

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

Planning Permit Application: TP-2020-12 550-558 Spencer Street, West Melbourne

18 August 2020

Presenter: Evan Counsel, Director Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application for 550-558 Spencer Street, West Melbourne, seeking approval for demolition of buildings and the construction of a nine-storey mixed use building, a reduction of car parking requirements and alterations to a Road Zone, Category 1 (Refer to Attachment 2, Locality Plan).
2. The applicant is Heidelberg Property Pty Ltd c/- Planning & Property Partners, the owner is Heidelberg Property Pty Ltd and the architect is Kennon +.
3. The site is located within the Mixed Use Zone (MUZ) and is affected by Heritage Overlay (HO3) and Design and Development Overlay Schedule 29 (DDO29). The land is also affected by proposed Melbourne Planning Scheme Amendment C309 (West Melbourne Structure Plan).
4. Public notice of the proposal has been undertaken and a total of 35 objections have been received.

Key issues

5. Key issues for consideration are land use, built form and massing, heritage, amenity impacts, transport, environmentally sustainable design and other matters raised by objectors.
6. 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.
7. The development exceeds the preferred maximum height under the Design and Development Overlay, Schedule 29, and requires a minor variation to the preferred maximum height under proposed Design and Development Overlay, Schedule 72 under Amendment C309. The proposal is consistent with broader strategic policies for increased density and built form change in the Spencer Precinct as identified in the West Melbourne Structure Plan.
8. The transition from a nine-storey tower to a two-storey podium is considered a respectful approach within the strategic and heritage context of the site, providing a setback of approximately 12 metres to neighbouring dwellings.
9. A reduction in provided parking provisions to accord with proposed Parking Overlay, Schedule 14 under Amendment C309 is consistent with strategic direction and the site's proximity to a suite of alternate transport options. The development exceeds the minimum requirement for bicycle facilities on-site.
10. Permit conditions are recommended to ensure that the development delivers a high quality architectural and landscape design response, and potential amenity impacts are minimised.

Recommendation from management

11. 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 (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 86)
2. Locality Plan (Page 3 of 86)
3. Proposed Plans (Page 4 of 86)
4. Delegate Report (Page 51 of 86)

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.

Health and Safety

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

Stakeholder consultation

6. Public notice of both the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

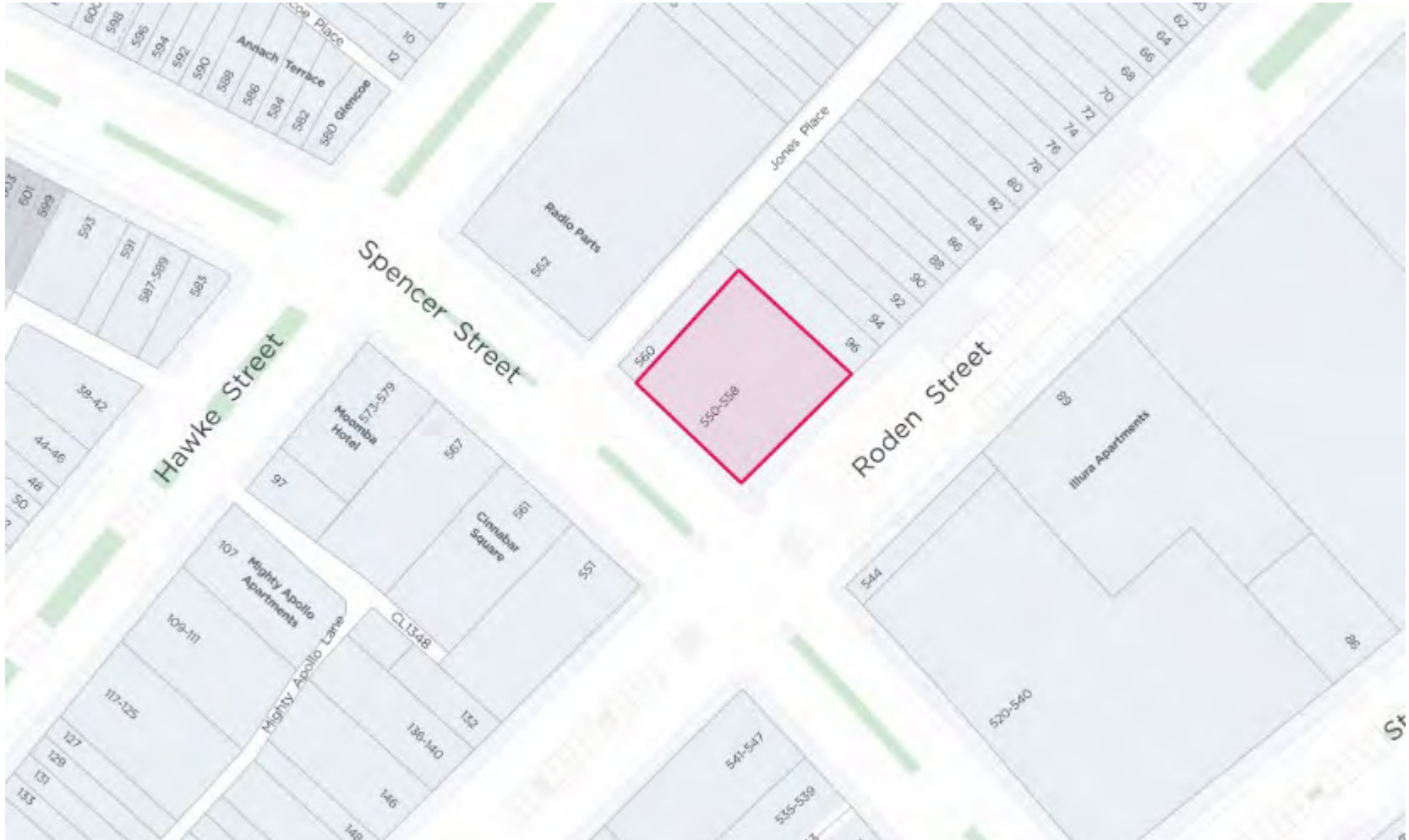
7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4)

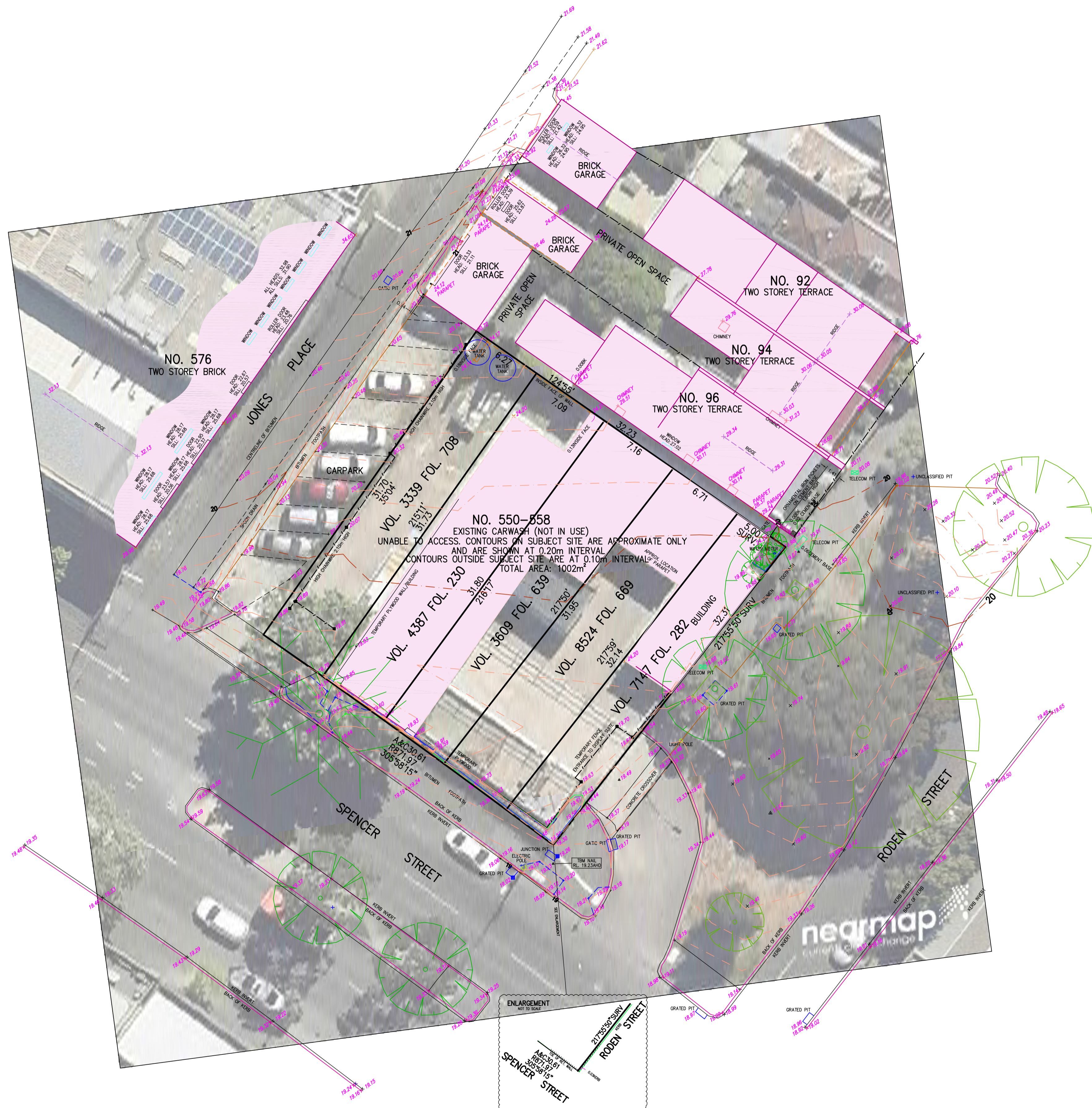
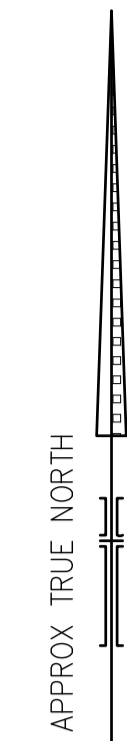
Environmental sustainability

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

Locality Plan

550-558 Spencer Street, West Melbourne

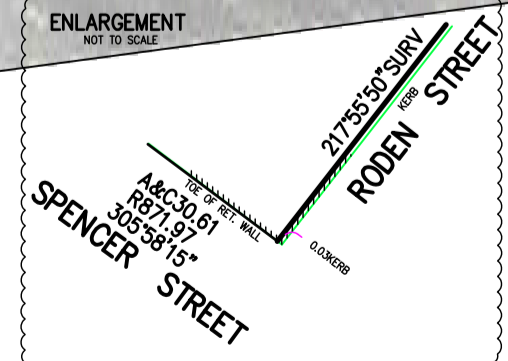




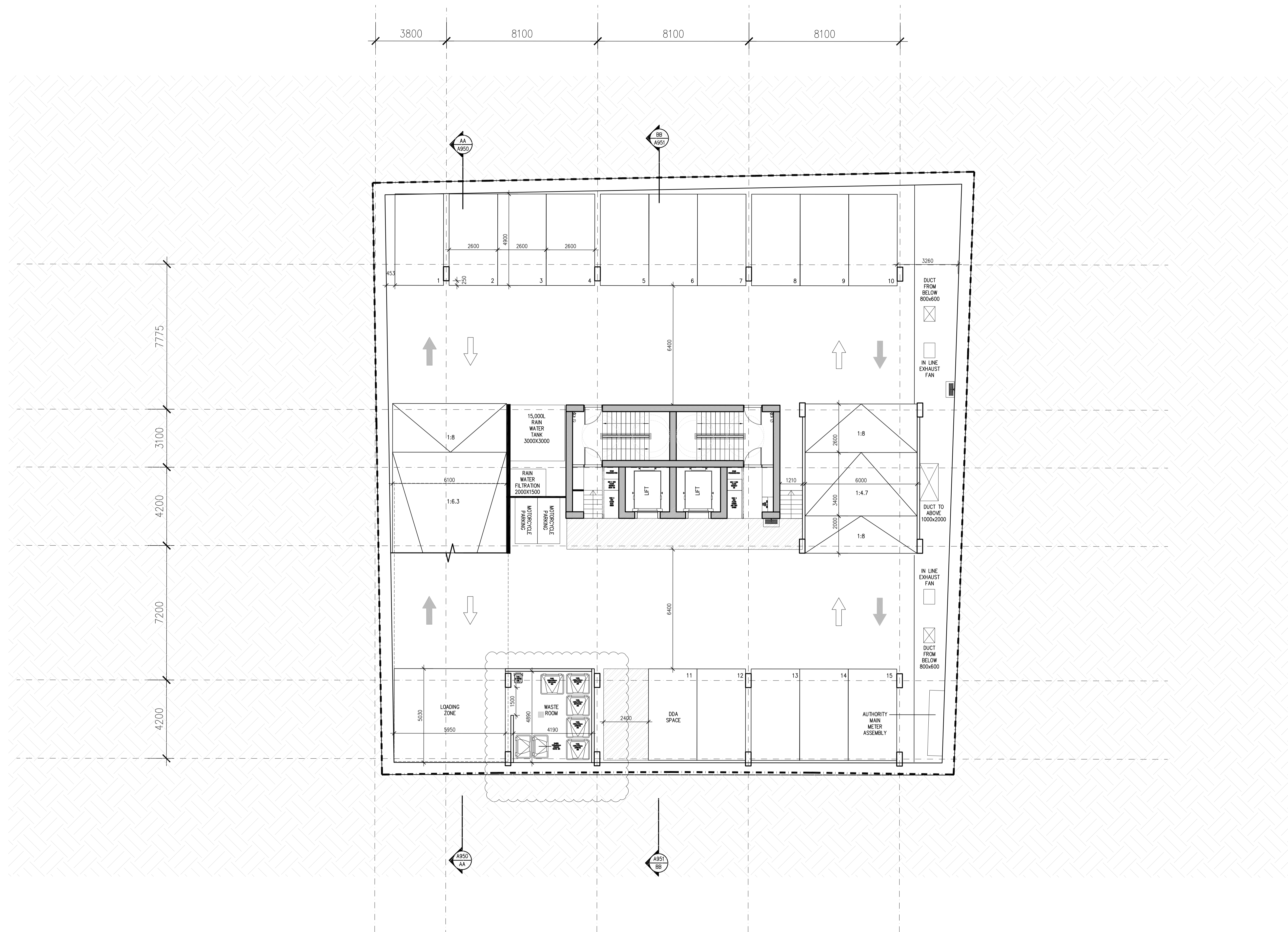
NO. 550-558
EXISTING CARWASH (NOT IN USE)
UNABLE TO ACCESS. CONTOURS ON SUBJECT SITE ARE APPROXIMATE ONLY
AND ARE SHOWN AT 0.20m INTERVAL
CONTOURS OUTSIDE SUBJECT SITE ARE AT 0.10m INTERVAL
TOTAL AREA: 1002m²

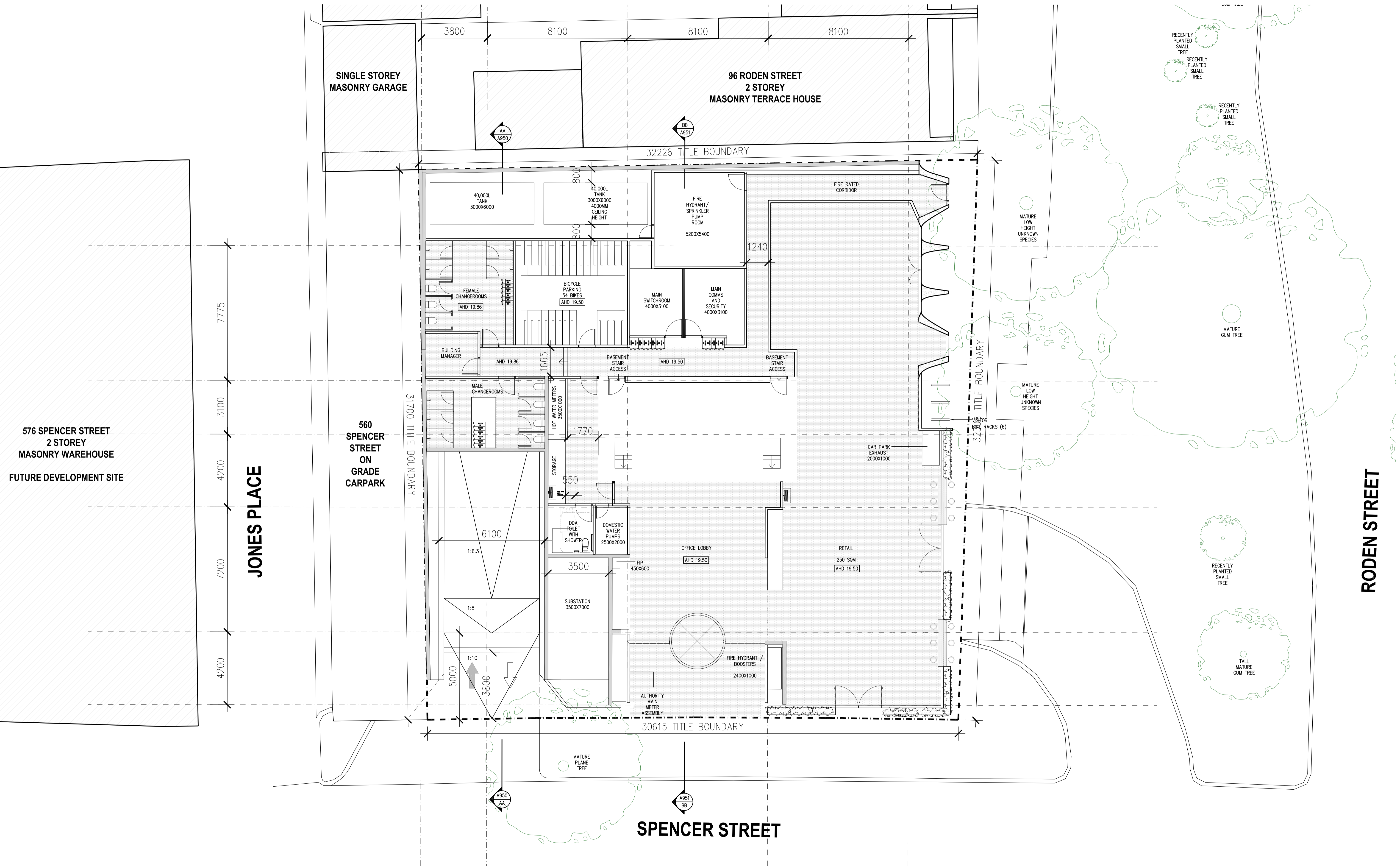
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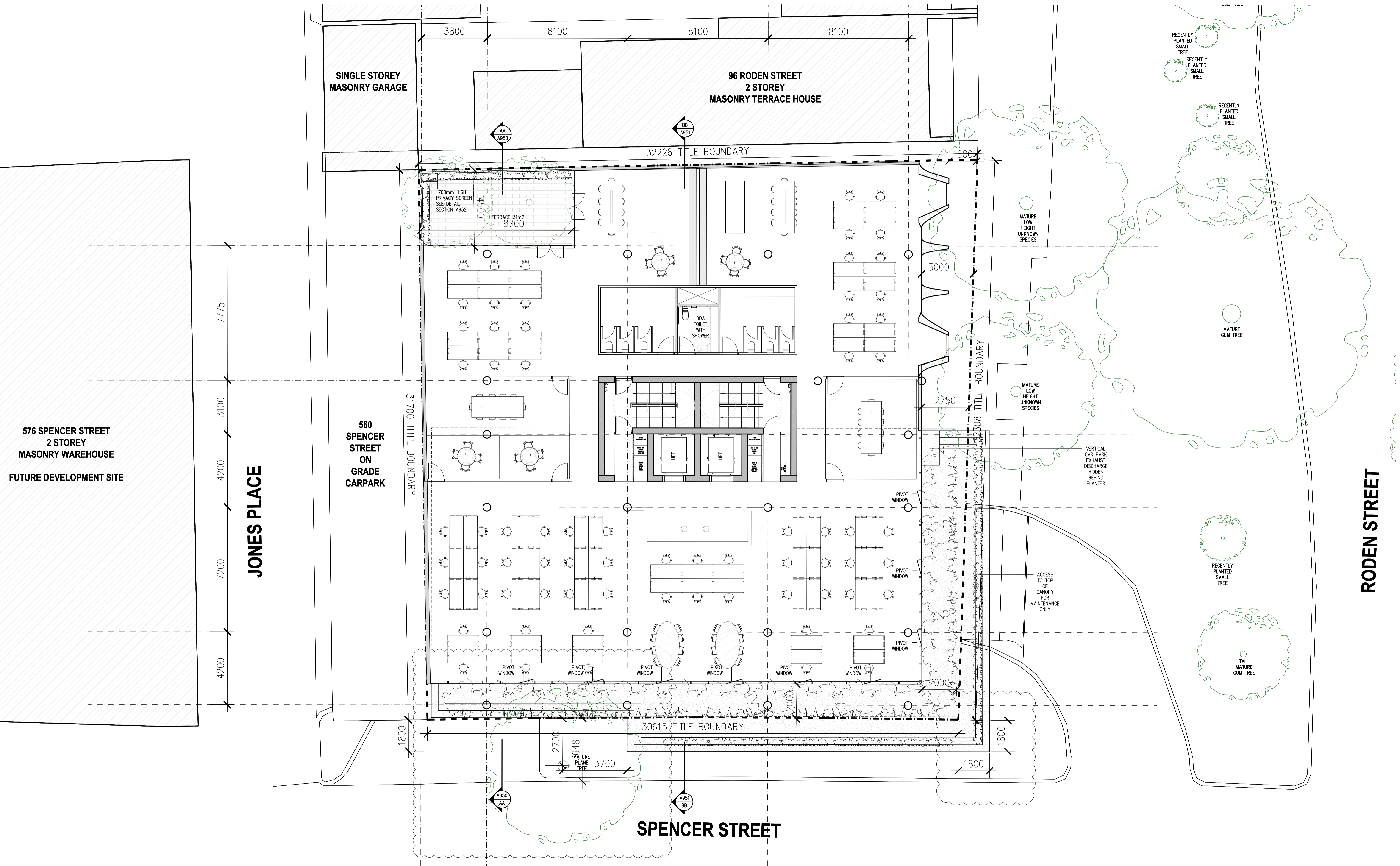
▲ STATION	🌳 EVERGREEN TREE
▬ FENCE	🌳 DECIDUOUS TREE
✕ PARAPET	
+ RIDGE	
✕ SPOT HEIGHT	
---	FENCE
---	BUILDING/SHED/HOUSE
---	VERANDAH
---	RIDGE
---	TOP OF GUTTER
---	TITLE BOUNDARY
---	MINOR CONTOUR
---	MAJOR CONTOUR
---	BACK OF KERB
---	INVERT
---	WINDROW
---	CONCRETE (FOOT)PATH
---	EDGE OF FORMATION
---	TOP OF RET. WALL
---	TOE OF RET. WALL
---	TOP OF BANK
---	TOE OF BANK
---	PARAPET (APPROX. LOC)
---	PARAPET



<p>LEVEL 1, 425 HIGH STREET, KEW, VIC 3101 T +61 3 9855 2727 info@digitalsurveys.com.au A.C.N. 100 548 1410</p>	<p>digital land surveys</p> <p>I, Peter Hollyburton of Level 1, 425 High Street, Kew 3101, certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 and completed on 09/07/2019, that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.</p> <p>Date: _____ Licensed Surveyor Surveying Act 2004</p>	<p>DATUM: MELWAY REF. 2175301 HEIGHTS SHOWN THIS PLAN ARE TO THE AUSTRALIAN HEIGHT DATUM AND HAVE BEEN DERIVED FROM MELBOURNE NORTH PM75, RL 28.147AHD.</p> <p>REVISIONS:</p> <p>version 3A -- amended dimension along north east boundary</p>	<p>SCALE 1:200</p> <p>2 0 2 4 6 8 LENGTHS ARE IN METRES</p>	<p>PLAN OF SURVEY 550-558 SPENCER STREET WEST MELBOURNE</p>
			<p>CONTOUR INTERVAL 0.10m</p>	<p>ORIGINAL REF. 219132</p> <p>SCALE SHEET SIZE 1:200 A1</p> <p>DATE ISSUED 23/12/2019</p> <p>SHEET SIZE A1 VERSION 03A</p>







KENNON+

PROJECT
**550 SPENCER STREET,
 WEST MELBOURNE**

CLIENT
HEIDELBERG PROPERTIES P/L

DRAWING
LEVEL 01 FLOOR PLAN

PROJECT NO.
1913

DRAWING PHASE
TP

DRAWING NO.
A 101

REVISION
F

SCALE: **1:100 @ A1 1:200 @ A3**

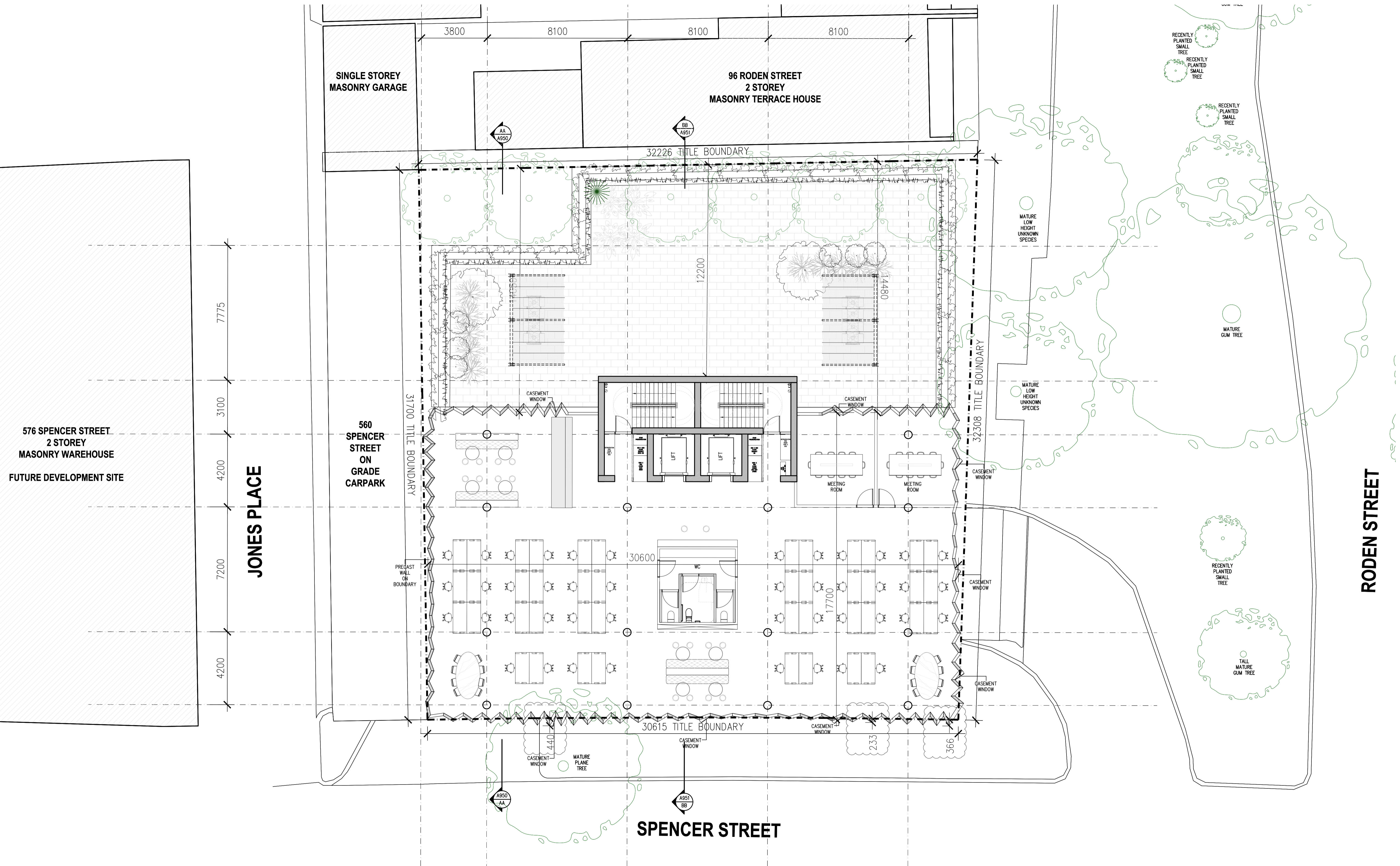
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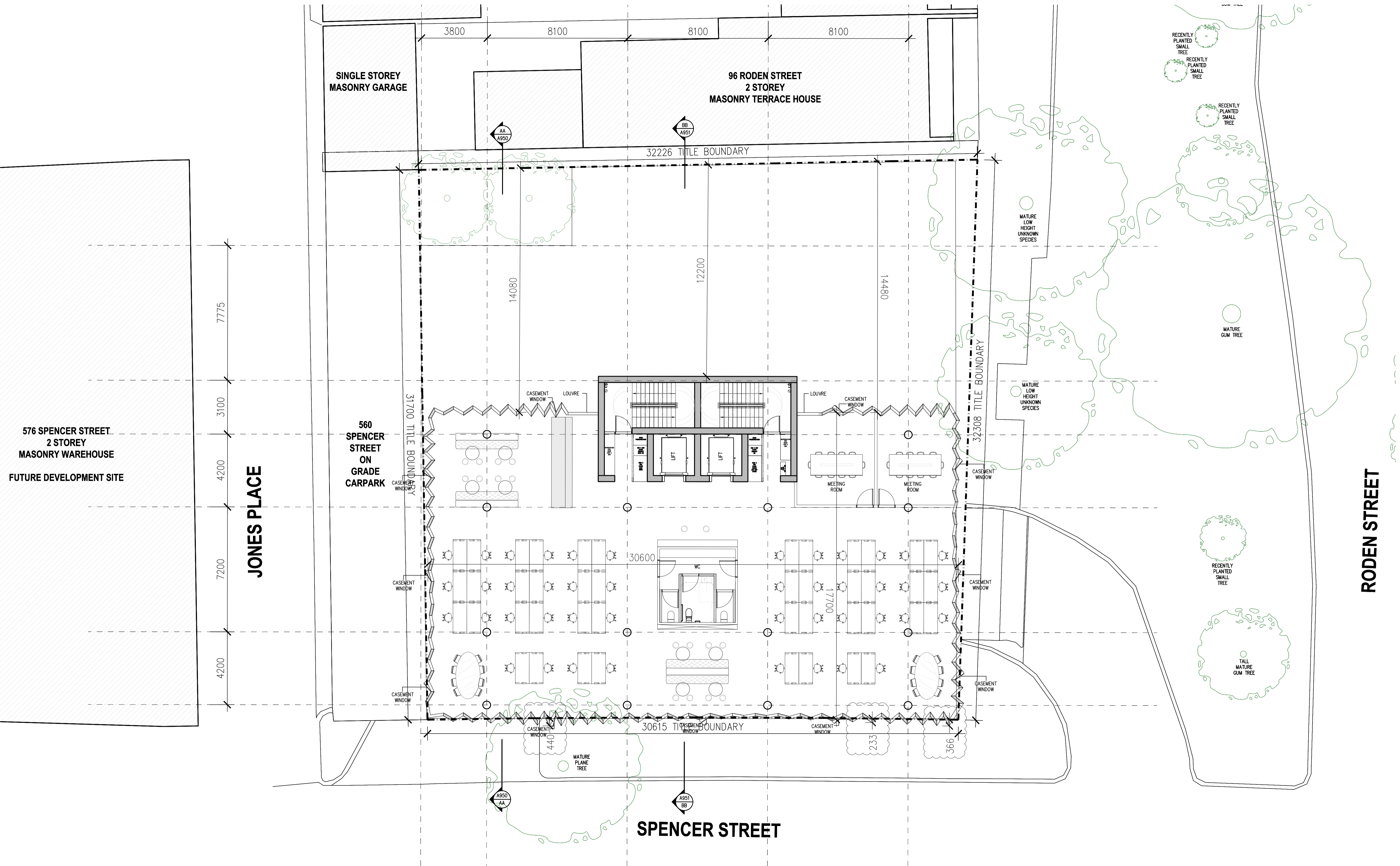
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 WEST MELBOURNE**
 CLIENT
HEIDELBERG PROPERTIES P/L

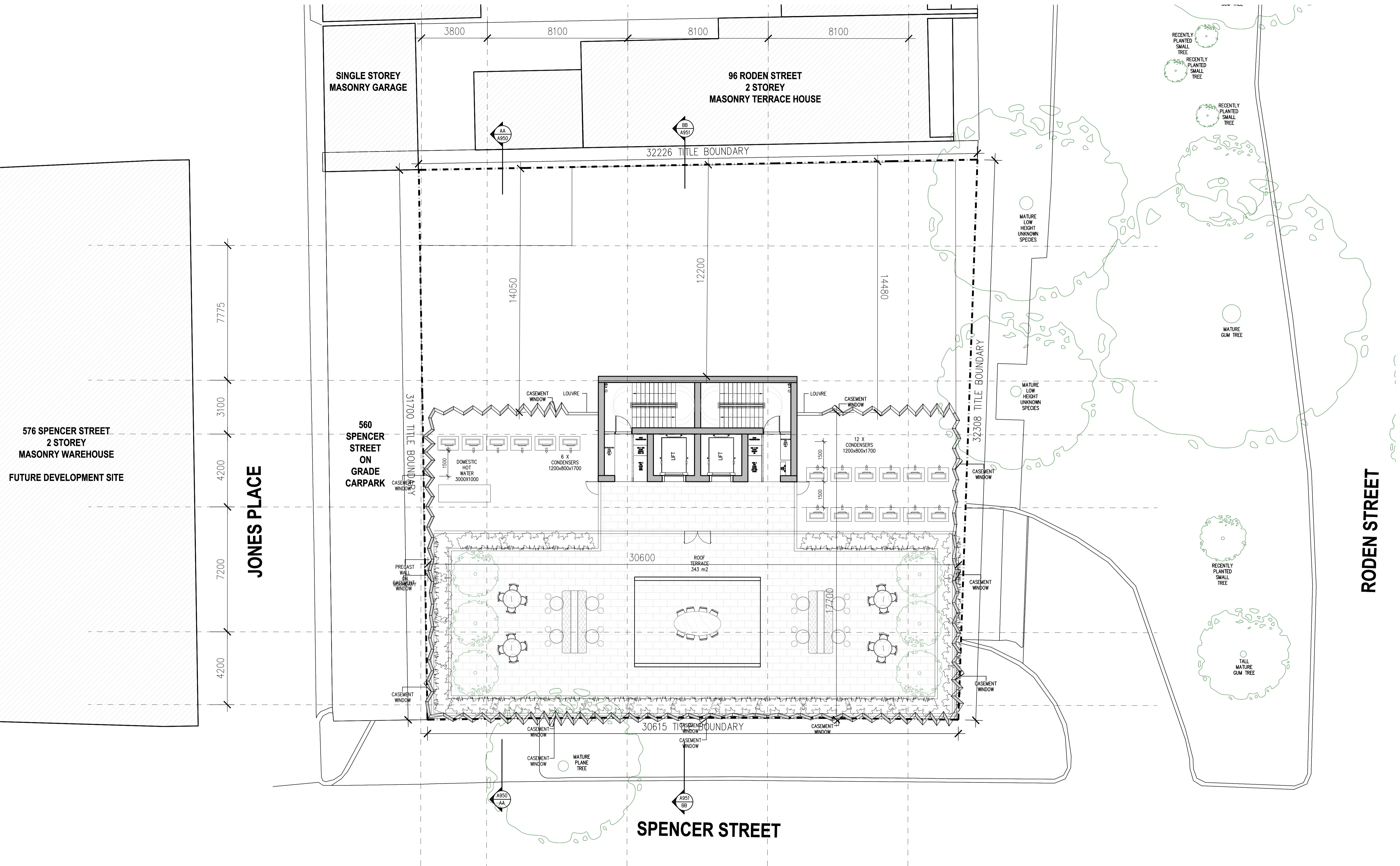
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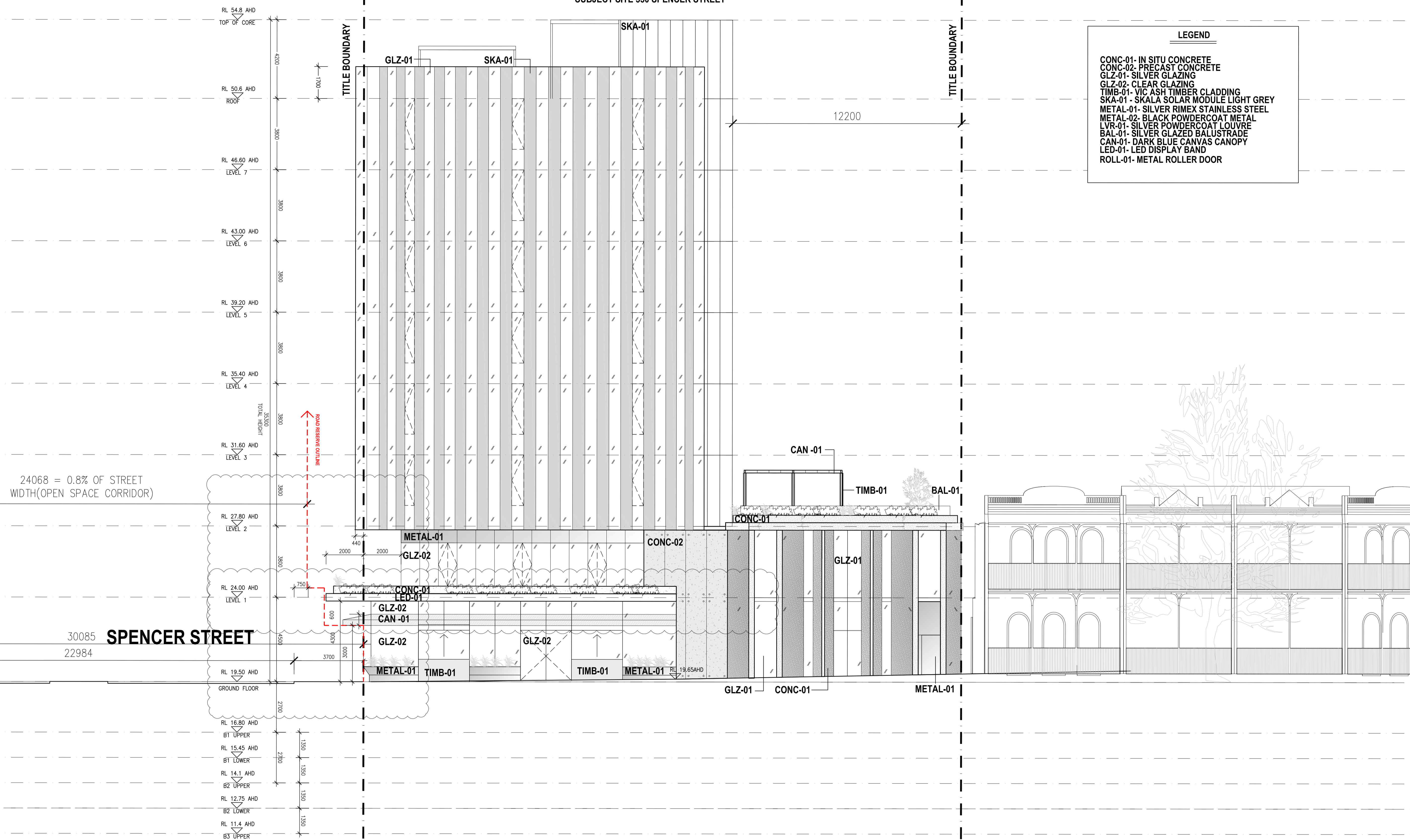
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SUBJECT SITE 550 SPENCER STREET



LEGEND	
CONC-01	IN SITU CONCRETE
CONC-02	PRECAST CONCRETE
GLZ-01	SILVER GLAZING
GLZ-02	CLEAR GLAZING
TIMB-01	VIC ASH TIMBER CLADDING
SKA-01	SKALA SOLAR MODULE LIGHT GREY
METAL-01	SILVER RIMEX STAINLESS STEEL
METAL-02	BLACK POWDERCOAT METAL
LVR-01	SILVER POWDERCOAT LOUVRE
BAL-01	SILVER GLAZED BALUSTRADE
CAN-01	DARK BLUE CANVAS CANOPY
LED-01	LED DISPLAY BAND
ROLL-01	METAL ROLLER DOOR

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PROJECT
550 SPENCER STREET,
WEST MELBOURNE
CLIENT
HEIDELBERG PROPERTIES P/L

DRAWING
EASTERN ELEVATION

PROJECT NO.
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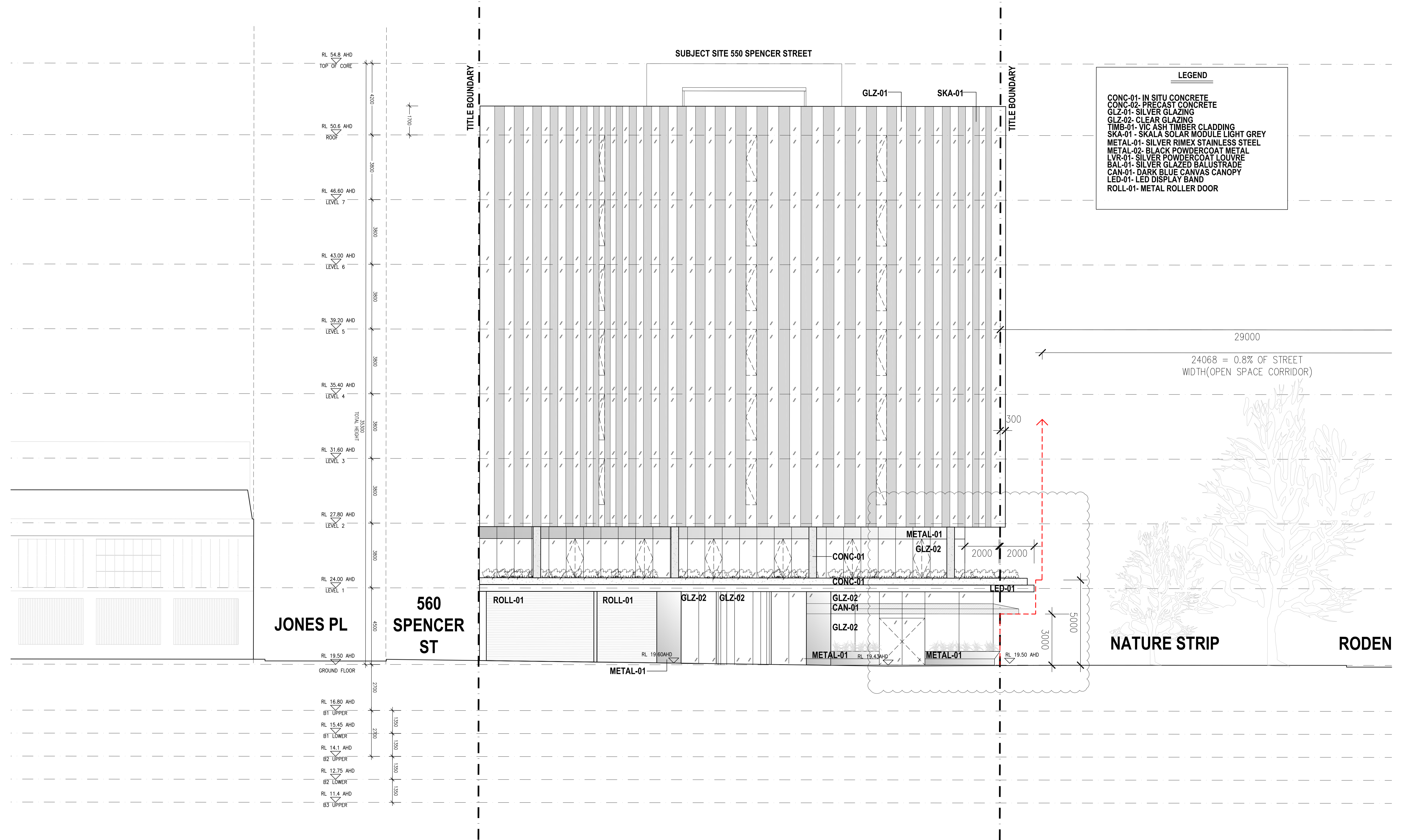
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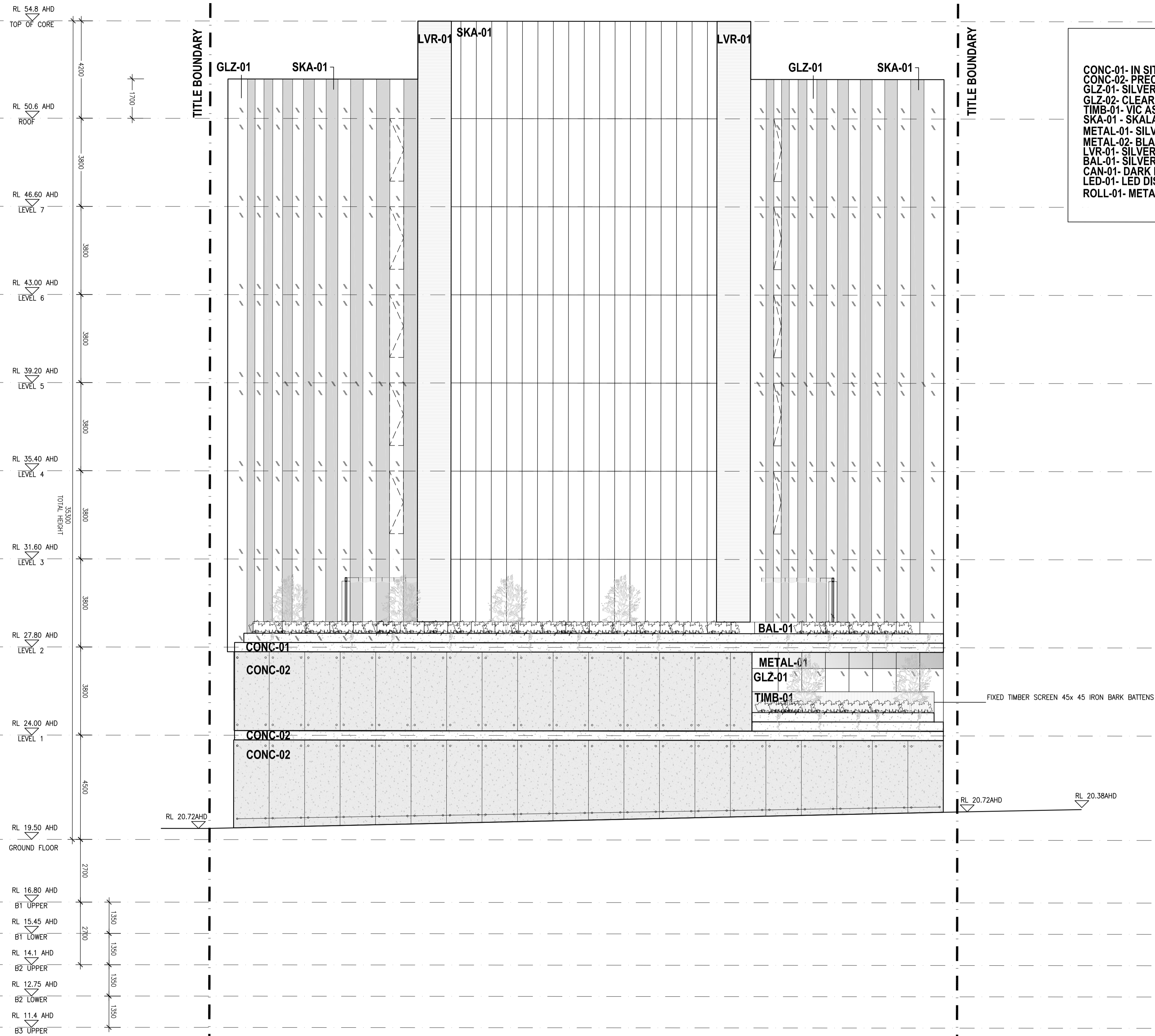
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SUBJECT SITE 550 SPENCER STREET



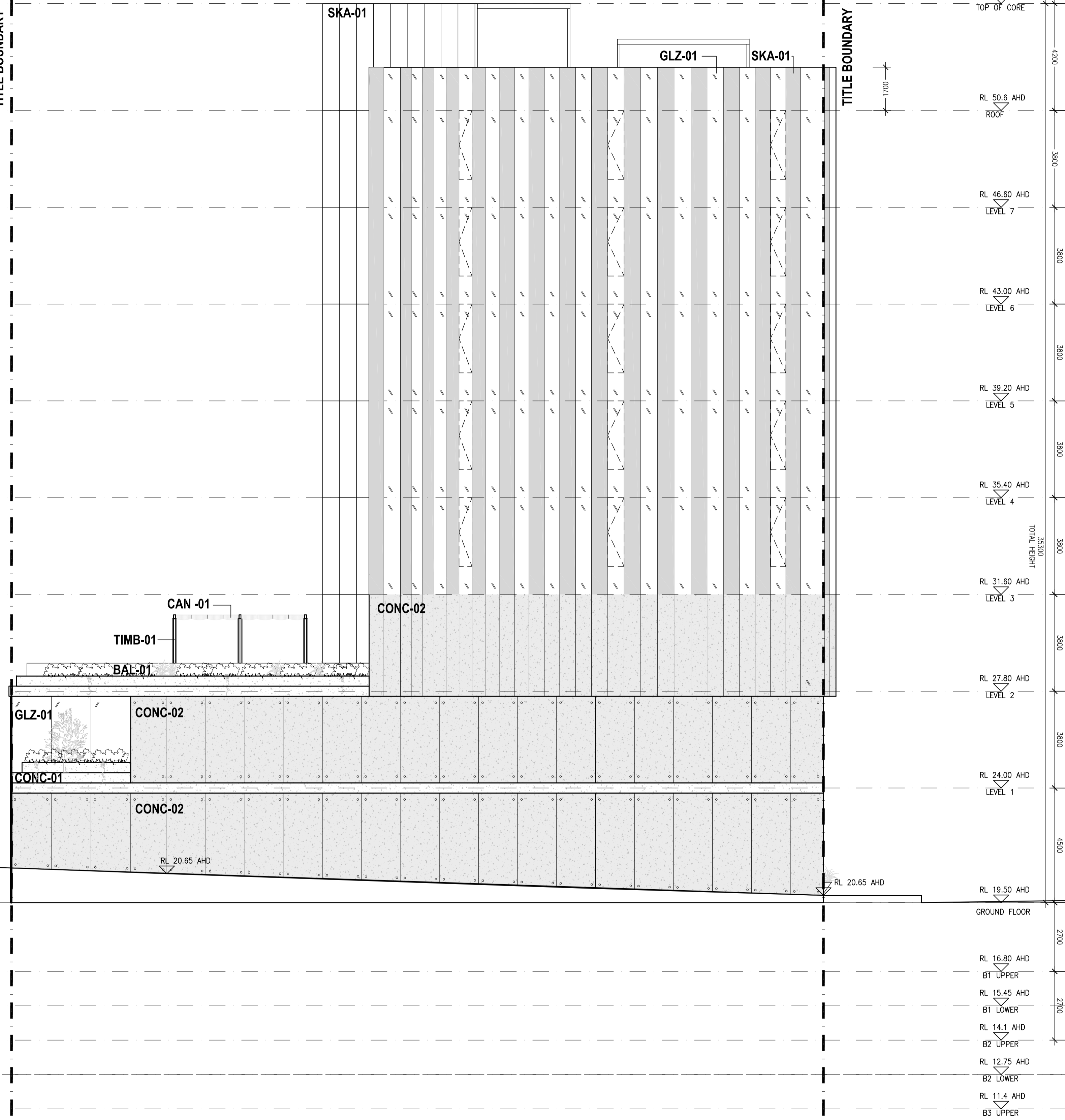
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SUBJECT SITE 550 SPENCER STREET

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CONC-02	PRECAST CONCRETE
GLZ-01	SILVER GLAZING
GLZ-02	CLEAR GLAZING
TIMB-01	VIC ASH TIMBER CLADDING
SKA-01	SKALA SOLAR MODULE LIGHT GREY
METAL-01	SILVER RIMEX STAINLESS STEEL
METAL-02	BLACK POWDERCOAT METAL
LVR-01	SILVER POWDERCOAT LOUVRE
BAL-01	SILVER GLAZED BALUSTRADE
CAN-01	DARK BLUE CANVAS CANOPY
LED-01	LED DISPLAY BAND
ROLL-01	METAL ROLLER DOOR

TITLE BOUNDARY

TITLE BOUNDARY



RL 54.8 AHD	TOP OF CORE	4200
RL 50.6 AHD	ROOF	3800
RL 46.60 AHD	LEVEL 7	3600
RL 43.00 AHD	LEVEL 6	3600
RL 39.20 AHD	LEVEL 5	3600
RL 35.40 AHD	LEVEL 4	3600
RL 31.60 AHD	LEVEL 3	3600
RL 27.80 AHD	LEVEL 2	3600
RL 24.00 AHD	LEVEL 1	3600
RL 19.50 AHD	GROUND FLOOR	2700
RL 16.80 AHD	B1 UPPER	1350
RL 15.45 AHD	B1 LOWER	1350
RL 14.1 AHD	B2 UPPER	1350
RL 12.75 AHD	B2 LOWER	1350
RL 11.4 AHD	B3 UPPER	1350

SPENCER STREET



PROJECT
550 SPENCER STREET,
WEST MELBOURNE
CLIENT
HEIDELBERG PROPERTIES P/L

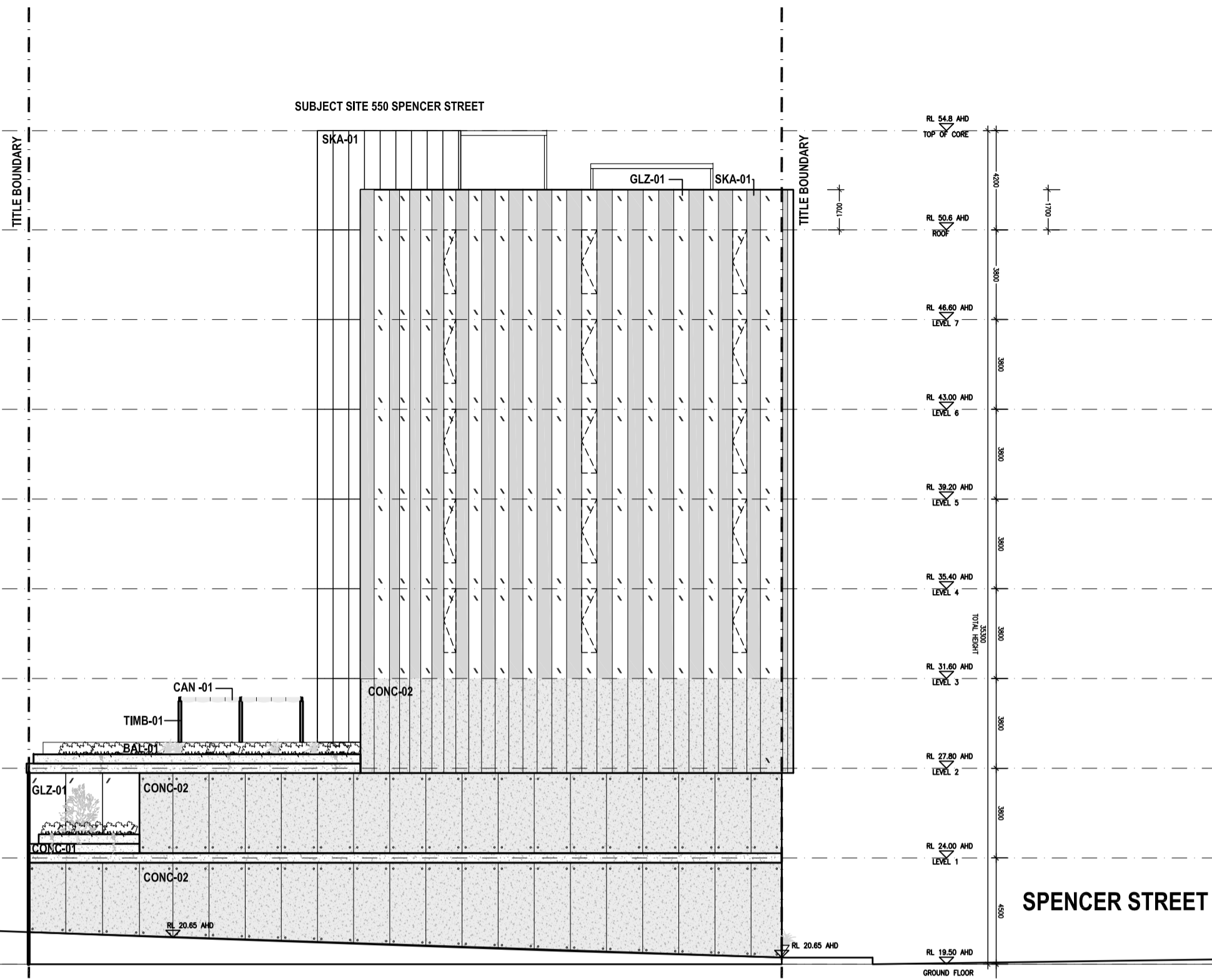
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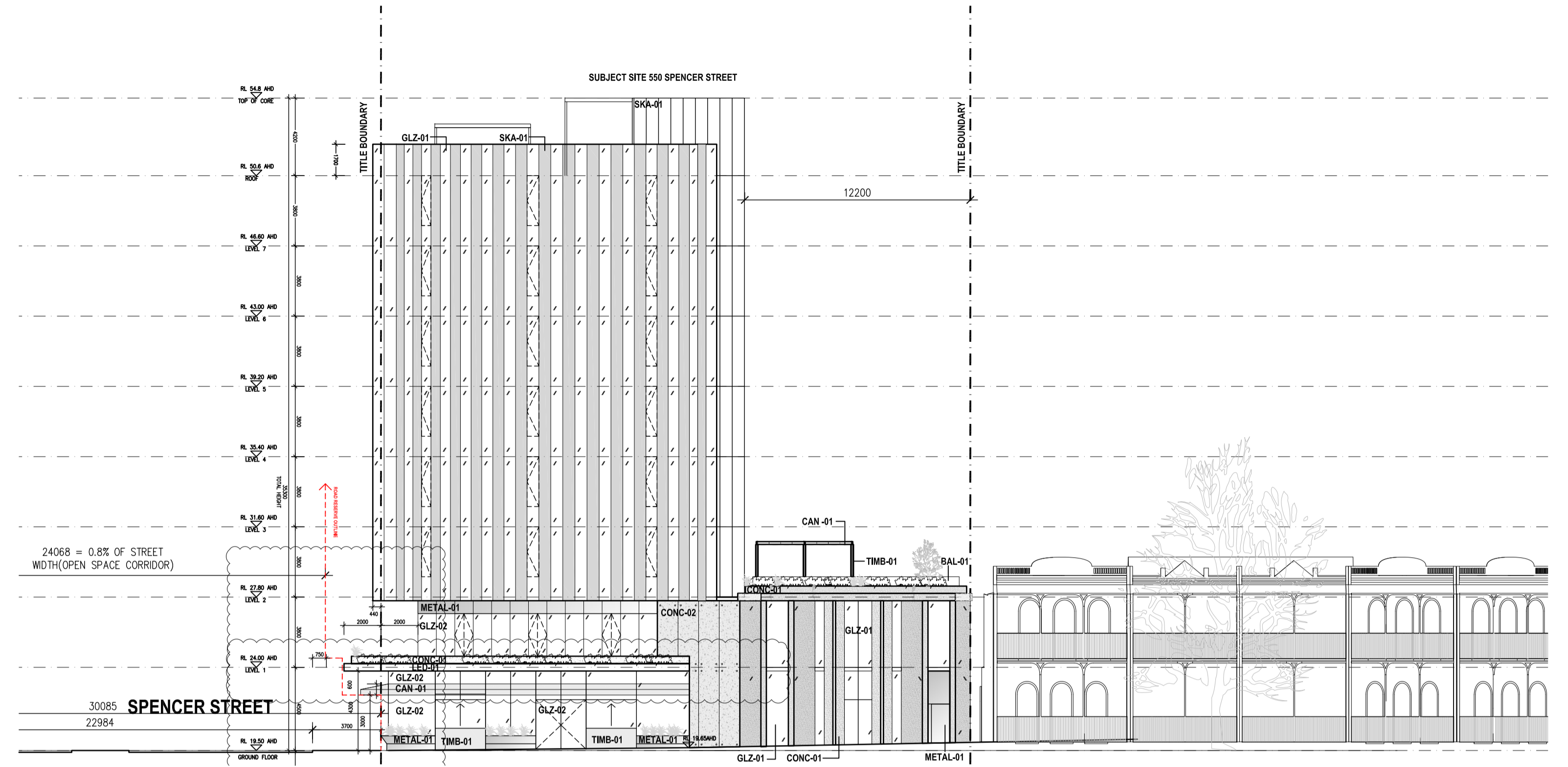
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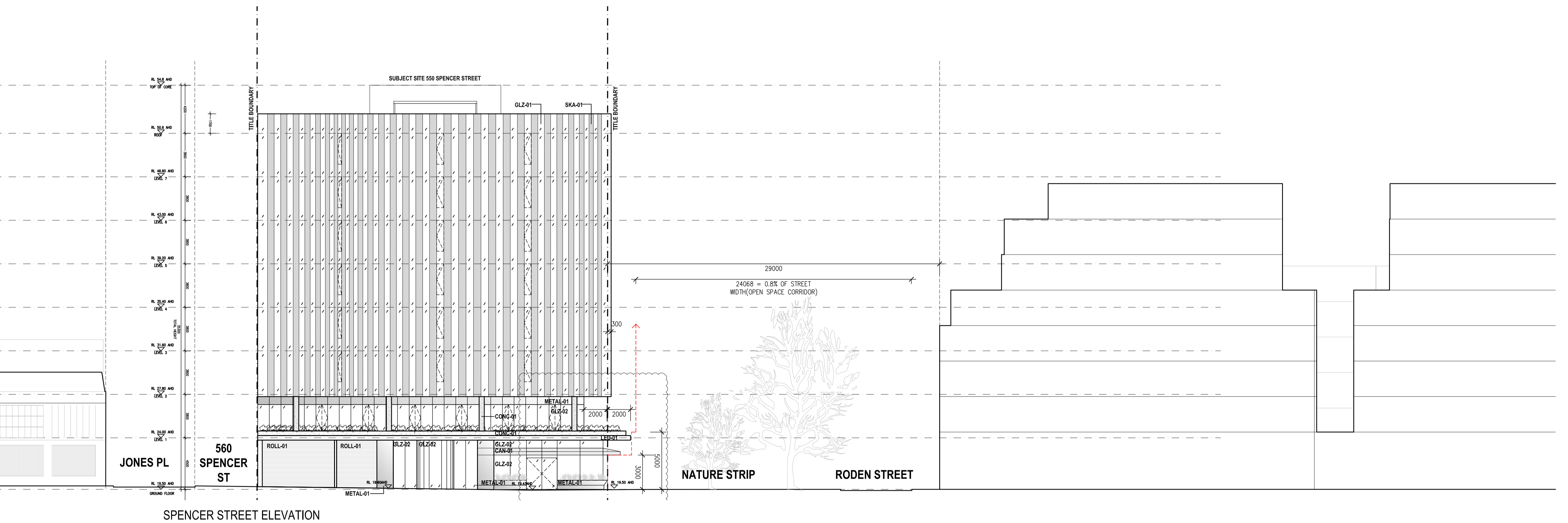
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JONES PLACE ELEVATION



RODEN STREET ELEVATION



SPENCER STREET ELEVATION

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PROJECT
550 SPENCER STREET,
WEST MELBOURNE
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DRAWING
STREET ELEVATIONS

PROJECT NO.
1913
DRAWING PHASE
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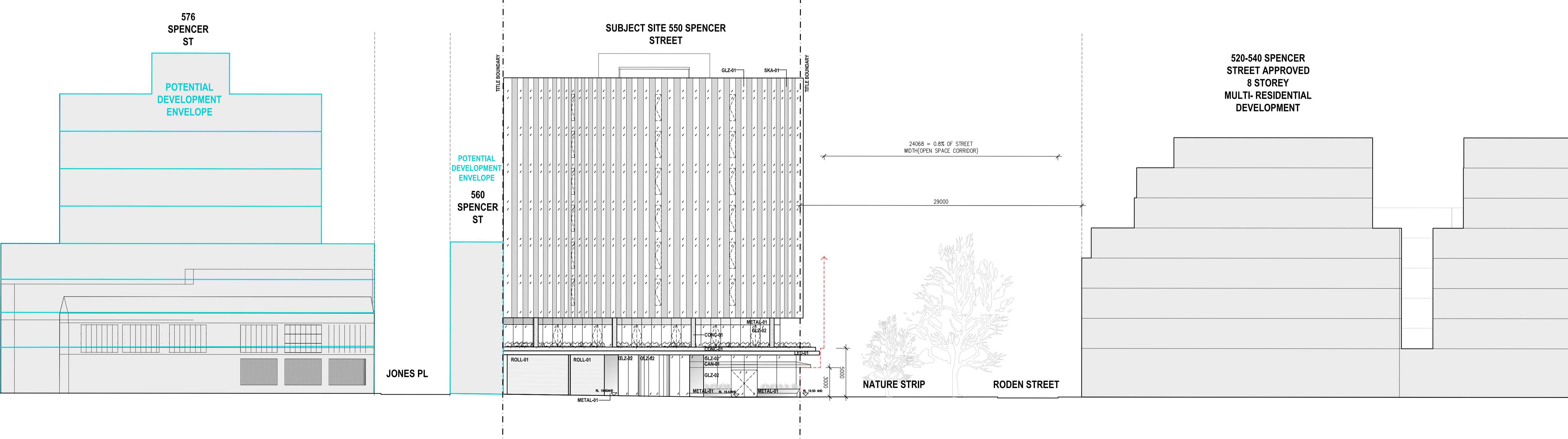
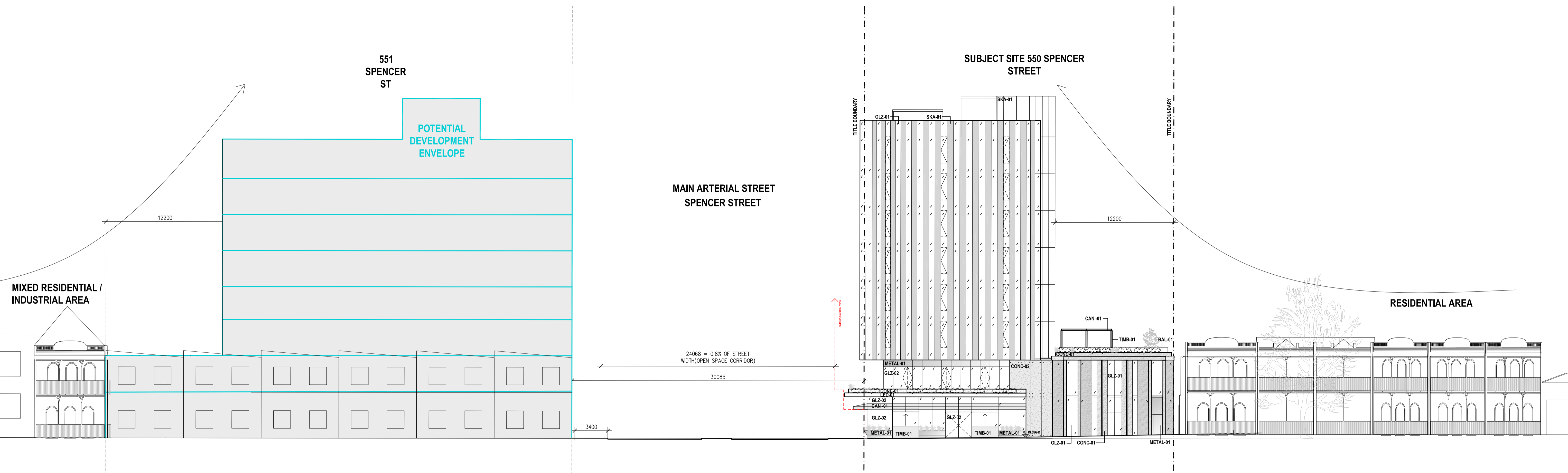
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DATE
09.12.2019
18.12.2019
03.04.2020

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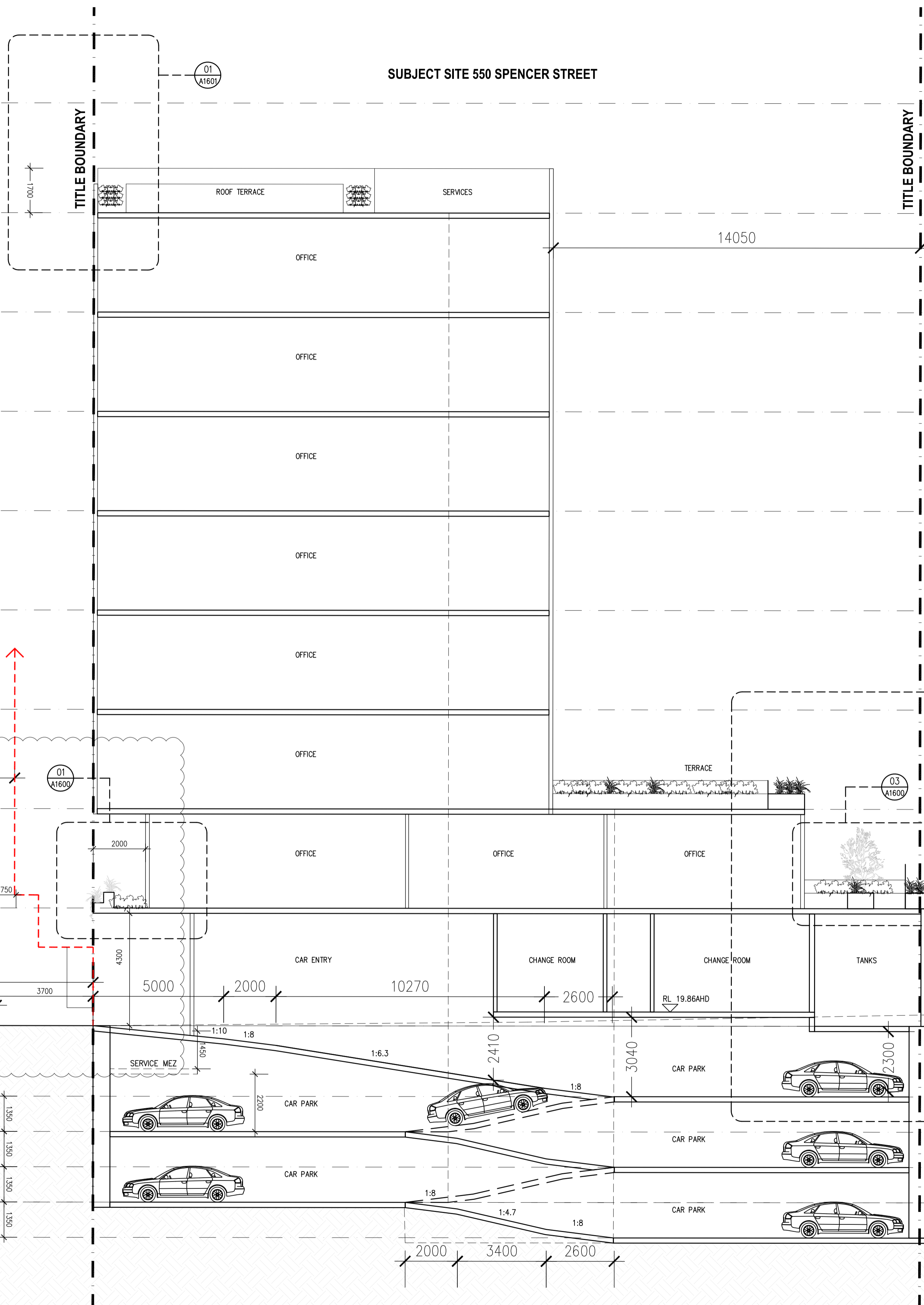
24068 = 0.8% OF STREET WIDTH (OPEN SPACE CORRIDOR)

30085
22984

SPENCER STREET

- RL 54.8 AHD
TOP OF CORE
- RL 50.6 AHD
ROOF
- RL 46.60 AHD
LEVEL 7
- RL 43.00 AHD
LEVEL 6
- RL 39.20 AHD
LEVEL 5
- RL 35.40 AHD
LEVEL 4
- RL 31.60 AHD
LEVEL 3
- RL 27.80 AHD
LEVEL 2
- RL 24.00 AHD
LEVEL 1
- RL 19.50 AHD
GROUND FLOOR
- RL 16.80 AHD
B1 UPPER
- RL 15.45 AHD
B1 LOWER
- RL 14.1 AHD
B2 UPPER
- RL 12.75 AHD
B2 LOWER
- RL 11.4 AHD
B3 UPPER

TOTAL HEIGHT
35.500



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PROJECT
**550 SPENCER STREET,
WEST MELBOURNE**
CLIENT
HEIDELBERG PROPERTIES P/L

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SECTION A-A-
PROJECT NO.
1913
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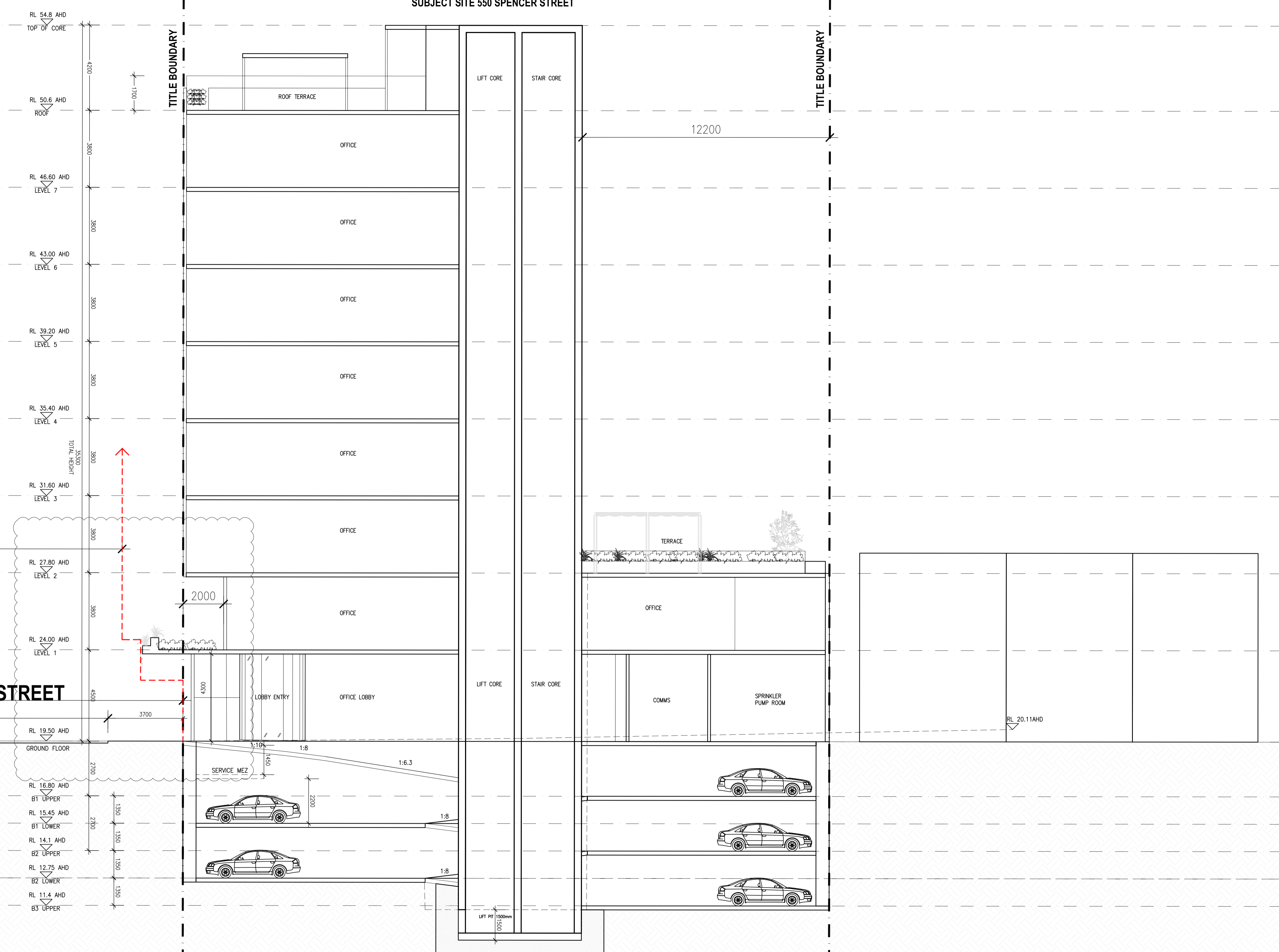
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SUBJECT SITE 550 SPENCER STREET

24068 = 0.8% OF STREET
WIDTH (OPEN SPACE CORRIDOR)

30085
22984
SPENCER STREET



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PROJECT
**550 SPENCER STREET,
WEST MELBOURNE**
CLIENT
HEIDELBERG PROPERTIES P/L

DRAWING
SECTION B-B-

PROJECT NO.
1913
DRAWING PHASE
TP

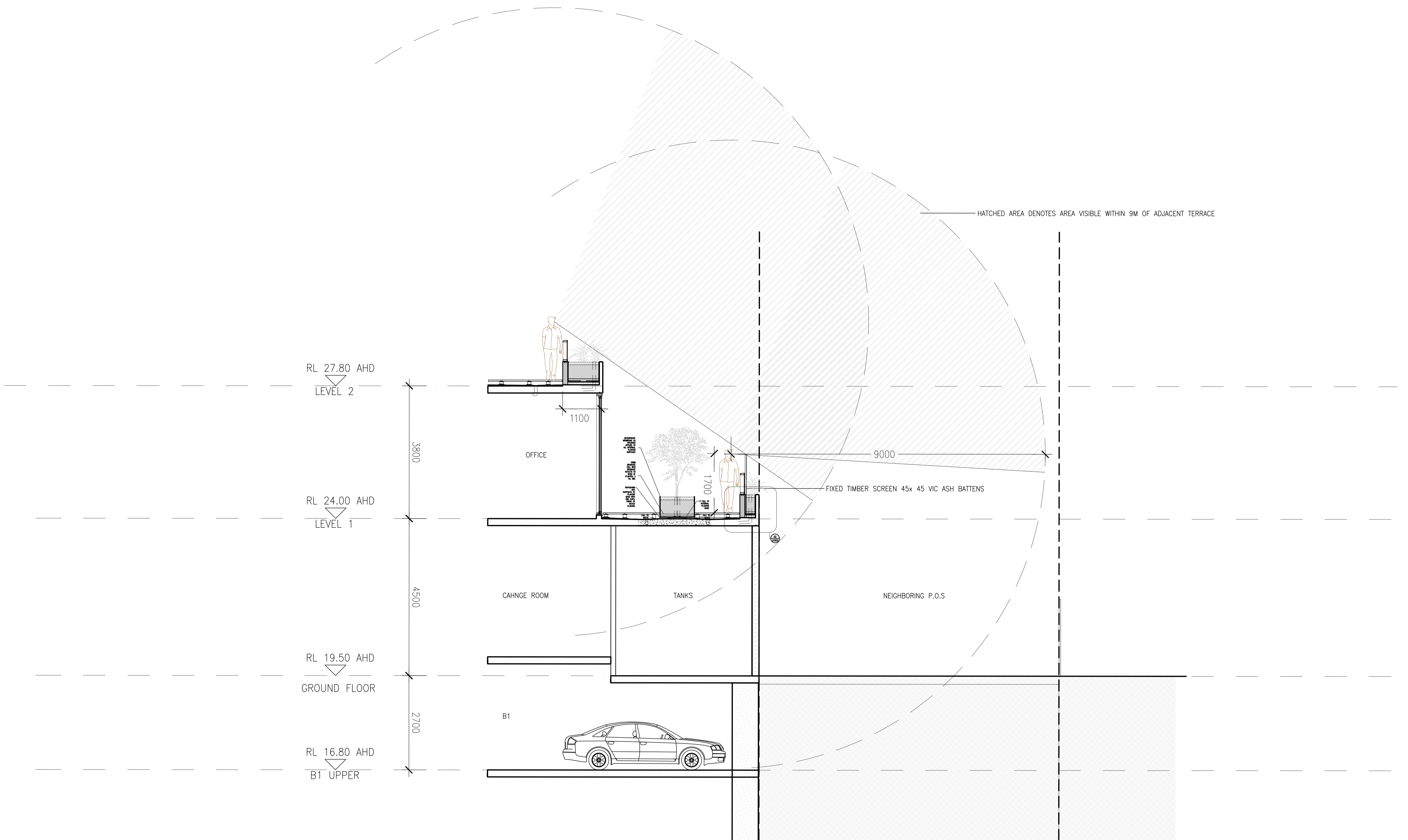
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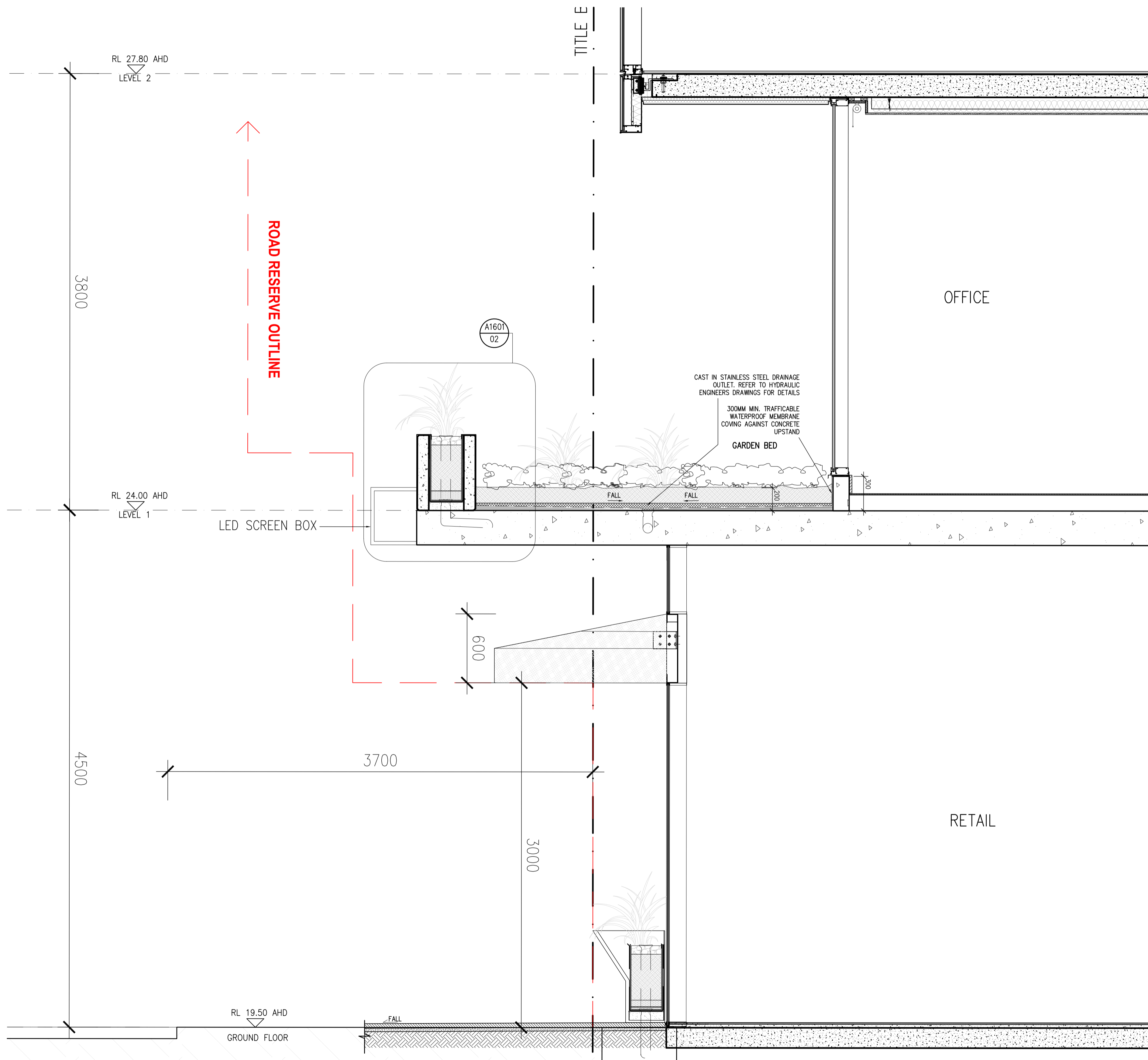
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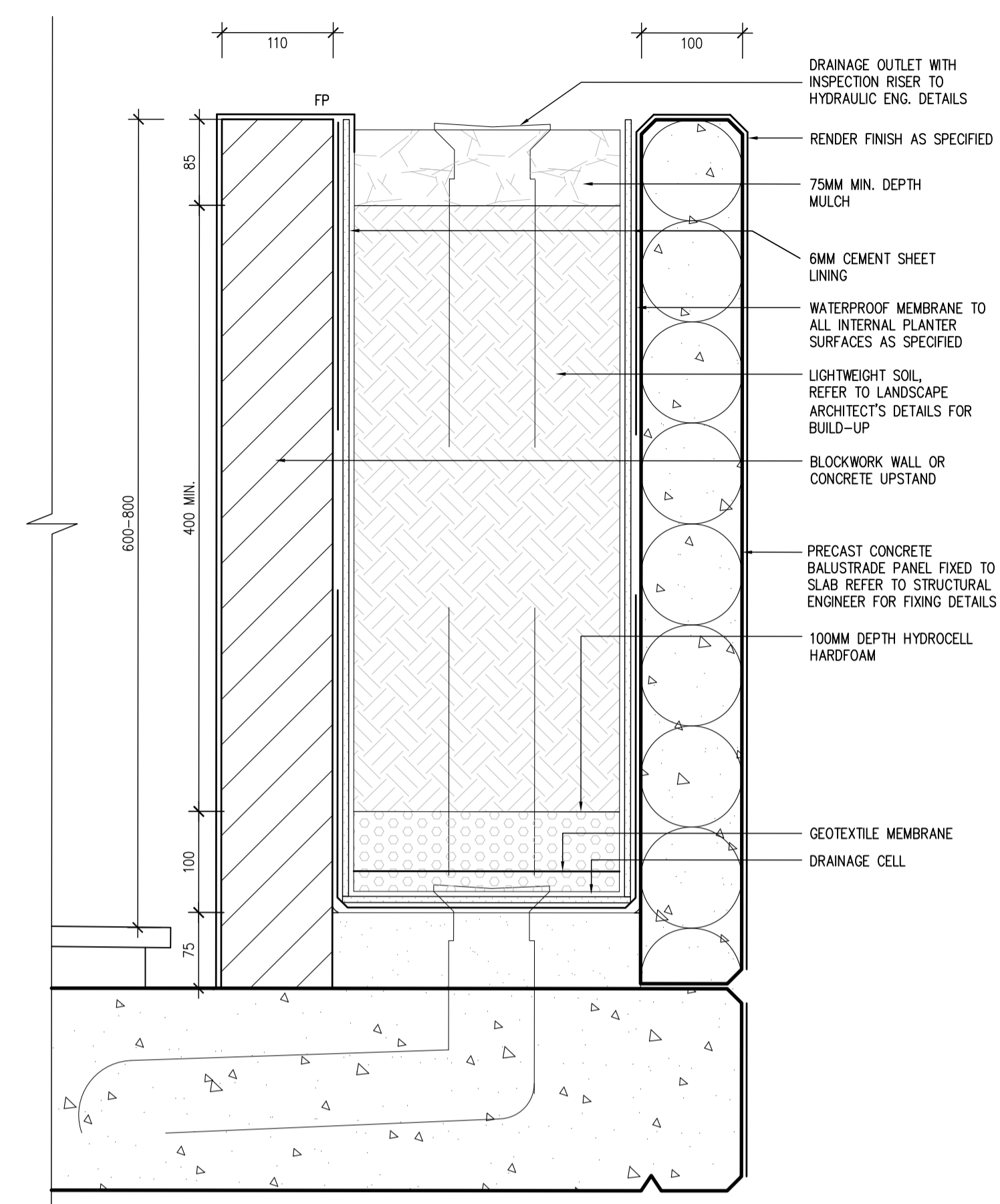
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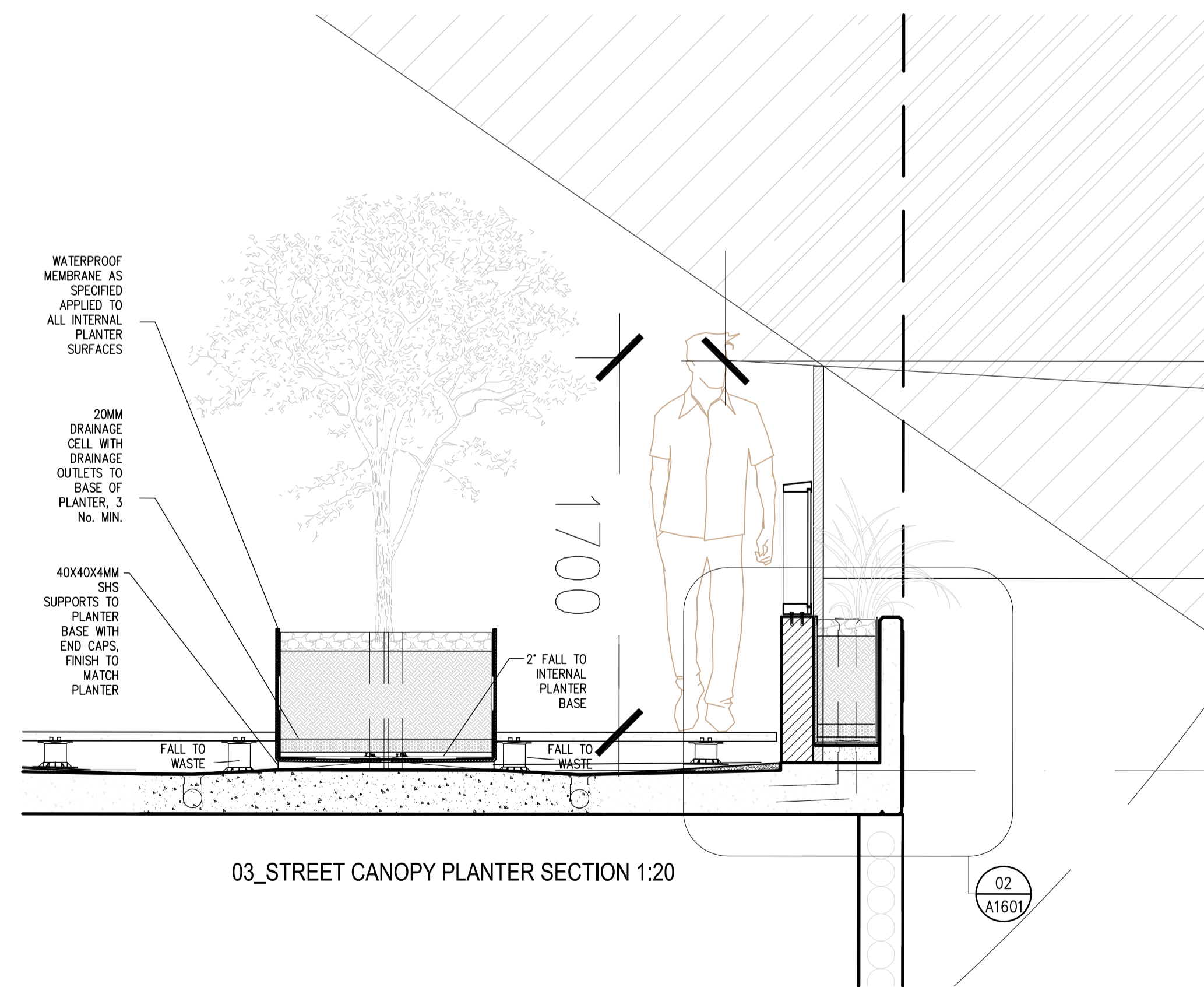




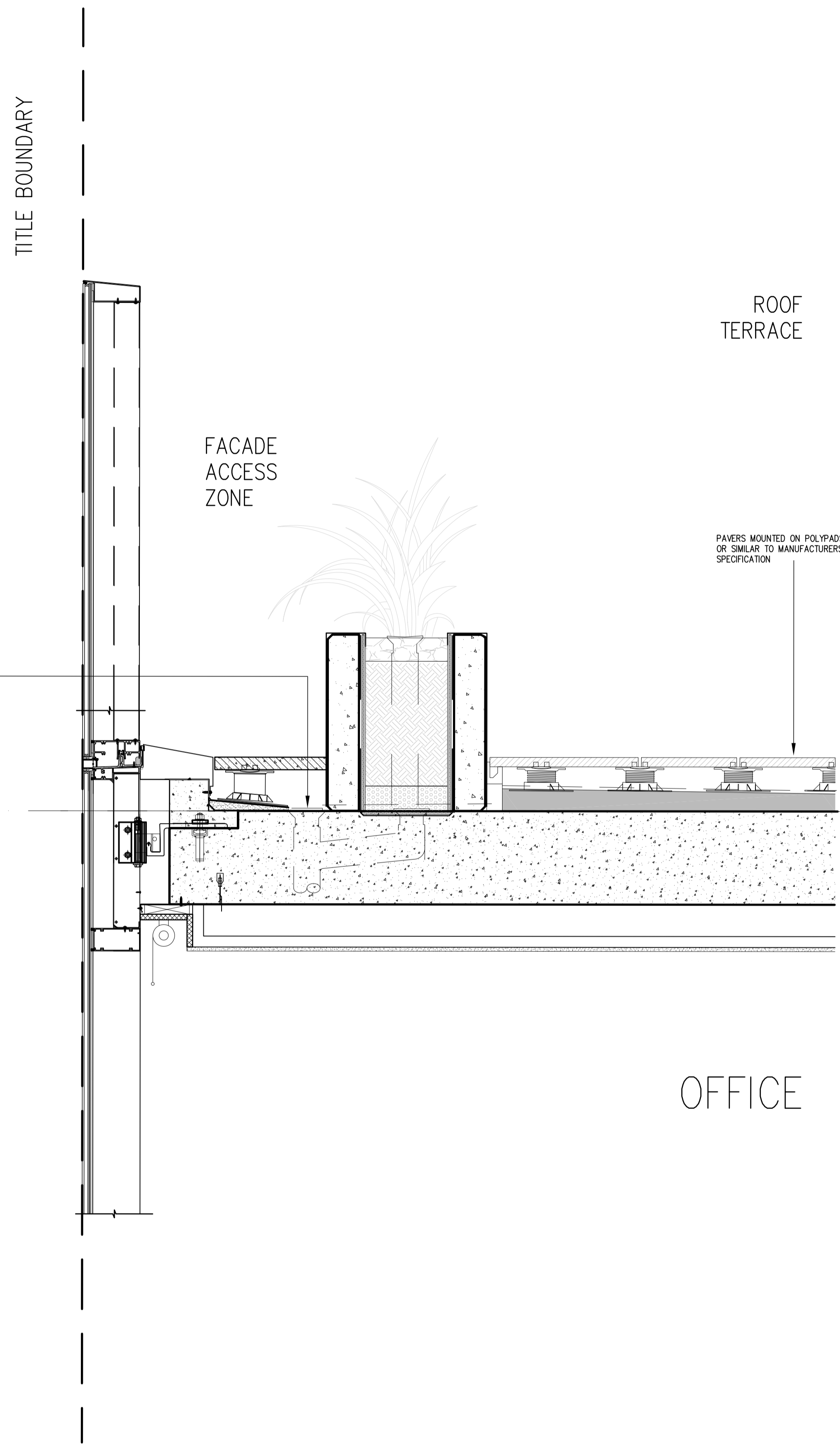
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02_BULK SOIL PLANTER SECTION 1:5



03_STREET CANOPY PLANTER SECTION 1:20



01_ROOF PLANTER SECTION 1:10

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PROJECT
550 SPENCER STREET,
WEST MELBOURNE
CLIENT
HEIDELBERG PROPERTIES P/L

DRAWING
SECTION DETAILS

PROJECT NO.
1913
DRAWING PHASE
TP

DRAWING NO.
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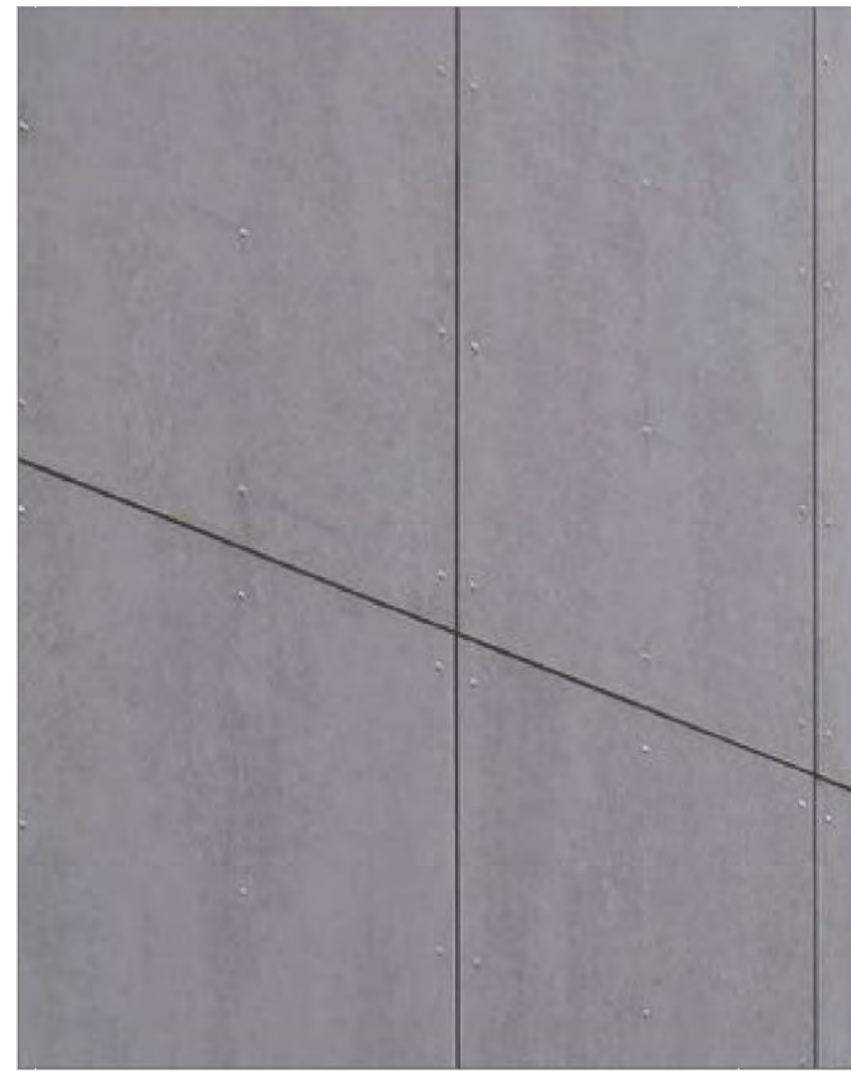
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CONC-01 INSITU CONCRETE



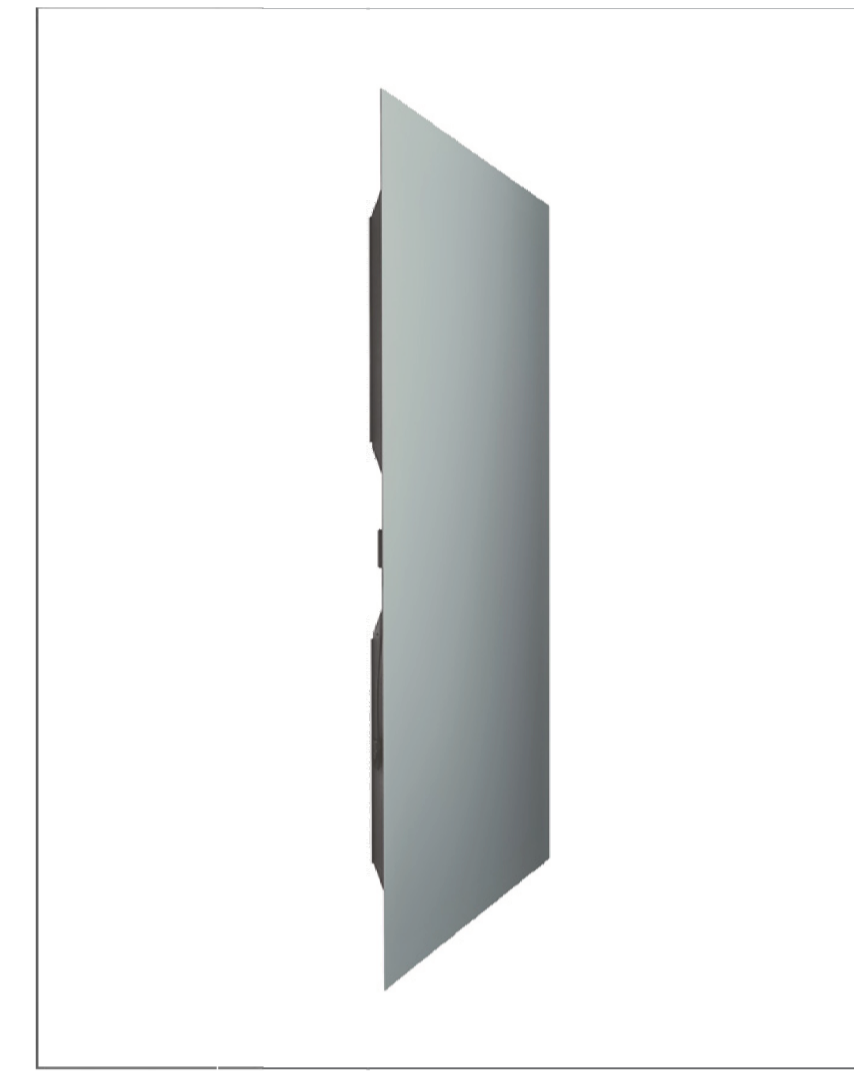
CONC-02 PRECAST CONCRETE



GLS-01 SILVER GLAZING



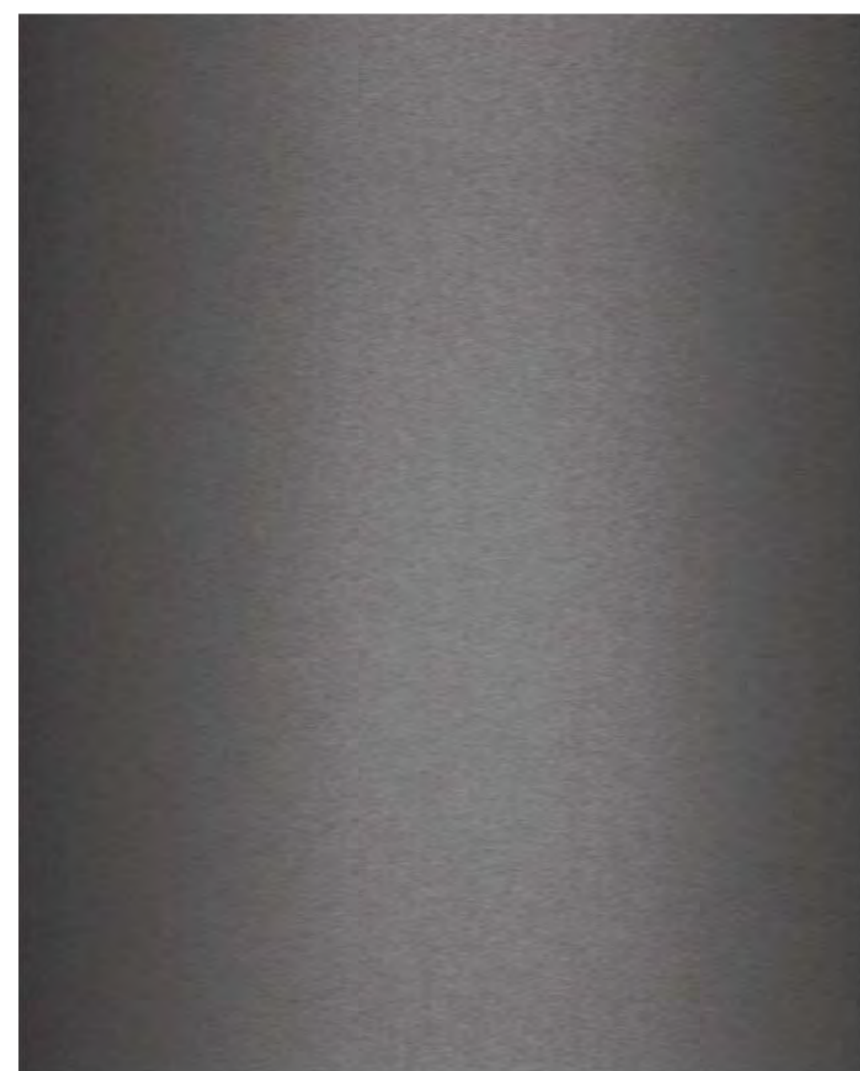
GLZ-02 CLEAR GLAZING



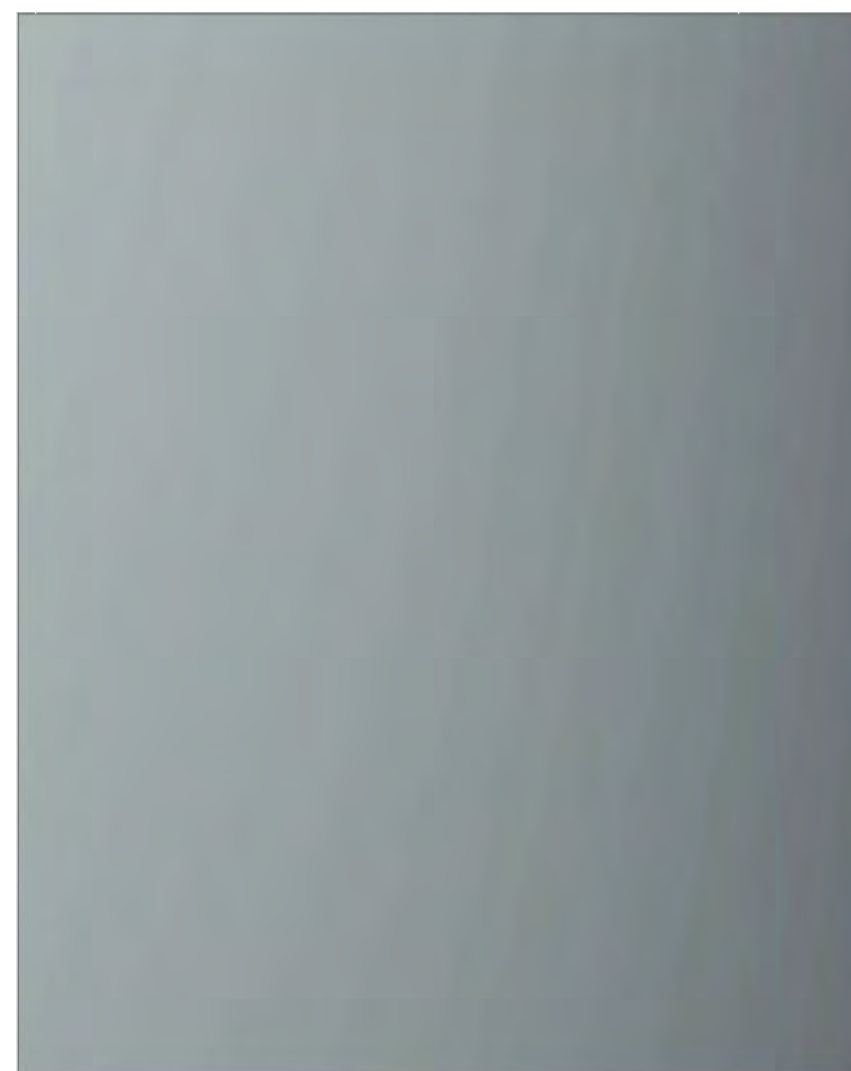
SKA-01 PHOTO VOLTAIC METAL SHEETING



METAL-01 STAINLESS STEEL



METAL-02 BLACK METAL



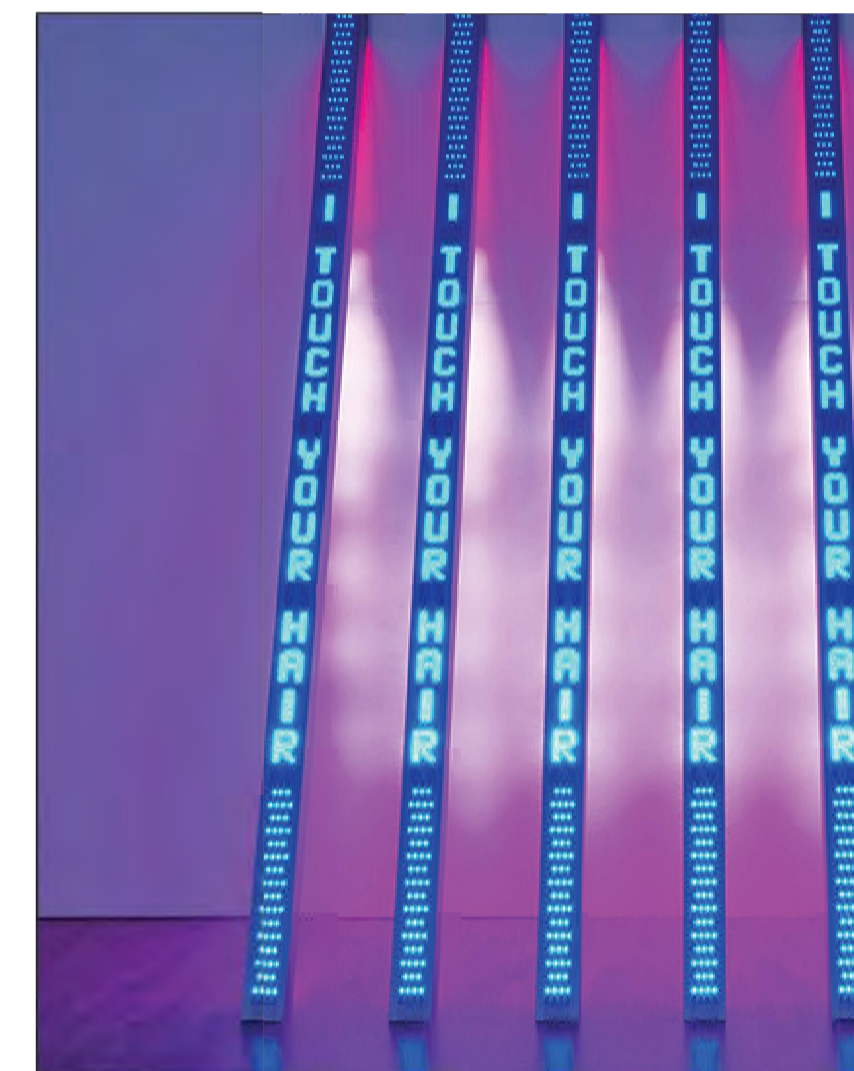
LVR-01 SILVER LOUVRES



BAL-01 SILVER GLAZED BALUSTRADE



CAN-01 CANVAS CANOPY



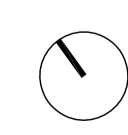
LED-01 ART LIGHT DISPLAY



ROLL-01 ROLLER DOOR



TIM-01 TIMBER





*ALL SHADOWS
MEASURED ON 22/9/19



PROJECT
**550 SPENCER STREET,
WEST MELBOURNE**
CLIENT
HEIDELBERG PROPERTIES P/L

DRAWING
**SHADOW STUDIES
EXISTING SHADOW 9AM**
PROJECT NO.
1913
DRAWING PHASE
TP
DRAWING NO.
A 3000
REVISION
A

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PROJECT
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**SHADOW STUDIES
 EXISTING SHADOW 12PM**
 PROJECT NO.
1913
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 DRAWING NO.
A 3002
 REVISION
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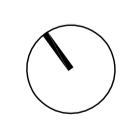
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PROJECT
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DRAWING
**SHADOW STUDIES
EXISTING SHADOW 1PM**
PROJECT NO.
1913
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DRAWING NO.
A 3003
REVISION
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DRAWING
**SHADOW STUDIES
EXISTING SHADOW 3PM**
PROJECT NO.
1913
DRAWING PHASE
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DRAWING NO.
A 3004
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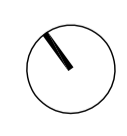
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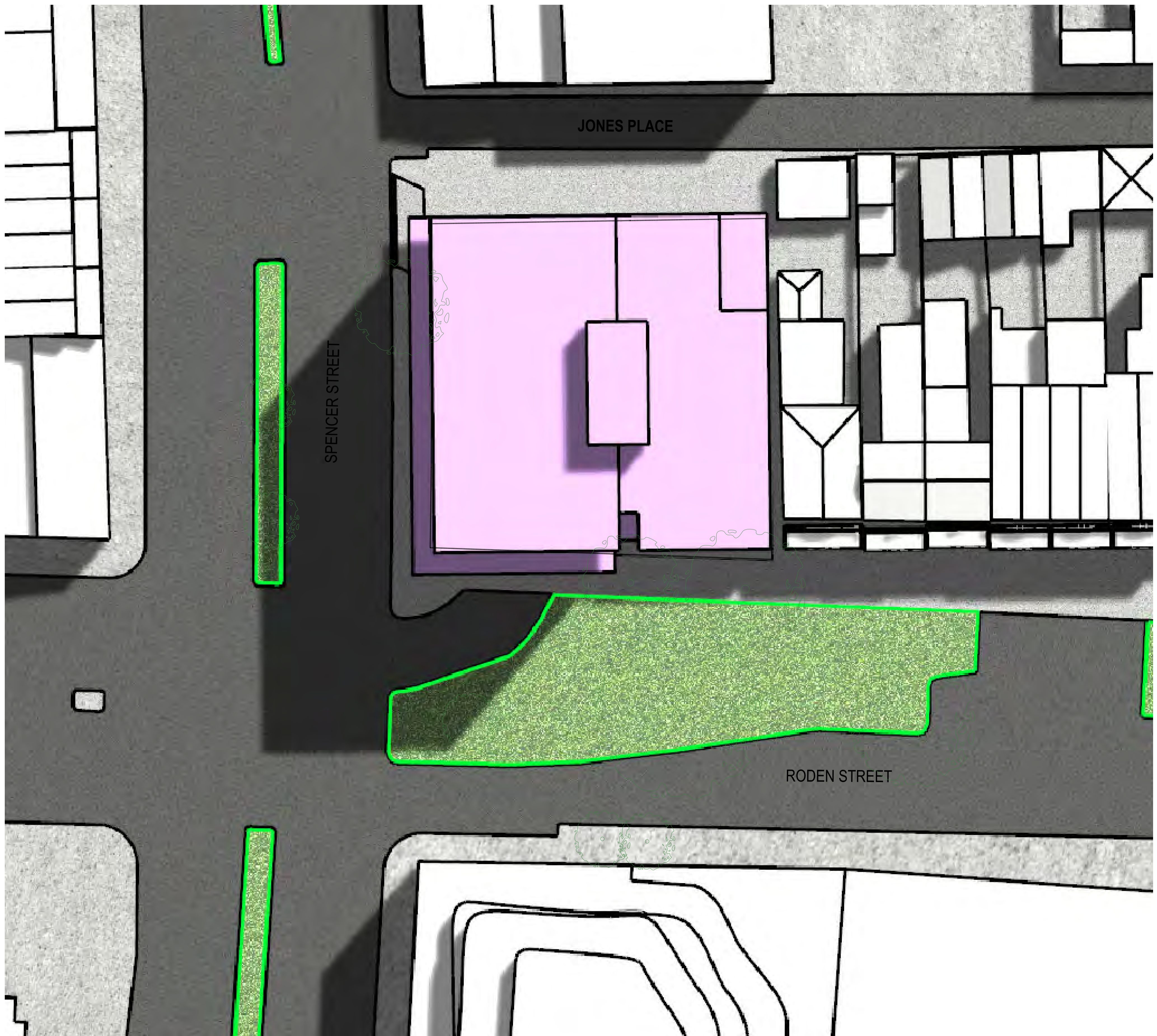
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**SHADOW STUDIES
PROPOSED SHADOW 9AM**
PROJECT NO.
1913
DRAWING PHASE
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DRAWING NO.
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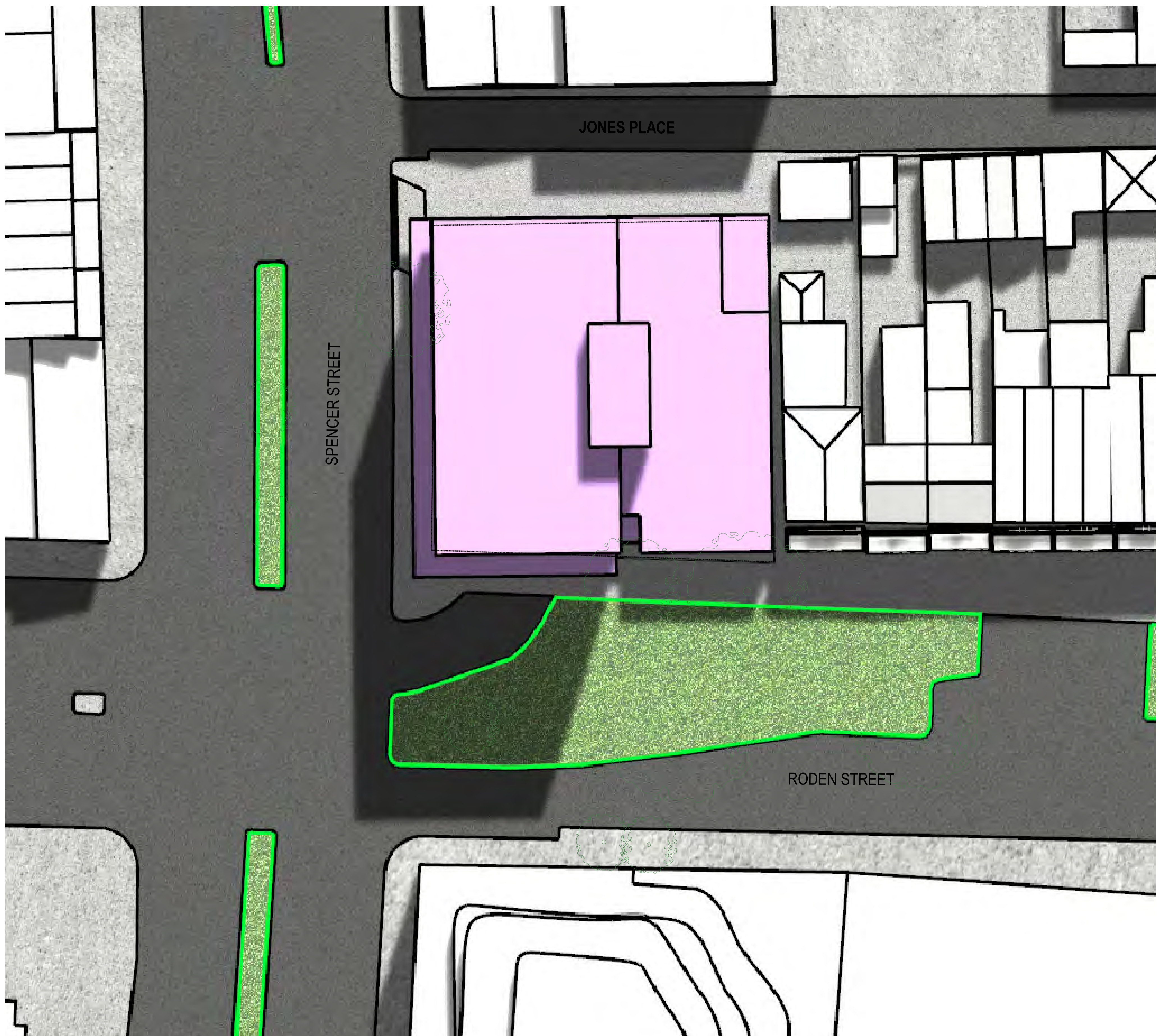
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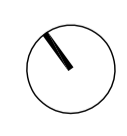
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PROJECT
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**SHADOW STUDIES
 PROPOSED SHADOW 3PM**
 PROJECT NO.
1913
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550 SPENCER WEST MELBOURNE



MCC Comments Report
Town Planning

16 July 2020

KENNON+
Architecture & Interior Design for the Human Experience

Kennon Group Pty Ltd.

Melbourne
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South Melbourne
Victoria 3205
Australia

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ABN: 45239919435

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1. Overall the proposed form is supported, however we reiterate the comments from our urban design team regarding the verticality of the facade and how this presents. A revised treatment to the eight storey form should reduce the emphasis on height of this element and break up the vertical form. It is acknowledged constraints due to the solar PV facade may restrict options to address this however improved treatment is required.

KENNON:

The design of the facade has been largely influenced by the dimensions of the PV system and the optimisation of the solar access. The optimised internal amenity is created through 50% solid and 50% window. We have developed the facade design further in light of these comments to include secondary horizontal lines through the slab edge location between floors and the break up of the PV panelling to align with window openings. We believe this effectively breaks the continuous verticality whilst retaining the operability of the PV panels. Please refer to pages 06 - 11 of this document that explains the facade design through drawings and 3D visualisations.

2. An improved response is required for the ground floor interface at Spencer Street and partially Roden Street. The proposed materials and finishes for the two-storey element is supported and doesn't require further changes. As advised either the vehicle entry and substation should be rationalised or an improved design response provided. The revised ground floor treatment should be reflective of the immediate heritage context, integrating masonry elements and window forms consistent with the broader area.

KENNON:

Vehicle Entry & Substation: The substation and car entries require strict operational standards of design by various authorities. We have consulted with service engineers to ensure the design complies with the binding parameters of ventilation and access. Specifically the roller doors that were noted in the lodgement have been removed and replaced with tilt panel vehicle entry doors and louvred swings doors for the substation, both powdercoated black.

The location shown for these two items is the most logical position. Unable to gain access through the Roden Street green space and avoiding abliterating the street interface and active corner of Spencer and Roden street, the position is most effective where it is.

The design of the facade in this area and detailing of materials have been revised to introduce a masonry material reflective of the buildings within the surrounding context. Masonry is also brought through the design of the street frontages to better pronounce the solid vs void openings. We have kept the corner of Roden and Spencer visually open with glass to ensure a high level of presence to the streetscape and clear aperture from inside to outside the tenancy.

Please see page 12 and 13 of this document for images of the changes to the facade.

4. Projection outside the title boundaries is not supported, other than the ground floor canopy, and must be omitted.

KENNON:

The lodged application showed very minor encroachments of the facade zone outside the title boundary up to approx 135mm, this was not included as NLA.

Upon review there are only very minor portions of the tower architecture over the title boundary and are specifically the frame of the facade window framing and are not habitable and are not calculated as NLA. Please see the diagram on page 16 showing the only encroachment on the south-west corner of the site.

5. LED signage is also not supported and must be omitted

KENNON:

The LED signage will be removed from the project with a permit condition.

6. We also seek additional information on the following:

- **Potential reflectivity of solar PV facade.**

KENNON:

Attached to this document is the product description of the PV facade. It is nominated as a matte finish, and the grey colour has been selected.

- **Confirm area calculated for FAR detailed in development summary. FAR should be inclusive of all enclosed areas, services, lifts, car stackers and covered balconies. It appears that the cover balconies haven't been included in the calculation of level 1.**

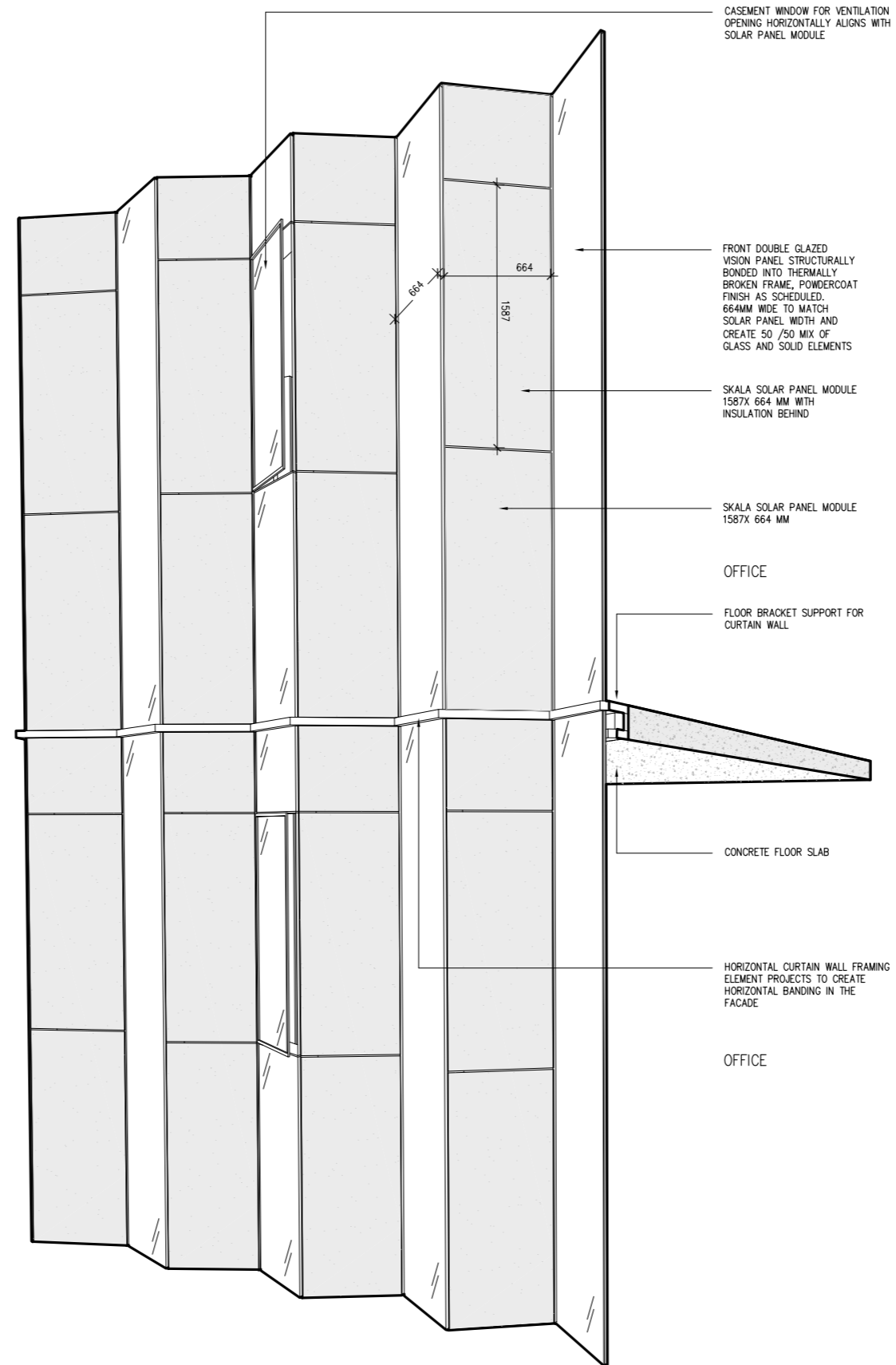
KENNON:

The garden area on level 01 on the Spencer Street frontage is not trafficable and therefore not calculated in the FAR.

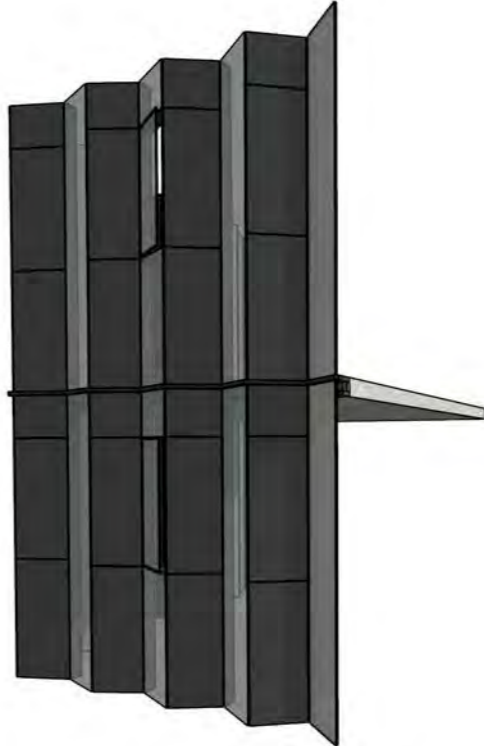
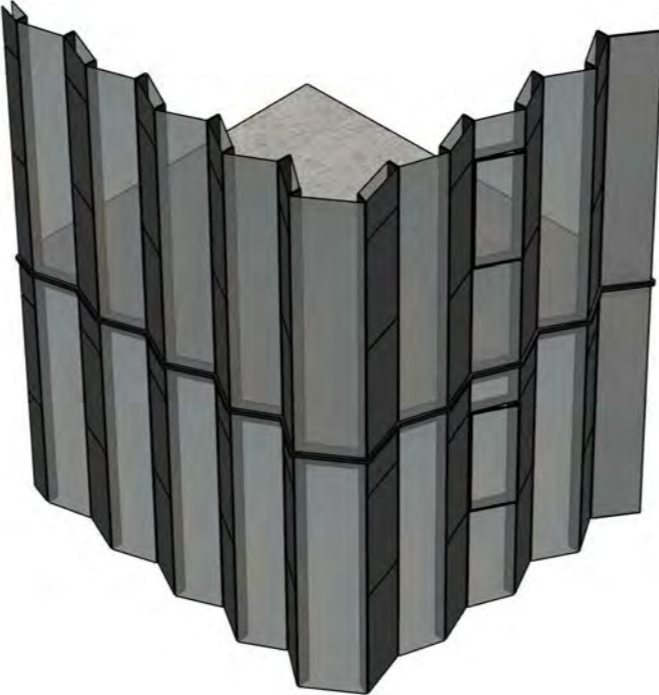
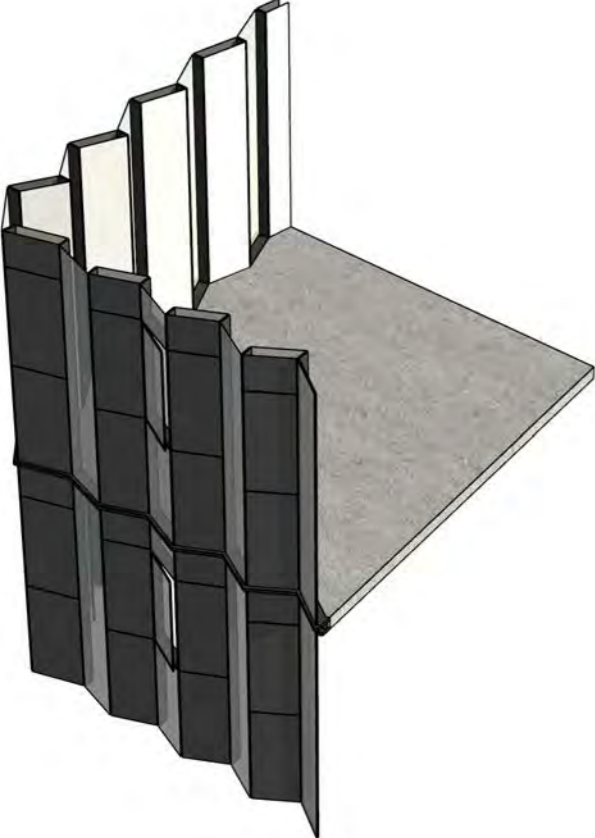
- **Improved assessment on potential wind impacts of the proposal.**

KENNON:

An improved assessment will be undertaken as a condition to a planning permit.



ELEMENTAL DETAIL - TOWER FACADE SECTIONAL AXONOMETRIC













Masonry to facade



Change to tilt panel door



Substation door as louvered black doors.



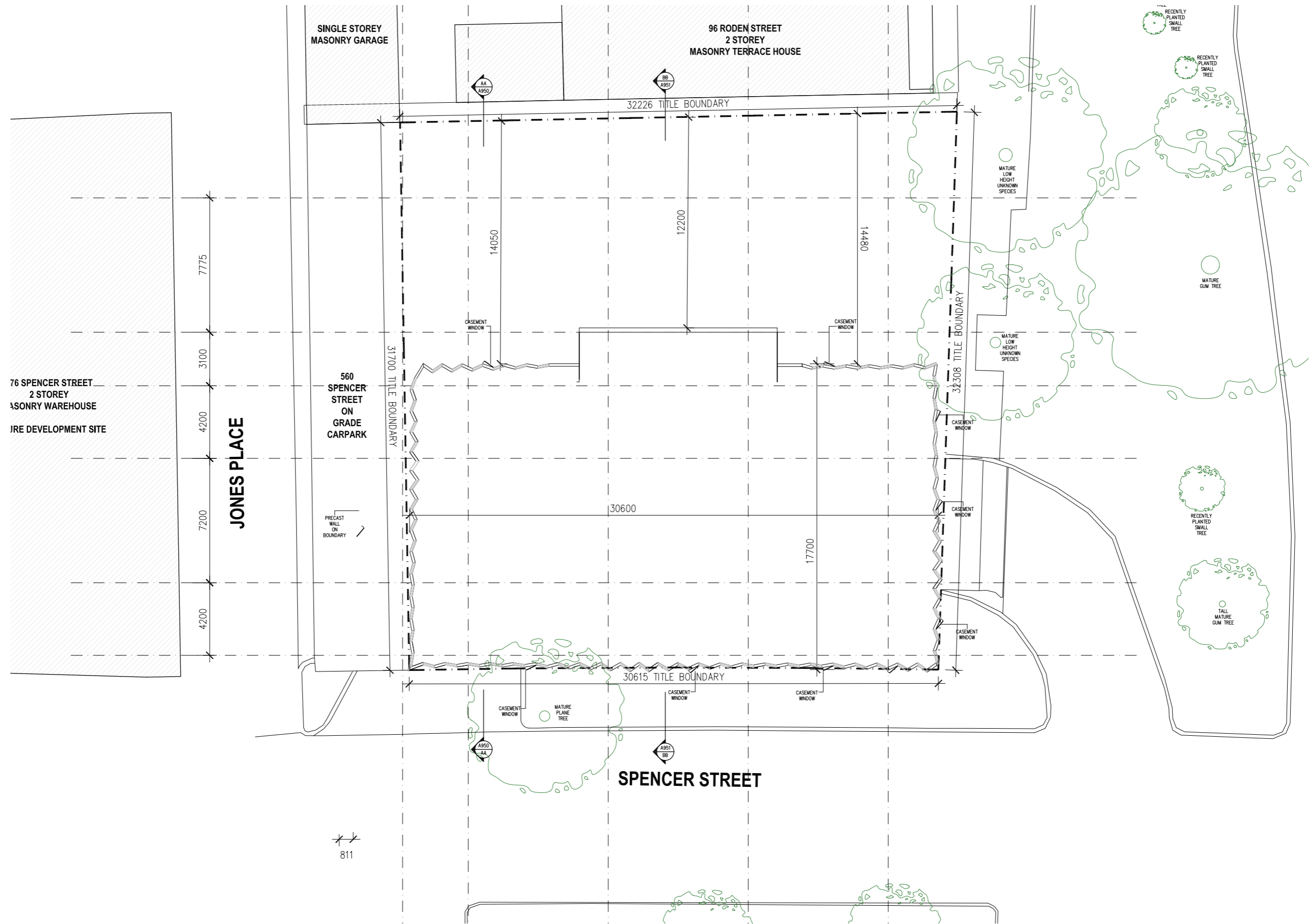
New masonry portions to streetscape facade





Open corner.

New masonry portions to streetscape facade



811

550 SPENCER WEST MELBOURNE



KENNON+

DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2020-12
Applicant / Owner / Architect:	Heidelberg Property Pty Ltd c/- Planning & Property Partners / Heidelberg Property Pty Ltd / Kennon +
Address:	550-558 Spencer Street, WEST MELBOURNE VIC 3003
Proposal:	Demolition and construction of a nine-storey mixed use building comprising retail shops and office uses over three levels of basement, demolition of buildings in a heritage overlay, a reduction of standard car parking requirements and alterations to an access off a Road Zone, Category 1
Cost of works:	\$18,000,000
Date of application:	23 December 2019
Responsible officer:	Michelle Fernando, Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

This application relates to a consolidated group of lots known as 550-558 Spencer Street, West Melbourne. The site is formally identified as:

- Lot 1 on TP756984W
- Lot 1 on TP706662D
- Lot 1 and 2 of TP821907F
- Lot 1 on TP531810N
- Lot 1 of TP324604W

There are no restrictive covenants on the above noted titles. The above lots, aside from Lot 1 on TP756984W, are encumbered by a party wall easement to respective adjoining lots. The buildings which the respective party wall easements apply have been demolished.

The subject site has a frontage to Spencer Street of approximately 30 metres and a frontage to Roden Street of approximately 32 metres, resulting in an overall site area of approximately 1002sqm. The site has existing vehicle access via crossovers on Spencer Street and Roden Street.

The subject site is currently occupied by a display suite for a development at 512 - 542 Spencer Street to the southeast of the site. The site was previously utilised as a car wash facility and prior to that as an automotive body, paint and interior repair shop.



Figure 1 a– Subject site as viewed from Spencer and Roden Streets intersection (Source: applicant)



Figure 1 b– Subject site as viewed from Roden Street (Source: applicant)

1.2 Surrounds

Broadly, the immediate surrounding area includes a mix of commercial, industrial and residential uses within low to medium-scale developments.

Abutting the site to the north-east is a double-storey terrace and single-storey garage at 96 Roden Street. The dwelling has been afforded a 'Contributory' categorisation and is within a 'Significant' streetscape. Private open space is located to the rear of the site and habitable windows are setback approximately 1 metre from the subject boundary.

Abutting the site to the north-west is an at grade car park. No applications or approvals have been submitted for this site which acts as overflow car parking for retail premises at 560 Spencer Street.

Further to the east of the site, across Roden Street, at 512-542 and 544 Spencer Street was a single storey brick building and two storey 1930's brick warehouse building used for storage and wholesale office furniture. Demolition of this building has commenced in accordance with a planning permit issued by the Minister (Planning Permit PA1600194).

Directly opposite the site, across Spencer Street, are double and triple storey commercial/retail premises. Spencer Street is an arterial road, classified as a Road Zone, Category 1 that links the Central Business District (CBD) with North Melbourne.



Figure 2– Aerial image of site and surrounds (Source: CoMPASS)

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

The applicant did not meet with Planning Officers prior to submitting this application.

2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites:

TP number	Description of Proposal	Decision & Date of Decision
TP-2018-775	Change of use to a display suite with associated buildings and works	Permit issued 1 February 2019
TP-2014-884	Demolition of existing building and construction of a six-storey building for use as 42 residential apartments, two shops, a reduction in the car parking requirements, a waiver of the loading requirements and the alteration of access to a road in a Road Zone, Category 1	Refusal Issued 16 May 2016
TP-2004-939	Alterations to the existing car washing facility	Permit issued 4 March 2005
TP-2002-1113	Alterations and additions to carwash	Permit issued 28 March 2003
TP-1996-1227	Alterations to existing buildings, construction of	Permit issued

	new buildings and use for the purpose of car washing, minor vehicle repairs and advertising signs	4 April 1997
TP-1996-854	Demolition of canopy at disused service station	Permit issued 2 January 1997
CM-15621	Alterations and additions to the existing building including underground tanks, canopy, fascia and signage	Permit issued 10 December 1990



Figure 3 – East elevation (Roden Street interface) of refused proposal under TP-2014-884

3 PROPOSAL

This application seeks approval for demolition and construction of a nine-storey (plus three levels of basement) mixed-used building. The proposed development is summarised as follows:

Building height	35.3 metres (RL 54.8)
Number of storeys	Nine inclusive of level 8 roof structures (plus three levels of basement)
Gross floor area (GFA)	5000 m ²
Floor Area Ratio (FAR)	5:1
Retail floor area	Approximately 250 m ²
Office floor area	Approximately 4121 m ²
Car parking	46
Bicycle parking	60
Motorcycle parking	8
Loading/unloading	Located with Basement level 1
Vehicle access	Existing crossover to Spencer Street. Roden Street crossover to be removed.
Pedestrian access	Pedestrian access provided off Spencer and Roden Street frontages.

Demolition

- Demolition of all existing structures on site.

Buildings and works

- Construction of a nine-storey building to consist of:
 - Three levels of basement;
 - Two-storey podium; and
 - Seven-storey tower (including roof access)
- Internal layout consisting of:
 - Three levels of basement to consist of car and bicycle parking spaces and services;
 - Ground floor to contain basement ramp, office entry and lobby, 250sqm retail premises, services and end of trip facilities;
 - Level 1 to consist of office accommodation and associated facilities and terrace;
 - Level 2 to consist of office accommodation and associated facilities and rooftop terrace;
 - Levels 3 to 7 to consist of office accommodation and associated facilities; and
 - Level 8 to consist of a roof terrace and services.
- Animated LED façade artwork located on Level 1; and
- Materials include precast concrete, brick, integrated solar PV panels and glazing.



Figure 4a – Proposed development viewed from Spencer and Roden Streets intersection as per advertised plans



Figure 4b – Proposed development viewed from across Roden Street as per advertised plans



Figure 4c – Proposed development viewed from Roden Street as per advertised plans

4 STATUTORY CONTROLS

The following clauses of the Melbourne Planning Scheme require a planning permit:

Clause	Permit requirement
Zone	
Clause 32.04 - Mixed Use Zone	Pursuant to Clause 32.04-2, a permit is required to operate an 'Office' exceeding 250sqm leasable floor area as well as a 'Retail premise'.

	Pursuant to Clause 32.04-9, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.
Overlays	
Clause 43.01- Heritage Overlay (Schedule 3)	Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building. Pursuant to Clause 43.01-1, a permit is required to construct a building or construct or carry out works.
Clause 43.02 - Design and Development Overlay (Schedule 29)	Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. Schedule 29 sets out preferred maximum building heights and a series of built form outcomes to be achieved. The preferred maximum building height is four storeys (16 metres).
Particular Provisions	
Clause 52.06 - Car Parking	Pursuant to Clause 52.06-3, a permit is required to reduce the car parking requirements of Clause 52.06-5. Clause 52.06 applies the following rates: Office - <ul style="list-style-type: none"> • 3 car spaces to each 100sqm of net floor area Retail - <ul style="list-style-type: none"> • To the satisfaction of the responsible authority The proposal will require a waiver of 85 spaces.
Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1 (Spencer Street)
Clause 52.34 - Bicycle Facilities	Pursuant to Clause 52.34, the following bicycle parking rates apply: Office - <ul style="list-style-type: none"> • 1 employee space to each 300 m² of net floor area if the net floor area exceeds 1000 m²; • 1 visitor space to each 1000 m² of net floor area if the net floor area exceeds 1000 m² Retail premises - <ul style="list-style-type: none"> • 1 employee space to each 300 m² of leasable floor area; and • 1 visitor space to each 500 sqm of leasable floor area. Subsequent to the above: <ul style="list-style-type: none"> • If 5 or more employee bicycle spaces are required,

	<p>1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; and</p> <ul style="list-style-type: none"> 1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room. <p>The development generates a bicycle parking requirement of 18 spaces, 14 for employees and four for visitors. The proposal provides a total of 60 bicycle spaces, which is in excess to the minimum required under Table 1 to Clause 52.34-5.</p> <p>The development generates a requirement of one shower and one change room. The proposal provides a total of seven showers and two change rooms, which is in excess to the minimum required under Table 2 of Clause 52.34-5.</p>
Clause 53.18 - Stormwater Management In Urban Development	This clause applies to an application under a provision of a zone to subdivide land, construct a building or construct or carry out works.
Clause 55 - Two or more Dwellings on a lot and Residential Buildings	Pursuant to Clause 32.04-10, any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.
General Provisions	
Clause 65 - Decision Guidelines	The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66 - Referral and Notice Provisions	Pursuant to Clause 52.29-4, an application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.

5 STRATEGIC FRAMEWORK

The following provisions of the Melbourne Planning Scheme apply:

Planning Policy Framework	<p>Clause 15.01-1S – Urban Design</p> <p>Clause 15.01-2S – Building Design</p> <p>Clause 15.02-1S – Energy and Resource Efficiency</p> <p>Clause 15.03-1S – Heritage Conservation</p> <p>Clause 15.01-5S – Neighbourhood character</p>
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	<p>Clause 17.02-1S – Business</p> <p>Clause 18 – Transport</p>
Municipal Strategic Statement	<p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.16 – Other Local Areas</p> <p>Clause 21.16-4 (North and West Melbourne)</p>
Local Planning Policies	<p>Clause 22.05 – Heritage Places outside the Capital City Zone</p> <p>Clause 22.17 – Urban Design outside the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p>

6 PLANNING SCHEME AMENDMENTS

6.1 Amendment C309 - West Melbourne Structure Plan

Amendment C309 proposes to implement the built form and land use directions of the *West Melbourne Structure Plan 2018* by introducing new provisions into the planning scheme to guide future development in this area.

The site is located within the Spencer Precinct. The Amendment proposes the following changes in this area;

- Rezoning to Special Use Zone, Schedule 6 and applying a discretionary 16.6 per cent minimum non-accommodation floor area rate;
- Including the site within an Environmental Audit Overlay;
- Including the site within new Design and Development Overlay, Schedule 72. This schedule specifies;
 - Mandatory maximum floor area ratios;
 - Preferred building height;
 - Preferred street wall height;
 - Preferred minimum floor-to-ceiling heights; and
 - Provision of active frontages and pedestrian connections where relevant.
- Including the site within Parking Overlay, Schedule 14. This schedule specifies
 - Maximum car parking rates for dwellings and all other uses.

The following aspects of the Amendment C309 are also of relevance:

- Introduction of maximum 5:1 floor area ratio (mandatory);
- 8 storey maximum building height fronting Spencer Street (preferred);
- 4 storey maximum building height fronting Roden Street (preferred);
- Minimum floor to ceiling heights of 4 metres at ground floor and 3.3 metres for all non-residential uses on other floors (preferred); and

- Maximum 0.5 car parking spaces per sqm for all uses other than residential.

The Planning Scheme Amendment C309 West Melbourne Structure Plan Committee meeting of 28 April 2020, Council was unable to consider adopting Melbourne Planning Scheme Amendment C309 (the Amendment) due to a loss of quorum. The Amendment cannot be adopted under delegation due to the operation of section 188(2) of the Planning and Environment Act 1987 (the Act).

The amendment was therefore referred to the Minister for Planning and it was requested that the Minister prepare and approve it under Section 20(4) of the Act given the amendment had been lawfully exhibited and subject to consultation as well as a Panel process. In addition to this, the amendment had also been authorised by the General Manager, Strategy, Planning and Climate Change.

The amendment is now considered to be seriously entertained.

7 PUBLIC NOTIFICATION

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

8 OBJECTIONS

35 objections were received in response to the application. The concerns of objectors are summarised below:

Use

- Inappropriate land use; and
- Insufficient detail on ground floor uses.

Built form / Heritage

- Inconsistent with neighbourhood character;
- Excessive scale and height;
- Insufficient setbacks;
- Inappropriate response to the heritage context;
- Overdevelopment;
- Visual bulk;
- Impact of proposed LED signage; and
- Proposed projection at ground floor

Amenity impacts

- Noise;
- Overshadowing;
- Overlooking; and
- Impact on residential amenity

Traffic

- Congestion;
- Lack of car parking; and
- Noise from vehicle traffic

Other

- Impact of existing infrastructure;
- Request that Council rezones the site as residential;
- Poor ESD response;
- Removal and impact to vegetation and inconsistency with urban forest strategy; and
- Impact on the adjoining road reserve; and
- Contamination

Though objectors also raised concerns regarding the impact of the development upon local property values, this is not a planning-related matter.

9 CONSULTATION

The applicant was provided with a copy of all objections received however opted not to amend the plans or enter into further negotiations.

10 REFERRALS

10.1 Internal

The application was referred internally as follows:

- Urban Design;
- Civil Design;
- Traffic Engineering;
- Waste Engineering;
- Urban Forest and Ecology; and
- Environmentally Sustainable Design (ESD).

The application was not referred internally to Council's Heritage Advisor as it was considered that there was adequate direction within Clause 22.05 and 43.01 of the Melbourne Planning Scheme to make an informed assessment of the application. The existing buildings on site are non-contributory under the Council's *Heritage Places Inventory February 2020 Part A*. An assessment against Clause 22.05 (Heritage Places outside the Capital City Zone) is included under Section 11.1.4 of this report.

10.1.1 Urban Design

Urban Design provided the following recommendations as summarised:

- Revisit the massing arrangement to offer improved height transition;
- Reconsider the treatment of the eight storey form to offer less emphasis on height and greater visual interest through articulation and variation;
- Rationalise the car parking entrance and services area to Spencer Street;
- Provide additional active uses, where possible, to Spencer Street;
- Remove the LED display band that wraps around key street facades; and
- Ensure high quality materials.

The above requirements are discussed further in detail under Section 11.1 of this report.

10.1.2 Civil Design

Council's Civil Engineer offered no objection to the proposal and requested that standard conditions be included, should a permit be issued. Recommended conditions include drainage and public lighting requirements.

The applicant has contested the inclusion of conditions regarding the removal of the redundant crossover and reinstatement of verge to Roden Street. This will be discussed further in detail under Section 11.3.1 of this report.

10.1.3 Traffic Engineering

Council's Traffic Engineer offered no objection to the proposal subject to the following recommendations as summarised:

- Inclusion of standard note advising Council will not change on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of the development,
- Car parking layout, parking spaces, columns, ramps, grades, transitions, accessways and head clearances must be designed generally in accordance with the MPS and/or AS/NZS 2890.1:2004;
- The loading bay should comply with the relevant Australian Standards. The crossover must be reconstructed in accordance with CoM standard requirements;
- Ensure entering vehicles do not stop in the street and obstruct pedestrians/traffic while waiting for the car park entry door to open, the door should either be offset by 6m from the site boundary or be left open during peak period;
- The design/dimensions of bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines;
- At least one car share and electric charging space should be provided on-site to meet likely demands;
- A formal independent desktop Road Safety Audit of the proposed development should be undertaken prior to occupation, at the developer's expense, which should include the vehicle/bicycle/pedestrian access arrangements and internal circulation/layout. The findings of the Audit should be incorporated into the detailed design, at the developer's expense; and
- There is a redundant curved driveway leading from the south-east boundary of the site to Spencer St. This driveway should be removed and the space repurposed to improve pedestrian amenity, at the developer's expense.

The above requirements are discussed further in detail under Section 11.3.1 of this report.

10.1.4 Waste Engineering

Waste Officers advised the proposed Waste Management Plan (WMP) prepared by onemilegrid dated 6th April 2020 was unacceptable.

The following items need to be addressed:

- The generation rates for retail space revised to future proof waste storage and collection arrangements to meet the greater requirements and cater for a food and drink premises should the occupant change; and

- Inclusion of retail tenancy floor plan showing access from this tenancy to the bin storage area.

The above requirements are discussed further in detail under Section 11.3.3 of this report.

10.1.5 Urban Forest and Ecology

Urban Forest and Ecology offered no objection to the proposal and requested standard conditions be included, should a permit be issued.

10.1.6 Environmentally Sustainable Design (ESD)

Council's ESD Officer offered no objection to the proposal and requested standard conditions are included, should a permit be issued.

10.2 External

10.2.1 VicRoads

The application was referred externally to VicRoads pursuant to Clause 52.29-4 of the Melbourne Planning Scheme on 3 May 2020. To date VicRoads has not responded.

Three follow up emails were sent to VicRoads to request an update; to date a response to these requests has not been received.

11 ASSESSMENT

This application seeks approval for demolition and the construction of a nine-storey (plus three levels of basement) mixed-use building. The key issues for consideration in the assessment of this application are:

- Built form having regard to the design objectives and built form controls of Design and Development Overlay, Schedule 29 and Clause 22.17 (Urban Design outside the Capital City Zone);
- The impacts of the development upon the heritage character of the surrounding area;
- Compliance with the mandatory provisions of the Melbourne Planning Scheme;
- Waiver of car parking requirements;
- Potential amenity impacts; and
- Other objector concerns.

11.1 Built form

11.1.1 Height and massing

The proposed development has been assessed against the relevant design objectives, built form outcomes and design requirements of DDO29, as set out below.

The objectives of DDO29 are:

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

Broadly, these objectives acknowledge the robust nature of the area and support appropriately designed development. Schedule 29 includes the following discretionary controls:

Area	Maximum Building Height	Built Form Outcomes
DDO29 West Melbourne	4 storeys	<p><i>Higher buildings and a new built form character;</i></p> <p><i>Development reflects the higher building forms in the area;</i></p> <p><i>Development reflects the scale of, and provides a transition to, adjoining lower scale heritage buildings.</i></p>

In calculating the building height based on storeys, the following floor to floor dimensions apply:

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

Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services. Applications that exceed the maximum building height must demonstrate how the development will continue to achieve the design objectives and built form outcomes.

The proposal has an overall building height of 35.3 metres (RL 54.8) and nine storeys above ground, exceeding the preferred maximum height of DDO29.

As previously noted, Amendment C309 is now considered to be seriously entertained and the site will be located within the Spencer Precinct and subject to new Design and Development Overlay, Schedule 72 (DDO72).

The following mandatory performance measures apply in relation to building form and height with a direct frontage to Spencer Street under DDO72:

- Maximum Floor Area Ratio of 5:1.

The following discretionary performance measures apply in relation to building form and height with a direct frontage to Spencer Street under DDO72:

- Preferred maximum building height of 8 storeys;
- Street wall height range of between 3 and 8 storeys fronting Spencer Street, and 4 storeys fronting Roden Street; and
- Minimum floor to ceiling heights of 4 metres for the ground floor, and 3.3 metres for all non-residential uses on other floors.

The proposal complies with the following measures as follows:

- The site measures 1002sqm and the building would have a gross floor area of 5000sqm which results in a FAR of 5:1;
- A street wall height of eight storeys fronting Spencer Street; and.
- A minimum floor to ceiling height of 4.3 metres provided at the ground floor and 3.8 metres for all other floors.

The building has a maximum of nine storeys (exclusive of three levels of basement). The number of storeys is inclusive of structures on the proposed roof terrace including lift and stairwell enclosure and fixed pergolas. As such, the development does not comply with the preferred maximum building height of DDO72. The street wall height fronting Roden Street is between 2 - 9 storeys, therefore partially exceeding the preferred four storey street height for the Roden Street frontage.

Pursuant to Clause 2.3 of proposed Schedule 72, an application which does not meet the identified Built Form Requirements must satisfy the Design Objectives and achieve the Built Form Outcomes.

The proposed exceedance in height relates to the lift and stairwell enclosure and fixed pergola structures on the ninth floor only. The lift and stairwell enclosure are located to the centre of the site and setback approximately 10 metres from Roden Street. The fixed pergola structures are similarly centrally located and are only visible via oblique views due to building parapets.

Spencer Street is identified as a 'Main Street' which is capable of accommodating taller built form; as such the proposed exceedance in height to nine storeys to provide a lift and stairwell enclosure and fixed pergolas is considered minor.

The built form outcomes state that a mix of building typologies and variable building heights form a positive contribution to the character of a precinct and that taller buildings are encouraged for prominent site corners. The proposed development achieves the above, whilst ensuring that the adjoining residential and heritage buildings are adequately respected through a transition to a lower scale two-storey podium.

Development directly to the north-east of the site along Roden Street consists of fine grain terraces of two storeys. Opposite the site at 512-544 Spencer Street, an eight storey (27.5 metres RL 47.6) development has been approved by the Minister (Planning Permit PA1600194) and the development has a street wall height of four storeys to Roden Street.

The approved nine storey form has a 12 metre setback between adjoining dwellings on Roden Street; this has been achieved by predominately focusing building mass to the less sensitive interface of Spencer Street. This demonstrates that there is contextual support for increased height in the immediate surrounds given the transitional nature of the area, particularly for properties with a frontage to Spencer Street.

The proposal provides a sympathetic response to the immediate context which straddles a strategic preference for higher density development along Spencer Street whilst respecting existing low rise residential development. The proposal is considered to satisfy the design objectives and built form outcomes of proposed Schedule 72.

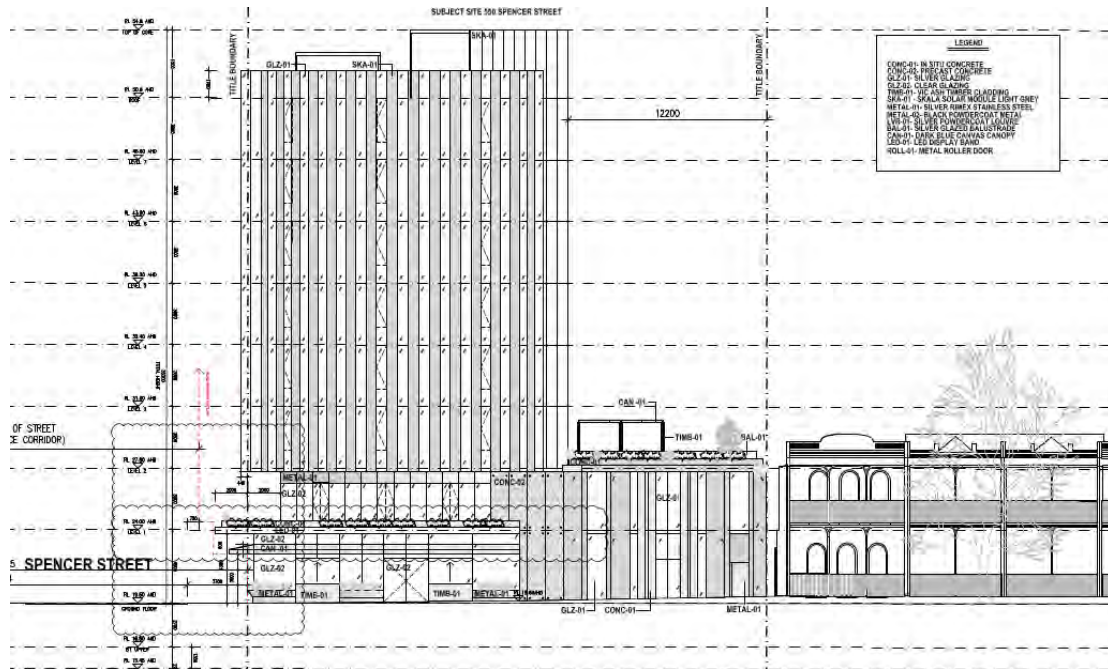


Figure 5 – Proposed eastern elevation as per advertised plans

The height and massing of the development is considered acceptable on the following basis:

- 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.
- The bulk of the development has been located towards the Spencer Street frontage, with the development stepping down to two storeys to the rear of the site with a 12-metre setback provided to lower scale heritage dwellings to the north-east.
- The proposed building height is consistent with broader strategic policies for increased density and built form change in the Spencer Precinct as identified in the West Melbourne Structure Plan.

11.1.2 FAR and title projections

As noted above, proposed DDO72 applies a mandatory maximum Floor Area Ratio of 5:1. Floor Area Ratio is defined as the area of all buildings above ground divided by the area of the site. For the purposes of this calculation:

- Gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies;
- Gross floor area excludes Bonus Floor Area; and
- The area of the site includes all contiguous titles in the same ownership that form part of the proposed development.

The applicant has omitted covered balconies on Level 1 in the provided development summary, on the basis that these are non-trafficable and will operate as a 'green roof'. The applicant has advised this area will not have a balustrade, therefore, cannot be reasonably considered a balcony. It is noted the inclusion of this area would increase the FAR above 5:1.

Although the applicant has advised this area is non-trafficable it is noted that a balustrade may need to be installed for the safety of maintenance personnel and as

such it would then be more appropriately considered a balcony. To ensure the purpose of the green roof is not eroded through incremental amendments, a permit condition will require that the area is notated as a 'non-trafficable green roof'.

The proposed green roof for a depth of 1.8 metres and the southern façade for a maximum depth of 0.4 metres will project over the title boundary. The applicant contends that these encroachments are minor and advised that these serve to break up the mass of the tower and provide a garden presence to the streetscape.

Clause 7 of Council's Road Encroachment Guidelines outlines the relevant performance measures for encroachments over Council land. The proposed encroachment is not considered to generate a public benefit or provide visual interest above what is being provided on site. The proposed projection may provide some weather protection; however, this is not considered necessary due to the ground level canopy provided. On this basis, a condition is recommended requiring the removal of any features, including building façades, which project beyond the title boundary.

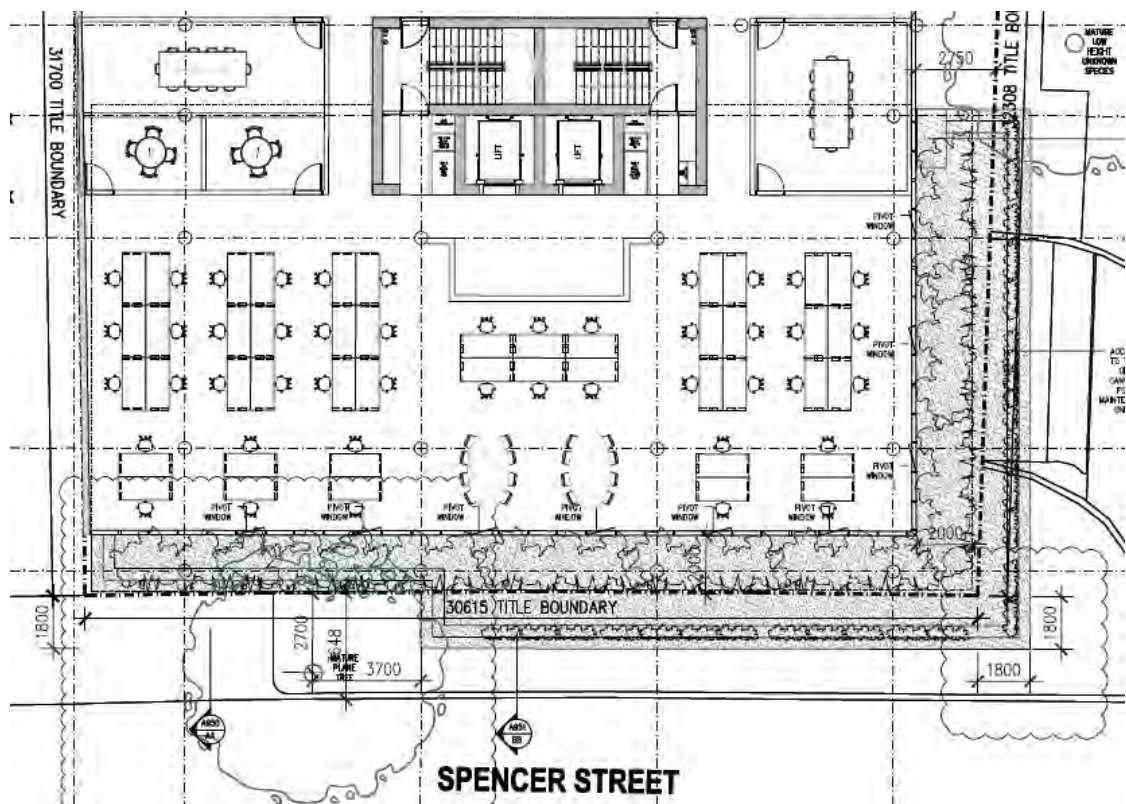


Figure 6a – Excerpt of advertised level 1 plan showing proposed encroachment

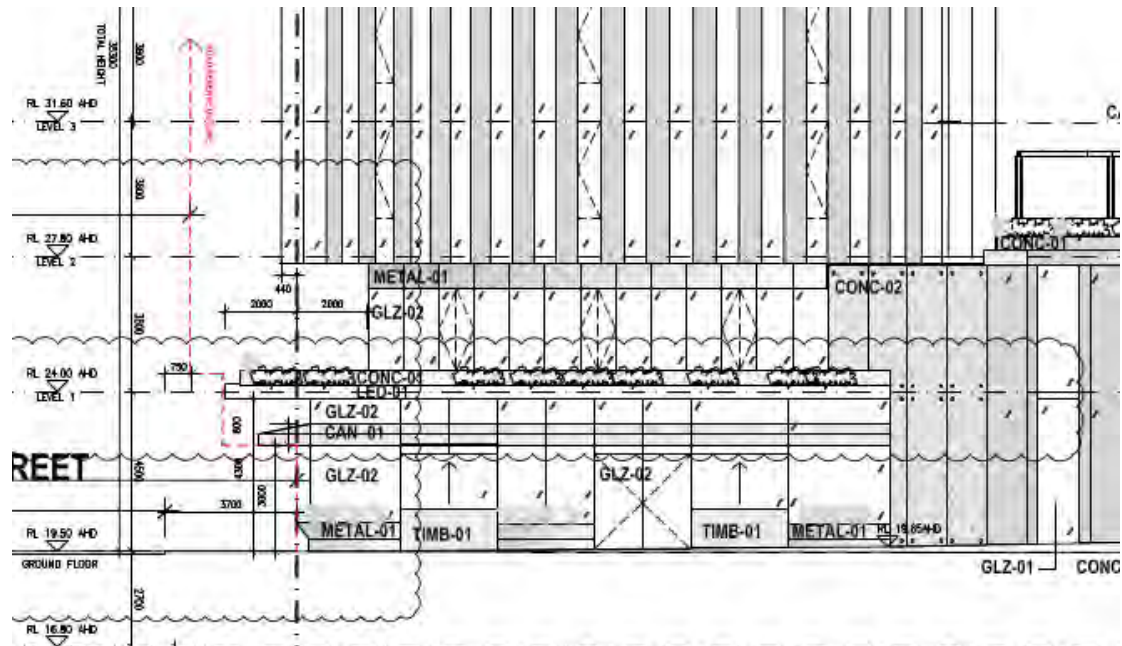


Figure 6b – Excerpt of advertised east elevation showing proposed encroachment – dashed line shows Title boundary

11.1.3 Design Detail

In addition to comments regarding height and FAR, the following comments were provided from Council's Urban Designer regarding the proposal:

- *Reconsider the treatment of the eight storey form to offer less emphasis on height and greater visual interest through articulation and variation;*
- *Rationalise the car parking entrance and services area to Spencer Street;*
- *Provide additional active uses, where possible, to Spencer Street;*
- *Remove the LED display band that wraps around key street facades; and.*
- *Ensure high quality material.*

The applicant provided concept plans on 16 July 2020 showing proposed amendments addressing the above comments. The proposed amendments include:

- Provision of secondary horizontal lines between floors to break up the PV panelling;
- Masonry façade introduced to the ground level Spencer Street façade;
- Height of vehicle entry roller door reduced in height and modified to tilt panel door;
- Substation doors modified from roller door to louvre doors;
- Metal plinth removed for retail façade;
- Additional masonry columns;
- Ground floor canopy to southern corner removed for double height window; and
- LED signage removed.

The proposed changes positively respond to the above concerns and provide a more site responsive treatment integrating masonry façade elements consistent with the broader streetscape. Therefore the above changes are recommended for inclusion

as a permit condition. The proposed height of vehicle entry has not been annotated; as such it is recommended a condition is included to allow sufficient clearance for waste vehicles for on-site waste collection.



Figure 7a – Façade treatment as per advertised plans



Figure 7b – Façade treatment as per concept plans

Given the potential for reflectivity, standard conditions regarding this will be modified to ensure the facades do not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface.

Furthermore, should a permit issue a condition is recommended which requires the applicant to enter into a Section 173 agreement to remove window openings and solar PV panels should the adjoining site to the west at 560 Spencer Street be developed in a manner which may require this.

11.1.4 Heritage

The existing buildings on site are non-contributory under the Council's *Heritage Places Inventory February 2020 Part A*. The properties adjacent to the site are graded as follows:

Street	Street Number	Building Category	Significant Streetscape
Spencer Street	544	Non-contributory	-
	550- 558	Non-contributory	-
	560	Non-contributory	-
	562	Non-contributory	-
	551	Contributory	-
	561	Contributory	-
Roden Street	78 – 82	Significant	Significant
	88 - 96	Contributory	Significant

512 – 542 Spencer Street, adjacent to the site across Roden Street was identified under the West Melbourne Structure Plan as a 'Special Character Building'. This building has now been demolished.

Clause 22.05 (Heritage Places outside the Capital City Zone) applies to the site. An assessment of the relevant provisions of Clause 22.05 follows:

Demolition

Existing structures on site relate to the previous car wash use on site and are non-contributory. The demolition of these buildings is acceptable.

New Buildings

The new building is distinctively modern and will juxtapose with the adjoining heritage fabric along Roden Street. The North and West Melbourne precinct is identified as containing streets with greater scale diversity, contrasting modest and larger buildings, the provided setbacks and secondary horizontal lines between floors to break up the PV panelling aids this transition. The proposed two storey podium provides a contemporary response to the neighbouring Victorian terraces and will not mimic or replicate heritage features. Conceptually, this approach is the preferred approach to new buildings within heritage precincts. The building is an appropriate response to the broader heritage context, providing fine grain materials at the lower floors including brick and concrete consistent with adjoining terraces and larger brick warehouses in the area.

The proposed transition from a nine-storey tower to a two-storey podium is considered a respectful approach within the strategic and heritage context of the site, providing a generous setback of approximately 12 metres. The two storey form has been set back behind the front façade of 96 Roden Street, and will not obscure views to this heritage place.

Vehicle Accommodation and Access

Vehicle access is via an existing crossover on Spencer Street. The existing Roden Street crossover will be removed.

Services and Ancillary fixtures

Service areas are predominately located within the basement or at roof level and as such are considered to be sufficiently concealed. There are no service areas proposed to the Roden Street frontage. The proposed materiality of the tower form includes Solar PV Panels. These have been incorporated into the design of the building and assist in differentiating between the two proposed forms.

Signage

The development includes LED signage above the ground floor canopy. The applicant has advised this is for artistic purposes rather than promotional material. The proposed signage is not supported and the applicant has agreed to a condition requiring its removal.

For the reasons outlined above, the proposal is considered to comply with Clause 22.05 and is supported from a heritage perspective.

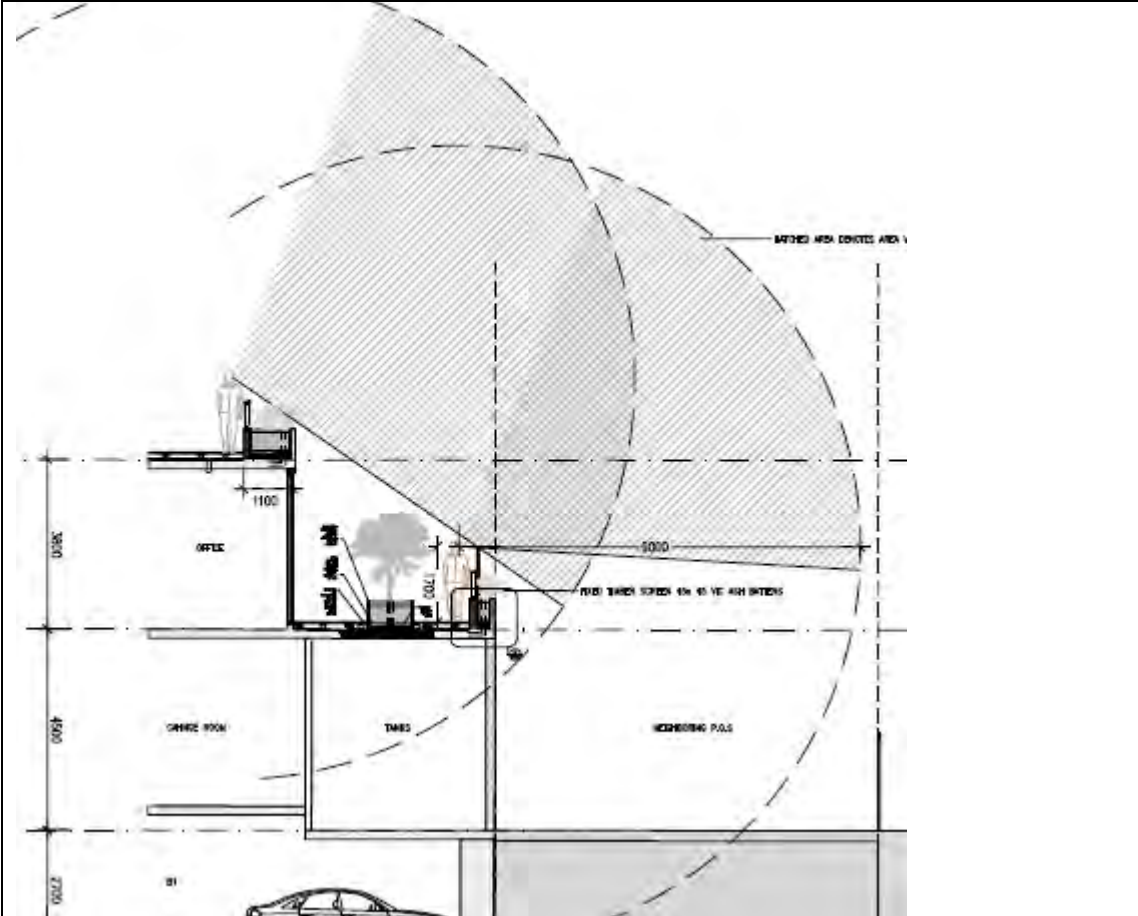
11.1.5 Residential interface

Pursuant to Clause 32.04-10, any buildings or works constructed on a lot that abuts land which is in a General Residential Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

The property at 96 Roden Street, directly abutting the north-eastern boundary of the site, is located within the General Residential Zone (Schedule 1). An assessment of the proposal against the noted provisions of Clause 55 follows:

Clause & Objective	Standard Met	Objectives Met
Clause 55.03-5 - Energy efficiency objectives - Standard B10	Yes	Yes
Complies - The building has been orientated to maximise solar energy through roof terrace space to the north and predominately solar PV and glazed façade. The energy efficiency of adjacent existing dwellings is not unreasonably impacted due to these being located generally to the north of the site. Due to generous rear setbacks and orientation, minimal overshadowing will occur as a result of the proposal. The adjoining property does not have existing rooftop solar energy facilities.		
Clause 55.04-1 - Side and rear setbacks objective - Standard B17	No	Yes
Clause 55.04-2 - Walls on boundaries Objective - Standard B18	No	Yes
Variation required - The proposal has a maximum height of approximately 32.8 metres (excluding stairwells), which would require a minimum setback of 27.9 metres. The building provides a 14 metre setback (excluding stairwells). The two storey podium form will be built on the boundary for a length of approximately 30 metres, which exceeds the maximum permissible length of wall on boundary. This wall has a height of approximately 8 metres, exceeding the maximum 3.6 metre height and average 3.2 metre wall height permissible under Standard B18. Due to the site's location and frontage to Spencer Street, the proposed development is consistent with the broader strategic policy for increased development in this area and similar sites. The proposed setback allows for a distinct separation between encouraged higher form along Spencer Street and sensitive adjacent lower forms. The proposed setback respects the preferred character and limits the impact on the amenity of existing dwellings and therefore meets the objectives.		
Clause 55.04-3 - Daylight to existing windows objective - Standard B19	No	Yes

Clause & Objective	Standard Met	Objectives Met
<p>Variation required -</p> <p>Habitable room windows of 96 Roden Street are setback approximately 1 metre from the subject boundary. These windows maintain a minimum area of 3 square metres and a minimum dimension of 1 metre clear to the sky.</p> <p>Standard B19 requires walls more than 3 metres in height opposite an existing habitable room window to be set back from the window at least 50 per cent of the height of the new wall. The proposed wall on boundary has a height of approximately 8 metres and as such does not provide the minimum setback required.</p> <p>A review of floor plans for 96 Roden Street show the windows affected, other than the living room and one of the second floor bedrooms, have access to a second east or west facing window. It is also noted that there is an existing 3 metre high wall on boundary to south facing windows and as such the proposal will not result in a significant loss in daylight.</p>		
Clause 55.04-4 - North facing windows objective - Standard B20	N/A	N/A
N/A		
Clause 55.04-5 - Overshadowing open space objective - Standard B21	Complies	Yes
<p>The development will result in minimal overshadowing of the adjoining property between 1pm and 3 pm. The extent of overshadowing is limited due to the northern orientation of adjacent secluded private open spaces. It is noted that these areas are also overshadowed by existing structures on site and other buildings in the immediate vicinity.</p> <p>Due to the inner city location of the site and narrow allotments, compliance with Standard B21 is difficult to achieve and on balance the extent of minor additional overshadowing is considered acceptable.</p>		
Clause 55.04-6 - Overlooking objective - Standard B22	Yes	Yes
<p>Overlooking to secluded private open spaces from the Level 1 terrace will be obscured by 1.7 metre high privacy screens. Overlooking from the Level 2 terrace will be obscured due to the setback provided from adjacent secluded spaces. This is illustrated in the section provided below.</p> <p>Screening measures have not been provided to limit views to the adjacent second floor habitable room window. As such, should a permit issue, a condition should be included requiring the Level 2 roof terrace to be screened</p>		

Clause & Objective	Standard Met	Objectives Met
 <p data-bbox="225 1176 774 1214">Figure 9 – Excerpt of overlooking diagram from advertised plans</p>		

11.2 Use

The application proposes 250sqm of retail space at the ground floor and approximately 4121sqm of office space and amenities across Levels 1 – 8. It is noted that an end user of the retail premise has not yet been identified.

Pursuant to Clause 32.04-2, a permit is required for the following:

- Office space exceeding a leasable floor area of 250sqm; and
- Retail

The proposed uses are considered to be in accordance with the purpose of the Mixed Use Zone which seeks to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. The immediate context has an existing character of varying commercial, retail and residential land uses and can reasonably accommodate the proposed uses.

The proposed uses are not considered likely to generate unreasonable noise impacts to existing residential dwellings in the immediate surrounds. It is considered that the primary hours of use of the office component will complement the land use character of the surrounding area. The proposed retail component may operate outside typical office hours however will be subject to compliance with SEPPN-1 and SEPPN-2 requirements.

Relevant car parking considerations are discussed in detail under Section 11.3 of this report. It is noted however that the site is well serviced by public transport, with building users able to access the site via North Melbourne Railway Station to the south-west and multiple tram routes along Victoria Street to the north.

Loading and waste storage areas have been provided within Basement Level 1. These areas are accessed via Spencer Street and are not adjacent to sensitive residential uses along Roden Street.

Given the above, the proposed land uses are not expected to unduly detract from the amenity or safety of the area by means of car parking or loading/unloading.

The proposal is considered to demonstrate a high level of compatibility with the surrounding area, which is an established mixed-use precinct. Formerly an industrial area with a modest degree of residential properties, this part of West Melbourne has seen an increase in dwellings and medium-to-large scale residential developments in more recent years. Many businesses have remained in the area, with several commercial and mixed-use sites located within proximity to the subject land.

It is noted that under Amendment C309, office will be an as of right use and food and drink premise' and shop (nested under retail premise) will also be as of right. As such the site has been identified as readily capable of accommodating the proposed land uses.

11.3 Parking, Loading and Waste

11.3.1 Car parking

The development provides three levels of basement which includes 46 car spaces and 8 motorcycle spaces. Pursuant to Clause 52.06, the following car parking rates apply:

Use	Rate	Area	Requirement
Office	3 car spaces to each 100sqm of net floor area	Approximately 4,121sqm	124 spaces
Retail*	3.5 to each 100sqm of leasable floor area	Approximately 250sqm	7 spaces
Total spaces required:			131 spaces

*Pursuant to Clause 56.06-6, where a use of land is not specified in Table 1 car parking spaces must be provided to the satisfaction of the responsible authority. As an end user for the retail component has not yet been identified, the rate for 'Shop' and 'Food and Drink Premises' has been utilised for assessment purposes.

Based on the above, the proposal requires a waiver of 85 spaces. It is noted that in accordance with Amendment C309, the site will be included within Parking Overlay, Schedule 14 which applies the following parking rate:

- 0.5 car spaces per 100sqm net floor area.

Based on this, the development would generate a maximum requirement of 21 spaces, resulting in an over-supply in accordance with Amendment C309. For the purpose of the current planning application, a waiver however must be considered. This is supported on the following basis:

- The site is located within the Principal Public Transport Network Area, which identifies areas of high public transport accessibility;
- The site is well located to public transport as follows:
 - 500 metres from North Melbourne Railway Station (Craigieburn, Sunbury, Upfield, Werribee, Williamstown lines);

- 280 metres from tram stops along Errol Street (Route 57 operates from West Maribyrnong to Flinders Street every 6 – 10 minute during peak hours);
- 115 metres from bus stops on Spencer Street (Route 216 operates from Sunshine Station to City every 15 minutes during peak hours);
- On-road bike lanes are provided along Victoria Street and Adderley Street;
- The development includes 60 bicycle parking spaces on site;
- The development includes 8 motorcycle parking spaces on site;
- Parking restrictions on adjoining streets will provide short term parking and ensure the turnover of spaces;
- Office and retail employees will not be entitled to on-street car parking permits;
- The development includes an on-site loading area within the basement; and.
- There is strategic justification for a reduction in car parking in this area.

Proposed Parking Overlay, Schedule 14 seeks to support long-term sustainable transport patterns and minimise road congestion in West Melbourne. The provision of 46 car spaces is more than double what is required by Schedule 14. Given the nature of the development and its proximity to a suite of alternate transport options, the proposed extent of car parking is not supported and a condition of permit should require that a maximum of 0.5 car spaces per 100sqm of net floor area be provided.

The development has been referred to Council's Transport Engineers who support the application subject to the inclusion of the following conditions:

- Car park entry door to be offset by 6m from the site boundary;
- Provision of one car share and electric charging space is provided;
- A formal independent desktop Road Safety Audit of the proposed development; and
- Redundant curved driveway leading from the south-east boundary of the site to Spencer Street removed and the space repurposed to improve pedestrian amenity, at the developer's expense.

The applicant has not objected to the inclusion of the above conditions relating to the car park entry and provision of car share and electric charging spaces and as such conditions to this effect should be included upon any permit issued.

The applicant has however objected to the inclusion of conditions requiring the provision of a Road Safety Audit and reinstatement of the area occupied by the now redundant crossover.

Given the applicant seeks to utilise an existing crossover on site, and sufficient depth is provided for cars to queue within the site, an independent desktop Road Safety Audit is not considered necessary.

The applicant also contests the inclusion of conditions regarding the removal and reinstatement of the Roden Street crossover and verge. In addition to the above condition required by Council's Transport Engineer, the following conditions are required by Council's Civil Design Engineer:

- *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 – Infrastructure and Assets.

- *All altered portions of road (including modification to the footpath, garden ben and the provision of street trees) in Roden Street must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.*

Roads

All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

Footpaths

The footpaths adjoining the site along Spencer Street and Roden Street must be reconstructed together with associated works including the renewal of road kerb, reconstruction of channel, provision of tree pits, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

The above noted conditions are consistent with recommendations of Council's Traffic Engineer for the removal of the redundant crossover. The applicant contends the application does not propose to remove the crossover/ driveway to the southeast of the site as it does not form part of the planning permit before Council.

As the Roden Street crossover is redundant under the current proposal, it is considered entirely appropriate to condition its removal as it no longer serves a purpose. The subject site is the only site which has direct frontage to this portion of the road reserve and as such would obtain the most benefit from the reinstatement of a footpath here. On this basis, it is considered appropriate to maintain the recommended conditions.

11.3.2 Bicycle parking

The development provides 60 bicycle parking space and change rooms on the ground floor. Pursuant to Clause 52.34, the following bicycle parking rates apply:

Use	Rate	Area	Requirement
Office	1 employee space to each 300 m ² of net floor area if the net floor area exceeds 1000 m ²	Approximately 4,121sqm	14 employee spaces
	1 visitor space to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ² ,		4 visitor spaces
Retail premise	1 employee space to each 300 m ² of leasable floor area	Approximately 250sqm	0 employee spaces
	1 visitor space to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ²		0 visitor spaces
Total spaces required:			18 spaces

54 spaces will be provided within a bicycle storage room on site with access to showers and change rooms. The remaining six visitor spaces will be provided on the Roden Street frontage adjacent to the retail component. The provided bicycle parking and change rooms are in excess of the requirements of Clause 52.34.

11.3.3 Waste

The proposed Waste Management Plan (WMP) prepared by onemilegrid dated 6th April 2020 was referred to Council's Waste Engineer who found it to be unacceptable.

Pursuant to the Mixed Use Zone, a retail premises (other than food and drink premises and shop) is a section 2 use. A food and drink premises is a section 2 use under this proposal, as it exceeds an area of 150 metres.

The end user of the retail component has not yet been identified, however, if approved the retail component can operate under the uses nested under 'Retail Premises' under Clause 73.03. This includes a food and drink premise. On this basis, it is considered that the site could operate as either non-food retail or as a food and drink premises without further approval.

The proposed WMP utilises generation rates for retail spaces (non-food) of 50L/100m² floor area/day for garbage and recycling. This is considerably lower than the lowest rate supported for a food and drink premises (Takeaway / Café (pre-packaged food only)) of 150L/100m² floor area/day or the highest rate for a restaurant at 660L/100m² floor area/day.

As currently proposed, should the tenancy be used as a food and drink premise, the existing waste storage area would be insufficient. As such, it is considered prudent to ensure that potential future uses can be accommodated within the provided waste provisions. Given this a revised WMP is required to address the following:

- Retail component end user identified and waste generation revised to accord with relevant retail use;
- Increased waste storage room to accord with changes in proposed use (if applicable); and
- Inclusion of floor plan showing access from the tenancy to the bin storage area.

11.4 Other matters raised by objectors

The issues raised by objectors are detailed under section 9 and addressed in the assessment in Section 11. Issues not addressed under section 12 are discussed below:

- Impact of existing infrastructure

An objector concern was the impact of the proposal on infrastructure. The site owner will be required to address the infrastructure servicing demands of the proposal as required by the various service agencies at the time of connection of the development. This includes any service authorities requirements to contribute to the cost of upgrading trunk infrastructure.

- Request for rezoning

An objector has requested the site be rezoned as residential, as opposed to Mixed Use Zone, consistent with General Residential zoned properties to the north of the site. It is noted that a site cannot be rezoned under planning permit and must be processed through a planning scheme amendment. Notwithstanding this the site forms part of the West Melbourne Structure Plan and Melbourne Planning Scheme Amendment C309, both of which underwent significant consultation.

- Removal and impact to vegetation and inconsistency with Council's Urban Forest Strategy

The development does not propose the removal of vegetation within the adjoining road reserve or street trees. The application has been referred to Council's Urban Ecology and Forestry Officer who supports the application subject to standard conditions regarding the provision of a Tree Protection Plan.

- Impact on the adjoining road reserve

A number of objectors have raised concerns regarding the overshadowing of the adjacent vegetated road reserve to the east of the site. The development will result in additional overshadowing from 12 pm onwards to this area however will not unreasonably reduce the amenity of this area, noting that the vegetated area is not identified as a public park.

- Contamination

Concerns have been raised regarding the potential contamination of the site and impact to existing adjoining residential uses. As the subject site does not propose a sensitive use further assessment for potential contamination is not required in this instance.

It is noted that although the site has been proposed to be included within an Environmental Audit Overlay under Amendment C309 as non-sensitive use the proposal would not trigger the requirement for an Environmental Audit.

Should contamination be present on site the permit holder will be required to manage the land in accordance with Environment Protection Authority requirements, including handling and disposal. This will be included as a note on permit.

11.5 Conclusion

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

12 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 use and development hereby approved, electronic plans drawn to scale must be submitted to the Responsible Authority generally in accordance with the advertised plans (ref: Plans prepared by Kennon+ '550 Spencer Street, West Melbourne' dated 3 April 2020, Revision D) but amended to show:
 - a) The changes shown on the concept plans submitted to Council on 20 July 2020 showing:
 - i. Provision of secondary horizontal lines between floors to break up Solar PV panelling;
 - ii. Masonry façade introduced to ground level Spencer Street façade;
 - iii. Height of vehicle entry roller door reduced in height and modified to tilt panel door;
 - iv. Substation doors modified to louvre doors;
 - v. Metal plinth removed for retail façade;
 - vi. Additional masonry columns;

- vii. Ground floor canopy to southern corner removed for double height window; and
- viii. LED signage removed
- b) Notation included for Level 1 balcony terrace adjacent Spencer and Roden Street as 'non-trafficable green roof';
- c) All projections beyond the title boundary other than ground floor canopy deleted;
- d) Vehicle entry door setback at least 6 metres from Spencer Street frontage and provided a clearance of 2.3 metres;
- e) Maximum 0.5 car spaces per 100sqm net floor area;
- f) Subsequent to condition 1e), of the car spaces provided above at least one car share space and one electric charging space;
- g) Outward opening doors over public land redesigned to comply with Council's Road Encroachment Guidelines;
- h) Level 2 roof terrace provided with screening to prevent overlooking into the second floor habitable room window of 96 Roden Street to the satisfaction of the Responsible Authority in accordance with Clause 55.04-6;
- i) Ground floor lift core and stairwell;
- j) Any changes as required by the Façade Strategy required by condition 3;
- k) Any changes as required by the Waste Management Plan required by condition 4;
- l) Any changes as required by the Landscape Plan required by condition 6; and
- m) Any changes as required by the wind effects statement required by condition 27.

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

Secondary Consent

- 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.

Façade Strategy

- 3. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors and utilities, typical tower details, and any special features which are important to the building's presentation.

- c) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- d) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
- e) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- f) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

Waste Management

- 4. Prior to the commencement of development, a revised Waste Management Plan (WMP) shall be prepared, submitted and approved by the Melbourne City Council - Engineering Services. This Plan must be generally in accordance with the plans prepared by onemilegrid dated 6th April 2020 but amended to show:
 - a) Retail component end user identified and waste generation revised to accord with the relevant retail use;
 - b) Increased waste storage room to accord with changes in proposed use (if applicable);
 - c) Inclusion of floor plan showing access from this tenancy to the bin storage area; and
 - d) Swept path assessment and waste collection vehicle to accord with Traffic Engineering Assessment prepared by Traffix Group dated December 2019.

The WMP should detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan.

- 5. The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). The endorsed WMP must not be altered without prior consent of the Responsible Authority – Engineering Services.

Landscape Plan

- 6. Prior to the commencement of the development, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must include:
 - a) A schedule of all soft and hard landscaping and treatments.
 - b) Urban design elements including, but not limited to, paving, lighting, seating and public art, and clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
 - c) How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to

be used including the location of any rainwater tanks to be used for irrigation.

- d) Position, type and spread of all trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to retain the trees in a satisfactory condition together with details of any proposals for the felling, topping or lopping of any tree.
- e) Location of buildings and trees on neighbouring properties within three metres of the boundary, including street trees.
- f) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- g) Details of surface finishes of retaining walls, pathways and driveways.

This landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

Environmentally Sustainable Development (ESD)

- 7. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by JBA Consulting Engineers and dated 13 December 2019 must be achieved in the completed development. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
- 8. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports to the appropriate standard, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.
- 9. Prior to occupancy of the development, a comprehensive Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty-two week period following Practical Completion must be submitted to, and be approved by the Responsible Authority. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Urban Forest and Ecology

- 10. Prior to the commencement of any works a Tree Protection Plan (TPP) must be provided to the satisfaction of the Melbourne City Council . The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include::

- a) All public trees affected by the works and their City of Melbourne asset number(s) (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, scaffold or hoardings.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the construction activities or details of any other tree protection measures considered necessary and appropriate to the site. 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.
 - d) Full specifications of any pruning required to publicly owned trees.
 - e) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - f) 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.
11. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
 12. 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 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.
 13. 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 construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Civil Design

14. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
15. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Infrastructure and Assets. 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.
16. 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 – Infrastructure and Assets.

17. All altered portions of road (including modification to the footpath, garden beds and the provision of street trees) in Roden Street must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
18. All portions of roads affected by building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
19. The footpaths adjoining the site along Spencer Street and Roden Street must be reconstructed together with associated works including the renewal of road kerb, reconstruction of channel, provision of tree pits, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
20. 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 – Infrastructure and Assets.
21. 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 – Infrastructure and Assets.
22. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.
23. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include review of street lighting in Roden Street. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

Traffic

24. The design/dimensions of the bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines.
25. The car parking layout, parking spaces, columns, ramps, grades, transitions, accessways and head clearances must be designed generally in accordance with the AS/NZS 2890.1:2004 (AS).

Glazing

26. Glazing materials and the solar PV panel treatment 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.

Wind Test

27. Prior to the commencement of the development, a wind effects statement must be submitted to and be to the satisfaction of the Responsible Authority. Modifications must be made to the design of the development to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

Construction Management Plan

28. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group . This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
- a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.

Section 173 Agreement

29. Prior to the commencement of the use and development on the land, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
- a) The windows/openings/solar PV panels on the western boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows/openings.
 - b) The owner of the land must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Consolidation of Titles

30. Prior to the commencement of the development, the land titles must be consolidated, to the satisfaction of the Responsible Authority.

Noise

31. The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

Permit Expiry

32. This permit will expire if one or more of the following circumstances apply:
- a) The development is not started within three years of the date of this permit.

- b) The development is not completed within five years of the date of this permit.
- c) The use is not started within five years of the date of this permit.

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

Notes:

All necessary approvals and permits are to be first obtained from the City of Melbourne's Infrastructure and Assets Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

The City of Melbourne (CoM) will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. However, new parking restrictions may be introduced in the surrounding streets at the discretion of the CoM.

The loading bay should comply with the relevant Australian Standards.

In accordance with the 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 the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

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 remove the subject trees.

Should contamination be present on site the permit holder is required to manage the land in accordance with relevant Environment Protection Authority guidelines, including handling and disposal.

