

APPLICATION FOR PLANNING PERMIT: 640 BOURKE STREET, MELBOURNE	
Application Number:	2012/007209
Proposal:	Partial demolition of a heritage building, and buildings and works for the construction of a multi storey mixed use development
Applicant:	Northbridge Infrastructure C/- Urbis Pty Ltd [REDACTED] [REDACTED] [REDACTED]
Zoning:	Schedule 1 to the Capital City Zone – Outside the Retail Core (CCZ1)
Overlays:	<ul style="list-style-type: none">▪ Schedule 1 to the Design and Development Overlay – Active Street Frontage – Area 2 (DDO1-A2)▪ Schedule 4 to the Design and Development Overlay – Weather Protection – Capital City Zone (DDO4)▪ Schedule 12 to the Design and Development Overlay – Noise Attenuation Area (DDO12)▪ Heritage Overlay 501 – Bourke West Precinct (HO501)▪ Heritage Overlay 552 – 640-668 Bourke Street, Melbourne (HO552)
Application Received:	24 August 2012
Further Information Requested and Received:	Requested 21 September 2012 Received 1 November 2012
[REDACTED]	[REDACTED]
Number of Objections:	8 (at date of report)
Recommendation:	Notice of Decision to Grant a Permit

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PLANNER'S NAME: [REDACTED]
Ph: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 5.12.12

PROPOSAL

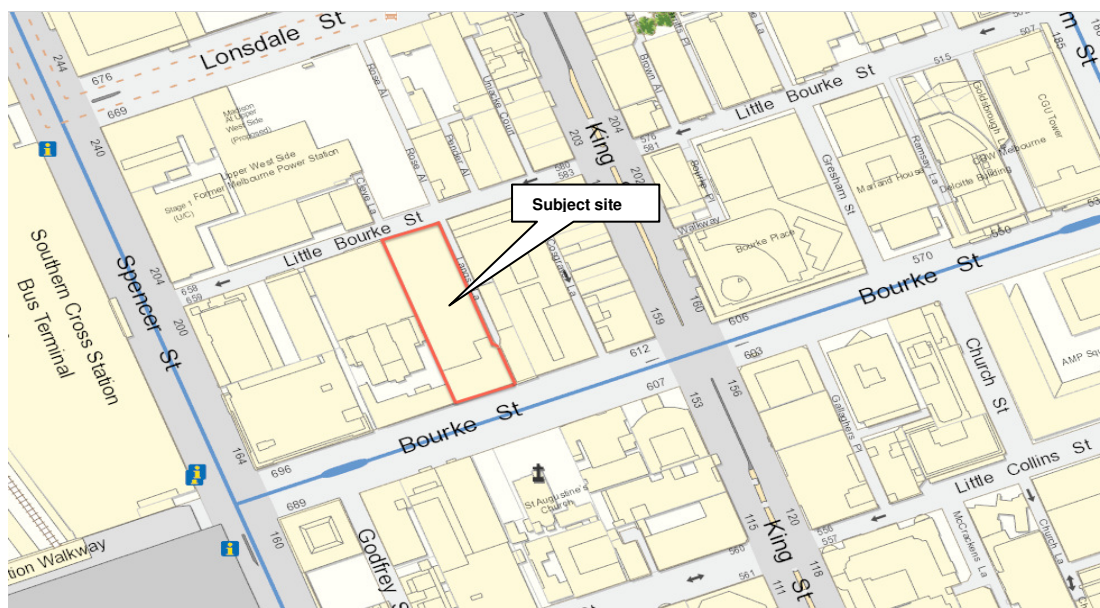
1. The proposal (designed by Hayball Architects, developed by Northbridge Infrastructure Pty Ltd) is for the partial demolition of the Elisa Tinsley heritage building, the complete demolition of buildings in a Precinct Heritage Overlay and buildings and works for the construction of a part 34 part 42 storey mixed use development including dwellings and retail, at 640 Bourke Street, Melbourne.
2. It is proposed to partially demolish the C-graded Eliza Tinsley building, retaining its three storey façade fronting Bourke Street and 11 metres of the eastern wall fronting Langs Lane. The heritage facade will incorporate an entry lobby, ground floor retail tenancies, and apartments in the upper levels.
3. The proposed building is stepped in plan and in elevation, with a tower comprising 42 storeys (125 metres) to the Bourke Street frontage, stepping down to 34 storeys (95 metres) to Little Bourke Street. All four façades are characterised by bold vertical contrasting lines achieved through offset precast concrete panels, architectural fins, and contrasting materials and finishes. The proposed development has a gross floor area of 58,055m².
4. A seven storey podium (20 metres high) will front Little Bourke Street and Langs Lane, with the retained 3-storey Eliza Tinsley building façade generally defining the Bourke Street podium. The podium is to be 'skinned' with active uses on all levels on the Bourke Street frontage and from Ground Level to Level 3 on the Little Bourke frontage. The podium will overhang the footpath along Langs Lane to provide weather protection to pedestrians. Ground floor retail uses are proposed along the Little Bourke, Langs Lane and Bourke Street frontages.
5. The proposal also includes a widening of the adjacent Langs Lane from the current 3.3 metres to 5.5 metres at the northern end and from 1.2 metres to 4.3 metres at the Bourke Street end. Two-way vehicular access to the car park and service areas will be from Langs Lane, accessed only from Little Bourke Street. Access to/from Bourke Street will be pedestrian-only.
6. A brief summary of the proposed development is as follows:
 - 563 apartments (286 x 1 bdrm and 277 x 2 bdrm);
 - 4 x ground floor retail tenancies (total of 722 sqm);
 - 249 car parking spaces (no parking is allocated to the retail component);
 - 179 bicycle spaces.

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 25,000 sqm.
8. On 24 August 2012 the Department received an application for the partial demolition of the Elisa Tinsley heritage building, the complete demolition of buildings in a Precinct Heritage Overlay and buildings and works for the construction of a 34 and 42 storey mixed use development including dwellings and retail, at 640 Bourke Street, Melbourne.

SITE AND SURROUNDS

9. The subject site is located between Spencer Street and King Street, with frontages to Bourke Street, Little Bourke Street, and Langs Lane. A site plan is provided below:



10. The site is generally rectangular in shape with frontages of approximately 28 metres to Little Bourke Street, 95 metres to Langs Lane, and 30 metres to Bourke Street, with a combined area of approximately 2,764m². The site is owned by the Australian Postal Corporation.
11. On the Bourke Street frontage there is currently a C-graded three-storey heritage building, formerly used as a warehouse by Eliza Tinsley and Co., whose Bourke Street façade was refurbished in 1995 and 2009. To Little Bourke Street there is a one and two storey building of no heritage interest used by Australia Post as a mail distribution facility.
12. The site is located within the West End precinct of the city, which is emerging as a key area for growth and urban renewal with an increasingly broad range of land uses including residential, commercial, education, and hospitality. Specifically, the site is bounded by a number of medium to large scale buildings, as follows:
 - To the north of the site across Little Bourke Street is the Upper West Side Redevelopment currently under construction with a development of four residential towers (ranging between 31 to 53 levels) and ground level retail spaces. When complete Rose Alley will connect Lonsdale Street with Little Bourke Street, and will align with Langs Lane on the eastern side of the subject site;
 - To the east Langs Lane extends along the eastern property boundary from Bourke Street to Little Bourke Street. Pedestrian access from Bourke Street is via a narrow pedestrian-only entrance. The laneway widens to approximately 3.6 metres further to the north and provides vehicle access to the Alto Hotel carpark and a loading bay for the Citi Power House building to the east. Across Langs Lane to the south is a four storey B-graded heritage building (former Unity Hall) now occupied by the Alto Hotel. Adjoining the hotel on its north and eastern side with a frontage to Langs Lane is the 21 level QBE/Citi Power House office building;
 - To the south across Bourke Street is the Saint Augustine's Church and the Royal Melbourne Hotel, both two-storey buildings; and
 - Adjacent to the west on the southern portion of land is a three storey C-graded heritage building currently used as commercial offices. The 31 storey CitiPoint Apartment building which occupies the northern portion of the site is setback considerably from the heritage façade.
13. The site is located within a two minute walk to Southern Cross Station, and is centrally located to a large number of principal tram and bus routes.

STATUTORY CONTROLS

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

Clause	Permit trigger(s)/Notification	
<p>Clause 37.04-1 (CCZ1)</p>	<p><u>Land Use</u> Part 1.0 specifies that a permit is not required to use the land for Dwelling and Retail Premises. A permit is required to use the land for Car Park, however this is considered to be an ancillary use, and therefore no permit is required.</p> <p><u>Buildings and Works</u> Part 3.0 specifies that a permit is required to construct a building or construct or carry out works.</p> <p>An application to construct a building or construct or carry out works for a Section 1 use is exempt from third party notice and review requirements of the Act.</p> <p><u>Demolition</u> Part 4.0 specifies that a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>An application to demolish a building is exempt from third party notice and review requirements of the Act.</p>	<p><u>Buildings and Works</u> <input checked="" type="checkbox"/> Permit req. <input checked="" type="checkbox"/> Exempt from adv.</p> <p><u>Demolition</u> <input checked="" type="checkbox"/> Permit req. <input checked="" type="checkbox"/> Exempt from adv.</p>
<p>Clause 43.02-1 (DDO1 – Active Street Frontages – Area 2)</p>	<p>Clause 43.02-1 specifies that buildings with ground-level street frontages to major pedestrian areas must provide either 5 metres or 80% of the street frontage as an entry, display window, or customer services areas/activities. The active street frontages must be of a human scale and treated with clear glazing.</p> <p>A permit is required for buildings and works at ground level only.</p> <p>An application to construct a building or construct or carry out works is exempt from third party notice and review requirements of the Act.</p>	<p><u>Buildings and Works</u> <input checked="" type="checkbox"/> Permit req. (Ground level only) <input checked="" type="checkbox"/> Exempt from adv.</p>
<p>Clause 43.02-4 (DDO4 – Weather Protection – Capital City Zone)</p>	<p>The Bourke Street heritage façade is marked Weather Protection under DDO4.</p> <p>Part 2.0 specifies that a building with a road frontage marked Weather Protection must provide a verandah for weather protection over the footpath unless it is demonstrated to the satisfaction of the Responsible Authority that the particular circumstances do not require it.</p> <p>On 29 October 2012 the applicant requested that the requirements to provide weather protection be waived on the grounds that an alteration to the Bourke Street façade to provide weather protection would be detrimental to the building's heritage values.</p> <p>It is considered appropriate therefore to waive the requirements of DDO4.</p>	
<p>Clause 43.02-12 (DDO12 – Noise Attenuation Area)</p>	<p>Part 2.0 specifies that any new residential building must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Docklands Stadium, be fitted with ducted A/C if within 400 metres of the centre point of</p>	<p><u>Buildings and Works</u> <input checked="" type="checkbox"/> Permit req. <input checked="" type="checkbox"/> Exempt from adv.</p>

	the Docklands Stadium, and have glazing, doors, and A/C systems designed by an acoustic consultant. Part 3.0 specifies that an application to construct a building or construct or carry out works is exempt from third party notice and review requirements of the Act.																	
Clause 43.01 (Heritage Overlay)	<u>Demolition and Buildings and Works</u> Clause 43.01-1 specifies that 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.	<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.																
Clause 52.06 (Car parking)	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 563 apartments and 1,371m ² of retail. In total, 249 parking spaces are provided for residents and zero are provided for the retail component, which is well below the maximum number of 563 spaces.																	
Clause 52.07 (Loading and unloading of vehicles)	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 well in excess of 27.4m ² and a clearance height of 4 metres, which complies with the requirements of Clause 52.07.																	
Clause 52.34 (Bicycle facilities)	Clause 52.34-2 specifies that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 (required bicycle facilities) and Clause 52.34-4 (design of bicycle spaces). Under Clause 52.34-3 the proposal must provide a total of 177 bicycle spaces and 1 shower and change room facility, as follows: <table border="1" data-bbox="571 1507 1206 1912"> <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>113+56=169</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>5+3=8</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td>177</td> </tr> </tbody> </table> <p>The proposal provides 179 bicycle spaces, which is in excess of the required amount. A condition on the permit has been included to provide the required</p>	Use	Resident / Employee	Visitor	Total	Residential	1 to each 5 dwellings	1 to each 10 dwellings	113+56=169	Retail	1 to each 300sqm of leasable floor area	1 to each 500 sqm of leasable floor area	5+3=8	Total			177	
Use	Resident / Employee	Visitor	Total															
Residential	1 to each 5 dwellings	1 to each 10 dwellings	113+56=169															
Retail	1 to each 300sqm of leasable floor area	1 to each 500 sqm of leasable floor area	5+3=8															
Total			177															

		shower and change room facilities.	
Clause 52.36 (Integrated public transport planning).	52.36	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)	61.01	Clause 61.01 specifies that the Minister for Planning is the Responsible Authority for considering the application.	
Clause 65 (Decision guidelines)	65	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.	

15. POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

16. 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)

17. 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 21.08-1 (Local Area – Central City)
- Clause 21.11 (Reference documents)
- Clause 22.02 (Sunlight to Public Spaces)
- Clause 22.04 (Heritage Places within the Capital City Zone)
- Clause 22.17 (Urban Design within the Capital City Zone)
- Clause 22.20 (CBD Lanes)

Amendment C162

18. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been exhibited and considered by Planning Panels Victoria. The amendment was adopted by Council on 28 August 2012 and is 'seriously entertained' and has been submitted for approval. The amendment includes themes which are applied to the local areas. The site is identified in the Hoddle Grid area which supports residential accommodation and built form that responds to the regular grid layout and that the design of tall buildings in the Hoddle Grid promote a human scale at street level, and add to the city's skyline, provide equitable access to outlook and sunlight.

Amendment C188

19. Amendment to the Melbourne Planning Scheme C188 (Built Form Review) is awaiting authorisation. Amongst other things, the built form review proposed to amend the existing controls to contain most of the built form principles under Design and Development Overlay-Schedule 2 where the site would be affected by a mandatory 40 metre podium height, mandatory tower setback of 6 metres from the street and a discretionary 5 metre setback to common boundaries to achieve a 10 metres tower separation.

Reference Documents/Policy matters

20. 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);

NOTIFICATION

21. Under the provisions of 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).
22. The applicant was directed to give notice to the owners and occupiers of the adjacent properties under section 52 of the Act. Signs were erected to the Bourke Street and Little Bourke Street frontages.
23. As a result of the notification process, eight (8) objections were received from [REDACTED]:
- Built form, scale and design and loss of heritage character;
 - Lack of fabric retention resulting in facadism; and
 - Noise attenuation to minimise disruption to [REDACTED] operations.
24. Important to note that the application was advertised on heritage grounds alone. Notwithstanding this, a response to each of the issues raised by the objectors is provided below under Issues and Assessment.
25. Two letters of conditional support for the proposal were received from [REDACTED]. Their concerns are primarily based on the impact of the proposed development on their ability to access their car park [REDACTED]. They are also concerned about [REDACTED] amenity during construction phase and ongoing waste disposal operations.
26. On 10 October 2012 the City of Melbourne was notified of the application under section 52 1(b) of the Act (response provided below).

REFERRALS

27. 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:
28. **Public Transport Victoria (PTV):** On 18 September 2012 the PTV provided written confirmation that it did not object to the proposal, subject to standard conditions.
29. **DPCD – Urban Design (DPCD UD):** On 24 September 2012 DPCD UD offered support for the proposal, subject to conditions. The main issues raised include:
- Asymmetrical side setbacks on the northern tower to 5 metres;
 - Little Bourke and Bourke Street undercroft entries and loading bay entry not consistent with CPTED principles;
 - Inappropriate landscaping along Langs Lane;
 - Minor materials and finishes issues.
30. Conditions have been included on the permit to address these concerns.
31. **City of Melbourne:** On 23 November 2012 Council offered no objection to the proposal subject to conditions to address a number of design, microclimate, and traffic issues (discussed in detail under Issues and Assessment).

ISSUES AND ASSESSMENT

32. 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

33. 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 proposal is for a high-rise residential development with ground level retail uses that provides pedestrian interest, contributes to pedestrian safety, and services the emerging residential communities in the area (Clauses 17.01, 21.04, and 21.08). Moreover, the proposed improvements to Langs Lane and the ground floor plane further the policy objectives of creating functional environments and good quality public realms, and enhancing street life (Clause 15.01 and 22.01);
 - The proposal is generally consistent with the built form and land use amenity principles expected of the Central City. The proposed building provides an offset from existing buildings to equitably distribute access to outlook and sunlight between towers and minimise direct overlooking between habitable room windows (Clauses 21.04 and 21.05); and
 - The proposal provides an appropriate response to the on-site heritage value and the heritage fabric of the Bourke Street West precinct. The proposal incorporates the three storey Eliza Tinsley heritage building into its design by retaining the façade in full, using the heritage building to define the overall height of the podium, and by providing substantial tower setbacks that maintains the heritage building's presence in the streetscape (Clauses 15.03 and 22.04).

Compliance with Reference Documents

34. The architects (Hayball) 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. The design furthers the objectives of the Guidelines by offering an adequate level of pedestrian engagement and safety, visual interest, and architectural merit.

Melbourne Planning Scheme Amendment C162 – MSS Review

35. 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 with the Minister for Planning for approval. It is considered that the proposed development satisfactorily addresses the key objectives of Clause 21.03 (Integrating Transport With Land Use and Development), 21.04 (Integrating Public Realm and Private Realm), 21.05 (Eco City – Zero Carbon And Adapted For Climate Change), and 21.06 (Land Use Amenity and Diversity) of the draft MSS. However, it is noted that the MSS is subject to change.

Design, Built Form, and Urban Context

Height

36. The subject site is located within an area experiencing substantial urban renewal marked by a higher density built form. Of particular note is the 31 storey CityPoint residential tower adjacent to the west of the subject site, the 43 storey Neo 200 Apartments to the north west, and the four Upper West Side residential towers ranging from 31 to 51 storeys under construction to the north.
37. The proposed building height of 34 and 42 storeys (95 and 125 metres respectively) is considered appropriate for such a large site, and will sit comfortably in this higher density built form context at the western edge of the Hoddle Grid. Moreover, the proposed seven storey (20 metres high) podium height to Little Bourke Street (and Langs Lane) is generally in keeping with the highly varied podium and building heights in the Little Bourke streetscape.
38. With generous setbacks to Little Bourke Street and Bourke Street and seven storey podium skinned with active uses, the development achieves a human scale. The proposed scale, bulk and massing, and setbacks of the proposal are therefore considered appropriate for this site and are generally consistent with the design objectives of Clause 22.01 (Urban Design within the Capital City Zone).

Setbacks

39. Generous podium-tower setbacks are provided to Bourke Street (between 10-11.6 metres) and to Little Bourke Street (7.9-9.6 metres). However, given the narrow shape of the site side setbacks are more limited. A nine metre setback is provided to habitable room windows in the City Point tower to the west (which is built to the common boundary) and between 4.3-5.8 metres to the B-graded heritage building to the east (Alto Hotel) which is a 4-storey building and the Scheme would allow a podium up to 40 metres on the boundary. While there is a pinch point of 5.4 metres between the existing City Point tower and the proposed tower midway along the site there are no habitable rooms in direct sight at this reduced distance. It is therefore considered that the proposed setbacks are appropriate in this inner city context and generally consistent with the built form amenity principles listed under Clause 21.05 (City Structure and Built Form).

Street Level Frontages & Pedestrian Safety

40. The proposed development incorporates four ground floor retail tenancies with frontages to Little Bourke, Langs Lane and Bourke Street which will contribute to increased vitality in the area.
41. The proposal to widen Langs Lane to 5.5 metres to the north and 4.3 metres to the Bourke Street end is considered to be a significant improvement to the public realm given the lane's connection with Rose Lane to the north (Upper West Side redevelopment, Permit 2009/003366), and will enable a more pedestrian friendly laneway experience.
42. Overall, 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 Bourke Street and neighbouring streets, providing an adequate level of visual interest and pedestrian engagement.

Internal Amenity & Amenity Impacts

43. The new apartments provide good internal amenity due mainly to the tower orientation and apartment configuration which maximises outlook and solar access with no reliance on borrowed light.
44. All proposed dwellings have access to varying sized balconies and an amenities room (including gym and lounge) on Level 32. Additionally, the site is within walking distance of a number of open spaces including Flagstaff Garden, Victoria Harbour and the Yarra River.

45. Amenity impacts of the proposal are considered to be minimal. Specifically, the proposal minimises potential overlooking to the CitiPoint apartments to the west and the Alto Hotel to the east by providing appropriate building separation or through the introduction of solid pre-cast panels or screening (Clause 21.04-1).

Demolition & Heritage

Demolition

46. There is also a permit trigger for demolition under the Capital City Zone. 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. Demolition on this basis is considered to be appropriate.
47. Under the Heritage Overlay (HO) a permit is required for demolition or removal of buildings and for buildings and works. Under the HO an application is not exempt from third party notice and appeal provisions of the Act.
48. The Eliza Tinsley building which occupies the southern portion of the subject site is designated as a C-graded heritage building on a Level 2 streetscape, and is affected by the site specific Heritage Overlay (HO552). The building is not listed on the Victorian Heritage Register, but is included on the Victorian Heritage Inventory (H7822-1410). The entire site is affected by Precinct Heritage Overlay (HO501) which covers a large proportion of land bounded by Little Bourke Street, King Street, Little Collins Street, and Spencer Street. External paint controls apply to both overlays.
49. It is proposed to partially demolish the Eliza Tinsley building, retaining the principal Bourke Street façade and the first 11 metres of the eastern wall that forms edge of Langs Lane. It is also proposed to demolish all of the buildings on the remainder of the site, including a section of the single storey brick wall that faces Langs Lane which dates from the early twentieth century.
50. The Heritage Analysis (████████████████████) lodged with the application notes that the proposed design retains the contribution the Eliza Tinsley building makes to the Bourke Street streetscape while substantially increasing the amenity of the site. It further notes that the early twentieth century wall has little public visibility, is of plain design and construction and does not include active openings linking the Eliza Tinsley building with the laneway. The Analysis therefore concludes that the proposed demolition works are appropriate for the site in terms of heritage issues.
51. Additionally, the City of Melbourne's Heritage Advice (██████████, 19 September 2012) endorses the findings and conclusions of the abovementioned Heritage Analysis lodged with the application. The Advice emphasises that the proposed tower setbacks from the heritage façade are consistent with the accepted conservation standards as applied to many 19th and 20th century heritage buildings in the CBD.
52. Important to note that the interior of the Eliza Tinsley building has not been identified as being of heritage significance nor has the single storey building in the northern portion of the subject site. In light of the high quality design and incorporation of the prominent Bourke Street heritage façade, the extent of demolition to both the Eliza Tinsley building and to the remainder of the site is considered to be appropriate.

Buildings and Works

53. The proposal retains the Bourke Street heritage façade along with a section of the east façade to form a return around the corner of Bourke Street and Langs Lane. Additionally, the plinths to all ground floor openings are to be removed and full-height glazing to the retail tenancies introduced. Openings to the eastern wall will be introduced to facilitate movement through to/from the widened Langs Lane. The stained glass toplights (a notable feature) are to be retained.

54. The proposed design uses the existing Eliza Tinsley building to define the Bourke Street podium's overall height. The tower component is set back between 10 and 11.7 metres from the heritage façade, which is considered to be enough to provide adequate built form relief so that the heritage building can continue to be read as a prominent heritage building in its own right.
55. Under Clause 22.04 (Heritage Places within the Capital City Zone) the Statement of Significance for the Bourke West Precinct (HO501) specifies the amenity of the garden around St Augustine's church and the dominance of the Old Tramways building (673 Bourke Street) and the Mail Exchange building (672-696 Bourke Street) as Key Attributes. Located directly across from the church, the proposal results in additional overshadowing to the garden between just before 1pm and 3pm on the 22 September. It is worthy to note that given that the subject site is located 40 metres from the centre of the garden, even a relatively low scale development would cast significant shadows over the garden. Moreover, it is unlikely that the additional overshadowing alone will undermine the amenity of the garden area.
56. Additionally, the proposed retention of the heritage façade on Bourke Street and the substantial setback tower setbacks complements the scale, form and appearance of the Old Tramways and Mail Exchange buildings ensuring their dominance in the Bourke Street streetscape. The proposal is therefore considered to be consistent with the policy objectives of Clause 22.04.

Langs Lane Widening

57. Langs Lane is a 'No Through Road' and narrows at Bourke Street stopping any traffic flow from connecting with Bourke Street. It currently provides access to an underground loading bay for the QBE building and staff car park for the Alto Hotel. The laneway's restricted width does not permit simultaneous vehicular access and egress and currently presents significant access issues for both QBE and Alto Hotel who require access to their loading bay and car park.
58. It is proposed to widen Langs Lane to 5.5 metres on the northern portion and to 4.3 metres at the Bourke Street interface. This will allow clearer sight-lines through the laneway and an attractive link with Rose Lane and the Upper West Side redevelopment to the north, and contribute to a more pedestrian friendly connection between Little Bourke Street and Bourke Street. The widened lane will also enable two-way vehicular movement in the laneway for more efficient access to and egress from the QBE loading dock, Alto Hotel staff car park, and the proposed car park and loading dock.
59. A number of improvements are also proposed including the introduction of active uses along the laneway, the use of bluestone pavers for the road surface, and catenary lighting.
60. Langs Lane is designated as a Class 3 laneway (the lowest classification in the Scheme). The CBD Lanes Local Policy in the Scheme outlines laneway and building design principles that aim to encourage the improvement of Class 3 lanes to show signs of Class 1 lanes.
61. It is considered that the proposed widening of Langs Lane and the associated introduction of active uses and landscape improvements will result in a more safe, direct, accessible and attractive through-block pedestrian link than currently exists, and therefore is consistent with the preferred laneway design (Clause 22.20). A condition on the permit requires the laneway on the east of the heritage wall in Langs Lane to be vested in Council. Additionally, a condition on the permit requires a legal agreement to be entered into to ensure the area to the west of the heritage wall is open 24 hours to the public.
62. Through the introduction of ground floor retail and a well-articulated podium façade fronting Langs Lane the proposed development will establish a new laneway character, that will create visual interest. Due to the constrained breadth of the subject site, it is unreasonable to expect active uses to be introduced to the eastern podium elevation fronting Langs Lane, and therefore there is little potential to enable overlooking to the laneway (Clause 22.20).
63. It is considered appropriate to widen Langs Lane as it will greatly enhance its functionality as a pedestrian route, introduce new activity points and rejuvenate its appearance.

Traffic, Car Parking and Bicycle Facilities

64. The proposed development provides 249 resident car parking spaces on site (a rate of 0.44), which is less than the required rate at Clause 52.06. No parking spaces are allocated to the retail tenancies. The reduced rate (including to zero for the retail component) is considered to be appropriate as the site has excellent access to public transport (trams, trains, and buses). 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. Moreover, the Traffic Impact Assessment (TTM Consulting) concludes that the traffic generated by the proposal will have minimal impacts on existing traffic conditions in the surrounding street network.
65. The application provides a loading bay measuring 3.75 metres (W) x 9.1 metres (L) x 4.5 metres (H) to be accessed from Langs Lane in accordance with the requirements at Clause 52.07. The Traffic Impact Assessment confirms that service vehicles are able to access the loading bay from Langs Lane and then adequately manoeuvre in order to leave the site in a forward direction.
66. However, the significant recess of the loading bay from Langs Lane and resultant void is considered to present pedestrian safety and amenity issues. It is considered appropriate therefore that a condition be included on the permit requiring further design development to address this laneway interface.
67. The proposed development provides for a total of 179 bicycle spaces for residents and visitors in a single bicycle storage area on Ground Level. This is in excess of the 173 spaces to be provided on the land required under Clause 52.34. However, the plans do not specify the system of bicycle storage system and nor do they indicate separate resident and visitor bicycle storage areas which is preferred for security reasons. A condition has therefore been included on the permit to this effect.
68. The proposed waste collection arrangements are to the satisfaction of the City of Melbourne.

Potentially Contaminated Land Issues

69. The site has had a history of warehouse uses, and there is the potential that the land may have some level of contamination.
70. A Phase 1 Environmental Site Assessment (Douglas Partners, 30 October 2012) submitted with the application concludes that the soil on-site does not pose a significant risk to human health for a multi-use redevelopment comprising commercial properties on the lower floors and high density residential on the upper floors.

Microclimate – Wind and Overshadowing

71. The Wind Tunnel Assessment (Mel Consultants, June 2012) concludes that the proposed development achieves the criterion for walking comfort in and around the site, and does not represent a significant change from the existing ground level wind conditions. However, it is unclear whether the Assessment included the Upper West Side redevelopment in the modelling. A condition has therefore been included on the permit requiring an updated wind assessment.
72. As discussed above, the proposal will result in substantial overshadowing of St Augustine Church's north-facing courtyard on 22 September. However, as the courtyard is not considered public open space it is therefore not protected from overshadowing by the provisions of Clause 22.02 (Sunlight to Open Spaces) and Clause 22.01 (Urban Design within the Capital City Zone).

ESD

73. The Sustainability Design Statement (Murchie Consulting) 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*. 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

74. The City of Melbourne generally supports the proposal. Conditions have been included on the permit to address the following issues raised by the City of Melbourne:
- Level 6 car park façade presents awkwardly from Bourke Street;
 - Recommend removal of glazed projection to Langs Lane on southeast retail tenancy to improve sight lines through laneway;
 - Wind conditions could be improved slightly to Little Bourke Street and Upper West Side redevelopment was not included in the wind model;
 - Recommend a green roof at Level 7; and
 - Minor car parking layout and design issues;
75. However the following issues are discussed further below:
- Recommend a skin of apartments to the full height of the podium fronting Little Bourke Street;
 - Recommend increased setbacks on southern tower to Langs Lane;
76. The introduction of a skin of apartments to the full length of the podium on the Little Bourke Street frontage would incur a loss of approximately 30 car spaces. Given the proposal provides a low car parking rate (0.44) this is not considered to be reasonable. However, a condition has been included on the permit requiring the introduction of a double height apartment at Level 3 on the corner of Little Bourke Street and Langs Lane to provide the proposed development with a strong corner and additional opportunities for passive surveillance to the neighbouring streets. Incurring a loss of approximately five car spaces, this is considered to adequately balance the aspirations for passive surveillance and the requirement for on-site car parking.
77. The proposal provides 8.1 metre setbacks to the western common boundary and 3.1 metre setbacks to the eastern common boundary, therefore creating a 9 metre separation between habitable rooms windows in the CitiPoint Tower and 4.3 metre separation to the four storey Alto Hotel. As the tower is approximately 17 metres in breadth, there is little scope therefore to increase the setbacks to Langs Lane. The introduction of minor setbacks will have negligible effect on minimising the perception of bulk and mass of the tower. Moreover, the majority of the pedestrian walkway along Langs Lane will be sheltered by the cantilevered podium to the north and the heritage façade colonnade to the south. As such views upward to the tower will only be available from within the trafficable area of the laneway or within area approximately 20 metres long between the southern colonnade and the cantilevered podium. It is therefore considered that the proposed setbacks on the southern tower to Langs Lane are appropriate for this particular site.

CONCLUSION

78. The application has been assessed against all relevant State and Local planning policies, key strategic planning documents, and the decision guidelines of the Capital City Zone, Overlays (including heritage), and Particular Provisions of the Melbourne Planning Scheme.
79. The proposal demonstrates a high quality design that provides a positive contribution to the skyline, the ground plane, and the heritage fabric of the area. In particular, the retention and reuse of the prominent heritage façade; the setbacks, height and articulation of the tower and podium; and the introduction of a widened laneway and active street frontages together will enhance visual interest and promote pedestrian engagement, allow the development to sit comfortably within its surroundings, and make a positive contribution to the urban renewal and revitalisation of the West End precinct as a whole.
80. The proposal is generally consistent with the above-mentioned considerations and is worthy of support.

RECOMMENDATION

81. That a Notice of Decision to Grant a Permit No.: 2012/007209 is approved subject to conditions and the applicant advised accordingly.

Prepared by: [Redacted]

Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 22 November 2012

[Redacted]

Reviewed by:
Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: 5 December 2012

[Redacted]

Approved by:
Name: [Redacted]
Title: [Redacted]
Phone: [Redacted]
Date: