

**Department of Planning and Community Development
Statutory Approvals – Central City**

Delegate Report

APPLICATION NO:	2010/028426
LAND:	308-320 City Road, Southbank
PROPOSAL:	Demolition of existing buildings on the site and construction of a multi-storey building for dwellings including an 8 level podium. Use and development of the land for a mixed use multi storey building comprising of dwellings, three ground floor retail premises.
APPLICANT:	Urbis on behalf of Ausgroup Pty Ltd [REDACTED]
PLANNING SCHEME:	Melbourne
RESPONSIBLE AUTHORITY	Minister for Planning

BACKGROUND

1. The Minister for Planning is the responsible authority for assessing the planning permit application under Clause 61.01 of the Melbourne Planning Scheme (the Scheme) as the gross floor area of the proposed development is greater than 25,000 square metres.
2. The site is in the Mixed Use Zone (MUZ) and is affected by Design and Development Overlay - Schedules 18 (Southbank Plot Ratio) and 39 (Southbank Central Interface). A permit is required for the retail premises use, for buildings and works, and to vary the height and setback requirements specified within DDO39. The use of the land for dwelling does not require a permit.
3. The subject site is located on the north-eastern corner of the intersection of Clarendon Street and City Road, Southbank. The site is irregular in shape, with frontages of approximately 43 metres to City Road, 41.5 metres to Clarendon Street and 24 metres to Haig Lane, giving an overall site area of approximately 1,260m². Haig Lane provides access to the site along with a number of other commercial tenancies. The site comprises of two parcels of land contained in two separate titles, described as follows:

312-320 City Road – Crown Allotment 15 Section 79 City of South Melbourne.

308-310 City Road – Crown Allotment 14 Section 79 City of South Melbourne

The subject site is currently underutilised and occupied by a low density, low scale commercial building (Kings Furniture).

4. The site is located centrally within Southbank and the surrounding area is predominantly made up of residential and commercial towers. Buildings of note in the general area include the Crown Complex to the north west and McDonalds and BP garage to the south. To the south east of the subject site, across City Road, are a number of high rise towers situated on the sites at 109-117 Clarendon Street, 285 City Road and 265-283 City Road. The heights of these towers vary from 100 to 180 metres with 109 Clarendon Street comprising 34 storeys (106.8 metres).
5. Permit 2001/512 was issued on 24 December 2002 at the direction of the Tribunal for the demolition of the existing buildings and use and development of a 35-storey (117m) residential tower building for the purpose of dwellings, restaurant and associated car parking. This permit has been extended and expires on 30 June 2011.
6. The City of Melbourne, object to a permit being issued based on perceived insufficient setbacks to Clarendon Street and City Road as well as a lack of podium activation.
7. The Department's Urban Design Unit are generally supportive of the form and have commented: 'whilst higher than the discretionary height control of 100 metres, the tower heights are not inconsistent with surrounding examples and other recent approvals'.
8. The Environment Protection Authority has no objection to a permit being issued with regard to the proximity to the City Link Exhaust Stack.
9. The wind report concludes that the areas around the building will be suitable for pedestrians.

10. Seven objections were received following advertising of the proposed development which covered a couple of thousand nearby residents.

APPLICATION DETAILS

Proposal

11. The planning permit application was submitted by Urbis on behalf of Ausgroup Pty Ltd on 12 November 2010 for a 133 metre high residential tower of 42 storeys with three ground floor retail tenancies and associated car parking at No. 308-320 City Road Southbank. The gross floor area for the proposal is 37,000 m². Key features include:

- The proposal is for the demolition of all buildings on site and the development of the land for a residential tower including a total of 360 one and two bedroom residential apartments, ground floor retail premises and associated parking.

Ground floor

This level comprises three individual retail components with a total retail floor area of approximately 395sqm. The largest retail tenancy - Tenancy 1 wraps around the corner of both Clarendon Street and City Road, with Retail Tenancy 3 wrapping around the corner of Clarendon Street and Haig Lane. Retail Tenancy 2 will have a sole frontage to Clarendon Street. The principal pedestrian entry for residents of the building is to be gained along the City Road frontage. The entry provides access into a large residential lobby leading to the lift core which extends up the building. Secondary pedestrian access is able to be gained through an entry between Retail Tenancies 1 and 2. The vehicular access to the site for both service vehicles and private vehicles is provided from Haig Lane. A loading bay for service vehicles is provided adjacent to the access ramp for private vehicles to primarily allow waste collection and loading/unloading of goods to be undertaken on site.

Podium levels

Covering a large proportion of the site and with a maximum height of 29.75 metres containing 8 levels above ground, the podium forms the base of the development and incorporates 208 car parking spaces, 23 motor cycle spaces spread over the 8 levels as well as 211 bicycle parking spaces. Each level contains two apartments.

Tower levels

These levels (9-41) within the tower component provide a mix of 360, 1 and 2 bedroom apartments and includes the recreation facilities for the complex. These facilities include a communal outdoor dining/lounge area, gymnasium, spa and yoga room, 25 metre lap pool with associated sun lounge area and terrace. Level 42 contains an outdoor recreation area that includes; an open air winter garden, outdoor dining area, large timber decked area cooking facilities and amenities area.

12. Revised plans were submitted by the applicant on 18 March 2011 in response to a further information request and further sketch diagrams were provided on 23 December 2010 showing revised tower setbacks along Clarendon Street, City Road and highlighting the separation achieved between the adjacent sites the north and east.

Planning Controls/ permit requirements

13. The subject site is zoned Mixed Use Zone (MUZ) at clause 32.04 of the Melbourne Planning Scheme. It is affected by the Design and Development Overlay at clause 43.02, in particular (DDO18 – Southbank Plot Ratio), (DDO27 -City Link Exhaust Stack) and (DDO39 – Southbank Central Interface).
14. Comments were sought from EPA who responded on 14 April 2011 stating that they have no objection to the proposed development.
15. Comments from VicRoads were received on 15 April 2011, stating that the canopy must not encroach within 750mm of the kerb and the fins on the upper floor levels must be 300mm in depth.
16. A planning permit is required for the buildings and works associated with the apartment building, use and development of the land for retail premises under the provisions of the zoning. A permit is also required under the provisions of the DDO. The use of the land for dwellings does not require a permit.

Further information

17. A further information letter was sent on 2 December 2010 requesting details of the canopy, perspective drawings, wind report, north eastern façade material detail, turning circles for the loading dock and projections of the title boundary. Concern was raised regarding the setbacks to Clarendon St and Haig Lane.
18. A response to the further information request was received on 23 December 2010. It included the required information and a revised set of plans outlining minor changes and additional details as requested.
19. These plans were further revised in the submission on 18 March 2011 which demonstrated setbacks and the extent of canopy extensions.

Public Notification

20. The proposal is subject to notification requirements and third party review. The owners and occupiers of the abutting properties were given notice under section 52 of the Planning and Environment Act 1987 (the Act). Signs were erected on the site frontages and a copy of the notice (From 2) was published in the Melbourne Times and the Age for one week. Given the number of apartments surrounding the in excess of 2,000 people were notified directly.
21. There have been seven (7) letters of objection from nearby residents received. Issues raised included concern regarding population growth in Southbank, lack of amenity, car parking, pedestrian/cyclists/car traffic in the area, character, height of the building, privacy and overshadowing, interruption of views and sunlight, construction concerns and general amenity concerns.

City of Melbourne

22. The City of Melbourne objects to a permit being issued based on insufficient setbacks to City Road and Clarendon Street as well as insufficient podium activation.

Referrals

23. Pursuant to Section 55 of the Act the Director of Public Transport was referred the application and provided written confirmation that it did not object on 23 March 2010 and did not include conditions.
24. The application was referred to the City of Melbourne (CoM) under section 52(1)(b) of the Act. Subject to a number of conditions the original objection could be withdrawn if the issues as resolved. This will be discussed further in the report.
25. DPCD's urban design unit were referred the application and were generally supportive of the proposal particularly in light of the revised plans dated 17 March 2011 (further details discussed below).
26. The EPA noted in their letter dated 14 April 2011 they have no objection to a permit being issued with regard to the proximity to the City Link Exhaust Stack.

ASSESSMENT

State and Local Planning Policy Framework

27. The following policies within the SPPF are relevant in the consideration of the application:

- Clause 12.01 – A more compact city.
- Clause 12.04 – A more prosperous city.
- Clause 12.05 – A great place to be.
- Clause 12.07 – A greener city.
- Clause 14.01 – Planning for urban settlement.
- Clause 15.12 – Energy Efficiency.
- Clause 16.02 - Medium density housing
- Clause 18.02 – Car parking and public transport access.
- Clause 18.03 – Bicycle transport.
- Clause 19.03 – Design and built form.

28. The following policies within the LPPF are relevant to the consideration of the application:

- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision and approach
- Clause 21.04 – Land Use
- Clause 21.05 – City Structure and Built form

- Clause 21.06 – Transport and Communications Infrastructure
- Clause 21.07 – Environment and Natural Systems.
- Clause 21.08 - Better Transport Links
- Clause 21.08-3 – Local Areas - Southbank
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.17 Urban Design Outside the Capital City Zone

29. The proposed development is considered to respond appropriately to State planning policies, in particular by providing housing choice and diversity in a centrally located area and supported by existing infrastructure and public transport. The proposed development is considered to respond appropriately to Local planning policies, including the Municipal Strategic Statement (MSS). The proposal is consistent with the strategic intent for this area of Southbank (clause 21.08) which indicates that increased residential density and high rise development is to be encouraged. Southbank is projected to experience a significant population increase by the end of 2011 and the proposal will provide residential dwellings to respond to this projected population increase within the area.
30. Clause 21.05 outlines built form principles to reinforce the existing structure of the city, to manage built form change and ensure built form change is consistent with the identified future character of the various precincts of the city. The clause makes a direct connection between managing built form and amenity to ensure liveable, high quality urban environments. The subject site is within an area of Southbank that has been identified in Clause 21.05 of the Scheme as an area where substantial change to the built form character is envisaged. Further commentary in relation to urban design/ heritage policy and principles are provided below.

Built form/ urban design/ urban context

31. The proposal is generally in accordance with the purpose of the mixed use zone - in particular it promotes residential development that respects neighbourhood character.
32. This area of Southbank is characterised by a mixture of uses and forms of urban development including larger apartment style towers, into which the proposal comfortably sits. The DPCD urban design unit are generally supportive of the form and have commented:
- “Urban Design support the general form of the building with the tower meeting the street close to the corner and tapering back gradually from this important junction.”*
33. The application has been assessed against Schedule 39 to the Design and Development Overlay (DDO39). The application was accompanied by a site analysis and urban context report which outlined how the development met the design objectives of DDO39. DDO39 emphasises key objectives which further informs and adds detail to the direction given by local policy. The objectives relate to promoting high rise and high density whilst ensuring a high quality built form.
34. The proposal is approximately 133 metres in height, with reduced tower setbacks which is a departure from the suggested height and setbacks in DDO39 of 100 metres and 6m from a street. There is justification for a departure from the suggested height and setbacks due to the following:
- The development will meet the objectives of DDO39. In particular it will allow a high rise and high density residential development mixed with low density commercial development to complement and support the function of the city and service the local area. It will promote good quality architecture and innovative building design and the building is orientated to complement and respond to the Southbank streets. It will contribute to the high quality mixed use ‘downtown’ area of Southbank.
 - The DDO 39 height controls are not mandatory and it is reasonable to allow a degree of flexibility in assessment of tower developments in a city, particularly in an area that promotes high density buildings and where the objectives of the overlay control have been met.
 - There is supporting policy for intensification and urban consolidation within State and local planning policy in the planning scheme.
 - The site is located in an area where there are numerous buildings of comparable scale such as Eureka Tower (300 metres high) and Freshwater Place (comprising two towers of 200 metres & 207 metres).

- The Minister for Planning has recently approved a number of permits for residential towers in the surrounding area that are in excess of the discretionary 100 metre DDO39 requirements including:
 - 70 Southbank Boulevard (Permit 2009/0983) issued 21 April 2010 (226 metres) and confirmed by the Tribunal on 30 August 2010;
 - 133-135 & 137-139 City Road (Permit 2008/0734) issued 31 October 2008 (120 metres);
 - 110-120 Kavanagh Street (Permit 2007/0539) issued 5 February 2007 (113.6 metres);
 - 4-16 Moray Street & 241-2443 City Road (Permit 2009/1090) issued 4 November 2009 (130.36 metres); and
 - 269-283 City Road (Permit 2007/0624) issued 11 April 2008 (124 metres).
- The plans submitted by the applicant dated 17 March 2011 are considered to respond to the issues raised in terms of Clarendon Street, City Road and Haig Lane setbacks. The plans also show an enhanced pedestrian entrance off Clarendon Street and canopy details.

35. It is generally considered that the mass of the building will be appropriately positioned onsite to provide an attractive and optimal design to the surrounding streetscape and adjoining properties. The tower is setback an average of 2.7 metres from City Road and an average of 4m from Clarendon Street. The tower is setback 3 metres from the title boundary and 5.5 metres from the centre line of Haig Lane, if adopted from the site to the north would result in a 11 metre separation between the two towers which is considered a good outcome. The DPCD urban design unit are supportive of the Haig Lane setback however an average of 6 metres from Clarendon Street is ideally sought.
36. The residential apartments and retail tenancies proposed along the three street frontages will provide passive activation and good surveillance opportunities.
37. The proposed eight levels of car parking has been screened appropriately using new screening devices.

Guidelines for Higher Density Residential Development

38. Consideration has been given to this policy document. There is a mix of apartments in terms of type (1-2 bedrooms) and size (45sqm – 90sqm).
39. Most of the apartments have minimal storage options and there is a minimal amount provided in the car park area. There is a requirement to provide adequate storage options as part of the guidelines and a condition will be placed on the permit for an additional storage cages in the car parking area to allow more options for potential apartment owners.
40. Retail tenancies with street level access improve the activity along the streetscape.
41. Car park and loading bay access from Haig Lane avoids car park access from the shopping street.

Car parking, bicycle parking and loading

42. The location of the car park levels is appropriate and typical of Southbank developments where the ground conditions (i.e. Coode Island silt) do not easily permit basement levels.
43. It is noted that the car park levels have been carefully designed through differing screening techniques including apartments forming a “skin” intermittently on the eight lower levels on the Clarendon Street and City Road corner.
44. Consideration has been given to Clause 52.06 – Car parking and Clause 52.34 Bicycle parking. A traffic engineering report prepared by Cardno Grogan Richards consultants was submitted with the application. The findings of the report in relation to parking and traffic volumes are generally supported.
45. The development provides 196 car parking spaces (equates to 0.5 spaces per apartment) which is within the maximum rate of 1 space per apartment in Clause 52.06 of the Scheme. This rate is supported by the Director of Public Transport.
46. Bicycle provision for the development will be 211 spaces on-site which is in excess of the statutory rate of 200. The layout and access to bicycle spaces is considered generally appropriate.

47. Adequate provision is made for loading and unloading vehicles accessed off Haig Lane considering size of the tenancies and expected size and frequency of delivery vehicles. It also complies with the requirements of Clause 52.07 of the scheme.

Objections

48. The City of Melbourne in their response on 17 January 2011 stated that they object to a permit being issued unless their concerns are resolved through conditions relating to;

- Insufficient tower setbacks to Haig Lane, City Road and Clarendon Street.
- Inadequate podium activation, particularly at levels one to five.
- Unsatisfactory wind report, specifically in relation to the proposed criteria used at ground level.
- Unclear plans in relation to projections beyond the property boundary line.
- Improved pedestrian access from Clarendon Street to the residences at levels three to eight.

49. It is considered that the setbacks to City Road and Clarendon Street have been negotiated to a satisfactory outcome. Haig Lane is considered appropriate at the current distance, considering if the site to the north is developed with a similar setback there will be a 10 metre separation between the two buildings separated by a laneway. Improvements have been made to the podium activation through the reduction in the number of parking spaces and replacement with apartments. Canopy and wind report conditions have been included on the permit. The Clarendon Street residential entrance has also been improved in its appearance through the insertion of a condition on the permit.

50. [REDACTED] On the issue of podium activation it is noted that in a recent VCAT hearing for 70 Southbank Boulevard, the appeal was rejected based on the draft status of the Southbank Structure Plan which remains draft at the time of this report being written. Therefore Council's objection will still stand.

51. All the objections have been considered and are generally responded to within the commentary within this report. There are a couple of additional objector issues that are require further explanation.

52. A number of the objections raise a concern with the level of development within the Southbank locality generally and the loss of views/ sunlight. The policy direction for the Southbank area contained at Clause 21.08-3 (and variously within the MSS) of the Melbourne Planning Scheme contemplates a substantial level of change, and accommodation of a high density population within residential towers. The existence of the numerous towers are an example of this policy implementation in the last 10-20 years. There can be no expectation that distant views for residential apartments will be retained in perpetuity.

53. With regards to traffic and parking issues we note that the applicant has provided a traffic report indicating that the development in this locality would not be anticipated to generate significant vehicle movements on a daily basis. The new car parking policy supports the lowest possible amount of car parking provision on the development and it is noted that no permit is triggered due to the provision of a rate below 1 space per apartment.

Wind Assessment

54. A full wind assessment carried out by Vipac Engineers was provided by the applicant. The report concludes that the proposed development achieves the safety criteria in all adjacent ground level areas and achieves the walking criteria for footpath areas on Clarendon Street and City Road.

ESD

55. The applicant submitted a Sustainable Design Statement produced by Ark Resources. The report provides an appropriate, if basic, response to ESD principals, including commentary that "*the building will exceed 5 star minimum for residential apartment with the appropriate allocation for insulation R-values and window systems.*"

56. While this is a good standard of achievement in relation to ESD, insufficient detail has been provided in the report and accordingly this matter is addressed by a condition of the permit.

Summary/ Conclusion

57. The proposal consists of a residential tower of 42 storeys (133 metres) with ground floor commercial tenancies and associated car parking at No. 308-320 City Road Southbank. There are 360 apartments and 196 car parking spaces proposed.
58. The proposal has been advertised and there have been seven (7) letters of objection received (8) including City of Melbourne's.
59. The proposed development is considered to respond appropriately to State and local planning and the mixed use zone.
60. There is justification for a departure from the suggested height in DDO39 as the development respects the objectives of this policy. There is a requirement to increase the setbacks to the proposed development to the north east in order to allow adequate building separation to meet the objectives and design outcomes of DDO39.
61. The proposed development has been assessed against the provisions of the Melbourne Planning Scheme and generally compliant. Consideration has been given to the referral responses and the objections received. On balance it is worthy of support subject to conditions and a recommendation has been made on this basis.

Prepared by: _____

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