

<b>APPLICATION FOR PLANNING PERMIT: 374 – 380 LONSDALE STREET, MELBOURNE</b>	
<b>Application Number:</b>	2011/013331
<b>Proposal:</b>	Demolition of the existing building and construction of a multi-storey building comprising a commercial car park, residential apartments, office and ground floor retail (other than adult sex bookshop, department store, hotel, supermarket and tavern).
<b>Applicant:</b>	VIP Glomac Ltd C/- ERM Australia Pty Ltd
<b>Zoning:</b>	Capital City Zone- Schedule 1 (Outside the Retail Core)
<b>Overlays:</b>	Design and Development Overlay- Schedule 1 (Active Street Frontage Capital City Zone (DDO1 – Area 2)
<b>Application Received:</b>	9 December 2011
<b>Further Information Requested and Received:</b>	Requested: 6 January 2012 Received: 14 June 2012
<b>Number of Objections:</b>	Not applicable – Permit application is exempt from formal notification
<b>Recommendation:</b>	Permit subject to conditions

[REDACTED]

**PLANNER'S NAME:** [REDACTED]  
**Ph:** [REDACTED]

**SIGNATURE:** [REDACTED]

**DATE:** 30.10.12

### PROPOSAL

1. Permit application 2011/01331 was lodged on 9 December 2011. The application seeks approval to demolish the existing building and construct a 48-storey mixed use building which will comprise of a commercial car park, office and ground floor retail uses (other than adult sex book

shop, department store, hotel, supermarket and tavern). The proposed gross floor area is 88,823 sqm.

2. Details of the application are as follows:
  - Demolition of the existing building on site;
  - Construction of a residential tower measuring at 48-storeys (166.1 metres measured from the low side of the Lonsdale street frontage to the top of plant). The building includes two basement levels and a 12 storey 'podium' built hard edged to the title boundaries, with the curved form of the tower commencing at Level 12 and above, and is setback from the adjacent title boundaries of varying depths. The tower, in part, has a curvilinear form along the eastern facade with a rectilinear edge along the western facade. This design approach is partly in response to the irregular shape of the subject site and the need to maintain tower setbacks from adjoining properties.
  - The tower includes staggered setbacks ranging between 3.76 metres to 8.4 metres dependant upon the proximity of its angular form to adjacent sites.
  - Setbacks are generally less along the eastern facade where the irregular alignment of the site boundary occurs.
  - The development comprises 627 dwellings with a combination of 1, 2 and 3 bedroom dwellings. A range of uses are proposed within the building including ground floor retail, podium level office facing Lonsdale Street, restaurants and ancillary facilities for residents such as a cinema, swimming pool, gymnasium.
  - 200 bicycle spaces, 27 motorcycle spaces, service plant and associated infrastructure.
  - Materials and finishes include glazing (clear and opaque), powder coated vertical fins, standing seam metal sheet cladding and pre cast concrete with painted finishes.
  - The submission is supported by reports including a planning assessment, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD statement.

#### **APPLICATION BACKGROUND (AMENDED PLANS)**

3. Following the identification of various design and layout issues alternative plans were submitted by the permit applicant under cover letter dated 27 June 2012. The draft plans tabled options to increase activation of the public realm via additional apartments facing Little Lonsdale Street, increasing tower setbacks from the eastern and western boundaries and improve loading and car park access. The core elements and yield of the proposal are intended to be retained. Accordingly, where appropriate the assessment is based upon the adoption of the amended plans.

#### **SITE AND SURROUNDS**

4. The site is located on the north side of Lonsdale Street between Elizabeth Street and Queen Streets and has an overall site area of 3,164 sqm. The site currently accommodates a multi-storey commercial car park with 445 spaces, a cafe at ground floor and offices above fronting Lonsdale Street. The approval of the car park dates back to 1963 via permit issued under the then Town and Country Planning Act. The site has incrementally been developed with the expansion of the car park and provision of offices throughout the 1970s and 1980s.
5. The site is irregular in shape with a primary frontage to Lonsdale Street (south) of approximately 26 metres and a secondary frontage to Little Lonsdale Street of 32 metres (north). The northern title boundary is slightly recessed from the building alignment along the street owing to a former plan to widen Little Lonsdale Street which was never brought to fruition. The site comprises several lots and includes Timothy Lane as an easement of way, benefitting the adjacent land to its west.
6. A central portion of the site has a frontage of 18 metres to Heape Court to the east which is a service lane.
7. Vehicle access to the car park is provided by two crossovers to Lonsdale Street, each 7 metres in width (allowing for separate double entry and exit lanes). Additionally, vehicle access to Little Lonsdale Street is provided via a single entry and crossover of approximately 6 metres.
8. Contextually the site is located in a precinct that comprises a broad range of uses commensurate with the type of activity found in the Central City. The surrounding precinct is experiencing

- change with pressure for significant redevelopment on nearby sites consisting of office and residential development, including but not limited to, 272 Queen Street (Dale Rose Pty Ltd), 150 Queen Street (CES Queen Pty Ltd) and 280 Little Lonsdale Street (Melbourne Star).
9. *To the east* - 372 Lonsdale Street (Askew House) contains a seven storey office building with retail uses at the ground floor (JB Hi-Fi). North of this site is a two storey commercial building with a frontage to Little Lonsdale Street. Beyond these sites are buildings comprising Mitchell House – an Art Moderne multi-storey office and retail building which is included in the Victorian Heritage Register (VHR H2232).
  10. *To the west* – a series of sites with frontages to Hardware Street including offices and residential uses in buildings of 4 – 5 storeys.
  11. *To the north* – A mixture of 2 – 5 storey development including 280-294 Little Lonsdale Street which is currently under development for a 36 level mixed use building contain 455 apartments.
  12. *To the south* – Lies Lonsdale Street which contains a mixture of development generally containing lower scale commercial development of 3 storeys closer to Elizabeth Street to 10 storey office development on the west side of Hardware Lane (Taylors House).
  13. The broader precinct consists of largely office building stock constructed in the early 1960's to 1970's. The building envelopes are typically built to the street and at the heights constructed, in some instances, exceed the 40 metre podium sought by the Scheme.
  14. Both Timothy Lane and Heape Court are identified as Class 3 Lanes at Clause 22.20 (CBD Lanes) of the Melbourne Planning Scheme.

**STATUTORY CONTROLS**

15. The following controls apply to the site, with planning permit triggers, requirements and decision guidelines are described below:

Planning Control	Permit / Application Requirement(s)/ Decision Guidelines
Capital City Zone-Schedule 1 (Outside the Retail Core)	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>The table of uses specifies 'accommodation', 'office' and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) is <b>permitted as of right</b> (Section 1 use) at Clause 1.0 of the Schedule;</p> <p>Schedule 1 Exempts demolition and buildings and works from notice and appeal requirements;</p>
Design and Development Overlay-Schedule 1 (Active Street Frontages)	<p>Under Clause 43.02-2 a <b>permit is required</b> to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1 does not exempt ground floor buildings and works from requiring a permit and exempts buildings and works from notice and appeal requirements.</p>
Car Parking (Clause 52.06)	<p>Under Clause 52.06-3 a parking precinct plan affects the Capital City Zone including the site.</p> <p>The Schedule to this Clause 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 650 spaces. The provision of 329 car spaces on site (excluding the retention of 445 car spaces for the existing commercial car park use) is below the maximum</p>

	<p>allowed under the clause, therefore no permit is required.</p> <p>The Schedule also specifies the provision of minimum rate of 1 motorbike space per 100 car spaces to be provided unless the responsible authority is satisfied that a lesser number is sufficient. The proposal includes 27 motorcycle spaces, therefore <b>no permit is required.</b></p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</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>A loading facility is provided on site and complies with the spatial dimensions of this Clause; therefore a <b>permit is not required.</b></p>
<p>Bicycle Facilities (Clause 52.34)</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 212 spaces (including both resident, visitor and employee spaces). The application provides for 200 spaces and therefore <b>seeks a permit to reduce this requirement.</b></p>
<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</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>The application was accompanied by an urban context report.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 21 December 2011 the application was referred to the Director of Public Transport.</p>
<p>Existing Uses (Clause 63.05)</p>	<p>Under Clause 63.05 a use in Section 2 or 3 of the zone for which an existing use right is established may continue provided that a permit is granted for any proposed buildings and works and the works complies with any other building or works requirements within the scheme.</p> <p>A <b>permit is required</b> for construction of buildings and works in the Capital City Zone Schedule 1 for a use for which an existing use right is established. The permit application does not seek to vary the use or capacity of the existing car park.</p>

**General Provisions**

16. **Responsible authority for administering and enforcing the Scheme:** 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 *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
17. **Decision Guidelines:** 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.
18. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.34 (Director of Public Transport).

## **POLICY FRAMEWORK**

### **State Planning Policy Framework (SPPF)**

19. The following policies within the SPPF are relevant:

- 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 10.0202 (Cycling)

### **Municipal Strategic Statement (MSS)**

20. 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, Docklands and Southbank.
21. Clause 21.03-1 (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'*.
22. Clause 21.04 (Land Use) sets out objectives and strategies to *'ensure residential development takes into account the amenity impacts of established and future uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants'*.
23. Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.
24. Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and *'create an accessible, safe, inclusive and engaging public environment'*. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.
25. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
26. Clause 21.06-1 (Public transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.
27. Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.
28. Clause 21.08-1 (Central City) sets out the local area policies for Central City and includes a vision for the area is to continue its primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria as a 24-hour City, co-locates these uses with residential uses, and provides appropriate high quality built form that continues to make the city attractive for workers, residents and visitors. The Local Area Map for Central City at Figure 12 seeks to

'support permanent and temporary residential development in the Central City which accommodates a diverse population'. Important principles for Central City relevant to the application include:

- Encourages new dwellings are designed to provide occupants with a reasonable amenity level to ensure that existing and new businesses are not undermined by this interface;
- Active street frontages, interesting building tops and building design that promotes human scale, integrates with existing fabric, including respect for heritage buildings and provides visual interest; and
- Requires development to incorporate a high level and quality of pedestrian and bicycle access.

#### *Amendment C162*

29. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment was adopted by Council on 28 August 2012 and is 'seriously entertained' but has not been submitted for approval to date. The amendment includes themes which are applied to the local areas. The site is identified in the Hoddle Grid area which is an ongoing change area supporting residential accommodation and built form that responds to the regular grid layout.

#### *Amendment C188*

30. Amendment to the Melbourne Planning Scheme C188 (Central City Hoddle Grid Built Form Review) is awaiting authorisation. Amongst other things, the built form review proposed to amend the existing controls to contain most of the built form principles under Design and Development Overlay- Schedule 2 where the site would be affected by a mandatory 40 metre height control. The review identifies that the site is located within an area where 40 metres is the preferred height.

#### **Local Planning Policy Framework (LPPF)**

31. The following policies within the LPPF are relevant:
- 22.01 (Urban Design within the Capital City Zone)
  - 22.02 (Sunlight to Public Spaces)
  - 22.19 (Environmentally Sustainable Office Buildings)
  - 22.20 (CBD Lanes)

#### **Other relevant policy/ matters**

32. Other relevant policy/ matters include:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced in the SPPF at Clause 15.01-2)

#### **NOTIFICATION**

33. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 of the Design and Development Overlay, an application to construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

#### **REFERRALS**

34. The application was provided to the *Department's Urban Design Unit*, the *City of Melbourne*, and pursuant to referred under Section 55 of the Act to the *Director of Public Transport*. The following comments were provided:
35. **Urban Design (DPCD):** Offered general support for the application. Issues for resolution include the provision for 24 hour pedestrian accessibility of Timothy Lane; provision of a detailed facade strategy and development of the Lonsdale Street tenancy to the property line. These matters can be addressed through permit conditions and are consistent with the views of City of Melbourne.

36. **City of Melbourne:** Council generally supports the application. The comments provided were based on amended plans submitted by the permit applicant and received by City of Melbourne on 16 April 2012 and additional plans on 27 June 2012. The City of Melbourne acknowledged that the proposal is positive for the site and immediate surrounds subject to increases in setbacks, reconfiguration of the loading bay, provision of a canopy over Little Lonsdale Street and modifications to the western elevation and outlook of apartments.
37. **Director of Public Transport:** offered no objection to the proposal subject to two conditions being included on any permit issued. Letter dated 30 January 2012.

## **ASSESSMENT**

### ***Land Use***

38. The proposed uses replace and reinvigorate a mostly underutilised and otherwise inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions as it will; increase the residential population, provide high quality office and retail spaces and contribute to the on-going revitalisation of a 24-hour Central Activities District.
39. The development provides higher density housing and responds appropriately with the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.

### ***Design and Built Form***

40. The application includes the demolition of an ungraded building. The proposal includes a replacement building which is consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.
41. The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01) and Schedule 1 of the Capital City Zone (Clause 37.04). The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks assist in providing a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.
42. Amendment C188 to the Scheme is a review of the built form controls in the City, the first in over 25 years. The review reconsiders, amongst other matters, podium height, tower setback and tower separation. This review acknowledges the challenges that the City faces, particularly the need to maintain develop-ability. The proposed controls seek to introduce a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street, and 5 metre tower setback from common boundaries (to achieve a minimum of 10 metres tower separation).
43. The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provides guidance for development and are not intended to be interpreted as prescriptive mandatory controls.

### ***Height / Setbacks / Tower Separation***

44. The overall height of 48 storeys (166.1 metres) and average setbacks of 5 metres from title boundaries, in this instance, is considered to respond to the performance measures sought by Policy, whilst not compliant with the typical podium/tower typology it achieves differentiation between both the tower and podium and applies a high quality architectural language.
45. The site is directly abutted to the east and west with a finer grain subdivision pattern resulting in multiple sites. If these sites were developed the tower separation would be less than 24 metres as stipulated in Clause 22.01. However policy allows a reduction in tower separation where it can be demonstrated that the towers are offset and habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. In this case, towers do not exist on either sides of the site and therefore the key consideration is whether appropriate

setbacks are provided to allow for future development in a balanced manner having regard to likely development potential of adjacent sites.

46. It is recognised that to achieve substantial redevelopment of adjacent land with a tower of significant scale, the consolidation of lots would likely be required. As part of the permit application an urban context assessment and review of adjacent development potential was undertaken. A particular emphasis was placed on the areas of the site where its irregular shape results in an aspect towards Askew House. As part of this review, it was submitted that in order to achieve a tower development with the applied setbacks on Askew House, a very slender building envelope is produced which is unable to accommodate the necessary building cores.
47. To this end, the development potential of the adjacent sites is limited and will unlikely result in a tower being built in between the site and Heape Court unless lot consolidation was undertaken. Nonetheless, the proposal provides a minimum of 5 metres from title boundaries to ensure that a minimum 10 metre tower separation can be achieved in the event that adjacent sites are redeveloped. In this regard, the approach is consistent with the aspirations of the Built Form Review and ensures development equity.
48. The use of architectural variation in the façade, a curvilinear form which is a shift from the established rectangular pattern, provides an articulated podium and tower ameliorating its visual impact on the public realm.
49. The City of Melbourne has recommended a further setback of the tower from Little Lonsdale Street. The proposal provides for 5 metres measured from the established building line of adjacent sites (3.56 metres from the property boundary), however, Council is seeking a 6 metre setback measured from the property boundary which is inset from the street alignment. This results in a reduction of the tower envelope by an additional 2.44 metres. This would have the effect of reducing the overall apartment yield by some 54 apartments assuming that the setbacks are continued up the building and along the northern face of the tower.
50. In considering the impact of further reductions in yield and its affect on build-ability, one must consider the appropriateness of the building form as proposed within its immediate context and the evolving character of the precinct. There are a number of both approved and under construction buildings along Little Lonsdale Street, which have zero to minimal front setbacks above the typical podium level height. For example, 280 Little Lonsdale Street (opposite the site) was granted a planning permit by the previous Minister for Planning and is currently under construction (permit no. 20080717) for two towers of 40 levels (3.7metres setback) and 36 levels (no setback).
51. The development whilst proposing less than 6 metres from the title boundary will in effect achieve a 5 metre setback from the established building line which is greater than that approved on surrounding sites. Importantly the tower will read as a recessed and subservient component to the podium. Given the established building line within Little Lonsdale Street it is not unreasonable to provide an envelope that responds to its immediate context.

#### *Laneways*

52. Clause 22.01 (CBD Lanes Policy) recognises that Class 3 lanes generally provide vehicular access to rear of buildings for loading and service requirements and where possible may benefit from upgrading and enhancement.
53. Timothy Lane and Heape Court are classified as a Class 3 Lane within Clause 22.01 (CBD Lanes Policy). This class of lane is identified as showing two or less of the four core value characteristics of Melbourne's laneways relating to connectivity, active frontages, elevational articulation and views from the public realm.
54. The proposal will provide a link from Lonsdale Street to Little Lonsdale Street via an extension to Timothy Lane sleeved by retail tenancies providing a desirable public space. The building

maintains light penetration and activates Timothy Lane through its form and deflects wind downdraft to key public spaces. The proposal provides a unique opportunity to revitalise a key site with two street frontages and introduce a through block link.

#### *Street Level Frontages & Pedestrian Safety*

55. The proposed development incorporates retail tenancies at ground floor and office and residential uses within the podium along both street interfaces. This has the effect of concealing the above ground podium car park centrally located within the site. The inclusion of these active frontages will also serve to increase the perception of safety in this area.
56. The City of Melbourne have requested a canopy to be constructed in Little Lonsdale Street which is considered to be appropriate given the need for weather protection. This matter can be addressed by permit condition.

#### *Microclimate (Wind, Weather Protection, Light and Shade, Overshadowing)*

57. Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. Whilst there are limited tower setbacks to both Little Lonsdale and Lonsdale Street, the curvilinear form of the facade assists in wind deflection, therefore appropriate wind conditions are produced at street level as confirmed in the wind assessment undertaken. However, given the modification of the building form since lodgement an updated study should be undertaken to ensure that the development achieves a 'walking' criterion from all directions around the site including Timothy Lane. This matter can be addressed via permit condition.
58. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis undertaken by ViPac at 9am, 10am, 11am, 12pm, 1pm, 2pm and 3pm has been carried out for the equinox. The analysis shows the additional shadowing will occur over properties to the west and south, predominantly contained within existing shadowing conditions. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable however will not detrimentally impact key public spaces.
59. The most significant increase in shadowing is to Queen Street and Elizabeth Street to the south and east, albeit, this shadowing occurs after 2pm which is outside the specified times for assessment. It is noted that the development does not overshadow any public parks or gardens, public square, major pedestrian routes, or significant laneways and is therefore considered to be acceptable. In particular a shadow study undertaken by ViPac indicates that the proposal will not increase the shadow cast within Hardware Street, Hardware Lane North or Hardware Lane South beyond that which is already cast by existing buildings.

#### *Amenity*

60. Developments for new residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This can be dealt with via condition.
61. The building design provides a good standard of amenity for future residents, however, the apartments along the western facade could be improved via simple changes to the layout and increase in access to direct light. Achieving improved amenity for the west facing apartments can be realised by a reduction in internal walls. This approach can be addressed by permit condition.

62. A high proportion of apartments are provided with varying sized balconies, however, where no balcony is offered this is offset by a larger apartment size and the provision of communal terrace spaces on level 12 and 23 that can be enjoyed by all residents.
63. Notwithstanding the need for minor alterations to the west facing apartments, a vast majority of the apartments will have a good outlook clear to the sky given their orientation. The architects have successfully achieved the high standard of architecture and urban design sought from the policy and objectives expressed in the *Design Guidelines for Higher Density Housing DSE 2004* so as to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity, including provision of storage.
64. Additionally the adjoining building to the west of Timothy Lane contains apartments with openable windows to the laneway. It appears some of these apartments rely on Timothy lane for natural light and ventilation. The proposal has responded to this by providing a canopy which is translucent and setback from the property boundary to ensure light penetration and ventilation.
65. The proposal includes a transparent canopy over Timothy Lane maintaining light penetration and is setback from the site boundary at least 1 metre to provide ventilation. The City of Melbourne have suggested that a note on the permit alert the developer to obtaining consent from the Municipal Building Surveyor for any projections over the street alignment.

*ESD*

66. The proposed building includes both residential and commercial development and therefore the ESD requirements are contained both within the 'Building Code of Australia' and Clause 22.19 of the Melbourne Planning Scheme. The proposal seeks to achieve an average rating of 6 stars which meets the minimum 5 star average rating as required under Section J of the Code. The proposal is also intended to meet a 4 Star Green Star Office Design rating of 4.5 Star ABGR Base Building Rating.
67. The permit application as accompanied by a desktop ESD Statement and as such a full report will be required via permit conditions which details the design elements to be incorporated into the building.

***Car Parking / Loading and Unloading of Vehicles/ Waste Collection/ Bicycle Facilities***

68. The site currently accommodates a multi –storey commercial car park with 445 car parking spaces. The proposal includes the continuation of the commercial car parking, which enjoys existing use rights, and the provision of 329 additional car parks for the residential use of the proposal. The retail and office uses are not intended to be proposed with designated car parking. In total the development will yield some 774 car spaces.
69. The schedule to Clause 52.06 applies a car parking limitation which when applied results in a maximum of 627 car spaces for the residential use and 23 car spaces for the commercial uses (excluding the commercial car park which has the benefit of existing use rights). Therefore a maximum of 650 car spaces is permissible without requiring a planning permit under the Schedule to Clause 52.06. The car parking proposed for the uses equates to 329 spaces and therefore does not exceed the requirements of Clause 52.06. Notwithstanding this, if the use of the land for a commercial car park was included with the assessment the proposal would only exceed the limitation policy by 124 car spaces.
70. The permit application is supported by a traffic and car parking impact assessment prepared by TTM Consulting (Vic) Pty Ltd. The assessment identified that the likely traffic outputs of the proposal, including the operation of the commercial car park, will have minimal impact on the existing operation of the surrounding road network.
71. The car parking proposed is supported, which is under the statutory maximum limitation policy, and commensurate with the site's level of access to public transport, employment and facilities.

Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.

72. The application provides a loading facility of some 74 sqm with spatial dimensions meeting the requirements at Clause 52.07 of the Scheme. Two options were tabled by the permit applicant in relation to the configuration of the loading bay.
73. Option A proposes access from a widened Timothy Lane and retail activation fronting Little Lonsdale Street. Option B proposes direct access onto Little Lonsdale Street with retail sleeving occurring along Timothy Lane.
74. Council is supportive of Option A as it ensures retail activation of the street and separation between the loading dock and basement car park access. It has been recommended that further detail be provided showing a holding bay for bins to ensure that their location will not result in trucks overhanging Timothy Lane resulting in obstruction to vehicle access. The adoption and improvement of the preferred option can be addressed via permit condition.
75. It is considered appropriate to impose a condition requiring compliance with the provision and design of bicycle spaces, and associated signage in accordance with the requirements of Clause 52.34 of the Scheme.

**RECOMMENDATION**

76. That you approve planning permit application 2011/01331 at 374-380 Lonsdale Street, Melbourne for the demolition of the existing building and development of a 48-storey mixed use tower subject to conditions.

Prepared by: 

Name:   
Title:   
Phone:   
Date: 30 October 2012

Approved by: 

Name:   
Title:   
Phone:   
Date: 4 December 2012