

PROPOSAL

1. The proposal (designed by SJB Architects, developed by Flemington Property Development Pty Ltd) is for the complete demolition of the existing warehouse and commercial buildings and for buildings and works for the construction of a multi storey mixed use development including retail, dwellings and public car park.
2. The proposal is for a horseshoe-shaped development with a central ‘artichoke’ building. The proposal steps down from the 13 storey northern tower at Flemington Road (40.5 metres) to the 8 storey southern tower at Oxford Street (25.5 metres measured at the middle of the Oxford Street frontage), and finally the 7 storey central artichoke (22.5 metres) internal to the development.
3. The proposed development provides a total of 400 apartments, 344 basement car parking spaces including a public car parking component, 107 bicycle spaces, and ground floor retail. The gross floor area of the development is 42,500m². A summary of the main features of the proposal are as follows:

Level	Feature	Notes
Basement Levels 1-3	Residential and public car park, including bicycle parking.	Total of 344 car parking spaces <ul style="list-style-type: none"> ▪ 278 spaces for residents ▪ 4 spaces for shop tenancies located in Basement 01 ▪ 62 spaces for public car park located in Basement 01. A boom gate will secure residential car parking from the public car parking. A total of 107 bicycle spaces <ul style="list-style-type: none"> ▪ 82 spaces for residents ▪ 25 spaces for visitors ▪ 386 storage facilities for residents
Ground Level	Commercial tenancies along Flemington Road and part of Blackwood Street. Residential lobby on Flemington Road. Car, bicycle, and service vehicle access from existing crossovers in Blackwood Street and Oxford Street. Landscaped amenity area in the central courtyard surrounding the ‘artichoke’.	Four (4) commercial tenancies with a combined total area of 465 sqm.
Levels 1 to 9/13 including 6-level central ‘artichoke’	Apartments with access to private balcony ‘Artichoke’ includes rooftop landscaped amenities area including swimming pool and BBQ facilities.	A total of 400 apartments: <ul style="list-style-type: none"> ▪ 166 (1 bdrm) ▪ 7 (1bdrm+study) ▪ 171 (2bdrm) ▪ 56 (2bdrm+2 bath)

4. The two existing crossovers along Blackwood Street are to be removed and two adjacent crossovers introduced for access to the loading bay and the public car park. The existing crossover in Oxford Street is to be relocated east a short way for entry to the residential car park.
5. It is proposed to construct the building in two stages, with Stage 1 being the 13 storey component to the north of the site fronting Flemington Road. Stage 1 will be fully functional in isolation from Stage 2. Prior to the completion of Stage 2, vehicular access will be entirely via Blackwood Street.

Informally submitted plans

6. On 7 September 2012, 27 September 2012, 5 October 2012, 1 November 2012, 8 November 2012, and 15 November 2012 the applicant informally substituted plans to show:
 - The partial removal of glazing and introduction of a solid wall treatment to the apartments abutting the western boundary to minimise potential overlooking;

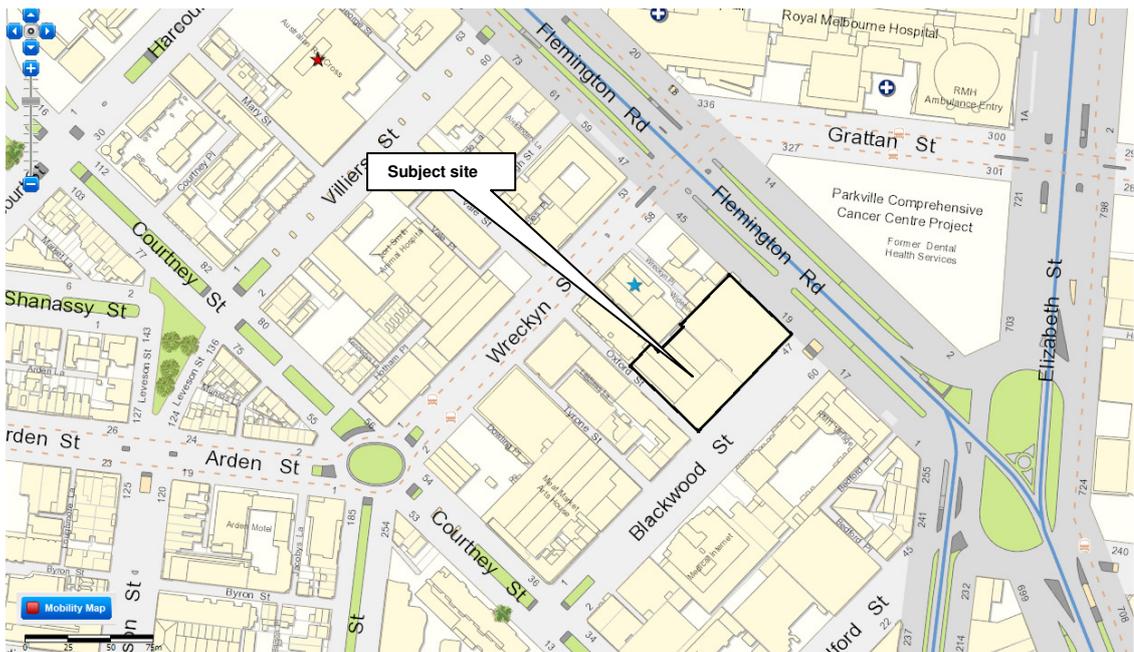
- Phase 1 Environmental Site Assessment (Alpha Environmental, September 2012) which recommends that soil sampling and groundwater monitoring be undertaken to assess the presence or otherwise of contamination at the site. The report concludes that an environmental audit of the site is not warranted;
- Higher resolution shadow diagrams showing the shadowing impact in relation to an objector's property (discussed further under Notification below);
- Introduction of entrances to selected ground level apartments along Oxford Street;
- Clarification of the proposed car and bicycle spaces and staged components of the development; and
- Increased setback of 3 metres from the adjacent A-graded heritage building at 37 Flemington Road.

BACKGROUND

7. Pursuant to the schedule to Clause 61.01 of the Melbourne Planning Scheme (Scheme), the Minister for Planning is the Responsible Authority for considering and making a determination on the application as the proposal is for a development with a gross floor area greater than 25,000m².
8. On 1 August 2012 the Department received an application for the demolition of existing buildings, use of the site for shops and a public car park, construction of a new building (incorporating 400 dwellings, 4 shops, three levels of basement car parking and a public car park) and relocation of an easement.
9. An application to relocate existing drainage easements affecting the site was received with the planning permit application. However, pursuant to the Schedule to Clause 61.01 of the Melbourne Planning Scheme the City of Melbourne is the Responsible Authority for considering applications made under the *Subdivision Act 1988*. The application was referred to Land Survey, City of Melbourne for assessment.

SITE AND SURROUNDS

10. The subject site is located on the southern side of Flemington Road, North Melbourne approximately 120 metres west of the Haymarket intersection. The site covers two parcels of land, 19-35 Flemington Road and 25-35 Blackwood Street, and is bounded by Flemington Road to the north, Blackwood Street to the east, Oxford Street (5.5 metres wide) to the south and a number of developments to the west (including the Melbourne North Police Station) described further below. A site plan is provided below:



11. The site is generally rectangular in shape with frontages of approximately 50 metres to Flemington Road and Oxford Street, and 80 metres to Blackwood Street, with a combined area of approximately 4060m². The southern portion of the site along Oxford Street falls nearly three metres from east to west.
12. The site currently has a one and two storey commercial and warehouse buildings, one of which includes a basement car park (250 spaces) for staff at the Royal Melbourne Hospital. The existing buildings are not of any architectural or historical note.
13. The site is located within an area of diverse building heights and land uses:
 - To the north of the site along Flemington Road the area a range of six to nine storey buildings associated with the Royal Melbourne Hospital and Royal Women’s Hospital. To the northeast on the former Dental Hospital site, construction is underway on the 13 storey Victorian Comprehensive Cancer Centre. Along the southern side of Flemington Road there are a range of one to six storey buildings used for commercial, residential, and retail purposes;
 - To the east along Blackwood Street is a mixture of two to seven storey old and newer buildings, including a seven storey student accommodation complex, a two storey hotel/cafe, and a six storey office building;
 - To the south across from Oxford Street (5.5 metre wide laneway) are two adjacent four storey apartment complexes with a car park entry and balconies fronting Oxford Street; and
 - Adjacent to the west are three contiguous developments. Along Flemington Road is a two storey A-graded heritage building (37 Flemington Road), a four storey office building occupied by the Victorian Police (36-48 Wreckyn Place), and a six storey apartment building built to the common boundary, including windows and balconies at Levels 4, 5, and 6 facing the subject site (30-32 Wreckyn Place). Two narrow laneways, Wreckyn Place and Brightside Place, terminate at the subject site.
14. The site is located adjacent to an arterial road and is within walking distance to tram stops, and close to bicycle lanes. On-street parking is located on Flemington Road and Blackwood Streets, and is generally subject to time restrictions. Within 600 metres of the site are four car-share spaces.

STATUTORY CONTROLS

15. The site is affected by the following zones, overlays and particular provisions under the Melbourne Planning Scheme:

Clause	Permit trigger(s)/Notification	
Clause 32.04 (Mixed Use Zone)	<p><u>Land Use</u> Under Clause 32.04-1 a permit is required to use the land for Retail and Car Park. A permit is not required to use the land for Dwelling.</p> <p>The application to use land is not exempt from third party notice and review requirements of the Act.</p> <p><u>Buildings and Works</u> Under Clause 32.04-5 a permit is required to construct two or more dwellings on a lot.</p> <p>Under Clause 32.04-7 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-1.</p> <p>The application to construct two or more dwellings on a lot, or construct a building or carry out works, is not exempt from third party notice and review requirements of the Act.</p> <p><u>Demolition</u> No permit is required to demolish a building.</p>	<p><u>Land Use</u> <input checked="" type="checkbox"/> Permit req. <input type="checkbox"/> Exempt from adv.</p> <p><u>Buildings and Works</u> <input checked="" type="checkbox"/> Permit req. <input type="checkbox"/> Exempt from adv.</p>

<p>Clause 43.02-30 (Schedule 30 to the Design and Development Overlay – Flemington Road South) - DDO30</p>	<p>Clause 43.02-30 specifies that buildings or works should not exceed the Maximum Building Height of 6 storeys. An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.</p>	<p><u>Buildings and Works</u> <input checked="" type="checkbox"/> Permit req. <input type="checkbox"/> Exempt from adv.</p>																
<p>Clause 43.01 (Heritage Overlay)</p>	<p><u>Demolition, Buildings and Works</u> Under Clause 43.01-1 a permit is required to demolish or remove a building and to construct a building or construct or carry out works. The application to demolish or remove a building and to construct a building or construct or carry out works is not exempt from third party notice and review requirements of the Act.</p>	<p><u>Demolition</u> <input checked="" type="checkbox"/> Permit req. <input type="checkbox"/> Exempt from adv. <u>Buildings and Works</u> <input checked="" type="checkbox"/> Permit req. <input type="checkbox"/> Exempt from adv.</p>																
<p>Clause 52.06 (Car parking)</p>	<p>Clause 52.06-2 specifies that prior to a new use commencing or a new building being occupied the spaces required under Clause 52.06-5 must be provided on the land. The schedule to Clause 52.06 specifies a maximum rate of 1 space per dwelling. The proposal provides a total of 400 apartments and 278 parking spaces for residents, which is well below the maximum rate of 400 spaces. 'Retail premises' and 'car park' are not specified in Table 1 to Clause 52.06-5, car parking spaces must be provided to the satisfaction of the Responsible Authority. The proposal provides 4 car parking spaces for the ground level retail tenancies.</p>																	
<p>Clause 52.07 (Loading and unloading of vehicles)</p>	<p>Clause 52.07 specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless the minimum loading bay spaces is provided on the land. The proposal provides a loading bay with an area of 27.4m² and a clearance height of 4 metres, which complies with the requirements of Clause 52.07.</p>																	
<p>Clause 52.34 (Bicycle facilities)</p>	<p>Clause 52.34 specifies that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4. Under Clause 52.34 the proposal must provide a total of 123 bicycle spaces, as follows:</p> <table border="1" data-bbox="520 1697 1225 2022"> <thead> <tr> <th>Use</th> <th>Resident / Employee</th> <th>Visitor</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>1 to each 5 dwellings</td> <td>1 to each 10 dwellings</td> <td>80+40=120</td> </tr> <tr> <td>Retail</td> <td>1 to each 300sqm of leasable floor area</td> <td>1 to each 500 sqm of leasable floor area</td> <td>2+1=3</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td>123</td> </tr> </tbody> </table>	Use	Resident / Employee	Visitor	Total	Residential	1 to each 5 dwellings	1 to each 10 dwellings	80+40=120	Retail	1 to each 300sqm of leasable floor area	1 to each 500 sqm of leasable floor area	2+1=3	Total			123	
Use	Resident / Employee	Visitor	Total															
Residential	1 to each 5 dwellings	1 to each 10 dwellings	80+40=120															
Retail	1 to each 300sqm of leasable floor area	1 to each 500 sqm of leasable floor area	2+1=3															
Total			123															

	<p>The proposal provides a total of 107 bicycle spaces on-site (82 residential and 25 visitors), which is below the minimum amount required. Therefore, a condition has been included on the permit requiring a minimum of 123 bicycle spaces.</p> <p>Under Clause 52.34 the proposal does not need to provide shower and change room facilities as less than 5 employee bicycle spaces are required.</p>	
Clause 52.36 (Integrated public transport planning).	Clause 52.36 specifies that a residential development comprising 60 or more dwellings must be referred in accordance with Section 55 of the Act to the Public Transport Victoria (PTV).	
Clause 61.01 (Administration and enforcement of this scheme)	Clause 61.01 specifies that the Minister for Planning is the Responsible Authority for considering the application.	
Clause 65 (Decision guidelines)	Clause 65 specifies that the Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.	

16. POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

17. The following policies within the SPPF are relevant:

- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 16 (Housing)
- Clause 17 (Economic Development)
- Clause 18 (Transport)

Local Planning Policy Framework (LPPF)

18. The following policies within the LPPF are relevant:

- Clause 21.03-1 (Vision)
- Clause 21.04 (Land Use)
- Clause 21.04-1 (Housing and Community)
- Clause 21.05 (City structure and built form)
- Clause 21.06-4 (Road system and parking)
- Clause 21.08-9 (Local Area – North and West Melbourne)
- Clause 21.11 (Reference documents)
- Clause 22.02 (Sunlight to Public Spaces)
- Clause 22.05 (Heritage places outside the Capital City Zone)
- Clause 22.17 (Urban Design Outside the Capital City Zone)

Reference Documents/Policy matters

19. Other relevant reference documents and policy matters include:

- *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2);
- *City North Structure Plan 2012 - Amendment C196 to the Melbourne Planning Scheme* is currently on exhibition until 14 December 2012 (discussed further below).

NOTIFICATION

20. Under the provisions of the Mixed Use Zone (for buildings and works, Retail and Car park uses) and the Heritage Overlay (for demolition, and buildings and works) the proposal is *not* 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* (the Act).
21. The applicant was directed to give notice to the owners and occupiers of the abutting properties under section 52 of the Act. Signs were erected to the Flemington Road, Blackwood Street, and Oxford Street frontages.
22. As a result of the notification process, one (1) objection was received from [REDACTED], raising issues regarding:
- Built form, scale and design;
 - Height;
 - Traffic and pressure on available on-street car parking;
 - Loss of neighbourhood and heritage character; and
 - Overshadowing to neighbouring properties.
23. A response to each of the issues raised by the objector is provided below under Issues and Assessment.
24. On 4 September 2012 the City of Melbourne was notified of the application under section 52 1(b) of the Act (response provided below).

REFERRALS

25. The application was referred informally to the Department's Urban Design Unit and under Section 55 of the Act to Public Transport Victoria. The following comments were provided:
26. **Director of Public Transport:** On 17 September 2012 the PTV provided written confirmation that it did not object to the proposal. No conditions were suggested.
27. **DPCD – Urban Design (DPCD UD):** On 6 September 2012 DPCD UD offered support for the proposal, subject to conditions. The main issues raised regarding the most recent revised plans include:
- Recommend a reduction in the visual bulk of the Flemington Road facade;
 - Ground level setbacks from Oxford Street/Blackwood Street corner are not supported;
 - Recommend more regular tree provision along Blackwood Street; and
 - Recommend wind analysis.
28. **City of Melbourne:** On 4 December 2012 Council offered no objection to the proposal subject to standard conditions.

ISSUES AND ASSESSMENT

29. The application has been assessed against all relevant policies within the Melbourne Planning Scheme. The key issues worthy of discussion are:
- Compliance with State and Local Planning Policies
 - Land Use
 - Design, Built Form and Urban Context
 - Heritage
 - Traffic, Car Parking and Bicycle Facilities
 - ESD
 - Microclimate – Wind and Overshadowing
 - City of Melbourne's comments

Compliance with State and Local Planning Policies

30. The proposed development is considered to respond appropriately to the relevant State and Local planning policies, for instance:
- The overall development provides housing choice and diversity in a centrally located area identified as experiencing significant population growth that is supported by existing infrastructure and public transport (Clauses 11.01, 16.01, 18.01, 21.03, 21.04, and 21.08-9). The provision of minimal car parking and provision of adequate bicycle parking and facilities in the lower levels furthers the policy objective of promoting sustainable transport options (Clause 18.02);
 - The overall proposal is generally consistent with the strategic intent for this area of North Melbourne whereby higher building forms and a mix of residential and small-scale business uses are encouraged along Flemington Road. Through its scale and presentation the proposal responds appropriately to the emerging higher built form in the area and enhances the character of the Flemington Road boulevard (Clause 21.03-1, 21.08-9, 22.17);
 - The proposal provides residential and retail uses that build upon the increasingly mixed use functions of North Melbourne (Clause 21.04);
 - Through conditions on the permit the proposal appropriately addresses the adjacent two-storey heritage building to the west by providing a well-defined and more solid two-storey podium, adequate built form relief, and an appropriate facade treatment (Clause 21.08-9);
31. Further details of the assessment against State and Local planning policies are provided below under each of the key issues.

Melbourne Planning Scheme Amendment C162 – MSS Review

32. The Municipal Strategic Statement (MSS) is currently being reviewed via Amendment C162. Council has considered the recommendations made by Planning Panels Victoria and have lodged the revised MSS for approval. The MSS identifies the subject site as part of an area designated for potential future renewal and notes that future development of the area will be the subject of a structure plan (City North Structure Plan 2010, see below) with relevant directions incorporated into the planning scheme.

Melbourne Planning Scheme Amendment C196 - City North Structure Plan 2010

33. The *City North Structure Plan 2010* is to be implemented via Amendment C196 to the Melbourne Planning Scheme which has been authorised and will cease exhibition on 14 December 2012. The proposed amendment seeks to replace DDO30 (Flemington Road South) with DDO61 (City North) which specifies preferred maximum heights for the site of 40 metres (Area 3 – Flemington Road frontage) and 24 metres (Area 2 - Oxford Street frontage). No minimum setbacks are specified for the site.
34. The proposal generally complies with the built form controls proposed under Amendment C196. Specifically, the proposal has a height of 40.5 metres along the Flemington Road frontage and 25.5 metres along the southern elevation (measured at the middle of the Oxford Street frontage). Furthermore, it is considered that the proposed height of 9 and 13 storeys achieves an appropriate transition in scale from the lower scale built form in Courtney Street (generally 2-5 storeys) to a larger scale built form along Flemington Road. Moreover, the 13 storey frontage on the northern portion of the site reinforces Flemington Road as a key boulevard and civic spine.

Land Use

35. It is noted that the dwellings are an as of right use in the Mixed Use Zone. The proposed use of the lower levels of the development for retail premises is appropriate in this zoning and in this area. They will replace a mostly underutilised and inactive site which makes a limited contribution to the vitality of the City North area. The land uses are consistent with MSS policy directions, and contributes to the revitalisation of North Melbourne.
36. The use of the land as a public car park is also considered to be appropriate due to the limit of 62 spaces for public purposes. There is a need for a limited amount of parking for commercial

purposes given its co-location with the health precinct and also due to the site currently being used for commercial parking.

37. The limitation of the hours of operation of the ground level retail as well as conditions controlling the nature of the use will ensure that the effect of these uses within the residential and industrial setting is appropriate. Appropriate conditions resolve these matters.

Design, Built Form, and Urban Context

Height

38. The built form context is varied from the low to mid-scaled residential and commercial parcels on the southern side of Flemington Road (2 to 7 storeys) to a higher scale to the north in the medical precinct (6-9 storeys). A higher scale built form is emerging with the 13 storey Victorian Comprehensive Cancer Centre currently under construction to the north west of the site. Moreover, this part of the City North area presents an eclectic mix of building age, heights and sizes, with a mixture of wide streets and narrow lanes. This area is further defined by the Flemington Road boulevard and Haymarket roundabout.
39. While the proposal demonstrates a significant increase in height and scale relative to developments on the southern side of Flemington Road, the revised MSS (Am C162) identifies the area for urban renewal whereby considerable increases in height and scale of development are encouraged. Moreover, the preferred maximum building heights proposed in the *City North Structure Plan 2010* are generally adhered to with this proposal (see Am C196 – City North Structure Plan 2010 above).
40. Notwithstanding the proposed strategic direction for the area, the site is currently affected by DDO30 – Flemington Road South, which recommends a preferred maximum building height of 6 storeys (21 metres). As the height control is discretionary, an application to exceed the preferred maximum building height must demonstrate how the proposed development will continue to achieve the listed Design Objectives and Built Form Outcomes.
41. It is considered that the proposal takes advantage of the opportunity to introduce a new built form character which acknowledges the valued characteristics of the existing urban and heritage fabric and will sit comfortably within the emerging higher density built form scale of the area (see full assessment in **Appendix 1**). In summary, the proposal responds adequately to the Design Objectives and Built Form Outcomes listed under DDO30, and therefore the proposed height in excess of the preferred maximum height is considered to be appropriate.

Setbacks

42. The proposal is generally designed to be built up to the title boundaries to the west, Flemington Road and Blackwood Street. Along Oxford Street limited setbacks of approximately two metres are provided to achieve a minimum separation of 9 metres between habitable rooms to the residential apartments across Oxford Street. This is considered to be appropriate in an inner city mixed use context and generally consistent with the built form amenity principles listed under Clause 21.05 (City Structure and Built Form).
43. The interface with the existing developments to the west of the subject site is generally considered to be appropriate (excluding those to the adjacent A-graded heritage building at 37 Flemington Road discussed below under Heritage). The existing six storey residential development to the west of the proposed southern tower is generally built up to the common title boundary, with east facing habitable rooms set back approximately 5 metres from the common boundary (the balconies are built to boundary). The proposed southern tower is to be predominantly built up to the common boundary and incorporates a 1.5m x 3.5m light well to the westernmost apartments above Ground Level. The use of textured solid pre-cast concrete panels will prevent direct overlooking between the existing and future apartments, and is considered appropriate. Additionally, Victorian Police were notified of the application but raised no objections in relation to the proposal and its relationship with the North Melbourne Police Station adjacent to the west.

44. The proposed scale, bulk and massing, and setbacks (excluding those to the adjacent A-graded heritage building) of the proposal are considered appropriate for this site and are generally consistent with the design objectives of Clause 22.17 (Urban Design Outside the Capital City Zone).

Street Level Frontages & Pedestrian Safety

45. The proposed development incorporates retail tenancies at ground floor level to Flemington Road and Blackwood Street. The proposed two storey podium design and facade treatments along all three street frontages adequately break-up the overall volume of the building into a number of sub-volumes to modify its perceived size and distinguishes the podium from the tower components.
46. The proposed design allows views into and out of the building contributing to passive surveillance of the public realm, includes façade treatments and articulation that make a positive contribution to the Flemington Road boulevard and neighbouring streets, providing an adequate level of visual interest and pedestrian engagement.

Internal Amenity & Amenity Impacts

47. The new apartments provide good internal amenity mainly due to the horseshoe-shaped tower configuration and central 'artichoke' which maximises outlook and solar access with no reliance on borrowed light. Adequate apartment separation and architectural fins minimise potential overlooking between apartments within the development. The dwellings will also not be constrained by any future development given the location of the site and redevelopment opportunities of adjoining sites.
48. All proposed dwellings have access to varying sized balconies and the green space at ground level surrounding the central 'artichoke' component. Additionally, the site is within walking distance of a number of street reserves, University Square (450 metres), Royal Park (700 metres).
49. Amenity impacts of the proposal are considered to be minimal. Specifically, the proposal minimises potential overlooking to adjacent residential properties, the neighbouring North Melbourne Police Station, and to neighbouring apartments within the proposed development by providing appropriate building separation or through the introduction of solid pre-cast panels or screening fins (Clause 21.04-1).

Heritage

Demolition

50. Under the Heritage Overlay a permit is required for demolition or removal of buildings.
51. The northern portion of the subject site is affected by the North and Melbourne West Precinct Heritage Overlay which covers a large proportion of land on the southern side of Flemington Road from Elizabeth Street in the east to Melrose Street in the west. This portion of Flemington Road is listed as a Level 3 streetscape in the Heritage Places Inventory.
52. The existing two-storey commercial building affected by the Heritage Overlay is not listed as being of heritage significance, therefore the decision guidelines listed under Clause 22.05 of the Scheme for assessing demolition applications do not apply. The only building of heritage significance on the Flemington Road frontage in proximity to the subject site is the Former Exchange Hotel located adjacent to the west of the subject site at 37 Flemington Road. Notwithstanding this, it is considered that demolition of the existing building will have little consequence to the heritage fabric of the area and the heritage significance of the Flemington Road streetscape. It is therefore considered appropriate for the demolition of the existing building and for the construction of a building whose design adequately responds to the heritage significance of the adjacent site.

Buildings and Works

53. The Heritage Places Outside the Capital City Zone Local Policy (Clause 22.05) outlines performance standards which specify that the facade height and position of new buildings should not dominate an adjoining outstanding building in any streetscape, and the height of a new building should respect the character and scale of adjoining buildings and the streetscape. Moreover, the *City North Structure Plan 2010* specifies that places of heritage significance are to be conserved and enhanced, that new buildings are to respect the heritage fabric of the area, and new buildings that adjoin heritage buildings are to have regard to their height, scale, character and proportions.
54. As mentioned above, the only building of heritage significance in the immediate area is the Former Exchange Hotel located adjacent to the subject site at 37 Flemington Road. The heritage building is a two-storey stuccoed masonry building of State-wide architectural importance and is designated as an A-graded heritage building. The heritage building is setback 1.5 metres from the common boundary. The northern section of the proposed building would be built to this common boundary, leaving a separation of 1.5 metres between the existing and proposed building.
55. The proposal includes a number of features that attempt to acknowledge the heritage significance of the adjacent heritage building. First, the Flemington Road frontage includes a solid two-storey podium component that in effect continues the datum of the heritage building's parapet. Second, the solid pre-cast concrete balustrades on Levels 3 to 5 are discontinued 4 metres from the common boundary to provide a notion of relief for the heritage building.
56. The Department's Heritage advice received on 13 November 2012 concludes that the proposed development does not adequately consider the scale of the adjoining heritage building. The City of Melbourne's Heritage Advisor's report makes similar conclusions and recommends a 3.5 metre setback from the common boundary of the northern tower component for all levels above Level 2. Moreover, the report concludes that the specific choice of materials and finishes will be key to an achieving an appropriate response to the adjacent heritage building.
57. Important to note, there is potential for a building of significant height and scale to be built on the site adjacent to the west of the heritage building. Failure to achieve adequate setbacks from the common boundary on the current proposal and any future proposal to the west of the heritage building may result in the heritage building being crowded out and its heritage significance undermined.
58. In light of both the strategic context and the adjacent building's A-grade heritage status it is considered that a 3.5 metre setback from the common boundary for the northern tower component for all levels above Level 2 would provide adequate built form relief so that the heritage building can be read as a prominent heritage place in its own right. Conditions have therefore been included on the permit requiring a 3.5 metre setback and a materials and finishes board with assurances to design quality.

Traffic, Car Parking and Bicycle Facilities

59. The proposed development provides 278 resident and 4 retail car parking spaces on site (a rate of 0.70) which is less than the required rate at Clause 52.06. The reduced rate is considered to be appropriate as the site has excellent access to public transport and an extensive bicycle network as well as on-street car parking. The provision of less than 1 space per dwelling is considered to be an appropriate rate and is commonly accepted across the City of Melbourne municipality.
60. Four car parking spaces will be provided for the small retail tenancies. Whilst there is no specific rate of car parking required for the retail premises, the proposed allocation of car parking is considered to be appropriate. The Traffic and Transport Assessment (Cardno, 31 July 2012) concludes that the provision of 278 residential, 4 retail (staff), and 62 public car parking spaces will adequately accommodate the anticipated peak car parking demand generated by the proposed development, without providing excessive parking opportunities. The Assessment

further states that traffic generated from the proposed development will have a negligible impact on the surrounding road network.

61. The Assessment further states that around 250 car parking spaces are currently provided on-site for Royal Melbourne Hospital staff. The Assessment confirms that it is intended to maintain a level of parking provision for staff on-site.
62. The application provides a loading bay to be accessed from Blackwood Street in accordance with the requirements at Clause 52.07. The proposed waste collection arrangements are also considered to be satisfactory and are to the satisfaction of the City of Melbourne.
63. The proposed development provides for a total of 107 bicycle spaces comprising of 82 resident and staff spaces and 25 visitor spaces within basement level 1. This is below the 123 spaces to be provided on the land required under Clause 52.34. A condition has therefore been included on the permit requiring an additional 16 spaces in accordance with Clause 52.34.
64. Council's traffic engineers raised a number of issues relating to car park design (including adequate sight triangles to the car park and loading bay access points, queuing distances, ramp grades), traffic impacts to Oxford Street, and arrangements for the allocation of car park spaces for hospital staff. A condition on the permit requires an amended traffic report that provides further details and assessment of these issues.

Potentially Contaminated Land Issues

65. The site has had a history of industrial uses, and there is the potential that the land may have some level of contamination.
66. A Phase 1 Environmental Site Assessment (Alpha Environmental, September 2012) submitted with the application concludes that an environmental audit of the site is not warranted, however recommends that soil sampling and groundwater monitoring be undertaken to assess the presence or otherwise of contamination at the site.
67. As the proposed development includes a sensitive use a condition has been included on the permit requiring a Phase 2 Soil and Groundwater Assessment of the land and a subsequent environmental audit if required.

Microclimate – Wind and Overshadowing

68. It is generally understood that adverse ground level wind impacts are normally associated with developments that exceed 40 metres. Given the proposal has a maximum height of 40.5 metres and has a significant level of articulation along all facades with street frontages (which generally buffer wind at ground level) a wind assessment was not required for the assessment of the permit application. Notwithstanding this, a condition has been included on the permit requiring a wind assessment to make recommendations, if any, to achieve appropriate ground level wind conditions around the proposed development.
69. The proposal will result in overshadowing of the north-facing apartments in the development to the south across Oxford Street between 9am and before 1pm on the 22 September. Additionally, the majority of the private open space internal to the proposed development is in shadow from 9am to 1pm on the 22 September.
70. While it is expected that any new development of significant scale will result in overshadowing, the proposed development does not overshadow any public park or major pedestrian route, and is therefore considered to be acceptable (Clause 22.02).
71. Important to note that while the sole objector raised concerns about the overshadowing and amenity impacts to their property and to the north-facing apartments to the south of the site, the shadow diagrams lodged with the application confirm that no additional overshadowing to the objector's private open space occurs as a result of this proposed development.

ESD

72. The Sustainability Design Statement (Ark Resources, dated 31 July 2012) lodged with the application confirms that the proposal is to achieve a minimum 6 star energy rating that meets the energy efficiency requirements of the *Building Code of Australia 2012*, demonstrates Best Practice stormwater management, and incorporates extensive water harvesting and re-use initiatives. The Statement concludes that the sustainable design outcomes are adequate for a mixed use development of this scale (Clauses 15.02 and 21.05-5).

City of Melbourne's Comments

73. The City of Melbourne generally support the proposal, subject to conditions to address the following issues:

- Inadequate setbacks to adjacent A-graded heritage building at 37 Flemington Road;
- Minor traffic engineering concerns;
- Ground level interface to Oxford Street apartments;
- Potential overlooking between dwellings internal to the development.

74. These issues (discussed in detail in the above assessment) have been generally addressed through conditions on the permit.

CONCLUSION

75. The application has been assessed against all relevant State and Local planning policies, key strategic planning documents for the City North area, and the decision guidelines of the Mixed Use Zone, Overlays and Particular Provisions of the Melbourne Planning Scheme.

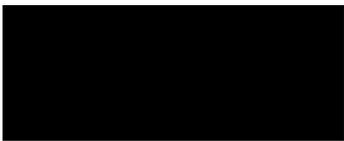
76. Despite exceeding the discretionary height controls affecting the site, the proposed development meets the relevant Design Objectives and Built Form Outcomes and is in accordance with the preferred maximum heights outlined in the *City North Structure Plan 2010*. Indeed the proposed building provides an appropriate transition from low scale development in the south towards a higher scale along Flemington Road, and reinforces Flemington Road as a key boulevard and civic spine. Through conditions on the permit the proposed development provides an appropriate built form response to the adjacent A-grade heritage building.

77. The proposal is generally consistent with the above-mentioned considerations and is worthy of support.

RECOMMENDATION

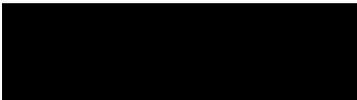
78. That Planning Permit No.: 2012/006514 is approved subject to conditions and the applicant advised accordingly.

Prepared by: 



Name: 
Title: 
Phone: 
Date: 10 December 2012

Reviewed by:
Name: 
Title: 
Phone: 
Date: 10 December 2012


Approved by:
Name: 
Title: 
Phone: 
Date:

APPENDIX 1 – ASSESSMENT AGAINST DDO30 - DESIGN OBJECTIVES AND BUILT FORM OUTCOMES

Design Objectives	Response
<i>To provide opportunities for a consistent, higher built form at the western gateway to the city.</i>	<p>The dominant built form in the area along Flemington Road ranges from 2 to 6 storeys to the south and 6 to 9 storeys in the medical precinct to the north.</p> <p>However, the 13 storey Victorian Comprehensive Cancer Centre currently under construction to the north west of the site demonstrates the significant built form change underway in the area. At 13/9 storeys the proposed development will therefore sit comfortably in this emerging higher scale built form context.</p> <p>Moreover, this part of Flemington Road has been identified in the <i>City North Structure Plan 2010</i> as an area of potential urban renewal where building heights of 40 metres stepping down to 24 metres along Flemington Road is encouraged. The proposed development provides for a higher built form generally in accordance with these draft height controls.</p>
<i>To acknowledge the transitional nature of the area and the opportunity for the development of a new built form character</i>	<p>The development capitalises on the transitional nature of its location close to the City and as an area designated for urban renewal.</p> <p>The development takes advantage of the opportunity to introduce a new built form character which acknowledges the valued characteristics of the existing urban and heritage fabric. This is achieved by:</p> <ul style="list-style-type: none"> ▪ Retention of the two-storey street wall to integrate with the adjacent heritage building; and ▪ Provision of a tower and podium built form typology, which maintains a human scale at the street interface.
<i>To encourage development opportunity for growth in the education, research and development sectors.</i>	The proposed development will provide housing choice and diversity close to a growing area for education, research and development and health services.

Built Form Outcomes	
<i>Development reflects the importance of Flemington Road and the approach to the Haymarket roundabout as a boulevard entrance to the City.</i>	The higher scale and modern architectural design of the proposed development will contribute to the creation of a definitive southern edge to Flemington Road and the Haymarket roundabout, provide a degree of visual interest and reinforce the importance of the area as a key entrance point to the City.
<i>Development reflects the higher building forms in the area and contributes to a consistent building pattern and height.</i>	While the proposal demonstrates a departure from the generally lower scale developments in the area, at 13 and 9 storeys the proposed building provides a definitive statement about the strategic intent for the area. The proposal will sit comfortably within the emerging higher density built form scale of between 6 to 13 storeys in this area of City North.

	<p>Additionally, the proposed development adequately breaks up the large massing along the Blackwood Street and Oxford Street elevations by dividing the facades into distinctive zones giving the impression of a finer grain subdivision pattern. While some attempt has been made to reduce the bulk of the Flemington Road facade, a condition has been included on the permit requiring further detailed design to reduce the visual bulk of the facade.</p>
<p><i>Development does not visually dominate the area to the south-west.</i></p>	<p>The land to the south-west is affected by a 14 metre height control. The proposal steps down from 40.5 metres at the north of the site down to 24.5 metres at the south. This is generally in accordance with the draft height controls proposed under Amendment C196, and is considered to provide an appropriate transition in scale that does not visually dominate the generally lower built form to the south-west.</p>