



224-252 La Trobe Street, Melbourne

Planning Permit Application 2014/000770

Table of contents

1	Application Details.....	2
1.1	Conflict of Interest.....	2
2	Background.....	3
3	Site and Surrounds.....	3
4	Proposal.....	5
5	Planning Policies and Controls.....	6
5.1	State Planning Policy Framework.....	6
5.2	Local Planning Policy Framework.....	6
5.3	Statutory Controls (Permit Triggers).....	8
6	Other Strategic Matters.....	10
6.1	Design Guidelines for Higher Density Residential Development.....	10
6.2	Plan Melbourne.....	10
6.3	Amendment C208 (Development Contributions Plan).....	10
6.4	Amendment C209 (Open Space Strategy).....	10
7	Notification.....	11
8	Referrals.....	11
9	Assessment.....	12
9.1	Consistency with Planning Policy.....	12
9.2	Land Use.....	12
9.3	Design and Built Form.....	13
9.3.1	Urban Context Reponse, Setbacks, Tower Separation & Architectural Design.....	13
9.4	Street Level Activation and Pedestrian Safety.....	15
9.5	Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing) & Internal Amenity.....	15
9.6	Environmental Sustainable Development (ESD).....	16
9.7	Car Parking, Loading and Unloading of Vehicles, Waste Collection and Bicycle Facilities.....	17
9.8	Proposed link to Melbourne Central and titling matters.....	17
9.9	Development Contribution.....	18
9.10	Open Space.....	19
10	Recommendation.....	19

1 Application Details

Land /Address:	224-252 La Trobe Street, Melbourne (Plan of Consolidation 350024V, Parent Title Volume 10078 Folio 299)
Application No:	2014/000770
Proposal:	Demolition of the existing building and construction of a multi-storey building comprising dwellings, serviced apartments, office and retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern)
Use:	Residential Apartments (998) Serviced Apartments (210) Retail premises (2,097m ² NLA) Office (3,408m ² NLA) Car Parking: 364 Bicycle Parking: 786 Motorcycle Parking: 18
Height:	85-storeys (285.5 metres)
Setbacks:	La Trobe and Little La Trobe Streets: minimum 6 metres East and West: minimum of 7.5 metres and 6.5 metres respectively Potential tower separation minimum of 12.5 metres and 11.5 metres respectively
Floor area (GFA)	GFA: 115,799m ²
Applicant:	UEM Sunrise (La Trobe Street) Pty Ltd C/- Urbis Pty Ltd
Zone:	Capital City Zone Schedule 1 (CCZ1)
Overlay(s):	Schedule 1 to the Design and Development Overlay (DDO1) Schedule 1 to the Parking Overlay (PO1)
Restrictive Covenants and/or Agreements	A section 173 agreement affects the title which relates to car parking and requires the owner of the land to provide 100 short term car parking spaces and bicycle parking on site, initially a minimum of 20 bicycle parking spaces to be increased to a maximum of 60 bicycle spaces as demand requires for visitor use. The applicant has begun discussions with Council to remove this agreement on the Title. It is noted there are three easements on title which are vested in favour of the City of Melbourne and Melbourne Water (MMBW)
Notification	Not Applicable – The permit application is exempt from notice
City of Melbourne	Draft conditions provided without prejudice at officer level only
Recommendation	Permit subject to conditions

[Redacted]

[Redacted]

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2 Background

The permit application was lodged on 26 February 2014.

Further information was requested of the applicant on 25 March 2014 (within 28 days of lodgement) and a response was provided on 17 April 2014. It is noted that with the further information request preliminary comments were provided and raised the following critical matters:

- The overall tower bulk due to its width, will have a significant visual impact, therefore we suggest further articulation or subdivision of the forms. Due to the significant size of the tower, it is crucial that the tower is well set back from the podium. It is suggested that increased setbacks from street frontages and adjoining properties of at least 10 metres above the 8-storey podium is provided.
- As indicated within the Airspace Assessment prepared by Thompson GCS the tower height breaches the OLS flight path datum. Further consultation with the airport authorities is required to clarify whether an approval for the building entering the Essendon Airport OLS to a height of 48.98 metres, excluding cranes for construction, would be given.

A subsequent request for additional information was sought by Public Transport Victoria on 24 June 2014. A response to this request was provided on 30 June 2014.

Through extensive consultation with relevant stakeholders, plans were informally substituted on 15 August 2014 to address concerns regarding overall building bulk and dominance. The plans broadly show the podium façade flush to the street frontages (previously included a concave face), increased the minimum tower setbacks above the podium to 6 metres to La Trobe and Little La Trobe Streets and increased tower setbacks to adjoining properties to the east of a minimum of 7.5 metres to allow a minimum tower separation of 12.5 metres, and to the west a minimum of 6.5 metres to allow a minimum tower separation of 11.5 metres.

3 Site and Surrounds

The site is located on the northern side of La Trobe Street, between Swanston and Elizabeth Streets, Melbourne (refer to Figure 1). The site has dual street frontages to La Trobe and Little La Trobe Streets to the south and north respectively, with an unnamed laneway forming part of the west boundary. The site is generally rectangular in shape, with a staggered western boundary stepping from an 80 metre frontage to Little La Trobe Street to a smaller 62 metres frontage to La Trobe Street, with an overall area of 3,197m².

The site is currently occupied by an eight storey concrete car park with open air car parking on the roof, known as the Melbourne Central Car Park, with ground floor retail, two shops fronting La Trobe Street. A pedestrian lane runs alongside the east boundary, providing a connection between La Trobe and Little La Trobe Streets, and also providing separation from three storey shops to the east. The site includes access to Melbourne Central Station via two entry/exit points (one at the south-east corner of La Trobe Street) and the other, also on La Trobe Street adjacent to the exiting car park entry/exit point. The building was built in 1991. Vehicle access is provided from La Trobe Street towards its western boundary. Any access provided from Little La Trobe Street is via the laneway beyond its western boundary. It is noted that Little La Trobe Street is a one way street running east to west.

There is an existing s173 agreement attached to this Title, [REDACTED]. The s173 primarily relates to car parking and requires the owner of the land to provide 100 short term car parking spaces and between 20 and 60 bicycle spaces on the site for visitor use. Given its current use as a car parking building, the s173 agreement to ensure short term car parking spaces are provided is a

reasonable agreement to be attached to this Title. However, as the current application proposes to demolish the existing car parking building on site, the s173 will no longer be relevant and therefore the applicant has begun discussions with Council to remove this agreement on the Title.

Figure 1 – Site Locality Plan



The area is characterised by a variety of office, commercial and residential land uses. Like much of the Central City, it is currently undergoing significant change with a number of multi-storey apartment buildings constructed in recent years and other sites earmarked for redevelopment.

Land surrounding the site can be described as follows:

- To the **north** of the subject site, across Little La Trobe Street, is a mix of uses. The recently completed residential tower development at 22-32 Little La Trobe Street which is an 18-storey residential tower with ground floor retail. Further west along this street is low scale residential properties.
- To the **east** of the site is 212-222 La Trobe Street & 25 Little La Trobe Street, which is occupied by two 3 storey commercial buildings (used for educational and retail purposes). A two level bridge link exists at the first and second floor extending over the east – west laneway (CL0112) connecting the two buildings. The bridge link has a width of 2.5 metres and a 4.2m clearance with an overall clearance of 10.7m. Both buildings are constructed to each boundary and consist of brick, glass and render. This site was subject to a permit application for redevelopment including the demolition of the existing buildings and construction of two multi-storey (27 and 41 storeys) mixed use buildings for residential, office and retail uses and a bridge link. The Minister for Planning refused this application on 4 June 2014. The applicant has appealed this decision. Further east on the corner of Swanson and La Trobe Streets is an existing three-storey brick building used as office, with ground floor retail. The site is currently subject to a permit application being considered by the City of Melbourne. Permit application TP-2013-817 seeks to demolish the existing building and construct a 100 metre tall tower to be used as accommodation (student housing), restaurant, retail and reduce the loading/ unloading requirements. The matter has not been determined.
- To the **south** is Melbourne Central which occupies the majority of the block, is largely a 6-storey concrete retail complex built in 1991 and refurbished in 1995. The complex includes a 20-storey glass cone enclosing Coop's Shot Tower which was built in 1890. The site incorporates Melbourne Central Station. To the western portion of the site is the Melbourne Central Office Tower, a 54-storey office tower.

- To the **west** is 254-368 La Trobe Street, which is improved with a 4 – 6 storey building accommodating retail and food and drink uses at ground floor, with offices above. This building is built to the common boundary with the subject site for approximately 21 metres, with the unnamed lane running behind.

As expected, the subject site enjoys excellent access to public transport operating along La Trobe, Elizabeth and Swanston Street, and is opposite the Melbourne Central train station. The site is also in close proximity to shops, restaurants, bars and other services associated with its central location.

Recreational facilities and parks are readily accessible to the site, including the State Library Forecourt to the south-east and Flagstaff Gardens approximately 650 metres to the north-west. These public spaces provide good opportunities for active and passive recreation within walking distance of the site.

4 Proposal

The application seeks approval to demolish the existing building, construct a 85-storey residential tower comprising of dwellings, serviced apartments, office and retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern). The proposed gross floor area is 115,799m².

Details of the application are as follows (informally substituted plans submitted on 15 August 2014):

- Demolition of the existing building on site;
- Construction of a residential tower measuring at 85-storeys (285.5m to top of lift shaft), as measured from the mid-point of the sites frontage at ground level. The building includes an 8-storey podium (measuring at approximately 26 metres), with the tower form above in its curved form (X shape when looked at in plan view) offset a minimum of 6 metres to La Trobe and Little La Trobe Streets, and a minimum of 7.5 metres and 6.5 metres from the respective east and west boundaries (to achieve minimum tower separation of 11.5- 12.5 metres to adjoining sites).
- The tower comprises of 998 dwellings (464 x 1-bedroom, 488 x 2-bedroom, and 46 x 3-bedroom), 210 serviced apartments (including both one and two bedroom apartments), retail tenancies totalling approximately 2,097m² net floor area (including basement level retail (Hawker style market)/ food and drink premises within the underground station network), and a total of 3,408m² net floor area office space within the podium (broken into two areas on each floor orientated to front La Trobe and Little La Trobe Streets).
- Ground floor includes active frontages with two double height retail tenancies fronting La Trobe Street, two retail tenancies fronting Little La Trobe Street, and three small retail tenancies located along the laneway to the east.
- The existing through block link to the eastern boundary of the site is to be retained; the laneway is an average of 5 metres wide. Improvements proposed include removing the existing planting and establishing a transparent wind canopy at a height of approximately 5.5 metres.
- Parking for 364 car parking spaces, 786 bicycle parking spaces and 18 motorcycle parking spaces are provided within the basement and podium levels. The loading dock and access to car parking within the podium will be accessed via Little La Trobe Street with a ramp running adjacent to the unnamed lane, on the western boundary of the site.
- Residential amenities and common areas including large indoor-outdoor spaces with indoor and outdoor pool, podium roof top terraces, BBQ areas and gym/ spa facilities are provided at three separate floors within the tower (Level 8, Level 59 and Level 83).
- Two basement levels are proposed, which also includes a new pedestrian connection from Little La Trobe Street to Melbourne Central Station at Basement Level 2. Basement 2 will house a number of retail and food and drink premises, proposed to have a Hawker style market and Basement 1, above, will include services, a substation and extensive bicycle parking.

- The serviced apartment component of the development proposes a drop off/ pick up area on La Trobe Street.
- The proposal includes the relocation of the existing Melbourne Central Station entrance from the south-east corner of the site to the north-east corner of the site.
- Materials and finishes include glazing (glass balustrades, double glazed curtain wall, frameless clear glass), façade louvres, powder coated aluminium, and precast concrete.
- The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, cultural heritage management plan, pedestrian modelling, acoustic statement, aviation assessment, landscaping report, and ESD report.

5 Planning Policies and Controls

5.1 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 11.01-2 (Activity Centre Planning)
- Clause 11.04-4 (Central Melbourne)
- Clause 13.04-1 (Noise Abatement)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 16.01 (Residential Development)
- Clause 17.01 (Commercial)
- Clause 18.01 (Integrated Transport)
- Clause 18.02 (Cycling)

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth, delivers diversity in housing supply to meet existing and future needs and integrate transport and infrastructure planning.

An assessment against the above policies is provided in section 9 of this report.

5.2 Local Planning Policy Framework

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for settlement, Environment and Landscape Values, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure. The site is located within the original city centre (the Hoddle Grid) (Local Area 1 - Figure 5) as identified under Clause 21.12 of the Melbourne Planning Scheme.

Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily

population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City (and Southbank and Docklands).

Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'.

Clause 21.04 1-1 (The original city centre – the Hoddle Grid) sets out objectives and implementation strategies for the various areas of Melbourne: "*Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.*"

Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial". This Clause identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.

Clause 21.07 (Housing) Seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas. It acknowledges the need to ensure residential developments in the Capital City, Docklands and Commercial Zones are designed to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise.

Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking, in the City to suit 24 hour activity.

Clause 21.10 (Infrastructure) seeks to enhance the City as Victoria's pre-eminent cultural and entertainment location by supporting and encouraging the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.

Clause 21.12 (The Hoddle Grid) includes policies relating to Economic Development, Built Environment and Heritage and Transport which specifically relate to the unique and valued characteristics of the Hoddle Grid. It encourages the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.

The following key local planning policies (Clause 22) are relevant to the proposal:

- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.20 CBD Lanes
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

The above policies encourage high quality urban design outcomes and to ensure that development is environmentally sustainable and recognises its impact on the public realm.

An assessment against the above policies is provided in section 9 of this report.

5.3 Statutory Controls (Permit Triggers)

The following controls apply to the site, with planning permit triggers and requirements described below:

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
<p><i>Capital City Zone- Schedule 1</i> (Clause 37.04)</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', 'office' 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 and to construct a building which does not extend to the road boundary of the site. • Specifies that a permit is required to construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes. A permit may only be granted if the responsible authority considers the overshadowing will not prejudice the amenity of those areas. • Exempts the application from notice and appeal requirements. • Decision guidelines are contained in Schedule 1.
<p><i>Design and Development Overlay- Schedule 1</i> (Area 2- La Trobe Street Frontage) (Clause 43.02)</p>	<p>Under Clause 43.02-2 a permit is required to 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 a permit is required for buildings and works at ground level. • Requires buildings with ground-level street frontages to major pedestrian areas present an attractive pedestrian orientated frontage by providing at least 5 metres or 80% of the street frontage as one which provides pedestrian interest and interaction which is generally clear glazing and is built to a pedestrian scale. • Exempts buildings and works from notice and appeal requirements. <p>Decision guidelines are contained at Clause 43.02-5 and at Clause 65.</p>
<p><i>Parking Overlay – Schedule 1</i> (Clause 45.09) <i>and Car Parking</i> (Clause 52.06)</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</p>

	<p>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 1130 spaces. The provision of 362 car spaces on site is below the maximum allowed under the clause, and the provision of 18 motorcycle spaces on site is above the minimum, therefore no permit is required.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<i>Loading and Unloading of Vehicles (Clause 52.07)</i>	<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>
<i>Bicycle Facilities (Clause 52.34)</i>	<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 373 spaces (214 resident, 33 employee and 126 visitor/ customer spaces). The standard requires the provision of 3 showers and change room facilities. The application provides for 786 spaces and 6 showers with change room facilities (3 for each sex), therefore no permit is required under this provision.</p>
<i>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</i>	<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 20 May 2014.</p>
<i>Integrated Public Transport Planning (Clause 52.36)</i>	<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 28 February 2014 the application was referred to the Director of Public Transport.</p>
<i>General Provisions (Clause 61.01)</i>	<p>The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.</p>
<i>Decision Guidelines (65.01)</i>	<p>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.</p>
<i>Referral and Notice Provisions (Clause 66.03)</i>	<p>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, the Director of Public Transport is a specified referral body under Clause 52.36.</p>

6 Other Strategic Matters

6.1 Design Guidelines for Higher Density Residential Development

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)

6.2 Plan Melbourne

Plan Melbourne is the Government's long term plan to accommodate Melbourne future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne identifies the Hoddle Grid as an existing area within the expanded central region. This central sub region has a target to accommodate 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

6.3 Amendment C208 (Development Contributions Plan)

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

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

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

6.4 Amendment C209 (Open Space Strategy)

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

7 Notification

Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 of the Design and Development Overlay, and Schedule 1 to the Parking 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.

Although the application is exempt from notice and review, submissions have been received from

[REDACTED]

raising interrelationship between the site and sharing of design and amenity.

8 Referrals

The application was given to the Department's Urban Design Unit, the City of Melbourne, Office of the Victorian Government Architect and referred under Section 55 of the Act to the Director of Public Transport. The following comments were provided:

Urban Design (DTPLI): Raised concerns regarding the development, mostly detailed matters, with the key points in contention the visual impact of the proposed tower due to its width and height with recommended further articulation and subdivision of the forms and increased tower setbacks (at least 10 metres from all street and property boundaries) and the tower breaching the OLS flight path datum (including the crane for construction). The concerns relating to built form have been addressed through the informally substituted plans received on 15 August 2014.

Office of the Victorian Government Architect (OVGA): Raised concerns with the quantum of development and its impact on infrastructure capacity and public benefit. The through block link is a positive aspect of the scheme, maintaining pedestrian connectivity, however the detail needs to be clarified as the quality and proportions of this space are critical to its success. The inclusion of retail tenancies along the length of the link will support pedestrian movement and passive surveillance in this space. The basement level connection is also positive to increase pedestrian and commuter amenity, however clarity is sought regarding these initiatives and the extent to which they have been agreed and discussed with key stakeholders. The overall scale and massing proposed poses a challenge in terms of visual impact and public amenity in this sensitive and important pedestrian precinct. The quantum of development translates into a very dominant and overwhelming building in its context. Parts of the lower shift of the tower, just above the podium, large footprint and an overwhelming visual impact. It is only the upper levels of the tower as the form tapers away and the footprint is reduced, where the potential strategy becomes evident. We recommend that the overall building envelope in terms of scale and massing be reviewed and in particular, that setbacks be introduced at the lower levels of the tower. The proposal shadows the State Library Forecourt mid to late afternoon which is regrettable given the high usage. We support the ESD initiative including apartment amenity with good access to natural light, ventilation and outlook. The concerns relating to built form have been addressed through the informally substituted plans received on 15 August 2014. Other matters can be resolved via condition.

City of Melbourne: Council has not provided any comments to date. The application was referred for comment (following receipt of further information) on 30 April 2014. On 19 August 2014 Council provided officer level draft conditions without prejudice.

Public Transport Victoria (PTV): On 24 June 2014 a request for additional information was made on behalf of PTV. A response to this request was provided on 30 June 2014. Final comments to the application were provided on 22 August 2014 indicating support for the application subject to conditions.

Melbourne Water: Informal comments were sought regarding the easements affecting the site. Melbourne Water advised that they would be satisfied that the easements vested in Melbourne Water (MMBW) were resolved via condition requiring their removal prior to the commencement of development. It was noted that there are no assets within these easements, with the exception of a City West Water minor sewerage pipe.

9 Assessment

9.1 Consistency with Planning Policy

The proposal achieves State and Local policy objectives by:

SPPF

- Supports the concentration of major residential, hotel, commercial, retail, entertainment and cultural developments in the central city which provides a variety of land uses and are highly accessible to the community (Clause 11.01-2).
- Through high quality and site responsive architecture and urban design the proposal will contribute to the character of the area, will promote safety and the attractiveness of Melbourne (Clause 15).
- Through an articulated tower form, the development will make a positive contribution to the public realm and to vistas to the city (Clause 15).
- The development is activated at both the north, south and east interfaces which will enhance adjacent pedestrian spaces, and create a pleasant new pedestrian experience and provide greater safety for pedestrians (Clause 15).
- Includes low car parking numbers and encourages alternative modes of transport (Clause 11.01-2 and Clause 18.01-1).

MSS

- Clause 21.02 recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, with the most significant gains in resident population expected in the Central City.
- Responding to Clause 21.12 (The Hoddle Grid) through:
 - Providing a design which acknowledges human scale and activation at ground level and provides a context for surrounding heritage buildings.
 - Making a striking contribution to Melbourne's skyline.

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 safe and high amenity pedestrian link (Clause 22.01).
- The proposal responds to Clause 22.02 (Sunlight to Public spaces) by ensuring that the building will not result in significant overshadowing, particularly to the State Library Forecourt.
- Responding to Clause 22.19 (Energy, Waster and Water) and Clause 22.23 (Stormwater Management) by including environmentally sustainable building initiatives.
- The development achieves an appropriate balance, as supported by Clause 22.20 (CBD Lanes), necessary for access and service requirements and also enhancing the laneway environment by providing activation through retail tenancies and by respecting the fine grain subdivision pattern, providing an appropriately articulated and detailed facade with surveillance over the lane and providing tenancies at ground level.

9.2 Land Use

The proposed uses replace a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions, and contributes to the on-going revitalisation of a 24-hour Central Activities District.

The development responds appropriately with the broad strategic intent for mix use as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.

The land use mix and concept of redeveloping the site is not in contention. The key issues in this matter relate to design and built form, tower separation and setbacks, internal amenity and overall functionality of the site. These matters are discussed further below.

9.3 Design and Built Form

The application includes the demolition of an ungraded car park building. The proposal includes a high density and activated development consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.

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 provide a number of measures related to the enjoyment of the public realm and to ensure development equity. Tower setbacks assist in providing pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.

The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, Southbank Structure Plan 2010, Guidelines for Higher Density Residential Development, Schedule 1 to the Capital City Zone (CCZ1) set performance benchmarks for good development. Key themes of street-pattern, edge-quality, building envelope, internal amenity, architectural design and activation are common threads through each of these policy documents and controls.

9.3.1 Urban Context Response, Setbacks, Tower Separation & Architectural Design

The proposed tower provides for an 85-storey (285.5 metre tall tower). The tower includes a minimum setback of 6 metres to La Trobe and Little La Trobe Streets, and a minimum of 7.5 metres and 6.5 metres respectively to its common eastern and western site boundaries following submission of informally submitted plans on 15 August 2014.

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.

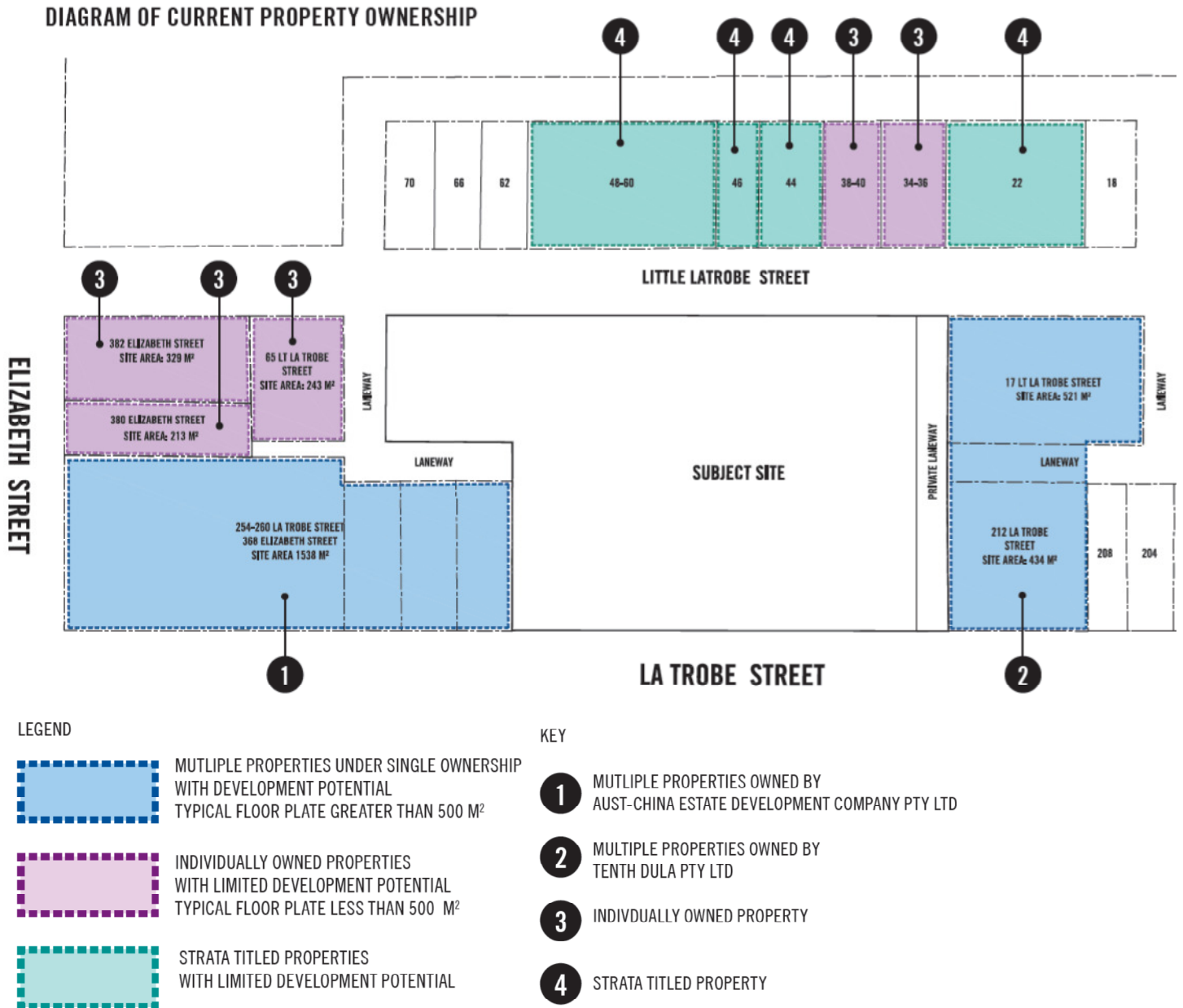
The tower setback above podium, whilst less than 10 metres as sought by Policy, is proposed at 6 metres, negotiated extensively from limited setbacks initially submitted. The policy intent is to ensure that the public realm and pedestrian qualities are not compromised. The proposed tower setback with relatively low podium height (approximately 26 metres) is considered to provide an appropriate built form response which is consistent with built form of the existing and evolving area.

The site is directly abutted to the east and west. Tower separation is less than 24 metres stipulated in Clause 22.01. 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.

The proposal provides a minimum tower setback of 7.5 metres and 6.5 metres to the respective east and west common boundaries. This demonstrated the development potential of the adjoining sites has been considered and will allow for adequate separation, of a minimum tower separation east and west of the site of 12.5 metres and 11.5 metres respectively, between the proposed tower and

possible future tower developments on the adjoining sites. Refer to **Figure 2** below for an analysis of the likely redevelopment opportunities to surrounding sites. It is noted that the adjoining site at 212-222 La Trobe Street was refused and is subject to review by VCAT (no hearing date set as yet). If this is approved it will be tower separation of 12.5 metres between the two towers and this is considered to be appropriate as both include strategies to orientate views away from the shared boundary.

Figure 2 – Equitable Development Study



Policy sets out under Clause 22.20 (CBD Lanes) includes the maintenance and enhancement of the intimate environments of lanes by setting back higher tower form to ensure a sense of openness that reinforces the human scale. The tower setbacks from the proposed through block link on the eastern boundary of the site is consistent with this policy.

The overall building height, whilst taller than any other tower within close vicinity of the site, is commensurate with the heights of building approved and under construction in the Central City. Major development will transform the area into one with a number of high rise apartment buildings. The site is not affected by any height control and is considered to be acceptable.

The application was accompanied by an Airspace Assessment by Thompson GCS dated 19 February 2014. The assessment indicates that the PANS-OPS surface is 286.48 metres AHD. The proposal measures at 285.5 metres, 0.98 metres below. The development does however penetrate the OLS by 49.98 metres AHD. As part of the request for further information, clarification as to whether an approval for the building entering into the Essendon Airport OLS of 49.98 metres, excluding cranes for construction, would be given. At this stage, this is inconclusive. A condition requiring any reduction in height due to its breach within the OLS can be included on any permit to issue.

The proposal is well designed and articulated. The elevations feature glazing, balconied and a variety of materials to create visually interesting facades. Building plant is screened and provides visual interest to the city skyline.

9.4 Street Level Activation and Pedestrian Safety

The proposed development incorporates retail tenancies at ground floor to La Trobe and Little La Trobe Streets and the remainder of the podium includes office and serviced apartments 'skinning' the podium car parking. The inclusion of these active frontages will also serve to increase the perception of safety in this area and meets the requirements of Design and Development Overlay- Schedule 1 (Active Street Frontages) of the Scheme. The upper level apartments provide passive surveillance of the site's immediate surrounds.

The development includes a permeable facade to Little La Trobe Street podium at its eastern and western edges. This has been included due to the recommendations of the wind report prepared by Mel Consultants in April 2014. It is noted that with the introduction of a tower setback of 6 metres to Little La Trobe Street above Level 8 (compared with the initially proposed 0 metre tower setback up to Level 20, and in part up to Level 28), further testing should be undertaken. The additional wind tunnel testing may reveal that the permeable facade is no longer required as a result of the introduction of a tower setback. This can be resolved via condition.

The separation of the loading bay and car access is supported, however the extent of frontage (approximately 20 metres in length) of vehicular and loading truck access to Little La Trobe Street is supported, however it is relieved with a small pedestrian refuge only. It is considered appropriate to include an active use between the two points (of approximately 3 metres in length) to increase pedestrian safety and street level activation. This can be resolved via condition.

The development also maintains the existing north-south pedestrian link to its eastern boundary. The proposal includes a glazed roof over this space, a response to the wind tunnel testing undertaken to ensure pedestrian comfort, is supported and also assists in pedestrian permeability in and around the site.

9.5 Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing) & Internal Amenity

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 development provides appropriate tower setbacks which assists in providing a comfortable pedestrian environment.

The wind report provided (prepared by Mel Consultants, dated February 2014 and April 2014) with the application indicates that wind conditions are on or within the criterion for walking comfort in all wind directions. The report includes wind amelioration measures including Level 8 cut outs on the north-east and north-west corners, Level 8 services venting, podium car parking porosity at the corners, canopy over the laneway along the eastern boundary, canopy along La Trobe Street frontage. The recommendations of these reports were on the basis of the initial proposal which included reduced tower setbacks for a greater height. Informally substituted plans on 15 August 2014 include significant increases in tower setbacks to a minimum of 6 metres from the street and increased setbacks from common boundaries. It is anticipated that the increased setbacks would only further assist in deflecting wind down drafts. The wind amelioration measures may in some instances no longer be necessary. The final tower form should be tested to ensure that these mitigation

measures or alternative wind mitigation measures required are undertaken. This can be resolved via condition.

Under Schedule 1 of the Capital City Zone a permit is required to construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September, over public space, public parks and gardens, public squares, major pedestrian routes including streets and lane. A permit may only be granted if the responsible authority considers the overshadowing will not prejudice the amenity of those areas. This is also affirmed in Local Policy Clause 22.02 'Sunlight to Public Spaces'.

An analysis of shadowing, in particular to the State Library Forecourt and the Melbourne Central shot tower has been carried out for 22 March/ September and 22 June. The analysis shows that additional shadowing will occur over properties to the west and south (extending as far as Queen Street and Bourke Streets), are predominantly contained within existing shadowing conditions and does not affect major pedestrian routes including McKillop Street or Hardware Lane. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. The State Library Forecourt will not be in shadow as a result of this development between 11.00 am and 2.00pm on 22 March/ September or 22 June. It is noted that shadowing hits the south-east corner of the State Library Forecourt at a time shortly after 3pm on 22 March/ September and after 4 pm on 22 June.

Internal Amenity

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*'. The acoustic statement provided within the application states the nominated criteria namely 45dB(A) Leq will be achieved using conventional façade/glazing systems incorporating acoustic seals to openable windows and doors. The final glazing configuration and façade construction will be confirmed based on ESD requirements during detailed design. This can be dealt with via condition.

The building design provides a good standard of amenity for future residents. Typical floor plans and detailed typical apartment layouts indicate well designed apartments that provide good day light to all habitable rooms. There is no reliance on borrowed light. All proposed dwellings have access to varying sized balconies. The dwellings will also not be constrained by any future development given the orientation of the apartments, with the introduction of larger setbacks from the common boundaries.

Residential amenities and common areas including large indoor-outdoor spaces with indoor and outdoor pool, garden terraces, BBQ areas and gym/ spa facilities are provided at three separate floors within the tower (Level 8, Level 59 and Level 83). The residents will benefit from these amenities within the building and this is supported.

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.

9.6 Environmental Sustainable Development (ESD)

Clause 22.19 seeks to ensure that the design, construction and operation of buildings minimise the production of greenhouse gas emissions and maximises energy efficiency, to minimise potable water use and minimise waste going to landfill.

Clause 22.23 Stormwater Management (Water Sensitive Urban Design) seeks to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).

An ESD report prepared by Ark Resources Pty Ltd dated 15 April 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. Based on the level of information available at this stage of the design process, the comprehensive analysis of building performance undertaken predicts that the development will reduce greenhouse gas emissions by approximately 35 per cent on a per capita basis compared to the accepted benchmark for residential buildings.

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.

9.7 Car Parking, Loading and Unloading of Vehicles, Waste Collection and Bicycle Facilities

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, 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.

The application provides 364 car parking spaces, well under the maximum limitation (Clause 45.09, 52.06), provides 786 bicycle parking spaces, well in excess of the bicycle spaces required (Clause 52.34) and provides appropriate loading and unloading facilities on site (Clause 52.07).

The Waste Management Plan prepared by Leigh Design dated 14 May 2014 is broadly considered to meet the City of Melbourne Waste Management Plan Guidelines 2014 including the preferred use of static compactor waste and recycling collection with chutes within the building, however requires a few minor changes to it prior to endorsement. This can be resolved via condition.

Council's Engineering Services are broadly supportive of the car park layout and access arrangements for the development. They do not consider that the development will have a negative impact on traffic and vehicle movements within the area. Matters which remain of concern or further resolution include a car parking management plan to clarify the distribution of car parking spaces between the residential, office, serviced apartments and retail uses. The access arrangements (boom gates) are unclear and should be resolved to Council's satisfaction. These matters, and other standard matters associated with the upgrade of the adjoining footpaths and kerb alignments can be resolved via conditions.

9.8 Proposed link to Melbourne Central and titling matters

Consideration of the proposed Hawker style market space on Basement Level 2 with PTV has been given. PTV in their initial response raised concerns with emergency egress, whether the development footings would impact upon the City loop function, raised concerns over the relocated stair entrance from the sites south-east boundary (stairs fronting La Trobe Street) and whether it impacted upon existing lease agreements with Melbourne Central Station.

Further discussions have been held with Public Transport Victoria regarding their concerns and whether in principle matters could be agreed to, with details matters to follow, and to ensure that the development does not interrupt the existing loop operations. The applicant is agreeable to these conditions requiring further limitation on existing operations.

With regard to the relocation of the existing station entrance, the application was supported with a report prepared by Arup, dated 15 April 2014, undertaking an initial pedestrian planning assessment. The assessment concludes that movement in the precinct is dominated by Melbourne Central - RMIT flow, of which there are approximately 2,300 movements in peak times (1- 1.15pm) (80% of overall

movements) and only 12% use the current La Trobe Street underpass. By 2031 pedestrian flows will double to approximately 5,000 movements in the peak times. The demand along Swanston Street will be in excess of capacity, with significant congestion and requirements for additional infrastructure. The footpaths to Little La Trobe Street and La Trobe Street will require widening, including the north-west corner of La Trobe and Swanston Streets and the Swanston Street to accommodate additional pedestrian movements if the station entrance remains in its current location.

The development is likely to influence movement patterns by shifting up to 60% of the Melbourne Central – RMIT pedestrian traffic to an improved La Trobe Street underpass with access via Little La Trobe Street.

PTV and Council have indicated via conditions a preference to retain the station access in situ which is within conditions.

Council's Land Survey Team and Melbourne Water have been consulted with regard to the existing easements (in Council and MMBW's favour) and the section 173 agreement which relates to car and bicycle parking on site. Council and Melbourne Water have indicated that the removal of the agreement and the easements should be secured via condition. It is noted that these matters are resolved through processes outside the permit application. Conditions of approval can ensure that this is undertaken.

9.9 Development Contribution

The quantum of development raises fundamental concerns regarding provision of infrastructure for potentially more than 2000 new residents. Both Council and OVGAs have raised this as a serious issue for further consideration. It is highlighted that Council seeks to apply a Development Contribution Plan Overlay to Southbank and City North and not apply it to the Central City which is seeing the largest degree of growth compared to the remainder of the municipality.

However, on 15 August 2014 Council requested the Minister for Planning to facilitate by 20(4) to introduce a Development Contribution for the Hoddle Grid to contribute to the cost of new community infrastructure for the area's residents.

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

The Department is undertaking Development Contribution Reform and standardised levies. The Standard Levies will be available for use from 1 July 2015 and will be able to be applied in identified metropolitan growth locations. Development contributions play an important role in the planning and development system in Victoria. They enable contributions towards infrastructure such as community and sports facilities, roads and open space, the need for which arises from the use and development of land. Detailed work has been undertaken to determine how best to reform the existing development contributions system in Victoria to ensure a more streamlined, transparent and equitable framework exists to support growth.

Whilst the above does not carry statutory weight in terms of the fact that these are 'seriously entertained' planning documents, the provision of infrastructure, or contribution towards upgrades should be seriously considered.

It is noted that Council has sought a development contribution of [REDACTED] per dwelling. The applicant has been consulted but has not agreed to the contribution. Regardless, it is considered to be warranted and should be sought. A [REDACTED] per dwelling figure [REDACTED] is considered to be

appropriate to contribute towards streetscape upgrades, key public realm projects, upgrades to drainage infrastructure, and delivery of new multi-purpose community centre. As every planning assessment remains a balance of competing issues. In this instance there is a substantial increase in residents on this site as a result of the development footprint. Should the development contribution not be included there should be a requirement to provide community uses on site.

9.10 Open Space

Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% contribution for Central City. A Panel hearing for the amendment was conducted on 23 to 27 June 2014. Whilst not a 'seriously entertained' policy document, the contribution can be made as a percentage of the site value, a land contribution or a combination of both.

The Open Space Strategy identifies major redevelopment sites, including the subject land, as areas with potential to provide Small Local open space as green spaces in the CBD. Council have not sought any open space contribution as land in kind.

10 Recommendation

That planning permit 2014/000770 for demolition of the existing building and construction of a multi-storey mixed use tower be issued subject to conditions.

[REDACTED]

[REDACTED]

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