



# 97 Franklin Street, Melbourne

Planning Permit Application 2014/000984

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# 1 Application Details

Key elements	Comments
<b>Land:</b>	97 Franklin Street, Melbourne
<b>Application No and proposal:</b>	2014/000984 Development of a multi-storey (63 level) building comprising dwellings, serviced apartments (residential hotel) office, ground level retail and variation of loading and unloading requirements pursuant to Clause 52.07.
<b>Zone and Overlay controls</b>	Capital City Zone Schedule 1 (DZ1) Parking Overlay (PO1)
<b>Use</b>	Residential (367 dwellings), 144 serviced apartments (residential hotel) and 490m <sup>2</sup> of office and 490m <sup>2</sup> retail floor space.
<b>Height</b>	63 levels (212m)
<b>Setbacks</b>	7 storey podium setback 10m at ground level, 0m at level 8 (cantilevered to street), 10 metres from high rise  East 0m at ground level, 8.2m at level 8, 0 metres from high rise (cantilevered)  West 5m at ground level, 13.2m at level 8, 5 metres from high rise (cantilevered)  South 0m at ground level, 5m at level 8, 22.2 metres from high rise.
<b>Car parking and bicycle facilities</b>	149 car spaces, 386 bike spaces, 54 visitor bike spaces and 8 motorbike spaces.
<b>Floor area (GFA) and value</b>	GFA 51,830m <sup>2</sup> - Development value \$190 million
<b>Applicant / Developer</b>	Artemis Hotel Group c/-Urbis Pty Ltd
<b>Likelihood of build</b>	High.
<b>City of Melbourne</b>	Supports the application subject to conditions
<b>Public Notification</b>	Exempt from 3 <sup>rd</sup> party notice and appeal.
<b>PANS-OPS / Flight Paths</b>	The building at 212 metres in this location is well below the OLS level of 237.5m and the PANS-OPS level of approximately 280 metres.

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

DATE: 8 July 2014

## 2 Background

The permit application was lodged on 14 March 2014.

Two pre-application meetings have been held to discuss the approach to the tower form and setbacks incorporated in the development proposal.

The proposed development includes a 10m setback from the Franklin Street principal front boundary at ground level and the setback space will be landscaped, creating an urban garden.

The tower is segmented into three main forms, with the main segment orientated north/south and cantilevered over the podium, extending to the front boundary. The top segment of the tower turns 90 degrees to the lower segment and is oriented east/west, creating a unique overall tower form.

The design rationale of the development has been focused on providing urban amenity at ground level and vertically, using the "block" tower form to provide as large setbacks as possible from site interfaces at different levels of the building.

Key issues for assessment are the success of this design approach for amenity and the public realm, the ground level urban garden and the variation to the urban convention of maintaining a hard edge to the street boundary.

Following preliminary review of the application it was determined that further information was required. The request sought more detailed site context details, further advice about wind conditions on the podium terrace, clarification over the cost of development, colours, materials and finishes, aviation pathway clearance distances and dimensions of the loading bay.

The further information was submitted to the Responsible Authority's satisfaction on 16 April 2014.

## 3 Site and Surrounds

The subject site is located on the south side of Franklin Street, one allotment from the corner of Franklin Street and Elizabeth Street.

The proposed development is over two titles with different appurtenant easements. The eastern title has rights over the private lane (PL5290) which runs along the eastern boundary of the site.

The site is generally rectangular in shape with a frontage of 40m, a depth of 50.2m and a total area of 2,096 sq.m. The site is currently occupied a two storey mixed use building, incorporating a car hire depot, art supply store and child care facility for RMIT.

Figure 1 – Site Locality Plan



Figure 2 - Site Photo



Surrounds

The site is located in the north west quadrant of the Hoddle Grid, within proximity to the Queen Victoria Market to the north west of the site and RMIT to the east. The site is within an area undergoing significant change with recent approval of a number of substantial, multi-storey

residential towers as depicted in Figure 3. In the immediate environs of the site planning permission has been issued for:

- a 67 level residential tower at 442-450 Elizabeth Street, Melbourne adjoining the site to west.
- a 75 storey tower at 452-472 Elizabeth Street, Melbourne to the north
- a 55 storey (173 metres) building at 410-420 Elizabeth Street, Melbourne
- a 45 storey 140m tower at 48-50 A'Beckett Street, Melbourne.
- A 50 storey tower at 48-64 A' Beckett Street, Melbourne.

A further application has also been recently been submitted to amend the existing permit issued for the land at 58-64 A'Beckett Street directly to the south of the subject site from a 50 storey 146m tower to a 76 storey 233m tower.

Figure 3



## 4 Proposal

The proposal seeks to demolish the existing building and construct a podium and tower building comprising dwellings, office and ground floor retail. The key elements of the proposal are as follows:

- 7 level podium setback 10m from the Franklin Street front boundary;
- Urban garden at ground level to be landscaped with planters and trees with an area of 345 sqm.
- A 63 level tower which is cantilevered over the podium and extends to the front boundary.
- The tower comprises two main elements atop of the 7 level podium, a lower section of 25 levels which has an elongated rectangular form that is orientated in a north south alignment and an upper section of 32 levels plus a level of plant which is turned 90 degrees with an east west orientation.
- The tower includes an expressed bronze frame system that has a “grid” expression on all elevations.
- 367 apartments (1 and 2 bedroom), 144 serviced apartments.

- 149 car parking spaces and 386 bicycle spaces, 54 visitor bicycle spaces.
- 367 storage cages within the basement.
- Car parking spaces located over 4 podium car park levels in the podium sleeved by retail and commercial office to Franklin Street.
- 490 sum of retail space with a tenancy addressing the urban garden and laneway along the west side of the site.
- 490 sqm of office floor area.
- Gross Floor Area of approximately 51,830sqm.
- Laneway to be provided the western boundary as an extension of the right of way behind the Elizabeth Street properties creating a through block pedestrian link.
- Central residential lobby at ground level and separate serviced apartments lobby.

## 5 Planning Policies and Controls

### 5.1 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.

The following key SPPF policies are relevant:

- Clause 15 (Built Environment and Heritage)
- Clause 17 (Economic Development)
- Clause 16 (Housing)
- Clause 18 (Transport)
- Clause 19 (Infrastructure)

The thrust of the above policies is to 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 integrate transport and infrastructure planning.

An assessment against the above policies is provided in section 9 of this report.

### 5.2 Local Planning Policy Framework

The Municipal Strategic Statements (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 Values, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure.

Clause 21.04 1-1 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."

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

- 22.01 Urban Design within the Capital City Zone
- 22.02 Sunlight to Public Spaces
- 22.19 Energy, Water and Waste Efficiency
- 22.23 Water Sensitive Urban Design

The thrust of the above policies is to encourage high quality urban design outcomes and to ensure that development is environmentally sustainable and recognises its impact on the public realm.

An assessment against the above policies is provided in section 9 of this report.

### 5.3 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)
<i>Capital City Zone- Schedule 1</i>	<p>Under Clause 37.04-3 <b>a permit is required</b> to construct a building or construct or carry out works.</p> <p>Under Clause 37.04-4 <b>a permit is required</b> to demolish a building or remove a buildings or works.</p> <p>Under Clause 3.0 of the CCZ1 <b>a permit is required</b> to construct a building exceeding 40 metres within 10 metres of a road frontage.</p> <p>Retail land use (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern) and Accommodation <b>do not require a planning permit</b> in the zone.</p> <p>Decision guidelines and application requirements are at Clause 3.</p>
<i>Parking Overlay – Schedule 1</i>	<p>The provisions of the parking overlay works in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Schedule 1 to the Parking Overlay requires a planning permit to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.</p> <p>In this case, where a site is used partly for dwellings (including common areas serving the dwellings) the car spaces must not exceed 1 space per dwelling.</p> <p>For that part of the site devoted to other uses, (excluding common areas serving the dwellings) the spaces must not exceed the maximum spaces using one of two formulas included within the Schedule to the overlay.</p> <p>The maximum spaces allowable for the proposal without requiring a planning permit is 511 spaces. The proposal includes 149 car spaces, therefore <b>no permit is required</b>.</p> <p>A permit is therefore not triggered under the PO1.</p> <p>The schedule also specifies the provision of minimum rate of 1 motorbike space per 100 car spaces to be provided unless the responsible authority is satisfied that a lesser number is sufficient.</p> <p>The proposal includes 8 motorcycle spaces, therefore <b>no permit</b></p>

**Department of Transport, Planning and Local Infrastructure**

	<b>is required.</b>
<i>Loading and Unloading of Vehicles (Clause 52.07)</i>	<p>Under 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 and unloading vehicles as specified within the table.</p> <p>A large waste storage room of 18.5m x 6m is 3.5 metres is proposed however no actual loading bay is provided therefore a <b>permit is required</b> to vary this requirement.</p>
<i>Bicycle Facilities (Clause 52.34)</i>	<p>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 application provides for 367 bike spaces and therefore a <b>permit is not required</b> to reduce this requirement.</p>
<i>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</i>	<p>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. The application was accompanied by an urban context and design report.</p>
<i>Integrated Public Transport Planning (Clause 52.36)</i>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport (Public Transport Victoria) for a residential development comprising 60 or more dwellings or lots. On 15 May 2014 the application was referred to Public Transport Victoria for comment.</p>
<i>General Provisions (Clause 61.01)</i>	<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 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.</p>
<i>Decision Guidelines (65.01)</i>	<p>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.</p>
<i>Referral and Notice Provisions (Clause 66.03)</i>	<p>Clause 66.03 works in conjunction with Clause 52.326 (amongst other requirements) and requires an application to be referred to the person or body specified as the referral authority. As previously mentioned, the Director of Public Transport is a specified referral body under Clause 52.36.</p>
<i>Relevant Reference Documents / Guidelines</i>	<p>Plan Melbourne – Metropolitan Planning Strategy 2014</p> <p>Guidelines for High Density Residential Development</p> <p>The Guidelines for Higher Density Residential Development (“the Guidelines”) have been developed to assist designers and planners apply design principles to proposals for higher density residential development. The Guidelines provide ‘better practice’ design advice for higher density residential development that promotes high quality public and private amenity and good design.</p> <p>The Guidelines are structure around six elements of design consideration including:</p>

	<ul style="list-style-type: none"><li>■ Urban Context,</li><li>■ Building Envelope,</li><li>■ Street Pattern and Street-edge quality,</li><li>■ Circulation and services,</li><li>■ Building layout and design,</li><li>■ Open space and landscape design</li></ul>
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## 6 Other Strategic Matters

### 6.1 Amendment C209

Amendment C209 seeks to introduce the Open Space Strategy which requires an 8% (Area A) or 5% (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.

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.

This amendment applies to the subject proposal but is not yet seriously entertained and accordingly is not required to be considered in planning permit conditions.

### 6.2 Plan Melbourne

Plan Melbourne is the Government's 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).

## 7 Notification

Under 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 Act.

## 8 Referrals

The application was referred to DTPLI Urban Design Unit, the City of Melbourne, and pursuant to Section 55 of the Planning and Environment Act 1987 to the Director of Public Transport. The following comments were provided:

**City of Melbourne:** The permit application was considered at Council's Future Melbourne Committee on 4 July 2014. Council resolved to support the application subject to the inclusion of recommended conditions. The City of Melbourne's comments may be summarised as follows:

- The proposed built form for this tower is unusual and responds to the dense urban fabric that surrounds the site (both built and un-built but approved development that is likely to proceed to construction in the near future).
- Unusually, the base of the tower is proposed to be set back 10 metres from the front site boundary. This is normally discouraged but in this instance, there is a strategic justification for this set back in terms of providing a dense planted urban plaza with allowance for a range of approximately 24 trees of three species with mature size ranging from 8 to 12 metres in height and 5 to 8 meters in canopy diameter. The trees are a mix of evergreen and deciduous. All trees are deep-soil planted as there is no proposal to construct a basement below the landscaped plaza. This proposal is consistent with the objectives of City of Melbourne's Urban Forest Strategy and will, in addition provide a small but valuable open space for this precinct.
- The base of the tower is set back from the western boundary allowing a new laneway access along this edge of the site.
- The City of Melbourne considers the proposal relies heavily on high quality architectural and landscape design as demonstrated in this application. They recommend that the current consultant team be retained for the construction documentation and delivery of this project.
- Engineering services supports the development and has recommended standard conditions.
- Land Survey City of Melbourne have recommended specific conditions relating to consolidation of titles, easements and carriage way rights to support creation of the new laneway access.
- The City of Melbourne provided advice to the Applicant during the course of the application that the car spaces did not meet the required dimensions. Accordingly, the modifications to achieve the correct car space dimensions required re-organisation of the car park which resulted in the car space numbers dropping from 160 spaces to 149 spaces.

**Urban Design (DTPLI):** DTPLI urban designs are generally supportive of the proposal and the comments may be summarised as follows:

- The unique form of the building is based on analysis of the neighbouring buildings to optimise separation and cleverly addresses privacy and views.
- The form of the building provides a simple but compelling landmark building.
- The tower height is acceptable in the context and does not impact on flight paths.
- The lower portion of the building is built to the front boundary which is not ideal but does not produce any significant adverse impacts such as wind.
- The podium is unusually setback 10m from the street frontage forming a forecourt and landscaped plaza partly overhung by the tower above 27m in height. Whilst these sort of setbacks are not usually supported, the density of the evolving precinct justifies experimenting with innovative solutions to provide some outdoor spaces and greenery. The plaza forecourt is accepted with reservations. Its visual impact and functional success will depend on inclusion of sizeable trees (8-12m) in height and the sun and wind conditions of the location are not ideal. Species selection will need to take account of these issues.
- The "random" design of pathways is not convincing, the design should not create opportunities for concealment which would undermine safety and more detail must be provided so as to ensure the plaza does not give the impression of being a private space. We support integrated rather than free-standing seating.

- A S173 agreement should ensure public access to plaza 24/7.
- The proposal has a consistent, positively simple and potentially refined facade approach based on a grid of bronze-toned glazing framed with a projecting mullion system and the overhang includes this same treatment. There is limited facade detailing and this should be followed up with specific permit conditions.
- The site layout positively provides a new laneway on the western boundary as an extension of the right of way behind the Elizabeth Street properties. At 5m there is sufficiently wide for shared vehicle and pedestrian access.
- Recommended conditions should address materials and design detail of the integrated facade treatment to include the visible undersides of the overhang
- Details of wind mitigation features including the laneway canopy and the plaza and podium screens, including integration of the fire booster cupboard.
- Further design development of the plaza.
- Tree sizes to be addressed via conditions.
- Enhanced ESD features.
- S173 Agreement to address access to the plaza 24/7.

**Public Transport Victoria:** No objection to the proposal and did not offer any proposed permit conditions.

## 9 Assessment

### 9.1 Consistency with Planning Policy

The proposal is a well resolved scheme consistent with the characteristics of the area and its strategic vision identified under the Southbank Structure Plan 2010. The proposal achieves State and Local policy objectives by:

The proposal is a well resolved scheme which has a high degree of consistency with State and Local policy objectives by:

- Providing a high quality, high density residential development in close proximity to infrastructure, the Principal Public Transport Network and the infrastructure, public open space and facilities of the CBD.
- Integrating with existing infrastructure and providing a complementary residential precinct to the educational cluster and commercial activity within the North West precinct of the Hoddle Grid.
- Improving housing choice to existing and future residents in the City of Melbourne and making better use of existing infrastructure services.
- Providing a design that offers a human scale at street level through provision of fine grain retail shopfronts and a distinctive forecourt garden to define and add interest at street level.
- Providing a positive contribution to the public realm and the city skyline through high quality architecture and materials.
- Responding to Clause 22.01 (Urban Design with the Capital City Zone) objectives by enhancing the physical quality and character of Melbourne's streets, lanes and Capital City Zone form through sensitive and innovative design, including creation of a new laneway linkage.
- Responding to Clause 22.01 (Urban Design with the Capital City Zone) through provision of high quality public open space which has a northerly aspect.
- Responding to Clause 22.02 (Sunlight to Public spaces) by ensuring that key public spaces are not adversely affected by overshadowing.

- Responding to Clause 22.19 (Energy, Waster and Water) and Clause 22.23 Water Sensitive Urban Design by including environmentally sustainable building initiatives within the design of the development to ensure energy and water efficiently.

The proposal is consistent with Plan Melbourne and the Higher Density Residential Guidelines.

## 9.2 Land Use

The retail, residential and office uses proposed within the building do not require a planning permit and accordingly there is no land use permission sought under the application.

## 9.3 Design and Built Form

The objectives and policies contained within State and Local policy including Clause 22.01, Urban Design within the Capital City Zone, Clause 22.02 Sunlight to Sunlight to Public spaces, Guidelines for Higher Density Residential Development and the Schedule 1 to the Capital City Zone (CCZ1) set performance benchmarks for good development. Key themes of street-pattern, edge-quality, building envelope, internal amenity, architectural design and activation are common threads through each of these policy documents and controls.

The proposed development seeks a variation to policy given the unusual form of the building which includes a podium but one that is setback from the front boundary and includes a cantilevered tower element that extends forward of the podium to the street. This varies from both the approach recommend by Clause 22.01 for the design of towers (a podium built to the boundary with a tower setback from the podium) and from the policy of encouraging buildings to align to the street pattern and to respect the continuity of street facades.

In light of relevant State and Local policy and in particular Clause 22.01 Urban Design within the Capital City Zone, the variation to policy is assessed as follows:

- The setback and the unusual podium design is integral to a specific design approach which is to effect a simple, landmark building which creates a play of juxtaposed block forms that is striking partly because it challenges visual norms. This strategy is not purely aesthetic but is based on a thorough analysis of the three dimensional opportunities and constraints of the site which have been considered in order to enhance vertical privacy and separation between neighbouring buildings. This strategy is considered to be effective in maximising separation between towers around the site. In light of these factors, the variation is supported because it has a clear rationale based on an unconventional but effective design approach which remains mindful of the objectives of relevant policy.
- Development in the central city which does not align with the street pattern would not usually be supported, however in this instance, the setback facilitates creation of a north facing an urban garden, which subject to appropriate design and landscaping, will greatly improve the amenity and appearance of the street. Clause 22.01 encourages development including towers to align to the street pattern and to respect the continuity of facades. The cantilevered section will align with the front boundary and will visually align to the street pattern, albeit not at street level.
- Podiums can often assist in ameliorating wind conditions. However in this location, the variation to the tower/podium form prescribed by policy does not result in adverse impacts for pedestrians at street level due to wind conditions. Modelling undertaken by Vipac has concluded that the setback podium arrangement proposed results in a better wind impact outcome than the traditional podium/tower format where the podium would align with the street boundary.

## 9.4 Height / Setbacks / Tower Separation / Architectural Design

The proposed development responds appropriately to key planning policy objectives, recommendations and the requirements of the zone and overlay as follows:

### Height

The site is in an evolving precinct of higher scale towers located in and around the east side of Elizabeth Street, A' Beckett Street and Franklin Street. Nearby towers include 452 Elizabeth Street (75 levels) and 450 Elizabeth Street (67 levels). The proposed building will have 63 levels and will have a substantial height scale of 212.5 metres. It is in an area where there are no overlays that govern height. While the development will be at the upper range of height of buildings approved in the area, it will be consistent with the character of the central city and the evolving higher scale character of the precinct.

Given there are no limits on height in this location per se, height is generally considered in terms of the impacts generated by height. In this instance, the overshadowing created by the building is within acceptable limits because the shadows fall over areas already overshadowed by existing buildings and does not affect any significant public open space areas, particularly the State Library forecourt. The wind impacts have also been considered by an expert consultant and found to be acceptable and not in excess of walking criteria at ground level. The unusual form of the building is considered to address the issue of bulk by creating an open volume at ground level. While the bulk of the tower above the podium is clearly visible, its unusual play of forms shapes and moves the bulk in relation to neighbouring buildings both existing and permits approved. The tower form offers a sculptural unexpected form that will add vitality and interest to the public realm.

### Setbacks

Given the development is proposed in a portion of the Hoddle Grid which is becoming increasingly dense with tower development, a key part of assessment has been whether adequate separation will be achieved between the proposed tower and neighbouring sites, in particular recent development approvals on neighbouring sites. These interfaces have been considered as follows:

#### West interface

A 67 level residential building with lower level setbacks of 5m from subject site has been approved at 450 Elizabeth Street under Planning Permit 2011/012691.

The proposed building will be setback 5m at the podium level from the west boundary which together with the neighbouring development's setbacks will ensure a 10m separation.

The low rise tower will be setback 13.2m from the boundary creating an 18.25m separation between the development and the 450 Elizabeth Street tower.

The west boundary of the subject site also interfaces with 440 Elizabeth Street which is developed with an 11 storey commercial building which is setback 3 metres from the shared boundary. The proposed development will be setback 5 metres from the west boundary and will be separated by 8.2m from this development. This portion of the proposed development adjacent 440 Elizabeth Street is occupied by the car park levels and accordingly 8.2 metres is sufficient separation between an interface of commercial office and a car park and will allow sufficient light separation to the new laneway at ground level.

The separation distances of 10m and 18.25m from the residential development at 450 Elizabeth Street are considered reasonable and sufficient to maintain neighbouring amenity, especially for those dwellings adjacent the low rise tower section.

### **East interface**

The proposed development will be built to the east boundary through the podium levels and will have a separation of 7.7m from the Franklin Lofts development.

The low rise tower will be setback 8.2m from the east boundary which will effect an 18.2m separation from Franklin lofts.

The high rise section of the tower is proposed to be built to the boundary and will effect a 10m separation from the upper levels of Franklin Lofts which is considered acceptable in the central city context.

### **South interface**

The proposed development is built to the south boundary from ground level and through the podium levels and is the low rise tower section is setback 5m and the high rise tower section is setback 22.2m from the boundary.

The building adjoins properties at 48 A' Beckett Street and 56-64 A' Beckett Street to the south which are currently occupied by low rise buildings. There are approved permits for both of these sites; a 50 storey building with a 13 storey podium at 56-64 A' Beckett Street and a 41 storey building with a 12 storey podium 48 A' Beckett Street. An amended permit application has been received by the Department for 56-64 A' Beckett Street to increase the height of this building to 253 metres.

The two existing approvals as well as the amended permit application for 56-64 A' Beckett Street all show a 5 metre setback from their north boundary shared with 97 Franklin Street.

The low rise tower section is setback 5m from the south boundary and would effect a 10m separation from the neighbouring approvals on the sites to the south. The high rise section is setback 22m from the south boundary which would effect a 28m separation between the 56-64 A' Beckett Street and 48-50 A'Beckett Street approved developments.

The 10m increasing to 22m separation with the neighbouring developments approved to the south are considered appropriate and will provide much needed ample spacing for outlook, privacy and sunlight in an increasingly dense city block. Given the facade treatment is the same on all sides of the building, the high standard of presentation will ensure an appropriately detailed facade which will enhance the outlook to the development from other developments to the south.

## **9.5 Street Level Activation and Pedestrian Safety**

Clause 22.01 (Urban Design with the Capital City Zone) includes the objectives of "enhancing the physical quality and character of Melbourne's streets, lanes and Capital City Zone form through sensitive and innovative design". This will be achieved by:

- Inclusion of a residential apartment lobby and a serviced apartment lobby and new retail space at ground level facing Franklin Street that will offer activation and surveillance;
- Creation of a new laneway along the west side of the site that will be activated at the Franklin Street end by a new retail space at ground level which faces Franklin Street and returns along the proposed lane.
- Inclusion of a forecourt urban garden that will offer an open space area that will be densely planted with mature trees and offer a place of greenery and sanctuary in the city. The ground level lobbies and retail spaces will open onto the urban garden and will assist to activate and promote use of the garden.
- Activation of the podium with office floors.

The design is considered to meet an excellent level of streetscape activation and incorporates a new laneway link which responds to the character of Melbourne and supports pedestrian connectivity. It is recommended that conditions address wall, paving and lighting treatments to the corner of the building and laneway to ensure the presence of the new laneway link is clear and the link is safe and

inviting. It is noted that the City of Melbourne have expressed strong support for the level of streetscape activation and the creation of the laneway link subject to conditions.

## 9.6 Laneway

The subject site has a wide frontage of 40m to Franklin Street and the east boundary adjoins an existing laneway that extends just over half the depth of the site. The application proposes to create a new 5m wide laneway on the west side of the site for the full depth of the site. This laneway will connect with an existing laneway that adjoins the rear portion of 97 Franklin Street and extends through to A' Beckett Street. Detailed resolution of connection to the south is pending.

This aspect of the application is a very positive feature which will enhance through block pedestrian connectivity and respond to the underlying characteristics of the Hoddle Grid, as encouraged by State and Local planning policy.

The City of Melbourne Land Survey area have commented on this aspect of the application and noted that the subject site comprises two titles and only the eastern title has access rights over the laneway to the east, which is proposed to be used as the exit for the entire development. It is also noted that it is unclear as to whether there is access rights for the proposed development over the existing laneway that adjoins the rear western boundary. Accordingly, the City of Melbourne has recommended a planning permit condition to address consolidation of the titles and clarification of carriageway rights and this is recommended to be placed on the permit.

## 9.7 Landscape design

The application includes a proposal to create a 345 sq.m urban garden within the front setback of the site, varying from the usual tower typology of podiums built to the front boundary.

The urban garden is proposed to be an interpretation of the "urban forest" idea which is embodied in the City of Melbourne's Urban Forest Strategy which, amongst other objectives, aims to redress the loss of trees caused by development and increase urban tree canopy from 22% to 40% by 2040. (This strategy is not a reference document in the Melbourne Planning Scheme).

The proposed design involves dense planting of approximately 20-24 trees of three species specifically selected for the climactic conditions of the site with mature size ranging from 8-12 metres and spreading canopies of 5-8 metres in diameter. The design includes integrated seating and meandering paving with raised planting beds.

Pre-application advice to the application included direction that if the unusual podium setback typology combined with the urban garden was to be pursued, the Applicant had a responsibility to effectively prove that the variation will pay a positive dividend to the urban character of the city and will not result in a lifeless, poorly used plaza space. In response to this, the Applicant has conducted useful analysis of urban garden spaces and concluded that the best spaces have the following positive features:

- They have a mixture of planting types and heights and a combination of hard and soft landscaped areas.
- They have high quality materials and a well thought out balance of texture, colour and form with both hard and soft surfaces.
- They have staggered paths which break up the space into smaller spaces.
- They include shade trees and opportunities for seating.

Additional information has also been submitted by the Applicant which details modifications to the design to ensure the space will be able to be properly maintained and will be robust.

The City of Melbourne have provided comment on the urban garden idea and fully support the proposal:

*This proposal is consistent with the objectives of City of Melbourne's Urban Forest Strategy and will, in addition provide a small but valuable open space for this precinct.*

*We recommend discretion to be applied in allowing the mid-levels of the slender tower to be constructed on the street frontage with zero setback as this is in our opinion more that off-set by the generous provision of useable landscaped open space at ground level. We note that the success of this proposal will rely heavily on high quality architectural and landscape design as demonstrated in this application. We recommend that the current consultant team be retained for the construction documentation and delivery of this project. In the event that the developer (or any future developer) for this site were to propose to change to a new consultant team, we recommend that such an action should trigger the requirement for a new planning application*

As indicated in the City of Melbourne comments, conditions to address the urban garden will need to address quality of materials and planting, maintenance and require retention of the landscape team through the development of the building, similar to standard conditions relating to architecture to prevent a "watering down" of the quality and intent of the landscape scheme. It is also considered necessary to further support and underlines the importance of the landscape scheme via a condition which identifies the qualities of the landscape scheme which are inherent in the approval and must not be altered in the future. These qualities are the qualities of successful landscape spaces identified above, with the key addition of a further principal which is fundamental to this project which is dense, mature tree planting.

## 9.8 Microclimate (Wind, Weather Protection, Overshadowing) & Internal Amenity

### *Wind*

A Wind report prepared by Vipac Consultants was submitted with the application and concluded that while the design generally meets walking criterion around the site, the forecourt, laneway and cafe/retail space would not meet sitting criterion which is critical to the garden and retail space/cafe area functioning successfully. Vipac concluded that a 2m porous screen to the north west corner of the site and a solid 3m wide canopy is required along the laneway to address wind. These features have been included in the design with the 2m high screen (and also the fire services cupboard) integrated into the landscape design. Testing has also concluded that the podium and level 32 terraces would exceed walking criterion and accordingly 2m high screens to address this issue have been incorporated into the design. The screens are proposed to be glazed and are considered satisfactory.

Overall, the development will meet and exceed the walking criterion standard in relation to wind. The report submitted with the application also notes that the unusual tower/podium configuration will result in a better outcome in relation to wind than a tower with a podium built to the boundary. This provides further support for the variation to allow the unusual 10m setback to the podium.

### *Weather Protection*

A 3m wide canopy with a 5m road clearance is proposed extending along the west elevation of the building that adjoins the new laneway for 17.5m. This is mainly designed to address wind and the 5m height clearance is required by the City of Melbourne in laneways. No weather protection has been provided along the front of the building, however this area does enjoy some protection from the cantilevered tower section above.

### *Overshadowing*

Given the site has a north/south alignment and is located north of a fairly densely developed part of the city, the shadows cast by the development will largely fall over areas that already shadowed by existing buildings. The development will therefore result in minimal new shadows and will not impact on the State Library forecourt.

### *Internal and Interface Amenity*

The amenity of the proposed apartments will be of a high standard with all apartments provided with a wintergarden terrace and direct natural light access to all habitable rooms with no "borrowed light" apartments. The apartments will be of a good size ranging from 47-67 sq.m and up to 70 sq.m for two bedroom apartments and a 3 cubic metre storage locker will be provided for apartments in the basement level. Given the design response which has sought to maximise separation between neighbouring tall buildings, the apartments will generally have good privacy as a result of these separation distances. Excellent resident amenities will be provided with the following features:

- the "urban forest" garden at the front of the building
- a spa, gym pool and yoga room and large east and west facing garden terrace on the roof of the podium at level 7
- north and south terrace garden and resident facilities including a lounge on level 32 occupying the entire level.

### *Acoustic*

Developments for new and refurbished residential uses should incorporate design measures to attenuate against 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 45 dB in accordance with the relevant Australian Standards for acoustic control'.

The application was not accompanied by an acoustic report confirming compliance with the relevant Australian Standards and accordingly it is recommended that a permit condition address this issue and require compliance with the relevant standard.

## 9.9 Environmentally Sustainable Development (ESD)

An Environmentally Sustainable Design Statement prepared by Ark Resources was submitted with the permit application. According to this report the development will achieve a good standard of environmental performance with the following benchmarks met:

- A 4 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent, and
- 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 development meets *Best Practice* for stormwater quality.
- The development achieves 3 points for the Wat-1 Green Star Office v3 credit.

It is recommended that a condition be placed on the planning permit to require implementation of these standards.

## 9.10 Waste Management, Loading and Unloading

A waste management report prepared by Wastetech Services Pty Ltd was submitted with the application and the City of Melbourne has noted that this report (without specifying details) will need to be amended to conform to the City of Melbourne's requirements. A large waste storage room of 18.5m x 6m is 3.5 metres is proposed to be provided and therefore there is ample room within the development for waste management. It is recommended that an amended waste management report be required to be submitted by condition of the permit and that it is to the City of Melbourne's satisfaction.

The ground level car park design includes ample circulation space adjacent the lifts. The City of Melbourne have indicated that they are generally satisfied with loading and unloading arrangements.

## 9.11 Traffic, Car Parking and Bicycle Facilities

The maximum spaces allowable for the proposal without requiring a planning permit is 511 spaces. The proposal includes 143 car spaces for residents and 6 spaces for the retail and office uses; therefore no permit is required under the PO1.

The proposal includes provision of 386 bicycle spaces which is well in excess of the requirement of 110 bicycle spaces for residents, commercial uses and visitors.

The Schedule also specifies the provision of minimum rate of 1 motorbike space per 100 car spaces to be provided unless the responsible authority is satisfied that a lesser number is sufficient. The proposal includes 8 motorcycle spaces which exceeds the requirement.

Vehicle entry to the site will be via the new laneway to be created on the west side of the site and exit will be via the existing laneway on the east side of the site. The City of Melbourne initially expressed concern about congestion and queuing as a result of this configuration, however this issue has been resolved following detailed negotiation with the City of Melbourne and should be addressed via a permit condition.

## 10 Recommendation

That planning permit 2014/000984 for demolition of the existing building and construction of a multi-storey mixed use tower be issued subject to conditions.



Date: 8 July 2014

Date: 8 July 2014

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