

# Melbourne Planning Scheme Amendment C258

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## 138-140 Stanley Street, West Melbourne

### Subject Site

#### Site Plan





## Heritage Protection under Melbourne Planning Scheme

### Prior to Gazettal of Amendment C19-Part 1 (prior to 31 December 2001)

Prior to the gazettal of Amendment C19-Part 1, the property at 138-140 Stanley Street, West Melbourne, was affected by site-specific Heritage Overlay HO471.

Schedule HO471 to the Heritage Overlay specifically identified the address of the heritage place protected by this control as, '138-140 Stanley Street, West Melbourne'.

The property was also listed in Council's Heritage Places Inventory (with a heritage grading of 'D3').

Planning Scheme Amendment C55 (Gazetted 27 December 2001) – Heritage Overlay HO471 is **present** on 138-140 Stanley Street, West Melbourne.

- [Amendment Controls](#)
- [Amendment Maps](#)
  - [Heritage Overlay Map \(Index No. 5-ho\)](#) – Shows 205-207 Roden Street, West Melbourne as being protected by an erroneously applied duplicated Heritage Overlay HO471.
  - [Heritage Overlay Map \(Index No. 6-ho\)](#) – Shows 138-140 Stanley Street, West Melbourne as being protected by Heritage Overlay HO471.

## Post Gazettal of Amendment C19-Part 1(post 31 December 2001)

Upon gazettal of Amendment C19-Part 1, site-specific Heritage Overlay HO471 was deleted from the property at 138-140 Stanley Street, West Melbourne.

Schedule HO471 to the Heritage Overlay was not altered by this amendment, and specifically identifies the address of the heritage place protected by this control as, '138-140 Stanley Street, West Melbourne'.

The heritage place was not removed from Council's Heritage Places Inventory by this amendment (the heritage grading of 'D3' remains).

Planning Scheme Amendment C19-part-1 (Gazetted 31 December 2001) – Heritage Overlay HO471 is **deleted** from 138-140 Stanley Street, West Melbourne.

- [Amendment Controls](#)
- [Amendment Maps](#)
  - [Heritage Overlay Map \(Index No. 5-ho\)](#) – Shows 205-207 Roden Street, West Melbourne as being protected by an erroneously applied duplicated Heritage Overlay HO471.
  - [Heritage Overlay Map \(Index No. 6-ho\)](#) – Shows 138-140 Stanley Street, West Melbourne as not being affected by any Heritage Overlay.

## Current Heritage Status under the Melbourne Planning Scheme

The property at 138-140 Stanley Street, West Melbourne (**the subject site**) is listed in the [Schedule to the Heritage Overlay \(HO471\)](#), and is included in Melbourne City Council's Heritage Places Inventory (March 2018), with a grading of 'D3'.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1198 Interim Controls Expiry 1 March 2019	Melbourne Brewery, later Tasmanian Brewery also Burton Brewery, part 31-47 rear Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
HO469	61-67 Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
HO1199 Interim Controls Expiry 1 March 2019	Alfred Hasker, later Barrett Bros and Burston and Company Pty. Ltd. maltsters, part former complex, 62-80 Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
HO470	95-101 Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
HO471	138-140 Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
HO496	Queen Victoria Market, 65-159 Victoria St, West Melbourne	-	-	-	-	Yes Ref No H734	Yes	-	No
<b>MELBOURNE</b>									
HO515	Warehouse, 61-69 A'Beckett St, Melbourne	-	-	-	-	Yes Ref No H980	Yes	-	No
HO516	71-73 A'Beckett St, Melbourne	Yes	No	No	No	No	No	-	No

The subject site is not affected by any Heritage Overlay.

### Proposed Heritage Status under Amendment C258

The heritage place at the subject site has been assessed as being graded 'C2' and individually 'Significant' in the exhibited C258 [West Melbourne Heritage Study](#), and was misidentified as being protected by Heritage Overlay HO471 in this review (see page 1097/2577).

The heritage place at the subject site has been listed as 'Significant' in the exhibited [C258 Draft Heritage Places Inventory](#) (see p.184 of 225).

The exhibited ['New Heritage Overlay'](#) map under Amendment C258 does not show the subject site as being protected by a Heritage Overlay.

The subject site is therefore neither currently protected by a Heritage Overlay in the Melbourne Planning Scheme, nor proposed to be protected by a new Heritage Overlay under any exhibited Heritage Overlay map forming part of a Planning Scheme Amendment.

The mapping errors were brought to the attention of Urban Strategy in 2017, and the subject site was subsequently listed to have its mapping corrected as part of Amendment C258 (possible as an administrative clean-up – although the full history was not known at this date).

## Current Statutory Authorisations

### Notice of Decision to Grant a Permit – Application TP-2018-300

Council issued a Notice of Decision to Grant a Permit in respect of Planning Permit Application TP-2018-300 on 2 July 2018 for the land at 138-140 Stanley Street, West Melbourne.

The permit would allow:

*Partial demolition and buildings and works for the construction of a four storey mixed used building, comprising of a ground level office (other than Medical Centre) and three dwellings above, and a reduction in the car parking requirement in accordance with the endorsed plans*

During the processing of Planning Permit Application TP-2018-300 the responsible officer made an enquiry to Council's Strategic Planning team as to the status of any heritage protections applying to the subject site (in addition to any proposed protections under Amendment C258).

Council's Strategic Planner responded as follows on 15 June 2018:

*I refer to your enquiry regarding 138-140 Stanley Street, West Melbourne, and advise as follows:*

- *The property at 138-140 Stanley Street, West Melbourne (**the subject site**) is listed in the Schedule to the Heritage Overlay under HO471 and in the current Heritage Places Inventory (March 2018) (building is graded 'D3'), however it is not included in the [Heritage Overlay map](#).*
- *The heritage place at the subject site has been assessed as being graded 'C2' and individually 'Significant' in the West Melbourne Heritage Review 2016 and as part of Melbourne Planning Scheme Amendment C258, is proposed to be listed as*

*'significant' in the exhibited C258 Incorporated Documents; ['Heritage Places Inventory 2017'](#) and ['West Melbourne Heritage Review 2016: Statements of Significance'](#).*

- *The [exhibited Heritage Overlay mapping under Amendment C258](#) does not propose to include this property in the Heritage Overlay.*

**From:** [Maree Fewster](#)  
**To:** [Rachel Grounds](#)  
**Cc:** [Colin Charman](#)  
**Subject:** RE: Draft Response Re: Application TP-2018-300 - 138-140 Stanley Street, West Melbourne  
**Date:** Friday, 15 June 2018 2:35:31 PM

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Hi Rachel,

I refer to your enquiry regarding 138-140 Stanley Street, West Melbourne, and advise as follows:

- The property at 138-140 Stanley Street, West Melbourne (**the subject site**) is listed in the Schedule to the Heritage Overlay under HO471 and in the current Heritage Places Inventory (March 2018) (building is graded 'D3'), however it is not included in the [Heritage Overlay map](#).
- The heritage place at the subject site has been assessed as being graded 'C2' and individually 'Significant' in the West Melbourne Heritage Review 2016 and as part of Melbourne Planning Scheme Amendment C258, is proposed to be listed as 'significant' in the exhibited C258 Incorporated Documents; '[Heritage Places Inventory 2017](#)' and '[West Melbourne Heritage Review 2016: Statements of Significance](#)'.
- The [exhibited Heritage Overlay mapping under Amendment C258](#) does not propose to include this property in the Heritage Overlay.

Please feel free to call me if you require any further information or have any other questions.

Kind regards,

**Maree Fewster** | Senior Strategic Planner | Planning Policy | Urban Strategy

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We value: Integrity | Courage | Accountability | Respect | Excellence

*The City of Melbourne respectfully acknowledges the Traditional Owners of the land, the Boon Wurrung and Woiwurrung (Wurundjeri) peoples of the Kulin Nation and pays respect to their Elders, past and present.*

Please consider your environmental responsibility before printing this email.

## Heritage Assessment 138-140 Stanley Street West Melbourne TP-2018-300

### Heritage Context

- > The property was first identified with a grade as part of the *North and West Melbourne Conservation Study*, prepared by Graeme Butler and Associates in 1984/5 and subsequent updates in the 1990s. A heritage overlay was applied – probably as part of the new format planning scheme changes in the late 1990s.
- > Currently the site appears in the Schedule to the Heritage Overlay at 43.02 as HO471: 138-140 Stanley Street. (Figure 2) On Council mapping (CoMPASS) the site is correctly mapped as HO471. (Figure 2) However, there is a mapping error on Vicplan which shows HO471 mapped at a site elsewhere in Stanley Street.

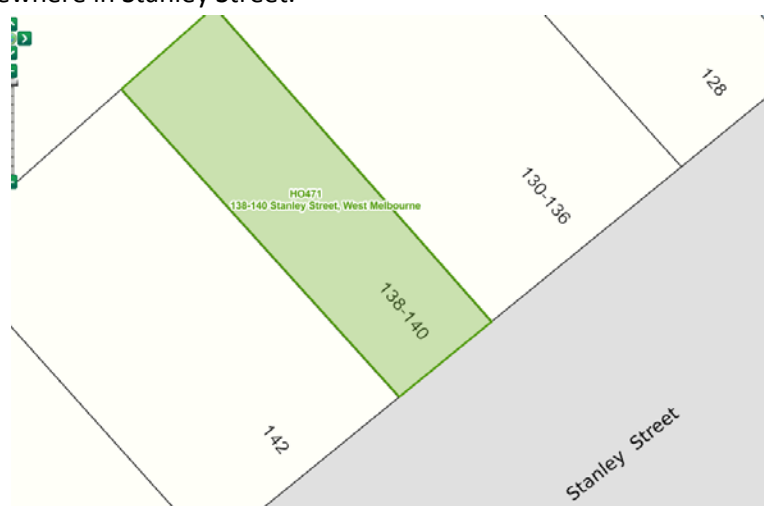


Figure 1. HO471 correctly mapped on Council GIS (CoMPASS)

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences exempt under Clause 43.01.3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01.2	Aboriginal heritage place?
HO1198 Interim Controls Expiry 1 March 2019	Melbourne Brewery, later Tasmanian Brewery also Burton Brewery, part 31-47 rear Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
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HO1199 Interim Controls Expiry 1 March 2019	Alfred Hasker, later Barrett Bros and Burston and Company Pty. Ltd. maltsters, part former complex, 62-80 Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
HO470	95-101 Stanley Street, West Melbourne	Yes	No	No	No	No	No	-	No
<b>HO471</b>	<b>138-140 Stanley Street, West Melbourne</b>	Yes	No	No	No	No	No	-	No
HO496	Queen Victoria Market, 65-159 Victoria St, West Melbourne	-	-	-	-	Yes Ref No H734	Yes	-	No
<b>MELBOURNE</b>									
HO515	Warehouse, 61-69 A'Beckett St, Melbourne	-	-	-	-	Yes Ref No H980	Yes	-	No
HO516	71-73 A'Beckett St, Melbourne	Yes	No	No	No	No	No	-	No

Figure 2. Schedule to the Heritage Overlay 43.02. HO471 correctly recorded as 138-140 Stanley Street.



- > Under C258, the *West Melbourne Heritage Review* includes the subject site as upgraded to C, level 2 streetscape and individually “Significant”. (Figure 3) A new heritage overlay is not proposed under C258. It is unclear when the HO471 mapping error will be rectified on *Vicplan*.
- > The March 2018 Melbourne *Heritage Places Inventory* lists the site as graded D, level 3 streetscape.
- > This section of Stanley Street is not included in a precinct overlay.

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Name	Address		Existing Grading (A-E)	Proposed Grading (A-D)	Existing Streetscape Level (1-3)	Proposed Streetscape Level (1-3)	Heritage Overlay	Proposed for new Heritage Overlay?	Contributory to precinct?	Significant	Recommendations
Doyle, Samuel bakery	Stanley Street	130 -136	-	D	-	2	No	No	No	No	Revise Heritage Places Inventory July 2015.
Doyle's factory, later Plywood and Trading Company Pty. Ltd.	Stanley Street	138 -140	D	C	3	2	HO471	No	No	Yes	Revise Heritage Places Inventory July 2015.
Doyle's factory, later Fernshaws Pty. Ltd., manufacturing chemists	Stanley Street	142 -144	-	-	-	-	No	No	No	No	None.
	Stanley Street	150	-	-	-	-	No	No	No	No	None.

Figure 3. Extract from *West Melbourne Heritage Review*

- > The *West Melbourne Heritage Review* forms part of C258. This amendment has been exhibited. The associated *C258 Heritage Places Inventory* has been corrected following submissions, and re-exhibited. Amendments have been made to other parts of the C258 Amendment and these have been back to Council. Re-exhibition will follow in the near future. The status of 138-140 Stanley Street and the *Vicplan* HO471 mapping error is unclear as part of the C258 Amendment.



Figure 4. Google maps (March 2013). Subject site. Initially a pair of factories at 138-144, the façade to number 138-140 is largely intact whereas the façade to 142-144 has been altered.

### Significance of 138-140 Stanley Street West Melbourne

The *West Melbourne Heritage Review*, includes background research which indicates that building was constructed in 1927 as one of a pair of factories as 138-140 and 142-144. (Figure 4) Designed by consulting engineer, W.J. Davy for Joseph Doyle. An aerial photographs shows the roof form of the two buildings to be substantially similar. (Figure 5) The roof is a gable at the southern end and the majority of the factory has a sawtooth form with a west facing clerestory providing natural light for the industrial activity. The pair share a light court set back approximately 5.75 m. from the front façade. (Figure 5.) In Stanley Street, number 142-144 has an altered façade. The *West Melbourne Heritage Review* does not recommend a heritage control for number 142-144 but does indicate that reinstatement of the original form could be achieved by using the building at 138-140 as evidence.



Known as “Doyle’s factory”, the *West Melbourne Heritage Review* determined that the building is significant historically and aesthetically to West Melbourne. It sets down why Doyle’s factory is significant”

“Why it is significant”:

- Historically, as part of Interwar surge in industrial development within West Melbourne; and
- Aesthetically, a well-preserved factory design in a mannered classically derived style, using uncommon brick detailing.

And details ‘What is Significant’, including the elements which contribute to significance:

“The factory roof was saw-tooth in profile, supported on timber trusses, and entry was via timber folding doors. Once inside the factory floor was open with a small toilet area on the side wall.....

Contributory elements include:

- one storey brick factory with cement detailing;
- sawtooth roof behind parapet clad with corrugated iron;
- patterned brickwork using soldier and stretcher coursing;
- distinctive corbelled caps to piers;
- multi-pane glazing in steel frames to windows symmetrically arranged;
- boarded timber entry doors; and
- cemented string moulds and bracketed hood over entry.

Integrity is good despite painting over of bricks and addition of signs. The factory at 142-144 has been refaced but is still existing: it could be restored using this building (138-140) as evidence.” (page 403).

The full Statement of Significance is included in the Appendix to this heritage assessment.



Figure 5. Factory pair with saw-tooth roof forms at 138-140 and 142-144. Google maps (March 2013)

### Comparison with other buildings by designing engineer W. J. Davy

Davy designed the two-storey factory at 15-17 Lincoln Square South in 1928 for John Paton. This building forms part of the Lincoln Square South heritage precinct HO1122 (grade C, level 2 streetscape) (Figure 6). The Lincoln Square South building adopts similar detailing to Doyle's factory in Stanley Street, in particular the parapet form, three-part division of the façade, grouped steel-framed windows and the canopy/ledge detailing over vehicle entrance. The brickwork is unpainted on the Lincoln Square South building, and the entrance has a roller door (site inspection required to determine whether these are a replacement of the original). The Stanley Street building has retained has a similarly high level of intactness to the original construction form and includes the original timber doors.



Figure 6. 15-17 Lincoln Square South. Building by Engineer Davy. (2014 CoMPASS building ID 59112)

### Proposal

- > Demolition of the whole of the roof
- > Demolition of the light court walls
- > Demolition of the steel windows and brick wall below the sills at the front façade
- > Removal of sills and brickwork for the formation of a new door at the site of the existing west window; formation of a tall window at the site of the existing east window.
- > New construction of four storeys comprising 2 lower floors of office and two floors of for a residence above, set back from the front façade on a taper from 3.945m to 4.475m.

### DDO29 and MUZ

This section of West Melbourne is within DDO29. DDO29 sets a maximum building height of 4 storeys and includes three “Built Form Outcomes”:

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

### MSS Clause 21.06 Built Environment and Heritage

The Heritage Objective and Strategy 1.1, 1.2, 1.3 and 1.8 are relevant at this site.

<b>Objective 1</b>	<b>Conserve, protect and enhance the fabric of identified heritage places and precincts.</b>
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Strategy 1.1 Conserve, protect and enhance the fabric of identified heritage places and precincts.

Strategy 1.2 Support the restoration of heritage buildings and places.

Strategy 1.3 Maintain the visual prominence of heritage buildings and landmarks.

Strategy 1.8 Maintain cultural heritage character as a key distinctive feature of the City and ensure new development does not damage this character.

### **West Melbourne Structure Plan**

This plan went to Council in February 2018. Under *4.1 Ensuring Good Design*, the Strategy has a series of Principles and guidance on achieving these principles. “Heritage fabric” is included under the Principle ‘Local Character’ with the guidance for achieving the principle :

*West Melbourne has a number of distinct character areas influenced by factors such as its outlook over the railway yards, heritage fabric, wide radial streets and diverse architecture. The proposed design and development overlay, design objectives and capital works projects have been created to respond to the distinctive identity of the particular places in West Melbourne to celebrate its special character. Page 118*

### **Assessment**

The proposal is not supported in its current form.

The proposal would make major changes to the heritage fabric of the building and would result in a diminution of significance. There would appear to be opportunities to amend the scheme in a manner which produce a better outcome for the heritage fabric.

Matters of concern and recommendations for amendment:

- > Alteration to the original steel framed windows will reduce intactness and diminish integrity. With a small increase in the depth of the ‘Carpark’ area (with turntable) there would appear to be space available for access to the Residence via the existing central entrance. This would enable the retention of the existing steel framed western window. Delete the demolition of this window and brickwork below the sill. Amend the internal planning.
- > Retention of the existing steel framed eastern window would not affect the development. Delete the demolition of this window and brickwork below the sill.
- > No portion of the roof is proposed to be retained. The three-dimensional volume of the “significant’ factory from 1927 would be lost. Retention of the roof (from the front façade) for a distance at least up to the existing light well (approx.. 5.73 metres in depth) is recommended.
- > Retention a portion of the saw-tooth roof form would enable better interpretation of significance as a factory. At the south end, this would present some difficulties for redevelopment given the current configuration, however retention of the northern section above the proposed Courtyard may be achievable. Openable glazing could be incorporated into the retained roof. Amend the courtyard to include retention of the saw-tooth roof form here.
- > Assessment of the prominence of the 4 storey addition would be assisted by provision of a sight line taken from the opposite side of the street at 1.7m eye height. It is anticipated that an increase in setback of the addition would assist in achieving the Objective for heritage at Clause 21.06 to enhance this identified heritage place, and in retaining the “visual

prominence of heritage building” as indicated in the MSS Heritage Strategy 1.3. An increase in setback to align with the existing light well is recommended.

- > Modification to roof form for the new building. Reconfiguring the roof form to slope from a low point at the south to a high point at the north would decrease the apparent bulk and the perceived height within Stanley Street.

Meredith Gould

26 June 2018

**Doyle's factory, later Plywood and Trading Company Pty. Ltd.**

**138-140 Stanley Street, WEST MELBOURNE**



**Grading:** C

**Streetscape:** 2

**Place type:** Factory

**Date(s):** 1927

**View of place:** 2015

**Statement of Significance**

*What is significant?*

An estimated £2400 was spent on the erection of two brick factories in Stanley Street, West Melbourne in 1927 for successful master baker, Joseph Doyle. W. J. Davy, consulting engineer, of 430 Bourke Street, Melbourne, was the designer of this former factory pair (142-144 refaced but still existing).

The factory roof was saw-tooth in profile, supported on timber trusses, and entry was via timber folding doors. Once inside the factory floor was open with a small toilet area on the side wall. Occupiers included the Plywood and Trading Co Pty. Ltd., Rydal Knitting Co Pty. Ltd. and Collins and Keogh Pty. Ltd., engineers.

The designer, Davy, has created other identified heritage places in the City, such as 15-17 Lincoln Square South, Carlton.

**Contributory elements include:**

- one storey brick factory with cement detailing;
- sawtooth roof behind parapet clad with corrugated iron;
- patterned brickwork using soldier and stretcher coursing;
- distinctive corbelled caps to piers;
- multi-pane glazing in steel frames to windows symmetrically arranged;
- boarded timber entry doors; and
- cemented string moulds and bracketed hood over entry.

Integrity is good despite painting over of bricks and addition of signs. The factory at 142-144 has been refaced but is still existing: it could be restored using this building (138-140) as evidence.

*How is it significant?*

Doyle's factory is significant historically and aesthetically to West Melbourne.



*Why is it significant?*

Doyle's factory is significant

- Historically, as part of Interwar surge in industrial development within West Melbourne; and
- Aesthetically, a well-preserved factory design is a mannered classically derived style, using uncommon brick detailing.



Google maps (Nov 2017)



View from the east close to Spencer Street. (Streetview CoMPASS)



<b>Application Number</b>	TP-2018-300
<b>Address</b>	138-140 Stanley Street, West Melbourne
<b>Applicant</b>	Juris Group Pty Ltd (C:- Ratio Consultants)
<b>Owner</b>	Clapmore Pty Ltd
<b>Architect</b>	Baldasso Cortese
<b>Proposal</b>	<i>Partial demolition and buildings and works for the construction of a four storey mixed used building, comprising of a ground level office (other than Medical Centre) and three dwellings above, and a reduction in the car parking requirement.</i>
<b>Cost of works</b>	\$3,075,000.00
<b>Planning Controls</b>	Mixed Use Zone Design and Development Overlay – Schedule 29 West Melbourne Clause 52.06 (Car Parking)
<b>Key Planning Considerations</b>	<ul style="list-style-type: none"> <li>• Mandatory planning controls</li> <li>• Building height</li> <li>• Amenity impacts</li> <li>• Heritage</li> </ul>
<b>Public Notice</b>	Sign(s) posted on-site and letters sent to adjoining property owners/occupiers
<b>No. of Objections</b>	Eight
<b>Key Issues raised by objectors</b>	<ul style="list-style-type: none"> <li>• Overlooking</li> <li>• Setbacks and building bulk</li> <li>• Daylight/ventilation and solar access</li> <li>• Noise and dust from construction</li> <li>• Traffic generation</li> <li>• Loss of views and decreased property values</li> </ul>
<b>Consultation</b>	Copy of objections forwarded to permit applicant for their consideration and response.
<b>Recommendation</b>	Notice of Decision to Grant a Permit
<b>How does the decision address the key relevant planning issues and concerns raised by objectors?</b>	It is considered that the proposal is generally 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 conditions.
<b>Is the application required to be presented to FMC under the Delegation Policy?</b>	No.
<b>Delegate Report</b>	DM#11693071
<b>Planner</b>	Rachel Grounds
<b>Contact</b>	Jane Birmingham
<b>Date of application:</b>	23 March 2018
<b>Date of report:</b>	19 June 2018

## 1 SUBJECT SITE AND SURROUNDS

Planning Application TP-2018-300 (the Application) concerns the land known as:

- 138-140 Stanley Street, West Melbourne (the subject site).
- Lot 3 on Plan of Subdivision 028837 (Vol. 11506, Fol.546).

The subject site is located on the northern side of Stanley Street, between Spencer and Adderley Streets, West Melbourne. Rectangular in shape, the site has a total area of approximately 343 square metres, with a frontage to Stanley Street of 9.96 metres.

Occupying the site is a single storey brick building built around 1910. Currently vacant, the building was previously occupied by Ken Long Tyre Specialists, with remnant signage evident on the building's façade. Vehicular access to the site is currently provided via a single width crossover, located centrally along the sites frontage to Stanley Street.

The Subject Site is located within West Melbourne at the fringe of the Melbourne CBD.

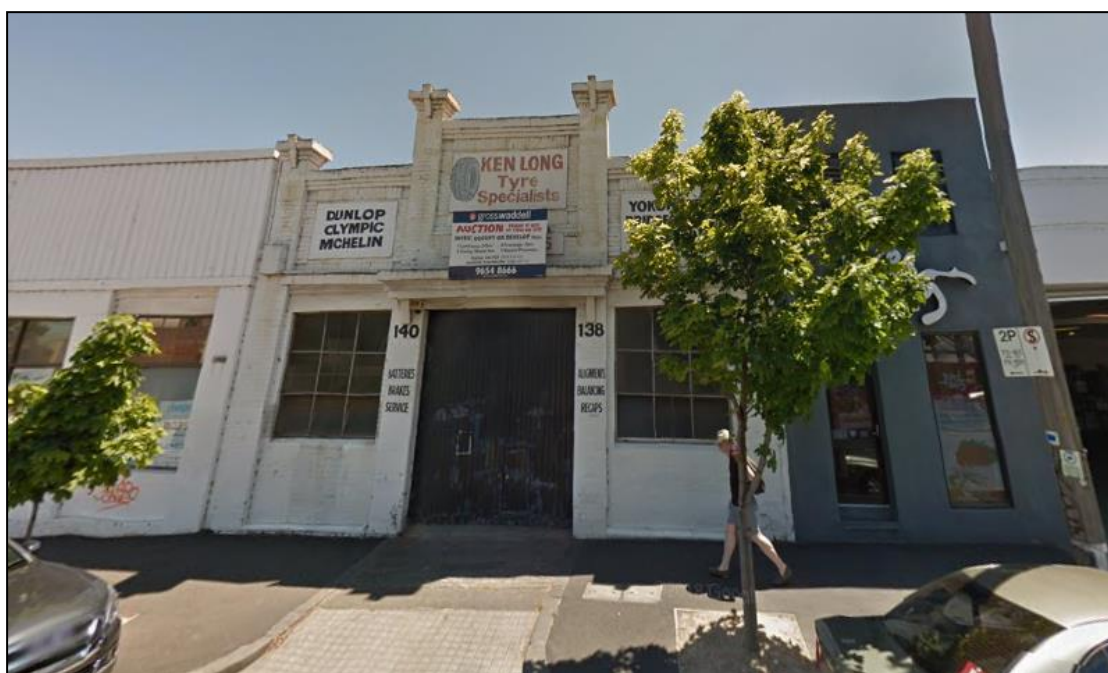
The context of the area is varied with an interspersed mix of residential, commercial and remnant industrial activities. The built form character reflects this with an eclectic range of buildings, many of which are recognised for their heritage significance.

Residential redevelopment opportunities are somewhat fettered in contrast to surrounding redevelopment precincts and local areas by the need to balance the areas mixed-use function and prevailing low-scale character.

**Figure 1: Notated Aerial Photograph (Captured 4 April 2018).**



**Figure 2: Streetscape Photograph of Subject Site (2018).**



## **2 BACKGROUND AND HISTORY**

### **2.1 Planning Application History**

#### **2.1.1 Pre-application discussions**

A pre-application meeting request was submitted to Council on 13 February 2018. Concerns were raised by Council regarding the car parking arrangement at the ground floor. The applicant sought to answer those concerns in the planning application documents.

#### **2.1.2 Request for Further Information**

Following a preliminary review of the application, Council issued a Request for Further Information (RFI) on 10 April 2018 seeking the payment of outstanding fees and additional details on drawings.

The permit applicant submitted an amended set of drawings in response to Council's RFI on 24 April 2018.

#### **2.1.3 Post-Advertising Consultation**

A copy of objections received during the formal notice period, in addition to final feedback from Council's Civil and Waste Engineer were provided to the permit applicant on 10 and 23 May 2018.

The permit applicant provided a formal response to the abovementioned objections which was circulated for further comment on 28 May 2018.

## **2.2 Planning Scheme Amendments**

### **2.2.1 Amendment VC136**

Amendment VC136 was gazetted into the Scheme on 13 April 2017 and (among other things) implemented introduced state-wide planning requirements for apartment developments via the Better Apartment Design Standards.

The key changes included modifications to a majority of residential, commercial and special purpose zones, repealing of Clause 52.35, and introduction of new standards for apartment developments at Clauses 55 and 58.

It is noted that the current proposal does not meet the definition of 'apartment' at Clause 72, being less than five (5) storeys and is therefore not subject to the requirements of Clause 58.

### **2.2.2 Amendment C258**

Amendment C258 seeks to implement the recommendations of the '*Heritage Policies Review 2018*' and the '*West Melbourne Heritage Review 2016*'. Amendment C258 proposes to revise the local heritage planning policies, incorporate new heritage statements of significance (including the identification of 20 new heritage places), and replace the A to D grading system with the significant/contributory/non-contributory grading system.

Amendment C258 was exhibited from 30 March to 12 April. The matter is likely to be referred to a Panel to ventilate the issues raised in any submissions received.

Under the amendment, the existing building at 138-140 Stanley Street is to be nominated as 'significant'.

It is noted that the subject site is listed in the Schedule to the Heritage Overlay under HO471 and in the current Heritage Places Inventory (March 2018), however it is not included in the Heritage Overlay Map.

The exhibited Heritage Overlay mapping under Amendment C258 does not propose to include this property in the Heritage Overlay.

### **2.2.3 West Melbourne Structure Plan**

The draft West Melbourne Structure Plan was endorsed for community and stakeholder consultation at the Future Melbourne Committee on 4 July 2017. The draft plan was informed by two phases of engagement and a range of supporting background studies.

The feedback that was received has helped to finalise the West Melbourne Structure Plan, which will guide the future growth and character of the area.

It is anticipated that the structure plan process will inform a new raft of policy and controls for the area.

### 3 PROPOSAL

#### 3.1 Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 1 below:

Table 1: Plans / Reports considered in assessment		
Plan / Report Title	Drawing/ Report Author	Drawing/Report Date
Planning Permit Application	Ratio Consultants	March 2018
Title Documentation	LANDATA	16 March 2018
Metropolitan Planning Levy (MPL)	State Revenue Office	13 May 2018
Town Planning Report	Ratio Consultants	March 2018
Architectural Plans	Baldasso Cortese	23 March 2018
Traffic Impact Assessment	Ratio Consultants	16 March 2018
Waste Management Plan	Ratio Consultants	April 2018

#### 3.2 Summary of proposed development

The Application seeks planning permission for the partial demolition and buildings and works for the construction of a four storey mixed used building, comprising of a ground level office (other than Medical Centre) and three dwellings above, and a reduction in the car parking requirement. Key details of the proposal are as follows;

- Retention of the existing façade and return walls to a depth of 4.055 metres, and rear wall. The roof will be removed and replaced for the construction of the new building.
- Alterations to the front façade to lower the window sills to achieve pedestrian access to the building on the southern-most opening while maintaining the symmetry of the façade.
- Restoration works to the façade, including removal of paintwork.
- A four storey form including;
  - Construction to the north-eastern and south-western boundaries
  - Setback of the first floor between 3.69 and 3.945 metres behind the façade
  - A varied setback at the rear, with a courtyard provided at the ground floor
  - Saw-tooth roof form
- Vehicular access via the existing centrally located crossover. A turntable will assist access to a double car stacker arrangement providing parking for five cars.



### 3.3 Key excerpt from development plans



## 4 STATUTORY CONTROLS

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

Table 2: Planning Permit Requirements	
Clause	Permit Trigger
Clause 32.04 Mixed Use Zone	<p><u><i>Change of Use – No Permit Required</i></u></p> <p>Pursuant to Clause 32.04, a dwelling (other than bed and breakfast) is a Section 1, as of right, use.</p> <p>An office (other than medical centre) is also a Section 1 Use provided the leasable floor area does not exceed 250 square metres.</p> <p>The proposed office space has a total leasable floor area of 242 square metres and as such, does not require a planning permit.</p> <p><u><i>Demolition – No Permit Required</i></u></p> <p>Pursuant to Clause 62.05, a permit is not required for the demolition of a building or works unless a permit is specifically required for demolition or removal.</p> <p>Clause 32.04 does not specifically state that a planning permit is required. As such, no planning permit is required for the proposed demolition under the Zone.</p> <p><u><i>Buildings and Works –Permit Required</i></u></p> <p>Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot.</p> <p>A development must meet the requirements of Clause 55.</p>



<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 29 - West Melbourne</p>	<p><u>Change of Use – Not Applicable</u></p> <p><u>Demolition – No Permit Required</u></p> <p>Pursuant to Clause 62.05, a permit is not required for the demolition of a building or works unless a permit is specifically required for demolition or removal.</p> <p>Clause 43.02 and the associated schedule do not specifically state that a planning permit is required. As such, no planning permit is required for the proposed demolition under the Zone.</p> <p><u>Buildings and Works – <b>Permit Required</b></u></p> <p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works unless the schedule to the overlay specifically states that a permit is not required.</p> <p>Schedule 29 does not state that a permit is not required, and applies a discretionary maximum building height of 4 stories.</p> <p>An application to exceed the maximum building height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of the Schedule. The built form outcomes include:</p> <ul style="list-style-type: none"> <li>• Higher buildings and new built form character</li> <li>• Development reflects the higher buildings forms in the area</li> <li>• Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.</li> </ul>
<p>Clause 52.06</p> <p>Car Parking</p>	<p><u>Change of Use – <b>Permit Required</b></u></p> <p>Pursuant to Clause 52.06, a permit is required to reduce (including reduce to zero) the number of car parking spaces required.</p> <p>In this instance, the proposal to construct a 242sqm office space and three dwellings generates a car parking requirement of 12 spaces.</p> <p>The application seeks to provide a total of five car parking spaces, therefore requiring a waiver of 7 spaces.</p> <p><u>Demolition – Not Applicable</u></p> <p><u>Buildings and Works – Not Applicable</u></p>

## 5 STRATEGIC FRAMEWORK

### 5.1 State Planning Policy Framework (SPPF)

- Clause 11 (Settlement)
  - *Clause 11.06 (Metropolitan Melbourne) seeks to create a city structure that drives productivity, attracts investment, supports innovation and creates job.*
- Clause 15 (Built Environment and Heritage)
  - *Clause 15.01 (Urban environment) seeks to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

- *Clause 15.03-1 (Heritage Conservation) seeks to ensure the conservation of places of heritage significance.*
- Clause 17 (Economic Development) seeks to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.
- Clause 19 (Infrastructure) seeks for planning to be for the development of social and physical infrastructure which is provided in a way that is efficient, equitable, accessible and timely.

## **5.2 Local Planning Policy Framework (Municipal Strategic Statement)**

The City of Melbourne's Municipal Strategic Statement, listed at Clause 21 sets out the vision, objectives and strategies for managing land use change and development in the City of Melbourne. It provides the basis for the application of local policies, zones, overlays and other provision in the Melbourne Planning Scheme.

The objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.

- Clause 21.16-5 (North and West Melbourne) seeks to encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.
- Clause 22.17 (Urban Design Outside of the Capital City Zone) seeks to ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.
- Clause 22.19 (Energy, Water and Waste Efficiency) seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases.
- Clause 22.23 (Stormwater Management – Water Sensitive Urban Design) seeks to promote the use of water sensitive urban design.

## **6 ZONE**

The subject site is located within the Mixed Use Zone (MUZ). This zone seeks to:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

## **7 OVERLAY**

The subject site is affected by the Design and Development Overlay – Schedule 29. This overlay seeks to:

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

## **8 PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

- Clause 52.06 (Car Parking) which seeks to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport.
- Clause 55 (Two or More Dwellings on a Lot) seeks to achieve residential development that provides reasonable standards of amenity for existing and new residents.

## **9 GENERAL PROVISIONS**

The following general provision applies to the application:

- 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 one notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

A signed statutory declaration confirming that the permit applicant had erected the public notice signs in accordance with Council's requirements was returned on 23 May 2018.

## **11 OBJECTIONS**

A total of eight objections were received.

### **11.1 Summary of objector concerns**

- Overlooking
- Setbacks
- Daylight/ventilation
- Solar Access
- General Noise
- Noise and Dust from Construction

- Traffic
- Views
- Property Values

## 12 CONSULTATION

A copy of the objections received in respect of the application at the conclusion of the formal notice period was forwarded to the applicant for their consideration and response.

The applicant provided a formal written response to the concerns raised which was circulated to the objectors for comment on 28 May 2018.

No withdrawals were made.

## 13 REFERRALS

### 13.1 Internal

The application was referred internally to Council's Engineering Team and Heritage Advisor who provided the following comments:

#### **Traffic Engineering;**

##### Car Parking and Access

The Melbourne Planning Scheme (MPS) requires the provision of 12 spaces (*4 resident and 8 staff spaces*). Given that it is proposed to provide 5 spaces (*4 resident and 1 staff spaces*), a waiver is sought for 7 spaces (*for staff*).

A survey conducted on:

- Thursday 15/2/2018 has revealed daytime occupancies of 62-85% (lower in the evening), peaking at 85% at 1pm with 380 of the total of 448 spaces occupied; and
- Saturday 15/2/2018, has revealed occupancies of 58-77%, peaking at 77% at 11am with 346 of the total of 448 spaces occupied.

Engineering Services has no objection to the proposed parking provision, due to the following considerations:

- Sufficient parking being provided for residents;
- Good public transport provisions in the area;
- The residents/visitors of this development will not be eligible to receive resident parking permits and will not be exempt from any on-street parking restrictions;
- The visitors will either need to rely on sustainable transport modes, including walking, public transport, cycling and motorcycling, or to park on-street in compliance with the applicable parking restrictions;
- Given the short/medium-term parking restrictions in the surrounding streets, there will be limited opportunity for the residents with more cars than parking spaces allocated to them to park on-street; and
- The office workers with no allocated parking will either need to rely on sustainable transport modes or park in the commercial off-street car parks.

A note should be placed on the planning permit, stating: *"Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and*

*parking needs of this development. However, new parking restrictions may be introduced in the surrounding area if considered appropriate by Council. As per Council's policy, new developments in this area that increase residential density are not entitled to resident parking permits. Therefore, the residents/visitors/staff of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions".*

The design/operation of the car stacker should be in accordance with the MPS and/or AS/NZS 2890.1:2004 (AS).

In order to ensure that vehicles entering the site do not stop on the footpath and obstruct pedestrians/traffic while waiting for the garage entry doors to open, the doors should be left open during peak periods and closed off-peak\*\*.

The site is expected to generate 2 veh during both the AM and PM peak hours (*1 inbound and 1 outbound*). While these volumes are low, if an outbound car is exiting the site, an inbound car would have to wait on street and possibly reverse to clear the path for the outbound car, which is unacceptable. It is requested that an alternative layout be designed involving the provision of 2-way access, to enable inbound car to enter without disrupting the egress path of the outbound car. Alternatively, all of the spaces should be allocated to residents, which would decrease the likelihood of conflict between the inbound/outbound cars (*as the vast majority of residents are likely to exit the site in the morning and enter in the afternoon, as well as resident spaces having lower traffic generation than office spaces*).

As the pedestrian visibility splays of 2.0x2.5m have not been provided at the exit from the car park in accordance with MPS/AS, a signalling system should be provided to alert pedestrians of exiting vehicles and vice-versa, as well as other safety measures to further enhance the safety of pedestrians\*\*.

#### Bicycle and Motorcycle Parking

The proposed provision of 4 bicycle spaces (in excess of the MPS requirement for 1 space) is supported. The design/dimensions of bicycle parking should comply with the relevant Australian Standards and/or Bicycle Network guidelines. Some motorcycle parking could also be provided, if possible, to encourage this sustainable mode of transport.

#### **Civil Engineering;**

Civil Engineering did not object to the proposal and provided standard comments regarding drainage, vehicle access, footpaths, street levels and street lighting.

#### **Waste Services;**

"We have reviewed the WMP for this proposed development and found it to be **acceptable**".

#### Waste Condition:

The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by ratio: dated 18<sup>th</sup> April 2018.

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

## **Heritage;**

*"The proposal is not supported in its current form.*

*The proposal would make major changes to the fabric of the building and would result in a diminution of significance. It would not be consistent with the Objective and Strategies for Heritage in the MSS as noted above.*

*Matters of concern and recommendations for amendment:*

- > Alteration to the original steel framed windows will reduce intactness and diminish integrity. With a small increase in the depth of the 'Carpark' area (with turntable) there would appear to be space available for the access to the Residence via the existing central entrance. This would enable the retention of the existing steel framed western window.*
- > Retention of the existing steel framed eastern window would not affect the development.*
- > No portion of the roof is proposed to be retained. The three-dimensional volume of the "significant" factory from 1927 would be lost. Retention at least up to the existing light well (approx. 5.73 metres in depth) from the front façade is recommended.*
- > Retention a portion of the saw-tooth roof form would enable better interpretation of significance as a factory. At the south end, this would present some difficulties for redevelopment given the current configuration; however retention of the northern section above the proposed courtyard may be achievable. Openable glazing could be incorporated into the retained roof.*
- > Assessment of the prominence of the 4 storey addition would be assisted by provision of a sight line taken from the opposite side of the street at 1.7m eye height. It is anticipated that an increase in setback of the addition would assist in achieving the Objective for heritage at Clause 21.06 to enhance this identified heritage place, and in retaining the "visual prominence of heritage building" as indicated in the MSS Heritage Strategy 1.3. An increase in setback to align with the existing light well is recommended.*
- > Modification to roof form. Reconfiguring the roof form to slope from a low point at the south to a high point at the north would decrease the apparent bulk and the height perceived within Stanley Street".*

## **Urban Design;**

The application was referred to Council's Urban Design Department who were generally supportive of the proposal, noting the good level of internal amenity to the apartments. Concern was raised in regards to the activation of the street at the ground floor level. A suggestion was posed that a retail tenancy be incorporated into the frontage of the site, with the removal of the car parking facility.

## **13.2 External**

The application was not required to be referred externally.



## 14 ASSESSMENT

The Application seeks planning permission for the partial demolition and buildings and works for the construction of a four storey mixed used building, comprising of a ground level office (other than Medical Centre) and three dwellings above, and a reduction in the car parking requirement. The key issues for consideration in the assessment of this application include the following:

- Whether demolition of the existing building will adversely affect the heritage significance of the North and West Melbourne Precinct;
- Whether the proposed building complies with the maximum building height and achieves the design objectives and built form outcomes of DDO29;
- Whether the proposed building provides for the equitable development of adjacent buildings;
- Whether the proposed building provides a good level of internal and external amenity for current and future residents;
- Whether the proposed parking provision and layout is acceptable;
- Whether the proposed building demonstrates environmentally sustainable design;
- Whether the proposal addresses potential contaminated land; and
- Other issues raised by the objectors.

### 14.1 Does the proposal adversely impact the heritage significance of the place?

The application seeks to partially demolish the existing building on site to accommodate the proposed development.

Amendment C258 seeks to implement the recommendations of the '*Heritage Policies Review 2018*' and the '*West Melbourne Heritage Review 2016*'. Amendment C258 proposes to revise the local heritage planning policies, incorporate new heritage statements of significance (including the identification of 20 new heritage places), and replace the A to D grading system with the significant/contributory/non-contributory grading system.

Amendment C258 was exhibited from 30 March to 12 April. The matter is likely to be referred to a Panel to ventilate the issues raised in any submissions received.

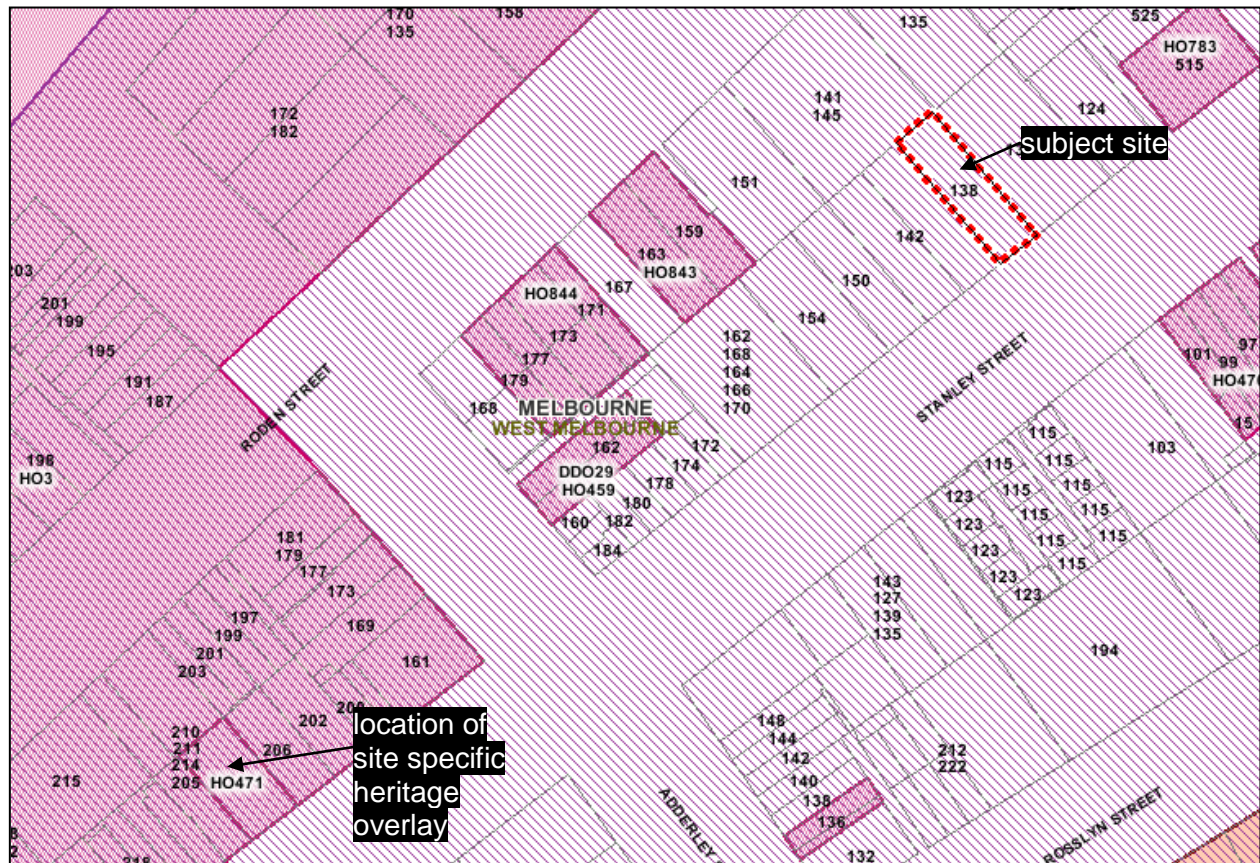
The *West Melbourne Heritage Review 2017* identifies the existing building at 138-140 Stanley Street as 'significant'.

In the study, a 'significant' building is defined as follows:

*'A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A 'significant' heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a 'significant' heritage place can make an important contribution to the precinct'.*

It is noted, as mentioned above in Section 2.2.2 of this report, the subject site whilst listed in the Schedule to the Heritage Overlay under HO471, is not included in the Heritage Overlay Map as shown in Figure 3 below; noting that the site specific heritage overlay (471) has been incorrectly applied to the site at 210 Spencer Street, West Melbourne.

**Figure 3: Heritage Mapping**



The exhibited Heritage Overlay mapping under Amendment C258 does not propose to include this property in the Heritage Overlay.

The subject site is therefore neither currently protected by a Heritage Overlay, nor proposed to be protected by a new Heritage Overlay under any exhibited Heritage Overlay map forming part of a Planning Scheme.

As such, and despite the unfortunate circumstances, the planning permit application can only be assessed against the planning controls affecting a given property at the time of the decision.

Despite the above, comment has been obtained from Council's Heritage Advisor regarding the proposal. Whilst not supportive of the proposal given the extent of demolition of original heritage fabric, primarily the existing roof and steel framed windows fronting Stanley Street, however understood that there was development potential for the site.

It is appreciated, that given the circumstances, the proposal has sought to retain the front façade and a portion of the return wing walls, to retain the presence of the building within the wider heritage streetscape and North Melbourne precinct.

Subject to conditions regarding details of the steel structure required to support the existing façade, the proposal is considered to be an acceptable outcome, retaining a large portion of the visible component of the existing warehouse.

#### **14.2 Does the proposal achieve an appropriate built form outcome?**

The site is located within Schedule 29 to the Design and Development Overlay (DDO29), which has a discretionary maximum building height of 4 storeys.

DDO29 states that an application which seeks to exceed the maximum building height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.

It is noted that the proposal seeks to construct a four storey mixed use development, which therefore complies with the maximum height control prescribed in the schedule. Despite this, an assessment against the design objectives and built form outcomes of Clauses 22.17 and 43.02 – Schedule 29 is provided below;

Clause 22.17 (Urban Design outside the Capital City Zone) seeks to ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area. In particular, it is policy that in areas where the desire for built form change has been identified, the scale of new development is encouraged to respond to the scale of the emerging preferred built form.

The proposed built form has adopted the four-storey form consistent with the design objectives and preferred built form outcomes of DDO29. This also achieves consistency with the policy direction of Clause 22.17, where the height of the new development is encouraged to respond to the emerging preferred new built form character.

The subject site is located in West Melbourne, which predominantly features a diverse mix of housing, warehouses and businesses. In line with the West Melbourne Structure Plan, the area is experiencing a new pattern of development emerging, with many four to six storey mixed use developments completed and currently under construction.

***Figure 4: Emerging Built Form Character in Surrounding Area (2018)***





Of particular relevance, are the developments to the rear of the site at 141-149 and 135-137 Roden Street, which are built to five storeys with recessed upper levels.

The building's façade, as mentioned previously, is to be retained, with the upper levels setback in the order of 3.2 – 4.4 metres. These varied setbacks to the upper levels will allow the retained building fabric to be view as connected yet distinct from the new built form.

The proposed development at the subject site will be constructed to the north-eastern and south-western boundaries for the four levels. Based on the established and emerging development pattern in the surrounding area, this appropriately considered the equitable development potential of the adjacent sites, which is discussed in further detail below.

### **14.3 Equitable Development**

In areas where redevelopment is occurring it is important that designs allow for the equitable development of adjoining sites. Equitable development is advocated in the policy framework of the Scheme and there is a raft of case law which provides further commentary. A guiding decision is that of *52 Park Street Pty Ltd v Port Phillip CC [2013] VCAT 2199* where the Tribunal commented:

*I agree with the starting point expressed by Ms Brennan that each site in a development precinct with identical planning controls should have an equitable opportunity to realise its development potential. However I do not agree that this will result in equality across all sites. That is because very few sites have an equal development potential to begin with. In the case of the review site, its narrow width of 7.3 metres, combined with a need to provide for equitable development of adjoining sites, is a very real factor limiting its potential for development. At the very least it limits the potential for the review site to be developed to an equal height, or an equal density, of those adjoining properties which are much larger in land area. I am not persuaded that even if this site was the first developed in this precinct, that it could be developed to 12 storeys in height in a manner that proves equitable for the adjoining properties.*

Allowing for equitable development ultimately needs to be balanced against retaining adequate on-site and internal amenity (discussed below) – the matters are intrinsically linked.

The two (2) likely redevelopment opportunities are the sites at 130-136 and 142 Stanley Street.

In the case of the existing neighbouring properties, the interface to the rear (north) of the site has been loaded with a number of single aspect apartments that are reliant on this orientation for their sole daylight and outlook. A setback of 3.5 – 3.9 metres is proposed to provide ongoing amenity.

The proposed building does not rely on borrowed amenity and will allow the adjoining sites to be equally developed.

### **14.4 Does the proposal result in any unreasonable amenity impacts?**

To assess the reasonableness of the off-site amenity impacts, one must first gain an appreciation for the site's sensitive interfaces.

Many of the neighbouring structures present a wall on boundary to the Subject Site with the exception of the apartments that adjoin the site to the rear (north) at 145 Roden Street, West Melbourne.

#### **14.4.1 Street setback**

Clause 55.03-1 seeks to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Generally, walls of buildings should be set back from streets at least the distance in a schedule to the zone, or if no distance is specified in a schedule to the zone, the distance specified in Table B1.

Clause 32.04 (Mixed Use Zone) does not specify a preferred setback. As there is an existing building on both abutting allotments facing the same street, and the site is not on a corner, the minimum setback from the front street should be the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.

The proposal seeks to retain the existing façade, thereby adopting a zero lot setback. This is considered to be consistent with the development properties and the streetscape of Stanley Street and is supported.

#### **14.4.2 Site coverage**

Clauses 55.03-3 seeks to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8 states that the site area covered by buildings should not exceed the maximum site coverage specified in a schedule to the zone, or if no maximum site coverage is specified in a schedule to the zone, 60 per cent.

As Clause 32.08 does not specify a maximum site coverage, the site coverage should not exceed 60 per cent.

In this instance, the proposed site coverage is greater than 60 per cent (81%). However, despite the exceedance, is considered to be an appropriate design response for the location as it is typical of the surrounding development pattern of neighbouring properties that have complete or extensive ground level site coverage.

It is noted that the existing building features 96 per cent site coverage. The proposal to include a rear ground level courtyard is considered to be a welcomed response, improving the current site condition.

#### **14.4.3 Permeability**

Clause 55.03-4 seeks to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration.

Generally, the site area covered by the pervious surfaces should be at least the minimum area specified in a schedule to the zone, or if no minimum is specified in a schedule to the zone, 20 per cent of the site.

Given Clause 32.08 does not provide a minimum area, the site should provide for 20 per cent of pervious surface areas. In this instance it is unclear whether the proposal seeks to provide pervious surfaces within the proposed rear courtyard.

Given the existing site condition features 0 per cent pervious surfaces, should a planning permit be issued, a condition will be included on the planning permit requesting that a pervious surface be used to treat the rear courtyard. By doing so, the proposal will provide for a potential 19% pervious surfaces.

#### 14.4.4 Side and rear setbacks

Clause 55.04-1 (Standard B17) seeks to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries;

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Table 3: Side and Rear Setbacks – Clause 55 Compliance				
Elevation	Wall Height	Required Setback	Proposed Setback	Compliance
<b>First Floor (above ground)</b>				
North	7.6m	2.69m	3.9m	Complies
West	N/A	N/A	N/A	N/A
East	N/A	N/A	N/A	N/A
<b>Second Floor</b>				
North	10.8m	5.89m	3.7-3.9m	Variation Required
West	N/A	N/A	N/A	N/A
East	10.8	5.89	4.9m	Variation Required
<b>Third Floor</b>				
North	14m	9.09m	3.5-3.9m	Variation Required
West	N/A	N/A	N/A	N/A
East	14m	9.09m	4.9m	Variation Required

The proposal is compliant with the Standard at the first floor northern elevation. As seen in Table 3 above, variations to the standard are required at the second and third floor, north and eastern elevations.

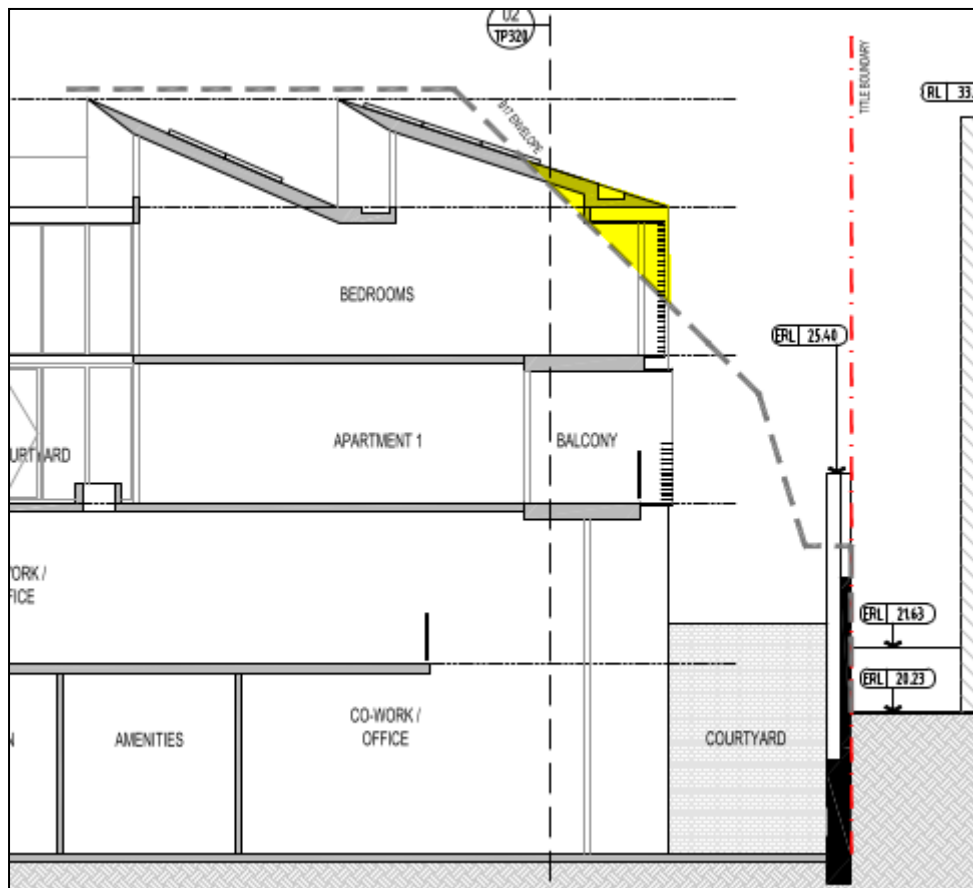
It is noted that the above table measures the wall height from the natural ground level (measured from the front of the site). As shown in Figure 5, the courtyard sits a considerable distance below the ground level of the neighbouring property to the rear. The applicants have provided a setback diagram measured from the ground level of the neighbouring site which demonstrates the minimal non-compliance with



the standard. It is considered that this variation to the standard is acceptable and will not result in any unreasonable detriment to the neighbouring property.

In addition, it is considered that the design response appropriately limits the presentation of the bulk of the built form through the placement of the balconies and the horizontal façade treatment.

**Figure 5: Side and Rear Setbacks (non-compliance highlighted)**



In regards to the 18 square metre light court located on the eastern boundary, whilst not compliant, is considered to result in a reasonable level of amenity whilst allowing for the equitable development of the neighbouring site.

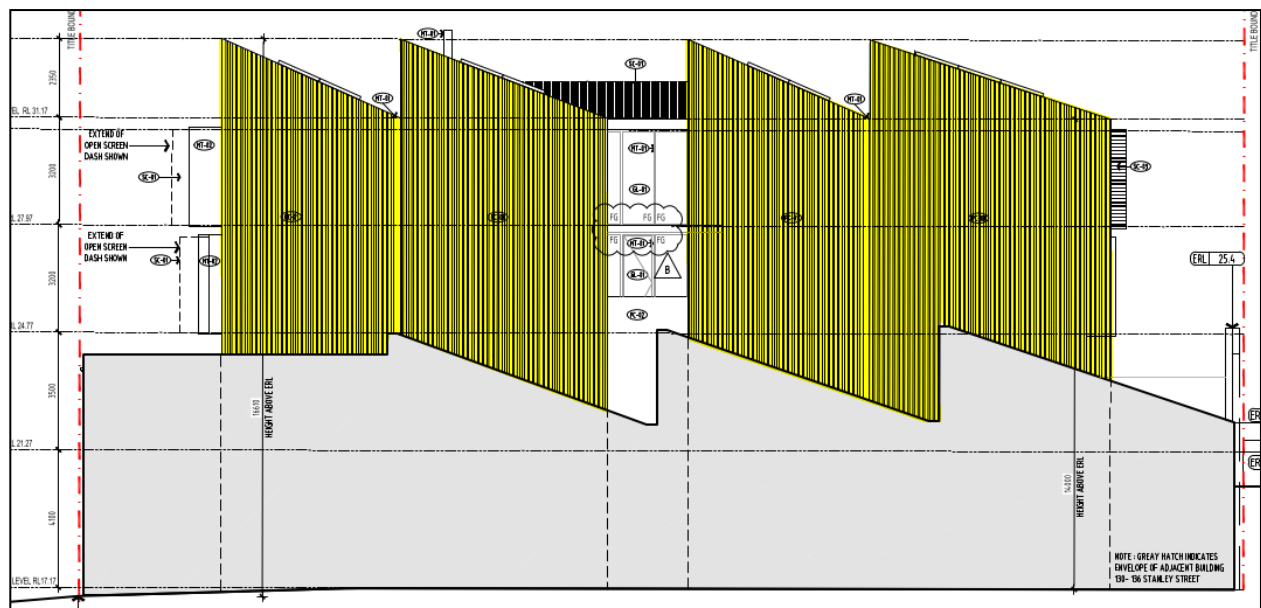
#### **14.4.5 Walls on boundaries**

Clause 55.04-2 (Walls on Boundaries) seeks to ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. In general, a new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side of rear boundary of a lot should not abut the boundary:

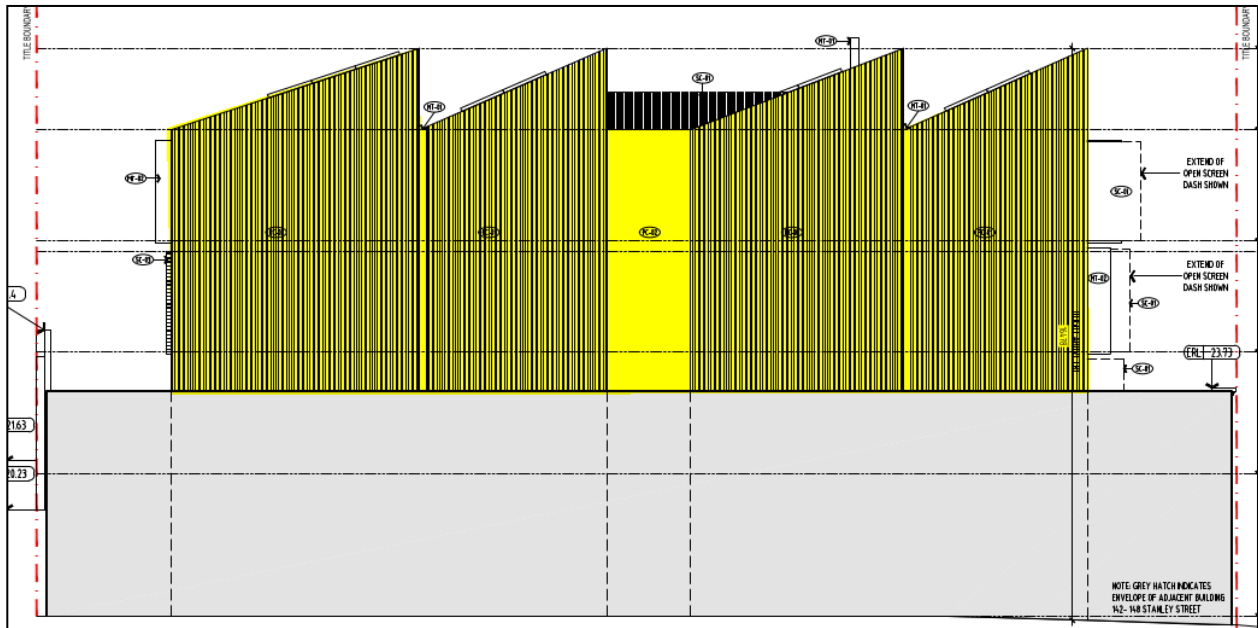
- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than

- The site, which has a total length of 34.3 metres, has an allowable length of walls on boundaries of 16.1 metres. As shown in Figure 6 and 7 below, the site seeks to retain the existing ground floor walls on boundary, and construct an additional three floors of walls on boundaries to the eastern and western boundaries resulting in a length of 24.07 and 26.47 metres respectively. Whilst in exceedance of the allowable length of 16.1 metres, the additional length of walls on boundary is considered to be appropriate, allowing for the equitable development of the neighbouring narrow sites, whilst providing an acceptable level of amenity internally and externally through the inclusion of an 18sqm light court.

**Figure 6: New Walls on Eastern Boundary (highlighted)**



**Figure 7: New Walls on Western Boundary (highlighted)**



#### 14.4.6 Overshadowing

Due to the orientation of the site, the proposed development does not result in any additional overshadowing of secluded private open space on the neighbouring properties, in particular the balconies on the eastern elevation of 141 Roden Street, West Melbourne.

#### 14.4.7 Overlooking

Clause 55.04-6 seeks to limit views into existing secluded private open space and habitable room windows. It is noted that overlooking treatments have been applied to the windows at the north-west facing second and third storey windows where overlooking potential was identified.

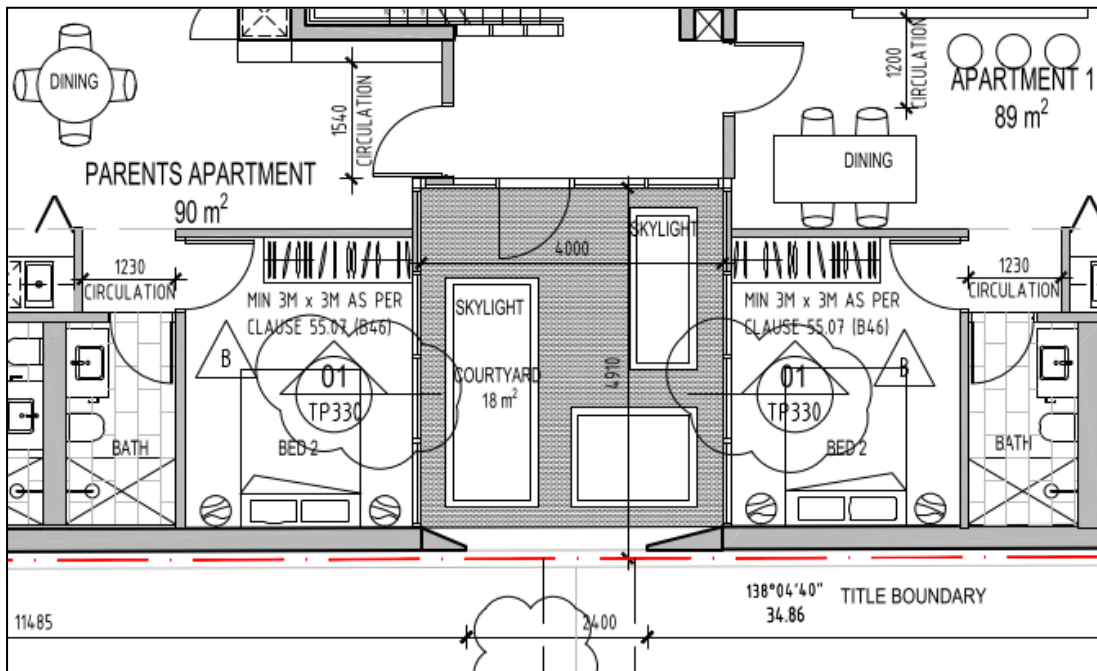
As demonstrated in the application documents, fixed horizontal louvres, powder coated in a charcoal colour, will be applied where overlooking is possible. However, given the concern raised by objectors should a planning permit be issued, a condition will be included requesting further detail regarding the screening devices, including overlooking diagrams to ensure that the proposed screening is compliant with the standard.

### 14.5 Does the proposal provide adequate on-site amenity?

#### 14.5.1 Internal views

Clause 55.04-7 seeks to limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within the development. As shown in Figure 8 below, due to the positioning of the light court, there is the potential for overlooking between 'Apartment 1' and 'Parents Apartment' bedrooms.

**Figure 8: Overlooking potential between Apartments**



The application proposes to install 'horizontal line decals to achieve maximum 25% transparency up to 1.7m' in accordance with the requirements of Clause 55.04-7. The abovementioned conditional requirement will also require further detail for this screening device.

#### 14.5.2 Solar access

Clause 55.07-3 seeks to allow solar access into communal outdoor open space. In general, the communal outdoor space should be located on the north side of a building, if appropriate.

The balconies for the dwellings are located on the north-western and south-eastern facades. The balcony for 'Apartment 1' is appropriately oriented to the north. The "Parents Apartment" on Level 2 and the "Main Residence" on Level 3 are located on the south-eastern elevation and will generally receive solar access in the morning period which is considered to be acceptable.

#### 14.5.3 Deep soil and canopy trees

Clause 55.07-04 seeks to promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Due to the intensive existing built form of the location, including the construction to the front and side boundaries, it does not allow for the incorporation of canopy trees into the proposal. It is noted that such planting is not a feature of private properties within the precinct and as such, a variation to the standard is considered acceptable.

## 14.6 Are the transport and access arrangements acceptable?

### 14.6.1 Car Parking

The proposed development creates the following statutory demand:

Table 4: Clause 52.06 Car Parking Statutory Requirement				
Use	Rate	No./ SQM	Required	Proposed
Dwelling (1 / 2 bed)	1 space / dwelling	2	2 spaces	2 spaces
Dwelling (3+ bed)	2 spaces / dwelling	3	2 spaces	2 spaces
Office	3.5 spaces/ 100sqm of net floor area	242sqm	8	1 space
Total			12 spaces	5 spaces

A waiver in the statutory requirement for the office space is required, totalling 7 spaces. A Car Parking Demand Assessment was provided in support of the application and reviewed by Council's Engineering Services Department.

The waiver sought is assessed as follows:

- The Subject Site is well located with direct access to the public transport network (110m to bus stop, 600m to tram stop and 750m to North Melbourne Train Station);
- The site benefits from proximate access to a range of activity centre offerings;
- The bicycle parking provision (discussed below) exceeds the statutory requirements of the Scheme and promotes sustainable transport modes; and
- There are car share options available within close proximity to the subject site.

Having balanced all relevant policy and the locational attributes of the site, a reduction of the visitor car parking to zero is acceptable.

It is noted that Council's Traffic Engineering Department requested an alternative layout be designed involving the provision of two-way access, to enable an inbound car to enter without disrupting the egress path of the outbound car. As the applicants do not wish to demolish the front façade further than what is proposed, this option is not considered to be feasible.

Traffic Engineering also offered an alternative option, which was to allocate all car parking spaces to residents, which would decrease the likelihood of conflict between the inbound/outbound cars. Following discussions with the applicant, who were supportive of the above change, it was determined that should a planning permit be issued, a condition could be included on the planning permit reallocating the spaces.

### 14.6.1 Bicycle Parking

The proposed development creates the following statutory demand:

Table 5: Clause 52.34 Bicycle Parking Statutory Requirement				
Use	Rate	No./SQM	Required	Proposed
Dwelling (resident)	1 to each 5 dwellings	3	1 space	4 spaces
Office	1 to each 300sqm if the net floor area exceeds 1000sqm	242sqm	0 spaces	

The proposal seeks to provide 4 spaces which is in exceedance of the statutory requirement and is therefore considered acceptable.

### 14.6.1 Waste

The applicant has provided a Waste Management Plan (WMP) with the application documentation. This was referred to Council's Waste Services Department and found to be acceptable.

Should a permit be issued, standard waste conditions would be included.

### 14.7 Does the proposed building demonstrate environmentally sustainable design?

Clause 22.19 (Energy, Water and Waste Efficiency) requires that residential developments up to 5,000m<sup>2</sup> gross floor area achieve 1 point for Wat-1 under the Green Building Council of Australia's *Green Star* or equivalent and prepare a waste management plan in accordance with Melbourne's *Guidelines for Waste Management Plans*. Should a planning permit be issued, a condition will be included requesting the submission of an Environmentally Sustain

Clause 22.23 (Stormwater Management) requires that new buildings incorporate water sensitive urban design to minimise stormwater flows and pollutants, and reuse urban water. Should a planning permit be issued, a condition will be included requesting the submission of a Water Sensitive Urban Design Report.

### 14.8 Does the proposal adequately address any potentially contaminated land?

The Subject Site is not encumbered by an Environmental Audit Overlay however its former industrial use makes it a potential candidate for contamination.

Council is obligated, by both the Act and the Scheme to turn its mind to the environmental aspects of the development of land which extends to contamination. The *General Practice Note – Potentially Contaminated Land (June 2005)* provides a basis for assessment.



The Applicant has not submitted a Preliminary Site Investigation report. Given the proposal to develop the site for a sensitive use (residential), should a planning permit be issued, conditions relating to potential site contamination will be included on the planning permit.

#### **14.9 Are there any other matters (raised by objectors or otherwise) that are relevant to the application?**

##### **14.9.1 Noise from construction**

Should a Planning Permit be granted pursuant to the *Planning and Environment Act 1987*, prior to any demolition or buildings and works commencing a Building Permit must also be obtained under the Building Act 1993.

The *Building Act 1993* sets out the obligations that must be met by a property owner who is seeking to carry out buildings and works to protect adjoining properties from potential damage, providing the appropriate legal framework for these types of disputes to be resolved.

##### **14.9.2 Potential loss of views**

There are no views of vistas protected by the Scheme. Importantly, there is no legal entitlement to a view, and while a view may contribute to the amenity of a dwelling, it is the amenity impact that must be considered rather than the loss of the view per se.

On balance, the proposed development maintains an acceptable sharing of available views for the adjoining properties.

The impact of the proposal on the neighbouring apartments has been discussed above.

##### **14.9.3 Impact on property values**

The impact of the proposal on property values is speculative and cannot be substantiated.

#### **14.10 Conclusion**

It is considered that the proposal is generally 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.

### **15 RECOMMENDATION**

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

1. Prior to the commencement of development (including demolition and excavation), two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received 23 March 2018 by Baldasso Cortese but amended to show:
  - a) Overlooking diagrams and details of the screening proposed.
  - b) Reallocation of car parking spaces to residents only.

- c) Inclusion of a signalling system at the Stanley Street vehicular opening to alert pedestrians of exiting vehicles.
- d) Details of the structural beams required to support the existing front façade.

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

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. 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.
4. Prior to the commencement of the use/occupation of the development, the existing vehicle crossing abutting the subject land in Stanley Street must be reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services
5. The footpath adjoining the site along Stanley Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
6. Existing street levels in Stanley Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
7. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
8. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
9. 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.
10. Prior to the commencement of the development, including demolition and excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:
  - a) Public safety, amenity and site security.
  - b) Operating hours, noise and vibration controls.
  - c) Air and dust management.
  - d) Stormwater and sediment control.
  - e) Waste and materials reuse.

- f) Traffic management.
  - g) Referral height for the helicopter flight path (DDO66).
11. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Ratio dated April 2018. The WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.
  12. The mechanical car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
  13. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
    - a) Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.
    - b) NABERS Office – Energy 5 Stars or equivalent.
    - c) A 5 star rating under a current version of Green Star - Office rating tool or equivalent.
    - d) A 5 star rating under a current version of Green Star - Retail Centre rating tool or equivalent
    - e) 5 points for Ene-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
    - f) A 5 star rating under a current version of Green Star - Education rating tool or equivalent.
    - g) A 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.
    - h) 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.
    - i) 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.
    - j) 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail Centre rating tool or equivalent.
    - k) 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
    - l) 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.
  14. Prior to the commencement of the use / development (excluding demolition), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The PEA should include:

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- b) A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the use / development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s). This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The CEA should include:

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

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

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

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- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or A Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the site is suitable for the intended use(s).
  - b) Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.
- 

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter

into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

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15. 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:**

- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Manager Engineering Services Branch.
- Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. However, new parking restrictions may be introduced in the surrounding area if considered appropriate by Council. As per Council's policy, new developments in this area that increase residential density are not entitled to resident parking permits. Therefore, the residents/visitors/staff of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

**16 DECISION**

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 21 June 2018.

No request for this application to be presented to the Future Melbourne Committee has been received from The Lord Mayor, Deputy Lord Mayor or a Councillor. The signature and date below confirm this recommendation as the Council's decision.



**Rachel Grounds**

Urban Planner

19 June 2018

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of 6 of Part 4 of the **Planning and Environment Act 1987**)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

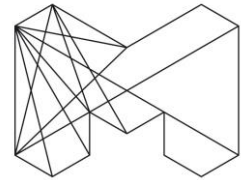
1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit, or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit, or
  - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of a permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPLICATIONS FOR REVIEW?

- The person who applied for the permit may apply for review against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.



# PLANNING PERMIT



**CITY OF MELBOURNE**

For further reference contact:

Rachel Grounds

Telephone: 03 9658 8678 Email: [planning@melbourne.vic.gov.au](mailto:planning@melbourne.vic.gov.au)

GPO Box 1603

Melbourne VIC 3001

**PERMIT NO.**

**TP-2018-300**

**PLANNING SCHEME**

Melbourne Planning Scheme

**RESPONSIBLE  
AUTHORITY**

Melbourne City Council

**ADDRESS OF THE LAND**

138-140 Stanley Street, WEST MELBOURNE VIC 3003

**THE PERMIT ALLOWS**

Buildings and works for the construction of a four storey mixed used building, comprising of a ground level office (other than Medical Centre) and three dwellings above, and a reduction in the car parking requirement in accordance with the endorsed plans.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. Prior to the commencement of development (including demolition and excavation), two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received 23 March 2018 by Baldasso Cortese but amended to show:
  - a) Overlooking diagrams and details of the screening proposed.
  - b) Reallocation of car parking spaces to residents only.
  - c) Inclusion of a signalling system at the Stanley Street vehicular opening to alert pedestrians of exiting vehicles.
  - d) Details of the structural beams required to support the existing front façade.

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

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. 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.
4. Prior to the commencement of the use/occupation of the development, the existing vehicle crossing abutting the subject land in Stanley Street must be reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services
5. The footpath adjoining the site along Stanley Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

**Date Issued: 2 August 2018**

**Signature of the Responsible Authority**

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

6. Existing street levels in Stanley Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
7. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
8. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
9. 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.
10. Prior to the commencement of the development, including demolition and excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:
  - a) Public safety, amenity and site security.
  - b) Operating hours, noise and vibration controls.
  - c) Air and dust management.
  - d) Stormwater and sediment control.
  - e) Waste and materials reuse.
  - f) Traffic management.
  - g) Referral height for the helicopter flight path (DDO66).
11. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Ratio dated April 2018. The WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.
12. The mechanical car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
13. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
  - a) Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.
  - b) NABERS Office – Energy 5 Stars or equivalent.
  - c) A 5 star rating under a current version of Green Star - Office rating tool or equivalent.
  - d) A 5 star rating under a current version of Green Star - Retail Centre rating tool or equivalent
  - e) 5 points for Ene-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
  - f) A 5 star rating under a current version of Green Star - Education rating tool or equivalent.
  - g) A 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.

**Date Issued: 2 August 2018**

**Signature of the Responsible Authority**



Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

- h) 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.
- i) 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.
- j) 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail Centre rating tool or equivalent.
- k) 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
- l) 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.

14. Prior to the commencement of the use / development (excluding demolition), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The PEA should include:

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- b) A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the use / development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s). This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The CEA should include:

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

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

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

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or A Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the site is suitable for the intended use(s).

**Date Issued: 2 August 2018**

**Signature of the Responsible Authority**



Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

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

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

15. 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:**

- a) All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Manager Engineering Services Branch.  
b) Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. However, new parking restrictions may be introduced in the surrounding area if considered appropriate by Council. As per Council's policy, new developments in this area that increase residential density are not entitled to resident parking permits. Therefore, the residents/visitors/staff of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

**Date Issued: 2 August 2018**

**Signature of the Responsible Authority**



Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.