# DELEGATED PLANNING APPLICATION REPORT

| | |
|---|---|
| **Application number:** | TP-2018-449 |
| **Applicant:** | Ambertree VIC Mel (Lincoln) Pty Ltd |
| **Address:** | 23-31 Lincoln Square South, Carlton |
| **Proposal:** | Partial demolition and buildings and works including the construction of a multi storey development for use as dwellings and retail (other than Adult sex bookshop, Hotel and Tavern) |
| **Date of application:** | 1 June 2018 |
| **Responsible officer:** | Richard Cherry |

## 1 SUBJECT SITE AND SURROUNDS

The subject site (905m² in area) is located on the south side of Lincoln Square South, Carlton, between Swanston Street to the east and Bouverie Street to the west. Lincoln Square South is a wide street with 90° parking in the median and parallel kerbside parking. Cumberland Place, a minor Council road, connects Lincoln Square South and Bouverie Street, running along the eastern and southern boundaries of the site. Council Lane CL1094 abuts the southern portion of the west side boundary.

Occupying 100% site coverage, the site is developed with a five storey red brick heritage building, currently graded C in a Level 2 streetscape (March 2018 *Heritage Places Inventory*). The proposed heritage status pursuant to Planning Scheme Amendment C258 is 'Significant'. As described in the heritage referral response at Section 12.1.2 of this report, "*the former Allan & Co building was constructed in 1927 to the design of architect Cedric Ballantyne, primarily for the warehousing of pianos. In the late 1940s large textile manufacturers Davies and COOP Ltd took over the site.*" The building includes "*distinctive sawtooth roof forms and saw-tooth end walls forming a parapet to the east and west facades. There have been some changes to the steel-framed window joinery on some levels, notwithstanding the majority appear to remain from the original construction. There are some alterations to openings particularly at Ground level, but overall most openings reflect the original.*"

West

The adjoining property to the west at 33 Lincoln Square South is developed with a five storey concrete office and residential building.

East

Three Lincoln Square South properties are located to the east of the site between Cumberland Place and Swanston Street, being 19-21, 15-17 and 5 (also known as 625-631 Swanston Street).

No. 19-21 Lincoln Square South is developed with a single storey brick heritage building currently occupied by a restaurant "Kaprica" – a D graded building constructed circa 1930.

No. 15-17 Lincoln Square South is developed with a two storey brick heritage building – a C graded building constructed circa 1929.

No. 5 Lincoln Square South / 625-631 Swanston Street is developed with a four storey brick building (facing Lincoln Square South) and a two storey painted brick building (on the corner of Lincoln Square South and Swanston Street). The site has planning approval (TP-2017-761) to demolish the two storey building and construct a mixed use development up to 14 storeys. The taller portion of the new building is set back between 26.1m and 40.9m from the Lincoln Square South boundary.

South

Directly south of the site, on the south side of Cumberland Place (known as 621A Swanston Street) is a four storey brick building constructed circa 1930. To the east of this building at 118 Bouverie Street is a four storey 1950's brick building used as office/student accommodation.

North

On the north side of Lincoln Square South is 'Lincoln Square', a public park bound by Lincoln Square North to the north, Swanston Street to the east and Bouverie Street to the west. Council description states that the site was "*first surveyed and the plans laid out by Robert Hoddle in 1852. A treed public space of 1.326 ha. Refurbished in 2004. Of note is the Bali Memorial that was completed in 2005. It was designed in consultation with the families of the 22 Victorian victims of the 2002 Bali bombings. The square's refurbishment in 2004 included landscaping of the gardens, new lighting, a children's playground as well as the Bali Bombing victim memorial.*"

Planning approval (TP-2018-286) provides for the extension of the park to the south, into the northern portion of Lincoln Square South roadway. Lincoln Square South will remain a two-way street with a bicycle path adjacent the northern kerb and parallel parking adjacent the southern kerb. Median parking will be removed.

Surrounds

The surrounding context is varied in building form, scale and use. There is a mixture of taller built form along Swanston Street, stepping up to the south towards the Central City. Along with the approved 14 storey building to the east at 5 Lincoln Square South / 625-631 Swanston Street, construction is underway at 123-131 Bouverie Street for a 14 storey building for use as student accommodation.

The site is well-serviced by public transport including tram networks along Swanston Street (100m away), Victoria Street (320m) and Elizabeth Street (320m). Melbourne Central Train Station is located 690m to the south. Parkville Train Station, currently under construction as part of the Metro Tunnel, is located 340m to the north-west.

The site is well-located to a number of parks, universities and activity centres including:

- Lincoln Square (30m);
- University Square (200m);
- Argyle Square (210m);
- Carlton Gardens / Royal Exhibition Building (600m);
- Melbourne University (340m);
- RMIT University (400m);
- Lygon Street (310m);
- Queen Victoria Market (470m);
- Melbourne CBD (330m).


Figure 1: Map of subject site and surrounds

Figure 2: Aerial of subject site and surrounds (19 October 2018)

Figure 3: Subject site and immediate surrounds from Lincoln Square South

Figure 4: Subject site from Lincoln Square South

Figure 5: Cumberland Place looking east

Figure 6: Cumberland Place looking west

Figure 7: Council Lane 1094 looking north

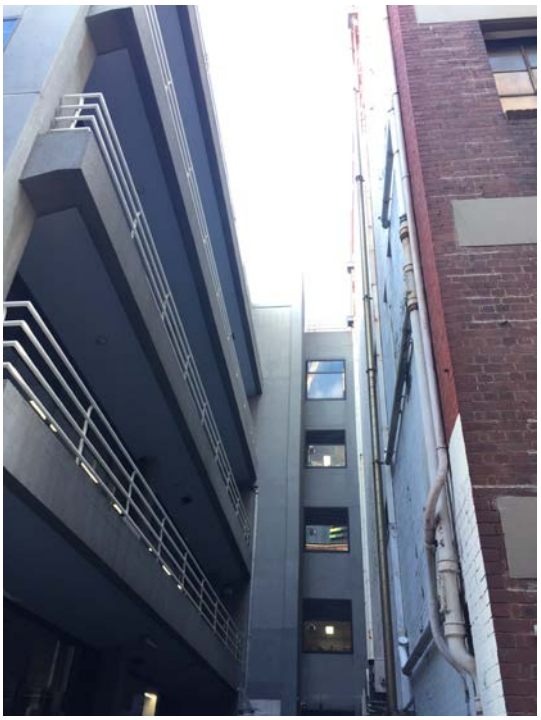

Figure 8: Interface with 33 Lincoln Square South

## 2 RELEVANT HISTORY

### 2.1 History / VCAT Decision

TP-2015-440 was lodged with Council on 21 May 2015 for general retention of the five storey heritage building, construction of nine additional levels towards the front of the site and an additional 12 storeys towards the rear of the site, for a total of 17 storeys. The development proposed basement car parking, ground level retail and a mix of one and two bedroom apartments.

On 31 July 2015, the permit applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the statutory timeframe, pursuant to Section 79 of the *Planning and Environment Act 1987* – VCAT Ref. P1582/2015.

On 31 August 2015, Council resolved that had it determined the application in the prescribed timeframe, it would have refused the application on the following grounds:

1. The proposal, due to its height and insufficient setbacks from street boundaries at the upper levels, will result in in a built form that is inappropriate in this part of the proposed City North urban renewal area, particularly having regard to the proposed Design and Development Overlay 61 under Amendment C196 to the Melbourne Planning Scheme.
2. The proposed partial demolition and unsympathetic additions to a building recommended for heritage protection under Amendment C198 to the Melbourne Planning Scheme will be detrimental to the historical value of the host building and the proposed Lincoln Square South heritage precinct.
3. The proposal would detract from the architectural and historic quality of the building and the surrounding area and would be contrary to the purpose and decision guidelines of Clause 43.01, Heritage Overlay in the Melbourne Planning Scheme and Local Policies 22.04 and 22.05.
4. The proposal does not satisfy the objectives of Clause 22.17 (Urban Design Outside the Capital City Zone) and the Guidelines for Higher Density

Residential Development including the objectives that seek to ensure that adjacent sites can be developed with an equitable access to outlook and sunlight.

5. The proposal does not provide for an appropriate level of internal amenity for future occupants that would satisfy the Guidelines for Higher Density Residential Development.
6. The proposed arrangements for vehicle access and parking, deliveries and waste collection are not safe and convenient, and will therefore adversely impact on the operation of adjoining streets and lanes.

Prior to the Hearing, the permit applicant formally amended the plans, resulting in a building with a total height of 12 storeys (40m) towards the front of the site and 15 storeys (52.75m) towards the rear – see Figure 9.

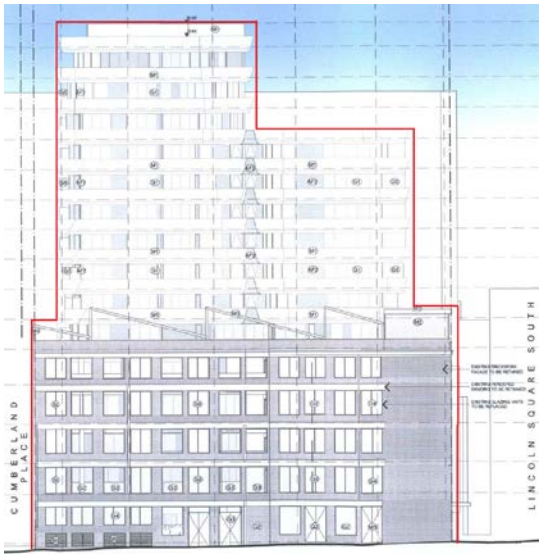


Figure 9: West Elevation of VCAT Plans (TP-2015-440) – red line indicates general building outline

On 15 December 2015, the Tribunal affirmed Council's decision, refusing to grant a permit. Key paragraphs within the VCAT Decision (Ambertree Vic Mel (Lincoln) Pty Ltd v Melbourne CC [2015] VCAT 1961) that are generally addressed throughout this report are as follows:

Paragraph 34

*The taller built form in the rear part (or what we have described as the third part) of the building that is 11.5 m above the preferred maximum building height fails to make an adequate distinction from the taller form in the Hoddle Grid and fails to respect the character of the Square. This is apparent from Mr Choong's photomontages and our inspections. Photomontages V01, V02 and V03 from different points in the Square along Swanston Street show an uncomfortable scale adjoining the Square and a screening of (rather than a transition to) taller form in the Hoddle Grid. The uncomfortable scale is heightened by the rising topography of the Square.*

Paragraph 35

*A combination of the height, street and lane setbacks and the full width balconies means that the upper levels of the building are not sufficiently 'visually recessive and more diminutive than the building's base'. The full 'wrap around' nature of the balconies (ie its design and materials) is visually dominant and we do not therefore adopt the building wall as the appropriate reference point. Rather, the design*

*treatment is such that the balconies appear as the 'wall' rather than the windows behind them.*

Paragraph 36

*Although Cumberland Place (east) is oriented north-south and has potential for greater activation, we are unable to determine on the evidence and submissions if a building with little or no setback at the upper levels would adversely affect this aspect of this part of the lane's access to daylight and sunlight and on its amenity and function.*

Paragraph 37

*We do not support the built form response of the proposed building above the podium (ie those parts both above and below the preferred maximum height of 40 m) on the three specified DDO61 measures.*

Paragraph 51

*…we do not agree that it can be inferred that the preferred built form outcomes represent an acceptable distillation of heritage considerations across all sites in City North. In particular, we do not agree that the 40 m preferred maximum building height is an 'indicator of what is an acceptable built form response to heritage considerations'.*

Paragraph 52

*First, it is obvious that the requirement for a permit under the heritage overlay is not ousted. Second, the objective for mid-rise scale of buildings (6 to 15 storeys) clearly contemplates that, in some circumstances in the DDO61 area, a 15 storey or 40 m built form height may not be acceptable. Third, table 2 is drafted in a way so that heritage objectives and associated design requirements are distinct from other objectives and requirements relating to building height, scale and setbacks.*

Paragraph 62

*After inspecting the building and heritage place and carefully weighing the evidence of Ms Gould and Mr Raworth, we find that the extent of demolition is significant and would adversely affect the significance of the heritage place. In addition, we find the alterations to the retained fabric and the new building would also have this effect.*

Paragraph 63

*Although both witnesses are well qualified and experienced heritage experts, we prefer Ms Gould's evidence in this proceeding for a number of reasons.*

Paragraph 73

*The proposal would adversely affect, and does not respect or enhance, the significance of the heritage place.*

Paragraph 93

*We have balanced the meritorious features of the proposal and the general compliance with City North policy against the scheme's relevant heritage and built form policies. It suffices to conclude that the nature of the proposal's shortcomings with the non-mandatory built form requirements and with respecting or enhancing the significance of the heritage place means that we find the proposal is not an acceptable planning outcome.*

Paragraph 94

*We are unable and unwilling to specify particular changes because a thorough review of the design response is needed if a fresh application is to be made.*

Paragraph 96

*We do, nonetheless, record that although Ms Gould's opinion was that she doubted any new building that rose above the existing building (or parts of it) to a height of 40 m could be appropriately respectful of the significance of the heritage place, Mr Livingston submitted the Council's view was that a design response for a building with a height of up to 40 m and with an upper level setback from Lincoln Square South of at least 6 m could be acceptable.*

## 2.2 Pre-Application Discussions

Following the above VCAT decision, several meetings were held with Council officers for a new proposal at the site.

Following lodgement of this current application, Council's concerns were identified at RFI stage (issues raised regarding building height above 40m and proportionality of the additions in relation to the heritage building), through Urban Design and Heritage referral comments (see Section 12 of this report), a follow up meeting with the permit applicant and Council's Heritage Advisor, and reiteration of these concerns in the objections received (see Section 11 of this report).

The applicant has subsequently provided Council with further without prejudice material, including a drawing identified as 'Option 2', which proposed an additional front setback at the top two levels (12 & 13) compared to the advertised plans.

It is noted that while there is an increased front setback at Levels 5 to 11 behind the front balconies of the VCAT refusal plans, there is a reduced front setback at Levels 12 and 13 compared to the VCAT refusal plans.

On 22 January 2019, Council provided a consolidated response to the applicant, advising that the without prejudice (Option 2) proposal was considered supportable subject to the following:

- Removal of the top two levels (12 & 13) so that the building has a maximum height above Lincoln Square South (excluding building services) of RL 71.140, which would allow the retained heritage building to remain the dominant form in the round;
- Simplify the upper building's architectural feature at the parapet line by removing the triangular / wave element, and substituting a horizontal line on all four elevations;
- Retain the existing face-brick built form at the south-west corner at parapet level;
- Retain the roller shutter to the (piano) goods lift on the south elevation;
- Conservation of internal and external heritage fabric generally in accordance with Council's Heritage Advisor's recommendations. Further detail will be required from the applicant for the specific conservation works to the existing steel framed windows and to (hidden) painted signs;
- Where additional openable panels are required to existing glazed windows on the north elevation, adopt hopper sashes consistent with the original. The capacity to fully close the windows is to be retained on the north elevation.

# 3 PROPOSAL

The application proposes:

- Various internal demolition of floors/ceilings, lifts, stairs, columns etc.
- Demolition of the existing sawtooth roof (retention of sawtooth walls).

- Various removal of glazing and framing to each façade.
- Construction of a 14 storey building comprising of five storeys within the retained heritage building and nine storeys above in a contemporary form.
- The upper form comprises various front, side and rear setbacks, built around a light well on the western side of the site.
- The application Urban Context Report describes the upper form as a folded and extruded façade screen system that clothes the upper portion of built volume with sporadic openings – refer Figure 10 for materiality.
- Excluding rooftop services, the development has an overall height of 48.96m from the centre of Lincoln Square South and 50.09m from the centre of Cumberland Place at the rear.
- The Ground Floor layout comprises a 229.2m² "Hospitality" premises (which the application material also identifies as 'Retail') located at the front of the site and occupying approximately three-quarters of the building's frontage; a pedestrian entry, which occupies the remaining frontage; a resident lounge; lift and stair core; waste room; services rooms (some with doors to the east portion of Cumberland Place); bicycle storage; rainwater tanks (below ground); and a car stacker system at the rear of the building with access off the east side Cumberland Place for 30 cars. The car stacker pit extends below ground.
- Level 1 comprises dwellings, a courtyard on the west side of the building (with skylights to the ground level below) and the upper level of the car stacker system.
- Levels 2-4 comprise dwellings.
- Level 5 comprises dwellings and a mix of internal and external communal open space in the form of a function/recreation space, kitchenette, bathroom, library/lounge and workstations internally (92m²), opening out to two landscaped communal areas with tables, chairs and a BBQ (158.9m² combined).
- Levels 6-13 comprise dwellings.
- Building services are located at roof level.
- The mix of dwelling types (63 in total) is as follows:
    - 3 x 1 bedroom;
    - 32 x 2 bedroom;
    - 26 x 3 bedroom;
    - 2 x 4 bedroom.
- Materials include retained brick; retained steel windows; new steel and aluminium windows; porous metallic screening (copper coloured allow or similar); concrete; panelised cladding (grey FC sheet of similar); and metal sheeting (including perforated).
- Other finishes include a heritage green paint (resene ivy green or similar) to metal balustrading and existing window frames.

Figure 10: General render of proposed development

# 4 STATUTORY CONTROLS

| Clause | Permit Trigger |
|---|---|
| Clause 37.04<br>Capital City Zone<br>Schedule 5 | Use<br>Pursuant to Schedule 5 to Clause 37.04-1, Accommodation (dwellings) and Retail (hospitality) – other than Adult sex bookshop, Hotel and Tavern – are Section 1 Uses – no permit required.<br>As such, a standard condition could be included on any permit granted ensuring that ground floor retail premises does not operate as an Adult sex bookshop, Hotel or Tavern.<br>Development<br>Pursuant to Schedule 5 to Clause 37.04-4, a **permit is required** to construct a building or carry out works; and a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works. |
| Clause 43.01<br>Heritage Overlay<br>Schedule 1122 | Pursuant to 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. |
| Clause 43.02<br>Design and Development Overlay<br>Schedule 61-A4.1 | Pursuant to Clause 43.02-2, a **permit is required** to construct a building or construct or carry out works. |
| Clause 45.09<br>Parking Overlay<br>Schedule 1 | Pursuant to Schedule 1 to Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates specified in the schedule.<br>The proposed number of car parking spaces on-site does not exceed the formula at Schedule 1 and therefore a permit is not required – refer Section 13.6 of this report for further details. |

# 5 STRATEGIC FRAMEWORK

## 5.1 State Planning Policy Framework (SPPF)

- Clause 15.01-1S – Urban Design;
- Clause 15.01-2S – Building Design;
- Clause 15.02-1S – Energy and Resource Efficiency;

- Clause 15.03-1S – Heritage Conservation;
- Clause 16.01-1S – Integrated Housing;
- Clause 16.01-3S – Housing Diversity;
- Clause 17.02-1S – Business.

### 5.2 Local Planning Policy Framework (LPPF)

#### 5.2.1 Municipal Strategic Statement (MSS)

- Clause 21.06 – Built Environment and Heritage;
- Clause 21.07 – Housing;
- Clause 21.14 – Proposed Urban Renewal Areas (City North).

#### 5.2.2 Local Policies

- Clause 22.05 – Heritage Places Outside the Capital City Zone;
- Clause 22.19 – Energy, Water and Waste Efficiency;
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design).

## 6 ZONE

Capital City Zone

The purpose of the Capital City Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To enhance the role of Melbourne's central city as the capital of Victoria and as an area of national and international importance.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.
- To create through good urban design an attractive, pleasurable, safe and stimulating environment.

Schedule 5 (City North)

The purpose of Schedule 5 to the Capital City Zone is:

- To develop City North as a mixed use extension of the Central City.
- To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.
- To encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors.

## 7 OVERLAYS

Heritage Overlay – Schedule 1122

The purpose of the Heritage Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.

- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Design and Development Overlay

The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Schedule 61 (City North)

An assessment against the Design Objectives of Schedule 61 is found at Section 13.3 of this report.

Parking Overlay

The purpose of the Parking Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To facilitate an appropriate provision of car parking spaces in an area.
- To identify areas and uses where local car parking rates apply.
- To identify areas where financial contributions are to be made for the provision of shared car parking.

Schedule 1 (Capital City Zone – Outside the Retail Core)

The parking objective of Schedule 1 to the Parking Overlay is:

- To identify appropriate car parking rates for various uses within the Capital City Zone.

## 8 PARTICULAR PROVISIONS

- Clause 52.06 – Car Parking;
- Clause 52.34 – Bicycle Facilities;
- Clause 58 – Apartment Developments.

## 9 GENERAL PROVISIONS

- Clause 65 – Decision Guidelines;
- Clause 66 – Referral and Notice Provisions.

## 10 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting three (3) notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

## 11 OBJECTIONS

A total of three objections were received. The following concerns have been raised:

- *Non-compliance with preferred DDO height control;*
- *Non-compliance with preferred side and rear setbacks;*

See assessment at Section 13.3 of the report.

- *Heritage and streetscape impacts;*

See assessment at Sections 12 and 13 of the report.

- *Miss-labelling of 33 Lincoln Square South as 'commercial' rather than 'mixed use' (commercial and residential);*
- *Misrepresentation of residential details at 33 Lincoln Square South on plans;*

The above misrepresentation on the plans is noted for the assessment.

- *Overlooking;*
- *Overshadowing;*
- *Loss of sunlight;*
- *Non-compliance with Apartment Design Standards;*

The above concerns are assessed under Clause 58 at Appendix A of the report.

- *Parking and traffic impacts;*

See assessment at Section 13.6 of the report.

- *Waste impacts;*

See assessment at Sections13.7 of the report.

- *Wind impacts;*

Wind impacts are assessed at pedestrian (ground) level only – refer Section 13.3 of the report.

- *Rainwater deflection from subject building onto 33 Lincoln Square South;*

The above concern is not a relevant planning consideration. In any event, rainwater is to be captured at roof level and stored in below-ground rainwater tanks.

## 12 REFERRALS

### 12.1 Internal

#### 12.1.1 Urban Design

*Massing*

- *The DDO61 outlines a preferred building envelope, however this is moderated by the need for a site specific outcome to respond to the heritage asset on site. This was a key point of contention in the previous VCAT Refusal of the Plus Architecture designed tower on the site, comprising 9-11 levels above the existing form. The Panel Report for C196 explicitly determined not to support the notion that proposed built form controls trump heritage, requiring a site by site evaluation.*
- *The location and topography of the site has an impact on the way the building mass is perceived from the street and from the park. As opposed to a traditional street condition flanked by streetwalls, the proposed site is facing a significant*

*public open space that slopes upwards away from the site, enabling a higher vantage point to perceive a greater proportion of the upper built form. In this context, the need to establish a balanced massing relationship between the heritage base and upper form becomes even more pronounced, and the assessment of massing issues is critical.*

- *Noting the specifics of the park, comprising dense evergreen trees, the key public realm vantage points beyond the opposite side of the street include the intersection with Bouverie Street, the intersection with Swanston Street, and from pedestrian paths within Lincoln Square to the north west.*

*Building Height*

- *Based on our analysis of the site and the massing in context, it is felt that the proportions of the contemporary upper form in relation to the brick heritage base appear tower-like as opposed to a 'cap' (in the way demonstrated in Paramount Hotel for example). Whilst there is no expectation to 'conceal' form in this context, the visual prominence of the upper form appears to dominate the heritage building, as it exceeds a proportion of 1:1 (façade height compared to upper form height) and appears top heavy.*
- *We note that the proposed overall height of 47m exceeds the maximum 40m stipulated by DDO61 (4.1). It is clear that the proposal relies upon the precedent at 625-629 Swanston Street which is approved at 46m at a higher point in the slope. It is worth noting that the adjacent site has very different site conditions and characteristics, including its location on a prominent corner, different streetwall controls to Swanston Street, courtyard planning, as well as a setback of over 20m from Lincoln Square South to the 46m form, set behind 15-21 Lincoln Square South.*
- *Whilst we support the notion of a 6.8m step back from the street front, the success of this setback is reduced by the increase in building height of 2 levels above the preferred height control. Noting the 20m+ setback to the approved 46m high wing of the student accommodation to the east, a greater setback would be required to justify this 6m of additional building relative to the 6.8m building setback.*
- *The proposal adopts a 6.2m recessed separation between the screened upper form and the heritage base which is strongly supported. The reading of depth and shadow will be key to establishing a successful sense of visual lightness to the upper form.*

*Setbacks*

- *DDO61 (4.1) stipulates a 6m setback above the 24m street wall to the street front, and 4m above 10.5m to a laneway. The proposed setbacks for this development are: 6.8m from title boundary to Lincoln Square South; 4.5m to laneway centre to south; a varied setback approach to the east to Cumberland Place: 2.4m at the northeast corner and 4.5m in southeast corner. This varied setbacks respond to the height of the adjacent development.*
- *When considering the development potential of the adjacent sites to the east (15-21 Lincoln Square South), we note that the site constraints are such that any future development is likely to have apartments with primary outlook towards the north. Given these constraints, the proposed 2.4m setback from the centre of Cumberland Place to the Northeast of the site could be deemed acceptable from a development equity perspective, although we defer to heritage regarding the 1m setback from the base, and effectiveness of the rebate in this location between new and old form.*

- *The setback to the southeast could also be deemed appropriate given the combination of the height of the retained brick wall above 10.5m, and mirroring of the approved setback of the adjacent built form (625-629 Swanston Street) and the widened laneway of approximately 7m.*
- *To the south the proposal adopts a 4.5m setback to upper levels. However, acknowledging the east-west lane orientation and existing level of overshadowing from the retained form, a further setback to 4m from the boundary would have a negligible impact beyond a compliant condition.*

*Site Layout*

- *We support the orientation and proportion of the main light court to the west as it secures access to daylight within the title boundaries while encouraging a reciprocal response from the adjacent site in the future. The use of smaller light courts within the building fabric to the North and South are similarly supported to achieve an overhead light source and some stack ventilation to the lower levels. .*
- *Given the challenges associated with managing the levels along the Lincoln Square South frontage and the importance of retaining the existing conditions on the heritage façade, we support the internal positioning of the entry doors to hospitality within the building envelope.*
- *We also support the layered security access within the ground floor corridor, which features integrated benches with planters and paving to reinforce a sense of 'publicness' and a high quality arrival for occupants.*

*Building Program*

- *We strongly support the overall approach to heritage retention and adaptation, including the decision to retain a high proportion of existing columns, align the new floorplates with the existing datums, and refurbish the steel window frames. The integration of existing structure demonstrates a strong commitment to retaining not only the physical and tangible aspects of the existing building but also the memory and legacy of its former use and plan. The gesture to reveal old heritage signage in the brick interfaces further demonstrates the sensitive approach to heritage issues.*
- *We support the orientation of bedroom and living room windows to Lincoln Square South and Cumberland Place and minimisation of southern aspect. We note that this approach of retaining the existing floor levels and window openings provide ample opportunity for passive surveillance and visual connection to the street and laneways.*
- *We support the high level of amenity provided to a majority of apartments, including the well planned living space, high ceilings and daylight to habitable spaces. However, we note that the Northeast corner apartment on levels 7-12 could be reconfigured to improve the following aspects: 1. excessive circulation space; 2. the usable living area is notably undersized for a 3 bedroom apartment; 3. utility of the 2.3m2 deck.*

*Design Quality*

- *The revised upper form represents a dramatic improvement from the previous Plus Architecture proposal. The level of filigree, depth, interest and verticality is a positive outcome, whilst the tone of the copper screens creates a complementary, whilst clearly distinct presentation to the existing red brickwork.*
- *We support the colour palette, materiality, and fine grain detail of the metal screens that appear recessive and complementary to the heritage brick base. We*

*also support the vertical emphasis within the folded screens as it responds to the vertical rhythm of the brick pilasters in the warehouse form. It will be critical that a façade strategy condition is employed to secure the quality of detailing through to construction.*

***Recommendations***

*We generally support the proposal as it demonstrates exemplary qualities in its approach to volumetric heritage retention, activation, and apartment amenity. We also support the attention to fine grain details and materiality of the chevron upper form, which not only respond to the human scale, but also provide visual interest to the public realm when viewed at a range of distances.*

*The many positive aspects notwithstanding, the issue of building height and subsequent visual dominance remain paramount. It is our view that a lightweight 'crown' is a more appropriate response as opposed to more of a 'tower' type form, and that a relationship of equal to or less than 1:1 (façade height to heritage form height) is required to achieve this outcome in identified vantage points. This would suggest either a reduction in the building height to approximately 40m, excluding architectural projections or a significant increase in the street setback.*

Planner's Response

As discussed throughout this report, the reduction of two levels and simplification of the parapet would result in a building height of approximately 41.3m and deliver a proportionate upper form that does not dominate the retained brick building at the front of the site or from the public realm. These changes have been discussed with the applicant and could be formally introduced by way of condition on any permit granted – refer recommended Conditions 1a, 1b and 8.

### 12.1.2 Heritage

***Heritage Context***

- *Included in heritage precinct HO1122 Lincoln Square South*
- *Graded C, level 2 streetscape in the March 2018 Heritage Places Inventory.*
- *Proximate graded buildings 19-21 Lincoln Square South, graded D, level 2 streetscape and 15-17 Lincoln Square South graded C, level 2 streetscape.*
- *Proposed heritage status in Amendment C258: "Significant".*
- *Opposite Lincoln Square.*
- *Cumberland Place to the east boundary and the south boundary, CL 1094 to the southern half of the west boundary.*

***Background History***

*The former Allan &Co building was constructed in 1927 to the design of architect Cedric Ballantyne, primarily for the warehousing of pianos. In the late 1940s large textile manufacturers Davies and COOP Ltd took over the site. Flyovers across Cumberland Place connected with their facilities addressing Swanston Street. Davies and COOP signage was added to the building including the company name, "Exacto" and logos incorporating a map of Australia. Extensive historical information is available in previous reports for the site and is not repeated here.*

*The original drawings from the 1927 building permit are include in the Heritage Impact Assessment. Comparison with the existing built form indicates the building to be substantially intact including the distinctive sawtooth roof forms and saw-tooth end walls forming a parapet to the east and west facades. There have been some*

*changes to the steel-framed window joinery on some levels, notwithstanding the majority appear to remain from the original construction. There are some alterations to openings particularly at Ground level, but overall most openings reflect the original.*

***Proposal***

- *Demolition to: All saw-tooth roof areas. The saw-tooth end walls would be retained.*
- *The elevated portion of the existing building on the south west corner. The walls to this floor level are continuous with the parapet on the south and west elevations and include remnant signs from the Davis COOP period.*
- *The west and south walls of the elevated sign panel/lift form on the north east corner.*
- *Some openings at Ground floor level in Cumberland Place (east side) for provision of meters and the garage entry.*
- *Joinery and access doors to some openings to the Lower Ground and Ground levels in Cumberland Place (south side).*
- *Non-original glass block infill panels.*
- *Glazing to the majority of the existing steel-framed windows, with the intention to retain the steel frames as open to the exterior. Three options for provision of ventilation via existing windows have been proposed: the application documents indicate retention of the lower panel of glazing on each floor to the North elevation and removal of all glazing on all other locations.*
- *Non-original doors and panels at the Lincoln Square South entry.*
- *The original good lift and escape stairs to the south of the building, and the non-original passenger lift and stairs at the north east corner.*
- *Retention of a substantive portion of the internal concrete floors and associated structure to the existing 5 floor levels.*
- *Alteration to the existing building to accommodate residential apartments, with vehicle access to 4 levels of car stackers located at the southern portion of levels Ground and 1.*
- *Addition of a nine level tower, bring the total number of storeys to 14, with a height of 48.865 metres to the top of the façade in Lincoln Square South set back 6.8 metres, and with small side setbacks from Cumberland Place. o Side and rear setbacks to the screen wall of the addition are not annotated on the drawings but scale as 2.5 metres from the south leg of Cumberland Place; 0 – 1.5 metres from the east facade at Cumberland Place; with no setback from the west boundary except at the central light well. Along the east portion of Cumberland Place, the drawings are annotate to indicate a "1M SETBACK FROM THE TITLE BOUNDARY" at a point where the setback to the screen wall is approximately 0.6m*
- *At its closest point, the proposed "screen façade" to the tower would be approximately 1 metre above the peak of the saw-tooth end walls and approximately 0.5 metres above the existing sign panel form on the north east corner.*
- *Measured from the natural ground level at the centre of the frontage (RL 29.775), the height of the development would be 47.565 metres to the "roof level" and 48.965 metres to the top of the façade.*

- *Some works are proposed to earlier sign panels from the Davis COOP occupancy which are now painted over, the small area of painted brickwork on the west elevation along the CL1094 proximate to 33 Lincoln Square South, and unspecified works are proposed to the steel framed windows.*

***Previous proposal for the site VCAT Review P1582/2015***

*The previous proposal was reviewed by VCAT in 2015. VCAT upheld the refusal by the City of Melbourne. In upholding the refusal, the Review found that the previous proposal:*

> *would adversely affect, and does not respect or enhance, the significance of the heritage place. (para. 73)*

*and that in within the context of greater development under the DDO provisions Clause 22.05:*

> *policies for respect for the character and scale of a building surrounds remain applicable under building height." (para. 71)*

*In assessing the form of the building the Review considered amongst other maters the context from the park at Lincoln Square. The street and east side setbacks were found to be insufficient and the bulky and dominant form was not respectful of the heritage place:*

> *In our assessment, the full wrap around balconies with their outward-angled upstands in a solid (albeit perforated) form, is not respectful of the significance of the heritage place because the street and east side setbacks are insufficient. This creates a bulky and dominant presentation, particularly from the public realm in Lincoln Square South, Swanston Street and Lincoln Square. It fails to be a modern interpretation because there are few references to the host building. In particular, both the shape and materials appear unrelated the host building. (para.68)*

*The previous proposal is for a building with 5 existing levels, 7 levels set back from Lincoln Square South 4.5-4.8 metres to RL70.0, and 3 levels setback 20 metres to RL78.65.*

*From the View point represented in the current proposal (Site Section 01 TP10), the perceived height of the previous proposal (to Roof level) is a structure which is 95% of the façade height of the existing building at the centre of the site.*

***Assessment of view lines for the current proposal in TP10, TP11 and TP12.***

*Site Sections have been submitted as view lines. TP10 from opposite within Lincoln Square; TP11 from Bouverie Street near the intersection of Pelham Street, and TP12 from the Swanston Street forecourt of the Bali memorial.*

*In assessing these Site Sections, height measurements have been taken from the centre of the frontage, as required under the DDO. NGL at the centre is RL 29.775. The existing building "street wall height" at RL 50.29 is a measurement of 20.515 metres.*

*The concealment offered by the existing parapet in Lincoln Square South should be taken at the centre of the frontage, but has been shown on all three Site Sections as taken from the lift overrun at the eastern corner - a point some 3 metres higher. The applicant's view cones as expressed in degrees are distorted and incorrect as a result.*

*TP10. View from opposite within Lincoln Square*

*The existing building has prominence in the streetscape when viewed from opposite the site. (Figure 1) Site Section 1 indicates a viewing point within the park (a little east of the view in Figure 1), approximately 70m. from the site.*

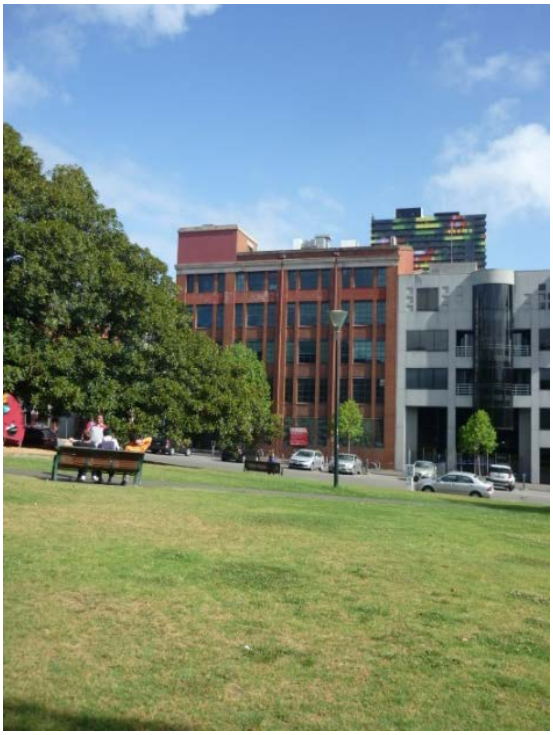

*Figure 1. View from Lincoln Square (2015 M Gould)*

*The tower at RL 78.74 to the top of the articulated screen façade is proposed to have a height of 48.965 metres, rising 28.45 metres above the existing street wall. However the tower height which is perceived by the viewer will be modified by its setback - proposed here at 6.8 metres. At the Site Section 1 viewpoint, the perceived height of the tower will be approximately 117%. It would be perceived to be taller than the street wall height of the existing heritage building and would be a dominant bulk form.*

*In the current application the perceived height would exceed the perceived height of the previous proposal by a further 10 %. The VCAT Review found the previous tower built form to be dominant.*

*The adjoining permitted development 625-631 Swanston Street includes a tower of similar RL height at the roof. Located on higher ground to the east, this development has a lower overall height than the 23-31 Lincoln Square South proposal. The application documents suggest that the proposed tower at 23-31 Lincoln Square South is similarly located. However the tower is setback from the Lincoln Square South frontage some 20 metres, resulting in a considerable reduction in perceived height which would translate to a reduction in height by 2 floors at the subject site.*

*TP11 Bali Memorial forecourt view*

*At the Site Section 2 viewpoint, the perceived height of the tower above the existing building would be approximately 135% of the existing street wall. Apparent bulk would be further exacerbated by the small setback from the east boundary and the view to the east elevation of the tower.*

*Figure 2. View from the western portion of the Bali Memorial. (M. Gould 2015)*

*TP12 Bouverie Street view*

*At the Site Section 3 viewpoint, the perceived height of the tower above the existing building would again be around 135% of the existing street wall. The view lines shown on the Site Section again use the small lift overrun for concealment rather than the parapet height at the centre of the frontage.*

*"Respectful" is defined in Clause 22.05 Heritage Places Outside the Central City Zone.*

> *Respectful and interpretive refer to design that honestly admits its modernity while relating to the historic or architecturally significant character of the its context. 'Respectful' means a design approach in which historic building size, form, proportions, colours and materials are adopted, but modern interpretations are used instead of copies of historic detailing and decorative work.*

*In summary, the Site Sections indicate a dominant building which would not be respectful of the significance of the heritage place. A substantial reduction in height and increase is setback be required to ensure that the prominence of the existing building is retained.*

***Assessment against Local Heritage Policy***

*1. The proposed tower*

*Clause 22.05 is relevant in the heritage assessment. The concealment of "higher rear parts" does not apply within the "City North" area, however "Building Height" and "Form" which respect the heritage context does apply. The Heritage Impact Statement does not assess the height of the development under Clause 22.05. Rather it implies that the proposal comes close to concealment:*

Although not entirely concealed from the street the overall form, massing and setbacks of the addition can be read as recessive and are respectful of and in keeping with the character and appearance of the significant building and the heritage place more generally.

*HIS Page 16*

*The proposed tower has a small setback. It would be perceived to be greater in height than the existing street wall height, combining with it to be more than double its height.*

*To achieve a respectful height and form, a substantial reduction in height and an increase in setback is recommended.*

*2. Demolition of parts of the existing building which contribute to significance.*

*Three distinctive elements are proposed to be demolished:*

- *The sawtooth roof forms. No part of the existing saw-tooth roof forms would remain. The light provided to the interior by the south facing light is a key feature of the heritage form. Removal of all of the sawtooth roof forms would diminish significance. Retention of the northern saw tooth roof is recommended.*

*Figure 3. Saw tooth roof internal view of south glazing and timber trusses.(M.Gould 2015)*

- *The south west elevated parapet form. (Figures 4 and 5.) There appears to be no reason why this original building form is proposed to be removed. The form is visible from various points in the public realm and also contains remnants of early signs. The windows offer potential for inclusion within the apartment development. Retention of the whole of the distinctive brick facades is recommended.*

*Figure 4. South West corner rising above the contiguous parapet line (M.Gould 2015). Note signage on south wall.*

*Figure 5. South West corner rising above the contiguous parapet line (M.Gould 2015). Note circle and map of Australia signage on west wall.*

- *The steel framed windows. The description of works to the steel framed windows does not indicate conservation works or clearly indicate retention. Removal of the majority of glazed panels as proposed would increase the exposure of the steel frames to the weather and is likely to reduce the life of this building fabric. Providing reflectance, a balance of light and shade at the openings and strong sense of the enclosure inherent in a warehouse function, the glazed steel framed windows are a distinctive and integral part of the architectural form and contribute to significance. The perception of the original façade design would be changed by the removal of glazing. All three options proposed by the applicant would substantially modify fabric which contributes to significance.*

  *There would appear to be alternatives. The original windows contain opening sashes. (Figures 6, 7 and 8). Some modification to increase the number of sashes within the existing frames would be supported.*

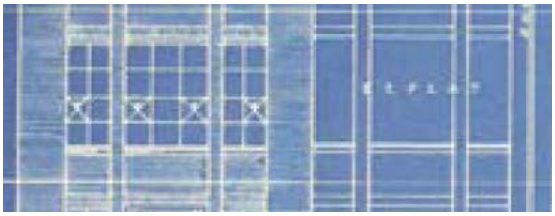

*Figure 6. 1927 Original Drawings. From HIS page 7*


*Figure 7. c1930s. From HIS page 9, showing hopper windows broadly consistent with 1927 drawings. Original entry form also evident. (From application documents)*

*Figure 8. 1948. Openings to windows broadly consistent with the 1927 drawings. (From application documents.)*

***Assessment against the provisions of DDO 61***

*The site is within Area 4.1 of DDO61. The Decision guidelines at the Design and Development Overlay provisions applying to all areas include reference to heritage. Clause 43.02-6 lists matters which the responsible authority must consider including:*

- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*

*And at the Design Objectives of DDO61 City North item 1.*

- *To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.*

*And at Table 1 for Area 4.1 the Built Form Outcome*

- *Creates stronger definition of the streetscape.*

*And at Table 1 for all Areas within DDO 61 the Design Objective "To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precinct respects the character, form, massing and scale of the heritage buildings." The Built Form Outcome*

- *The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.*
- *New buildings should step down in height to adjoining lower scale heritage buildings.*

*Preferred heights and setbacks are set out for particular locations within DDO61. The particular point at which the street wall height and the high point of the building at the street edge are to be measured is required to be at the centre of the site frontage. (Item 2.) Architectural features and building services are excluded.*

*Amendment C258 includes the buildings within the Lincoln Square South Precinct with classifications for significant and contributory.*

| | | | |
|---|---|---|---|
| Lincoln Square South | 11-13 | Significant | - |
| Lincoln Square South | 15-17 | Significant | - |
| Lincoln Square South | 19-21 | Contributory | - |
| Lincoln Square South | 23-31 | Significant | - |



*The height of the proposed building at the centre of the frontage to the Roof level (excluding services and architectural features) is 47.565m and 48.965m to the top of the screen facade. The dimensions annotated on the drawings for the street wall height and overall height are not measured at the centre of the frontage as required in DDO61. The proposal exceeds the preferred height of 40 metres. An application to exceed the preferred maximum building height should demonstrate achievement of the relevant Design objectives and Built Form Outcomes as identified above. The proposal does not achieve the Design objectives and Built Form Outcomes relevant to this, the most prominent building within the Precinct.*

***Recommendation***

*The proposal is not supported in its current form.*

*A proposal which included the following elements might achieve a successful heritage outcome.*

- *Retain the section of higher parapet walls, windows and remnant signage on the south west corner.*
- *Retain at least one saw-tooth roof form.*
- *Assuming the saw tooth roof form is retained at the north of the site, set back any additional floors to the south of the retained saw-tooth roof form. This set back is approximately 12.5 metres.*
- *Reduce the height of the additional floors to achieve a perceived height (at Site Section 1) of no more than 50% of the Street wall height. This would result in the addition of 5 floors - a building height of approximately 35.2 metres.*
- *Retain original clear glass where possible.*
- *Locate hopper opening sashes within the single "square" panes of the existing frames, broadly in the locations shown on the 1927 elevation. An increase in the number of hopper sashes would be acceptable, e.g. a full row in the upper band. And at the second band above sill level, modification of the hoppers to open 180 degrees would be supported. This arrangement would provide good air flow in summer, and provide for an open to air connection at person level.*
- *Retain the capacity to fully close the glazing panels within the steel framed windows: the architectural volume to be presented in a manner consistent with the 1927 design intent.*
- *Provide a schedule of refurbishment works to the existing steel windows.*
- *Provide further detail for the proposed new entrance doors.*
- *Retain the roller shutter to the goods lift on the south elevation.*

<u>Planner's Response</u>

A response to each of the above recommendations is as follows:

- A condition could be included on any permit granted requiring retention of the south-west corner brick higher parapet walls, windows and remnant signage currently proposed to be demolished – refer recommended Condition 1c.
- While the existing roof form contributes to the buildings heritage status, the side sawtooth parapets are the most prominent feature as viewed from the public realm. Their retention to both side elevations is acceptable in this instance.
- A 12.5m setback from the front elevation is not considered necessary subject to a lowering of the overall building height and simplification of the triangular parapet.
- A reduction of two levels plus the simplification of the triangular / wave elements at parapet level (to Council's satisfaction), which would result in an overall building height of approximately RL 71.14 or 41.3m above ground level, would ensure that the upper form is proportionate with and does not dominate the heritage building. Following further consultation with Council's Heritage Advisor, this is acceptable – refer recommended Condition 1a and 1b.
- Council's Heritage Advisor has stated that the glazed steel framed windows are a distinctive and integral part of the architectural form and contribute to its significance. The perception of the original façade design would be changed by the removal of glazing. As such, retaining glazing where possible should be

considered, noting that where additional openable panels are required to existing glazed windows on the north elevation, the proposal should adopt hopper sashes consistent with the original; broadly in the locations shown in historic photos and to Council's satisfaction. This could be formally required by way of condition on any permit granted – refer recommended Condition 1e and 1f.

- See dot point above.
- The capacity to fully close the windows on the north elevation could be required by way of condition on any permit granted – refer recommended Condition 1f.
- Details of conservation / refurbishment works to the internal and external heritage fabric could be required as a condition on any permit granted as it is unclear to what extent, for example, existing floor/ceiling slabs are being retained – refer recommended Condition 1e and 1h.
- A non-original entry exists along the Lincoln Square South ground floor elevation. It is proposed to be replaced with a new pedestrian entry. Further details of the entry could be requested via condition on any permit granted to demonstrate its appropriateness within the heritage façade – refer recommended Condition 1g.
- This roller shutter opening is proposed to be made good with bricks. Its retention is possible and could be formalised by way of condition on any permit granted – refer recommended Condition 1d.

### 12.1.3 Traffic

***Background***

*A permit was refused by VCAT in 2015 for the redevelopment of the site for a residential development with a retail tenancy at ground level and basement car parking. The reasons for the refusal were not traffic related, being building height, heritage considerations and internal amenity. The current proposal provides a reduction in the number of apartments and the on-site car parking spaces proposed, as well as changes to the proposed site access and parking arrangements.*

*It is noted that the City of Melbourne is planning to implement a streetscape proposal in Lincoln Square which would expand the existing open space by approximately 3,000 sqm. This is to be achieved by removing 15 metres of roadway on Lincoln Square North and South. This includes the removal of 65 existing on-street parking spaces (mostly centre of road spaces). Section 2.7.2 of the Cardno report includes further details about the Lincoln Square proposal.*

***Site Information and Proposal***

*The subject site, which is located within the Capital City Zone – Schedule 5, has street frontages to Lincoln Square South (northern boundary) and Cumberland Place (eastern and southern boundaries). The total site area is 905 sqm. The existing building on the site has previously been used for warehouse and office purposes, and no on-site car parking is currently provided. The site is within an area covered by Schedule 1 to the Parking Overlay, that applies a maximum car parking requirement rather than a minimum as typically applied elsewhere.*

*It is proposed to redevelop the site to provide 63 apartments across 13 levels (3 x one-bedroom, 32 x two-bedroom and 28 x three-bedroom and larger), with a 229 sqm café at ground level. A fully automatic car parking system accommodating 30 cars (all allocated to residents) is proposed, with vehicular access via Cumberland Place.*

*It is noted that the Contour report states that there will be one level of basement, containing car stacker pits, with access to the car stackers at ground floor level, while*

*the Cardno report talks about a fully automatic car parking system. The applicant should be asked to clarify exactly what is proposed.*

***Car Parking Provision***

*The provision of 30 parking spaces for the proposed 63 apartments is acceptable as it meets the requirements of the Parking Overlay.*

***Access***

*Because of the requirement to retain the eastern heritage façade, it is advised in the Cardno report that the cabin for the car parking system will be located between existing structural columns.*

*Inbound movements to the car parking system will be via Cumberland Place, with access only from the north (i.e. Lincoln Square South). This is considered appropriate.*

*Vehicles will be able to exit to Lincoln Square South or Bouverie Street. This is considered appropriate.*

*Vehicles will be able to drive forward into the cabin for the car parking system and will have to reverse out of the cabin to Cumberland Place. Ideally the system should be designed to allow vehicles to drive out in a forwards direction.*

***Layout and Design***

*Height clearance in the car parking system is considered acceptable.*

*Overall the operation of the proposed fully automatic car parking system, as explained in Section 7.2 of the Cardno report, is considered acceptable, with the exception that having vehicles driving out in a forward direction would be preferred.*

***Bicycle Parking***

*According to the Cardno traffic report a total of 13 resident spaces, 1 staff space and 6 visitor bicycle spaces are required by the Planning Scheme.*

*Bicycle parking is provided at ground level, along the western perimeter of the building. A total of 66 bicycle spaces are proposed, including 3 that will be occupied by e-bikes provided by the applicant to be shared between residents. This exceeds the required number of spaces and is acceptable.*

*The bicycles are to be stored horizontally which meets the requirements of AS2890.3 that at least 20% of spaces be ground mounted horizontal spaces.*

*Access to the bike store is via the eastern side of Cumberland Place, or through the resident lounge from Lincoln Square South.*

*While the overall number of bicycle parking spaces is acceptable it would be preferred if a separate area of visitor bicycle parking could be provided to ensure that visitor bicycle spaces are always available, and to maintain security for resident bicycles.*

***Loading and Waste Storage and Collection***

*The Cardno report advises that since only 229 $m^2$ of retail floor area is being considered, it is proposed that loading be undertaken on the two on-street loading bays provided in close proximity to the site which is considered adequate to cater for likely loading and unloading demand. While Engineering Services offers no objection to this proposal, the applicant should be advised that these loading zones are provided for the servicing requirements of the local community and not one specific property. As a result the loading zones may not be available when required by occupants of the building which may create servicing issues. Furthermore, the*

*applicant should be advised that the City of Melbourne will not change the on-street parking restrictions to accommodate any such deficiencies and any issues that do arise will need to be resolved by the applicant.*

*Waste comments will be provided separately.*

***Traffic Generation and Impact***

*If around 6 trips per peak hour are generated as predicted by Cardno, then the system should be sufficient to cater for demand without excessive delays. If higher volumes are recorded, then any delays will be for the applicant to manage.*

Planner's Response

The constraint of the site due to the required retention of the heritage building results in vehicles reversing out of the car stacker system. Cumberland Place is not a highly trafficked lane and a relatively small number of on-site cars are proposed (30). The reversing proposed in this instance is considered acceptable.

As the site is located in an area dominated by university student facilities, there is ample on-street bicycle parking available for visitors to the building. As such, it is not considered necessary to provide a separate, dedicated on-site visitor bicycle parking area.

### 12.1.4 Waste

*We have reviewed the WMP by Leigh Design dated 22nd May 2018 for this proposed development and found it to be unacceptable.*

*The following items need to be addressed:*

- *Section 1.3 refers to Municipal waste services being considered in the future if Council adopts small waste trucks. Council is not going to adopt small waste trucks – this statement needs to be removed from the WMP.*
- *Council will allow for a private collection for all waste (both residential and commercial) at this site due to the heritage constraints. Accordingly, hard waste will also need to be collected by a private contractor, and reference to a municipal hard waste collection on Page 4 will need to be amended.*

Planner's Response

These changes could be formalised by way of Condition on any permit granted – refer recommended Condition 1k and 7.

### 12.1.5 Civil Design

*The proposed development has impact on wall-mounted street lights attached to the existing building in Cumberland Place.*

*The design of the building must allow installation of power conduits and street lights on the external walls of the building. The power conduits for the wall mounted lights shall be designed perpendicular to the surface pavement. The building should provide a minimum vertical clearance of 6.0 metres above and 2.0 metres below the surface pavement to allow installation of electrical conduits and wall-mounted lights.*

Planner's Response

The above comments, along with standard Civil Design conditions could be included on any permit granted – refer recommended Conditions 9-16.

### 12.1.6 Urban Forest and Ecology

***General***

*These comments refer to the potential impacts of the proposal on publically owned trees and are made in accordance with the Tree Retention and Removal Policy.*

***Comments***

*The Construction Impact and Tree Protection Report has comprehensively reviewed design documents in relation to the potential impacts on two public trees (assets 1022759 and 1022760 that are growing in footpath plots immediately adjacent to the application building. But, any construction impacts resulting from construction traffic movements, loading zones or public protection gantries have not been assessed. It is likely that Lincoln Square South will be used in part or full for loading and construction vehicle movements and some impact to public trees, such as pruning, is expected. In view of both trees early maturity, long-term detrimental effects should be minimal. A revised Tree Protection Plan will be required at Construction Management Plan stage.*

Planner's Response

Standard conditions have been provided, which could be included on any permit granted – refer recommended Conditions 19-21.

### 12.1.7 Land Survey

*The proposal does not raise any matters that need attention from Land Survey Team.*

## 12.2 External

### 12.2.1 Head, Transport for Victoria

The application was referred to Head, Transport for Victoria pursuant to Clause 66.02-11 (Use and Development Referrals) as the application seeks to construct a building or construct or carry out works for a residential development comprising 60 or more dwellings or lots.

No objection was received and no conditions were provided to be included on any permit granted.

# 13 ASSESSMENT

## 13.1 Heritage

The previous VCAT decision relied heavily on the expert evidence of Council's Heritage Advisor, as demonstrated in VCAT Order extracts at Section 2.1 of this report.

Key consideration of the impacts that the upper form had on the heritage building were largely based around perceived ratio from various vantage points, in particular within Lincoln Square. In relation to this application, these viewpoints are discussed at Section 12.1.2 of this report. Council's Heritage Advisor concludes:

> *In summary, the Site Sections indicate a dominant building which would not be respectful of the significance of the heritage place. A substantial reduction in height and increase is setback be required to ensure that the prominence of the existing building is retained.*

The permit applicant has submitted various iterations of these viewpoints for Council's consideration. A further heritage review was undertaken and as outlined at Section 2.2 of this report, subject to further changes the proposal would be

considered acceptable. Refer to the 'Planner's Response' at Section 12.1.2 of this report for a further heritage assessment.

### 13.2 Design Response

Referring to Section 12.1.1 of this report, Council's Urban Designer has commented that while the design quality is supported, the upper form presents as visually dominant due to the height, which exceeds a ratio of 1:1 with the heritage base building as viewed from strategic vantage points.

The design response is assessed in greater detail at Section 13.3 of this report.

### 13.3 Design and Development Overlay – Schedule 61

The proposed development has been assessed against the relevant design objectives, built form outcomes and design requirements of DDO61.

**Design Objectives**

| Design Objective | Response |
|---|---|
| To encourage City North to develop as a central city precinct characterised by university, research and medical buildings. | While this design objective is not met, the proposed uses are consistent with the purpose of Schedule 5 to the Capital City Zone and in any event, are Section 1 Uses – no permit required. |
| To establish a mid-rise scale of buildings (6 to 15 storeys) that is distinct from the tall built form in the Hoddle Grid area to the south, which steps down at the interface to the lower scale surrounding established neighbourhoods in North and West Melbourne. | The proposed development is 14 storeys, which is therefore within the 6-15 storey mid-rise scale outlined at this design objective.<br>However, as stated at Section 2.1 of this report, Paragraph 52 of VCAT Decision (Ambertree Vic Mel (Lincoln) Pty Ltd v Melbourne CC [2015] VCAT 1961) made the following comment:<br>*First, it is obvious that the requirement for a permit under the heritage overlay is not ousted. Second, the objective for mid-rise scale of buildings (6 to 15 storeys) clearly contemplates that, in some circumstances in the DDO61 area, a 15 storey or 40 m built form height may not be acceptable. Third, table 2 is drafted in a way so that heritage objectives and associated design requirements are distinct from other objectives and requirements relating to building height, scale and setbacks.*<br>Height is discussed below. |
| To support increased density and diversity of uses along the Victoria Street, Flemington Road, Elizabeth Street and Swanston Street tram corridors and around the proposed Grattan and CBD North Metro Rail stations. | The site is located close to the Swanston Street tram corridor and the proposed metro station. |
| To establish built form that creates a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio. | The existing heritage form facing Lincoln Square South is being retained and establishes a strong sense of street definition and the height to width ratio is generally 1:1. |
| To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity. | Referring to Section 1 of this report, the surrounding area is characterised by a mixed scale. The proposed development is generally consistent with the varied height and setbacks in the immediate surrounding area. |

| | |
|---|---|
| | The scale, however, is considered to visually dominate the retained building on-site as presented to Lincoln Square South and the wider viewcone. This is confirmed by Council's Urban Designer, outlined at Section 12.1.1 of this report.<br>Neighbouring residential amenity is discussed at Section 13.5 of this report. |
| To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions. | The upper level addition delivers a contrasting response to the retained heritage brick building below. The contemporary aesthetic appropriately differentiates with the host building.<br>However, the scale and proportionality of the upper form fails to respect the heritage fabric it sits above. This conclusion follows extensive review by Council's Heritage Advisor, as outlined at Section 12.1.2 of this report.<br>A heritage assessment is found at Section 13.1 of this report. |
| To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections. | As described by Council's Urban Designer:<br>*The level of filigree, depth, interest and verticality is a positive outcome, whilst the tone of the copper screens creates a complementary, whilst clearly distinct presentation to the existing red brickwork.*<br>*We support the colour palette, materiality, and fine grain detail of the metal screens that appear recessive and complementary to the heritage brick base. We also support the vertical emphasis within the folded screens as it responds to the vertical rhythm of the brick pilasters in the warehouse form.* |
| To develop the Haymarket area as a central city gateway precinct and public transport interchange. | Not applicable. |
| To ensure university, research and medical buildings are actively integrated with the surrounding public realm. | Not applicable. |
| To design buildings to provide passive surveillance and activation of ground floors addressing the streets. | As described by Council's Urban Designer:<br>*We support the orientation of bedroom and living room windows to Lincoln Square South and Cumberland Place and minimisation of southern aspect. We note that this approach of retaining the existing floor levels and window openings provide ample opportunity for passive surveillance and visual connection to the street and laneways.* |
| To ensure development allows good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings by providing adequate separation between buildings. | Adequate separation is proposed between buildings, considering the width of adjacent laneways and shadow cast by existing and approved buildings. Refer discussion at Table 1 below. |
| To deliver a scale of development that provides a high level of pedestrian amenity having regard to sunlight, sky views and wind conditions. | The site is located on the south side of Lincoln Square South and Lincoln Square (park). Therefore, a high level of pedestrian amenity to these public spaces is maintained. |
| To improve the walkability of the precinct by | Not applicable. |

| | |
|---|---|
| encouraging new laneways and pedestrian connections. | |
| To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time. | The ground floor hospitality (retail) space could be converted to other uses in the future. |

## Table 1 – Preferred Built Form Outcomes for Specific Areas

| DDO Area | Building Height | Street Edge Height and Upper Level Setback | Built Form Outcome | Response |
|---|---|---|---|---|
| 4.1 | 40 metres | **Buildings fronting Grattan, Pelham, Queensberry, Bouverie, Leicester, Barry, Berkeley and Lincoln Square North and South streets:**<br>24 metre street edge height. Any part of the building above 24 metres setback 6 metres from the street. | Development that:<br>• Reinforces Elizabeth Street as a civic spine and facilitates the enhancement of its landscape character.<br>• Creates stronger definition to the streetscape.<br>• Complements the existing character established by the university, research and medical buildings.<br>• Ensures sunlight reaches the lower floors of new developments.<br>• Facilitates an integrated built form on both sides of the Swanston Street.<br>• Delivers a scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, sky views and a pedestrian friendly scale.<br>• Provides a street edge height that integrates new development with lower scale heritage buildings. | The street wall, being the retained heritage façade, measures approximately 20.5m in height. The upper form is set back 6.8m from the street edge, including balconies and architectural wall treatment.<br>The preferred street edge height and setback above the street edge is met.<br>The overall building height equates to 48.96m from the centre of Lincoln Square South and 50.09m from the centre of Cumberland Place at the rear, due to the slope of the land.<br>The preferred building height is not met and it is noted that one of the grounds of refusal for the previous application was due to its height above the preferred 40m control.<br>It is also noted that a different architectural / design response is now proposed.<br>In order to exceed the preferred maximum building height, the built form outcomes, relevant design objectives and design requirements must be met.<br>Where relevant, the built form outcomes listed in this table are generally met; however, the dominant scale of the upper form in response to the retained lower form fails to achieve a high level of pedestrian amenity and dominates the existing (retained) heritage building.<br>Refer to the assessment against the Design Objectives |

| | | | | |
|---|---|---|---|---|
| | | | | above and Design Requirements below. |
| 1-5 | – | On the street edge of laneway frontages, any part of the building above 10.5 metres should be setback 4 metres. | Development that ensures laneways have appropriate access to daylight and sunlight. | The site abuts a side (east) and rear (south) laneway named Cumberland Place, as well as an unnamed west side laneway. The retained heritage building is greater than 10.5m in height; therefore an assessment is made against the proposed upper form that sits above the existing five storey building.<br><u>East</u><br>Excluding minor projecting architectural features, the upper form is set back 1m towards the front and 1.9m towards the rear. Level 13 is set back further.<br>Towards the front of the site, a 3.5m setback to the centre of the laneway is provided and towards the rear, a 5.5m setback to the centre of the laneway is provided.<br>The front portion is opposite a single storey heritage graded building unlikely to be developed at the scale of the proposed development and the rear portion would provide a 10m separation with the approved development (Planning Permit TP-2017-761) currently under construction. These constraints and dimensions will ensure that daylight/sunlight will not be unreasonably compromised along the adjacent laneway.<br>This also takes into consideration existing impacts from the five storey building to be retained on-site.<br><u>South</u><br>As justified by Council's Urban Designer:<br>*To the south the proposal adopts a 4.5m setback (from the centreline of the laneway) to upper levels. However, acknowledging the east-west lane orientation and existing* |

| | | | | |
|---|---|---|---|---|
| | | | | *level of overshadowing from the retained form, a further setback to 4m from the boundary would have a negligible impact beyond a compliant condition.*<br><u>West</u><br>Similar to the south side, the existing five storey building directly abuts the eastern boundary of Council Lane 1094 and a five storey building (at 33 Lincoln Square South) directly abuts the lane's western boundary. Daylight is currently limited and the proposal will not cause further unreasonable impacts on existing daylight/sunlight access. In any event, the laneway is not a through-link. |

## Table 2 – Design Requirements for all DDO Areas

| Design Objective | Design Requirement | Response |
|---|---|---|
| **Building Heights, Scale and Setbacks** | | |
| To ensure that the height of new buildings reinforces the built form character of specific areas as defined in Table 1 in this Schedule.<br>To ensure appropriate building scale, height and setbacks at interfaces with established residential areas having regard to existing character, context and amenity.<br>To ensure appropriate building scale on the side and rear boundaries of new buildings and works that respects the scale of existing adjoining buildings.<br>To avoid to exposed blank walls.<br>To assist in limiting visual impact and adverse amenity on adjacent development sites.<br>To promote articulated rooflines with architectural interest and | Deliver a scale of development at the street edge in accordance with Table 1 in this Schedule.<br>Buildings should be constructed to the street boundary of the site.<br>Upper levels above the maximum street wall heights should be visually recessive and more diminutive than the building's base.<br>On corner sites where two different street edge heights are nominated, buildings should "turn the corner" and apply the higher street edge and transition to the lower nominated street edge height.<br>Buildings should have a minimum ground floor to floor height of 4 metres at ground floor and a minimum floor to floor height of 3.2 metres in levels above the ground floor. | **Height / Scale**<br>The scale at the street edge accords with Table 1 as it relates to the retained heritage building, which is lower than 24m in height.<br>The upper levels, while set back in excess of the preferred 6m control, visually overwhelm the host heritage building retained at the lower levels. This is due to the height exceeding the preferred 40m control and the top-heavy response resulting in an unbalanced or disproportionate ratio between the lower and upper forms.<br>This contradicts the design requirement for upper levels to be visually recessive and more diminutive than the building's base.<br>The proportions are assessed further within Council's Urban Design and Heritage referrals at Sections 12.1.1 and 12.1.2 of this report.<br>Details of changes required to deliver a compliant design response are also found in the abovementioned sections.<br>**Setbacks**<br><u>North</u><br>Above the street wall, the building is set back 6.8m. This setback exceeds the preferred setback in Table 1 above. However, as detailed within Council's heritage assessment at Section 12.1.2: |

| | | |
|---|---|---|
| variation.<br>To establish a generally consistent built form to the street edge that creates a strong sense of definition and place.<br>To ensure that the scale of built form provides an urban environment that is comfortable for pedestrians.<br>To ensure equitable and good access to sunlight / daylight for occupants of buildings and in public places.<br>To ensure that new development is adaptable over the long term to a range of alternate uses. | | *In the current application the perceived height would exceed the perceived height of the previous proposal by a further 10 %. The VCAT Review found the previous tower built form to be dominant.*<br><u>East</u><br>Excluding the architectural feature (approximately 350mm deep), which in effect is the side wall given its solid nature, the upper form is set back 1m towards the front and 1.9m towards the rear. The Level 13 building line is set back further.<br>A variation to the preferred 4m setback is acceptable as:<br>- A 3.15m (approx.) setback to the centre of the laneway (towards the front of the site) is provided;<br>- This portion of building is opposite a single storey heritage graded building unlikely to be developed at the scale of the proposed development; and<br>- Outlook from the living areas and/or bedrooms proposed on this side of the building face north and south rather than east towards the laneway.<br>- A 5.15m (approx.) setback to the centre of the laneway (towards the rear of the site) is provided; and<br>- This provides a near equal distance from the adjacent wall on the east side of the laneway (approved under Planning Permit TP-2017-761), resulting in a combined and equitable 9.65m (approx.) separation. |
| To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precinct respects the character, form, massing and scale of the heritage buildings. | The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.<br>New buildings should step down in height to adjoining lower scale heritage buildings.<br>New buildings should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate. | Referring to Section 12.1.2 of this report, the proportions of the new upper form fails to respect the retained heritage building. Essentially, this is a result of the development exceeding the 40m preferred height control. |
| **Building Facades and Street Frontages** | | |
| To ensure that buildings are well designed and enhance the amenity of | **Addressing the Street**<br>The articulation of building facades should express a | Setting height and scale in relation to the retained host heritage building aside, the proposed design response as presented to |

| | | |
|---|---|---|
| City North.<br>To deliver a fine grain built form with architectural variety and interest.<br>To encourage high quality facade and architectural detailing. | fine grain. Expressing the vertical elements is encouraged to minimise the dominance of wide building frontages.<br>Multiple doors/entrances to buildings and windows should be provided off the street to improve activation of the street.<br>The facades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes.<br>All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.<br>Blank building walls that are visible from streets and public spaces should be avoided.<br>Buildings on corner sites should address both street frontages.<br>**Service areas**<br>Service areas (plant, exhaust, intake vents and other technical equipment and other utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas.<br>Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.<br>**Building Projections**<br>Building projections outside the property boundary should accord with Council's Road Encroachment Guidelines. | the public realm is high quality. This is acknowledged in the Council's Urban Design referral comments at Section 12.1.1 of this report.<br>The retention of the heritage building results in a constrained street activation. Notwithstanding, the pedestrian entry and hospitality space facing Lincoln Square South will improve activation of the street where possible.<br>Site services have been considered as part of the overall design response; located at roof level behind and below architectural parapet features.<br>The building does not project beyond the property boundary. |
| **Active and Safe Street Frontages** | | |
| To create safe streets.<br>To ensure all streets are pedestrian oriented and contribute to pedestrian safety. | Ground floor frontages should contribute to city safety by providing lighting and activity.<br>At least the first five levels of | As described by Council's Urban Designer:<br>*We support the orientation of bedroom and living room windows to Lincoln Square South and Cumberland Place and minimisation of southern aspect. We note* |

| | | |
|---|---|---|
| To ensure development presents welcoming, engaging and active edges to streets and other public spaces at ground floor and the street frontages of lower storeys.<br>To ensure development contributes to passive surveillance of the public domain. | a building should provide windows and balconies, fronting the street or lane.<br>Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.<br>Carparking should not be located at ground floor and should not occupy more than 20% of the length of the street frontage above ground floor.<br>Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians. | *that this approach of retaining the existing floor levels and window openings provide ample opportunity for passive surveillance and visual connection to the street and laneways.*<br>Car parking access is appropriately located to the side laneway (Cumberland Place), towards the rear of the site.<br>The ground floor façade is flush with the property boundary for its entire frontage to remove any opportunity for unsafe alcoves. |
| To provide continuity of ground floor shops and food and drink premises in proposed activity nodes. | Buildings with ground-level street frontages along Royal Parade at the Haymarket area and Victoria Street as shown on Map 1 should contribute to the appearance and support the proposed retail function of the area to the satisfaction of the responsible authority, by providing:<br>• At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises.<br>• Clear glazing (security grilles should be transparent). | Not applicable. |
| To ensure ground floor frontages to major pedestrian area add interest and vitality. | Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Streets as shown on Map 1 should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:<br>• At least 5 metres or 80 % of the street frontages (whichever is the greater) as:<br>- an entry or display window to a shop and/or | Not applicable. |

| | | |
|---|---|---|
| | a food and drink premises; or<br>- as any other uses, customer service areas and activities, which provide pedestrian interest or interaction.<br>• Clear glazing (security grilles must be transparent). | |
| **Provision of Public Places** | | |
| To encourage the provision of well-designed and publicly accessible spaces | The opportunity for the inclusion of public spaces should be promoted. | No public spaces are proposed on-site. This is considered acceptable as the existing heritage building is being retained and a public park (Lincoln Square) is located directly opposite the site. |
| **Sunlight to Public Places** | | |
| To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year.<br>To protect sunlight to public spaces.<br>To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight. | Buildings and works should not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas.<br>Maximise the extent of the northerly aspect of public open spaces.<br>Ensures sunlight reaches the lower floors of new developments. | The site is located on the south side of Lincoln Square and as such, there is no loss of sunlight to this open space.<br>A small number of dwellings have a southern aspect only. This is acceptable given the required retention of the heritage building on-site and the maximising of north, east and west facing dwellings where possible. |
| **Pedestrian Links** | | |
| To encourage the creation of new lanes and connections, particularly in locations where block lengths exceed 100m.<br>To ensure new laneways are aligned to respect the street pattern;<br>To ensure new laneways integrate with the pattern of development of adjacent areas,<br>To accommodate | Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200metres in length at least two connections should be provided.<br>Connections should be located towards the centre of the street block, no more than 70 metres from the next intersection or pedestrian | While new vehicle access is proposed towards the rear of the site off Cumberland Place, footpaths, albeit narrow, will not be altered. Standard Civil Design conditions would be included on any permit granted to ensure public assets are maintained. |

| | | |
|---|---|---|
| vehicular and service access to developments. | connection.<br>Where a development site is suitably located for a pedestrian connection but does not exceed the full depth of the block, the development should include a connection which would be completed when a connection is provided through the adjoining site.<br>Where a development site has the potential to achieve a through block connection by extending an existing or proposed connection on an adjoining site, the new development should provide for the completion of the through block connection.<br>Development should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct routes through City North.<br>Bluestone lanes, kerbs and guttering within heritage precincts must be retained, and should also be retained outside heritage precincts.<br>**Laneway design and character**<br>Developments should provide pedestrian connections which are:<br>• Safe, direct, attractive and which provide a line of sight from one end of the connection to another.<br>• Publicly accessible.<br>• At least 3-6 metres wide.<br>• Open to the sky or if enclosed at 7.6 metres.<br>• Flanked by active frontages.<br>Existing lanes should not be covered.<br>The pedestrian amenity of lanes which are primarily used for servicing and car parking, should be improved | |

| | | |
|---|---|---|
| | through the use of materials, lighting and designated areas for pedestrians and vehicles.<br>**Buildings and works adjoining lanes**<br>The design and management of access and loading areas along lanes should not impede pedestrian movement.<br>New development should respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the lane way character.<br>New development along lanes should provide highly articulated and well detailed facades that create visual interest, particularly at the lowers levels. | |
| **Weather Protection** | | |
| To promote pedestrian amenity.<br>To ensure built form does not increase the level of wind at ground level and that buildings are designed to minimise any adverse effect on pedestrian comfort. | The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort as follows:<br>• In the proposed activity nodes shown on Map 1 the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 10 ms-1. This speed is generally acceptable for stationary, long term exposure (>15 minutes); for instance, outdoor restaurants/cafes, theatres<br>• Along major pedestrian areas shown on Map 1 the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed | The existing five storey building is being retained on-site. Therefore, it is accepted that the proposal will not significantly change existing ground-level wind conditions.<br>Notwithstanding, a wind report could be requested to demonstrate that if peak gust speeds listed in the Design Requirement are not met, the proposed development should not reduce comfort further – refer recommended Condition 23. |

| | | |
|---|---|---|
| | 13 ms-1. This speed is generally acceptable for stationary, short term exposure (<15 minutes); for instance, window shopping, standing or sitting in plazas;<br>• Along all other streets the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 16 ms-1 (which results in half the wind pressure of a 23ms-1 gust) which is generally acceptable for walking in urban and suburban areas.<br>Landscaping within the public realm should not be relied on to mitigate wind. | |
| To protect pedestrians from the elements by providing shelter from the rain and sun, without causing detriment to building or streetscape integrity. | Buildings should include protection from the weather in the form of canopies, verandas and awnings. The design, height, scale and detail of canopies, verandas and awnings:<br>• should be compatible with nearby buildings, streetscape and precinct character;<br>• may be partly or fully transparent to allow light penetration to the footpath and views back up the building façade;<br>• should be setback to accommodate existing street trees; and<br>• should be located so that verandah support posts are at least 2 metres from tree pits. Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes. | The existing non-original canopy to Lincoln Square South is proposed to be removed.<br>The construction of new weather protection is not sought and nor would it be supported as any addition to the host façade would detract from its heritage value. |

### 13.4 On-Site Amenity

As described by Council's Urban Designer:

> *We support the orientation and proportion of the main light court to the west as it secures access to daylight within the title boundaries while encouraging a reciprocal response from the adjacent site in the future. The use of smaller light courts within the building fabric to the North and South are similarly supported to achieve an overhead light source and some stack ventilation to the lower levels. .*
>
> *Given the challenges associated with managing the levels along the Lincoln Square South frontage and the importance of retaining the existing conditions on the heritage façade, we support the internal positioning of the entry doors to hospitality within the building envelope.*
>
> *We also support the layered security access within the ground floor corridor, which features integrated benches with planters and paving to reinforce a sense of 'publicness' and a high quality arrival for occupants.*
>
> *We support the orientation of bedroom and living room windows to Lincoln Square South and Cumberland Place and minimisation of southern aspect. We note that this approach of retaining the existing floor levels and window openings provide ample opportunity for passive surveillance and visual connection to the street and laneways.*
>
> *We support the high level of amenity provided to a majority of apartments, including the well planned living space, high ceilings and daylight to habitable spaces.*

The previous Tribunal decision provided an assessment against internal amenity. While the current proposal is a different scheme, a response to each paragraph is as follows:

> Paragraph 79
>
> *As a general proposition, we accept that some internal amenity standards may need to be lowered in a re-used heritage building. There are a number of positive features in the proposal, such as variety of apartment sizes access to satisfactory balcony areas, no reliance on borrowed light in bedrooms, only six saddleback bedrooms (and each north-facing) and good basement provision for bicycle parking and storage.*

There continues to be a variety of apartment sizes and balcony areas. There is no reliance on borrowed light in bedrooms and the small number of saddleback bedrooms complies with Clause 58. Basement bicycle parking is retained.

> Paragraph 80
>
> *There are three aspects relating to internal amenity that can could or should be improved.*
>
> Paragraph 81
>
> *First, as we have already stated, the demolition of the parapet elements are not reasonably required for internal amenity reasons after weighing up the relevant heritage and non-heritage considerations.*

Parapets are retained under this proposal.

> Paragraph 82
>
> *Second, we doubt the efficacy of the light court on the west boundary of the building. It is of sub-optimal size given its location partially opposite structure at 33 Lincoln Square South. We agree with Mr McGurn that there would be an*

*advantage in moving it south off structure and consequentially changing internal layouts for apartments along the western side of the building. Consideration also should be given to removing the balcony-like feature inside the light court to improve daylight to abutting bedrooms.*

The VCAT decision plans provided a 6.8m x 3.2m (21.76m²) light well on the west side of the site. The proposal maintains a light well, but is now larger at 9.6m x 5.1m (49.3m²) and is not relied on for any balconies. It provides adequate light to bedrooms and corridors only.

Paragraph 83

*Third, the 3.2 m wide one-bedroom apartment in the south-west corner at levels 1 to 3 is unsatisfactory and a redesign of this apartment and the one-bedroom apartment to its east, possibly creating one two-bedroom apartment, is required.*

Not applicable as a new internal layout is proposed and assessed at Appendix A (Clause 58).

Paragraph 84

*Most of the above issues may need to be resolved in a different way if a fresh design response retains the existing south facing external wall.*

The existing south facing external wall is retained under this current proposal.

In addition to the assessment, on-site amenity is further considered in Appendix A – Clause 58 (Apartment Developments).

### 13.5 Neighbouring Amenity

The previous Tribunal decision provided an assessment against off-site amenity. While the current proposal is a different scheme, a response to each paragraph is as follows:

Paragraph 75

*We agree with Mr McPherson's opinion that the land's location on the southern edge of Lincoln Square is favourable for avoiding unreasonable shadow impacts to this and other important aspects of the public realm.*

No change.

Paragraph 76

*Mr Gunther's grounds included concern about visual bulk and overlooking. He is unable to formally rely on those grounds given the notice and review exemptions under CCZ5 and DDO61. We need to form our own view about these impacts and our inspection of his apartment assisted us.*

The appellant's property is within the adjoining building at 33 Lincoln Square South. Refer Paragraph 77 below.

Paragraph 77

*We agree with Mr McGurn that, although the apartment has a broad eastern outlook from a living room having a narrow balcony, the apartment retains a splendid southern outlook and an internal courtyard. The shadow analysis shows little impact on this courtyard after 10 am at the equinox. The visual bulk of taller built form is not unreasonable given the policy context.*

The proposed building is lower than the approved, which was considered acceptable by the Tribunal.

There are no habitable room windows or balconies on the west side that would have the opportunity to overlook the adjacent balconies or internal courtyard. There is a communal area at Level 5; however it sits behind the retained sawtooth parapet form.

Paragraph 78

*We agree with Mr McGurn that the residential hostel on the south side of Cumberland Place at 621 Swanston Street will have an aggravated shadow impact but that impact is not unreasonable given City North strategic policy. Privacy screens on south-facing windows and/or balconies for apartments in the south-west corner of the proposed building at levels 1 to 5 would not be unreasonable.*

The proposed building is lower than the approved, which was considered acceptable by the Tribunal.

The proposed south elevation includes a mix of habitable room windows and balconies. These are variously screened with porous metal, but there are some balconies with balustrades. A condition could be included on any permit granted requiring further screening details of habitable room windows and balconies within 9m of nearby residential habitable room windows and balconies – refer recommended Condition 1m and 8.

### 13.6 Car / Bicycle Parking

Referring to Section 12.1.3 of the report, the number of car parks is considered appropriate. The Parking Overlay sets out a maximum of 63 spaces for the dwellings. A total of 30 on-site cars are proposed, which is less than the maximum number of spaces permitted without a planning permit. Zero spaces are proposed for the hospitality component. The site is well-serviced by public transport and walking opportunities to key locations. Therefore a rate of less than one car space per dwelling is supported.

Pursuant to Clause 52.34, the proposed uses requires a total of 19 bicycle spaces for the dwellings and one space for the retail tenancy – totalling 20. A total of 66 bicycle spaces are proposed on-site, which exceeds the bicycle parking rate and is therefore supported.

### 13.7 Waste

Referring to Waste Services comments at Section 12.1.4 of this report, subject to further clarification on the submitted Waste Management Plan, waste considerations have been appropriately addressed.

### 13.8 ESD / WSUD

An Environmentally Sustainable Design (ESD) Statement was submitted with the application. The report summarises that *a combination of sustainable building management practices, design initiatives, fixtures, systems, appliances, materials and finishes will be integrated into the building in order to attain a 5 star Green Star Design & As-Built performance standard for the entire development.*

The report also provides a Water Sensitive Urban Design (WSUD) response, stating that the following rainwater harvesting system will be installed:

- Rainwater harvesting from all roof areas (approx. 616m2);
- A total storage volume of 20,000 litres in tanks located below the basement slab (noting a discrepancy with a total 30,000 litre rainwater tanks shown on the plans);

- Re-use of water for toilet flushing in apartments with a combined total of 50 bedrooms;
- Re-use of water for irrigation as appropriate.

In light of permit conditions that change the building form and internal layouts / roof layout and the rainwater tank capacity discrepancy, an updated ESD Statement would be required, which could form a condition on any permit granted – refer recommended Condition 1l and 5.

### 13.9 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to conditions.

## 14 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

### 1. Amended plans before endorsement

Prior to the commencement of the use and development on the land, an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the advertised plans, but amended to show:

a) Removal of the top two levels (12 and 13) so that the building has a maximum height above Lincoln Square South (excluding building services) of no higher than RL 71.140.

b) Simplification of the architectural feature at the parapet line of the proposed upper form by removing the triangular / wave element and substituting a horizontal line on all four elevations, or alternate simplified design to the satisfaction of the Responsible Authority.

c) Retention of the south-west corner brick higher parapet walls, windows and remnant signage proposed to be demolished.

d) Retention of the existing roller shutter to the goods lift on the south elevation.

e) Further detail of all conservation works to the exterior, including existing steel framed windows and hidden painted signs.

f) Where additional openable panels are required to existing glazed windows on the north elevation, adopt hopper sashes consistent with the original where appropriate. The capacity to fully close the windows is to be retained on the north elevation unless otherwise agreed by the Responsible Authority.

g) Further design detail of the proposed pedestrian entry to the Lincoln Square South (north) elevation.

h) Clearly notate where existing floor slabs are being retained on all demolition plans and elevations / sections.

i) Updated demolition plans and elevations to reflect changes required by Condition 1.

j) Re-label the proposed Ground Floor ‘Hospitality’ use as ‘Retail’.

k) Any design revisions to the development in accordance with the endorsed Waste Management Plan.

l) Any design revisions to the development in accordance with the endorsed Environmentally Sustainable Design Statement.

m) Further screening details of proposed habitable room windows and balconies within 9 metres of neighbouring dwellings' habitable room windows and secluded private open space.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

**2. Endorsed plans**

The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

**3. Construction Management Plan**

Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:

a) public safety, amenity and site security.

b) operating hours, noise and vibration controls.

c) air and dust management.

d) stormwater and sediment control.

e) waste and materials reuse.

f) traffic management.

**4. Concealment of air conditioning and building services**

All building plant and equipment on the roofs, balcony areas, common areas and public through fares must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the Responsible Authority.

**5. Environmentally Sustainable Design (ESD) Statement**

Prior to the commencement of the development (including demolition or bulk excavation), an updated Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must:

a) Make any necessary changes as a result of Condition 1 requirements; and

b) Clarify the discrepancy between the total 20,000 litre rainwater tank capacity described in the Environmentally Sustainable Design Statement and the total 30,000 litre rainwater tank capacity notated on the proposed Ground Floor Plan.

**6. Implementation of Environmentally Sustainable Design (ESD) Statement initiatives**

Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement must be provided to the satisfaction of the Responsible Authority, which details designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

**7. Waste Management Plan**

Prior to the commencement of the use and development (including demolition or bulk excavation), an updated Waste Management Plan (WMP) shall be prepared and submitted to the Melbourne City Council – Engineering Services. The WMP must be updated as follows:

a) Removal of the statement at Section 1.3 referring to Municipal waste services being considered in the future if Council adopts small waste trucks.

b) Amend reference to a municipal hard waste collection on page 4 as this will be required to be collected by a private contractor, not Council.

Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Engineering Services.

**8. Façade Strategy**

Before the development starts (including demolition or bulk excavation), a Façade Strategy must be submitted to and approved by the Responsible Authority. The Façade Strategy for the redevelopment must detail a schedule of materials, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance.

**9. Drainage connection underground**

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system by installing a 300mm diameter RC pipe in Cumberland Place and connecting to existing stormwater pit at the rear of 33-41 Lincoln Square South in Cumberland Place.

**10. Demolish and construct access**

Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

**11. Roads**

All portions of roads affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

**12. Footpaths**

The footpaths adjoining the site along Lincoln Square South and Cumberland Place must be reconstructed together with associated works including the reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

**13. Street levels not to be altered**

Existing street levels in Lincoln Square South, Cumberland Place and laneway known as CL1094 must not be altered for the purpose of constructing new vehicle

crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services

**14. Existing street lighting not altered without approval**

All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

**15. Existing street furniture**

Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

**16. Public lighting**

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in Lincoln Square South and Cumberland Place. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

The design of the building must allow installation of power conduits and street lights on the external walls of the building. The power conduits for the wall mounted lights shall be designed perpendicular to the surface pavement. The building should provide a minimum vertical clearance of 6.0 metres above and 2.0 metres below the surface pavement to allow installation of electrical conduits and wall-mounted lights.

**17. Compliance with SEPP No N-1 and/or SEPP No N-2**

The noise generated by the premises from the Retail use must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

**18. Landscape Plan**

Prior to the commencement of the development, including demolition or bulk excavation, a landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority.

The landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

**19. Public Tree Protection**

All works must be carried out in accordance with the Construction Impact and Tree Protection Report (The endorsed Tree Protection Plan) by Daniel van Kollenburg (Greenwood Consulting), dated 25/7/18 and supervised by a suitably qualified Project Arborist in accordance with AS 4970-2009 – Protection of trees on development sites.

**20.** In the event that a Construction Management Plan or Traffic Management Plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority. When provided to the satisfaction of the Responsible Authority the revised TPP will be endorsed

to form part of this permit and will supersede any previously endorsed TPP for the purpose of Condition 19.

**21.** Prior to the commencement of the development, including demolition, a bank guarantee equivalent to the combined environmental and amenity values of public trees identified in the endorsed TPP, or any other subsequently endorsed TPP, must be lodged with the City Of Melbourne. The bank guarantee will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

**22. Structural Report**

Prior to the commencement of the development (including demolition or bulk excavation), a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building (including parapets) will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to Melbourne City Council and be to the satisfaction of the Responsible Authority.

**23. Wind test modelling**

Prior to the commencement of the development (including demolition or bulk excavation), wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

In accordance with Table 2 to Design and Development Overlay Schedule 61, if the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector exceeds 16 ms-1 (which results in half the wind pressure of a 23ms-1 gust), the proposed additions should not result in any further non-compliance.

**24. Mechanical car stacker**

The mechanical car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.

**25. No live music**

No amplified live music or entertainment is permitted on the Retail premises without the prior written consent of the Responsible Authority.

**26. Use of Ground Floor Retail tenancy**

The Ground Floor Retail tenancy is not to be used for Adult sex bookshop, Hotel or Tavern, except with a further permit from the Responsible Authority.

**27. Development Time Limit**

This permit will expire if one or more of the following circumstances apply:

a) The development is not started within three years of the date of this permit.

b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

**NOTES**

**Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

**Building Works to Accord with Planning Permit**

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

**Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

**Other Approvals May be Required**

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

**Civil Design**

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.

**Urban Forest and Ecology**

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date).
4. Executed (i.e. signed and dated with the bank stamp).

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

## 15 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 14 March 2019.

No request for this application to be presented to the Future Melbourne Committee has been received from The Lord Mayor, Deputy Lord Mayor or a Councillor. The signature and date below confirms this recommendation as the Council's decision.

Date affirmed: 22 March 2019

**Richard Cherry**
**Senior Urban Planner**

## Appendix A – Clause 58 (Apartment Developments)

| | |
|---|---|
| **17** | **58.02 – URBAN CONTEXT** |
| **17.1** | **58.02-1 – URBAN CONTEXT OBJECTIVES**<br>*To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.*<br>*To ensure that development responds to the features of the site and the surrounding area.* |
| **Standard D1** | The design response must be appropriate to the urban context and the site.<br>The proposed design must respect the existing or preferred urban context and respond to the features of the site. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | Subject to a reduction in the height of the upper form and a simplification of the parapet, the proposal will respond to the site and surrounds, meeting the standard. |
| **17.2** | **58.02-2 – RESIDENTIAL POLICY OBJECTIVE**<br>*To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*<br>*To support higher density residential development where development can take advantage of public and community infrastructure and services.* |
| **Standard D2** | An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | The application has generally responded to relevant Planning Scheme policies, noting that the site is well placed to provide higher density living. |
| **17.3** | **58.02-3 – DWELLING DIVERSITY OBJECTIVE**<br>*To encourage a range of dwelling sizes and types in developments of ten or more dwellings* |
| **Standard D3** | Developments of 10 or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐<br>**Standard not applicable:** ☐ |

| | |
|---|---|
| | The standard is applicable.<br>A mix of dwelling sizes and types are proposed as outlined at Section 3 of the Delegate Report. |
| **17.4** | **58.02-4 – INFRASTRUCTURE OBJECTIVE**<br>*To ensure development is provided with appropriate utility services and infrastructure.*<br>*To ensure development does not unreasonably overload the capacity of utility services and infrastructure.* |
| **Standard D4** | Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.<br>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.<br>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | The site is connected to reticulated services and is not expected to exceed capacity of utility services and infrastructure. |
| **17.5** | **58.02-5 – INTEGRATION WITH THE STREET OBJECTIVE**<br>*To integrate the layout of development with the street.* |
| **Standard D5** | Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.<br>Development should be oriented to front existing and proposed streets.<br>High fencing in front of dwellings should be avoided if practicable.<br>Development next to existing public open space should be laid out to complement the open space. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | The development has been integrated with the street where possible. The existing heritage building is being retained and enhanced so that improved access is provided to Lincoln Square South. |
| **18** | **58.03 – SITE LAYOUT** |
| **18.1** | **58.03-1 – ENERGY EFFICIENCY OBJECTIVES**<br>*To achieve and protect energy efficient dwellings and buildings.*<br>*To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*<br>*To ensure dwellings achieve adequate thermal efficiency.* |
| **Standard D6** | Buildings should be:<br>• Oriented to make appropriate use of solar energy.<br>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.<br>Living areas and private open space should be located on the north side of the development, if practicable.<br>Developments should be designed so that solar access to north-facing windows is optimised.<br>Dwellings located in a climate zone identified Table D1 in should not exceed the maximum NatHERS annual cooling load specified in the following table.<br>**Table D1 Cooling load** |

| | NatHERS climate zone | NatHERS maximum cooling load MJ/M$^2$ per annum |
|---|---|---|
| | Climate zone 21 Melbourne | 30 |
| | ***Note:*** *Refer to NatHERS zone map. Nationwide Housing Energy Rating Scheme (Commonwealth Department of Environment and Energy).* | |
| **Assessment** | **Complies with Standard and meets the Objective: ✓**<br>**Variation from Standard and meets the Objective: ☐**<br>**Variation from Standard and fails to meet the Objective: ☐** | |
| | The existing heritage building is being retained on-site. Therefore, the internal dwelling layouts have been designed to maximise solar energy where practicable.<br>The submitted Environmentally Sustainable Design Statement prepared by Ark Resources confirms that none of the sample apartments tested exceeds 30MJ/M². | |
| **18.2** | **58.03-2 – COMMUNAL OPEN SPACE OBJECTIVE**<br>*To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.* | |
| **Standard D7** | Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is the lesser.<br>Communal open space should:<br>• Be located to:<br>  • Provide passive surveillance opportunities, where appropriate.<br>  • Provide outlook for as many dwellings as practicable.<br>  • Avoid overlooking into habitable rooms and private open space of new dwellings.<br>  • Minimise noise impacts to new and existing dwellings.<br>• Be designed to protect any natural features on the site.<br>• Maximise landscaping opportunities.<br>• Be accessible, useable and capable of efficient management. | |
| **Assessment** | **Complies with Standard and meets the Objective: ✓**<br>**Variation from Standard and meets the Objective: ☐**<br>**Variation from Standard and fails to meet the Objective: ☐**<br>**Standard not applicable: ☐** | |
| | The standard is applicable.<br>63 dwellings are proposed, equating to a minimum requirement of 157.5m² communal open space.<br>A total 158.9m² of communal outdoor space is provided on Level 5. It is easily accessible through an internal communal area; is split into a larger and a small outdoor area for residents to use; and has various outlook clear to the sky. Its landscape opportunities, particularly along the western edge, along with the retained brick parapet will assist in limiting amenity impacts on adjacent buildings. | |
| **18.3** | **58.03-3 – SOLAR ACCESS TO COMMUNAL OPEN SPACE OBJECTIVE**<br>*To allow solar access into communal outdoor open space.* | |
| **Standard D8** | The communal outdoor open space should be located on the north side of a building, if appropriate.<br>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. | |

| | |
|---|---|
| **Assessment** | **Complies with Standard and meets the Objective:** ☐<br>**Variation from Standard and meets the Objective:** ✓<br>**Variation from Standard and fails to meet the Objective:** ☐<br>**Standard not applicable:** ☐ |
| | The communal open space is located on the east, west and south side of the building. Therefore, the standard is not met.<br>A sunlight access modelling report has been submitted, concluding that between 30-40% of the south-west communal open space receives 2 hours or more of direct sunlight.<br>While less than the standard, the constraint of retaining the existing five storey heritage building must be taken into consideration.<br>The large west portion of open space is set behind a light well, which provides a separation from the north building. This assists with improving solar access. In addition, Lincoln Square is located directly opposite the site, which provides residents with a large outdoor area with no interruptions from solar access. |
| **18.4 58.03-4 – SAFETY OBJECTIVE**<br>*To ensure the layout of development provides for the safety and security of residents and property.* | |
| **Standard D9** | Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.<br>Planting which creates unsafe spaces along streets and accessways should be avoided.<br>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.<br>Private spaces within developments should be protected from inappropriate use as public thoroughfares. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | The pedestrian entrance is located directly off Lincoln Square South and is not obscured or isolated.<br>There is no planting along the street frontage.<br>Car parking is located along Cumberland Place, which is visible from Lincoln Square South.<br>There are no public thoroughfares interrupting private space within the development. |
| **18.5 58.03-5 – LANDSCAPING OBJECTIVES**<br>*To encourage development that respects the landscape character of the neighbourhood.*<br>*To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.*<br>*To provide appropriate landscaping.*<br>*To encourage the retention of mature vegetation on the site.*<br>*To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.* | |

**Standard D10**

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Developments should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

**Table D2 Deep soil areas and canopy trees**

| Site area | Deep soil areas | Minimum tree provision |
|---|---|---|
| 750 – 1000 Square metres | 5% of site area (minimum dimension of 3 metres) | 1 small tree (6-8 metres) per 30 square metres of deep soil |
| 1001 – 1500 Square metres | 7.5% of site area (minimum dimension of 3 metres) | 1 medium tree (8-12 metres) per 50 square metres of deep soil<br>Or<br>1 large tree per 90 square metres of deep soil |
| 1501 – 2500 Square metres | 10% of site area (minimum dimension of 6 metres) | 1 large tree (at least 12 metres) per 90 square metres of deep soil<br>Or<br>2 medium trees per 90 square metres of deep soil |
| >2500 Square metres | 15% of site area (minimum dimension of 6 metres) | 1 large tree (at least 12 metres) per 90 square metres of deep soil<br>Or<br>2 medium trees per 90 square metres of deep soil |

***Note:*** *Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.*

**Assessment**

**Complies with Standard and meets the Objective:** ☐

**Variation from Standard and meets the Objective:** ✓

**Variation from Standard and fails to meet the Objective:** ☐

**Standard not applicable:** ☐

| | |
|---|---|
| | The site is currently developed with a brick building of full site coverage. It is therefore void of existing vegetation and this forms part of the generally low-level landscaping features of the surrounding context.<br>No deep soil planting is proposed – 5% required to meet the standard in this instance. The site is constrained due to retention of the existing building. The communal open space provides for low-maintenance landscaping, including soft landscaping and tree planting. As such, a condition could be included on any permit granted requiring a Landscape Plan to be submitted demonstrating that the objective is met. |
| **18.6 58.03-6 – ACCESS OBJECTIVE**<br>*To ensure the number and design of vehicle crossovers respects the neighbourhood character.* | |
| **Standard D11** | The width of accessways or car spaces should not exceed:<br>• 33 per cent of the street frontage, or<br>• If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.<br>No more than one single-width crossover should be provided for each dwelling fronting a street.<br>The location of crossovers should maximise the retention of on-street car parking spaces.<br>The number of access points to a road in a Road Zone should be minimised.<br>Developments must provide for access for service, emergency and delivery vehicles. |
| **Assessment** | **Complies with Standard and meets the Objective: ✓**<br>**Variation from Standard and meets the Objective: ☐**<br>**Variation from Standard and fails to meet the Objective: ☐** |
| | The main street frontage is Lincoln Square South. No vehicle accessways are located along this frontage.<br>Vehicle access is located along the east side boundary to Cumberland Place, towards the rear of the site. It does not exceed 33% of this frontage. |
| **18.7 58.03-7 – PARKING LOCATION OBJECTIVE**<br>*To provide convenient parking for resident and visitor vehicles.*<br>*To protect residents from vehicular noise within developments.* | |
| **Standard D12** | Car parking facilities should:<br>• Be reasonably close and convenient to dwellings and residential buildings.<br>• Be secure.<br>• Be well ventilated if enclosed.<br>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. |
| **Assessment** | **Complies with Standard and meets the Objective: ✓**<br>**Variation from Standard and meets the Objective: ☐**<br>**Variation from Standard and fails to meet the Objective: ☐** |
| | The car park, in a stacker arrangement, is conveniently located at ground level, towards the rear of the building. It is easily accessible within the building.<br>The car park is internal; however, is located more than 1.5m from surrounding residential buildings, including windows. |
| **18.8 58.03-8 – INTEGRATED WATER AND STORMWATER MANAGEMENT OBJECTIVES**<br>*To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.*<br>*To facilitate stormwater collection, utilisation and infiltration within the development.*<br>*To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.* | |

| | |
|---|---|
| **Standard D13** | Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.<br>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.<br>The stormwater management system should be:<br>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.<br>• Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | Rainwater is collected in six x 5,000 litre tanks (30,000 litres in total) located below ground. It provides for the re-use of water for toilet flushing and irrigation, as well as facilitating stormwater runoff.<br>It is noted that the plans show a combined capacity of 30,000 litres whereas the submitted Environmentally Sustainable Design Statement refers to a combined capacity of 20,000 litres. A condition that clarifies the discrepancy could be included on any permit granted. |

## 19 58.04 – AMENITY IMPACTS

### 19.1 58.04-1 – BUILDING SETBACK OBJECTIVE

*To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.*

*To allow adequate daylight into new dwellings.*

*To limit views into habitable room windows and private open space of new and existing dwellings.*

*To provide a reasonable outlook from new dwellings.*

*To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*

| | |
|---|---|
| **Standard D14** | The built form of the development must respect the existing or preferred urban context and respond to the features of the site:<br>Buildings should be set back from side and rear boundaries, and other buildings within the site to:<br>• Ensure adequate daylight into new habitable room windows.<br>• Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.<br>• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.<br>• Ensure the dwellings are designed to meet the objectives of Clause 58. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐<br>**Standard not applicable:** ☐ |
| | The new upper form is set back from most boundaries except for a front portion of the west elevation, which abuts an existing boundary wall and a rear portion of the west wall, which abuts a laneway. The setbacks and boundary walls respect the existing and preferred character of the area.<br>The site has the benefit of adjoining a street or laneway on all four sides. The building has been sited and designed to maximise internal daylight where possible, noting the constraint of the retained heritage building on-site. South-facing living areas have been minimised.<br>A mix of existing brick parapets and new perforated façade screening minimises the opportunity for overlooking (subject to clarification through a permit condition), while continuing to allow acceptable outlook. |

### 19.2 58.04-2 – INTERNAL VIEWS OBJECTIVE

*To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.*

| | |
|---|---|
| **Standard D15** | Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development. |
| **Assessment** | **Complies with Standard and meets the Objective: ✓**<br>**Variation from Standard and meets the Objective: ☐**<br>**Variation from Standard and fails to meet the Objective: ☐** |
| | Porous metal screening is used over the façades of the upper form. It covers habitable room windows and partially covers balconies. |

**19.3 58.04-3 – NOISE IMPACTS OBJECTIVE**

*To contain noise sources in developments that may affect existing dwellings.*

*To protect residents from external and internal noise sources.*

**Standard D16**

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Table D3 Noise influence area**

| Noise source | Noise influence area |
|---|---|
| **Zone interface** | |
| Industry | 300 metres from the Industrial 1, 2 and 3 zone boundary |
| **Roads** | |
| Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume | 300 metres from the nearest trafficable lane |
| **Railways** | |
| Railway servicing passengers in Victoria | 80 metres from the centre of the nearest track |
| Railway servicing freight outside Metropolitan Melbourne | 80 metres from the centre of the nearest track |
| Railway servicing freight in Metropolitan Melbourne | 135 metres from the centre of the nearest track |
| ***Note:** the noise influence area should be measured from the closest part of the building to the noise source.* | |

| | |
|---|---|
| **Assessment** | **Complies with Standard and meets the Objective: ☐**<br>**Variation from Standard and meets the Objective: ✓**<br>**Variation from Standard and fails to meet the Objective: ☐** |
| | The site is not located in a noise influence area.<br>Plant equipment is located on the roof.<br>One dwelling shares a party wall with the internal car stacker and some bedrooms share a party wall with the on-site lift core. The bedrooms are largely separated by the location of wardrobes and bathrooms and this is considered acceptable. |

## 20 58.05 – ON-SITE AMENITY AND FACILITIES

### 20.1 58.05-1 – ACCESSIBILITY OBJECTIVE

*To ensure the design of dwellings meets the needs of people with limited mobility.*

**Standard D17**

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

**Table D4 Bathroom design**

| | Design option A | Design option B |
|---|---|---|
| Door opening | A clear 850mm wide door opening. | A clear 820mm wide door opening located opposite the shower. |
| Door design | Either:<br>• A slide door, or<br>• A door that opens outwards, or<br>• A door that opens inwards that is clear of the circulation area and has readily removable hinges. | Either:<br>• A slide door, or<br>• A door that opens outwards, or<br>• A door that opens inwards and has readily removable hinges. |
| Circulation area | A clear circulation area that is:<br>• A minimum area of 1.2 metres by 1.2 metres.<br>• Located in front of the shower and the toilet.<br>• Clear of the toilet, basin and the door swing.<br>The circulation area for the toilet and shower can overlap. | A clear circulation area that is:<br>• A minimum area of 1 metre.<br>• The full length of the bathroom and a minimum length of 2.7 metres.<br>• Clear of the toilet and basin.<br>The circulation area can include a shower area. |
| Path to circulation area | A clear path with a minimum width of 900mm from the door opening to the circulation area. | Not applicable. |
| Shower | A hobless (step-free) shower. | A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening. |
| Toilet | A toilet located in the corner of the room. | A toilet located closest to the door opening and clear of the circulation area. |

| | |
|---|---|
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | There are 21 types of apartments proposed.<br>50% of these apartments meet accessibility (DDA) compliance. |

**20.2 58.05-2 – BUILDING ENTRY AND CIRCULATION OBJECTIVES**

*To provide each dwelling and building with its own sense of identity.*

*To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.*

*To ensure internal communal areas provide adequate access to daylight and natural ventilation.*

| | |
|---|---|
| **Standard D18** | Entries to dwellings and buildings should:<br>• Be visible and easily identifiable.<br>• Provide shelter, a sense of personal address and a transitional space around the entry.<br>The layout and design of buildings should:<br>• Clearly distinguish entrances to residential and non-residential areas.<br>• Provide windows to building entrances and lift areas.<br>• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.<br>• Provide common areas and corridors that:<br>  • Include at least one source of natural light and natural ventilation.<br>  • Avoid obstruction from building services.<br>  • Maintain clear sight lines. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | The pedestrian entry to the building is visible and easily identifiable.<br>External shelter is not proposed nor expected given the heritage status of the retained building, noting removal of the existing non-original canopy.<br>A shared dwelling entry with the hospitality premise is proposed and is acceptable as a separate entry would not be supported as it would require modification of the existing heritage façade.<br>The internal layout at ground level provides good circulation, daylight and opportunity for ventilation. |

**20.3 58.05-3 – PRIVATE OPEN SPACE OBJECTIVE**

*To provide adequate private open space for the reasonable recreation and service needs of residents.*

| | |
|---|---|
| **Standard D19** | A dwelling should have private open space consisting of:<br>• An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or<br>• A balcony with an area and dimensions specified in Table D5 and convenient access from a living room.<br>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.<br>**Table D5 Balcony size** |

| Dwelling type | Minimum area | Minimum dimension |
|---|---|---|
| Studio or 1 bedroom dwelling | 8 square metres | 1.8 metres |
| 2 bedroom dwelling | 8 square metres | 2 metres |
| 3 or more bedroom dwelling | 12 square metres | 2.4 metres |

| | |
|---|---|
| **Assessment** | **Complies with Standard and meets the Objective:** ☐<br>**Variation from Standard and meets the Objective:** ✓<br>**Variation from Standard and fails to meet the Objective:** ☐ |

49% of apartments comply with minimum balcony areas. The standard is therefore not met.

Some of the non-compliant balconies are located within the retained heritage building, which results in a constraint as they must be integrated into the building without impacting on the external appearance. Other minor variations are acceptable as balconies are located directly off open plan living areas and residents have access to Lincoln Square directly opposite the site.

Adequate private open space is provided.

**20.4 58.05-4 – STORAGE OBJECTIVE**

*To provide adequate storage facilities for each dwelling.*

**Standard D20**

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

**Table D6 Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

**Assessment**

**Complies with Standard and meets the Objective:** ☐

**Variation from Standard and meets the Objective:** ✓

**Variation from Standard and fails to meet the Objective:** ☐

Storage is provided internal to each dwelling only. There is no external storage (i.e. within the basement). All dwelling types meet the total minimum storage volume standard except for:

- Of the 2 bedroom dwellings, Type Q has 13.14m³ and Type R has 10.28m³.
- Of the 3+ bedroom dwellings, Type L has 14.84m³ and Type T has 13.72m³.

This equates to a total 14 of 63 dwellings (22%).

Type Q (six dwellings) falls marginally short by 0.86m³, which is negligible.

The reduced storage for the remaining eight dwellings (12%) is acceptable. The shortfalls are generally minor and adequate storage is provided.

## 21 58.06 – DETAILED DESIGN

**21.1 58.06-1 – COMMON PROPERTY OBJECTIVES**

*To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.*

*To avoid future management difficulties in areas of common ownership.*

**Standard D21**

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

**Assessment**

**Complies with Standard and meets the Objective:** ✓

**Variation from Standard and meets the Objective:** ☐

**Variation from Standard and fails to meet the Objective:** ☐

**Standard not applicable:** ☐

Common areas have been designed so that they are practical, attractive and easily maintained.

These areas are clearly delineated and functional.

| | |
|---|---|
| **21.2 58.06-2 – SITE SERVICES OBJECTIVES**<br>*To ensure that site services can be installed and easily maintained.*<br>*To ensure that site facilities are accessible, adequate and attractive.* | |
| **Standard D22** | The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.<br>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.<br>Bin and recycling enclosures should be located for convenient access by residents.<br>Mailboxes should be provided and located for convenient access as required by Australia Post. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | Services are accessible from both inside the building and along Cumberland Place (east boundary).<br>The waste room and mailbox area are both easily accessible at ground level within the common area, accessed through the lobby. |
| **21.3 58.06-3 – WASTE AND RECYCLING OBJECTIVE**<br>*To ensure dwellings are designed to encourage waste recycling.*<br>*To ensure that waste and recycling facilities are accessible, adequate and attractive.*<br>*To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.* | |
| **Standard D23** | Developments should include dedicated areas for:<br>• Waste and recycling enclosures which are:<br>  • Adequate in size, durable, waterproof and blend in with the development.<br>  • Adequately ventilated.<br>  • Located and designed for convenient access by residents and made easily accessible to people with limited mobility.<br>• Adequate facilities for bin washing. These areas should be adequately ventilated.<br>• Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.<br>• Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.<br>• Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.<br>• Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.<br>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:<br>• Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.<br>• Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | Waste facilities have been assessed by Council's Waste Services department. As discussed at Section 12.1.4, subject to minor detailed changes in the submitted Waste Management Plan, waste considerations have been appropriately addressed. |
| **22 58.07 – INTERNAL AMENITY** | |

**22.1 58.07-1 – FUNCTIONAL LAYOUT OBJECTIVE**

*To ensure dwellings provide functional areas that meet the needs of residents.*

**Standard D24**

Bedrooms should:

- Meet the minimum room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table D7 Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth |
|---|---|---|
| Main bedroom | 3 metres | 3.4 metres |
| All other bedrooms | 3 metres | 3 metres |

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

**Table D8 Living area dimensions**

| Dwelling type | Minimum width | Minimum area |
|---|---|---|
| Studio and 1 bedroom dwelling | 3.3 metres | 10sq.m |
| 2 or more bedroom dwelling | 3.6 metres | 12sq.m |

**Assessment**

**Complies with Standard and meets the Objective:** ☐

**Variation from Standard and meets the Objective:** ✓

**Variation from Standard and fails to meet the Objective:** ☐

All dwellings provide at least one bedroom with minimum 3m x 3.4m dimensions and remaining bedrooms with minimum 3m x 3m dimensions.

Nine dwellings (14%) fall short of the minimum living room dimensions. The shortfall is minor for the two dwelling types and functional areas will continue to meet the needs of residents.

**22.2 58.07-2 – ROOM DEPTH OBJECTIVE**

*To allow adequate daylight into single aspect habitable rooms.*

**Standard D25**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Assessment**

**Complies with Standard and meets the Objective:** ☐

**Variation from Standard and meets the Objective:** ✓

**Variation from Standard and fails to meet the Objective:** ☐

Only four dwellings (Type A) exceed a 9m depth of living/dining/kitchen area. The variation 780mm is marginal and the kitchen is located within 9m. Therefore, the shortfall is acceptable and the objective is met. Moreover, Type A is north facing.

**22.3 58.07-3 – WINDOWS OBJECTIVE**

*To allow adequate daylight into new habitable room windows.*

**Standard D26**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

| | |
|---|---|
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | All habitable rooms have a window in an external wall of the building.<br>Some bedrooms have a secondary area to the window. These areas meet minimum and maximum dimensions. |
| **22.4 58.07-4 – NATURAL VENTILATION OBJECTIVE**<br>*To encourage natural ventilation of dwellings.*<br>*To allow occupants to effectively manage natural ventilation of dwellings.* | |
| **Standard D27** | The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.<br>At least 40 per cent of dwellings should provide effective cross ventilation that has:<br>• A maximum breeze path through the dwelling of 18 metres.<br>• A minimum breeze path through the dwelling of 5 metres.<br>• Ventilation openings with approximately the same area.<br>The breeze path is measured between the ventilation openings on different orientations of the dwelling. |
| **Assessment** | **Complies with Standard and meets the Objective:** ✓<br>**Variation from Standard and meets the Objective:** ☐<br>**Variation from Standard and fails to meet the Objective:** ☐ |
| | 68% of dwellings provide cross ventilation of a maximum 18m and minimum 5m breeze path. The standard is met. |