

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Planning Referral: TPM-2013-2
57-59 Haig Street, Southbank**

3 December 2013

Presenter: Martin Williams, Executive Officer Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee (FMC) of a Ministerial Planning Application (reference 2012/010161) for 57-59 Haig Street, Southbank. The application proposes the demolition of the existing building and development of the land for a multi storey residential tower including a ground floor commercial tenancy. The planning application was referred to the City of Melbourne (CoM) by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 17 January 2013. Amended plans were referred to the CoM on 19 July 2013. A further amended application was received on 3 September 2013 which contained minor amendments to the basement car parking required by Engineering Services, and a diagram to show the tower element from level 11 to level 39 set back from Clarendon Towers by 10 metres.
2. The application seeks approval for the use and development of land in the Capital City Zone - Schedule 3 for a 122 metres, 39 level building with four basement levels, comprising 249 apartments with associated residential facilities (outdoor recreation area and indoor lounge area), one office tenancy at ground floor level, 52 bicycle storage spaces and 173 car parking space. (Refer Attachment 2 – Locality Plan and Attachment 3 – Proposed plans).
3. The applicant is Zoland Family Nominees Pty Ltd and R and J Freeman Nominees Pty Ltd c/o Meredith Withers and Associates Pty Ltd. The owner is R and J Freeman Nominees Pty Ltd and the architect is Bruce Henderson Architects Pty Ltd.
4. On 20 June 2013 Amendment C171 was gazetted and introduced into the Melbourne Planning Scheme. The subject site is now within Schedule 3 of the Capital City Zone, and affected by Schedule 60 of the Design and Development Overlay.
5. The Minister for Planning is the responsible authority for deciding on the application as the development has a gross floor area exceeding 25,000 square metres. The application is exempt from the giving of notice and third party appeal rights.

Key issues

6. Key issues for consideration are height, setbacks and tower separation. The building's height and overall form are considered acceptable subject to conditions to improve the setbacks and tower separations.
7. The proposed zero setback of the tower from Blakeney Place is considered insufficient as it would dominate the urban form at ground level and exacerbate the existing poor amenity of the lane. A condition requiring a minimum setback of two metres (measured to the balcony edges) to Blakeney Place is recommended to address this.
8. The proposed 2.5 to 5 metre tower setback to the south-western boundary does not enable an equitable setback to ensure a future minimum tower separation of ten metres. A condition is recommended requiring minimum tower setback of 5 metres from the south-west title boundary, measured from all balcony edges.
9. The proposed 7 metre tower separation between the subject site and Clarendon Towers for levels 6 to 10 is considered insufficient and would not provide an appropriate separation for the future occupants of the north-east facing apartments and the existing neighbouring Clarendon Towers residents. A condition is recommended requiring the provision of additional tower setbacks so as to maximise light, air and outlook for these apartments.
10. Amendment C208 seeks to introduce Development Contributions into the Melbourne Planning Scheme. The amendment is currently on public exhibition until 16 December 2013. Whilst still at an early stage of the process it is considered appropriate that a contribution be sought.

Recommendation from management

11. That the Future Melbourne Committee advise the Minister for Planning that Council supports the planning application subject to the inclusion of the recommended conditions contained within the delegate report (refer Attachment 4).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

Relation to Council policy

5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

6. Amendment c187 - Energy, Water and Waste Efficiency Local Planning Policy was approved by the Minister and Gazetted on 4 April 2013. A recommended condition in the delegate report requires the applicant to submit an Environmentally Sustainable Design Statement which demonstrates how the development meets the Energy, Water and Waste Efficiency Policy objectives and requirements.

Locality Plan : 57-59 Haig Street, Southbank



Perspective from Haig Street

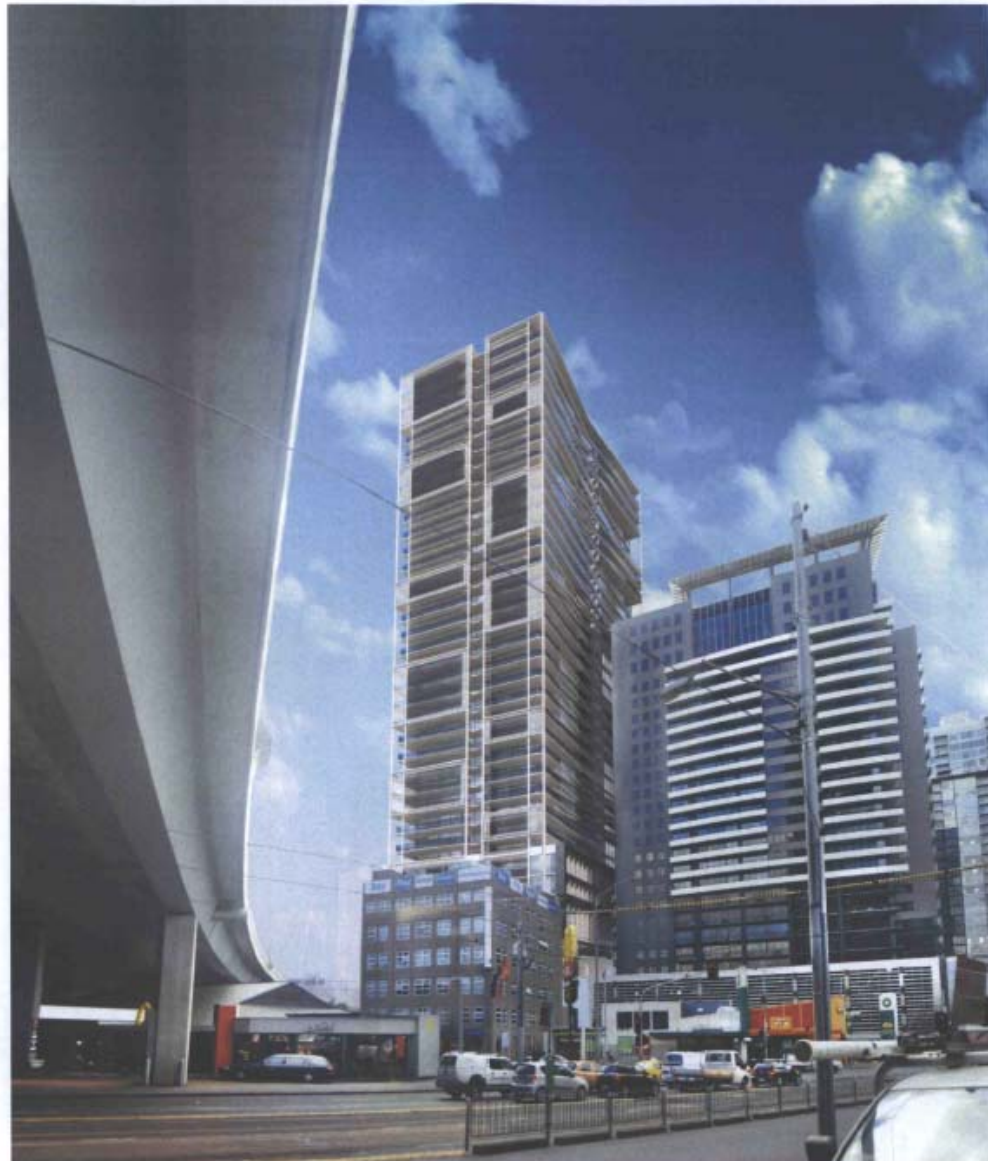
Attachment 3
Agenda item 6.1
Future Melbourne Committee
3 December 2013



Ground floor view from Haig Street



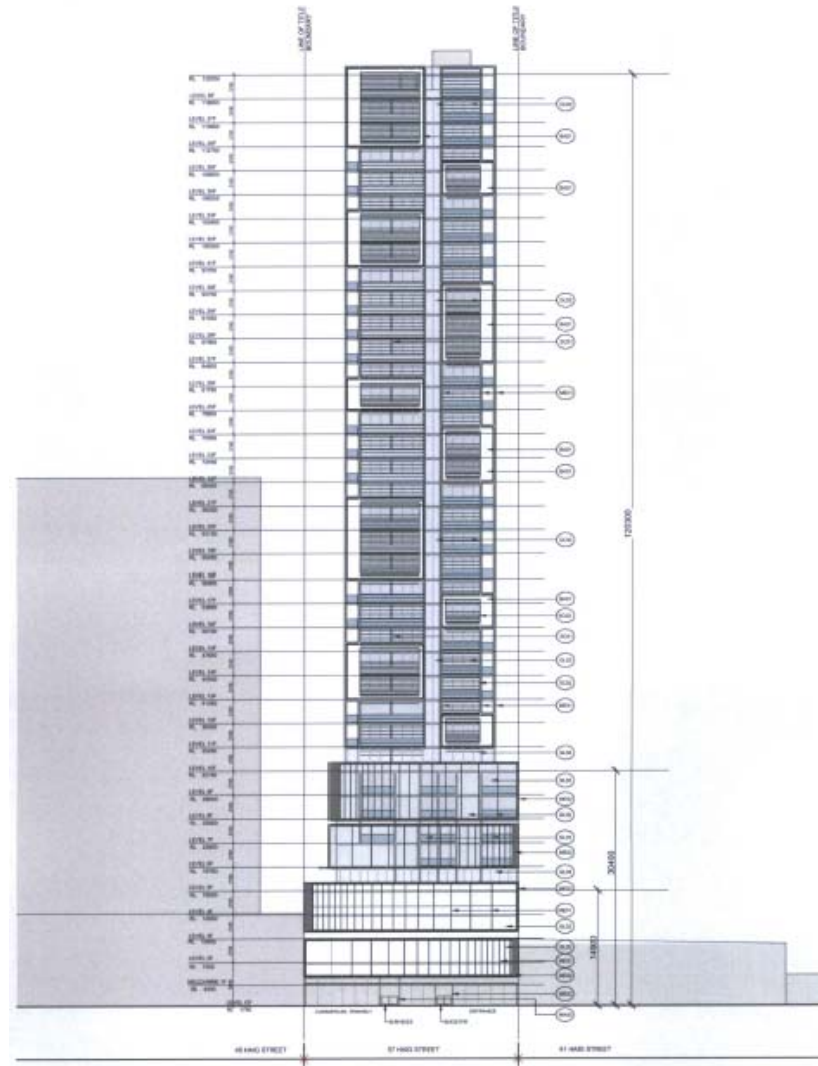
Perspective from Clarendon Street



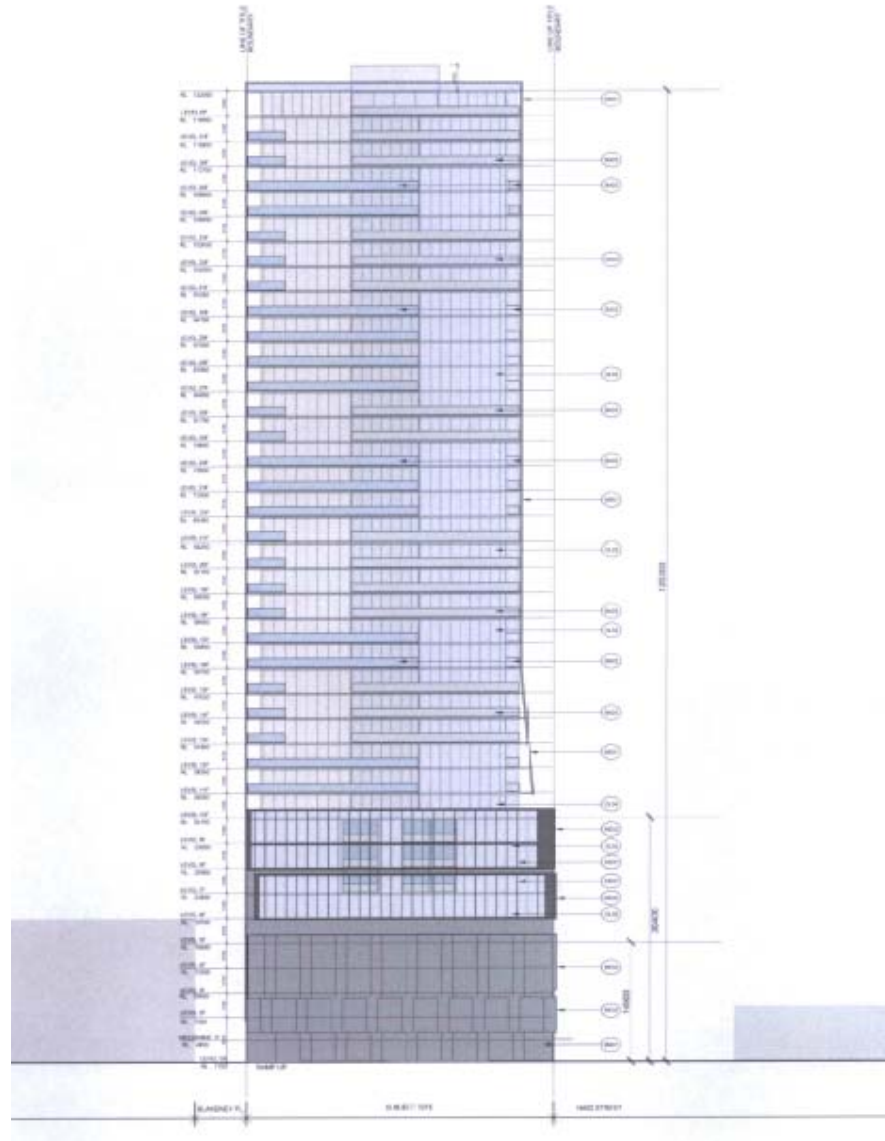
View from City Road



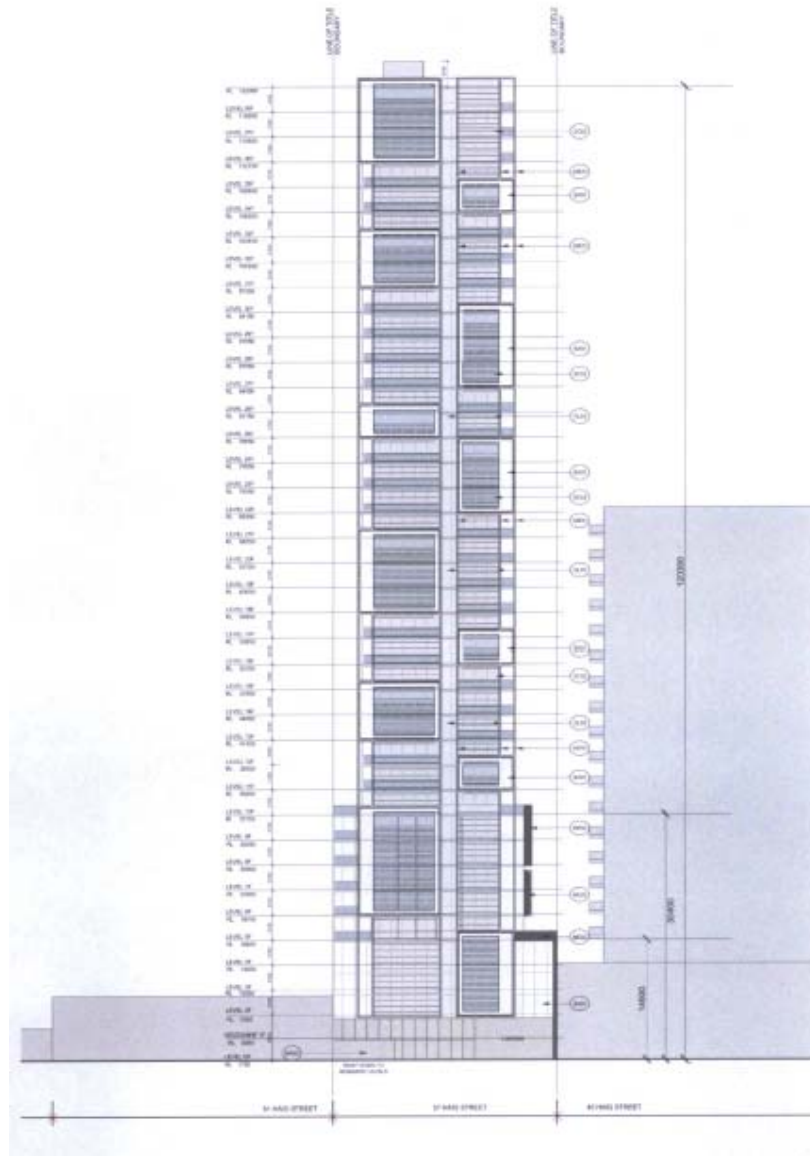
West (Haig Street) elevation



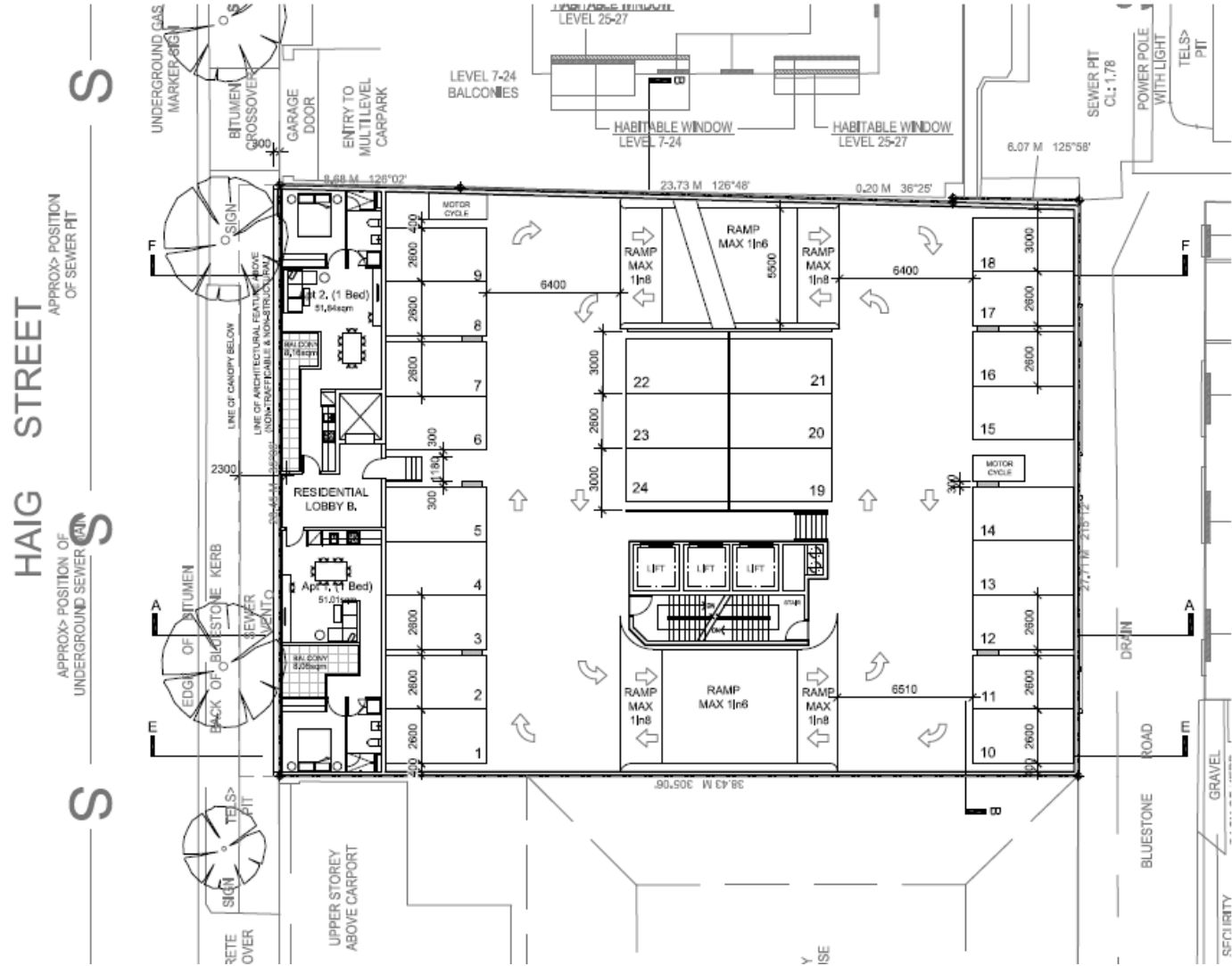
North (side) elevation



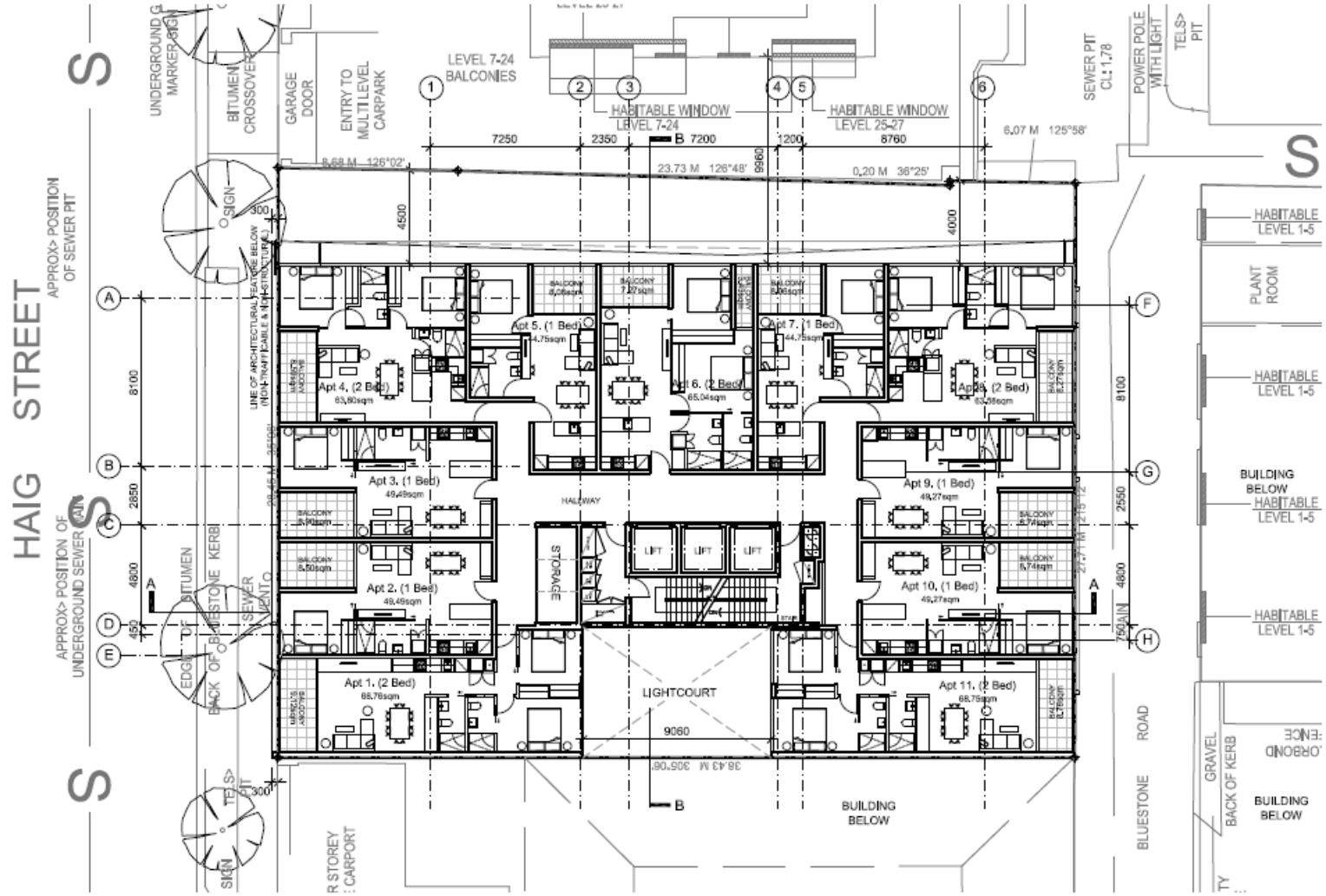
East (Blakeney Place) Elevation



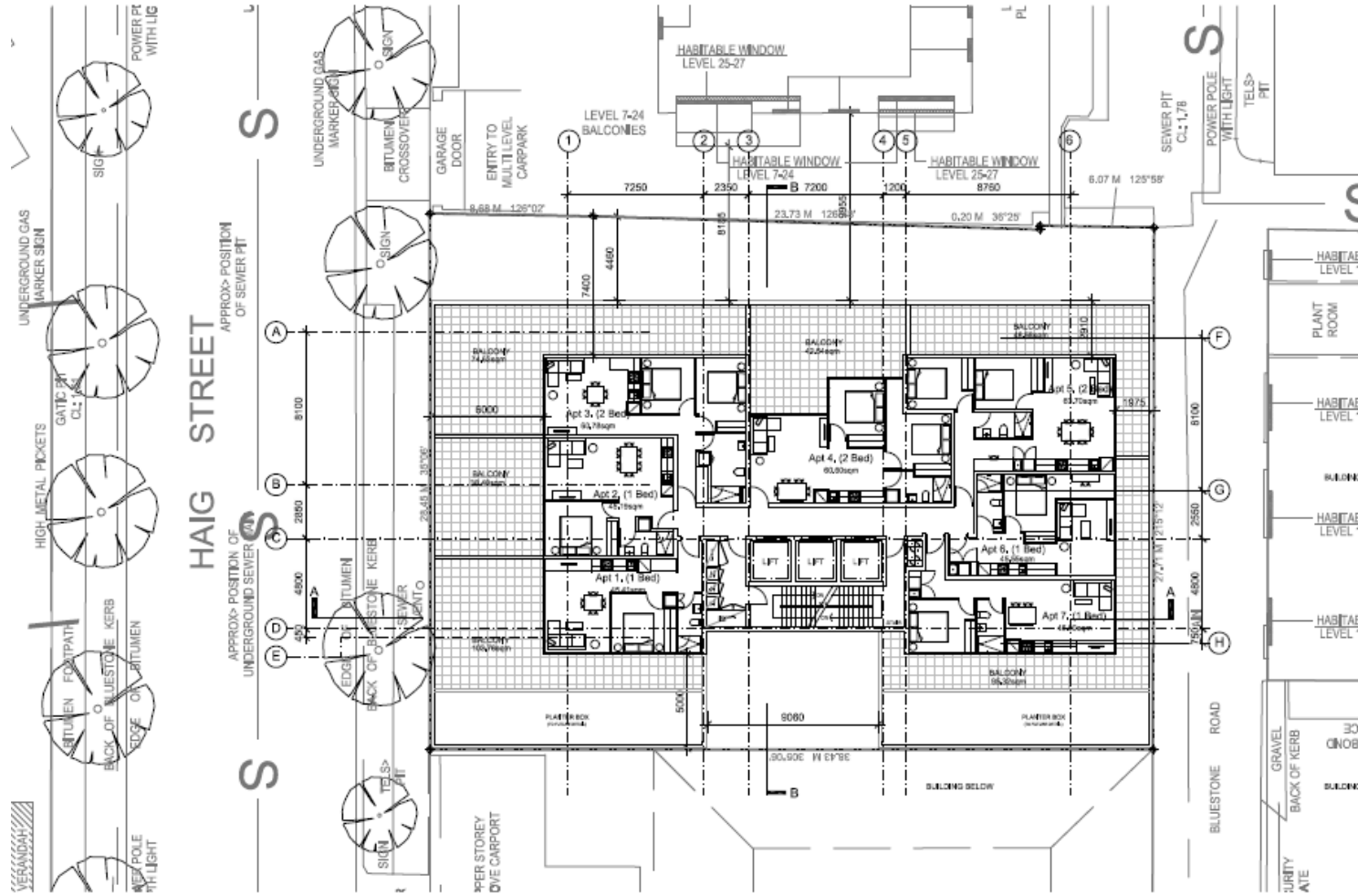
Levels 2 to 4



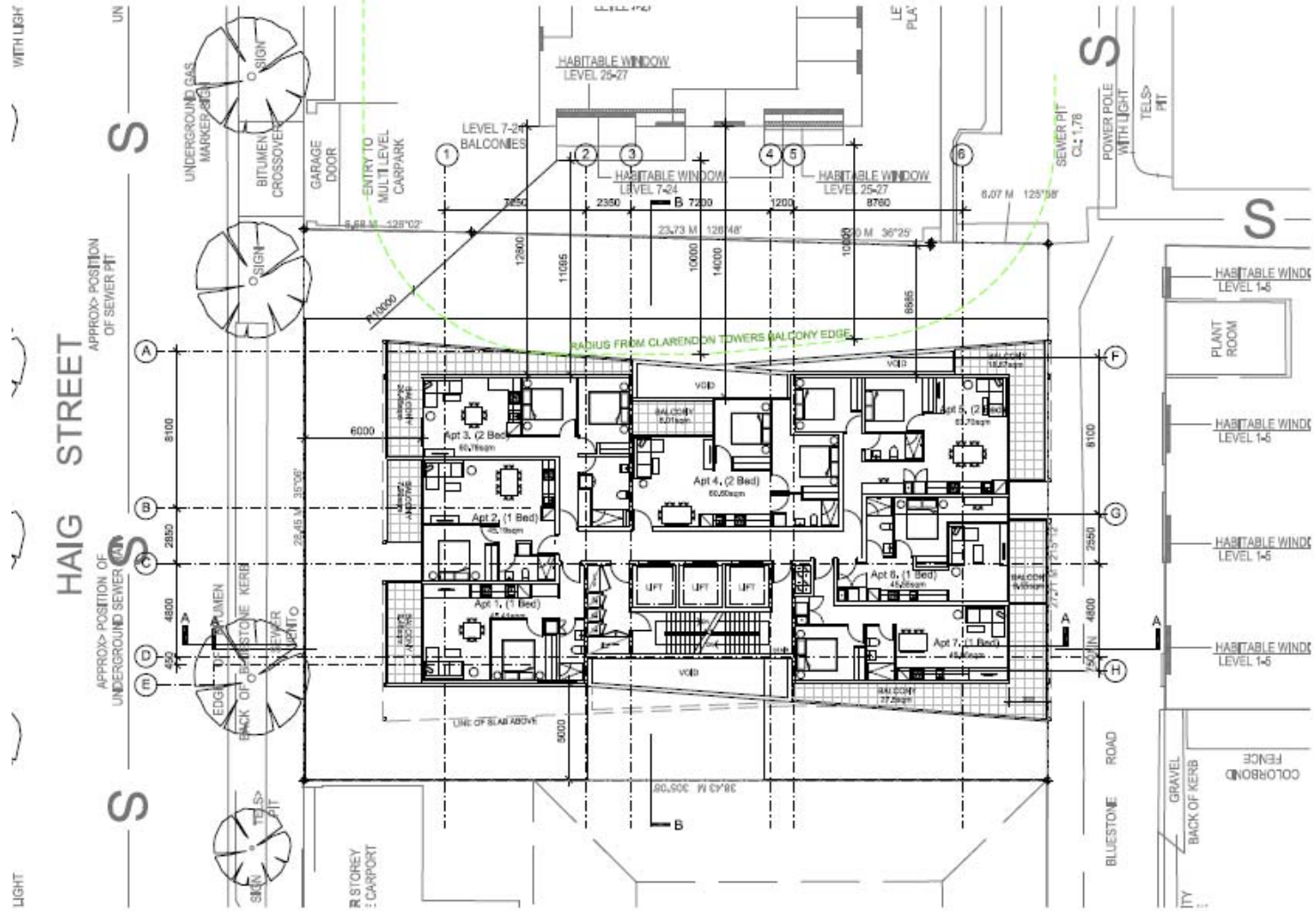
Levels 7 to 9



Level 10 - podium



Tower setback from Clarendon Towers



PLANNING REPORT

MINISTERIAL REFERRAL

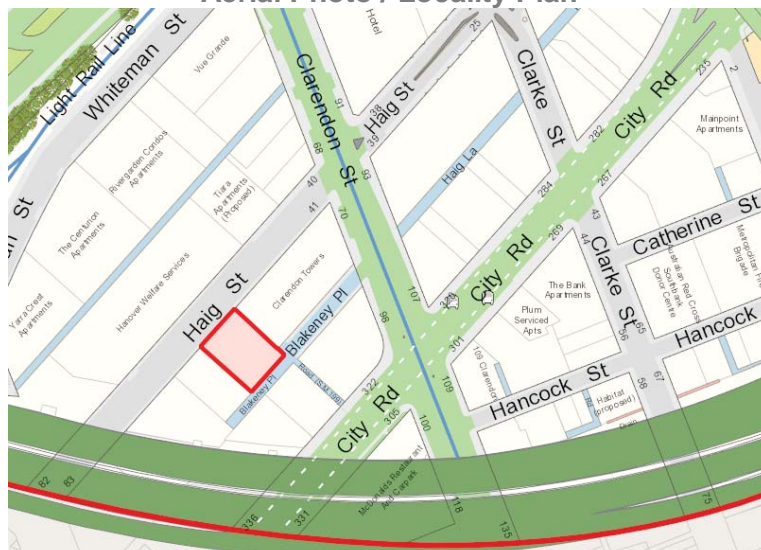
Application number:	TPM-2013-2
DTPLI Application number:	
Applicant / Owner / Architect:	Applicant – Meredith Withers, Zoland Family Nominees Pty Ltd and Rand J Freedman Nominees Pty Ltd Architect – Bruce Henderson Architects Owner – Rand J Freedman Nominees Pty Ltd
Address:	57-59 Haig Street, SOUTHBANK VIC 3006
Proposal:	Demolition of the existing building and development of the land for a multi storey residential tower including a ground floor commercial tenancy.
Date received by City of Melbourne:	17 January 2013. Amended plans received 19 July 2013 and 3 September 2013
Responsible officer:	Anne-Marie Edgley

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site is located on the south side of Haig Street between Cecil Street to the west and Clarendon Street to the east as shown in the locality plan. The site area is 1,093sqm. It is currently developed with a two storey building fronting onto Haig Street with a warehouse to the rear. Vehicle access to the site is from Blakeney Place. The site is rectangular in shape with a Haig Street frontage of 28.5 metres, 27.71 metres to the rear laneway and 6.07 metres to Blakeney Place.

Aerial Photo / Locality Plan



1.2. Surrounds

North-west

To the north-west of the subject site is the Hanover Welfare Services and crisis accommodation centre. Farther to the north-west along Haig Street is an apartment complex (Tiara Apartments) which is currently nearing completion at 46-50 Haig Street. Tiara Apartments will provide 210 apartments over 32 storeys and includes 6 floors of car parking.

North-east

Clarendon Towers abuts the subject land to the north-east at 45 Haig Street. This is a 27 storey apartment complex which occupies the land bound by Haig Street, Clarendon Street and Blakeney Place. Access to podium car parking in this building is from crossovers on both Haig Street and Blakeney Place.

Clarendon Towers has a podium of car parking for 5 levels built to all boundaries. At level 6 the podium provides large terraces for the apartments 6, 7 and 8 which immediately abuts the subject site. The tower element is setback 5 metres from the title boundary. Apartments and balconies of Clarendon Towers are oriented to capitalise on the views to the south-west and south-east.

The elevation facing the subject site has apartment balconies setback 4 metres from the common boundary shared with the subject site for levels 7 to 24, and 5 metres from levels 25 to 27.

South East

To the south-east immediately abutting the subject site to the rear is Blakeney Place whilst farther to the south is the Urban Central Accommodation building at 334-342 City Road. This hostel building is built to its rear boundary for five storeys, and has habitable room windows located on the rear laneway which is 6.2 metres from the subject site boundary.

South-west

A double storey office and warehouse is located immediately abutting the subject site to the south-west at 61-63 Haig Street. Further to the south-west is the elevated West Gate Freeway is located at the western end of Haig Street and south of City Road.

2. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 17 January 2013. Amended plans were referred to City of Melbourne on 19 July 2013. A further amended application was received on 3 September 2013 which contained minor amendments to the basement car parking required by Engineering Services, and a diagram to show the tower element (level 11 to level 39) as being setback from Clarendon Towers by 10 metres. The 3 September 2013 amended plans are the plans which are commented on in this report.

This application to the Minister for Planning continues to seek approval for the following:

Dwelling	Total number of dwellings: 249 over 39 levels Number of one bedroom apartments is 144 Number of two bedroom apartments is 105
-----------------	---

Ground floor lobby	The ground floor lobby and office has a floor to ceiling height of 5 metres to the front half of the subject site facing Haig Street.
Office	Ground floor office space with a Leasable Floor Area of 126.03 sqm.

The details of the proposal are as follows:

Building height	122 metres (including lift shaft and overrun)
Podium height	30.40 metres
Front, side and rear setbacks	<p>Basement Four levels of basement car parking. Parking is also located at levels 2 to 4, with a skin of apartments to Haig Street.</p> <p>Levels G to 9 The podium is built to all boundaries up to level 4. The north-east side is then setback 4.5 to 4 metres from the property boundary for the use of a communal terrace at level 5. This side setback is carried through up to level 9 (with all other interfaces built to the title boundaries).</p> <p>Level 10 – top of podium The setback from Haig Street is 6 metres to the building line with terraces protruding into this setback creating no setback from the title boundary.</p> <p>At level 10 the building is set back 7.4 metres from the north-east title boundary with balconies protruding into this setback to within 4.46 metres of the title boundary.</p> <p>At level 10 the building is set back 1.95 metres from the south-east (rear) title boundary with balconies protruding into this setback up to the title boundary.</p> <p>At level 10 the building is set back 5 metres from the south-west title boundary with balconies protruding to within 3 metres from the title boundary.</p> <p>Tower The setback from Haig Street is 6 metres to the title boundary with balconies protruding to within 4 metres of the boundary.</p> <p>The tower is set back 6.6 metres from the north-east title boundary with balconies protruding varying distances, creating a range of setbacks of 5 to 5.4 metres from the boundary.</p> <p>The tower is set back 2 metres from the south-east (rear) title boundary with balconies protruding into this setback creating no setback from the title boundary.</p> <p>The tower is set back 5 metres from the south-west title</p>

	boundary with balconies protruding varying distances, creating a range of setbacks of 3 to 4 metres from the boundary.
Gross floor area (GFA)	The gross floor area of the building is 25,710.98sqm. If the balconies are included, the gross building area is 29,831.28sqm
Car parking spaces	173 car spaces
Bicycle facilities and spaces	52 bicycle spaces
Loading/unloading	3.7 metre wide and 9.3 metre long loading bay is located at ground level with access from Blakeney Place
Vehicle access	Vehicular access is off the rear laneway of Blakeney Place.
Tower and podium separation	<p>The separation between the Clarendon Tower apartment balconies and the proposed apartment balconies on the subject site are:</p> <ul style="list-style-type: none"> • 4 metres for level 5, • 7 metres from level 6 to level 10, and • 10 metres from level 11 to level 22. <p>The separation between the Urban Central Accommodation building and the subject site to the rear</p> <ul style="list-style-type: none"> • 6 metres from mezzanine to level 6
Street Setback	<p>The tower element is set back 6 metres from Haig Street, with balconies protruding into this setback.</p> <p>The tower element is setback 1.975 metres from the rear laneway boundary; however the balconies are built up to the edge of the property boundary to the rear for the whole tower resulting in no rear setback.</p>

3. BACKGROUND

3.1. Pre-application discussions

There were no pre-application discussions held.

The application was originally referred to City of Melbourne for comments on 17 January 2013. Amended plans were referred to City of Melbourne on 19 July 2013 in response to the issues raised by DTPLI in its request for further information letter dated 16 January 2013.

At the time of original referral to Council, the land was in a Mixed Use Zone where giving of notice was applicable and third party appeal rights applied. However on 20 June 2013 Amendment C171 was gazetted. The amendment changes the zoning of the land to Capital City Zone 3 and exempts applications for permitted land uses from the notice requirements and review rights under the Planning and Environment Act 1987.

A further amended application was received on 3 September 2013 which sought to reduce the size of the office space from 146 to 126 square meters and address concerns raised by Council's Engineering Department.

3.2. Site history

There is no directly relevant history or background for this application.

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	Clause 11.04-2 'Activity Centre Hierarchy' & Clause 11.04-4 'Central Melbourne' Clause 15.01-1 'Urban Design' & Clause 15.01-2 'Urban design principles' Clause 16.01-1 'Integrated housing' & Clause 16.01-2 'Location or residential development' & Clause 16.01-3 'Strategic redevelopment sites'	
Municipal Strategic Statement	Clause 21.03-1 'Vision for Melbourne' Clause 21.03-3 'Approach for managing built form' Clause 21.04-1 'Housing and Community' Clause 21.05 'City Structure and Built Form' Clause 21.08-3 'Southbank'	
Local Planning Policies	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	
Statutory controls (Zone controls, overlays, particular provisions, etc)	Clause / Title	Permit trigger(s)
	37.04 / Capital City Zone, Schedule 3 (CCZ3)	The use of the land for 'Accommodation' is a 'permit not required' use provided the ground floor of the building has a floor to ceiling height of at least 4 metres. The use of the land for 'Office' and 'retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern)' is a 'permit not required' use. Pursuant to Clause 37.04-4 a permit is required to construct a building or construct or carry out works, and to demolish or remove a building.
	43.02 / Design and Development Overlay, Schedule 60 (Southbank) (DDO60)	Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless a schedule to this overlay specifically states that a permit is not required. Schedule 60 does not exempt the proposed building from requiring a permit. The subject site is located within Area 3 – Southbank Central Interface which recommends: <ul style="list-style-type: none"> • a maximum building height of 100 metres; • podium heights not exceeding 30 metres; • development above a podium should be

		<p>setback a minimum of 10 metres from the front, side and rear boundaries;</p> <ul style="list-style-type: none"> towers should be a minimum of 20 metres from an adjoining tower, unless the majority of the built form outcomes are met; and there is an inadequate tower setback on a neighbouring site. The minimum set back of towers in this case should be 10 metres; and ground floors of buildings should have a floor to ceiling height of 4 metres
	45.09 / Parking Overlay, Schedule 1 (PO1)	<p>A permit is required to provide car parking spaces in excess of the car parking rates of this schedule, namely:</p> <p>Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</p>
Particular Provisions	<p>Clause 52.06, Car Parking</p> <p>Clause 52.07, Loading and Unloading of Vehicles</p> <p>Clause 52.34, Bicycle Facilities</p> <p>Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys</p> <p>Clause 52.36, Integrated Public Transport Planning</p>	
General Provisions	<p>Clause 61.01 - The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.</p> <p>Clause 65 – Decision guidelines</p>	

Amendment C208 implements actions from the Council-adopted Southbank and City North Structure Plans. The plans identify capital works projects including public realm, drainage, and community infrastructure to support the anticipated population growth and change in land use in these areas.

The Future Melbourne Committee resolved to request the Minister for Planning to authorise the amendment to be placed on public exhibition. The Minister authorised the amendment on 5 August 2013.

The subject site is affected by the proposed Development Contributions Plan Overlay Schedule 2 (DCP2) and is located in the west precinct. Under the DCP any permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Table 3 to the proposed Schedule 2 requires that any residential development located in the west precinct incurs a development contribution of \$1,570.70 per dwelling.

5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment by the DTPLI. The Minister is the Responsible Authority for applications over 25,000 square metres.

Pursuant to Schedule 3 of the Capital City Zone and Schedule 60 of the Design and Development 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 Act.

6. REFERRALS

The application was referred to the following internal departments who provided the following advice (summarised):

Engineering Services – Waste

The submitted Waste Management Plan (WMP) complies with Council's 2012 Waste Guidelines.

A waste room is shown on the ground floor of the development. The bins shown in the waste room match those detailed in the WMP. The bin room requires double doors or a roller door that is 1500mm wider or more to allow the 1100L bins to be removed from the waste room. This can just be conditioned along with the bin room to have double doors or a roller door that is 1500mm wider or more to allow the 1100L bins to be removed from the waste room.

Engineering Services – Infrastructure

Infrastructure Engineering provided a series of conditions to be placed on any permit issued.

Engineering Services -Traffic

Council's Traffic Engineers reviewed the amended plans and accompanying traffic engineers report by the Traffix Group which was submitted by the applicant.

Engineering Services Traffic advised of no objection to the issue of a permit for the proposed development subject to changes to the layout of some spaces and ramp gradients to meet the relevant standards, and:

- The communal motor cycle parking area being made more secure through provision of a gated area or similar.
- A total of 75 bicycle spaces (50 resident and 25 visitor) being provided on-site in accordance with the requirement set out at Clause 52.34 of the Planning Scheme.

- Traffic management measures being provided at the basement ramp and Blakeney Street interface to mitigate any potential pedestrian/vehicle conflict.

All of these issues can be addressed through planning permit conditions.

Urban Design

Council's Urban Design Department reviewed the amended plans and accompanying Urban Context Report submitted by the applicant. Council's Urban Design comments include the following:

- Concern raised about the ground level treatment at Blakeney Lane as it does not contribute to the lane, and offers no pedestrian amenity or interest.
- Housing affordability was raised as a positive comment for the proposal
- The majority of units on floors 2F to 9F do not have natural cross-flow ventilation.
- The balconies to units at floors 2F to 4F appear unusable due to size and configuration limitations.
- The frontage to Blakeney Place should not exceed the height of the proposed 9th Floor (9F), to maintain the integrity of the vertical-to-horizontal proportion of the lane established by the existing building opposite, on the lane.

Notwithstanding the setback of units above floor 9, the building is still built on the boundary (balconies) for the total height of the building and creates a built form line/ face that negatively impacts on the established scale and character of the lane.

- The level 5 terrace is a space without any apparent orientation, prospect, or spatial identity. In addition, there does not appear to be any privacy for the bedrooms of Apartment 4 of level 5 which faces onto the common terrace.
- Concern is raised about the communal recreational space which is provided at level 5 in the form of a lounge and a outdoor terrace space. Whilst a communal resource has been provided, the design is a lost opportunity, as it is essentially a room with an adjoining terrace that is not integrated with the room design.

7. ASSESSMENT

The key issues in the consideration of this application are height, setbacks, tower separation, wind conditions, amenity of proposed apartments and articulation of the tower.

8.1 Height

The MSS identifies this area of Southbank as one where significant residential growth can occur, supporting the overall urban consolidation objectives outlined in the State Planning Policy framework. It includes the statement that towers will be the major form of development. The subject site is located in an area where high rise development is encouraged. Local policies, together with the design objectives and built form outcomes in the DDOs guide the scale and form of development in the creation of a new built form character.

The application seeks approval for a 122 metre tall building. The policy and DDO requirements provide for a preferred height which relates to the building's

appearance in context and seek to achieve a built form with a height of up to 100m. However, this may be varied where the following built form objectives are achieved:

- Buildings that provide an appropriate transition to development in adjoining areas to the south, west and east.
- Buildings that do not dominate urban form in adjoining areas.
- The maintenance of the dominant streetscape scale.

The subject site is located centrally within Area 3, see image below. Area 3 is located to the southern end of Southbank, close to the West Gate Freeway. In terms of maintaining an appropriate transition to development in adjoining areas to the south, west and east, the proposal successfully addresses this requirement.

The dominant streetscape scale of Haig Street is characterised by a combination of existing podiums for towers and existing 2-3 storey warehouse buildings. The important issue is the height of the podium which the DDO requires to be 30 metres. The proposal includes a 30 metre podium which would be the visually dominant element as viewed from the street. This aspect of the design is commensurate with the height of typical multi-storey development in the precinct and satisfies the DDO requirements.

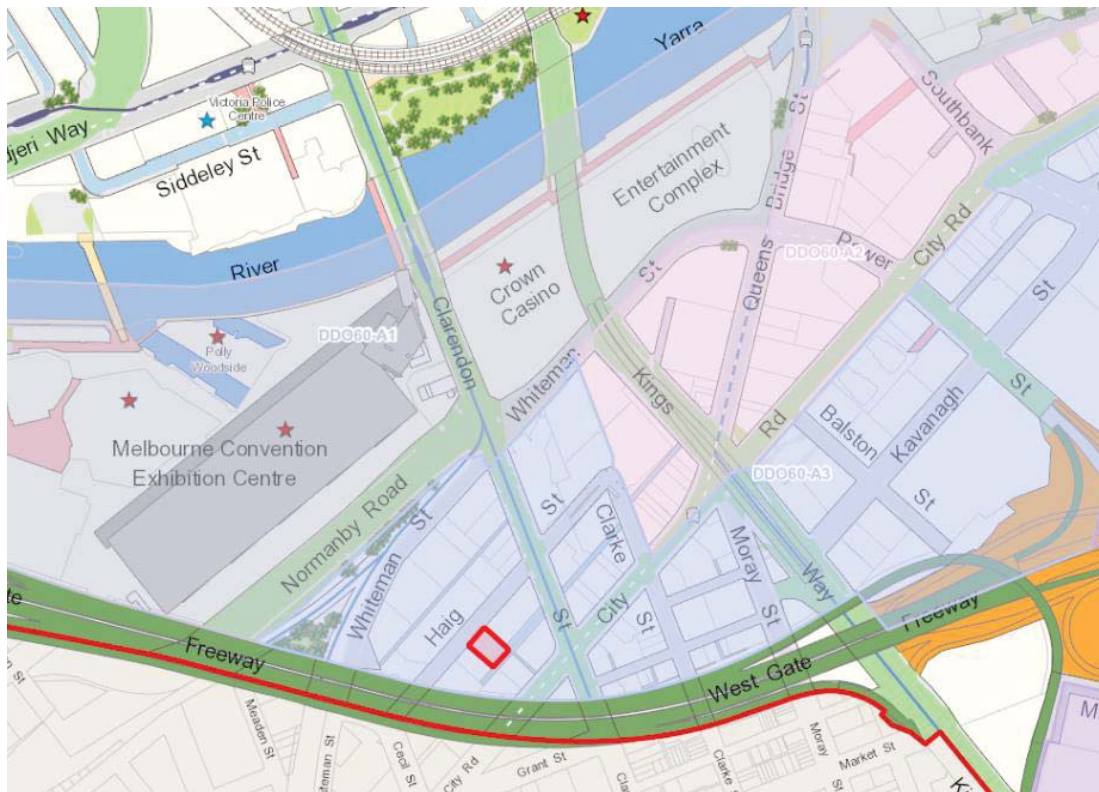


Figure 1 - Area 3 shown in blue

Overall, it is considered that a reduction of height by 22 metres would not make a significant difference to the observer's general perception of the urban scale at the tower level, particularly when viewed from the street level. Even in middle-distance views, the proposed building and its tall neighbours would be above normal viewlines and the general experience would be one of tall buildings, but of different heights and set at different distances.

In terms of the far-distance views (where these exist), the proposed building would be viewed in the context of other tall buildings in Southbank and it would not be possible to differentiate between those that are a little closer or further away.

It is considered therefore, that the building's additional height is acceptable provided the additional set-backs recommended to the Blankley Lane are incorporated.

8.2 Podium Height

The preferred and prevailing character of built form within the Capital City Zone – Schedule 3 is for a 30 metre high podium with the tower element set back from this podium level. This may be reduced to 10m where good sunlight, daylight, privacy and outlook can be provided at a lesser setback.

DDO60 stipulates that development above a podium should be a minimum of 10 metres from the front, side and rear boundaries. The towers should be designed to ensure:

- large buildings do not dominate the urban form at ground level.
- the dominant podium or streetscape scale is maintained.
- consideration is given to the equitable development potential of adjoining lots.

The purpose of these provisions is to maintain a human scale to development as it presents to the street and to reduce other impacts such as shadowing of public spaces and wind turbulence.

The proposal includes a podium of 30.40 metres built to all boundaries, with the north-east elevation setback 4.2 metres from the north-east title boundary for levels 5 to 10. This podium provides for an appropriate response to the dominant podium and streetscape scale, thus meeting the requirements of DDO60.

8.4 Tower Separation and Setbacks

DDO60 specifies that towers should be a minimum of 20 metres from an adjoining tower. This should not be varied unless:

- The majority of the built form outcomes are met; and
- There is an inequitable tower setback on a neighbouring site.

The minimum setback between towers should be 10 metres.

DDO60 also stipulates development above a podium should be a minimum of 10 metres from the front, side and rear boundaries.

Haig Street

Above podium level the proposed tower incorporates a setback from Haig Street of 6 metres to the front title boundary. This setback will adequately moderate the impact of the height of the building as viewed from Haig Street.

Whilst the front setback is less than required pursuant to DDO60, it provides an appropriate transition to Clarendon Towers to the east and the façade treatment provides an interesting design and an appropriate level of street surveillance, with the balconies built to the front boundary. Despite this reduced setback, the tower reads as a secondary element to the proposed podium which is compatible with the

City Road streetscape. As a consequence the front setback is considered appropriate.

North-east

Clarendon Towers to the north-east has a podium of car parking for 5 levels built to all boundaries. At level 6 the podium provides for large terraces for the apartments which immediately abut the subject site. The submitted plans do not show these terraces on plans 2F to 4F. The tower element of Clarendon Towers is then set back 5 metres from the title boundary, with apartment balconies setback 4 metres from the common boundary shared with the subject site for levels 7 to 24, and 5 metres from levels 25 to 27.

The tower element of the proposed building is set back 6.6 metres from the north-east title boundary with balconies protruding into this setback creating a range of setbacks from 5 to 5.4 metres from the title boundary.

The separation between the Clarendon Tower apartment balconies and the proposed apartment balconies on the subject site are:

- 4 metres for level 5,
- 7 metres from level 6 to level 10, and
- 10 metres from level 11 to level 22.

The separation between the Clarendon Tower apartment balconies (to the north-east) and the proposed apartment balconies on the subject site is 10 metres from level 11 to level 22. While this separation doesn't meet the 20 metres sought by DDO60, the minimum of 10 metres is provided and therefore meets the policy requirement.

Concern is raised about the 7 metre tower separation for levels 6 to 10. The minimal setback will result in an unreasonable amenity impact for the future residents of the proposed development. Should a permit be issued it is recommended that this separation be increased to 10 metres to provide an appropriate and policy compliant tower separation between the subject site and Clarendon Towers.

South-east (rear)

The subject building is proposed to be set back 2 metres from the rear boundary, however all balconies are proposed to be built to the rear boundary for the entire podium and tower, resulting in zero setback to the rear. Blakeney Place is a 6 metre wide laneway which provides vehicular access only into the subject site, the Urban Central Accommodation building to the rear and Clarendon Towers to the north-east. There are no pedestrian footpaths or access to buildings along this laneway.

Urban Central Accommodation is a 6 level building which is built to its title boundary for the entire building height. The building has habitable room windows on the elevation facing the subject site.

The proposed building on the subject site is to be built to the boundary for the entire 122 metre height resulting in a separation between the Urban Central Accommodation building and the subject site to the rear of 6 metres.

DDO60 stipulates setbacks of towers should be a minimum of 10 metres from the title boundaries and tower separation requirement of 20 metres with a minimum of 10 metres subject to built form outcomes being addressed. The requirement for a tower setback are to ensure that large buildings do not dominate the urban form at ground level and to ensure that the dominant podium or streetscape scale is maintained Any proposed building should consider the development potential of

adjoining lots by providing an equitable setback from the boundary for future towers to be developed on neighbouring sites.

The proposed zero setback does not provide for a considered response to the development potential for the neighbouring site to the rear.

The 6 metre width of Blakeney Place provides partial separation with a remaining 4 metres to reach the desired 10 metre tower separation. Therefore it is appropriate for each site to accommodate for a 2 metre tower setback to ensure a 10 metre tower separation can be achieved upon development of the neighbouring property to the rear.

The 2 metre setback will ensure that the proposed development does not substantially exacerbate the existing poor amenity of Blakeney Place. This limited setback of 2 metres is considered acceptable as the visual experience is quite different along Blakeney Place compared to Haig Street.

It is also worth noting that the proposal is seeking an additional 20 metres over the discretionary height limit and that the height limit should not be varied unless the majority of the built form outcomes are met. There is therefore a nexus between the additional height and the requirement for an increased setback to Blakeney Place.

Importantly, the floor area lost by providing the additional setback to Blakeney Place is easily recouped through the provision of the additional floor levels which are above the discretionary height limit.

Therefore a condition is recommended to require the tower element (levels 10 to 22) to be setback 2 metres from the rear (south-east) boundary, measured from the balcony.

South-west

The south-west elevation provides for a 30 metre podium built to the boundary up to level 10. The tower element provides for setbacks from south-west title boundary ranging from 2.5m to 5m.

Again, DDO60 stipulates a tower separation requirement of a minimum of 10 metres. Any proposed building should consider the development potential of adjoining lots by providing an equitable setback from the boundary for future towers to be developed on neighbouring sites.

The neighbouring site to the south-west is currently used for a double storey office and warehouse and is likely to be developed in the future. Therefore equitable setbacks should be provided on the subject site of 5 metres measured from each balcony edge from the title boundary to ensure that a future tower separation of 10 metres can be achieved.

8.5 Amenity of Proposed Apartments

The amenity of the proposed apartments will generally be of an acceptable standard. All apartments have either a winter garden type indoor/outdoor area or a terrace with a minimum dimension of 8 square metres. Urban Design raised concern about the usability of the balconies of apartments 2 of levels 2F to 4F due to their awkward design. It is recommended that these balconies be redesigned to provide a more usable space.

The building design should provide for the future amenity of its residents in that they should have access to natural light on all sides. All apartments and all habitable room windows are oriented to provide for access to natural light, through all sides of the building and the use of a light court to the south-west elevation. The apartments

range in size with a minimum apartment size of 45.41sq.m for the single bedroom apartments and 60.78sq.m for double bedrooms. While some of the apartments are of modest size, these apartments will still provide habitable rooms of an acceptable size, with direct access to natural light. Habitable rooms to all apartments will have good access to natural light either directly from the side boundaries or through the light court to the south-west elevation.

There is some concern regarding the potential for overlooking from apartment 4 onto the communal terrace. Details of the privacy treatments for the bedrooms of Apartment 4 which face onto the common terrace can be addressed through the provision of an appropriately worded condition.

The proposal intends to provide a communal lounge room and open space in the form of a terrace at level 5. Urban Design raised concern about the location of this open space as

“a space without any apparent orientation, prospect, or spatial identity... whilst a communal resource has been provided, the design is a lost opportunity, as it is essentially a room with an adjoining terrace that is not integrated with the room design”

It is considered that there is a prime opportunity to provide communal open space at the level 10 podium, be it half of the level of all of the level. Level 10 provides for a more considered and appropriate area of open space which will allow for capitalisation of the northern light and views across Haig Street to increase passive observation of the street.

A condition is recommended to relocate the communal areas to the level 10 podium.

8.6 Wind Conditions/Weather Protection

Wind Conditions

A report based on wind tunnel testing was submitted as part of the application documents originally received. An updated letter has been received with the current plans. It includes the following advice:

- The wind conditions along Haig Street and Blakeney Place were shown in MEL Report 73/12 to be either within or on the walking criterion for all wind directions. The new planning scheme Capital City Zone – Schedule 3, Section 3 – Application Requirements, states: “If it can be demonstrated that the street frontage or trafficable area is only likely to be used as a thoroughfare for the life of the development, the building interface should be designed to be generally acceptable for walking (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 16ms-1)”, in which the description for general acceptability for walking is the same definition for the walking criterion in MEL Report 73/12.
- The wind tunnel model measurements for MEL Report 73/12 did not rely on street trees for wind protection, satisfying the condition stated in Section 3 – Application Requirements.

Setting back towers, as recommended as part of this assessment, will generally assist in deflecting wind downdrafts from penetrating to ground level.

As a minimum, wind conditions around the development should fully comply with the walking criterion. In the proposals current form, the tower has no setback from Blakeney Place and the walking criterion is marginally exceeded for test location 6 in Blakeney Place. Setting back the tower from Blakeney Place, as recommended above may improve this situation. A site inspection confirmed that Blakeney Place is clearly a service lane with little intimacy or activation, therefore a slight increase on the existing wind conditions within Blakeney Place is acceptable. A condition is recommended to request an amended wind report to reflect the wind conditions when the condition 1 requirements are met.

Weather Protection

The proposed canopy is shown for the Haig Street frontage with a depth of 2.3 metres. It is unclear which level the canopy is protruding from and what the clearance heights are above the footpath level of Haig Street. This further detail is requested as part of a planning permit condition.

8.7 Environmentally Sustainable Design

Acoustics

Developments for new and refurbished residential uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone 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 45 dB in accordance with the relevant Australian Standards for acoustic control'*.

The application was accompanied by an Acoustic Report date stamped 23 September 2013 compiled by Acoustic Logic. Section 6 of this report details appropriate construction materials for the glazing, roof/ceiling and the external walls of the development to ensure compliance with the relevant Australian Standards. It is recommended that compliance with this report is included on a permit via condition.

ESD

A Sustainable Management Plan compiled by F2 Design was submitted with the original application. The documents include an assessment against STEPS which is an assessment tool designed for Single Dwellings. A follow up letter was submitted stating that the level of performance in STEPS is in excess of the benchmarks and the applicant submits that this would come close to constituting an equivalent performance to 5 stars using the GreenStar tool rating. The STEPS tool is not considered to be an equivalent tool to the GreenStar tool in the instance of the development of a tower reaching 122 metres in height and containing 249 apartments.

Clause 22.19 requires the following for Accommodation:

- A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent, and
- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.

It is recommended that a condition be placed on the planning permit to request the appropriate assessments be undertaken.

8.8 Car and Bicycle Parking

The subject site is located within the Parking Overlay Schedule 1 (PO1) where a permit is required to provide car parking spaces in excess of the car parking rates of this schedule, namely: where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. The proposed car parking for the development is a total of 173 car spaces to service 249 apartments. This is below the need for a planning permit under the Parking Overlay.

Plan 12.01 shows the provision of 52 bicycle spaces at ground level provided in accordance with the dimensional requirements of the Planning Scheme. Clause 52.34 requires bicycle parking to be provided at a rate of 1 resident space per 5 dwellings and visitor parking at a rate of 1 space per 10 dwellings. This calculates to a requirement for 50 resident spaces and 25 visitor spaces. The use of alternate bicycle systems would yield a greater provision of bicycle parking. It is recommended that a permit condition be included requiring 75 bicycle spaces be provided on-site.

Engineering Services raised concern about the lack of traffic measures at Blakeney Place. Therefore a planning permit condition will require traffic management measures to be provided at the basement ramp and Blakeney Street interface to mitigate any potential pedestrian/vehicle conflict. This has been addressed through a recommended permit condition.

The Traffix Group assessment (letter) indicates that there will be a negligible difference between the development's traffic generation (25 in the AM and 20 in the PM) and the existing site activity (estimated to be 16 trips in each peak hour) at the Blakeney Place/Clarendon Street intersection. It is noted that the residential trips will occur in the opposite tidal direction of the staff trips currently generated by the Office use. In any event, Engineering Services is satisfied that there will be no significant impact to the surrounding road network as a result of this proposal.

8. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne offers in principle support for the proposal subject to the following conditions:

1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans received on by the City of Melbourne on 24 July 2013 but amended to show:
 - a. Provide a tower separation minimum of 10 metres for levels 6 to 10 from Clarendon Towers, measured from all balcony edges.
 - b. Setback the tower element (levels 11 to 22) a minimum of 2 metres from the rear (south-east) title boundary to Blakeney Place, measured from all balcony edges.
 - c. Setback the tower element (levels 11 to 22) a minimum of 5 metres from the south-west title boundary, measured from all balcony edges.
 - d. The height of the canopy to Haig Street shown on a 1:50 scale plan and located at ground level, so as to provide improved weather protection, with a minimum clearance of 3.0m from the footpath level.

- e. The balconies of Apartments 2 of levels 2F to 4F redesigned to provide a more usable outdoor space.
- f. Relocation of the communal areas from level 5 to the level 10 podium.
- g. A 1:50 elevation of the ground floor Haig Street street frontage clearly showing the proposed canopy and the clearance heights above footpath level.
- h. The car space at Mezzanine Level to be in accordance with Planning Scheme dimensions and having a headroom clearance of 2.1m (minimum),
- i. Ramps to be provided with gradients (measured along the inside curve of curved ramps), grade transitions and headroom clearance to satisfy the requirements of the Planning Scheme.
- j. Modification to ramp designs and submission of vehicle swept paths to accommodate an 85 th percentile vehicle passing a 99th percentile vehicle on the curved section of ramps.
- k. The communal motor cycle parking area being made more secure through provision of a gated area or similar.
- l. A total of 75 bicycle spaces(50 resident and 25 visitor) being provided on-site in accordance with the requirement set out at Clause 52.34 of the Planning Scheme.
- m. Traffic management measures being provided at the basement ramp and Blakeney Street interface to mitigate any potential pedestrian/vehicle conflict.
- n. Details of the privacy treatments for the bedrooms of Apartment 4 which face onto the common terrace.
- o. The bin room to have double doors or a roller door that is 1500mm wider or more to allow the 1100L bins to be removed from the waste room.

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

2. The use of any land or building or part thereof and the development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.

Waste Management

3. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 6 August 2013. The submitted WMP must not be modified or altered without prior consent of the City of Melbourne - Engineering Services.

Wind

4. Prior to the commencement of the development, a wind effects statement of the building subject to the required changes requested by Condition 1 of this permit must be submitted to and be to the satisfaction of the Responsible Authority. Modifications must be made to the design of the development to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

ESD

5. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
 - a) A 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.
 - b) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
6. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Infrastructure Engineering

7. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
8. The owner of the subject land must construct a drainage system, incorporating integrated water management design, within the development and make provision to connect this system to the City of Melbourne's stormwater drainage system in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
9. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for access and mobility and should be fitted with ground surface tactile indicators TGSI's. The design of TGSI's must be approved by the City of Melbourne – Engineering Services prior to installation.
10. All necessary vehicle crossings adjacent to the subject land must be constructed and all unnecessary vehicle crossings demolished in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
11. The existing footpath/road levels in Haig Street and Blakeney Place must not be altered for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of City of Melbourne – Engineering Services.
12. The footpath and nature strip in Haig Street which are adjacent to the subject land must be upgraded in asphalt with bluestone banding together with associated works, including reconstruction of the kerb of the road in bluestone, construction of tree plots and the relocation of all services pits and covers as necessary, at the cost of the owner/developer in accordance

with plans and specifications first approved by the City of Melbourne – Engineering Services.

13. The road in Blakeney Place which is adjacent to the subject land must be reconstructed in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
14. Prior to the demolition hereby permitted, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.

Contamination

15. Prior to the commencement of the use and development (excluding demolition), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development. The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the use / development, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses.

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.

- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

Prior to the occupation of the building, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Construction Management

16. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the *City of Melbourne - Construction Management Plan Guidelines* and is to consider the following:
 - a). public safety, amenity and site security;
 - b). operating hours, noise and vibration controls;
 - c). air and dust management;
 - d). stormwater and sediment control;
 - e). waste and materials reuse; and
 - f). traffic management.

Acoustics

17. Prior to commencement of the use the recommendations contained within the Acoustic Report prepared by Acoustic Logic, date stamped 23 September 2013, must be implemented at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

Others

18. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
19. All building plant and equipment on the roof must be concealed to the satisfaction of the Responsible Authority. The installation of any additional plant including but not limited to air-conditioning equipment and ducts must be to the satisfaction of the Responsible Authority.
20. Any satellite dishes, antennae or similar structures must be designed and located at a single point to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.
21. All mechanical exhaust systems for the car park must be sound attenuated to prevent noise nuisance to occupants of surrounding properties, to the satisfaction of the Responsible Authority.
 - The development is not started within two years of the date of this permit;
 - The development is not completed within four years of the date of this permit; and/or
 - The use is not commenced within four years of the date of this permit.

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

NOTES

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

Signature:
Anne-Marie Edgley
Planning Officer

Date: 24 September 2013