

# Planning Officer Report

212-222 La Trobe Street and 17-25 Little La Trobe Street,  
Melbourne

Section 72 Amended Permit Application 2011013727A



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## Summary

The purpose of this report is to provide a detailed planning assessment of an amendment to planning permit 2011013727. This report is provided to the Minister for Planning to assist in considering and determining the amendment application.

Under the Schedule to Clause 61.01 of the Melbourne Planning Scheme, the Minister for Planning is the responsible authority for applications with a gross floor area exceeding 25,000 square metres.

The existing permit allows for demolition of the existing building and the construction of two multi storey buildings comprising dwellings, ground floor retail and associated works and the waiver of loading requirements.

An amended permit application has been submitted pursuant to Section 72 of the *Planning and Environment Act 1987* for modifications to the Permit and Plans to enable minor alterations to the building envelope and façade detail, replacement of the existing sky bridge and alterations to the internal layouts to accommodate a change in use to student housing.

The built form approved has been largely retained, subject to amendments to setbacks, removal of the sky bridge and architectural changes. All 413 dwellings have been removed and replaced with 827 student rooms.

The Melbourne City Council supports the amendment application, subject to conditions.

The Department's Urban Design Unit and Public Transport Victoria do not object to the amendment application, subject to conditions.

On balance, the proposal is considered to respond to its site context and should be supported with conditions. The proposal supports the objectives of State and Local Policy including the Metropolitan Planning Strategy and the planning controls which affect the site and is considered to respond to the existing and evolving built form context of the area.

## Recommendation

The Future Melbourne Committee has considered the matter and resolved to **support** the amendment application.

The recommendation to the Minister for Planning is to approve the amendment application and grant an **amended planning permit subject to conditions**.

## Application Details

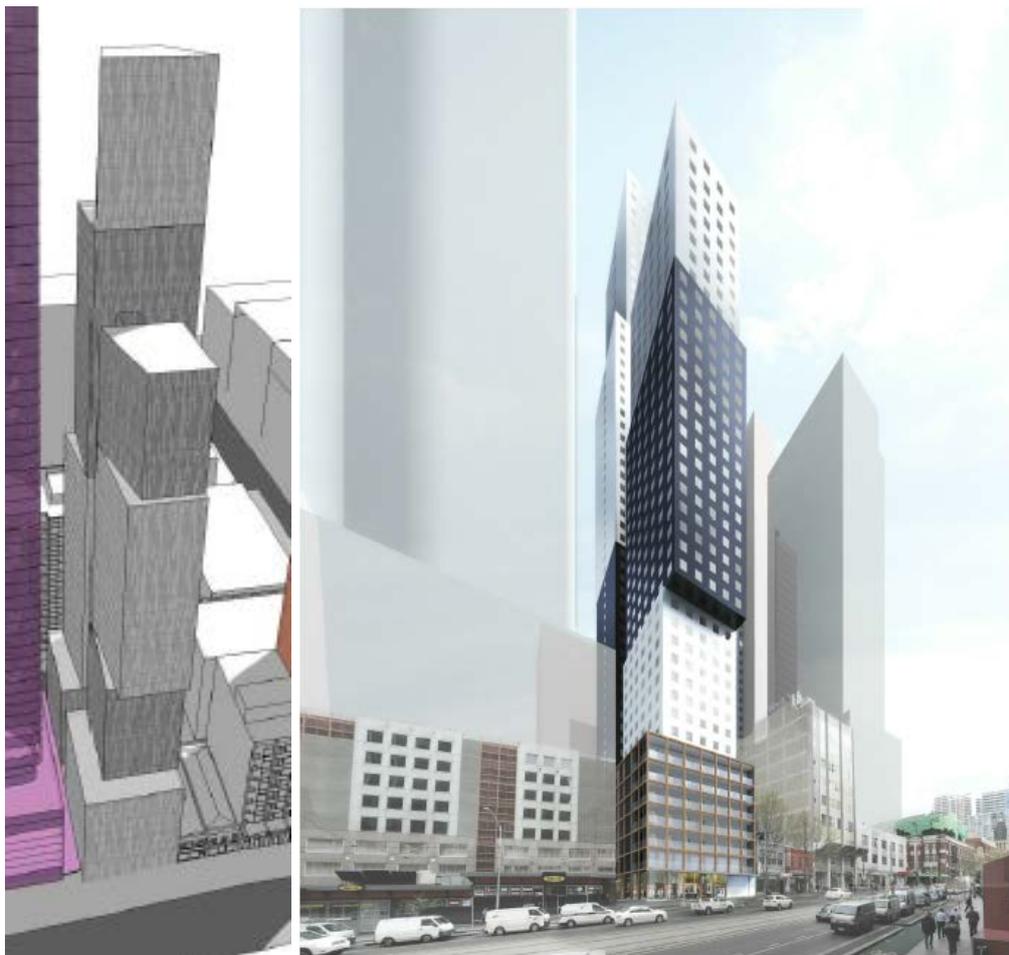
Key elements	Comments
<b>Land:</b>	212-222 La Trobe Street (southern tower – Certificate of Title Volume 08416 Folio 121) and 17-22 Little La Trobe Street, Melbourne (northern tower – Certificate of Title Volume 08369 Folio 005) The two parcels of land are separated by Corporation Lane (CL0112) (see site plan)
<b>Application No.:</b>	2011013727
<b>Proposal:</b>	Section 72 Amendment to the Permit and Plans to enable minor alterations to the building envelope and façade detail, replacement of the existing sky bridge and alterations to the internal layouts to accommodate a change in use to student housing. All 413 dwellings have been removed and replaced with 827

	student rooms.
<b>Date lodged:</b>	13 August 2015
<b>Zone and Overlay controls:</b>	Capital City Zone – Schedule 1 (Outside the Retail Core) Design and Development Overlay – Schedule 1 (Active street Frontages – Area 2 - Major Pedestrian Areas and Key Pedestrian Routes Within CCZ1) – La Trobe Street only Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core)
<b>Design and Development Overlay 10 (Built Form Controls) – dated 4 September 2015</b>	DDO10 was introduced into the Melbourne Planning Scheme on 4 September 2015 on an interim basis for one (1) year. Clause 4.0 of DDO10 includes transitional arrangements, where the requirements of this schedule do not apply to an application made before the commencement of Amendment C262 to the Melbourne Planning Scheme. As such, these provisions do not apply.
<b>Why is a permit required?</b>	Pursuant to Clause 37.04-4 ( <b>Capital City Zone</b> ), a permit is required to demolish a building and to construct a building or construct or carry out works. Pursuant to Clause 52.07 ( <b>Loading and Unloading of Vehicles</b> ), a permit is required to waive the requirements for not providing a loading bay onsite.
<b>Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS-OPS)</b>	Two towers of 41 storeys (123.83m, 142.98m AHD) plus plant (149.48m AHD) and 56 storeys to the parapet (170.85m, 189.95m AHD) plus plant (195.69m AHD). The maximum building height at 195.69m AHD is below the OLS of 226-228m AHD in this location. Any temporary projections (cranes for construction) will need to obtain permission from the relevant aviation department.
<b>Setbacks</b>	212-222 La Trobe Street: <ul style="list-style-type: none"> <li>• North: 0 metres</li> <li>• South: 2 metres to 4.5 metres</li> <li>• East: 0 metres</li> <li>• West: 4.5 metres to 6.598 metres</li> </ul> 17-22 Little La Trobe Street, Melbourne <ul style="list-style-type: none"> <li>• North: 1.5 metres to 3 metres</li> <li>• South: 0 metres</li> <li>• East: 1.503 metres to 2.503 metres</li> <li>• West: 5.206 metres to 7.909 metres</li> </ul>
<b>Car parking and bicycle facilities</b>	0 car parking spaces, 170 bicycle spaces
<b>Gross floor area (GFA) and value</b>	GFA 32,319m <sup>2</sup> Development value \$80 million
<b>Applicant / Developer</b>	Scape Student Living C/- Urbis Pty Ltd
<b>Public Notification</b>	The application is not exempt from third party notice and review rights. However, it was considered reasonable to not give notice of the application given that the only trigger is the waiver of the loading bay requirements for the retail uses.

**Figure 1 – Site plan**



**Figure 2- Perspective images of original and amended scheme**



## Background

On 2 April 2015 Planning Permit No. 2011013727 was issued via Consent Order of the Victorian Civil and Administrative Tribunal for demolition of the existing building and the construction of two multi storey buildings comprising dwellings, ground floor retail and associated works and the waiver of loading requirements.

Through this process, a detailed yet an architecturally unresolved 3D building envelope was agreed. The conditions contained with the Permit outline the framework to further resolve and rationalise the proposal.

The current amendment application was lodged on 13 August 2015.

Further information was requested of the applicant on 8 September 2015 and a response was received on 4 November 2015.

The Future Melbourne Committee supported the amendment application at their meeting held on 2 February 2016, subject to conditions.

## Site and Surrounds

The subject site has two street frontages and is known as 212-222 La Trobe Street and 17-22 Little La Trobe Street. It comprises two parcels of land separated by Corporation Lane (CL 0112), which runs parallel to La Trobe and Little La Trobe Streets and then turns to a north south alignment to the west of the La Trobe Street building. Between the two parcels of land, the lane has a width of 5.7 metres.

212-222 La Trobe Street has a frontage to La Trobe Street of 20.03 metres, an average depth of 21.6 metres and a site area of approximately 435m<sup>2</sup>. The site has a right of carriageway for a portion of the laneway.

17-22 Little La Trobe Street has a frontage to Little La Trobe Street of 27.53 metres, a depth of 18.34 metres and a site area of approximately 507m<sup>2</sup>.

The site is currently occupied by two three storey commercial buildings (used for educational and retail purposes). Both buildings are constructed to each boundary and consist of brick, glass and render. A two level bridge link at first and second floors extends over the east west laneway (CL 0112) connecting the two buildings. The bridge has a width of 2.5 metres, a 4.2 metre clearance from the underside of the bridge and an overall height of 10.7 metres.

Land surrounding the site can be described as follows:

- To the **north** of the site, on the northern side of Little La Trobe Street, is 22-32 Little La Trobe Street, a 17 storey serviced apartment building. Little La Trobe Street, which only runs between Swanston and Elizabeth Streets, consists of a mixture of commercial buildings ranging in height of four to six storeys. Further north at 19-31 A'Beckett Street is a 34 storey residential building.
- To the **south** of the site, on the southern side of La Trobe Street, is the Melbourne Central retail development which includes the historic Shot Tower and railway station access.
- To the **west** of the site, at 224-252 La Trobe Street, an 85 storey residential building approved by Permit 2014000770 is currently under construction. It includes a ground floor pedestrian link along its eastern boundary, pedestrian access to Melbourne Central railway station and a seven storey podium. The tower form is setback between 7.5 metres and 16.4 metres from its eastern boundary.

- To the **east** of the site are five separate sites. 208-210 and 204-206 La Trobe Street comprise of two two storey commercial buildings. 200 La Trobe Street comprises a nine storey residential building with ground floor retail. 377-391 Swanston Street, on the corner of Swanston Street, is a three storey mixed use building and includes an approval (City of Melbourne TP-2013-817) for a 33 storey student accommodation building. At 393 Swanston Street, on the corner of Little La Trobe Street, a 42 storey student accommodation building approved by City of Melbourne Permit TP-2014-934 is currently under construction. The owners of this site are also the owners of the subject site.

## Proposal

The application seeks to amend the plans and consequently amend a number of conditions of the existing permit. Details of the proposal are as follows:

- Amendment to Permit preamble to delete reference to dwellings and replace with student accommodation.
- Amendments to permit conditions as follows:
  - Condition 1 preamble amended to remove reference to architect Jackson Clements Burrows plans.
  - Conditions 1 (a), (b), (c), (d), (e), (f), (g), (h), and (i) deleted.
  - Condition 8 (Façade Strategy) amended to reflect the plans by architects Denton Corker Marshall.
  - Condition 11 (Retention of Architect) amended to reflect the new architects Denton Corker Marshall.
  - Condition 18 (Waste Management) amended to reflect a revised Waste Management Plan.
  - Conditions 20-23 (Traffic, Parking and Access) deleted as the car parking spaces have been removed.
  - Condition 26 (Residential Facilities) amended to removed reference to lounge and cinema.

It is noted that the original application included the deletion of Conditions 5 and 6. By email dated 21 December 2015, the applicant advised that they no longer seek deletion of these conditions.

- Amendments to plans as follows:
  - Overall height is generally consistent with the approved scheme. Minor increase in height to the building at 212-222 La Trobe Street from 123.7 metres to 123.83 metres (142.98m AHD) plus plant and minor decrease in height to the building at 17-25 Little La Trobe Street from 170.9 metres to 170.85 metres (189.95m AHD) plus plant.
  - 827 residential student rooms are proposed across both buildings, in lieu of 413 dwellings.
  - Deletion of all 20 car parking spaces.
  - 170 bicycle spaces provided.
  - Ground floor retail decreased from 585m<sup>2</sup> to 123m<sup>2</sup>.
  - Student common facilities (508m<sup>2</sup>) provided at ground and first floor levels at 17-25 Little La Trobe Street.
  - Deletion of the basement link under Council's lane (CL 0112).

- Removal of the approved sky bridge that extended from Level 1 to Level 38 and replacement with a single level sky bridge (currently a two level sky bridge exists).
- The setbacks have been straightened out, instead of angled and are generally consistent with the approved scheme.

A detailed description of each building envelope follows:

- 212-222 La Trobe Street proposes a 41 storey building (123.83 metres high) with a seven storey podium (22.03 metres high) and includes the following:
  - The two basement levels comprise a waste room, substation, bicycle parking for 71 bikes and plant and equipment.
  - The ground level is built to all boundaries and comprises two retail tenancies (123.3m<sup>2</sup>), pedestrian lobby and lounge, bin holding room, waste and bike lift and plant and equipment.
  - Level 01 is built to all boundaries and includes the bridge link to 17-25 Little La Trobe Street. This level comprises student accommodation of various types, some including balconies.
  - Levels 02-06 are built to all boundaries and comprise student accommodation of various types, some including balconies.
  - Levels 07-14 are setback 4.5 metres from the southern boundary and 4.5 metres from the western boundary. These levels comprise single student units.
  - Level 15 is plant level setback 4.5 metres from the southern boundary and 4.5 metres from the western boundary.
  - Levels 16-31 are setback 2.0 metres from the southern boundary and 5.5 metres from the western boundary. These levels comprise single student units.
  - Levels 32-39 are setback 3.5 metres from the southern boundary and 6.59 metres from the western boundary. These levels comprise single student units.
  - Level 40 is plant level setback 3.5 metres from the southern boundary and 6.59 metres from western boundary (similar to the student accommodation levels below) and includes the same material as the levels below. Level 41 is also plant level setback 6.7 metres from the southern boundary and 9.79 metres from the western boundary and extends 6.5 metres above the parapet.
- 17-25 Little La Trobe Street proposes a 56 storey building (170.85 metres high) with a six storey podium (20.49 metres high) and includes the following:
  - The two basement levels comprise a waste room, substation, bicycle parking for 99 bikes and plant and equipment.
  - The ground level is built to all boundaries and comprises pedestrian lobby and communal space for students only, bin holding room, waste and bike lift and plant and equipment.
  - Level 01 is built to all boundaries and includes the bridge link to 17-25 Little La Trobe Street. This level comprises communal student space, laundry, change room and comms room.
  - Levels 02-05 are built to all boundaries and comprise student accommodation of various types, some including balconies.
  - Levels 06-25 are setback 3.0 metres from the northern boundary, 5.2 metres from the western boundary and 2.5 metres from the eastern boundary. These levels comprise single student units.

- Level 26 is a plant level setback 3.0 metres from the northern boundary, 5.2 metres from the western boundary and 2.5 metres from the eastern boundary.
- Levels 27-44 are setback 1.5 metres from the northern boundary, 5.2 metres from the western boundary and 2.5 metres from the eastern boundary. These levels comprise student accommodation of various types.
- Levels 45-54 are setback 3.0 metres from the northern boundary, 7.9 metres from the western boundary and 1.5 metres from the eastern boundary. These levels comprise single student units.
- Level 55 is a plant level setback 3.0 metres from the northern boundary, 7.9 metres from the western boundary and 1.5 metres from the eastern boundary (similar to the student accommodation levels below) and includes the same material as the levels below. Level 56 is also a plant level setback 6.86 metres from the northern boundary, 10.98 metres from the western boundary and 4.7 metres from the eastern boundary and extends 5.74 metres above the parapet.

The applicant, Scape Student Living will be the owners of the building. It is not their intention (or model) to on-sell any of the student living areas to another provider and all residential rooms and shared rooms will be fully furnished.

Materials and finishes include glass reinforced fibre cement, clear and grey tinted glazing and timber.

The submission is supported by comprehensive reports including a planning report, a letter from a wind tunnel consultant, traffic report, waste management report and ESD report.

## Planning Policies and Controls

### State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victorian Planning Provisions. The planning principles set out under the SPPF are to be used to guide decision making on planning proposals across the state.

The following policies are considered relevant to this application:

- Clause 9 (Plan Melbourne)
- Clause 10.04 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 16 (Housing)
- Clause 17 (Economic Development)
- Clause 18 (Transport)
- Clause 19 (Infrastructure)

The above policies encourage appropriate land use and development which enhances the built environment, supports economic growth, delivers diversity in housing supply to meet existing and future needs and integrates transport and infrastructure planning.

## Local Planning Policy Framework

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for Settlement, Environment and Landscape, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure. The site is located within the original city centre (the Hoddle Grid) (Local Area 1 - Figure 5) as identified under Clause 21.11 of the Melbourne Planning Scheme.

Clause 21.02 (Municipal Profile) recognises that the Melbourne City Council is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City (and Southbank and Docklands).

Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with the vision being *'a bold, inspirational and sustainable city'*.

Clause 21.04 (Settlement) identifies five types of areas within the City that are targeting urban growth and development. For the original city centre – the Hoddle Grid, the objective follows, *'Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on quality public realm and good pedestrian amenity and connectivity'*.

Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character as a *'distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial'*. This Clause identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.

Clause 21.07 (Housing) seeks to encourage the most significant housing and population growth in the Central City and Urban Renewal areas. It acknowledges the need to ensure residential developments in the Capital City, Docklands and Commercial Zones are designed to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise. It also supports the provision of affordable, safe and well designed and managed student housing in locations with good access to public transport, services and tertiary education facilities.

Clause 21.08 (Economic Development) seeks to maintain retailing as an important component of Melbourne's Capital City function.

Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking, in the City to suit 24 hour activity.

Clause 21.11 (Local Areas) identifies the site as being located within the Hoddle Grid to which Clause 21.12 applies.

Clause 21.12 (Hoddle Grid) includes policies relating to the Economic Development, Built Environment and Heritage and Transport which specifically relate to the unique and valued

characteristics of the Hoddle Grid. It supports residential development in the Hoddle Grid that accommodates a diverse population. It encourages the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities. It seeks to ensure that the design of tall buildings in the Hoddle Grid promote human scale at street level and add architectural interest to the city’s sky line.

The following key local planning policies (Clause 22) are relevant to the proposal:

- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.20 CBD Lanes
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.24 Student Housing

The above policies encourage high quality urban design outcomes, ensuring that development is environmentally sustainable and recognises its impact on the public realm.

### Statutory Controls (Permit Triggers)

The following controls apply to the site, with planning permit triggers and requirements described below:

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
<p>Clause 37.04 – Capital City Zone</p> <p>Schedule 1 (Outside the Retail Core)</p>	<p>Pursuant to Clause 37.04-1, a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Pursuant to Clause 37.04-4, a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise. A permit is also required to demolish or remove a building or works if specified in the schedule.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> <li>• Specifies that <b>no permit is required for</b> ‘residential building’ which includes student accommodation (accommodation), and ‘retail premises’ (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern) as <b>the uses</b> are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule.</li> <li>• Specifies that <b>a permit is required</b> to demolish or remove a building, to construct a building or construct and carry out works, to construct any part of a building exceeding a height of 40 metres within 10 metres of the road frontage at Clauses 3.0 and 4.0 of the Schedule.</li> </ul> <p>The application is exempt from notice and review under this provision.</p> <p>Decision guidelines are contained in Schedule 1.</p>

<p>Clause 43.02 – Design and Development Overlay</p> <p>Schedule 1 (Active Street Frontages) – Area 2 – Major Pedestrian Areas and Key Pedestrian Routes Within CCZ1</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 3.0 of Schedule 1, <b>a permit is not required</b> under this overlay for buildings and works other than at ground level.</p> <p>The application is exempt from notice and review under this provision.</p>
<p>Clause 45.09 – Parking Overlay</p> <p>Schedule 1 (Capital City Zone – Outside the Retail Core)</p> <p>Clause 52.06 – Car Parking</p>	<p>This overlay operates in conjunction with Clause 52.06.</p> <p>Pursuant to Clause 45.09-3, a schedule to this overlay may specify that a permit may not be granted to provide more than the maximum parking provision specified in the schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.</p> <p>Clause 3.0 specifies the maximum number of spaces allowed as follows:</p> <ul style="list-style-type: none"> <li>• 1 space per dwelling</li> <li>• For other uses = (5 x net floor area of buildings on that part of the site in sq m)/1000 sq m or (12 x that part of the site area in sq m)/1000 sq m</li> </ul> <p>Given that the proposed use is for student housing rather than dwellings, this Clause is not applicable for the residential use. The Student Housing Local Policy supports limited or no car parking for students.</p> <p>The limitation policy allows for 1 retail car parking space. Given that no car parking spaces are proposed, no permit is required pursuant to this Clause.</p> <p>All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p>
<p>Clause 52.07 – Loading and Unloading of Vehicles (Clause 52.07)</p>	<p>Pursuant to Clause 52.07, no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading</p>

	<p>and unloading vehicles as specified within the table.</p> <p>A permit may be granted to reduce or waive these requirements.</p> <p>The proposal does not provide on-site loading opportunities and as such, <b>a permit is required</b> to waive these requirements.</p> <p>The application is not exempt from notice and review under this provision.</p>
Clause 52.34 – Bicycle Facilities	<p>Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.</p> <p>A permit may be granted to vary, reduce or waive these requirements.</p> <p>The proposal generates a requirement for 83 student spaces and 83 student visitor spaces (no spaces are required for the retail use). The proposal provides 170 spaces (which need to identify the different users). As such, <b>no permit is required</b> under this clause.</p> <p>The application is exempt from notice and review under this provision.</p>
Clause 52.35 – Urban Context Report and Design Response for Residential Development of Four or More Storeys	<p>Pursuant to Clause 52.35-1, an application for a residential development of five or more storeys in any zone must be accompanied by an urban context report and design response.</p> <p>The application was accompanied by an urban context and design report.</p>
Clause 52.36 – Integrated Public Transport Planning	<p>Pursuant to Clause 52.36-1, an application must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> to the Public Transport Development Authority for a residential development comprising 60 or more lodging rooms.</p> <p>On 31 August 2015, the application was referred to Public Transport Victoria.</p>
Clause 61.01 – General Provisions	<p>The Schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 and Part 4AA of the <i>Planning and Environment Act 1987</i> and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to developments with a gross floor area exceeding 25,000 square metres.</p>

Clause 65 – Decision Guidelines	Pursuant to Clause 65.01, before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66 – Referral and Notice Provisions	Pursuant to Clause 66.03, an application must be referred to the person or body specified as the referral authority; Clause 52.36 (Public Transport Development Authority).  On 31 August 2015, the application was referred to Public Transport Victoria.

## Other Strategic Matters

### Metropolitan Planning Strategy

Plan Melbourne was gazetted on 30 May 2014 (referenced at Clause 11.04) and outlines the long term plan to accommodate Melbourne future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia’s largest commercial and residential centre by 2040.
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne identifies the Hoddle grid as an existing area within the expanded central region. This central sub region has a target to accommodate 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

Initiatives 2.1.5 of Plan Melbourne seeks to ‘Improve the Quality and Amenity of Residential Apartments’ and acknowledges that a good standard of design and amenity goes well beyond what the building looks like and its particular architectural style. Concerns about the design quality of apartments relates to small sized apartments, the tendency for large numbers of apartments to be designed with habitable rooms with no direct access to daylight and lack of variety in types.

### Design Guidelines for Higher Density Residential Development

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2). These guidelines seek to ensure that buildings of five or more storeys are appropriately designed to complement the site and its surrounds and to provide a high standard of amenity to both future occupants and adjoining properties.

### Homes for People: City of Melbourne Housing Strategy

Homes for People: Housing Strategy (21 January 2015) looks at ways that the Council can improve the affordability and design of housing to meet the diverse needs of residents. Council has indicated that by 2031, it is estimated that an additional 42,000 homes will be built within the municipality for

an additional 80,000 people. This growth will mostly occur within the city's Hoddle Grid and urban renewal areas.

## Notification

Pursuant to Schedule 1 of the Capital City Zone, an application to demolish a building and construct or carry out works, 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 *Planning and Environment Act 1987*.

Pursuant to Schedule 1 of the Design and Development Overlay, an application to construct a building or construct or carry out works 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 *Planning and Environment Act 1987*.

Pursuant to Clause 52.07 (Loading and Unloading of Vehicles), the waiver of the loading and unloading bay requirements is not exempt from third party notice and review. Consideration was given to the advertising of the application. However, it was determined that the waiver of the loading bay requirements would not cause material detriment to any person as it refers to retail space only (123.3m<sup>2</sup>).

Pursuant to Clause 52.34-2 (Bicycle Facilities), an 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 *Planning and Environment Act 1987*.

As such, the application was not advertised.

## Referrals

The application was provided to the Department's Urban Design Unit, the Melbourne City Council, and referred under Section 55 of the Act to Public Transport Victoria. The following comments were provided:

**Urban Design (DELWP):** Supports the amendment application subject to the submission of additional documentation to demonstrate the resolution of all ground level conditions, including levels, access arrangements and entry locations and elevations of the proposed 'bridge link'.

**Melbourne City Council:** Supports the amendment application to the internal layout, change of use to student accommodation, external alterations to the tower footprint, deletion of the proposed multi-level sky bridge and reinstatement of the existing sky bridge subject to permit conditions detailed in their Delegate Report.

**Public Transport Victoria (PTV):** offered no objection to the amendment sought, subject to the conditions specified in their letter dated 21 June 2012 remaining in effect (letter dated 8 September 2015).

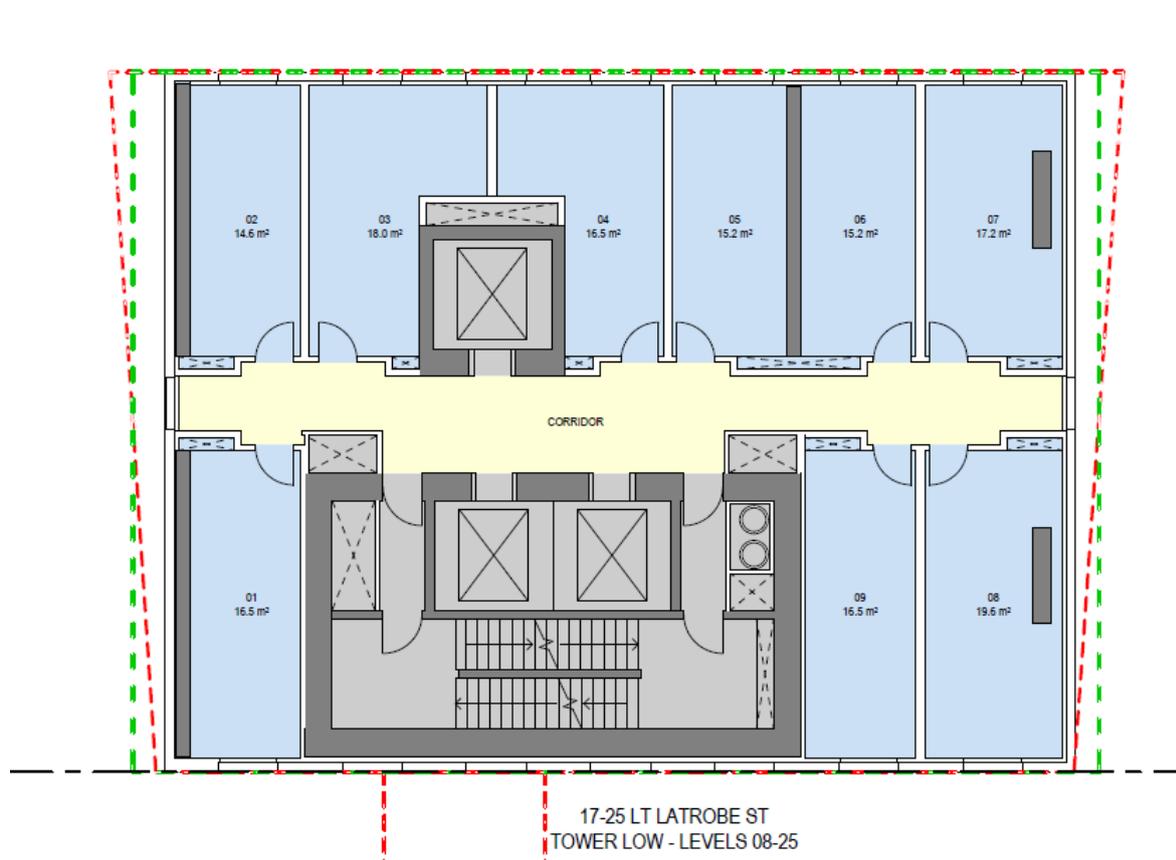
## Assessment

As this is a Section 72 Amendment Application, rather than a new Permit Application, the assessment will focus on those amendments to the plans and permit being sought.

## Building Envelope Changes

The proposal seeks amendments to the building envelope including slight modifications to the building height and modifications to the setbacks. The approved scheme includes building heights of 123.7 metres (212-222 La Trobe Street) and 170.9 metres (17-25 Little La Trobe Street). The amended scheme proposed building heights of 123.83 metres and 170.85 metres. These variances (max + 0.13 metres) are minor and considered acceptable.

The proposal also seeks to square off the angled side setbacks of the approved scheme. The diagram below shows the approved setbacks (red line), the average of the approved setbacks (green line) and the proposed setbacks.



The Department's Urban Design Unit considers that the proposed amendments to the scheme are a more considered and robust design, while the Melbourne City Council would like further design resolution and an improved façade articulation in order to ensure that the tower form achieves a high quality built form outcome when viewed from the public realm. The La Trobe Street building still provides varied setbacks of the three tower forms to the west elevation and maintains the built form to the eastern boundary (as approved). Of the three tower forms of the Little La Trobe Street building, the lower two tower forms (Levels 06-44) have the same side setbacks but with a varied front setback (the middle tower form overhangs the lower tower form). The top tower form includes a varied setback to the east and west from the two tower forms below. For levels 45 to 54, the eastern setback is 1.5 metres from the title boundary and 4.56 metres from the centre of the laneway. The height of this varied setback and the width of the lane renders it satisfactory in this location. Overall, the proposed varied setbacks, coupled with the varied materials offer an acceptable built form outcome and provide visual interest to the city skyline.

Additional detailed information is required for all ground level conditions, including levels, access arrangements and entry locations. A condition 1 requirement will be included for these details to be provided on the plans.

The proposed amendments to the scheme offer a well-designed and articulated building. The elevations feature glazing, balconies and a variety of materials to create visually interesting facades. The rooftop plant is setback from the building parapet and appropriately finished to integrate it into the design of the building.

## Sky Bridge

There is an existing two level sky bridge located over the laneway (CL0112) that runs east west between the two sites. The approved scheme included a new sky bridge (further east) that extended from Level 1 to Level 38. The proposal seeks to remove the multi-level sky bridge and replace with a single level bridge at Level 1 only (in the similar location as the existing bridge).

Melbourne City Council supports the retention of the structure over the laneway. However, additional information should be provided on the detailed design of the structure, including materials and finishes. This can form as a condition of the amended permit.

## Change of Use – Student Accommodation

The proposed student accommodation (and retail uses) is as of right and no permit is required under the zone. Notwithstanding, the development responds appropriately to the broad strategic intent for greater housing opportunities (including student housing) as outlined in the Melbourne Planning Scheme.

It is proposed to provide 827 residential rooms, some with shared kitchen and lounge facilities, across both buildings in lieu of 413 dwellings. Local Planning Policy Clause 22.24 Student Housing applies to the use and development of land for accommodation that is purpose built to accommodate bona fide students while studying at tertiary institutions.

The objectives of this policy require:

- To ensure that the internal layout of rooms and communal facilities provide sufficient space and amenity for the reasonable requirements of an active social, work, and private life of the student while promoting social interaction.
- To provide a safe, healthy, secure and well managed living environment.

A detailed assessment against the policy is provided below:

Policy	Response
<b>Bicycle, Motorcycle, Scooter and Car Parking, and Loading and Unloading</b>	
<ul style="list-style-type: none"> <li>• One bicycle parking space per student (Design and located in accordance with Clause 52.34-4)</li> <li>• Provide adequate space for motorcycle and scooter parking (Design safe and efficient motorcycle and scooter parking)</li> <li>• Provide car parking for the management and servicing needs of the building</li> </ul>	<p>The proposal is for 827 student rooms and 170 bicycle spaces are provided. Council’s traffic engineers have stated that this development must provide bicycle parking at the statutory rate (clause 52.34) as a minimum and closer to the rate specified in this clause. Clause 52.34 (residential building use) requires 83 student spaces and 83 student visitor spaces, as such, the</p>

<ul style="list-style-type: none"> <li>• Provide limited or no car parking for students (Design car spaces and accessways in accordance with Clause 52.06-3)</li> <li>• Provide adequate space for loading and unloading vehicles and waste collection</li> </ul>	<p>requirements of the clause have been met. Notwithstanding, the subject site is located in close proximity to public transport, universities and amenities, and as such a reduced rate from this policy can be supported. However, it should be clearer how the student visitor spaces will be accessed. Council has also suggested that a minimum of 10 communal share-bikes be provided on site. It is considered that this is a reasonable request and will be included as a condition of the amended permit.</p> <p>No car parking, motorcycle or scooter parking is provided on site. This is acceptable.</p> <p>Council's traffic engineers offer no objection to the waiver of loading requirements for this site. However, the applicant should be aware that on-street parking facilities will not be amended to account for this shortfall. It is noted that the student rooms will be fully furnished and as such, the amount of furnishings required to be moved into the rooms will be minimal.</p>
<p><b>Layout, Students' rooms and Shared Spaces</b></p>	
<p>Student rooms may comprise various levels of shared facilities including:</p> <ul style="list-style-type: none"> <li>• Student rooms with all facilities except laundry facilities;</li> <li>• Student rooms with en-suite bathrooms and shared laundry and cook facilities; or</li> <li>• Hostel type facility where rooms are for sleeping and studying and shared laundry, cooking and bathroom facilities are provided.</li> </ul>	<p>There are two types of student rooms proposed, some that are individually self-contained and include a bed, bathroom, kitchenette and study area and others that are individually self-contained units, without the kitchenette and are in a 'cluster' arrangement. The cluster arrangement includes four or six units that share a kitchen, dining and lounge area.</p> <p>There is a shared laundry located on Level 01. Details of this laundry facility will need to be clarified and deemed of an appropriate size for a building of this scale with 827 students. It is considered that this is a reasonable request and will be included as a condition of the amended permit.</p>
<p><b>Students' Rooms</b></p>	
<p>It is policy that:</p> <ul style="list-style-type: none"> <li>• Every room has a size, layout and design able to comfortably accommodate: <ul style="list-style-type: none"> <li>○ A bed accessible from a long side;</li> <li>○ A study area with a desk and bookshelf;</li> <li>○ A robe /drawer unit with ample storage space for clothing and personal items;</li> <li>○ Computer and TV;</li> <li>○ A table or bench to provide a space to eat</li> </ul> </li> </ul>	<p>The rooms provide adequate space for the required furniture. The units are designed as studios and range in size from 12 to 29.9m<sup>2</sup>, which complies with the minimum of 10.8m<sup>2</sup>.</p> <p>Every student room has direct access to daylight and fresh air and an external window. There are 15 shared kitchen and living areas within the podium that are built along the western</p>

<p>separate from that used for study purposes;</p> <p>One way to comply with this is to provide a minimum floor space of 10.8m<sup>2</sup> for a room.</p> <ul style="list-style-type: none"> <li>• Every room has direct access to daylight and fresh air and an external window.</li> <li>• That at least one source of light to study bedrooms be from external walls open to the sky.</li> <li>• Each room is not unreasonably overlooked by another room, either in the same building or an adjoining property.</li> <li>• Rooms should be designed and located to limit excessive noise and disruption from pedestrian or vehicle traffic from within or outside the complex.</li> <li>• Where private kitchen facilities are provided there should be adequate room for a microwave, stove top cooker, fridge, clear bench space and sink with hot and cold running water, as well as storage space for food, crockery, utensils, cleaning equipment and a designated location for garbage and recycling.</li> <li>• Adequate long term storage in a secure location is provided.</li> </ul>	<p>boundary. These rooms are not provided with natural light given that they are built along a common boundary with the property to the west and windows are not permitted on common boundaries. The applicant advises that the owner's objective is to provide natural light within the students main living quarters rather than the shared facilities. It is not intended that in this central CBD location that students will use these areas for long periods. Notwithstanding this, it is considered that natural light (in the form of windows along the boundary (with permission from the adjoining owner) or with the introduction of a light court along the western boundary) should be provided to the shared spaces within the podium. It is considered that this is a reasonable request and will be included as a condition of the amended permit.</p> <p>Each room is not unreasonably overlooked by another room. The rooms within the podium are setback 5.7 metres across the laneway which provides a reasonable separation between buildings. Any screening requirements would only impact on the internal amenity of these units.</p> <p>Condition 23 of the Permit requires an acoustic report to be submitted to ensure that noise attenuation measures are included into the design of the building to achieve appropriate levels of noise within the building.</p> <p>The plans show that where private kitchen facilities are provided, each of them will contain a stove top cooker and sink. The applicant submits that the required facilities will be provided (these can't be shown on plans).</p> <p>No separate long term storage is provided on site. The applicant submits that the reasonable storage needs of students are catered for within their rooms.</p>
<p><b>Shared Facilities</b></p>	
<p>It is policy that:</p> <ul style="list-style-type: none"> <li>• Shared laundries include the following: <ul style="list-style-type: none"> <li>○ A reasonably attractive design conducive to incidental socialising; and</li> <li>○ Appropriate provision of shared facilities including washing machines, clothes dryers, laundry tubs with hot and cold</li> </ul> </li> </ul>	<p>The proposal includes a laundry of 36.5m<sup>2</sup> located on Level 01. As stated above, details of this laundry facility will need to be clarified and deemed of an appropriate size for a building of this scale with 827 students. This will be included as a condition of the amended permit.</p>

<p>water and clotheslines.</p> <ul style="list-style-type: none"> <li>• Shared cooking and dining facilities include the following: <ul style="list-style-type: none"> <li>○ A designated location for garbage and recycling bins; and</li> <li>○ Appropriate provision of shared cooking and dining facilities including stove top cookers, sinks with running hot and cold water, refrigerators, freezers, bench space for food preparation and storage space for dry goods.</li> </ul> </li> <li>• The provision of storage areas for property manager’s equipment and building maintenance is encouraged.</li> <li>• The provision of appropriate waste management facilities is encouraged.</li> <li>• Shared facilities are located in a safe and accessible location for all students.</li> <li>• Corridors and stairways are healthy attractive spaces, with natural lighting and ventilation and are conducive to incidental social interaction.</li> </ul>	<p>For the units that a within a ‘cluster’ arrangement that share kitchens and dining facilities, the applicant submits that the required facilities will be provided.</p> <p>A reception area with storage is provided at Ground Level for an on-site property manager.</p> <p>While a Waste Management Plan has been provided, Council’s Engineering Services requires additional information to be provided in the Plan. Condition 18 will be amended to reflect this.</p> <p>Shared facilities are proposed at Ground Level and Level 01, providing a total area of 508m<sup>2</sup>. The facilities provided at Level 01 of the Little La Trobe Street building will be accessible by the students within the La Trobe Street building via the sky bridge over the laneway.</p> <p>Most levels include corridors that have direct access to natural light which will provide for a healthy attractive space.</p>
<p><a href="#">Communal outdoor space and internal common areas</a></p>	
<p>It is policy to:</p> <ul style="list-style-type: none"> <li>• Ensure each student has access to communal outdoor space that is well designed, safe and accessible and can be maintained appropriately;</li> </ul> <p>One way to comply with this policy would be to provide a ratio of 2.5m<sup>2</sup> of communal outdoor space per student, in a maximum of two parcels, each parcel with a minimum width of 3m;</p> <ul style="list-style-type: none"> <li>• Ensure adequate solar access into any communal outdoor space;</li> <li>• Ensure each student has access to internal common areas that are capable of being used for multiple functions to meet a range of study, social, cultural and religious needs of students;</li> </ul> <p>One way to comply with this policy would be to provide a common living area or recreation room with a minimum of 15m<sup>2</sup> in area for the first 12 students, and a further 15m<sup>2</sup> for each additional 12 students thereafter;</p> <ul style="list-style-type: none"> <li>• Ensure internal common areas are well located adjacent to high movement areas and doors to internal common areas contain glass to enable natural surveillance from</li> </ul>	<p>The proposal for 827 student rooms generates a requirement for 2,067.5m<sup>2</sup> of communal outdoor space. The proposal does not provide any communal outdoor space.</p> <p>The proposal also generates a requirement for 1,033m<sup>2</sup> of internal common areas. The proposal provides 508m<sup>2</sup> of internal common areas on the Ground Level and Level 01 of the Little La Trobe Street building.</p> <p>The proposal does not provide the required communal outdoor or internal common areas as specified in this policy. It is considered appropriate to increase the areas of communal outdoor and internal common areas. The most appropriate location for additional communal areas is the podium levels of each building (Level 7 of 212-222 La Trobe Street and Level 6 of 17-25 Little La Trobe Street). These areas have the potential to provide 435m<sup>2</sup> and 507m<sup>2</sup> (minus lift and stair core) respectively. While not providing the required area of open space, it is considered that the additional areas will be usable and provide opportunities for student interaction</p>

<p>circulation areas;</p> <ul style="list-style-type: none"> <li>• Encourage a direct relationship between communal outdoor spaces and common internal spaces to enhance function and safety;</li> <li>• Ensure that lighting of internal and external access areas is adequate;</li> <li>• Ensure that all common areas promote student interaction and a sense of community;</li> <li>• Require that all common areas remain the responsibility of the building management and not be sold off independently.</li> </ul>	<p>and a sense of community. These areas can be provided via a condition on permit.</p>
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This Clause also requires a Management Plan to be submitted and approved prior to the commencement of the use. This will be included as a condition of the amended permit.

The proposal is to be purpose built for student accommodation. The Council has suggested that a condition be included on any amended permit for a condition requiring the owner to enter into a Section 173 Agreement to ensure that the use of the building is restricted to student accommodation. Should the use be amended (to dwellings), changes would then be required to the internal layout of the building to increase the size of the units. It is considered that this is a reasonable approach to ensure that any future dwellings are of a suitable size.

## Interface and Setbacks

The podium levels of the amended scheme are not proposed to be altered. The average tower setbacks of the La Trobe Street building to the building under construction at 224-252 La Trobe Street (to the west) are generally the same. Hence, the squaring off of the angled setbacks match the proposed scheme. The average tower setbacks of the Little La Trobe Street building to the building under construction at 224-252 La Trobe Street (to the west) have increased between 0.706 metres and 1.299 metres and decreased a maximum of 0.334 metres. Overall, these modifications are considered minor and acceptable.

The La Trobe Street building is built to the boundary, as the approved scheme was. The average tower setbacks of the Little La Trobe Street building to the building under construction at 393 Swanston Street (to the east) have increased at some levels by 0.503 metres and decreased at other levels to 0.552 metres to provide a consistent setback of 8.62 metres to the building to the east. At levels 45-54, the setbacks have decreased by an average 2.652 metres, so that the building is setback 7.62 metres from the building to the east. The interface with the building to the east is a west facing corridor window. The student units of this building are orientated to the north or south, with no habitable room windows facing the subject site. As such, this interface is considered acceptable.

The student units facing the laneway within the podium levels are setback 5.713 metres from each other. While this may result in a need to screen these windows in order to restrict overlooking opportunities, it is considered that any screening will only decrease the internal amenity of these units. Above the podium the La Trobe Street building has west facing units, such that there might be some overlooking to the side windows, but the main outlook of these units is to the west. Given the size, orientation and use of the building, it is considered unnecessary to restrict any overlooking opportunities as this will only decrease the internal amenity experienced by future students.

## Street Level Activation and Pedestrian Safety

La Trobe Street is affected by Design and Development Overlay – Schedule 1 (Active Street Frontages), while Little La Trobe Street is not. The proposed development incorporates two (2) retail tenancies at ground floor of the La Trobe Street building, one to the street frontage and one to the laneway frontage. The ground floor of the Little La Trobe Street building incorporates a communal space and lobby. Both buildings provide access from the street and to each of the rear of the buildings via the laneway. The central laneway also opens onto the site to the west which includes a laneway along its eastern boundary (although on private land). Services are located along part of the La Trobe Street frontage and along the laneway frontage of the Little La Trobe Street building. The activation of the laneway will improve the existing site conditions and provide a safe pedestrian environment.

## Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing)

The built form (height and largely upper level setbacks) have not altered from the approved scheme. Clause 22.01 (Urban Design within the Capital City Zone) and Clause 22.02 (Sunlight to Public Spaces) are applicable when considering the microclimate conditions on streets and public spaces. Clause 22.01 recommends that towers be appropriately setback above the podium to assist in deflecting wind downdrafts from penetrating street level. A letter from MEL Consultants dated 11 August 2015 stated that the changes to the proposed development are expected to make no significant difference to the environmental wind conditions in the surrounding streetscape and are of the opinion that the proposed modifications do not require any additional analysis or wind model testing from an environmental wind conditions perspective. Condition 12 requires a comprehensive wind tunnel testing and environmental climate assessment report to be submitted. It is considered reasonable that a final comprehensive wind tunnel of the proposed building be undertaken prior to the commencement of development in order to ensure appropriate wind conditions will be met. As such, Condition 12 will remain as it is currently.

Clause 22.02 recommends that development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00am and 2.00pm on 22 September. A discretionary control applies specifically for the State Library forecourt, such that development should not cast any additional shadows across the State Library forecourt between 11.00am and 2.00pm on 22 June. The shadows extend over La Trobe Street between the relevant control periods. However, La Trobe Street is already largely in shadow and throughout the day the shadows will move. As such, the level of overshadowing is considered acceptable. For the State Library forecourt, the shadows do not extend to the forecourt before 2pm and as such there is no breach of the controls.

## Environmental Sustainable Design (ESD)

A Sustainable Design Statement has been prepared and provided by Umow Lai Consulting Engineers dated 11 August 2015 in response to Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management (Water Sensitive Urban Design)). The report indicates that the development has preliminary design potential to achieve a rating of 5 Stars in the Green Star Multi-Residential rating. It is considered that Condition 14 be amended to reflect the revised ESD Statement and for a revised plans to be submitted to achieve a rating of 5 Stars.

Condition 15, which relates to providing a Water Sensitive Urban Design Response Statement, will ensure that the requirements of Clause 22.23 are met.

## Amendments to Permit Conditions

The following is a list of the conditions that the applicant is seeking to amend/delete:

Permit preamble amended to delete reference to dwellings and replace with student accommodation. The preamble can be amended.

Condition 1(preamble) amended to reflect the amended drawings and architect. This condition can be amended.

Condition 1(a)(i), (ii) and (iii) deleted:

*a) Amended floor plans drawn to scale and fully dimensioned to include:*

*i. All surrounding uses and built form of neighbouring buildings and distances from adjacent sites. This should include the title information at ground floor and the siting of the proposed development in relation to adjoining properties including distances to title boundary and as appropriate, position of habitable windows within 10 metres at various floor levels up the building and reduced levels to the top of each building immediately adjacent to and surrounding the site.*

The proposed plans show this information and as such this condition can be deleted.

*ii. Details of the arrangement, location and access to internal spaces (i.e building services, resident facilities, ~~resident storage~~, waste room, loading facilities and bicycle facilities).*

The proposed plans do not show this information and as such this condition should be retained.

*iii. All dwellings to achieve a minimum net floor area of 50 square metres inclusive of balconies.*

This condition is no longer relevant as student accommodation rather than dwellings are proposed and as such this condition can be deleted.

Condition 1(b)(i), (ii), (iii), (iv) and the end paragraph deleted:

*b) Detailed elevation and cross-section plans drawn to scale and fully dimensioned to provide:*

*i. Dimensioned setbacks of the building from title boundaries.*

The proposed plans show this information and as such this condition can be deleted.

*ii. Refinement of the architectural quality of the building and the proposed bridge link between the two buildings. The bridge link must demonstrate a high degree of transparency.*

The proposed plans have deleted the proposed bridge link. A new condition will be included (refer below) relating to the details of the new single level sky bridge.

*iii. Overall height of the buildings in metres including plant and equipment.*

The proposed plans do not show this information and as such this condition should be retained.

*iv. Details of all external colours, materials and finishes proposed and their location.*

This condition replicates condition 1(b)(v) and Condition 8 and as such this condition can be deleted.

*The design response must ensure that the development activates the site frontages and articulates all exposed facades in a manner that will add visual interest when seen from adjoining land and public spaces.*

The proposed plans show this information and as such this condition can be deleted.

Condition 1(c) deleted:

*c) Details demonstrating that the basement will not be constructed within 1 metre of the road surface.*

The proposed plans show that the basement is not proposed within 1 metres of the road surface.

Condition 1(d) deleted:

*d) Provision of street canopies to La Trobe Street and Little La Trobe Street frontages for pedestrian weather protection. The canopies should be designed to avoid the lopping of street trees.*

The proposed plans show a canopy over the La Trobe Street frontage. As Little La Trobe Street is not located with a Design and Development Overlay 4 (weather protection) this condition can be deleted.

Condition 1(e) deleted:

*e) Internal redesign of all west facing podium apartments which contain a habitable with a single window to be provided with a secondary source of light, which may include borrowed light.*

The proposed plans show a revised internal layout for a different use and as such this condition can be deleted.

Condition 1(f) deleted:

*f) Any changes necessary to comply with council Waste Management Guidelines as required in the relevant condition specified below.*

This condition should be retained as the Waste Management Plan submitted with the amendment application is not satisfactory.

Condition 1(g) deleted:

*g) Any changes to the plans as required by the recommendations made by the amended Wind Report in the relevant condition specified below.*

A letter from MEL Consultants dated 11 August 2015 states that the changes to the proposed development are expected to make no significant difference to the environmental wind conditions in the surrounding streetscape and are of the opinion that the proposed modifications do not require any additional analysis or wind model testing from an environmental wind conditions perspective. Condition 12 requires a comprehensive wind tunnel testing and environmental climate assessment report to be submitted. It is considered reasonable that a final comprehensive wind tunnel of the proposed building be undertaken prior to the commencement of development in order to ensure appropriate wind conditions will be met. As such, this condition and condition 12 will be retained.

Condition 1(h) deleted:

- h) Any changes to the plans as required by the relevant Traffic, Parking and Access condition specified below.*

Given the comments made below in relation to the deletion of Conditions 20-23, this condition can be deleted.

Condition 1(i) deleted:

- i) The setbacks of the facade of the building (not including balcony elements) from Little La Trobe Street to be amended as follows:*
- i. Levels 7-26- 3 metres*
  - ii. Levels 27-43- 1.5 metres*
  - iii. Levels 44-53- 3 metres.*

The proposed plans show these setbacks to Little La Trobe Street and as such this condition can be deleted.

Condition 8 (Façade Strategy) amended to reflect the new architects Denton Corker Marshall. This condition can be amended. It is noted that Melbourne City Council has request a new condition 8 requiring further design resolution of the tower façade to improve articulation. However, it is considered that this is unnecessary as the proposed scheme provides an acceptable built form outcome for the public realm.

Condition 11 (Retention of Architect) amended to reflect the new architects Denton Corker Marshall. This condition can be amended.

Condition 18 (Waste Management Plan) amended to reflect the amended Waste Management Plan. The Melbourne City Council has recommended that the current condition be deleted and replaced with MCC's standard Waste Management Plan condition. This condition can be amended as per MCC's request.

Conditions 20-23 (Traffic, Parking and Access) deleted:

*20. Before the development starts, excluding demolition and bulk excavation, the permit holder must submit a car park management plan and revised traffic management report to the City of Melbourne - Engineering Services. Once endorsed the submitted car park management plan and traffic report will form part of this permit. The plans and report must be to the satisfaction of the City of Melbourne - Engineering Services with a copy provided to the responsible authority. The plans and report must specify, include and assess:*

- a) The car parking and motor bike parking layout including access aisle widths, ramp gradients, headroom clearances, location of columns and car parking spaces throughout the car park generally in accordance with the Australian Standards and Melbourne Planning Scheme requirements to the satisfaction of the City of Melbourne- Engineering Services.*
- b) The provision of bicycle spaces in accordance with AS2890.3:1993 or to meet the Melbourne Planning Scheme requirements to the satisfaction of the City of Melbourne- Engineering Services. The allocation and location of resident and visitor bicycle spaces should be clearly shown on the plans.*
- c) Provision of a functional layout plan showing proposed changes to any existing infrastructure, signs and line marking where appropriate.*

- d) *Detail for the internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades designed generally in accordance with the Australian and New Zealand Standard 2890.1-2004.*
  - e) *Car spaces at the end of blind access aisles provided with a 1 metre aisle extension to provide adequate egress and swept path diagrams for car parking spaces located next to walls demonstrating appropriate egress and an assessment of accessibility demonstrating that sufficient space is provided for drivers when entering vehicles and opening doors.*
21. *Prior to the occupation of the development, car park signage is required at each ramp to ensure drivers know where each ramp leads, particularly if visitor parking is provided on-site. Line marking is required to ensure appropriate movements are made within drop-off and access areas to the satisfaction of City of Melbourne - Engineering Services.*
22. *Height clearances throughout all car parking areas to be a minimum of 2.2 metres in accordance with AS/NZS 2890.1:2004 to the satisfaction of City of Melbourne - Engineering Services.*
23. *A detailed traffic control plan showing the provision of convex mirrors, directional signs and/or signalling/flashing devices within the basement car park and at all exit and entry points designed to alert drivers and pedestrians of vehicles & vice-versa.*

As no car parking spaces are proposed in this amended scheme, these conditions become redundant. Melbourne City Council agrees to the deletion of these conditions and as such they can be deleted.

Condition 26 (or revised Condition 25)(Residential Facilities) amended to remove reference to lounge and cinema. The proposed student accommodation communal facilities do not provide a lounge or cinema and as such this condition can be amended.

The following is a list of the conditions that have been included as a result of the proposed amendments:

New Condition 1 requirements:

- Preamble amended to include reference to plans.
- Condition 1(a) amended to remove reference to resident storage.
- *Submission of additional information to demonstrate the resolution of all ground level conditions including levels, access arrangements and entry locations.*
- *Submission of elevations of the proposed sky bridge at a minimum scale of 1:50, including materials and finishes.*
- *Details of access arrangements to visitor bicycle spaces.*
- *Details on the plans of communal share-bikes.*
- *Details on the plans of the laundry facilities.*
- *Inclusion of additional communal outdoor and indoor communal facilities.*
- *Inclusion of natural light to shared facilities for units within the podium.*

Amend Condition 7 to reference timing of submission of S173 Agreement.

Amend Condition 14 to reference the amended author and date of the ESD report.

Delete Condition 19 as it refers to car park entry.

New Condition 19 added requiring the submission of a Student Management Plan.

New Condition 20 added requiring the owner to enter into a Section 173 Agreement regarding the continued use for student accommodation.

New Condition 21 added requiring the provision of at least 10 communal share-bikes.

New Condition 22 added requiring details of the laundry facilities and supporting information to clarify the facilities will cater for the intended number of students on the site.

Amend Condition 42 (or revised Condition 41) as it refers to car parking.

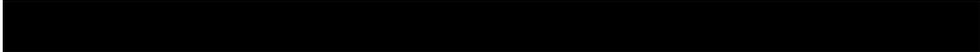
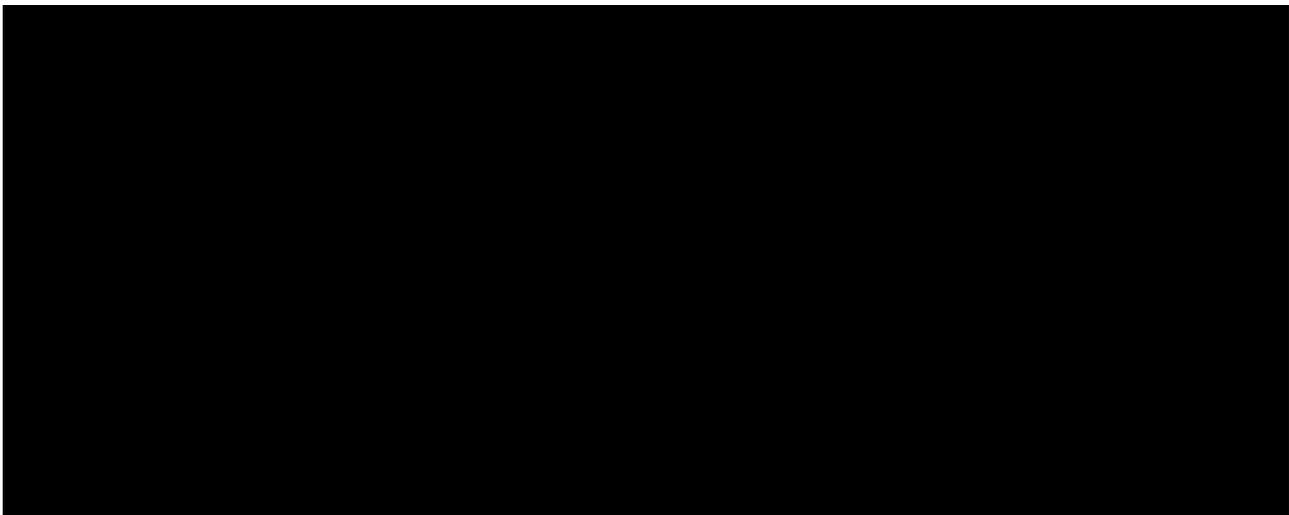
Delete Condition 45 as it refers to mechanical exhaust system for car parking.

## Conclusion and Recommendation

Having assessed the amendment application against the relevant planning controls, it is recommended that the proposal be supported for the following reasons:

- The proposed amendments to the building height and setbacks are considered to appropriately respond to the built form environment of the surrounding area and the strategic context of the site.
- The removal of the sky bridge over Levels 01 to 38 and the replacement with a single level sky bridge is an improved outcome.
- The proposed student accommodation use is supported in this location with excellent access to a range of facilities and services. The on-site facilities will provide sufficient spaces and a level of internal amenity to help foster an active social, work and private student lifestyle consistent with Clause 22.24.
- The proposed amendments to the conditions will allow for the development of the land consistent with the Melbourne Planning Scheme.

It is recommended that planning permit 2011013727 be amended to allow for student accommodation on the site, subject to amended conditions.



**DATE:** 16 March 2016