

**APPLICATION FOR PLANNING PERMIT:
364-370 & 372-378 LITTLE LONSDALE STREET, MELBOURNE**

Application Number: 2012/002554

Proposal: Partial demolition of 372-378 Little Lonsdale Street, demolition of 364-370 Little Lonsdale Street, and buildings and works to develop a multi-storey tower comprising of education centre with cafe and retail areas at ground level

Applicant: Victoria University
C/- Meredith Withers & Associates Pty Ltd

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

Overlays: Parking Overlay- Schedule 1 (Design and Development Overlay- Schedule 1 (Capital City Zone- Outside the Retail Core)

Application Received: 15 March 2012

Further Information Requested and Received: Requested: 12 April 2012
Received: 10 December 2012

[REDACTED]

[REDACTED]

Number of Objections: Not applicable

Recommendation: Permit

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

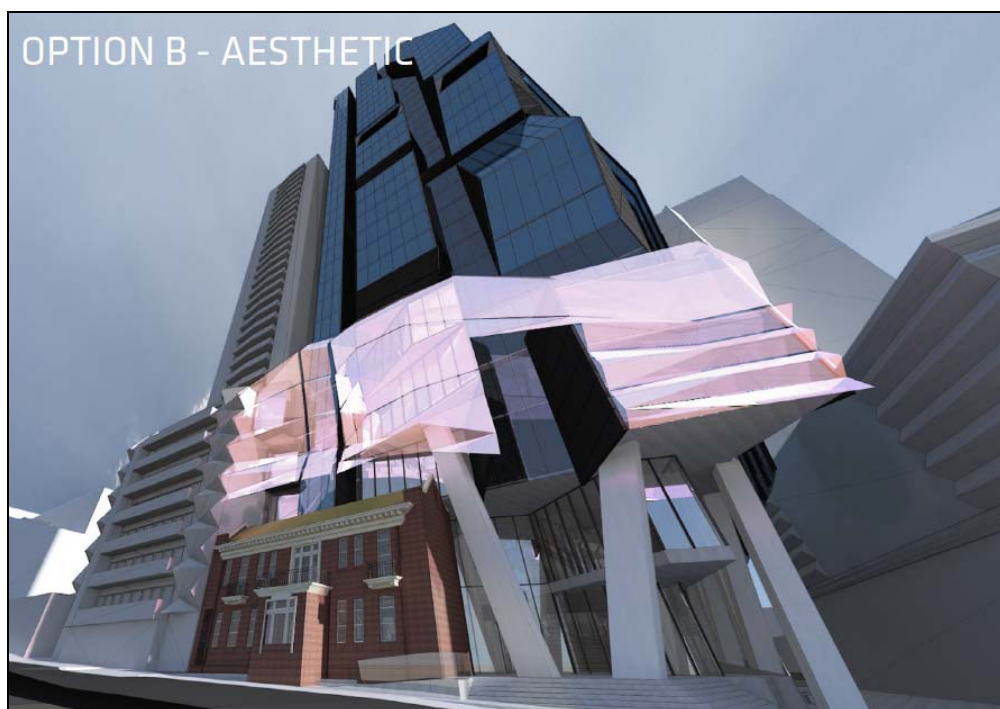
PLANNER'S NAME: [REDACTED]
Ph: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 15.05.13

PROPOSAL

1. Permit application 2012/002554 was lodged on 15 March 2012. The application was amended under section 50 of the *Planning and Environment Act 1987* on 10 December 2012 and seeks approval for partial demolition of 372-378 Little Lonsdale Street, demolition of 364-370 Little Lonsdale Street, and buildings and works to develop a multi-storey tower comprising of education centre with cafe and retail areas at ground level. The proposed gross floor area is 42,679m².
2. Details of the application, plans dated 10 December 2012, are as follows:
 - Demolition of the existing building on site at 364-370 Little Lonsdale Street and partial demolition of 372-378 Little Lonsdale Street;
 - Construction of an education centre tower measuring at 32-storeys (134 metres) including a 5-storey podium measuring at 25 metres. The tower has minimum setbacks of 3 metres from Little Lonsdale Street (previously 2 metres), 5.4 metres from the rear northern boundary (previously 5 metres) and 4.5 metres from the western boundary. In addition, the tower is set back a minimum of 2.5 metres from the neighbouring Victoria University (VU) building to the east at 295 Queen Street;
 - The building includes construction over Sampson Lane and a new pedestrian access from Little Lonsdale Street to Queen Street, to the west and north of the VU building at 295 Queen Street. This requires the discontinuance of Sampson Lane and the creation of spaces shared by pedestrians and vehicles;
 - The proposed building incorporates 100 car parking spaces, 7 motorcycle spaces and 534 bicycle parking spaces in the four basement levels, large lobby and café areas at ground and first floor and education and office/administration uses in the remainder of the building; and
 - The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD report.
3. Informally substituted plans (dated 22 March 2013) were submitted as discussed with DPCD and Council to show the podium skirt in coloured glass and to visually connect to the existing streetscape swinging behind the void over the heritage roof. These plans included two options for colour of the podium skirt; the applicant's heritage consultant is supportive of Option B.



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SITE AND SURROUNDS

- The site (comprising 364-370 and 372-378 Little Lonsdale Street and Sampson Lane) has a total area of 1,943m² and is located on the northern side of Little Lonsdale Street between Queen Street and William Street, Melbourne.



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- It is currently developed with two two-storey red brick buildings, separated by Sampson Lane. Both buildings are currently vacant and are identified as being C graded in a level 2 streetscape in Council's Heritage Places Inventory Study 2008. The building at 372-378 Little Lonsdale Street has been proposed to be included in a Heritage Overlay (HO1061) under Amendment C186 (Central City (Hoddle Grid) Heritage Review).



- The adjoining sites include the Victoria University (VU) Sir Zelman Cowen Centre in the former Records Office (HO733, A-graded, Heritage Victoria reference H1528) to the east at 295 Queen Street, a seven-level building known as the Royal Mint Centre to the north at 371-383 La Trobe Street and the 22-level La Banque Apartment building to the west at 380-386 Little Lonsdale Street. The VCAT decision dated 8 March 2007 for the La Banque Apartments included a condition requiring all east facing living and dining room windows to be set back 4.5 metres from the eastern common boundary with the site.

STATUTORY CONTROLS

7. 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
Capital City Zone-Schedule 1 (Outside the Retail Core)	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • The table of uses specifies 'education centre' and 'restaurant (cafe)' are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule; • Does not exempt the demolition or removal of a building, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage, construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September, or buildings and works from requiring a permit; • Exempts demolition and buildings and works from notice and appeal requirements; • Decision guidelines are contained in Schedule 1 and at Clause 65.
Parking Overlay-Schedule 1 (Capital City Zone- Outside the Retail Core) and Clause 52.06 (Car Parking)	<p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 130 spaces. The provision of 100 car spaces on site is below the maximum allowed under the clause, therefore no permit is required.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
Loading and Unloading of Vehicles (Clause 52.07)	<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 provided on site in accordance with that specified in the table; therefore no permit is required.</p>
Bicycle Facilities (Clause 52.34)	<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.</p> <p>The standard requires the provision of 152 spaces. The application</p>

	provides 534 spaces exceeds that required, therefore no permit is required.
Integrated Public Transport Planning (Clause 52.36)	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 an education centre. On 21 March 2012 the application was referred to the Director of Public Transport.

General Provisions

8. **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.
9. **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.
10. **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).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

11. The following policies within the SPPF are relevant:
 - Clause 10.04 (Integrated Decision Making)
 - Clause 11.01-2 (Activity Centre Planning)
 - Clause 11.04-4 (Central Melbourne)
 - Clause 13.04-1 (Noise Abatement)
 - Clause 15.01-1 (Urban Design)
 - Clause 15.02 (Sustainable Development)
 - Clause 17 (Economic Development)
 - Clause 18.01 (Integrated Transport)
 - Clause 18.02 (Cycling)
 - Clause 19.02-1 (Education Facilities)

Municipal Strategic Statement (MSS)

12. The MSS includes a section that is based on objectives and strategies, which revolve around the four themes of: land use, built form, transport and environment. These themes are applied to local areas of the municipality.
13. Clause 21.05 City Structure and Built Form, details objectives and strategies for built form under the theme, the public environment, amongst others. Pursuant to Clause 21.05-3, the public environment, one of the objectives includes:
 - *To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.*
14. The vision for the Central City includes the following:

Important components of the Central City's built form and public realm have been protected and enhanced, including the Yarra River corridor, significant parks and gardens and the Central City's significant heritage assets. The creation of a high quality, useable and exciting public realm continues to make the city an attractive and exciting place for workers, residents and visitors.

The Central City is also linked to surrounding areas including Southbank, Docklands and other neighbouring suburbs.

15. For the public environment in the Central City, the following relevant built form implementation strategies are identified:
- *Ensure that the design of tall buildings in the Central City promotes a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.*
 - *Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.*
 - *Ensure that the design of buildings and public realm in the Central City enhances the safety of pedestrians, visitors and occupants of buildings.*

Amendment C162

16. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been adopted by Council and is 'seriously entertained' planning document. The matter is currently being considered for approval by the Minister. The amendment includes themes which are applied to the local areas. The site is identified in the Hoddle Grid area which supports the development and establishment of new and innovative professional and retail businesses and that the design of tall buildings in the Hoddle Grid promote a human scale at street level, add to the city's skyline, and provides equitable access to outlook and sunlight.

Amendment C186

17. Melbourne Planning Scheme C186 Part 1 includes sites of heritage significance into the schedule to the Heritage Overlay. The amendment has been approved but not yet gazetted. The site is affected by this amendment (372-378 Little Lonsdale Street) and consideration has been given to the proposed heritage overlay and the proposed statement of significance.
18. On gazettal of C186 Part 2 372-378 Little Lonsdale Street will be included in an Heritage Overlay and that part of the development impacted by the application will not be exempt from the review and appeal rights of the Act.

Amendment C188

19. Amendment to the Melbourne Planning Scheme C188 (Built Form Review) is awaiting authorisation. Amongst other things, the built form review proposed to amend the existing controls to contain most of the built form principles under Design and Development Overlay-Schedule 2 where the site would be affected by a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street and a discretionary 5 metre setback to common boundaries to achieve a 10 metres tower separation.

Amendment C209

20. Amendment C209 seeks to introduce the Open Space Strategy which requires a 8% contribution for the central city. Whilst not a 'seriously entertained' policy document, the contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application. It is unlikely that the site will be further subdivided.

Local Planning Policy Framework (LPPF)

21. The following policies within the LPPF are relevant:
- 22.01 (Urban Design within the Capital City Zone)
 - 22.02 (Sunlight to Public Spaces)
 - 22.19 (Energy, Water and Waste Efficiency)
 - 22.20 (CBD Lanes)

NOTIFICATION

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

REFERRALS

23. The application was given 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. **Urban Design (DPCD):** Offered general support for the application.
25. **City of Melbourne:** Council supports the application subject to conditions including details of the shared space (the new Sampson Lane), requirements associated with the sale and discontinuation of Sampson Lane, ESD report updated to reflect newly introduced Clause 22.19 policy, a Conservation Management Plan and standard conditions.
26. **Director of Public Transport:** offered no objection to the proposal and did not include recommended conditions. Letter dated 20 April 2012.

ASSESSMENT

Land Use

27. The proposed uses replace a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions and contributes to the on-going revitalisation of a 24-hour Central Activities District.
28. The proposed education centre and the restaurant (café) use are fully supported by policy and do not require a planning permit. The uses will support the continued development and growth of the broad range of existing business in the Central City.

Design and Built Form

Demolition & Heritage

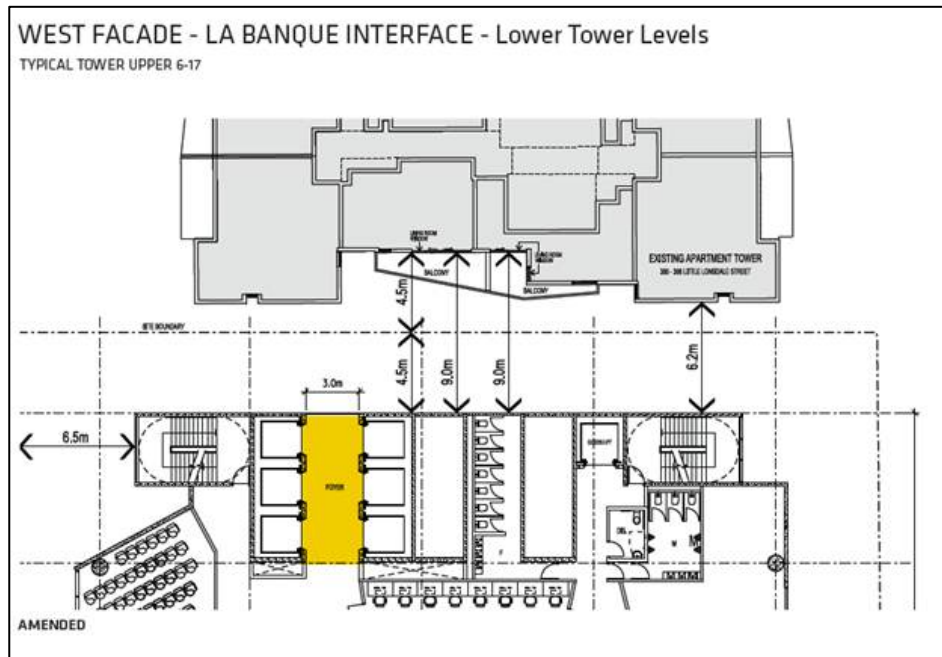
29. The application includes the partial demolition of 372-378 Little Lonsdale Street and demolition of 364-370 Little Lonsdale Street. Both these buildings are ungraded structures. The proposal also includes a replacement building which is consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.
30. The building at 372-378 Little Lonsdale Street is subject to Amendment C186 which seeks to introduce a heritage overlay to the building.
31. The buildings demonstrate the Federal programme to address both venereal disease and Tuberculosis are to be recorded and the significance of the particular buildings, and the theme of health services they represent, is to be interpreted in the retained building or on the site. The primary element that contributes to the historical understanding is the front wing of the building, which is to be retained. The extent of demolition is therefore acceptable.
32. The most prominent and architecturally notable section of the building is to be retained and externally restored. The frontage of the building is a single room in depth and is expressed with end gables and separate roof form from the main roof ridge extending to the north.

33. The revised podium design allows the heritage building to stand in front of the new tower rather than being beneath it. A significant void is maintained over the retained roof of the heritage building and the projection of the proposed podium over the roof is gradually stepped forward to assist in the perception that the heritage building is respected by the development. The heritage building and its roof now can be appreciated and could be considered to be showcased by the proposed tower without being overwhelmed and dominated.
34. Of the two colour schemes, Option B (pink glass) emanates the heritage red brick building and fosters the sense of its importance and primacy, and connects the proposal to the dominant parapet height within the streetscape.
35. The form of the curtain wall with its crinkled, horizontally pleated form will present a strong connection from the abutting "La Banque" apartments to the library building to the east such that the colour reference can be directed to the heritage building without compromising the streetscape connection.

Urban Context Response/ Setbacks/ Tower Separation

36. The existing built form of the precinct, presents urban contrasts and diversity ranging from early European architecture such as the former Land Title Office, the Victoria University Building, to the modern presence of tall buildings such as the La Banque Apartments and Republic Tower.
37. 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 a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.
38. 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 podium height, tower setback and tower separation, amongst other things. This review acknowledges the challenges that the City faces, particularly its develop-ability. The proposed controls seek to introduce a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street, and 5 metre tower setback from common boundaries (to achieve a minimum of 10 metres tower separation).
39. The building employs a three tiered approach with a podium of five storeys (25 metres), the lower half of the tower which is setback 6.2 metres from Little Lonsdale Street with the exception of projecting elements which are setback a minimum of 3 metres. The top half of the tower is setback 6.2 metres with no projecting elements.
40. This design approach is supported. The documentation provided with the application demonstrates that the building successfully registers a podium and the bulk and mass of the building has been sensitively treated with the projecting elements providing articulation. Furthermore the podium and tower responds to the context of the built form of the adjoining heritage building to the east and the La Banque Apartments to the west.
41. The development also maintains a human scale through the retention of the heritage building, the podium height and adequate setbacks on Little Lonsdale Street.
42. The tower setbacks from the northern and western boundaries are considered to be adequate and will not prejudice any redevelopment on abutting land to the north with regard to potential tower separation between the subject site and this property (Royal Mint Centre).
43. The proposed building is set back between 6.2 metres and 9 metres from La Banque Apartments. The La Banque apartments on the north east and south east corners have been

suitably treated through the location and orientation of balconies and habitable room windows to allow for views light and views.



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44. The amended plans show the glazing in the lift lobby that faces towards the apartments to the west to provide screening to 1.7 metres above finished floor level to prevent unreasonable overlooking opportunities.
45. As discussed above, La Banque Apartments was approved by VCAT (P2447/2006). The VCAT decision requirement amended plans to show (among other things):
 - A reduction in the podium height to 8 levels reducing the overall height of the building.
 - All east facing living and dining room windows being set back at least 4.5 metres from the east boundary.
46. In its discussion, VCAT considered the minimum separation required between towers on adjacent sites and considered that a combined 9 metre setback (4.5 metres per building) between towers would be acceptable in the context of the central city. On this basis amended plans required all east facing living and dining room windows to be setback at least 4.5 metres within the expectation that this setback would be matched for a tower on the land to the east of the approved building. The 9 metre separation between the proposed building and La Banque Apartments is supported.
47. The application documentation includes a wind tunnel tests which assess (amongst other things) the possible wind effects between the two proposed building and La Banque Apartments balconies.
48. The result for the podium level and lower levels is that there would be no adverse wind conditions to prevent the occupant's enjoyment of the balcony space. Wind conditions of the upper level balconies will be on or within the short term stationary condition for the long term condition for the upper limit for the Long Term Stationary criterion, would occur for less than 5% of the hours within the year. This is considered reasonable.

Street Level Frontages & Pedestrian Safety

49. The proposed development incorporates the construction over Sampson Lane and a new pedestrian access from Little Lonsdale Street to Queen Street, to the west and north of the VU building at 295 Queen Street. This requires the discontinuance of Sampson Lane and the creation of spaces shared by pedestrians and vehicles. Both the zone and Clause 22.01 encourage active street frontages and minimal conflict between pedestrian and car movements. The link is adjoined by cafe retail space and the upper levels of the building are occupied providing visual surveillance.

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

50. Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. The proposal includes a lower podium heights of 25 metres to Little Lonsdale Street accompanied with tower setbacks assist in wind deflection.

51. The proposal included a wind tunnel test by Mel Consultants (reference 85/12 R2) which in summary states that:

In the Basic and Existing Configurations wind conditions along Little Lonsdale Street were shown to be either on or within the criterion for walking comfort for all wind directions.

The wind conditions near the Main Entrance to the Development in the Basic Configuration were shown to be within the criterion for short term stationary activities for all wind directions, with most wind directions within the long term stationary criterion.

At the designated outdoor dining area to the east of the Development the wind conditions in the Basic Configuration were shown to be within the short term stationary criterion at the southern end, improving to either on or within the criterion for long term stationary activities towards the centre of the area. Local wind break features would be recommended at the southern end of the dining area in order to achieve wind conditions either on or within the long term stationary criterion throughout the dining area.

52. The application is supported as it will not result in an adverse wind impacts on the public realm.
53. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis at 10am, 11am, 12pm, 1pm and 2pm has been carried out for 22 March/ September. The analysis shows the additional shadowing will occur over properties to the south. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. The proposal does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

ESD

54. Clause 22.19 (Energy, Water and Waste Efficiency) encourages education centres to: comply with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent; 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent; and a Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management.
55. The applicant has engaged Meinhardt Pty Ltd to scope the ESD works for the development. The response includes a summary of ESD initiatives (energy and water) that should be incorporated into the development. Plans also show that there will be photovoltaic panels on the roof of the

building. The matters introduced recently into the planning scheme (contained within Clause 22.19) can be resolved by appropriate conditions.

Internal Amenity

56. The building design provides for the future amenity of its occupants by utilising its access to natural light and ventilation. The proposed building will not be constrained by any future development given the proposed setbacks from boundaries.

Access to and around the building

57. Council's Building Team have advised that provisions for persons with a disability (including access, facilities and features) are specifically legislated under the National Construction Code (NCC) which incorporates the Access Code for Buildings. Compliance with this code and the premises standard satisfies the expectations of the Disability Discrimination Act. A detailed assessment of compliance is the responsibility of the Relevant Building Surveyor and as there are entry ramps and on-grade access shown on the plans, there is no apparent hindrance to achieving compliance and it is unnecessary to recommend the inclusion of any specific condition in this regard.

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

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

59. Council's Traffic Engineers have raised concerns with pedestrians using the shared zone. It is recommended that the applicant undertake further studies of vehicle and pedestrian numbers using the shared zone and the safest layout.

60. Council's Traffic Engineers however raised no concern with the traffic generated by the development stating that it will have minimal impact on the operation of the surrounding road network.

61. The application provides for a loading facility in accordance with the requirements at Clause 52.07 of the Scheme. Detailed matters raised by Council have been captured in appropriate conditions.

62. The application provides for a total of 534 bicycle spaces which is in excess of the requirements at Clause 52.36 of the Scheme. Signage should also be provided, this can be conditioned accordingly. It is considered appropriate to impose a condition requiring compliance with the design of bicycle spaces, shower facilities and associated signage in accordance with the requirements of Clause 52.34 of the Scheme.

RECOMMENDATION

63. That you approve planning permit application 2012/002554 at 364-370 & 372-378 Little Lonsdale Street, Melbourne for the development of a 32-storey tower subject to conditions.

Prepared by:

[Redacted signature]

Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 15 May 2013

Approved by:

[Redacted signature]

Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 17 June 2013