

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

**Agenda item 6.4**

**Ministerial Planning Referral: Tpm-2013-17  
Dallas Brooks Centre, 282-336 Victoria Parade and  
300 Albert Street, East Melbourne**

**3 December 2013**

**Presenter:** Martin Williams, Executive Officer Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application (reference 2013/007240) for 282-336 Victoria Parade and 300 Albert Street, East Melbourne. Notice of the application was given to the City of Melbourne by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 31 July 2013. A revised application was sent on 1 October 2013 (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed Plans).
2. The applicant is Urbis Pty Ltd on behalf of Freemasons Victoria Pty Ltd and Mirvac Victoria Pty Ltd. The owner is Freemasons Victoria Pty Ltd and the architect is Bates Smart.
3. The application seeks a permit for the demolition of all buildings on the site and for the use and development of a multi-level mixed use development comprising 273 residential dwellings, special purpose accommodation, function centre and office space and associated car parking.
4. On 15 November 2013 a formal objection to the application was lodged with DTPLI by Council officers.

**Key issues**

5. The key considerations associated with the proposal are:
  - 5.1. The height and massing of the proposal are contrary to the Design and Development Overlay Schedule 20 (DDO20) Area A38. This is a 30 metre discretionary height control which affects the northern section of the site and seeks to ensure that new buildings which line the Victoria Parade boulevard entry to the central city have a consistent scale. The proposed building within this height control area is up to 51 metres high and is not considered to comply with this desired outcome.
  - 5.2. Area A43 of DDO20 is a discretionary height control which states that no new buildings may be constructed which protrude above a plane inclined at an angle of 22 degrees, originating on the southern alignment of Albert Street. It seeks to ensure that new buildings or works do not impact upon the visual attractiveness of Fitzroy Gardens or create additional overshadowing on the gardens at the equinox. The proposal requires an angle of 34 degrees to accommodate it and casts additional shadow on the Gardens in winter, although not at the equinox.
  - 5.3. The height, design and bulk of the proposal is not considered respectful of the heritage character of the area and will adversely affect the significance of the East Melbourne and Jolimont Heritage Precinct and surrounding heritage buildings.
  - 5.4. Overall the proposal is considered to have an adverse impact on the amenity of Victoria Parade, the Fitzroy Gardens and the Heritage Precinct through overshadowing and visual bulk.

**Recommendation from management**

6. That the Future Melbourne Committee resolves that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the City of Melbourne objects to the application for the reasons set out in the Delegate Report (refer Attachment 4).

**Attachments:**

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

## Supporting Attachment

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### Legal

1. The Minister for Planning is the responsible authority for determining the application. Under the Commercial 1 Zone, the Heritage Overlay and the Design and Development Overlay, the application is not exempt from the giving of notice or third party appeal rights.

### Finance

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

### Conflict of interest

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

### Stakeholder consultation

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

### Relation to Council policy

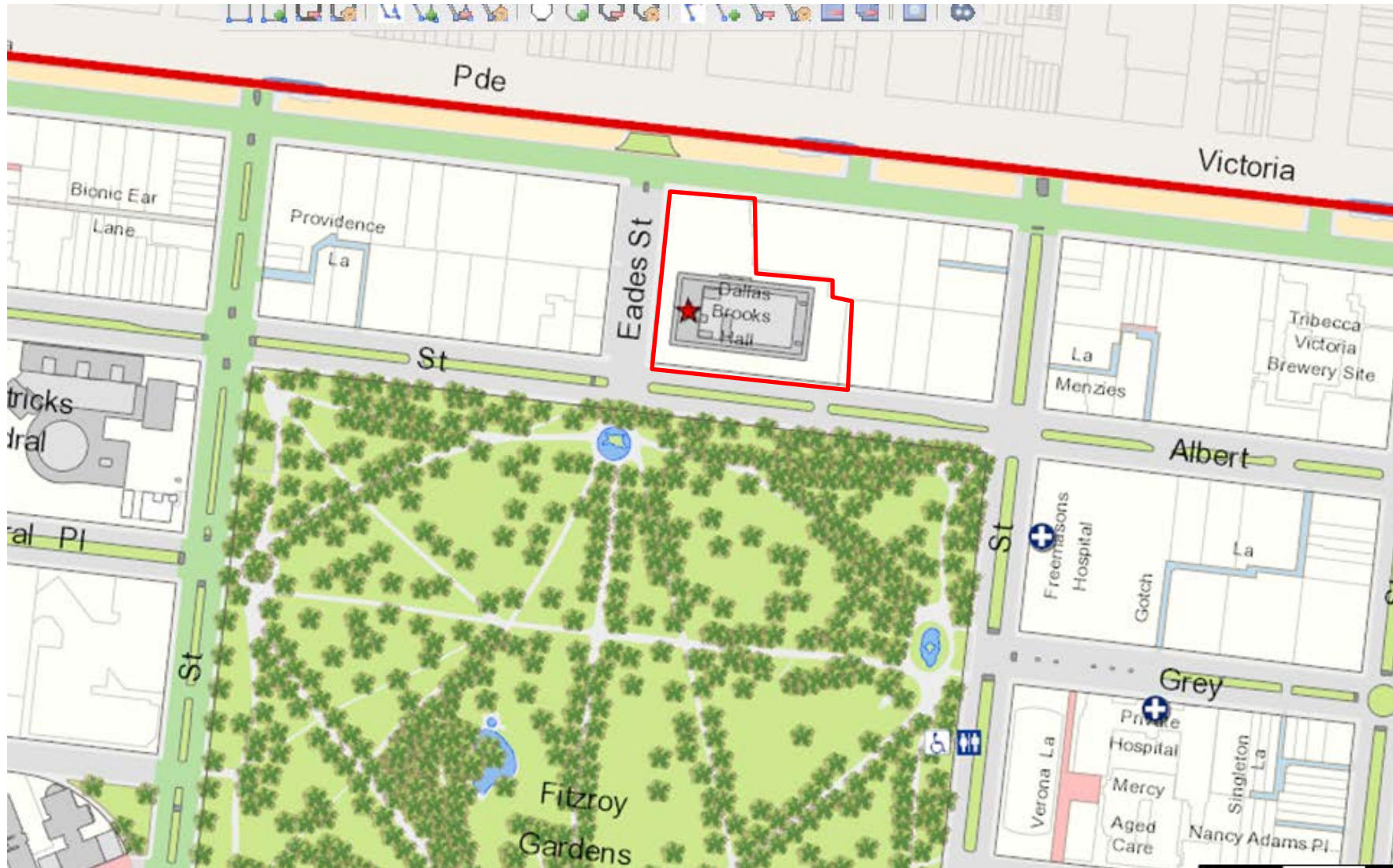
5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

### Environmental sustainability

6. The original application was accompanied with an ESD report which indicated that the proposal will achieve the sustainable objectives of Clause 22.19 for energy, water and waste efficiency.

## Locality Plan

### 282-336 Victoria Parade and 300 Albert Street, East Melbourne



- 01 LIGHT COLOURED STONE
- 02 MASONRY BAND WITH APPLIED LIGHT FINISH
- 03 HIGH PERFORMANCE GLAZING WITH LOW E COATING (VISION)
- 04 SPANDREL GLAZED PANEL (NON VISION)
- 05 GLAZED BALUSTRADE
- 06 OPAQUE GLASS BALCONY SCREEN
- 07 PRIVACY SCREENING TO 1700 HIGH APPLIED FILM OR INTERLAYER
- 08 VERTICAL BLADES WITH STONE FINISH
- 09 GLAZED CANOPY
- 10 GLAZED REVOLVING DOOR
- 11 SCREENING TO PLANT



AMMENDMENT 'B'

- Further to discussion with DTPLI, the tower at Victoria Parade has been shifted south by 5 metres.

date	rev	description
24-07-13	A	Issued for Planning Permit
26-09-13	B	Issued in response to DTPLI's RF/Meeting. Sheet Numbers adjusted.

date	rev	description
24-07-13	A	Issued for Planning Permit
26-09-13	B	Issued in response to DTPLI's RF/Meeting. Sheet Numbers adjusted.

project:  
**300 ALBERT STREET  
EAST MELBOURNE**

client:  
**mirvac**

architect:  
**Mirvac Design**  
architects  
planners  
interior designers

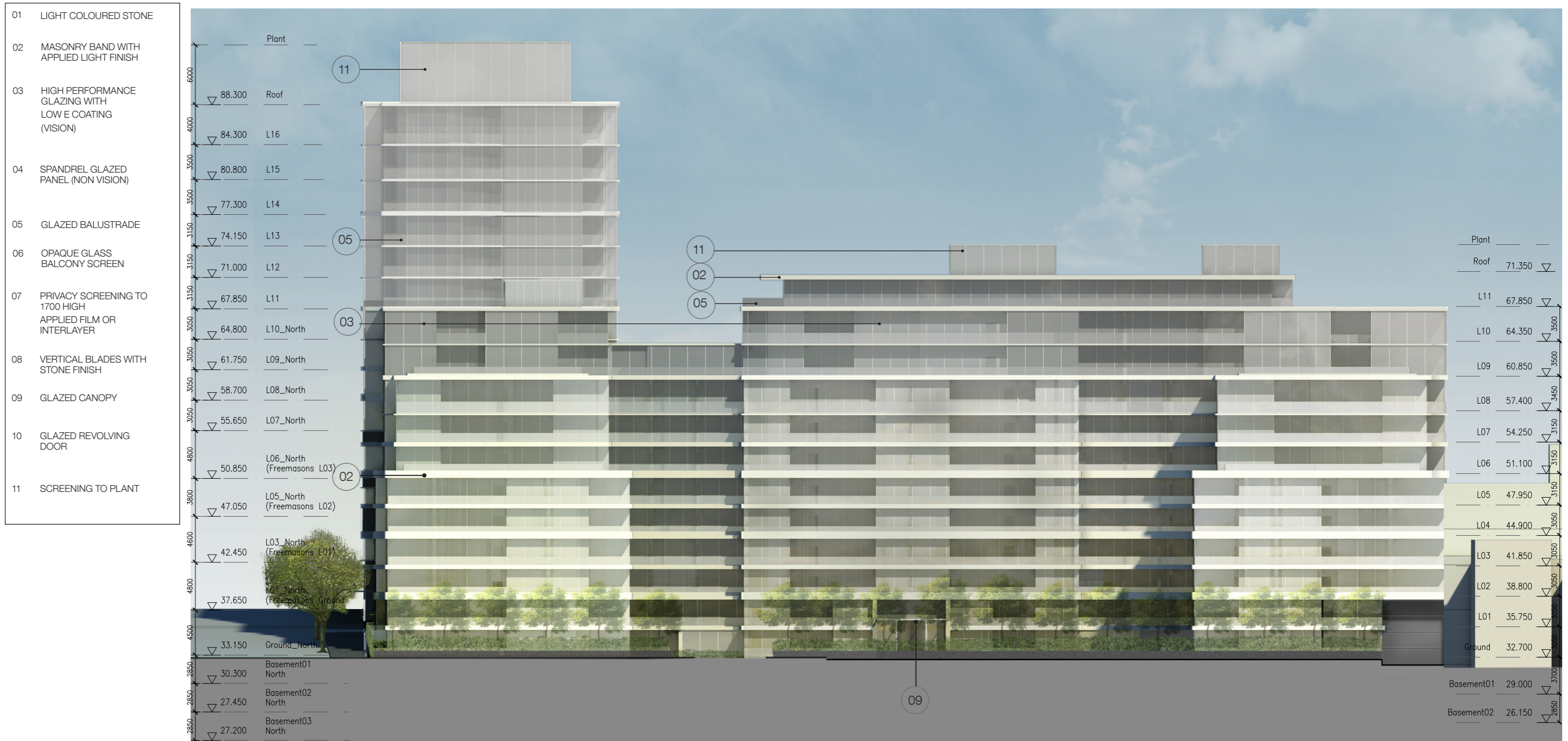
Level 26, 60 Margaret St  
Sydney, NSW, 2000  
tel. 02 9080 8000  
fax. 02 9080 8181  
Mirvac Design Pty. Ltd.  
ABN 78 003 359 153

title:  
**NORTH ELEVATION**

Scale 1:200  
job no: 3.DBH  
lot no:  
date: 24.07.2013  
drawing no: TP-0020  
scale @ A1: 1:200  
rev: B

25/09/2013 2:15:45 PM

1/4/18/12/13 02:00:02



AMMENDMENT 'B'

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NOTES-TP	
1. DESIGN RESOLUTION	2. GRAPHIC PRESENTATION
1.1 The drawings represent general architectural intent for the purpose of this planning permit only.	2.1 Colour presented on drawings are generic only and indicative of the architectural design intent. Some colour distortion may also occur in the printing process.
1.2 The internal layout is shown indicatively and is subject to further design development.	2.2 The drawings are presented in accordance with the Australian Standards AS 1100 and AS 1101.
1.3 The dimensions shown are general only and are subject to further design development.	2.3 The drawings are presented in accordance with the Australian Standards AS 1100 and AS 1101.
1.4 Location of car park entry points is general only and will be confirmed and dimensioned at later stage.	2.4 The drawings are presented in accordance with the Australian Standards AS 1100 and AS 1101.
1.5 The size and position of louvre sun screens is indicative and shown in open and closed positions.	2.5 The drawings are presented in accordance with the Australian Standards AS 1100 and AS 1101.
1.6 Ceiling heights shown indicate general ceiling design level only, which does account for services bulkheads or similar partial ceiling protrusions.	2.6 The drawings are presented in accordance with the Australian Standards AS 1100 and AS 1101.
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1.8 Location of plant, equipment and services on drawings is general and indicative only, and does not include minor elements, such as vent pipes, flues, aerials, etc.	2.8 The drawings are presented in accordance with the Australian Standards AS 1100 and AS 1101.

date	rev	amendment
24-07-13	A	Issued for Planning Permit
26-09-13	B	Issued in response to DTPLI's RFI/Remarking. Sheet Numbers adjusted.

project:  
300 ALBERT STREET  
EAST MELBOURNE

client:  
**mirvac**

architect:  
**Mirvac Design**  
architects  
planners  
interior designers

Level 28, 60 Margaret St.  
Sydney, NSW, 2000  
tel. 02 9080 8000  
fax. 02 9080 8181  
Mirvac Design Pty. Ltd.  
ABN 78 003 359 153

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Melbourne VIC 3000 Australia  
T 03 8664 4200 F 03 8664 4300  
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http://www.bates-smart.com.au

Sydney: 1243 Liverpool Street  
East Sydney NSW 2010 Australia  
T 02 9360 7288 F 02 9360 7280  
email: syd@bates-smart.com.au  
http://www.bates-smart.com.au

Bates Smart Pty Ltd ABN 70 054 999 400

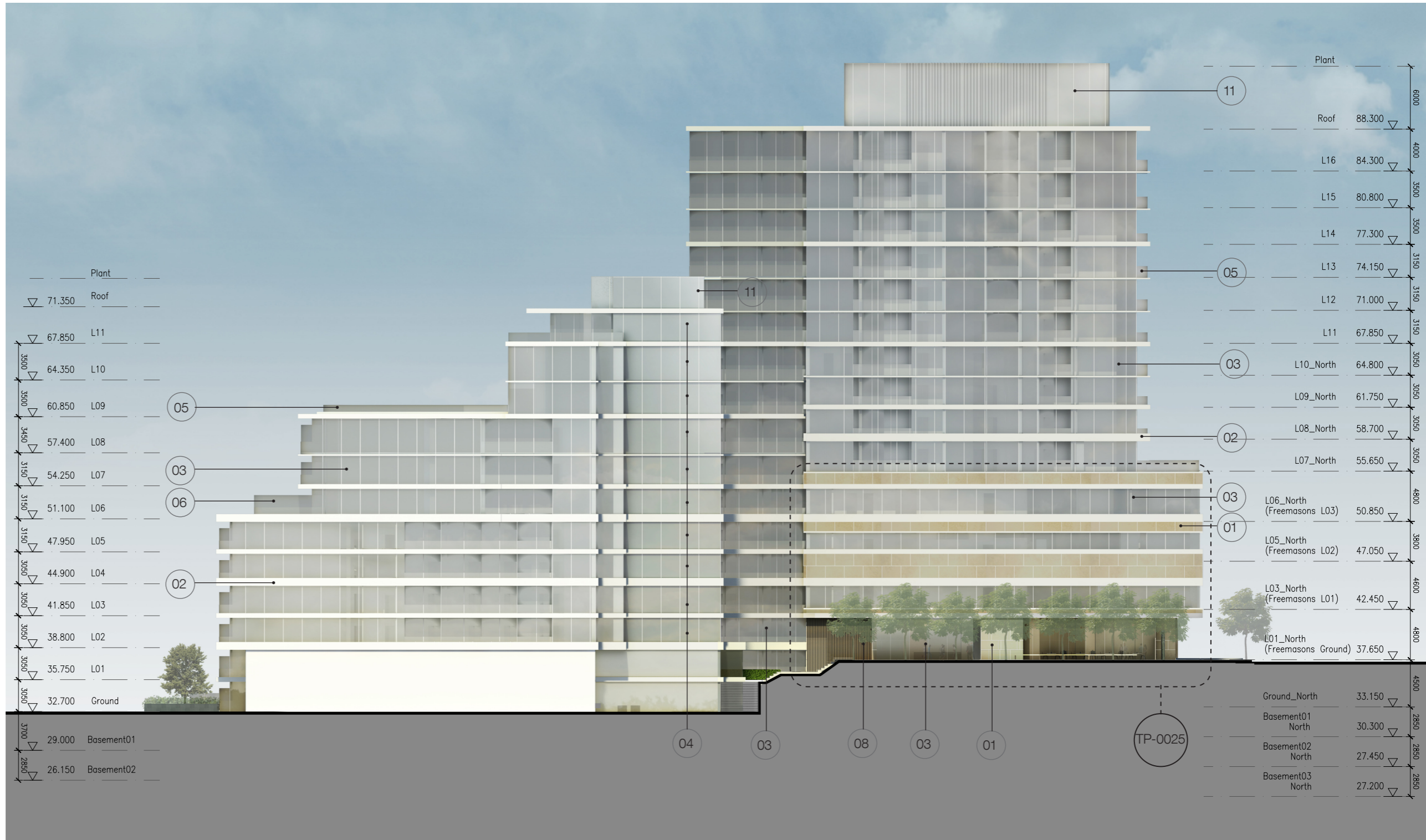
title:  
SOUTH ELEVATION

Scale 1:200

job no:3.DBH date: 24.07.2013 scale @ A1: 1:200

lot no: drawing no: TP-0021 rev: B

- 01 LIGHT COLOURED STONE
- 02 MASONRY BAND WITH APPLIED LIGHT FINISH
- 03 HIGH PERFORMANCE GLAZING WITH LOW E COATING (VISION)
- 04 SPANDREL GLAZED PANEL (NON VISION)
- 05 GLAZED BALUSTRADE
- 06 OPAQUE GLASS BALCONY SCREEN
- 07 PRIVACY SCREENING TO 1700 HIGH APPLIED FILM OR INTERLAYER
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- 11 SCREENING TO PLANT



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date	rev	description
24-07-13	A	Issued for Planning Permit
26-09-13	B	Issued in response to DTPLI's RF/Meeting. Sheet Numbers adjusted.

project:  
**300 ALBERT STREET EAST MELBOURNE**

client:  
**Mirvac Design**  
 architects  
 planners  
 interior designers

architect:  
**BATESMART**  
 architects  
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 Sydney, NSW, 2000  
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 East Sydney NSW 2010 Australia  
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 http://www.batesmart.com.au

title:  
**EAST ELEVATION**

Scale: 1:200  
 job no: 3.DBH  
 date: 24.07.2013  
 scale @ A1: 1:200  
 lot no:  
 drawing no: TP-0022 rev: B

25/09/2013 2:15:54 PM

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- 01 LIGHT COLOURED STONE
- 02 MASONRY BAND WITH APPLIED LIGHT FINISH
- 03 HIGH PERFORMANCE GLAZING WITH LOW E COATING (VISION)
- 04 SPANDREL GLAZED PANEL (NON VISION)
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**NOTES-TP**

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 1.2 The internal layout is shown indicatively and is subject to further design development.  
 1.3 The dimensions shown are general only and are subject to further design resolution.  
 1.4 Location of car park entry point is general only and will be confirmed and dimensioned at later stage.  
 1.5 The size and position of screen sun screens is indicative and shown in open and closed positions.  
 1.6 Ceiling RL (where shown) indicates general ceiling design level only, which does account for services bulkheads or similar partial ceiling protrusions.  
 1.7 Landscape component is shown indicatively only and subject to further design development at later stage.  
 1.8 Location of plant, equipment and services on drawings is general and indicative only, and does not include minor elements, such as vent pipes, flues, aerials, etc.

2. **GRAPHIC PRESENTATION**  
 2.1 Colours specified on drawings are generic only and indicative of the architectural design intent. Some colour distortion may also occur in the printing process.  
 2.2 Unchanged site levels are as per the existing survey information.

date	rev	amendment
24-07-13	A	Issued for Planning Permit
28-09-13	B	Issued in response to DTPLI's RFI meeting. Sheet Numbers adjusted.

project:  
**300 ALBERT STREET EAST MELBOURNE**

client:  
**MIRVAC**

architect:  
**Mirvac Design**  
 architects planners interior designers

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Melbourne 1 Nicholson Street Melbourne VIC 3000 Australia  
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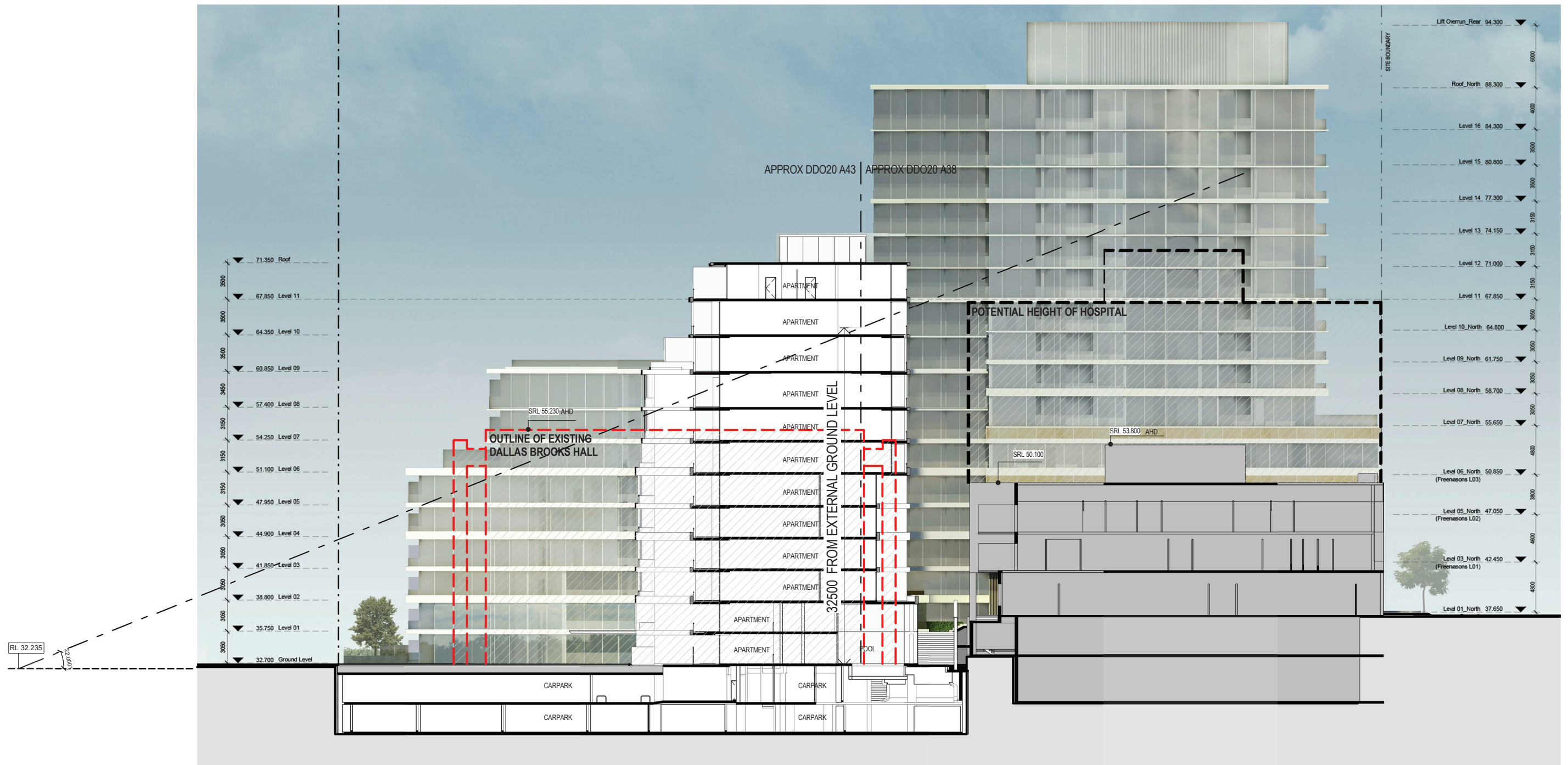
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Bates Smart Pty Ltd ABN 70 004 999 400  
**BATESSMART**

title:  
**WEST ELEVATION**

Scale 1: 200

job no: 3.DBH  
 date: 24.07.2013  
 scale @ A1: 1:200  
 drawing no: TP-0023 rev: B



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<b>3. EXISTING STRUCTURES AND SERVICES</b>	
3.1 Extent and location of existing structures and services is according to the available survey information and will need to be verified on site at later stage.	
3.2 All unchanged site levels are as per the existing survey information.	

date	rev	amendment
26-09-13	A	No revision
	B	Issued in response to DTPLI's RPI/rev.

project:  
**300 ALBERT STREET  
 EAST MELBOURNE**

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client:  
**Mirvac Design**  
 architects  
 planners  
 interior designers

architect:  
**Mirvac Design Pty. Ltd.**  
 ABN 78 003 359 153

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 http://www.bates-smart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**

title:  
**SECTION C**  
 DBH & HOSPITAL POSSIBLE  
 EXTENSION SHOWN DOTTED

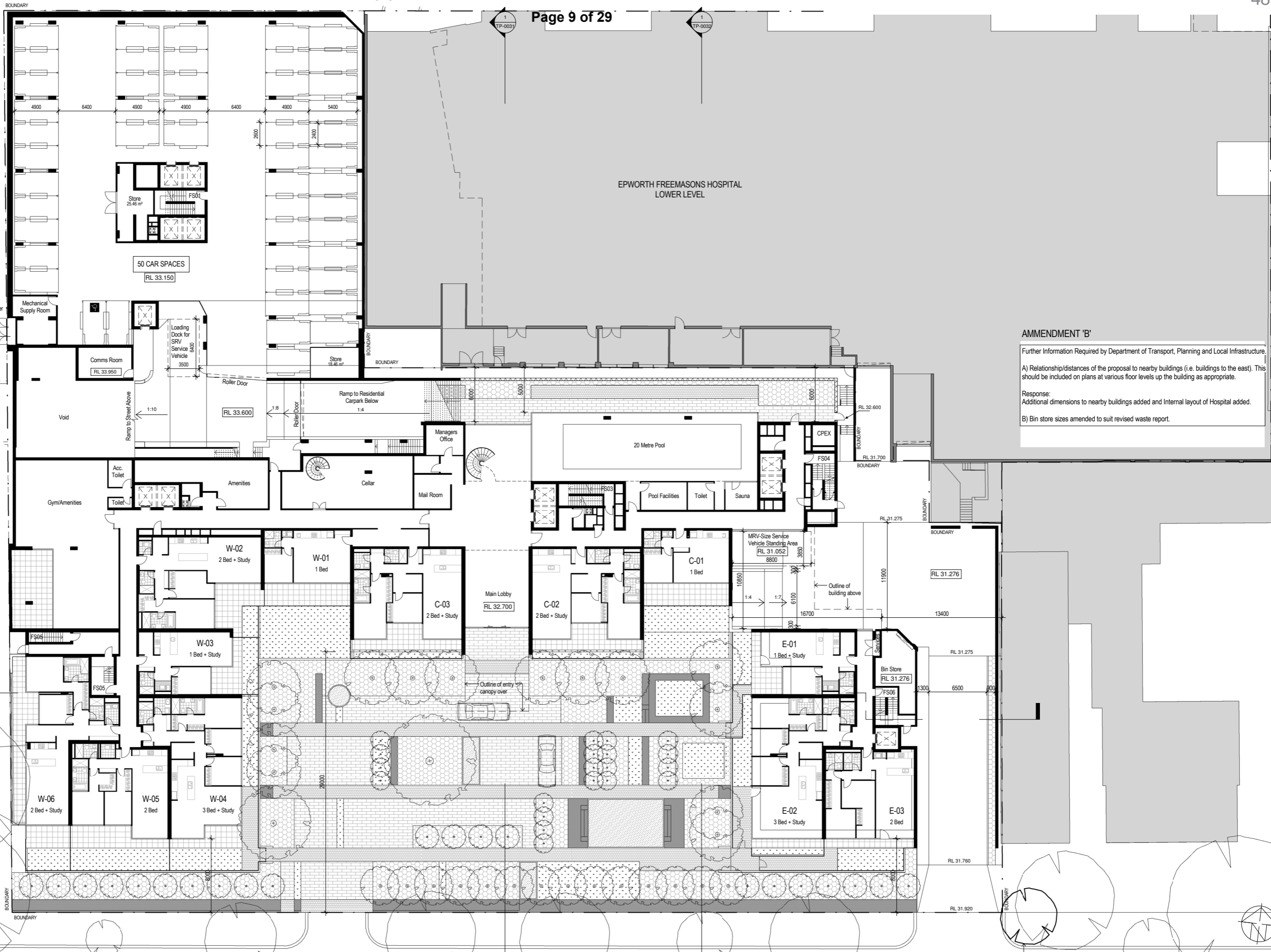
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job no:3,DBH  
 lot no:

date: 24.07.2013  
 drawing no: **SK-061** rev: **B**

scale @ A1: 1 : 200





**AMMENDMENT 'B'**

Further Information Required by Department of Transport, Planning and Local Infrastructure.

A) Relationship/distances of the proposal to nearby buildings (i.e. buildings to the east). This should be included on plans at various floor levels up the building as appropriate.

Response:  
Additional dimensions to nearby buildings added and Internal layout of Hospital added.

B) Bin store sizes amended to suit revised waste report.

**NOTES - TP**

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3.2 All unchanged site levels are as per the existing survey information.

date	rev	description
24-07-13	A	Issued for Planning Permit
26-09-13	B	Issued in response to DTPU's RF/Meeting. Street Numbers adjust.

project: **300 ALBERT STREET EAST MELBOURNE**

client: **mirvac**

architect: **Mirvac Design**  
architects  
planners  
interior designers

Level 26, 60 Margaret St.  
Sydney, NSW, 2000  
tel. 02 9080 8000  
fax. 02 9080 8181  
Mirvac Design Pty. Ltd.  
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http://www.batesmart.com.au

Sydney: 1243 Liverpool Street  
East Sydney NSW 2010 Australia  
T 02 9396 7298 F 02 9396 7280  
email: syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd. ABN 70 004 996 400

title: **GROUND FLOOR PLAN**

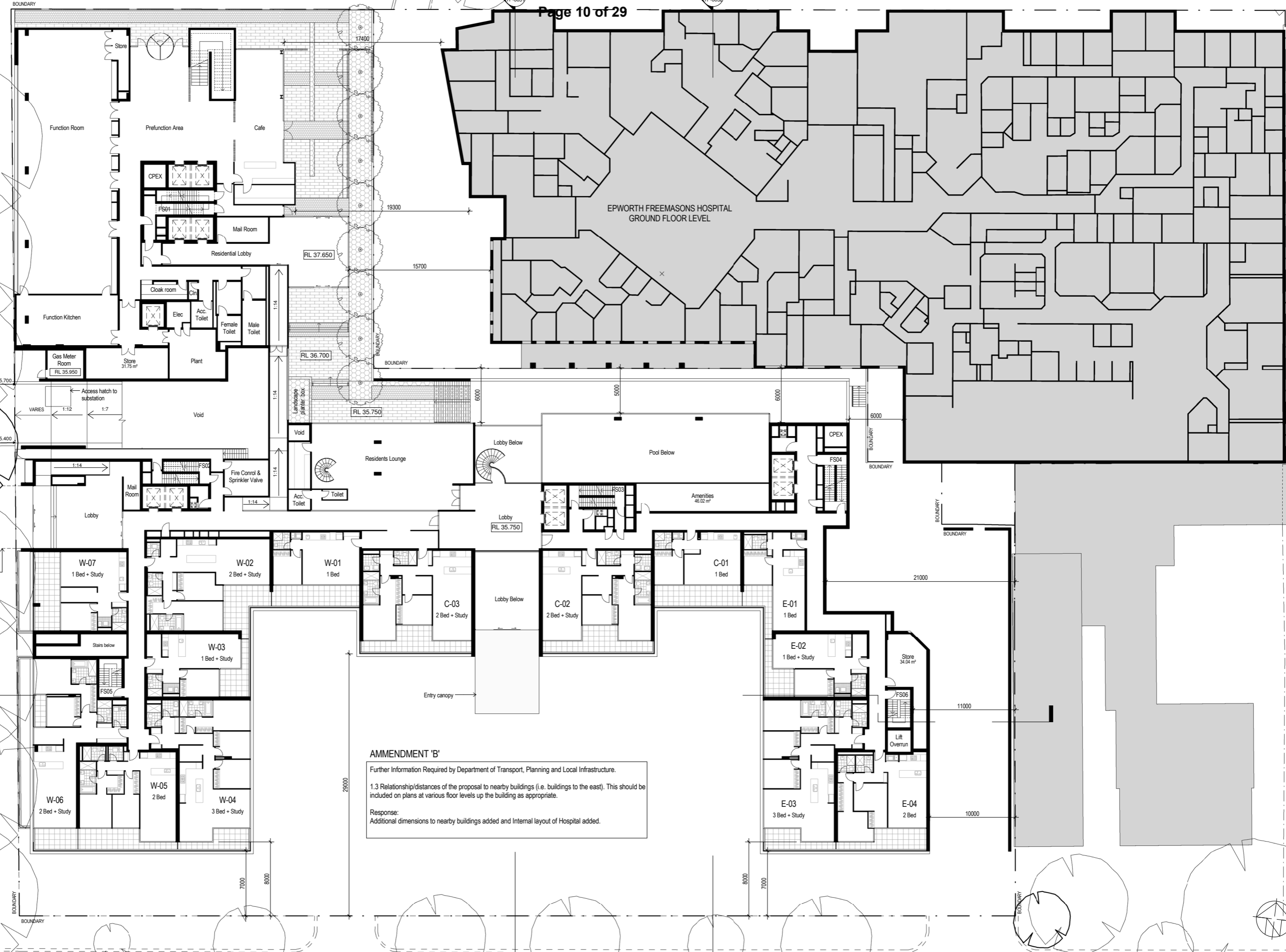
Scale: 1:200

job no: 3.DBH date: 24.07.2013 scale @ A1: 1:200

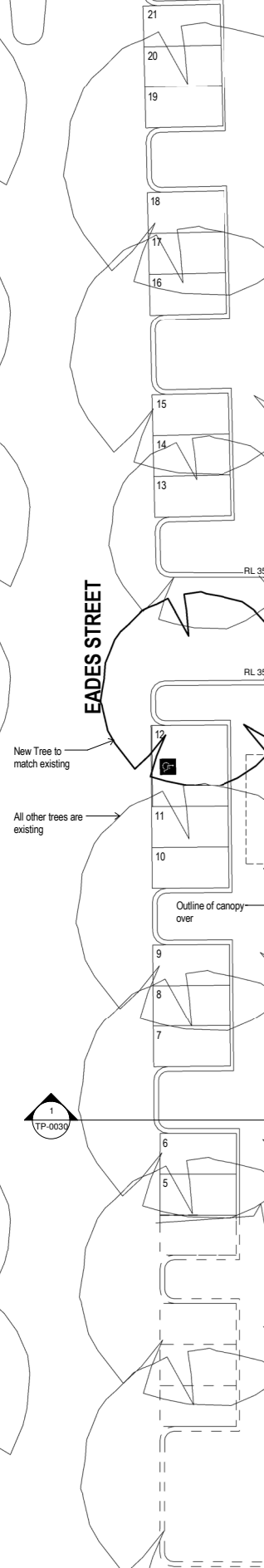
lot no: drawing no: TP-005 rev: B

27/09/2013 3:36:52 PM

27/09/2013 3:36:52 PM



**AMMENDMENT 'B'**  
 Further Information Required by Department of Transport, Planning and Local Infrastructure.  
 1.3 Relationship/distances of the proposal to nearby buildings (i.e. buildings to the east). This should be included on plans at various floor levels up the building as appropriate.  
 Response:  
 Additional dimensions to nearby buildings added and Internal layout of Hospital added.



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date	rev	description
24-07-13 <td>A <td>Issued for Planning Permit</td> </td>	A <td>Issued for Planning Permit</td>	Issued for Planning Permit
26-09-13 <td>B <td>Issued in response to DTPU's RF/Meeting</td> </td>	B <td>Issued in response to DTPU's RF/Meeting</td>	Issued in response to DTPU's RF/Meeting

project: **300 ALBERT STREET EAST MELBOURNE**  
 client: **Mirvac**  
 architect: **Mirvac Design**  
 architects planners interior designers  
 Level 25, 60 Margaret St. Sydney, NSW, 2000  
 Tel: 02 9080 8000 fax: 02 9080 8181  
 Mirvac Design Pty, Ltd. ABN 78 003 359 153

architect: **BATESSMART**  
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 Sydney NSW 2010 Australia  
 Sydney 1243 Liverpool Street East Sydney NSW 2010 Australia  
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 email: mel@batesmart.com.au  
 http://www.batesmart.com.au  
 Sydney 70 004 999 400  
 Bates Smart Pty Ltd ABN 70 004 999 400

title: **LEVEL 01 FLOOR PLAN**  
 Scale 1:200  
 0 4 8 12

job no: 3.DBH  
 date: 24.07.2013  
 scale @ A1: 1:200  
 drawing no: TP-0006 rev: B

27/09/2013 3:39:02 PM

27/09/2013 3:39:02 PM



**AMMENDMENT 'B'**  
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project:  
**300 ALBERT STREET  
 EAST MELBOURNE**

client:  
**mirvac**

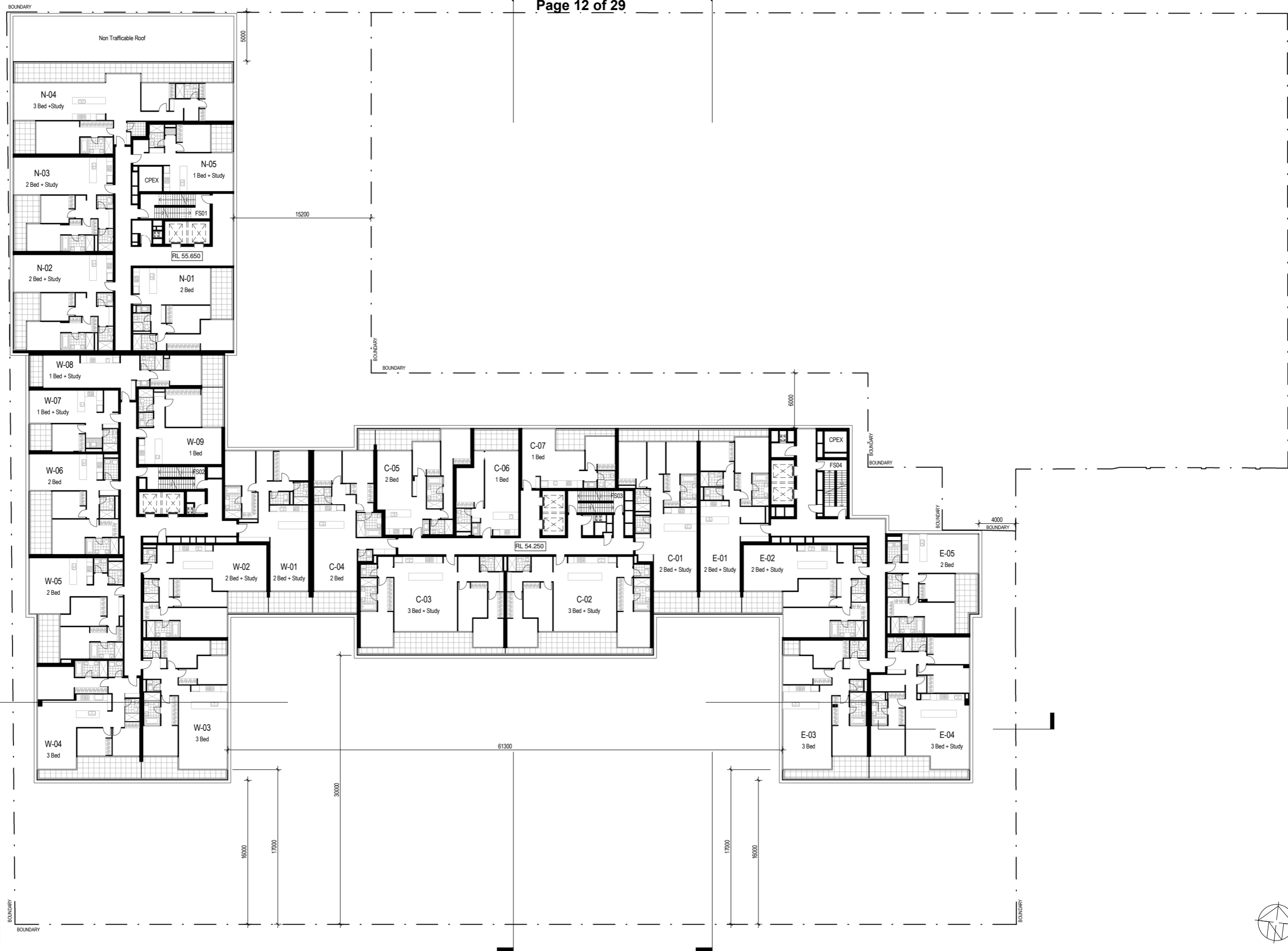
architect:  
**Mirvac Design**  
 architects  
 planners  
 interior designers

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 Sydney, NSW, 2000  
 tel. 02 9080 8000  
 fax. 02 9080 8181  
 Mirvac Design Pty. Ltd.  
 ABRN 78 003 359 153

title:  
**LEVEL 03 FLOOR PLAN**

Scale 1:200  
 job no.3.DBH date: 24.07.2013 scale @ A1: 1:200  
 lot no: drawing no: TP-0008 rev: B





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26-09-13	B	Issued in response to DTPLI's RF/Imaging

project:  
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 EAST MELBOURNE**

client:  
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architect:  
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Bates Smart Pty Ltd ABN 70 004 966 400

title:  
**LEVEL 07 FLOOR PLAN**

Scale 1:200

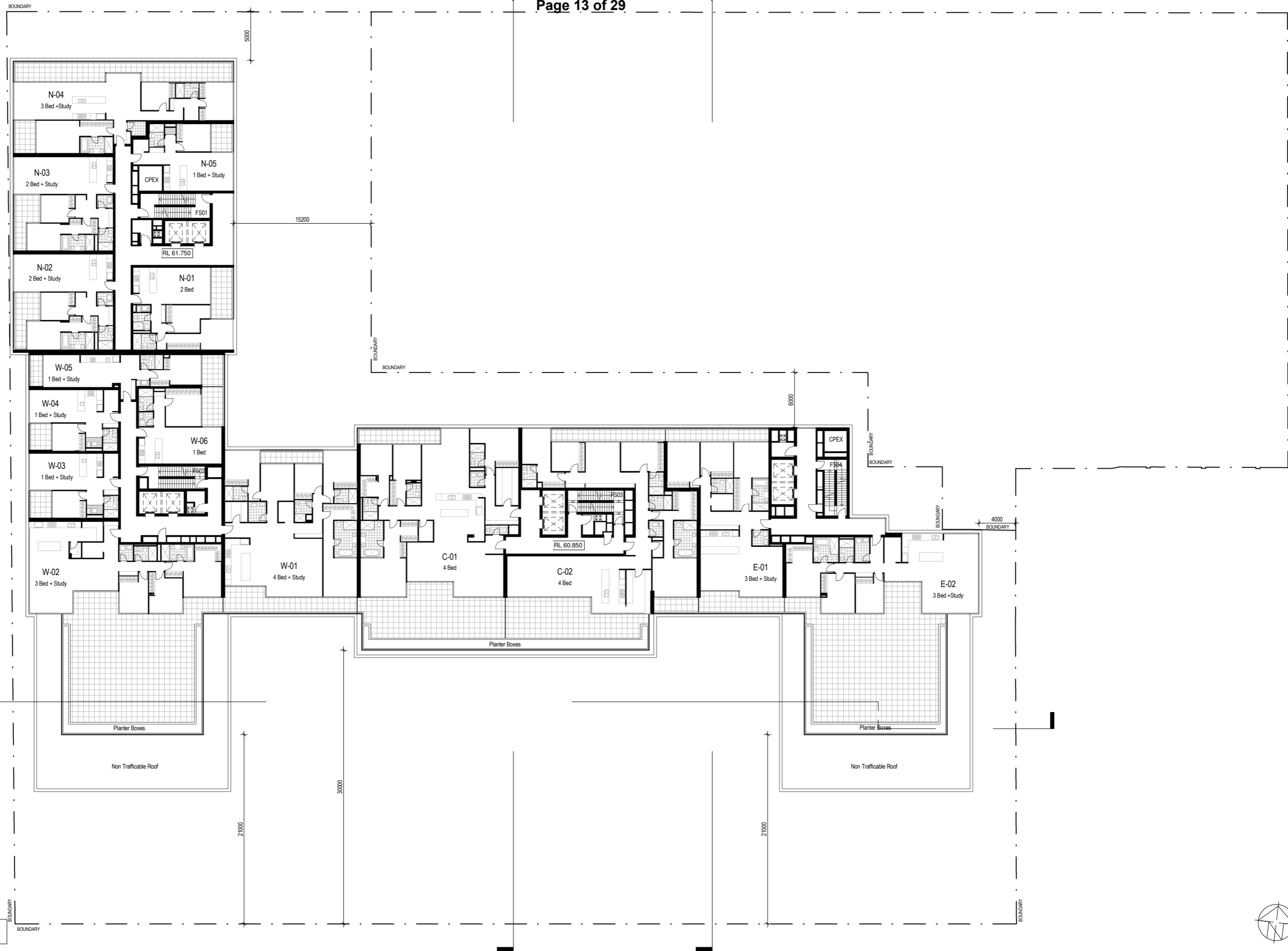
job no.3.DBH date: 24.07.2013 scale @ A1: 1:200

lot no: drawing no: TP-0012 rev: B



27/09/2013 3:43:11 PM

27/09/2013 3:43:11 PM



**AMMENDMENT 'B'**  
 - Further to discussion with DTPLI, the tower at Victoria Parade has been shifted south by 5 metres.

**NOTES - TP**

- DESIGN RESOLUTION**
  - The drawings represent general architectural intent for the purpose of this planning permit only.
  - The internal layout is shown indicatively and is subject to further design development.
  - The dimensions shown are general only and are subject to further design resolution.
  - Location of car park entry point is general only and will be confirmed and dimensioned at later stage.
  - The size and position of louvre sun screens is indicative and shown in open and closed positions.
  - Colouring RL, where shown indicates general ceiling design level only, which does account for services, bulkheads or similar partial ceiling protrusions.
  - Landscape component is shown indicatively only and subject to further design development at later stage.
  - Location of plant, equipment and services on drawings is general and indicative only, and does not include minor elements, such as vent pipes, flues, aerials, etc.
- GRAPHIC PRESENTATION**
  - Colors presented on drawings are generic only and indicative of the architectural design intent. Some colour distortion may also occur in the printing process.
- EXISTING STRUCTURES AND SERVICES**
  - Extent and location of existing structures and services is according to the available survey information and will need to be verified on site at later stage.
  - All unchanged site levels are as per the existing survey information.

date	rev	amendment
24-07-13	A	Issued for Planning Permit
26-09-13	B	Issued in response to DTPLI's RF'ing meeting

project:  
**300 ALBERT STREET  
 EAST MELBOURNE**

client:  
**mirvac**

architect:  
**Mirvac Design**  
 architects  
 planners  
 interior designers

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**BATES SMART**  
 Bates Smart Pty Ltd ABRN 70 004 996 400

title:  
**LEVEL 09 FLOOR PLAN**

Scale 1:200

job no.3.DBH date: 24.07.2013 scale @ A1: 1:200  
 lot no: drawing no: TP-0014 rev: B



## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2013-17</b>
<b>DTPLI Application number:</b>	2013/007240
<b>Applicant / Owner / Architect:</b>	Urbis / Freemasons Victoria Pty Ltd and Mirvac Victoria Pty Ltd / Bate Smart
<b>Address:</b>	Dallas Brooks Centre, 282-336 Victoria Parade, EAST MELBOURNE VIC 3002
<b>Proposal:</b>	To demolish the existing Dallas Brooks Centre and for the use and development of a multi-level mixed use development comprising 273 residential dwellings, purpose built accommodation / function and office space and associated basement car parking
<b>Date received by City of Melbourne:</b>	31 July 2013
<b>Responsible officer:</b>	Kate Yuncken

#### 1. SUBJECT SITE AND SURROUNDS

##### 1.1. The site

An inspection of the site and surrounding area was undertaken at pre-application stage on 23 May 2013.

The applicant's planning report describes the site and surrounds as follows:

##### Subject site

The subject site is located on the corner of Albert and Eades Street, East Melbourne and extends northwards to Victoria Parade. The majority of the site contains the Dallas Brooks Centre, with a small portion of the site on the corner of Eades St and Victoria Parade currently used for car parking.

The main pedestrian access to the site is from Albert St, with a secondary entrance located off Victoria Parade (at the back of the car park area).

Vehicle access to the site can be gained via a single crossing directly off Eades Street into the at-grade car park on the corner of Eades St and Victoria Parade. A double width crossover is also located off Albert Street (to the east of the entrance) which provides access to a small ramped car parking area adjacent to Dallas Brooks Centre as well as the loading area shared with the Epworth Freemasons Hospital Medical Centre. Additionally there are three existing crossings onto the site from Victoria Parade. Two of these are not currently in use, while the third provides for authorised access only and is used as the ambulance bay for the Freemasons Hospital.

The site is irregular in shape, with three key frontages, including a frontage to Albert Street of 110 metres, to Eades Street of 100 metres and Victoria Parade of approximately 40 metres, with a total site area is 8,139 square

metres. The site has a fall of approximately 5 metres from north to south along Eades Street. Eades Street provides a connection between Victoria Parade in the north, across Albert Street and through the Fitzroy Gardens to Wellington Parade in the south.

#### Existing Use

According to the Traffix Group engineering report submitted, the uses on the site are as follows.

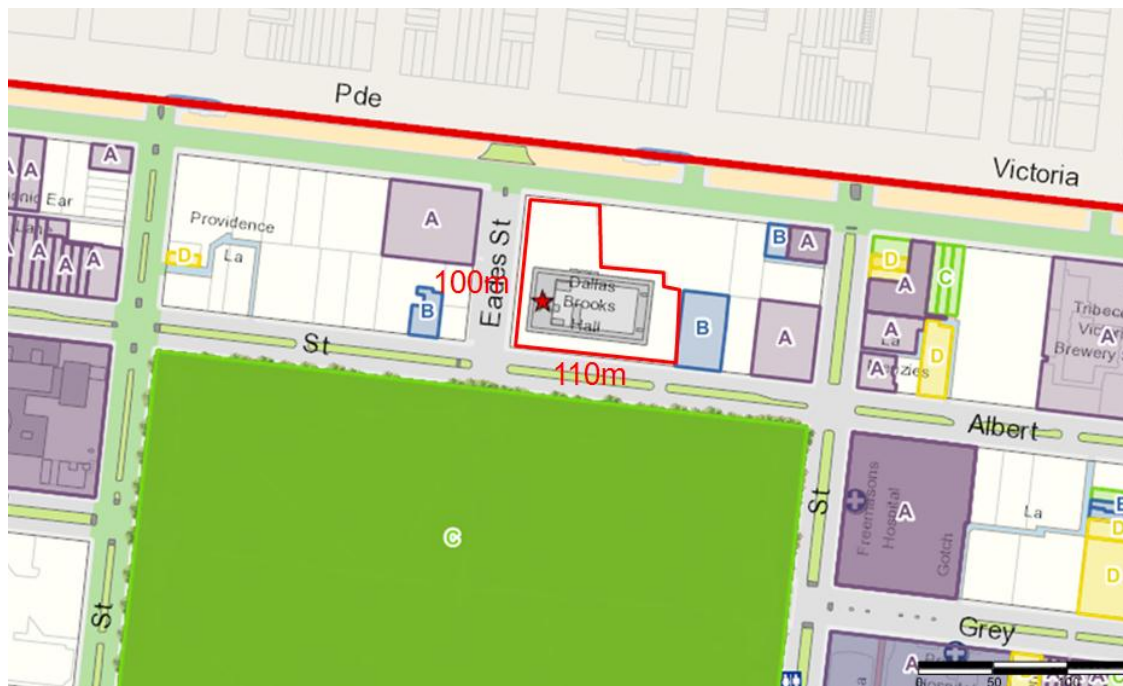
#### Freemasons Offices

- Net leasable area of 2,860 square metres
- 20 full-time employees
- 39 on-site car spaces

#### Dallas Brooks Hall

- Approximately 80 different organisations and groups use the centre annually
- Includes an auditorium, function rooms and club rooms with a capacity for the following patronage.
  - o Auditorium 2,000 patrons
  - o Albert Ballroom 1,100 patrons (standing)
  - o Board and Burgundy 200 patrons (standing)
  - o Club rooms 200 (standing)
- 18 on-site car spaces

#### Locality Plan and Conservation Study



Source: CoMPASS 2013

#### North

Victoria Parade is one of Melbourne's principal east-west tree lined boulevards, consisting of three traffic lanes in each direction and tram lines in the centre median. This section of Victoria Parade contains predominantly commercial uses (office, medical and educational). Heights of buildings along the southern alignment are illustrated on page 9 below. Land on the northern side of Victoria Parade directly

opposite the site is located within the City of Yarra and contains one and two storey buildings used for commercial and residential purposes.

#### East

The adjoining properties to the east along Albert Street are two double storey buildings which are graded B in the City of Melbourne's conservation study. These buildings are used for commercial purposes. Farther east is a three storey ungraded block of residential flats. On the corner of Clarendon Street is an A graded two storey red brick Edwardian building which is on the Victorian Heritage Register.

The adjoining property on Victoria Parade, which is currently within the same title as the development site, is the Epworth Freemasons Hospital Medical Centre. Farther east is a three storey commercial building and then a series of double storey Victorian buildings which are graded A and B.

#### South

The eastbound lane of Albert Street consists of one traffic lane, a lane of car parking and a separated bicycle lane. The centre median is planted with grass and trees.

The Fitzroy Gardens cover 26.3 hectares and are among Melbourne's premier gardens. They are on the Victorian Heritage Register. According to the Fitzroy Gardens Master Plan 2010, the park is a popular destination for visitors to the city as well as city workers who use the gardens during their lunch break and when travelling to and from work. Residents of East Melbourne and Jolimont also identify strongly with Fitzroy Gardens as part of their neighbourhood.

#### West

Eades Street consists of two lanes of traffic, car parking and footpaths with mature trees. There is a double storey 1920's Christian Brothers College building located on the north-west corner of Albert Street and Eades Street. North of this site is a recently built 8-storey residential development. Located on the south-west corner of Victoria Parade and Eades Streets is a three storey A graded bluestone building with recent additions that wrap around its south and west sides.



Source: Google December 2009 Albert Street Streetscape (Edge Dallas Brooks Hall on left)





Source: Google December 2009 Albert Street Streetscape (Edge Dallas Brooks Hall on right)



Source: Google December 2009 southern section Victoria Parade Streetscape

## 2. THE PROPOSAL

The City of Melbourne was given formal notice of the application on 31 July 2013. Revised plans were received on 1 October 2013 and form the basis for the following assessment. The revised plans incorporate a 5 metre tower setback to Victoria Parade whereas the original plans showed no setback.

The application proposes to demolish the existing Dallas Brooks Centre and proposes the use and development of the land for a multi-level mixed use development comprising 273 residential dwellings, purpose built accommodation/function and office space and associated basement car parking. The application shows 14 storeys plus plant to Victoria Parade with a setback of the tower of five metres for levels L6 to L16.

The perspective images provided show an architectural treatment that expresses the horizontal floor plate edges that are variously thickened below the glass balustrade lines.

The development will consist of the following uses:

<b>Dwellings</b>	Total number of apartments: 273
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	One bedroom apartments: 83 Two bedroom apartments: 124 Three bedroom apartments: 59 Four bedroom apartments: 7
<b>Café</b>	Approximately 140sqm
<b>Office</b>	2,500 square metres
<b>Lodging Rooms</b>	Number of rooms: 50
<b>Function Centre</b>	1,000 square metres

The specific details of the proposal are as follows:

<b>Building height</b>	51 metres (maximum) plus plant
<b>Podium height</b>	
<b>Front, side and rear setbacks</b>	North – 5 metre setback of Tower to Victoria Parade (levels 6 – 16) South – 7 metres to balconies (ground to level 5) West – 0 to 1.5 metres East – 4 metres
<b>Gross floor area (GFA)</b>	68,054 square metres
<b>Car parking spaces</b>	Total 478 (apartments)
<b>Bicycle facilities and spaces</b>	273 (residents) 28 (visitors)
<b>Loading/unloading</b>	Two loading areas, one accessed from Eades Street and the other from Albert Street.
<b>Vehicle access</b>	From Eades and Albert Streets.
<b>Pedestrian access</b>	From all street frontages.

### 3. BACKGROUND

#### 3.1. Site history

There is no directly relevant history or background for this application.

### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	Clause 15 – Built environment and heritage Clause 16 – Housing Clause 17 – Economic Development
Municipal Strategic Statement	Clause 21.06 – Built Environment and Heritage Clause 21.16 – 2 East Melbourne and Jolimont

Local Planning Policies	<p>Clause 22.02 Sunlight to Public Spaces</p> <p>Clause 22.05 Heritage Places outside the Capital City Zone</p> <p>Clause 22.17 Urban Design Outside the Capital City Zone</p> <p>Clause 22.19 Energy Water Waste</p>
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Statutory Controls	
<p>Commercial 1 Zone</p> <p>(formally Business 2 Zone)</p>	<p>A permit is required for accommodation where any frontage at ground floor level exceeds 2 metres (other than a bed and breakfast and caretaker's house).</p> <p>A permit is required for an office.</p> <p>A permit is required for a function centre however the site has existing use rights for this.</p> <p>A permit is required to carry out demolition.</p> <p>A permit is required to carry out buildings and works.</p>
<p>Clause 43.01 Heritage Overlay</p> <p><i>Schedule 2 East Melbourne and Jolimont Precinct</i></p>	<p>Pursuant to Clause 43.01-1, a permit is required to carry out demolition, construct a building or construct or carry out works.</p> <p>A planning permit is required for the proposed works pursuant to Schedule 2.</p>
<p>Clause 43.02 Design and Development Overlay</p> <p><i>Schedule 20</i></p> <p><i>Area 38 Victoria Parade</i></p> <p><i>Area 43 Albert Street</i></p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Buildings or works should not exceed the maximum building height or be constructed within the setback distance specified in the table to this schedule</p> <p>Discretionary maximum building height 30 metres. A permit is required as the maximum building height is exceeded.</p> <p>Maximum height: No buildings may be constructed that protrude above a plane inclined at an angle of 22 degrees. A permit is required as the maximum building height is exceeded.</p> <p>The frontage setback: 8 metres to Albert Street</p> <p>Built form outcomes: New buildings or works do not impact upon the visual attractiveness of Fitzroy Gardens or create additional overshadowing on the gardens between 11.00 am and 2.00 pm on 22 March and 22 September.</p> <p>Decision guideline: the Responsible Authority must be satisfied that the building would not protrude above a plane elevated from the same point to the highest southern parapet of a building fronting Victoria Parade north of the site.</p>

Particular Provisions																																																	
<p>Clause 52.06, Car Parking</p>	<p>A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.</p> <p>Pursuant to Clause 52.06-5 the following rates apply:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Use</th> <th style="text-align: center;">Number / Size</th> <th style="text-align: center;">Rate Provided</th> <th style="text-align: center;">Car Spaces Provided</th> <th style="text-align: center;">Rate Required</th> <th style="text-align: center;">Car Spaces Required</th> </tr> </thead> <tbody> <tr> <td>1-bedroom dwelling</td> <td style="text-align: center;">83</td> <td style="text-align: center;">1/dw.</td> <td style="text-align: center;">83</td> <td style="text-align: center;">1/dw.</td> <td style="text-align: center;">83</td> </tr> <tr> <td>2-bedroom dwelling</td> <td style="text-align: center;">124</td> <td style="text-align: center;">1.5/dw.</td> <td style="text-align: center;">186</td> <td style="text-align: center;">1/dw.</td> <td style="text-align: center;">124</td> </tr> <tr> <td>3-bedroom dwelling</td> <td style="text-align: center;">59</td> <td style="text-align: center;">2 /dw.</td> <td style="text-align: center;">118</td> <td style="text-align: center;">2/dw.</td> <td style="text-align: center;">118</td> </tr> <tr> <td>4-bedroom dwelling</td> <td style="text-align: center;">7</td> <td style="text-align: center;">2/dw.</td> <td style="text-align: center;">14</td> <td style="text-align: center;">2/dw.</td> <td style="text-align: center;">14</td> </tr> <tr> <td>Residential Visitors</td> <td style="text-align: center;">275</td> <td style="text-align: center;">~0.1/dw.</td> <td style="text-align: center;">27</td> <td style="text-align: center;">1sp/ 5dw.</td> <td style="text-align: center;">55</td> </tr> <tr> <td>Office &amp; Function Centre</td> <td style="text-align: center;">2,500m<sup>2</sup> 1,000m<sup>2</sup></td> <td style="text-align: center;">180 patrons</td> <td style="text-align: center;">50</td> <td style="text-align: center;">3.5sp/100m<sup>2</sup> 0.3sp/patron</td> <td style="text-align: center;">88 53</td> </tr> <tr> <td colspan="3" style="text-align: center;"><b>Total</b></td> <td style="text-align: center;"><b>478</b></td> <td></td> <td style="text-align: center;"><b>535</b></td> </tr> </tbody> </table> <p>A reduction of 57 spaces is required</p>	Use	Number / Size	Rate Provided	Car Spaces Provided	Rate Required	Car Spaces Required	1-bedroom dwelling	83	1/dw.	83	1/dw.	83	2-bedroom dwelling	124	1.5/dw.	186	1/dw.	124	3-bedroom dwelling	59	2 /dw.	118	2/dw.	118	4-bedroom dwelling	7	2/dw.	14	2/dw.	14	Residential Visitors	275	~0.1/dw.	27	1sp/ 5dw.	55	Office & Function Centre	2,500m <sup>2</sup> 1,000m <sup>2</sup>	180 patrons	50	3.5sp/100m <sup>2</sup> 0.3sp/patron	88 53	<b>Total</b>			<b>478</b>		<b>535</b>
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<p>Clause 52.07 Loading and Unloading of Vehicles</p>	<p>Clause 52.07 requires that an area be set aside for the loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. Two loading areas have been provided.</p>																																																
<p>Clause 52.34 Bicycle Facilities</p>	<p>The purpose of Clause 52.34 is to encourage cycling as a mode of transport and to provide for secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.</p> <p>Pursuant to Clause 52.34-3, 1 bicycle space / 5 dwellings and 1 visitor space / 10 dwellings for developments of 4 or more storeys.</p> <p>In addition, a rate of 1 space/300m<sup>2</sup> if the total floor area exceeds 1,000m<sup>2</sup> is applicable to the office.</p> <p>The development requires 83 spaces for residential uses.</p> <p>Given the office is proposed to be an extension of existing use with no increase to floor area, this portion does not trigger a bicycle parking requirement.</p> <p>The development proposes a total of 301 bicycle spaces (273 resident &amp; 28 visitor), exceeding the statutory requirement.</p>																																																
<p>Clause 52.35</p>	<p>Pursuant to this clause, an urban context report is required.</p>																																																

Urban context report and design response for residential development of four or more storeys	
Clause 52.36, Integrated Public Transport Planning	An application for developments in excess of 60 dwellings must be referred to Public Transport Victoria for comment.

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.

**5. PUBLIC NOTIFICATION**

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

**6. REFERRALS**

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

- Urban Design - unsupportive of the application due to the mass, height and design.
- Engineering – generally supportive subject to standard conditions and no resident parking permits to be available
- Council’s Heritage Advisor - unsupportive of the application due to the design’s negative impact on surrounding heritage buildings and heritage precinct.
- Parks Planning – not supportive of the proposal due to it dominance of the Fitzroy Gardens and overshadowing a primary entrance and nearby area of the park.

**7. ASSESSMENT**

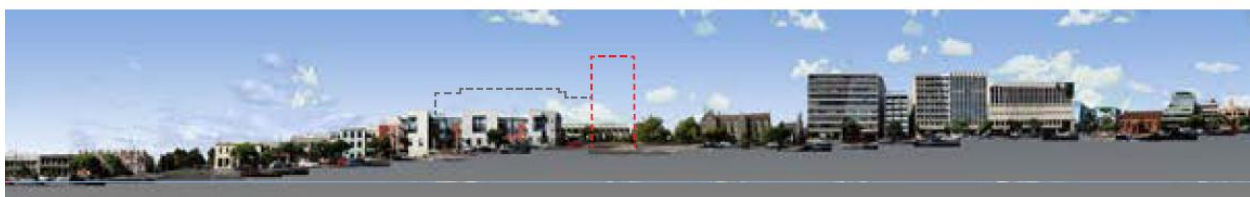
The key issues in the consideration of this application are:

- Built form (height, design, bulk, and setbacks)
- Heritage
- Land Use
- Amenity
- Impact on Parkland – Fitzroy Gardens
- Car parking, loading, waste and civil engineering

### Built Form (Height, design, bulk and setbacks)

Clause 21.06 Building Environment and Heritage and Clause 21.16-2 East Melbourne and Jolimont set out objectives and strategies for East Melbourne. Both policies seek to protect Melbourne's distinctive physical character by encouraging sympathetic infill redevelopment that complements the heritage architecture, scale and character of the area and does not impact the importance of the heritage precincts and gardens and parklands.

The northern section of the property is covered by Clause 43.02 Design and Development Overlay Schedule 20 – A38 where the maximum discretionary building height is 30m. The height controls seeks to ensure that buildings that edge the Victoria Parade boulevard entry to the CBD have a consistent scale.



Source: Bates Smart July 2013

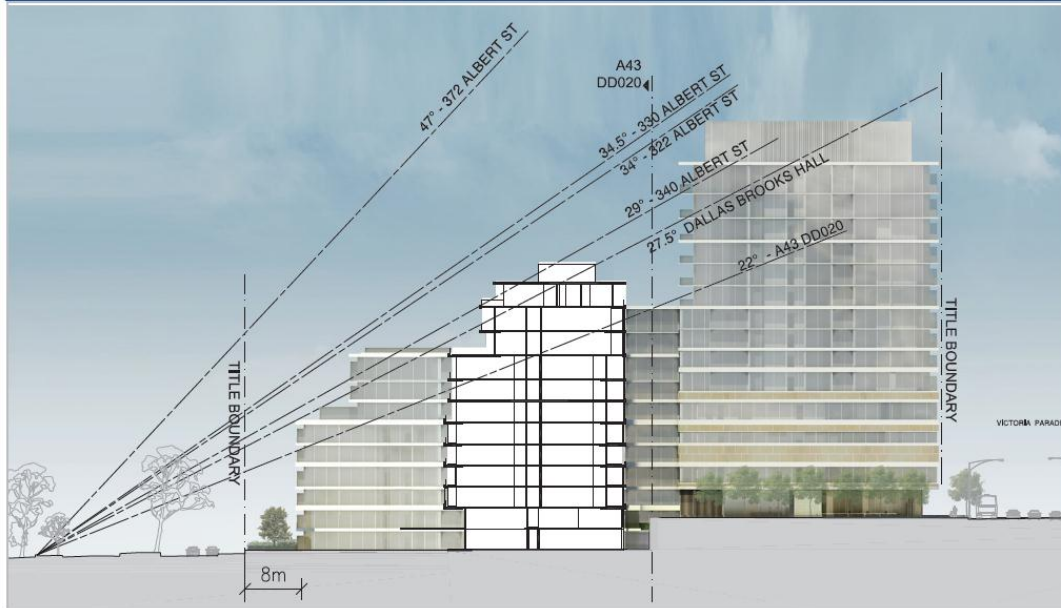
Proposal - Victoria Parade streetscape

Although the amended proposal incorporates a five metre tower setback to Victoria Parade, the proposed building height of 51 metres is inappropriate. The building is out of character and scale with nearby buildings in both Victoria Parade and Eades Street and will dominate these streetscapes and neighbouring buildings (including highly graded heritage buildings). This view is supported by both Council's Heritage Advisor and Urban Design Branch. The Built Form objective which seeks a consistent scale of building would not be achieved.

The noncompliance with the discretionary height control DDO20-38 has a flow on effect with the southern section of the development. The height of the northern section of the development is used as a justification to protrude above the discretionary height control of DDO20-A43 in the southern section of the site.

The southern section of the property is covered by Clause 43.02 Design and Development Overlay Schedule 20 – A43. The proposed building height and mass is inconsistent with DDO20-A43 which states that 'No buildings may be constructed that protrude above a plane inclined at an angle of 22 degrees from a point that is on the southern alignment of Albert Street...' (refer to the diagram below). The design outcome for this control is that 'New buildings or works do not impact upon the visual attractiveness of Fitzroy Gardens or create additional overshadowing on the gardens between 11.00 am and 2.00 pm on 22 March and 22 September'.

Figure 12 – Examples of the existing height planes along Albert Street opposite Fitzroy Gardens



Source: Bates Smart 25 September 2013

Even if approval is granted for a tower higher than 30 metres in Area 38, it would have a width of no more than approximately one quarter of the Albert Street frontage. A building within Area 43 and not directly behind the tower could not rely on the tower as a justification for protruding above the 22 degree plane, making it impossible for a responsible authority to conclude that the development conforms to the decision guideline. DTPLI officers have however obtained legal advice that the development is discretionary.

As noted by Council's Urban Design Officer and Council's Heritage Advisor and demonstrated in the site and surrounds photographs above, the existing built form in the area includes small scaled Victorian and Edwardian era buildings. The design approach in its scale, form and detailing bears little relationship to its context.

Council's Urban Design Officer states that:

The proposed development presents as a domineering and monolithic mass when viewed from Albert and Eades Streets and the Fitzroy Gardens. The proposed large mass is a departure from other more suitably scaled building elements within the context.

This view is also supported by Council's Heritage Advisor:

The perspective images provided show an architectural treatment that expresses the horizontal floor plate edges that are variously thickened below the glass balustrade lines. The perspective image provided suggest that the horizontal floating planes of the various separate wings and pavilions will run into each other causing the parts of the building to be viewed as a conglomerated mass of loosely stacked layers piling to the higher northern tower when viewed from the north edge of the Fitzroy Gardens opposite.



Bates Smart 25 September 2013

## Heritage

With regard to heritage, the proposal is assessed against the performance standards of Clause 22.05 of the Melbourne Planning Scheme which has regard to the SPPF, the LPPF and the decision guidelines and objectives of the Heritage Overlay.

The first issue to be determined is the proposed demolition of the existing building. The Dallas Brooks Hall is not graded in the City of Melbourne Heritage Inventory however is located within the Heritage Overlay Precinct. The building has been listed by the National Trust. The requirements of the Heritage Overlay and Local Policy for Heritage Places Outside the Capital City Zone require that consideration must be given to the degree significance of the building and the impact of demolition on the heritage place. Council's Heritage Advisor has noted that '...Hall has no recognised heritage significance within the Planning Scheme, its demolition is considered to be acceptable.'

The Heritage Overlay requires that consideration be given as to 'whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place'. Clause 22.05 contains several key points of design guidance with respect to appropriate infill design in the circumstance as present in this case. These principles are summarised below:

- Form - to be respectful historic building size, form, proportions, colours and materials adopted but modern interpretations to be used, not copies of historic details
- Façade pattern and Colours - to be interpretive ie a looser reference to historic precedents but still requiring use of historic or equivalent materials
- Materials - to be respectful
- Details - to be interpretive
- Façade Height and Setback - should not dominate an adjoining outstanding building ie should not exceed in height or be positioned forward



- Building Height - should respect the character and scale of adjoining buildings and the streetscape

Council's Heritage Advisor states that:

The Albert Street streetscape with the exception of the singular Dallas Brooks Hall has a predominant heritage presence, from number 320 to the properties either side of the Clarendon Street intersection at number 222 Albert Street. The three storey Art Deco flats at number 242 is a storey taller than the prevailing heritage scale and is accommodated as its additional height is well under the distance separating this building from its adjoining heritage neighbours. The prevailing heritage character is a mix of free standing double storey Victorian and Edwardians.

For example the double storey redbrick Edwardian church school building at number 306 is graded B in a level 2 Streetscape, the Mary McKillop Heritage centre at 346-362 Albert Street is graded B and there are C graded buildings at numbers 364 and 366 Albert Street.

Council's Heritage Advisor also notes that:

Of the 14 buildings between Clarendon Street and 366 Albert Street, five are not heritage and one of these, at 242 Albert Street, could well be. The non-heritage presence is that of the discrete form of the Hall, with its lawn setting, and the group of three modern abutting buildings at 322 to 344 Albert Street. The eastern of these buildings is five storey at its frontage and is separated by a lane from the B graded building at 318 which as a double storey Victorian which is 3/5<sup>th</sup> the height of the intrusive modern neighbour.

Whilst the existing heritage character of this section of Albert Street is indeed mixed and is disrupted in two places, one being the Dallas Brooks Hall, it cannot be maintained that this is not a heritage streetscape or that the heritage character is so fragmented and mixed that there is no cohesive heritage character and appearance.

The bulk of the proposed building is out of keeping with the established heritage character of the area and has been described by Council's Heritage Consultant as presenting as:

'.....a very large conglomerate form of scale and expression that is without any obvious complementary relationship with the heritage place....It is evident that with regard to the adjoining buildings to the east and the adjacent heritage presence to the west, the proposed development will detract rather than enhance the heritage place and will compete with rather than complement the heritage character adjacent to site in Albert Street, Eades Street and Victoria Parade.

There is no evident expression in the proposed architectural treatment that appears related to the heritage characteristics of the area. The proposal is not cohesive to the heritage presence in the streetscape and dismisses the 10 graded buildings opposite the Fitzroy Gardens. That the majority of these buildings are highly graded and there is a continuum of these buildings further along Albert Street streetscape is also ignored.'

The design of the proposed building does not have regard to the heritage character of the area. Given the significant area and frontages of the subject site, there is

ample opportunity for the design of a building, or a series of buildings which has regard to the heritage streetscape and character of the area.

### **Parkland – Fitzroy Gardens**

Council's Parks Planning Team has raised concerns with the proposal. The proposal will have an impact upon the visual attractiveness of the Fitzroy Gardens for the reasons that the building would be highly visible from the Gardens and would overwhelm the Albert Street skyline. This is due to the building's excessive height and lack of setbacks. Fitzroy Gardens is a significant park within the City of Melbourne, both due to its State Heritage listing and also as a significant destination for adjoining CBD workers, residents and tourists to Melbourne. Access to sunlight in winter is an important issue of liveability.

The building will also impact the enjoyment of the Fitzroy Gardens due to overshadowing. The shadow diagrams indicate that at the winter solstice, there would be solid shadow at 11 am over the Fitzroy Gardens entry and the River God fountain, directly opposite Eades Street, as well as some of the trees on the northern edge of the Gardens. While there are trees around the fountain, they are set back, do not form a heavy shadow and generally deciduous. The fountain is a significant item specifically listed in the Victorian Heritage Registration for Fitzroy Gardens and is a point of visual termination from within the gardens. It sits at an 'opening' to the street and is best appreciated when viewed in sunlight.

### **Land Use**

The existing office and function centre are proposed within the northern section of the development. These uses presently exist on the site, albeit of different scales with the function centre greatly reduced in size. These uses are supported by policy. Additionally the lodging rooms associated with the Freemasons, the dwellings and the ground level café uses are all fully supported by policy. The uses will support the continued development and growth of the broad range of accommodation types and businesses in the municipality.

### **Internal Amenity**

The building design provides an acceptable standard for the future amenity of its residents. There is no reliance on borrowed light. All dwellings have an external wall, and thus have access to natural light. The units which face towards the hospital have been appropriately orientated or screened to prevent views into hospital rooms.

All the dwellings proposed have access to varying sized balconies, generally proportionate to the size of the dwelling itself.

### **Car parking, loading, waste and civil engineering**

The provision of resident parking meets the statutory requirement and is considered by Council's Traffic Engineers as being acceptable. They state the following in their assessment:

Whilst the applicant's traffic report does not provide details of whether there is an increase or reduction in size of the office floor area, it is acknowledged that a significant decrease in patronage numbers is proposed for the function space, in comparison to existing use. Further, an increase in the existing on-site parking is proposed. It is noted that the site will not be eligible to receive

parking permits. Therefore the provision of parking for these uses is considered to be appropriate.

The MPS requires the provision of 1 motorcycle space for every 100 parking spaces, for the use of occupants and visitors. Given the MPS requirement to provide 528 car parking spaces, it is considered that at least 5 motorcycle spaces are required under the MPS. As motorcycle use has increased by 70% in the last 10 years (estimated using Victorian registration data), and being a sustainable mode of transport, it is highly desirable that ample motorcycle parking be provided, in excess of the MPS requirement. As motorcycles represent approximately 2% of vehicles on our roads, it is recommended that at least 2 motorcycle spaces be provided for every 100 parking spaces (equating to the provision of 10 spaces), which would better represent the likely demand by the residents, office workers and visitors to the various venues, including the function centre. Showers, change rooms and lockers (to enable storage of protective clothing) should also be provided.

Council's traffic engineers have recommended some minor changes to the proposal including revisions to the layout of the car park; left turn access and egress from Albert Street and that the owner is notified that the site is not eligible for parking permits. These could be addressed via conditions of the permit.

## **Conclusion**

It is acknowledged that the site is currently underutilised and could benefit from redevelopment. It is also acknowledged that the application does have some benefits in that it removes an open lot car park and proposes apartments which vary in size and do not rely on borrowed light. The proposal provides an adequate number of car parking spaces and the proposed uses are compatible with the surrounding uses. The potential benefits however do not outweigh the major issues highlighted above, being height, bulk, design and overshadowing. These issues are too significant to be dealt with by condition. The application is therefore not supported.

## **8. OFFICER RECOMMENDATION**

That a letter be sent to DTPLI advising that the while the City of Melbourne acknowledges that the site is capable of redevelopment, it objects to the application on the following grounds:

- The development fails to comply with the provisions of Heritage Overlay (Clause 43.01) and Local Policy 'Heritage Places Outside the Capital City Zone' (Clause 22.05) of the Melbourne Planning Scheme.
- The proposed building is detrimental to the visual amenity of the Fitzroy Gardens, surrounding streetscapes and neighbourhood character of the area.
- The proposal will adversely impact the scale of Victoria Parade, Albert Street and Eades Street.
- The proposal is an overdevelopment of the site.
- The development fails to complement, respect or relate to the surrounding area.
- The proposal will dominate the heritage place and compete with heritage buildings in the immediate area.

- The proposal will have an adverse impact on the amenity of Fitzroy Gardens through overshadowing and visual bulk.

Signature:

**Kate Yuncken**

Principal Planning Officer

DM#8226348

Date: 14 November 2013

**APPENDIX 1 REFERRAL COMMENTS**

**Urban Design Comments**

DM#8083035

**Heritage Advisor Comments**

DM#8133117

**Engineering Services**

DM#8128018