

Planning Officer Report

54-64 A'Beckett Street, Melbourne

Planning Permit Application 2010/026164B



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Summary

The purpose of this report is to provide a detailed planning assessment of planning permit application 2010/026164B. This report is provided to the Minister for Planning to assist in considering and determining the planning permit application.

Under the Schedule to Clause 61.01 of the Melbourne Planning Scheme, the Minister for Planning is the responsible authority for applications with a gross floor area exceeding 25,000 square metres. The planning permit application is for a development of 46,165m².

An amended permit application has been made to increase the height of the multi storey residential tower from 50 storeys to 56 storeys.

A permit is required for demolition and buildings and works. Key issues for consideration include the increase in height and setbacks.

The Department's Urban Design Unit and Public Transport Victoria are supportive of the permit application subject to conditions.

The City of Melbourne supports the application. The conditions of support include the introduction of a 5.4 metre tower setback to the additional 6 storeys of height (the varied height from the previously approved envelope) and other minor matters. These matters have been resolved via appropriate conditions.

On balance, the proposal is considered to respond to its site context and should be supported with conditions. The proposal complies with the objectives of State and Local Policy including the Metropolitan Planning Strategy and the planning controls which affect the site and is considered to respond to the existing and evolving built form context of the area.

Recommendation

The Future Melbourne Committee has considered the matter and resolved to **support the application subject to conditions.**

The recommendation to the Minister for Planning is to approve the planning application and grant a **planning permit subject to conditions.**

Application Details

Key elements	Comments
Land:	54-64 A'Beckett Street, Melbourne (TP752241T and TP605052V)
Application No.:	2010/0026164B
Proposal:	Amended Permit application to substitute the plans to increase the building height by 6 storeys (14.5 metres), reword the permit preamble and modify conditions of the Permit
Date lodged:	19 December 2014
Zone and Overlay controls:	Schedule 1 to the Capital City Zone (CCZ1) Schedule 1 to the Parking Overlay (PO1)
Why is a permit required?	Schedule 1 of Clause 37.04 (CCZ1): a permit is required for demolition and buildings and works
Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS-OPS)	56 storeys (167.3 metres RL to AHD) Reduced Level to Australian Height Datum when measured from A'Beckett Street The building at 167.3 metres in this location is below the Obstacle Limitation Surface of 226 metres (RL to AHD)
Plot Ratio	35.3:1 (total GFA above ground 45,511m ² / site area 1290m ²)
Setbacks	A'Beckett Street (south): minimum of 0 metres up to 5.4 metres North: 5 metres East: 0 metres and 4-95 to 5.45 metres West: 3.2 metres to 4.9 metres
Uses	Residential apartments (463) Ground floor retail premises (78m ²)
Car, bicycle and motorcycle parking	80 car parking spaces, 135 bicycle spaces and 5 motorcycle spaces
Gross floor area (GFA) and value	GFA 46,165m ² [REDACTED]
Applicant / Developer	WCL A'Beckett (VIC) Pty Ltd C/- Urbis Pty Ltd
Public Notification	Exempt from notification and third party appeal rights

Figure 1 – Site plan



Figure 2- Perspective image of proposal



Background

The application was lodged on 19 December 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 the Proposal section 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.

An amended permit application was lodged on 20 June 2014 and sought the following changes:

- 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 application was refused on 28 October 2014 on the following grounds:

- *The proposal is an overdevelopment of the site in relation to excessive height and minimal setbacks, which is detrimental to the outlook and amenity of the future occupants and adjoining residential occupiers.*
- *The proposal fails to provide a reasonable level of internal amenity for apartments as sought by Initiative 2.1.5 of Plan Melbourne and the Guidelines for Higher Density Residential Development referenced at Clause 15.02-1 of the Melbourne Planning Scheme.*
- *The proposal fails to adequately respond to the immediate surrounds or its impact on adjoining sites.*

Extensive discussions have been held with the Department to identify the key issues with the revised scheme in order to assist the applicant with an appropriate design response to be formally considered.

Site and Surrounds

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

The site comprises of two separate titles known as 54-56 A'Beckett Street and 58-64 A'Beckett Street which when 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.

On the south-east corner of Elizabeth Street and Franklin Street is 442-450 Elizabeth Street where its redevelopment has been approved under Permit 2011/012691 on 1 November 2012 allowing the construction of a 62 storey (197 metre) residential tower.

On the north-east corner of Elizabeth Street and Franklin Street is 452-472 Elizabeth Street where its redevelopment has been approved under Permit 2013/009121A on 11 August 2014 and amended on 12 February 2015 allowing the construction of a 75 storey (241 metres) residential tower.

Zen Apartments (23-39 Therry Street, south side of Therry Street near the corner of Elizabeth Street) was approved under Permit 2006/448A for a 57 storey (194 metre) residential tower. The building was completed in 2011.

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 15 April 2011 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 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). It is noted that the permit will expire on 15 April 2016.

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) for a 54 storey (175 metres) mixed use tower incorporating retail, office and residential apartments. This building was recently completed.

Proposal

The application seeks to amend the plans and consequently amend a number of the conditions of the existing permit. Details of the proposal are as follows:

- Construction of a residential tower of 56 storeys (167.3 metres RL to AHD excluding plant and lift overrun). The building includes tower setbacks to A'Beckett Street at Level 2 and tower setbacks at Level 10. Tower offsets to its boundaries include 5.4 metres to A'Beckett Street (on either side of a central portion of the tower constructed to the street for a width of 13.7 metres), 5 metres to the north, 4.95 to 5.45 metres to the east, and 3.2 to 4.9 metres to the west. The tower separation to the north is a minimum of 10 metres (approved development at 97 Franklin Street), a minimum of 2 metres at the lower levels and a consistent 6.7 metres to 410 Elizabeth Street (also known as MY80), and 10 metres to the east to the balcony edge of the approved redevelopment at 48-50 A'Beckett Street;
- The tower comprises of a retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern) and 463 apartments (104 x 1- bedroom, 42 x 1-bedroom with study, 177 x 2-bedroom, 1-bathroom and 140 2-bedroom, 2-bathroom). The development also includes residential amenities and common areas including on pool, lounge, BBQ area, steam/sauna, spa, gym, yoga studio, large outdoor areas, BBQ area and gym is provided at Level 9, and lounge, dining and games rooms are provided at Level 55 of the building. The proposal also provides a total of 253 storage cages on Levels 2 to 7 of the building;
- The basement includes fire tanks, fire pump room, gas meter room, pump room, and waste room;
- Ground floor includes the a café tenancy to the western corner of the A'Beckett Street frontage, residential lounge and lobby, access to parking and bicycle parking, and includes substation, switch room, communications room, fire control room, building maintenance, water meters, fire boosters, bin holding area and loading bay;
- The development 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);
- 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 laneway PL5220 immediately to the west of the site and travel south towards A'Beckett Street. A total of 80 car spaces are provided within six levels of above ground car parking with 5 motorcycle spaces (1 per floor). Provision for 143 bicycle parking spaces are provided (50 spaces at ground floor adjacent to the north-west portion of the site and 93 at Level 1 accessible via a bicycle lift off A'Beckett Street);

- The development includes screening fins to the external cladding of the building to the western elevation to avoid direct views to the development at 410 Elizabeth Street due to the limited tower separation;
- Materials and finishes include glazing (glass balustrades, double glazed curtain wall in blush and white, frameless clear glass), white textured concrete, white sheet metal cladding, white and blush textured paint finish, white anodised profiled aluminium fin, blush coloured anodised aluminium angled fins, white and blush anodised aluminium and tilt panel door (white); and
- 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), 9 (ESD) and 14 (Car Parking and Traffic Management).

The modifications to plans as compared with the permitted plans is as follows:

	Permitted Plans	Revised Plans
Apartments	374 (263 x 1-bed, 111 x 2-bed)	463 (104 x 1-bed, 42 x 1-bed + study, 177 x 2-bed, 140 2-bed + 2-bath)
Serviced Apartments	128	0
Retail	218m ²	78m ²
Loading facilities, Car, Bicycle and Motorcycle Parking	No loading on site Cars: 194 Bicycles: 236	Loading on site Cars: 80 Bicycles: 143
Overall Building Height	50 storeys (152.7 metres)	56 storeys (167.3 metres)
Plot Ratio (total GFA above ground / site area)	31:1 (39,935m ² / 1290m ²)	35.3:1 (45,511m ² / 1290m ²)
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 East: 4.95 to 5.45 metres West: 3.2 metres to 4.6 metres
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, 5 metres to the north-east to the development at 48-50 A'Beckett Street West: minimum of 2 metres at the lower levels and a consistent minimum 6.7 metres to MY80 East: 10 metres to balcony edge
GFA	40,152m ²	46,165m ²

Planning Policies and Controls

State Planning Policy Framework

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

The following key SPPF policies are relevant:

- Clause 9 (Plan Melbourne)
- Clause 10.04 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 13.04-1 (Noise Abatement)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 17.01 (Commercial)
- Clause 18.01 (Integrated Transport)
- Clause 18.02 (Cycling)

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) (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 seek to ensure that development is environmentally sustainable and recognises its impact on the public realm.

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 as of right (Section 1 use) at Clause 1.0 of the Schedule. • 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

	<p>40 metres within 10 metres of a road frontage, and</p> <ul style="list-style-type: none"> Exempts the application from notice and appeal requirements. <p>Decision guidelines are contained in Schedule 1.</p>
<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 464 spaces. The provision of 80 car spaces on site is below the maximum allowed under the clause, 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 (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 (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 139 spaces (93 resident and 46 visitor spaces). The application provides for 143 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 (Clause 52.35)</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 was sent confirming the above on 13 January 2015.</p>
<p><i>Integrated Public Transport Planning (Clause 52.36)</i></p>	<p>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 24 December 2014 the application was referred to Public Transport Victoria.</p>
<p><i>General Provisions (Clause 61.01)</i></p>	<p>The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act for approving matters required by the scheme in</p>

	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.

Other Strategic Matters

Metropolitan Planning Strategy

Plan Melbourne was gazetted on 30 May 2014 (referenced at Clause 11.04) and outlines the 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.

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)

Future Living: City of Melbourne Draft Housing Strategy (2013)

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.

Notification

Under Schedule 1 of the Capital City Zone an application to demolish a building and 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 *Planning and Environment Act 1987*.

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 Public Transport Victoria. The following comments were provided:

Urban Design (DELWP): Offered general support for the application. Matters for further resolution include the design of the through block link along its western boundary, reorientation of the café to address A'Beckett Street and further activate this frontage, introduction of a canopy to A'Beckett Street that is appropriately integrated into the overall design, façade strategy including maintenance of the glazing situated on the common boundary to the east, and revised wind tunnel testing must be undertaken to consider the revised wind results. This can be resolved through an appropriate condition.

City of Melbourne: The application was referred to Council on 24 December 2014. On 14 April 2015 the matter was considered by the Future Melbourne (Planning) Committee where it was resolved to support the application subject to conditions with the most significant changes being to introduce a 5.4 metre setback to the additional 6 storeys of height and other minor matters. These matters can be resolved through appropriate conditions.

Public Transport Victoria (PTV): offered no objection to the proposal (letter to the Department dated 20 January 2015).

Assessment

Consistency with Planning Policy

The proposal achieves State and Local policy objectives by:

State Planning Policy Framework (SPPF)

- Contributing to the intensification of residential, commercial and retail developments in a central city location which provides a variety of land uses and is highly accessible to the community (Clause 11.01-2 Activity centre planning);
- Contributing to the vision for Melbourne as a global city of opportunity and choice (Clause 11.04 Metropolitan Melbourne) and by providing a diversity of housing in locations that cater for different households and are close to jobs and services (Clause 11.04-2, Clause 16.01-1 Integrated housing, Clause 16.01-2 Location of residential development and Clause 16.01-4 Housing diversity);

- Assisting to create an urban environment that is safe, functional and provides a good quality environment with a sense of place and cultural identity (15.01-1 Urban Design) and by providing architectural and urban design outcomes that contribute positively to the local urban character and public realm (Clause 15.01-2);
- Providing for development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities (Clause 17.01-1 Business); and
- Concentrating key trip generators such as higher density residential and residential hotel development in close proximity to the Central Business Districts and pre-existing public transport modes (Clause 18.01-1).

Municipal Strategic Statement (MSS)

The Municipal Strategic Statement (MSS) within the Melbourne Planning Scheme identifies several key themes for housing, economic development, built environment, heritage and infrastructure as per Clause 21. These themes are given further policy effect within Clause 22 of the Melbourne Planning Scheme.

Clause 21.02 recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities in the Central City.

Responding to Clause 21.12 (The Hoddle Grid) through:

- Supporting permanent and short term residential development in the Hoddle Grid that accommodates a diverse population.
- Providing a design which acknowledges human scale through the introduction of tower setbacks above Level 2.
- Making a striking contribution to Melbourne's skyline through a well designed slender tower.
- Provides reasonable tower spacing to provide equitable access to an outlook and sunlight for all towers.
- Provides a through block link connecting A'Beckett Street and Franklin Street.
- Provides a continuous building edge and integrated streetscape.

Local Planning Policy Framework (LPPF)

- The development is fully designed to all visible sides and highly responsive to its context. It will enhance the physical quality and character of Melbourne's streets and lanes through a new pedestrian link (Clause 22.01 and Clause 22.20).
- The proposal responds to Sunlight to Public Spaces by ensuring that the building will not result in significant overshadowing of key spaces (Clause 22.02).
- Provides an appropriately to environmentally sustainable building initiatives (Clause 22.19 and Clause 22.23).

A more detailed response to the local policy framework is contained below.

Land Use

The proposed uses are consistent with many policy directions, and contribute to the on-going revitalisation of a 24-hour Central Activities District. The development responds appropriately with the broad strategic intent for economic development and employment as outlined in the State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF), including the MSS and the zoning control.

The land uses and redevelopment of a currently underutilised site is not in contention. The key issues in this application relate to design and built form, tower separation and setbacks, ground level activation and overall functionality of the site. These matters are discussed further below.

Design and Built Form

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

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

The purpose of tower setbacks is to protect the quality and enjoyment of the public realm, ensure development equity and ensure a reasonable level of internal amenity. Tower setbacks assist in providing pedestrian scale, sunlight penetration, views to the sky, the deflection of wind downdrafts and light and ventilation to buildings.

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

Urban Context Response, Setbacks, Tower Separation and Architectural Design

The proposal provides for a 56 storey (167.3 metre tall) tower. The tower includes a 0-5.4 metre setback to A'Beckett Street, 5 metres to the north, 3.2-4.9 metres to the east and 6.7 metres to the west. This provides a minimum tower separation of 10 metres to the north (redevelopment approved at 97 Franklin Street) and east (redevelopment approved at 48-50 A'Beckett Street), and 6.7 metres to the west (MY80).

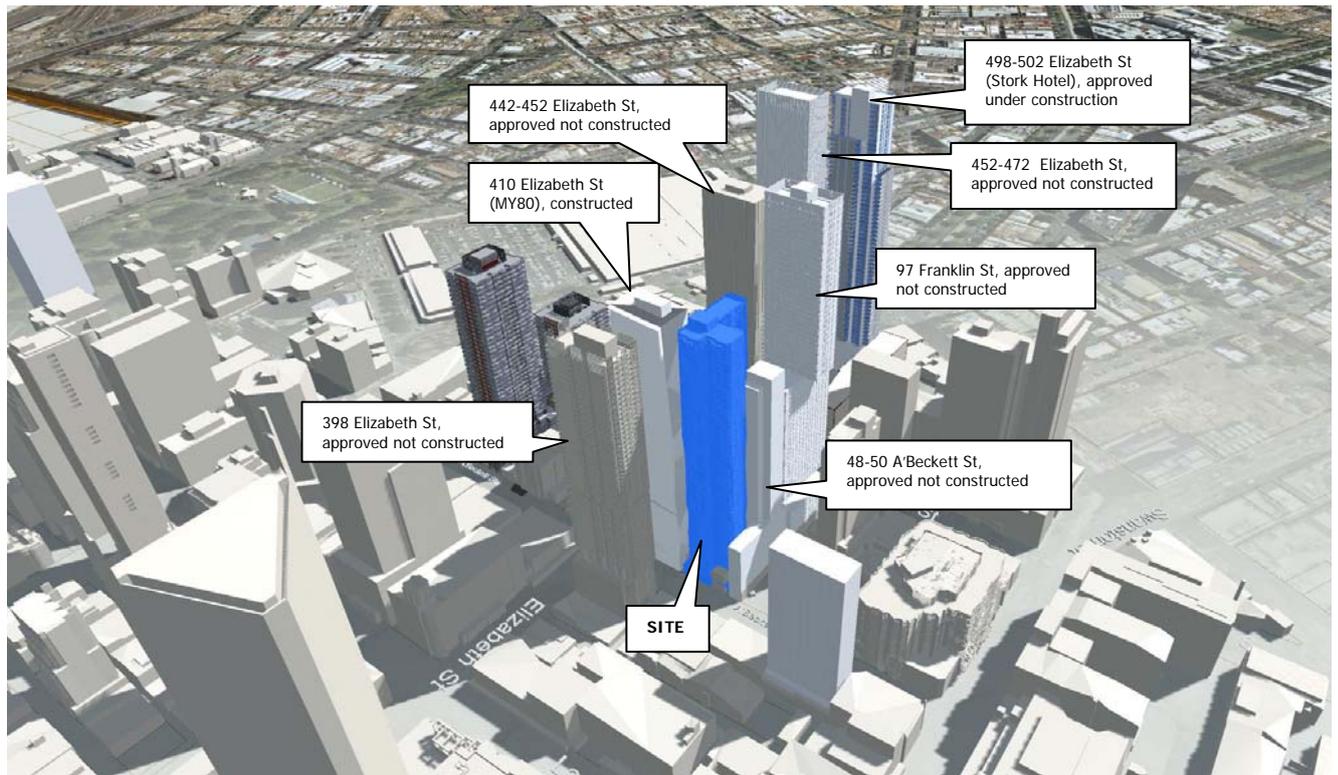
The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provide guidance for development.

The tower setback to A'Beckett Street does not comply with the preferred 10 metre setback to street. It is noted that the existing approval allows a 50 storeys (152.7 metres) to the street. The increase in building height to the street of 14.6 metres is due to the increase in height of the ground floor for loading purposes, the introduction to the double height space of the lobby and the inclusion of additional residential amenities at Levels 7, 8 and 55. The increase in height is therefore supported on the basis that it improves the amenity and functionality of the building and is consistent with the height of other nearby buildings.

The applicant provided informally substituted plans on 2 March 2015 which include a 5.4 metre setback for the additional 6 storeys in height. The setback of the tower to the street is considered to be appropriate and in context with the surrounding area which includes a number of towers with no podium at greater heights than that proposed. The informally substituted plans can be implemented via condition of permit.

The site is directly abutted to the east and north, and separated by a narrow lane to the west. Tower separation is less than the 24 metres in Clause 22.01. Policy allows a reduction in tower separation where it can be demonstrated that the towers are offset, habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. The development pattern is shown within **Figure 3** below.

Figure 3- Development surrounding the site



The proposal provides the following setbacks/ separation from the adjoining sites, with relevant commentary as follows:

- North: The tower is offset 5 metres from its northern boundary, providing a minimum 10 metre tower separation from the approved but not constructed redevelopment at 97 Franklin Street. This is considered to provide reasonable tower separation with adequate access to light, outlook and amenity for future occupants both on site and on adjoining sites.
- East: The approved redevelopment of 48-50 A'Beckett Street was granted by the City of Melbourne under Permit TP-2010-925/B on 15 April 2011. The permit is due to expire on 15 April 2016. The tower is setback a minimum of 4.95 metres to the eastern boundary, providing a tower separation of 10 metres to the balcony edge. This is considered to provide reasonable tower separation with adequate access to light, outlook and amenity for future occupants both on site and on adjoining sites.
- West: The tower setback from the west boundary of 3.2 to 4.9 metres provides a minimum separation of 6.7 metres from MY80. In the event of a tower development at 440 Elizabeth Street (immediately north of MY80), the introduction of a tower setback to the common boundary would be sought, and will allow for a tower separation of 10 metres to a future tower which is considered to be appropriate. With regard to the southern portion of the western boundary, the setback is 4.9 metres, which provides a tower separation of 6.7 metres to MY80. This is less than the preferred 10 metre tower separation, however reflects the existing parameters of the approved envelope under the existing permit. The revised plans resolve the interface issue with MY80 with the core being located on this interface with only the corner apartment being offset 6.7 metres. Whilst less than typically sought, the orientation of these corner apartments with an alternative aspect to A'Beckett Street assists in limiting the direct views between apartments to adjoining sites. Overlooking between the sites is also prevented through the introduction of a screening element to avoid direct views.

The overall building height is commensurate with the heights of buildings (both approved and constructed) in the surrounding precinct. The site is not affected by any height control and the proposed height of 167.3 metres is considered to be acceptable.

The proposal is well designed and articulated. The elevations feature glazing, balconies and a variety of materials to create visual interest. Rooftop building plant is screened and the proposal provides visual interest to the city skyline.

Street Level Activation and Pedestrian Safety

The proposed development incorporates a retail tenancy at ground floor and introduces 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 aspect of the proposal is strongly supported and creates a desirable through block link and activation to the laneway environs.

It is noted that Design and Development Overlay- Schedule 1 (Active Street Frontages) does not affect the A'Beckett Street frontage. Regardless of this, the Department's Urban Design Unit have raised concerns regarding the level of engagement with the street due to the orientation of the café to the laneway to the west rather than the street. It is considered appropriate for the café/lobby space to be reconsidered to provide a clear through block link and to enable a greater frontage to A'Beckett Street, providing a further level of activation. This can be resolved via a condition of permit.

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

Clause 22.01, Urban Design within the Capital City Zone, policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. The proposal includes tower setbacks which assist in wind deflection, therefore appropriate wind conditions (similar to existing conditions) are produced at street level as confirmed in the wind tunnel testing undertaken. It is noted that the report also highlights that the further development of towers to the north (as approved and shown within Figure 3 above) would provide wind protection and improve wind conditions within the laneway.

Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm on 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. The analysis shows the additional shadowing associated with the 6 storeys is minor. The development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable and responds appropriately to policy.

Environmental Sustainable Design (ESD)

An ESD report has been prepared and provided by Murchie Consultants Pty Ltd with the application in response to Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme. The report indicates that the development has preliminary design potential to meet 4+ star Green Star Multi-Unit Residential rating and meets Best Practice standards for Urban Stormwater Quality measures as sought by Clause 22.19 and Clause 22.23 of the Scheme.

An ESD report prepared by Murchie Consulting Pty Ltd dated 10 December 2014 submitted with the application indicates that the development will meet the objectives of the policy at Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme. The report indicates that the proposed development achieves a Best Practice environmental design standard and is consistent with the City

of Melbourne's Eco City goals for residents in relation to the reduction of operational greenhouse emissions & water consumption. In combination with sustainable design initiatives, fixtures, systems and appliances will be integrated into the building in order to achieve a 4+ star Green Star Multi-Residential rating for the residential apartment component. The development also meets the Best Practice standard for Urban Stormwater Quality and meets the objectives of the City of Melbourne's Water Sensitive Urban Design Policy. Council have indicated that given the scale of the development, achieving best practice, 5 star Green Star Multi-Residential rating is preferred. This can be resolved via condition.

Internal Amenity

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.

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.

The *Guidelines for Higher Density Residential Development* DSE 2004 is a reference document at Clause 15.01-2 and seek to ensure an appropriate levels of internal and external amenity, including provision of storage.

The proposal includes 463 apartments throughout the building which are largely orientated to A'Beckett Street, and directed views across common boundaries to the north, east and west. Minimum apartment sizes include: 42.3m² (1-bedroom), 52.7m² (2-bedroom, 1-bathroom) and 62.4m² (2-bedroom, 2-bathroom). There is also the provision of balconies and 253 storage cages and communal spaces (Level 9 and 55) which equates to approximately 1,717m² in area. None of the bedrooms proposed rely on borrowed light.

The proposal responds to the above guidelines with provision of reasonably sized apartments, no borrowed light bedrooms, storage cages, and ample communal facilities on site which is almost 5 times that suggested by the above guidelines, therefore the internal amenity for future occupants is considered to be appropriate and a marked improvement from that previously approved.

Environmental Assessment

Due to the proposed sensitive use, and possible contamination due to previous uses, an initial site assessment is considered to be warranted. This is a condition of approval.

Car Parking, Bicycle Facilities, Loading and Waste Collection

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

The application provides 80 car parking spaces and 135 bicycle spaces and 5 motorcycle spaces, with car parking well under the maximum limitation and motorcycle parking well over the minimum required (Clauses 45.09 and 52.06), and provides appropriate loading and unloading facilities on site (Clause 52.07) and bicycle parking in excess of the minimum required (Clause 52.34).

City of Melbourne have indicated that the amended permit application represents a marked improvement on the parking and traffic arrangements for the approved building. Detailed matters can be captured via conditions.

Conclusion and Recommendation

The previous scheme proposed was criticised due to the very small apartment sizes, the depth of the saddle back apartment arrangement, the lack of provision of storage, lack of balconies, and the lack of tower separation between the site and the adjoining site at 410 Elizabeth Street (known as MY80). The proposal, on balance, results in an improvement to the existing approval for the following reasons:

- A reduction in the podium height from 11 to 9 storeys;
- A reduction in podium massing by introducing the 5.4 metres recess from Level 2 on either side of a central portion of the tower constructed to A'Beckett Street;
- Increased setbacks to property boundaries and reduced tower footprint;
- Reduced dwelling numbers from 502 to 463;
- Reduced car parking numbers from 194 to 80;
- Significant improvements to the layout and internal amenity of apartments;
- Provision of significant communal facilities for future residents. Increasing communal this space from 35m² to 1,717m², equating to approximately 3m² per dwelling and almost 5 times that sought by the guidelines;
- The increase in gross floor area is largely due to the communal facilities and benefits provided to future residents and the introduction of a double height ground floor volume to increase the lobby and loading facilities height; and
- The increase in building height does not result in any adverse amenity impacts.

It is recommended that amended planning permit 2010/0026164B for an amended permit allowing the modifications to the approved envelope and permit be issued subject to conditions.

