

PROPOSAL

1. Permit application 2013/006810 was lodged on 15 July 2013. The application seeks approval to demolish the existing building, construct a 55-storey residential tower comprising of residential accommodation, office and lower level retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) and to waive the on-site loading facilities. The proposed gross floor area is 43,583m².
2. Details of the application are as follows:
 - Demolition of the existing building on site;
 - Construction of a residential tower measuring at 55-storeys (177.9 metres to the top of the roof plant, RL193.8 to AHD). The building includes a 10-storey 'podium' (measuring at 32.2 metres) built within 300mm of the Title boundaries of its north and western boundaries up the entire height of the tower, with the tower form above offset 2.2 and 5 metres from the eastern and southern boundaries respectively;
 - The proposal offsets its building envelope at ground floor from the eastern boundary to create a 4.1 metre wide laneway linking A'Beckett Street to Literature Lane;
 - The tower comprises of 466 dwellings (166 x 1-bedroom, 62 x 1-bedroom + study, 260 x 2-bedroom, and 28 x 3-bedroom) and retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) fronting Elizabeth and A'Beckett Streets and lower level offices;
 - Construction of a basement level comprising of gas meter, water pump, car lift pit, fire pump room, lift pit, fire test water tank, water tapping and tanks, main switch room, bin storage and bicycle parking;
 - Vehicle access is provided at ground for entry from A'Beckett Street and exit from Literature Lane. Provision of 94 car parking spaces, bicycle and motorcycle spaces, and 29 storage cages are contained within the podium of the tower accessed via lift and car lift, and additional bicycle spaces (located within the basement and at ground) provided a total of 173 spaces on site, with 19 additional spaces nominated to the A'Beckett Street footpath;
 - Ground and first floor retail premises wrapping from Elizabeth Street to A'Beckett Street totalling 1,016m² and offices (one per floor) at Levels 2 to 8 totalling 389m²;
 - Residential facilities in the form of function rooms, pool and gymnasium are provided at Level 34;
 - The plans also include the widening of the A'Beckett Street footpath and proposed landscaping and street furniture;
 - Materials and finishes include glazing (clear and grey), aluminium fins, dark grey perforated metal, precast concrete panel in dark grey, and metal panelling; and
 - The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, and ESD report.

Informal Plans 11 December 2013

3. The applicant submitted informally substituted plans in response to Council's comments which includes:
 - Introduction of additional apartments within the podium at Level 1-9 to increase activation to Elizabeth and A'Beckett Streets;
 - Increase in setback to the eastern boundary to 5 metres with the exception of a central portion which is setback 4.1 metres at Level 3-8 and increased at 5 metres at Level 10-17; and
 - The plans also depict a 'break' between the podium and tower to provide further separation between these two elements.

DEVELOPMENT SUMMARY

4. In summary the specific details of the proposal are:

Key elements	Comments
Use	Residential (466 apartments) with ground floor retail and lower level offices
Height	55-storeys (177.9 metres)
Setbacks	300mm from Elizabeth and A'Beckett Streets 4.1 metres- 5 metres to the eastern boundary 5 metres to the southern boundary
Floor area (GFA) [REDACTED]	GFA 43,583m ² [REDACTED]
Applicant / Developer	Alberay Pty Ltd
[REDACTED]	[REDACTED]
City of Melbourne	Objects to the application based on the proposal being contrary to the urban design policies of the Melbourne Planning Scheme.

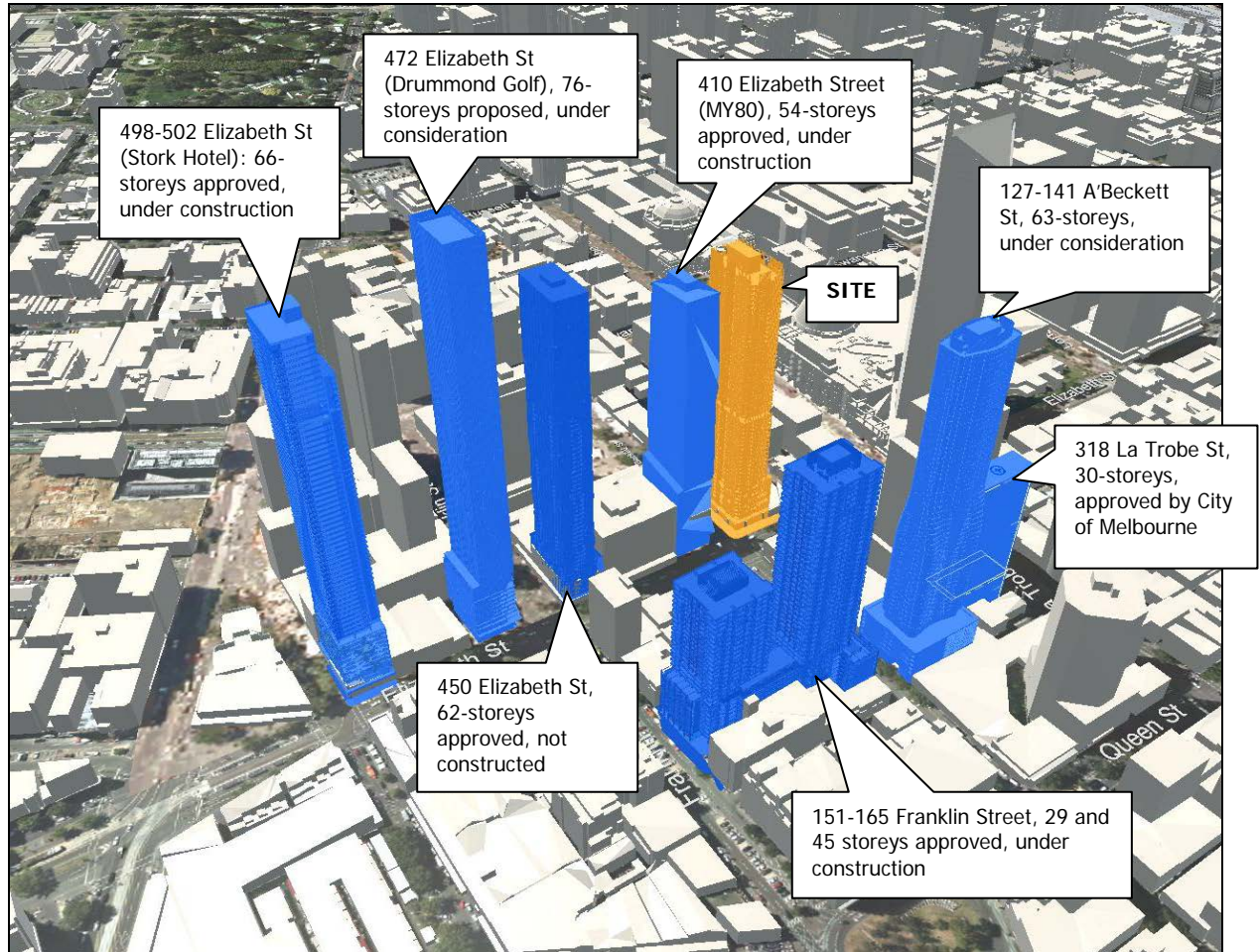
SITE AND SURROUNDS

5. The site is located on the south-east corner of Elizabeth and A'Beckett Streets, Melbourne. The site is rectangular in shape with a frontage of 25.4 metres to Elizabeth Street, a frontage of 40.36 metres to A'Beckett Street and a total site area of 1,024m². The site is relatively flat. Access to the site is provided to the rear via Literature Lane (CL111) which runs north-south and east-west adjacent to the south-east corner of the site. An approximately 3.5 metre wide section of the lane is made available for site access.
6. The site is currently occupied by a single-storey former brick warehouse built in 1934 which is currently used by four tenancies (car rental, shops, and food and drink premises). The building is not graded under Council's conservation study.
7. Development surrounding the site is described as follows:
 - North: On the opposite side of A'Beckett Street at 410 Elizabeth Street is the 'MY80' a 54 storey residential development currently under construction with generally no setbacks to the street. Further north on the corner of Franklin Street is 442-450 Elizabeth Street which is approved for redevelopment with a 62-storey residential tower. To the north-east at 58-64 A'Beckett Street is an approval for a 48-storey building with limited setbacks.
 - South: along Elizabeth Street is a two-storey ungraded commercial building. Further south across Little La Trobe Street is a two-storey 'B' graded building. There are no current approvals on either of these sites.
 - East: along A'Beckett Street on the southern side of the road are 2 individually significant heritage buildings. At No. 61 A'Beckett Street is a former printworks (HO515, VHR 980) and at No. 71-73 A'Beckett Street is a former warehouse (HO526) which is an 'A' graded building in the City of Melbourne Central Activities District Conservation Study. Further east along A'Beckett Street at 31 A'Beckett Street is A'Beckett tower a 32-storeys in height and on the

northern side of A'Beckett Street is the Swanston Academic Building (427-457 Swanston Street) which wraps the Oxford hotel on the corner and is 12-storeys in height.

- West: across Elizabeth Street is a six-storey building with retail at ground level and apartments above.

8. The surrounding area is undergoing change as depicted in a screen shot from the 3D model below:



STATUTORY CONTROLS

9. The following controls apply to the site, with planning permit triggers, requirements and decision guidelines are described below:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
Capital City Zone-Schedule 1 (Outside the Retail Core)	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • The table of uses specifies 'accommodation', 'office' and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) is permitted as of right (Section 1 use) at Clause 1.0 of the Schedule; • Does not exempt the demolition or removal of a building, to

	<p>construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage, construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September, or buildings and works from requiring a permit;</p> <ul style="list-style-type: none"> • Exempts demolition and buildings and works from notice and appeal requirements; • Decision guidelines are contained in Schedule 1 and at Clause 65.
<p>Design and Development Overlay-</p> <p>Schedule 1 (Active Street Frontages)</p> <p>Schedule 4 (Weather Protection)</p>	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • Does not exempt ground floor buildings and works from requiring a permit; • Exempts buildings and works from notice and appeal requirements; <p>Schedule 4:</p> <ul style="list-style-type: none"> • No permit is required to construct a building or construct or carry out works if adequate weather protection is provided to the satisfaction of the Responsible Authority. The proposal provides weather protection to Elizabeth Street frontage, therefore no permit is required. <p>Decision guidelines are contained at 43.02-5 and at Clause 65.</p>
<p>Special Building Overlay (SBO)</p>	<p>Under Clause 44.05-1 a permit is required to construct a building or construct or carry out works.</p> <p>Under Clause 44.05-4 an application is exempt from notice and review.</p> <p>Under Clause 44.05-5 an application must be referred to the relevant floodplain management authority under Section 55 of the Act.</p> <p>Decision guidelines are contained at 44.05-6 and at Clause 65.</p>
<p>Clause 45.09 (Parking Overlay- Schedule 1 (Capital City Zone- Outside the Retail Core) and Clause 52.06 (Car Parking)</p>	<p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 473 spaces. The provision of 94 car spaces on site is below the maximum allowed under the clause, therefore no permit is required.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<p>Loading and Unloading of Vehicles (Clause</p>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless</p>

52.07)	space is provided on the land for loading and unloading vehicles as specified within the table. A loading facility is not provided on site; therefore a permit is required to waiver the requirement.
Bicycle Facilities (Clause 52.34)	Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 144 spaces (93 resident, 2 employee and 49 visitor bicycle spaces). The application provides for 173 spaces, therefore no permit is required under this provision.
Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)	Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response. Under Clause 52.35-3 the responsible authority must inform the applicant in writing before notice of an application is given that the urban context report meets the requirements of Clause 52.35-2. A letter was sent confirming the above on 3 December 2013.
Integrated Public Transport Planning (Clause 52.36)	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 16 July 2013 the application was referred to the Director of Public Transport.

General Provisions

10. **Responsible authority for administering and enforcing the Scheme:** 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 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
11. **Decision Guidelines:** Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the Act.
12. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as a determining referral authority; Clause 44.05 (Melbourne Water) and Clause 52.34 (Director of Public Transport).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

13. The following policies within the SPPF are relevant:
 - Clause 10.04 (Integrated Decision Making)
 - Clause 11.01-2 (Activity Centre Planning)
 - Clause 11.04-4 (Central Melbourne)
 - Clause 13.04-1 (Noise Abatement)
 - Clause 15.01-1 (Urban Design)
 - Clause 15.02 (Sustainable Development)
 - Clause 16.01 (Residential Development)
 - Clause 17.01 (Commercial)
 - Clause 18.01 (Integrated Transport)

- Clause 18.02 (Cycling)

Municipal Strategic Statement (MSS)

14. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne 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).
15. Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'.
16. Clause 21.04 1-1 (The original city centre – the Hoddle Grid) sets out objectives and implementation strategies for the various areas of Melbourne: "*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 a quality public realm and good pedestrian amenity and connectivity.*"
17. Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "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.
18. Clause 21.07 (Housing) Seeks to encourage the most significant housing and population growth occurs 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.
19. 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.
20. Clause 21.10 (Infrastructure) seeks to enhance the City as Victoria's pre-eminent cultural and entertainment location by supporting and encouraging the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.
21. Clause 21.12 (The Hoddle Grid) includes policies relating to Economic Development, Built Environment and Heritage and Transport which specifically relate to the unique and valued characteristics of the Hoddle Grid. 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.

Local Planning Policy Framework (LPPF)

22. The following policies within the LPPF are relevant:
 - 22.01 (Urban Design within the Capital City Zone)
 - 22.02 (Sunlight to Public Spaces)
 - 22.19 (Energy, Waste and Water Efficiency)
 - 22.20 (CBD Lanes)

Other relevant policy/ matters

23. Other relevant policy/ matters include:

- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)

Amendment C209

24. Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% (Area A) or 8% (Area B) contribution of the site value, a land contribution or a combination of both. The site is located in the area designated as Area A.
25. This amendment has undergone exhibition but has not been through an independent panel process. The contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application.

NOTIFICATION

26. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, under Schedule of the Design and Development Overlay, and under the Special Building Overlay an application to 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 Act.

REFERRALS

27. The application was given to the Department's Urban Design Unit, the City of Melbourne, and pursuant to referred under Section 55 of the Act to the Director of Public Transport and Melbourne Water. The following comments were provided:
28. **Urban Design (DTPLI):** Offered general support for the application. Issues for resolution include the individual expression of the podium's office pods; the inclusion of a lower canopy along Elizabeth Street at a minimum; a more feasible bin screening system; footpath works to Council's satisfaction; and if the laneway is not adopted by Council, public access secured through a section 173 agreement. These matters can be resolved through appropriate conditions.
29. **City of Melbourne:** Objects to the application based on the proposal being contrary to the urban design policies of the Melbourne Planning Scheme. Detailed comments provided indicate that:
- The proposal by virtue of its height and inadequate setbacks represents an overdevelopment of the site.
 - The proposed height, combined with the lack of podium setbacks, in contrary to Clause 21.12 of the MSS and Clause 22.01.
 - 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.
 - The proposal does not adequately respond to the development potential of adjoining sites to the east and south.
 - The proposed facades at levels 2-8 are dominated by car parking resulting in inactive street frontages.
 - The proposal to widen the A'Beckett Street footpath adjacent to the site is not supported. This is a matter that would need to be dealt with the City of Melbourne engineers outside the planning process.
 - The proposal fails to achieve a five star green star rating in accordance with Clause 22.19.
 - Conditions were suggested in the event that the matter were approved including the podium to Elizabeth and A'Beckett Streets and reworking the layout of apartments to the south so that no living rooms rely on solar access from the south, and full activation of the podium being the most significant modifications.

30. **Public Transport Victoria:** offered no objection to the proposal subject to two (2) conditions being included on any permit issued. Letter dated 28 August 2013.
31. **Melbourne Water:** offered no objection to the proposal subject to eight (8) conditions being included on any permit issued. Letter dated 23 July 2013.

ASSESSMENT

Land Use

32. The proposed uses replace a mostly underutilised and inactive site which makes a limited contribution to the area. The proposal is consistent with many policy directions, and contributes to the on-going revitalisation of a 24-hour Central Activities District.
33. The development responds appropriately with the broad strategic intent for office as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) (both current and proposed) and the zoning control.

Design and Built Form

Demolition

34. The application includes the demolition of an ungraded building. The proposal also includes a replacement building which is consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.

Urban Context Response/ Setbacks/ Tower Separation

35. The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01) and Schedule 1 of the Capital City Zone (Clause 37.04). The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks assist in providing a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.
36. Amendment C188 to the Scheme is a review of the built form controls in the City, the first in over 25 years. The review reconsiders podium height, tower setback and tower separation, amongst other things. This review acknowledges the challenges that the City faces, particularly its develop-ability. The proposed controls seek to introduce a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street, and 5 metre tower setback from common boundaries (to achieve a minimum of 10 metres tower separation).
37. The proposed tower provides for a 55-storey (177.9 metre tall tower). The tower includes minimal setbacks to both Elizabeth and A'Beckett Streets of 300mm (mostly to accommodate the screening fin that appears up the entire facade of the tower) with a setback of 4.1- 5 metres to the eastern boundary and 5 metres to its southern boundary.
38. The broader precinct consists of new larger residential towers with limited tower setbacks through recent approvals including:
 - 2009/1015 (410 Elizabeth Street) (MY80) which approved a 54 storey (173m) tall tower (above an 11 storey podium) which has 0 metre setbacks to Elizabeth Street and A'Beckett Streets with a varied setbacks of 3.5- 4.5 metres to adjoining properties. This is currently under construction.
 - 2011/012691 (450 Elizabeth Street) which approved a 62-storey (197m) tall tower (above a 9 storey podium) which has a 0 metre setback to Elizabeth and Franklin Streets with a 5 metre setback to adjoining sites.
 - 2009/0987 (496-504 Elizabeth Street) which approved a 66-storey (217m) tall tower (above a 9-storey podium) with limited setbacks to both Elizabeth and Therry Street with limited setbacks to the adjoining properties. This is currently under construction.
39. The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provides guidance for development.

40. The lack of tower setbacks, in this instance, is considered to respond to the performance measures sought by Policy, whilst not compliant with the preferred podium/ tower typology. The use of a finned facade provides for a varied facade, without the typical podium and setback tower. The site is located on the south-east corner of the Elizabeth and A'Beckett Streets intersection which limits overshadowing to the public realm. The building maintains open views to the sky and through its form deflects wind downdrafts. The distinctiveness of the podium could be made more explicit particularly the incorporation of active uses and how that is expressed in the podium. This matter can be resolved via condition.
41. The site is directly abutted to the east and south. Tower separation is less than 24 metres stipulated in Clause 22.01. Policy allows a reduction in tower separation where it can be demonstrated that the towers are offset and habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. There is precedent for divergence from this typology with recent approvals described above. The proposal provides the following setbacks/ separation from the adjoining sites, with relevant commentary as follows:
- East: along A'Beckett Street on the southern side of the road are 2 individually significant heritage buildings. At No. 61 A'Beckett Street is a former printworks (HO515, VHR 980) and at No. 71-73 A'Beckett Street is a former warehouse (HO526) which is an 'A' graded building in the City of Melbourne Central Activities District Conservation Study. In response to Council's concerns regarding tower separation in the event that these two highly graded heritage properties were redeveloped, plans (dated 11 December 2013) were nominally prepared showing a 5 metre setback, reduced to 4.1 metres centrally, to these properties. This offset will assist in facilitating a minimum 10 metre tower separation and provide opportunity for redevelopment. This has been reflected through appropriate conditions.
 - South: along Elizabeth Street is a two-storey ungraded commercial building. Further south across Little La Trobe Street is a two-storey 'B' graded building. There are no current approvals on either of these sites. The proposal is offset 5 metres from the common boundary which will facilitate a minimum 10 metre tower separation and provide opportunity for redevelopment of this property.

Street Level Frontages & Pedestrian Safety

42. The proposed development incorporates retail tenancies at ground floor and first floor level to Elizabeth and A'Beckett Streets and the remainder of the 'podium' includes offices within the above ground car parking area which allows for future conversion due to the floor to ceiling heights within these areas. The revised plans dated 11 December 2013 indicate the introduction of further active uses within the podium. The inclusion of these active frontages will also serve to increase the perception of safety in this area. The upper level apartments provide passive surveillance of the site's immediate surrounds.

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

43. Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. Whilst there are limited tower setbacks to both Elizabeth and A'Beckett Streets, the site is well shielding from direct wind flows for the majority of wind directions with a small exposure to the west wind directions.
44. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis at 10am, 11am, 12pm, 1pm and 2pm has been carried out for 22 March/ September. The analysis shows the additional shadowing will occur over properties to the west and south, predominantly contained within existing shadowing conditions. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. The most significant increase in shadowing is to Elizabeth Street 11am and 12pm. It is noted however that the development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

Internal Amenity

45. Developments for new and refurbished residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This can be dealt with via condition.
46. The building design provides a good standard of amenity for future residents. There is no reliance on borrowed light. All proposed dwellings have access to varying sized balconies. The dwellings will also not be constrained by any future development given the orientation of the apartments, including those located to the south with the introduction of a 5 metre offset from the common boundary.
47. The architects have successfully achieved the high standard of architecture and urban design sought from the policy and objectives expressed in the *Design Guidelines for Higher Density Housing* DSE 2004 so as to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity, including provision of storage.

ESD

48. An ESD report has been submitted with the application which demonstrates that the proposal has been designed to achieve a four star Green star rating and 1 point for Wat-1 Green Star credit for rainwater harvesting resulting in a saving of 88kL and meets best practice for stormwater quality. A Waster Management Plan has also been submitted with the application and has been considered by the City of Melbourne and is supported subject to conditions.
49. The City of Melbourne has recommended the following condition be place on the permit in relation to ESD:

Prior to the commencement of the development, an amended Environmentally Sustainable Design (ESD) Statement, generally in accordance with the statement prepared by Arc Resources dated September 2013, shall be submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:

- a. *A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.*
- b. *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.*

The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

50. It is not recommended that the above condition be placed on the permit because in effect it mandates achievement of 5 star Green Star. While the policy encourages achievement of 5 stars, this is discretionary and the policy allows for a qualitative assessment of other features of the proposal which contribute towards achievement of the policy objectives. It is therefore recommended that the permit condition to address ESD which is placed on the permit reflects this, consistent with the principle that planning policy guides decisions, but does not mandate outcomes. The wording of the proposed condition therefore will encourage achievement of 5 star Green Star but will also allow for the flexibility to not achieve 5 star Green Star but meet the Clause 22.19 policy objectives.

Car Parking / Loading and Unloading of Vehicles/ Waste Collection/ Bicycle Facilities

51. The level of car parking provided on site is supported, which is under the maximum limitation policy, and commensurate with the site's level of access to public transport, employment and

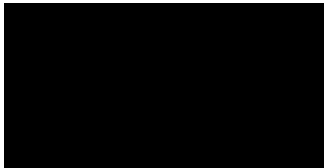
facilities. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.

52. The application does not provide an on site loading facility as required under Clause 52.07 of the Scheme. It is noted that whilst loading facilities are not provided within the building it is suggested that the proposed laneway to the eastern boundary of the site can accommodate this.
53. The application provides for a total of 173 spaces which is in excess of that required at Clause 52.36 of the Scheme. Signage should also be provided, this can be conditioned accordingly.

RECOMMENDATION

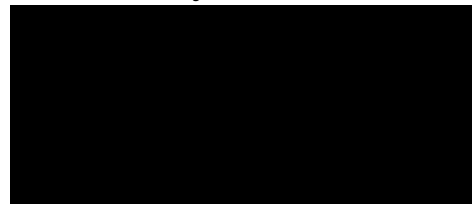
54. That you approve planning permit application 2013/006810 at 398 Elizabeth Street, Melbourne for the development of a 55-storey mixed use tower subject to conditions.

Prepared by:



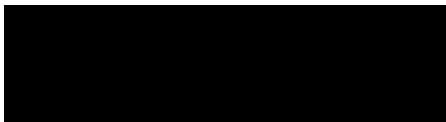
Name: [REDACTED]
Title: [REDACTED]
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Date: 20 December 2013

Reviewed by:



Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]
Date: 22 January 2014

Approved by:



Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]
Date: 22 January 2014