

APPLICATION FOR PLANNING PERMIT – OFFICER REPORT
130-154 DUDLEY STREET, WEST MELBOURNE

Application Number: 2011/012468

Proposal: Construction of a staged development for a multi storey building for the purpose of dwellings and use of the ground floor for retail premises (excluding tavern, hotel and gambling premises) with a reduction in the car parking requirements, waiver of loading bay requirements and altering access to a road within a Road Zone – Category 1 (Dudley Street).

Applicant: Dudley Street Developments Pty Ltd
[REDACTED]
Contour Consultants Australia Pty Ltd
[REDACTED]

Planning Scheme Melbourne Planning Scheme

Zoning: Mixed Use Zone (MUZ)

Overlays: Design and Development Overlay (DDO 29- West Melbourne)

Existing Use: 2 level computer sales office and shop (site area approximately 3,238 square metres)

Number of Objections: 9

Recommendation: Notice of Decision to Grant a Permit subject to conditions

[REDACTED]

[REDACTED]

PLANNER'S NAME: [REDACTED]
Ph: [REDACTED]

SIGNATURE:

DATE: 16.11.12

PROPOSAL

The planning permit application was submitted by Dudley Street Developments Pty Ltd C/- Contour Consultants Australia Pty Ltd on 16 November 2011 (further information received 15 March 2012) for a residential apartment building with ground floor retail at 130-154 Dudley Street, West Melbourne.

1. The proposal may be summarised as follows:

- Demolition of all buildings on the site. Construction in three stages of three apartment buildings each nine storeys high, over 3.5 levels of interconnected basements. The total height of each of the three (west, central and east) residential tower components will be 32 metres.
- Development of a separate four storey building behind the main proposed building, comprising eight studio apartments (two per floor) and communal roof terrace built to all boundaries over the northern section of the land adjacent to Council Lane 1115 and FL 5147.
- A total of 264 apartments of varying sizes, 166sqm of retail, 275 car parking spaces, an electrical substation and 220 bicycle parking spaces.
- A service entry gate at ground level adjacent to the east boundary.
- Levels 5 to 9 set back 4.1m (average) from Dudley Street with balconies set behind.
- Removal of the eastern vehicle crossing and widening of the crossing to the western laneway to provide for at grade access to the lane (loading area) and two-way traffic to the car park entrance ramp (total crossing width approximately 10.1m).
- Provision for waste storage and collection from a loading area adjacent to the west boundary (on the FL 5251 land).
- Relocation of the bus stop on Dudley Street.
- Creation of a through-block pedestrian link at ground level between Dudley Street via Council Lane 1115 north to Rosslyn Street.
- A retail space abutting the through block link with a frontage that occupies more than one-quarter of the combined Dudley Street frontage.
- Electrical substation at street level east of the vehicle entrance designed to appear as part of the podium wall at the street frontage.
- The four storey podium set close to the Dudley Street frontage but allowing sufficient space at ground level to allow for ramped access to the three entry lobbies and retail area, and space for some landscaping.
- The landscape design of the central common courtyards with water features and greening of the street frontage.
- The proposal incorporates a number of energy efficiency, water saving and other environmentally sustainable features.
- It is proposed to construct the development in three stages comprising:
 - **Stage 1** - (west) 77 apartments, 58 car spaces and eight bicycle spaces
 - **Stage 2** - (middle) 88 apartments, 104 car spaces and 70 bike spaces including the 194sqm of retail space.

- **Stage 3** - (east) 91 apartments, 87 car spaces 142 bike spaces
 - It is proposed that the eight units in the studio building will be constructed together with Stage 1. No parking spaces are to be allocated for these studios, which will be accessed from Rosslyn Street via CL 1115 unless the through block link is created as a 24-hour public access.
2. The Minister for Planning is the responsible authority for assessing the planning permit application under Clause 61.01 of the Melbourne Planning Scheme (the Scheme) as the gross floor area of the proposed development is greater than 25,000 sqm– in this instance the development will have a gross floor area of 26,150 square metres.

SITE AND SURROUNDS

3. The application site comprises two adjoining parcels of land on the north side of Dudley Street approximately 28m east of Spencer Street. The overall site area is 3,229sqm.
4. The larger parcel (130-144 Dudley Street) on the east is square in shape and measures 39m wide x 41m deep. The western half of the rear boundary abuts Private Lane 5147, which connects via Corporation Lane CL1115 north to Rosslyn Street. This lot is occupied on its eastern side by a two storey modern office/showroom with glazed facade, set back from Dudley Street. The western part is an open car park.
5. The parcel known as 146 Dudley Street is irregular with a frontage of 30m to Dudley Street and part of the rear boundary abuts CL1115 providing vehicle access to Rosslyn Street. Part of the west boundary of this lot is occupied by Private Lane 5251 (see figure 1.1 below).

Figure 1.1 – Subject Site



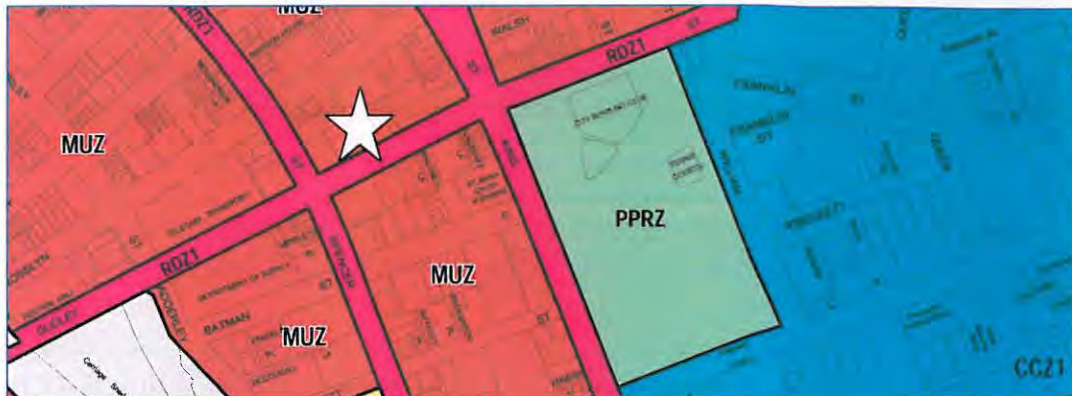
6. The wider West Melbourne area is eclectic in character with a number of large warehouses and remnants of old industrial uses scattered with Victorian cottages and warehouse/ newer apartments.

PLANNING CONTROLS

Zone and Overlays

7. The site is zoned Mixed Use Zone (MUZ) under the Melbourne Planning Scheme. At clause 32.04 the purpose of the Mixed Use zone is
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
 - To encourage residential development that respects the neighbourhood character.

Figure 1.2 – Zone Map



8. The site is affected by Schedule 29 of the Design and Development Overlay at clause 43.02, (DDO29- West Melbourne) which includes the following design objectives:
- 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.
9. The discretionary maximum building height in DDO29 is indicated as 4 storeys (14 metres) and the built form outcomes are:
- Higher buildings and a new built form character.
 - Development reflects the higher building forms in the area.
 - Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.
10. An application to exceed the maximum building height requires a permit and the development must demonstrate how it will continue to achieve the design objectives and built form outcomes of the schedule and any local planning policy requirements.

Particular Provisions

11. The following particular provisions are relevant to the application:
- Car Parking - Clause 52.06.
 - Loading and Unloading of Vehicles - Clause 52.07.
 - Bicycle parking - Clause 52.34.
 - Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road- Clause 52.29.
 - Urban context report and design response for residential development of four or more storeys - Clause 52.35.
 - Integrated Public Transport Planning- Clause 52.36.

General Provisions

12. Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the *Planning and Environment Act 1987*.
13. Under Clause 66 is relevant and applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act.

Summary of permit triggers

14. A planning permit is required to:
 - Construct buildings and works under the terms of the zone and overlay, including permission to exceed the specified building height in DDO 29.
 - Use land for a retail premises. Use for dwellings does not require a permit.
 - Reduce/vary the requirement for car parking under Clause 52.06 of the planning scheme.
 - Vary the requirement for provision of land for the loading/unloading of vehicles associated with the retail premises under Clause 52.07 of the planning scheme.
 - Alter access to a Road in a Road Zone Category 1 (remove an existing crossover).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

15. The following policies within the SPPF are relevant in the consideration of the application:
 - Clause 11.04-5 (Melbourne's Urban Growth) seeks to set clear limits to Metropolitan Melbourne's urban development. Strategies include managing outward expansion, facilitating the achievement of a compact city, including the consideration of current population projections, and longer-term urban growth issue such as economic and employment opportunities. Policy guidelines include Melbourne 2030 and Melbourne @ 5 Million.
 - Clause 15 (Built Environment and Heritage) seeks to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. It is also about creating quality built environments which support the social, cultural, economic and environmental wellbeing of our communities, cities and towns.
 - Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Clause 15.01-2, Urban Design Principles, encourages development that provides architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. Developments are considered against design principles including: context, the public realm and safety; landmarks, views and vistas; pedestrian spaces; heritage; consolidation of sites and empty site; light and shade; energy resource efficient; architectural quality; landscape architecture.
 - Clause 15.02 (Sustainable Development) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
 - Clause 16 (Housing) encourages opportunities for increased residential densities to help consolidate urban areas.
 - Clause 17 (Economic Development) seeks to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
 - Clause 18.01 (Integrated Transport) seeks to create a safe and sustainable transport system by integrating land-use and transport. Strategies include concentrating key trip generators such as higher density residential development in and around Central Activities

Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.

- Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and to encourage cycling as an alternative mode of travel.

Municipal Strategic Statement (MSS)

16. The following policies within the MSS are relevant:

- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision and approach
- Clause 21.04 – Land Use
- Clause 21.05 – City Structure and Built form
- Clause 21.06 – Transport and Communications Infrastructure
- Clause 21.07 – Environment and Natural Systems
- Clause 21.08 - Better Transport Links
- Clause 21.08-9 -(North and West Melbourne)

Local Planning Policy Framework (LPPF)

17. The following policies within the LPPF are relevant:

- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.17 - Urban Design Outside the Capital City Zone

Other relevant policy/ matters

18. Other relevant policy/ matters include:

- Urban Design Guidelines for Medium Density Development (DSE)
- West Melbourne Structure Plan, April 2005 (Referenced in clause 22.11).
- North-West 2010 Structure Plan.
- The development is also located within an "Ongoing Change Area" in Council's draft MSS. The MSS review is well advanced with the exhibition of Melbourne Planning Scheme C162 being discussed at Melbourne Council imminently.

NOTIFICATION

19. Under the provisions of the Mixed Use Zone the proposal is subject to the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Planning and Environment Act 1987 (the Act).

20. The owners and occupiers of the abutting properties were given notice under section 52 of the Act. Signs were erected on the site frontage and a copy of the notice (From 2) was published in the Melbourne Times and the Age.

21. [REDACTED]

22. A total of 9 objections have been received to date (as of 1 August 2012). Issues/ concerns raised can be summarised as follows:

- Built form, scale and design,
- Height,
- Precedent,
- Lack of car parking/ increased traffic,
- Loss of neighbourhood/ heritage character,
- Lack of variety in tenure/ size/ mix of apartments,
- Increased strain on local infrastructure (social, community and physical),
- Privacy, overlooking and overshadowing,
- Non-conformity with local policy,
- Noise, pollution, environmental and construction concerns, and
- Interruption of views, reduction in property values.

REFERRALS

23. Under Section 55 of the Act the Director of Public Transport was referred the application. Written confirmation that they did not object was received on 30 March 2012. This was based on inclusion of ten conditions on any permit granted.
24. Under Section 55 of the Act, VicRoads was referred the application. Written confirmation that they did not object was received on 10 May 2012. This was based on inclusion of ten conditions on any permit granted.
25. The application was referred to the City of Melbourne under section 52(1)(b) of the Act. The City of Melbourne response was received on 7 June 2012. Council objects to the proposed development however would be willing to support the proposal subject to conditions and alterations, most notably the reduction in height of the 9-storey components of the building to seven storeys with a two storey reduction of the east and west components. These issues are discussed in the assessment section below.
26. The application was internally referred to the urban design unit of DPCD who were generally supportive of the proposal. They stated that:

We generally support the proposal, in terms of overall volume and form, suggesting only detailed matters or conditioning: articulation and secondary windows to the south and east facades of the rear studio block, Section 173 Agreement or similar to specify through block pedestrian access conditions, desktop wind report with reference to through block access conditions and public realm upgrade, including reinstatement of trees in Dudley Street footpath (in consultation with the City of Melbourne).

27. The Urban Design unit accepts the proposed height due to the podium reflecting the neighbouring podium to the east however raised issues with the setback of the building from the southern boundary however on balance the potential separation is considered acceptable. Urban design raised the issue of profiling of the roof-scape to reduce the visual height, which can be addressed by way of condition.

ASSESSMENT

28. The application has been assessed against all relevant policies within the Scheme. Key issues for discussion are:
 - State (SPPF) and local planning policy (LPPF)
 - Height and Built Form
 - Design and Urban Context
 - Car parking and traffic
 - Other matters raised by objectors.
 - Waste/ loading arrangements
 - Environmental.

State and local planning policy

29. The proposed development responds appropriately to State planning policies, in particular by providing housing choice, density and diversity in a centrally located area supported by existing infrastructure and public transport. The development also responds appropriately with the broad strategic intent for residential redevelopment of this transitional area as outlined in the Local planning policies, including the Municipal Strategic Statement (MSS).
30. It is considered that this proposal achieves a high standard in architecture and urban design as envisaged by Clause 15.01. The development has taken into account the strategic context of its location and will contribute to community and cultural life by improving safety, diversity and choice, the quality of living and working environments in the West Melbourne area.
31. The general principle of intensification of use and residential development is clearly supported in the local policy and zoning controls. The detailed local policy content in relation to the type of acceptable built form is considered in more detail below.

32. The development is also located within an "Ongoing Change Area" in Council's draft MSS. The MSS review is well advanced with the City of Melbourne Future's Committee discussing the recommendations of Melbourne Planning Scheme C162 at a recent meeting.
33. The proposal is generally in accordance with the purpose of the Mixed Use Zone - in particular it promotes residential development and is considered to respect neighbourhood character.

Height and Built Form

34. The application has been assessed against Schedule 29 to the Design and Development Overlay (DDO29) and the relevant design and built form clauses within the LPPF.
35. Clause 21.08-9 (North and West Melbourne) of the Municipal Strategic Statement details the vision for North and West Melbourne. The site is within the area identified as [6] in Figure 20. It includes support for residential development and small scale business uses in this area while maintaining the predominantly low-scale nature of the area. It states that North and West Melbourne provides a balance of residential and commercial uses which maintain an emphasis on local community and liveability and which have a clear distinction in scale from the Central City. New development must ensure that development is sympathetic to the heritage values of adjacent heritage areas and places. There is policy support for higher building forms in this area, which is considered adjacent to the Central City. It is considered that the proposed development meets the overall vision for the area as outlined in Clause 21.08-9 (North and West Melbourne).
36. The policy accepts the area is not exclusively low scale and the proposal respects and maintains the predominantly low-scale nature of the area by setting the apartment building back from all street frontages and including low scale elements that interact with the street. The apartment building is well designed and has sufficient setbacks and will ensure a clear distinction in scale from the Central City is maintained.
37. The development provides a variety of dwelling types and sizes and the reduced car parking rate will ensure new residents will not be over dependant on car travel. These factors will assist in ensuring the local community and liveability of West Melbourne is maintained.
38. The local policy references the Urban Design Outside the Capital City Zone Policy to provide guidance on design principles and the Design and Development Overlays provide design objectives on building heights and other built form outcomes. These will be discussed in more detail below.
39. Clause 21.05 outlines built form principles to reinforce the existing structure of the city, to manage built form change and ensure built form change is consistent with the identified future character of the various precincts of the city. The clause makes a direct connection between managing built form and amenity to ensure liveable, high quality urban environments. One of the objectives of this policy is to ensure that the height, scale, massing and bulk of new development helps achieve an identified preferred future character and amenity. The site is within the North Melbourne/ West Melbourne/ Flemington area, much of which is identified as an area where development should respond to the key elements of the built form character within the precinct. Overall the proposal responds to the matters set out in Table 4 and within the Clause.
40. The application was accompanied by a site analysis and urban context report which outlined how the development met the design objectives of DDO29. DDO29 emphasises key objectives which further informs and adds detail to the general direction given by local policy. The objectives relate to encouraging the development of a new built form character in this transitional area and ensuring the retention of the mixed use nature of the area.
41. The development proposes a 'podium' and 'tower' form typology with three separate buildings rising to nine storeys in height, which is a departure from the specified height in DDO29. There is justification for a departure from the specified height due to the following:
 - The site is a strategic development site on the interface with the Capital City Zone (CCZ) which lends itself to accommodating higher density development.
 - There is supporting policy for intensification and urban consolidation within State and local planning policy in the Scheme.
 - The height controls are not mandatory and are objective based to allow a degree of flexibility, particularly in an area that promotes higher density development and a new built form character.
 - The development will meet the objectives of DDO29. The proposed development acknowledges the transitional nature of the area. The area is undergoing change and

the development will provide an as-of-right land use in the mixed use area. Taking a broad strategic perspective the proposal will provide a built form transition from the central city area. It will also provide transition from the neighbouring buildings due to the setbacks proposed.

- The development will clearly provide for a new built form character for the site and transform an underutilised area of land close to the city centre. The development is well designed with high quality architecture and contemporary materials and finishes adding to the character of the area.
- The development responds to the significant elements of the streetscape character by providing a 4 storey podium and recessive tower elements beyond. This has the effect of maintaining a lower scale street wall within Dudley Street and enhances the public realm.
- The development responds to the significant elements of streetscape character by providing a four storey podium and recessive towers
- The development is appropriate for this large site with a significant street frontage to Dudley Street. Objector concerns regarding 'precedent' are not necessarily applicable as sites such as this are likely to be rare and future development will be required to demonstrate the same sensitivities to surrounding uses and character.
- Overall the development will enhance the retention of the mixed use nature of the area. The proposal will introduce a residential development in the area, which is currently characterised by several examples of non-residential uses.
- It is considered that as the site is well positioned for non car based travel for residents given it is approximately 500 metres from the Flagstaff Gardens Railway Station.
- The development achieves the built form outcomes particularly a higher building and a new built form character for the area.
- The setbacks from the street of the proposal are appropriate. The applicant has identified the most sensitive interface as the 118 Dudley Street eastern boundary and setback accordingly.
- The Tribunal has recently approved development above the four storey building height in this area (*Manhattan Hanson Roden Pty Ltd v Melbourne CC [2010] VCAT 698 (21 April 2010)*). The general perception of height from street level positions is primarily influenced by the first four levels and the eight storey component is likely to be perceived from more distant views.
- The development is supported by detailed urban design commentary from the Department's urban design unit who consider the proposal will respect the neighbourhood scale and amenity.
- The City of Melbourne support the principle of an objective based planning assessment on the site and have supported the development over the four storey building height (City of Melbourne support a seven storey building height reducing to six storey on the outer parts of the building). The suggested conditions which require a reduction in height of the podiums for Stage 1 and 3 to three levels as well as the reduction in tower heights have not been included on the permit based on the above justification for the height in this location.
- The City of Melbourne's proposed condition to increase the front setback of dwellings above podium to a minimum of 6m and the terraces below to a minimum of 4 metres is not warranted. This modification would result in an increase in setbacks of the podium form creating inefficient use of land; is at odds with the street pattern and decreases the level of visual differentiation between the podium and tower.
- The proposed setbacks of the tower and podium offer visual variation between the podium and tower components and efficient floor plates.
- The one bedrooms studio apartment building at the rear also generated two proposed conditions from the City of Melbourne which are not supported by the Department based on the perceived lack of necessity to introduce a double height entrance. It is also noted

that the entrance to the studio apartment building is well located to be viewed as residents enter the overall development from Dudley Street and therefore does not require the proposed condition to relocate it. In a similar vein it is considered that re-orientating the layout of the apartments in the studio building is not necessary to provide ventilation and sunlight, which are both able to be achieved as currently proposed. For this reason, the City of Melbourne's suggested conditions 1(m) and (n) have not been included on the permit.

Design and Urban Context

42. It is considered that the building envelope is appropriately positioned onsite to provide an attractive and optimal design response to the surrounding streetscape and adjoining properties.
43. The variety in types and sizes of dwellings is welcomed. Generally all dwellings will provide suitable internal amenity with access to sunlight.
44. The apartments and retail tenancy proposed will provide activation and surveillance opportunities of the public realm.
45. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis carried out by the permit applicant indicates that additional shadowing will occur to surrounding properties and streets however the development does not significantly increase shadowing to any notable public spaces such as parks or gardens. The overshadowing is therefore considered to be acceptable.

Car parking, traffic, bicycle parking and loading

46. Consideration has been given to Clause 52.06 – Car parking and Clause 52.34 Bicycle parking. The proposal is **not** within the inner-city maximum limitation area of parking therefore regular parking rates apply.
47. The development provides 275 car parking spaces and the planning scheme requirement is for 541 spaces. This rate is supported by the Director of Public Transport. A traffic engineering report prepared by Cardno traffic consultants accompanied the application and the advice indicates that the car parking provision is suitable. The City of Melbourne has interpreted that staging will result in a shortfall of resident parking spaces and that additional visitor parking spaces are required to be provided on site. However it is considered that the amount of car parking provided is adequate particularly given the public transport in the area.
48. The car park and access component has been carefully designed to minimise the crossovers and screen parking behind and the residential development and underground.
49. The traffic report confirms that there is sufficient road capacity to accommodate the extra vehicle movements and the City of Melbourne support the finds of the traffic report.
50. Bicycle provision comprises 220 on-site spaces which are well in excess of the statutory rate of 105 (79 resident and 26 visitor) spaces.

Objections

51. All objections have been considered and the main issues of height, building form and traffic/parking have been discussed above.
52. In addition a number of objections express concern with potential increased strain on local infrastructure (social, community and physical), noise, interruption of views, and reduction in property values.
53. There can be no expectation that distant views from existing dwellings will be retained in perpetuity. The Planning Scheme contemplates a level of change for this area and the City of Melbourne and other authorities will accommodate a modest increase in residents accordingly. Indeed the increase in population may provide justification for continuation of existing social infrastructure or provision of new services.
54. Comments in relation to impact on property value is not considered to be a relevant planning consideration.
55. Construction and environmental concerns can be adequately addressed through a Construction Management Plan and Environmental Assessment to be submitted prior to commencement of development.

Structure Plans

56. The North-West 2010 Structure Plan has been noted as the Panel Report for Amendment C20 outlined that:
- It is clear that North-West 2010 represents a community/residents perspective of the desired built form future for North and West Melbourne and in this respect provides useful background. However, as a planning document, it lacks the balance and broad perspective evident in Carlton 2010. The Panel... does not consider that North-West 2010 is sufficiently integrated with the Planning Scheme as a whole to be given this status.*
57. The West Melbourne Structure Plan April 2005 was adopted by City of Melbourne at the meeting of Council's Planning and Environment Committee on 3 May 2005. In summary the Structure Plan seeks to achieve a mix of residential and other uses reflecting the traditional mixed use character of the area. There is a requirement for low level podiums will provide streetscapes that reflect a human scale, even where taller buildings occur. This area is to retain its sense of being on the 'edge' of the CAD, North Melbourne and the emerging Docklands precinct with a built height and land use transition between the Melbourne CAD and the core areas of West Melbourne to the north of Dudley Street. The scale of development will step down from the CBD at La Trobe Street, and from Dudley Street to areas to the north.
58. The West Melbourne Structure Plan is a reference document within the Melbourne Planning Scheme and was discussed in the Panel report for Amendment C20 and Amendment C96. In general built form terms the C20 Panel report stated that:
- The purpose of having policies and controls about built form is to identify what aspects of the existing urban fabric can be sacrificed to enable new development to occur and the city to continue to evolve, and those aspects that should be retained as an important part of the overall character or heritage of the city. To enable such judgements to be made, there must be a critical analysis that identifies why some existing character is "better" or more valued than others and therefore warrants retention or reflection. It is not sufficient to say, as the Built Form Review has frequently done, this is the existing character, ipso facto it should be retained.*
59. It also goes on to state:
- The building height requirements set out in Design and Development Overlays are often referred to as height limits or height controls. The Panel intends to use the expression used in the VPPs, namely building height requirement. It does so because not all building height requirements will be height limits as they are commonly understood. A building height requirement may set a range of heights or even a minimum height. (p. 20)*
60. It is clear from the above Structure Plans and corresponding panel reports that led to the current DDO 29 control that each site is to be considered on its merits and there should be a performance based analysis on the development as proposed taking into consideration both local and wider State planning issues.

Waste/ loading arrangements

61. A loading bay was not proposed, however at the request of the Department the permit applicant has provided a 4 metre wide loading zone adjacent to the entrance to the basement car park. The Cardno Traffic Report confirms the movements are possible through swept path analysis. The height and length of the loading means it will not interfere with pedestrian movements along Dudley Street.

Environmental Issues

62. The applicant submitted a Sustainable Design Statement which provides an appropriate, if basic, response to ESD principles. These requirements have been included as a condition of any permit.
63. The applicant has provided a desk-top wind study with the application (Vipac consultants, 8 March 2012), which is considered appropriate for a building of this scale. The study concluded that following construction of the new building all street frontages will be suitably within criteria for walking and standing comfort.
64. The City of Melbourne has indicated concern about the environmental condition of the site and possible contamination given the current use and previously unknown uses. This position is accepted and a condition has been attached on the permit requiring further study.

SUMMARY/ RECOMMENDATION

65. The proposal consists of a four storey "podium" element with frontages to Dudley Street and three separate five storey residential tower components above which accommodates 264 dwellings and one retail premises.
66. The proposal was advertised and there have been nine (9) letters of objection received.
67. The City of Melbourne is not supportive of the proposal unless there is a reduction in height of the building to eight storeys in the middle component and seven on the outer two components. The proposal is supported by the Director of Public Transport, Vic Roads and the Department's urban design unit.
68. The proposed development is considered to respond appropriately to State and local planning policies, in particular by providing housing choice and diversity, and will give effect to the purpose of the mixed use zone.
69. There is justification for a departure from the suggested height in DDO29 as the development respects the objectives of this overlay. Reducing the height of the building will disrupt the architectural form and is unnecessary and will not achieve a materially different outcome.
70. The development has provided a balance between achieving the development potential for the site and respecting the neighbourhood character of the area.
71. The proposed development has been assessed against the provisions of the Melbourne Planning Scheme and is generally compliant. Consideration has been given to the referral responses and the objections received. On balance it is worthy of support, subject to conditions, and a recommendation has been made on this basis.

Prepared by

[Redacted]

Reviewed by

[Redacted]

ATTACHMENT 1 - Objections (9 in total)

- 1.
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- 3.
- 4.
- 5.
- 6.
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- 9.

[Redacted]