

**Officer Delegate Report**

<b>APPLICATION FOR PLANNING PERMIT: 316-322 QUEEN STREET, MELBOURNE</b>	
<b>Application Number:</b>	2011/011167
<b>Proposal:</b>	Buildings and works for the purpose of part demolition and development of the land for a residential tower and associated basement car park
<b>Applicant:</b>	The Celtic Club Inc C/- MacroPlan Australia
<b>Zoning:</b>	Capital City Zone- Schedule 1 (Outside the Retail Core)
<b>Overlays:</b>	Design and Development Overlay- Schedule 1 (Active Street Frontages)
<b>Existing Use:</b>	Existing Celtic Club (restricted recreation facility) and adjoining office
<b>Number of Submissions:</b>	The permit application is exempt from notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), 2(2) and the (3) and the review rights of Section 82(1) of the Act.  A total of 14 submissions were lodged with the Department since lodgement
<b>Recommendation:</b>	Permit to be issued subject to conditions

[REDACTED]

**PLANNER'S NAME:** [REDACTED]  
2012

**SIGNATURE:** [REDACTED]

**DATE:** 18 July

**Ph:** [REDACTED]

## **1. PROPOSAL**

To demolish part of the existing buildings and construction of a 48 level (154.4 metre) residential building above a 3 storey heritage facade podium containing the existing Celtic Club and associated land uses consisting of restaurant, gaming area, function and meeting rooms. The residential part of the development will contain 256 dwellings and ancillary communal areas including a residential gymnasium, swimming pool, lounge and recreation room.

The Gross Floor Area (GFA) of the building is 26,086 sqm including the redevelopment and expansion works of approximately 3000 sqm associated with the Celtic Club facility.

The site contains an existing building of historic interest having regard to its design and detailing which is visible from the street. This building is located on the south east corner of La Trobe and Queen Street and occupies the most prominent edge of the subject site. The existing facade of the building is being retained as part of the site's redevelopment.

The existing office building at 316 Queen Street will be demolished and replaced by a new 3 storey podium and will form the entry to the residential tower.

The proposed residential tower above the podium will be setback 7.73 metres from La Trobe Street; 6.96 metres from Queen Street for levels four to six; 3.66 metres from La Trobe Street and 3.2 metres from Queen Street for levels seven to forty-eight. There are no side setbacks proposed for the eastern and southern boundaries, which abut a private laneway (east) and 310 Queen Street (south).

The apartments will be accessed via a separate entry from Queen Street. The apartments will be a mixture of one and two bedrooms. A total of 22 car spaces are provided for the users of the building within three basement levels.

The design rationale for the development is to deliver an enhanced offer of club facilities and residential development within a building that responds to its context and enhances the public realm.

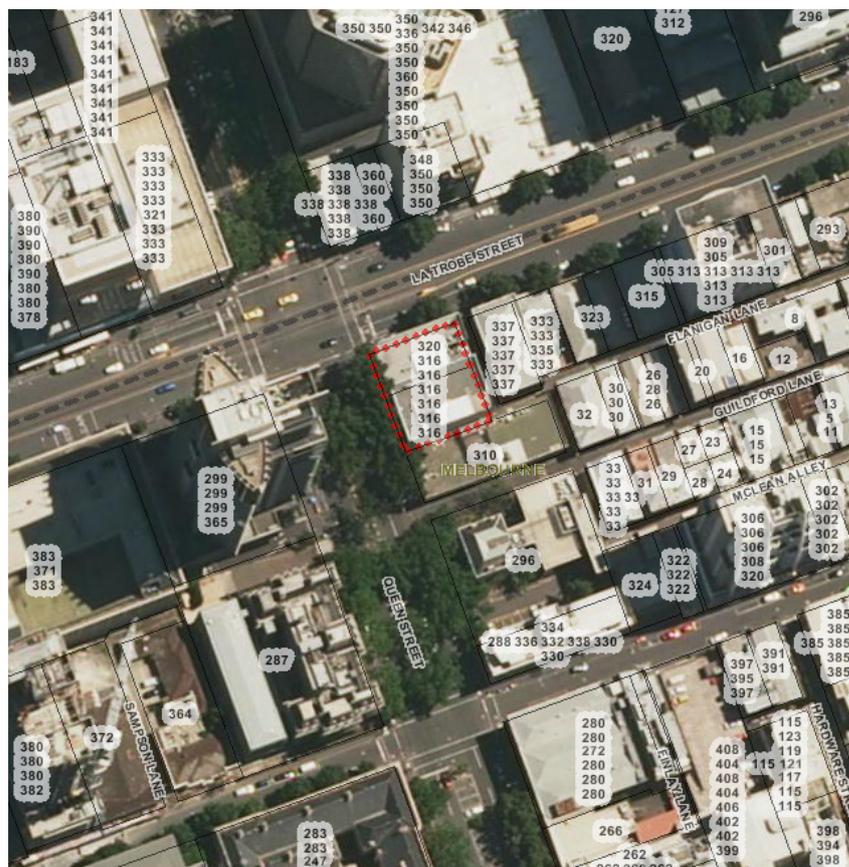
The design of the building contributes to this objective by retaining and restoring the existing building facade which wraps around the Queen and La Trobe Street frontage and by establishing a distinct tower form above reflecting the modern and progressive image of Melbourne's city skyline. The building finishes will comprise a combination of materials including high performance pattern glazing, perforated natural anodised aluminium screens, coloured precast concrete and feature stone panels.

## **2. SITE AND SURROUNDS**

The subject site is located on the south-east corner of La Trobe Street and Queen Street, Melbourne as identified in Figure 1.1 below. A narrow private laneway runs the length of the eastern boundary and intersects with La Trobe Street. The site area is approximately 676 square metres and is currently occupied by two buildings, namely a 3 storey "B Graded" building occupied by the Celtic Club (known as the former West Bourke Hotel) on the northern portion of the site and a 4 storey "D graded" post war building on the southern portion of the site designated within the City of Melbourne's Heritage Database.

To the north of the site (across La Trobe Street) are a number of office buildings ranging between one to four storey "D graded" post war buildings (350 La Trobe Street). To the south is a two level office building which abuts Guildford Lane and the Guilford Lane project precinct. To the east beyond the adjacent laneway abutting the site is a three level building. To the west of the site is the Republic Tower which is constructed to a height of approximately 116 metres.

Figure 1.1 – Subject Site



A number of planning permits have been granted in the vicinity of the site, including:

- 299 Queen Street (Republic Tower) – 36 storey residential.
- 350 William Street – 36 storey residential.
- 410 Elizabeth Street – 54 storey residential.
- 399 Little Lonsdale – 39 storey residential.

### 3. BACKGROUND

#### *Planning Application History*

A planning application for the “*use and development of the land for a 43 storey building comprising a hotel, restaurant, function centre, restricted recreation facility and 244 dwellings*” was lodged with the City of Melbourne on 13 September 2010.

The application proposed a 43 level building with a height of 138.8 metres and a Gross Floor Area (GFA) of 22,300 sqm and therefore the City of Melbourne was the responsible authority pursuant to Clause 61.01 of the Melbourne Planning Scheme.

On the 8<sup>th</sup> of July 2011 the applicant wrote to the City of Melbourne and withdrew the permit application, citing that the development was no longer an economically viable option. A subsequent permit application was lodged on 20 September 2011 with the Department for a development exceeding 25,000 sqm GFA.

Following lodgement of the permit application it was identified that planning permission is not required for the hotel, restaurant, function centre and restricted recreation facility as the site enjoys existing use rights for the club facilities. Additionally the proposed residential land use is ‘as of right’ and does not require a planning permit under the Capital City Zone.

#### 4. PLANNING POLICY AND CONTROLS

##### 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 11 (Settlement) - comprises seven general principles for land use and development planning. The first principle, relating to settlement, provides that planning must recognise the need for, and wherever possible, contribute towards diversity of choice, a high standard of urban design and amenity, energy efficiency, accessibility and land use and transport integration.
- 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 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

The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement (MSS) and local planning policies applicable to the City of Melbourne. The MSS and LPPF seek to apply State strategies and policies to the local circumstance. The strategies and policies of particular relevance to this application are listed below:

###### *Municipal Strategic Statement (MSS)*

Clause 21.03-1 outlines the "Vision and Approach" for Melbourne which can be summarised as 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) of Clause 21.04 spatially shows the different areas where further increases in housing development 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. The subject site is located within an area where there is a high expectation of a net increase in the numbers of dwellings.

Clause 21.05 (City Structure and Built Form) details objectives and strategies for the built environment including themes of heritage, structure and character, public realm, sustainability, public open space and community safety.

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 21.08 sets out the implementation strategies that relate to particular neighbourhood areas and precincts within the municipality. Figure 12 of Clause 21.08 identifies that the site is located within the **Central City** area, rather than Southbank.

The Vision for the Central City states:

*The Central City continues to be the primary place of employment, business, finance, entertainment, cultural activity and retail in Victoria, and a place that facilitates the growth of innovative business activity.*

*The Central City continues to be a 24 hour precinct, attracting visitors from a wide catchment at all times of the day to a diversity of entertainment venues and facilities. However, entertainment venues and other potential noise generating premises have been carefully managed to minimise off site impacts, in recognition of the growing residential community within the Central City.*

*The Central City has grown as a high-density inner city residential environment. Excellent construction and effective management of non residential uses as well as good design of new dwellings in the City has meant that a diverse range of uses can co-exist.*

Under the heading 'Housing and Community in the Central City', are these strategies:

- *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.*

The implementation strategies for the Central City also go on to reinforce the key vision at Clause 21.03 of understanding local context and recognising differences throughout the municipality. Under land use and built form headings, the following implementation strategies apply:

*'Retail, entertainment and the arts in the Central City':*

- *Encourage a mix of public and commercial uses at ground level in new development to support street life and provide pedestrian interest.*

*'Height and Scale in the Central City':*

- *Ensure new tall buildings add architectural interest to the city's sky line.*
- *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.*

*'Heritage in the Central City':*

Protect the unique qualities of the Hoddle Grid including heritage buildings and precincts, the regular grid layout, laneways, tree-lined boulevards and identified significant public open spaces.

*'Streetscape':*

- *Ensure development fronting streets creates a continuous building edge and integrated streetscape.*
- *Ensure that security treatments for shopfronts allow for views into the premises at night and positively contribute to the streetscape.*

*'Pedestrian amenity':*

- *Ensure that pedestrian use is given priority in the Central City.*
- *Ensure that vehicle ingress and egress points do not impede pedestrian flow, safety and amenity along key pedestrian routes and areas.*
- *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.*

*'Sunlight to public spaces':*

- *Ensure sunlight penetration in the middle of the day to key public spaces, appropriate to their role and function.*
- *Protect the Yarra River and its south bank from overshadowing throughout the year.*

*Local Planning Policy Framework (LPPF)*

The following key 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 fundamental urban characteristics, whilst establishing its own identity and character in harmony with the existing context. The policy has four sections addressing Public Spaces; Circulation; Building Design & Areas of Transition, and includes design principles and performance guidelines.
- *22.02 (Sunlight to Public Spaces)* requires that development not cast additional shadows between 11.00am and 3.00pm at the equinox (22 September and 22 March) that would prejudice the amenity of public spaces.

### *Reference and Guidance Documents*

'Design Guidelines for Higher Density Housing (DSE 2004) - provides advice to developers, councils and communities about what constitutes best-practice in higher density housing. The guidelines apply to buildings of four storeys and above and cover aspects including height, neighbourhood character, street setback, open space, overlooking and overshadowing. Planning and responsible authorities must have regard to the Guidelines in assessing the design and built form of residential development of four or more storeys (*Clause 19.03 of the State Planning Policy Framework*)

The Central City Built Form Review is currently awaiting authorisation. Amongst other things, the built form review proposes an amendment to Clause 22.01 (Urban Design with the Capital City Zone) and a new Clause 22.12 \*Sunlight to Public Open Spaces).

The subject site is also located within an area affected by the proposed amended C186 – Central City Hoddle Grid Heritage Review. Amendment C186 has been considered by a Planning Panel following public exhibition.

### **Zone**

The subject site is located within the Capital City Zone Schedule 1 (CCZ1). The purpose of the Capital City Zone- Schedule 1 is: '*to provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality*'.

Under Clause 37.04-4 a permit is required to construct a building or to construct or carry out works unless a schedule to the zone specifies otherwise. Schedule 1 requires a permit to demolish a building and to construct or carry out works.

No permit is required for the land uses as they are either 'as of right' and/or enjoy existing use rights associated with the ongoing operations of the Celtic Club. Communal facilities proposed within the residential development (i.e gymnasium, swimming pool and recreation area) are intended to be for the exclusive use of residents and or guests of the development therefore being ancillary to the use of the land for dwellings.

### **Overlays**

The site is affected by the Design and Development Overlay Schedule 1 – Area 2. Under Clause 43.02-2 (DDO) a permit is required to construct a building or construct or carry out works unless a schedule specifies otherwise. Schedule 1 (DDO1) specifies that a permit is required to construct or carry out works at ground level only.

Area 2 – Major Pedestrian Areas specifies that buildings with ground-level street frontages are to present an attractive pedestrian orientated frontage, to the satisfaction of the Responsible Authority, by providing at least 80% of the street frontage as a entry or display window to a shop and/or food and drink premises, customer service areas and activities, which provide pedestrian interest and interaction.

### **Particular Provisions**

The key particular provisions relevant to the proposal are as follows:

*Car Parking:* Under Clause 52.06-6 a parking precinct plan affects the Capital City Zone including the subject site. The Schedule to this Clause specifies a maximum limitation number of car parking spaces. The provision of 22 spaces on site is below the maximum allowed under the schedule; therefore no permit is required under this provision.

*Loading and Unloading of Vehicles:* Under Clause 52.07 a permit is required if loading and unloading of commercial vehicles cannot be provided. As the development does not include an on-site loading area that meets these requirements, a permit is required under this provision.

*Bicycle Facilities:* Under Clause 52.34-1 a new use must not commenced until the required bicycle facilities and associated signage has been provided on the land. The proposal provides for in excess (127 spaces) of that stipulated within the table (statutory requirement of 80 spaces) therefore no permit is required.

*Integrated Public Transport Planning:* 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 buildings comprising of 60 or more dwellings.

### **General Provisions**

*Administration and Enforcement of the Scheme:* Pursuant to Clause 61.01 the Minister for Planning is the responsible authority for developments with a gross floor area exceeding 25,000 sqm.

*Decision Guidelines:* Under Clause 65.01 before deciding on an application the Responsible Authority must consider as appropriate as a number of matters, including Section 60 of the Act.

## **5. NOTIFICATION**

Under Clause 37.04-4 (Capital City Zone), Schedule 1 applications to demolish or construct or carry out works, and for buildings and works under Clause 43.02-2 (Design and Development Overlay), Schedules 1, are 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.

Notwithstanding the permit application exemption from third party notice and review rights, several objections have been submitted to the Department since lodgement of the permit application. The key issues raised can be summarised as follows:

- Overall height of the development.
- Inadequate setbacks from the street as the development does not provide 10 metre tower setback from street frontages
- Impact of the development on the heritage values of the land and the perception that the part demolition of a B Graded building will adversely impact on heritage significance of the site and surrounding area.
- The need for an interim heritage control to be applied to the site to restrict demolition of existing buildings.
- Perceived impacts associated with noise from balconies adjacent to side boundaries
- The size of the apartments are too small and future residents will likely use balconies to store goods.
- Perceived inability for the street and laneway network to support the residential density proposed having regard to vehicular and pedestrian access

## **6. REFERRALS**

Comments were sought from the Department's Urban Design Unit and the City of Melbourne and under Section 55 of the Act the application was referred to the Director of Public Transport.

- *Director of Public Transport:* Offered no objection to the permit application subject to conditions regarding minimising damage and/or disruption to public transport infrastructure or operations during construction.

- *Urban Design (DPCD):* Generally supported the application and concluded that the development is a reasonable outcome having regard to a balanced outcome that considers the need for amenity, retention of heritage values and a commercial need for redevelopment of the site.
- *City of Melbourne:* The City of Melbourne does not support the proposed development as it is considered to be an overdevelopment of the site. The key areas of consideration in the City of Melbourne's assessment included:
  - Demolition works
  - Design and Built Form
  - Amenity Impacts
  - Engineering Impacts

The specific matters of concern and an assessment of these issues will be discussed further in Section 7 of this report.

## **7. PLANNING CONSIDERATIONS & ASSESSMENT**

### **7.1 Overview**

State and local planning policy seeks to ensure that land use and development achieves attractive, liveable and sustainable places. Development should contribute to an attractive built environment by creating neighbourhoods that complement existing heritage values and enhance the built environment.

The proposal is consistent with state and local policy relating to the efficient use of the land and infrastructure and also responds to the amenity provisions of the Melbourne Planning Scheme.

The proposal's consistency with state and local policy is primarily a result of its recognition that residents are central to the vitality and liveability of the City. More people living within the City leads to an increase in, and diversity of, activity, enhances safety and ensures efficient use of services and infrastructure. To this end, increased residential development contributes to urban consolidation objectives outlined within the State Planning Policy Framework.

Overall, the proposal respects the amenity of adjoining properties given the site layout and response to its built form context. The proposed buildings will positively enhance the character of the area and will enhance the visual perception of the site when viewed from the street.

The development has been carefully designed to minimise adverse amenity impacts and respects the heritage value of the existing building despite the lack of a heritage overlay.

Having regard to the matters raised by the proposal and that of the City of Melbourne, it is considered that the key issues to be addressed include:

- *Compliance with the State Planning Policy Framework and Local Planning Policies;*
- *Appropriateness of the built form and extent of demolition;*
- *Interface amenity with neighbouring properties and building setbacks;*
- *Internal amenity;*
- *Car parking and Access.*

Each of these issues is discussed in more detail below and within the context of the comments received from City of Melbourne.

## **7.2 Consistency with Planning Policies**

The proposed development is a well-resolved design response consistent with the characteristics of the Capital City and Hoddle Grid and is considered to enhance the amenity of the public realm. The development responds to State and Local Planning Policy including *Melbourne 2030* through the following:

- The proposal provides high quality accommodation to a key site located within the Central Activities District (CAD) and connected to urban services which are necessary to support increased residential density including Flagstaff Gardens, tram, train and bus services, retail, commercial and community facilities.
- The proposal appropriately integrates with the adjoining development to the east and south by maintaining zero lot boundary setbacks at the street level with active street frontages.
- The development improves housing choice to existing and future residents in the municipality and makes better use of existing infrastructure services.
- The site's location will provide a liveable, attractive and walkable residential environment for future residents due to its proximity to key services and infrastructure and by the design of the building which provides for appropriate levels of internal amenity.
- The proposal will enhance community interaction by providing a secure and safe residential facility supported by non-residential uses at ground level and communal areas throughout the development allowing social interaction between new residents.
- The built form is of high quality design and enhances the attractiveness of the La Trobe and Queen Street corner contributing positively to the public realm and streetscape. In particular it achieves this by capitalising on the retention of the existing building facade thereby maintaining the heritage significance of the site whilst emphasising the differentiation between a 3 storey podium to the street corner and tower element above.
- The development is located within an area which has experienced and continues to undergo a significant amount of change. The built form has been designed in a manner that will respect the emerging urban character within the north western section of the CAD which is to accommodate a high expected increase in dwelling numbers.
- The proposal will allow future residents to utilise existing services and infrastructure within the locality.
- The proposal will result in energy efficient housing with the provision of suitable communal open space.

In accordance with Clause 15 (Built Environment and Heritage), the proposed development represents high quality urban design and architecture. The redevelopment of the Celtic Club with modernised facilities and residential development above results in the subject site becoming an ideal 'infill site' located close to public transport infrastructure, recreational areas, community facilities and employment opportunities.

## **7.3 Appropriateness of the Built Form**

### **7.3.1 Demolition, Site Layout, Setbacks, Building Height and Massing**

The Melbourne Planning Scheme identifies the need for increased residential densities that contribute to efficient and effective use of existing infrastructure. In addition to the need for a responsive approach to housing change a major policy thrust of the Melbourne Planning Scheme is to preserve the amenity and unique characteristics of Melbourne's high quality urban environment. Planning policy identifies the need to balance the impacts of housing change and urban development with the preservation of neighbourhood character, liveability and amenity.

Importantly within a Central City context, this includes the need for street activation, preservation and/or interpretation of places with heritage significance and the use of building setbacks and height in a considered manner that balances amenity and commercial need to ensure highest and best use of land.

The City of Melbourne in its referral response undertook an assessment of the development pursuant to Clause 22.01 (Urban Design with the Capital City Zone). In considering this policy the City of Melbourne resolved that it did not support the proposal given that:

- The proposal seeks to vary the specified 10 metre above podium tower setback from the street.
- The proposal does not provide any setbacks from the south or east boundary and proposes windows overlooking the laneway to the east.
- The proposal does not adequately respond to the development potential of adjacent sites via the lack of side setbacks.
- The height of the building combined with the reduced side setbacks results in an inappropriate massing of the built form upon the public realm.
- There is no weather protection proposed along the Queen Street facade.

Having regard to the above concerns, the City of Melbourne recommended that an alternative design solution for the site could be to either increase the side setbacks to a 6 metre minimum setback from both La Trobe and Queen Street and/or retain the side setbacks and reduce the overall height of the building to 60 metres.

Notwithstanding the comments received from the City of Melbourne, it is considered the premise for either increasing the setbacks or decreasing the height is ill conceived as it fails to recognise the need to balance competing objectives of land use and development and achieving efficiencies in design, nor does it address their concerns in relation to setbacks and building mass given the building envelope established by a 60 metre tower.

It is noted that the subject site is not affected by any Design and Development Overlays (DDO) restricting the maximum height of buildings. This is contrary to the land further south of the subject site which is located within DDO2-HC2. This area relates to the surrounding low-rise and pedestrian orientated built form of the Chinatown, Bourke Hill and McKillop/Hardware/Guilford Lane Precincts. These precincts adjacent to the site are subject to a maximum mandatory height of 15 metres.

To this end, Clause 22.02 (Urban Design within the Capital City Zone) is a performance based policy that recognises the need for innovation and alternative design solutions that achieve the core criteria relating to building design, facades, city and roof profiles, wind and weather protection, public spaces access and safety.

As appropriate it is considered that the development satisfies the policy objectives of the above key criteria in the following manner:

- The building height considers the existing scale and evolving character of surrounding sites including the Republic Tower to the west (36 storeys) and towers to the north, north east and north west including KTS House (21 Storeys), Argus Centre (34 storeys) and 380 La Trobe Street (24 storeys).
- Overshadowing does not affect any key public spaces and the proposed setbacks does not result in any adverse wind or microclimate conditions at ground level which has been confirmed by a wind assessment.

- Tower servicing is largely limited to the side laneway with no proposed vehicle access or service entries within the site's primary frontages along Queen and La Trobe Street.
- Whilst the tower setbacks are 3.2 metres and 3.6 metres respectively to the main street frontages the proposal is wrapped by a significant 3 storey collar which is in the form of the retained Celtic Club building. The retention of the existing building facade provides a distinct differentiation of built form between podium and tower thus reducing the need for substantial setbacks from the street which if applied would result in inefficient use of floor space and reductions in internal amenity.
- The tower form has been designed to be seen from various aspects with all four sides suitably articulated. This has been achieved by providing glazed strips to its elevations including windows to the lift circulation space and secondary windows to apartments all of which can be closed if development directly adjacent to the site was to proceed.
- Whilst the interior of the old hotel on the corner is to be demolished a significant outcome for the site is the investment in retaining the building facade and further enhancement of the club facilities which can be enjoyed by club members or that of the future residents.
- The new section of the development to face Queen Street respects the approximate 15 metre height of the podium and matches the historic building without mimicking heritage forms.
- The development ensures activation of the primary street frontages and proposes car parking within basement levels as opposed to podium level parking.
- The development includes resident and customer entries on the street frontages thus avoiding concealment spaces and improving safety.
- Terraces are proposed at the upper levels above the podium which offers sheltered open space areas providing an effective balance between light and shade.
- The proposed building is a residential development therefore the Environmentally Sustainable Design (ESD) requirements of the development are contained within the 'Building Code of Australia'. Notwithstanding this a Sustainability Design Statement was provided with the application and established the design principles engrained within the development to achieve a high degree of sustainability.

A condition of permit can be used to require a complete and final ESD assessment prepared by a suitably qualified person to ensure that the development integrates and rationalises the design objectives into the building to achieve a high degree of compliance.

On balance, having regard to the State Planning and Local Planning Policy Framework the development encourages enhancement of the Capital City and appropriately integrates the built form within the sites context. It is noted that there is no canopy shown on the drawings and pedestrian shelter should be incorporated within the design response. Accordingly this matter can be addressed via permit condition.

Overall, the proposal is sympathetic to the established surrounding character of La Trobe and Queen Street and is highly accessible and the design and layout of the proposal is site responsive.

#### *7.4 Interface Amenity*

Having regard to interface amenity with neighbouring properties, it is important to strike a balance between achieving a reasonable level of amenity for both existing and proposed development. This is achieved via an analysis of the constraints and opportunities afforded to the site and an appropriate response to its built form context. In considering the context of the site it is recognised that the land

has two primary street frontages and interfaces with a laneway to the east with only one direct boundary interface to an adjoining office building to the south.

The design response utilises non-sensitive interfaces in a positive way and recognises the limited capacity for future tower development directly to its north, east and west. In relation to its southern interface the existing building is a small site of some 598 sqm and is located within a maximum building height control area of 15 metres which is also proposed for retention under Amendment C188 Central City (Hoddle Grid) Built Form Review.

Notwithstanding the limited scope for development to the south the layout ensures that apartments do not solely rely on windows facing south for direct sunlight and air and any windows proposed are complemented by primary east or west facing windows overlooking publicly accessible areas where building separation will be retained in perpetuity. That said, a legal agreement pursuant to Section 173 of the *Planning and Environment Act* can be entered into between the responsible authority and the permit applicant which provides for infill of windows on the southern edge of the site should development occur on the adjacent land which requires a northerly aspect. Subsequently preparation of a S173 agreement can form part of a condition of permit.

When considering matters of overshadowing, overlooking and solar access the site's context within the Central City must be considered. To this end, the amenity afforded to apartments both proposed and existing must recognise the need for a vibrant city centre where urban consolidation, a mix of uses and diverse building forms is encouraged. Subsequently, the tests to be applied is whether a development results in an increase of any unreasonable amenity impacts beyond that expected within a Central City context.

In relation to shadow it is acknowledged that some additional overshadowing will occur within adjoining and surrounding properties, however, this shadow will generally be cast on non-residential development and will also be intermixed amongst existing shadow cast by surrounding development.

In relation to noise and light spill the development will be required to comply with the relevant State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) as appropriate when relating to noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like. The development has sought to minimise impacts via the consolidation of plant equipment and any noise associated with residential uses is considered to be acceptable having regard to the site's Central City context. Furthermore the development does not propose any substantial external lighting.

### *7.5 Internal Amenity*

The development as proposed will provide good internal amenity for future residents. The building design provides a good standard of amenity for future residents. There is limited reliance on borrowed light with the majority of bedrooms having access to natural light and ventilation. The dwellings will also not be constrained by any future development given the location of the site and redevelopment opportunities of adjoining sites. All proposed apartments have access to varying sized balconies and the site is within walking distance of public open spaces.

In broad terms, it is the design response of the development and its locational attributes that present the opportunity for good level of amenity to be provided for future residents. Specifically, the following design elements are considered to contribute to the level of internal amenity for future residents:

- The development proposes a range of dwelling types and sizes to suits the needs of varying households with a combination of one and two bedroom apartments.
- The majority of apartments are north facing with balconies facing street frontages with an aspect to an area clear to the sky of at least 3 sqm.
- All apartments are fully accessible for people with limited mobility to the provision of a lift core and single levels apartments.

- The development has achieved a layout which does not result in apartments relying on secondary light for habitable rooms.
- Community facilities are provided in the form of a gymnasium, swimming pool and recreation area for future residents.
- An identifiable entry is provided onto Queen Street clearly demarcating the residential development from the commercial component of the site.
- Each of the dwellings has a generous layout with well proportioned rooms providing future residents of the site with a high level of amenity and ensuring a functional layout.
- Adequate car and bicycle parking for the development is provided on the site to suit the expected needs of residents and visitors.
- Storage for the dwellings is well catered for with a number of storage areas set aside within level 7 – 8.
- Access to a range of recreational and retail uses at ground level within the refurbished Celtic Club facilities. The Celtic Club facilities will also be exposed to direct economic activity and benefits associated with expenditure of residents within the development.

#### *7.6 Car Parking and Access*

A total of 22 car parking spaces are to be provided on site to accommodate the proposal. The traffic impact report prepared by GTA consultants provides a traffic and parking assessment of the proposal based on observations and surveys in the vicinity of the site, and on previous studies of similar developments operating elsewhere in Victoria.

In summary the traffic assessment concludes that the proposed development is appropriately designed, with suitable traffic access arrangements to internal and external road network (via the eastern laneway).

An adequate provision of resident and visitor parking is provided for the proposed development in suitably designed parking areas having regard to the likely demand and does not exceed the maximum limitation policy of one space per dwelling.

The development provides 127 storage spaces for bicycles on level B3 and will be and for residents of the development.

The non-residential uses on the land currently enjoy existing uses rights and whilst there will be an expansion of club facilities these are considered to have a negligible impact on the demand for on site car parking particular given the site's connectivity to public transport infrastructure. A permit is required to vary the loading and unloading requirements of the Melbourne Planning Scheme in relation to the commercial uses on the land. To this end, it is acknowledged that the Celtic Club currently occupies the buildings on the site and utilises the land for a range of retail, commercial and congregational activities. Whilst the clubs facilities are proposed to be enhanced and increased in overall floor space the provision of a 27.4 sqm loading area on site is not considered to be necessary, nor practical, given that the operational requirements of the site are not being substantially modified.

#### *7.7 Waste Management*

A waste management plan has been prepared for the proposal and identifies that the site can be adequately serviced having regard to the accepted waste generation with no impact on the amenity of service capacity of the surrounding area. In particular the key aspects of the proposal are summarised as follows:

- The operator shall be responsible for the collection of residential and commercial waste for the development and waste shall be collected in the adjacent laneway and the collection contractor shall transfer waste between the development and the truck.
- Waste storage area shall be within the development and hidden from public view.
- A waste chute is provided to each floor enabling convenient disposal of waste

### *7.8 Other Strategic Matters*

Planning Scheme Amendment C186 seeks to include the site (among others) into the schedule to the Heritage Overlay at Clause 43.01 of the Melbourne Planning Scheme.

Amendment C186 is required to assist in the conservation of places that have been identified by Council as having local historic significance. C186 is a seriously entertained amendment and has been considered by Planning Panels Victoria and Council is considering the recommendations of the Panel report.

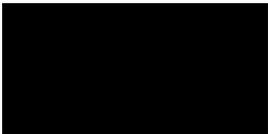
Irrespective of any inclusion within the heritage overlay the design response has considered the heritage significance of the site by retaining the heritage street wall facade of the building thereby maintaining the existing three storey podium and building detail. The development fulfils State and Local policy objectives by preserving the significance of the site and avoiding replication or duplication of heritage buildings.

## **8. RECOMMENDATION**

The proposed development has appropriately responded to the opportunities and constraints of the site, providing a sensitive and efficient use and development of the land. The proposed buildings and works will provide a positive design response for the subject site and have been sited and designed to minimise the impact on existing and adjoining buildings and emphasise its presence on the corner of Queen and La Trobe Street.

The design of the development is appropriate for the existing built form context in relation to building height, setbacks, layout, façade treatments, and architectural quality.

The proposed development is considered to respond well to the site context and will integrate comfortably into the area. Therefore it is recommended that the development be approved subject to conditions.

Prepared by:  \_\_\_\_\_

Name:   
Title:   
Phone:   
Date: 18 July 2012

Approved by:  \_\_\_\_\_

Name:   
Title:   
Phone:   
Date: 18 July 2012