

**APPLICATION FOR PLANNING PERMIT:
420 SPENCER STREET, WEST MELBOURNE**

Application Number: 2010/016083/A

Proposal: Amended permit application to revise permit preamble and to vary the plans, predominantly limited to an increase in building height

Applicant: 420 Spencer Street Pty Ltd
C/- Message Consultants

Zoning: Mixed Use Zone (MUZ)

Overlays: Heritage Overlay- Schedule 787 (420 Spencer St)
Design and Development Overlay- Schedule 33 (CBD Fringe)

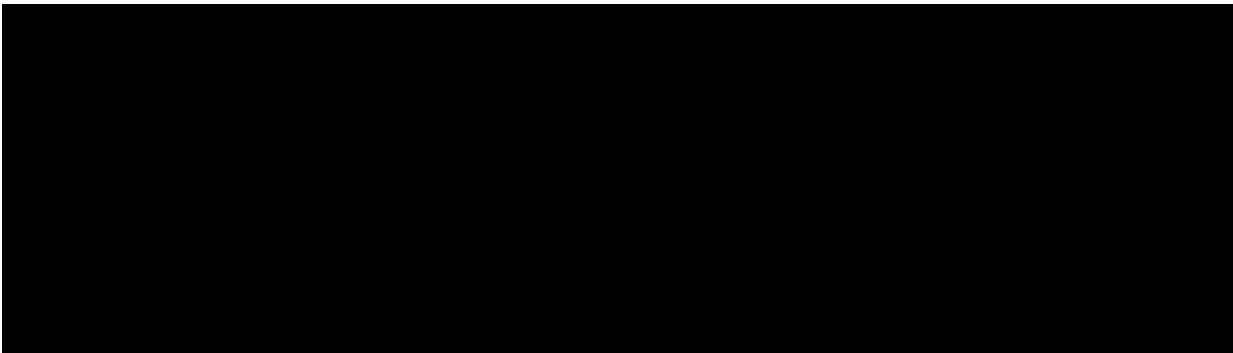
Application Received: 12 August 2013

██████████

████████████████████

Number of Objections: One (1)

Recommendation: Notice of Decision to Grant an Amended Permit subject to conditions



PLANNER'S NAME: ██████████
Ph: ██████████

SIGNATURE: ██████████

DATE: 18.11.13

PROPOSAL

1. Amended permit application seeks to:
 - Modify the permit preamble to remove reference to the number of storeys;
 - To increase the overall building height by 6 storeys, total of 38 storeys (131 metres);
 - Additional 6 apartments (total of 438 apartments overall);
 - Additional bicycle parking spaces equivalent to the rate required with the increase in apartment numbers (total of 2 additional spaces); and
 - Increase in gross floor area from 33,250m² to 34,880m² (an increase of 1,630m²).

DEVELOPMENT SUMMARY

2. In summary the specific details of the proposal are:

Key elements	Comments
Use	Residential with lower level retail/ commercial space
Height	6 additional storeys for an overall building height of 38 storeys (131 metres)
Setbacks	Tower setbacks remain unchanged from that previously approved
Floor area (GFA) [REDACTED]	Gross floor area 34,880m ² [REDACTED]
Applicant / Developer	420 Spencer Street Development Pty Ltd
[REDACTED]	[REDACTED]
City of Melbourne	Objects to the application based on precedent that is to the detriment of the emerging neighbourhood character, and the proposal fails to provide an appropriate transition between the taller built form of the Central City and the lower scale building form of West Melbourne which includes heritage fabric.

SITE AND SURROUNDS

3. The site is located on the south east corner of Spencer and Dudley Streets, West Melbourne. The 1930s predominantly double storey building is ornate and substantially intact and used for electronic wholesale with office. The building is graded 'C' in Council's Heritage Places Inventory (2008), an Incorporated Document to the Scheme.
4. The site has a frontage of 40.15m and a depth of 54.9m, with a total area of 2,204m². There is a fall of 2.4 metres from east to west along Dudley Street and a fall of about 0.5 metres from south to north along Spencer Street.
5. Both Spencer and Dudley Streets are major transport routes providing connection to the Docklands and the CBD. The surrounding land uses are mostly commercial with some residential.
6. Development surrounding the site is described as follows:
 - North: the north of the site along Dudley Street is a car wash and single storey showrooms.
 - West: To the west of the site across Spencer Street are a number of single and double storey small businesses.
 - East: The adjoining property to the east of the site is a double storey hotel. Further east is Flagstaff Gardens.

- South: At the southern border of the site is a vacant block which Permit TP-2009-798 issued by the City of Melbourne allows the redevelopment of the site by a 12-storey building for dwellings, home occupation and retail tenancies. The two sites are separated by a laneway that runs along the proximity of the subject site.
7. The broader precinct includes the mixed use zoned residential areas of North and West Melbourne, Docklands to the west and the CBD to the south. Additionally there are a number of buildings approved and constructed within the area:
- Dudley Street: 146 Dudley Street (Ministerial permit 2011/012468) three buildings of 8-9 storeys; and 91 Dudley Street, West Melbourne (TP-2010-574) 15 storeys;
 - Batman Street: 33 Batman Street (TP-2012-299) 15 storeys; and 49 Batman Street (TP-2010-459) 15 storeys;
 - Spencer Street: 423 Spencer Street (TP-2011-479) 15 storeys; 404 Spencer Street (TP-2009-798) 12 storeys; 437 Spencer Street (TP-2012-398) 8 storeys; 433-435 Spencer Street (TP-2011-479) 14 storeys; and
 - Jeffcott Street: 50-58 Jeffcott St (TP-2007-107) 15 storeys.

STATUTORY CONTROLS

8. The following controls apply to the site, with planning permit triggers are described below:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Mixed Use Zone (MUZ)	<p>Permit is required for buildings and works (Clause 37.04-5) to construct a residential building.</p> <p>The application is not exempt from third party notice and review.</p> <p>Decision guidelines and application requirements are at Clause 37.04-5.</p>
Heritage Overlay (HO787)	<p>Under Clause 43.01-1 a permit is required to demolish, and to construct or carry out works.</p> <p>Under Clause 43.01-3, there are no exemptions from third party notice and review.</p> <p>Decision guidelines are listed at Clause 43.01-4.</p>
Design and Development Overlay (DDO33)	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 33 specifies:</p> <ul style="list-style-type: none"> • A permit is required for buildings and works; • Does not exempt buildings and works from third party notice and review; • Specifies a maximum building height of 40 metres, 16 metres podium height and minimum building setback of 6 metres from streets and 2 metres from laneways; • Decision guidelines are at Clause 43.02-5.
Car Parking (Clause	Clause 52.06-3 a permit is required to provide some or all of

52.06)	the car parking spaces required under Clause 52.06-5. The Table at Clause 52.06-5 sets out the car parking requirements for the development. A total of 13 spaces are required (2 spaces/ dwellings of 3 or more bedrooms & 1 visitor space for 5 or more dwellings).
Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road (Clause 52.29)	<p>Under Clause 52.29-1 a permit is required to alter a crossover to a Road Zone (Dudley Street) and the application must be referred to the relevant Road Corporation (VicRoads).</p> <p>An application to create or alter access to a Road Zone (Dudley Street) is not required to be referred to the relevant Road Corporation (VicRoads) if in the opinion of the Responsible Authority, satisfy requirements or conditions previously agreed in writing.</p> <p>The amended permit will be required to satisfy conditions of the permit. It is not considered that a referral is required in this instance.</p>
Bicycle Facilities (Clause 52.34)	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities (for the increase in floor area) has been provided on the land.</p> <p>The additional floor area results in 6 additional apartments, which requires the provision of 2 additional spaces. The proposal provides 2 additional spaces; therefore a permit is not required under this provision.</p>
Integrated Public Transport Planning (Clause 52.36)	<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 for a residential development comprising 60 or more dwellings or lots.</p> <p>It is noted that this provision does not apply to a proposal that, in the opinion of the responsible authority, satisfies requirements or conditions previously agreed to in writing between the responsible authority and the referral authority.</p> <p>The amended permit will be required to satisfy conditions of the permit. It is not considered that a referral is required in this instance.</p>

General Provisions

9. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
10. **Decision Guidelines:** 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.

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

11. The State Planning Policy Framework (SPPF) seeks to develop objectives for planning in Victoria to foster land use and development planning and policy which integrates relevant environmental, social and economic factors. The sections of the SPPF, which are particularly relevant to this matter include:
- *Clause 10.04 (Integrated Decision Making)* - seeks to ensure that planning address various needs and expectations relating to land settlement, protection of the environment, economic well being, various social needs, proper management of resources and infrastructure.
 - *Clause 15 (Built Environment and Heritage)* - seeks to ensure all new land uses 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.
 - *Clause 17 (Economic Development)* - seeks to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. It encourages development which meets 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. One of the key strategies of this Clause is to locate commercial facilities in or near existing and/or planned activity centres.
 - *Clause 18 (Transport)* - seeks to establish and support an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability and co-ordinates reliable movements of people and goods. In particular this clause seeks to ensure that urban developments are planned to make jobs and communities more accessible.
 - *Clause 19 (Infrastructure)* - promotes development of social and physical infrastructure that are provided in a way which is efficient, equitable, accessible and timely. Planning is to also recognise social needs by providing land for a range of accessible community resources such as educational, cultural health and community support facilities.
12. The overarching purpose and intent of the above policies is to ensure that all new land use and development appropriately responds to planned future growth in a manner reflective of a site's valued built form and cultural context.

Municipal Strategic Statement (MSS)

13. Clause 21.03 (Vision) for Melbourne is for a bold, inspirational and sustainable city. Key issues underpinning this vision include:

Settlement: 'to accommodate the municipality's growth areas will need to expand beyond Central City (Hoddle Grid, Docklands and Southbank) into designated new urban renewal areas'.

Housing: *'an important role for the city is in providing housing to accommodate the expected significant population growth'*.

Clause 21.06 (Built Environment and Heritage) seeks to ensure that *'development must add positively to Melbourne's public realm and contribute to making it safe and engaging for users. Public and private open spaces should be able to support a range of uses including physical movement, communal exercising, social interaction, quiet enjoyment and connections to the natural environment'*. Strategies include:

- *Ensure a strong distinction between the built form scale of the Central City with that of development in surrounding areas.*
- *Ensure that the scale, bulk and quality of new development supports a high quality public realm.*
- *Ensure development minimises the adverse effects of wind down drafts and provides wind protection to public open spaces suitable for their role and function.*

14. Clause 21.07 (Housing) seeks to: *'provide for new housing while preserving the valued characteristics of the existing neighbourhoods'*. Strategies include:

- *In areas outside the Central City and Urban Renewal Areas, increase housing quantity and density consistent with the existing character of the area.*
- *Encourage the most significant housing and population growth in the Central City and Urban Renewal areas.*
- *Ensure that new residential development achieves high standards of amenity including access to sunlight and daylight and protection from overlooking.*

15. Clause 21.16-5 (North and West Melbourne) indicates that North and West Melbourne has a strong residential base as well as commercial and industrial uses. Objectives include:

- *Support residential development in the Hoddle Grid fringe. In this area, increased residential densities should be balanced with the strategic role of this area in providing for small to medium enterprises that support the Hoddle Grid and Docklands.*
- *Maintain the predominantly low scale of the Mixed Use Zone in West Melbourne, south of Hawke and Roden Streets.*
- *Maintain lower scale streetscapes in other parts of West Melbourne and North Melbourne. Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas.*
- *Ensure the area bounded by Latrobe Street, south west of the Flagstaff Gardens provides a contrast in scale between the lower built form of West Melbourne and the higher scale of the Hoddle Grid.*

Local Planning Policy Framework (LPPF)

16. The following policies within the LPPF are relevant:

- *22.02 (Sunlight to Public Spaces)* – is policy that seeks to ensure new buildings and works allow good sun penetration to public spaces. The policy seeks 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 between 11.00 am and 2.00 pm on 22 September.
- *22.17 (Urban Design outside the Capital City Zone)* – is policy that seeks to ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility. The policy has sections discussing: Scale, Context, Building height, Building bulk, Large and prominent

sites, Street level frontages, Fronts and backs of buildings, Building tops, Visible facades and blank walls, Pedestrian connection and vehicle access, Building projection, Protection from wind and rain, Landscape, and Access and safety in public spaces.

- *22.19 (Energy, Water and Waste Efficiency)*- is policy that seeks to improve energy and water efficiency and in the reduction in waste generation across the municipality, as articulated within Council's Zero Net Emissions by 2020 energy strategy, Total Watermark – City as a Catchment water strategy and Waste Management Strategy.

Other relevant policy/ matters

17. Other relevant policy/ matters include:

- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)
- West Melbourne Structure Plan, April 2005 (referenced at Clause 22.17)
- North West 2010 Local Plan 1999 (referenced at Clause 21.17)

Amendment C209

18. Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% (Area A) or 8% (Area B) contribution of the site value, a land contribution or a combination of both. The site is located in the area designated as Area B.

19. This amendment is currently on exhibition and therefore has status as a "seriously entertained" document. The contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application.

NOTIFICATION

20. Under Section 52 of the *Planning and Environment Act 1987* the amended permit application is not exempt from third party notice and review. Considering the proposed modifications to the plans, resulting in an increase in overall height, the shadowing impact is contained to roof top space, road space and car parking areas. It is not considered that notice is warranted in this instance.

21. The referral of the application to the City of Melbourne has resulted in an objection. The objection is summarised as follows:

- The proposal sets a precedent that is to the detriment of the emerging neighbourhood character.
- The proposal fails to provide an appropriate transition between the taller built form of the central city and the lower scale built form of West Melbourne.
- The proposal fails to maintain the heritage characteristics of the area by respecting the scale of, and providing a transition to, adjoining heritage buildings.

REFERRALS

22. The application was informally referred to the Department's Urban Design Unit, and formally under section 52 of the Act to the City of Melbourne. The following comments were provided:

23. **Urban Design (DTPLI):** Generally support the application and consider that the tower height is a planning issue and does not influence urban design quality. They suggested that wind effects on the adjoining streets must be further clarified.

24. **City of Melbourne:** An objection has been received (letter dated 11 October 2013). The objection is summarised as follows:
- The proposal sets a precedent that is to the detriment of the emerging neighbourhood character.
 - The proposal fails to provide an appropriate transition between the taller built form of the central city and the lower scale built form of West Melbourne.
 - The proposal fails to maintain the heritage characteristics of the area by respecting the scale of, and providing a transition to, adjoining heritage buildings.

ASSESSMENT

25. The assessment is limited to the matters that are being changed from the previously approved scheme. The modifications to plans and the permit are limited to:
- Modify the permit preamble to remove reference to the number of storeys;
 - To increase the overall building height by 6 storeys, total of 38 storeys, 131 metres;
 - Additional 6 apartments (total of 438 apartments overall); and
 - Additional bicycle parking spaces equivalent to the rate required with the increase in apartment numbers (total of 2 additional spaces).
26. The consequential changes to the permit wording are not problematic. The key consideration in the overall increase in building height. This is discussed below.

Design and Built Form

Urban Context Response/ Height & Setbacks

27. Amendment C20, completed in December 2002, arose from a review of existing built form policies and controls in the municipality of Melbourne (known as the Built Form Review), generally outside the CBD. The review was undertaken as a response to recommendations made by the Planning Panel appointed to consider the new format Melbourne Planning Scheme; an expiry date on some existing built form planning scheme provisions and a need to review policies and controls that had been in place for many years.
28. In areas where the Panel did not support height controls it considered that the combination of the existing zone, overlays (including heritage) and policy provisions, together with the proposed Urban Design policy, were sufficient to provide appropriate built form outcomes and that adding a height control would not make a difference to the quality of the outcome.
29. 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.*
30. 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)

31. It is clear from the above Structure Plans and corresponding panel reports that led to the current DDO33 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.
32. Clause 21.06 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 West Melbourne area which is identified as an area where built form character is to be preserved. Overall the proposal responds to the matters set out within the Clause.
33. This is a location that is substantially redefining its role in the context of the City. The development marks the entry point to the City grid and links from the southern parts of the City to the north. This site has a number of attributes which make it suitable for a taller building form. They include; its corner location on two main roads, no abuttal to existing residential properties, no overshadowing of important public spaces such as Flagstaff Gardens, and being sufficiently removed from the Flagstaff Gardens to avoid any significance impact on viewlines or outlook from the Gardens.
34. The application was accompanied by a site analysis and urban context report which outlined how the development meets the design objectives and built form outcomes of DDO33. DDO33 emphasises key objectives which further informs and adds detail to the general direction given by local policy. The objects 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.
35. Clause 21.16-5 (North and West Melbourne) of the Municipal Strategic Statement details the vision for North and West Melbourne. It includes support for residential development and small scale business uses in this area while maintaining the predominantly low-scale nature of the area. With regard to the built environment and heritage it seeks to ensure that the area bounded by Latrobe Street, south west of the Flagstaff Gardens provides a contrast in scale between the lower built form of West Melbourne and the higher scale of the Hoddle Grid.
36. The policy accepts the area is not exclusively low scale and the proposal respects and maintains the predominantly low-scale podium height of the area by setting back the tower from street frontages. The 38-storey building is well designed and provides a landmark/ edge /gateway from the transitional scale to the Central City to the lower scale buildings to the north. This is also consistent with policy for 'larger and prominent sites' within Clause 22.17 of the Scheme.

37. The existing built form in the surrounding area presents contrasts and diversity ranging from early European architecture to the modern presence of tall buildings. The precinct is undergoing and has undergone transformation with recent completed constructions, developments under construction and recent approvals within close vicinity of the precinct. The building heights, including towers affected by DDO33, include building approved and constructed within the area:
- Dudley Street: 146 Dudley Street (Ministerial permit 2011/012468) three buildings of 8-9 storeys; and 91 Dudley Street, West Melbourne (TP-2010-574) 15 storeys;
 - Batman Street: 33 Batman Street (TP-2012-299) 15 storeys; and 49 Batman Street (TP-2010-459) 15 storeys;
 - Spencer Street: 423 Spencer Street (TP-2011-479) 15 storeys; 404 Spencer Street (TP-2009-798) 12 storeys; 437 Spencer Street (TP-2012-398) 8 storeys; 433-435 Spencer Street (TP-2011-479) 14 storeys; and
 - Jeffcott Street: 50-58 Jeffcott St (TP-2007-107) 15 storeys.
38. It is highlighted that Permit application 2012/000444 is being considered by the Minister for Planning at 371-379 Spencer Street & 83-113 Batman Street, West Melbourne which seeks approval for a 33 and 42 storey residential towers.
39. The proposal seeks to extend the height of the tower from 106 metres to 131 metres. The podium and tower setbacks remain unchanged. The proposal exceeds the 40 metre tower height specified within DDO33.
40. The following Design Objectives and Built Form Outcomes apply:

Design Objectives

- *To provide a transition between the taller built form of the central city and the lower scale built form of West Melbourne.*
- *To maintain the heritage characteristics of the area by ensuring new development respects the scale of, and provides a transition to, adjoining heritage buildings.*
- *To ensure development limits impact on the amenity and outlook from Flagstaff Gardens.*

Built Form Outcomes

- *Built form which provides a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne.*
 - *Development provides a transition to adjoining lower scale heritage buildings by the use of podiums and upper level setbacks.*
 - *Development that does not overshadow Flagstaff Gardens between 11am and 2 pm on 22 September and 22 June.*
 - *Building setbacks that strengthen the pedestrian scale and focus of the area and maintain a sense of open outlook from the Flagstaff Gardens.*
41. There is justification for a departure from the suggested height (an additional 6 storeys) due to the development's compliance with the design objectives, built form outcomes and local policy requirements. Detailed assessment is as follows:
- The increase in overall height is recessive in nature, achieved from stepping the additional floors back and the use of lightweight materials and finishes. The slim nature of the addition (one apartment per floor) and the lightweight nature of the architecture (glazed with fins) promise an elegant outcome. At this height, and with proposed setbacks, the addition will only be noticeable from a distance and will, in the Departments opinion, enhance the skyline profile of the current tower proposal.

- 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 the State and Local Planning Policy Framework of the Scheme.
- The additional height 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 Zone. Taking a broad strategic perspective the proposal will provide a built form transition from the central city and Docklands areas. It will also provide transition from the neighbouring land uses due to the proposed setbacks.
- The additional height will clearly provide a new built form character for the site and transform an underutilised area of land close to the Central Activities District. The proposal is considered to provide a transition between the taller built form of the central city and the lower scale built form of West Melbourne. The development is well designed with high quality architecture and contemporary materials and finishes adding to the character of the area.
- Local policy considerations (Clause 22.17, Urban Design outside the Capital City Zone) have been given where the built form outcome is considered to produce an acceptable development with regard to massing (podium height, tower setbacks to streets, tower separation) and produces acceptable built form outcomes with regard to pedestrian amenity (wind amelioration, shadows).
- The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks assist in providing a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts. The proposed tower setbacks comply with the requirements of DDO33 with the exception of a minor proportion of the overall frontage to Dudley Street, which is less than 6 metres. The reduced setback of a minimum of 4 metres and averaging 5 metres to 8 metres is acceptable as the proposal deflects wind downdrafts penetrating street level and the reduced tower setback does not impact upon shadows. The setbacks remain unchanged.
- The proposal maintains the heritage characteristics of the area by retaining the graded heritage building on site. There are no adjoining heritage buildings where a transition of scale is required.
- The site is offset from the Flagstaff Gardens where there is limited impact on the amenity and outlook from Flagstaff Gardens. There is no additional overshadowing from the development to Flagstaff Gardens.
- The development does not overshadow Flagstaff Gardens.

Microclimate (Wind, Weather Protection, Light and Shade/ Overshadowing)

42. 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 indicated that additional shadowing will occur to surrounding properties and streets (to the south and to the west). Given the overall height of the proposed building (significantly taller than that occupying the site), increased overshadowing is inevitable. It is noted, however, that the development does not increase shadowing to any notable public space, such as Flagstaff Gardens; therefore it is considered to be acceptable.
43. The proposal includes reasonable tower setbacks which deflect wind downdrafts from penetrating street level. The wind tunnel testing confirms this with the exception of an anomaly on the other side of the street away from the site itself. Further testing should be undertaken to ensure that the 'unusual' reading to the north is resolved. This can be resolved through appropriate condition.

ESD

- 44. The proposal is to achieve a 5 star NABERS Energy base building rating. The proposal incorporates passive design strategies and active strategies.
- 45. The modification to Council's ESD Policy at Clause 21.19 was introduced post the approval of the original permit. The modifications to plans are not transforming the development, where complete reconsideration of the policy objectives and performance standards is not warranted.

Car and Bicycle Parking

- 46. The amended permit application includes the increase in overall apartment numbers by 6, with no change to car parking numbers and an increase in bicycle parking numbers consistent with that required under Clause 52.34 of the Scheme.
- 47. The limited provision of on-site car parking is supported. Whilst not directly affected by the maximum limitation policy that applies to other surrounding residential areas within the municipality, the proposed rate of parking is consistent with the applicable rate of parking elsewhere. The development provides additional bicycle parking in accordance with the rates within the Scheme and this is supported.

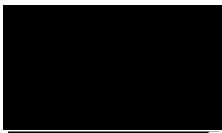
Objection

- 48. The objection received by City of Melbourne raises concerns with the precedent that may be set to the detriment of the emerging neighbourhood character, the failure to provide an appropriate transition between the taller built form of the central city and the lower scale built form of West Melbourne, and the failure of the proposal to maintain the heritage characteristics of the area by respecting the scale of, and providing a transition to, adjoining heritage buildings. The built form considerations have been discussed above within the report.

RECOMMENDATION

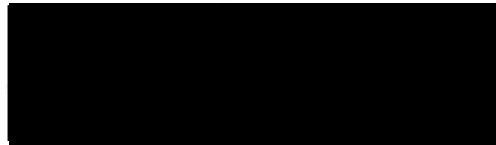
- 49. The proposal is considered to be appropriate and consistent with the above-mentioned considerations and it is recommended that a Notice of Decision to Grant an Amended Permit be granted subject to the conditions.

Prepared by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 18 November 2013

Approved by:



Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: [Redacted]