

218-246 Macaulay Road  
& 23-25 Boundary Road,  
North Melbourne –  
PA2201857-1



Section 72 Amendment Officer Assessment Report  
Development Approvals & Design

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Department  
of Transport  
and Planning

OFFICIAL

# Executive Summary

Key information	Details												
<b>Permit No.:</b>	PA2201857-1												
<b>Permit allows:</b>	<ul style="list-style-type: none"><li>• Use of the land for dwellings</li><li>• Construct a building or construct or carry out works</li><li>• Construct a building or construct or carry out works in accordance with Schedule 26 and Schedule 63.</li><li>• Reduce the number of car parking spaces</li><li>• Create or alter access to a road zone in a Transport Zone 2</li></ul>												
<b>Land Address:</b>	218-246 Macaulay Road and 23-35 Boundary Road, North Melbourne												
<b>Amendment Received:</b>	23/08/2024 The application was formally amended under section 50 of the Act on 21 January 2025 to: <ul style="list-style-type: none"><li>• Increase the proposed percentage of affordable housing provision from 3% to 4.5%</li></ul>												
<b>Applicant:</b>	Ceapal Pty Ltd c/ - Contour												
<b>Statutory Days:</b>	3												
<b>Planning Scheme:</b>	Melbourne												
<b>S72 proposal summary:</b>	<ul style="list-style-type: none"><li>• Amend Condition 25 to reduce the affordable housing requirement from 6% to 4.5%</li></ul>												
<b>Why is the Minister responsible?</b>	<b>S. 72 Application for amendment of permit</b> <i>(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.</i>												
<b>Planning Controls</b>	<table><thead><tr><th>Clause</th><th>Control</th></tr></thead><tbody><tr><td>Clause 34.01</td><td>Commercial 1 Zone</td></tr><tr><td>Clause 43.02</td><td>Design and Development Overlay Schedule 26 &amp; 63</td></tr><tr><td>Clause 44.04</td><td>Land Subject to Inundation Overlay</td></tr><tr><td>Clause 45.06</td><td>Development Contributions Plan Overlay – Schedule 2</td></tr><tr><td>Clause 45.03</td><td>Environmental Audit Overlay</td></tr></tbody></table>	Clause	Control	Clause 34.01	Commercial 1 Zone	Clause 43.02	Design and Development Overlay Schedule 26 & 63	Clause 44.04	Land Subject to Inundation Overlay	Clause 45.06	Development Contributions Plan Overlay – Schedule 2	Clause 45.03	Environmental Audit Overlay
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Clause 45.06	Development Contributions Plan Overlay – Schedule 2												
Clause 45.03	Environmental Audit Overlay												
<b>Background information</b>	A planning permit was issued on 21/06/2024. The development has not commenced and no endorsed plans and documents have been discharged.												
<b>Referral authorities</b>	N/A												
<b>Public Notice</b>	Public notice of the application under section 52 of the Act was not required because there are no built form changes proposed, only an update to a condition regarding the provision of affordable housing.												
<b>Delegates List</b>	Approval to determine under delegation received on 18 December 2024.												
<b>Recommendation</b>	The amendments to the permit are recommended for approval												

# Proposal

1. The proposal can be summarised as follows:
  - Amend Condition 25 to reduce the affordable housing requirement from 6% to 4.5%
  - No other changes to permit preamble, plans or conditions are proposed



## Informal Referrals

2. The application was referred informally to the City of Melbourne which objected to the originally proposed reduction to 3% from 6% (noting this has now increased to 4.5% which on balance is considered acceptable).

## Notice

3. The application was not advertised as it was considered not to cause material detriment to any person because:
  - There are no changes proposed to the built form of the building including height, setbacks and the like, with changes only limited to the percentage of affordable housing provided on site.



## Planning Policy

4. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined.

## Statutory Planning Controls

5. The zoning and overlay controls remain the same since the decision the application was made.
6. The proposed amendments are relatively minor and will not compromise the objectives of the zone / overlays and the permitted development.

## Amended permit conditions

7. Changes are proposed to the conditions of the permit as follows

Change / Comment	
<b>Proposed change</b>	<ul style="list-style-type: none"> <li>• Amend Condition 25 to reduce the affordable housing requirement from 6% to 4.5%</li> </ul>
<b>Assessment</b>	<p>The proposed amendment is considered reasonable and acceptable and can be supported, as:</p> <ul style="list-style-type: none"> <li>• Clause 16.01-2S of the Melbourne Planning Scheme broadly encourages the delivery of more affordable housing. The proposed offer of 4.5% responds appropriately to this policy, as the development already provides several public benefits (improvements at the street edge, setbacks to the street and widened pedestrian paths, introduction of new roads / through linkages through the site and good solar access to the public realm). In addition, there are no specific requirements for an affordable housing provision on this site, or the wider Macaulay Precinct, as is the case in some other parts of the municipality such as Fishermans Bend, West Melbourne and Arden where 6% is specified.</li> <li>• The revised offer of 4.5% affordable housing provision is in line with the requirements and aspirations of DDO63 for developments to provide a demonstrable benefit to the broader community. Whilst this has reduced from the originally approved 6%, a 4.5% contribution is still considered appropriate.</li> <li>• The proposed rate of 4.5% is consistent with affordable housing contributions provided within recent approvals and affordable housing requirements in other renewal areas, such as Arden and Fishermans Bend, for example:             <ul style="list-style-type: none"> <li>○ 346-350 Macaulay Road, Kensington – 4% (1% gifted amount)</li> <li>○ 352-400 Macaulay Road, Kensington – 3% (1.05% gifted amount).</li> </ul> </li> </ul>



## Recommendation

8. **It is recommended that a Delegate of the Minister for Planning** amend Planning Permit No. 2201857-1 for the reduction of affordable housing provision from 6% to 4.5% at 218-246 Macaulay Road & 23-25 Boundary Road, North Melbourne, subject to conditions.

## Conclusion

9. It is recommended that Planning Permit No. 2201857-1 be discharged.
10. It is recommended that the applicant be notified of the above in writing.

**Prepared by:**

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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 Signature]

Phone:

[Redacted]

Dated: 23 January 2025

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**Reviewed / Approved by:**

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

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- 

Name:

[Redacted]

Title: Manager, Development Approvals and Design

Signed:

[Redacted Signature]

Phone:

[Redacted]

Dated: 24 January 2025

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