

288-326 Exhibition Street, Melbourne

Planning Permit Application No. PA1600142



Officer Assessment Report
Development Approvals & Urban Design



Environment,
Land, Water
and Planning

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Summary

Key information	Details			
Application No.:	PA1600142			
Received:	22 August 2016			
Applicant:	Setia Melbourne (Development Company) Pty Ltd			
Planning Scheme:	Melbourne			
Land Address:	288-326 Exhibition Street, Melbourne			
Proposal:	To demolish the existing building and construct two mixed-use multi-storey buildings comprising residential hotel, dwellings and retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern)			
Total site area:	4,140m ² (ground to RL 39.59 metres) and 4,790m ² (above RL 39.59 metres)			
Gross Floor Area:	123,510m ² *(informal plans of 31 May 2017 show a reduction in height therefore the GFA will reduce)			
Floor Area Ratio:	24:1 (114,964m ² above ground/ site area) *(informal plans of 31 May 2017 show a reduction in height therefore the FAR will reduce)			
Development value:	\$ 250m			
Height (as shown on informal plan dated 31 May 2017):	Tower A (TA): 60 Tower B (TB): 62	Storeys excluding plant		
	TA: 207.9m TB: 231.7m	Metres excluding plant		
	TA: AHD 243.85 TB: AHD 256.75	Metres (highest point to Australian Height Datum for PANS OPS)		
Setbacks (excluding architectural features):	Tower			
	West (Exhibition Street)	5.0m		
	East	Minimum 12.7m		
	North (La Trobe Street)	Minimum 5.0m		
	South	Minimum 13.9m		
	Separation	Minimum 10 metres which increases to 16 metres		
Dwellings:	1 bedroom	2 bedroom	3 bedroom	Total
	41	211	66	318
Hotel:	500 rooms with ancillary office, function rooms, spa, gymnasium			
Retail:	1,823m ²			
Parking:	Cars	Motorcycles	Bicycles	
	283	0	290	

Key information	Details
Zone:	Clause 37.04- Capital City Zone- Schedule 1 (Outside the Retail Core)
Overlays:	Clause 43.02- Design and Development Overlay- Schedule 10 (Built Form Controls) Clause 45.09- Parking Overlay- Schedule 1 (Outside the Retail Core)
Particular Provisions:	Clause 52.06- Car Parking Clause 52.07- Loading and Unloading of Vehicles Clause 52.34- Bicycle Facilities Clause 52.36- Integrated Public Transport Planning
Why is a permit required?	A permit is required under the following provisions: <ul style="list-style-type: none"> • Clause 37.04- Capital City Zone- Schedule 1 (demolition and buildings and works) • Clause 43.02- Design and Development Overlay- Schedule 1 (buildings and works, ground floor only) • Clause 43.02- Design and Development Overlay- Schedule 10 (buildings and works and floor area ratio)
Referral authorities/ Notice	Melbourne City Council (recommending referral authority s.55) Public Transport Victoria (determining referral authority s.55)
Public Notification	The application is exempt from notice and review provisions of the Act

Background

1. In accordance with the schedule to Clause 61.01 of the Melbourne Planning Scheme, the Minister for Planning is the Responsible Authority for this application as it has a gross floor area exceeding 25,000 square metres.
2. It is noted that recent permits have been granted by Melbourne City Council for the following matters affecting the site:
 - Permit TP-2015-687 issued on 2 September 2015 allowing a 2 lot subdivision of PS735812K.
 - Permit TP-2015-1224 issued on 8 August 2016 allowing the construction of buildings and works comprising an elevated plant room, extended utility installation and building extension.
 - Permit TP-2016-534 issued on 11 October 2016 allowing the carrying out of development including partial demolition, construction of a wall, a new ventilation enclosure and exhaust louvres.
3. On 22 August 2016, Planning Permit Application No. PA1600142 was received for demolition of the existing building and construction of two multi-storey mixed-use towers comprising of retail premises, child care centre, residential hotel and dwellings. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting (Department and Melbourne City Council)	4 July 2016
Application lodgement	22 August 2016
Further information requested	2 September 2016
Further information received	14 and 15 March 2017 (plans dated 8 March 2017)
Further informally substituted sketch plans submitted (21 April 2017 and 31 May 2017)	<p>The plans of 21 April 2017 show (in summary):</p> <ul style="list-style-type: none"> • Relocation of the porte cochere from ground floor to Level 1 • Introduction of car lifts to service the podium car parking levels <p>The sketch plans of 31 May 2017 show (in summary):</p> <ul style="list-style-type: none"> • Change in height of Tower A (residential) to 60 storeys (207.9 metres) a reduction of 44.4 metres (from 252.3m) • Change in height of Tower B (hotel) to 62 storeys (227.3 metres) a reduction of 31 metres (from 258.3m) • Relocation of the skybridge from Level 48-51 to Level 45 to 47 as a result of the reduced tower heights
Decision Plans	15 March 2017 (further information response, plans dated 8 March 2017) with reference to informal plans of 21 April 2017 and 31 May 2017

4. The subject of this report are the decision plans with reference to the informally submitted plans dated 21 April and 31 May 2017.
5. The application was received after the introduction of the Interim Controls introduced under Amendment C262 to the Melbourne Planning Scheme, but before the introduction of permanent controls under Amendment C270.

Subject site and surrounds

Site description

6. The site is located on the south-east corner of Exhibition and La Trobe Streets, Melbourne (refer to Figure 1 below). The site is formally described as comprising the following land parcels: Title Plan 866378D, Volume 09793 Folio 308. There are a number of easements and restrictions which affect the site as follows:
 - An easement to protect a subterranean cable chamber running in a north-south direction on the western side;
 - A carriageway easement of the eastern side, also running along a north-south axis;
 - Expanded air rights on title which increase the southern site boundary above RL39.59 metres; and
 - Three tunnels associated with the Melbourne Underground Rail Loop (MURL) are located below the site and result in limitations to loads associated with any above ground structures.
7. The site has an area of 4,140m² at ground and 4,790m² above RL39.59 metres (the air rights easement as described above). The site has a frontage of 51.5 metres to Exhibition Street and 93 metres to La Trobe Street.
8. The site includes level changes across its interfaces with a slope of 1.18 metres along Exhibition (from north to south), a slope of 3.6 metres along La Trobe Street (from east to west) and a slope of approximately 5 metres from the north-east to south-west corner of the site.
9. The existing site comprises of a two storey office building with basement car parking built in 1982 and part of the adjoining Telstra Exchange building. The basement car parking is accessed via a crossover to La Trobe Street (which is proposed to be retained as part of the development).

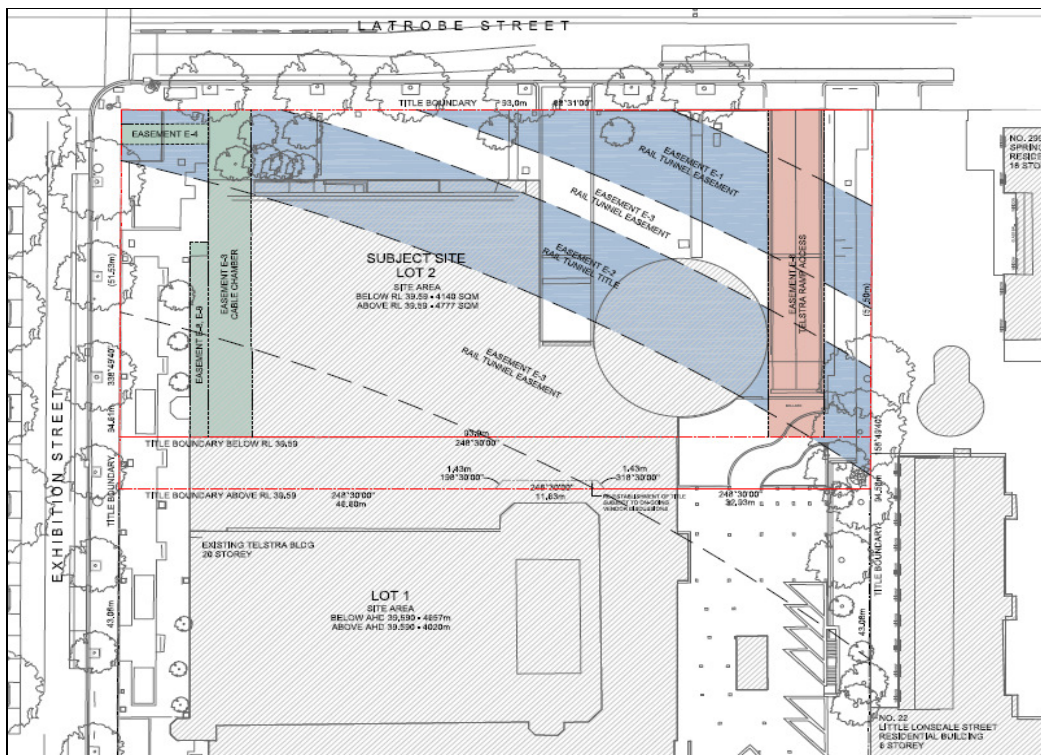


Figure 1: Site plan (Source: Cox and FKA Architectural plans)

Site surrounds

10. Development surrounding the site can be described as follows:

- To the **north** of the site: on the opposite side of La Trobe Street are three properties which form an island bounded by roads on all sides. These properties are occupied by a small vacant site that was utilised by the Bureau of Meteorology Weather Station, a dwelling and by the Royal Society of Victoria building, a two storey building included on the Victorian Heritage Register and sited in a garden setting. Further to the north is the Carlton Gardens, a World Heritage Site containing the Royal Exhibition Building, Melbourne Museum, Imax Cinema and the Carlton Gardens Tennis Club. On the north-west corner of Exhibition and La Trobe Street is the eighteen (18) storey building occupied by Mantra On The Park.
- To the **south** of the site: is the existing eighteen (18) storey concrete purpose built telecommunications exchange building which formed part of the larger site prior to its subdivision under permit TP-2015-687 issued by Melbourne City Council on 2 September 2015. The building occupies the western two thirds of the site with the remaining area to the east consisting of open space. Pedestrian access to the site is achieved via Little Lonsdale Street or a pathway known as Burton Street from La Trobe Street which runs along the eastern boundary of the site.
- To the **east** of the site: across Burton Street, is 33 La Trobe Street (known as City Gate Tower), an eighteen (18) storey apartment building constructed to the street with a tennis court located to the rear. The building is setback from the common boundary with the direct interface with the site being the car parking and circulation space. South of this property is 28 Little Lonsdale Street (known as City Gate Gardens Apartments) is a six (6) storey apartment building which was the first stage of the redevelopment of the overall site with City Gate Tower. It is understood that the tennis court is a shared facility between both sites.
- To the **west** of the site: on the opposite side of Exhibition Street on the south-west corner of Exhibition and La Trobe Streets is 321 Exhibition Street, a seventeen (17) storey office building (currently occupied by Origin Energy) with ground floor tenancies. South of this building are a series of one and two storey buildings containing shops and food and drink premises. The north-west corner of Exhibition Street and Little Lonsdale Street is occupied by 287-293 Exhibition Street (known as Exhibition Apartments) a twelve (12) storey apartment building.

11. There are a number of developments existing, approved or proposed in the surrounding area as illustrated in the figure below:

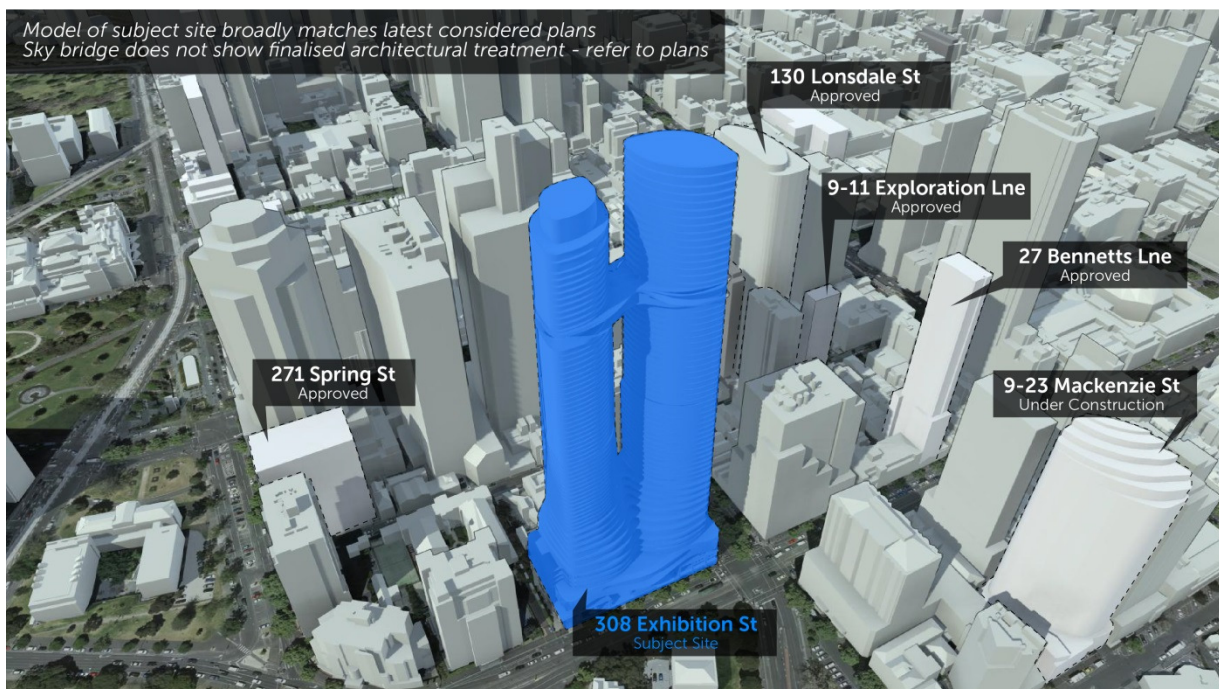


Figure 2: Proposal and approved buildings in the vicinity of the site (Source: DELWP 3D model)

Proposal

12. The proposal comprises of a podium with two towers above, one incorporating residential apartments, the other incorporating a residential hotel. Both towers are elliptical in shape and connected by a skybridge. The common podium of the proposed towers is an eroded form to provide a softened presentation (complementary to the proposed landscaping) and to respond to challenging wind conditions (discussed further below within the assessment).
13. The originally submitted development proposed a building constructed to a height of 71 storeys with Tower A (residential) being approximately 251 metres (as measured from La Trobe Street) and Tower B (Hotel) being approximately 257.95 metres (as measured from Exhibition Street).
14. As a result of feedback from the Office of Victoria Government Architect (OVGA), the Department of Environment, Land, Water and Planning (DELWP) and the Melbourne City Council in relation to the podium, lower level activation, quality of the public amenity benefit, the porte-cochere to La Trobe Street frontage and other detailed matters, informally amended plans were submitted that address a number of these concerns.
15. The applicant has provide a concept image of the proposal:



Figure 3: Concept image of proposal*

*It is noted that this render does not reflect the reduced height as depicted in informal plan dated 31 May 2017

16. Specific details of the application include:
 - Demolition of the existing building;
 - Construction of a common podium with two towers above to be used as dwellings (318 apartments) and a residential hotel (500 rooms) and ground floor retail premises (1,823m²) are provided to both Exhibition and La Trobe Streets. The development also provides spaces associated with the residential hotel and dwellings including ballroom, pre-function space,, ancillary office (2,000m² at Levels 9 and 10), yoga studio, gym, day spa, pool sauna and skydeck with lounge, bar, dining and outdoor space and residents library (3,553m²); and
 - Crossovers to the site are located to both Exhibition and La Trobe Street frontages with provision of a total of 283 car parking spaces, 55 of which are located within the basement, and the remaining 228 located within the podium (a response to the easements affecting basement structures on site due to the Melbourne Underground Rail Loop). Provision of 290 bicycle spaces are also located throughout the car parking areas. Access to loading and unloading facilities for the development are provided via Exhibition Street with the remainder of the car parking accessed from La Trobe Street. It is noted that

the development retains its current easternmost crossover to La Trobe Street which is a carriageway easement in favour of the telecommunications exchange building.

17. The application is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, landscape strategy and an ESD report.
18. The changes to the proposal in response to feedback has resulted in:
- Reduction in building height by approximately 8 and 9 storeys (between 31 and 44 metres to the two towers respectively).
 - Reduction in floor area ratio to below 24:1.
 - Internal relocation of the porte-cochere to the level 1 of the podium.
 - Design refinements have been progressed to the lower and upper carpark entry points to integrate within the architectural strategy.
 - Evolution of the design of the podium and tower which seeks to strength the base of the building and distinction of the tower design and form.
 - Modifications to the design and building layout of the podium to increase active uses through the lower sections.
 - Podium parking reduced from four to three levels. Increased integration of parking within the design of the building which includes modifications to the external treatment.
 - A new plinth element has been added with an integrated colonnade along Exhibition Street and a small section of La Trobe Street. Improved building edge to Exhibition Street, reducing large openings and providing better street definition.
 - Modified landscape design approach to the forecourt/plaza to La Trobe Street and continuation of the tower language and form.
 - Landscaping has been consolidated into a series of planted zones on the street edge.
 - A new pedestrian arrival to the hotel is now from the lower floor to Exhibition Street.
19. The proposal under consideration in this report is based on the plans dated 8 March 2017. During the course of the application revised plans were submitted as follows:

Key element	Original Application plans dated 22 August 2016	Revised plans dated 21 April 2017 & 31 May 2017
Dwellings:	500	318
1 bedroom	56	41
2 bedroom	393	211
3 Bedroom	51	66
Hotel	504 rooms	500 rooms
Other uses	Retail premises (1,899m ²) Child Care Centre (1,294m ²)	Retail premises (1,823m ²) Ancillary office (2,000m ²)
Storeys	68 storeys (Tower A) 71 storeys (Tower B)	60 storeys (Tower A) 62 storeys (Tower B)

Key element	Original Application plans dated 22 August 2016	Revised plans dated 21 April 2017 & 31 May 2017
Tower Height	252.25 metres (Tower A) 258.25 metres (Tower B)	207.9 metres (Tower A) 227.3 metres (Tower B)
Podium height	38 metres to the centre of the Exhibition Street frontage	30 metres to the centre of the Exhibition Street frontage
Tower setbacks	North and West (La Trobe & Exhibition Streets): 5 metres South: 13.9 metres East: 12.7 metres	North and West (La Trobe & Exhibition Streets): 5 metres South: 13.9 metres East: 12.7 metres
Communal areas	1,308m ²	3,848m ²
Car parking spaces	330	283
Motorcycle spaces	3	0
Bicycle spaces	363	290
Gross Floor area	137,000m ²	123,510m ²
Floor Area Ratio	25.5:1 (122,000m ² GFA above ground/ site area)	24:1 (114,964m ² GFA above ground/site area)* *It is noted that this will reduce due to the height reduction as shown in plan dated 31 May 2017

Planning policies and controls

State Planning Policy Framework

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

- Clause 9 (Plan Melbourne)
- Clause 11 – Settlement
 - Clause 11.01 – Activity centres
 - Clause 11.02 – Urban growth
 - Clause 11.03 – Open space
 - Clause 11.04 – Metropolitan Melbourne
- Clause 15 – Built environment and heritage
 - Clause 15.01 – Urban environment
 - Clause 15.02 – Sustainable development
- Clause 16 – Housing
 - Clause 16.01 – Residential development
- Clause 17 – Economic development
 - Clause 17.01 – Commercial
- Clause 18 – Transport
 - Clause 18.01 – Integrated transport
 - Clause 18.02 – Movement networks
- Clause 19 – Infrastructure

21. For a full outline of the relevant state planning policy for the proposal see *Appendix 1*.

Local Planning Policy Framework

22. 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.

23. The MSS within the Melbourne Planning Scheme identifies the objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.

24. The following clauses are relevant

- Clause 21.03 (Vision)
- Clause 21.04 Settlement
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.07 (Housing)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Infrastructure)
- Clause 21.12 (Hoddle Grid).

25. For a full outline of the relevant local planning policy for the proposal see *Appendix 1*.

Statutory planning controls

26. A planning permit is triggered for the proposal pursuant to:
- Capital City Zone – Schedule 1 (Clause 37.04)
 - Design and Development Overlay (DDO) (Clause 43.02)
 - Schedule 10 (Built Form Controls)
27. For a full description of the zone and overlay controls, planning permit requirements and notice and appeal exemptions for the proposal see *Appendix 2*.

Plan Melbourne (Refresh)

28. *Plan Melbourne 2017-2050* referenced at Clause 9.0 Clause and Clause 11.06 outlines the long term plan to manage growth in the city and suburbs to the year 2050. It seeks to integrate long-term land use, infrastructure and transport planning, and, in doing so, meet the city's future environmental, population, housing and employment needs. Two key directions of relevance are:
- Direction 2.1 outlines the plan for managing the supply of new housing in the right locations to meet population growth and create a sustainable city.
 - Direction 2.2 outlines the plan for delivering more housing closer to jobs and public transport.
29. Plan Melbourne identifies that Melbourne will need 1.6 million new homes over the next 35 years. New development will be directed to areas with appropriate infrastructure, and greater density is supported where it optimises the value of existing infrastructure. Significant opportunity exists across Melbourne for urban renewal precincts such as Southbank and Docklands to accommodate future growth.

Design Guidelines for Higher Density Residential Development

30. Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2) is a relevant consideration in the design and layout of apartments and associated services.
31. The Guidelines are structure around six elements including Urban Context, Building Envelope, Street Patter and Street-edge quality, Circulation and services, Building layout and design, and Open space and landscape design.

Better Apartments

32. On 13 April 2017 Clause 58 (Apartment Developments) otherwise known as the *Better Apartments Design Standards* were introduced in the Victoria Planning Provisions and all planning schemes.
33. The standards include requirements relating to building setbacks, functional layout, room depth, windows, storage, noise impacts, energy efficiency, solar access to communal outdoor open space, natural ventilation, private open space, communal open space, landscaping, accessibility, building entry and internal circulation, waste and recycling and water and stormwater management.
34. These standards replace the Guidelines for Higher Density Residential Development which are still referenced at Clause 15.01-2 of the Scheme. Better Apartments Design Standards are not formally applicable to this proposal which was submitted prior to their introduction.

Melbourne Planning Scheme Amendments C270 (Central City Built Form Review)

35. Amendment C270 to the Melbourne Planning Scheme was gazetted on 23 November 2016. It provides built form controls for the Central City to ensure that development respects and responds to the built form outcomes sought for the Central City. The current application was submitted before Amendment C270, and enjoys transitional rights (i.e considered according to the Melbourne Planning Scheme at the time of the application). This application is governed by C262 (interim controls) with somewhat lesser setback and increased floor area ratio parameters.

Referrals & Notice

36. The application was referred to the following groups:

Referral/ Notice	Provision/ Clause	Organisation	Response Received (date)
<i>Section 55 Referral-Determining</i>	Clause 52.36	Public Transport Development Authority (trading as Public Transport Victoria)	2 June 2017
<i>Section 55 Referral-Recommendation</i>	Clause 7.0 of Schedule 1 to the Capital City Zone	Melbourne City Council	23 May 2017
<i>Informal Referral</i>		Office of the Victorian Government Architect	23 December 2016
		Heritage Victoria	11 April 2017
		Department of Health and Human Services	Not received
<i>Internal Referral</i>		DELWP Urban Design	19 December 2016

Melbourne City Council

37. The Melbourne City Council considered the application at their Future Melbourne Committee on 16 May 2017.

38. Council determined:

“Melbourne City Council does not object to the proposal subject to the conditions in the delegates report”

39. Conditions of permit related to detailed design matters (refinements of the ground floor including architectural details, screening, weather protection), a legal agreement securing the through block links on the site, landscaping plan, façade strategy, construction management plan and other detailed civil engineering conditions. The conditions are included in the permit with the exception of the requirement associated with confirmation of the floor area ratio calculation. It is considered that the application requirement for a quantity surveyor assessment is a matter which is beyond the interim controls. These revised conditions were circulated to the Melbourne City Council on 5 June 2017 who offered no objection to the rewording of conditions.

Public Transport Victoria

40. Public Transport Victoria (PTV) reviewed the application and requested additional information under section 55(2) of the *Planning and Environment Act 1987* on 16 December 2016. A response to this request was provided and a response was provided by PTV on 2 June 2017 supporting the application subject to conditions.

DELWP Urban Design

41. The DELWP Urban Design Unit have reviewed the proposal (though out the application) and have recommended that the following be considered (in response to the refinements made to plans since those dated 8 March 2017) where general support for the application was offered subject to:

- Further refinement to the extent and expression of the plinth and colonnade element;
- A preference for rectilinear plinth and colonnade over curvilinear (wind conditions permitting);
- Reconsideration of the landscape gesture in light of the main movement desire lines (ramped connection from east of frontage, and formal central stair arrival);

- Increase the extent of accessible deck over the Telstra ramp;
- Refinements to the entry to Telstra ramp to provide security/ legibility/ safety;
- Remove/ significantly reduce the fence to the side lane;
- Weather protection canopy refinements; and
- Condition about façade strategy to further resolve parking level louvres, colonnade, oculus to sky bridge, and ground floor frontages.

Office of the Victorian Government Architect

42. The application was considered by the Victorian Government Design Review Panel on 7 December 2016. It is noted that these comments preceded the response plans provided on 14 and 15 March 2017 (plans dated 8 March 2017). The comments provided indicated general support for the proposal subject to detailed resolution of the following:

- **Built form and architectural design:** “The two towers create an elegant gateway building to the Carlton Gardens. It is recommended that the project team explore and exploit the notion of Melbourne as a ‘garden city’ and the rich context of the sites interface with the World Heritage listed Royal Exhibition Building and Carlton Gardens in a more creative and interpretative manner. The surrounding buildings on the corner of Exhibition and La Trobe Streets already do not fit with the context, and new developments should take steps to address this”.
- “Given the nature of the site, as a gateway to the CBD and the Carlton Gardens, an expression of height is considered to be an appropriate response. It is important to consider the transition of development to the low-rise areas of Carlton and Fitzroy. It is encouraged that further analysis of the views from other key CBD and edge locations (such as from Swanston Street, behind the dome of the State Library of Victoria, St Patrick’s Cathedral spires etc), in addition to pedestrian vantage points to better appreciate the visual impact and the human experience of the building”.
- **Skybridge:** “The skybridge is both a structural support element and link between the two towers. The public accessibility of this link is questionable, however would offer spectacular views of the Carlton Gardens. The detailed design of the skybridge is unresolved and could become a signature element for the development”.
- **Ground plane:** “Exhibition Street and La Trobe Street is a significant corner for pedestrian movements and the configuration of the commercial uses, the porte cochere and the level changes across the site, the ground plane is not perceived as being public. There needs to be greater clarity of the hierarchy of the different spaces and extent of public access, in addition to greater rigour regarding what constituted genuine usable public space. It is encouraged that greater analysis to the potential and preferred movement patterns is given to resolve the following:
 - Universal access;
 - Doors at ground floor limit the sense of public access which conflicts with the wind mitigation strategy;
 - Dominance of the porte cochere element of the design will result in a car dominated frontage including with vehicular crossovers.
 - The escalators connecting Exhibition Street up into the podium may read as ambiguous, private and potentially uninviting and do not promote ease of movement, presenting challenges particular for people who may have a bicycle or pram.
 - The escalator and vehicular crossover create a ‘black hole’ within the streetscape to Exhibition Street.
 - There is a need to ensure that the pedestrian connections extend through to Burton Street and Madame Brussels Lane, as without a link to Little Lonsdale Street (along the eastern edge of the adjacent site to the south) and given the nature of the spaces proposed for the laneway at the rear of the buildings, we are unsure who would use this space. The notion of

‘active’ frontages through the large areas of glazed facade. The lack of visibility of the southern retail spaces may limit their potential success”.

- **Podium:** “The podium should be an exemplar of outstanding design. The architecture and landscape architecture of the podium should exhibit more integration and develop a more creative and compelling design response to the idea of ‘the gardenesque’ espoused by the design team. The podium needs to encompass a fine grain due to the lack of visibility of this element from the Carlton Gardens. The language and materiality of the lower levels (largely expanses of glazing) is language which belongs to the towers but should have a better relationship to the street. The glass canopies enable views to the landscaping of the façade (which is a wind mitigation measure) is not considered to be an integrated feature of the building and should be reconsidered. It is acknowledged that there are constraints regarding basement car parking due to the existing city loop trains located below the site, however the unscreened four levels of car parking above ground are visible from the street and also include open facades to support natural ventilation”.
- **Landscaping:** “A greater degree of integration of landscape architecture is warranted. Concerns are expressed regarding the green façade treatment above the pedestrian scale and its absence at ground level and the ability to grow within Melbourne’s climatic conditions. There is greater need for the development to demonstrate how it resolves its façade with landscaping as an integral part of the façade, particularly its northern elevation”.

Department of Health and Human Services (DHHS)

43. The application was informally referred to DHHS on 24 March 2017 for comment due to the proximity of the site to the flight paths of The Royal Children’s Hospital and Royal Melbourne Hospital and the introduction of Design and Development Overlay- Schedule 66 on 29 February 2016. A response was not provided within the 28 day period given.

Heritage Victoria

44. The application was informally referred to Heritage Victoria on 29 August 2016 due to the sites interface with the Royal Exhibition Building and Carlton Gardens. A letter of response was provided on 11 April 2017 to indicate that as the site is outside the World Heritage Environs Area of Greater Sensitivity as shown in Figure 1 at Clause 21.21 of the Melbourne Planning Scheme that no comments are offered on the application.

Notification

45. Under the provisions of Schedule 1 of the Capital City Zone, and Schedule 10 to the Design and Development Overlay, an application to construct a building or 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.
46. A letter of concern was received in relation to the application from [REDACTED]. Concerns were expressed regarding the significant impact the proposed development has on the area including the World Heritage listed Carlton Gardens, the podium height is comparable to the height of the development and will block views, reduce privacy (through overlooking), result in increased traffic, increase noise due to significant plant equipment proposed, overshadowing, and results in a reduction in land values.

Assessment

Key Policy Issues

State Planning Policies

47. The state planning policies encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
48. The proposal is considered to respond appropriately to a number of relevant State policies by providing a mix of commercial (employment) and residential uses on the land and by locating new development close to public transport.
49. The proposal will:
 - Increase the supply of housing in existing urban areas and locating new housing in an area that that offers excellent access to services and transport.
 - Clause 17.03 encourages tourism development to maximise employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourism destination. Clause 17.03 encourages the development of a range of well-designed and sited tourist facilities that have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban attractions. The new hotel is ancillary to commercial and tourism facilities in the City and should therefore be encouraged.
 - Offer a high quality architectural design and the profile of the Hoddle Grid therefore contributing positively to the public realm and immediate streetscape.
 - Provides a building height, form and scale responding to the context of the surrounding area as an area where high rise tower forms are envisaged. The combination of high quality materials and articulation will provide further visual interest.
 - Provide a diversity of housing typologies to meet increasingly diverse needs. Specifically, it is noted that the proposal provides a mix of apartments with adequate minimum sizes, with no bedrooms or living areas reliant on borrowed light. The development also provides diversity with the provision of a mix of 1, 2 and 3 bedroom apartments with 66% two-bedroom and 21% 3-bedroom.
 - Provide a pleasant pedestrian experience and provide surveillance and safety for pedestrians.
 - The proposal is activated along Exhibition Street and La Trobe Street through the provision of the residential and hotel lobby with restaurant to the corner of Exhibition and La Trobe Streets which will enhance the adjacent pedestrian space, create a pleasant pedestrian experience and provide greater safety for pedestrians through passive surveillance (Clause 15).
 - The proposal will include low car parking numbers and an adequate supply of residential bicycle parking spaces to encourage alternative modes of transport.
 - In particular the following is provided in response to the SPPF: through visually interesting, good quality architecture and urban design, the proposal will contribute to the character of the area and will make a positive contribution to the public realm.

Municipal Strategic Statement (MSS)

50. 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.
51. Clause 21.03 recognises that the City of Melbourne has an important role in providing housing to accommodate the expected significant population growth. The proposal responds to this goal for Melbourne by providing 318 additional dwellings. The proposal would also assist in achieving Built Environment objectives by providing an attractive built environment in a part of the City where development is intended to intensify.

52. The development is of an acceptable size, scale and form that would support a high quality public realm (Strategy 5.2 of Clause 21.06) and ensures that the design of buildings enhance the public realm and the pedestrian environment (Strategy 6.2 of 21.06).
53. Clause 21.08 identifies the City as the State's principal centre for commerce and encouraged new business to take advantage of the Capital City location.
54. The proposal responds to Clause 21.12 (The Hoddle Grid) through:
 - Supporting residential development (dwellings and hotel) that accommodates a diverse population.
 - Providing a design which acknowledges the human scale and activation at ground level and contributes positively to the surrounding streetscape. The proposal also provides tower setbacks to provide a human scale at street level.
 - Making a contribution to Melbourne's skyline through well-articulated and designed buildings.

Local Policies

55. The proposal is considered to respond appropriately to a number of relevant Local planning policies. In particular the following is provided in response:
 - The development is sited and designed to respond to the physical constraints of the site, and the neighbouring residential buildings to the east. The development will be highly visible due to its prominent corner location, which has been designed to provide an appropriate interface to the public realm, emphasises the street corner and is responsive to its context. The development also contributes to the strategic vision for the Hoddle Grid (Clause 22.01).
 - The proposal does responds to policy to ensure that the buildings allow good sun penetration to public spaces and achieve a comfortable and enjoyable street environment. The relevant control period is between 11.00am and 2.00pm on 22 September (Clause 22.02), with limited additional shadowing due to existing larger towers to the immediate south.
 - The proposal provides an ESD Report within is considered to address the requirements of Clause 22.19 and Clause 22.23 by including environmentally sustainable building initiatives within the design of the development to ensure energy and water efficiency. Further analysis of both policies is provided in the ESD section below.

Land Use and Built Form Issues

Zoning and Overlays

56. The zoning and overlay provisions have been considered in the application.
57. In particular, a permit is required for demolition, and to construct a building or construct or carry out works. A permit is not required for the dwellings, residential hotel, and retail uses as these are Section 1 – 'Permit not required' uses.
58. The purpose of the zone and the schedule has been considered and it is noted that the proposed dwellings, residential hotel and retail premises uses are consistent with the range of uses which contribute to the on-going revitalisation of a 24-hour CBD.
59. The decision guidelines of the zone have been considered and it is noted that the development responds appropriately with the broad strategic intent for housing, economic development and employment as outlined in the State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF), including the MSS and the purpose and decision guidelines of the zoning control.
60. The land uses and the redevelopment of the site are not in contention. The key issues in this application relate to detailed design and built form and ground level activation. These matters are discussed further below.

Design and Form

61. The performance measures contained within Local Policy Clause 22.01 (Urban Design within the Capital City Zone), Guidelines for Higher Density Residential Development, and Schedule 10 of the Design and Development Overlay (DDO10) set performance benchmarks for good development. Key themes of street-pattern, edge-quality, building envelope, internal amenity, architectural design and activation are common to each of these policy documents and controls.
62. The design objectives and guidelines of the Design and Development Overlay 10 are relevant and are discussed in the following section:
- *To ensure development supports a high quality of pedestrian amenity in relation to human scale and microclimate conditions within the public realm including acceptable levels of sunlight access and wind.*
 - *To ensure that development respects the built form scale and urban structure of the Central City.*
 - *To provide clear parameters to guide appropriate built form outcomes.*
 - *To ensure development is consistent with the function, form and infrastructure capacity of the city, including the capacity of footpaths, roads, public transport and services.*
 - *To encourage a quantum of development that maintains the valued public realm attributes of the Central City while providing equitable development opportunities.*
 - *To ensure that new buildings respect the future development potential of adjacent sites and allow for equitable access to privacy, sunlight, daylight and an outlook from habitable rooms.*
 - *To provide a high level of internal amenity for building occupants.*
63. The proposal is considered to be broadly consistent with the objectives, built form outcomes and decision guidelines of DDO10 as introduced under the interim controls (Amendment C262).

Built Form Response & Architectural Design

64. Urban Design policy within the Melbourne Planning Scheme (Clause 22.01) encourages buildings to retain views into and out of the Capital City Zone, to align to the street pattern and break wide street frontages into smaller vertical sections. Policy also provides guidance regarding facades and the architectural features, fenestration, and details are critical to the success of any new development, including the use of high quality building materials and details and that roof profiles contribute to the architectural quality of the city skyline. These are relevant considerations for the current application.
65. The proposed towers are located within a part of the Hoddle Grid that has undergone significant change. Recent developments west of the site demonstrate introduction of significant height with 318 Russell Street (Abode) at 188 metres and the under construction office tower at 130 Lonsdale Street (Wesley Church) at 157 metres. The proposed towers at 207.9 metres and 227.3 metres sit comfortably in the emerging built form context within the area including the existing commercial towers to the south with the Telstra Centre (242 Exhibition Street), Urban Workshop (50 Lonsdale Street) and Casselden Place (2 Lonsdale Street) measuring at between 160 and 190 metres in height. This context is shown within Figure 2 above in the site surrounds section of the report.
66. The application has undergone a Design Review Panel with the Office of the Victorian Government Architect and independent advice from the Department's Urban Design Unit. Detailed comments can be found within the Referral section of the report above.
67. The success of the proposal is the delivery of the ground plane and its crown (its contribution to the skyline).
68. The proposed design and general composition of the development into two separate towers is supported. The curved tower forms assists in scaling the sheer bulk of the building with setbacks to provide relief and provide reasonable amenity to the future occupants of the buildings and the existing residents to the east of the site.

69. The site is located opposite the Royal Exhibition Building and Carlton Gardens which is located within a World Heritage Environs Area Precinct. The site is not located within this precinct which is intended to provide a buffer area from new development. Regardless of the site not being within this buffer area, its adjacency highlights the prominence of the site and that the architectural quality and contribution to the skyline is critical in this gateway location.
70. The informally substituted plan dated 31 May 2017 show a reduction in height of the two tower elements and the introduction of a stepped form, the more significant height reduction occurring to Tower A which is towards the eastern boundary of the site. The architectural intention to vary the heights provides transition to the City at this gateway location and provides a visual reduction in height towards the sensitive heritage environs and World Heritage Environs listing of the Carlton Exhibition Building and Carlton Gardens.
71. The almost 20 metre difference between the two towers also assists in this reading. It is advised that the plan of 31 May 2017 includes plant that is largely unresolved to Tower A and it is considered appropriate that a condition be introduced to resolve this element which will be highly visible. It is also considered that a sculpted form will assist with linking the architectural language within the podium and provide a striking contribution to the City skyline. The condition will also require an emphasis of the height difference through the resolution of the Crown feature to ensure the stepped height between the two towers is clear from a number of vantage points around the site.
72. The proposed development includes extensive façade greening at the ground plane and to the podium, specifically to parking levels. Initial concerns were raised with regards to the ongoing viability of the greening, particularly given the high exposure of the site to wind. The application was reviewed by Council's Open Space Team who provided comments in relation to all landscaping aspects associated with the site, in particular the substrate planting volume, water management, irrigation, maintenance and plant palette and access to light. It is recommended that this detail is provided via condition of permit.
73. It is acknowledged that the site is in close proximity to the Carlton Gardens and that the proposed built form and landscape treatments should complement and be compatible with the landscape character of the open space. Large canopy trees should be incorporated into the landscape of the building (into deep soil) to provide a link to the gardens and plants chosen to complement the heritage landscape.
74. The idea of green infrastructure into the building fabric and appearance is welcomed. The inclusion of a green roof and green infrastructure is supported as a positive contribution to the overall greening in the city however it should be noted that roof gardens (either at ground level or elevated) do not achieve the multiple benefits that open space at ground level can and should not be used as compensation for this, but in addition to, the required open space contribution.

Tower Separation and Setbacks

75. Design and Development Overlay Schedule 10 (Built Form Controls) introduced under Melbourne Planning Scheme Amendment C262 includes built form controls specifying a mandatory maximum podium height up to 40 metres, tower setbacks to street of 5 metres, and tower setbacks to adjoining boundaries of 5% of the overall tower height. The Built Form Controls also specify a discretionary floor area ratio of 24:1.
76. The proposal responds to the controls as follows:

Design Element	Requirement/ Provision	Comment on built form outcomes
Podium Height	Up to 40 metres	Podium height measures at approximately 30 metres
Building setback(s) above street wall	Above the podium height, towers are setback a minimum of 5 metres to the street	The towers are setback a minimum of 5 metres to the street excluding architectural features (lightweight masonry projections)

Building setbacks from side and rear boundaries	Buildings in excess of 100 metres in height are to provide a minimum setback to the boundary of 5% of the overall building height	The tower is setback 13.9 metres and 12.73 metres from the south and east boundaries (requires 12.1 metres)
Tower separation within a site	None specified	Minimum of 10 metres provided which increases to 16 metres at the higher levels of the tower
Floor Area Ratio	24:1	Provides 24:1 (less if accounting for the loss of floor area as a result of the reduced height shown in plans dated 29 May 2017)

77. The application as modified is considered to comply with the built form requirements outlined within local policy 'Urban Design within the Capital City Zone' (Clause 22.01), Schedule 1 of the Capital City Zone (Clause 37.04) and Schedule 10 of the Design and Development Overlay (Clause 43.02).
78. Clause 22.01 does not stipulate a specific measurement for tower separation for developments within the Capital City Zone. The tapered tower forms provide increased setbacks to street frontages and greater average separation at increased heights, achieving minimum tower separation of 10 metres which increases up the height of the towers (to a maximum of 16 metres).
79. The curved floor plate design and tower orientation provides for an appropriate resident amenity and outlook for views and sky views between the towers. The towers have been offset and the floor plates have been designed so that habitable room windows do not directly face one another. It is noted that the development provides a minimum of 20 metres separation to the residential towers to the east of the site. It is noted that the tower separation to the Telstra Exchange Tower immediately south of the site is ranges from 5.2 metres at Level 2, increasing to 10.7-12.2 metres at Level 8, which is consistent with the air rights affecting this site above RL39.59 metres. This is considered to be appropriate.
80. The setbacks of the towers are considered to provide an appropriate response to the prevailing built form character of the area. The proposed towers are not considered to dominate the streetscape. The street response of the proposal is reinforced with lower podium height of approximately 30 metres.

Street Level Activation and Pedestrian Safety

81. The proposed development includes challenges due to the significant change in levels across the site, and structurally by the Melbourne Underground Rail Loop. The ground plane as proposed is responsive to the site's program but also to complex wind effects.
82. The development is considered to respond appropriately to policy at Clause 22.01 as follows:
- The development responds to a high quality pedestrian amenity in relation to scale and microclimate conditions with the public realm including acceptable levels of sunlight access and wind mitigation;
 - Respects the built form scale and urban structure of the Central City;
 - Relocating the porte cochere above ground level to minimise impact on street frontages;
 - The streets are fronted by active uses which increase interest, use and the perception of safety.
83. The development has undergone significant redesign and refinement in relation to the ground plane and podium. This has included the removal of the porte cochere to La Trobe Street, the rearrangement of the podium levels to provide more active levels closer to ground (while concealing parking areas), additional landscaping and design resolution along the eastern edge of the Exhibition Street frontage (Burton Street, Telstra entry and hotel vehicle entry) and the strengthening of the Exhibition Street elevation with built form.

84. Although the development does deviate from the more traditional podium form, it is considered that, in this context, which includes heritage buildings in a garden setting on the north side of La Trobe Street, a departure from the typology can be considered provided an excellent ground plan outcome is delivered. The podium, whilst not built to the street along La Trobe Street provides a reasonable human scale with a podium measuring at approximately 30 metres in height.
85. In response to the informal plans submitted on 21 April 2017 it is considered that although the building plinth is beginning to more successfully ground the building and hold the corner of La Trobe and Exhibition Streets, the first half (western) of the frontage to La Trobe Street should continue the plinth and colonnade treatment. The further extension of the plinth is considered an important design element of the ground plane that should provide a robust and active edge. It should extend as far as practicable given the level differences.
86. The eastern half of the frontage should be framed by the central formal stair arrival, and a stronger ramped DDA arrival from the paved zone adjacent to the driveway. These modifications should provide a sightline based movement network to, from and through the complex. This outcome is considered to be responsive to the immediate context that is currently defined by Burton Street (pedestrian link) and the entry the Telstra Building (required to be retained).
87. Other details which require further refinement in order to provide a improve interface with La Trobe Street include:
- A strong preference for a rectilinear plinth and colonnade element as opposed to curvilinear (wind conditions permitting).
 - Extend a programmed/accessible deck to the maximum possible over the Telstra Ramp (La Trobe Street frontage)
 - Remove/significantly reduce the architectural fence/screen that runs between the side lane (Burton Street) and Telstra Ramp.
88. Removal of the bluestone to the Telstra Ramp to be replaced with an alternative treatment that may be both legible and add visual interest. A gate/ automated bollards or boom to define this space would make clear that the space is not for pedestrian use. These matters can be resolved via conditions of permit.

Internal Amenity

89. The figure below provides an illustration of the typical floor plate.



Figure 4: Proposed typical tower floor plan.

90. The Guidelines for Higher Density Residential Development are a relevant consideration for multi-storey residential buildings. Amongst other matters the guidelines include Objective 5.4 which seeks: *'to ensure that a good standard of natural lighting and ventilation is provided to internal building spaces'*.
91. Design suggestion 5.4.1 seeks *'to provide direct light and air to all rooms wherever possible'* and aims to: *'encourage direct natural light and ventilation to all habitable rooms- living rooms, bedrooms, studies- in the form of operable windows. The 'borrowing' of light and air should be avoided, particular in ventilating bedrooms'*.
92. The Guidelines are supplemented with the Better Apartment Design Standards which were introduced on 13 April 2017 via Amendment VC136. It is highlighted that Clause 58 does not apply as specified within the 'Transitional Provisions' at Clause 37.04-4 as the application was lodged before the approval date of Amendment VC136.
93. The request includes 318 dwellings (41 x 1-bedroom, 211 x 2-bedroom, and 66 x 3-bedroom). The typical layout of the 1-bedroom apartments measure at 55m²+, 2-bedroom apartments measure at 77m²+, and 3-bedroom apartments measuring at 136m²+
94. The shapes of the proposed towers provide the opportunity for all apartments to have good access to natural light and ventilation. None of the nominal apartment layouts include "saddlebag" layout to provide light to the inboard bedrooms. This is very positive.
95. Some of the apartments do not have open space in the form of balconies. Considering the development incorporates open space and amenities for its residents, open space for each apartment may not be necessary and is problematic at higher levels due to wind effects. The provision of a Health Club at Level 8, Residential Amenities at Level 10 and Sky Park at Level 50 and 51 includes generous residential facilities.
96. The decision guidelines of Schedule 1 to the Capital City Zone specifies that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This requirement can be dealt with via an appropriate condition.

Floor Area Ratio and public benefits

97. Melbourne Planning Scheme Amendment C262 introduced a floor area ratio of 24:1 as a consideration in Clause 22.01 (Urban Design within the Capital City Zone) and as a requirement of Schedule 10 of Design and Development Overlay (DDO10).
98. The application has a floor area ratio of 24:1 for the site. It is noted that the informally substituted plans of 31 May 2017 with a reduction in height of the towers would reduce the gross floor area above ground and subsequently the floor area ratio. The application includes a through block link (Burton Street) which is considered to be a public benefit, although this replicates an existing connection.

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

99. Schedule 1 to the Capital City Zone includes application requirements and wind analysis requirements which should be met for wind conditions to street. Clause 22.01 includes design standards for weather and wind protection including, *'towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level'*.
100. The site is located on a prominent and exposed corner of the CBD grid and as such any development on the site should mitigate wind conditions through building design and siting as much as practicable.
101. The applicant has submitted wind tunnel reports and desktop assessments (prepared by MEL Consultants) which indicate that, given the high exposure of the site, achieving an appropriate level of pedestrian comfort to the corner of Exhibition and La Trobe Streets is difficult without setting back the building at ground or using other wind break or venting measures.

102. As such the use of a taller podium that holds the corner is challenging in this context. However it is considered that a design outcome will be achieved that will hold the corner at ground and level one while also allowing the appropriate wind break/venting (within the podium car parking) to ensure that pedestrian comfort can be achieved. An updated comprehensive wind report will be required that responds to the revised plans and recommended modifications to the plans. This can be resolved by condition of permit.
103. Local Policy 'Sunlight to Public Spaces' requires that development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September. It is highlighted that Clause 22.02 under Amendment C262 states that development must not cast any additional shadows across the Parliament House steps and its 'forecourt' between 11.00am and 4.00pm on 22 September. The shadowing analysis provided with the application confirms that the proposal does not cast additional shadows to this space and that the proposal does not cast additional shadows on public parks, gardens, squares or major pedestrian route (and largely falls to roads and other non-sensitive uses).
104. It is noted that the proposal does not comply with permanent controls introduced via Amendment C270. In particular the controls include discretionary shadowing protection of Gordon Reserve and Parliament Steps and forecourt between 11.00am and 3.00pm 22 April to 22 September. An assessment of the shadowing impacts has been undertaken, and whilst not applicable due to the transitional arrangements under the Interim Controls, the development (even with its reduced height as shown within informal plans dated 31 May 2017) shadows Gordon Reserve at 3pm on 22 June and Parliament Steps and forecourt at 3pm on 22 July.

Parking, Loading, Bicycle storage & other services

105. The site has access from both La Trobe Street (left in, left out only) and Exhibition Street with a total of 283 car parking spaces provided with 55 of those spaces within a basement accessed via Exhibition Street. The remaining 228 podium car parking spaces are accessed via La Trobe Street from car lifts. The porte cochere has been repositioned from La Trobe Street to the first level of the podium. The existing vehicular ramp to the eastern boundary of the La Trobe Street frontage is to be retained as it provides access to the Telstra Exchange building to the south of the site (required by easement on title) and access from Exhibition Street services the loading area to service both the hotel and apartments.
106. In summary the services area is considered to be satisfactory, and is generally supported by the Melbourne City Council subject to conditions. The following amendments should be made to the proposal and have been added as conditions including detailed matters associated with the car parking layouts, ramp and ramp grades, restriction of movement from La Trobe Street as left-in/left-out and further consideration of cyclist safety with the vehicular access points.

Parking

107. The subject site is within the Parking Overlay (PO1), pursuant to Clause 45.09 of the Planning Scheme. The proposal is considered to be **satisfactory**, as it is within the maximum parking rates, as follows:

Use	Rate	Maximum or Minimum Requirement	Rate provided
Dwelling:	Maximum 1 space per dwelling	Maximum 318	228 Achieved
Other uses	Maximum spaces = 5 x net floor area of buildings on that part of the site in m ² / 1000m ²	Maximum 302 (60,392m ² x 5/1000m ²)	55 Achieved
Motorcycle parking	Minimum rate of one motor cycle parking space for every 100 car parking spaces.	Minimum 3	0 Not achieved (to be required by condition)

Design standards for car parking

108. The proposal is considered to be **satisfactory**, as it meets the dimensions and design requirements of Clause 52.06-8, subject to **conditions** stipulated by Council. A condition is to be included to ensure motorcycle parking is provided.

Bicycle facilities

109. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. Spaces Required	Provided
Dwelling	Resident	1 space / 5 dwellings	64	219
	Visitor	1 space / 10 dwellings	32	
Hotel	Resident	1 space / 10 lodging rooms	50	71
	Visitor	1 space / 10 lodging rooms	50	
Retail premises	Employee	1 space / 300m ² of LFA	6	
	Customer	1 space / 500m ² of LFA	4	
Showers	Employee	1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	1	0
Change rooms	Employee	1 change room or direct access to a communal change room to each shower.	1	0
TOTAL			206	290

110. Bicycle parking facilities are provided in both the basement and the car parking above ground (Level 4 to 6 inclusive). An earlier traffic report suggests that shower and change facilities are provided; however the informally substituted plans do not make this clear. The overall amount of bicycle parking provided is considered to be **satisfactory**, as it meets the statutory requirements for bicycle facilities, given the gross number of spaces exceeds the number of spaces required for the use. A condition to resolve the shower and change room requirements is recommended. Conditions will be added to the permit.

Loading

111. Loading was provided as follows:

Floor Area	Minimum loading bay	Provided
2,600m ² or less in single occupation	Area 27.4m ² (Additional 18m ²)	470m ²
(For every additional 1,800m ² or part)	Length 7.6m	18m (average)
	Width 3.6m	22m
	Height clearance 4.0m	5.3m

112. It is considered to be **satisfactory**, in relation to the requirements of Clause 52.07.

Waste

113. A waste management plan has been provided (Leigh Design Pty Ltd dated 17 August 2016). Council has not provided any detailed comments on the Waste Management Plan and have required the plan to be submitted to their satisfaction. This can be resolved by condition of permit.

Environmental

ESD

114. The sustainable design initiatives incorporated into the proposal demonstrate a commitment to achieve a highly sustainable design which has the design potential to achieve a 5 Star Green Star rating. A This is considered to comply with the Melbourne Planning Scheme requirements in particular Clause 22.19, Energy, Water and Waste Efficiency and Clause 22.23, Stormwater Management (Water Sensitive Urban Design). A condition of permit should be included that requires the development to meet the expectations as outlined in the ESD report.

Environmental Audit

115. Section 60 of the *Planning and Environment Act 1987* requires the Responsible Authority to consider any significant effects the use or development may have on the environment or which the Responsible Authority considers the environment may have on the use or development. Given the possible previous land uses the site requires comprehensive environmental assessment of the site to determine if it is suitable for the intended use. This will be added as a condition of permit.

Conclusion

116. The development is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of dwellings, and hotel within a built form response that reinforces the existing and emerging urban context within a central city area.
117. It will provide a high quality of pedestrian amenity and a building that respects the built form scale and urban structure of the Central City.
118. The proposal is generally supported by the various formal and informal referral agencies. In particular the Melbourne City Council supports the proposal subject to conditions relating to detailed resolution of the ground plane, and standard civil engineering conditions.
119. **It is recommended that** Planning Permit No. PA1600142 for the demolition of the existing building and construction of mixed-use multi-storey buildings comprising of dwellings, residential hotel and retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern) at 288-326 Exhibition Street, Melbourne, be issued subject to conditions.

Appendix 1: Relevant State & Local Planning Policies

The following state and local planning policies are relevant to the application:

Planning Scheme provision	Key Objectives
Clause 9 <i>Plan Melbourne</i>	<ul style="list-style-type: none"> • Expanded central city: support the plan central city to become Australia's largest commercial and residential centre by 2040 by providing additional residential and commercial opportunities. • Central Subregion: Prepare a plan for the Central Subregion to accommodate at least 1 million jobs and 1 million people • Housing: Deliver housing close to jobs and transport.
Clause 10.04	<ul style="list-style-type: none"> • Decision making: Integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
Clause 11 <i>Settlement</i>	<ul style="list-style-type: none"> • Central Melbourne Activity Centre: Support major development opportunities for high scale and high density mixed residential and commercial precincts.
Clause 15 <i>Built Environment and Heritage</i>	<ul style="list-style-type: none"> • Urban design: To create urban environments that is safe, functional and provides good quality environments with a sense of place and cultural identity. • Urban design principles: To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. • Design for safety: To improve community safety and encourage neighbourhood design that makes people feel safe. • Energy and resource efficiency: To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions. • Heritage: To ensure the conservation of places of heritage significance. • Includes reference to <i>'Design Guidelines for Higher Density Residential Development'</i>.
Clause 16 <i>Housing</i>	<ul style="list-style-type: none"> • Integrated housing: To promote a housing market that meets community needs. • Location of residential development: To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. • Housing diversity: To provide for a range of housing types to meet increasingly diverse needs.
Clause 17 <i>Economic Development</i>	<p>The proposal will support the following policy objectives of this clause:</p> <ul style="list-style-type: none"> • Business: To encourage development which meet 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. • Tourism: To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.
Clause 18 <i>Transport</i>	<p>The proposal will support the following policy objectives of this clause:</p> <ul style="list-style-type: none"> • Land use and transport planning: To create a safe and sustainable

	transport system by integrating land-use and transport.
Clause 19 <i>Infrastructure</i>	The proposal will support the following policy objectives of this clause: <ul style="list-style-type: none"> • Cultural facilities: To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities. .
Planning Scheme provision	Key Objectives
Clause 21.03 (Vision)	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)	Clause 21.04 1-1 recognises that this area “will be managed to facilitate continued growth where appropriate and limit change or 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)	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 within the Hoddle Grid to promote connectivity, provide for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms. It aims to ensure that the scale, bulk and quality of development supports a high quality public realm within the City.
Clause 21.07 (Housing)	Clause 21.07 (Housing) seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas and strategic sites. The policy acknowledges the need to ensure that new developments are supported with facilities and services for residents including convenience retail and community facilities.
Clause 21.08 (Economic Development)	Clause 21.08 (Economic Development) seeks to support central city and local retail uses by encouraging the provision of convenience retailing and services including supermarkets in the Central City and Urban Renewal Areas for the local workers and residents.
Clause 21.09 (Transport)	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.
Clause 21.10 (Infrastructure)	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.

Planning Scheme provision	Key Objectives
Clause 21.12 (Hoddle Grid)	<p>Clause 21.11 (Local Areas) and Clause 21.12 (Hoddle Grid) seeks to provide more specific policy outcomes for each local area within the City of Melbourne. The subject site is included within the Hoddle Grid 'local area' where the applicable policy references include:</p> <ul style="list-style-type: none"> ▪ Support permanent and short-term residential development in the Hoddle Grid that accommodates a diverse population. ▪ Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings. ▪ Ensure that new tall buildings add architectural interest to the city's sky line. ▪ Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers. ▪ Ensure high quality and robust public space design in arcade and laneway upgrades. ▪ Link arcades and laneways in the Hoddle Grid. ▪ Encourage arcade and laneway links between streets and public spaces. ▪ Ensure development fronting streets creates a continuous building edge and integrated streetscape. ▪ Ensure that security treatments for shop fronts allow for views into the premises at night and positively contribute to the streetscape. ▪ Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.
Clause 22.01 Urban Design within the Capital City Zone	<p>Clause 22.01 (Urban Design within Capital City Zone) seeks to create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities. The surrounding area is undergoing regeneration and it is acknowledged that any design must be an exemplar for the area and of outstanding architectural quality.</p>
Clause 22.02 Sunlight to Public Spaces	<p>Clause 22.02 (Sunlight to Public Spaces) seeks to ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.</p>
Clause 22.19 Energy, Water and Waste Efficiency	<p>Clause 22.19 seeks to ensure that the design, construction and operation of buildings minimise the production of greenhouse gas emissions, maximises energy efficiency and minimises mains potable water use.</p>
Clause 22.23 Stormwater Management (Water Sensitive Urban Design)	<p>Clause 22.23 has the key objective to improve stormwater quality and reduce the environmental impact of urban development on waterways. Incorporating stormwater treatment measure into the design of development, including wetlands, bio-retention systems and porous pavements to filter pollutants, will help to protect and improve the condition of the natural waterways and passively irrigate urban vegetation.</p>

Appendix 2: Statutory Planning Controls

The table below provides a full outline of the zone and overlay controls, planning permit requirements and notice and appeal exemptions for the proposal:

Planning Control	Application requirements	Permit Triggered (Yes/ No) or Relevance (Yes/No)
Capital City Zone – Schedule 1 (CCZ1) (Clause 37.04)	<p>Purpose of the Zone:</p> <p><i>To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i></p> <p><i>To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance.</i></p> <p><i>To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.</i></p> <p><i>To create through good urban design an attractive, pleasurable, safe and stimulating environment.</i></p> <p>A permit is required to:</p> <p>Demolish or remove a building</p> <p>To construct buildings and carry out works</p> <p>To construct a building and carry out works which would cast a shadow between 11:00 am and 2:00 pm on 22 March and 22 September over public space, public parks and gardens, public square, major pedestrian routes including streets and lanes, and privately owned plazas open to the public.</p> <p>To construct a building which does not extend to the road boundary of the site.</p> <p>To construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Design and Development Overlay (DDO) (Clause 43.02)	Under Clause 43.02-1 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.	Yes

Planning Control	Application requirements	Permit Triggered (Yes/ No) or Relevance (Yes/No)
Schedule 10 (Built Form Controls)	<p>Schedule 10:</p> <ul style="list-style-type: none"> • Specifies that a permit is required to construct a building or construct or carry out works. • Specifies the following: <ul style="list-style-type: none"> ○ mandatory maximum 40 metre podium height, ○ mandatory minimum 5 metre tower setback to street, ○ mandatory tower setbacks of a minimum of 5 metres to an adjoining property or 5% of the overall tower height above podium if the tower exceeds 100 metres I height; ○ a discretionary floor area ratio of 24:1. • Exempts the application from notice and review requirements. 	Yes
Parking Overlay (PO) <i>(Clause 45.09)</i>	<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>	No
Parking (Clause 52.06)	<p>Before a new use commences; or the floor area or site area of an existing use is increased the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.</p>	No
Loading and Unloading of Vehicles (Clause 52.07)	<p>No building 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 in the table (minimum loading bay table).</p>	No
Bicycle Facilities (Clause 52.34)	<p>A new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Required bicycle numbers are provided in the table in the clause.</p> <p>An application under this clause is exempt from the notice, decision and review requirements of the Act.</p>	No
Integrated Public Transport Planning (Clause 52.36)	<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 (Public Transport Victoria).</p>	Yes

Planning Control	Application requirements	Permit Triggered (Yes/ No) or Relevance (Yes/No)
Live Music and Entertainment (Clause 52.43)	<p>This clause applies to an application for a live music entertainment venue or a noise sensitive residential use that is within 50 metres of a live music venue.</p> <p>The proposal is not within 50 metres of a live music venue and therefore this clause does not apply.</p>	No
General Provisions (Clause 61.01)	<p>As the proposal is greater than 25,000 square metres in Gross Floor Area (GFA) the Minister for Planning is the Responsible Authority under the Melbourne Planning Scheme for determining the permit application.</p>	No
Decision Guidelines (Clause 65.01)	<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>	Yes
Referral and Notice Provisions (Clause 66)	<p>Under Clause 66.03 an application must be referred to the person or body specified as the referral authority:</p> <ul style="list-style-type: none"> • Clause 52.36 (Public Transport Development Authority). <p>Under Clause 66.04 notice of an application must be given to the person or body specified:</p> <ul style="list-style-type: none"> • Clause 6.0 of Schedule 1 to Clause 37.04 (CCZ) for a permit application for development with a gross floor area exceeding 25,000 square metres within the Capital City Zone (Melbourne City Council). 	Yes

