on adjoining sites. • floorplate layout or architectural treatment limits direct overlooking between habitable rooms. • buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. • buildings do not visually dominate heritage places and streetscapes, nor significant view lines.
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The site has the three street frontages and Siddeley Street exceeds 9 metres in width and does not qualify as a laneway as defined under DDO10. The only side boundary for the site is the east boundary.

Therefore, the proposed does not comply with the Preferred Requirement of a 5 metre setback from the side boundary and does meet the Modified Requirement to be constructed on the boundary.

The proposed addition includes one end of a repurposed shipping container at the entry to the roof abutting an existing blank boundary wall. The small non-compliance with the preferred side setback requirement is considered to meet the relevant built form outcome and design objectives of DDO10. The built form outcomes are considered to have been achieved because the small addition on the eastern side boundary would not reduce sunlight penetration at street level or does not have any impact on the streetscape. The proposed addition is considered not to have any unreasonable amenity impact on the adjoining building or limit development potential given the relatively small scale of the addition and small degree of non-compliance from the Preferred Requirement of DDO10.

DDO10 also sets out overshadowing requirements that are considering in the next section of this report.

14.3 Overshadowing

To the south-east of the site is a new public park being planned at Seafarers Rest. The application proposes a small area of overshadowing at 11:00am on the 22 September (Spring Equinox) and a larger area of overshadowing between 11:00am to 12noon on 22 June (Winter Solstice) (see diagram below). The extent of the

shadow is beyond 15 metres from the edge of the north bank of the Yarra River. The additional shadowing is from the proposed event space on the south-western side of the rooftop.

Figure 5 Shadow Diagrams 11am 22 September (Source: Applicant)

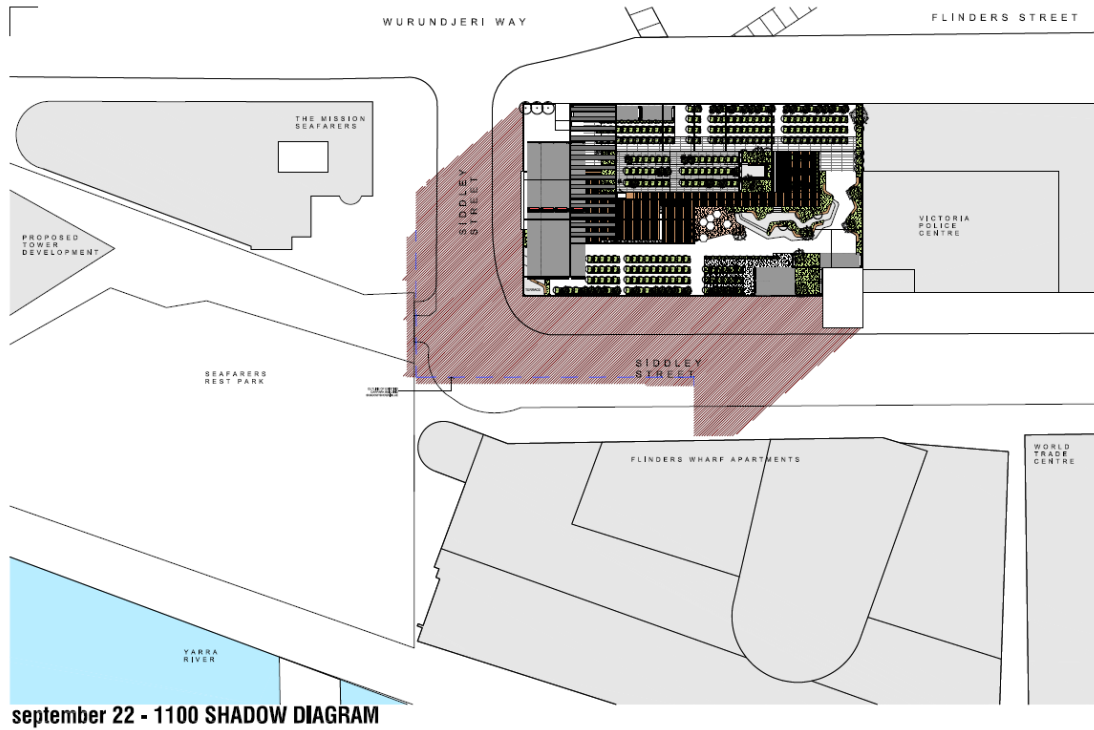


Figure 6 Shadow Diagrams 11am 22 June (Source: Applicant)

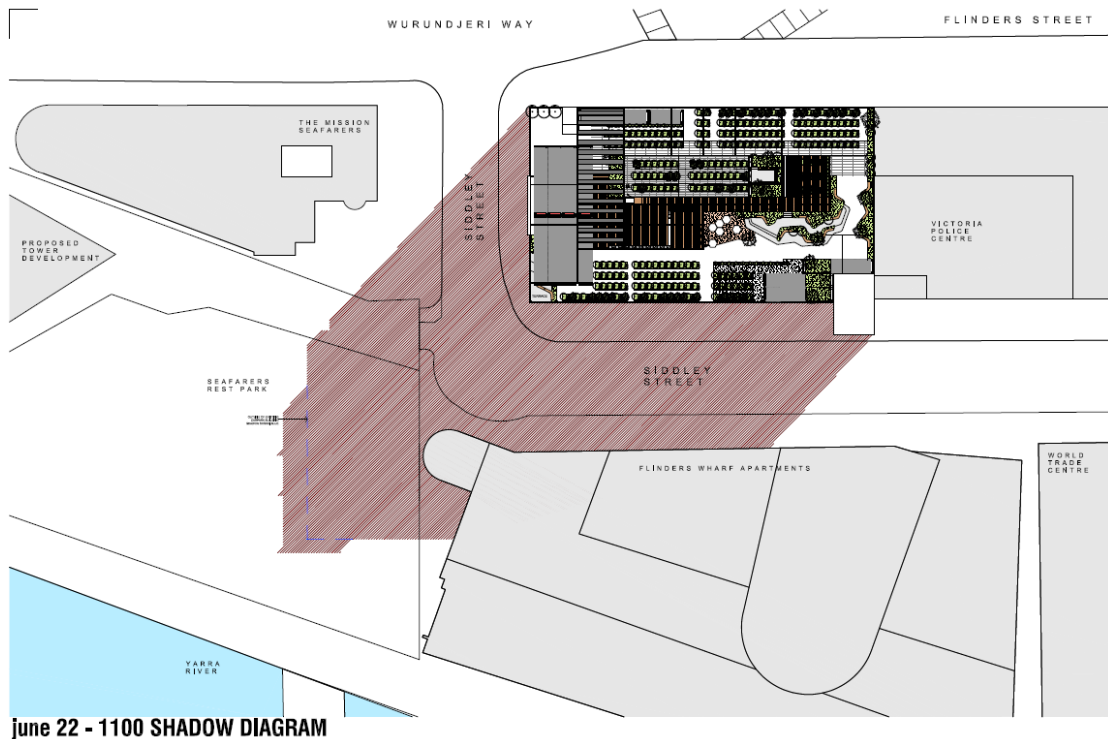
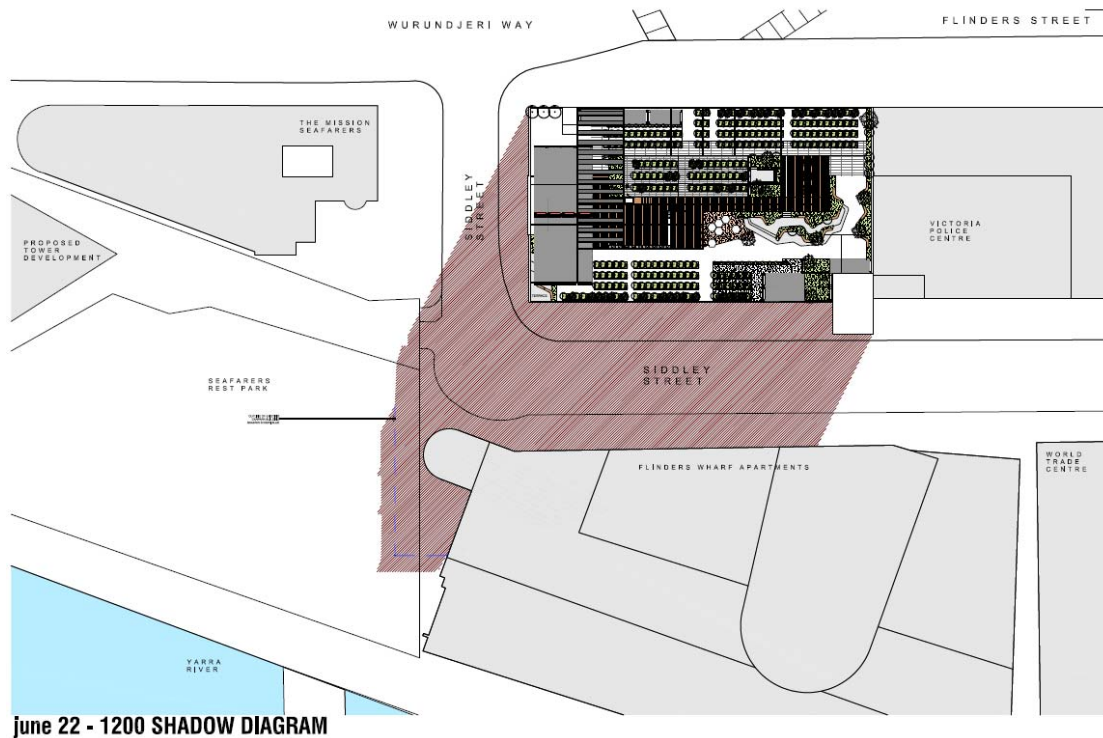


Figure 7 Shadow Diagrams 12 midday 22 June (Source: Applicant)



Under Design and Development Overlay Schedule 10, a permit must not be granted for buildings and works which would cast any additional shadow across any public park between 11:00 am and 2:00 pm on 22 September, unless the overshadowing will not unreasonably prejudice the amenity of the space.

Clause 12.03-1R (Yarra River Protection) of the PPF has the strategy of “Retain and enhance people’s enjoyment of the river and its environment by: ... Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round.”

Objective 5.1.3a of the Urban Design Guidelines for Victoria recommends to ‘Locate and arrange the building to allow daylight and winter sun access to key public spaces and key pedestrian street spaces.’

Clause 22.02 (Sunlight to Public Spaces) has the objectives of:

- To achieve a comfortable and enjoyable public realm.
- To ensure new buildings and works allow good sunlight access to public spaces.
- To ensure that overshadowing from new buildings or works do not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
- To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.
- To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities

Clause 22.02 also has the policy that ‘development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space,

public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September’.

Whilst the extent of overshadowing of the proposal on 22 September is minimal during key times, the extent of shadowing of the proposal on 22 June however is considered to unreasonably compromise the future amenity of the proposed park at Seafarer’s Rest and is therefore contrary to Clause 12.03-1R and the objectives of Clause 22.02 of the Melbourne Planning Scheme.

The proposed park is already heavily overshadowed in winter between 12 noon and 2:00pm by the Collins Square Development, and would receive additional overshadowing from the approved building to the west of the park at 731-739 Flinders Street in the afternoon.

It is considered that the proposal should be redesigned to remove any additional overshadowing between 11:00 am to 2:00 pm on the 22 June. This could be achieved by setting back the shipping containers of the event space further from the western boundary. It is recommended that a condition of the permit be included to remove the proposed overshadowing. Subject to the inclusion of such a condition, the proposal is considered to comply with the relevant policies relates to solar access to open space.

Several objections also raised a concern about potential shadowing impacts on surrounding buildings.

The Urban Design Guidelines for Victoria, under Objective 5.1.3, which seeks ‘To ensure buildings in activity centres provide equitable access to daylight and sunlight’ and includes the policies ‘Allow sufficient distance between buildings to allow access to daylight for neighbouring windows’ and ‘Protect daylight and sunlight access to the private and communal open space of adjacent dwellings.’

The proposed addition is well separated from surrounding properties and is not considered to unreasonably impact sunlight and daylight access to private open space areas and habitable room windows of the surrounding properties.

14.4 Potential amenity impacts on the surrounding area

Many of the objections received raised concern about the potential amenity impacts arising from the proposal including trading hours, noise, patron behaviour, light spill and overlooking. Each of these matters is considered.

14.4.1 Trading hours and patron numbers.

The venue management plan which relates to the ‘event space’ submitted with the application initially advised that the event space was proposed trade until 3:00 am on Thursday to Saturday and to 1:00 am on Sunday to Wednesday.

The applicant has since revised the Venue Management Plan to reduce the proposed trading hours to 1:00 am.

Clause 22.22 (Policy for Licensed Premises That Require a Planning Permit), recommends that taverns, hotels and nightclubs in the Capital City Zone be limited to 1:00 am, and for outdoor areas in noise sensitive areas, that alcohol should not be consumed in those areas after 11:00 pm.

The event space is an internal area, with a roof terrace adjoin the space on its eastern side. The night-time use of the proposal relates to the use of the ‘events space’ of the land which is a place of assembly, which does not require a planning permit in its own right. A planning permit is not required for the sale and consumption of liquor in the Capital City Zone.

The site is located with the Central City that is being encouraged to develop as a 24-hour precinct where a range of activities, including licensed premises are supported. It is considered that the proposed trading hours would not have an unreasonable amenity impact on the surrounding area. The late-night operations, predominantly relate the internal event space area of the building. Where an outdoor area is used at night, further consideration of the noise impact associated with this is considered in the next section of this report.

14.4.2 Noise Impacts

The application raises potential noises impact from the proposed use of the site from mechanical equipment, patrons and the provision of live music.

Clause 13.05-1A has the strategy of 'Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.' The Responsible Authority must consider, as relevant the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 in metropolitan Melbourne (SEPP N-1) and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)

Clause 22.22 (Policy for Licensed Premises That Require a Planning Permit), makes recommendations for the use of noise limiters.

Requirements of Live Music and Entertainment Noise (Clause 53.06) requires that "a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue."

A Noise Assessment was provided with the application prepared by Marshall Day Acoustics. Noise testing was carried out from the rooftop during day and night time periods to determine the existing background noise levels for the site. It should be noted that daytime noise level was impacted by existing construction noise.

An electrical forklift is proposed during daytime operations, together with other farm machinery. Given the relatively low scale nature of the agricultural use, the noise impact from these sources is considered not to have an unreasonable impact on the surrounding area.

Noise from potential building services, such as kitchen exhaust has not been identified in the application documentation. The details of any building services are recommended to be included as a condition of the permit and to be appropriately screened from the public realm. Any building services must comply with SEPP N-1.

In relation to music noise, the Noise Assessment set out predicted noise levels for the closest affected dwellings at the Flinders Wharf Apartments. The allowable internal music levels have been identified in the assessment, which would include a wedding band, moderately amplified music and small 3-piece jazz type bands. The Noise Assessment recommends building and works to manage potential noise and reverberation issues. The building and works that includes:

- 10.38mm glazing
- An in-house PA system
- Use of a calibrated noise limiter/compressor
- All doors fitted with automatic closing mechanisms.
- Recommended ceiling and wall type and material.

The applicant has also advised that all external doors and windows to the events space are proposed to be closed at 10:00 pm except for access and egress of patrons and staff. Should a permit be issued, it is recommended that this requirement be included as a condition of the permit.

In relation to the provision of live music and entertainment performed within the internal events space, the proposal is considered to include appropriate noise attenuation that can be managed on site. Should a permit issue, it is considered that conditions on permit be included that require the recommendation of the acoustic report be implemented and for amplified live music and entertainment to only be provided to the internal areas only. It is considered that the provision of live music is acceptable and within the acceptable levels set out under SEPP N-2 provided that the recommendations of the Noise Assessment are implemented.

The applicant has advised that no amplified live music is proposed to the external areas. Should a permit be issued, it is recommended that any music in the external areas be background music only. Subject to this recommendation, it is considered that background music can be allowed in external areas without unreasonably impacting upon the amenity of the surrounding area.

In relation to patron noise, the Noise Assessment provided the following commentary in relation to patron numbers:

With no noise control installed, up to 300 patrons could utilise the outdoor area during the day and evening period and meet the applicable patron noise guideline target of 65 dB LAeq.

At night, up to 50 patrons will meet the guideline target of 57 dB LAeq. With 100 patrons the target would be exceeded by up to 3 dB. Based on the preliminary predictions it is likely that 50-100 patrons in the outdoor area could be accommodated without causing a significant impact on the existing noise amenity.

The submitted plans for the application have shown seating to the outdoor terrace adjacent to the event space. This arrangement is more closely aligned to an outdoor café than a tavern and is supported.

It is considered that with the background music only being performed in the external areas, and a restriction on the patron numbers to no more than 100 people in the outdoor areas at night-time, potential noise from patrons would not have an unreasonable amenity impact on the surrounding area.

14.4.3 Patron behaviour, queuing and patron dispersal

Many objections received raised concerns about patron behaviour having an unreasonable amenity impact on the surrounding area, such as queueing and patron dispersal issues.

A Venue Management Plan has been submitted with the application that details the security, queuing, and management of patrons.

In relation to patron behaviour, the applicant has proposed a 'code of conduct' and 'responsible service of alcohol' that is to be adhered to at all times. These measures, together with onsite security, are considered to appropriately manage onsite patron behaviour.

In the event that queuing of patrons is necessary, the applicant has proposed that queueing is to take place on Siddeley Street to the eastern side of the main entrance to the building. This is considered to be an appropriate location for queuing as the main vehicle entry and exit to the car park is located to the west of the main entry.

In relation to patron dispersal, a 'leave quietly sign' should be included as a condition of permit, and the Venue Management Plan has been corrected to identify the nearest taxi rank, which is located 300 metres from the site outside of Crown Casino.

In relation to patrons who smoke, the Venue Management Plan provides the following information:

Melbourne SkyFarm is a smoke-free venue, off-site smoking is only permitted in the designated smoking area. Signage is erected in designated areas. Staff and crowd controllers encourage smokers to use designated smoking areas.

It is considered that the submitted Venue Management Plan is generally in accordance with the requirements under Clause 22.22, subject to the inclusion of additional detail relating to:

- a. The noise limits identified to be consistent with the noise limiters referred to the endorsed Acoustic Report.
- b. Inclusion of Appendix C 'Complaints Register'
- c. Any changes required to be consistent with the endorsed Waste Management Plan.
- d. Details of any proposed special events and/or functions.
- e. Details of the provision of music including the frequency and hours of entertainments provided by live bands, live music (DJ), amplified music and any other forms of entertainment.
- f. The ways in which staffs are to be made aware of the conditions attached to this permit.

Should a permit be issued, the Venue Management Plan will be endorsed to form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

14.4.4 Potential Light Spill

Several objections raised concern in relation to the provision of external lighting which may have a detrimental effect on the surrounding area. The application has provided detail of external lighting. The provision of external lighting is considered appropriate for the use of the roof deck and, where visible from taller buildings, would result in a positive outcome to the night-time ambience of the Central City Environs. It is recommended that, should a permit be issued, a condition of the permit be included to ensure that any external lighting does not flash, and complies with the relevant Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.

14.4.5 Overlooking

Several objections received raised a concern about potential overlooking from the proposal. The closest dwelling to the site is located more than 30 metres from the site. This is beyond the standard 9-metre distance where overlooking is considered.

It is further considered, that the inclusion of greenery to the existing rooftop would enhance the appearance of the building where views are possible from other taller buildings.

14.4.6 Odour, dust and pest management

The objections received raised potential concerns of odours, dust and pest that may arise from the potential use of the land for urban agriculture.

It is considered that the relatively small scale of the proposed farming, contained within planter beds, that any potential odours, dust or pest issues can be adequately managed to not cause unreasonable offsite amenity issues.

14.5 Parking, traffic, loading and waste management

In relation to the impact of the proposal on movement networks, the following matters are considered.

Parking and traffic

It should be noted, that a planning permit is not required to remove the existing car parking space. The proposal is considered to be a better use of the rooftop car park, which appears to be rarely at capacity.

It is not considered that the proposal would have an unreasonable traffic impact, given its location. Council's Traffic Engineers reviewed the application and did not object to the proposal on these grounds.

Pedestrian access and cycling

The building is accessible on foot from the surrounding road network, and in close proximity to tram stops on Flinders Street and Spencer Street.

There is no requirement of bicycle facilities to be provided for the proposal under the Melbourne Planning Scheme.

Loading and Unloading of Goods

In relation to any potential loading and or unloading of goods to and from the site, the existing on-street parking restrictions would not be modified to accommodate a loading bay. This information is recommended to be included as a note on the permit.

Waste Management

A Waste Management Plan (WMP) was submitted with the application and reviewed by Council's Waste Services, and requested the WMP be revised to address the following matters:

- City of Melbourne as the collection contractor needs to be removed.
- The bin numbers and sizes corrected.
- Scaled drawings showing the bin store room and proposed collection location.

It is recommended that should a permit issue, a condition requiring a revised WMP should be included.

14.6 Other matters raised in objections

Several objections received, raised concerns about a number of matters, that are either not able to be considered as part of this assessment or do not form part of the proposal. This includes:

Animal Welfare

No animal husbandry is proposed as part of the application, other than apiculture (beekeeping), which does not require a planning permit.

Building-related matters

Concerns were raised in regard to the structural loading of the existing building to accommodate the proposed addition. This is a building related matter, and not a planning consideration.

Construction Management

In relation to construction, the proposal is below the threshold for requiring a Construction Management Plan under the City of Melbourne Guidelines, as the proposal does not involve:

- Basement excavations
- External works with a value greater than \$1 million
- Demolition within two meters of a street alignment
- Demolition of two or more storeys
- Where traffic management measures are required for a period of more than two weeks
- Any other case where Council considers that a CMP should be provided due to the nature of the work or locality, or disruption to amenity.

Any other construction permit that may be required to facilitate the works does not require a planning permit and is dealt with separately.

Liquor Licensing

The applicant has advised that the proposal which was initially proposed to operate under a General Licence with the sale and consumption on and off the premises has been changed in the Venue Management Plan to an On-premises Licence with the sale and consumption of liquor on the premise only.

A planning permit is not required for the sale and consumption of liquor in the Capital City Zone Schedule 1.

15 CONCLUSION

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

16 RECOMMENDATION

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

The permit allows:

Partial demolition and the use and development of top level of existing building for an innominate use that includes a working farm, nursery, farmgate shop, cafe, event space (with live music and entertainment) and an education space

Endorsed Plans

1. Prior to the commencement of the use and or development on the land, plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 22 November 2018 but amended to show:
 - a. Additional setbacks and modifications to proposed built form in order to achieve no additional overshadowing of the proposed public park at

Seafarer's Rest on 22 June between 11:00am to 2:00pm and 11:00 am and 2:00 pm on 22 September.

- b. The location of any building services and screened from the public realm.
- c. Any changes required by the endorsed Waste Management Plan.
- d. Any changes required by the endorsed Acoustic Report.

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

Layout not altered

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

Detailed Design

- 3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
- 4. Any external lighting must be designed and controlled so that no direct light is emitted outside the site, to the satisfaction of the Responsible Authority.
- 5. The outdoor lighting must not flash and comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting to the satisfaction of the Responsible Authority.

Land Use

- 6. Except with a permit, the land must not be used for the purpose of animal husbandry (other than apiculture) or any other Section 2 Use in the Capital City Zone Schedule 1 that has not otherwise be authorised by this permit.

Patron Numbers

- 7. Unless with the prior written consent of the Responsible Authority, the number of patrons must at no time exceed:

	Event Space	External Areas	Total venue
7:00am to 6:00pm	400	300	500
6:00pm to 1:00am the following day	400	100	500

Trading Hours

- 8. Except with the prior written consent of the Responsible Authority, the premises must only be open for the use between 7:00am to 1:00am the following day.

Noise Control

- 9. All external operable wall/glazing system/doors to the event Space must be closed at 10.00pm, except for access and egress to the satisfaction of the Responsible Authority.
- 10. Amplified music and/or entertainment is only permitted within the indoor event space (other than background music) and must cease by 11:00pm to the satisfaction of the Responsible Authority.

11. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose (other than background music), to the satisfaction of the Responsible Authority.
12. Prior to commencement of the use, a noise limiter must be installed on the land. The noise limiter must:
 - a. Be set at a level specified by a qualified acoustic engineer,
 - b. Ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2,
 - c. Be maintained and operated at all times music is played, and
 - d. Be to the satisfaction of the Responsible Authority
13. The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
14. Prior to commencement of the use the recommendations contained within the Noise Assessment prepared by Marshall Day Acoustics, dated 7 November 2018, must be implemented at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.
15. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with State Environmental Protection Policy N1 and N2. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

Patron Management

16. At all times when the premises are open for business, a designated manager must be in charge of the premises.
17. A sign must be attached to an internal wall in a prominent position adjacent to the entry/exit point to advise patrons to leave the premises in a quiet and orderly fashion. The sign must be to the satisfaction of the Responsible Authority.
18. Prior to the commencement of the use the applicant must submit an operational management plan generally in accordance with the report submitted on 16 April 2019 describing:
 - a. The noise limits identified to be consistent with the noise limiters referred to the endorsed Acoustic Report.
 - b. Inclusion of Appendix C 'Complaints Register'
 - c. Any changes required to be consistent with the endorsed Waste Management Plan.
 - d. Details of any proposed special events and/or functions.
 - e. Details of the provision of music including the frequency and hours of entertainments provided by live bands, live music (DJ), amplified music and any other forms of entertainment.

- f. The ways in which staffs are to be made aware of the conditions attached to this permit.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed operational management plan unless with the prior written consent of the Responsible Authority.

Stormwater Management

19. 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 stormwater drainage system.

Waste Management

20. Prior to the commencement of the use and/or development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services generally in accordance with the WMP prepared by Eamon Walmsley dated 21st November 2018 and prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan, but amended to show:
- a. Reference to the City of Melbourne as the collection contractor needs to be removed.
 - b. The bin numbers and sizes corrected.
 - c. Scaled drawings showing the bin store room and proposed collection location.

The waste storage and collection arrangements shown in the endorsed WMP must not be altered without prior consent of the City of Melbourne - Engineering Services.

Expiry Date

21. This permit will expire if one or more of the following circumstances apply:
- 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.
 - c. The use is not started 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 permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

The use must meet the requirements of the Apiary Code of Practice May 2011.

The use must comply with the conditions of any liquor licence issued under the Liquor Control Reform Act 1998.

'Background music' is that the music is played at a level that enables patrons to conduct a conversation at a distance of 600mm without having to raise their voice to a substantial degree. The meaning of background music is discussed in detail in the VCAT decision *Whiting v Hosier Bar Pty Ltd (Occupational and Business)* [2005] VCAT 814.