

APPLICATION FOR PLANNING PERMIT – OFFICER REPORT

Application Number: 2010/016238

Address **577 KING STREET, WEST MELBOURNE**

Proposal: Construction of a 10 (ten) 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.

Applicant: Zegame King Street Pty Ltd
[REDACTED]
Tixxes Consulting
[REDACTED]

Planning Scheme Melbourne Planning Scheme

Responsible Authority Minister for Planning

Zoning: Mixed Use Zone (MUZ)

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

Existing Use: 2 level car sales and warehouse (Site area approximately 5,400 square metres)

Number of Objections: 50

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

PROPOSAL

1. The planning permit application was submitted by Zegame King Street Pty Ltd C/- Tixxes Consulting on 6 July 2010 (further information received 23 August 2010) for a residential apartment building with ground floor retail at 577 King Street, West Melbourne. Key elements of the proposal include:

- Demolition of the existing car showroom and associated warehouses and car yard on site.
 - A three and four storey “podium” element with frontages to King, Roden and Stanley Streets.
 - A 10 level “L-shaped” residential building located centrally on site (total height 30-33 metres above natural ground levels). The building has setbacks to Roden Street of between 11-30 metres.
 - Development of 259 dwellings across the site and one retail premises at the corner of Roden & King Streets.
 - Variety of dwellings including one and two bedroom units, seven (7) townhouses fronting Roden Street and seven (7) SOHOs (Small Office, Home Offices) fronting King Street.
 - Two separate basement levels accommodating 236 car parking spaces. There is separate access to each level, one from Roden Street and one from Stanley Street.
 - 119 bicycle parking spaces provided over a number of levels.
 - Storage is provided within the confines of the ground and basement level.
 - Services and plant are provided for in the design.
 - A pool spa function room deck and other communal facilities are to be provided for residents.
 - All dwellings will feature a balcony/open space. The units (or townhouses) fronting Roden Street will feature roof top balconies accessed via spiral staircases.
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 32,575 square metres.

SITE AND SURROUNDS

3. The site is located on the south-western side of King Street on the corner of Roden Street and also has a frontage to Stanley Street (to the south).
4. The site is currently used as a motor vehicle sales outlet (Zagame Automotive) and features a showroom /commercial building fronting King Street that wraps around into Roden Street. There is a warehouse servicing vehicles to the rear of the site, which has several access points on Roden and Stanley Streets.
5. To the north-west of the site stands a row of graded Victorian terraces. These terraces mark the southern boundary of Heritage Overlay No. 3 (North and West Melbourne precinct).
6. To the north-east of the site, across King Street, stands the Salvation Army Crisis Accommodation Centre.
7. The surrounding area to the south and south-west of the site (including along both Roden and Stanley Streets), are lower-scale buildings used for a variety of commercial/light industrial purposes typical of this mixed use area. 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. The suburb is a true mixed use area.
8. A zoning map of the site and surrounds is provided below:



Proposed Development Site at 577 King Street, West Melbourne



PLANNING CONTROLS

Zone and Overlays

9. 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.*
10. 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.
11. The 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.
12. 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

13. 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

14. 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.
15. 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

16. 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.
 - Alter access to a Road in a Road Zone Category 1 (close an existing crossover).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

17. 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)

18. 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)

19. 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

20. 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.

NOTIFICATION

21. 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).
22. The owners and occupiers of the abutting properties were given notice under section 52 of the Act. In addition, non-adjacent properties in the vicinity of the site on Roden and Stanley Street were provided notice. Signs were erected on the three site frontages and a copy of the notice (From 2) was published in the Melbourne Times and the Age.
23. A total of 50 objections have been received to date (as of 10 December 2010). 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 mixed uses/ commercial component,
 - Lack of variety in tenure/ size/ mix of apartments
 - Lack of open space,
 - Increased strain on local infrastructure (social, community and physical)
 - Concern about inclusion of retail,
 - Privacy, overlooking and overshadowing,
 - Non-conformity with local policy,
 - Noise, pollution, environmental and construction concerns, and
 - Interruption of views, interruption of TV signal, reduction in property values.

REFERRALS

24. 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 20 October 2010.
25. Under Section 55 of the Act, VicRoads was referred the application. Written confirmation that they did not object was received on 22 October 2010. This was based on inclusion of four conditions on any permit granted.
26. 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 12 October 2010. Council supports the proposed development subject to conditions and alterations, most notably the reduction in height of the 10-storey component of the building to six storeys. These issues are discussed in the assessment section below.
27. The Office of the Victorian Government Architect (OVGA) was informally referred the application. They are generally supportive of the proposal and stated:

We are pleased to support the design proposal for a residential development on this site. We welcome the approach; the disposition of higher built form and bulk towards the middle of the site and lower, more complex, built form to the edges of the site responds to the range of urban context conditions that characterise the surrounding area. A variety of housing typologies are explored and integrated and will do much to add to and enhance an area in which change is anticipated.

28. The OVGA raised a few minor issues with regards to building expression and the pedestrian entrance on Roden Street and these have been included as a condition of any permit.
29. The application was internally referred to the urban design unit of DPCD who were generally supportive of the proposal. They stated that:

We recognise that the proposal represents a significant increase of the discretionary height controls, however we find much to support it in terms of the change of use proposed and the respect exhibited towards neighbourhood scale and amenity.

30. Urban design raised issues with the separation of apartments from the south-west boundary where future redevelopment is expected however on balance the potential separation is considered acceptable. Urban design raised the issue of profiling of the roofscape to reduce the visual height, which can be addressed by way of condition.

ASSESSMENT

31. The application has been assessment 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.
 - VCAT cases
 - Waste/ loading arrangements

- Environmental.

State and local planning policy

32. In summary 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).
33. 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.
34. 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.

Height and Built Form

35. 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.
36. 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.
37. 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.
38. 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). In particular the use of land for residential and small scale office spaces (as part of the townhouses and SOHO's) is supported. The proposal is sympathetic with the adjacent heritage place with a three level townhouse development fronting Roden Street and the apartment building setback substantially from the properties given the setback to the frontage and the generous width of Roden Street.
39. 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 ten-storey apartment building is well designed and has generous setbacks and will ensure a clear distinction in scale from the Central City is maintained.
40. 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.

41. 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.
42. 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 built form character is to be preserved. Overall the proposal responds to the matters set out in Table 4 and within the Clause.
43. 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.
44. The proposal is ten storeys in height, which is a departure from the suggested height in DDO29. There is justification for a departure from the suggested height due to the following:
 - 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.
 - There is supporting policy for intensification and urban consolidation within State and local planning policy in the Scheme.
 - 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 land uses 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 is appropriate for this large site with three street frontages. Objector concerns regarding 'precedent' are not necessarily applicable as sites such as this are likely to be rare and future development will require to illustrate 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 predominantly non-residential uses.

- It is considered that as the site is approximately 900 metres from the North Melbourne Railway Station this objective of the DDO is not relevant to this development.
- Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.
- 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 ten storey component of the proposal are generous. The applicant has identified the most sensitive interface as the Roden Street frontage and has noted the heritage properties on the northern side of the street. The architect has designed and angled the apartment building to ensure setbacks that increase towards the western end. The setbacks start at 11metres at the eastern end and increase to 30 metres at the western side. This is a valuable setback to this frontage particularly taking into consideration the width of the road reserve of Roden Street and the central landscaping.
- The developer has indicated that the maximum development potential for this site is 14 storeys however this has been reduced to reduced following the advice of the applicant's planning and design team in order to meet neighbourhood character objectives.
- 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)*). This development had comparable podium heights to the proposed development (indeed the frontage to Roden Street was higher) and an provides guidance on appropriate pedestrian scale for development on Roden Street. The general perception of height from street level positions is primarily influenced by the first four levels and the ten storey component is likely to be taken-in from more distant views. This decision is discussed in more detail below.
- 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 development's design is supported by the OVGA.
- 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 six storey building height).

Design and Urban Context

45. 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. The Department's urban design unit have indicated that an increase in the setbacks to the western boundary would be preferable given the likely development of the neighbouring site in the future. Whilst an increase in this setback would be welcomed it is not considered necessary given size and development opportunities still afforded to the neighbouring site. If any new development is proposed they will likely be required to mirror the setbacks on the development site, which would provide a building

separation of at least 10 metres, which is considered appropriate for a building of this scale.

46. The variety in types and sizes of dwellings is welcomed. Generally all dwellings will provide suitable internal amenity. The development would benefit from reduced reliance on borrowed light for bedrooms however this appears to have become normal in the current marketplace.
47. The apartment and townhouse dwellings and retail tenancy proposed along all three street frontages will provide passive activation and passing surveillance opportunities.
48. The use of larger townhouses on the Roden Street, SOHO's on King Street and apartments with direct access to Stanley Street will improve the connectivity to the street particularly as all have separate front entrances and concealed car-parking behind.
49. 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. Additionally there is minimal difference between the overshadowing of the proposed development at ten storeys and if the site was built to the boundary with a four storey development as outlined in DDO 29. The overshadowing is therefore considered to be acceptable.

Car parking, traffic, bicycle parking and loading

50. 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.
51. The development provides 236 car parking spaces (includes tandems) and the planning scheme requirement is for 520 spaces. This rate is supported by the Director of Public Transport. A traffic engineering report prepared by TMM traffic consultants accompanied the application and the advice indicates that the car parking provision is suitable. The City of Melbourne have interpreted that an additional 20 spaces require 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.
52. The car park and access component has been carefully designed to minimise the crossovers and screen parking behind and the residential development and underground. The City of Melbourne has commented that the layout and access of the car park requires further refinement and a condition has been included on the permit to require the layout to meet the relevant Australian standards and that it be in consultation with the City of Melbourne.
53. The traffic report confirms that there is sufficient road capacity to accommodate the extra flow and the City of Melbourne support the additional traffic generated by the proposal.
54. Bicycle provision comprises 119 on-site spaces which is well in excess of the statutory rate of 78 spaces. Access to the bike area could be improved by direct access to the street and this has been added through a condition of permit.

Objections

55. All objections have been considered and the main issues of height, building form and traffic/ parking have been discussed elsewhere within this report.

56. In addition a number of objections express concern with potential increased strain on local infrastructure (social, community and physical), noise, interruption of views, interruption of TV signal and reduction in property values all of which are not considered to be relevant planning considerations. 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.
57. Construction and environmental concerns can be adequately addressed through a Construction Management Plan and Environmental Assessment to be submitted prior to commencement of development.

VCAT decision at 87- 102 Roden Street, West Melbourne

There has been a previous VCAT determination for a site at 87-101 Roden Street, located approximately 50 metres west of the application site (*Manhattan Hanson Roden Pty Ltd v Melbourne CC [2010] VCAT 698 (21 April 2010)*). The site was to be developed for 92 dwellings built over four to six levels with basement level for 63 car parking spaces. Council required the development to be reduced to four storeys, which was overturned by the Tribunal Order. There are several key points worth noting in the decision:

- The Tribunal outlined the strong State policy supporting higher density development in this location and the derelict site was underutilised and this part of West Melbourne is in transition.
- Neither the Council nor the residents opposed the principle of residential development.
- The Tribunal outlined that there is inconsistency between local policy to preserve the existing built form character and maintain the predominantly low scale character of the area and DDO29.
- The Tribunal acknowledged that DDO29 includes a four storey “maximum” building height but anticipates higher building forms provided a development meets the design objectives and built form outcomes of this schedule.
- The four storey development on Roden Street respects the lower scale heritage buildings on the opposite side of the road and the setback of the six storey element of 24 metres from the frontage was acceptable. The landscaping on Roden Street and the width of the road reserve were factors in this assessment.
- The Tribunal was not asked to consider whether a building of ten storeys was acceptable, but simply concluded that six storeys was appropriate.

Structure Plans

58. The North-West 2010 Structure Plan has been noted however it is not referenced in the Planning scheme 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.

59. 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.
60. 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.*
61. 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)*
62. 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

63. A loading bay was not originally proposed, however at the request of the City of Melbourne and VicRoads a condition is included on the permit requiring an on-site loading bay and waste management plan to be submitted in consultation with the City of Melbourne. Condition 1 plans require final details illustrating a workable solution in terms of waste, loading and removal vehicles.

Environmental Issues

64. 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.
65. The applicant has provided a desk-top wind study with the application (Mel consultants, 16 August 2010), 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 comfort.
66. 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

- 67. The proposal consists of a three and four storey “podium” element with frontages to King, Roden and Stanley Streets and a 10 level “L-shaped” residential building located centrally on site all to accommodate 259 dwellings and one retail premises.
- 68. The proposal was advertised and there have been fifty (50) letters of objection received.
- 69. The City of Melbourne were generally supportive subject to a reduction in height of the building to six storeys. The proposal is supported by the OVGA, Director of Public Transport, Vic Roads and the Department’s urban design unit.
- 70. 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.
- 71. There is justification for a departure from the suggested height in DDO 29 as the development respects the objectives of this overlay.
- 72. The development has provided a balance between achieving the development potential for the site and respecting the neighbourhood character of the area.
- 73. 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]
[Redacted]

10 December 2010

Checked by [Redacted], 10 December 2010

Reviewed by:

[Redacted]

Date:

[Redacted]

ATTACHMENT 1 - CONDITIONS
577 King Street- Draft conditions- without prejudice.

Amended Plans

1. Prior to the commencement of the use or development amended plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans submitted with the application but modified to show:
 - a) Amendment to the roof profile of the tower component by cutting back sections of the top floor (as open terraces) in order to reduce the visual bulk of the building, particularly at the building corners.
 - b) An increase in the setback or reduction in height of part of the building fronting King Street and abutting No. 557 King Street so that it provides visual relief to the neighbouring heritage property. The setback can be on the street frontage or the property boundary and will require the reduction in size of at least one dwelling.
 - c) Revisions to levels 1, 2 & 3 of the tower to break up the long corridor lengths in the tower component, allowing more natural light to common areas and improving internal amenity. This may require removal/ reduction in size of dwellings to match upper levels.
 - d) Details to confirm the development does not encroach over the title boundaries of the property particularly onto the abutting Council public lanes (CL1091). This requires all title information and surrounding land to be illustrated on plans up to the top of the 'podium' levels.
 - e) Refinement and modifications to the design of the car park design (as required) to illustrate that layout is functional and in accordance with the provisions of Australian Standard (AS) 2890.1. This should be done in consultation with the City of Melbourne and to be to the satisfaction of the responsible authority.
 - f) The reconfiguration of all waste storage and collection facilities in accordance with the approved Waste Management Plan (WMP) required by corresponding condition of this permit. This must include an on-site waste collection arrangement unless otherwise agreed by the City of Melbourne.
 - g) Annotation on the car park area to ensure one car parking space on site provided for the retail premises and a minimum of two car spaces for visitors to residential properties. (Exact location need not be specified).
 - h) The provision of a car share space within the building or on-street adjacent to the site. If providing this space on-street it must be in accordance with plans and specifications first approved by the City of Melbourne and VicRoads (if on King Street).
 - i) Bicycle parking facilities provided in accordance with the provisions of Clause 52.34-3 (Bicycle spaces) of the Melbourne Planning Scheme. All visitor spaces must be conveniently accessible from adjoining public streets or visitor spaces may be provided on-street to the satisfaction of the responsible authority following consultation with the City of Melbourne.

- j) An additional entry to the bicycle parking area on Roden Street located at ground level and accessed independently of car entries.
- k) The provision of at least 20 storage cages or similar spaces (measuring 3 cubic metres minimum, dimensioned on the plans) located in the car park area or other suitable space within the building.
- l) Design details of the screening devices to be used to conceal the balcony air-condition units. A detailed, colour elevation of a portion of the building at a scale of 1:50 must be provided.
- m) Further details of the intended treatment of all the façades to all elevations of the 'podium' element. A detailed, colour elevation of a portion of the building at a scale of 1:50 must be provided.
- n) Revisions and refinements to the design of the tower and Stanley Street podium components to introduce a more varied architectural treatment and reduce the homogenous, horizontal expression and visual bulk of the tower.
- o) Design development of the Roden Street tower pedestrian entrance to create a positive relationship with the street and reduce residual, negative spaces along this street edge.
- p) Redesign of the Stanley Street car park basement entrance to offer heightened visual interest/ connection and amenity at street level.

Layout Not Altered and Satisfactory Completion

- 2. The development or use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 3. The retail tenancy must not operate outside the hours of 7am to 11pm daily unless otherwise agreed in writing by the responsible authority.

Construction Management Plan

- 4. Prior to the commencement of the development hereby permitted, a detailed Construction Management Plan (CMP) must be prepared to the satisfaction of the responsible authority in consultation with City of Melbourne outlining how the development proponent will manage the environmental and construction issues associated with the development. The CMP is to be prepared in accordance with City of Melbourne Construction Management Guidelines and must address demolition, bulk excavation and management of the construction sites and land disturbance, hours of operation, noise, dust, vibration controls, traffic management, soiling of roadways, discharge of polluted waters and sediment control, improper disposal of waste contaminated soil / asbestos and pollution of ground water, waste and materials reuse and site accommodation for workers.

Waste Management

- 5. Prior to the development hereby approved, a Waste Management Plan (WMP) must be prepared and submitted to the responsible authority following consultation and approval of the City of Melbourne. This WMP must be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. The waste storage and collection arrangements as shown on the development plans must accord with the approved WMP, and the WMP must be followed at all times unless an amendment is approved by the City of Melbourne. Specifically, the WMP must detail whether rubbish

will be collected by private or Council contractors. The size of the bin storage room(s) will be determined by the frequency of collections.

Materials and Finishes

6. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, a sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes including glazing reflectivity must be submitted to and be to the satisfaction of the responsible authority. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the responsible authority.

Environmental Assessment

7. Prior to the occupation of the development hereby approved the applicant must undertake an environmental assessment of the site to determine if it is suitable for residential use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations of this assessment, if any, must be implemented prior to the occupation of the building to the satisfaction of the Responsible Authority.

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

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

Where a Statement of Environmental Audit is provided, all the conditions thereon must be complied with prior to the occupation of the building to the satisfaction of the Responsible Authority. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of required works.

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

Environmentally Sustainable Design (ESD)

8. The Environmentally Sustainable Development (ESD) initiatives noted in the Sustainability Statement submitted with the application (prepared by Ark Resources and dated 25 June 2010) must be implemented prior to the occupation of the development and at no cost to the Responsible Authority.

Site Consolidation

9. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, a plan of consolidation into one title for the whole of the land must be lodged at the Land Titles Office.

Landscaping

10. Prior to the occupation of the development a landscape plan of development and the footpaths to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority in consultation with the City of Melbourne. All relevant details must be provided including type, species, height at planting and maturity. The landscape plan must illustrate the new proposed trees or trees that are required to be removed/ protected to enable the development to take place and any other street furniture proposed. The landscape plan of the footpaths outlined in the condition above must include any street trees required following recommendations of any wind report. All works associated with the approved landscape plan including the replacement of any street tree shall be at the cost of the owner of the land.

Building appurtenances / appearance etc.

11. All building plant, air conditioning units and equipment on the roofs or private balcony areas, common areas, public thoroughfares are to be concealed to the satisfaction of the responsible authority. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures down pipes, aerials, satellite dishes, air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment must include appropriate screening to the satisfaction of the responsible authority.
12. No more than one telecommunications receiver/television aerial may be erected on the building without the prior written consent of the Responsible Authority.
13. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the responsible authority.
14. Except with the consent of the responsible authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.
15. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

Car and Bicycle Parking, Traffic and Access

16. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 to the satisfaction of the responsible authority.
17. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans. The car parking spaces must not be used for any other purpose and all access aisles must be kept clear. Priority should be given to pedestrians on the street over vehicles entering/exiting the building via the ramp.

18. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.
19. The car parking area must be lit to the satisfaction of the Responsible Authority, if in use during hours of darkness and all lights must be designed, fitted suitable baffles and located to prevent any adverse effect on adjoining land.

Engineering

20. The owner of the subject land shall not alter the existing footpath/road levels in the surrounding area without first obtaining the written approval of the City of Melbourne's Group Manager - Engineering Services.
21. The owner of the site is not permitted to alter existing footpath/road levels along Roden and Stanley Streets and Corporation Lane (CL) 1091 for the purposes of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the City of Melbourne (Manager, Engineering Services).
22. The owner(s) of the subject land shall reconstruct the footways in the surrounding area adjacent the subject land in sawn bluestone paving as appropriate together with associated works including the renewal and/or relocation of kerb and channel and the relocation of all service pits and covers as necessary at the cost of the owner(s) in accordance with plans and specifications first approved by City of Melbourne's Group Manager - Engineering Services.
23. The owner(s) of the subject land shall construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent to the subject land in accordance with plans and specifications first approved by the City of Melbourne's Group Manager - Engineering Services.
24. Any projections over street alignments must be drained to a legal point of discharge in accordance with plans and specifications first approved by the City of Melbourne (Manager, Engineering Services).
25. Any street lighting temporarily relocated to accommodate the development must be reinstated to the satisfaction of the City of Melbourne (Manager, Engineering Services).
26. All public lighting should conform to AS1158, AS3771 and the Public Lighting Code September 2001 and must be designed, baffled and located to the satisfaction of the City of Melbourne.
27. The owner(s) of the subject land shall construct a drainage system within the development incorporating water sensitive urban design devices and make provision to connect this system to City of Melbourne's underground stormwater drainage system in accordance with plans and specifications first approved by the City of Melbourne's Group Manager - Engineering Services.

VicRoads

28. A waste management plan shall be submitted to the satisfaction of the Responsible Authority which specifies that waste collection shall occur within the curtilage of the site.
29. Any redundant crossovers to the development from shall be removed and the kerb, channel, footpath and nature strip reinstated to the satisfaction of Responsible Authority and at no cost to VicRoads.

30. The developer shall be responsible for the relocation and reinstatement of any trees, road furniture and any other services that may be required in this work, to the satisfaction of the Responsible Authority, and at no cost to VicRoads.
 31. Work site traffic management shall be in accordance with “Road Management Act 2004 – Worksite Safety Traffic Management – Code of Practice” and AS 1742.3 -2009 Part 3 Traffic control devices for works on roads. If Traffic congestion becomes excessive at anytime, the contractor must undertake measures to ease congestion.
 32. A traffic management plan is to be submitted to VicRoads for its consideration at least 14 days prior to the commencement of works on the road reserve. No traffic management devices are to be erected on King Street until VicRoads issues authorisation for the erection of those devices in accordance with the traffic management plan.
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Expiry of permit:

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development does not commence within two years of the date of this permit.
- The use does not commence within two years of the completion of the development.
- The development is not completed within four years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Notes:

No building or works shall be constructed over any easement without the written consent of the Relevant Authorities.

The Owner is advised that future residents of the building will not be eligible for City of Melbourne on-street resident parking permits and existing on-street parking and loading/unloading arrangements will not be altered to accommodate residents’ or their visitors parking needs.

All necessary approvals and permits must first be obtained from Council and VicRoads and the works performed to the satisfaction of the Manager, Engineering Services and VicRoads.

Requests to remove street trees to accommodate the development must be directed to the City of Melbourne’s Senior Tree Planner, [REDACTED].

ATTACHMENT 2- Objections

Objections - 577 King Street, West Melbourne
 as at 13 January 2011

ID #	Title	First Name	Last Name	Address	Suburb	State	Postcode	Letter Sent
1					West Melbourne	VIC	3003	20/08/2010
2					West Melbourne	VIC	3003	20/08/2010
3					West Melbourne	VIC	3003	20/08/2010
4					West Melbourne	VIC	3003	20/08/2010
5					West Melbourne	VIC	3003	20/08/2010
6					West Melbourne	VIC	3003	20/08/2010
7					West Melbourne	VIC	3003	27/08/2010
8					West Melbourne	VIC	3003	27/08/2010
9					West Melbourne	VIC	3003	27/08/2010
10					West Melbourne	VIC	3003	30/08/2010
11					West Melbourne	VIC	3003	30/08/2010
12					West Melbourne	VIC	3003	30/08/2010
13					West Melbourne	VIC	3003	9/09/2010
14					West Melbourne	VIC	3003	9/09/2010
15					West Melbourne	VIC	3003	9/09/2010
16					North Melbourne	VIC	3051	9/09/2010
17					West Melbourne	VIC	3003	9/09/2010
18					West Melbourne	VIC	3003	9/09/2010
19					West Melbourne	VIC	3003	9/09/2010
20					West Melbourne	VIC	3003	9/09/2010
21					North Melbourne	VIC	3051	9/09/2010
22					West Melbourne	VIC	3003	23/09/2010
23					West Melbourne	VIC	3003	23/09/2010
24					West Melbourne	VIC	3003	23/09/2010
25					West Melbourne	VIC	3003	23/09/2010
26					West Melbourne	VIC	3003	23/09/2010
27					West Melbourne	VIC	3003	23/09/2010
28					North Melbourne	VIC	3051	1/10/2010
29					West Melbourne	VIC	3003	1/10/2010
30					Melbourne	VIC	3000	1/10/2010
31					West Melbourne	VIC	3003	1/10/2010
32					Yarraville	VIC	3013	4/10/2010
33					West Melbourne	VIC	3003	1/10/2010
34					West Melbourne	VIC	3003	1/10/2010
35					West Melbourne	VIC	3003	1/10/2010
36					Taylors Lakes	VIC	3038	1/10/2010
37					West Melbourne	VIC	3003	1/10/2010
38					West Melbourne	VIC	3003	4/10/2010
39					.com.au			4/10/2010
40					.com.au			4/10/2010
41					West Melbourne	VIC	3003	7/10/2010
42					West Melbourne	VIC	3003	8/10/2010
43					West Melbourne	VIC	3003	13/10/2010
44					North Melbourne	VIC	3051	18/10/2010
45					West Melbourne	VIC	3003	22/10/2010
46					West Melbourne	VIC	3003	22/10/2010
47					West Melbourne	VIC	3003	27/10/2010
48					West Melbourne	VIC	3000	1/11/2010
49					West Melbourne	VIC	3003	18/11/2010
50					West Melbourne	VIC	3003	23/11/2010
51					West Melbourne	VIC	3003	23/11/2010
52					West Melbourne	VIC	3003	23/11/2010

Total