

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

**Ministerial Referral: TPM-2016-27
557-591 Swanston Street, Carlton**

6 February 2018

Presenter: Evan Counsel, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial planning application made in October 2016 seeking approval to develop land at 557-591 Swanston Street, Carlton (refer Attachment 2 – Locality plan). The site is located within the old Carlton United Brewery (CUB) site.
2. The applicant is Urbis Pty Ltd on behalf of Scape Student Living, the owner is Perpetual Trustee Company Ltd and the architect is Denton Corker Marshall Pty Ltd.
3. The site is located within the Comprehensive Development Zone Schedule 2 (Carlton Brewery) and is affected by the Design and Development Overlay Schedule 70 (Melbourne Metro Rail Project) and Parking Overlay Schedule 12.
4. The Department of Environment, Land, Water and Planning (DELWP) has informally referred the application to Council for comment.
5. Following ongoing negotiations between DELWP, Council and the applicant, in September 2017 the applicant lodged with the Victorian Civil and Administrative Tribunal (VCAT) an appeal for failure of the Responsible Authority (Minister for Planning) to grant a planning permit within the prescribed time. Following lodgement with VCAT, the applicant has formally substituted amended plans.
6. It is proposed to construct a multi-storey mixed use building for the purpose of a mixed use building including student accommodation, retail premises and the display of advertising signs. The proposed building is to be 22 storeys (approximately 69.4 metres) in overall height.
7. The City of Melbourne has been joined as a party to the proceeding and is required to serve on the parties an assessment and formal position in relation to the VCAT amended plans. The Minister for Planning has advised all parties that he does not support the proposal.

Key issues

8. The key issues in consideration of this application include; Compliance with the Carlton Brewery Comprehensive Development Plan October 2007 (CDP) and the Carlton Brewery Masterplan 2007 (a reference document in CDZ2), the appropriateness of the proposed built form, public realm impacts and compliance with Local and State Planning policy provisions.
9. The development is not considered to be generally in accordance with the Carlton Brewery CDP and Masterplan as it fails to achieve a suitable transition between the high-rise built form of the CBD and the lower built form of Carlton and adjacent heritage buildings. The development also significantly exceeds the building envelope plans and elevations of the approved CDP.
10. The proposal does not achieve the built form outcomes sought by the Carlton Brewery Masterplan or by Clause 22.17 (Urban Design Outside the Capital City Zone) and will not allow for equitable development outcomes, an appropriately scaled development within the context of both the CUB site, Swanston Street and City North more broadly, or the creation of a high quality public realm.
11. The proposal will have negative impacts on the public realm and will lead to an unsuitable built form and urban design outcome in relation to a key civic street of Melbourne – Swanston Street.

Recommendation from management

12. That the Future Melbourne Committee resolves to advise all parties to the VCAT proceeding that the Melbourne City Council does not support the application for the reasons outlined in the Delegate's Report (Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 59)
2. Locality Plan (Page 3 of 59)
3. Plans (Page 4 of 59)
4. Delegate's Report (Page 37 of 59)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application. The City of Melbourne has been joined as a party to the VCAT proceedings.

Finance

2. There are no direct financial issues arising from the recommendations contained within 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 was the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

Relation to Council policy

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

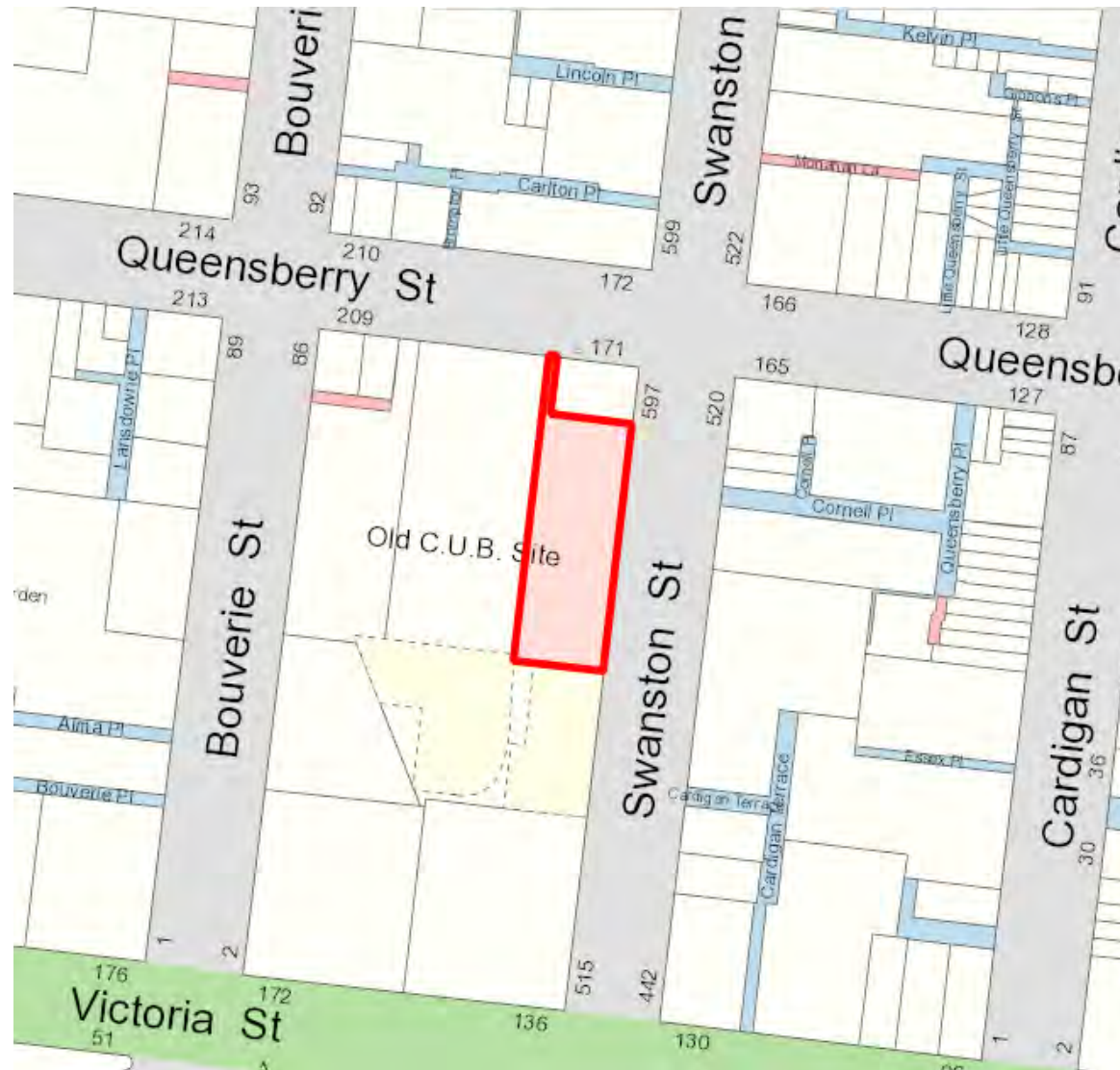
Environmental sustainability

6. Pursuant to Clauses 22.19 and 22.23 of the Melbourne Planning Scheme, an environmentally sustainable design statement was submitted with the original design. If the development were to be approved a revised ESD statement could be required via permit condition.

Locality Plan

Attachment 2
Agenda item 6.3
Future Melbourne Committee
6 February 2017

557-591 Swanston Street, Carlton



SCAPE 557 SWANSTON ST

ARCHITECTURAL STATEMENT

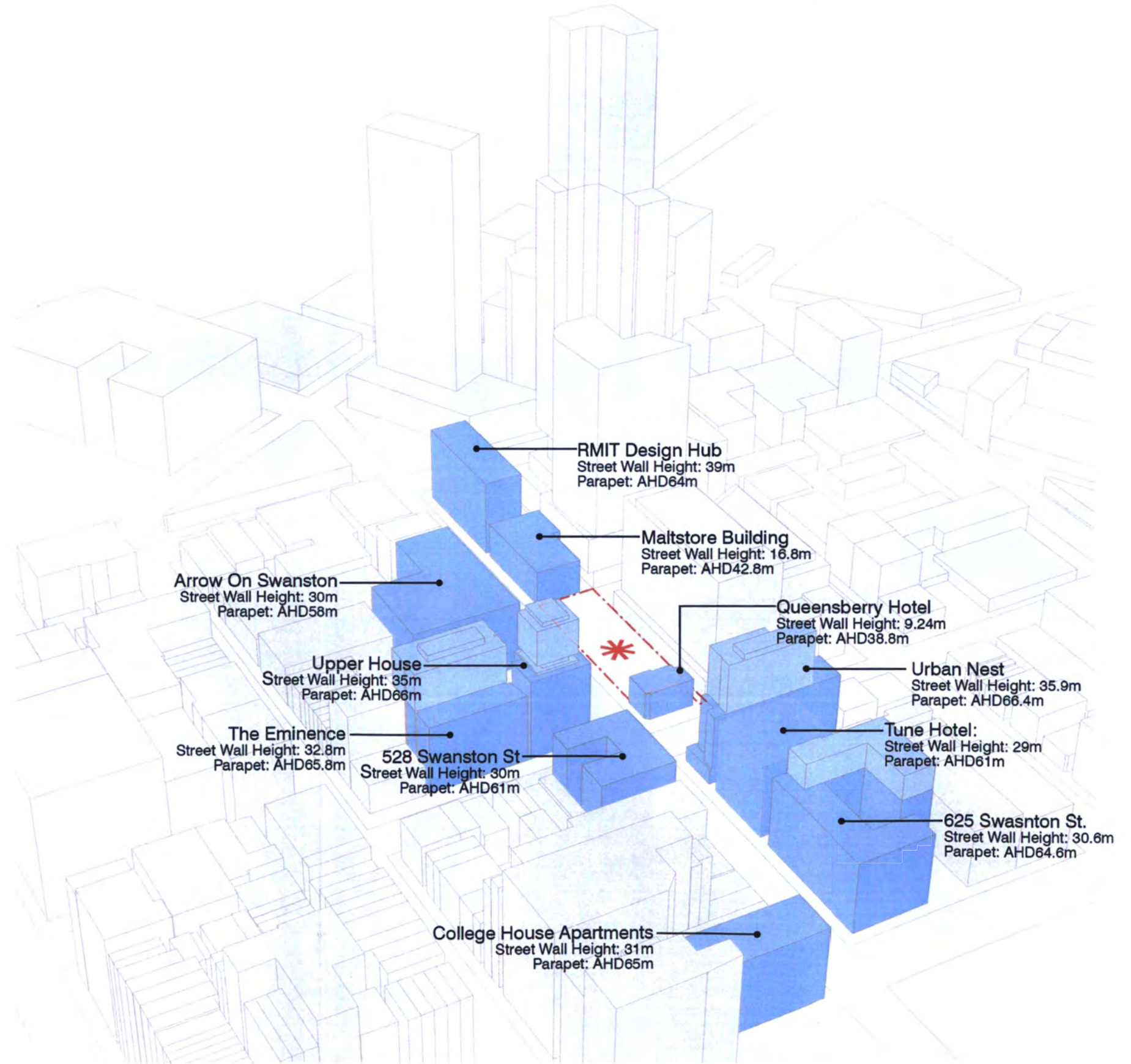
November 2017

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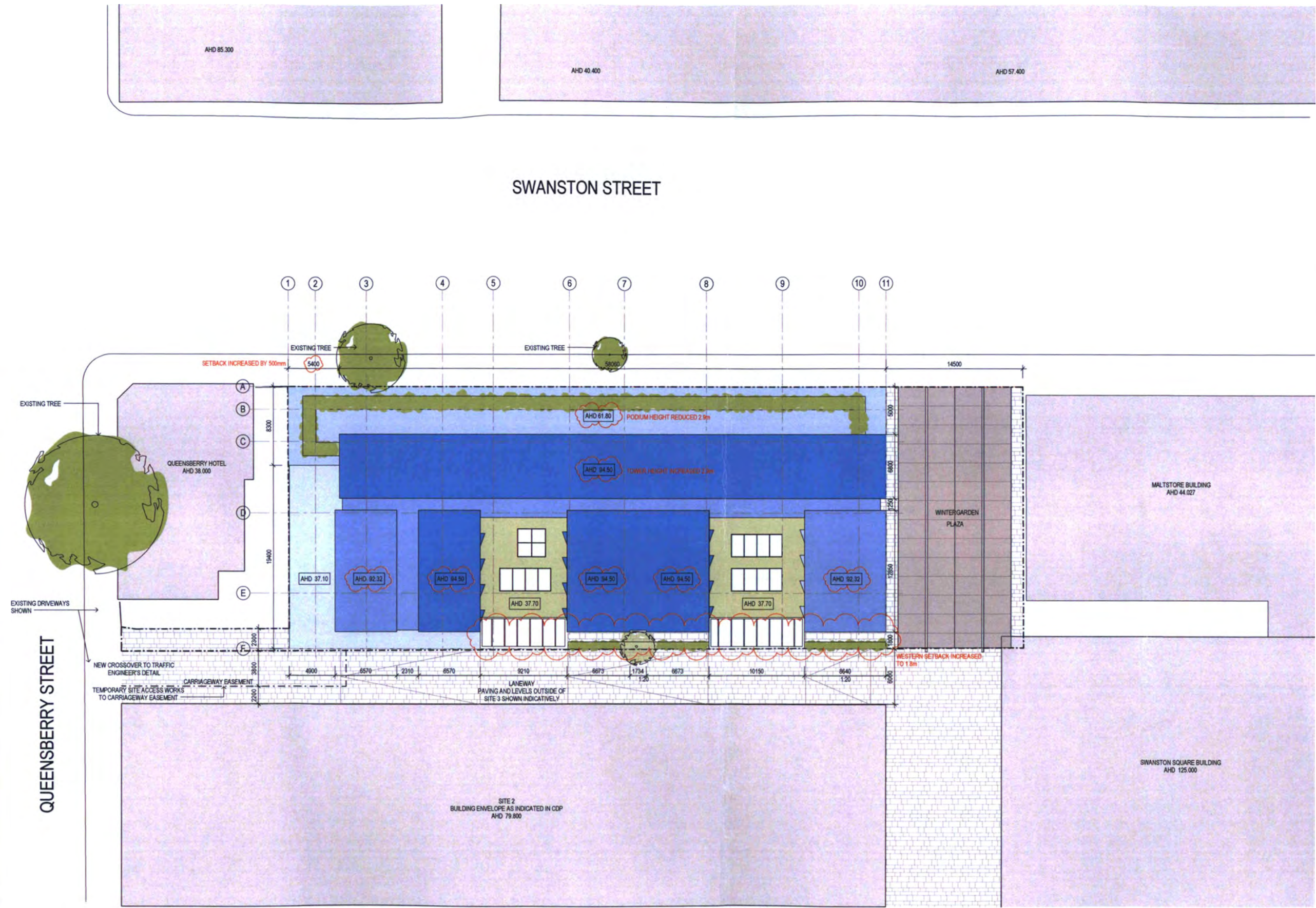
architecture + urban design

scape

CONTEXT PODIUM HEIGHTS



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P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

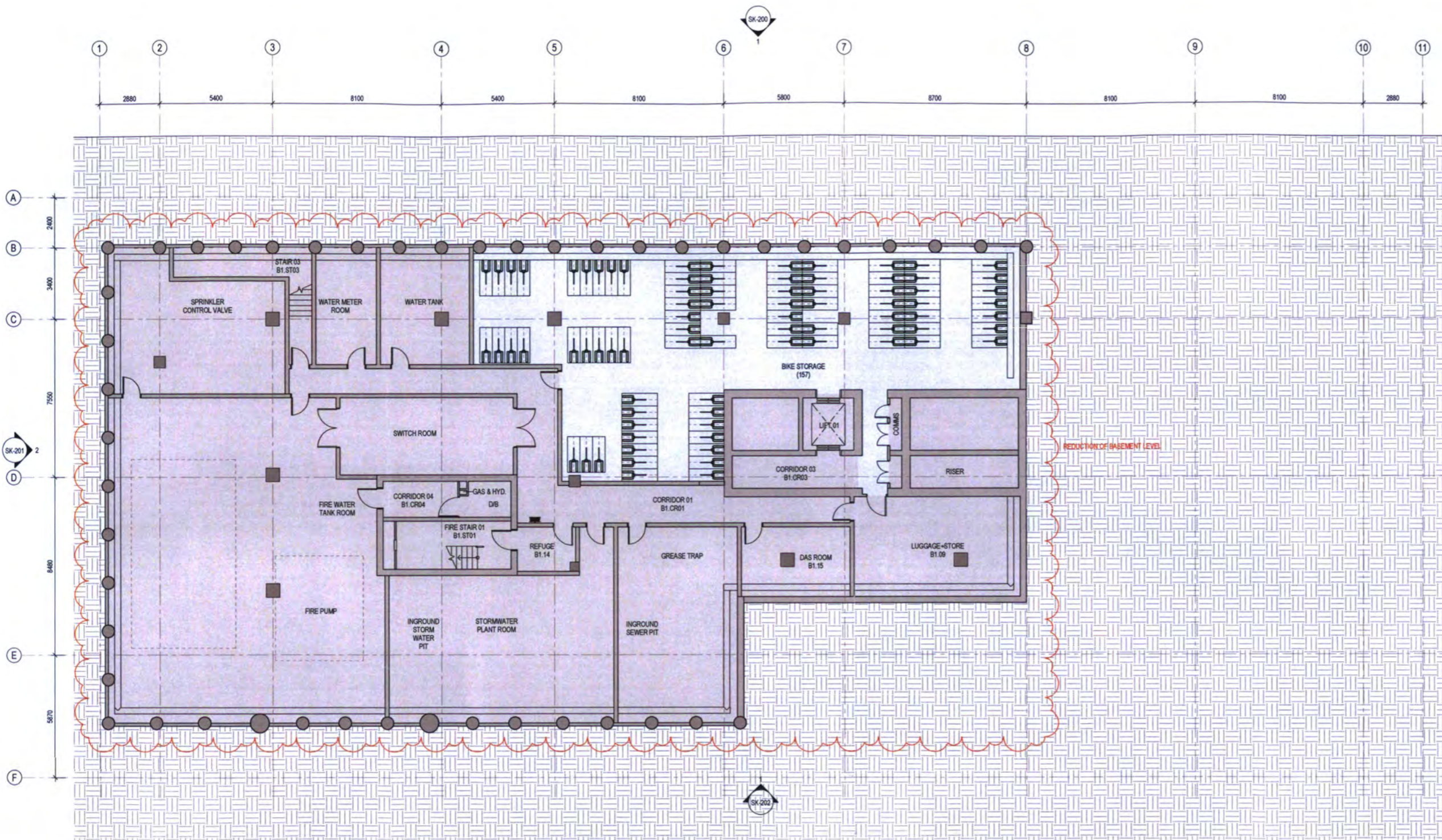
**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

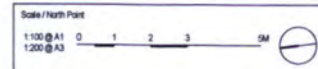
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557 SWANSTON ST.
MELBOURNE**
Client
Scape Living
Office 3A, Swanston Square
551 Swanston Street, Carlton
VIC 3063

Drawing Title		Revision	
SITE LOCATION PLAN		P4	
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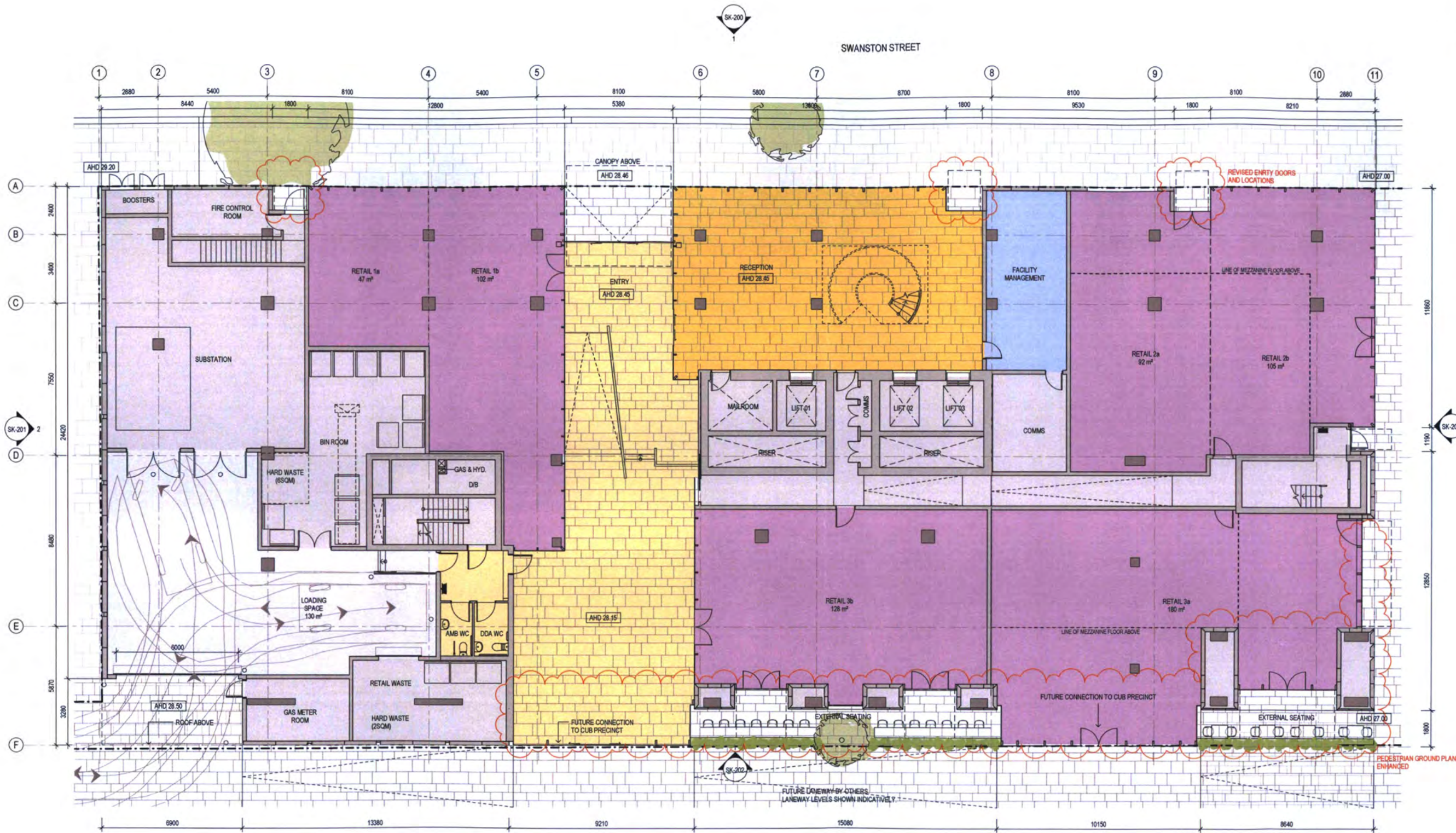
Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
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 dentoncorkermarshall.com

scape
 Project Title
SCAPE CUB
557 SWANSTON ST.
MELBOURNE
 Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
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Drawing Title
LEVEL B1 PLAN

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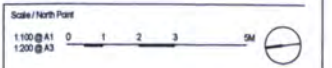
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NOTE:
RECONFIGURED GROUND FLOOR LAYOUT AND RETAIL TENANCIES



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**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

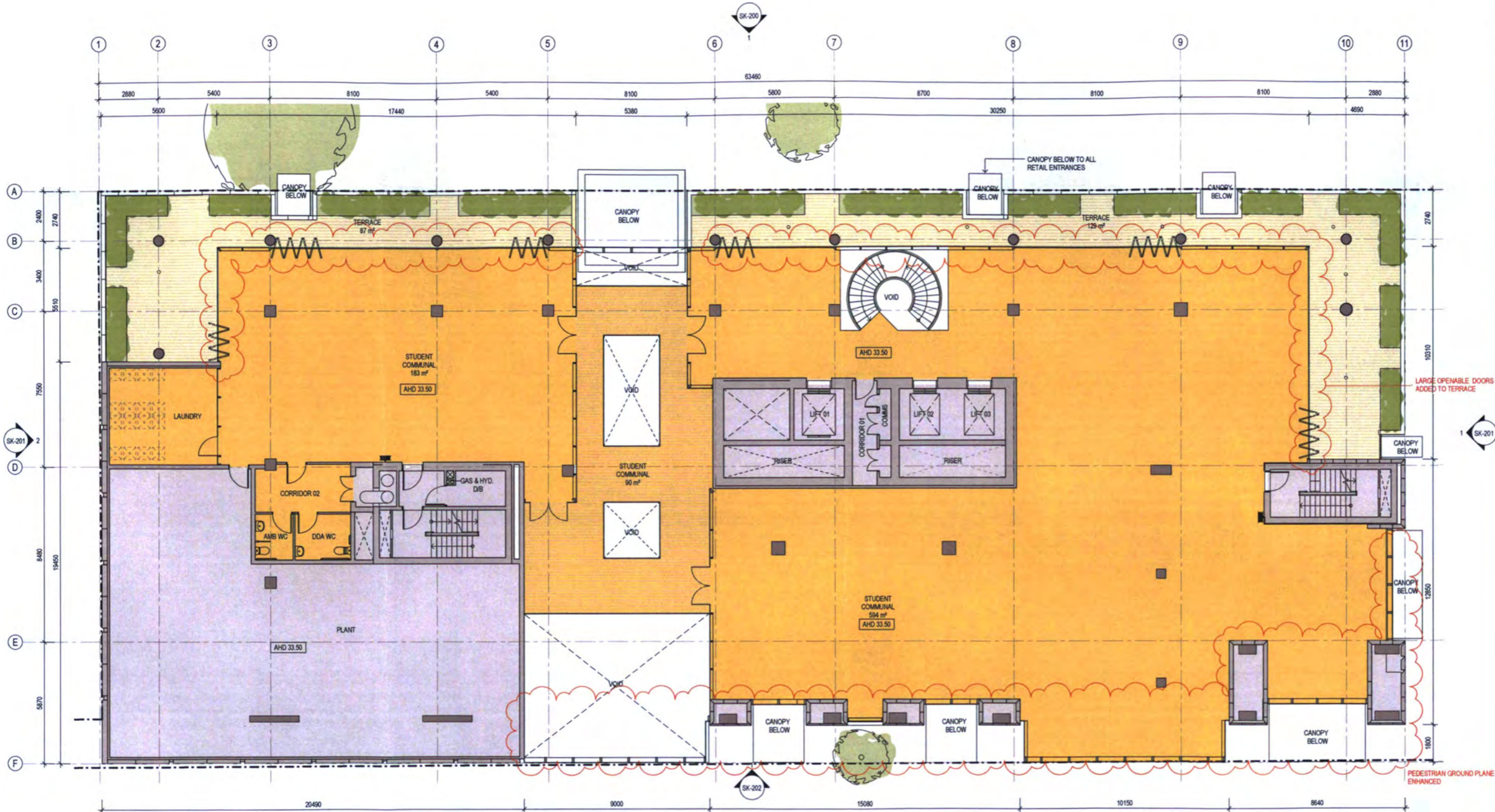
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GROUND LEVEL PLAN

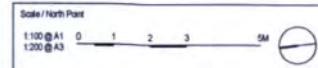
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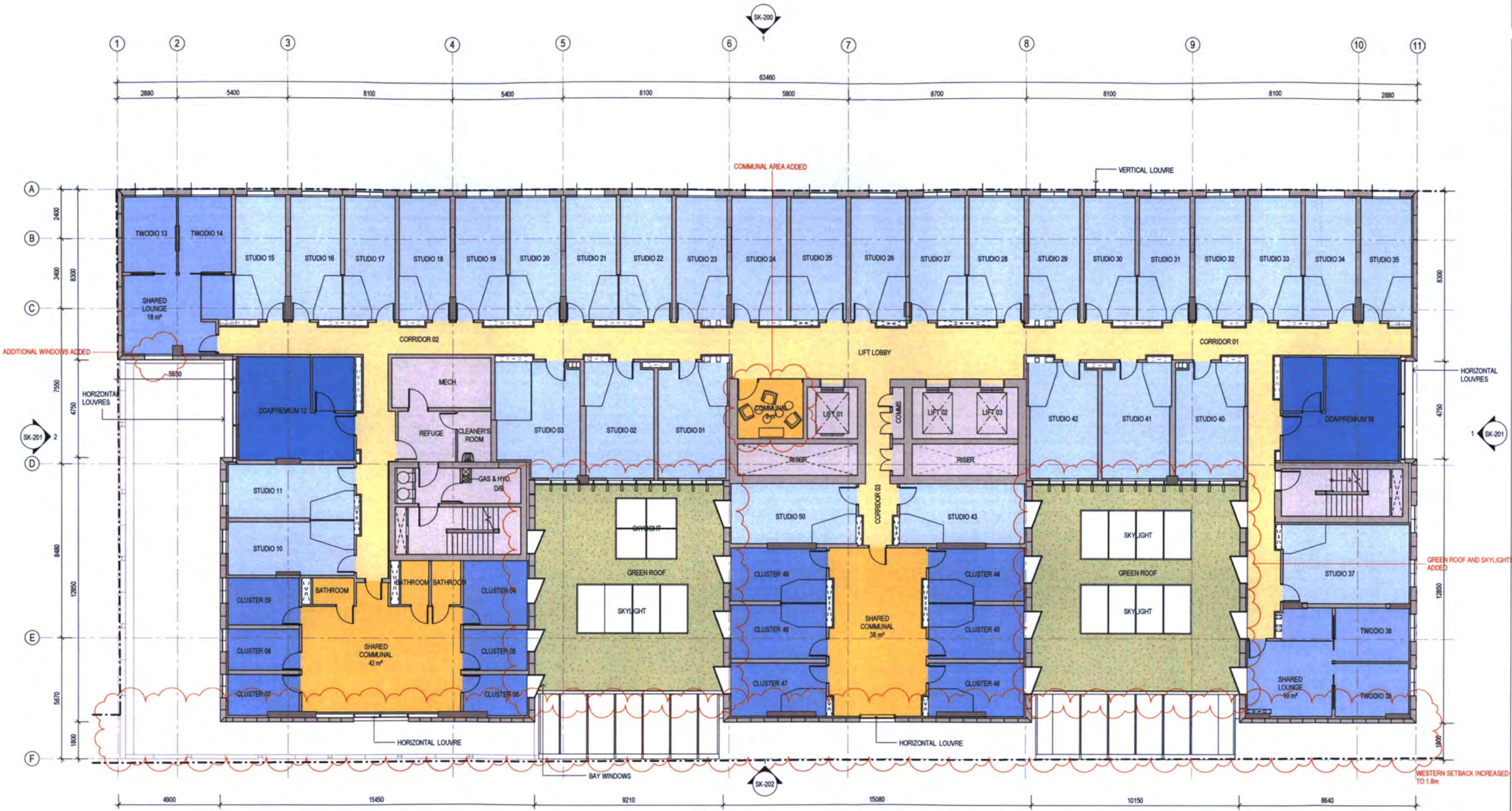
**DENTON
 CORKER
 MARSHALL**

Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
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 MELBOURNE**
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 Office 3A, Swanston Square
 551 Swanston Street, Carlton
 VIC 3053

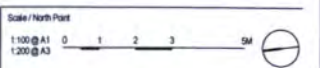
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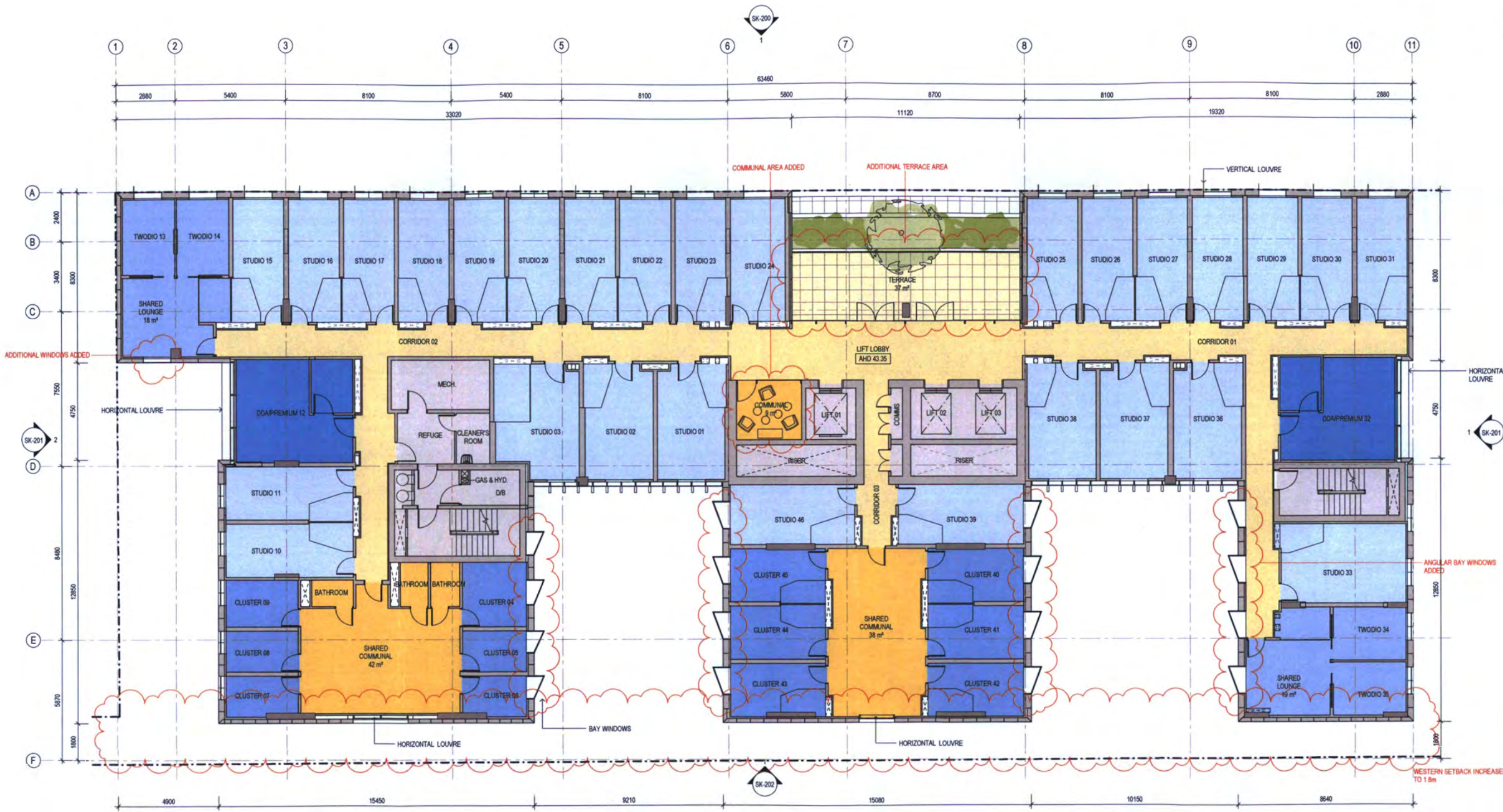
Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
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scape
 Project Title
**SCAPE CUB
 557 SWANSTON ST.
 MELBOURNE**
 Client
 Scape Living
 Office 3A, Swanston Square
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LEVEL 02-03 PLAN

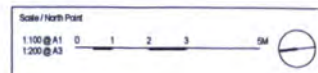
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**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E mail@dentoncorkermarshall.com
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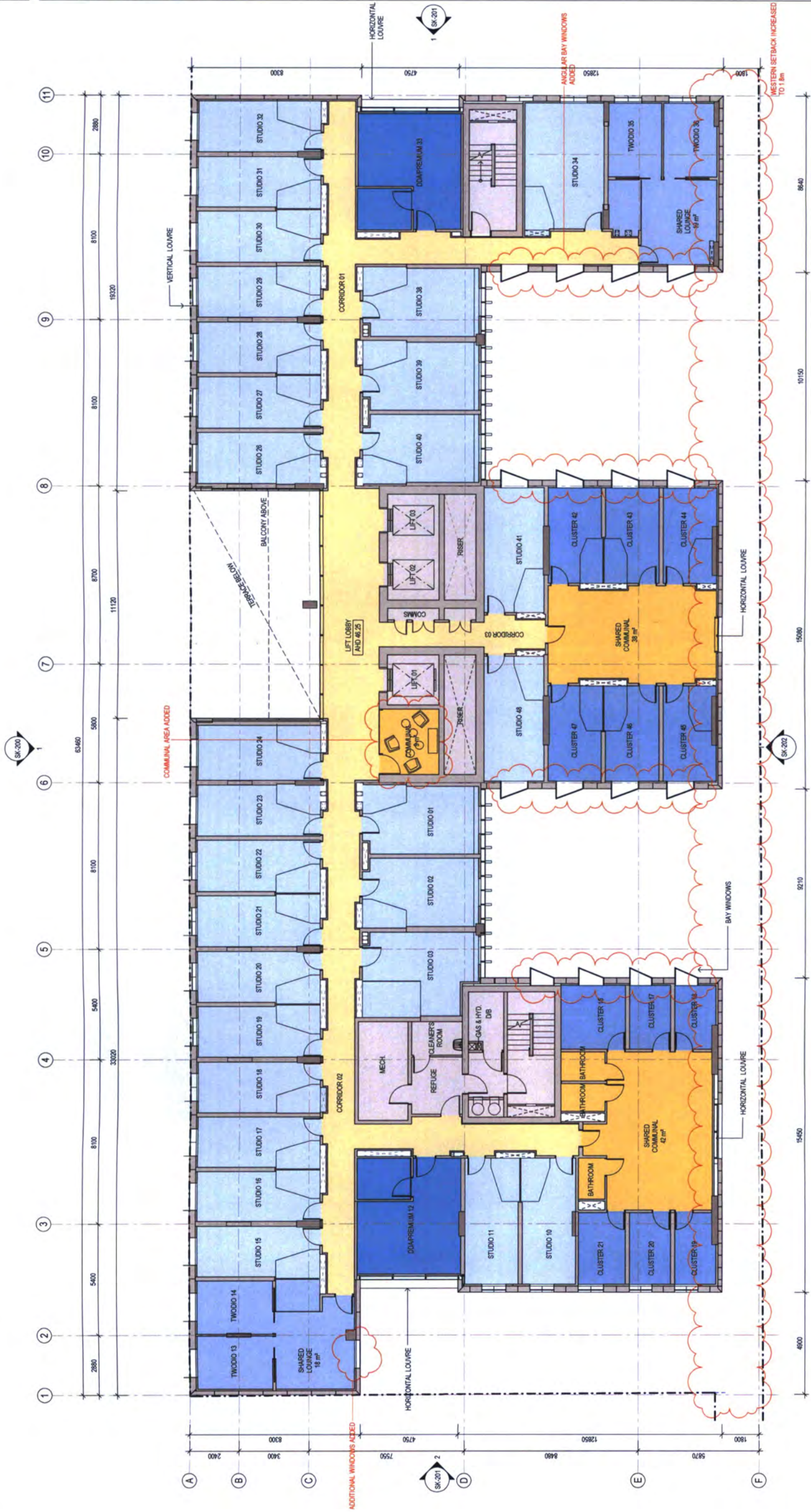
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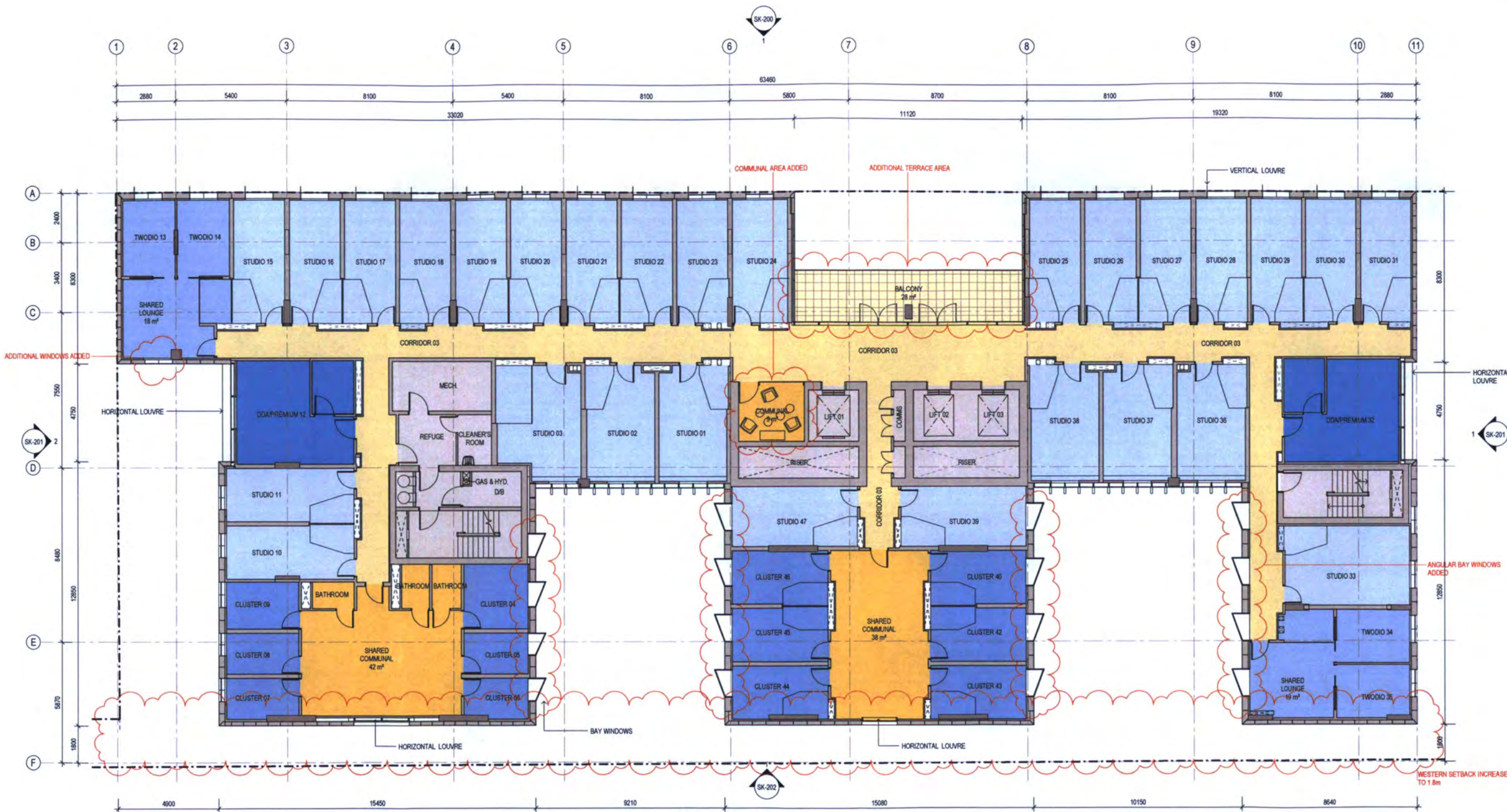
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Level 19, 55 Collins Street
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Australia

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F: +61 3 9212 3900
E: info@dentoncorkermarshall.com
dentoncorkermarshall.com

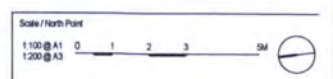
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**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E mel@dentoncorkermarshall.com
dentoncorkermarshall.com

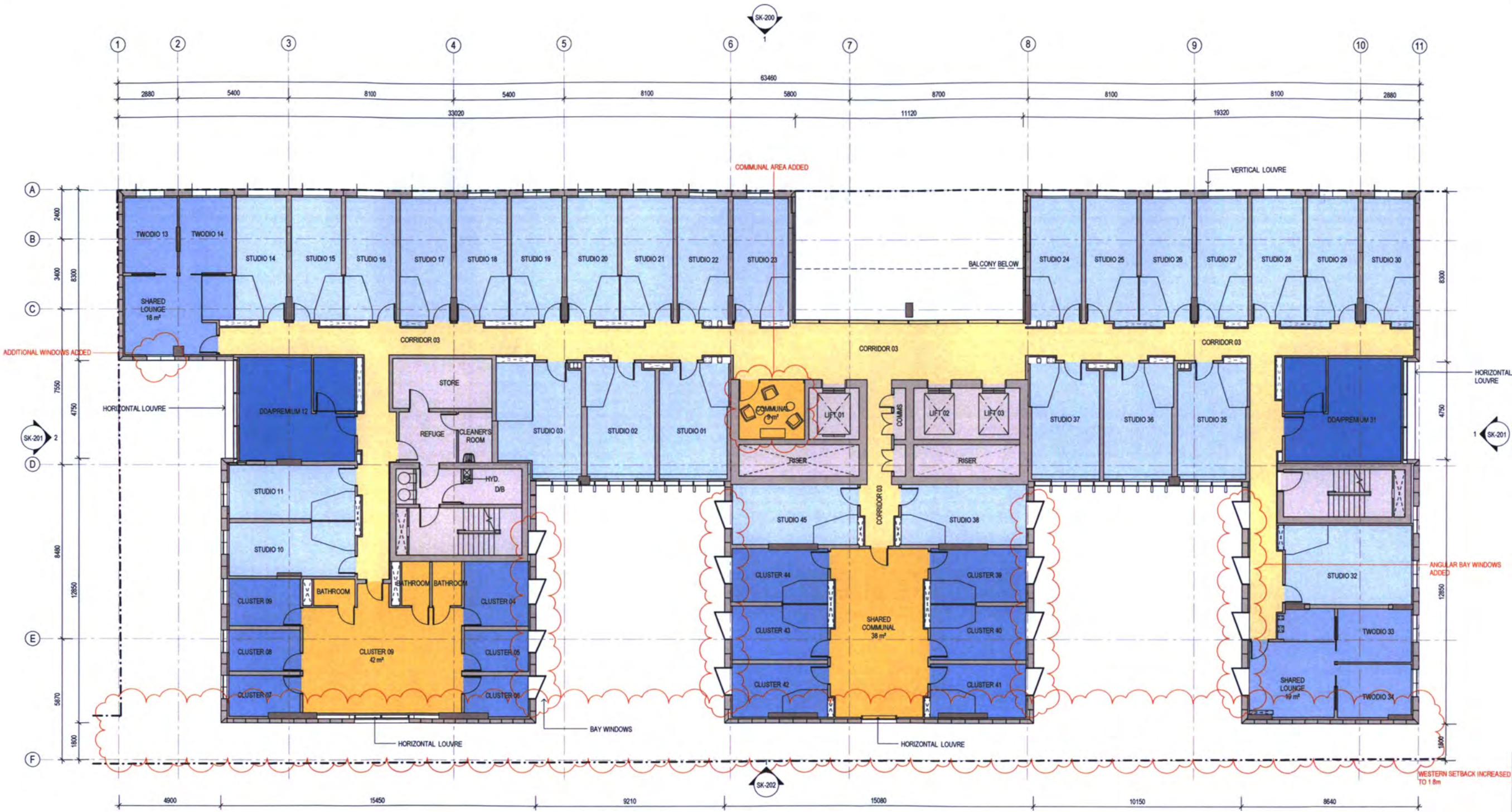
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LEVEL 06 PLAN

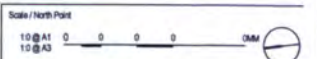
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 CORKER
 MARSHALL**

Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

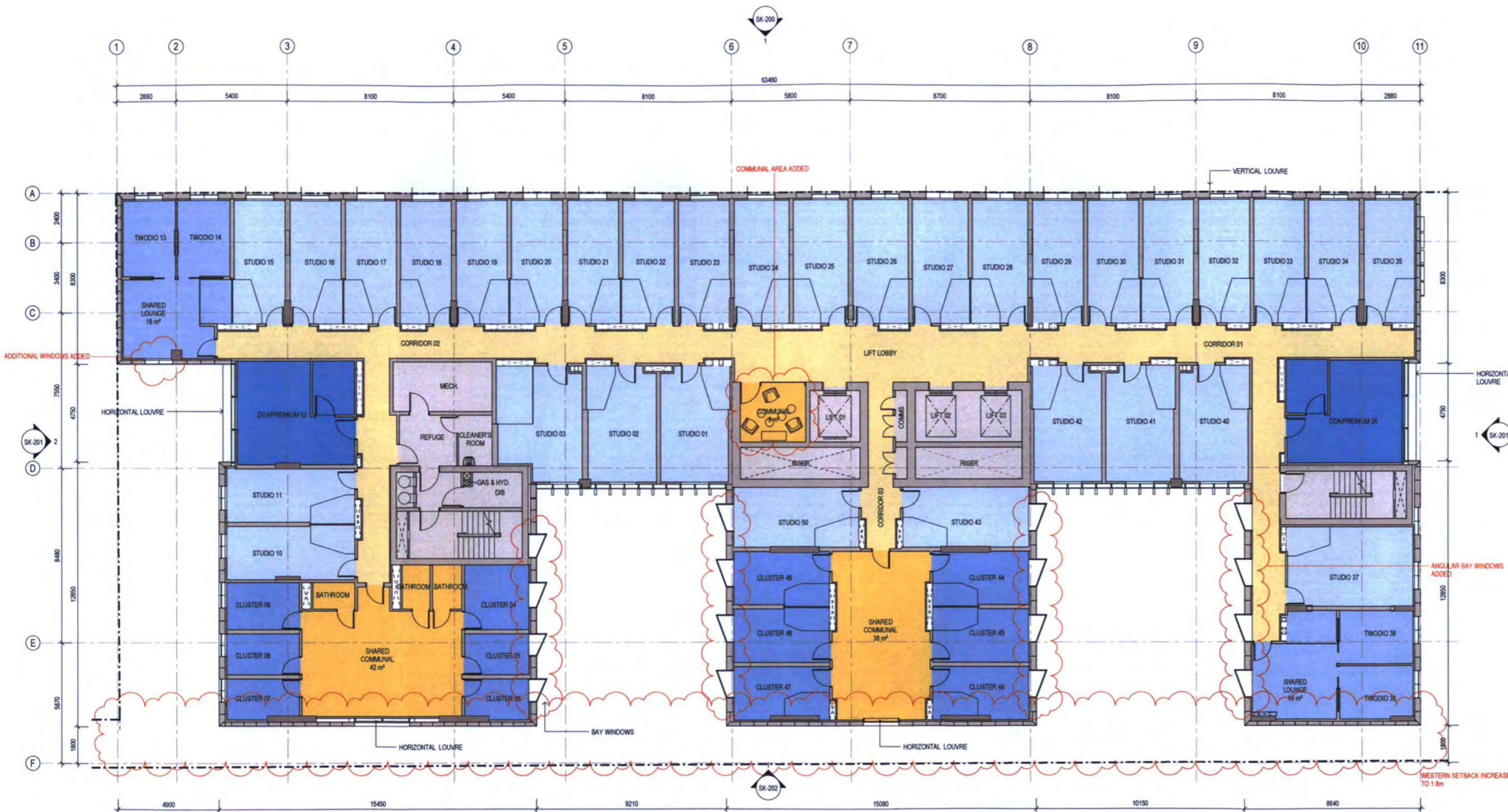
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LEVEL 07 PLAN

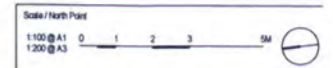
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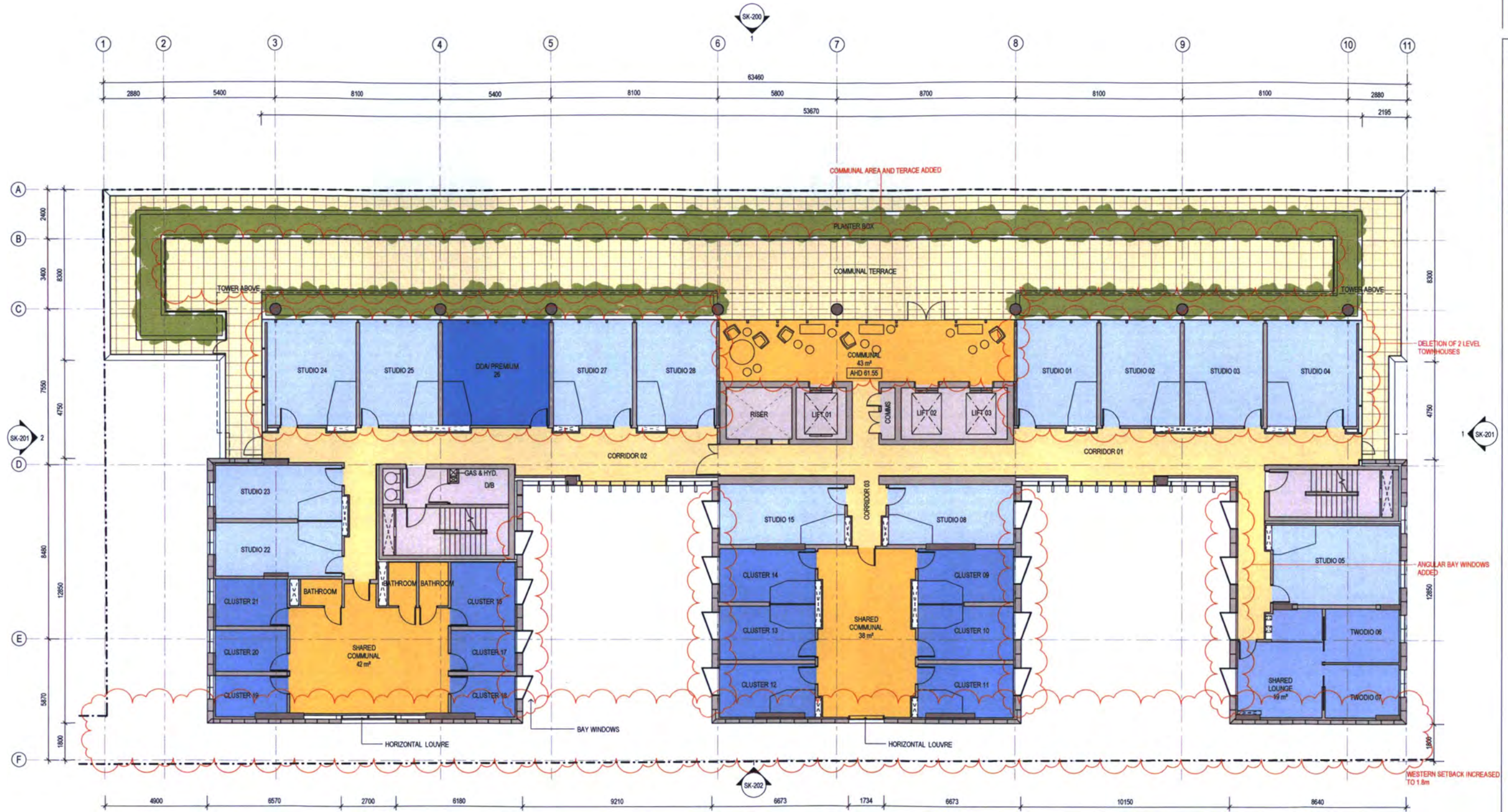
Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3500
F +61 3 9012 3501
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

scape
Project Title
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557 SWANSTON ST.
MELBOURNE**

Client
Scape Living
Office 3A, Swanston Square
551 Swanston Street, Carlton
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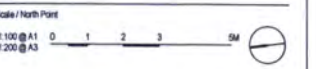
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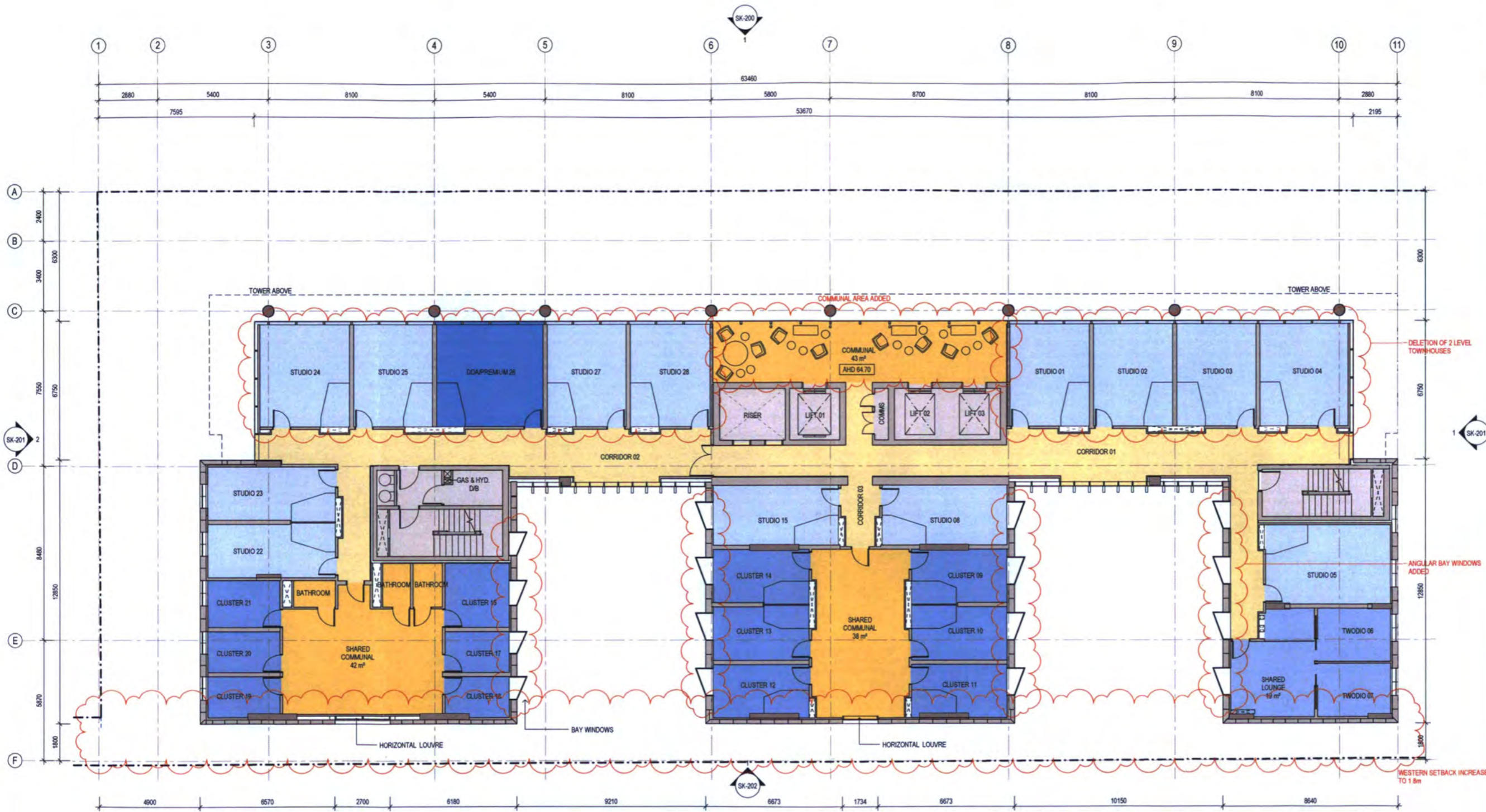
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Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

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557 SWANSTON ST.
MELBOURNE**
Client
Scape Living
Office 3A, Swanston Square
551 Swanston Street, Carlton
VIC 3063

Drawing Title
LEVEL 10 PLAN

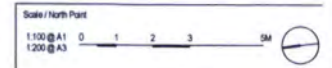
Project Number	Drawing Number	Revision
7493	SK-120	P4
Issue Date		01/05/2017

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COLOUR CODES

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 - STUDIO ROOM
 - TWOIOO ROOM
 - CLUSTER ROOM
 - PREMIUM / DOA
 - TOWNHOUSE
 - L-STUDIO
- COMMERCIAL SPACE
- RETAIL SPACE
- COMMUNAL AREA
- CIRCULATION



Drawing Status
PRELIMINARY

Rev	Date	App	Reason or reason for issue
P1	24.08.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

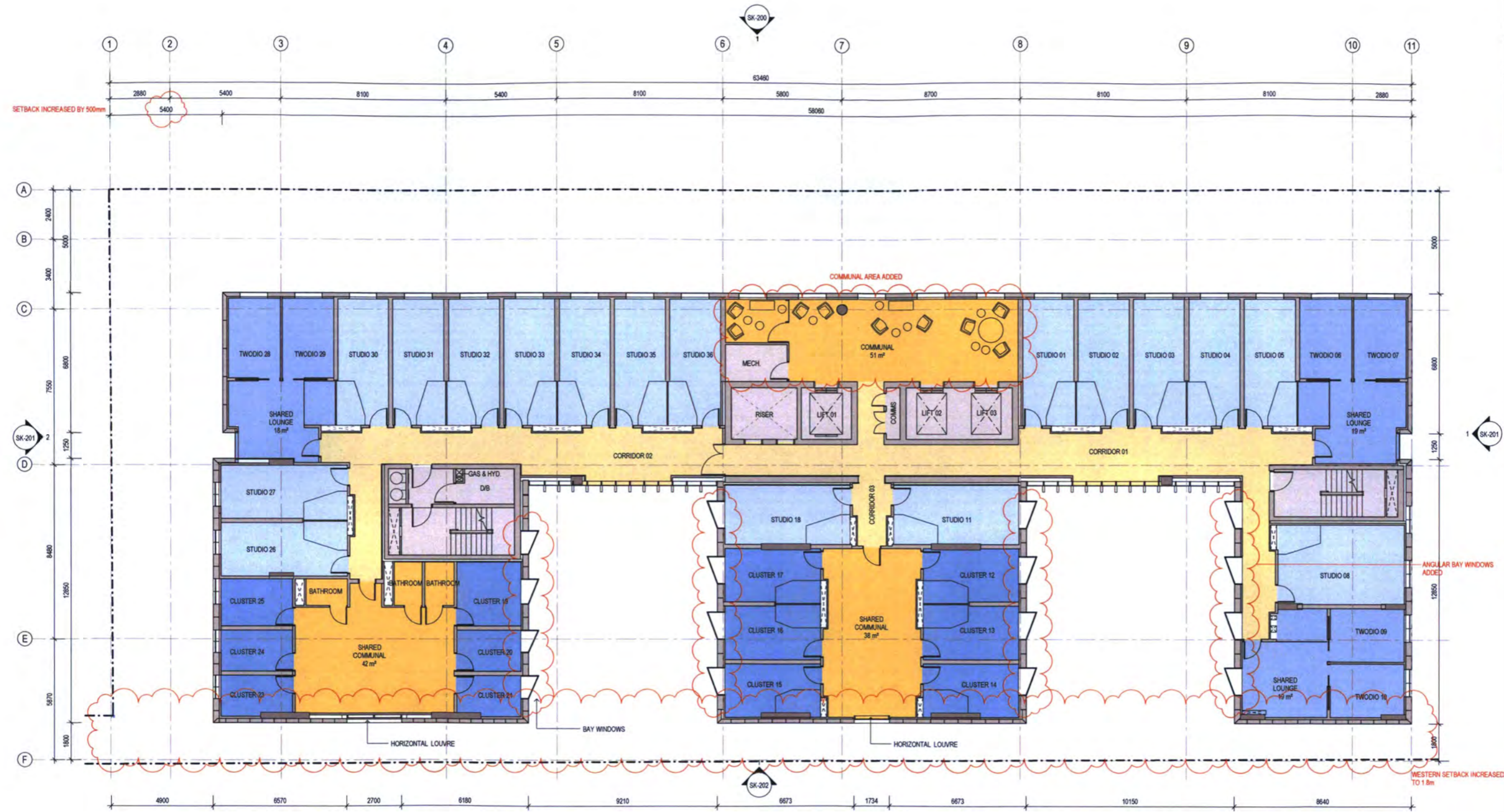
scape
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**SCAPE CUB
557 SWANSTON ST.
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551 Swanston Street, Carlton
VIC 3053

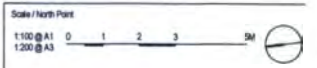
Drawing Title
LEVEL 11 PLAN

Project Number	Drawing Number	Revision
7493	SK-121	P4
Issue Date		01/05/2017

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 - TWODIO ROOM
 - CLUSTER ROOM
 - PREMIUM / DDA
 - TOWNHOUSE
 - L-STUDIO
 - COMMERCIAL SPACE
 - RETAIL SPACE
 - COMMUNAL AREA
 - CIRCULATION



Drawing Status
PRELIMINARY

No.	Date	App.	Revision or reason for issue
P1	24.08.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

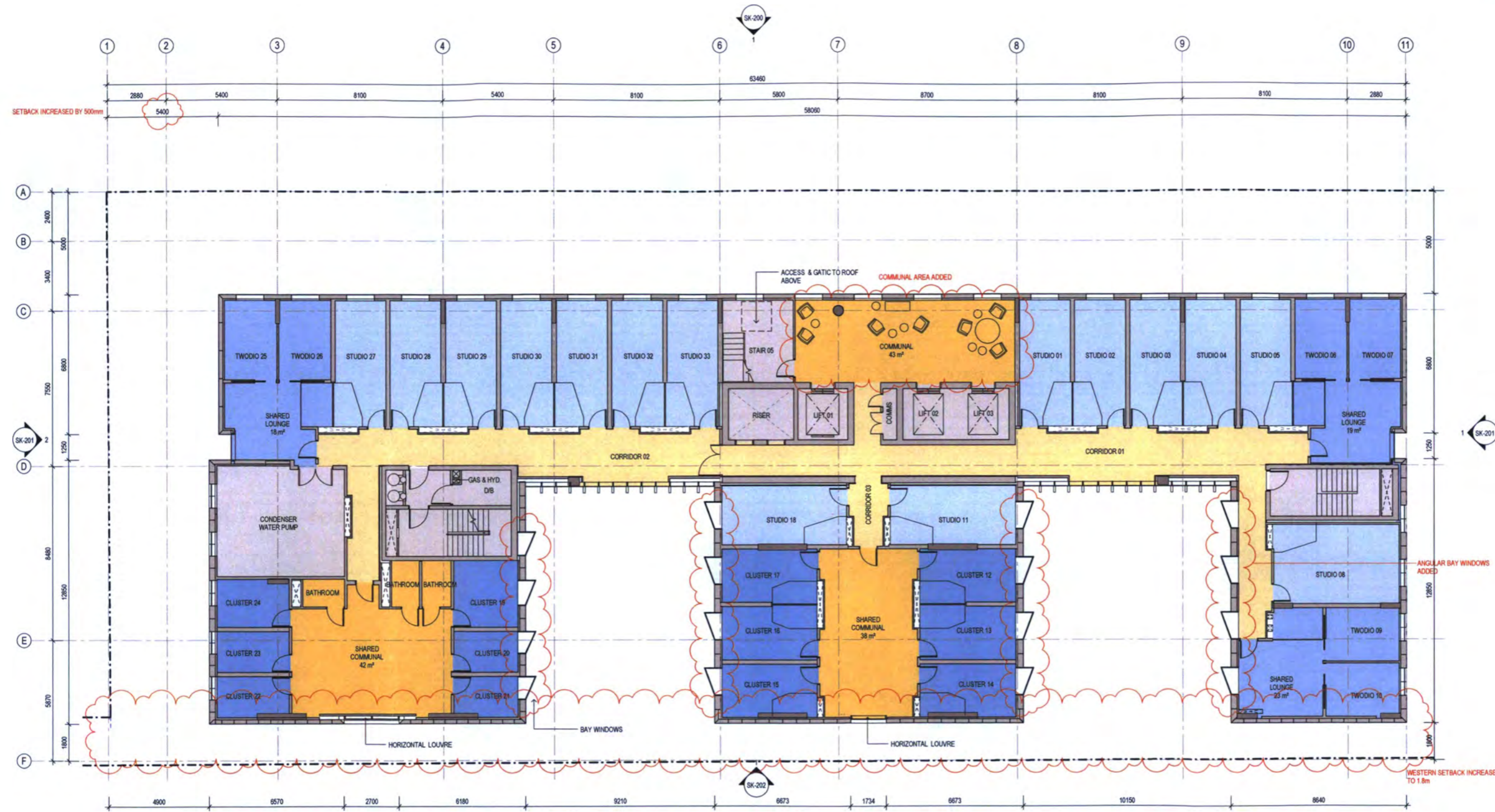
**DENTON
 CORKER
 MARSHALL**

Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
**SCAPE CUB
 557 SWANSTON ST.
 MELBOURNE**
 Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
 VIC 3063

Drawing Title		Revision
LEVEL 12-19 PLAN		
Project Number	Drawing Number	Revision
7493	SK-122	P4
Issue Date		
01/05/2017		

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COLOUR CODES

STUDENT ACCOM

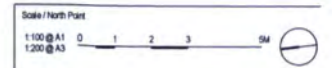
- STUDIO ROOM
- TWODIO ROOM
- CLUSTER ROOM
- PREMIUM / DDA
- TOWNHOUSE
- L-STUDIO

COMMERCIAL SPACE

- RETAIL SPACE

COMMUNAL AREA

- CIRCULATION



Drawing Status
PRELIMINARY

No.	Date	App.	Revision or reason for issue
P1	24.08.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

**DENTON
 CORKER
 MARSHALL**

Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

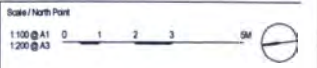
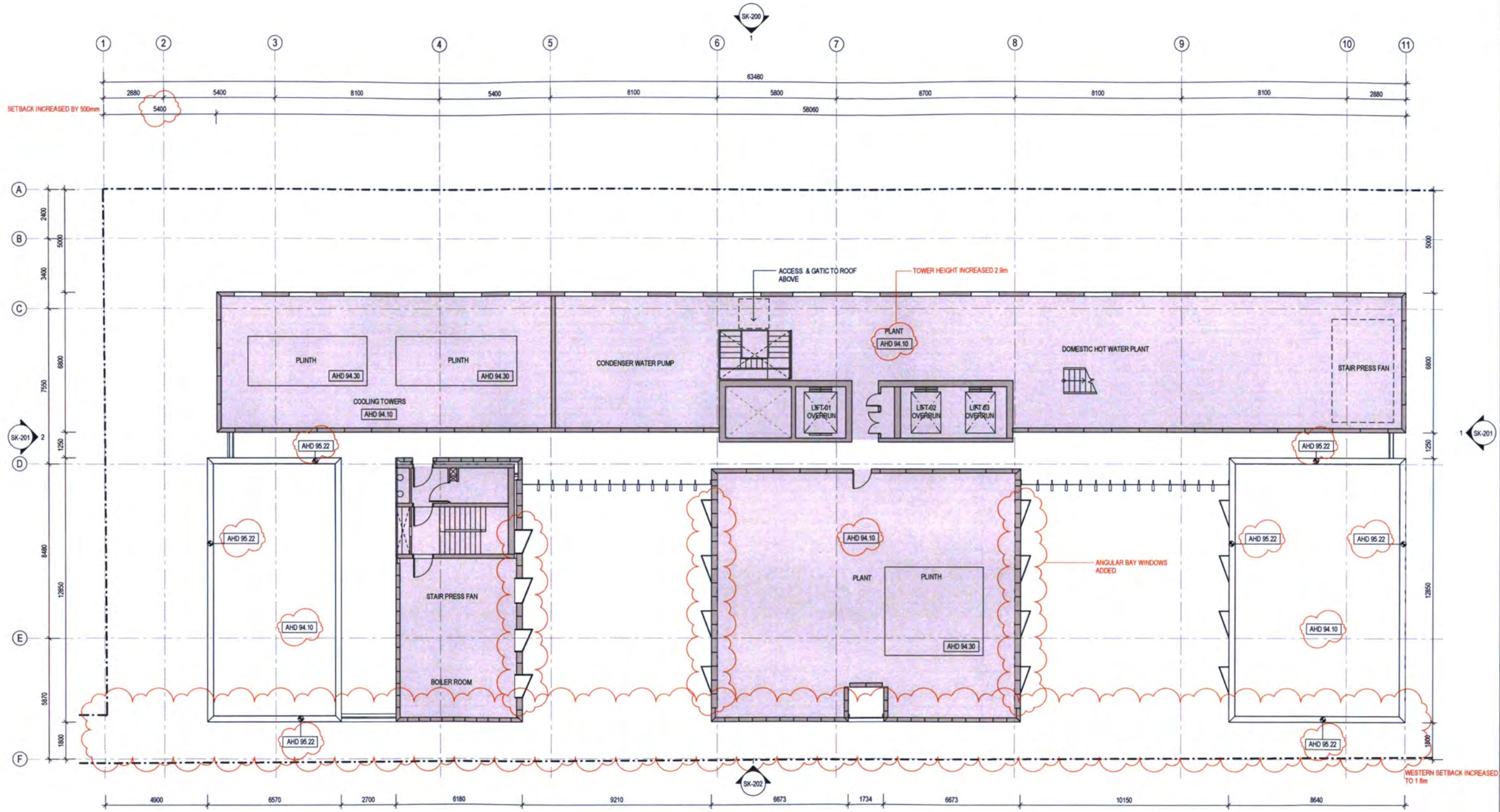
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 Scape Living
 Office 3A, Swanston Square
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Drawing Title
LEVEL 20 PLAN

Project Number	Drawing Number	Revision
7493	SK-130	P4
Issue Date		01/05/2017

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No	Date	App	Revision or reason for issue
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P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

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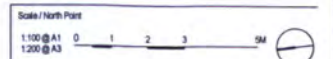
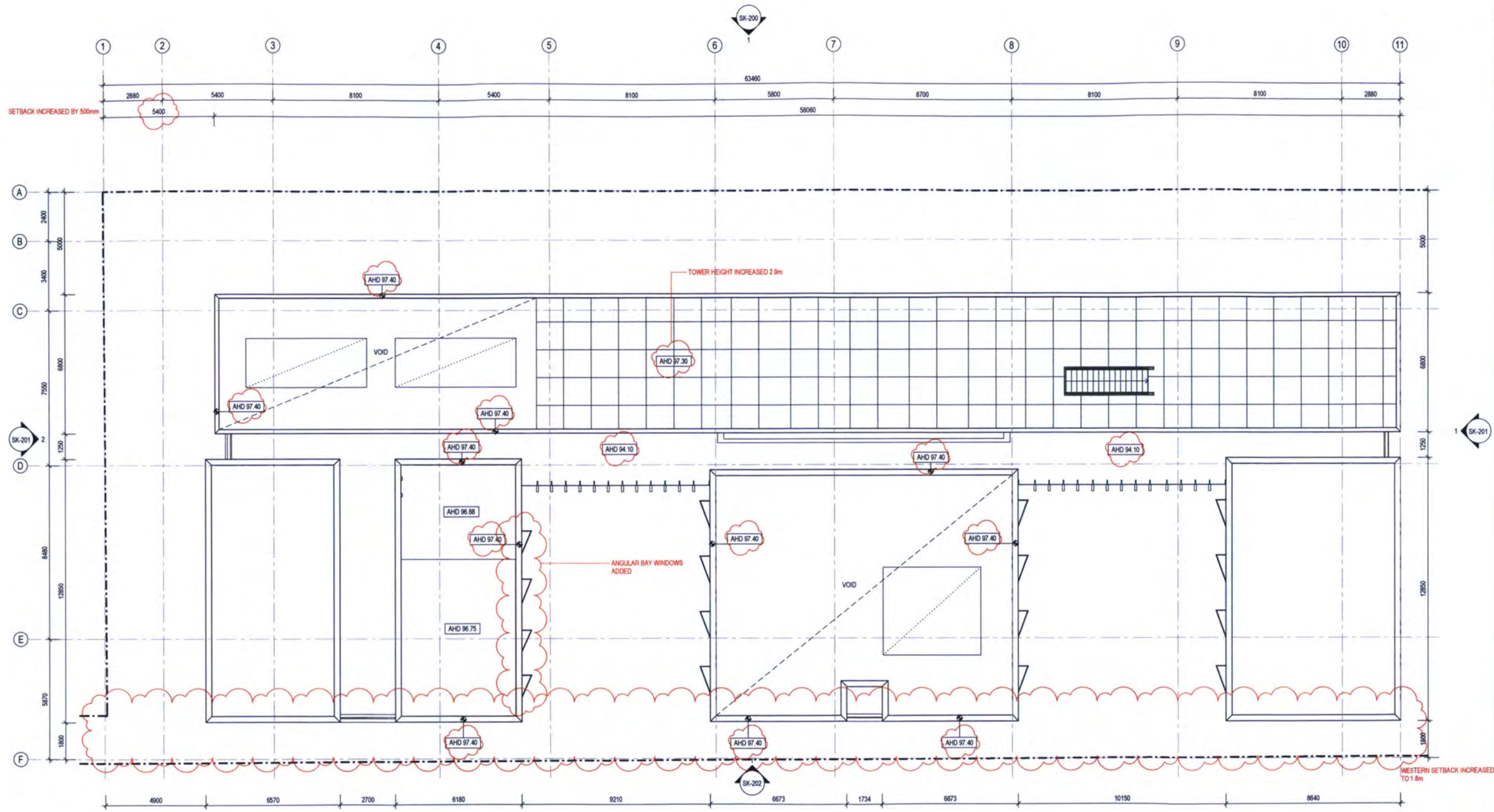
Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
**SCAPE CUB
 557 SWANSTON ST.
 MELBOURNE**
 Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
 VIC 3053

Drawing Title
PLANT LEVEL PLAN

Project Number	Drawing Number	Revision
7493	SK-131	P4
Issue Date		01/05/2017

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P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

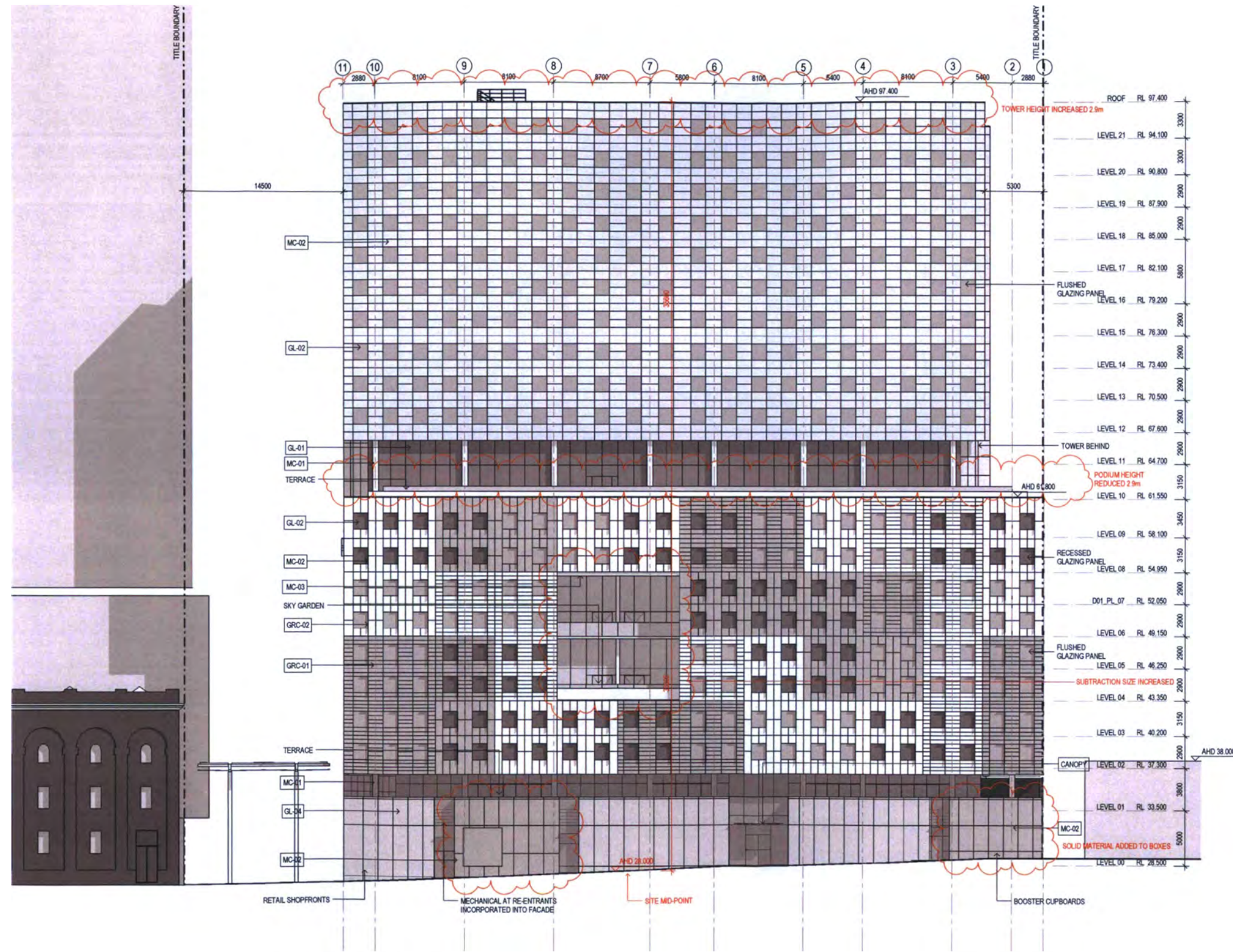
**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E mel@dentoncorkermarshall.com
dentoncorkermarshall.com

scape
Project Title
**SCAPE CUB
557 SWANSTON ST.
MELBOURNE**
Client
Scape Living
Office 3A, Swanston Square
551 Swanston Street, Carlton
VIC 3053

Drawing Title		Revision
ROOF PLAN		
Project Number	Drawing Number	Revision
7493	SK-132	P4
Issue Date		
01/05/2017		

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1 EAST ELEVATION
 SCALE 1 : 200

Scale / North Point
 1:200 @ A1
 1:400 @ A3
 0 2 4 6 10M

Drawing Status
PRELIMINARY

No.	Date	App	Revision or reason for issue
P1	24.06.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	04.07.2017	NT	PLANNING SUBMISSION
P5	16.11.2017	NT	PLANNING SUBMISSION

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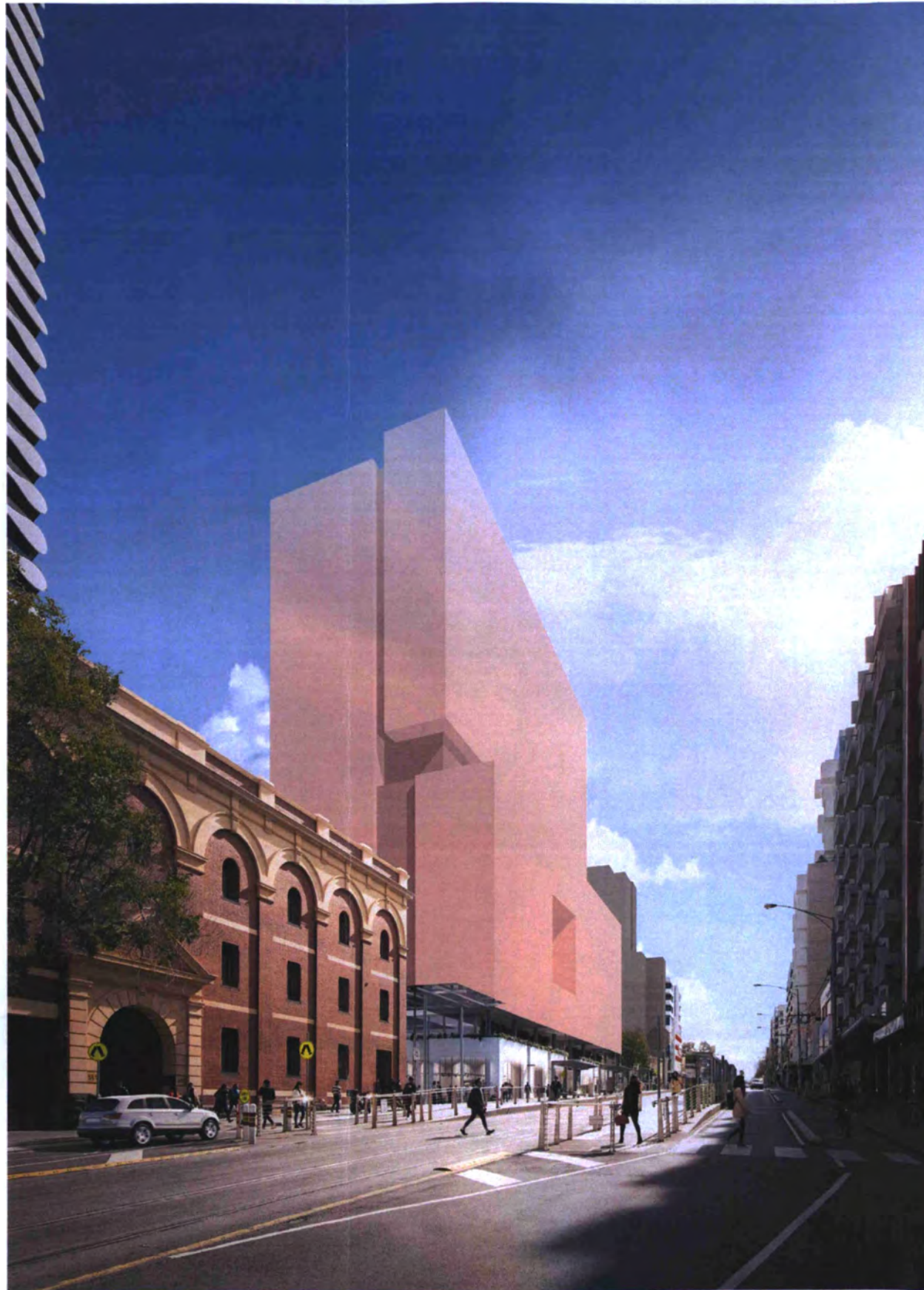
Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
**SCAPE CUB
 557 SWANSTON ST.
 MELBOURNE**

Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
 VIC 3053

Drawing Title		
EAST ELEVATION		
Project Number	Drawing Number	Revision
7493	SK-280	P5
Issue Date	01/05/2017	

ENVELOPE VISUALISATION

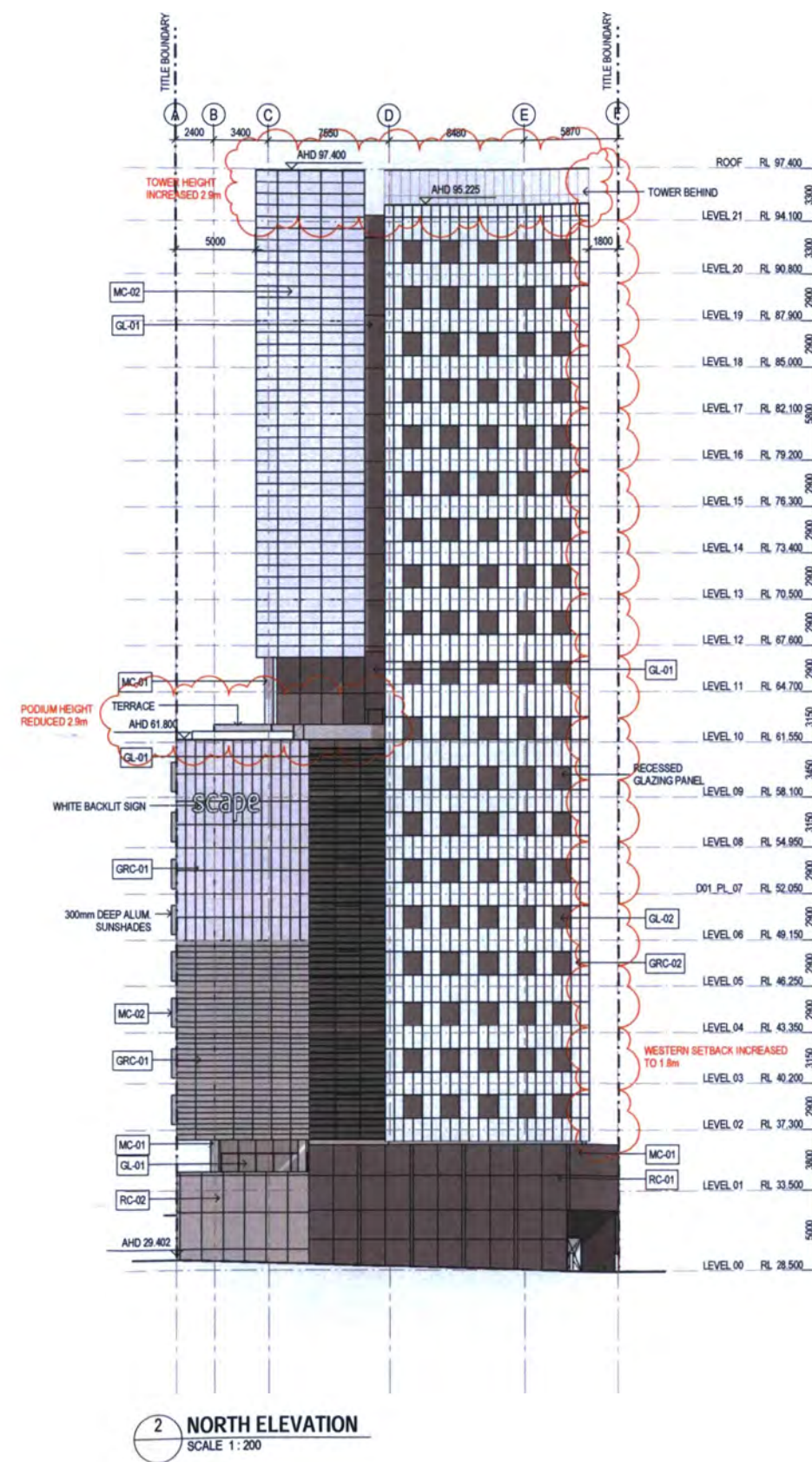
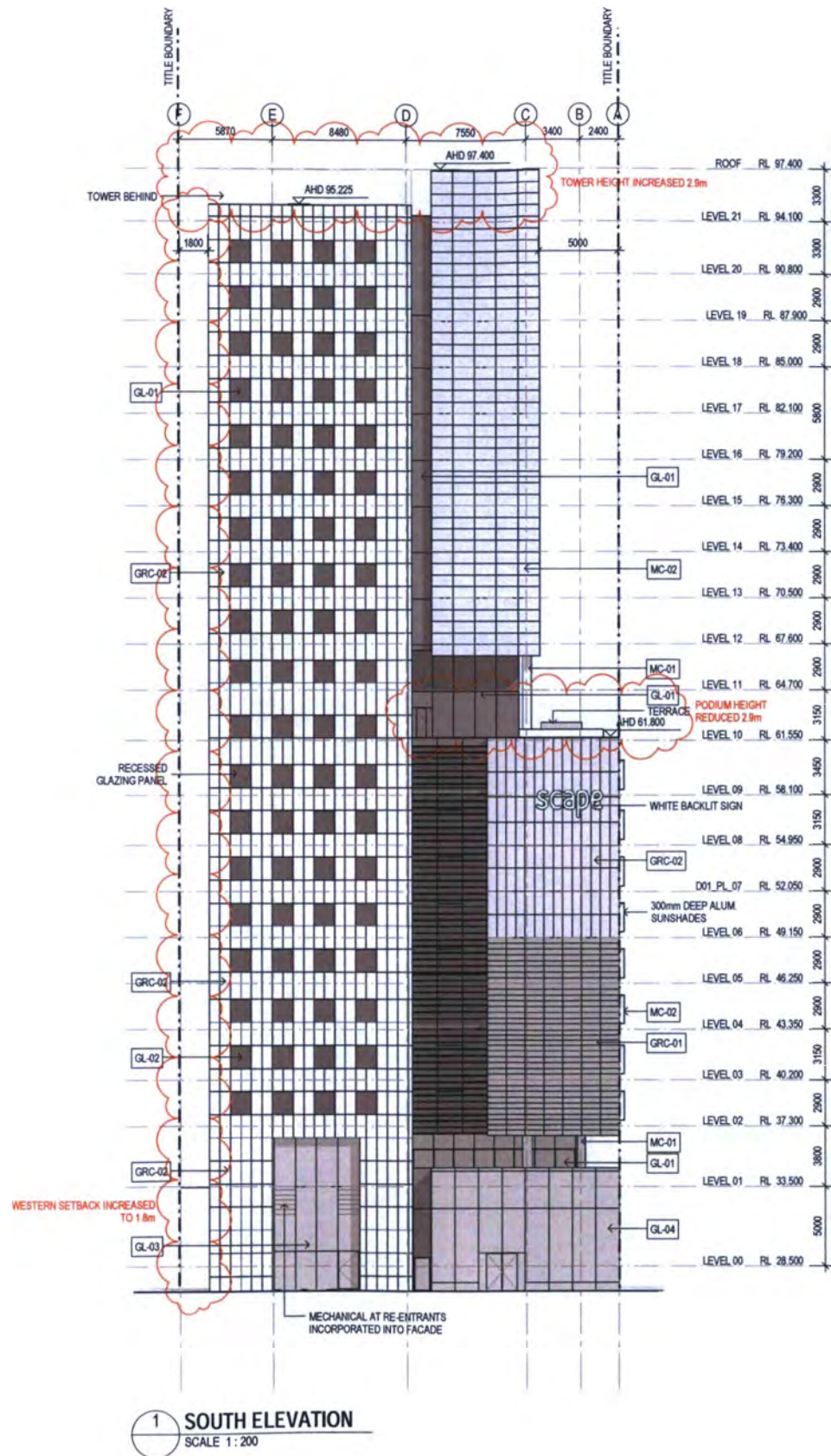


SOUTH-EAST PERSPECTIVE



NORTH-EAST PERSPECTIVE

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Scale / North Point
 1:300 @ A1
 1:400 @ A3

Drawing Status
PRELIMINARY

No.	Date	App.	Revision or reason for issue
P1	24.08.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	04.07.2017	NT	PLANNING SUBMISSION
P5	15.11.2017	NT	PLANNING SUBMISSION

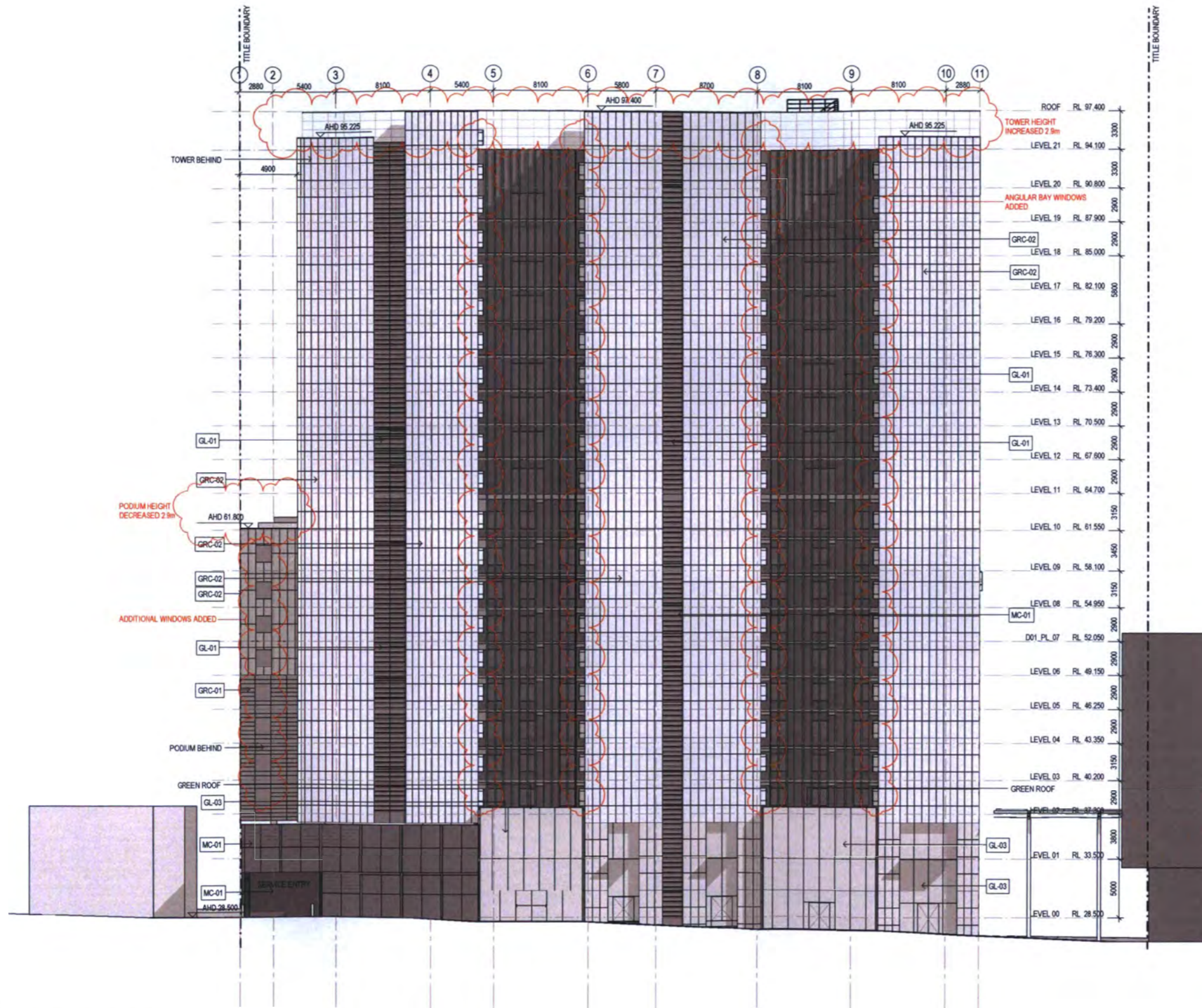
**DENTON
 CORKER
 MARSHALL**

Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
**SCAPE CUB
 557 SWANSTON ST.
 MELBOURNE**
 Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
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Drawing Title
SOUTH + NORTH ELEVATION
 Project Number
7493
 Drawing Number
SK-201
 Revision
P5
 Issue Date
 01/05/2017

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1 WEST ELEVATION
SCALE 1 : 200

Scale / North Point
1:200 @ A1
1:400 @ A3
0 2 4 6 10M

Drawing Status
PRELIMINARY

No.	Date	App.	Revision or reason for issue
P1	24.08.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	04.07.2017	NT	PLANNING SUBMISSION
P5	16.11.2017	NT	PLANNING SUBMISSION

**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

scape
Project Title
**SCAPE CUB
557 SWANSTON ST.
MELBOURNE**

Client
Scape Living
Office 3A, Swanston Square
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Drawing Title		Revision
WEST ELEVATION		P5
Project Number	Drawing Number	Issue Date
7493	SK-202	01/05/2017

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COLOUR CODES

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 - TWOIO ROOM
 - CLUSTER ROOM
 - PREMIUM / DDA
 - TOWNHOUSE
 - L-STUDIO
- COMMERCIAL SPACE
- RETAIL SPACE
- COMMUNAL AREA
- CIRCULATION



Scale / North Point
 1:200 @ A1
 1:400 @ A3

Drawing Status
PRELIMINARY

No	Date	App	Revision or reason for issue
P1	24.08.2016	NT	PLANNING SUBMISSION
P2	22.11.2016	NT	PLANNING SUBMISSION
P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

**DENTON
 CORKER
 MARSHALL**

Address
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E mmb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
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 557 SWANSTON ST.
 MELBOURNE**
 Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
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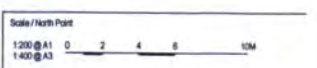
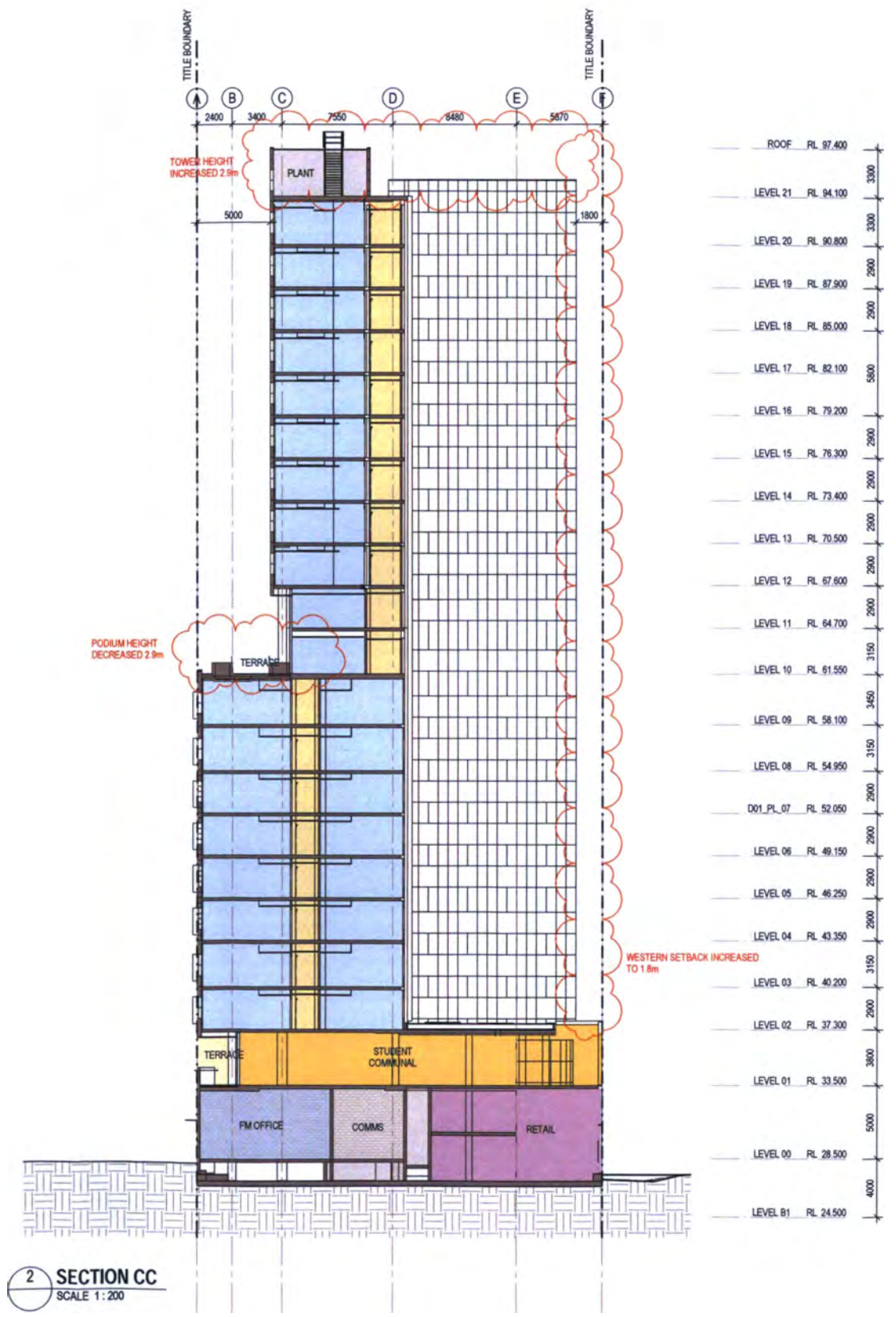
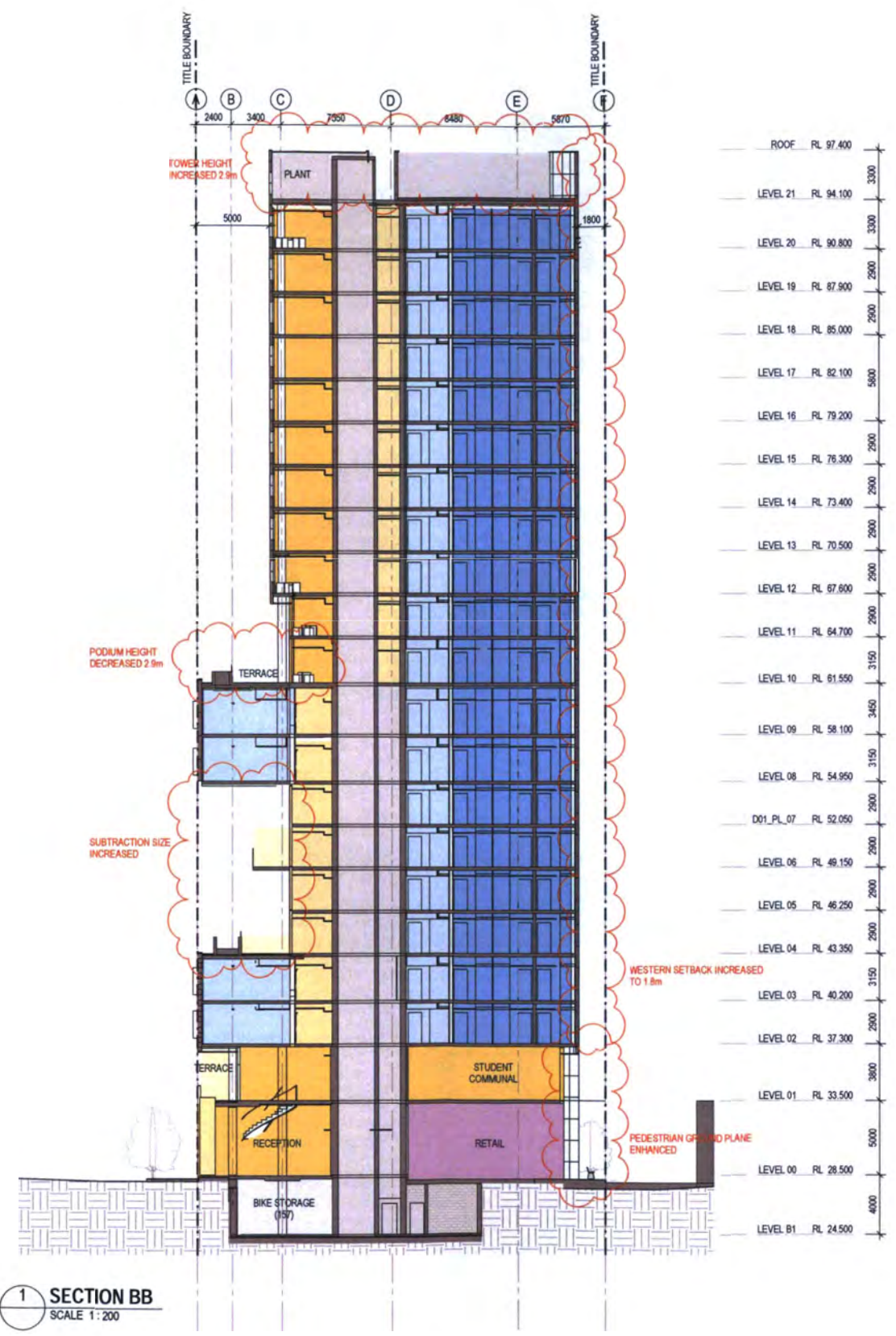
Drawing Title
SECTION AA

Project Number	Drawing Number	Revision
7493	SK-300	P4
Issue Date		01/05/2017

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 - TOWNHOUSE
 - L-STUDIO
- COMMERCIAL SPACE
- RETAIL SPACE
- COMMUNAL AREA
- CIRCULATION



Drawing Status
PRELIMINARY

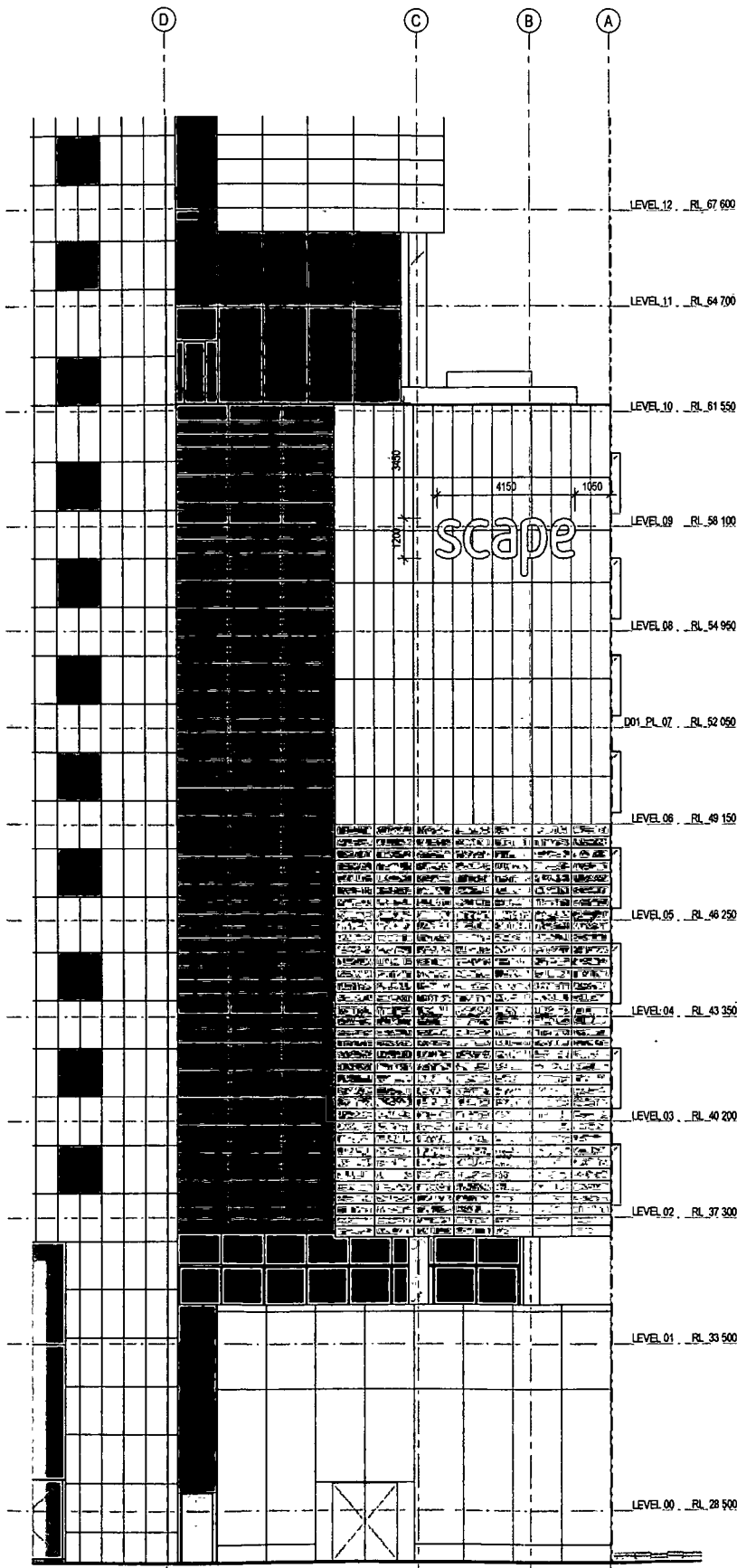
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P4	16.11.2017	NT	PLANNING SUBMISSION

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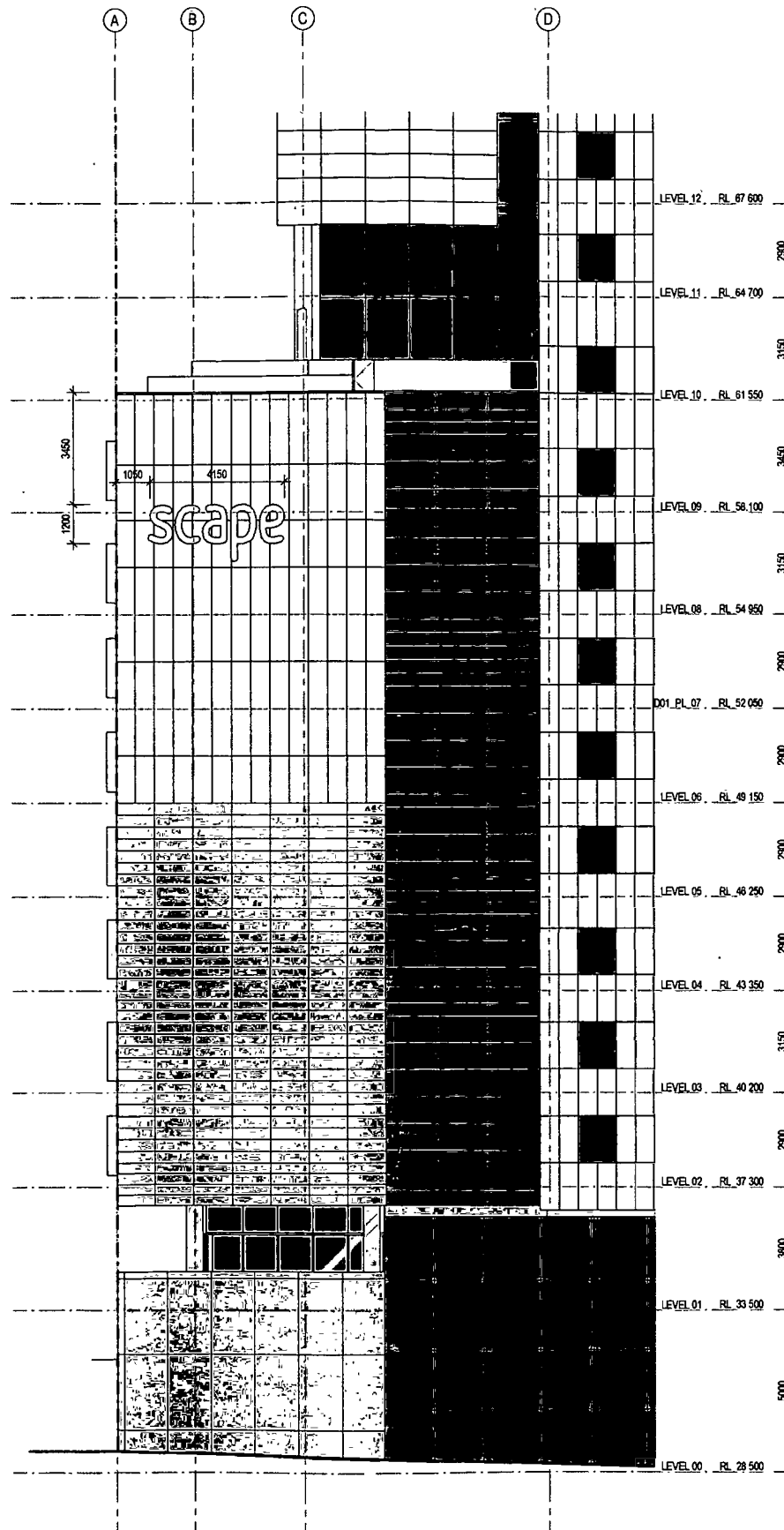
Architect
 Denton Corker Marshall Pty Ltd
 Level 19, 55 Collins Street
 Melbourne Victoria 3000
 Australia
 T +61 3 9012 3600
 F +61 3 9012 3601
 E melb@dentoncorkermarshall.com
 dentoncorkermarshall.com

scape
 Project Title
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 557 SWANSTON ST.
 MELBOURNE**
 Client
 Scape Living
 Office 3A, Swanston Square
 551 Swanston Street, Carlton
 VIC 3063

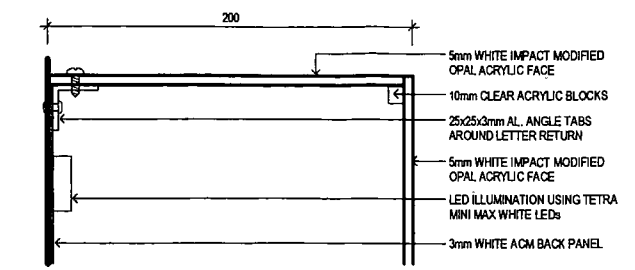
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SECTION BB AND CC		
Project Number	Drawing Number	Revision
7493	SK-301	P4
Issue Date		01/05/2017



1 SIGNAGE - SOUTH ELEVATION
SCALE 1:100



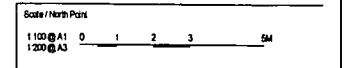
2 SIGNAGE - NORTH ELEVATION
SCALE 1:100



3 SIGNAGE - SECTION DETAIL
SCALE 1:2



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P3	01.05.2017	NT	PLANNING SUBMISSION
P4	16.11.2017	NT	PLANNING SUBMISSION

**DENTON
CORKER
MARSHALL**

Architect
Denton Corker Marshall Pty Ltd
Level 19, 55 Collins Street
Melbourne Victoria 3000
Australia
T +61 3 9012 3600
F +61 3 9012 3601
E melb@dentoncorkermarshall.com
dentoncorkermarshall.com

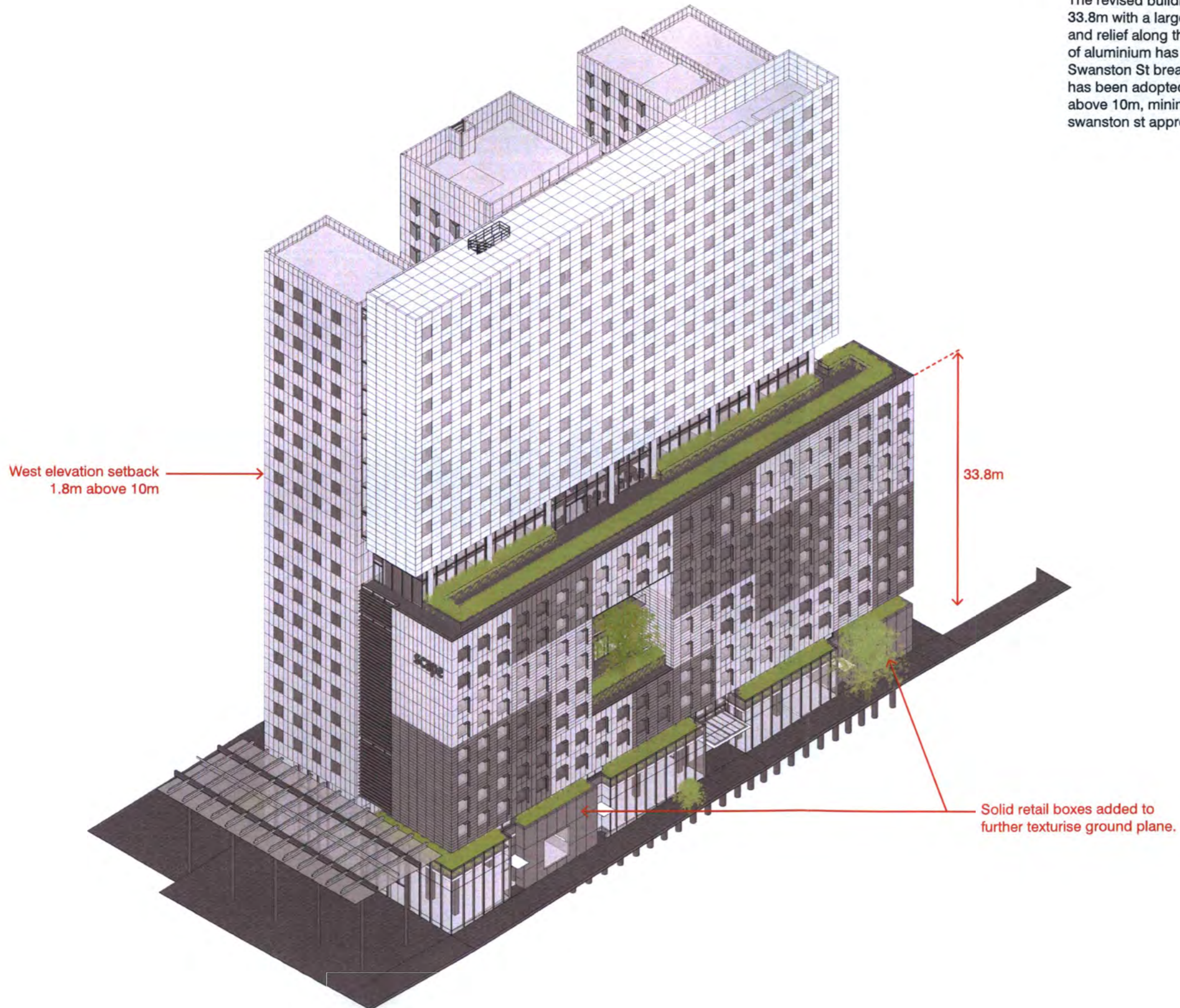
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Project Title
SCAPE CUB
557 SWANSTON ST.
MELBOURNE

Client
Scape Living
Office 3A, Swanston Square
551 Swanston Street, Carlton
VIC 3053

Drawing Title		Revision
PROPOSED SIGNAGE		
Project Number	Drawing Number	Revision
7493	SK-000	P4
Issue Date		
01/05/2017		

AXONOMETRIC SOUTH-EAST

The revised building envelope has a reduced podium height of 33.8m with a large 12m x 12m subtraction providing visual interest and relief along the elevation. A solid facade element in the use of aluminium has been incorporated into the retail boxes along Swanston St breaking up the extent of glazing. A setback of 1.8m has been adopted to the western tower elements to their height above 10m, minimising its visual bulk from the north and south swanston st approach.

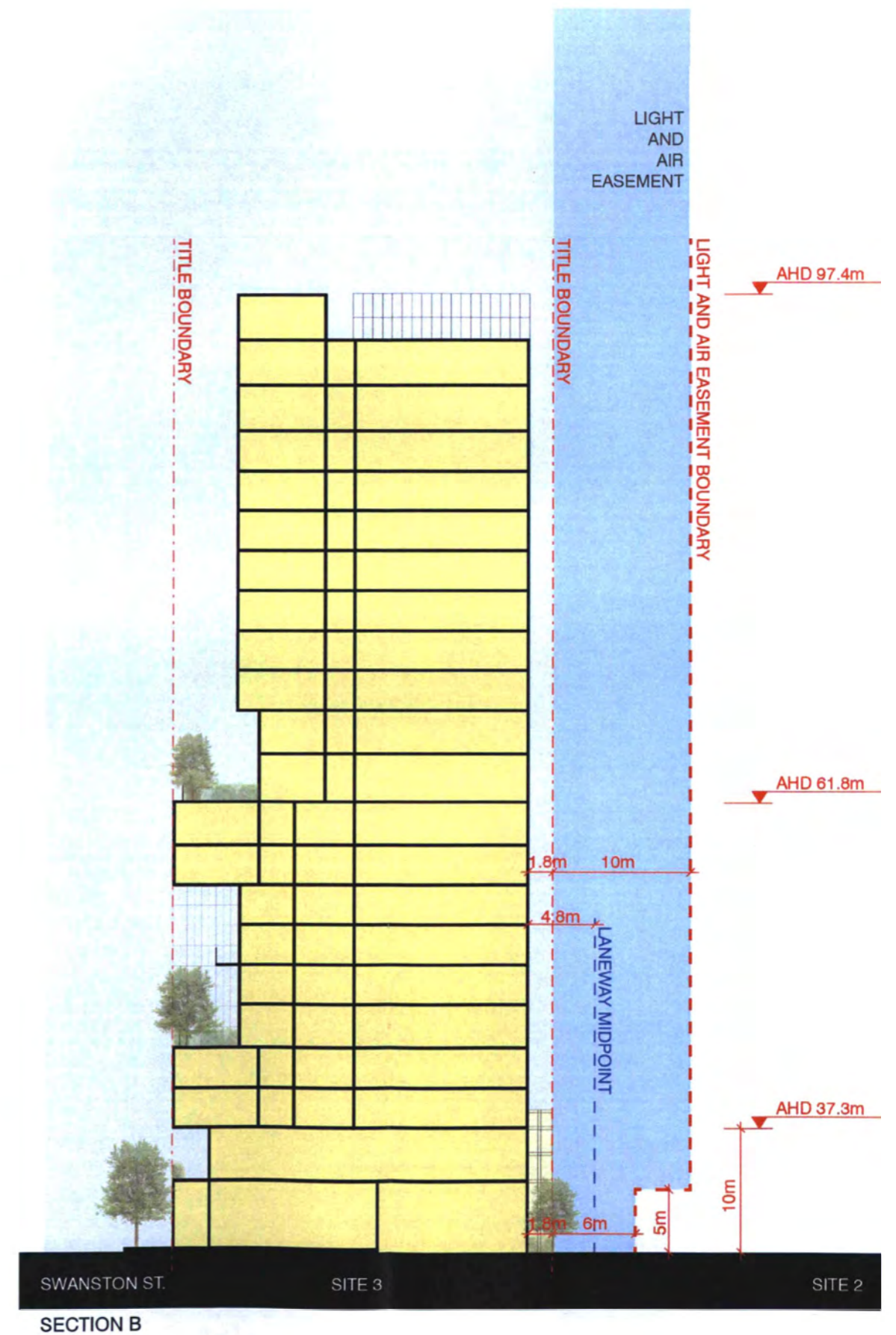
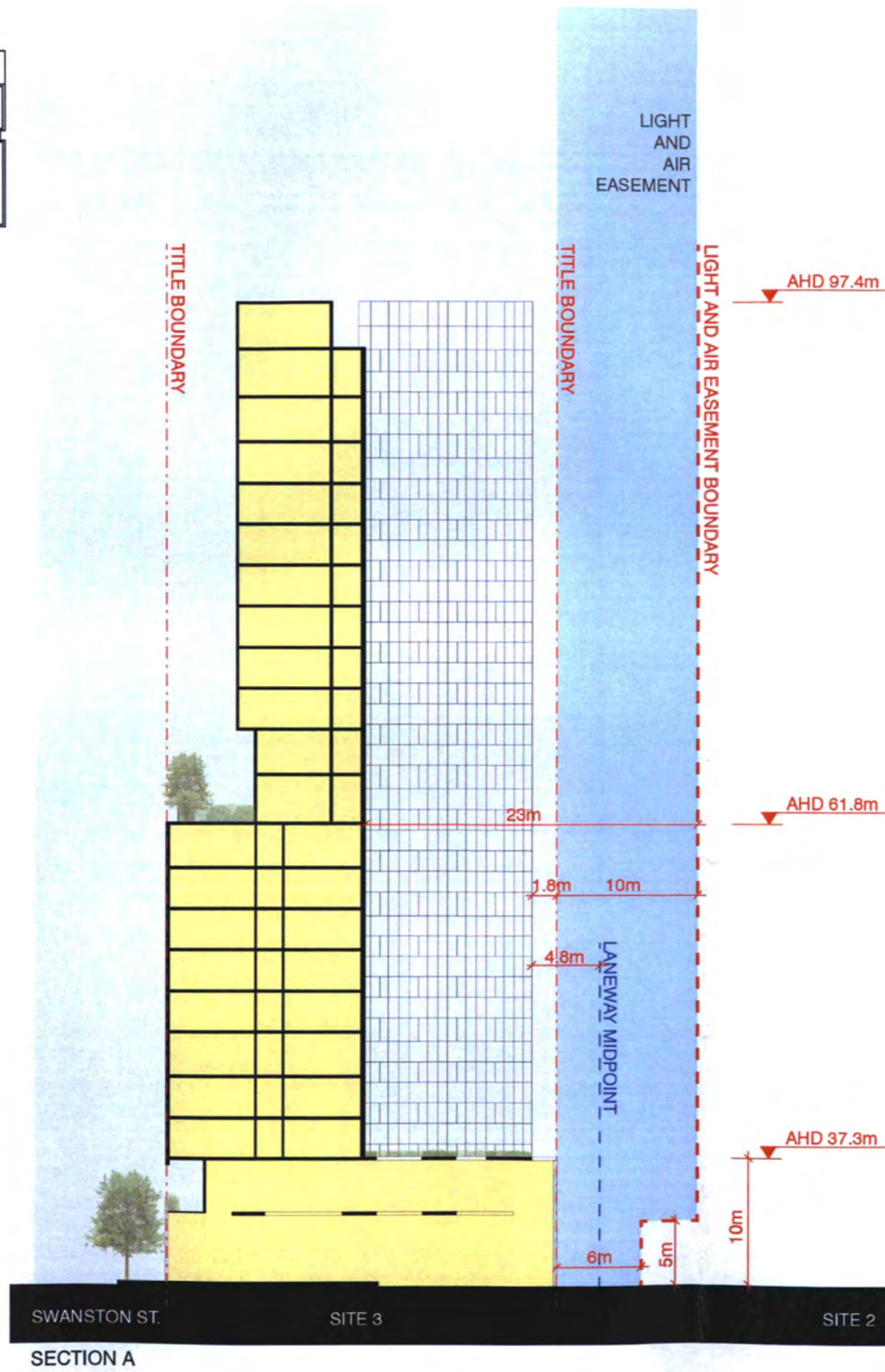
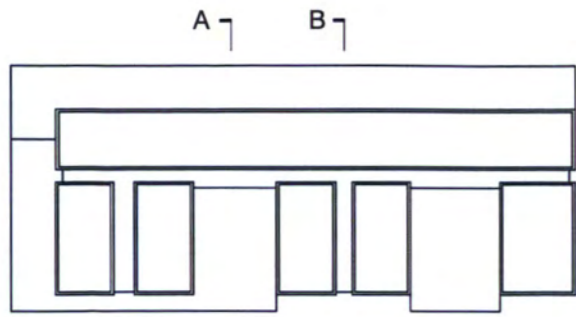


AXONOMETRIC SOUTH-WEST

The revised building envelope strongly defines a 10m high public ground plane, utilising the winter garden canopy and the built architectural form. The double height glazed boxes to the west have been pulled to the boundary and the towers setback allowing visual connections between the student communal and public laneway. A green landscaped strip allows opportunities for external seating which can be further integrated into the laneway design as the neighbouring site develops.



EAST-WEST SECTIONS



557 SWANSTON ST - DEVELOPMENT ANALYSIS																										
Level	AHJ	Floor to Floor	Type A Studio 15-16m²	Type A Ambulant / Premium Studio 23m²	Type B Studio 17m²	Type B Ambulant / Premium Studio 19m²	Type C Studio 19m²	Type C DDA / Premium 26m²	Type D DDA / Premium 28m²	Twodio 40m²		6 Bed Ensuite Cluster 120m²		6 Bed Shared Bathroom Cluster 120m²		Total Rooms	Total Beds	GFA Below Ground (m²)	GFA Above Ground (m²)	Communal - Central (m²)	Communal - Clusters (m²)	External Terrace (m²)	Retail - N/A(m²)	Bicycle Parking		
										Rooms	Beds	Rooms	Beds	Rooms	Beds											
Level B1	24,500	4																939 m²						157		
Level 00	26,500	5																	1,551 m²				660 m²			
Mezzanine																			180 m²				180 m²			
Level 01	33,500	3.8																	1,554 m²	870 m²		216 m²				
Level 02	37,300	2.9	25	1	5	1		2	2	4	1	6	1	6		38	50		1,313 m²	9 m²		80 m²				
Level 03	40,200	3.15	25	1	5	1		2	2	4	1	6	1	6		38	50		1,313 m²	9 m²		80 m²				
Level 04	43,350	2.9	21	1	5	1		2	2	4	1	6	1	6		34	46		1,257 m²	9 m²		80 m²	37 m²			
Level 05	46,250	2.9	21	1	5	1		2	2	4	1	6	1	6		34	46		1,257 m²	9 m²		80 m²				
Level 06	49,150	2.9	21	1	5	1		2	2	4	1	6	1	6		34	46		1,257 m²	9 m²		80 m²	28 m²			
Level 07	52,050	2.9	21	1	5	1		2	2	4	1	6	1	6		34	46		1,257 m²	9 m²		80 m²				
Level 08	54,950	3.15	25	1	5	1		2	2	4	1	6	1	6		38	50		1,313 m²	9 m²		80 m²				
Level 09	58,100	3.45	25	1	5	1		2	2	4	1	6	1	6		38	50		1,313 m²	9 m²		80 m²				
Level 10	61,550	3.15	4	1			8	1	1	2	1	6	1	6		17	28		880 m²	43 m²		80 m²	310 m²			
Level 11	64,700	2.9	4	1			8	1	1	2	1	6	1	6		17	28		880 m²	43 m²		80 m²				
Level 12	67,600	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 13	70,500	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 14	73,400	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 15	76,300	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 16	79,200	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 17	82,100	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 18	85,000	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 19	87,900	2.9	16	1					3	6	1	6	1	6		22	35		984 m²	51 m²		80 m²				
Level 20	90,800	3.3	14	1					3	6	1	6	1	6		20	33		984 m²	43 m²		80 m²				
Plant	94,100	3.3																	781 m²							
Roof	97,400																									
Total Rooms			334	19	40	8	16	2	16	45		19	19	114		518			939 m²	25,062 m²	1,479 m²	1,520 m²	591 m²	840 m²	157	
Total Beds			334	19	40	8	16	2	16		90		114	114			753			26,001 m²						
Bed Mix			44.4%	2.5%	5.3%	1.1%	2.1%	0.3%	2.1%		12.0%		15.1%	15.1%												

STUDENT COMMUNAL AREAS				
INTERNAL				
	Beds	Comm. Central (m²)	Comm. Cluster (m²)	m² / Bed
Studio + Twodio	525	1,479 m²		2.8 m²
Cluster	228		1,520 m²	6.7 m²
Total	753	2,999 m²		4 m²
EXTERNAL				
	Beds	Communal	m² / Bed	
Total	753	591 m²	1.3 m²	

FACADE MATERIALS



FORMER PROPOSED ENVELOPE SHOWN



Aluminium in silver with flush window glazing

Bright + light-weight appearance to give an 'airy' appearance. The use of flush glazing reflects its light reading in contrast to the recessed windows predominantly used through the remainder of the building.



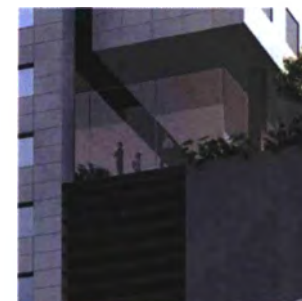
GRC in light + dark-grey with alternating vertical and horizontal cladding, and flush and recessed windows

The use of GRC into 'brick' elements is a modern reference to the solid masonry of the Malt Store and existing heritage. The podium is articulated by use of an abstracted tartan. Variations in cladding direction, colour, and window depth are grouped into larger elements and weaved across the facade. A silver aluminium fin to each window further texturises the facade through depth and shadow.



GRC in mid-grey with recessed windows

Spine of the building that purposefully grounds and balances out the building elements with recessed windows to strengthen and solidify the reading. The cladding panels are expressed in smaller units allowing still a sense of human proportion and scale.



Black horizontal louvres over dark tinted glass

A recessed element to define the separation between building elements. The horizontal louvres add a texture and depth to the facade whilst providing privacy to the rooms behind.



Tiered landscape

Appearing as green tiers up the building, vegetation has been utilised as a material adding a natural colour and texture to the building. Occupying terraces at levels 01, 04, 06 and 10, the landscaped areas enhance the user experience and complement the surrounding parks and gardens.

FACADE MATERIALS



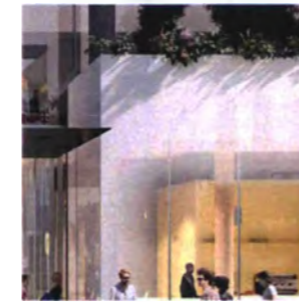
Silver aluminium window fins

A silver aluminium fin to each window texturises the facade through depth and shadow. As the sun travels through the sky, so do the shadows across the building activating and changing the facade through the day. The reflectivity of the material contrasts the GRC giving variety in materiality.



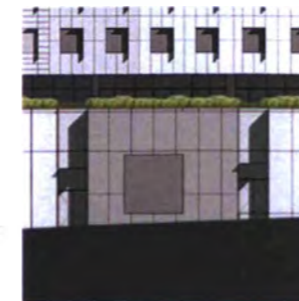
Polished aluminium soffit

The highly reflective surface amplifies daylight into the facade subtraction. Visual connections between the terrace and ground plane are encouraged and facilitated through the mirror like quality of the material.



Full height frameless glazing with customised white frit

The glazed boxes add transparency and activation to an otherwise solid existing streetscape. The frameless glass facade is broken down into a number of smaller boxes, each defined in shape by the use of a customised frit. The extension of the shopfront glazing to form the balustrade of the terrace above creates a pure and clean expression of the boxes.



Silver aluminium retail boxes

The silver aluminium used in the tower facade and podium fins has been continued into 2 of the boxes fronting Swanston St to add a solid element to the public face. As per the glazed retail boxes, the aluminium continues up to form the balustrade to the level 01 terrace above.



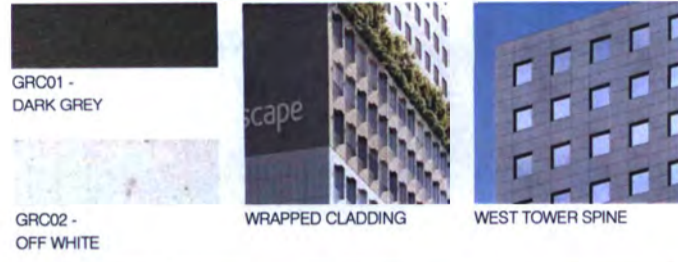
Frameless clear glazed laneway entry

A large double height expanse of frameless clear allows a clear visual connection along the through block link connecting Swanston St to site 2 and the remainder of the CUB. Fritted boxes and a solid aluminium awning plate above define the entry to the through link.

SCAPE CUB, 557 SWANSTON ST

EXTERNAL FINISHES

WALL CLADDING GLASS REINFORCED CONCRETE



DCM PRECEDENTS



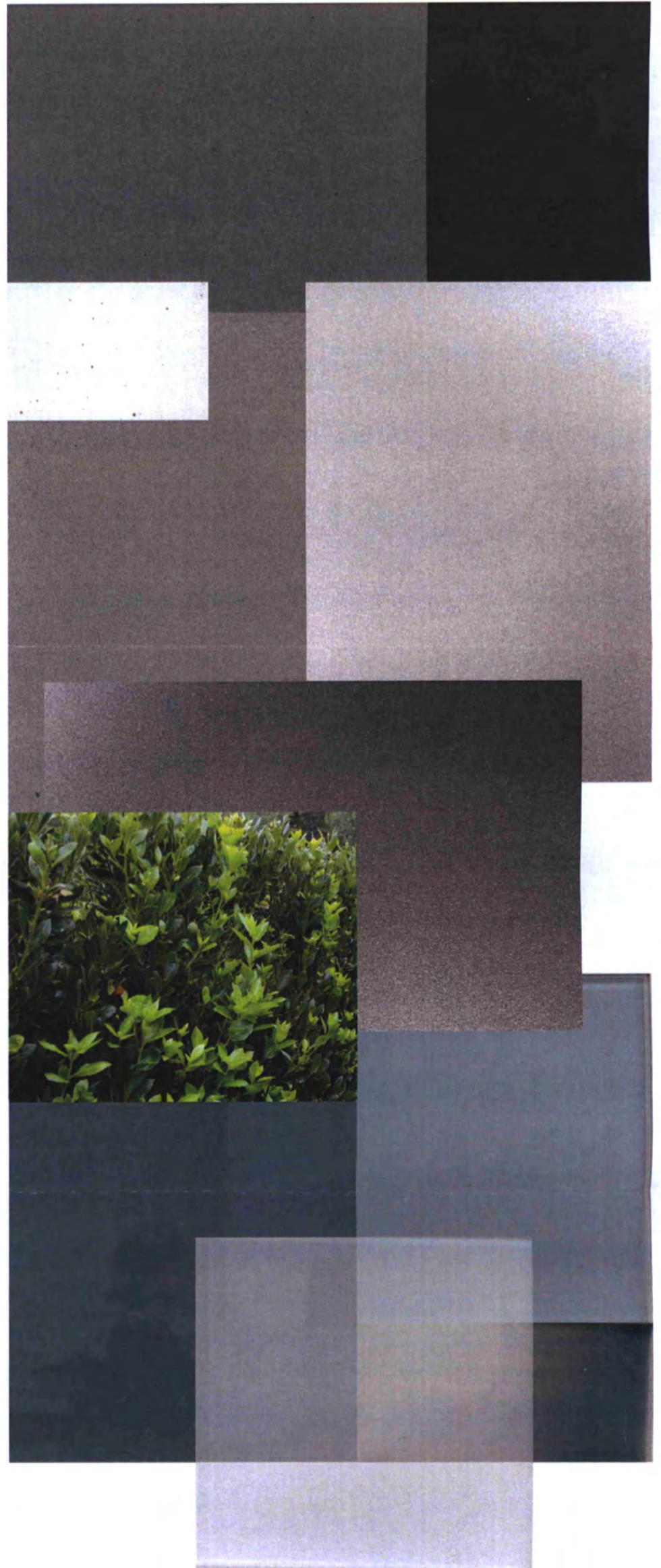
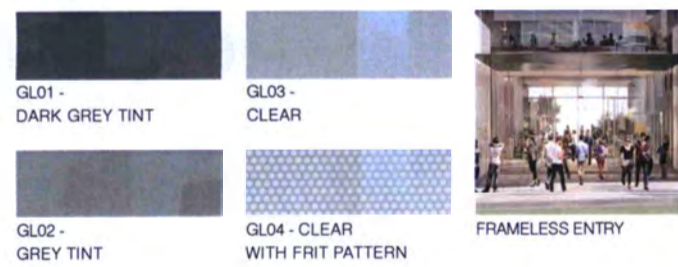
METAL CLADDING



REINFORCED CONCRETE



GLAZING



PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2016-27
DTPLI Application number:	PA1600154
Applicant / Owner / Architect:	Scape Student Living C/- Urbis Pty Ltd / Perpetual Trustee Company Ltd / Denton Corker Marshall Pty Ltd
Address:	557-591 Swanston Street, CARLTON VIC 3053
Proposal:	Buildings and works for the purpose of a mixed use building including student accommodation, retail premises and the display of advertising signs
Cost of works:	\$70,000,000
Date received by City of Melbourne:	10 November 2016

1. SUBJECT SITE AND SURROUNDS

The subject site is located within the greater Carlton United Brewery (CUB) site and is identified as Lot 3 on PS643901 (S3) at 557-591 Swanston Street, Carlton.

The CUB site is bounded by Victoria Street, Swanston Street, Queensberry Street and Bouverie Street, Carlton and has an area of approximately 1.983 hectares.

The former Carlton and United Brewery was established on this site in 1864. All but the bluestone buildings on Bouverie Street and the Maltstore on Swanston Street were demolished in the 1990s. These buildings are listed on the Victorian Heritage Register and are of historical and architectural significance.

Grocon Pty Ltd and RMIT University prepared the Carlton United Brewery Comprehensive Development Plan 2007 (CDP) which became an incorporated document in the Schedule to Clause 81 of the Melbourne Planning Scheme via Amendment C126 on 20 March 2008.

The CDP is derived from the Carlton United Brewery Master Plan October 2007 – ‘CUB Master Plan’ prepared by Grocon Pty Ltd and NHArchitecture Pty Ltd.

The site is generally nominated as Site 3 within the CUB Development Plan and CUB Master Plan. The site is located in the north east section of the CUB site and is generally rectangular in shape, with the exception of a narrow neck of land (2.5m in width) which connects to Queensberry Street. The site has a frontage to Swanston Street of 78.015 metres, a depth of approximately 28 metres and a total site area of 2205 square metres (below RL 30.80) or 2201 square metres (above RL30.80).

Currently the site is vacant with a high fence and landscaping treatment to Swanston Street.

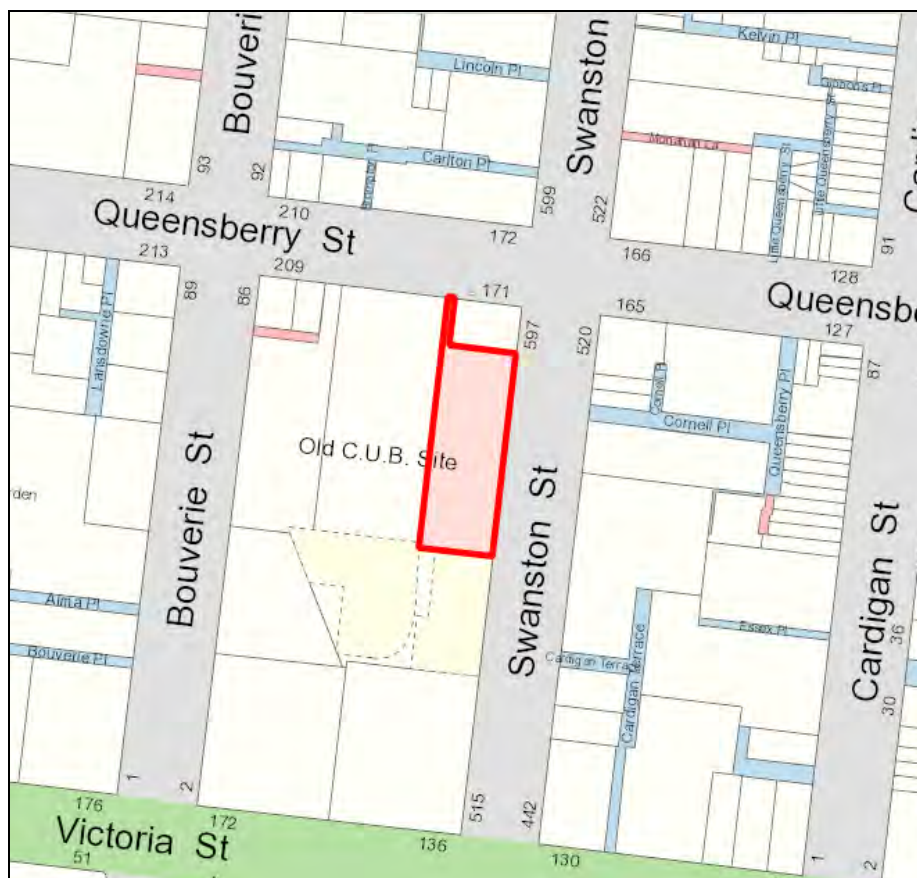
It is noted that temporary access works are also proposed for Lot 2 of PS643901 (S2) located to the west of the subject site until such time as the S2 development is completed (noting there has been no formal application lodged for this site at the time of drafting this report).

The subject land is subject to a registered restrictive covenant AF823270Q and two section 173 Agreements, AJ938024F and AK990084G as follows:

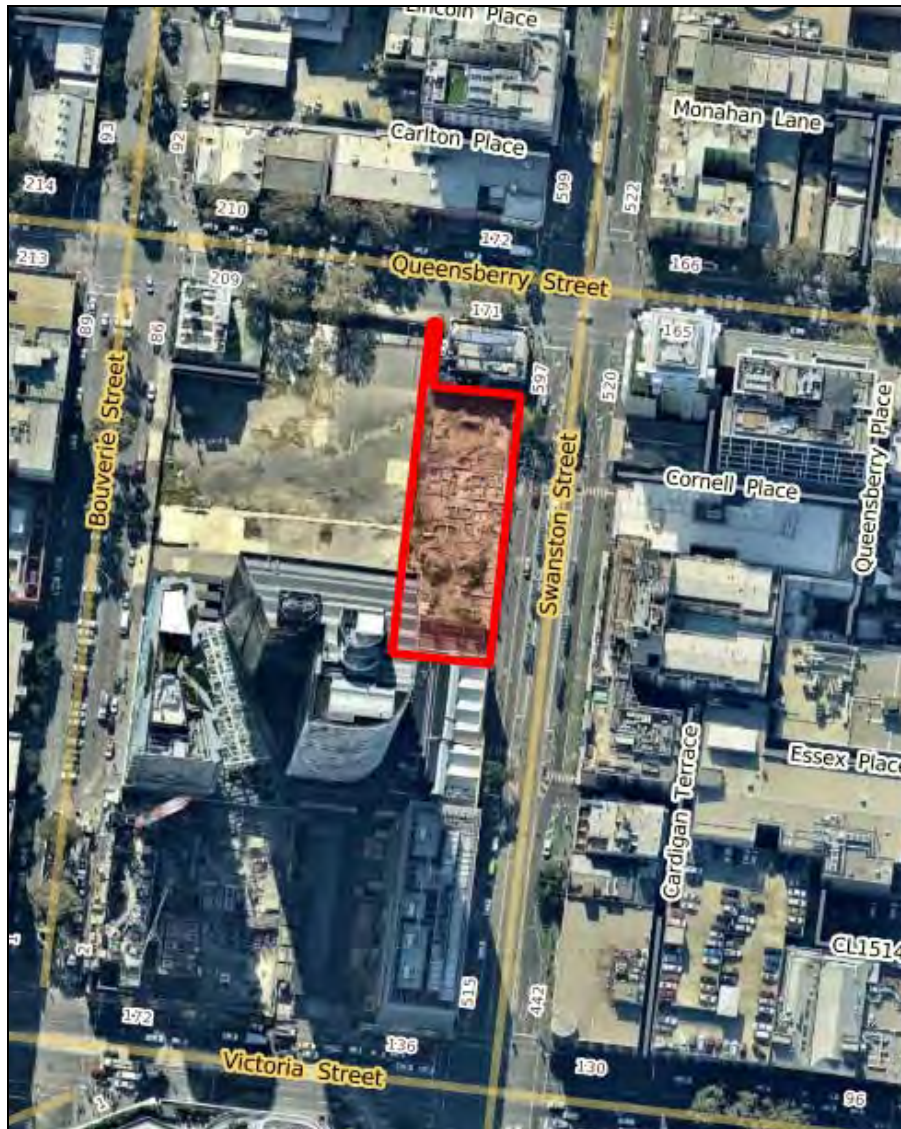
- Restrictive covenant AF823270Q does not permit the land to be used for primary teaching or educational purposes or the display of any sign for an educational institution or entity provider of education.
- Section 173 Agreement AJ938024F requires, prior to a statement of compliance being issued for the Plan of Subdivision, the Owner defers a 5% public open space contribution (of land or payment at Council's discretion) to a later stage of subdivision.
- Section 173 Agreement AK990084G requires the construction of the East-West Pedestrian Link, the Wintergarden North, Swanston Street Axis, Wintergarden West and Pedestrian Bridge (if required).

The grant of the permit would not breach the restrictive covenant or the Section 173 Agreements.

Aerial Photo / Locality Plan



Locality plan – source: CoMPASS



Aerial Photo – source: CoMPASS 2017

Surrounds

To the north of site at 593-597 Swanston Street, Carlton is the Queensberry Hotel, a two storey building with an outdoor beer garden along its southern boundary. This building is graded 'C' in Council's Heritage Inventory (2016) and has been identified as being 'significant' pursuant to Amendment C258 which is currently on re-exhibition. On the northern side of Queensberry Street a permit has been granted for a 20 storey student accommodation building at 599-605 Swanston Street.

To the east of the site, on the opposite side of Swanston Street, are a mixture of between two and five storey commercial buildings and between 8 and 17 storey residential buildings. On the south-east corner of Swanston and Queensberry Streets is the 17 storey Upper House residential building. On the north-east corner of Swanston and Queensberry Streets is a 10 storey student accommodation building.

To the south of the site is a temporary roof structure that provides access to the Portrait Building (Building 5 within the site). To the south of the roof structure is the Maltstore Building at 551 Swanston Street.

To the west of the site, within the CUB site, are the location of Buildings 1 and 2. These sites do not have planning approvals and are currently vacant. Further west,

on the opposite side of Bouverie Street are a mixture of residential buildings for dwellings and serviced apartments up to 9 storeys.



Aerial View of the site looking west – source: Google Maps 2017

2. HISTORY

The Carlton Brewery site is of historical, architectural and state significance and is listed on the Victorian Heritage Register. Important buildings remaining on the site include the old Maltstore and the row of two storey bluestone warehouse on Bouverie Street.

Development of the Carlton United Brewery has progressed with a number of developments approved and constructed including:

- No. 205 Queensberry Street is developed with a five level office building
- No. 136-154 Victoria Street is developed with a nine storey concrete office and education building that known as the RMIT “Design Hub”
- No. 555 Swanston Street is developed with a 31 storey concrete apartment building of 538 units
- 170 Victoria Street is approved for a 71 level apartment tower
- 28-44 Bouverie Street is approved for a commercial building

Carlton Brewery Comprehensive Development Plan 2007

The Carlton Brewery Comprehensive Development Plan October 2007 (CDP) is the statutory planning control document derived directly from the Carlton Brewery Masterplan October 2007 prepared by Grocon Pty Ltd and NHArchitecture Pty Ltd. The Carlton Brewery Masterplan October 2007 is a reference document in the Melbourne Planning Scheme.

The CUB Development Plan is an incorporated document at Clause 81 of the Melbourne Planning Scheme, and was established as a flexible framework to guide future uses and development at the site with the following vision and objectives:

- The vision is for the Carlton Brewery to be redeveloped to create a mixed use, high density precinct comprising a range of uses including commercial, entertainment, residential and educational uses at a scale and intensity commensurate with the site's strategic location on the edge of the CBD and within the South Carlton education precinct.
- The redevelopment will support a vibrant and safe public realm that is inviting to pedestrians with high levels of cross site permeability.

The CUB Development Plan provides for:

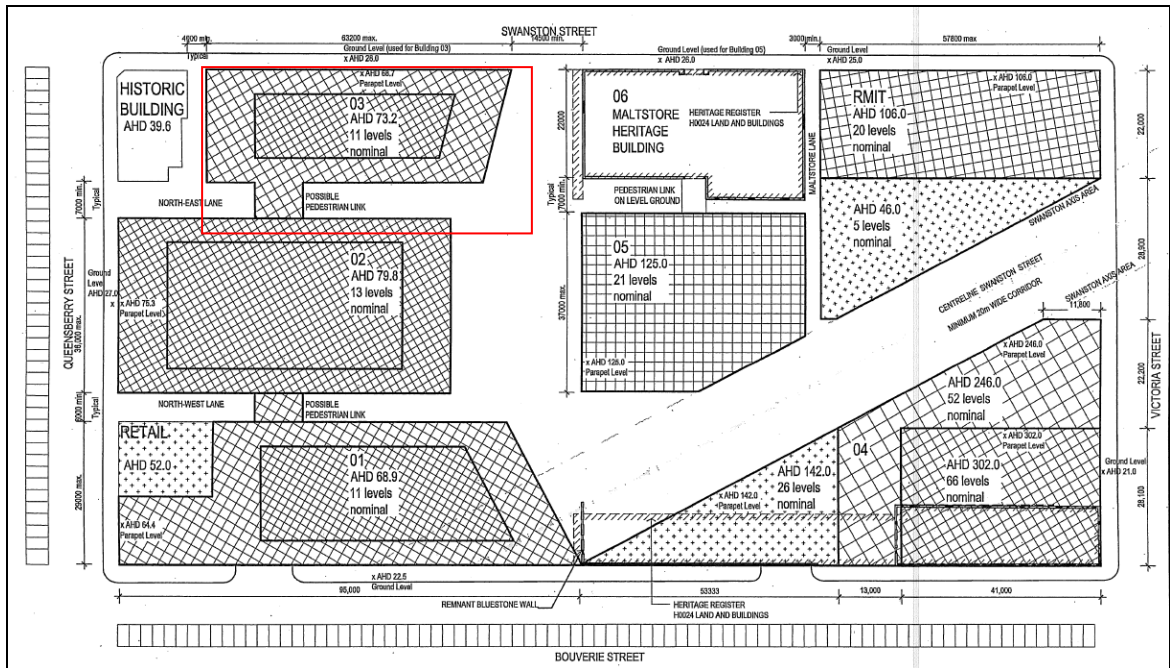
- A broad mix of land uses including retail, office, education, residential and entertainment with a gross floor area across the site in the order of 286,000sqm including car parking;
- Six (6) new buildings, including the RMIT Design Hub on Swanston Street and Victoria Street;
- On-site parking in a basement arrangement;
- Retention and adaptive re-use of the Malthouse building on Swanston Street and other structures;
- Extensive areas available to the public separating the new buildings and designed and located to create attractive and safe environments, and encourage pedestrian activity and vibrancy at street level.

The CUB Development Plan was developed to 'provide the opportunity to respond to changing circumstances over the life of the project' and established flexible and adaptive development floor areas, nominal building levels and preferred maximum building heights as follows:

- Provide for GFA of 286,000sqm for the site;
- Nominal floor levels calculated on office use;
- Preferred maximum building heights to be designed to fit each individual building envelope.

The CUB Development Plan contains design objectives that envisage:

- Achieves excellence in architecture, urban design and landscape architecture.
- Reinforces the Shire of Remembrance axis with an appropriate termination within the site.
- Reinforces Swanston Street as the civic and ceremonial spine of the City.
- The CUB Development Plan proposes indicative staging of the development. The CUB Development Plan recognises the potential for departure from the change over the life of the project.



CUB Development Plan 2007 – Building Envelope Plan

Carlton Brewery Master Plan October 2007

The CUB Master Plan is a reference document at Clause 21.17 of the Melbourne Planning Scheme and envisages development that achieves excellence in architecture, urban design and landscape architecture. The CUB Master Plan document outlines issues such as urban design and architecture, built form and height, mix, scale and intensity of uses, the public realm, wind, heritage, ESD, traffic and parking and public transport.

Both the CUB Development Plan and the CUB Master Plan recognise that the CUB site may develop in stages. The CUB Master Plan includes design objectives and future development is expected to respond to these objectives and guidelines.

Application History

The application was originally lodged with the Department of Environment, Land, Water & Planning (DELWP) and referred to the City of Melbourne (CoM) on 11 October 2016. On the 25 July 2017 DELWP referred a revised proposal to CoM.

Following consultation between the applicant, DELWP and CoM planning officers the application was formally amended under section 50 of the *Planning and Environment Act 1987* (the Act) on 12 May 2017 and re-referred to CoM on 30 May 2017. The amended application proposed (amongst other things):

- a reduction in building height from 30 storeys (plus plant) to 20 storeys (plus plant);
- a reduction in student beds from 871 to 812;
- a reduction in retail area from 799 square metres to 743 square metres; and a reduction in bicycle spaces from 179 to 165.

Further information was requested by DELWP in regard to the amended application on 9 June 2017 and the information was provided on 6 and 25 July 2017.

A failure appeal was lodged by the applicant with the Victorian Civil and Administrative Tribunal (VCAT) on the 27 September 2017.

On the 17 November 2017 the applicant submitted amended plans to VCAT. The formally amended plans propose:

- a reduction in the height of the podium height from 11 storeys to 10 storeys;
- an increase in height of the building to 22 storeys (plus plant and including ground floor mezzanine);
- setbacks increased to the north and west;
- a reduction in student beds from 812 to 753;
- an increase in retail area from 743 square metres to 840 square metres;
- communal areas amended; and
- a reduction in bicycle spaces from 165 to 157.

The subject of this report is the VCAT amended plans dated 16 November 2017.

3. THE PROPOSAL

The application proposed the construction of a multi-storey mixed use building including student accommodation, retail premises and the display of advertising signs.

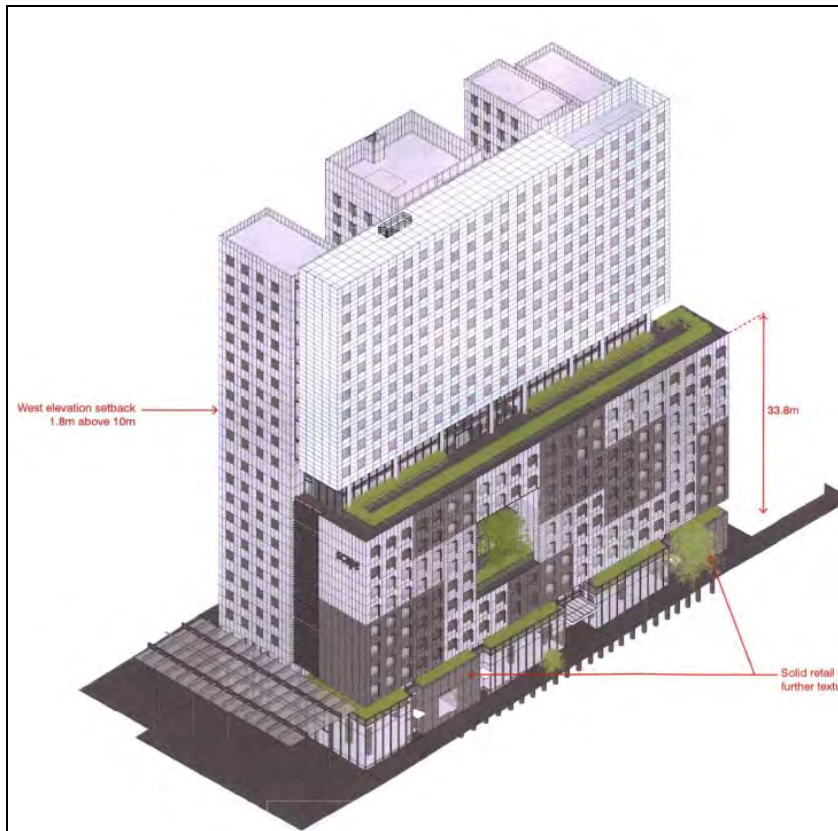
The application proposes the following uses:

Dwelling	Total number of beds for student accommodation: 753 One bedroom units: 435 Two bedroom units: 90 Six bed clusters: 228
Retail (ground level)	Leasable Floor Area: 840sqm

The specific details of the proposal are as follows:

Building height	69.4 metres (including plant) 22 storeys
Podium height	33.8 metres
Front, side and rear setbacks	North – 3.9 - 5.4m South – 14.5m East – 5m West – 1.8m
Gross floor area (GFA)	26,001sqm
Car parking spaces	0
Bicycle facilities and	157 spaces

spaces	
Loading/unloading	130sqm loading area
Vehicle access	Access is via crossover on Queensberry Street



Proposed building massing – Source: Amended application documentation

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> • Clause 8 – Plan Melbourne • Clause 10.4 – Integrated Decision Making • Clause 11, Settlement • Clause 15 – Built Environment and Heritage • Clause 15.01-2, Urban design principles • Clause 15.02-1, Energy and resource efficiency • Clause 16, Housing • Clause 17 Economic Development • Clause 18.02-1, Sustainable personal transport • Clause 18.02-2, Cycling • Clause 18.02-5, Car parking
Municipal Strategic Statement	<ul style="list-style-type: none"> • Clause 21.02, Municipal Profile • Clause 21.03, Vision • Clause 21.04, Settlement • Clause 21.06, Built Environment and Heritage • Clause 21.07, Housing • Clause 21.08, Economic Development • Clause 21.09, Transport

	<ul style="list-style-type: none"> • Clause 21.10, Infrastructure • Clause 21.11, Local Areas • Clause 21.14-1, City North
Local Planning Policies	<ul style="list-style-type: none"> • Clause 22.02, Sunlight to Public Spaces • Clause 22.07, Advertising Signs • Clause 22.17, Urban Design outside the Capital City Zone • Clause 22.19, Energy, Water and Waste Efficiency • Clause 22.23, Stormwater Management (Water Sensitive Urban Design) • Clause 22.24, Student Housing Policy

Statutory Controls	
<p>Clause 37.02</p> <p>Comprehensive Development Zone Schedule 2 (Carlton Brewery)</p>	<p>A permit is required to construct a building or construct or carry out works, to exceed the preferred maximum building height and to erect an advertising sign.</p> <p>An application for planning permit must be generally in accordance with the Comprehensive Development Plan October 2007 (CUB Development Plan) and the Carlton Brewery Master Plan October 2007 (CUB Master Plan).</p>
<p>Clause 43.02</p> <p>Design and Development Overlay Schedule 70 (Melbourne Metro Rail Project)</p>	<p>Clause 43.02-2 states that a permit is required to carry out buildings and works, but that this does not apply if a schedule to the overlay specifically states that a permit is not required.</p> <p>A permit is required to construct a building or construct or carry out works.</p> <p>An application must be referred under section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.</p>
<p>Parking Overlay 12</p>	<p>Development within the Comprehensive Development Zone is exempt from the provision of Clause 52.06.</p> <p>The CUB Development Plan provides for a preferred maximum of 1500 car spaces on the entire CUB site. A permit is required to exceed this number of spaces.</p>

Particular Provisions	
<p>Clause 52.05</p> <p>Advertising Signs</p>	<p>A permit is required to erect an advertising sign.</p> <p>This zone is in Category 3.</p> <p>A permit is required for a high wall (must be a business logo or street number) internally-illuminated sign.</p>
<p>Clause 52.06</p> <p>Car parking</p>	<p>Development within the Comprehensive Development Zone is exempt from the provision of Clause 52.06.</p> <p>The CUB Development Plan provides for a preferred maximum of 1500 car spaces on the entire CUB site. A permit is required to exceed this number of spaces.</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 unless:</p> <ul style="list-style-type: none"> • ‘Space is provided on the land for loading and unloading vehicles as specified in the table below. • The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres. • The road that provides access to the loading bay is at least 3.6 metres wide.’ <p>A permit may be granted to reduce or waive these requirements if either:</p> <ul style="list-style-type: none"> • The land area is insufficient. • Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.’ <p>The proposal includes commercial tenancies which total 840sqm in floor area which does trigger a requirement for the minimum loading bay dimensions.</p> <p>A loading bay that meets the minimum dimensions that measures 130sqm is provided in the proposal.</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>Table 1 to Clause 52.34-3 sets out the required Bicycle facilities. The following Bicycle parking rate is relevant to the proposal:</p> <ul style="list-style-type: none"> • <i>Residential Building – in development of four or more storeys: 1 resident space to each 10 lodging rooms; and 1 visitor space per lodging rooms</i> <p>As there are 518 bedrooms within the development there is a statutory requirement to provide 52 bicycle spaces for residents and 52 spaces for visitors totalling 104 spaces. The proposal includes 157 bicycle parking spaces and as such a permit is required to reduce the standard bicycle parking requirements.</p>
<p>Clause 52.36 Integrated Public Transport Planning</p>	<p>An application for a residential development in excess of 60 dwellings 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 site is listed in the schedule to Clause 61.01 of the Melbourne Planning Scheme (which specifies the Minister for Planning as the responsible authority for administering and enforcing the Scheme).</p>
<p>Clause 65 – Approval of an application or plan</p>	<p>Before deciding on an application or approval of a plan, the responsible authority must consider the decision guidelines of Clause 65.</p>

<p>Clause 66 Referral and Notice Provisions</p>	<p>These provisions set out the types of applications which must be referred under Section 55 of the Act or for which notice must be given under Section 52(1) (c) of the Act.</p>
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5. PUBLIC NOTIFICATION

The application was originally lodged with DELWP and informally referred to the City of Melbourne (CoM) on 11 October 2016. On the 25 July 2017 DELWP informally referred a revised proposal to CoM.

The 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 pursuant to the following provisions:

- Schedule 2 of the Comprehensive Development Zone:
 - Pursuant to 2.1 of the Schedule for an application to use land.
 - Pursuant to 4.3 of the Schedule for an application to construct a building or construct or carry out works if it is generally consistent with the CDP.
- Schedule 70 of the Design and Development Overlay, pursuant to 2.0.
- The proposal is not exempt from notification in relation to Parking Overlay Schedule 12. The only use specified in the PO12 is 'Dwelling'. The proposal for student housing is not to be assessed under these provisions. There is no need for notification pursuant to the PO12 as a result.
- Clause 52.34-2 – Bicycle Facilities: an application to reduce any requirements.

It is noted that it was the responsibility of DELWP to provide notice where necessary.

6. REFERRALS

The application was referred to the following internal departments with comments provided below (summarised):

Urban Design

The City of Melbourne's Urban Design team have raised various concerns with the proposal in regard to massing, setbacks, pedestrian interfaces and failure to meet overarching objectives of the CDP.

Heritage

The City of Melbourne's Heritage Advisor has reviewed the amended plans and does not support the proposal in its current form noting a substantial reduction in height, amendment to setbacks and modification to form would be required to achieve a built form which has appropriate regard to heritage matters.

Engineering

Engineering Services have raised concern with the number of bicycle parks provided and the location of the Loading Bay in relation to the retail premises.

Waste

The City of Melbourne's Waste Services team have reviewed the Waste Management Plans provided with the application and have raised concern with the location of the hard waste and potential OH&S issues.

Civil Design

The City of Melbourne's Civil Engineers have viewed the proposal and are generally supportive of the application subject to conditions.

Land Survey

The City of Melbourne's Land Survey team have noted they have no comments to make in relation to the application on the assumption that the proposed canopy over the easement allows for light and air to be penetrated as required by the easement.

Urban Sustainability

The City Of Melbourne's Urban Sustainability team noted that three public tree assets may be affected by the proposal. Standard tree protection requirements will apply if any works/loading zones are proposed near trees within council property/public space and there may be design modifications required in order to retain trees.

7. ASSESSMENT

This assessment is based on the amended plans lodged to the Victorian Civil and Administrative Tribunal (VCAT) on 17 November 2017 following the applicant's application pursuant to section 79 of *the Planning and Environment Act 1987* for review of the failure of the Responsible Authority to grant a planning permit within the prescribed time.

The key issues in the consideration of this application for the City of Melbourne are:

- Compliance with the Carlton Brewery Comprehensive Development Plan October 2007 (CDP) and the Carlton Brewery Masterplan 2007 (a reference document in CDZ2);
- Heritage;
- The appropriateness of the proposed built form;
- Public realm impacts;
- Student Accommodation;
- Engineering matters;
- Environmentally sustainable design;
- Advertising Signs.

Compliance with the Carlton Brewery Comprehensive Development Plan October 2007 (CDP) and the Carlton Brewery Masterplan 2007 (a reference document in CDZ2).

Fundamental to the assessment of the planning application is the proposal's compliance with the Comprehensive Development Plan (CDP) October 2007, and the Carlton Brewery Masterplan (the Masterplan) October 2007.

The purpose of Schedule 2 to the Comprehensive Development Zone / CDP is:

- To use and develop Carlton Brewery generally in accordance with the Carlton Brewery Comprehensive Development Plan October 2007 (the CDP) and the Carlton Brewery Masterplan October 2007 (the masterplan) prepared by Grocon Pty Ltd and NHArchitecture Pty Ltd;

- To implement the vision for Carlton Brewery to create a mixed use, high density precinct comprising a range of uses including commercial, entertainment, residential and educational uses at a scale and intensity commensurate with the site's strategic location on the edge of the CBD and within the South Carlton educational precinct. The redevelopment will support a vibrant and safe public realm that is inviting to pedestrians, with a high level of cross- site permeability;
- To provide for RMIT's presence and an education centre to complement RMIT's city campus on Swanston Street;
- To retain and re-use the buildings and structures of heritage significance;
- To reinforce Swanston Street as the civic and ceremonial spine of the City;
- To reinforce the Shrine of Remembrance axis with an appropriate termination within the site;
- To achieve excellence in architecture, urban design and landscape architecture and deliver exemplary design for all buildings;
- To implement ESD measures in building design;
- To encourage development that meets the design objectives and outcomes specific to the project and included in the CDP and the masterplan.

In regard to use of the land it is noted:

The use of land must be generally in accordance with the CDP and the masterplan and contribute to the vision for a full and broad mix of uses at a scale and intensity that is commensurate with the site's location on the edge of Melbourne's CBD.

Having consideration to the purpose of the zone as mentioned above, the proposed student accommodation and retail uses are consistent with the range of uses which contribute to the mixed use activity within the CBD and the CUB site. To this end the development is considered to respond appropriately with the broad strategic intent for residential buildings, economic development and employment as outlined in the State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF), including the MSS and the purpose and decision guidelines of the zoning control noting the sites excellent position in relation to several tertiary institutions.

In regard to proposed buildings and works it is an application requirement that:

An application to construct a building or construct or carry out work must be generally in accordance with the CDP and the masterplan.

Further, in regard to the preferred maximum building height it is noted:

A building or works should not exceed the preferred maximum building height above the Australian Height Datum (AHD) or building setback for any particular building envelope shown on the building envelope plan and the building envelope elevations in the CDP.

A permit is required to exceed the preferred maximum building height and building setback for any building envelope shown on the building envelope plan and the building envelope elevations in the CDP, excluding architectural features and building services. In addition to the information required in

Clause 4 of this schedule (where applicable), an application to exceed the preferred maximum building height and building setback must also include an urban context report that provides the rationale for the increased height.

The building envelopes and the building envelope elevations shown in the CDP provides for up to 15% of the overall envelope area to be utilised to enable the desired façade articulation.

The proposal as revised seeks a building height of 69.4m (AHD 97.4). The Masterplan and CDP for the site envisaged a height of AHD 73.20 for Building 3. The height is expressed as discretionary within the CDP as noted above with flexibility permissible – subject to meeting the overall design and built form outcomes sought by the CDP, Masterplan and related provisions.

The proposed development seeks a significant increase of 24.2 metres on top of the overall height anticipated in the CDP. This represents more than a 33% increase above the discretionary height provided for building 3, more than double the 15% discretionary envelope area to be utilised to enable a desired façade articulation provided for in the CDP. Further the floor area within the building is increased from a Gross Floor Area (GFA) of 11,154sqm to a GFA of 26,001sqm.

Other discrepancies of note highlighted within the officer assessment report prepared by DELWP officers are:

- The building separation from the Queensberry Hotel site to the north of the B3 envelope is not proposed to be provided at ground level. The CDP and Masterplan show a 4.9m public connection to Swanston Street, while the proposal provides for built form in this location;
- The Wintergarden located to the south side of Building B3, between the Maltstore and the site is proposed to be reduced in width from 21.66m to 14.5m at ground level. No indication of how access is provided to the lower ground plane is provided.

Of further concern in regard to the compliance of the proposal with the masterplan is the treatment of the public realm laneways and connections throughout the site, and accessible internal urban parkland space. The concerns raised in paragraphs 86 – 98 in regard to the extent of Public Realm information provided and wintergarden design of the officer assessment report prepared by DELWP officers are shared;

86. The public realm forms a key component of the overall vision for the CUB site. The Masterplan seeks provision of a network of publicly accessible lanes and new connections through the site, and accessible internal urban parkland space.
87. A key east-west connection within the Masterplan is the 'wintergarden' (former 'Ballarat Street') which is to run from Swanston Street to Bouverie Street. The eastern extent of this connection abuts the south side of Building 3, and separates the Maltstore Building from this site.
88. The proposal shows a building separation of 14.5m from the Maltstore for the creation of the wintergarden. The proposal included landscape drawings prepared by McGregor Coxall Pty Ltd indicating the link to the south of the Building 3 site and showing a relatively flat (500mm level change) paved plaza running the extent of the space

between the Maltstore and Building 3. The plaza is shown as potentially a covered space with a 10m high canopy.

89. Internal comments from the Urban Design Unit of DELWP sought further details in relation to planting, and noted that the 'wintergarden' specifications need to be consistent with the specifications established for the link further to the west so that a seamless public realm is provided.
90. In addition to these matters being shown, the Masterplan clearly indicates that the wintergarden area is anticipated to provide access to the lower level of public space (the 'Forum') to be created on the site. The wintergarden link is shown as split between providing access to the ground level of Building 3 while also accommodating stairs that will access the internal space 6m below the natural ground level of Swanston Street.
91. Section 3.7 'Courtyards' (p48) of the Masterplan indicates that this area will function as a 'Heritage forecourt (to the Maltstore building), as a waiting and meeting place and an observing forum'. The elements that make up the space include 'Landscape batter, public stair interface activities, beer event at Maltstore, link to east and link to LG' (Lower Ground).
92. The Building Envelope Plan (Comprehensive Development Plan – Building Envelope, p55 of the Masterplan) shows a 14.5m separation to the Maltstore building, and does not show level changes. When read in conjunction with the Ground Levels plan (Comprehensive Development Plan – Ground Levels- Access and Circulation, p56 of the Masterplan), the level changes are shown and the separation distances differ. The Masterplan anticipated a ground level separation of 21.66m between the southern side of Building 3 and the Maltstore building, as shown below.

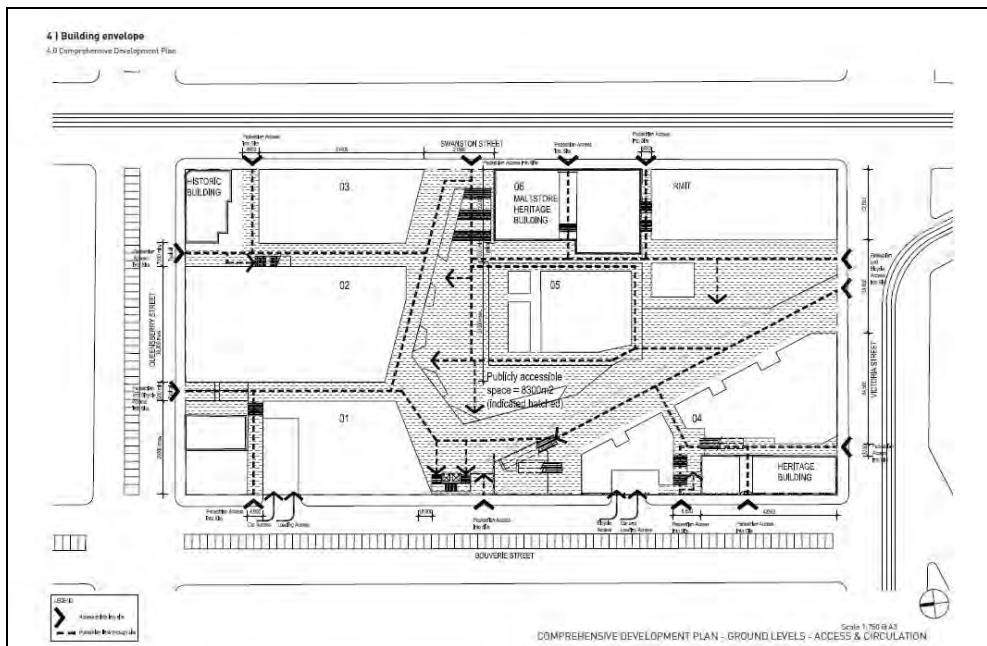


Figure 8: Access & Circulation Plan (Source: Carlton Brewery Masterplan, October 2007)

93. Above ground level the building is shown to overhang this additional 7m setback (to Level 9, as per Level 6-50 plan, p 82).

94. The Masterplan shows space provided at ground level to allow the functions and elements outlined within 'Section 3.7 Courtyards' as detailed above. In the absence of further details of the wintergarden design from the applicant, it appears that the 14.5m space is inadequate to provide a suitable landscape batter, stair access to the lower level, and plaza space/east link as identified in the Masterplan.
95. It is unclear how the wintergarden would relate to the other areas of the east west link, or to the internal open space (the Forum) as shown within the Masterplan. The plans and supporting information do not contain context with regard to the publicly accessible walkways and courtyards, do not indicate whether the intention for the lower level open space and access provisions across the former CUB site have been altered or changed or are no longer required.
96. While there would be no 'in principle' objection to a change to the width of the wintergarden, it needs to be shown as suitable to achieve the aims of the Masterplan. This includes: to provide a through-block link to Bouverie Street along the East-West axis, and to provide stairs to the lower ground level Forum (if this is still intended to be constructed). Should the space be shown to be inadequate for these functions, the proposal would not be acceptable, and would potentially be considered as not '*generally in accordance with*' the CDP and Masterplan.
97. The proposed wintergarden design cannot be supported at this width in the absence of further contextual information.
98. This matter should be resolved by the applicant through the submission of further details on the wintergarden and its intended links through the site, outlining any departures from the Masterplan.

Given the significant departures of the proposal from the overarching objectives of the CDP and the resultant built form implications discussed further below, the proposal as amended is not considered to be generally in accordance with the CDP or Masterplan.

Heritage

The subject site does not sit within a Heritage Overlay however does sit adjacent to two heritage buildings being the Former Maltstore buildings (included on Victorian Heritage Register) to the south which sit within the CUB site and the Queensberry Hotel to the north which is outside of the CUB site. There are further heritage buildings within the immediate area including opposite on Swanston Street at 508-512 Swanston and 599 Queensberry Street.

The amended proposal was referred to the City of Melbourne's Heritage Advisor who commented:

Both the increased height and the bulk contribute to a diminution of the prominence of the existing adjoining heritage buildings. The two part, floating forms created by the deep recesses at Ground and at level 10, further exacerbate the impact of this bulk and height. The proposed structure has little or no regard to its heritage neighbours and would overwhelm them.

It is noted within the Decision Guidelines of the CDP that before deciding on an application to construct a building or to construct or carry out works the responsible authority must consider, as appropriate (amongst other things);

The impact on heritage buildings and structures.

The proposed works are considered to have an unreasonable impact on the adjoining heritage buildings outside of what may be considered appropriate within the confines of the CDP.

Built form

The Masterplan and CDP establish building envelopes for the development lots within the CUB site. Building 3 is identified as having a building height up to AHD 73.20, which is nominally 11 levels. Further the area summary noted that a GFA of 11,154m² has been assumed for the building.

The City of Melbourne's Urban Design team has reviewed the revised proposal and has made the following comments in regard to height:

Consistent with advice from the Department, we maintain that a podium height of 30m and a maximum height of 60m is the maximum which could be supported on this site, with appropriate setbacks and transitions to Swanston Street to the east, Hotel to the north and western laneway. Whilst positively the streetwall height has been reduced to 33m, this has occurred in conjunction with an increase in the upper form. In conjunction with its limited 5m setback, considerable breadth and height, this element appears dominant within views from the street, and could not be considered to appear 'lightweight'. The presence height is 67m in addition to plant reaches 70m. The building height should be reduced by 10m, with any plant above this height concealed entirely from views across Swanston Street from the eastern footpath.

The proposed building to AHD 97.4 exceeds the nominal height in the CDP and Masterplan by 24.2m. In addition, the building breadth has been increased at ground level through the deletion of the 4.5m wide through block link to the north side of Building 3, as shown on the Masterplan.

In regard to the mass of the proposed building the City of Melbourne's Urban Design team have noted:

The massing of the overall form remains challenging in the Swanston Street context, with the appearance of a monolithic, employing coloured finishes and applied sunshading hoods over a broad elevation of some 70m in length (equivalent to 10-11 traditional shop fronts within the retail core).

Whilst the sky garden is a positive inclusion to provide some relief, we require further depth and massing articulation of this surface in lieu of reliance on surface effects. We have a similar critique of the upper component of the form, which appears intentionally flat with flush windows reinforcing the sense of a monolithic block. Whilst this technique has been deployed in more slender built form by DCM, its application in this broad slab-like form is highly problematic, and lacks any relationship to built form within its surrounding Swanston Street context.

The recently approved and under construction 599 Swanston Street offers a helpful counterpoint, where Hayball and Urban Nest worked closely with CoM to develop a clustered vertical form in order to offset a similar proportioned slab envelope, in conjunction with a tactile, brick base element which responded to the scale of the retained corner heritage form. We would

strongly recommend a more vertical, granular approach to the arrangement of this considerable mass, in lieu of the current slab arrangement.

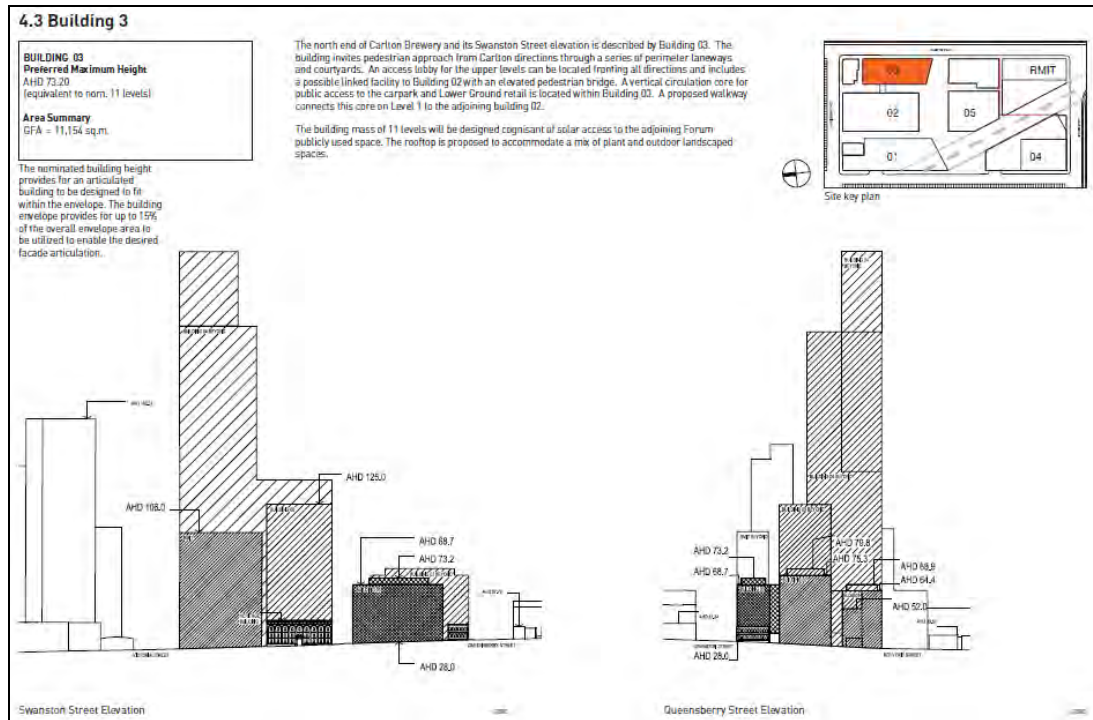
While it is acknowledged that there is discretion afforded to the overall height and mass of the building in this location within the CDP and Masterplan, the proposed height and form is not considered to be an acceptable design response and does not meet the design objectives and outcomes sought by the CDP. In particular the proposal is considered to fail to provide a suitable transition in height from the Central City to Carlton built form.



Massing image along Swanston St – Source: VCAT Amended plans

Transition in height

In regard to transition across the site and into Carlton the building envelope diagrams within the CDP highlight what was anticipated and this can be seen in the elevation plans provided within the Carlton Brewery Masterplan, October 2007:



Building Elevation Plan – Source: Carlton Brewery Masterplan, October 2007

The built form outcomes sought from the site allowed for a strong tower presence to Victoria Street (Building 4) which was shown with a nominal 66 levels, transitioning to a centrally located Pixel Building - Building 5 (nominally 21 levels) and down to the three buildings to the northern extent of the site (Buildings 1, 2 and 3) which were nominally 11, 13 and 11 storeys respectively. This principle strongly aligns with key urban design outcomes of Clause 21.06 and Hoddle Grid Policies at Clause 21.12 which seek to provide a clear and distinct built form transition from the Melbourne CBD to surrounding areas.

The resultant outcomes from such a variation and exceedance of the heights anticipated include the inability to provide a suitable height transition from the Central City to Carlton within the CUB site; visual impact on adjacent heritage buildings as previously discussed, additional shadow impacts within the public realm and an unreasonable visual compression within the internal walkway areas and public realm that results from increased height and decreased setbacks adjacent to publicly accessible links on the site. These issues are consistent with those raised by DELWP officers within their assessment report.

Rear Lane / West Interface / Public Realm Impacts

Concerns have been consistently raised in regard to the impacts of the built form on the future internal rear lane and the western interface of the building. The City of Melbourne’s Urban Design team have raised the following concerns which are shared by officers:

The rear lane interface remains a significant concern, both in terms of the amenity of the laneway as a public link, but also in terms of its impact on the orderly development of the site to the west. The rear interface comprises a series of elevations with a blank, service appearance, set 1.8m from the lane boundary up to 67m (approx in height). The wind tunnel testing impacts are not yet known within this laneway space. Whilst the introduction of some smaller scale elements to 10m high to the rear lane are positive, they do little

to offset both the insufficient setback, height and presentation of the west elevation.

We would consider the DDO61 guide of a 4m setback above 10.5m to provide a useful guide in this context to secure a human scale streetwall element to the lane, and sufficient spatial separation from the neighbour to the west (this would achieve 9m from the centrepoint of the lane including the 10m lane width). This should also significantly reduce potential wind impacts through the deflection of downwash.

Further, the appearance of the west elevation is an important consideration for a future development to the west, which will have office or residential apartments oriented directly into the building. Presently the proposed west elevation appears as a service elevation and is inadequately considered as an elevation which will be visible to a significant future adjacent building population in terms of articulation, depth, window sizing etc. This could be readily addressed through a combination of an increased setback (2.2m additional) and the enlargement and animation of the openings to the common living area within the cluster modules.

Further there are also concerns with the public realm interface at a pedestrian scale level. While it is noted that revised plans have sought to address these concerns the City of Melbourne's Urban Design team has made the following comments in regard to the pedestrian scale detail:

Successive rounds of advice have requested further investment in tactility and the human scale at ground floor to provide a high quality street interface. This has not been addressed, and indeed the adoption of aluminium boxes to 'texturise' the ground floor represent a further erosion of this intent. We remain concerned with the flat, coarse and commercial appearance at ground level comprising aluminium panelling and frameless glass. A recent field visit to Toorak Park with a similar flat ground level commercial interface confirms our concerns with this approach to shop front design. A more contextual, tactile and warm palette is required, using brick, stone, tiles, timber or other fine scaled human scaled elements to provide an attractive and appropriate response to the Swanston Street public realm, and a relationship to the Maltstore to the south, and Hotel to the north.

In regard to shadowing from the proposed building the CDP notes;

'building height and the relationship between the proposed buildings and impacts (wind and shadow) within Carlton Brewery have been carefully considered and the building envelope plan and the building envelope elevations have been prepared to show footprints and heights for new buildings. The CDP provides for buildings designed to fit within the building envelope in accordance with the design objectives and outcomes in the CDP.'

The proposed development results in increased levels of shadowing within the public realm over the anticipated levels within the CDP and Masterplan as a result of the increased building height and breadth specifically across Swanston Street which, pursuant to the City of Melbourne's Sunlight to public spaces policy at Clause 22.02 of the Melbourne Planning Scheme should be maintained. A reduction in both the overall and podium heights would result in less shadow cast into the public realm more in line with the expectations of the CDP and Masterplan.

Student Accommodation

Concerns with the amenity of the proposed student accommodation to be provided within the development have been the basis of discussions throughout the application.

Generally the proposal responds well to the Student Housing Policy at Clause 22.24 of the Melbourne Planning Scheme.

In response to the modifications incorporated into the revised scheme the City of Melbourne's Urban Design team have made the following comments:

Since the first proposal, with a predominance of twin rooms with inboard common areas reliant on a covered courtyard for light, we are pleased with the significant improvement to amenity within the building. Whilst the lightwell model to the rear of the building is challenging, it is not relied upon for primary outlook to a great number of modules, with clusters allowing for primary views to the west. On balance, the amenity has greatly increased within the building.

The increase in the number and generosity of cluster apartment modules is supported, as is the introduction of small break out communal spaces at each level, which reduce the distance/time from twin or single studios to more substantial common areas within the complex.

We require the provision of larger, unscreened windows to common areas within clusters, as opposed to narrow punched openings. This area will suffer a significant loss of daylight when the neighbour to the west is constructed, and windows should be maximised to maximise ambient light penetration and reduce reliance on electric lighting.

The increased communal terrace atop of the podium (in lieu of individual terraces) are supported as a positive offering in counterpoint to the lower internal areas within the building, offering a diversity of activities for students.

The DELWP officers assessment report provides an assessment of the proposal against the Student Housing Policy at Clause 22.24 of the Melbourne Planning Scheme. The assessment identifies that bicycle parking associated with the proposed student accommodation does not meet the policy objective of one bicycle space per student as well as raising concern in regard to the provision of visitor parking spaces in an appropriate location. These bicycle parking matters have also been raised as an area of concern by the City of Melbourne's Traffic Engineers.

The number and location of bicycle parking spaces associated with the proposed development are considered to be inadequate.

Engineering matters

The City of Melbourne's Traffic and Civil Engineers and Waste Services team have viewed the proposal and have no major concerns subject to conditions that could be included on any permit that may issue.

Environmentally Sustainable Design

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

- A Waste Management Plan.

- An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 5,000 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.

A Sustainable Design Statement forms part of the application. It notes that the proposed development incorporates a wide range of ESD features and sets out primary goals to enhance the building's environmental performance and meet the objectives of the Melbourne Planning Scheme. It also lists a number of these features.

The intent of Clause 22.19 is to encourage 'Australian Excellence' for new multi-unit residential developments.

As noted within the DELWP officers assessment the CDP and Masterplan set requirements for different uses using the Greenstar rating, and Firstrate assessment tools and not all measures proposed were clearly shown on the plans.

Any approved development would require an updated ESD assessment to reflect all modifications to the design and would be required to achieve a 5 star Greenstar rating which could be included as a permit on any permit to issue.

Advertising Signs

The application includes two high wall internally illuminated signs (one on the north elevation and one on the south elevation) proposed for level 9. Each sign measures 4.15 metres long x 1.2 metres high, with a total area of 4.98m² and is proposed to sit against grey cladding at approximately level 9 of the building.

It is considered that the proposed signage does not constitute building identification but is in fact business identification signage. There are other instances within the city where 'Scape' has provided large scale signage on the building in which they occupy. It is considered that the proposed signage should be removed from the application and a separate application made for business identification signage that adequately responds to the objectives of City of Melbourne's Advertising Signs Policy at Clause 22.07 of the Melbourne Planning Scheme.

8. OFFICER RECOMMENDATION

That a letter be sent to VCAT and all parties advising that the Melbourne City Council does not support the proposal on the following grounds:

1. The development is not generally in accordance with the Carlton Brewery Comprehensive Development Plan (CDP), October 2007 and the Carlton Brewery Masterplan (Masterplan), October 2007, as, in particular, it fails to achieve a suitable transition between the high-rise built form of the CBD and the lower built form of Carlton and to adjacent heritage buildings, significantly exceeds the building envelope plans and elevations of the CDP, adversely overshadows Swanston Street and public areas and with its visual bulk and lack of facade articulation, overwhelms the streetscape and public realm.
2. The development is contrary to the State Planning Policy Framework, in particular the objectives of Clause 15.01 (Urban Environment) which seek to achieve architectural and urban design outcomes that contribute positively to the public realm.
3. The development is contrary to the Comprehensive Development Zone – Schedule 2, the Carlton Brewery Comprehensive Development Plan, October

2007 and the Carlton Brewery Masterplan, October 2007, as it fails to provide an acceptable built form response to the site context. The development is also contrary to the recently introduced City North (Amendment C196) planning controls.

4. The building podium and tower heights, massing, setbacks and lack of façade articulation do not achieve the built form outcomes sought by the Carlton Brewery Masterplan, October 2007, or by Clause 22.17 Urban Design Outside the Capital City Zone and will not allow for equitable development outcomes, an appropriately scaled development within the context of both the CUB site, Swanston Street and City North more broadly, or the creation of a high quality public realm.
5. The application fails to show alternative uses for floorplates within the proposed building as required by the Carlton Brewery Masterplan, October 2007 and Clause 22.24 of the Melbourne Planning Scheme.
6. The proposal fails to provide an adequate provision of student bicycle parking in accordance with Clause 22.24 Student Housing policy and does not provide a suitable location for proposed visitor bicycle parking.
7. The application fails to provide adequate information to show how the proposed wintergarden would be designed and incorporated into the broader public realm on the CUB site as outlined with Section 3.7 Courtyards of the Carlton Brewery Masterplan, October 2007 (including level changes and access width requirements).
8. The application fails to provide adequate information regarding the detailed design treatment at ground level public interfaces (including the retail shop fronts, the fire booster cupboards, and the fire control room) to ensure a high quality, fine grained and pedestrian scaled development frontage is provided.