

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

Agenda item 6.1

**Ministerial Referral: TPM-2015-37  
71 to 87 City Road, Southbank**

**20 September 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 a Ministerial referral of a Planning Application at 71 to 87 City Road, Southbank (refer to Attachment 2 – Locality Plan). Council is not a recommending referral authority for this application however Council has been formally notified of the application by the Department of Environment, Land, Water and Planning (DELWP). The application is partly exempt from third party notice and review rights. The applicant is WKB Corp Pty Ltd, C/- Urbis Pty Ltd, the landowner is WKB Corporation Pty Ltd and the architect is Doig Architecture Pty Ltd.
2. The subject site is located within the Capital City Zone – Schedule 3 and is affected by the Design and Development Overlay Schedule 1 – Active Street Frontages, Design and Development Overlay Schedule 3 – Traffic Conflict Frontage, Design and Development Overlay Schedule 10 – Built Form Controls and Design and Development Overlay Schedule 27 – Citylink Exhaust Stack Environs. As the application was lodged before 4 September 2015 the controls introduced by Amendment C262 (including DDO 10) do not apply. The corresponding control in place prior to Amendment C 262 applies - Design and Development Overlay Schedule 60 (Southbank Area 3).
3. The planning application seeks approval for the demolition of existing buildings including part demolition and works to the building at 71-75 City Road and the construction of a multi-storey building (overall height of 165.99m). The building includes 592 apartments, 388m<sup>2</sup> of leasable retail space, 819m<sup>2</sup> of office space, and 633m<sup>2</sup> of floor area to be used as an ‘innovation hub’. The development also includes 266 car spaces, 391 bicycle parking spaces, 10 motorcycle spaces, an on-site loading bay and communal facilities for residents at level 7.

**Key issues**

4. Key issues in consideration of the application are the appropriateness of the built form and external and internal amenity.
5. The proposed height of 157.46m (excluding plant and equipment) is above the discretionary maximum height of 100m which applies under DDO 60. The tower is proposed to have a minimum setback distance of 5m from boundaries. Both the height and reduced setbacks of the proposed tower would dominate the immediate urban context and prejudice the development potential of adjoining properties.
6. The proposal would result in additional overshadowing to an area of Southbank Boulevard which is proposed to be upgraded with increased public open space.

**Recommendation from management**

7. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council does not support the application on the grounds outlined in the Delegate Report (Attachment 4).

**Attachments:**

1. Supporting Attachment (page 2 of 38)
2. Locality Plan (page 3 of 38)
3. Selected Plans (page 4 of 38)
4. Delegate Report (page 18 of 38)

**Supporting Attachment**

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**Legal**

1. The Minister for Planning is the Responsible Authority for determining this application.

**Finance**

2. There are no direct financial issues arising from the recommendations contained within 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 it to any referral authorities. This is the Responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

**Relation to Council policy**

5. Relevant Council policies are discussed in the attached Delegate Report (refer to Attachment 4).

**Environmental sustainability**

6. A Sustainability Management Plan (SMP) has been submitted with the application outlining environmental initiatives for the proposal. However the SMP does not demonstrate compliance with the requirements with the performance measures of Clause 22.19 'Energy, Water and Waste Efficiency' of the Melbourne Planning Scheme.

# Locality Plan

Attachment 2  
Agenda item 6.1  
Future Melbourne Committee  
20 September 2016



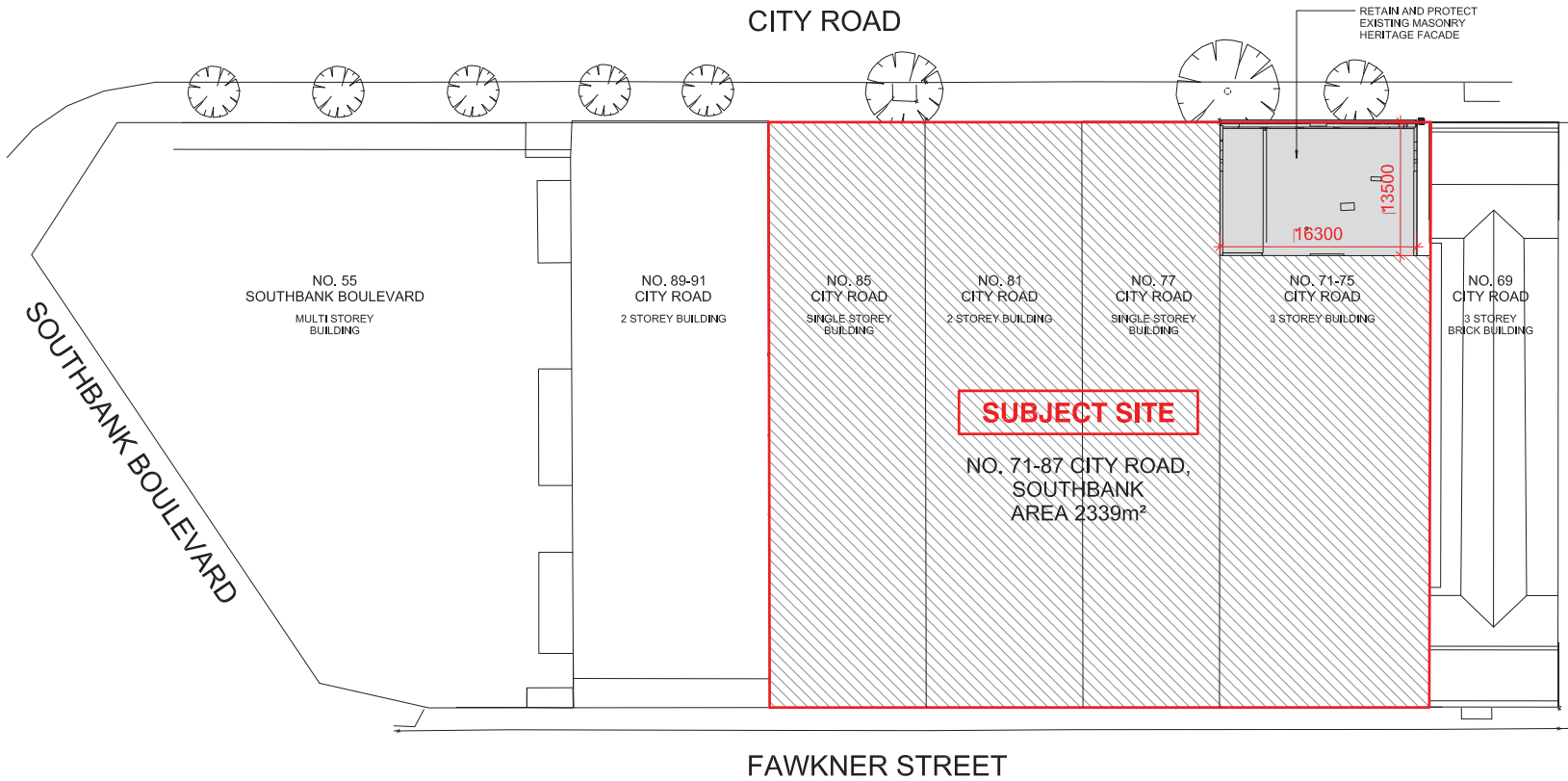
## 71-75, 77-79, 81-83 and 85-87 City Road SOUTH BANK



Approx. Scale 1:1000

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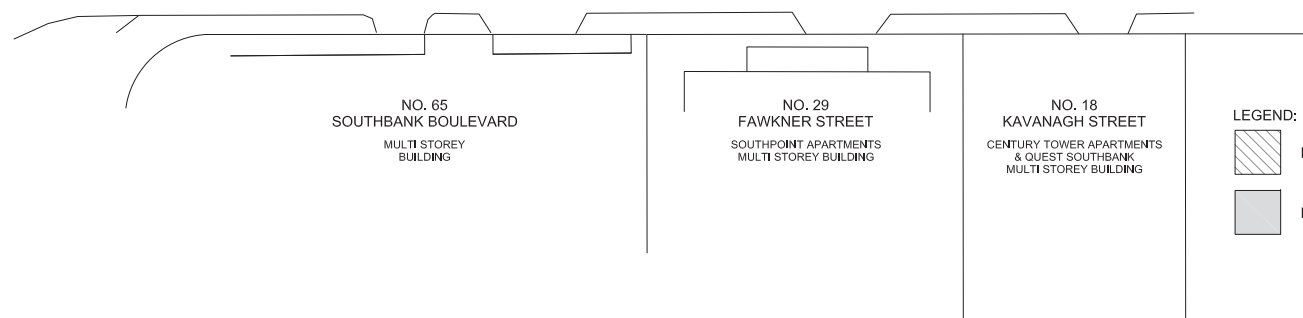


LOCATION MAP



EXISTING HERITAGE FACADE TO BE RETAINED | EXISTING BUILDINGS TO BE DEMOLISHED

VIEW OF EXISTING MASONRY HERITAGE FACADE AT 71-75 CITY RD TO BE RETAINED



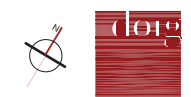
**LEGEND:**

- DEMOLITION AREA
- RETAIN & PROTECT

DATE	REV	ISSUE	DATE	REV	ISSUE
30/06/16	A	ISSUE FOR SUBMISSION TO DELWP			

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PROJECT STATUS  
**TOWN PLANNING**

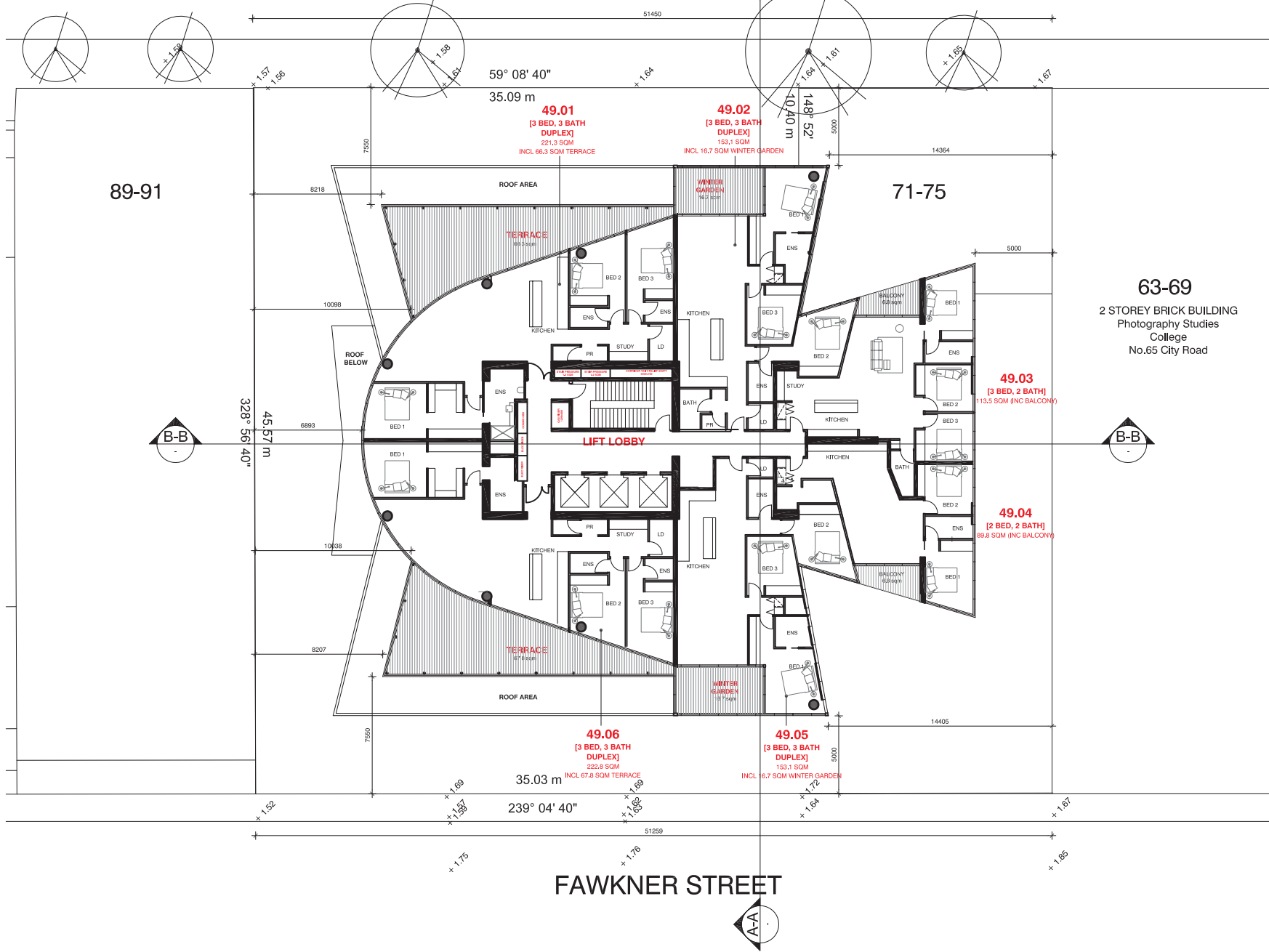


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PROJECT  
**71-87 CITY ROAD  
SOUTHBANK**

DRAWING  
**DEMOLITION PLAN**

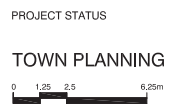
DATE JUNE 16	DRAWN LW / SL	SCALE 1:400 @A3	JOB NO. 21505	DWG NO. TP099	REV. A
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**63-69**  
2 STOREY BRICK BUILDING  
Photography Studies  
College  
No.65 City Road

DATE	REV	ISSUE	DATE	REV	ISSUE
20/10/15	A	RFI			
15/03/16	B	ISSUE FOR COUNCIL PRESENTATION			
20/04/16	C	AREA ADDED TO APARTMENT BALCONY, TERRACE & WINTER GARDEN			
08/06/16	D	CHANGED TO 3-LIFTS CORE & ASSO UNIT LAYOUTS			
20/06/16	E	ISSUE FOR REVIEW			
28/06/16	F	ISSUE FOR SUBMISSION TO DELWP			

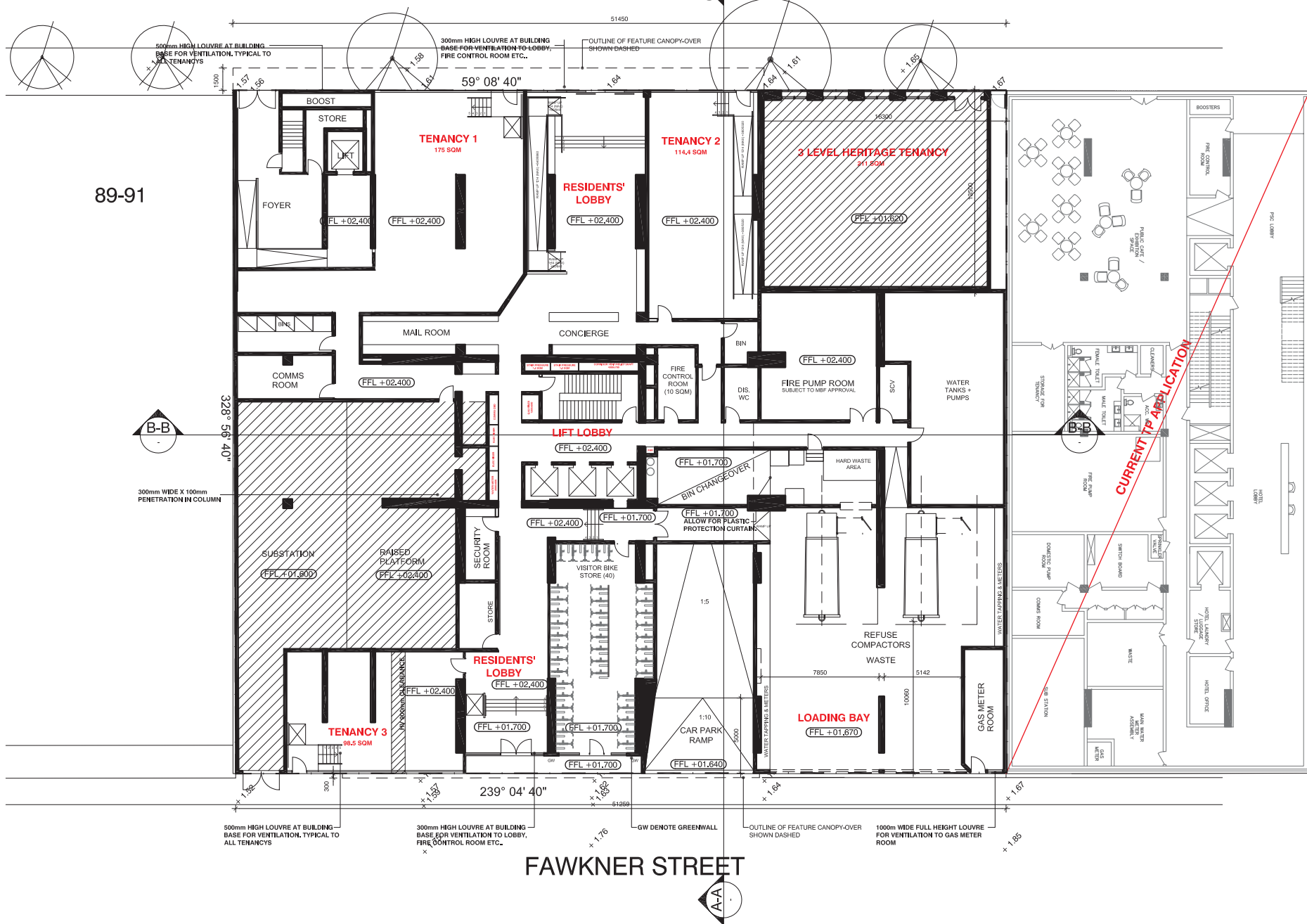
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PROJECT  
**71-87 CITY ROAD**  
**SOUTHBANK**  
-  
DATE JUNE 16 DRAWN LW / SL SCALE 1:250 @A3

DRAWING  
**LEVEL 49**  
**PENTHOUSE LEVEL**  
**FOR DISCUSSION**  
JOB NO. 21505 DWG NO. TP110 REV. F



FAWKNER STREET

DATE	REV	ISSUE	DATE	REV	ISSUE
20/10/15	A	RFI	20/06/16	F	ISSUED FOR SUBMISSION TO DELWP
15/03/16	B	ISSUE FOR COUNCIL PRESENTATION			
14/04/16	C	ISSUE FOR REVIEW			
14/04/16	C	ISSUE FOR REVIEW			
08/06/16	D	CHANGED TO 34FITS CORE & ASSO LAYOUTS			
20/06/16	E	ISSUE FOR REVIEW			
20/06/16	F	ISSUE FOR SUBMISSION TO DELWP			

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PROJECT STATUS  
**TOWN PLANNING**

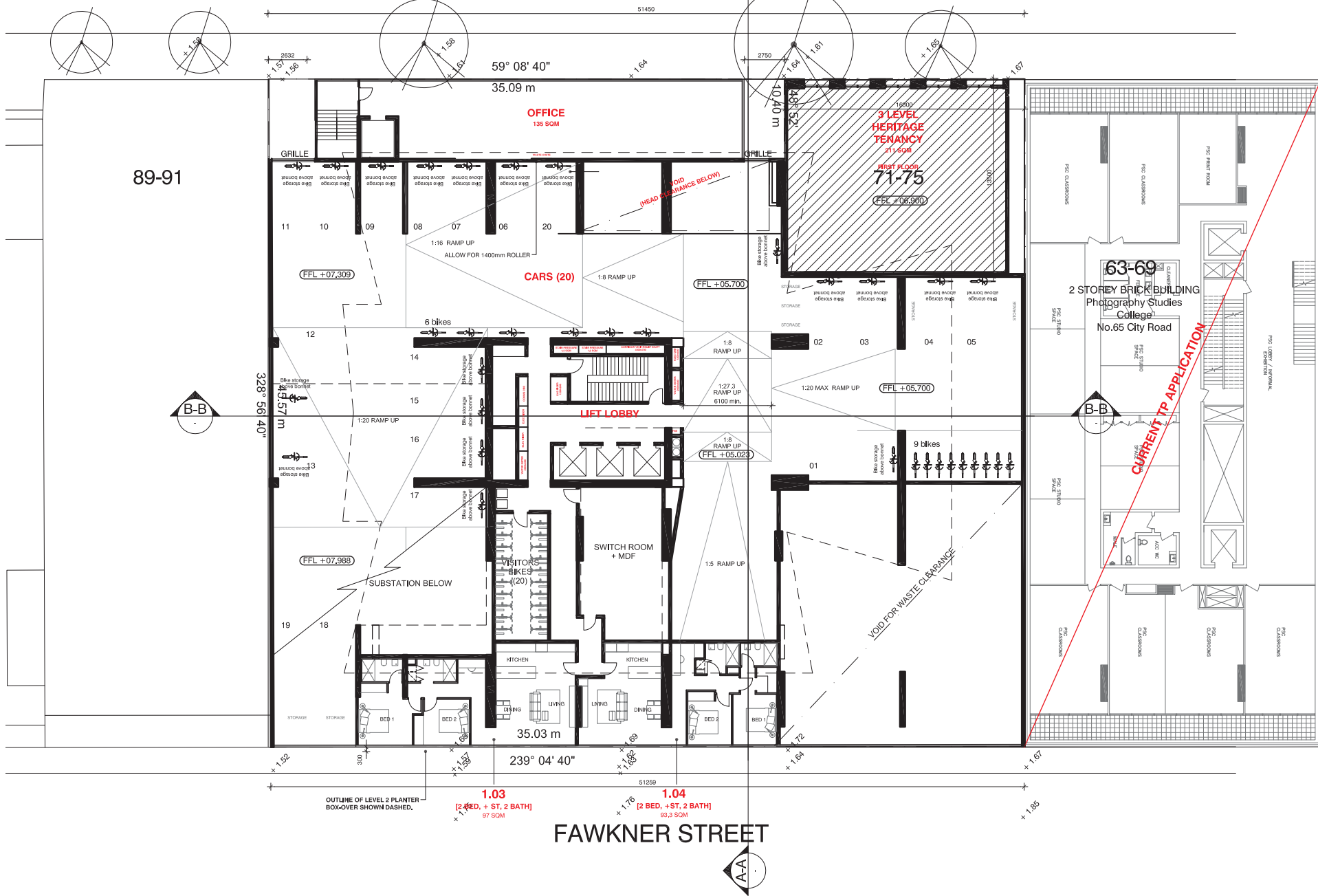


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PROJECT  
**71-87 CITY ROAD  
 SOUTHBANK**

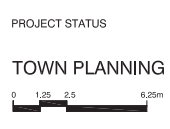
DRAWING  
**GROUND FLOOR  
 REVISED LAYOUTS  
 FOR DISCUSSION**

DATE	DRAWN	SCALE	JOB NO.	DWG NO.	REV.
JUNE 16	LW / SL	1:250 @A3	21505	TP101	F



DATE	REV	ISSUE	DATE	REV	ISSUE
20/10/15	A	RFI			
15/03/16	B	ISSUE FOR COUNCIL PRESENTATION			
14/04/16	C	ISSUE FOR REVIEW			
06/06/16	D	CHANGED TO SLIFTS CORE & ASSO LAYOUTS			
20/06/16	E	ISSUE FOR REVIEW			
20/06/16	F	ISSUE FOR SUBMISSION TO DELWP			

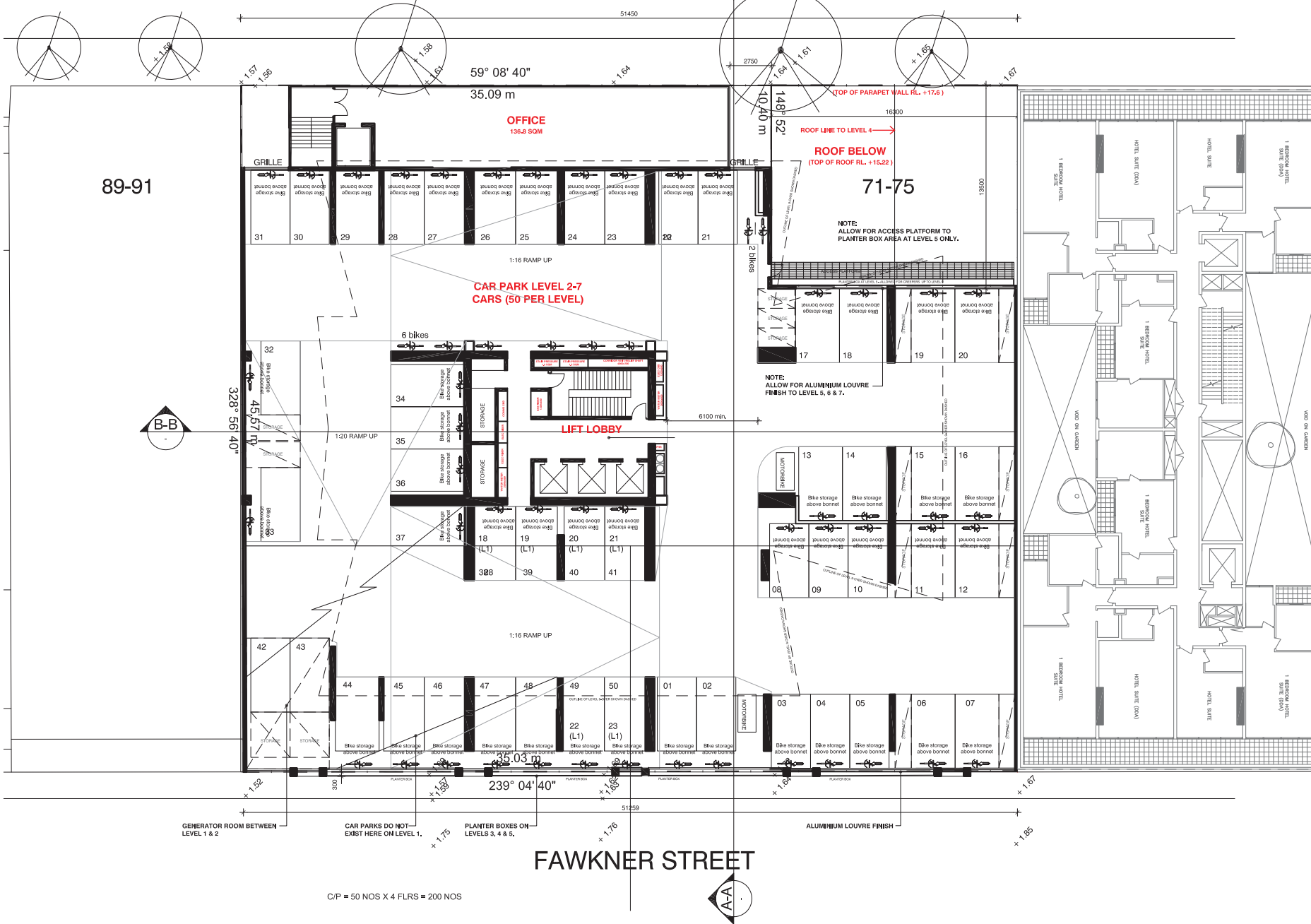
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PROJECT 71-87 CITY ROAD SOUTHBANK	DRAWN LW / SL	SCALE 1:250 @A3	JOB NO. 21505	DWG NO. TP102	REV. F
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DRAWING  
 FIRST FLOOR  
 REVISED LAYOUTS  
 FOR DISCUSSION



FAWKNER STREET

C/P = 50 NOS X 4 FLRS = 200 NOS

DATE	REV	ISSUE	DATE	REV	ISSUE
23/10/15	A	RFI			
15/03/16	B	ISSUE FOR COUNCIL PRESENTATION			
14/04/16	C	ISSUE FOR REVIEW			
28/04/16	D	AREA ADDED TO APARTMENT BALCONY, TERRACE & WINTER GARDEN			
08/06/16	E	CHANGED TO 3-LIFTS CORE			
28/06/16	F	ISSUE FOR SUBMISSION TO DELWP			

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PROJECT STATUS  
**TOWN PLANNING**

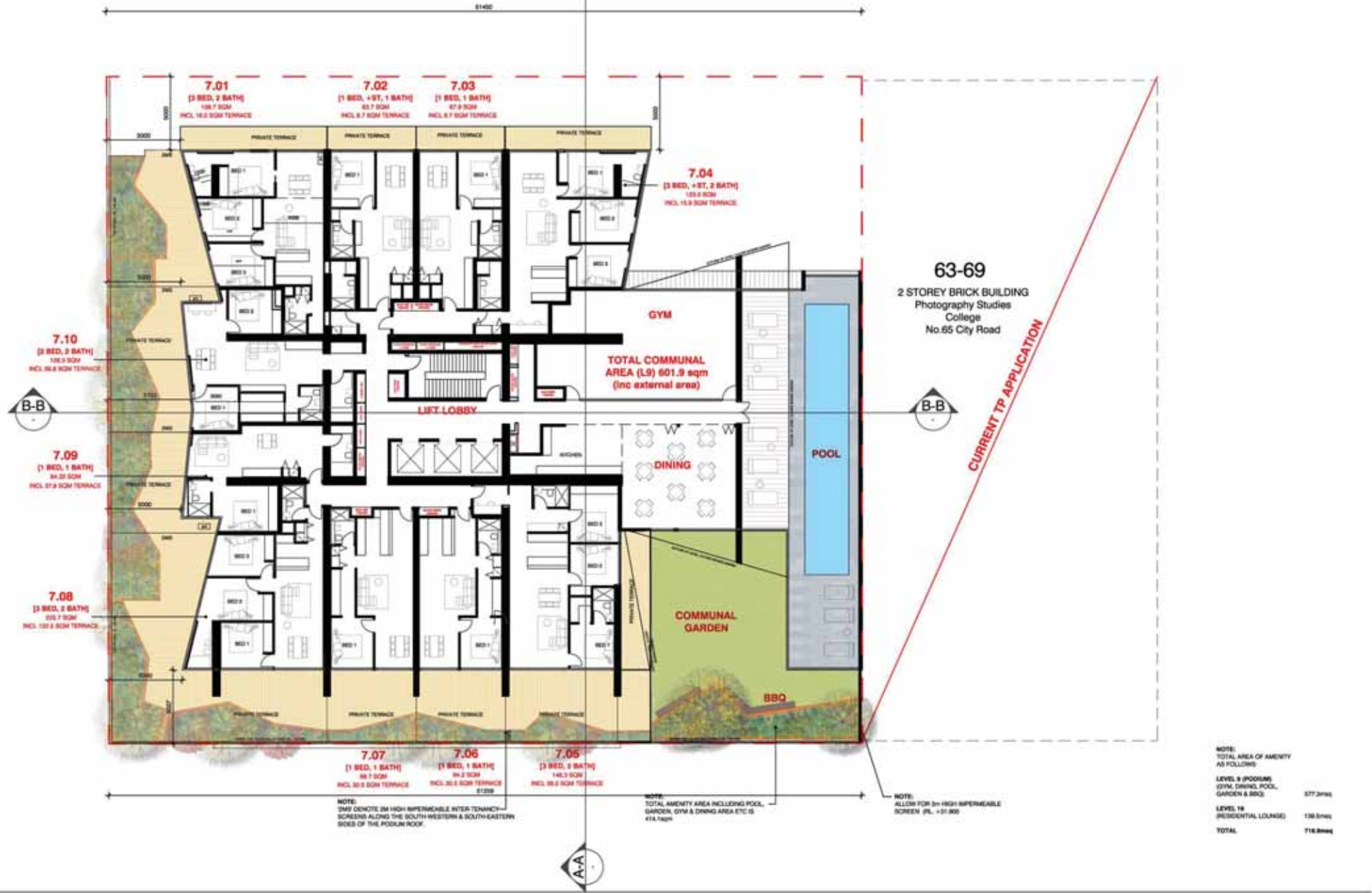


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PROJECT <b>71-87 CITY ROAD SOUTHBANK</b>		DRAWING LW / SL		SCALE 1:250 @A3		JOB NO. 21505		DWG NO. TP103		REV. F	
DATE JUNE 16		DRAWN LW / SL		SCALE 1:250 @A3		JOB NO. 21505		DWG NO. TP103		REV. F	

DRAWING  
 TYPICAL PODIUM 2F TO 6F  
 REVISED LAYOUTS  
 FOR DISCUSSION





DATE	REV	ISSUE	DATE	REV	ISSUE
2012/15	A	REV			
15/02/16	B	ISSUE FOR COUNCIL PRESENTATION			
20/04/16	C	AREA ACCESS TO APARTMENT BALCONY TERRACE & WINTER GARDEN			
28/06/16	D	CHANGED TO 3 UPTS CORN & BISC UNIT LAYOUTS			
22/08/16	E	ISSUE FOR REVIEW			
28/08/16	F	ISSUE FOR SUBMISSION TO DELAP			

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PROJECT STATUS  
**TOWN PLANNING**



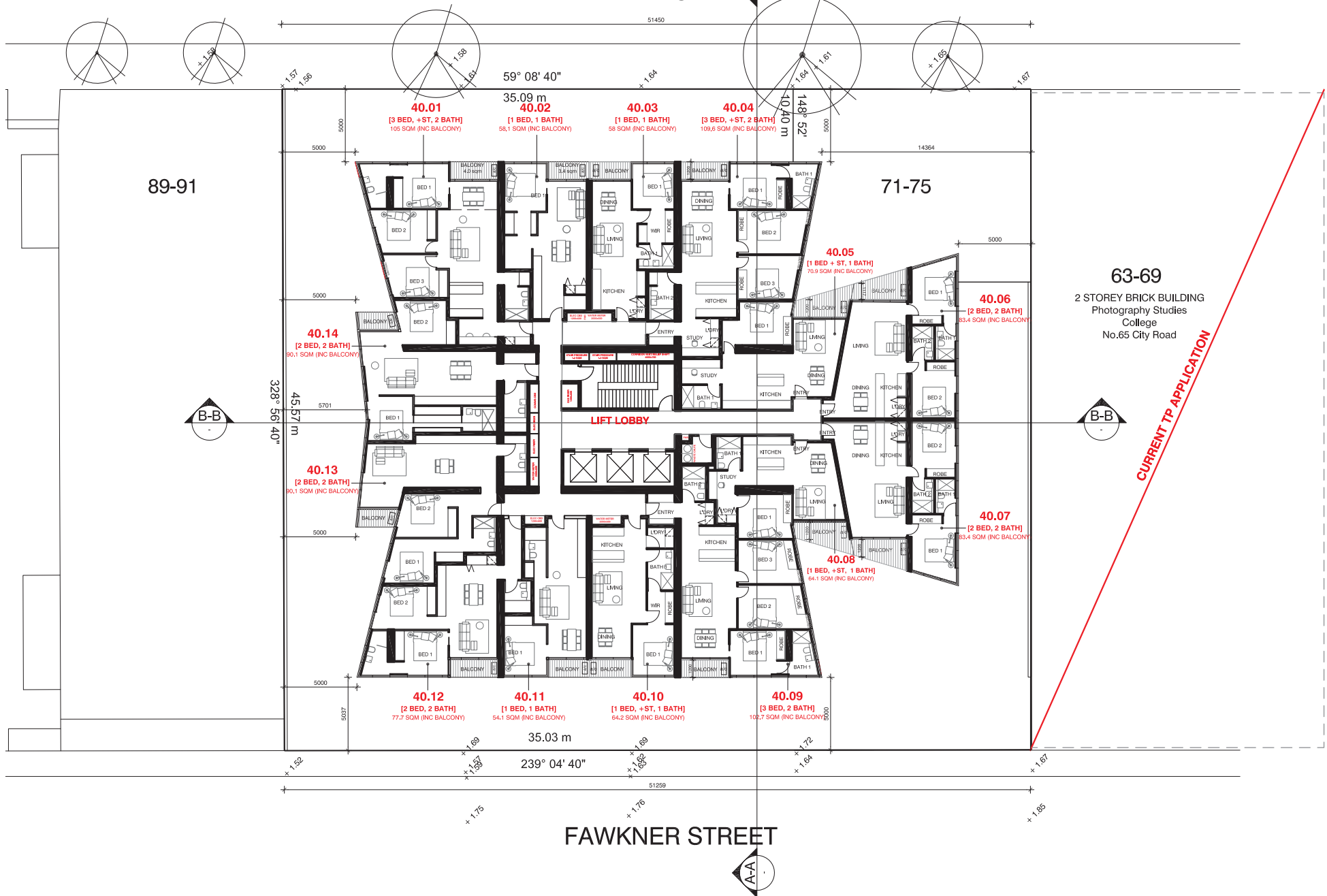
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PROJECT  
**71-87 CITY ROAD  
SOUTHBANK**

DATE: JUNE 16  
DRAWN: LW / BL  
SCALE: 1:250 @A3

DRAWING  
**PODIUM LEVEL 7  
REVISED LAYOUTS  
FOR DISCUSSION**

JOB NO. 21505  
DWG NO. TP105  
REV. F



DATE	REV	ISSUE	DATE	REV	ISSUE
20/10/15	A	RFI			
15/03/16	B	ISSUE FOR COUNCIL PRESENTATION			
26/04/16	C	AREA ADDED TO APARTMENT BALCONY, TERRACE & WINTER GARDEN			
08/06/16	D	CHANGED TO 34FITS CORE & ASSO UNIT LAYOUTS			
20/06/16	E	ISSUE FOR REVIEW			
28/06/16	F	ISSUE FOR SUBMISSION TO DELWP			

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PROJECT STATUS  
**TOWN PLANNING**

0 1.25 2.5 6.25m



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PROJECT <b>71-87 CITY ROAD SOUTHBANK</b>		DRAWING REVISED LAYOUTS FOR DISCUSSION	
DATE JUNE 16	DRAWN LW / SL	SCALE 1:250 @A3	JOB NO. 21505
			DWG NO. TP108
			REV. F



DATE	REV	ISSUE	DATE	REV	ISSUE
23/10/15	A	RFI			
15/03/16	B	ISSUE FOR COUNCIL PRESENTATION			
26/04/16	C	AREA ADDED TO APARTMENT BALCONY, TERRACE & WINTER GARDEN			
08/06/16	D	CHANGED TO 3-LIFTS CORE & ASSO UNIT LAYOUTS			
20/06/16	E	ISSUE FOR REVIEW			
28/06/16	F	ISSUE FOR SUBMISSION TO DELWP			

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PROJECT  
**71-87 CITY ROAD  
 SOUTHBANK**

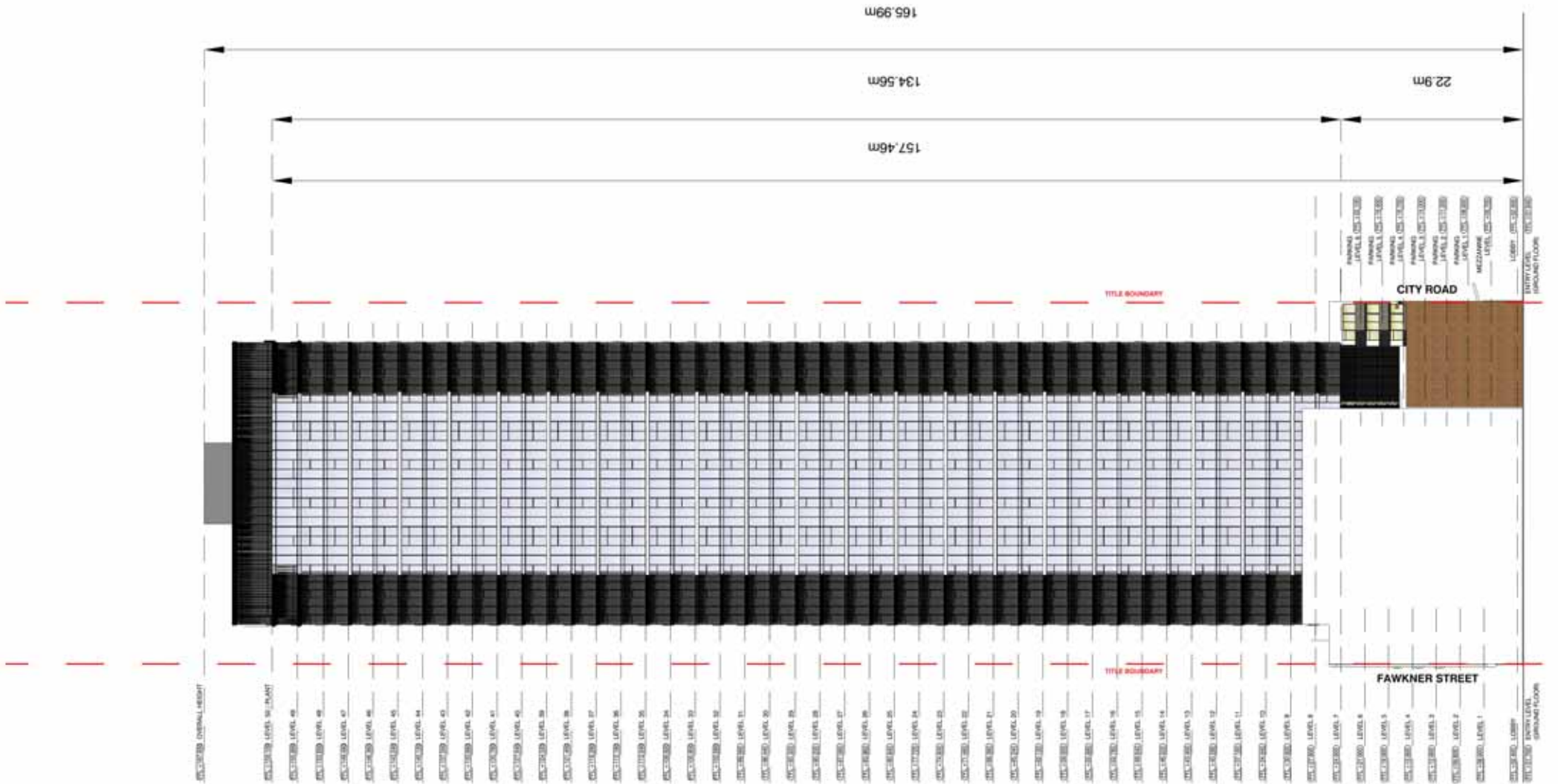
DATE  
 JUNE 16

DRAWN  
 LW / SL

SCALE  
 1:250 @A3

DRAWING  
**LEVEL 48  
 REVISED LAYOUTS  
 FOR DISCUSSION**

JOB NO. 21505  
 DWG NO. TP109  
 REV. F



DATE	REV	ISSUE	DATE	REV	ISSUE
20-06-18	-	TOWN PLANNING LODGE			
20-10-18	A	REV			
08-03-19	B	FOR REVIEW			
20-06-18	C	FOR TOWN PLANNING RECOMMENDATION			

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**PROJECT STATUS**  
**TOWN PLANNING**

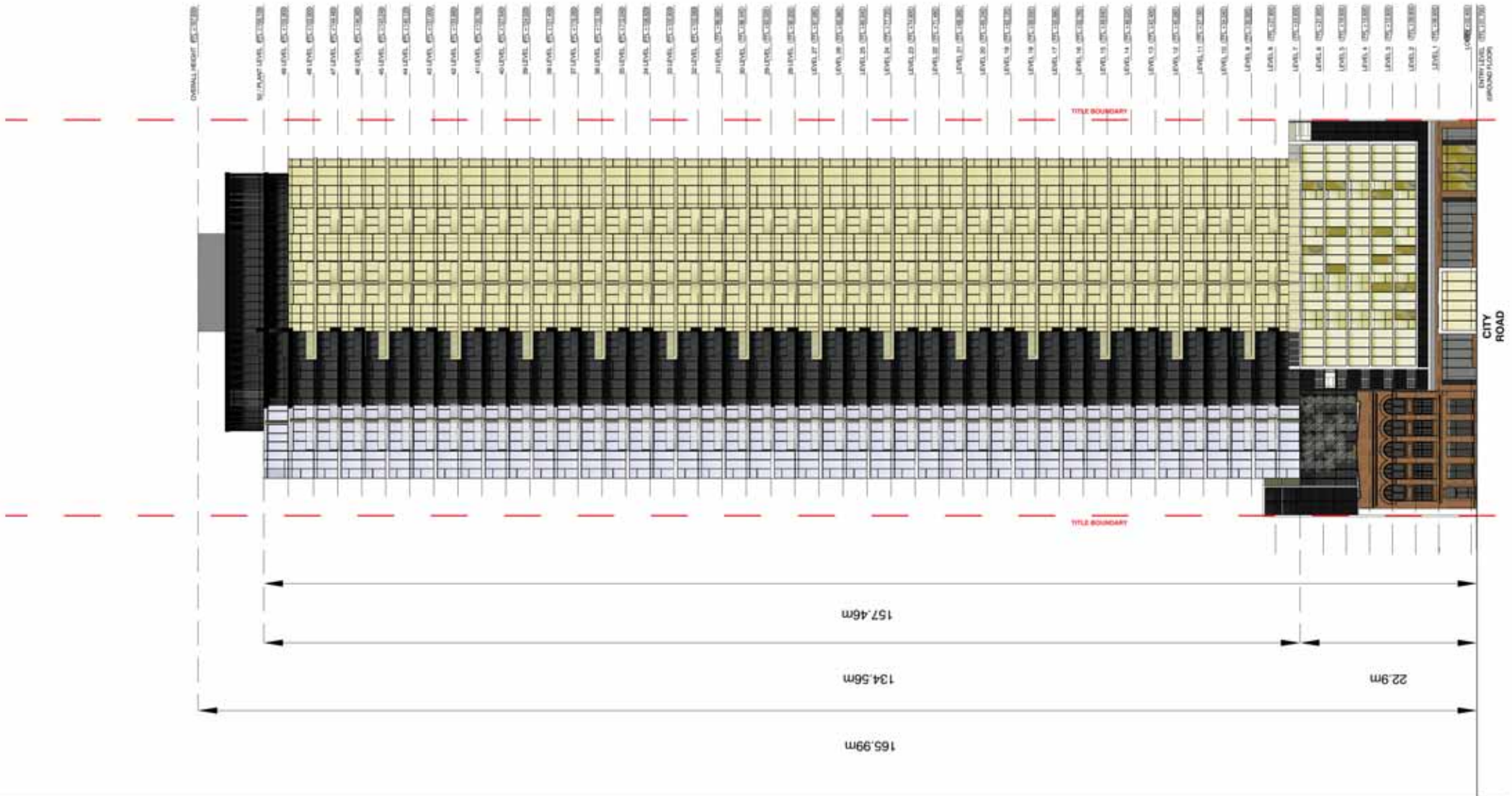


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**PROJECT**  
**71-87 CITY ROAD**  
**SOUTHBANK**

**DRAWING**  
**EAST ELEVATION**

DATE: DEC 15  
 DRAWN: LW, EC  
 SCALE: 1:500 (S/A3)  
 JOB NO: 21505  
 DWG NO: TP200  
 REV: C



DATE	REV	ISSUE	DATE	REV	ISSUE
20-06-18	-	TOWN PLANNING LODGE			
20-10-18	A	REV			
08-03-19	B	FOR REVIEW			
20-06-18	C	FOR TOWN PLANNING RECOMMENDATION			

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**TOWN PLANNING**



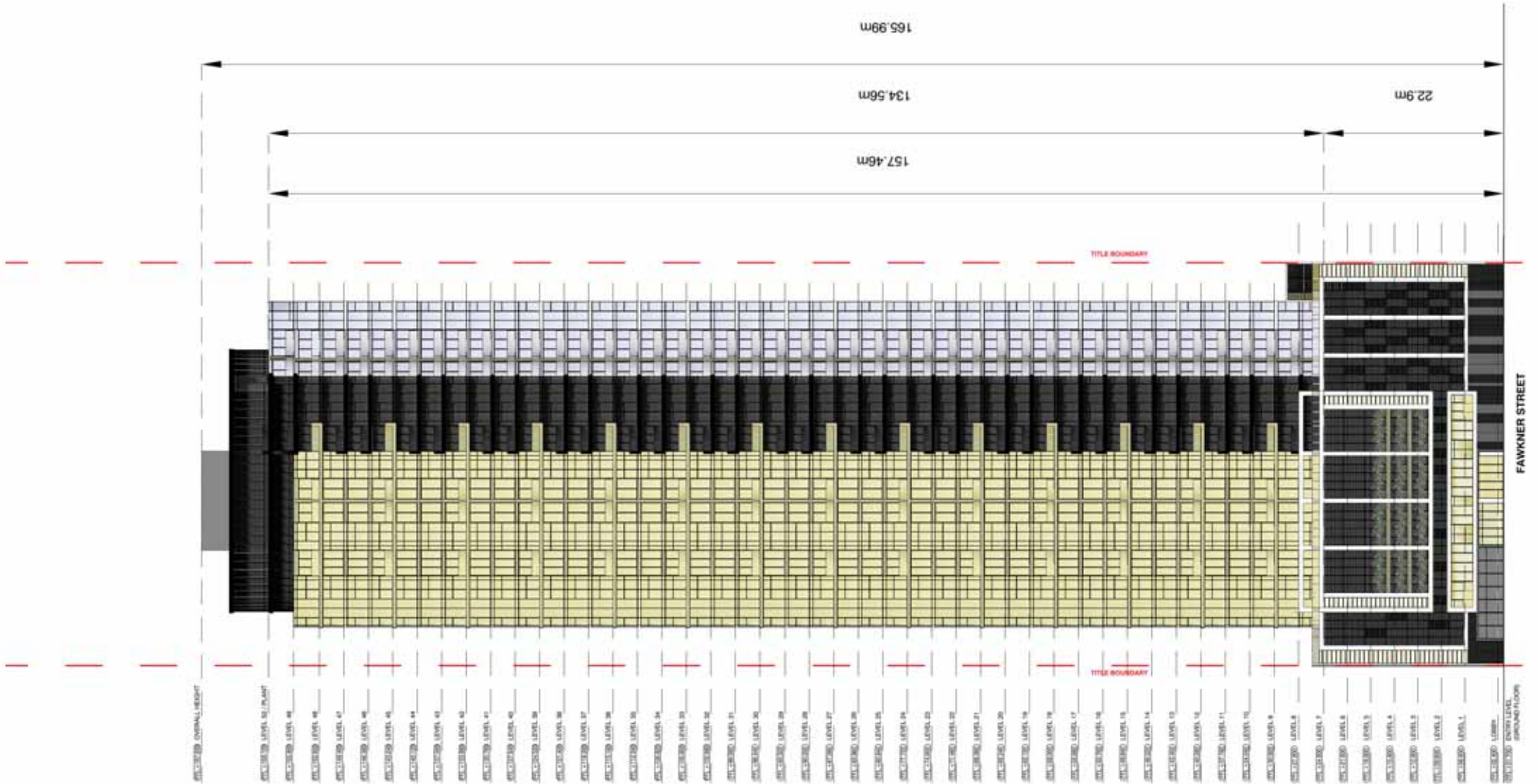
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**PROJECT**  
**71-87 CITY ROAD**  
**SOUTHBANK**

DATE DEC 15 DRAWN LW, EC SCALE 1:500 (S/A3)

**DRAWING**  
**NORTH ELEVATION**  
**(CITY ROAD)**

JOB NO. 21505 DWG NO. TP203 REV C



DATE	REV	ISSUE	DATE	REV	ISSUE
20-06-18	-	TOWN PLANNING LODGE			
20-10-18	A	REV			
08-03-19	B	FOR REVIEW			
20-06-19	C	FOR TOWN PLANNING RECOMMENDATION			

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**PROJECT**  
 71-87 CITY ROAD  
 SOUTHBANK

DATE DEC 15  
 DRAWN LW, EC  
 SCALE 1:500 (SIA3)

**DRAWING**  
 SOUTH ELEVATION  
 (FAWKNER ST)

JOB NO. 21505  
 DWG NO. TP201  
 REV C





**MATERIALS LEGEND :**

- |      |                              |     |                             |
|------|------------------------------|-----|-----------------------------|
| GL1  | CLEAR GLASS                  | PLA | PLANTER                     |
| GL2  | GREY GLASS                   | PM  | GRAPHIC PRINTED METAL PANEL |
| GL3  | BLACK GLASS                  | GW  | GREEN WALL                  |
| GL4  | BRONZE GLASS WINDOWS         | ST1 | NATURAL STONE               |
| PC1  | WHITE WINDOW & DOOR FRAME    | T1  | GRANITE ENTRY FACADE        |
| PC2  | CHARCOAL WINDOW & DOOR FRAME | T2  | COMPOSITE TIMBER PANELLING  |
| PC3  | BRONZE FRAME COLOUR          | P1  | WHITE RENDER                |
| ALU1 | WHITE METAL CLADDING         | P2  | BLACK RENDER                |
| ALU2 | BLACK METAL CLADDING         |     |                             |
| AL1  | ANODISED ALUMINIUM FRAME     |     |                             |
| AL2  | ALUMINIUM LOUVRES LIGHT GREY |     |                             |
| AL3  | ALUMINIUM LOUVRES DARK GREY  |     |                             |

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PROJECT STATUS  
**TOWN PLANNING**



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PROJECT  
**71-87 CITY ROAD  
 SOUTH BANK**

DATE: DEC 18  
 DRAWN: LW  
 SCALE: 1:200 @A3

DRAWING  
**NORTH ELEVATION SEGMENT  
 (CITY ROAD)**

JOB NO. 21505 DWG NO. TP204 REV. C





**FAWKNER ST**

**MATERIALS LEGEND :**

- |                                  |  |
|----------------------------------|--|
| GL1 CLEAR GLASS                  | PLA PLANTER                            |
| GL2 GREY GLASS                   | PM GRAPHIC PRINTED METAL PANEL         |
| GL3 BLACK GLASS                  | GW GREEN WALL                          |
| GL4 BRONZE GLASS WINDOWS         | ST1 NATURAL STONE GRANITE ENTRY FACADE |
| PC1 WHITE WINDOW & DOOR FRAME    | T1 COMPOSITE TIMBER PANELING           |
| PC2 CHARCOAL WINDOW & DOOR FRAME | P1 WHITE RENDER                        |
| PC3 BRONZE FRAME COLOUR          | P2 BLACK RENDER                        |
| ALU1 WHITE METAL CLADDING        |  |
| ALU2 BLACK METAL CLADDING        |  |
| AL1 ANODISED ALUMINIUM FRAME     |  |
| AL2 ALUMINIUM LOUVRES LIGHT GREY |  |
| AL3 ALUMINIUM LOUVRES DARK GREY  |  |

SUBSTATION DOOR

GL2

FIRST FLOOR APARTMENTS

TENANCY ENTRANCE

ENTRANCE LOBBY

GL4

GW

PANEL LIFT DOOR, CAR PARK ENTRY

PANEL LIFT DOOR, REFUSE ENTRY

51325

DATE	REV	ISSUE	DATE	REV	ISSUE
29-06-15	-	TOWN PLANNING LODGE			
29-06-15	A	REV			
29-06-15	B	PLAN REVIEW			
29-06-15	C	PLAN TOWN PLANNING LODGE SUBMISSION			

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PROJECT STATUS  
**TOWN PLANNING**



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PROJECT  
**71-87 CITY ROAD  
 SOUTHBANK**

DATE  
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DRAWING  
**SOUTH ELEVATION SEGMENT  
 (FAWKNER ST)**

JOB NO. 21505 DWG NO. TP205 REV C

## PLANNING REPORT MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2015-37</b>
<b>DTPLI Application number:</b>	201535466
<b>Applicant</b>	WKB Corporation P/L, C/- Urbis P/L
<b>Owner</b>	WKB Corporation P/L
<b>Architect:</b>	Doig Architecture P/L
<b>Address:</b>	71-75 City Road, SOUTHBANK VIC 3006, 77-79 City Road, SOUTHBANK VIC 3006, 81-83 City Road, SOUTHBANK VIC 3006, 85-87 City Road, SOUTHBANK VIC 3006
<b>Proposal:</b>	Demolition of existing buildings including part demolition of No 71-75 City Road and development as a multi-storey residential building, including ground floor and upper level commercial/retail uses and associated car parking
<b>Cost of works:</b>	\$200 million
<b>Date received by City of Melbourne:</b>	2 December 2015
<b>Responsible officer:</b>	Adam Birch
<b>Report Date:</b>	21 June 2016
<b>(DM# 9925312)</b>	

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 The site

The subject site is located on the south side of City Road between Fanning Street and Southbank Boulevard. It comprises four lots that all extend south to Fawkner Street with a total frontage to City Road of approximately 51.5 metres, depth of approximately 45.5 metres and total site area of approximately 2,339 square metres.

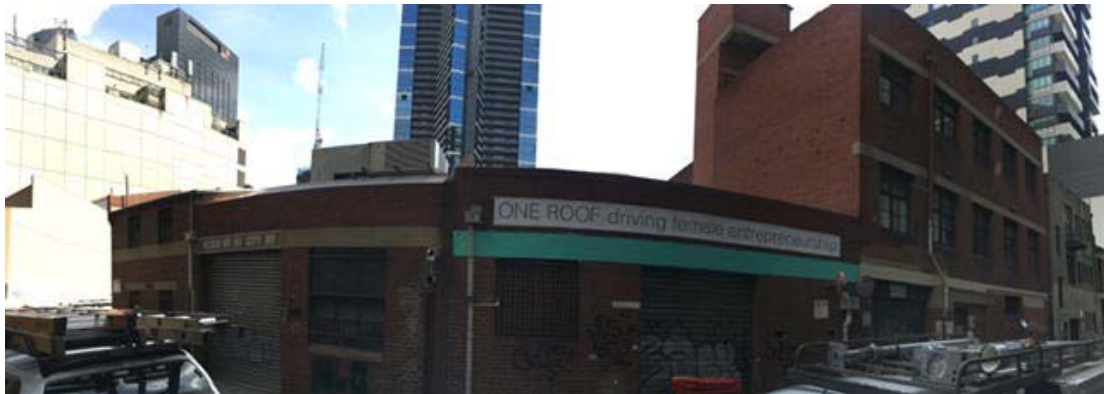


The subject site is developed as follows:

- A three-storey brick office building at 71-75 City Road. It was built in 1890 and is identified as B-graded in the South Melbourne Conservation Study (1997). The building is not protected by a Heritage Overlay.
- A single-storey brick office building at 77-79 City Road
- A two-storey brick office building at 81-83 City Road
- A one-storey brick office building at 85-87 City Road

There are no easements or applicable encumbrance such as a restrictive covenant, or Section 173 agreement on the subject site.

### **Panoramic photographs of site from City Road and Fawkner Street**



## **1.2 Surrounds**

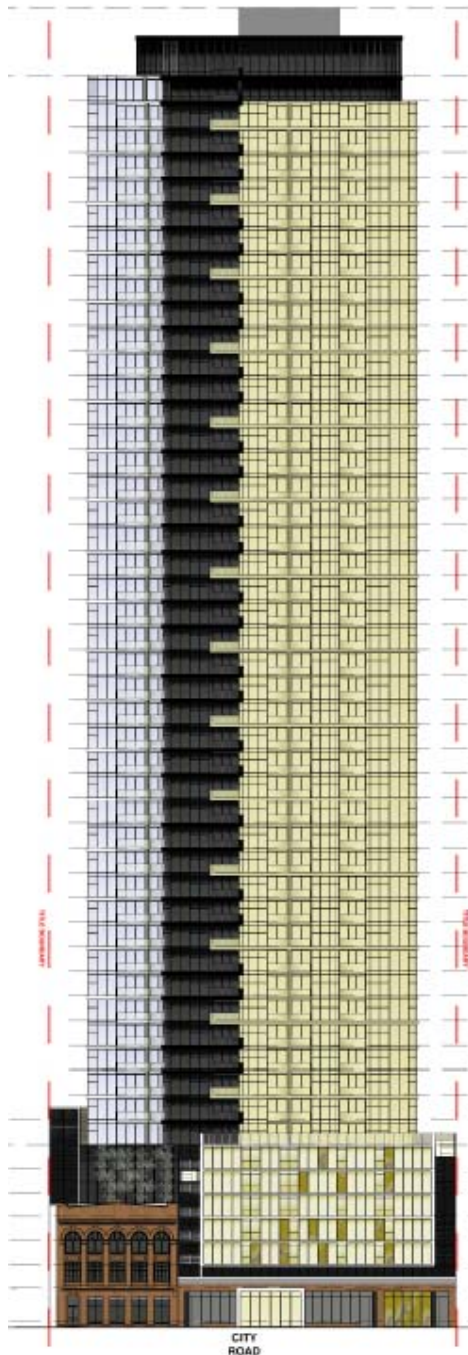
The surrounds are characterised by a range of buildings styles and heights. Southbank is experiencing significant change with mixed-use high density development. The immediately adjoining sites are as follows:

- To the east – Two-storey and three-storey buildings used as the 'Photography Studies College' at 63-69 City Road. TP-2015-1210 is under assessment for the demolition of the existing buildings and construction of a 31-storey (approximately 100 metres) mixed-use development including a residential hotel and education centre (refer below to Section 3.2).
- To the west – A two-storey brick office building at 89-91 City Road. Further to the west, is an eight-storey office building at 55 Southbank Boulevard.
- To the north over City Road is the 92-storey Eureka Tower at 5-7 Riverside Quay.

- To the south over Fawkner Street are multi-storey mixed-use buildings fronting Kavanagh Street including the 32-storey (approximately 106 metres) building at 22 Kavanagh Street known as “Southbank Apartments”.

City Road is an arterial road with three lanes of traffic in each direction and restricted parallel parking on both sides that become traffic lanes during clearway times. Fawkner Street is a local street providing access to the rear of properties fronting City Road and Kavanagh Street.

## 2 THE PROPOSAL



The proposal seeks approval for the demolition of existing buildings including part demolition of 71-75 City Road and development of a multi-storey residential building, including ground floor and upper level commercial/retail uses and associated car parking.

The original plans and application documents referred by Department of Environment, Land, Water and Planning to the City of Melbourne for comment were received on 3 December 2015. This initial proposal sought a 67-level building with an overall height of approximately 213 metres. Both DELWP and the City of Melbourne advised the applicant that this original proposal would not be supported predominantly given concerns regarding excessive height.

The application was subsequently informally amended twice to reduce the maximum building height. The final set of revised plans reduces the maximum building height (excluding plant and equipment) to 157.46 metres. The following description and assessment is based on these second revised plans dated June 2016 and received 14 July 2016.

City Road Elevation

The application proposes the following uses:

<b>Dwellings</b>	Total number of dwellings: 592 One-bedroom dwellings: 252 (42.5%) Two-bedroom dwellings: 208 (35%) Three-bedroom dwellings: 131 (22%) Four-bedroom dwellings: 1 (0.5%)
<b>Retail premises</b>	Leasable Floor Area at ground: 388 square metres
<b>Office</b>	Leasable Floor Area in podium levels 1 to 6: 810 square metres
<b>Other (Innovation Hub)</b>	Leasable Floor Area in the retained portion of the three-storey heritage building at 71-75 City Road: 633 square metres

The specific details of the proposal are as follows:

<b>Building height</b>	157.46 metres, 50 levels (excluding plant and equipment) Overall height: 165.99 metres
<b>Podium height</b>	22.9 metres
<b>Tower front, side and rear setbacks</b>	North (City Road) – minimum 5 metres East (63-69 City Road) – minimum 5 metres West (89-91 City Road) – minimum 5 metres South (Fawkner Street) – minimum 5 metres
<b>Gross floor area (GFA)</b>	70,929 square metres
<b>Plot Ratio</b>	30.3 to 1
<b>Ground floor</b>	Two retail tenancies fronting City Road, innovation hub in the existing heritage building at 71-75 City Road, one retail tenancy fronting Fawkner Street, residential entrances via City Road and Fawkner Street, office entrance via City Road, building services, visitor bicycle parking, waste storage and loading bay and ramp up to podium car parking
<b>Level 1</b>	Car parking, visitor bicycle parking, resident bicycle parking including above bonnet spaces, level 1 of the innovation hub in the existing heritage building at 71-75 City Road, office tenancy fronting City Road, two two-bedroom dwellings fronting Fawkner Street
<b>Level 2 to 6</b>	Car parking, resident bicycle parking above bonnet spaces, level 2 of the innovation hub in the existing heritage building at 71-75 City Road, office tenancy fronting City Road
<b>Level 7</b>	Swimming pool, communal garden, dining, gym, four three-bedroom dwellings, one two-bedroom dwelling, five one-bedroom dwellings
<b>Typical tower level</b>	Three three-bedroom dwellings, five two-bedroom

	dwelling, six one-bedroom dwellings
<b>Level 48</b>	One four-bedroom dwelling, two three-bedroom dwellings, four two-bedroom dwellings, seven one-bedroom dwellings
<b>Level 49</b>	Five three-bedroom dwellings and one two-bedroom dwelling
<b>Car parking spaces</b>	266 in podium accessed via ramp from Fawkner Street
<b>Motorcycle spaces</b>	10
<b>Bicycle facilities and spaces</b>	391 (including 331 for residents and 60 for visitors)
<b>Loading/unloading</b>	Loading area for waste collection accessed via Fawkner Street
<b>Vehicle access</b>	Ramp access to car parking in podium via Fawkner Street

### 3 BACKGROUND

#### 3.2 Site history

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TP-2015-1210	<p>Demolition of existing buildings and construction of buildings and works comprising of a 31-storey mixed used development, waiver of loading requirements and alteration to access to a Road Zone Category 1</p> <p>As noted in Section 1.2, this proposal is for a residential hotel and education centre. It is approximately 100 metres in height and seeks a 5 metres setback from the west boundary adjoining the subject site for this application.</p>	Under assessment

### 4 PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> <li>• Clause 9, Plan Melbourne</li> <li>• Clause 11.02, Urban Growth</li> <li>• Clause 15.01-2, Urban design principles (includes reference to the <i>Design Guidelines for Higher Density Residential Development</i>)</li> <li>• Clause 15.02-1, Energy and resource efficiency</li> <li>• Clause 16.01-2, Location of residential development</li> <li>• Clause 18.02-1, Sustainable personal transport</li> <li>• Clause 18.02-2, Cycling</li> <li>• Clause 18.02-5, Car parking</li> </ul>
Municipal	<ul style="list-style-type: none"> <li>• Clause 21.03-1, Vision for Melbourne</li> </ul>

Strategic Statement	<ul style="list-style-type: none"> <li>• Clause 21.03-3, Approach for managing built form</li> <li>• Clause 21.04-1, Housing and Community</li> <li>• Clause 21.05, City Structure and Built Form</li> <li>• Clause 21.08-3, Southbank</li> </ul>
Local Planning Policies	<ul style="list-style-type: none"> <li>• Clause 22.01, Urban Design within the Capital City Zone</li> <li>• Clause 22.02, Sunlight to Public Spaces</li> <li>• Clause 22.19, Energy, Water and Waste Efficiency</li> <li>• Clause 22.23, Stormwater Management (Water Sensitive Urban Design)</li> </ul>
Particular Provisions	<ul style="list-style-type: none"> <li>• Clause 52.06, Car Parking</li> <li>• Clause 52.07, Loading and Unloading of Vehicles</li> <li>• Clause 52.34, Bicycle Facilities</li> <li>• Clause 52.35, Urban Context Report and Design Response for Residential Development of Five or More Storeys</li> <li>• Clause 52.36, Integrated Public Transport Planning</li> </ul>
General Provisions	<ul style="list-style-type: none"> <li>• 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 / the site is listed in the schedule to Clause 61.01 of the Melbourne Planning Scheme (which specifies the Minister for Planning as the responsible authority for administering and enforcing the Scheme)</li> <li>• Clause 65, Decision Guidelines</li> <li>• Clause 66, Referral and Notice Provisions</li> </ul>

Statutory Controls	
<p>Clause 37.04 Capital City Zone, Schedule 3 (Southbank) (CCZ3)</p>	<p>Pursuant to Clause 37.04-1 and 1.0 of CCZ3, a planning permit is not required to use the land for accommodation, office or retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern).</p> <p>Pursuant to Clause 37.04-4 and 3.0 of CCZ3, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 37.04-4 and 4.0 of CCZ3, a permit is required to demolish or remove a building or works.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 1  (DDO1, Area 3 – Major pedestrian areas and key pedestrian routes within CCZ3 and MUZ) (Active</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>2.0, Requirements, of Schedule 1 states the following for Area 3 – Major pedestrian areas and key pedestrian routes within CCZ3 and MUZ:</p> <p>‘Buildings should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians, by providing:</p> <ul style="list-style-type: none"> <li>• At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or window which allows occupants to</li> </ul>

<p>Street Frontages)  (City Road frontage)</p>	<p>engage with the street'</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 3  (DDO3) (Traffic Conflict Frontage – Capital City Zone)  (City Road frontage)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>2.0, Requirements, of Schedule 3 states that:</p> <p>'Vehicular ingress or egress points, excluding loading and unloading bays, should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage.</p> <p>Vehicular ingress or egress points must not be constructed on a traffic conflict frontage, or in a lane leading off a traffic conflict frontage within the Retail Core Area - Schedule 2 to the Capital City Zone.'</p> <p>No vehicular ingress and egress points are proposed for City Road. Therefore, no planning permit is required pursuant to DDO3.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 10 (DDO10) (Built Form Controls)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>2.0, Buildings and Works, of Schedule 10 states that:</p> <p>'A permit cannot be granted for buildings and works which exceed the requirements specified in Table 1 to this schedule, with the exception of: [..].' A list of exceptions is provided.</p> <p>Table 1 sets out built form requirements relating to maximum podium height (40 metres), minimum street setback (5 metres) and minimum tower setbacks (8.9 metres for a building height of 178.88 metres).</p> <p>'Buildings or works should meet the built form outcomes specified in Table 2 to this schedule. A permit cannot be granted for buildings or works which exceed the site plot ratio specified in Table 2 to this schedule unless it can be demonstrated that the buildings and works will achieve the Design Objectives and Built Form Outcomes of this schedule, any local planning policy requirements, and at least one of the following requirements is met:</p> <ul style="list-style-type: none"> <li>• The development or proposed development is declared to be of State or regional significance under section 201F of the Planning and Environment Act 1987,</li> <li>• The applicant demonstrates a commitment and ability to deliver public amenity improvements as agreed to by the Responsible Authority and performance of which can be appropriately secured to the satisfaction of the Responsible Authority.'</li> </ul> <p>4.0, Transitional arrangements, of Schedule 10 states that:</p> <p>'The requirements of this schedule do not apply to: [..] an application made before the commencement of Amendment C262.'</p> <p>Planning Scheme Amendment C262 was gazetted into the Melbourne</p>



	<p>Planning Scheme on 4 September 2015 to provide interim built form controls for 12 months within the Capital City Zone Schedules 1, 2 and 3, including the subject site.</p> <p>Changes to the Capital City Zone Schedules include increased control of shadow impacts and more stringent wind effect requirements. The amendment inserts a new Schedule 10 to Clause 43.02 Design and Development Overlay to introduce mandatory built form controls and a discretionary site plot ratio and makes City of Melbourne a recommending referral authority at the Schedule to Clause 66.04. The amendment also resulted in changes to Clause 22.01 including greater direction regarding plot ratio and tower separation.</p> <p>Amendment C266 to the Melbourne Planning Scheme was gazetted on Monday 16 November 2015. This amendment was required to ensure that applications lodged prior to the gazettal of Amendment C262 are assessed against the version of the scheme in operation at the time (including the former Clauses 22.01 and 22.02). Previously it could have been interpreted that only the provisions of the relevant schedules benefit from the transitional provisions, which was not the intention of Amendment C262.</p> <p>TPM-2015-37 was lodged prior to 4 September 2015 therefore, the policy and controls introduced by Amendment C262 do not apply to this application including Design and Development Overlay, Schedule 10 (DDO10) (Built Form Controls).</p> <p>The controls in place prior to the gazettal of Amendment C262 continue to apply specifically Design and Development Overlay, Schedule 60 (Southbank, Area 3) (DDO60) (refer below).</p> <p>However, it is important to note that Planning Scheme Amendment C270 is currently under consideration to implement permanent built form controls. These proposed permanent controls differ from the interim controls in terms of the podium height (20 metres), tower setbacks (6 per cent for buildings higher than 80 metres) and site plot ratio (18:1).</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 27 (DDO27) (City Link Exhaust Stack Environs)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. However, 2.0 of DDO27 states that a 'permit is not required to construct a building or construct or carry out works'.</p> <p>4.0 of DDO27 states 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.</p> <p>Pursuant to Clause 66.06, notice must be given to:</p> <ul style="list-style-type: none"> <li>• Environment Protection Authority</li> <li>• Transurban City Link Ltd</li> <li>• Roads Corporation</li> </ul>
<p>Clause 43.02 Design and Development Overlay,</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>The subject site is located within Area 3 – Southbank Central Interface.</p>

<p>Schedule 60 (Southbank, Area 3) (DDO60)</p>	<p>Table 1 sets out a maximum building height for Area 3 of 100 metres. It also includes the following built form outcomes:</p> <ul style="list-style-type: none"> <li>• ‘Buildings that provide an appropriate transition to development in adjoining Areas to the south, west and east.</li> <li>• Buildings that do not dominate urban form in adjoining Areas.</li> <li>• The maintenance of the dominant streetscape scale.’</li> </ul> <p>Table 2 sets out the following relevant building design features:</p> <ul style="list-style-type: none"> <li>• ‘Podium heights should not exceed 30 metres</li> <li>• 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 setback of towers in this case should be 10 metres</li> <li>• Development above a podium should be a minimum of 10 metres from the front, side and rear boundaries</li> <li>• The ground floor of a building should have a floor to ceiling height of at least 4 metres’</li> </ul>
<p>Clause 45.09 Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core)</p>	<p>Pursuant to Clause 52.06-2, ‘before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority’.</p> <p>2.0, Permit requirements, of PO1 states that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0.</p> <p>3.0, Number of car spaces required, of PO1 states that, ‘Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> <li>• for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> <li>• for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul> <p>5 x net floor area of buildings on that part of the site in sqm / 1000sqm Or 12 x that part of the site in sqm / 1000 sqm</p> <p>The proposal seeks 266 spaces, which is less than the calculated maximum for the proposed 592 dwellings and retail / commercial space. Therefore, no planning permit is required pursuant to PO1.</p>

Particular Provisions	
<p>Clause 52.06 Car parking</p>	<p>Refer to PO1 regarding car parking rates.</p> <p>Clause 52.06-8 provides design standards for car parking.</p>
<p>Clause 52.07 Loading and</p>	<p>Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials</p>

<p>unloading of vehicles</p>	<p>unless:</p> <ul style="list-style-type: none"> <li>• 'Space is provided on the land for loading and unloading vehicles as specified in the table below.</li> <li>• The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.</li> <li>• The road that provides access to the loading bay is at least 3.6 metres wide.'</li> </ul> <p>A permit may be granted to reduce or waive these requirements if either:</p> <ul style="list-style-type: none"> <li>• The land area is insufficient.</li> <li>• Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.'</li> </ul> <p>For a floor area of 2600 square metres or less in a single occupation, the minimum loading bay dimensions are:</p> <ul style="list-style-type: none"> <li>• Area 27.4 square metres</li> <li>• Length 7.6 metres</li> <li>• Width 3.6 metres</li> <li>• Height clearance 4.0 metres</li> </ul> <p>The proposal includes retail premises which do trigger a requirement for the minimum loading bay dimensions. It does include a loading bay primarily for waste collection at ground floor accessed via Fawkner Street. Based on the <i>Traffic and Transport Assessment</i> prepared by Cardno and dated 1 July 2016, the dimensions of this loading bay exceeds the requirements. Therefore, a planning permit is not required pursuant to Clause 52.07.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Table 1 of Clause 52.34-3 specifies the following relevant rates:</p> <ul style="list-style-type: none"> <li>• Dwelling (in developments of 4 or more storeys) - 1 resident space to each 5 dwellings and 1 visitor space to each 10 dwellings</li> <li>• Retail premises – 1 employee space to each 300 square metres of leasable floor area and 1 visitor spaces to each 500 square metres of leasable floor area</li> <li>• Office – 1 employee space to each 300 square metres of net floor area if the net floor area exceeds 1000 square metres and 1 visitor spaces to each 1000 square metres of net floor area if the net floor area exceeds 1000 square metres</li> </ul> <p>Table 2 of Clause 52.34-3 states:</p> <ul style="list-style-type: none"> <li>• If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.</li> </ul> <p>Based on the above rates, the proposal requires (note the retained portion of the three-storey heritage building at 71-75 City Road: is existing so not included):</p> <ul style="list-style-type: none"> <li>• 177 spaces for the dwellings (118 resident spaces and 59 visitor spaces)</li> </ul>

	<ul style="list-style-type: none"> <li>• 2 spaces for the retail premises (1 employee space and 1 visitor space)</li> <li>• No spaces for the office</li> </ul> <p>The proposal includes 391 (331 residents and 60 visitors/employees) at ground level and above car parking in podium. Therefore, the total provision exceeds the statutory requirement.</p>
<p>Clause 52.35</p> <p>Urban Context Report and Design Response for Residential Development of Four or More Storeys</p>	<p>An application for a residential development of five or more storeys within the Capital City Zone must be accompanied by:</p> <ul style="list-style-type: none"> <li>• An urban context report.</li> <li>• A design response.</li> </ul>
<p>Clause 52.36</p> <p>Integrated Public Transport Planning</p>	<p>An application for an excess of 60 dwellings must be referred to PTV for comment.</p>

General Provisions	
<p>Clause 61.01</p> <p>Administration and enforcement of this scheme</p>	<p>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 / the site is listed in the schedule to Clause 61.01 of the Melbourne Planning Scheme (which specifies the Minister for Planning as the responsible authority for administering and enforcing the Scheme).</p>

## 5 PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment by the DELWP.

Pursuant to CCZ3, DDO1 and DDO60, 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:

- Urban Design
- Engineering

The comments received are summarised below. Refer to Appendix 1 for a complete copy of the referral comments.

### 6.1 Urban Design

As noted at Section 2, the application was informally amended twice to reduce the maximum building height. The first set of revised plans was referred to Council's Urban Design team.

Council's Urban Design team recommended that the 'proposal be refused, due to its excessive height, insufficient setbacks and minimal contribution to the public realm'.

The following key comments were provided on 6 June 2016 referencing the previous comments dated 1 February 2016 regarding the original plans:

- 'The podium height has been reduced from 10 to 9 storeys - about 29m. This reduction is supported; the removal of an additional storey would better relate to the heritage building and to the width of Fawkner St.
- The proposed tower height has been reduced from 224m to 186m. While this is an improvement, we remain concerned that this is almost double the height limit of 100m. The impact of this height is exacerbated by the limited tower setbacks, which are all a minimum of 5m – half the 10m discretionary minimum in DDO60. Despite the notched corners, which reduce the bulk to a degree, the result would have an overbearing impact on the public realm of both City Rd and Fawkner St. The reduced side setbacks result in reduced penetration of sun, light and views between towers, constraints on adjoining sites and reduced amenity for occupants. Bedrooms (habitable rooms) face toward the side boundaries. We recommend that the side setbacks be increased to 10m to 'maximise light, air and outlook to occupants' as per Section 1.0 'Area Design Objectives' of DDO 60 for Area 3.
- The proposal casts significant shadow onto the south footpath of Southbank Bld between about 9.30 and 3.30 on the solstice; new open space is proposed here. These shadows are made more extensive by the reduced tower setbacks proposed as well as by the building's height. The updated shadow diagrams sent 27/4/16 reconfirm this, particularly at about 3pm.
- At point 3 on City Rd, it appears that wind conditions would exceed both the criterion and the existing conditions even with the recommended canopy and porosity. We support the proposed canopy, but the proposed porosity is of concern, as it constrains the range of uses which can be located in the podium.
- This proposal is considered to be an overdevelopment of the site, as reflected in the extremely high plot ratio of 33:1 (reduced from 39:1) and the extensive service and car parking areas required.
- We commend the retention of the existing B-graded façade; the retention of characterful building fabric is important to the evolution of City Rd. The new brick component fronting City Rd, being only one storey high, is of very horizontal proportion; consideration should be given to making this a storey taller so as to provide a more balanced composition with the heritage façade.
- We are pleased that a tenancy has been added to the Ground Floor frontage to Fawkner St and that a second apartment has been added above this. However, we recommend that additional habitable space be provided to this frontage, noting the expectation in CCZ3 that car parking should occupy no more than 20% of a street frontage.
- A north-south through-block link is needed in the vicinity of this site, preferably toward the east; the subject site, being larger than its eastern neighbours, may be the most feasible opportunity to provide such a public pedestrian link.'

The revised plans received 14 July 2016 responded predominantly to the comments regarding height. However, given the proposed height is still considerable greater than 100 metres at 157.46 metres, it was not considered necessary to re-refer these revised plans to Council's Urban Design team.

## 6.2 Engineering

The original plans received 3 December 2015 and, in some cases, the revised plans were referred to Council's Engineering Services Group (ESG).

The following key relevant comments were provided on 21 June 2016 (Traffic), 18 February 2016 (Civil Design) and 5 July 2016 (Waste):

### Traffic

The first set of revised plans and the *Traffic and Transport Assessment* prepared by Cardno and dated 26 April 2016 were referred for traffic comments to the Engineering Services Group (ESG). The following key comments were provided on 21 June 2016:

- The parking provision is considered acceptable however, it should be noted on the planning permit that Council 'may not change the on-street parking restrictions to accommodate the access/servicing/delivery/parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. As per Council's policy, developments in this area are not entitled to resident parking permits. Therefore, the residents/visitors/staff who will occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions'.
- ESG provided comments regarding car parking layout and access and bicycle parking design including signalling system/flashing devices and a setback of the remote control security door. If the application was supported, these issues could be addressed via permit conditions.

### Civil Design

The original plans received 3 December 2015 were referred for civil design comments to ESG. The following key comments were provided 8 February 2016:

- Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of City Road, an arterial road, require the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from building line to building line.
- ESG objects to the two outward opening doors projecting into the Fawkner Street. If the application was supported, the matter could be confirmed via permit condition.
- The comments also include standard permit conditions relating to projections, drainage, street access and levels, street works, footpaths, street levels, street lighting and furniture.

### Waste

The original plans received 3 December 2015 and the *Waste Management Plan* (WMP) prepared by Leigh Design and dated 14 October 2015 were referred for waste comments to ESG. The following key comments were provided:

- ESG reviewed the submitted WMP and found it to be unacceptable.
- The comments included a series of items that needed to be addressed.

The revised plans received 14 July 2016 included a revised WMP prepared by Salt3 and dated 30 June 2016. ESG has not reviewed this revised WMP. If the application was supported, an acceptable WMP could be ensured via a permit condition.

## 7 ASSESSMENT

The application seeks approval for the demolition of existing buildings including part demolition of 71-75 City Road and development of a multi-storey residential building, including ground floor and upper level commercial/retail uses and associated car parking. The key issues for consideration in the assessment of this application are:

- Built form
- External amenity
- Internal amenity
- Engineering
- Environmentally sustainable design
- Storm water management

These issues are addressed in the following sections.

The proposal includes partial demolition of 71-75 City Road beyond approximately 13.5 metres. As noted at Section 1.1, 71-75 City Road was built in 1890 and is identified as B-graded in Council's i-Heritage database. Given this grading, the revised plans received 14 July 2016 included a *Heritage Assessment* prepared by heritage ALLIANCE and dated June 2016. The report states that the 'intention of retaining some of the existing structure to 13.5m back is intended to retain elements that are normally glimpsed from the streetscape where not all of the bulk of the brick building is visible'. It also includes recommendations relating to conservation works. Notwithstanding these findings, it is noted that 71-75 City Road is not included within a Heritage Overlay and therefore heritage has not been identified as a key issue for consideration in the assessment of this application.

### 7.1 Built form

With regard to built form, as noted above at Section 4, The application was lodged prior to 4 September 2015 therefore, the policy and controls introduced by Amendment C262 do not apply to this application including Design and Development Overlay, Schedule 10 (DDO10) (Built Form Controls). The controls in place prior to the gazettal of Amendment C262 continue to apply. Therefore, in relation to built form, Design and Development Overlay, Schedule 1 (DDO1), Schedule 60 (DDO60) and Clause 22.01 are relevant to the proposal and include policy relating to building design such as tower heights, podium heights, setbacks and facades.

The subject site is affected Area 3 – Southbank Central Interface of DDO60. The design objectives, built form outcomes and requirements of DDO60 are derived from the Southbank Structure Plan 2010. With regard to building heights, DDO60 and the Southbank Structure Plan 2010 envisage a range of heights in different areas to provide appropriate transition across Southbank and adjoining areas.

#### Tower Height

DDO60 sets out a preferred maximum building height of 100 metres for Area 3. As outlined above in Section 4, Table 1 of DDO60 also sets out the following relevant built form outcomes:

- '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.'

These built form outcomes must be achieved to support a building height on the site in excess of 100 metres.

Prior to the gazettal of Amendment C262, the land to the east, west and south of the subject site was also included within Area 3 for DDO60. Area 2 – Southbank Central Core with a preferred maximum building height of 160 metres was located to the north across City Road.

The proposed development seeks an overall building height of approximately 165.99 metres and a maximum building height of 157.46 metres excluding plant and equipment. Therefore, the height does not comply with the maximum building height for Area 3 of 100 metres. In fact, it proposes a height over 50 per cent greater than the preferred maximum building height for the area.

As outlined above in Section 1.2, the immediate vicinity includes the Southbank Apartments at 22 Kavanagh Street with a tower of approximately 106 metres and the proposed development (TP-2015-1210) at 63-69 City Road with a tower of approximately 100 metres. As referenced in the applicant's submission, it is acknowledged that a 319 metres tower known as 'Australia 108' is under construction to the west at 68-82 Southbank Boulevard. This permit was issued by the Minister for Planning but was not supported by the City of Melbourne.

The constructed / proposed towers at 22 Kavanagh Street and 63-69 City Road are just above or equal to the preferred maximum building height. In contrast, the height associated with this proposal is not supported as it will not achieve the specified built form outcomes of DDO60 as follows:

- The proposal will not provide appropriate transition to development on adjoining areas as it is considerably greater than the preferred maximum building height of Area 3 to the east, west and south and almost equal to the preferred maximum building height of Area 2 to the north across City Road.
- The proposal will dominate urban form on adjoining areas and will not maintain the dominant streetscape scale being over 50 per cent greater than the preferred maximum building height.

In relation to the first set of revised plans received that sought an overall height of 213.2 metres, Council's Urban Design team stated that the proposal would have 'an overbearing impact on the public realm'. Whilst these revised plans are reduced in height, the proposed overall height is still considerably greater than the preferred 100 metre height control that was in place for the area.

The applicant has suggested that the building would provide a transition in height from Eureka Tower and Australia 108 tower (both of which are over 300m in height) to the general 100 metre scale of buildings within the City Road area of Southbank. The Eureka and Australia 108 are considered outliers and exceptions to the general scale of this area in Southbank. The 100 metre height control was in place to provide a transition in scale to the much lower rise area of Southbank further to the south. Whilst a tower generally of 100 metres in height with appropriate setbacks could be supported on the site, the proposal tower is of a height that would be inconsistent with the prevailing scale of development approved in the immediate vicinity.

### **Podium Height and tower setbacks from boundaries**

In addition to building height, as outlined above in Section 3, DDO60 also sets out the following relevant built form requirements for Area 3:

- Maximum podium height of 30 metres
- Minimum 20 metres tower separation unless the majority of the built form outcomes are met and there is an inadequate tower setback on a neighbouring site. The minimum setback of towers in this case should be 10 metres
- Minimum 10 metres tower setback from front, side and rear boundaries



Whilst the proposed podium height of approximately 23 metres is less than the preferred maximum podium height of 30 metres, the tower setbacks and separations do not comply.

The minimum tower setbacks from all boundaries are 5 metres, which results in a minimum tower separation of 10 metres to the tower proposed under TP-2015-1210 at 63-69 City Road. However, as noted above at Section 1.2, TP-2015-1210 is for a residential hotel rather than dwellings and so the consideration of amenity impacts are not as important compared with a residential apartment tower.

It is also noted, that if the proposal was to be assessed against DDO10, the minimum 5 metre setbacks would not comply with the mandatory requirements for towers above podium level to be setback 5% (8.3 metres) of the building height from the boundary.

The reduced tower setbacks are not supported as, coupled with the excessive building height, they will not achieve the specified built form outcomes of DDO60 as follows:

- The proposal being over 50 per cent greater than the preferred maximum building height and with setbacks less than the preferred minimum setback will dominate the urban form at ground level.
- The proposal does not consider the equitable development potential of adjoining lots given that it includes habitable room windows facing the side boundaries with a minimum setback of 5 metres. In addition, dwellings 7.09, 7.10, 40.13, 40.14 and 48.14 have a predominantly west-facing orientation from living areas with a minimum 5 metres setback.

The external amenity impact of the reduced tower setbacks and separation in terms of sun penetration at street level is addressed below in Section 7.2.

### **Plot Ratio**

The proposed DDO10 under Planning Scheme Amendment C270 does not include a maximum building height for the subject site. Instead the proposed height would be considered having regard to the site plot ratio and setbacks. The proposal seeks a site plot ratio of approximately 30.3 to 1, which is significantly higher than the preferred maximum site plot ratio of 18:1 of DDO10 proposed under Planning Scheme Amendment C270. In addition, the proposed setbacks do not comply with the preferred minimum setbacks of 9.4 metres (6 per cent for buildings higher than 80 metres) of DDO10 proposed under Planning Scheme Amendment C270. These two areas of non-compliance, though not strictly applicable indicate an overdevelopment of the subject site.

### **Street Activation**

In addition to DDO60, DDO1 is also relevant to the subject site. The design objectives of DDO1 seek to ensure ground floor frontages are pedestrian oriented, add interest and vitality and contribute to city safety. In particular, the City Road frontage of the subject site is affected by Area 3 of DDO1, which requires that buildings 'should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians'. Also of relevance to active frontages, Clause 22.01, seeks to encourage facades that 'engages the eye of the pedestrian'.

Notwithstanding the above built form concerns, the proposal includes active street frontages to both the City Road (including the retention of the existing façade of 71-75 City Road) and Fawkner Street elevations that are an improvement on existing conditions and will enhance passive surveillance of both streets. In particular, the revised plans include retail tenancies at ground fronting City Road and Fawkner Street, offices at levels 1 to 6 fronting City Road and dwellings at level 1 fronting

Fawkner Street. However, despite these additions, the Fawkner Street elevation in the revised plans received 14 July 2016 does not comply with the following decision guidelines of CCZ3:

- The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with a “casing” of dwellings or offices or other design mechanisms.
- The impact the proposal will have on street amenity if on-site parking occupies more than 20% of the length of the street frontages at ground level and in the first five levels of the building.

If the application was supported, compliance with these guidelines could be required via a permit condition.

Despite the built form concerns outlined above, a full assessment of the application continues below.

## **7.2 External amenity**

With regard to external amenity, Clause 22.01, Urban Design within the Capital City Zone, and Clause 22.02, Sunlight to Public Spaces, are relevant to the proposal and include policy relating to wind and weather protection and sunlight to public places.

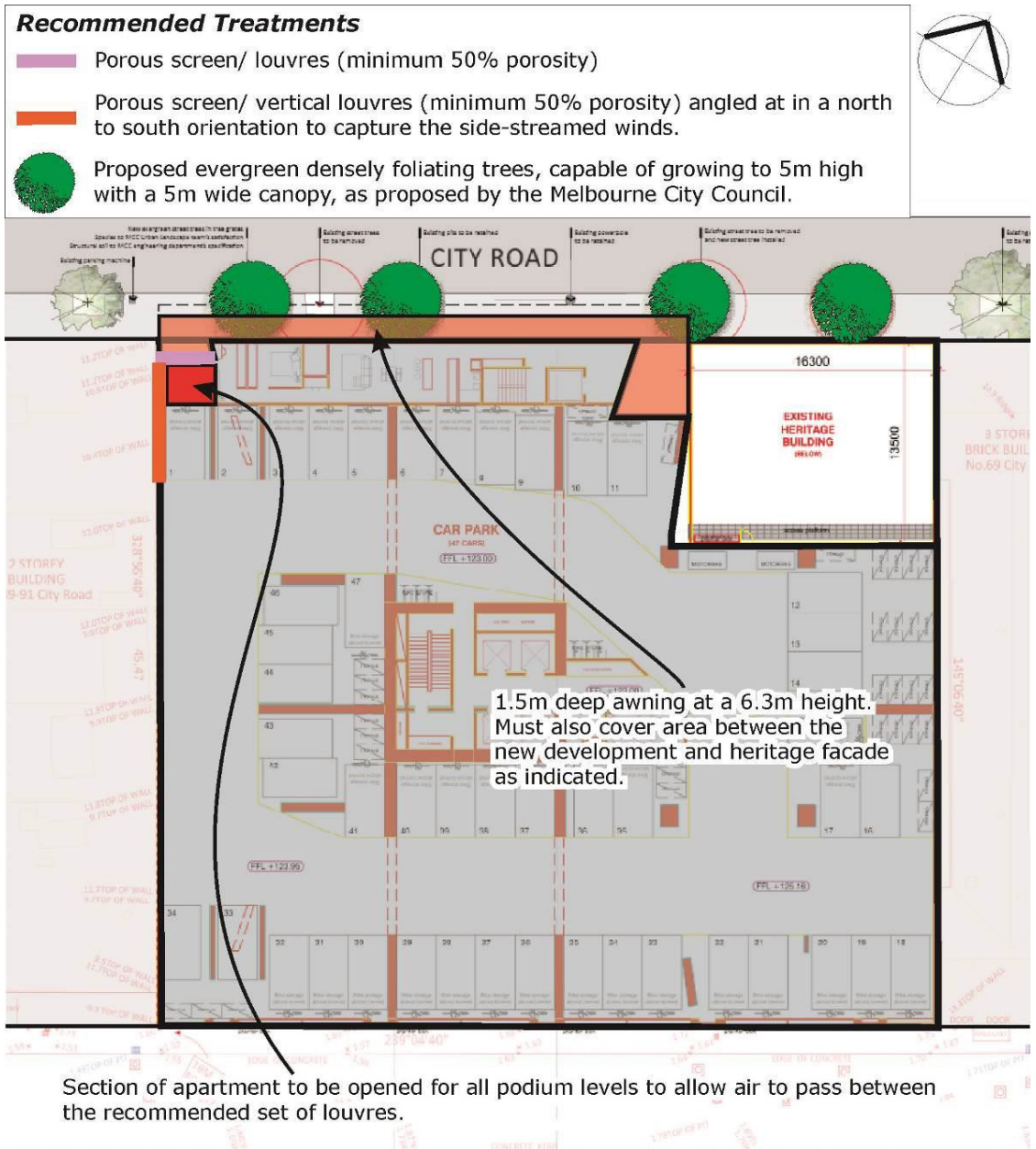
### **Wind and Weather Protection**

Clause 22.01 comprises design standards for weather and wind protection including, ‘towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level’. The application requirements for CCZ3 state that sites affected by DDO1 should be ‘designed to be generally acceptable for stationary long term wind exposure (where the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5o wind direction sector must not exceed 10 ms<sup>-1</sup>)’. In addition, CCZ3 states that areas outside the DDO1, ‘should be designed to be generally acceptable for short term wind exposure’. However, the application requirements also state that where the street frontage 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’. As noted above, City Road is included within DDO1 but Fawkner Street is outside DDO1.

The submitted *Pedestrian Wind Environment Study* prepared by Windtech and dated 18 April 2016 states (in summery) that the existing wind condition along City Road exceed the walking criteria. For the development to maintain or improve this wind criteria, a 1.5 metre wide canopy is required on the City Road façade at 6.3 metres above ground level (excluding the heritage building) and including a cut in section of the new development (see diagram below). The area along Fawkner Street was found to meet the Melbourne Planning Scheme requirements for wind conditions. Several treatments were also recommended for private balconies and terraces within the proposed building.

Windtech confirmed in a letter dated 30 June 2016 that the above outcomes remain applicable to the revised plans received 14 July 2016.

**Recommended wind amelioration measures (Source Windtech Report October 2015)**



**Overshadowing**

Clause 22.02 states that development, 'should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September'.

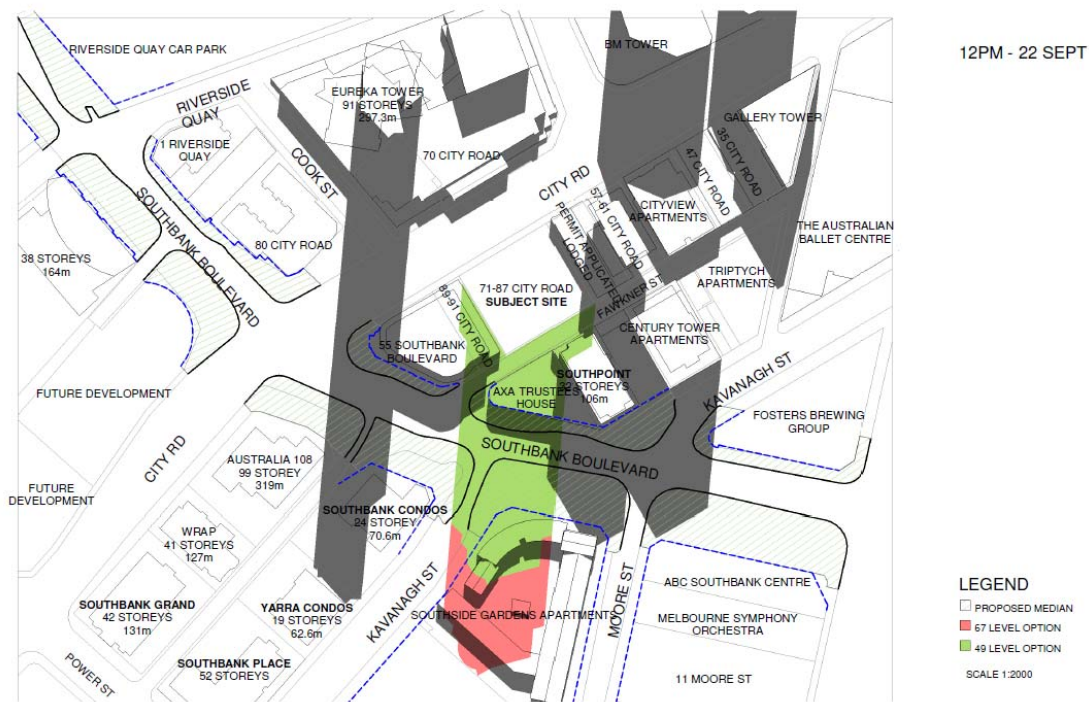
The surrounding public spaces are pedestrian routes including City Road, Southbank Boulevard, Fawkner Street and Kavanagh Street. The submitted shadow diagrams received by email dated 14 July 2016 indicate that there would be overshadowing of these streets between 11.00am and 2.00pm. In particular, Council's Urban Design team comments on the original proposal dated 1 February 2016 stated as follows:

'The proposal casts significant shadow onto the south footpath of Southbank Bld between about 9.30 and 3.30 on the solstice; new open space is

proposed here. These shadows are made more extensive by the reduced tower setbacks proposed as well as by the building's height.'

The revised plans received 14 July 2016 do not alleviate these concerns as the revised shadow diagrams received by email dated 14 July 2016 still indicate that the proposal would cast shadow onto the south footpath of Southbank Boulevard (see diagram below). This extent of overshadowing could be reduced with a building that complied with the building design requirements of DDO60 such as increased tower setbacks and separation.

**Shadow Diagram (12 noon Spring Equinox)**



In relation to external private amenity, the decision guidelines of CCZ3 include the 'impact on the amenity of any dwellings on adjacent sites'. In addition, the *Design Guidelines for Higher Density Residential Development* referenced at Clause 15.01-2 includes objectives relating to other external amenity impacts on adjacent dwellings such as equitable access to outlook and sunlight (Objective 2.6) and overlooking (Objective 2.9).

As noted at Section 1.2, TP-2015-1210 proposes a residential hotel rather than dwellings. Therefore, the issues of overlooking and overshadowing are not as critical for this proposal. However, with regards to the Southbank Apartments at 22 Kavanagh Street, the revised shadow diagrams received by email dated 14 July 2016 indicate that this property would be overshadowed in the afternoon. Notwithstanding the concerns regarding built form, it is acknowledged that even a tower that complied with DDO60 would have an impact in terms of shadow on the Southbank Apartments given the orientation of the sites and the separation by only Fawkner Street.

**Overlooking**

Finally, it is noted that overlooking between proposed dwellings within the development has been addressed in the revised plans received 14 July 2016 with balcony screening and obscurely glazed louvres to bedroom windows.

### 7.3 Internal amenity

The *Design Guidelines for Higher Density Residential Development* also include objectives relating to internal amenity including diversity (Objective 5.1), layout (Objective 5.3), natural light and ventilation (Objective 5.4), storage (Objective 5.5) and private and communal open space (Objectives 6.1 to 6.4). Despite the built form concerns outlined above, the proposal is considered to be generally acceptable with regard to these guidelines for the following reasons:

- Dwellings are a mixture of one-bedroom (252), two-bedroom (208), three-bedroom (131) and four bedroom (1) with areas ranging from 49 to 221 square metres, which is consistent with other approved apartment buildings in the immediate area.
- All dwellings have access to natural ventilation and daylight with the majority of bedrooms not relying on borrowed light. However, dwellings 7.09 and 7.10 still include bedrooms that rely on borrowed light. If the application was supported, this could be addressed via a permit condition.
- All dwellings have open-plan kitchen, living and dining areas.
- All dwellings access to private balconies or winter gardens apart from the two dwellings in the podium fronting Fawkner Street. The minimum area of the balconies (3.4 square metres) is less than the 8 square metres specified under Standard B28 of Clause 55.05-2. However, this is consistent with other apartment buildings in the immediate area.
- Communal facilities including a swimming pool, communal garden, dining area and gym are at level 7.
- Bicycle parking is provided within the podium in excess of the requirements of Clause 52.34 (refer Section 4).
- Storage areas are provided in the car parking areas within the podium.

Acoustics within the dwellings is also important consideration for internal amenity. Decision guidelines of the CCZ3 specify that 'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with the relevant Australian Standards for acoustic control'.

### 7.4 Engineering

As outlined in Section 6.2, ESG provided comments and concerns relating to traffic, civil design and waste. If the application was supported, these issues could be addressed via permit conditions.

### 7.5 Environmentally sustainable design

Clause 22.19, Energy, Water and Waste, includes policy objectives at Clause 22.19-2 and policy requirements at Clause 22.19-3. In addition, Clause 22.19-4 requires all applications to include a Waste Management Plan (WMP) and an Environmentally Sustainable Design (ESD) Statement. In terms of the ESD Statement, Clause 22.19-4 states that:

- 'Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.'

The relevant Performance Measures are:

- For accommodation over 5000 square metres gross floor area - 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 plus a 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.

- For retail premises up to 2000 square metres gross floor area – 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent.
- For office up to 2000 square metres gross floor area – compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent, 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent.

As noted at Section 6.2, the original WMP prepared by Leigh Design and dated 14 October 2015, was found to be unacceptable by ESG. The revised WMP prepared by Salt3 and dated 30 June 2016 has not been reviewed by ESG given the abovementioned built form concerns. If the application was supported, an acceptable WMP could be ensured via a permit condition.

The submitted Sustainability Management Plan (SMP) prepared by F2 and dated June 2015 outlines the proposed environmental initiatives for the development. The SMP is predicated on STEPS: the Sustainable Tools for Environmental Performance Strategy. The report does not however specifically address the requirements of Clause 22.19 of the Melbourne Planning Scheme.

The applicant submitted a letter from F2 dated 30 June 2016 stating that they have reviewed the revised plans received 14 July 2016 and 'can confirm that there are no changes to the results of the STEPS assessment, or the STORM calculation with the design revisions'.

If the application was supported and on the basis that STEPS is considered to be an appropriate equivalent rating tool, compliance with the SMP could be ensured via a permit condition. However, the SMP does not reference the requirements for retail premises or office. If the application was supported, this detail could also be addressed via a permit condition for an amended ESD Statement.

## **7.6 Stormwater management**

Clause 22.23, Stormwater Management (Water Sensitive Urban Design), requires that applications include a Water Sensitive Urban Design (WSUD) Response addressing the details set out in Clause 22.23-4.

The submitted SMP prepared by F2 and dated June 2015 provides commentary relating to the proposed stormwater management including 50,000L rainwater tanks with 100% rainwater reused for toilets. If the application was supported, this matter could be addressed via a permit condition for an amended WSUD Response

## **8 OFFICER RECOMMENDATION**

That a letter be sent to DELWP advising that the City of Melbourne does not support the proposal on the following grounds:

1. The proposed development by virtue of its height and reduced setbacks does not provide an appropriate transition to adjoining areas, dominates the urban form, does not consider the equitable development potential of adjoining lots and would be contrary to the provisions of Schedule 60 to the Design and Development Overlay of the Melbourne Planning Scheme.
2. The proposed development by virtue of its impact on sun penetration at street level would be contrary to the provisions of Clause 22.02 of the Melbourne Planning Scheme.
3. The proposal represents an overdevelopment of the site.