

**APPLICATION FOR PLANNING PERMIT:
54 TO 56 CLARKE STREET, SOUTHBANK**

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| Application Number: | 2011/008303 |
| Proposal: | Use and development of the land for dwellings (residential tower), office, food & drink premises, and variation of the Design and Development Overlay (DDO39) and clause 52.07 (loading). |
| Applicant: | Urban Matrix Pty Ltd & Urban Cube Pty Ltd C/- Contour Consultants Australia Pty Ltd |
| Zoning: | Mixed Use Zone |
| Overlays: | Design and Development Overlay- Schedule 18 (Southbank Area (DDO18)) Design and Development Overlay- Schedule 39 (Southbank Central Interface (DDO39)) Land Subject to Inundation Overlay- Schedule 1 (LSIO1) |
| Application Received: | 12 July 2011 |
| Further Information Requested and Received: Amended Plans: | Requested: 9 August 2011 Received: 12 October 2011 Formally Substituted: 22 February 2012 Informally Substituted: 28 March 2012 (Additional setbacks and height of 198m) |
| [REDACTED] | [REDACTED] |
| Number of Objections: | 5 |
| Recommendation: | Notice of Decision to Grant a Permit |

PROPOSAL

- To demolish the existing buildings and construct a 59-level mixed use building (198 metres) providing a 7-level basement for car parking, 236 apartments, 270 square metres of food and drink floor area, 272 square metres of office floor space, and communal recreation areas including a publicly accessible rooftop/ cafe area. The proposed gross floor area is 26,278 square metres.
- Details of the application are as follows:
 - Demolition of the existing single storey warehouse style buildings occupying the site;
 - Construction of a 7-level basement providing 114 car parking spaces accessed via two-car stackers, bike storage, grey water holding tank, building services including bin store and mechanical equipment and a kitchen (20 square metres) for the ground floor cafe area.
 - Ground floor comprising of a residential lobby, 150 square metres of cafe area, bicycle storage, building services including waste disposal, and two points of vehicle access via Hancock Street. The floor to ceiling height of the ground floor is 6.5m;

- Levels 1-6 provide 6 dwellings per floor with an open-air corridor from the lifts to each dwelling;
- Level 7 is a communal recreational area including pool, spa/sauna and gym;
- Levels 8-26 provide 4 dwellings per floor;
- Level 27 provides 272 square metres of office floor area;
- Levels 28 to 55 provide 4 dwellings per floor;
- A roof garden provides a communal recreation area for residents and the public including a 120 square metre rooftop cafe;
- All dwellings are two-bedroom apartments;
- Overall building height 183.4 metres;
- Landscaping is integrated into the building design including a vertical garden within the foyer, a hanging garden on the external framework of the podium, and on the roof garden;
- 116 car parking spaces over 6 basement levels;
- 67 bicycle parking spaces (45 resident and 22 visitor);
- 5 share electric scooter spaces;
- Materials and finishes include applied concrete paint finish, glass elements, a combination of glazing and green wall elements; and
- The submission is supported by comprehensive reports including a Town Planning and Urban Context Report, Traffic Engineering Assessment Report, Acoustic Engineering Report, Waste Management Plan, Environmental Wind Speed Measurements Report and Structural Statement.

Substituted Plans

3. Plans were formally substituted on 22 February 2012 illustrating the removal of the building overhang onto Clarke Street and a more gradual twist of the building form.
4. Plans were informally submitted on 28 March 2012 illustrating an increase in the building setbacks to the northern and eastern boundaries. It also showed an increase in building height to 200 metres approximately to make up for the loss in floor space.

SITE AND SURROUNDS

5. The subject site comprises of two lots, known as 54 and 56 Clarke Street (Lot 1 and 2 on Title Plan 568116X) and is located on the north-west corner of Clarke Street and Hancock Street, in Southbank. The site is rectangular in shape with a frontage to Clarke Street of 19.5 metres, and a frontage to Hancock Street of 30.6 metres. The total area of the subject site is 596 square metres.
6. The site is currently occupied by two single-storey, brick warehouse buildings which are currently used as an office and a licensed premise. Vehicle access is via a crossover on Clarke Street.
7. Development surrounding the site is described as follows:

North:

- 269-283 City Road which is a 129 metre building under construction. The building has 7-levels of podium car parking that are built up to the site's north boundary.

South:

- On the opposite side of Hancock Street, to the south, is an existing 2-storey office building. Planning Permit TP-2010-740 has been issued by Melbourne City Council to allow an apartment building of approximately 35 levels.
- Further south is the City Link overpass with under-croft public car parking.
- On the south-east corner of Clarke Street and Hancock Streets is a substation, which is approximately 2.5 storeys in height.

East:

- Opposite the subject site to the east on Clarke Street is an existing 3-storey office building.

West:

- Abutting the subject site to the west is a shared laneway and a brick industrial warehouse with car parking at the rear.

STATUTORY CONTROLS

The following controls apply to the site, with planning permit triggers are described below:

| Planning Control | Permit/ Application Requirement(s)/ Decision Guidelines |
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| Mixed Use Zone | <p>Under Clause 32.04-1 the use of the land for a dwelling (other than Bed and breakfast) is "as-of-right".</p> <p>Under Clause 32.04-1 a permit is required for the use of the site for office and the combined leasable floor area for all offices must not exceed any amount of specified in the schedule to the zone. A permit is also required under this clause for the use as a food and drink premises.</p> <p>Under Clause 32.04-7 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-1.</p> <p>Under Clause 32.04-5 a permit is required to construct two or more dwellings on a lot.</p> <p>Decision guidelines outlined at clause 32.04-1 and clause 32.04-5 are also relevant.</p> |
| Design and Development Overlay | <p>Under Clause 43.02 a permit is not required to construct a building or construct or carry out works if the requirements in the table to the Schedule are met.</p> <p>Under Clause 43.02-2 an application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form Outcomes of the schedule, and any local planning policy requirements.</p> |
| Design and Development Overlay- Schedule 18 (Southbank Area) | <p>Schedule 18: Specifies a Plot ratio requirement of 2:1 for commercial floorspace. As the proposal meets the requirement of the schedule no permit is required.</p> |
| Design and Development Overlay- Schedule 39 (Southbank Central Interface) | <p>Schedule 39: Buildings or works should not exceed the Building Height or reduce the Minimum Building Setback specified. An application to exceed the Building Height or reduce the Minimum Building Setback must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of the schedule and any local planning policy requirements.</p> <p>The applicable requirements are: Tower height of 100 metres; Podium height of between 16-28 metres which responds to the dominant streetscape; Tower setback up to 6 metres from all major streets; For towers above 40 metres, a setback from the side and rear boundary of at least 6 metres; For towers above 40 metres, a setback of 24 metres from an adjoining tower of similar height;</p> |
| Land Subject to Inundation Overlay | <p>Under Clause 44.04 a permit is required to construct a building or to construct or carry out works.</p> |

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| (LSIO1) | <p>Under Clause 44.04-3 an application requires a local floodplain development plan if a local floodplain development plan has been developed for the area and has been incorporated into the scheme. If this is the case, an application must be consistent with the plan.</p> <p>Under the Clause an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority. The application was referred to Melbourne Water on 13 July 2011.</p> |
| Car Parking (Clause 52.06) | <p>Under Clause 52.06-1 the site falls under car parking provisions for residential development in specific inner city areas of Melbourne. Under the Clause a permit is required to provide car parking in excess of the car parking rates specified in the schedule. The schedule of this Clause specifies a maximum number of car parking spaces (calculated at 1 space/ dwelling).</p> <p>The limitation policy allows for 224 spaces. The provision of 116 car spaces on site is below the maximum allowed; therefore no permit is required.</p> |
| Loading and Unloading of Vehicles (Clause 52.07) | <p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>The site provides a loading facility that does not meet the exact requirements of the Clause; therefore a permit is required.</p> |
| Bicycle Facilities (Clause 52.34) | <p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The standard requires the provision of 67 spaces. The application provides for 67 spaces, therefore no permit is required under this provision.</p> |
| Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35) | <p>Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response.</p> |
| Integrated Public Transport Planning (Clause 52.36) | <p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 13 July 2011 and 18 October 2011 the application was referred to the Director of Public Transport.</p> |

General Provisions

8. **Responsible authority for administering and enforcing the Scheme:** The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and

determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.

9. **Decision Guidelines:** Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the Act.
10. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.34 (Director of Public Transport), Clause 44.04-4 (Relevant floodplain management authority- Melbourne Water).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

11. The following policies within the SPPF are relevant:
 - Clause 11.01-2 (Activity Centre Planning)
 - Clause 11.04-4 (Central Melbourne)
 - Clause 13.04-1 (Noise Abatement)
 - Clause 15.01-1 (Urban Design)
 - Clause 15.02 (Sustainable Development)
 - Clause 16.01 (Residential Development)
 - Clause 17.01 (Commercial)
 - Clause 18 (Transport)

Municipal Strategic Statement (MSS)

12. Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping. In addition, the most significant gains in resident population are expected in the Central City, Docklands and Southbank.
13. Clause 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with a vision being '*a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality*'.
14. Clause 21.04 (Land Use) sets out objectives and strategies to '*ensure residential development takes into account the amenity impacts of established and future uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants*'.
15. Clause 21.05-2 (Structure and Character) identifies the need to reinforce valued characteristics of some areas and establish a new built form character for others in areas that have the capacity to absorb future development.
16. Clause 21.05-3 (Public Environment) notes the challenge in ensuring that new developments add positively to the overall character of Melbourne and '*create an accessible, safe, inclusive and engaging public environment*'. Associated strategies seek to encourage excellence in urban design, public realm and improve pedestrian permeability and amenity.
17. Clause 21.05-5 (Sustainable Built Form) seeks to create a built environment that adopts environmentally sustainable design practices.
18. Clause 21.06-1 (Public transport) seeks to increase the patronage of public transport by (amongst other things) encouraging development in locations which can maximise the potential use of public transport.
19. Clause 21.07-1 (Environmentally Sustainable Development) encourages a reduction in the generation of greenhouse gas emissions and promotes energy efficiency in regards to resource use and waste reduction.

20. Clause 21.08-3 (Southbank) sets out the local area policies for Southbank and includes a vision for the area which is one of the major residential growth areas within the City of Melbourne providing significant residential development opportunities for high density, medium to high rise dwellings. Important principles for Southbank relevant to the application include:
- Ensure that new tall buildings add architectural interest to the city's sky line.
 - Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.

Local Planning Policy Framework (LPPF)

21. The following policies within the LPPF are relevant:
- 22.02 (Sunlight to Public Spaces)
 - 22.17 (Urban Design outside the Capital City Zone)

Other relevant policy/ matters

22. Other relevant policy/ matters include:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)

Amendment C162

23. Amendment to the Melbourne Planning Scheme C162 (Municipal Strategic Statement) has been through panel and the report released by Planning Panels Victoria. Council are due to consider the Panel report in the next few months at Council. In this amendment the subject site is identified in an area as being an area of "Urban Renewal". Under the proposed Clause 21.02-3 Urban Renewal Areas are areas where large sites and whole precincts will undergo coordinated change.

Amendment C171

24. The *Southbank Structure Plan (Final Draft) 1999* is listed as a Reference Document at Clause 21.11 (Reference Documents) of the Scheme. Given the extent of high rise residential development in the area it is considered that the Plan bears little relevance to the present-day development pattern in the area. In light of this, Amendment C171 (awaiting final report following Panel in February 2012) seeks to replace the Plan with the *Southbank Structure Plan 2010*. The revised Structure Plan has been adopted by Council and is a seriously entertained document. The revised plan proposes a number of built form controls to deliver a new streetscape vision that aims to improve the liveability and vibrancy of Southbank.

NOTIFICATION

25. The proposal is subject to notification requirements and third party review. The owners and occupiers of the abutting properties were given notice under section 52 of the Planning and Environment Act 1987 (the Act). Signs were erected on the site frontages and a copy of the notice (From 2) was published in the Melbourne Times and the Age for one week. Given the mainly apartment nature of surrounding properties there were several hundred people notified directly.
26. There have been five (5) letters of objection received, including the City of Melbourne. (There was also one letter received that was neither support nor an objection.) Issues raised included concern regarding height of the building, privacy and overshadowing, interruption of views and sunlight, car parking/ traffic/ pedestrian traffic in the area, construction concerns and general amenity concerns.

REFERRALS

27. The application was referred to the Department's Urban Design Unit, the City of Melbourne, and pursuant to Section 55 of the Act to the Director of Public Transport and Melbourne Water. The following comments were provided:
28. **Urban Design (DPCD):** Urban design noted that based upon the current setback limitations and design constraints, significant concerns are held should the proposed fire engineering not be approved and a second stair was required to be retrospectively introduced. The recommendation made is that the applicant obtains approval of the proposed fire engineering strategy from the MFB prior to being granted Planning Approval. The proposed setbacks are not supported by the Urban

Design Unit as the proposed development would result in a continuous concrete wall on the title boundary immediately opposite the habitable room windows for the full height of the building core and the external north-east corner of the lift core wall would finish very close to the balconies of the adjacent development.

29. **City of Melbourne:** The application was formally referred on 13 July 2011 and 18 October 2011 after receipt of further information. Revised plans were circulated on 13 February 2012 and again on 20 March 2012. The City of Melbourne indicated in a letter of 20 December 2011 that Council **objects** to the proposal. Further emails were received from Council officers dated 8 March 2012 and 17 April 2012 reconfirming their objection.
30. In their correspondence the City of Melbourne raised a number of issues regarding building height, podium height, limited setbacks and lack of appropriate tower separation. It was noted that the height of the proposed building at 186m exceeds the recommended height for the site in both the current planning scheme and as proposed under Amendment C171. It was also noted that the podium form is not sufficiently distinguished from the tower form given the minimal setbacks from level 8 upwards, particularly from Hancock Street. The impact of the lack of setback on the northern boundary for the lift core and the 3.5 (minimum) to the corridor would have an unacceptable impact on the amenity of the adjoining constructed residential building, particularly the bedroom window of each of these south facing apartments. The lack of appropriate spacing between the towers would also result in a wall of towers along Clarke Street with little visual separation and relief between them.
31. **Director of Public Transport:** offered no objection to the proposal and did not include any conditions as per their letter dated 8 November 2011.
32. **Melbourne Water:** offered no objection to the proposal subject to a number of conditions and footnotes to be included in the permit as per their letter dated 19 October 2011.

ASSESSMENT

Land Use


33. The proposed use for residential apartments replaces a mostly underutilised and inactive site which makes a limited contribution to the area in terms of form or function. The use of land for an office and food and drink premises require a permit and are generally acceptable in this location. The proposal is consistent with many policy directions, will increase the residential population and contribute a 24-hour Central Activities District.
34. The development provides higher density housing and responds appropriately with the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS). The proposal is consistent with State policy to encourage a diversity of housing types at higher densities in and around activity centres. Southbank is projected to experience significant population increase and the proposal will provide residential dwellings to respond to this projected population increase within the area.

Design and Built Form

Height

35. Southbank is one of the major residential growth areas within the City of Melbourne providing significant residential development opportunities for high density, medium to high rise dwellings. It is for this reason that the general built form in the greater Southbank area and specific site surrounds is high density, with tall building heights. The immediate site surrounds include tower heights ranging from 90m to 300m. The overall height of the proposed tower is 198 m (59 storeys) as per the plans informally submitted on 28 March 2012. Under the DDO39 an application to exceed the Building Height or reduce the Minimum Building Setback must demonstrate how the development will

continue to achieve the Design Objectives and Built Form Outcomes of the schedule and any local planning policy requirements.

36. The proposal exceeds the suggested building heights of DDO39, indeed the guideline is almost doubled. Given the large scale developments either constructed, under construction, or approved in the precinct it is considered that the proposal is consistent with an emerging building scale in the area. Further, the existing and emerging built form of the precinct consists of high-rise residential towers combined with commercial uses, which is consistent with the proposed tower. There is justification for a departure from the suggested height due to the following:
- The development will meet the objectives of DDO39. In particular it will allow a high rise and high density residential development mixed with low density commercial development to complement and support the function of the city and service the local area. It will promote good quality architecture and innovative building design and the building is orientated to complement and respond to the Southbank streets. It will contribute to the high quality mixed use 'downtown' area of Southbank.
 - The DDO 39 height controls are not mandatory. It is reasonable to allow a tower of this height in a city, particularly in an area that promotes high density buildings and where the objectives of the overlay control have been met.
 - There is supporting policy for intensification and urban consolidation within State and local planning policy in the planning scheme.
 - The site is located in an area where there are numerous buildings of comparable scale such as Eureka Tower (300 metres high) and Freshwater Place (comprising two towers of 200 metres & 207 metres).
 - The Minister for Planning has approved a number of permits for residential towers in the surrounding area that are in excess of the discretionary 100 metre DDO39 height limit including: 70 Southbank Boulevard, Southbank - planning permit no. 2009/0983 issued 21 April 2010 (70 storeys/226 metres mixed use high rise, review of decision lodged at VCAT), 133-139 City Road, Southbank - planning permit no. 2008/0734 issued (130 metre high residential tower), 174-184 City Road, Southbank - planning permit no. 2006/0453 issued 25/02/07 (142m metres high); 110-120 Kavanagh Street, Southbank - planning permit no. 2007/0539 issued 5/2/07 (113.6 metres high); 269-283 City Road, Southbank - planning permit no. 2007/0624 issued 11/4/08 (124 metres high) and construction almost complete; 141 City Road, Southbank – planning permit 2010/00273 issued September 2010 (141 metres high).
37. The Southbank Structure Plan 2011 has been considered. The proposal does not conform with the desired height control however the Plan provides discretion when considering the buildings above the height guideline. It is considered the proposal meets the general objectives and intent of the Plan particularly to improve the activity and friendliness of streetscapes with an active podium and interesting design form.
38. 
39. The local policy in clause 22.17 provides guidance on height of buildings and requires new development to respect the existing built form of the immediate surroundings. It also indicates that in areas where the desire for built form change has been identified, the height of new development is encouraged to respond to the height of the emerging preferred new built form character. While the Southbank Structure Plan (and Amendment C171) can provide a guide to the City of Melbourne's desired intent for the area it is clearly not the only assessment tool to be considered. There is a number of existing buildings above the preferred height with a number approved and awaiting development and it is unrealistic to base a decision solely on an emerging policy which has been somewhat overtaken by real – time events.
- Setbacks*
40. Both DDO39 and clause 22.17 provide guidance on building setbacks. It is clear from the size of the site that the standard model for podium/ tower buildings as generally advocated in DDO39 will be difficult to comply with on this site. The 24 metre tower setback from an adjoining tower development is not achievable and the more modest 6 metre front and side setback requirement

difficult to achieve. On this basis, if this site is to be developed intensively at all the design and form will require to respond successfully to the surrounding environment and be exemplary in terms of design intent.

41. The applicant has developed a different design solution to the podium/ tower form that results in a design change at approximately 30 metres that acts as a podium element.
42. In summary, it is considered that the proposal provides a suitable design solution with appropriate setbacks given the constraints of the site and the form of neighbouring sites.
43. The key setback issue is to the north with the newly constructed building at 269 – 283 City Road. This building itself has been built to the boundary in one area (balcony to habitable living room) with another wall (window to habitable second bedroom) within 1 metre of the boundary. During the assessment of this site it was considered unfeasible to develop a site of this size. However, as sites become scarcer the application site has progressed to a viable development site.
44. Since submission the applicant has increased the distance to the northern boundary and, subject to conditions of a permit will result in greater separation between buildings of between 2-11 metres. More importantly there is a reasonable outlook and amenity for the habitable rooms on the neighbouring site, particularly as they have been built to the boundary.
45. To the eastern boundary the setbacks to Clarke Street have been increased by approximately 1 metre with the setback now varying from 2.2 - 2.8metres depending on the twist of the building. This is less than the standard 6 metre setback from a street frontage however the neighbouring building at 269-283 City Road has been built to the boundary and is therefore considered acceptable in this instance.
46. The proposed building has been designed to cut away from Clarke Street near the northern boundary, which will ensure the amenity of existing residents is maintained and that a sufficient gap between the two buildings is perceived from a streetscape perspective on Clarke Street. Indeed at the point closest to Clarke Street the buildings are separated by approximately 11 metres.
47. To the south the proposal is separated from the building at 58 Clarke Street by the width of Hancock Street. The habitable rooms of both buildings will face one another in this direction but are separated by 16 metres approximately. This is considered acceptable and is less than the proposed 10 metre setback between habitable rooms for Freshwater Place and the newly approved 1-15 Queens Bridge Street, Southbank (Planning permit reference 2011011626).
48. The setbacks to the western boundary are approximately 0.9-2.4 metres however added with the road carriageway easement on the adjoining neighbouring site the setbacks are considered acceptable and will allow future development of this site with a building separation of 8-10 metres.
49. Consideration has also been given to planning permit TP/2009-864 (issued by City of Melbourne at the direction of VCAT), which has zero setbacks on all frontages to a height of 21 levels (70 metres) at the site at 33 Clarke Street, Southbank – approximately 100 metres from the subject site.

Site Coverage

50. Despite the small site the proposed tower occupies a relatively low site coverage of approximately 51% (subject to tower twists). This compares favourably to the several neighbouring sites including 58 Clarke Street, Southbank, which has a tower footprint of 75% and 33 Clarke Street, Southbank, which has a site coverage of almost 100%. This illustrates that the site has responded well to its context and constraints of a small site. It also provides good amenity for the apartments within the internal lightwell substituting for borrowed light apartments. On this basis the development cannot be considered an 'over-development' of the site.

Form

51. The building has a relatively unique form and design that suggests it will become a landmark of the area. It has an ambitious 'snake skin' to the facade, which, when added to the proposed greenery will provide an interesting architectural response. The slender nature of the building and the overall design will result in the proposal becoming a 'bookend' for the precinct and ensure it is a standout design in context. This is also due partly to the irregular grid pattern in this precinct and the urban morphology. As the architect states:

By providing a non-regular and dynamic form the resultant streetscape will be one of contrast where the buildings act as counterpoint to one another, and therefore a visual interest is created.

52. The strength of the architectural response is part of the reason a diversion from the height/ setback policy is appropriate. Lesser architectural forms or more bulky structures would not have been suitable for the site. There must be no dilution of this form in detailed design phase or any redesign of the building otherwise the proposal may not be acceptable overall.

Street Level Frontages & Pedestrian Safety

53. The proposed development incorporates a retail/ food and drink tenancy at ground floor level along with a new foyer. The podium level (up to level 6) consists of apartments facing the street. This is a considerable improvement in design terms on the existing warehouse building on site and also substantially better outcome than the car parking within the podium that is typical in Southbank. It is considered that the proposal responds well to the requirements of DDO39, in terms of pedestrian interest, interaction and amenity.

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

54. The Environmental Wind Assessment (MEL Consultants) submitted with the application concludes that wind conditions around the proposed development have been shown to be either on or within the criterion for walking comfort.
55. The Local Policy 'Sunlight to Public Spaces' (Clause 22.02) requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis at 10am, 11am, 12pm, 1pm and 2pm has been carried out for 22 September. The analysis shows that additional shadowing will occur over properties to the east and south. Given the overall height of the proposed building (significantly taller than currently occupying the site), increased overshadowing is inevitable. It is noted however that the development does not overshadow any public parks or gardens, public square or major pedestrian route, it is therefore considered to be acceptable.

ESD

56. The proposed building is a residential development and therefore the ESD requirements are contained within the 'Building Code of Australia'. The applicant has provided a report on the ESD features (Ark Resources 3 February 2012) and there are a number of ESD features. The proposal is to achieve a Green Star 4 star Multi Residential (Version 1). It will provide a tri-generation system to provide heat, cooling and power. There is also integrated water management incorporating wastewater treatment and rainwater collection. The Southbank Plan strongly supports this sustainable form of Combined Energy Generation and Water Supply.
57. The development also intends to be built using modular construction which will have sustainability benefits including reduction of material use and more sustainable material use in construction.

Internal Amenity

58. Developments for new residential uses should incorporate design measures to ensure dwellings have appropriate internal amenity. The proposal has placed a significant emphasis on internal amenity with a central light well within the building. This ensure that no bedroom will rely on borrowed light, which is becoming increasingly utilised in high rise developments.
59. The applicant has provided a noise report that indicates that the rooms will achieve the appropriate attenuation measures given the location close to the Westgate Freeway. There is also a separate report indicating the incorporation of cross ventilation into the building design.
60. Additionally, the site contains an amenities area on level 7 and a roof top garden for residents.

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

61. The level of car parking provided on site is supported and commensurate with the site's level of access to public transport, employment and facilities. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.
62. The design of basement car parking below ground and the car parking stacker system is unusual, particularly with the ground conditions in Southbank, however the applicant has provided the

necessary documentation and reports to illustrates that it will function successfully. The layout and functioning is generally supported by the City of Melbourne.

63. Waste collection and loading arrangements are off site and are provisionally acceptable however given the proposed changes in building design a condition has been added to permit requiring further waste management and loading reports. Loading should generally occur on site.

Objections

64. All the objections have been considered and are generally responded to within the commentary within this report. There are a couple of additional objector issues that require further explanation.
65. A number of the objections raise a concern with the level of development within the Southbank locality generally and the loss of views/ sunlight and property values. The policy direction for the Southbank area contained at Clause 21.08-3 (and variously within the MSS) of the Melbourne Planning Scheme contemplates a substantial level of change, and accommodation of a high density population within residential towers. The existence of the numerous towers are an example of this policy implementation in the last 10-20 years. There can be no expectation that views for residential apartments will be retained in perpetuity. It is considered that sufficient space is made for access to sunlight.

Summary & Conclusion

66. The proposal is for 59-level mixed use building (198 metres) providing a 7-level basement for car parking, 224 apartments, communal recreation areas and a number of small food and drink/ office spaces at the corner of Clarke Street and Hancock Street in Southbank.
67. It is noted that both the DPCD urban design unit and City of Melbourne do not support the development and given the proposal challenges many of the current design policy parameters this position is not altogether surprising. However, it is clear that Southbank is intended to be developed more intensively and if this site is to be developed and provide a contribution to the housing provision in Melbourne then concessions have to be made on this site. Given the design intent and quality, the surrounding land forms and layout, the activate ground floor and podium levels, the modular design intent and the overall improvement to the streetscape this proposal warrants the concession in setbacks and should be approved.
68. The proposed development has been assessed against the provisions of the Melbourne Planning Scheme and generally compliant. Consideration has been given to the referral responses and the objections received. There has been a thorough assessment of the provisions of the design overlay and local design policy. There is justification for a departure from the suggested height in DDO39 as the development respects the objectives of this policy and with minor increases the setbacks (through conditions of an NOD) this will allow adequate building separation and amenity for the building at 269-283 City Road.
69. The proposal ensures that the scale, siting, massing and bulk of development complements the adjoining and nearby built form and meets this objective of the local design policy. Notable weight in the assessment has been attached to the site context and how the proposal is designed to appear as a slender and sculptural form; a less refined design on this site is unlikely to have been supported. There has also been notable weight in the assessment to the precedent set by the adjacent building at 269-283 City Road, that is both built to the side and front boundary to Clarke Street and exceeds the preferred height control.
70. On balance it is worthy of support subject to conditions and a recommendation has been made on this basis.

RECOMMENDATION

71. That you issue a notice of decision to grant a planning permit for planning permit application 2011/008303 at 54-56 Clarke Street, Southbank for the development of a 5⁴ storey mixed use tower subject to conditions.

Prepared by: [REDACTED]
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Date: 30-05-2012

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