

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.2**

**Ministerial Referral No. TPM-2010-29/B  
54-56 and 58-64 A'Beckett Street, Melbourne**

**14 April 2015**

**Presenter:** Daniel Soussan, Planning Coordinator

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of an application to the Minister for Planning to amend an existing planning permit (No. 2010/026164B) at 54-56 and 58-64 A'Beckett Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The original planning permit (2010/026164) for demolition and construction of a mixed-use multi-storey (50 level) tower comprising residential and serviced apartments, and ground floor retail was issued by the Minister for Planning on 11 July 2011.
3. On 28 October 2014 the Minister for Planning issued a refusal to grant an amendment to the permit. That application sought approval for reduced setbacks to adjoining sites, increased building height (from 50 storeys to 81 storeys) and changes to the internal layout of the development.
4. The current application seeks to reduce the approved tower footprint, increase the building height by 14.75m (from 50 storeys to 56 storeys), Changes are also proposed to the traffic and access arrangements, and to the internal layout of the development. The proposal no longer includes serviced apartments. The total gross floor area is proposed to increase from 40,152sqm to 46,165sqm.

**Key issues**

5. The key issues of concern are the scale, height and built form of the proposed building, internal amenity and the response to development of adjoining sites.
6. The amended scheme will result in a reduction of the tower footprint and general increase to setbacks, and comprises an overall reduction in the number of apartments and car parking spaces, with additional storage and communal spaces incorporated for future residents.
7. It is considered that, up to the current approved building height, the proposed amendments will result in an improved outcome for future residents of the site and residents of adjoining buildings.
8. Concerns have been raised in relation to the lack of street setback for the additional 14.75m of building height proposed as part of this application. To satisfactorily address this matter, a minimum 5.4m building setback to A'Beckett Street at level 51 and above is to be required by recommended condition.
9. Whilst the concerns raised in relation to the original approval remain relevant, it is considered that (subject to conditions) the amended proposal successfully mitigates a number of significant issues of the existing approval, and 'on balance' will result in a development that achieves greater compliance with the provisions of the Melbourne Planning Scheme.

**Recommendation from management**

10. That the Future Melbourne Committee resolves that:
  - 10.1. A letter be sent to the Department of Environment, Land, Water and Planning (DELWP) advising that the Melbourne City Council does not object to the amended proposal subject to the conditions set out in the Delegate Report (refer Attachment 4).
  - 10.2. The letter to the DELWP also notes that the concerns previously raised in relation to the original approval remain relevant, and a 'fresh' application for this development would not be supported predominantly due to the lack of tower separation and front setback to A'Beckett Street.

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Plans
4. Delegate Report
5. Ministerial Refusal

## Supporting Attachment

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### 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 DELWP 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).

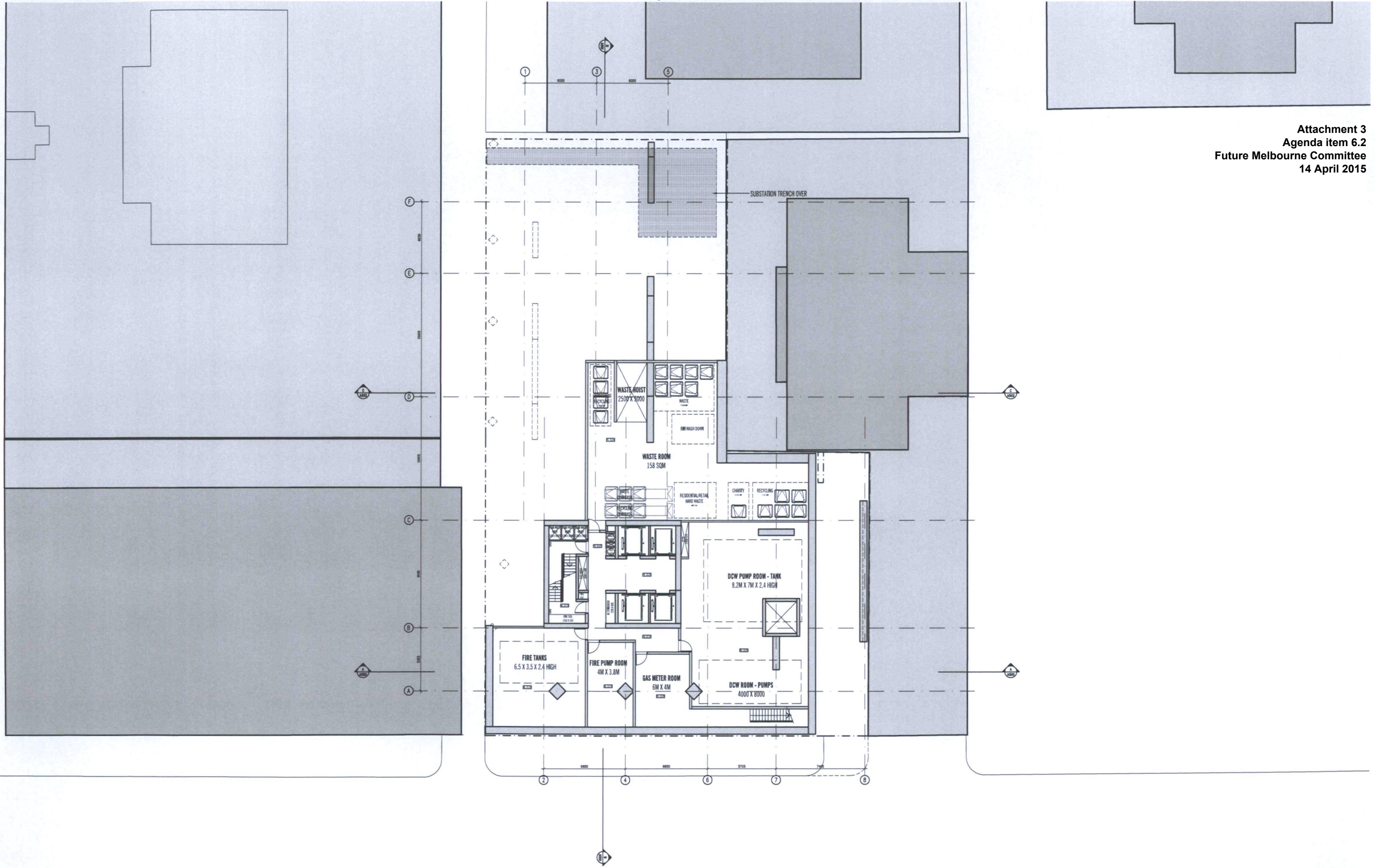
### Environmental sustainability

6. A Sustainability Design Statement forms part of the application. The submitted report does not satisfactorily demonstrate that the development will achieve the requirements of Clause 22.19 Energy, Water and Waste Efficiency. This matter is addressed by a recommended permit condition.

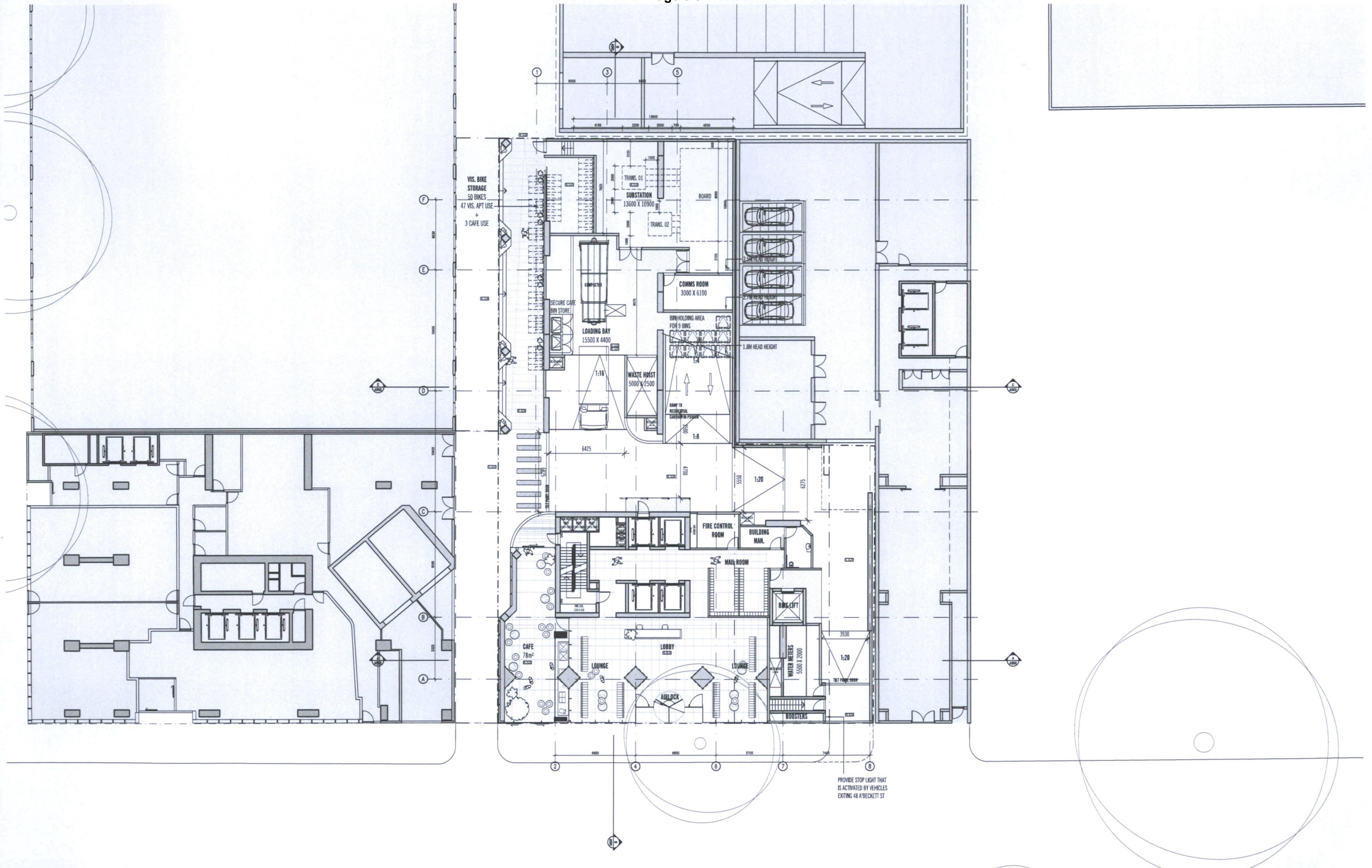
# Locality Plan

## 54-56 and 56-64 A'Beckett Street, Melbourne





Attachment 3  
 Agenda item 6.2  
 Future Melbourne Committee  
 14 April 2015



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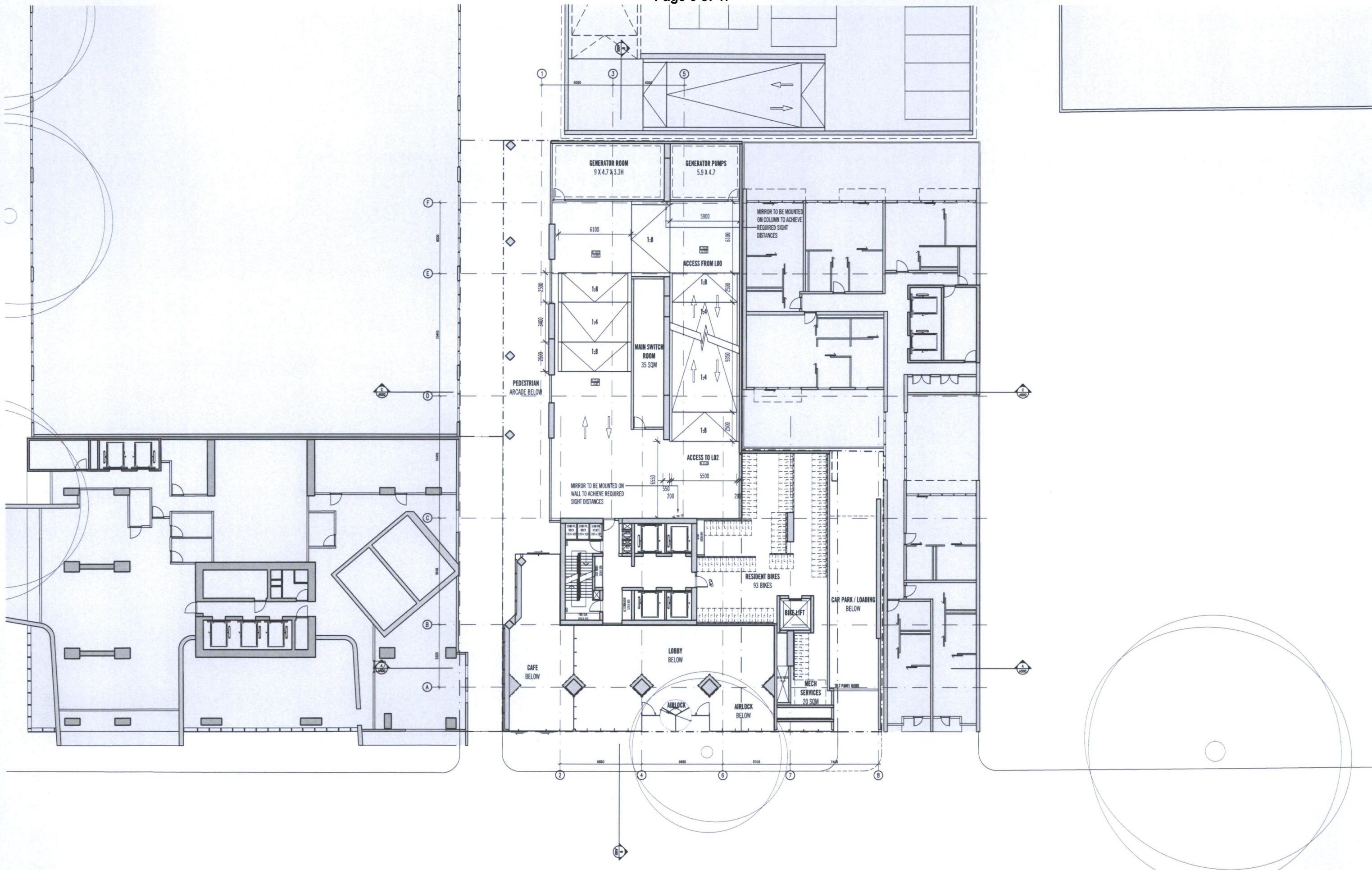
NOTE: The dimensions of the floor area shown in this plan are based on the dimensions of the building structure and do not include the thickness of the walls or the width of the columns. The dimensions of the building structure are based on the dimensions of the building structure and do not include the thickness of the walls or the width of the columns. The dimensions of the building structure are based on the dimensions of the building structure and do not include the thickness of the walls or the width of the columns.

SCALE: 1:100 SCALE: 1:200  
**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

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Project No: **64 A'BECKETT STREET**  
**MELBOURNE**  
**WORLD CLASS LAND**

Project No: **GENERAL ARRANGEMENT PLAN**  
**GROUND FLOOR PLAN**  
 Drawing No: **14050**  
 Drawing Title: **TP**  
 Drawing Scale: **A200**  
 Drawing Date: **Q**

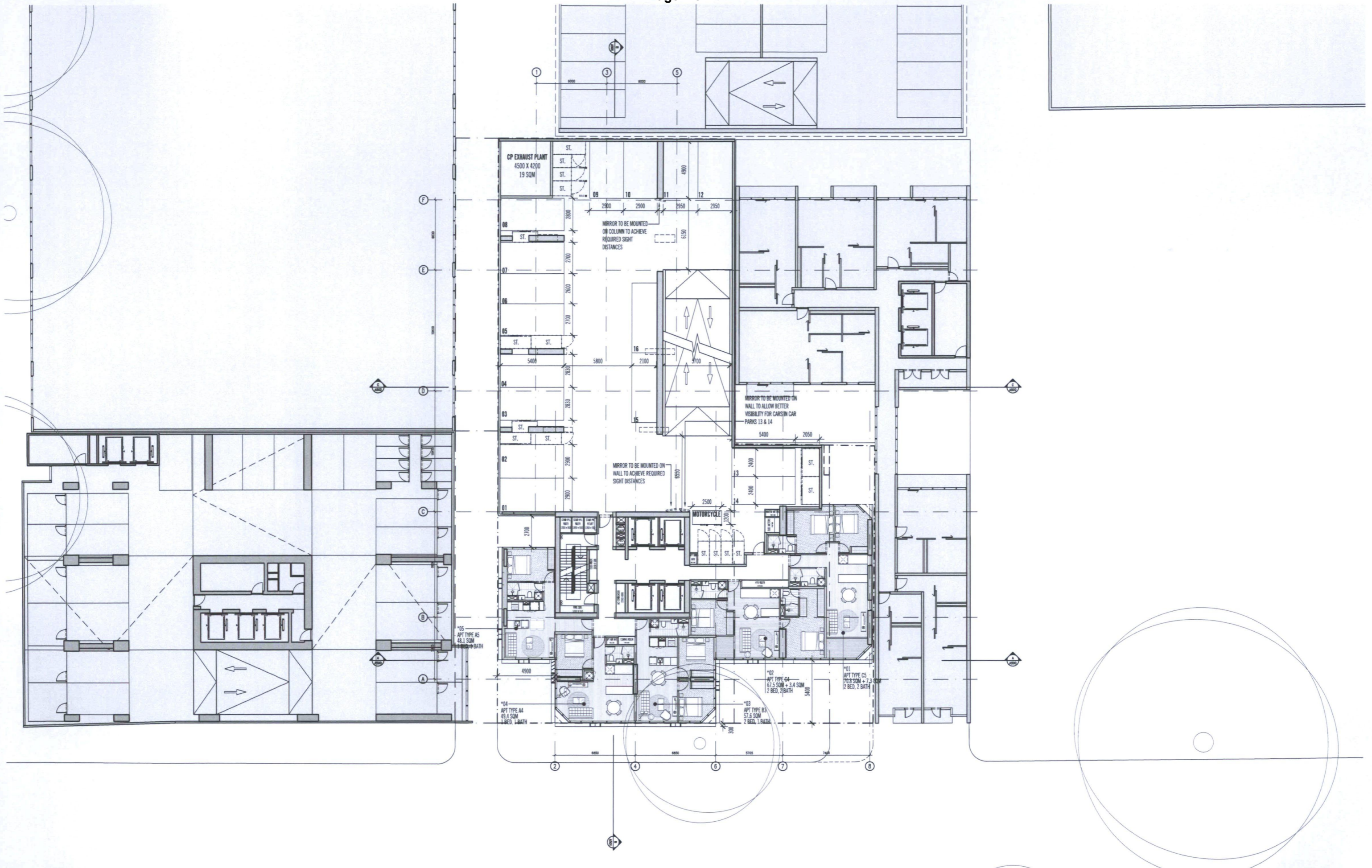


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1	10/10/18	EL	ISSUE FOR PERMIT	1	10/10/18	EL	ISSUE FOR PERMIT
2	10/10/18	EL	ISSUE FOR PERMIT	2	10/10/18	EL	ISSUE FOR PERMIT
3	10/10/18	EL	ISSUE FOR PERMIT	3	10/10/18	EL	ISSUE FOR PERMIT
4	10/10/18	EL	ISSUE FOR PERMIT	4	10/10/18	EL	ISSUE FOR PERMIT
5	10/10/18	EL	ISSUE FOR PERMIT	5	10/10/18	EL	ISSUE FOR PERMIT
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7	10/10/18	EL	ISSUE FOR PERMIT	7	10/10/18	EL	ISSUE FOR PERMIT
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**PRELIMINARY NOT FOR CONSTRUCTION**  
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 09/11/18 10:10:18

Project No: **64 A'BECKETT STREET MELBOURNE**  
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 Title No: **14050**  
 Drawing No: **A201**  
 Revision: **M**  
 Scale: **1:100**  
 Date: **10/10/18**

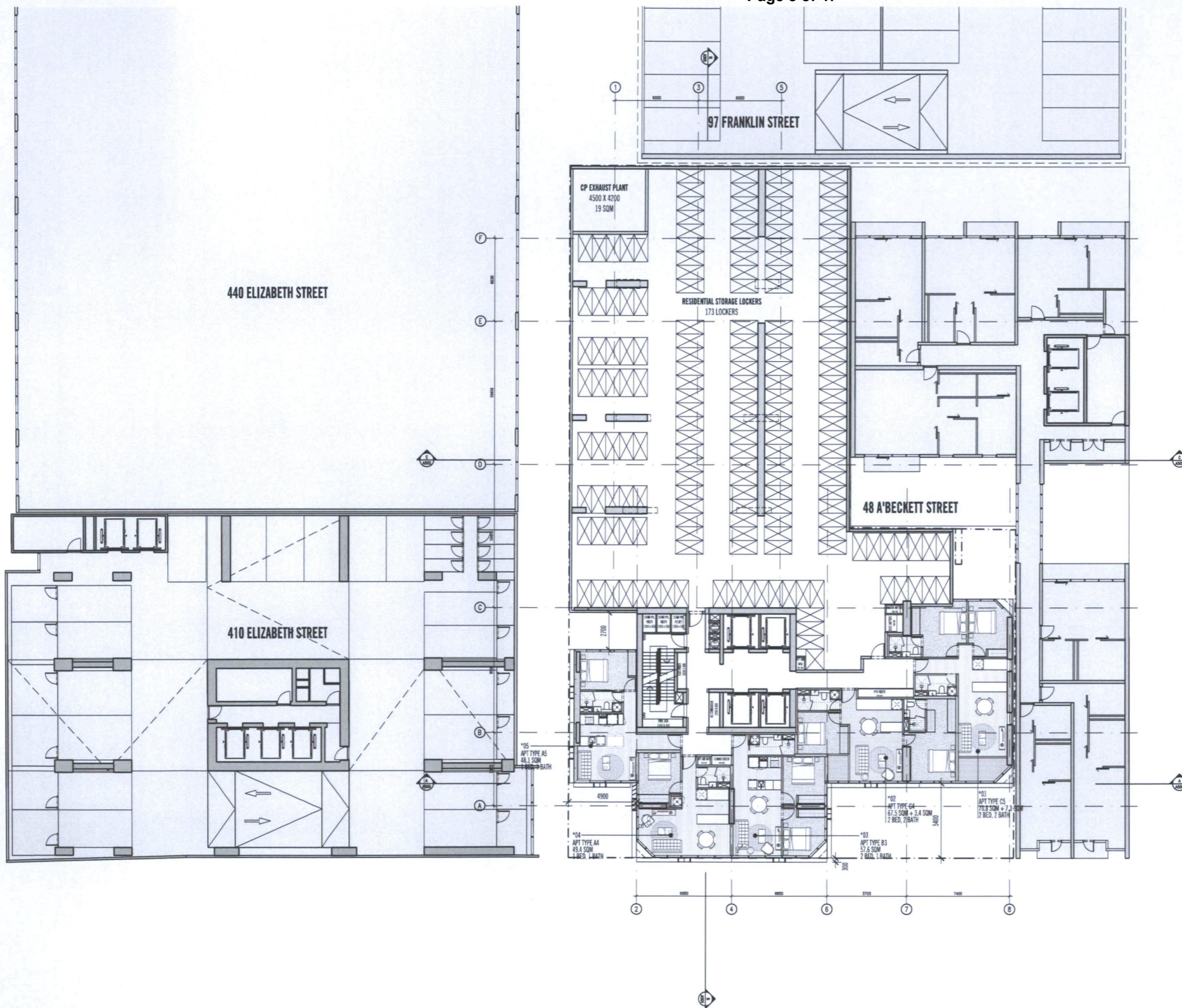


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**\*01** APT TYPE C5  
 71.8 SOM + 7.3  
 2 BED, 2 BATH  
  
**\*02** APT TYPE C4  
 67.5 SOM + 3.4 SOM  
 2 BED, 2 BATH  
  
**\*03** APT TYPE B3  
 57.6 SOM  
 2 BED, 1 BATH  
  
**\*04** APT TYPE A4  
 49.4 SOM  
 1 BED, 1 BATH  
  
**\*05** APT TYPE A5  
 48.1 SOM  
 1 BED, 1 BATH

SCALE @ A0 1:100 SCALE @ A2 1:200  
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<b>ELDERBRO FRASER</b> LEVEL 1, 140 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL +61 3 9600 2200 FAX +61 3 9600 2204 EMAIL MAIL@ELDERBROFRASER.COM WWW.ELDERBROFRASER.COM 09/01/14 10:00 AM	Project No: <b>64 A'BECKETT STREET          MELBOURNE</b> <b>WORLD CLASS LAND</b>	Drawing No: <b>GENERAL ARRANGEMENT PLAN          LEVEL 02-06 (TYPICAL PODIUM)</b> Drawing Name: <b>14050</b> Drawing Date: <b>TP</b>	Drawing No: <b>A202</b> Drawing Date: <b>L</b>
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1	10/11/14	WJL	ISSUE FOR PERMITTING, CP
2	10/11/14	WJL	ISSUE FOR PERMITTING, CHAIRLIFT CONSTRUCTION
3	10/11/14	WJL	ISSUE FOR PERMITTING, CHAIRLIFT CONSTRUCTION
4	10/11/14	WJL	ISSUE FOR PERMITTING, CHAIRLIFT CONSTRUCTION

NOTE: This drawing is to be used only in conjunction with the approved construction contract and the approved building permit. It is not to be used for any other purpose. The contractor is responsible for ensuring that the construction is carried out in accordance with the approved building permit and the approved construction contract. The contractor is also responsible for ensuring that the construction is carried out in accordance with the approved building permit and the approved construction contract. The contractor is also responsible for ensuring that the construction is carried out in accordance with the approved building permit and the approved construction contract.

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**PRELIMINARY  
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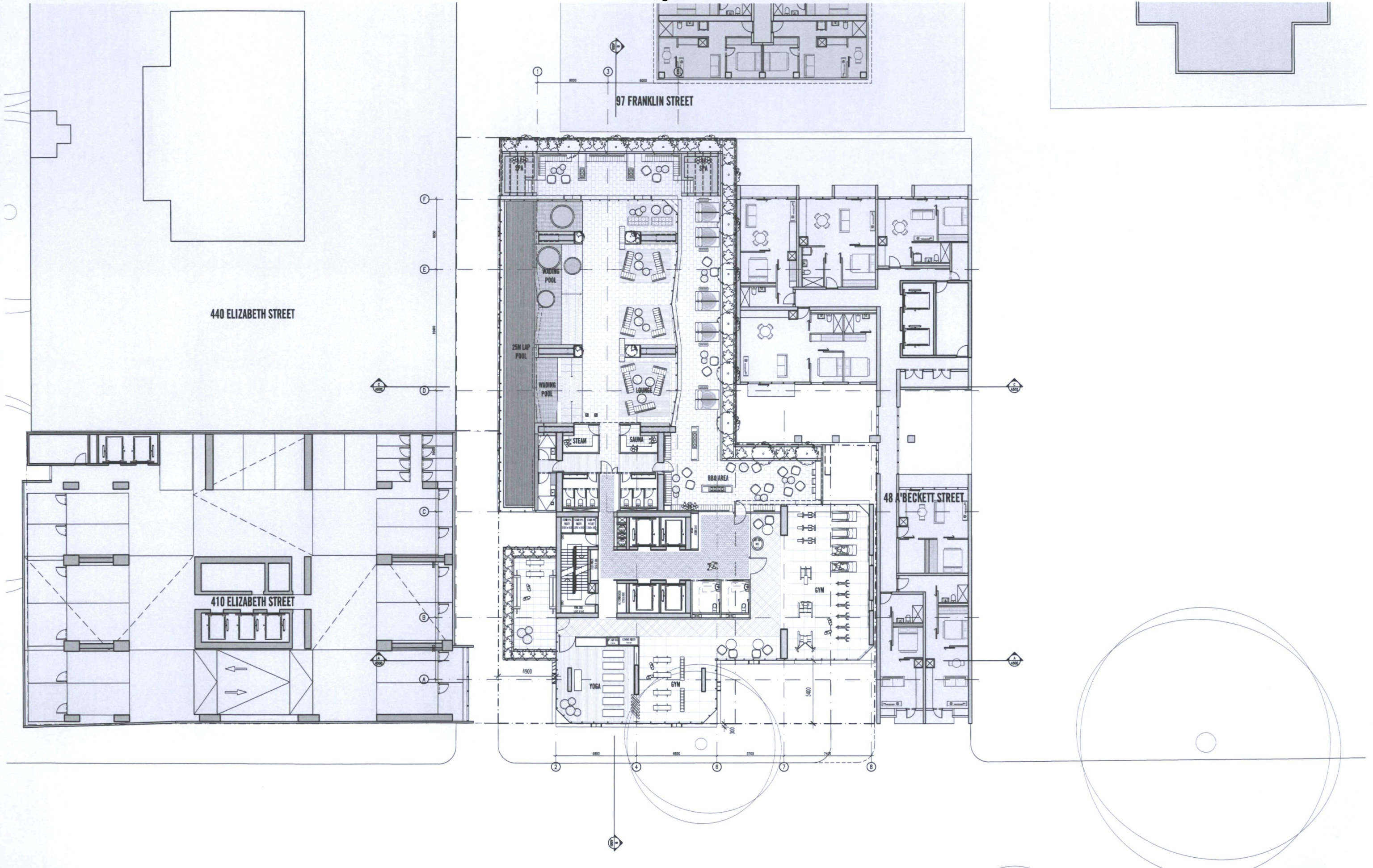
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Project Name: **64 A'BECKETT STREET MELBOURNE**  
Client: **WORLD CLASS LAND**

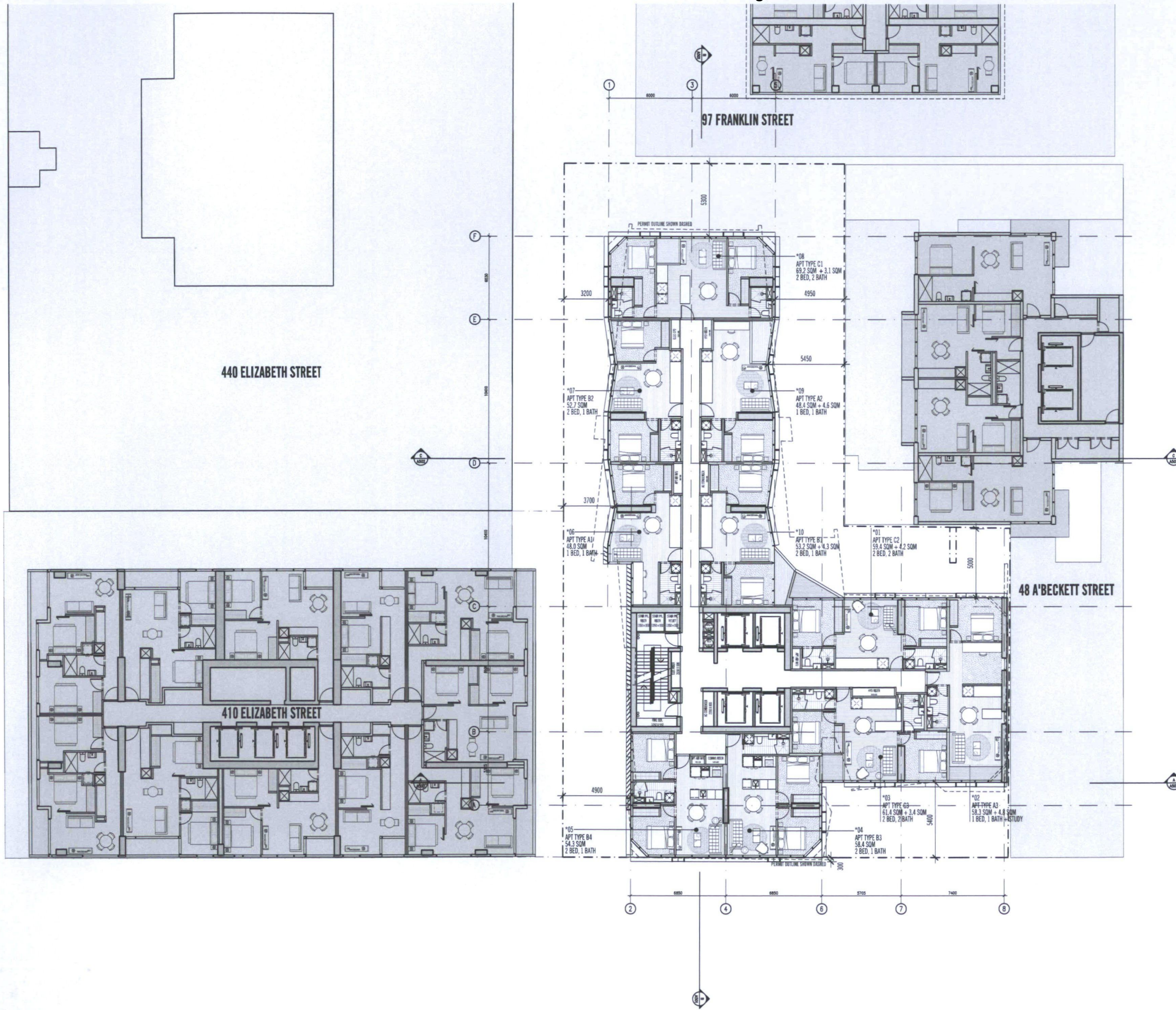
Drawing Title: **GENERAL ARRANGEMENT PLAN LEVEL 07 (PODIUM/STORAGE PLAN)**  
Drawing Number: **14050**  
Revision: **A207**  
Drawing Date: **TP**











No.	Date	Author	Check	Drawn	Revised	Scale	Notes
1	12/11/10	J. WILSON				1:100	Issue for approval
2	12/11/10	J. WILSON				1:100	Issue for approval
3	12/11/10	J. WILSON				1:100	Issue for approval
4	12/11/10	J. WILSON				1:100	Issue for approval
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8	12/11/10	J. WILSON				1:100	Issue for approval

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Scale: 1:100 (A2), 1:200 (A1)

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Project No: **64 A'BECKETT STREET MELBOURNE**  
 World Class Land

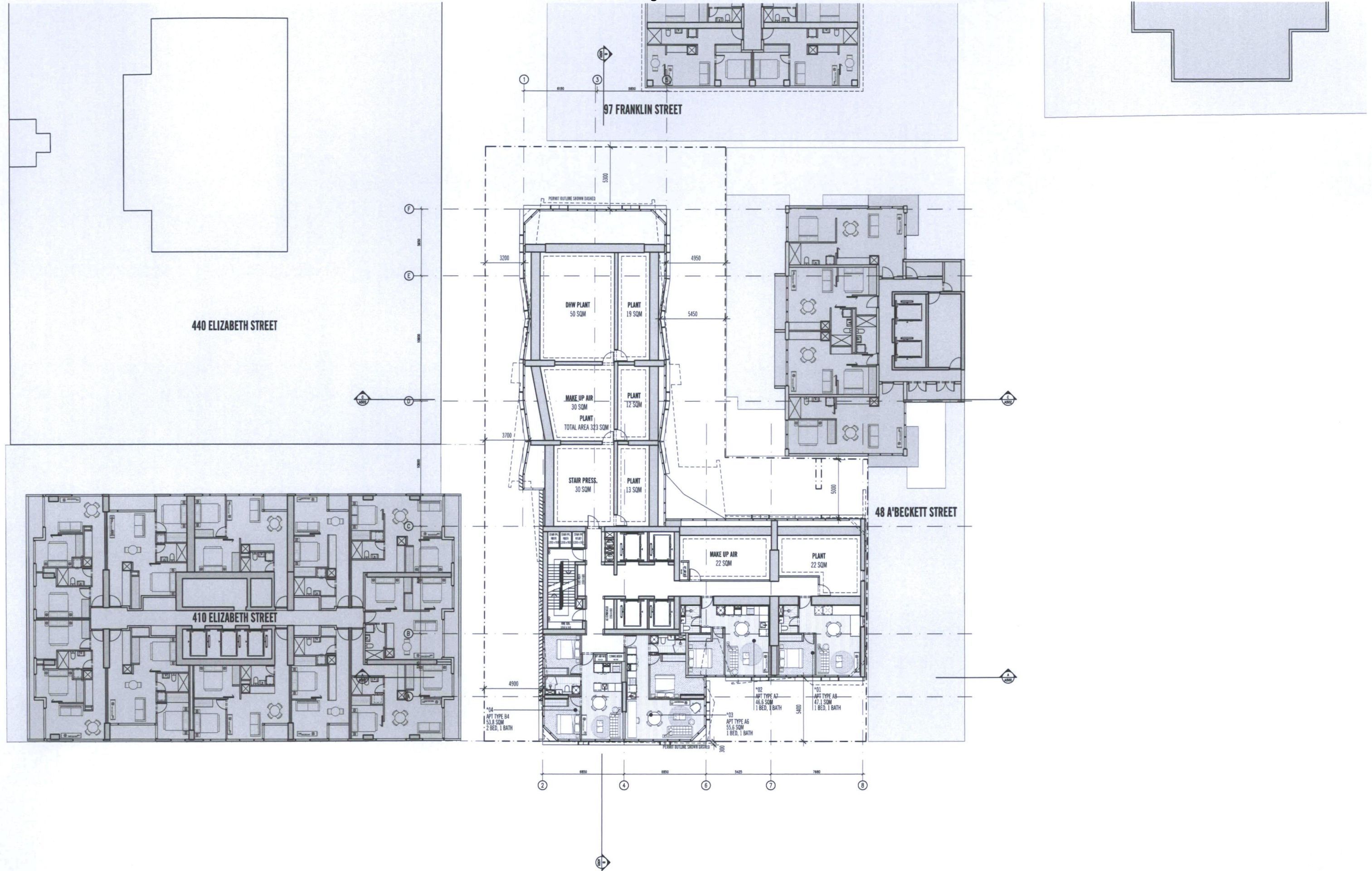
Project Title: **GENERAL ARRANGEMENT PLAN LEVEL 11 - 31 [TYPICAL LOW RISE]**

Project Number: **14050**

Revision: **A211**

Drawn By: **TP**

Checked By: **H**



No.	Date	Revised By	Revised For
1	10/1/10	MARK ABELENBERG	ISSUE FOR PERMIT
2	10/1/10	MARK ABELENBERG	ISSUE FOR PERMIT
3	10/1/10	MARK ABELENBERG	ISSUE FOR PERMIT

No.	Date	Revised By	Revised For

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Project No: **64 A'BECKETT STREET MELBOURNE**  
 World Class Land

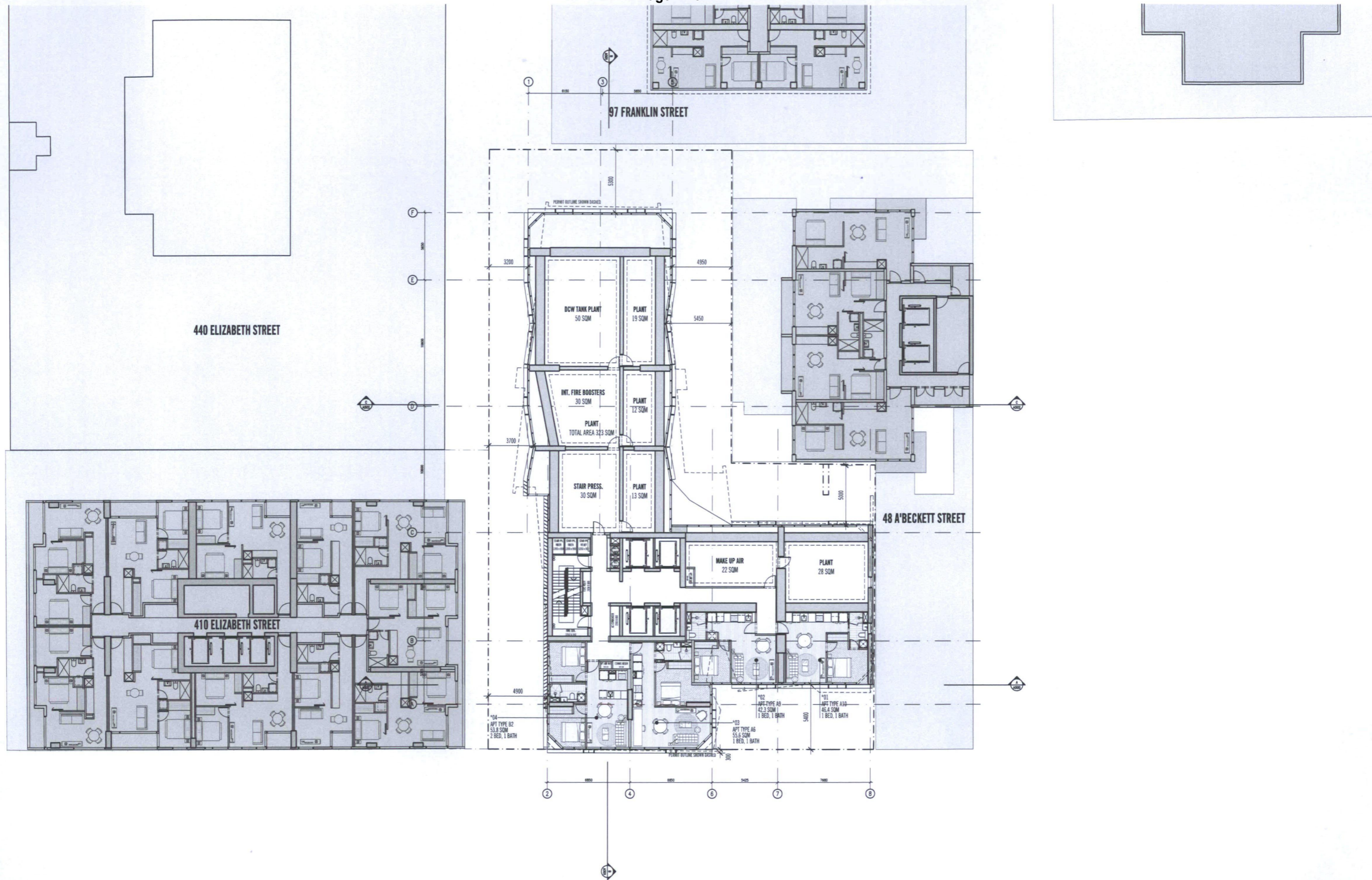
Project Title: **GENERAL ARRANGEMENT PLAN LEVEL 32 (MID PLANT LEVEL)**

Project No: **14050**

Issue No: **A232**

Scale: **SD**

Author: **D**



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2	14/12/14	MM	ISSUED FOR INFORMATION ONLY - APPROVED FOR CONSTRUCTION	MM					
3	14/12/14	MM	ISSUED FOR INFORMATION ONLY - APPROVED FOR CONSTRUCTION	MM					
4	14/12/14	MM	ISSUED FOR INFORMATION ONLY - APPROVED FOR CONSTRUCTION	MM					

NOTE: This drawing set is the latest issue of the plans of 64 A'BECKETT STREET. The drawings are to be used in accordance with the conditions of the contract for the construction of the building. It is the responsibility of the contractor to ensure that the drawings are used in accordance with the conditions of the contract. The drawings are not to be used for any other purpose without the written consent of the architect.

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**PRELIMINARY  
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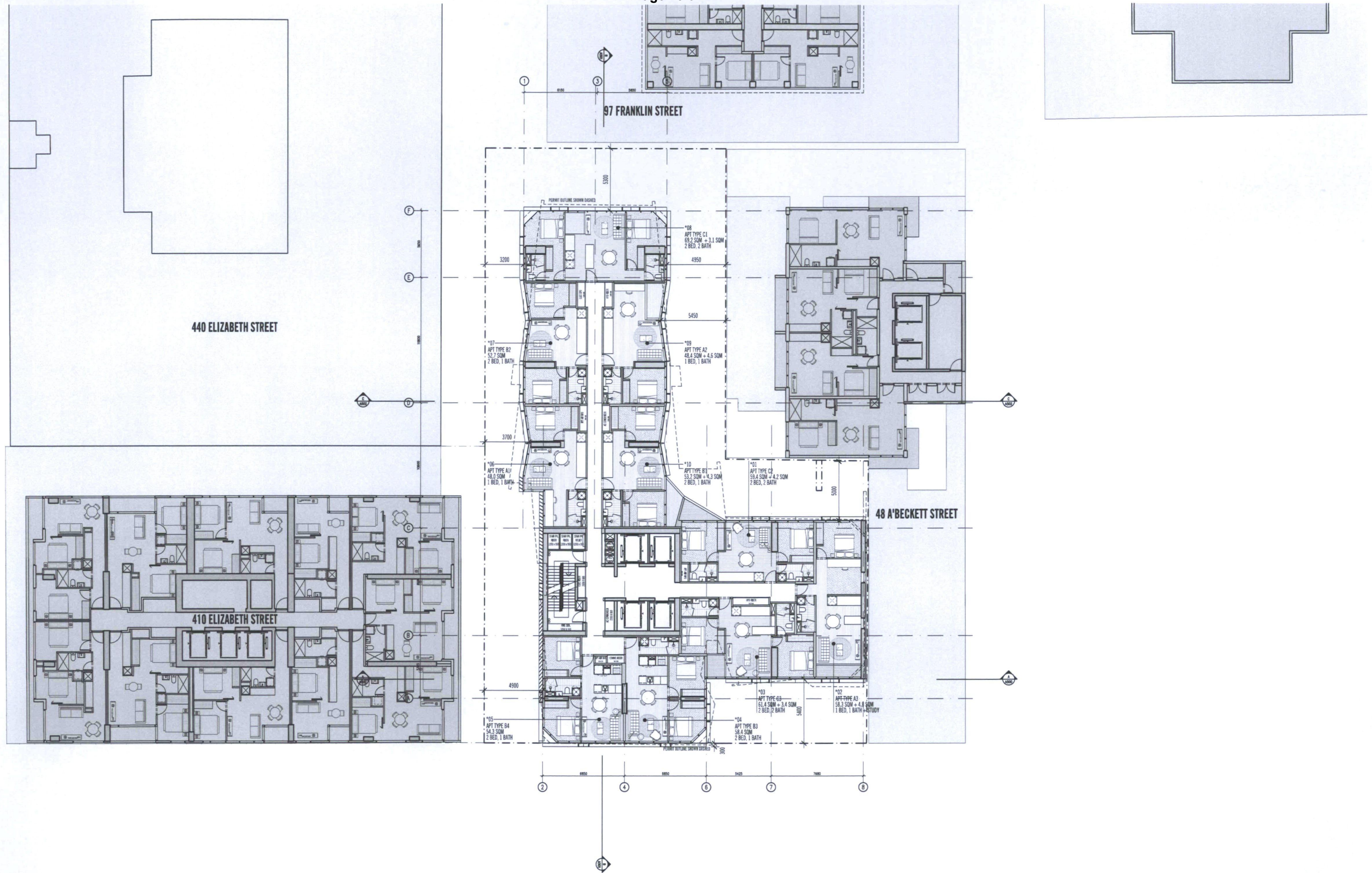
Project No: **64 A'BECKETT STREET  
MELBOURNE  
WORLD CLASS LAND**

Project Title: **GENERAL ARRANGEMENT PLAN  
LEVEL 33 (MID PLANT LEVEL)**

Project Number: **14050**

Drawing Number: **A233**

Revision: **D**



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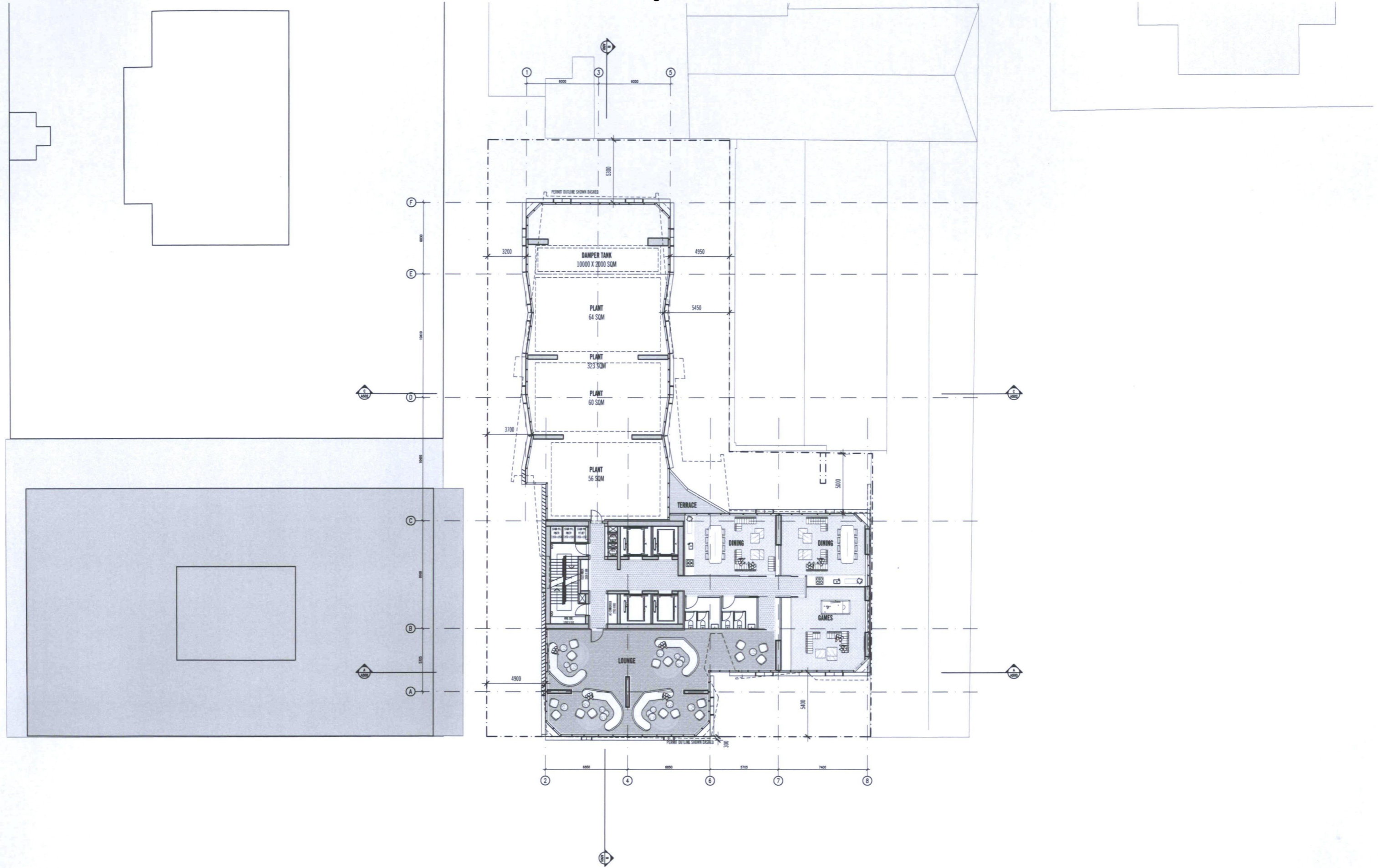
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**64 A'BECKETT STREET**  
**MELBOURNE**  
**WORLD CLASS LAND**

Project No: **14050**  
 Drawing Title: **TP**

Drawing No: **A234**  
 Revision: **D**



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1	10/12/14	ISSUE FOR PERMITTING, ARCHITECTURAL CONSULTATION									
2	10/12/14	ISSUE FOR PERMITTING, CIVIL ENGINEERING CONSULTATION									
3	10/12/14	ISSUE FOR PERMITTING, PLUMBING CONSULTATION									

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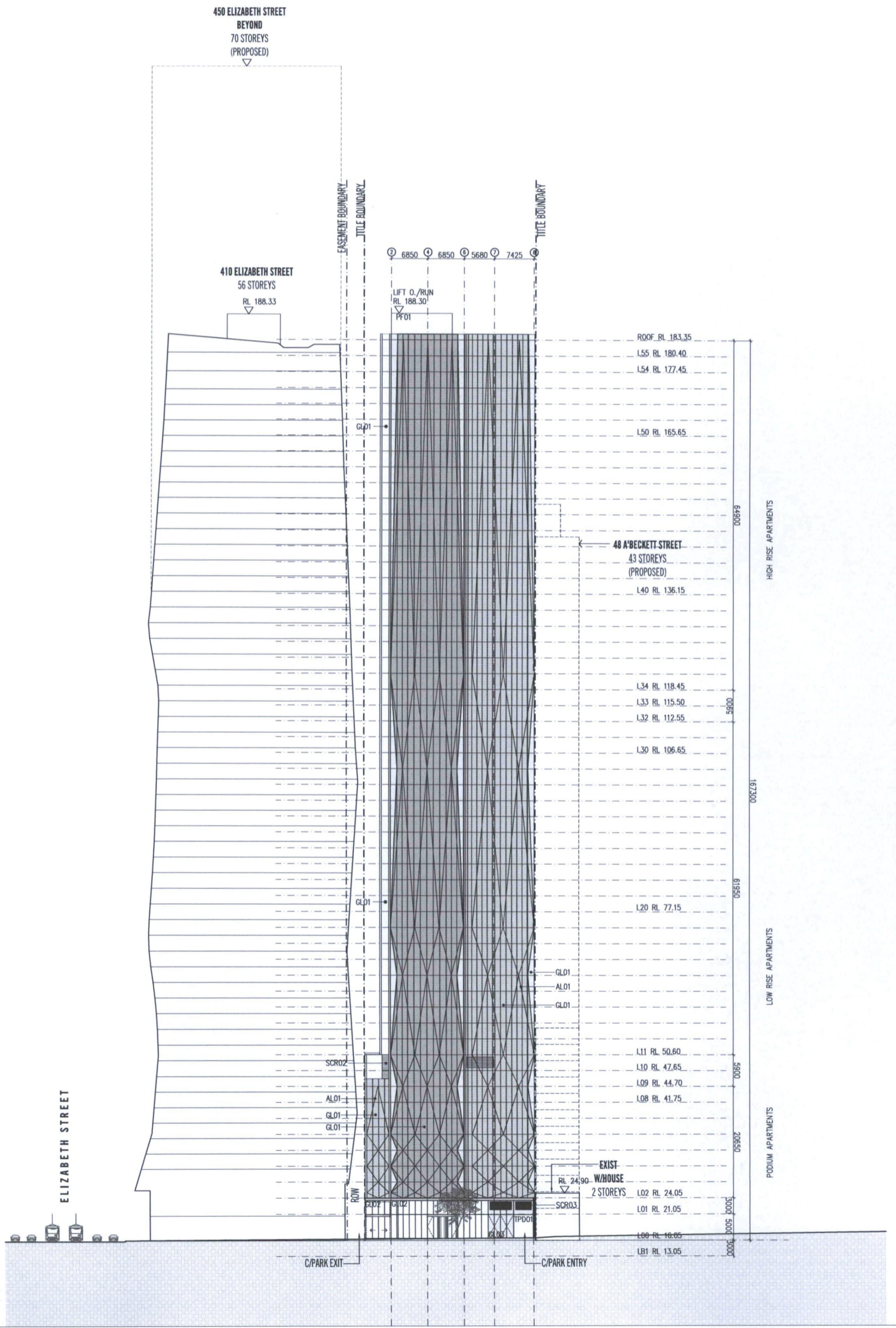
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Project No. **64 A'BECKETT STREET**  
**MELBOURNE**  
 World Class Land

Drawing No. **GENERAL ARRANGEMENT PLAN**  
**LEVEL 55 (COMMUNAL LOUNGE & PLANT)**  
 Paper Number **14050** Drawing Number **A255**  
 Scale/Date **TP** Revision **C**



FINISHES LEGEND	
AL01	WHITE ANODISED PROFILED ALUMINIUM FIN
AL03	BLUSH COLOURED GLASS BALUSTRADE
CM03	WHITE TEXTURED CONCRETE
GL01	BLUSH COLOURED GLASS
GL02	CLEAR RETAIL SHOPFRONT GLAZING
GL03	WHITE COLOUR BACKED GLASS
MT01	WHITE SHEET METAL CLADDING
PF01	BLUSH TEXTURED PAINT FINISH
PF02	WHITE TEXTURED PAINT FINISH
SCR01	BLUSH COLOURED ANODISED ALUMINIUM ANGLED FIN
SCR02	BLUSH COLOURED ANODISED ALUMINIUM PLANT SCREEN
SCR03	WHITE COLOURED ANODISED ALUMINIUM PLANT SCREEN
TP01	TILT PANEL DOOR, WHITE



SCALE: 1:1000  
 PRELIMINARY  
 NOT FOR CONSTRUCTION

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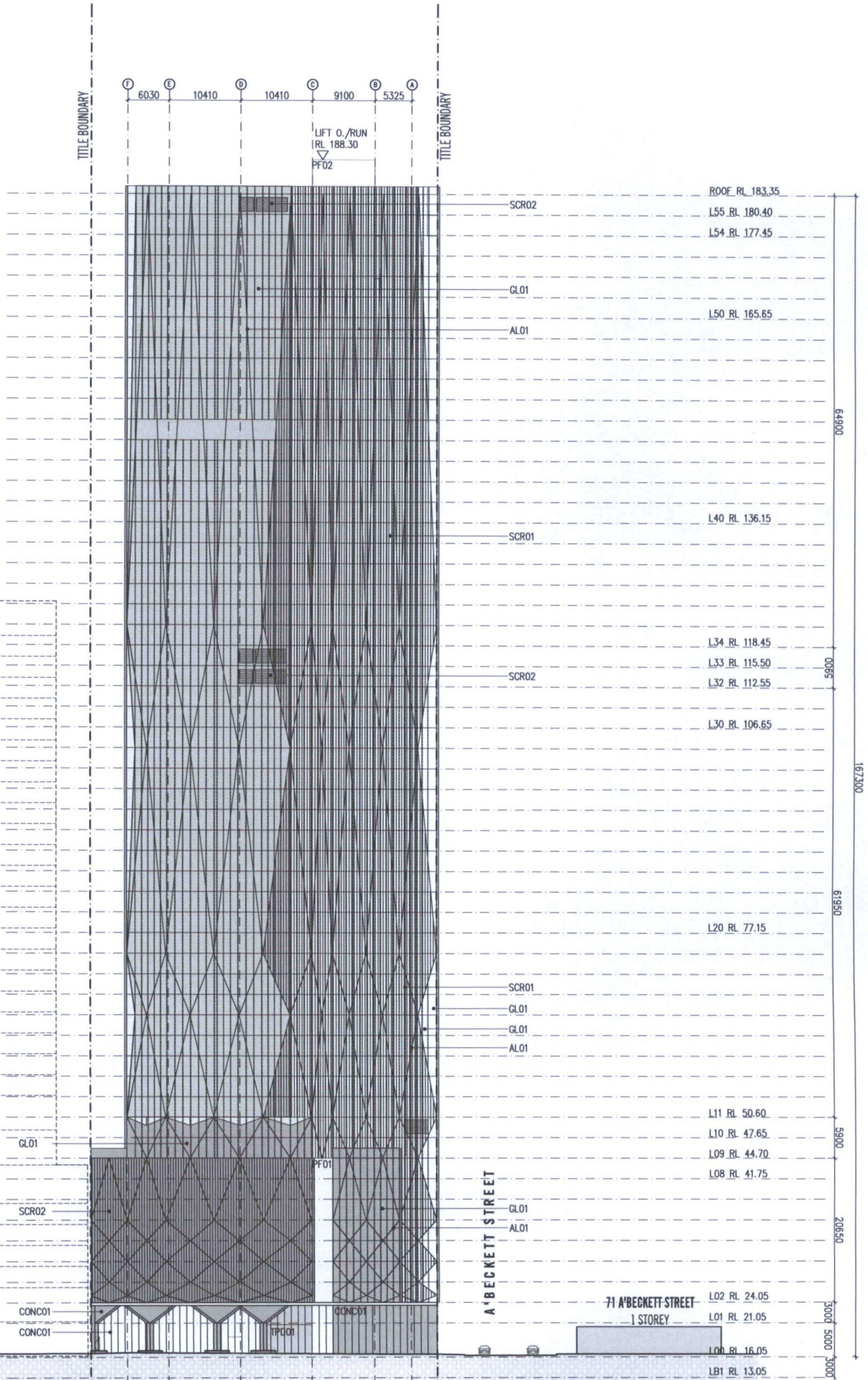
**64 A'BECKETT STREET**  
 MELBOURNE  
 WORLD CLASS LAND

SOUTH ELEVATION  
 ABECKETT STREET  
 14050  
 A400

**FINISHES LEGEND**

- AL01 WHITE ANODISED PROFILED ALUMINIUM FIN
- BA01 BLUSH COLOURED GLASS BALUSTRADE
- CONC01 WHITE TEXTURED CONCRETE
- GL01 BLUSH COLOURED GLASS
- GL02 CLEAR METAL SHOPFRONT GLAZING
- GL03 WHITE COLOUR BACKED GLASS
- MT01 WHITE SHEET METAL CLADDING
- PF01 BLUSH TEXTURED PAINT FINISH
- PF02 WHITE TEXTURED PAINT FINISH
- SCR01 BLUSH COLOURED ANODISED ALUMINIUM ANGLED FIN
- SCR02 BLUSH COLOURED ANODISED ALUMINIUM PLANT SCREEN
- SCR03 WHITE COLOURED ANODISED ALUMINIUM PLANT SCREEN
- TR01 TILT PANEL DOOR, WHITE

97 FRANKLIN STREET  
64 STOREYS  
(PROPOSED)



HIGH RISE APARTMENTS

167300

LOW RISE APARTMENTS

PRIMUM APARTMENTS

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 Scale: 1:10  
 Scale: 1:5  
 Scale: 1:2  
 Scale: 1:1

**PRELIMINARY NOT FOR CONSTRUCTION**

**ELMERIA PAPER**  
 14050  
 WEST ELEVATION

**64 A'BECKETT STREET**  
 MELBOURNE  
 WORLD CLASS LAND

**71 A'BECKETT STREET**  
 1 STOREY

450 ELIZABETH STREET  
BEYOND  
70 STOREYS  
(PERMITTED)

410 ELIZABETH STREET  
56 STOREYS  
(EXISTING)  
RL 188.33

97 FRANKLIN STREET  
BEYOND  
64 STOREYS  
(PERMITTED)

ANGLED SCREENING TO APT  
BEDROOMS TO PREVENT  
OVERLOOKING

EASEMENT BOUNDARY

TITLE BOUNDARY

TITLE BOUNDARY

LIFT O./RUN  
RL 188.30

4900

ROOFTOP PLANT LEVEL

COMMUNAL LOUNGE / PLANT

APARTMENTS

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ROOF RL 183.35

L55 RL 180.40

L54 RL 177.45

L50 RL 165.65

LINE OF EXISTING PERMIT  
SHOWN DASHED

48 A'BECKETT STREET  
43 STOREYS  
(PROPOSED)

L40 RL 136.15

L34 RL 118.45

L33 RL 115.50

L32 RL 112.55

L30 RL 106.65

L20 RL 77.15

L11 RL 50.60

L10 RL 47.65

L09 RL 44.70

L08 RL 41.75

L02 RL 24.05

L01 RL 21.05

L00 RL 16.05

LB1 RL 13.05

EXIST  
W/HOUSE  
2 STOREYS

THRU LINK

LOBBY

BASEMENT SERVICES

C/PARK EXIT

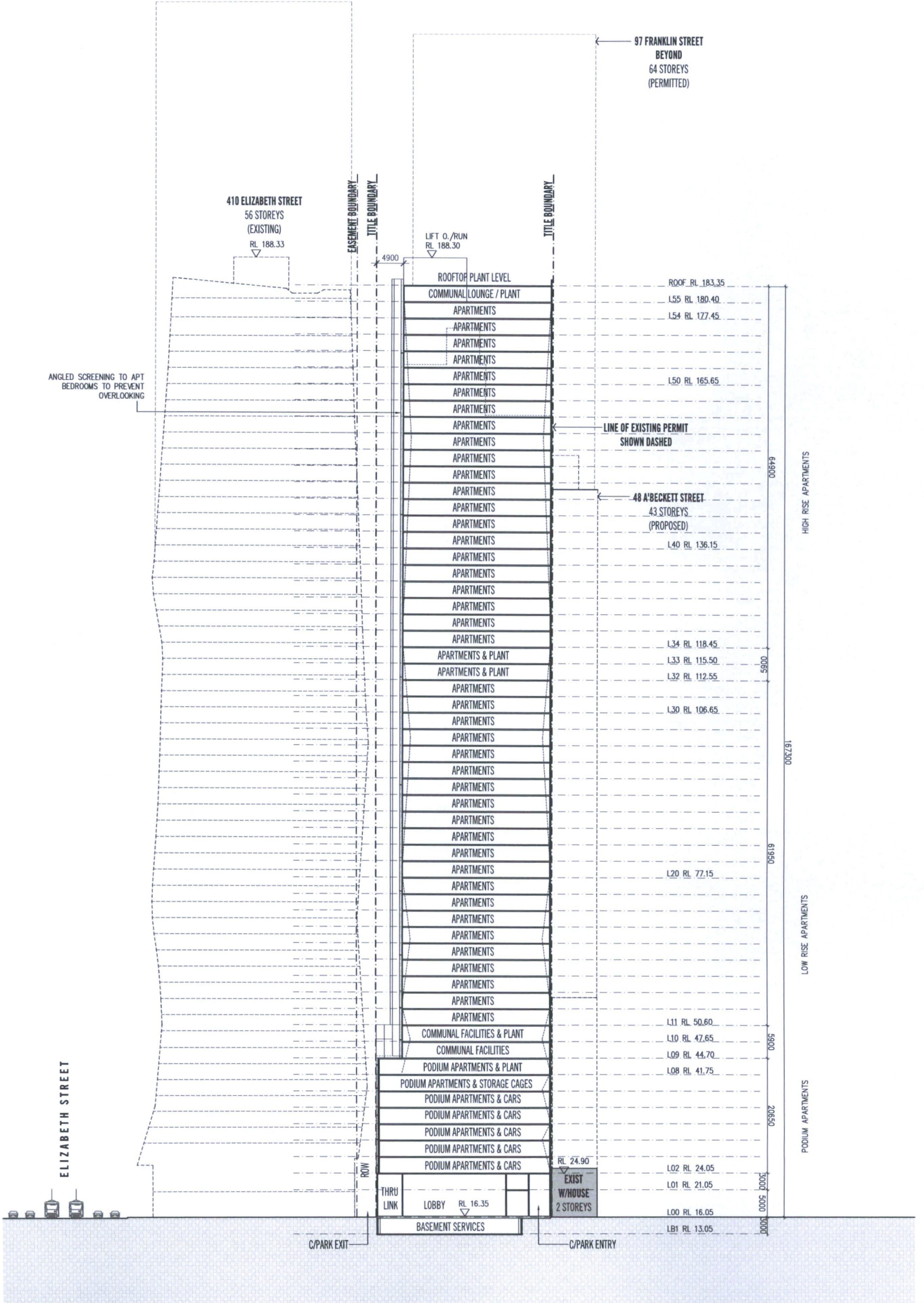
C/PARK ENTRY

HIGH RISE APARTMENTS

LOW RISE APARTMENTS

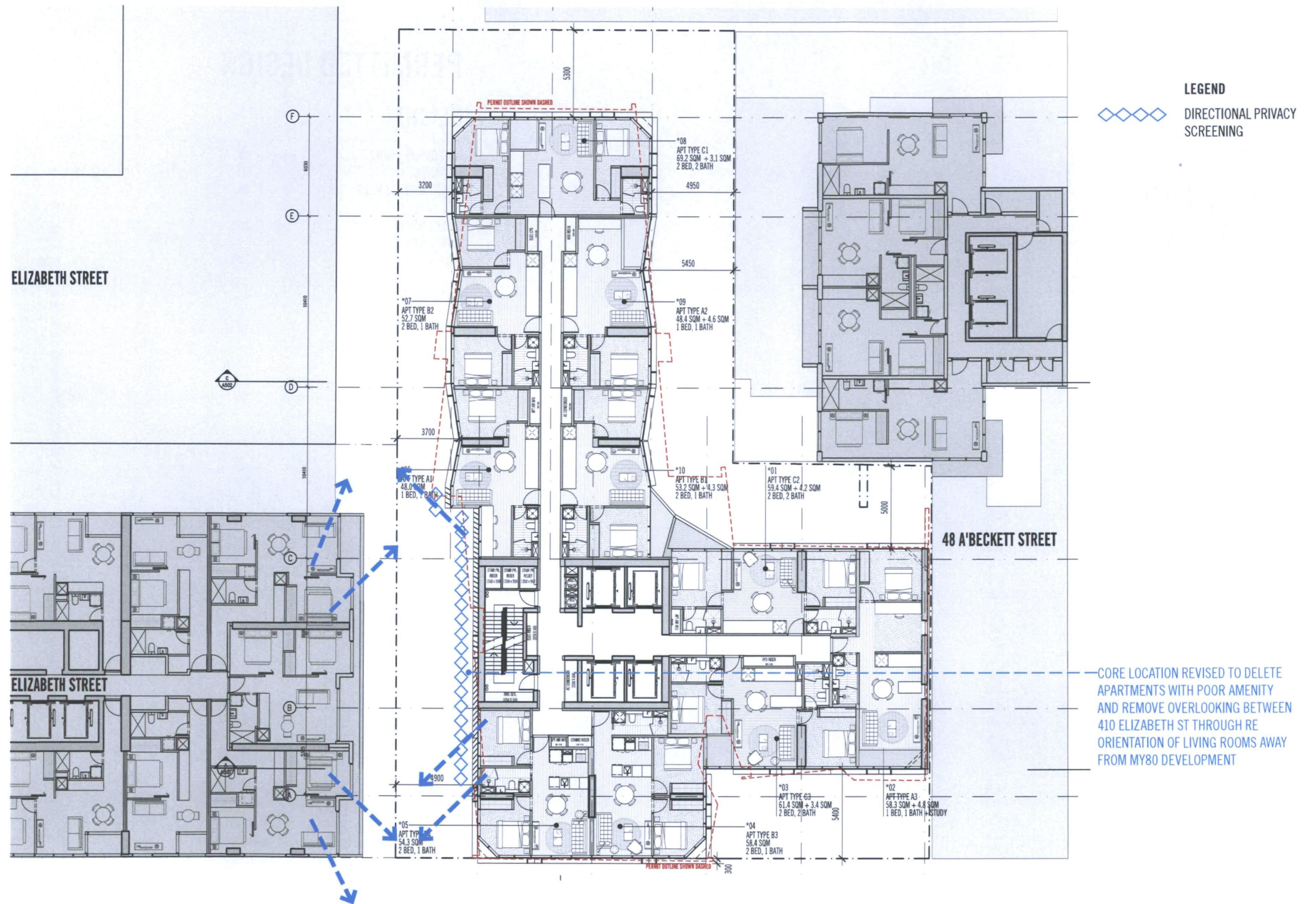
PODIUM APARTMENTS

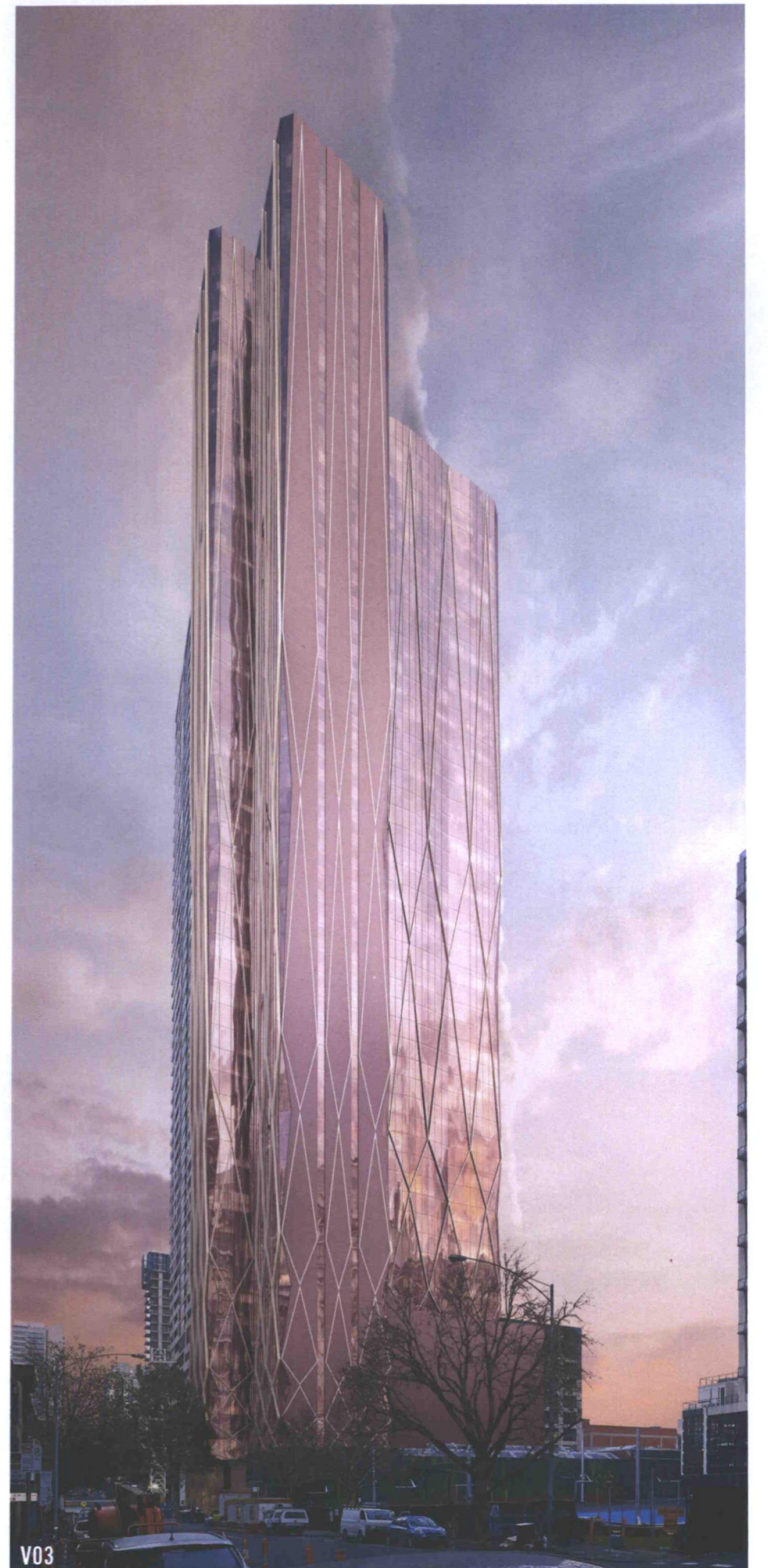
ELIZABETH STREET

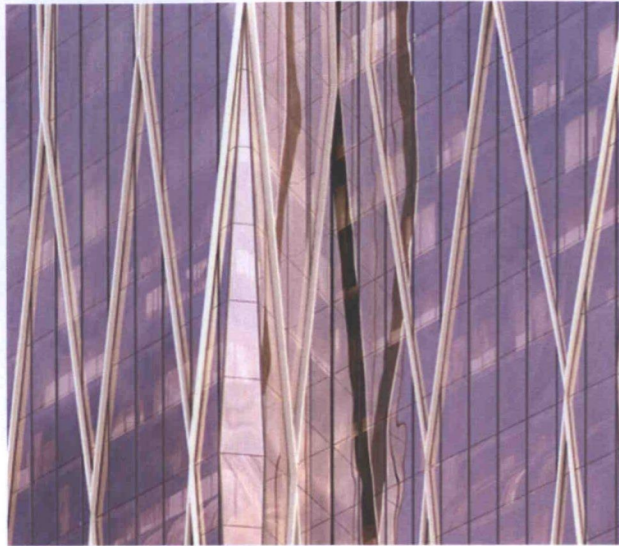


SCALE: 1:500  
 PRELIMINARY  
 NOT FOR CONSTRUCTION  
 ELDERING PRAEGER  
 ARCHITECTS  
 64 A'BECKETT STREET  
 MELBOURNE  
 WORLD CLASS LAND  
 SECTION A-A  
 14050  
 4500

02.3\_PERMIT COMPARISON\_PROPOSED TYPICAL TOWER FLOOR PLAN



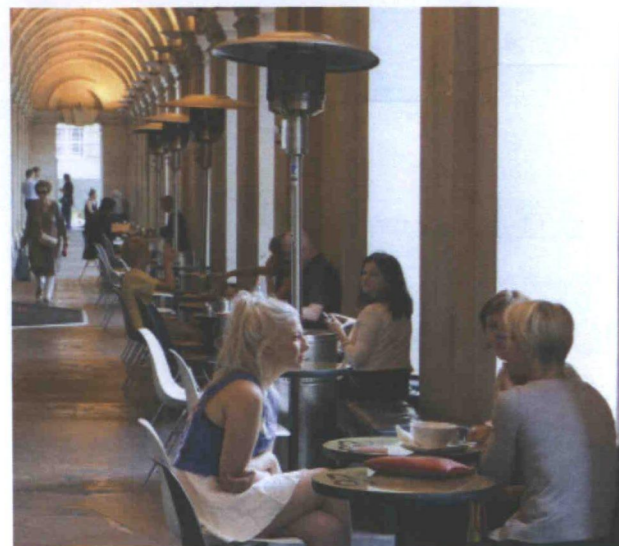




EMERGENT CRYSTALLINE FORM



ENTRANCE LOBBY



GROUND FLOOR ARCADE CAFE



## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2010-29/B</b>
<b>DELWP Application number:</b>	2010/026164B
<b>Applicant / Owner / Architect:</b>	WCL A'Beckett Street (VIC) Pty Ltd/ WCL A'Beckett Street (VIC) Pty Ltd/ Elenberg Fraser
<b>Address:</b>	54-56 and 58-64 A'Beckett Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Amend the planning permit to allow for demolition of the existing building and construction of a multi-storey (56 level) building comprising of accommodation (residential apartments and serviced apartments) and retail premises (other than adult sex bookshop, department store, supermarket and tavern)
<b>Date received by City of Melbourne:</b>	29 December 2014
<b>Responsible officer:</b>	Evan Counsel
<b>Report Date:</b>	23 March 2015
<b>(DM# 9070381)</b>	

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The subject site is located on the northern side of A'Beckett Street, approximately 40 metres to the east of Elizabeth Street.

The site comprises two smaller lots that together form an 'L' shaped parcel of land.

The site has a frontage to A'Beckett Street of approximately 32 metres, a maximum depth of approximately 50 metres and has a total site area of approximately 1,290sqm.

The subject site interlocks with the adjoining land to the east at 48-50 A'Beckett Street, with an existing private laneway (PL5221) separating the two properties.

No. 48-50 A'Beckett Street enjoys a right-of-carriage over the laneway.

Along the western boundary of the subject site is an existing private laneway (PL5220) which provides access to 410 and 440 Elizabeth Street.

The site is currently occupied by single storey warehouse building at 58-64 A'Beckett Street and a three storey red brick building at 54-56 A'Beckett Street. These buildings have been approved for demolition under the existing planning permit.

### Locality Plan



### 1.2. Surrounds

Land use and development within the surrounding area is somewhat mixed, with buildings generally being mid-rise and built to all boundaries. There is a mix of residential, commercial and a strong presence of education land uses in the precinct.

In recent years there have been several approvals of taller buildings on nearby sites ranging from 39.5m to 212.5m in total height.

The context map below provided by the applicant summarises developments under assessment/recently approved (green) or constructed/under construction (green).





## **2. BACKGROUND**

### **2.1. Pre-application discussions**

There were no pre-application discussions held with City of Melbourne officers prior to the lodgement of the amendment.

### **2.2. Site history**

The original planning permit application (2010/026164) was referred to the City of Melbourne on 8 November 2010. The City of Melbourne responded on 17 July 2011 raising concerns and recommending permit conditions predominantly regarding setbacks of the tower from property boundaries and associated wind conditions.

The Minister for Planning issued a planning permit for the development on 11 July 2011. The permit did not include the tower separation and front setback conditions recommended by the City of Melbourne.

Planning Permit 2010/026164 allows for 'Demolition and construction of a mixed-use multi-storey tower comprising accommodation (residential apartments and services apartments) and ground floor retail premises (other than adult sex bookshop, department store, supermarket and tavern)'.

The approved development comprises a 50 storey mixed use building as follows:

- A 10 storey podium and tower above
- Basement and ground floor service
- Ground floor retail
- Serviced apartments from Level 1-11
- Residential apartments from Level 12-49
- A total of 502 apartments
- 194 car and 236 bicycle parking spaces from level 1-11.

On 25 June 2014 the Department of Environment, Land, Water and Planning (DELWP) referred a proposed amendment to this permit to the City of Melbourne (our ref TPM-2010-29/A).

Proposed amendments included reduced setbacks to adjoining sites, increased height from 50 storeys to 81 storeys and changes to the internal layout of the development.

On 28 October 2014 The Minister for Planning issued a refusal to amend the permit on the following grounds:

- The proposal is an overdevelopment of the site in relation to the excessive height and minimal setbacks, which is detrimental to the outlook and amenity of the future occupants and adjoining residential occupiers.
- The proposal fails to provide a reasonable level of internal amenity for apartments as sought by initiative 2.1.5 of Plan Melbourne and the Guidelines for Higher Density Residential Development referenced at Clause 15.02-1 of the Melbourne Planning Scheme.
- The Proposal fails to adequately respond to the immediate surrounds of its impacts on adjoining sites.

On 11 November 2014 this matter was presented to the Future Melbourne Committee who endorsed the Minister's refusal.

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TPM-2010-29/A	54-56 and 58-64 A'Beckett Street, Melbourne - Amend the planning permit to allow for demolition of the existing building and construction of a multi-storey (81 level) building comprising of accommodation (residential apartments and serviced apartments) and retail premises (other than adult sex bookshop, department store, supermarket and tavern)	Refused
TPM-2014-14	97 Franklin Street, Melbourne – Demolition of existing building and development of multi-storey (63 levels) building for the purposes of dwellings, residential hotel, office and ground level retail with associated on site parking	Approved
TPM-2013-29	452-472 Elizabeth Street, Melbourne - Demolition of the existing building and the construction of a multi level building comprising residential dwellings and retail uses.	Approved
TPM-2011-42	442-450 Elizabeth Street, Melbourne - Construction of a 55 storey mixed use building	Approved
TPM-2009-20	410-420 Elizabeth Street, Melbourne - Demolition of the existing building and development of a 55 storey building and the waiver of the standard loading provision	Approved
TPM-2010-29	54-56 and 58-64 A'Beckett Street, Melbourne - Demolition of the existing buildings and construction of a 48 storey building comprising of ground floor retail (other than adult sex bookshop, department store, hotel, supermarket and tavern) and accommodation (dwellings and residential buildings)	Approved
TP-2010-925	48-50 A'Beckett Street, Melbourne - Demolition of existing two-storey office and warehouse and construction of a new 45 level residential building with a single-level basement	Approved

### 3. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 29 December 2014.

In summary, amendments are sought to the approved built form envelope, the overall height is proposed to be increased (from 50 storeys to 56 storeys), changes are proposed to the traffic and access arrangements, and to the internal layout of the development. The proposal no longer includes serviced apartments, and now proposes residential apartments only. The amended scheme comprises an overall reduction in the number of apartments and car parking spaces, with additional storage cages and communal spaces incorporated for future residents.

This application seeks to address matters raised by DELWP and MCC as part of the previously refused application.

The application proposes the following uses:

	<b>Proposed</b>	<b>Current approval</b>
<b>Dwelling</b>	Total number of dwellings: 463	502
	One bedroom dwellings/apartments: 146	152
	Two bedroom dwellings/apartments: 317	222
	Serviced apartments: 0	128
<b>Retail (ground level)</b>	Leasable Floor Area: 78sqm	218sqm

The specific details of the proposal are as follows:

<b>Building height</b>	167.3m (56 storeys)	152.7m (50 storeys)
<b>Podium height</b>	28.65m (9 levels)	37.61m (11 levels)
<b>Front, side and rear setbacks</b>	North (rear) – 5m	5m
	South (front) – 0m to 5.4m	0m to 8.8m
	East (side) – 4.95m to 5.45m	3.9m to 6.1m
	West (side) – 3.2m to 4.9m	3m to 5.75m
	Further detail provided at Figure 4 below.	
<b>Gross floor area (GFA)</b>	46,165sqm	40,152sqm
<b>Car parking spaces</b>	80	194
<b>Bicycle facilities and spaces</b>	135	236
<b>Storage cages</b>	253	0
<b>Loading/unloading</b>	On-site	On-site
<b>Vehicle access</b>	Via the existing crossover from A'Beckett Street and via the Right of Way, one for vehicle ingress from A'Beckett Street and the second for vehicle egress on the Right of Way.	Via existing crossover from A'Beckett St

#### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11 – Settlement.</p> <p>Clause 15.01-1 – Urban Design.</p> <p>Clause 15.01-5 – Cultural Identity and neighbourhood character.</p> <p>Clause 15.02 – Sustainable development.</p> <p>Clause 16 – Housing.</p>
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	<p>Clause 18.02-1 – Sustainable personal transport.</p> <p>Clause 18.02-5 – Car parking</p>
Municipal Strategic Statement	<p>Clause 21.03 – Vision.</p> <p>Clause 21.04-1 – Growth Area Framework.</p> <p>Clause 21.06-1 – Urban Design.</p> <p>Clause 21.06-3 – Sustainable development.</p> <p>Clause 21.07 – Housing.</p> <p>Clause 21.09 – Transport.</p> <p>Clause 21.12 – Hoddle Grid.</p>
Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone.</p> <p>Cause 22.02 – Sunlight to Public Spaces.</p> <p>Clause 22.19 – Energy, Waste and Waste Efficiency.</p> <p>Clause 22.20 – CBD Lanes</p> <p>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p>

Statutory Controls	
Capital City Zone Schedule 1	<p>Retail and accommodation are Section 1 uses.</p> <p>A permit is required to carry out demolition.</p> <p>A permit is required to carry out buildings and works.</p>
Parking Overlay Schedule 1	<p>A permit is required to provide parking in excess of the car parking rates in Clause 3.0 of Schedule 1 to the Parking Overlay. Clause 3.0 sets a rate of 1 space per dwelling.</p> <p>The amended proposal provides 80 car parking spaces, a reduction of 114 from the 194 provided as part of the approved scheme.</p> <p>The provision of 80 car parking spaces is below the maximum 463 spaces allowed before a permit is required under the provision of this overlay Therefore a permit is not required under the provisions of this overlay.</p> <p>The schedule requires a minimum rate of one motor cycle parking space for every 100 car parking spaces. The proposal has provision for 5 on-site motorcycle parking space which exceeds this requirement.</p>

Particular Provisions	
Clause 52.06, Car Parking	<p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p>

	As stated above, the proposed car parking provision is within the limits set out for Parking Overlay 1.
Clause 52.07, Loading and Unloading of Vehicles	<p>Clause 52.07 applies to applications for the manufacture, servicing, storage or sale of goods or materials.</p> <p>As part of the land is to be used for retail purposes, a permit is triggered under this clause.</p> <p>A loading bay is proposed internally within the site which accords with the dimensional requirements of the clause.</p>
Clause 52.34, Bicycle Facilities	<p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <p>143 spaces are required and 143 are provided, comprising 93 resident spaces, 47 visitor spaces and 3 spaces associated with the ground floor retail which satisfies Clause 52.34-3.</p>
Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys	<p>This has been provided as part of the application documentation.</p> <p>As the Minister for Planning is the Responsible Authority, DELWP has responsibility for certification.</p>
Clause 52.36, Integrated Public Transport Planning	<p>An application for an excess of 60 dwellings must be referred to PTV for comment.</p> <p>As the Minister for Planning is the Responsible Authority, DELWP has responsibility for this referral.</p>

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.
Clause 65 – Approval of an application or plan	This clause sets out Decision Guidelines. These include the matters set out in Section 60 of the Act.

## 5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment. Pursuant to Schedule 1 to Clause 37.04 Capital City Zone, this application 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 with comments summarised:

### 6.1. Urban Design

We offer the following comments:

1. Height and Massing: The amendment proposes increasing the height from 50 to 56 storeys (167m) plus plant. Given that the proposed height significantly exceeds 40m, setbacks are needed above podium height. Some setbacks are proposed, but on all sides these are less than as set out in Clause 22.01. The tower should be set back at least 10m from A'Beckett St; the proposal has zero setback for about half this frontage, which is far from satisfactory and would result in the building having an overbearing impact on the pedestrian's experience. The minimal setback from the west boundary (3 to 5m) results in a lack of "breathing space" between towers; it also limits sun penetration at street level. A similar compaction of towers would occur on the east boundary, where zero setback is proposed for a 13m distance. Elsewhere, the tower is proposed to be set back in the order of 5m, which is inadequate to achieve the design standard of 24m tower separation in Clause 22.01. We note that habitable room windows face all boundaries.
2. We do not accept that the approval of a building with inadequate setbacks at 410 Elizabeth St justifies the subject proposal. (Indeed, it could be argued that there should be no tower on the subject site, in order to achieve 24m separation between 410 Elizabeth St and any future tower to the east.) The two buildings would have a cumulative negative impact on A'Beckett St, visually, in terms of solar penetration and daylight levels and, we would expect, wind conditions.
3. Building Design: We support the articulation of the tower into two components, echoing the current subdivision of the site. This grain of subdivision could be more effectively achieved, however, if at least one of the existing buildings were retained. Their retention would also enhance the character of the street, which has until now benefitted from a series of modestly scaled brick buildings. We recommend that, as a minimum, the south and east façades of 56 A'Beckett St should be retained (with additional window openings etc as needed).
4. Projections: Consideration should be given to the provision of a canopy for pedestrian shelter along A'Beckett St, given the increased pedestrian activity being generated by this and other developments in the vicinity.
5. Active Frontages: The four previously-proposed tenancies fronting A'Beckett St have been reduced to one; this is not supported. Only a very small proportion of the ground floor area is allocated to active use.
6. Plant, bins: The proposal makes good use of the ROWs to locate service areas away from the street frontage. We recommend that this be taken a step further by locating the substation in the basement, freeing up ground floor space for other uses.
7. Carparking: We are not supportive of carparking being located above ground in the CBD, where the soil problems of Docklands and Southbank do not pertain. Below-ground parking would enable the substation to be located below ground level and would enable the development to address the lane down the west boundary in a positive way. (We understand that there is a proposal to extend this link through to Franklin St.) The demand for parking could be minimised by providing car share.

8. In summary, this proposal is not supported. While we acknowledge that A'Beckett St is undergoing an intensification of development, this should not be at the expense of losing all of the buildings which give the street its appeal, and new development should be more conducive to an attractive pedestrian environment. The proposal is considered to be an overdevelopment of the site. As an index of this, the plot ratio is about 35.5:1 (based on a GFA of 46,165 M<sup>2</sup> and a site area of 1,299 M<sup>2</sup>) (increased from 31:1) - far in excess of the limit of 12:1 which Clause 22.01 advocates for the block as a whole. The proposed increase in height and bulk would exacerbate the building's negative impacts, and the increased height makes it all the more important to provide increased setbacks from all boundaries consistent with Clause 22.01.

As the Urban Design comments above generally assess the building in terms of a 'fresh' proposal, further discussion was undertaken with the Urban Designers regarding the variation between the approved development and the current proposal.

It was agreed that up to the current approved height the proposed changes will result in an improved outcome for future residents of the site and adjoining residential buildings (including buildings permitted but yet to be constructed and under construction).

In relation to the proposed 14.65m of additional building height it was agreed that a minimum street setback of 5.4m (generally in line with the building's design) would be an acceptable outcome. This matter is discussed further within the assessment at section 7 of this report.

## **6.2. Urban Landscapes**

We can make the following comments regarding TPM-2010-29/B and the impact on street trees.

1. The existing council tree and the proposed canopy are in conflict with each other. There is approximately 1m from the property boundary to the tree plot. The proposed canopy projection is 1500mm from the boundary meaning that the canopy will be almost touching the tree trunk. This is insufficient to allow the tree room to grow or to allow for sway.
2. We generally require at least 2m from the back of kerb to allow sufficient room for future street trees. In this case, a 1000mm canopy projection from the property boundary is the maximum projection that will allow for footpath trees in this location.
3. Prior to commencement of works Tree Protection Management Plan (TPMP) to the satisfaction of the Urban Landscapes Branch is required to be submitted that outlines how council trees will be protected during construction.
4. All construction and development works near council owned and managed trees must abide by the protection and retention requirements outlined in council's Tree Retention and Removal Policy (DM#8102093).
5. No council tree is to be pruned in any form and branches and roots will not be removed without the prior written consent of the Urban Landscapes branch.
6. A bank guarantee equivalent to the combined environmental and amenity values of any council tree will be held against the TPMP for the duration of construction activities. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

7. We request that a landscape plan be developed that includes the provision of at least one additional street tree on the A'Beckett St streetscape.

Whilst the referral comments refer to a canopy, there is no canopy proposed over the street. Notwithstanding this should a permit issue a condition will be recommended to address existing street trees.

### **6.3. Engineering**

#### **Car and Motorcycle Parking**

Based on Clause 45.09 of the Melbourne Planning Scheme (MPS), residential use generates a maximum requirement of 463 spaces (café has no maximum requirement). Motorcycle parking must be provided at a rate of at least 1 motorcycle space for each 100 car spaces. It is proposed to provide 80 spaces for dwellings and 0 spaces for the café, satisfying the statutory requirements. It is also proposed to provide 5 motorcycle spaces, exceeding the statutory requirements.

The car parking layout has been assessed against the requirements of MPS Clause 52.06 and AS/NZS2890.1:2004 (AS) and the following is noted:

- Angle spaces are generally 2.4 X 5.4m with 5.8m aisles, as per AS. Parallel spaces are 2.1 X 6.0m, adjacent to a wall. These dimensions don't meet either AS/MPS requirements. While TTM report indicates that the spaces will operate adequately, swept paths show that a vehicle exiting northern space 16 on each level would come unacceptably close to hitting adjacent wall (even when parked with its body on outside line of the space). While it is suggested (that parallel spaces be redesigned to meet dimensional requirements of either MPS Clause 52.06-8 or AS, & amended swept paths provided showing that vehicle can satisfactorily enter/exit spaces on each level), ES does not object to the proposed arrangement, and should issues arise as a result, it will be for the applicant and (owners or occupants) to resolve.
- Spaces located adjacent to walls/columns are generally widened by 0.3m to 2.7m to provide door opening clearance, as per AS/MPS. However, space 13 on each level doesn't have 0.3m clearance to adjacent obstruction, making it difficult to enter/exit vehicles and is unacceptable. While ES does not object to this arrangement, should issues arise as a result with internal parking at these locations it will be for the applicant and (owners or occupants) to resolve.
- Due to the adjacent walls, motorists reversing from spaces 13 & 14 (southeast corner of each level) would have difficulty seeing cars travelling up the adjacent ramp and visa-versa. However, mirrors proposed on the south wall assist in addressing this issue.
- The motorcycle spaces are 1.2 X 2.5m, as per AS.
- Ramps between levels have maximum grade of 1:4 with 2.5m transitions of 1:8 at each end, as per AS/MPS. Diagrams in the TTM report confirms that this will provide adequate ground clearance for B99 vehicle.
- Headroom clearance above ramps and within parking levels is unclear. Minimum 2.1m height clearance must be provided above the ramps and throughout all parking levels as per MPS.
- Two-width ramps should be widened from 5.9m to 6.1m between walls, as per AS Clause 2.5.2.



- Swept paths show that cars will use 'wrong' side of the aisles around bends, and that cars coming in opposing directions will only be able to pass at mid-point of adjacent aisle (while B85 swept paths are used, Clause B2.2 requires B99 to be used for accessways/ramps, taking up even more space). The proposed layout of the car park/ramps is not ideal as there could be potential for conflict between cars travelling in opposing directions through the car park/ramps and minimal passing opportunity for on-coming cars. While it is suggested (that swept paths analysis be undertaken of vehicles using internal accessways/ramps, showing that B99 can travel through the car park as per AS, and showing B85 & B99 passing each other while travelling through the car park), ES does not object to the proposed arrangement, and should issues arise as a result, it will be for the applicant and (owners or occupants) to resolve.

A note must be placed on the planning permit, stating: "Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per Council's policy, the developments in this area are not entitled to resident parking permits. Therefore, the residents/occupants/staff of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions".

### **Bicycle Parking**

Bicycle parking should be provided for residential use as per MPS Clause 52.34 (1 resident space / 5 dwellings & 1 visitor space/10 dwellings), requiring 139 spaces (93 resident & 46 visitor) for 463 dwellings. If café is considered to have a 'restaurant' use then there is a requirement for 1 employee space/100m<sup>2</sup> of public floor area and 2 visitor spaces, equating to 1 employee and 2 visitor spaces for the 78m<sup>2</sup> café. The proposed provision of 93 resident spaces on L1 and 50 spaces for residential visitors, café employees/customers along the western site boundary meets these requirements. Access to resident bicycle parking on L1 is proposed via a dedicated lift, which is considered acceptable. 'Ned Kelly' style racks are proposed, requiring minimum 0.5m spacing with 1.2m space from the wall for the bicycle, adjacent to 1.5m aisle. While bicycle parking generally conforms with these standards, there is a small section of aisle west of central column in the resident parking on L1 which is < 1.5m wide. Minimum 1.5m wide access aisle opposite bicycle racks should be provided throughout the resident bicycle parking area.

### **Loading**

A loading bay is proposed, with swept paths confirming that 8.8m medium rigid vehicle will be able to adequately access/egress the site/bay. Internal accessway leading to the bay has maximum grade of 1:20 and the bay has a maximum grade of 1:16. As AS2890.2-2002 indicates that the rate of change of grade for 8.8m vehicles should be ≤ 1:16 for 7m of travel, the grades are acceptable. The cross-section diagram of the bay shows that there will be sufficient height clearance for loading.

### **Traffic Impact**

The significant reduction in the proposed parking provision is expected to significantly reduce the traffic volume generated by the site, compared to the previously approved development. TTM report suggests that the development will generate 11 vehicles in peak hours, which is considered reasonable and is a relatively minor volume.

Vehicles from the adjacent site at 48 A'Beckett St will utilise the site access point to both enter/exit their car park. As a result, a traffic signal will prevent access to the subject site when a vehicle is exiting 48 A'Beckett St. It is understood that a permit exists to redevelop the site at 48 A'Beckett St (TP-2010-925/A) as a multi-level residential development, with a provision of 11 car parking spaces. Given the low traffic volumes generated by both sites and the generous carriageway width, which allows a car waiting to enter the site to prop clear of through traffic, the proposed arrangement is considered acceptable.

However, if an amended application is submitted in the future for the 48 A'Beckett St site, seeking the provision of additional parking (say 20 or more spaces), the proposed signalling arrangement would be unacceptable, as it would result in vehicles having to wait on-street for lengthy periods of time while waiting for the vehicles to exit the 48 A'Beckett St site, obstructing both traffic and bicycles. It is therefore recommended that the existing access arrangements be redesigned, to ensure that vehicles accessing both sites enter via the A'Beckett St access and egress via the laneway to the west of the site (i.e. access only via A'Beckett St & egress only via the laneway).

It is therefore requested that the applicant clarify as to what planning conditions/agreements/ arrangements/etc. can be put in place/entered into, to ensure that the above 'one way only' access arrangement is implemented if additional parking is provided at the 48 A'Beckett St site.

### **Waste**

The application includes a Waste Management Plan (WMP) prepared by Leigh Design dated 15 December 2014 (pages 113-124 of the application, DM# 8921334).

The development includes twin chutes and an appropriate calculation of waste. A static compactor has been shown for garbage and 1100L bins for recycling and cardboard. This complies with City of Melbourne's 2012 Guidelines and almost complies with City of Melbourne's 2014 Guidelines. This is acceptable considering it is a 2010 permit. To be fully compliant with the 2014 Guidelines twin static compactors would be required. City of Melbourne would prefer twin static compactors, but this would greatly impact the ground floor layout.

The WMP would be accepted in the current format if the following two issues are resolved:

1. The plans show a good sized loading dock. As noted in the traffic comments provided separately (DM# 9004354), swept paths confirm that 8.8m medium rigid vehicles will be able to adequately access/egress the site/bay. The WMP refers to collection of the compactors by a 10m vehicle requiring 4.5m height. Swept path diagrams showing clearance for the 10m compactor truck are required.
2. The WMP states that users shall transfer wastes unsuitable for chute disposal (such as large cardboard boxes, charity material and hard waste items) directly to the Residential Bin Store in the basement. The plans (Drawing A100) shows this waste room which includes the waste hoist, 1100L bins for each waste stream and the hard waste area. However, it also shows the waste and recycling conveyors and does not show any walls or separation between these and the area that is accessible by residents. The waste room needs to be redesigned to ensure it is safe for users to access the room. A revised plan for this level is needed, showing how the chutes empty into the 1100L bins and how users will be protected when entering this room.

Recommended Waste Condition:

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 2014. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

### **Civil**

The proposed pedestrian link must remain the responsibility of the land owner(s) in perpetuity. 24/7 public access must be ensured via a suitable S173 agreement.

### **6.4. Land Survey**

Land Survey have no objections, it would be appreciated if the following two conditions could be included if possible on the permit if it is also being amended:

Prior to the commencement of works, excluding demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority, Team Leader Land Survey.

Prior to the commencement of works excluding demolition, the easement along the eastern boundary of the property must be varied to a height of 5 metres above site level and to exclude any structures that support the development.

## **7. ASSESSMENT**

The key issues in the consideration of this application are:

- Height and built form
- Internal amenity and development of adjoining sites
- Car Parking, Bicycle Parking Loading and Access
- ESD and Wind
- Through block link

### **7.1. Height and setbacks**

Pursuant to Clause 21.12 the MSS seeks to:

‘Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes...

Ensure that new tall buildings add architectural interest to the city’s sky line.

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

At a height of 259.7m (seeking an increase of 107m above the approved building height) the recently refused proposal was assessed as if it were a ‘fresh’ application, as it was considered to be a significant transformation of the existing approval for the site.

This is not considered to be the case for the amended proposal currently under consideration. This is further demonstrated by figures 2 and 3 below.

**SOUTH ELEVATION** Refused Proposal

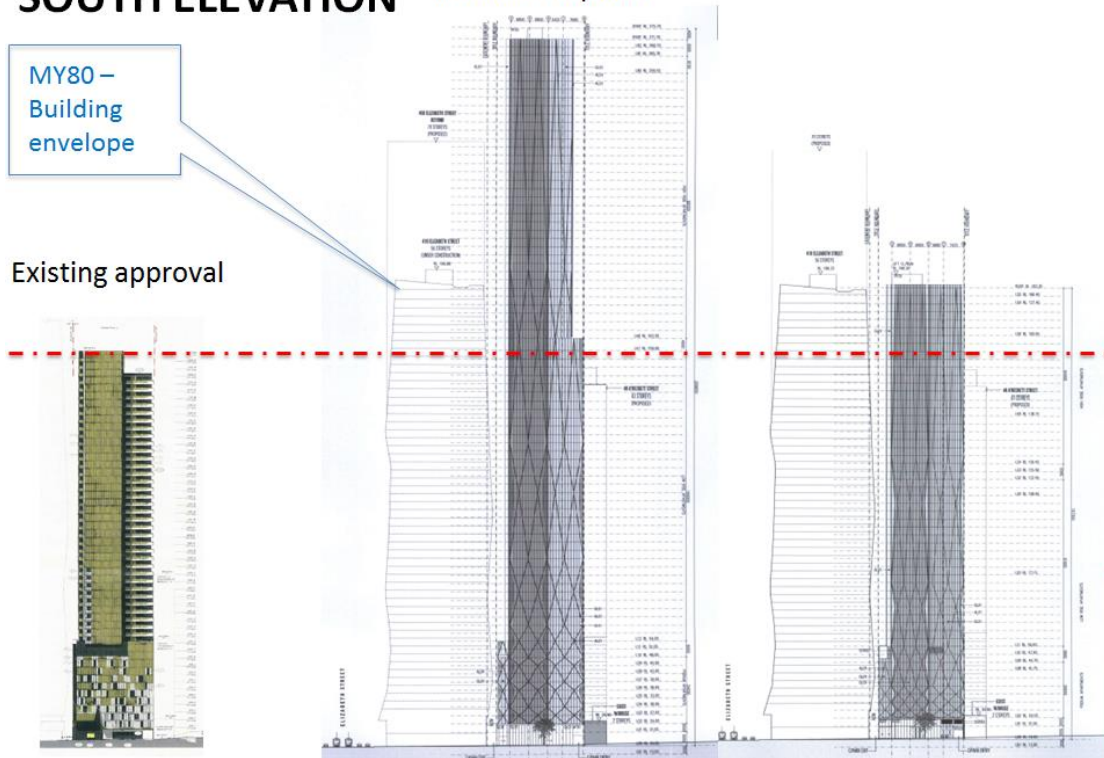


Figure 2 – Building height comparison (approved vs. refused vs. proposed)

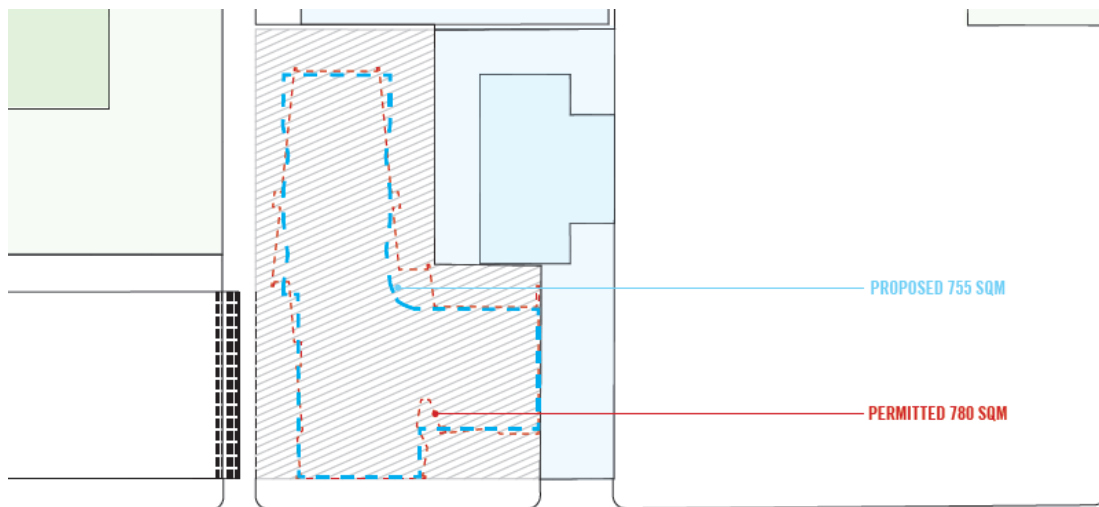


Figure 3 – Tower footprint comparison showing general reduction (approved vs. proposed)

The Local Policy for Urban Design in the Capital City Zone (Clause 22.01) recommends that towers be set back at least 10 metres from street frontages and they be spaced to ensure equitable access to daylight and sunlight. Towers should be 24 metres from a similar tower-podium development. Separation may be reduced where it can be demonstrated that towers are offset, habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining sites.

The City of Melbourne has previously raised significant concern in relation to the development now approved under this permit, recommending the conditions seeking minimum tower setbacks from the A'Beckett Street frontage and side and rear boundaries.

Specifically, a condition was recommended seeking minimum setbacks of 5 metres where the development abuts and is adjacent to the approved building at 48 A'Beckett Street immediately to the east (Planning Permit No. TP-2010-925 issued by the City of Melbourne).

The recommended conditions were not included on the approved permit, however this amended proposal seeks to increase setbacks to 4.95-5.45m where the development abuts and is adjacent to the approved building at 48 A'Beckett Street immediately to the east, successfully addressing the conditions previously sought by the City of Melbourne in relation to this issue.

Referral comments provided by the City Of Melbourne's Urban Design branch were not supportive of the overall development proposal, for reasons generally corresponding with the City Of Melbourne's initial concerns in relation to the existing approval. These concerns were predominantly in relation to the lack of sufficient setbacks of the tower from property boundaries, lack of tower separation and tower setbacks from A'Beckett Street.

The Urban Design comments assessed the current application to amend the permit as if this were a 'fresh' planning proposal. Further discussion was undertaken with the Urban Designer team regarding their position on the variation between the approved development and the current proposal, including:

- A reduction in podium height from 11 to 9 storeys.
- A reduction in podium massing by way of a partial 5.4m recession of the building form to A'Beckett Street to form a building 'nose' to the street (see figure 4 below).

It is noted that the ground floor of the building is built out to the street to hold this edge.

- The general increase of setbacks to property boundaries and reduction in tower footprint (see figure 5 below).
- A reduction in dwelling numbers from 502 to 463.
- A reduction in car park numbers from 194 to 80.
- Significantly improved layout and internal amenity for apartments.
- Provision of significant additional communal facilities for future residents. Increasing communal GFA from 35sqm for the approved development to 1,717sqm as part of this proposal, equating to approximately 3sqm per dwelling.

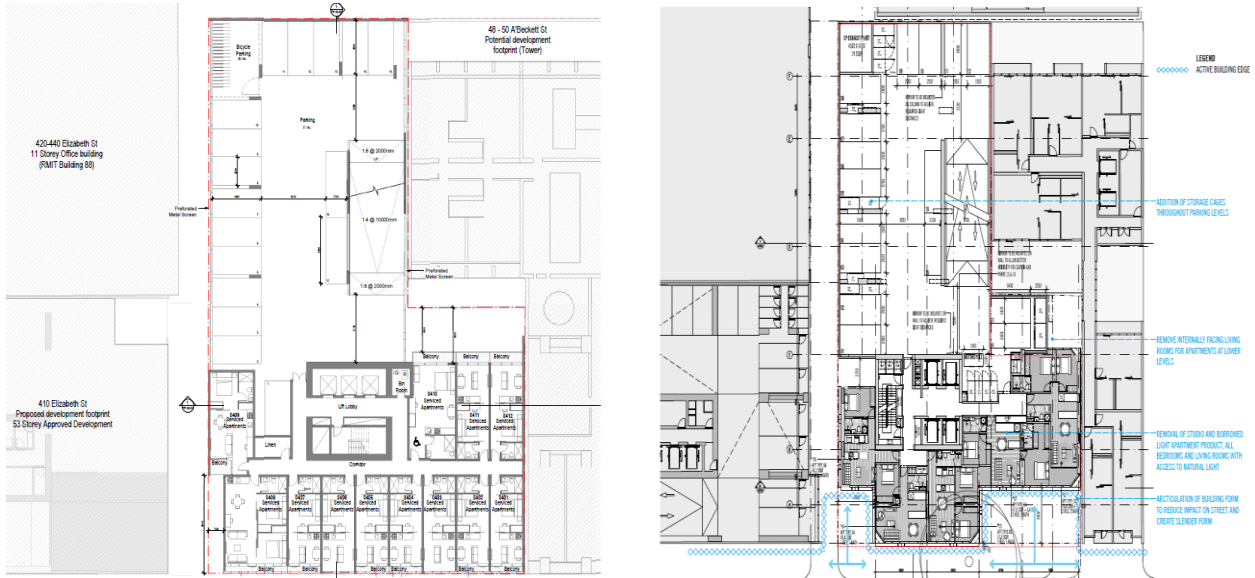


Figure 4 – Approved podium footprint L1-11 (left) vs. proposed podium footprint L1-9 (right)

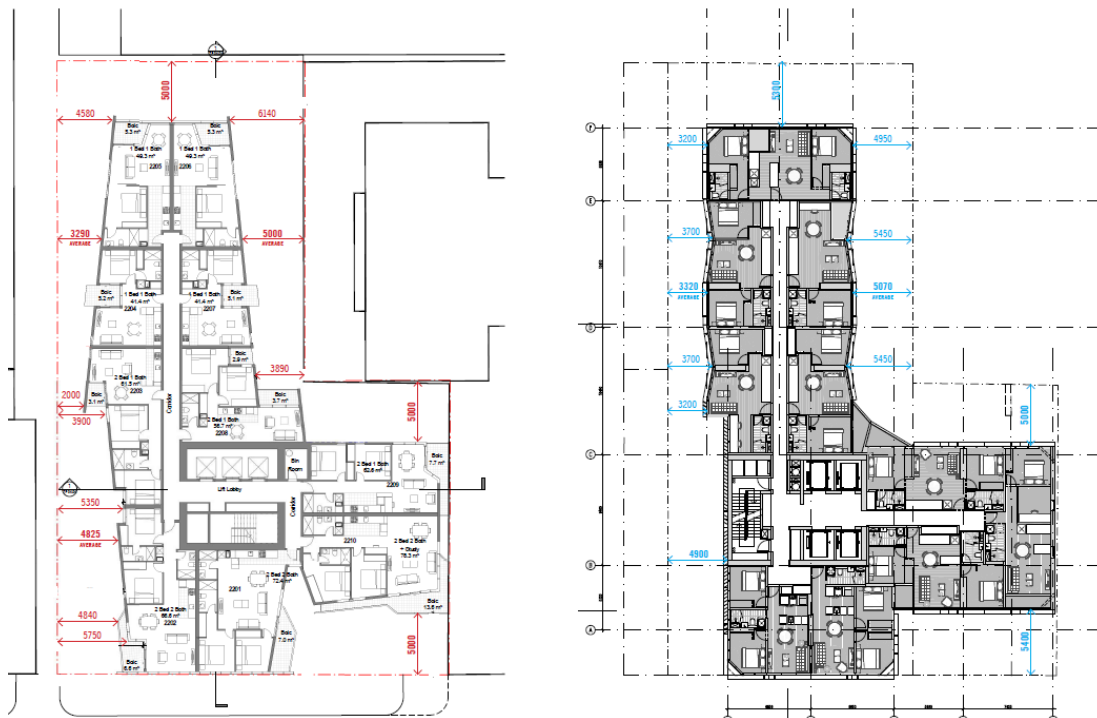


Figure 5 – Approved (left) vs. proposed (right) tower footprint

Given these changes it was agreed that, up to the current approved building height, the proposed changes will result in an improved outcome for future residents of the site and residents of adjoining buildings (including buildings permitted but yet to be constructed and under construction).

The remaining concern relates to the additional 14.75m of additional building height proposed as part of this application (increasing the building height from the approved 152.7m to 167.3m).

In relation to this matter it was agreed that a minimum street setback of 5.4m (generally in line with the setback of the eastern component of the building’s design) would be an acceptable outcome to address the negative impacts of the additional 14.75m of height to the western tower.

The applicant has provided 'without prejudice' plans to demonstrate how this change could be adopted (as set out below) and have indicated that they would not oppose this change:



CURRENT SCHEME



HIGH LEVEL SETBACK

Figure 6 – As proposed (left) vs. with 5.4m upper level setback at level 51 and above (right)

Subject to the increased setback of the upper section of the tower, the proposal is considered to satisfactorily address concerns in relation to the lack of street setback for the additional building height proposed as part of this application.

The provision of a minimum 5.4m building setback to A'Beckett Street at level 51 and above, generally in accordance with the plans prepared by Elenberg Fraser, dated 2 March 2015 is to be included as part of the recommended conditions.

## **7.2. Internal amenity and development of adjoining sites**

The amended proposal includes the reconfiguration of the internal layout of the building.

Apartment layouts have been arranged to maximise opportunity for access to light, ventilation and outlook.

No bedrooms or living rooms are proposed to rely on borrowed light, with direct access to day light and ventilation generally being increased and adequately provided to all habitable rooms.

Dwelling sizes have generally been increased and the provision of communal space and facilities for residents within the development also increased at a rate of approximately 3sqm per dwelling (communal GFA from increased from 35sqm to 1,717sqm) to address concerns that were previously raised in relation to a lack of private open space and small size of dwellings.

The reduction of the tower footprint and general increase to setbacks will result in a 4.95m-5.45m setback to the eastern property boundary, and a 10m separation between the subject building and the approved building to the east at 48-50 A'Beckett Street which is yet to be constructed. This successfully addresses conditions previously recommended by the City of Melbourne, but not included on the permit, in relation to the now approved development.

To the west a small increase to the average tower setback is proposed. Importantly, the relocation of the building core will result in a reduction in habitable floor space orientated toward the existing building at 410 Elizabeth Street, known as the MY80 apartments. The remaining habitable room interfaces are, where possible, orientated and/or adequately screened to direct views away from the adjacent building. Whilst the matter of tower separation is only marginally improved, the interface between the two apartment buildings will improve significantly under the current scheme.

Overall, the changes detailed above result in a reduction in dwelling numbers, increase in the size of dwellings, increased access to day light ventilation and improved outlook for apartments seeking to provide both current and future residents of the subject property and adjoining sites with a preferable outcome in terms of amenity.

## **7.3. Car Parking, Bicycle Parking Loading and Access**

The amended proposal has been referred to the City of Melbourne's Engineering Services Group. A number of modifications to the proposal and/or additional information (as detailed at section 6 of this report) are required in order to ensure that the proposed layout and arrangement is achievable.

The number of car parking spaces provided within the development has been reduced. This is supported within the Capital City Zone and meets the requirements of the Parking Overlay Schedule 1.

Although the provision of bicycle parking spaces is proposed to be reduced, the rate of provision continues to satisfy Clause 52.34 Bicycle Facilities of the MPS and is considered acceptable.



Overall, subject to conditions, the amended proposal represents a marked improvement on the parking and traffic arrangements for the approved building.

#### **7.4. ESD and Wind**

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by an ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 2,000 square metres in gross floor area the Sustainable Design Statement must include a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant Performance Measures set out in Clause 22.19-5. The intent of Clause 22.19 is to encourage 'Australian Excellence' for new multi-unit residential developments.

A Sustainability Design Statement forms part of the application. The submitted report does not satisfactorily demonstrate that the proposed development satisfies the policy requirement for buildings over 5000sqm; having the 'preliminary design potential' to achieve:

- 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; and
- A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.

Whilst this is an amendment to an existing permit, the current planning controls and policies apply. It is considered a reasonable expectation that, given the extent of internal and external changes being sought, this building should be designed to achieve current ESD design standards required by the Melbourne Planning Scheme. A condition to address this matter will form part of the recommended conditions.

A wind assessment including tunnel testing was prepared by MEL Consultants Pty Ltd. The report indicates that wind conditions resulting from this proposal are acceptable, achieving on or within the criterion for walking comfort for pedestrian wind conditions on the ground level, and wind conditions for stationary activities for wind directions shielded by the surrounding buildings.

The above analysis was provided as a result of wind tunnel testing in relation to a proposed 83 level building with an almost identical building footprint which was refused by the Minister for Planning late last year.

MEL Consultants Pty Ltd provided further comment on this application noting that the changes to the proposed development are expected to be similar or improve the environmental wind conditions in the surrounding streetscapes that were reported in the original report.

#### **7.5. Through block link**

The Infrastructure team of the City of Melbourne's Engineering Department have requested that the proposed through block link running along the western boundary be open 24 hours a day, 7 days per week, and that this been via a Section 173 Agreement.

This was raised with the permit applicant, who has advised that given the link is in part enclosed within their building (at the A'Beckett Street end) and that this provides seating for the ground level café, that they do not wish a restriction of this nature to be placed on the title. The land immediately to the west of the through block link is a private laneway with vehicular access to adjoining properties and which also provides egress for vehicles from the subject site.

Given the above it is not considered necessary to impose a requirement for 24/7 access.

## **7.6. Conclusion**

Whilst the concerns raised by the City of Melbourne in relation to the original approval remain relevant, it is considered that (subject to conditions) the amended proposal successfully mitigates a number of significant issues of the existing approval; and 'on balance' will result in a development that achieves greater compliance with the provisions of the Melbourne Planning Scheme.

## **8. OFFICER RECOMMENDATION**

That a letter be sent to DELWP advising that the City of Melbourne does not object to the amended proposal subject to the conditions listed below. The response letter to DELWP will also state that the concerns raised by the City of Melbourne in relation to the original approval remain relevant, and a 'fresh' application for this development would not be supported predominantly due to the lack of tower separation and front setback to A'Beckett Street.

1. Prior to the commencement of the development (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams, ground slab and development), amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans submitted with the application but modified to show the following:
  - a) A minimum 5.4m building setback to A'Beckett Street at level 51 and above, generally in accordance with the plans prepared by Elenberg Fraser, dated 2 March 2015.
  - b) A minimum 2.1m height clearance above the ramps and throughout all parking levels.
  - c) Widening of two-width vehicle ramps from 5.9m to a minimum of 6.1m between walls
  - d) Any changes as required by condition 9 - Environmentally Sustainable Development (ESD)

### **Layout Not Altered**

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

### **Architect to be retained**

3. Except with the consent of the Responsible Authority Elenberg Fraser must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

### **Demolition**

4. Demolition must not commence unless the Responsible Authority is satisfied that the permit holder has made substantial progress towards obtaining the necessary building permits for the development of the land generally in accordance with the development proposed under this permit and the permit holder has entered into a bona fide contract for the

construction of the development, or otherwise as agreed with the Responsible Authority.

### **Construction Management Plan**

5. Prior to the commencement of the development, including demolition, a detailed Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne. This construction management plan is to be prepared in accordance with the City of Melbourne- Construction Management Plan Guidelines and is to consider 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 material reuse; and
- f) traffic management.

The recommendations of the report must be implemented at no cost to the Responsible Authority or the City of Melbourne. All development must be carried out in accordance with the approved Construction Management Plan.

### **Environmental Site Conditions**

6. Prior to the commencement of the development hereby approved, excluding demolition, the applicant must undertake an environmental assessment of the site to determine if it is suitable for residential use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations of this assessment, if any, must be implemented prior to the occupation of the building to the satisfaction of the Responsible Authority.

Should this assessment reveal 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 under Section 53Z of the *Environment Protection Act 1970*. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement of Environmental Audit that the Responsible Authority consider require a significant on-going maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. This Agreement must be executed on title prior to the occupation of the building. The applicant must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority.

### **Materials and Finishes**

7. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, a sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
8. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

### **Environmentally Sustainable Design (ESD)**

9. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and 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) 5 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Retail rating tool or equivalent.
  - c) 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.
10. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement endorsed to form part of this permit must be implemented prior to occupancy at no cost to the City of Melbourne or the Responsible Authority 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.

### **Building appurtenances**

11. All roof top building plant and equipment must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.
12. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

### **Landscaping- Street Trees**

13. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the City of Melbourne - Urban Landscapes Branch.

14. Prior to commencement of the development including demolition, a Tree Protection Management Plan (TPMP) that outlines how existing street trees will be protected during construction must be submitted to the satisfaction of the City of Melbourne - Urban Landscapes Branch.

A bank guarantee equivalent to the combined environmental and amenity values of any street tree will be held against the TPMP for the duration of construction activities. Should any tree be adversely impacted on, the City of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

15. Prior to the commencement of the development excluding any demolition and/or bulk excavation, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the City of Melbourne - Urban Landscapes Branch. This plan must include:

- a) At least one additional street tree on the A'Beckett St streetscape
- b) Urban design elements including, but not limited to, paving, lighting, seating and public art, and clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.

This landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

#### **Car Parking, Traffic and Access, Loading Bays & Bicycle Facilities**

16. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 to the satisfaction of the Responsible Authority.
17. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans. The car parking spaces must not be used for any other purpose and all access aisles must be kept clear. Priority should be given to pedestrians on the street over vehicles entering/exiting the building via the ramp.
18. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.
19. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
20. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.
21. Bicycle parking must be provided, located and appropriately signed generally in accordance with Clause 52.34 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.

#### **Waste Management**

22. 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 2014. Waste storage and collection

arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

23. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

#### **Street Levels and Crossovers**

24. The Owner of the subject land should construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications first approved by the City of Melbourne (Engineering Services).
25. The Owner of the subject land will not be permitted to alter the existing footpath/road levels in A'Beckett Street for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the City of Melbourne (Engineering Services).
26. Footpath in A'Beckett Street must be upgraded and reconstructed in sawn bluestone together with associated works including the renewal and/or relocation of kerb and channel and the relocation of all services puts and covers as necessary at the cost of the Owner/Developer in accordance with the plans and specifications first approved by City of Melbourne (Engineering Services).

#### **Drainage**

27. 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 stormwater drainage system.

#### **Lighting**

28. All public lighting must conform to AS1158, AS3771 and The Public Lighting Code September 2001 to the satisfaction of the City of Melbourne - Engineering Services. All light poles including modifications to existing public street lighting should be first approved by the City of Melbourne - Engineering Services.

#### **Land survey**

29. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
30. Prior to the commencement of works, excluding demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the City of Melbourne, Team Leader Land Survey.
31. Prior to the commencement of works excluding demolition, the easement along the eastern boundary of the property must be varied to a height of 5 metres above site level and to exclude any structures that support the development.

#### **No Advertising Displayed on Building**

32. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

### Expiry of Permit

33. 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:

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.

The City of Melbourne will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per City of Melbourne's policy, the developments in this area are not entitled to resident parking permits. Therefore, the residents/occupants/staff of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.