

# Planning Officer Report

93-119 Kavanagh Street, Southbank

Planning Permit Application 2015/32991



© The State of Victoria Department of Environment, Land, Water and Planning 2015



This work is licensed under a Creative Commons Attribution 3.0 Australia licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

#### **Accessibility**

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email [customer.service@delwp.vic.gov.au](mailto:customer.service@delwp.vic.gov.au), or via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au). This document is also available on the internet at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

#### **Disclaimer**

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

# Contents

<b>Summary</b>	<b>2</b>
<b>Recommendation</b>	<b>2</b>
<b>Application Details</b>	<b>2</b>
<b>Background</b>	<b>5</b>
<b>Site and Surrounds</b>	<b>5</b>
<b>Proposal</b>	<b>6</b>
<b>Planning Policies and Controls</b>	<b>8</b>
State Planning Policy Framework	8
Local Planning Policy Framework	9
Statutory Controls (Permit Triggers)	9
<b>Other Strategic Matters</b>	<b>13</b>
Metropolitan Planning Strategy	13
Design Guidelines for Higher Density Residential Development	14
Southbank Structure Plan 2010	14
Future Living: City of Melbourne Draft Housing Strategy	14
<b>Notification</b>	<b>14</b>
<b>Referrals</b>	<b>15</b>
<b>Assessment</b>	<b>16</b>
Consistency with Planning Policy	16
Land Use	17
Master Plan, Staging and the Proposed Open Space	17
Design and Built Form	18
Architectural Design	21
Street Level Activation and Pedestrian Safety	22
Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing)	22
Internal Amenity	23
Environmental Issues	24
Car Parking, Loading and Unloading of Vehicles, Waste Collection and Bicycle Facilities	24
<b>Conclusion and Recommendation</b>	<b>25</b>
Conflict of Interest	26

## Summary

The purpose of this report is to provide a detailed planning assessment of planning permit application 2015/32991. 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 for a master plan to redevelop the site. The application consists of six multi storey towers (four residential, one hotel, one office with amenity/retail). The application has been formally amended to address the interim built form controls introduced on 4 September 2015. The developments will accommodate 2,610 apartments, 10,090m<sup>2</sup> (including supermarket) of commercial space, a child care centre, 7,000 m<sup>2</sup> of pedestrianised open space (consisting of 2,770m<sup>2</sup> park with deep soil, a 975m<sup>2</sup> piazza and internal laneways). The development has a total gross floor area of 364,140m<sup>2</sup> and a plot ratio of 18:1.

The key issues for consideration include overall principles of the master plan including staging, and design quality.

The Department's Urban Design Unit broadly supports the application subject to conditions. The Office of the Victorian Government Architect conducted a Design Review Panel which also supported the application subject to clarification for design quality. Other agencies including Public Transport Victoria, VicRoads, Transurban 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 planning controls which affect the site and is considered to respond to the existing and evolving built form context of the area.

## Recommendation

The Future Melbourne Committee has considered the matter and resolved to **support** the application subject to conditions.

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
<b>Land:</b>	93-119 Kavanagh Street, Southbank (Title Plan 812167W, Volume 10972 Folio 036; Title Plan 71326F, Volume 10315 Folio 116; and Plan of Subdivision PS404586P Volume 10505 Folio 219)
<b>Application No.:</b>	2015/32991
<b>Proposal:</b>	Redevelopment of the site with a master plan allowing the construction of six multi-storey buildings for the purpose of dwellings, office, hotel, child care and retail premises (other than Adult sex bookshop, Department store, Hotel and Tavern)
<b>Initial application lodged:</b>	9 June 2015
<b>Amended application lodged:</b>	9 October 2015
<b>Zone and Overlay controls:</b>	Capital City Zone Schedule 3 (CCZ3) Heritage Overlay- Schedule 381 (93 Kavanagh Street, Southbank)

	<p>Design and Development Overlay (Schedule 1) – Active Street Frontages (Area 3- Power Street frontage)</p> <p>Design and Development Overlay (Schedule 3) – Traffic Conflict Frontage (Power Street frontage)</p> <p>Design and Development Overlay (Schedule 10) -(Built Form Controls</p> <p>Design and Development Overlay (Schedule 27) – City Link Stack Environs</p> <p>Land Subject to Inundation Overlay (LSIO)</p> <p>Parking Overlay (PO1) Capital City Zone – Outside the Retail Core</p>
<b>Why is a permit required?</b>	<p>Under Schedule 3 of Clause 37.04 (CCZ3) a permit is required to construct a building or construct or carry out works.</p> <p>Under Schedule 1 of Clause 43.02 (DDO1) a permit is required to construct a building or construct or carry out works (at ground floor only).</p> <p>Under Schedule 10 of Clause 43.02 (DDO10) a permit is required to construct a building or construct or carry out works.</p> <p>Under Clause 44.04-1 (LSIO) a permit is required to construct a building or construct or carry out works.</p>
<b>Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS-OPS)</b>	<p>The towers range is height from 145-226 metres</p> <p>The buildings at 226 metre is at the OLS of 226-228 metres</p>
<b>Setbacks</b>	<p>Kavanagh Street: minimum 5 metres</p> <p>Power Street: minimum 5 metres</p> <p>Balston Street: minimum 5 metres</p> <p>South: minimum 5 metres and increases to 5% from title boundary adjacent to CityLink building (8.5 metres)</p>
<b>Car parking and bicycle facilities</b>	894 car spaces, 1,059 bicycle spaces
<b>Gross floor area (GFA)</b>	395,975m <sup>2</sup> (364,140m <sup>2</sup> above ground)
<b>Plot ratio</b>	18:1 (364,140m <sup>2</sup> GFA above ground/ 20,260m <sup>2</sup> site area)
<b>Applicant / Developer</b>	Yarra Park City Pty Ltd C/- Urbis Pty Ltd
<b>Public Notification</b>	The application is not exempt from third party notice and review due to the notification requirement of the City Link Stack Environs (DDO27) and the applicable Heritage Overlay (HO381)

**Figure 1 – Site plan**



**Figure 2- Perspective image of proposal**



## Background

The application was lodged on 9 June 2015.

Further information was requested on 7 July 2015 (within 28 days of the application).

On 9 October 2015 the application was amended under Section 50 of the *Planning and Environment Act 1987* (resetting the statutory clock). The modifications to plans include variation to tower setbacks to the southern boundary to comply with the built form requirements of the Scheme (introduced under Melbourne Planning Scheme Amendment C262).

### Permit history

The following permit applications for the site are considered relevant to this application:

- Planning Permit 2000/588 issued on 5 March 2001 by the Minister for Planning permitting the construction of five multi-storey office buildings on site. This permit has subsequently expired.
- Planning Permit 2002/509 issued on 14 March 2003 by the Minister for Planning for the construction of three multi-storey residential buildings. This permit has subsequently expired.
- Planning Permit TP-2003-1064 issued on 31 May 2004 by the City of Melbourne for the (retrospective) use of the land as a commercial car park.
- Planning Permit TP-2011-1058 issued on 13 February 2012 by the City of Melbourne for the continued use of the site as a commercial car park.

## Site and Surrounds

The site is located on the south-east side of Kavanagh Street, bounded by Power Street (north-east) and Balston Street (south-west) Southbank. To the south of the site is the excess area associated with the Power Street road reserve and the City Link service centre (to the south-east of the site). The site is irregular in shape due to its frontage with the West Gate Freeway. The site has a frontage of 176 metres to Kavanagh Street, 80 metres to Power Street, and 100 metres to Balston Street, with a maximum depth of 137 metres. The total area of the site is 20,260m<sup>2</sup>. Refer to Figure 1 for a site plan.

The site is currently used as an open lot commercial car park and is relatively flat with less than one metre change in topography across the site. The site is largely undeveloped with the exception of a major promotion sign fronting Power Street, two small portable offices at the entrance to Kavanagh Street and the cyclone fencing and hoarding which encloses the site.

The site is affected by a Heritage Overlay (HO381) on the north-east corner of 93 Kavanagh Street. Although the building was demolished in 2001, the site is still listed within the City of Melbourne's Heritage Places Inventory 2014 as a 'C' graded building within a Level 2 streetscape.

The area surrounding the subject site is developed as follows:

**North-west:** to the north-west of the site (opposite side of Kavanagh Street) are a series of multi-storey residential towers with consistent podium and tower configurations which include 40 metre high podiums and a number of high density residential towers ranging from approval of the 319 metre tall Australia 108 (which does not have PANS-OPS approval) and a number of towers ranging from 100-170 metres in overall height. Further west is the Boyd community Hub (diagonally

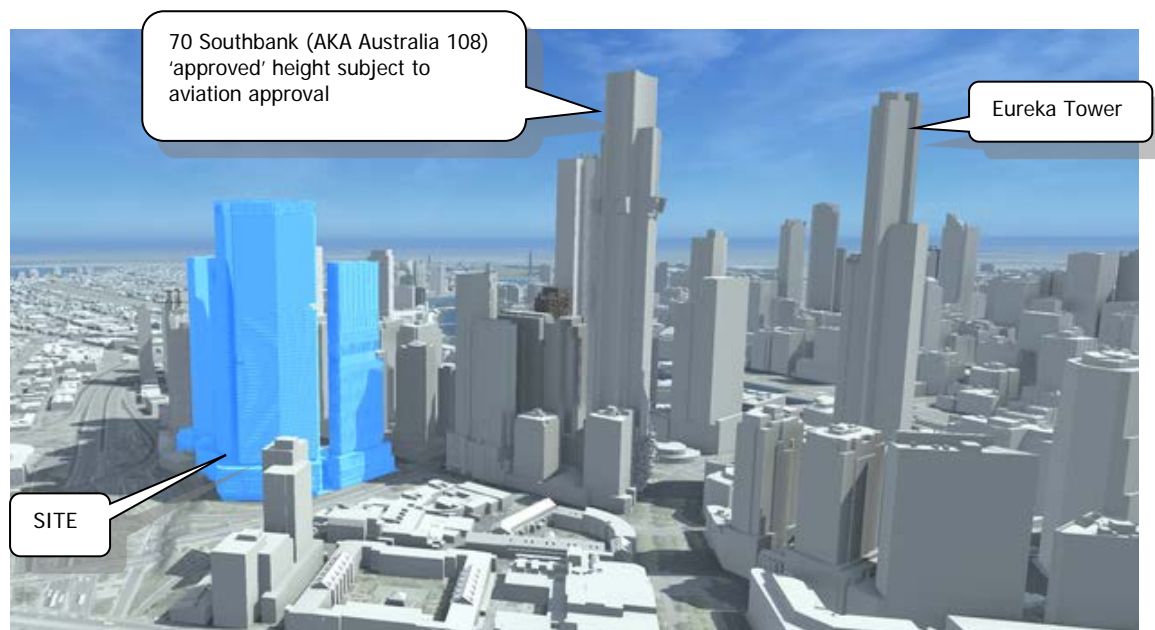
opposite) which is three storey building on the Victorian Heritage Register. The site has an approved permit for its redevelopment of the site with a tower (22 storeys, 80 metres) directly west of the Boyd Community Centre which was granted under Permit 2012/005857 issued on 15 August 2013 by the Minister for Planning.

**North-east:** to the north east of the site directly opposite the site are six parcels of land. Six towers have been approved on this block, with a number completed and under construction, including Australia 108. To the east of the site on the east of Power Street are State Government assets including the State Coroner’s Office, Donor Tissue Bank of Victoria and the Victorian Institute of Forensic Medicine, which are low scale developments of three to four storeys in height.

**South East:** to the south-east of the site is a road reserve and the Westgate Freeway with a number of raised on ramps. Directly south of the site is a three-storey operational building occupied by CityLink.

**South West:** to the south-west of Balston Street are four parcels of land; three of which have towers currently under construction or recently permitted. The tower under construction at 42-48 Balston Street (approved under Permit 2011/013521 issued under delegation on behalf of the Minister for Planning on 13 February 2013) approves an overall tower height of 36-40 storeys (120-131 metres). The approved development at 63 Kings Way and 127-129 Kavanagh Street (approved under Permit 2010/024795 issued under delegation on behalf of the Minister for Planning on 19 July 2011) approved two towers with an overall height of 39-48 storeys (121-150 metres).

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



## Proposal

The application (as amended on 9 October 2015) seeks approval for the staged redevelopment of the site with a master plan for six multi-storey buildings for the purpose of dwellings, office, hotel and retail premises (other than Adult sex bookshop, Department store, Hotel and Tavern) and use of the land for the purpose of 'Supermarket'. The proposed gross floor area is 364,140m<sup>2</sup>.

The vision for the master plan is (as outlined in Kavanagh Master Plan 8 October 2015) is as follows:



*The master plan seeks to contribute to a new network of green open spaces within Southbank. Surrounding these open spaces are a series of carefully shaped podiums providing for active frontage whilst forming an articulated base for the residential, commercial and hotel developments above. Above the podiums, the weaving tower forms respond to the neighbouring developments through their positioning, transitional heights and their dynamic tower forms. The towers are positioned to shelter and weave a green open landscape that is activated by food and beverage, retail outlets and other uses throughout the site. This activated open space will provide a campus platform for the greater Southbank and the individual office and accommodation buildings above. The extent of the public space and retail, food and beverage amenity is configured to enable Kavanagh Park to act as a central meeting space for the surrounding commercial, residential and hotel developments of Southbank.*

The master plan outlines the development parcels, opens space, laneways, high level principles and the overall built form outcomes for the site such as height, location of podium and towers. Conditions of the permit will address matters such as public realm, liability and maintenance as well as manage the development of parcels. The proposed staging (which may vary due to market considerations) is shown within Figure 4 below.

**Figure 4 – Staging Plan**



The master plan seeks approval for the staged redevelopment of the site (with detailed plans submitted to be considered against the master plan) with a four year date for commencement and an eight year expiry for completion.

Details of the master plan are as follows:

- Construction of six multi-storey towers to the east, west and south of the site, surrounding a central open space onto Kavanagh Street;
- The building forms on site are separate podium/towers, with the exception of the centrally located residential towers to the south. The proposed podium heights are between 25-30 metres and the tower heights range from the commercial (Stage 2) at 145 metres AHD, the hotel (Stage 5) at 180 metres, residential towers 3 and 4 (part Stage 1 and Stage 4) at 170 metres and residential towers 1 and 2 (part Stage 1 and Stage 3) at 226 metres;
- Tower separation on site ranges (due to the splayed nature of the tower footprints to the south) include a minimum (pinch point) of 15 metres and increases to 41.8 metres (at a maximum) and provides an average tower separation of 20 metres;
- Towers are setback a minimum of 5 metres to Kavanagh, Balston and Power Streets and increases to 8.5 metres to the southern boundary adjacent to the three storey CityLink building;
- The total number of residential apartments is nominated at 2,610 across the four buildings consisting of 1,399 x 1-bedroom units, and 1,211 x 2-bedrooms units;
- The hotel is to consist of 687 rooms;
- The development includes a child care centre;
- The development includes leasable retail floor area of 10,090m<sup>2</sup> which includes 2,000m<sup>2</sup> supermarket (within the basement underneath part of the proposed open space);
- The development includes 7,000 m<sup>2</sup> of pedestrianised open space consisting of 2,770m<sup>2</sup> park with deep soil fronting Kavanagh Street, a 975m<sup>2</sup> piazza located between Stage 1, 2 and 4 and internal laneways.
- Nominal car parking of 894 spaces is to be provided within two basement levels for each building and up to 4 levels within some of the podiums. Of the nominal total of 894 spaces, 744 will be for dwellings (residents) and 150 for the commercial components (office/ hotel). The basement level also includes loading and unloading facilities. The application also provides 1,059 bicycle spaces;
- The master plan envisages landscaping and high quality communal open spaces above podiums; 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, ESD report and social impact assessment.

## 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 18.04-1 (Melbourne Airport)
- Clause 19 (Infrastructure)

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth, has regard to the National Airports Safeguarding Framework, 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. Clause 21.13-1 (Southbank) indicates:

- *Support Southbank's development as an extension of the Central City, providing a mix of commercial and residential land uses.*
- *Support a mix of uses, including residential development, with ground floor retail and small scale business uses.*
- *Deliver a good provision of local services and facilities for workers and visitors within east walking distance from all residences.*
- *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.*
- *Encourage a mix of public and commercial uses at ground level in new developments to support street lift and provide pedestrian interest.*
- *Improve the public environment of Southbank by providing public spaces, improving pedestrian facilities and upgrading streetscapes.*

- *Strengthen pedestrian and cycle connections between Southbank and the Hoddle Grid and South Melbourne.*
- *Give greater priority to pedestrian, cyclist and public transport amenity and access ahead of private motor vehicle use.*
- *Create a connected and permeable neighbourhood.*
- *Encourage provision of open space and links between the Port Melbourne foreshore and the Hoddle Grid.*

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

- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces
- 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
<p><i>Capital City Zone- Schedule 3 (Southbank) (Clause 37.04)</i></p>	<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"> <li>• Specifies that <b>no permit is required</b> for 'Accommodation' (which includes dwellings and residential hotel), 'Office', 'Child Care Centre' and 'Retail premises' (other than Adult sex bookshop, Department store, Hotel and Tavern) as the uses are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule.</li> <li>• Specifies that a <b>permit is required</b> to construct a building or construct and carry out works.</li> <li>• Specifies that an application for development with a gross floor area exceeding 25,000 square metres must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04 (City of Melbourne).</li> <li>• Exempts the application from notice and appeal requirements.</li> </ul> <p>Decision guidelines are contained in Schedule 3 and at Clause 65.</p>
<p>Heritage Overlay- Schedule 381 (93)</p>	<p>Under Clause 43.01-1 a permit is required to construct a building or construct or carry out works.</p>

<p>Kavanagh Street) (Clause 43.01)</p>	<p>Under Clause 43.01-3 the application is not exempt from third party notice and review.</p> <p>Decision guidelines are contained at Clause 43.01-4 and at Clause 65.</p>
<p>Design and Development Overlay (DDO) (Clause 43.02)</p> <p>Schedule 1 (Active Street Frontages) – Power Street</p> <p>Schedule 3 (Traffic Conflict Frontage) – Power Street</p> <p>Schedule 10 (Built Form Controls)</p> <p>Schedule 27 (City Link Exhaust Stack Environs)</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"> <li>• Specifies a <b>permit is required</b> for buildings and works at ground level.</li> <li>• 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.</li> <li>• Exempts buildings and works from notice and review requirements.</li> </ul> <p>Schedule 3:</p> <ul style="list-style-type: none"> <li>• Specifies that <b>no permit is required</b> to construct a building or construct or carry out works other than those associated with 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.</li> </ul> <p>Schedule 10:</p> <ul style="list-style-type: none"> <li>• Specifies that a <b>permit is required</b> to construct a building or construct or carry out works.</li> <li>• Specifies the following: <ul style="list-style-type: none"> <li>○ mandatory maximum 40 metre podium height,</li> <li>○ mandatory minimum 5 metre tower setback to street,</li> <li>○ mandatory tower setbacks of a minimum of 5 metres to an adjoining property or 5% of the overall tower height above podium if the tower exceeds 100 metres I height;</li> <li>○ a discretionary plot ratio of 24:1.</li> </ul> </li> <li>• Exempts the application from notice and review requirements.</li> </ul> <p>Schedule 27:</p> <ul style="list-style-type: none"> <li>• Specifies that <b>no permit is required</b> for buildings and works.</li> <li>• Specifies a <b>notice requirement</b> to the specified person or body at Clause 66.06 (EPA, Transurban City Link Ltd and the Roads Corporation).</li> </ul> <p>Decision guidelines are contained at Clause 43.02-5 and at Clause 65.</p>

<p>Land Subject to Inundation Overlay (LSIO) (Clause 44.04)</p>	<p>Under Clause 44.04-1 a permit is required to construct a building or to construct or carry out works.</p> <p>Under Clause 44.04-4 an application under this overlay is exempt from the notice and review requirements.</p> <p>Under Clause 44.04-5 an application must be referred to the relevant floodplain management authority under Section 55 of the <i>Planning and Environment Act 1987</i> (the Act).</p> <p>Decision guidelines are contained at Clause 44.04-6 and at Clause 65.</p>
<p>Car Parking Parking Overlay – Schedule 1 (Clause 45.09 and Clause 52.06)</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 a maximum of 2,955 spaces. The provision of 894 car spaces on site is below the maximum, therefore <b>no permit is required</b>.</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</i> (Clause 52.07)</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 bays to be provided complies with the detailed requirements set out in Clause 52.07. Therefore, <b>no permit is required</b> under this clause.</p>
<p><i>Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</i> (Clause 52.29)</p>	<p>Under Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1.</p> <p>An application to create or alter access to a road declared as an arterial road under the Road Management Act 2004 must be referred to the Roads Corporation (VicRoads) under Section 55 of the Act.</p> <p>Decision guidelines are contained at Clause 52.29 and Clause 65.</p>
<p><i>Bicycle Facilities</i> (Clause 52.34)</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.</p> <p>The standard requires the provision of 837 spaces (522 resident and 261 visitor spaces, and 34 retail spaces and 20 retail visitor spaces). The application provides for 1,059 spaces, therefore <b>no permit is required</b> under this provision.</p>

<i>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</i>	<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> <p>An urban context report has been provided with the application and was satisfactory.</p>
<i>Integrated Public Transport Planning (Clause 52.36)</i>	<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 more than 60 dwellings on the lot.</p>
<i>General Provisions (Clause 61.01)</i>	<p>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.</p>
<i>Decision Guidelines (Clause 65.01)</i>	<p>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.</p>
<i>Referral and Notice Provisions (Clause 66.03)</i>	<p>Under Clause 66.03 an application must be referred to the person or body specified as the referral authority:</p> <ul style="list-style-type: none"> <li>• Clause 44.04-5 (Melbourne Water);</li> <li>• Clause 52.29 (VicRoads) and</li> <li>• Clause 52.36 (Director of Public Transport).</li> </ul> <p>Under Clause 66.06 notice of an application must be given to the person or body specified:</p> <ul style="list-style-type: none"> <li>• Clause 6.0 of Schedule 3 to Clause 37.04 (CCZ) for a permit application for development with a gross floor area exceeding 25,000 square metres within the Capital City Zone; and</li> <li>• Clause 4.0 of Schedule 27 to Design and Development Overlay (Clause 43.02) (EPA, Transurban City Link Ltd and the Roads Corporation).</li> </ul>

## 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 of the Scheme) 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. This is discussed further below.

## Notification

Under the provisions of the Capital City Zone Schedule 3, the Design and Development Overlay Schedule 1 and Schedule 10 and Land Subject to Inundation Overlay the application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the *Planning and Environment Act 1987* (the Act).

The application is not exempt from third party notice and review for the following reasons:

- Remnant heritage overlay (HO381) which affects the north-west corner of Kavanagh and Power Streets); and
- Modification to access to a Road Zone (Power Street).

The application has not undergone notification under Section 52 of the Act for the following reasons:

- The remnant heritage overlay relates to a building which was demolished in 2001 and the loss of heritage fabric has already been undertaken; and
- The modification to access from Power Street (RDZ1) has been accepted by VicRoads as a referral authority and is not considered to cause any detriment to any persons.



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, referred under Section 55 of the Act to the City of Melbourne, Public Transport Victoria, Melbourne Water and VicRoads and notification was given under Section 52(1)(c) to the Environment Protection Authority, Transurban City Link Ltd and the Roads Corporation (VicRoads). The proposal also underwent a Design Review Panel with the Office of the Victorian Government Architect. The following comments were provided:

**Urban Design (DELWP):** Generally support the application. Matters for further resolution including:

- Increased podium separation of 15 metres (currently proposed at 12.3- 14 metres).
- Demonstrated floorplate efficiency of 83% to ensure that the minimum tower separation is still met.
- Revised master plan proposal demonstrating a primary ground level open space engaged at the built form perimeter by active uses contributing to the legibility, function and public identity of the space.
- Reconfigured access arrangements to any subterranean commercial area to provide a legible identity within a publicly visible and accessible environment which is subservient to the ordering of the open space.
- Revised 'Piazza' open space design combining the fragmented triangles and providing a legible 'secondary' environment to the primary open space and a point of address to the three framing buildings.
- Revised service road design to encourage public movement through increased setbacks above ground level, reduced service frontage and extending the ground level landscape treatment from Balston Street to the potential pedestrian/bicycle link to Sturt Street.
- Written confirmation of eligibility for assessment against both Design and As Built, 2015 for individual buildings and the Communities Pilot tool from the Green Building Council of Australia.

**City of Melbourne:** Supports the application. On 8 December 2015 the proposal was considered by Council at the Future Melbourne (Planning) Committee. The application is supported subject to conditions (detailed matters).

**Public Transport Victoria:** No objection to the proposal, with no conditions (letter dated 11 November 2015).

**Melbourne Water:** No objection to the proposal, with nine conditions and footnotes to be included (letter dated 9 December 2015).

**VicRoads and Transurban City Link Ltd:** No objection to the proposal, with the inclusion of four conditions and two notes (letter dated 8 December 2015).

**EPA:** Supports the application subject to one condition (email dated 11 December 2015).

**Office of the Victorian Government Architect (Design Review Panel):** The application underwent a Design Review Panel on 21 October 2015. Advice provided on the application (via a letter dated 5

November 2015) provided support for this strategically significant site. The advice is provided in Attachment 1.

## 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 or the Shrine of Remembrance between 11am and 4pm (newly introduced under Amendment C262). Significant shadows are cast to the south of the site over CityLink.

- 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 included a sustainability statement and a principle within the mast plan to *'ensure buildings achieve high environmental performance standards at the design, construction and operation phases'* and incorporates water sensitive urban design. 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 redevelopment of the site will remove a large commercial open lot car park which is not supported by strategic objectives and is a visual blight.

The proposed uses, accommodation (both hotel and apartments), office, and retails premises (including the supermarket) are fully supported by policy and do not require a planning permit. The retails uses will provide a range of businesses and support the Southbank residential and commercial population. The provision of a child care centre is also supported and will provide a much needed service in this area. Details regarding drop off and pick up arrangements need to be resolved by conditions, especially in consideration of the staging of the development.

The proposal is also supported by 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.

## Master Plan, Staging and the Proposed Open Space

The proposal includes a master plan for the site which outlines design principles with measurable design criteria to be applied to the site. This is considered to be an appropriate approach for this strategically significant site within Southbank. The incorporation of these measures within the document will assist in the consideration of the detailed design of any parcel.

It is proposed to deliver the development over five (5) stages, Stage one will comprise the main area of open space, supermarket, food hall, convenience retail and child care centre as well as two of the residential towers.

The success of the master plans is the publically accessible land and open space proposed. The delivery of the open space and retail uses upfront is a positive outcome for the site and nearby community. The provision of open space and retail uses (including the supermarket) meets a current community need and will provide a sense of place and identity for the site.

The registration of the master plan on title before development starts, so that any future owners are aware of the principles and design criteria sought, can be resolved through appropriate conditions to ensure that the site is developed in an orderly fashion and public infrastructure such as open space and laneways are delivered.

The proposal includes approximately 7,000m<sup>2</sup> of pedestrianised open space at ground level (36% of the site area). The master plan provides dedicated open space primarility througgh two main spaces as shown in Figure 5 below.

### Figure 5- Open Space Diagram

## OPEN SPACE

The master plan provides dedicated open space primarily through two main spaces with the areas as outlined below.

Open Space Areas:

Urban Park Land-form:

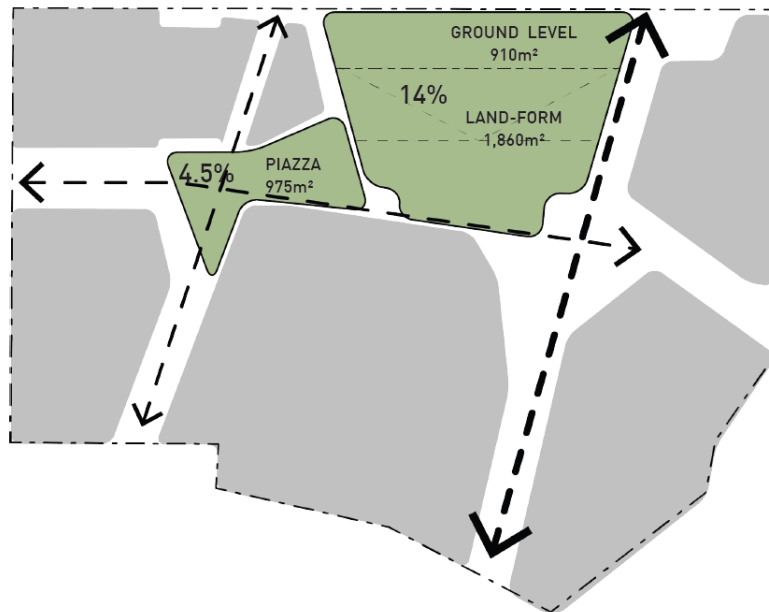
Ground Level:	910m <sup>2</sup>
Land-form:	1,860m <sup>2</sup>
Sub Total:	2,770m <sup>2</sup>

Piazza: 975m<sup>2</sup>

Total: 3,745m<sup>2</sup>

Site Area: 20,260m<sup>2</sup>

Combined Open Spaces: 18.5%



Southbank is currently lacking the provision of significant green open space which this proposal addresses, including a zone towards the front of the site to allow for deep planting. The current provisions are limited to the Yarra River's south bank and the Boyd Community Hub and the provision of 3,745m<sup>2</sup> of publically accessible space is applauded.

The proposed area for the main open space has been positioned to take the best advantage of the existing solar penetration on the site and is visible and accessible from the public realm (Kavanagh and Power Streets).

Due to the significance of this space, and the need for its early delivery, it is considered appropriate to secure conditions of approval that this is delivered within the first stage of development.

## Design and Built Form

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 10 of the Design and Development Overlay (DDO10) 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.

### Built Form Response

The existing and approved built form of Southbank presents urban contrasts and diversity ranging from the modern tall buildings of Eureka at 297 metres, the approved Australia 108 at 319 metres (subject to approval under the Airport Regulations, 1-11 Balston Street (corner of City Road) at 147 metres and the lower built form of the Sturt and Dodds Street precinct south-east of the site and the Boyd Community Hub on City Road and Balston Streets.

Design and Development Overlay Schedule 10 (Built Form Controls) introduced under Melbourne Planning Scheme Amendment C262 includes built form controls specifying a mandatory maximum podium height up to 40 metres, tower setbacks to street of 5 metres, and tower setbacks to adjoining boundaries of 5% of the overall tower height. The Built Form Controls also specify a discretionary plot ratio of 24:1.

The application seeks approval for the construction of six multi storey towers ranging in height from 145 metres to 226 metres, with varied podium heights of 25-30 metres, tower setbacks to street of a minimum of 5 metres and tower separation of a minimum of 15 metres (averaging at 20 metres).

The application is considered to comply with the built form requirements outlined within local policy 'Urban Design within the Capital City Zone' (Clause 22.01), Schedule 3 of the Capital City Zone (Clause 37.04) and Schedule 10 of the Design and Development Overlay (Clause 43.02).

The proposed towers are of comparable heights to the built form (built and approved buildings) to the north as shown within Figure 3 above. A large section of land south of the site is taken up with roadway infrastructure for the West Gate/City Link. The area of land is restricted to motor vehicles only and provides no pedestrian amenity.

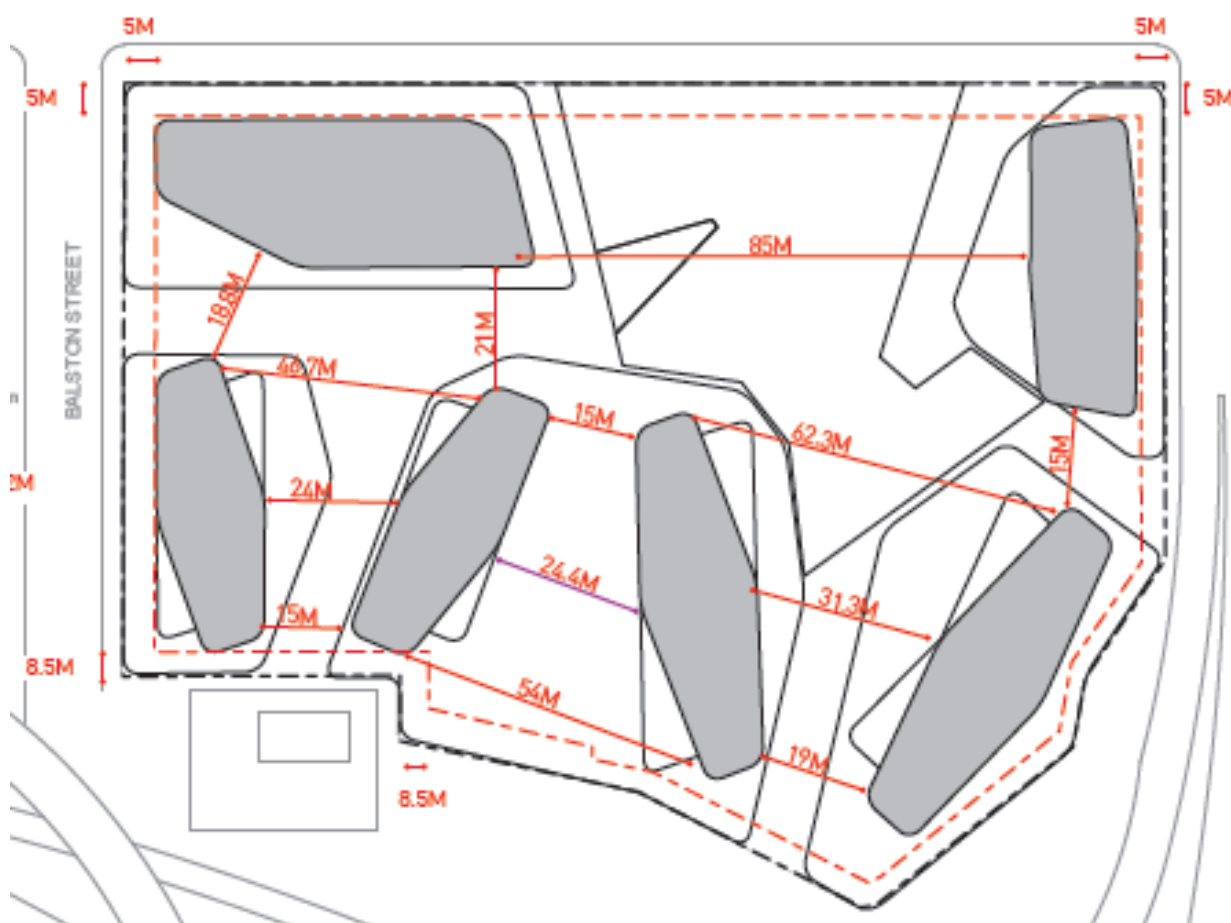
The development enjoys a very tall built form with generous tower separations, open space and internal shared roads in place of a shorter built form with more site coverage and less tower separation.

The taller towers are located at the rear of the site, adjacent to the roadway infrastructure of City Link and Power Street. The heights then step down towards Kavanagh and Balston Streets.

### **Tower Separation and Setbacks**

Clause 22.01 does not stipulate a specific measurement for tower separation for developments within the Capital City Zone. The tapered tower forms provide increased setbacks to street frontages and greater average separation at increased heights, achieving minimum tower separations of 15 metres with an average minimum separation of 20 metres. Refer to Figure 6 below.

Figure 6- Tower setbacks to street and tower separation



The towers have been well spaced to equitably distribute access to outlook and sunlight between towers and ensure views of the sky between towers.

The curved floor plate design and tower orientation provides for an appropriate resident amenity and outlook for views. The towers have been offset and the floor plates have been designed so that habitable room windows do not directly face one another.

The setbacks of the towers are considered to provide an appropriate response to the prevailing built form character of the area. The proposed towers are not considered to dominate the streetscape. The human scale of the proposal is reinforced with lower podium heights of up to 30 metres.

### Plot ratio

Melbourne Planning Scheme Amendment C262 introduced a plot ratio of 24:1 as a consideration in Clause 22.01 (Urban Design within the Capital City Zone) and as a requirement of Schedule 10 of Design and Development Overlay (DDO10).

The application has a plot ratio of 18:1 for the whole site which is lower than that sought by policy. The application includes 3,745m<sup>2</sup> of open space and 3,255m<sup>2</sup> of pedestrianised laneways.

Taking this into consideration, an overall plot ratio of 18:1 is considered to be an appropriate density for the site. The land will be subdivided into smaller lots and some lots will have greater plot ratio and some less than the 24:1 sought by the Scheme. Given that the development (including heights of

the towers) is supported from a whole of site perspective, principles should be incorporated into the master plan and a condition included in any permit that may issue that states that the plot ratio for the whole of the site cannot exceed 18:1.

## Architectural Design

The application has undergone a Design Review Panel with the Office of the Victorian Government Architect and independent advice from the Department's Urban Design Unit. Detailed comments can be found within the Referral section of the report above.

To ensure that each building is distinctive in its design and architecture and to avoid appearing as a single mass, it is recommended that towers are clearly distinguishable, this could be achieved by engaging various architects and that detailed plans and elevations including a façade strategy be submitted prior to the commencement of each stage. The detailed design and architectural quality will achieve variety over time due to staging.

The success of the proposal is the delivery of the open space. Detailed shadowing analysis has taken place to ensure the proposed space receives the most sunlight, taking into account the existing towers across Kavanagh Street to the north of the space. Whilst the Design Review Panel have advocated for larger setbacks to the street, the Stage 2 commercial tower to the west of the space minimises its shadowing impact due to its orientation to the space (ie. its slimmest profile is side on to the space). Also the placement of this space to the north of the development also minimises overshadowing. The balance of setbacks and overall height also influence the perception of human scale within this space. The raked nature of the space is also considered to alleviate this concern.

The proposal includes an east-west street which does not align with natural desire lines or destinations and its enclosed nature is of concern. Whilst there are no current desire lines within the site, the proposed supermarket, commercial and child care centre are used to create internal desire lines. The detailed design of this space can be secured via conditions of permit.

With regard to the proposed potential area of landscaping between the southern edge of the site and the City Link road reserve, it is acknowledged that the land further south is not within the control of the permit applicant, nonetheless it is encouraged that this aspect of the master plan remains in order to provide that opportunity in future. It is appreciated that further consideration of reducing the service frontage and extending the ground level landscape treatment from Balston Street to the potential pedestrian/bicycle link to Sturt Street can be secured via conditions of permit.

## Street Level Activation and Pedestrian Safety

The proposed development incorporates active facades to the streets (Kavanagh, Balston and Power Streets) and within the proposed internal laneways. The master plan also references an active zone of up to 30 metres height, where there are limited exposed services and car parking above ground. It is noted that the street wall height proposed is also appropriate in achieving a good human scale. It is noted that Design and Development Overlay- Schedule 10 allows for podium heights up to 40 metres.

The Scheme seeks to also encourage active street frontages and minimise conflict between pedestrian and motor vehicle movements at Schedule 3 to the Capital City Zone and within local policy Clause 22.01 (Urban Design within the Capital City Zone). With the introduction of the service road to the south of the site, this allows for loading and unloading and car movements to be directed

away from the primary pedestrian and public space fronting Kavanagh Street and the proposed retail tenancies within the proposed streets. This will serve to increase pedestrian safety in the area.

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. Whilst the development does present servicing to its southern portion of this frontage, this is considered to be acceptable due to its interface with the off-ramp from CityLink which is an unpleasant environment.

Council has raised some concerns regarding building entries (including residential lobbies) located away from existing streets, accessed from internal lanes, are not readily visible from the public realm. This is considered to diminish the sense of address and way finding and may result in safety issues. Council has recommended that a Crime Prevention through Environmental Design Audit and Way Finding Audit are undertaken and plans amended to address any way finding and safety issues that may arise. This is considered to be a matter which can be resolved by condition.

## 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.

A wind assessment of the proposal has been undertaken by MEL Consulting Pty Ltd. It finds that the location of the development site benefits from the significant shielding for the strong north sector wind directions from the tall buildings of Southbank, and the aerodynamic shape and orientation of the buildings towards the prevailing wind directions. With no dependence on existing and proposed street trees, it has been shown that the wind conditions along streets surrounding the proposed development would be within the criterion for walking comfort, with many wind directions achieving the stationary criteria. The wind conditions around the landform public open space have been shown to achieve the stationary criteria for many wind directions. Further testing of each development stage should be addressed via a condition of permit.

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. Melbourne Planning Scheme Amendment C262 also introduced a prohibition within Schedule 3 to the Capital City Zone that '*developments must not cast any additional shadow across the Shrine of Remembrance and its northern forecourt between 11.00am and 4.00pm on 22 September*'. The shadowing analysis provided with the amended application confirms that the proposal does not cast additional shadows on public parks, gardens, squares or major pedestrian route (and largely falls to roads and other non sensitive uses) and will not overshadow the Shrine of Remembrance and its northern forecourt.

## Internal Amenity

The Guidelines for Higher Density Residential Development are a relevant consideration for multi storey residential buildings. Amongst other matters the guidelines include Objective 5.4 which seeks:

*'To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces'*.



Design suggestion 5.4.1 seeks *'to provide direct light and air to all rooms wherever possible'* and aims to:

*'Encourage direct natural light and ventilation to all habitable rooms- living rooms, bedrooms, studies- in the form of operable windows. The 'borrowing' of light and air should be avoided, particularly in ventilating bedroom'.*

The shapes of the proposed towers provides the opportunity for all apartments to have good access to natural light and ventilation. Some on the nominal apartment layouts include "saddleback" layout to provide light to the inboard bedrooms. The dimensions of the "saddleback" are not adequate and so appropriate levels of internal light amenity are not achieved. This matter can be resolved via a condition to ensure that good internal amenity is achieved.

The proposed apartment layout for the towers could be improved by deleting 'saddleback' bedrooms or redesigning these bedrooms so that there is better natural light. This could be achieved by increasing the width of the passage and or reducing the depth of the passage between the window and room. The approval of any master plan will require the submission of detailed plans and elevations showing the layout of apartments for approval, ensuring acceptable levels of internal amenity are provided.

Some of the apartments do not have open space in the form of balconies. Considering the development incorporates expansive open space and amenities for its residents, open space for each apartment may not be necessary and is problematic at higher levels due to wind effects.

The application was accompanied by an acoustic report prepared by Aecome Pty Ltd. The report identifies the following key noise generators affecting the site as the road traffic on the nearby roadways including CityLink and noise from plant on nearby buildings. This assessment finds that while the majority of the site has no major impact from external noise sources a small area of the development in the southwest requires a degree of noise mitigation. To achieve SEPP N-1 noise level criteria sound insulated glazing will be required such as double glazing with large cavity and laminated glass. The application requirements of CCZ3 specify that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This requirement can be dealt with via an appropriate condition.

## Environmental Issues

### **Energy and Resource Efficiency and Stormwater Management (Water Sensitive Urban Design)**

The applicant has provided a sustainability statement and a principle within the master plan to *'ensure buildings achieve high environmental performance standards at the design, construction and operation phases'* and incorporates water sensitive urban design. The criteria used are to comply with the City of Melbourne Planning Scheme requirements in particular Clause 22.19, Energy, Water and Waste Efficiency and Clause 22.23, Stormwater Management (Water Sensitive Urban Design).

Given that the proposal is at master plan stage, the approach of requiring each stage of development to comply with Clause 22.19 and Clause 22.23 is considered acceptable. A condition of any permit can ensure that a detailed ESD report is provided with each stage.

### **Potentially Contaminated Land**

Section 60 of the *Planning and Environment Act 1987* requires the Responsible Authority to consider any significant effects the use or development may have on the environment or which the

Responsible Authority considers the environment may have on the use or development. This has been addressed as a permit condition requiring an environmental assessment and audit if required.

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

The development provides for approximately 894 car spaces, 1,059 bicycle spaces and loading and unloading facilities on site accessed from Kavanagh Street (and into the basement). 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 2,955 spaces. The provision of 894 car spaces on site is below the maximum and is therefore supported.

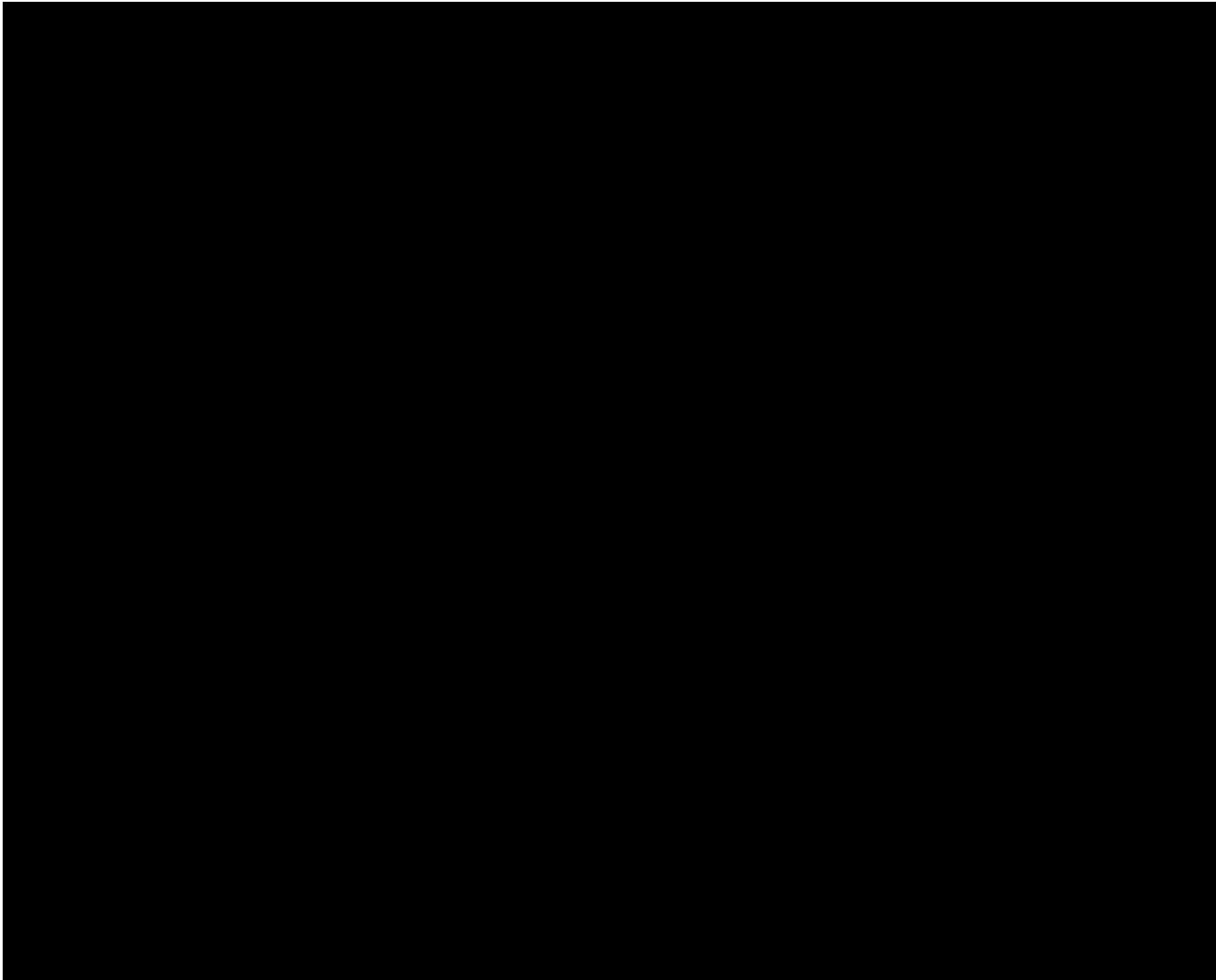
The application provides bicycle parking spaces in excess of the requirements (Clause 52.34) and provides appropriate loading and unloading facilities on site (Clause 52.07). City of Melbourne in their response has raised some detailed matters for further resolution regarding car parking enforcement within private land, sight distance triangles, vehicle movements, bicycle and motorcycle arrangements and loading can be resolved. These matters can be secured via condition on permit.

## Conclusion and Recommendation

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 master plan complies with the new built form controls introduced under Amendment C262 and is considered to positively contribute to this area of Southbank by providing community amenities including open space, supermarket, retail, residential and commercial uses.

It is recommended that planning permit 2015/32991 is granted for the staged redevelopment of the site in accordance with the master plan, subject to conditions, including the requirements of the City of Melbourne, the Office of the Victorian Government Architect, and the notice bodies (VicRoads, Transurban City Link Ltd and EPA).



# ATTACHMENT 1:

**OVGA Design Review 21 October 2015 response – 93-119 Kavanagh Street development**

Larry Parsons  
Director Development Approvals & Urban Design  
Department of Environment, Land, Water and Planning  
Level 15, 1 Spring Street  
Melbourne VIC 3000

5 November 2015

Dear Mr Parsons,

**93-119 Kavanagh Street development – Design Review 21 October 2015**

Thank you for requesting the review of the 93-119 Kavanagh Street proposal by the Victorian Design Review Panel on 21 October 2015.

The Office of the Victorian Government Architect's views, which are based on a meeting with Cox Architecture, RushWright, Urbis and DELWP on 12 October 2015, discussions with the City of Melbourne, a site visit on 20 October 2015 and the Victorian Design Review Panel discussion are as per the following report.

If you require further clarification, please contact Emma Appleton on 9651 6256 to discuss.

Yours sincerely,



**Jill Garner**  
**Victorian Government Architect**

cc:	David Pryor, City of Melbourne	Ian Sutter, Cox Architects
	Tania Cristafi, DELWP	Catherine Rush, Rush Wright
	Phil Rowe, Cox Architects	Nicholas Touzeau, Urbis
	Paul Curry, Cox Architects	Elani Roussos, Urbis

**Panel Members**

The VDRP members who attended the design review session were Jill Garner (Chair), Koos de Keijzer, Paul Katsieris, Sophie Patitsas and Dean Thornton.

**Confidentiality**

The advice contained in this letter and attached report is offered in confidence, on the condition that the OVGA is kept informed of the progress of the project. The OVGA reserves the right to make its views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require the OVGA's views to be kept confidential, please contact the OVGA on 9651 6256. The OVGA request the report is issued in full in every instance.

Please note that the OVGA is subject to the Victorian Freedom of Information Act, 1982 (FOI). The OVGA handles requests for information according to the provisions of the Act, and its decisions under the Act are subject to challenge. Where this letter is copied to the relevant local planning authority and other agencies, those bodies are subject to FOI and may release information requested irrespective of the OVGA's wishes.

# VICTORIAN DESIGN REVIEW PANEL

93-119 Kavanagh Street, Southbank

October 2015

## 93-119 Kavanagh Street, Southbank

### Victorian Design Review Panel – 21 October 2015

We thank Cox Architects and Rush Wright Landscape Architects for presenting the masterplan for development of the site at 93-119 Kavanagh Street, Southbank. We also thank the Department of Environment, Land, Water and Planning (DELWP) and the City of Melbourne for their attendance and contribution to the session.

This is a strategically significant site within Southbank and there is a high level of responsibility on the landowner and design team to develop a proposal that reflects this importance. We support the appointment of a quality design team and suggest that the work undertaken to date is thorough and well considered. It is evident in the proposal that the proponent intends to make a positive contribution to Southbank, create a genuine mixed-use precinct and play a role in rectifying some of the public realm weaknesses currently evident within the area.

The first stage of the project will set the benchmark for development across the site and it is therefore crucial that the design team be given the time and opportunity to develop a high quality response.

#### **Masterplan, urban design and architecture principles**

We support the development of a masterplan for this site and acknowledge the thinking and design work that has been undertaken to date. While the masterplan provides a good framework for future development of the site, we propose further detail needs to be embedded in the masterplan now to ensure the quality aspired to is achieved. Specifically, we recommend articulating clearly within the masterplan the urban design, architectural and public realm principles for the site and built form. These should define the assessment criteria as planning permits for individual buildings as they come forward. Based on the importance of integrating a mix of uses across the site (such as hotel, office, community, retail, residential) we propose defining and embedding this diversity of uses within the masterplan and through the planning permit process to ensure they are enabled as future stages are delivered. We propose the first stage of the project should include the delivery of community uses to encourage activity within the site and establish use patterns. In terms of architectural language of the site's six buildings, we propose the procurement process should enable a diversity of architectural practice to engage in the design and delivery of this large city block.

#### **Open space**

We support the proposal to integrate areas of strategic open space into the site, however encourage the team to go further to ensure that the open space reads as a genuine public place rather than privatised. The optimal outcome would involve the City of Melbourne inputting into the design of the open space and taking public ownership following completion. There are precedents for this across Melbourne including for areas of open space located above built form – as is the case with part of Kavanagh Park in this proposal. We encourage the team to discuss the opportunities for the site's open space further with the City of Melbourne.

The open space analysis and diagrams for the broader precinct have been well considered and demonstrate the potential to create a network of spaces that link with, for example, Boyd Park to the west. While the analysis is sound, we suggest there has been some erosion of the areas of open space and key links by built form as the design has developed and we are not convinced by

the ground level connections proposed. We encourage reinforcement of these gestures in the site diagram and a stronger connection between Kavanagh Park and Boyd Park. Visual permeability to Kavanagh Park and the activity beyond should be optimised, particularly from Kavanagh Street at its intersections with Power and Balston Streets, which could be achieved by cutting back built form from the street corners.

The folded landscape is an interesting idea and has the potential to introduce richness and amenity to the precinct. Successful parks within Melbourne typically have qualities that enable their use during 12 months of the year, and this usually requires good access to sunlight. We suggest further consideration be given to the issues of sunlight access to the site's areas of open space and how the dimensioning of space and location of built form may need to be revised in response. We also encourage further thinking about how inclusive Kavanagh Park will be for people of all ages and abilities and suggest integrating universal design principles into the thinking. The piazza space should be revised and potentially strengthened to ensure that it reads as a piece of public open space, and more than just a street through the site. We urge the team to consider the three-dimensional qualities of the site's areas of open space, and suggest the landscape proposition for each area needs to be stronger and consider the activity occurring at the edges.

We applaud the idea to enable a pedestrian link between the site and Sturt Street to improve the opportunities for residents and overcome the significant barriers to the edges of this site – including the traffic dominated Power Street and the lack of connection south of the site at Balston Street and the City Link ramps. The plan to expand the open space on the site to potentially include the area of landscape between the southern edge of the site and the City Link road reserve may need further investigation to determine if such an opportunity is realistic. It is currently a buffer landscape to the ramp, but if reconceived and invested in, could add to the value proposition of the scheme.

### **Built form**

Although there is no requirement for this proposal to respond to the interim density controls for central Melbourne, the development will be very dense and potentially higher than the targets for the city when considering the site at the scale of a city block. The team needs to benchmark and learn from developments of the same scale that are successful – both nationally and internationally – to ensure a quality, mixed-use piece of Southbank is delivered, with amenities to support the liveability of residents. There is the potential to deliver an exemplar project on this site, and we encourage this aspiration.

In terms of built form across the site, we consider the residential towers to the southern edge of the site are appropriately scaled and arranged, however the commercial and hotel buildings positioned to the north are potentially overscaled and are impacting negatively on the site and open space. We suggest the built form response for the two north buildings should optimise the relationship to the surrounding streets and reinforce and enhance the open space connections within the precinct. The 5m setback proposed should be revised in line with these concerns.

We urge the design team to consider how the proposed built form typologies will contribute to the success of the public spaces. For example, the park pavilion at the southern edge of Kavanagh Park must be designed in the round, with no back.

The future of Power Street and Balston Street will change over time and we therefore consider it crucial that this masterplan proposes a higher proportion of activation to these street frontages than what is currently being shown. The strategies proposed for the podiums across the site - including the erosion of the building form, the terracing of landscape and skinning of the building



carpark levels with occupation – are supported. We suggest the team investigate mechanical car parking as a space efficient alternative to ramps within the buildings.

### **Internal streets and retail**

Further to our previous comment regarding open space links, we are not convinced that the streets proposed across the site align with natural desire lines or destinations both internal and external to the site. We ask the team to review this aspect of the proposal with particular reference to pedestrians within the broader precinct.

While an east/west street through the site is important, we are concerned that enclosing and burying the activity of the laneway deep into the site may have an impact on the viability of these spaces. We advocate against a street with activity that feels privatised and recommend the design team reinforce the public nature of the community and retail uses to be positioned on this street. To be viable in its current location, the internalised east/west street must be integrated with uses that have 'destinational' qualities – such as a hotel or supermarket – to draw people into the site. We suggest more work needs to be done to prove that this model will be successful.

This advice aims to supplement the advice provided by DELWP and Council in their negotiations with all parties. We note there may be both strategic and technical issues not raised in this letter that will require resolution.

Thank you for the opportunity to review this proposal. We wish the project well through the next stage and offer a follow up design review at the discretion of the responsible authority.



**Jill Garner**  
**Victorian Government Architect**