

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.3**

**Planning Permit Application: TP-2015-587  
22-24 Wells Place, Southbank**

**15 March 2016**

**Presenter:** Jane Birmingham, Practice Leader Statutory Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of an application to construct a 20 storey building at 22-24 Wells Place, Southbank.
2. The site has an existing permit which allows the construction of a 17 storey building containing 14 dwellings, with two levels of basement parking. Plans have not yet been endorsed.
3. Thirty three objections have been received.
4. The application generally seeks to construct a 20 storey building with a maximum height of 66.15 metres (AHD 71.15) to the lift overrun. The building would contain 32 apartments (two, two bedroom and 30, one bedroom dwellings), 14 car spaces and 16 bike parking spaces.
5. The key changes from the approved development are as follows:
  - An increase in the overall height by 9.55m (three storeys).
  - The provision of two apartments per floor (levels 5 and above) whereas the approved development has a single apartment on each of these levels.
  - The introduction of 1m deep south facing balconies (levels 9 and above) which would encroach into the previously approved 2m setback from the southern boundary.

**Key issues**

6. The key considerations when assessing the proposed amendments are the increased height, the southern boundary setback and internal amenity.
7. The proposal complies with the mandatory maximum building height of 70AHD (excluding rooftop plant) and the design objectives and built form outcomes specific to the Dorcas and Wells Street Precinct of DDO60. Specifically the proposed development would not adversely impact on the Shrine of Remembrance and is consistent with the existing scale of development in the immediate area.
8. The approved development has a 2m setback from the southern boundary at levels 9 and above. The proposed amendments introduce a second 45m<sup>2</sup> south facing apartment at levels 5 and above. Each of these apartments would have a 1m deep, south facing balcony which would project into the previously approved 2m setback. These amendments are not supported as the approved 2m setback from the 4m wide lane (Wells Place) was required to ensure the height of the building did not overwhelm the public domain and provide for equitable development potential of the adjoining property to the south.
9. Removal of the balconies will result in a poorer internal amenity for the small south facing apartments and these apartments should also be removed to provide for only one apartment per level as previously approved.

**Recommendation from management**

10. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to permit conditions detailed in the Delegate Report (refer Attachment 4).

**Attachments**

1. Supporting Attachment (page 2 of 43)
2. Locality Plan (page 3 of 43)
3. Selected Plans (page 4 of 43)
4. Delegate Report (page 14 of 43)

## Supporting Attachment

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

### Finance

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

### Conflict of interest

2. 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

3. It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting one notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*. A total of 33 objections were received.

### Relation to Council policy

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

### Environmental sustainability

5. Requirements of Clauses 22.19 and 22.23 of the Melbourne Planning Scheme were considered as part of the assessment of the proposal.

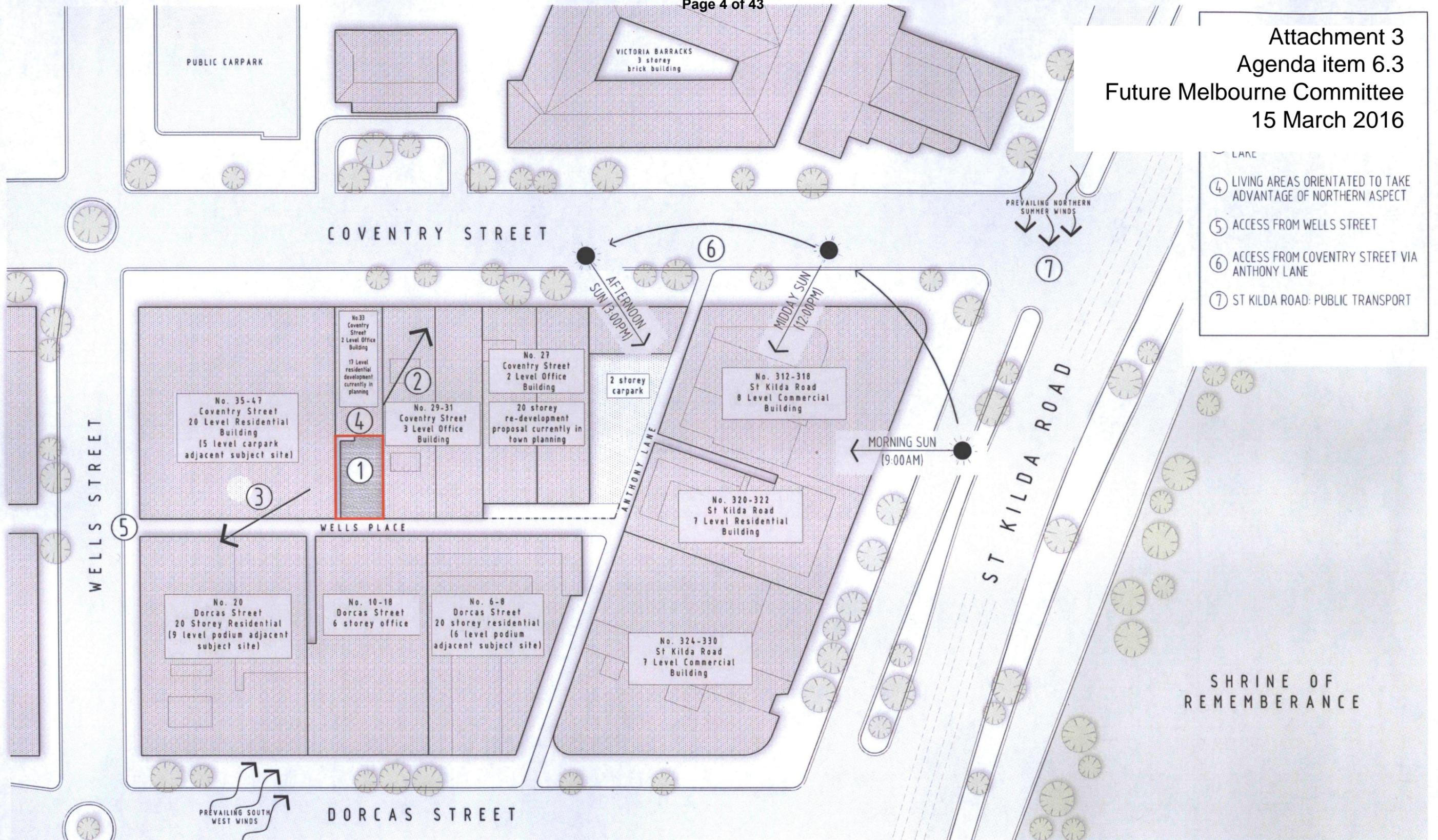
# Locality Plan

Attachment 2  
Agenda item 6.3  
Future Melbourne Committee  
15 March 2016

## 22-24 Wells Place, Southbank



Attachment 3  
Agenda item 6.3  
Future Melbourne Committee  
15 March 2016



1 CONTEXT PLAN  
1:800 @ A3

08.05.13	C	COUNCIL RFI	DP
24.10.12	B	TP APPLICATION	DP
15.10.12	A	FOR REVIEW	DP



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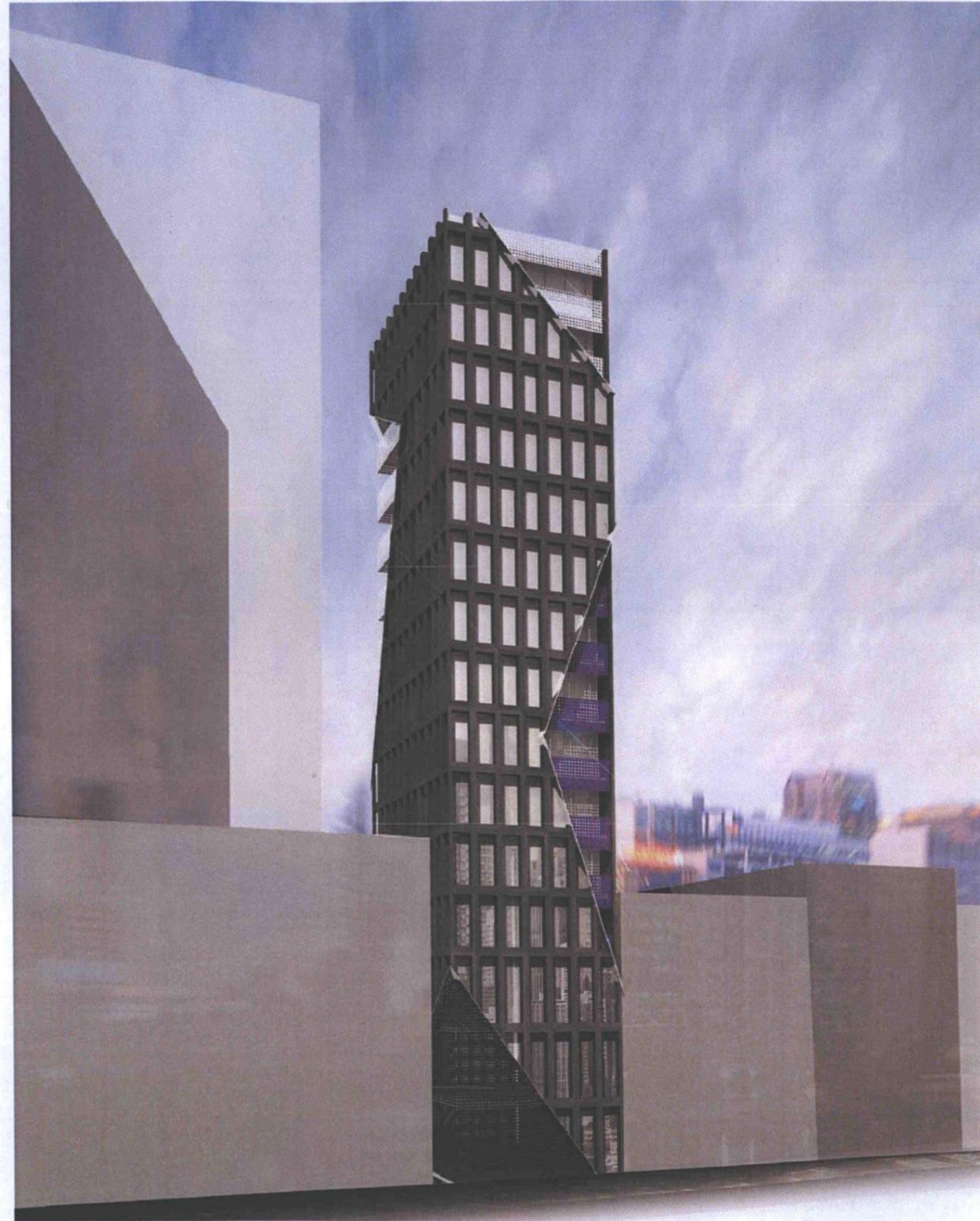
PROJECT Wells Place Tower  
22-24 Wells Place  
Southbank 3006

TITLE CONTEXT PLAN

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DRAWN	JV	APPROVED	-

DATE	REV	COMMENTS	BY	CHECKED
08.05.13	C	COUNCIL RFI		DP
24.10.12	B	TP APPLICATION		DP
15.10.12	A	FOR REVIEW		DP



① PERSPECTIVE VIEW  
WELLS PLACE FACADE

DATE	REV	COMMENTS	BY	CHECKED
25.10.12	B	TP APPLICATION	DP	
15.10.12	A	FOR REVIEW	DP	

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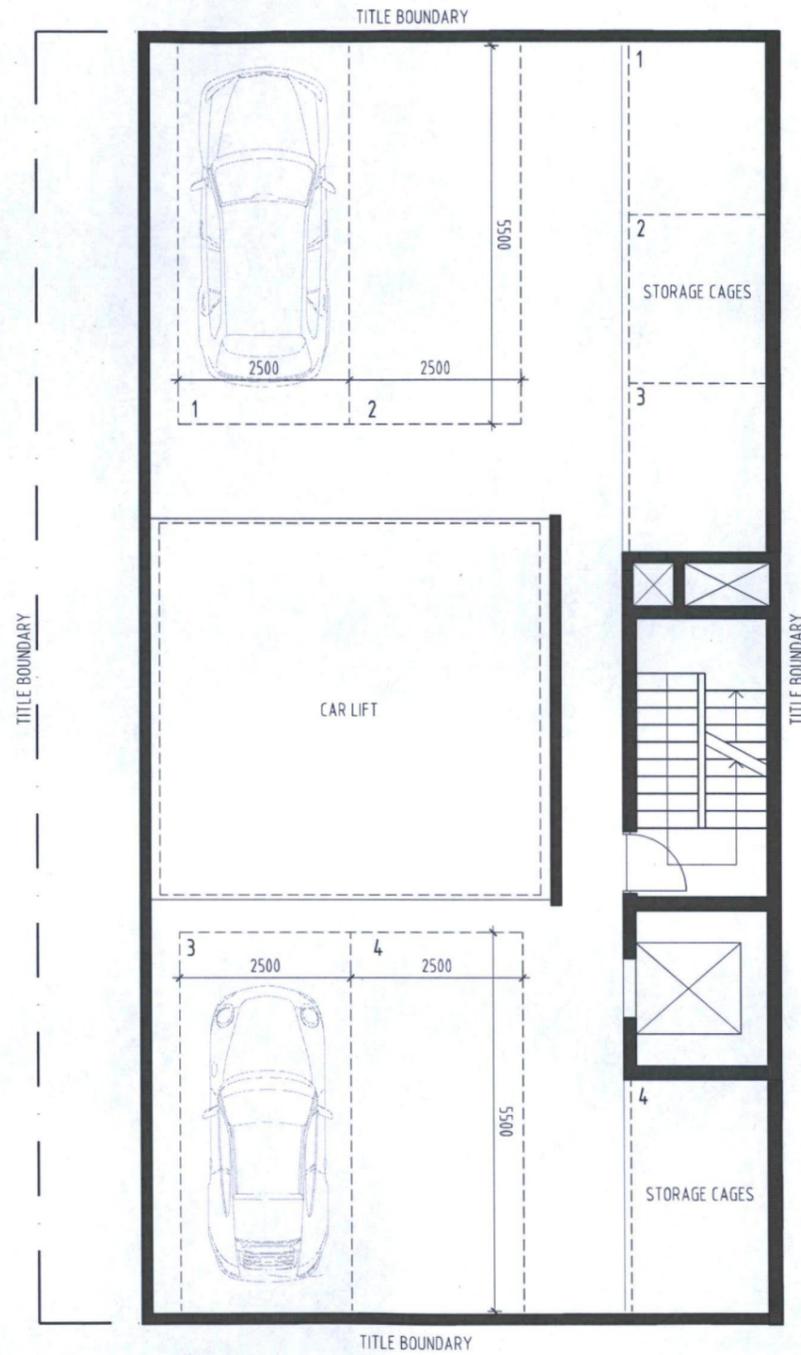
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PROJECT Wells Place Tower  
22-24 Wells Place  
Southbank 3006

TITLE PERSPECTIVE VIEW

DRAWING NO.	REVISION NO.
TP300	B
JOB NUMBER 122	DATE 25.10.12
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1 BASEMENT LEVEL 1 & 2  
1:100 @ A3 / 1:50 @ A1



NORTH

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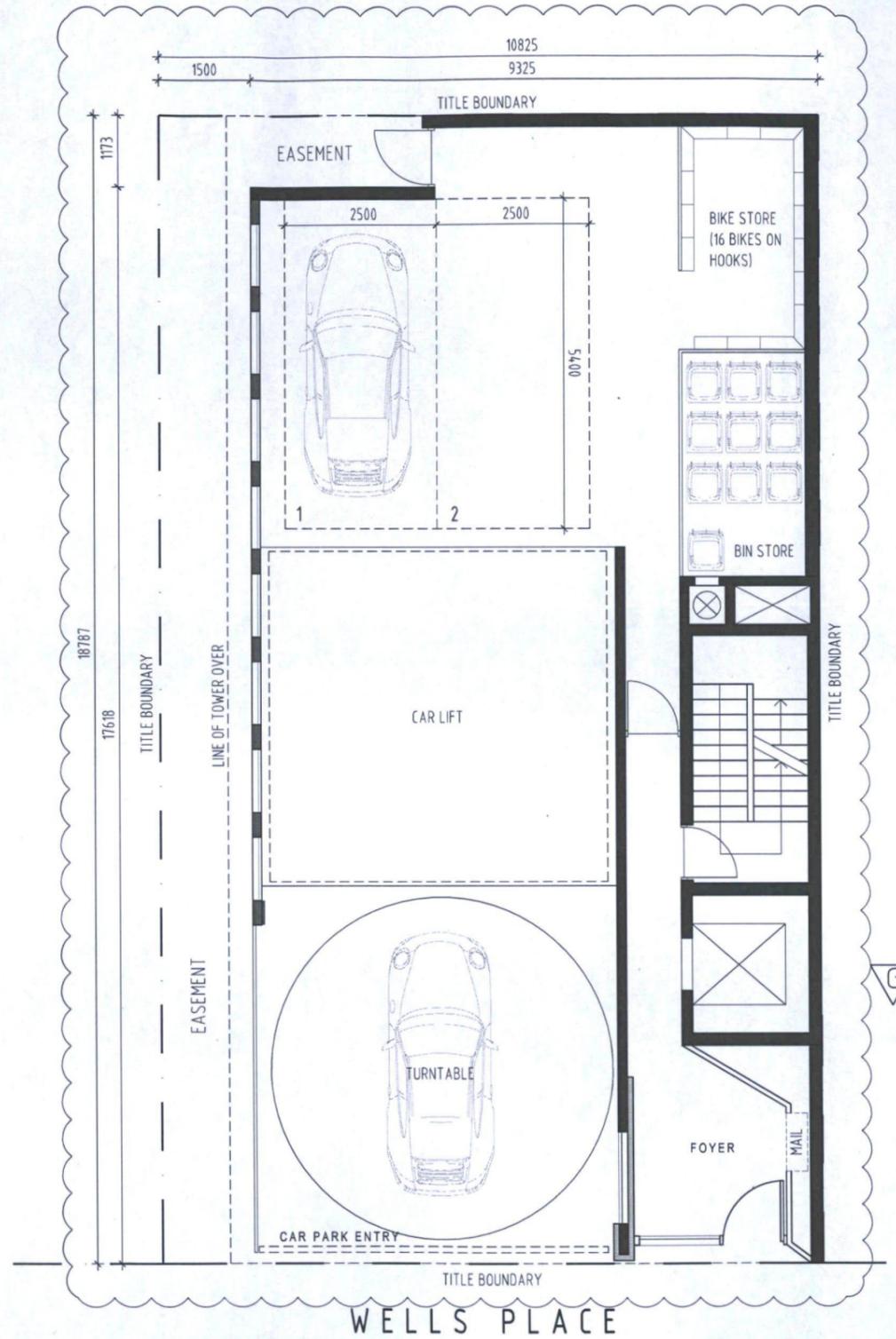
PROJECT Wells Place  
22-24 Wells Place  
Southbank 3006

TITLE GROUND FLOOR PLAN  
CARPARKING LEVELS 1 & 2

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28.08.13	A	REV B		DP

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JOB NUMBER 122	DATE 29.06.15
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DRAWN JV	CHECKED -
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1 PLAN GROUND  
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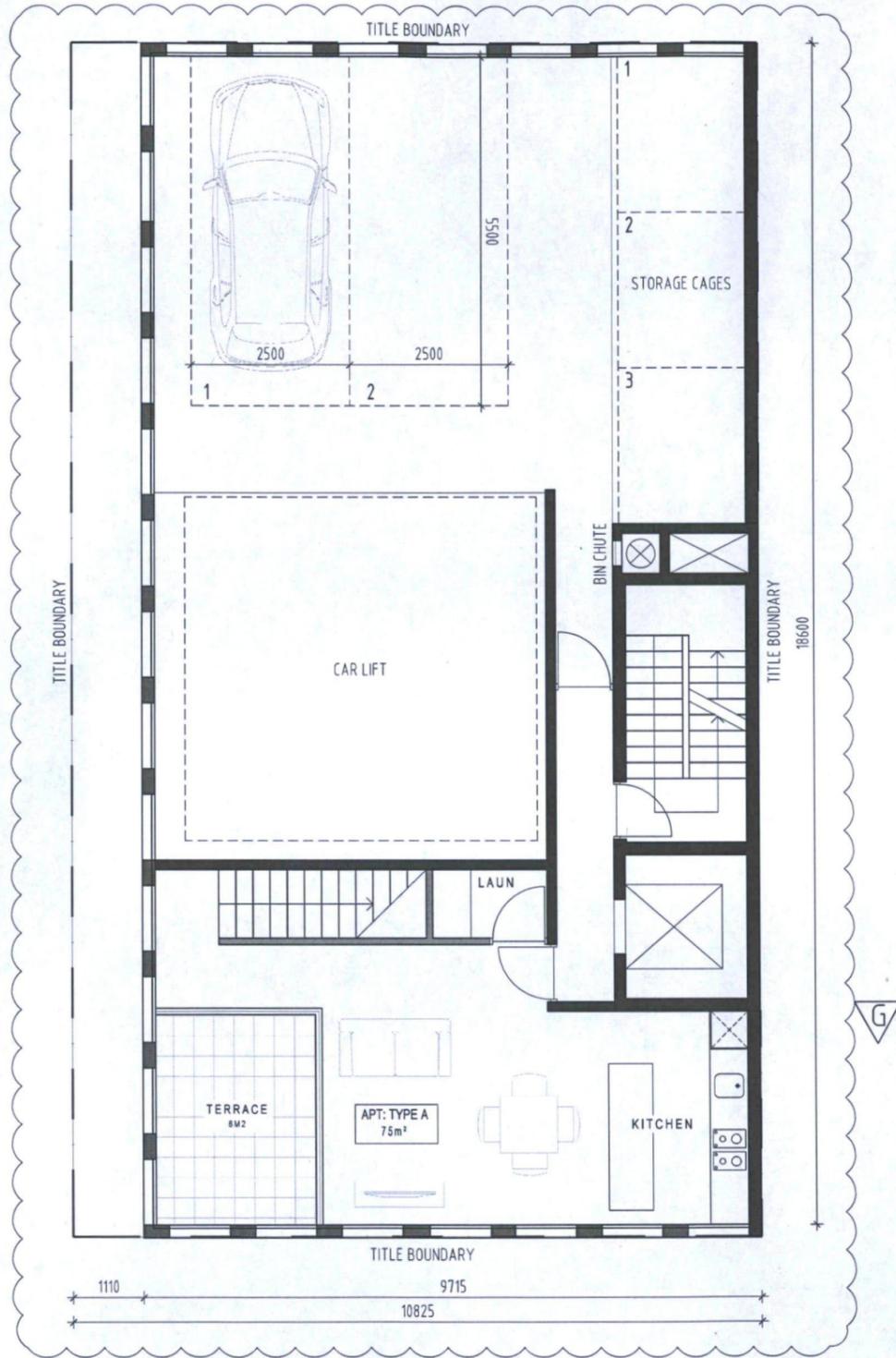
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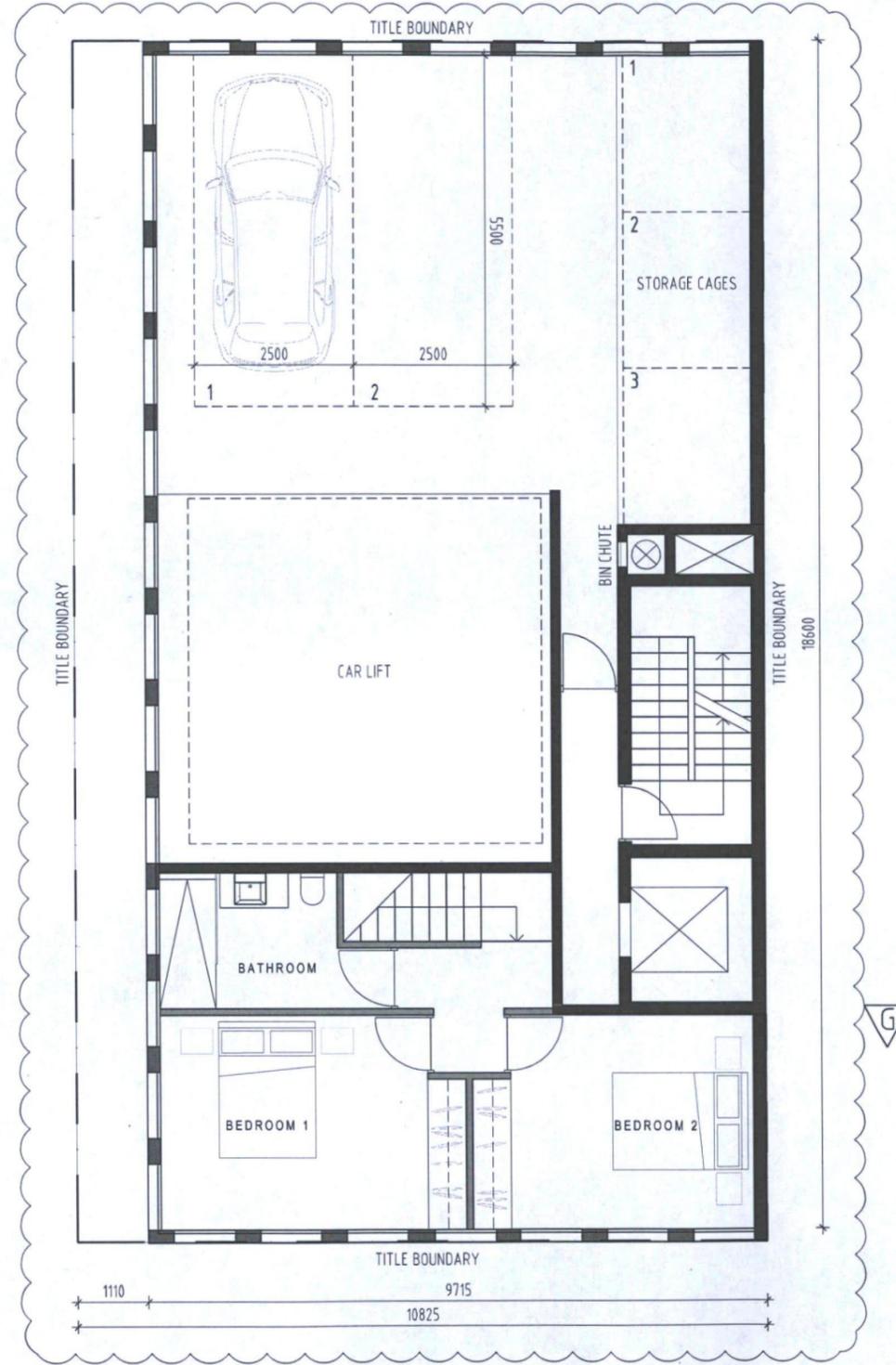
PROJECT Wells Place  
22-24 Wells Place  
Southbank 3006

TITLE GROUND FLOOR PLAN

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1 PLAN: LEVELS 1 & 3  
1:100 @ A3 / 1:50 @ A1



2 PLAN: LEVELS 2 & 4  
1:100 @ A3 / 1:50 @ A1



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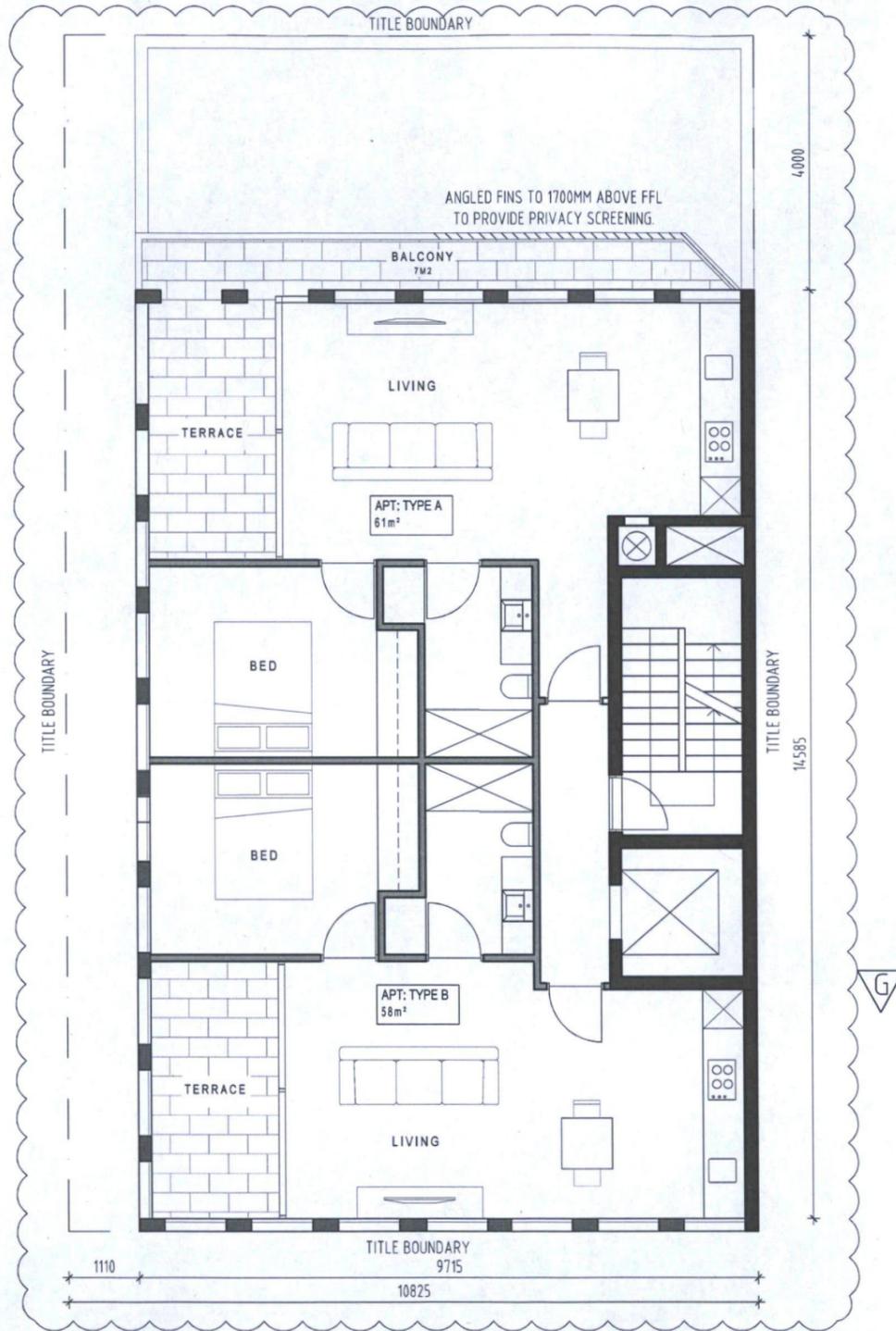
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PROJECT Wells Place  
22-24 Wells Place  
Southbank 3006

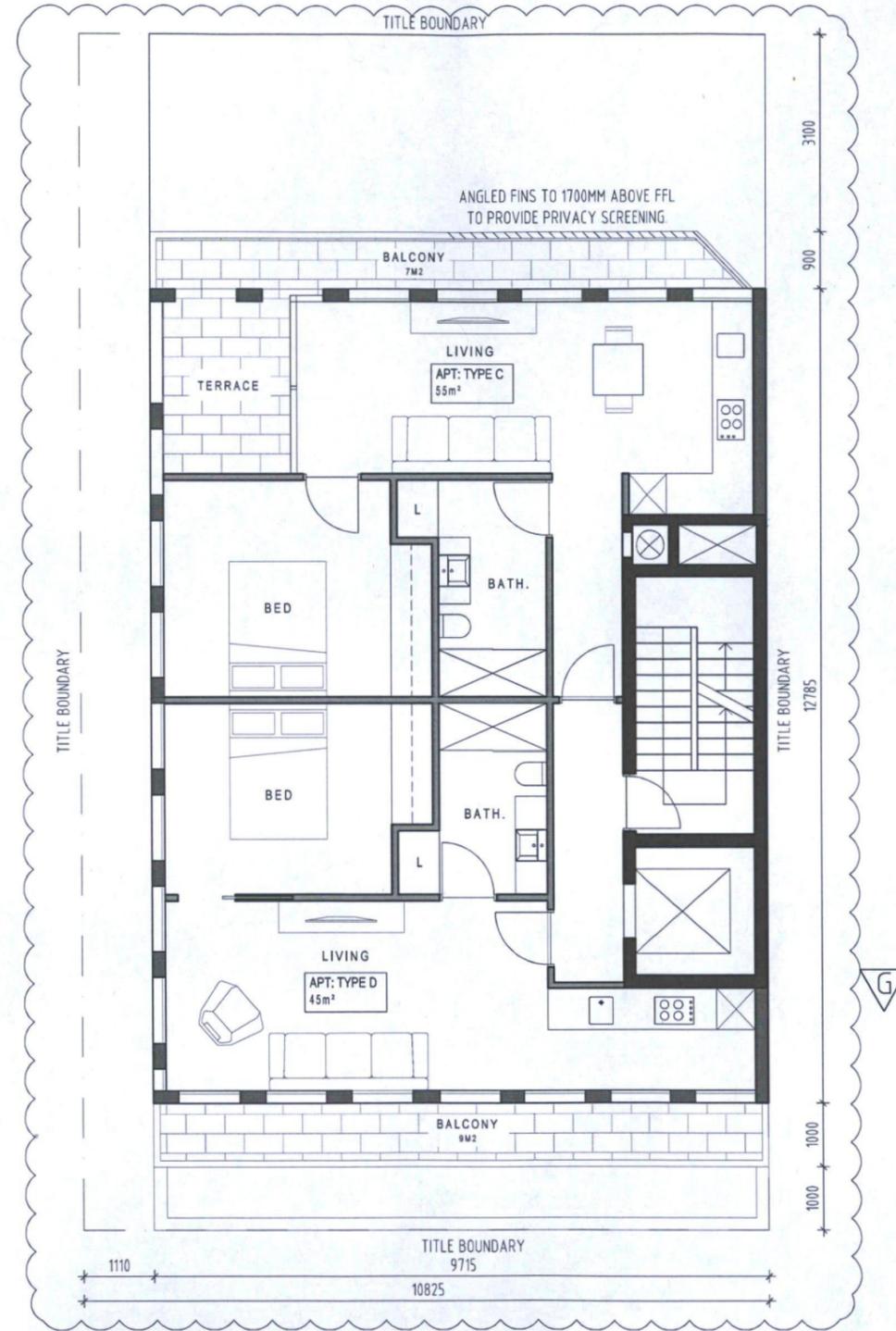
TITLE PLAN: LEVELS 1 - 4

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1 PLAN: LEVELS 5-8  
1:100 @ A3 / 1:50 @ A1



2 PLAN: LEVELS 9-19  
1:100 @ A3 / 1:50 @ A1



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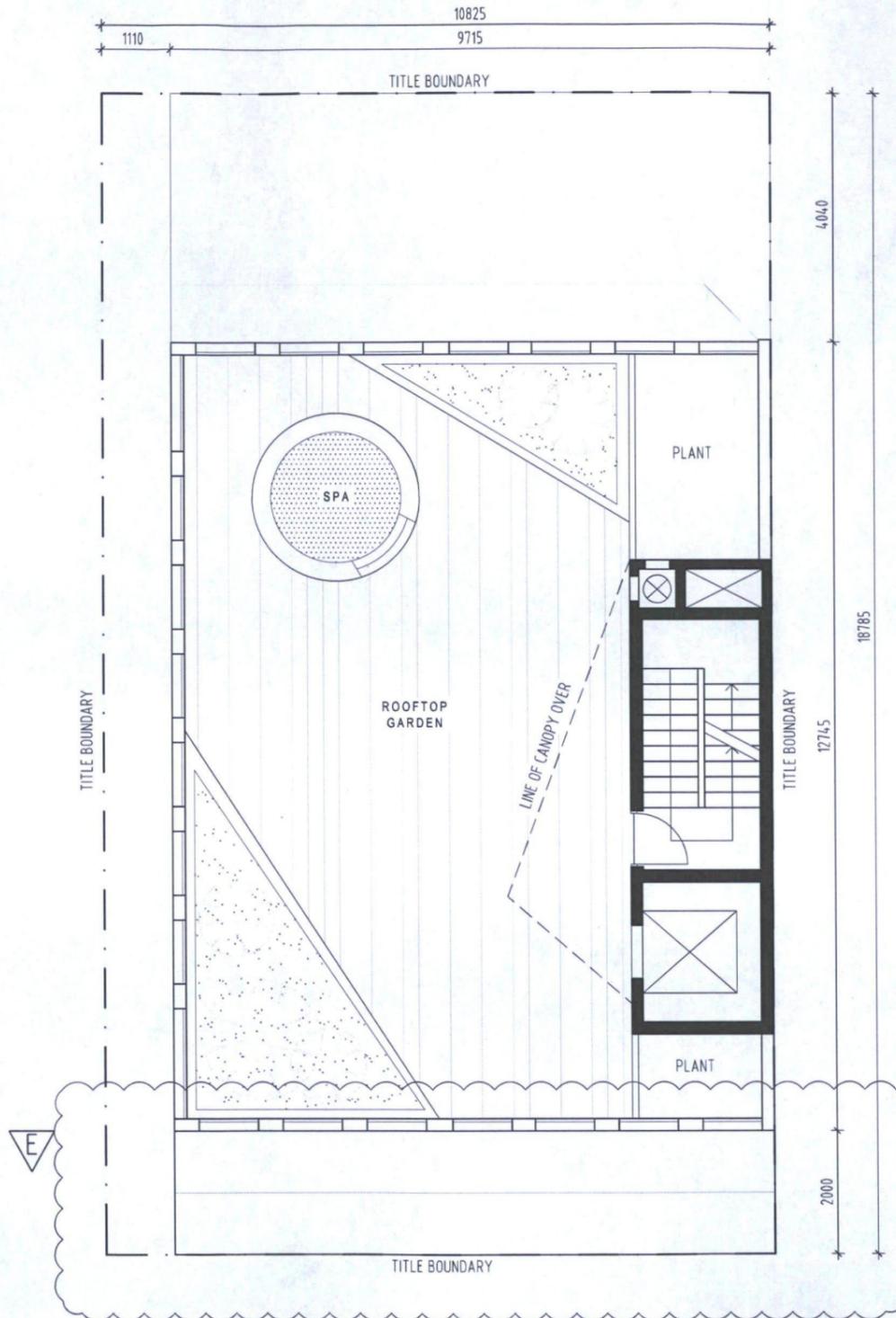
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PROJECT Wells Place  
22-24 Wells Place  
Southbank 3006

TITLE PLAN: LEVELS 5 - 8  
PLAN: LEVELS 9 - 19

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1 ROOF PLAN  
1:100 @ A3 / 1:50 @ A1



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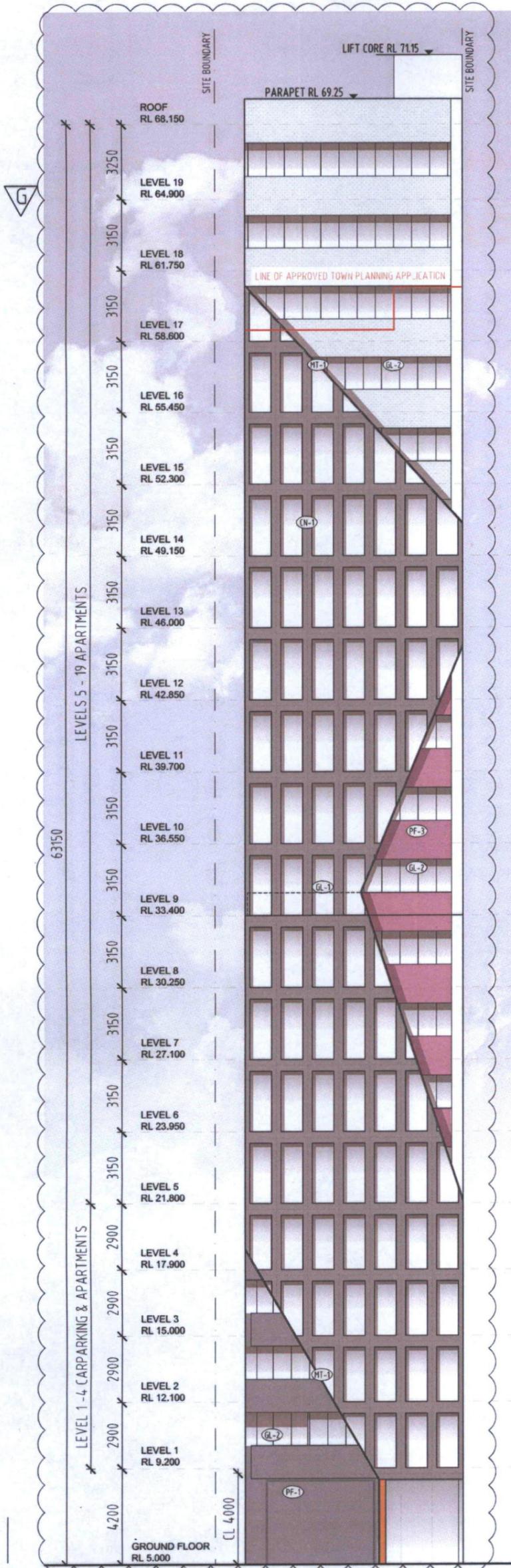
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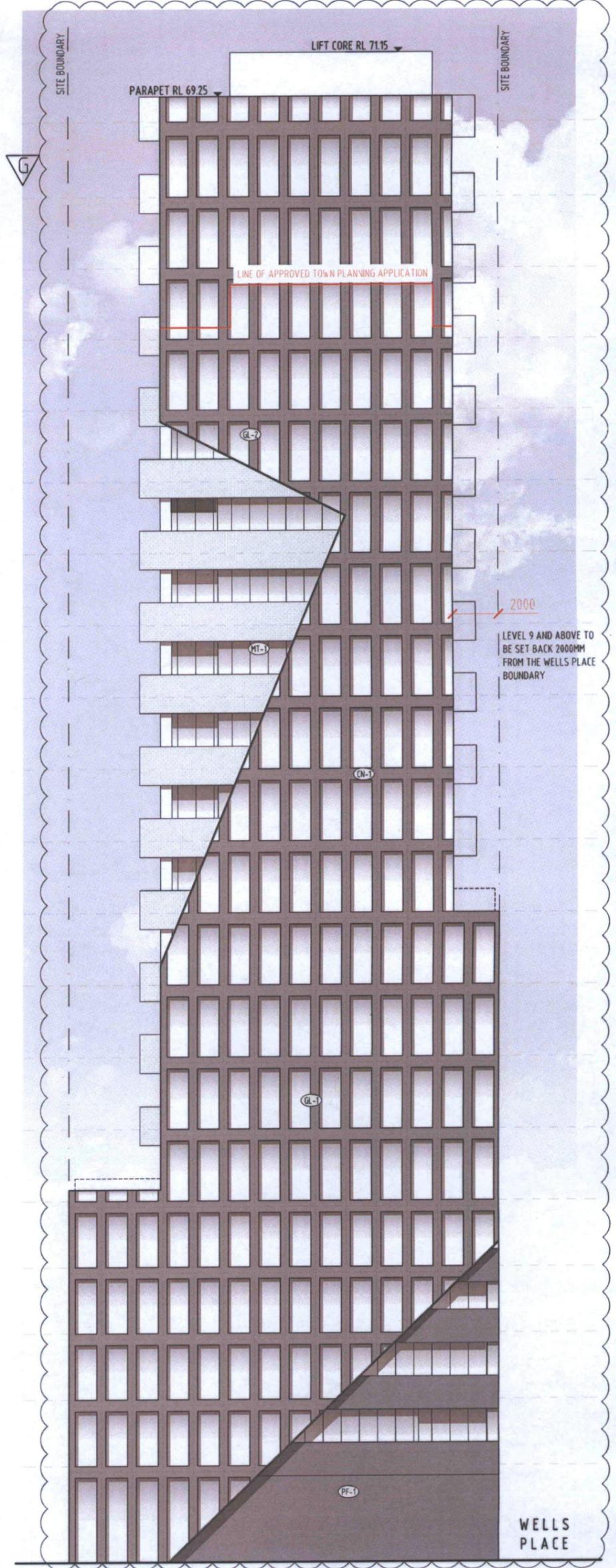
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JOB NUMBER	122	DESIGNED	DP	
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**SOUTH ELEVATION**

1:200 @ A3 / 1:100 @ A1



**WEST ELEVATION**

1:200 @ A3 / 1:100 @ A1

**NOTE**  
ALL PERFORATED SCREENING TO BE REMOVED FROM APARTMENT WINDOWS.

**MATERIALS**

(CN-1) CHARCOAL CONCRETE	(CN-2) LIGHT GREY CONCRETE
(GL-1) SILVER GLAZING	(GL-2) CLEAR GLAZING
(MT-1) CHROME	(PF-2) PERFORATED METAL - CHROME
(PF-1) PERFORATED METAL - BLACK	(PF-3) PERFORATED METAL - PURPLE

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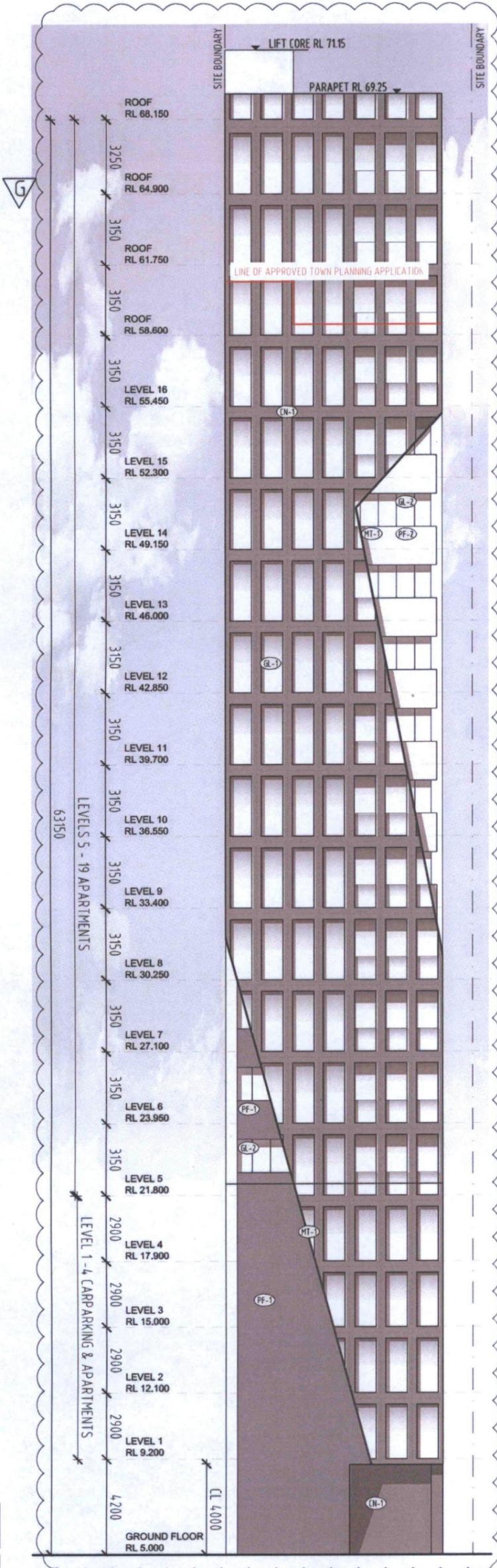
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**PROJECT** Wells Place Tower  
22-24 Wells Place  
Southbank 3006

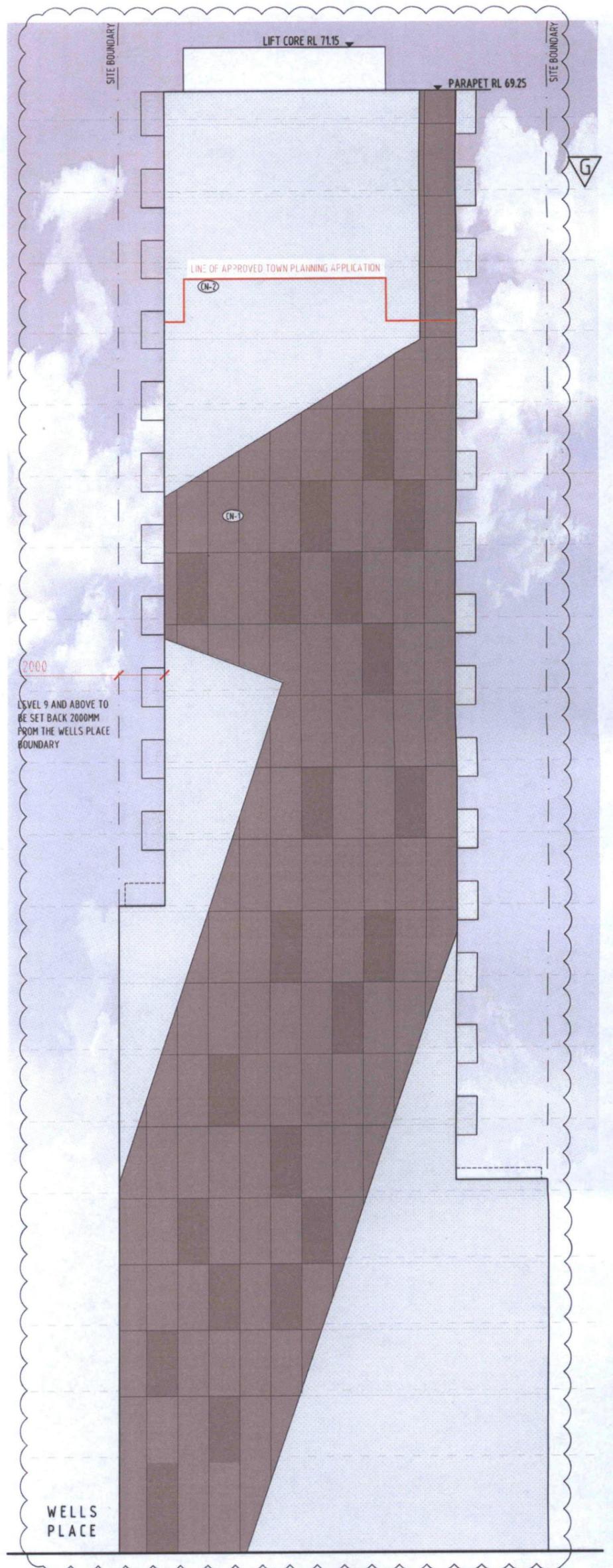
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WEST ELEVATION

**DATE** 29.06.15  
**SCALE** AS NOTED  
**JOB NUMBER** 122  
**DESIGNED** DP  
**CHECKED** DP  
**APPROVED** DP

**REVISION NO.** G  
**DATE** 29.06.15  
**REVISION** G  
**BY** JV



**1** NORTH ELEVATION  
1:200 @ A3 / 1:100 @ A1



**2** EAST ELEVATION  
1:200 @ A3 / 1:100 @ A1

**NOTE**  
ALL PERFORATED SCREENING TO BE REMOVED FROM APARTMENT WINDOWS.

**MATERIALS**

(EN-1) CHARCOAL CONCRETE	(EN-2) LIGHT GREY CONCRETE
(GL-1) SILVER GLAZING	(GL-2) CLEAR GLAZING
(MT-1) CHROME	(PF-2) PERFORATED METAL - CHROME
(PF-1) PERFORATED METAL - BLACK	(PF-3) PERFORATED METAL - PURPLE

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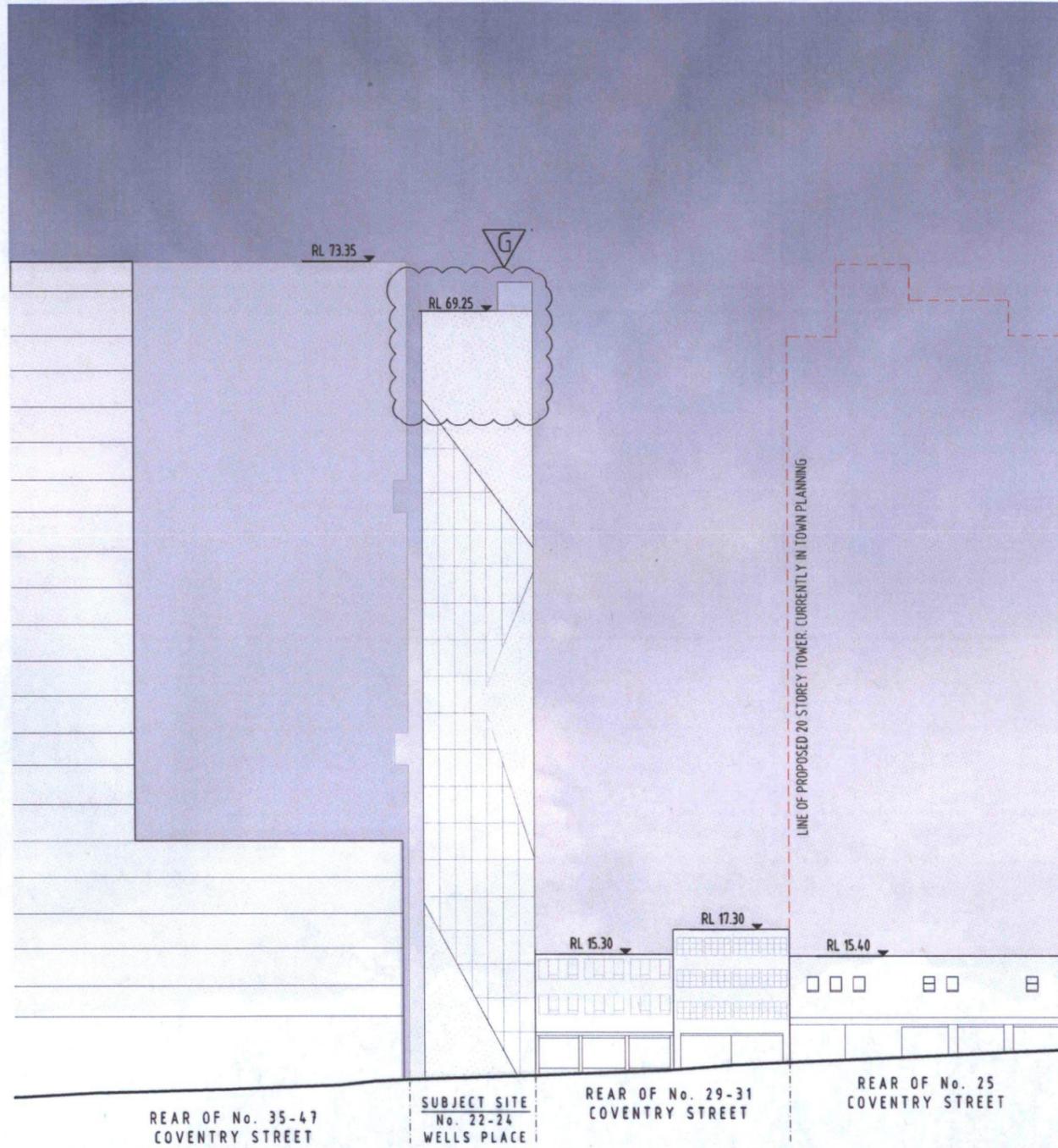
**PROJECT** Wells Place Tower  
22-24 Wells Place  
Southbank 3006

**TITLE** NORTH AND EAST ELEVATION

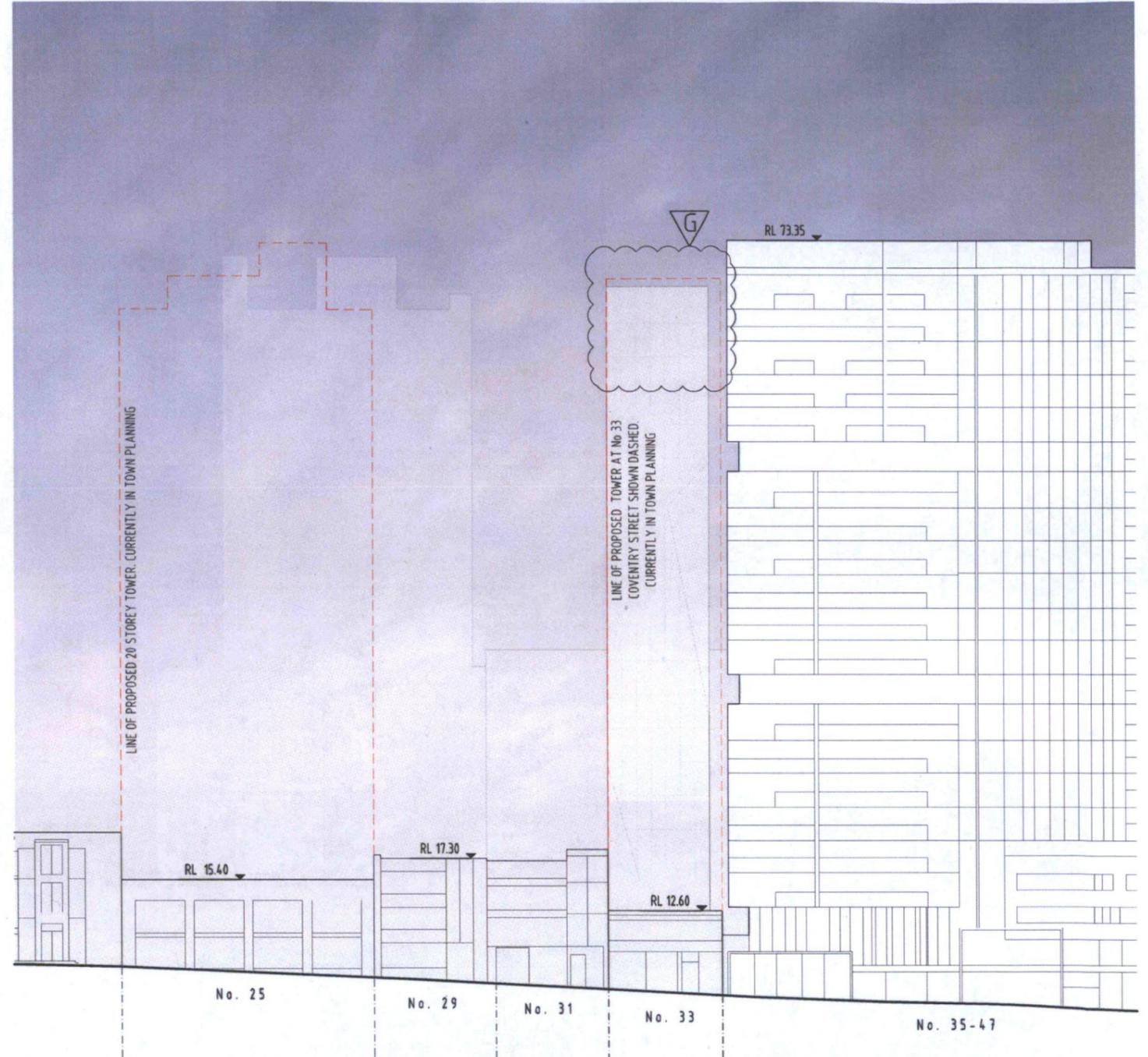
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**JOB NUMBER** 122  
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**APPROVED**

DATE	BY	COMMENTS	REVISION NO.	BY	DATE
29.06.15	G	REVISION	G	JV	29.06.15



1 WELLS PLACE ELEVATION - LOOKING NORTH  
 PROPOSED CONDITIONS 1:500 @ A3 / 1:250 @ A1



2 COVENTRY STREET ELEVATION LOOKING SOUTH  
 PROPOSED CONDITIONS 1:500 @ A3 / 1:250 @ A1

29.06.15	G	REVISION	JV
08.11.13	E	REVISION	DP

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PROJECT Wells Place  
 22-24 Wells Place  
 Southbank 3006  
 TITLE PROPOSED STREET ELEVATIONS

DRAWING NO.	TP006	REVISION NO.	G
DATE	29.06.15	DESIGNED	DP
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**DELEGATED PLANNING APPLICATION REPORT**

<b>Application number:</b>	<b>TP-2015-587</b>
<b>Applicant:</b>	<b>Headland Properties Pty Ltd</b>
<b>Address:</b>	22-24 Wells Place, SOUTHBANK VIC 3006
<b>Proposal:</b>	Demolition of existing building and construction of a multi-storey building (20 storeys).
<b>Date of application:</b>	30 June 2015
<b>Responsible officer:</b>	Katherine Smart

**1 SUBJECT SITE AND SURROUNDS**

An inspection of the site and surrounding area was undertaken on 14 December.

The subject site is located on the northern side of Wells Place, between Wells Street and Anthony Lane, Southbank. Wells Place is a 4 metre wide bluestone lane.

The site is generally rectangular with a frontage of 10.8 m to Wells Place and a depth of 18.783 m. The total site area is 202.9 m<sup>2</sup>. The title has a 1.1m wide passage way and drainage easement along the western boundary and part of the northern boundary of the site. Excluding the easement the site dimensions are 9.7 m wide and between 17.56 m and 18.783 m in depth giving a total area of approximately 176.3m<sup>2</sup>.

The site is currently occupied by a single storey warehouse which is built to all boundaries, but not built over the easement.

The site is not affected by any restrictive covenants.

West

Abutting the site to the west, 26-28 Wells Place is a single storey brick substation building on a 60 m<sup>2</sup> site tenanted by CitiPower and owned by Evolve No. 11. It appears to have been incorporated into the Guilfoyle development.

Also abutting the site to the west, 35-47 Coventry Street is a recently constructed 22 storey building 'Guilfoyle Apartments' with commercial tenancies at the ground and first levels and residential apartments above. The maximum height of the building is 76 m to the roof and 78.4 m to the lift core.

The podium level of the Guilfoyle is generally built to all boundaries to level 3 (to a height of 11.25m). Level 3 has an open communal terrace area with swimming pool and facilities, the residential tower is laid out in an L shape around this open terrace. The building is generally built to the Coventry and Wells Streets frontages and along Wells Place for a length of approximately 22 m.

There are two crossovers, one from Coventry Street which provides access primarily for visitors and tenancy parking. The main point of access is on Wells Street which serves the basement car park levels.

The Guilfoyle's 11.25 metre high podium is built along the common boundary with the subject site and abutting the subject site, above this podium, is the Guilfoyle's communal open space area.

### East

Abutting the site to the east, 31 Coventry Street is a 3 storey office building, built to all property boundaries with the exception of a small setback to the street frontage which features two trees and landscaping. Further east at 29 Coventry Street is a similar built form.

Further east, at 25-27 Coventry Street, Council has issued a permit on 6 May 2013 to allow for a 20 storey building above a two level basement. The building is 60 m in height and 66.05 m to the top of the plant room. The building is to be occupied by 180 one or two bedroom apartments, restaurant at ground floor level, 130 car spaces and 57 bicycle spaces. All apartments have either balconies or terraces. The 4 level 'podium' is built to all boundaries, from level 5 and above the building sets in along the eastern boundary between 2.8 and 3.5m, with the exception of the front apartment which is built to the boundary for its length. Along the southern boundary, Wells Place, the building is setback between zero and 5.3m. The building is generally built to the western boundary with a 3.5m long and 1.5m deep centrally placed light court. The front façade is generally built to the Coventry Street boundary with varying setbacks and use of balconies providing a varied façade articulation. Car park access and loading/unloading is proposed from Wells Place.

### North

The land abutting the site to the north, 33 Coventry Street is occupied by a two storey commercial building generally built to all property boundaries. This land was the subject of a planning permit TP-2012-1041 which was issued on 8 November 2013 at the direction of a VCAT order dated 1 November 2013 and allows for the construction of a multi-storey building, alteration to an existing crossover and a variation to the requirements of Clause 52.06. The details of the proposal include:

The building is a 16 storey residential apartment building with associated car parking in 1 basement level. The maximum height of the building is 55 m. The building is generally built to all title boundaries, however from level 5 and above is setback between 4 and 5 m with the balconies setback 2.3 and 3.3 m from the southern boundary (the subject site). The height of the wall abutting the subject site's boundary is 16.35 m.

### South

The subject site's frontage is to Wells Place, which is a 4 metre wide bluestone service lane. Across the lane at 10-16 Dorcas Street is the rear of the Hertz Building, an eight storey office building, built in 1975.

To the south west is the Elm Apartments a 24 residential building with 7 levels of car parking completed in 2010. The building is generally built to all site boundaries with a setback in the north eastern portion of the site, which is adjacent to the subject site, from level 5 and above, approximately 16 m above the surface level of the lane. This setback area is used as an open common area for the apartments.

To the south east, 8 Dorcas Street is the Quest on Dorcas building, a 20 storey residential building completed in 2004. This building has generally no setbacks from Wells Place.



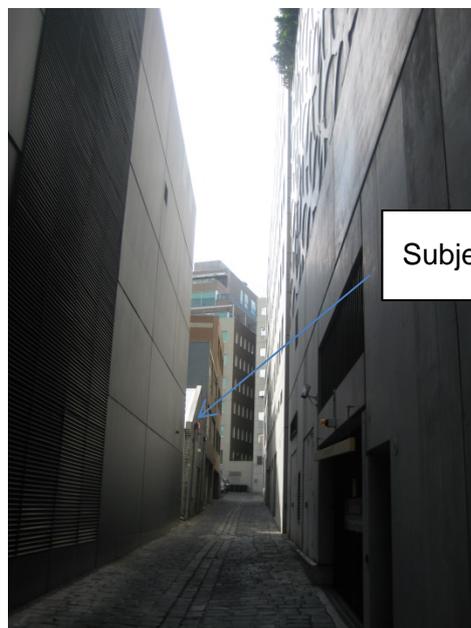
Locality plan



Aerial 14 December 2015



Buildings along Coventry Street, the Guilfoyle fronting Coventry and Elm Apartments behind



View of the subject site from Wells Place

## 2 BACKGROUND AND HISTORY

### 2.1 Pre-application discussions

The application was lodged 30 June 2015, further information was requested on 23 July 2015 and the information was received 11 September 2015.

## 2.2 Planning Application History

The following applications are considered relevant to the current application:

TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
TP-2012-911 22 Wells Place Southbank	Construction of a multi storey (17 storey) residential building		Permit VCAT mediation 18/12/2014 MCC Refusal 15/5/2014
TP-2012-1041 33 Coventry Street	Construction of a multi-storey building (16 storey), alteration to an existing crossover and a variation to the requirements of Clause 52.06.		Permit 8 November 2013 VCAT order
TP-2014-1037 33 Coventry Street Southbank	Construction of a 21 storey building plus roof deck above 3 basement levels to be used for dwellings and associated car parking and alterations to an existing vehicular crossing		Permit 5 August 2015 VCAT mediation MCC Refusal 8 May 2015
TP-2012-170 25-27 Coventry Street	Erection of a multi level building above 2 basement levels, for use as a restaurant(without a liquor licence) dwellings, associated car Parking, waive the car parking requirement for the restaurant and reduce the bicycle parking requirement for the restaurant		Permit 2/5/2013 Notice of Decision to Grant Permit 21/12/2012
TPM-2007-7 35-47 Coventry Street	The 'Guilfoyle Apartments' Use and development for the purpose of a twenty-three level residential building with multiple dwellings and ground level retail and associated parking and variation of the Melbourne Planning Scheme car parking rates.		Permit 16.02.12
TP-2000-1282	Demolish existing building &		Permit 4.02.2002

8 Dorcas Street	construct a 20 level building for retail & residential apartments with associated car parking	
TPM-2002-32 18-24 Dorcas St	Elm Apartments Development and use of the and for the purpose of demolition of the existing building and the construction of a multi-storey building for residential use, ancillary retail uses and associated car parking; and the reduction of the car parking requirement under the Melbourne Planning Scheme	Permit 8.05.2008
TPM-2014-5 61 Coventry St	Staged redevelopment including the construction of two (2) residential towers above a shared podium, a waiver of car parking associated with the food and drink premises and a waiver of the requirements of Clause 52.07 (loading and unloading of vehicles) (DTPLI ref 2013010107)	Under assessment

### 2.3 Background

The subject site has a valid planning permit TP-2012-911 issued on 18 December 2014 at the direction of VCAT order dated 15 December 2014. This permit allows:

- construct two or more dwellings on a lot in the Mixed Use Zone,
- construction of buildings and works in the Design and Development Overlay – Schedule 60.

Plans have not been endorsed.

The permit allowed for a 17 storey residential building with a maximum height of 56.6 m to the lift core, 54.1 m (RL 59.1) to the parapet. The building comprises 14, two bedroom apartments, 14 car parking spaces and 16 bike spaces.

### 3 PROPOSAL

The plans which have been considered in this planning assessment are date stamped 1 July 2015 and 11 September 2015. The proposal is for the construction of a 20 storey apartment building plus roof garden with associated car and bike parking.

The building comprises of 32 apartments (two, 2 bedroom and 30, one bedroom), 14 car parking spaces and 16 bike parking spaces.

The maximum height of the proposed development is 66.15 m (RL 71.15) to the top of the lift overrun above the ground level as measured from the centre of the site's frontage (Wells Place). The height of the building to the parapet is 64.25 m (RL 69.25).

One basement level is proposed which contains stairs, lift, 4 storage cages, 4 car parking spaces and car lift.

The ground level contains car parking and pedestrian access, a foyer, lift, stairs, bin storages area, 16 bike parking spaces, 2 car parking spaces and a car turntable and car lift. The building is setback 1.11 m from the western boundary due to the easement and built to all other boundaries of the site.

Levels 1-4 contain two, two bedroom south facing apartments, each apartment is double storey. The apartments form a skin to Wells Place with 4 levels of above ground car parking at the rear. The apartments each have one south facing terrace area which measures 2.4m by 3.1m approximately 7.4 m<sup>2</sup>. The levels also contain stairs, lift, 3 storage cages, car lift and 2 car parking spaces.

Levels 5-8 contain two, two bedroom apartments, the building is setback 1.11m from the western boundary (the easement), setback 4m from the northern boundary with a terrace area setback 3m from the boundary to allow for a 0.9 – 1m wide terrace. Each apartment has either a north-west or south-west facing terrace 1.9m by 3.9m or 7.4m<sup>2</sup>.

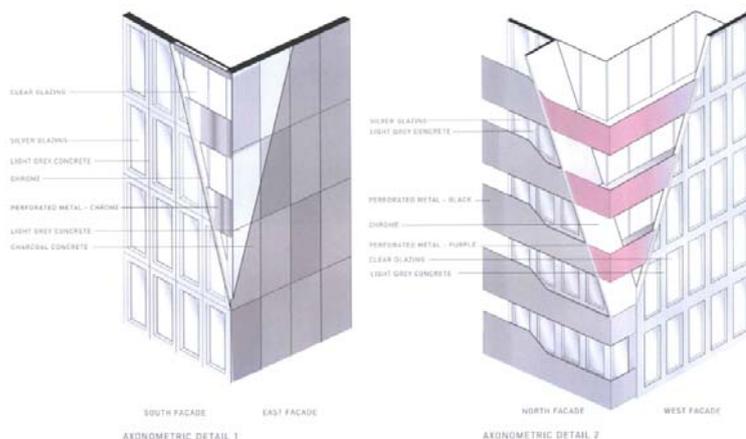
Levels 9-19 each contain two, two bedroom apartments, one facing north the other south. The building is setback 1.11m from the western boundary and 4m from the northern boundary with a 900mm wide terrace area setback 3.1m from the northern boundary. The building is setback 2 m from the southern boundary with a 1.0m wide balcony setback 1.0 metre from the boundary. The 900mm wide south facing balconies have a total area of 8.3 m<sup>2</sup>. The north facing apartments have a 900mm wide balcony and a 1.9m by 2.6m terrace area giving a total area of 10.5m<sup>2</sup>.

A roof top garden is also proposed.

The total number of car parking spaces is 14. The car parking is accessed via Wells Place and a mechanical car lift and ground floor turntable system.

The gross floor area of the proposal is 2,012 m<sup>2</sup>.

The building is of concrete construction with 'punched out' windows and silver glazing. Materials are:

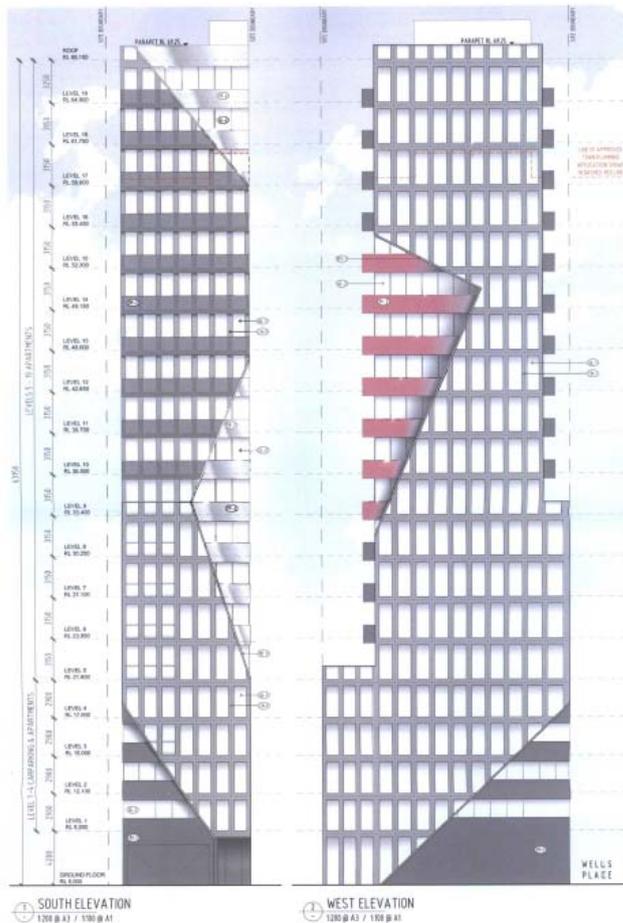


**3.1 Comparison between the approved and proposed developments:**

	Approved TP-2012-911	Proposed TP-2015-587
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Storeys	17 plus roof deck	20 plus roof deck (+3 storeys)
Height to lift overrun	56.6 m (RL 61.6)	66.15 m (RL 71.15) (+9.55m)
Height to parapet	54.1 m (RL 59.1)	64.25 m (RL 69.25) (+10.15m)
Apartments	14, two bedroom apartments	32 apartments (two, 2 bedroom and 30, one bedroom) (+18 apartments)
Car parking spaces	14	14
Bike parking spaces	16	16

An additional change is that south facing balconies project 1.0 metre into the 2.0 metre setback from the southern boundary at levels 9 and above.



Proposed Development

**3.2 The approved development at 33 Coventry Street TP-2014-1037**

A maximum height of 21 storeys.

A total height of 65.2 m (RL 70 m to the Australian Height Datum (AHD)).

Thirty one 31 car spaces within four basement levels, ground and part of levels 1 and 2 within the rear portion of the building, all within a car stacker system.

A total of 72 apartments, 53 one bedroom and 19 two bedroom apartments.

Communal roof terrace.

A total of 21 bicycle spaces.



Approved development at 33 Coventry Street Southbank TP-2014-1037

**4 STATUTORY CONTROLS**

The site is affected by the following Zones and Overlays:

- Mixed Use Zone
- Design and Development Overlay Schedule 60 (Southbank) – Area 5B (Wells Street)
- Design and Development Overlay Schedule 27 (City Link Exhaust Stack)
- Parking Overlay Schedule 12

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
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<p>Mixed Use Zone</p>	<p>Pursuant to Clause 32.04-1 A permit is not required for use as dwellings.</p> <p>Pursuant to Clauses 32.04-4 A permit is required to construct 2 or more dwellings on a lot.</p>
<p>Clause 43.02 Design and Development Overlay</p>	<p>Pursuant to Clause 43.02, a planning permit is required to construct buildings or works unless exempted by the relevant schedule.</p>
<p>Design and Development Overlay Schedule 27 (City Link Exhaust Stack Environs)</p>	<p>No permit is required under Schedule 27 to construct a building or carry out works.</p> <p>Where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause. (VicRoads)</p>
<p>Design and Development Overlay Schedule 60 Area 5B (Wells Street)</p>	<p>Schedule 60 does not exempt the proposed building from requiring a permit.</p> <p>A permit cannot be granted to vary the maximum building height in Area 5B – Wells Street. Table 1 states a building height of 70 AHD.</p> <p>Further requirements:</p> <ul style="list-style-type: none"> <li>• podium height should not exceeding 30 m;</li> <li>• development above a podium should be setback a minimum of 10 m from the front, side and rear boundaries;</li> <li>• towers should be a minimum of 20 m 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 m; and</li> <li>• ground floors of buildings should have a floor to ceiling height of 4 m</li> </ul>
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-2, a new building must not be occupied until the required number of car spaces have been provided on the land. A permit may be granted to reduce or waive the requirement.</p>
<p>Clause 45.09 Parking Overlay Schedule 12</p>	<p>This overlay operates in conjunction with Clause 52.06. A permit is required to provide more than 1 space per dwelling.</p> <p>As 14 spaces are to be provided for 32 dwellings, a permit is not triggered under this overlay.</p>

<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34, a new use must not commence until the required bicycle facilities have been provided. A permit may be granted to vary, reduce or waive these requirements.</p> <p>Pursuant to Table 1 to Clause 52.34-3, (1 to each 5 dwellings) a total of 6 spaces are required for residents of the dwellings and a further (1 to each 10 dwellings) 3 spaces for visitors, requiring a total of 9 spaces.</p> <p>It is proposed to provide 16 spaces. A permit is therefore not triggered under this clause.</p>
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**General and Particular Provisions**

- Car Parking (Clause 52.06)
- Bicycle Parking (Clause 52.34)
- Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35) - Requires that applications for residential development of four or more storeys are accompanied by an urban context report and a design response. Requirements for the content of these statements are set out.

**5 STRATEGIC FRAMEWORK**

**5.1 State Planning Policy Framework (SPPF)**

The relevant provisions of the SPPF are summarised as follows:

Clause 14 (Settlement) encourages the consolidation of residential activities within existing urban areas. Higher land use densities and mixed use development are directed to locations near railway stations, major bus terminals, transport interchanges and tram and principle bus routes.

Clause 15.01-2 (Urban Design Principles) seeks to achieve high quality urban design and architecture that contributes positively to local urban character and enhances the public realm while minimising detrimental impact on adjoining properties. It includes relevant design principles for development proposals for non-residential and residential development not covered by Clauses 54 to 56 and references the ‘Design Guidelines for Higher Density Residential Development’ (Department of Sustainability and Environment, 2004)’.

Clause 15.02-1 (Energy and resources efficiency) has the objective ‘to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’.

Clause 16 (Housing) includes the following relevant objectives:

- Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.
- Planning for housing should include providing land for affordable housing.

Clause 18.01-1 (Land use and transport planning) aims to create a safe and sustainable transport system by integrating land use and transport.

**5.2 Local Planning Policy Framework – Municipal Strategic Statement**

Clause 21.03 ‘Vision’

*Future Melbourne 2008* is the community's plan to grow Melbourne as a global city and as one of the top ten most liveable and sustainable cities in the world. The plan's vision for the municipality is of a **bold, inspirational and sustainable city**.

To achieve this vision, *Future Melbourne* has six high level goals for Melbourne. Key issues underpinning this vision that direct land use planning in Melbourne are: Settlement; Environment and landscape Values; Built Environment and Heritage; Housing; Economic Development; Transport; Infrastructure

Clause 21.04 Settlement and 12.04-1 Growth Area Framework

As the municipality continues to grow and develop, the culture and functioning of the City in twenty years time will be very different from today. However, through these changes the characteristics of the city we value today must be retained. This can be achieved by: targeting urban growth and development into specific areas of the City; enabling on going but incremental growth and development in those parts of the City needing constant renewal of their vitality, and by maintaining the existing character in valued established areas.

The focus of this MSS is on promoting areas of growth and protecting areas of stability.

Areas of on-going and incremental growth will continue to be regulated under the current planning scheme controls. The MSS identifies five types of areas, the subject site is identified as being within an 'Urban Renewal area.'

21.04 – 1.2 Urban renewal areas

The urban renewal areas are Southbank, Docklands and the Fishermans Bend Urban Renewal Area. These areas have been planned and designed to provide for the expansion of the Central City in optimal living and working environments with a new mix of uses, higher density of development and excellent provision for walking, cycling and public transport services. Here change is guided by well-developed structure plans and master plans adopted by State Government and Council.

The design of the buildings, streets, public open spaces should be integrated over whole precincts with provision of utilities services to minimise the precinct's greenhouse gas emissions, optimise water management, mitigate the effects of extreme storm events, reduce the urban heat island and take precautions against sea level rise.

Southbank

Starting in the early 1980s as an "Engaging with the Yarra River Initiative", Southbank has been under urban renewal for close to 30 years. It has now brought the Yarra River into the heart of the city's life and provided a dynamic extension of the Central City with good commercial and residential high-density development opportunities.

Southbank is home to the State's major arts facilities as part of its the internationally recognised Arts Precinct and other major activity areas including the Southbank Promenade, Melbourne Convention and Exhibition Centre and the South Wharf complex.

The Southbank Structure Plan 2010 was prepared to update the 1999 and 2007 plans. It provides a vision and strategy for the next 30 years for the area's continued development as an extension of the central city, with a high-density mix of commercial and residential uses, a built form of a human scale and fine grain detail, greater permeability, activity and pedestrian priority at street level.

Clause 21.13 Urban Renewal Areas and Clause 21.13-1 'Southbank':

Economic Development:

- Support Southbank's development as an extension of the Central City, providing a mix of commercial and residential land uses.

Built Environment and Heritage

- Encourage high rise tower development to the north of City Link and west of Moore Street.
- 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 life and provide pedestrian interest.

### **5.3 Local Planning Policy Framework – Local Planning Policies**

The Melbourne Planning Scheme contains several Local Planning policies that are relevant to the current application.

Clause 22.02 - Sunlight to Public Spaces seeks to ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.

Clause 22.17 - Urban Design Outside the Capital City Zone identifies that in growth areas, where change is more substantial as a result of economic or land use related factors, a new and attractive environment can be created. The Design Objectives and Built Form Outcomes of the Design and Development Overlays guide and scale and form of development in the creation of a preferred new built form character. The scale, height, siting, massing and bulk of new development should complement the surrounding area and respond to the emerging preferred new built form character. The design and detail of all visible facades should provide a rich and positive contribution to the public realm. Building design should include activities at ground floor frontages to improve pedestrian interest and engagement.

Clause 22.19 Energy, Water and Waste Efficiency. The policy provides guidelines to minimise waste and maximise energy efficiencies. An objective includes; to ensure buildings achieve high environmental performance standards at the design, construction and operation phases.

Clause 22.23 Storm Water Management (water sensitive urban design)

## **6 ZONE**

The subject site is located within the MUZ Mixed Use Zone the purpose of the zone pursuant to Clause 32.04 is: To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Pursuant to the provisions of the MUZ, use of the land for 'Dwelling' is a 'Section 1 use, no permit required.

A permit is required to construct two or more dwellings on a lot.

Pursuant to Clause 32.04-10, the maximum height of a building must not exceed the building height specified in a schedule to this zone. No maximum building height is specified in the schedule.

Before deciding on an application to construct two or more dwellings, in addition to the decision guidelines in Clause 65 and general guidelines of Clause 32.04-13, the responsible authority must consider the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment and Environment, 2004).

## **7 OVERLAYS**

### **7.1 DDO60 Southbank Central Interface**

Schedule 60 of the DDO relates to 'Southbank' and includes the following design objectives:

- To ensure that the suitability of each development to its context takes precedence over the individual merit of the building.
- To ensure that new buildings respect the future development potential of adjacent sites and allow for an equitable spread of development potential on these sites.
- To ensure that new buildings respect the potential of future development on adjacent sites to access privacy, sunlight, daylight and an outlook from habitable interiors
- To ensure the height of new buildings does not overwhelm the public domain.
- To allow daylight and sunlight to penetrate to the street and lower building levels.
- To ensure development supports high levels of pedestrian amenity in relation to daylight, sky views, wind and sunlight.
- To maintain the visual dominance and views to the Arts Centre Spire as a civic skyline landmark.
- To ensure that development provides a high level of amenity for building occupants.

The review site is included within Area 5B – Wells Street Precinct. The design objectives for this area are:

- To consolidate the existing scale of development'
- To ensure that any new development or redevelopment preserves the cultural significance and setting of the Shrine of Remembrance.

Clause 2.0 specifies that a buildings and works cannot exceed the building heights specified in Table 1 to this Schedule and should meet the built form outcomes. Furthermore, buildings and works should not exceed the requirements specified in Table 2 to this Schedule and should meet the built form outcomes.

Table 1 to Schedule 60 of the DDO specifies a building height of 70 AHD for 'Area 5B. The following built form outcomes are also specified in this table:

- The preservation of the setting of the Shrine of Remembrance.
- To ensure that any new development or redevelopment does not adversely impact on the historic and cultural significance and visual prominence of the Shrine of Remembrance by

Table 2 to Schedule 60 of the DDO specifies the following building design feature requirements as they relate to the review site:

- Podium heights should not exceed 30 m.

Tower separation-Towers should be a minimum of 20 m 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 m.

Setbacks - Development above a podium should be a minimum of 10 m from the front, side and rear boundaries.

Ground floors height of a building - The ground floor of a building should have a floor to ceiling height of at least 4 m.

Pursuant to Clause 5.0, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Design Objectives.
- The specific Area Design Objectives.
- Whether the cumulative effect of development promotes a public realm which provides a comfortable pedestrian scale, has good daylight and reasonable access to sunlight throughout the year.
- Whether the development provides a high level of amenity for building occupants in relation to:
  - Daylight to all habitable rooms
  - Privacy to all habitable rooms
- The impact of overshadowing on the public domain.
- Whether the development minimizes loss of sky views from the public domain.
- Whether the development will deliver fine grain built form.
- Whether the development will provide a microclimate where street trees, green roofs, and green walls can flourish.

## **7.2 PO12 Parking Overlay Schedule 12**

- The overlay stipulates that a permit is required to provide car parking in excess of the maximum number specified which is 1 space per dwelling. There is no permit trigger under this overlay.

### **7.3 DDO27 City Link Exhaust Stack Environs**

- Schedule 27 of the DDO relates to 'City Link Exhaust Stack Environs'. Clause 2.0 states a permit is not required to construct a building or construct or carry out works. Therefore a permit is not required under this schedule.
- Clause 4.0 requires that where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause. In accordance with this requirement Council referred the proposal to the Roads Corporation - Vic Roads on 9 October 2015.

## **8 PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

Clause 52.06, Car Parking

Clause 52.34, Bicycle Facilities

Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys

## **9 GENERAL PROVISIONS**

The following general provisions apply to the application:

Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

Clause 66, Referral and Notice Provisions

## **10 REFERENCE DOCUMENTS**

Clause 15.01-2 references the Design Guidelines for Higher Density Housing (Department of Sustainability and Environment 2004) contains guidelines for residential developments of four storeys or more. The guidelines are structured around six key headings for consideration in developing designs for such proposals, which themselves contain further sub-headings. These are:

- Urban Context;
- Building Envelope;
- Street pattern and street-edge quality;
- Circulation and services;
- Building layout and design; and
- Open space and landscape design.

Objectives and associated 'design suggestions' are contained within each of the headings.

## **11 PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting one notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

## **12 OBJECTIONS**

A total of 33 objections were received, and raised the following concerns with the proposal:

Loss of outlook, sunlight /over shadowing and views.

A large building for a small site on a narrow laneway that is a busy thoroughfare. A low rise would be much more suited to the laneway.

Too many high rise apartments in this area.

More residential buildings will require more infrastructure (shops etc).

Traffic on Wells Place, traffic calming measures should be taken. Traffic congestion will be exacerbated waiting for the car lift. Furniture removalists will block the 4m wide lane.

Insufficient emergency vehicle access.

Rubbish / waste arrangements, bins will block the laneway.

Overdevelopment of the site.

Wells Place is not suitable for pedestrian traffic.

Disruptions to Wells Place during construction.

Reduction in surrounding property values.

## **13 CONSULTATION**

A number of phone discussions were held with a number of the objectors.

## **14 REFERRALS**

### **14.1 Internal**

The application was referred internally to Urban Design and Engineering.

#### **14.1.1 Urban Design**

Do not support the proposal for the following reasons:

At levels 9 to 19, the proposed setbacks from the lane are 1m to full-length balconies plus a further metre to the façade, with a 1.1m setback from the west and nil from the east. This is not considered sufficient for a 64m tall building. The proposal would have an overbearing impact on Wells Place, compromise the development potential and possibly the amenity of its eastern neighbour, and present a large blank wall to the east.

While in principle we support the redevelopment of this small site in a way which preserves the grain of subdivision, the current proposal is considered to be an overdevelopment of the site.

#### **14.1.2 Civil Engineering**

Support with standard conditions.

#### **14.1.3 Traffic Engineering**

Support with standard conditions general comments include:

Car parking requirements are satisfactory.

Bicycle parking details of proposed equipment is required via condition.

Car parking design: vehicle swept paths required via condition, the garage door and car lift require a 2.1m height clearance; consultation with Aust Post and emergency services is required as a note.

Traffic generation and queuing generated by the proposed development will not have a noticeable impact on Wells Place.

#### **14.1.4 Waste Management**

The WMP is unsatisfactory for the following reasons:

- Due to the narrow laneway and associated amenity issues with placing multiple bins out on Wells Street (multiple days a week collection). We are suggesting that this development goes with a private waste collection service as we are unable to access this laneway with our current fleet. If in the future Council has a smaller vehicle for these hard to get lanes the building may come over to a Council service.
- Bins must be collected on site at this location. Bins must not be presented outside the property line due to amenity, access and roadway requirements.
- The plans propose a single chute (diverter) system that is no longer supported for buildings over 10 floors. However this is a unique development with 20 floors but low number of apartments on each floor. Due to this we propose that an appropriate diverter system (one that ensures waste and recycling are not combined) is suitable.
- There are different ground floor plans in the WMP (4 bins) and in the 'planned' ground floor (shows 10 bins). This needs to be rectified and the chute must be clearly drawn in relation to bin locations. Both plans need to align to ensure built form matches the WMP.

#### **14.2 External**

The application was referred externally to VicRoads in accordance with Clause 43.02 Schedule 27 City Link Exhaust Stack Environs. At the time of writing this report no response has been received.

### **15 ASSESSMENT**

This is a new planning application and is treated 'de novo', however the proposed development is similar to the approved development with the main differences being:

- three storey increase in height,
- internal arrangement of apartments and resultant increase in the number of apartments,
- Introduction of south facing balconies (level 9 and above) and a resultant 1m reduction in the setback from the southern boundary.

Changes to the planning controls since the issue of permit TP-2012-1041 which affect the land include:

- The introduction of DDO60 A5 which has a mandatory height control of 70 meters to the Australian Height Datum (excluding building services and architectural features).
- Two local policies have also been introduced, Clause 22.19 and 22.23.

The main issues in relation to the proposal are considered to be the following:

- The impact of the additional height on the Shrine Vista, surrounding streetscapes and adjoining properties
- Internal amenity of apartments and increased numbers of apartments.

- Introduction of balconies and resultant reduction in the setback to the southern boundary.
- Objectors concerns.

### 15.1.1 Building Height

The maximum height of the proposed development to the top of the roof is 69.25AHD or 64.25 m above the ground level as measured from the centre of the site's frontage. DDO60 specifies that buildings should not exceed a maximum building height of 70 AHD. The proposal meets the mandatory height requirement.

The proposed height increase is reflected in the following table:

Height	Proposed	Approved	Difference
Lift core	66.15m	56.6m	9.55m
Parapet	64.25m	55.1m	10.15m

The increase in height of the building to the parapet line is 10.15 m, the equivalent of three storeys. The responsible authority must determine if the increased height is appropriate.

The MSS seeks to:

- encourage medium scale development in the Arts Precinct and the areas to the east of Moore Street and to the south of City Link.
- Ensure that the scale and design of buildings south of Coventry Street preserve the setting and significance of the Shrine of Remembrance as a historic and cultural landmark and place of reverence.

The approved development at 54 m was considered to be a development of medium scale. Justification for the approval of the 17 storey building with minimal setbacks to the south and west boundaries was heavily weighted to the site context and the fact that the building was lower than the adjoining buildings.

Planning permit TP-2012-911 was a VCAT mediated outcome where there was a strong reliance on the approved 17 storey development to the north of the site at 33 Coventry Street. A new application (TP-2014-1037) was subsequently lodged for the site to the north of the subject site, 33 Coventry Street, to increase the height by three storeys to a maximum height of 70AHD. Council refused the application placing strong emphasis on the need for a building on this relatively small site to step down and provide a transition in height from the taller buildings on relatively larger sites. At the VCAT mediation emphasis was placed on the wording of DDO60 Area 5B. The Tribunal made it very clear that the planning scheme did not place any requirement for buildings to step down to provide transitions in height.

The design objectives for DDO60 Area 5 state:

- To consolidate the existing scale of development'
- To ensure that any new development or redevelopment preserves the cultural significance and setting of the Shrine of Remembrance.

The built form outcomes for DDO60 Area 5B with the mandatory 70 AHD are:

- The preservation of the setting of the Shrine of Remembrance.

- To ensure that any new development or redevelopment does not adversely impact on the historic and cultural significance and visual prominence of the Shrine of Remembrance by

It is considered that the increased height can be supported for the following reasons:

- The planning scheme has no requirement for transitions in height between buildings;
- The proposal meets the 70AHD height requirement and;
- The proposed height is similar to other buildings in the immediate locality and will not adversely impact on the Shrine.

#### **15.1.2 Built form**

The approved development TP-2012-911, at levels 5 and above, provided for one, two bedroom apartment per floor, from level 9 the building is setback 2 m from the southern boundary.

The current proposal, levels 5 and above proposes two, one bedroom apartments per floor and from level 9 the building is setback 2m however a 1m deep balcony, extending the full width of the building, has been introduced into this setback area This effectively reduces the setback to 1m

The 2m setback was required in the original permit in response to and in accordance with DDO60 Section 6 Built Form Outcomes for the following reasons:

- To provide for equitable development potential for the property to the south 10-16 Dorcas Street. Wells Place is approximately 4 m wide, a 2m setback above podium, which is approximately 30 m, allows for a minimum 8m separation should the property to the south be redeveloped in the future. (Council originally proposed a 2.5 m setback but conceded a 2m setback at the VCAT mediation)
- To provide some setback to ensure that the tower form does not dominate and overwhelm the urban form at ground level of Wells Place.

Pursuant to Table 2 of DDO60 developments should provide for podium heights not exceeding 30 m with the built form outcome that podiums are orientated to complement the Southbank street system, have a human scale, provide a level of street enclosure having regard to the width of the street. The table also requires that development above a podium be a minimum of 10 m from the front, side and rear boundaries. The built form outcome requires towers to be setback 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.

Council's Urban Design branch did not support the proposal stating:

At levels 9 to 19, the proposed setbacks from the lane are 1m to full-length balconies plus a further metre to the façade, with a 1.1m setback from the west and nil from the east. This is not considered sufficient for a 64m tall building. The proposal would have an overbearing impact on Wells Place, compromise the development potential and possibly the amenity of its eastern neighbour, and present a large blank wall to the east.

While in principle we support the redevelopment of this small site in a way which preserves the grain of subdivision, the current proposal is considered to be an overdevelopment of the site.

The subject site is the only site, in this block along Wells Place to have a primary frontage to the lane. All the other properties have primary frontages to the larger surrounding streets. Buildings along Wells Place are generally built to the laneway with varying setbacks as follows:

- The Guilfoyle apartments to the west of the site have a five level car park podium 11.25 m high, with an outdoor communal area above, located on the laneway with zero setback. The taller section of the building, located further away (to the west of the subject site), is approximately 75 m high with no setback to the lane.
- The Elm Apartments building to the south west also has a 5 level car park podium approximately 12 m high, with an outdoor communal area above, located on the laneway with zero setback. The taller section of that building, again located further away (to the south west of the subject site) is approximately 75 m with no setback to the lane.
- The building to the south of the subject site, 10-16 Dorcas Street, is the 8 storey Hertz Building which has zero setback to the lane, this is approximately 32 m high.
- No. 8 Dorcas Street to the south east has a podium built to Wells Place approximately the same height as 8 Dorcas Street and then the taller tower component is setback approximately 2 m from the lane.

Objective 2.2 of 'The Guidelines for Higher Density Residential Development' require consideration to be given to the height of buildings relative to the size of the street: "To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings."

Design suggestion 2.2.1 goes on to identify: "The relationship between street width (including front setbacks) and building height is important for defining the character of a place."

Design Suggestion 2.2.2: set back upper levels of tall buildings or use a podium and tower form to help create a pedestrian scale at street level.

Setbacks allow greater light access to the street, broader views of the sky and reduce the 'canyon' effect for pedestrians at street level. A careful analysis of street width, levels and view lines is required to determine ideal setbacks. For example, a setback of upper levels can render these levels invisible from the street.

Taller buildings without a podium level create a dramatic urban form and this may be appropriate on some sites where the local context can support this approach.

The immediate context of the site is 12 to 32m high walls built to the 4m wide lane. Any higher built form on this site will be out of context. Therefore the proposed building should be setback above 30 m (level 9) to emulate the existing built form.

A minimal 2m setback will ensure that the height of the proposed building does not overwhelm the public domain, the narrow laneway and to reduce the canyon effect for pedestrians and building occupants in accordance with DDO60 policy and objective 2.2 of the higher density residential development guidelines.

Given the immediate context it is considered that a minimum setback of 2 m above the 9 level podium is, at a minimum, an appropriate built form outcome.

### **15.1.3 Equitable development rights**

Maintaining a minimal 2m upper level setback will also address the issue relating to the development potential of the property to the south. This is discussed in more detail below.

Objective 2.6 contained in the 'Guidelines for higher density residential development' refers to equitable development rights and states: 'To ensure areas can develop with an equitable access to outlook and sunlight.' This objective has the following relevant design suggestion (2.6.1): 'consider the possible future development of adjoining sites and allow, as best as possible, or an equitable spread of development potential throughout the area.'

The building directly to the south of the subject site is the Hertz office building. This is built to the boundary. Potential amenity impacts on the office use are generally outside of the scope of planning considerations. The guidelines for higher density residential development refer to relationships to adjoining residential buildings and equitable access to outlook and daylight. The minimal setback of 4m between buildings, in planning terms, has an impact on the future amenity of the proposed apartments rather than the office building (at this time).

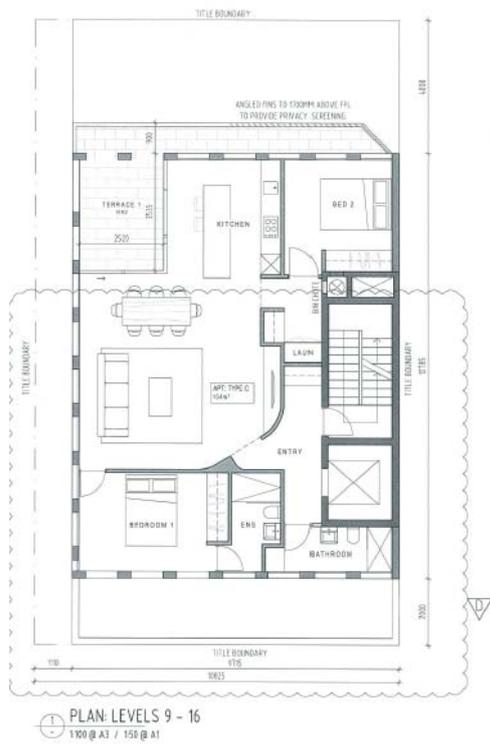
However, should the property to the south be redeveloped to a residential use, if that property were to provide a 2m setback above podium the two towers would achieve an 8m separation.

A reduction in the southern setback will compromise the development potential of the office building to the south of the site.

### **15.1.4 Internal amenity**

The approved development TP-2012-911 proposed one apartment per floor which ensured that the terraces, living areas and bedrooms for the proposed apartments were orientated to the north. It was within this context that it was considered appropriate for a setback of 2 m to be retained from the southern boundary to maintain an appropriate level of amenity for the occupants of the proposed dwellings and maintain the future development potential of the property to the south.

Comparative floorplans next page.



Approved layout TP-2012-911



Proposed layout TP-2015-587

Schedule 60 of the DDO includes the following design objective:

- To ensure that development provides a high level of amenity for building occupants.

Objective 5.4 of the Higher Density Residential Guidelines is:

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

For the reasons outlined above the planning controls do not support an encroachment into the 2m setback with balconies. The removal of the balconies would remove any access to open space for the proposed 41m<sup>2</sup> south facing apartments.

The proposed 41m<sup>2</sup> south facing apartments, without access to open space, are not considered to satisfy the relevant design objective of DDO60 and are not supported.

An appropriate outcome is the deletion of the proposed south facing balconies and apartments (Levels 9 and above) and the provision of only one apartment per level within the existing footprint. This can be required via a condition should a permit issue.

## 15.2 Traffic

The City of Melbourne's traffic engineers raised some issues relating to detailed aspects of the proposal and suggested conditions should a permit issue.

### 15.2.1 Car Parking provision

Eighteen car spaces are to be provided for 32 dwellings which is below the maximum rate and no permit is triggered under PO12. Council's traffic engineers support the

car parking provision. In regard to the layout of the car park, vehicle swept paths are required to be provided via condition and the garage door and car lift require a 2.1m height clearance. The traffic engineers have requested that a note be placed on a permit to alert the applicant that consultation with Australia Post and emergency services should be undertaken prior to the commencement of works.

### **15.2.2 Traffic**

Traffic engineers have noted that traffic generation and queuing generated by the proposed development will not have a noticeable impact on Wells Place.

### **15.3 Waste**

Council's waste engineer does not support the current WMP and requires a new WMP as a condition of the permit. Objectors have raised the issue of bins blocking the lane, Council's waste engineer has commented:

Bins must be collected on site at this location. Bins must not be presented outside the property line due to amenity, access and roadway requirements.

This will be a requirement of the revised WMP required by a condition of permit.

### **15.4 Site Contamination**

A Phase 1 environmental assessment of the land has been prepared by 'Edge' dated January 2014. The executive summary states that the site has generally been used for residential purposes with the exception of textiles. It is unlikely that the textile use involved any heavy industry such as dyeing processes. The summary concludes that the site has likely been filled as the land was swampy and any soil removal will require EPA soil categorisation to ensure any contaminated soil is managed appropriately.

### **15.5 ESD**

The ESD report on file relates to a 16 dwelling development, as this proposal is now for a 32 dwelling development a revised ESD assessment is required.

### **15.6 Wind**

An environmental wind assessment has concluded that the environmental wind conditions and conclusions in the previous report D81/13 would still be valid for the proposed increase in tower height (3 levels) and recommended that wind tunnel model measurements are required to quantify to the wind conditions along Wells Place with and without the proposed 22 Wells Street Development.

### **15.7 Objectors concerns**

Many of the issues raised by the objectors have been addressed in the report, such as built form, pedestrian access, waste and traffic matters. Other matters include:

#### **15.7.1 Privacy, overshadowing, views, property prices, density, construction**

The subject site abuts the communal terraced setback area of the Guilfoyle apartments to the west. The communal terraced setback area of the Elm Apartments is located across Wells Place to the south west. As these communal open spaces are currently overlooked by the Guilfoyle and Elm Apartments, overlooking of these areas is therefore not a valid consideration in this case.

The proposal to increase the height of the approved development by three additional storeys will not increase alter the extent of overshadowing of the adjoining property's open terrace areas to the west in the morning. Notwithstanding this, overshadowing is an inevitable consequence of such development, where there is potential for built form height of 70AHD.

In regard to views, planning controls do not protect existing views or provide for an assessment of a proposal's impact on property prices.

In regard to increased densities, the area is strategically located within an Urban Renewal Area with planning policy encouraging high-rise buildings and increased densities.

In regard to construction, a condition of permit will require a construction management plan to minimise disruptions during construction.

#### **15.7.2 Wells Place is not suitable for pedestrian traffic**

A "crime prevention through environmental design review" assessment has been prepared and a number of design features have been incorporated to maximise opportunities to ensure Wells Place is a safe place for pedestrians. The design features include:

- entrance to building has a minimum setback of 0.3 m to reduce potential hiding places;
  - A full height light installation at the entrance to illuminate the lane and provide a visual marker for the entry.
  - Entrance has clear visibility to the street and a convex mirror installed on the building opposite and positioned to allow people exiting the building to have a view up and down the lane.
  - The location of the mailboxes provides a sense of ownership and activity.
  - CCTV will be installed and images collected from the entrance area.
  - Signage will be provided to indicate the presence of the CCTV.
  - The security system will include video intercom entry system.
  - Gate to easement to be provided adjacent to the front entry to prevent unauthorised access to the rear of the building.
  - Lighting of the lane to the satisfaction of the RA.
- Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

## **16 RECOMMENDATION**

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 13 January 2014 but amended to show:
  - a) Deletion of the proposed south facing balconies and the consolidation of the apartments on Levels 9 and above, resulting in one apartment per level.
  - b) Deletion of the windows on the northern boundary on the car park plans.
  - c) Details of the vehicular access door including the extent of perforation which shall not be less than 30% transparency.
  - d) Details of the foyer light installation including the level of illumination and ensuring that part of the installation sits proud of the garage door and boundary walls but remains within the title boundary to ensure it can be seen along Wells Place.

- e) Details of the materials and treatment of the facade, specifically how the different facade components relate. This shall include 3D drawings which show how each facade turns the corner.
- f) Plans which reflect the detail of the elevations.
- g) Elevations which show the Australian Height Datum and that the building does not exceed 70 meters to the Australian Height Datum in accordance with Clause 43.02 Design and Development Overlay 60 Area 5B Wells Street.
- h) The provision of a minimum of 10 bicycle spaces and details of the bicycle parking including what parking products will be used.
- i) Details of the proposed screening on the north facing terrace and balconies.
- j) Details of the proposed gate to the western easement.
- k) Any changes as required by the Car Parking Layout Plan required by condition 3.
- l) Any changes as required by the Waste Management Plan required by condition 7.

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 development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. Prior to the commencement of the development (excluding any demolition) on the land, two copies of plans, drawn to scale must be submitted to and approved by the Responsible Authority detailing the parking layout for the development. In particular confirmation is required regarding:
  - The garage door and car lift require a 2.1m height clearance
  - The turntable width and swept paths to confirm that vehicles can manoeuvre from the car lift into the car spaces
  - A queuing analysis must be undertaken to ensure that the vehicle queues do not exceed the property boundaries, in accordance with AS/NZS2890.1. The queuing analysis should take into account the service time of the lifts and turntable and likely traffic distributions during the peaks. If the analysis determines that a vehicle is expected to be waiting, the design should allow for a vehicle to exit the car lift, whilst another waits at ground level.
4. Prior to the occupation of the development the proposed measures outlined in the report titled 'Crime Prevention Through Environmental Design Review' dated 21 August 2015 shall be implemented to the satisfaction of the Responsible Authority and the cost shall be borne by the developer. These measures include but are not limited to: the full height light installation in the foyer; placement of convex mirror(s) on the building opposite; apartment security system installed; CCT security system as described in the report and locations of cameras provided; entrance lighting; and gate to side easement.
5. Within three months of commencement of the development, or as may otherwise be agreed with the Responsible Authority, a security lighting plan must be prepared and submitted to the satisfaction of the Responsible

Authority. The lighting plan should be generally consistent with the City of Melbourne Lighting Strategy and conform with relevant Australian Standards, and include details of proposed fittings in a schedule on the plan and must be designed, baffled and located to the satisfaction of the Responsible Authority. The implementation of the approved scheme shall be at the owners expense.

- 6 Prior to the commencement of the development the land known as Road R1 on LP36397 must be first discontinued and consolidated with Lot 2 on LP36397 to the satisfaction to the Responsible Authority. This will enable it to be included in any future subdivision for the development.
- 7 Prior to the commencement of the development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail the following waste storage and collection arrangements:
  - o Due to the narrow laneway and associated amenity issues with placing multiple bins out on Wells Street (multiple days a week collection). We are suggesting that this development goes with a private waste collection service as we are unable to access this laneway with our current fleet. If in the future Council has a smaller vehicle for these hard to get lanes the building may come over to a Council service.
  - o an appropriate diverter system (one that ensures waste and recycling are not combined).
  - o Bins must be collected on site at this location. Bins must not be presented outside the property line due to amenity, access and roadway requirements.
  - o Plans indicating the bin storage area and the chute must be clearly drawn in relation to bin locations.

The waste storage and collection arrangements shall be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

- 8 Bins must be collected on site at this location. Bins must not be presented outside the property line due to amenity, access and roadway requirements.
- 9 All waste and other such material must be stored in an area set aside for such purpose and be to the satisfaction of the Responsible Authority.
- 10 Prior to the commencement of the development a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plan /elevation must be submitted to, and approved by the Responsible Authority.
- 11 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.
- 12 No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
- 13 Prior to the commencement of the 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 development (excluding demolition). 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.

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

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- 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).
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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.

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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.

- 14 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.
- 15 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.
- 16 Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works (specify all or any of these to be consistent with any condition 1 requirement)), wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also recommend any modifications which must be made to the design of the building 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.
- 17 Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
- 18 Existing street levels in Wells Place must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services

- 19 Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
- 20 Prior to the commencement of the development, including demolition, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must 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.
  - f) traffic management.
- 21 The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
- 22 This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed 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

1. Residents of this development will not be eligible for resident parking permits.
2. The City of Melbourne Engineering services will not alter the parking restrictions in Wells Place or the adjacent Streets to cater for the parking needs of residents / visitors or for deliveries.
3. The applicant is advised they should consult with Australia Post and emergency services prior to commencing works.