

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

Planning Permit Application: TP-2018-88 164-184 Roden Street, West Melbourne

21 August 2018

Presenter: Evan Counsel, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning application seeking approval for partial demolition of the existing buildings, development of a mixed use building comprising shops and residential apartments, use of land for a shop with a leasable floor area exceeding 150m² and a reduction of the car parking requirements at 164-184 Roden Street, West Melbourne (refer Attachment 2, Locality Plan).
2. The applicant is Oliver Hume Corporation c/o Contour Consultants Australia Pty Ltd, the owner is Oliver Hume Property Funds (Roden Street) West Melbourne Pty Ltd and the architect is Rothe Lowman Property Pty Ltd.
3. The site is located within the Mixed Use Zone (MUZ) and is covered by Heritage Overlay (HO3) and Design and Development Overlay Schedule 29 (DDO29).
4. Public notice of the original submission and the Section 57A amended application has been given to the surrounding owners and occupiers and a total of 26 objections have been received.
5. The previous planning application (TP-2016-501) proposed a larger, eight storey building for this site. Following Council's determination to issue a Notice of Decision to Grant a Permit on 19 October 2016, both the applicant and objectors appealed Council's decision to the Victorian Civil and Administrative Tribunal (VCAT). On 28 August 2017 VCAT Tribunal directed that the application be refused, primarily for the following reasons:
 - 5.1. The impact of the height and appearance of the additions having regard to heritage and urban design considerations.
 - 5.2. The poor design of the shell apartments.
 - 5.3. Unacceptable car and bicycle parking.

Key issues

6. Key issues for consideration are heritage, neighbourhood character, amenity impacts, equitable development, internal amenity, retail uses, parking, loading, traffic, waste, environmentally sustainable design and potentially contaminated land.
7. The applicant has taken heed of the previous VCAT order relating to the site. The building height and number of storeys have reduced, the upper level setbacks have increased, the shell apartments have been deleted, retail units have been introduced, car and bicycle parking has increased, the interventions in the retained facades have been reduced and the restorations works have been enhanced.
8. The site is located within an area identified for built form change and the development is an acceptable response to design objectives and built form outcomes identified in DDO29. It provides a mixed use, multi storey development that respects the scale of and provides an appropriate transition to the adjoining heritage buildings and streetscapes.

Recommendation from management

9. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit, subject to the conditions outlined in the Delegate Report (Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 74)
2. Locality Plan (Page 3 of 74)
3. Plans (Page 4 of 74)
4. Delegate Report (Page 34 of 74)

Supporting Attachment

Legal

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

Finance

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

Conflict of interest

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

Stakeholder consultation

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

Relation to Council policy

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

Environmental sustainability

7. Conditions requiring an environmentally sustainable design statement and a water sensitive urban design response in accordance with Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management) are recommended.

Locality Plan

164-184 Roden Street, West Melbourne



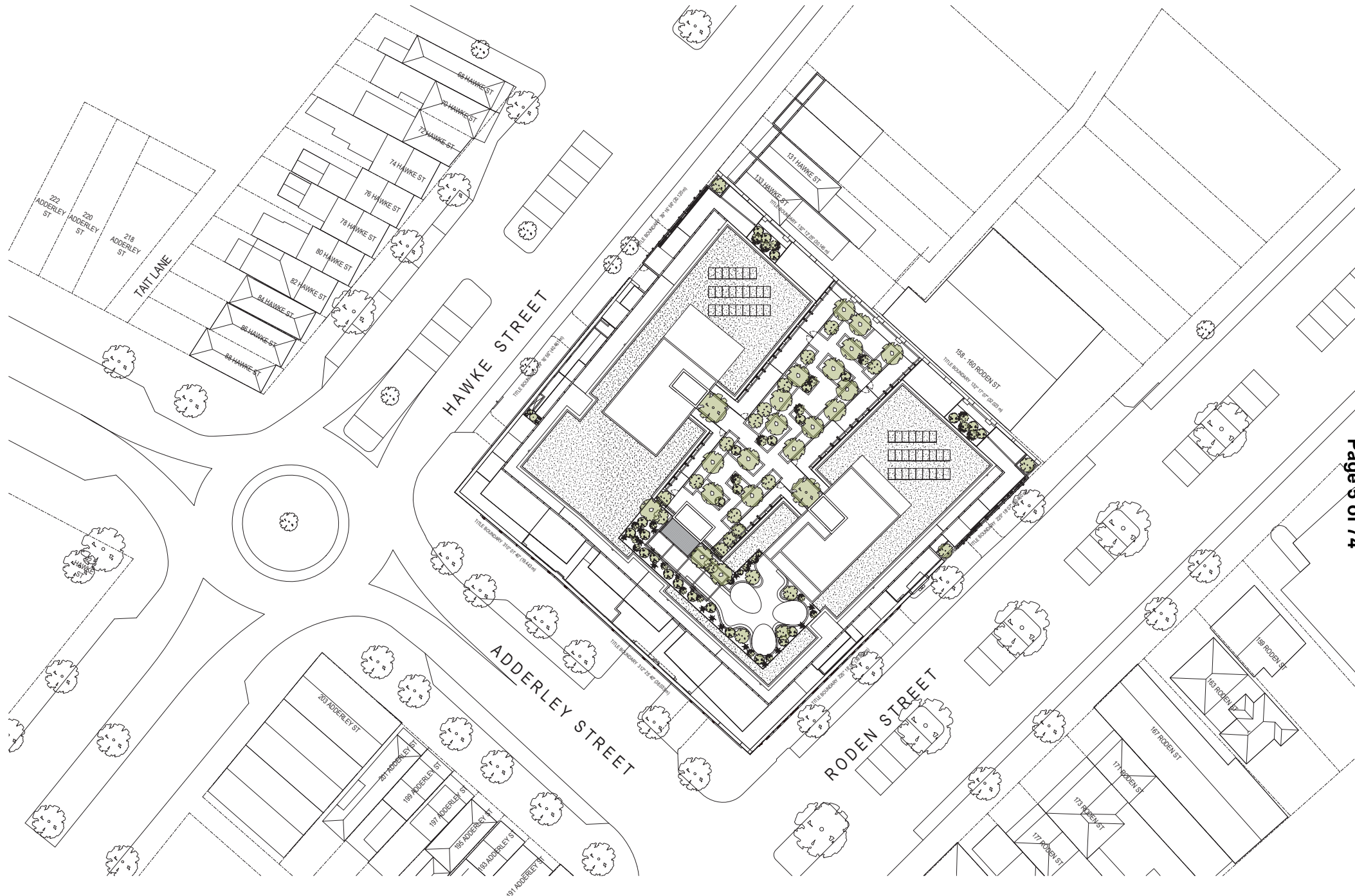
LEVEL	GFA (Excluding Terrace)	GFA Parking	NSA Residential	Residential Amenities	NLA Retail	Circulation & Services	Communal Terrace	Terrace POS	1 Bed	1 Bed + Study	2 Bed	2 Bed 2 Bath	3 Bed	Duplex	Totals
BASEMENT 2	2960.0 m²	2480.6 m²	0.0 m²	0.0 m²	0.0 m²	479.4 m²	0.0 m²	0.0 m²	0	0	0	0	0	0	0
BASEMENT 1	2960.0 m²	2520.2 m²	0.0 m²	0.0 m²	0.0 m²	439.7 m²	0.0 m²	0.0 m²	0	0	0	0	0	0	0
GROUND LEVEL	2558.8 m²	289.5 m²	950.4 m²	176.3 m²	396.3 m²	746.3 m²	434.8 m²	383.8 m²	2	2	2	5	0	3	14
LEVEL 1	1916.0 m²	0.0 m²	1472.5 m²	69.2 m²	0.0 m²	374.3 m²	0.0 m²	286.0 m²	4	2	3	10	0	1	20
LEVEL 2	2284.2 m²	0.0 m²	1948.0 m²	0.0 m²	0.0 m²	336.1 m²	0.0 m²	372.0 m²	7	3	5	13	0	0	28
LEVEL 3	2325.1 m²	0.0 m²	1988.6 m²	0.0 m²	0.0 m²	336.5 m²	0.0 m²	295.3 m²	7	3	3	16	0	0	29
LEVEL 4	2220.7 m²	0.0 m²	1902.7 m²	0.0 m²	0.0 m²	317.9 m²	0.0 m²	332.6 m²	4	0	5	17	0	0	26
LEVEL 5	1884.6 m²	0.0 m²	1616.2 m²	0.0 m²	0.0 m²	268.4 m²	0.0 m²	398.8 m²	7	4	0	13	0	0	24
LEVEL 6	1650.9 m²	0.0 m²	1382.0 m²	0.0 m²	0.0 m²	268.9 m²	0.0 m²	407.8 m²	2	0	0	6	8	0	16
ROOF	366.0 m²	0.0 m²	0.0 m²	19.5 m²	0.0 m²	346.5 m²	246.1 m²	0.0 m²	0	0	0	0	0	0	0
	21126.1 m²	5290.3 m²	11260.6 m²	264.9 m²	396.3 m²	3914.0 m²	681.0 m²	2476.4 m²	33	14	18	80	8	4	157

*For preliminary feasibility purposes. Areas are not to be used for purpose of lease or sale agreements. Layouts may not comply with building regulations or other regulatory requirements. The information contained in this schedule is believed to be correct at the time of printing. Areas are generally measured in accordance with the Property Council of Australia Method of Measurement.

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APARTMENT MIX						Total
1 Bed	1 Bed + Study	2 Bed	2 Bed 2 Bath	3 Bed	Duplex	
21.0%	8.9%	11.5%	51.0%	5.1%	2.5%	100%

Level	CARPARKS				Motorbike/ Scooter Park	Bicycle Parks	Stores
	Residential	Visitor	Retail	Total			
BASEMENT 2	83	0	0	83	2	0	82
BASEMENT 1	70	13	3	86	2	0	38
GROUND LEVEL	0	0	0	0	0	121	0
LEVEL 1	0	0	0	0	0	0	15
LEVEL 2	0	0	0	0	0	0	8
LEVEL 3	0	0	0	0	0	0	8
LEVEL 4	0	0	0	0	0	0	8
	153	13	3	169	4	121	159



Revisions / 17.01.18 Town Planning Issue DB
A 29.06.18 Revised Town Planning Issue DB

Project / 164 - 184 Roden Street Drawing / Site Plan

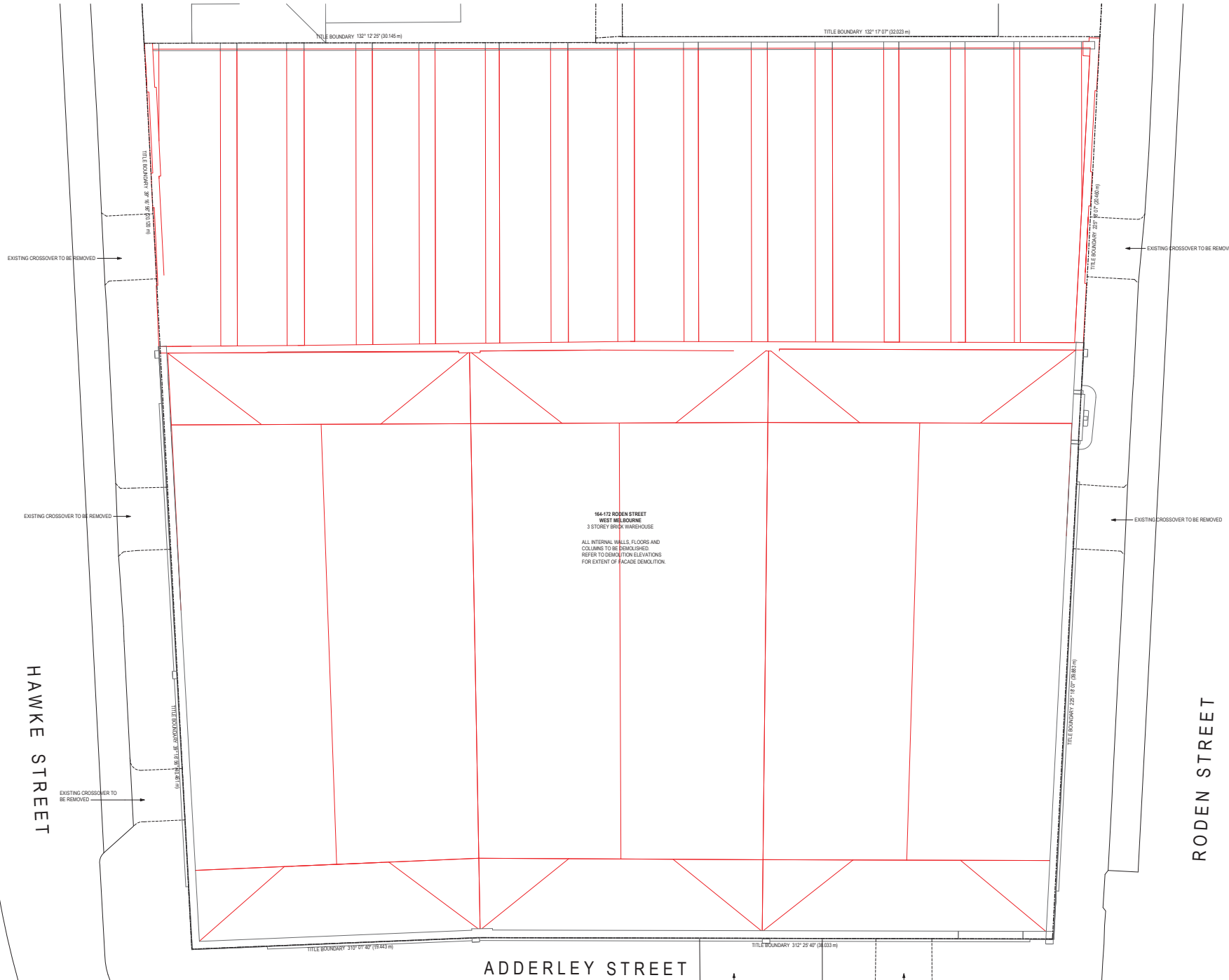
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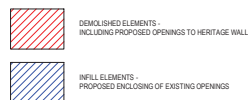
Project / **164 - 184 Roden Street** Drawing / **Demolition Plan** Project No / **217135** Date / **17/01/18** Author / **SB** Scale: @ A / **1 : 125** Drawing No. / **TP0.02 A**

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Project / 164 - 184 Roden Street

Drawing / Demolition Elevation -
Hawke St

Project No / 217135

Date / 17/01/18

Author / LA

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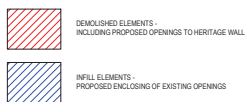
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Project / 164 - 184 Roden Street

Drawing / Demolition Elevation -
 Adderley St

Project No / 217135

Date / 17/01/18

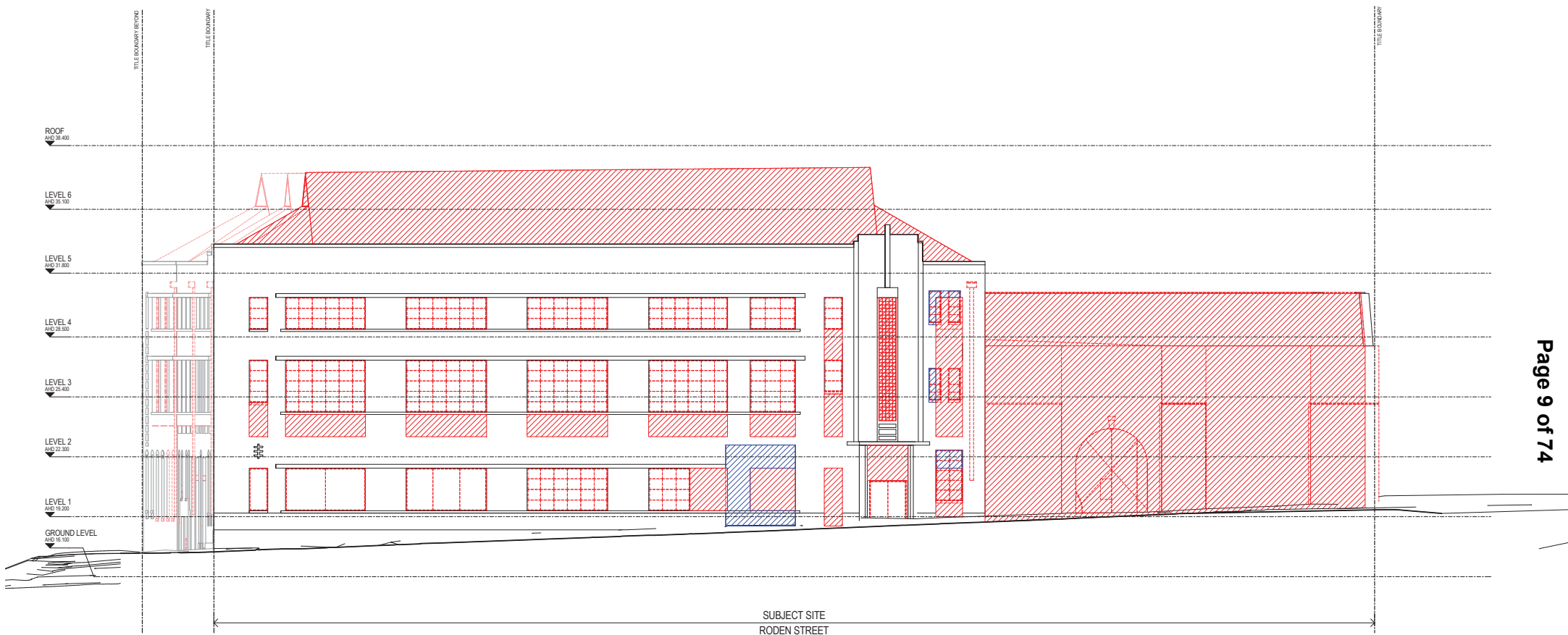
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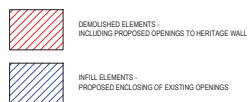
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Drawing / Demolition Elevation - Roden St

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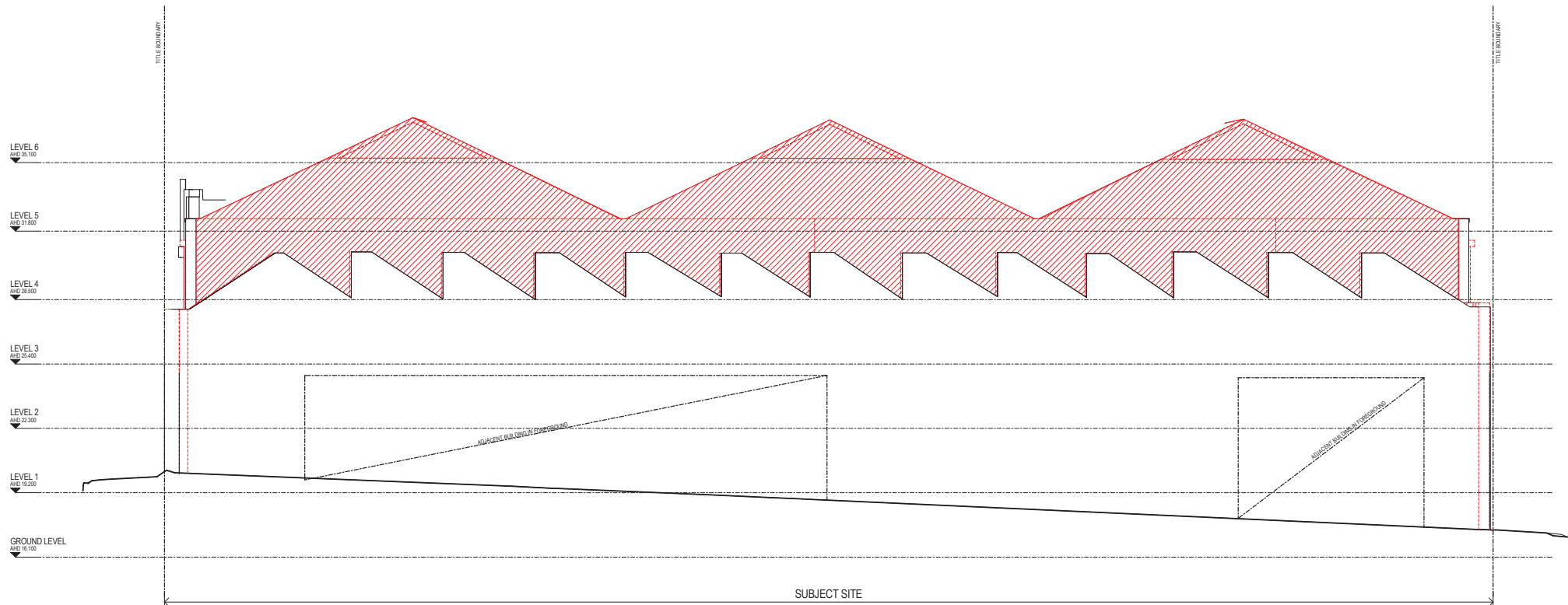
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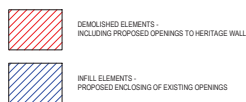
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Project **164 - 184 Roden Street**

Drawing **Demolition Elevation - North East Boundary**

Project No **217135**

Date **17/01/18**

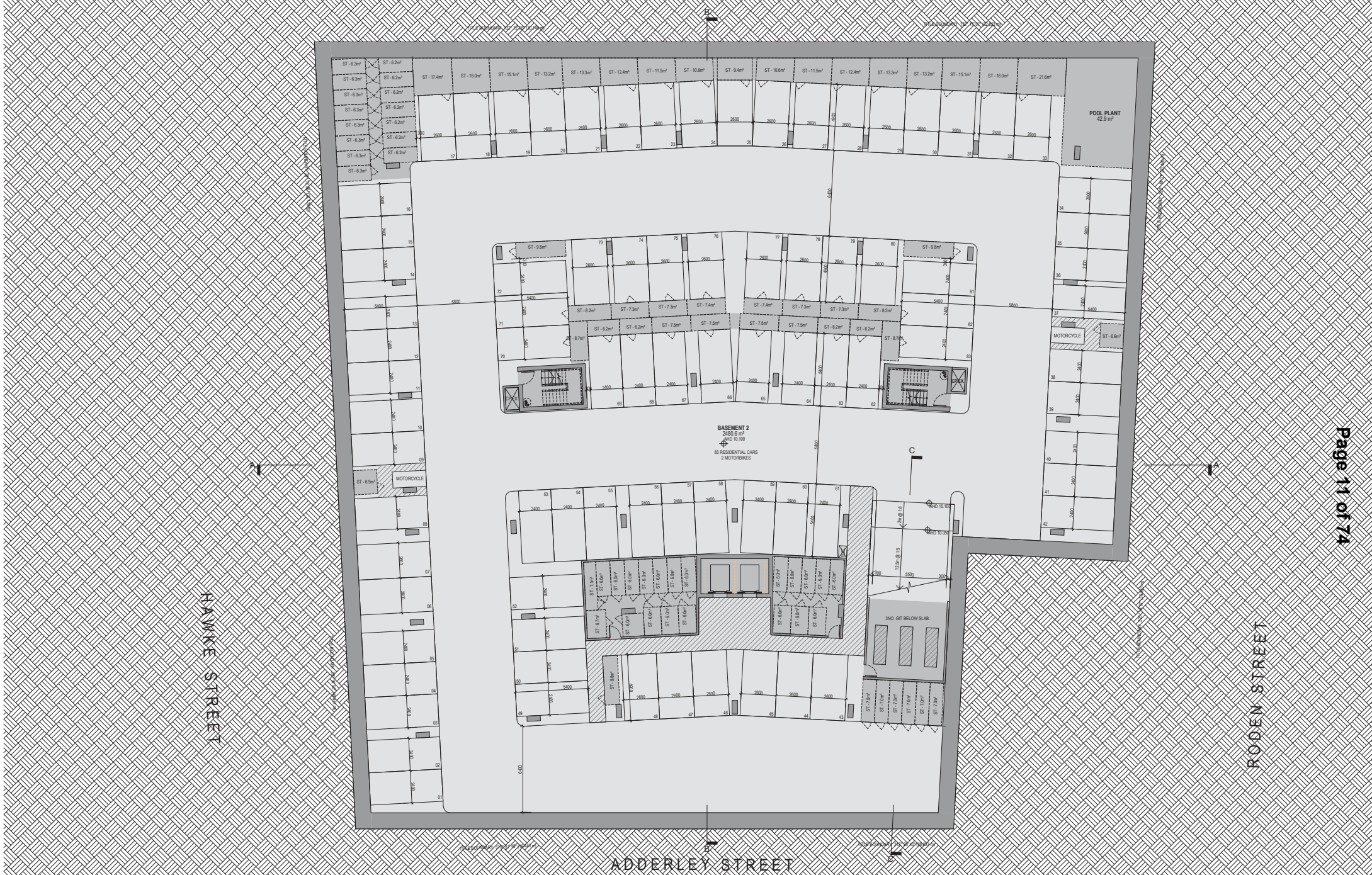
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Project / 164 - 184 Roden Street

Drawing / Basement 2

Project No / 217135

Date / 17/01/18

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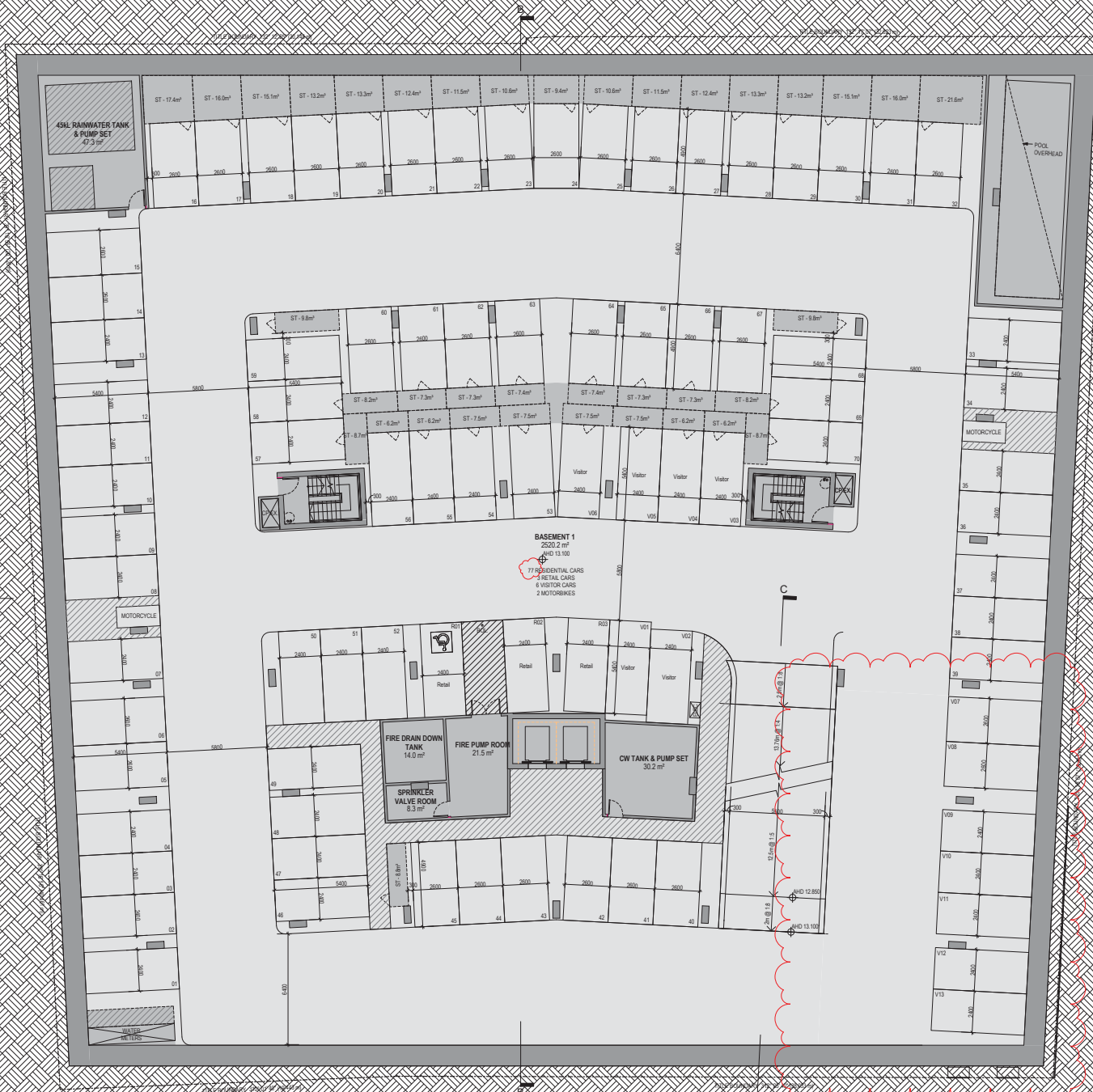
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Project 164 - 184 Roden Street

Drawing Basement 1

Project No 217135

Date 17/01/18

Author SB/DO Scale @ A1 1:125

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Project 164 - 184 Roden Street
 Drawing Ground Level
 Project No 217135
 Date 17/01/18
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Project / 164 - 184 Roden Street Drawing / Level 1

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Project / 164 - 184 Roden Street

Drawing / Level 2

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Project / 164 - 184 Roden Street

Drawing / Level 3

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Drawing / Level 4

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Drawing / Level 5

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07/04/2017

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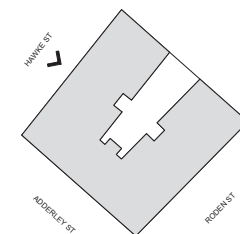
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SUBJECT SITE
HAWKE STREET

ADDERLEY STREET



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- 17.01.18 Town Planning Issue
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Materials /

AF01	APPLIED FINISH - CHARCOAL	GT04	GLAZING - GREY 75% OBSCURE
BF01	BLOCKWORK - GREY	GT05	GLAZING - BLACK
BM02	BROCKWORK - HERITAGE BRICK	MC01	METAL CLADDING - CHARCOAL
CF01	CONCRETE FINISH - GREY	MC02	METAL CLADDING - CHARCOAL (LASER CUT)
EP01	EXTERNAL PAINT - CHARCOAL	MF01	METAL FINISH - WHITE
EP02	EXTERNAL PAINT - HERITAGE WHITE	MF02	METAL FINISH - MID GREY
EP03	EXTERNAL PAINT - MID GREY	ST01	STONE - HERITAGE BLUESTONE
GT01	GLAZING - CLEAR	ST02	STONE - MARBLE
GT02	GLAZING - GREY	ST02	STONE - MARBLE
GT03	GLAZING - GREY SPANDREL		

Project / 164 - 184 Roden Street

Drawing / Elevation - Hawke St

Project No / 217135

Date / 17/01/18

Author / DO

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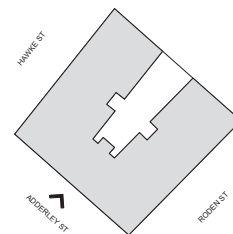
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Materials /

AF01 APPLIED FINISH - CHARCOAL
BN01 BLOCKWORK - GREY
BN02 BRICKWORK - HERITAGE BRICK
CF01 CONCRETE FINISH - GREY
EP01 EXTERNAL PAINT - CHARCOAL
EP02 EXTERNAL PAINT - HERITAGE WHITE
EP03 EXTERNAL PAINT - MID GREY
GT01 GLAZING - CLEAR
GT02 GLAZING - GREY
GT03 GLAZING - GREY SPANDREL

GT04 GLAZING - GREY 75% OBSCURE
GT05 GLAZING - BLACK
MC01 METAL CLADDING - CHARCOAL
MC02 METAL CLADDING - CHARCOAL (LASER CUT)
MC03 METAL CLADDING - WHITE
MF01 METAL FINISH - CHARCOAL
MF02 METAL FINISH - MID GREY
ST01 STONE - HERITAGE BLUESTONE
ST02 STONE - MARBLE
VCAT PROPOSAL ENVELOPE
07/04/2017

Project / 164 - 184 Roden Street

West Melbourne
Victoria 3003

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Drawing / Elevation - Adderley St

Project No / 217135

Date / 17/01/18

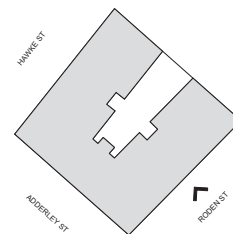
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Revisions / 17.01.18 Town Planning Issue
A 29.06.18 Revised Town Planning Issue

DB
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Materials /

AF01 APPLIED FINISH - CHARCOAL
BK01 BLOCKWORK - GREY
BK02 BRICKWORK - HERITAGE BRICK
CF01 CONCRETE FINISH - GREY
EP01 EXTERNAL PAINT - CHARCOAL
EP02 EXTERNAL PAINT - HERITAGE WHITE
EP03 EXTERNAL PAINT - MID GREY
GT01 GLAZING - CLEAR
GT02 GLAZING - GREY
GT03 GLAZING - GREY SPANDREL

GT04 GLAZING - GREY 75% OBSCURE
GT05 GLAZING - BLACK
MC01 METAL CLADDING - CHARCOAL
MC02 METAL CLADDING - CHARCOAL (LASER CUT)
MC03 METAL CLADDING - WHITE
MF01 METAL FINISH - CHARCOAL
MF02 METAL FINISH - MID GREY
ST01 STONE - HERITAGE BLUESTONE
ST02 STONE - MARBLE

VCAT PROPOSAL ENVELOPE
07.04.2017

Project / 164 - 184 Roden Street

West Melbourne
Victoria 3003

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Drawing / Elevation - Roden St

Project No / 217135

Date / 17/01/18

Author / DO

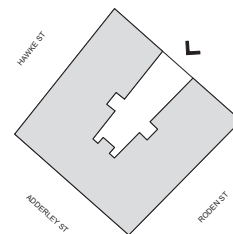
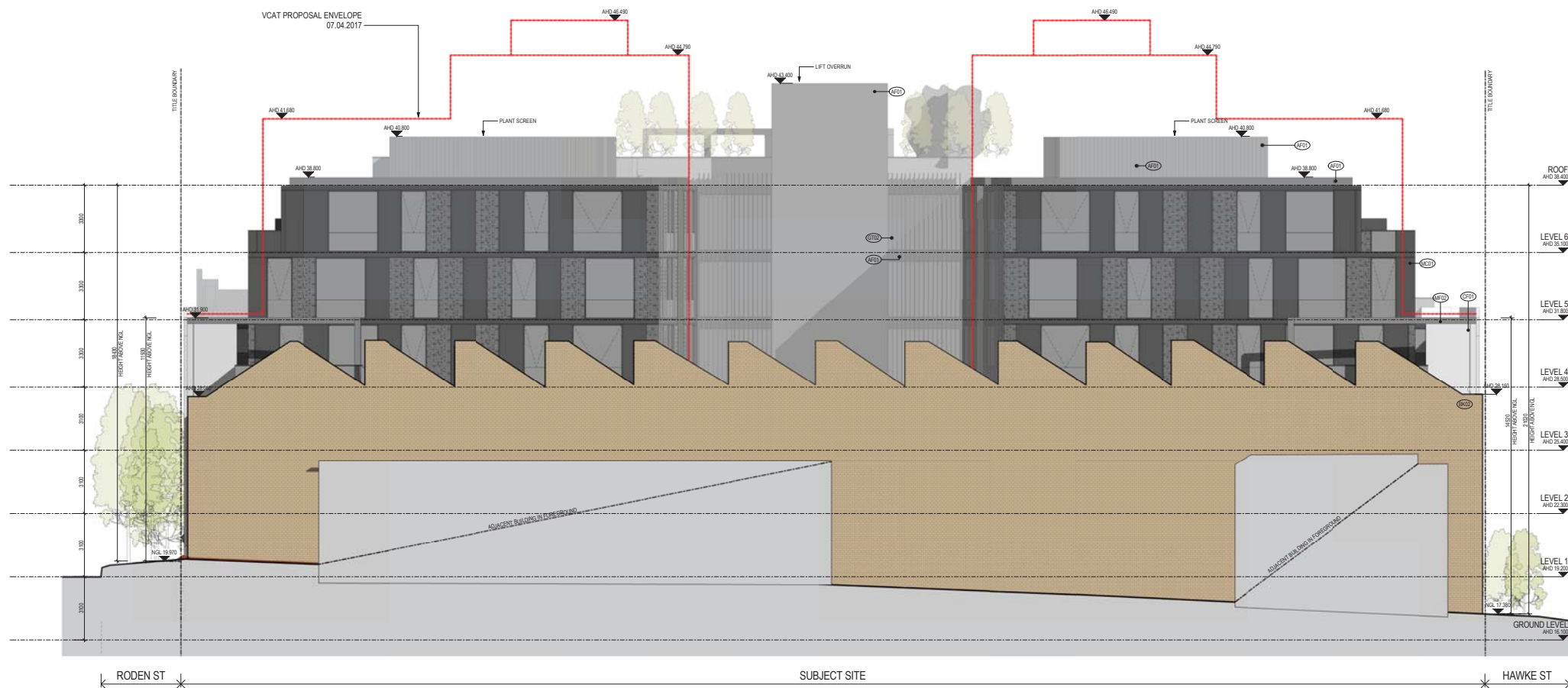
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Materials /

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CF01 CONCRETE FINISH - GREY
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EP03 EXTERNAL PAINT - MID GREY
GT01 GLAZING - CLEAR
GT02 GLAZING - GREY
GT03 GLAZING - GREY SPANDREL

GT04 GLAZING - GREY 75% OBSCURE
GT05 GLAZING - BLACK
MC01 METAL CLADDING - CHARCOAL
MC02 METAL CLADDING - CHARCOAL (LASER CUT)
MC03 METAL CLADDING - WHITE
MF01 METAL FINISH - CHARCOAL
MF02 METAL FINISH - MID GREY
ST01 STONE - HERITAGE BLUESTONE
ST02 STONE - MARBLE
VCAT PROPOSAL ENVELOPE 07.04.2017

Project / 164 - 184 Roden Street

West Melbourne
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Drawing / Elevation - North East Boundary

Project No / 217135

Date / 17/01/18

Author / DO

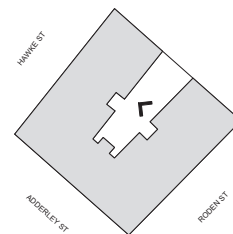
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A 29.06.18 Revised Town Planning Issue

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EP02	EXTERNAL PAINT - HERITAGE WHITE	MF01	METAL FINISH - CHARCOAL
EP03	EXTERNAL PAINT - MID GREY	MF02	METAL FINISH - MID GREY
GT01	GLAZING - CLEAR	ST01	STONE - HERITAGE BLUESTONE
GT02	GLAZING - GREY	ST02	STONE - MARBLE
GT03	GLAZING - GREY SPANDREL		

Project / 164 - 184 Roden Street

Drawing / Internal Elevation

Project No / 217135

Date / 17/01/18

Author / SB

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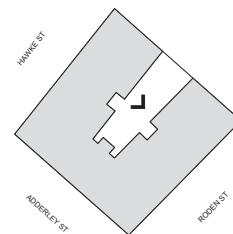
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Materials

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EP02	EXTERNAL PAINT - HERITAGE WHITE	MF01	METAL FINISH - CHARCOAL
EP03	EXTERNAL PAINT - MID GREY	MF02	METAL FINISH - MID GREY
GT01	GLAZING - CLEAR	ST01	STONE - HERITAGE BLUESTONE
GT02	GLAZING - GREY	ST02	STONE - MARBLE
GT03	GLAZING - GREY SPANDREL		

Project / 164 - 184 Roden Street

Drawing / Internal Elevation

Project No / 217135

Date / 17/01/18

Author / SB

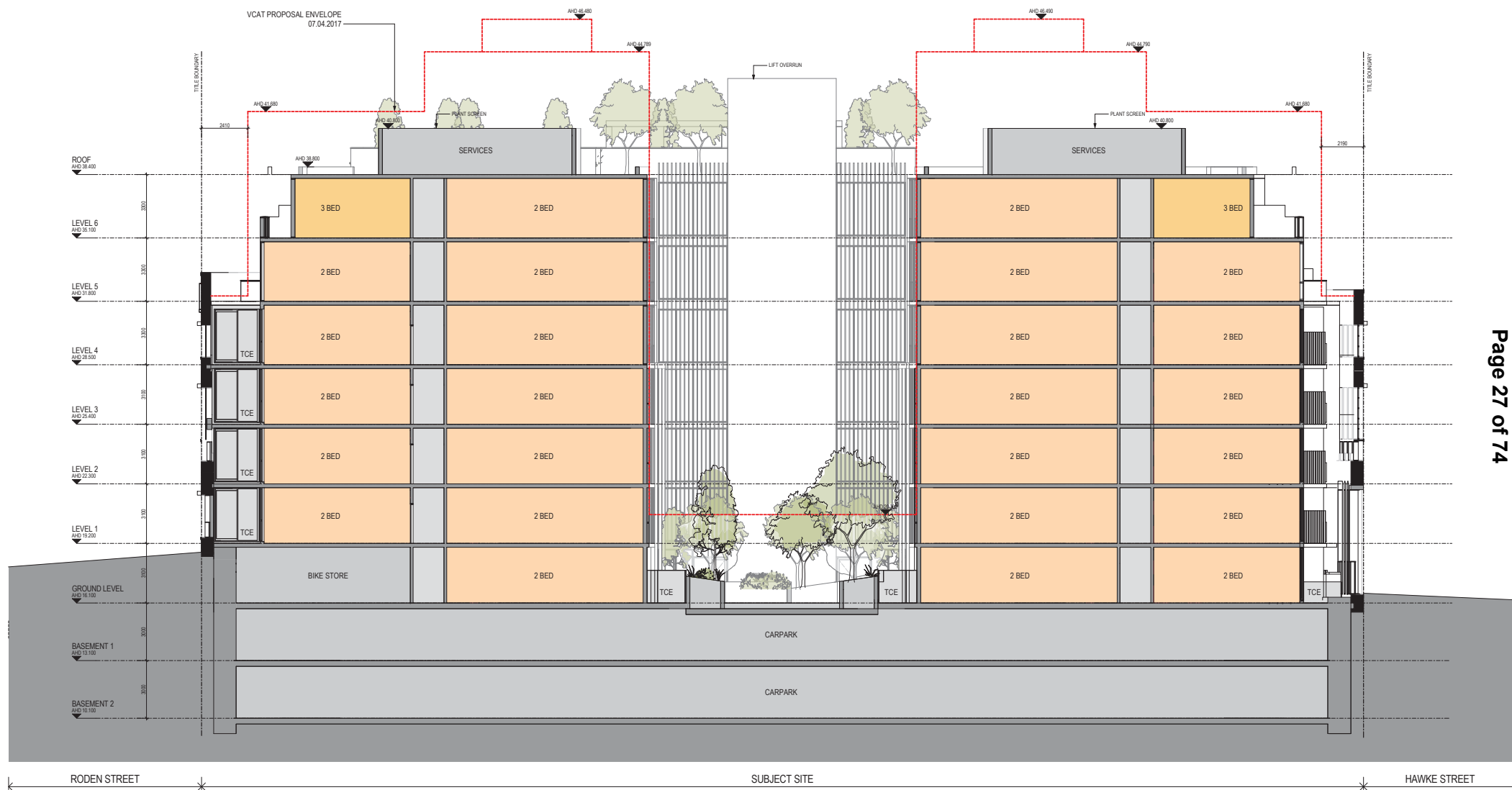
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VCAT PROPOSAL ENVELOPE 07.04.2017

Project / 164 - 184 Roden Street

Drawing / Section A

Project No / 217135

Date / 17/01/18

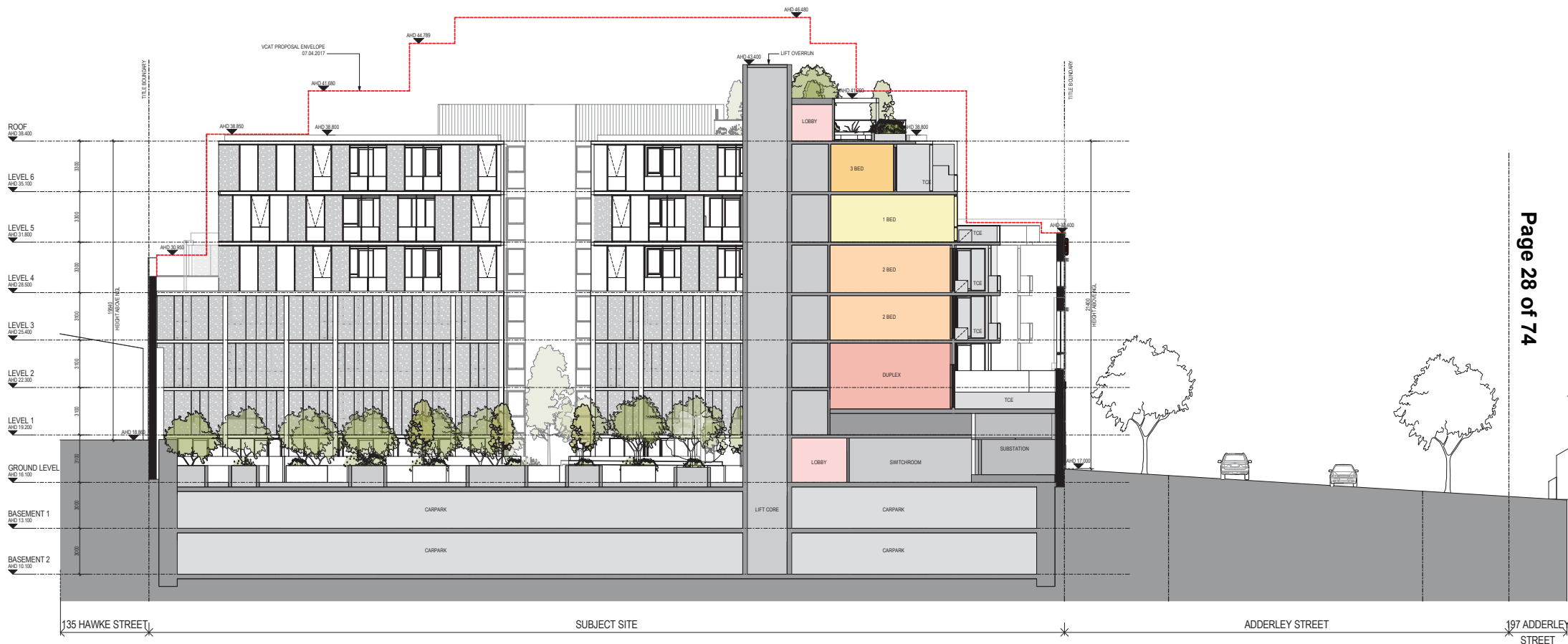
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07.04.2017

Project / 164 - 184 Roden Street

Drawing / Section B

Project No / 217135 Date / 17/01/18

Author / DO

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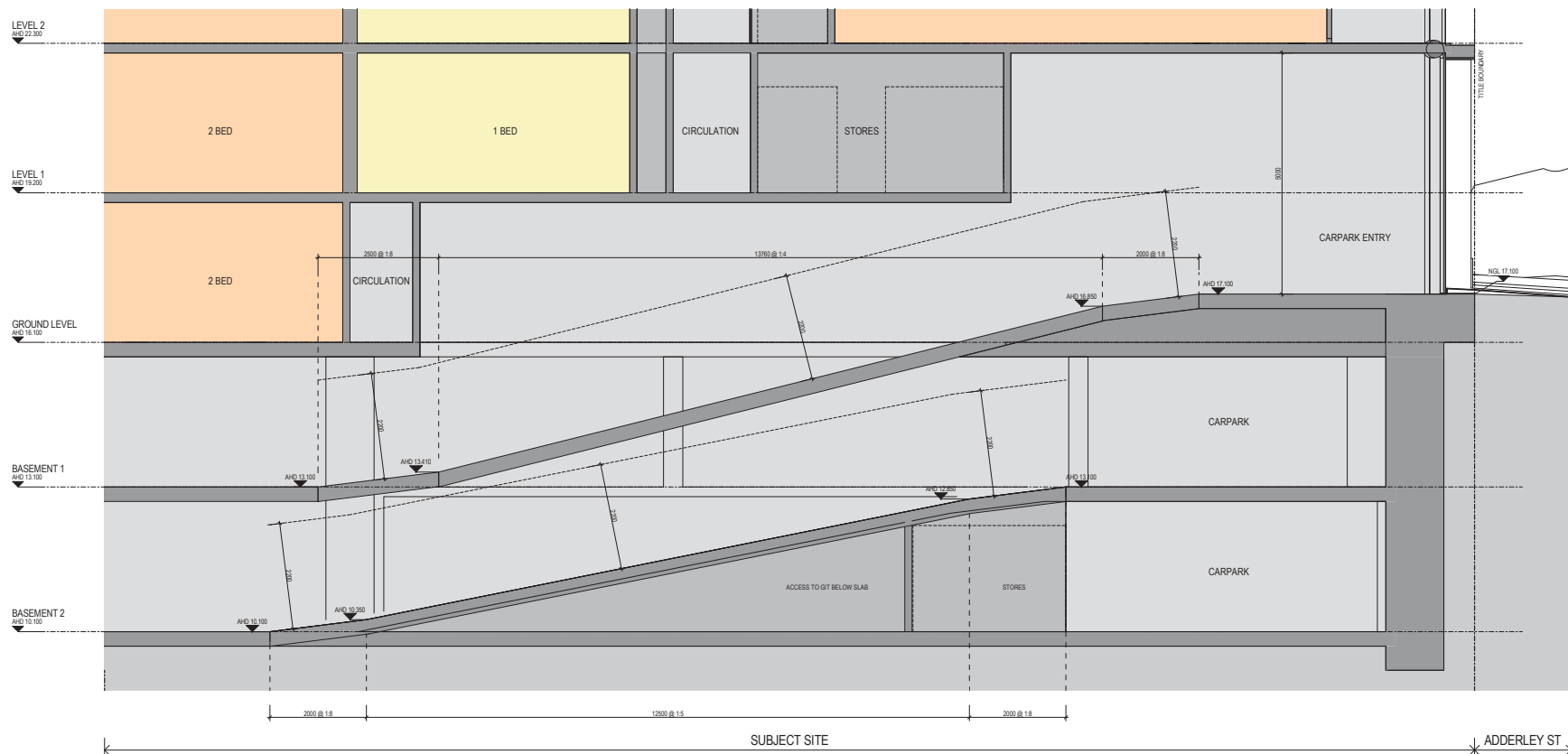
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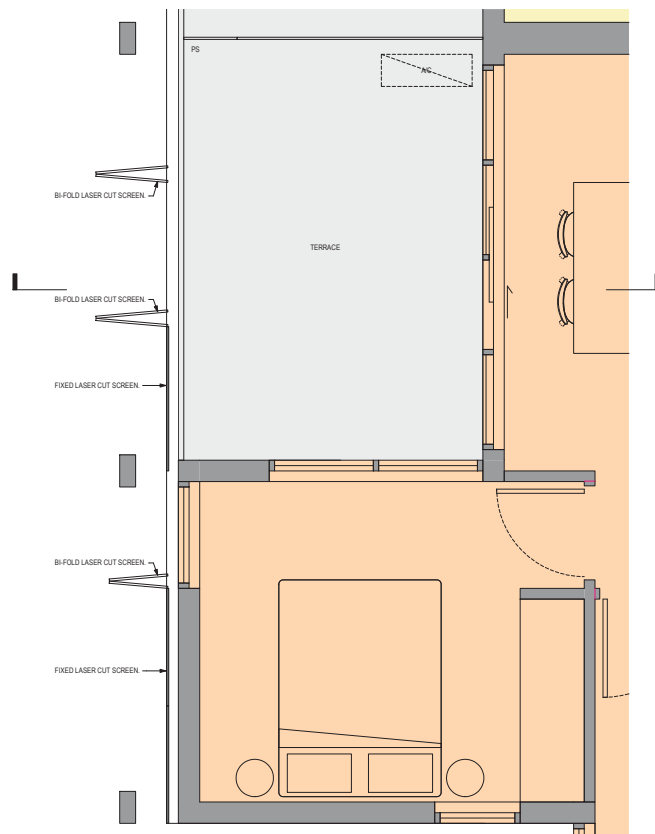
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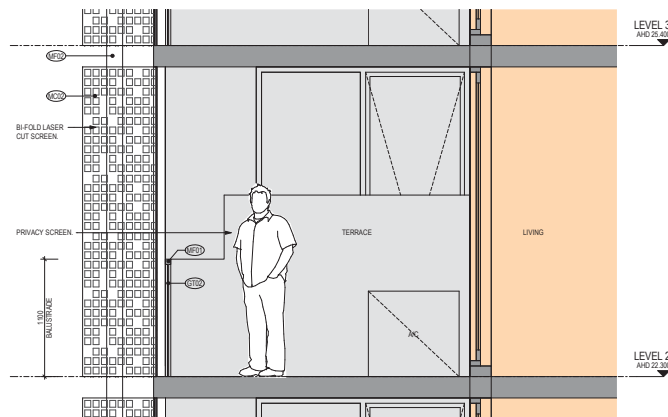
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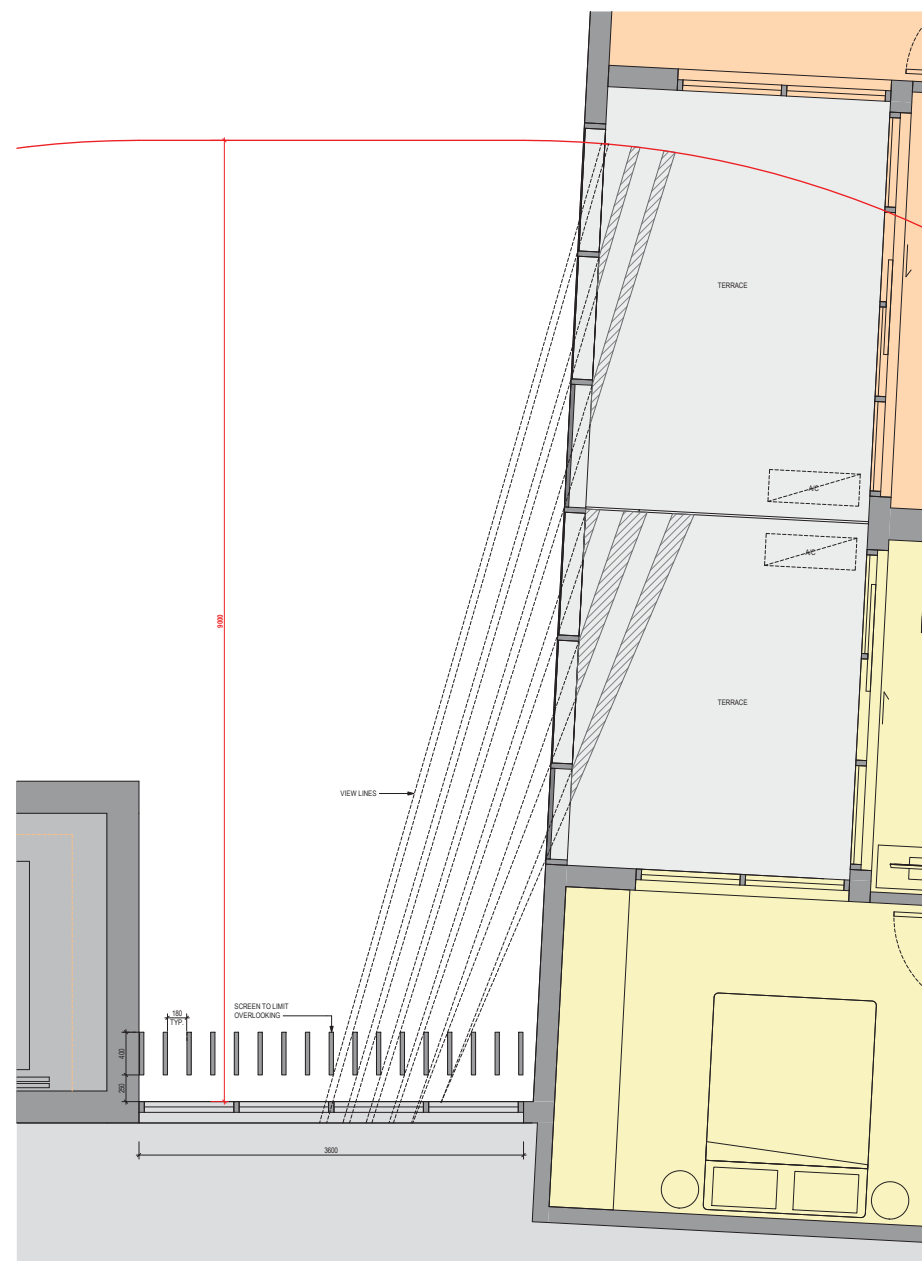




LASER CUT SCREEN PLAN 1.25



LASER CUT SCREEN SECTION 1.25



SCREENING DETAIL 1.25



Disclaimer: Perspective images are presented as an artist's impression of the development.
Landscaping shown on perspective images is indicative only and is subject to Landscape Architect's design.



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DELEGATE REPORT

Application number:	TP-2018-88
Applicant / Owner / Architect:	Oliver Hume Corporation c/o Contour Consultants Australia Pty Ltd / Oliver Hume Property Funds (Roden Street) West Melbourne Pty Ltd / Rothe Lowman Property Pty Ltd
Address:	164-184 Roden Street, West Melbourne
Proposal:	Partial demolition of the existing buildings, development of a mixed use building comprising shops and apartments, use of land for a shop with a leasable floor area exceeding 150m ² , and a reduction of the car parking requirements
Cost of works:	\$50 million
Date of original submission:	19 January 2018
Date of amended application:	20 June 2018
Responsible officer:	Ashley Treloar
(DM 11509589)	

1 SUBJECT SITE AND SURROUNDS

1.1 Site

The site comprises two lots; 164-170 and 172-184 Roden Street, West Melbourne. The site has a rectangular shape with a 60.3m frontage to Roden Street, a 57.5m frontage to Adderley Street and 60.5m frontage to Hawke Street. The site has a total area of approximately 3,647m². The land has a fall of approximately 3m across the site.

164-170 Roden Street is developed with an Interwar industrial building (circa 1925) with frontages to Roden and Hawke Streets. The two-storey building has a rendered masonry exterior and a sawtooth roof behind a parapet. The street frontages feature large semi-circular arched entrances. The Hawke Street frontage has six non-original windows over two levels.

172-184 Roden Street is developed with a large three-storey warehouse. The ground floor is Victorian-era (circa 1889) and the first and second floors have a modernistic industrial design (circa 1937). The Victorian-era brick base has basalt footings and arched fenestration. The Interwar upper levels have multi-pane glazing in steel frames, projecting head and sill moulds, vertical façade elements with brick panels and ribbing, and Dutch hipped roofs behind a parapet.

Both buildings have been afforded a D grading in a level 3 streetscape in the Heritage Places Inventory, March 2018 (note that 164-170 Roden Street is identified as 160 Roden Street and 135-141 Hawke Street).

Vehicle access is provided via seven crossovers; two on Roden Street, two on Adderley Street and three on Hawke Street.

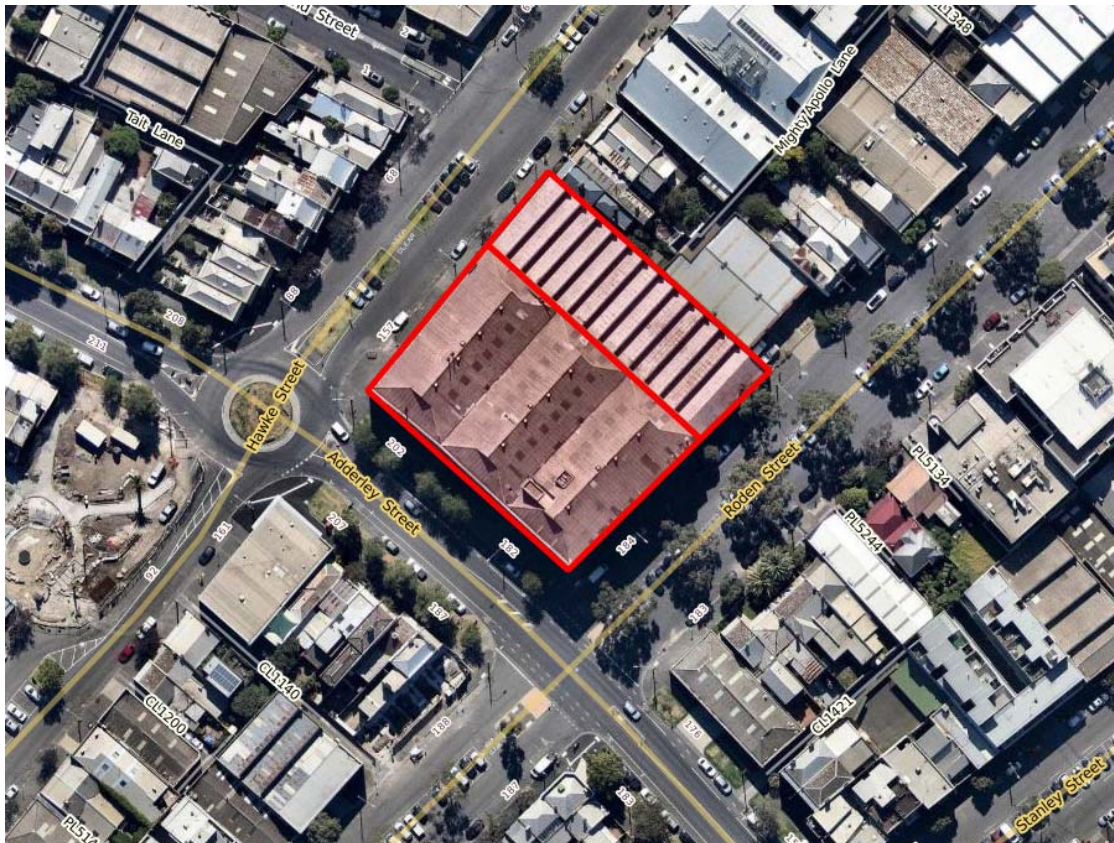
The site has been vacant since July 2015 but was previously occupied by Don Kyatt Spare Parts.

The site is formally described as:

- Crown Allotment 2 Section 56 at West Melbourne City of Melbourne Parish of Melbourne North. Volume 02326 Folio 179.
- Crown Allotment 15 Section 56 at West Melbourne City of Melbourne Parish of Melbourne North. Volume 03955 Folio 989.
- Crown Allotments 1, 16, 17 and 18 Section 56 at West Melbourne City of Melbourne Parish of Melbourne North. Volume 09498 Folio 067.

The site is not affected by any restrictive covenants.

Locality Plan (Council's GIS, aerial photograph dated 4 April 2018)



Roden Street



Adderley Street



Hawke Street



1.2 Adjoining properties

133 Hawke Street to the northeast is developed with a double-storey terrace.

158-162 Roden Street to the southeast is developed with a single-storey workshop, currently occupied by an auto repairs shop.

1.3 Surrounds

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

The built form includes single and double-storey terraces, four and five-storey apartment developments, and commercial buildings of different sizes and eras.

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

Adderley Street has a 30m wide road reserve with a 14m wide carriageway. Kerbside parking is permitted, subject to time restrictions.

Roden Street has a 30m wide road reserve with a 22m wide carriageway. Kerbside and centre median parking is permitted, subject to time restrictions.

Hawke Street has a 30m wide road reserve with a 23m wide carriageway. Kerbside and centre median parking is permitted, subject to time restrictions.

The recently upgraded Hawke and Adderley Street Park is located on the opposite side of the roundabout to the northwest.

2 BACKGROUND AND HISTORY

2.1 Planning application history

The following planning application history is relevant to the site.

Application	Description	Decision & Date
TP-1998-1267	Development for 64 residential warehouse shells and 95 car parking spaces	Permit issued 6/4/1999
TP-2000-431	Additional floor to that approved under Planning Permit TP98/1267	Permit issued 26/9/2000
TP-2001-1052	Alterations to the existing building for 80 residential units and 120 car parking spaces	Permit issued 2/7/2002
TP-2014-846	Use of the building for motor repairs with associated reduction of car parking and construction and display of business identification signs	Permit issued 24/3/2015
TP-2016-501	Part demolition of the existing buildings and construction of an eight-storey residential building with a reduction of parking requirements	Notice of Decision to Grant a Permit issued 19/10/2016 VCAT Ref P2374/2016 & P2588/2016 No Permit Granted 28/8/2017

In relation to the most recent application (TP-2016-501) refused by the Tribunal, Member Naylor concluded that:

[5] Having regard to the reasons why planning permission is required and the nature of the concerns expressed, the key issues that have led me to conclude that this proposal is not acceptable are:

- The impact of the height and appearance of the additions having regard to the heritage and urban design considerations; and*
- The poor design of the shell apartments.*

In her decision, Member Naylor directed that car and bicycle parking be reconsidered in any future application for redevelopment of the site (paragraphs 53 to 60).

2.2 Planning application background

A consultation meeting was held on the 11 April 2018 and attended by the applicant, objectors (nine) and planning officers.

The application was formally amended on the 20 June 2018 in response to concerns raised by the objectors and planning officers.

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

	Original submission	Amended application
GFA	21,375.9.1m ²	21,126.1.4m²
Building height	22.45m	22.45m
Roden St minimum upper level setbacks	Level 5: 2.6-3.1m Level 6: 2.6-3.1m	Level 5: 2.6-3.1m Level 6: 4.7m
Adderley St minimum upper level setbacks	Level 5: 6.9m Level 6: 6.9m	Level 5: 6.9m Level 6: 6.9m
Hawke St minimum upper level setbacks	Level 5: 2.5-3.1m Level 6: 3.1m	Level 5: 2.5-3.1m Level 6: 4.6-5.7m
NE boundary minimum upper level setbacks	Level 4: 4-4.1m Level 5: 4.5-4.9m Level 6: 4.5-4.9m	Level 4: 4-4.1m Level 5: 4.5-4.9m Level 6: 4.5-4.9m
Dwelling mix	One-bedroom: 47 (30%) Two-bedroom: 101 (64%) Three-bedroom: 11 (7%) Total: 159	One-bedroom 47 (30%) Two-bedroom: 101 (62%) Three-bedroom: 9 (8%) Total: 157
Rooftop terrace	447.6m ²	246.1m²
Car parking	153 resident 6 visitor 3 retail	153 resident 13 visitor 3 retail
Motorcycle parking	Four	Four
Bicycle parking	121	121

The amended application also includes changes to minimise the interventions in the retained facades, reinstate the historic signage and restore the architectural features.

3 PROPOSAL

Details of the proposed development can be summarised as follows.

GFA	21,126.1.4m ²
Building height	22.45m
Storeys	Seven (plus rooftop terrace and two basement levels)
Dwellings	One-bedroom: 47 (30%) Two-bedroom: 101 (62%) Three-bedroom: 9 (8%)

	Total: 157
Communal areas	Indoor: 264.9m ² (ground floor, level 1 and roof) Outdoor: 681m ² (ground floor and roof)
Retail units	Three retail units with 396.3m ² total NLA
Car parking	169
Motorcycle parking	Four
Bicycle parking	121
External storage units	159
Vehicle access	Via the existing crossovers on Adderley Street
Loading/unloading	8.8m long x 3.9m wide loading bay provided adjacent to the vehicle access on Adderley Street

- Partial demolition of 164-170 Roden Street, with retention of the sawtooth north-eastern boundary wall.
- Partial demolition of 172-184 Roden Street, with retention and alteration of the building facades to increase the number, shape and size of the openings.
- Removal of the crossovers on Roden Street (two) and Hawke Street (three). Retention of the crossovers on Adderley Street (two).
- Construction of two basement levels comprising parking and servicing.
- Construction of a seven storey mixed use building. The building has a U-shape and features a communal courtyard at ground level that is clear to the sky. The internal separation distance is 9-17.2m. The top two storeys protrude above the existing heritage building and are setback from the street frontages. The infill development between the retained facades of 172-184 Roden Street and the sawtooth boundary wall has a vertical recess between the old and the new built form and features a vertical concrete façade treatment. The development has a flat roof that steps down to the sawtooth boundary wall. The external materials include solid and laser cut metal cladding in white, mid grey and charcoal, grey blockwork, white painted brickwork, and clear, grey and black glazing.
- Three retail units are located adjacent to Adderley Street with returns to Roden and Hawke Streets.
- Residential entries are located on Roden and Hawke Streets and the building is served by two lifts and two stairwells.
- Communal areas include indoor pool and gym, ground floor courtyard and rooftop terrace.
- Vehicle access to the parking and loading is via the retained crossovers and vehicle entries on Adderley Street.

The current application has similarities to the previously refused application (TP-2016-501), however it noted that:

- The building height and number of storeys have been reduced.
- The upper level setbacks have been increased.
- The shell apartments have been deleted.
- Retail units have been introduced.

- The car and bicycle parking ratios have been increased.
- The interventions in the retained facades have been reduced.
- The restoration works have been enhanced.

Proposed renders

Corner of Roden and Adderley Streets



Corner of Hawke and Adderley Streets



Hawke Street



Roden Street elevations

Previously Refused

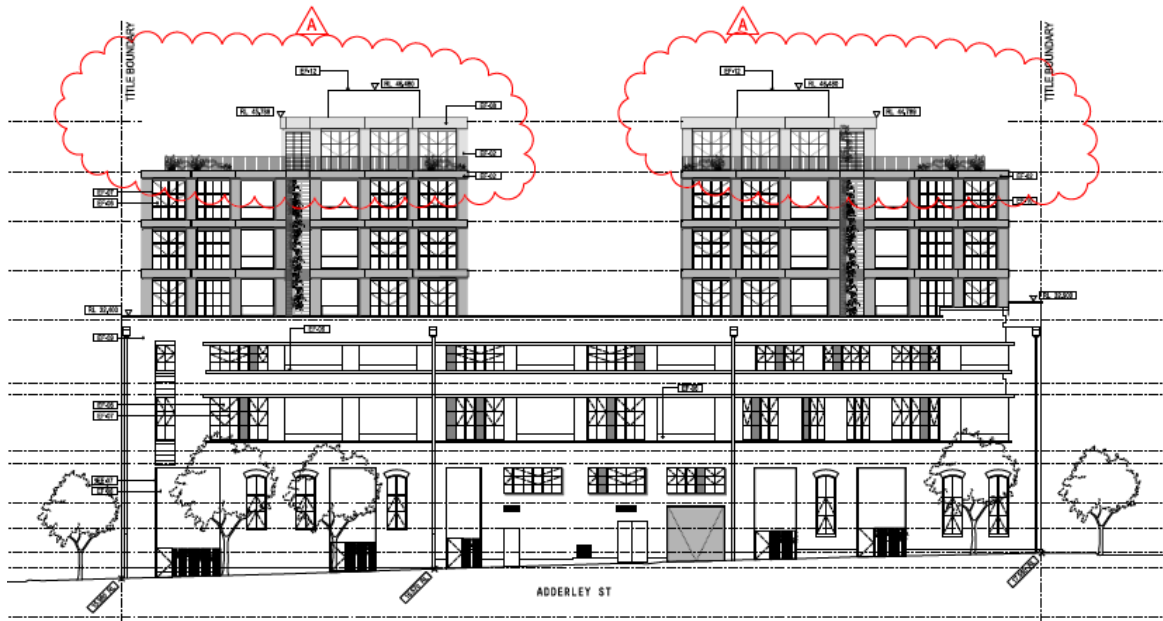


Proposed

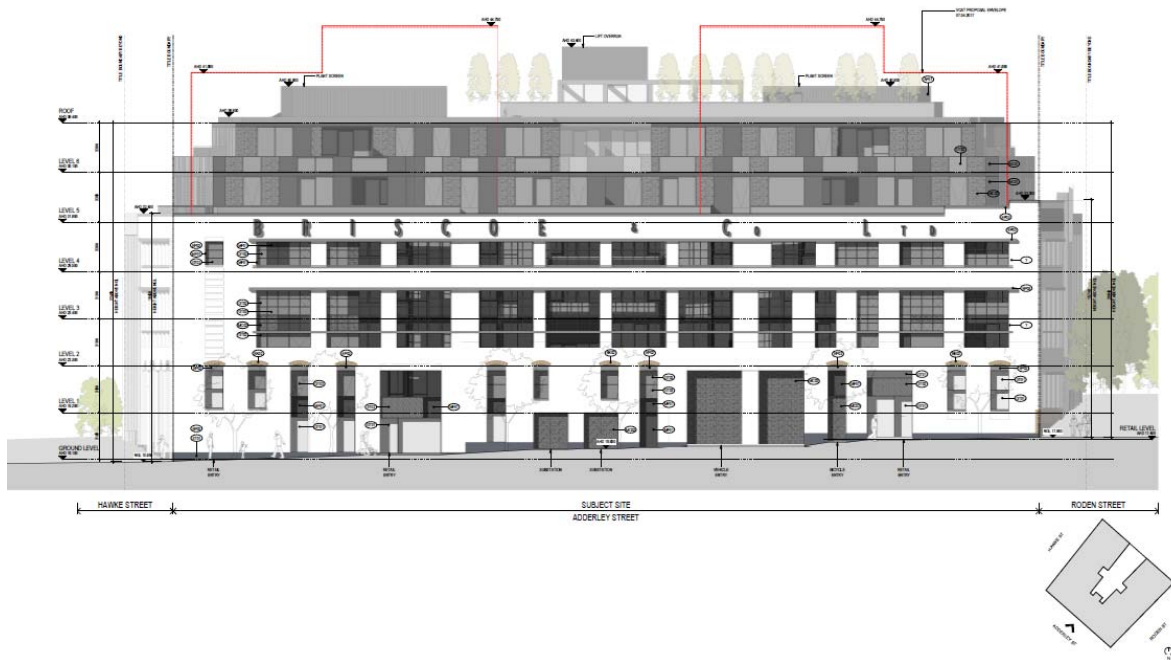


Adderley Street elevations

Previously Refused



Proposed



Hawke Street elevations

Previously Refused

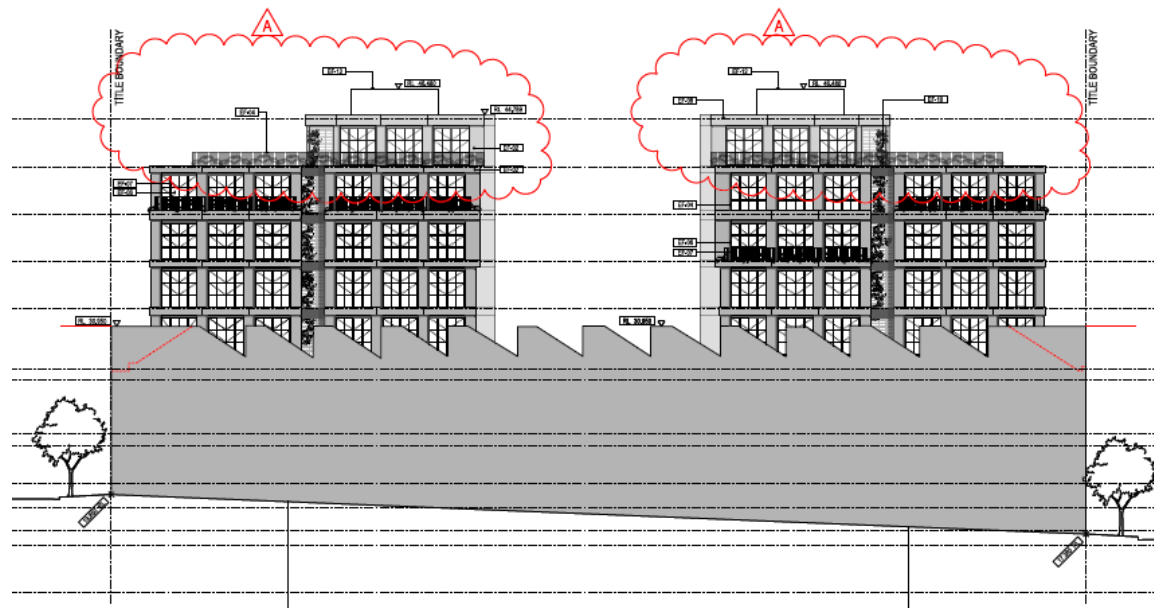


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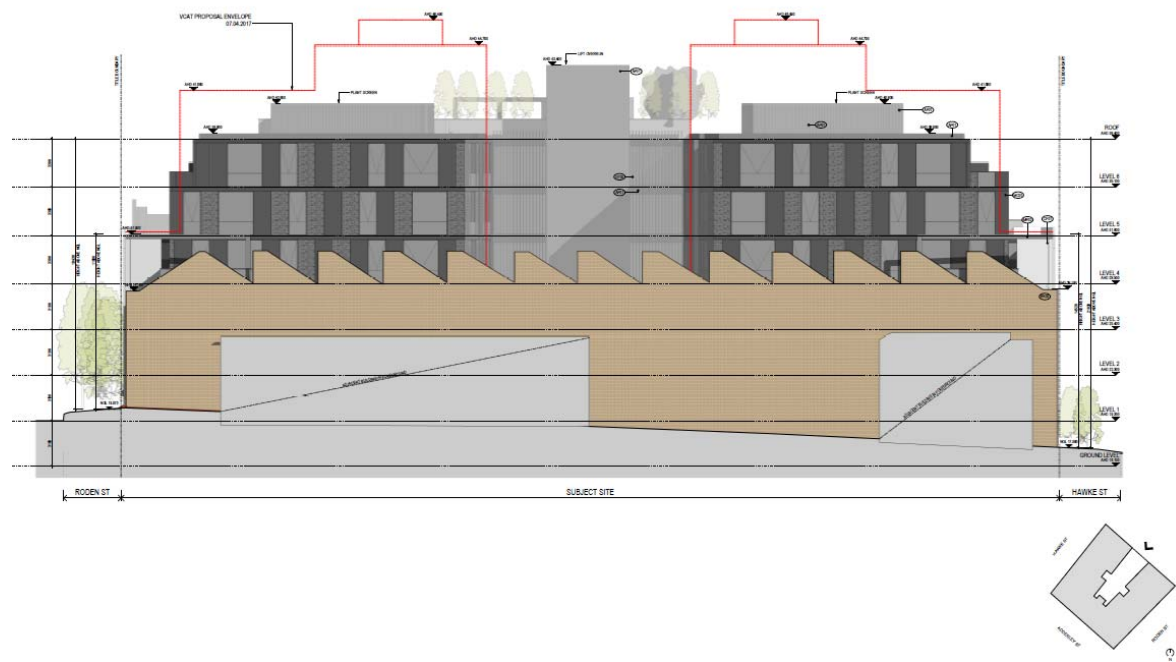


Northeast elevation

Previously Refused



Proposed



4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 13 – Environmental Risks and Amenity</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 16 – Housing</p> <p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.03 – Vision</p> <p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.16 – Other Local Areas (North and West Melbourne)</p>
Local Planning Policies	<p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.05 – Heritage Places Outside the Capital City Zone</p> <p>Clause 22.17 – Urban Design Outside the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management</p>

Statutory Controls	
Clause 32.04 Mixed Use Zone	<p>Pursuant to Clause 32.04-2, a permit is required for a shop (other than adult sex product shop) with a leasable floor area greater than 150m².</p> <p>Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot and residential buildings. A permit is also required to construct a building or construct or carry out works associated with a land use which requires a permit.</p> <p>An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</p>
Clause 43.01 Heritage Overlay Schedule 3 North and West Melbourne Precinct	<p>Pursuant to Clause 43.01-1, a permit is required to:</p> <ul style="list-style-type: none"> • Demolish or remove a building. • Construct a building or construct or carry out works. • Externally alter a building. • Externally paint a building.
Clause 43.02 Design and Development Overlay Schedule 29	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Buildings or works should not exceed a maximum building height of</p>

West Melbourne	<p>four-storeys.</p> <p>An application to exceed the maximum building height must demonstrate how the development will continue to achieve the design objectives and built form outcomes of this schedule and any local planning policy requirements.</p>
Particular Provisions	
<p>Clause 52.06</p> <p>Car Parking</p>	<p>Pursuant to Clause 52.06-5, the car parking rate for developments of five or more dwellings is:</p> <ul style="list-style-type: none"> • 1 space to each 1 or 2 bedroom dwelling • 2 spaces to each 3 or more bedroom dwelling <p>The car parking rate for a shop and a food and drink premise is 3.5 spaces to each 100m² of leasable floor area.</p> <p>A permit is required for a reduction of 11 spaces.</p>
<p>Clause 52.34</p> <p>Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-5, the bicycle parking rate for developments of four or more storeys is:</p> <ul style="list-style-type: none"> • 1 space to each 5 dwellings • 1 visitor space to each 10 dwellings <p>The bicycle parking rate for a shop is:</p> <ul style="list-style-type: none"> • 1 space to each 600m² of leasable floor area if the leasable floor area exceeds 1,000m² • 1 visitor space to each 500m² of leasable floor area if the leasable floor area exceeds 1,000m² <p>The bicycle parking rate for a retail premise is:</p> <ul style="list-style-type: none"> • 1 space to each 300m² of leasable floor area • 1 visitor space to each 500m² of leasable floor area <p>The development exceeds the bicycle parking requirement by 74 spaces, as such no permit is required.</p>
<p>Clause 58</p> <p>Apartment Developments</p>	<p>A development must meet all of the objectives and should meet all of the standards of this clause that apply to the application.</p>
General Provisions	
<p>Clause 65</p> <p>Decision Guidelines</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.</p>
<p>Clause 66</p> <p>Referral and Notice Provisions</p>	<p>Pursuant to Clause 66.02-11, an application to construct a building or construct or carry out works for a residential development comprising 60 or more dwellings must be referred to Transport for Victoria (determining authority).</p>

4.1 Planning Scheme Amendments

C309 West Melbourne Structure Plan

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

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

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

In relation to the subject site, the amendment proposes:

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

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

- 3:1 floor area ratio (mandatory)
- 6 storey maximum building height fronting Adderley Street (preferred)
- 4 storey maximum building height elsewhere (preferred)
- Maximum 0.3 car parking spaces per dwelling
- Maximum 0.005 car parking spaces per sqm all other uses

C258 Heritage Policies Review

The site is affected by Amendment C258 Heritage Policies Review.

A panel has been appointed to hear submissions between the 6 August 2018 and the 7 September 2018.

The amendment proposes the following gradings:

- 164-170 Roden Street – Hawke Street wing: significant.
- 164-170 Roden Street – Roden Street wing: contributory.
- 164-184 Roden Street – Briscoe and Co ironmongers warehouse complex: significant.

The amendments are not seriously entertained policies as they have not been through the panel process, adopted by Council in their final form or submitted to the Minister for consideration. They are given limited weight in this assessment.

5 PUBLIC NOTIFICATION

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

6 OBJECTIONS

25 objections were received to the original submission.

Three objections were received to the amended application.

One objection was withdrawn in response to the amended application.

The objections raised the following concerns (summarised):

Demolition

- Demolition of the bluestone arches to 164-170 Roden Street.
- Part demolition of 172-184 Roden Street.

Built form

- Overdevelopment.
- Height and number of storeys.
- The infill development is unsympathetic to the adjacent heritage buildings.
- The interventions to the retained facades are unsympathetic to the character and heritage significance of 172-184 Roden Street.

Vehicle access

- Vehicle access/egress should be relocated to Roden and/or Hawke Streets to reduce congestion on Adderley Street.

Parking provision

- Inadequate off-street parking.
- Increased demand for on-street parking.

Amenity impacts

- Loss of light, outlook and privacy.

Retail units

- Supermarkets and convenience stores should not be permitted.
- The hours of operation should be limited.

Services

- Inconvenient bicycle parking and waste storage.

Sunlight to public spaces

- The development will overshadow Hawke and Adderley Street Park.

Other

- Contamination.
- Reduced property values.
- Interference with television reception.
- Noise and light pollution from the rooftop terrace.
- Noise and general disruption from construction activities.

7 REFERRALS

7.1 Internal

7.1.1 Heritage

The original submission was referred to Council's Heritage Advisor who provided the following comments.

Background

The West Melbourne Heritage Review 2016 is a reference document to Amendment C258. It describes the significance of the existing buildings and identifies the following contributory elements.

164-170 Roden Street (including 135-141 Hawke Street)

The former Briscoe and Co. building at 160-170 Roden Street and 135-141 Hawke Street is of contributory significance to the Briscoe and Co. ironmongers warehouse complex.

- *Historically, the building is representative of the Interwar surge in West Melbourne industrial development, in this case as an expansion of an existing large and important late-nineteenth century industrial complex, Briscoe and Co.; and*
- *Aesthetically, as a reasonably intact industrial building which is characterised by its austere facades to Hawke and Roden Streets, both of which incorporate impressive arched openings.*

Contributory elements include:

- *Double-storey rendered masonry Interwar industrial building;*
- *A corrugated galvanised steel transverse gabled and sawtooth roof concealed behind a parapet;*
- *Two street frontages, to Hawke Street and Roden Street, each dominated by a distinctive large semi-circular arched entrance linked by an internal roadway; and*
- *Three wide but shallow piers which stop short of a moulded string course as the sole decoration.*

There are six non-original windows over two levels on the Hawke Street elevation.

172-184 Roden Street

The Briscoe and Co. ironmongers warehouse complex, part, is significant.

- *Historically, as part of a major industrial complex that extends over two centuries, 19th and 20th, its evolution expressive of the development of West Melbourne as a preferred location for industries moving from the central city to transport nodes, also as associated with one of Australia's largest Victorian-era hardware firms; and*
- *Aesthetically, as a successful combination of two major eras of the growth of this complex, each one expressive of its creation date, also a major moderne style in West Melbourne that parallels with the nearby significant Symington Interwar complex.*

Contributory elements include:

Victorian-era brick base with basalt footings and punched segmentally arched fenestration with voussoirs with 1930s modifications;

- *Moderne style, two brick Interwar upper levels with parapeted roofline, stepped at one end;*
- *Dutch hipped roofs behind the parapet;*
- *Fenestration set in modernistic horizontal streamlining strips, delineated by projecting head and sill moulds, grooved and rounded at each end;*
- *Multi-pane glazing in steel frames as typical on both sections, with hopper sashes;*
- *Vertical facade elements terminating elevations, with vertical brick panels and ribbing; and*

- *Contribution to a major industrial complex, that extends over the 19th and 20th centuries.*

Integrity is good despite the bricks and stone footings having been painted over and new openings at ground level.

Demolition assessment

- The development will substantially change the contribution that the warehouse complex makes to the heritage place (HO3).
- Demolition of all but the sawtooth boundary wall to 164-170 Roden Street will remove one of the two parts of the warehouse complex.
- The substantial demolition of 164-170 Roden Street and extensive alteration to 172-184 Roden Street will change the appearance and reduce the integrity of the warehouse complex.
- The architectural combination of the two periods to 172-184 Roden Street will be severely compromised by the façade works.
- The development does not retain any of the existing roofs or floors. While visible only to a small degree, the roof plays a part in understanding the three dimensional form of the building.
- In the refused application (TP-2016-501), although the roof was removed, the floors of 172-184 Roden Street were retained which contributed to a greater understanding of the three dimensional form.
- The development will remove the majority of wide, bluestone crossovers which define the vehicles entries to the industrial facility and contribute to the civil infrastructure and heritage significance of the warehouse complex.

Built form assessment

- The development will insert additional floor plates into 172-184 Roden Street, forcing substantive changes to the windows and openings.
- The new building inserted into the existing walls will include sections of void along the street frontages that will be in part evident externally.
- The new building of seven-storeys plus rooftop terrace is unlikely to overwhelm the heritage building when viewed from Adderley Street, but will be prominent when viewed from Roden and Hawke Streets. Greater upper level setbacks are required to Roden and Hawke Streets and the northeast boundary to be visually recessive.
- To the northeast, the juxtaposition of scale between the development and the double-storey terrace at 133 Hawke Street is intrusive.

The amended application was prepared in consultation with planning officers and Council's Heritage Advisor. While it doesn't address all of the Heritage Advisor's concerns, the increased upper level setbacks from Roden and Hawke Streets, reduced interventions in the retained facades, reinstatement of the historic signage and other works to enhance the architectural features are welcomed.

7.1.2 Urban Design

The original submission was referred to the Urban Design Team who provided the following comments:

Site layout

- We support the vehicle access and consolidated services from Adderley Street. The removal of a number of crossovers assists in achieving the future Hawke Street linear park.
- The retail units fronting Adderley Street and wrapping the corners are supported.
- The central courtyard is well oriented and provides solar access and green outlook.
- Ideally, the communal entrances would have direct views to the courtyard.

Building mass

- Utilising the slope of the land, the development adopts a semi-subterranean ground floor.
- The sawtooth boundary wall and freestanding façades with steel supports have a two-dimensional presentation and should incorporate returns to achieve a volumetric outcome.
- The 7m upper level setback from Adderley Street is deep enough to be visually recessive, whereas the setbacks from Roden and Hawke Streets are 3m.
- The continuous massing of the upper levels exacerbates visual bulk. It is recommended that the upper levels are broken-up by two distinct forms or materials to correspond to the retained facades and infill development. Each upper form should 'belong' to its lower levels, rather than unify in a horizontal manner.

Building program

- The ground floor of a number of apartments on Hawke Street is below ground level due to the slope of the land and the retained facades. Semi-subterranean apartments are not supported as they sever the connection between the public and private realm and rely on light through the retained façades. We recommend lifting ground level and reducing the overall height by one storey.
- The void between the retained facades and internal layout results in reduced amenity in terms of light, outlook and amplified noise. This arrangement also erodes opportunities for passive surveillance and engagement.

Public interface

- The existing and proposed floor levels do not correspond. This is a problem at ground level, particularly along Hawke Street as there are minimal opportunities for passive surveillance and engagement.
- The communal entry at the corner of Hawke and Adderley Streets should be brought to the street frontage and any level change managed internally.
- The duplexes on Hawke Street require resolution. Highlight windows behind narrow planters and windows oriented to a covered terrace do not provide an appropriate interface to the public realm.

The amended application was not referred to the Urban Design Team as there is adequate direction in the referral comments and planning policies to guide the assessment.

7.1.3 Traffic

The original submission and amended application were referred to Engineering Services who provided the following comments. It is noted that the comments

predate Amendment VC148 introduced on the 31 July 2018. The new lower car parking rates are detailed in sections 4 and 10.8 of this report.

Car parking

The development generates a car parking requirement of 215 spaces, comprising:

- 170 spaces for residents
- 31 spaces for visitors
- 14 spaces for the retail component

The development proposes 162 spaces, comprising:

- 153 spaces for residents
- 6 spaces for visitors
- 3 spaces for retail staff

To substantiate the reduction of car parking the Transport Impact Assessment (TIA) by GTA dated 18/1/2018 includes ABS data, traffic surveys, public transport availability and pedestrian and cyclist connectivity.

Based on ABS data for car ownership rates, it is advised that a total of 107 resident spaces could be expected for the proposed development.

An empirical assessment of visitor parking by GTA suggests a peak demand of 16 spaces (based on 0.1 spaces per dwelling).

Similarly, from surveys undertaken by GTA and other consultants, it would appear that a car parking rate of 2.5 spaces per 100 sqm of retail could be expected for this development, giving a total requirement of 8 spaces.

This provides a total demand of 131 spaces.

Traffic surveys undertaken by GTA indicate a minimum of 100 daytime vacancies and 25 evening vacancies within 200m of the site, which is suitable for the anticipated short-term parking demands of the development.

Bearing this in mind, Engineering Services offers no objection to the proposed parking provision.

It is advised that the layout generally confirms to the Planning Scheme and/or Australian Standards with regards to gradients, bay sizes and isle widths. No objection is offered in this regard.

It is also advised that due to heritage restrictions, pedestrian sight triangles cannot be achieved. As a result, a flashing signalling system is proposed. Engineering Services accept this proposal and this should be a condition of any permit issued.

Bicycle parking

The development generates a bicycle parking requirement of 47 spaces, comprising 31 spaces for residents and 16 spaces for visitors.

121 spaces are proposed. While this exceeds the statutory requirement, it would be preferable to provide at least 1 space per dwelling.

Loading requirements

Due to the provision of a food and drink premise within the development, a loading bay of at least 27.4m² is required.

A 34.3m² loading bay is proposed adjacent the vehicle access off Adderley Street. This area has been designed to accommodate 8.8m medium rigid vehicles and have

an internal height clearance of 4.9m. Vehicles are expected to reverse into the loading bay and exit in a forward direction. While reversing manoeuvres are not ideal, good sightlines and a single traffic lane should assist with this movement. As a result, no objection is offered to the loading arrangement.

Traffic considerations

The GTA report advises that based on previous accepted generation rates for the area, a rate of 0.25 vehicle movements per residential space can be expected for weekday AM and PM peak periods with a daily rate of 2.5 vehicle movements per space.

Application of the above rates and including the retail and food and drink premise gives a total of 41 vehicle movements in peak periods with 1 vehicle movement every 1 to 2 minutes. GTA advises that the majority of traffic is expected to access the site from the south.

A SIDRA analysis of the intersection of Adderley and Roden Streets indicates that this intersection currently operates at excellent conditions. As a result any additional traffic generated by the development could not be expected to compromise the safety or function of the surrounding road network.

Engineering Services accepts the above assessment and offers no objection in this regard.

Additional visitor parking

Engineering Services has no objection to the provision of 7 additional visitor spaces in the amended application.

Vehicle access and layout

The original submission included a 7.8m wide two-way crossover on Adderley Street; the amended application seeks to retain the existing crossovers and column separating inbound and outbound movements.

Engineering Services has no objection to the amended application subject to the following information provided to the satisfaction of the Responsible Authority – Engineering Services:

- Swept path diagrams clearly showing B99 vehicles accessing/egressing the car park and 8.8m trucks accessing/egressing the loading dock (with the correct road alignments and infrastructure shown including parking bays, signs, poles, etc.), and
- Confirmation from a suitably qualified traffic engineering consultant that all spaces, accessways, grades, transitions, head clearances, etc. are generally designed in accordance with the relevant requirements of the Planning Scheme and AS/NZS 2890.1:2004.

7.1.4 Waste

The original submission and amended application were referred to Waste who advised that the Waste Management Plan by Leigh Design Pty Ltd dated 11/1/2018 was acceptable.

7.1.5 Civil Design

The original submission was referred to Civil Design who provided the following comments and conditions.

The development includes reconstruction of the existing crossovers and median island on Adderley Street to a single crossover. The maximum permissible width of a

crossover without a pedestrian refuge is 7.6m. The crossover should be redesigned in alignment with the driveway and reconstructed in asphalt to the satisfaction of the Responsible Authority.

- Drainage connection underground (DET.11)
- Demolish and construct access (AC.02)
- Street levels not to be altered (AC.11)
- Street lighting not to be altered (AC.12)
- Adderley Street vehicle crossing
- Roden, Adderley and Hawke Street footpaths

The amended application includes retention of the existing crossovers, median island and vehicle openings on Adderley Street, as such it was not referred to Civil Design.

7.1.6 Urban Forest

The original submission and amended application were referred to the Urban Forest team who provided the following comments and conditions.

Twelve public trees border the site on Roden, Adderley and Hawke Streets. The most mature trees are located on Roden and Adderley Streets.

The Tree Protection Plan by Greenwood Consulting dated 19/1/2018 identifies that all trees can be retained, but the report does not consider demolition or construction impacts such as loading zones and public protection gantries. It is probable that pruning or removal of the public trees may occur. These impacts will only be fully known following the submission of a construction and traffic management plan.

- Tree protection plan
- Bank guarantee for public trees
- Revised tree protection plan
- Replacement and/or additional tree plots

7.2 External

7.2.1 Transport for Victoria

Transport for Victoria does not object to the grant of a permit.

8 ASSESSMENT

The key issues in the consideration of the assessment are:

- Heritage and neighbourhood character
- Amenity impacts and equitable development
- Clause 58 and internal amenity
- Retail uses
- Parking, loading, traffic and waste
- Environmentally sustainable design
- Potentially contaminated land
- Any other issues raised by the objectors

8.1 Demolition

The site is affected by HO3 (North and West Melbourne Precinct).

The existing buildings have been afforded D gradings in level 3 streetscapes in the Heritage Places Inventory, March 2018.

Pursuant to Clause 43.01-8, the responsible authority must consider, as appropriate, any applicable statement of significance, heritage study and conservation policy.

Amendment C258 includes a statement of significance for HO3, a revised Clause 22.05 and the following gradings for the existing buildings:

- 164-170 Roden Street – Hawke Street wing: significant.
- 164-170 Roden Street – Roden Street wing: contributory.
- 164-184 Roden Street – Briscoe and Co ironmongers warehouse complex: significant.

At the time of preparing this report, the status of the amendment is the same as when TP-2016-501 was considered by the Tribunal and similarly it is given limited weight in this assessment (refer paragraph 15 of the VCAT decision).

TP-2016-501 proposed demolition of 164-170 Roden Street and part demolition of 172-184 Roden Street. The street facades, floor slabs and interior columns to a depth of 6-7m were retained.

In her decision, Member Naylor concluded that the proposed demolition was acceptable subject to an acceptable replacement building, having regards to:

- The degree of heritage significance, which is somewhat limited (D/3).
- The street facades of 164-170 Roden Street are not particularly prominent and lowly graded. 164-170 Roden Street is an addition to, but does not form part of the unified architectural composition of 172-184 Roden Street. Hence, demolition of 164-170 Roden Street can be reasonably contemplated subject to an acceptable replacement building.
- The development contributes to the long-term conservation of the street facades of 172-184 Roden Street, albeit in an altered form.
- Some demolition is justified as part of an overall proposal to alter and add to 172-184 Roden Street (paragraphs 19 and 20).

The current application proposes demolition of the majority of the existing buildings. The sawtooth boundary wall to 164-170 Roden Street and the street frontages to 172-184 Roden Street will be retained.

While the floor slabs and interior columns contribute to the three dimensional form of 172-184 Roden Street, their demolition is acceptable because:

- There are no internal heritage controls in this instance.
- The building is lowly graded (D/3).
- The street walls are relatively deep.
- The floor slabs and window openings are raised above ground level. Reducing the floor levels and window openings will improve accessibility and increase passive surveillance and interaction with the street.
- Demolition of the floor slabs and interior columns is required to achieve a viable development with a reduced envelope that includes the long-term conservation of 164-170 Roden Street, albeit in an altered form.

Site photos



Deep reveals and raised floors



Deep reveals and raised windows



Deep reveals and raised windows

8.2 Alterations to the street frontages

The alterations to the street frontages are not dissimilar to TP-2016-501 (refer to the elevations in section 3). The current application has fewer interventions in the Roden and Adderley Street frontages and includes reinstatement of the historic signage and restoration of the architectural features.

In her decision, Member Naylor concluded that the changes to the number, shape and size of the openings could be considered acceptable if the balance of the proposal was acceptable (paragraph 21).

For the reasons discussed throughout this report, the proposal is considered acceptable, including the alterations to the street frontages.

The alterations are required to facilitate the adaptive reuse of the warehouse complex and the applicant has submitted renders that demonstrate the interaction between the public and private realm, which are considered acceptable.

A condition is recommended to bring the communal entry at the corner of Hawke and Adderley Streets to the street frontage and delete the potential entrapment space.

Adderley Street render



Hawke Street render



8.3 Height and upper level setbacks

DDO29 has a discretionary four storey maximum building height. In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- 3.5m for residential use
- 4m for non-residential use

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

DDO29 design objectives are:

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

DDO29 built form outcomes are:

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

TP-2016-501 had eight-storeys and a maximum building height of 27.91m. Four storeys were visible above the retained facades. The proposed development has seven-storeys and a maximum height of 22.45m. Two storeys are visible above the retained facades (refer to the elevations in section 3).

A comparison of the upper level setbacks is provided below.

	Refused application	Proposed development
Roden St minimum upper level setbacks	Level 4: 2.3-2.4m Level 5: 2.3-2.4m Level 6: 2.3-2.4m Level 7: 11.4-11.9m	Level 4: n/a Level 5: 2.6-3.1m Level 6: 4.7m
Adderley St minimum upper level setbacks	Level 4: 5.7-6.8m Level 5: 5.7-6.8m Level 6: 5.7-6.8m Level 7: 12.9-14m	Level 4: n/a Level 5: 6.9m Level 6: 6.9m
Hawke St minimum upper level setbacks	Level 4: 1.6-2.4m Level 5: 1.6-2.4m Level 6: 1.6-2.4m Level 7: 10.9-11.8m	Level 4: n/a Level 5: 2.5-3.1m Level 6: 4.6-5.7m
NE boundary minimum upper level setbacks	Level 4: 4.4-4.9m Level 5: 4.4-4.9m Level 6: 10.2m Level 7: 17.8m	Level 4: 4-4.1m Level 5: 4.5-4.9m Level 6: 4.5-4.9m

In her decision, Member Naylor acknowledged that the site benefits from three street frontages with wide road reserves and median breaks and/or street trees. These characteristics contribute to the potential for additional height, the question is how much (paragraph 31).

Ultimately, Member Naylor was not persuaded that the physical context or planning policies provided support for the proposal. She was not persuaded that the proposal provided an acceptable transition to the adjoining lower scale heritage buildings or was respectful of the scale of Roden and Hawke Streets. She suggested that five or six-storeys may be more appropriate (paragraph 44).

The proposed development is considered acceptable because:

- The building height has been reduced by one storey and 5.5m.
- The number of storeys visible above the retained facades has reduced from four to two.
- The upper level setbacks from Roden and Hawke Streets have increased to ensure that they are visually recessive from all street frontages.
 - The upper level setbacks from Roden Street have increased by 0.7m on Level 5 and 2.3m on Level 6.
 - The upper level setbacks from Hawke Street have increased by 0.7m on Level 5 and 3.3m on Level 6.
- The site is located within an area identified for built form change and the development responds to the preferred built form identified in DDO29 and Amendment C309.
- The development achieves the design objectives and built form outcomes of DDO29. It provides a mixed use, multi storey development that acknowledges the transitional nature of the area. It provides a higher density development while respecting the scale of the adjoining heritage buildings and streetscapes.
- The development provides an appropriate graduation in height to the double storey terrace at 133 Hawke Street and maintains the prominence of the sawtooth boundary wall, stepping-down from 21m to 15m to 12.2m.
- Amendment C309 proposes a six storey maximum building height to Adderley Street (preferred). Utilising the floor to floor dimensions in DDO29, this provides a height of 21.5m. The proposed development is 22.5m high. A variation of 1m is acceptable having regard to the slope of the land and the visually recessive upper levels.
- The rooftop terrace and building services have been considered as part of the overall design and are appropriately sited and screened.
- The upper levels have a dark palette of materials and finishes to maintain the prominence of the retained facades and ensure that they are visually recessive.

8.4 Infill development

The infill development between the retained facades of 172-184 Roden Street and the sawtooth boundary wall of 164-170 has a vertical recess between the old and the new built form and features a vertical concrete façade treatment that:

- Breaks up the overall volume into a number of sub-volumes,
- Creates contrast between recessive and projective elements,
- Reflects the subdivision pattern of the neighbouring terraces, and

- Respects the proportions of the retained facades of 172-184 Roden Street.

The external materials including grey blockwork, solid and laser cut metal cladding in mid grey and charcoal, and clear, grey and black glazing are sympathetic to the old and in keeping with the new materials within the surrounding area.

Site photos



Roden and Hawke Streets

The Urban Design Team suggested that the upper levels be broken up by two distinct forms or materials to correspond to the retained building and the infill development. However, the proposed design response is considered acceptable having regard to:

- The increased upper level setbacks from Roden and Hawke Street, Which ensure that the upper right levels are partially concealed from street frontages
- The historically mixed subdivision pattern and built form in the area, which includes larger lots and buildings
- The dark palate of materials and finishes. This maintains the prominence of the retained facades and adjoining heritage buildings in the streetscape, and is visually recessive.

8.5 Amenity impacts and equitable development

The development will not adversely affect the amenity or equitable development of the adjoining properties.

133 Hawke Street

133 Hawke Street to the northeast contains a double-storey terrace with rear secluded private open space.

The development will retain the sawtooth boundary wall, which will maintain the existing conditions with respect to light and outlook.

Level 4 is setback 4-4.1m from the boundary and Levels 5 and 6 are setback 4.5-4.9m. The height and setback of the windows and balconies on Levels 4, 5 and 6 ensure that there are no direct views within a 9m distance and 45 degree angle.

158-162 Roden Street

158-162 Roden Street to the southeast contains a single-storey workshop occupied by an auto repairs shop.

The sawtooth boundary wall and upper level setbacks provide for the equitable development of the adjoining property.

8.6 Clause 58 and internal amenity

The development provides a good level of internal amenity and meets all of the objectives of Clause 58. Variations to the standards are discussed below.

Standard D5 – Integration with the street

High front fencing has been avoided, however some screening is required to the ground floor apartments to delineate the public and private realm and provide a sense of security and privacy for future residents. The screening is integrated with the overall design and allows passive surveillance and interaction with the street.

Standard D10 – Landscaping

Standard D10 requires that sites greater than 2,500m² provide 15% of the site area for deep soil with a minimum dimension of 6m.

A variation of Standard D10 is acceptable having regard to the existing buildings on-site, inner urban location and the character of the local area. Opportunities for landscaping have been provided within the central courtyard and the balconies and rooftop terrace, including provision for 20-25 small canopy trees as shown on the landscape plans by MALA Studio dated January 2018.

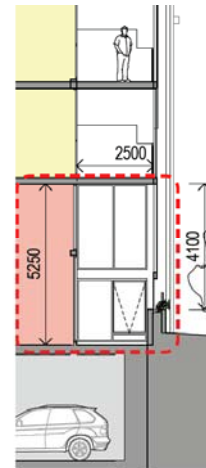
Standard D25 – Room depth

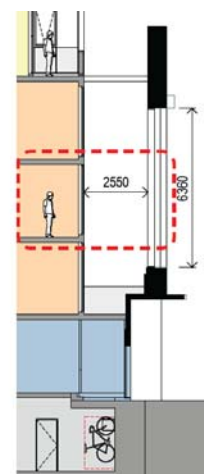
Standard D25 requires that single-aspect open-plan kitchen, dining and living areas do not exceed a depth of 9m.

While the internal layout of each apartment complies with this standard, the retained facades to 172-184 Roden Street act as a second skin to some of the apartments and reduce the light and outlook.

The design response it considered acceptable having regards to the constraints of the heritage building and the enlarged openings to increase light and outlook. Further, a similar arrangement was considered acceptable by the Tribunal in TP-2016-501.

Internal renders





8.7 Retail uses

Pursuant to Clause 32.04-2, a permit is required for a shop (other than adult sex product shop) with a leasable floor area greater than 150m².

Retail Unit 3 is 166.6m² and requires a permit for the use.

The 166.6m² retail unit is acceptable and will not adversely affect the amenity of the area by way of parking, loading or noise. Three car parking spaces are allocated to the three retail units and a 34.3m² loading bay will provide for the servicing needs of the retail units and the residential component. The traffic surveys undertaken by GTA indicate a minimum of 100 daytime vacancies and 25 evening vacancies within 200m of the subject site, which is suitable for the anticipated short-term parking demands of the development. The retail unit has direct access to the loading bay and bin store. The retail unit abuts the street frontages and is not anticipated to emanate noise to the void between the retained facades and the new building, as such it is not necessary to restrict the hours of operation in this Mixed Use Zone.

8.8 Parking, Loading and Waste

8.8.1 Car parking

The development comprises 47 x 1-bedroom dwellings, 101 x 2-bedroom dwellings, 9 x 3-bedroom dwellings, 301.8m² shop and 94.5m² food and drink premises, which

generates a car parking requirement of 166 spaces for the residential component and 14 spaces for the retail component; 180 spaces in total.

In this regard, it is noted that the car parking rates have changed since the introduction of Amendment VC148 on the 31 July 2018. Visitor parking is no longer required for the residential component and the car parking rate for a shop and food and drink premises has reduced from 4 to 3.5 spaces per 100m² leasable floor area.

The development provides a total of 169 spaces, including 153 resident spaces, 13 visitor spaces and 3 retail spaces. This equates to a reduction of 11 spaces.

A reduction of car parking is acceptable for the reasons set out in section 9.1.3 of this report, including ABS data for car ownership rates, the availability of on-street parking, proximity to public transport services and pedestrian and cyclist connectivity.

8.8.2 Bicycle parking

The development generates a bicycle parking requirement of 47 spaces, comprising 31 spaces for residents and 16 spaces for visitors.

121 spaces are proposed. While Engineering Services would prefer 1 space per dwelling, a ratio of 0.77 is acceptable having regard to the car parking provision, public transport availability and proximity to goods, services and employment opportunities.

8.8.3 Loading

A 34.3m² loading bay is proposed adjacent the vehicle access off Adderley Street. This area has been designed to accommodate 8.8m medium rigid vehicles and have an internal height clearance of 4.9m. Vehicles are expected to reverse into the loading bay and exit in a forward direction. While reversing manoeuvres are not ideal, Engineering Services has no objection subject to:

- Swept path diagrams clearly showing B99 vehicles accessing/egressing the car park and 8.8m trucks accessing/egressing the loading dock (with the correct road alignments and infrastructure shown including parking bays, signs, poles, etc.). and
- Confirmation from a suitably qualified traffic engineering consultant that all spaces, accessways, grades, transitions, head clearances, etc. are generally designed in accordance with the relevant requirements of the Planning Scheme and AS/NZS 2890.1:2004.

8.8.4 Access, Layout and Traffic Impact

As discussed in section 9.1.3 of this report, Engineering Services advised that the access and layout of the parking and loading facilities is acceptable subject to conditions. They also advised that traffic generated by the development will not compromise the safety and function of the surrounding road network.

8.8.5 Waste

As discussed in section 9.1.4 of this report, Engineering Services advised that the Waste Management Plan by Leigh Design Pty Ltd dated 11/1/2018 is acceptable.

8.9 Environmentally Sustainable Design

Clause 22.19 requires that all applications be accompanied by an environmentally sustainable design statement that demonstrates how the development meets the policy objectives of Clause 22.19-2 and the policy requirements of Clause 22.19-3. Further, applications for buildings over 2,000m² GFA must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant performance measures set out in Clause 22.19-5.

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

- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent
- 5 star rating under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent

While a number of environmental sustainable design reports by ADP Consulting Pty Ltd have been submitted with the application, due to a number of amendments throughout the application process the preliminary design potential of the development is unclear and conditions are recommended to ensure that it achieves the relevant performance measures set out in Clause 22.19-5.

Clause 22.23-4 requires that applications be accompanied by a water sensitive urban design response, as appropriate. A water sensitive urban design response was not submitted with the application, but will be required by condition.

8.10 Potentially Contaminated Land

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

The Phase 1 and Limited Phase 2 Environmental Assessment by Coffey Environments Australia Pty Ltd dated 4/5/2015 concludes that wide spread contamination has not been identified across the site, however given the limited nature of the investigation, the presence of some contamination exceeding the adopted health criteria cannot be excluded. The presence of asbestos and elevated levels of PAH and BaP is likely due to contaminated fill placed at the site prior to the current concrete slabs being constructed. While fill has not been identified widely across the site, it may have been used to level the site in the past prior to the construction of the concrete slab, and therefore it should be recognised that there is potential for further elevated levels of contaminants being present across the shallow subsurface beneath the slabs in areas not sampled. As such, contamination conditions are recommended.

8.11 Other issues raised by the objectors

The shadow diagrams demonstrate that the development will not overshadow Hawke and Adderley Street Park on 22 September, in accordance with Clause 22.02.

Property values and interference with television reception are not relevant planning considerations.

The dwellings are as-of-right in the Mixed Use Zone, as such the responsible authority cannot restrict the hours of the rooftop terrace. It is noted that the amended application reduced the size of the rooftop terrace from 447.6m² to 246.1m² in response to the objectors' concerns.

Excessive noise and antisocial behaviour are controlled by other legislation and should be reported to Victoria Police.

A condition requiring a demolition and construction management plan is recommended.

8.12 Conclusion

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

9 RECOMMENDATION

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

Amended plans

1. Prior to the commencement of the development, including demolition and bulk excavation, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the amended plans prepared by Rothe Lowman Property Pty Ltd received 20 June 2018, but amended to show:
 - a) Any changes as required by the revised Traffic Impact Assessment in condition 6.
 - b) Any changes as required by the Structural Report in condition 7.
 - c) A flashing signalling system at the vehicle access/egress to alert pedestrians of approaching vehicles and motorists of pedestrian movements.
 - d) The communal entry at the corner of Hawke and Adderley Streets brought forward to the street frontage to delete the potential entrapment space.
 - e) 1:20 drawings of the fenestration and façade details at key junctions.
 - f) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.

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

Endorsed plans

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

Materials and finishes

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

Non-reflective glazing

5. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Revised traffic impact assessment

6. Prior to the commencement of the development, including demolition and bulk excavation, a Transport Impact Assessment (TIA) must be submitted to the Responsible Authority, generally in accordance with the TIA by GTA dated 18/1/2018, but amended to include:
 - a) Swept path diagrams clearly showing B99 vehicles accessing/egressing the car park and 8.8m trucks accessing/egressing the loading dock (with the correct road alignments and infrastructure shown including parking bays, signs, poles, etc.) and

- b) Confirmation from a suitably qualified traffic engineering consultant that all spaces, accessways, grades, transitions, head clearances, etc. are generally designed in accordance with the relevant requirements of the Planning Scheme and AS/NZS 2890.1:2004.

Structural report

- 7. Prior to the commencement of the development, including demolition and bulk excavation, a report prepared by a suitably qualified Structural Engineer or equivalent, must be submitted to the Responsible Authority demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to Melbourne City Council and be to the satisfaction of the Responsible Authority.

Construction management plan

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

Civil design

- 9. Prior to the commencement of the development, including demolition and bulk excavation, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
- 10. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

11. The footpaths adjoining the site along Roden, Adderley and Hawke Streets must be reconstructed together with associated works including the provision of tree plots, 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.
12. Existing street levels in roads adjoining the site 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.
13. 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.

Environmentally sustainable design

14. Prior to the commencement of the development, including demolition and bulk excavation, 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) 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.
 - b) 5 star rating under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
15. Within six months of occupation of the development, a report must be provided to the satisfaction of the Responsible Authority, which details the designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Waste management

16. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) by Leigh Design Pty Ltd dated 11 January 2018. The WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.
17. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Loading

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

Landscaping

19. The landscape works shown on the endorsed plans must be completed within 6 months from the completion of the development to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

3D model

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

Building appurtenances and services

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

Street trees

24. Prior to the commencement of the development, including demolition and bulk excavation, a Tree Protection Plan (TPP) for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e) Full specifications of any pruning required to publicly owned trees.
 - f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).

- h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.
- 25. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- 26. In the event that a construction management plan or traffic management plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
- 27. In the event that public trees are proposed for removal at any stage of the development, the applicant must submit plans for the approval of Melbourne City Council that show replacement and or additional tree plots of a larger size and increased soil volume than currently exists in the street frontages adjacent to the development.

Potentially contaminated land and remediation

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

The PEA should include:

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

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.

- b) A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
 - c) Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
 - d) An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
 - e) Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
 - f) Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).
30. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development.
- Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.
31. Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary then prior to the commencement of the development (excluding demolition and any works necessary to undertake the assessment) the applicant must provide either:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970;
 - or
 - b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).
32. Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.
- If there are conditions on the Statement that the Responsible Authority considers a requirement of significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site

must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Development time limit

33. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes:

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

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

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

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

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

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

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

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

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

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