

PROPOSAL

1. The proposal lodged on 13 September 2013 includes demolition of the existing building and construction of a 63 storey residential tower building comprising a six storey podium and one basement level. The proposed building will have a height of 196.3 metres to parapet excluding building plant. The building will contain 632 apartments and ground level retail to activate A' Beckett Street with a retail arcade and pedestrian link that connects from A' Beckett Street, through the building to the rear of the Welsh Church and La Trobe Street. The proposed gross floor area of the development is 45,269.8 sq.ms.

Applicant	Innovative Construction and Development c/- Urbis Pty Ltd
Architect	Elenberg Fraser
Use	Residential apartments - 632 residential apartments 46% one bedroom, 51% two bedroom and 3% three bedroom apartments. Retail shops – 720 sq.m at ground level
Height	63 storeys and 196.3 metres to parapet excluding building plant
Setbacks	Front setback 6 metres at the two lower level above the podium, then reducing to 4.5 metres for the tower main element. Rear setback 4.5 metres Side setbacks 7.3 metres – 10.55 metres for the lower levels increasing to 9 metres - 12.45 metres for the upper levels.
Car parking, bicycle spaces and loading	212 car spaces in the podium 212 bicycle spaces in the basement A loading dock will be located on the ground floor with a service corridor connecting it to the retail spaces and arcade.
GFA	45,269.8 sq.ms
CoM	The City of Melbourne supports the proposal subject to an increased tower setback of 6 metres (instead of 4.5 metres proposed) and other conditions.

2. Details of the application are as follows:

- Demolition of the existing building – the building has a 'D' grading in the City of Melbourne Heritage Study but is not included within the Heritage Overlay.
- Construction of a 63 storey tower with a curved 'milk bottle' form of varying setbacks.
- Overall height excluding plant 196.3 metres.
- Ground floor will comprise vehicle access along the western edge of the site, loading bay, waste storage, substation and services internal to the site, a five metre wide north-south through-block link central to the sites A'Beckett Street frontage with a minimum clearance of 5 metres, retail and a residential lobby.
- Level one allows for high ceilings above the retail, lobby and through-block link and additional mezzanine for building services
- Double height retail arcade over the length of the building including 720 sq.ms of retail floor space and residential lobby.
- Level two to six comprises dwellings fronting A'Beckett Street and car park
- The proposed tower will commence at level seven, which comprises communal facilities including an outdoor deck area on the podium roof, with swimming pool and indoor gym, change rooms, sauna and steam room, yoga studio, lounge, two dining rooms, a bar and four media rooms.

- The six storey podium from 1st floor to 6th floor includes a single 'skin' of apartments to A'Beckett to conceal the car park.
 - The car park in the podium contains 212 car spaces and 220 storage lockers.
 - The development includes one basement level for the lift pits and 212 bicycle spaces
 - A loading dock located on the ground floor with a service corridor connecting it to the retail spaces and arcade.
 - Communal residential lounge/dining facilities at Level 33.
 - Communal, lounge, gym and recreation area Level 7
 - 632 residential apartments with a tenure distribution of 46% one bedroom, 51% two bedroom and 3% three bedroom apartments.
3. The submission is supported by comprehensive reports including a Town Planning and Urban Context Report, Traffic Engineering Assessment Report, Waste Management Plan and Environmental Wind Speed Measurements Report.

Revised Plans

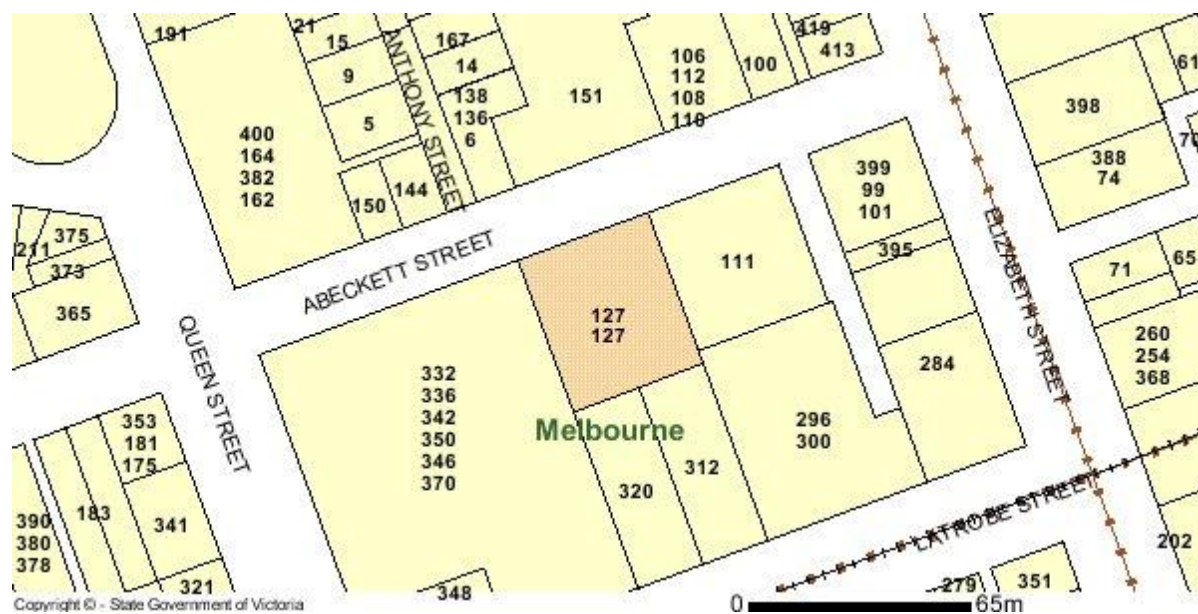
4. Further information was requested on 23 September 2013 and sought seven items relating to details of the through block link, visual perspectives, a 3D model, materials and finishes, information about wind amelioration and clarification of vehicle car widths was requested. All items of further information have been provided.
5. Through the process of assessment of the application, a number of areas for improvement of the design were identified by Planning and Urban Design within the Department about issues relating to the design detail of the podium and the arcade. In particular, it was also recommended that the arcade alignment was straightened to improve visual sightlines for the through block link.
6. Amended plans were submitted on 10 December 2013 to address these issues, make general improvements identified by the architect and accommodate comments raised by the City of Melbourne Engineering Services.
7. The amended plans have resulted in the following design improvements:
- Increased width and overall size of the residential lobby and a direct frontage of the lobby to the street.
 - Direct access to the bicycle store from the street and accessible lift.
 - Straightened retail arcade and improved sightline visibility through alteration to arcade glazing.
 - Re-planning to retail tenancies adjacent the connection to Urbanest.
 - Revised car park ramp and minor reduction of car spaces from 212 to 206
 - Adjustment to car spaces dimensions and loading dock access.
 - Clarification that wind impacts through the arcade will be ameliorated by automated sliding glass doors.
8. It is recommended that these issues are addressed via a planning permit condition that requests "Condition 1 plans".

SITE AND SURROUNDS

9. The subject site is located on the south side of A' Beckett Street, located approximately midway in the block between Elizabeth Street and Queens Street. It has a frontage of 40.4 metres to A' Beckett Street and a depth of approximately 47 metres with a total site area of 1896 square metres. The site is currently occupied by a two storey warehouse style building which has most recently been operating as a car rental company.

DTPLI Planning Report

127-141 A'Beckett Street, Melbourne



10. The site is zoned Capital City Zone Schedule 1. It is covered by one overlay; the Parking Overlay Schedule 1. It is therefore relatively unconstrained from a planning control perspective.
11. The land surrounding the site is developed as follows:

North

Fulton Lane Apartments - 122-134 A'Beckett Street, Melbourne. 28 and 45 level towers under construction.

East

A'Beckett Manor – 99 A'Beckett Street, 399 Elizabeth Street, Melbourne and two storey Harley Davidson building 111-125 Elizabeth Street, Melbourne

South

The Welsh Church and 312 LaTrobe Street, 25 storeys.

South East

300 LaTrobe Street, Melbourne 34 storey Argus office building and ten storey car park,

West

KTS House Office building 21 Storeys -350-370 Queens Street, Melbourne. Multi level commercial car park.

STATUTORY CONTROLS

12. The following controls apply to the site, with planning permit triggers are described below:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
<p>Capital City Zone – Schedule 1</p> <p>Outside the Retail Core</p>	<p>Under Clause 37.04-3 a permit is required to construct a building or construct or carry out works.</p> <p>Under Clause 37.04-4 a permit is required to demolish a building or remove a buildings or works.</p> <p>Under Clause 3.0 of the CCZ1 a permit is required to construct a building exceeding 40 metres within 10 metres of a road frontage.</p> <p>Decision guidelines and application requirements are at Clause 3.</p> <p>Retail land use (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern) and Accommodation do not require a planning permit in the zone.</p>
<p>Parking Overlay (PO1)</p>	<p>Clause 45.09 Under Clause 2 of the PO1 a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.</p> <p>The Parking Overlay specifies a maximum parking provision of 632 spaces for the residential component and 3 spaces for the retail component of the development. The decision guidelines are at 52.06-9. 212 car spaces are proposed to be provided which is well under the maximum of 632 spaces.</p> <p>No permit is required under the Parking Overlay.</p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>Given the use includes ground level retail, a loading bay is a planning requirement and is proposed to be provided on the ground level.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The clause requires 126 spaces for dwellings based on 1 space per 5 dwellings, 63 spaces for visitors based on 1 space per 10 dwellings and 3 spaces for retail (1 per 300sq.m for employees and 1 space per 500sq.ms for visitors = a total requirement of 192 bicycle spaces.</p> <p>The proposed provision of bicycle spaces is 212 spaces.</p>
<p>Urban Context Design Response (Clause 52.35)</p>	<p>Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response.</p> <p>This has been provided by the applicant.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>Under Clause 52.36 An application of the kind listed below must be referred in accordance with Section 55 of the Act to Public Transport Victoria for any of the following:</p> <p>A residential development comprising 60 or more dwellings or lots.</p>

Amendments

Amendment C209

13. Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% (Area A) or 8% (Area B) contribution of the site value, a land contribution or a combination of both. The site is located in the area designated as Area A.
14. This amendment has undergone exhibition but has not been through an independent panel process. The contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application.

General Provisions

Responsible authority for administering and enforcing the Scheme:

15. The schedule to Clause 61.01 provides that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.

Decision Guidelines

16. 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.

Referral and Notice Provisions

17. Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.34 Director of Public Transport.

Notification

18. The schedule to the Capital City Zone specifies that the application is exempt from notice requirements 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.

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

19. The following policies within the SPPF are relevant:

SPPF

- Clause 11 Activity Centres
- Clause 15 Built Environment and Heritage
- Clause 15.02 Sustainable Development
- Clause 16 Housing
- Clause 18.02 Movement Networks

20. The following policies within the LPPF are relevant:

LPPF

- Clause 21.02 Municipal Profile
- Clause 21.03 Vision and Approach
- Clause 21.04 Settlement
- Clause 21.06 Built Environment and Heritage
- Clause 21.12 Hoddle Grid
- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces

Municipal Strategic Statement (MSS)

21. 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.)

22. 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*'.
23. Clause 21.04 (Settlement) includes the Growth Area Framework and identifies specific areas of the city identified for growth and those areas that are encouraged to remain stable. The subject site is located within the Hoddle Grid. Growth in appropriate areas is encouraged in the Hoddle Grid area and a strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.
24. Clause 21.06 (Built Environment and Heritage) This Clause identifies the need to reinforce the urban structure of the city and to protect Melbourne's distinctive physical character ensure new development is sustainable and improves the public realm.
25. 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.
26. 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.
27. Clause 21.10 (Infrastructure) This clause acknowledges that the growth of resident, worker and visitor populations prompts the need to consider the expansion and upgrading of roads, utilities, community facilities and public open space o respond to increase demands on infrastructure. It encourages existing infrastructure to be used more efficiently.
28. Clause 21.12 (The Hoddle Grid) includes policies relating to the unique and valued characteristics of the Hoddle Grid.
 - Support the Retail Core as a compact, high-density retail precinct and facilitate easy pedestrian access.
 - 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 the area bounded by LaTrobe and Victoria Streets and Elizabeth / Peel Streets has a lower scale than the Hoddle Grid and provides a contrast in built form scale between the lower scale of Carlton and North Melbourne and the higher scale of the Hoddle Grid.

Local Planning Policy Framework (LPPF)

29. The following policies within the LPPF are relevant:
 - Clause 22.01 Urban Design within the Capital City Zone
 - Clause 22.02 Sunlight to Public Spaces
 - Clause 22.04 Heritage Places within the Capital City Zone
 - Clause 22.19 Energy, Water and Waste Efficiency

Other relevant policy/ matters

30. Other relevant policy/ matters include:
 - Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2).
 - PlanMelbourne Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure 2013).

REFERRALS

31. The application was referred to the Department's Urban Design Unit, the City of Melbourne, and pursuant to Section 55 of the Act to the Director of Public Transport.
32. The following comments were provided:
- Urban Design (DTPLI).**
33. The DTPLI Urban Design Unit has reviewed the proposal and supports the proposal. The following summarises DTPLI UD's key points about the proposal:
- The proposed tower is high but has limited amenity impacts in terms of overshadowing of public spaces and wind impacts.
 - It will be visually dominant as a backdrop to Welsh Church however the pattern of higher neighbours to this building is already established, in particular the Urbanest building which is under construction.
 - The setbacks are reasonable, 4.5m to the front is sufficient to deal with privacy, wind and views down A'Beckett St. The setback to the rear is matched by the Urbanest development and as such allows a reasonable 9 metres separation to provide privacy between apartments. The side setbacks are ample and provide good separation to future towers and the curved form provides angles views, maximising outlook and reducing overall visual bulk.
 - The 24m high podium is of an appropriate scale and responds to other nearby buildings.
 - The lower levels of the podium are marred by a wide and high car park opening and more detailed work is required in articulating the fully glazed retail frontage which is potentially too bland.
 - The ground level through block link is supported and the arcade is generous in size with double height volume and fronting tenancies however the southern kink could be removed by widening this area to a small plaza space which would provide a direct line of sight through from A'Beckett Street to the rear of Welsh Church.
 - Confirmation of green wall details and long term viability of green wall is required.
34. **City of Melbourne:** The application was referred to the City of Melbourne who provided the following summarised comments on the application following considering the matter at the 3 December 2013 Future Melbourne Committee meeting:
- The proposed development is generally supported.
 - The design will result in good side and rear setbacks resulting in a high level of amenity for future residents.
 - The through block link is supported.
 - The tower setback to A'Beckett is the only issue of contention and the City of Melbourne recommends a 6 metre setback in line with the approved setbacks of the Fulton Lane development across A'Beckett Street to the north.
 - A condition requiring 5 star Green Star is recommended to be placed on the permit. The application only proposed to achieve 4 star Green Star.
 - Some minor adjustments to the design have been recommended by City of Melbourne Engineering Services which may be addressed as permit conditions.
35. **Director of Public Transport:** The application was referred to the Director of Public Transport who has offered no objection to the proposal and has not requested that any condition be placed on any permit that is issued for the development.

ASSESSMENT

Air Safety

36. The proposed building at 196.3 metres to parapet excluding building plant is well below the height for the development to be deemed a controlled activity under the Airports (Protection of Airspace)

Regulations 1996 where approval will be required from the Commonwealth Department of Infrastructure and Transport.

37. A standard condition is to be included on any permit to be granted advising the applicant of the need for compliance with the Airports (Protection of Airspace) Regulations 1996 if the development including temporary structures associated with the construction intrudes into the areas covered by the Regulations.

Compliance with State and Local Policy Context

38. The proposed development comprising a substantial tower of approximately 196 metres in height with 632 dwellings, podium car parking and ground level retail responds well to the State and Local policy context by providing a high density housing development with ground level retail in an appropriate location in the Hoddle Grid well served by major infrastructure and public transport.
39. The referral comments of the City of Melbourne have highlighted that while the Municipal Strategic Statement encourages a lower height scale differentiation to the Hoddle Grid in the area bounded by Latrobe and Victoria Streets and Elizabeth/Peel Streets, the Council recognises that A'Beckett is an emerging higher scale precinct which is not constrained by height controls and accordingly have supported the overall scale of the building.
40. The key issues for consideration are consequently the compliance of the proposal in relation to policy relating to built form and heritage.
41. Relevant policy seeks to "*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.*"
42. The building responds to the needs of pedestrians by providing an activated podium, with ground level retail and apartments fronting A'Beckett Street, concealing the podium car park. The proposal will build on the Melbourne tradition of laneways through creation of a new through block link to the rear of Welsh Church and LaTrobe Street. This link will enhance pedestrian permeability and may contribute to greater access, integration and use of the Welsh Church heritage place within this part of the city.
43. The proposal also implements other aspects of built form, environment and heritage policy through a curved tower form. The curved, modulated building will enhance tower separation, maximise outlook for residents, minimise visual bulk and offsite impacts like wind and contribute positively to the attractiveness of Melbourne's skyline.
44. In terms of tower to podium setbacks, podium height, and tower separation, the proposal varies from policy contained in Clause 22.01 Urban Design within the Capital City Zone that seeks a 10 metre tower podium setback and a 24 metre tower separation from neighbouring buildings. However, these variations, which will be discussed in greater detail in section 36 are considered acceptable as the design responds to the fundamental characteristics of the Capital City Zone, will offer good pedestrian amenity and contributes positively to the public realm. The variations in terms of the setbacks proposed are also reasonable in relation to setbacks supported for comparable developments in the city.

Height, Built Form and Setbacks

Podium

45. The proposal involves a podium built to the property boundaries and substantial tower of 200 metres which features a curved form. A six storey podium is proposed with a height of 23.8 metres. This is lower than the 40 metres recommended by Clause 22.01 but responds to the scale of the adjoining "Harley Davidson" building which is a relevant height datum feature of the urban context due to this building's heritage status.
46. The design addresses the substantial width of the site appropriately through inclusion of ground level retail tenancies, a 7.5 metre vehicle entry and a retail arcade of 5 metres width that will assist with 'breaking up' the massing of the wide frontage. However, comments from DTPLI UD has highlighted that there are some improvements, which are recommended to be addressed as conditions of the permit, to the podium to address the appearance of the size of the vehicle entrance and to add further articulation and interest to the glazed facade.

47. The revised plans have clarified that design interest will be added to the north elevation of the podium through subtle curved offset panels which will provide a sculpted appearance and a subtle contemporary contrast to nearby heritage buildings.
48. The car park south elevation which forms the lower level backdrop to Welsh Church is proposed to be detailed with a green wall achieved via planters inserted and attached to the aluminium fascia panels. This is supported as an attractive and innovative backdrop to the heritage place. However, it is the expectation that the design of this elevation should anticipate the possibility of the planting failing and ensuring that if this does occur, the elevation treatment is not unsightly as a result. This will be addressed as a condition of the permit.
49. Further detail of the finish of the east and west elevations of the podium are required to ensure that these elevations are properly treated and have a positive contribution until such time the neighbouring sites are developed.

Front and rear setback

50. The front setback of the tower in relation to the base of the podium will be 6 metres between levels 7 and 8 decreasing to 4.5 metres for the upper levels, which is a reduction from the 10 metres recommended by policy. The City of Melbourne's comments have recommended that this setback be increased to 6 metres.
51. The multi-planar modular form of the tower decreases in width as it increases in height for the lower levels of the building. The tower therefore reduces from approximately half the width of the podium to just over a third of the width which is considered to mitigate the bulk and impact of the tower on the street and surrounding public realm. 3D modelling of the proposal has also highlighted that the curved edges and indented curved sides of the building also mitigate the impression of bulk and have the effect of dispersing wind flows, preventing downdrafts. Therefore while the front setback is reduced, the form of the building has been specifically designed to effectively address the impacts of the tower.
52. A "fly through" of the development is attached that shows little if any difference in an increased setback to 6 metres. The 3D modelling also underlines that there will be little discernible difference from the street between a 4.5 metres setback and 6 metres setback.
53. Given that there will be no significant difference in the perception of the building from the street it is not recommended that the City of Melbourne's recommended increased setback is adopted as the design effectively achieves the objectives of Clause 22.01 Urban Design within the Capital City Zone.
54. The rear setback of the building is at 4.5 metres but will be matched by the Urbanest development that is currently under construction and was approved in 2012 by the City of Melbourne to achieve a total of 9 metre separation between the two towers.
55. This 9 metre separation complies with the Design Guidelines for Higher Density Residential Development but is below the "agreed" 10 metre separation distance.
56. In this instance the City of Melbourne has compromised the setback by allowing an encroachment beyond the standard 5 metres to each boundary and as the design of the lower portions of the proposed building adjacent to the LaTrobe Street development has been designed to limit overlooking the 4.5 metre rear setback is considered appropriate.
57. The Welsh church is to the south west of the site and there is a small two storey caretaker's house located on the boundary. These two buildings are already located within a high scale urban context and therefore the introduction of a new tower to this existing context is not considered to have any significant adverse impact.

Side setbacks

58. The side setbacks of the buildings are below what is recommended by Clause 22.01 ranging from 7.3ms to 10.5ms at the lower levels to 9 - 12.45m for the high rise levels. If these setbacks were to be matched by neighbouring development sites, tower separations of 18 - 22 metres would be achieved, which is ample in the urban context.
59. The curved form of the development and the proposed setbacks are considered to provide reasonable separation between the proposed building and neighbouring sites. While at present there is no residential development to the east and west, the curved form of the building (together with the

setbacks) will have some role in limiting the scope of views and overlooking if these sites are to be developed in the future.

Height

60. The Urban Context report that accompanies the application demonstrates that the proposed building form of the building has been developed to maximise views, outlook and amenity for both residents and neighbouring sites, whilst also addressing microclimate considerations. Given that there is no applicable height control which applies to the land and the design is able to appropriately address impacts arising from its form and height, the substantial height of the building is considered satisfactory.

Amenity

61. The proposal offers excellent resident amenity through well designed layouts with no rooms relying on borrowed light and provision of terraces/wintergardens. The ground level uses of the building will assist with creating activity a sense of address and connection with other sites via the through block link. Extensive resident recreation facilities are provided with the entirety of level 7 devoted to a gym, lounge, dining area and yoga studio and with further dining and lounge facilities on level 29.

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

Wind

62. An Environmental Wind report has been submitted with the application and reports on wind tunnel testing conducted on a model commissioned by the applicant. The report findings indicate that the site is located in a very well shielded location within the Hoddle Grid and testing reflect this, with testing highlighting that the ground level conditions will be on or within the criterion for walking comfort for all directions. A key factor in the design's performance is mainly attributable to the shielding afforded by other city buildings but also from the curved edges of the building which induces the wind to flow around the building and prevent downward drafts to pedestrian level.
63. Testing has highlighted that the internal arcade will need to be capable of being closed off in high wind situations to ensure an appropriate level of wind comfort in the arcade. The plans indicated that the arcade will be sealed by automatic doors just south of the residential lobby and this should be addressed via a condition of the permit.

Overshadowing

64. Shadow diagrams have been submitted with the application which demonstrates that no parks, streets or significant public open spaces identified in the planning scheme will be affected by overshadowing from the development and shadows will mainly fall over other buildings or roads.\
65. LaTrobe Street is already substantially overshadowed by other buildings.
66. The Welsh Church is already overshadowed by the existing surrounding built form.
67. While the proposal will result in some overshadowing of the public realm the extent of further overshadowing should not experience significant adverse impacts.

Street level frontages and pedestrian safety

68. The proposal involves an entirely glazed street level frontage and an arcade of ample proportions which will facilitate an inviting, safe appearance and good visibility through to the connecting point of Welsh Church. The Applicant, through the process of the application has further evolved the design and improved the quality of this arcade by increasing the size of the residential lobby, re-designing and re-orientating the retail tenancies and straightening the alignment of the arcade. Although this will be an internal feature of the development, the Applicant is proposing to include an illuminated art feature within the arcade to add visual interest to the arcade.
69. The proposed arcade / footway is to extend from ABeckett Street to the rear of the building and extend across the Welsh Church / Urban Nest properties to LaTrobe Street.
70. Council has requested that a condition requiring an easement being created for the arcade / footway across the subject land title and the Welsh Church and the Urban Nest title. This can only occur if the owner of the Welsh Church and Urban Nest agree to the easement as their land is not part of the subject land.

71. Council's condition has been modified to allow the creation of the easement only if the owners agree as the land subject of the application is in different ownership.

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

72. The proposed design and provision of car parking, loading, waste collection, motor cycle and bicycle spaces is generally supported by both DTPLI and City of Melbourne Engineering Services, with the applicant already addressing a number of issues raised by the City of Melbourne in the revised plans.

Environmental Sustainable Design

73. An ESD report has been submitted with the application which demonstrates that the proposal has been designed to achieve a four star Green star rating and 1 point for Wat-1 Green Star credit for rainwater harvesting resulting in a saving of 88kL and meets best practice for stormwater quality. A Waster Management Plan has also been submitted with the application and has been considered by the City of Melbourne and is supported subject to conditions.

74. The City of Melbourne has recommended the following condition be place on the permit in relation to ESD:

Prior to the commencement of the development, an amended Environmentally Sustainable Design (ESD) Statement, generally in accordance with the statement prepared by Arc Resources dated September 2013, shall be submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:

- a. A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.*
- b. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Multi Unit Residential rating tool or equivalent.*

The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

75. It is recommended that the above condition be modified as it in effect it mandates achievement of 5 star Green Star. While the planning scheme policy encourages achievement of 5 star and this is very desirable, this is discretionary and the policy allows for a qualitative assessment of other features of the proposal which contribute towards achievement of the policy objectives.
76. It is therefore recommended that the permit condition to address ESD which is placed on the permit reflects this, consistent with the principle that planning policy guides decisions, but does not mandate outcomes. The wording of the proposed condition therefore will encourage achievement of 5 star Green Star but will also allow for the flexibility to not achieve 5 star Green Star if the development cannot reasonably achieve the standard but otherwise meet the planning schemes Clause 22.19 policy objectives.
77. A recent comparable residential approval made by the City of Melbourne following the introduction of Clause 22.19 at 323-331 LaTrobe has been reviewed and achievement of only 4 star Green Star in accordance with the submitted ESD report was required.

Heritage

78. A Heritage Assessment report prepared by Bryce Raworth was submitted with the application and considered the subject site's value as well as its impact on neighbouring properties. Mr Raworth has indicated support for the proposal and its relationship to neighbouring heritage properties. The existing building on the site is a low graded building within the Council's Heritage Study but is not included in the Heritage Overlay. Demolition of the existing building is therefore considered satisfactory.
79. The key heritage consideration for the application is the impact of the development on the Calvinist Welsh Church at 320 LaTrobe Street, which is a State registered building. The new development will form the backdrop to the church as viewed from its frontage to LaTrobe Street. The existing context

of the site already includes other contemporary tower forms in closer proximity (Urbanest) and as such the massing and height of the proposed building cannot be objected to as a new or inappropriate insertion given the current context of the Welsh Church co-habiting with other tower forms.

80. It is noted that while the subject site was formerly in the ownership of the Calvinist Welsh Church, it has been sold to support the church and the registration under the Heritage Act for the Welsh Church no longer includes the subject site. The proposed high quality, contemporary architecture of the building is considered an appropriate infill development which is respectful of the Welsh Church.
81. A standard note is to be included on any permit to be granted advising the applicant that the land has archaeological potential.

SUMMARY & CONCLUSION

82. The proposed development has been assessed against the provisions of the Melbourne Planning Scheme and has been assessed to have a satisfactory level of compliance with the following policy and provisions of the Scheme :

SPPF

- Clause 11 Activity Centres
- Clause 15 Built Environment and Heritage
- Clause 15.02 Sustainable Development
- Clause 16 Housing
- Clause 18.02 Movement Networks

LPPF

- Clause 21.03 Vision and Approach
- Clause 21.04 Settlement
- Clause 21.06 Built Environment and Heritage
- Clause 21.12 Hoddle Grid
- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces

Particular Provisions

- Clause 52.06 Car parking
- Clause 52.07 Loading and Unloading of vehicles
- Clause 52.34 Bicycle Facilities
- Clause 52.35 Urban Context Report and Design Reponse for Residential Development of Four or more storeys
- Clause 52.36 Integrated Public Transport Planning.

83. The proposed development involves a substantial tower form in a precinct on the north west edge of the Hoddle Grid which is emerging as a higher scale precinct with multiple residential towers which have the benefit of proximity to the Queen Vic Market, Melbourne University and RMIT.
84. The site has no height controls and is not covered by a Heritage Overlay.
85. The proposal exhibits a high standard of design that achieves both a well activated ground plane and an exciting, distinctive tower form that will make a positive contribution to Melbourne's skyline. The building will offer excellent amenity to future residents and provides reasonable protection of amenity for surrounding sites, in the context of a dense urban environment.
86. The application has been assessed to have a high degree of compliance with the Melbourne Planning Scheme.

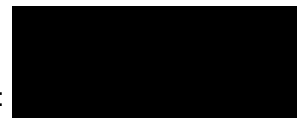
RECOMMENDATION

87. That you approve planning permit application 2013/008099 at 127-141 A'Beckett Street, Melbourne for the development of a 63-storey mixed use tower subject to conditions.

Prepared by:



Approved by:



Name:



Name:



Title:



Title:



DTPLI Planning Report

127-141 A'Beckett Street, Melbourne

Phone: [REDACTED]

Date: 28 1 14

Phone: [REDACTED]

Date: 4 2 14