



54-64 A'Beckett Street, Melbourne

Planning Permit Application 2010/026164A

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2 Background

The permit application was lodged on 20 June 2014.

Further information was requested of the applicant on 18 July 2014 (within 28 days of lodgement) and a response was provided on 8 August 2014.

Permit 2010/026164 was issued on 11 July 2011 allowing 'demolition and construction of a mixed-use multi-storey tower comprising accommodation (residential apartments and serviced apartments) and ground floor retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern)'. A description of the approved built form considered with the Permit is outlined at Section 4 (Proposal) below.

An extension of time was granted for the redevelopment allowing a further two years; expiry will occur if development is not commenced by 11 July 2015 and completed by 11 July 2017.

3 Site and Surrounds

The site is located on the northern side of A'Beckett Street, between Swanston and Elizabeth Streets, Melbourne (see Figure 1).

Figure 1 – Site Locality Plan



The site is two separate titles known as 54-56 A'Beckett Street and 58-64 A'Beckett Street where combined forms an irregularly shaped parcel with a frontage to A'Beckett Street of 31.93 metres, a

depth of up to 50 metres and an approximate site area of 1290m². The site interlocks with the adjoining site to the east (48-50 A'Beckett Street) with an existing laneway separating the two properties. This site also enjoys right-of-carriageway over the laneway immediately to the west (which forms part of the title for the site to the north-east corner of Elizabeth Street and A'Beckett Street, known as 410 Elizabeth Street).

The site is occupied by two buildings, a circa 1905 three-storey brick warehouse at 54-56 A'Beckett Street and a circa 1912 single-storey warehouse/showroom at 58-64 A'Beckett Street. The buildings are graded 'D' and 'E' respectively within the Central Activities District Conservation Study 1985.

Development surrounding the site is described as follows:

North:

- Immediately north at 97 Franklin Street is a 3-storey brick commercial building built to the common boundary with service vehicle access provided to the rear of the building via the laneway to the west of the site. Permit 2014/000984 was issued on 1 September 2014 allowing the redevelopment of the site with a 63 storey (212 metre tower) including a through block link to its western boundary.
- East of 97 Franklin Street is a 2-storey commercial building built to the common boundary. Service vehicle access is provided to the rear of the building via the laneway to the west of the site.
- Zen Apartments (Therry Street, north of the site) was approved under Permit 2006/448A for a 57-storey (194 metre) residential tower.
- Stork Hotel (corner of Elizabeth and Therry Streets, north of the site) approved under Permit 2009/987 for a 69 storey (215 metre) tall residential tower, currently under construction.

East:

- Immediately east of the site is a 2-storey warehouse/showroom building which interlocks with the site. Permit 2010-925 was issued on 12 November 2010 by the City of Melbourne allowing the demolition of the building and construction of a 60 metre tall residential tower built to the common boundary. The application has subsequently been extended and amended twice. Permit 2010-925/B includes a revised building envelope with an interface with the subject site including an offset of 5 metres from its northern boundary at L1 and above, an offset of 5 metres to its western boundary (excluding balconies), and is built to its southern boundary (interfaces with the north-east corner of the site).
- Further east is the RMIT Swanston Academic Building (north-west corner of Swanston and A'Beckett Streets), an 11-storey development which houses the School of Business.

South:

- South side of A'Beckett Street includes low scale commercial buildings.
- Permit 2013/006810 issued by the Minister on 24 February 2014 for 398 Elizabeth Street (corner of A'Beckett and Elizabeth Streets) allows for the construction of a 60-storey residential tower with limited street setbacks.
- A'Beckett Tower (25 A'Beckett Street, south-east of the site) is a 33-storey (105 metre) residential tower with ground floor retail.

West:

- 410 Elizabeth Street (corner A'Beckett Street) is approved Permit 2009/1015/A for a 54-storey (175 metres) mixed use tower incorporating retail, office and residential apartments. This building has recently been completed.

4 Proposal

The application seeks to amend the plans and consequently amend a number of the conditions of Permit 2010/026164. The modifications to plans are described as follows:

Department of Transport, Planning and Local Infrastructure

	Permitted Plans	Revised Plans
Apartments	374 (263 x 1-bed, 111 x 2-bed)	749 (302 x 1-bed, 447 x 2-bed)
Serviced Apartments	128	0
Retail	218m ²	92m ²
Loading facilities, Car, Bicycle and Motorcycle Parking	No loading on site Cars: 194 Bicycles: 236	Loading on site Cars: 130 Bicycles: 370
Overall Building Height	50 storeys (152.7 metres)	82 storeys (247.65 metres)
Tower Setbacks	A'Beckett Street: Introduces a 5.7 metre offset from L12 and above on either side of a central portion of the tower constructed to the street for a width of approximately 14 metres North: 5 metres East: average 5 metres (minimum of 3.89 metres to 6.14 metres) West: average of 5 metres (minimum of 2.18 metres, maximum setback of 5.75 metres)	A'Beckett Street: Introduces a 5.4 metre offset from L2 and above on either side of a central portion of the tower constructed to the street for a width of 13.7 metres North: 5 metres (excluding architectural fins) East: 4.5 metres (excluding architectural fins) West: Builds to the boundary at the lower levels (separation of 2 metres), 6.7 metres minimum separation from MY80, provides 5 metres to the centre of the laneway north of MY80 from L11 and above
Tower Separation	North: Provided for a minimum of 10 metres West: minimum of 3.66 metres at its lower levels and 8.5 metres at the upper levels East: 9 metres to balcony edge	North: Provides a minimum of 10 metres with approved (not constructed) development at 97 Franklin Street West: minimum of 2 metres at the lower levels and a consistent minimum 6.7 metres to MY80 East: 9 metres to balcony edge
GFA	40,152m ²	54,020m ²

Other matters relevant to the permit application plans are:

- Provides for a continuous through block link by including an offset at ground floor from its western boundary at the northern portion of the site to connect with the redevelopment approved at 97 Franklin Street (Permit 2014/000984).
- Includes screening fins to the external cladding of the building to western elevation to avoid direct views to the development at 410 Elizabeth Street due to the limited tower separation.
- Access to the parking (contained within the podium) and to the loading/ unloading bay is all from A'Beckett Street with an expected one way movement from A'Beckett Street to exit onto PL5220 immediately to the west of the site and travel south towards A'Beckett Street.
- Residential amenities and common areas including large outdoor areas, BBQ area, gym, lounge, library, entertainment rooms and kitchen facilities are provided at Level 10 and Level 80 of the building.
- Materials and finishes include glazing (glass balustrades, double glazed curtain wall, frameless clear glass), white textured concrete, mirror stainless steel cladding, white and blush textured paint finish, blush coloured anodise aluminium angled fins, and tilt panel door (black).
- The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, acoustic statement, aviation assessment, and ESD report.

The applicant is seeking the following modifications to permit conditions:

- Permit preamble: delete reference to 'serviced apartments'.
- Modification to Conditions 1 (Amended Plans), 3 (Wind Assessment) and 14 (Car Parking and Traffic Management).

5 Planning Policies and Controls

5.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victoria 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.

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.

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
<p><i>Capital City Zone-Schedule 1</i> <i>(Clause 37.04)</i></p>	<p>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> <p>Schedule 1:</p> <ul style="list-style-type: none"> • Specifies that no permit is required for ‘accommodation’, and ‘retail premises’ (other than adult sex bookshop, department store, hotel, supermarket and tavern) as the uses are permitted

	<p>as of right (Section 1 use) at Clause 1.0 of the Schedule.</p> <ul style="list-style-type: none"> • Specifies that a permit is required to demolish or remove a building, and to construct a building or construct and carry out works, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage, and • Specifies that a permit is required to construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes. A permit may only be granted if the responsible authority considers the overshadowing will not prejudice the amenity of those areas. • Exempts the application from notice and appeal requirements. • Decision guidelines are contained in Schedule 1.
<p><i>Parking Overlay – Schedule 1</i> <i>(Clause 45.09)</i> <i>and Car Parking</i> <i>(Clause 52.06)</i></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 750 spaces. The provision of 130 car spaces on site is below the maximum allowed under the clause, and requires the provision of 1 motorcycle space permit 100 car parking spaces unless the Responsible Authority is satisfied that a lesser number is sufficient. It is considered that a motorcycle space can be provided on site, therefore no permit is required.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<p><i>Loading and Unloading of Vehicles</i> <i>(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> <p>The loading bay provided complies with the detailed requirements set out in Clause 52.07. Therefore, no permit is required under this clause.</p>
<p><i>Bicycle Facilities</i> <i>(Clause 52.34)</i></p>	<p>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 225 spaces (150 resident and 75 visitor spaces). The application provides for 370 spaces, therefore no permit is required under this provision.</p>
<p><i>Urban Context Report and Design Response for Residential Development of Four or More Storeys</i> <i>(Clause</i></p>	<p>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.</p> <p>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</p>

52.35)	was sent confirming the above on 15 October 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 Act to Public Transport Victoria for a residential development comprising 60 or more dwellings or lots. On 25 June 2014 the application was referred to Public Transport Victoria.
<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 52.36 (amongst other requirements) and requires an application to be referred to the person or body specified as the referral authority. As previously mentioned, Public Transport Victoria 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 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).

Initiative 2.1.5 of Plan Melbourne seeks to 'Improve the Quality and Amenity of Residential Apartments' and acknowledges that a good standard of design and amenity goes well beyond what the building looks like and its particular architectural style. Concerns about the design quality of apartments relates to small sized apartments, the tendency for large numbers of apartments to be designed with habitable rooms with no direct access to daylight and lack of variety in types. The City of Melbourne discussion paper 'Future Living' provides a comprehensive assessment of many of the issues that need to be addressed in terms of the quality, design and layout of multi-dwelling apartment developments.

6.3 Amendment C208 (Development Contributions Plan)

Amendment C208 seeks to introduce a Development Contributions Plan to Southbank and City North through a Development Contributions Plan Overlay. Contributions collected will go towards streetscape upgrades, key public realm projects, upgrades to drainage infrastructure, delivery of new multi-purpose community centre. The DCPO specifically excludes open space (as this is collected under the *Subdivision Act 1998* and in future via the Schedule to Clause 52.03 of the Scheme).

On 15 August 2014 Council requested the Minister for Planning to facilitate a Section 20(4) amendment to introduce residential development contributions within the Hoddle Grid to contribute to the cost of new community infrastructure for the area's residents.

The Hoddle Grid area has 25,210 residents, and is rapidly growing with a forecast resident population increase of 14,363 (around 9547 dwellings) by 2031. The City of Melbourne's Draft Community Infrastructure Development Framework (2014) identifies the need for new community infrastructure of 3792m² to service the rapidly growing residential population of the Hoddle Grid. This new community infrastructure would cost \$26.544 million at \$7000 per square metre in today's dollars to construct. Under the Act the maximum community infrastructure levy is \$900 per dwelling. A \$900 per dwelling levy and the proposed open space contribution together would be a modest impost on development. On an apartment valued at \$500,000 it would be in the order of \$3800 or 0.76 per cent of the apartment's value. This is comparable with the one per cent levy on Central Sydney residential development.

6.4 Amendment C209 (Open Space Strategy)

Amendment C209 seeks to introduce the Open Space Strategy which requires an 8% contribution for Central City. Whilst not a 'seriously entertained' policy document, the contribution can be made as a percentage of the site value, a land contribution or a combination of both.

6.5 Future Living: City of Melbourne Draft Housing Strategy

Future Living is a discussion paper identifying issues and options for housing the City of Melbourne community. Council has indicated that by 2031, it is estimated that an additional 42,000 homes will be built within their municipality for an additional 80,000 people. This growth will mostly occur within the city's urban renewal areas, and the Hoddle Grid. The discussion paper seeks to engage with other tiers of government, developers, investors and residents in meeting the aspiration of affordable, well-designed and diverse housing choices to meet future needs. The strategy focuses on a number of factors that influence housing choices, but in particular focuses on apartment sizes. This is discussed further below.

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 to the Parking Overlay the application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

8 Referrals

The application was given to the Department's 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): Supports the proposal subject to detailed resolution of screening louvres to prevent direct views including to communal facilities, ensure the wind conditions for the laneway are within the criterion for stationary activities (including provision of a canopy to A'Beckett Street), reduce saddleback bedrooms, ensure that the development meets 5 star Green Star Multi Residential rating and ensure indoor noise limit is under 45dBA.

City of Melbourne: Council has not provided any comments to date. The application was referred for comment (following receipt of further information) on 8 August 2014.

Public Transport Victoria (PTV): On 16 July 2014 PTV responded advising that they offered no objection and did not impose any conditions of approval.

9 Assessment

The proposal meets basic strategic objectives associated with the provision of housing, providing low numbers of car parking and sustainable design initiatives of the Melbourne Planning Scheme.

With regard to the amended permit application and revised building envelope, the primary matters for consideration are:

- The impact of the built form response to the surrounding sites and area.
- The internal amenity for future occupants of the building as a result of the size of apartments and the interface with adjoining properties.

9.1 Impact of Built Form Response to Surrounding Sites and the Area

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 and tower separation of 24 metres from another tower.

The purpose of tower setbacks is to address the public realm, the amenity of future occupants of the building and to ensure development equity. Tower setbacks assist in providing pedestrian scale, sunlight penetration, views to the sky, deflection of wind downdrafts and daylight, ventilation and privacy to occupants.

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 development quality. 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.

The approved redevelopment of the site includes lesser setbacks than that sought within the Melbourne Planning Scheme as described above. This permit expires on 11 July 2015.

The revised plans seek approval for an 82 storey (247.65 metres) tall residential tower. The tower form includes a ground floor lobby and retail space built to its title boundaries, where above this double height space, introduces tower setbacks to all boundaries, but maintains a portion of the tower envelope to A'Beckett Street.

The key changes from that previously considered include:

- Increase in height by 64% (32 storeys, 94.95 metres);
- Increase in total apartment numbers by 247 apartments;
- Increase in gross floor area of 13,868m²;
- Reduced tower setbacks to A'Beckett Street from 5.7 metres to 5.4 metres (a reduction of 300mm) and retains a central portion of the tower (13.7 metres in width) built to A'Beckett Street with no setback for its entire height, including the additional 32-storeys;

- Reduces the 5 metre setback to the northern boundary as the setback now includes architectural cladding;
- Reduces the eastern boundary setback from 5 metres to 4.5 metres, which is further reduced with the inclusion of architectural cladding within this setback;
- Tower separation is also reduced due to approvals granted by the Minister for Planning at 410 Elizabeth Street (west of the site) and by the City of Melbourne at 48-50 A'Beckett Street (east of the site). Tower separation to these sites is as follows:
 - 48-50 A'Beckett Street (east of the site) is a minimum of 9 metres to the balcony edge.
 - 410 Elizabeth Street (west of the site) is a minimum of 2 metres at the lower levels and a minimum of 6.7 metres above L11.

The scale and bulk of the building does not adhere to the requirements of Schedule 1 of the Capital City Zone or Clause 22.01 of the Scheme which seeks a 35-40 metre high podium, tower setback of 10 metres to the street and 24 metre tower separation to adjoining sites (ie. 12 metres to common boundaries). Consideration of lesser setbacks than that stipulated within these requirements has been accepted where a typical 6 metres to streets and 5 metres to common boundaries (to achieve a minimum of 10 metres tower separation) is generally acceptable to ensure reasonable amenity is provided. In this instance, the unusual dog leg shape of the site, combined with development offsets (or lack of) on adjoining sites, a significant increase in height from that previously approved, warrants reconsideration of the built form response.

The proposed tower separation to 410 Elizabeth Street of less than 2 metres (at the lower levels and at pinch points up the entire façade due to the waved profile of this building) to a maximum of 6.7 metres. These setbacks are unacceptable and even more so given the proposed 82 storey height. Combined with its lack of tower setback to the street, including its lack of defined podium to provide a pedestrian scale, exacerbates its dominance and lack of visual separation both from an amenity perspective, as well as skyline contribution. Greater tower separation from even a minimum of 10 metres is warranted due to its overall height. It is considered that the lesser setbacks do not allow for an equitable distribution of light and air and would impact adversely upon the general amenity of the future residents, particularly those at the lower levels of the development and those within the lower levels of 410 Elizabeth Street.

It is considered that the tower should be setback a minimum of 10-12 metres from property boundaries where it abuts or is adjacent to the adjoining approved building to the west. With regard to the setback of the tower from the western property boundary, it is noted that the proposed tower will be setback between 2 to 6.7 metres from the adjoining building. The setback to its eastern boundary is a minimum of 9 metres, with apartment aspects facing each other directly. This is also considered to be inappropriate.

Whilst the permit applicant may highlight the reduced setbacks of the approved development at 410 Elizabeth Street immediately to the west as justification for a reduced setback here, it is important to note that this adjoining building is located on a corner site which has a different context and this should not be seen as a precedent.

The reduced setbacks to the east and west of the tower also lend itself to creating a wall of buildings along A'Beckett Street. This wall would include the constructed adjoining building to the west and compound a poor built form and amenity outcome both for occupants of the buildings and the public realm amenity of A'Beckett Street.

These concerns should be addressed by increasing not only the setbacks of the building from side boundaries but also from the A'Beckett Street frontage.

As proposed, the building would stand to a height of 82 storeys upon the street frontage. This is more than 207 metres higher than the 40 metres outlined at Clause 22.01 and would render the building a dominant and imposing addition to the A'Beckett Street streetscape.

The proposal does not provide a high quality and site responsive architectural outcome and does not positively contribute to the character of the area. The proposal also fails to provide an articulated tower form that positively contributes to the public realm.

9.2 Internal Amenity as a result of the Interface with Adjoining Properties

Internal apartment amenity includes good levels of light (both sunlight and daylight), good outlook, natural cross-ventilation, privacy between neighbouring buildings and protection from noise. Orientation, sizes and layouts of apartments assist in achieving good internal amenity.

The proposal includes 749 apartments throughout the building which are within the lower levels of the building facing A'Beckett Street (southern aspect) and at the upper levels (above L11) facing A'Beckett Street and to its adjoining boundaries (west, north and east). It is noted that none of the apartments include any storage, or balconies. Minimum apartment sizes include: 42.3m² (1-bedroom), 53.8m² (2-bedroom). There are no proposed 3-bedroom apartments.

The proposal does not include any borrowed light bedrooms and provides communal facilities for the residents at Level 10 and 80.

Council's Draft Housing Strategy, whilst not a 'seriously entertained' planning document provides useful research within it, including comparative data of what contributes to good apartment design including:

- Minimum apartment sizes which are guided by strategies in NSW and London (SEPP65 and The London Plan) which outline the following sizes:
 - SEPP 65: 50m² (1-bedroom), 70m² (2-bedroom) and 95m² (3-bedroom)
 - The London Plan: 37m² (1-bedroom/studio for 1 person), 50m² (1-bedroom for 2 people), 61m² (2-bedroom for 3 people), 70m² (2-bedroom for 4 people), 74m² (3-bedroom for 4 people), and 86m² (3-bedroom for 5 people)
- Limitation on the number of single aspect apartments with a southerly aspect to a maximum of 10% of total dwellings proposed while 60% should be naturally cross ventilated;
- Specifies separation distances between buildings to ensure reasonable levels of visual privacy and to maximise outlook and views from principle rooms. Designs are encouraged to meet the broadest range of the occupants' needs possible and provide apartment layouts which include the ability to change the use of rooms and promote accessibility.
- Specifies minimum storage requirements from 6m³ for studios and 1-bedroom apartments to 10m³ for 3-bedroom apartments.
- There is also a requirement for communal open spaces generally between 25-30% of the site area.

A reference document of the Scheme, the *Guidelines for Higher Density Residential Development* DSE 2004 is a reference document at Clause 15.01-2 and seeks to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity, including provision of storage.

The proposal raises concerns with the following:

- The very small apartment sizes with 2 bedroom apartments marginally larger than the 50m² for a 1-bedroom apartment sought by the above guidelines (proposed at a minimum of 53.8m²);
- All apartments are single aspect;
- There are a number of south facing apartments;
- The saddle back bedroom arrangements in a number of apartments include very long light corridors to these bedrooms;
- None of the apartments include any provision of storage;
- None of the apartments include any balconies; and
- Inclusion of screening to the western elevation to avoid direct views that are separated by less 2 to 6.7 metre setback from adjoining buildings.

In this revised development there are too many apartments with compromised layouts and poor amenity.

It is noted that the current permit approval includes larger apartments with apartment sizes including 41.5m² to 49.3m² (1 bedroom, 1 bath), 56.8m² to 66.6m² (2 bedroom, 1 bath) and 74m² to 82.8m² (2 bedroom, 2 bath) with no saddle back bedrooms receiving light from long corridors, with balconies and appropriate storage.

The lack of private open space provided to residents, combined with the small apartment sizes, the lack of tower separation to adjoining towers (both constructed and approved) and the overall height with limited tower separation, including screening, creates poor internal amenity. This is made worse with the increase in overall height providing limited opportunities for daylight to lower level apartments and with a number of apartments facing south. The lack of tower separation and reduced setbacks results in unacceptable internal amenity for future residents and a poor public realm outcome and is not supported.

9.3 Other matters

It is noted that there are other aspects of the development that should be mentioned, in particular the introduction of a continuous through block link by including an offset at ground floor from its western boundary at the northern portion of the site to connect with the redevelopment approved at 97 Franklin Street (Permit 2014/000984). This is supported.

The car parking layout and access raises concerns from Council's Engineers which requires further resolution. Council's Engineers have indicated that the proposed car parking and ramps do not appear to be functional as there will be significant potential for conflict between vehicles travelling in opposite directions through the car park and ramps, poor sight distance between oncoming vehicles, and minimal opportunity for on-coming vehicles to pass each other. Some detailed resolution is required to meet Council's waste management guidelines. It is noted that the reduced car parking and increased bicycle parking provision is supported, as well as provision for on site loading and unloading facilities.

10 Recommendation

That amended planning permit 2010/026164A be refused on grounds attached within the notice to refuse an amendment to a permit.

[Redacted content]

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