

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

**Ministerial Planning Referral: TPM-2013-25
127-141 A'Beckett Street, Melbourne**

3 December 2013

Presenter: Daniel Soussan, Planning Co-ordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application (reference 2013/008099) for 127-141 A'Beckett Street, Melbourne. The planning application was referred to the City of Melbourne by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 30 October 2013 (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed plans).
2. The applicant is Innovative Construction and Development Pty Ltd c/o Urbis Pty Ltd. The owner is Welsh Calvinistic Methodist Connexion Pty Ltd and the architect is Elenberg Fraser.
3. The application seeks a permit to demolish the existing building and construct a 63 storey residential tower (excluding plant) comprising 632 apartments and 720 square metres of retail at ground floor area. The development includes one basement level of bicycle parking and seven levels of podium car parking with a residential 'skin' fronting A'Beckett Street.
4. The site is a remnant of the former land holdings of the Welsh Church to the south. In the same manner as the adjoining development site at 312 La Trobe Street (Urbanest), the land was subdivided and is under contract for sale to facilitate redevelopment and to fund the building preservation and ongoing activities of the Welsh Church.

Key issues

5. Key issues in the consideration of this application are built form, amenity impacts, parking, traffic and waste, wind impact on the public realm, energy, waste and water efficiency.
6. The proposed development is generally supported. The design will result in good side and rear setbacks resulting in a high level of internal amenity for future residents. A through-block link is proposed, connecting La Trobe Street with Queen Victoria Market, through the Welsh Church and Fulton Lane development sites.
7. In built form terms the setback to A'Beckett is the only real point of contention. The proposal provides a 4.5 metre setback of the tower from A'Beckett Street. The City of Melbourne's Urban Design team have recommended a 10 metre setback in line with local policy. The officer recommendation is for a six metre setback in line with the approved setbacks of the Fulton Lane Development directly across A'Beckett Street to the north, which was supported by Urban Design and City of Melbourne at the time of assessment.
8. A number of changes were recommended by Engineering Services with regards to the parking and access arrangements. The applicant has informally submitted amended plans addressing these requirements. Recommended conditions would require the formal substitution of plans to the DTPLI to address the concerns raised by Engineering Services.

Recommendation from management

9. That the Future Melbourne Committee resolve that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that:
 - 9.1. The Council supports the application subject to the inclusion of the recommended conditions contained set out in the Delegate Report (refer Attachment 4).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

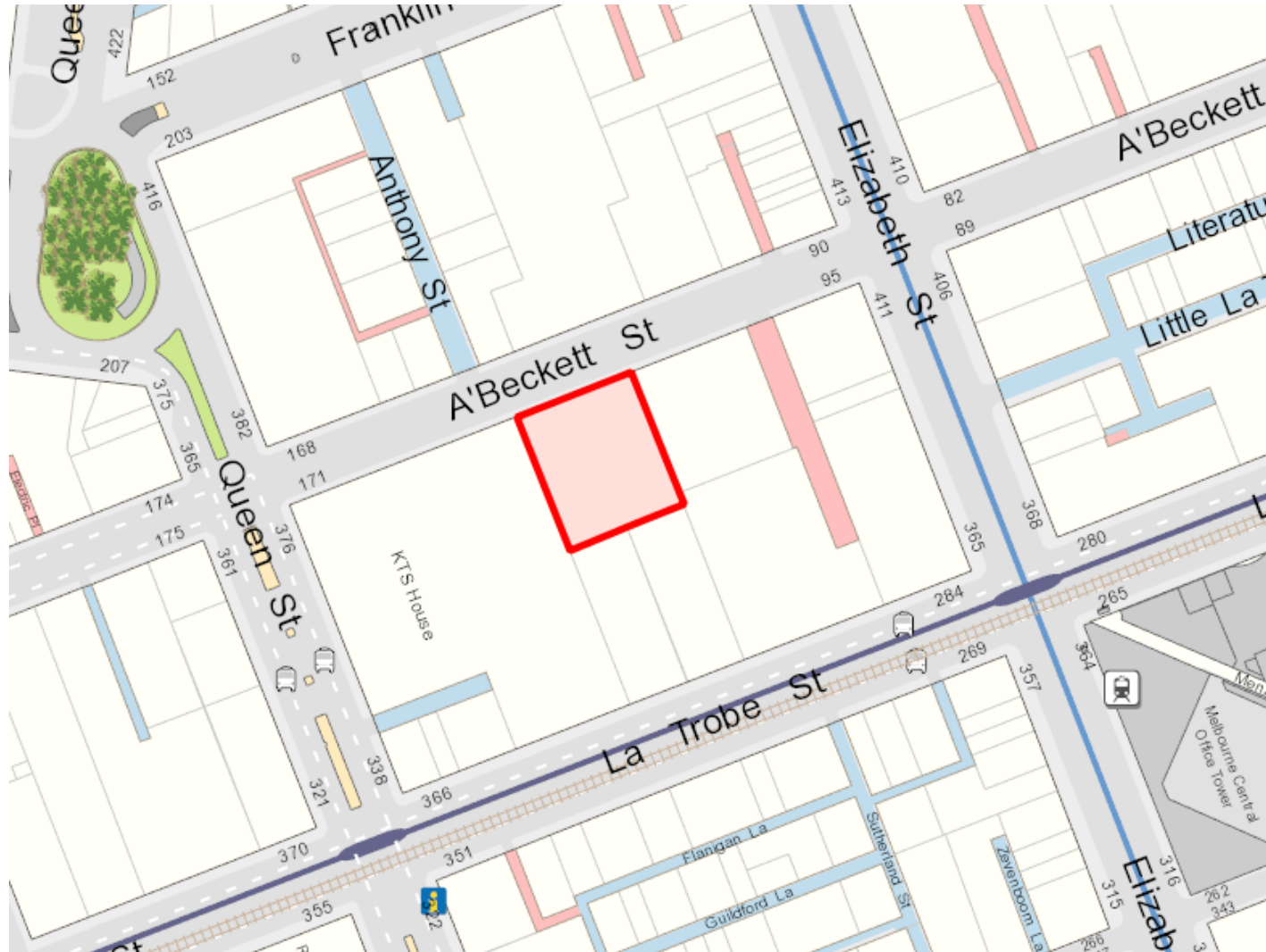
Relation to Council policy

5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

6. The applicant has submitted an ESD report as required by Clause 22.19-2. The report identifies that the proposal is capable of achieving a 4 star green star rating, a 1 point for Wat-1 Green Star credit, will harvest rainwater resulting in an annual mains water saving of 88kL, and meets best practice for standard stormwater quality. It is recommended that a condition be included requiring an amended ESD report indicating that the building has the preliminary design potential to achieve a 5 star green star rating (as sought by Clause 22.19).

Locality Plan: 127-141 A'Beckett Street, Melbourne





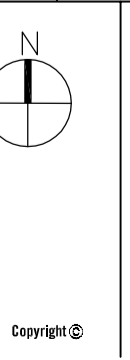
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LEVEL 3, 160 QUEEN STREET
MELBOURNE VICTORIA 3000 AUSTRALIA
TEL +61 3 9600 2260 FAX +61 3 9600 2266
EMAIL MAIL@ELENBERGFRASER.COM
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ABN 97 556 188 726

Project Title
**127-141 A'BECKETT STREET,
MELBOURNE**
Client
ICD PROPERTY



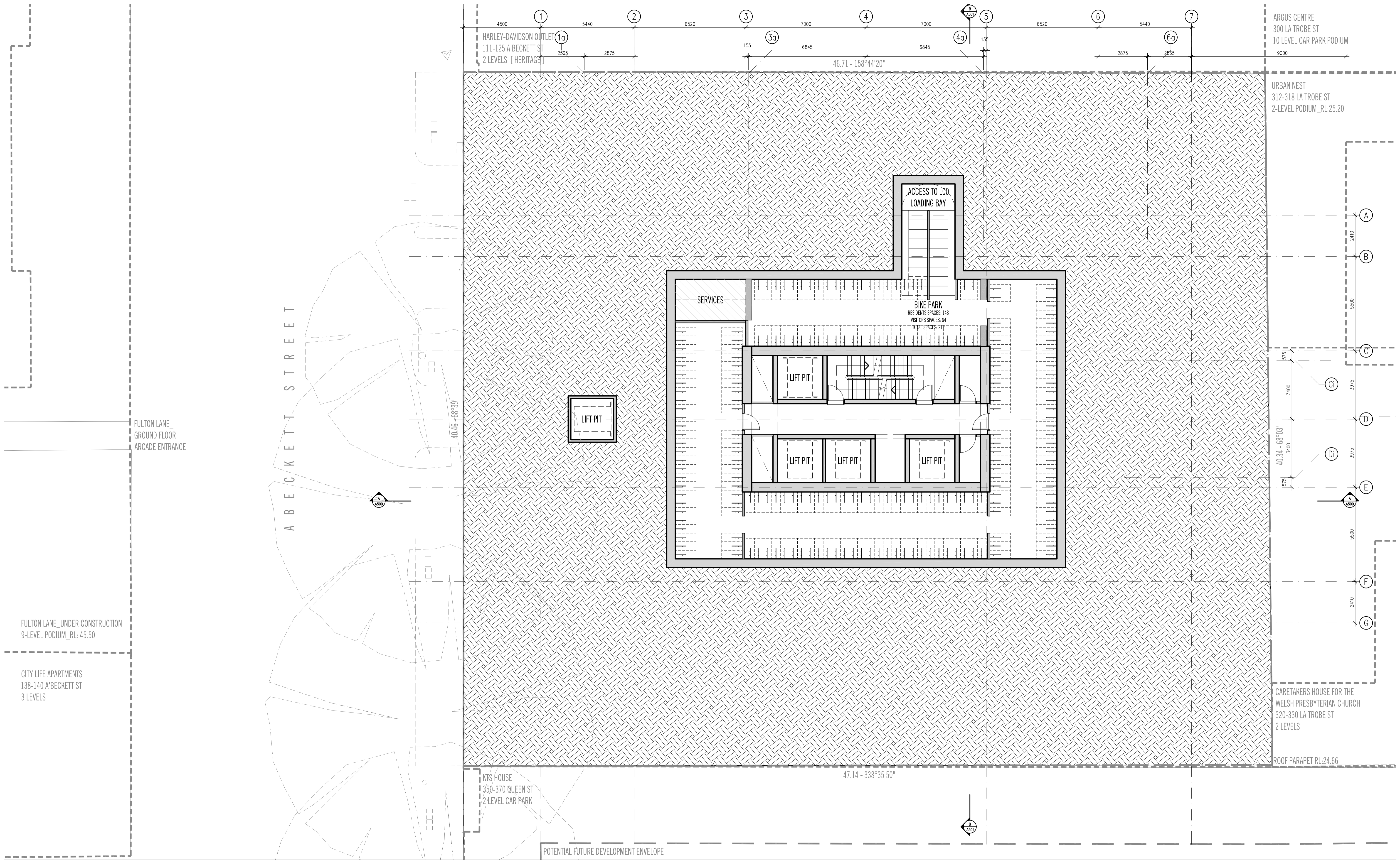
Drawing Title
SITE CONTEXT PLAN

Project Number
13014

Drawing Status
TP

Drawing Number
A001

Revision
-



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Project Title
**127-141 A'BECKETT STREET,
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Client
ICD PROPERTY

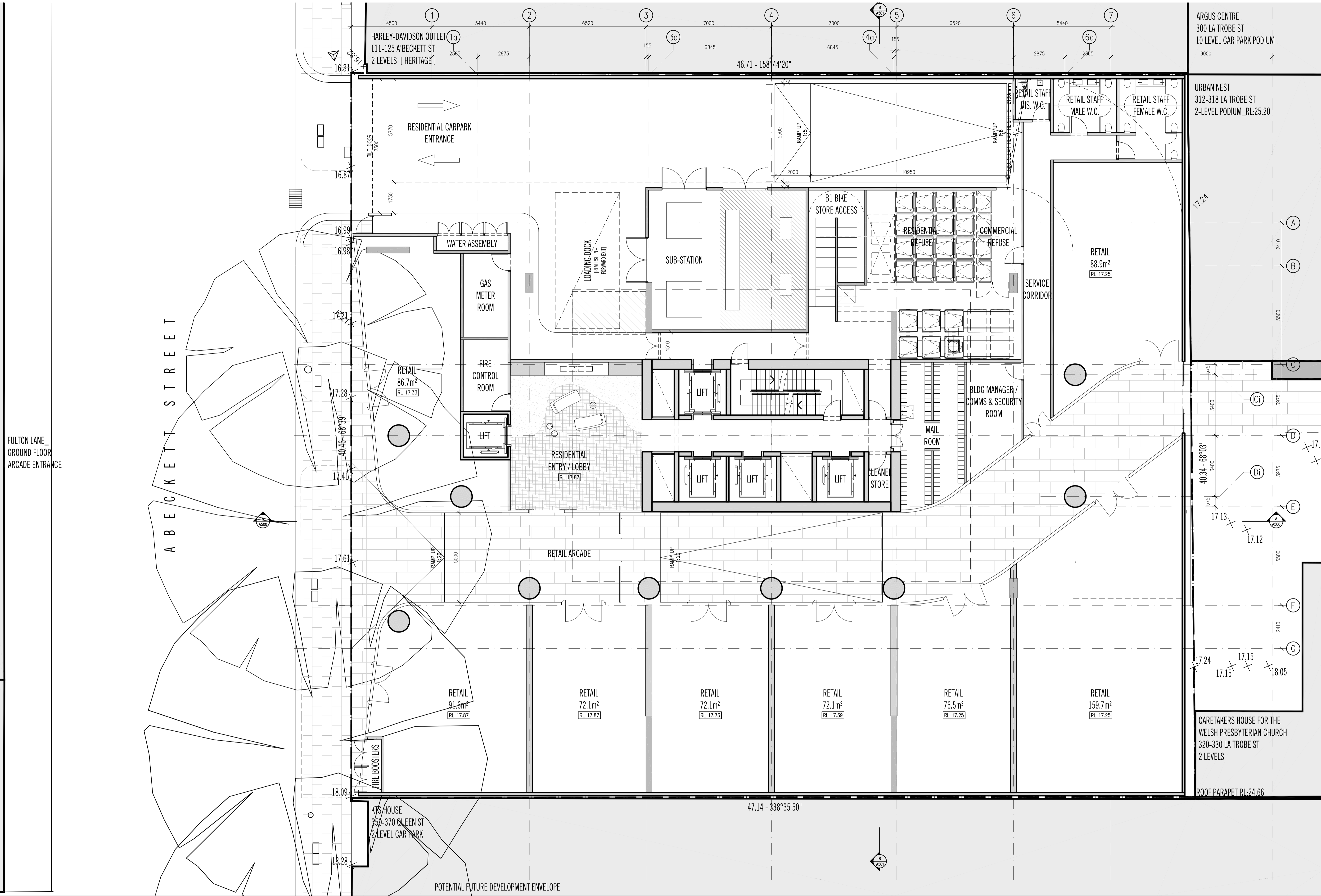
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**BASEMENT LEVEL FLOOR PLAN
LEVEL B1**

Project Number
13014

Drawing Status
TP

Drawing Number
A100

Revision
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FULTON LANE_
GROUND FLOOR
ARCADE ENTRANCE

FULTON LANE_UNDER CONSTRUCTION
9-LEVEL PODIUM_RL: 45.50

CITY LIFE APARTMENTS
138-140 A'BECKETT ST
3 LEVELS

ARGUS CENTRE
300 LA TROBE ST
10 LEVEL CAR PARK PODIUM
9000

URBAN NEST
312-318 LA TROBE ST
2-LEVEL PODIUM_RL:25.20

CARETAKERS HOUSE FOR THE
WELSH PRESBYTERIAN CHURCH
320-330 LA TROBE ST
2 LEVELS

ROOF PARAPET RL:24.66

POTENTIAL FUTURE DEVELOPMENT ENVELOPE

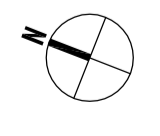
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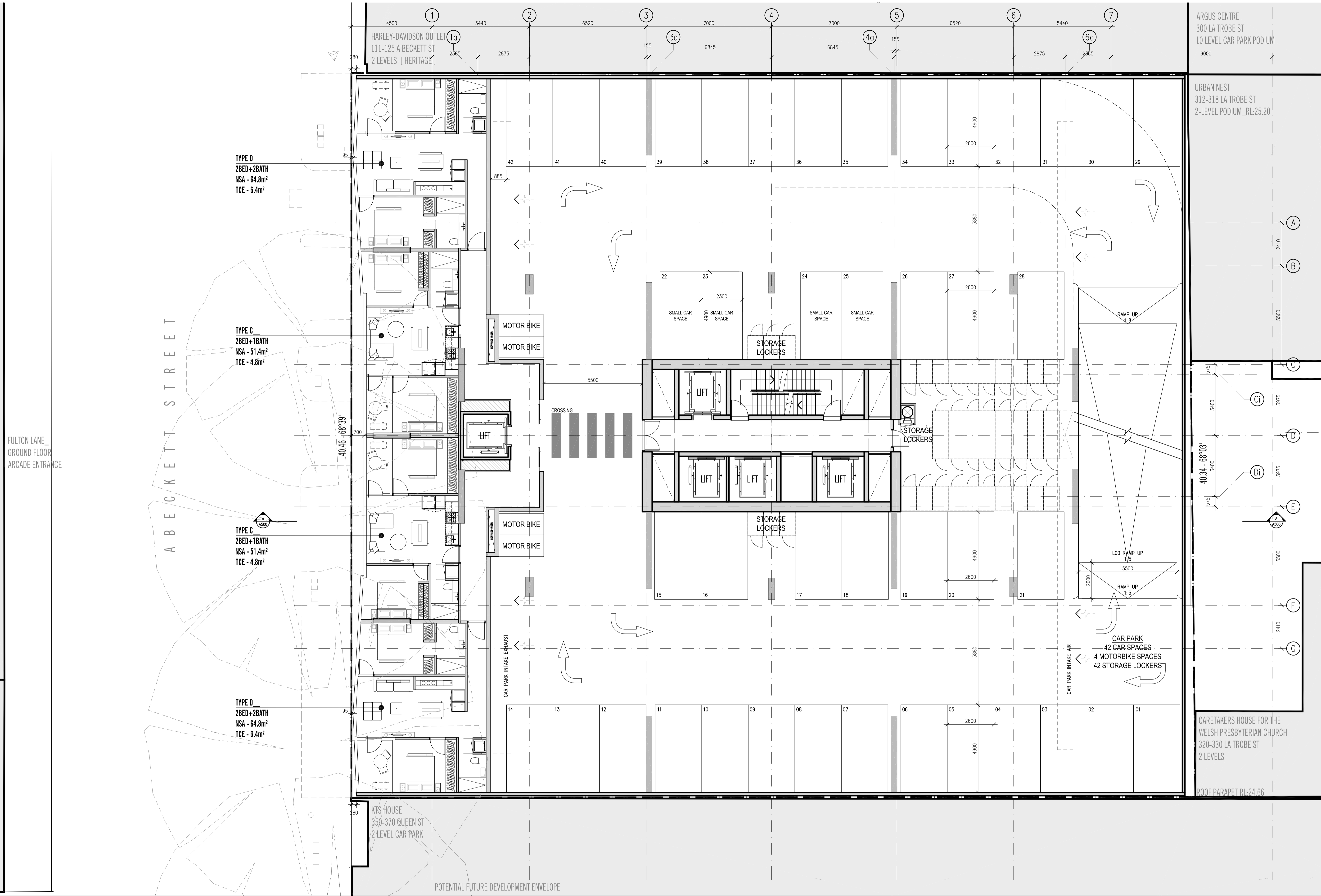
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MELBOURNE**
Client
ICD PROPERTY



Drawing Title
GROUND FLOOR PLAN

Project Number
13014
Drawing Status
TP

Drawing Number
A200
Revision
-



FULTON LANE_
GROUND FLOOR
ARCADE ENTRANCE

FULTON LANE_UNDER CONSTRUCTION
9-LEVEL PODIUM_RL: 45.50

CITY LIFE APARTMENTS
138-140 A'BECKETT ST
3 LEVELS

ARGUS CENTRE
300 LA TROBE ST
10 LEVEL CAR PARK PODIUM
9000

URBAN NEST
312-318 LA TROBE ST
2-LEVEL PODIUM_RL:25.20

CARETAKERS HOUSE FOR THE
WELSH PRESBYTERIAN CHURCH
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ROOF PARAPET RL:24.66

POTENTIAL FUTURE DEVELOPMENT ENVELOPE

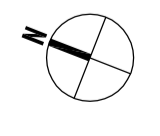
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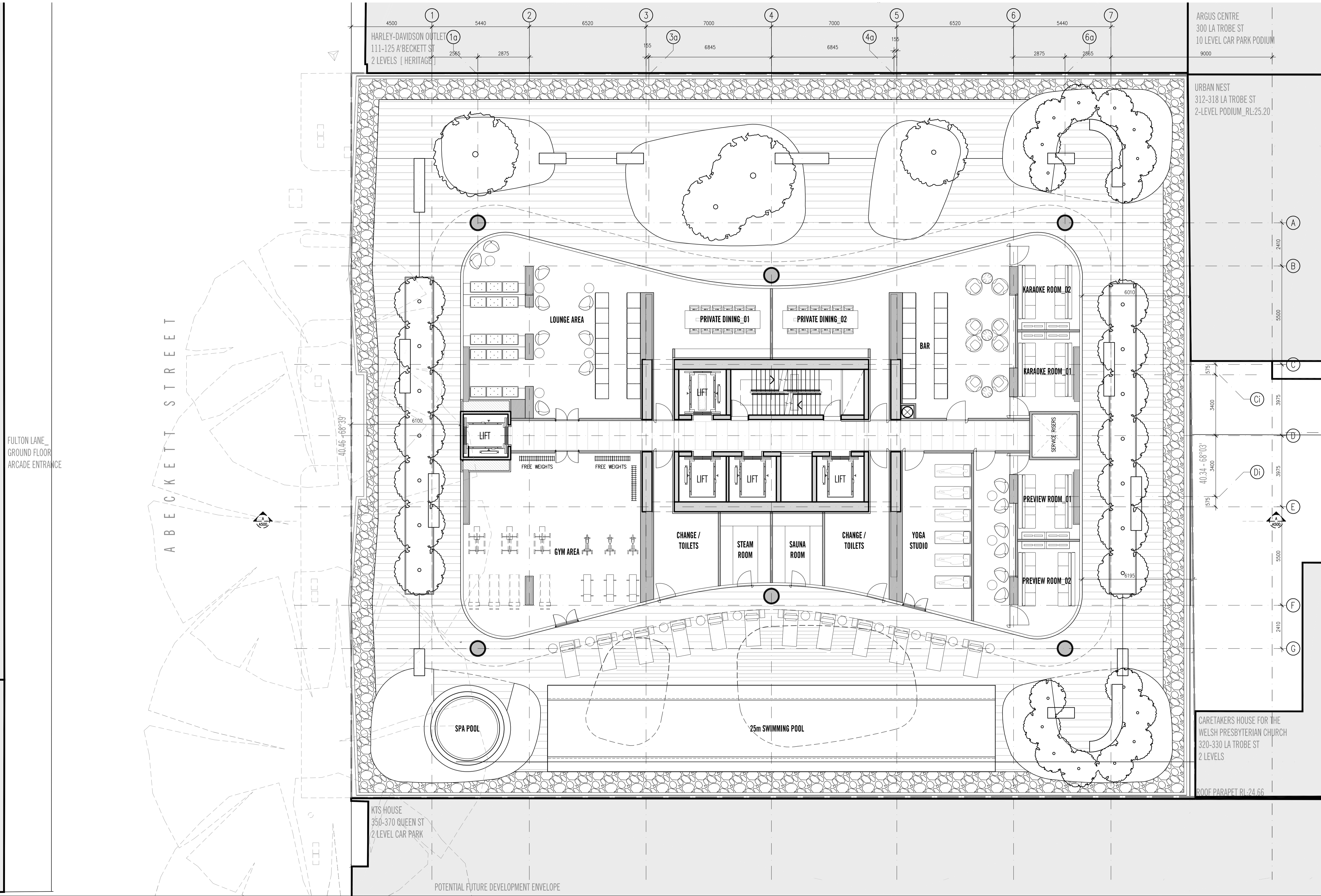
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Drawing Title
**PODIUM CARPARK ENTRY FLOOR PLAN
LEVEL 02**

Project Number
13014
Drawing Status
TP

Drawing Number
A202
Revision
-



FULTON LANE_
GROUND FLOOR
ARCADE ENTRANCE

FULTON LANE_UNDER CONSTRUCTION
9-LEVEL PODIUM_RL: 45.50

CITY LIFE APARTMENTS
138-140 A'BECKETT ST
3 LEVELS

KTS HOUSE
350-370 QUEEN ST
2 LEVEL CAR PARK

ARGUS CENTRE
300 LA TROBE ST
10 LEVEL CAR PARK PODIUM
9000

URBAN NEST
312-318 LA TROBE ST
2-LEVEL PODIUM_RL:25.20

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320-330 LA TROBE ST
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ROOF PARAPET RL:24.66

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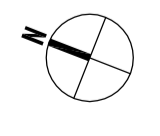
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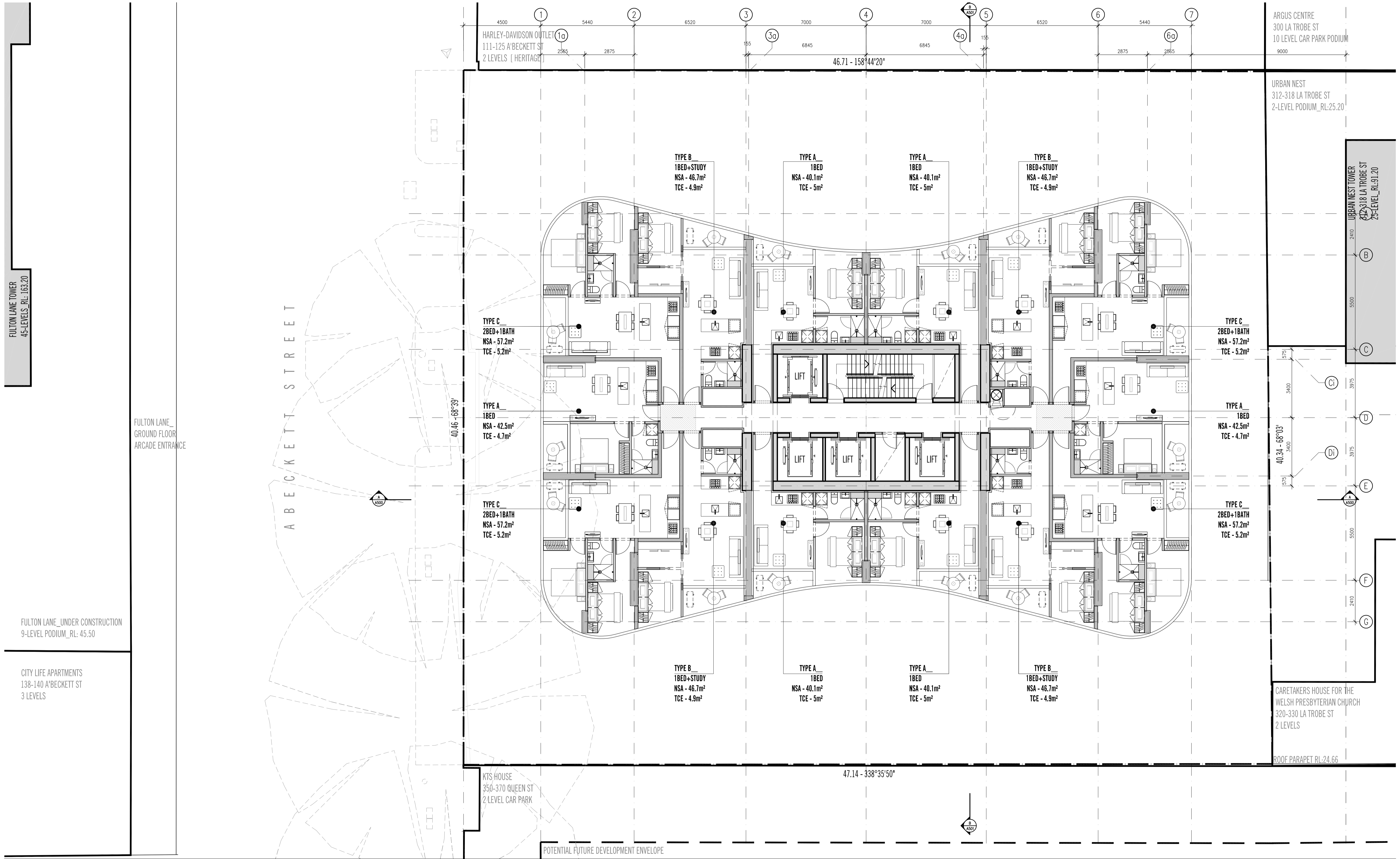
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Project Title
**127-141 A'BECKETT STREET,
MELBOURNE**
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Drawing Title
**RESIDENTS FACILITIES FLOOR PLAN
LEVEL 07**
Project Number
13014
Drawing Status
TP

Drawing Number
A207
Revision
-



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Project Title
**127-141 A'BECKETT STREET,
MELBOURNE**

Client
ICD PROPERTY

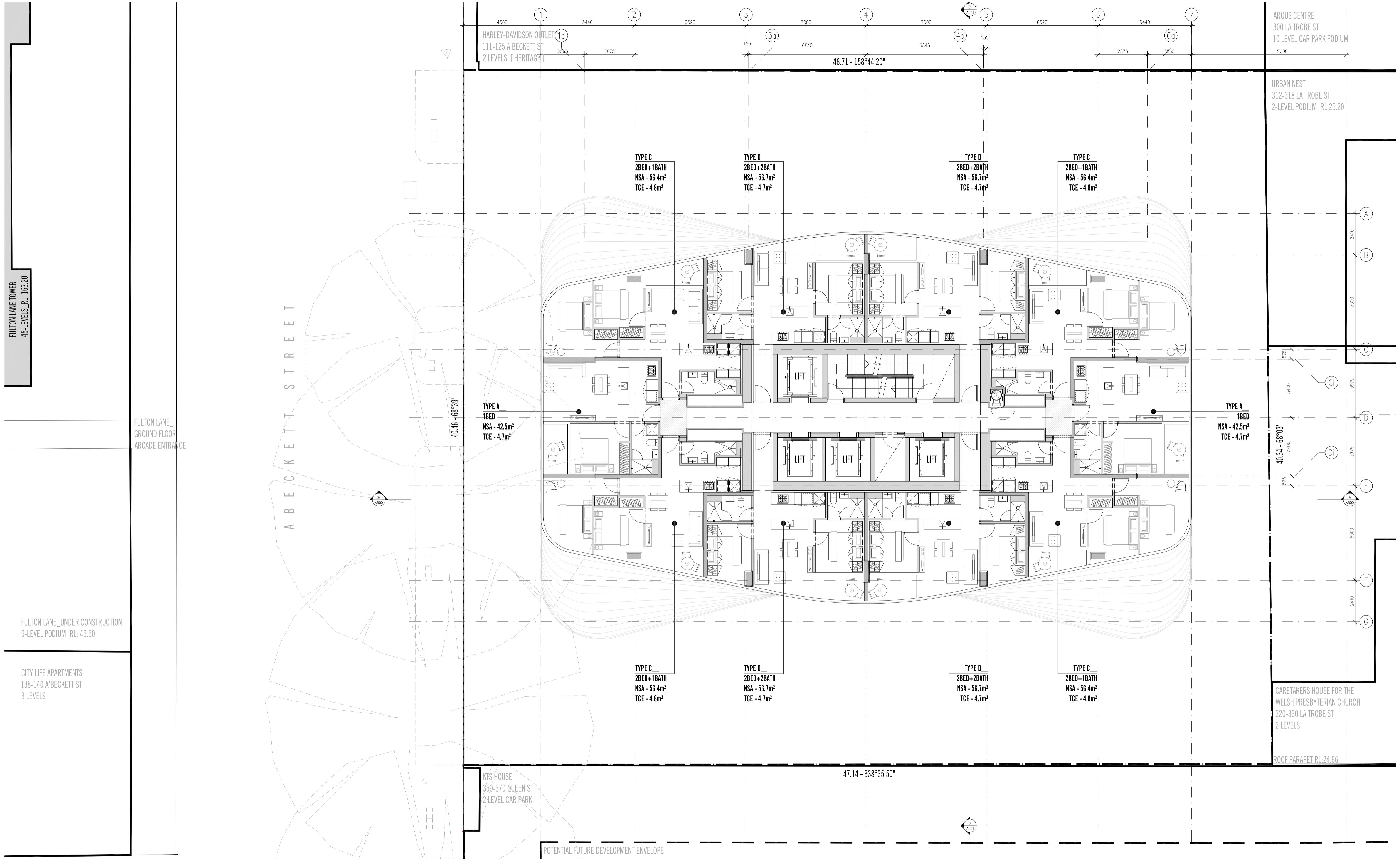
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**TYPICAL LOW-RISE FLOOR PLAN
LEVEL 09 - 24**

Project Number
13014

Drawing Status
TP

Drawing Number
A209

Revision
-



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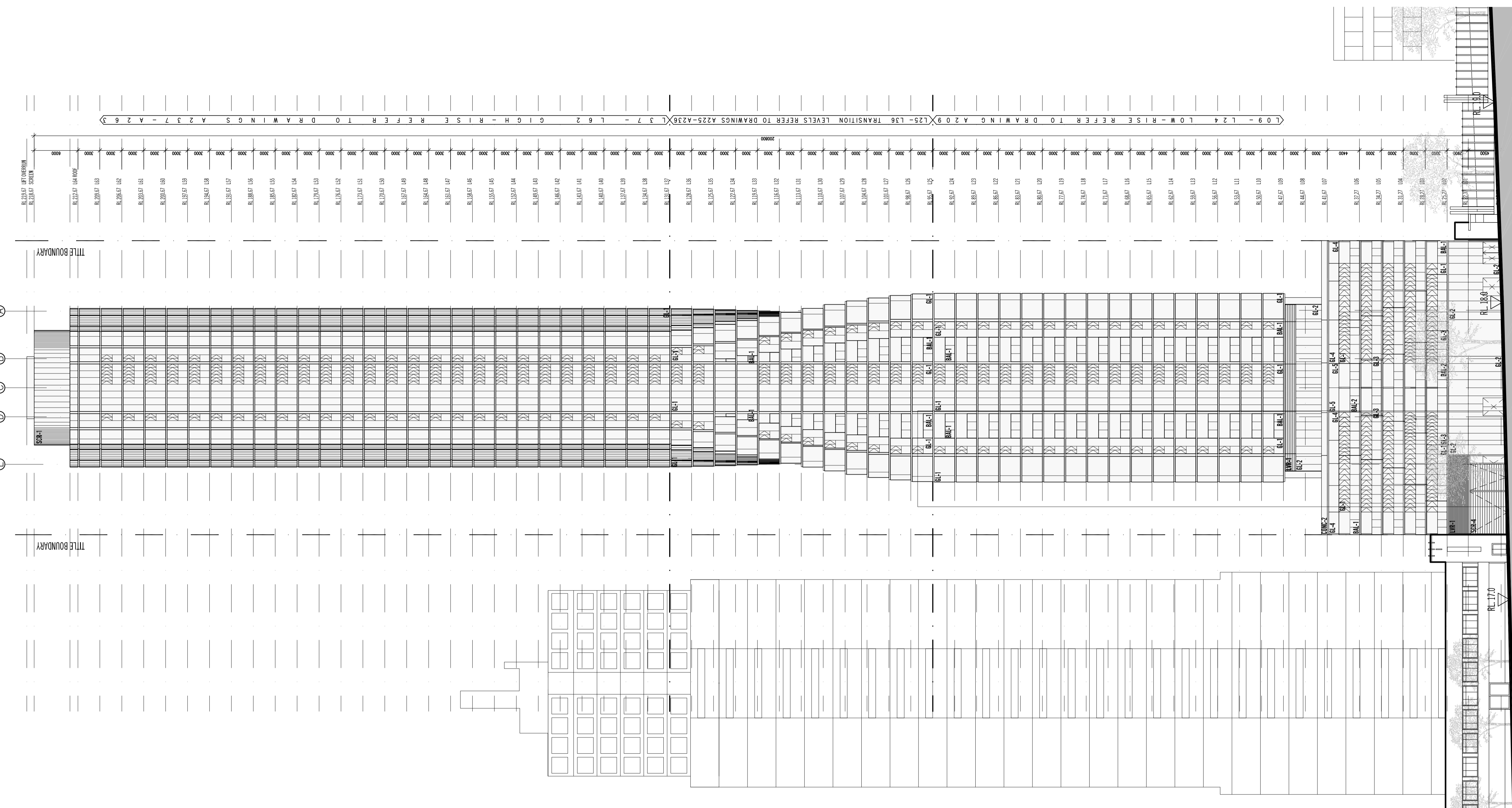
Drawing Title
**HIGH-RISE - TRANSITION FLOOR_12
LEVEL 36**

Project Number
13014

Drawing Status
TP

Drawing Number
A236

Revision



SUBJECT SITE

EXTERNAL FINISHES & ABBREVIATIONS	
BM-1	SAFETY GLASS (GL) WITH BLACK ANODISED FRAME
BM-2	SAFETY GLASS (GL) WITH BLACK ANODISED FRAME (2)
CONC-1	CONCRETE PANEL
GL-1	FEATHER GLAZING
GL-2	CLEAR GLAZING
GL-3	COLOUR BACK GLAZING
GL-4	COLOUR BACK GLAZING (2)
GL-5	COLOUR BACK GLAZING (2)
UP-1	ANODISED ALUMINIUM PARTIENNE EXHIBIT COLOUR
SPCL-1	BLACK POWDERCOATED ALUMINIUM LOUVER SCREEN
SPCL-2	BLACK POWDERCOATED ALUMINIUM LOUVER SCREEN

Rev. No.	Date	Reason for Issue	Issued by	Rev. No.	Date	Reason for Issue	Issued by
01	12.09.2013	ISSUED FOR TOWN PLANNING APPROVAL	WW				

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 ABN 97 556 188 726

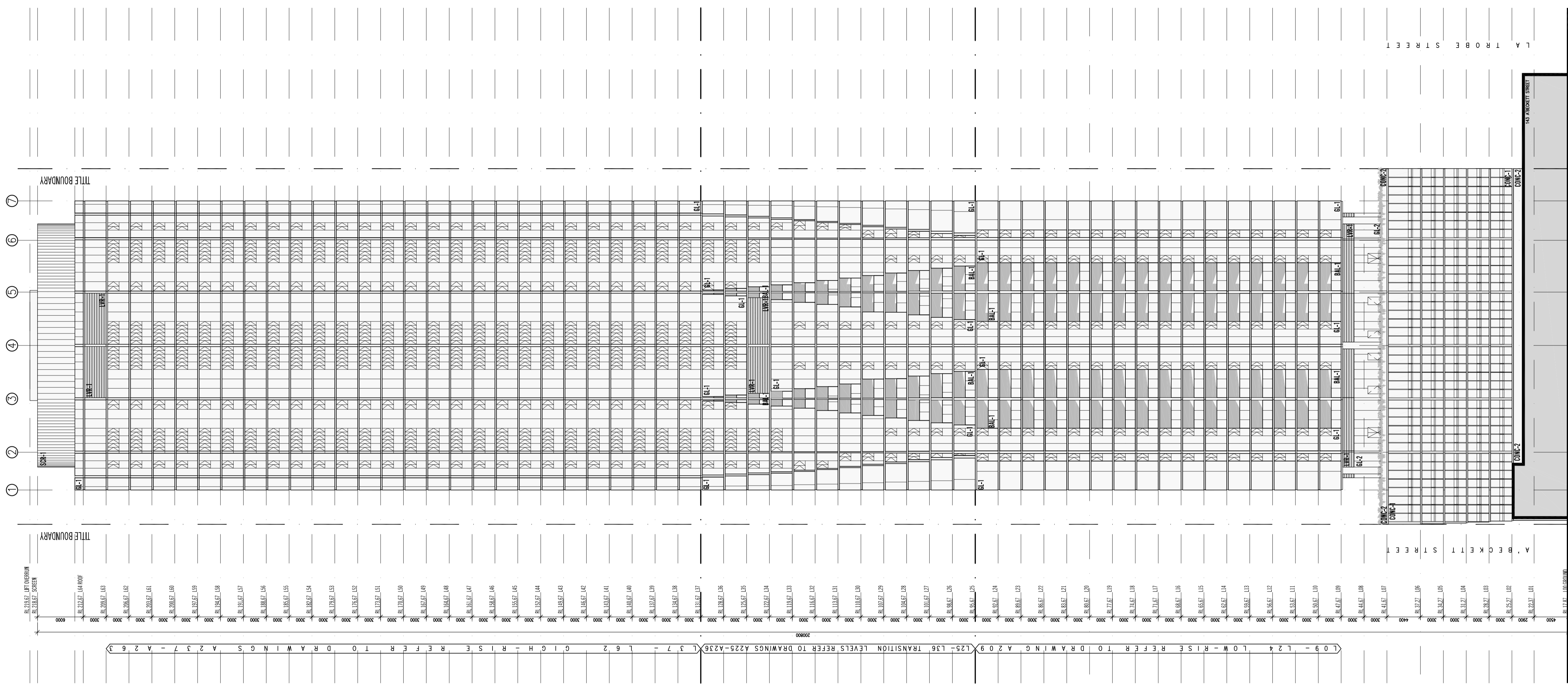
Project Title
**127-141 A'BECKETT STREET,
 MELBOURNE**
 Client
ICD PROPERTY



Drawing Title
**NORTH ELEVATION
 A'BECKETT ST**

Project Number
13014
 Drawing Status
TP

Drawing Number
A400
 Revision
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EXTERNAL FINISHES & ABREVIATIONS

BL-1	SHEET GLASS (GL) WITH BLACK ANODISED FRAME
CONC-1	PRECAST CONCRETE PANEL
CONC-2	CONCRETE PANEL
GL-1	FEATURE GLAZING
GL-2	CLEAR GLAZING
LUR-1	ANODISED ALUMINIUM HARBORMENT FINISH COLORE
SSR-1	BLACK POWDERCOATED ALUMINIUM LOUVER SCREEN

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Rev -	13.09.2013	ISSUED FOR TOWN PLANNING APPROVAL	WW				

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ELENBERG FRASER
 LEVEL 3, 160 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL +61 3 9600 2260 FAX +61 3 9600 2266
 EMAIL MAIL@ELENBERGFRASER.COM
 WWW.ELENBERGFRASER.COM
 ABN 97 556 188 726

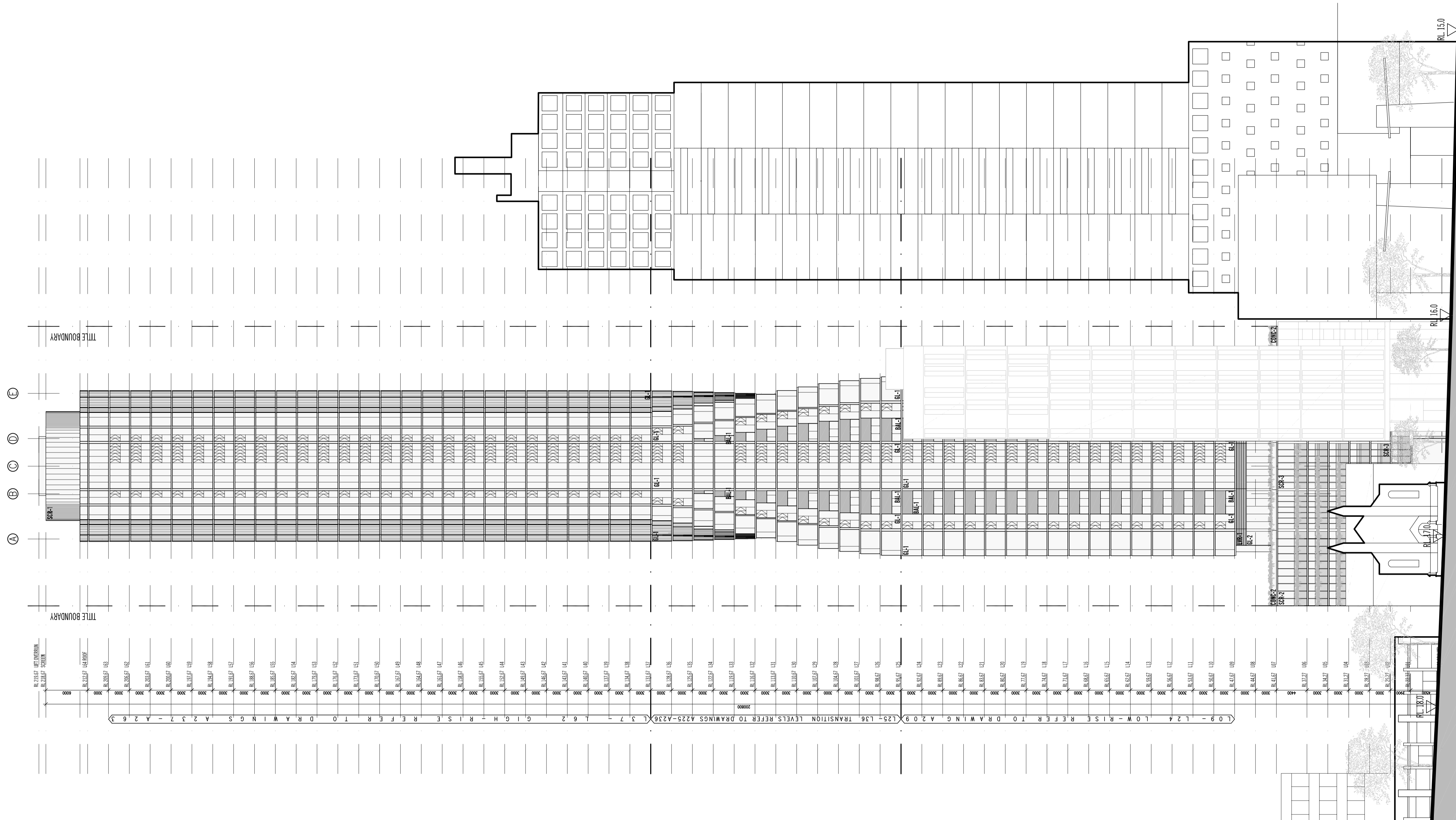
Project Title
**127-141 A'BECKETT STREET,
 MELBOURNE**
 Client
ICD PROPERTY



Drawing Title
EAST ELEVATION

Project Number
13014
 Drawing Status
TP

Drawing Number
A401
 Revision
 -



EXTERNAL FINISHES & SPECIFICATIONS
BL-3 SAFETY GLASS (GL1) WITH BLACK ANODISED FRAME
CONC-2 CONCRETE PANEL
GL-1 FEATURE GLAZING
GL-2 CLEAR GLAZING
URS-1 ANODISED ALUMINIUM APARTMENT CHANGET LOUVER
SSS-1 BLACK POWDERCOATED ALUMINIUM LOUVER SCREEN
SSS-2 CLEAR ANODISED ALUMINIUM PERFORATED SCREEN
SSS-3 SILVER ANODISED ALUMINIUM PERFORATED SCREEN

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ELENBERG FRASER
 LEVEL 3, 160 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL +61 3 9600 2260 FAX +61 3 9600 2266
 EMAIL MAIL@ELENBERGFRASER.COM
 WWW.ELENBERGFRASER.COM
 ABRN 97 556 188 726

Project Title
**127-141 A'BECKETT STREET,
 MELBOURNE**
 Client
ICD PROPERTY



Drawing Title
SOUTH ELEVATION

Project Number
13014

Drawing Status
TP

Drawing Number
A402

Revision
 -

PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2013-25
DTPLI Application number:	2013/008099
Applicant / Owner / Architect:	Innovative Construction Development Pty Ltd/Welsh Calvinistic Methodist Connexion Pty Ltd/Elenberg Fraser
Address:	127-141 A'Beckett Street, MELBOURNE VIC 3000
Proposal:	Demolition of the existing building and construction of a multi-storey building comprising residential apartments and ground floor commercial land use
Date received by City of Melbourne:	30 October 2013
Responsible officer:	Dianne King

1. SUBJECT SITE AND SURROUNDS

1.1. The site

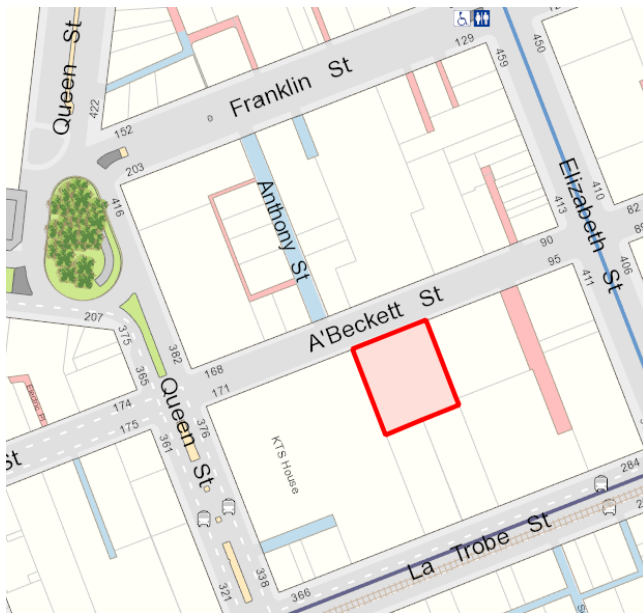
The subject site is a rectangular block with a 40m wide frontage to the south side of A'Beckett Street, a depth of approximately 47m and an overall site area of approximately 1,893 square metres.

An existing two storey commercial building exists on the site which has no heritage significance according to the City of Melbourne's Heritage Places Inventory 2008.

The site is a remnant of the former land holdings of the Welsh Church to the south

In the same manner as the adjoining development site at 312 La Trobe Street, the original land parcel was subdivided and sold to facilitate redevelopment and to fund the preservation and ongoing activities of the Welsh Church.

Location Plan



1.2. Surrounds

The site sits between Queen Street to the west and Elizabeth Street to the East, and is located to the south east of the Queen Victoria Market. This stretch of A'Beckett Street is characterised by a mixture of commercial built form and land uses. There is a recently approved multistorey residential development being constructed directly to the north of the site at 151-165 Franklin Street, known as 'Fulton Lane'. This development includes a 27.5 metre high podium (eight stories) with a six metre tower setback from A'Beckett Street to a maximum building height of 142.9 metres (45 storeys, excluding plant).

Directly to the east of the site is a two storey commercial building graded 'B' in the City of Melbourne's Heritage Places Inventory.

To the west is a two storey open air car park associated with the high rise office development fronting Queen Street, known as 'KTS House'.

To the south of the site is the Welsh Church, fronting La Trobe Street. This is a 'B' graded building in the City of Melbourne's Heritage Places Inventory.

Also to the south (to the east of the church), construction is under way of a multi-storey building for accommodation purposes by 'Urbanest'. This building has a maximum height of 97 metres (30 storeys), with a tower setback 4.5 metres from the common boundary with the subject site. This development includes northern orientated living areas associated with the shared accommodation.

The development of the Urbanest site has provided a walkway between the new building and the Welsh Church, allowing for the possible connection to a through-block link between La Trobe and A'Beckett Streets, subject to the proposed development on the subject site to the north.

2. THE PROPOSAL

It is proposed to construct a 63 storey residential tower (excluding plant) comprising 632 apartments and 720 square metres of retail at ground floor level. The development includes one level of basement, seven levels of podium, with a tower form above. Details of the application are as follows:

- Basement level is dedicated to bicycle storage comprising 212 spaces for occupants of the building.
- Ground floor will comprise vehicle access along the western edge of the site, loading bay, waste storage, substation and services internal to the site, a five metre wide north-south through-block link central to the sites A'Beckett Street frontage with a minimum clearance of 5 metres, retail and a residential lobby.
- Level one allows for high ceilings above the retail, lobby and through-block link, and additional mezzanine for building services.
- Level two to six comprises dwellings fronting A'Beckett Street, and car park (total 212 spaces) and storage cages (220 x 3m3) to the rear of the site.
- The proposed tower will commence at level seven, which comprises communal facilities including an outdoor deck area on the podium roof, with swimming pool, and indoor gym, change rooms, sauna and steam room, yoga studio, lounge, two dining rooms, a bar and four media rooms.
- Level eight will comprise a void space over the floor below.
- Levels 9 - 62 comprise a mixture of one, two and three bedroom apartments.
- Levels 63 and above comprise enclosed and screened plant and lift overrun.
- The tower setbacks increase with the height of the building, but can be generally described as follows:
 - All levels to be setback 4.5 metres from the northern (A'Beckett Street) and southern boundaries.
 - Levels 9-25 are set back a minimum of 7.3 metres and a maximum of 10.5 metres from the eastern and western boundaries.
 - Levels 26-36 step in to varying degrees on side setbacks.
 - Levels 37-63 are set back a minimum of 9.1 metres and a maximum of 12.4 metres from the eastern and western boundaries.

3. BACKGROUND

3.1. Pre-application discussions

The applicant presented the proposed development to City of Melbourne Planning officers and officers from the Department of Transport, Planning and Local Infrastructure (DTPLI) prior to lodgement of the application with the Minister. Key issues raised related to treatment of the rear (southern façade), details of the through block link, and setbacks from A'Beckett Street.

3.2. Site history

The following planning permit issued for an adjoining site to the south is considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TP-2010-888	312-318 La Trobe Street, Melbourne - Part demolition of existing building, buildings and works associated with the development of a multi-storey building for student accommodating, dispensation from the requirements of Clause 52.34.	Permit issued by City of Melbourne on 1 March 2011.

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11.01 - Activity Centres</p> <p>Clause 15.01 - Urban Design</p> <p>Clause 15.02 - Sustainable Development</p> <p>Clause 16 - Housing</p> <p>Clause 18.02 - Movement Networks</p>
Municipal Strategic Statement	<p>Clause 21.02 - Municipal Profile</p> <p>Clause 21.03 - Vision and Approach</p> <p>Clause 21.04 - Settlement</p> <p>Clause 21.06 - Built Environment and Heritage</p> <p>Clause 21.07 - Housing</p>
Local Planning Policies	<p>Clause 22.17 - Urban Design within the Capital City Zone</p> <p>Clause 22.19 - Energy Waste and Water Efficiency</p>

Statutory Controls	
Clause 37.04 Capital City Zone Schedule 1	<p>Pursuant to Clause 37.04, a permit is required to construct a building. A permit and prior approval for the redevelopment of the site are required to demolish a building.</p> <p>A dwelling and a retail premises are both Section 1 Uses (permit not required).</p>
Clause 43.02 Design and Development Overlay Schedule 1	<p>Pursuant to Clause 43.02 a permit is required to carry out buildings and works.</p> <p>Schedule 1 relates to active street frontages in the Capital City Zone.</p>
Clause 45.09 Parking Overlay Schedule 1	<p>Pursuant to Schedule 1 a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.</p>

	Based on the information submitted, the proposal does not exceed the maximum parking rate.
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Particular Provisions	
Clause 52.06 Car Parking	Pursuant to Clause 52.06 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay. The Parking Overlay specifies a maximum rate rather than a minimum and is the relevant control for the assessment of this application.
Clause 52.07 Loading and Unloading of Vehicles	Pursuant to Clause 52.07 no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles. A permit may be granted to reduce or waive these requirements.
Clause 52.34 Bicycle Facilities	Pursuant to Clause 52.34 a permit is required to reduce or waive the bicycle facilities required.
Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys	Pursuant to Clause 52.35 an application for a residential development of five or more storeys must be accompanied by an urban context report and a design response.
Clause 52.36 Integrated Public Transport Planning	An application for in excess of 60 dwellings must be referred to PTV for comment. DTPLI as the Responsible Authority is responsible for administering this referral.

General Provisions	
Clause 61.01 Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres (Proposed 45,269sqm GFA).
Clause 65 Approval of an application or plan	Before deciding on an application or approval of a plan, the responsible authority must consider the decision guidelines of Clause 65.

5. PUBLIC NOTIFICATION

On 30 October 2013 a letter was received from the Department of Transport Planning and Local Infrastructure (DTPLI) seeking the City of Melbourne's comments on the proposal.

DTPLI, as the responsible authority, is responsible for formal notification of the application. Pursuant to Clause 37.04-4 and Schedule 1, an application for

demolition and buildings and 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.

6. REFERRALS

The application was referred to the following internal departments whose comments are summarised:

6.1. Urban Design

- The proposal increases shadow to the south side of La Trobe Street (a major pedestrian area) which does not satisfy the requirements of the Sunlight to Public Spaces policy. A lesser height would also help to reinforce the structure of the central city by way of relatively lower heights outside the Hoddle Grid.
- The proposed setback to A'Beckett Street is not considered adequate; for a tower of this scale there should be no compromise on the minimum design standard of 10 metres. An increased setback would help provide a transition to the lower height precinct on the opposite side of A'Beckett Street, transitioning down to the market.
- The proposed side setbacks should be closer to 12 metres, given that habitable room windows will face both sides. The shape of the tower is supported.
- The proposed south setback of 4.5 metres results in a 9 metre separation from the Urbanest development currently under construction. This is well under the 24 metre design standard of Clause 22.01, resulting in limited sky views or solar penetration between the two towers and potential overlooking issues.
- We commend the proposed inclusion of an arcade to complete a through-block link.
- The ground level is well-activated.
- The aboveground car parking is fully separated from the street by a row of apartments. We recommend that a stair be provided so that these apartments can be accessed by way of an attractive, healthy alternative to the lift.
- We support the communal use of the podium and the planting of the south podium elevation. However, in the event that the plants fail, this elevation is of limited interest.

6.2. Engineering

- The provision of 212 car parking spaces complies with the planning scheme requirements. It is appropriate that visitor parking occur on-street or in nearby commercial car parks.
- The quantity of motorcycle parking is acceptable, however the location of these spaces spread across all of the car park is questioned. It would be preferable to provide all of the motorcycle parking on one of the lower car park levels.
- The provision of 121 bicycle racks in the basement exceeds the total resident and visitor requirements of Clause 52.34. However in practice visitors will not be able to access the basement and visitor bicycle parking should therefore be provided at a more accessible location.
- The majority of parking space dimensions comply with the requirements of the Planning Scheme. A group of three spaces (No.'s 12-14) on each level do not comply however this is acceptable.

Car Parking Spaces 6, 7, 11, 15, 18 and 19 are not wide enough to allow for door opening requirements. As a result it is requested that spaces 15, 18 and 19 be widened to 3.1 metres by reducing storage locker width in the centre of the parking module and moving space 20 closer to the column to enable a 3.1m bay to be provided for space 19.

Ideally one of the small car spaces (No.'s 7 and 11) should be removed which would result in all spaces complying with the Planning Scheme Requirements.

- It is unclear if ramp grades and widths comply with the requirements of the Planning Scheme. Compliance should be required as a permit condition should a permit be issued for the development.
- The loading bay has been designed for vehicles to reverse into the site from the street and exit in a forward direction. This will be problematic given a large vehicle reversing in from A'Beckett Street into a ramp which provides access to 212 car parking spaces. It is noted that this loading bay will cater for waste collections and also cater for the moving in and out activities and delivery requirements of residents, and that with 632 apartments these are expected to be frequent.
- The waste management plan prepared by Leigh Design dated 12 September 2013 is considered best practice and is highly acceptable. However, the bin room appears very tight. All bins shown in the bin room (22) are required to be emptied every weekday; hence some space for maneuvering bins is required. Additional space is required for a charity bin (1 x 1100L) and hard waste (6m²). An on-site loading dock has been shown. The loading dock will cater for an 8.8m truck. This is ideal, however swept path diagrams are required to demonstrate an 8.8m truck accessing the loading dock. Also required is a design suitable traffic management measure to hold car park traffic while allowing the vehicle to safely access the loading dock (eg boom-ate or lights). This must be able to be operated by the waste contractor.

Conditions have been recommended by Engineering Services to address the above.

6.3. Land Survey

Land Survey objects to the proposal on the grounds that there are no existing easement rights for the arcade to be constructed. Should a permit be issued, then a condition requiring an easement to be established on PS642741Y, must be included.

7. ASSESSMENT

The key issues in the consideration of this application are:

- Built Form (height and setbacks)
- Amenity Impacts (internal and external)
- Parking, Traffic and Waste
- Wind impact on the public realm
- Energy, Waste and Water Efficiency

7.1. Built Form

7.1.1 Height

The proposed height of the building is 200.8 metres. There are no height controls affecting the site. Clause 21.11 of the Municipal Strategic Statement identifies the site as being within the local area of the 'Hoddle Grid'.

Clause 21.12 includes the following relevant objective for Built Environment and Heritage:

'Ensure the area bounded by Latrobe and Victoria Streets and Elizabeth/Peel Streets has a lower scale than the Hoddle Grid and provides a contrast in built form scale between the lower scale of Carlton and North Melbourne and the higher scale of the Hoddle Grid.'

A'Beckett Street has seen the recent approval and development of many high rise residential buildings. The lack of any height controls along the south side of A'Beckett Street suggests that these blocks, which are bounded by A'Beckett Street to the north and La Trobe Street to the south, can accommodate higher built form as per the Hoddle Grid.

The Design and Development Overlay Schedule 14 includes a number of height controls to the land around the Queen Victoria Market including directly to the north of the site across A'Beckett Street. It is considered that these height controls not only protect the heritage environs of the Queen Victoria Market, but also provide transition between the higher built form of the Hoddle Grid and the lower scale north of Victoria Street, as sought by Clause 22.12 and Clause 43.02-14.

Clause 22.01 seeks to:

'Maintain the traditional and characteristic vertical rhythm of Melbourne Streetscapes.'

As discussed above, this stretch of A'Beckett Street is characterised by emerging higher built form similar to that within the Hoddle Grid. The proposal therefore complies with the above policy.

Urban Design raised concerns with the overshadowing of the south side of La Trobe Street, which they identify as a major pedestrian area. Clause 22.12 includes the following relevant objective:

'Ensure sunlight penetration in the middle of the day to key public spaces, appropriate to their role and function.'

It is noted that the south side of La Trobe Street is not included in Schedule 4 of the Design and Development Overlay Schedule 1 (weather protection) which includes the following purpose:

'To promote pedestrian amenity on major pedestrian routes and areas.'

It is therefore arguable as to whether this stretch of La Trobe Street is a major pedestrian route. Furthermore, development to the south of the site including the Urbanest development currently under construction will create significant overshadowing to the south side of La Trobe Street. This is an unavoidable consequence of high density development in the Hoddle Grid. Clause 22.02 provides specific protection regarding sunlight to public spaces, including the following:

'Development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the

retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.'

The south side of La Trobe Street is not identified in this policy. The extent of overshadowing caused by the proposal is therefore not a reason in its own right to require a reduction in the building height.

The proposed building height is supported based on the pattern of development in the streetscape including the lower scale building ('Fulton Lane') currently under construction directly to the north of the site, and the lack of height controls on the south side of A'Beckett Street.

Consideration of the height of the podium is addressed below under 7.1.5 Heritage.

7.1.2 Setbacks

A'Beckett (Northern) Setback

The proposal includes a 4.5 metre setback from A'Beckett Street. Clause 22.01 Urban Design within the Capital City Zone seeks a 10 metre setback from street frontages for towers above the podium. Urban Design referral comments recommend a similar setback.

Development along A'Beckett Street currently under construction or recently completed within close proximity to the site includes varying setbacks, including 0-2 metre tower setbacks. Each development is designed individually according to its site context and lack of setbacks to towers typically applies to corner sites.

Of relevance to the proposed development, the only midblock development currently approved/under construction is on A'Beckett Street between Elizabeth and Queen Streets, in Fulton Lane.

This building is directly opposite the subject site, and was supported by City of Melbourne's Urban Design department with a six metre tower setback to A'Beckett Street.

Whilst this tower is a lower scale development (149 metres high), it has a wider street frontage. It is considered that a setback of six metres to A'Beckett Street would provide for a more equitable development potential within the street. This would allow access to light and views whilst forming a pattern of development somewhere between the zero metre setbacks further east on A'Beckett Street and the preferred 10 metre setback sought by Clause 22.01 and the Urban Design department.

This will only require an additional setback of 1.5 metres based on the referred application plans.

Side (East and West) Setbacks

The proposal provides minimum side setbacks (east and west) of 7.3 to 10.5 metres, increasing to a maximum of 12.4 metres from level 37 and above. These setbacks will result in a minimum tower separation of 14.6 metres and a maximum of 24.8 metres.

Urban Design referral recommends recommend increased setbacks of the lower floors to allow 24 metre tower separation should the neighbouring sites be developed, however the tower shape is supported.

Clause 21.12 seeks to:

‘Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.’

Pursuant to Clause 22.01, it is policy that:

‘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 setback 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.

It is noted that there are no tower developments to the east or west of the site, but these sites may be developed in the future. The site to the south is a ‘B’ graded building on an individually listed site under the Heritage Overlay, and is therefore more restricted in development potential than the subject site or car park of KTS House, to the west.

The depth of the site following subdivision and development of the Urbanest to the south ensures that the new tower will be within close proximity to A’Beckett Street with regards to access to light and views. Further, Fulton Lane, currently under construction, and the height controls along the northern side of A’Beckett Street ensure the ongoing protection of light and views to the subject site. The shape of the tower also maximises light and views to all apartments.

It is considered that the proposed side setbacks achieve a high level of internal amenity with regard to access to light and views, and will achieve a good level of tower separation should the sites to the east and west be developed.

Rear (Southern) Setback

The application proposes a 4.5 metre setback to the southern boundary, matching the setback provided by the Urbanest development. It is noted that the 4.5 metre setback for Urbanest was approved with the anticipated outcome of an offset tower with a matching setback being provided on the site to the north (the subject site).

The proposed southern elevation of the tower shows bedrooms in the south eastern corner and living areas central to the tower, thereby maximizing views across the Welsh Church to the south, giving access to daylight, and reducing conflict of views between living areas of the Urbanest development. The Urbanest apartments include windows at the eastern extremity of the northern façade, thereby looking north through the setback of the subject site, and a corner window on the north western corner, allowing oblique views to the proposed development and across the Welsh Church. Narrow windows along the northern façade allow access to daylight but are not the primary viewpoints of the north living rooms of Urbanest.

The proposed rear setback is considered to provide equitable access to daylight and views and responds well to the site and surrounding development.

7.1.3 Through-block link

The proposal includes a through-block link with a clearance height of at least five metres and a width of five metres. The link connects La Trobe Street and A'Beckett Street via the Welsh Church and is generally in line with the pedestrian link approved in the Fulton Lane Development.

Clause 21.12 seeks to:

‘Ensure high quality and robust public space design in arcade and laneway upgrades.

Encourage arcade and laneway links between streets and public spaces.’

Clause 22.01 includes the following relevant policy:

‘Encourage atria where they link different elements of building complexes, link new additions to historic buildings or improve the energy efficiency of the building.

Atria and arcades should be publicly accessible during normal business hours. However longer hours are encouraged. Other public spaces should be publicly accessible 24 hours a day.

Clear views should be provided through to the other end of a covered public space to encourage pedestrian use.

Natural lighting should be maximised in covered public spaces.

Public open space should have a northerly aspect.

Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.’

The proposed width and height of the arcade allows good access to light and high internal amenity, and will continue the link to the south and north to allow pedestrian access from La Trobe Street to Franklin Street and the Queen Victoria Market.

The Fulton Lane arcade is not conditioned with regard to hours of access and is most likely to be limited to business/retail hours, as is the proposed arcade on the subject site. It is therefore appropriate to allow the proposed arcade to operate in accordance with business hours as per Clause 22.01 and not condition extended hours.

The proposed arcade will be entirely active with residential lobby and retail premises, and is likely to be frequently trafficked given the connection it provides from La Trobe Street and the Urbanest development through to Fulton Lane and the Queen Victoria Market.

The proposed through-block link is supported as proposed.

7.1.4 Façade Treatment

Pursuant to Clause 22.01 it is policy that:

‘All visible sides of a building should be fully designed.

Visible service areas (and other utility requirements) should be treated as an integral part of the overall design and fully screened from public areas.’

The treatment of the A'Beckett Street façade ensures an entirely active frontage to the ground floor and podium with the exclusion of the 7.5 metre wide vehicle access point. The active frontage continues into the subject site down the arcade.

The high floor to ceiling heights of the ground floor are supported and the extent of glazing contributes to the streetscape. The proposed activation of these facades is supported by Urban Design.

The proposed landscaping of the southern façade of the podium is supported as viewed from La Trobe Street and to the rear of the Welsh Church. However, it is recommended that further details of the façade treatment be provided should planting fail, given orientation of the wall and scale of development surrounding it.

7.1.5 Heritage Impact

The subject site adjoins a 'B' graded two storey heritage building directly to the east.

Clause 21.12 Built Environment and Heritage seeks to:

'Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.

Pursuant to Clause 22.01 it is policy that:

'When adjoining heritage buildings are located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.

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.'

The proposed development is supported by a Heritage Impact Statement prepared by Bryce Raworth and considers the impact of the proposal on the building to the east on A'Beckett Street and the Welsh Church to the south.

The proposed podium height complies with the preferred maximum of Clause 22.01 and presents a modern simple glazed design in order to ensure it does not distract from the neighbouring decorative brickwork of the heritage building. The proposed material contrast between old and new provides sufficient separation between heritage and new, whilst maximising development potential of the site. The podium otherwise matches the height of the building on the south western corner of Elizabeth and A'Beckett Streets and is similar to the Fulton Lane Podium.

The southern façade design of the podium provides an appropriate backdrop to the Welsh Church, whilst the tower presents a modern built form further setback from the graded church building. This design response is supported.

7.2. Amenity Impacts

As previously discussed, the proposed setbacks, orientation of living areas and windows ensures equitable access to daylight and views to the subject site and surrounds, and provides appropriate tower separation should neighbouring sites to the east and west be developed.

Furthermore, the proposal provide a variety of housing stock, with a mixture of one bedroom (46%), two bedroom (51%) and three bedroom (3%) apartments.

Communal facilities are included on the podium rooftop/level seven.

All bedrooms have direct access to natural light, and private balconies are provided for every apartment. The design of the tower ensures a high level of internal amenity for all apartments, and is supported.

7.3. Parking and Traffic

The proposed provision of car, bicycle and motorcycle parking is acceptable. The layout of the car park and bicycle parking is acceptable subject to a number of minor changes to the plans as recommended by Engineering Services.

Engineering Services recommend that visitor bicycle parking be located at ground floor level. Given that site constraints include other permit conditions requiring changes to the ground floor (loading bay and waste storage) ground floor real estate is tight. The planning scheme requires three spaces to be available to staff/visitors of the retail land use, and the remainder be available to residents and their visitors. Residents will be able to provide access to the basement storage to their visitors when required, and access for staff of the retail premises should be manageable through a body corporate agreement or similar. I

It is therefore inefficient to require one bicycle space to be located at ground floor level for customers. Furthermore, the location of this (or any number) of spaces within the site at ground floor level which is easily accessible could result in an unsafe alcove or litter trap when not in use. The proposed location of bicycle storage is therefore supported.

7.4. Wind

The wind conditions as outlined in the report prepared by Mel Consultants are acceptable.

7.5. Energy, Water and Waste

The applicant has submitted an ESD report as required by Clause 22.19-2. The report identifies that the proposal is capable of achieving a four star green star rating, a 1 point for Wat-1 Green Star credit, will harvest rainwater resulting in an annual mains water saving of 88kL, and meets best practice for standard stormwater quality.

Given the intent of Clause 22.19 is to encourage 'Australian Excellence' for new multi-unit residential developments of this nature, and given the scale of the development proposed it is recommended that further work be undertaken in order to achieve the 5 star green star rating. This can be addressed by permit condition.

A Waste Management Plan (WMP) was submitted with the application material and was reviewed by Engineering Services. The WMP is supported subject to conditions which may require some changes to the plans.

7.6. Outstanding matters

The application plans notate retail land use at ground floor level. This is an as of right use with the exception of adult sex bookshop, department store, hotel, supermarket and tavern. It is recommended that the description of what the permit allows should exclude these uses.

Urban design recommends an attractive stair well to access the podium apartments fronting A'Beckett Street in order to encourage stair use over lift use. This would result in the loss of some floor area of an apartment. Stair access is available centrally to the site, and the limited number of apartments that would use the stair (i.e. approximately the first three floors) make this requirement onerous.

There is the possibility that the site may be contaminated. It is recommended that conditions of permit require a preliminary site assessment, followed by any further investigation recommended by that assessment.

8. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne supports the proposal subject to the following preamble and conditions:

What the Permit Allows

The description of what the permit allows should exclude those retail land uses which are Section 2 uses pursuant to Clause 37.04 Schedule 1, being; Adult sex bookshop, department store, hotel, supermarket and tavern. Or the permit preamble should make no reference to the use of the site as a retail premises which is a section 1 land use (excluding the above).

Conditions

1. Prior to the commencement of the development hereby approved, including demolition, the applicant must submit to the responsible authority three copies of plans drawn to scale generally in accordance with the plans accompanying the application but amended to show:
 - a) The tower set back 6 metres from the A'Beckett Street frontage.
 - b) Details of the southern façade treatment of the podium planters to ensure visual interest should landscaping fail.
 - c) All motorcycle parking grouped together.
 - d) Car parking spaces 15, 18 and 19 widened to 3.1 metres on each car parking level.
 - e) Deletion of space 7 or 11 to allow for all spaces adjoining a wall to be 3.1m wide on each car parking level.
 - f) Details of ramp grades, grade transitions and ramp aisle width in compliance with AS2890.1 and the Melbourne Planning Scheme.
 - g) Any modifications required to the ground floor areas required by the Waste Management Plan (WMP) required by condition 5.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of the permit.

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving, (including car park surfacing), outbuildings and structures.

4. Prior to the commencement of the development, an amended Environmentally Sustainable Design (ESD) Statement, generally in accordance with the statement prepared by Arc Resources dated September 2013, shall be submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
 - a. A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.
 - b. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Multi Unit Residential rating tool or equivalent.
5. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.
6. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider, but not be limited to, the following:
 - a) public safety, amenity and site security;
 - b) operating hours, noise and vibration controls;
 - c) air and dust management;
 - d) stormwater and sediment control;
 - e) waste and materials reuse; and
 - f) traffic management.
7. Prior to the commencement of development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2012. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
8. All waste must be stored and handled within the site. Bins must not be placed outside the property boundary for collection.
9. Additional private collections on weekends may be arranged.

10. Prior to the commencement of works excluding demolition an easement for footway must be created from La Trobe Street through to A'Beckett Street in the proposed location of the arcade in favour of all the land in PS642741Y.
11. Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.
12. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority.
13. Existing street levels in A'Beckett Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services
14. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on A'Beckett Street footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.
15. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
16. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority - Engineering Services.
17. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
18. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
19. The footpath(s) adjoining the site along A'Beckett Street must be reconstructed in sawn bluestone together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
20. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the Responsible Authority.
21. Street trees adjacent to the site must be shown as retained and must be protected by barriers, to prevent damage or soil compaction in the root zone during building operations, to the satisfaction of the Responsible Authority.
22. Prior to the commencement of the use / development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses.

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended uses.

23. Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

24. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.

- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes:

The internal roads remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.

Dianne King
Senior Planning Officer