

DTPLI Planning Report

Building 10, Former Carlton Brewery Site, 28-78 Bouverie Street, Carlton

APPLICATION FOR PLANNING PERMIT:
BUILDING 10, FORMER CARLTON BREWERY SITE, 28-78 BOUVERIE STREET, CARLTON

Application Number: 2013/007225

Proposal: Buildings and works for a multi-storey building (Building 10) and associated wintergarden structure, comprising residential apartments and ground floor retail, and modifications to the heritage bluestone facade

Applicant: Grocon (Carlton Brewery) Developments Pty Ltd
C/- [REDACTED]
Environmental Resources Management Australia (ERM)

Land/Address: Building 10, Former Carlton United Brewery
Lots S1 and S4 of PS643901X
28-78 Bouverie Street, Carlton

Zoning: Comprehensive Development Zone 2 – Carlton Brewery (CDZ2)

Overlays: Heritage Overlay 25 (HO25)

Application Received: 31 July 2013
Amended 13 September 2013 (under section 50A of the Act)

Further Information Requested and Received: Requested: 28 August 2013
Received: 9 October 2013

[REDACTED]

Number of Objections: N/A

Recommendation: Permit

[REDACTED]

PLANNER'S NAME: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 29 October 2013

Ph: [REDACTED]

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Purpose

1. To brief you on Planning Permit Application No.: 2013/007225 for buildings and works for a 20 storey building known as Building 10 and associated wintergarden structure and pedestrian link, comprising dwellings and retail, and modifications to the heritage bluestone facade at the Former Carlton United Brewery Site, 28-78 Bouverie Street, Carlton.

Key elements	Comments
Use	Residential – 216 apartments (371 bedrooms) Retail – 3 x tenancies – total of 228.7 sqm
Height	20 storeys – 60.4 metres high (measured from Bouverie Street)
Setbacks	0 metres to south, west and north Between 10 and 20 metres to the east Setbacks generally conform to the setbacks outlined in the Carlton Brewery Masterplan.
Floor area (GFA)	Total GFA = 18,764 sqm (16,702 sqm residential)
Developer	Grocon (Carlton Brewery) Developments Pty Ltd
City of Melbourne	Application referred on 2 August 2013. Response received 21 October 2013 supporting the application subject to conditions.

Recommendation

2. That you approve Planning Permit Application No.: 2013/007225 for buildings and works for a 20 storey building known as Building 10 and associated wintergarden structure and pedestrian link, comprising dwellings and retail, and modifications to the heritage bluestone facade at the Former Carlton United Brewery Site, 28-78 Bouverie Street, Carlton.

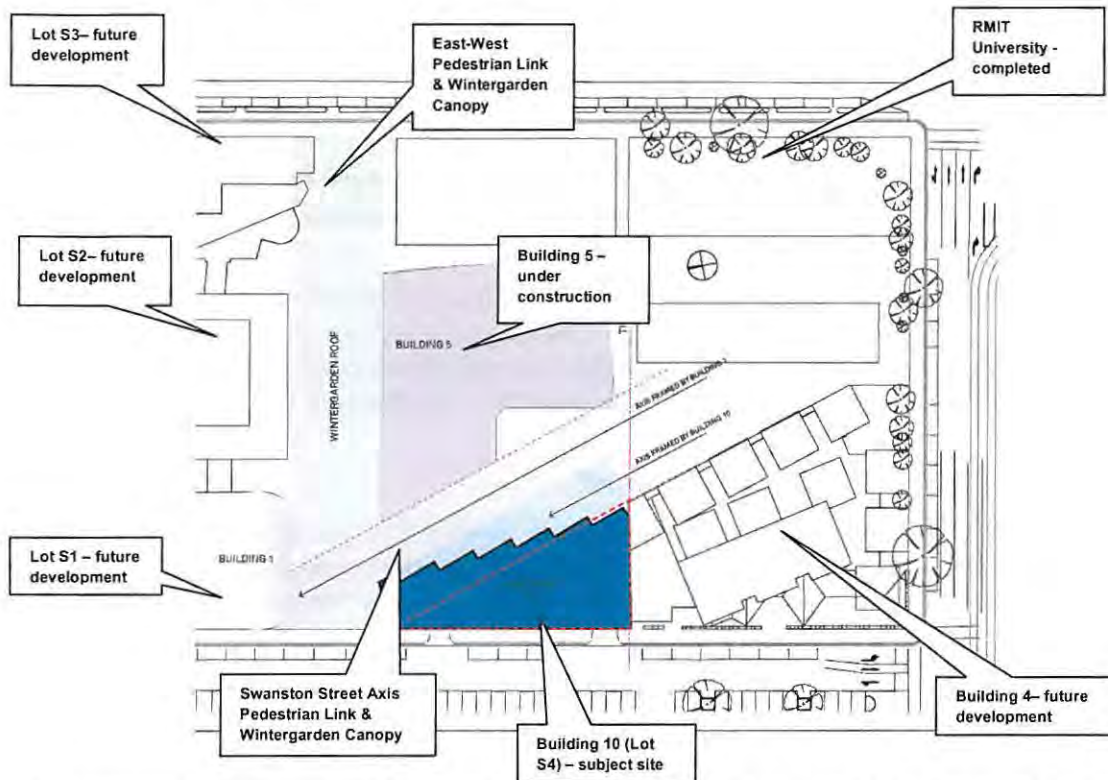
Proposal

3. The proposal is for a 20 storey residential building, retail fronting the Swanston Street Axis and associated wintergarden canopy structure over the Swanston Street Axis pedestrian link, and modifications to the heritage-listed bluestone facade along Bouverie Street.
4. In summary, the key aspects of the proposal are:
 - 216 apartments (63 x 1bdrm, 59 x 2bdrm, 92 x 2bdrm+2bth, 1 x 3bdrm+2bth, and 1 x 3bdrm+3bth);
 - 2 x two-storey walk-up apartments accessed from Bouverie Street;
 - 288 sqm of retail space fronting the Swanston Street Axis public realm;
 - Total of 27 car parking spaces - 7 car parking spaces within the proposed Building 10 and a further 20 spaces allocated in the adjacent Building 5 car park;
 - 77 bicycle spaces (55 resident and 22 visitor spaces);
 - Provision of the major Swanston Street Axis pedestrian link and associated wintergarden canopy structure, and a rooftop garden and amenities level; and
 - Intention to achieve a 4-star Green Star rating under the Green Star Rating tool.

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5. The eastern facade is based on a 'sawtooth' design, with a modular-like apartment configuration maximising views from each apartment to the Swanston Street Axis towards the Shrine of Remembrance. The western and northern facades incorporate angled fins projecting some 300mm beyond the title boundary along Bouverie Street creating a waterfall-like effect.
6. The tower component from Levels 6 to 20 cantilever some 3 metres over the adjacent Lot S1 to the north (presently under common ownership of Grocon). Lot S1 is identified as Building 1 in the CDP/Masterplan (see site plan below).



7. Permanent public stairs and lift are proposed in the northern portion of the proposed development, adjacent to the heritage bluestone turn-around, which will provide public access between Bouverie Street and the Swanston Street Axis/East-West pedestrian links.

Car and Bicycle Parking & Loading Bay Access Arrangements

8. A total of 27 car spaces will be allocated to the proposed Building 10. The proposed Building 10 intends to provide seven (7) car spaces on-site at Level 1 only (Bouverie Street level) with an additional 20 spaces located within the adjacent Building 5 (currently under construction) allocated to residents of the proposed building.
9. Vehicular access to/from the car parks within both Building 5 and Building 10 will be via a two-way loop access way through the bluestone facade along Bouverie Street. Residents of both Building 5 and Building 10 will enter from the northern access point in the bluestone facade and exit from the southern access point. Service vehicles for Building 5, Building 10, and RMIT's Archive Centre will both enter and exit from the southern access point.

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10. While a planning permit application has not been lodged to-date for the adjacent Building 4 site to the south (170 Victoria Street) it is expected that Building 10 will provide access for service vehicles only to the adjacent site into the future.
11. A total of 77 bicycle parking spaces (55 resident and 22 visitor spaces) are to be provided on-site on Level 1 (Bouverie Street level) and Level 2. Both will be accessed from the main passenger lifts which can be accessed through either of the residential lobbies on the Swanston Street Axis or Bouverie Street.

Wintergarden Structure

12. The proposal includes the construction of a wintergarden canopy structure (designed by ARM Architects) that will cover the Swanston Street Axis pedestrian link and abut the adjacent Building 5.
13. The wintergarden structure measures approximately 50 metres in length, between 12 metres (northern end) and 26 metres (southern end) wide, with the glazed canopy raised some 12 metres above the Swanston Street Axis pedestrian link.
14. The proposed wintergarden structure as part of this application will be constructed entirely on Lot S4 adjacent to the east of the proposed Building 10. The remaining sections of the wintergarden structure over the East-West pedestrian link will be assessed as part of subsequent permit applications for Lots S1, S2 and S3 on the northern portion of the Brewery site.

Heritage Matters - Bluestone Facade (Bouverie Street)

15. The retained 2-storey bluestone facade along Bouverie Street will be treated as the 'skin' to the new development, which will be constructed inside and behind the historic walls. A visually recessive setback zone of approximately 4 metres high and 4 metres deep extending along the entire Bouverie Street frontage providing built form separation between the bluestone facade and the tower component.
16. The proposed modifications to the bluestone facade include minor demolition works, re-building the raised lintel above the service vehicle access point, temporary infill to window openings and ground level portals, and rebuilding of damaged sections of the northern turn-around wall.
17. The Bouverie Street bluestone facade is listed in the Victorian Heritage Register and the proposed modifications are subject to separate heritage approval under the *Heritage Act 1995*. A determination on the application has not been made at the time of this report.

Background

18. The Minister for Planning is the Responsible Authority for considering and making a determination on the application as he is listed as the Responsible Authority at the schedule to Clause 61.01 of the Melbourne Planning Scheme (Scheme).
19. On 20 March 2008 Amendment C126 was approved to amend Schedule 2 of the Comprehensive Development Zone - 'Carlton Brewery' to facilitate the use and development of the site in accordance with the 'Carlton Brewery Comprehensive Development Plan October 2007' (the CDP) and 'Carlton Brewery Masterplan October 2007' (the 'Masterplan'). The Masterplan includes new buildings with nominated preferred maximum building heights to be constructed above a common four-level basement car park across the site. The subject site (known as Building 10) forms the northern portion of the larger building envelope identified as Building 4 in the Masterplan and CDP. The

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Building 4 site has a preferred overall height of 281 metres (302.00AHD), stepping down to 225 metres (246.00AHD) and 121 metres (AHD141.00), with a preferred GFA of 88,654sqm. The proposed Building 10 is affected by the preferred height of 121 metres (AHD141.00).

20. On 18 May 2012 and 2 October 2012 Planning Permits Nos.: 2010/0022948 and 2012/004954 were approved by the Minister for Planning for the upper and lower levels respectively of the residential development known as Building 5 and modifications to the Maltstore and bluestone facade along Bouverie Street, generally located adjacent to the east of the subject site. The permit includes conditions requiring legal agreements to ensure the construction of the East-West and Swanston Street Axis pedestrian links which are to be open 24 hours per day, construction of the wintergarden canopy structure, access through the Building 10 site from Bouverie Street to Building 5's car park and to the truck lift (or similar) to access RMIT University's basement loading bay.
21. On 31 July 2013 the current application for Building 10 was received by the Department.

Further Information Request & Amended Application

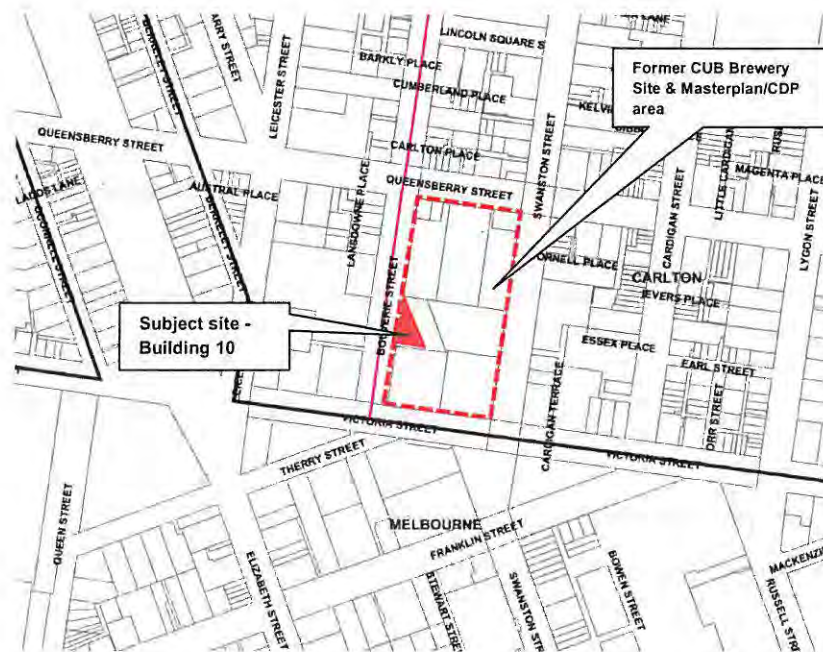
22. On 28 August 2013 a request for further information was sent to the applicant. On 13 September 2013 the response to the further information request was received.
23. The response included a request to amend the permit application to reference Lot S1 to the north of the subject site as the proposal includes a built form element that cantilevers over a portion of Lot S1, and to include the wintergarden canopy structure. On 9 October 2013 a wind tunnel assessment, as required by the abovementioned request for further information, was received.
24. In response to the further information request and preliminary comments provided by DTPLI's Urban Design Unit and the Office of the Victorian Government Architect (OVGA) amended architectural plans were received on 13 September 2013, and are the subject of this assessment. The major modifications include:
 - Reduction in the extent of facade projections over Bouverie Street;
 - Increase in building separation to 10.5 metres between the proposed building and Building 5 to the east;
 - Reduction in number of apartments from 218 to 216;
 - Reconfigured residential floor plans to reduce the number of apartments from 218 to 216, reduce potential overlooking to adjacent apartments, and reduce number of bedrooms relying on borrowed light from 117 to 74; and
 - Detailed design details of the wintergarden canopy structure over the Swanston Street Axis.

Subject Site & Surrounds

25. The subject site (Building 10) forms part of the larger Building 4 site identified in the Masterplan and CDP, and is located centrally along the Bouverie Street frontage of the former Carlton United Brewery site (the Brewery site).
26. The Brewery site is generally bounded by Swanston Street (to the east), Victoria Street (to the south), Queensberry Street (to the north) and Bouverie Street (to the west), Carlton. The Brewery site measures approximately 100 metres wide and 200 metres long and has a total area of 1.983 hectares. A site plan is provided below:

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27. The surrounding area can be described as follows:

- **North** - undeveloped land which is earmarked for three future development sites, as prescribed in the CDP and Masterplan. Further north, on the corner of Bouverie and Queensberry Street is the four storey 'Pixel' building. Across Queensberry Street are two and three storey office and retail buildings. To the north-east is the Queensberry Hotel and a ten storey residential development on the corner of Swanston and Queensberry Street;
- **East** – Building 5/Swanston Square development – 32 storey residential building currently under construction. Further east is the heritage listed Maltstore;
- **South** – identified as Building 4 in the CDP/Masterplan with nominal heights of between 52 and 66 storeys. Further south across Victoria Street is the Ibis Hotel and a 20-storey office tower; and
- **West** – residential developments between four and 10 storeys, warehouse development, and a three storey office building.

28. The land on the Brewery site has a 5 metre fall across the site from Swanston Street (RL27.00) down to Bouverie Street (RL22.00).

29. The large Brewery site is for the most part vacant, apart from the two heritage-listed brewery-related buildings, the RMIT's Design Hub and Archive Centre, the Queensberry Hotel (located in the northeast corner), the Pixel building (located in the northwest corner) and an adjacent light industrial building. Most of the Brewery site including the subject site is included on the Victorian Heritage Inventory (VHI No.: H7822-0973).

30. The subject site is generally of a triangular-like shape with an area of approximately 1,020 sqm. The angled side of the site forms the western edge of the main Swanston Street Axis pedestrian link.

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31. The subject site is framed along Bouverie Street by the 2-storey former Ale Store bluestone facade which is incorporated into the proposed building massing. The subject site is included on both the Victorian Heritage Inventory and the Victorian Heritage Register (VHR No.: H0024).

32.

33. Building 5, located within the centre of the Brewery site, is currently under construction.

34. The subject site is affected by Restrictive Covenants AK440684B and AF823270Q.

Statutory Controls – Zoning and Overlay Controls

35. The site is affected by the following zones, overlays and particular provisions under the Melbourne Planning Scheme:

Clause	Permit trigger(s)/Notification
Clause 37.02 (Schedule 2 to the Comprehensive Development Zone)	<p>Clause 37.02-2 specifies that any requirement in the schedule to this zone must be met.</p> <p>Clause 37.02-4 specifies that a permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.</p> <p>Schedule 2 specifies that:</p> <ul style="list-style-type: none">▪ a permit is not required for the use of the site for 'retail';▪ a permit is required for buildings and works;▪ a permit is required to alter a building authorised by the Heritage Act 1995 if the existing building envelope and floor area is altered. As the proposed modifications/additions to the Bouverie Street bluestone facade result in an increase in the floor area and building envelope, a permit is therefore required;▪ an application for buildings and works must be generally in accordance with the CDP and the Masterplan;▪ an application for buildings and works if generally consistent with the CDP is exempt from the notice and decision requirements and review rights of the Act;▪ development within the CDZ2 is exempt from the provision of Clause 52.06 (Car parking) of the Scheme; and▪ a permit is required to exceed 1500 car parking spaces for the Brewery site.
Clause 43.01 (Heritage Overlay - 25)	Clause 43.01-2 specifies that a permit is not required to develop a

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(HO25)	<p>heritage place which is included on the Victorian Heritage Register.</p> <p>The heritage bluestone facade and a portion of the associated land are included on the Victorian Heritage Register (VHR No.: H0024). A permit is therefore not required.</p>																																
Clause 52.34 (Bicycle facilities)	<p>Clause 52.34 specifies that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>Under Clause 52.34 the proposal must provide a total of 67 bicycle spaces, as follows:</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Number/ Area</th> <th colspan="2">Rate as per Clause 52.34</th> <th>Total Required</th> <th>Total Provided</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residential</td> <td rowspan="2">216 apartments</td> <td>Resident</td> <td>1 per 5 dwellings</td> <td>43</td> <td>55</td> </tr> <tr> <td>Visitor</td> <td>1 per 10 dwellings</td> <td>22</td> <td>22</td> </tr> <tr> <td rowspan="2">Retail</td> <td rowspan="2">288sqm of LFA</td> <td>Employee</td> <td>1 to each 300 sqm LFA</td> <td>1</td> <td>0</td> </tr> <tr> <td>Shopper</td> <td>1 to each 500 sqm LFA</td> <td>1</td> <td>0</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td></td> <td>67</td> <td>77</td> </tr> </tbody> </table> <p>The proposal provides 77 spaces which exceeds the statutory requirement of 67. However, it is recommended that a minimum of two (2) spaces be provided for employees and shoppers for the retail tenancies.</p> <p>Pursuant to Table 2 to Clause 52.34, there is no requirement to provide shower and change room facilities, as there is not a requirement to provide a minimum of 5 employee spaces.</p>	Use	Number/ Area	Rate as per Clause 52.34		Total Required	Total Provided	Residential	216 apartments	Resident	1 per 5 dwellings	43	55	Visitor	1 per 10 dwellings	22	22	Retail	288sqm of LFA	Employee	1 to each 300 sqm LFA	1	0	Shopper	1 to each 500 sqm LFA	1	0	Total				67	77
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Clause 52.36 (Integrated public transport planning).	<p>Clause 52.36 specifies that a residential development comprising 60 or more dwellings must be referred in accordance with Section 55 of the Act to Public Transport Victoria (PTV).</p>																																
Clause 61.01 (Administration and enforcement of this scheme)	<p>Clause 61.01 specifies that the Minister for Planning is the Responsible Authority for considering the application.</p>																																
Clause 65 (Decision guidelines)	<p>Clause 65 specifies that the Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.</p>																																

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

36. The following policies within the SPPF are relevant:

- Clause 10.04 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 16 (Housing)
- Clause 17 (Economic Development)

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- Clause 18 (Transport)

Local Planning Policy Framework (LPPF)

37. The following policies within the LPPF are relevant:

- Clause 21.02 (Municipal Profile)
- Clause 21.03-1 (Vision)
- Clause 21.04-1.3 (Proposed Urban Renewal Area - City North)
- Clause 21.06-1 (Urban Design)
- Clause 21.06-2 (Heritage)
- Clause 21.06-3 (Sustainable Development)
- Clause 21.07-1 (Residential Development)
- Clause 21.08-1 (Retail)
- Clause 21.09-1 (Integrated Transport)
- Clause 21.09-2 (Walking)
- Clause 21.09-4 (Public Transport)
- Clause 21.14-1 (City North)
- Clause 21.17 (Reference Documents)
- Clause 22.02 (Sunlight to Public Spaces)
- Clause 22.05 (Heritage Places Outside the Capital City Zone)
- Clause 22.17 (Urban Design Outside the Capital City Zone)
- Clause 22.19 (Energy, Water and Waste Efficiency)

Reference Documents

38. The Carlton Brewery Masterplan, October 2007 is listed as a Reference Document at Clause 21.17 (Reference Documents). The Masterplan sets out the vision and structure for the overall development of the Brewery. It includes nominal building envelopes for 6 high-rise buildings (including RMIT's Design Hub), provides for a broad mix of land uses (including education, accommodation, tourism, retail, cafe, restaurant and office and other commercial uses), and indicates key public areas and pedestrian links. The Incorporated Document Carlton Brewery Comprehensive Development Plan October 2007 (CDP) was incorporated into the Scheme via Amendment C126. The CDP, derived from the Masterplan, provides the statutory implementation of the Masterplan and outlines a general framework for the development of the Brewery site.

NOTIFICATION

39. The permit application is exempt from the notice and decision requirements and the review rights of the Act, as the buildings and works are considered to be generally in accordance with the CDP.

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REFERRALS

40. The proposal was referred formally pursuant to Section 55 of the Act to Public Transport Victoria (PTV) and informally to the City of Melbourne, VicRoads, DTPLI's Urban Design Unit (DTPLI UD), and the Office of the Victorian Government Architect (OVGA).

Public Transport Victoria (PTV)

41. On 19 September 2013 PTV provided written confirmation that it did not object to the proposal, and did not provide any permit conditions.

VicRoads

42. On 18 October 2013 VicRoads provided written confirmation that it did not object to the proposal, and no conditions were offered. VicRoads did however note that significant signal and intersection upgrades will be required as more developments are approved on the Brewery site. It also noted that Planning Permit No.: 2008/0783A requires the removal of RMIT University's temporary access from Victoria Street to its basement loading bay on the adjacent site once permanent access is provided through the Brewery site.

DTPLI – Urban Design Unit

43. On 14 October 2013 DTPLI UD offered support for the proposal, subject to conditions. The main issues raised include:

- Awkward location of fire egress points and structural columns at Ground Level along Bouverie Street. Requires realignment;
- Insecure entries to Ground Level apartments from Bouverie Street;
- The permanent public lift and stair access between Bouverie Street and Swanston Street Axis levels is internalised into the building and therefore inappropriate;
- Potential for overlooking between adjacent apartments within the proposed development;
- Limited internal amenity (sunlight access) for those apartments behind the bluestone facade along Bouverie Street. To improve access to natural light to habitable spaces in the lower levels, the lower levels (Levels 2-7) should be set back a minimum of 3.6 metres from the bluestone facade.

44. All of these concerns and recommendations (discussed further below) have been addressed through conditions on the permit.

Office for the Victorian Government Architect (OVGA)

45. On 21 August 2013 the OVGA provided the following preliminary advice:

- The wider building envelope and form (as proposed in the Masterplan/CDP) does not have a detrimental impact on the view along the Shrine Axis, and is therefore supported;
- Entries to the building and lobby areas could be more generous and legible;
- Do not support the extent of bedrooms relying on borrowed light; and
- Eastern facade requires further design detail to ensure that the exposed soffits and ledges are appropriately treated and that the facade reads as an integrated whole.

46. On 25 October 2013 the OVGA provided final comments on the proposal, identifying the following issues to be resolved:

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- Require further details on materials for the wintergarden canopy structure and its interface with Building 10 and Building 5;
- Require a redesign of Apartments 10 and 11 on Levels 7 to 20 to ensure adequate internal amenity (access to sunlight and apartment size);
- Require further design details of the eastern facade to ensure it reads as an integrated whole that is 'more than a sum of its parts'; and
- Support a setback of the proposed building from the heritage bluestone facade to enhance the legibility and reading of the heritage wall as a remnant.

47. All of these concerns and recommendations (discussed further below) have been addressed through conditions on the permit.

City of Melbourne

48. On 21 October 2013 Council offered no objection to the proposal subject to conditions that address a number of issues relating to internal amenity, ESD, heritage, and detailed design matters (discussed further below under City of Melbourne's Comments).

ISSUES AND ASSESSMENT

49. The application has been assessed against all relevant policies within the Melbourne Planning Scheme. The key issues worthy of discussion are:

- Compliance with State and Local Planning Policies
- Comprehensive Development Plan and Masterplan
- Design, Built Form and Urban Context
- Setback from Heritage Facade
- Potentially Contaminated Land Issues
- Wintergarden canopy
- Wind and temporary structures
- City of Melbourne's comments

Compliance with State and Local Planning Policies

50. The proposed development is considered to respond appropriately to the relevant State and Local planning policies, as follows:

- The overall proposal is generally consistent with the strategic intent for this area of Carlton which forms part of the City North Urban Renewal Area. The area is identified for proposed renewal given its existing role as a specialised activity centre, where significant housing and population growth is encouraged (Clauses 21.04-1.3, 21.07-1, 21.14);
- The proposed development provides housing choice in an excellent location close to existing public transport that will add to the vitality, amenity, comfort and safety of the area. The proposed building and public realm components are permeable, fine-grained and offer a legible pattern of access and movement through the site. The provision of minimal car parking and provision of adequate bicycle parking and facilities in the lower levels furthers the

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policy objective of promoting sustainable transport options (Clause 21.07-1, 21.09-1, 21.09-2, 21.09-4);

- The proposed development will be a building of public significance that contributes to the civic spine of Swanston Street when viewed through the Central City from the Shrine of Remembrance (Clause 21.06-1);
- The building's height and scale is consistent with that expected on a key site of urban renewal in a capital city context. In addition, a combination of the triangular-shaped building footprint, contrasting projecting and recessive tower facade elements, clearly defined heritage podium and tower components break up the building massing and moderates the apparent bulk of the building (Clause 22.17);
- The proposed building, associated wintergarden structure and major pedestrian link are of a scale, bulk and quality that supports a high quality public realm that is permeable and legible. Additionally, both temporary and permanent wind amelioration measures will further add to the quality and safety of the public realm, throughout the staged construction of the remainder of the Brewery site (Clauses 21.06-1, 22.17);
- The provision of retail tenancies fronting the key pedestrian links will enhance the vitality and diversity of shops and services in the area and provide convenience retail opportunities for the local community (Clause 21.08-1);
- Through conditions on the permit, the provision of increased setbacks on Levels 2 to 7 between the proposed building and existing bluestone facade, the proposal will allow the heritage fabric to be clearly expressed and achieve the objective of conserving and enhancing the heritage fabric on the Brewery site. Conditions on the permit also require lightweight glazing, framing, and doors in these areas to ensure a sensitive and respectful interface with the heritage fabric (Clauses 21.06-2, 22.05);
- The proposed development intends to comply with a range of ESD rating systems. The proposed development intends to exceed the minimum average of 6 Stars NatHERS rating required by the Building Code and seeks to achieve a minimum 4 Star under the Green Star rating tool. A range of measures are proposed including the facade screening on the western facade that will reduce excessive solar loads. However the proposal does not meet the minimum standards outlined in Clause 22.19 (Energy, Water and Waste Local Policy). A condition on the permit requires the development achieve in excess of 4 Stars under the Green Star Multi-unit Residential rating tool (or equivalent); and
- The proposal achieves a high degree of architectural merit and design excellence. Generally, the tower facades are well-composed and demonstrate an appropriate level of articulation and visual interest. The exception to this is the southern tower facade which extends along the southern boundary and is to be treated as a largely blank pre-cast concrete wall with limited visual interest. As it is unclear when the adjacent site will be developed, it is considered appropriate to include a condition on the permit that requires further design detail of this facade to ensure the building presents in the round (Clause 22.17).

Comprehensive Development Plan (CDP) and Masterplan

51. The Masterplan provides for a broad and full mix of uses, six new buildings, on-site basement parking, retention and adaptive re-use of the Maltstore and Bouverie Street heritage facade, and extensive provision of publically accessible areas. The CDP provides the statutory implementation of

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the Masterplan and outlines a general framework for the development of the Brewery site. It is not intended to be overtly prescriptive.

52. Because the proposal intends to deliver a building of lower height and of a slightly wider girth that encroaches slightly into the Swanston Street Axis, with above-ground car parking and retail tenancies the current proposal represents a departure from the Masterplan Guidelines which encourage, amongst other things, basement convenience retail and car parking, and multilevel connectivity. The absence of basement level retail and car parking is consistent with the approved Building 5 adjacent to the east.
53. Notwithstanding this the proposal, on balance, is generally consistent with the Masterplan/CDP, in particular the provision of key pedestrian links, commitment to architectural excellence, and connection through to adjacent sites.

Design, Built Form, and Urban Context

54. For the subject site the CDP and Masterplan specify a preferred building envelope with a triangular footprint that terminates at the northwest corner of the bluestone facade and with a height of 121 metres (measured from Bouverie Street level).
55. The proposed building footprint is a variation of the triangular shape shown in the CDP/Masterplan, providing a wider envelope at the northern end that incorporates the bluestone turn-around into the building massing. While the proposed building encroaches somewhat into the Swanston Street Axis, it does not entirely terminate the vista from the Shrine. It is expected that the future development on the northern Lot S1 will terminate the vista. This is considered to be an appropriate response, especially in light of the highly articulated eastern facade which demonstrates a high degree of visual interest when viewed from the public realm areas and the Swanston Street Axis.
56. Additionally, the proposed height of 60 metres (20 storeys) is considerably lower than the preferred height specified in the CDP and Masterplan (121 metres). This is considered to be appropriate as it provides an appropriate transition from the higher built form in the Hoddle Grid to the lower built form in Carlton.
57. The proposed scale, bulk and massing of the proposal is considered appropriate for this site and is generally in accordance with the design objectives of the CDP and Masterplan and Clause 22.17 (Urban Design Outside the Capital City Zone). The proposed design allows views into and out of the building contributing to passive surveillance of the public realm, includes façade treatments and articulation that make a positive contribution to the Brewery site, and will create a high degree of visual interest.
58. The successful execution of the facades of both the tower and Swanston Street Axis level entries to residential lobbies and retail tenancies depends on the detailed design and quality of materials. As such, a condition has been included on the permit requiring amended plans showing a high quality design of the podium and materials and finishes board with assurances to design quality.
59. Notwithstanding this, the proposal presents several design and built form issues, including potential overlooking, internal amenity, setbacks to the heritage wall, the wintergarden structure and principal pedestrian links. These are discussed in-turn below:

Potential Overlooking

60. The offset 'sawtooth' configuration of adjacent apartments on the eastern elevation creates the potential for overlooking to/from adjacent apartments within the proposed development, and remains

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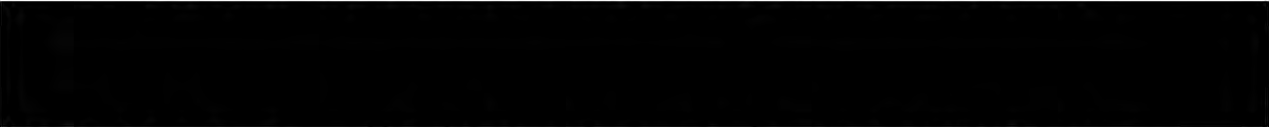
an issue that is likely to impact upon the internal amenity of the apartments. The amended plans go some way in addressing the issue by way of introducing a study zone and solid facade element between bedrooms and living spaces of adjacent apartments. However, it is considered that through minor design changes, for instance the installation of small fins or fritted glazing, the issue could be resolved. As such, a condition has been included on the permit requiring screening or alternative glazing/facade treatment to further reduce potential overlooking.

Setbacks to the Heritage Wall

61. The proposal provides a setback to the heritage bluestone facade along Bouverie Street of between 1 and 2.6 metres between Levels 1 and 4 and around 3.6 metres at Levels 5 and 6, with the tower component extending to the title boundary at Levels 7 to 20. The setbacks at Levels 5 and 6 provide a degree of built form relief behind and above the parapet of the heritage bluestone facade.
62. These setbacks however are considered to be insufficient to provide both appropriate access to natural light to the lower level apartments behind the bluestone facade and to provide adequate built form relief to the heritage structure. These matters are discussed in-turn below:

Access to Natural Light

63. The proposed setbacks behind the bluestone facade are of concern as the lower level apartments are likely to have low access to both direct and ambient natural light (as would a typical south-facing apartment). This is because the lower level apartments are behind the largely solid bluestone facade (which has only minimal window openings) and there is limited clearance (4.5 metres) between the parapet of the bluestone facade and the cantilevered building envelope behind and above it.

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65. In order to achieve appropriate light access to the lower level apartments, DTPLI's Urban Design Unit recommend that Levels 2 to 7 are setback 3.6 metres. The recommended 3.6 metre setback is consistent with what is currently proposed at Levels 5 and 6 only and therefore accounts for the existing layout of structural columns.
 66. It is considered however, that a consistent 3.6 metre setback at Levels 2 to 4 is not necessarily required. At Level 2 are double storey walk-up apartments that have direct and open frontages to the Bouverie Street level, and on balance have good access to natural light. Moreover, it is considered that further information is required on the level of access to natural light to the apartments on Levels 3 and 4, rather than prescribing a consistent 3.6 metre setback at these levels.
 67. However, a 3.6 metre setback at Level 7 is required as it will increase the clearance between the parapet of the bluestone facade and the tower envelope to approximately 8 metres (from 4.5 metres currently) which will allow additional natural light to filter through the clearance down to the lower level apartments.
 68. In light of this, conditions on the permit require a setback of 3.6 metres at Level 7 and amended plans that demonstrate an improved access to natural light to the apartments at Levels 3 and 4 behind the bluestone facade.
 69. It is acknowledged that achieving the 3.6 metre setback will result in a loss of apartment yield. However any loss in yield could be offset by the inclusion of an additional level to the building which would result in a building height consistent with the CDP/Masterplan. Accordingly, the condition is considered appropriate and achievable.

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70. Concern was also raised by the City of Melbourne, DTPLI's Urban Design Unit, and the OVGA about the internal amenity of a number of west-facing tower apartments. Particular concern was in relation to Apartments 9, 10 and 11 on Levels 7 to 20 which are nominated as 2 bedroom apartments with the second bedrooms relying on borrowed light.
71. Apartments 10 and 11 have areas of 47sqm and 48sqm respectively, and are considered to be too small to accommodate two bedrooms and which result in borrowed light to secondary bedrooms. Apartment 9 is not considered to be a significant issue as it is larger in area (59sqm) and has generous door openings to the second bedroom allowing adequate access to light via the living room.
72. A condition on the permit therefore requires Apartments 10 and 11 (a total of 26 apartments) to be redesigned to avoid reliance on borrowed light. This may result in an increase in height of the building by one level, which would be consistent with the preferred maximum building height of 121 metres specified in the Carlton Brewery Masterplan/CDP.

Heritage Built Form Relief

73. The proposal includes the modification to the heritage-listed Former Ale Store bluestone facade along Bouverie Street to enable residential uses behind and vehicular access through it. Specifically, the modifications include demolition of selected supporting buttresses and remnant southern internal wall, and partial demolition and re-building of the bluestone turn-around at the northern end.
74. As the proposed modifications will result in a change in the building envelope and floor area of the heritage bluestone facade structure a planning permit is required for these buildings and works under the CDZ2.
75. Other modifications to the Bouverie Street heritage facade, which include raising the columns and lintel to one of the facade's openings (to allow for service vehicle access from Bouverie Street), have been previously approved under Planning Permit No.: 2012/004954 on 2 October 2012 and Heritage Permit No.: P18529 on 4 July 2012.
76. The proposal provides a built form recess of about 3 metres high and 3 metres deep at Levels 5 and 6, between the parapet of the heritage bluestone facade and the lower section of the western tower facade screen. It is considered however that the proposed recess is insufficient and should be increased to 3.6 metres and continue up an extra level from Levels 5 to 7 in order to achieve a more appropriate relationship between the new tower component and the heritage fabric. This 3.6 metre setback is consistent with the recommendation outlined above which will provide for additional light to penetrate to the lower apartment levels. As discussed above, the setback would result in a total loss of 5 apartments and 3 bedrooms, however this loss could be offset by increasing the height of the building by one level. Therefore a condition has been included on the permit to this effect.
77. On balance the proposed modifications to the heritage facade are generally minor, will enable adaptive re-use of this underutilised heritage asset, and will result in an improvement in the heritage fabric along this frontage. The proposed modifications and additions to the bluestone facade are considered to be consistent with the purposes of the CDZ2 as a structure of heritage significance is being retained and re-used. The proposal for buildings and works should therefore be supported.
78. The Heritage Impact Assessment (Lovell Chen, August 2013) concludes that there may be sub-surface archaeological evidence of the original buildings from the 1860s and 1883 outside of the heritage-registered area but within the area included in the Victorian Heritage Inventory. Works

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which may affect a heritage inventory site require consent under the Heritage Act 1995, and the applicant should be advised accordingly.

Wintergarden & Key Pedestrian Links

79. The CDP and Masterplan indicate critical East-West and Swanston Street Axis pedestrian links located to the north of and on the eastern side of the proposed Building 10 respectively.
80. The planning approval for the adjacent Building 5 (Planning Permit No.: 2012/004954) included a legal requirement for Lots 1, 2, 3, and 4 of PS643901X to deliver a minimum 10 metre wide East-West and Swanston Street Axis pedestrian links with associated wintergarden canopy structure. The location of these links is generally in accordance with the Masterplan and CDP.
81. The planning application for Building 10 includes the construction of the wintergarden canopy structure (designed by ARM Architecture) between the proposed building and adjacent Building 5, and the Swanston Street Axis pedestrian link. This section of the pedestrian link and canopy structure is entirely on Lot S4. It is intended that subsequent sections of the wintergarden and pedestrian link will be delivered with the future developments of Lots S1, S2, and S3 to the north of the subject site.
82. DTPLI UD and the OVGA, and to a lesser degree the City of Melbourne, have provided support for the overall development conditional upon the inclusion of the wintergarden canopy structure and pedestrian link, on the basis that it will provide some weather protection in these key public realm areas.
83. The wintergarden structure is of a commendable design, employing a free-standing design and utilising a combination of bronze powder-coated structure and a white fritted glazed canopy. The structure will provide users of the public spaces below with appropriate wind and weather protection, and should therefore be supported. Consistent with the planning approval for Building 5, a condition has been included on the permit requiring that the pedestrian link and wintergarden structure are delivered prior to occupation, remain in private ownership, and are open to the public 24 hours per day, 7 days per week.
84. The proposal also intends to provide a public stair and lift access between the Bouverie Street level and the Swanston Street Axis/East-West pedestrian link level at the northern end of the subject site within the building envelope and adjacent to the heritage bluestone turn-around. The stairs and lift are proposed to be open to the public 24 hours 7 days per week.
85. Further to Urban Design Unit's concern that the stair and lift are internalised to the proposed Building 10 and therefore lacking in clarity and legibility, it is considered that the stairs and lift should be in a more prominent and accessible location. [REDACTED]
[REDACTED] Therefore, the proposed stair and lift should be a temporary solution, with the permanent stairs and lift to be delivered as part of the future development of Lot S1 adjacent to the north, external to the building and at the apex of the key East-West and Swanston Street Axis pedestrian links. This would [REDACTED] deliver a key piece of public infrastructure for the precinct in a highly visible location. A condition has therefore been included on the permit that designates the stairs and lift as temporary, and that they are to remain in-place until the future development on Lot S1 delivers the permanent solution.
86. In light of the complex public realm arrangements (given the multiple ownership arrangements on the Brewery site) and the strong desire on the part of all agencies for the timely delivery of a high quality,

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coherent and consistent public realm, a number of conditions have been included on the permit requiring:

- Detailed design drawings of the wintergarden structure and its integration with Building 10;
- Landscape and public realm plan detailing hard and soft materials and water sensitive urban design initiatives;
- Public realm management plan that details the ownership, maintenance regime and management responsibilities of the wintergarden structure and public spaces associated with the development (including the Swanston Street Axis, East-West pedestrian links and temporary lift and stairs along Bouverie Street); and
- A legal agreement that ensures the timely delivery of the wintergarden structure and Swanston Street Axis pedestrian link, embeds the public realm maintenance and management plan in the event the subject site is on-sold, and ensures the delivery of the permanent public stair and lift as part of the future development of Lot S1 to the north.

Car Parking, Bicycle Facilities & Vehicle Access to Adjacent Sites

87. The current proposal intends to provide 7 on-site car parking spaces, with a further 20 allocated within the adjacent Building 5's car park (approved under Planning Permit Nos.: 2010/022948 and 2012/004954). This parking rate of 0.125 is well below the maximum statutory rate in the neighbouring Capital City Zone and is therefore considered acceptable.
88. The proposal intends to provide a total of 77 bicycle spaces (25 spaces on Level 1 and 52 spaces on Level 2) allocated to residents and visitors, and accessed from Bouverie Street ground level lobby and lifts. This exceeds the minimum statutory rate by 10 spaces. However, as Clause 52.34 requires two (2) spaces allocated for employees and visitors of the retail spaces, a condition has been included on the permit to this effect.
89. It is intended that the subject site will provide vehicular access to the adjacent Building 5 to the east, Building 4 to the south, and RMIT University's Design Hub basement loading bay to the south-east of the subject site.
90. Specifically, as part of the planning approval for Building 5 (Planning Permit No.: 2012/004954) Building 5 provides car parking spaces for residents and visitors of Building 5 and employees within the adjacent Maltstore. Resident/employee/visitor vehicles for both Building 5 and Building 10 are to enter via a left-in turn only at the northern access point in the bluestone facade along Bouverie Street and exit via a left-out turn only at the southern access point.
91. Consistent with the permit for Building 5 requires a legal right of access for RMIT University to access the loading zone within Building 5 where a truck lift (or similar) will provide access to RMIT's basement loading bay.
92. Service vehicle access to the proposed Building 10, the adjacent Building 5, Building 4 to the south, and RMIT University's basement loading bay is also to be provided through the Building 10 site via a left-in/left-out turn at the southern access point only.
93. In light of the proposed complex vehicular access arrangements to the adjacent sites, a condition has been included on the permit requiring a legal right of access through the subject site to the adjacent affected sites [REDACTED]

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Potentially Contaminated Land Issues

94. The Brewery site has had a history of industrial uses, and there is the potential that the land may have some level of contamination. As the proposed development includes a sensitive use a condition has been included on the permit requiring an environmental assessment of the land. This is consistent with the permit issued for the adjacent Building 5, and is expected to appear on all subsequent permits for developments with sensitive uses on the Brewery site.

Wind

95. A full wind tunnel assessment of the proposed Building 10 (MEL Consultants, September 2013) was received as part of the further information request on 9 October 2013. The report concludes that the wind conditions around the proposed development are generally either on or within the walking criterion. However, on the west side of Bouverie Street which exceeds the walking criterion for north-north-east wind directions. To achieve appropriate wind conditions around the development the report recommends the following temporary measures to achieve appropriate wind conditions in and around the proposed development:

- The installation of a Shade House structure (similar to that proposed for the adjacent Building 5) to the northern end of the wintergarden structure along the East-West link from Bouverie Street will improve wind conditions on the west side of Bouverie Street to be either within or on the walking criterion for all wind directions; and
- The northern end of the wintergarden canopy structure should be screened to full height in order to achieve long-term stationary wind conditions along the Swanston Street Axis. Notwithstanding the screening, some areas at the southern end of the wintergarden slightly will exceed the long-term stationary criterion due to west wind direction flow from the southern end of the site.

96. These measures are intended to be temporary and in-place until future development of the sites to the north (Lots S1, S2, and S3 of PS643901X) which are expected to shield the East-West link and Swanston Street Axis from the north direction winds.
97. It is considered appropriate to include the Shade House 2 structure to the north of the wintergarden structure. However it is considered that the full-height screen across the northern end of the wintergarden structure is not appropriate, as it will impede continuous pedestrian connection between the Swanston Street Axis and the East-West link. As such a condition has been included on the permit that requires further design details of the proposed Shade House 2 and an alternative wind screening treatment that achieves long-term stationary wind conditions along the Swanston Street Axis without impeding pedestrian connection between the East-West link and the Swanston Street Axis.
98. Additionally, as the Shade House 2 structure and screening treatment are intended to be temporary wind amelioration measures, and will be located on the site to the north of the subject site (Lot S1 of PS643901X) it is appropriate to include a condition requiring that the structures be installed prior to the occupation of Building 10 and remain in-place until construction of the last sections of the wintergarden structure on the adjacent northern sites (Lots S2, and S3 of PS643901X) is complete.

City of Melbourne's Comments

99. The City of Melbourne generally support the proposal, subject to the following:

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- Lack of built form relief between the tower component and the heritage bluestone facade. Recommend Level 7 be set back to be aligned with Level 6;
 - A number of second bedrooms rely on borrowed light (Apartments 9, 10 and 11 on Levels 7-20). Recommend redesign of these apartments to ensure natural light access to both bedrooms;
 - ESD performance does not meet the requirements of the ESD Local Policy (Clause 22.19). Recommend the development achieve a minimum 5 Star Green Star rating;
 - The tower' western facade projections are excessive and overwhelm the heritage bluestone facade. Recommend facade screening to be entirely within the title boundary;
 - The southern tower facade is largely blank with little visual interest. Recommend redesign to ensure the building presents in the round; and
 - Recommend additional 2 x bicycle spaces for the retail component.
100. In response, conditions have been included to provide appropriate built form relief for the heritage structure, improved treatment of the southern facade, avoid reliance on borrowed light to Apartments 10 and 11 (Apartment 9 was not considered to pose a significant borrowed light issue), and provision of additional bicycle spaces. These matters are discussed above under Setbacks to the Heritage Wall, Car Parking & Bicycle Facilities, and Design, Built Form and Urban Context sections.
101. However, in terms of ESD performance, in light of the absence of any viability studies of achieving a 5-Star Green Star rating, it is considered that achieving an ESD performance in excess of 4-Star Green Star is more appropriate. A condition to this effect has been included on the permit to the satisfaction of the City of Melbourne.
102. On 29 October 2013 the City of Melbourne's Land Survey Team confirmed support for the specific conditions on the permit relating to subdivision and legal agreement items.

CONCLUSION

103. The application has been assessed against all relevant State and Local Policies, and the decision guidelines of the Comprehensive Development Zone, and Particular Provisions of the Melbourne Planning Scheme.
104. The proposed building and associated public realm improvements are generally consistent with the objectives of the Masterplan and CDP, and indeed reinforce key pedestrian thoroughfares such as the future East-West and Swanston Street Axis pedestrian links. The proposed development demonstrates exemplary architecture and design excellence, and will make a positive contribution to the heritage fabric and urban design outcome for the Brewery site.
105. The proposal is generally consistent with the above-mentioned considerations including the Carlton Brewery Masterplan and the Comprehensive Development Plan, and is worthy of support.

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RECOMMENDATION

106. That Planning Permit Application No.: 2013/007225 is approved subject to conditions and the applicant advised accordingly.

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Date: 14/11/13

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Date: 18/11/13

[Redacted]