Assessment Officer Report

PA2201602 – 5-17 Flemington Road, North Melbourne

Officer Assessment Report
Development Approvals & Design

VICTORIA State Government | Department of Transport and Planning

Contents

Executive Summary

Key Information	Details		
Application No:	PA2201602		
Received:	**21 April 2022**		
Statutory Days:	105 days (as of 19 December 2023)		
Applicant:	Centurion Australia Investments Pty Ltd C/ UPco		
Planning Scheme:	Melbourne		
Land Address:	5-17 Flemington Road, North Melbourne		
Proposal:	Use of the land for Retail Premises, Medical Centre and Accommodation (Student Accommodation), construction of buildings and construct and carry out works, reduce the number of car parking spaces and alter access to a road in a Transport Zone 2.		
Development Value:	$ 264,330,000		
Why is the Minister responsible?	The Minister for Planning is the responsible authority for administering and enforcing the scheme and matters required by a permit or the scheme to be endorsed, approved, or done to the satisfaction of the responsible authority for: Development of land as part of a single project or multiple projects, if it involves construction of a new building or buildings containing a total gross floor area of more than 25,000 square metres.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 32.04	Mixed Use Zone	*Use: Medical Centre as the gross floor area exceeds 250 square metres; Accommodation (other than dwelling); and Retail Premises.* *Construct two or more dwellings on a lot.* *Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (Accommodation, Medical Centre and Retail Premises).*
Overlays:	Clause 43.02	Design and Development Overlay – Schedules 61 (Areas 2 and 5) and 65	*Construct a building or construct or carry out works.*
	Clause 45.09	Parking Overlay – Schedule 12	*N/A – as the overlay requires a permit if more than 1 car space to each dwelling is proposed.*
Particular Provisions:	Clause 52.06	Car Parking	*A permit is required to reduce the number of car parking spaces required for the Retail Premises.*
	Clause 52.29	Land Adjacent to the Principal Road Network	*A permit is required to create or alter access to a road in a Transport Zone 2.*
	Clause 52.34	Bicycle Facilities	*A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.* *The proposed development provides 494 bicycle spaces, where 296 are required by this provision. Hence, no permit is required.*
	Clause 53.18	Stormwater Management in Urban Development	*An application to construct a building or construct or carry out works:* • *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.* • *Should meet all of the standards of Clauses*

			53.18-5 and 53.18-6. *An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.*
	Clause 58	Apartment Developments	*A development:* • *Must meet all of the objectives of this clause.* • *Should meet all of the standards of this clause.*
Cultural Heritage:	N/A		
Total Site Area:	6,152 m²		
Gross Floor Area:	BTR: 54,688 m² PBSA: 19,420 m² **Total: 74,108 m²**		
Height:	19 and 22 storeys, excluding plant (BTR) 18 storeys, excluding plant (PBSA)		
	60.74 metres and 69.29 metres, excluding plant (BTR) 55.6 metres, excluding plant (PBSA)		
	90.57 metres AHD and 99.72 metres AHD, to top of plant (BTR) 90.5 metres AHD, to top of plant (PBSA)		

Land Uses:	**Dwellings (BTR)**	**Student Accommodation (PBSA)**	**Retail**	**Medical Centre**
	163 x studio 226 x 1 bed 134 x 2 bed 15 x 3 bed **Total: 538 dwellings**	Studio Type 01 x 90 Studio Type 02 x 391 DA Studio x 11 4 Bed Cluster x 152 (38 units) **Total: 644 beds**	BTR: 949 m² PBSA: 84 m² **Total: 1,033 m²**	BTR: 501 m²

Parking:	**Cars**	**Motorcycles**	**Bicycles**
	BTR: 242 PBSA: 4 **Total: 246**	BTR: 3 PBSA: 0 **Total: 3**	BTR: 324 PBSA: 160 **Total: 484**

Referral Authorities:	Head, Transport for Victoria (s55 – Determining) Department of Health – Victorian Health Building Authority (s55 – Determining) Melbourne City Council (s52 – Notice)
Advice sought:	N/A
Public Notice:	Notice of the original application was undertaken by the applicant at the direction of the Minister for Planning in October 2022 in the following manner: • Five (5) public notices on site; and • Mail to owners / occupiers of adjoining and nearby land. Seven (7) objections have been received.
Delegates List:	Approval to determine under delegation received on 8 December 2023.

Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting (DTP, Melbourne City Council & applicant)	15 December 2021 and 16 March 2022
Application lodgement	**21 April 2022**
Further information requested	3 May 2022
Further information received	**10 August 2022**
Application amended formally under s50 of the Act	20 September 2022 In summary, the application sought the following amendments: • introduction of a lower level with communal areas; • increase in the overall number of student rooms from 604 to 636; and • an improved ground floor layout / entry arrangement.
Advertising Instructions sent to applicant	10 October 2022
Statutory Declaration received for advertising	28 October 2022
Melbourne Design Review Panel	10 March 2023
Application amended formally under s57A of the Act	**3 August 2023** In summary, the application seeks the following amendments to the Student Housing building: • increase the number of student beds from 636 to 644 (with changes to the studio type mix); • reduce the retail tenancy at ground floor from 153 m² to 84 m²; • rearrange the ground level layout; • introduce a green roof to part of L01 and canopy planters along part of Bedford Place and Bedford Street at L02; • reconfigure the L17 roof terrace; • retain the overall maximum height of RL89.90, except for a slight increase in the lift overrun to RL90.47 and screen to RL90.1; • reduce the setback of the rooftop plant from 6.4m to 4.3m from Bedford Place (to allow for a slight increase to the minimum area required of 'open to air' services); and • modify the architectural expression of the façade. In summary, the application seeks the following amendments to the Build to Rent building: • remove the void area along Flemington Road; • reduce the airlock area along the Flemington Road frontage; and • redesign part of Bedford Place frontage, removing step / potential entrapment spaces.
Decision Plans	Plans prepared by **Architectus and Metier3 Architects**, titled '5-17 Flemington Road, North Melbourne, dated 18 July 2023 (unless otherwise specified) and known as drawings:

- DA0000 – Cover Page and Drawing List (2 August 2023);
- DA0001 – Site Location;
- DA0002 – Lot Plan;
- DA0003 – Existing Condition & Demolition Plan;
- DA0004 – Proposed Staging Plan;
- DA0005 – Site Plan – Street Level (2 August 2023);
- DA0006 – Staging Diagram 01;
- DA0007 – Staging Diagram 02 (2 August 2023);
- DA0008 – Staging Diagram 03 (2 August 2023);
- DA0009 – Staging Diagram 04 (2 August 2023);
- DA0010 – Existing Condition & Public / Private Access Plan;
- DA0011 – Complete Condition & Public / Private Access Plan (2 August 2023);
- DA0050 – Stage 1 – PBSA Development Summary;
- DA0051 – Stage 2 – BTR Development Summary (5 August 2022);
- DA0061 – Master Compliance Schedule – Sheet 01 (7 April 2022);
- DA0062 – Master Compliance Schedule – Sheet 02 (7 April 2022);
- DA0100 – Context Elevations – North-East;
- DA0101 – Context Elevations – South-West;
- DA0102 – Context Elevations – South-East;
- DA0103 – Context Elevations – North-West;
- DA0104 – Context Elevations – North-East Laneway;
- DA0105 – Context Elevations – South-East Laneway (TBC);
- DA0106 – Context Elevations – North-West Laneway;
- DA0998 – Overall Plan – Basement 02;
- DA0999 – Overall Plan – Basement 01;
- DA1000 – Overall Plan – Lower Ground Level;
- DA1000A – Overall Plan – Upper Ground Level (2 August 2023);
- DA1001 – Overall Plan – L-01;
- DA1002 – Overall Plan – L-02;
- DA1003 – Overall Plan – L-03;
- DA1004 – Overall Plan – L-04;
- DA1005 – Overall Plan – L-05;
- DA1006 – Overall Plan – L-06;
- DA1007 – Overall Plan – L-07;
- DA1008 – Overall Plan – L-08;
- DA1009 – Overall Plan – L-09;
- DA1010 – Overall Plan – L-10;
- DA1011 – Overall Plan – L-11;
- DA1012 – Overall Plan – L-12 – 16;
- DA1017 – Overall Plan – L-17;
- DA1018 – Overall Plan – L-18 (2 August 2023);
- DA1019 – Overall Plan – L-19;
- DA1020 – Overall Plan – L-20;
- DA1021 – Overall Plan – L-21;
- DA1022 – Overall Plan – Roof;
- DA2000 – North-East Elevation (3 August 2023);
- DA2001 – South-East Elevation (21 July 2023);
- DA2002 – South-West Elevation (21 July 2023);
- DA2003 – North-West Elevation (3 August 2023);
- DA2004 – North-East Elevation Laneway (21 July 2023);
- DA2005 – South-East Elevation Laneway (5 August 2022);
- DA2006 – North-West Elevation Laneway (21 July 2023);
- DA2500 – Section AA (5 August 2022);
- DA2501 – Section BB (9 September 2022);
- DA2502 – Section CC (21 July 2023);

	• DA2503 – Section DD (21 July 2023); • DA2504 – Section EE (21 July 2023); • DA2505 – Section FF (TBC); • DA2506 – Section GG (TBC); • DA2507 – Section HH (21 July 2023); • DA2508 – Section II (21 July 2023); • DA3000 – PBSA – Apartment Types Sheet 01; • DA3001 – PBSA – Apartment Types Sheet 02; • DA3010 – BTR – Apartment Type Schedule (2 August 2022); • DA3012 – BTR – Apartment Plans – Sheet 02 (2 August 2022); • DA3013 – BTR – Apartment Plans – Sheet 03 (2 August 2022); • DA3014 – BTR – Apartment Plans – Sheet 04 (2 August 2022); • DA3015 – BTR – Apartment Plans – Sheet 05 (2 August 2022); • DA3016 – BTR – BADS Cross Ventilation Diagram (2 August 2022); • DA3017 – BTR – Apartment Plans – Sheet 06 (2 August 2022); • DA5350 – Canopy Sections (2 August 2022); • DA5351 – Nominated Works From Title Boundary to Back of Kerb – Bedford Place (2 August 2022); • DA9000 – Image – Flemington Road (5 August 2022); • DA9001 – Image – Bedford Street; • DA9002 – Image – Blackwood Street (5 August 2022); • DA9003 – Image – Bedford Place Laneway; • DA9200 – Planning Envelope Diagram – Sheet 1; • DA9201 – Planning Envelope Diagram – Sheet 2 (2 August 2023); • DA9202 – Planning Envelope Diagram – Sheet 3 (2 August 2023); • DA9203 – Planning Envelope Overlay Diagram; • DA9300 – Shadow Diagrams (2 August 2023); • DA9301 – Shadow Diagrams; • DA9400 – PBSA Overlooking Diagram; and • DA9401 – BTR Overlooking Diagram (5 August 2022).
Other Assessment Documents	Urban Context Report prepared by Architectus and Metier3 Architects, titled '5-17 Flemington Road' and dated 9 September 2022; Planning Report prepared by UPco and dated July 2023; Transport Impact Assessment prepared by One Mile Grid and dated 25 July 2023; Sustainability Management Plan prepared by Wrap Consulting Engineering and dated 7 July 2023; Waste Management Plan prepared by One Mile Grid and dated 25 July 2023; Wind Report prepared by ViPac and dated 26 July 2023; Landscape Concept Report prepared by Tract and dated 1 August 2023; Aviation Assessment for Building at 5-7 Flemington Road, North Melbourne prepared by Thompson GCS and dated 24 March

2022; and

Acoustic Report prepared by Renzo Tonin & Associates and dated 25 July 2023.

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The application proposes to demolish the existing buildings on the land and develop the site over two stages for Purpose-Built Student Accommodation (PBSA) (Stage 1) and Built to Rent (BTR) dwellings (Stage 2).

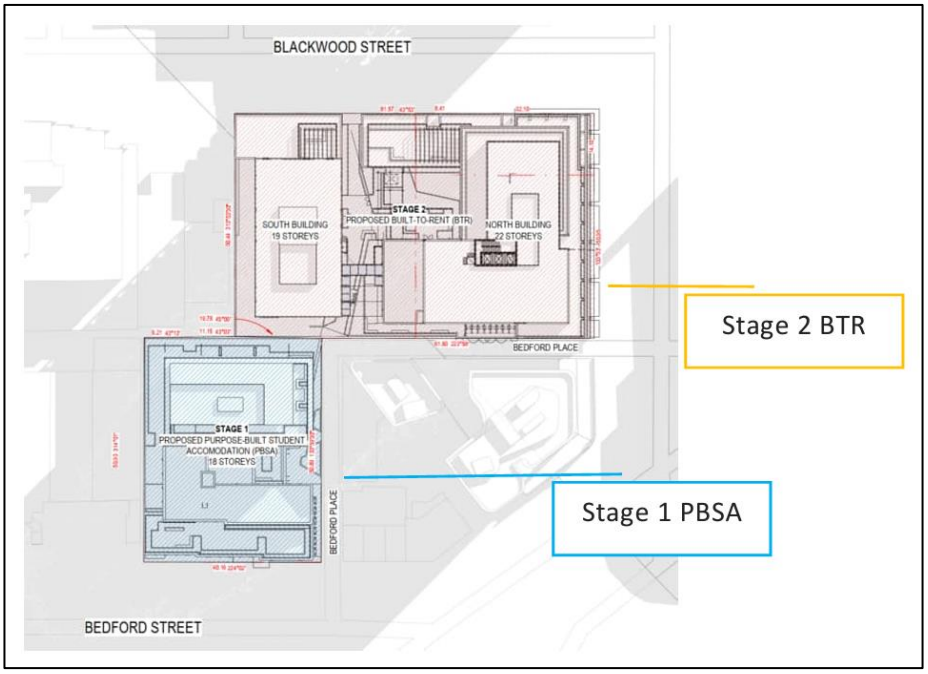

Figure 1: Proposed Staging Diagram (Source: Application)

4. Overall, the proposal is seeking approval for:
   - 3 buildings of 18 to 22 storeys;
   - 538 dwellings, 644 student beds, 1,033 m² retail and 501 m² medical centre;
   - 246 car parking spaces, 3 motorcycle spaces and 484 bicycle spaces; and
   - Total GFA of 74,108 m².
5. Stage 1 – PBSA (Bedford Street frontage) comprises the following:
   - An 18 storey building measuring 55.6 metres, excluding plant, and 90.5 metres AHD, to top of plant;
   - 644 student beds (Studio Type 01 x 90, Studio Type 02 x 391, DA Studio x 11 and 4 Bed Cluster x 152 (38 units);
   - 84 m² of retail with a frontage to Bedford Street;
   - 4 car parking spaces and 160 bicycle spaces; and
   - GFA of 19,420 m².

6. Stage 2 – BTR (Flemington Road and Blackwood Street frontages) comprises the following:
    - A 19 storey building measuring 60.74 metres, excluding plant, and 90.57 metres AHD, to top of plant;
    - A 22 storey building measuring and 69.29 metres, excluding plant, and 99.72 metres AHD, to top of plant;
    - 538 dwellings (163 x studio, 226 x 1 bed, 134 x 2 bed and 15 x 3 bed);
    - 949 m² of retail with a frontage Blackwood Street and the pedestrian link (near the corner of Bedford Place);
    - 501 m² of medical centre with a frontage to the pedestrian link, to the north of Bedford Place;
    - 242 car parking spaces, 3 motorcycle spaces and 324 bicycle spaces; and
    - GFA of 54,688 m².
7. The applicant has provided concept images of the proposal:

Figure 2: Concept image of Flemington Road frontage (Source: Application)

Figure 3: Concept image of proposal (Source: Application)

PBSA Building

8. The PBSA building includes:

- A total of 644 student beds, of which 152 comprise “clusters” beds.
- Each bedroom comprises individual bed, desk, robe, kitchenette and eating area and bathroom.
- Each “cluster” comprises 4 x bedrooms each with bed, desk, robe and bathroom, and a shared kitchen, dining area and lounge area.
- 1,910 m² of internal communal areas within a dedicated lower ground level and upper ground level lounge and study areas; and a sky lounge at level 17 (rooftop).
- 1,294 m² of external communal areas at lower ground level; double height balconies on levels 1, 3, 5, 7 and 9; and communal facilities on levels 8, 9, 10 and 17 (rooftop).

9. Features of the building, including a breakdown of floor levels, are provided below:

- Stage 1 upgrades the existing Bedford Lane to a shared zone, allowing for a future pedestrian walkway in an east-west alignment to extend through to Stage 2 of the development.
- The lower ground level comprises two outdoor communal courtyards and entire floor dedicated to student lounge areas, games, group study areas, music room, communal kitchen, gymnasium and cinema room.
- The upper ground level comprises a reception / lobby area entry from Bedford Street (to the corner of Bedford Place). The lobby connects to student lounge and communal area, as well as staff areas.
- The upper ground level includes Back of House (BOH) facilities, including the substation. Four (4) staff car parking spaces are located to the rear of the site and accessed via Bedford Street and an internal driveway along the southern boundary, also providing access to waste collection rooms. Access to the secure bicycle parking facility for 160 bikes is provided adjacent to the internal driveway.
- The levels above comprise student bedrooms in a “U” shape form orientated to the north, with a combination of single and cluster room arrangements.

- The rooftop of each tower includes a large external rooftop terrace with various amenities for students.

10. The built form of the PBSA building is as follows:

- The lower ground level is generally built to the north and west boundaries, setback 5.17 metres from the south boundary and 7.33 metres from the east boundary.
- The upper ground level is generally built to all boundaries, with the exception of two voids for the lower ground level courtyards, part of the Bedford Street frontage setback to allow for retail entrance doors, service doors and a more generous lobby entrance, as well as a minimum 1.7 metre setback along the Bedford Place (north boundary) to provide a wider footpath.
- Level 1 is setback between 0.76 metres and 3.8 metres from the north boundary, between 4.52 metres and 4.92 metres from the west boundary, between 4.48 and 4.56 metres from the south boundary and between 0 and 1.6 metres from the east boundary. The built form includes a central void with a separation distance of 8.79 metres and a green roof proposed in the northern half (not accessible). A service structure is proposed along the west boundary.
- Levels 2-7 are setback between 0.76 metres and 2.15 metres from the north boundary, between 4.52 metres and 4.92 metres from the west boundary, between 0 and 4.56 metres from the south boundary and between 0.63 and 1.8 metres from the east boundary. The built form includes a central void with a separation distance of 8.79 metres.
- Level 8 includes similar setbacks to the levels below, with the exception of the outdoor communal area in the south-east corner (defining the podium to Bedford Street).
- Level 9 includes similar setbacks to level 8, with the exception of the outdoor communal area in the centre of the Bedford Street frontage. The built for is setback 8.52 metres from the east boundary.
- Level 10 includes similar setbacks to level 9, with the exception of the outdoor communal area provide to the central and eastern roof levels.
- Levels 11-17 are setback 0.76 metres from the north boundary, between 4.52 metres and 4.92 metres from the west boundary, between 4.48 metres and 4.52 metres from the south boundary and 26.67 metres from the east boundary. Level 17 (rooftop level) includes both internal and external communal areas.
- The podium will have a height between 24.29 metres (56.55 m AHD) and 30.39 metres (62.65 m AHD) (measured from the centre of the Bedford Street frontage – 32.26 m AHD, and not including the clear glass balustrade above the podium, given that this is setback from the podium below). The tower will have an overall height of 55.6 metres (87.9 m AHD), excluding the plant. The top of the plant measures 58.2 metres (90.5 m AHD).
- The materials and finishes include concrete, metal, steel, aluminium and glazing.

<u>BTR Buildings</u>

11. The BTR buildings include:

- A northern building of 22 storeys with a Flemington Road and Blackwood Street frontage; and a southern building of 19 storeys with a Blackwood Street frontage.
- Four separate retail tenancies located along Blackwood Street (ranging between 110 m² and 236 m²). Two other tenancies are proposed in the north-east corner of Bedford Place and Flemington Road, and within the southern building to the south of the future pedestrian walkway adjacent to Bedford Place (of 121 m² and 67 m², respectively).
- A medical centre of 501 m² located within the site, with access via the future pedestrian link through Stage 2.

- 538 dwellings (163 x studio, 226 x 1 bed, 134 x 2 bed and 15 x 3 bed).
- 1,562 m² of internal communal areas within a dedicated lower ground level and upper ground level lounge areas and meeting rooms; level 1 pool, gym, spa, yoga, exercise and lounge areas; level 2 informal meeting area, bar, cinema room, games room, show kitchen, private dining and meeting areas and kids party room; and levels 7 and 8 residents lounge.
- 700 m² of external communal areas at lower ground level; and levels 1, 2, 7 and 8 terrace areas.

12. Features of the building, including a breakdown of floor levels, are provided below:

- Basement levels 1 and 2 include 242 car parking spaces, over bonnet and separate storage areas, plant and equipment, two separate residential waste rooms for each tower and a loading bay.
- The lower ground level comprises the retail tenancies, part of the medical centre tenancy, an east-west pedestrian link between the northern and southern buildings, lobby entrance to the northern building from Flemington Road, including a lounge and meeting spaces, lobby entrance to the southern building from the east-west pedestrian link, basement car park entry along the southern boundary from Blackwood Street, residential stores and plant and equipment.
- The upper ground level comprises a retail tenancy along Flemington Road (on the corner of Bedford Place), a retail tenancy on the east-west pedestrian link near the junction of Bedford Place), part of the medical centre, 310 bicycle parking spaces in the south east corner of the southern building and a substation and loading bay (for the retail and medical centre tenancies) in the northern building with a frontage to Bedford Place.
- The east-west pedestrian link provides for a ramped access to straddle the level change across the site and provides access to a central courtyard at the ground of the BTR building.
- Levels 1-21 for the northern building and levels 1-18 for the southern building comprises dwellings.
- Internal and external communal facilities are provided on levels 1, 2 and 8 for the northern building and level 7 for the southern building. A glass covered bridge over the east-west pedestrian link connects the two buildings at level 1.
- The northern building is designed in a general “U” shape form orientated to the south, with dwellings orientated to all frontages. The southern building is designed in a general rectangular shape, also with dwellings orientated to all frontages.

13. The built form of the BTR buildings are as follows:

- The basement levels are built to all boundaries.
- The lower ground level is generally built to the eastern and southern boundaries. The northern building is setback 2.75 metres from Flemington Road (for the entire podium height) and between 0.8 metres and 2.4 metres from the Blackwood Street frontage. The southern building is setback 2.4 metres from the Blackwood Street frontage. The east-west pedestrian link, connecting Blackwood Street with Bedford Place, is located approximately 53 metres south from the Flemington Road corner.
- The northern and southern buildings are separated (at minimum) between 4.62 metres (along Blackwood Street), 27.13 metres (in the centre) and 9.38 metres (along Bedford Place). At the upper levels, this increases to 27.14 metres (along Blackwood Street) and 18.68 metres (along Bedford Place).
- The northern building comprises:
    - A podium setback of 2.75 metres from the Flemington Road title boundary, up to level 8, with the corner of Blackwood Street extending that setback to level 10. At level 8, and level 10 for the corner element, the tower is setback 5.8 metres from the Flemington Road title boundary (setback 3.05 metres from the podium).

- A podium built to the Blackwood Street title boundary up to level 7, with the corner of Flemington Road extending to level 10. The tower is setback 3.05 metres from the podium.
- The Flemington Road podium built along Bedford Place up to level 7. The Bedford Place part of the building is setback 3.35 metres from level 1 and above.

- The southern building comprises:
  - A podium built to Blackwood Street title boundary up to level 6, with the tower setback 10.1 metres. Part of the setback includes an outdoor terrace.
  - A 4.55 metre setback from the southern boundary at level 1 and above, with the exception of part of the western end of the southern boundary that is built to the boundary.
  - A 4.5 metre setback from the eastern boundary at level 1 and above.
- The northern building will have a podium height of between 26.29 metres and 32.69 metres along Flemington Road and between 26.79 metres and 32.69 metres along Blackwood Street (measured from the centre of Flemington Road frontage – 28.73 m AHD, and not including the clear glass balustrade above the podium, given that this is setback from the podium below). The tower has an overall height of 69.29 metres (98.02 m AHD), excluding the plant. The top of the plant measures 70.99 metres (99.72 m AHD).
- The southern building will have a podium height 24.34 metres (measured from the centre of southern building along Blackwood Street – 28.13 m AHD, and not including the clear glass balustrade above the podium, given that this is setback from the podium below). The tower has an overall height of 60.74 metres (88.7 m AHD), excluding the plant. The top of the plant measures 62.44 metres (90.57 m AHD).
- The materials and finishes include concrete, brick, aluminium, metal and glazing.

14. The application is supported by consultant reports including a planning report, urban context report, landscape plans, wind tunnel assessment, traffic report, waste management report, sustainability management plan, aviation assessment and acoustic report.

Subject Site and Surrounds

Site Description

15. The subject site is located on the south side of Flemington Road, with frontages along the east side of Blackwood Street and the west side of Bedford Street in North Melbourne.

16. The site is irregular in shape with a frontage to Flemington Road of 50.96 metres, a frontage to Blackwood Street of 81.59 metres, a frontage to Bedford Street of 40.16 metres and a frontage to Bedford Place of 112.69 metres. The overall site area is approximately 6,152 square metres.

17. The site consists of four parcels of land that are formally described as:

    - Lot 1 on Title Plan 836184M, Volume 11487 Folio 963
    - Lots 1 and 2 on Title Plan 836180V, Volume 11487 Folio 973
    - Lots 3 and 4 on Title Plan 836180V, Volume 11487 Folio 965
    - Crown Allotment 12 Section 10 and Crown Allotment 13 Section 10 at North Melbourne Parish of Jika Jika, Volume 11487 Folio 964.

18. A section 173 Agreement (AR309079T, amendment of agreement AU532381W) is registered on all four titles. The Agreement requires that the land be used for accommodation of students, enrolled full time or part time at a secondary of tertiary level educational institution.

19. There is a double width crossover along the Bedford Street frontage, a single width crossover along Flemington Road and a double width crossover (for a substation) along Blackwood Street. There is a significant fall in the land from the north-west to the south-east of approximately 4.8 metres.

20. The site is currently occupied by a number of buildings that comprise:

    - A two storey Wilson commercial car park along Bedford Street.
    - Several residential and student accommodation buildings with frontages to Flemington Road and Blackwood Street ranging between 5 and 12 storeys.

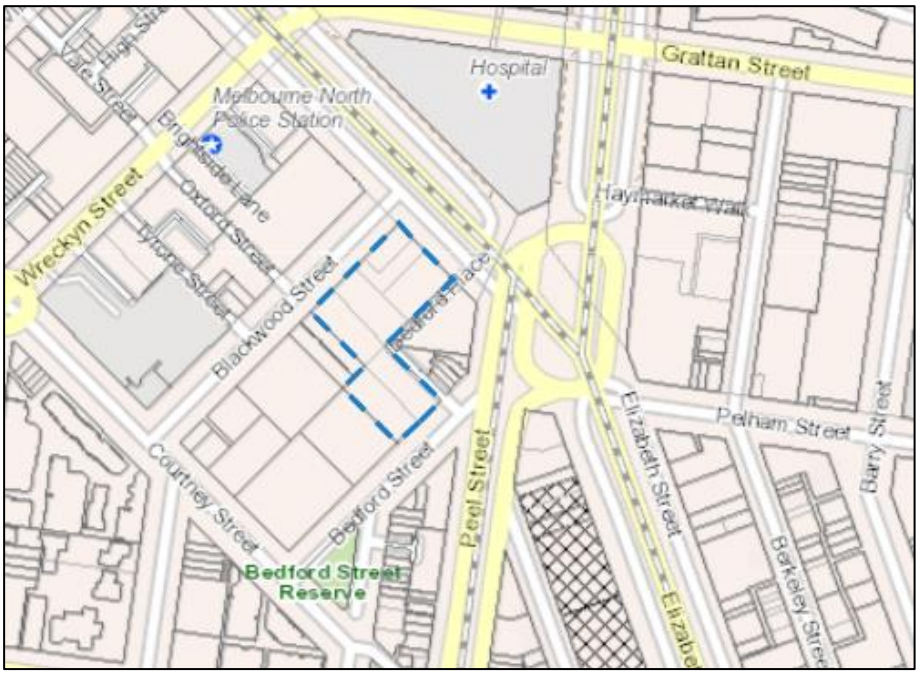

Figure 4: Site Plan (Source: VicPlan)

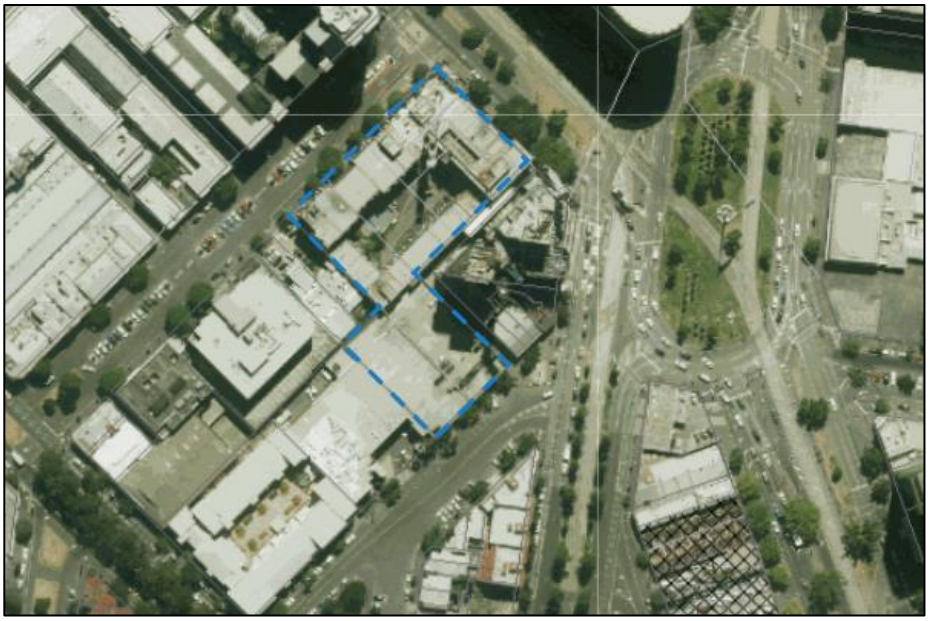

Figure 5: Aerial of subject site and surrounds (Source: VicPlan)

Figure 6: Subject site viewed from Flemington Road (Source: MCC delegate report)

Figure 7: Subject site viewed from Blackwood Street (Source: MCC delegate report)

Figure 8: Subject site viewed from Bedford Street (Source: MCC delegate report)

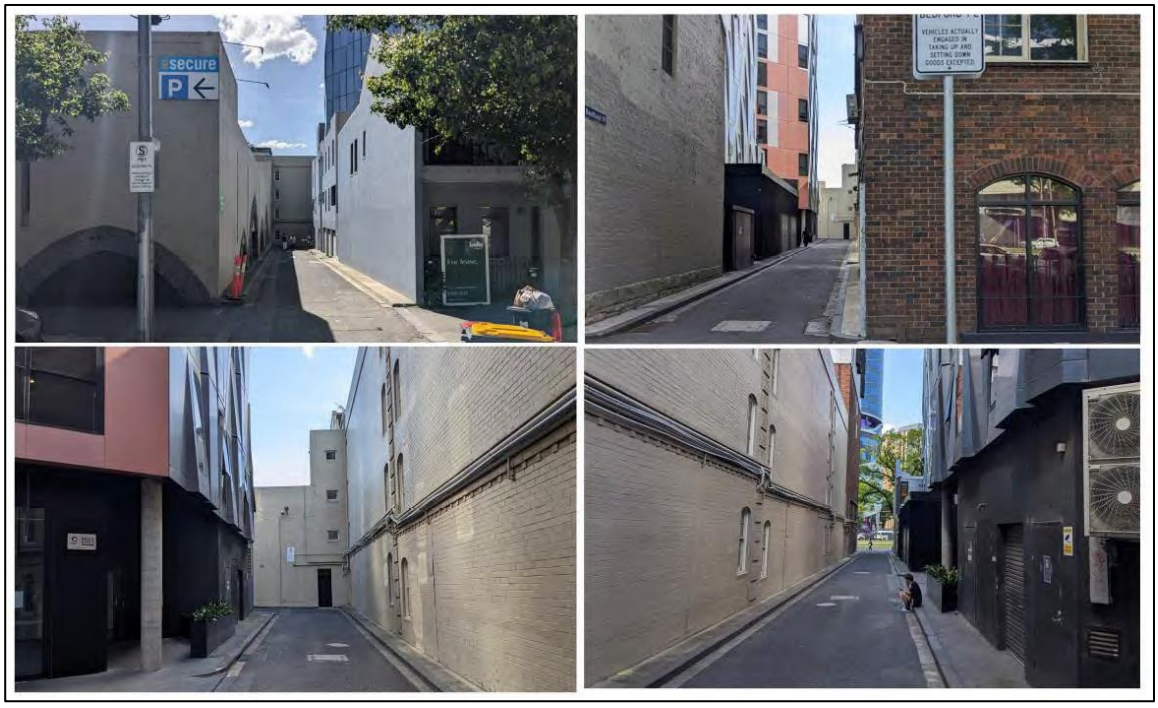

Figure 9: Views along Bedford Place (Source: MCC delegate report)

Site Surrounds

21. The site is located to the south of the Parkville National Employment and Innovation Cluster (NEIC). This is an internationally known education, health and biomedical employment hub. Parkville is one of the seven NEICs in Melbourne that are to be developed as places with a concentration of linked businesses and institutions providing a major contribution to the Victorian economy.

22. The site is proximate to the Queen Victoria Market, Royal Melbourne and Royal Women's Hospitals, Victorian Comprehensive Cancer Centre, Royal Children's Hospital, Melbourne University and the future Parkville Metro Train Station on Grattan Street. The subject site is easily assessed by public transport with tram services along Flemington Road, Elizabeth Street and Peel Street, bus routes along Flemington Road, Grattan Street and Royal Parade and the Melbourne Central Train Street is a short tram ride of the south.

23. The surrounding development consists mainly of mixed use developments of a range of heights exhibiting characteristic typical of CBD fringe locations undergoing renewal.

24. Development surrounding the site can be described as follows:

    - To the **north** of the site is Flemington Road, a 60 metre wide arterial road, that provides a central carriageway with one traffic lane in each direction and a two-way designated tramway. On both sides of the central carriageway are one-way, two-lane service roads, providing on-road bicycle lanes. On the northern side of Flemington Road is the Victorian Comprehensive Cancer Centre building on the north-west corner of Elizabeth Street and Flemington Road, a 60 metre tall building. Further north is the Royal Melbourne Hospital and the University of Melbourne campus.

    - To the **east** of the site, at the corner of Flemington Road and Peel Street (along the east side of Bedford Place) are two student accommodation buildings of 20 storeys at 3-5 Bedford Place and 1-3 Flemington Road, known as 'Atira'. The ground floor comprises a residential lobby with communal areas, it also provides for a shared pedestrian / vehicle laneway between the buildings to access a number of at-grade parking / drop off zones. On the northern side of the east-west part of Bedford Place is a development containing three, two storey townhouses facing Bedford Street and a three-storey apartment building, containing two dwellings. Along the

Bedford Place frontage are a series of ground level roller doors and upper level windows. To the east of the site is Bedford Street, a 30 metre wide street that provides a single traffic lane in each direction, kerbside parking and a bicycle lane on the western side of the road. On the opposite side of Bedford Street is a four storey apartment building located on the corner of Peel Street.

- To the **south** of the site, along Blackwood Street, at 22-28 Blackwood Street, are two attached double storey office buildings. These buildings are significantly setback from the frontage, allowing for on-site car parking and landscaping. Further south is a seven storey office building. To the south of the site along Bedford Street, at 21 Bedford Street, is a three storey office building with a significant setback from the frontage, allowing for on-site car parking. Further south is a three and four storey apartment building.
- To the **west** of the site is Blackwood Street, a 30 metre wide street that provides a single traffic lane in each direction, kerbside parking, central median parking and bicycle lanes. On the opposite side of Blackwood Street, at 9-35 Flemington Road, is a 19 storey residential building with ground level retail and medical centre. The 19 storey form is concentrated to Flemington Road, with the built form stepping down to 13 and eight storeys towards the south.

25. There are several developments existing, approved or proposed in the surrounding area, as illustrated below:

Figure 10: Proposed development in surrounding context (Source: DTP 3D Visualisation)

Planning Provisions

Municipal Planning Strategy

26. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-4	Built environment and heritage
02.03-5	Housing
02.03-6	Economic development
02.03-7	Transport
02.03.08	Infrastructure
02.04	Strategic Framework Plans

Planning Policy Framework

27. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal**:**

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.03-1S	Activity centres
11.03-1R	Activity centres – Metropolitan Melbourne
Clause 15	**Built Environment and Heritage**
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L-03	Sunlight to public spaces
15.01-1L-04	Urban design
15.01-1L-05	Urban design outside the Capital City Zone
15.01-2S	Building design
15.01-2L-01	Energy and resource efficiency
15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods – Metropolitan Melbourne
Clause 16	**Housing**
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L	Student housing
Clause 17	**Economic Development**
17.01-1S	Diversified economy

17.01-1R	Diversified economy – Metropolitan Melbourne
17.02-1S	Business
Clause 18	**Transport**
18.01-1S	Land use and transport integration
18.01-1L	Land use and transport planning
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
Clause 19	**Infrastructure**
19.03-3S	Integrated water management
19.03-3L	Stormwater management (Water sensitive urban design)
19.03-5S	Waste and resource recovery

28. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Zoning and Overlays

Mixed Use Zone

29. Pursuant to Clause 32.04-2, a permit is required to use the land for:
    - Medical Centre, as the leasable floor area exceeds 250 square metres;
    - Accommodation (other than a dwelling) – for the student housing component; and
    - Retail Premises.
30. Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot.
31. Pursuant to Clause 32.04-9, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

Design and Development Overlay – Schedules 61 (City North) and 65 (Hospital Emergency Medical Services Helicopter Flight Path Protection (inner Area))

32. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
33. Pursuant to Clause 2.0 of Schedule 61, all buildings and works requiring a permit should:
    - be constructed in accordance with the preferred maximum street edge height, preferred maximum building height and preferred upper level setback requirements for the specific areas as identified in Part 1.0 and Table 1 of this Schedule
    - meet the Design objectives and Design Requirements as set out in Table 2 of this Schedule.
34. The Stage 1 (PBSA) is located within Area 2, while Stage 2 (BTR) is located within Area 2 (southern half) and Area 5 (northern half) (see Figure below).

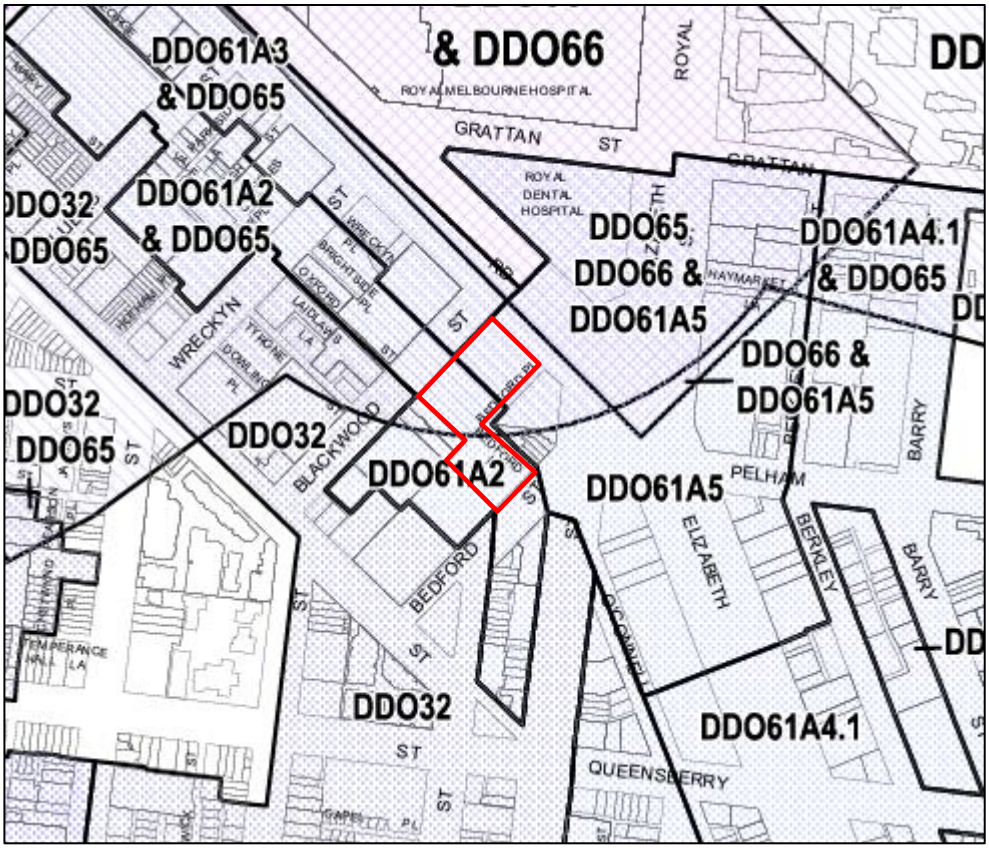

Figure 11: DDO61 map (Source: Melbourne Planning Scheme)

35. Area 2 has a preferred building height of 24 metres; and a street edge height of 24 metres, with any part of the building above 24 metres setback from the street behind a 45 degree line.

36. Area 5 has a preferred building height of 60 metres; and a street edge height of 40 metres, with any part of the building above 40 metres setback 10 metres from the street.

37. An application to exceed the preferred maximum building height should demonstrate achievement of the relevant the Design objectives and Built Form Outcomes as identified in Part 1.0 and Table 1 of this Schedule.

38. An application to construct a building or carry out works on land located within the Capital City Zone (CCZ5) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

39. As the site is not within CCZ5, no exemptions from notice apply under this schedule.

40. Pursuant to Clause 2.0 of Schedule 65, a permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height specified in Table 1.

Table 1: Helicopter Landing Site Elevations		
Helicopter landing site	**Helipad Height (AHD)**	**Referral Height (AHD)**
Alfred Hospital	15.7 metres	15.7 metres
Royal Childrens Hospital	62.4 metres	62.4 metres
Royal Melbourne Hospital	67.3 metres	67.3 metres

Figure 12: Table 1 in DDO65 (Source: Melbourne Planning Scheme)

41. As the height of the tallest building on the site is 99.72 m AHD, a permit is required under this schedule.
42. An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.
43. An application is exempt from notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Parking Overlay – Schedule 12 (Residential Development in Specific Inner City Areas)

44. Pursuant to Clause 45.09-3, a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
45. Pursuant to Clause 2.0 of Schedule 12, a permit is required to provide car parking spaces in excess of the maximum number specified in the table below.
46. The table includes the maximum car parking spaces for dwellings, 1 space to each dwelling.
47. As the proposed development will provide less than one car space to each dwelling, a permit is not required under this schedule.

Particular Provisions

Clause 52.06 – Car Parking

48. Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.
49. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces for the Retail Premises.

Clause 52.29 – Land Adjacent to the Principal Road Network

50. Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2 (Flemington Road).
51. Pursuant to Clause 52.29-4, an application must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

Clause 52.34 – Bicycle Facilities

52. Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

53. The proposal triggers a requirement for a minimum of 296 bicycle spaces. The proposal provides 494 bicycle parking spaces and therefore does not require a permit under Clause 52.34.

Clause 53.18 – Stormwater Management in Urban Development

54. Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:

    - Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
    - Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

    An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Clause 58 – Apartment Developments

55. Pursuant to Clause 58, a development:

    - Must meet all of the objectives of this clause.
    - Should meet all of the standards of this clause.

Referrals and Notice

Referrals

56. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 52 – Notice	Melbourne City Council	**28 November 2023**
Section 55 Referral – Determining	Head, Transport for Victoria	**17 November 2022**
Section 55 Referral – Determining	Department of Health – Victorian Health Building Authority	**29 September 2022**

Melbourne City Council

57. The Melbourne City Council considered the application at their Future Melbourne Committee (FMC) meeting on 21 November 2023 and determined to not object to the application, subject to the conditions relating to detailed design matters and standard conditions that are outlined in their delegate report.

58. These include, but are not limited to, conditions requiring a further 1.0 metre setback of the southern building of Stage 2 from the southern boundary, an internal lounge area integrated with entrances to the external communal terraces of the student accommodation building, updated shadow diagrams, submission of staging plan, operation management plan associated with the student accommodation use, section 173 Agreement to ensure that the student accommodation building is to be used for the exclusive accommodation of students, section 173 Agreement to ensure that the development is completed in accordance with the staging plan and delivery of the pedestrian link.

59. A number of the council's conditions have been amended and further refined following discussions with the council and the applicant held on 5 and 7 December 2023.

Head, Transport for Victoria

60. Head, Transport for Victoria advised that it does not object to the proposal, provided the following conditions are included on any permit to issue:

- Unless otherwise agreed in writing with the Head, Transport for Victoria prior to the occupation of stage 1 an additional tram shelter must be provided at stop 14 city bound (Flemington Road) to the satisfaction of the Head, Transport for Victoria and capped at no more than 50 thousand dollars ($50,000) to the permit holder. The shelter must be a skillion type structure to match the existing shelter and provided with lighting and tactile treatment to the satisfaction of the Head, Transport for Victoria.
- Any damage to public transport infrastructure during the construction of the development must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
- Prior to occupation of stage 1 all disused or redundant vehicle crossings must be removed, and the area reinstated to along Flemington Road the satisfaction of and at no cost to the Head, Transport for Victoria.

Department of Health – Victorian Health Building Authority

61. The Department of Health advised that the proposed development will have minimal impact on emergency medical service helicopter operation into the Royal Melbourne Hospital. The Department does not object to the proposal, provided the following conditions are included on any permit to issue:

- The details of crane location and height must be advised at least five days prior to the commencement of the installation of the cranes.
- Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with the Civil Aviation Safety Authority (CASA) Part 139

(Aerodromes) Manual of Standards 2019 Chapter 9 Division 4 – Obstacle Lighting at their highest point(s) to ensure that they can be seen within the helicopter flight paths.

- Any cranes need to be lit in accordance with Air Ambulance Victoria (AAV) requirements as outlined below. For crane activity within one (1) km of the RMH helipad AAV requires cranes to be lit as follows:

Crane	Lighting Requirement	
	Day	Night
Top of Crane	Medium intensity white obstruction light	Medium intensity red obstruction light
End of Jib	Medium intensity white obstruction light	Medium intensity red obstruction light
Along Jib	Line of white LED (Weather proof emergency fluro with minimum 90 minute battery back-up) on a PE cell along the full length of the jib.	
Tower Section	Stairway lights or spot lights attached to the top of the tower pointing down and onto the tower	

MCC – Melbourne Design Review Panel (MDRP)

62. DTP officers did not participate in the MDRP process.

63. In March 2023, prior to the submission of the s57A amendment to the permit application, the project was considered by the council's MDRP.

64. The advice from the MDRP raised concern with the 'commercial' façade expression of the revised design of the Stage 1 PBSA building and provided a number of recommendations to improve its contextual response. A more respectful approach responding to the fine-grain character of North Melbourne was encouraged through consideration of façade composition, depth, grain, materiality and entry layout.

65. The Section 57A amended application incorporated design changes responding to the advice provided by the MDRP, including:

    - Deletion of the 'floating' flex-brick feature cladding at ground level, replaced with an off-form concrete colonnade and canopy with integrated planters above facing Bedford Street and Bedford Place.
    - Increased solidity and grain through the podium and tower forms through the use of Equitone and aluminium cladding.
    - Revised entry layout to Bedford Street and simplified, straight pathway provided along Bedford Place with levels matching those within the existing lane.

Figure 13: Comparison between MDRP design (left) and formally amended design (right) (Source: MCC delegate report)

66. The key recommendations made by the MDRP have been meaningfully adopted within the proposed development, improving its response to the public realm and urban context as discussed further in the assessment section of this report.

Notice

67. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

    - Mixed Use Zone – use (accommodation, medical centre and retail premises); construct two or more dwellings on a lot; and construct a building or construct or carry out works for a use in Section 2.
    - Design and Development Overlay – Schedule 61 – construct a building or construct or carry out works.
    - Clause 52.06 – Car Parking – reduce the number of car parking spaces required for the retail premises.

68. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

    - Design and Development Overlay – Schedule 65 – an application.
    - Clause 52.29 – Land Adjacent to the Principal Road Network – an application.

69. The applicant was directed to give notice by way of erecting five (5) sign on the site and notifying adjoining owners and occupiers.

70. Seven (7) objections were received, raising the following issues:

    - Demolition of existing building
    - Demolition of a modern extension to the original building at 5-17 Flemington Road - wasteful
    - Demolition of building with asbestos
    - Impact on the future development potential of adjacent land
    - Height
    - Overshadowing

- Loss of daylight
- Loss of privacy
- Use as student accommodation
- Obstruction of views
- Daylight to apartments within the proposed development
- Wind impacts on surrounding properties
- Decrease in value of nearby properties
- Construction issues affecting access throughout the area

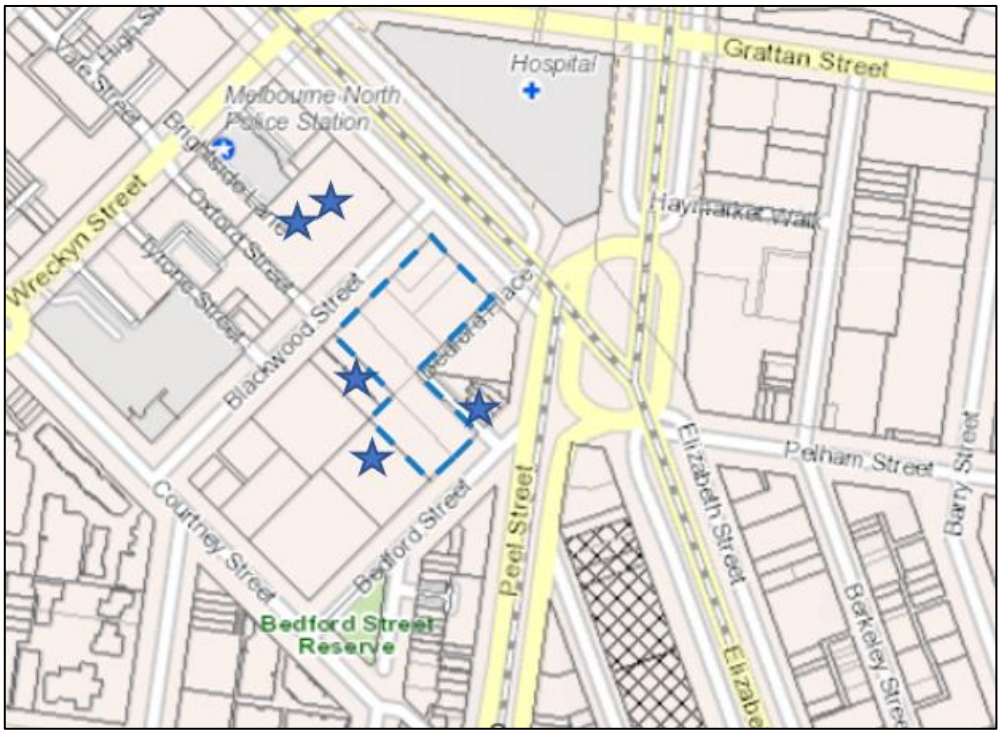

Figure 14: Map of objectors

71. The section 57A amendment application received on 3 August 2023 was not advertised, other than to the municipal authority under section 52(1)(b).

72. Section 57B of the Act reads:

    (1) If an application is amended under section 57A, the responsible authority must determine-

    (a) whether and to whom notice should be given in respect of the amended application; and

    (b) if notice is to be given, the nature and extent of that notice.

    (2) In determining whether or not notice should be given of an amended application, the responsible authority must consider whether, as a result of the amendments made to the application, the grant of the permit would cause material detriment to any person.

    Given the proposed amendments to the application (as detailed on page 6), it is considered that the proposed changes will not cause further material detriment to any person.

Key Considerations

73. The following are deemed the key considerations in assessing the acceptability of the proposal:

    - Strategic Direction and Land Use
    - Built Form
    - Internal Amenity: Compliance with Clause 16.01-1L (Student Housing), Clause 58 (Apartment Developments), Helicopter Flight Path
    - Amenity impacts
    - Car Parking, Bicycle Facilities, Loading and Waste
    - Sustainability
    - Staging and response to objections

Strategic Direction and Land Use

Municipal Planning Strategy

74. The particular MPS policies that apply, and a brief assessment is undertaken below. These matters are discussed is greater detail in the report.

    - The proposal is consistent with the Vision of the Melbourne Planning Scheme which is to facilitate a city for people; a creative city; a prosperous city; a city of knowledge; an eco-city; and a connected city. The proposal provides housing to accommodate the expected significant population growth in a highly serviced locality.
    - Strategic Directions for the existing urban renewal area of City North (Clause 02.03-1), which encourages most of the increased population and providing a complementary transitional scale to adjoining areas, are also achieved. The proposal is sensitively designed to minimise impacts on the streetscape, and surrounding area.
    - The proposal is also consistent with the student housing direction that supports purpose-built student housing that encourages social interaction.

Planning Policy Framework

75. The *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.

76. The policy objectives framework applicable to City North seeks a level of growth and intensification which will strengthen its role as a mixed use extension of the central city and an internationally renowned knowledge district, characterised by its range of educational and medical institutions. It also seeks to encourage a range of uses which complement this function and serve the needs of residents, workers, students and visitors.

77. The proposal is generally consistent with these objectives, will contribute development of local significance and achieve a high standard of design. The proposal would further consolidate the vision for the zone and precinct by providing high density apartment housing within a highly serviced locality, increasing quantum of student housing in close proximity to the University of Melbourne and the central city, and providing complementary retail and medical uses at the ground floor.

78. The proposal is broadly contained within the building envelope established under the planning framework and accords with the relevant guidelines specific to buildings and works and the built environment. The building is of an appropriate scale and mass having regard to the strategic and urban context of the site, and will achieve the

desirable transition from the higher forms along Flemington Road to the lower scale context further to the south within North Melbourne.

79. On balance, the layout of the development achieves an acceptable outcome as it presents to its various street interfaces in terms of its form, scale and program notwithstanding some variations to height and setback controls. The provision of retail tenancies to each street will increase activation, vibrancy and offer employment opportunities to strengthen the mixed use role of the precinct. Central entry points are provided in a well-resolved, legible arrangement with good levels of passive surveillance alongside communal ground floor spaces, which will enhance the safety and amenity of the public realm. The pedestrian amenity of Bedford Place will be enhanced with a widened footpath and pedestrian link to Blackwood Street through Stage 2.

80. The proposed development also aligns with transport policy by providing safe access and egress for the public, relying on the use of existing roads for pedestrian and cyclist access. The site is afforded with excellent access to sustainable, alternative modes of transport, and the provision of an appropriate amount of on-site car parking accords with transport policy seeking a modal shift to sustainable alternatives.

Land Use

81. A permit is required for use of the site for accommodation (student housing), medical centre and retail premises.

82. The purpose of the zone has been considered and it is noted that the proposed uses are consistent with the mixed use activity encouraged in the City North precinct, noting the following:

    - The land uses proposed are a series of smaller, individual tenancies associated with a predominantly residential development, which aligns with the purpose of the Mixed Use Zone, the Municipal Planning Strategy and Planning Policy Framework.
    - The provision of business and commercial services will support the future occupants of the development, nearby institutional and residential uses, and the wider City North precinct.
    - Given the scale of the uses and the high level of activity in the immediate surrounds, conditions regulating hours of operation have not been recommended for inclusion on the permit.
    - Conditions have been recommended for inclusion on any permit being granted to require a Loading Management Plan and to give force and effect to the assessed Waste Management Plan, which will ensure that traffic generation and emissions (i.e. waste) from all land uses will be appropriately managed on-site.

83. The use of the land for student accommodation will be considered in greater detail against the requirements of Clause 16.01-1L further within this report.

Built Form

84. The proposal is considered to achieve a positive built form response to the opportunities and constraints of the site, having regard to the immediate and wider context. Specific built form guidance for the development of the land is provided within the Design and Development Overlay, Schedule 61.

Design and Development Overlay – Schedule 61 (City North)

85. The application seeks approval for the construction of three buildings of 18, 19 and 22 storeys, with overall building heights of 55.6 metres, 60.74 metres and 69.29 metres, excluding plant. The Design and Development Overlay, Schedule 61 (DDO61) provides the preferred built form outcomes for this site, specifically Areas 2 and 5.

86. DDO61 requires that all buildings and works requiring a permit should:

    - *be constructed in accordance with the preferred maximum street edge height, preferred maximum building height and preferred upper level setback requirements for the specific areas as identified in Part 1.0 and Table 1 of this Schedule*

- *meet the Design objectives and Design Requirements as set out in Table 2 of this Schedule.*

An application to exceed the preferred maximum building height should demonstrate achievement of the relevant the Design objectives and Built Form Outcomes as identified in Part 1.0 and Table 1 of this Schedule.

87. An assessment against Table 1 – Preferred Built Form Outcomes for Specific Areas is as follows:

DDO Area	Building Height	Street edge height and upper level setback	Built Form Outcome
2	24 metres	**Buildings facing all other streets:** • 24 metre street edge height. • Any part of the building above 24 metres setback from the street behind a 45 degree line.	Development that: • Delivers an appropriate transition in scale of development from the lower scale built form in Courtney Street to the higher scale built form in Flemington Road. • Limits amenity impacts of excessive building bulk, overlooking and overshadowing on existing buildings in DDO 32.
5	60 metres	**Buildings facing Blackwood Street:** • 40 metre street edge height. • Any part of the building above 40 metres setback 10 metres from the street.	Development that: • Supports the gateway role of the Haymarket. • Has a scale of development that is complementary to the proposed medium level built form of its surrounds. • Has a consistent streetscape built form that integrates Elisabeth Street with Flemington Road. • Does not overshadow the proposed civic space within the Haymarket. • Delivers a scale of development that provides an appropriate transition to the lower scale built form in Berkeley and Pelham Street. • Provides a high level of pedestrian amenity, including access to sunlight to ground floor and sky views.

Assessment

The proposed development includes the following building heights:

- Stage 1: 18 storeys / 55.6 metres (preferred height: 24 metres) and 24 metre street edge height with setbacks above at 45 degrees;
- Stage 2 (northern building): 22 storeys / 69.35 metres (preferred height: 60 metres) and 40 metre street edge height to Blackwood Street with setback of 10 metres above;
- Stage 2 (southern building): 19 storeys / 60.6 metres (preferred height: 24 metres) and 24 metre street edge height with setbacks above at 45 degrees; and

The proposal seeks to vary the preferred building height, street edge height and upper level setback requirements. These variations are considered to be an appropriate outcome having regard to the design objectives and built form outcomes of DDO61, for the following reasons:

<u>Stage 1</u>

- The overall height and massing of Stage 1 building, generally aligns with the requirements of DDO61, Area 2. Under Area 2, Bedford Street has a preferred building height of 24 metres and a preferred street edge height of 24 metres, with built form above to be setback 45 degrees.
- Stage 1 presents to Bedford Street with a street edge height between 24.29 metres and 30.39 metres. Above the street wall, the tower has a setback of 26.67 metres from Bedford Street. The overall height of the building is 55.6 metres, excluding the plant.
- Sections of the street wall exceed the 24 metre requirement. However, the maximum street wall height of 30.39 metres generally accords with the 1:1 ratio (building height at the street edge and street width) of Bedford Street, which is a 30 metre wide street, contained within the design objectives for DDO61.
- The building's overall height of 55.6 metres and setback 26.67 metres, generally accords with the 45 degree setback

line (as shown below).

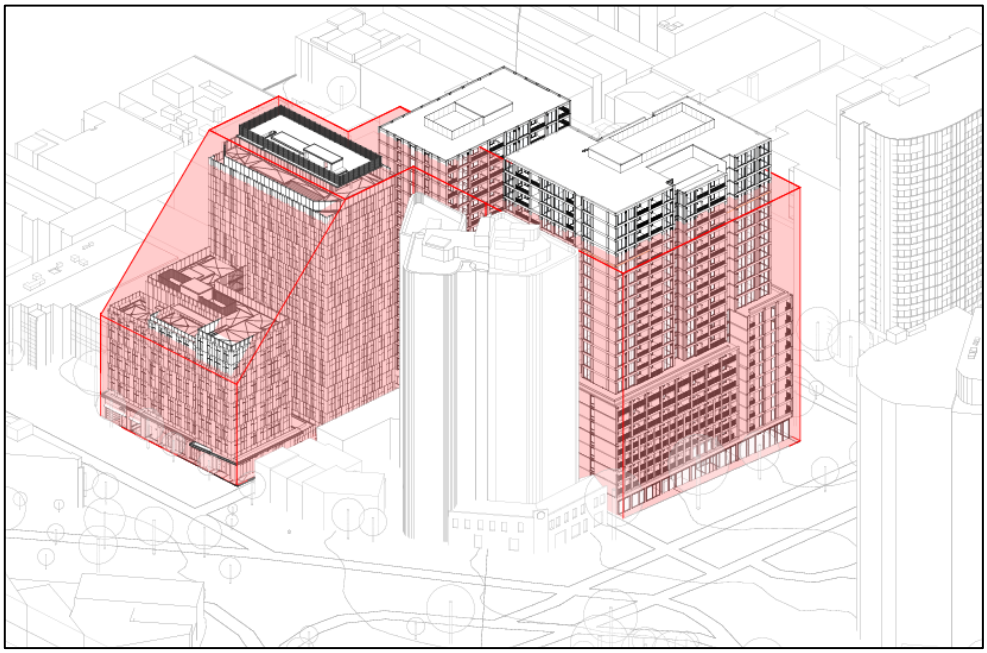

Figure 15: Axonometric image of the site as viewed from the north east (Source: Application)

- Minor parts of the building encroach into the preferred built form volume for the site. However, there is a greater portion of the preferred built form volume that has not been built into. The preferred built from suggests building to Bedford Place, the southern boundary and the western boundary. The proposed built form includes setbacks to all boundaries, includes the triangular form to Bedford Street, which has not been built into.
- The proposed massing and setbacks for Stage 1 is considered appropriate and adequately responds to the characteristics of the site and its surrounding context.
- The additional projections beyond the building envelopes (as shown above) will have no consequential amenity impacts having regard to overshadowing, overlooking or excessive bulk given the limited exceedance and its containment at the 'crown' and upper floor edges of the buildings.

Stage 2 (northern building)

- The overall height and massing of Stage 2 (northern building) does not strictly align with the requirements of DDO61, Area 5. Under Area 5, Flemington Road has a preferred building height of 60 metres and along Blackwood Street, a 10 metre setback above a preferred street edge height of 40 metres. Part of the southern section of the northern building is located within Area 2, which includes similar built form requirements to Stage 1 and Stage 2 (southern building).
- Stage 2 (northern building) presents to Flemington Road with a street edge height of between 26.29 metres and 32.69 metres and along Blackwood Street, a street edge height of 26.79 metres and 32.69 metres. Above the street wall, both the Flemington Road and Blackwood Street tower is setback 3.05 metres from the street wall. The overall height of the building is 69.29 metres, excluding the plant.
- The building's overall height and massing varies to that envisioned in DDO61 (see image below).

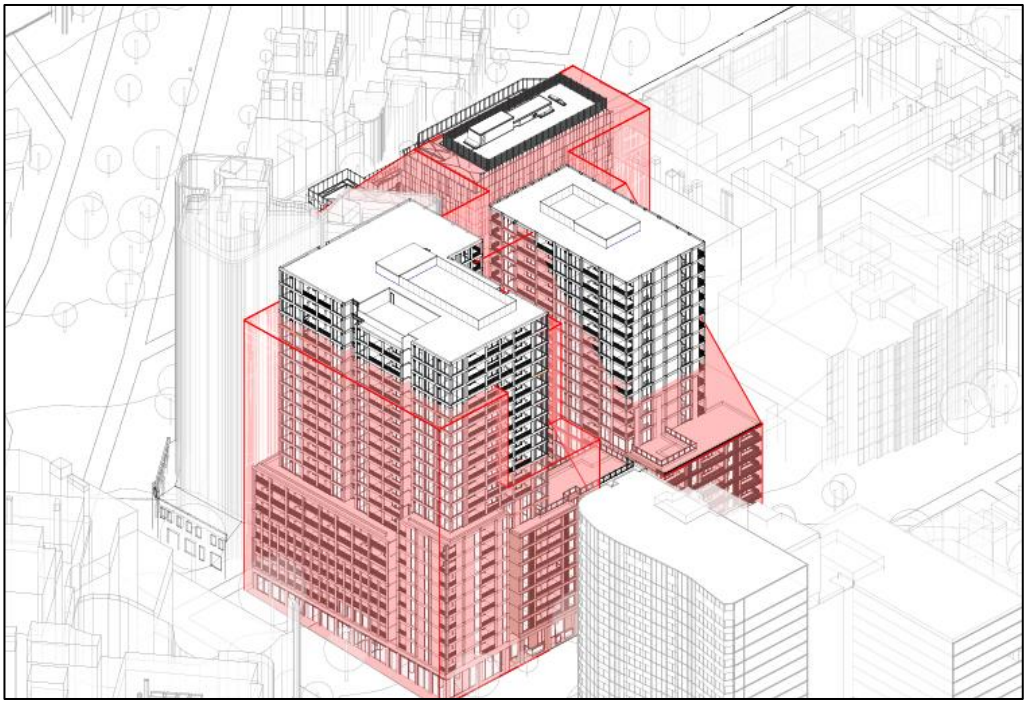

Figure 16: Axonometric image of the site as viewed from the north west (Source: Application)

- The podium / tower typology approach to the Flemington Road / Blackwood Street corner, allows for the building to the east (1-3 Flemington Road), to hold the more prominent Haymarket roundabout corner. The Flemington Road / Blackwood Street corner is similarly identified with a more contextually appropriate street edge height for a local street (Blackwood Street).
- While the height of the building exceeds the height of 1-3 Flemington Road, the exceedance is not considered to be unreasonable. The height is generally consistent with existing and approved buildings around the Haymarket roundabout, which range from 60 metres (9-35 Flemington Road, which is located with Area 3 (40 metre preferred building height) to 79.4 metres (683-699 Elizabeth Street, which is located within Area 5) in height. However, given the podium / tower typology, the setback of the tower, and the change in materials, the building presents appropriately in the streetscape.
- Given the distance between the tower elements of Stage 2 northern and southern buildings, the preferred built form volume has been redistributed across the site, than the built form that was intended.
- The proposed massing and setbacks for Stage 2 (northern building) is considered appropriate and adequately responds to the characteristics of the site and its surrounding context.

<u>Stage 2 (southern building)</u>

- The overall height and massing of Stage 2 (southern building) does not strictly align with the requirements of DDO61, Area 2. Under Area 2, Blackwood Street has a preferred building height of 24 metres and a preferred street edge height of 24 metres, with built form above to be setback 45 degrees.
- Stage 2 (southern building) presents to Blackwood Street with a street edge height of 24.34 metres. Above the street wall, the tower has a setback of 10.1 metres from Blackwood Street. The overall height of the building is 60.74 metres, excluding the plant.
- The minor increase above the 24 metre street wall requirement is considered inconsequential. While, the building's height and front setback does not strictly conform to the 45 degree setback line (as shown below), the tower is setback from the southern boundary and internally to the northern building of Stage 2. The proposal is an appropriate response to the transitional location of the site and the built form outcomes sought. The meaningful tower separation from the northern building and the visual relief along Blackwood Street, ensures that the building presents an acceptable response to the site and surrounding context.

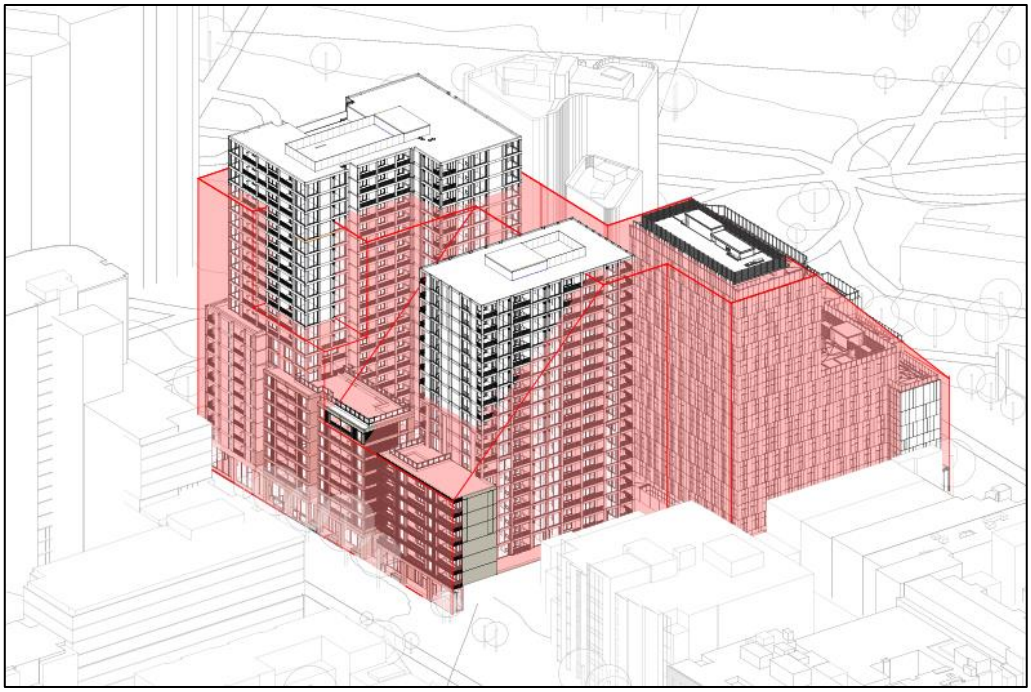

Figure 17: Axonometric image of the site as viewed from the south west (Source: Application)

Overall

- The site is located within the Haymarket roundabout and has multiple street frontages, within two sub precincts of DDO61. The proposal includes a cluster of three towers which respond to this context and supports the gateway role of the Haymarket.
- The northern building of Stage 2 presents the tallest building height to Flemington Road within Area 5, which is characterised by prominent built form up to and exceeding the preferred maximum of 60 metres. The southern building of Stage 2 that fronts Blackwood Street and the student housing building that fronts Bedford Street step down in height, and are also provided with increased setbacks and lower street edge heights (street walls).
- Physical recesses and rebates are provided across each façade which support the modulated tower forms, and successfully break up the continuous building mass to each street. The external detailing, location of building entries, retail spaces and communal terraces further contribute to a visually engaging and responsive built form to each street edge.
- Therefore, the proposal is both compatible with the prominent scale of form within Area 5 while also achieving a suitable graduation in height to the lower scale built form sought for as it transitions to the west on Flemington Road within neighbouring Area 3 and further south within Area 2 along Blackwood and Bedford Streets toward Courtney Street.

1-5	On the street edge of laneway frontages, any part of the building above 10.5 metres should be setback 4 metres.	Development that ensures laneways have appropriate access to daylight and sunlight.

Assessment

The existing conditions within Bedford Place include 1-2 storey and 3-4 storey walls on the subject site, 2 and 3 storey townhouses at 39-43 Bedford Place and two 20 storey student accommodation buildings, generally all built to the laneway (with the exception of one of the student accommodation towers that is setback 3 metres from the laneway). Daylight and sunlight penetration into Bedford Place, and those developments which interface with the lane, is currently compromised due to its orientation relative to surround**ing** multi storey buildings.

Stage 1 building is setback between 0.76 metres and 2.15 metres from Bedford Place, which is less than the preferred laneway setback of 4 metres above 10.5 metres. Given the length of the building along Bedford Place, including the central void that will provide visual relief, and the new 2 metre wide clear laneway on the southern side of Bedford Place, the proposed setbacks are considered acceptable having regard to daylight access objectives at this interface. Further, the student housing units are not orientated to the north, but rather to the east and west boundaries which avoid any overlooking to the properties to the north. Given the orientation of the laneway adjacent to Stage 1, the proposed building will not impact the laneway's access to daylight and sunlight. Further, if the desired setback were to be applied, this would have an imperceptible improvement on the laneway's access to daylight and sunlight.

Stage 2 northern building is setback 3.35 metres from Bedford Place at Level 1, which is less than the minimum requirement of up to 10.5 metres in height and is slightly less than the 4 metre setback. This excludes the northern-most section of the northern building, which is constructed on the north-east boundary up to a height of 24 metres, before being set back 3.35 metres to the remainder of the tower. Setbacks of over 9 metres are provided to the east facing dwellings of the Stage 2 northern building to the recently completed student housing towers at 1-3 Flemington Road. The laneway adjacent to Stage 2 currently experiences compromised access to daylight and sunlight throughout the day and it is considered that the proposed building will not unreasonably increase the laneway's experience.

Given the existing laneway context, it is considered that on balance, the reduced setbacks are acceptable as they would not unreasonably reduce access to daylight and sunlight nor will they have an appreciable impact on bulk as experienced within the lane.

In addition, a similar level of architectural detailing and articulation to that achieved to the primary street frontages for the buildings is provided to the laneways, both through the use of solid masonry finishes at the building base along with the articulated detailing of the tower levels. On balance the proposal will result in a well resolved, contextual built form response to both the laneway and wider area.

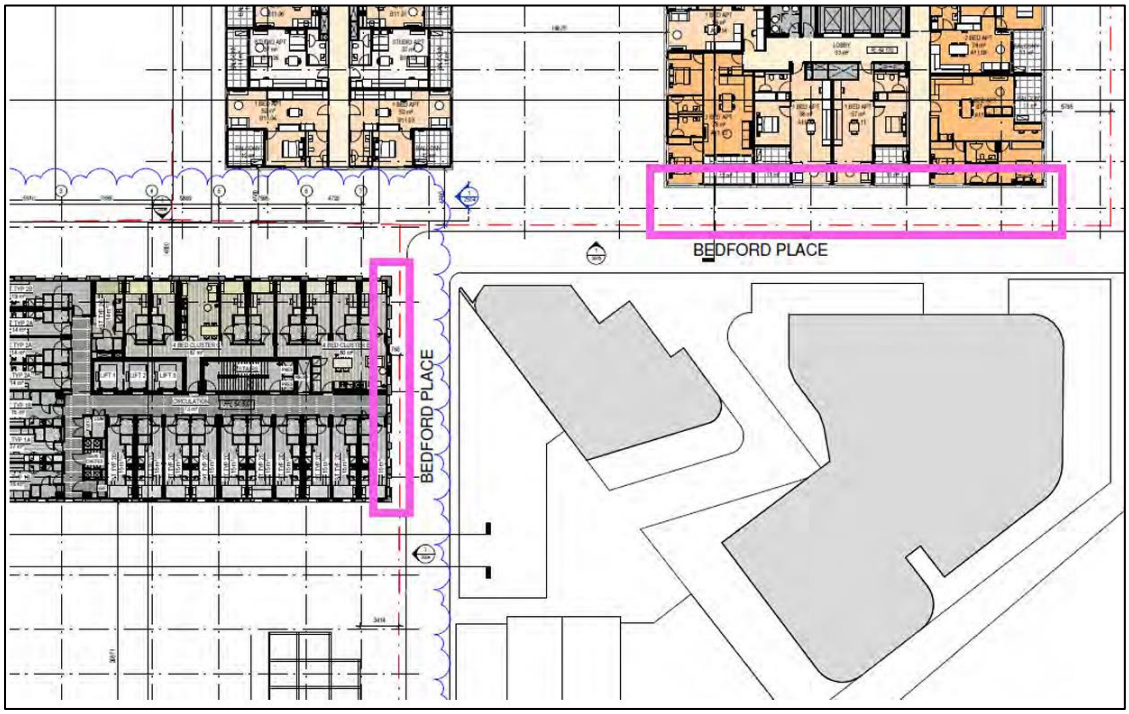

Figure 18: Tower floor plan with laneway setbacks shown (Source: MCC delegate report)

88. An assessment against Table 2 – Design Requirements for all DDO Area is as follows:

Design Objective	Design Requirement	Assessment
Building Heights, Scale and Setbacks		
To ensure that the height of new buildings reinforces the built form character of specific areas as defined in Table 1 in this Schedule. To ensure appropriate building scale, height and setbacks at interfaces with established residential areas having regard to existing character, context and amenity. To ensure appropriate building scale on the side and rear boundaries of	Deliver a scale of development at the street edge in accordance with Table 1 in this Schedule. Buildings should be constructed to the street boundary of the site. Upper levels above the maximum street wall heights should be visually recessive and more diminutive than the building's base. On corner sites where two different street edge heights are nominated, buildings should "turn the corner" and apply the	*The proposed development is an appropriate response that does not unreasonably detract or dominate surrounding built form and is respectful of the surrounding streetscape. The overall design response, including its height and setbacks, are generally compliant with the above preferred built form outcomes. The proposed setbacks have adequately considered the equitable development and amenity of neighbouring lots.* *The ground level floor to floor heights range from 4.2 to 5.3 metres which*

new buildings and works that respects the scale of existing adjoining buildings. To avoid to exposed blank walls. To assist in limiting visual impact and adverse amenity on adjacent development sites. To promote articulated rooflines with architectural interest and variation. To establish a generally consistent built form to the street edge that creates a strong sense of definition and place. To ensure that the scale of built form provides an urban environment that is comfortable for pedestrians. To ensure equitable and good access to sunlight / daylight for occupants of buildings and in public places. To ensure that new development is adaptable over the long term to a range of alternate uses.	higher street edge and transition to the lower nominated street edge height. Buildings should have a minimum ground floor to floor height of 4 metres at ground floor and a minimum floor to floor height of 3.2 metres in levels above the ground floor.	*exceeds the 4 metres recommended by this design requirement. The upper levels have floor to floor heights of between 3 to 3.2 metres, which generally align with the preferred requirement for 3.2 metres. The floors where there are reduced heights of 3 or 3.05 metres would not detract from the presentation of the overall building and provide an acceptable level of internal amenity.*
To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precinct respects the character, form, massing and scale of the heritage buildings.	The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings. New buildings should step down in height to adjoining lower scale heritage buildings. New buildings should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.	*Not applicable.* *The subject site does not include any heritage buildings and is not within a heritage precinct. There are also no adjoining heritage buildings or precincts.*
Building Facades and Street Frontages		
To ensure that buildings are well designed and enhance the amenity of City North. To deliver a fine grain built form with architectural variety and interest. To encourage high quality facade and architectural detailing.	**Addressing the Street** The articulation of building facades should express a fine grain. Expressing the vertical elements is encouraged to minimise the dominance of wide building frontages. Multiple doors/entrances to buildings and windows should be provided off the street to improve activation of the street. The facades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes. All visible sides of a building should be fully designed and appropriately articulated and provide visual interest. Blank building walls that are visible from streets and public spaces should be avoided. Buildings on corner sites should address both street frontages. **Service areas** Service areas (plant, exhaust, intake vents and other technical equipment and other	*The proposed development is well articulated through the use of masonry finishes and its architectural language, achieving a high level of visual interest and variation to the public realm. The street edge of the building adopts staggered heights and segmented street walls which establish a fine-grained rhythm that respects the built form in the surrounding area.* *The northern building of Stage 2 holds the corner of Flemington Road and Blackwood Street, with the 33 metre high street wall visually emphasising the corner before transitioning to the lowered street wall segments along Blackwood Street and continuing to the southern building of Stage 2. The Bedford Street presentation provides a finer grain form with a high quality façade. This achieves a well-resolved presentation to both interfaces and a legible transition to neighbouring building forms.* *The buildings are activated at ground level*

	utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas. Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building. **Building Projections** Building projections outside the property boundary should accord with Council's Road Encroachment Guidelines.	*with the inclusion of retail premises to each street frontage, as well as defined building entry points. Each tenancy is provided with entry doors which achieve a sense of address and shelter around these transitional spaces. Landscaping is integrated into the pedestrian pathways and through link including a submerged planting area within the student housing building, which are designed to complement the pedestrian experience at street level while also enhancing the amenity of the buildings.* *Plant and services have been strategically located along in basement levels and discretely along street and laneway frontages to maximise the activation of the primary street frontages.* *As per Council's Road Encroachment Guidelines, the canopy to Bedford Street provides a clearance in excess of 2.7 metres from the footpath surface and is setback more than 750mm from the edge of the kerb. Separate approvals will be required from the council for the removal of any street trees.*
Active and Safe Street Frontages		
To create safe streets. To ensure all streets are pedestrian oriented and contribute to pedestrian safety. To ensure development presents welcoming, engaging and active edges to streets and other public spaces at ground floor and the street frontages of lower storeys. To ensure development contributes to passive surveillance of the public domain.	Ground floor frontages should contribute to city safety by providing lighting and activity. At least the first five levels of a building should provide windows and balconies, fronting the street or lane. Access to car parking and service areas should minimise impact on street frontages and pedestrian movement. Carparking should not be located at ground floor and should not occupy more than 20% of the length of the street frontage above ground floor. Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians.	*The ground floor frontages to Flemington Road, Blackwood Street and Bedford Street will be activated with retail uses, communal areas and entry lobbies. These uses and the pedestrian link will contribute to pedestrian safety by providing lighting and activity to the primary street frontages.* *All levels of each of the three buildings will provide windows (Stage 2 – windows and balconies) to all elevations.* *Access to car parking and service areas, including bicycle parking, will be via Blackwood Street, Bedford Street and Bedford Place, minimising impact on Flemington Road, which is more trafficked by pedestrians.* *Car parking for Stage 1 is provided at the rear of the building and results in a non-active frontage of 10% of the street. Car parking for Stage 2 is provided within the basement levels with access from Blackwood Street and results in a non-active frontage of 7% of the street.* *The façades at ground level do not include any alcove or spaces that cannot be observed by pedestrians.*
To provide continuity of ground floor shops and food and drink premises in proposed activity nodes.	Buildings with ground-level street frontages along Royal Parade at the Haymarket area and Victoria Street as shown on **Map 1** should contribute to the appearance and support the proposed retail function of the area to the satisfaction of the responsible	*Not applicable.* *The subject site is not located along a designated activity node or a major pedestrian areas as shown on Map 1. However, the ground level retail tenancies*

	authority, by providing: • At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises. • Clear glazing (security grilles should be transparent)	*provide continuity to all street frontages.*
To ensure ground floor frontages to major pedestrian area add interest and vitality.	Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Streets as shown on **Map 1** should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing: • At least 5 metres or 80 % of the street frontages (whichever is the greater) as: ○ an entry or display window to a shop and/or a food and drink premises; or ○ as any other uses, customer service areas and activities, which provide pedestrian interest or interaction. • Clear glazing (security grilles must be transparent).	*Not applicable.* *The subject site is not located along a designated activity node or a major pedestrian areas as shown on Map 1. However, the ground level retail tenancies add interest and vitality to all street frontages.*
Provision of Public Places		
To encourage the provision of well-designed and publicly accessible spaces	The opportunity for the inclusion of public spaces should be promoted.	*The proposal includes a publicly accessible pedestrian link through Stage 2, connecting Blackwood Street with Bedford Place.*
Sunlight to Public Places		
To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year. To protect sunlight to public spaces. To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight.	Buildings and works should not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas. Maximise the extent of the northerly aspect of public open spaces. Ensures sunlight reaches the lower floors of new developments.	*The orientation of the site ensures that the proposal will not unreasonably overshadow any public space, public park or gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public between 11.00 am and 2.00 pm on 22 March and 22 September.* *Overshadowing impacts on Bedford Street Reserve are discussed later in this report.*
Pedestrian Links		
To encourage the creation of new lanes and connections, particularly in locations where block lengths exceed 100m. To ensure new laneways are aligned to respect the street pattern; To ensure new laneways integrate with the pattern of development of	Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200metres in length at least two connections should be provided. Connections should be located towards the centre of the street block, no more than 70 metres from the next intersection or	*A widened footpath will be provided along the Bedford Place frontage as part of Stage 1. This will continue through to Stage 2, providing a publicly accessible pedestrian link through connecting Blackwood Street with Bedford Place.* *The pedestrian link is direct, open to the sky, flanked by active and passive uses and will provide a line of site from Bedford*

adjacent areas, To accommodate vehicular and service access to developments.	pedestrian connection. Where a development site is suitably located for a pedestrian connection but does not exceed the full depth of the block, the development should include a connection which would be completed when a connection is provided through the adjoining site. Where a development site has the potential to achieve a through block connection by extending an existing or proposed connection on an adjoining site, the new development should provide for the completion of the through block connection. Development should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct routes through City North. Bluestone lanes, kerbs and guttering within heritage precincts must be retained, and should also be retained outside heritage precincts. **Laneway design and character** Developments should provide pedestrian connections which are: • Safe, direct, attractive and which provide a line of sight from one end of the connection to another. • Publicly accessible. • At least 3-6 metres wide. • Open to the sky or if enclosed at 7.6 metres. • Flanked by active frontages. • Existing lanes should not be covered. • The pedestrian amenity of lanes which are primarily used for servicing and car parking, should be improved through the use of materials, lighting and designated areas for pedestrians and vehicles. **Buildings and works adjoining lanes** The design and management of access and loading areas along lanes should not impede pedestrian movement. New development should respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the lane way character. New development along lanes should provide highly articulated and well detailed facades that create visual interest, particularly at the lowers levels.	*Street to Blackwood Street* *This will deliver benefits to pedestrian connectivity and improved amenity for pedestrians accessing the site and wider area.* *In order to ensure the delivery of the pedestrian link through Stage 2 and to provide 24/7 unobstructed public access, a section 173 Agreement condition should be included on any permit to issue.* *Bedford Place adjacent to Stage 2 includes loading bay and servicing access. As these will be used intermittently, they will have minimal impact on pedestrian movement.*
Weather Protection		

To promote pedestrian amenity. To ensure built form does not increase the level of wind at ground level and that buildings are designed to minimise any adverse effect on pedestrian comfort.	The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort as follows: • In the proposed activity nodes shown on Map 1 the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector should not exceed 10 ms-1. This speed is generally acceptable for stationary, long term exposure (>15 minutes); for instance, outdoor restaurants/cafes, theatres • Along major pedestrian areas shown on Map 1 the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector should not exceed 13 ms-1. This speed is generally acceptable for stationary, short term exposure (<15 minutes); for instance, window shopping, standing or sitting in plazas; • Along all other streets the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector should not exceed 16 ms-1 (which results in half the wind pressure of a 23ms-1 gust) which is generally acceptable for walking in urban and suburban areas. • Landscaping within the public realm should not be relied on to mitigate wind.	*The subject site is not located along a designated activity node or a major pedestrian areas as shown on Map 1. A wind report prepared by ViPac and dated 26 July 2023 accompanied the application and notes that wind model testing considered the effects of the proposed development having regard to the wind comfort level criteria contained here, in addition to those contained in Clause 58.* *It was concluded that the proposal achieves compliance by complying with these criteria, including through maintaining existing wind speed conditions in some areas. Recommended wind amelioration measures have generally been incorporated into the Section 57A amended plans. A condition of permit is recommended to require an updated Wind Assessment report which reflects the amended proposal, and incorporates any further mitigation measures.*
To protect pedestrians from the elements by providing shelter from the rain and sun, without causing detriment to building or streetscape integrity.	Buildings should include protection from the weather in the form of canopies, verandas and awnings. The design, height, scale and detail of canopies, verandas and awnings: • should be compatible with nearby buildings, streetscape and precinct character; • may be partly or fully transparent to allow light penetration to the footpath and views back up the building façade; • should be setback to accommodate existing street trees; and • should be located so that verandah support posts are at least 2 metres from tree pits. Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.	*There are individual canopies above each building entry point, including through inset ground level entry areas along Flemington Road and Blackwood Street, which avoids the need for canopies projecting above the existing footpaths. These are considered appropriate to the scale of the development as well as the character of the area and nearby buildings.*

Internal Amenity

Student Housing Policy

89. Clause 16.01-1L Student Housing applies to the use and development of land for student accommodation that is purpose built for students studying at tertiary institutions. The objectives of this policy require:

    - To provide affordable, safe, healthy, well designed and managed student housing in locations with good access to public transport, services and tertiary education facilities.

90. The use of the land for purpose built student accommodation is compatible with both the purpose of the zone and the broader vision for the City North precinct. The site is within walking distance to the University of Melbourne located 250 metres to the north-west, and has direct connection to the central city and other tertiary education facilities. The proposal includes an appropriate level of activity through retail tenancies and communal spaces at the ground level to each frontage, which will contribute to the mixed use objectives for the area.

91. A detailed assessment against the policy is provided below:

Policy	Response
Student rooms layout strategies	
• **Ensure all rooms are of a size, layout and design that are liveable and functional.** • Ensure every room has direct access to daylight, fresh air and an external window. • Discourage rooms being unreasonably overlooked by another room. • Design rooms to limit excessive noise and disruption from pedestrian or vehicle traffic. • Provide secure long-term storage.	The proposal includes student rooms of varying configurations, including studios and 4 bed cluster rooms. The rooms range in size from 14 to 27 m² for single rooms and 79 to 87 m² for the 4 bed cluster rooms. Each room will have direct access to daylight, fresh air and an external window. No rooms will be unreasonably overlooked by another room within the development. The placement of windows and distance of the central void minimises potential cross-views between bedrooms. Rooms would generally be located and designed to limit excessive noise disruption from pedestrian or vehicle traffic outside the building, as outlined within the Acoustic Report. The report outlines a maximum of 35-45dB designed sound level for student rooms. A recommended condition of permit will require the endorsement of this report and incorporation of its findings. Rooms are provided with adequate space to accommodate the long-term storage needs of students.
Shared facilities strategies	
• **Support shared laundry, cooking and dining facilities that are designed to be conducive to incidental socialising.** • Encourage the provision of storage areas for property manager's equipment and building maintenance. • Encourage the provision of waste management facilities. • Locate shared facilities in a safe and accessible area. • Design corridors and stairways to be attractive spaces, with natural lighting and ventilation that is conducive to incidental social interaction.	A shared laundry and communal kitchen are provided amongst the communal facilities on the lower ground level, which will allow for incidental socialising. Multiple areas throughout the building provide storage for property manager's equipment and building maintenance. Adequate waste management facilities are provided for the building, subject to the endorsement of an amended Waste Management Plan. A communal bin storage area and waste collection bay are located at the ground level accessed via Bedford Street. Shared facilities are provided as follows: • 1,910 m² of internal communal areas within a dedicated lower ground level and upper ground level lounge and study areas; and a sky lounge at level 17 (rooftop).

	• 1,294 m² of external communal areas at lower ground level; double height balconies on levels 1, 3, 5, 7 and 9; and communal facilities on levels 8, 9, 10 and 17 (rooftop). Corridors will have access to natural light via windows along the north elevation.
Communal areas strategies	
• **Ensure each student has access to communal outdoor space that is well designed, safe and accessible, can be maintained and has adequate solar access.** • Ensure provision of well-located internal common areas that are capable of being used for multiple functions to meet a range of study, social, cultural and religious needs. • Encourage a direct relationship between communal outdoor spaces and common internal spaces to enhance function and safety. • Provide adequate lighting of internal and external access areas.	Each student will have access to external communal areas that is well designed, safe and accessible, can be maintained and has adequate solar access. The internal communal areas are well located and capable of being used for multiple functions. Where external communal areas are provided, they will generally have an appropriate interface with internal communal areas. However, the council has highlighted that the external areas on levels 8 and 10, which are accessed by a single width doorway located between student rooms, should be amended to provide a lounge or similar communal space which will have a direct interface to the outdoor areas and achieve an adequate level of function, safety and passive surveillance. Lighting will be provided for internal and external communal areas.
Transport strategies	
Encourage development that provides: • Adequate space for bicycle, motorcycle and scooter parking. • Car parking for the management and servicing needs of the building. • Limited or no car parking for students. • Adequate space for loading and unloading vehicles and waste collection.	The proposed development provides a total of 160 bicycle spaces which exceeds the minimum 128 spaces required by Clause 52.34. The proposed development provides four on site car parking spaces (two for management of the building and staff of the retail tenancy and two car share spaces for students). Adequate areas are provided for on-site loading and waste collection within the ground level car park area, accessed from Bedford Street.
Policy guidelines	

Consider as relevant:
• Providing a ratio of 2.5 square metres of communal outdoor space per student, in a maximum of two parcels, each parcel with a minimum width of 3 metres.
• Providing an internal communal living area with a minimum of 15 square metres in area for every 12 students.
• Providing at least one bicycle parking space per student.
• Supporting rooms of a size, layout and design that can comfortably accommodate:
  ○ Access to a bed from its side.
  ○ A study area with a desk and bookshelf.
  ○ A robe/drawer units with ample storage space for clothing and personal items.
  ○ Computer and TV.
  ○ A table or bench to provide a space to eat, separate from that used for study purposes.
• Providing private kitchen facilities with adequate room for a microwave, stove top cooker, fridge, clear bench space, sink, storage space for food, crockery, utensils, cleaning equipment and a designated location for
	While falling short of the total of 1,610 m² (2.5 m² per student) of external communal areas encouraged, the external communal area of 1,294 m² is considered to adequately meet the recreational needs of students. Additionally, the surrounding area includes a number of public open space areas including University Square (300 metres east), Lincoln Square (500 metres east), Bedford Street Reserve (60 metres south) and Royal Park (650 metres north-west) which are readily accessible to future occupants.
	The proposed development includes a total of 1,910 m² of internal communal areas throughout the building, which exceeds the 805 m² encouraged by the policy (15 m² for every 12 students).
	The proposed development does not provide one bicycle space per bed as encouraged. However, it does provide a total of 160 spaces which exceeds the minimum of 128 spaces required by Clause 52.34.
	Each student room is provided with access to a bed from its side, a study area with a desk and a bookshelf, robe / drawer units with storage space for personal items, desk space for a computer and TV and a separate table or bench for meals.
	Private kitchen facilities within each room are accompanied by adequate space for a microwave, stove top cooker, fridge, clear bench space and sink, in addition to storage for food and

garbage and recycling.
• Providing shared laundry facilities with washing machines, clothes dryers, laundry tubs with hot and cold water and clotheslines.
• Encouraging shared cooking and dining facilities to include:
  ○ Space for garbage and recycling bins.
  ○ Stove top cookers, refrigerators and freezers.
  ○ Sinks with running hot and cold water.
  ○ Bench space for food preparation.
  ○ Storage space for dry goods.
	utensils.
	Shared laundry facilities are provided in the lower ground level with washing machines, clothes dryers and sinks.
	A communal kitchen is provided in the lower ground level for all students. Communal kitchens are provided for the 4 bed cluster rooms. These areas appear to show adequate space for relevant items listed.

92. Overall, the proposal is complies with the objectives, strategies and guidelines of Clause 16.01-1L. The proposal is to for a purpose built student accommodation building. The council has suggested that conditions be included on any permit to issue requiring the provision of an Operational Management Plan for the building, as well as a section 173 Agreement giving effect to the Management Plan to ensure that the use of the building is restricted to student accommodation.

Clause 58 (Apartment Developments)

93. Clause 58 encourages apartment development that provides reasonable standards of amenity for existing and new residents and supports apartment developments that are responsive to the site and the surrounding area.

94. The development achieved a high level of compliance with the objectives and standards of Clause 58 as detailed in the assessment provided at Appendix 1. Other relevant Clause 58 considerations (variations sought to Standards) are discussed (in part) below.

95. A variation is sought to Standard D10 (Landscaping objectives) that requires 15% of the site area (4,200 square metres) or 630 square metres be provided for deep soil planting and 350 square metres plus 20% of the site area of canopy cover or 690 square metres.

96. A variation is sought to Standard D14 (Building Setback objectives) noting the non-compliance with the preferred setbacks above the street wall under the DDO61. Notwithstanding, the built form of the development respects the preferred urban context for the City North Precinct and responds to the features and constraints of the site.

97. A minor variation is sought to Standard D20 (Private open space objective) as 7 student dwellings (out of a total 538 dwellings) within the northern building should provide a minimum 8 square metres, due to the a/c unit located with the 9 square metre balconies. It is considered that the aspect and location of these dwellings allows for the balcony objective to be the most applicable in this case and the variations is considered acceptable in this instance.

98. A minor variation is sought to Standard D29 (Natural ventilation objectives) as 38% of dwellings are provided with effective cross ventilation, which falls short of the minimum 40% of dwellings provided. It is considered that the shortfall is relatively minor and whilst there is a high number of single aspect dwellings, they are appropriately oriented around each tower to take benefit of the open street outlook or the significant internal setbacks between each tower around the internal communal spaces.

99. A full assessment against Clause 58 the proposed dwellings is found in Appendix A to this report.

Amenity Impacts

Design and Development Overlay – Schedule 65 (Hospital Helicopter Flight Path)

100. The land is affected by the Design and Development Overlay, Schedule 65, which identifies land within a hospital helicopter flight path area. A planning permit is required under this overlay, as the height of the building exceeds the referral thresholds for the Royal Melbourne Hospital and Royal Childrens Hospital.

101. The application was referred to the Department of Health, who advised that the proposed development will have minimal impact on emergency medical service helicopter operation into the Royal Melbourne Hospital. As such, they did not object to the application, subject to conditions being included on any permit to issue. These conditions will be included on any permit to issue.

Overshadowing

102. DDO61 states that development should not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public.

103. While the site is not on a major pedestrian route, the overshadowing to Bedford Place needs to be considered. The north-south portion of Bedford Place is oriented in a way that would result in overshadowing by the construction of any built form on Stage 2 during the above dates and times, despite the further setback required against the laneway interface.

104. The east-west portion of Bedford Place would also result in overshadowing of any built form on Stage 1 and 2. The proposed configuration of Stage 2, with the two tower forms, allows acceptable levels of daylight and sunlight to enter the laneway. Had the site proposed to be developed in accordance with the built form anticipated by DDO61, greater overshadowing to the laneway may have resulted (i.e. if the tower separation was less than proposed, then greater shadows would be likely over the laneway).

105. The diagrams below show the proposed shadows (purple) against the existing shadows (grey). It is apparent that the existing conditions already compromise the daylight and sunlight into Bedford Place. The proposed building marginally increases the shadow at the required dates and times and is considered acceptable.

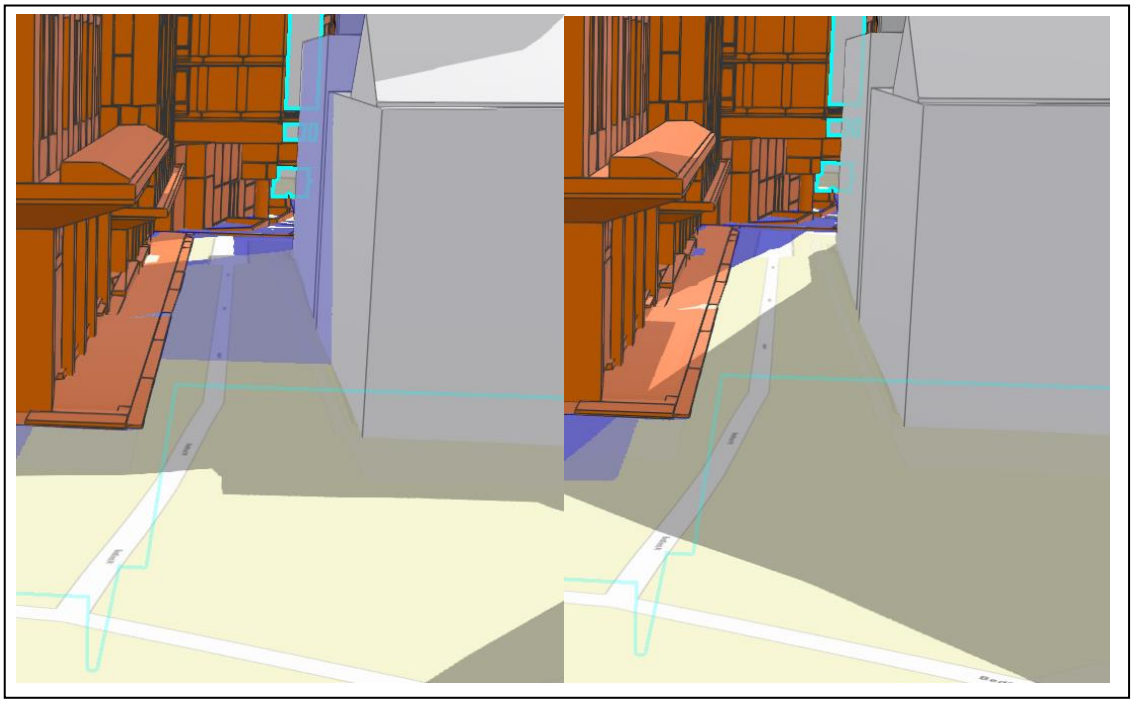

Figure 19: Shadow studies March 22 – 1:00pm (left) and 2:00pm (right) (Source: DTP Vic3D model)

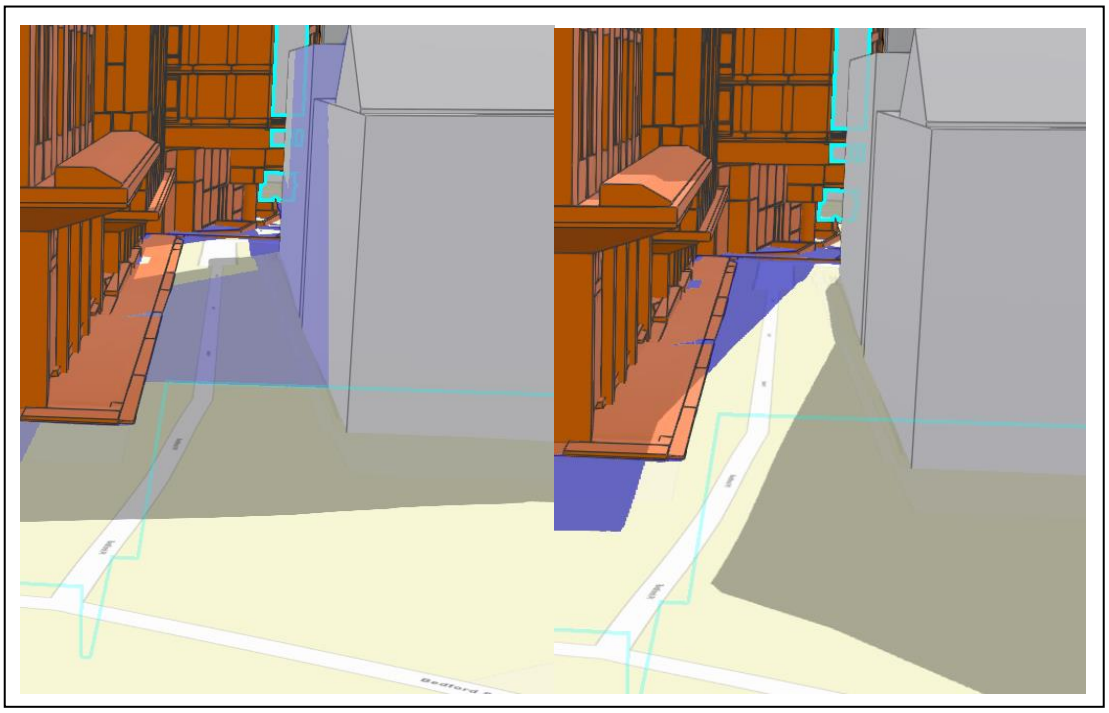

Figure 20: Shadow studies September 22 – 1:00pm (left) and 2:00pm (right) (Source: DTP Vic3D model)

106. Further, it is noted that any further setback of the Stage 1 building, above 10.5 metres, would not improve access to daylight and sunlight to Bedford Place

107. Also relevant to this matter, is Planning Scheme Amendment C415 (formerly C278), which has been adopted by the council but is not considered a seriously entertained planning scheme amendment by the Department. This amendment seeks to apply a new Design and Development Overlay – Schedule 8 to the site and surrounds. DDO8 seeks to introduce built form requirements for the site and surrounding area ensuring sunlight to parks, noting that Bedford Street Reserve, located approximately 60 metres to the south of the site, is a 'Type 2' park for the purposes of applying the below requirements of the proposed DDO8:

Existing shadow is defined by the proposed DDO8 as follows:

'…any shadow cast by existing buildings and works.'

Allowable shadow is defined by the proposed DDO8 as follows:

'Allowable shadow means the shadow that would be cast on the park between 10am and 3pm:

- *By street walls built to the street wall height on land near a park.*
- *If no street wall height requirement applies, buildings built to the maximum building height requirement on land near the park.*

Table 1

Park type on Maps 1-10	Hours and date
1	Buildings and works must not cast additional shadow onto the park between 10am and 3pm, on June 21 beyond the existing shadow.
2	Buildings and works must not cast additional shadow onto the park between 10am and 3pm on June 21 beyond the existing shadow or allowable shadow or the combination of the existing shadow and allowable shadow (whichever is the greatest).
3 East	Buildings and works must not cast additional shadow onto the park between 10am and 2pm, June 21 beyond the existing shadow.
3 West	Buildings and works must not cast additional shadow onto the park between 12 noon and 3pm, June 21 beyond the existing shadow.

Figure 21: Extract from the council's adopted version of DDO8 (Source: MCC delegate report)

108. The adjacent sites along Bedford Street located to the south-west of the site and directly to the north of the Bedford Street Reserve, are also located within DDO61 Area 2 which has a preferred maximum street wall height of 24 metres. As such, the 'allowable shadow' from these properties and on the subject site accounts for the majority of shadow cast by the proposed building, as illustrated in the shadow diagrams below.

109. The shadow from the additional built form proposed above the maximum preferred height of 24 metres is mitigated through a combination of this 'allowable shadow' and the increased setbacks provided. Having regard to these factors, the extent of shadow cast by the proposal would comply with the requirements of the proposed DDO8 under Amendment C415 as it does not exceed the 'existing' or 'allowable' shadow cast on Bedford Street Reserve on June 21 between 10am and 3pm. A condition of permit will require the provision of updated shadow diagrams with plans submitted for endorsement to ensure this outcome is maintained.

Figure 22: Shadow studies June 21 – 10:00am – 1:00pm (Source: DTP 3D model)

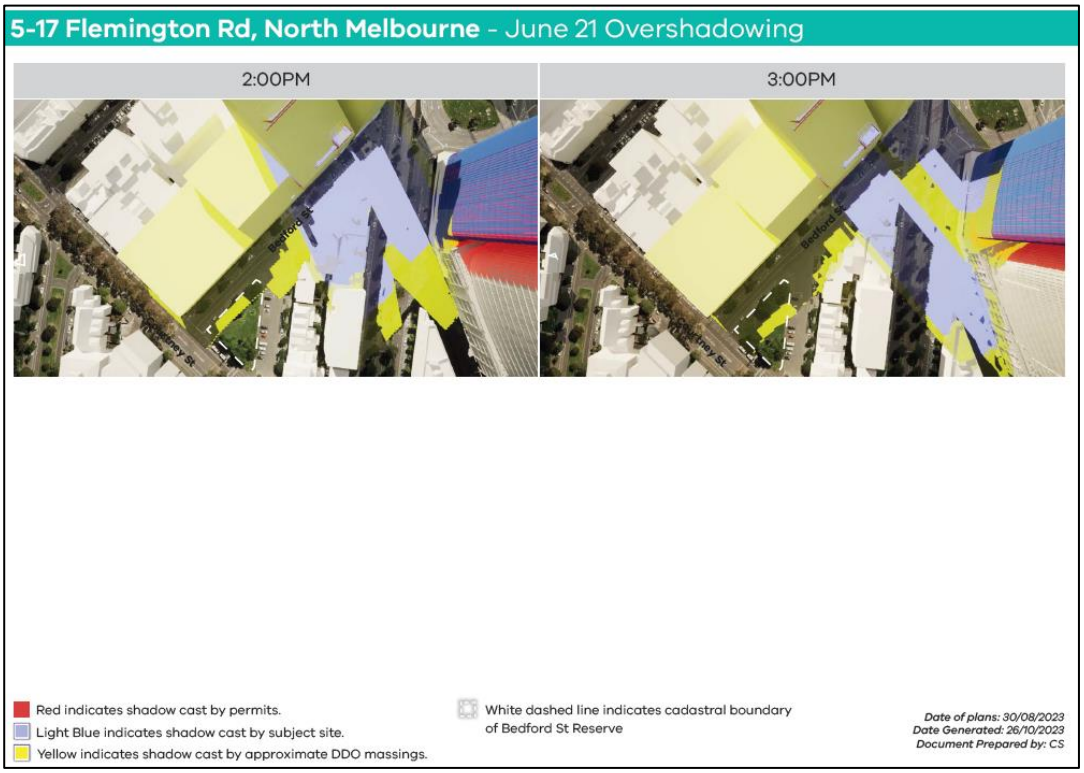

Figure 23: Shadow studies June 21 – 2:00pm – 1:00pm (Source: DTP 3D model)

Figure 24: Shadow studies for Bedford Street Reserve June 21 – 11:00am – 11:45am (Source: DTP 3D model)

Figure 25: Shadow studies for Bedford Street Reserve June 21 – 12:00pm – 12:45pm (Source: DTP 3D model)

Impacts on Adjoining Properties

Southern interface

110. To the south of the site, along Blackwood Street, at 22-28 Blackwood Street, are two attached double storey office buildings. These buildings are significantly setback from the frontage and from the rear boundary, allowing for on-site car parking and landscaping. To the south of the site along Bedford Street, at 21 Bedford Street, is a three storey office building also with a significant setback from the frontage, allowing for on-site car parking.

111. Both the Stage 1 building and the southern building of Stage 2 are partly constructed to the common boundary with the properties to the south, with the majority of the built form setback 4.5 metres from the boundary. This setback allows for the adjoining properties to provide similar built form outcomes, and in the event of a reciprocal 4.5 metres setback, will achieve a combined 9 metre separation to limit overlooking and ensure appropriate light, air and outlook for occupants of the building.

112. It is important to note that side setbacks are not required as part of DDO61, rather, built form is proposed to be built to the boundaries. The proposal seeks to provide these setbacks, allowing adjoining sites to also provide similar setbacks to avoid overlooking and provide tower separation.

113. Whilst a reciprocal setback may be viable for 21 Bedford Street, given the size of the site, the same outcome is unlikely for 22-28 Blackwood Street given the width of the site. As such, the permit applicant has offered an additional 1 metre setback from the south for the southern building within Stage 2. This would result in an overall 5.5 metre setback from the common boundary, allowing a 3.5 metre setback for the building to provide a reasonable separation between towers and avoid overlooking. This outcome is considered to achieve an improved equitable development outcome for both sites and will be addressed through a recommended condition of any permit to issued.

114. It is noted that a planning permit application has been lodged for 22-28 Blackwood Street with the council, which includes a 16 storey wall along the common boundary with the subject site. Given this application is in the early stages of consideration, sufficient weight cannot be given to the proposal and the current conditions need to be considered as part of this assessment. Notwithstanding the above, the applicant will need to revisit the design of the southern building of Stage 2, given the additional 1 metre setback required, which may impact on the layouts of the dwellings proposed. This may in turn require further overall amendments to the scheme. Notwithstanding, a 5.5 metre setback to a boundary wall is not considered unreasonable in this urban context.

North-eastern interface

115. To the north and east of the site, at the corner of Flemington Road and Peel Street (along the east side of Bedford Place) are two student accommodation buildings of 20 storeys at 3-5 Bedford Place and 1-3 Flemington Road. The ground floor comprises a residential lobby with communal areas, it also provides for a shared pedestrian / vehicle laneway between the buildings to access a number of at-grade parking / drop off zones. On the northern side of the east-west part of Bedford Place is a development containing three, two storey townhouses facing Bedford Street and a three-storey apartment building, containing two dwellings. Along the Bedford Place frontage are a series of ground level roller doors and upper level windows.

116. At ground floor, the proposal provides a part hard edge to its east, adjacent to the north-south portion of Bedford Place. At this interface, at the upper levels, the northern building of Stage 2 provides a consistent on-boundary construction to Bedford Place (towards Flemington Road) and a setback of 3.5m to the building line for the balance of the tower up to Level 10. Above which, the entire eastern elevation is set back 3.5 metres up to Level 21. Windows and balconies of these dwellings are orientated to Bedford Place.

117. Along Bedford Place, both the existing residential and student housing buildings and the proposed Stage 1 student housing building and Stage 2 residential buildings benefit from the laneway separation of 5 metres, plus the additional setbacks (described above) as sought by the proposal.

118. The northern building of Stage 2 is setback a minimum of 9 metres (window / balcony to window) from the student housing towers to the east, avoiding any need to screening windows and balconies. There is one window located on

the Bedford Place boundary (built form at the corner of Flemington Road and Bedford Place) associated with studio dwellings, which are located within 9 metres of the existing student housing building opposite, and as such this is window includes screening (obscured windows) to limit overlooking between habitable rooms.

119. The interface to the east-west portion of Bedford Place, opposite the Stage 1 student housing building seeks to introduce a shared zone at ground floor with the building setback from the laneway a minimum of 2 metres. At Level 2 the building presents in a U shape, with the opening to Bedford Place, and 'wings' setback from the title boundary between 0.76 metres and 2.15 metres. From Level 11 and above only the western portion of the tower remains and continues the 0.76 metre setback. While this building is located within 9 metres of the existing dwellings at 39-43 Bedford Place, all the student housing rooms include spandrel glazing along this elevation, or (for the western portion of the building) kitchen windows associated with 4 bed cluster rooms that are offset from habitable room windows opposite. As such, no screening is required for these windows.

120. It is important to note that the subject site, while within a Mixed Use Zone (residential zone), is also within DDO61, which seeks to increase densities within an urban renewal area. It is generally considered that the degree of amenity expectations is different to that that could be expected if the site was within a traditional suburban residential setting and as such, on balance, the proposal is considered acceptable.

Equitable Development

121. The equitable development opportunities for the two separate sites to the south have been addressed above, with a 4.5 metre setback to most of the common boundary.

122. One neighbour to the north has also raised concerns with equitable development of their strata titled land which includes three, two storey dwellings with a frontage to Bedford Street and two dwellings within a three-storey building to its west. Specifically, as it relates to Stage 1.

123. In the Victorian Civil and Administrative Tribunal (VCAT) decision, *Gesher Pty Ltd v Yarra CC* [2015] VCAT 506, numerous decisions where the Tribunal has considered as to what constitutes equitable development rights are summarised as follows:

- *Equitable does not mean equal.*
- *Development should not be too dependent on borrowing from neighbouring sites for its amenity.*
- *Development should not unreasonably fetter redevelopment opportunities on adjoining sites.*
- *In the absence of a specific proposal for an adjoining property, development should not have to satisfy a speculative or hypothetical worst case scenario on an adjoining property.*
- *The site size, proportion and context will influence how amenity can be equitably shared between adjoining sites.*

124. The proposed Stage 1 student housing building provides an acceptable separation, over the existing 5 metre laneway to the existing development to the north (noting that the sites are not adjoining). Generally, 9 metre setbacks are applied as guide in multi storey development between properties that share a common boundary to avoid overlooking between habitable room windows / balconies. However, this is not a built form requirement for developments generally, nor is it a requirement within DDO61. The student housing units are not orientated to the north (towards Beford Place), and therefore do not depend on the land to the north for their amenity. As such, it is not considered reasonable to further setback the proposed Stage 1 building from this boundary to allow for sharing of views between the sites. The resultant 5.8 metre setback is considered reasonable in this urban context where higher built form and densities are anticipated within the planning framework.

125. There is no specific proposal for the site to the north and the proposed development should not have to satisfy a speculative or hypothetical worst case scenario. Further, should the site to the north be developed, it is not unreasonable for its southern boundary to be built to its boundary, with or without habitable rooms facing Bedford Place. The development potential of the site to the north, at this stage, is unknown and the proposed development is

not considered to require further upper-level setbacks to facilitate what might be built on a site that may be compromised by its size, orientation, access arrangements and adjoining existing built form.

126. Notwithstanding the above, it is reiterated that the discretionary setback to the laneway and the associated design objective is seeking a built form outcome for the laneway, not for any site adjoining the laneway.

127. On balance, it is considered that the proposed setbacks of Stage 1 are reasonable and that it will not hinder the equitable development opportunities of the strata titled land on the northern side of Bedford Place.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

128. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Dwellings (538 dwellings)	Maximum 1 car space per dwelling (PO12)	Maximum allowed – 538	214 (BTR)
Medical Centre (501 m²)	3.5 spaces to each 100 sqm of leasable floor area	17	17 (BTR)
Retail Premises (Food and Drink or Shop) (1,033 m²)	3.5 spaces to each 100 sqm of leasable floor area	36	11 (BTR)
Student Housing (Residential Building)	To the satisfaction of the responsible authority	N/A	4 (PBSA)
Motorcycle Parking	N/A	N/A	3 (BTR)

129. The proposal provides less than the maximum allowed for the dwellings pursuant to PO12. A permit is therefore not required in relation to the provision of parking for dwellings within Stage 2.

130. The car parking requirements for the remainder of the development are contained in Clause 52.06. 17 spaces are provided for the medical centre, which is consistent with the requirement, and 4 spaces are provided for the student housing building, for which there is no specified rate in Clause 52.06-5 and as such car parking is to the satisfaction of the Responsible Authority.

131. A partial reduction to the minimum parking rates of Clause 52.06-5 is required in relation to the retail premises within Stage 2, where 11 car parking spaces are proposed. The provision of reduced on-site car parking is supported by transport policy at Clause 18.01-3S, seeking to encourage a modal shift away from private vehicle ownership and towards sustainable transport options such as public transit, cycling and walking. The site is well located in relation to public transport with tram routes located along Flemington Road, Royal Parade, Elizabeth Street and Peel Street. The future Parkville Station on Grattan Street, currently under construction to the north-east, will form part of the Melbourne Metro Tunnel Project and provide a future rail connection within 250 metres of the site.

132. Whilst parking is generally restricted nearby, there is on-street parking available in the surrounding area which is considered adequate for visitor car parking demand associated with the proposal. It is also noted that there is a high likelihood of visitors and patrons to the site undertaking multi-purpose trips from the medical institutions in the immediate area.

133. The council has not raised any concerns with the proposed car parking spaces provided on site.

134. It is considered that the proposal is acceptable and appropriately responds to PO12 and Clause 52.06.

135. The potential for converting Bedford Place into a shared zone has in principle support from the council however, requires a separate process and approval from the Department of Transport and Planning (Transport) given the impacts on the broader road network including Flemington Road, which is located in a Transport Zone 2.

136. Recommended permit conditions include the provision of a Road Safety Audit, Parking Management Plan and a Loading Management Plan, prior to the commencement of works.

137. It is noted that a permit is required to create or alter access to a road in a Transport Zone 2, in relation to the removal of an existing vehicle access point to Flemington Road. Head, Transport for Victoria supports the proposal, subject to conditions being included on any permit to issue.

Bicycle Facilities

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

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling (538 dwellings)	Resident	1 space / 5 dwellings	108	
	Visitor	1 space / 10 dwellings	54	
Medical Centre (10 practitioners)	Employee	1 space / 8 practitioners	1	
	Visitor	1 space / 4 practitioners	3	
Retail Premises (302 m² - BTR)	Employee	1 space / 300 sqm of leasable floor area	1	
	Shopper	1 space / 500 sqm of leasable floor area	1	
Shop (84 m² - PBSA and 647 m² - BTR)	Employee	1 space / 600 sqm of leasable floor area if the LFA exceeds 1000 sqm	0	
	Customer	1 space / 500 sqm of leasable floor area if the LFA exceeds 1000 sqm	0	
Student Housing (Residential Building) (644 beds)	Resident	1 space / 10 lodging rooms	64	
	Visitor	1 space / 10 lodging rooms	64	
Total			**296**	**494** **BTR: 310 (residents and visitors); 14 (medical and retail); and 6 visitor spaces on the Blackwood Street frontage.** **PBSA: 160 (residents, staff and visitors); and 4 visitor spaces on Bedford Street footpath.**

139. The proposal includes a total of 494 bicycle spaces (as detailed above), which exceeds the requirement for 296 spaces. As such, no permit is required under this clause.

140. Within the student accommodation building bicycle spaces will be provided on the upper ground level with access from the car park entry off Bedford Street. For the Build to Rent buildings, bicycle spaces will be provided in the southern building with ramped access from Bedford Place.

141. The council has not raised any concerns with the proposed bicycle parking.

142. It is considered that the proposal is acceptable and appropriately responds to Clause 52.34.

Loading

143. Loading areas are provided throughout the development. This includes within the upper ground level for Stage 1 (accessed from Bedford Street), basement level 1 for the residential (waste collection) use in Stage 2 and along Bedford Place for the commercial (waste collection) uses within Stage 2.

144. As mentioned above, the council has recommended a Loading Management Plan be submitted for approval and a Road Safety Audit to include an assessment of the internal layout; access arrangements; loading arrangements; pedestrian and bicycle movements; potential conflicts; road safety issues; and the potential conversion of Bedford Place to a shared zone. These are considered reasonable, and conditions will be included to reflect these requirements.

Waste

145. The application is supported by a Waste Management Plan (WMP). The council considers the WMP unsatisfactory and has recommended a condition be included on any permit to issue requiring the submission and approval of an updated WMP to ensure that appropriate provision, storage and access is provided. This is considered reasonable, and conditions will be included to reflect these requirements.

Sustainability

Environmentally Sustainable Design (ESD)

146. The application is supported by a Sustainability Management Plan (SMP) in response to Clauses 15.01-2L-01 of the planning scheme. The plan states that the proposal has the potential to achieve a certified 5-star Green Star Building rating for each building. The student housing building is registered with the Green Building Council of Australia (GS-9278B).

147. The council has recommended a condition be included on any permit to issue requiring the submission and approval of an updated SMP to ensure that additional evidence is provided to demonstrate that the proposal achieves the 5-star Green Star benchmark and associated credits.

148. It is considered that the SMP be updated to achieve the commitments and to reflect the proposed amendments to the plans (required by condition 1). Further, a condition has also been recommended by the council for a report on the completion of the development to ensure that all ESD commitments are implemented when the building is completed. These are considered reasonable, and conditions will be included to reflect these requirements.

Water Sensitive Urban Design (WSUD)

149. The SMP submitted with the application includes a response to Clauses 19.03-3L and 53.18 of the planning scheme. The plan includes a WSUD Management Plan which includes an assessment using MUSICX modelling. The required treatment levels are achieved by rainwater capture and reuse system with rainwaters tanks for each tower (Stage 1 – 8,000 litre rainwater tank and Stage 2: northern building – 25,000 litre rainwater tank and southern building – 10,000 litre rainwater tank). The plan details that the rainwater tanks will have connections to toilet flushing and landscape irrigation and achieve the best practice performance objectives.

Other Matters

Staging

150. The application has been lodged in a staged arrangement, with Stage 1 to include the student housing building along Bedford Street and Stage 2 to include the remainder of the site with two Built-to-Rent towers along Flemington Road and Blackwood Street.

151. This staged approach has been proposed by the permit applicant, and does not originate from any requirement to develop the site in a staged manner under the planning scheme. There are no significant links or public benefit obligations to be secured through the sequencing of works. Interim treatments are not suggested, and it is considered that these are unlikely to be required, given the independent nature of each stage.

152. The existing student housing uses on the Stage 2 land will continue while Stage 1 is under construction. The council has recommended conditions relating to the existing section 173 Agreement on the land that relates to the use as student housing. The Agreement will need to be removed from all titles associated with Stage 1 to allow construction and then prior to the commencement of works for Stage 2, the Agreement should be removed. Following that, a new Agreement will need to be entered into for the student use on Stage 1.

153. A staging permit condition has also been recommended by the council, which will require the approval of a Staging Plan prior to the commencement of the development. Any Staging Plan approved under the permit would be capable of being refined or amended as required through the development of each stage. A further condition has also been recommended for a section 173 Agreement to ensure the completion of each stage of the permitted development.

Response to Objections

154. Pursuant to the Mixed Use Zone, DDO61 and Clause 52.06 of the Melbourne Planning Scheme, notice of the application was given by way of erecting signs on the site and by mail to nearby owners and occupiers.

155. As stated in the notice section of this report, a total of seven (7) objections were received. Issues raised include demolition of existing building, demolition of modern extension (wasteful), demolition of building with asbestos, impact on the development potential of adjacent land, height, overshadowing, loss of daylight, loss of privacy, use as student accommodation, obstruction of views, daylight to apartments within the proposed development, wind impacts, decrease in property values and construction impacts.

156. Issues relating to demolition are not considered relevant to this application, given that a permit is not required for demolition pursuant to the planning controls of the subject site.

157. Issues relating to height, overshadowing, loss of daylight, loss of privacy and equitable development have been addressed above.

158. In relation to the use of the land for student accommodation and the surplus of this use being provided in the immediate area, it is considered that the applicant would only propose such a use if indeed there was a demand. If in the future the applicant were to change the use of the building to dwellings, internal changes would be required to ensure that dwellings complied with BADS.

159. In relation to daylight to apartments within the proposed development, an updated ESD report will ensure that this is addressed.

160. In relation to wind impacts on surrounding properties, it is noted that the planning controls only considered how the proposal may impact the public realm and not on surrounding properties.

161. Concerns about obstruction of view and property values are not relevant planning considerations.

162. Construction impacts will be managed via a condition on any permit to issue for the submission and approval of a Construction Management Plan, to the satisfaction of the council.

163. It is considered that all relevant objections have been considered and appropriately responded to.

Recommendation

164. The proposal is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of housing within the City North precinct, with a built form response appropriate to the site's urban context. In particular, the proposal is of a design, scale and massing that responds appropriately to DDO61 and the adjoining buildings, with appropriate street wall heights, tower setbacks, a high degree of ground floor activation and not adversely overshadowing the public realm.

165. The proposal is generally supported, subject to conditions, by the various referral agencies and conditions have been incorporated in the decision.

166. It is recommended a Notice of Decision to Grant Planning Permit No. PA2201602 for use of the land for Retail Premises, Medical Centre and Accommodation (Student Accommodation), construction of buildings and construct and carry out works, reduce the number of car parking spaces and alter access to a road in a Transport Zone 2 at 5-17 Flemington Road, North Melbourne, be issued subject to conditions.

167. It is recommended that the applicant, the council, referral agencies and objectors be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Senior Planner, Development Approvals and Design

Signed: [redacted]

Phone: [redacted]

Dated: 21 December 2023

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Manager, Development Approvals and Design

Signed: [redacted]

Phone: [redacted]

Dated: 21 December 2023

Appendix 1: Clause 58 Assessment

Application requirements

Clause 58.01-1	Assessment

• *An application must be accompanied by:*
  ○ *An urban context report.*
  ○ *A design response.*
	Satisfied
	The application has been accompanied by an urban context report and a design response prepared by Architectus.

Urban context report

Clause 58.01-2	Assessment

• *The urban context report may use a site plan, photographs or other techniques and must include:*
• *An accurate description of:*
  ○ *Site shape, size, orientation and easements.*
  ○ *Levels and contours of the site and the difference in levels between the site and surrounding properties.*
  ○ *The location and height of existing buildings on the site and surrounding properties.*
  ○ *The use of surrounding buildings.*
  ○ *The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.*
  ○ *Solar access to the site and to surrounding properties.*
  ○ *Views to and from the site.*
  ○ *Street frontage features such as poles, street trees and kerb crossovers.*
  ○ *The location of local shops, public transport services and public open spaces within walking distance.*
  ○ *Movement systems through and around the site.*
  ○ *Any other notable feature or characteristic of the site.*
• *An assessment of the characteristics of the area including:*
  ○ *Any environmental features such as vegetation, topography and significant views.*
  ○ *The pattern of subdivision.*
  ○ *Street design and landscape.*
  ○ *The pattern of development.*
  ○ *Building form, scale and rhythm.*
  ○ *Connection to the public realm.*
  ○ *Architectural style, building details and materials.*
  ○ *Off-site noise sources.*
  ○ *The relevant NatHERS climate zones (as identified in Clause 58.03-1).*
  ○ *Social and economic activity.*
  ○ *Any other notable or cultural characteristics of the area.*
	Satisfied
	The submitted planning report prepared by UPco and architectural plans prepared by Architectus and Metier3 Architects satisfactorily meet the requirements of this Clause.

Design response

Clause 58.01-3	Assessment

• *The design response must explain how the proposed design:*
  ○ *Responds to any relevant planning provision that applies to the land.*
  ○ *Meets the objectives of Clause 58.*
  ○ *Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.*
  ○ *Derives from and responds to the urban context report.*
• *The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.*
	Satisfied
	The submitted planning report prepared by UPco and architectural plans prepared by Architectus and Metier3 Architects satisfactorily meet the requirements of this Clause.

Urban context objectives

Clause 58.02-1	Assessment
Objectives • *To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.* • *To ensure that development responds to the features of the site and the surrounding area.*	**Meets Objective** The design responds to the existing urban context and contributes to the preferred future development for the City North precinct. The development responds to the opportunities and constraints of the site and has regard for existing buildings on surrounding properties.
Standard D1 • *The design response must be appropriate to the urban context and the site.* • *The proposed design must respect the existing or preferred urban context and respond to the features of the site.*	**Complies with Standard** The design response is considered appropriate to the urban context and the existing conditions of the site and surrounds. The design responds to the features of the site and responds to the preferred character for the City North precinct.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives • *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.* • *To support higher density residential development where development can take advantage of public and community infrastructure and services.*	**Meets Objective** The development provides higher density residential development in an area identified for increased housing in a location which has good access to services, infrastructure and public transport. The proposed residential development responds to housing policies in the MPS and PPF.
Standard D2 • *An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.*	**Complies with Standard** The submitted planning report by UPco includes a written statement describing how the development is consistent with relevant policies for housing in the MPS and PPF.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings*	**Meets Objective** The development comprises a range of dwellings sizes and types to meet a range of housing needs.
Standard D3 • *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.*	**Complies with Standard** The development provides a range of dwelling types and layouts including 163 studios, 226 x 1 bedroom dwellings, 134 x 2 bedroom dwellings and 15 x 3 bedroom dwellings. A variety of floor layouts and dwelling sizes are also proposed.

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives • *To ensure development is provided with appropriate utility services and infrastructure.* • *To ensure development does not unreasonably overload the capacity of utility services and infrastructure.*	**Meets Objective** The development will be provided with appropriate utility services and infrastructure and will not unreasonably overload the capacity of existing utility services and infrastructure.
Standard D4 • *Development should be connected to reticulated services, including*	**Complies with Standard** The development will be connected to all relevant

reticulated sewerage, drainage, electricity and gas, if available. • *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.* • *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*	services as appropriate for a building of this scale. It will not unreasonably exceed the capacity of the surrounding service infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective • *To integrate the layout of development with the street.* • *To support development that activates street frontage.*	**Meets Objective** The development has been designed to integrate with Flemington Road, Blackwood Street, the east-west pedestrian link and Bedford Place.

Standard D5
• *Developments should be oriented to front existing and proposed streets.*
• *Along street frontage, development should:*
  ○ *Incorporate pedestrian entries, windows, balconies or other active spaces.*
  ○ *Limit blank walls.*
  ○ *Limit high front fencing, unless consistent with the existing urban context.*
  ○ *Provide low and visually permeable front fences, where proposed.*
  ○ *Conceal car parking and internal waste collection areas from the street.*
• *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*
	Complies with Standard
	The development is designed to front Flemington Road, Blackwood Street, the east-west pedestrian link and to a lesser degree, Bedford Place. The lower and upper ground levels include retail and medical centre uses and pedestrian entrances to lobby areas. The upper levels include windows and balconies for the dwellings and in some locations, communal open areas. Vehicular access is appropriately located to the south of the Blackwood Street frontage, with waste collection for the residential uses undertaken within the basement. Bedford Place provides access to a loading bay for the commercial waste collection.

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives • *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.*	**Meets Objective** The development protects the energy efficiency of existing buildings through appropriate setbacks. The orientation and layout of the development makes appropriate use of daylight and solar energy.

Standard D6
• *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 the following table.*
	Complies with Standard
	The development has been designed to maximise solar energy, where practical. The Sustainability Management Plan prepared by WRAP Engineering confirms that the BTR development achieves a weighted-area average of NatHERS rating of 6.5 stars, with a minimum of 5 stars for any individual unit. The site is located within NatHERS climate zone 21 Melbourne and no dwelling exceeds the maximum annual cooling load of 30 MJ/M² (maximum cooling – 26.8 MJ/M²).

Table D1 Cooling load	
NatHERS climate zone	**NatHERS maximum cooling load MJ/M² per annum**
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- *Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

Communal open space objective

Clause 58.03-2	Assessment
Objectives • *To provide communal open space that meets the recreation and amenity needs of residents.* • *To ensure that communal open space is accessible, practical, attractive, easily maintained.* • *To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.*	**Meets Objective** The development provides communal open space in the form of a lower level and upper level terraces that will meet the recreation and amenity needs of residents. The communal open space will be accessible, practical, attractive and is integrated with the layout of the development.

Standard D7
• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
• *Each area of communal open space should be:*
  ○ *Accessible to all residents.*
  ○ *A useable size, shape and dimension.*
  ○ *Capable of efficient management.*
  ○ *Located to:*
  - *Provide passive surveillance opportunities, where appropriate.*
  - *Provide outlook for as many dwellings as practicable.*
  - *Avoid overlooking into habitable rooms and private open space of new dwellings.*
  - *Minimise noise impacts to new and existing dwellings.*
• *Any area of communal outdoor open space should be landscaped and include canopy cover and trees.*
	Complies with Standard
	The proposed development exceeds the minimum 220 m² required as it provides:
	• 1,562 m² of internal communal areas; and
	• 700 m² of external communal areas.
	The areas will each have their own purpose or function, comprising:
	• Lower and upper ground level of lobby, meeting spaces, lounge and external terrace;
	• Level 1 pool, gym, spa, yoga, exercise and lounge areas and outdoor terrace;
	• Level 2 informal meeting area, bar, cinema room, games room, show kitchen, private dining and meeting areas and kids party room and outdoor terraces; and
	• Levels 7 and 8 lounges and outdoor terraces.
	These areas will be accessible, useable and capable of efficient management.

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective • *To allow solar access into communal outdoor open space*	**Meets Objective** The development will allow solar access into the proposed communal outdoor area due to their location.
Standard D8 • *The communal outdoor open space should be located on the north side of a building, if appropriate.* • *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*	**Complies with Standard** The shadow diagrams demonstrate that at least 50 per cent of the roof terrace (the equivalent of 86 m² for the northern building and 23 m² for the southern building) will receive at least 2 hours sunlight between 9am and 3pm on 21 June.

Safety objective

Clause 58.03-4	Assessment
Objective • *To ensure the layout of development provides for the safety and security of residents and property*	**Meets Objective** The layout of the development provides for the safety and security of residents and property.
Standard D9 • *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	**Complies with Standard** The layout of the development has been designed to maximise passive surveillance towards all three street frontages and the east-west pedestrian link through the site. The layout of the basement car park is safe and functional, well lit and provided with signage to ensure comfortable and safe movements for residents. Private spaces are also appropriately designed to provide internal thoroughfares / wayfinding through the BTR buildings and surrounding public realm.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives • *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*	**Meets Objective** The proposed landscaping response supports the existing and preferred urban context of the area.

Standard D10
• *Development should retain existing trees and canopy cover.*
• *Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.*
• *Development should:*
  ○ *Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.*
  ○ *Provide canopy cover through canopy trees that are:*
  - *Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.*
  - *Consistent with the canopy diameter and height at maturity specified in Table D4.*
	Variation to Standard
	Given the site area (for Stage 2) is approximately 4,200 square metres, Standard D10 requires 15% of the site area to be provided for deep soil planting and 350 square metres plus 20% of the site area of canopy cover.
	As detailed in the submitted Landscape Concept Report, the development will provide 9.4% (387.5 square metres) of the site for raised planters located on the lower ground level, upper ground level and levels 1, 7 and 8. The development also proposed 4.9% (202 square metres) of the site for canopy coverage.
	Having regard to the landscape character of the

- *Located in communal outdoor open space or common areas or street frontages.*
  - *Comprise smaller trees, shrubs and ground cover, including flowering native species.*
  - *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
  - *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
  - *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
  - *Protect any predominant landscape features of the area.*
  - *Take into account the soil type and drainage patterns of the site.*
  - *Provide a safe, attractive and functional environment for residents.*
  - *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*
  - *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

surrounding context and the amount of planting provided within the development, it is considered appropriate to vary the requirements of this standard in relation to deep soil areas and planting.

The proposed integrated landscaping will enhance the landscape setting of the area, contribute to the urban landscape and improve amenity for future occupants. The proposal will also provide for the retention of street trees on adjacent streets, as well as replacement tree plantings for a street tree to be removed on Bedford Street.

When viewed as a whole, the development contributes to an increase in canopy tree cover and enhances the landscape character of the area. A variation is therefore considered acceptable.

Note:

- *Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.*

Table D4 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Access objectives

Clause 58.03-6	Assessment
Objectives • *To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.* • *To ensure the vehicle crossovers are designed and located to minimise visual impact.*	**Meets Objective** The vehicle crossover to Blackwood Street, the separate cycle access from Bedford Place and the pedestrian access throughout the site will provide safe for pedestrian, cyclists and other vehicles.
Standard D11 • *Vehicle crossovers should be minimised.* • *Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.* • *Pedestrian and cyclist access should be clearly delineated from vehicle access.* • *The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.* • *Developments must provide for access for service, emergency and delivery vehicles.*	**Complies with Standard** The 6.1 metre double width crossover to the southern side of the Blackwood Street frontage is the only access to the basement car park. Separate cyclist access to the bike parking area is provided via Bedford Place. Pedestrian access to the basement is provided via lifts. Waste collection can be appropriately undertaken via the loading bay in basement level 1, adjacent to the southern building bin storage area.

Parking location objectives

Clause 58.03-7	Assessment
Objectives • *To provide convenient parking for resident and visitor vehicles.* • *To protect residents from vehicular noise within developments.*	**Meets Objective** The development provides convenient parking for residents in a secure basement which also ensures residents are well protected from vehicle noise.

Standard D12
• *Car parking facilities should:*
  ○ *Be reasonably close and convenient to dwellings.*
  ○ *Be secure.*
  ○ *Be well ventilated if enclosed.*
• *Shared accessways or car parks of other dwellings should 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.*
	Complies with Standard
	Car parking is appropriately located within the basement of the development. Car parking areas are appropriately set out, provided with convenient internal access and internal areas can be well lit and protected via security systems as required.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives • *To encourage the use of alternative water sources such as rainwater,*	**Meets Objective** The development achieves the objectives of this

stormwater and recycled water. • *To facilitate stormwater collection, utilisation and infiltration within the development.* • *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.*	Clause through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.

Standard D13
• *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.*
• *Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.*
• *The stormwater management system should be:*
  ○ *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).*
  ○ *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*
	Complies with Standard
	As detailed in the submitted Sustainable Management Plan, the development will meet the best practice standard for urban stormwater management. MUSICX modelling results have been provided for each building, which achieve best practice, with rainwater tanks proposed for rainwater harvesting and re-use in toilet flushing.

Building setback objectives

Clause 58.04-1	Assessment
Objectives • *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.* • *To allow adequate daylight into new dwellings.* • *To limit views into habitable room windows and private open space of new and existing dwellings.* • *To provide a reasonable outlook from new dwellings.* • *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*	**Meets Objective** DDO61 allows for building to be built on each of the boundaries, with no side setback requirements. The proposed buildings are proposed in a podium / tower configuration and include side setbacks from all boundaries (with the exception of the north east part of the development which is built to part of the east boundary). This allows for adequate daylight into the new dwellings and for reasonable outlook from all habitable rooms, ensuring a high standard of internal amenity for future occupants. The proposed setbacks to the upper levels ensure that they appear visually recessive and appropriately respond to the existing urban context which has varied characteristics at the different interfaces. The design response in terms of height and setbacks contributes to the preferred future development of the area for increased housing and successfully marks the gateway into the Haymarket roundabout whilst providing an appropriate transition to the lower scale forms to the south.

Standard D14
• *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
• *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
  ○ *Ensure adequate daylight into new habitable room windows.*
  ○ *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.*
  ○ *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
  ○ *Ensure the dwellings are designed to meet the objectives of Clause 58.*
	Variation to Standard
	As discussed in the 'Built Form' assessment section of this report the development seeks variations to the requirements of DDO61 for preferred building height, street edge height and upper level setbacks.
	The proposed height, street edge height and setbacks are considered acceptable as the buildings will maintain adequate daylight into new habitable room windows, avoid direct views into habitable room windows (where possible), provide an outlook that creates a visual connection to the surrounding environment and appropriately respond to the objectives of Clause 58.

Internal views objective

Clause 58.04-2	Assessment
Objective • *To limit views into the private open space and habitable room windows of dwellings within a development.*	**Meets Objective** The buildings are designed to limit views into the private open space and habitable room windows of dwellings within the development.
Standard D15 • *Windows and balconies should 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.*	**Complies with Standard** The massing of the towers has been highly resolved to ensure direct views are limited between balconies or habitable room windows. Where there is potential for internal overlooking, balconies and windows have either been offset or separated by a minimum 9 metres.

Noise impacts objectives

Clause 58.04-3	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.* • *To protect residents from external and internal noise sources.*	**Meets Objective** The buildings are designed to protect residents from external and internal noise sources.

Standard D16
• *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.*
	Complies with Standard
	Mechanical services including lifts and car stackers are located away from bedrooms and other equipment will be located away from sensitive receipts where possible. As outlined in the submitted acoustic report, mechanical services can be designed to ensure that noise in relation to on-site and off-site receivers complies with the minimum applicable noise control requirements. The acoustic report outlines recommendations to protect internal amenity for dwellings including treatments to the building to achieve compliance with required internal amenity controls.
	These matters can be addressed by conditions to ensure the noise levels outlined in this Standard are achieved.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	

Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:

The noise influence area should be measured from the closest part of the building to the noise source.

Wind impacts objective

Clause 58.04-4	Assessment
Objective • *To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.*	**Meets Objective** The built form, design and layout of the development will not generate unacceptable wind impacts within the site or on surrounding land.

Standard D17
• *Development of five or more storeys, excluding a basement should:*
  ○ *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
  ○ *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*
within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.
• *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
• *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*
	Complies with Standard
	A wind report prepared by ViPac and dated 26 July 2023 accompanied the application and notes that wind model testing considered the effects of the proposed development having regard to the wind comfort level criteria contained here.
	It was concluded that the proposal achieves compliance by complying with these criteria, including through maintaining existing wind speed conditions in some areas. Recommended wind amelioration measures have generally been incorporated into the Section 57A amended plans. A condition of permit is recommended to require an updated Wind Assessment report which reflects the amended proposal, and incorporates any further mitigation measures.

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

Accessibility objective

Clause 58.05-1	Assessment
Objective • *To ensure the design of dwellings meets the needs of people with limited mobility.*	**Meets Objective** The design and layout of the development has regard for the needs of people with limited mobility.
Standard D18 • *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.*	**Complies with Standard** The submitted architectural plans demonstrate that 51% of the proposed dwellings achieve compliance with the requirements of this Standard.

- *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 D7.*

Table D7 Bathroom design:

	Design option A	Design option B
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.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives • *To provide each dwelling and building with its own sense of identity.* • *To ensure the internal layout of buildings provide for the safe,*	**Meets Objective** Each building has a clearly defined main entry from each of the street frontages, providing access to

functional and efficient movement of residents. • *To ensure internal communal areas provide adequate access to daylight and natural ventilation.*	centralised lifts. Internal corridors have been designed with clear sightlines and are provided with daylight and natural ventilation.
Standard D19 • *Entries to dwellings and 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.* ○ *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.*	**Complies with Standard** Each building includes entries that are visible and easily identifiable and that provide shelter and sense of address. Both building also provide secondary entries from the east-west pedestrian link. Each building clearly distinguishes between entrances to the residential components and the retail tenancies. Internal communal and common areas are appropriately laid out to ensure safe, functional and efficient thoroughfare.

Private open space objective

Clause 58.05-3	Assessment
Objective • *To provide adequate private open space for the reasonable recreation and service needs of residents*	**Meets Objective** The development provides adequate private open space for the reasonable recreation and services needs of residents.
Standard D20 • *A dwelling should have private open space consisting of at least one of the following:* ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.* ○ *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.* ○ *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.* ○ *An area on a roof 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 minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.* • *If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.*	**Variation to Standard** The submitted architectural plans demonstrate that most of the dwellings achieve compliance with the requirements of Standard D20, including orientation, size and minimum dimensions. 7 studio dwellings (out of a total 538 dwellings) within the northern building does not achieve the minimum 8 square metre area due to the a/c unit located within the 9 square metre balconies. A variation is considered acceptable as the 0.5 square metre shortfall will not unreasonably detract from the recreation and service needs of future residents.

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres

Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres
	2 bedroom	8 square metres	2 metres
	3 or more bedroom	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

Storage objective

Clause 58.05-4	Assessment
Objective • *To provide adequate storage facilities for each dwelling*	**Meets Objective** The development provides adequate storage facilities for each dwelling.
Standard D21 • *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 D10.*	**Complies with Standard** The submitted architectural plans demonstrate that all dwellings are provided with storage in accordance with the requirements of Table D10 in terms of total storage volume and minimum storage volume within each dwelling.

Table D10 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 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Common property objectives

Clause 58.06-1	Assessment
Objectives • *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.*	**Meets Objective** Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Standard D22 • *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	**Complies with Standard** Notwithstanding that this will be a Build to Rent Scheme, private property is clearly distinguished from communal open space or common areas. Communal areas are laid out in a functional, accessible and easily maintainable manner.

Site services objectives

Clause 58.06-2	Assessment
Objectives • *To ensure that site services are accessible and can be installed and maintained.* • *To ensure that site services and facilities are visually integrated into the building design or landscape.*	**Meets Objective** Site services are accessible and will be installed and maintained. Site services and facilities are located in the basement levels, lower ground level, upper ground level and roof plant will be well setback and

	visually integrated with the building design.
Standard D23 • *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.* • *Meters and utility services should be designed as an integrated component of the building or landscape.* • *Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.*	**Complies with Standard** The development will be appropriately serviced, with service and plant areas clearly demarcated on the architectural plans and integrated into the building design. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance. Mailboxes are conveniently located adjacent to the lobby entrance along Flemington Road for convenient access and security.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives • *To ensure dwellings are designed to encourage waste recycling.* • *To ensure that waste and recycling facilities are accessible, adequate and attractive.* • *To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.*	**Meets Objective** The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan. Communal waste and recycling facilities are accessible, adequate and attractive and located in the basement level for residential waste and the upper ground level (along Bedford Place) for commercial waste, minimising impacts on residential amenity and the public realm.

Standard D24
• *Developments should include dedicated areas for:*
  ○ *Waste and recycling enclosures which are:*
  - *Adequate in size, durable, waterproof and blend in with the development.*
  - *Adequately ventilated.*
  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
  ○ *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.*
  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
  ○ *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
  ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
• *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
  ○ *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.*
  ○ *Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.*
	Complies with Standard
	All residents are provided with convenient access to waste storage facilities in the form of a waste chute on every floor, connecting to communal bin storage rooms located within the basement. Residents also have access to the communal bin store in the basement level (via lift and stairway). Dwellings will be provided with sufficient internal storage space to enable temporary storage of household waste. Waste collection can be appropriately undertaken via the basement level carpark. Further details are provided in the accompanying Waste Management Plan.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives	**Meets Objective** All three buildings incorporate a strong podium base

• *To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.* • *To ensure external walls endure and retain their attractiveness.*	finished in aluminium panels (Stage 1) and brick (Stage 2), with upper levels of different colours and materials (aluminium panels for Stage 1 and concrete panels for Stage 2). It is considered that the proposed external materials are appropriate to the existing urban context and the preferred future development of the area. The external walls are considered of high quality and will be durable and retain their attractiveness to maintain the character of the area.

Standard D25
• *External walls should be finished with materials that:*
  ○ *Do not easily deteriorate or stain.*
  ○ *Weather well over time.*
  ○ *Are resilient to the wear and tear from their intended use.*
• *External wall design should facilitate safe and convenient access for maintenance.*
	Complies with Standard
	The external walls are finished with materials that will not deteriorate or stain and will be resilient and weather well to serve their intended use to positively contribute to the character of the area.
	The external walls can be easily accessed for maintenance (as required).

Functional layout objective

Clause 58.07-1	Assessment
Objective • *To ensure dwellings provide functional areas that meet the needs of residents*	**Meets Objective** The design and layout of dwellings within the development provides functional areas that will meets the needs of residents.

Standard D26
• *Bedrooms should:*
  ○ *Meet the minimum internal room dimensions specified in Table D11.*
  ○ *Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.*
Table D11 Bedroom dimensions
• *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.*
Table D12 Living area dimensions
	Complies with Standard
	The submitted architectural plans demonstrate that all bedrooms and living areas comply with the requirements of Table D11 and Table D12.

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Dwelling 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

Room depth objective

Clause 58.07-2	Assessment
Objective • *To allow adequate daylight into single aspect habitable rooms*	**Meets Objective** The development will allow adequate daylight into single aspect habitable rooms.
Standard D27 • *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:*	**Complies with Standard** Single aspect habitable rooms have a maximum depth of 9m and satisfy the requirements of this standard. All dwellings have a minimum ceiling height of 2.7m.

○ *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.*	

Windows objective

Clause 58.07-3	Assessment
Objective • *To allow adequate daylight into new habitable room windows.*	**Meets Objective** The development is designed to allow adequate daylight into new habitable room windows
Standard D28 • *Habitable rooms should have a window in an external wall of the building.* • *A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.* • *The secondary area should be:* ○ *A minimum width of 1.2 metres.* ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*	**Complies with Standard** The submitted architectural plans demonstrate that all habitable rooms enjoy direct access to sunlight or where there is a secondary space provided within a bedroom, these spaces are over 1.2 metres wide and are all wider than they are deep to provide excellent natural daylight.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives • *To encourage natural ventilation of dwellings.* • *To allow occupants to effectively manage natural ventilation of dwellings.*	**Meets Objective** The design and layout of the development will allow occupants to effectively manage natural ventilation of individual dwellings.
Standard D29 • *The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.* • *At least 40 per cent of dwellings should provide effective cross ventilation that has:* ○ *A maximum breeze path through the dwelling of 18 metres.* ○ *A minimum breeze path through the dwelling of 5 metres.* ○ *Ventilation openings with approximately the same area.* • *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*	**Variation to Standard** The submitted architectural plans demonstrate that 38% of dwellings are provided with effective cross ventilation, which falls short of the minimum 40% required by Standard D29. A variation is considered acceptable as the shortfall is relatively minor. Whilst there is a high number of single aspect dwellings, they are appropriately oriented around each tower to take benefit of the open street outlook to Flemington Road and Blackwood Street, or the significant internal setbacks between each tower around the internal communal spaces.