

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

Agenda item 6.1

**Ministerial Referral: TPM-2015-29  
183 – 189 A'Beckett Street Melbourne**

**21 June 2016**

**Presenter:** Evan Counsel, Practice Leader Statutory Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application to construct a 202m high building containing residential apartments with retail uses on ground level at 183 – 189 A'Beckett Street, Melbourne (refer to Attachment 2 Locality Plan)
2. The site is located in Capital City Zone- Schedule 1 and is affected by Heritage Overlay Schedule 995 and Parking Overlay Schedule 1.
3. The site is currently occupied by a three storey B graded heritage building (Melbourne City Council's Heritage Places Inventory Study 2008).
4. It is proposed to retain the front facade and side walls of the heritage building to a depth of approximately 14.9m. All other parts of the existing building including the roof are proposed to be demolished.
5. The proposed development will have a total Gross Floor Area of 39,150m<sup>2</sup> and include a total of 471 dwellings, 245m<sup>2</sup> of retail spaces, 44 car spaces proposed over five levels of the development, 142 bicycle spaces and 4 motorcycle spaces.

**Key issues**

6. Key issues to consider in the assessment of the application relate to heritage, built form including building height and setbacks, equitable development rights and internal and external amenity impacts.
7. Significant concerns are raised with regard to the impact of the proposal on the heritage building as the design response fails to conserve, respect and enhance the character and appearance of the heritage place.
8. The proposal by virtue of its height, inadequate setbacks and excessive plot ratio represents an overdevelopment of the site and fails to allow for equitable development of adjoining and adjacent sites.
9. The proposal fails to provide a reasonable level of internal amenity for future residents and will also have unreasonable impact on the amenity of the adjoining residential apartments to the east by way of visual bulk, loss of daylight and outlook.

**Recommendation from management**

10. That the Future Melbourne Committee resolves for a letter to be sent to the Department of Environment, Land, Water and Planning advising them that the Melbourne City Council objects to the proposal on the grounds set out in the Delegate Report (refer to Attachment 4).

**Attachments:**

1. Supporting Attachment (page 2 of 40)
2. Locality Plan (page 3 of 40)
3. Selected Plans (page 4 of 40)
4. Delegate Report (page 23 of 40)

## Supporting Attachment

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### Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. Amendment C262 to the Melbourne Planning Scheme was gazetted on 4 September 2015. It applies to land in the Central City and Southbank on an interim basis and includes transitional provisions.
3. This application was lodged prior to Amendment C262 being gazetted and consequently, the policy and controls introduced by Amendment C262 do not apply to this application.

### Finance

4. There are no direct financial issues arising from the recommendations contained within this report.

### Conflict of interest

5. 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

6. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

### Relation to Council policy

7. Relevant Council policies are discussed in the attached Delegate Report (refer to Attachment 4).

### Environmental sustainability

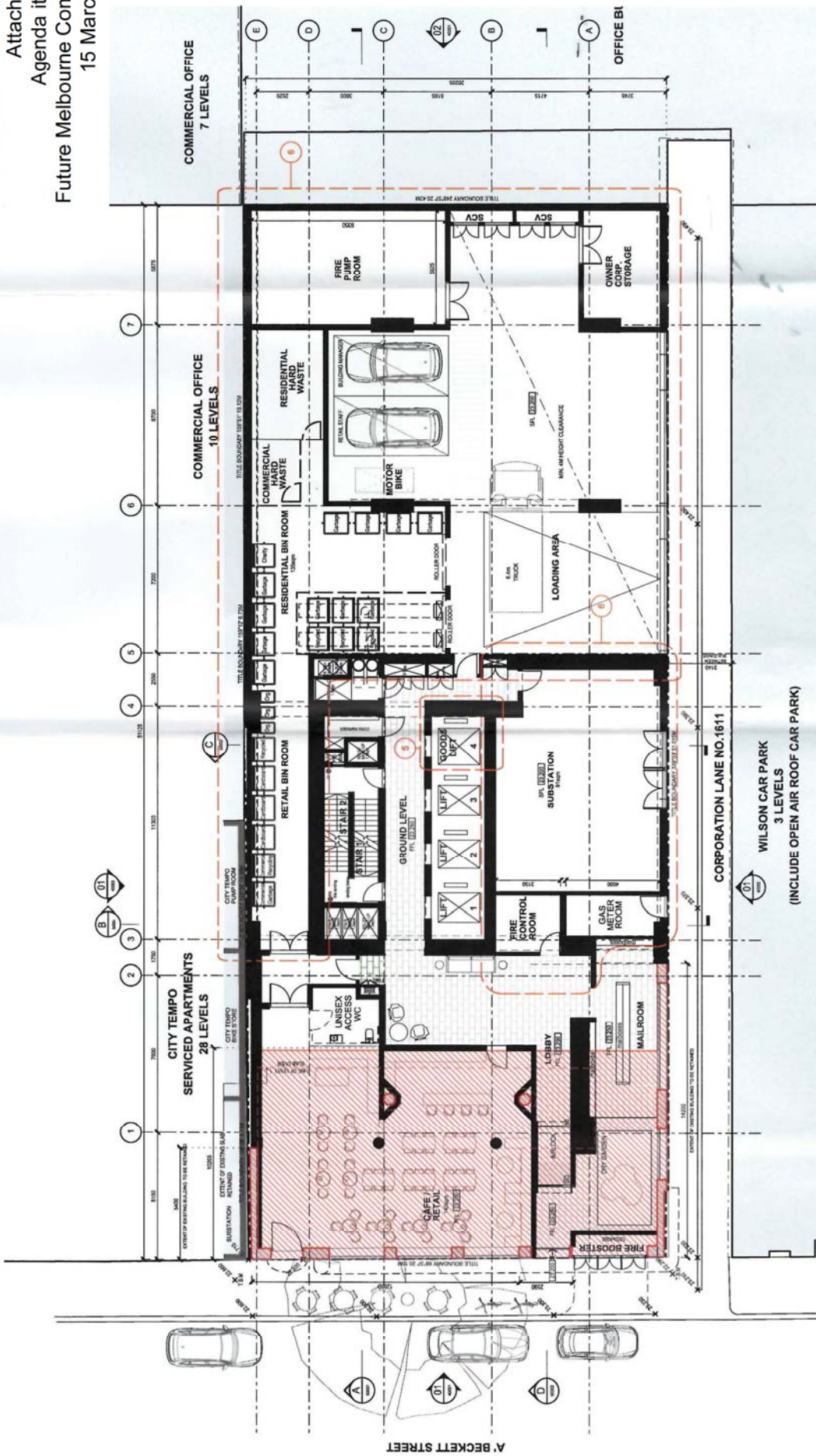
8. Pursuant to Clauses 22.19 and 22.23 of the Melbourne Planning Scheme, an environmentally sustainable design statement was submitted confirming that the development has the preliminary design potential to achieve a Five Star Green Star Rating and complies with the Stormwater Management Policy.

# Locality Plan

Attachment 2  
Agenda item 6.1  
Future Melbourne Committee  
21 June 2016

## 183-189 A'Beckett Street, Melbourne





PLANNING  
 16 DEC 2015

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**183-189 A'BECKETT ST**

TOWN PLANNING | ARCHITECTURAL BOOK OF PLANS  
 A'BECKETT RESIDENCES  
 183-189 A'Beckett Street, Melbourne VIC 3000

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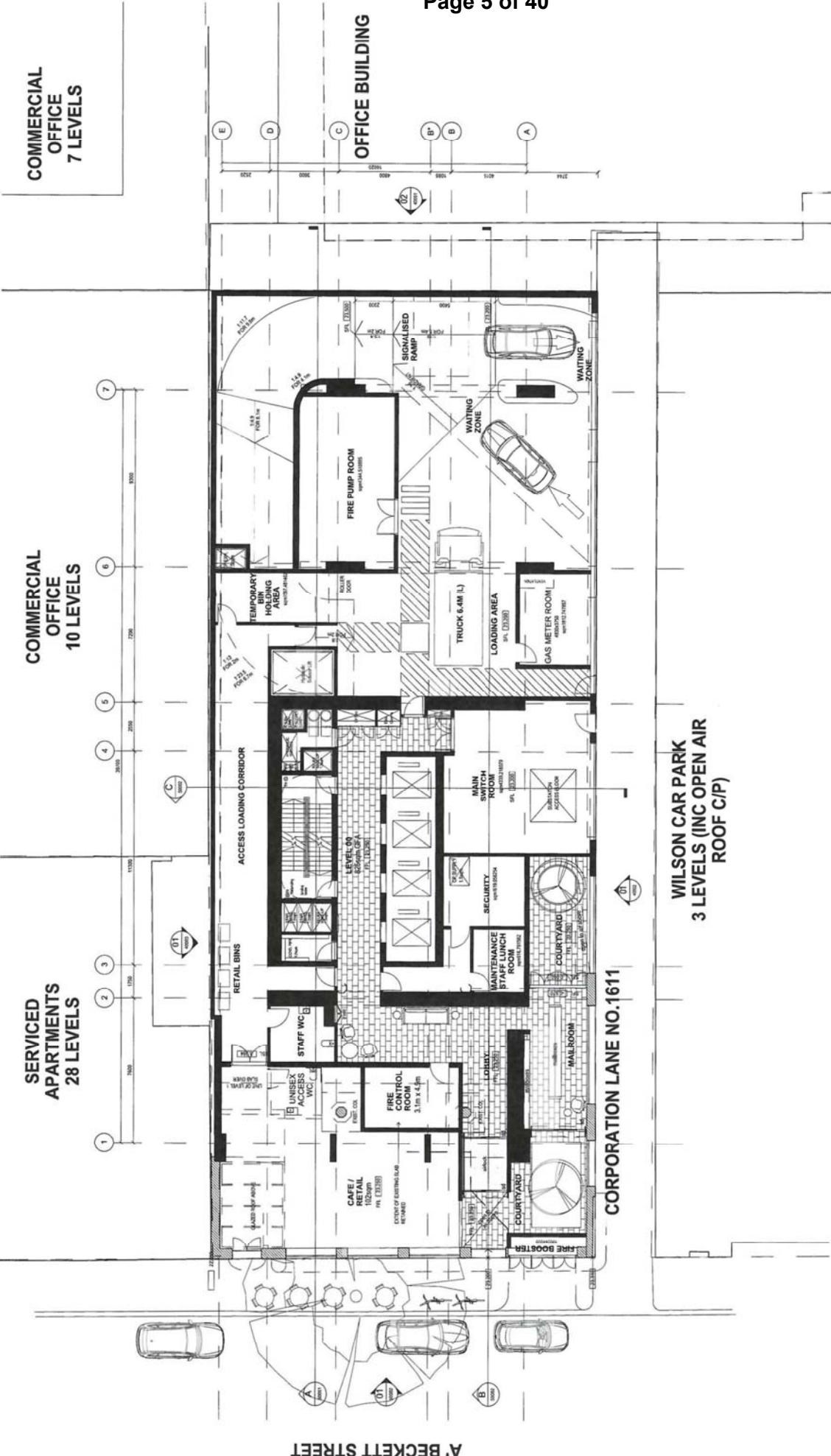
LEVEL 00 (GROUND)  
 GENERAL ARRANGEMENT PLAN



ATP-20003

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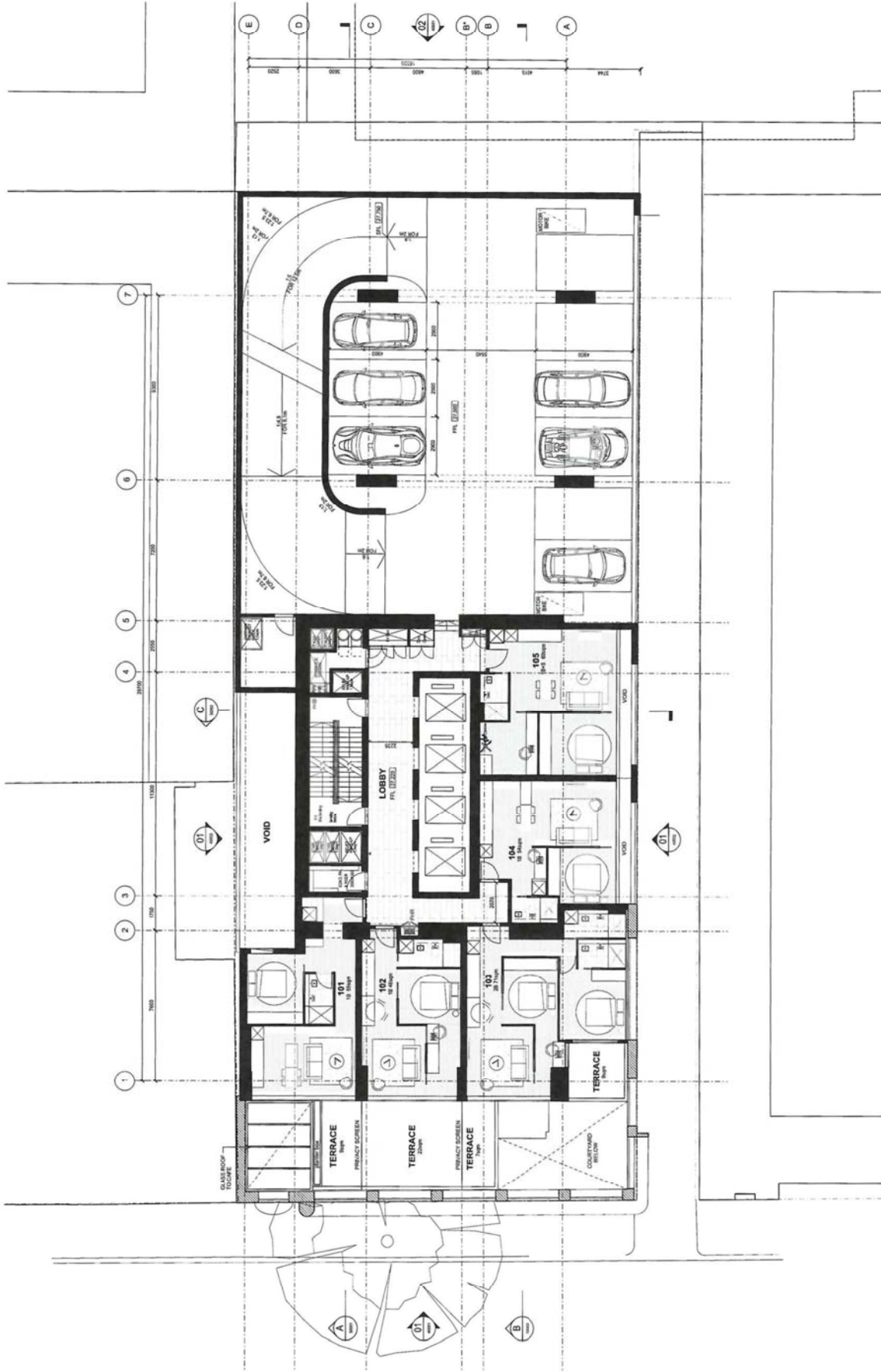
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LEVEL 00 (GROUND)  
GENERAL ARRANGEMENT PLAN

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JUNE 2015

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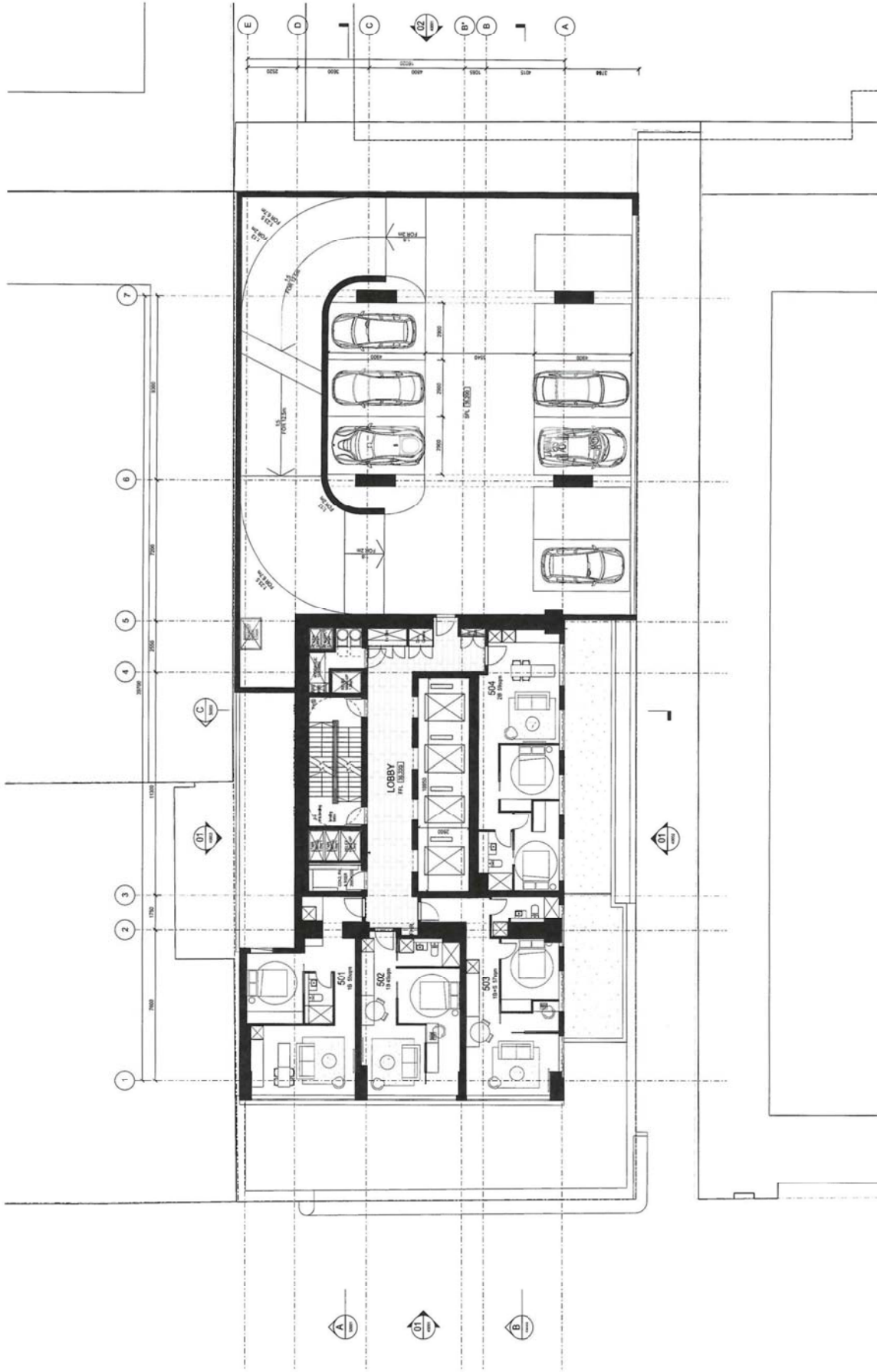
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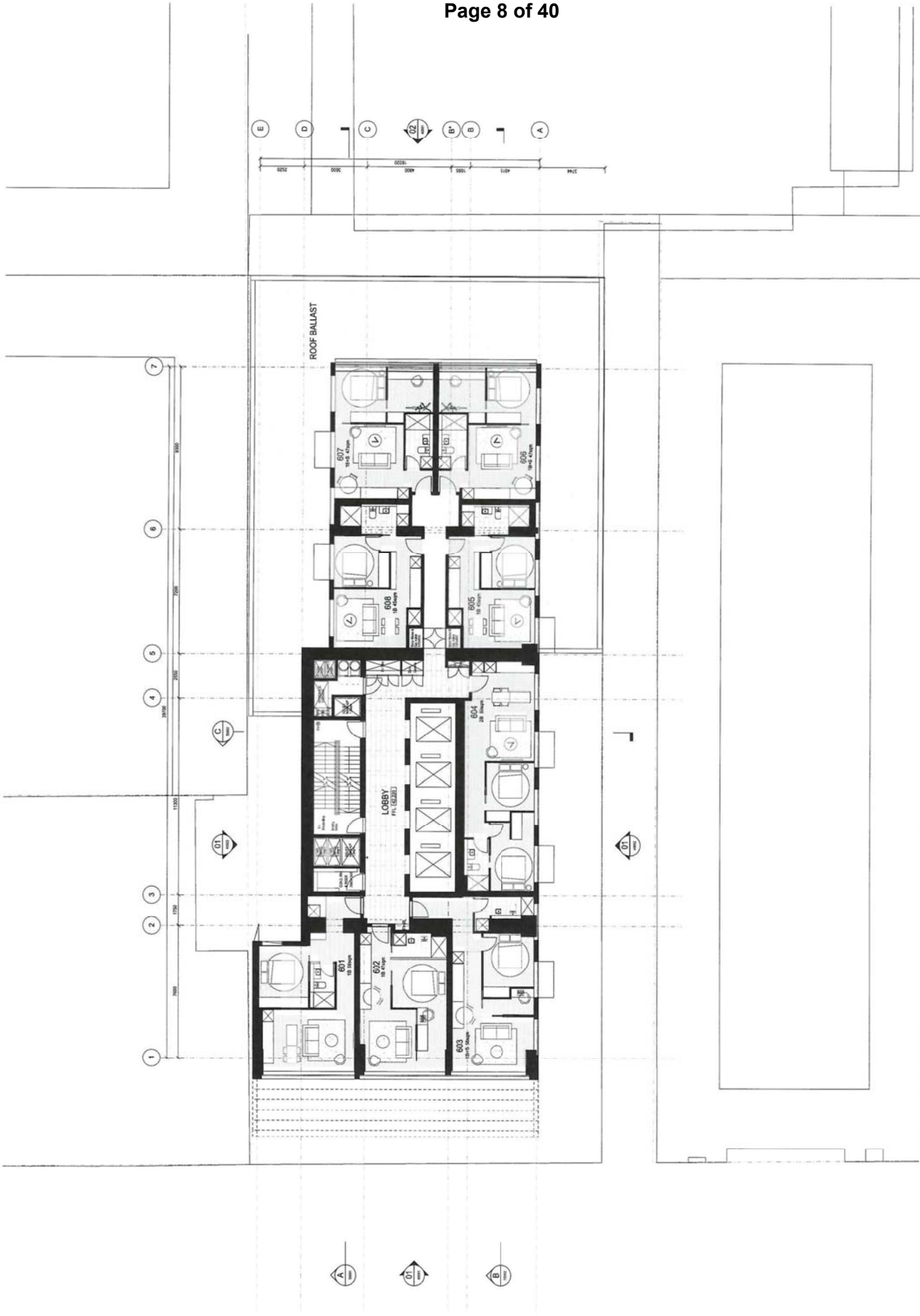


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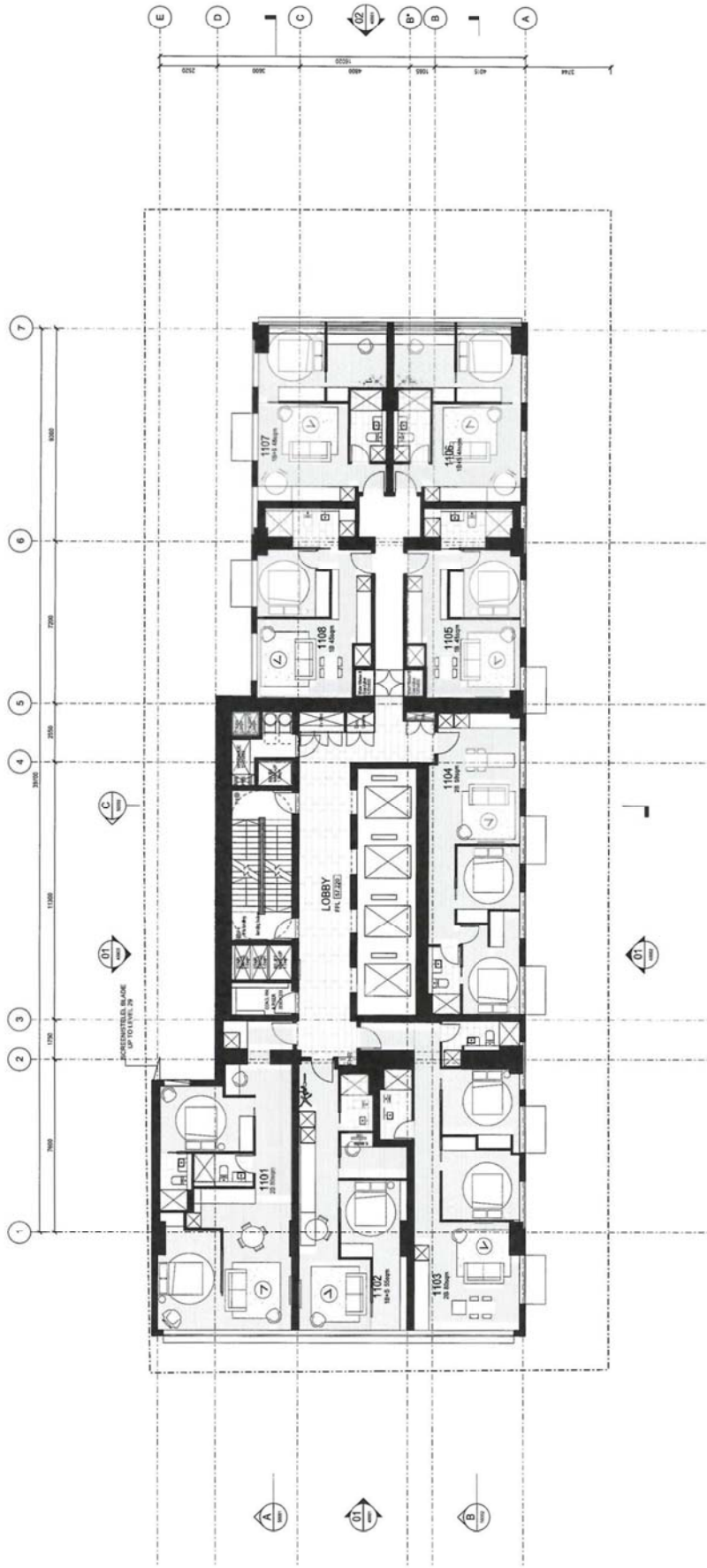
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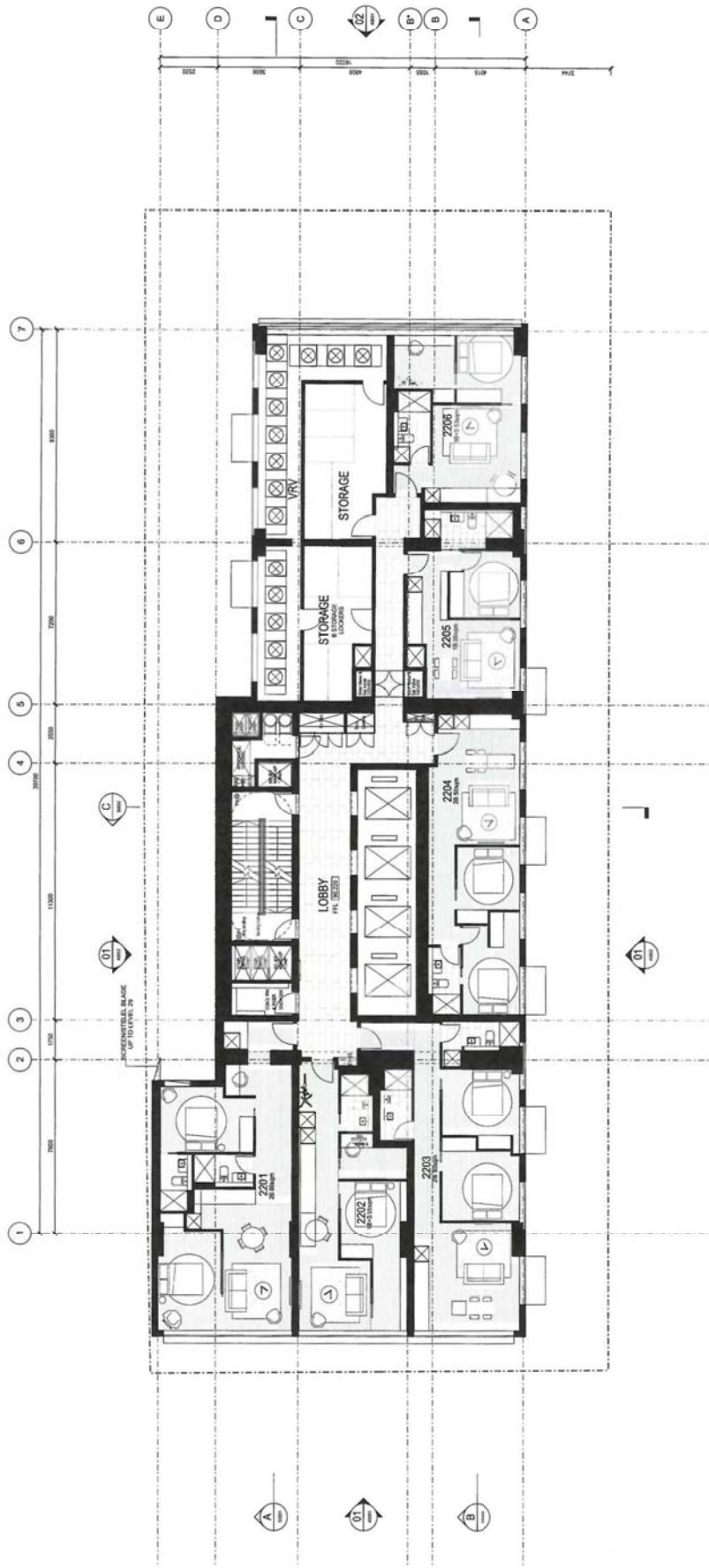


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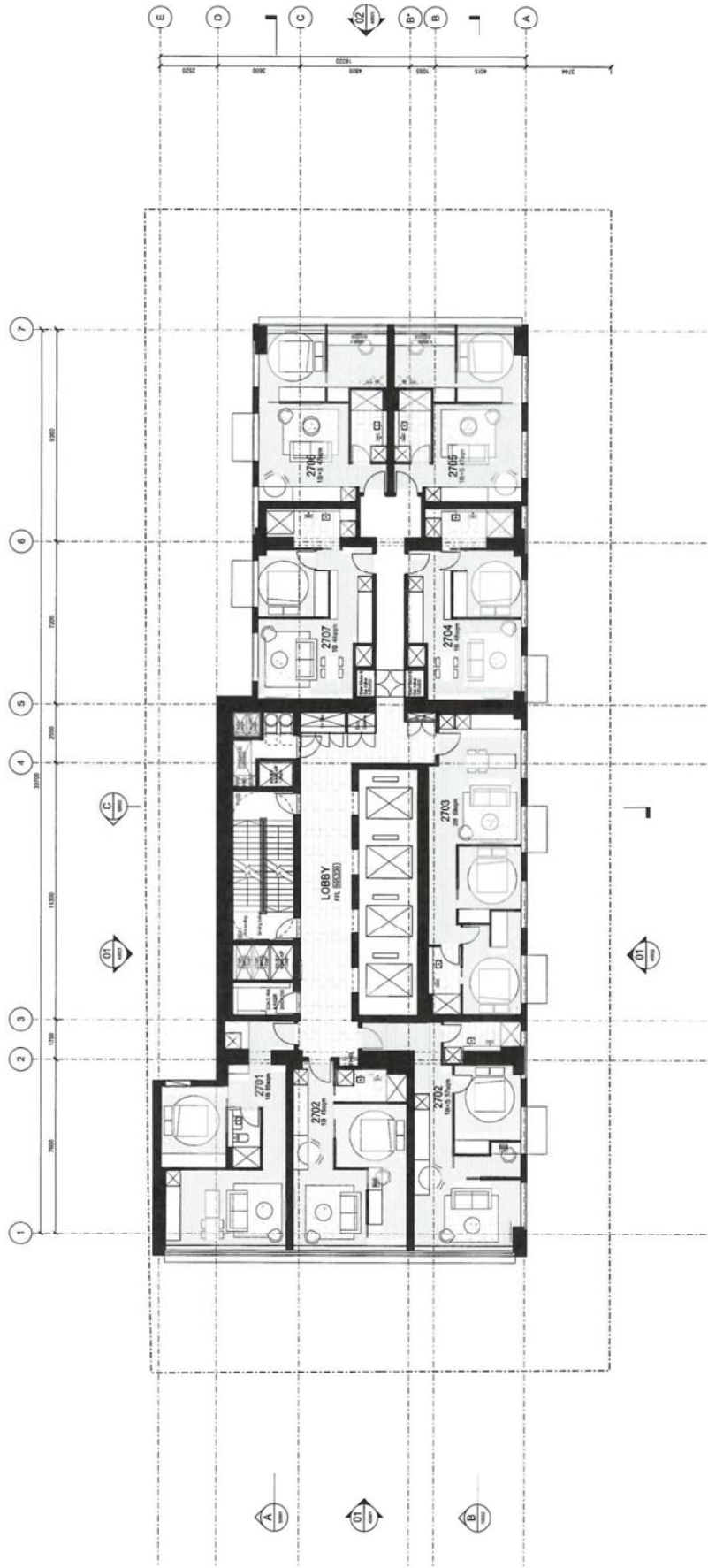




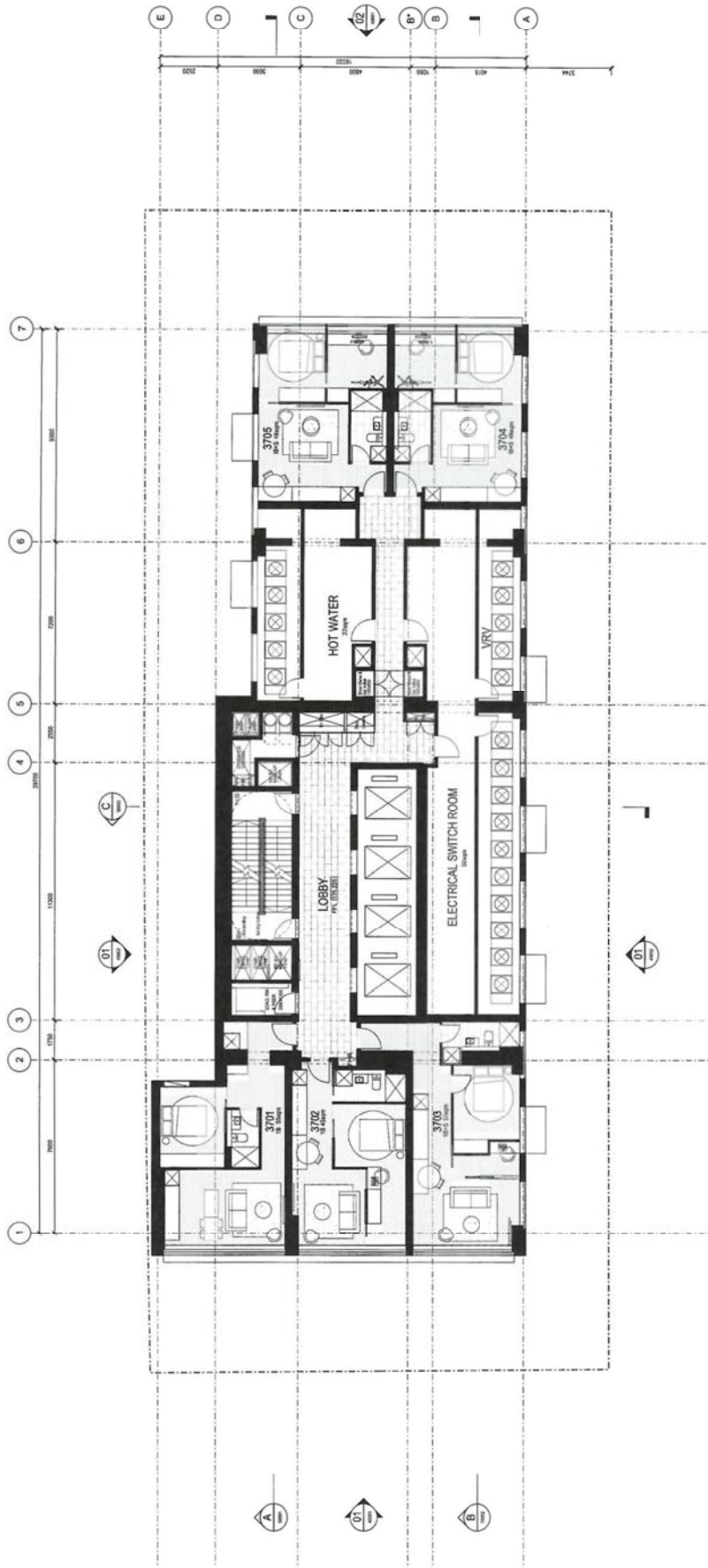
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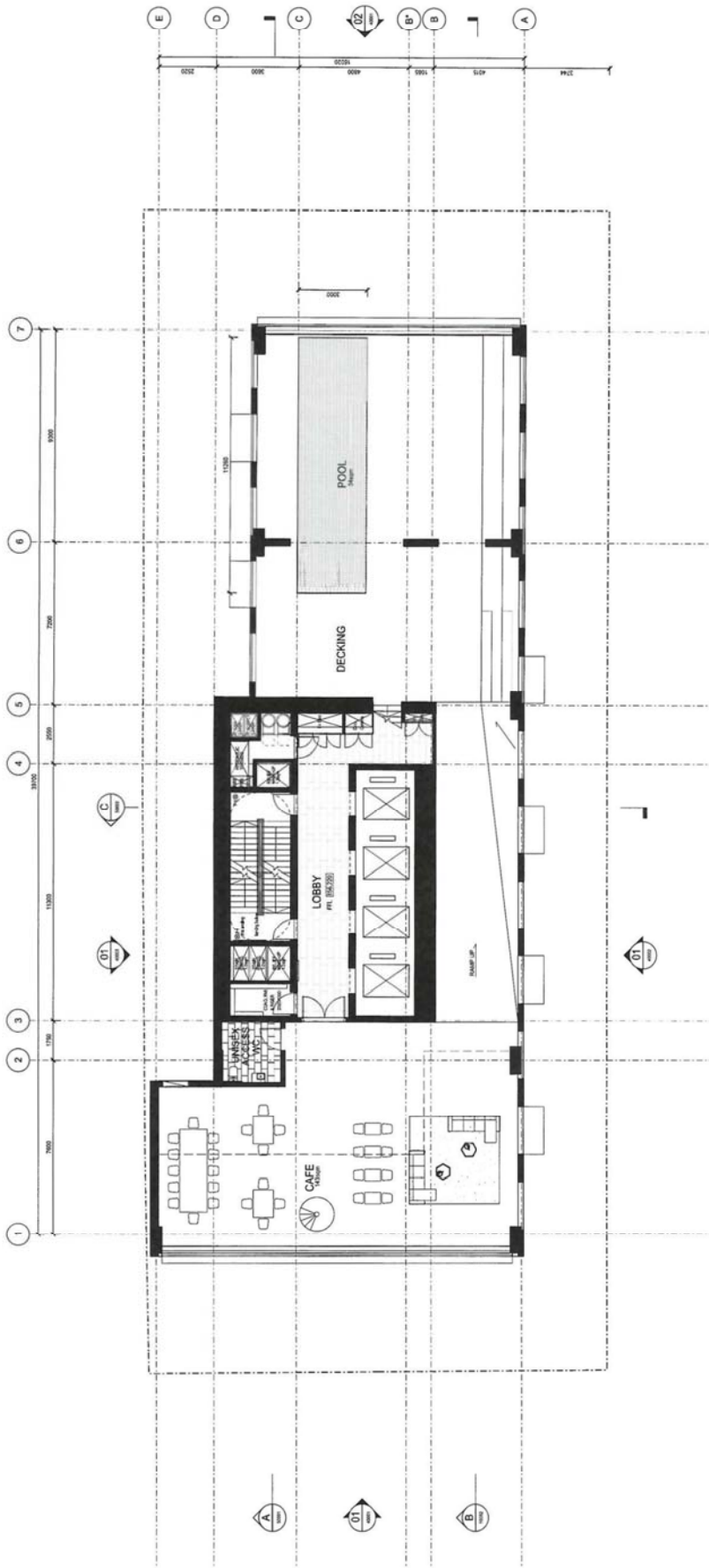
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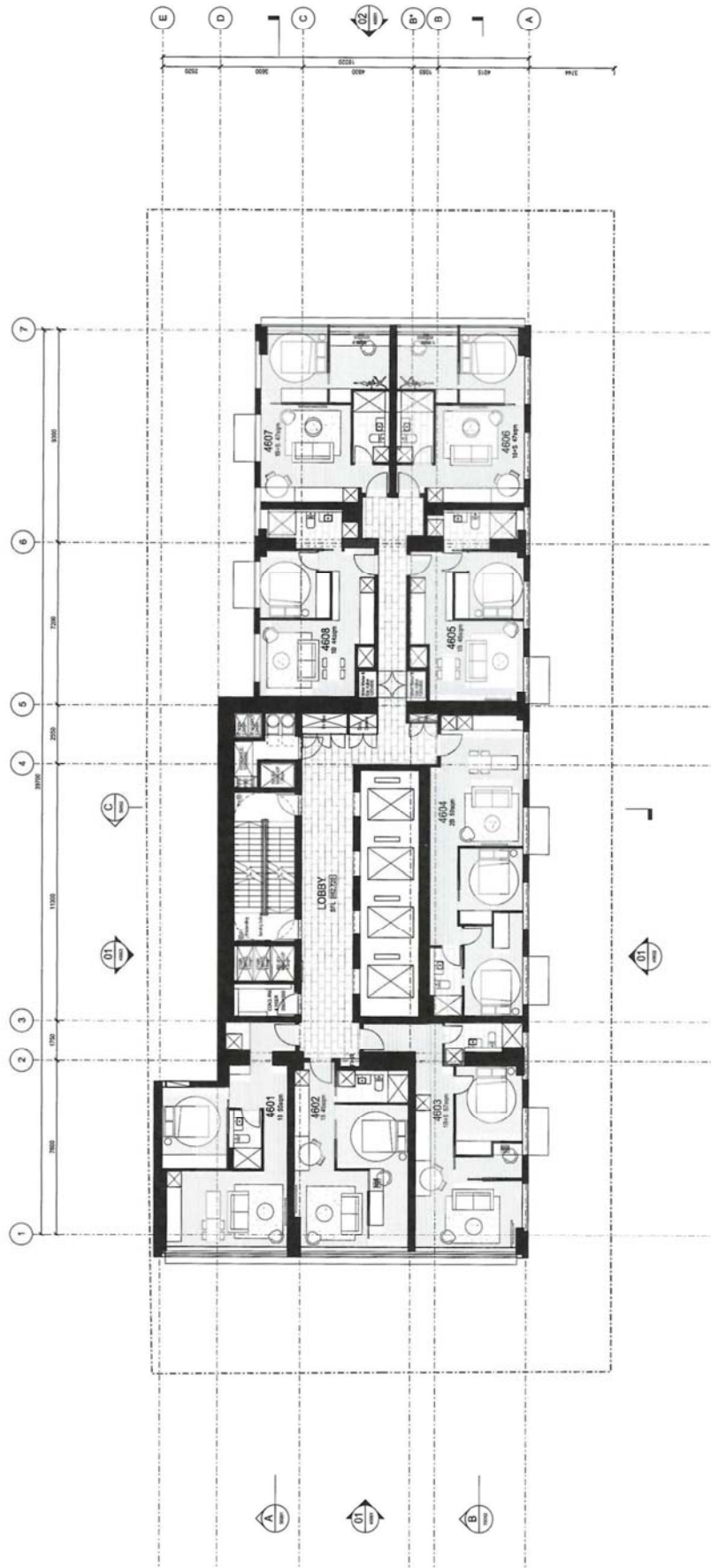
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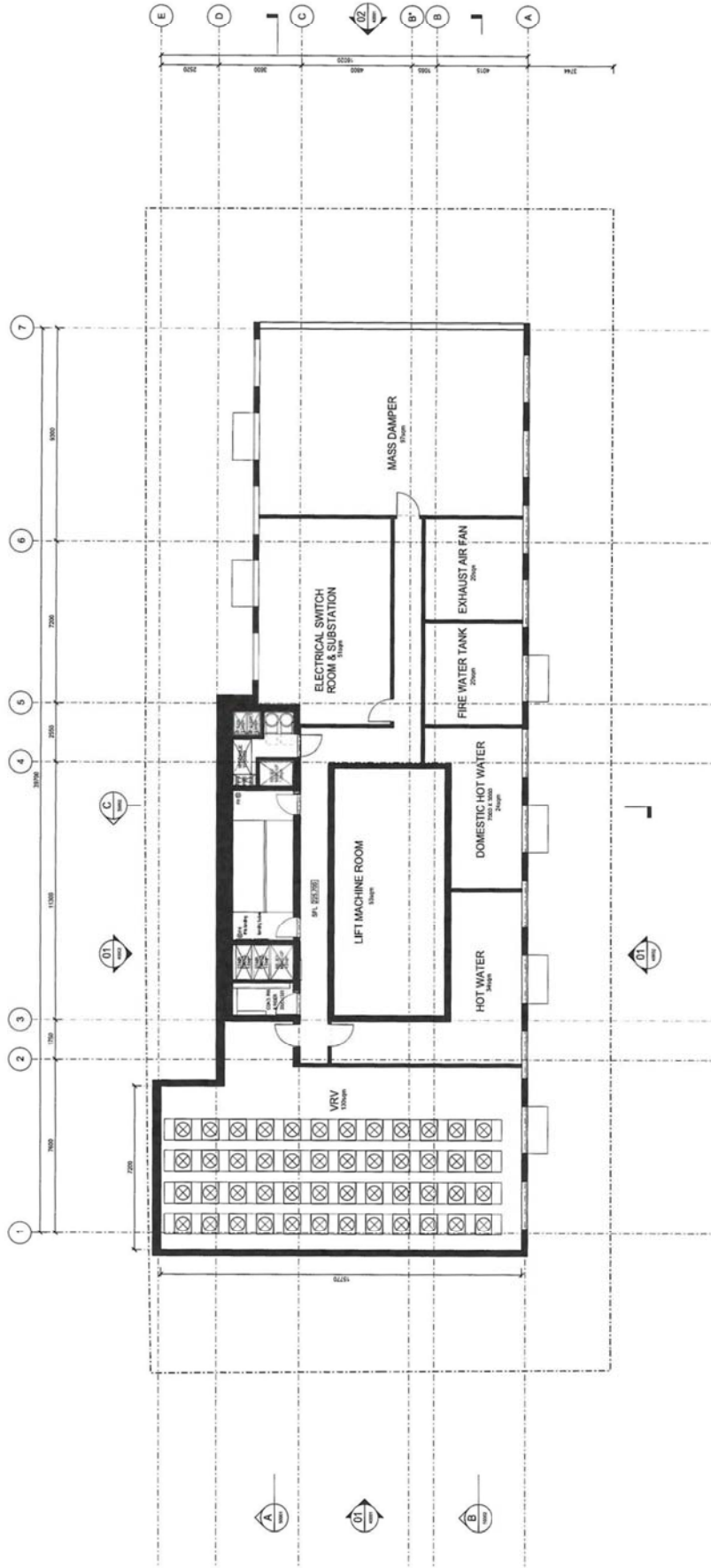


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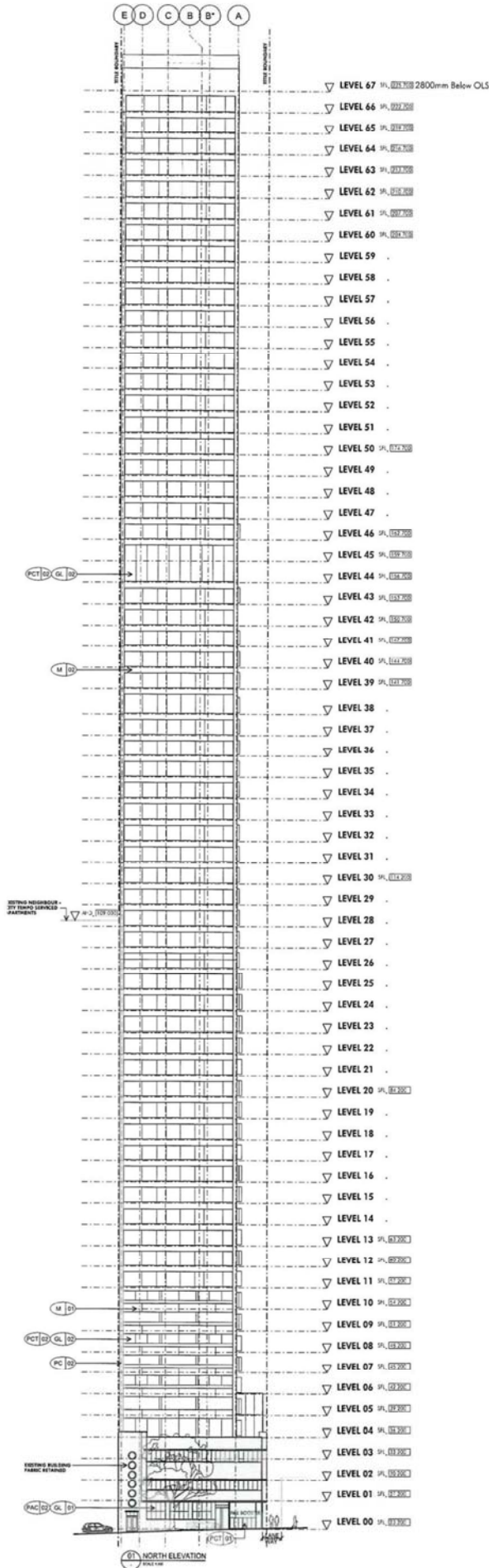
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NORTH AND SOUTH ELEVATIONS N

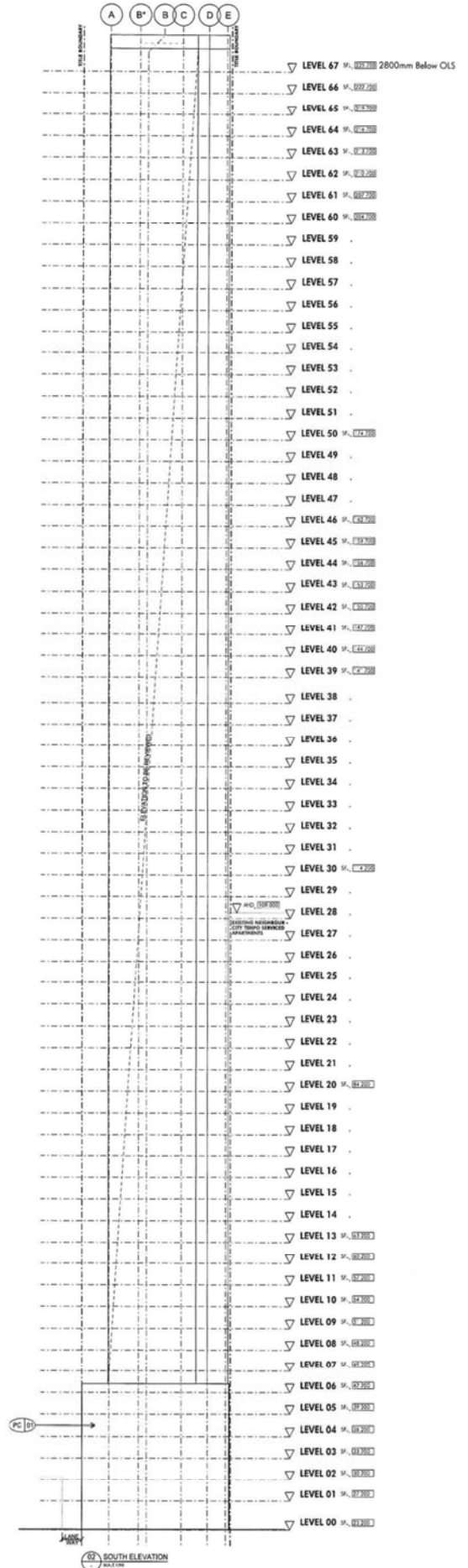


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THE BUCHANAN



GL-01	GLAZING COLOUR - CLEAR	A/C	Air-Conditioner Concealer
GL-02	GLAZING COLOUR - GREY TONES	B1	Balcony and
M-01	METAL PANELS - Stainless Steel Brushed	BAL	Balustrade
M-02	METAL PANELS - Stainless Steel	B1P	Balustrade Panel
PAC-01/PCT-01	PAINT FINISH Colour - Charcoal	FP	Fire Protection Panel
PAC-02/PCT-02	PAINT FINISH Colour - Black	FPB	Fire Protection Balustrade
PAC-03/PCT-03	PAINT FINISH Colour - White	SP	Structural Steel Stud
PC-01	CONCRETE Colour - Blue Colour	St	Staircase
PC-02	CONCRETE 'Tide Over Material' Floor Finish	GARB	Garage
PC-03	CONCRETE 'Dark Grey' Internal Floor Finish	REC	Reception
STN-01	'STONE' Blue/Grey	CARD	Cardroom
		CHAIR	Chair
		CON	Commercial
		CONC	Concrete
		GLASS	Glass
		INS	Insulation
		IRON	Iron
		SC	Security Screen - Range 1200 AFFL
		SG	Security Gate



GL-01	GLAZING COLOUR - CLEAR	A/C	Air-Conditioner Concealer
GL-02	GLAZING COLOUR - GREY TONES	B1	Balcony and
M-01	METAL PANELS - Stainless Steel Brushed	BAL	Balustrade
M-02	METAL PANELS - Stainless Steel	B1P	Balustrade Panel
PAC-01/PCT-01	PAINT FINISH Colour - Charcoal	FP	Fire Protection Panel
PAC-02/PCT-02	PAINT FINISH Colour - Black	FPB	Fire Protection Balustrade
PAC-03/PCT-03	PAINT FINISH Colour - White	SP	Structural Steel Stud
PC-01	CONCRETE Colour - Blue Colour	St	Staircase
PC-02	CONCRETE 'Tide Over Material' Floor Finish	GARB	Garage
PC-03	CONCRETE 'Dark Grey' Internal Floor Finish	REC	Reception
STN-01	'STONE' Blue/Grey	CARD	Cardroom
		CHAIR	Chair
		CON	Commercial
		CONC	Concrete
		GLASS	Glass
		INS	Insulation
		IRON	Iron
		SC	Security Screen - Range 1200 AFFL
		SG	Security Gate

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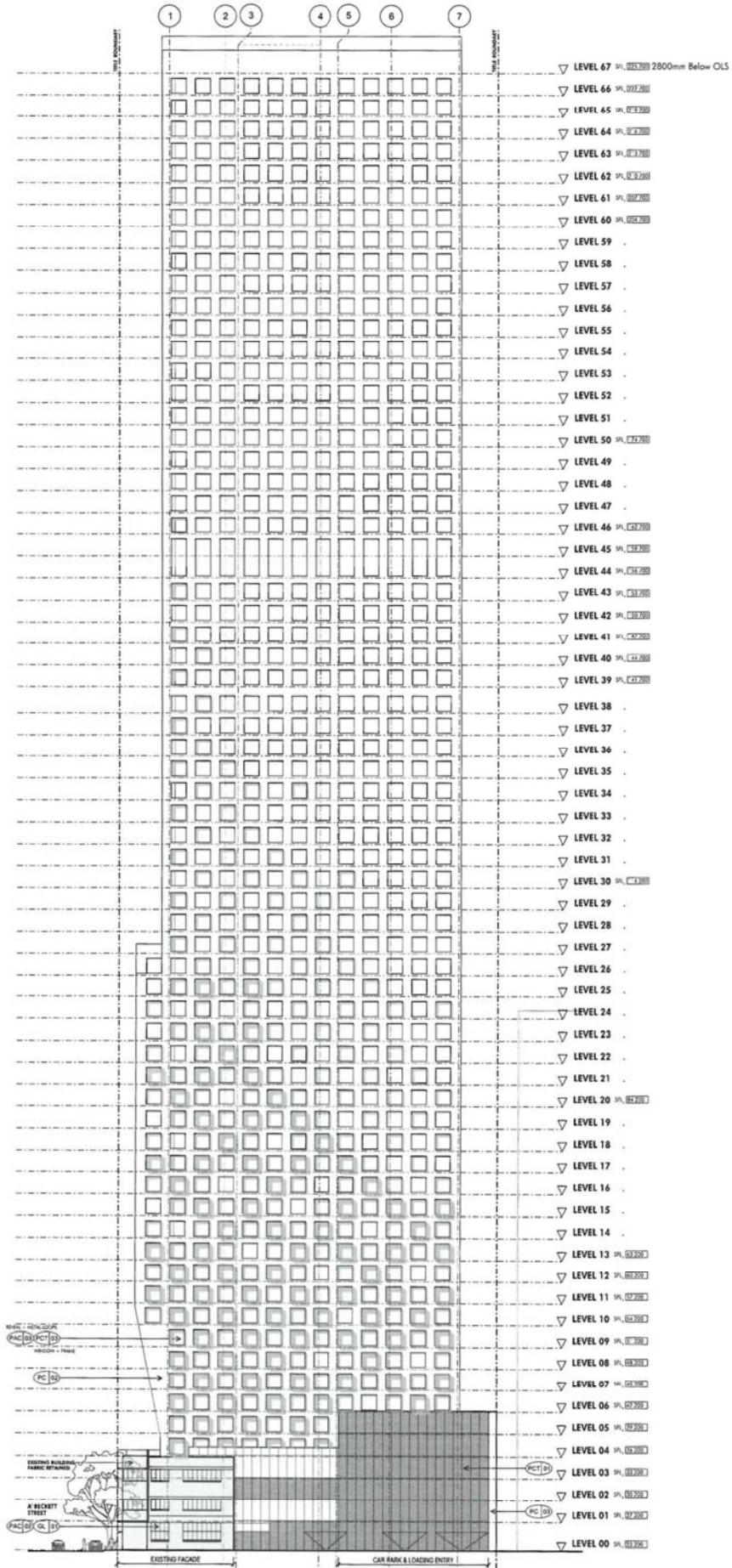


Building Level & Elevation Only Per IAL  
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 Project: 183-189 A/Beckett Street - Melbourne VIC - 2015  
 Title: Architectural - Elevation  
 Date: 13/07/2015  
 Drawn: [Name]

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 183-189 A/Beckett Street, Melbourne VIC 3000

**JUNE 2015**  
 REVISION: -  
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 PROJ. NO.: 314071

**WEST ELEVATION**



**01 WEST ELEVATION**

GL-01	GLAZING COLOUR - CLEAR	A/C	Air-Conditioner Canister
GL-02	GLAZING COLOUR - GREY TINTED	B1	Basement Level 1
GL-03	GLAZING COLOUR - BLUE AND GREEN TONES	B2	Basement Level 2
M-01	METAL FINISH - Stainless Steel Brushed	BAL	Balustrade
M-02	METAL FINISH - Stainless Steel Polished	BAL	Balustrade
M-03	METAL FINISH - Chrome Brushed	BAL	Balustrade
PAC-01/PCT-01	PAINT FINISH Colour - Charcoal	PIP	Fire Indicator Panel
PAC-02/PCT-02	PAINT FINISH Colour - Black	PFL	Fire Alarm Panel
PAC-03/PCT-03	PAINT FINISH Colour - White	SPL	Structural Floor Level
PC-01	CONCRETE Colour - Red Colour	SL	Staircase
PC-02	CONCRETE Colour - Blue Colour	GARB	Garage
PC-03	CONCRETE Colour - Grey Colour	SECT	Section
STN-01	STONE Blue Stone	CABD	Canopy

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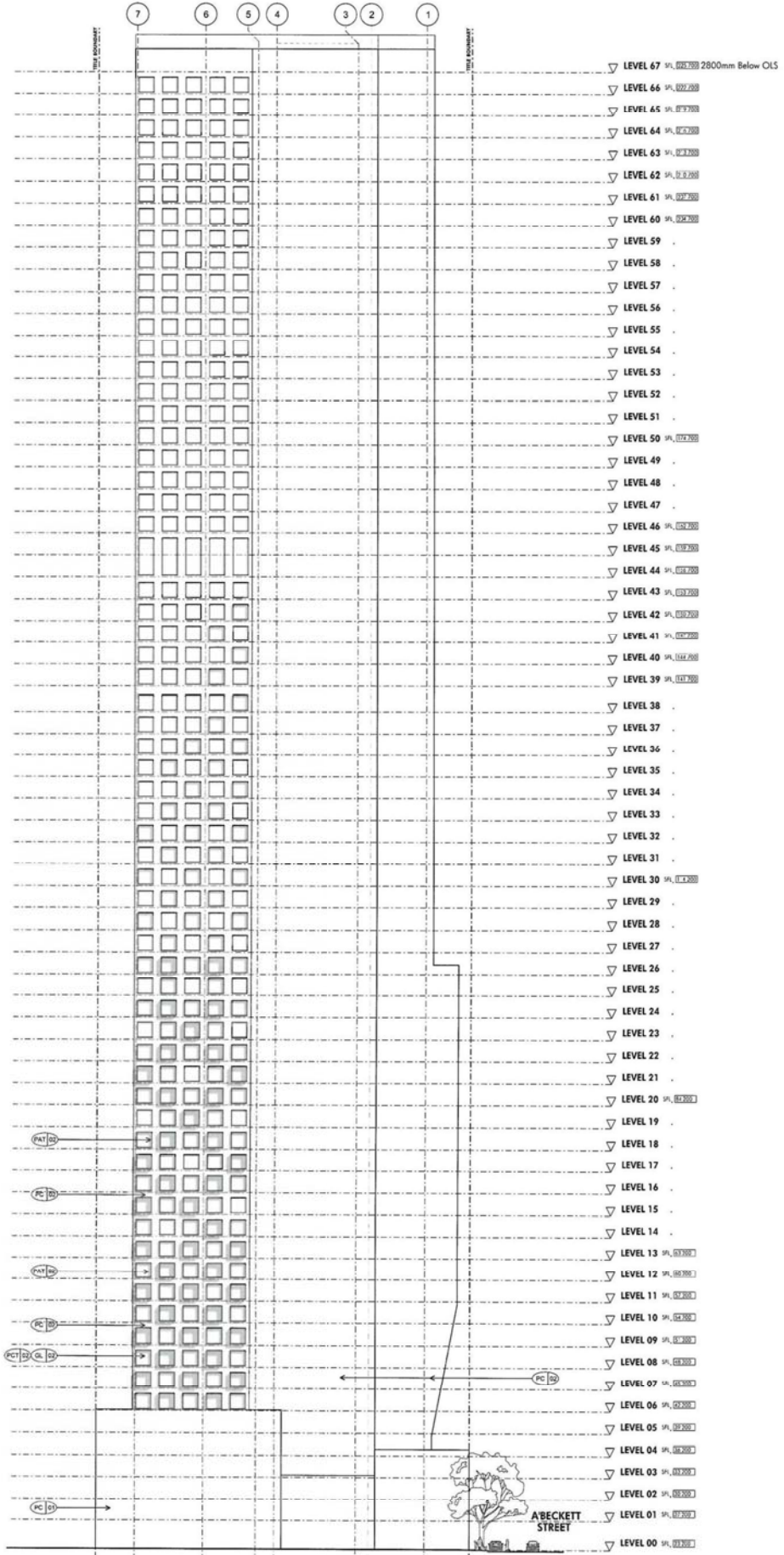
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**EAST ELEVATION**



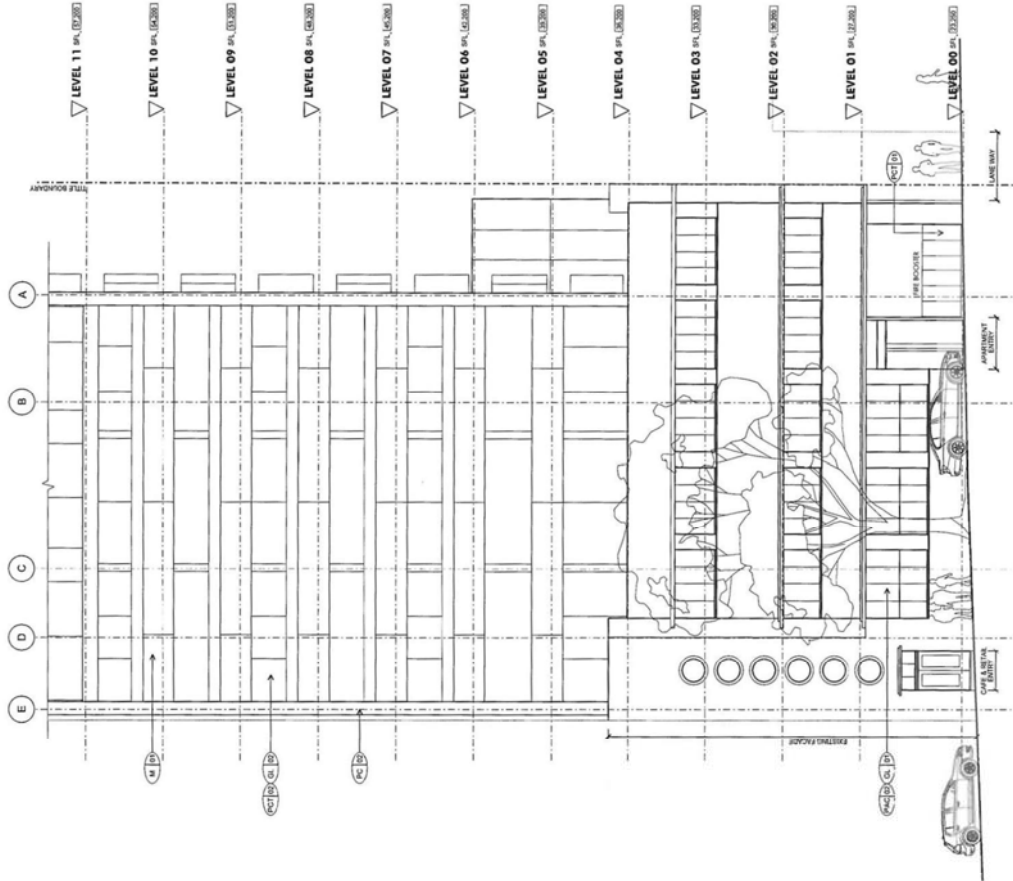
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GL-01	GRADING COLOUR - CLARK	A/C	Air-Conditioner Concealer
GL-02	GRADING COLOUR - GREY TONES	B1	Basement Level 1
M-01	METAL PANELS - BRUSHED STAINLESS	B2	Basement Level 2
M-02	METAL PANELS - STAINLESS STEEL BRUSHED	BS	Battery
PAC-01/PCL-01	PAINT FINISH - Colour - Charcoal	FB	Fire Break Panel
PAC-02/PCL-02	PAINT FINISH - Colour - White	FP	Fire Protection Panel
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PC-100	CONCRETE - Coloured - Raw Colour	FL	Fire Floor Level

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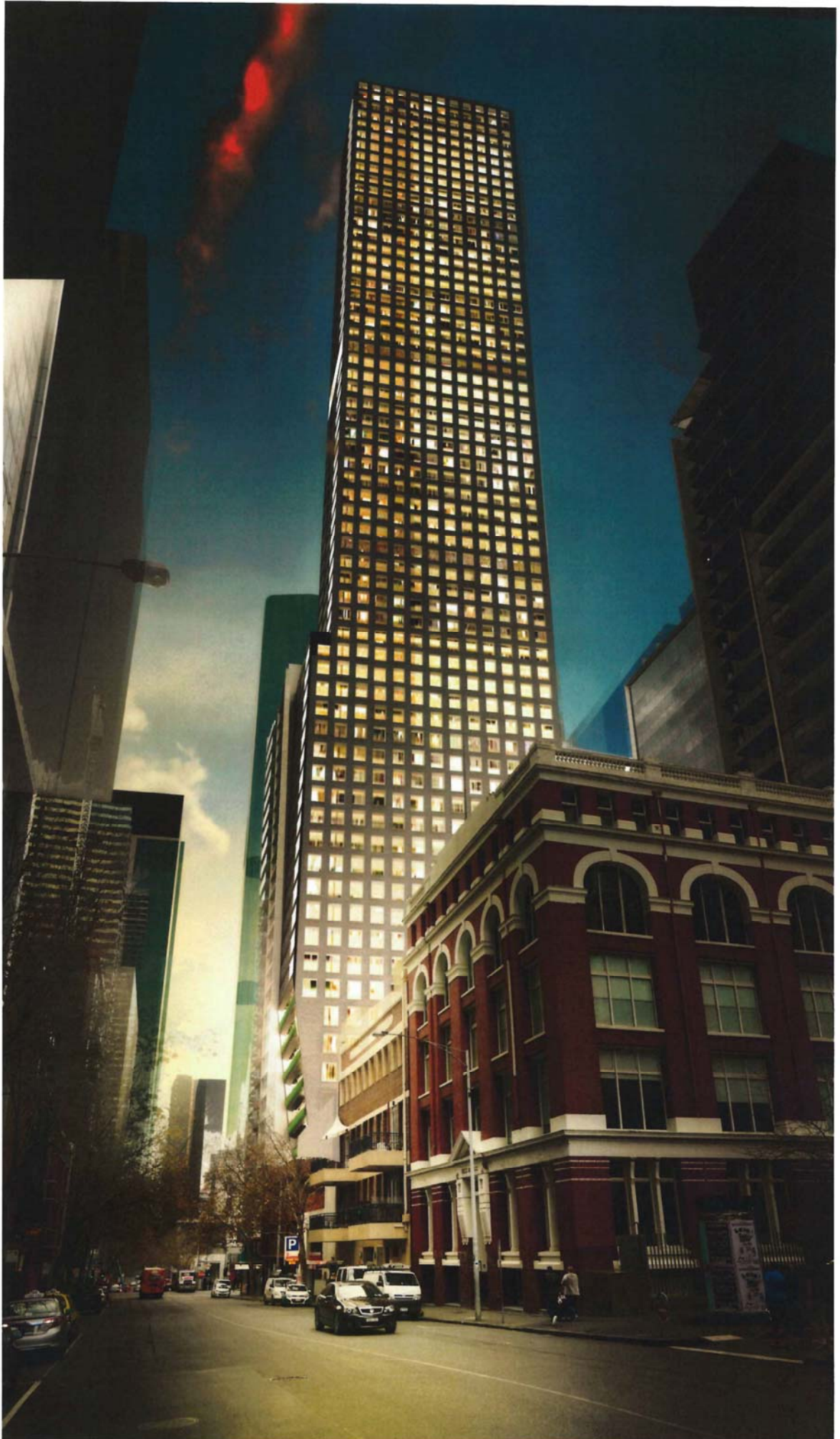
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 REVISION: N/A - NOT TO SCALE  
 SCALE: N/A - NOT TO SCALE  
 PROJ. NO.: 314071

**3D VISUALISATION**  
 3D Render - V01

**ATP-90001**

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**3D VISUALISATION  
3D Render - V02**

**ATP-90002**

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A'BECKETT RESIDENCES  
183-189 A'Beckett Street, Melbourne VIC 3000

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**3D VISUALISATION**  
3D Render V03

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## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2015-29</b>
<b>DTPLI Application number:</b>	201535725
<b>Applicant / Owner / Architect:</b>	Urbis / AZX Australia Xing Development Pty Ltf / The Buchan Group
<b>Address:</b>	183-189 A'Beckett Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Partial demolition and construction of a multi level building comprising of residential apartments, ground floor retail and basement car and bicycle parking
<b>Cost of works:</b>	\$150,000,000
<b>Date received by City of Melbourne:</b>	9 September 2015
<b>Responsible officer:</b>	Esha Rahman
<b>Report Date:</b>	17 May 2016
<b>(DM# 9858418)</b>	

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The subject site is located on the south side of A'Beckett Street, approximately 19m west of Queen Street in Melbourne. A Corporation Lane identified as 'CL 1611' is located adjacent to the west boundary of the site. This lane has a width of approximately 3m.

The site is rectangular in shape with a frontage of approximately 20.10m to A'Beckett Street, a depth of approximately 51.02m and a total site area of approximately 1,038 square metres. The site is relatively flat.

The site is occupied with a three storey un-painted red brick building which is built to all boundaries. The building is from an Inter War period, and the Melbourne City Council's Heritage Places Inventory Study 2008 identifies the building as B graded with A'Beckett Street being a level 2 streetscape. The Building Identification Sheet outlines the following statement of significance for the building:

'A successfully designed and representative example of the Moderne style which counteracts curved verticals with horizontal elements to achieve a balanced, three dimensionally perceived design also of interest as one of the few surviving designs from Edgar Billson in this period.'

Vehicular and pedestrian access to the site is currently provided via both A'Beckett Street and the laneway abutting the west of the site.

The site is not affected by any easements or restrictive covenants.

## 1.2. Surrounds

This area of the city includes a mix of building heights, ranging between one storey retail premises, mid-rise and high-rise office and residential towers. This area is continuing to experience significant change with a number of multi-level buildings either existing or under construction.

The subject site has the following immediate interfaces:

### North

The north side A'Beckett Street between William and Queen Streets is generally characterised by low to medium scale buildings. Directly opposite the site across A'Beckett Street are two sites occupied with 10 and three storey buildings used for commercial purposes.

### South

To the south is 380 La Trobe Street which is a large 'L' shaped site with an area of approximately 2908 square metres. Part of the site extends out to A'Beckett Street and is located to the west of the subject site adjacent to the Council Lane.

This site is currently developed with a 24 storey office building with ground floor retail. Part of the site which extends out to A'Beckett Street is occupied with a two storey commercial car park.

### East

The subject site abuts two properties to the east; 175-181 A'Beckett Street and 341 Queen Street.

The site at 175-181 A'Beckett Street is currently occupied with a 29 storey residential building with retail uses on ground level. Part of this development to the rear contains apartments with private terraces/balconies and habitable windows setback 3m from the western boundary, the common boundary with the subject site.

The site at 341 Queen Street is currently occupied with an 11 storey office building which is built to all boundaries and has a frontage to Queen Street.

### West

To the west is the Council Lane 'CL 1611' and across this is part of the site at 380 La Trobe Street which is occupied by a commercial car park.



Aerial Photo / Locality Plan



Figure 1: Location of subject site shown in red.



Figure 2: Streetscape view of the existing B graded building on the subject site and the adjoining 29 storey residential development located to the immediate east of the site at 175-181 A'Beckett Street.

## 2. THE PROPOSAL

DELWP have given formal notice of the application to the City of Melbourne. The plans provided for comment were received on 9 September 2015.

The application proposes the following uses:

<b>Dwelling</b>	Total number of dwellings: 471 One bedroom apartments: 203 One bedroom apartments with study: 175 Two bedroom apartments: 92 Three bedroom apartments: 1
<b>Restaurant/café</b>	Leasable floor area 245 square metres provided on ground level and level 44.

The specific details of the proposal are as follows:

<b>Building height</b>	202.5m approx.
<b>Podium height</b>	Heritage Building - approximately 14m. Mid podium - approximately 35m
<b>Front, side and rear setbacks</b>	North (front): On this elevation the tower involves a staggered setback as follows: <ul style="list-style-type: none"> <li>- Approximately 5m from level 3 to 10</li> <li>- Approximately 1.5m from level 11 to 26</li> <li>- Approximately 5m from level 27 to 67</li> </ul> South (rear) – 5m East (side) – 3m to 5.15m West (side) - 5.15m to the centre of laneway
<b>Extent of demolition of existing building</b>	The existing façade on the northern elevation and side walls to a depth of approximately 14.9m on the west elevation and approximately 5m on the east elevation will be retained. All other parts of the existing building including the entire roof structure are proposed to be demolished.
<b>Gross floor area (GFA)</b>	39,150sqm
<b>Car parking spaces</b>	44 car spaces
<b>Bicycle facilities and spaces</b>	142 spaces
<b>Motorcycle spaces</b>	4 spaces
<b>Loading/unloading</b>	A loading bay is proposed to be provided to the rear of the site for waste collection, retail loading and can accommodate trucks up to a 6.4m small rigid vehicle.
<b>Vehicle access</b>	The existing crossover from A'Beckett Street is proposed to be removed. New vehicle access proposed to the rear of the site from the laneway abutting the site to the west.



Figure 3: 3D image of proposed tower as viewed from A'Beckett Street.

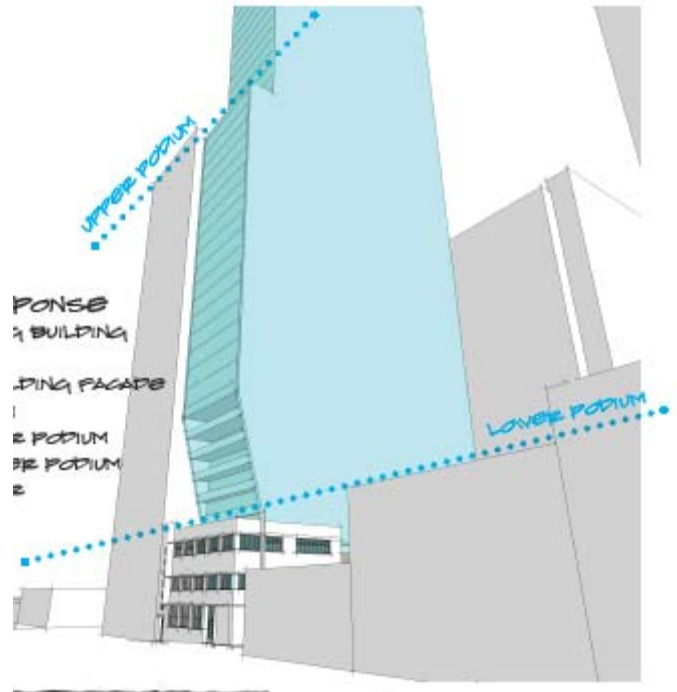


Figure 4: Proposed tower massing and its relationship with the existing heritage facade

### 3. BACKGROUND

#### 3.1. Pre-application discussions

A pre-application meeting was held with officers and members of the Land Survey Department of Melbourne City Council. There were no plans presented and discussion was primarily around purchasing the adjoining site to the west which forms part of 380 La Trobe Street and consolidating the two sites and discontinuing the laneway.

Melbourne City Council is not aware of any pre-application meeting being undertaken in relation to the subject planning application prior to its formal lodgement.

### 4. AMENDMENTS DURING THE PROCESS

Concerns were raised by officers at the Department and Melbourne City Council in relation to the height, scale, bulk and setbacks of the proposed development. This resulted in the applicant informally submitting amended plans. The latest set of informal amended plans was received by Melbourne City Council on 4 April 2016 and as indicated by the applicant, these have been submitted without prejudice.

The informal amended plans show the following key changes:

- Increase tower setback from A'Beckett Street and the existing heritage façade to 7m minimum and increased balcony setback to 5m minimum.
- Retention of the roof of the heritage building to a depth of approximately 5m.
- Removal of three levels of front balconies above the heritage façade.
- Internal alterations to floor layout resulting in a one bedroom apartments to be of a minimum size of 50 sqm and two bedroom apartments to be of a minimum size of 65 sqm.
- The front section of the tower on the eastern elevation setback 3 metres from the boundary.
- Reduction in total apartment numbers from 471 to 432 apartments.
- Reduction in car parking numbers from 44 to 2 car spaces and relocation of these spaces from podium to ground level only.
- Increase in the provision of bicycle spaces from 142 to 229.
- Reduction in the number of motorcycle spaces proposed from 4 to 2.
- Relocated residential communal spaces and café from levels 44 to podium levels 1 and 2.

## 5. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> <li>• Clause 9, Plan Melbourne</li> <li>• Clause 15.01-2, Urban design principles</li> <li>• Clause 15.02-1, Energy and resource efficiency</li> <li>• Clause 18.02-1, Sustainable personal transport</li> <li>• Clause 18.02-2, Cycling</li> <li>• Clause 18.02-5, Car parking</li> </ul>
Municipal Strategic Statement	<ul style="list-style-type: none"> <li>• Clause 21.02, Municipal Profile</li> <li>• Clause 21.03, Vision</li> <li>• Clause 21.04, Settlement</li> <li>• Clause 21.05, City Structure and Built Form</li> <li>• Clause 21.06, Built Environment and Heritage</li> <li>• Clause 21.08, Economic Development</li> <li>• Clause 21.12, Hoddle Grid</li> </ul>
Local Planning Policies	<ul style="list-style-type: none"> <li>• Clause 22.01, Urban Design within the Capital City Zone</li> <li>• Clause 22.02, Sunlight to Public Spaces</li> <li>• Clause 22.19, Energy, Water and Waste Efficiency</li> </ul>

	<ul style="list-style-type: none"> <li>• Clause 22.23, Stormwater Management (Water Sensitive Urban Design)</li> </ul>
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Statutory Controls	
<p>Clause 37.04</p> <p>Capital City Zone Schedule 1 (Outside the Retail Core)</p>	<p>Pursuant to Clause 37.04-1 and Section 1.0 of the Schedule, a planning permit is not required to use the land for accommodation (other than Corrective institution) and retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern)</p> <p>A permit is not required for the use of the land.</p> <p>Pursuant to Clause 37.04-4 and Section 3.0 of the Schedule, a permit is required to construct a building or construct or carry out works.</p>
<p>Clause 45.09</p> <p>Parking Overlay Schedule 1 (Capital City Zone outside the Retail Core)</p>	<p>Clause 45.09 operates in conjunction with Clause 52.06. Pursuant to Clause 45.09-4, a schedule to this overlay may specify 'maximum and minimum car parking requirements for any use of land'.</p> <p>Section 2.0, Permit requirements, of Schedule 1 states that:</p> <p>'A permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.'</p> <p>Section 3.0, Number of car parking spaces required, of the Schedule states that:</p> <p>Where a site is used wholly for dwellings, the number of spaces for each dwelling must not exceed one (1).</p> <p>Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> <li>- for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> <li>- for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul> <p style="text-align: center;"> <math display="block">5 \times \text{net floor area of buildings on the site in sq m} / 1000 \text{ m}^2</math> <math display="block">\text{Or } 12 \times \text{site area in sq m} / 1000 \text{ m}^2</math> </p> <p>Based on the above and adopting the rate of 5 spaces per 1000 m<sup>2</sup> of net floor area for the retail component, the proposal has a statutory requirement to provide a maximum of 471 car spaces.</p> <p>The proposal only seeks to provide a total of 44 car spaces for the residents. This is below the maximum rates specified and therefore, a permit is not required.</p> <p>In relation to motorcycle parking rates, Schedule 1 to the Parking Overlay states motorcycle parking be provided for developments at a minimum rate of one space for every 100 car parking spaces. As the proposal seeks to provide less than 100 car parking spaces, pursuant to the schedule, no motor cycle parking is required to be provided on site. However, four motor cycle spaces are proposed therefore, exceeding the requirements. .</p>

<p>Clause 43.02 Design and Development Overlay Schedule 10</p>	<p>Pursuant to Clause 43.02-2 a planning permit is required to construct a building or carry out works unless exempted by the relevant schedule.</p> <p>Pursuant to Section 4 of Schedule 10, the requirements of DDO10 do not apply if an application was made before the commencement of Amendment C262. This application was lodged with the Department on 30 June 2015 prior to the commencement of Amendment C262 and therefore the requirements of DDO10 do not apply.</p>
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Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06 a planning permit is required to exceed 471 residential car parking spaces. The application proposes 44 car spaces and therefore no planning permit is required under this provision.</p>
<p>Clause 52.07 Loading and unloading of vehicles</p>	<p>Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials.</p> <p>In this regard, the application has a statutory requirement to provide loading for the proposed retail tenancy. The Scheme requires the provision of a loading bay that is 27.4 square metres for areas less than 2,600 square metres with a 4 metre head clearance.</p> <p>The proposal seeks to provide a loading space approximately 9 metres by 4.6 metres at the ground level to cater for the retail premises as well as waste collection thus, complying with the requirements.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Pursuant to the table at Clause 52.34-3, the proposal generates a statutory requirement to provide for 141 spaces comprises of 94 residential spaces and 47 visitor spaces.</p> <p>The proposal seeks to provide 142 bicycle parking spaces in total which exceeds the statutory requirements.</p>
<p>Clause 52.36 Integrated Public Transport Planning</p>	<p>An application for a residential development comprising 60 or more dwellings or lots must be referred to PTV for comment. DELWP is responsible for this referral requirement.</p>

General Provisions	
<p>Clause 61.01 Administration and enforcement of this scheme</p>	<p>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 m<sup>2</sup>.</p>
<p>Clause 65 Decision Guidelines</p>	<p>Before deciding on an application or approval of a plan, the responsible authority must consider the decision guidelines of Clause 65.</p>

## **Planning Scheme Amendments C262, C266 & C270**

Planning Scheme Amendment C262 was gazetted into the Melbourne Planning Scheme on 4 September 2015 to provide interim built form controls for 12 months within the Capital City Zone Schedules 1, 2 and 3, including the subject site. Changes to the Capital City Zone Schedules include increased control of shadow impacts and more stringent wind effect requirements. The amendment inserts a new Schedule 10 to Clause 43.02 Design and Development Overlay to introduce mandatory built form controls and a discretionary site plot ratio and makes the City of Melbourne a recommending referral authority at the Schedule to Clause 66.04.

The amendment also made changes to Clause 22.01 – Urban Design Policy within the Capital City Zone and Clause 22.02 – Sunlight to Public Spaces to reflect the built form outcomes sought from the changes to CCZ and DDO10.

Amendment C266 to the Melbourne Planning Scheme was gazetted on Monday 16 November 2015. This amendment was required to ensure that applications lodged prior to the gazettal of Amendment C262 are assessed against the version of the scheme in operation at the time (including the former Clauses 22.01 and 22.02) of lodgement. Previously it could have been interpreted that only the provisions of the relevant schedules benefit from the transitional provisions, which was not the intention of Amendment C262.

Amendment C270 proposes permanent mandatory built form controls in the form of floor area ratio, street wall heights and setback requirements, and seeks to provide discretionary and mandatory overshadowing requirements. The amendment is currently on public exhibition.

## **6. PUBLIC NOTIFICATION**

In accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*, DELWP has given notice of the application to the City of Melbourne in accordance with the provisions of the Heritage Overlay.

## **7. REFERRALS**

The application, as originally submitted, was referred to the following internal departments of Melbourne City Council and the following comments were provided:

### **Urban Design**

Urban Design was not supportive of the proposal and considered it to be an overdevelopment of the site. They raised concerns with inadequate setbacks and outlined that the proposed height coupled with the inadequate setbacks will have a detrimental impact on the visual amenity of the streetscape and will overwhelm the heritage building.

Urban Design was also concerned with the proposed interface with the neighbouring apartments to the east where only a 3m setback is provided resulting in unreasonable amenity impacts to the neighbours including visual bulk and loss out of outlook and daylight.

### **Heritage**

Melbourne City Council's Heritage Consultant was not supportive of the proposal and provided the following comments:

- 'The proposal for the new tower development reduces the perception of the heritage building to a façade shell without integrity or interior. The heritage host is reduced to a ruin that would no longer be seen as a whole building but would be only a symbolic or token retention, without roof, or sense of its internal, or general integrity.
- The retention of the side wall to the lane where it will be seen from particular vantage points will not present the building as one respected and retained in its three dimensional form, but as a husk of a heritage building with its interior subsumed by the tower that rises from it.
- Proposed setback above the existing heritage building is inadequate.
- The massive tower form rising from the guts of the heritage host evidently penetrates the heritage building destroying any internal integrity and any perception of respect for the building.
- The heritage host, particularly when viewed from the street or lane in proximity to the property would be visually dominated by the tower above it. The set back of 5 metres and the looming nature of the next six levels will only exacerbate the perception of the dominance of the tower that has not evident visual reference or compatibility with the 'Moderne' styled host building.
- The approval of this proposal would adversely affect the heritage significance of this property and significantly undermine and damage the perception of heritage, and heritage policy in its wider application.'

### **Engineering**

The Traffic Engineering Department is generally satisfied with the proposed car parking numbers, access and layout subject to conditions being imposed requiring a splay and convex mirrors being installed at the entry/exit.

In relation to bicycle parking, Traffic Engineering sought additional bicycle spaces to be provided ideally at a rate of one space per dwelling.

Traffic Engineering was generally satisfied with the design and the dimensions of the proposed loading bay.

Melbourne City Council's Engineering Department was not satisfied with the Waste Management Plan prepared by Leigh Design and found it to be unacceptable. They required the following items to be addressed:

- Access for the council collection vehicles at 8.8m are required to carry out 5 days a week three stream waste collection.

Our Engineering Department undertook meetings with the applicant where further information was provided in response to concerns raised relating to waste. It was then agreed that in this instance given there are constraints in the site; heritage building, narrow laneway, smaller trucks would be required to undertake collection. This would be required to be undertaken by private collection until Council has such a fleet. The WMP will however need to be updated to reflect this.

The Civil Engineering Department required standard civil engineering conditions and notes being imposed on any permit to issue.

### **Urban Forest**

The Urban Forest Department was generally satisfied with the proposal subject to standard conditions relating to protection of existing street trees being imposed on any planning permits being issued.

### **Informal amended plans**



The informal amended plans submitted by the applicant received by Melbourne City Council on 4 April 2016 were referred to both the Urban Design Department and the Heritage Advisor. Although they acknowledged that the changes are an improvement as it provides for greater front setback from the existing heritage building, it still constitutes an overdevelopment of the site and is not adequately respectful of the existing heritage building. As such, they were not supportive of the proposal.

In response to the concerns relating to the height and scale of the proposed development, the applicant indicated that they could potentially reduce the height of the tower by an additional 10 storeys therefore resulting in a total height of 172 metres. This was discussed with Council's Urban Designer who considered that remains excessive and would still constitute an overdevelopment of this relatively small site.

## **8. ASSESSMENT**

The key issues in the consideration of this application are:

- Heritage
- Built form; Height, setbacks and design
- Plot Ratio
- Amenity impacts; External and internal
- Shadowing
- Active frontages
- Environmentally Sustainable Design
- Wind Impacts
- Parking Traffic and Waste

### **8.1 Heritage**

In the Melbourne City Council's Heritage Places Inventory Study 2008, the subject building is graded B. The Building Identification Sheet identifies the building as being notable for its 'Moderne Style' architecture which contributes to its three dimensional perceived design.

The relevant objectives of Clause 22.04 which relates to heritage places within the Capital City Zone are:

- to conserve and enhance all heritage places;
- to consider the impact of development on graded buildings;
- to ensure that any alterations or extensions to these building complements their character, scale, form and appearance; and
- are undertaken in accordance with accepted conservation standards.

The proposal seeks to retain the existing façade of the heritage building on the north, east and west elevations to a length of approximately 14m. All other parts of the building including the roof is proposed to be demolished to allow for the construction of a 202m high tower (refer to figures 3 and 4 above).

The extent of demolition combined with the cumulative impact of the height and limited setbacks of the tower will have an unacceptable impact on the significance and character of the heritage building, and will have a dominating and overbearing presence above the heritage building.

Melbourne City Council's Heritage Advisor has raised significant concerns in relation to the extent of demolition as it 'reduces the perception of the heritage building to a façade shell without integrity or interior'. In addition, the tower is proposed to have a staggered setback on the front northern elevation resulting in a minimum of 1.5m to a maximum of 5m street setback above the heritage building.

The proposed setback of the tower is also inconsistent with the setback recommended by the heritage advice provided to the applicant by their consultant Mr Bryce Raworth in June 2014 which recommended the following:

'The tower element could be set back from A'Beckett Street in the order of 8-10 metres, or it could possibly be at a lesser setback at the upper levels, but with a greater inset for several intermediate levels, thus establishing a 'shadow' or inset zone between the heritage built form podium and the upper levels.'

The current proposal has failed to adopt this and does not comply with the relevant objectives of Clause 22.04 as outlined above.

In response to the heritage concerns raised, the applicant has informally submitted amended plans received by Melbourne City Council on 4 April 2016 which show an increase in the tower setback from the existing heritage façade to 7m minimum and increased balcony setback to 5m minimum. The plans also show retention of the roof of the existing building to a depth of 5m.

While this is a significant improvement, concerns still remain in relation to the design of the tower not being respectful or having an evident and visual relationship with the heritage building. Even with the retention of the existing roof to a depth of 5m, by constructing a 202m high tower out of the core of the existing building which has no visual relationship with the host continues to dominate, overwhelm, and diminish the existing building to a shell.

## **8.2 Built form; Height, setbacks and design**

### **8.2.1 Height**

The proposed height of the building is approximately 202.5m. 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'.

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.

The subject site is one of the smaller sites in A'Beckett Street. Although the lack of height control in this part of A'Beckett Street allows for higher built form, the key issue is to consider whether the site can suitably accommodate a 202m high tower without undue impact on adjoining sites and the public realm, given that the width of the subject site is only 20 metres. It is considered that with the limited setbacks and overall height of the tower is an overdevelopment of this relatively small site and will have unreasonable impacts on the surrounding street and the development potential of adjoining land.

To address this concern, the applicant has suggested reducing the height of the tower by 10 storeys resulting in a 172 m high tower. While this is an improvement compared to the initial height of 202m, it is still considered excessive and an overdevelopment of the small site.

Clause 22.01 the Urban Design policies in the Melbourne Planning Scheme outlines that towers should have a podium height generally between 35 to 40 metres except where the need to provide a context for a heritage building justifies a variation from the norm.

The proposal seeks to retain the existing 14 metre (measured from natural ground level) high heritage building which forms part of the podium. Above the heritage building, the tower has been designed with a staggered setback of a maximum of 5m. The staggering element in the tower is identified as being the podium resulting in the total podium height to be approximately 35m from natural ground level. This complies with the podium height stated in Clause 22.02.

### 8.2.2 Setbacks

The proposed setbacks are described in the table at section 2 of the report and are shown on the following diagram.

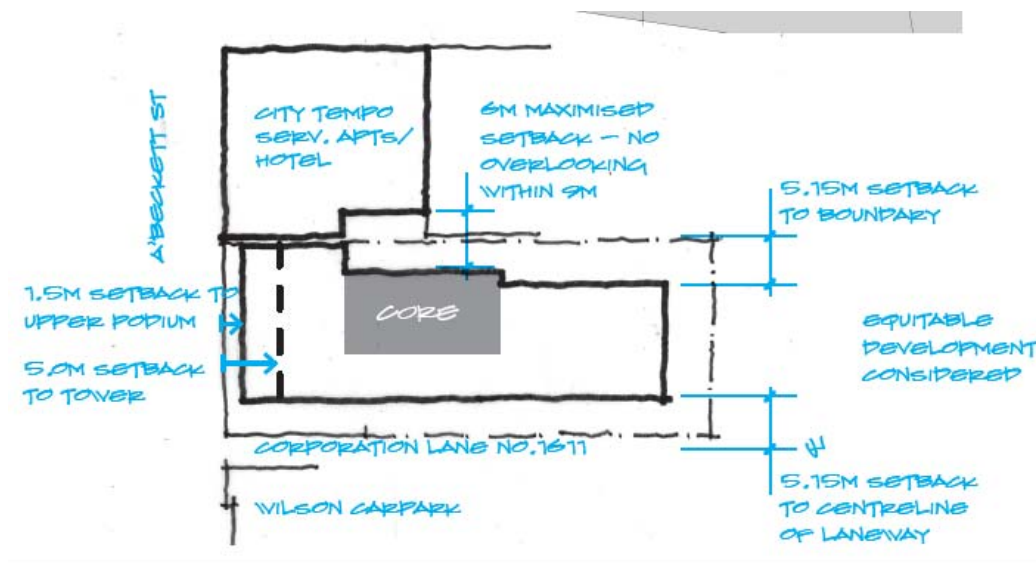


Figure 5: Diagram showing the proposed setbacks of the tower.

#### A'Beckett (Northern) Setback

Above the staggering element which is proposed up to level 26, the tower will be setback 5m from this boundary. This does not comply with Clause 22.01 which requires towers above podium to be setback at least 10 metres from the street frontages.

Development along A'Beckett Street currently under construction or recently completed within close proximity to the site include varying setbacks.

As previously discussed, concerns are raised with the minimal setbacks provided above the heritage building which is not supported. Both the applicant's and Melbourne City Council's heritage advisors have suggested a minimum of 8 to 10m front setback to be provided to the tower element above the heritage building and possibly with a lesser setbacks at the upper levels.

The informal amended plans provide an increase in the setback to 7m maximum which is an improvement. However, significant concerns still remain with the design response and the relationship with the heritage façade.

#### Southern (rear) and western (side) setbacks

The subject site adjoins potential future development sites to its rear and western side boundaries. The tower is proposed to be setback 5m from these boundaries. This is not supported for a 202m high tower which has apartments directly facing the boundaries.

The 5m setback for the current proposal does not allow for adequate tower separation, will result in unreasonable impact on the amenity of future apartments by loss of outlook and daylight and more importantly, will constrain future developments on the adjoining sites.

### East (side) setbacks

The subject site abuts two properties to the east; 175-181 A'Beckett Street and 341 Queen Street.

The site at 175-181 A'Beckett Street is currently occupied with a 29 storey residential building. This building contains apartments with habitable room windows setback 3m from the common boundary. There are balconies constructed within this 3m setback (refer to Figure 7). The proposed tower will be setback 6m from these habitable room windows and less from the balconies (Refer to Figure 6).

This side setback for a 202m high tower is not supported. It will result in excessive visual bulk, loss of daylight and inadequate outlook resulting in poor amenity outcome for both existing and future residents.

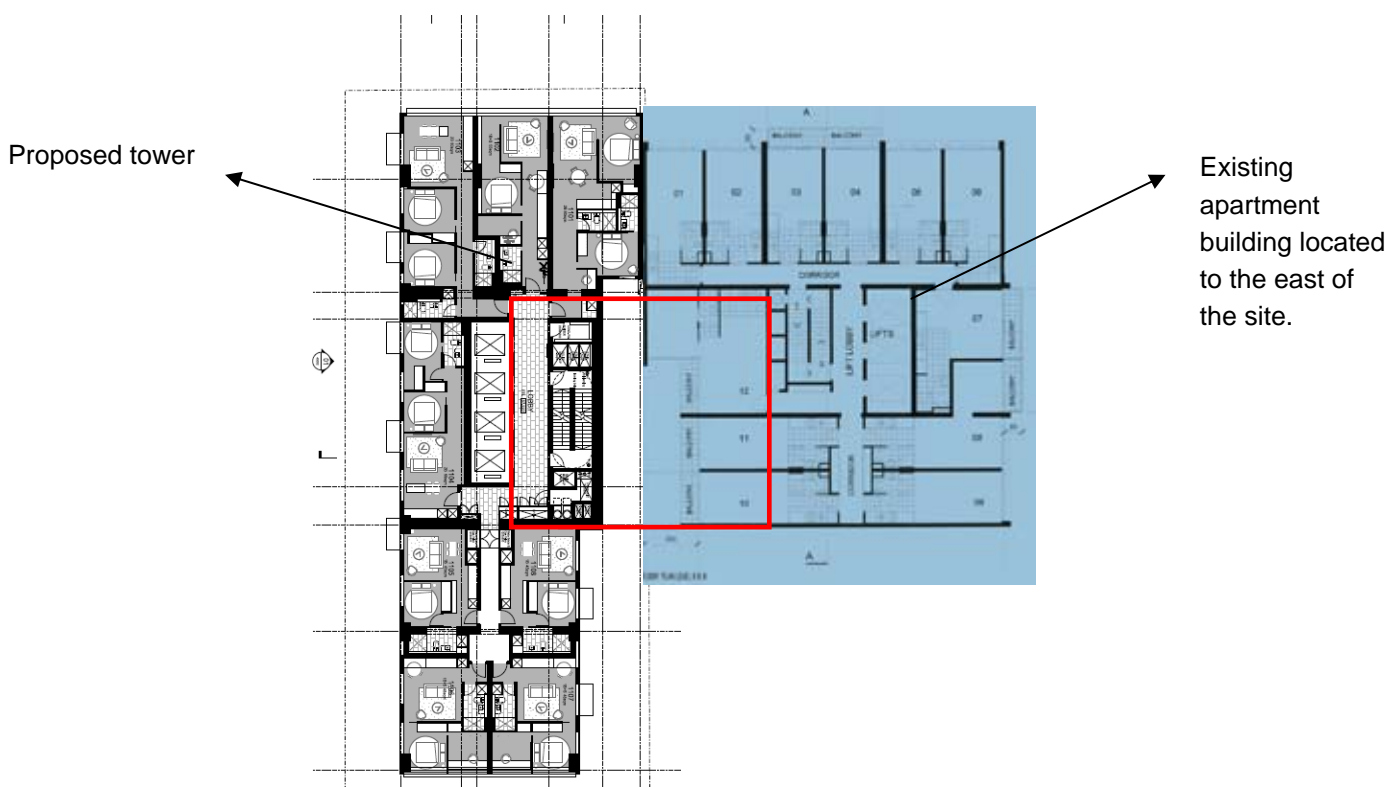


Figure 6: Typical floor layout of the proposed tower and neighbouring residential apartment building located at 175-181 A'Beckett Street. The red area shows the 202m high wall which will be constructed opposite the windows and balconies of the apartments of the existing apartment building.

The subject site also adjoins 341 Queen Street which is an 11 storey office building built to all boundaries. The proposed tower will be setback 5m from this neighbouring office building. Within this 5m setback the tower will have projecting window reveals resulting in a reduced setback of approximately 4m.

For the reasons previously mentioned, a 5m setback to a shared boundary for a 202m high tower is not supported. It does not provide for equitable development rights, adequate tower separation or acceptable amenity outcomes.

### **8.2.3 Façade treatments/design**

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 design of the building is generally monotonous. The front elevation is heavily dominated by horizontal elements while square windows with projecting reveals are used to articulate the eastern side and rear southern elevation.

The informal amended plans show that the wall on the eastern elevation, which will be constructed opposite the existing residential development, will be of concrete painted in natural grey colour. This is not an appropriate design response to the existing apartments which will have direct outlook to this wall.

Furthermore, as mentioned above, concerns are raised in relation to the design response of the front of the building which cantilevers over the heritage façade. This does not respect but rather overwhelms and dominates the heritage building.

## **8.3 Plot Ratio**

Clause 22.01 outlines that the maximum plot ratio for any city block within the Capital City Zone should not generally exceed 12:1. The proposed development will result in a plot ratio of 36:1 for this site. This is an indicator that the proposed development is an overdevelopment of the site being almost three times the design standard for a city block.

## **8.4 Amenity impacts; Internal and external**

### **8.4.1 Internal amenity impacts**

The apartments are of a reasonable size; one bedrooms ranging in area between 45 square metres to 60 square metres and two bedrooms ranging in area between 59 square metres to 80 square metres, and have a functional layout.

All living rooms and bedrooms have windows which currently allow for adequate daylight, outlook and ventilation. However, as previously discussed, should the adjoining sites be developed with towers, with similar side and rear setbacks this will impact on the provision of equitable access to daylight and outlook and result in unacceptable internal amenity for future occupants.

Furthermore, all apartments have been oriented directly facing the side and rear boundaries. Should the adjoining sites be developed with residential buildings this is likely to result in apartments facing directly onto one another with minimal separation.

Most of the 471 apartments do not have access to private balconies. Only six apartments have 9sqm of private balconies. The proposal provides a south facing communal roof terrace and a pool occupying an area of approximately 176square metres on level 44. This equates to 0.37 square metres of open space per apartment. Although the Higher Density Residential Guidelines do not give prescriptive direction as to how much communal space should be provided, this amount is considered insufficient.

There is also an area of 143 square metres allocated to a café on level 44. It is unclear whether this for the residents or will be for the general public.

To address some of these concerns, the informal amended plans submitted show a reduction in the total number of apartments from 471 to 432 and an increase in communal facilities being provided.

While these are an improvement, concerns remain in relation to majority of the apartments having no private open spaces and their orientation which presents a future constraint in terms of equitable access to daylight and outlook.

Furthermore, it is noted that as a result of the internal reconfiguration the amendment shows one apartment on every level (noted as 4.07 to 64.07) having rooms with no windows. Although these rooms are designed as study areas, it can easily accommodate a single bed and requires re-configured to allow daylight and ventilation to all habitable rooms.

#### **8.4.2 External amenity impacts**

Currently the only sensitive interface directly abutting the subject site is the 29 storey residential development located to the east at 175-181 A'Beckett Street. As mentioned, concerns are raised in relation to the visual impact that the proposed 202m high wall will have on these adjoining residents in terms of visual bulk, loss of daylight and outlook. The tower is not appropriately setback and the wall is not sufficiently articulated.

#### **8.5 Shadowing**

The proposed shadow diagrams highlights that at 3pm on 22<sup>nd</sup> September and 22 June, the proposed development will cast shadows into the private balconies of the neighbouring apartments to the east. Given the orientation of the subject site and the apartments, this is unavoidable. Any medium to high scale developments on the subject site will cast shadows into these neighbouring properties.

#### **8.6 Active frontages**

The proposal seeks to provide retail uses on ground level. The front of A'Beckett Street will be used as the main pedestrian access while the lane will be used for vehicular access. This is supported and complies with Clause 22.01 which requires active uses that provides passive surveillance to be provided on ground level.

#### **8.7 Environmentally Sustainable Design**

The applicant has submitted an ESD report prepared by Aurecon dated 29 June 2015 as required by Clause 22.19-2. The report identifies that the proposal is capable of achieving a 5-star green star rating, a 1 point for Wat-1 Green Star credit and will achieve the following goals:

- Minimise greenhouse gas emissions and maximise energy efficiency.
- Encourage the use of alternative water sources, such as rainwater and greywater.
- Provide facilities that will enable building users and occupants to reduce waste sent to landfill. Maximise recycling and re-use of materials and support the municipality's progress towards become a resources and material-efficient city.

The updated ESD report prepared by Aurecon dated 4 December 2015 to reflect the changes shown on the informal amended plans also confirms that the above goals and the criteria outlined in Clause 22.19 will be achieved.

#### **8.8 Wind**

An Environment Wind Study report prepared by Aurecon dated 29 June 2015 was submitted with the application. There was no wind tunnel testing done rather the assessment was undertaken based on modelling. The report states that although the development is significantly taller than surrounding structures, the multiple setbacks provided by the tower is beneficial in mitigating the wind impacts on ground level. The report concludes that the proposed development will have negligible impacts on the pedestrians on ground level. The assessment does not consider the wind impact on the communal space proposed on level 44.

A revised wind study report prepared by Aurecon dated 4 December 2015 was submitted which outlines that a wind tunnel testing of the proposal was undertaken in July 2015. The report concludes that the development's design and orientation minimises ground level wind impacts thereby achieving an acceptable level of wind criterion.

The revised wind report refers to the proposed changes and states that it will result in an improvement to the wind impact previously assessed. The report outlines that this assessment for the amended design has been based on a desktop assessment only, and that this should be confirmed using wind tunnel testing.

The informal amended plans show a communal garden space above level 3. With respect to this, the report states that the wind conditions are likely to be worse at the towers western edge. The report recommends adding canopies or similar structure to mitigate these impacts. This would need to be integrated with the design of the proposed tower.

## **8.9 Parking, Traffic and Waste**

### **8.9.1 Parking and Traffic**

The proposed provision of car and motorcycle parking and loading bay is acceptable. The layout of the car park is acceptable subject to a number of minor changes to the plans as recommended by Melbourne City Council's Engineering Services.

In relation to bicycle parking, Melbourne City Council Traffic Engineering Department recommended more spaces to be provided ideally at a rate of one space per dwelling.

The informal amended plans show a significant reduction in the car parking numbers from currently being 44 to 2 spaces. The provision of bicycle spaces has also increased from 142 to 229. These changes have been reviewed by Melbourne City Council's Traffic Engineering Department who is supportive of the changes. As the number of car parking spaces have been significantly reduced Traffic Engineering have recommended the provision of nine motor cycle spaces which is in excess of the Planning Scheme requirements. The traffic engineering comments have been provided to the applicants for their consideration.

### **8.9.2 Waste**

A Waste Management Plan prepared by Leigh Design dated 29 June 2015 was submitted with the application. The WMP was revised on 12 December 2015 to reflect the changes shown on the informal amended plans. This has been reviewed by Melbourne City Council's Engineering Department who was not satisfied with the WMP and required the following item to be addressed:

- Access for the council collection vehicles at 8.8m are required to carry out 5 days a week three stream waste collection.

Meetings were undertaken between the applicant and Melbourne City Council's Engineering Department where it was agreed that in this instance given there are constraints in the site; heritage building, narrow laneway, smaller trucks would be required to undertake collection. This would be required to be undertaken by private collection until Council has such a fleet. The WMP will however need to be updated to reflect this.

## **9 CONCLUSION**

To gain Melbourne City Council's support, significant amendments to the development are required to address issues relating to heritage, height, scale and setbacks.

The proposal in its current form does not provide an appropriate response to the relevant provisions of the Melbourne Planning Scheme, including Clause 21.12 (MSS), Clause 22.01 (Urban Design within the Capital City Zone) and Clause 22.04 (Heritage Places within the Capital City Zone).

These concerns were raised at meetings held with DELWP and the applicant which resulted in informal amended plans being submitted. Although the changes shown are an improvement, it does not adequately address key concerns relating to scale, equitable development, heritage and setbacks.

As such, it is recommended that the Melbourne City Council objects to the current application.

## **10 OFFICER RECOMMENDATION**

That a letter be sent to the Department of Environment, Land, Water and Planning advising that the Melbourne City Council objects to the proposal on the following grounds:

1. The development fails to adequately respond to the relevant policy directions, objectives and decision guidelines of Clause 22.04 Heritage Places within the Capital City Zone and Clause 43.01 the Heritage Overlay of the Melbourne Planning Scheme.
2. The development fails to conserve and enhance the character and appearance of the heritage place and does not adequately respect the existing character, scale, form and appearance of the heritage place.
3. The development by virtue of its bulk, form and appearance will adversely affect the significance of the B graded heritage building on the subject site.
4. The proposal by virtue of its excessive height, bulk and inadequate setbacks will have an unacceptable impact on the surrounding streets and development potential of adjoining land, and is contrary to relevant provisions of the Melbourne Planning Scheme, including Clause 22.01 (pre amendment C262) and Clause 37.04 Capital City Zone Schedule 1.
5. The proposal by virtue of its height, scale and inadequate setbacks represents an overdevelopment of this site.
6. The proposal will result in unreasonable amenity impacts to the existing development to the east by way of visual bulk, loss of daylight and outlook.
7. The proposal fails to provide a reasonable level of internal amenity for apartments as sought by the Guidelines for Higher Density Residential Development referenced at Clause 15.02-1 of the Melbourne Planning Scheme in terms of outlook and the provision of open space.