

Report to the Future Melbourne Committee

Agenda item 6.9

**Ministerial Planning Referral No. TPM-2010-29/A
54-64 A'Beckett Street, Melbourne**

11 November 2014

Presenter: Daniel Soussan, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to the Minister for Planning to amend an existing planning permit (No. 2010/026164A) at 54-64 A'Beckett Street, Melbourne.
2. The site is located on the northern side of A'Beckett Street, east of Elizabeth Street. Measuring approximately 1,290 square metres the site comprises two smaller lots and is 'L' shaped, with a frontage to A'Beckett Street of approximately 32 m. The subject site interlocks with the adjoining lot to the east at 48-50 A'Beckett Street, with an existing easement/laneway (PL5221) separating the two properties. No 48-50 A'Beckett Street enjoys a right-of-carriage over the laneway. Along its western boundary the subject site abuts an existing laneway (PL5220) which provides access to 410 and 440 Elizabeth Street.
3. In summary, amendments are sought to the approved built form envelope, the overall height is proposed to be significantly increased (from 50 storeys to 81 storeys), changes are proposed to the traffic and access arrangements, and to the internal layout of the development. The proposal no longer includes serviced apartments, and now proposes residential apartments only. The total gross floor area is proposed to increase from 40,152sqm to 57,896sqm.
4. On 28 October 2014 the Minister for Planning issued a refusal to grant an amendment to the permit (refer Attachment 5).

Key issues

5. The key issues of concern are the excessive scale, height and built form of the proposed building, inadequate internal amenity and failure to appropriately respond to development of adjoining sites.
6. The City of Melbourne raised significant concern in relation to the development now approved under this permit, recommending conditions seeking minimum tower setbacks from the A'Beckett Street frontage and side and rear boundaries. The recommended conditions were not included on the approved permit. The amended proposal does not respond to concerns previously raised by the City of Melbourne and further reduces setbacks to the western boundary. Compounded with the significant additional height proposed, the amended proposal results in an unacceptable outcome as it relates to both adjoining sites and the public realm.
7. A lack of setbacks to site boundaries and limited tower separation to adjacent developments will result in an exceptionally poor outcome for current and future residents. The excessive height of the development is considered to create a canyon like effect resulting in west, north and east facing lower level apartments having limited access to natural light. Outlook for a majority of apartments will be limited to adjacent apartment buildings with as little as 5 m separation is provided between habitable rooms in some instances. This coupled with relatively small sizes of apartments and no provision for balconies/private open space is of significant concern and fails to satisfy the objectives of the Guidelines for Higher Density Residential Development.

Recommendation from management

8. That the Future Melbourne Committee resolves that:
 - 8.1. A letter be sent to the Department of Transport, Planning and Local Infrastructure (DTPLI) advising that the Melbourne City Council supports the Minister for Planning's decision to refuse the amendment and objects to the application on the grounds set out in the Delegate Report (refer Attachment 4).
 - 8.2. Should the permit applicant lodge an appeal with the Victorian Civil and Administrative Tribunal against the Ministers decision to refuse the amendment, that the City of Melbourne will seek to be joined as a party to the appeal.

Attachments:

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

Supporting Attachment

Legal

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

Finance

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

Conflict of interest

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

Stakeholder consultation

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

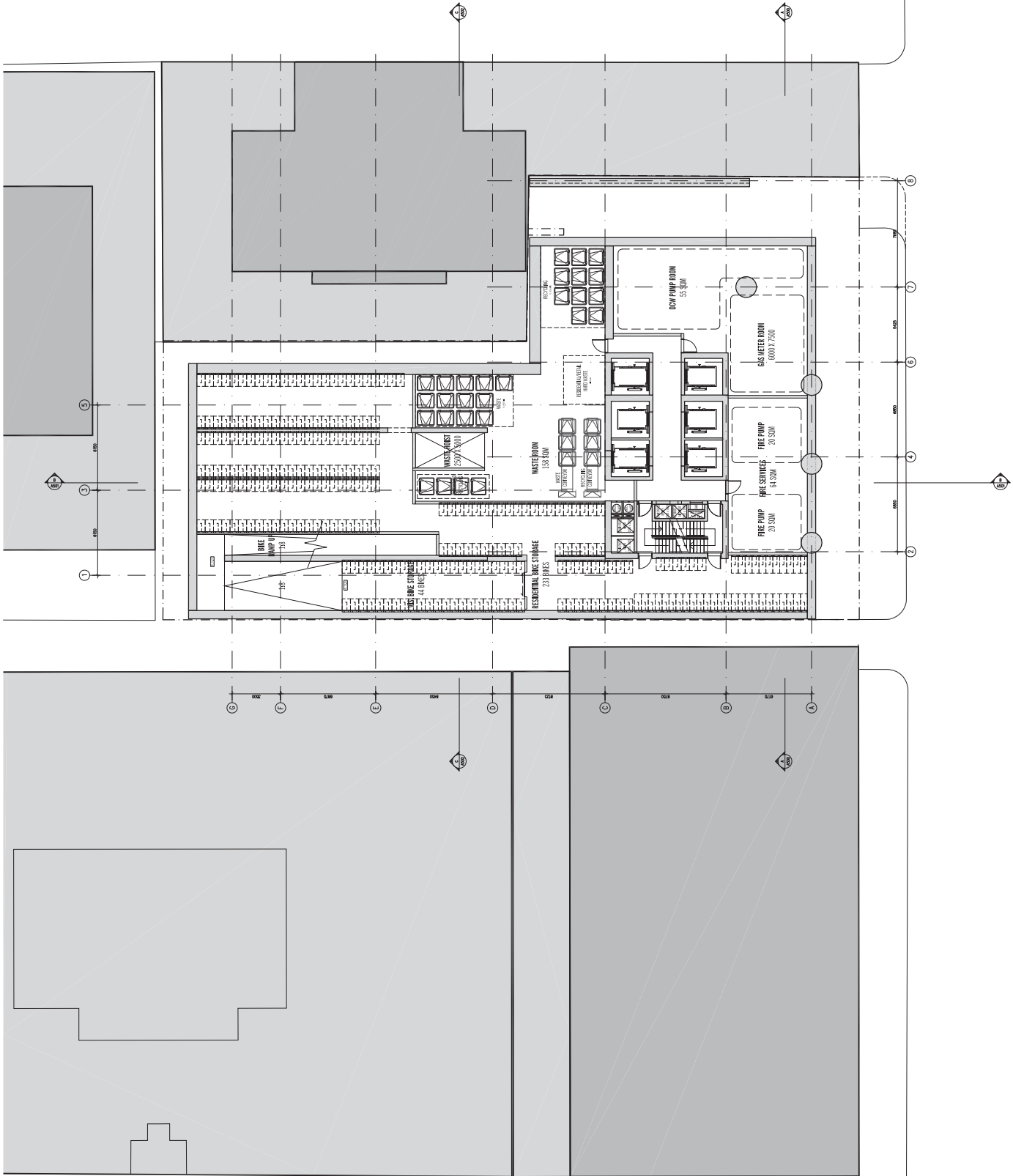
Relation to Council policy

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

Environmental sustainability

6. A Sustainability Design Statement forms part of the application. The submitted report does not satisfactorily demonstrate that the development will achieve the requirements of Clause 22.19 Energy, Water and Waste Efficiency.

Attachment 3
 Agenda item 6.9
 Future Melbourne Committee
 11 November 2014



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

**GENERAL ARRANGEMENT PLAN
 BASEMENT B1**

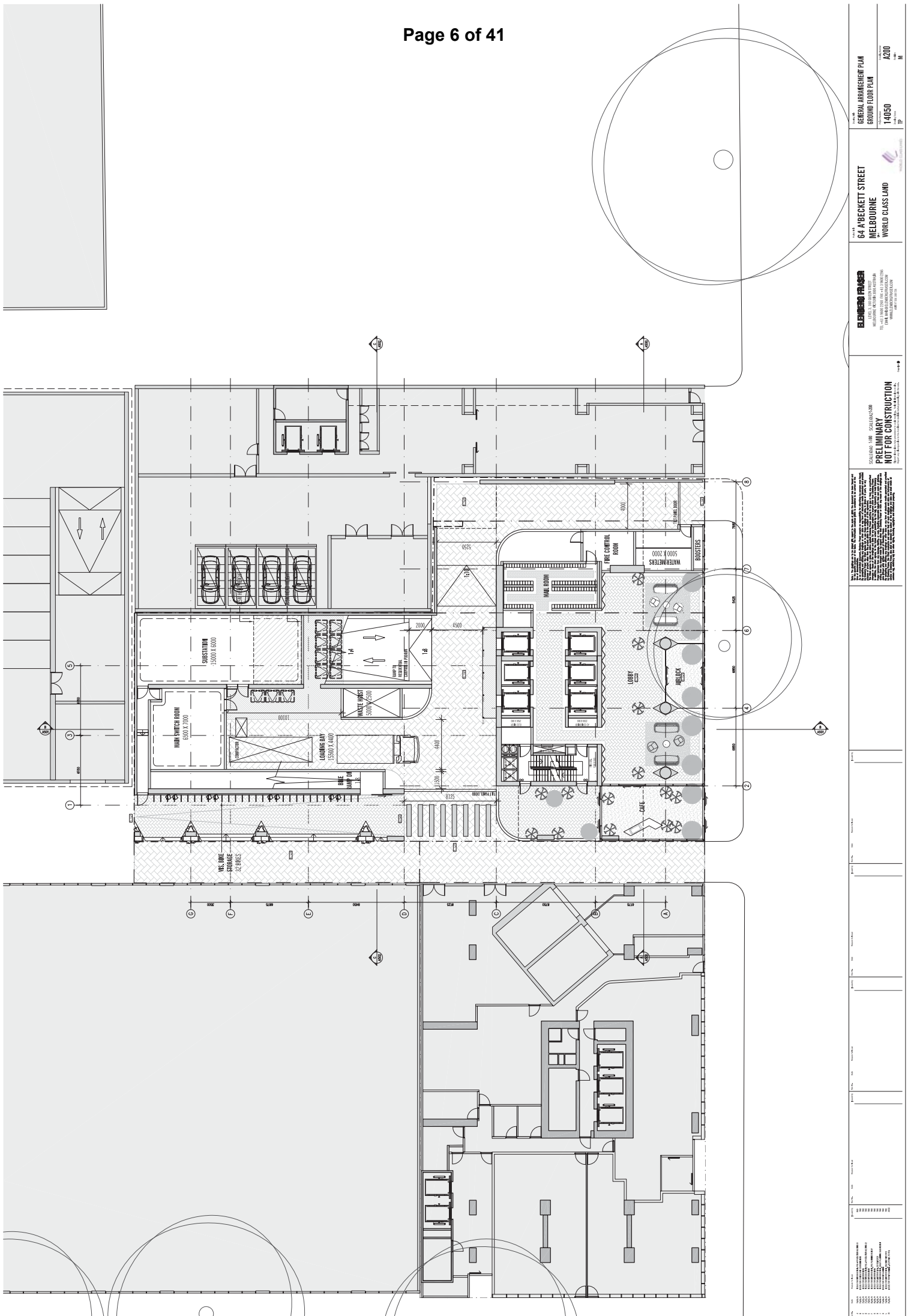
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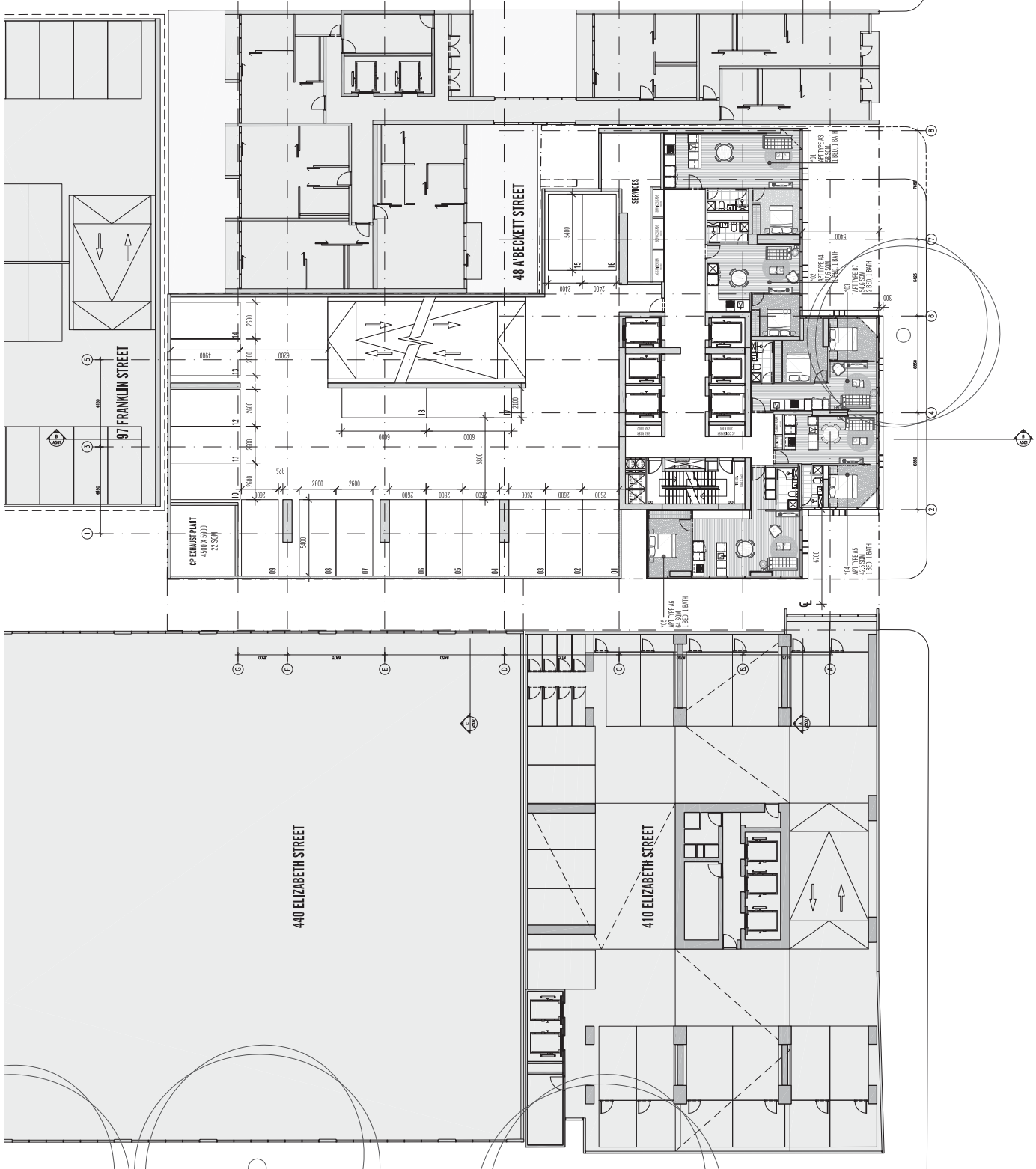
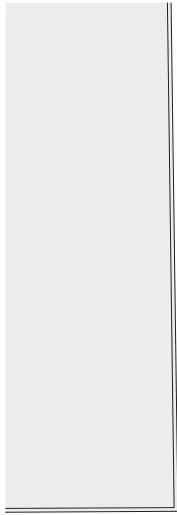
**64 A BECKETT STREET
MELBOURNE
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**GENERAL ARRANGEMENT PLAN
GROUND FLOOR PLAN**

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Date: 14/05/20

**PRELIMINARY
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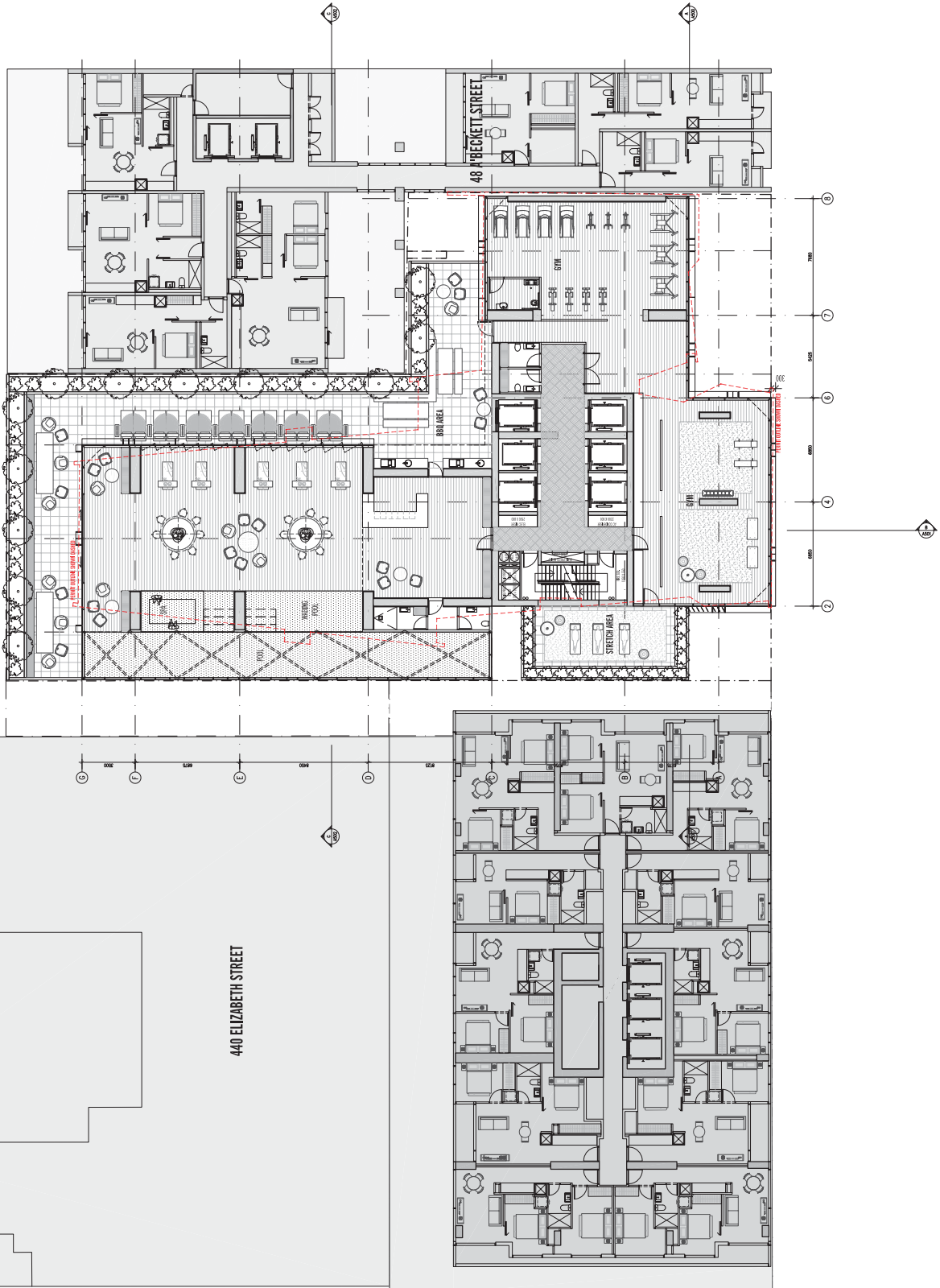
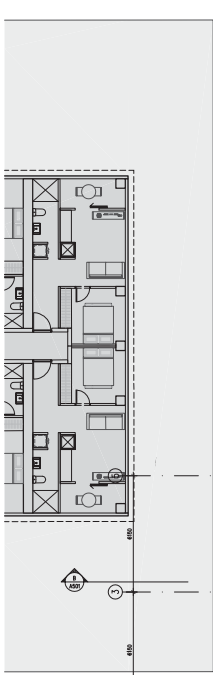
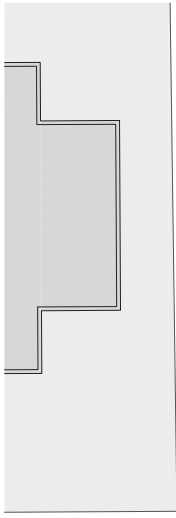
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LEVEL 02-08 (TYPICAL FLOORING)
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APPROVED BY: [Signature]

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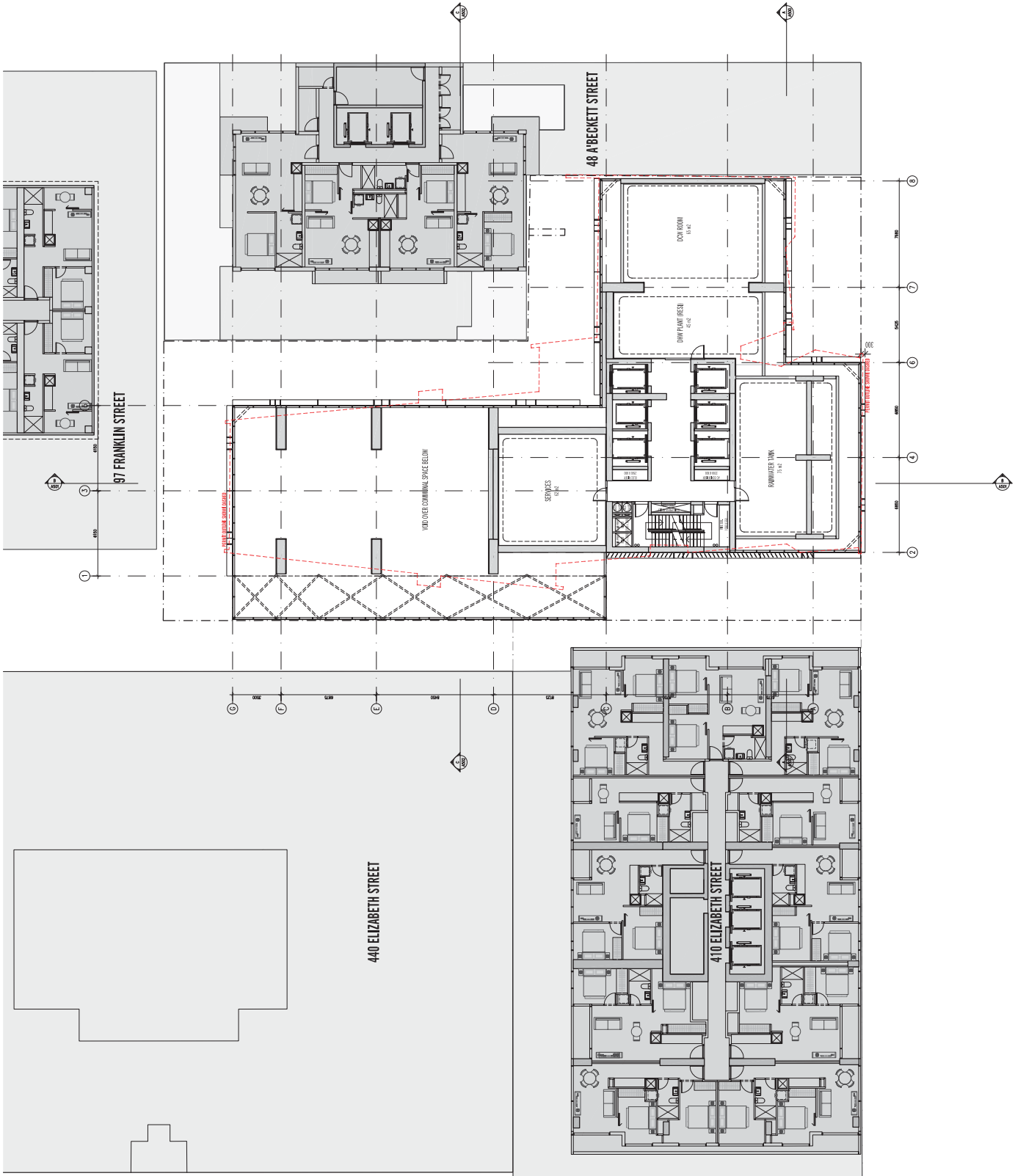
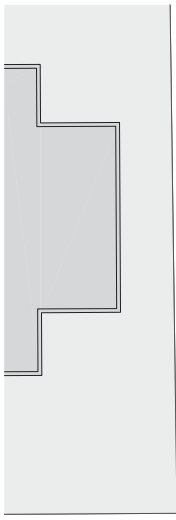


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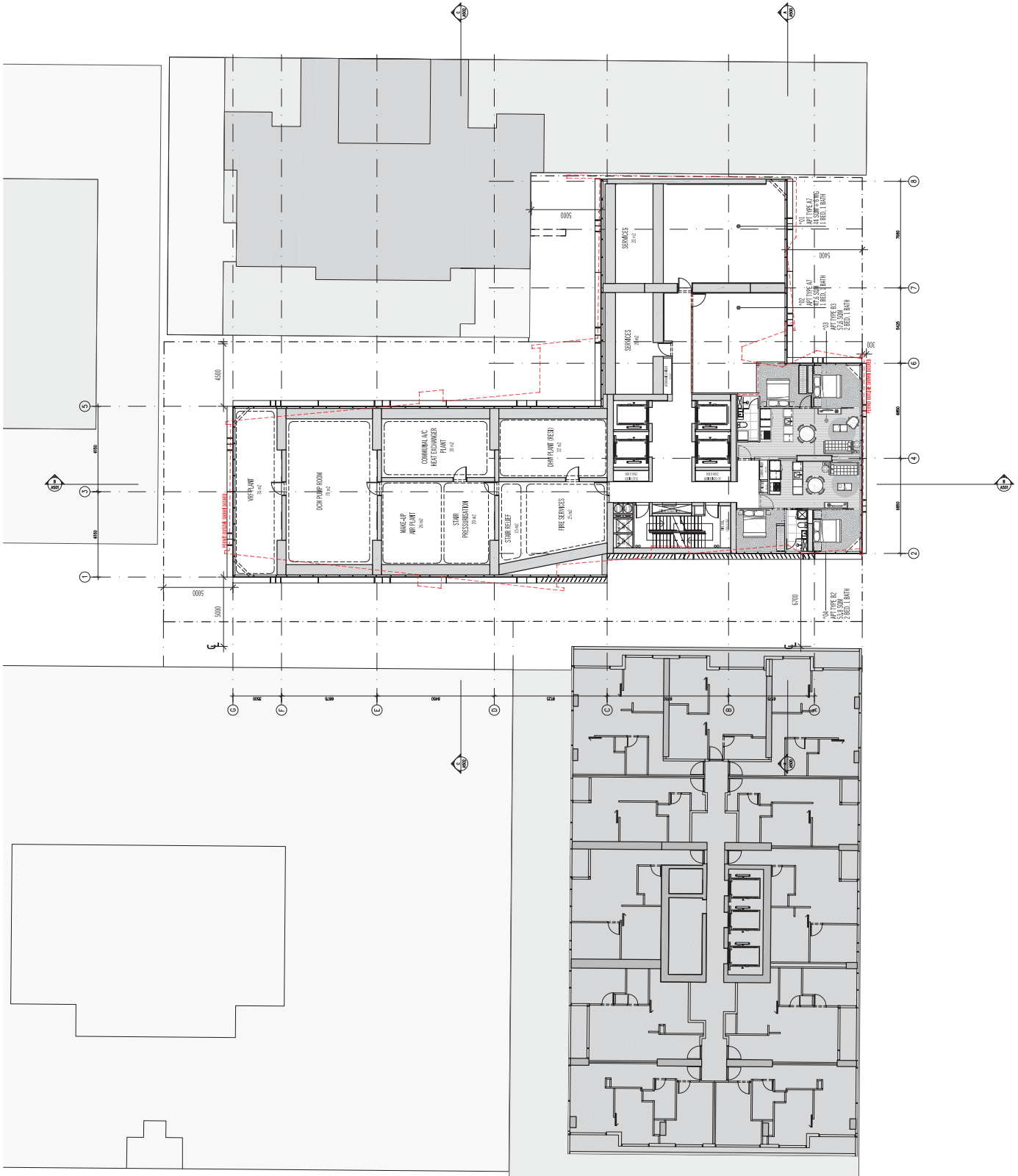
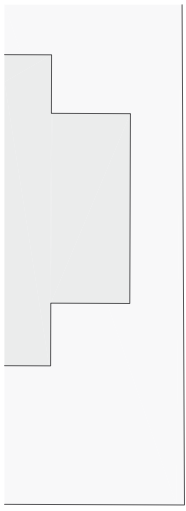


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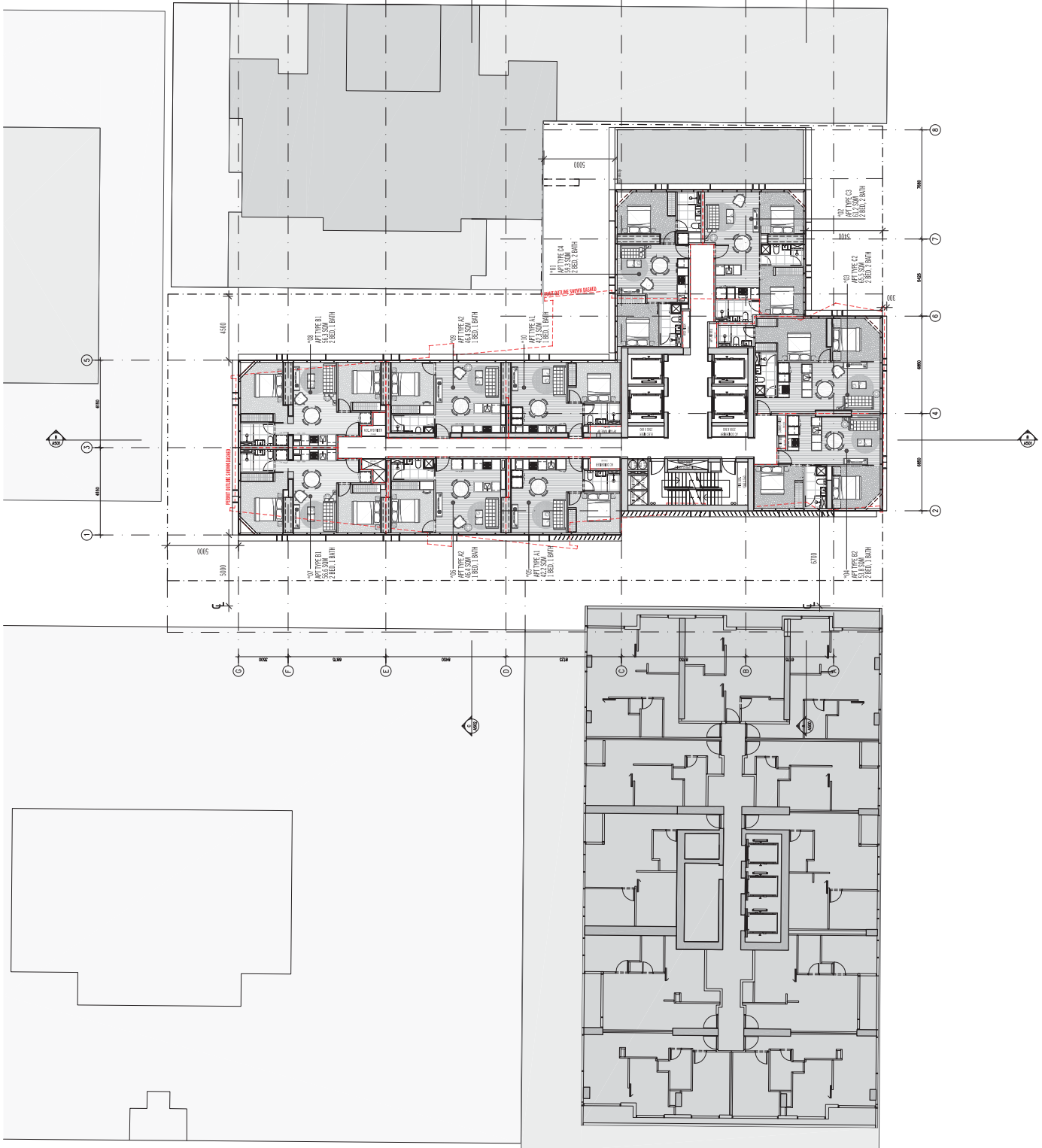
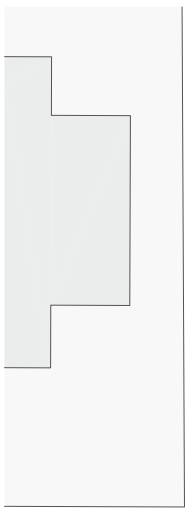
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 WORLD CLASS LAND
 ARCHITECT: ELBERG FRASER
 SCALE: 1:100
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 DRAWING NO: 14050
 SHEET NO: 11 OF 17
 PROJECT NO: 14050

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<p>PROJECT NO: 14050</p> <p>DATE: 12/11/2020</p> <p>PROJECT: 64 A BECKETT STREET MELBOURNE WORLD CLASS LAND</p> <p>CLIENT: WORLD CLASS LAND</p> <p>DESIGNER: ELBERG FRASER</p> <p>LEVEL: MECHANICAL FLOOR</p> <p>SCALE: 1:100</p> <p>STATUS: PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>PLANT LEVEL</p> <p>LEVEL 47</p> <p>SCALE: 1:100</p> <p>DATE: 12/11/2020</p> <p>PROJECT: 64 A BECKETT STREET MELBOURNE WORLD CLASS LAND</p>
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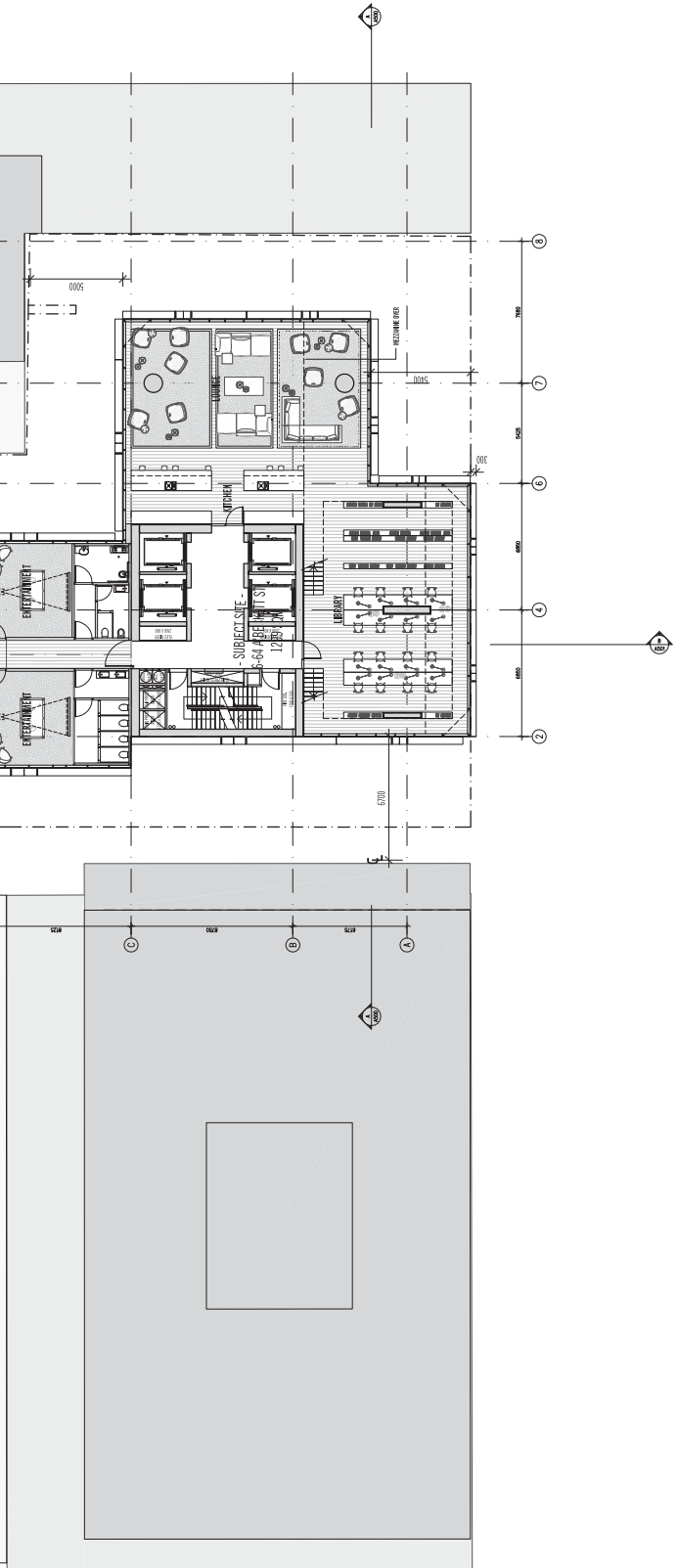
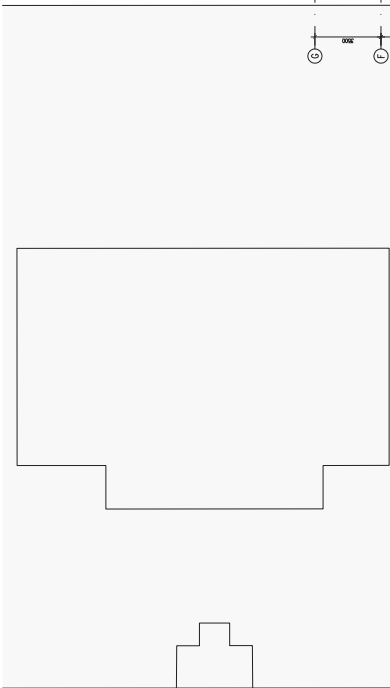
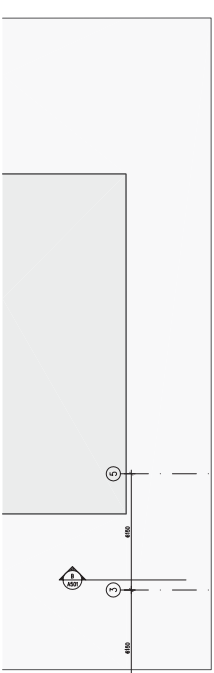
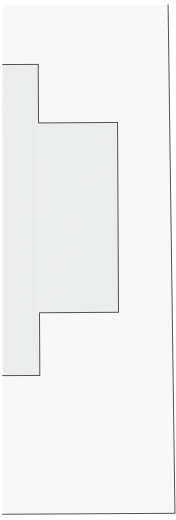


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SCALE: 1/800
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DATE: 14/05/2024
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 CHECKED: M. JONES
 APPROVED: P. BROWN

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64 A BECKETT STREET
MELBOURNE
WORLD CLASS LAND

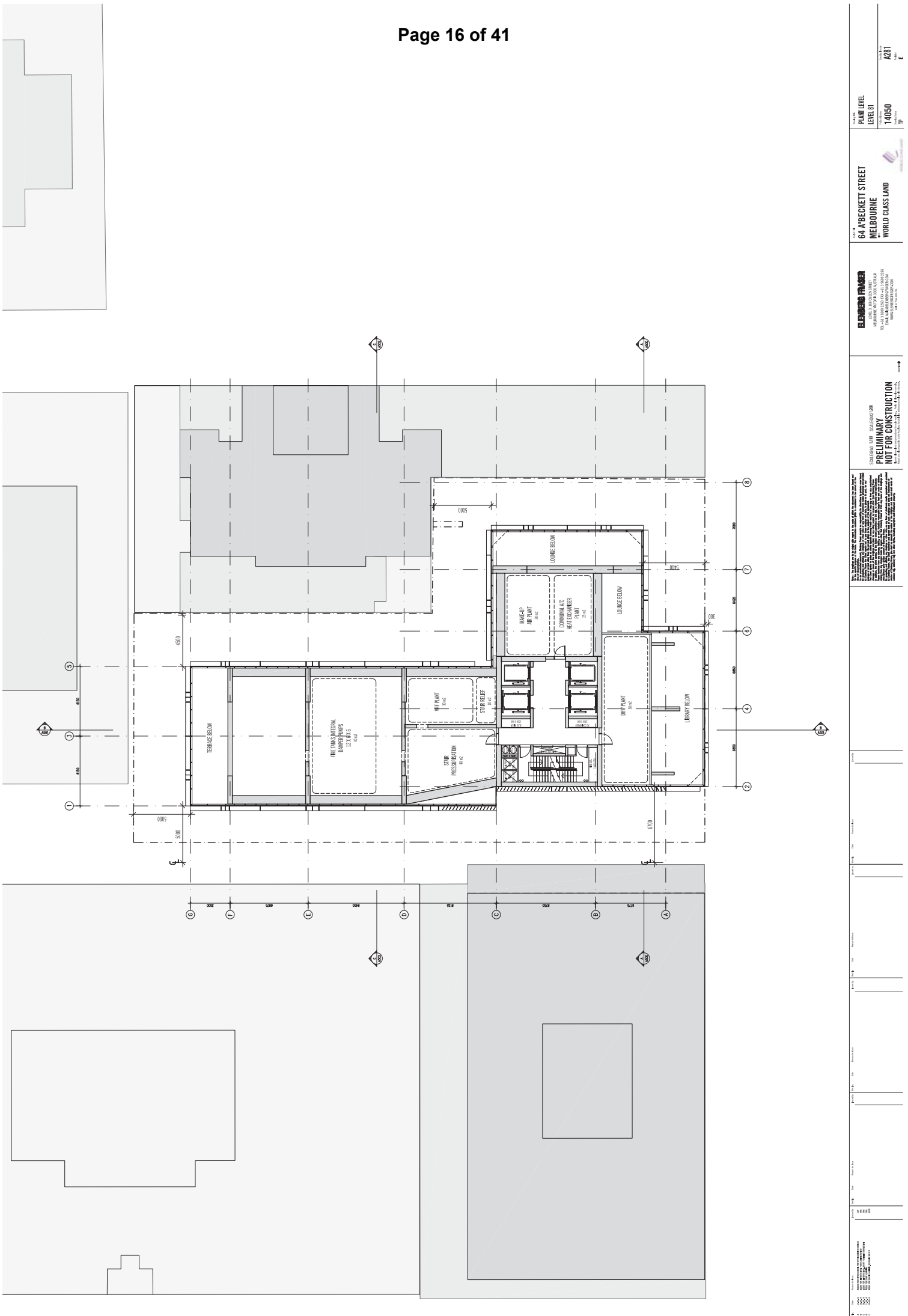
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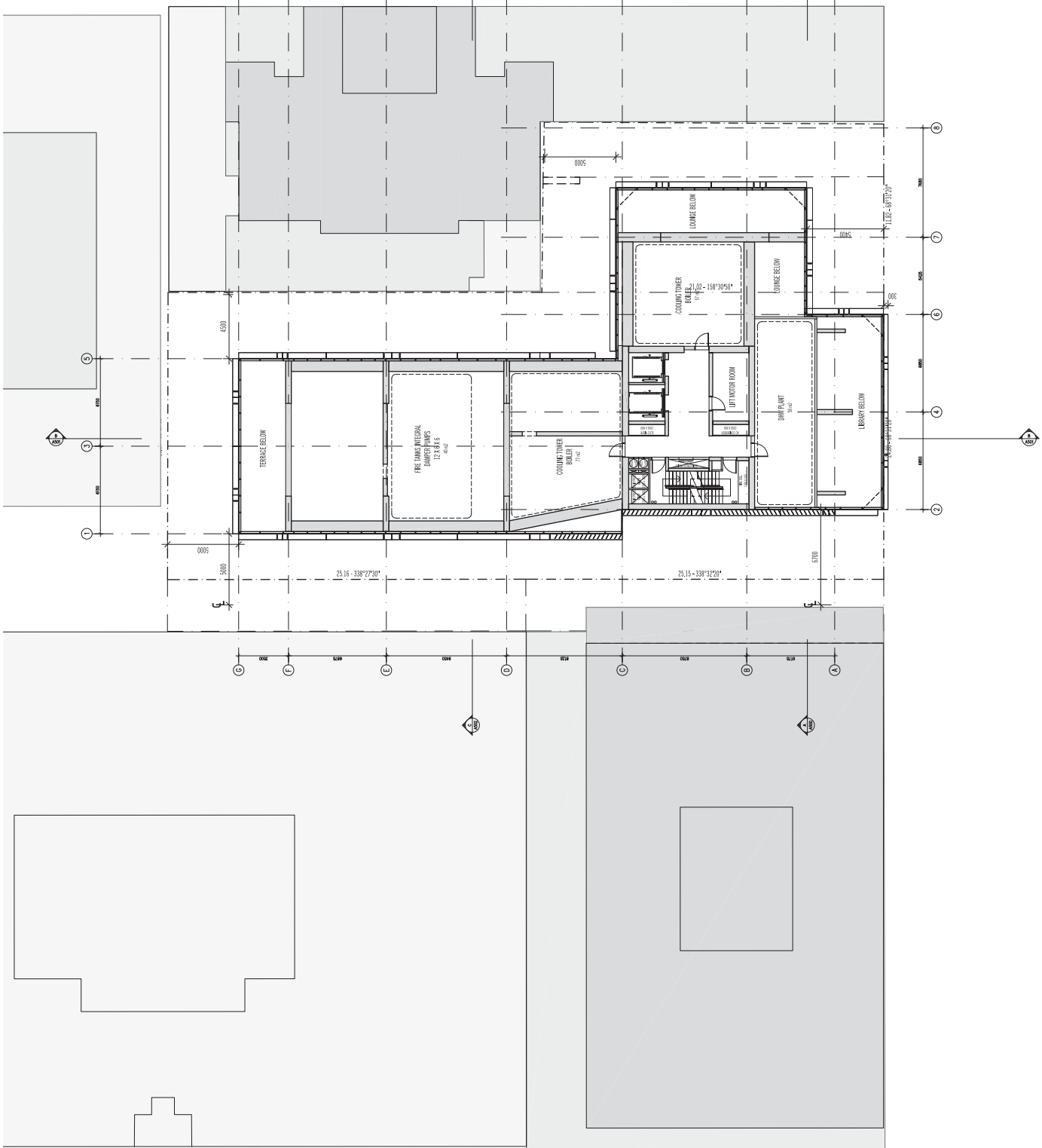
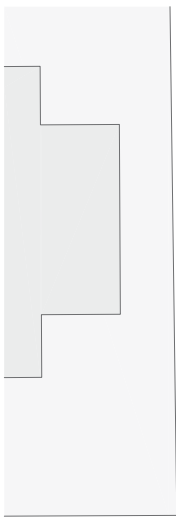
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MELBOURNE
WORLD CLASS LAND

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64 A BECKETT STREET
 MELBOURNE
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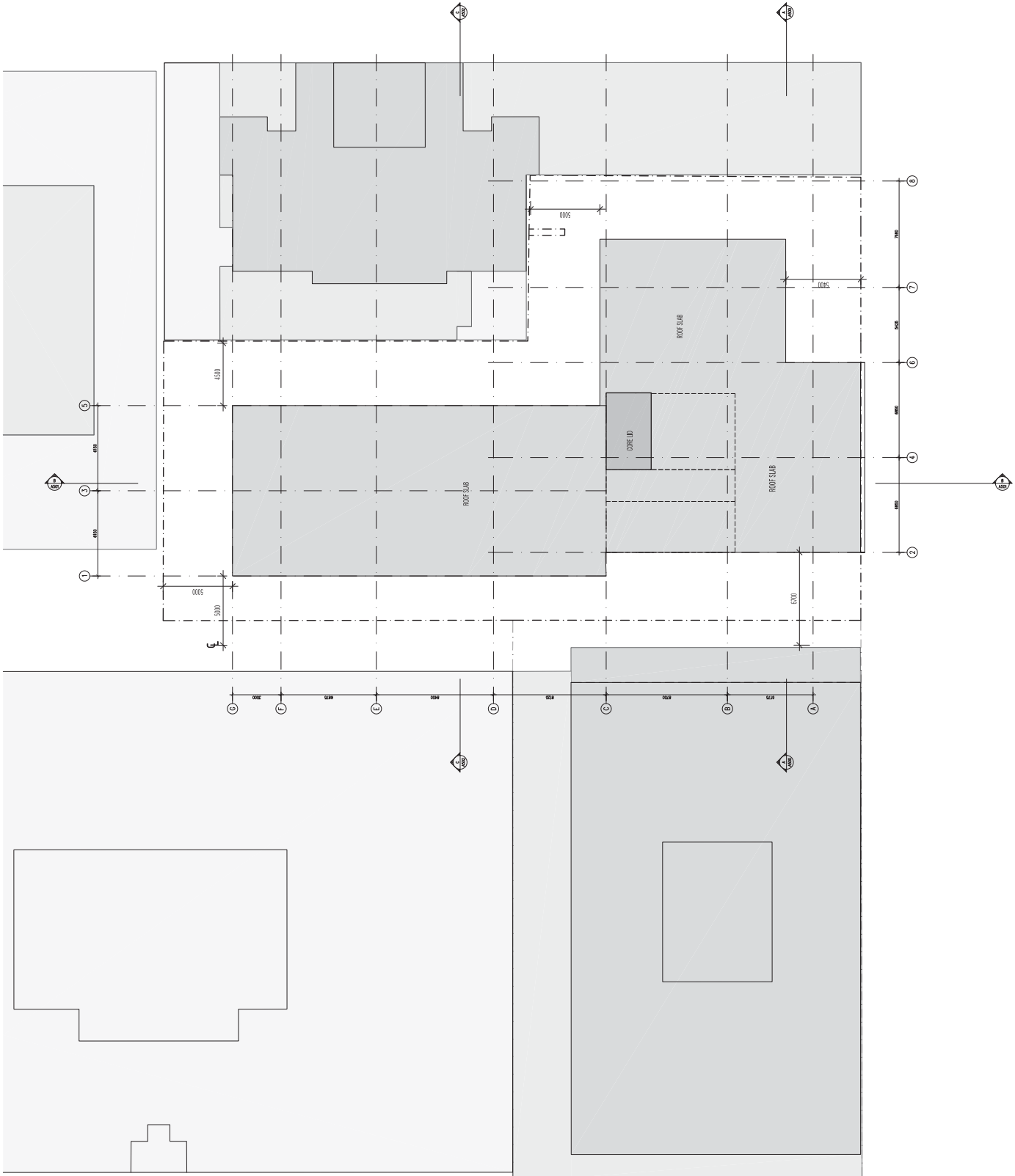
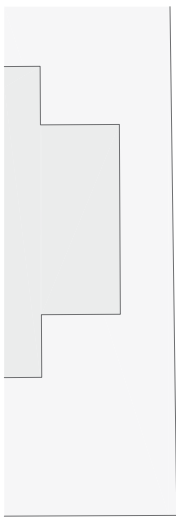
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**64 A BECKETT STREET
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UPPER PLANT LEVEL
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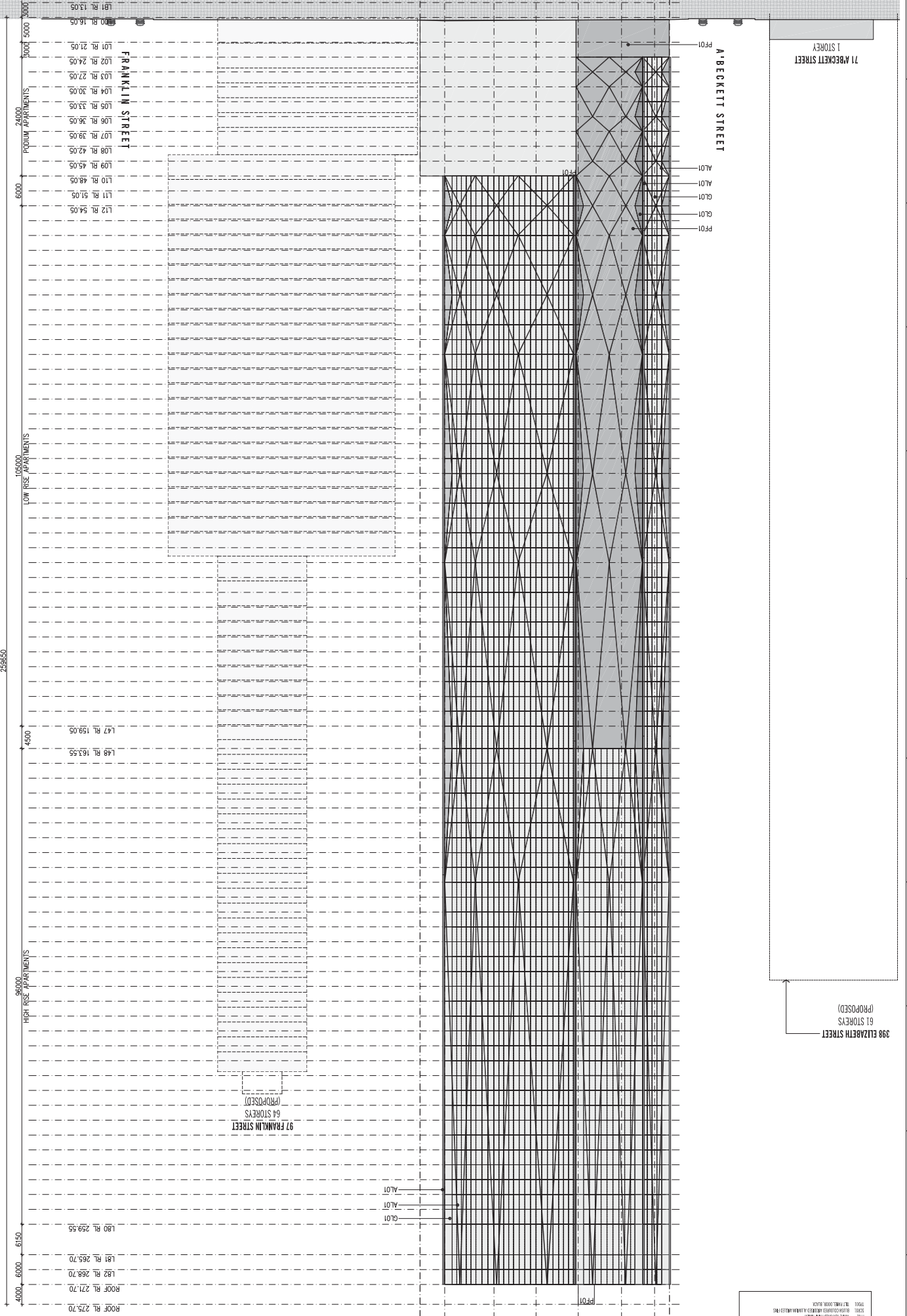
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PROJECT: 64 A BECKETT STREET
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DRAWING NO: ROOF PLAN
 DATE: 14/05/2014
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 SHEET NO: 14/050
 OF: 17

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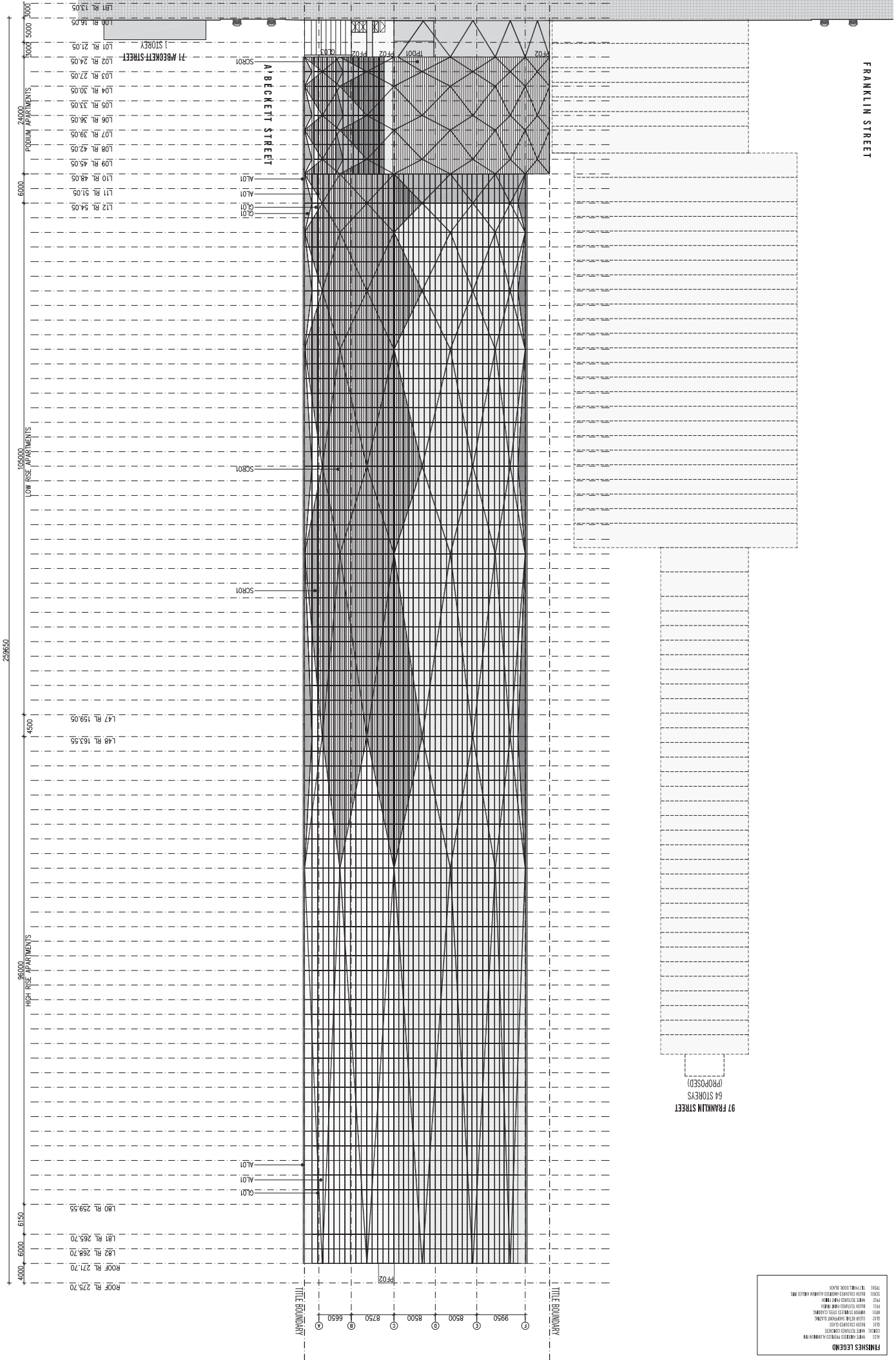
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64 A'BECKETT STREET
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EAST ELEVATION
 1:4050

A402
 1:4050



WEST ELEVATION

64 ABBEY STREET MELBOURNE WORLD CLASSLAND

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64 STORES (PROPOSED)

97 FRANKLIN STREET

FRANKLIN STREET

ABBOTT ROAD

298650

4000 **6000** **8150** **96000** **105000** **24000** **5000** **3000**

ROOF RL 275.20 **ROOF RL 271.70** **ROOF RL 268.70** **ROOF RL 265.70** **ROOF RL 259.55**

180 RL 259.55 **181 RL 265.70** **182 RL 268.70** **183 RL 271.70** **184 RL 275.20**

147 RL 159.05 **148 RL 163.55**

117 RL 54.05 **118 RL 51.05** **119 RL 48.05** **120 RL 45.05** **121 RL 42.05** **122 RL 39.05** **123 RL 36.05** **124 RL 33.05** **125 RL 30.05** **126 RL 27.05** **127 RL 24.05** **128 RL 21.05** **129 RL 18.05** **130 RL 15.05** **131 RL 13.05**

A101 **A102** **A103**

Q101 **Q102** **Q103**

SCR01 **SCR02** **SCR03**

TITLE BOUNDARY

TITLE BOUNDARY

PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2010-29/A
DTPLI Application number:	2010/026164A
Applicant / Owner / Architect:	World Class Land (Australia) Pty Ltd / City Lights Properties Pty Ltd / Elenberg Fraser
Address:	54-56 and 58-64 A'Beckett Street, MELBOURNE VIC 3000
Proposal:	Amend the planning permit to allow for demolition of the existing building and construction of a multi-storey building comprising of accommodation (residential apartments and serviced apartments) and retail premises (other than adult sex bookshop, department store, supermarket and tavern)
Date received by City of Melbourne:	25 June 2014. (Response to request for further information received 8 August 2014)
Responsible officer:	Evan Counsel

1. SUBJECT SITE AND SURROUNDS

1.1. The site

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

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

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

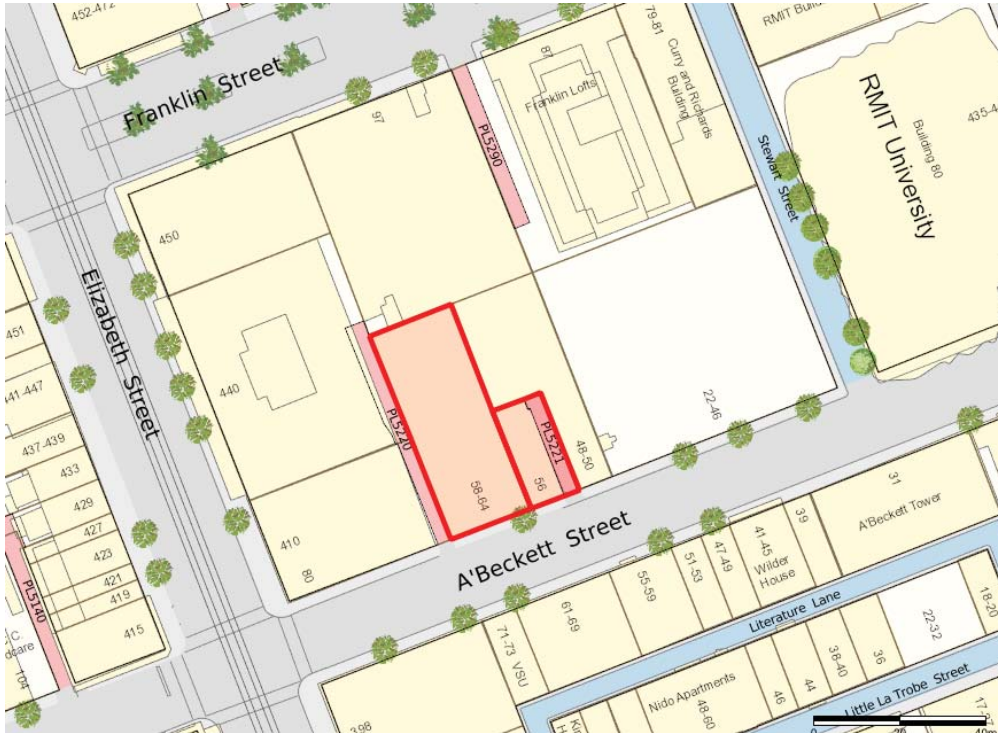
The subject site interlocks with the adjoining land to the east at 48-50 A'Beckett Street, with an existing private laneway (PL5221) separating the two properties.

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

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

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

Locality Plan



1.2. Surrounds

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

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

The following diagram provided by the applicant gives an overview of developments built / under construction, permitted and proposed on adjoining sites.



2. BACKGROUND

2.1. Pre-application discussions

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

2.2. Site history

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

Officers also raised concerns regarding the design and layout of the onsite car park and loading and unloading.

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

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

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

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

On 25 June 2014 the Department of Transport, Planning and Local Infrastructure (DTPLI) referred a proposed amendment to this permit to the City of Melbourne (our ref TPM-2010-29/A). The applicant provided additional documentation on 8 August 2014 in response to a request for further information from DTPLI.

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

TP number	Description of Proposal	Decision & Date of Decision
TPM-2014-14	97 Franklin Street, Melbourne – Demolition of existing building and development of multi-storey (63 levels) building for the purposes of dwellings, residential hotel, office and ground level retail with associated on site parking	Approved
TPM-2013-29	452-472 Elizabeth Street, Melbourne - Demolition of the existing building and the construction of a multi level building comprising residential dwellings and retail uses.	Approved
TPM-2011-42	442-450 Elizabeth Street, Melbourne - Construction of a 55 storey mixed use building	Approved
TPM-2009-20	410-420 Elizabeth Street, Melbourne -	Approved

	Demolition of the existing building and development of a 55 storey building and the waiver of the standard loading provision	
TPM-2010-29	58-64 A'Beckett Street, Melbourne - Demolition of the existing buildings and construction of a 48 storey building comprising of ground floor retail (other than adult sex bookshop, department store, hotel, supermarket and tavern) and accommodation (dwellings and residential buildings)	Approved
TP-2010-925	48-50 A'Beckett Street, Melbourne - Demolition of existing two-storey office and warehouse and construction of a new 45 level residential building with a single-level basement	Approved

3. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 12 August 2014.

In summary the proposal involves amendments to the approved built form envelope, a significant increase in the overall height of the building (from 50 storeys to 81 storeys), changes to the traffic and access arrangements, and changes to the internal layout of the development.

The proposal no longer includes serviced apartments, and now proposes only residential apartments.

The application proposes the following uses:

	Proposed	Current approval
Dwelling	Total number of dwellings: 749	502
	One bedroom dwellings/apartments: 302	152
	Two bedroom dwellings/apartments: 447	222
	Three or more bedroom dwellings/apartments: 0	0
	Serviced apartments: 0	128
Retail (ground level)	Leasable Floor Area 30sqm	Four tenancies between 10-108sqm

The specific details of the proposal are as follows:

Building height	259.7m	152.7m
Podium height	38m	37.61m
Front, side and rear setbacks	North (rear) – 5m	5m
	South (front) – 0m to 5.4m	0m to 8.8m
	East (side) – 0m to 4.5m	3.9m to 6.1m
	West (side) – 1.5m to 3.2m	3m to 7m

	Further detail provided at Figure 4 below.	
Gross floor area (GFA)	57,896sqm	40,152sqm
Car parking spaces	130	194
Bicycle facilities and spaces	319	236
Loading/unloading	On-site	On-site
Vehicle access	Via existing crossover from A'Beckett St.	Via existing crossover from A'Beckett St

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

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

Statutory Controls	
Capital City Zone Schedule 1	<p>Retail and accommodation are Section 1 uses.</p> <p>A permit is required to carry out demolition.</p> <p>A permit is required to carry out buildings and works.</p>
Parking Overlay Schedule 1	<p>A permit is required to provide parking in excess of the car parking rates in Clause 3.0 of Schedule 1 to the Parking Overlay. Clause 3.0 sets a rate of 1 space per dwelling.</p> <p>The amended proposal provides 130 car parking spaces, a reduction of 64 from the 194 provided as part of the original scheme.</p> <p>The provision of 130 spaces is below the maximum amount permissible by the planning scheme requirements and therefore satisfies the Planning Scheme requirements.</p>

Particular Provisions	
Clause 52.06, Car Parking	<p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p> <p>As stated above, the proposed car parking provision is within the limits set out for Parking Overlay 1.</p>
Clause 52.07, Loading and Unloading of Vehicles	<p>Clause 52.07 applies to applications for the manufacture, servicing, storage or sale of goods or materials.</p> <p>As part of the land is to be used for retail purposes, a permit is triggered under this clause.</p> <p>A loading bay is proposed internally within the site which accords with the dimensional requirements of the clause.</p>
Clause 52.34, Bicycle Facilities	<p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <p>225 spaces are required and 319 are provided.</p> <p>A reduction is not required.</p>
Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys	<p>This has been provided as part of the application documentation.</p> <p>As the Minister for Planning is the Responsible Authority, DTPLI has responsibility for certification.</p>
Clause 52.36, Integrated Public Transport Planning	<p>An application for an excess of 60 dwellings must be referred to PTV for comment.</p> <p>As the Minister for Planning is the Responsible Authority, DTPLI has responsibility for this referral.</p>

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.
Clause 65 – Approval of an application or plan	This clause sets out Decision Guidelines. These include the matters set out in Section 60 of the Act.

5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment. Pursuant to Schedule 1 to Clause 37.04 Capital City Zone, this application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

6. REFERRALS

The application was referred to the following internal departments:

6.1. Urban Design

In summary, this proposal is not supported. While we acknowledge that A'Beckett St is undergoing an intensification of development, this should not be at the expense of losing all of the buildings which give the street its appeal, and new development should be more conducive to an attractive pedestrian environment. The proposal is considered to be an overdevelopment of the site. As an index of this, the plot ratio is about 40:1 (increased from 31:1) - far in excess of the limit of 12:1 which Clause 22.01 advocates for the block as a whole. The proposed increase in height and bulk would exacerbate the building's negative impacts, and the increased height makes it all the more important to provide increased setbacks from all boundaries consistent with Clause 22.01.

Key points raised within the Urban Design comments are included below:

Setbacks are needed above podium height. Some setbacks are proposed, but on all sides these are less than as set out in Clause 22.01. The tower should be set back at least 10m from A'Beckett St; the proposal has zero setbacks for about half this frontage, which is far from satisfactory and would result in the building having an overbearing impact on the pedestrian's experience.

The minimal setback from the west boundary (3 to 4m) results in a lack of 'breathing space' between towers; it also limits sun penetration at street level. A similar compaction of towers would occur on the east boundary, where zero setbacks are proposed for a 13m distance.

We do not accept that the approval of a building with inadequate setbacks at 410 Elizabeth St justifies the subject proposal. The two buildings would have a cumulative negative impact on A'Beckett St, visually, in terms of solar penetration and daylight levels and, we would expect, wind conditions.

The four previously-proposed tenancies fronting A'Beckett St have been reduced to one; this is not supported.

6.2. Engineering (summarised)

Traffic

Engineering Services does not object to:

- Parking spaces located adjacent to walls or columns which are under 2.7m in width, however should issues arise as a result with internal parking at these locations it will be for the applicant and (owners or occupants) to resolve.
- The submitted revised swept path diagrams for vehicles using the internal access ways and ramps for “85th percentile vehicle” is considered acceptable.
- The proposal that the access way to the bike store area can be widened to 2.0 metres as requested with the exception of 2 locations where the existing structural column cannot be reduced in width or moved.

The following modifications to the proposal and/or additional information is still required:

- Details be provided of the floor area of the proposed café use.
- A minimum of one on-site motorcycle parking space be provided.
- The 2m lengths of 1:8 transition at the base of the ramps between levels be extended to 2.5m and a revised ground clearance diagram be provided to confirm that vehicles will not scrape on these ramps, using a 99th percentile vehicle in accordance with AS/NZS 2890.1:2004.
- The two car parking spaces proposed at the southeast corner of each level of the car park (#15 & #16) be deleted, or a suitable alternate design be provided to provide adequate sight distance between motorists reversing out of these spaces and motorists travelling up the adjacent car park ramps and vice versa.
- The access ramp to the bicycle parking area be widened to a minimum of 2.0m between walls.
- Details be provided of the proposed bicycle parking systems. If it is proposed to use ‘Ned Kelly’ style racks then the plans should be modified to show the racks positioned at 500mm spacing’s with 1.2m space out from the wall for the bicycle, adjacent to a 1.5m wide access aisle, whilst providing bicycle parking provision in accordance with the statutory requirements.
- Any proposed seating adjacent to the visitor bicycle parking racks on the west wall of the building at ground level be deleted to allow suitable access to the racks.
- The grade of the access way to the loading bay be in accordance with the requirements of AS2890.2-2002 or a ground clearance template check be provided confirming that an 8.8m long medium rigid vehicle will not bottom out along the proposed access way.

Civil

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

Waste

The proposal complies with Council’s 2012 Guidelines and almost complies with Council’s 2014 Guidelines. This is acceptable considering it is a 2010 permit. To be compliant with the 2014 Guidelines twin static compactors would be required.

Confirmation is required using swept paths if an 8.8m truck can adequately pick up the static compactor and the bins.

6.3. Land Survey (summarised)

Land survey offers no objections to the amendment.

The following conditions are to be considered for inclusion on the permit for the proposed development:

1. Prior to the commencement of works, including demolition all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority , Team Leader Land Survey
2. Prior to the commencement of works excluding demolition, the easement along the eastern boundary of the property must be varied to a height of 5 metres above site level and to exclude any structures that support the development.

7. ASSESSMENT

The key issues in the consideration of this application are:

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

7.1. Height and built form

Pursuant to Clause 21.12 the MSS seeks to:

Ensure a strong contrast in scale of development along Elizabeth Street from the lower scale areas to the north of Victoria Street and the higher scale of the Capital City Zone.

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

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

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

At a height of 259.7m the proposed amended development significantly exceeds the height of recently approved development on a significantly larger lot at 97 Franklin Street (212.5m tall) directly to the north of the site (Figure 2); and nearby sites at 410 Elizabeth Street (Figure 3) and 450 Elizabeth Street which are both corner sites and front an arterial road in Elizabeth Street.

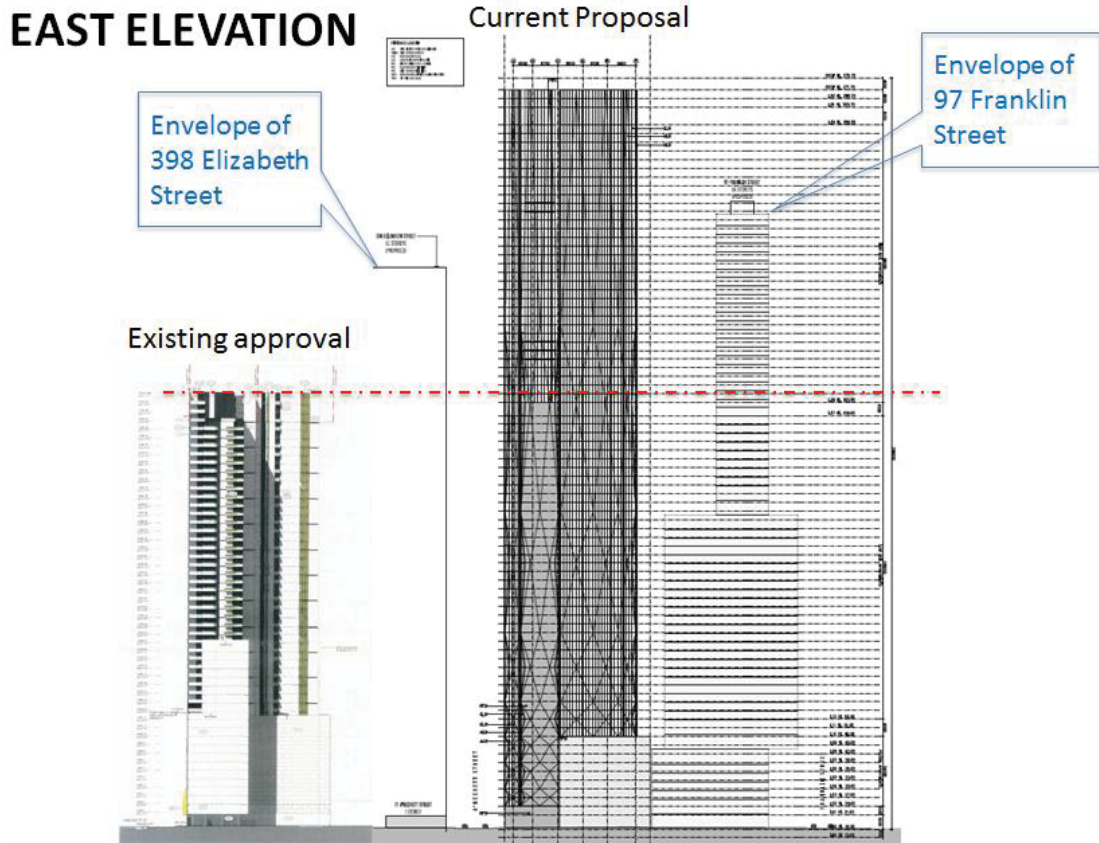


Figure 2

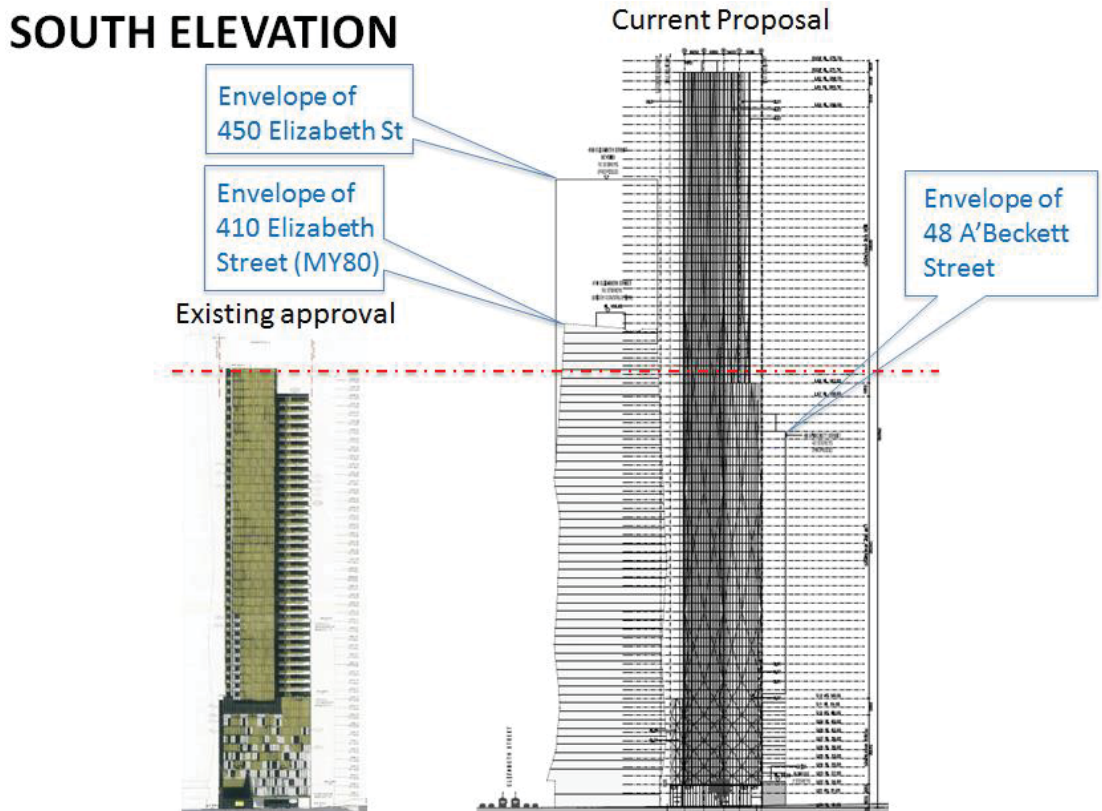


Figure 3

The Local Policy for Urban Design in the Capital City Zone (Clause 22.01) recommends that towers be set back at least 10 metres from street frontages and they be spaced to ensure equitable access to daylight and sunlight. Towers should be 24 metres from a similar tower-podium development. Separation may be reduced

where it can be demonstrated that towers are offset, habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining sites.

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

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

The recommended conditions were not included on the approved permit and the amended proposal seeks to further reduce the approved setbacks compounding this issue with the significant additional height proposed.

Figures 4 through 8 below identify the building envelope of the current approval proposed amendment:

PODIUM SETBACKS (Ground floor to level 10)

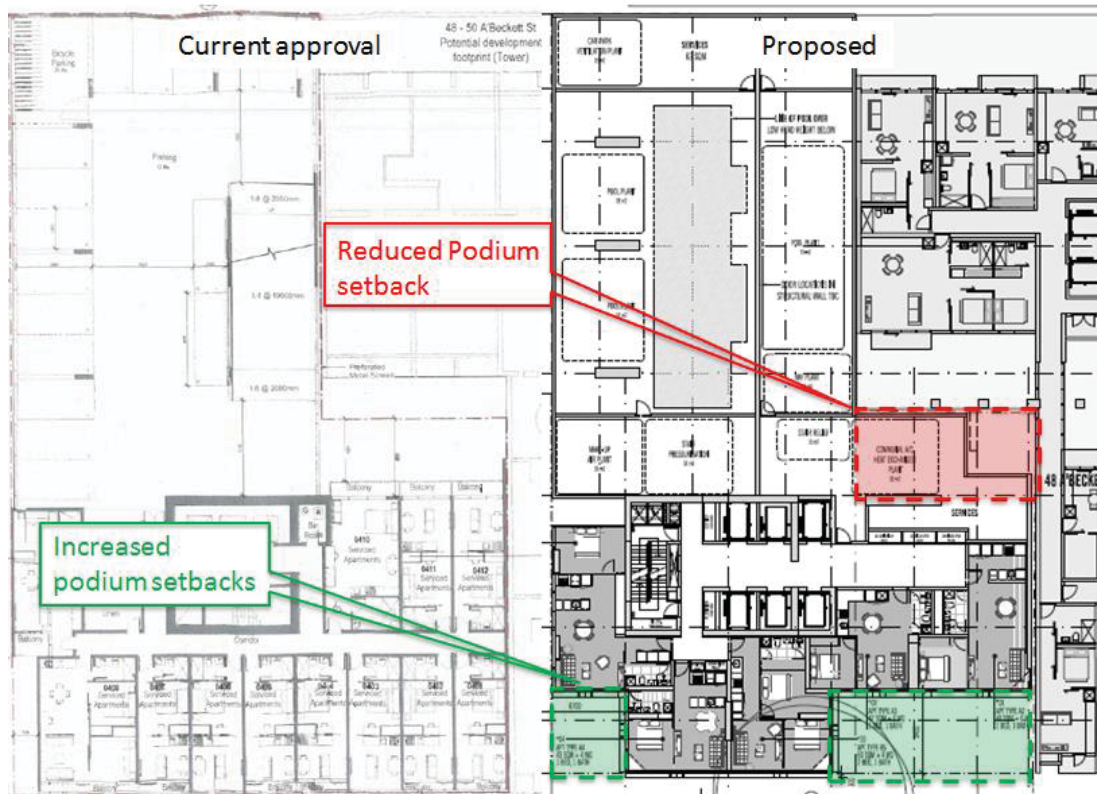


Figure 4

TOWER SETBACKS (Typical level 12 to 20)

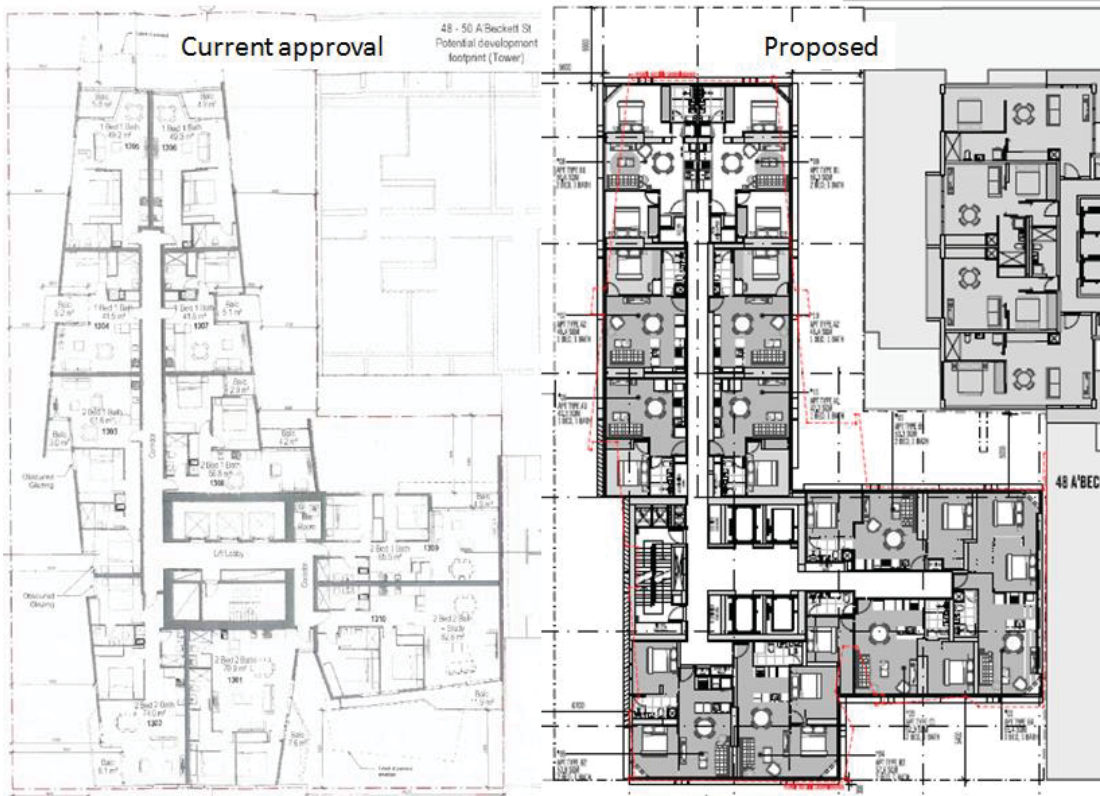


Figure 5

TOWER SETBACKS (Typical level 20 to 46)

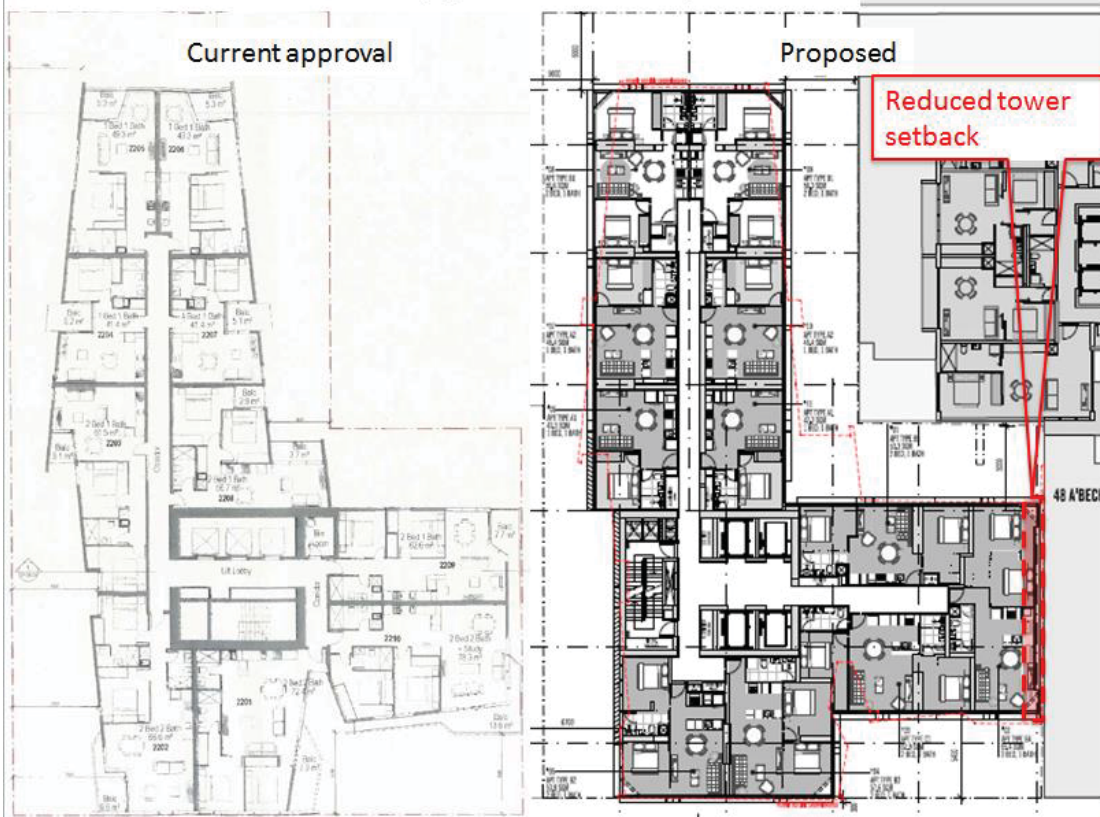


Figure 6

TOWER SETBACKS (Typical level 47 to 49)

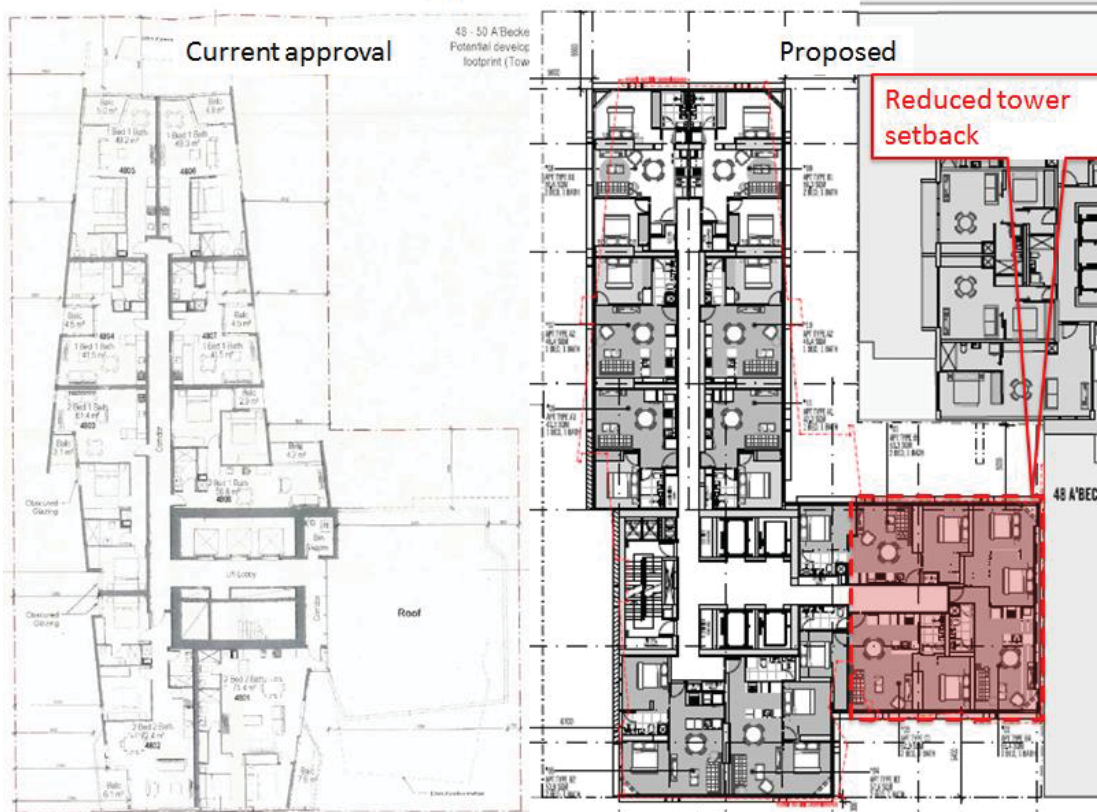


Figure 7

TOWER SETBACKS (Typical level 48 to 80)

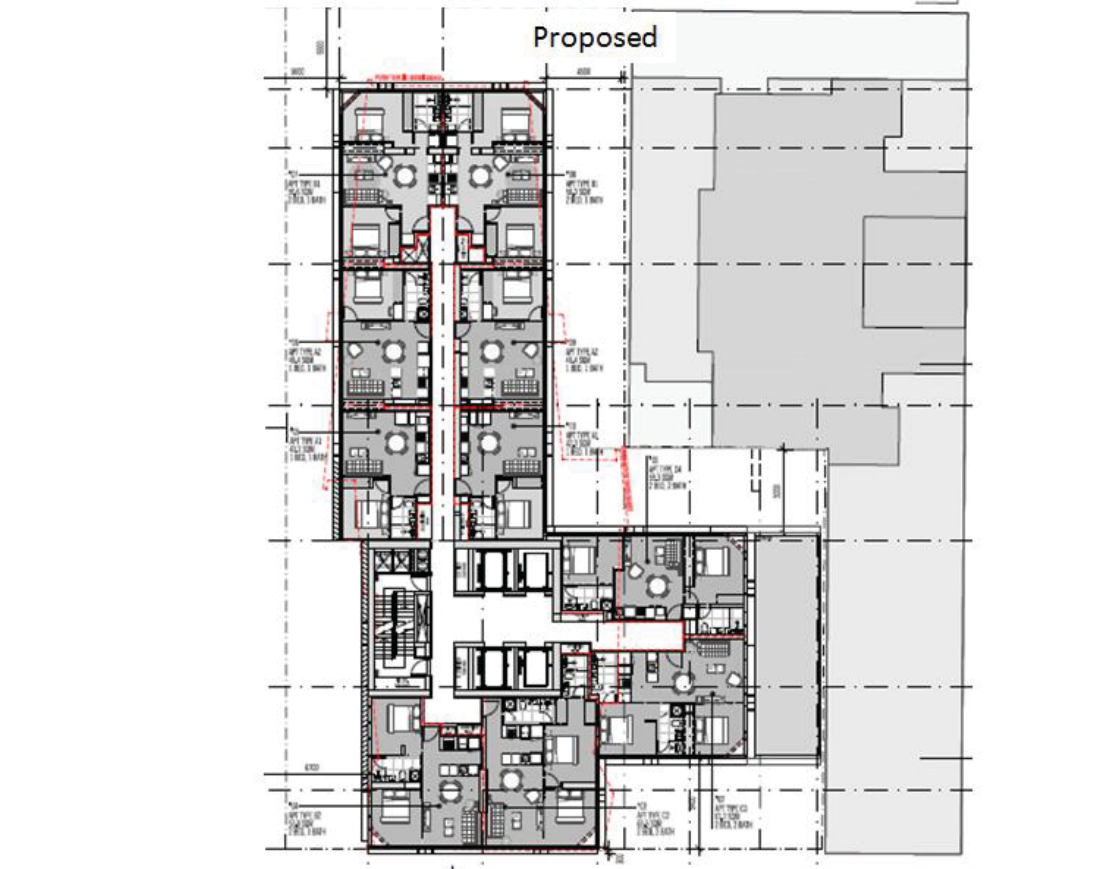


Figure 8

The City Of Melbourne's Urban Design branch was especially critical of the lack of adequate set-backs for the amended proposal. Points worthy of reiterating are:

- The proposal is considered to be an overdevelopment of the site. As an index of this, the plot ratio is about 40:1 (increased from 31:1) - far in excess of the limit of 12:1 which Clause 22.01 advocates for the block as a whole.
- The proposed increase in height and bulk would exacerbate the building's negative impacts, and the increased height makes it all the more important to provide increased setbacks from all boundaries consistent with Clause 22.01.
- Setbacks are needed above podium height. Some setbacks are proposed, but on all sides these are less than as set out in Clause 22.01. The tower should be set back at least 10m from A'Beckett St; the proposal has zero setbacks for about half this frontage, which is far from satisfactory and would result in the building having an overbearing impact on the pedestrian's experience.
- The minimal setback from the west boundary (3 to 4m) results in a lack of 'breathing space' between towers; it also limits sun penetration at street level. A similar compaction of towers would occur on the east boundary, where zero setbacks are proposed for a 13m distance.

The amended proposal does not respond to concerns previously raised by the City of Melbourne and further reduces setbacks to the western boundary. The impact of this is compounded by the significant additional height proposed, which results in an unacceptable outcome as it relates to both adjoining sites and the public realm.

The proposal fails to provide setbacks and tower separation required by the Local Policy for Urban Design in the Capital City Zone (Clause 22.01) and fails to demonstrate that towers are appropriately offset and habitable room windows do not directly face one another.

The proposed additional height, coupled with a reduction of approved setbacks and more general lack of any podium-tower form, is contrary to the City of Melbourne's vision for future built form of taller buildings as identified within the MSS and Clause 22.01 and should not be supported.

7.2. Internal amenity and development of adjoining sites

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

However, in this case it is the lack of setbacks to site boundaries and limited tower separation to adjacent developments which result in an exceptionally poor outcome for future residents.

The excessive height of the development is considered to create a canyon like effect resulting in west, north and east facing lower level apartments having limited access to natural light.

Outlook for a majority of apartments will be limited to adjacent apartment buildings, in some instances as little as 5m separation is provided between habitable rooms.

This coupled with relatively small sizes of apartments and no provision for balconies/private open space is of significant concern and fails to satisfy the objectives of the Guidelines for Higher Density Residential Development.

To exacerbate an already less than desirable development outcome by reducing the internal amenity of apartments, adding an additional 31 levels to the building and further reducing setbacks and tower separation is unacceptable and should not be supported.

7.3. Car Parking, Bicycle Parking Loading, Access and Waste

The amended proposal has been referred to the City of Melbourne's Engineering Services Group. A number of modifications to the proposal and/or additional information (as detailed at section 6.2 of this report) are required in order to ensure that the proposed layout and arrangement is achievable.

The number of car parking spaces provided within the development has been reduced and the number of bicycle parking spaces increased. This is supported within the Capital City Zone and meets the requirements of the Parking Overlay Schedule 1 and Clause 52.34 Bicycle Facilities.

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

7.4. Environmentally Sustainable Design

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

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

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

- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent; and
- A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.

Whilst this is an amendment to an existing permit, the current planning controls and policies apply, and the building is in effect a new building, by new architects.

There is no reason why this building should not be designed to achieve current ESD design standards required by the Melbourne Planning Scheme. This is a significant failing of the development.

7.5. Wind

The revised wind report which has been included within the applicant's response to the request for further information states that:

'The Basic Configuration... was for the proposed 54 A'Beckett Street Development as defined by Elenberg Fraser drawings dated up to 2nd June, 2014.'

The applicant's response to the request for further information included updated drawings dated 1 August 2014 which included variations to height and setbacks which have not been taken into account by the wind assessment.

It is not possible to assess the wind impacts in the absence of a current report.

7.6. Conclusion

It is considered that the proposed development does not respond appropriately to the relevant provisions of the Melbourne Planning Scheme, including Clause 21.12 (MSS) and Clause 22.01 (Urban Design within the Capital City Zone).

This is largely as a result of inadequate setbacks in conjunction with building height. The proposal is an overdevelopment of the site and should not be supported.

8. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne objects to the proposed amendment on the following grounds:

1. The proposal by virtue of its scale, height and inadequate setbacks represents an overdevelopment of the site.
2. The proposed height, combined with the lack of podium and tower setbacks, is contrary to Clause 21.12 of the MSS and Clause 22.01.
3. The proposal by virtue of its height, lack of podium and inadequate setbacks will have an overbearing impact upon the public realm contrary to relevant provisions of the Melbourne Planning Scheme, including Clause 22.01.
4. The proposal by virtue of its inadequate setbacks will result in poor access to daylight, outlook and ventilation for existing and proposed residential apartments.
5. The proposal fails to provide for appropriately Environmentally Sustainable Design and fails to achieve the objectives and policy requirements of Clause 22.19 of the Melbourne Planning Scheme.

APPENDIX 1 REFERRAL COMMENTS

Urban Design Comments

DM# 8801131

Traffic Comments

DM# 8752801 and DM# 8814783

Civil Comments

DM# 8801141

Waste Comments

DM# 8805574

Land Survey Comments

DM# 8801572

Planning and Environment Regulations 2013
Form 8

Section 76(1) and 76A(4)

**REFUSAL TO
GRANT AN
AMENDMENT
TO A PERMIT**

Application No.: 2010/026164A

Planning Scheme: Melbourne

Responsible Authority: Minister for
Planning

ADDRESS OF THE LAND: 54-64 A'Beckett Street, Melbourne

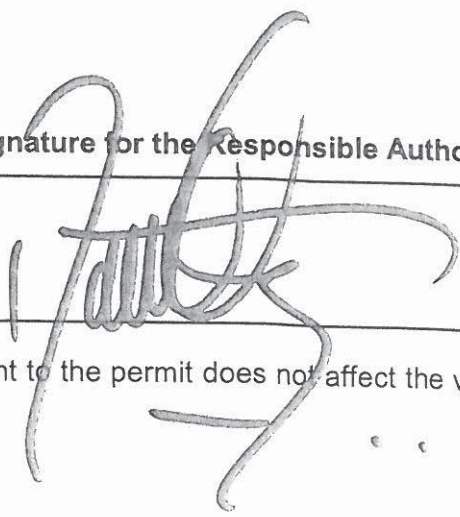
WHAT HAS BEEN REFUSED?: Demolition and construction of a mixed-use multi-storey tower comprising dwellings and ground floor retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern)

WHAT ARE THE REASONS FOR THE REFUSAL?:

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

Date Issued:

Signature for the Responsible Authority:

28-10-14	
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Note: This refusal to grant an amendment to the permit does not affect the validity of the permit issued.

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- * The responsible authority has decided to refuse to amend a permit.
 - * This notice sets out the reasons for the refusal.
 - * The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.
-

WHAT ABOUT APPEALS?

For the Applicant—

- * The person who applied for the amendment of the permit may apply for a review of the refusal.
- * The application for review must be lodged within 60 days of the giving of this notice.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on the Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged.
- * An applicant who applies for review must give notice to all objectors.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For an Objector—

- * If the applicant applies for a review of this decision, the applicant must give notice in writing to all objectors as soon as practicable after an appeal is lodged.