

Planning Officer Report

54-68 Kavanagh Street, Southbank

Planning Permit Application 2014/59484



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Summary

The purpose of this report is to provide a detailed planning assessment of planning permit application 2014/59484. This report is provided to the Minister for Planning to assist in considering and determining the planning permit application.

Under the Schedule to Clause 61.01 of the Melbourne Planning Scheme, the Minister for Planning is the responsible authority for the applications with a gross floor area exceeding 25,000 square metres.

An application has been made to redevelop the site with a multi storey “L” shaped tower (measuring at a maximum of 52 storeys, 159.2 metres) on the corner of Kavanagh Street and Power Street, Southbank comprising of apartments with ground floor retail premises (other than Adult sex book shop, Department store, Hotel and Tavern). The application has been formally amended to address a range of issues with the development that have been raised by the Department in relation to setbacks, podium design and the general design quality of the previous application.

The key issues for consideration include height, setbacks, overshadowing and design quality.

The Department’s Urban Design Unit broadly supports the application subject to conditions. Other agencies including Public Transport Victoria, VicRoads, and EPA also support the application.

On balance, the proposal is considered to respond to its site context and should be supported with conditions. The proposal complies with the objectives of State and Local Policy including Plan Melbourne and the most of planning controls which affect the site and is considered to respond to the existing and evolving built form context of the area.

Recommendation

The City of Melbourne **do not support** the application.

The recommendation to the Minister for Planning is to approve the planning application and grant a **permit subject to conditions**.

Application Details

Key elements	Comments
Land:	54-68 Kavanagh Street, Southbank
Application No.:	2014/59484
Proposal:	Demolition of the existing building and construction of a multi-storey building for the purpose of dwellings and retail premises (other than Adult sex bookshop, Department store, Hotel and Tavern)
Initial application lodged:	14 October 2014
Amended application lodged:	19 June 2015
Zone and Overlay controls:	Capital City Zone Schedule 3 (CCZ3) Design and Development Overlay 1 – Active Street Frontages (Area 3- Power Street frontage) Design and Development Overlay 3 – Traffic Conflict Frontage (Power Street frontage) Design and Development Overlay 27 – City Link Stack Environs Design and Development Overlay 60 – Southbank Central Interface (Area 3) Parking Overlay (PO1) Capital City Zone – Outside the Retail Core

Why is a permit required?	<p>Under Schedule 3 of Clause 37.04 (CCZ3) a permit is required to demolish or remove a building and works and a permit is required to construct a building or construct or carry out works.</p> <p>Under Schedule 1 of Clause 43.02 (DDO60) a permit is required to construct a building or construct or carry out works (at ground floor only).</p> <p>Under Schedule 60 of Clause 43.02 (DDO60) a permit is required to construct a building or construct or carry out works.</p>
Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS- OPS)	<p>52 storeys (159.2 metres excluding lift shaft and overrun)</p> <p>The building at 159.2 metres in this location is below the OLS of 226-228 metres</p>
Setbacks	<p>North (Fawkner Street): minimum 3 metres</p> <p>South (Kavanagh Street): minimum 5 metres</p> <p>East: minimum 5.42 metres (minimum tower separation of 10.42 metres)</p> <p>West (Power Street): 5 metres</p>
Car parking and bicycle facilities	356 car spaces, 401 bicycle spaces
Gross floor area (GFA)	72,119 square metres
Plot ratio	27:1 (27,119m ² GFA/ 2,659m ² site area)
Applicant / Developer	ERM Consultants C/- Central Equity
Public Notification	The application is exempt from third party notice and review

Figure 1 – Site plan 54-68 Kavanagh Street, Southbank



Figure 2- Perspective image of proposal



Background

The application was lodged on 14 October 2014.

Further information was requested on 11 November 2014 (within 28 days of the application). A response to the further information request was received on 25 February 2015.

The Department commenced discussions with the applicant about a range of issues associated with the application including the height, setbacks, design quality and the podium car park. In particular, the podium car park featured a substantial screen feature to conceal the car park. This design approach is generally not supported by the Department. The applicant was encouraged to consider this issue and the equally important issues of design quality and expression, height in excess of Design and Development Overlay- Schedule 60 (DDO60) and variation to setbacks recommended in the DDO60.

Three meetings to discuss these issues were held between the applicant and the Department on 20 April 2015, 22 May 2015 and 1 June 2015. The collective conclusions of these three meetings was that:

- the car park screen needed to be amended to incorporate active uses i.e. apartments to sleeve the podium car park to the streets;
- the corner of the site (at the lower levels) requires further definition without a setback or indent on the corner;
- the quality of the architecture needed to be improved in terms of contrasting volumes to relieve bulk;
- the height of the development in excess of the DDO preferred maximum was not acceptable;

- the setbacks of 3m and 0m to the Power Street and Kavanagh Street corner were not acceptable; and
- weather protection canopies would need to be modified to ensure compliance with the City of Melbourne's requirements to protect existing street trees.

On 19 June 2015 the application was amended under section 50 of the *Planning and Environment Act 1987* (resetting the statutory clock) to address these issues.

Site and Surrounds

The site is located on the corner of Power Street and Kavanagh Street in Southbank in an area south of the Yarra, bounded by City Road, Kavanagh Street, Southbank Boulevard and Balston Street. It is currently occupied by a two storey commercial building constructed in the 1980s.

The precinct immediately to the north, east and west of the site has experienced a significant amount of high rise residential tower development. The area to the south and west of the site exhibits a different character with some low rise development, a large vacant site and freeway infrastructure, with a transition to a lower scale area of Southbank commencing at Moore Street.

The subject site is generally rectangular in shape and is described in Certificate of Title Volume 09864, Folio 129. A narrow party wall easement abuts the eastern boundary of the site. There is a restrictive covenant registered on title described as covenant A593583 which prevents construction of a building greater than two storeys in height within eight feet from the boundary of a carriage way easement. The carriage way easement no longer exists and an application has been submitted to Council to remove the covenant. This application is under assessment by the Council.

The site has a frontage of approximately 45.22 metres to Power Street to the west, 54.03 metres to Fawkner Street to the north and 60.33 metres to Kavanagh Street to the south. The site has an overall area of approximately 2,659m². The land is relatively flat (and includes a negligible fall east to west along Kavanagh Street, north to south along Power Street and west to east along Fawkner Street) and is occupied by a double storey concrete slab commercial building. Refer to Figure 1 for a site plan.

The area surrounding the subject site is developed as follows:

South: to the south of the site is the two storey Victorian Institute of Forensic Medicine.

South West: to the south west is a very large vacant site bounded by Balston Street, Power Street/City Link exit ramp and Westgate freeway access, and Kavanagh Street. This site has been vacant and used for a car park for many years. A planning application has recently been lodged for a master plan mixed use development of this site with 6 towers ranging from 30 to 65 storeys or 145 to 226 metres. A hotel, office, retail, childcare and a park is proposed to be incorporated into the development.

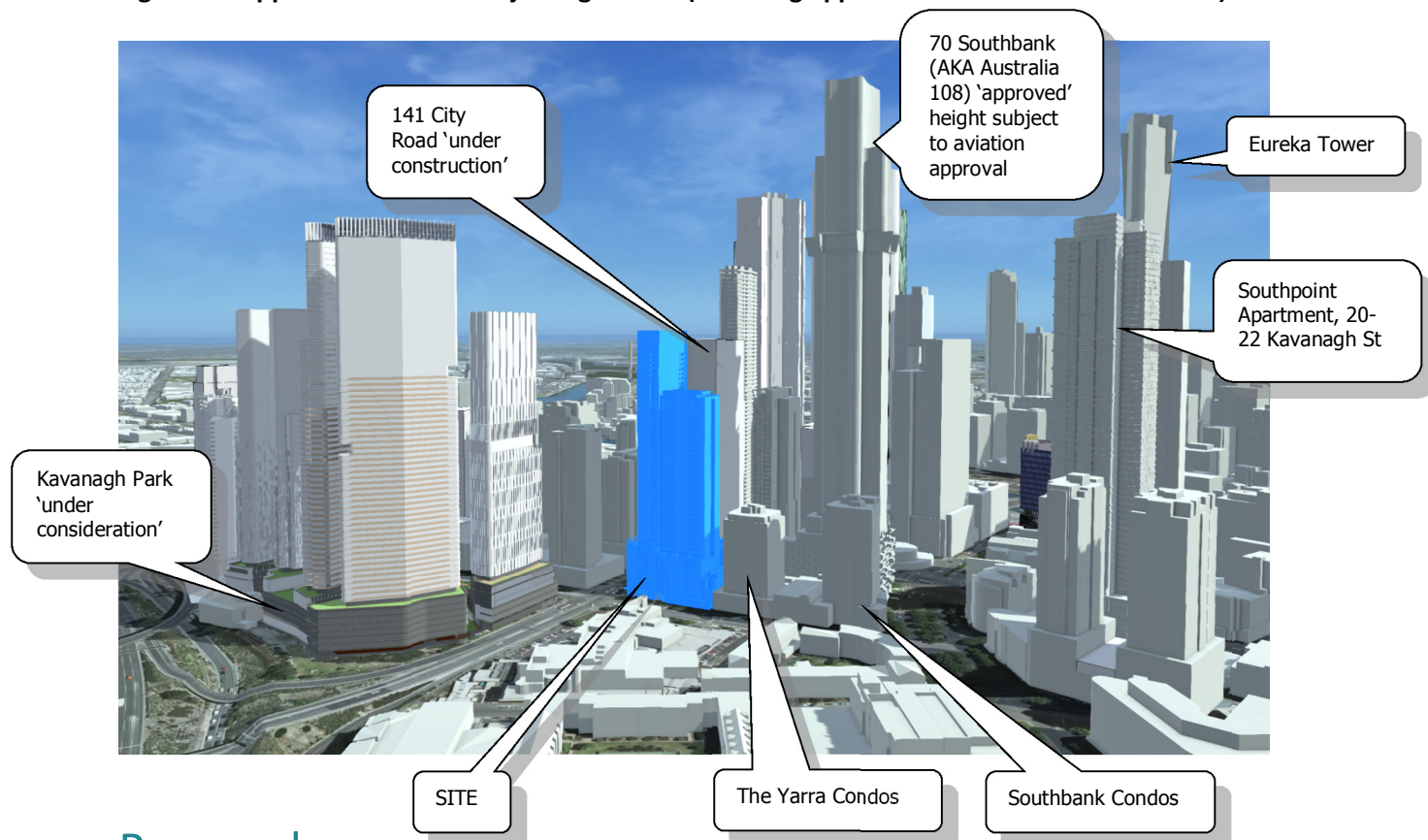
West: the site on the north west corner of Power Street and Kavanagh Street is a 32 storey residential tower building of 105 metres in height.

East: to the east of the site at 38-50 Kavanagh Street is a 19 storey, 62.6 metre high residential building known as Yarra Condos. The building has a 10 metre high podium with a number of dwellings that face the subject site from levels 3 to 17. The property has frontages to both Kavanagh Street and Fawkner Street.

North: The site directly to the north is occupied by a 42 storey, 131 metre high tower which has only recently been completed. To the north of the site along City Road, there are a number of high density residential developments ranging from approval of the 319 metre Australia 108 development at 70 Southbank Boulevard (which does not have PANS/OPS approval) and approximately 6 towers ranging from 81-131 metres in height.

North west – diagonally to the north west of the site is a 25 storey, 81 metre high residential tower.

Figure 3 – Application site and adjoining towers (including approved and under consideration)



Proposal

The application (as amended on 19 June 2015) seeks approval for the construction of a multi-storey building for the purpose of dwellings, and ground floor retail premises (other than Adult sex bookshop, Department store, Hotel and Tavern). The proposed gross floor area is 72,119m².

Details of the application are as follows:

- Demolition of the existing building;
- Construction of a 'L' shaped residential tower of 52 and 42 storeys (maximum 159.2 metres excluding plant and lift overrun when measured from the centre of the Kavanagh Street frontage) with a podium height of 29.3 metres to the centre of the Kavanagh Street frontage, which increases to a maximum of 37 metres (with the expressed frame element) to the corner of Kavanagh and Power Streets;
- The podium is built to all boundaries except the north-east boundary at ground level, and then is setback 6.3 metres above Level 5, increasing in part to 7.8 metres to address the interface with the apartments to the north-east (the Yarra Condos);
- The tower includes setbacks above the podium (Level 10) of a minimum of 5 metres to Kavanagh and Power Streets, a minimum of 3 metres to Fawcner Street, and a minimum of 5.42 metres to

the north-eastern boundary. The tower separation to the north-east is a minimum of 10.42 metres;

- The tower comprises of 597 apartments (34 x 1 bedroom, 133 x 1-bedroom + study, 130 x 2-bedroom, 209 x 2-bedroom + study, 9 x 3-bedroom, 80 x 3-bedroom + study, and 2 x 4-bedroom). The development also includes communal facilities at Level 9 (pool, gym, theatre and decking area) and Level 41 (residents amenities and outdoor BBQ area);
- Ground floor includes the six retail tenancies totalling 756m² (three fronting Power Street, and three fronting Kavanagh Street), residential lobby, access to car and bicycle parking (all from Fawknor Street), and includes substation, switch room, communications room, fire pump room, fire pump store, cold store, refuse room, gas metre room, mail room and loading bay;
- Vehicle access, loading and unloading facilities and bicycle parking facilities are provided from Fawknor Street. Car parking (356 spaces all allocated to the apartments except for 6 spaces, 1 per retail tenancy) is provided within the podium car parking. There are also a total of 69 storage cages and 10 motorcycle spaces provided throughout the car parking area. Provision of 401 bicycle parking spaces (including 22 provided on the Kavanagh Street footpath) are provided at ground floor and throughout the podium car parking area accessible from Fawknor Street;
- Materials and finishes include glazing (dark grey, blue and clear), metal cladding (dark grey and deep ocean), precast concrete (reckli finish) and applied finish expressed structure; and
- The submission is supported by a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, acoustic report, buffer management/plume impact statement and ESD report.

Comparison to initial application

The table below summarises the changes between the 14 October 2014 original application and the current amended application (19 June 2015).

The key differences in the applications, in addition to the elements summarised in the table below are as follows:

- The original proposal located the taller tower element on Kavanagh Street not Power Street.
- Instead of apartments included as a “skin” of uses around the car park, the car park addressed the street directly but included an “artist designed” screen to the podium.
- The original proposal included setbacks of 3 metre from Kavanagh Street and a 0 metre setback to Power Street.
- The indent in the form of the building to the corner of Kavanagh Street and Power Street has been deleted.
- Minor changes have been made to the architectural expression to introduce the framing element to the podium and the Kavanagh Street tower.

	Original application	Amended application
Tower Height	South west component of the tower (128.6m) South east component of the tower (152.9m)	South west component of the tower (159.2m) South east component of the tower (128.6m)
Podium height	30-35 metres including feature wall	29.3 to 37 metres including expressed frame element

Tower setbacks	0 metres to Kavanagh Street	5 metres to Kavanagh Street
Tower setbacks	0 metres to Power Street	5 metres to Power Street
Number of apartments	720	597
Car parking spaces	417	356
Bicycle spaces	490	401
Gross Floor area	84,440m ²	72,119m ²

Planning Policies and Controls

State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victorian Planning Provisions. The planning principles set out under the SPPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application.

- Clause 9 (Plan Melbourne)
- Clause 10.04 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 17 (Economic Development)
- Clause 18 (Transport)
- Clause 19 (Infrastructure)

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth, delivers commercial floor area and integrates transport and infrastructure planning.

Local Planning Policy Framework

The Municipal Strategic Statements (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for settlement, Environment and Landscape Values, Built Environment and Heritage, Housing, Economic Development, Transport and Infrastructure. The site is located within the existing Southbank Urban Renewal Area as identified under Clause 21.13 of the Melbourne Planning Scheme.

The future directive for this area is to support Southbank's development as an extension of the Central City, providing a mix of commercial and residential land uses and a built form environment reflective of the precincts position as a natural extension to the city across the river and from the central and southern parts of Southbank.

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

- Clause 21.13-1 Urban Renewal Area - Southbank
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

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

Statutory Controls (Permit Triggers)

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

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
<i>Capital City Zone- Schedule 3 (Southbank) (Clause 37.04)</i>	<p>A permit is required to use the land unless specifically exempted by the schedule. A permit is also required to demolish, construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 3:</p> <ul style="list-style-type: none"> Specifies that no permit is required for 'Accommodation', and 'Retail premises' (other than Adult sex bookshop, Department store, Hotel, Supermarket and Tavern) as the uses are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule. Specifies that a permit is required to demolish or remove a building, and to construct a building or construct and carry out works. Exempts the application from notice and appeal requirements. <p>Decision guidelines are contained in Schedule 3.</p>
<p>Design and Development Overlay (DDO)</p> <p>Schedule 1 (Active Street Frontages) – Power Street</p> <p>Schedule 3 (Traffic Conflict Frontage) – Power Street</p> <p>Schedule 27 (City Link Exhaust Stack Environs)</p> <p>Schedule 60 (Southbank) (Area 3) (Clause 43.02)</p>	<p>Under Clause 43.02-1 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> Specifies a permit is required for buildings and works at ground level. Requires buildings should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians, by providing at least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or window which allows occupants to engage with the street. Exempts buildings and works from notice and appeal requirements. <p>Schedule 3:</p> <ul style="list-style-type: none"> Specifies that no permit is required to construct a building or construct or carry out works other than those associated with

	<p>creation or alteration of a crossover or vehicle access way. The Power Street frontage is affected by this overlay and the application does not seek approval to modify, or construct a vehicle access to this frontage.</p> <p>Schedule 27:</p> <ul style="list-style-type: none"> • Specifies that no permit is required for buildings and works. • Specifies a notice requirement to the specified person or body at Clause 66.06 (EPA, Transurban City Link Ltd and the Roads Corporation). • Does not exempt the application for notice and review requirements. <p>Schedule 60:</p> <ul style="list-style-type: none"> • Specifies that a permit is required to construct a building or construct or carry out works. • Specifies a preferred maximum height of 100 metres, podium height of a maximum of 30 metres, tower separation of 20 metres (10 metres at a minimum), and setbacks above a podium of 10 metres to front, side and rear boundaries. It also seeks a minimum floor to ceiling height of 4 metres at ground floor. • Exempts the application from notice and review. <p>Decision guidelines are contained at Clause 43.02-5 and at Clause 65.</p>
<p>Car Parking Parking Overlay – Schedule 1 <i>(Clause 45.09 and Clause 52.06)</i></p>	<p>The provisions of the parking overlay work in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses). The limitation policy allows for 601 spaces. The provision of 356 car spaces on site is below the maximum, therefore no permit is required.</p> <p>Decision guidelines are contained at Clause 45.09, Clause 52.06-9 and at Clause 65.</p>
<p><i>Loading and Unloading of Vehicles (Clause 52.07)</i></p>	<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 loading bay provided complies with the detailed requirements set out in Clause 52.07. Therefore, no permit is required under this clause.</p>
<p><i>Bicycle Facilities (Clause 52.34)</i></p>	<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 184 spaces (119</p>

	resident and 60 visitor spaces, and 3 retail with 2 retail visitor spaces). The application provides for 401 spaces, therefore no permit is required under this provision.
<i>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</i>	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. An urban context report has been provided with the application and was satisfactory.
<i>Integrated Public Transport Planning (Clause 52.36)</i>	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> (the Act) to the Director of Public Transport for more than 60 dwellings on the lot.
<i>General Provisions (Clause 61.01)</i>	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 <i>Planning and Environment Act 1987</i> for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
<i>Decision Guidelines (Clause 65.01)</i>	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 <i>Planning and Environment Act 1987</i> .
<i>Referral and Notice Provisions (Clause 66.03)</i>	Under Clause 66.03 an application must be referred to the person or body specified as the referral authority; Clause 52.36 (Director of Public Transport). Under Clause 66.05 notice of an application must be given to the person or body specified; Clause 4.0 of Schedule 27 to Design and Development Overlay (Clause 43.02) (EPA, Transurban City Link Ltd and the Roads Corporation).

Other Strategic Matters

Metropolitan Planning Strategy

Plan Melbourne was gazetted on 30 May 2014 (referenced at Clause 11.04) and outlines the long term plan to accommodate Melbourne future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne identifies the Expanded Central City as an existing renewal area within the expanded central region. This central sub region has a target to accommodate 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050 (Initiatives 1.4.1 to 1.4.2).

Design Guidelines for Higher Density Residential Development

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)

Southbank Structure Plan 2010

Southbank Structure Plan 2010 (referenced at Clause 21.17 and at Schedule 60 to the Design and Development Overlay)

The Southbank Structure Plan provides a vision and strategy for the future development of Southbank as an integral part of the central city. It identifies built form recommendations including appropriate building heights and density should create appropriate streetscape scales that do not contribute to dark, shady and windy environments at ground level and prioritise and to prioritise the delivery of a vibrant street life through the establishment of active ground uses and upper floors that provide overlooking of the street.

Future Living: City of Melbourne Draft Housing Strategy

Future Living is a discussion paper identifying issues and options for housing the City of Melbourne community. Council has indicated that by 2031, it is estimated that an additional 42,000 homes will be built within the municipality of Melbourne for an additional 80,000 people. This growth will mostly occur within the city's urban renewal areas, including Southbank. The discussion paper seeks to engage with other tiers of government, developers, investors and residents in meeting the aspiration of affordable, well-designed and diverse housing choices to meet future needs. The strategy focuses on a number of factors that influence housing choices, but in particular focuses on apartment sizes.

Notification

Under the provisions of the Capital City Zone Schedule 3, the three schedules to the Design and Development Overlay Schedule and the Parking Overlay Schedule 1 the proposal is not subject to notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the *Planning and Environment Act 1987* (the Act).

Under Schedule 27 of the Design and Development Overlay (City Link Stack Environs), notice must be given under Section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified to be notified at Clause 66.06 of the Scheme. The bodies specified include the EPA, Transurban City Link Ltd and the Roads Corporation (VicRoads). Comments contained with the referrals section below.

Referrals

The application was given to the Department's Urban Design Unit, the City of Melbourne, referred under Section 55 of the Act to Public Transport Victoria and notification was given under Section 52(1)(c) to EPA, Transurban City Link Ltd and the Roads Corporation. The following comments were provided:

Urban Design (DELWP): Generally support the application. Matters for further resolution include: a reduction in height to 120-130 metres for better consistency with the requirements of DDO60 and its surrounding context, an increased tower separation to the north-eastern boundary, material differentiation (architectural interest), privacy screening between apartments on balconies, and details regarding the canopy treatment being sufficient for wind mitigation purposes. These matters can be resolved through appropriate permit conditions.

City of Melbourne: Do not support the application (letter dated 13 May 2015). On 5 May 2015, officers at the City of Melbourne reported the proposal to Council (Future Melbourne (Planning) Committee) however a quorum could not be achieved (due to conflict of interest). In circumstances such as this when the Future Melbourne Committee cannot reach a resolution of Council, the City of Melbourne's official position on the application reverts to that of the officer's recommendation. The recommendation in this instance was to object to the application on two grounds of adverse impact on streets trees and the excessive height and bulk of the building. The amended application was referred back to the City of Melbourne. On 21 July 2015 the City of Melbourne provided an email response to the Department, where it was advised that while the application has made some minor improvements to the design in terms of setbacks and modifications to retain street trees, officers still did not support the application due to the excessive height and insufficient setbacks.

Public Transport Victoria: No objection to the proposal and did not specify any conditions of approval (letter dated 30 December 2014).

VicRoads: No objection to the proposal, with a note to be included (letter dated 1 September 2015).

EPA: No objection to the proposal subject to conditions being included on any approval issued (letter dated 4 August 2015).

Transurban: No response provided to date.

Assessment

Consistency with Planning Policy

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

SPPF

- Providing a high quality largely residential development in close proximity to infrastructure, the Principal Public Transport Network and public open space facilities.
- Integrating with existing residential and commercial activity within Southbank.
- Improving housing choice and making better use of existing infrastructure.
- Responding to the site's context by providing a building height, form and scale appropriate to the context of the surrounding area as an area where mid rise podium and high-rise tower forms are envisaged.
- Providing a liveable, attractive and walkable residential environment due to its proximity to key services and infrastructure and by the design of the building providing for reasonable levels of internal amenity.
- Recognising the status of the land as a potential development site within five to fifteen years under the Southbank Structure Plan 2010 and responding to land use and built form objectives

to increase active frontage, provide a podium and tower typology and improve environmental building performance.

MSS

- Responding to Clause 21.13-1 (Urban Renewal Areas – Southbank) through:
 - Encourage high rise tower development to the north of City Link and west of Moore Street.
 - Promote high rise, high density development, south of the Crown Casino and the Melbourne Exhibition Centre.
 - Ensure all new development creates a high quality pedestrian environment and positively enhances the area's public realm.

LPPF

- The development is sited and designed to respond to the physical constraints of the site, neighbouring residential land uses to the north and the development potential of the site immediately to the east and the site to the north. It also is consistent with the objectives of Schedule 3 to the Capital City Zone. The redevelopment also contributes to the urban renewal of the Southbank area (Clause 22.01).
- Responding to Clause 22.02 (Sunlight to Public Spaces) by ensuring that the building and works allow good sun penetration to public spaces and achieving a comfortable and enjoyable street environment. The relevant control period for the policy is between 11am and 2pm on 22 September. The development will not overshadow any major public open spaces. Significant shadows would be cast over roads, however the areas affected are already overshadowed by existing buildings in the area. Significant shadows will be cast over a strategic portion of a neighbouring site to the south-west. This is discussed further in the body of the report.
- Responding to Clause 22.19, Energy, Water and Waste Efficiency, and Clause 22.23, Stormwater Management (Water Sensitive Urban Design), by including environmentally sustainable building initiatives within the design of the development to ensure energy and water efficiency.
- The applicant has stated that they are able to achieve a 6 star minimum energy rating (STEPS tool) for residential dwellings with an average rating of 6.4. A permit condition can be applied to require an assessment against the Green Star rating tool and compliance with the policy objectives.

Land Use

The proposed uses replace and reinvigorate an underutilised site which is earmarked in the Southbank Structure Plan 2010 as an area to accommodate the anticipated increase in residential population. The proposal is consistent with many policy directions as it will increase the residential population and provide high quality residential and commercial space and in so doing, responds to the broad strategic intent for housing as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) and the purpose of the zoning control.

Design and Built Form

The key design issues in this application relate to height/ form, and setbacks to the north-eastern boundary / interface with the 'Yarra Condos'. These matters are discussed further below.

The performance measures contained within Local Policy Clause 22.01 (Urban Design within the Capital City Zone), Southbank Structure Plan 2010, Guidelines for Higher Density Residential Development, and Schedule 60 of the Design and Development Overlay (DDO60) set performance benchmarks for good development. Key themes of street-pattern, edge-quality, building envelope,

internal amenity, architectural design and activation are common to each of these policy documents and controls.

Height / Form

The application seeks approval for the construction of a 159.2 metre tall building (excluding lift overrun) with a varied podium height of 29.3 metres to 37 metres and a floor to ceiling height of 5 metres at ground level. Design and Development Overlay (DDO60) specifies a preferred maximum height of 100 metres, podium height of a maximum of 30 metres and a preferred ground floor building floor to ceiling height of a least 4 metres.

The design objectives of DDO60 include:

- *To ensure that the suitability of each development to its context takes precedence over the individual merit of the building.*
- *To ensure that new buildings respect the future development potential of adjacent sites and allow for an equitable spread of development potential on these sites.*
- *To ensure that new buildings respect the potential of future development on adjacent sites to access privacy, sunlight, daylight and an outlook from habitable interiors*
- *To ensure the height of new buildings does not overwhelm the public domain.*
- *To allow daylight and sunlight to penetrate to the street and lower building levels.*
- *To ensure development supports high levels of pedestrian amenity in relation to daylight, sky views, wind and sunlight.*
- *To maintain the visual dominance and views to the Arts Centre Spire as a civic skyline landmark.*
- *To ensure that development provides a high level of amenity for building occupants.*
- *To ensure that advertising signs interfacing with or visible from the Shrine of Remembrance do not adversely affect the significance of the Shrine of Remembrance.*
- *To ensure that the scale and design of new buildings preserve the significance of the Shrine of Remembrance as a historic and cultural landmark and place of reverence.*

The design objectives for Area 3 (Southbank Interface) include:

- *To avoid detriment to the public domain from the impacts of buildings.*
- *To ensure that development has a pedestrian scale at the street level.*
- *To provide for appropriate spacing between buildings so as to maximise light, air and outlook for occupants.*

The development meets the preferred ground floor height and podium height (in part). Whilst not conforming with the preferred maximum height and built form outcomes, the proposal is considered to respond appropriately to the design objectives of DDO60 as follows:

- The site is located in an area of Southbank where significant residential growth can occur, supporting overall urban consolidation objectives outlined in the State and Local Planning Policy Frameworks and Metropolitan Planning Strategy.
- The built form outcomes of DDO60 are met. The varied building form at an overall height of 128.6 metres and 159.2 metres is considered to be contextually appropriate as demonstrated in Figure 3 above. Whilst the built form outcomes suggest that there should be a degree of transition to areas to the south, west and east, it is noted that the development within the surrounding area broadly includes buildings heights upwards of the 100 metres preferred.
- The objectives of DDO60 are met. The height of new buildings will not overwhelm the public domain and will allow daylight and sunlight to penetrate to the street and lower building levels.
- There is precedence for development above the preferred maximum height of 100 metres in the immediate vicinity. The redevelopment at 151 City Road (to the north-east corner of City Road and Power Street), which is under construction, measures at 131 metres tall within the same area of DDO60.

- The architectural response and an activated and articulated facade treatment with varied finishes and materials will contribute to the character of the streets. This is also achieved with the 5 metre floor to ceiling height proposed at ground level. The higher tower element defines the main street corner to Power Street with long distance views.
- The proposed height of the podium creates a sense of visual interest and a human scale to Power and Kavanagh Streets. In most locations the podium is largely consistent with the preferred maximum podium height specified in DDO60.

Setbacks (front and sides)

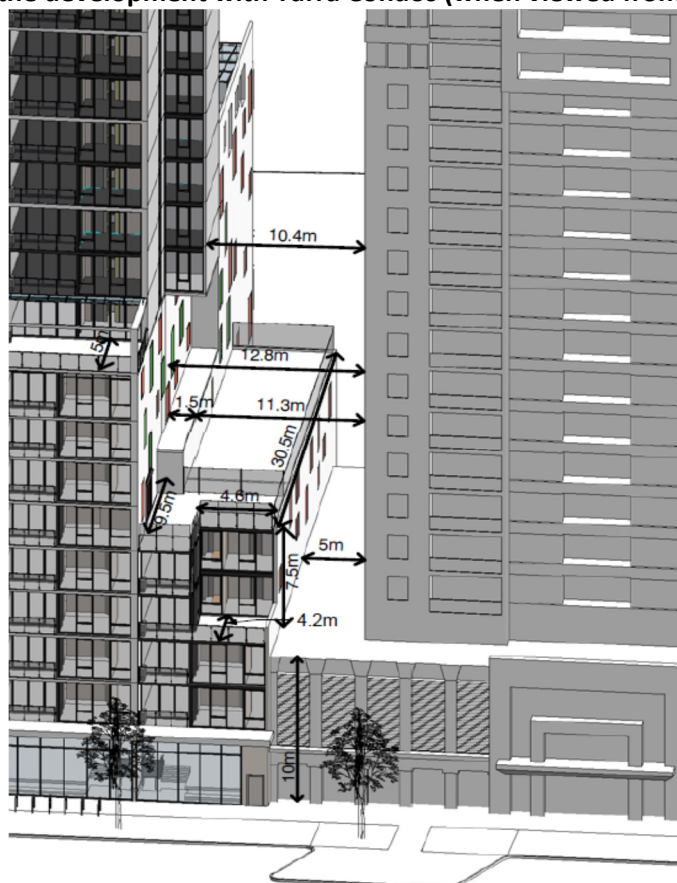
The Design and Development Overlay (DDO60) specifies a preferred tower separation of 20 metres (10 metres at a minimum), and setbacks above a podium of 10 metres to front, side and rear boundaries.

The proposal provides tower setbacks of 5 metres to Power and Kavanagh Streets, 3 metres to Fawkner Street, and 5.42 metres to the north-eastern boundary. The tower setbacks to streets of 3 and 5 metres is less than the 10 metre preferred minimum, however due to the width of Kavanagh and Power Streets of 30 metres and 9.5 metres of Fawkner Street, provides ample tower separation from adjoining sites, well over the 20 metres preferred. The setback to the north-east boundary is 5.42 metres at a minimum and provides for a minimum tower separation of 10.42 metres which is consistent with the minimum requirement of Design and Development Overlay- Schedule 60.

Interface with the Yarra Condos (north-east)

The proposed setback to the property immediately north- east at No. 38 Kavanagh Street (also known as Yarra Condos) provides for the reasonable tower separation between the existing residential tower (19 storeys) and the proposed redevelopment of the site, except for the lower podium interface. Refer to Figure 4 below for detail of the podium level interface.

Figure 4 Interface of the development with Yarra Condos (when viewed from Kavanagh Street)



The issue relates to the lower levels of the podium and its interface with the habitable rooms of the apartments of the Yarra Condos building from Level 3. The lack of setbacks provided from the common boundary results in a 5 metre building separation to these apartments which is considered to be inappropriate. Accordingly the introduction of setbacks to Levels 3 and 4 of 5 metres is considered to be appropriate. This can be secured via condition of permit, which would provide a minimum tower separation of 10 metres to these lower level apartments and provide a reasonable level of amenity protection to these neighbours. It is noted that the tower is adequately setback from this common boundary from Level 5 upwards, with a minimum tower separation of 10.42 metres.

Street Level Activation and Pedestrian Safety

The proposed development incorporates retail tenancies fronting both Kavanagh and Power Streets. Whilst there is limited activation to Fawkner Street, the retail tenancy to the corner of Power and Fawkner Street provides a degree of activation and introduces planters to the car parking screening to provide visual interest. Fawkner Street acts as a laneway, where servicing and car parking is provided with limited activation. In this context, the ground floor presentation to Fawkner Street is acceptable.

The site is affected by Design and Development Overlay- Schedule 1 (which affects the Power Street frontage) where buildings should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians, by providing at least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or window which allows occupants to engage with the street. The development complies with this requirement.

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

Schedule 3 to the Capital City Zone includes application requirements and wind analysis requirements which should be met for wind conditions to street.

Wind tunnel testing of the proposal has been undertaken and the results concluded that the wind conditions resulting from realisation of the development are within the criterion for walking comfort for all wind directions with building entrances within the criterion for short term stationary activities. The report did not include measurements for wind speed to the residents' facilities on Level 41 and this should be addressed via a condition of permit to ensure that an acceptable level of wind (and protection) is provided for future users of this space.

Local Policy 'Sunlight to Public Spaces' requires that development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September. The shadowing analysis provided with the amended application confirms that the proposal does cast additional shadows on public parks, gardens, squares or major pedestrian route.

It is noted that Planning Permit application 2015/32991 at 93-119 Kavanagh Street, Southbank (to the south-west of the site) proposes a large publically accessible open space fronting Kavanagh Street. The development will cast a shadow over this space from 12pm, with the shadows over Power Street adjacent to this site by 2pm on 22 September. While the development is only under consideration, the proposed placement of the open space on site is affected at 12pm, but the majority of the shadow passes this space by 1pm. This is considered to be reasonable, and the

DDO60 preferred height of 100 metres would not limit this impact, therefore it is considered to be acceptable.

Architectural Quality

Architectural quality has been an issue with the Department's Urban Design Unit of the application. Accordingly, conditions have been applied to the permit to address this issue and seek improved design detailing, articulation and visual interest and reducing visual bulk by defining distinct building volumes.

Internal Amenity

The "L" shaped form of the building provides the opportunity for generally all apartments to have good access to natural light. The two bedroom apartments provided to the south facing Kavanagh Street elevation have a "snorkel" or "saddleback" layout to provide light to the inboard bedrooms. The dimensions of the "saddleback" are adequate and so appropriate levels of internal light amenity are achieved.

The apartment layout design is considered to be satisfactory and the proposed balconies, while small, are generally consistent with balcony sizes of comparable developments. The location of reverse cycle units on the balconies should be required to be fully concealed from public view as a condition of the permit.

Offsetting the balcony size is the provision of various communal facilities on Level 9 and Level 41 which includes a pool, a terrace/deck area, a gym and a small theatre. The site is also close to major parks including the Botanical Gardens.

The Department's Urban Design Unit has highlighted that the glazing provided to some of the apartment's bathrooms may create some overlooking/privacy issues and accordingly this also needs to be addressed via a permit condition by requiring translucent glazing.

The site is located at the intersection of two busy roads, adjacent freeway infrastructure and will therefore be subject to sustained noise conditions which may adversely impact on internal amenity. A detailed acoustic report prepared by SLR Consulting Australia has been prepared and includes noise testing and an acoustic model of the development highlighting the areas that will be problematic for noise. The report includes recommendations in relation to construction, particularly glazing specifications. The recommendations of this report should be addressed via a condition of the permit.

Environmental Issues

ESD & Stormwater

A Sustainable Management Report has been prepared by F2 Design in response to Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme. The report has been assessed using the STEPS tool and indicates that the development will achieve a 6 star minimum energy rating for residential dwellings with an average rating of 6.4. A predicted 34% reduction of greenhouse gas emissions and a predicted 37% reduction of potable mains water consumption will be achieved. Council seeks achievement of 5 star Green star rating, but the policy is discretionary. The building is considered to achieve a satisfactory environmental standard and will achieve the objectives of Clause 22.19 and Clause 22.23 of the Scheme. Confirmation of its rating can be addressed via a condition on permit.

Contamination

The previous use of the site may include uses which warrant further investigation. This has been addressed as a permit condition.

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

The development provides for a total of 356 car parking spaces, 401 bicycle spaces and 10 motorcycle spaces and loading and unloading facilities on site accessed from Fawkner Street. It is noted that Power Street is affected by Design and Development Overlay Schedule 3 (Traffic Conflict Frontage), and as access is not provided to this frontage, there is no permit trigger.

Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial tenancies). The limitation policy allows for 601 spaces. The provision of 356 car spaces on site is below the maximum and is therefore supported.

The application provides bicycle parking spaces in excess of the requirements (Clause 52.34) and provides appropriate loading and unloading facilities on site (Clause 52.07). City of Melbourne in their response has raised some detailed matters for further resolution regarding parking and traffic. These matters have been largely addressed through the revised plans but should also be secured via conditions on permit.

The application was accompanied by a Waste Management Plan (WMP) prepared by Leigh Design Pty Ltd. The WMP complies with Council's 2014 guidelines and is satisfactory.

In summary, the functional layout of the proposal is well resolved subject to minor improvements to ensure compliance with Council's detailed requirements by way of conditions on permit.

Conclusion and Recommendation

In broad terms, the development meets the objectives of Schedule 3 to the Capital City Zone and the relevant overlays by contributing to the provision of dwellings within a built form response that reinforces the existing and emerging urban context within this precinct of Southbank.

The proposal has adequately responded to the opportunities and constraints of the site, will deliver a residential development supported by ground level commercial activity and responds appropriately to the applicable planning policies and guidelines.

It is recommended that planning permit 2014/59484 is granted for the construction of a multi-storey building for the purpose of dwellings, subject to conditions, including the requirements of the City of Melbourne and the notice bodies (VicRoads, Transurban and EPA) under Design and Development Overlay- Schedule 27 to the Melbourne Planning Scheme.