



PLANNING &  
PROPERTY | **PARTNERS**

## PLANNING REPORT - RFI

139-149 Boundary Road, North Melbourne

August 2020

Prepared for: **BEG Developments Pty Ltd**

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# 1 Introduction

## 1.1 Project Overview

This report accompanies a planning permit application for the use and development of the land at 139-149 Boundary Road, North Melbourne ('Site') for the purposes of a multi-storey mixed-use development. Planning & Property Partners Pty Ltd is engaged as town planning consultants on behalf of *BEG Developments Pty Ltd*.

The Site is a large land holding located on the western side of Boundary Road where it maintains principal frontage and currently where vehicular access is taken from. Separate service access is taken from a secondary Alfred Street frontage to the south of the Site. The Site contains an east-west fall of approximately four metres and is currently occupied by a complex of two-storey industrial buildings and associated carparking in its north-eastern location.

The proposal seeks planning approval for the construction of a mixed-use development comprising a 12 storey building in a 'U' shape layout which steps down in response to the site's natural topography and designed to maximise receipt of northern light to provided apartments and communal areas. The proposal is broken down as follows:

- Approximately 262sqm of retail floor space along the Site's Boundary Road frontage.
- A total of 281 dwellings across the Site, with both apartments and townhouses provided as well as provision for affordable housing.
- Associated on-site carparking is provided over three levels of basement and partly on a lower ground floor containing a total of 326 car parking spaces.
- On-site amenities for future residents including the provision of communal gardens, co-working spaces, gym and wellness space, cinema, arcade, private dining and lounge area, and rooftop terrace.
- Consideration of the general master-planning of the immediate area through the provision of pedestrian links and connections including:
  - A generous east-west pedestrian link and public plaza along the Site's northern boundary;
  - A north-south pedestrian link along the western boundary; and
  - Widening of the Boundary Road public realm and associated improvements.

The proposed design response will result in a highly resolved architectural, urban design and mixed-use outcome which is befitting of the site's future urban context and the significant change anticipated to occur given its location within the strategically recognised 'Arden-Macaulay Major Urban Renewal Precinct', as identified in the *Metropolitan Strategy: Plan Melbourne 2017-2050 ('Plan Melbourne')* and the Melbourne Planning Scheme ('the Planning Scheme').

The subject site is located within the Mixed Use Zone ('MUZ') and is affected by the Design and Development Overlay – Schedule 26 (DDO26); the Design and Development Overlay – Schedule 63 ('DDO63'); the Development Contributions Plan Overlay – Schedule 2 ('DCPO2'); and the Environmental Audit Overlay ('EAO') pursuant to the provisions of the Planning Scheme. Under these controls a planning permit is required for the use and development of the land as proposed. The applicable permit triggers are discussed in further detail at Section 4 of this report.

The Planning Policy Framework ('PPF'), Municipal Strategic Statement ('MSS') and Local Planning Policy Framework ('LPPF') set out strategic directions relevant to the subject site. The relevant policy provisions of the Planning Scheme are discussed in further detail at Section 5 of this report.

The proposal generally meets the requirements and strategic direction of the Planning Scheme. The subject site's location within the 'Arden-Macaulay Major Urban Renewal Precinct' forecasts an area identified for higher intensity land uses and built form outcomes. The physical characteristics of the Site and its locational attributes are in accordance with State-wide objectives for urban renewal, being in excellent proximity to existing and planned public transport infrastructure and the Melbourne CBD, which all lend favourably for the Site's redevelopment.

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The proposal responds excellently to the Standards and Objectives of Clause 58 – Apartment Developments, offering an exceptional environmentally sustainable development response which provides a highly desirable housing product for a range of future users, including the provision of affordable housing. The internal layouts of apartments and communal areas and open space provide an excellent lifestyle and amenity for future residents and have been designed to maximise receipt of natural light.

This report and the architectural plans prepared by *CHT Architects* are informed by the accompanying consultant reports as follows:

- ‘Landscape Plan’ prepared by *Tract Landscape Architects*;
- ‘Waste Management Plan’ prepared by *One Mile Grid*;
- ‘Traffic Impact Assessment’ prepared by *One Mile Grid*;
- ‘Sustainable Management Plan and Water Sensitive Urban Design Response’ prepared by *Ark Resources*; and
- ‘Town Planning Report’ prepared by *Acoustic Logic*;
- ‘Wind Impact Assessment’ prepared by *Vipac Engineers & Scientists*;
- ‘Tree Protection Management Plan’ prepared by *Glenn Waters Arboriculture*; and
- ‘Application for Certification of a Preliminary Aboriginal Test’ prepared by *Pragmatic Cultural Heritage Services* and certified by Aboriginal Victoria.

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## 2 Site Analysis

### 2.1 The Subject Land

The Site is generally referred to as 139-149 Boundary Road, North Melbourne and comprises all land within Plan of Consolidation 155107.

A review of title documents informs the Site is not affected by any encumbrances such as a restrictive covenants or other obligations on title such as easements. A full copy of all title documents for the Site is provided at **Appendix A**.



Figure 1 - Subject Site

Source: [www.nearmap.com](http://www.nearmap.com)

The Site is located on the western side of Boundary Road, approximately 24 metres north of its intersection with Alfred Street and 65 metres south of its intersection with Racecourse Road. The Site is generally rectangular in shape aside from a dog-leg at its south-west corner that links through to Alfred Street. The Site maintains principal frontage to Boundary Road for approximately 49.5 metres; a depth of approximately 67.9 metres; and a secondary frontage to Alfred Street for approximately 11 metres. Overall, the Site contains a land size area of approximately 4,548sqm.

The Site falls east to west for approximately four metres from Boundary Road to the western boundary, with this fall continuing beyond. The Site currently contains a complex of light industrial buildings of various sizes and styles which occupy a large extent of its area. Associated on-site car parking is provided in the north-west corner of the Site, with vehicle access acquired via a central Boundary Road crossover. A secondary accessway for service vehicles is provided from Alfred Street.

The physical characteristics of the Site dictate that it is capable of accommodating an appropriately scaled, mixed-use development which can deliver a significant community benefits including provision of affordable housing, an enhanced built form, urban design and public realm outcome to the immediate environs and the pedestrianisation of the area in response to clear planning policy directives for the 'Arden-Macaulay Major Urban Renewal Precinct'.

The proposed built form has considered the relationship to adjoining land parcels and can be appropriately released without unreasonably impacting on their amenity or reasonable development expectations in this context.

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## 2.2 Surrounding Context

The Site is located approximately four kilometres north-west of the Melbourne Central Business District and within the defined 'Arden-Macaulay' local area pursuant to Clause 21.11 of the Planning Scheme. The immediate area is historically characterised by industrial uses, however, is recognised as a 'Major Urban Renewal Precinct' within the Planning Scheme and *Plan Melbourne* which will result in its transformation for increased density and development.

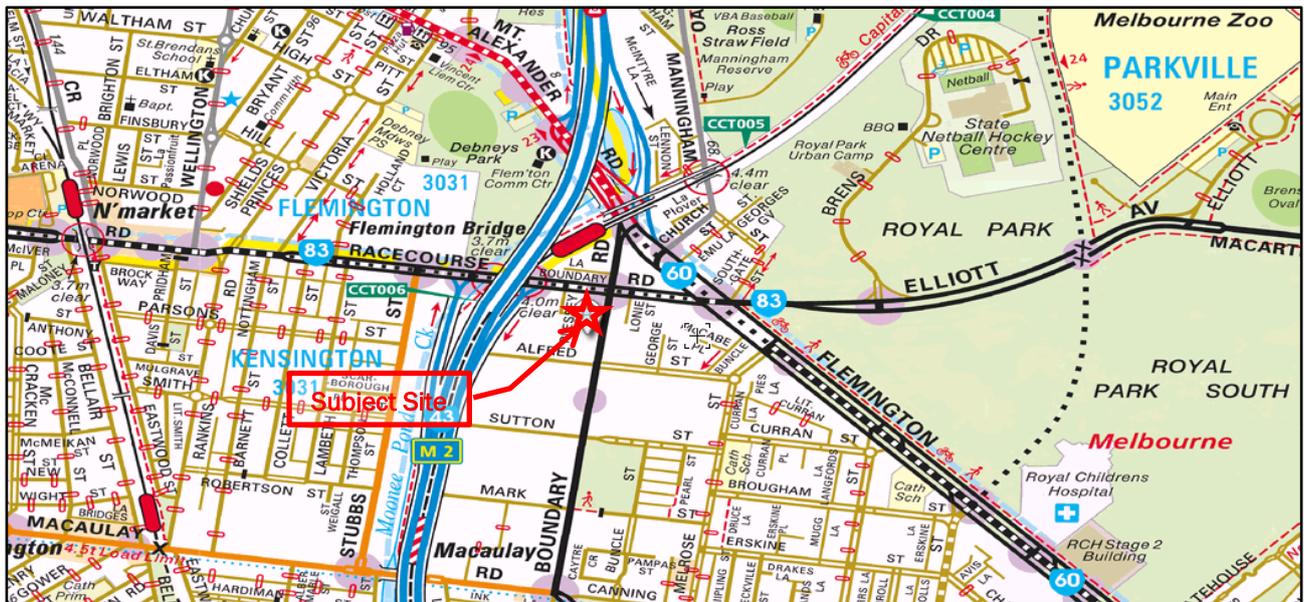


Figure 2 – Site Context

Source: [www.street-directory.com.au](http://www.street-directory.com.au)

The built form of the surrounding area contains a number of older and refurbished industrial buildings with an influx in higher density developments arising and anticipated to continue, consistent with the State and local planning policy directives for the 'Arden-Macaulay Structure Plan' ('Structure Plan') and contributing to the areas overall urban renewal. The envisaged change for the area is for numerous multi-level, mixed-use developments that provide for higher density residential living in the inner-city locality.

The Urban Context Report produced by *CHT Architects* accompanying this report provides a visual representation of the Site and its surrounding context. The immediate neighbouring and adjacent land uses are as follows:

- North - directly north of the Site at 155-161 Boundary Road is a three-storey building currently occupied by the Southern Cross Education Institute. The balance of the Site's northern interface is part of the site at 87-105 Racecourse Road which is in the process of being redeveloped with the benefit of Planning Permit TP-2018-770, granted on 17 April 2019 for the construction of two 12 storey mixed-use buildings.
- East - to the east the Site is bound by the public road and footpath of Boundary Road, which is identified as a 'renewal street' within the Structure Plan. The North Melbourne Salvation Army building is located on the eastern side of Boundary Road, along with a current vacant land parcel at 146 Boundary Road which maintains planning approval for four dwellings (Planning Permit TP-2016-812). Another vacant building forms the north-east corner of Boundary Road and Alfred Street due to a recent fire in 2018.
- South - the Site's south is bound by residential properties at 50 and 62 Alfred Street as well as a row of commercial/ industrial premises together with the public road and footpath of Alfred Street beyond.
- West - the Site is bound by the two-storey building of 70 Alfred Street which is currently occupied by the Melbourne Pathology Training Centre and subject to a current Planning Permit Application PA1900619.

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The surrounding area is generally characterised by 1-3 storey commercial and mixed uses buildings, including a dispersal of residential properties. Recent planning approvals on land nearby to the Site, particularly evident to the north-west and southern side of Alfred Street, are being or have been developed for multi-storey mixed uses in the

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region of 9-16 storeys consistent with the area’s designation as a ‘Major Urban Renewal Precinct’ and directives of the Structure Plan.

These nearby approvals provide an insight into the use and built form that is anticipated to arise to the ‘Arden-Macauley Major Urban Renewal Precinct’ in response to clear planning policy directives, with clusters of approvals arising.

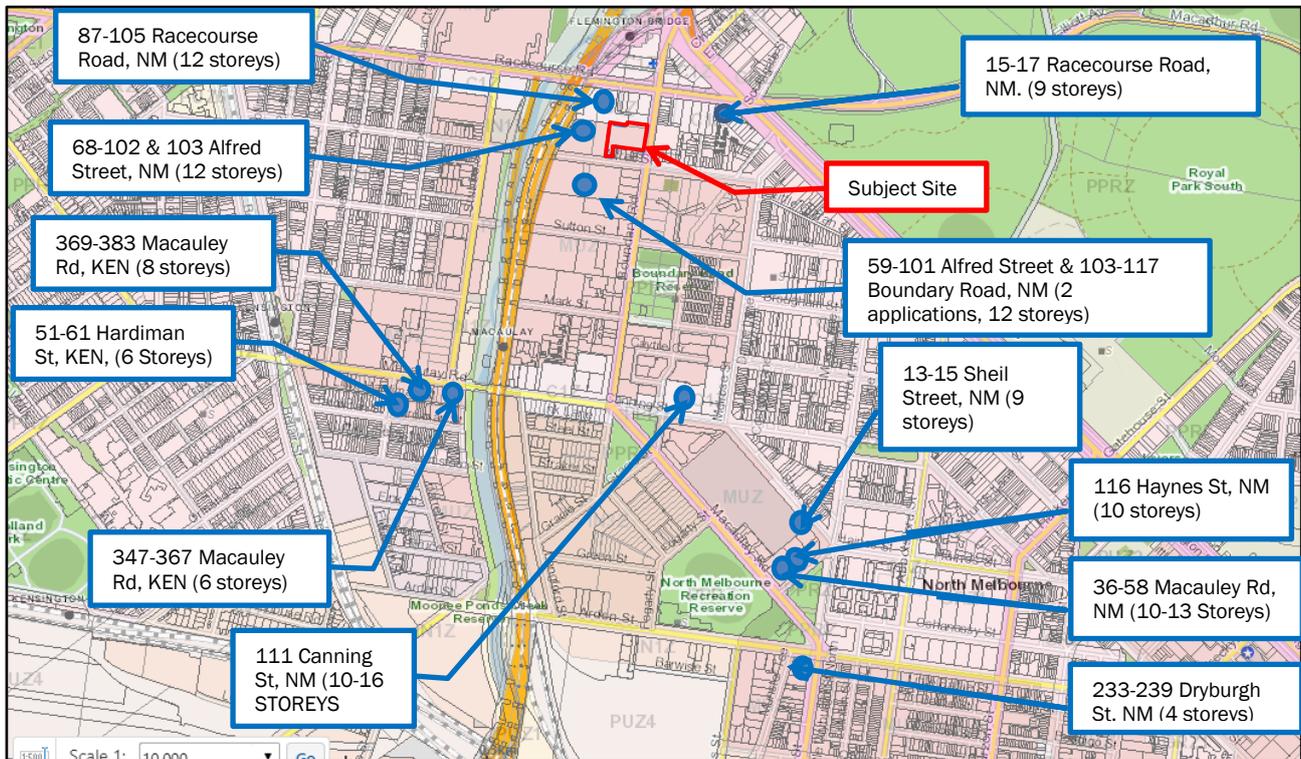


Figure 3 – Surrounding Built Form Context

Source: [www.mapshare.vic.gov.au/vicplan](http://www.mapshare.vic.gov.au/vicplan)

The Site offers excellent, walkable access to multiple public transport options including Flemington Bridge and Macauley Railway Stations approximately 250 metres and 850 metres to the north and south-west of the Site, respectively. Bus Route 402 also operates to the south of the Site from Macauley Road, and the Site is south of tram routes 57, 58 and 59 on Racecourse Road connecting the Site with City Loop train services out of Melbourne Central and Flagstaff. These public transport services form part of the broader Principal Public Transport Network (‘PPTN’) and provide direct access to the Melbourne CBD, encouraging alternative and sustainable transport modes for future residents.

Boundary Road is a major arterial road that is to provide connection south to the planned North Melbourne Metro Station, currently under construction. The Structure Plan identifies Boundary Road as a future priority planned bus and cycle route to connect the Melbourne CBD to the new Arden and North Melbourne stations and the new mixed-use precinct, which the Structure Plan states will assist in shaping development and sustainable development outcomes of the area.

The Site is excellently serviced by nearby public open space, including the State significant Royal Park and Princes Park to the east of the Site and forming part of the Capital City Trail which offers direct bicycle and pedestrian connections to the Melbourne CBD. Boundary Road Reserve is also located south-east of the Site with the Moonee Ponds Creek Reserve also conveniently located to the Site’s west.

Numerous medical facilities including The Royal Melbourne Hospital, Melbourne Private Hospital and the Royal Women’s Hospital, that form part of the internationally recognised bio-medical precinct is all conveniently located in context of the Site.

The excellent location of the Site to the aforementioned facilities intrinsically encourages its use and development for an urban renewal project incorporating a range of uses, including retail activation and higher density residential

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living. The context of the Site within the strategically defined 'Arden-Macaulay Major Urban Renewal Precinct' and its physical characteristics provide an excellent opportunity a mixed-use development as proposed.

The design response applied to the Site's redevelopment is entirely consistent with the foundations of the Structure Plan and has appropriately responded and acknowledged the anticipated character of the immediate area in a master-plan sense to inform it and adjoining properties future direction. The resulting development outcome which can be delivered for the area, responds to the overwhelming strong State and local planning policy support for increased urban densities in established areas proximate to existing and planned services and infrastructure.

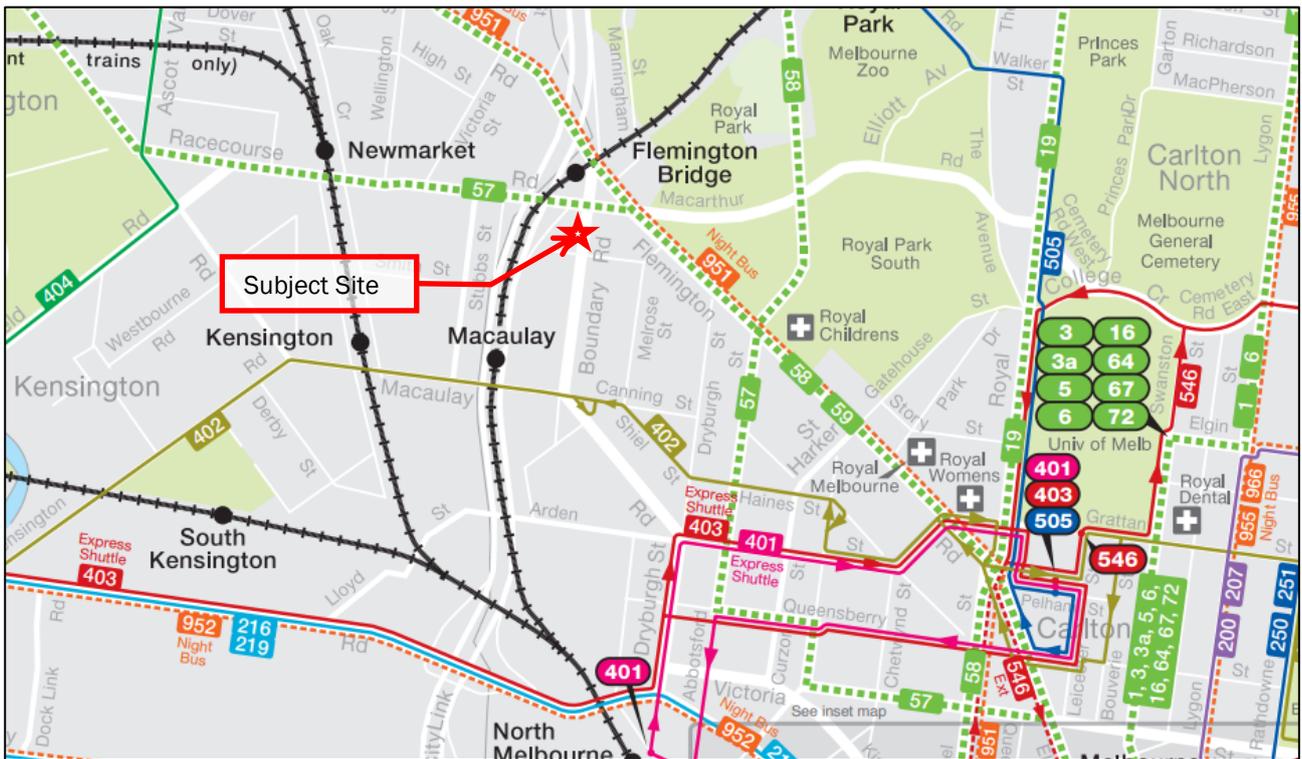


Figure 4 – Existing Public Transport Connections

Source: www.ptv.vic.gov.au

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### 3 Proposal

#### 3.1 Proposal Overview

The proposal seeks to provide a positive built form and urban design outcome that responds to the Site’s strategic policy and physical context. The proposal incorporates a multi-level, mixed use development including retail and residential uses with associated wellbeing and communal facilities complementing its residential component. Retail uses will increase activation with the Boundary Road public realm, while provided pedestrian walkways will enhance permeability of the Site and connectivity with adjacent land uses and surrounding streets.

The layout of the proposal is in a ‘U’ shape to maximise receipt of natural northern light to provided communal areas and dwellings within the building itself. The scale of the building is 12 storeys, which falls east-west in concert with the natural slope of the Site. Ground floor retail uses are provided along the Site’s Boundary Road frontage along with the principal resident and lobby area.

The upper and lower ground floor levels of the building focusing on the provision of public and on-site communal spaces. Along the Site’s northern boundary is a new east-west public pedestrian link, adjacent to the northern retail space and which leads to a central public plaza and beyond to a new north-south pedestrian link on the western boundary of the Site. These public connections have accounted for nearby development approvals and applications and the links and spaces they provide, including additional retail and plaza space provided to the northern 87-105 Racecourse Road approval and public open space on the southern side Alfred Street. Overall, this enhances pedestrian permeability and activity to this immediate area consistent with the directives of the Structure Plan.

The proposal adds to this proposed pedestrianised environment and general master planning of the area through landscape greenery around the perimeter of the Site, softening the built form interface to northern and southern properties; contributing to a boulevard character along Boundary Road; and contributing to greening the future north-south link proposed in the Structure Plan. The landscape design response provides a pleasant environment for the community and future residents through the various spaces and recreational amenities provided.

Secondary resident access is obtainable from the newly provided pedestrian links, providing internal connection to the resident amenities at ground floor comprising of a communal courtyard/garden, gym and wellness space, private lounge and dining areas, arcade area and co-working space. The location of these resident amenities continues the ground level attraction and activation within the Site itself, encouraging residential interaction and a sense of community within the development.

The development displays a variety of dwelling configurations, incorporating a range of one, two- and three-bedroom dwellings across 24 typologies with both townhouses and apartments provided across the total 281 dwellings. The proposal is to provide a contribution of affordable housing as part of the proposal, in response to the growing demand and need for such housing across Melbourne and as reflected in the Structure Plan. **Appendix D** contains a draft planning permit condition setting out the affordable housing contribution to be provided as part of the proposal.

Each apartment/townhouse ranges in size from 50.5 – 98 sqm, and are designed to face either the public realm or central communal courtyard area. The separation of the two ‘wings’ of the development and setbacks from the Site’s boundaries provides an excellent receipt of natural light and outlook for future residents.

Each of the proposed dwellings are afforded private open space in the form of either courtyards at lower ground floor level dwellings or balconies on the upper levels, which range from 9.3 – 32 sqm. Convenient access to the generous 694 sqm central communal garden and the central 237sqm rooftop terrace is also provided for excellent resident amenity.

Associated car parking is provided on-site in the form of three levels of basement and part of the lower ground floor. Vehicular access is provided via a relocated crossover to Alfred Street in response to the immediate road hierarchy. A total of 326 car parking spaces are provided for future residents and the retail tenancies. Storage cages for residents are provided at each level of basement and a part of the lower ground floor as well as a total of 426 bicycle parking spaces in various locations across the Site.

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The proposed design response and associated facilities provides an extremely high level of amenity and sustainable outcome, in a location that offers excellent access to existing and planned infrastructure and services.

### 3.2 Detailed Description of Layout

A detailed description of the proposal is outlined below and should be read in conjunction with the submitted application plans prepared by *CHT Architects*:

Drawing No.	Description
TP2.00 Rev B - Basement 03	<ul style="list-style-type: none"> <li>Lift and stair core with lobby and access to upper floors of the building;</li> <li>101 Car parking spaces;</li> <li>140 bicycle parking spaces;</li> <li>97 total storage cages;</li> <li>Building services; and</li> <li>Vehicle aisles and ramp to upper levels.</li> </ul>
TP2.01- Rev B - Basement 02	<ul style="list-style-type: none"> <li>Lift and stair core with lobby and access to upper floors of the building;</li> <li>99 car parking spaces;</li> <li>109 bicycle parking spaces;</li> <li>95 total storage cages;</li> <li>Building services; and</li> <li>Vehicle aisles and ramp to upper levels.</li> </ul>
TP2.02 Rev B - Basement 01	<ul style="list-style-type: none"> <li>Lift and stair core with lobby and access to upper floors of the building;</li> <li>85 car parking spaces;</li> <li>109 bicycle parking spaces;</li> <li>95 total storage cages;</li> <li>Resident car and dog wash;</li> <li>Resident and retail waste rooms, including waste compactor space; and</li> <li>Building services; and</li> <li>Vehicle aisles and ramp to Alfred Street.</li> </ul>
TP2.03 Rev B - Lower Ground Floor	<ul style="list-style-type: none"> <li>Lower ground floor and SPOS of Town Houses 1-8 inclusive;</li> <li>360sqm lower communal courtyard and landscape areas;</li> <li>North-south public laneway connection along the Site's western boundary;</li> <li>East-west public laneway connection to the western north-south link;</li> <li>Private resident lounge and dining area;</li> <li>Resident games arcade;</li> <li>Lift and stair core with lobby and access to upper floors of the building;</li> <li>Circulation spaces;</li> <li>Building services and waste collection chute;</li> <li>41 car parking spaces;</li> <li>68 bicycle parking spaces; and,</li> <li>Basement entry ramp.</li> </ul>
TP2.04 Rev B - Upper Ground Floor	<ul style="list-style-type: none"> <li>Upper ground floor and balconies of Town Houses 1-8 inclusive;</li> <li>Three, two-bedroom apartments;</li> <li>334sqm upper communal courtyard and landscape areas;</li> <li>Resident communal spaces comprising of gym and wellness space, co-working space, and cinema;</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ Four retail spaces ranging from 49.5 – 89.9sqm;</li> <li>▪ East-west public laneway connection to the western north-south link, including public plaza;</li> <li>▪ Widened Boundary Road public realm;</li> <li>▪ Principal residential building entrance, lobby area and mail room from Boundary Road;</li> <li>▪ Building substation;</li> <li>▪ Lift and stair core with lobby and access to upper floors for each building;</li> <li>▪ Circulation spaces; and</li> <li>▪ Building services and waste collection chute.</li> </ul>
TP2.05 Rev B - Level 01	<ul style="list-style-type: none"> <li>▪ 27 Resident apartments comprising: <ul style="list-style-type: none"> <li>▫ 12 one-bedroom apartments</li> <li>▫ 14 one-bedroom apartments</li> <li>▫ 1 three-bedroom apartment</li> </ul> </li> <li>▪ Building services and waste collection chutes;</li> <li>▪ Lift and stair core with access to upper and lower levels; and</li> <li>▪ Circulation space.</li> </ul>
TP2.06 – TP2.09 Rev B - Level 02 - 05	<ul style="list-style-type: none"> <li>▪ 28 Resident apartments comprising: <ul style="list-style-type: none"> <li>▫ 12 one-bedroom apartments</li> <li>▫ 15 one-bedroom apartments</li> <li>▫ 1 three-bedroom apartment</li> </ul> </li> <li>▪ Building services and waste collection chutes;</li> <li>▪ Lift and stair core with access to upper and lower levels; and</li> <li>▪ Circulation space.</li> </ul>
TP2.10 – TP2.14 Rev B - Level 06 - 10	<ul style="list-style-type: none"> <li>▪ 24 Resident apartments comprising: <ul style="list-style-type: none"> <li>▫ 10 one-bedroom apartments</li> <li>▫ 13 one-bedroom apartments</li> <li>▫ 1 three-bedroom apartment</li> </ul> </li> <li>▪ Building services and waste collection chutes;</li> <li>▪ Lift and stair core with access to upper and lower levels; and</li> <li>▪ Circulation space.</li> </ul>
TP2.15 Rev B - Level 11	<ul style="list-style-type: none"> <li>▪ 11 Resident apartments comprising: <ul style="list-style-type: none"> <li>▫ 4 one-bedroom apartments</li> <li>▫ 5 one-bedroom apartments</li> <li>▫ 2 three-bedroom apartment</li> </ul> </li> <li>▪ 237sqm communal resident rooftop terrace;</li> <li>▪ 100 PV Panels;</li> <li>▪ Building services and waste collection chutes;</li> <li>▪ Roof plant area;</li> <li>▪ Lift and stair core with access to lower levels; and</li> <li>▪ Circulation space.</li> </ul>
TP2.16 Rev B - Roof	<ul style="list-style-type: none"> <li>▪ Roof plant area; and</li> <li>▪ Lift overrun and stair core with access to lower levels.</li> </ul>

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### 3.3 Built Form

The built form of the proposal presents a highly resolved design response and expression which has carefully responded to the Site's opportunities and constraints and the DDO63 control within the Planning Scheme and the Structure Plan.

DDO63 clearly recognises the immediate area as one where higher intensity land uses and developments are anticipated to arise as evident in the design response and the number of applications currently being considered and approved by the Department and Melbourne City Council. The proposal continues this trend providing a multi-storey mixed-use development which provides an active frontage to Boundary Road, including a considered street wall and upper level setbacks that successfully respond to the street width and status of Boundary Road as a 'renewal street'. The design response continues east to west, with the layout of the building in a 'U' shape which steps down in concert with the Site's natural fall, effectively splitting the building into an east and west wing either side of a large central void for resident amenity.

In presenting to Boundary Road, the building contains a defining six storey streetwall with a void along its northern edge to provide for the east-west public pedestrian connection. The upper levels to Boundary Road are then setback a minimum of four metres, with the southern wall on boundary also being setback on the upper levels to create a clear streetwall/tower relationship and cater for the equitable development of southern properties and their noted constraint being the lot depth when compared to the Site.

At ground level, the building contains a red-tone brick finish for the retail stores to create a clear base with this continued to the residential entrance to assist in defining its presence to the streetscape, alongside the glazing. A primary black metal cladding is then applied to the building's podium with depth created to the façade through the window inserts and balcony punctures. Above the buildings podium, balconies are located in the centre of the Site's Boundary Road façade and on-its corners, to successfully turn onto the building's other elevations. The central balconies break up the continued upper-level mass, providing two (2) differing forms through the contrasting finishes containing being a light natural concrete finish applied to the southern half and a darker grey finish applied to the northern half. The grid like pattern applied, successfully creates a series of sub-geometric volumes that reduces the perception of mass.

The generous communal and public areas anchor the buildings in their setting and provide a human scale to the development, with legibility of circulation spaces provided throughout the Site and linking pedestrian paths and laneways, overall integrating the development with its surrounding built form context and appropriately considering the master-planning of the immediate environs. Areas of deep-root planting are provided on the northern and southern boundaries, softening the built form interface with added greenery provided along the north-south link on the Site's western boundary. The location of the central courtyard provides an excellent amenity for future residents and a desirable outlook for future residents of the nearby development approved at 87-105 Racecourse Road.

In presenting to the northern laneway and public plaza the building's two wings are generously separated a minimum 39 metres, creating a large communal courtyard area at lower and upper ground floor level and avoiding a sense of enclosure for residents using this space and an excellent outlook for all apartments facing this courtyard area. Internal corners are curved creating a smooth transition with a continued material and architectural theme to the Boundary Road façade otherwise provided with contrasting colours to the applied finish and balcony locations separating the building into different forms, while adding depth in the building's presentation to public areas.

The southern presentation of the building again creates a series of building forms through the separation and depth created by the balcony locations, the vertical form of are then contrasted through the differing precast applied concrete when appreciate in the horizontal, including the introduction of a tinted red concrete. The subtle changes to the framing pattern, through the varied pairing of floors reduces the vertical perception and rhythm of the building, creating a sub-volume within each of the four (4) expressed building forms. This architectural technique successfully breaks up the building mass on this longer southern presentation as evident in the perspective images contained within the architectural package prepared by *CHT Architects*.

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A similar architectural treatment is applied on the western elevation, with the red brick again applied at the building's base in appreciating the secondary pedestrian entrance and townhouses along this boundary.

The proposed absolute maximum building height of 12-storeys and the overall scale of the development is appropriate in the Site's context and the anticipated evolution of the 'Arden-Macaulay Major Urban Renewal Precinct'. The new built form provides a complementary architectural outcome and contribution to the urban environment without impacting on the amenity on any neighbouring land use or their future development potential.

Further detail with regard to the built form of the proposal is provided within the accompanying architectural package prepared by *CHT Architects*.



Figure 5 – Design Response Presentation to Boundary Road and east-west northern link

Source: CHT Architects

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## 4 Planning Scheme Controls and Assessment

### 4.1 Planning Permit Requirements

The Site is located in the MUZ and is affected by DD026, DD063, DCPO2 and the EAO in accordance with the provisions of the Planning Scheme. Under these planning controls and the particular provisions of the Planning Scheme, a planning permit is required for the:

- Use and development of the land for the purposes of a 'retail' within the MUZ;
- Buildings and works associated with a Section 2 Use;
- Construct two (2) or more dwellings in the MUZ;
- Construct a building and carry out works in the DD026 and DD063; and
- Alteration of access to a RDZ1.

The relevant planning permit triggers are discussed further in this section and a copy of the DELWP Planning Report for the Site is provided at **Appendix B** to this report.

### 4.2 Zoning

The Site is located within the MUZ pursuant to clause 32.04 of the Planning Scheme. The purposes of the MUZ is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Use of the land for the purposes of a 'dwelling' is a 'Section 1 – Permit not required' land use under the MUZ. Use of the land for the purposes of 'retail' premises (other than food and drink premises and shop) is however a 'Section 2 – permit required' land use under the MUZ. The communal wellness, gym, dining and gaming facilities/rooms of the proposal are all ancillary to the residential use of the development and accordingly do not require a planning permit.

A planning permit is required to construct two (2) or more dwellings on a lot and for buildings and works associated with a Section 2 use, pursuant to clauses 32.04-6 and 32.04-8 of the Planning Scheme.

The Schedule to the MUZ does not contain any objectives that are local to the area or nominate any maximum building height requirements.

The proposed use and development of the Site as proposed is consistent with the purpose of the MUZ on the basis that the application seeks planning approval for a mixed-use development, encompassing higher order residential living which responds to the envisaged change to the 'Arden Macaulay Urban Renewal Precinct'.

The Site's location provides a strategic redevelopment opportunity in close proximity to existing and planned public transport infrastructure and various services. Along with other developments nearby, the immediate area will continue to evolve in response to State and local planning policy directives with the proposal appropriately considering the general master planning of the immediate precinct, to ensure no unreasonable off-site amenity impacts will arise and maintain the equitable development potential of nearby properties.

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The design response incorporates a widened ground and activate frontage with internal connectivity and permeability provided creating publicly accessible east-west and north-south connections. The central built form separation, setbacks from the Stie’s boundaries and associated layout and orientation of dwellings to these spaces and areas creates an extremely high level of internal amenity to private areas of the dwellings and common/shared spaces. The layout, diversity, ESD initiatives to all apartments alongside the shared common areas are features of the proposal providing a highly desirable amenity offering and providing a sense of community within the development.

The living conditions of each dwelling are further predicated in the design responses overall compliance with the objectives of clause 58 – ‘Apartment Developments’ as detailed within the architectural package and **Appendix C** of this report.

### 4.3 Overlays

#### Design and Development Overlay – Schedule 26 (DD026)

DD026 applies to the Site and defined ‘North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Area’, which contains the following design objectives:

- *To ensure that new, refurbished or converted developments for new residential and other noise sensitive uses constructed in the vicinity of the Laurens Street, North Melbourne Industrial Area and in the vicinity of industrial operations in Arden-Macaulay include appropriate acoustical measures to attenuate noise levels within the building.*
- *To ensure that land use and development in the vicinity of the Laurens Street, North Melbourne Industrial Area and in the vicinity of industrial operations in Arden-Macaulay does not adversely affect the viability of industry within these areas.*

DD026 requires that for any new building that will accommodate residential uses, that this be designed and constructed to include noise attenuation measures.

An assessment of the building design and pre-construction noise requirements of DD026 has been undertaken by *Acoustic Logic* in their ‘Town Planning Report’ which nominates various treatments to the window glazing; external walls; and the rooftop mechanical plant and equipment to be provided as part of the Site’s redevelopment in order for it to comply with SEPP N-1 and DD026 requirements.

#### Design and Development Overlay – Schedule 63 (DD063)

The Site is affected by DD063 – ‘Macaulay Urban Renewal Area, Kensington and North Melbourne’ pursuant to clause 43.02 of the Planning Scheme, which has the following design objectives:

- *To create a compact, high density, predominantly mid-rise, 6 – 12 storey walkable neighbourhood that steps down at the interface with the low scale surrounding established residential neighbourhoods.*
- *To provide for higher development that delivers identified demonstrable benefits on large sites that do not interface with the low scale surrounding established residential neighbourhoods.*
- *To create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels.*
- *To ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.*
- *To encourage the ground floor of buildings to be designed so that they can be used for a variety of uses over time.*

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The Site is located within ‘Area 7’ of DD063, which contains the following built form outcomes to be achieved:

- *Deliver a scale of development that provides street definition and a pedestrian friendly scale.*

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- Deliver a scale of development that provides appropriate access to sunlight and daylight.
- Provide limited opportunities for taller buildings that deliver significant public realm outcomes.

The built form controls applying to the Site and 'Area 7' are as follows:

DDO63 'Area 7' Built Form Controls	
Preferred maximum building height	<ul style="list-style-type: none"> <li>▪ 9 storeys</li> </ul>
Absolute maximum building height	<ul style="list-style-type: none"> <li>▪ 12 storeys</li> </ul>
Maximum street wall heights and setbacks	<ul style="list-style-type: none"> <li>▪ Mandatory 6 storey streetwall height to Boundary Road.</li> <li>▪ Preferred 1 metre setback for every metre of height above 20 metres to Boundary Road.</li> </ul>

The maximum number of storeys for each of the proposed buildings is 12 storeys, exceeding the preferred 9 storeys however respecting the absolute maximum building heights prescribed by DDO63. The height of the building's step from east to west in appreciating the existing natural topography of the Site.

DDO63 states that for development to exceed the preferred maximum building heights, it must demonstrate compliance with five (5) requirements. An assessment to each of these is provided in the table below, justifying the exemplary design response and opportunity for the Site to achieve the absolute maximum building height of DDO63:

DDO63 Requirement	Proposal's Response
<i>A demonstrable benefit to the broader community that include among others:</i>	<p>The below response to each of the requirements of DDO63 demonstrates a community benefit is achieved as a result of this proposal in this important urban renewal precinct.</p> <p>In response to the housing affordability crisis within Melbourne it is proposed to provide a contribution of the proposal as affordable housing. <b>Attachment D</b> contains a recent example of planning permit condition which can implement the provision of affordable housing through the proposal.</p> <p>Additional broader community benefits of the proposal are as follows:</p>
<i>Exceptional quality of design.</i>	<p>The design response presents an excellent architectural and urban design outcome for this strategic site and major urban renewal precinct. The proposal presents a six (6) storey street-wall to Boundary Road with a strong with a fine grain vertical expression and depth created through the inverted windows and balcony locations.</p> <p>The podium cantilevers above a widened Boundary Road, with further articulation and activation achieved through the provision of glazing and a striking red-brick which climbs to Level 1 at the building's pedestrian entrance to highlight its location. The recession of the building to Boundary Road recognises its future role and classification as a 'renewal street' within the Structure Plan and 'local activity centre' within the draft refresh document.</p>

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	<p>Above the podium, the building is expressed in two (2) clear forms through the central balconies which creates a vertical separation for the two forms to then be appreciated individually through their contrasting precast concrete colour and geometric patterning. Balconies are located on the building's edges, so it successfully turns along the northern and southern boundaries.</p> <p>The same architectural narrative is continued with all internal elevations appropriately articulated through the considerate use of external materials and separation and depth again achieved through balcony locations which create a series of sub-vertical volumes of built form.</p> <p>A comprehensive landscape outcome is achieved across the Site as detailed in the 'Landscape Plan' prepared by <i>Tract Landscape Architects</i> complementing the architectural built form, softening the interfaces to neighbouring properties and further contributing to the public realm through an enhanced landscape environment with additional street trees, furniture and paving treatments as sought by the Structure Plan and in recognition of Boundary Roads hierarchical status.</p> <p>Collectively, the above features highlight the architectural detail provided in the design response which can be appreciated 'in the round' as shown in the perspective images provided in the 'Urban Context Report' prepared by <i>CHT Architects</i>.</p>
<p><i>A positive contribution to the quality of the public realm.</i></p>	<p>The ground floor is setback creating a cantilevered podium above the provided retail and residential entrances providing a sheltered circulation space and encouraging public interaction through street dining/sitting and an enhanced, active public realm.</p> <p>The widening of Boundary Road creates a truly public space that has responded to its recognition of a 'renewal street' and the priority bus route which is set to link the immediate area to the Melbourne CBD and other planned services including additional public transport infrastructure.</p> <p>The Structure Plan indicates a new north-south pedestrian link on the adjoining western property, which will enable the Site and those nearby to be able to interact with one another and the wider public realm, thus unlocking access to other nearby approved and proposed amenities. The proposal acknowledges this future link providing through the generous setbacks provided, paving treatment and associated landscaping which assists in creating a boulevard character which will connect to the northern approved public plaza and proposed public open space on the southern side of Alfred Street.</p> <p>Similarly, a new east-west public pedestrian and public plaza is proposed on the Site's northern boundary linking the activated Boundary Road to other connections within the Site and on adjoining properties.</p>

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	<p>The presentation of the upper levels of built form to the communal outdoor areas and broader public realm allows passive surveillance of these spaces to naturally occur.</p>
<p><i>High quality pedestrian links where needed.</i></p>	<p>There is potential to connect Alfred Street through to the approved development at 87-105 Racecourse Road and Plessey Lane beyond, providing a continued north to south link, in which the proposal provides a continued vegetated interface, and which is reflected in the Structure Plan. As outlined above, the proposal acknowledges this north-south link by beautifying this through a considered landscape response and paved treatment.</p> <p>An east-west public connection is also provided linking Boundary Road to other sites and destinations within this immediate precinct, with a public plaza adding to the desirability of this link and avoiding a sense of enclosure through the layout of the design response, creating a high amenity area for the greater community.</p> <p>Pedestrian connectivity from Boundary Road is enhanced through the proposed widening, which connects with the retail stores and provides a shared space for future residents, bus commuters and retail users. Internal pathways are then provided within the Site for residents to these public links, providing a continued connection to the various communal features of the design and landscape response and linking to the external pedestrian paths.</p>
<p><i>Good solar access to the public realm.</i></p>	<p>The orientation of the building ensures adequate solar access is provided to the enhanced Boundary Road public realm proposed by the application and the public areas and pedestrian links to be provided on-site.</p> <p>As evident in the shadow analysis forming part of the architectural package, the variations to the proposed setbacks above the streetwall result in a negligible shadow increase to the public realm compared to what can be achieved by a literal DDO63 conforming building envelope.</p> <p>The layout of development on the Site enables a balance between morning/afternoon sun to be achieved to the existing Boundary Road public realm, with the east-west pedestrian link notably on the Site's northern boundary.</p> <p>The scaling and the massing of the proposal overall enables it to respond to the relevant design objectives of DDO63 being to create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels.</p>

Response to DD063 objectives and built form outcomes

In respect of the Boundary Road streetscape the Site has the opportunity to respond to the existing and emerging character befitting the Urban Renewal expectations of the area with a confident street wall presentation and a clearly distinct upper level presentation.

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The built form response complies with the mandatory maximum streetwall height for the Boundary Road frontage at six storeys. Variation is however sought to the setback of the upper levels above this. The setback of the upper levels is in the order of- 4.5 metres, this is a favoured design response to the objectives of the DDO63 and is considered an improved architectural and urban design outcome to an otherwise building envelope contemplated by DDO63 controls. The proposed upper level setback and architectural treatment is more simplistic in its approach and provides definition to a modulated façade through the locations of central balconies which create two (2) building forms that are contrasting through their finishes and geometric patterning. The locations of balconies at the ends of these two (2) forms further breaks up the mass and softens the hard-edge corners so the building can successfully turn and continue a similar architectural response along all of its boundaries.

The recessive ground level façade with its predominantly glazed frontage allows a transparency that creates social interaction for a variety of future uses, ranging from residents, staff and customers of the retail tenancies and future bus commuters. The cantilever of the upper levels of the streetwall provide a visual strength to the finer grain architectural expression of it and its overall scale, diminishing the stature of the upper levels above street-wall when encountered at the human scale within the street-scene. As evident in the shadow diagrams forming part of the architectural package prepared by *CHT Architects*, a negligible shadow outcome to a DDO63 conforming envelope is achieved to Boundary Road through the upper level setbacks provided.

Overall, the omission of a contrived ‘terraced’, 45 degree setback form allows an appropriate built form massing that can be reciprocated on adjacent Sites, noting their limited site depth which potentially restricts them from reaching the preferred/absolute maximum building heights of DDO63 and delivering the renewal of the area as sought by the Structure Plan. Thus, the design response provides a cohesive design approach that has appropriately acknowledged the master planning and built form potential of adjoining properties within this immediate section of the ‘Arden-Macauley Urban Renewal Precinct’.

The proposal is complemented with extensive areas of communal open space and a network of pedestrian paths/laneway allowing the Site to engage with its surroundings. A series of transitional spaces are formed on the street frontage and along the public linkages, providing defined spaces for pedestrian activity and an appreciation of the public/communal facilities provided. These aspects of the proposal will have a net overall benefit to the Site and surrounds and have noticeable improvements to the public realm.

Accordingly, it is considered the proposed development presents a positive, site-responsive design to the objectives and requirements of DDO63. While it seeks a variation the setback above the Boundary Road streetwall, this is entirely appropriate when considering the alternative terracing implied by DDO63, the excellent built form design response, development potential of adjoining properties and net community benefits that are provided throughout and adjacent to the Site which will activate and positively enhance the public realm.

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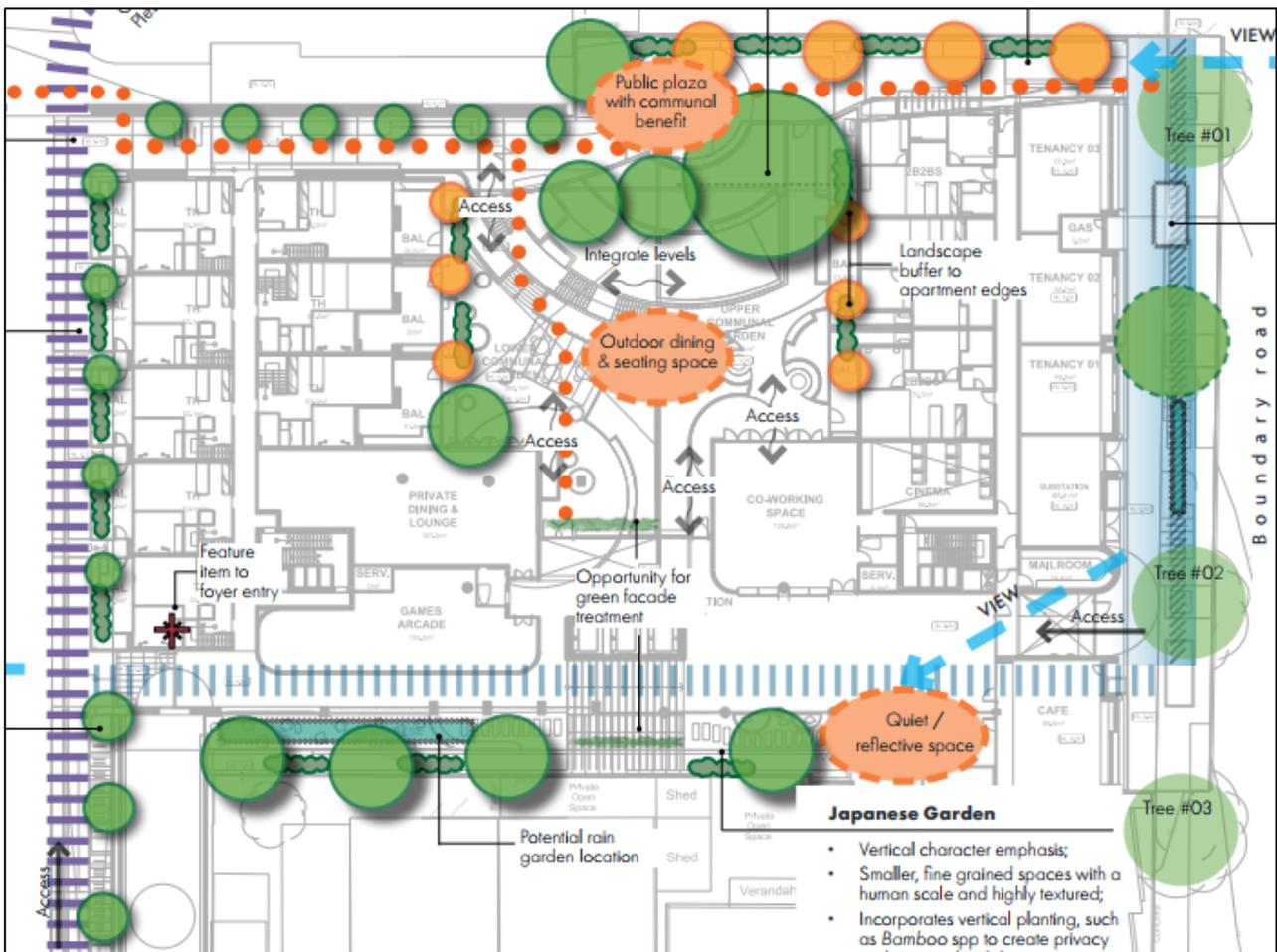


Figure 6 – Internal and External Pedestrian Movement and Landscape Design Response Source: Tract Landscape Architects

Development Contributions Plan Overlay – Schedule 2 (DCPO2)

DCPO2 applies to the ‘Arden-Macaulay Urban Renewal Area’, requiring development contributions be provided to fund new and upgraded infrastructure to the precinct. Any future development contributions are able to be appropriately dealt with at the subdivision stage of the project.

Environmental Audit Overlay (EAO)

The Site is subject to the EAO pursuant to the Planning Scheme. The purpose of the EAO is as follows:

- To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Clause 45.03-1 requires that:

‘Before a sensitive use (residential use, child care centre, pre-school centre, primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or

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- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.'*

The requirements of clause 45.03-1 can be satisfied at a later date prior to the construction or carrying out of works and included as a condition on any future planning permit issued.

#### 4.4 Particular Provisions

##### 4.4.1 Clause 52.06 – Car Parking

Clause 52.06 of the Planning Scheme requires that prior to new use(s) commencing, the car parking provision required under clause 52.06-5 must be provided to the satisfaction of the Responsible Authority. The Site is located within the Principal Public Transport Network area, therefore 'Column B' of Table 1 to Clause 52.06-5 applies in the considerations of the application.

The below table assesses the proposed mix of uses of the proposal in accordance with the statutory requirements of Clause 52.06-5.

Proposed Use	Rate in Clause 52.06-5	Measure in Clause 52.06-5	Total floor area / number	Total number required	Total number provided
Dwelling	1	To each one- and two-bedroom dwelling; plus	261	261	317 (including one to building manager)
	2	To each three or more-bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms)	20	40	
Shop	3.5	To each 100 sqm of net floor area	264.2m <sup>2</sup>	9	9
<b>Total</b>				310	326

Under the provisions of Clause 52.06, the residential and retail uses generate a statutory requirement to provide 310 car parking spaces. The proposal provides 326 car parking spaces within the lower ground floor and basement levels, therefore providing a surplus of car parking to serve the development.

The car parking requirements, layout and function of the car parking areas has been examined by One Mile and against the Standards and Objectives of Clause 52.06 and commentary is provided in the accompanying Traffic Impact Assessment', which concludes:

*The proposed car parking and access design are appropriate;*

- *The proposed resident and visitor bicycle parking design is appropriate;*
- *The loading bay has been designed adequately to allow for Council waste collection services and loading/ unloading needs to the development;*
- *The proposed provision of resident and visitor bicycle parking exceeds the requirements of the Planning Scheme, and is appropriate;*
- *The proposed supply of car parking is appropriate for the proposed development;*

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- The proposed development is not expected to have a significant impact on the surrounding road network; and
- There are no traffic engineering reasons which should preclude a permit from being issued for the proposal.

The Site is excellently located in close proximity to the Melbourne CBD and other nearby Activity Centres, and to existing public transport infrastructure which provide direct connection to these services.

Although car parking is provided on site which exceeds the requirements of Clause 52.06 of the Planning Scheme, the locational attributes of the Site encourage future residents, staff and visitors/customers to utilise the alternative transport modes readily available and is intrinsically encouraged at clause 21.09 of the Planning Scheme. The Site contains a ‘walk-score’ of 83/100 indicating that daily errands are capable of being achieved by foot rather than reliance of cars, further justifying the proposed car parking reduction.

Further detail in regard to the adequacy and location of car parking for the proposal is provided in the ‘Traffic Impact Assessment’ provided by *One Mile Grid*.

**4.4.2 Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road**

The proposal incorporates the removal of the existing crossover along Boundary Road. High Street is recognised as a RDZ1 in accordance with the provisions of the Planning Scheme.

The proposed reinstatement/deletion of the existing crossover triggers a planning permit pursuant to clause 52.29 of the Planning Scheme for the ‘alteration’ to a RDZ1.

An application must be referred to the Roads Corporation under section 55 of the Act, which in this case is VicRoads.

The proposed reinstatement of the existing crossover and provision of vehicle access from Alfred Street significantly improves the public realm of the Site and appreciates the future role of Boundary Road as a ‘renewal street’ as recognised in the Structure Plan.

**4.4.3 Clause 52.34 – Bicycle Facilities**

Clause 52.34 of the Planning Scheme requires the provision of bicycle facilities before any new use commences. Table 1 to clause 52.34-1 specifies statutory rates for bicycle parking as follows:

Proposed Land Use	Statutory Requirement		Total Required Bicycle Provision
	Resident/Employee	Visitor/Customers	
Retail	1 space to each 300m <sup>2</sup> of leasable floor area <b>(264 sqm = 0)</b>	1 space per 500m <sup>2</sup> of leasable floor area <b>(264 sqm = 0)</b>	0
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings <b>281 / 5 = 56</b>	In developments of four or more storeys, 1 to each 10 dwellings <b>281/10 = 28</b>	84
<b>Total</b>			<b>84</b>

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A total of 424 on-site bicycle spaces are provided comprising 62 visitor spaces and 362 resident spaces, with it being provided securely at lower ground floor and basement levels. As such, the provided number of bicycle spaces

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exceeds spaces required by clause 52.34 of the Planning Scheme, with the layout and relevant dimensions further complying with the requirements as set out at clause 52.34.

Further detail with regard to the proposed bicycle parking provision can be found at Section 4.4 of the accompanying ‘Traffic Impact Assessment’ prepared by *One Mile Grid*.

**4.4.4 Clause 53.18 – Stormwater Management in Urban Development**

Clause 53.18 – ‘Stormwater Management in Urban Development’ applies to all applications to construct a building within the MUZ. The purpose of Clause 53.18 is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Section 5.4 of this report, contains an assessment of the proposed design response to the local Clause 22.23 requirements and highlights the Stormwater Management initiatives proposed in the design response and as detailed in the ‘Sustainable Management Plan and Water Sensitive Urban Design Response’ prepared by *Ark Resources* at Section 6.

The Objectives and Standards of Clause 53.18 have all been considered and are satisfied in the design response as detailed within the ‘Sustainable Management Plan and Water Sensitive Urban Design Response’ prepared by *Ark Resources*.

**4.4.5 Clause 58 – Apartment Developments**

Clause 58 – ‘Apartment Developments’ applies to all apartment developments of five or more storeys in the MUZ.

The purpose of Clause 58 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

Following our assessment of the application plans, all Objectives of Clause 58 have been met in the design response. **Appendix C** contains a comprehensive assessment against the requirements of Clause 58 with the proposal seeking only minor variations to Standard D11 (Access), Standard D19 (Private Open Space) and Standard D27 (Natural Ventilation). Justification of the proposed variations is appropriate and detailed within our provided assessment.

**4.5 Strategic Planning Provisions**

The State Planning Policy Framework (SPPF) and local planning provisions are required to be considered. Encompassing these visions in the City of Melbourne is the Municipal Strategic Statement (MSS) and the Local Planning Policy Framework (LPPF). These documents must be considered in the assessment of any application for development.

A comprehensive policy assessment follows this section and highlights the strategic directions relevant to this proposal.

**4.6 Clause 65**

Clause 65 sets out Decision Guidelines and clause 65.01 sets out issues that the Responsible Authority must consider when making a decision. Those relevant to this application include:

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- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

The requirements of clause 65 have been covered throughout this report and further analysis of key considerations is detailed in the following sections.

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## 5 Policy Assessment

### 5.1 Assessment Provisions of the Melbourne Planning Scheme

As discussed in Section 4 of this submission, there are various provisions in the Planning Scheme which need to be taken into consideration in the assessment of the proposed development of the Site.

These provisions include the SPPF, MSS, LPPF and relevant provisions of the Planning Scheme including referenced incorporated documents.

### 5.2 State Planning Policy Framework

The general provisions of the SPPF are relevant to this proposal. In this regard the following general clauses are identified as being applicable:

- **Clause 11 – Settlement**
  - Clause 11.01 – Victoria
    - Clause 11.01-1S – Settlement
    - Clause 11.01-1R – Settlement – Metropolitan Melbourne
  - Clause 11.02 – Managing Growth
    - Clause 11.02-1S – Supply of urban land
- **Clause 15 – Built Environment and Heritage**
  - Clause 15.01 – Built Environment
    - Clause 15.01-1S – Urban design
    - Clause 15.01-1R – Urban design – Metropolitan Melbourne
    - Clause 15.01-2S – Building design
    - Clause 15.01-4S – Healthy neighbourhoods
    - Clause 15.01-4R – Healthy neighbourhoods – Metropolitan Melbourne
  - Clause 15.02 – Sustainable Development
    - Clause 15.02-1S – Energy and resource efficiency
  - Clause 15.03 – Heritage
    - Clause 15.03-2S – Aboriginal cultural heritage
- **Clause 16 – Housing**
  - Clause 16.01 – Residential Development
    - Clause 16.01-1S – Integrated housing
    - Clause 16.01-1R – Integrated housing – Metropolitan Melbourne
    - Clause 16.01-2S – Location of residential development
    - Clause 16.01-2R – Housing opportunity areas – Metropolitan Melbourne
    - Clause 16.01-3S – Housing diversity
    - Clause 16.01-3R – Housing diversity – Metropolitan Melbourne
    - Clause 16.01-4S – Housing affordability

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- **Clause 17 – Economic Development**
  - Clause 17.01 – Employment
    - Clause 17.01-1S – Diversified Economy
    - Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
  - Clause 17.02 – Commercial
    - Clause 17.02-1S - Business
- **Clause 18 – Transport**
  - Clause 18.01 – Integrated Transport
    - Clause 18.01-1S – Land use and transport planning
    - Clause 18.01-2S – Transport system
  - Clause 18.02 – Movement Networks
    - Clause 18.02-1S – Sustainable personal transport
    - Clause 18.02-1S – Sustainable personal transport – Metropolitan Melbourne
    - Clause 18.02-2S – Public Transport
    - Clause 18.02-2R – Principal public transport network
    - Clause 18.02-4S – Car parking
- **Clause 19 – Infrastructure**

The abovementioned policies relate to general State-wide provisions of the Planning Scheme and are relevant to the proposal in a general sense. The principles of land use and development have been adhered to and the proposed development is considered to meet the strategic direction of the State Planning Policy Framework presenting an urban renewal opportunity.

Clause 15.01-2 relates to urban design principles and seeks:

- *‘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.’*

The urban design strategies listed under this clause are for residential developments that are not covered by clause 55, such as this application. Clause 22.17 of the Planning Scheme contains Council’s local policy for ‘Urban Design Outside the Capital City Zone’, which contains similar strategies to those within clause 15, with an assessment of the proposal against the localised policy provided at Section 6.1 of this report.

Particular regard is given to clause 16.01-2S ‘Location of Residential Development’ which maintains the objective:

*‘To locate new housing in designated locations that offer good access to jobs, services and transport.*

With its strategy to:

- *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

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- Identify opportunities for increased residential densities to help consolidate urban areas.

At a regional Metropolitan Melbourne level, clause 16.01-2R contains the following strategies of particular relevance (emphasis added):

- **Identify areas** that offer opportunities for more medium and **high density housing near employment and transport in Metropolitan Melbourne.**
- Manage the supply of new housing to meet population growth and create a sustainable city by **developing housing and mixed use development opportunities in locations that are:**
  - In and around the Central City.
  - **Urban-renewal precincts and sites.**
  - **Areas for residential growth.**
  - Areas for greyfield renewal, particularly through opportunities for land consolidation.
  - Areas designated as National Employment and Innovation Clusters. Metropolitan activity centres and major activity centres.
  - Neighbourhood activity centres - especially those with good public transport connections.
  - **Areas near existing and proposed railway stations that can support transit-oriented development.**
- Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.
- Direct new housing to areas with appropriate infrastructure.

The proposal for a mixed-use building comprising higher density living is entirely responsive to the Site’s contextual setting and the above strategic principles for urban renewal and density in established areas proximate to existing and planned future amenities, infrastructure and services.

The Site’s location along Boundary Road and proximity to existing and planned nearby railway stations that provide direct connection to the Melbourne CBD and forms part of the PPTN make it an ideal location for higher density housing. The strategic background work undertaken in the Structure Plan recognises such attributes of the immediate area, which intrinsically encourages the redevelopment of the ‘Arden-Macaulay Major Urban Renewal Precinct’ as proposed and as clearly set out in policy.

Clause 16.01-3S relates to ‘Housing diversity’ and seeks:

*‘To provide for a range of housing types to meet increasingly diverse needs’.*

With its strategy to (*inter-alia*):

- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
- Facilitate diverse housing that offers choice and meets the changing housing needs through
  - A mix of housing types.
  - Adaptable internal dwelling design.
  - Universal design.
- Encourage the development of well-designed medium-density housing which:
  - Respects the neighbourhood character.
  - Improves housing choice.
  - Makes better use of existing infrastructure.

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- Improves energy efficiency of housing.
- Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

The regional strategy for Metropolitan Melbourne at clause 16.01-3R further states to ‘Create mixed-use neighbourhoods at varying densities that offer more choice in housing’.

The proposal provides additional affordable housing within a highly sought-after locality and in response to clause 16.01-4S objectives. The proposal provides a diversity in housing of differing forms, sizes and layouts with an exceptional amount of internal amenity achieved throughout the apartments and which apply ESD principals. The proposal further encourages resident and social interaction through the shared community facilities and spaces, all of which add to the excellent amenity for future residents.

An assessment against *Plan Melbourne* is provided at Section 5.5 of this report.

### 5.3 Municipal Strategic Statement

The Melbourne MSS includes policy direction that reflects the diverse land uses and development intensity of the City of Melbourne. The policies are general in nature and build on the overarching strategic directions of the State planning policy framework outlined above.

Clause 21.02 – ‘Municipal Profile’ recognises the municipality as:

*‘[t]he location for many of the State’s premier economic and cultural infrastructure and for a wide diversity of uses 24 hours a day, 7 days a week including office and commercial, cultural, leisure, entertainment, research, educational and residential uses.’*

Clause 21.02-2 – ‘Melbourne’s growth’ describes an increase of 85% in residential population in the City of Melbourne from 2001 to 2011 and it is predicted that the population could reach 177,000 by 2030 (ABS and COM City User forecasts). The population of workers, students and visitors coming into the municipality each day is also expected to exceed one million by 2030.

Clause 21.02-3 - ‘People City’ describes a strong presence of younger people with the median age of 33 in the city, with fewer elderly people and children in Melbourne than any other metropolitan area. The clause also informs a strong community diversity in terms of ethnicity and culture.

Clause 21.02-5 - ‘Prosperous City’ describes the traditional manufacturing and industry base, with a substantial change occurring with these land uses now being relocated on the periphery of the City or offshore. This change is continuing in the ‘Arden-Macaulay’ precinct with the recent rezoning of the land and strategic work undertaken through Amendment C190 to the Planning Scheme.

Clause 21.03 – Vision outlines the Vision for Melbourne as follows:

*‘Future Melbourne 2008 is the community’s plan to grow Melbourne as a global city and as one of the top ten most liveable and sustainable cities in the world. The plan’s vision for the municipality is one of bold, inspirational and sustainable city.’*

*To achieve this vision, Future Melbourne has six high level goals for Melbourne to be*

- a city for people;
- a creative city;
- a prosperous city;
- a city of knowledge;
- an eco-city; and

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- a connected city.’

The vision statement with regards to housing at clause 21.03 of the Planning Scheme outlines the following:

*‘An important role for the city is in providing housing to accommodate the expected significant population growth. In a densely developed city, it is a challenge to achieve a diversity of housing choices, housing affordability, a good standard of building design and amenity.’*

And states the following vision with regards to built environment and heritage:

*‘Protecting existing built form character and heritage, in addition to providing an attractive and liveable built environment in parts of the City where development will intensify is essential. Also important is minimizing the ecological footprint of the City and managing the City so that it is responsive to climate change.’*

Clause 21.04 – ‘Settlement’ identifies the Site within an ‘Existing Urban Renewal Area’ following the gazettal of Amendment C190 (Part 1), recognising the ‘Arden-Macaulay’ area as an area of transition, with clause 21.04-2 containing the following objectives (our emphasis):

- **To provide for the anticipated growth in the municipality over the next 20 years.**
- **To direct growth to identified areas.**

With its strategy to (our emphasis):

- Plan and design Urban Renewal areas to provide optimal living and working environments, to be energy, water and waste efficient and adapted to predicted climate change.
- Plan identified Urban Renewal Areas, and define their exact extent, through structure planning for the local area.
- **Ensure new development in Urban Renewal Areas does not compromise the preferred future renewal of the area**
- Support ongoing urban renewal and Central City expansion in:
  - Arden-Macaulay

Clause 21.06 – ‘Built Environment and Heritage’ outlines the defining character of Melbourne and the importance in contributing the public realm along with the conservation of identified heritage places from the impact of development. Objectives relevant to the proposal under various headings of clause 21.09 are (inter-alia):

Urban Design

- To reinforce the City’s overall urban structure.
- To ensure that the height and scale of development is appropriate to the identified preferred built form character of an area.
- To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.
- To improve public realm permeability, legibility and flexibility.
- To create a safe and comfortable public realm.

Sustainable Development

- To create an environmentally sustainable urban environment with reduced greenhouse emissions
- To make the built environment resilient to heatwaves, water shortages, extreme storm events and sea level rise.
- To encourage efficient resource use and waste reduction in the City.
- To encourage environmentally sustainable building design and innovation.

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Clause 21.07 – ‘Housing’ describes the issues related to population growth faced by the municipality and outlines objectives for residential development within the municipality. The following overarching objective is provided with regard to the provision of housing:

*‘Residential growth must be managed to ensure a good quality of life and amenity for existing and future residents. High standards of on-site amenity should be provided in all residential developments including good access to sunlight and daylight and privacy Residential development also needs to consider the amenity impacts of established and potential uses, including noise and light spill, and take protective steps to minimise these impacts.’*

The following objectives are of relevance to the proposed mixed-use development:

- To provide for new housing while preserving the valued characteristics of the existing neighbourhoods.
- To ensure new dwellings are located and designed to protect residents from current and future off-site amenity impacts.
- To support a range of housing tenures, types and options to meet the diverse of housing needs.
- To ensure new residential developments contribute to the social and physical infrastructure of the City.

With strategies of relevance including to:

- 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.
- Ensure that in areas where a **new built form character is sought**, new residential development adds to the vitality, amenity, comfort and safety of the area.

Clause 21.09 – Transport contemplates the City of Melbourne’s transport systems and their integration with new developments and areas identified for housing growth.

Clause 21.09 outlines key issues of relevance to the proposal and their associated objectives under following headings (*inter-alia*):

Integrated transport

- To integrate transport and urban growth
- To maximise access to the City.
- To enhance the role of the Boulevards and Principal Streets as entrances to the Central City.

Walking

- To develop and maintain a comprehensive, safe, comfortable and convenient pedestrian network throughout the municipality.

Cycling

- To develop a comprehensive, safe and convenient cycling network throughout the Municipality.

Public transport

- To maximise the use of public transport through efficient urban structure.

Private Motor Transport

- To encourage more efficient use of private motor vehicles.

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- *To reduce the negative economic, social and environmental impacts of traffic and parking, particularly on residential areas and parklands.*

The proposal responds directly to the identified policy objectives of the Melbourne MSS. The proposed mixed-use development incorporating higher density residential living responds to the increasing population and need to accommodate and direct additional housing density and diversity in identified urban renewal precincts.

The design response appropriately responds to the 'new built form character sought' as articulated in DD063. The high-quality architectural expression of the development with its streetscape presentation to Boundary Road and otherwise considered setbacks and articulated surfaces complement the existing and emerging built form in the area and sit comfortably in its setting. The positioning of balconies and glazed openings and otherwise the ground floor activation of the commercial space enhances the safety, appearance and passive surveillance of the public realm.

Clause 21.14 – *Proposed Urban Renewal Areas* provides local direction for the defined 'Arden-Macaulay' area describing it as:

*'...an area in transition. Since the 1880's, Arden-Macaulay has been primarily an industrial area supporting the city's economy through manufacturing and production. The profile of business activity in the area has been changing with some degree of land under-utilisation given its potential in relation to its proximity to the central City.'*

Clause 21.14 with respect to the 'Arden-Macaulay' area is now considered outdated following the gazettal of Part 1 of Amendment C190 into the Planning Scheme and the associated DD063 now applying to the Site.

## 5.4 Local Planning Policies

In assessing the local planning policies at clause 22 of the Planning Scheme, it is submitted that Clause 22.02 – Sunlight to Public Spaces, 22.17 – *Urban Design Outside the Capital City Zone*; Clause 22.19 – *Energy Waste and Water Efficiency* and Clause 22.23 – *Stormwater Management (Water Sensitive Urban Design)* provide a suitable policy basis for the proposed use and development on the subject land. Each clause is assessed individually within the following sections.

### Clause 22.02 – Sunlight to Public Spaces

Clause 22.02 – *Sunlight to Public Spaces* applies to all public spaces throughout the municipality, recognising that sunlight contributes to the amenity, health and wellbeing and supports trees and other plants. The policy is relevant to the application given the Site's relationship to existing streets and laneways, with its objectives being:

- *To achieve a comfortable and enjoyable public realm.*
- *To ensure new buildings and works allow good sunlight access to public spaces.*
- *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.*
- *To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.*
- *To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.*

The proposal significantly enhances the public realm through the variety of ground floor uses, public pedestrian connections within the Site and the extension of the Boundary Road public realm, enhancing its usability and recognising its future north-south link to this strategic area. The proposal in concert with the provided apartments and anticipated change of the immediate area will overall increase the level of activity, comfort, enjoyment and safety to the public realm areas when compared to their existing conditions and its infrequent use given the lack of existing local attractions.

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As evident in the shadow diagrams forming part of the architectural package a development complying with the built form requirements of DD063 will increase the extent of the shadow cast to the public realm on the September 22 equinox from the existing building on-site. The variations to the built form controls of DD063, namely the setback above streetwall, presents a negligible increase to that anticipated by DD063 and an improved architectural response and therefore considered appropriate.

Accordingly, while the proposal increases the extent of shadow to the existing public realm of Boundary Road, this needs to be considered against the community benefit offerings of the proposal which overall enhances and increases the public realm available through the various attractions and uses proposed, thus satisfying the policy objectives of clause 22.02 and the design objectives of DD063.

Clause 22.19 – Energy, Water and Waste Efficiency

Clause 22.19 – Energy, Water and Waste Efficiency applies to all applications for construction of a building for *inter-alia* ‘accommodation’ purposes, maintaining the following objectives:

- To ensure buildings achieve high environmental performance standards at the design, construction and operation phases.
- To minimise the city’s contribution to climate change impacts by reducing greenhouse gas emissions
- To improve the water efficiency of buildings and encourage the use of alternative water sources.
- To minimise the quantity of waste going to landfill and maximise the recycling and reuse of materials.
- To minimise the impacts of waste on the community.
- To encourage the connection of buildings to available or planned district energy, water and waste systems in urban renewal areas in order to achieve additional energy, water & waste efficiency arising from a precinct-wide approach to infrastructure where appropriate.

The proposal has been benchmarked against the ‘Green Star 5 Star – Australian Excellence’ as detailed in the accompanying ‘Sustainable Management Plan & Water Sensitive Urban Design Response’ prepared by Ark Resources Pty Ltd. This report breaks down the innovative ESD initiatives of the proposal in line with Green Star Categories and Credits in the following categories: sustainable management; indoor environmental quality; energy and greenhouse gas emissions; transport; water; material; and land use & ecology.

Clause 22.17 – Urban Design Outside the Capital City Zone

Clause 22.17 contains Council’s local urban design policy for all development proposals outside of the Capital City Zone. A detailed assessment against each of the policy themes within clause 22.17 is contained at Section 6.1 of this report.

22.23 – Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 – Stormwater Management (Water Sensitive Urban Design) applies to all applications for new buildings and seeks:

- To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). To satisfy these water quality performance objectives are:
  - Suspended Solids - 80% retention of typical urban annual load
  - Total Nitrogen - 45% retention of typical urban annual load
  - Total Phosphorus - 45% retention of typical urban annual load
  - Litter - 70% reduction of typical urban annual load.
- To promote the use of water sensitive urban design, including stormwater re-use.

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- *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.*

The proposed development will not result in the creation of any unreasonable stormwater run-off or create the entry of any excess pollutants.

The application is accompanied by an ‘Sustainable Management Plan and Water Sensitive Urban Design Response’ prepared by *Ark Resources*, which highlights the Water Sensitive Urban Design features of the proposal at Section 6 and has been undertaken through MUSIC modelling software, with features WSUD features of the proposal including:

- Capture of rainwater harvesting from all roofs and roof and podium level terraces. The rainwater will then be filtered prior to draining into 140kL rainwater tanks to then be used for toilet flushing and irrigation.
- Treatment of runoff from courtyard paving through provision of two raingardens.
- Landscape areas that promote infiltration and reduce runoff during storm events.
- Provision of a gross pollutant trap to be located near the stormwater Legal Point of Discharge to capture suspended soils and litter which may be generated.

The MUSIC modelling undertaken in response to clause 22.23 requirements ensures the development accords with the CSIRO’s ‘*Urban Stormwater Best Practice Environmental Management Guidelines*’ (1999).

## 5.5 Arden-Macaulay Structure Plan and Macaulay Draft Structure Plan Refresh

The Structure Plan forms as a reference document of the Planning Scheme and informed the built form controls of DDO63. The 30-year vision is:

*‘Arden-Macaulay will transition into a dense, mixed use inner city suburb while protecting key industrial sites. Intensified commercial activity at Arden Central linked to the Melbourne Metro will bring significant job growth and extend Melbourne’s Central City to the north-west.’*

The Structure Plan is to inform the urban renewal of the defined ‘Macaulay Urban Renewal Precinct’ which is to be delivered through the implementation of the following 10 principles:

1. *Grow a prosperous place and viable Melbourne is a productive city that attracts investment, supports innovation and creates jobs*
2. *Ensure a harmonious transition of change*
3. *Create liveable local neighbourhoods*
4. *Integrate new development with the surrounding character*
5. *Integrate the area’s heritage into urban renewal*
6. *Regenerate the area’s public realm*
7. *Develop liveable dwellings that house a diverse and inclusive economy*
8. *Create a connected and accessible place*
9. *Support a culturally and socially engaged community*
10. *Grow a city that prospers within the earth’s ecological limit*

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Various objectives are contained within each of the above principles which have been considered in the evolution of the design response. The following key directions and observations of the Structure Plan are of particular relevance to the Site:

- Located within ‘Stage 1’ of the Structure Plan, which is to transit into a mixed use area that links development to key infrastructure as reflected now by the Site’s MUZ. The Site is conveniently located between two recognised future local centres namely Flemington Bridge and Macaulay, further identifying that the area is ready for urban renewal.
- Identifies Boundary Road as a ‘connector street’ as reflected in Figure x below, and where the proposed future north-south bus link is to operate connecting Flemington Bridge to the new Metro Arden Railway Station, through the Macaulay local centre. The Structure Plan nominates a 20 metre streetwall for Boundary Road with a 10 metre setback above this for upper levels.
- Identifies a new through connection on the western boundary of the Site and an east-west link for part of the Site’s northern boundary, with a general principle for a compact urban structure with intersections at least every 50-100 metres to create a compact, walkable environment.
- Residential density levels to be a minimum 100 dwellings per gross hectare (including street network and open spaces).
- New development to not overshadow existing or proposed open space between 11am and 2pm at the equinox, which has influenced the proposed height controls within the Structure Plan.

The ‘Macaulay Draft Structure Plan Refresh’ (‘Structure Plan Refresh’) has recently been released for community consultation and reflects similar principles to the existing Structure Plan to facilitate its urban renewal. The Structure Plan Refresh identifies four precincts, locating the Site within the ‘Boundary Precinct’ which contains the following vision:

*‘A new urban fabric of streets and laneways provides connectivity across the precinct and broader Macaulay area. This supports people walking and riding bikes. Street trees and integrated water management contribute to a climate ready precinct.*

*Boundary has the capacity for higher levels of growth and change with taller buildings. The area supports a vibrant mix of uses. Retail and commercial activity is focused on Racecourse, Boundary and Macaulay Roads.*

*Buildings are set back from Citylink to reduce amenity impacts and create a linear open space along the western boundary of the precinct.*

*To support sustainable transport and manage road congestion, innovative solutions to car parking are required including precinct parking and maximum car parking rates.*

*If the proposed high capacity transport corridor is delivered in Arden, the service is extended along Boundary Road to enhance public transport options for Macaulay’.*

The key differences of the Structure Plan Refresh compared to the Structure Plan relevant for the Site are as follows:

- Increased resident and worker projections from the initial Structure Plan for the Macaulay Precinct.
- Seeking to implement the Special Use Zone in place of the current MUZ, to deliver a truly mixed use area.
- Preferred maximum building height of eight storeys, and implementation of a Floor Area Ratio of 0.1.
- Identification of the Site’s frontage to Boundary Road as a ‘Local Activity Centre’.
- Identification of the Site as an example of where a larger site could provide on-site public open space contribution.
- Continued recognition of a north-south link on the western boundary of the Site.

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The proposed use and development of the Site responds to the future direction of the area as sought in the Structure Plan and Structure Plan Refresh as follows:

- Provision of additional dwellings, including affordable housing, within the ‘Macaulay Urban Renewal Precinct’ in response to the need to accommodate the continued and forecast population growth.
- Provision of a mixed-use development on a strategic and opportune site through investment of a \$60 million development into the precinct, including an enhanced public realm of Boundary Road contributing towards its future ‘local activity centre’ role and public bus connections.
- Added north-south and east-west pedestrian connections in recognising the immediate road hierarchy as established in the Structure Plan and providing green public spaces that integrate with the Site and variety of uses.
- No unreasonable overshadowing to identified existing and proposed open space areas, including the eastern opposite side of Boundary Road.
- Provision of a highly resolved architectural and urban design outcome for the Site, including the delivery of ESD and WSUD initiatives through the application of a sustainable approach.
- Assist in the delivery of the master planning of the Macaulay Urban Renewal Precinct.

## 5.6 Plan Melbourne 2017-2050

*Plan Melbourne*, is relevant to the consideration of this proposal. The updated policy basis generally supports the key strategic policies formerly established in *Melbourne 2030* and *Melbourne @ 5 Million* with regard to the provision of housing in Melbourne’s urban areas.

The strategic principles and directions outlined in the document are required to be considered as part of the Minister’s decision making process. Arden-Macaulay is recognised as a ‘Major Urban Renewal Precinct’, with *Plan Melbourne* stating their specific purpose is:

*‘To **take advantage of underutilised land** close to jobs, services and public transport infrastructure, to provide new housing, jobs and services.*

*Major urban renewal precincts will play **an important role in accommodating future housing and employment growth** and making better use of existing infrastructure.’*

Within *Plan Melbourne*, it further recognises to focus on achieving the following numeric outcomes which are of particular relevance to this application:

11. Melbourne is a productive city that attracts investment, supports innovation and creates jobs.
12. Melbourne provides housing choice in locations close to jobs and services.
13. Melbourne has an integrated transport system that connects people to jobs and services and goods to market.
14. Melbourne is a distinctive and liveable city with quality design and amenity.
15. Melbourne is a city of inclusive, vibrant and healthy neighbourhoods.
16. Melbourne is a sustainable and resilient city.

Moreover, directions contained within the strategy relevant to the proposal include:

- *Direction 1.1: Create a city structure that strengthens Melbourne’s competitiveness for jobs and investment.*
- *Direction 1.2: Improve access to jobs across Melbourne and closer to where people live.*
- *Direction 1.3: Create development opportunities at urban renewal precincts across Melbourne.*

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- *Direction 2.1: Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.*
- *Direction 2.2: Deliver more housing closer to jobs and public transport.*
- *Direction 2.5: Provide greater choice and diversity of housing.*
- *Direction 4.3: Achieve and promote design excellence.*
- *Direction 5.1: Create a city of 20-minute neighbourhoods.*
- *Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles.*

The proposed mixed-use development providing commercial land uses and higher density accommodation is entirely responsive to the outcome and directions within Plan Melbourne which seek to increase housing demand within established urban areas. The location of the Site, within a strategically recognised ‘Major Urban Renewal Precinct’, provides an excellent opportunity for an urban renewal project as proposed which directly responds to the change to these areas as anticipated in the Metropolitan Strategy.

### 5.7 Aboriginal Cultural Heritage Sensitivity

Clause 15.03-2 of the State Planning Policy Framework requires the consideration of matters pertaining to Aboriginal Cultural Heritage including the requirements of the *Aboriginal Heritage Act* (2006).

Pursuant to Regulation 6 of the *Aboriginal Heritage Regulations* (2007) a Cultural Heritage Management Plan (CHMP) is required for an activity if –

- a) *all or part of the activity area for the activity is an area of cultural heritage sensitivity; and*
- b) *all or part of the activity is a high impact activity.*

It is noted that the subject land is located within an area of Cultural Heritage Sensitivity pursuant to Regulation 23(1) of the *Aboriginal Heritage Regulations* (2007) as the Site is within 200 metres of a waterway, being the nearby Moonee Ponds Creek.

However, Regulation 23(2) specifies (emphasis added):

*‘if part of a waterway or part of the land within 200 metres of a waterway has been subject to significant ground disturbance, **that part is not an area of cultural heritage sensitivity.**’*

Pursuant to Section 4 of the *Aboriginal Heritage Regulations* (2007) significant ground disturbance is defined as:

*‘...disturbance of –*

*(a) the topsoil or surface rock layer of the grounds; or*

*(b) a waterway –*

*by machinery in the course of grading, excavating, digging, dredging, or deep ripping, but does not including ploughing other than deep ripping;’*

An ‘Application for Certification of a Preliminary Aboriginal Test’ has been prepared and submitted by Pragmatia Cultural Heritage Services and has been certified by the Director Heritage Services of Aboriginal Victoria.

The conclusions of this certified assessment state:

*‘It is not believed a CHMP is required for this project based on the fact the entire surface area of the Activity Area has been subject to significant disturbance in the past through the construction of the existing structures and surface treatments on site, as well as historical development of the site extending back into the 19th century; in the absence of specific construction information, however, it is not possible to ascertain the exact depth to which this disturbance has occurred, however given the area of the structures on site and the nature of the footings used and the surface treatments outside of the building*

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*footprints it is considered to have been at least a depth where any in situ topsoil deposits had been destroyed.*

*It is considered unlikely that any Aboriginal cultural heritage material is located within the Activity Area.*

*If Aboriginal cultural heritage is identified during works, all works must immediately cease in the vicinity of the find(s) and Aboriginal Victoria must be contacted to determine how to proceed.*

*No obstacles were encountered in the course of preparing this PAHT.'*

The certification from Aboriginal Victoria confirms the above conclusions and thus given the prior significant ground disturbance of the Site, no Cultural Heritage Management Plan is required as part of this application. Further information regarding the Cultural Heritage Sensitivity of the Site is provided in the accompanying certified 'Application for Certification of a Preliminary Aboriginal Test' prepared in consultation with *Pragmatic Cultural Heritage Services*.

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## 6 Design and Built-Form

In assessing the urban design and built form requirements associated with the proposed development, we include an assessment of the proposal against clause 22.17 of the Planning Scheme, which provides local direction to the requirements at clause 15.01-2 of the Planning Scheme.

### 6.1 Clause 22.17 – Urban Design Outside the Capital City Zone

Pursuant to clause 22.17, this policy applies to development applications outside of the Capital City Zone and the Docklands Zone. The objectives of clause 22.17 are (*inter-alia*):

- To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.
- To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.
- To reduce unacceptable bulk in new development.
- 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.
- To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.
- To ensure that development includes architecturally integrated building tops.
- To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.
- To ensure that development avoids ambiguity and conflict in the design of fronts and backs of buildings.
- To ensure that development contributes to a pedestrian and vehicular network which ensures pedestrian movement and amenity is a priority and strengthens networks of pedestrian pathways through an area.
- To ensure that development maintains and enhances traditional street patterns of projecting cornices, and allows projecting balconies and canopies where they follow an existing pattern and/or contribute positively to the public realm.
- To ensure that development promotes building forms that will minimise the adverse impacts of wind in surrounding public spaces and provide weather protection where appropriate.
- To ensure that development creates and maintains a high quality landscape setting

The following analysis addresses each of the policies contained within clause 22.17:

#### Scale

- The relative size of buildings and their parts be considered in terms of human scale, building scale, subdivision patterns, and building location and alignment.
- The scale of new development is encouraged to respond to the scale of surrounding development both in terms of its overall dimensions and the size of its individual architectural elements.
- In areas where the desire for built form change has been identified, the scale of new development is encouraged to respond to the scale of the emerging preferred new built form.

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The Site is strategically located within the defined 'Arden-Macaulay Major Urban Renewal Precinct', which is identified to undergo a significant amount of change in density and land use. The emerging and anticipated new built form in this location should be a determining factor in the assessment of the proposal and responding to the preferred outcome as articulated throughout the Planning Scheme and *Plan Melbourne*.

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The design response and scale has evolved with a clear understanding of DDO63, the Structure Plan and the built form outcomes to be achieved for the immediate area.

Context

- *Buildings and works are encouraged to respond to the building and settlement pattern of the surrounding area acknowledging that any development is part of a larger setting and that each setting is different.*
- *In areas where the desire for built form change has been identified, new buildings and works should consider the potential for other development to occur in the immediate environment and respect the ability for surrounding sites to be at least equally developed.*
- *An application will be assessed against the qualities of contextual response being scale, building grain, building location and alignment, and heritage*

This application is supported by extensive information that describes the Site and its contextual setting. The proposed design response has been formulated with a keen understanding of the opportunities and constraints of the Site and provides an excellent opportunity for a mixed-use development as proposed.

The proposed development takes into account the strategic context of the location of this section of the ‘Arden-Macaulay Major Urban Renewal Precinct’ and the changing built form character within the immediate vicinity envisaged to occur, without unreasonably impacting upon the general amenity of adjoining and nearby land holdings and their redevelopment potential. The materiality and finishes of the proposal have appropriately referenced and taken precedent of noted features of the immediate environs in the evolution of the design response for it to sit comfortably in the changing built form context.

The provision of a mixed-use building incorporating an affordable housing outcome with higher density residential living in this location directly responds to the statutory planning controls affecting the Site and the relevant provisions of the State and Local Planning Policy Framework.

Building Height

- *The height of new development should respect the existing built form of the immediate surroundings.*
- *In areas where the desire for built form change has been identified, the height of new development is encouraged to respond to the height of the emerging preferred new built form character.*

The preferred and absolute maximum building heights for the Site and immediately surrounding area is informed by the built form controls within DDO63 of the Planning Scheme. The proposed maximum building height at twelve (12) storeys responds to the absolute maximum building height and the preferred outcome and direction for the immediate area.

The proposal provides a highly resolved architectural and urban design outcome which appropriately recognises the strategic significance of the Site and inner-city locality, while providing a broader community benefit as required by DDO63 through the provision of:

- A high quality mixed-use architectural and urban design response with innovative design, and a diversity of housing typology and forms.
- Contribution towards a truly mixed-use precinct, with large retail areas and forms.
- Provision of an east-west public pedestrian link with a central plaza area from the eastern Boundary Road through to a similar north-south public pedestrian link. These links connect the existing public realm to planned immediate attractions within the Site itself (retail spaces, plaza and private residences), and on adjacent and nearby sites, in a master planned sense.
- An enhanced ground floor and streetscape outcome to Boundary Road through a widened and activated public realm that creates a shared space for future users in recognition of future priority bus links along Boundary Road and its role as a ‘renewal street’ in the Structure Plan.

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- Contribution towards additional affordable housing as reflected in the draft condition at **Appendix D**.

Building Bulk

- *The massing and design of large new buildings is discouraged from overwhelming the built scale of any important pattern and character of existing built form.*
- *The articulation of a building’s form and surface treatment is encouraged to moderate the apparent bulk by using techniques such as:*
  - *creating contrast between recessive and projecting elements of a building’s various frontages;*
  - *the apparent subdivision of its street frontages to reflect neighbouring frontage subdivision patterns; and*
  - *the break-up of a building’s overall volume into a number of sub-volumes to modify its perceived size.*
- *Where these techniques are ineffective, other techniques including dimensional constraints such as setbacks and reshaping of the building form are encouraged.*

The considered design response has appropriately responded to the varying topography, interfaces and constraints of the Site, by modulating a built form that presents to Boundary Road and talks to internal interfaces and new pedestrian networks integrating the development into its surroundings and ensuring that the building can be appreciated ‘in the round’ when appreciated from the enhanced public realm surrounding the Site and the central communal courtyard area for residents.

The building is vertically broken-up into a series of sub-volumes as it presents to the immediate public realm through the locations of balconies and contrasting finishes applied to the façade either side of these, successfully modulating the building into differing components in the Site’s presentation to respective interfaces.

Large and Prominent Sites

- *New development in prominent locations will be encouraged to use building design, including the design of certain building elements as well as other techniques of perceived scale and contrast to acknowledge this prominence.*
- *Building siting should be used to contribute meaning and positive effect to the public realm but not at the expense of the important contextual qualities of the built surroundings of the development site.*
- *Developments on large sites are encouraged to provide laneway and pedestrian through block links.*

The Site is classified as a ‘large site’ for the purpose of this policy in having abutments to various interfaces and a dual frontage. However, in its current form, its prominence is diminished by the abutment of neighbouring built form to the north, west and southeast. Nevertheless, when developed, the physical stature of the Site will grow in unison with higher density development being realised at 87-105 Racecourse Road and anticipated nearby.

In this context, and acknowledging sensitive residential interfaces to the southwest of the Site, the proposed development has consciously sought to integrate with its surroundings and minimise impacts on neighbouring land uses by having building foot plate proportionate to the Site and a built form that, overall, is appropriate to the limits of its title boundaries. Appropriate setbacks ensure that buildings facilitate a spacious streetscape setting to the development which provides relief and transition to neighbouring built form.

By enhancing the commercial offering on its Boundary Road frontage and improving legibility and permeability of the Site by introducing new public laneways and connections both north-south and east-west, which are both bordered by active uses and a central plaza contributing towards a desirable public realm experience.

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Street Level Frontages

- *In commercial and mixed-use areas, ground floor occupancies to street frontages of new development are encouraged to directly engage with the street and be visually evident from the street.*

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- *In circumstances where the immediate potential for active use is limited, building design is encouraged to make provision for the ultimate conversion of ground floor frontages to active uses.*
- *The design of residential and institutional buildings is encouraged to provide ground level interest to engage with the street through a direct relationship of ground floor entries, front doors and windows at or adjacent to the street.*
- *Solid roller shutters are prohibited on shopfronts. Open mesh security or transparent grills are preferred and should be mounted internal to the shopfront.*

The ground floor of the building to Boundary Road contains retail components recessed and visually permeable owing to the use of floor to ceiling glazing on their façade and widening of Boundary Road. A prominent, primary residential entrance and lobby is centrally located with a double-height void assisting in its identity. The generous lobby area allows access to internal circulation spaces and to the pedestrian network through the building and common areas, with the space and improving engagement with the Site’s through enhanced activation, public realm experience and pedestrian permeability.

The principal pedestrian entry to the development of the Site along its Boundary Road frontage and secondary entrances from the northern and western pedestrian connections are clearly legible within the streetscape and are universally accessible. The location of the Site’s vehicular access point responds to the immediate road hierarchy and the significant east-west fall of the Site, with this vehicular access at the Site’s lowest, accessible point.

Fronts and Backs of Buildings

- *The fronts and backs of buildings are encouraged to be developed in ways that connect with and acknowledge the prevailing structure of neighbouring public space.*
- *Development is encouraged to give prominence to the principal street entrance and frontage of a building.*
- *Building design is encouraged to acknowledge local access patterns when locating front and rear entrances and associated activities.*

The principal street frontage of the Site to Boundary Road is retained and enhanced, with built form traversing the Site from east to west, with a central voided space that creates a ‘U’ shape and provided to capture the natural northern light and provide an excellent amenity for future residents.

The layout of the building acknowledges the local street access patterns, responding to the status of Boundary Road as a RDZ1 and then providing secondary resident/visitor entrances and activity on the provided north-south and east-west connections within the Site.

The setbacks of the building from all of the Site’s boundaries enables the building to be appreciated at varying positions and angles of the public realm given the undulating topography, enabling the design response to be appreciated throughout. The only wall on boundary in the Site’s south-east corner has appropriately acknowledged the development potential of the adjacent corner property and its noted depth which otherwise has the potential to restrict similar heights from being achieved on these southern properties with frontage to Alfred Street.

Building Tops

- *All roof elements including plant, lift over-runs, and other building services are encouraged to be absorbed within the overall building form or be included as part of overall roof design.*

The location of site facilities and building services has been carefully considered in the design response with these largely confined and forming part of the overall roof design. The waste storage and collection rooms are provided at Basement Level 1 with convenient access to the vehicle entrance for both residential and commercial uses and centralised lift and stair access associated with each building. It is considered an appropriate location which minimises the visual impact of utilitarian services and is supported in the accompanying ‘Waste Management Plan’ prepared by *One Mile Grid*.

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Visible Facades and Blank Walls

- *Design consideration is encouraged to compose and articulate all visible frontages of a building.*
- *The development of a blank building wall along street frontages or that is visible from streets and other public spaces is discouraged.*
- *The visible service areas (and other utility requirements) of a building are encouraged to be treated as an integral part of the overall design and fully screened from public areas.*

The proposed building establishes the Site’s location through a highly resolved architectural and urban design expression, which provides visual interest when observed from the streetscape of Boundary Road to the east and Alfred Street to the south. Where possible, all building services have been appropriately located on the roof of the building and screening measures applied to reduce their presence.

The facades as they present to the street, communal space and future laneways are articulated through the contrasting colours and finishes used to the façade, which is broken up through the spacing and location of balconies. Building entries and circulation spaces are legible at lower and ground floor, providing a human scale to the development, with a red-brick materiality creating a strong building base at street level.

In views of the Site from Alfred Street, the building has been consciously broken up into a series of sub-volumes through the separation provided by balconies. This creates a vertical rhythm with each building then contrasting through the varied geometric framing and colour finish.

Excluding Boundary Road, the building is generally setback from all boundaries to respond to existing approvals and appreciate the equitable development potential of adjoining properties. This excludes the southern associated with the Boundary Road streetwall, which is built to the boundary enabling a continued streetwall to be achieved for the balance of Boundary Road and continued along the northern side of Alfred Street, noting these lots are otherwise constrained given their smaller land size area and depth.

Accordingly, the design response has appropriately acknowledged the master planning of the area and future development prospects.

Pedestrian Connection and Vehicle Access

- *The design of new development is encouraged to maintain and enhance the existing form of pedestrian access of the development site unless it can be demonstrated that it can be relocated to achieve an equal level of pedestrian amenity and accessibility.*
- *The design of new development is encouraged to provide for new pedestrian links and laneways where there is an absence of such connections.*
- *Where new development involves the master planning or development of very large sites, it is encouraged that a subdivision pattern of publicly accessible streets, pedestrian links, laneways and appropriate public spaces will be achieved.*
- *Discourage alcoves to ensure safe pedestrian environments.*
- *Encourage access, lighting, visibility, and surface detailing to ensure a safe and interesting pedestrian environment.*
- *The design of new vehicular and pedestrian networks both within and surrounding developments is encouraged to minimise traffic conflicts with pedestrians.*
- *Vehicle crossings to pedestrian footpaths are encouraged to:*
  - *be limited to the minimum necessary for access requirements;*
  - *avoid, where possible, the aggregation of vehicle crossings.*
- *New vehicle crossings are discouraged in many heritage streetscapes.*

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The proposal provides safe, manageable and convenient access to the buildings for both vehicles and pedestrians.

The design relocates the existing crossover location on Alfred Street to the Site's southwest corner therefore maintain a status-quo. The location of on-site car parking in the form proposed provides safety and security for the convenience of residents, with direct access to each buildings core.

Suitable traffic management provisions are provided within the car parking area for the safety and convenience of residents as further detailed in the accompanying 'Traffic Impact Assessment' prepared by *One Mile Grid*.

Building Projections

- *Enclosed floor spaces overhanging the public space are generally not encouraged.*
- *Open balconies/canopies, projecting cornices and other similar building elements that overhang public space beyond a building's boundaries are discouraged, except if they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of a building's design and provide evidence of the building's occupation. Projections over laneways are discouraged in circumstances where they would detrimentally impact on the servicing requirements of the lane.*
- *Enclosed floor space and balcony projections are discouraged at first floor level or at a clearance height less than 5 metres from any public space.*

The proposal includes a projection of levels 1-5 above the ground floor level retail component of 'Building A', with it being approximately 4 metres above the public footpath. This does not project beyond the title boundary, but rather provides a widened public realm in the Site itself in appreciating the future role of Boundary Road as a 'renewal street' and the bus priority route.

The proposed projection would provide all weather protection and a means of comfort for retail users, future bus commuters and residents.

Protection from Wind and Rain

- *The design of new development is encouraged to consider the possible wind effects of building proposals on their surroundings.*
- *In areas where there is an established pattern of continuous weather protection along a street, the design of new development is encouraged to reinforce this pattern.*
- *Weather protection need not be provided where it would interfere with the integrity or character of heritage buildings.*

It is not anticipated that any unreasonable micro-climatic impacts such as wind tunnelling will occur as part of the proposal and as such there are no weather protection elements provided as part of the proposal which may otherwise disrupt the architectural integrity of the development.

The 'Wind Impact Assessment' prepared by *Vipac Engineers & Scientists* concludes that as a result of the proposed design response, appropriate walking and seating comfort criteria will be met.

Landscape

- *New development is encouraged to respect and maintain the garden or landscape character of an area where this is a dominant feature of the neighbourhood.*
- *New buildings are encouraged, where possible, to retain existing mature trees and to provide opportunities to enhance the landscape features of the area. In circumstances where mature trees are removed, developers are encouraged to incorporate suitable replacement planting.*

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The area is generally industrial in character and is relatively devoid of meaningful landscaping. The exception to this is the mature street trees that border Boundary Road and the communal open space areas and vegetated gardens associated with residential development on the east side of Boundary Road.

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The approach in the redevelopment of the Site is to establish a landscape character and contribute and enhance the existing landscape features of the area by providing public and communal open space and beautify the Boundary Road streetscape and future laneway adjacent to the Site’s northern and western boundaries. This is to be achieved by a combination of deep soil and planter box planting and opportunities for additional street tree planting subject to the satisfaction of Council and complementary hard surface paving treatments.

Further details of the provided landscaping opportunities are provided in the accompanying landscape plan prepared by *Tract Landscape Architects*.

Access and Safety in Public Spaces

- *Public spaces should be designed to be easily accessible and available for public use.*
- *Design of public spaces should ensure safe and adequate access for people with disabilities.*
- *Pedestrian circulation and through-access in public spaces should be designed to allow ease of access.*
- *Active uses are encouraged to abut the street and public spaces so as to increase interest, use, and the perception of safety.*
- *Lighting is encouraged to be provided to improve safety.*
- *Alcoves and spaces that cannot be observed by pedestrians are discouraged.*
- *Building lighting design is encouraged to be fully integrated and contribute to the public amenity.*
- *On major streets and other areas of pedestrian activity, windows at ground floor level should be maximised to provide surveillance.*

Respecting the topography of the land and exploiting the Site’s ability to connect with neighbouring development sites and surrounding footpath networks, the development harnesses an opportunity to contribute to the wider vision for this well-appointed urban renewal site by providing pedestrian links through the Site from Boundary Road and being appointed such that there is potential to connect with the future development site to the west and the development being realised at 87-105 Racecourse Road to the northwest.

The retail offering fronting Boundary Road allows activation at the street interface and a visual prompt to other activity at ground and lower ground floor within the development. Secondary activation through residential dwellings are provided along the laneways, in appreciating the immediate road hierarchy. Passive surveillance of the enhanced public realm is achieved by the active frontages and from upper level apartments orientated toward the public realm.

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## 7 Key Considerations

### 7.1 Land Use and Policy Setting

The Site's location within the defined 'Arden-Macaulay Major Urban Renewal Precinct' and the strategic work undertaken in the Structure Plan dictate that a higher degree of change, function, land use and built form outcomes are to be achieved to the area. The designation of area and the Site location in a 'Major Urban Renewal Precinct' within *Plan Melbourne 2017-2050* and the Planning Scheme and the anticipated future character of the area should be a determining factor in assessing the design response and the application in this context.

The proposal will embrace opportunities to provide a contribution of affordable housing or alternative equivalent contribution to the satisfaction of the Responsible Authority, in response to housing affordability planning policies at clause 16.01-4S of the Planning Scheme, while delivering a sustainable and community focused housing opportunity for a variety of future residents.

The local planning objectives and strategies at clause 21.04 and 21.06 of the Planning Scheme regarding 'Settlement' and 'Housing' respectively, are clear in their intent for the location of new higher density residential development to be within the identified urban renewal precincts of the municipality. Moreover, the Site's excellent access to existing and planned public transport infrastructure and direct links these provide to the Melbourne CBD (including the priority bus route proposed along Boundary Road) and its close proximity, intrinsically encourage the Site's redevelopment for a high-quality urban renewal project as proposed.

The internal layout and configuration of the apartments is aided by their exceptional location to these nearby services and public transport options, providing a highly desirable housing product with an excellent response to clause 58 - 'Apartment Developments' and incorporation of innovative ESD initiatives provided throughout the design response.

### 7.2 Urban Context and Streetscape

The individual characteristics of the Site provide an appropriate opportunity for the Minister to favourably consider the proposed mixed-use development. The design response is of a high architectural and urban design quality which will make a significant contribution to the ongoing and envisaged change to this section of the 'Arden-Macaulay Major Urban Renewal Precinct'.

As identified throughout this report, the character of the immediate and greater 'Arden-Macaulay Major Urban Renewal Precinct' is one where increased density and a variety of uses are destined to evolve as predicated in Plan Melbourne, Council's MSS material and recent planning permit applications, approvals and development. The location of the Site within close proximity to the Melbourne CBD; existing and planned public transport infrastructure; and other nearby services provides an excellent opportunity for a mixed-use development encompassing higher density living as proposed.

DD063 of the Planning Scheme provides an indication of the preferred built-form outcome for the Site and surrounding area. The proposed twelve storey sits comfortably in this location, aligning with other nearby development approvals and positioned around a centrally provided and north-facing communal open space area.

The podium and upper level form of the building in its presentation to Boundary Road ensures that a pedestrian scale is maintained along this frontage, with differing design materiality provided to differentiate the two forms. The recessed ground floor of this building allows increased circulation space at the retail and residential entries to minimise conflict with existing footpath users. Opportunities present to activate this interface further with street furniture, dining opportunities in concert with the proposed landscaping and additional street tree planting to provide a consistent green avenue along the west side of Boundary Road. This level of activation and greenery assists in creating an attractive and safe pedestrian environment which enlivens the public realm in recognition of Boundary Road's status as a 'renewal street' within the Structure Plan and DD063 material and future 'local activity centre' within the Structure Plan Refresh.

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The Site takes benefit from its inclusion within the ‘Arden-Macauley Major Urban Renewal Precinct’ however has been influenced by the recent and emerging development approvals in the immediate precinct and the general master planning which is to occur as it becomes a truly mixed use precinct. This presents an opportunity for the proposed development to establish and define a new streetscape character for Boundary Road and Alfred Street, that can be equally acknowledged in future developments. Adjoining site’s north and south are otherwise more constrained due to their limited depth when compared to the Site and which has the potential to impact their opportunity to reach the preferred/absolute maximum building heights of DDO63.

The proposed development has logically responded to the Site’s immediate context and the opportunities and constraints presented by this strategic land parcel, providing local, public east-west and north-south laneway links to features within the Site and as approved and proposed on immediate developments, providing a logical response to the anticipated master planning of the immediate area.

The proposal successfully integrates the design response with the industrial past, appreciating its significance to the area and how this has influenced the surrounding built form character, which is destined to continue to evolve and change through its recognition as a ‘Major Urban Renewal Precinct’.

### 7.3 Built Form

The design response has been formulated with a keen understanding of the DDO63 control and the Site’s surrounding context and has undergone a process of evolution following input received by various consultants during pre-application stages.

The 12-storey form of the development complies with ‘absolute maximum building height’ within DDO63 and the change in built form anticipated to arise. The highly resolved architectural and urban design response provides an overall community benefit through the presentation of an active frontage to Boundary Road and the connectivity of this frontage and its future orle with the internal path network, communal facilities and new public laneways, collectively assist in integrating the development with the public realm through added pedestrian permeability, activity and safety.

The development appreciates the mandatory maximum six (6) storey streetwall height prescribed by DDO63. Whilst setbacks above the streetwall seek to vary the requirements of DDO63, the proposal provides an intelligible response by setting back the uppermost levels a minimum 4.5 metres and a change in the architectural presentation from the podium’s more linear verticality and darker materiality to create a strong base, to a more lighter presentation in two (2) differing forms either side of a central balcony. The differing architectural treatments to the lower and upper levels as the design response presents to Boundary Road creates visual interest when observed from the public realm, complementing each other through the geometric patterns and frames created however ultimately contrasting through the varying colour and material finishes.

Relative to the Boundary Road streetwidth, the proposed height of the podium at approximately 20 metres maintains a 1:1 ratio with the width of the arterial road, with the upper levels then adopting a 2:1 height to street width. In concert with the above architectural response and setback of the upper levels, this creates a positive balance of built form, rather than alternative terracing of built form implied by the DDO63 control.

Moreover, when comparing the shadow cast by the proposal and a DDO63 building envelope, the impact to the public realm is negligible with only an additional shadow cast at 2pm on the September equinox to the eastern side of Boundary Road, where at 3pm both design responses cast a shadow to this eastern side. It is considered the resulting podium and upper level form, and resulting shadow cast ultimately satisfy the design objective of DDO63 being ‘to create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels’.

The balconies themselves to the internal elevations and presentation to other boundaries, continue the architectural theme of Boundary Road, with balconies used to create varied sub-volumes of built form that ultimately reduces their visual presence through the differing finishes, colours and patterning applied.

Accordingly, the proposal has carefully considered the Site’s opportunities and constraints and provides a highly resolved architectural and urban design outcome on this strategic land parcel. The visual perspectives provided in

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the accompanying architectural package prepared by *CHT Architects* indicate a contemporary design solution that provides visual interest in appreciating the Site's built form context and the anticipated change to this urban renewal precinct.

### 7.4 On-Site Amenity

The development provides an excellent internal amenity and a highly liveable lifestyle choice for future residents and occupants. The internal layouts of each of the dwellings are generous in area and well-conceived in responding to the Site's opportunities and constraints.

All apartments are designed in an open plan living arrangement with a functional private open space in the form of courtyard area for ground floor townhouses/apartments or individual balcony areas which are directly accessible from their principal living areas; maintain a high amount of solar access; and either satisfy or exceed the requirements at clause 58.05-3 of the Planning Scheme. The provision of an on-site communal open space area supplemented by a roof top garden and common shared spaces including wellness centre, gym, games arcade and private dining facilities, generous landscaped central circulation areas are all provided to promote a sense of community within the building complex and assist in residents integrating with one-another and their various recreational needs.

The proposal responds excellently to clause 58 'Apartment Developments' requirements, with only minor variations sought to site access requirements (Standard D11) given the width of frontage to Alfred Street and the hierarchical status of Boundary Road and its RDZ1 status; a variation to Standard D19 requirements regarding the extent of private open space provided at ground floor for the townhouse dwellings; and a minor variation to Standard D27 for natural cross-flow ventilation to some apartments. The proposal's ability to comply with all other Standards of clause 58 highlights the excellent internal amenity of all dwellings across the Site, with a detailed assessment and further justification of the above variations provided at **Appendix C** of this report.

Apartments are further afforded secure on-site car parking within the developments lower ground floor and three levels of basement with direct access to the upper level residential accommodation. Independent and secure storage areas for each apartment have also been provided within the lower ground floor and basement levels in the form of over-bonnet cages and a dedicated storage locker room. Bicycle storage that exceeds the requirements of the Planning Scheme is also provided as part of the proposal.

### 7.5 Off-Site Amenity

The proposed use and development of the Site will not unreasonably impact upon existing commercial and residential uses in the near vicinity as well as their anticipated redevelopment in context of the 'Arden-Macaulay Major Urban Renewal Precinct' which they form part of. The Site has a direct abuttal with neighbouring residential properties at 50 Alfred Street and 62 Alfred Street to the south. The proposal has taken account of those sensitive interfaces as well as considering the future development potential of surrounding land.

The below assessment considers the amenity impacts in respect of visual bulk, shadow cast off-site and overlooking as detailed:

#### Visual bulk

- The scale of the buildings at 12 storeys is responsive to the topography of the Site and complies with the absolute maximum as contained in DD063. The streetwall height with Boundary Road respects that prescribed by DD063 and otherwise has upper levels setbacks which do not diminish the quality of the public realm, which is only set to be enhanced by the proposed built form.
- The depth created through punctured balconies, in unison with the composition of external materials create a series of sub-volumes of built form which contrast against one another through differing colours and geometric patterning applied.
- The buildings have been setback 4.5 metres from the southern mutual boundaries with neighbouring properties to the south, notably the existing residential properties of 50 and 62 Alfred Street. This removes the immediacy of existing built form to these properties on the boundary and in concert with the setback

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basement provides opportunities for meaningful landscaping, including canopy trees, softening the direct interface when compared to the existing conditions and reducing the built form perception.

- The height of the southern wall on boundary has accounted for the equitable development of the adjoining properties to the south which is effectively able to match these walls in its anticipated future redevelopment and in response to DDO63 requirements. The balance of the building is otherwise set off boundaries to allow for setbacks to be reciprocated in approved and future planned development of adjacent sites and avoid the need for overlooking screening.

Overlooking

Given the orientation of dwellings facing east and west, the majority of glazed openings face is within the development, towards the roof areas of adjacent commercial premises or the public road and footpath of Boundary Road. Balconies or window openings oriented north are sufficiently distant from the development being realised at 85-107 Racecourse Road creating an overall minimum building separation of approximately 10 metres and thus reducing the need for screening treatments and providing an excellent internal amenity for future residents of both developments.

The setbacks and scaling of the building in its presentation to the south and existing boundary fence, ensure that no direct views to the secluded private open space of 50 and 62 Alfred Street will occur as result of the proposal and acknowledging their future development potential.

Accordingly, no unreasonable overlooking is anticipated to arise as a result of the proposal.

Overshadowing

Comparative shadow diagrams have been provided within the architectural package prepared by *CHT Architects* to inform the extent of overshadowing to the existing residential properties at 50 and 62 Alfred Street and their secluded private open space areas. The existing shadow diagrams indicate that on the September 22 equinox these private open space areas are constantly in shadow given the existing building being built to the shared boundary for two storeys and other nearby buildings.

When comparing this existing shadow to the proposed shadow cast, the receipt of sunlight to the private open space areas of Nos. 50 & 62 Alfred Street effectively remains the same as the existing conditions, however is ultimately improved for No. 62 from 2pm onwards (noting shadow diagrams include proposed shadow from current application at 64-102 Alfred Street).

Overall, when accounting for the existing shadow cast to these properties and their development expectations within the 'Arden-Macaulay Major Urban Renewal Precinct' the shadow cast by the proposal is considered entirely appropriate.

For residential properties located outside of the defined 'Arden-Macaulay Major Urban Renewal Precinct' namely those east of the Site at 146 Boundary Road and 48 Alfred Street, no unreasonable overshadowing will occur to these from what can be reasonably be expected given their location on the periphery of the urban renewal precinct. 146 Boundary Road is currently vacant however maintains planning approval for four (4) dwellings, with the previous dwelling at 48 Alfred Street also vacant following a fire in 2018 and thus no overshadowing will occur to their existing secluded private open space or habitable windows.

The shadow diagrams provided compare the proposal to a DDO63 built form envelope which indicate only at 2pm additional shadow is cast to these properties, noting that at 3pm in the proposal and DDO63 literal building envelope both cast a shadow these properties. These shadow diagrams also do not include existing shadows cast by the boundary fences on these properties or the trees along the eastern side of Boundary Road which would impact the receipt of sunlight to these properties during the afternoon hours, with only filters of sunlight being received. Accordingly, it is considered that the proposed shadow impact results in a negligible outcome to these vacant residential properties when compared to the existing conditions and is therefore considered appropriate.

Accordingly, it is submitted that no unreasonable off-site amenity impacts will occur as a result of the proposal.

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## 7.6 Traffic and Car Parking

Critical to this assessment is the amount of proposed car parking provided on-site; the Site's location within the 'Arden-Macaulay Major Urban Renewal Precinct'; and the alternative means of transport provided by the proposal and its excellent location to existing public transport infrastructure and services including the nearby Capital City Trail and associated bicycle path.

This application is accompanied by a detailed 'Traffic Impact Assessment' prepared by *One Mile Grid*. The report concludes that the provision of car parking proposed by this application as well as the layout and associated traffic generation is entirely appropriate, satisfying requirements of clause 52.06 with no reduction in car parking sought as part of this application.

The location and design of the proposed car parking area is considered appropriate and will provide safe and convenient access to all car spaces. The provision of car parking at lower ground floor and basement levels with access acquired via an existing crossover removes cars which is to be adapted, ensures that the location of such facilities does not impact upon the rhythm of the streetscape and enhanced commercial activity, while providing a high level of amenity and convenience for future residents.

A detailed assessment of the matters pertaining to car parking and traffic are provided in the accompanying 'Traffic Impact Assessment' prepared by *One Mile Grid*, which accompanies this report.

## 7.7 Environmentally Sustainable Design (ESD)

With regards to the ESD performance of the proposed development, we rely upon the 'Sustainable Management Plan' prepared by *Ark Resources*. Based on the preliminary assessment of the proposal, it attains a 5-star Green Star Design & As Built performance standard and meets best practice Urban Stormwater Environmental Management Guidelines. ESD features of the proposal include:

- Rainwater harvesting system for toilet flushing and irrigation;
- 30kWp rooftop solar photovoltaic system;
- Integrated planter boxes;
- Sustainable transport options;
- Communal spaces;
- High-performance glazing and energy efficient building services, appliances and fixtures;
- Environmentally preferable internal finishes.

The robust façade design and materials used, internal layouts and incorporation of operable windows promote natural cross-flow ventilation, while maximising daylight to living areas of each of the dwellings, with no south facing apartments proposed. This passive design features are intended to limit reliance on mechanical heating and cooling throughout the year, with pre-cast concrete the noted primary structural materiality for durability and thermal mass performance. High performance glazing to windows will ensure a reduction in thermal loads, which will be assisted by appropriate ratios of fenestration to façade areas on the exterior and internal corridors of the building.

Sustainable transport modes such as walking, and cycling will be promoted through the appropriate provision of lock-up bicycle spaces, exceeding the statutory requirement of clause 52.34 and enabling residents to access nearby bicycle paths including the Capital City Trail. The Site's proximity to existing public transport infrastructure and service amenities assist future residents and users in choosing alternative transport modes with the Site containing an overall walk score of 83 out of 100, deemed 'very walkable' highlighting the attributes of the Site.

The abovementioned design features and overall design response result in a building which displays excellent ESD performance which is a feature attraction of the completed development; enhancing user comfort levels and reducing living costs over the lifetime of the building. Further detail regarding the proposal's ESD performance is contained in the 'Environmentally Sustainable Development (ESD) Report' prepared by *Ark Resources*.

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## 7.8 Waste Management

With regard to proposed waste management on the Site, the application relies upon the 'Waste Management Plan', prepared by *One Mile Grid* which accompanies and forms part of this planning permit application.

The size of the proposed bin storage areas is considered appropriate on the basis that they provide sufficient opportunity for recycling and garbage disposal for future residents and retail operators. A waste chute is provided on the upper levels of each building for the convenience of future residents and waste collectors.

Waste will be collected by a private contractor for both retail tenancies and by Council for residential uses. The building manager will ensure that the private waste contractors will have access during collection times.

The proposed bin storage locations shown on the development plans will reduce the impact of these waste facilities on residents. Further detail in regard to the collection and management of waste is detailed in the accompanying 'Waste Management Plan' prepared by *One Mile Grid*.

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## 8 Conclusion

As outlined in this submission, the proposed use and development of the land at 139-149 Boundary Road, North Melbourne appropriately meets the policy requirements and strategic direction of the Planning Scheme.

The location of the Site within the 'Arden-Macaulay Major Urban Renewal Precinct' provides all necessary justification for an urban renewal development in the form and scale proposed and the anticipated and changing character that is occurring in the immediate environs. The proposal provides a defining architectural outcome and urban design contribution to this strategic locality, in recognising the Site's relationship to existing approvals and development expectations of adjoining properties, appropriately considering the immediate master planning of the precinct and the enhanced public realm, wayfinding, pedestrian links, services and amenities which are to be provided.

The contemporary and innovative architectural response has considered its excellent locational attributes and is complemented by a modern internal layout which provides an extremely high level of residential amenity and lifestyle choice for future occupants, including the provision of additional public housing in a highly sought after locality. The layout and orientation of the building maximises the receipt of northern light to apartments and communal areas, providing an excellent amenity and outlook on all of the building's facades. The provision of shared common and terrace areas enhances the amenity for future residents, while providing opportunities for social interaction.

This report and the accompanying technical assessments have identified the issues relevant to considering and approving the proposed development and have logically addressed the requirements of the Planning Scheme in particular DD063. The application material has also addressed the key issues that impact the development and has demonstrated the positive contribution and community benefit that this development will have on the immediate and broader 'Arden-Macaulay Major Urban Renewal Precinct'.

On this basis, we respectfully request that the development be approved as proposed.

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**Appendix A**  
Copy of Title

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09525 FOLIO 227

Security no : 124077364521H  
Produced 08/05/2019 03:28 PM

LAND DESCRIPTION

Land in Plan of Consolidation 155107.

PARENT TITLES :

Volume 03543 Folio 408      Volume 03943 Folio 433      Volume 05041 Folio 030

Volume 05672 Folio 236      Volume 09433 Folio 094

Created by instrument CP155107 01/09/1983

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

NO ASSETS PTY LTD of LEVEL 1 109 DRUMMOND STREET CARLTON VIC 3053  
AS080976W 10/04/2019

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS080977U 10/04/2019

MAXCAP SECURITY PTY LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE CP155107 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AS080974B (E)	DISCHARGE OF MORTGAGE	Registered	10/04/2019
AS080975Y (E)	TRANSFER	Registered	10/04/2019
AS080976W (E)	TRANSFER	Registered	10/04/2019
AS080977U (E)	MORTGAGE	Registered	10/04/2019

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 139-149 BOUNDARY ROAD NORTH MELBOURNE VIC 3051

ADMINISTRATIVE NOTICES

NL

eCT Control 19436D KING & WOOD MALLESONS  
Effective from 10/04/2019

DOCUMENT END

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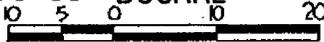
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**ADVERTISED PLAN**

REF. No. 12859/CO

CP155107  
 EDITION 2

**PLAN OF CONSOLIDATION OF:**  
 PART OF CROWN ALLOTMENTS 1 & 2  
 PORTION 16  
**PARISH OF DOUTTA GALLA**  
**COUNTY OF BOURKE**

SCALE  20  
 LENGTHS ARE IN METRES.

CP155107

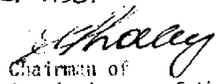
CHART No. 11.

*Received  
 Feb 4 89.  
 G.F. M.A.  
 C.A. 28.2.89.*

SEE SHEET 2 FOR DIAGRAM

APPROVED  
 DPT   
 Assistant Registrar of Titles  
 DATE 1/9/83 TIME 8:55 AM.

VOL. 9525 FOL. 227

CONSENT OF COUNCIL	SURVEYOR'S CERTIFICATION
<p>SEALED PURSUANT TO SECTION 569 AB OF THE LOCAL GOVERNMENT ACT 1958.</p> <p>The Common Seal of the Lord Mayor Councillors and Citizens of the City of Melbourne was affixed hereto on the 13<sup>th</sup> day of <i>December</i> 1982.</p> <p>                      Chairman of Commissioners of the City of Melbourne appointed pursuant to the Local Government (City of Melbourne) Act 1981.</p> <p>                      Chief Executive Officer and Town Clerk</p>	<p>I certify that this plan has been made by me or under my immediate personal supervision and accords with title.</p> <p>                      30<sup>th</sup> day of <i>April</i> 1987</p> <p>Licensed Surveyor</p>

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K. A. REED(GROUP) PTY. LTD.

This consent also applies to sheet 2 is identified by the firm name of the Chief Executive Officer and Town Clerk.

Original T.L. 27-4-82

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SHEET 1 OF 2 SHEETS



<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 529098S</b>						
<b>Location of Land</b> Parish: DOUTTA GALLA Township: Section: Crown Allotment: 1 (PT) Portion: 16  Last Plan Reference: Derived From: VOL 4094 FOL 674 Depth Limitation: NIL		<b>Notations</b>     ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN						
<b>Description of Land / Easement Information</b> all that piece of land in the Parish of Doutta Galla - - - - County of Bourke being part of Crown Allotment One Portion 16 which land - is shown enclosed by continuous lines on the map hereon - - - - - TOGETHER WITH a right of carriage way over the road shown marked X on the said map - - - - -		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 26/05/2000 VERIFIED: GB						
<table border="1" style="margin: auto;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 1 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 1 (PT)	
TABLE OF PARCEL IDENTIFIERS								
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = CA 1 (PT)								
LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets <div style="font-size: 2em; font-weight: bold; color: red; text-align: center;">ADVERTISED PLAN</div>						

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 04094 FOLIO 674

Security no : 124080430542C

Produced 26/11/2019 12:36 PM

LAND DESCRIPTION

Lot 1 on Title Plan 529098S (formerly known as part of Crown Allotment 1 Portion 16 Parish of Doutta Galla).  
PARENT TITLE Volume 03442 Folio 333  
Created by instrument J438905 29/04/1981

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

NO ASSETS PTY LTD of LEVEL 1 109 DRUMMOND STREET CARLTON VIC 3053  
AS080976W 10/04/2019

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS080977U 10/04/2019  
MAXCAP SECURITY PTY LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP529098S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 139-149 BOUNDARY ROAD NORTH MELBOURNE VIC 3051

ADMINISTRATIVE NOTICES

NIL

eCT Control 19436D KING & WOOD MALLESONS  
Effective from 10/04/2019

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## Appendix B

### Planning Property Report

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From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 06 August 2020 02:13 PM

## PROPERTY DETAILS

Address: **139-149 BOUNDARY ROAD NORTH MELBOURNE 3051**

Lot and Plan Number: **More than one parcel - see link below**

Standard Parcel Identifier (SPI): **More than one parcel - see link below**

Local Government Area (Council): **MELBOURNE** [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)

Council Property Number: **616902**

Planning Scheme: **Melbourne** [Planning Scheme - Melbourne](#)

Directory Reference: **Melway 2A D2**

This property has 2 parcels. For full parcel details get the free Property report at [Property Reports](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**

Melbourne Water Retailer: **City West Water**

Melbourne Water: **Inside drainage boundary**

Power Distributor: **CITIPOWER**

[View location in VicPlan](#)

## STATE ELECTORATES

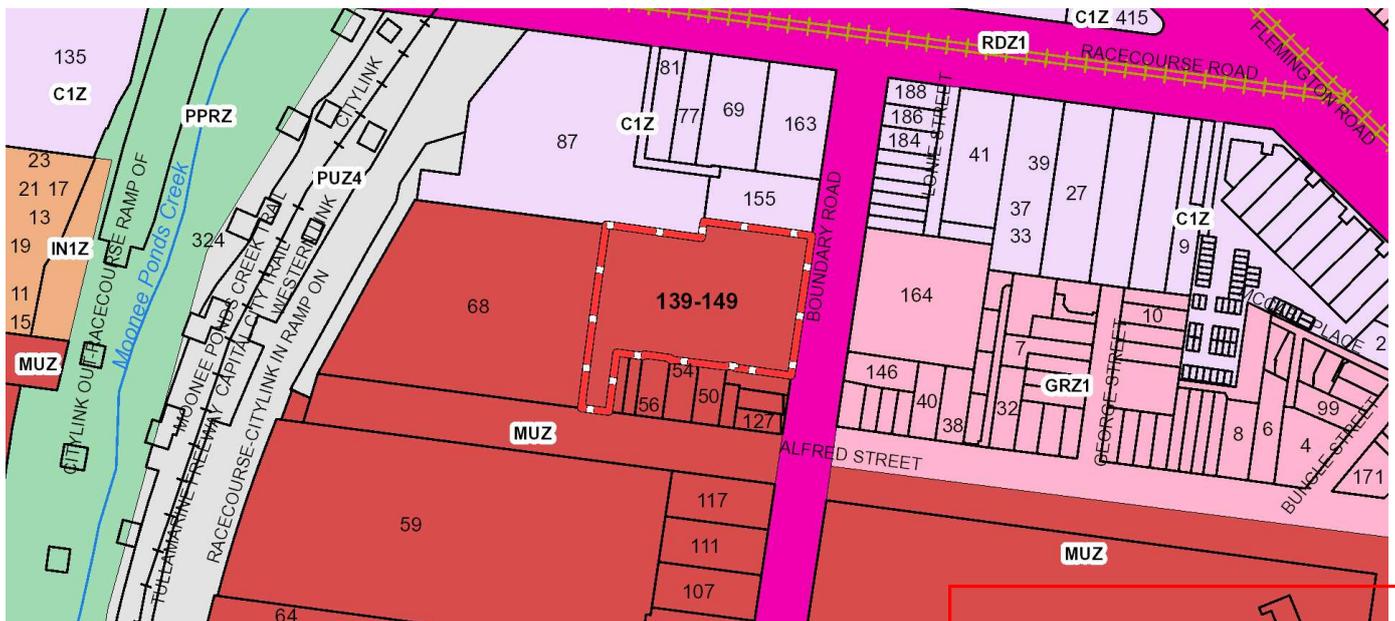
Legislative Council: **NORTHERN METROPOLITAN**

Legislative Assembly: **MELBOURNE**

## Planning Zones

[MIXED USE ZONE \(MUZ\)](#)

[SCHEDULE TO THE MIXED USE ZONE \(MUZ\)](#)



- C1Z - Commercial 1
- MUZ - Mixed Use
- RDZ1 - Road-Category 1
- GRZ - General Residential
- PPRZ - Public Park and Recreation
- Railway line
- Watercourses
- IN1Z - Industrial 1
- PUZ4 - Public Use Transport
- Tram line

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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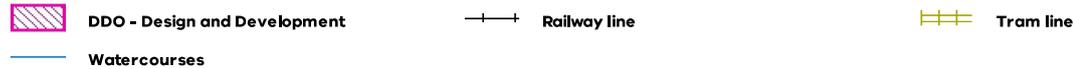
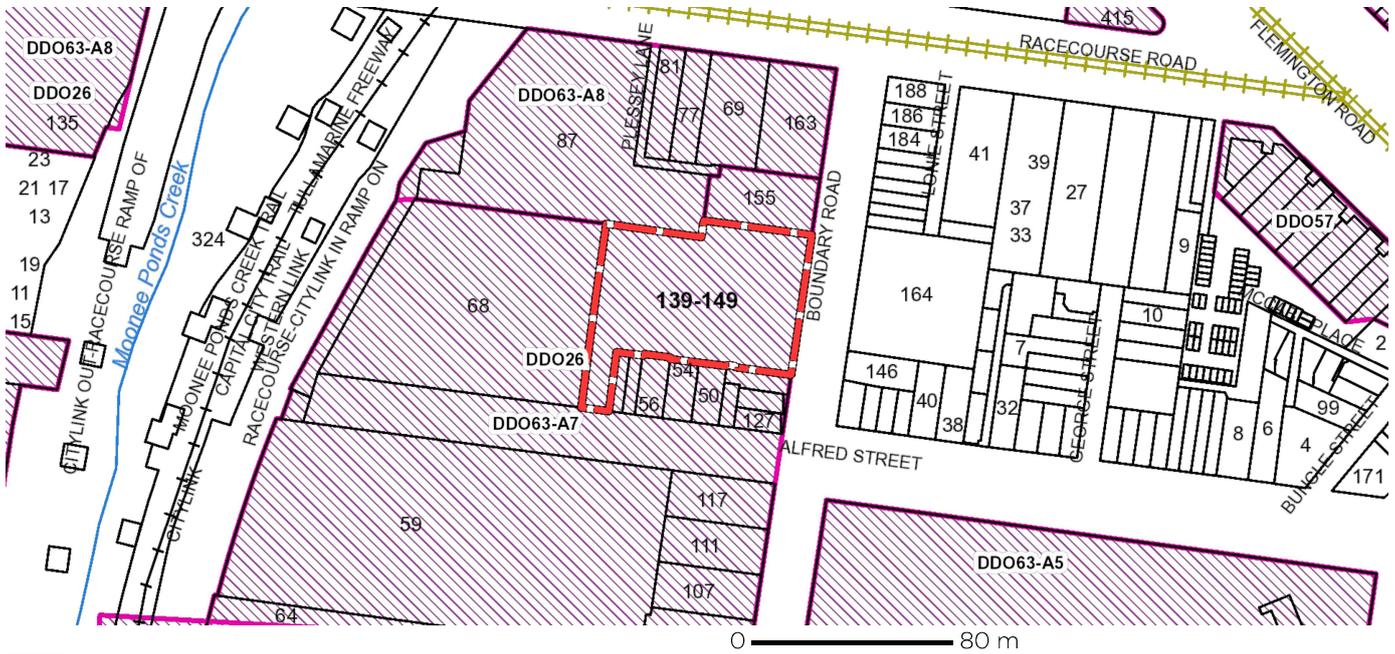
# ADVERTISED PLAN

## Planning Overlays

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 26 \(DDO26\)](#)

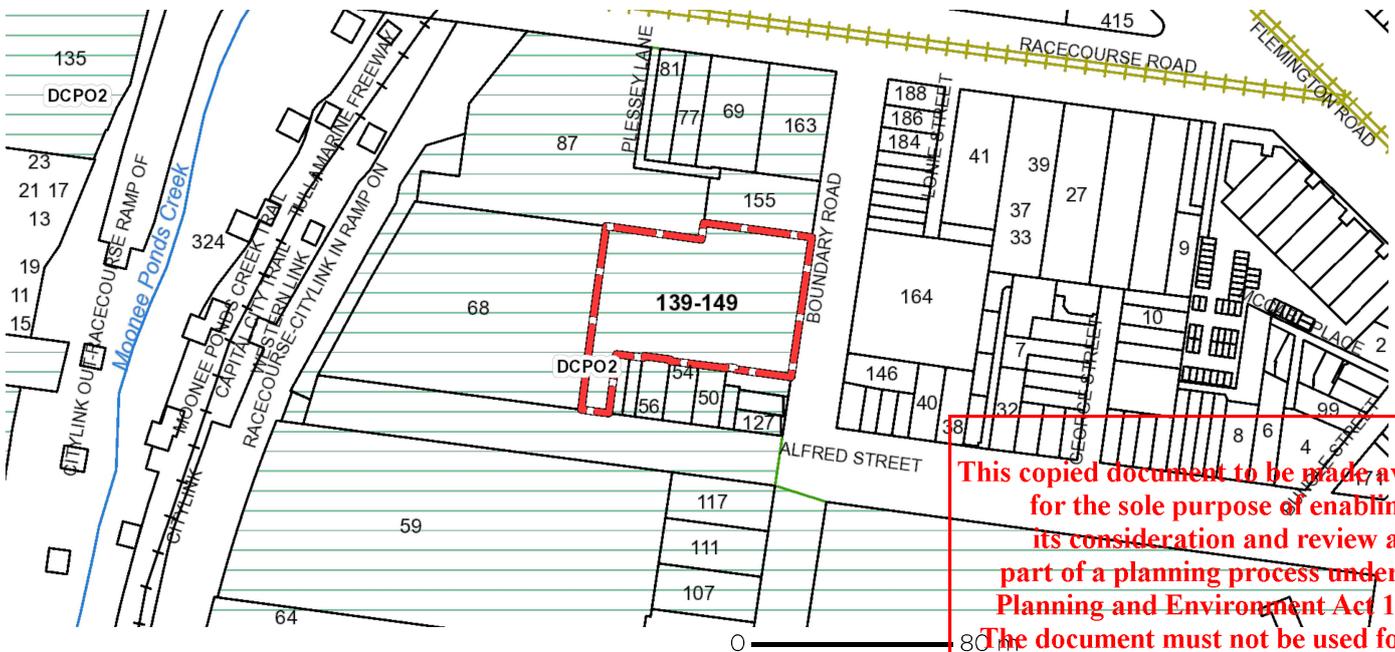
[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 63 \(AREA 7\) \(DDO63-A7\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY \(DCPO\)](#)

[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 \(DCPO2\)](#)



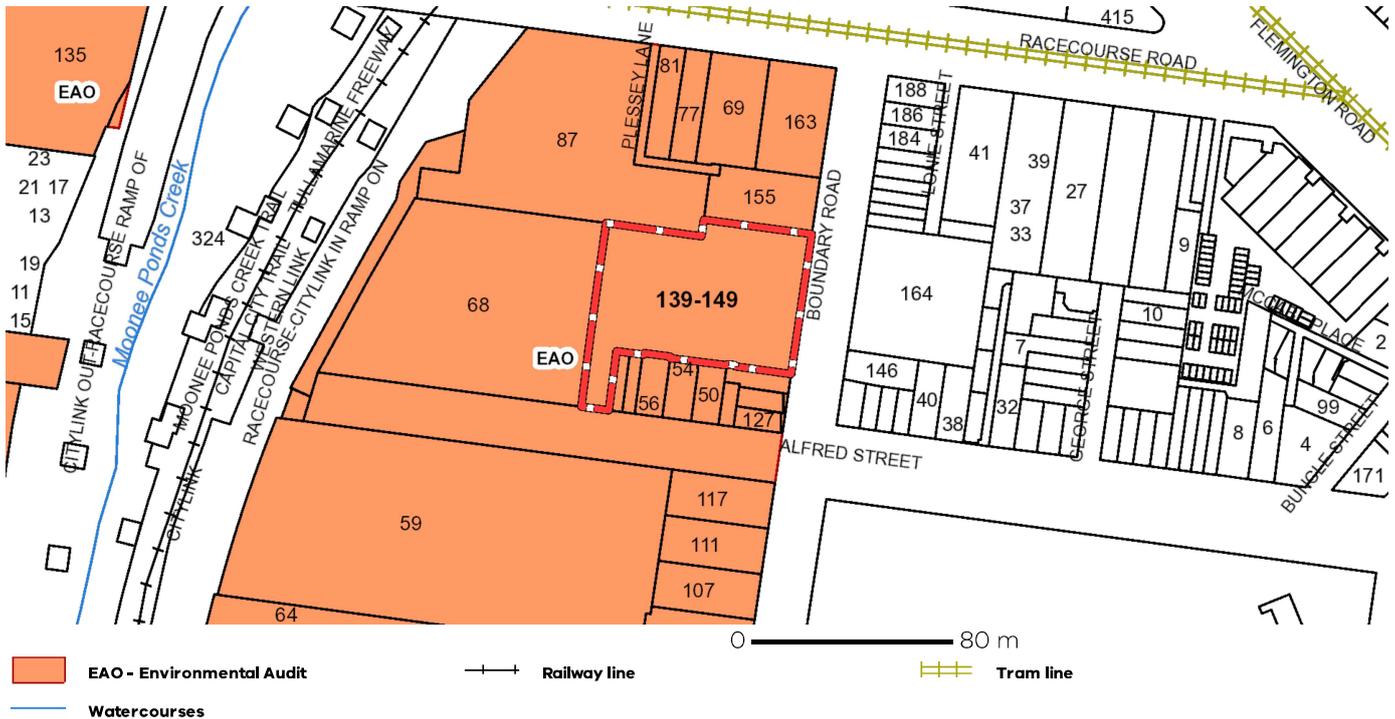
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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## Planning Overlays

### ENVIRONMENTAL AUDIT OVERLAY (EAO)



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# PLANNING PROPERTY REPORT

## OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

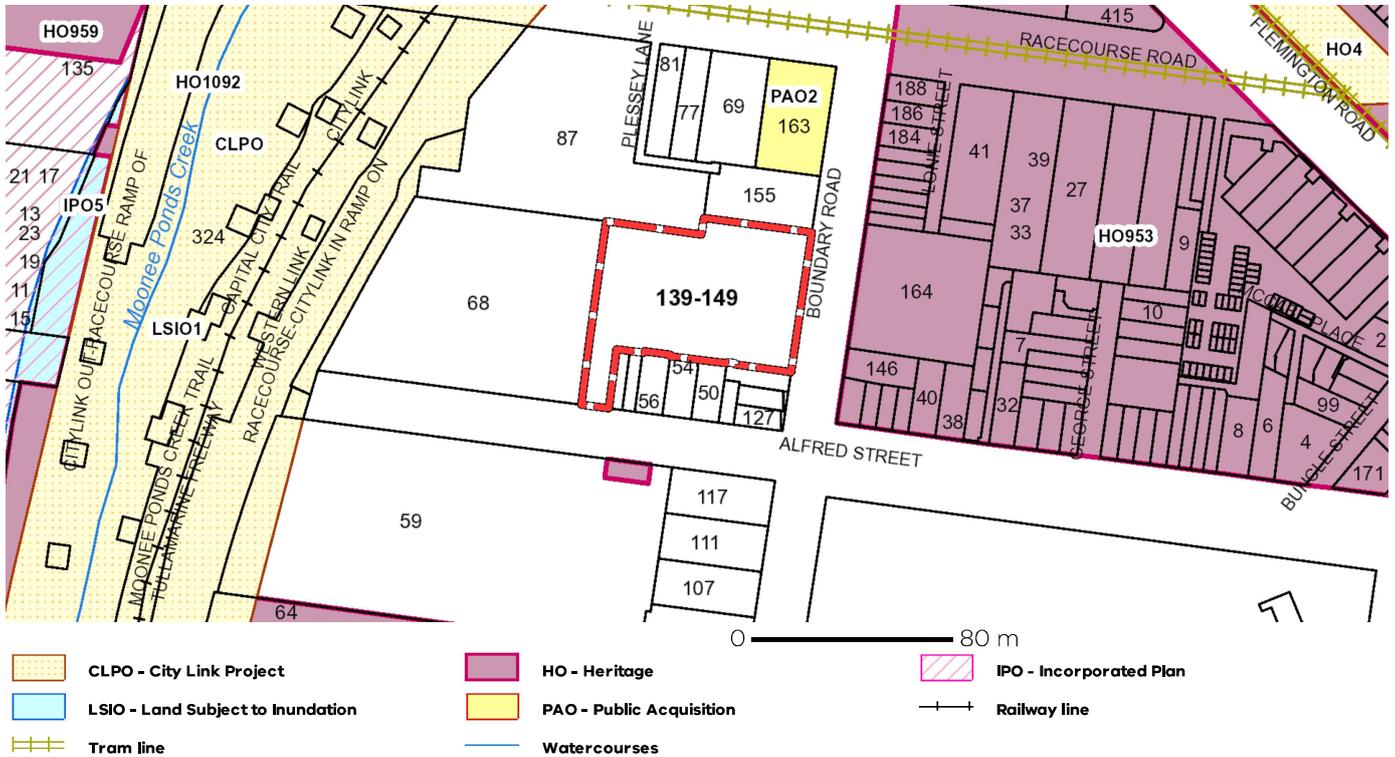
[CITY LINK PROJECT OVERLAY \(CLPO\)](#)

[HERITAGE OVERLAY \(HO\)](#)

[INCORPORATED PLAN OVERLAY \(IPO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)

[PUBLIC ACQUISITION OVERLAY \(PAO\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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## Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

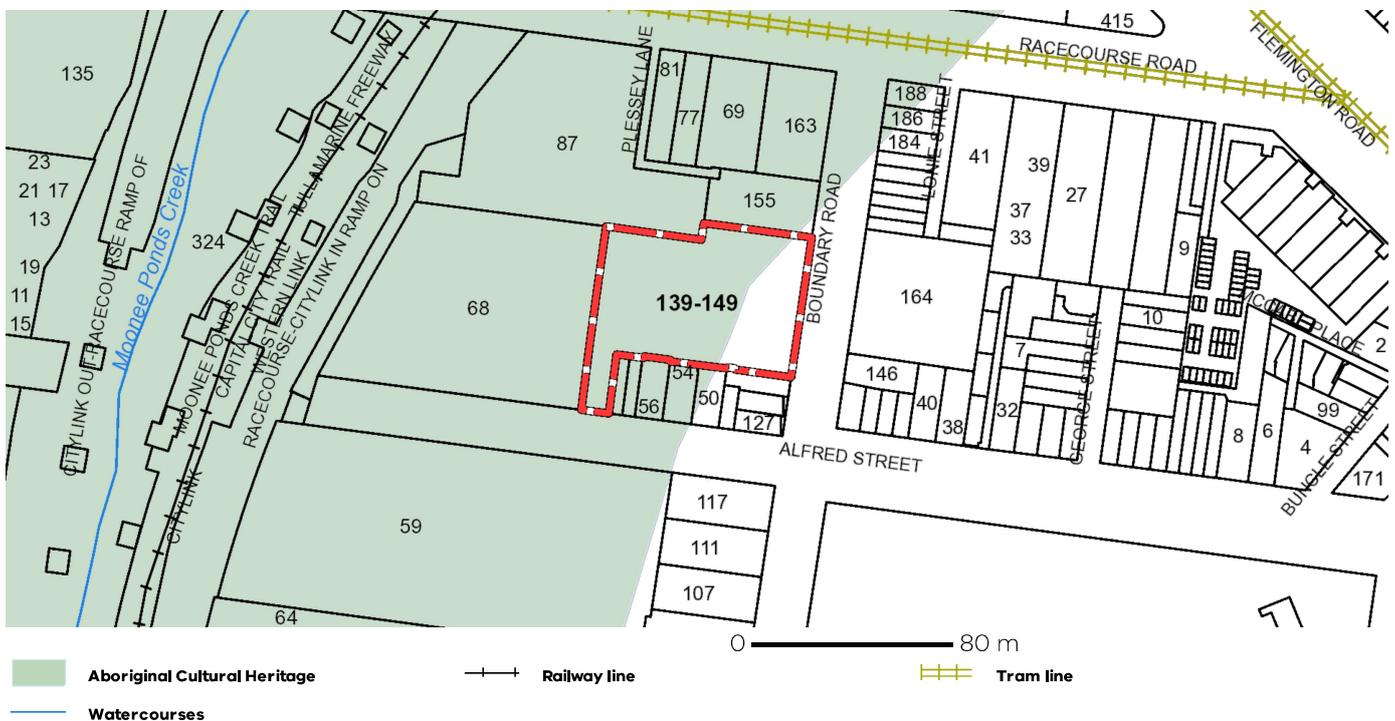
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aqv.nrms.net.au/aqvQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



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## Further Planning Information

Planning scheme data last updated on 5 August 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

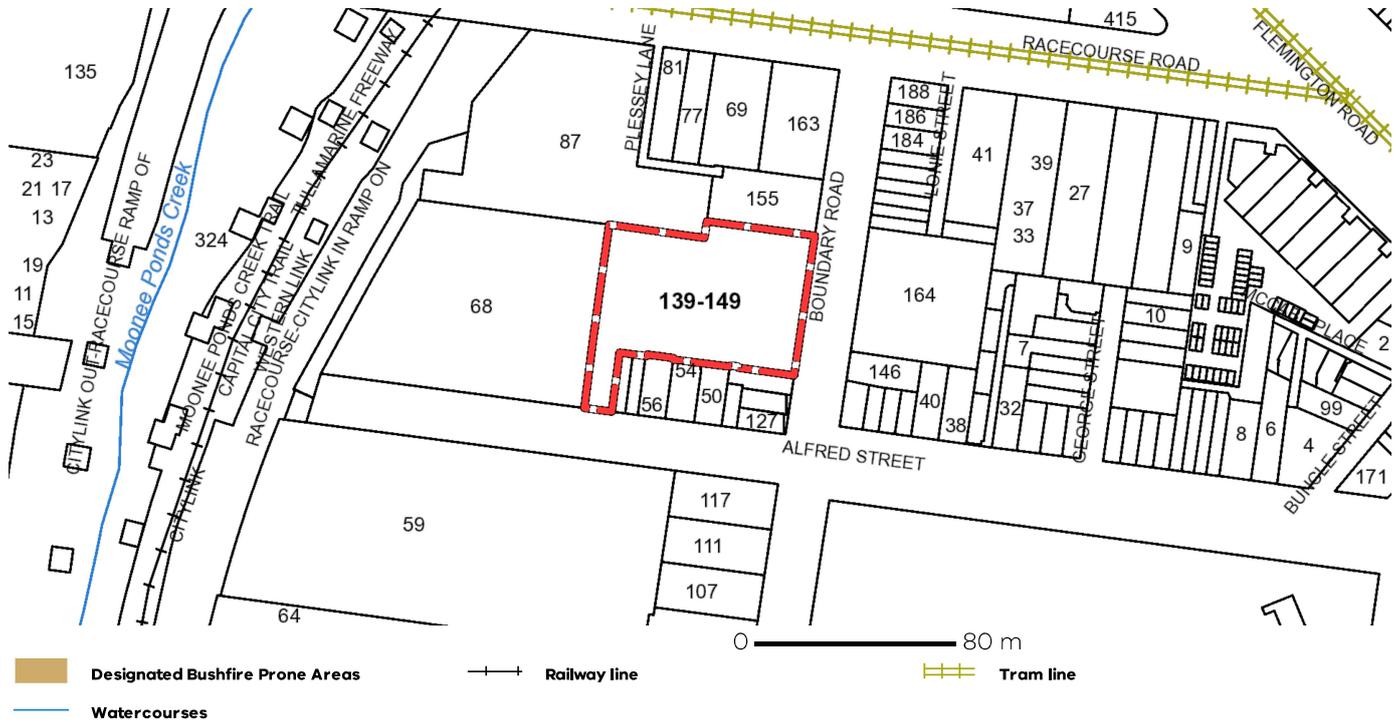
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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## Designated Bushfire Prone Areas

**This property is not in a designated bushfire prone area.**  
**No special bushfire construction requirements apply. Planning provisions may apply.**



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

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**Appendix C**  
Clause 58 Assessment

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**Clause 58 Assessment**

**139-149 Boundary Road, North Melbourne**

<p><b>Objectives and summary of standards</b></p> <ul style="list-style-type: none"> <li>A development <u>must</u> meet all objectives</li> <li>A development <u>should</u> meet all standards</li> </ul>	<p><b>Applicant's Assessment</b></p>
<p><b>Clause 58.01-1:</b></p> <p><b>Urban Context Report and Design Response</b></p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none"> <li>An urban context report.</li> <li>A design response.</li> </ul>	<p><b>Complies</b></p> <p>This report and the accompanying architectural package prepared by <i>CHT Architects</i> provide a detailed urban context report and design response in accordance with this requirement.</p>
<p><b>Clause 58.01-2:</b></p> <p><b>Urban context report</b></p> <p>The urban context report may use a site plan, photographs or other techniques and must include:</p> <p>An accurate description of:</p> <ul style="list-style-type: none"> <li>Site shape, size, orientation and easements.</li> <li>Levels and contours of the site and the difference in levels between the site and surrounding properties.</li> <li>The location and height of existing buildings on the site and surrounding properties.</li> <li>The use of surrounding buildings.</li> <li>The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</li> <li>Solar access to the site and to surrounding properties.</li> <li>Views to and from the site.</li> <li>Street frontage features such as poles, street trees and kerb crossovers.</li> <li>The location of local shops, public transport services and public open spaces within walking distance.</li> <li>Movement systems through and around the site.</li> <li>Any other notable feature or characteristic of the site.</li> <li>An assessment of the characteristics of the area including:</li> </ul> <p>Any environmental features such as vegetation, topography and significant views.</p> <ul style="list-style-type: none"> <li>The pattern of subdivision.</li> <li>Street design and landscape.</li> <li>The pattern of development.</li> <li>Building form, scale and rhythm.</li> <li>Connection to the public realm.</li> <li>Architectural style, building details and materials.</li> <li>Off-site noise sources.</li> <li>The relevant NatHERS climate zones (as identified in Clause 58.03-1).</li> </ul>	<p><b>Complies</b></p> <p>This report and the accompanying architectural package prepared <i>CHT Architects</i> provide details of the site by way of a site plan, photographs, and written description in accordance with this requirement.</p>

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<ul style="list-style-type: none"> <li>• Social and economic activity.</li> <li>• Any other notable or cultural characteristics of the area.</li> </ul>	
<p><b>Clause 58.01-3: Design Response</b></p> <p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> <li>• Responds to any relevant planning provision that applies to the land.</li> <li>• Meets the objectives of Clause 58.</li> <li>• Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</li> <li>• Derives from and responds to the urban context report.</li> </ul> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.</p>	<p><b>Complies</b></p> <p>Material included within the accompanying architectural package and this planning report clearly articulates how the proposed development derives from, and responds to, the historic industrial character of the area and planning controls in particular DD063 applying to the 'Arden-Macaulay Urban Renewal Precinct' and the Structure Plan.</p> <p>An assessment against the objectives of Clause 58 follows below.</p>
<p><b>Clause 58.02-1 – Urban Context Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure that the design respects the existing urban context or contributes to the preferred future development of the area.</li> <li>• To ensure the development responds to the features of the site and surrounding area.</li> </ul> <p><b>Standard D1 (cannot be varied)</b></p> <ul style="list-style-type: none"> <li>• The design response <u>must</u> be appropriate to the urban context and the site.</li> <li>• The proposed design <u>must</u> respect the existing or preferred urban context and respond to the features of the site.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• Any relevant urban design objective, policy or statement set out in this scheme.</li> <li>• The urban context report.</li> <li>• The design response.</li> </ul>	<p><b>Complies</b></p> <p>A detailed assessment of the Site's urban context and surrounding area is provided at Sections 2 and 7.2 of this report and the accompanying architectural package prepared by CHT Architects.</p>
<p><b>Clause 58.02-2 – Residential Policy Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.</li> <li>• To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul> <p><b>Standard D2 (cannot be varied)</b></p> <p>An application <u>must</u> be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> <li>• the SPPF; and</li> <li>• the LPPF including the MSS; and</li> <li>• Local Planning Policies (i.e. Clause 22.01 – Urban Design within the Capital City Zone).</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.</li> </ul>	<p><b>Complies</b></p> <p>As detailed in the body of this report, the design and siting of the proposal is considered appropriate in the context of the Site and surrounding area. The architectural material and various consultant reports that accompany the application includes a detailed study of surrounding land uses and development, including its location, scale and intensity particularly that destined to evolve to this strategic precinct.</p> <p>The proposal envisages an appropriate mixed-use development that is extremely well located to take advantage of the various retail, community and service amenities in the Urban Renewal Precinct and convenient connections to the Melbourne CBD, other nearby activity centres and existing and planned public transport infrastructure.</p> <p>The development provides for additional affordable housing and a diversity in housing in an area extremely close to existing jobs, services and public transportation and clearly identified</p>

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<ul style="list-style-type: none"> <li>• <i>The design response.</i></li> </ul>	<p>for change in State and local planning policy. The high quality architectural design ensures the development will provide a positive contribution to the surrounding area.</p> <p>This is entirely consistent with the directives of <i>Plan Melbourne</i> and State and Local Planning Policy Framework policies of the Planning Scheme on the basis that the proposal remains entirely respectful of nearby developments, approvals and aspirations within this evolving precinct.</p>
<p><b>Clause 58.02-3 – Dwelling Diversity Objective</b></p> <ul style="list-style-type: none"> <li>• To encourage a range of dwelling sizes and types in development of ten or more dwellings.</li> </ul> <p><b>Standard D3 (can be varied)</b></p> <p>Developments of 10 or more dwellings <u>should</u> provide a range of dwelling sizes and types including dwellings with a different number of bedrooms.</p> <p><i>There are no decision guidelines for this objective and standard.</i></p>	<p><b>Complies</b></p> <p>The proposal incorporates a variety of townhouses and apartments of one, two and three-bedroom options, that display a range of sizes, types and layouts.</p>
<p><b>Clause 58.02-4 – Infrastructure Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure development is provided with appropriate utility services and infrastructure.</li> <li>• To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul> <p><b>Standard D4 (can be varied)</b></p> <ul style="list-style-type: none"> <li>• Development <u>should</u> be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</li> <li>• Developments <u>should</u> not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>• In areas where utility services or infrastructure have little or no space capacity, developments <u>should</u> provide for the upgrading or mitigation of the impact on services or infrastructure.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>The capacity of the existing infrastructure.</i></li> <li>• <i>In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.</i></li> <li>• <i>If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.</i></li> </ul>	<p><b>Complies</b></p> <p>The proposal development is able to be connected to all services required for the residential, commercial and public uses of the land.</p> <p>A total storage volume of 140kL rainwater tanks are to be provided, with rainwater collected from the building roof and podium level terraces and to be filtered and treated for re-use in toilet flushing and irrigation.</p> <p>The proposal will not result in unsustainable demands upon existing and planned infrastructure.</p>
<p><b>Clause 58.02-5 – Integration with the Street Objective</b></p> <ul style="list-style-type: none"> <li>• To integrate the layout of development with the street.</li> </ul> <p><b>Standard D5</b></p> <ul style="list-style-type: none"> <li>• Developments <u>should</u> provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</li> <li>• Development <u>should</u> be orientated to front existing and proposed streets.</li> </ul>	<p><b>Complies</b></p> <p>The proposed development is oriented to the existing primary Boundary Road frontage, and overall improves the appearance and pedestrianisation of the streetscape with a widened and enhanced public realm along this strategic front.</p> <p>The proposal is well integrated with the street including concentrated activity at ground floor</p>

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- High fencing in front of dwellings should be avoided if practicable.
- Development next to existing public open space should be laid out to complement the open space.

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

level, through retail tenancies and apartments on the upper level.

The proposal is also orientated towards a future east-west and north-south laneway link as identified within the Structure Plan, connecting the eastern boundary road to the north-south link and its on connections to the southern Alfred Street through to Racecourse Road and beautifying this link for an enhanced urban design outcome when considering its future role and use.

Passive surveillance to these areas and the public realm will be improved through the provision of balconies and windows orientated toward these spaces.

The walkable areas, consisting of the pedestrian links, Boundary Road footpaths surrounding the street will be activated with retail tenancies, with internal communal spaces also provided and improving the pedestrian/cyclist permeability within and adjacent to the Site.

**Clause 58.03-1 – Energy Efficiency Objective**

- To achieve and protect energy efficient dwellings and buildings.
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
- To ensure dwellings achieve adequate thermal efficiency.

**Standard D6 (Can be varied)**

- Buildings should be:
  - Oriented to make appropriate use of solar energy.
  - Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Living areas and private open space should be located on the north side of the development, if practicable.
- Developments should be designed so that solar access to north-facing windows is optimised.
- Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in Table D1:

Table D1 – Cooling Load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M2 per annum
Climate zone 62 Moorabbin	21
Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).	

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.

**Complies**

The Site is strategically located on a large site with the building designed in a 'U' shape to maximise receipt of natural northern light and create clear building separation within the Site.

Balconies and windows are orientated to the existing and future public realm and the communal open space areas.

As outlined in the 'Sustainable Management Plan & Water Sensitive Urban Design Response' prepared by Ark Resources Pty Ltd the proposed development meets the minimum Green Star 5 Standard. With regards to energy efficiency the ESD Report states:

*'This report confirms that a combination of sustainable building management practices, design initiatives, fixtures, systems, appliances, materials and finishes will be integrated into the building in order to attain a 5 star Green Star Design & As Built performance standard.*

*The standard achieved is defined as Australian Excellence in terms of environmental design and is consistent with the City of Melbourne's Eco City goals for residents in relation to the reduction of operational green house emissions & water consumption.*

*The development also meets the Best Practice standard for Urban Stormwater Quality and is therefore also consistent with the City of Melbourne's Water Sensitive Urban Design objectives.'*

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<ul style="list-style-type: none"> <li>• The annual cooling load for each dwelling.</li> </ul> <p><b>Clause 58.03-2 – Communal Open Space Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul> <p><b>Standard D7 (Can be varied)</b></p> <p>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.</p> <p>Communal open space <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be located to: <ul style="list-style-type: none"> <li>▫ Provide passive surveillance opportunities, where appropriate.</li> <li>▫ Provide outlook for as many dwellings as practicable.</li> <li>▫ Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>▫ Minimise noise impacts to new and existing dwellings.</li> </ul> </li> <li>• Be designed to protect any natural features on the site.</li> <li>• Maximise landscaping opportunities.</li> <li>• Be accessible, useable and capable of efficient management.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• Any relevant design objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> <li>• The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.</li> <li>• The availability of and access to public open space.</li> </ul>	<p><b>Complies</b></p> <p>The proposal provides a total of 694sqm of communal open space at ground floor (lower and upper) centrally located with additional ground floor communal open space also provided along the Site’s southern boundary. A 237sqm central communal rooftop terrace is also provided, thus collectively these spaces exceed Standard D7 requirements and providing a desirable balance, amenity and outlook for residents of the proposal with landscaping maximised in these areas.</p>
<p><b>Clause 58.03-3 – Solar access to communal outdoor open space objective</b></p> <ul style="list-style-type: none"> <li>• To allow solar access into communal outdoor open space.</li> </ul> <p><b>Standard D8 (Can be varied)</b></p> <ul style="list-style-type: none"> <li>• The communal outdoor open space <u>should</u> be located on the north side of a building, if appropriate.</li> <li>• At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space <u>should</u> receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.</li> </ul>	<p><b>Complies</b></p> <p>The = communal ground floor open space and central rooftop terrace are both located to the Site’s north thus will receive excellent solar access on the 21 June given its height and orientation on the winter equinox, and in excess of the minimum 125sqm requirement.</p>
<p><b>Clause 58.03-4 – Safety Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure the layout of development provides for the safety and security of residents and property.</li> </ul> <p><b>Standard D9 (Can be varied)</b></p> <ul style="list-style-type: none"> <li>• Entrances to dwellings <u>should</u> not be obscured or isolated from the street and internal accessways.</li> </ul>	<p><b>Complies</b></p> <p>Pedestrian and vehicle accessways are clearly recognised, acknowledging the immediate hierarchy of the street network to ensure the safety of pedestrians and vehicles accessing the Site.</p>

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<ul style="list-style-type: none"> <li>Planting which creates unsafe spaces along streets and accessways <u>should</u> be avoided.</li> <li>Developments <u>should</u> be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>Private spaces within developments <u>should</u> be protected from inappropriate use as public thoroughfares.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider the design response.</p>	<p>Both the pedestrian and vehicle entrances as well as walkable areas within the Site will be adequately lit at night to ensure an appropriate level of safety, while providing a sense of place and identity to the Boundary Road frontage and its significance in the Arden/Macaulay Urban Renewal Precinct and other proposed connections in the Structure Plan and adjacent to the Site.</p> <p>Courtyard fencing is provided to private public open space areas at ground floor, to ensure the privacy and amenity of residents of these apartments/townhouses is maintained.</p>
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<p><b>Clause 58.03-5 – Landscaping Objectives</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the area.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> <li>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</li> </ul> <p><b>Standard D10 (Can be varied)</b></p> <p>The landscape layout and design <u>should</u>:</p> <ul style="list-style-type: none"> <li>Be responsive to the site context.</li> <li>Protect any predominant landscape features of the area.</li> <li>Take into account the soil type and drainage patterns of the site and integrate planting and water management.</li> <li>Allow for intended vegetation growth and structural protection of buildings.</li> <li>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>Provide a safe, attractive and functional environment for residents.</li> <li>Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.</li> <li>Maximise deep soil areas for planting of canopy trees.</li> </ul> <p>Development <u>should</u> provide for the retention or planting of trees, where these are part of the urban context.</p> <p>Development <u>should</u> provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design <u>should</u> specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development <u>should</u> provide the deep soil areas and canopy trees specified in Table D2.</p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:</p>	<p><b>Complies</b></p> <p>The Site's land size area at approximately 4,529 square metres requires 15% of the site area to be allocated for deep soil area or approximately 679.35 square metres, with one (1) large tree to be planted or two (2) medium trees per 90 square metres.</p> <p>Given the anticipated change of the area as a recognised Major Urban Renewal Precinct, the proposal does not provide for the minimum dimension width for 'deep-root planting', however provides a total of 818 square metres of deep soil area, and across the Site provides 16 large to medium trees and 50 medium to small trees, overall satisfying the planting requirements of the Standard. Such planting includes, canopy trees to the north, south and west; additional ground floor planter boxes; climbers and planter boxes on the upper levels of the façade. The landscaping overall provides a sustainable and pleasant environment for future residents of the proposal as detailed in the 'Landscape Plan' prepared by <i>Tract Landscape Architects</i>.</p> <p>Importantly, Standard D10 also states '[i]f the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> <li>* Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</li> <li>* Vegetated planters, green roofs or green facades.</li> </ul> <p>Accordingly, with the discretion contained within Standard D10 and the extent of green landscaping provided across the Site, the proposal complies with the Standard and the Objective.</p>
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<ul style="list-style-type: none"> <li>• Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</li> <li>• Vegetated planters, green roofs or green facades.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• Any relevant plan or policy for landscape character and environmental sustainability in the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>• The design response.</li> <li>• The location and size of gardens and the predominant plant types in the area.</li> <li>• The health of any trees to be removed.</li> <li>• The suitability of the proposed location and soil volume for canopy trees.</li> <li>• The ongoing management of landscaping within the development.</li> <li>• The soil type and drainage patterns of the site</li> </ul>	
<p><b>Clause 58.03-6 – Access Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure the number and design of vehicle crossovers respects the urban context.</li> </ul> <p><b>Standard D11 (Can be varied)</b></p> <p>The width of accessways or car spaces <u>should</u> not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover <u>should</u> be provided for each dwelling fronting a street.</p> <p>The location of crossovers <u>should</u> maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone <u>should</u> be minimised.</p> <p>Developments <u>must</u> provide for access for service, emergency and delivery vehicles.</p> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• The impact on the streetscape.</li> <li>• The reduction of on-street car parking spaces.</li> <li>• The effect on any significant vegetation on the site and footpath.</li> </ul>	<p><b>Complies with Objective</b></p> <p>The proposed accessway width to Alfred Street is approximately 6.1 metres wide accounting for approximately 55.45% of the total 11 metre frontage the Site has to Alfred Street. While this accessway width is greater than Standard D11 requirements, the Site's allotment and frontage to Alfred Street is an anomaly with variation to the Standard considered appropriate when accounting for:</p> <ul style="list-style-type: none"> <li>• The Site's existing crossover location and width to Alfred Street and the minor relocation of this.</li> <li>• The natural east-west fall of the Site, with Alfred Street being at the lowest access point of the Site enabling convenient access to the proposed basement levels rather than extensive ramping that would be required from Boundary Road.</li> <li>• The reinstatement of the existing crossover along the Boundary Road frontage, appreciating its RDZ1 status and future role as a prominent north-south link to existing and future services and infrastructure within the Alfred Precinct and the precinct renewal Precinct and the precinct renewal enhancement.</li> </ul>
<p><b>Clause 58.03-7 – Parking Location Objective</b></p> <ul style="list-style-type: none"> <li>• To provide convenient parking for resident and visitor vehicles.</li> <li>• To protect residents from vehicular noise within developments.</li> </ul> <p><b>Standard D12 (Can be varied)</b></p> <p>Car parking facilities <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings.</li> </ul>	<p><b>Complies</b></p> <p>On-site car parking is provided within three dedicated basement levels, with convenient access to each apartment provided by lift and stair facilities and generous circulation areas.</p> <p>No habitable rooms are located near the car park or accessway.</p>

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<ul style="list-style-type: none"> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings <u>should</u> be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p> <p><b>Decision Guideline</b></p> <ul style="list-style-type: none"> <li>• Before deciding on an application, the responsible authority must consider the design response.</li> </ul>	
<p><b>Clause 58.03-8 – Integrated Water And Stormwater Management Objective</b></p> <ul style="list-style-type: none"> <li>• To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>• To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>• To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul> <p><b>Standard D13 (Can be varied)</b></p> <p>Buildings <u>should</u> be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings <u>should</u> be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system <u>should</u> be:</p> <ul style="list-style-type: none"> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>• Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• Any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> <li>• Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.</li> <li>• Whether discharge from the site to the stormwater will adversely affect water quality entering the drainage system.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• Whether the stormwater treatment areas can be effectively maintained.</li> </ul>	<p><b>Complies</b></p> <p>A total storage volume of 140kL rainwater tanks are to be provided, with rainwater collected from all building roofs, roof and podium level terraces and to be filtered and treated for re-use in toilet flushing and irrigation.</p> <p>As outlined in the ‘Sustainable Management Plan &amp; Water Sensitive Urban Design Response’ prepared by <i>Ark Resources Pty Ltd</i>, the proposed development satisfied relevant MUSIC modelling requirements of Melbourne Water, thus satisfying Best Practice Standards as referenced in Standard D13.</p> <p>Further information with regards to the proposal’s water use is contained in the accompanying ‘Sustainable Management Plan &amp; Water Sensitive Urban Design Response’ prepared by <i>Ark Resources Pty Ltd</i>.</p>
<p><b>Clause 58.04-1 – Building Setback Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>• To allow adequate daylight into new dwellings.</li> <li>• To limit views into habitable room windows and private open space of new and existing dwellings.</li> </ul>	<p><b>Complies</b></p> <p>A detailed response to the requirements of the clause is provided applying to the Site through <u>DD063-16</u> provided at Section 4.2 and 7.3 of this report and should be read alongside the architectural package prepared by <i>CHT Architects</i>.</p>

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<ul style="list-style-type: none"> <li>To provide a reasonable outlook from new dwellings.</li> <li>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul> <p><b>Standard D14 (Can be varied)</b></p> <p>The built form of the development <u>must</u> respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings <u>should</u> be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> <li>Ensure adequate daylight into new habitable room windows.</li> <li>Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</li> <li>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>The purpose of the zone and/or overlay that applies to the land.</li> <li>Any relevant urban design objective, policy or statement set out in this scheme.</li> <li>The urban context report.</li> <li>The design response.</li> <li>The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways. The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.</li> <li>The impact of overlooking on the amenity of existing and proposed dwellings.</li> <li>The existing extent of overlooking into existing dwellings and private open space.</li> <li>Whether the development meets the objectives of Clause 58.</li> </ul>	
<p><b>Clause 58.04-2 – Internal Views Objective</b></p> <ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul> <p><b>Standard D15 (Can be varied)</b></p> <p>Windows and balconies <u>should</u> be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p> <p><b>Decision Guidelines</b></p> <ul style="list-style-type: none"> <li>Before deciding on an application, the responsible authority must consider the design response.</li> </ul>	<p><b>Complies</b></p> <p>The proposal has been designed to avoid any unreasonable overlooking to private open space areas of dwellings within the development with adequate separation of the wings provided and positioning of balconies/windows at the internal bends of the building ensuring that no unreasonable internal views will occur.</p>
<p><b>Clause 58.04-3 – Noise Impacts Objective</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul> <p><b>Standard D16 (Can be varied)</b></p>	<p><b>Complies</b></p> <p>The proposed development includes services provided in the core of the building, with a main services room located in the lower ground floor. Feature glazing and insulation has been equipped and will provide noise attenuation from any on or off-site noise sources as detailed</p>

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Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- *The design response.*
- *Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.*
- *Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.*
- *Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.*
- *Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.*

in the 'Acoustic Report' prepared by Acoustic Logic Pty Ltd and in response to requirements of DD026.

**58.05-1 Accessibility objective**

- To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard D17**

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

**Complies**

242 of the 291 apartments/townhouses (86%) of the apartments are designed to be 'accessible' thus exceeding the Standard and Objective of clause 58.05-1.

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Table D4 - Bathroom Design	
Design Option A	Design Option B

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Door Opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door Design	Either: * A slide door, or * A door that opens outwards, or * A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: * A slide door, or * A door that opens outwards, or * A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: * A minimum area of 1.2 metres by 1.2 metres. * Located in front of the shower and the toilet. * Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: * A minimum width of 1 metre. * The full length of the bathroom and a minimum length of 2.7 metres. * Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

There are no decision guidelines for this objective and standard

**58.05-2 Building entry and circulation objective**

- To provide each dwelling and building with its own sense of identity.
- To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
- To ensure internal communal areas provide adequate access to daylight and natural ventilation.

**Standard D18 (can be varied)**

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.

**Complies**

The Site contains two (2) street frontages, with the principal Boundary Road identified as a 'renewal street' and which is to be significantly enhanced through the widening of the public realm and associated enhancements and provision of commercial uses at ground floor along this front.

The residential entrance from Boundary Road is central and provides a sense of address to the streetscape, successfully integrating with the public realm and continuing the ground floor connections within the Site for the benefit of future residents. The proposal further identifies the future role of the north-south link along the Site's western boundary providing a landscaped boulevard and connection for the future laneway and a future secondary accessway alongside the

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- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

public east-west link for residents to the internal lobby areas.

The primary vehicle entrance way is provided via Alfred Street, separate from the identified renewal street and the enhanced pedestrian entrances and public realm along this frontage.

The residential entrances are further afforded with a generous lobby area and mailroom for the added convenience of future residents.

Corridors of the building upper levels maintain a minimum width of 1500mm and contain a minimum of two sources of natural light and ventilation.

**Clause 58.05-3 – Private Open Space Objective**

- To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard D19 (can be varied)**

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony Size		
Dwelling Type	Minimum Area	Minimum Dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- the design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

**Complies with Objective**

Each dwelling is provided with a balcony or courtyard area with convenient access from a living room, which range in size from 9.3 to 21.1 square metres, depending on the size of the apartment, and complying with the minimum dimension sizes.

A minor variation is sought to the size and dimensions of the courtyard areas associated with the townhouses, which while not an 'apartment', are required to provide 25sqm of private open space with a minimum dimension of 3 metres. Minor variations to Apartment Type 12, 15 and 16 are also sought.

The courtyard areas for Townhouse Type 1 and 2 are 14 and 20.5sqm respectively, so slightly less than the 25sqm requirement and Type 1 contains a minimum dimension of 2.4 metres.

Variation to this requirement is appropriate when considering:

- Townhouse 1 contains a secondary 10.2sqm balcony at their upper ground floor, totalling 19.5sqm;
- Across the Site the generous communal open space areas provided, at ground floor and on the rooftop terrace in excess of Standard D7 requirements; and
- The reasonable recreation and service needs of residents given the minor variation sought to the Standard.

Minor variations are also sought to Apartment Style 12 and 16 size at 13sqm and minimum dimension of 2 metres and Apartment Type 15 and 16 and their respective dimensions. Given the excellent amenity of these apartments and additional resident communal spaces as outlined above, minor variation to the Standard for these apartments is also considered appropriate, noting that these apartments

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generally exceed the minimum 8sqm requirement save for the AC unit.

Accordingly, when considering the size of these areas and the excellent communal amenity features of the design response a minor variation to this requirement is appropriate.

The ability for all other upper level apartments to comply with Standard D19 requirements, highlights the excellent internal amenity of the proposed apartments.

**Clause 58.05-4 – Storage Objective**

- To provide adequate storage facilities for each dwelling

**Standard D20 (can be varied)**

- Each dwelling should have convenient access to usable and secure storage space.
- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Table D6 - Storage		
Dwelling Type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 or more bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- the design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

**Complies**

Each dwelling is provided with storage that meets or exceeds with the requirements of Table D6. This includes storage provided both within the dwelling and lockable storage located in the basement level as detailed at Drawing Nos. TP2.20 – TP2.31 of the architectural package prepared by *CHT Architects*.

The basement storage areas are easily accessible for future residents via the lift or stairs.

**Clause 58.06-1 – Common Property Objective**

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
- To avoid future management difficulties in areas of common ownership.

**Standard D21 (can be varied)**

- Developments should clearly delineate public, communal and private areas.
- Common property, where provided, should be functional and capable of efficient management.

**Decision Guidelines**

- There are no decision guidelines for this objective and standard.

**Complies**

The common property areas include the residential and vehicle entrances; associated services, including the residential lobbies, circulation areas, stair and lift facilities; basement and car parking area; communal landscaped areas; gymnasium; communal wellness, arcade and dining areas. These areas are practical for future occupants and are able to be appropriately managed in the future through the Owners Corporation.

**Clause 58.06-2 – Site Services Objective**

- To ensure that site services can be installed and easily maintained.
- To ensure that site facilities are accessible, adequate and attractive.

**Standard D22 (can be varied)**

**Complies**

The proposal complies with these requirements, enabling appropriate access to building services for required maintenance works.

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<ul style="list-style-type: none"> <li>The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</li> <li>Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</li> <li>Mailboxes should be provided and located for convenient access as required by Australia Post.</li> </ul> <p><b>Decision Guidelines</b></p> <ul style="list-style-type: none"> <li>Before deciding on an application, the responsible authority must consider the design response.</li> </ul>	<p>The mail rooms are located on the ground floor, forming part of the building lobby areas, for easy access by residents and Australia Post.</p>
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<p><b>Clause 58.06-3 – Waste and Recycling Objective</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings are designed to encourage waste recycling.</li> <li>To ensure that waste and recycling facilities are accessible, adequate and attractive.</li> <li>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul> <p><b>Standard D23 (Can be varied)</b></p> <p>Developments <u>should</u> include dedicated areas for:</p> <ul style="list-style-type: none"> <li>Waste and recycling enclosures which are:             <ul style="list-style-type: none"> <li>Adequate in size, durable, waterproof and blend in with the development.</li> <li>Adequately ventilated.</li> <li>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> <li>Adequate facilities for bin washing. These areas should be adequately ventilated.</li> <li>Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</li> <li>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul> <p>Waste and recycling management facilities <u>should</u> be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> <li>Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> <li>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>The design response.</li> <li>Any relevant waste and recycling objective, policy or statement set out in this scheme.</li> </ul>	<p><b>Complies</b></p> <p>The bin storage area is appropriate for the residential and commercial operations of the Site as detailed in the 'Waste Management Plan' prepared by <i>One Mile Grid</i>.</p> <div data-bbox="1045 1617 1592 1915" style="border: 2px solid red; padding: 10px; text-align: center; color: red; font-weight: bold;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div> <p style="text-align: center; color: red; font-size: 2em; font-weight: bold; margin-top: 20px;">ADVERTISED PLAN</p>
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**Clause 58.07-1- Functional Layout Objective**

- To ensure dwellings provide functional areas that meet the needs of residents.

**Standard D24 (Can be varied)**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom Dimension		
Bedroom Type	Minimum Width	Minimum Depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living Area Dimension		
Bedroom Type	Minimum Width	Minimum Area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

**Complies**

As detailed in Drawing No TP2.20 – TP2.31 all of the bedrooms for each respective apartment and all of the living areas, including townhouse dwellings, have been designed to meet the minimum requirements contained in Tables D7 and D8.

Thus, satisfying the Standard and Objective of Clause 58.07-1.

**Clause 58.07-2 – Room Depth Objectives**

- \* To allow adequate daylight into single aspect habitable rooms.

**Standard D25 (Can be varied)**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.
- This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Decision Guideline**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.

**Complies**

All habitable rooms, including the open plan layout of living areas, comply with the standard when measuring the depth from the glazing line of the habitable room windows.

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<ul style="list-style-type: none"> <li>Any overhang above habitable room windows that limits daylight access.</li> </ul> <p><b>Clause 58.07-3 – Windows Objectives</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows</li> </ul> <p><b>Standard D26 (Can be varied)</b></p> <p>Habitable rooms <u>should</u> have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area <u>should</u> be:</p> <ul style="list-style-type: none"> <li>A minimum width of 1.2 metres.</li> <li>A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul> <p><b>Decision Guideline</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>The design response.</li> <li>The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.</li> <li>The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.</li> </ul>	<p><b>Complies</b></p> <p>All habitable rooms have a window with an external wall of the building and notably no ‘snorkel’ rooms are proposed in the design response.</p> <p>Accordingly, both the Standard and Objective of Clause 58.07-3 are satisfied in the design response.</p>
<p><b>Clause 58.07-4 – Natural Ventilation Objectives</b></p> <ul style="list-style-type: none"> <li>To encourage natural ventilation of dwellings.</li> <li>To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul> <p><b>Standard D27 (Can be varied)</b></p> <p>The design and layout of dwellings <u>should</u> maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings <u>should</u> provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>A maximum breeze path through the dwelling of 18 metres.</li> <li>A minimum breeze path through the dwelling of 5 metres.</li> <li>Ventilation openings with approximately the same area.</li> </ul> <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p> <p><b>Decision Guideline</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>The design response.</li> <li>The size, orientation, slope and wind exposure of the site.</li> <li>The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.</li> <li>Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.</li> </ul>	<p><b>Complies with Objective</b></p> <p>61 of the 281 apartments (22%) are effectively cross ventilated, satisfying the requirements of Standard D27.</p> <p>All dwellings maximise window and door openings in accordance with the first part of Standard D27. However, given the arrangement of the design response variation is required to the second part, being the minimum 40% requirement, which is appropriate when considering:</p> <ul style="list-style-type: none"> <li>All balconies of the apartments have a dual opening to separate habitable areas of the apartments, providing an option for residents to manage natural ventilation to their dwellings from varying angles.</li> <li>Location of windows of the apartments providing an excellent daylight receipt and outlook across the proposal.</li> <li>The additional communal spaces provided for residents, providing an overall desirable amenity and exposure available to natural elements of the ground floor level and the rooftop terrace.</li> <li>Common circulation areas satisfying Standard D18 requirements.</li> </ul> <p>Accordingly, when considering the layout of the Site, the diversity in dwelling typology and the overall internal amenity of dwellings a minor</p>

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	<p>variation to this Standard is acceptable, with the proposal continuing to satisfy the objectives.</p>
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## Appendix D

### Draft Affordable Housing Condition

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## **DRAFT AFFORDABLE HOUSING CONDITION**

Prior to the occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Minister for Planning for the following:

- a) Prior to the issue of a statement of compliance for the subdivision of the land, the owner will enter into a binding agreement with a registered housing agency to the satisfaction of the responsible authority, requiring:
  - i. unencumbered ownership of 6% of the total number of dwellings (rounded to the nearest whole number) to be sold to the registered housing agency for a percentage of market value that will deliver an equivalent economic outcome to clause b) below; or
  - ii. unencumbered ownership of 2% of the total number of dwellings (rounded to the nearest whole number) to be transferred to the registered housing agency for nil consideration; or
  - iii. management of 6% of the total number of dwellings (rounded to the nearest whole number) to be assumed by the registered housing agency, for leasing as affordable housing.
- b) If the affordable housing dwellings are not purchased at a discounted price, transferred for nil consideration or assumed for management by a registered housing agency within 12 months of the date of the binding agreement referred to in clause a) above, the owner must pay to the registered housing agency within 60 days after this sunset date, a sum of money equal to the cumulative market value of 2% of the total number of dwellings.
- c) The dwellings referred to in clause a) above must include a diversity of housing stock that is representative of the total number of dwellings to the satisfaction of the responsible authority.

The owner of the land must pay all of the Planning Minister's reasonable legal costs and expenses of this agreement, including preparation, execution, and registration on title.

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