

Department of Planning and Community Development
Statutory Approvals – Central City Planning
Delegation Report

Application Details:

Application is for:	Buildings and works for the purposes of a multi-storey residential building (below RL35.00)
Applicant's/Owner's Name:	Grocon (Victoria Street) Pty Ltd <div style="background-color: black; width: 150px; height: 15px; margin: 2px 0;"></div> Meredith Withers & Associates Pty Ltd <div style="background-color: black; width: 200px; height: 25px; margin: 2px 0;"></div>
Date Received:	5 June 2012
More Information Requested:	NA
More Information Received:	NA
Application Number:	2012/004954
Planner:	<div style="background-color: black; width: 120px; height: 15px;"></div>
Land/Address:	Former Carlton United Brewery Swanston Street, Carlton, 2-76 Bouverie Street, Carlton
Zoning:	Comprehensive Development Zone 2 – Carlton Brewery (CDZ2)
Overlays:	None
Under what clause(s) is a permit required?	CDZ2
Restrictive covenants on the title?	Yes, Covenant AF823270Q <div style="background-color: black; width: 520px; height: 45px; margin-top: 5px;"></div>
Current use and development:	Vacant

PLANNER'S NAME:

Ph:

DATE:

27/8/12

Purpose

1. To brief you on Planning Permit Application No.: 2012/004954 for buildings and works for the lower part of Building 5 (below RL35.00 metres) and for the Maltstore, and associated vehicular access from Bouverie Street, at the Former Carlton United Brewery Site, 2-76 Bouverie Street, Carlton.

Key elements	Comments
Use	<ul style="list-style-type: none"> ▪ Building 5 (below RL35.00) – retail and office ▪ Maltstore – retail and office
Height	<ul style="list-style-type: none"> ▪ This application is for the three (3) levels below RL35.00 ▪ The building above RL35.00 is for 32 levels (approx. 104 metres) and approved under Planning Permit No.: 2010/022948.
Setbacks	<ul style="list-style-type: none"> ▪ Generally conform to the setbacks outlined in the Carlton Brewery Masterplan
Floor area (GFA)	<ul style="list-style-type: none"> ▪ Below RL35.00 only = 8,700 sqm (total development GFA 50,184 sqm) ▪ [REDACTED]
City of Melbourne	<ul style="list-style-type: none"> ▪ Application referred on 8 June 2012. Response received 24 August 2012 supporting the application subject to standard conditions.

Recommendation

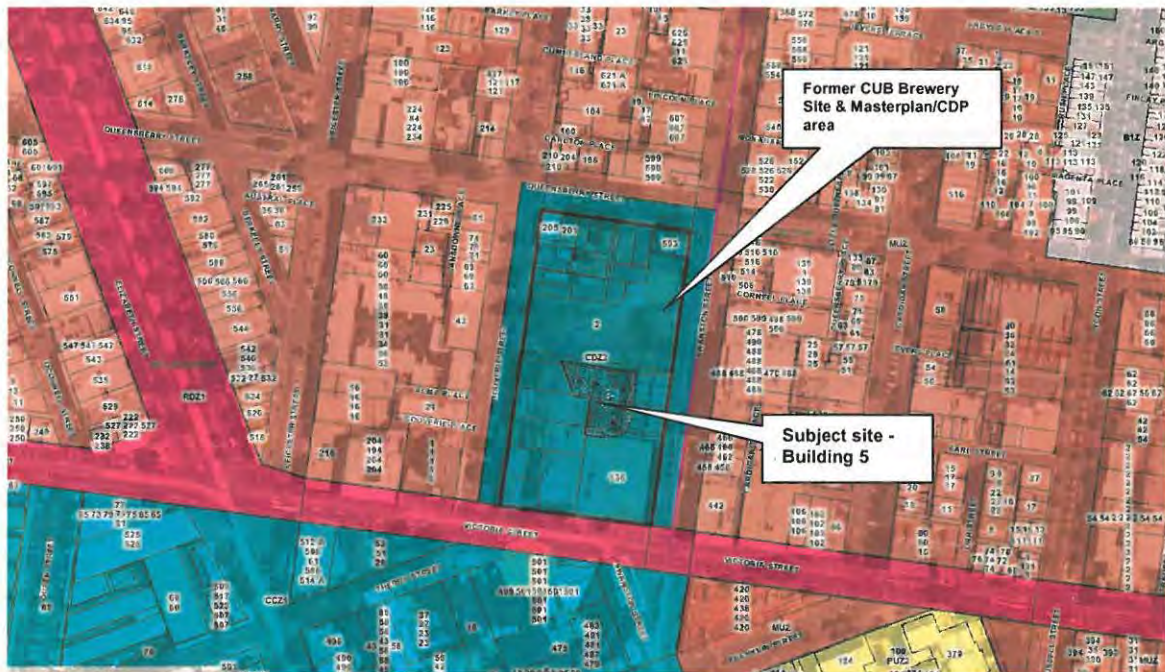
2. That you approve Planning Permit Application No.: 2012/004954 for buildings and works for the lower part of Building 5 (below RL35.00 metres) and for the Maltstore, and associated vehicular access from Bouverie Street, at the Former Carlton United Brewery Site, 2-76 Bouverie Street, Carlton.

Background

3. 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).
4. 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 site, referred to as Building 5, has a preferred height of 99 metres (AHD125.00) with a preferred GFA of 28,609sqm.
5. On 18 May 2012 Planning Permit No.: 2010/0022948 was approved by the Minister for Planning for the residential tower component and four levels of car parking above RL35.00 (to a height of RL156.050 including roof plant and wind turbines). The planning permit does not include the levels below RL35.00 and therefore the approved development does not 'come to ground'. The permit was issued with a clear understanding that a separate permit application would be lodged for the lower levels (below RL35.00) to enable the entire Building 5 to be built.
6. On 5 June 2012 the Department received Planning Permit Application No.: 2012/004954 for the remaining lower levels of car parking, retail/office spaces, and residential entrance of Building 5 below RL35.00, to enable the development to 'come to ground', and therefore, able to be constructed. The application also included documentation relating to the heritage application for the proposed modification and additions to the Maltstore and bluestone facade along Bouverie Street.

Subject Site & Surrounds

- The site is referred to as 'Building 5' in the Masterplan and CDP, and is located centrally within the former Carlton United Brewery site (the Brewery site) which 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:



- 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).
- 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.
- The Building 5 site is located to the west of the heritage-listed Maltstore building located within the Brewery site and fronting on to Swanston Street. The Maltstore building is included on the Victorian Heritage Register. The proposed Building 5 does not encroach onto the registered land or air space above the building.
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Adjacent RMIT University Site

- The adjacent RMIT Design Hub was approved under Planning Permit No.: 2008/0783 on 13 January 2009. The RMIT Design Hub has 8 levels and total height of approximately 40 metres measured from Swanston Street. The development also includes the Archive Centre, a one-storey building with multiple basement levels (including a loading dock located to the north west of the RMIT site at RL15.02). A publically accessible Plaza area is located between the Design Hub and Archive centre. The basement-level loading dock located in the north-west corner of the site at RL15.02 has been built, with temporary access via a ramp from Victoria Street.

13. The permit was amended on 20 February 2009 to include conditions relating specifically to the removal of the temporary loading bay access from Victoria Street once permanent access is provided through the Grocon site from Bouverie Street.

Proposal

14. The proposal [REDACTED] is for the lower three podium levels of Building 5 below RL35.00 to RL22.00 (Bouverie Street level), which brings 'to ground' the approved residential tower and podium car park (Permit No.: 2010/0022948).
15. The breakdown of the uses and areas across Building 5 and the Maltstore are as follows:

Location	Use	Area
Building 5	Retail	1,235 sqm
Maltstore	Retail	730sqm
	Office	1,400 sqm
Total Retail		1,965 sqm
Total Office		1,400 sqm

16. The building's footprint has a trapezium-like shape with an area of approximately 2,300 sqm. The angled side of the site forms the edge of the Swanston Street/Shrine of Remembrance axis. It is proposed to name the axis 'Madeline Avenue'. Similarly, it is proposed to provide an east-west pedestrian connection to the north of Building 5, to be called 'Ballarat Street'.
17. The overall development will provide a total of 215 car parking spaces and 191 bicycle parking spaces over 6 levels.
18. Within the lower three levels below RL35.00 it is proposed to offer retail and office uses, and to provide vehicle access to Building 5 from Bouverie Street. The main features of the proposed development are as follows:

Level	Features/Uses
Lower ground (RL22.00) - <i>Bouverie Street level</i>	<ul style="list-style-type: none"> 5 car parking spaces with 2 x car lifts to access the upper car park levels Loading bay and bin storage, switch room, substation and other plant/services equipment visitor bicycle parking spaces
Ground plane (RL26.80) – <i>Swanston Street Level</i>	<ul style="list-style-type: none"> Creation of a new ground plane at RL26.80 Office and retail tenancies, mezzanine retail, cafe Entry lobbies for Building 5 apartments via the Maltstore on Swanston Street, and from Ballarat Street 2 x key pedestrian links – Ballarat Street (east-west) and Madeline Avenue (Swanston Street axis)
Car park Level 1 (RL33.20)	<ul style="list-style-type: none"> Retail space on south-western corner overlooking the Swanston Street Axis public realm 39 car parking spaces Resident bicycle spaces

Car Park & Loading Bay Access Arrangements

19. Vehicular access to/from the car park within Building 5 will be via a two-way loop access way from Bouverie Street. As a temporary measure, cars will enter just north of the heritage-listed bluestone facade, access the car lifts within Building 5, and exit from the southern section of the bluestone facade. Service vehicles will both enter and exit from this southern access point. A warning light system is proposed to facilitate priority between entering service vehicles and exiting passenger and service vehicles.

20. No staff or visitor car parking is proposed for the retail component of the Maltstore, however car parking is proposed in the first level of the podium car park of Building 5 for the Maltstore's commercial office component.
21. Resident bicycle parking spaces are located on each of the podium levels and visitor bicycle spaces are located in the lower ground floor. Both are to be accessed from the main passenger lifts.

Heritage Matters - the Maltstore (Swanston Street) and Bluestone Facade (Bouverie Street)

22. It is proposed to undertake alterations and additions to the heritage-listed Maltstore to enable its re-use for Office and Retail premises and to provide a street address and access for both residents of Building 5 and pedestrians from Swanston Street. In addition, it is proposed to modify the opening in the heritage-listed bluestone facade on Bouverie Street to provide sufficient clearance heights for service vehicles to enter and exit the site.
23. Both the Maltstore and the Bouverie Street bluestone facade are listed in the Victorian Heritage Register and the proposed modifications are subject to separate heritage approval under the *Heritage Act 1995*. On 4 July 2012 Heritage Victoria issued conditional approval for these proposed works.

Statutory Controls – Zoning and Overlay Controls

24. 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' and 'office'; ▪ a permit is required for buildings and works; ▪ a permit is required to alter a building authorised by the <i>Heritage Act 1995</i> if the existing building envelope and floor area is altered. As the proposed modifications/additions to the Maltstore 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 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 178 bicycle spaces, as follows:</p>

	<table><tr><th>Use</th><th>Resident / Employee</th><th>Visitor</th><th>Total</th></tr><tr><td>Residential</td><td>107</td><td>54</td><td>161</td></tr><tr><td>Retail</td><td>7</td><td>4</td><td>11</td></tr><tr><td>Office</td><td>5</td><td>1</td><td>6</td></tr><tr><td>Total</td><td></td><td></td><td>178</td></tr></table> <p>Under Clause 52.34 the proposal must provide 1 x shower and 1 x change room (may be combined).</p>	Use	Resident / Employee	Visitor	Total	Residential	107	54	161	Retail	7	4	11	Office	5	1	6	Total			178
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Clause 52.36 (Integrated public transport planning).	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 the Director of Public Transport (DPT).																				
Clause 61.01 (Administration and enforcement of this scheme)	Clause 61.01 specifies that the Minister for Planning is the Responsible Authority for considering the application.																				
Clause 65 (Decision guidelines)	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.																				

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

25. The following policies within the SPPF are relevant:

- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 16 (Housing)
- Clause 17 (Economic Development)
- Clause 18 (Transport)

Local Planning Policy Framework (LPPF)

26. The following policies within the LPPF are relevant:

- Clause 21.02 (Municipal Profile)
- Clause 21.03-1 (Vision)
- Clause 21.04 (Land Use)
- Clause 21.04-1 (Housing and Community)
- Clause 21.04-2 (Retail, entertainment and the arts)
- Clause 21.05 (City structure and built form)
- Clause 21.08-7 (Local Areas – Carlton)
- Clause 21.11 (Reference documents)
- Clause 22.02 (Sunlight to Public Spaces)
- Clause 22.17 (Urban Design Outside the Capital City Zone)

Reference Documents

27. The **Carlton Brewery Masterplan, October 2007** is listed as a Reference Document at Clause 21.11 (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

28. 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.

REFERRALS

29. The current proposal did not trigger the need to refer the application under section 55 of the Act. The application for the upper levels (above RL35.00) was however referred to PTV who provided support, subject to standard conditions. Planning Permit No.: 2010/002948 was issued for these upper levels.
30. Notwithstanding this, the application was informally referred to the Public Transport Victoria (PTV). It was also informally referred to VicRoads, DPCD Urban Design Unit, City of Melbourne, and the Office of Victorian Government Architect (OVGA).

Public Transport Victoria (PTV)

31. On 2 August 2012 the PTV provided written confirmation that it did not object to the proposal, subject to standard conditions on any permit.

VicRoads

32. On 9 July 2012 VicRoads provided written confirmation that it did not object to the proposal. No comments or conditions were offered.

DPCD – Urban Design

33. On 26 June 2012 DPCD UD offered support for the proposal, subject to conditions. The main issues raised regarding the most recent revised plans include:
- Limited pedestrian permeability through the site;
 - No certainty of integration of building with the rest of the precinct;
 - Absence of a north-south pedestrian link with the RMIT Design Hub; and
 - No provision of wintergarden which would form the main public face of the building and filter a podium facade with limited activation.
34. Many of these concerns are shared by the Office for the Victorian Government Architect and have been addressed through conditions on the permit (see below under OVGA).

Office for the Victorian Government Architect (OVGA)

35. On 29 July 2012 the OVGA raised concerns about the proposal's response to the ambitions of the Masterplan and CDP, but however support the application, subject to conditions on the permit requiring the following:
- Further details on the design of the wintergarden along Ballarat Street and Madeline Avenue and its integration with Building 5;
 - Introduction of a north-south pedestrian link from Building 5 to RMIT's Design Hub Plaza;
 - Further details on the access arrangements to RMIT's loading bay (discussed in detail under Issues and Assessment below).
36. In response to the concerns raised by both the OVGA and DPCD UD, conditions have been included on the permit requiring amended plans and a legal agreement to be entered into to address these issues. In particular:

- to ensure the delivery of Ballarat Street and a portion of Madeleine Avenue and associated wintergarden extending the length of these pedestrian links;
- to ensure a north-south pedestrian link connecting Building 5 with RMIT's Design Hub Plaza; and
- to ensure space and volume is set aside to ensure access is provided from Bouverie Street to RMIT's loading bay.

City of Melbourne

37. On 24 August 2012 Council offered no objection to the proposal subject to standard conditions.

ISSUES AND ASSESSMENT

38. 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
- Potentially Contaminated Land Issues
- Wind
- City of Melbourne's comments

Compliance with State and Local Planning Policies

39. 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 whereby residential development (with limited student accommodation) is encouraged. The proposed development will be a landmark 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 21.08-7);
- The overall development provides housing choice and diversity in a centrally located area identified as experiencing significant population growth that is supported by existing infrastructure and public transport (Clauses 11.01, 16.01, 18.01, 21.02, 21.03, 21.04, and 21.08). The provision of minimal car parking and provision of adequate bicycle parking and facilities in the lower levels furthers the policy objective of promoting sustainable transport options (Clause 18.02);
- The proposal achieves a high degree of architectural merit and design excellence that respects key vistas to/from the Shrine of Remembrance, is sympathetic to the heritage values of adjacent heritage areas and places, contributes to pedestrian amenity and makes the site more liveable and attractive (Clauses 15.01, 21.04, 21.05, 21.08, and 22.17); and
- The proposed development acknowledges the importance of Environmentally Sustainable Development, and intends to comply with a range of ESD rating systems. Building 5 will achieve at least Greenstar 4-star rating under the Green Building Council of Australia Design provisions, an Award of merit under the Docklands ESD Guide, and 5 Star NatHERS Rating (Clauses 15.02 and 21.05-5).

Comprehensive Development Plan (CDP) and Masterplan

40. 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 the Masterplan and outlines a general framework for the development of the Brewery site. It is not intended to be overtly prescriptive.
41. Because the proposal intends to provide podium car parking only and above-ground retail the current proposal, in its original form, represents a departure from the Masterplan Guidelines which encourage, amongst other things, direct connectivity between RMIT's Plaza and the wider precinct,

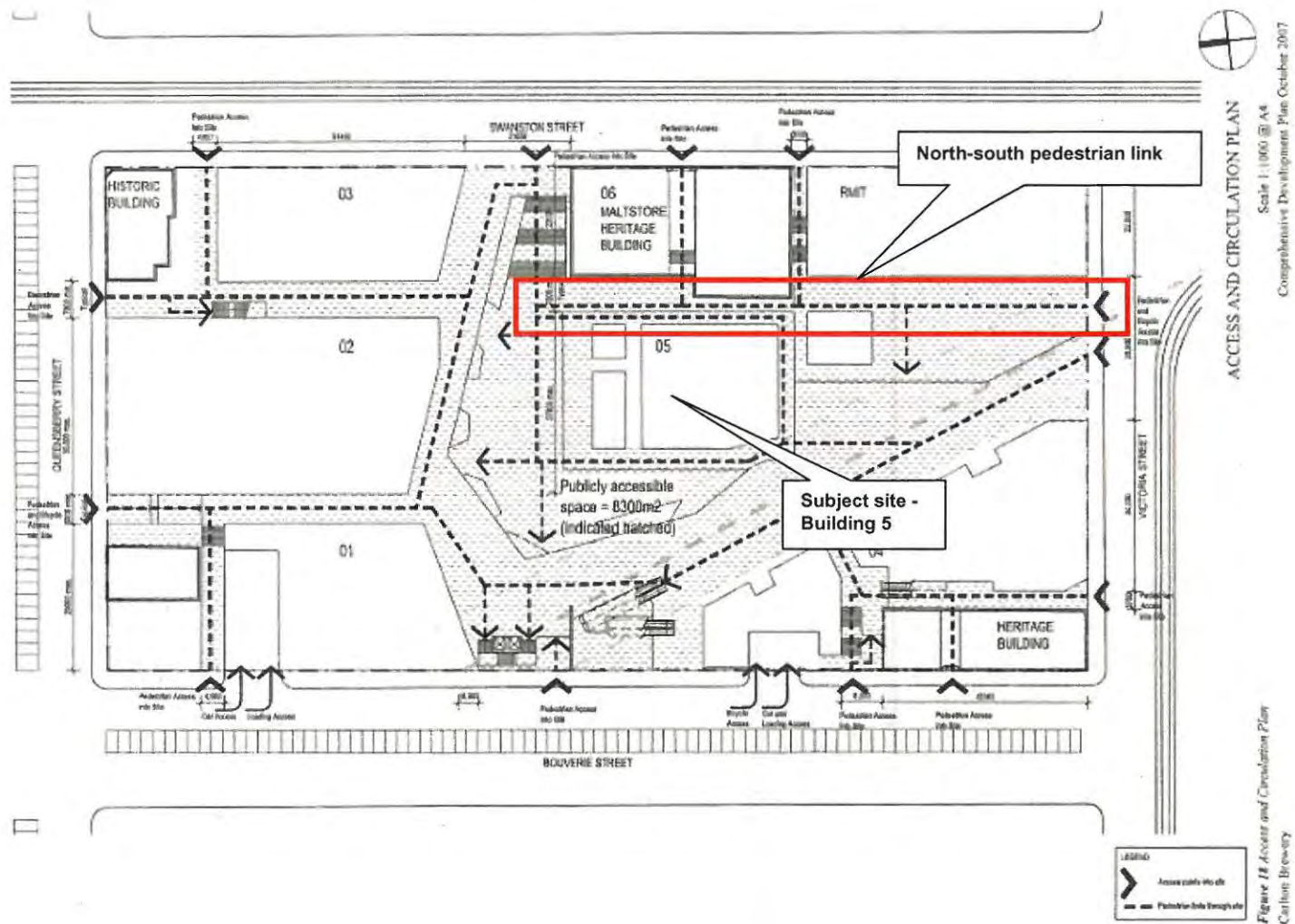
basement convenience retail and car parking, and multilevel connectivity. In particular, the main issues the proposal presents in relation to the Masterplan/CDP are service vehicle access to RMIT's loading bay and north-south pedestrian access through the site to RMIT's Plaza area. These are discussed in detail below.

Service Vehicle Access to the RMIT Design Hub

42. RMIT's loading bay is located underground below the RMIT Archive Centre at a level of RL15.05. At present it is accessed via a temporary ramp located to the west of RMIT's Archive Centre and accessed from Victoria Street. VicRoads has approved this access as temporary only, on the understanding that permanent access would be provided through the Grocon site from Bouverie Street. Under Planning Permit No.: 2008/0783A RMIT is required to remove this temporary access when permanent access is provided from Bouverie Street. The location of the loading bay is consistent with the Masterplan and CDP, which anticipated the provision of several levels of basement parking and retail with access to RMIT's loading bay being achieved via this underground car park from Bouverie Street.
43. However, Grocon has indicated that it would not provide below-ground car parking on the site and now propose above-ground podium car parking accessible from Bouverie Street only. The absence of basement level parking and access therefore poses challenges to the provision of service vehicle access to RMIT's loading bay as it is approximately 7 metres below the Bouverie Street ground level (RL22.00). Furthermore, there are no legal requirements, for instance an access easement over Grocon's sites, to provide access in any particular manner to RMIT's loading bay.
44. On 31 July 2012 the applicant supplied drawings and swept path diagrams showing service vehicle access to the RMIT's loading bay from Bouverie Street at the natural ground level (RL22.00) which would require the use of a truck lift to address the 7 metre level change. A condition has been included on the permit requiring that service vehicle access be provided from Bouverie Street to RMIT's loading bay. The exact details of that access (whether by truck lift or by ramp) will be a matter to be negotiated between RMIT and Grocon.

Pedestrian links and site permeability

45. The CDP and Masterplan indicate critical north-south pedestrian link located on the eastern side of Building 5 from the proposed Ballarat Street connecting to both the RMIT Design Hub Plaza and the east-west link that runs from Swanston Street to Madeline Avenue along the southern side of Building 5 (**see figure below**). Moreover, the Masterplan states that the lower level Plaza between RMIT's Design Hub and Archive Centre provides amenity to the RMIT building as well as a linkage to the rest of Carlton brewery.



46. The adjacent RMIT Design Hub and Archive Centre are separated by a publically accessible open Plaza area which is ramped from Victoria Street at RL22.00 down to a lower ground level at RL19.00 at the northern end of RMIT's site. A retail/cafe tenancy fronts onto this Plaza area at RL19.00. The endorsed plans for the RMIT Design Hub show a 8 metre high 'fytowall' greenwall rising from RL19.00 to RL27.00 that extends along the entire length of the common title boundary with Building 5 and the Maltstore.
47. Further to an informal design workshop [REDACTED] a design resolution for the pedestrian access was agreed to which would result in the inclusion of a staired pedestrian access located between the Maltstore and Building 5 at RL27.00 to RMIT's Plaza area at RL19.00. Conditions have been included on the permit requiring amended plans showing this staired pedestrian link and requiring Grocon and RMIT to enter into a section 173 agreement to ensure the pedestrian access is open to the public. This north-south link will achieve the Masterplan's objective of creating a highly permeable site, an attractive and safe environment, and encouraging pedestrian activity and a vibrancy at street level.
48. The current proposal includes two major pedestrian thoroughfares, Ballarat Street (an east-west link approximately 5 metres wide located immediately to the north of Building 5) and Madeline Avenue (a north-south link aligned with the Swanston Street axis also 5 metres wide and located immediately to the west of Building 5). The location of these links is generally in accordance with the Masterplan and CDP (**see figure above**). However, it is considered that these key thoroughfares should be of a considerable scale commensurate with their important roles as major pedestrian links to Swanston Street and principal public gathering nodes for the Brewery site, and be consistent with the generous width offered by the Swanston Street corridor. As such a condition has been included on the permit requiring amended plans showing the two major thoroughfares with a minimum width of 10 metres.
49. On 13 August 2012 Land Survey (City of Melbourne) indicated that both street names must be removed from all documentation for historical reasons, and confirmed that the City of Melbourne will not take ownership of the pedestrian links. As such conditions on the permit require the removal of these street names and for a legal agreement to be entered into requiring the pedestrian links to be delivered with the construction of Building 5 and that they provide 24 hour access to the public.

Design, Built Form, and Urban Context

50. 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.
51. The successful execution of the facades of both the podium car park and pedestrian level 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.
52. Notwithstanding this, the proposal does present a number of design and built form issues, including podium design, wintergarden, and major pedestrian links. These are discussed in-turn below.

Podium Design

53. The lower levels of the podium below RL35.00 have been designed to accommodate loading areas, car and bicycle parking and services (lower ground level [RL22.00] and Level P1 [RL33.00]), and retail and office uses (ground level [RL27.00]).
54. Because there are no active uses proposed below RL27.00 this lower podium presents largely as a low-activated facade on all four sides. However, the lower podium will be obscured by RMIT's proposed greenwall (as shown on the endorsed plans) along the southern facade, Madeline Avenue and Ballarat Street decking that will wrap around Building 5 to the north and west at RL27.00, and the Maltstore to the east.

55. Furthermore, the upper podium car park levels above RL33.00 will be partly concealed from view within the site from certain vantage points by the proposed wintergarden along the northern and south-western frontages and the Maltstore to the east (see 'Wintergarden' section below). Notwithstanding this a condition has been included on the permit that requires further detailed plans of the podium facades and associated materials and finishes including assurances to design quality.

Car Parking and Bicycle Facilities

56. The current proposal intends to provide 44 podium car parking spaces, in addition to the 171 podium car spaces approved under Planning Permit No.: 2010/022948 (i.e. above RL35.00). The overall total of 215 car spaces is well below the maximum statutory rate in the neighbouring Capital City Zone and is therefore considered acceptable.
57. The proposal intends to provide a total of 191 bicycle spaces, with visitor spaces provided in the basement and resident spaces provided in each of the car park levels, accessible from the residential lifts. This is considered to meet the requirements of Table 1 to Clause 52.34-3. However, a condition has been included on the permit to provide one shower and change room facility, in accordance with Tables 2 and 3 of Clause 52.34-3.
58. Vehicular access to Building 5 is proposed from Bouverie Street through openings in the bluestone heritage facade, via left-in/left-out manoeuvres. Passenger vehicles will enter from the north and exit from the south, whereas service vehicles will enter and exit from the south. A double car-lift is proposed to provide passenger vehicle access to the podium car parking. A Traffic and Transport Assessment [REDACTED] submitted with the application confirms that the car parking and bicycle parking is acceptable, and that there is sufficient area within the property boundary to accommodate the expected level of queuing caused by the car lifts without impacting on the adjacent property accesses. Notwithstanding this, a condition has been included on the permit requiring amended plans showing how the proposal will achieve safe and efficient access and vehicle movements.

Wintergarden

59. The original planning application for the upper levels above RL35.00 of Building 5 and the current application included rendered drawings of a wintergarden canopy wrapping around Building 5 along the proposed Ballarat Street and Madeline Avenue. The wintergarden is located on separate lots under the current ownership of Grocon.
60. DPCD 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, on the basis that it will provide some weather protection in these key public realm areas and filter from public view some of the less-activated areas of the podium on the northern and western facades.
61. A condition has been included on the permit requiring detailed design drawings of the wintergarden structure and its integration with Building 5. In addition, a condition has been included requiring the owner to enter into a legal agreement to provide for the consent of the building owner for the future installation of the wintergarden and to ensure the wintergarden is built in the event that the land upon which the wintergarden will be located is sold on to separate owners.

Pedestrian Bridge

62. The applicant intends to incorporate a pedestrian bridge between Building 5 and the future Building 4 (to be built adjacent to the heritage-listed bluestone facade on Bouverie Street). The pedestrian bridge is proposed to be located at Level P1 (RL33.20), with a clearance of approximately 6.4 metres from the proposed Madeline Avenue publically accessible open space below.
63. The plans submitted with the application are limited in detail regarding the dimensions, location and detailed design of the pedestrian bridge, and there is little urban design justification for the bridge proposal. Furthermore, the Department has not received any documentation relating to the siting,

design, and layout of the adjacent Building 4. Therefore as the connection points of the pedestrian bridge on either Building 5 or the adjacent Building 4 are as yet unknown, the pedestrian bridge cannot be considered under this application. The pedestrian bridge will be considered under the planning application for Building 4. Notwithstanding this, a condition has been included on the permit requiring the owner to enter into a legal agreement to ensure consent can be obtained from the building owners to install the pedestrian bridge, if approved, to Building 4 in the future.

Heritage

64. The proposal includes the modification and additions to the heritage-listed Maltstore to enable Office and Retail uses. Modifications to the Bouverie Street heritage facade, which include raising the columns and lintel to one of the facade's openings, are required to enable sufficient clearance for service vehicles to access Building 5 from Bouverie Street. The proposed modifications/additions were approved by Heritage Victoria on 4 July 2012 (Heritage Permit No.: P18529).
65. As the proposal will result in a change in the building envelope and floor area of the Maltstore a planning permit is required for these buildings and works under the CDZ2.
66. It is considered that the proposed modifications to the Maltstore respect the height, scale, rhythm and proportions of the heritage building. The proposed modifications and additions to the Maltstore 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.

Potentially Contaminated Land Issues

67. 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.

Wind

68. A wind assessment (MEL Consultants, 8 May 2012) was included with the application that tested the ground level wind conditions for Stage 1A, which includes Building 5 and the Maltstore as well as 2 metre high hoarding along Swanston, Queensberry, and Bouverie Streets. The report concludes that in all test locations the criterion for walking comfort would be achieved.
69. However, the assessment assumed that Ballarat Street would not be constructed and the area closed off by hoarding and that there would be continuous built form joining the Maltstore and Building 5. As a condition has been included on the permit requiring Ballarat Street and Madeline Avenue to be built as part of the Building 5 staged development, and a north-south link to be created to the west of the Maltstore, a further condition has been included requiring a revised wind report that assesses ground level wind conditions with these new elements included.

City of Melbourne's Comments

70. The City of Melbourne generally support the proposal, subject to the following:
 - Provision of a north-south pedestrian link to the RMIT Design Hub Plaza;
 - Detailed design of the interface of the building and the public realm;
 - Details of interim landscape works; and
 - Minor changes to the design/layout of car park spaces and bicycle facilities.
71. In response, through conditions on the permit a raft of improvements have been introduced into the design of the building and the adjacent public realm, including the introduction of a north-south pedestrian link and improved site permeability; and ensuring interim construction of the two key public thoroughfares and construction of the associated wintergarden, activation of the south-western corner of Level P1, and high quality design of the podium facade. Taken together, the above improvements to the overall proposal generally address the issues raised by Council and will make a positive

contribution to the form and function of the immediate site and the broader precinct, and bring the proposal into general accordance with the CDP and Masterplan.

CONCLUSION

72. 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.
73. The building is generally consistent with the objectives of the Masterplan and CDP preferred heights and setbacks are considered to be minor in scale and indeed reinforces key pedestrian thoroughfares such as the future Ballarat Street and the Swanston Street/Shrine of Remembrance axis. The proposed development demonstrates exemplary architecture and design excellence and will make a positive contribution to the urban design outcome for the Brewery site.
74. 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.

RECOMMENDATION

75. That Planning Permit No.: 2012/004954 is approved subject to conditions and the applicant advised accordingly.

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