

DPCD Planning Report

212-222 La Trobe Street and 17-25 Little La Trobe Street, Melbourne

APPLICATION FOR PLANNING PERMIT:

212-222 LA TROBE STREET & 17-25 LITTLE LA TROBE STREET, MELBOURNE

Application Number:

2011/013727

Proposal:

Demolition of the existing building and construction of two multi-storey buildings for the purpose of residential, office and retail (other than adult sex bookshop, department store, hotel, supermarket and tavern), waiving of the loading and unloading requirements and a reduction in the bicycle requirements

Applicant:

Tenth Dula Pty Ltd
C/- SJB Planning

Zoning:

Capital City Zone- Schedule 1 (Outside the Retail Core)

Overlays:

Design and Development Overlay- Schedule 1 - Active Street Frontage (DDO1 – Area 2)

Application Received:

23 December 2011

Number of Objections:

Not applicable – Permit application is exempt from formal notification

Recommendation:

Permit subject to conditions

[REDACTED]

PLANNER'S NAME: [REDACTED]

SIGNATURE: [REDACTED]

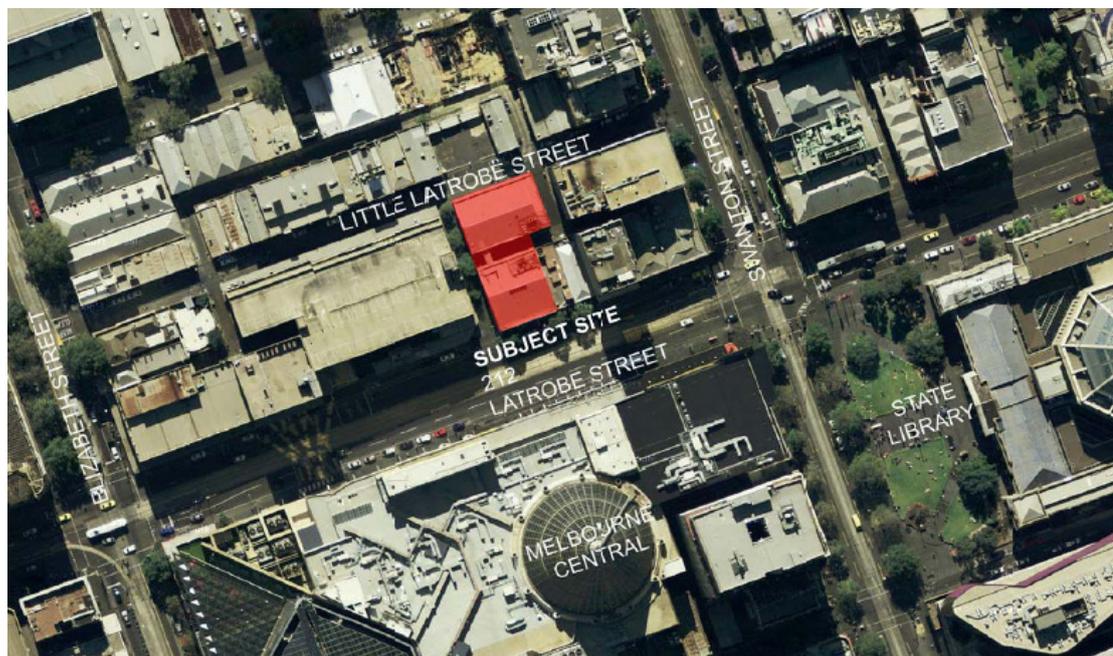
DATE: 19 February 2013

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SITE AND SURROUNDS

1. The site comprises two parcels of land separated by Corporation Lane (CL0112), which runs parallel to La Trobe Street and Little Latrobe Street and has a width of 5.4 metres. The site therefore has two street frontages and is known as 212-222 La Trobe Street to 17-22 Little La Trobe Street. These sites are 435 sqm and 507 sqm in size respectively.

Figure 1.1 – Site Location



2. The site abuts a Right of Way (row) to its west which provides a 'through-link' between La Trobe and Little La Trobe Streets and an entrance to the Melbourne Underground Rail Loop (MURL) providing direct access to rail infrastructure. Although this R.O.W is used as a public thoroughfare it is in private ownership and under the control of the adjacent property.
3. The site contains two 3 storey commercial buildings (used for educational and retail purposes). A two level bridge link exists at the first and second floor extending over the east – west laneway (CL0112) connecting the two buildings. The bridge link has a width of 2.5 metres and a 4.2m clearance with an overall clearance of 10.7m. Both buildings are constructed to each boundary and consist of brick, glass and render.
4. The surrounding land contains high density development with a mix of uses. The site is located at the edge of the Central Activities District (CAD) retail core, therefore land uses include residential, retail, office, education, institutional facilities and public car parks. Building height in the area is varied ranging between 2 and 48 stories incorporating a mixture of tower designs and materials. The State Library of Victoria is located south-east of the site which is a significant public building protected by planning and heritage controls.
5. The immediate site interfaces are as follows:
 - *To the North* – the site immediately abuts Little La Trobe Street. This section of the street is occupied by various uses by RMIT University and commercial office suites. The buildings range from 4-6 stories. The site across the road at 22-32 Little La Trobe Street is currently undeveloped, however, approval has been granted (permit no. 2007/275A) for a 16 storey building with limited setbacks to Little La Trobe Street and a parapet height of RL 73.99. Beyond this site further north at 19-31 A'Beckett Street is a 33 storey building which has been constructed.
 - *To the South* – the site immediately abuts La Trobe Street, beyond which is Melbourne Central retail development which includes the historic Shot Tower and railway station access.

- *To the East* – are four separate sites developed with two storey buildings at 204 and 208 La Trobe Street comprising ground level and office floor space above and a 9 storey and 3 storey developments at 200 La Trobe Street and 389 Swanston Street respectively. The building at the corner of Swanston Street and La Trobe Streets contains a Hungry Jacks fast food restaurant.
- *To the West* – is a 7 storey car park with ground level retail. The building is setback from the eastern boundary providing a pedestrian access on privately owned land between La Trobe and Little La Trobe Street. Access to the Melbourne Underground Rail Loop (MURL) is provided at the south east corner of the car park site.

APPLICATION BACKGROUND (AMENDED PLANS)

6. Following a further information request issued by the Department, revised plans were submitted by the permit applicant under cover letter dated 20 April 2012. The revised plans provided additional information related to the site context, details relating to the setback variations, an assessment against DDO1, amended shadow diagrams and an alternative facade design. An ESD report, revised Wind Assessment and Traffic Report were also supplied.
7. The applicant also submitted additional details and alternative plans relating to the proposed pedestrian link, shadow impacts on the Melbourne Central Shot Tower, exploration of setbacks and a storyboard relating to the built form development under cover letter dated 20 September 2012. Accordingly, where appropriate the assessment is based upon the amended plans and additional information.

PROPOSAL

8. The application seeks approval to demolish the existing building and construct two multi-storey mixed use buildings which will comprise of residential, office and ground floor retail uses (other than adult sex book shop, department store, hotel, supermarket and tavern) with associated car parking. The proposed gross floor area is 26,807 sqm.
9. Details of the application are as follows:
 - Demolition of the existing buildings on each lot and the existing bridge link;
 - Construction of a 27 storey building on the lot fronting La Trobe Street and a 41 storey building on the lot fronting Little La Trobe Street;
 - Two levels of basement car parking with 41 bicycle spaces and 10 storage spaces;
 - The La Trobe Street building has a podium height of 40.35m (11 stories) and a 15 storey tower setback 5m from La Trobe Street and 3.22m from the east west boundary. The tower has an overall height of 95m;
 - The Little La Trobe Street building has a podium height of 52.7m (15 stories) and a 25 storey tower element setback 5m to Little La Trobe Street. It has an overall height of 142.14m;
 - A new bridge is proposed at Levels 1 and 1a and between Levels 7 and 27. The bridge has a width of 5.48m at Level 1 and 4.83m at the upper levels;
 - A total of 296 dwellings in the form of 32 studio apartments, 74 one bedroom apartments and 190 two bedroom apartments;
 - Office is spread over 5 levels in the La Trobe Street building between Levels 2 and 6 totalling 1,883 square metres;
 - Retail is proposed at ground floor fronting the streets totalling 234 square metres;
 - 84 car spaces are provided in stackers at the basement and mezzanine levels and 16 in standard spaces;
 - The basement level is built beneath the laneway;
 - Vehicle entry is via the Little La Trobe Street frontage;
 - Level 27 has a multi-purpose recreational space;
 - The building has stone finishes at ground floor, metal across the podium and upper levels, coloured glass and patterned concrete wall finishes including coloured pre-cast tiles; and

- The submission is supported by reports including a planning assessment, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD statement.

STATUTORY CONTROLS

10. The following controls apply to the site, with planning permit triggers, requirements and decision guidelines are described below:

Planning Control	Permit / Application Requirement(s)/ Decision Guidelines
<i>Capital City Zone-Schedule 1 (Outside the Retail Core)</i>	<p>A permit is required to use the land unless specifically exempted by the schedule. A permit is also required to demolish, construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>The table of uses specifies 'accommodation', 'office' and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule;</p> <p>Schedule 1 exempts demolition and buildings and works from notice and appeal requirements;</p>
<i>Design and Development Overlay-Schedule 1 (Active Street Frontages)</i>	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise. Schedule 1 does not exempt ground floor buildings and works from requiring a permit and exempts buildings and works from notice and appeal requirements.</p>
<i>Car Parking (Clause 52.06)</i>	<p>Under Clause 52.06-3 a parking precinct plan affects the Capital City Zone including the site. The Schedule to this Clause specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 307 spaces. The provision of 100 car spaces on site is below the maximum allowed under the clause, therefore no permit is required.</p> <p>The Schedule also specifies the provision of minimum rate of 1 motorbike space per 100 car spaces to be provided unless the responsible authority is satisfied that a lesser number is sufficient. The proposal includes 4 motorcycle spaces, therefore no permit is required.</p>
<i>Loading and Unloading of Vehicles (Clause 52.07)</i>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>A loading facility is not provided on site and therefore a permit is required.</p>
<i>Bicycle Facilities (Clause 52.34)</i>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 97 spaces (including both resident, visitor and employee spaces). The application provides for 80 spaces and therefore seeks a permit to reduce this requirement.</p>
<i>Urban Context Report</i>	<p>Under Clause 52.35-1 an application for a residential development of</p>

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<i>and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</i>	four or more storeys must be accompanied by an urban context report and design response. The application was accompanied by an urban context report.
<i>Integrated Public Transport Planning (Clause 52.36)</i>	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 18 January 2012 the application was referred to the Director of Public Transport.

General Provisions

11. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *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.
12. **Decision Guidelines:** 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.
13. **Referral and Notice Provisions:** 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).

PLANNING POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

14. The following key policies within the SPPF are relevant:
 - Clause 15 (Built Environment and Heritage)
 - Clause 17 (Economic Development)
 - Clause 18 (Transport)
 - Clause 19 (Infrastructure)

Municipal Strategic Statement and Local Planning Policy Framework (LPPF)

15. The following key policies are relevant:

MSS

- Clause 21.02 Municipal Profile
- Clause 21.03-1 Vision
- Clause 21.04 Land Use
- Clause 21.05-2 Structure and Character
- Clause 21.05-3 Public Environment
- Clause 21.05-5 Sustainable Built Form
- Clause 21.06-1 Public Transport
- Clause 21.07-1 Environmentally Sustainable Development
- Clause 21.08-1 Central City

LPPF

- 22.01 Urban Design within the Capital City Zone
- 22.02 Sunlight to Public Spaces
- 22.19 Environmentally Sustainable Office Buildings
- 22.20 CBD Lanes

Refer to **Appendix 1** for an outline of the key SPPF and LPPF policies relevant to the proposal.

Relevant Planning Scheme Amendments

Amendment C162

16. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment was adopted by Council on 28 August 2012 and submitted to the Department for approval. The amendment includes themes which are applied to the local areas. The site is identified in the Hoddle Grid area which is an ongoing change area supporting residential accommodation and built form that responds to the regular grid layout.

Amendment C186

17. Amendment C186 seeks to include site's of heritage significance into the schedule to the Heritage Overlay. The site is not affected by this amendment.

Amendment C187

18. Amendment C187 seeks to introduce a new policy for Energy, Waste and Water Efficiency. The amendment has been exhibited and considered by Planning Panels Victoria and will replace the existing Clause 22.19 (Environmentally Sustainable Office Buildings Policy) which only applies to office uses. The amendment has not been submitted for approval to date. The proposal is consistent with this amendment and implementation of specified performance measures are achieved through permit conditions.

Amendment C188

19. Amendment to the Melbourne Planning Scheme C188 (Built Form Review) is awaiting authorisation. Amongst other matters, the built form review proposes to amend the existing controls and introduce mandatory height and setbacks controls within parts of the City. The review identifies that the site is located within an area where a 40 metre height control is proposed.

Amendment C209

20. Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% contribution for the Hoddle Grid. Whilst not a 'seriously entertained' policy document, the contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application.

Other relevant policy/ matters

21. Other relevant policy/ matters include:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced in the SPPF at Clause 15.01-2)

NOTIFICATION

22. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 of the Design and Development Overlay, an application to construct or carry out works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

REFERRALS

23. The application was provided to the *Department's Urban Design Unit*, the *City of Melbourne*, and pursuant to referred under Section 55 of the Act to the *Director of Public Transport*. The following comments were provided:
24. **City of Melbourne:** Council does not support the application. Comments provided were based on amended plans submitted by the permit applicant and received by City of Melbourne on 30 April 2012. Council does not support the proposal due to its height, lack of setbacks and architectural expression. Council raised concerns that the proposal is an overdevelopment of the site and the proposed pedestrian link between the buildings is an imposing and excessive

structure. Concerns were also raised regarding the levels of site amenity and active street frontages achieved.

25. **Urban Design (DPCD):** Urban Design provided comments on the proposal on 13 January 2012 and on 17 May 2012. Urban Design advised they do not support the proposal in its current form. Concerns were raised with the strategic impact on the connection between Melbourne Central Station and the new Metro station as well as the level of street front activation and architectural quality of the proposal. Urban Design also advised that evidence of an agreement with the western neighbour is also required if the scheme is to rely on the private laneway to act as a setback. Urban Design confirmed they have no fundamental problems with the building heights.
26. **Director of Public Transport:** offered no objection to the proposal subject to five conditions in letter dated 21 June 2012. It should be noted that the proposed Metro 1 Underground Rail Loop will impact the area with buildings up to Swanston Street likely to be affected, albeit the Director of Public Transport offered no objection to the proposal on these grounds.

ASSESSMENT

Land Use

27. The proposed uses replace and reinvigorate an underutilised and otherwise inactive site which makes limited contribution to the area. The proposal is consistent with many policy directions as it will; increase the residential population, provide high quality office and retail spaces and contribute to the on-going revitalisation of a 24-hour Central Activities District.
28. The development provides higher density housing complemented by commercial uses and responds appropriately with the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the zoning control.
29. To this end, the land use mix and concept of redeveloping the site is not in contention. The key issues in this matter relate to design and built form, internal amenity and overall functionality of the site. These matters are discussed further below.

Design and Built Form

30. The application includes the demolition of two ungraded buildings. The proposal includes two replacement buildings which is consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.
31. The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01) and Schedule 1 of the Capital City Zone (Clause 37.04). The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks assist in providing pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.
32. Amendment C188 to the Scheme is a review of the built form controls in the City, the first in over 25 years. The review reconsiders, amongst other matters, podium height, tower setback and tower separation. This review acknowledges the challenges that the City faces, particularly the need to maintain develop-ability. The proposed controls seek to introduce a mandatory 40 metre height control and 6 metres upper level setbacks.
33. The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provides guidance for development and are not intended to be interpreted as prescriptive mandatory controls.

Height / Setbacks / Tower Separation / Pedestrian Link / Architectural Design

34. The La Trobe Street building (south tower) has an overall height of 27 storeys (RL 107.95 metres) and the tower is setback 5 metres from the street and contains corner setbacks of 3.2 metres from the east and western boundary above a 10 storey podium. The Little La Trobe Street building (north tower) has an overall height of 40 storeys (142.14 metres) and the tower is setback 5 metres from Little La Trobe Street above a 14 storey podium (RL 74.5 metres to the parapet). A setback of 7.5 metres in the north-west corner is provided and the remaining boundaries do not have side setbacks to the laneway and common boundaries. The corner setbacks ensure visual relief and reduce dominance onto both street frontages. The Little La Trobe Street podium matches the approved building height of the opposite site at 22-32 Little La Trobe Street.
35. Council raised concerns regarding setbacks and overall building and podium heights, stating that the building should not exceed 92 metres and the podium heights should not exceed 40 metres, except with some additional height to the La Trobe Street frontage with no tower above. Council also recommended that a street and laneway setback should be 6 and 5 metres respectively.
36. The development adopts a podium/tower form consistent with the scale of development in the central city area and more recently to the north of the site along A'Beckett Street, albeit at an increased scale. DPCD Urban Design advised they have no fundamental problems with the overall building heights proposed, however, support the adoption of a 40 metre podium height.
37. The podium form is generally consistent with neighbouring site's or what is to be expected from neighbouring redevelopment however its scale is significant. The scale of the podium has the capacity to create a 'canyon effect' within Little La Trobe Street, which is exacerbated by the limited width of the road and the approved development opposite the site (22-32 Little La Trobe Street) which contains zero setbacks from the street and a height of some 77 metres. While the tower setbacks to the street are limited (5m) they still provide a visual separation of the podium. To improve the interface onto the street, Council's recommendation of limiting a podium height to 40 metres is supported and a permit condition can be included requiring this change.
38. Council encourages redevelopment of the site, however, its recommended height (maximum of 92 metres) and tower setbacks coupled with reduce podium heights, if adopted, would result in unworkable floor plates essentially sterilising the site. The development of the site should strike a balance and be considered within its context, including both existing and potential redevelopment of adjacent land.
39. To the east the site abuts small lots resulting in multiple sites, while a larger site is located to the west (existing public car park). If these sites were developed the tower separation would be less than 24 metres as stipulated in Clause 22.01. Application of planning policy is not intended to be mandatory and on the contrary it seeks to achieve outcomes through flexibility and innovative design solutions. Therefore a reduction in tower separation can be considered where it is demonstrated that adjacent development potential is unlikely or towers would be offset and habitable room windows do not directly face one another and therefore adjoining sites are not compromised.
40. In this case, towers do not exist on either sides of the site and therefore the key consideration is whether appropriate setbacks are provided to allow for future development in a balanced manner having regard to likely development potential if and when it occurs.
41. Zero setbacks are proposed for the eastern and western boundaries for a majority of the podium with corner 'cut-out' setbacks within the towers. It is recognised that to achieve substantial redevelopment of adjacent land to the east with a tower of significant scale, the consolidation of lots would be required and therefore while not impossible it is unlikely to occur. Redevelopment of the land to the west is more likely considering the size of the site. As part of the permit application an urban context assessment and review of adjacent development potential was undertaken.

42. The development potential of the adjacent site's fronting La Trobe Street is limited. For the land fronting Little La Trobe Street, this site is adjacent to part of CL0112 which provides a minimum 6 metre wide separation from the development. To this end, should development occur the laneway ensures that a minimum 10 metre tower separation could be achieved assuming that the adjacent site offers a tower setback of at least 4 metres.
43. A key issue for consideration is the zero metre setbacks for part of the western boundary centrally within the site. In particular, the Departments Urban Design Unit have raised concerns about development equity and whether it will result in development without tower separation. In particular this is based on the premise that the private laneway containing the entrance to MURL has the potential to be developed therefore its retention in perpetuity is not guaranteed.

There was discussion with the applicant regarding the potential to increase the setbacks as required by both DPCD's Urban Design Unit and the City of Melbourne. However, the applicant has indicated that the viability of the project would be threatened with variations to the setbacks compromising the ability to accommodate a substantial building core commensurate with the required yield. This issue coupled with the challenges faced relating to the site's less than ideal shape, size and laneway divisions would result in an unviable development.

44. In considering the impact of further reductions in yield and its affect on build-ability, one must consider the appropriateness of the building form and its relationship to other sites as proposed within its immediate context. There are a number of both approved and under construction buildings along Little La Trobe Street and A'Beckett Street, which have zero to minimal front setbacks above the typical podium level height. For example, 22-32 Little La Trobe Street (16 storeys, no setback) and 28 A'Beckett Street (32 storeys, no setback). Given the established building line within Little La Trobe Street and La Trobe Street it is not unreasonable to provide setbacks that respond to its immediate context.
45. The multiple corner setbacks of the tower assist with ameliorating bulk when viewed from oblique angles. The reduced setbacks are also located within the centre of the site divided by CL0112. Building mass and blank facades are minimised due to a break in building form where the glazed pedestrian link crosses CL0112. This pedestrian link is setback 8.2 metres from the western boundary.
46. In relation to the question of development equity, it is conceivable that should the car park site be redeveloped it could retain the private laneway and provide upper level tower setbacks achieving the recommended 10 metre separation. If this option were not pursued, the development could mimic tower setbacks proposed and therefore gain additional yield where the development adjoins the common boundary. A section 173 agreement can be used to require removal of windows along the western boundary of the site to protect development potential of adjacent land in perpetuity.
47. The development provides windows to the western boundary which are secondary windows. This issue can be resolved through a permit condition requiring the owner of the land to enter into a Section 173 agreement to remove any affected windows in the event of redevelopment of the site to the west.
48. The architectural design strategy of the building is not strong, and considering its high profile location changes will be required to improve the architectural form of the development. The issue of architectural design was raised with the applicant and amended plans submitted on 23 April 2012 make some improvements to the design. However, it is considered that the design of the proposal still requires further work and this can be achieved through a facade redesign strategy. A permit condition to this effect can be used to increase the quality of the development.
49. The two buildings have been linked by a bridge for building and economic efficiency and to avoid the individual redevelopment of each land parcel in a piecemeal manner. The bridge link has a 5

metre minimum street clearance and no more than a maximum width of 6 metres. The bridge is proposed at Level 1 and Level 1a and between Levels 7 & 27 and is proposed above the east-west CL0112 laneway. This laneway is not identified with Clause 22.20 (CBD Lanes) as one identifying unique features and its purpose is for waste collection and vehicle access. The applicant supplied pedestrian views of the proposed bridge in an information package received by the Department on 20 September 2012.

50. The images show that due to the limited dimensions of the bridge it becomes a secondary element to the facade composition. The bridge is not considered to cause any visual bulk impacts as from many view points the deletion of the bridge would only reveal the facade of the building behind. The translucent glazed structure also aids in reducing the visual impact of the bridge. The bridge ensures the economic viability of the project and connectivity between buildings and is therefore considered an acceptable design response.

Laneways

51. Little La Trobe Street is classified as a Class 2 Lane within Clause 22.20 (CBD Lanes Policy). This class of lane is identified as showing three out of four core value characteristics of Melbourne's laneways relating to connectivity, active frontages, elevational articulation and views from the public realm.
52. The proposal protects the character and function of Little La Trobe Street and increases the activation and vitality of the frontage through the proposed ground level retail tenancy and low cost housing entrance. These uses together with the facade treatments, the podium/tower building form and setback from the street ensures that the Little La Trobe Street building satisfies the objectives of Clause 22.20 by reinforcing a sense of pedestrian scale and providing opportunity for passive surveillance.
53. The City of Melbourne was not supportive of the bridge link extending for more than two storeys above the laneway. However it is noted that regardless of scale, the permit holder will need to purchase the laneway and obtain consent from the City of Melbourne for the development separate to the planning process, this includes accepting liability and maintenance for those parts of the building projecting into the airspace.

Street Level Frontages & Pedestrian Safety

54. The development incorporates retail tenancies at ground floor and office and residential uses within the podium along both street interfaces. The inclusion of these uses increase pedestrian movement and perception of safety. However, the proposal intends to provide above ground mezzanine car parking (accessed via CL0112) and a storage area resulting in a poor public realm interface.
55. This outcome can be improved by replacing the mezzanine car park and part of the Level 1A storage area with apartments sleeving the development and therefore increasing 'eyes onto the street'. Other aspects of the proposal which can be improved include safety and visual connectivity with the public realm by providing glazing at ground level at the corner of Little La Trobe Street and CL0112 in lieu of a solid wall. Integration of building services into the overall building design should also be addressed and can be dealt with by permit condition. A canopy to La Trobe Street will be provided to offer weather protection.
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Microclimate (Wind, Weather Protection, Light and Shade, Overshadowing)

57. While there are limited tower setbacks to both Little La Trobe Street and La Trobe Street the wind conditions in the public areas and access ways around the development site have been shown to be either on or within the criterion for walking comfort for all wind directions. Wind tunnel testing has however shown that wind conditions in the access-ways surrounding the

development near the corners of the site have increased, however, are within acceptable standards. Permit conditions can be used to ensure that any modification to the building maintains wind conditions which achieve walking criterion at the ground level.

58. Both Schedule 1 of the Capital City Zone and the Local Policy 'Sunlight to Public Spaces' require that development should not cast any additional shadows across any part of the State Library forecourt between 11am and 2pm on 22 June. A permit may be granted if the responsible authority considered that overshadowing will not prejudice the amenity of the forecourt. If a permit is granted development should not reduce the amenity of public spaces. Other relevant assessment times include between 11.00am – 2.00 pm on 22 March and 22 September.
59. An analysis undertaken by Simon Greenwood Architects at 11am, 12pm, 1pm, 2pm and 3pm on 22 June has been carried out. The analysis shows that the development will not cast any additional shadows on the State Library forecourt between the hours of 11am and 2pm. However the development casts a shadow over the forecourt at 3pm. The shadow cast on the forecourt is outside the planning controls as it occurs after 2pm. The shadow is not an ideal outcome; however as it falls outside the planning controls and will only limit sunlight to the forecourt for approximately one hour during the winter months it is considered acceptable.
60. The applicant has also made an assessment of the shadow as it relates to the historic 'Shot Tower' within Melbourne Central. The shadow analysis reveals that the building will not adversely impact on the shot tower and internal Melbourne Central plaza. Additionally, the Department's Urban Design Team have generate shadow analysis plans derived from a 3D block model of the proposal to assess impact on the 22nd of March and September. This analysis reveals that the State Library Forecourt is unaffected during 11am and 2pm and the majority of shadow falls within La Trobe Street which does not contain any significant public parks, gardens or squares.

Amenity

61. Developments for new residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This can be dealt with via condition.
62. Currently the building design compromises the amenity for some residential apartments; in particular issues may arise if the site to the west is redeveloped. The development proposes 57 bedrooms that rely on borrowed light (12%). If the site to the west is redeveloped and built to the boundary this would increase to 13% of bedrooms relying on borrowed light. This rate of bedrooms relying on borrowing is not uncommon within a central city context, however, can be improved with a redesign of the internal layout and can be addressed via permit condition.
63. A high proportion of apartments are provided with varying sized balconies, however, where no balcony is offered this is offset by the provision of communal terrace space on level 27 that can be enjoyed by residents. All offices and apartments will have operable windows and in many of the apartments this will provide cross ventilation.

ESD

64. The proposed building includes both residential and commercial development and therefore the ESD requirements are contained both within the 'Building Code of Australia' and Clause 22.19 of the Melbourne Planning Scheme. The proposal seeks to achieve an average rating of 5 stars which meets the minimum 5 star average rating as required under Section J of the Code.

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

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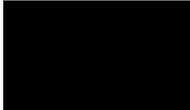
212-222 La Trobe Street and 17-25 Little La Trobe Street, Melbourne

The schedule to Clause 52.06 applies a car parking limitation which when applied results in a maximum of 296 car spaces for the residential use and 11 car spaces for the office and retail uses. Therefore a maximum of 307 car spaces is permissible without requiring a planning permit under Schedule to Clause 52.06. The car parking proposed for the uses equates to 100 spaces and therefore does not exceed the requirements of Clause 52.06. The application does not provide an on-site loading bay for the retail space and therefore does not meet the requirements at Clause 52.07 of the Scheme.

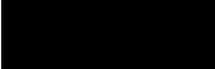
- 65. The permit application is supported by a traffic and car parking impact assessment prepared by Traffix Group Pty Ltd. The assessment identified that the traffic generated by the proposed development can be accommodated by the surrounding road network and intersections without any adverse impacts.
- 66. The car parking proposed is under the statutory maximum limitation policy however its access and internal design is compromised. Council's engineering department identified deficiencies with functionality of the mezzanine car park and loading arrangements. In particular, these issues relate to poor access to car stacker platforms, clearance heights, pedestrian site lines and inability to undertake onsite loading without blocking access to the mezzanine car park.
- 67. It may be possible to address these matters via a suite of detailed permit conditions, however, a far better outcome is to completely remove the mezzanine car park and its associated ramp access. This has the benefit of reducing car movements while enabling enhancement of the frontage to Little La Trobe Street and possible provision of space for an onsite loading bay.
- 68. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work. Clause 53.34-1 requires the provision of 97 bicycle spaces including resident, visitor and employee spaces. The application provides for 80 spaces and requires a permit to reduce this requirement. It is considered that the proposal should achieve the standard requirement and permit conditions can be used to require provision of the necessary spaces.

RECOMMENDATION

- 69. That you approve planning permit application 2011/013727 at 212-222 La Trobe Street and 17-25 Little La Trobe Street, Melbourne for the demolition of existing buildings and development of a two multi-storey mixed use towers subject to conditions.

Prepared by: 

Name: 
Title: 
Phone: 
Date: 19 February 2013

Approved by: 

Name: 
Title: 
Phone: 
Date: 8 April 2013

Reviewed by: 

Name: 
Title: 
Phone: 
Date: 20 February 2013

APPENDIX 1 - PLANNING POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

The State Planning Policy Framework (SPPF) seeks to develop objectives for planning in Victoria to foster land use and development planning and policy which integrates relevant environmental, social and economic factors. The sections of the SPPF, which are particularly relevant to this matter include:

- *Clause 15 (Built Environment and Heritage)* - seeks to ensure all new land uses and development appropriately responds to its landscape, valued built form and cultural context and protect places and sites with significant heritage, architectural aesthetic, scientific and cultural value.
- *Clause 16 (Housing)* – seeks to ensure the provision of housing diversity including providing affordable housing. This includes increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- *Clause 17 (Economic Development)* - seeks to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. It encourages development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. One of the key strategies of this Clause is to locate commercial facilities in or near existing and/or planned activity centres.
- *Clause 18 (Transport)* - seeks to establish and support an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability and co-ordinates reliable movements of people and goods. In particular this clause seeks to ensure that urban developments are planned to make jobs and communities more accessible.
- *Clause 19 (Infrastructure)* - promotes development of social and physical infrastructure that are provided in a way which is efficient, equitable, accessible and timely. Planning is to also recognise social needs by providing land for a range of accessible community resources such as educational, cultural health and community support facilities.

The overarching purpose and intent of the above policies is to ensure that all new land use and development appropriately responds to planned future growth in a manner reflective of a site's valued built form and cultural context.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

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, Docklands and Southbank.

Clause 21.03-1 (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'. The Vision statement identifies that:

The key to achieving Council's vision is the recognition that different parts of the municipality have to be managed differently and that development potential varies markedly. There is a mixture of activities and built form throughout the City and understanding the local context of a proposal is the key to understanding whether or not a proposal is acceptable.

Clause 21.04 (Land Use) sets out objectives and strategies for land use under the key themes of housing and community, retail, entertainment and the arts, office and commercial use, industry, education and hospitals.

Figure 5 (Housing Opportunities) at Clause 21.04 indicates the different areas where housing opportunities are identified. Within the municipality, Docklands, Southbank, Fishermans Bend Urban Renewal Area and the Central City will over the next ten years be areas that accommodate the most significant population growth. The central city area is identified as an area expected to experience a high increase in the number of dwellings.

Figure 6 (Business, Retail, Arts & Entertainment) at Clause 21.04 spatially represents different areas where further increases in business investment is contemplated. Within the municipality, Docklands, Southbank (north of City Link) and the Central City will over the next ten years be areas that accommodate the most significant population growth. Commensurate with expected population growth is the need to provide employment opportunities and reinforce the Central City's role as Victoria's principal centre for commerce, professional, business and financial services. The subject site is located within the broad catchment of "Central City and Docklands" where investment in business related services is encouraged.

Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.

The subject site is located in the Central City where substantial built form change is envisaged and future development should reinforce the significance and visual image of the Hoddle Grid. In achieving this objective buildings should ensure adequate spacing and reasonable outcomes having regard to interface amenity and the development potential of adjacent sites.

Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and 'create an accessible, safe, inclusive and engaging public environment'. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.

Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.

Clause 21.06-1 (Public Transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.

Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.

Clause 21.08-1 (Central City) sets out the local area policies for Central City and includes a vision for the area is to continue its primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria as a 24-hour City, co-locates these uses with residential uses, and provides appropriate high quality built form that continues to make the city attractive for workers, residents and visitors.

The Local Area Map for Central City at Figure 12 identifies that the site is within the retail core. The key elements of Clause 21.08 relevant to the proposal are as follows:

'Housing and community in the Central City'

- *Support permanent and short term residential development in the Central City that accommodates a diverse population.*
- *Ensure that new dwellings are designed so that they provide occupants with a reasonable level of amenity consistent with the Land Use Amenity Principles, and do not undermine the ability of existing and new business and commercial, retail and entertainment uses to successfully function in the Central City.*

'Office and Commercial use in the Central City'

- *Support the Central City's role as the principal centre in the State for government, commerce, professional, business and financial services.*
- *Encourage the development and establishment of new and innovative professional, commercial and retail business which take advantage of the City's central location, technology, and its accessibility by a range of transport nodes.*
- *Support the continued development and growth of the broad range of existing business in the Central City.*

Local Policies

The following local planning policies within the LPPF are relevant:

22.01 (Urban Design within the Capital City Zone) identifies that the future vitality and success of Melbourne will be achieved by new development responding to the underlying urban framework and characteristics of a site's context whilst establishing its own identity and character. The policy has eight sections addressing Building Design, Facades, City and Roof Profiles, Projections, Wind and Weather Protection, Public Spaces, Access and Safety in Public Spaces and Policy Implementation.

Of particular relevance to the proposal are the policy objectives relating to podium height, tower separation and setbacks. It is policy that design of buildings is assessed against the following guidelines:

- *The maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1, unless it can be demonstrated that the development is consistent with the function, form and infrastructure capacity of the city block, including the capacity of footpaths, roads, public transport and services. The existing plot ratio for each city block is shown on Map 1.*
- *Towers should have a podium height generally between 35 to 40 metres except where a different parapet height already exists or where the need to provide a context for a heritage building or to emphasise a street corner justifies a variation from this norm.*
- *Towers above the podium should be setback at least 10 metres from street frontages.*
- *Towers should be well spaced to equitably distribute access to an outlook and sunlight between towers and ensure adequate sun penetration at street level as follows:*
 - *Development above 45 metres be set back 24 metres from any surrounding podium-tower development.*
 - *Tower separation setbacks may be reduced where it can be demonstrated that towers are offset and habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining lots*
 - *Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city.*

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Clause 22.02 (Sunlight to Public Spaces) applies to public spaces such as parks and gardens, squares, streets and lanes, and includes privately owned spaces accessible to the public, such as building forecourts, atria and plazas within the municipality excluding the Docklands Zone. It requires that development not cast additional shadows across St Paul's Square, the Plaza and the Atrium which are part of Federation Square, any part of City Square, Queensbridge Square or the State Library forecourt between 11.00am and 2.00pm on 22 June.

Clause 22.19 (Environmentally Sustainable Office Buildings) applies to all land within the municipality excluding the Docklands Zone and requires amongst other matters, development of in excess of 5000 sqm to achieve a 4 star rating under the Green Building Council of Australia's Green Star Rating Tool or equivalent.

Clause 22.20 (CBD Lanes) applies to all existing and proposed laneways and all land with a boundary to a laneway in the Central Business District bounded by Flinders Street, Spring Street, Victoria Street, Peel Street, La Trobe Street and Spencer Street, excluding the RMIT University. The purpose of this policy is to identify the important characteristics of the city's lanes and to indicate the preferred character and form of development along lanes. It also classifies lanes against four core value characteristics relating to connectivity, active frontages, elevational articulation, and views.

Little La Trobe Street is a Class 2 Lane which shows signs of three out of four core value characteristics. The character and/or function of these lanes are significant and require protection.