

# 42 Moray Street & 11-13 Hancock Street, Southbank

Planning Permit Application No. PA1600136



Officer Assessment Report  
Development Approvals & Urban Design



Environment,  
Land, Water  
and Planning

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# Summary

Key information	Details			
<b>Application No.:</b>	PA1600136			
<b>Received:</b>	16 August 2016			
<b>Applicant:</b>	Capital Eight Pty Ltd c/- David Lock Associates			
<b>Planning Scheme:</b>	Melbourne			
<b>Land Address:</b>	42 Moray Street & 11-13 Hancock Street, Southbank			
<b>Proposal:</b>	Demolition of existing buildings and construction of buildings and works for a multi-storey tower development comprising dwellings, retail, office, associated car parking in accordance with the endorsed plans			
<b>Total site area:</b>	1173.5m <sup>2</sup>			
<b>Gross Floor Area:</b>	27,894m <sup>2</sup>			
<b>Floor Area Ratio:</b>	24:1			
<b>Development value:</b>	\$ 225 million			
<b>Height:</b>	<b>50</b> Storeys excluding plant <b>175</b> Metres excluding plant <b>179.2</b> Metres (total to Australian Height Datum- highest point for PANS OPS)			
<b>Setbacks:</b>	5 metres to Hancock Street (north); 5 metres to Moray Street (east); 8.9 metres to centre of the unnamed laneway (west), 5 metres to the southern boundary.			
<b>Land Uses:</b>	<b>Dwellings</b>	<b>Office</b>	<b>Retail</b>	<b>Other</b>
	287 (1 Bed: 90, 2 Bed: 185, 3 Bed: 12)	2825 sqm	33sqm	-
<b>Parking:</b>	<b>Cars</b>	<b>Motorcycles</b>	<b>Bicycles</b>	
	215	0	186	
<b>Statutory Controls (Zoning):</b>	Capital City Zone (CCZ3) Southbank			
<b>Statutory Controls (Overlays):</b>	Design and Development Overlay Schedule 5 (DDO5 – Bridge Protection Area) Design and Development Overlay (DDO 10 – Built Form Controls) (C262 version) Land Subject to Inundation Overlay (LSIO 1) Parking Overlay (Schedule 1 – Capital City Zone – Outside The Retail Core)			
<b>Why is a permit required?</b>	A permit is required to demolish and construct a building or construct or carry out works under the CCZ3 and under DDO5, DDO10 and LSIO 1.			
<b>Referral authorities/ Notice</b>	Melbourne City Council (formal s.55) Public Transport Victoria Melbourne Water VicRoads			
<b>Public Notification</b>	The application is exempt from notice and review provisions of the Planning & Environment Act 1987 under the zoning provision.			

# Background

1. In accordance with the schedule to Clause 61.01 of the Melbourne Planning Scheme, the Minister for Planning is the Responsible Authority for this application as it has a gross floor area exceeding 25,000 square metres.
2. The key milestones in the process of the application were as follows:

Milestone	Date
Application lodgement	23 August 2016
Further information requested	5 September 2016
Further information plans received	1 February 2017
Further plans submitted (formally under section 50 of the Act)	None
Informally submitted sketch plans	20 April 2017 Sketch plans illustrating the minor refinements to the materials and finishes and refined ground floor details.
Amendment of application by responsible authority before notice	4 May 2017 The responsible authority amended the application to remove reference to the easement and alter the description of the development to concur with the further information plans.
Decision Plans	RFI plans dated 1 February 2017

3. The subject of this report is the decision plans submitted with the further information dated 1 February 2016.

# Subject Site and Surrounds

## Site description

4. The subject site is an amalgamated site of approximately 1180sqm located at 42 Moray Street and 11-13 Hancock Street, Southbank.
5. The sites are formally described as follows:
  - Lots 1 and 2 on Title Plan 127691X (42 Moray Street); and
  - Lot 1 on Title Plan 742408P (11-13 Hancock Street).
6. 42 Moray Street is a 990m<sup>2</sup> (approx.) allotment located on the south-western corner of Hancock Street and Moray Street, which is currently used for commercial purposes by way of a double storey commercial building with full site coverage. Existing vehicle access is taken by way of a single crossover to Hancock Street.
7. 11-13 Hancock Street is a 168m<sup>2</sup> (approx.) property located directly west of 42 Moray Street, which currently contains a vacant single storey former light industrial brick building. Previous planning approval has been granted for a 33 storey residential tower (56 dwellings) under Melbourne Council planning permit reference number TP/2013/424 (Permit granted at VCAT). Existing vehicle access is taken by way of a small unnamed, 4m wide (approx.) laneway immediately west of the property (Lane Sm0549) owned by VicRoads.
8. The aggregate sites have an interface to Hancock Street of approximately 54m and an interface to Moray Street of approximately 21.5m. The sites are relatively flat and do not contain any existing vegetation.
9. A photo of the site looking south west:



Figure 1: Site photo (Source: DELWP)

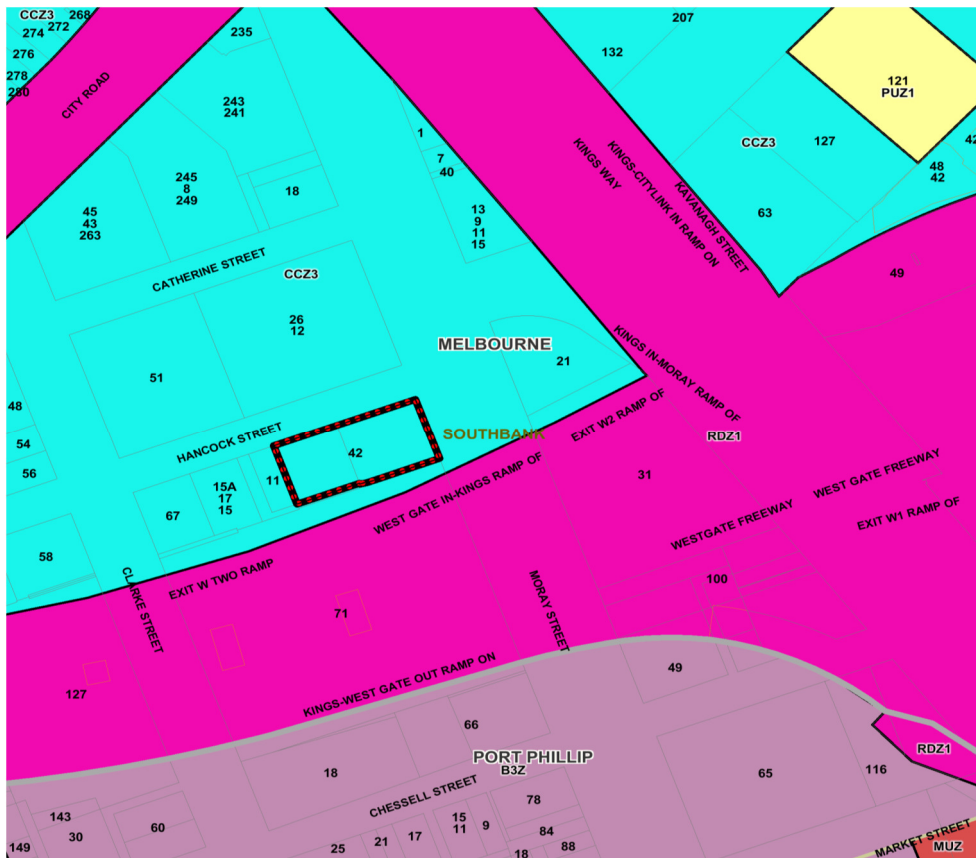


Figure 2: Site plan (Source: DELWP)

## Site surrounds

10. The wider Southbank area has undergone major urban renewal over the last 30 years. The subject site and its immediate surrounds have more recently begun to see the commencement of urban renewal with numerous tall residential towers in the area.
11. The site is located in proximity to amenities, services, arts and entertainment situated in Southbank including the newly completed 'Boyd School' library and community centre and the Crown Casino precinct. The site is within walking distance to the local shops along Clarendon Street, South Melbourne Market and the Arts Precinct. The subject site is well serviced by public transport with a bus stop located within close proximity of the site on City Road and tram routes within walking distance on Clarendon Street and Kingsway.
12. Development surrounding the site can be described as follows:
  - To the **north** of the site over Hancock Street there is the proposed 67 storey tower at 51-56 Clarke Street, Southbank (north west) that has recently been granted a planning permit (PA1500053). Also to the north (north east) is the two storey Metropolitan Fire Brigade Station at 26-40 Moray Street, Southbank.
  - To the **south** of the site is the West Gate Freeway which is elevated adjacent to the subject site.
  - To the **east** of the site, on the other side of Moray Street is a three storey office building.
  - To the **west** of the site, across the unnamed laneway is a two storey office building at 15 Moray Street and a two storey electricity substation at 67 Clarke Street.
13. The developments existing, approved or proposed in the immediate area are illustrated in the figure below:

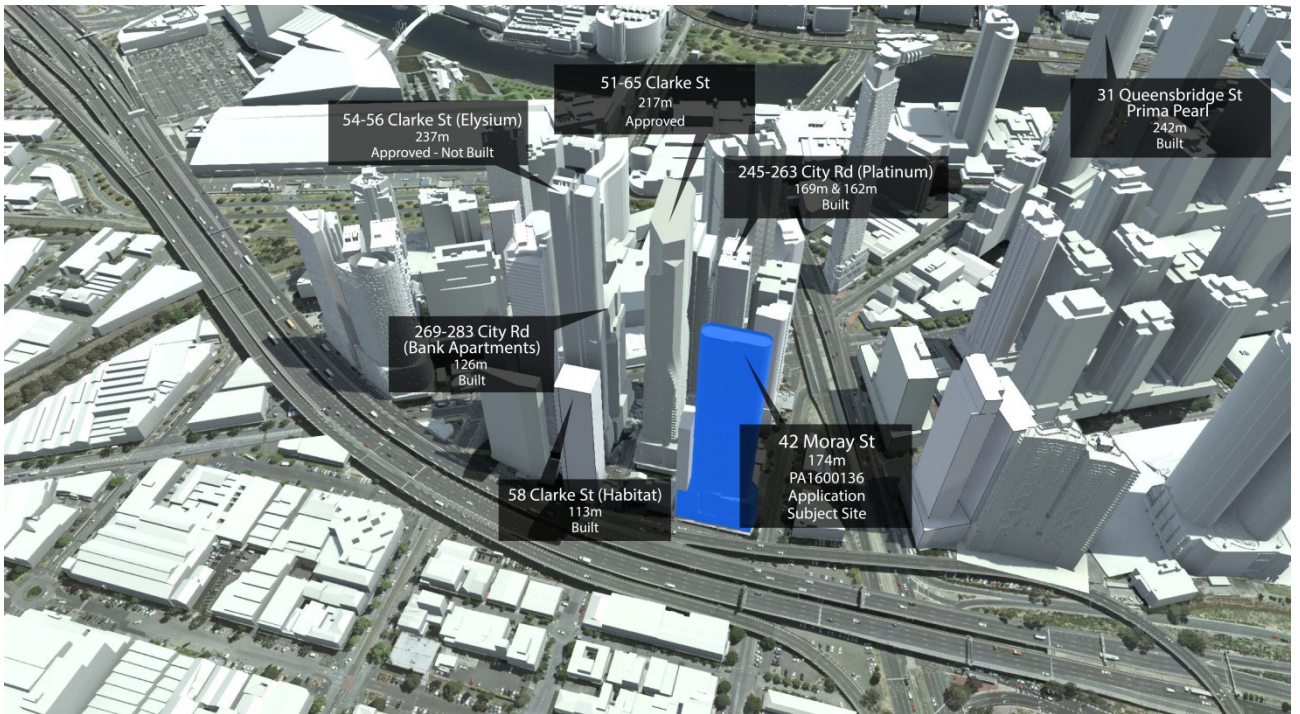


Figure 3: Proposal with existing and approved buildings in the vicinity of the site (Source: DELWP 3D model)



# Proposal

14. In summary the application proposes to:

- Demolish the existing building on the land;
- Construct a 50 storey (175 metre) residential tower with a podium base.
- Provide 287 residential apartments in the podium and tower, a small café (retail) at ground floor and office at space in the podium (levels 1-5).
- Provide 215 car parking spaces for residents in the podium (levels 1-5) accessed via car stackers.

15. The applicant has provided concept image of the proposal:



Figure 4: Concept image of the proposal

16. The development has changed since lodgement as follows:

Key element	Original lodgement plans dated August 2016	Decision plans (RFI plans) dated October 2016
Height (Excluding Plant)	60 storeys, 184 metres	50 storeys, 175 metres
Podium height	40 metres	31 metres
Gross Floor Area	43,214sqm	27,894 sqm
Floor to floor heights (typical)	3 metres	3.2 metres
Floor Area Ratio (C262 requirement 24:1)	37:1 (approx.)	24:1

Key element	Original lodgement plans dated August 2016	Decision plans (RFI plans) dated October 2016
Dwellings	341	287
(Social housing units- proposed)	(33)	(0)
Office	4174sqm (incl. business centre)	2825sqm
Café	30sqm	33sqm
Medical Centre	367sqm	0
Common Amenities	1322sqm	122sqm

# Planning Policies and Controls

## State Planning Policy Framework

17. The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the SPPF guide decision making on planning proposals across the state. The following policies are considered relevant to this application:
- Clause 9 (Plan Melbourne)
  - Clause 10 – Integrated Decision Making
  - Clause 11 – Settlement
    - Clause 11.01 – Activity centres
    - Clause 11.02 – Urban growth
    - Clause 11.04 – Open space
    - Clause 11.06 – Metropolitan Melbourne
  - Clause 15 – Built environment and heritage
    - Clause 15.01 – Urban environment
    - Clause 15.02 – Sustainable development
  - Clause 16 – Housing
    - Clause 16.01 – Residential development
  - Clause 17 – Economic development
    - Clause 17.01 – Commercial
  - Clause 18 – Transport
    - Clause 18.01 – Integrated transport
    - Clause 18.02 – Movement networks
  - Clause 19 – Infrastructure
18. For a full outline of the relevant state planning policy for the proposal see Appendix 1.

## Local Planning Policy Framework

19. The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans.
20. The MSS within the Melbourne Planning Scheme identifies the objectives and strategies for the municipality as a whole and are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.
21. The following clauses are relevant:
- Clause 21.03 (Vision)
  - Clause 21.04 (Settlement)
  - Clause 21.06 (Built Environment and Heritage)
  - Clause 21.07 (Housing)
  - Clause 21.08 (Economic Development)
  - Clause 21.09 (Transport)
  - Clause 21.10 (Infrastructure)
  - Clause 21.13 (Urban Renewal Areas- Southbank)
  - Clause 22.01 (Urban Design within the Capital City Zone)
  - Clause 22.02 (Sunlight to Public Spaces)
  - Clause 22.19 (Energy, Water and Waste Efficiency)
  - Clause 22.23 (Stormwater Management)

22. For a full outline of the relevant local planning policy for the proposal see Appendix 1.

### **Statutory planning controls**

23. A planning permit is triggered for the proposal pursuant to:

- Capital City Zone – Schedule 3 (CCZ3)
- Design and Development Overlay (DDO 5)
- Design and Development Overlay (DDO 10)
- Land Subject to Inundation Overlay (LSIO)

24. For a full description of the zone and overlay controls, planning permit requirements and notice and appeal exemptions for the proposal see Appendix 2.

### **Plan Melbourne (Refresh)**

25. *Plan Melbourne 2017-2050* referenced at Clause 9.0 and Clause 11.06 outlines the long term plan to manage growth in the city and suburbs to the year 2050. It seeks to integrate long-term land use, infrastructure and transport planning, and in doing so meet the city's future environmental, population, housing and employment needs. Key directions and policy of relevance are:

- Direction 1.1 to create a city structure that strengthens Melbourne's competitiveness for jobs and investment. This includes policy 1.1.1 to support the central city to become Australia's largest commercial and residential centre by 2050.
- Direction 1.3 to create development opportunities at urban renewal precincts across Melbourne. This includes a policy to ensure urban renewal areas are developed as mixed use precincts.
- Direction 2.1 to plan for managing the supply of new housing in the right locations to meet population growth and create a sustainable city.
- Direction 2.2 to plan for delivering more housing closer to jobs and public transport.

26. Plan Melbourne identifies that Melbourne will need 1.6 million new homes over the next 35 years. New development will be directed to areas with appropriate infrastructure, and greater density is supported where it optimises the value of existing infrastructure. Significant opportunity exists across Melbourne for urban renewal precincts such as Southbank and Docklands to accommodate future growth.

### **Design Guidelines for Higher Density Residential Development**

27. Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2) is a relevant consideration in the design and layout of apartments and associated services.

28. The Guidelines are structure around six elements including:

- Urban Context,
- Building Envelope,
- Street Pattern and Street-edge quality,
- Circulation and services,
- Building layout and design,
- Open space and landscape design

## **Better Apartments**

29. The Better Apartments Design Standards were released in December 2016 as a joint initiative of the Department and the Office of the Victoria Government Architect.
30. The standards include requirements relating to building setbacks, room depth, windows, storage, noise impacts, energy efficiency, solar access to communal outdoor open space, natural ventilation, private open space, communal open space, landscaping, accessibility, dwelling entry and internal circulation, waste, and water management.
31. On 13 April 2017 the Better Apartments Design Standards were introduced into the Victoria Planning Provisions as Clause 58 (Apartment developments) via Amendment VC136. The provisions apply to all apartment development in Clause 34.01 (Commercial 1 Zone), Clause 37.01 (Special Use Zone), Clause 37.04 (Capital City Zone) and Clause 37.05 (Docklands Zone) (among others).
32. Clause 58 does not apply to an application for a planning permit lodged before the approval date of Amendment VC136. As is the case with this application.
33. The final version of the 'Guidelines' document is due to be released in late May 2017.

## **Melbourne Planning Scheme Amendments C262 & C270 (Central City Built Form Review)**

34. Amendment C270 to the Melbourne Planning Scheme was gazetted on 23 November 2016. It provides built form controls for the Central City to ensure that development respects and responds to the built form outcomes sought for the Central City.
35. It includes transitional provisions for applications that were submitted prior to 4 September 2015 and between 4 September 2015 and 23 November 2016 (Amendment C262- Interim Built Form Controls). The application was lodged in August 2016 therefore the C262 Interim Built Form Controls apply to this site.

## **Homes for People: City of Melbourne Housing Strategy**

36. Homes for People: Housing Strategy (21 January 2015) looks at ways that the Council can improve the affordability and design of housing to meet the diverse needs of residents. Council has indicated that by 2031, it is estimated that an additional 42,000 homes will be built within the municipality for an additional 80,000 people. This growth will mostly occur within the city's Hoddle Grid and urban renewal areas.

## **Southbank Structure Plan**

37. The Southbank Structure Plan (2010) is a reference document within Clause 22.01 of the Melbourne Planning Scheme. It provides a vision and strategy for the future development of Southbank as an integral part of the central city, with the Yarra River at its centre. The plan outlines range of improvements for commercial, retail and community infrastructure, the creation of a better street environment for walking and cycling and improved public open spaces.

# Referrals & Notice

38. The application was referred to the following groups:

Referral/ Notice	Provision/ Clause	Organisation	Response Received (date)
<i>Section 55 Referral-Determining</i>	Clause 66.03	Public Transport Victoria	No response
	Clause 66.03	Melbourne Water	8 March 2017
<i>Section 55 Referral-Recommendation</i>	Clause 66.04	Melbourne City Council	24 March 2017
<i>Section 52</i>	DDO5	VicRoads	No response
<i>Internal Referral</i>		DELWP Urban Design	24 March 2017

## Melbourne City Council

39. The Melbourne City Council considered the application at their Future Melbourne Committee on 21 March 2017. Council resolved:

*“The Melbourne City Council supports the proposal subject to the conditions outlined in the delegate’s report”*

40. City of Melbourne conditions of permit related to internal apartment amenity, ground floor amenity, civil, traffic and waste, ESD and trees. The conditions are included in the permit. Further discussions took place with City of Melbourne officers through emails dated 28 April 2017 and 2 May 2017 in relation to the final wording of conditions of the permit.

## DELWP Urban Design

41. The DELWP Urban Design unit have reviewed the application and did not support the application until the following points were resolved:

- i. *Ground Floor including:*
  - *resolving/ consolidating the loading bay and car parking entrance to endeavour to reduce the extent of servicing and inactive frontage (the elevations also do not include details of three roller shutters which are located to the western end of the northern elevation);*
  - *increase the visibility to the DDA access (lift) off Hancock Street;*
  - *resolution of the canopy structures, urban art sculpture, landscaping and stairs within the recessed ground floor which detract from visual connectivity into the ground floor. It is recommended that the ground floor be built to its title boundary to remove these elements;*
  - *Consideration of a single canopy structure; and*
  - *The development’s interface with the street trees;*
- ii. *Podium Form: reintroduction of the podium/street wall to Moray and Hancock Street title boundary (with the exception of the recessed commercial lobby as required by the wind tunnel testing);*
- iii. *Façade strategy and materials and finishes to resolve:*
  - *The quality and robustness of the materials and finishes including the proposed reflectivity of the glazing;*
  - *The resolution of the winter gardens at the upper levels of the building;*
  - *The proposed detailing to the north and west elevation of the podium which screens car parking;*

- *The canopy/soffit detail located at the ceiling of Level 1 wrapping Moray and Hancock Streets including confirmation whether the structure incorporates lighting; and*
- *The southern elevation patterned façade to the centralised core; and*
- *Strategies to mitigate direct views away from the proposed 'hypothetical' apartments to the west;*
- iv. *The proposed landscaping plan should be consistent with City of Melbourne standards if the design response (eroded ground floor) is considered appropriate; and*
- v. *Confirmation that the wind speeds generated from the development as outlined in the wind report prepared by Vipac Engineers & Scientists dated 16 December 2016 do not rely on street trees.*
  - *Wind conditions for the café seating*
  - *Accessibility of the stairs at ground level entrances.*
  - *Position of street trees*
  - *Suitability of paving materials in new laneway with proposed heavy vehicle movements*
  - *DDA access lifts on the ground floor.*
  - *Lighting and maintenance of the eastern boundary wall.*

42. These have been considered and the applicant has responded by providing an amended ground floor plan/ design. The revised ground floor plan will be added as a condition of permit as will a revised materials and façade strategy that considers a more detailed façade as per the urban design comments.

## **Melbourne Water**

43. Melbourne Water does not object to the proposal subject to 11 conditions being added to the permit.

## **VicRoads**

44. VicRoads responded on 19 May 2017 and do not object to the application subject to a note being included within the permit. The note provides advice regarding the requirement for separate consent should buildings and works occur outside the property boundary and within land under VicRoads control.

45. Vic Roads' interest is in relation to the freeway bridge (DDO5) and the laneway to the west, which is under their control as the relevant road management authority.

## **Public Notification**

46. Under the provisions of Capital City Zone (CCZ3), Design and Development Overlay (DDO5) and Design and Development Overlay (DDO10) an application to construct a building or construct or carry out works is exempt from 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 Act.

# Assessment

## Key Policy Issues

### State Planning Policies

47. The state planning policies encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
48. The proposal in Southbank (identified as an Urban Renewal Area within the Municipal Strategic Statement) will contribute to the residential and commercial offering of the expanded central city. It will create jobs both in the construction phase and on completion of the development in the office and retail spaces. The project will deliver an urban renewal development in proximity to public transport and a range of services and facilities in Southbank.
49. The development will provide additional housing choices and diversity of product within the wider Southbank precinct as required in State policy. It will provide a range of one and two bedroom dwellings and provision of retail and office space as encouraged in State policy.
50. The proposal responds to a number of relevant State policies by:
  - Contributing to the diversity of choice in Metropolitan Melbourne by providing a mix of residential, commercial and retail spaces within the development which are well located to public transport and amenities (Clause 11).
  - Providing sustainable development that takes full advantage of existing settlement patterns (central city environment) (Clause 11).
  - Supporting the central city (through the provision of intensive housing development) to become Australia's largest commercial and residential centre by 2050 (Clause 11.06).
  - Providing adequate commercial land in Melbourne (Clause 11.06).
  - Providing a mixed use development within an area marked for urban renewal (Clause 11.06).
  - Increasing the supply of housing in existing urban areas and locating new housing in an area that offers excellent access to services and transport (Clause 16).
  - Providing a diversity of housing typologies to meet increasingly diverse needs (Clause 16).
  - Providing a pleasant pedestrian experience and provide surveillance and safety for pedestrians (Clause 16).

### Municipal Strategic Statement (MSS)

51. Clause 21.02 recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities in the Central City.
52. The MSS targets urban growth and development into specific areas of the city. It encourages urban renewal in appropriate areas and to protect and maintain the existing character in valued established areas. The development provides residential and commercial development in the urban renewal area of Southbank. It directly responds to policy by supporting the continued expansion of the Central City and by providing living and working environments with a new mix of uses and a higher density of development. It is in a location that has good provision for walking, cycling and public transport services.
53. Clause 21.07 outlines that the most significant housing and population growth should be in the Central City and Urban Renewal areas, such as Southbank. New residential development should achieve a high standard of amenity including access to sunlight and daylight and protection from overlooking. This is generally achieved in the apartment development (subject to conditions) through a variety of living spaces oriented in different directions and adequate setbacks to boundaries. There is policy to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise. The applicant has provided a noise report that provides various glazing



recommendations for different levels through-out the tower as a result of the Westgate Freeway noise. For example apartments on the south, east and west sides will be double glazed.

54. The development will add to the social and physical infrastructure of the City as envisaged in Clause 21.07. In Southbank, where a new built form character is sought, the new residential development will add to the population of the area and therefore the vitality. The ground level will provide for the safety of Moray and Hancock Streets by providing active frontages.
55. Clause 21.13 outlines the policy to support Southbank's development as an extension of the Central City. There is direct support in policy for a mix of uses, including residential development, retail and small scale business uses, which the development has provided.
56. Clause 21.13 also encourages improvements to the public environment of Southbank by providing public spaces, improving pedestrian facilities and upgrading streetscapes. The development will include streetscape improvements to the streets adjacent to the development.

### **Local Policies**

57. Clause 22.01- Urban Design in the Capital City Zone requires a building of high architectural quality and a ground plane that enhances the public space. The building is of architectural merit and provides visual interest with a podium and tower above which has a curved form with a variety of glazing types to differentiate the podium and tower.
58. The development will create and enhance the public spaces by providing active frontages at ground floor such as the residential and office building entrances and the café space.
59. The proposal is considered to respond appropriately to other relevant local planning policies in particular:
  - The proposal does not significantly overshadow public spaces at the applicable times any given time of the year (Clause 22.02). Further commentary is provided in the shadowing section below.
  - The proposal has provided an ESD Report as required by Clause 22.19. Further analysis is provided in the ESD section below.
  - The proposal has provided a Stormwater Report as required by Clause 22.23. Further analysis is provided in the WSUD section below.

## **Land Use and Built Form Issues**

### **Zone and Overlays**

60. In accordance with the purpose of the zone the proposal will assist in developing Southbank as an extension of the central city, and will provide for a mix of commercial and residential land uses that complements the capital city function. It accommodates a residential and worker population in a suitable environment where the public spaces at street level are comfortable and safe. It provides uses at ground floor and upper podium floors that promote a visual link with, and facilitate the passive surveillance of streets.
61. The applicant has provided a suitable urban context report in accordance with the decision guidelines of the zoning.

### **Height, setbacks and building form**

62. The building at a height of 175 metres AHD will sit comfortably with a number of other buildings in the Southbank vicinity. The form of the building is a result of the minimum setback requirements and maximum plot ratio limits of DDO10 as regulated under C262 interim controls.
63. The following design elements of Design and Development Overlay 10 (C262) are addressed as follows:

Design Element	Requirement/ Provision	Comment on built form outcomes
Podium Height	Up to 40 metres	The podium height is approximately 30 metres and uses both a glass paneling façade with variations for visual interest (for the office) and a metal podium screening (for the car park). The podium includes active ground floor and podium uses on three sides of the building with the exception of the western section, which is car parking. This combined will provide some human scale although refinement of the ground level will be required as a condition of the permit.
Street setbacks	5 metres to all streets	A minimum of 5 metres is provide to Hancock and Moray Streets and the West Gate Freeway to ensure the streetscape scale is maintained.
Building setbacks to all boundaries except streets	8.9 metres	A minimum setback to the western side of 8.9 metres has been provided, which meets the requirements of C262 of 5% total building height. The tower provides for outlook and daylight into the rooms on the western side, with have an additional northern or southern aspect.

64. The proposal meets the objectives of Design and Development Overlay (DDO10). It provides suitable microclimate conditions, suitable sunlight access and consideration of wind. The building itself reflects the built form scale and urban structure of Southbank in terms of height and built form.
65. The development will ensure an appropriate pedestrian environment by providing glazed frontages for the café and reception areas, a double height ground floor and canopies on the three street frontages for weather protection.

#### Plot Ratio and Public Realm Benefits

66. The proposal meets the suggested built form ratio of 24:1 within DDO10 of the C262 interim controls.

#### Commercial office use

67. The office use proposed within the podium is a positive addition to the Southbank area and will provide variation in terms of land use and co-location of employment with residential uses. The office area will have a dedicated lobby, lifts and entrance area. It will also provide a more appropriate interface to the adjacent Freeway than apartments and a better urban design response than car parking.

#### Internal Amenity

68. The policy assessment of internal amenity is currently in transition. The application has been considered in relation to the Guidelines for Higher Density Development and the Better Apartment Design Standards (2016) and Clause 58 of the Planning Scheme, even though the latter two do not apply to this application and the former will soon be replaced.
69. The applicant has provided a preliminary commentary against the Standards and there is compliance with many of the elements (even though the Standards do not strictly apply).
70. The proposed development provides predominantly one and two bedroom dwellings with a range of configurations and shapes due to the varied building form. Dwellings sizes are approximately 38 sqm for one bedrooms and 58sqm for two bedrooms. No bedrooms rely on borrowed light and all apartments have a balcony or wintergarden.

71. The floor-to-ceiling heights are approximately 2.8 metres (higher than the suggested 2.7 metres) and the depth of the living areas of apartments are 6.5 metres. Sizes of living rooms are slightly less than the specified living room dimensions of Clause 58 with some dwellings yielding 6 to 7 sqm for designated living rooms (excluding the dining / kitchen zones). The combined dining and living areas are in the order of 15 sqm which is considered acceptable for 1 and 2 bedroom apartments. Approximately 60% of apartments are on a corner and have the ability for natural cross ventilation. There is a communal area on level 6 (top of the podium) that includes a gym and a small outdoor space.
72. The notable 'non-compliance' relates to living room and bedroom widths/ sizes. This results in smaller apartments, which is not uncommon for developments in Southbank. The apartment sizes are also a result of the site area and the desired plot ratio, which the applicant has reduced over the course of the application. This has resulted in a reduced building envelope and overall smaller apartments. The applicant has not been able to increase the living area size or dimensions as to do so would reduce the apartments per floor which will have a significant effect on the development.
73. However, overall the apartments display generous floor to ceiling heights, a high number of dual aspect apartments (over 50%), minimal apartment depths with highly glazed frontages for living rooms and bedrooms, compliant building setbacks and maximise city aspect and views over streets. All these factors when combined provide a good level of natural light and internal amenity.
74. The City of Melbourne added planning permit conditions regarding revised one and two bedroom layouts, and storage and communal outdoor space to approximate the design standards where possible. These are supported and will be included in the permit.

## **Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing)**

75. Clause 22.01 (Urban Design within the Capital City Zone) and Clause 22.02 (Sunlight to Public Spaces) are applicable when considering the microclimate conditions on streets and public spaces. Clause 22.01 recommends that towers be appropriately setback above the podium to assist in deflecting wind downdrafts from penetrating street level.
76. A Wind Report prepared by Vipac (16 December 2016) was submitted with the further information. The report concludes that a setback to the office entrance on Moray Street is required, the car park podium requires to be porous and the rooftop of the podium requires a canopy. A revised wind report is required to consider changes to the building. This will be required by a condition on the planning permit.
77. Clause 22.02 recommends that development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas accessible to the public between 11.00am and 2.00pm on 22 September.
78. The applicant has provided shadow diagrams for the 22 September between 11am and 2pm. There is some additional overshadowing to the streets immediately surrounding the development in Southbank, which can be expected with any development on this site, regardless of size. The additional shadowing does not fall on parks, gardens or public spaces and on balance is considered acceptable.

## **Parking, Loading, Bicycle storage & other services**

79. The site has access from Hancock Street with the following provided:
  - Three car stackers for residents accessed via an internal garage from Hancock Street and exiting onto the Lane Sm0549.
  - A loading area and ancillary bin room.
  - Bicycle parking in the basement accessed via the main lifts.

80. In summary, the Melbourne City Council support the provision of the loading bay, the principle of the car stacker system, the number and amount of car and bicycle parking but do not support the waste arrangements or the functioning of the car stacker. The following amendments should be made to the proposal and have been added as conditions:

- A revised traffic engineering assessment;
- A road safety audit;
- A revised waste management plan;

## Parking

81. The subject site is within the Parking Overlay (PO1), pursuant to Clause 45.09 of the Planning Scheme. The proposal is considered to be **satisfactory**, as it is within the maximum parking rates, as follows:

Use	Rate	Amount allowed	Amount provided:
Dwelling	Maximum 1 space per dwelling	<b>288</b>	215 Achieved- Under maximum
Office	Maximum spaces = 5 x net floor area of buildings on that part of the site in sq m / 1000 sq m	<b>14</b>	0 Achieved- Under maximum
Retail	Maximum spaces = 5 x net floor area of buildings on that part of the site in sq m / 1000 sq m	<b>1</b>	0 Achieved- Under maximum
Motorcycle parking	Minimum rate of one motor cycle parking space for every 100 car parking spaces.	<b>2 minimum</b>	0 Not achieved

## Design standards for car parking

82. The proposal is considered to be generally **satisfactory**, as the development uses a stacker system. The Council has requested that a revised traffic report is required to assess the access into and out of the car stacker system.

## Bicycle facilities

83. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. Spaces Required	Provided
Dwelling	Resident	1 space / 5 dwellings	58	186 (total)
	Visitor	1 space / 10 dwellings	29	186 (total)
Retail	Employee	1 space / 300m <sup>2</sup> of leasable floor area	0	186 (total)
	Customer	1 space / 500m <sup>2</sup> of leasable floor area	0	

Office	Employee	1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m	9	186 (total)
	Visitor	1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m	3	186 (total)
Showers	Employee	1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	1	Not provided
Change rooms	Employee	1 change room or direct access to a communal change room to each shower.	1	Not provided
<b>TOTAL</b>			<b>99</b>	

84. Bicycle parking facilities are provided on in the basement. This includes 186 bicycle spaces but no male and female shower or change facilities.

85. The bicycle parking is meets the statutory requirements for bicycle facilities, given the gross number of spaces exceeds the number of spaces required. However there is a requirement to provide shower and change rooms and the access to the facility (through the main lobby) could be improved by use of the lift platform and potentially visitor parking needs to be better resolved. This will be added as permit condition to meet the requirements of the clause.

86. There was no provision for motor bike parking in the original plans and this will be included as a condition of the planning permit.

## Loading

87. Loading was provided as follows:

Floor Area	Minimum loading bay	Provided
2,600 sq m or less in single occupation (For every additional 1,800 sq m or part)	Area 27.4 sq m (Additional 18 sq m)	37sqm
	Length 7.6 m	Length 7.6 metres
	Width 3.6 m	Width 4.9 metres
	Height clearance 4.0 m	Height 4 metres

88. The loading are provided is considered to be **satisfactory**, in relation to the requirements of Clause 52.07.

## Waste

89. A waste management plan has been provided by the applicant (*Leigh Design, 21 December 2016*). The waste plan illustrates waste loading area within the garage (the loading bay will not be used for waste collection) which doubles as an entrance to the car stacker system. Council reviewed the submitted Waste Management Plan (WMP) and stated and found it to be unacceptable. They stated that the following items will need to be addressed for the waste management arrangements to be supported:

- *Highly suggest the investigation into a 10m3 transportable compactor for this development to reduce collection to once a week for each stream.*
- *Collection frequency for a bin based collection is maximum 3 times a week. This will mean either 8 bins per collection or a chute compactor could be proposed to reduce the number of bins for storage/collection.*
- *Hard Waste storage not shown on the scaled drawing. This is required.*

90. The final design and provision should be to the Melbourne City Council standards and a condition has been added to the planning permit.

## Easement

91. The title plan for 42 Moray Street indicates a carriageway easement E2 on a southern strip of the site in favour of the Roads Corporation, and is a remnant from a previous subdivision in which a rear laneway ran at the rear of all properties on Hancock Street.
92. The applicant originally applied for its removal however this process has not been progressed and requires approvals from the City of Melbourne and VicRoads. A condition is proposed to therefore provide options for the proponent. The building can be modified to be free from the easement or the easement should be discontinued and lifted from the site.

## Environmental

### ESD

93. A ESD report has been provided (Cundall, December 2016) against the requirements of Clause 22.19. It proposes implementing the following initiatives across the development, developed in accordance with a project aspiration towards a 5-star Green Star Multi-Unit Residential equivalent rating. Specific design strategies include:
  - Average NatHERS rating of 6.5 Stars or greater is achieved.
  - Lighting power density reduced 10% below BCA requirements in sole-occupancy units of Class 2 buildings;
  - Independent light switch to each room of sole-occupancy units (including separated kitchen and living areas even in open plan dwellings);
  - Automatic lighting control for common area lighting;
  - Heating and cooling of at least 4.5 stars provided;
  - Natural gas to be used for DHW systems;
94. The ESD report provides an overview of how 5 stars Green Star Multi-Unit Residential rating could be achieved and this requirement will be added to the planning permit as a condition.

### Water Sensitive Urban Design (WSUD)

95. A Stormwater (WSUD) statement has been provided (Cundall, December 2016) against the requirements of Clause 22.23. It proposes:
  - Collection and re-use of rainwater from the top level roof and select podium courtyards will total not less than 698 m<sup>2</sup> redirected to rainwater tank(s) of at least 22,000L total capacity;
  - The proposed rainwater tank(s) will be connected to toilets serving at least 35 occupants.
96. The statement provides sufficient details of water collection and the recommendations should be implemented by way of a condition of the planning permit.

### Environmental Audit

97. Given the history of Southbank as a former industrial area the site requires comprehensive environmental assessment of the site to determine if it is suitable for the intended use and when relevant make recommendations for site remediation. This will be added as a condition of permit.

# Conclusion

98. The development is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of dwellings, office and retail space within Southbank.
99. It will provide a building that respects the built form scale and urban structure of the Southbank area that will be compliant with the plot ratio requirements of 24:1. It will achieve the design objectives and built form outcomes of DDO10. The development will provide additional housing choices, as required in State policy. The development provides residential and commercial development in the urban renewal area of Southbank. It directly responds to policy by supporting the continued urban renewal of the Central City by providing living and working environments at a higher density of development. The development will provide active frontages at ground floor.
100. The proposal is generally supported by the various formal and informal referral agencies. In particular the Melbourne City Council supports the proposal subject to conditions.
- 101. It is recommended that Planning Permit No. PA1600136 for demolition of existing buildings and construction of buildings and works for a multi storey tower development comprising dwellings, retail, office, associated car parking at 42 Moray Street and 11-13 Hancock Street, Southbank be issued subject to conditions.**

# Appendix 1: Relevant State & Local Planning Policies

The following state and local planning policies are relevant to the application:

Planning Scheme provision	Key Objectives
Clause 9 <i>Plan Melbourne</i>	<ul style="list-style-type: none"> <li>• <b>Plan Melbourne:</b> Where relevant, planning and responsible authorities must consider and apply the strategy Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land Water and Planning, 2017).</li> </ul>
Clause 10	<ul style="list-style-type: none"> <li>• <b>Operation of State Planning Policy:</b> planning policies are directed to land use and development, as circumscribed by the <i>Planning and Environment Act 1987</i>, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.</li> <li>• <b>Application:</b> regionally specific policy clauses in Clause 11 (including Plan Melbourne) must be taken into account when a planning authority prepares an amendment to this scheme or a responsible authority makes a decision under this scheme.</li> <li>• <b>Decision making:</b> Integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.</li> </ul>
Clause 11 <i>Settlement</i>	<ul style="list-style-type: none"> <li>• <b>Settlement:</b> <ul style="list-style-type: none"> <li>• to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.</li> <li>• to contribute to diversity of choice, economic viability, a high standard of urban design and amenity, energy efficiency and accessibility.</li> <li>• to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.</li> </ul> </li> <li>• <b>Settlement networks:</b> To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</li> <li>• <b>Metropolitan Melbourne Central City:</b> Focus investment and growth in places of state significance, including the Central City.</li> <li>• <b>Supply of urban land:</b> To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</li> </ul>
Clause 11.06 <i>Metropolitan Melbourne</i>	<ul style="list-style-type: none"> <li>• <b>Jobs and investment:</b> <ul style="list-style-type: none"> <li>• To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.</li> <li>• Support the central city to become Australia's largest commercial and residential centre by 2050 by planning for office, retail, education, health, entertainment and cultural activity spaces.</li> <li>• Plan for adequate commercial land across Melbourne.</li> <li>• Plan for and facilitate the development of urban-renewal precincts as high amenity mixed use neighbourhoods that offer a range and choice of housing and other services.</li> <li>• Plan for new development and investment opportunities on the existing and planned transport network.</li> </ul> </li> <li>• <b>Housing Choice</b> <ul style="list-style-type: none"> <li>• Manage the supply of new housing in locations that will meet</li> </ul> </li> </ul>



	<p>population growth and create a sustainable city.</p> <ul style="list-style-type: none"> <li>• Support housing growth and diversity in defined housing change areas and redevelopment sites.</li> <li>• Direct new housing to areas with appropriate infrastructure.</li> <li>• Deliver more housing closer to jobs and public transport.</li> <li>• Facilitate well-designed high density residential development in Melbourne's central city that supports a vibrant public realm.</li> <li>• Direct new housing and mixed-use development to urban renewal precincts and sites.</li> <li>• Facilitate diverse housing that offers choice and meets changing household needs through provision of a greater mix of housing types, adaptable internal dwelling design and universal design.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Integrated Transport</b> <ul style="list-style-type: none"> <li>• Provide for increased density of development, particularly around transport nodes, to support the viability of services.</li> </ul> </li> <li>• <b>Place and identity</b> <ul style="list-style-type: none"> <li>• To create a distinctive and liveable city with quality design and amenity.</li> <li>• Improve the design quality of public spaces and the interfaces between private development and the public domain.</li> </ul> </li> <li>• <b>Sustainability and resilience</b> <ul style="list-style-type: none"> <li>• Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.</li> <li>• Minimise exposure to excessive urban noise and air pollution to safeguard community health and amenity through building and urban design measures and buffer distances between emission sources and sensitive uses.</li> </ul> </li> </ul>
<p>Clause 15 <i>Built Environment and Heritage</i></p>	<ul style="list-style-type: none"> <li>• <b>Urban design:</b> To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.</li> <li>• <b>Urban design principles:</b> To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.</li> <li>• <b>Design for safety:</b> To improve community safety and encourage neighbourhood design that makes people feel safe.</li> <li>• <b>Energy and resource efficiency:</b> To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.</li> </ul>
<p>Clause 16 <i>Housing</i></p>	<ul style="list-style-type: none"> <li>• <b>Integrated housing:</b> To promote a housing market that meets community needs.</li> <li>• <b>Location of residential development:</b> <ul style="list-style-type: none"> <li>• To locate new housing in or close to urban renewal precincts and sites that offer good access to jobs, services and transport.</li> <li>• Increase the proportion of new housing in Metropolitan Melbourne to be developed in designated locations within the established urban areas, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.</li> </ul> </li> <li>• <b>Housing diversity:</b> To provide for a range of housing types to meet increasingly diverse needs.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Housing affordability:</b> <ul style="list-style-type: none"> <li>• To improve housing affordability by ensuring land supply continues to be sufficient to meet demand.</li> <li>• Facilitating a mix of private, affordable and social housing in activity centres and urban renewal precincts.</li> </ul> </li> </ul>
Clause 17 <i>Economic Development</i>	<ul style="list-style-type: none"> <li>• <b>Business:</b> To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.</li> </ul>
Clause 18 <i>Transport</i>	<ul style="list-style-type: none"> <li>• <b>Land use and transport planning:</b> To create a safe and sustainable transport system by integrating land-use and transport.</li> <li>• <b>Principal Public Transport Network:</b> To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne.</li> </ul>

Planning Scheme provision	Key Objectives
Clause 21.03 (Vision)	Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'.
Clause 21.04 (Settlement)	This clause identifies the need to target urban growth and development into specific areas of the City such as urban renewal areas.
Clause 21.06 (Built Environment and Heritage)	<p>Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings". This Clause contemplates large scale urban redevelopment and identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.</p> <p>It also highlights the need to create diverse public spaces to serve the needs of the City's diverse communities, including children, youth, residents, workers and visitors.</p> <p>The clause seeks to ensure the design of buildings and public spaces enhances the public realm and the pedestrian environment.</p> <p>The clause seeks to ensure built form and land uses promote surveillance of the public realm at all times of the day and night.</p> <p>The clause has the objective to make the built environment resilient to heatwaves, water shortages, extreme storm events and sea level rise.</p>
Clause 21.07 (Housing)	Clause 21.07 (Housing) seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas. The policy acknowledges the need to ensure that new developments are supported with facilities and services for residents including convenience retail and community facilities.
Clause 21.08 (Economic Development)	Clause 21.08 (Economic Development) seeks to support central city and local retail uses by encouraging the provision of convenience retailing and services including supermarkets in the central City and Urban Renewal Areas for the local workers and residents.

Planning Scheme provision	Key Objectives
Clause 21.09 (Transport)	Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking.
Clause 21.10 (Infrastructure)	Clause 21.10 (Infrastructure) seeks to enhance the City as Victoria's pre-eminent cultural and entertainment location by supporting and encouraging the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.
Clause 21.13 (Urban Renewal Areas)	<p>Clause 21.13-1 highlights Southbank as an existing urban renewal area. It seeks to:</p> <ul style="list-style-type: none"> <li>• Support Southbank's development as an extension of the Central City, providing a mix of commercial and residential land uses.</li> <li>• Support a mix of uses, including residential development, with ground floor retail and small scale business uses.</li> <li>• Deliver a good provision of local services and facilities for workers and visitors and within easy walking distance from all residences.</li> <li>• Improve the public environment of Southbank by providing public spaces, improving pedestrian facilities and upgrading streetscapes.</li> <li>• Improve streetscapes as a priority along major pedestrian routes.</li> </ul>
Clause 22.01 Urban Design within the Capital City Zone	Clause 22.01 (Urban Design within Capital City Zone) seeks to create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities. The surrounding area is undergoing regeneration and it is acknowledged that any design must be an exemplar for the area and of outstanding architectural quality.
Clause 22.02 Sunlight to Public Spaces	Clause 22.02 (Sunlight to Public Spaces) seeks to ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
Clause 22.19 Energy, Water and Waste Efficiency	Clause 22.19 seeks to ensure that the design, construction and operation of buildings minimise the production of greenhouse gas emissions, maximises energy efficiency and minimises mains potable water use.
Clause 22.23 Stormwater Management (Water Sensitive Urban Design)	Clause 22.23 has the key objective to improve stormwater quality and reduce the environmental impact of urban development on waterways. Incorporating stormwater treatment measure into the design of development, including wetlands, bio-retention systems and porous pavements to filter pollutants, will help to protect and improve the condition of the natural waterways and passively irrigate urban vegetation.

## Appendix 2: Statutory Planning Controls

The table below provides a full outline of the zone and overlay controls, planning permit requirements and notice and appeal exemptions for the proposal:

Planning Control	Application requirements	Permit Triggered (Yes/ No) or Relevance (Yes/No)
<b>Capital City Zone (Clause 37.04)</b>	<p>The purpose of the Capital City Zone is:</p> <ul style="list-style-type: none"> <li>To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To enhance the role of Melbourne's central city as the capital of Victoria and as an area of national and international importance.</li> <li>To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.</li> <li>To create through good urban design an attractive, pleasurable, safe and stimulating environment.</li> </ul>	Applicable
<b>Capital City Zone – Schedule 3 (CCZ3)</b>	<p>The purpose of Capital City Zone Schedule 3 is:</p> <ul style="list-style-type: none"> <li>To develop Southbank as an extension of the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.</li> <li>To comfortably accommodate a residential and worker population in a pleasant neighbourhood where all public spaces are comfortable, bright and safe.</li> <li>To maintain and enhance the role of Southbank as a cultural and arts precinct.</li> <li>To develop Sturt Street as an arts and performance precinct with services and activities for local residents and visitors.</li> <li>To support art facilities and creative industry businesses along Sturt Street.</li> <li>To deliver local services and facilities within an approximate 400m walk from all residences.</li> <li>To provide uses at ground floor and upper podium floors to promote a visual link with, and facilitate the passive surveillance of, the public realm.</li> <li>To support commercial, retail and community uses along pedestrian corridors.</li> <li>To ensure that the mitigation of wind effects is incorporated into building design.</li> </ul> <p>Demolition of buildings</p> <p>To construct buildings and carry out works</p> <p>To construct a building and carry out works which would cast a shadow between 11:00 am and 2:00 pm and 22 March and 22 September over public space, public parks and gardens.</p> <p>To construct any part of a building exceeding a height of 40 metres within 20 metres of a road frontage</p> <p>Land Use. The proposed uses of residential, office and retail do not require a planning permit.</p>	<p>Relevant</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>

Planning Control	Application requirements	Permit Triggered (Yes/ No) or Relevance (Yes/No)
	An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 is exempt from 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 Act.	Relevant
<b>Design and Development Overlay (DDO)</b> <i>(Clause 43.02)</i>	Under Clause 43.02-1 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.	<b>Yes</b>
<b>Schedule 5 (Bridge Protection Area)</b>	The relevant design objectives of DDO5 are: <ul style="list-style-type: none"> <li>• To ensure that the use and development of land under and immediately adjacent to a bridge does not prejudice the safety of the structure and its safe and efficient operation and maintenance; and</li> <li>• To ensure that appropriate standards of visual amenity are maintained.</li> </ul>	<b>Yes</b>
<b>Schedule 10 (Built Form Controls) C270</b>	Schedule 10 (current provision): The schedule (as it currently appears in the planning scheme) includes transitional arrangements that state: “The requirements of this schedule do not apply to an application (including an application to amend the permit) made after the commencement of Amendment C262 but before the commencement of Amendment C270 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C270, continue to apply.” As such the DDO10 as per Amendment C262 is applicable (see below).	<b>Yes (only ‘transitional provisions’ section)</b>
<b>Schedule 10 (Built Form Controls) C262</b>	Schedule 10 (at the time of lodgement): <ul style="list-style-type: none"> <li>• Specifies that a permit is required to construct a building or construct or carry out works.</li> <li>• Specifies the following: <ul style="list-style-type: none"> <li>○ mandatory maximum 40 metre podium height,</li> <li>○ mandatory minimum 5 metre tower setback to street,</li> <li>○ mandatory tower setbacks of a minimum of 5 metres to an adjoining property or 5% of the overall tower height above podium if the tower exceeds 100 metres in height;</li> <li>○ a discretionary plot ratio of 24:1.</li> </ul> </li> </ul> An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 is exempt from 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 Act.	<b>Yes</b>

Planning Control	Application requirements	Permit Triggered (Yes/ No) or Relevance (Yes/No)
<b>Land Subject to Inundation Overlay (LSIO)</b>  (Clause 44.04)	<p>Under Clause 44.04-1 a permit is required to construct a building or to construct or carry out works.</p> <p>Under Clause 44.04-4 an application under this overlay is exempt from the notice and review requirements.</p> <p>Under Clause 44.04-5 an application must be referred to the relevant floodplain management authority under Section 55 of the <i>Planning and Environment Act 1987</i> (the Act).</p> <p>Decision guidelines are contained at Clause 44.04-6 and at Clause 65.</p>	Yes
<b>Parking Overlay (PO1)</b>  (Clause 45.09)	<p>The provisions of the parking overlay works in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p>	No
<b>Parking (Clause 52.06)</b>	<p>Before a new use commences; or the floor area or site area of an existing use is increased the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.</p>	Yes
<b>Loading and Unloading of Vehicles (Clause 52.07)</b>	<p>No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the table (minimum loading bay table).</p> <p>A loading bay exceeding the minimum requirements has been provided.</p>	No
<b>Bicycle Facilities (Clause 52.34)</b>	<p>A new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Required bicycle numbers are provided in the table in the clause.</p> <p>An application under this clause is exempt from the notice, decision and review requirements of the Act.</p> <p>Bicycle parking has been provided in excess of the rate required.</p>	No
<b>Urban Context Report (Clause 52.35)</b>	<p>An application for a residential development of four or more storeys must be accompanied by an urban context report and design response.</p> <p>The application was accompanied by an urban context and design report.</p>	Yes
<b>Integrated Public Transport Planning (Clause 52.36)</b>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport (Public Transport Victoria).</p>	Yes

<b>Planning Control</b>	<b>Application requirements</b>	<b>Permit Triggered (Yes/ No) or Relevance (Yes/No)</b>
<b>Live Music and Entertainment (Clause 52.43)</b>	<p>This clause applies to an application for a live music entertainment venue or a noise sensitive residential use that is within 50 metres of a live music venue.</p> <p>The proposal is not within 50 metres of a live music venue and therefore this clause does not apply.</p>	<b>No</b>
<b>General Provisions (Clause 61.01)</b>	As the proposal is greater than 25,000 square metres in Gross Floor Area (GFA) the Minister for Planning is the Responsible Authority under the Melbourne Planning Scheme for determining the permit application.	<b>Yes</b>
<b>Decision Guidelines (Clause 65.01)</b>	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 Act.	<b>Yes</b>

