



# 605-613 Lonsdale Street, Melbourne

Planning Permit Application 2014/000409

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# 1 Application Details

<b>Land /Address:</b>	605-613 Lonsdale Street, Melbourne (Lot 1 on Title Plan 807845G, Parent Title Volume 01716 Folio 057)
<b>Application No:</b>	2014/000409
<b>Proposal:</b>	Demolition of the existing building and construction of a multi-storey building comprising dwellings and ground floor retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern)
<b>Use:</b>	Residential Apartments (402) Ground floor retail (279m <sup>2</sup> )
<b>Height:</b>	51-storeys (158.96 metres)
<b>Setbacks:</b>	Lonsdale Street: minimum 6 metres East and South: 5 metres West: minimum of 2 metres (tower separation 10 metres)
<b>Floor area (GFA)</b> [REDACTED]	GFA: 46,895m <sup>2</sup> [REDACTED]
<b>Applicant:</b>	Far East Consortium Pty Ltd C/- Fulcrum Town Planning Pty Ltd
<b>Zone:</b>	Capital City Zone Schedule 1 (CCZ1)
<b>Overlay(s):</b>	Schedule 12 to the Design and Development Overlay (DDO12) Schedule 1 to the Parking Overlay (PO1)
<b>Restrictive Covenants and/or Agreements</b>	Not Applicable (no such encumbrance applies)
<b>Notification</b>	Not Applicable – The permit application is exempt from notice
<b>City of Melbourne</b>	Supports the application subject to conditions
<b>Recommendation</b>	Permit subject to conditions

## 1.1 [REDACTED]

NAME: [REDACTED]

Ph: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 4 July 2014



## 2 Background

The permit application was lodged on 30 January 2014.

Further information was requested of the applicant on 24 February 2014 (within 28 days of lodgement) and a response provided on 9 May 2014.

## 3 Site and Surrounds

The site is located on the south-east corner of Lonsdale Street and Rose Alley (refer to Figure 1). The site also includes a portion of Rose Lane (133m<sup>2</sup> below its surface) providing a total site area of 1,491m<sup>2</sup>.

**Figure 1 – Site Locality Plan**



The site is currently used as a two storey construction site office and access for the development occurring at 617-649 Lonsdale Street and 204-240 Spencer Street, also known as the Upper West Side development site. Previously the site was owned by Citywide who provide civil infrastructure, open space and environmental services to the City of Melbourne.

The site is not affected by any easements or restrictive covenants, other than an easement over a private lane to the south (this lane runs off Pender Alley). This easement provides the site with a right of carriageway over the private lane. The site has a negligible fall from its north-east corner to its south-west corner of 1.46 metres.

The area is characterised by a variety of office, commercial and residential land uses. Like much of the Central City, it is currently undergoing significant change with a number of multi-storey apartment buildings constructed in recent years and other sites earmarked for redevelopment.

Land surrounding the site can be described as follows:

- To the **north** of the subject site, across Lonsdale Street, is 612 Lonsdale Street which contains a two storey red brick building which is currently used as a car park. Approval has been given to redevelop the site for the purposes of a 47 storey apartment building with commercial uses within the ground floor.

- To the **east** of the site is a two storey rendered brick building at 601 Lonsdale Street which contains an adult entertainment venue ('The Men's Gallery'). It is built hard up against the subject site and includes several windows along the common boundary. The majority of these windows appear to be blocked off and/or fitted with opaque glazing.
- To the **south** are two properties known as 600 and 602 Lt Bourke Street, separated by Pender Alley (which runs in a north-south direction until it reaches the subject site, whereupon it turns right (east). The first of these two sites contains an 11 storey hotel building ('Ibis Melbourne') and the latter contains a six storey concrete building owned and occupied by the City of Melbourne. The hotel building has a number of windows within its northern facade, facing the subject site, whereas the City of Melbourne building has no northern openings.
- To the **west** is a property known as 617-649 Lonsdale Street which forms part of the Upper West Side development, comprising multi- tower development ranging in height from 30 storeys to 56 storeys. The approved building nearest the site (known as 'Tower 3' or 'Manhattan') includes a distinct podium level (5-storeys in height) and has an overall height of 56 storeys. Construction of this building commenced in March and is expected to be completed by March 2016.

As expected, the subject site enjoys access to public transport with bus services operating along Lonsdale Street, trams along Spencer Street and Southern Cross Railway Station a short distance away. The site is also in close proximity to shops, restaurants, bars and other services associated with its central location.

Recreational facilities and parks are readily accessible to the site, including Flagstaff Gardens 300 metres to the north-east and the Yarra River approximately 750 metres to the south. These public spaces provide good opportunities for active and passive recreation within walking distance of the site.

## 4 Proposal

The application seeks approval to demolish the existing building, construct a 51-storey residential tower comprising of residential accommodation, and ground floor retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern). The proposed gross floor area is 46,895m<sup>2</sup>.

Details of the application are as follows:

- Demolition of the existing building on site;
- Construction of a residential tower measuring at 51-storeys (158.96 metres to the top of the roof plant, RL173.3 to AHD). The building includes a 7-storey podium (measuring at 22.85 metres to Lonsdale Street), with the tower form above offset a minimum of 6 metres to Lonsdale Street, a minimum of 5 metres from the east and south boundaries and a minimum of 2 metres to the west (at its closest point);
- The tower comprises of 402 dwellings (84 x 1-bedroom, 276 x 2-bedroom, and 42 x 3-bedroom) and five retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) fronting Lonsdale Street and Rose Alley (totalling 298m<sup>2</sup>);
- Ground floor includes the retail tenancies fronting Lonsdale Street and Rose Lane and provides vehicle access from Lonsdale Street to 2 car lifts for residential parking, bicycle parking and loading and unloading facilities are provided off Pender Alley. Provision of 206 car parking spaces is provided within the two basement levels and 6 podium levels accessed via two car lifts. A total of 122 bicycle spaces, with visitor spaces (40 spaces) are located at ground floor, and storage cages are contained within the car parking areas of the tower (basement and above ground);
- Residential facilities in the form of pool, gymnasium and terrace with planting are provided at Level 6;
- Materials and finishes include metal clad framing punctuated by glass balustrades (bronze tint). The eastern boundary wall features pre cast pigmented concrete panels; and

- The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD report.

## 5 Planning Policies and Controls

### 5.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victorian Planning Provisions. The planning principles set out under the SPPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application.

The following key SPPF policies are relevant:

- Clause 9 (Plan Melbourne)
- Clause 10.04 (Integrated Decision Making)
- Clause 11.01-2 (Activity Centre Planning)
- Clause 11.04-4 (Central Melbourne)
- Clause 13.04-1 (Noise Abatement)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 16.01 (Residential Development)
- Clause 17.01 (Commercial)
- Clause 18.01 (Integrated Transport)
- Clause 18.02 (Cycling)

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth, delivers diversity in housing supply to meet existing and future needs and integrate transport and infrastructure planning.

An assessment against the above policies is provided in section 9 of this report.

### 5.2 Local Planning Policy Framework

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for settlement, Environment and Landscape Values, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure. The site is located within the original city centre (the Hoddle Grid) (Local Area 1 - Figure 5) as identified under Clause 21.12 of the Melbourne Planning Scheme.

Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City (and Southbank and Docklands).

Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'.



Clause 21.04 1-1 (The original city centre – the Hoddle Grid) sets out objectives and implementation strategies for the various areas of Melbourne: *"Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity."*

Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial". This Clause identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.

Clause 21.07 (Housing) Seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas. It acknowledges the need to ensure residential developments in the Capital City, Docklands and Commercial Zones are designed to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise.

Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking, in the City to suit 24 hour activity.

Clause 21.10 (Infrastructure) seeks to enhance the City as Victoria's pre-eminent cultural and entertainment location by supporting and encouraging the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.

Clause 21.12 (The Hoddle Grid) includes policies relating to Economic Development, Built Environment and Heritage and Transport which specifically relate to the unique and valued characteristics of the Hoddle Grid. It encourages the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.

The following key local planning policies (Clause 22) are relevant to the proposal:

- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.20 CBD Lanes
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

The above policies encourage high quality urban design outcomes and to ensure that development is environmentally sustainable and recognises its impact on the public realm.

An assessment against the above policies is provided in section 9 of this report.

### 5.3 Statutory Controls (Permit Triggers)

The following controls apply to the site, with planning permit triggers and requirements described below:

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
<i>Capital City Zone-Schedule 1</i> (Clause 37.04)	A permit is required to use the land unless specifically exempted by the schedule. A permit is also required to demolish, construct a building or construct or carry out works unless the schedule specifies otherwise.

	<p>Schedule 1:</p> <ul style="list-style-type: none"> <li>Specifies that <b>no permit is required</b> for 'accommodation', and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) as the uses are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule.</li> <li>Specifies that a <b>permit is required</b> to demolish or remove a building, construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage and for buildings and works.</li> <li>Exempts the application from notice and appeal requirements.</li> <li>Decision guidelines are contained in Schedule 1.</li> </ul>
<p><i>Design and Development Overlay-Schedule 12</i> (Clause 43.02)</p>	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 12:</p> <ul style="list-style-type: none"> <li>Specifies a <b>permit is required</b> for buildings and works associated with new, refurbished or converted development for noise sensitive uses (dwellings).</li> <li>Requires any new or refurbished development that will accommodate new residential uses must be designed and constructed to include noise attenuation measures. These measures must ensure that music noise from the Major Sports and Recreation Facility in Docklands does not exceed 45 dB within habitable rooms with windows closed.</li> <li>Exempts buildings and works from notice and appeal requirements.</li> </ul> <p>Decision guidelines are contained at Clause 43.02-5 and at Clause 65.</p>
<p><i>Parking Overlay – Schedule 1</i> (Clause 45.09) and Car Parking (Clause 52.06)</p>	<p>The provisions of the parking overlay works in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 402 spaces. The provision of 206 car spaces on site is below the maximum allowed under the clause, therefore <b>no permit is required</b>.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<p><i>Loading and Unloading of Vehicles (Clause 52.07)</i></p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p>



	The loading bay provided complies with the detailed requirements set out in Clause 52.07. Therefore, <b>no permit is required</b> under this clause.
<i>Bicycle Facilities (Clause 52.34)</i>	Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 120 spaces (80 resident spaces and 40 visitor spaces). The application provides for 122 spaces, therefore a <b>no permit is required</b> under this provision.
<i>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</i>	Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response.  Under Clause 52.35-3 the responsible authority must inform the applicant in writing before notice of an application is given that the urban context report meets the requirements of Clause 52.35-2. A letter was sent confirming the above on 20 May 2014.
<i>Integrated Public Transport Planning (Clause 52.36)</i>	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> (the Act) to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 6 February 2014 the application was referred to the Director of Public Transport.
<i>General Provisions (Clause 61.01)</i>	The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
<i>Decision Guidelines (65.01)</i>	Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the Act.
<i>Referral and Notice Provisions (Clause 66.03)</i>	Clause 66.03 works in conjunction with Clause 52.326 (amongst other requirements) and requires an application to be referred to the person or body specified as the referral authority. As previously mentioned, the Director of Public Transport is a specified referral body under Clause 52.36.

## 6 Other Strategic Matters

### 6.1 Design Guidelines for Higher Density Residential Development

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2).

## 6.2 Plan Melbourne

Plan Melbourne was gazetted on 30 May 2014 (referenced at Clause 11.04) is the Government's long term plan to accommodate Melbourne future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne identifies the Hoddle Grid as an existing area within the expanded central region. This central sub region has a target to accommodate 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

## 6.3 Amendment C209 (Open Space Strategy)

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

This amendment has been recently through an independent panel process. The contribution can be made as a percentage of the site value, a land contribution or a combination of both. City of Melbourne has not made a request for public open space contribution as part of their response to the application.

# 7 Notification

Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 and 12 of the Design and Development Overlay, and Schedule 1 to the Parking Overlay an application to construct or carry out works 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.

# 8 Referrals

The application was given to the DTPLI Urban Design Unit, the City of Melbourne, and referred under Section 55 of the Act to the Director of Public Transport. The following comments were provided:

**Urban Design (DTPLI):** Offered general support for the application. Matters for further resolution include: screening of bedrooms of podium apartments looking directly across Rose Lane, details of the roof top planters including soil volume, drainage and irrigation, details of materials and finishes particularly the treatment of the eastern elevation, and wind conditions to the podium and any necessary amelioration measures. These matters can be resolved though appropriate conditions.

**City of Melbourne:** Supports the application subject to conditions.

**Public Transport Victoria (PTV):** offered no objection to the proposal subject to four conditions being included on any permit issued. Letter dated 26 March 2014.

## 9 Assessment

### 9.1 Consistency with Planning Policy

The proposal achieves State and Local policy objectives by:

#### *SPPF*

- Supports the concentration of major residential, commercial, retail, entertainment and cultural developments in the central city which provides a variety of land uses and are highly accessible to the community (Clause 11.01-2).
- Includes low car parking numbers and encourages alternative modes of transport (Clause 11.01-2 and Clause 18.01-1).
- Through high quality and site responsive architecture and urban design the proposal will contribute to the character of the area, will promote safety and the attractiveness of Melbourne and will have minimal detrimental impact on neighbouring properties (Clause 15).
- Through a slim but articulated tower form, the development will make a positive contribution to the public realm and to vistas to the city (Clause 15).
- The development is activated at both the north and west street interfaces which will enhance adjacent pedestrian spaces, and create a pleasant new pedestrian experience and provide greater safety for pedestrians (Clause 15).

#### *MSS*

- Clause 21.02 recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, with the most significant gains in resident population expected in the Central City.
- Responding to Clause 21.12 (The Hoddle Grid) through:
  - Providing a design which acknowledges human scale and activation at ground level and provides a context for surrounding heritage buildings.
  - Making a striking contribution to Melbourne's skyline through a slender tower.

#### *LPPF*

- The development is fully designed to all visible sides and highly responsive to its context. It will enhance the physical quality and character of Melbourne's streets and lanes through a new safe and high amenity pedestrian link and a new cafe use facing Rose Lane (Clause 22.01).
- The proposal responds to Clause 22.02 by ensuring that the building will not result in significant overshadowing.
- Responding to Clause 22.19 and Clause 22.23 by including environmentally sustainable building initiatives.
- The development achieves an appropriate balance, as supported by Clause 22.20 (CBD Lanes), of utilising Rose Lane for necessary access and service requirements and also enhancing the laneway environment by providing activation through retail tenancies.
- The proposed development adjacent to Rose Lane responds to Clause 22.20 (CBD Lanes) by respecting the fine grain subdivision pattern, providing an appropriately articulated and detailed facade with surveillance over the lane and providing tenancies at ground level.

### 9.2 Land Use

The proposed uses replace a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions, and contributes to the on-going revitalisation of a 24-hour Central Activities District.



The development responds appropriately with the broad strategic intent for mix use development as outlined in the State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF), including the MSS and the zoning control.

The land use mix and concept of redeveloping the site is not in contention. The key issues in this matter relate to design and built form, tower separation and setbacks, internal amenity and overall functionality of the site. These matters are discussed further below.

### 9.3 Design and Built Form

The application includes the demolition of an ungraded building. The proposal includes a high density and activated development consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.

The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01).

The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm and to ensure development equity. Tower setbacks assist in providing pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.

The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, Guidelines for Higher Density Residential Development, Schedule 1 to the Capital City Zone (CCZ1) set performance benchmarks for good development. Key themes of street-pattern, edge-quality, building envelope, internal amenity, architectural design and activation are common threads through each of these policy documents and controls.

#### 9.3.1 Urban Context Response, Setbacks, Tower Separation & Architectural Design

The proposed tower provides for a 51-storey (158.96 metre tall tower). The tower includes a minimum setback of 6 metres to Lonsdale Street, 5 metres to the southern and eastern boundaries and provides a minimum setback to the west (Rose Lane) of 2 metres and provides tower separation of 10 metres to Upper West Side.

The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provides guidance for development.

The tower setback above podium, whilst less than 10 metres as sought by policy, is proposed at 6 metres and 6.74 metres. The policy intent is to ensure that the public realm and pedestrian qualities are not compromised. The proposed tower setback with relatively low podium height (23 metres) is considered to provide an appropriate built form response which is consistent with built form of the existing and evolving development within the precinct.

The site is directly abutted to the east and south. Tower separation is less than 24 metres stipulated in Clause 22.01. Policy allows a reduction in tower separation where it can be demonstrated that the towers are offset, habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. The proposal provides the following setbacks/separation from the adjoining sites, with relevant commentary as follows:

- East and South: Tower setbacks of 5 metres to the common boundaries show that the development potential of the adjoining sites has been considered and will allow for adequate separation between the proposed tower and possible future tower developments on the adjoining sites. Pender Alley and the private lane running off Pender Alley serve to increase the likely distance between the tower apartments in the south-east corner of the subject site and any future tower which may be built at 600 Little Bourke Street.
- West: The tower setback from the west boundary provides a minimum separation of 9.5 to 10 metres between the proposed tower and that approved to the west. This separation, together with the fact that main habitable rooms within the two towers generally do not directly face one

another, will ensure that the apartments in each tower do not unreasonably impact on the amenity of their neighbours. The distance between the southern half of the proposed tower and the approved tower to the west is well over 10 metres.

Policy sets out under Clause 22.20 (CBD Lanes) includes the maintenance and enhancement of the intimate environments of lanes by setting back higher tower form to ensure a sense of openness that reinforces the human scale. The tower setbacks from Rose Lane and Pender Alley are consistent with this policy.

The overall building height is commensurate with the heights of building approved and under construction in the surrounding precinct. Major development will transform the area into one with a number of high rise apartment buildings. The site is not affected by any height control and is considered to be acceptable.

It is generally preferred to have car parking access off a lane rather than a street. In this instance the proposal maintains an existing car parking access point off Lonsdale Street. Whilst not preferred in most instances, it is considered to be an appropriate design response in order to elevate the pedestrian experience along Rose Lane (which has become highly attractive and pedestrianised as a combined result of the approval of Upper West Side to the west and the proposed activation within this application).

The proposal is well designed and articulated. The elevations feature glazing, balconied and a variety of materials to create visually interesting facades. Building plant is screened and provides visual interest to the city skyline.

## 9.4 Street Level Activation and Pedestrian Safety

The proposed development incorporates retail tenancies at ground floor to Lonsdale Street and Rose Lane and the remainder of the podium includes apartments 'skinning' the podium car parking. The inclusion of these active frontages will also serve to increase the perception of safety in this area. The upper level apartments provide passive surveillance of the site's immediate surrounds.

## 9.5 Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing) and Internal Amenity

Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. The development provides appropriate tower setbacks which assists in providing a comfortable pedestrian environment. The wind report provided with the application indicates that wind conditions are on the criterion for walking comfort in all wind directions. Improved conditions can be accommodated with additional wind screens within Rose Lane. This can be resolved via condition.

Local Policy, Clause 22.02, requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis of shadowing has been carried out for 22 March/ September. The analysis shows the additional shadowing will occur over properties to the west and south, predominantly contained within existing shadowing conditions. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. It is noted however that the development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

### *Internal Amenity*

The site is within the Design and Development- Schedule 12 (Noise Attenuation Area). It is noted that ducted air conditioning is required if within 400 metres of the centre of the Docklands Major Sports and Recreation Facility, however the site is beyond this measurement. Additionally, developments for new and refurbished residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that *'habitable rooms of new dwellings*

*adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'. The acoustic report provided within the application states that the maximum noise levels in habitable rooms will be 45 dB with windows closed when music is emitted from the Docklands stadium. This can be dealt with via condition.*

The building design provides a good standard of amenity for future residents. There is no reliance on borrowed light. All proposed dwellings have access to varying sized balconies. The dwellings will also not be constrained by any future development given the orientation of the apartments, including those located to the south with the introduction of a 5 metre offset from the common boundary.

The architects have successfully achieved the high standard of architecture and urban design sought from the policy and objectives expressed in the *Design Guidelines for Higher Density Housing DSE 2004* so as to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity, including provision of storage.

## 9.6 Environmental Sustainable Development (ESD)

An ESD report has been submitted with the application which demonstrates that the proposal has been designed to embrace, meet and exceed the current mandatory sustainability benchmarks of the National Construction Code, identify practical and robust ESD design initiatives, that can be embraced by the future building occupants and provide operational energy, water and waste savings for the life of the building and incorporate a broad range of initiatives throughout the building, to ensure a sustainable design outcome is achieved. A Waste Management Plan has also been submitted with the application and has been considered by the City of Melbourne and is supported subject to conditions.

The City of Melbourne has recommended the following condition be placed on the permit in relation to ESD:

*Prior to the commencement of the development, an amended Environmentally Sustainable Design (ESD) Statement, generally in accordance with the statement prepared by Arc Resources dated September 2013, shall be submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:*

- a. A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.*
- b. 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star- Retail Centre rating tool or equivalent.*
- c. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Multi Unit Residential rating tool or equivalent.*

*The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.*

It is not recommended that the above condition be placed on the permit because it mandates achievement of 5 star Green Star. While the policy encourages achievement of 5 stars, this is discretionary and the policy allows for a qualitative assessment of other features of the proposal which contribute towards achievement of the policy objectives. It is therefore recommended that the permit condition to address ESD which is placed on the permit reflects this, consistent with the principle that planning policy guides decisions, but does not mandate outcomes. The wording of the proposed condition therefore will encourage achievement of 5 star Green Star but will also allow for the flexibility to not achieve 5 star Green Star but meet the Clause 22.19 policy objectives.





Clause 22.23 Stormwater Management (Water Sensitive Urban Design) seeks to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). The development has responded to policy through the use of vegetation to the podium rooftop (Level 6). A landscape management plan would enable the further consideration of these policy objectives.

## 9.7 Car Parking, Loading and Unloading of Vehicles, Waste Collection and Bicycle Facilities

The level of car parking provided on site is supported, which is under the maximum limitation policy, and commensurate with the site's level of access to public transport, employment and facilities. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.

The application provides 206 car parking spaces, well under the maximum limitation (Clause 45.09, 52.06), provides bicycle parking spaces in excess of the requirements (Clause 52.34) and provides appropriate loading and unloading facilities on site (Clause 52.07).

City of Melbourne in their response has raised some detailed matters for further resolution regarding parking, traffic and waste. These matters can be resolved via conditions.

## 10 Recommendation

That planning permit 2014/000409 for demolition of the existing building and construction of a multi-storey mixed use tower be issued subject to conditions.

Prepared by:

Name:

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Date: 14 July 2014

Approved by:

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Reviewed by:

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