

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Planning Permit Application: TP-2015-1203
28-32 Albermarle Street, Kensington**

20 August 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 a planning permit application seeking approval for construction of a six storey mixed use building at 28-32 Albermarle Street, Kensington (refer Attachment 2 - Locality Plan).
2. The applicant is Tract Consultants Pty Ltd, the owner is Pierina Marini and the architect is Point Architects.
3. The land is located within the Arden Macaulay Urban Renewal Area within the Mixed Use Zone (MUZ) and is affected by Design and Development Overlay Schedule 63 Area 3 (DDO63-A3), Land Subject to Inundation Overlay Schedule 1 (LSIO1), and the Environmental Audit Overlay (EAO).
4. Public notice was undertaken of the original submission and the two amended applications. A total of 69 objections have been received.

Key issues

5. Key issues for consideration are built form having regard to the design objectives and built form controls in DDO63-A3, amenity impacts and equitable development, internal amenity, parking, loading, traffic and waste, potentially contaminated land, environmentally sustainable design, land subject to inundation and Aboriginal cultural heritage significance.
6. The development complies with the preferred maximum height (six storeys) and the mandatory street walls heights to Albermarle Street and Little Hardiman Street (both three storeys). Variations to the discretionary upper level setbacks are supported as the development will sit comfortably in the context of the approved developments at 369-399 Macaulay Road (TP-2018-360) and 51-61 Hardiman Street (TP-2016-1039), and will provide an appropriate mid-block infill.
7. The development will provide an appropriate level of internal amenity for future occupants, and will not adversely affect the amenity or equitable development of the surrounding sites.
8. The development exceeds the statutory requirements for car and bicycle parking.
9. Melbourne Water does not object to the proposal, subject to conditions.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 40)
2. Locality Plan (Page 3 of 40)
3. Plans (Page 4 of 40)
4. Delegate Report (Page 16 of 40)

Supporting Attachment

Legal

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

Finance

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

Conflict of interest

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

Occupational Health and Safety

5. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application has been undertaken pursuant to Section 52 of the Act 1987.

Relation to Council policy

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

Environmental sustainability

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

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
20 August 2019



TOWN PLANNING DRAWING SET - January 2017

Attachment 3
 Agenda item 6.1
 Future Melbourne Committee
 20 August 2019

DRAWING NO.	DRAWING TITLE
TP00	COVER SHEET
SA01	SITE ANALYSIS
SA02	DESIGN RESPONSE
SA03	SHADOW DIAGRAMS
SA04	SHADOW DIAGRAMS
TP01	BASEMENT
TP02	GROUND FLOOR
TP03	LEVEL 1
TP04	LEVEL 2
TP05	LEVEL 3
TP06	LEVEL 4
TP07	LEVEL 5
TP08	ROOF PLAN
TP09	ELEVATIONS
TP10	ELEVATIONS
TP11	STREETSCAPE ELEVATIONS
TP12	STREETSCAPE SECTIONS

DEVELOPMENT SUMMARY QTY

<u>SHOP</u>	87m ²
<u>OFFICE</u>	102m ²

APARTMENTS

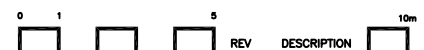
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1 BED /Home Office	1
1BED + STUDY	5
2 BED	24

CARPARKS

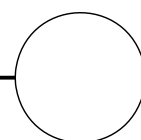
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OFFICE	3
VISITOR/DISABLE	3

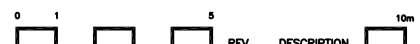
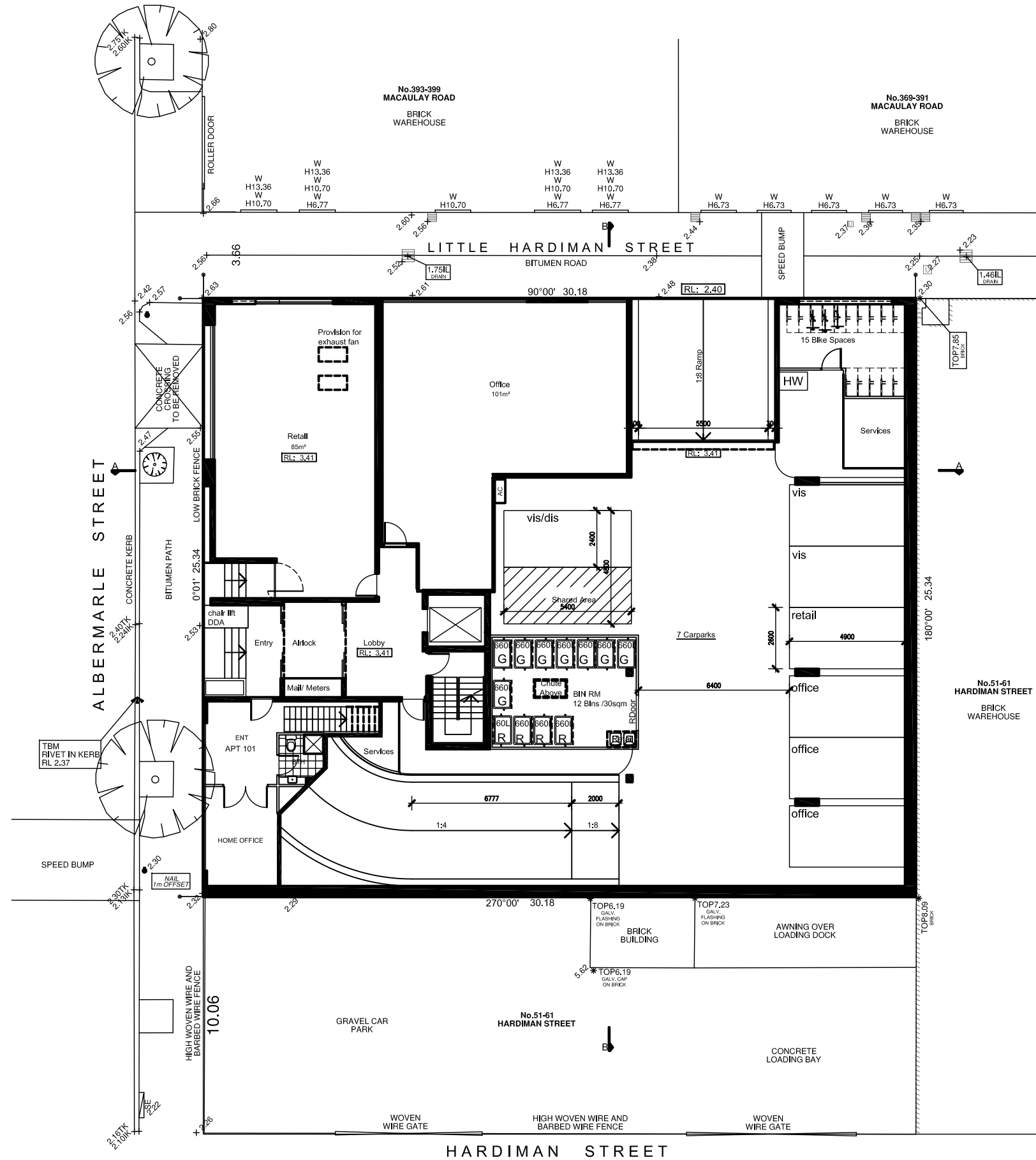
BIKE SPACES 15

STORAGE PODS 34

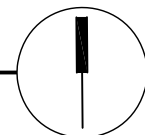


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D	APARTMENT CONFIGURATIONS UPDATED	CS	CS	APR 17
E	COUNCIL REQUEST FOR FURTHER INFORMATION	CS	CS	NOV 17
F	NUMBERS AMENDED	AK	AK	JUN 18





REV	DESCRIPTION	DRN	CHK	DATE
E	REDUCED SCHEME B LEVEL TO E LEVELS - COUNCIL RTI RESPONSE	CS	CS	JAN 17
F	APT1 HOME OFFICE - LANE ENTRY TO OFFICE DELETED	CS	CS	NOV 17
F	OFF STREET LANDINGS ADDED TO OFFICE AND MAIN ENTRY	---	---	---
G	BIN RMS ALTERED/BIKES RELOCATED/RL ALTERED	CS	CS	FEB 19
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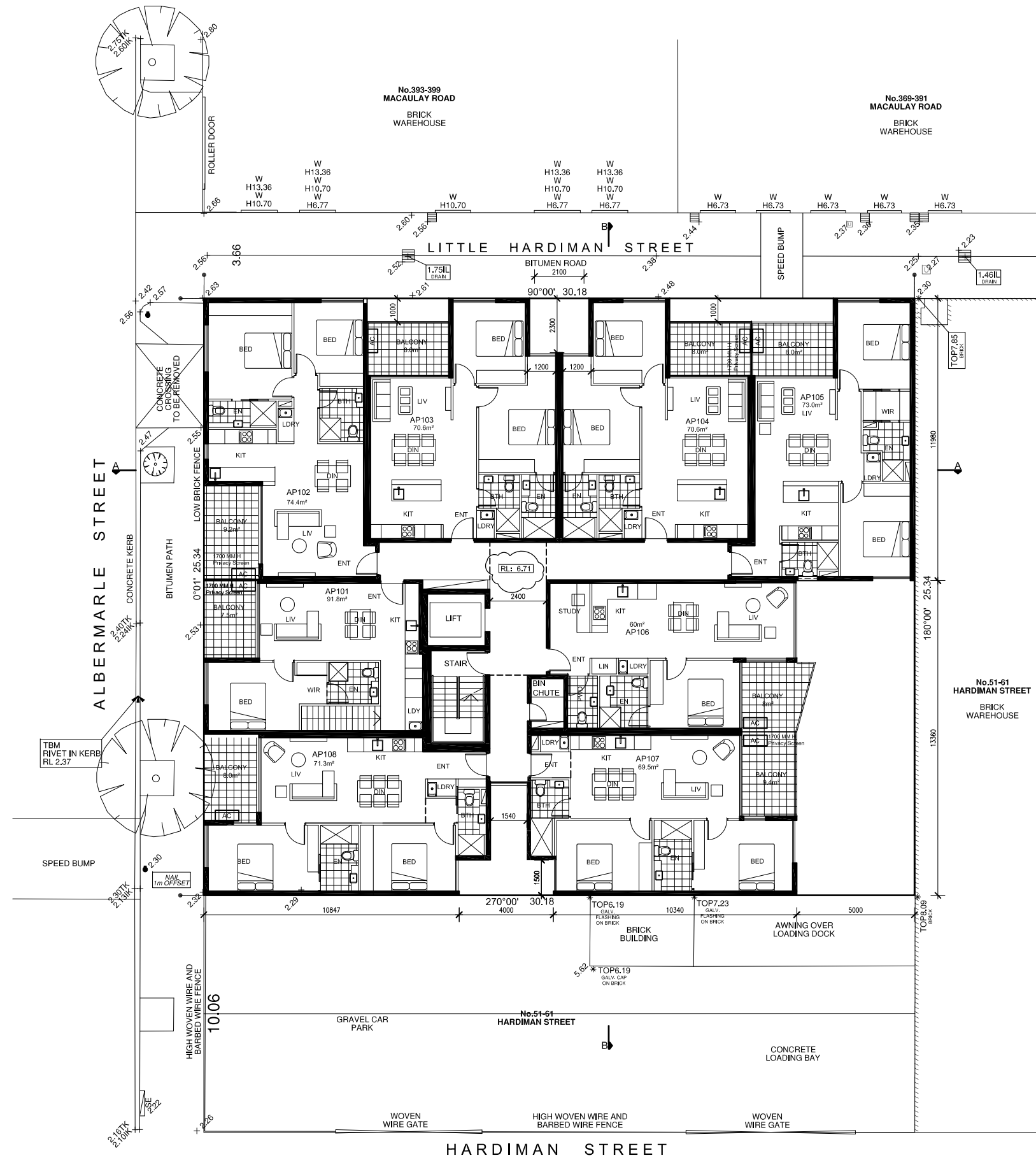


PROJECT
 APARTMENT DEVELOPMENT
 28- 32 ALBERMARLE ST
 KENSINGTON

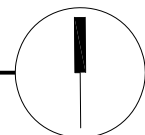
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 GROUND FLOOR

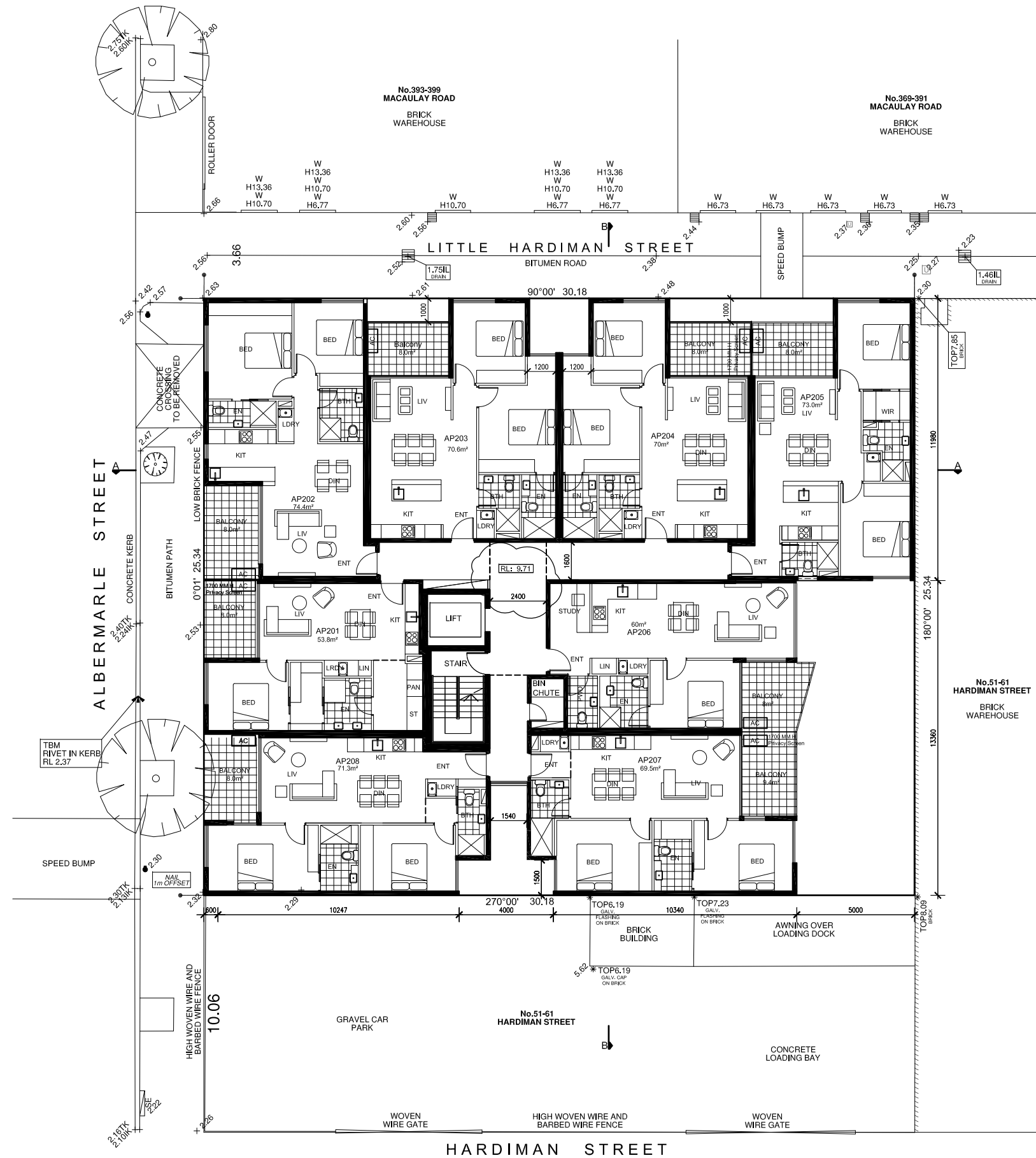
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 CS 1:100@A1 JAN 17 1701

DWG No. TP02 REVISION G

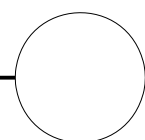


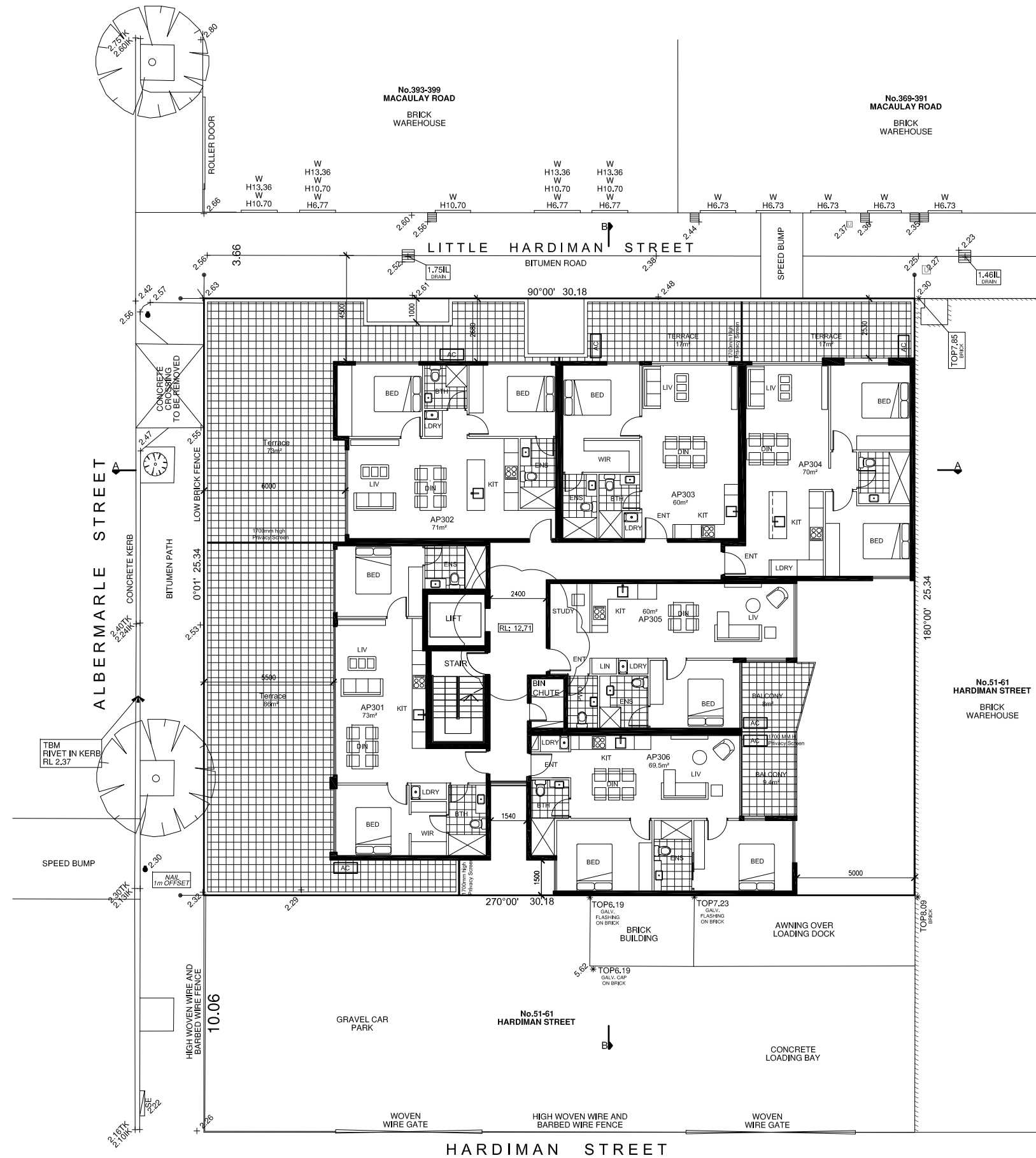
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F	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB 19
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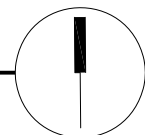


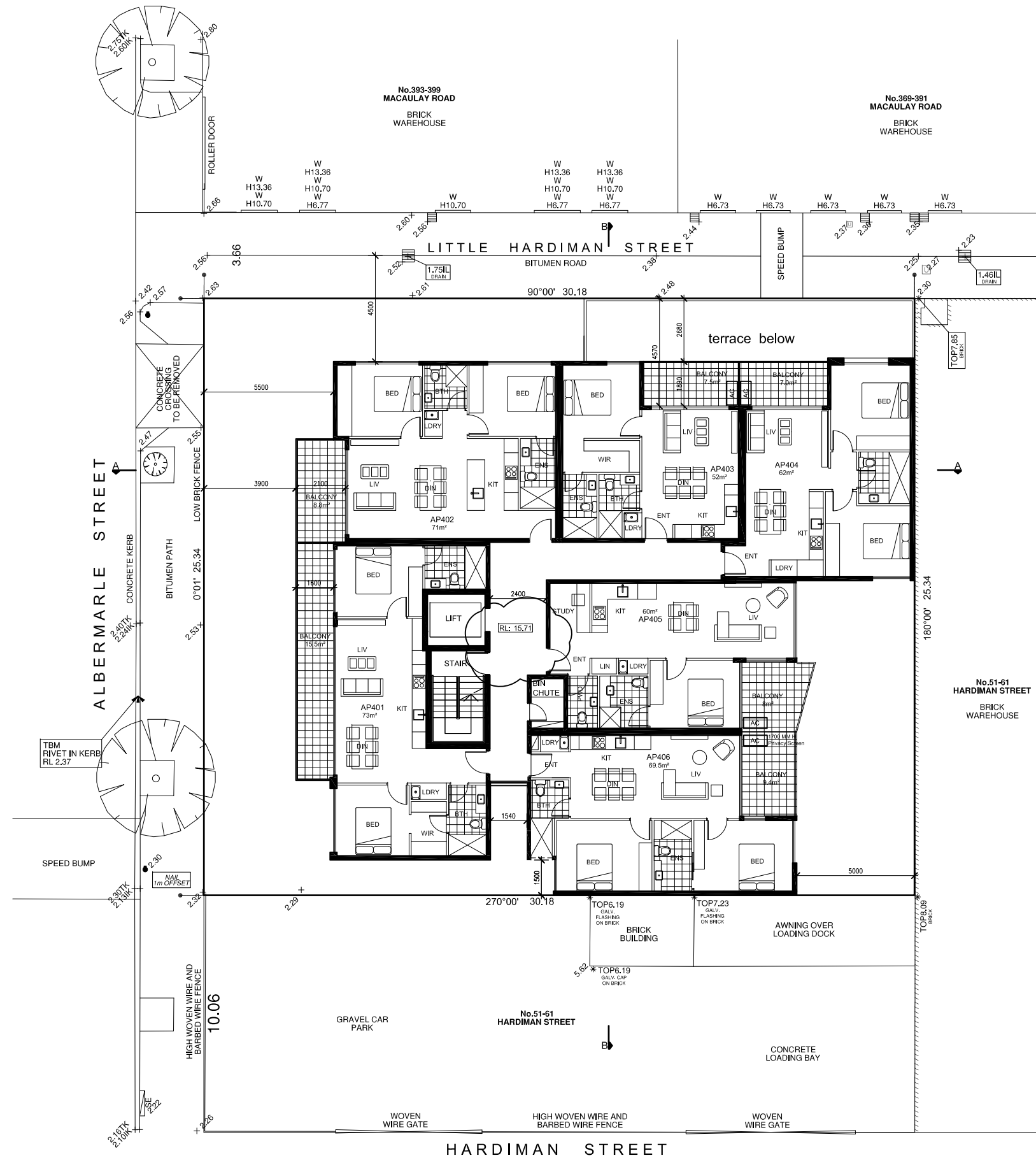
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C	REDUCED SCHEME 8 LEVEL TO 6 LEVELS - COUNCIL RFI RESPONSE	CS	CS	JAN 17
D	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB 19
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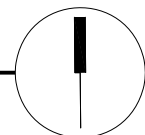


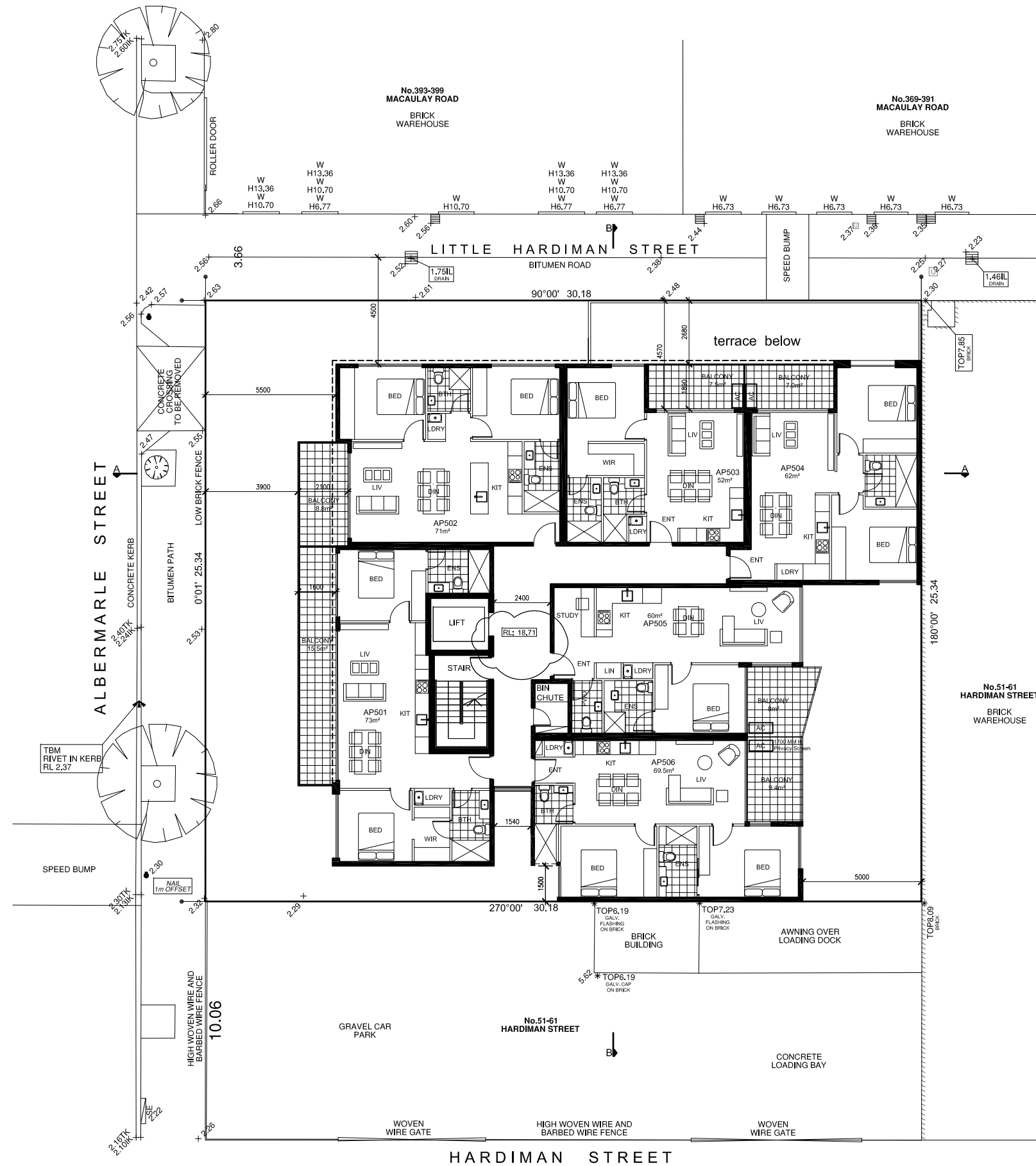
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F	REDUCED SCHEME 3M SETBACK LT HARDIMAN ST	CS	CS	APR 17
G	STREET SETBACKS INCREASED, UNIT LAY-OUTS ALTERED	AK	AK	JUN 18
F	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB 19



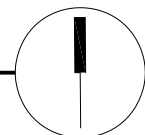


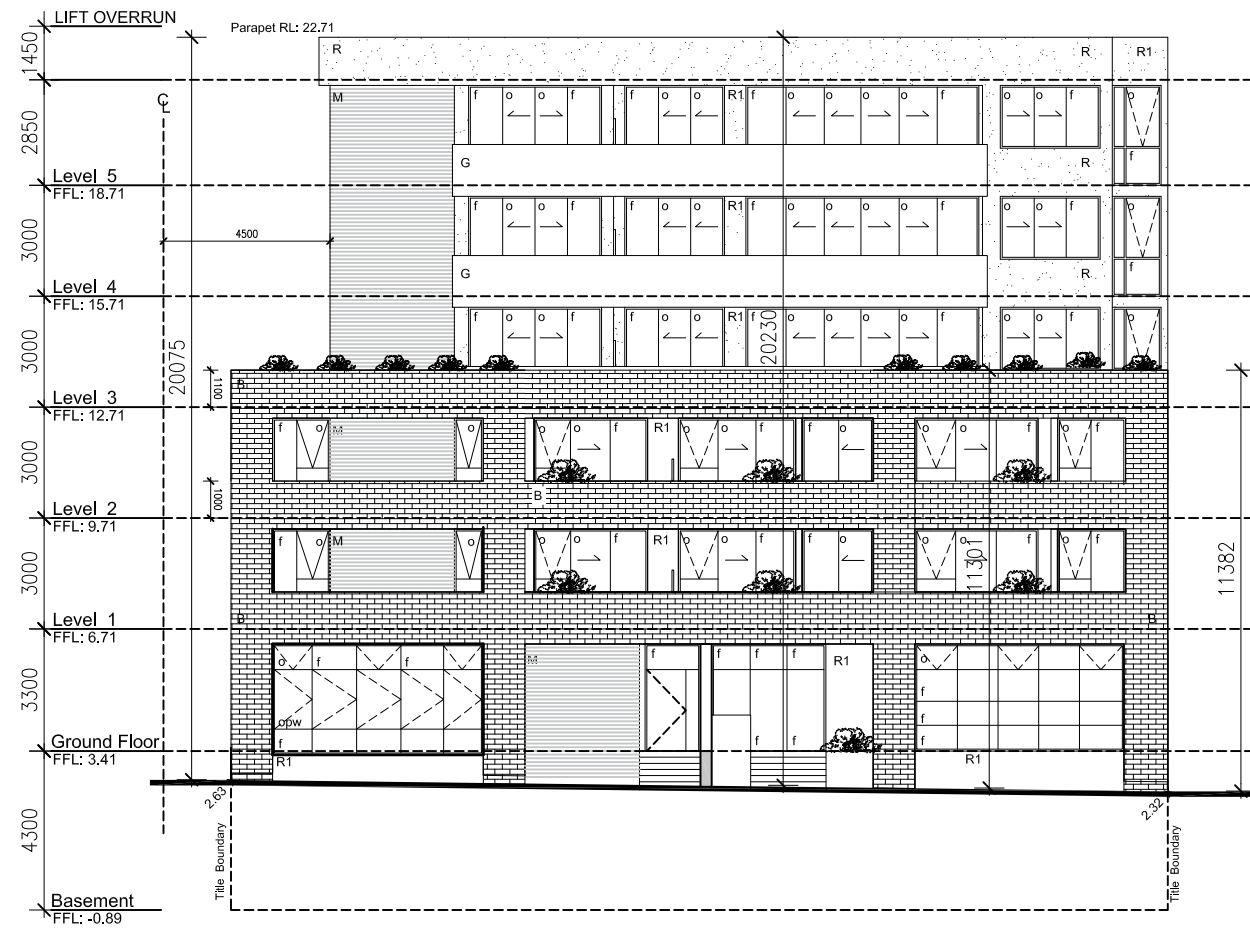
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F	REDUCED SCHEME 3M SETBACK LT HARDIMAN ST	CS	CS	APR 17
G	APT 402 403 404 ALTERED TO SUIT NEW SETBACK FROM LANE	CS	CS	NOV 17
H	STREET SETBACKS INCREASED, UNIT LAY-OUTS ALTERED	AK	AK	JUN 18
J	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB19



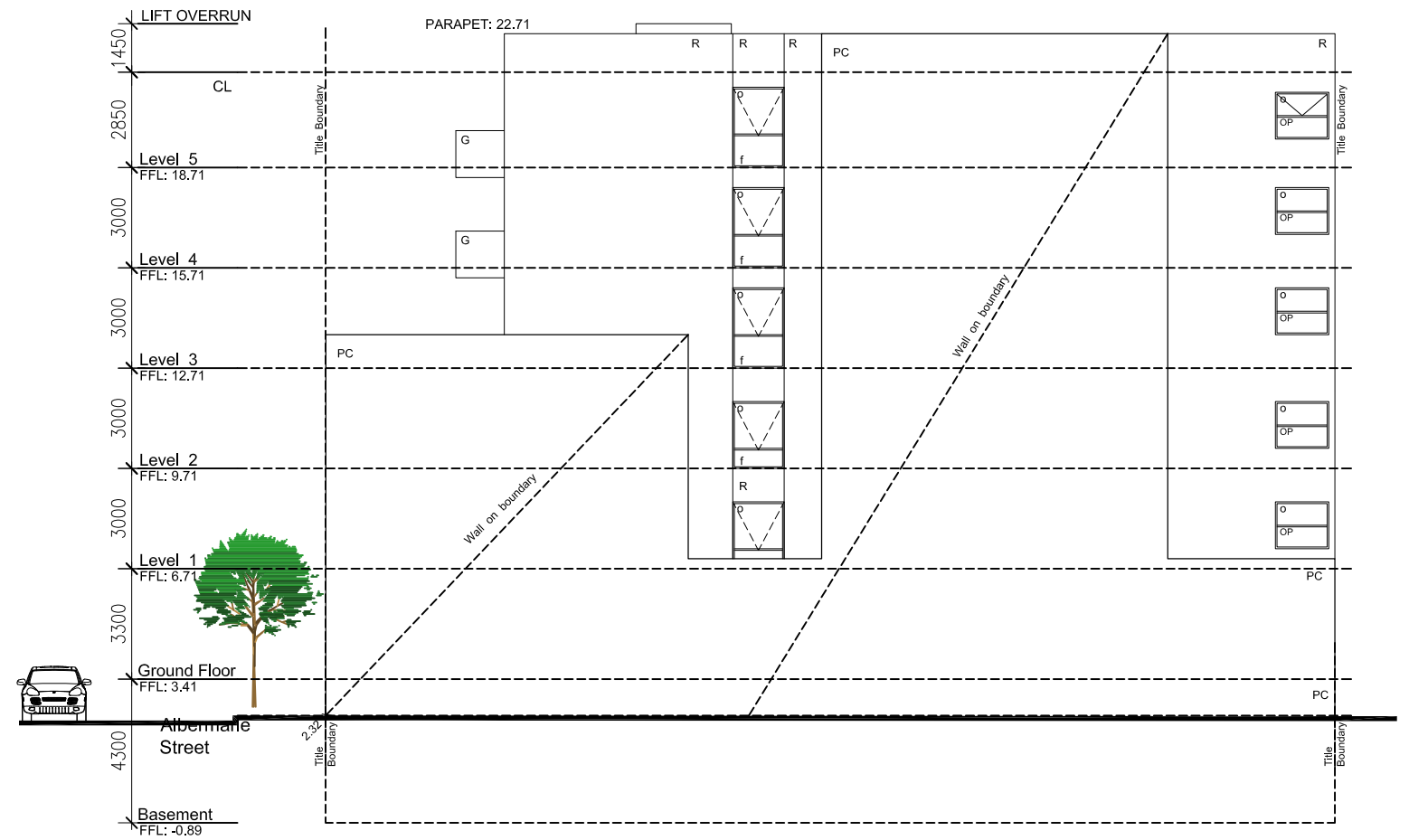


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F	REDUCED SCHEME 3M SETBACK LT HARDIMAN ST	CS	CS	APR 17
G	APT 502 503 504 ALTERED TO SUIT NEW SETBACK FROM LANE	CS	CS	NOV 17
H	STREET SETBACKS INCREASED, UNIT LAY-OUTS ALTERED	AK	AK	JUN 18
J	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB19





WEST ELEVATION



SOUTH ELEVATION

MATERIALS

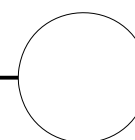
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- RI GREY RENDER
- PC PRECAST PANEL NATURAL
- B RED BRICKFACE
- M BLACK METAL LOOK
- G GLAZING

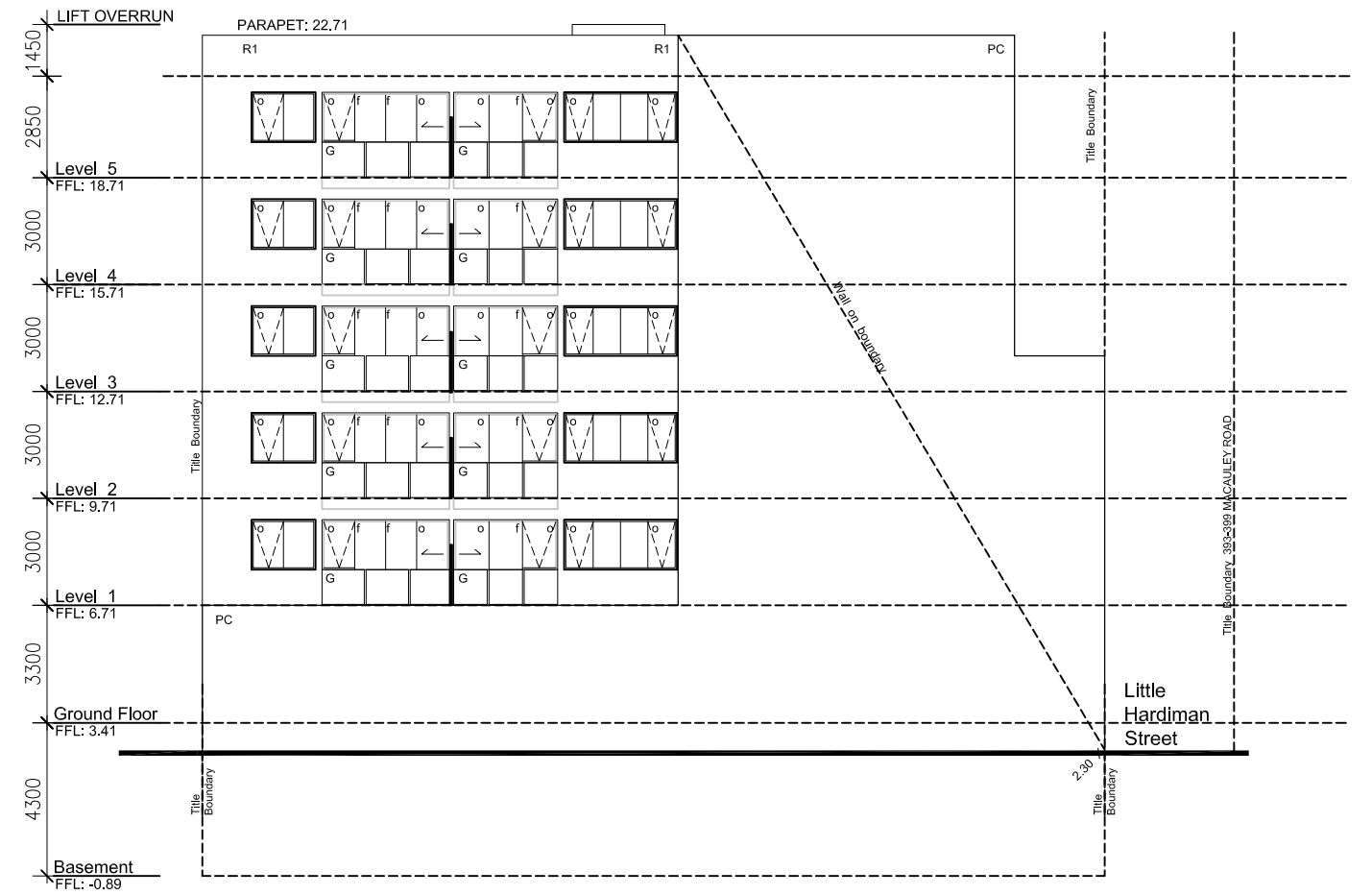
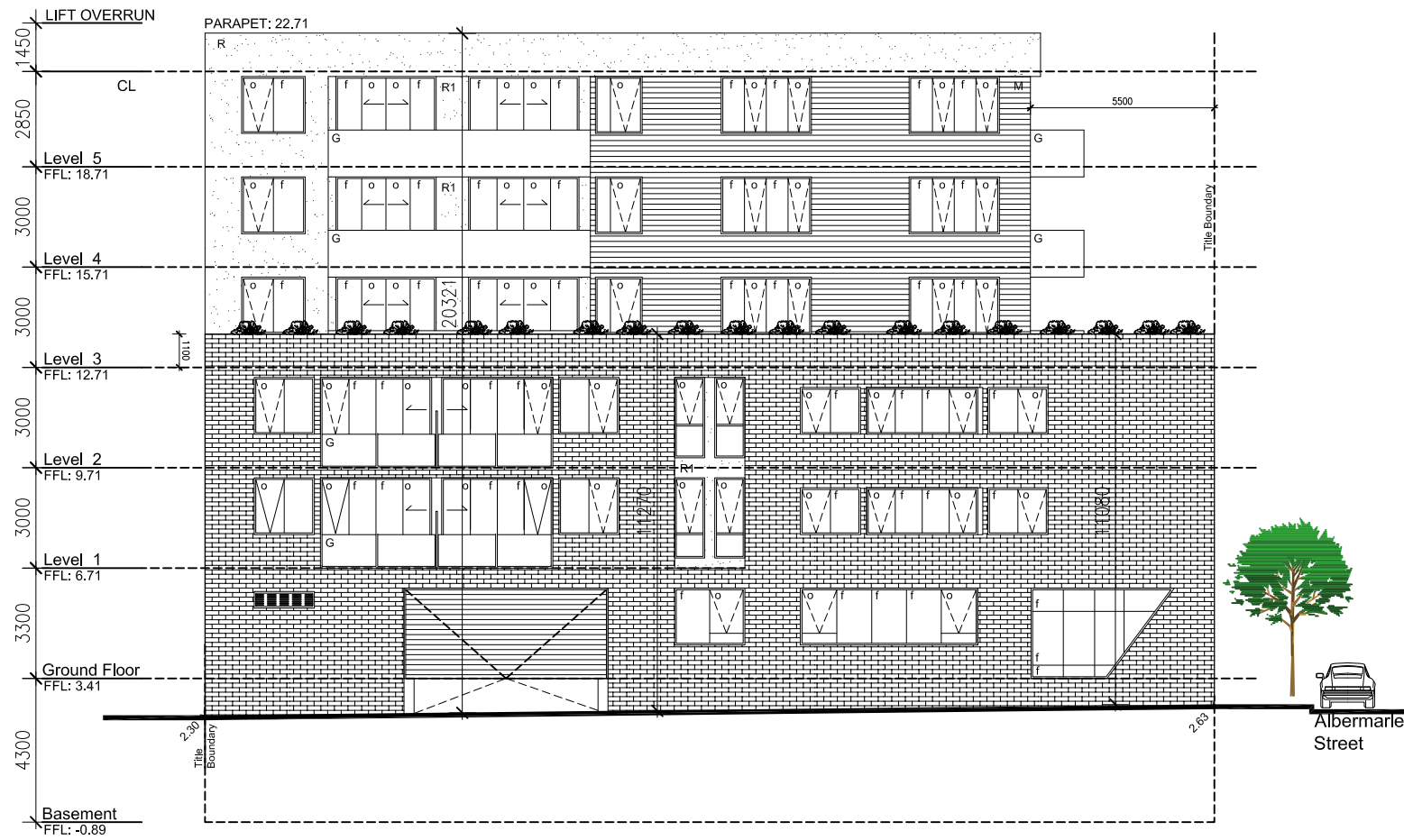
LEGEND

- O OPENABLE WIN/SLIDING DOORS
- F FIXED GLAZING
- SLIDING DOORS
- OPW CONCERTINA WINDOWS
- OP OPAQUE GLAZING
- ML METAL LOUVRES 25% TRANS

For additional information regarding environmentally sustainable design decisions please refer to the submitted ESD report (Revision 02, 26.03.2019).

REV	DESCRIPTION	DRN	CHK	DATE
C	REDUCED SCHEME 8 LEVEL TO 6 LEVELS - COUNCIL RFI RESPONSE	CS	CS	JAN 17
D	REDUCED SCHEME 3M SETBACK LT HARDMAN ST	CS	CS	APR 17
E	WEST ELEVATION ALTERED TO SUIT NEW SETBACK FROM LANE WAY	CS	CS	NOV 17
F	STREET SETBACKS INCREASED, UNIT LAY-OUTS ALTERED	AK	AK	JUN 18
G	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB 19





NORTH ELEVATION
LITTLE HARDIMAN STREET

EAST ELEVATION

- MATERIALS**
- R WHITE RENDER
 - RI GREY RENDER
 - PC PRECAST PANEL NATURAL
 - B RED BRICKFACE
 - M BLACK METAL LOOK
 - G GLAZING

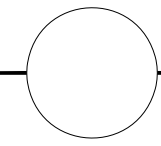
- LEGEND**
- O OPENABLE WIN/SLIDING DOORS
 - F FIXED GLAZING
 - SLIDING DOORS
 - OPW CONCERTINA WINDOWS
 - OP OPAQUE GLAZING
 - ML METAL LOURVES 25% TRAN

For additional information regarding environmentally sustainable design decisions please refer to the submitted ESD report (Rev: 02_26/03/2016)

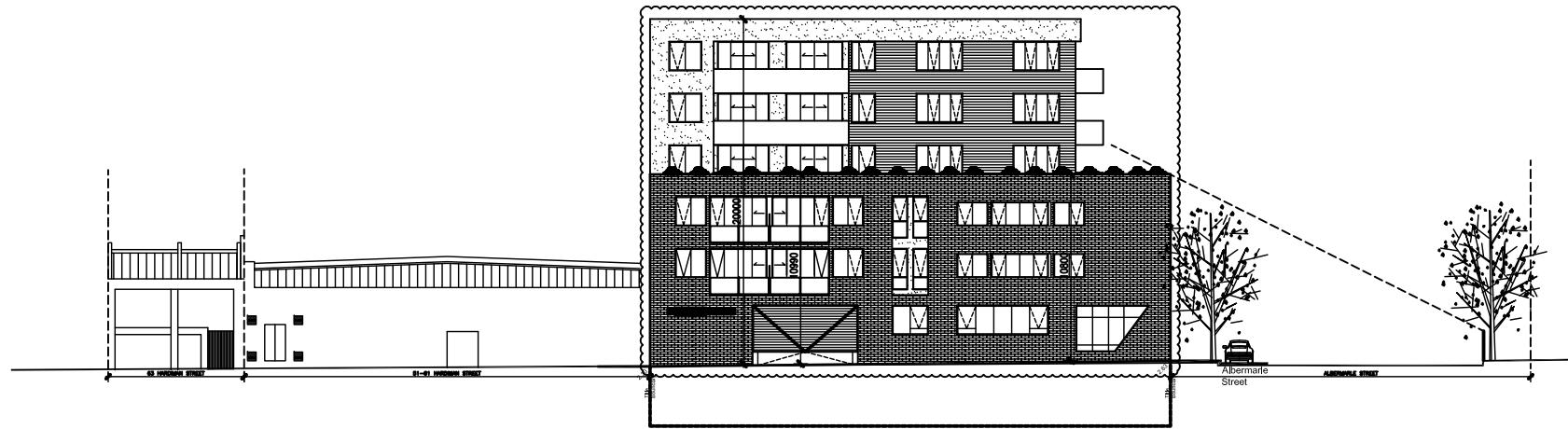


545 King Street West Melbourne 3003 t: 93295988 f: 93294707 e: info@pointarc.com.au

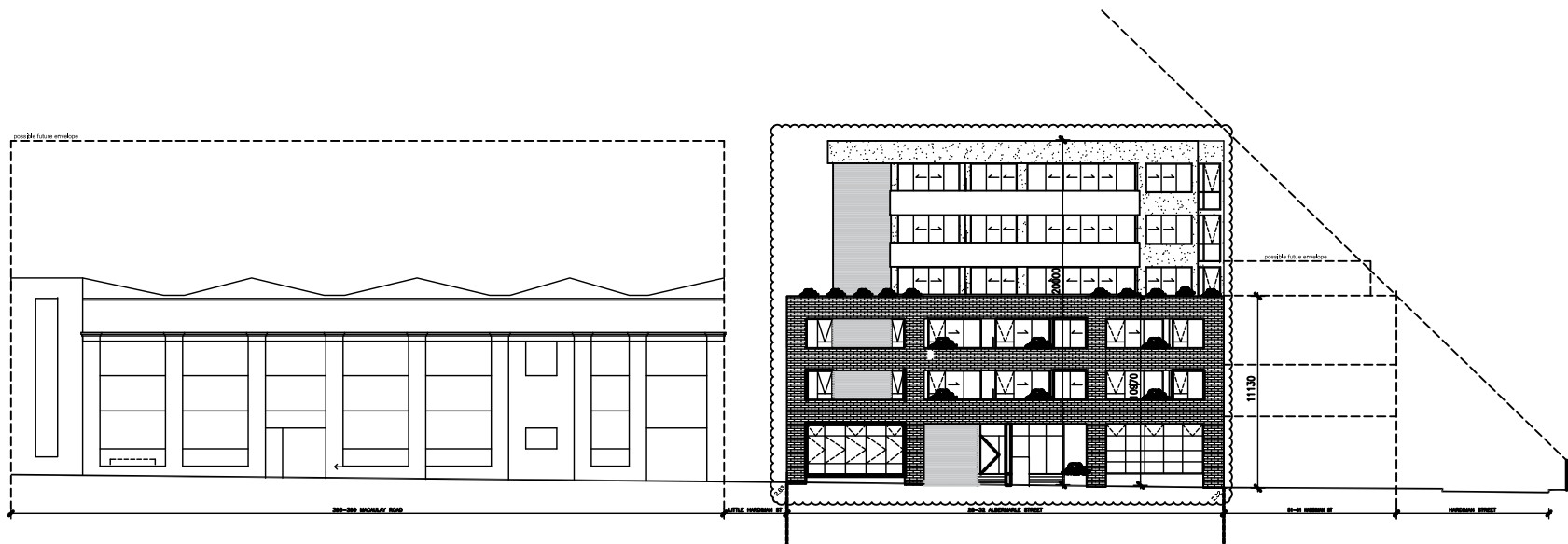
REV	DESCRIPTION	DRN	CHK	DATE
C	REDUCED SCHEME 8 LEVEL TO 6 LEVELS - COUNCIL RFI RESPONSE	CS	CS	JAN 17
D	REDUCED SCHEME 3M SETBACK LT HARDIMAN ST	CS	CS	APR 17
E	WEST ELEVATION ALTERED TO SUIT NEW SETBACKS FROM LANEWAY	CS	CS	NOV 17
F	STREET SETBACKS INCREASED, UNIT LAY-OUTS ALTERED	AK	AK	JUN 18
G	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB 19



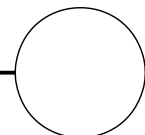
PROJECT	TITLE	DRAWN	SCALE	DATE	JOB No.
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		DWG No	REVISION		
		TP10	G		

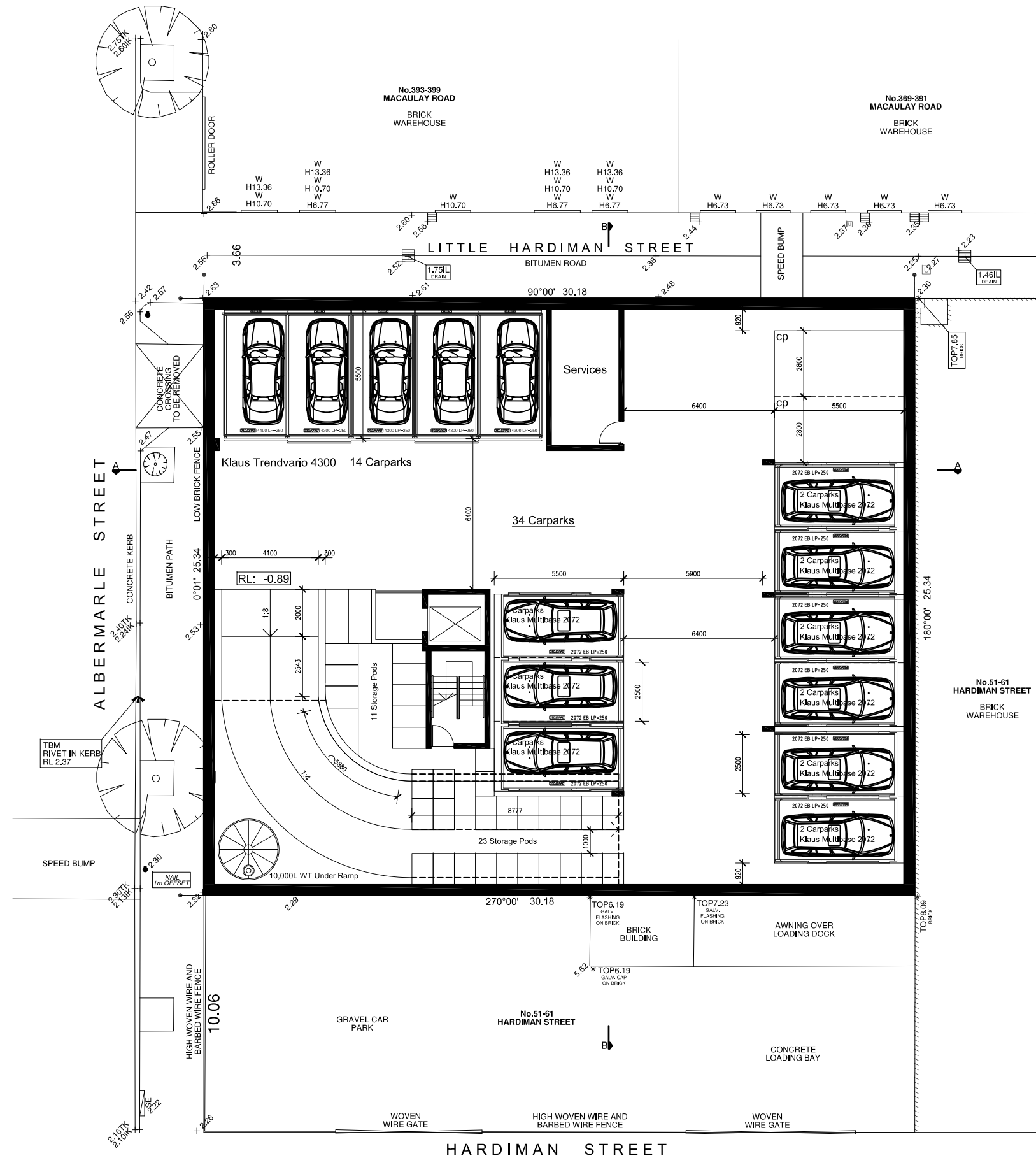


PROPOSED STREET SCAPE - LITTLE HARDIMAN STREET

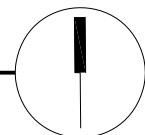


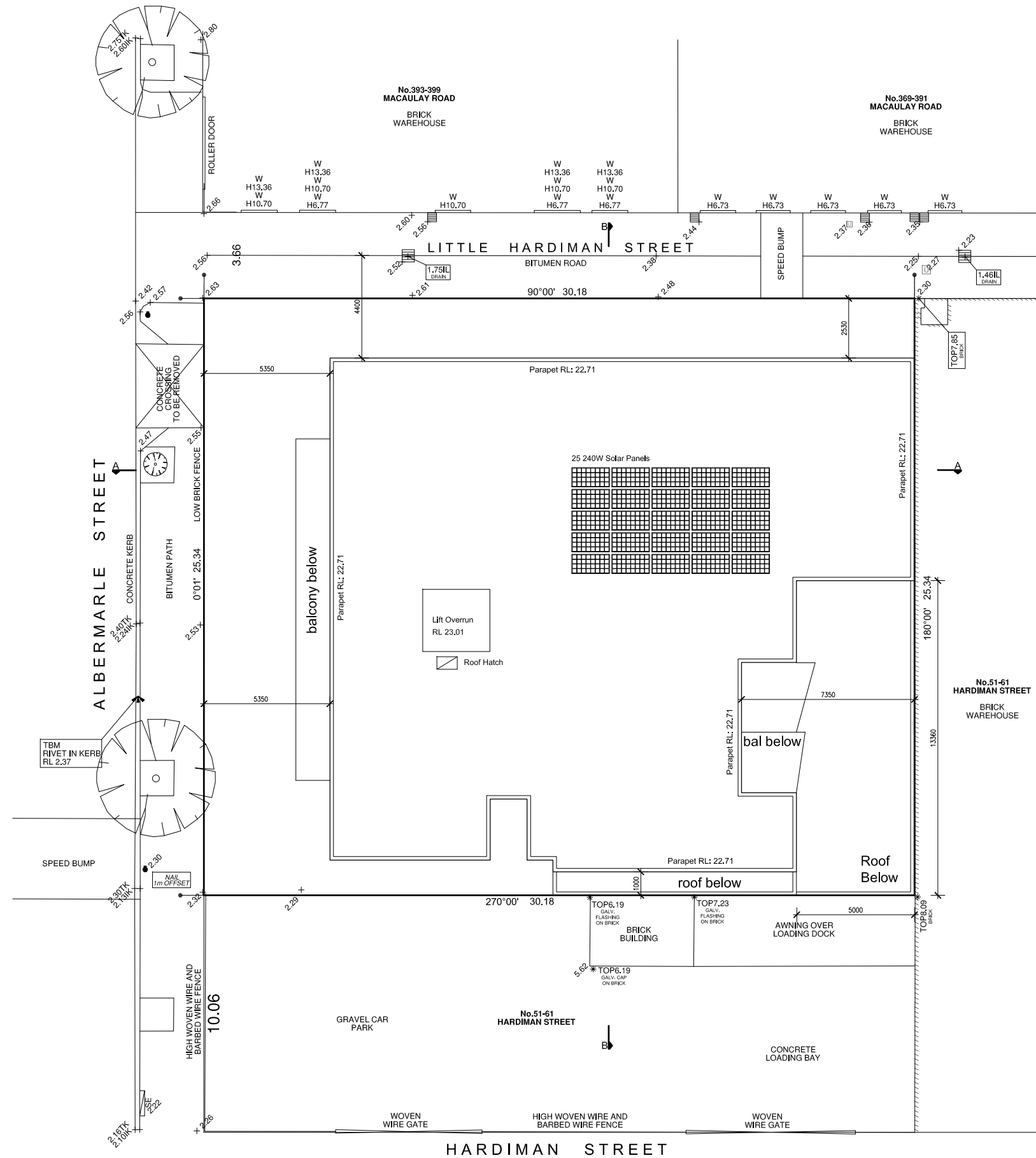
PROPOSED STREET SCAPE - ALBERMARLE STREET



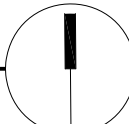


REV	DESCRIPTION	DRN	CHK	DATE
E	REDUCED SCHEME 8 LEVEL TO 6 LEVELS - COUNCIL RFI RESPONSE	CS	CS	JAN 17
F	COUNCIL REQUEST FOR FURTHER INFORMATION	CS	CS	NOV 17
G	CARPARK - AND STORAGE POD NUMBERS ADJUSTED	AK	AK	JUN 18
H	RL ALTERED TO COMPLY WITH MELBOURNE WATER	CS	CS	FEB 19





REV	DESCRIPTION	DRN	CHK	DATE
C	REDUCED SCHEME # LEVEL TO 6 LEVELS - COUNCIL RFI RESPONSE	CS	CS	JAN 17
D	REDUCED SCHEME 3M SETBACK LT HARDIMAN ST	CS	CS	APR 17
E	ROOF OUTLINE ALTERED TO SUIT NEW SETBACKS TO LANEWAY	CS	CS	NOV 17
F	STREET SETBACKS INCREASED	AK	AK	JUN 18
G	RL ALTERED TO SUIT MELBOURNE WATER REQUEST	CS	CS	FEB 19



DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2015-1203
Applicant / Owner / Architect:	Tract Consultants Pty Ltd / Pierina Marini / Point Architects
Address:	28-32 Albermarle Street, Kensington
Proposal:	Construction of a six storey mixed use building
Cost of works:	\$8.9 million
Date of original submission:	23 December 2015
Date of amended application:	12 July 2018
Responsible officer:	Ashley Treloar

1 SUBJECT SITE AND SURROUNDS

1.1 Site

The subject site is located on the southeast corner of Albermarle Street and Little Hardiman Street. The site has a rectangular shape with a 25.3m frontage to Albermarle Street, a 30.2m frontage to Little Hardiman Street and a total area of approximately 764m². The site slopes approximately 0.8m from the northwest to the southeast.

The site is developed with a single storey factory / warehouse built to the side and rear boundaries. Vehicle access is provided via a crossover on Albermarle Street. The northwest portion of the site is hardstand for parking and loading, and the southwest portion of the site is landscaped. A wire fence encloses the street frontage.

The site is formally described as Land in Plan of Consolidation 153262, Volume 09472 Folio 984. The site is not affected by any easements or restrictive covenants.

The site is located within an area of Aboriginal cultural heritage significance and is subject to flooding.

1.2 Adjoining properties

The site has one adjoining property to the east and south, 51-61 Hardiman Street, which is being developed in accordance with Planning Permit TP-2016-1039 issued on the 29 March 2018 for construction of a mixed use development comprising 34 dwellings, a food and drink premises and a reduction of 11 car parking spaces. This development comprises 4 x four storey townhouses to the south and a six storey apartment building to the east.

1.3 Surrounds

The site is located within the Arden-Macaulay Urban Renewal Area, in proximity to Kensington and Macaulay Train Stations, the local shopping centre on Macaulay Road and the Moonee Ponds Creek Trail.

The city block bound by Macaulay Road (north), Hardiman Street (south), Bent Street (east) and Albermarle Street (west) is characterised by a mix of warehouses, townhouses and apartment buildings. Section 2.2 of this report details the relevant planning permits for developments within this city block that are yet to be constructed (up to eight storeys high).

Beyond this, the land to the north is characterised by industrial properties with some emerging residential developments. The land to the south is characterised by low scale, fine grain residential neighbourhoods located within Heritage Overlay Schedule 9 (Kensington Precinct).

The site is well served by public transport, including Macaulay Train Station 200m east, Kensington Train Station 270m west and Bus Route 402 that stops on Macaulay Road and connects Footscray Train Station and East Melbourne.

Albermarle Street has a 19.5m wide road reserve with parallel parking on both sides. The parking along the east side is restricted to 2P (Monday to Friday 7.30am-6.30pm, Saturday 7.30am-12.30pm). The parking along the west side is unrestricted.

Little Hardiman Street has a 3.7m wide road reserve and permits vehicle movement in an eastbound direction only. The north side is designated as 'No Parking'.

Several car share pods are located in the vicinity, with three pods located within 200m walking distance.



Aerial Photograph (Source: Council's GIS 7 April 2019)

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

A pre-application meeting was held prior to lodgement.

2.2 Planning application history

Officers have reviewed several packages of without prejudice revised plans with different building envelopes and the applicant has formally amended the application twice. Details

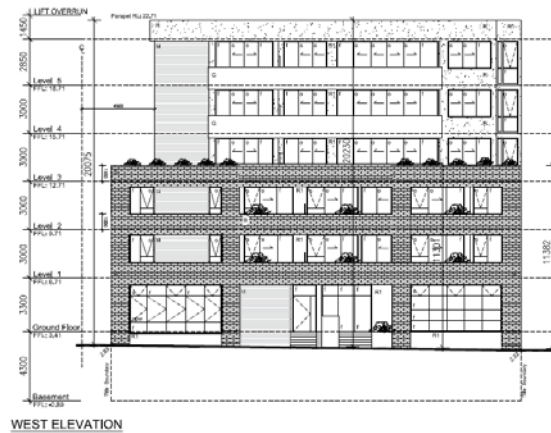
of the application history, including the three periods of public notification are detailed below.

Application lodged	29 December 2015
Request for further information	18 January 2016
Further information received	5 April 2016
Public notice of original submission	20 April 2016
Amendment after public notice	6 February 2017
Public notice of amended application	19 May 2017
Amendment after public notice	12 July 2018
Request for further information	8 August 2018
Further information received	7 February 2019
Public notice of amended application	14 May 2019

The original submission was for an eight storey mixed use building and a reduction of car and bicycle parking.



Original submission – front elevation
(Source: Design Worx Architectural Studio)



Current scheme – front elevation
(Source: Point Architects)

2.3 Planning permit history

There is no relevant planning application history for the subject site.

The following applications are relevant to the surrounds.

Address	Application	Description	Decision
51-61 Hardiman Street, Kensington	TP-2016-1039	Construction of five four-storey townhouses and a six-storey building containing a café and dwellings, a reduction of car parking and a waiver of loading requirements	Permit 28/3/2018

69 Hardiman Street, Kensington	TP-2016-225	Construction of a five-storey residential building comprising 8 dwellings and a reduction of car parking	Permit 21/3/2017
16-28 Bent Street, Kensington	TP-2008-528	Partial demolition, alterations and additions for two additional levels for 53 dwellings and a reduction of car parking	Permit 22/6/2009
347-367 Macaulay Road, Kensington	TP-2017-709	Demolition of the existing building and construction of a six-storey residential building	Permit 15/6/2018
369-399 Macaulay Road, Kensington	TP-2018-360	Part demolition, alterations and additions for an eight-storey mixed use building including a shop greater than 150m ² , and a reduction of car parking	Permit 16/11/2018

3 PROPOSAL

The application seeks planning permission for construction of a six storey mixed use building.

The plans that have been considered in this assessment are the drawings by Point Architects dated February 2019 and received by Council 7 February 2019.

Details of the proposal can be summarised as follows:

Building height	20.2m
Number of storeys	Six
Dwelling mix	One-bedroom: 10 (29.4%) Two-bedroom: 24 (70.6%) Total: 34
Retail unit	87m ²
Office unit	102m ²
Car parking	Retail: 1 Office: 3 Dwellings: 34 Visitor: 3 Total: 41
Bicycle parking	15
Storage cages	34
Vehicle access/egress	Vehicle access/egress via a crossover on Little Hardiman Street
Loading/unloading	None

- The development has three storey street walls to Albermarle Street and Little Hardiman Street. The upper levels are setback 5.5m from Albermarle Street and 4.5m from the centre of Little Hardiman Street.
- The development is built to the south (side) and east (rear) boundaries. A 13.4m x 5m lightwell is located in the southeast corner. A 4m x 1.5m lightwell adjoins the south boundary (side).
- The development has a flat roof and is 20.2m high as measured from the centre of the site frontage on Albermarle Street to the parapet.

- The street walls have red brick. The recessed upper levels have white render, black cladding and glazed balustrades. The south (side) and east (rear) elevations have precast panels.
- The ground level is activated by a shop, office and home office. The upper levels are articulated by windows and balconies.
- The existing crossover on Albermarle Street will be closed and a new crossover provided on Little Hardiman Street towards the rear of the site.

4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 13 – Environmental Risks and Amenity</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 16 – Housing</p> <p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.16 – Proposed Urban Renewal Areas (Arden-Macaulay)</p>
Local Planning Policies	<p>Clause 22.17 – Urban Design Outside the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management</p>

Statutory Controls	
Clause 32.04 Mixed Use Zone	<p>A permit is required to construct two or more dwellings on a lot and residential buildings.</p> <p>An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</p> <p>The application does not benefit from the transitional provisions at Clause 32.04-6 because it was formally amended after the approval date of Amendment VC136.</p>
Clause 43.02 Design and Development Overlay Schedule 63-A3	<p>A permit is required to construct a building or construct or carry out works.</p> <p>The provisions of this schedule relate to building height, street walls, upper level setbacks, active street frontages, weather protection, façade treatments, connectivity and laneways, and heritage.</p>
Clause 44.04 Land Subject to Inundation Overlay	<p>A permit is required to construct a building or construct or carry out works.</p> <p>An application must be referred to the relevant floodplain management authority under Section 55 of the Act.</p>

Schedule 1	
Clause 45.03 Environmental Audit Overlay	<p>Before a sensitive use (residential, childcare centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:</p> <ul style="list-style-type: none"> • A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Particular Provisions	
Clause 52.06 Car Parking	<p>The car parking rate for a shop, office and developments of five or more dwellings located within the Principal Public Transport Network is:</p> <ul style="list-style-type: none"> • 3.5 spaces to each 100m² of shop leasable floor area • 3 spaces to each 100m² of office leasable floor area • 1 space to each one or two bedroom dwelling • 2 spaces to each three or more bedroom dwelling <p>The development contains:</p> <ul style="list-style-type: none"> • 87m² shop • 102m² office • 34 one and two-bedroom dwellings <p>The development generates a car parking requirement of 3 spaces for the office and 34 spaces for the dwellings.</p> <p>The development provides 41 spaces (an oversupply of 4 spaces); as such no permit is required under this clause.</p>
Clause 52.34 Bicycle Facilities	<p>The bicycle parking rate for a shop, office and development of four or more storeys is:</p> <ul style="list-style-type: none"> • 1 employee space for each 600m² of shop leasable floor area if the leasable floor area exceeds 1,000m² • 1 shopper space to each 500m² of shop leasable floor area if the leasable floor area exceeds 1,000m² • 1 employee space to each 300m² of office net floor area if the net floor area exceeds 1,000m² • 1 visitor space to each 1,000m² of office net floor area if the net floor area exceeds 1,000m² • 1 resident space to each 5 dwellings • 1 visitor space to each 10 dwellings <p>The development generates a bicycle parking requirement of 7 spaces for the dwellings and 3 spaces for visitors.</p> <p>The development provides 15 spaces (an oversupply of 5 spaces); as such no permit is required under this clause.</p>
Clause 58 Apartment Developments	<p>A development must meet all of the objectives and should meet all of the standards of this clause.</p>

General Provisions	
Clause 65 Decision Guidelines	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.
Clause 66.03 Referral and Notice Provisions	An application under the Land Subject to Inundation Overlay within the waterway management district of Melbourne Water Corporation must be referred to Melbourne Water Corporation (determining referral authority).

5 PUBLIC NOTIFICATION

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

6 OBJECTIONS

The original submission advertised April 2016 received 63 objections, which raised the following concerns (summarised):

- The development is contrary to the design objectives and built form controls in Amendment C190 (now DDO63) and would set an undesirable precedent for development in the local area.
- The development is inconsistent with the neighbourhood character and heritage significance of the surrounding area.
- Lack of green space.
- Inadequate car and bicycle parking provision.
- Increased demand for on-street parking.
- Increase traffic congestion.
- Overlooking.
- Poor internal amenity.
- Noise from the retail units.
- Noise from rubbish collection.
- Impact on property prices.

The amended application advertised May 2017 received 15 objections, which raised the following concerns (summarised):

- Overdevelopment and overintensification of the site.
- Inappropriate building height, street wall heights and upper level setbacks.
- The development is inconsistent with the neighbourhood character and heritage significance of the surrounding area.
- Lack of green space.
- Overlooking.
- Inadequate car and bicycle parking provision.

- Noise from the retail units.
- Noise from rubbish collection.
- Impact on property prices.

The amended application advertised May 2019 received 2 objections, which raised the following concerns (summarised):

- Inappropriate height, bulk and mass.
- The development is not in keeping with the character of the area.
- Site coverage and lack of open space.
- Inadequate parking provision.
- Increased demand for on-street parking and traffic congestion.
- Movement and damage to the surrounding properties.
- Noise and disruption during construction.
- Impact on property prices.

7 INTERNAL REFERRALS

7.1 Urban Design

The original submission was referred to Urban Design who advised that:

- Eight storeys is not supported in this infill location. The height undermines the hierarchy of development anticipated in the area, noting that the site does not benefit from a key corner location or frontage to a main road or open space.
- The street wall and upper level setbacks should be amended to respond to the immediate context and Amendment C190 (now DDO63).
- Further refinement of the building envelope and program are required to ensure adequate internal amenity and equitable development of the surrounding properties.
- The exposed driveway and landscaped frontage to Albermarle Street are not supported.
- No drawings have been provided for the lightwell in the southeast corner.
- The development must achieve DDA access.
- The bicycle parking offers a good opportunity to activate and engage with Little Hardiman Street.
- The floor to ceiling heights do not meet the expectations for 4m on the ground floor and 3.2m on the upper levels to provide greater flexibility and amenity.
- The dwelling on the ground floor has poor amenity, this space could be converted into an office or two storey townhouse.
- The dining areas without natural light and ventilation in Apartment 6 and at each level are not supported.
- The proposal adopts a dominant horizontal proportion with limited reference to the prevailing rhythm of the nearby warehouses. A stronger emphasis on vertical division is required within the street wall.
- The upper levels lack compositional quality and should be considered 'in the round'.

The current scheme was not re-referred to the Urban Design Team as the modifications were considered to appropriately respond to the original comments and there is adequate policy direction within the Melbourne Planning Scheme.

7.2 Traffic

The current scheme was referred to the Traffic Department who advised that they had no objection and no further comments.

7.3 Waste

The current scheme was referred to the Waste Services Team who advised that the Waste Management Plan (WMP) by RB Waste Consulting Services dated 6 February 2019 was unacceptable and requested that the following items be addressed:

- Clarification as to which levels have chute access.
- Commercial waste will need to be managed privately as it exceeds the entitlement for a municipal collection (120L garbage and 240L recycling). As such, the commercial bins will need to be stored separately to the residential bins.
- The management of the commercial bins should be addressed in the WMP (ie. who will collect them, collection location and collection frequency).
- 3 x 1100L garbage bins and 3 x 1100L recycling bins are adequate for the residential component, collected weekly.
- A scaled drawing of the bin placement kerbside should be included in the WMP.

7.4 Civil

The current scheme was referred to Civil Design who recommended the following conditions:

- Works abutting Council lanes (DET.02)
- Drainage connection underground (DET.11)
- Construct and maintain access (AC.01)
- Demolish and construct access (AC.02)
- Street levels not to be altered (AC.11)
- Street lighting not to be altered (AC.12)
- Little Hardiman Street road
- Albermarle Street footpath
- Little Hardiman Street public lighting

7.5 Land Survey

The original submission was referred to Land Survey who had no comments.

7.6 Urban Forest & Ecology

The current scheme was referred to Urban Forest & Ecology who advised that there are two public trees adjacent to the site – Manchurian Pear (assets 1492635 and 1016886). Asset 1492635 is the more juvenile, requiring ongoing pruning due to the above ground utility lines and the required property clearance.

The development will not add any additional management requirements or be detrimental to the public trees or any future planting proposals.

The following conditions are recommended to protect the public trees during the construction activities:

- Tree protection plan
- Tree protection zone
- Bank guarantee for public trees

8 EXTERNAL REFERRALS

8.1 Melbourne Water

The original submission was referred to Melbourne Water who did not object to the proposal subject to the following condition and note.

- Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- If further information is required in relation to Melbourne Water's permit condition, please contact Melbourne Water on 9679 7517 quoting Melbourne Water's reference 256796.

The current scheme was not re-referred to Melbourne Water because it did not change the finished floor levels. Clause 44.04-7 states that an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

9 ASSESSMENT

The key issues in the assessment of the application are:

- Built form having regard to the design objectives and built form controls in DDO63-A3.
- Amenity impacts and equitable development.
- Clause 58 and internal amenity.
- Parking, loading, traffic and waste.
- Potentially contaminated land.
- Environmentally sustainable design.
- Land subject to inundation.
- Aboriginal cultural heritage significance.
- Any other issues raised by the objectors.

9.1 Built form

9.1.1 DDO63-A3

The site is affected by Design and Development Overlay Schedule 63 Area 3 (DDO63-A3), which has the following design objectives:

- *To create a compact, high density, predominantly mid-rise, 6 – 12 storey walkable neighbourhood that steps down at the interface with the low scale surrounding established residential neighbourhoods.*
- *To provide for higher development that delivers identified demonstrable benefits on large sites that do not interface with the low scale surrounding established residential neighbourhoods.*
- *To create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels.*

- To ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.
- To encourage the ground floor of buildings to be designed so that they can be used for a variety of uses over time.

An assessment against the provisions of DDO63-A3 is provided below.

Tables 1 and 2: Building heights and built form outcomes

Area	Preferred maximum height	Absolute maximum height	Built form outcomes
A3	6 storeys	8 storeys	<p>Deliver a scale of development that provides street definition and a pedestrian friendly scale.</p> <p>Deliver a scale of development that provides appropriate access to sunlight and daylight.</p> <p>Protect the amenity of existing residential development by avoiding overlooking and overshadowing of private open space and minimising the visual impact of upper levels.</p>
All areas			<p>Ensure laneways have appropriate levels of access to daylight and sunlight.</p> <p>Deliver developments that maximise surveillance of public and communal areas and nearby creek environs.</p> <p>Deliver a scale of development setback from the Moonee Ponds Creek environs which responds to the creek/ public space conditions and provision of public thoroughfares in the public and private domain adjacent to the creek, as appropriate.</p> <p>Where development responds to flood risk by providing ramp structures or other flood mitigation measures, high quality urban design outcomes must be provided at the building and public interfaces.</p>

Assessment:

DDO63 states that development should not exceed the preferred maximum height. Development that exceeds the preferred maximum height must demonstrate each of the following:

- A demonstrable benefit to the broader community that includes amongst others:
 - Exceptional design quality.
 - A positive contribution to the public realm.
 - High quality pedestrian links where needed.
 - Good solar access to the public realm.

A permit cannot be granted to exceed the absolute maximum height (except in Area 5).

The development complies with the preferred maximum height (six storeys) and does not trigger the need for demonstrable benefits for the broader community.

The height of the development provides an appropriate transition between the eight storey apartment building approved at 369-399 Macaulay Road (TP-2018-360) and the four storey townhouses and six storey apartment building approved at 51-61 Hardiman Street (TP-2016-1039).

The nearest single dwelling is 47 Hardiman Street to the southwest, which has a north-south orientation and forms the end of a row of single storey heritage dwellings. The development forms a backdrop to this streetscape and the separation between the buildings ensures that it does not dominate streetscape.

The development is located on the south side of Little Hardiman Street and will not overshadow the lane. The development will not unreasonably overshadow Albermarle Street or the pocket park to the southeast.

The shopfronts, windows and balconies provide opportunities for passive surveillance and interaction with the street.

The development responds to Melbourne Water's requirement and does not present an unacceptable urban design outcome.

Table 3: Street wall heights and upper level setbacks

Interface type shown on Map 1	Mandatory street wall height Preferred upper level setback
Residential interface street (Albermarle Street)	Development at the street frontage must not exceed a height of three storeys. Development above the street wall should be setback at least 10m and be visually recessive.
Laneway (Little Hardiman Street)	Development along the laneway must not exceed a height of three storeys. Development above the street wall should be setback 4m. In addition, development on the north side of an east-west laneway should be setback 1m for every metre of height above the preferred maximum height.
<p>Assessment:</p> <p>The development complies with the mandatory street wall heights (three storeys to Albermarle Street and Little Hardiman Street).</p> <p>A 4.5m variation is sought for the preferred upper level setback from Albermarle Street (a setback of 5.5m in lieu of 10m) and a 1.5m variation is sought for the preferred upper level setback from Little Hardiman Street (a setback of 2.5m in lieu of 4m).</p> <p>The 5.5m upper level setback from Albermarle Street is considered acceptable because:</p> <ul style="list-style-type: none"> It will sit comfortably in the context of the approved developments at 369-399 Macaulay Road (TP-2018-360) and 51-61 Hardiman Street (TP-2016-1039). To the north at 369-399 Macaulay Road, the eight storey addition above the retained facades is setback 4m from Macaulay Road, 3.5m from Albermarle Street and 4.5m from the centre of Little Hardiman Street. To the south at 51-61 Hardiman Street, the four storey townhouses have three storey street walls to Albermarle Street and Hardiman Street. The fourth floor is setback 3.7m and 3.1m respectively. To the east, the six storey apartment building has a three storey street wall to Hardiman Street. The fourth floor is setback 3.1m and the fifth and sixth floors are setback 6.4m. The development provides an appropriate mid-block infill. <p>The 2.5m setback from the north boundary is considered acceptable because:</p> <ul style="list-style-type: none"> It equates to a 4.5m setback from the centre of Little Hardiman Street, which mirrors the upper level setback at 369-399 Macaulay Road (TP-2018-360). The 9m separation between the upper levels provides for the amenity and equitable development of both properties. 	

DDO63 encourages buildings in a commercial zone to provide ground level street frontages with at least 5m or 80% (whichever is greater) as an entry or shopfront. Approximately 68% of the street frontage is an entry, shopfront or home office. A variation of 12% is considered acceptable having regard to the 25.3m street frontage and the interest and interaction provided by the entry, shopfront and home office.

Albermarle Street is not identified in Map 2, as such the provisions relating to weather protection are not applicable to the development.

The upper level setbacks, windows and balconies articulate the building and break-up the perceived bulk and mass.

The scale and design of the building has regard to the approved development at 369-399 Macaulay Road (TP-2018-360), which includes retention of the existing facades. The building envelope and materials, particularly the red brick on the lower levels and the white render and black metal on the upper levels will complement the adjoining development.

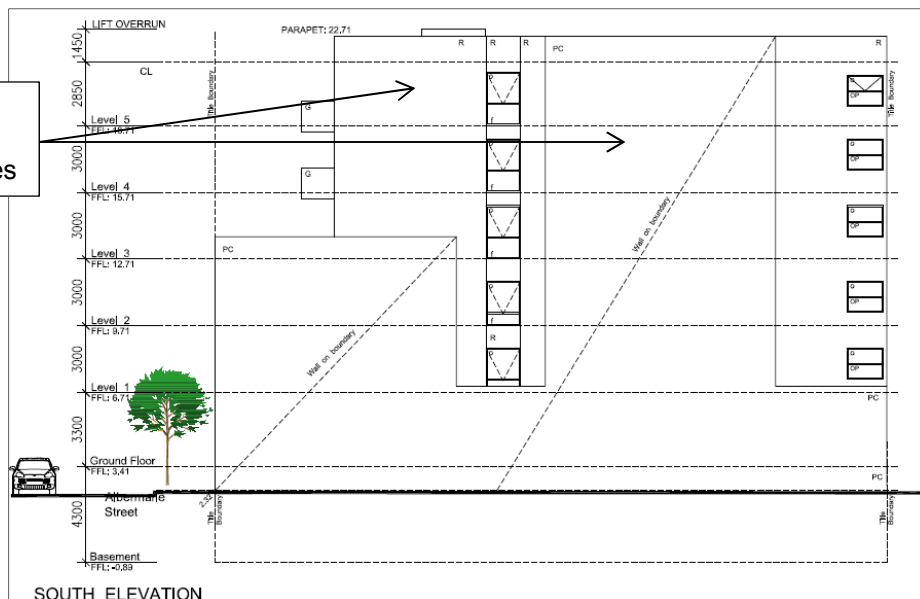
9.1.2 Clause 22.17 – Urban Design outside the Capital City Zone

Clause 22.17 encourages site responsive development, acknowledging that any development is part of a larger setting. It is policy that building scale is considered in terms of building location and alignment, subdivision pattern and human scale. In areas where a desire for built form change has been identified, the scale of development is encouraged to respond to the preferred built form.

The site is located within the ‘Arden-Macaulay Urban Renewal Precinct’, which is identified for built form change and higher density development as set out in Clause 21.16 and DDO63.

It is policy that building forms and surface treatments are appropriately articulated to moderate apparent bulk and mass and avoid blank walls. The street frontages are appropriately articulated. The blank wall on the east boundary will abut a simultaneously constructed wall at 51-61 Hardiman Street (TP-2016-1039). The blank walls on and adjoining the south boundary will be visible above the adjoining four storey townhouses also at 51-61 Hardiman Street (TP-2016-1039). A condition is recommended to ensure that the building is designed ‘in the round’ and the blank walls are moderated by an appropriate façade treatment.

Blank walls visible above the adjoining four storey townhouses



Proposed south elevation (Source: Point Architects)

It is policy that building frontages give prominence to principal streets and ground floor frontages in mixed use areas are visually evident and directly engage with the street. The layout of the ground floor, including the entry, retail unit and home office on Albermarle Street and the vehicle ingress/egress on Little Hardiman Street give prominence to the hierarchy of streets, while responding to Melbourne Water’s requirements.

It is policy that traffic conflicts are minimised, crossovers are limited to the minimum necessary and alcoves that detract from safe pedestrian environments are discouraged. The development achieves this with a single vehicle access/egress on Little Hardiman

Street. While the security gate to the car park is setback 6m from the street frontage to allow inbound vehicles to queue within the site, passive surveillance of this area is provided by the adjoining shop and office and the upper level windows and balconies.

It is policy that elements/services above the roof are absorbed within the overall building or included in the roof design. The lift overrun has a minor projection above the parapet, which is considered acceptable. The solar panels are centrally located on the flat roof to provide an attractive roofscape when viewed from taller buildings.

New buildings are encouraged to provide opportunities to enhance the landscape features of the area. Street trees are a landscape feature of Albermarle Street and a condition requiring a tree protection plan is recommended. The balconies provide opportunities for landscaping to soften the appearance of the development and enhance the landscape features of the area.

9.2 Amenity impacts and equitable development

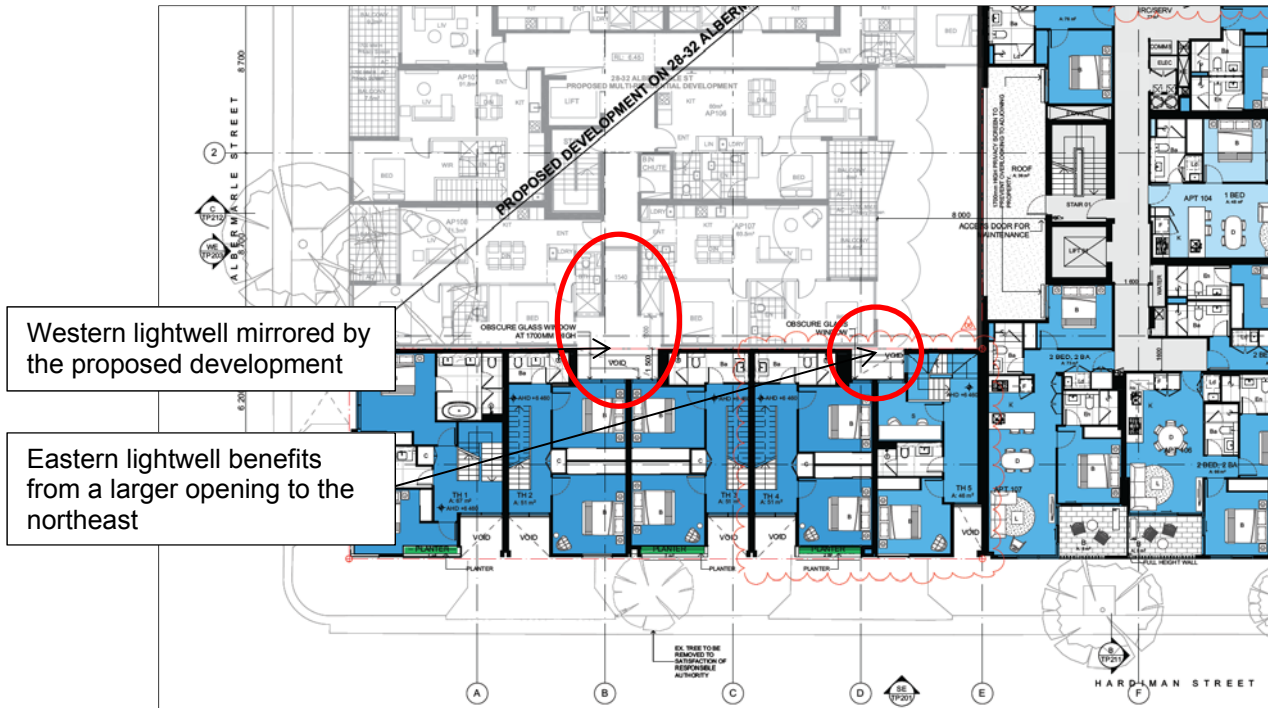
The adopted policies encourage development that minimises detrimental impacts on residential properties and considers the development potential of adjoining sites.

9.2.1 North

The development will not unreasonably affect the amenity of the approved development at 369-399 Macaulay Road (TP-2018-360) and vice versa. As previously discussed in section 9.1.1 of this report, the proposed development has a three storey street wall to Little Hardiman Street and the upper levels are setback 4.5m from the centre of the lane. The approved development at 369-399 Macaulay Road (TP-2018-360) retains the existing façade and the upper levels are setback 4.5m from the centre of the lane. The 9m separation between the buildings provides adequate light and privacy to both buildings.

9.2.2 South

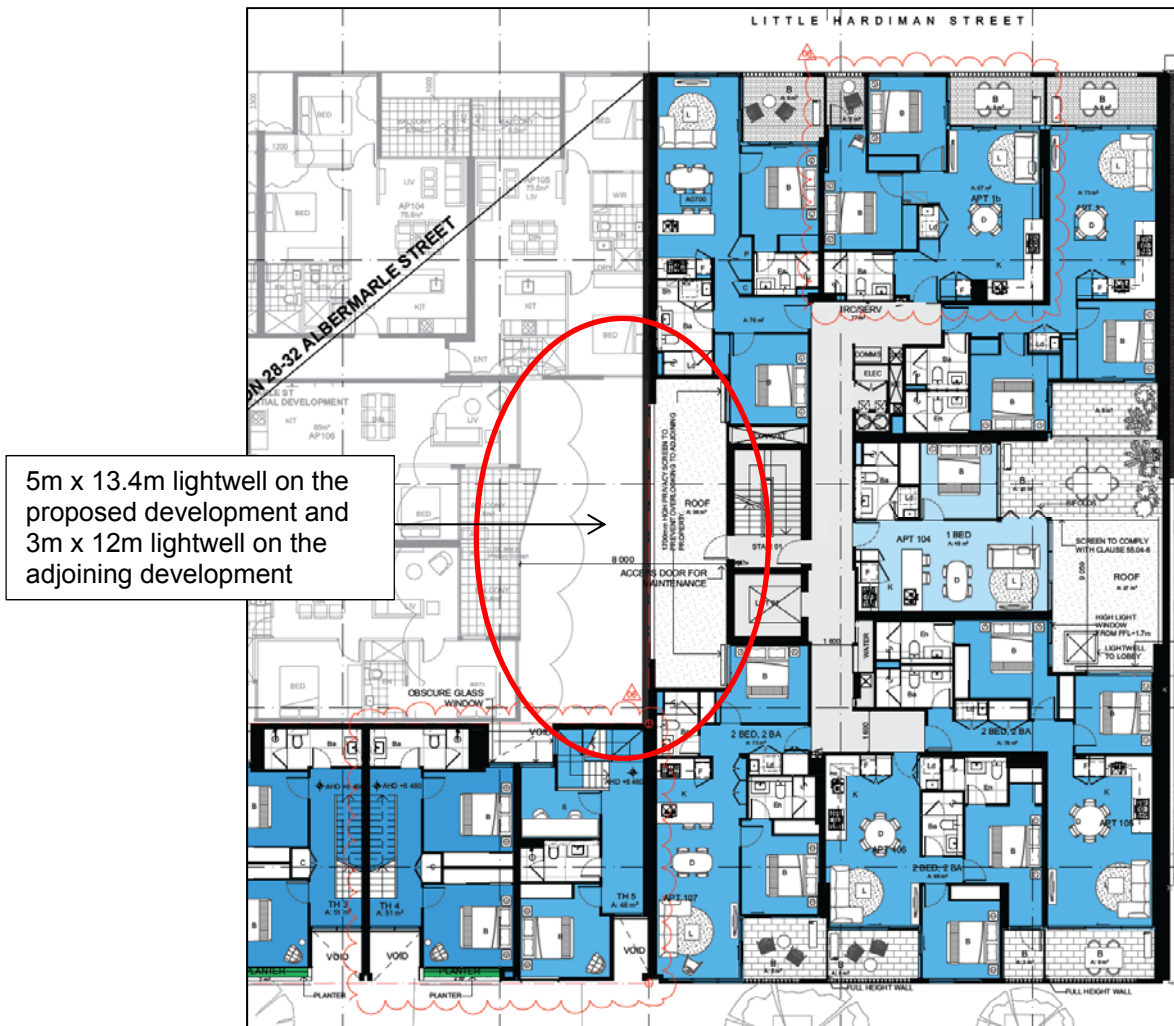
The development will not unreasonably affect the amenity of the approved townhouses at 51-61 Hardiman Street (TP-2016-1039). The townhouses are built to the boundary with the exception of two lightwells that serve levels 1 to 3. The development mirrors the western lightwell and encloses half of the eastern lightwell, which is considered acceptable because the eastern lightwell benefits from light and outlook to the larger opening to the northeast as shown below.



Interface between the proposed development and the approved development at 51-61 Hardiman Street (Source: Plus Architecture)

9.2.3 East

The development will not unreasonably affect the amenity of the approved apartment building at 51-61 Hardiman Street (TP-2016-1039), which has a 3m wide x 12m long lightwell adjoining the site. The core provides a solid wall for the most part, the habitable room windows to the north and south have 1.7m high privacy screens. The proposed development has a 5m wide x 13.4m long lightwell. The 8m separation provides adequate light for both buildings and outlook for the east-facing apartments within the proposed development.



Interface between the proposed development and the approved development at 51-61 Hardiman Street (Source: Plus Architecture)

9.2.4 West

To the west, over Albermarle Street, 43-51 Albermarle Street contains a red brick warehouse that has been converted into five, three storey dwellings with rooftop terraces.

47 Hardiman Street contains a single storey dwelling with a rear garage and backyard.

The development will not unreasonably affect the amenity of these dwellings having regard to the separation provided by the 19.5m wide road reserve and 5.5m upper level setback.

9.3 Clause 58 and internal amenity

The development meets the objectives of Clause 58. Variations to relevant standards are discussed below.

Standard D10 – Landscaping

Standard D10 requires that the development provide 38.2m² deep soil areas with a minimum dimension of 3m, and 1 small tree (6-8m high).

A variation of this standard is considered acceptable having regard to the character of the city block which includes mix of warehouses, townhouses and apartment buildings with little or no landscaping.

Standard D14 – Building setback

Standard D14 requires that buildings are setback from side and rear boundaries to avoid direct views into habitable room windows and private open space, amongst other things.

A variation for the three storey street wall on Little Hardiman Street and the north-facing habitable room windows and balconies on levels 1 and 2 with views to the approved development at 369-399 Macaulay Road (TP-2018-360) is considered acceptable because the windows and balconies have been offset as much as practicable and screening the windows and balconies would adversely affect the internal amenity of the dwellings in terms of light and outlook.

Condition 1 amended plans are recommended to ensure that the terrace to APT301 and the west-facing bedroom windows to APT306, APT406 and APT506 do not have direct views of, or are screened to limit direct views of, the rooftop terraces of the approved townhouses at 51-61 Hardiman Street (TP-2016-1039).

Standard D16 – Noise impacts

Standard D16 requires that buildings within 300m of the nearest trafficable lane of freeways, tollways and other roads carrying 40,000 annual average daily traffic volume be designed and constructed to achieve the following noise levels:

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

The site is located approximately 180m west of Citylink. A condition is recommended to ensure that the development complies with this standard and provides the appropriate acoustic attenuation measures.

Standard D19 – Private open space

Standard D19 requires that one bedroom dwellings have 8m² balconies with a minimum dimension of 1.8m, and two bedroom dwellings have 8m² balconies with a minimum dimension of 2m. If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5m².

Minor variations to the area or dimension of the balconies to AP101, AP401, AP403, AP404, AP501, AP503 and AP504 are considered acceptable subject to a condition that no cooling or heating units are located on balconies less than 9.5m².

Standard D23 – Waste and recycling facilities

A revised waste management plan is recommended by condition to address the items raised by Engineering Services in section 7.3 of this report.

9.4 Parking, loading, traffic and waste

9.4.1 Car parking provision

The development contains an 87m² shop, 102m² office and 34 one and two-bedroom dwellings, which generate a statutory requirement of 37 car parking spaces; 3 for the office and 34 for the dwellings.

The development provides 41 car parking spaces; an oversupply of 4.

Engineering Services has no objection to the parking provision, the vehicle access/egress, the layout of the car park or the traffic impact.

9.4.2 Bicycle parking provision

The development generates a statutory requirement of 10 bicycle parking spaces; 7 for the dwellings and 3 for visitors.

The development provides 15 bicycle parking spaces; an oversupply of 5.

Engineering Services has no objection to the access or layout of the bicycle parking.

9.4.3 Loading

Clause 65.01 requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

The development relies on kerbside loading for shop deliveries and residents moving into and out of the building.

Engineering Services has no objection to kerbside loading.

9.4.4 Rubbish storage and collection

A revised waste management plan is recommended by condition to address the items raised by Engineering Services in section 7.3 of this report.

9.5 Potentially contaminated land

The site is affected by an Environmental Audit Overlay.

Clause 45.03 requires that before a sensitive use commences (residential, child care, pre-school or primary school) or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

The applicant has requested that this be dealt with by condition.

9.6 Environmentally sustainable design

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

Clause 22.19-5 requires that retail premises up to 2,000m² GFA, office up to 2,000m² GFA and residential developments over 5,000m² GFA achieve:

- Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.
- 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent.
- 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent.
- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
- 5 star rating under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.

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

The Environmentally Sustainable Design Statement by NJM Design Pty Ltd dated 23 March 2016 demonstrates that the development has the preliminary design potential to achieve the above performance measures and 108% STORM Rating.

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

9.7 Land subject to inundation

The site is affected by the Land Subject to Inundation Overlay and the application was referred to Melbourne Water (determining authority), in accordance with Clauses 44.04 and 66.03.

Melbourne Water did not object to the proposal subject to the condition and note set out in section 8.1 of this report.

9.8 Aboriginal cultural heritage significance

The site is located within an area of Aboriginal cultural heritage significance.

A cultural heritage management plan is not required because the following activities are exempt:

- Demolition (r.16).
- The development of three or more dwellings on, or the subdivision of, a lot or allotment if it is:
 - Less than 0.11 hectares in size, and
 - Not within 200m of the coast or the Murray River (r.10 and r.11).

Further, the site has been subject to significant ground disturbance.

9.9 Any other issues raised by the consultees or objectors

Some objections raised concern regarding noise and general disruption during construction. A permit condition requiring a construction management plan is recommended.

Some objections raised concern regarding damage to the adjoining properties during construction, which is not a relevant planning consideration and is managed as part of the building permit process.

Some objections raised concern regarding the impact on property prices, which is not a relevant planning consideration.

Some objections raised concern regarding noise from the retail unit; a number of uses are as of right in the Mixed Use Zone, such as shop and food and drink premises up to 150m² leasable floor area, and office and medical centre up to 250m² leasable floor area. The responsible authority cannot condition the operation of these as of right uses.

9.10 Conclusion

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

10 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued for construction of a six storey mixed use building at 28-32 Albermarle Street, Kensington subject to the following conditions.

Amended plans

1. Prior to the commencement of the development, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the drawings by Point Architects dated February 2019, but amended to show:
 - a) A façade strategy for the south elevation to demonstrate that it is appropriately articulated and does not present blank walls above the approved townhouses at 51-61 Hardiman Street.

- b) The terrace to APT301 and the west-facing bedroom windows to APT306, APT406 and APT506 screened to limit direct views of the rooftop terraces to the approved townhouses at 51-61 Hardiman Street or plans that clearly demonstrate that screening is not required.
- c) No cooling or heating units located on balconies less than 9.5m².
- d) Any changes as required by the revised Waste Management Plan required in condition 21.
- e) 1:20 drawings of the fenestration and façade details at key junctions.
- f) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.

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

Endorsed plans

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

Materials and finishes

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

Non-reflective glazing

- 5. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Construction management plan

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

Civil design

7. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
8. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane. The approved works must not result in structures that encroach onto any Council lane.
9. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
10. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority – Engineering Services.
11. Prior to occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
12. The road adjoining the site along Little Hardiman Street must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
13. The footpath adjoining the site along Albermarle Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
14. Existing street levels in Albermarle Street and Little Hardiman Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
15. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
16. Prior to the commencement of the development, a review of the existing street lighting levels in Little Hardiman Street must be submitted to and approved by the City of Melbourne. All street lighting improvement works must be undertaken prior to occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority.

Melbourne Water

17. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or waterways.

Environmentally sustainable design

18. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement by NJM Design Pty Ltd dated 23 March must be achieved in the completed development.
19. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the ESD Statement by NJM Design Pty Ltd dated 23 March 2016, must be documented by the author of the statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

20. Within six months of occupation of the development, a report must be provided to the satisfaction of the Responsible Authority, which details the designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Waste management

21. Prior to the commencement of the development, a revised Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The revised WMP must be generally in accordance with the WMP by RB Waste Consulting Services dated 6 February 2019, but amended to show:
- a) Clarification as to which levels have chute access.
 - b) Commercial waste managed privately and stored separately to the residential bins.
 - c) Details of the management of the commercial bins (ie. who will collect them, collection location and collection frequency).
 - d) 3 x 1100L garbage bins and 3 x 1100L recycling bins for the residential component, collected weekly.
 - e) A scaled drawing of the bin placement kerbside.

The WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

22. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

3D model

23. Prior to the commencement of the development, a 3D digital model of the approved development must be submitted to and approved by the Responsible Authority. The model should be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to Melbourne City Council may be shared with other government organisations for planning purposes. Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and approved by the Responsible Authority.

Building appurtenances and services

24. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
25. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
26. All service pipes, apart from roof downpipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Noise attenuation

27. Prior to the commencement of the development, an acoustic report prepared by a qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of:

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

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s).

Street trees

28. Prior to the commencement of the development, a Tree Protection Plan (TPP) for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:

- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
- c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
- d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
- e) Full specifications of any pruning required to publicly owned trees.
- f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
- g) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development.
- h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.

29. Following the approval of the Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

30. In the event that a construction management plan or traffic management plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
31. In the event that public trees are proposed for removal at any stage of the development, the applicant must submit plans for the approval of Melbourne City Council that show replacement and/or additional tree plots of a larger size and increased soil volume than currently exists in the street frontages adjacent to the development.
32. All works within the tree protection zones of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

Potentially contaminated land and remediation

33. Prior to the commencement of the development, the owner of the site must provide either:
 - a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must specifically state that the site is suitable for the intended use(s) hereby permitted.

Car parking allocation

34. Of the 41 car parking spaces, 1 space must be allocated to staff of the retail unit, 3 spaces must be allocated to staff of the office unit and 3 spaces must be allocated to visitors. The remaining 34 spaces must be allocated to the one and two bedroom dwellings, with no more than one space allocated to each dwelling.

Development time limit

35. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes:

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

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

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

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

In accordance with the City of Melbourne Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287,
2. From a recognised Australian bank,
3. Unconditional (i.e. no end date),
4. Executed (i.e. signed and dated with the bank stamp).

Please note that insurance bonds are not accepted by the City of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

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

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before council removes the subject trees.

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

Melbourne Water note:

If further information is required in relation to Melbourne Water's permit condition, please contact Melbourne Water on 9679 7517 quoting Melbourne Water's reference 256796.